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HOUSE OF REPRESENTATIVES—*Thursday, March 1, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind, always, O gracious God, of the needs of those people who face the pain of loss or tragedy in their lives or in the lives of those near to them. We admit, O God, that we do not comprehend fully the depths of anguish or hurt or why the righteous suffer, yet we lay claim to Your promises and the everlasting hopes that rise within the human heart. May Your good spirit, O loving God, bless all those who turn to You for light and strength and may Your peace that passes all human understanding be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. MINETA] please come forward and lead the House in the Pledge of Allegiance.

Mr. MINETA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICANS WANT CLEAN AIR

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, the United States is choking—and this is one time the Heimlich maneuver cannot save us.

We are choking from smog.

We are choking from contaminated ground water.

We are choking from White House doubletalk on the environment.

Mr. Speaker, last Sunday, San Jose Mercury News writer Phil Yost warned that unless we repair our environment and soon, "The danger is not to life on Earth. The danger is of wrenching social disruption."

Mr. Speaker, as this graphic by Kevin Boyd of the Mercury News indicates, global warming does not slack off at a national border. And unless we act to stop global warming, we risk doing damage to ourselves and to our neighbors around the world.

That is not what Americans want.

Americans want clean air and clean water.

Americans do not want acid rain or toxic fumes to become one of our leading exports.

The President may say he wants to be the environmental President. But it is no sale when he says he favors a new Department of Environment only to slash funding in his latest budget for the Environmental Protection Agency.

Mr. Speaker, you cannot fool the American people when it comes to the environment. But unfortunately, there are no pollution laws covering hot air from the White House.

TRIBUTE TO LYNDA AND JERRY CABELA

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today to share with my colleagues the story of a remarkable woman. Lynda Cabela, of my hometown of Chappell, NE, was, in her own words, "riding the crest of a perfect wave," when she was diagnosed as having amyotrophic lateral sclerosis, ALS, more commonly known as Lou Gehrig's disease. ALS is a degenerative disorder for which there is no cure.

With the diagnosis, Lynda Cabela says she was torn from the crest and thrown to the rocks below.

But for Lynda and her husband Jerry, they have chosen not to dwell on the inevitable. Together they continue to face the many challenges of the disease.

With the exception of her physical therapists, Jerry provides all of Lynda's care. And his love and devotion to his wife is obvious each time he drives her in their specially equipped van, or when he called all over the country, and the world, to find a computer sophisticated enough to allow Lynda to maintain communications as the disease progresses. Day by day they focus on the time they have together—with their sons, family, and friends.

At the present time, Lynda Cabela cannot move her arms or hands, cannot walk or talk, and is fed through a feeding tube. Control of her body has been completely lost—except for her fine mind, eyes, ears and one big toe, with which she operates her computer.

Yet Lynda has just published a book, "Pot Holders and Love Handles," a book of inspiration and gourmet recipes, which she compiled and typed herself using a specially designed computer system that allows her to operate the keyboard with her big toe.

Having completed that project, Lynda is busy promoting sales for her book and drumming up support for ALS research, to which she is donating the proceeds from the book.

Lynda uses her computer to correspond with other ALS victims and has written a chapter for a book compiled about the disease.

Lynda Cabela says in this chapter what is necessary for her and others like her is to deal with their innermost feelings and to get on with life, not dwelling on what might have been.

Lynda and Jerry have looked death directly in the eye and found life. And through their insatiable desire to live life to the fullest, they have ridden the crest of a wave the heights of which few of us will ever reach.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I would like to submit for the RECORD a recent article from the North Platte Telegraph about this very special and dear couple, Lynda and Jerry Cabela.

IT'S A DEATH SENTENCE—BUT WOMAN WITH ALS FOCUSES INSTEAD ON LIFE

(By Sharron Hollen)

CHAPPELL.—There was no judge and no jury—there wasn't even a crime—when Lynda Cabela's death sentence was pronounced.

Amyotrophic Lateral Sclerosis. ALS. Lou Gehrig's Disease.

The cause is unknown. There is no cure. And the disease is terminal, on the average within four years of onset. Its progression is also merciless as nerves that feed the muscles die and in turn the muscles starve to death.

Cabela, 44, no longer can walk or talk, she is unable to use her hands or arms and, because she can no longer swallow, receives nutrition through a surgically implanted feeding tube. Her only mobility is in her big toe, which she uses to operate a computer that provides her communication link with the world.

"Go home and put your priorities in order. If there's anything you want to do, do it in the next six months," the doctor had said in October 1986 as he pronounced Cabela's death sentence and then left the room.

Cabela recalls that in the next five minutes she careened through anger, denial and on into some form of acceptance as she prepared to drive the several hundred miles home to Chappell.

"My time had instantly become priceless and what I did with it was all-important," Cabela recalls through her writing via the computer.

"I thought about how it would be when I had to come face-to-face with my family, friends and business associates. I knew it would be difficult for me but that I would also be setting the tone for the way people would treat me for the rest of my life. I knew there would be some tears, but I also knew I wanted them to be few," her writing continues.

Cabela is a 1963 graduate of North Platte High School. Her mother is Elaine Richman.

Until the moment Cabela was advised she suffered from ALS, she saw herself as "riding the crest of a perfect wave."

At age 40, she and her husband, Jerry, were working together in a successful family business. They were justifiably proud of their two sons, Mike, then 17, and Pat, then 15.

Lynda Cabela was president of the Chappell Board of Education, was soon to become president of the Chappell Chamber of Commerce. She was chairman of the work and family committee for the Nebraska Commission on the Status of Women; had just been appointed to the state's Energy Bank and was on the Republican party's State Central Committee. As second vice president of the Nebraska Business and Professional Women, she was in line to become that group's state president.

She also was known for her expertise as a gourmet cook and gracious dinner hostess. She did elaborate catered dinners as a sideline business.

In the early part of 1986, the only burble on that perfect wave was really more of an irritation. Cabela's left hand seemed too weak to carry her briefcase, she had trouble moving her hand. Unknown to her, the disease was in its onset stage.

Following her diagnosis, Cabela resigned almost everything, "salvaging an immense amount of time."

"I had literally been drunk with my own imagined power. ALS brought me back to reality and to the people and things most important. I had my priorities in perspective and was ready for the fight of and for my life," Cabela's writing reflects.

Within months, Cabela's speech was gone.

"Her physical deterioration was so rapid it was almost frightening," her husband recounts. With the exception of the physical therapists who come in daily to exercise Cabela's limbs to keep the muscles and joints from pulling up, Jerry Cabela provides all of his wife's care.

ALS destroys the body. It does not affect the mind.

"I'm still the same person on the inside," Cabela taps out.

Although she no longer is able to eat or swallow, Lynda Cabela has just completed writing a cookbook, "Pot Holders and Love Handles." It is a gathering of 150 of her finest receipes, along with cooking and entertaining tips and suggestions.

"The old toe is smoking but the gathering of these recipes has been a labor of love . . . and something I could still pretty much do on my own," Cabela says in the introduction of her book that was written one toe tap at a time.

Proceeds from the cookbook, which is $6 and available from Lynda Cabela, Box 759, Chappell, Neb. 69129, will be donated to ALS research.

Lynda Cabela's disease carries with it a death sentence.

But it is life, rather than death, that Cabela remains deepy involved with. That is abundantly clear in the message that's there on the computer's screen.

"I knew at the onset that I could be just as miserable as I chose to be. That I could make those around me miserable, too. Life, any life, is far too short to be spent like that."

OPTION IS TO GET ON WITH LIFE

(By Bob Moore)

CHAPPELL.—In May, 1987, Lynda Cabela gave the commencement address at her son's high school graduation in Chappell. A year later her attempts at speech were mostly unintelligible. Lynda suffers from Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease. ALS is a particularly nasty degenerative disorder for which there is no cure. The nerves that feed the muscles die, and in turn, the muscles starve to death. The lifespan of an ALS victim averages four years from the onset.

At the present time Lynda cannot move her arms or hands, cannot walk or talk, and is fed with a feeding tube. Yet she has just published a cookbook, *Potholders and Love Handles,* which she compiled and typed herself. Now, having completed that project, she is busy promoting sales for her book and drumming up support for ALS research, to which she is donating the proceeds from the book.

Lynda uses her computer to correspond with other ALS victims, and has written a chapter for a book being compiled about ALS. "What is necessary for me, and others like me," she says in this chapter, "is to deal with our innermost feelings and to get on with life, not dwelling on what might have been."

Lynda is a communicator. Her living room "office" resembles a communications command post. A computer that talks, an emergency telephone line, a TV, and a VCR are near at hand—or for Lynda, near to toe. Her right big toe operates all these machines with which she communicates with the world.

Two faithful friends share the room with her—Heiney, a German shorthair, and Chin, an aging Chow on the verge of deafness. Lynda uses the audio amplifier of the computer "voice" to talk to her canine friends. "Heiney, who's outside?" she asks by pressing a voice command phrase on her computer terminal, and Heiney runs to the window to check for visitors.

A good part of her working day is spent without human companionship. If an emergency should arise, she need only press a button on her computer toe pad and a beeper is activated at Sidney Memorial Hospital, who immediately telephones her husband, Jerry, at the family owned furniture store. Jerry is her only nurse, but he is away several hours each day managing the family business in downtown Chappell. A physical therapist visits daily for about 45 minutes. The rest of the day she in on her own. And that' the way she wants it.

Having ALS, she believes, doesn't mean throwing in the towel. She quotes Abraham Lincoln: "Most people are about as happy as they make up their minds to be." Lynda has made up her mind to be happy. "I knew at the onset," she says, "that I could be just as miserable as I chose to be; that I could make those around me miserable too. Life, any life, is far too short to spend like that."

In her chapter of the upcoming book about ALS, Lynda describes how she learned she had the disease in 1986: "I began to experience a weakness in my left hand. I had trouble carrying my briefcase, which by now was voluminous (Lynda was president of the Chappell Board of Education, president of the Chamber of Commerce, chairman of the Nebraska Work and Family Committee, and on the board of the Nebraska Energy Bank), and I would kind of hook that hand on the steering wheel as I sped east and west across the state."

Her local doctor referred her to a neurologist in Denver, and then to the Mayo clinic in Minnesota. "The doctor told me I had Amyotrophic Lateral Sclerosis. 'Do you know what that is? he asked, 'No,' I replied, thinking how bad could something be I had never heard of? He asked, 'Do you know what Lou Gehrig's disease is?' I could feel my skin getting clammy as I replied. 'Yes, and I don't think that's a very good thing to have. How long do I have?' 'Probably three or four years,' he said. I braced myself and asked, 'And how will I die?' More than likely you'll starve to death,' he responded and left the room. So much for bedside manner and new medical procedures; the age of full disclosure is upon us.

"I went through denial, anger, and acceptance in the first five minutes, and then got on to the more important things—my options."

The options included learning how to cope with everyday problems her doctors didn't warn her about. There was, for instance, the "gobs of goob," copious amounts of sticky saliva "that literally make me feel as though I were drowning in spit." Finally, a specialist was found in San Francisco who prescribed a medication that controlled the problem.

Then there was the problem of communication. Within a year of her diagnosis she

had lost the ability to speak. Insurance companies didn't feel that communication was a necessity to health and refused to help cover the cost of aids. "Never have I had something so frustrating or terrifying to deal with. I assure you, the lack of the ability to communicate causes the ultimate in stress."

The search for a communication device began. There were no lists of what was available. A doctor would recommend one kind, a speech therapist another, a relative would discover yet a third kind of device. Descriptive literature came on still more kinds. None were satisfactory. "Most were too slow, were for a child's use, didn't fit my capabilities, or weren't expandable," Lynda explained.

Then one day a friend sent her an article on Stephen Hawking, a longtime ALS victim and physicist from England. The article pictured him with what appeared to be a more sophisticated communication device than Lynda had yet seen. Jerry made several phone calls, talked to Hawking, and finally Lynda had found the kind of machine she needed. "I tell people that not only does it allow me to talk, write, and entertain myself, it lets me lecture, boss, argue, and swear, which is much more like my personality."

The computer has a 2700-word vocabulary. Lynda demonstrated a few of its speech capabilities. She can program a phrase she is likely to use often, and then "hot key" the program into a single key command. "Jerry, you need to go to the grocery store." "Heiney feels like he's being ignored." And there is still a "mother's phrase" left in the machine for her two boys, Mike and Pat, now students at Chadron State: "Where are you going and who with?"

Do the majority of ALS victims have these computers? No, says Lynda. "A lot of people don't know about them, and many of those who do know just don't care to do as much as I do, so they don't use them."

As the interview nears its conclusion, Lynda types a message on her computer screen: "I would like to sell the cookbook." Copies are $6 each, including shipping and handling, from P.O. Box 759, Chappell, NE 69129. Profits go to ALS research.

"Thank you for coming," Lynda says with her toe on the computer pad.

AMERICANS CAN EXPECT CLEANER AIR

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, in the 13 years since the Clean Air Act was last amended, much has changed. Eastern Europe has grown from a stronghold of communism to a laboratory for developing democracy. Nelson Mandela has gone from being jailed as a terrorist to being released as a leader. And Daniel Ortega has gone from leader of Nicaragua to loser of an election.

But, during that time, the quality of our Nation's air has not improved.

The prior administration's opposition to improvements in the Clean Air Act have allowed toxic chemical releases to threaten many regions, urban smog to affect the health of millions, and the precursors of acid rain to acidify dozens of lakes and streams.

This must change. I came to Congress committed to passing a clean air bill and getting it signed into law. No group can expect 100 percent of what it wants as we deliberate on this legislation. But the American people can expect cleaner air.

While several stumbling blocks remain prior to passage of this bill, the good news is that it is finally clear that Congress will pass amendments to the Clean Air Act. And the President will sign those amendments.

The people of this country demand no less. Nor should they expect any less from the Congress and the President.

DO NOT LOWER GUARD

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, let Members not lower our guard. No person wants peace and freedom more than the Members here today. No person wants it more than I. However, there are three major stumbling blocks between now and 1990 when we can see a world full of freedom.

One is that the Soviet Union and the United States will probably be the remaining superpowers of the world militarily, no matter what else happens by the year 2000, yet they have proceeded in the Soviet Union with strategic modernization of missile capability to destroy the world at an unabated rate. We must negotiate this downward, and as a source of great concern, while they are really abandoning the airtight position on CFR conventional forces. They are not moving toward peace or freedom in missilery. Second, they support dictatorships throughout the world at a yet unparalleled rate of rubles in Cuba, Angola, Ethiopia, Afghanistan, Libya, they still support out-of-date dictatorships.

Third, terrorists, terrorism throughout the world, we know is now huddled in a few remaining outdated dictatorships in terrorist countries like Libya, Syria, and a few others. If the Soviet Union continues to support both morally and with money those leaders in those countries that provide terrorists throughout the world. Let Americans not lower our guard.

THE 25TH ANNIVERSARY OF THE OLDER AMERICANS ACT

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOWNEY. Mr. Speaker, today, it gives me great pleasure to introduce, with 39 of my colleagues on a bipartisan basis, a concurrent resolution celebrating the 25th anniversary of the Older Americans Act.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, it is an honor to pay tribute to the act and its successful implementation over the past 25 years. Millions of senior citizens throughout America benefit greatly from services provided by the Older Americans Act.

A principal feature of this resolution is its recognition of the critical work performed on a daily basis by the aging network which was established by the act almost two decades ago. This network consists of thousands of individuals in the Administration on Aging, State agencies on aging, area agencies on aging, congregate and home delivered meals program providers, and other supportive services.

Those individuals and organizations, including colleges and universities who participate in title IV's research, training and demonstration programs and individuals and organizations who make up the title V, Senior Community Service Employment Program are responsible for the many accomplishments of the act thus far.

It is appropriate to note that the distinguished chairman of the Senate Special Committee on Aging, Senator DAVID PRYOR, will be introducing an identical resolution today commemorating this important achievement. Later this year, the Administration on Aging will be sponsoring a celebration of the silver anniversary of the act, which was signed into law on July 14, 1965 by President Lyndon Baines Johnson.

I urge my colleagues to join me in cosponsoring this resolution which will set the stage for the celebration, and reaffirm Congress' commitment to the goals of the Older Americans Act.

As we prepare to take on the problem of long-term care, it is important that the strongest efforts be made to provide alternatives to institutionalization and allow the senior citizens of our Nation to live active and independent lives within their communities. The Older Americans Act is essential to accomplishing those goals.

At this point in the RECORD, I wish to insert the text of the resolution for the review of my colleagues. In addition, I feel it is appropriate to place in the RECORD a summary of the history and objectives of the Older Americans Act as printed in a report issued by the Subcommittee on Human Services in 1988 entitled, "Older Americans Act: A Staff Summary."

H. CON. RES. —

Whereas 1990 marks the 25th anniversary of the enactment of the Older Americans Act of 1965;

Whereas during the past 25 years, implementation of the Act has contributed to the economic well-being, and has improved the quality of life, for millions of older Americans;

Whereas one of the key elements contributing to the successful implementation of the Act has been the establishment of the aging network composed of State and local agencies on aging, congregate and home-delivered nutrition providers and many other community service providers;

Whereas the Administration on Aging, created by the Act, has been empowered to act as an effective advocate for the concerns and needs of older individuals;

Whereas many elderly citizens and those who serve their needs have benefited greatly from research, training and education provided through programs under the Act;

Whereas services under the Act has provided important part-time community service employment opportunities for low-income older individuals, many of whom work to provide services to older individuals;

Whereas some of the programs under the Act were designed to address the special needs of older Native Americans;

Whereas some of the programs under the Act were created to address the specific concerns of those in the greatest social and economic need, particularly minorities;

Whereas many services under the Act, including the long-term care ombudsman and legal services providers, have acted as powerful advocates for elderly persons;

Whereas the Act has periodically been amended by Congress in recognition of the changing needs of the rapidly aging society;

Whereas the Act has inspired and brought together thousands of dedicated professionals and volunteers;

Whereas the Act serves as a model for the development of community based services including those that provide alternatives to institutionalization of older individuals;

Whereas the Act serves as the foundation for an effective human service policy for millions of Americans as we enter the next century: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the 25th anniversary of the enactment of the Older Americans Act of 1965 and the successful implementation of such Act should be recognized;

(2) the many and varied contributions at all levels of the aging network should be acknowledged and commended; and

(3) support for the Older Americans Act of 1965, and its primary goal of providing services to maintain the dignity and promote the independence of older individuals in the United States, should be reaffirmed.

OLDER AMERICANS ACT: A STAFF SUMMARY

PAST ACCOMPLISHMENTS AND ISSUES FOR THE FUTURE

Over the past 23 years, the Older Americans Act has created the framework for a comprehensive State and local network of services and activities for the elderly which did not exist before 1965. While it is recognized that resources provided under the Act were not intended to respond to all the needs of the elderly, the program is the major source of Federal support for planning of, and advocacy for, services and activities to benefit older persons. It is also the chief categorical program of social and nutrition services for older persons, and has major responsibilities for training, research and job creation for this group. Although the program's total funding does not represent a significant proportion of the total Federal budget devoted to the elderly, certain aspects of the program heighten its importance for older persons. Because program emphasis has been placed on designating State and community focal points for planning and coordinating services for older persons, and on requiring that State and area agencies on aging garner resources in addition to the direct funding provided under the Older Americans Act, the program has the potential to improve services for all older persons.

While the various service programs authorized under the Act cannot fully meet the needs of all other persons in certain areas, they have the ability to provide services to some persons who would not otherwise receive them. For example, in the area of employment, the community service employment program authorized under title V is the only direct job creation program for older persons. It represents not only a source of income for low-income older persons who may not otherwise be employed, but also has the potential to provide job experience which enrollees may translate into unsubsidized employment opportunities. Another example is the role State and area agencies on aging have played in developing community-based long-term care systems. Although the title III program supports only a limited amount of long-term care services due to its relatively small level of funding, many State and area agencies on aging made strides to improve the overall long-term care service delivery system. They have done this through coordination activities with health and other social services agencies and through actions to reorganize community-based systems to more effectively serve those in need of long-term care services. In addition, because State agencies on aging have major responsibilities to act as ombudsmen to resolve complaints on behalf of residents of long-term care facilities, they fill a role that other social service or health agencies do not.

Another facet of the title III programs which differentiates it from some other social service programs is its prohibition on means testing as a condition for receipt of services. Because the program does not carry income restrictions for participation, it may act as a source of support for certain older persons who would not otherwise receive services under income-tested programs. However, because resources are limited, the law requires that service funds be targeted on those who have the greatest social or economic need for assistance.

Over the last 2 decades, a substantial level of effort by the Administration on Aging, and State and area agencies on aging has been devoted to expanding aging services programs sponsored under the Act as well as to draw non-Older Americans Act resources to support aging service activities. During the late 1960s and early 1970s, much effort was spent on establishing the infrastructure on aging. While the mandate of the title III program to plan and advocate on behalf of the elderly constituency has not changed with various amendments enacted over the last two decades, Congress has made various incremental changes designed not only to clarify the mission of the program and to provide greater flexibility in its administration, but also to require that State and area agencies be responsible for an increasing range of services. For example, various amendments since 1978 have sharpened the responsibilities of State and area agencies in targeting services to those in greatest need of assistance, allowed State agencies to transfer funds between their separate allotments for nutrition and supportive services, and given them more discretion in certain aspects of the planning process. Other amendments have extended State and area agencies' scope of operations to many specific areas, including elder abuse prevention, legal services, in-home services for the frail, and long-term care ombudsman services, in addition to their major responsibilities to administer the nutrition services program.

While observers have indicated that the objectives to be accomplished by State and area agencies are broad, given the resources available, nonetheless, these agencies have been responsible for the creation of a highly developed social services system which has benefitted many older persons. One observer has described the achievements of the title III program as follows:

(1) continuous and dynamic identification of needs of older persons; (2) creation and exemplification of strategies, programs, and services for meeting those needs; (3) provision of tangible and intangible help to innumerable older Americans; (4) development of a nationwide infrastructure of . . . (State and area agencies aging) and about 10,000 associated service-providing agencies, that is in place for helping older persons and (5) recruitment and socialization of thousands of career professionals to the field of aging.[1]

A number of characteristics of the current and future elderly population may have significant impact on policy initiatives for the Older Americans Act and the programs it supports in coming years. These include projected growth of the elderly population, economic status, family relationships and living arrangements, and length of time spent in retirement, among others.

As is well documented in every discussion of aging programs to elderly population is growing, as well as getting older. The population aged 85 years and over is one of the fastest growing age groups in the country and is expected to quadruple by 2030.[2] The growth rate in this segment of the population is expected to have major implications on the demand for many services, especially for community-based services such as supported under the Older Americans Act. In addition to the growth in the number of the eldest of the elderly, the sheer numbers of the total elderly population will affect many social and economic institutions in society. While the total U.S. population is expected to increase by about a third between 1980 and 2030, the population aged 65 and over is expected to more than double.

Projections about the future economic status of the elderly may also be considered by those reviewing policy directions for Older Americans Act programs. It is predicted by some that future generations of elderly may have higher income and asset levels than their earlier counterparts. In one measure of income—poverty status—the elderly have shown marked improvement over

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[1] Binstock, Robert H. Title III of the Older Americans Act: An Analysis and Proposal for the 1987 Reauthorization. The Gerontologist, v. 27, no. 3, 1987, p. 261.

[2] U.S. Congress Special Committee on Aging. American Association of Retired Persons. Aging America, Trends and Projections. 1987-88 Edition. p. 13.

the last several decades. The decline in the poverty rates for the elderly since 1959 has been dramatic, from 35.2 percent to 12.2 percent in 1987. Despite this decline in measures of poverty, however, there are still disproportionately high levels of poverty among certain groups of elderly, such as members of minority and ethnic groups, the very old, and older women. In addition, there are many elderly whose incomes are marginally above the official poverty level. While the financial condition of the future elderly population as a whole may be better than past and current groups of elderly, there may also continue to be disparity among certain subgroups of the elderly population. And, even if poverty rates decline to a lower level than they are currently, there may be more poor elderly in the future simply because of increases in the number of elderly. These economic factors may continue to have implications for planning and targeting of many social service and health care programs in the future.

With respect to the Older Americans Act, Congress and others may continue to review the extent to which targeting of services on the most needy elderly is being accomplished, and how targeting should be improved. In view of the growing numbers of elderly over the next several decades, there may be a search for additional strategies to assure that resources are being appropriately targeted. An issue raised during consideration of the 1987 reauthorization of the Act was whether service programs authorized under title II should contain cost-sharing requirements for elderly participants. While Congress rejected proposals to establish mandatory cost-sharing during the most recent reauthorization, and has reiterated general opposition to making the title III program a means-tested program during the course of previous amendments, the issue may again be raised by some observers in the future.

Other factors which may affect the demand for, and utilization of, Older Americans Act programs are family relationships and living arrangements of future generations of the elderly. One analysis indicated that the baby boom generation may reach old age with fewer children and with more persons living alone than prior generations. It also indicated that because those persons in the baby boom generation have tended to delay marriage, have not married, or have had smaller families and higher divorce rates, they are more likely to become older with less recourse to family social and economic support, possibly leading to greater dependence on social services in the future.[3]

As the elderly population grows, a greater number of persons will enter the preretirement and retirement years. Because of increased longevity, persons will live longer in retirement assuming the average age of retirement remains about the same. The extended time spent in retirement will lead to a larger demand for goods and services consumed during that period.[4] The increasing numbers of retirees may place greater demands on certain programs sponsored by the Older Americans Act, such as the nutrition services program, activities sponsored by multipurpose senior centers, and preretirement counseling services. One recent national survey on the use of community services by persons aged 65 and older by the National Center for Health Statistics (NCHS) found that senior center and congregate nutrition services were by far the services most frequently used by older persons. About 22 percent of the respondents, representing 5.7 million persons aged 65 years or older, reported using one or more community services. Senior centers were used by about 15 percent of the respondents, or 4 million older persons, followed by congregate nutrition services which were used by about 8 percent of the respondents, or 2.1 million persons.[5] Other frequently used services were special transportation services. Given the projected growth in the older population, a higher level of demand for these services may be expected in the future.

When reviewing the Older Americans Act in preparing for its next reauthorization, Congress may reemphasize certain requirements of the title III program, namely, responsibilities of State and area agencies to conduct planning and coordination activities to improve services for the elderly, as well as to act as advocates on their behalf. The chief programs authorized and funded under the program, such as the nutrition services program and the community service employment program, are likely to continue to receive the strong support of Congress. However, certain services programs may gain increased visibility. As long-term care issues gain in importance because of demographic changes occurring in the elderly population, community-based long-term care services sponsored under the title III program may receive heightened attention in the future. The role that State and area agencies play in long-term care may depend upon what actions Congress takes with respect to changing the financing and delivery of community-based long-term care under the Medicare and Medicaid programs. One service component of title III which may receive more attention is the long-term care ombudsman program. Because the number of nursing home residents is projected to increase dramatically in the future, the workload of ombudsmen who answer complaints of residents may increase.

Another area which may receive attention is the demand for increased numbers of professional and paraprofessional staff to care for an aging population. While other Federal programs are responsible for training a wide variety of personnel to serve the elderly, the title IV program is the major source of training opportunities for social services personnel.

AUTHORIZATION AND APPROPRIATION LEVELS FOR OLDER AMERICANS ACT PROGRAMS

Authorization levels and funding for Older Americans Act programs have grown considerably over the past 22 years, from $6.5 million in FY 1966 to over $1 billion in FY 1988.

[3] U.S. Congress. House. Committee on Ways and Means. Retirement Income for an Aging Population. A Report Prepared by the Congressional Research Service with Analytic Support from the Congressional Budget Office. WMCP 100-22, Aug. 25, 1987. p. 16.

[4] Ibid., p. 17.

[5] National Center for Health Statistics. Aging in the Eighties, Age 65 years and Over—Use of Community Services. Advance Data no. 124, Sept. 30, 1986. p. 2.

□ 1110

CONGRATULATIONS TO NICARAGUA'S NEW ADMINISTRATION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to join my colleagues in congratulating Violeta Chamorro and her Vice-Presidential running mate Virgilio Godoy for their stunning victory in Sunday's Presidential elections in Nicaragua.

Although some critics of U.S. policy in Nicaragua will resist giving credit where it is due, there is no question that free, democratic elections would not have taken place in Nicaragua if the Sandinistas had not been pressured to do so. The commitment and perseverance of President Reagan and President Bush to democracy and development in Central America enabled the result we saw Sunday in Nicaragua.

It is a remarkable accomplishment having a Marxist-Leninist regime being ousted by popular vote. The trend started in Eastern Europe and is being followed in Central America. Now, we just need it to spread to the Caribbean.

Fidel, you've held on this long, but I wouldn't get too confident if I were you. Time is not on your side.

[From the Washington Post]

END OF THE PROGRESSIVE PILGRIMAGE

(By George F. Will)

The pilgrimage is over. The long march of the West's "progressive" intellectuals has come to a bedraggled end in Nicaragua, a peasant nation about as far, socially, as a nation can be from the conditions where the revolt against modernity was supposed to take root.

Marxism has been just that revolt for those who look upon it sympathetically (usually from a safe distance, in modern "bourgeois societies"). The revolt—romanticism in drag, dressed up as science—was against the supposed cold rationality and soulless banality of a capitalist, industrial, commercial world.

The revolt was supposed to succeed first where the industrial revolution came first, in Europe, probably in Germany, with its large proletariat. But the supposed engine of history, the industrial workers of the world, would have none of it, preferring material progress and freedom, and understanding the connection of the two.

So intellectuals in fatigues (Castro, Ortega) foisted Marxism on peasants who were perceived (from the safe distance of faculty clubs) as "unspoiled" by the "false consciousness" of capitalism. But given a chance, the peasants say, "Please, spoil us, as quickly as possible."

To the non-Marxist left, including many church groups, the charm of the Sandinista regime was its anti-Americanism. How galling for those people that the regime has been toppled by a candidate known in Nicaragua to be backed by the United States. Where now can the glazed gaze of the last political pilgrims turn? To North Korea? Meanwhile, so high have been the stakes of American politics, and so mistaken have been the stances of one faction, that in victory we have a surfeit of what normally accompanies defeat—recriminations.

The collapse of the Soviet system under the pressure of Western military prepared-

ness has elicited, from those who fought that preparedness, the preposterous thought that the collapse proves that the preparedness was disproportionate to the task. Now the alibi industry on the left, which did not quite kill aid to the contras soon enough to save the Sandinistas, must deal with this truth: without Reagan, there would have been no contras to put pressure on the regime, pressure that eventually led to elections. The contras were not sufficient to cause that outcome, but they were necessary.

The continuing attempt to make Reagan a figure of fun, an attempt now entering its second quarter-century, founders on a huge fact: the world is going his way, in no small measure because it was his way. From Eastern Europe to Central America, "the evil empire" has collapsed because Moscow lost its nerve and capacities. The collapse of other Communist regimes then resulted because the Soviet Union was "the focus of evil in the modern world." The next result of this unraveling may be among Soviet clients in the Middle East.

The reputations of many people and the interpretations of many events are undergoing revision. The U.S. effort in Vietnam looks more worthwhile in light of the subsequent bloodbaths and waves of boat people. They discredit those who, in their zeal to see America defeated, professed to see humanitarianism on the other side.

One can now see why the overthrow of Allende's incipient Leninism in Chile, coming just as Vietnam was being conquered, was such an unnerving event in Moscow and throughout the international left. It shattered the myth of inevitability. The leftward ratchet of history was broken: all movement in that direction was not irreversible.

Another crack in the left's confidence (confidence was everything, material accomplishments being paltry) came when communism crested short of power in post-Salazar Portugal. Can it be just 15 years since "Eurocommunism" was "the wave of the future"?

If the last three U.S. presidential elections had turned out differently, today there would be a thugocracy in Grenada, Panama would be Noriega's plaything and Sandinistas would be screwing down the lid of Stalinism on Nicaragua. That said, this too must be: the contribution of the winner of the 1988 election could be, to say no more, better.

The vast majority of people who a year ago were suffering under communism's cruel stupidities are today suffering even more. They are Chinese—and, lest we forget, Tibetans, who are under China's grinding heel. We know that all the nations of the world are now porous to news. (Turn up these American transmitters!) Our friends—if such they still are—in China, the democratic forces, knew what happened in Nicaragua as soon as it happened. Now is the time for the Bush administration to acknowledge the futility of its gentle policy toward China and turn up the pressure, including those transmitters.

The change of regimes is cause for joy in two communities in Miami. Many Nicaraguans can now go home. And the Cuban-Americans, for whom America is home and Cuba is an imprisoned family member, know that Castro is next. Moscow should be told that all cooperation with the United States is now contingent on the ending of all aid to Cuba.

One of the creations of "progressive" political pilgrams was the pro-Castro "Fair Play for Cuba Committee" (which attracted Lee Harvey Oswald). Now, this instant, we need a fair-play-for-Cubans policy.

DICTATORS, BEWARE THOSE GOOD POLLS

(By Jim Hoagland)

The defeat of the Sandinistas is conclusive evidence that opinion polls are even greater threats to totalitarian states than to democracies. The misleading public-opinion poll has turned out to be democracy's secret weapons against dictators.

Why would the rulers of Poland, Hungary and Nicaragua agree to hold elections and then not bother to fix them? It was not a matter of efficiency or of morality. These rulers were convinced they were going to win free elections. Their polls told them so.

The Polish Communists went up against Solidarity last year in a free ballot after seeing Interior Ministry polls showing the party winning enough votes in an honest count to still dominate the political system. Wrong. The Communists were skunked at the ballot box and then told by an embarrassed Mikhail Gorbachev to step aside for Solidarity.

Daniel Ortega Saavedra has just replayed the Polish fiasco. Macho man that he is, Ortega went into Sunday's balloting refusing to believe that he could be beaten by that mere girl, Violeta Barrios de Chamorro. His numbers showed him 20 points ahead in Nicaraguan public opinion in the final days of the campaign. "I cannot explain it, I cannot explain," a weeping Ortega supporter said to a disbelieving crowd at Ortega's headquarters in Managua early Monday. "And I say this as a social scientist."

Well, that helps explain it. What is surprising is that not only the Sandinistas were surprised. One news story called the result "an astonishing repudiation of a decade of Marxist ideology." But to be astonished by Nicaragua's election, you had to ignore the experience of the past year in Eastern Europe and the Soviet Union: each time a population was given a chance to vote freely for or against the Marxists in power, the people threw the bums out.

Poles did it; Hungarians have done it in five consecutive parliamentary by-elections. Soviet citizens voted against Communists even when nobody was running against them, disproving in many districts John Kennedy's thesis that you cannot beat somebody with nobody.

That background seems not to have been taken into account in Sandinistaland. Once outside observers declared convincingly last week that the voting was going to be conducted freely and fairly, Ortega should have been loading his office books and papers into cardboard boxes, and reporters should have been braced not be astonished.

Nicaragua may be the Waterloo of decision-making by polls taken by social scientists in authoritarian regimes. How they expected to register accurate results in police states, or in Third World countries where there is little or no tradition of independent inquiry, is one of the century's great mysteries.

The pitfall of such polling was epitiomized a few years ago by a news item about a political poll in South Africa: "The Transkei (region) had to be excluded because police seized the polling results," the item stated without further explanation. Results the police are unhappy with are results that don't get counted. Ortega's police would have done him a favor by seizing his polls and keeping them away from him.

The same dynamic was at work in the polls taken in Chile for the October 1988 referendum that told Gen. Augusto Pinochet to hang it up. Pinochets polls showed him winning while the opposition polls showed him losing—each by the same margin. All these polls proved was that the voters clearly knew who the general's pollsters were and who was working for the other side.

In Poland or Chile, the ruled understood that the rulers wanted to be lied to for a little while longer. The rulers thought that the lie would extend into the voting booth. Fear conditioned the poll responses, and so did a certain sophistication about these cynical exercises. Even in America, a polling expert tells me, subjects routinely say they favor one candidate over another and then ask the poll taker, "That's the right answer, isn't it?'

Self-delusion alone does not explain why elections have suddenly begun toppling governments that ruled in the name of the proletariat and of history, not "bourgeois" liberties. The truth is that it is getting harder to make fixed elections stick. Pervasive media coverage and outside monitoring make it necessary to tell enormous lies now instead of merely big ones. Ferdinand Marcos of the Philippines and Erich Honecker of East Germany rigged their last elections but lost power anyway as disgusted citizens turned against their regimes.

Or could this be some fiendishly clever and now wildly successful plot by Gorbachev to dump in graceful fashion onto American taxpayers the problems and expense of being friends with Nicaragua, Poland, Hungary and other ex-satellites? That scenario is unlikely. But think how happy Sunday's loss of Nicaragua, by democratic means yet, will make the preemptive capitulators in the Kremlin.

THE AFTERMATH OF HURRICANE OFA ON AMERICAN SAMOA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, yesterday I shared with my colleagues the recent aftermath of Hurricane Ofa's power of destruction and damages caused by high winds and tidal waves which left thousands homeless, both in American and western Samoa.

I also want to pay special recognition to Paramount Chief Mauga Ioane Sagaiga who currently serves as Secretary of Samoan Affairs, and all the county and village chiefs for their tremendous support and assistance given to FEMA officials throughout the territory. We should also recognize our District Governors: Paramount Chief Tuitele K. Leoso of the western district, Paramount Chief Lei'ato Tupua of the eastern district, and Paramount Chief Tufele Liamatua of the Manu'a district.

Mr. Speaker, again I thank my colleagues for this support and I know the people of American Samoa, and

even the citizens of western Samoa—are grateful for our generosity and all the material goods and food items that have been donated both through the activities of our Federal agencies and volunteer organizations.

And above all, on behalf of the Samoan people—again I express my gratitude and appreciation for the tremendous support we have received from the good people of the State of Hawaii and Gov. John Waihee; also the residents of California; the management and staff of Hawaiian Airlines—and to all our fellow Americans.

[From the Pacific Business News, Feb. 19, 1990]

AMERICAN SAMOA BUSINESSES HIT HARD BY OFA

(By James Gonser)

As relief continues to reach the victims of Hurricane Ofa in American Samoa, business and government there have begun the process of rebuilding roofless shops, flattened aircraft hangars and the empty shells that were schools.

President Bush declared American Samoa a disaster area, making the U.S. territory, located 2,000 miles south of Hawaii, eligible for Federal Emergency Management Agency disaster aid. Meanwhile businesses and community groups from Hawaii continue to send donations to the area.

David Buehler, manager of Bank of Hawaii's American Samoa branch, said businesses located near the airport on the island of Tafuna were hit the hardest.

"Anything near the airport was badly hit," Buehler said. "Several metal buildings came down and the Daniel Inouye Industrial Park was hit hard. A majority of the businesses in the area are small retail and wholesale operations and at this point it is hard to tell what the long-term effect on those businesses will be."

Buehler said the Star Kist Samoa, Inc. tuna cannery, American Samoa's second largest employer after the government, was virtually untouched by the hurricane. He said other businesses located near Pago Pago Harbor, including his own bank branch, escaped with only minor damage.

Hawaiian Airlines president J. Thomas Talbot said Tafuna Airport, Hawaiian's South Pacific hub, was heavily damaged by the hurricane.

"Our facilities and hangars were beaten up badly by the storm," Talbot said. "The runway is able to withstand the weight of planes, but all our navigational aids were blown away and will have to be replaced. Some ground-support equipment was damaged and our people are working around the clock to restore the basic necessities."

American Samoa's Gov. Peter Tali Coleman said 4,000 homes were destroyed by Ofa, most of the territory's agriculture was wiped out and damage totals should reach $100 million.

In December, Coleman signed a controversial $400,000 insurance policy that insured government buildings for $45 million, which will now help rebuild the local economy.

The hurricane battered the area Feb. 2-4 with winds of up to 145 mph that almost entirely eliminated local breadfruit and banana production, staples of the Samoan diet.

An American Samoa Power Authority spokesman said 25 percent of the main power lines were damaged and several poles have been lost.

Buehler said it will take a long time before the territory gets back on its feet.

"Before the hurricane, businesses were doing well facing the normal day-to-day challenges but it is not business as usual anymore," he said. "Many people will be diverting funds to furnishing their homes and buying food rather than paying their loans or rebuilding businesses. If the government is responsive enough to help replace people's homes, we will be on the road to recovery."

[From the Maui News]

HURRICANE HAVOC LEAVES SAMOA REELING

PAGO PAGO, American Samoa.—The government of this U.S. territory asked President Bush to declare it a federal disaster area after Hurricane Ofa devastated the Pacific island chain.

Meanwhile, the governments of Australia and New Zealand pitched in with military transport emergency airlifts today to Western Samoa, another of the South Pacific island chains hit by the hurricane over three days.

Australia dispatched a C-130 Hercules laden with tents, plastic sheets and tarpaulins ahead of several more relief flights expected from Australia and New Zealand.

In a letter yesterday, Gov. Peter Tali Coleman asked for money to help the American territory rebuild and recover from the hurricane, which passed near the six islands. Ofa battered independent Western Samoa with 115 mph winds before blowing out into open water yesterday.

Crops, roads, utilities, businesses and residences in American Samoa were damaged, Coleman said. Damage could be as high as $100 million, officials said.

The territory is under an austerity plan to reduce its $12 million deficit.

"I have determined that this disaster is of such severity and magnitude that effective response is beyond the capabilities of the territorial government," Coleman wrote.

The worst damage was reported in Western Samoa and Niue, about 450 miles south of Pago Pago. The Australian Associated Press said three people were killed in Western Samoa, declared a disaster area Sunday.

Power and water have been restored to some parts of Pago Pago, but about two-thirds of the 38,000 residents still were without power and water yesterday, said Joyita Viena of Lt. Gov. Galeia Poumele's office.

Fewer than 20 people in American Samoa received minor injuries in the storm.

"We were very, very lucky the hurricane wasn't any closer," said Bob Blauvelt, chief engineer for government TV station KVZK.

[From the Honolulu Star Bulletin, Feb. 20, 1990]

WESTERN SAMOA STILL IN NEED OF FOOD DONATIONS

[By Mary Adamski]

Food staples are being rationed in Western Samoa, and officials there have told Hawaii relief workers that they estimate there is only a two weeks' supply on hand.

American aid is being sought by the independent island nation, which had almost 100 percent of its basic food crops, breadfruit and banana, destroyed when Hurricane Ofa hit Feb. 1.

"We talked to the information minister and the minister of justice Saturday and they have specifically asked for rice, flour, sugar and tinned fish and meat," said Vita Tanielu of Hawaii Samoan Community Hurricane Relief.

Government information officer Tunumafona Apelu told Tanielu that it will take more than seven months before some new crops mature, and until then their country will be wholely dependent on imported food.

The relief effort here is collecting food donations at 12 Honolulu fire stations and packaging them for shipment at Kaumakapili Church in Palama, Tanielu said.

Local committee members have talked several times to Samoan officials through the University of Hawaii's PEACESAT satellite radio network although electricity has not yet been restored in Western Samoa, Tanielu said. The connection can be made because the University of the South Pacific on Savaii island is using a generator.

The country's ambassador to the United States, Tuaopepe Felix Wendt, has requested that the United States provide military aircraft to carry food collected by the Samoans on the West Coast and in Hawaii, Tanielu said.

He said American Samoa, destination of three Hawaiian Airlines flights and as many military flights each week, has been receiving adequate aid for its 38,000 population. Its residents are eligible for Federal Emergency management Agency disaster aid.

Non-perishable food donations may be left from 8 a.m. to 8 p.m. daily at the Aiea, Hauula, Hawaii Kai, Kalihi, Kalihi Kai, Kalihi Uka, Kaneohe, Manoa, Mililani-Waipio, Nanakuli, Waikiki and Waipahu fire stations.

APPOINTMENT OF CONFEREES ON S. 1096, PROVIDING FOR USE AND DISTRIBUTIONS OF FUNDS AWARDED TO SEMINOLE INDIAN TRIBE

The SPEAKER. With respect to the conference agreement to go to conference on the Senate bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission, the Chair appoints the following conferees, and, without objection, reserves the right to appoint additional conferees: Messrs. UDALL, MILLER of California, DARDEN, LEVINE of California, FALEOMAVAEGA, YOUNG of Alaska, LAGOMARSINO, and RHODES.

There was no objection.

NOBODY WINS, INCLUDING AGRICULTURE, IN A TRADE WAR

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, very soon now the President of the United States will be meeting with the newly elected leaders of Japan, and the conversation, I am sure, will quickly turn to trade relations.

The imbalance of trade between our two countries is of great importance to all Americans, but yet we must be very careful to encourage the President to make certain points clear, because there are some dangers lurking behind the tough attitude we want to assume

in these talks. For instance, if indeed we retaliate against some of the practices of Japan, they will quickly retaliate against the No. 1 import in Japan, the No. 1 export that Americans have, namely, food products. So our agricultural community would be the first to suffer in a trade war that would escalate if indeed we do not measure our way toward good trade relations with Japan.

Mr. Speaker, we need productivity, we need competitiveness on our side, but we ought to be careful in expounding a theme to bash the Japanese automatically. It can hurt us in an overall trade war. Nobody wins from that.

INTRODUCTION OF ORGANIC FOODS PRODUCTION ACT OF 1990

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, millions of Americans want to buy food produced without the use of chemical fertilizers or pesticides, and many of the farmers want to sell it to them. Consumers and growers in this expanding market ought to be able to come together on terms they both understand. Right now, the lack of a national definition for the term "organically produced" stands like a wall between buyer and seller.

I'm proud that the State of Oregon has taken a lead in organic farming, enacting the Nation's first definition of the term "organically grown" in 1973, and adoting a landmark approach to organic certification just last year. Twenty-two other States have set various rules for organic farming. While this is commendable, it has made it extremely difficult to market products across State lines. The time has come for a national standard for organic farming.

Mr. Speaker, today I am introducing the Organic Foods Production Act of 1990, the companion to a bill introduced by Senator LEAHY. This will set national standards for the use of the word "organic" on foods. In just a few short years, organic agriculture has grown from a backyard enterprise to a multimillion dollar industry and found space on the shelves of some of the largest grocery chains. It's time growers and consumers got a clear picture of just what organically grown really means.

THE CONSUMER RIPOFF IN PROFESSIONAL BASEBALL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, when I was a small boy, I served for 5½ seasons as batboy for the Knoxville Smokies, a professional baseball team. In other seasons, I was a clubhouse boy, ball chaser, or scoreboard operator. I grew up around the ballpark. I love baseball.

But when I hear players who are making $2 million or $3 million a year talk about holding out or going on strike, it makes me sick.

A headline in the Atlanta paper a few days ago said this: "Baseball sinks further into the muck and greed of egos." A fan in California put it best, saying: "The owners have the mine, the players the gold, and the fans get the shaft."

One thing pays these exorbitant salaries: TV advertising. Even mediocre players today are getting million-dollar contracts, and salaries will continue to escalate unless the American consumer stops paying for it.

We should all realize that every company which advertises on TV baseball games now is ripping us off. Their prices will have to include the cost of ridiculous advertising rates.

Major league baseball players have become modern-day robber barons, taking cruel advantage of the average working American.

Mr. Speaker, it is time for the fans to stand up this time and say, "You've gone too far."

BILLY THE KID—A PIKER COMPARED TO DREXEL BURNHAM LAMBERT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, tonight on ABC's Prime Time, apparently Sam and Diane are going to go out and look for the real grave of Billy the Kid. It has been a great controversy in the West as to where he was really buried.

I have a tip for them. I think they will know how to find the real grave. It is going to be very simple. It can be found by merely putting a microphone on the ground to see if they hear Billy the Kid turning over in his grave. He must be turning over in his grave after he sees this Drexel Burnham Lambert debacle.

Billy the Kid was able to operate in the lawless West, but he was a real piker compared to these guys. They were able to really operate in the lawless Reagan-Bush administration. You used to have to wear a blindfold if you were an outlaw. Now they put the blindfolds on the regulators while these guys steal them blind.

So, Sam and Diane, that is how you do it. Get your microphone and put it on the grave. If you hear a rumbling, you have found the right one.

CAUTION URGED ON DEALING WITH SOCIAL SECURITY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to urge my colleagues not to play around with the Social Security system for political and financial reasons. Social Security is a trust and the people of this country are trusting us to do the right thing.

Senator MOYNIHAN has done us a favor by bringing out his proposal at this time. He has placed an issue on the table that needs to be discussed in an open and forthright manner.

As I see this issue, it is a two-tiered problem. The first issue that needs to be addressed is the Social Security trust fund—how does it currently operate and why.

The surplus that currently exists, roughly $90 billion in fiscal 1991, and the trillions of surplus dollars expected in the system in the next century, were created by the 1983 Greenspan Commission for a reason. Simple math tells us that fewer individuals are paying into the system as more folks are receiving benefits. Social Security is pay as you go, but if we did not make that change in 1983, the system would have failed.

The surplus, which was attained through the increase in FICA taxes, is designed to guarantee the benefits not only of current recipients, but of the so-called baby-boomers who will start collecting in the year 2010. These surplus funds are invested in the same manner as every other pension fund in this country. They are required to be invested in U.S. Treasury notes; the safest investment in this country.

The second, of the two problems, is why we are facing this issue at this time. We are doing so because for too long Congress and the Executive branch have acted in an irresponsible manner when it comes to the budget of the United States.

I understand why we score these surplus trust funds against the deficit to mask the true size of this irresponsibility. I also understand that to make a sudden change would mean that we would not make the Gramm-Rudman targets. Senator MOYNIHAN has placed this proposal on the table as a "stalking horse" of sorts for higher taxes on individuals and businesses.

Knowing and understanding all these points does not make the current situation right. It is about time this Congress and the administration started getting to work to produce an honest, forthright budget that actually reduces the deficit.

The people of Wyoming and this country understand the issue. Let's

not waste time by playing games with the Social Security system.

□ 1120

A NEW WORLD'S RECORD FOR RAILGUN PERFORMANCE

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

Mr. PICKLE. Mr. Speaker, I want to call my colleagues' attention to a major achievement for electromagnetic railgun technology. Last week, the University of Texas' Center for Electromechanics fired a shot which will truly be heard around the world when it established a new world's record for railgun performance.

Six homopolar generators powered a large bore railgun to launch a 5.3-pound aluminum projectile at a velocity of almost 6,000 miles per hour. At 8 million joules of kinetic energy, this is the highest energy ever achieved by an electric gun.

The magnitude of this achievement boggles the mind—the discharge of the generators at a peak power of 22,000 megawatts equaled about 1 percent of the entire world's installed electrical generating capability.

Since 1972 engineers at the University of Texas at Austin have been working to develop pulsed electrical generators capable of delivering brief, intense pulses of electrical power. The industrial applications of this pulsed power technology range from exciting new methods of manufacturing and processing materials, such as welding pipelines in a fraction of a second, to launching payloads into space.

For the last 10 years, the University of Texas has been a major player in a national program, sponsored by the U.S. Army Armament Research, Development and Engineering Center and the Defense Advanced Research Projects Agency, to apply pulsed electrical power to launch projectiles at extremely high velocities. Conventional guns, limited by the speed of sound in the propelling gases, cannot exceed velocities of more than about 1.5 to 2 kilometers per second. Small caliber electromagnetic guns at the University of Texas have achieved velocities of up to 6.2 kilometers per second, and last week's shot pushed a much larger mass to 2.6 kilometers per second.

Hypervelocity electromagnetic guns of this type have the potential to be used in a variety of tactical and strategic weapons. Last week's breakthrough represents a significant step in demonstrating the ability of pulsed power technology. All systems worked flawlessly, and preparations are now underway for an even higher energy shot.

I want to recognize Bill Weldon, the director of the Center for Electromechanics, and the officials at the U.S. Army Armament Research, Development and Engineering Center and DARPA for their contributions to this remarkable achievement, and I hope my colleagues will view their success as ample reason to maintain our support for Federal funding for electromagnetic railgun research.

THE WORLD LOOKS TO AMERICA FOR LEADERSHIP

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, in Nicaragua, in Eastern Europe, all over the world, democracy is on the march. We in America should seize the moment.

The United States should launch a bold initiative to do for newly democratic nations what the Marshall plan did for Western Europe.

I am not talking about another item in the foreign aid budget. I am talking about a major new program, free of earmarks, and administered directly by the Secretary of State.

The program should have clear goals: namely, the promotion of free and open elections and true economic development.

Nations all over the world are demanding political and economic freedoms. They are looking to America for leadership. This is no time for caution.

We should boldly assert our democratic philosophy, and we should back it up with our support. And we should do it now.

WASTEWATER CONSTRUCTION GRANTS UNDER THE CLEAN WATER ACT

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, much of our attention in the 101st Congress has been focused on the reauthorization of the Clean Air Act. While a strong reauthorization is absolutely necessary, we must not forget the many other areas where environmental action is required.

Our President wants to be known as the Environmental President and we hear much of his plans and commitment—but what is behind his many words? In reviewing the President's fiscal year 1991 budget proposals many contradictions can be found between the President's words and actions.

I would like to draw particular attention to the budget proposal for wastewater construction grants under the Clean Water Act. For fiscal year 1990 the Congress appropriated $1.9 billion for the program—for fiscal year 1991 the President requested a $300 million cut to $1.6 billion.

We all know that the Federal commitment to wastewater treatment plant construction is insufficient to meet the needs—even at the higher level of funding approved by Congress. In Maryland, where State and local commitments to cleaning up the Chesapeake Bay are growing, the needs are growing too as our population increases. Cuts in this fundamental environmental program directly conflict with the President's supposed goals.

There are 52 days left until the 20th anniversary of Earth Day and I am happy to join with my colleagues in noting the many continuing environmental needs in this Nation.

COLUMBUS IN THE CAPITOL

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, in just 2 years, this country will celebrate the 500th anniversary of the discovery of America by Christopher Columbus. The next Congress will play a major part in that celebration. This Congress can help prepare for it.

As a small part of the celebration, I am today introducing, for myself and 25 other Members, House Concurrent Resolution 275, to authorize the preparation of an official publication that would be a part of the 1992 observance.

The publication, to be entitled "Columbus in the Capitol," will be a written and pictorial description of the paintings, statues, and other works of art that reflect the man and his achievements displayed in the Capitol and the Capitol Grounds.

This volume will be an appropriate congressional tribute to the "Admiral of the Ocean Seas" who opened up the New world. It will be part of the special programs planned both here and aboard to honor Columbus.

I am especially pleased that so many Members have joined me in cosponsoring this resolution. I urge others to do so now.

WE MUST PASS A CLEAN AIR BILL

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUSTAMANTE. Mr. Speaker, I come before the House of Representatives to talk about an issue of global importance—the environment. There are many serious environmental problems in the world today, and it is time we do something about them. It is time we pass a clean air bill.

It is time we take positive steps to protect the Nation's water supply. It is time we recognize that protecting the environment is cost effective. Preservation of the environment is a national issue, an issue on which we need stronger leadership from the White House. Mr. President, I support and encourage your efforts thus far, but we need more. We need an international conference on the environment. We need to keep our parkland and wilderness areas safe from destruction. Perhaps most important of all, we need a comprehensive energy policy—so that we can work toward energy independence and so that we can gauge the energy demands we will have to balance with environmental concerns in the future. I urge the President to come forth on these issues—soon. With Earth Day 1990 just around the corner, it is a very appropriate time for all of us to reinvigorate our environmental efforts.

DEVELOPING AN EFFECTIVE AMERICANS WITH DISABILITIES [ADA] BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I will never disparage sentiments such as concern, charity and sympathy.

But, I do not support the Americans with Disabilities Act [ADA] for sentimental reasons. I support it for hardheaded, unsentimental reasons. Let me explain.

ADA will help provide for the United States a talented work force which we will need to compete in the new global economy—particularly in the new Europe which was described so eloquently by President Vaclav Havel of Czechoslovakia last week in this Chamber.

Workforce 2000, the study done by the U.S. Department of Labor, projects that the United States will not have enough workers as it nears the year 2000 to be productive and competitive in world markets and to provide the goods and services needed by our own citizens here at home.

Since there are not enough American children who will mature to fill these slots, we must move aggressively to open the work place to persons—including some 40 million disabled Americans—who have historically been excluded from normal work situations.

That's where the ADA bill comes in. It will facilitate the hiring and the employment of talented, productive men and women who happen to be impaired or handicapped in some fashion.

Incidentally, I don't like to use the term "handicapped." I prefer—and we use the term a lot back home in Louisville—I perfer the term "handi-capable" because these persons are first and foremost "capable" workers and only, and secondarily, handicapped.

I salute the chairman of our Small Business Committee, representative JOHN LAFALCE, for holding early hearings on the ADA bill, and, I look forward to helping him and the panel develop an effective and equitable and workable Americans with disabilities bill.

LEGISLATION WOULD GIVE AMTRAK 3 YEARS TO STOP POLLUTION

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NIELSON of Utah. Mr. Speaker, I do not know about you, but I find the fact Amtrak is dumping untreated human wastes across Utah and most of the rest of the United States to be repulsive and unacceptable.

To be honest, when I was first told about this practice, I did not think it could possibly be true. Not in this country. Not in this day and age. And certainly not be "America's passenger railroad."

Unfortunately, I was wrong, and became determined to do something about it.

Late last year, I was joined by 13 of my colleagues in introducing H.R. 3772. Since then, 12 more have signed on as cosponsors. This bill requires Amtrak to stop discharging all polluting materials within 3 years after it becomes law. It also requires Amtrak to collect a service charge on every ticket it sells to pay for whatever equipment changes will be necessary, thereby avoiding adding to the budget deficit and cutting into Amtrak's already shrinking appropriations.

Amtrak is given flexibility to determine how much the service charge should be. According to cost estimates provided by the railroad, the extra assessment will be minimal and should in no way hinder its ability to compete with other modes of transportation.

I am confident this legislation will achieve the ultimate goals of protecting the workers, our communities and the environment.

I hope you agree, and will join us as a cosponsor of H.R. 3772.

□1130

INTRODUCTION OF RESOLUTION REGARDING CONFERENCE ON GERMAN UNIFICATION

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I am introducing a resolution that will be a concurrent resolution, also introduced in the other body, expressing the sense of Congress that Poland, Czechoslovakia, and the other nations bordering Germany should be consulted regarding the upcoming conference on German unification.

We know that the uniting of the two Germanys into one entity appears likely in the near future. Likewise, we know that the people of Germany and all of Europe who have experienced the painful consequences of military aggression in the past desire to live in peace and freedom in a Europe free of military aggression.

We also know that France, Poland and Czechoslovakia, have special reasons for making sure that great care is exercised as preparations are made for a united Germany in the upcoming conference, and the upcoming conference on German unification includes only one of these three nations, France.

This resolution expresses the sense of Congress that the Government of the United States, the Government of the U.S.S.R., the Government of the United Kingdom and the Government of France should consult with Prime Minister Tadeusz Mazowiecki of Poland and President Vaclav Havel of Czechoslovakia and other designated leaders of the governments of those nations, and should also consult with the leaders of other nations bordering Germany, both prior to the upcoming conference on German unification and during its sessions.

We urge this resolution and ask for cosignatories and cosigners here in the House in the interest of building a 21st century in Europe based on mutual respect and mutual understanding.

INTRODUCTION OF LEGISLATION PROVIDING FOR DISTRIBUTION OF PEACE DIVIDEND

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I have today introduced a bill which would seek to provide part of a peace dividend resulting from the dramatic changes that we have seen in Eastern and Central Europe and the Soviet Union and in Central America. Under my bill, we would for each of the next 5 years reduce defense spending by $20 billion below what the President has already recommended for those 5 years.

We would use the resulting $100 billion savings for three purposes. We would use it for reducing the Federal deficit and debt. We would use it for property tax relief, for homeowners, and we would use it for measures to increase the competitiveness of the

United States in the global marketplace.

Mr. Speaker, I would urge my colleagues to look at this bill and to cosponsor it if they approve of it.

FEDERAL WETLANDS POLICY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, we are witnessing a disturbing trend in the way the administration's environmental policy is formulated. President Bush and his EPA Administrator both say they are committed to a cleaner, greener America. But the standard wisdom now has it that the President's Chief of Staff, Mr. Sununu is working to undercut any major progress on the environmental front—and succeeding.

The latest example of administration back-pedaling on the environment was the weakening of a landmark agreement between the EPA and the Army Corps of Engineers that would have improved protection of our Nation's wetlands. The weakened agreement represents a clear reversal from the President's stated goal of ensuring no net loss of wetlands. The shortsighted interests of those less concerned about the environment have won out. The loopholes in the agreement will have implications across the country and will be taken as a green light for environmentally unsound development to proceed.

Mr. Speaker, wetlands protection is vitally important for the continued survival of a variety of endangered plant and animal species, as well as the recharging and filtering of groundwater supplies. Building and paving over wetlands greatly increases the flooding hazards in the surrounding areas. We really cannot afford to lose another acre of these vital resources. The President had previously acknowledged as much in calling for no net loss. It is now up to us in Congress to accomplish legislatively what the administration failed to do through the regulatory process. Indeed, I would like to see us go beyond the no net loss goal, which should merely be the starting point in our wetlands conservation efforts, to a policy of net gain.

DEMOCRATS FIGHT FOR THE ENVIRONMENT

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, until recent years, I never envisioned that I would have to actually fight for something as basic and God-given as clean air, plentiful trees, and fresh water for my family and for millions of others in this country. But it has become increasingly clear that that's what it has come down to—a fight with the battle lines clearly drawn right down the center of the aisle.

So far, the score is noticeably lopsided. The administration has not lived up to it's rhetoric of a kinder, gentler nation. In fact, President Bush has fared poorly in everything from toxic waste disposal to clean air to endangered species with our Republican colleagues also failing in that regard. The continual parade of lackluster proposals speaks volumes to the lack of sincerity dedicated to sound policy for the environment.

Those of us in the House truly concerned about our environment must be prepared to fight; to fight for clean air, for wildlife, for trees and fresh water. And contrary to what our colleagues on the other side of the aisle would have you believe, our fight does not mean that someone has to loose—that a balanced environment comes at the price of economic security. Rather, we Democrats are fighting so that America's working families can have a decent environment and economic security.

The Democratic record on these issues speaks for itself. We've outvoted Republicans almost 2-to-1 on environmental issues and we'll continue that unified effort for America's sake.

INTRODUCTION OF COMPREHENSIVE NATIONAL HEALTH PLAN

(Ms. OAKAR asked and was given permission to address the House for 1 minutes and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, today I am going to introduce a comprehensive national health plan that will cover every single American from the cradle to the grave. This plan in addition to having a very high standard of coverage will also include long-term care. It will include something that most policies do not include. It will include prevention, which will save an awful lot of money.

I am going to speak a little further about the bill in detail in a few minutes during the special orders, but I am going to dedicate this bill to the late great Claude Pepper, who served the American people in public service for more than 50 years, and last year when he died he had one unfulfilled dream. That was that each and every American would be covered by some form of health insurance.

Mr. Speaker, there are 37 million Americans with no health insurance, most of whom work, by the way; 40 million Americans have inadequate coverage, and the cost keeps going up and up and up.

So we as a country ought to be ashamed of ourselves that we have not addressed what is a crisis. How are we going to be globally competitive when our own people do not even have adequate health coverage?

So I will be speaking a little bit more about my bill and the Pepper Commission which is about to give its report tomorrow in a few minutes, but I wanted my colleagues to know in case anybody wants to cosponsor the bill, which already is cosponsored by my colleague, the gentleman from Ohio [Mr. STOKES], that I am going to be introducing the bill in a few minutes.

□ 1140

LOWERING BARRIERS TO HEALTH CARE FOR THE DISABLED BY REDUCING THE WAITING PERIOD UNDER MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today I am introducing a bill that would reduce the waiting period for disabled persons to become eligible for Medicare coverage.

Medicare currently covers individuals over the age of 65 and the disabled. Medicare defines the disabled as those under the age of 65 who have been on disability insurance for at least 24 months. An additional waiting period of 5 months is required as a condition for eligibility for disability insurance. This means that a total waiting period of 29 months is required for Medicare coverage.

The number of uninsured persons is increasing. Data indicate that many individuals waiting for Medicare eligibility lack medical coverage during this period. In many cases, when individuals finally reach the 29-month threshold, their condition has worsened because they postponed necessary medical attention. As a result, when these individuals eventually receive health services under Medicare, it is usually more expensive because the need care has been delayed for so long. Thus, an unnecessary financial obligation is placed on an already burdened system.

The disabled are a far more diverse population than many people realize. In 1988, 76 percent of those disabled beneficiaries were under the age of 59. The conditions that disable these individuals range from diseases of the circulatory, respiratory and digestive systems to allergic, mental and nervous disorders. There are over 2.8 million disabled worker beneficiaries. An estimated 21 percent of these individuals are in the 24-month waiting period.

Last fall, a 49-year-old disabled woman in my district contacted me. She needs immediate medical care, and receives a small disability check. She is financially destitute by the time she pays her bills. Further in order to obtain some relief, she must spend down her assets to meet Medicaid standards or wait the required time before she will be eligible for Medicare.

The bill I am introducing would provide some relief for women and men in similar pre-

dicaments. According to the Congressional Budget Office, close to 350,000 disabled persons would be able to use the Medicare benefits in the first year.

The total 29-month waiting period is a barrier to medical care. My legislation will cut the waiting period 1 month a year for 5 years, thereby reducing the Medicare waiting period to 19 months. However, the 5-month eligibility waiting period for disability insurance will remain intact. Thus, this bill will help reduce the large number of uninsured individuals and still adhere to the original congressional intent to provide Medicare benefits to those who have long-term disabilities for 24 months. I have proposed that the Medicare secondary payer provision for Social Security disabled beneficiaries be extended for 5 more years so that it sunsets in December 31, 1997.

In a statement to the U.S. Bipartisian Commission on Comprehensive Health Care last November, the Consortium for Citizens with Disabilities Task Force on Health wrote that they would like to see the 2-year waiting period phased out incrementally within 10 years.

Recent estimates from CBO indicate that after the third year this bill saves money by extending the secondary payer provision. Overall, the CBO estimates the total 5-year savings to add up to $190 million.

The large number of medically uninsured individuals is disturbing and this legislation would go far to protect them from the threat of destitution. Clearly, the solution to the larger problem will be complex and costly. However, I believe that small but significant steps like reducing the Medicare waiting period is a realistic and plausible start for helping this population.

THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL: A LONG OVERDUE TRIBUTE TO AMERICA'S FINEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, between 1979 and 1988, 52 law enforcement officers from Illinois were killed in the line of duty—exactly half of these officers were from the city of Chicago. I am honored and pleased that a richly deserved and much needed national tribute is being built in Washington, DC, to honor these and thousands of other brave officers throughout the United States who have been killed in our Nation's history. The names of these 52 courageous officers follow:

LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY IN ILLINOIS, 1979–88

Bensyl, Virgil Lee, Illinois State Police, 1/15/88.

Blank, Randall A., Rockford Police Department, 12/31/80.

Blunt, Kenneth, Illinois Sec. of State Police, 1/31/83.

Bosak, William P., Chicago Police Department, 3/03/79.

Brandon, Dorelle C., Chicago Police Department, 1/25/84.

Brunkella, Jay F., Chicago Police Department, 10/04/86.

Caisse, William O., Paxton Police Department, 12/02/79.

Cardwell, Helen P., Chicago Police Department, 5/19/88.

Caulfield, Michael T., Forest Park Police Department, 9/30/82.

Clark, Richard W., Chicago Police Department, 04/03/86.

Clarke, Martin P., Chicago Police Department, 8/26/84.

Collins, John J., Chicago Police Department, 2/07/84.

Conners, Robert W., Federal Bureau of Investigation, 12/16/82.

Creed, Anthony L., Chicago Police Department, 8/30/83.

Darcy, Martin E. Jr., Chicago Police Department, 9/27/82.

Darnell, George V., Warren County Sheriff's Dept., 12/07/81.

Dawson, Kenneth R., Wheeling Police Department, 11/05/85.

Doering, David T., North Chicago Police Department, 5/04/80.

Doyle, James E., Chicago Police Department, 2/05/82.

Eckles, Fred Jr., Chicago Police Department, 1/17/84.

Edwards, Gregory R., Chicago Police Department, 9/29/87.

Ellington, Charles L., Federal Bureau of Investigation, 12/16/82.

Fahey, William P., Chicago Police Department, 2/10/82.

Foley, Dennis P., Will County Sheriff's Department, 8/17/83.

Harris, Elmer M., St. Clair County Sheriff's Dept., 12/05/86.

Hereford, Terry B., Federal Bureau of Investigation, 12/16/82.

Holder, Larry A., Algonquin Police Department, 7/22/82.

Jarema, Daniel A., Lockport Police Department, 4/01/88.

Jobe, James E., Des Plaines Police Department, 12/13/80.

King, Wayne G., Chicago Police Department, 7/12/85.

Klacza, Wayne J., Chicago Police Department, 6/28/83.

Kugelman, John H., Illinois State Police, 11/10/86.

Lynch, Michael J., Federal Bureau of Investigation, 12/16/82.

Mathews, John W., Chicago Police Department, 5/21/88.

Mayer, Steven W., Will County Sheriff's Department, 7/16/83.

McCarter, Michael K., Illinois State Police, 4/07/79.

McMikel, Hamp T. Jr., Chicago Police Department, 11/20/82.

Morrison, William Jr., Chicago Police Department, 9/04/87.

Murrin, Martin S., Joliet Police Department, 9/12/84.

O'Brien, Richard J., Chicago Police Department, 2/09/82.

Osborn, Billy P., Bloomington Police Department, 2/19/86.

Reimann, Robert C. Jr., Highland Police Department, 1/06/84.

Ridges, Michael W., Cook County Sheriff's Dept., 10/17/85.

Ruiz, Irma, Chicago Police Department, 9/22/88.

Sack, John M., Peoria Sheriff's Office, 10/01/87.

Seward, Lee R., Chicago Police Department, 12/30/87.

Skeeters, Bernard D., Illinois Dept. of Law Enforcement, 5/20/82.

Tapscott, David R., Springfield Police Department, 12/26/79.

Topolewski, Raymond H., Will County Sheriff's Dept., 1/22/85.

Torres, Jose M., Chicago Police Department, 8/21/79.

Van Schaik, Roger W., Chicago Police Department, 3/03/79.

Vincint, Larry J., Chicago Police Department, 1/14/83.

On October 30, 1989, President Bush broke ground on the National Law Enforcement Officers Memorial at a moving ceremony in the Nation's capital. Joining President Bush that historic day were 2,000 law enforcement officials and survivors of fallen officers from across the United States. The President's stirring words of support served as yet another reminder of how important this memorial is—not just to law enforcement but to the entire Nation.

I was especially honored and proud that joining the President in breaking ground on the memorial was Chicago police officer Gregory Jaglowski. On September 22, 1988, Officer Jaglowski and his partner Irma Ruiz confronted a drug-crazed gunman just outside an elementary school. Officer Jaglowski was shot in the leg—his partner was killed immediately. Despite his painful wound, Jaglowski followed the gunman into the school and in a hail of gunfire killed the assailant while taking another severe wound in his other leg. Before being stopped by Jaglowski, the gunman had killed four persons, including Officer Ruiz.

For his heroic action, Officer Jaglowski was named Police Officer of the Year by Parade Magazine and the International Association of Chiefs of Police.

The memorial groundbreaking was a memorable and special event, with the highlights being seen on television by more than 8 million people nationwide. Mr. Speaker, I am moved by the fact that this important national memorial is being built solely with private contributions. America has answered the call in an impressive fashion. Some 500,000 individual Americans, 200 U.S. corporations, and countless police groups from across the country who have given to the memorial. Because of this outpouring of support, nearly $5 million has been raised for construction of the memorial.

Construction is now underway and the memorial is scheduled for completion no later than the spring of 1991. Approximately $1 million is still needed to finish and maintain the memorial. That money will also be used to add the names of officers killed in future years.

Mr. Speaker, like so many of my colleagues and so many parents in my district, I am deeply concerned over the drug problem afflicting our Nation. The drug war continues to rage across America and violent crime continues to ravage community after community. Every 20 seconds a violent crime is committed in America. An average of 56 murders a day were committed in 1988—one every 26 minutes. Every 6 mintues a woman is raped in this country. Between 1980 and 1987, Federal prosecution of drug cases increased 153 percent.

Police officers are in the front lines of this undeclared war and they have paid a high price. In the last 10 years alone, more than 1,500 officers were killed, nearly 600,000 assaulted, and some 200,000 injured. On average, one police office is killed in America

every 57 hours. Preliminary figures from the FBI indicate that at least 151 law officers were killed in 1989.

With no end in sight to the drug crisis, our police officers need our support, now more than ever. With good reason, this country has erected impressive memorials to Americans who died in foreign wars, but it has yet to honor the brave men and women who have died—and will continue to die—protecting our neighborhoods and answering our calls for help.

The National Law Enforcement Officers Memorial will serve as a constant source of inspiration for active officers—reminding them that the people they serve support and care about them.

It is because of these compelling reasons that in 1984, I enthusiastically joined with my colleagues in unanimously approving legislation authorizing the memorial project. I was pleased when President Reagan signed this legislation into law. That same year, the 15 national law enforcement organizations that led the memorial lobbying effort, formed the nonprofit National Law Enforcement Officers Memorial Fund [NLEOMF].

The memorial will honor the estimated 30,000 Federal, State, and local law enforcement officers who have been killed in our Nation's history. Every community in America will be represented on the memorial. The names of brave law officers such as Chicago's Irma Ruiz will be forever remembered and properly honored. The memorial will also stand as a vivid expression of our Nation's appreciation and support for officers like Gregory Jaglowski who continue to risk their lives and answer our calls for help.

The memorial is being built in Judiciary Square, a prominent federally owned park in Washington, DC. It will feature an oval, tree-lined "pathway of remembrance" which will display the names of fallen officers on a polished granite wall. New names will be added annually.

Memorial architect Davis Buckley has created a magnificent design that will be a poignant tribute to America's finest—our law enforcement officers. Soon this long-awaited national monument will become a reality and our brave officers will receive the national recognition they have so long deserved. The National Law Enforcement Officers Memorial—a very special gift from a caring Nation.

ECHOES OF MY GRANDFATHERS' VOICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, upon my return from 2 weeks in Texas on Saturday, February 24, I was catching up on my newspaper reading and came across an op-ed piece "Echoes of My Grandfather's Voice" by our colleague, BOB MRAZEK, which appeared in the Washington Post of February 22, 1990. I found it to be a moving tribute to the events occurring in Czechoslovakia, to his own ancestry, and to the new President of his native land Vaclav Havel.

While I deeply regret I was unable to personally listen to President Havel's remarkable address, I am grateful to BOB MRAZEK for his moving, and, at times, humorous tribute. At least, through his statement in the paper, I was able to share, to some degree, his own pride in his mother country.

BOB MRAZEK, the sole member of the Czechoslovakian-American caucus in the House of Representatives, is a perfect example of the strength, intelligence, and integrity which the Czechoslovakian people have displayed and I am taking this opportunity to share his remarks just in case, like I, others may have missed them.

The text of the article follows:

[From the Washington Post, Feb. 22, 1990]

ECHOES OF MY GRANDFATHER'S VOICE

(By Robert J. Mrazek)

As the chairman (and sole member) of the Czechoslovakian-American Caucus in the House of Representatives, I can truthfully say that my name has never provided me with any great political value.

Primarily, this is because my "ethnic base" consists of about 100 voters scattered among my 520,000 constituents. That isn't to say I'm not proud of my Czech heritage. And I've never felt more proud of it than when I stood amid my colleagues, wildly cheering Vaclav Harvel after he concluded his remarkable address to Congress yesterday.

Certainly I have never heard a more powerful tribute to the noble ideas upon which our nation is founded than the one he delivered. As he spoke, I heard the echoes of my grandfather's voice as well. He was a decorated hero of the first Czechoslovakian independence movement and the First World War, and he died when I was 14 years old. My home is filled with pictures of him as a young man, standing with his friend and mentor, Tomas Masaryk, the founding father of Czechoslovakia. My grandfather was an artist, Masaryk, a university professor. Both were intellectuals and proud of the fact.

On Saturday mornings in his studio, my grandfather would talk about the little "beacon of democracy" that once existed between the two world wars. A nation founded, just as our has been, on the simple proposition that all of us have equal value as human beings, a democracy founded in the heart of the Austro-Hungarian Empire, where no man would ever again be forced to bow to a king or be impressed to fight in one of Central Europe's petty and meaningless wars.

He would talk about the need for each citizen in a democracy to understand the gift it represents in terms of individual freedom—and the responsibility each citizen bears to ennoble it. I think that part of President Havel's greatness lies in his ability to express these views in ways that challenge all of us to seek a higher standard for the goals we aspire to as a democracy.

During his speech he seemed oblivious to the impact he was having on us. It probably won't come as a shock if I reveal that many of us in Congress have an attention span that barely exceeds a minute or two. That's one reason I was amazed to look up at the clock in the chamber and realize he had held us spellbound for more than an hour. At least a half-dozen times during the speech, I heard Dante Fascell in the seat next to mine murmur the word "magnificent" in response to a Havel line.

As Havel was leaving the floor, a Senate friend turned to me and said, almost awestruck, "If I could string together words like that, I could run for God."

Even my conservative friends admired the speech. Certainly few of us have ever heard a more harshly eloquent denunciation of the nightmarish capacity of a totalitarian state to crush the human spirit of those it subjugated.

At one point in his speech Havel actually made so bold as to deliver the line, "Consciousness precedes being, and not the other way around . . ." As God is my witness, I actually saw colleagues nodding sagely all over the floor. Congress must be full of eggheads these days, or maybe it was just that none of us wanted to appear dumber than we are.

When I was in Prague last month, I met President Havel for the first time. Like most of the other new leaders I met that week, he was wearing about $10 worth of clothes on his back and badly needed a haircut.

Perhaps out of pity, one of my colleagues said to him, "We are here to offer our help. The U.S. Congress is prepared to offer grant assistance to ease the difficult transition that lies ahead for you."

Havel shook his head and said, "No. The best assistance we can have is through our own people. We know what we have to do, and we have the energy and freedom to do it."

How, then, could we help? we asked.

"I would ask for your moral support," he replied.

Boy, we concluded, is this guy diferent.

When I saw him after his speech yesterday, President Havel looked resplendent in a navy-blue "congressman suit," although the effect was spoiled a little by the fact that his unruly hair was sticking straight out on one side. All I wanted to do was tell him how moved I was by his message—to express my admiration for the power of his words. Before I could get anything out, however, he said, "You are the only Czechoslovakian in Congress. Do you speak Czech?"

Well, it just so happens that I do. Basically, I remember one six-word sentence. I nodded affirmatively.

"Say something," he suggested politely.

In Czech I responded, "Please pass the bread and butter." He looked at me strangely. Before I could explain, he was hustled away to see Speaker Tom Foley.

I'm sure he thinks Czechoslovakia is well-represented in the U.S. Congress.

THE GROWING TRAGEDY OF LTRYPTOPHAN

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, there is a growing tragedy in this country of countless Americans becoming ill from taking L-tryptophan, a nutritional supplement sold over-the-counter and found in many health food stores. The FDA requested an urgent recall of L-tryptophan products on November 17, 1989; 334 manufacturers, repackers and distributors complied.

However, two manufacturers refused to comply and FDA researchers, themselves, found L-tryptophan on market

shelves long after the recall was issued.

The supply of L-tryptophan is suspect because of 12 contaminated lots sent in from a Japanese pharmaceutical house linked to over 1,300 cases of Eosinophilia-Myalgia Syndrome [EMS]. There have been 8 suspected deaths and one proven. But, the hundreds of sick Americans who are suffering from this rare blood disease—which cannot be treated and has no known cure and may be fatal—wonder why the FDA recall has been handled in such a slipshod manner.

In Maryland, where we have 24 cases, our medial officers learned about L-tryptophan from reading about it in a newspaper. Within the last month, there have been an addition 180 cases nationally, and the product is still on the market.

I have asked the Secretary of HHS, Dr. Louis Sullivan to investigate this whole matter with great urgency. I wish I could do more.

CREATING JOBS AND AVOIDING A RECESSION BY CUTTING THE CAPITAL GAINS TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH], is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, my special order is entitled "Creating Jobs and Avoiding a Recession by Cutting the Capital Gains Tax."

Mr. Speaker, I want to draw to the House's attention the very real concern which is evident if we look at this weeks' durable-good orders numbers that we could be in danger of a recession, that after the longest period of successful economic growth in American history, after month after month of adding new jobs, that there is a danger that we could slide into a recession. We do not need to have a recession.

The fact is that by intelligently applying supply-side economics, by having the right kind of tax cuts, by encouraging investment and saving and initiative, by encouraging entrepreneurship, we have proven that it is possible to have a long period of economic growth.

The Japanese had already proved that when they had 11 years without a recession after World War II during part of their economic growth. The old model that says every 2 or 3 years we have to have a recession is simply wrong, and the fact is that if we look at the current debate on Social Security, one of the fascinating footnotes is that we have missed two recessions that were projected by the standard economists of 1983, that is, they projected that by 1990 there would have been two periods of economic slump which have not occurred. So there is more money in the Social Security account because we have had economic growth instead of recession.

President Bush, campaigning in 1988 and then as President in 1989, called for a capital gains tax cut specifically to encourage investment, to encourage job creation, to avoid a recession. President Bush understands that a capital gains tax cut is necessary if the United States is to compete with Japan and to compete with Germany, to compete with the international market and to create more jobs.

Once again, in his State of the Union this year, President Bush has called for a capital gains tax cut.

We could afford to spend 1989 debating, because the economy was so healthy. President Reagan had left us in such good shape that even through the Democrats in the Senate failed to pass the capital gains tax cut and blocked it, we, nonetheless, were still growing, but we run the risk in 1990 of sliding into a recession, of having Americans become unemployed, and I think the Democratic leadership of the Congress should understand that if we slide into a recession in 1990, it will be known as the Democratic Congress' recession. It will be an unncessary recession with unnecessary unemployment caused by the Democratic leadership's unwillingness to pass a capital gains cut.

Let me walk through some of the key arguments. The National Association of Manufacturers, in analyzing the Jenkins-Archer capital gains proposal last year, found that it would, in fact, increase the total number of jobs. A study which was done by Garry Robbins for the National Center for Policy Analysis indicated that it would increase the total number of jobs. The Washington University macro model was used to analyze a 15-percent capital gains tax rate, which was President Bush's original projection. The original Bush capital gains tax cut, according to the Washington University macromodel, would increase the gross national product by $15 billion, would have a 2.4-percent increase in nonresidential fixed investment, that is, building factories and building buildings other than houses, would increase jobs by 390,000, would lower the unemployment rate by one-quarter percentage point, or a 4-percent reduction in unemployment. That is a simulation on a computer model which does not have a supply-side characteristic.

Even a non-supply-side computer model projects that the Bush capital gains cut would create 390,000 jobs. Gary Robbins, president of Fiscal Associates and a senior fellow at the National Center for Policy Analysis, developed a general equilibrium model of the U.S. economy. He has a lot of background in this. He was chief of the applied econometrics staff at the U.S. Treasury Department from 1982 to 1985, Assistant to the Under Secretary for Tax and Economic Affairs from 1981 to 1982, and the Assistant to the Director of the Office of Tax Analysis from 1976 to 1981. So this is a man who has had a lot of experience doing tax analysis.

In his study of taxing capital gains, he indicates clearly that we would, in fact, increase dramatically the total number of jobs. In his analysis, he suggests, for example, that the Jenkins-Archer proposal would have increased, at its peak, 750,000 jobs. It would increase the real gross national product in constant dollars by $30 billion a year at its peak.

That is very important. Let me explain why. A capital gains tax cut is a conservative jobs bill. It is the way we would create new jobs, and people say, "Well, does that not help the rich?" Let me ask this question: If the smallest computer model, the Washington model, which is the most static that we are citing today, if that projects 390,000 new jobs and those jobs go to people who are currently unemployed, are not 390,000 new jobs a substantial benefit to the poor?

If those 390,000 people are earning on an average of let us say $20,000 in their new job, so they are earning $7,800,000,000 in private salary at permanent jobs, isn't that an extraordinary impact on the poor?

□ 1150

And if one believes Gary Robbins' analysis at the National Center for Policy Analysis, and we were to get 750,000 new jobs, wouldn't that be a remarkably positive thing for poor people? And shouldn't Americans normally be in favor of creating that many new jobs?

The fact is, our friends on the left love the concept of jobs, but they envy and hate job creators. They are unwilling to go out and reward the creator of the job. They are unwilling to create the environment in which the job exists.

This was indicated in terms of the impact of capital gains cuts in a General Accounting Office report which was dated August 12, 1982.

The U.S. General Accounting Office said the following about the capital gains cuts of 1978:

> The experience of the 1,332 companies that were started with venture backing during the 1970's demonstrates benefits to the nation's economy and productivity that were disproportionately large when compared with the amounts of capital invested.
>
> For example, with $209 million invested to create 72 of these firms, their combined sales in 1979 alone totaled $6 billion. The General Accounting Office conducted a detailed analysis of 72 firms. Growth in annual sales averaged 33 percent a year. In the process these firms created an estimated 130,000 jobs, over $100 million in corporate tax revenue, $350 million in employee tax revenues, and $900 million in export sales. Moroever, most products were productivity

enhancing, such as computer-related equipment, fiber-optics, industrial contols, lasers, robots, word processors, and numerous others. Productivity gains resulted from the diffusion of such products into the design and manufacturing operations of a wide variety of industries.

In other words, the General Accounting Office study indicated that for $209 million in investment in 72 firms we created 130,000 jobs, $6 billion in sales in 1 year alone, $900 million in export sales, $350 million in tax revenue from employees, and $100 million in corporate tax and revenues. And that is from a $209 million investment.

The purpose of cutting capital gains is to create the incentive to invest and create new jobs, to create the incentive to have the kind of future we want.

Now, a number of my liberal friends complained about the Japanese buying Rockefeller Center. They said it was terrible that the Japanese were buying things in America. But I would suggest to them that if they would look at a paper entitled "Explaining International Differences in the Cost of Capital," from the Federal Reserve Bank of New York Quarterly Review, summer of 1989, and I realize this is an academic and abstract and complicated paper by Robert McCauley and Steve Zimmer, but it makes a very important point about the cost of capital as it relates to the United States and as it relates to Britain and as it relates to Germany and as it relates to Japan.

Its point is that we face the reality that over the long run, the longer the period of time we are looking at, the more expensive it is to invest in America and the cheaper it is to invest in foreign countries; that the Japanese have a tremendous advantage in long-term investment and the United States has a substantial disadvantage in long-term investment.

That has a direct impact at two levels. It has a direct impact, first of all, on real estate investments, such as Rockefeller Center, and it has a direct impact on research and development.

Let me quote from pages 15 and 16 of the Federal Reserve Bank of New York Quarterly Review article on explaining the differences in the cost of capital.

The difference that inflation and investment tax policy make can be seen over time. Observe that the U.S. cost of funds rises over the sample period, while the cost of capital for a 20-year machine falls. High inflation in the early part of the period not only increased the interest tax deductions, as reflected in the cost of funds, but also eroded depreciation and imposed the "inventory tax," as reflected only in the cost of capital. In addition, accelerated depreciation for machinery over most of the latter half of the sample period lowered the hurdle rate for machinery.

The cost of capital captures differences in the relative cost of projects. The low cost of funds offers Japanese and German firms a greater advantage in long-term projects. U.S. firms actually had the lowest cost of capital for a 3-year expensed project in 1984-86. The shorter the project life, the less important are funding costs, so the low U.S. tax rate dominated. The German and Japanese cost of capital advantage emerges and widens as the project life extends from 3 years to 20 years to 40 years to infinity, the life-span of investment in land.

Notice that. Let me quote that.

The German and Japanese cost of capital advantage emerges and widens as the project life extends from 3 years to 20 years to 40 years to infinity, the life-span of investment in land.

The required rates of return for a research and development [R&D] project illustrate how a relatively high cost of funds erects a high hurdle for investments with delayed payoff and how a tax credit can lower the hurdle. The archetypal R&D project analyzed here bears fruit after 10 years and its yield falls off geometrically thereafter. The contrast between United States and Japanese required rates shows how delayed revenues magnify cost of funds differences. The contrast is equally stark for United Kingdom and German required returns. Cutting across these funding advantages, the tax credits of 20 percent to 25 percent for R&D enjoyed by United States and Japanese firms over these years lower their hurdle rates as compared to United Kingdom and German firms, respectively. In the absence of the credits, the United States cost of capital for such projects would approximate the British cost.

Now, the point here is very specific. If you want a research and development oriented high technology kind of country, where people have good jobs, earning good incomes, producing good products, you have to encourage investment.

As the study makes clear, the shorter the time span, the less cost of capital matters. The longer the investment, the more capital cost matters.

So when you talk about Rockefeller Center, the Japanese currently have a lower cost of capital. They can afford to buy a long-term project.

When you talk about building high density television, the Japanese have a lower cost of capital. They can afford 10 years of research and development.

When you talk about the next generation of automobiles, Toyota and Mazda and Nissan have an advantage, and Ford and General Motors and Chrysler are at a huge disadvantage.

If you are a worker you might say, "Why does that matter to me?"

Cost of capital defines what kind of job you are going to get. If we cannot afford to buy the best computers and the best factories and the best tools, we cannot pay the best salaries.

If you are a consumer, say you are retired and ask, "What does that matter to me?"

If your country is not investing in the new technology, if we are not building the new factories, if we are not creating the new machine tools, if we are not investing and producing the new computers, you are not going to have the products to buy.

Instead, Japanese and German consumers are going to buy more modern products at less cost. So if you want cheaper products, you want a lower cost of capital. If you want more jobs paying higher salaries, you want a lower cost of capital.

Now let me carry you back to the question of cutting capital gains. There is a bill in the Senate today which we sent over from the House. It passed by a big margin. It is a capital gains tax cut. It will encourage people to invest in savings, to invest in new jobs, to create the jobs of the future.

As I said earlier, the study done at the National Center for Policy Analysis is very, very clear. It outlines the creation of 750,000 new jobs, of $30 billion a year in increased gross national product, and that is a tremendous improvement.

What does it cost? It is actually increasing revenue to the Federal Government, because it actually creates an environment in which more people are working, paying more taxes, doing more of the right thing.

In fact, the net revenue effect is to increase revenues by half a billion dollars the first year, by $3.6 billion the second year, and so on out until over the period of the next 10 years it would add $61 billion in additional revenue.

Notice the difference here. Our friends on the left believe you have to raise tax rates to raise revenues. We believe you have to create more jobs, you have to increase incomes in order to raise revenues.

Now, if we end up, because the Democratic leadership will not pass the capital gains tax cut, and if we end up because of their obstinance having a recession, our liberal Democratic friends will rush in and say, in the tradition of the bureaucratic welfare state, the time has come to create public works jobs. We are going to need some public works jobs. That would be expensive and counterproductive.

□ 1200

Let me read into the RECORD an article by Warren Brookes from the Washington Times of February 19, 1987, which I think states devastatingly the case against bureaucratic welfare state jobs, and the case in favor of cutting the capital gains rate to create jobs.

Warren Brookes said:

Every day it becomes more apparent that the Democrats have learned absolutely nothing since they last controlled the Senate in 1980—and are still wallowing in economic absurdity.

Take, for example, Sen. Paul Simon, the Illinois liberal who now wants to reinvent the old Works Progress Administration, or worse, the more recent Comprehensive Em-

ployment and Training Act, to "create jobs."

Aside from the fact that this nation is now employing the highest percentage of its adult population not only in our history but in the history of all Western democracies (including Japan), every study ever done shows that government "job creation" is a disastrous hoax—both on the taxpayer and the unemployed.

The latest evidence of this comes from Congress's own watchdog, the General Accounting Office. The GAO analyzed the "Emergency Jobs Act of 1893" and discovered it cost nearly $4.5 billion to add (at the peak) only 35,000 net jobs to the economy between June 1983 and June 1985.

That's a total cost per peak job "created" of more than $128,000, nearly four times the roughly $33,000 it costs the private sector to create a full-time job. And by 1985 the new job level had fallen back to 10,000. Worse, less than 40 percent of those jobs went to people who were previosuly unemployed.

This means the $4.5 billion was spent to cut U.S. unemployment by less than 14,000—or an effective cost per unemployed person actually aided by this program of about $325,000.

Since the whole purpose of the ridiculous EJA program was to relieve the nation's then (March '83) very high unemployment rate of 10.2 percent, it makes $650 toilet seats seem a bargain.

Last month, the nation's private sector created 448,000 jobs—without any congressional jobs program. That's 13 times as many as were created in the first two full years of the 1983 Emergency Jobs Act.

To put it another way, between March 1983 and June 1984, the economy created 6,930,000 civilian jobs, while the EJA created 35,000. So the private sector generated about 99.5 percent of all the new jobs—and as far as the unemployed were concerned, the EJA might just as well never have been enacted.

Sadly, the GAO, being a creature of Congress, and therefore increasingly political in its orientation, refused to say that Congress ought never again to pass such a ludicrous jobs act.

But that was the correct conclusion drawn by the Office of Management and Budget. OMB told the GAO that "the report's findings—that most of the Jobs Act funds were spent after the worst of the 1981-82 recession had passed and that few jobs were created relative to the total number of unemployed—are in line with the findings of [all] previous studies of countercyclical job-creation programs."

OMB went on to say, "a logical outcome of such findings is to recommend against funding countercyclical job-creation programs. We hope the final report makes such a recommendation."

Unfortunately, it didn't. Instead GAO blames all the failures of this EJA debacle on the failure to spend the original $9.029 billion fast enough. It moans about the fact that by June 1984 "only $3.1 billion or about 34 percent of the funds made available had been spent. . . . By June 1985, 2¼ years after the act's passage (in March 1983), about $4.5 billion had been spent, and about half the funds remained to be spent."

In other words, if we had just spent the full $9 billion in a big hurry, we might have generated 70,000 temporary new jobs instead of only 35,000, at a cost of $120,000 per job instead of $128,000. How absurd can you get?

To refresh your memory, by June 1983, when EJA started being implemented, the rapidly recovering U.S. economy had already created 1,764,000 new jobs in the six months since December—or nearly 300,000 new jobs a month. That's nearly 10 times as many every month as it took the EJA nearly two years to generate.

And by June 1985, when $4.5 billion had been spent and the net level of EJA jobs had fallen back to 10,000, the U.S. economy had created 7,411,000 jobs since EJA's March '83 passage.

Sadly, this awful boondoogle was the direct result of the Democrats' congressional victories in November 1982, when the party took 27 House seats and two new Senate seats. Immediately after that big victory, then-House Speaker Thomas P. "Tip" O'Neill Jr., predicted "the administration will soon be coming to us for jobs, and we'll give them to them."

Yeah, at $128,000 each. We should never have asked.

Warren Brookes' point is that the simple standard liberal Democratic Party line is: First, if you rely on the economy to keep going, even while you raise taxes, you fail to do the things necessary to keep the economy growing. Then when there is a recession, you decide we need a government-created bureaucratic welfare state jobs program. It takes 6 months to 1 year to pass the program. Then as the recession ends, we start to set up the bureaucracy to manage the program. Then at an extraordinarily expensive amount per job, we temporarily create bureaucratic welfare state, government jobs.

We are suggesting something that is a lot smarter. We are suggesting that it is time the Democrats learn from all of the changes in Eastern Europe. We are suggesting that what the Poles, and the Czechs, and the Hungarians are teaching us is that a bureaucracy does not work, the bureaucratic welfare state does not work, government-created economics does not work, that instead we ought to do what has been working for the last 7 years. We are suggesting that if the Democratic leadership in the House and Senate would simply pass the capital gains tax cut we could create these 750,000 new jobs that Gary Robbins projects in his National Center for Policy Analysis study. We could establish enough new jobs to increase revenues. We could then be in a position to avoid a recession, and we could compete better with the Germans and the Japanese.

We are going to talk a great deal more about this on May 19 in an American Opportunities Workshop which I am working with GOPAC to develop across the entire country, and that will be available to satellite television to anyone who has a down link, and we think in the American Opportunities Workshop on May 19 it will become even clearer that we could create jobs and avoid a recession by the right kind of public policy.

But for today I want to call upon the Democratic leadership to help us avoid a recession, to help us avoid unemployment, to help us avoid putting people out of work. We have a chance now to pass the capital gains tax cut. We have a chance now to do what is right for America, and I hope that the bill which is in the Senate will be brought up and passed, and that we will avoid the recession of 1990, which is avoidable, and which would be a Democrat congressional recession, by going ahead and passing the right kind of tax policy so that we are in a position as a Nation to compete with foreigners, to be active in the world market, to create new jobs, to create better savings, to create better investment, and to have more high technology consumer goods at a lower cost.

RECENT EVENTS IN NICARAGUA

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY], is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I very seldom use the device of special orders to discuss a matter, because as people should understand, special orders occur after that period during which the House has done its legislative business, and under normal circumstances, virtually nobody is here to listen anyway, and that is certainly the case here today. I speak not so much to a nonexistent audience in the House, but I speak simply for the record, because I think it is useful to have a discussion about recent events in Nicaragua.

I think the forces of democracy and freedom experienced a great victory in Nicaragua. I think that in many ways America and other regional countries got lucky, and we now have a second chance to build conditions in that part of the world which are in the interest of the United States as well as in the interests of people who live in that part of the world.

□ 1210

I also think it is useful to examine how it happened because it can perhaps be instructive when we face future dilemma of a similar nature.

Mr. Speaker, last year I was going over a book which was published on the 50th anniversary of the creation of the Rural Electrification Administration. Among the many featured stories in that book was a biography of Senator George Norris, who was one of the founding fathers of the REA. That biography listed a State-by-State history of his career in the U.S. Senate. For 1927, the entry of that biography read "Norris Leads Effort To Withdraw U.S. Troops From Nicaragua." Upon seeing that I asked my staff to get me copies of some of the news stories surrounding the debate in 1927, when this country for the second time, decided

to follow a policy of trying to use military force in Nicaragua.

I have a number of those old news stories here. One is headlined "Coolidge Explains Forces in Nicaragua." Given the fact that former President Reagan indicated many times that Calvin Coolidge was his favorite President, perhaps it is more than just coincidence that President Reagan also favored a military approach in Nicaragua.

I invite Members to examine these stories, some of which I will insert in the RECORD. I point to them to simply make the point that in the 60 years since that episode, the arguments about Nicaragua really did not change very much. In fact, the only things that have changed are the names. That history has been that when Nicaragua has a government we like, we propped it up with money or with the Marines, and often when they had a government we did not like we appropriated money either to send in our troops or to send in somebody else's troops. The result has really been that after 60 years of following that policy, up until very recently, we still had no policy to promote stability, and no effective long-term policy in the region. As a result, we had a great deal of anti-American sentiment which did neither America nor that region of the world very much good.

In fact, in many ways, over the past 60 years, we had gone backward, because governments that we were opposing 60 years ago may not have been to our liking, but at least they were not followers of an ideology which was foreign to our own interests and our own values. However, 60 years of relying primarily upon military action or military servants to keep Nicaragua tame, rather than tackling the underlying economic and social problems which led to the rise of potential revolutions, simply produced the kinds of hatred which made it possible for Marxists to exploit.

Therefore, until very recently there was still a war going on, and bloodshed finding its way into the headlines of our newspapers, virtually every day in that area. Our own country, until very recently, had been divided because our allies were not being matched by our actions, and we had not learned that we could intensely dislike a country's policies without making war against it.

Since military aid to the Contras began, the political right wing in this country has been telling the country that only they understood how to protect America's interests and America's values. However, the fact is that if we take a look at history, if we have an institutional memory, the fact is that many, many of the political right in this country were the very people who helped bring the Sandinistas to power in the first place. I remember in the 1970's, serving as a Member of this body at that time, I remember when the Carter administration was considering ending U.S. support for Somoza, who was then the reigning dictator in Nicaragua, because it was clear that Mr. Somoza had followed a policy which would deprive many of the citizens of his country of economic progress. He had jailed a number of very respectable Nicaraguan citizens, including some who later became leaders of the Contras. It was clear that he was going to fall. The question was, whether or not the plug would be pulled in time so that a constructive alternative to Somoza would wind up taking his place. However, the right wing in Congress said, "No." I remember having many conversations with some of those Members at the time. They told the Carter administration, "If you pull the plug on Somoza, we will block your Central American budget. We will block other Central American initiatives," and so the Carter administration did not have the votes for that kind of a policy. Eight crucial months went by. During that time the Nicaraguan Marxist alternative to Somoza left Nicaragua, moved elsewhere, took much of their capital with them. That resulted, in the end, in the Sandinistas being the only organized effective political force in Nicaragua as an alternative to Somoza. Somoza eventually went down.

Now, after that happened, at the request of people like Adolfo Calero, who later became one of the leaders of the Contras, American policy was to provide some forms of economic assistance, largely through the private sector. Eventually, Sandinista conduct became so unacceptable that the administration and the Congress felt that that was no longer productive, and that assistance was continued. Shortly thereafter, the Reagan administration began its covert war against the Sandinistas. It mined harbors, it secretly trained and overtly financed the Contras and covertly financed the Contras. In June 1986, the Reagan administration finally obtained the support in Congress for overturning the Boland amendment. They won the vote, and began to supply military assistance directly.

Most of the Democrats in this House at that time supported the Hamilton amendment. The Hamilton amendment called for a policy of working through regional allies to pressure Nicaragua into demonstrating conduct which was consistent with its original promises, conduct which was consistent with the needs of the entire region, in conduct which was consistent with the national interests of all the parties in the Western Hemisphere, including the United States .

I remember visiting Central America about 8 months later, and we had conversations with a number of leaders in Central America. I remember having an especially insightful conversation with a man who was the principal adviser to President Arias on foreign policy matters. President Arias of Costa Rica, and what he said to Members at that time was essentially this. He said:

> Look, the trouble with you Americans is that you often follow politics which cannot be sustained over a long period of time because they are only narrowly supported politically. They are not broadly supported on a bipartisan basis because they have too many elements within them that are divisive, and that means that we cannot rely on American policy to be consistent. We cannot rely on it to be clear. It changes every time administrations change.

And he advised Members to go home and eliminate the elements of American policy with respect to Nicaragua, which were dividing our country, so that we could reach a bipartisan agreement on a policy which could be sustained over a long period of time, a policy which would be worked in conjunction with our Central American allies.

□ 1220

In August 1987 it appeared that that was going to happen. The Reagan administration and the Democratic leadership in Congress worked out the rough outlines of a bipartisan approach to peace and announced it on August 5. But disagreements soon emerged afterward over a number of issues, deadlines, for instance, and other issues.

On August 7, 1987, the Central American Presidents signed a peace agreement based on the plan presented by President Arias of Costa Rica, a plan that called for internal dialog, an end to insurgencies, and for democratization, including free elections. The Democratic leadership in the Congress at that time strongly praised that agreement and urged that the United States support it. The White House walked away from that agreement.

On September 23, 1987, President Arias said the following:

> I think the military support for the Contras has been the main excuse for the Sandinistas to do all they have done in the past to abolish individual freedoms, to abolish pluralism, to make Nicaragua a more dictatorial society.

On November 9, 1987, President Reagan demanded that Congress approve $270 million in military and nonmilitary aid for the Contras. Later that request was scaled back, and the President threatened to veto any continuing resolution that did not provide military aid for the Contras, and that position was supported by a majority of the Republicans in this House.

On December 17, Vice President Bush said in regard to the Arias Peace Plan: "I have always had reservations about it."

Then on December 27, in what I believe to be a key turning point, Democratic negotiators on the continuing resolution, Members, including now Speaker FOLEY, Mr. Coelho, the deputy Democratic whip, Mr. BONIOR, myself, and a number of others, hammered out a compromise with the administration which enabled us to obtain a separate vote scheduled for February 13, 1988, to end military aid to the Contras. That compromise included a new suspension of military aid deliveries to the Contras between January 12 and January 19, 1988, so that the Sandinistas would come to the bargaining table with the Central American Presidents. That, in my view, is the event that gave us an opportunity to finally turn American policy around and turn the situation in Nicaragua around. And on February 3, indeed, after many, many meetings in this place, meetings organized by the gentleman sitting right here, the gentleman from Michigan [Mr. BONIOR], to hash out differences, to count votes, and to discuss ways to build coalitions that could hold over a long period, the House finally rejected President Reagan's request for $36 million in continued military aid. And I am proud to say that more than 80 percent of House Democrats opposed that aid request on the part of the President, and it failed.

Shortly thereafter, we began the policy which led to the successful culmination of events just a few days ago in Nicargua.

Now, in that debate on February 3, that key debate which ended all practical possibility of military aid to the Contras, I said some things which I want to quote today. What I said at that time was this:

Now we have a different option. For the first time in modern history Central America has produced a combination of leaders who are saying to the United States, "Try something different. Use us," they say, "to put pressure on the Sandinistas to stablize the area regionally rather than trying to impose your own will through techniques that are not working."

And I said at that time:

I say to my colleagues it is easy for the Sandinistas to explain why the gringos are against them. All they have to do is cite history. What would be much harder for them to explain is why their own Central American neighbors are against them. The Arias Peace Plan puts Mr. Ortega and the Sandinistas in a position where they will have to answer that question to their own society, and I think that that answer will be very convincing. The Arias Peace Plan requires much of the Sandinistas, it requires much of their neighbors, and it requires much of us. It asks us to cut off military aid to the Contras.

I then went on to say:

Let us by our vote today make it clear that this administration's—

Meaning the Reagan administration—

habit of relying upon the military option while giving short shrift to their other options is a deadend, and let us substitute in these coming months a policy of hemispheric pressure to try to bring both sides to the table in a search for arrangements which would assure the security of other countries in the region.

Then I went on to note:

Some of our colleagues are saying we don't want to vote because it puts the Contras out there, and since we supported them in the first place, we simply cannot leave them in the jungle to rot.

Then I simply mentioned that in my view there were many kinds of Contras just as there were many kinds of Sandinistas, that some of them were merciless mercenaries, brutal and corrupt, while other were simply 17- and 18-year-old kids, like some of them I had met in hospitals who had had their hands blown away or their faces blown away and faced a very bleak future.

Then I went on to say:

The fact is that regardless of how many of our colleagues want to describe it, further military aid at this point kills the peace process. Rejecting military escalation will keep it alive.

Then I said:

I urge my colleagues to support the peace process in Central America and vote no on the administration's request for Contra aid now before us, so that we can begin after 60 long years a new chapter based on a bipartisan coalition that will utilize the strength of our allies in the region to pressure Nicaragua for peace, that will assure the security of Nicaragua's neighbors, which will attack the root problems which led people to get sucked in by ideologies such as Marxism in the first place, namely, poverty, disease, concentration of land, education and opportunity in the hands of an elite few, and through an intelligent application of our resources, try to bring about a policy that can be sustained, not just through this administration but through a succession of administrations. We need continuity of policy. No policy is any good, regardless of how it may be viewed by policy planners here in Washington, if it cannot be sustained by the American people for a long period of time. President Reagan's policy cannot; the other policy we seek today can. I urge my colleagues to vote that way today.

That is what this House did. They voted to end the military aid to the Contras, and subsequent to that they voted a humanitarian package of aid to the Contras and they supported the cease-fire agreement. The Democratic leadership of this House also insisted on funding for verification to monitor the cease-fire accord.

Then on March 24, 1989, the congressional leadership and the Bush administration reached a bipartisan agreement on an approach which moved U.S. policy away from unilateral militarism to a policy of regional cooperation and regionally applied pressures for elections. Congress, on April 13, officially adopted that new bipartisan approach, although I would note at the time that some conservatives in the House strongly objected to it. One Member, for instance, on the Republican side of the aisle said at that time, "Nicaragua is lost. The hope of freedom is gone."

Well, the election of February 25 which Mrs. Chamorro won indicated that that was not the correct view of the future, and I guess all I would say is, thank God, that in the end, instead of the proxy war in Nicaragua that President Reagan wanted us to fight, the United States worked with our allies in this region to bring about the victory for peace and democracy that occurred this week. That occurred on a bipartisan basis because the Bush administration was willing to work with the Congress on a policy with a new direction which bore fruit.

□ 1230

To me, Mr. Speaker, the election in Nicaragua this week demonstrates what can be done when the United States works cooperatively with its regional allies in this hemisphere rather than inisisting on a policy which has no support but ourselves. The Sandinistas were able to withstand the pressure from the discredited Contras, but they were not able to withstand the full force of world opinion when that force was effectively applied through regional cooperation led by Costa Rican President Arias and in the end thankfully supported by the United States as well. In my view this vote is a vindication of the insistence of those in Congress and elsewhere who fought for so long for a policy of regional cooperative pressure rather than unilateral military confrontation, and I think that people such as the gentleman from Indiana [Mr. HAMILTON], Speaker Wright, the gentleman from Washington [Mr. FOLEY], our Speaker, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, the gentleman from Michigan [Mr. BONIOR], the majority deputy whip, the gentleman from New York [Mr. MCHUGH] and many others on this side of the aisle, as well as many others on the Republican side of the aisle who supported that new constructive approach, can feel very good about what happened in Nicaragua this week.

Mr. Speaker, I just have two other points to make.

I noticed a statement by President Ortega on television last night which I think was exactly correct. He said this, and I congratulate him for the statement. He said, "The important thing is not who won the election, but that the election did take place," and I think that is absolutely the correct view, and I congratulate President Ortega for indicating that he will comply with the results of that election. I hope that he intends to comply fully with it.

I would also hope, Mr. Speaker, that the American policy from here on out would be the immediate, total disband-

ment of the Contras, the reintegration into Nicaragua of those who want to return, and I would certainly expect that they ought to be immediately disarmed so that they cannot in any way provide an impediment to the transfer of power in Nicaragua.

The Nicaraguan people are to be congratulated because they participated in and conducted an election under difficult circumstances. They have a right to have their judgment carried out, and I am sure that we all fully expect it will be.

I think this has been a very tough chapter in the life of the American political dialog, but I think in the end it has come out the way it needed to come out, and I think it is important to understand why, which is why I have taken the time that I have taken today.

Mr. Speaker, at this point I would simply yield the remainder of my time to the gentleman from Michigan [Mr. BONIOR] who has played an incredibly key role, in my view, in slowly, but surely, bringing around American policy to one which in the words of a newspaper headline that I saw today represents American fundamentals of fair play, and I congratulate the gentleman for the very key role that he played in the entire chapter.

Mr. BONIOR. Mr. Speaker, I appreciate the gentleman from Wisconsin [Mr. OBEY] yielding to me, and I also appreciate his kind remarks and his, I think, superb analysis of what has transpired over lo these many years that we have engaged in this very, as he correctly labels it, difficult dialog in the United States over this issue, this contentious issue.

Mr. Speaker, I had the honor of being in Nicaragua this past weekend. I was asked by President Bush to be part of the Presidential team to monitor the elections, and, after that fell apart, President Carter was gracious enough to ask me to go down and be part of his monitoring team, and I want to share with my colleague and with my other colleagues who may in fact be listening the wonderful experience we had, those of us who monitored the elections this last weekend.

My colleagues, it was just amazingly gratifying to watch 90 percent of the Nicaraguan people come to the polls, stand in the Sun for up to 2 and 3 hours to cast their ballots in secret and to watch almost a flawless election being held where there were in small little village libraries and huts tables the size of the one I am speaking from with members of the FMLN, the Sandinista front, members of UNO, members of the Christian Democratic Party cooperating, counting ballots, processing people through, and then, of course, having it all turn out to be a free and fair election, and having the losers yield and those responsible for assuming power in the next couple of months providing the proper segue to a peaceful transition.

Two years ago, after the Congress finally cut off all United States support for the Contra war in Nicaragua, President Reagan declared, and I quote:

> Those who led the fight against our package of assistance to the democratic resistance cannot escape responsibility for what followed.

Well, Mr. Speaker, what followed was I think culminated last Sunday, but more than the elections, an election process followed. What followed was release of all political prisoners. What followed was a rapprochment with the Catholic Church and the government. What followed was the opening up of radio stations, television stations. What followed was the creation of an electoral commission that conducted one of the fairest elections that I have ever seen. What followed was a whole series of openings within Nicaraguan society for free speech, for reconciliation. What followed was the putting together of the Catholic Church, the government and the opposition and the reconciliation commission. What followed was probably one of the most important assemblages of Presidents in Latin American history that was put together by Oscar Arias, an assemblage of Presidents who will go on and deal with other problems that are outstanding.

Mr. Speaker, Nicaragua certainly is not completely settled, and we have got, of course, the El Salvador question yet that we will be discussing. I am sure, in heated debate here on this floor over the next 8 or 9 months.

What followed though ultimately was free and fair elections, and what followed was something that I think very few of my colleagues, let alone my Republican colleagues, but I think a lot of my Democratic colleagues thought would happen, and that would be the Government of Nicaragua yielding power at this point in a very gracious way.

The gentleman from Wisconsin [Mr. OBEY] quoted Mr. Ortega when he said, "What was important was that we had elections, not who won." They are prepared to be the opposition, and they will be a formidable opposition. They will have about 40 percent of the seats in the national assembly. They have a well organized political structure, and I suspect that they will play an important role in the life of Nicaragua for many, many years. They have also, I think, undoubtedly provided themselves with the credibility that they need to be a viable player, not only in their own country, but within the hemisphere, by their peaceful transition, which is to date going reasonably well.

What is really so startling about all this I suspect is that this has basically been the first free, decent, fair election they have had in Nicaragua in this century, and we can take, as my colleague said, great pride in the fact that those of us on both sides of the aisle, we had many people oppose the policy that DAVID and I have advocated on the Republican side of the aisle, but recently, with this new administration, we were able to come together and embrace the regional approach, embrace the diplomatic approach, embrace the idea that working together we could resolve this thing without killing an additional 30,000 Nicaraguans, the toll which this very sad war has taken on those very fine people.

□ 1240

We did it, and it worked. We resolved it at the table. We resolved it talking to each other and we ought to take great pride in that.

I want to take this opportunity to commend not only my colleague, the gentleman from Wisconsin [Mr. OBEY] for the constructive role that he has played, lo, these many years in the face of some very partisan and some very difficult attacks that we both have taken, but Speaker Wright, who I had the pleasure of flying down to Central America with last week and the role that he played and the difficulty that he confronted over this issue in the 2 years that he engaged not only the Reagan administration, but virtually the whole political opinion of the American press on this issue, aside from a few exceptions.

I want to praise President Carter for the constructive role that he and President Baena Soares of the OAS played not only in monitoring the election, but in going to the Government of Nicaragua at crucial times, three and four times during the electoral campaign over the last 6 months, and getting the press open, getting more access for television coverage for the opposition, making sure that the rallies that were held were peaceful. After that one incident they had in Masaya, there were something like 60 peaceful rallies held right up until the end of the election without incident. President Carter played a tremendous role in arranging that.

I want to commend the United Nations for the role that they played, the OAS for the role they played in monitoring and the role they both will continue to play as we demobilize the Contra forces.

I want to commend President Carter in providing the leadership on the evening of the election in bringing together Mrs. Chamorro and Mr. Ortega and trying to set the tone, the tenor of the atmosphere for a peaceful transition. He was shuttling all night without sleep for 2 days between the campaign headquarters of both parties, working out the details so that we would have indeed a peaceful transi-

tion. So he has served this country very well, and I was very proud to be a part of his team.

Let me also say a good word about President Bush, Assistant Secretary of State Aronson, and Secretary of State Baker. President Bush was very supportive of President Carter's efforts in playing the role that he did in Central America, and that is not an easy thing to do when you are President, to say to someone who has served in that office before you and who is of the other party that they indeed did play an important role, but President Bush did it and I commend him for it.

I commend the flexibility that Secretary Aronson has had on this issue since he assumed his responsibilities a year ago and, of course, that of Secretary Baker. We will be meeting with them as we have in the past on this bipartisan accord we have put together, and I am hopeful that they, this administration, will yield to the advice not only of President Carter, but Mrs. Chamorro and Mr. Ortega, that the Contras demobilize and demobilize now.

The reality, Mr. Speaker, is that they really never had much support in Nicaragua. Even the Uno people that I have talked to over the last several months, talked to in Nicaragua, all the surveys and the polls indicate that not only were the Sandinista people discouraged and disgusted with the Contra forces, but indeed the opposition felt that they were not helping, that they were a hindrance to the process; so they ought to go home. They ought to take up the opportunities that will be available to them to integrate back into the Nicaragua society and play a useful role in the new development of their country.

I hope in that connection that the remaining aid in the pipeline that we have provided will be funneled through the CIAV, which is the bicameral group of United Nations and OAS people who are trying to provide for the transition and the demobilization of the Contra forces. That has been the recommendation, I believe, of President Carter and I think accepted already by Mrs. Chamorro and, of course, it has been accepted by the Ortega government.

Finally, I do not know if this is the right time, but since I have my colleague here on the floor, I will venture some observations about the future in terms of aid. This is one challenge I do not envy. The gentleman in the well [Mr. OBEY] has one of the most difficult challenges, it seems to me, that any legislator in postcold war politics, if I could use that phrase, could ever have, and that is looking at our foreign aid needs and our resources and trying to match them with the reality of where we are. The world has changed in a tremendous way, as everyone recognizes. Who would have thought a year ago that the events of Central and Eastern Europe, the events in the Soviet Union, the events in South Africa, of course, would have transpired, and in Central America, but they have, and they have altered indeed the political equation.

Very recently President Havel of Czechoslovakia spoke to us from just above the well where my colleague, the gentleman from Wisconsin stands, and said that we are moving away from a bipolar world. Indeed, we are moving away. I do not know where we are moving to and I do not think anybody knows where we are moving to, and it is a little unsettling to have everything in flux and really not knowing exactly where we stand vis-a-vis each other; but nonetheless, the sense is that it is in a positive direction, that it is away from communism, that it is moving toward democracy and freedom, that it is moving toward open markets and the sense is very optimistic and hopeful.

The scourge of the nuclear age is sort of being lifted very slowly and very gently from the shoulders of all of us who have grown up with it, and it is a very wonderful thing. Speaking for myself, I cannot say that I felt as good about mankind as I have in the last several months, recognizing still the dangers that are potentially out there and the problems ahead; but nonetheless, we have to decide, all of us, and particularly the gentleman in the well, how we are going to deal with the needs of the Third World, the needs of the central European nations, and how we are going to divide up that pie.

I would just make several recommendations right now, for whatever they are worth. I have tried to give this some thought over the last couple days. I think we ought to go very, very slowly on aid to the Central American countries, particularly Nicaragua. We ought to wait and see who is in place, who has responsible positions within the new government, but I think that does not mean we ought to isolate ourselves and move away from the problems of Central America or Europe or the rest of the world. We are a major power. We have to be engaged. There are things we can do immediately in Central America and I think we ought to do them.

I think, No. 1, we ought to lift the embargo. I think that is necessary and I think in fact that will have a very important impact on the economy of Nicaragua, perhaps as much as any aid package we will provide them.

The second thing I think we ought to do is work as hard as we can within the international lending institutions to make sure that indeed the funds that are available reach that country. There will be much demand on those funds, as my colleague knows, but it seems to me that the Nicaraguans ought to be able to share in that funding and share in it soon.

The other thing I would recommend, of course, is that we give them most-favored-nation trading status.

I think the fourth thing is that we allow them to participate in the CBI, the Caribbean Basin Initiative.

Let those free market forces go to work without any massive aid package happening over the next week or 10 days or a month or 2 months, and let things settle down and let us see where we are. If indeed we have to fashion a package, as I suspect we will, let us be careful in how we allocate the dollars. We have had a long and unfortunately sorry history of providing aid to Nicaragua and having those dollars disappear in Swiss bank accounts and other accounts around the world. We ought to be very slow and very careful and very pointed at where we want the dollars to go.

□ 1250

My colleague, the gentleman from North Dakota [Mr. DORGAN], was a very integral part of putting together, during this debate over aid to Nicaragua over the last couple of years, a children's aid package, and that is the type of thing that I think we ought to focus on, what are the needs of the people of Nicaragua, medical needs, nutritional needs, what segment of the population needs them the most, and children's aid packages, things of that type, things of that nature, things that are targeted, I think, we ought to be looking at instead of just granting massive amounts of United States dollars into the country, because as my colleague knows, the line is very long. There are the Panamanians, the Salvadorans, and about a million, 3 or 4 a day, and we are going to have the Poles, the Hungarians to whom we will be giving, and we are going to have, of course, the Romanians and everybody is in line.

Mr. Speaker, I am concerned, quite frankly, about us playing a role in world affairs and financially, but I am also concerned about us as Americans getting our own act together. We really have borne the brunt, it seems to me, of vigilance, of being watchful for 45 years, 50,000 troops in Japan, 40,000 troops in Korea, hundreds of thousands of troops in Europe with a tremendous, tremendous price tag. We have provided an exorbitant amount of money, from my perspective, for defense, and we have done that at a cost.

The cost has been the taking care of the basic human resource needs of our own people, education needs, and I am not going to recite all of the educational needs that are yearning for attention in this country or the needs in terms of retraining or the whole reinvestment question that is clearly

before us, but we have got to start looking inward somewhat.

That does not mean we have to divorce ourselves completely from our important position as a world leader, but it seems to me that it is going to be difficult for many of our colleagues here to tell our workers and our students to get in the back of the line while we usher into the front of the line the Salvadorans and the Nicaraguans and the Romanians and others. We can do this fairly and equitably, but let us keep in mind that our resources are, indeed, limited, and let us keep in mind the needs of our own people as well.

Mr. Speaker, I just, in conclusion, want to commend my colleague from Wisconsin for taking this special order and for his splendid leadership on this issue. This issue is not going to just disappear. It will hopefully fade quietly into a situation where we can devote more of our energies working together, both sides of the aisle, and on other foreign policy matters.

The most immediate, of course, it seems to me regionally, is how to deal with the question of Salvador and, of course, we will be discussing that many, many hours on this floor in the coming weeks and months ahead.

But the beauty of what has happened over the last 2 years, the beauty of the Arias-Wright proposals is that we have created a forum in which we can move on to Salvador, and what is so gratifying is that we have potentially created a situation in which we can move to Salvador and hopefully with the good work and good offices and the international pressure that was applied to the Nicaraguan Government, that that can be applied to the FMLN as well as to the Salvadoran Government so that we can reach some type of a resolution to that bloody conflict that has claimed over 70,000 lives over these past 10 years.

It seems to me that these countries are exhausted, and I think that one of the lessons of Nicaragua is just pure exhaustion. There is only so long, there is only so much grief a family and a nation can withstand, and people were willing to put their difficult period behind them, and they did it honestly and fairly and freely. For that, we can all be thankful.

With one last word, I welcome the cooperation of this administration and my colleagues on the Republican side of the aisle in moving forward to try to complete the peaceful resettlement of Central America by coming to some conclusion on the demobilization question of the Contras and then moving on to the more difficult question of Salvador.

Mr. Speaker, I thank my colleague.

Mr. OBEY. Mr. Speaker, I thank the gentleman very much for his comments.

I would simply like to say that I agree with his observations about the very constructive difference in tone and approach between the previous administration, which engaged in institutional confrontation with the Congress on this issue, and the Bush administration, with Mr. Aronson and Mr. Baker and others, who recognized that we had to move to a system of both institutional cooperation and regional pressure rather than unilateral militarism.

I would also say that with respect to his comments about the need to deal with our own problems, I think I agree fully with what the gentleman said. I think I would only phrase one thing differently. It is not that I want us to look inward. I want us to, in fact, play the largest possible role on the world stage, because I think we need to do that if our values are going to be projected and protected, if our economic interests are going to be protected, and if the interests of American working families are going to be protected on everything from trade to you name it.

The problem is that we are not going to be able to do that unless we do attend to some of our own problems. The Soviets have learned the hard way that they cannot project power over a sustained period of time if the economic base is weakening, and whereas after World War I and World War II we emerged from both of those wars in a stronger position relative to the rest of the world economically than we went into those wars with, at the end of this post-cold-war period, we are emerging, in fact, in a relatively weaker position than we were going in. That ought to tell us that we have a serious problem rooted, I believe, in the fact that the domestic investment we have made, especially the last 10 years as a share of our Federal spending, has been reduced by almost 40 percent. I am talking about investments in education. I am talking about investments in infrastructure, investments in science, investments in research, all of the investments that make us competitive and enable us to play a political, economic, and military role in the world wherever it is appropriate and wherever it is needed.

We have to make America No. 1 economically if we are going to keep America No. 1 in the world on the other range of issues that we face. I fully agree with the gentleman.

With respect to the question of financial assistance, I agree that we have to be very careful, because while we certainly need to recognize that investments in educational development and economic development can help avoid the creation of a situation in which investments in military expenditures to deal with the results of our neglect become palatable in the eyes of some people, while we have to recognize that, we have to also make certain that the dollars do what they are supposed to do, that they do not, in fact, wind up being siphoned off as so many others in the past have been.

I congratulate the gentleman and agree with him.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman for yielding, and I would first like to really commend him and my friend, the gentleman from Michigan, for their leadership on this.

As I stand here today, I have to confess that I have not been in the past a vigorous supporter of foreign aid, and I have often been very critical of it.

As I look into the future though, I have to confess that I think it is going to be important for us to play a stronger role in the future of Europe and also in our own hemisphere.

One of the things that I think would be important for all Americans to understand is that when we look at our total Federal budget, we spend a very, very small part of it on foreign aid. I do not know how many times I have been approached by constituents in Kansas, and they tell me, "All we need to do to deal with the deficit is to get rid of all of this foreign aid, all these giveaways that we have, and we will solve our deficit problem."

□ 1300

I tried to point out to them that out of that $1.2 trillion Federal budget that we work with, somewhere in the neighborhood of $18 billion is in foreign aid. So it is a very, very small part of our overall Federal budget. I think we need to keep that in mind.

One of the things that I would further observe is that President Harry Truman following World War II in putting together the Marshall Plan challenged this country to make the kind of investment in the Marshall Plan and the reconstruction of Europe that today would be equal to somewhere in the neighborhood of $50 billion.

Now, this was in 1946, 1948, after the Nation had just gone through an incredible war where thousands of our troops had died. Yet President Truman had the vision to challenge the American public to make that commitment to rebuild Europe.

I would just hope that as we approach Central America following the events of the last few days, that our leadership in this country would have some of that Truman-type vision.

I would point out that it would be a terrible shame in light of the role that this Government has played in the changes in Central America, and particularly in Nicaragua over the last 10

years, if we at this time failed to fill any vacuum in terms of economic assistance that is created by the Soviet Union and the Eastern Bloc pulling out. I think that we as a country have a fundamental moral obligation in light of what role we played in the demise of the Sandinista Government to make sure that we do not leave them in the lurch. I think it is important for us to make a commitment to at least help that new government to a level equal to what they had previously received from the Soviet Union and the Eastern Bloc if they pull their aid out.

Mr. OBEY. I would simply respond to the gentleman by saying that I certainly agree. We do not want to leave anybody in the lurch. I would, however, draw attention to several important considerations with respect to President Truman.

No. 1, when President Truman proposed the Marshall Plan, he proposed it within the context of a balanced budget. The difference between President Truman and the situation in the last 10 years is President Truman paid his bills.

Second, President Truman proposed the Marshall Plan within the context of a domestic economic policy which was providing an expanding economic horizon for America's working people.

The Government in those days was seen as being on the side of working people, because it was providing assistance for new housing and for people just back from the war. It was providing assistance to educate people through the GI bill. So it was seen as the people's helper.

Today Government is wearing a Gramm-Rudman green eye shade. The accountants rule the world. Unfortunately, computer runs seem to be more important that Washington policy.

It seems to me if we want to provide the kind of assistance that may very well be needed around the world, the way to assure we can do that is to build the strength and staying power and the expansive power of our own domestic economy, something which has sorely been neglected over the past decade.

Mr. SLATTERY. If the gentleman would further yield for one brief observation, President Truman left office with a very low public approval rating. I think he saw the Presidency as a power to be used to advance the overall common good of this country and was willing to really spend his political popularity to achieve that end.

Unfortunately, today I have to conclude that political popularity among some is seen as an end in itself. We sorely lack that kind of visionary leadership that will help this country make the tough choices it needs on the budget and other areas to advance the common good.

Mr. OBEY. I agree with the gentleman. I noted this morning in discussions with Secretary Baker that one of the frustrating comparisions to me is that at a time when politics has been ennobled by the actions of so many in Eastern Europe who risked virtually everything for the sake of real progress for their countries, at the very same time all too often in this country politics is being trivialized by an inclination not to take risks, an inclination not to present people with challenges, as opposed to palliatives.

I think in the end the American people would pay the highest price of all if that is not changed.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Thank you very much, Mr. Speaker. I was intrigued with the last discussion because my colleague, the gentleman from Wisconsin [Mr. OBEY], talked about challenges and not being afraid to accept challenges in public life and so forth.

Today Mr. Speaker, I want to talk about a challenge that I think our country has that is really unfulfilled, and that in many ways we ought to be somewhat ashamed of ourselves as a nation, and that is that we have this crisis in health care, one of the anchor issues for American people that we have today.

Mr. Speaker, today we have 37 million Americans who have absolutely positively no health insurance. Most of these people work. We have about 40 million Americans that have extremely inadequate health coverage. In other words, those who are lucky enough to get any kind of a policy have inadequate coverage.

We were talking about our friends from other countries such as Western Europe. This problem is virtually nonexistent in all other leading nations, except South Africa. So of all the countries in the world who consider themselves industrialized, we and South Africa are the only ones that do not have comprehensive health insurance for every citizen.

We know that almost 88 percent of the uninsured Americans are either workers or live in families of workers. One-third of the children in this country have absolutely no access to health insurance.

We also know something else that is very interesting to me, and that is that with all of these gaps, with all of the people not covered or covered inadequately, we also know that we spend more than any of these industrial countries on health care; 12 percent of our gross national product is spent on health care. Canada spends about 8.5 percent, and they have comprehensive coverage, our northern neighbor. West Germany spends 8.1 percent of their GNP on health care. Japan spends 6.7 percent of the GNP on health care.

We have to ask ourselves why this takes place. Why do we pay more? Why are the American people paying more for health delivery and why do we have so many without it and why do we have such inadequate coverage?

As an example, in 1986 the United States spent 43 percent more in per capita health costs than Canada. The United States spent 87 percent more per capita than West Germany. The United States spent 132 percent more on health care per capita than Japan. And we do not have comprehensive coverage for all of our citizens.

In addition, the United States has one of the highest infant mortality rates among the industrialized nations, at 10.6 deaths per 1,000 births. This is 28 percent higher than West Germany, 32 percent higher than Canada, and 93 percent higher than Japan.

You can count the number of Americans on one hand who have coverage for long-term health care, that is home and community based care benefits and nursing home benefits. The fact is we have 8 million Americans of all ages who are in need of what we call long-term care, and yet we have no policies essentially to cover that.

Most people who are middle-income people, moderate-income people, even wealthy people, can hardly afford the cost of nursing home care.

If you have a loved one that has to be in a nursing home for a period of time, you are likely to lose everything, because the average quality nursing home care costs about $25,000 a year. So what has happened is in terms of long-term care, we have our families that try very hard to take care of that loved one, and have a very difficult time doing it.

□ 1310

We have so many people, for example, in this country who have diseases like Alzheimer's disease, and trying to get an Alzheimer's patient even in a nursing home, if you can afford it, is very difficult to do.

We have many families with children who have chronic problems. If they had some home health care services, they would have the ability and access to take care of that child.

Today, we have 70-year-old children taking care of 90-year-old parents because the fastest growing population, which is the good news in this country, is people over 85. On the other hand, it is very, very difficult to take care of that frail and elderly parent. So what is happening is we are having an increase, a dramatic increase in the area of child abuse and elder abuse

and so on because for one reason, families just simply cannot cope with the problems of taking care of their loved ones, and unintentionally, unmaliciously sometimes engage in abuse because of the stress involved.

We have in this country very little prevention in our health policies. For example, we do not have well child care programs or child vaccination programs covered in the policies. We have very little cancer screening, if any, covered in our policies in this country, whether they are public or private policies.

Take, for example, the mammogram coverage which I have tried to get folded into Medicare for a number of years. It was folded in and then we took it out, in our great wisdom, which is absolutely, in my judgment, reprehensible. If we take that and say gee, why do we not do that when we could save lives and save a lot of money. If we give an individual, mostly females, a mammogram and catch the breast cancer at an early stage, we are bound to save that person's life, and that person has access usually to complete recovery, and it costs less than $10,000. We know, for example, that the cost in 1985, the economic cost to the United States for breast cancer was $128,000 per death, and yet we do very little in terms of cancer screening and mammogram coverage or prostate screening for men, which is a very common disease for men in this country.

So we are in a state of crisis. In my own home State of Ohio, for example, we have a million people without any access to health coverage. The insurance rates, however, went up about 130 percent in the last year. People cannot afford to pay for health care coverage, and yet we refuse, we absolutely refuse to deal with this problem comprehensively.

I have been very, very privileged in this body to serve with an individual who I consider one of my mentors, who I think was one of the absolute greatest public figures our country has ever known, the late, great Senator Claude Pepper, who dedicated 50 years or more of his life to public service. He just died last year at the age of 88. He had, among other things, one unfulfilled dream, and that was that each and every American, like their Canadian brothers and sisters, and the English, and the French, and the Italians, and the West Germans, and the Japanese, and other industrial countries, like them, he had a dream that every American ought to have a right to comprehensive, not just substandard, but comprehensive health insurance. We have what we call the Pepper Commission, and there are 15 members who were appointed by the leadership of the Senate and the House and the President of the United States last year. Claude Pepper was our chairman of this Pepper Commission, which is what we call it today. This is a bipartisan commission of 15 members with 6 from the House of Representatives, 6 from the Senate, and 3 from the private sector. I happen to be the only female on that commission, and maybe I bring, who knows, a slightly different perspective to the commission. I hope it is a positive perspective. But as a member of that commission, which Claude Pepper chaired before he passed away, I am charged and we are charged to look at the problems, the crisis of health care in this country. What do we do about the people who have none? What do we do about the substandard quality of coverage that we have today, and what do we do about the fact that we have absolutely no long-term care policy?

I think it is time, Mr. Speaker, to toss in the towel. I think we ought to acknowledge that we are having a tremendous crisis, and that we have not compared to the other industrialized countries. I think for the sake of our national security and the quality of life of our people, for the sake of competitiveness, how can we expect our people to be competitive in a global economy if they cannot even take care of their health needs? For the sake of all of those areas, I am introducing today a comprehensive health care bill that will cover each and every American from the cradle to the grave. The structural centerpiece of this comprehensive national health insurance bill is the Canadian model. We allow the administration of the bill to be administered, which by the way helps eliminate a lot of costs when we do it this way, administered by the Federal Government, but allows the States, and this is the difference, allows the States to have the leverage of having the private insurance companies bid on the plan, with the high standards that are in my bill, because I am convinced that most health coverage is extremely inadequate and extremely biased. But the States could then deal with the private insurance companies. They could bid on the plan, and we would keep the insurance companies alive in this country and have that private sector involved.

What does the bill do? It offers all kinds of usual services such as hospital care, surgery. It offers inpatient and outpatient care that we have come to know. It offfers diagnostic and screening tests. It offers prenatal and well baby care for infants. It offers something that I think is the root cause of a lot of problems, a lot of physical and mental problems in this country, it offers treatment for alcohol and other drugs. If a person is not treated for alcoholism, they are bound to have a liver problem or bound to need some kind of surgical or other types of relief for the problems they have. We ought to treat that. We ought to have that covered in health insurance. It offers mental health treatment. It offers treatment for hospice care. It offers preventative care services, including basic immunization and well child care, and postnatal care and physical exams, and hearing and vision screening, and developmental screening.

It offers something that we have not done enough of in this country. I heard my friend, the gentleman from Wisconsin [Mr. OBEY] talk a little bit about this. We do not offer to any great degree research for trying to find a cure for some of these diseases. Alzheimer's disease is a good example. The scientists and the individuals who understand cell formation are on the verge of understanding why an individual's cells trigger in the wrong direction, and yet we have very little money for that research for Alzheimer's. We do not even have a nickel, and listen to this, because to me it is unbelievable that we have every year 42,000 women who die of breast cancer. During the cause of the Vietnam war, which lasted about 10 years, we had very tragically 53,000 men and women who died in that war, and in that same period we had 342,000 women who died of breast cancer.

□ 1320

And we do not think that is an epidemic in this country. Twenty years ago, 1 out of 20 women died of breast cancer; today 1 out of 9 dies of breast cancer.

Again, 42,000 this year are going to die of breast cancer.

Do you know there is not a single nickel of research on a case-by-case basis that is done in NIH for this dreaded disease? There is very little done about prostate cancer that men very often get, and so on.

Would it not be wonderful in this country if we had a vaccine against cancer? Should that not be our goal? Yet there is very little money in the budget for those areas.

So my bill triples the amount of research for these dreaded diseases. Let us find a cure for these diseases, and then we will not have all the costs that we have relative to these terrible health needs of our American population.

So people will, of course, inevitably ask, "How are we going to pay for this? All right, Mary Rose, you want to deal with comprehensive coverage and long-term care"—which I want to mention very briefly because I did not say too much about that, before I get into the cost.

Long-term care is a critical need that people have. The bill that I am introducing would also cover home health care, home nursing care, homemaker services, heavy-chore services.

The average family is the one that takes care of the person for a long period of time. Yet we do not have

congregate services for our people to deal with that.

Respite care, mental health care, medical equipment that families need, therapy, drugs, biological supplies for use at home. We do not have a policy for skilled nursing home care coverage in this country. My bill would allow up to 6 months of nursing home benefits because the average person has to give up and lose their home and everything else when they want to see a loved one who needs nursing home care in this country. How are we going to pay for this? We pay right now about $193 billion for health needs in this country; the average person or their employer pays $193 billion for health care. Yet we do not have it for 37 million people and we sure do not have it for prevention. We do not have a high standard of coverage either. We sure do not have long-term care.

To cover comprehensive health care, allowing the private insurance industry to participate and long-term care and prevention and research in my bill—and there is no smoke and mirrors about this—will cost, admittedly, $258 billion. So there is a gap of $60 billion in terms of what we could recapture and what we still need to go.

Let me just give you a couple of ideas on how we do this.

First of all, when you have one source administering the program, you immediately, with the single-payer system, you immediately save $24 billion. Believe it or not, the U.S. Government is more thrifty and does a better job of administering.

You have a simplified claims process. Medicare patients, interestingly enough, 98 percent of the patients who file a claim get something back. That is not true of the private insurance industry, by the way. Yet the average insurance claim, 60 percent of the time you get your claim back and you get reimbursed. That is on an average.

Some policies have only a 9-percent claim return.

We would not have to pay for all the perks and the advertising and the buildings that these insurance companies build, the gifts that they give out and charge the consumer for and so on, because they would be confined strictly to health-care delivery, which is what they should be doing.

So we save billions of dollars by that route. We also save a lot of money by having prevention mandated in the coverage because, as I mentioned, for example, breast cancer, when you deal and give a cancer screening program for breast cancer such as a mammogram, and you catch cancer in the early stage, it costs us less than $10,000. If you do not catch it in the early stages, it costs up to $125,000. The average is about $65,000.

So we are going to save money relative to prevention.

The other area is, let's say, that once we cover people comprehensively, the other industrialized countries have learned something we have failed to learn, and that is that you reduce the costs, the percentage of the GNP for health care expenditures.

So here we are, we pay 12 percent of our GNP and have all of these inadequacies. Canada, for example, is about 8 percent. If we reduced our GNP percentage down to 8 percent over the course of a couple of years, in 1 year you would save $208 billion. If you went 4 percent down, which is what the Canadians have, their gross national product percentage for health-care delivery, and they cover their people comprehensively, then you would save $208 billion in 1 year.

I guarantee, my colleagues, I guarantee that if you deal with people comprehensively and you pay the high standard of coverage which includes long-term care, which includes prevention, which includes a standard that we can be proud of, not substandard care, but where you include everyone, including high-risk people who are now discriminated against very often by the industry, I guarantee you that if we do it this way, the way that we have it in the bill, we will save the American people a lot of money.

If that is the bottom line interest, I guarantee that the cost will be less for offering it to everyone comprehensively, with the avenues that I have in my bill.

I guarantee another thing; that is, we will finally be proud of ourselves, that we will not have people turned away from hospitals, that we will not have people such as the senior citizen from a middle-class suburb in my district who testified before our Committee on Aging that her husband committed suicide because he did not want to be a burden to her, because he knew she did not have the health coverage that covered long-term care and she would not be able to take care of him and afford to take care of him.

I guarantee we will have a moral high ground about how we treat our people. We ought to do that. We are the greatest country in the world. But we are painfully inadequate when it comes to health-care delivery, health-care coverage for our people.

So I am pleased to say that one of my fellow Pepper Commission members is going to be an original cosponsor of my bill. This is my proposition to the Pepper Commission. That cosponsor is also my colleague from my hometown of Cleveland, OH, Congressman LOUIS STOKES, who is the only black member, by the way, on that commission. He has done such a fabulous job for more than 20 years in this distinguished body.

Mr. Speaker, let us have a national goal for comprehensive, complete health-care coverage for every American and our country will not have to worry about whether we can be competitive. We will be on the road and we will have a healthy environment for all of our people.

THE WORST CITY GOVERNMENT IN AMERICA

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 30 minutes.

Mr. MCEWEN. I thank the Speaker.

Mr. Speaker, I appreciate the chance to follow up on some observations that I made earlier in the week concerning the difficulties that the capital city of Washington, DC, has in dealing with the local government.

Many of us have been very reluctant to be critical of the difficulties the city faces, such as drug control and other problems. In fact, many of us have volunteered at local agencies to try to do what we can to light a candle rather than curse the darkness, and have tried to be fair about what seems to be an increasingly deteriorating government establishment in the city.

□ 1330

However, in the brief little statement that I made on Tuesday concerning the capacity of the law enforcement officials to even maintain traffic flow, the response was more than I had anticipated. I, indeed, felt that with the range and unlimited extent that the leaders of this city had been willing to hurl not only at the Congress but the White House, pointing out that abandoned automobile under the interstate highway under the complete observation of two police officers in two separate cruisers and two towing trucks and the collective wisdom of everybody involved in that endeavor was not sufficient to move that automobile out of the interstate during rush hour, that somehow or another my pointing it out was not overly offensive. Yet local talk show hosts and city officials felt obligated to contact my office.

I came across an article written by the editor of the Washington Monthly, and he observed that traffic flow is not the only problem this city has endured in sometime. Jason DeParle points out in a recent article:

THE WORST CITY GOVERNMENT IN AMERICA

(By Jason DeParle)

If you came anywhere close to Washington, D.C. last year, chances are you heard about the ambulance crews. Poor fellas, they were just a bit disoriented. They kept racing out of the fire stations and losing their way, while their patients choked and bled to death. After driving to the wrong address twice, a rescue unit never did catch up with Victim Number Nine. He lay hemorrhaging for 40 minutes until his family quit waiting for help and whisked him to the hospital, where he died. As reports of the

lost ambulances increased, the fire chief got serious: he rushed out and bought his crews some $8.85 maps. And the department didn't exactly score a public relations coup when a 911 dispatcher told a distraught caller to "grow up."

Everyone knows that big-city governments are bad. But the real story in this: they're worse than you think. And they're worst of all for the poor, for whom city services such as public housing and public health care are supposed to offer a last defense against pure misery. In D.C., misery has won. The government's mismanagement is so complete that the passive sins of its inept bureaucracy surely rival any active ones of business exploitation as an oppressor of the poor.

In D.C., as in most big cities, the usual case against the government focuses on old-style sin and scandal: rumors of the mayor's drug use and mistresses, or the parole prospects of his former aides. But plain corruption, of which there's been plenty, is finally just a footnote compared to the quiet cruelty of the District's everyday bureaucratic incompetence.

A small sampler from recent months:

A murder victim died with 22 pieces of identification in his wallet. The city classified him as "unidentified" and sent his body off to be cremated. His family found out six months later.

And 88-year-old boarding home resident collapsed and died while covered with maggots and lice. Three different city agencies knew about the condition of the home but did nothing about it.

A drug dealer suspected of murder walked out of the courthouse after two clerical errors combined to set him free. When the police caught up a month later, he was wanted for four more killings.

The District may be pushing incompetence to its limits, but other big-city governments aren't far behind; remember the 61 Philadelphia rowhouses destroyed during the city's standoff with MOVE? The befuddlements of big-city government are not only tragic but ironic, given the zest for local government across the political spectrum. The right, seeking to get the feds "off the people's back," nurtures a vision of bolstered local powers. Mainstream Democrats, attacking the Reagan-era cutbacks, have presented big-city mayors as a more compassionate example of executive leadership. And for some liberal intellectuals, city government serves as the repository of hope for those activists who wanted to "empower" the people through "community development." But whatever the doctrinal allures, bureaucratic inanities block the empowerment of anyone besides the bureaucrats.

And money isn't the issue. Unlike the people it purports to serve, one thing the D.C. government can't cry is "poor." Attempts to say just how well-funded it is get complicated, since the District has responsibilities that elsewhere get divided between cities, counties, and states. But even studies that adjust for the District's unique status find plenty of money heading towards the till. Only oil-rich Alaska collects more tax revenue per capita. In crucial areas like public housing, the District has even been caught returning federal money it failed to spend. "We have enough money," says John Wilson, chairman of the city council's finance and revenue committee. "I think [the government's] just inefficient and incompetent."

As for what the city does with the $4 billion in taxes and federal grants it manages to retain, there are clues. They don't, shall we say, make us wonder how city managers can make ends meet. Anecdotally, there are stories like the one about the city paying $2.5 million to rent a building it couldn't occupy because it failed to give the builder the plans to finish the interior. Or Car GT897, a city vehicle parked downtown and forgotten for nine months, while transients slept inside it. (Who says the city doesn't care about the homeless?)

Any number of hypotheses arise to account for the lost car and empty building, but a lack of clerical and administrative staff is not among them. The District has the only child support collection agency in the country that consistently has spent more than it has collected. The city historically has spent about twice the national average to deliver a welfare check. Only one state hires more administrators per teacher. And the rival governments aren't exactly portraits of efficiency. To waste more money than the competition takes work.

If bad local government were simply a matter of waste, we could just rub our sore wallets and hold a legitimate grudge. Sure, the bureaucracy functions first as a jobs program for its employees and only secondarily as a government. Sure, civil service rules keep incompetent workers in, and strict residency requirements have kept lots of talented people out. But the point isn't that city workers get more than they deserve; it's that city residents get less, particularly those most in need.

There's no small amount of irony in this since the the leaders of most big-city governments sell themselves as friends of the poor.

"The ones everybody's saying all along they're doing for—they're the ones suffering the worst," says Wilson, who, like a certain Washington, D.C. mayor, has civil rights roots in the Student Nonviolent Coordinating Committee. "The elderly. The poor."

Somewhere inside Washington's public housing authority, she's #[redacted]. But her real number is eight. That's how many years have passed since 59-year-old Lilian Wade first applied for a place in public housing.

Back then Wade held occasional jobs as a maid or nurse's aide; now, after a heart attack, she gets by on a $359 monthly disability check. This, as you might gather, does not make her a majority player in the Washington real estate market. Wade has fashioned a solution: she splits a $427, two-bedroom apartment three ways, with two other disabled women. Wade sleeps on a fold-out cot in the dining room. But even with this variation of breakfast in bed, she spends more than half her income on utilities and rent. "We go to churches and get some canned goods," she said. "We get pork and beans. We don't beg."

But not far from Wade's home there's a familiar Washington sight: empty public housing, and lots of it. In some cases, entire courtyards of shuttered, silent brick. Some of the city's vacant apartments are scattered throughout occupied projects; others are part of whole buildings emptied for "modernization" projects and often forgotten for years. Together they account for 19 percent of the city's public housing—more than 2,400 empty, waiting homes. And it's not as though the District lacks the money to fix them up: In the past three years, the city has allocated about $100 million to modernize the apartments—so much that the housing authority can't figure out how to spend it all. A few years ago, the federal government got so tired of the District's decade-long failure to spend modernization funds, it finally stopped forwarding the money. At least Wade has shelter. Others aren't so lucky.

The District's mismanagement of public housing has a long and proud history. In 1971 auditors from the U.S. Department of Housing and Urban Development voiced their dismay over the "apathy" of the D.C. housing employees and the "despair" of the tenants. Those were the good old days. By 1987 the mayor's blue-ribbon commission on public housing argued that "the picture had changed . . . but not for the better." And those are the mayor's own emissaries speaking.

It's no easy feat to keep so many apartments vacant and vandalized when pesky budget officials start shoveling $100 million your way. A lesser agency surely would have fixed something, even if by mistake. It took teamwork—bad maintenance, bad inventory control, bad security, bad rent collection. One feeds on another, but the lion's share of the credit goes to maintenance officials and their staffs. Not only have they taken up to eight years to fix vacated apartments but auditors have found they ignore more than half the maintenance requests from those that are still occupied. These delays help guarantee that the apartments will continue to deteriorate, sometimes so extensively that the tenants flee. And there you go—another vacant apartment!

This perfection of service nondelivery is worth a closer look, for it illuminates not only the housing crisis but a force that animates the city bureaucracy more generally: a higher regard for employees' needs than for the needs of those they serve.

In 1986, just about the time the maintenance workers got this system really humming, Otis Troupe, the D.C. auditor, decided to have a look. Troupe works for the city council. Housing authority officials work for the mayor. Housing authority officials more or less told Troupe to stuff it. A barbed preface to his report says that they lied about data, failed to return his phone calls, and withheld documents. In an italics-in-the-original statement, Troupe called their behvaior "entirely unacceptable," which is what auditors say when they get really mad.

Troupe's audit is just one in a series of reports that tell better horror stories than Stephen King: Example: One way to handle bellyaching tenants is just to ignore them. The authority failed to produce work orders on 56 percent of the maintenance requests that the property managers wrote down, Troupe said. No telling how many never get that far. And Troupe had doubts about whether the work orders that were completed produced any work. And we're not talking burned-out light bulbs. In 1987 a federal judge found the complaints included such frills as a lack of heat and hot water. Housing officials, he ruled, "ignored and walked away from their responsibilities to public housing tenants."

After losing hot water for three weeks in 1985, the residents of one project lost cold water too. They carted back buckets from a private apartment building in order to cook and wash. The next year, The Washington Post told Eva George's story: In 1980 maintenance workers removed a radiator from her home, promising to bring a new one in a few days. Three years and no radiator later, a grievance officer ruled that the 13 code violations in George's home threatened her "life, health, and safety." When the Post

checked on the radiator three years after that, George was still waiting.

Well, as they say, if you don't like it, sue. But tenants have tried that too—Troupe reported that the authority hadn't fixed the faulty wiring in one apartment nine months after a court-imposed deadline. And who knows how long it took to get the case to court.

Unoccupied apartments: Housing authority guidelines say that minor repairs to vacated apartments, such as changing locks or painting the walls, should take no more than seven days; but Troupe reported that maintenance workers in fact took an average of seven-and-a-half months. Repairs involving more substantial work, like fixing broken floors, frequently took two years. Troupe said some apartments went unfixed for as long as eight years. The maintenance department, he said, was in a state of "complete breakdown."

Inventory control: In 1987, the housing authority hired a city policeman to check security in the warehouse. He spent an hour walking around it without security guards noticing and wrote a report concluding he "could have taken just about any property that [he] could carry out of the building." Apparently others have had the same idea. From 1981 to 1983, HUD reported, the city lost track of more than $300,000 worth of appliances. Closed circuit security cameras were installed in the warehouse—and stolen. In 1986, The Washington Post quoted comments leaked from a closed housing authority meeting in which the director said she couldn't fully account for $1 million worth of refrigerators and ranges.

Follow-up: So what happens after an epic struggle finally ends in a renovation? Often, nothing. The city spent $128,000 to fix up one long-abandoned rowhouse, Troupe reported, but eight months later, it was still empty. He cited "numerous instances" where renovated homes" remain vacant for months after completion," which subjected them "to vandalism and further deterioration."

For a look of our own, The Washington Monthly recently picked a random project for a visit. We met Wanda Wilson, who lives with her son at the Greenleaf apartments in southwest Washington. Her large kitchen sink has no legs, a two-by-four keeps it from taking down the kitchen wall. One pipe drips into a waiting bucket, and another simply falls out from time to time. When the woman upstairs does her laundry, she says, water leaks into Wilson's kitchen, so she listens for the machine and makes sure there's no food on the counter.

That's just her kitchen. Part of the bathroom ceiling is corroded, and part is simply missing. Wilson says she hadn't had heat for three years and uses her oven instead. After maintenance workers failed to fix her son's broken window for two years, she says, she broke into the vacant apartment next door, took one, and fixed it herself, "I think it's a lost cause," she says. "To the city, it's like I'm not even here."

With a record like that, you'd think the District had but a single Mr. Fixit, working his weary way through the city's 2,700 backlogged maintenance requests. But in fact it has plenty of hired help—more, literally, than it knows what to do with. HUD recommends one maintenance man for every 40 apartments; the District has one for every 26. "[T]he number of maintenance workers is more than adequate," stressed the blue ribbon commission report.

So what, then, is the problem? One thing this army of carpenters, plumbers, and custodians needs is a decent general. Instead they've seen more changes of government than postwar Italy, with too many administrative posts being filled by a leader named "Vacant." From 1983 to 1985, the housing authority went through four different administrators, including a six-month period with none at all; two deputy administrators, with the slot empty for 22 months; and four chiefs of management, including a year under an acting manager's direction. During that time, Vacant served as chief of maintenance for 23 straight months.

That's just the beginning of the bureaucratic bafflements. Troupe reported that the authority frequently dispatches its most skilled workers, such as electricians or refrigerator repairmen, to perform its least-skilled repairs—like setting circuit breakers, or pouring Drano into clogged sinks. "You have the wrong people in the wrong places doing the wrong things," says Glenda Sloane, who served as the blue ribbon commission's staff director. "You have skilled people doing yardwork."

Meanwhile, some maintenance workers report to the managers of individual apartment complexes and others report back to central headquarters. This leads both to confusion and "a clash of egos," says Calvin Gurely, the staff assistant for the blue-ribbon subcommittee on maintenance. Typical are fights between the foremen, who are mostly male, and the project managers, who are mostly women.

For all the broken toilets, missing sinks, or unheated apartments, there's one building that gets worked on rather often—the housing authority headquarters at 1133 North Capitol Street. Troupe's review of time sheets revealed that in 1984 and 1985, at least 15 percent of all maintenance workers' time had been spent fixing administrators' offices. And he noted that the authority's work records are so screwed up that many workers' days were unaccounted for, so the actual touch-up of H.Q. may have been more extensive. This demonstration of the bureaucrats' willingess to share the tenants' burdens comes with an ironic footnote: the housing authority doesn't own its administration buildings, another city agency does, and therefore its maintenance staff isn't supposed to work on it at all. But what are friends for?

Not that bringing the troops downtown didn't serve a function. Administrators got to see what it was that the maintenance staff was trying to maintain. "We have a very serious problem with some of our property staff with alcohol and substance abuse histories," said Madeline Petty, the authority's former director, in prepared remarks to her staff in 1985 obtained by the Washington Post. "It is widely reported that on some properties many of the maintenance staff drink or get high on the job. . . . There are instances of maintenance staff being personally involved with residents and showering those residents with extra maintenance services while other residents go lacking. And, some of these maintenance staff are spending time in these women's units when they should be working."

Drugs are one problem; illiteracy is another. One reason so many tenant complaints get ignored, the mayor's commission reported, is that many maintenance workers can't read the complaint forms. And a lack of handyman skills, which tend to be a good thing for handymen to have, is a third: "Much of the staff," the commissioners delicately put it, "lacks requisite skills or training." Alphonso Jackson, the authority's director, put it less delicately. After taking over two years ago, he told the city council that the agency was full of employees "who are not capable of doing their jobs," including boiler room mechanics "creating havoc in our boiler rooms" and a plumber "who knows nothing about plumbing, and he's been here 15 years." Jackson's now applying for a job in Dallas.

At least these shortcomings haven't held anyone back. The 1984 HUD audit found that about 80 percent of the housing authority's 337 maintenance men were "overgraded"—getting an electrician's salary, say, for taking out the trash. One foreman drawing top pay for supervising 27 people actually supervised two. The agency's two exterminators, HUD found, did no pest-control work.

While housing officials issue lots of vows to clean things up, the two words you're least likely to hear are "you're fired." Given union and civil service protections, "it is almost impossible to fire anyone regardless of how incompetent or nonproductive," the mayor's report concluded. Charles Goggins, then the housing authority's chief of maintenance, told the commissioners about a maintenance worker who went AWOL for 1,000 hours. He kept his job. "It was a lack of discipline from the top all the way down," said Sloane, the commission staff director. "It was an environment where people felt, 'You can't fire me, you can't do anything to me.' "

That's not to say that all city maintenance men are drugged-out dodos. Buried in the commission's report, there's a nice story about some of them. Daunted by the difficulty of scheduling a truck from the city motor pool, some maintenance workers used their own cars to move heavy equipment. And they did it without reimbursement for gas or wear-'n'-tear. A few years of toting refrigerators around in their car trunks must leave these people awfully demoralized. But not as demoralized as the residents of the city's cold, crumbling apartments, and the 7,000 people lined up to get in.

While the crisis in D.C. public housing has consigned Lilian Wade to a waiting list, it dumps others into the street. This, in turn, gives the city government the chance to add to the misery of another class of people: the homeless.

Exhibits A and B in this regard are two city-run shelters, Pierce and Blair. Just when it seemed that the wretchedness of the homeless had lost all shock value, Jack Cloherty, a local television reporter, showed that things can always get worse. Rats, scabies, lice, and urine-soaked mattresses are abundant at the shelters. Showers, sheets, towels, toilet seats and toilet paper are not. Pierce offers four showers for 170 men. Sister Ronnie Daniel, who works at Blair, says that that shelter offers none. But when Cloherty went to have a look, city workers threw him out. Daniel says the staff responded to one shower request by handing a homeless man a hose.

Well, well, money's tight, and in an age of government cutbacks you can't have everything. But the city spends $1.2 million a year to run the two shelters. This, as it turns out, may not buy much soap, but it buys a lot of employees—52 of them, in fact. Cloherty reported that Washington's church-run shelters provide a real night's sleep for about half the cost of the city-run squalor. Sheets and towels included. No rats allowed.

Cloherty presented the appropriate officials with the evidence and managed to

flush out a bureaucratic response priceless for its adherence to classic lines: "We've been trying as best we can with minor repairs to keep [shelters] up to a minimum standard of safety and comfort," said Virginia Fleming, deputy director for administration at the Department of Human Services.

Not that the city doesn't have standards where private shelters are concerned. Luther Place Church helps run nine different facilities for the homeless, including a medical clinic, emergency shelters, and group homes. The church pastor, John Steinbruck, chaired the D.C. Commission on Homelessness. Last year, city inspectors visited his church shelters and wrote up six pages of violations—citing such dangers to the dispossessed as "walkway has cracks" and 'rooming unit not numbered." Steinbruck says it cost the church $10,000 to comply. Perhaps this Clouseau-like application of magnifying glass to church sidewalk is what has delayed city inspectors from arriving at the city-run shelters.

The spending money pocketed by the 52 shelter workers—about $23,000 each if you divide it out—is nothing by the standards of homelessness magnates like Cornelius Pitts. Beginning in 1982, a series of, shall we say, generous city contracts to house homeless families pulled the Pitts Motor Hotel out of deep red and plunged it into abundant, lucrative black. By 1986 annual payments ranging between $1.3 million and $1.5 million had allowed Pitts and his wife to eke out an annual income of $245,000 in salary, benefits, and profits, reported Marianne Szegedy-Maszak in *The Washington Monthly* ["How the Homeless Bought a Rolls for Cornelius Pitts," July/August 1987]. The Pitts contract had a number of marvelous provisions, such as charging the city $97.07 per square foot for office space in a neighborhood of junkies and prostitutes while the city way paying only $15 for prime office space downtown. No wonder Szegedy-Maszak found Pitts tooling around in a $117,000 Rolls Royce and a $61,000 Mercedes-Benz.

The Pitts was less kind to its homeless families, who, city inspectors reported, hunkered down six-to-a-room in the midst of loose plaster, leaks, poor ventilation, holes in the walls and floors, no fire alarms, broken lights, bedbugs, roaches, and other insects. Given this bargain, DHS officials renewed Pitts's contract from 1982 to 1986 without even bothering to seek other bidders. A church organization down the street from Pitts offered the city better services for about 20 percent of the cost—$500 a month as opposed to $2,748. But DHS wasn't interested.

Pitts's cross-town rival, the Capitol City Inn, does things on a slightly larger scale, picking up $4.3 million a year without even a contract. In 1988 Otis Troupe reported that the motel's food service contractor, in just eight months, had overcharged the city between $500,000 and $750,000.

Given, among other factors, the mismangement of D.C. public housing, even these two motels can't accommodate all the homeless families in need of city help. So the city spreads the wealth around, paying landlords in D.C.'s poorest neighborhoods prices that would raise eyebrows in Georgetown. In the winter of 1987, the city rented 12 furnished one- and two-bedroom apartments in southeast Washington for $3,078 each a month; unfurnished one-bedrooms in the same neighborhood were renting for about $350. But the landlord did throw in some counseling services (including, one might hope, the counsel to go into business renting apartments to the city). Shopping around, the city managed to whittle down a nearby competitor to the bargain basement price of $2,661. But this time the city's apartment hunters had connections: the building was partly owned by the city's deputy mayor for economic development—a man, it seems, who practices what he preaches.

Given its size alone, there's probably no better sample of the D.C. government than the Department of Human Services. With 9,800 employees and a $1 billion budget, DHS accounts for about 25 percent of city spending. It accounts for a good share of city turmoil, too—with four directors in two years, DHS makes the New York Yankees look like a paragon of stable management.

Director Number One, David Rivers, resigned during a federal investigation into contracting irregularities. Director Number two, Byron Marshall, served in an acting capacity for six months. In the meantime, Marion Barry, a mayor whose passion for efficient government knows no bounds, cast his net wide for someone to put the department back on course. Instead, he got M. Jerome Woods, a California consultant whose earlier stewardship of the California social services department had provoked a legislative investigation into—that's right—contracting irregularities. Woods lasted nine months in the District, until the reporters discovered that he was using city money to buy groceries and pay rent for himself and his top aides. In the wake of the Rivers investigation, that was too much even for Barry and the mayor fired him.

The condition of the Blair and Pierce shelters gives one hint of the quality of DHS work. D.C. Village, the city's largest nursing home, offers another.

In January 1985, 88-year-old Wilhelmina Franklin froze to death at D.C. Village after getting locked outside on a 25-degree night. Two months later, 71-year-old George Spells was burned to death by scalding water in the shower. Just as revealing as the deaths was the city's reaction: the bureaucracy circled the wagons—insuring its own survival if not that of its patients. The city brought in a consultant to quiet the uproar, then bagged her when her recommendations proved too tough. DHS announced an investigation of the deaths that dragged on for almost a year and a half and then exonerated the nursing home staff. Plus the city sued the victims' families for hundreds of thousands of dollars to recover the cost of the "care."

Among the various adjectives that come to mind concerning the care of Franklin and Spells, "vigilant" does not arise. On the night she died, Franklin was missing from the 9 p.m. bedcheck. No one bothered to look for her. She was still missing at the 11 p.m. bedcheck. Well, let's see, where could she be? Franklin had a habit of wandering outside, especially in the cold, but no one bothered to check there. ("Hey, man, it's freezing out—you go.") By and by, they called the cops, who found Franklin's frozen corpse beside her wheelchair, 50 feet from the building. Ahh, so that's where she was!

The staff didn't have to go outside to check on Spells; he traveled right past the nursing station to a shower that nurses knew was spewing out scalding water. A month earlier, a maintenance foreman had told them that he couldn't get the part he needed to fix the boiler. They posted warning notices and began giving sponge baths. But Spells, who was confused, incontinent, and senile, continued to try to bathe himself. A measure of the nurses' lookout skills might be found in the fact thay they initialed the safe-and-sound box on his medical chart for hours after he'd been rushed to a nearby burn ward, where he died ten days later.

After two negligent deaths in three months, Spells wasn't the only one in hot water. Under fire, DHS officials stalled for time. Promising to discipline those responsible, they began an investigation that ended 17 months later with the conclusion that no one should be punished. Officials explained that sufficiently clear "policy and procedures were not in place."

At the suggestion of an advisory commission impaneled after the deaths, the city hired Sandra Casper, a Wisconsin nursing home consultant, to help set things straight. Casper poked around for a few months and delivered a stinging report. She attacked the facility's hygiene ("dry, caked residue on lips and chins * * * bloody drainage seeping through her knee sock over the top of her left foot * * *"). She faulted its supervision ("nurses were vague about who was in charge"). She found sanitation lacking ("pest and roach problems are persistent * * * pesticides * * * are often unavailable for months * * * fecal matter found on the floor * * * a strong smell of urine prevailed throughout the facility * * *"). She suggested that "TV was on for the staff's benefit, not the residents." And she found continued problems with, of all things, the boiler.

When Casper issued a follow-up report a few months later stating that little had changed, city officials had heard enough. Thank you, they said, and welcome back to Wisconsin. "She was a real embarrassment to them," says Anne Hart, the city's long-term care ombudsman. "They didn't like what she told them, so they got rid of her."

While the city decided it had no beef with the nursing home staff, it was less forgiving of the victims' families. Facing two negligent-death suits, the city sued back for $340,000—its view of what the nursing home care had been worth. City law allows officials to recoup the cost of indigent care if the indigents somehow leave estates—from insurance policies, say. To use the law to recoup damages the city pays for killing its patients was certainly a novel legal twist. City attorneys finally abandoned this approach and settled out of court, paying $85,000 to the Franklins and $98,000 to the Spellses.

That was two years ago. How are things now? In 1987 and 1988, inspectors found unchanged wound dressings, poorly kept records, peeling paint, a leaking ceiling, poorly labeled drugs, roaches, water bugs, and asbestos.

Well, these things take time.

Not every public facility can match the one-two, hot cold whammy of D.C. Village. But given the way city inspectors enforce the law, they're certainly free to try.

How's this for a year's work? In March, three children died in a rooming house fire; city inspectors had long known of serious fire-code violations, but let the house stay open. In July, a 65-year-old woman in a home for the mentally retarded died after setting a fire in her room; city inspectors had a long list of violations at the home, but let it stay open. Later in the year, police announced they were investigating reports that the owner of a day-care center had raped the pre-schoolers. Guess what? City inspectors had received repeated charges of

sexual abuse. And they let the day care center stay open.

There's more.

In the spring, police charged Weldon Ferguson, the operator of a home for the mentally retarded, with sodomizing a client. As you might have guessed, despite complaints of abuse from the patients themselves, the city let the home stay open. But this story comes with a twist: Among the patients was Wayne Smith, whose complaint of sexual abuse was taken so seriously by the city inspectors that they dashed off a letter telling him to call and arrange an interview. "Failure to respond to this letter will result in closure of the complaint," an administrator warned. Smith, who is mentally retarded, doesn't read. The result was "closure of the complaint." And another 22 months passed until a doctor discovered that another patient had been sodomized. Ferguson pled guilty in September to sexual assault. At least six residents of the home say they were sexually abused while city inspectors kept Ferguson in business.

Ready for one more?

In August, an 88-year-old resident of a D.C. boarding house collapsed and died after arriving in an emergency room while covered with maggots and lice; D.C. inspectors had documented the filth at the home but let it stay open. In fact, three different city agencies knew about the conditions there, documented them, and then did nothing. A social worker at George Washington University offered reporters this description of Doris Giovannoni's body when it arrived at the emergency room: "She was absolutely filthy, and her body odor was beyond description. . . . She was covered with lice, and her knee-high stockings appeared to be bonded to her skin. When the stockings were removed, in fact, the skin came off with them, and her ankles and feet were infested and covered with large and small maggots eating well into the tissue."

A record like that—five dead and many sodomized—ought to win someone an award. Our nominee is Frances A. Bowie, head of the Service Facility Regulation Administration, which licenses the city's nursing homes, day care centers, dialysis centers, homes for the mentally retarded, abortion clinics, and lots of other places to which vulnerable people turn. The agency's name makes it sound like it runs gas stations. If it did, they'd stress self-service, with a motto telling patients to "help yourself."

This may have been the record-setting year, but city inspectors have been training for a long time. Consider the early-eighties tune-up match against the Yugoslavian abortionist Milan Vuitch. City files bulged with violations dating back at least to 1980. A sampler: instruments "in need of cleaning" and "lab specimens * * * refrigerated with food" (1980); patients illegally taken home overnight, use of expired drugs (1981); unlicensed drug distribution and surgical instruments mixed with clean ones (1982); a patient sent home with red urine and a catheter inside her (1982); anesthesia "not freshly prepared and yellowish in color" (1983). Until 1982, the city kept renewing the clinic's license. After that, with inspectors' reports growing ever more vocal, the agency just let Vuitch operate without one.

Only when Mark Feldstein of Channel 9 aired a graphic series on the clinic in 1984 did the city bureaucracy stir. And even then it didn't stir much. Feldstein, who's building a career on the inanities of the SFRA, presented some of the doctor's handiwork. This included the stories of two women who died in Vuitch's table, and another who said Vuitch operated without anesthesia. Vuitch admitted he sent yet another home after half an abortion and told her to return the next day with an additional $400. She collapsed. Though Vuitch insisted she stay away from a hospital, she finally made it to an emergency room and gave birth to a dying fetus. She was 17 years old and six months pregnant. As a nice touch, Feldstein sent a woman co-worker into the clinic with a vial of his urine. The clinic told her she was pregnant and suggested and abortion.

Any lingering doubts about Vuitch's talents were erased when the doctor himself went on camera. "This is not the only lacerated uterus in 15 years," he said. "I lacerated uteruses and other surgeons lacerated. And perforated. And this and that." Asked about the woman who said Vuitch had denied her anesthesia, he answered, "German-origin girl. Very pushy * * * in the old country * * * we never used general anesthesia for abortion. But American woman is sensitive * * * doesn't want to have memories of the surgery."

In response to Feldstein's questions, Bowie's office finally issued a statement. They said they wouldn't renew the clinic's lapsed license for 1983—a nice gesture except that it was November, 1984. Vuitch was still operating at the time of the broadcast, and it took the subsequent public clamor to close him down.

In 1985, Margaret Engel of The Washington Post reviewed hundreds of SFRA inspections and found that the city had frequently ignored citizen complaints, waived mandatory federal rules, and failed to follow up on documented violations. In 1986, David Clarke, the city council chairman, charged that Bowie had taken six years to rewrite drug regulations—abandoning their enforcement in the meantime. "I don't want to be crass," Clarke said, "but what took six years?" Perhaps part of the answer can be found in events such as a 1986 seminar for the employees of the Department of Consumer and Regulatory Affairs, of which the SFRA is a part. The department shut down dozens of its offices so that 140 of DCRA's 840-member staff could attend a seminar called "The Customer and You—Partners in Service."

But if the inspectors are a little hard for the public to reach, they've been perfectly accommodating toward the nursing homes—offering advance notice of inspections and a chance to do some sprucing up.

A 1985 Mark Feldstein series on three troubled homes owned by self-described multimillionaire Joan Sutton explained how this works. Inspection Day brought new food: "They fix 'em deviled eggs * * *," said one former employee. "You don't see no deviled eggs unless inspectors come through." It brought new furniture: "Things would be brought right at inspection time, and they would be collected right up after the inspectors left," said another. It even brought new patients: "Residents were removed * * * because they didn't look good," said a third employee. "They might be fat, sloppy, kind of ugly, unkempt, had a big mouth, liked to talk, liked to complain."

"That's all our people," said Sutton, denying this was anything special.

Sutton places were back in the news this summer after 65-year-old Sylvia Singer died in a fire. The home she died in, Sutton's Caldwell House, became a target of attack by neighborhood groups, who said the patients walked the streets half-naked, begging for money. Ever-vigilant, the city inspection office decided to have a look.

A good place to begin would have been the inspectors' own files, which contained documented complaints about the home dating back to 1980. A former Caldwell House supervisor wrote inspectors in 1986 that he had "observed some residents urinating and defecating on themselves, * * * residents eating cigarette butts, trash out of the trash can, eating their own feces." In 1985, Feldstein reported that city inspectors had documented 397 violations at Sutton homes in five years. Feldstein's hidden camera filmed patients smoking dope in their rooms and unlicensed workers giving out powerful psychotropic drugs.

Bowie conceded the homes had had a few problems but argued they "were not serious enough to pose immediate danger to the health and safety of residents there." Feldstein pressed on, quoting from a report from a different city agency that Sutton patients were losing weight from bad food and that two had died mysteriously. The report had sat in Bowie's office for nearly a year.

The subsequent on-camera exchange belongs in an archive of bureaucratic indifference:

"I'll have to read that report in detail," Bowie said.

"Don't you think allegations of that serious nature should be investigated thoroughly at the time they're turned over?" Feldstein asked.

"I'll have to read that report in detail," Bowie said.

"Are you concerned that your department had this information nearly a year and didn't act on it?" Feldstein asked.

Bowie laughed. "I am concerned about a number of things," she said.

"What did your people do about this when they got the report?" Feldstein asked.

"I will address that issue at another time," Bowie said.

"Why were you not informed what was going on with this 21-page investigative report?" Feldstein asked.

"I will have to address this with the appropriate individuals," Bowie explained.

Though my attempts to speak to Bowie were unsuccessful, I did get to talk to two other DCRA officials, and I asked them if the recent deaths and sexual molestations indicated a pattern of lax enforcement. No way, said Lucenia Dunn, a public information officer. She stressed that DCRA is "an innovative, action-oriented department." Its motto is "People Working With People for People," she said. "We take that very seriously."

Bowie's bureaucratic survivor. She's managed to hang on as inspection chief for seven years, which must make her one of the city's most enduring officials. But her former boss, Carol Thompson, who headed DCRA for three years until 1986, did her one better. Her years as the city's top inspector earned her a promotion, first to deputy mayor and now to city administrator, a $77,500 job as the District's top bureaucrat.

"Her energy level is legendary," the Post recently enthused. Why, she even gave city inspectors copies of In Search of Excellence! "Thompson, "the Post concluded, "wants to change the widely held view that the District government is inefficient."

Thompson's expanded responsibilities include supervising the city's ambulances and public housing—suitable places to search for more excellence.

□ 1400

TRADING WEAPONS FOR CONSUMER GOODS IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. McCURDY] is recognized for 5 minutes.

Mr. McCURDY. Mr. Speaker, I rise today to offer my congratulations to Mrs. Violeta Chamorro on her victory last Sunday in the Nicaraguan elections. Her victory hopefully represents a turning point not only for Nicaragua, but for the entire region of Central America as well.

While we certainly should rejoice at the promise of democracy in Nicaragua, it is important to note that a number of difficulties will face President-elect Chamorro when she assumes office on April 25. In addition to the large amount of money she will need to revive the Nicaraguan economy, there is also some question about how she can safely assume command of the Nicaraguan military and the police. Mrs. Chamorro suggested in her campaign that she hopes to reduce the size of the army and the police.

But under the command of the Sandinista Party and Humberto Ortega, the army has grown to 65,000 members, while Tomas Borge has at least 10,000 under his control at the Ministry of Interior. And most importantly, the Sandinistas have accumulated an enormous stockpile of advanced weapons over the last 10 years.

The ability of Mrs. Chamorro to control these institutions will be critical to her ability to govern the country. Furthermore, the large numbers of weapons sitting in Nicaragua represent a threat to the potential stability we hope to see in Central America. There is the very real possibility that some of these weapons will make their way to the guerrillas in El Salvador or to other destabilizing movements in Central and Latin America.

The situation for Mrs. Chamorro is further complicated by questions of how much financial assistance the United States will be able to provide her government. Nicaragua will now be in competition with all of Eastern Europe as well as Panama for our limited foreign aid budget.

Therefore, I suggest that instead of sending huge sums of money to Nicaragua at the outset, the United States should consider submitting a proposal to Mrs. Chamorro in which we will offer to purchase as much of these dangerous weapons as she is willing to part with. This type of exchange could involve several mechanisms. Some of the weapons could be purchased with dollars which would then be used only for reconstruction of the country and to create new employment opportunities.

But we could also offer to trade weapons for those goods that Nicaragua needs most. These would include seeds and fertilizer for crops, farming equipment, tractors, medicine, school books. In other words, we could trade tractors for tanks.

Although the details would have to be worked in cooperation with the Chamorro government, by pursuing such a proposal the United States could address a number of serious problems at one time. We could assist in the process of demilitarizing Central America, provide the Chamorro government with desperately needed goods, and assist the new President in reducing the size of the Nicaraguan military, which is likely to be the greatest challenge to her authority in the near term. By offering butter for guns we could also relieve some of the strains on our own foreign aid budget.

Although its economy is in a state of collapse, Nicaragua has great potential to provide for its people. This suggestion is one way in which the United States can make a positive contribution to the reconstruction of Nicaragua and to the prospects for stability in Central America.

BASEBALL—AMERICA'S NATIONAL PASTIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAMPBELL] is recognized for 10 minutes.

Mr. CAMPBELL of California. Mr. Speaker, the football season has ended. Cherry blossoms are beginning to bloom. America is focusing on something really important, the great game of baseball. Baseball is America's national pastime.

I do not know what it is so special about going to a baseball game. Maybe it is the smell of the hot roasted peanuts. Maybe it is the chance of taking part with an exuberant crowd. Maybe it is the possibility of seeing another great, like Koufax or Mantle or Gehrig or Cepeda or Mays, doing some sort of superhuman feat, never to be replicated.

This game is America's game, but on April 2 we may not have baseball. April 2 is the scheduled date for opening day, and as it quickly approaches Americans are being denied a game of which they are a part.

Now, baseball enjoys a very special position as a matter of law in the United States. Not widely known, but the Supreme Court actually ruled that baseball was exempt from antitrust, not because of anything Congress said, but because it was baseball.

Baseball may not be a public utility, but I think it owes us something. I think it owes us the opportunity to watch it and take part in it.

Now, I am proud to represent the silicon valley and part of San Jose, which is uniquely positioned between Oakland and San Francisco, the two champions of the American League and the National League this year.

I am not here today urging that we pass any law to compel that the strike end. I am engaged in good old-fashioned jawboning. I am trying to say let us stop this ridiculous battle of egos between the players and the owners and let America have baseball. I am tired of hearing about arbitration and salary caps. The only caps I want to see right now are baseball caps like these on baseball players, on baseball fields.

I do not care what National League Rookie of the Year Jerome Walton gets next year, but I sure do care that Jerome Walton plays baseball next year.

To the players, to the owners, I say, "Don't forget the fans. Let's play ball."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PAXON) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on March 5, 6, 7, and 8.

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Ms. OAKAR, for 60 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

(The following Members (at the request of Mr. GINGRICH) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 30 minutes, today.

Mr. CAMPBELL, for 10 minutes, today.

(The following Member (at the request of Mr. OBEY) to revise and extend his remarks and include extraneous material:)

Mr. SKELTON, for 30 minutes, on March 12.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCCURDY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PAXON) and to include extraneous matter:)

Mr. TAUKE.

Ms. ROS-LEHTINEN in two instances.

Mr. MICHEL.

Mr. GILMAN.
Mr. GOODLING in two instances.
Mrs. SMITH of Nebraska.
Mr. CRANE.
Mr. SMITH of New Hampshire.
Mr. MARLENEE.
(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)
Mr. ROE.
Mr. BONIOR.
Mr. BROOKS.
Mr. LIPINSKI.
Mr. HOCHBRUECKNER.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1016. An act to change the name of "Marion Lake," located northwest of Marion, KS, to "Marion Reservoir."

ADJOURNMENT

Mr. CAMPBELL of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, March 5, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2606. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission in Finance Docket No. 31469, "South Carolina Central Railroad Company, Inc.—Purchase—CSX Transportation, Inc., Line between East Greenville and Laurens, SC" has extended the time period for issuing a final decision by 30 days, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

2607. A letter from the Assistant Secretary of State for International Narcotics Matters, transmitting the 1990 International Narcotics Strategy Report, pursuant to 22 U.S.C. 2291(e)(6); to the Committee on Foreign Affairs.

2608. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

2609. A letter from the Assistant Administrator for Legislative Affairs, International Development Cooperation Agency, transmitting a summary of activities proposed for funding in Peru during fiscal year 1990 by the Latin America and Caribbean Bureau, pursuant to 22 U.S.C. 2151u(e); to the Committee on Foreign Affairs.

2610. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting a review of the administrative procedures of the Commission; to the Committee on Government Operations.

2611. A letter from the President, National Endowment for Democracy, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2612. A letter from the Director, Office of Personnel Management, transmitting recommendations for comprehensive reform of the Federal Employee Health Benefits Program, pursuant to Public Law 101-76 (103 Stat. 557); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 1243. A bill to require the Secretary of Energy to establish three centers for metal casting competitiveness research; with an amendment (Rept. 101-410). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of the rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS:

H.R. 4149. A bill to provide law enforcement authority for criminal investigators of Offices of Inspectors General, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. KILDEE (for himself, Mr. HAWKINS, Mr. SAWYER, Mrs. UNSOELD, Mrs. LOWEY of New York, Mr. POSHARD, Mr. SCHEUER, and Mr. HOAGLAND):

H.R. 4150. A bill to amend the Head Start Act to authorize appropriations for fiscal years 1991 through 1994, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. TAUKE, Mr. HAWKINS, Mr. GOODLING, Mr. SAWYER, Mr. GRANDY, Mrs. UNSOELD, Mrs. LOWEY of New York, Mr. POSHARD, and Mr. HOAGLAND):

H.R. 4151. A bill to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITTEN:

H.R. 4152. A bill making dire emergency supplemental appropriations to meet needs resulting from severe floods in the Southeast, including Alabama, Georgia, Mississippi, Tennessee, and Louisiana, and other natural disasters for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

By Mr. DOUGLAS:

H.R. 4153. A bill to amend the Atomic Energy Act of 1954 to provide for the consideration of off-site emergency planning and preparedness issues prior to the construction of nuclear powerplants, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COYNE:

H.R. 4154. A bill to amend titles II and XVIII of the Social Security Act to reduce, by 1 month in each of the next 5 years, the waiting period for disabled individuals to become eligible for Medicare coverage and to extend for 5 years the Medicare secondary payor provisions as they apply to disabled beneficiaries; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DAVIS:

H.R. 4155. A bill to prohibit the siting of low-level radioactive waste disposal facilities near the habitats of endangered or threatened species or wetlands, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. DEFAZIO (for himself, Mr. BROWN of California, Mr. STAGGERS, Mr. MORRISON of Washington, Mr. NAGLE, Mr. JONTZ, Mr. JOHNSON of South Dakota, and Mr. CONDIT):

H.R. 4156. A bill to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of organically produced products, and for other purposes; to the Committee on Agriculture.

By Mr. ERDREICH:

H.R. 4157. A bill to establish the Modular Construction Commission and provide for national regulation of modular home construction, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 4158. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for State and local governments to provide alternatives to traditional modes of incarceration; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 4159. A bill to amend title 39, United States Code, to provide clarification relating to the factors which are to be considered by the Postal Rate Commission whenever it receives a request from the Postal Service to change postal rates or fees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCLOSKEY (for himself and Mr. RAHALL):

H.R. 4160. A bill to amend the Black Lung Benefits Act to provide that when benefits are paid for at least 2 years after an initial determination of eligibility for such benefits the benefits will not be required to be repaid upon a final determination of ineligibility for benefits, and for other purposes; to the Committee on Education and Labor.

By Mr. MARLENEE (for himself, Mr. ROBERT F. SMITH, Mr. CRAIG, and Mr. STANGELAND):

H.R. 4161. A bill directing the Secretary of Agriculture to recalculate the amount of refunds a producer of feed barley must make by reducing the total amount of refund owed by a producer in an amount which reflects the impact of including sales of malting barley in the calculations used to originally determine the level of refund, and for other purposes; to the Committee on Agriculture.

By Ms. OAKAR (for herself and Mr. STOKES):

H.R. 4162. A bill to provide for an equitable and universal national health plan administered by the States, and for other pur-

poses; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. OWENS of New York (for himself, Mr. GUNDERSON, Mr. BONIOR, Mr. BERMAN, Mrs. LLOYD, Mr. SLATTERY, Mr. SYNAR, Mr. BILIRAKIS, and Mr. CHANDLER):

H.R. 4163. A bill to require new televisions to have built in decoder circuitry; to the Committee on Energy and Commerce.

By Mr. RUSSO (for himself, Mr. DOWNEY, and Mr. MILLER of California):

H.R. 4164. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget process, and for other purposes; jointly, to the Committees on Government Operations, Ways and Means, and Rules.

By Mr. SCHUMER (for himself, Mr. CHAPMAN, Mr. FRANK, Mr. RANGEL, and Mr. RINALDO):

H.R. 4166. A bill to merge the Office of Thrift Supervision into the Office of the Comptroller of the Currency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHARP (for himself and Mr. MOORHEAD):

H.R. 4167. A bill to provide for a short-term extension of the strategic petroleum reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 4168. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for expenses in connection with the cutting of old-growth redwood timber which is a nonrenewable resource and to impose an excise tax on the cutting of such timber; to the Committee on Ways and Means.

By Mr. TAUKE:

H.R. 4169. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct contraceptive research; to the Committee on Energy and Commerce.

By Mr. TAUKE (for himself and Mr. GOODLING):

H.R. 4170. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Education and Labor.

By Mr. VISCLOSKY:

H.R. 4171. A bill to limit the authority of the Secretary of Transportation to obligate Federal funds in connection with studying, planning, engineering, design, and construction of a new airport to relieve congestion at O'Hare International and Midway Airports in Chicago, IL; to the Committee on Public Works and Transportation.

H.R. 4172. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for contributions in aid of construction where the construction of water mains is necessitated by contamination of well water; to the Committee on Ways and Means.

By Mr. WALGREN (for himself and Mr. WAXMAN):

H.R. 4173. A bill to amend title XVIII of the Social Security Act to provide for coverage of in-home care under part B of the Medicare Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ANNUNZIO (for himself, Mr. CONTE, Mr. OBERSTAR, Mr. MOAKLEY, Mr. GALLO, Ms. PELOSI, Mr. FOGLIETTA, Mr. FASCELL, Mr. MAZZOLI, Mr. DOWNEY, Mr. LAFALCE, Mr. RINALDO, Mr. GUARINI, Mr. PANETTA, Mr. TORRICELLI, Mr. PALLONE, Mr. VENTO, Mr. MILLER of California, Mr. FAZIO, Mr. LAGOMARSINO, Mr. DEFAZIO, Mr. BOSCO, Mrs. MORELLA, Mrs. ROUKEMA, Mr. RUSSO, and Mr. TRAFICANT):

H. Con. Res. 275. Concurrent resolution providing for preparation of a volume entitled "Columbus in the Capitol", and for other purposes; to the Committee on House Administration.

By Mr. DOWNEY (for himself, Mr. ROYBAL, Mr. RINALDO, Mr. HUGHES, Mr. TAUKE, Mrs. LLOYD, Mr. COURTER, Ms. SNOWE, Mr. KILDEE, Mr. WYDEN, Mr. DEFAZIO, Mr. CROCKETT, Mr. SCHUETTE, Mr. VOLKMER, Mr. BILBRAY, Mr. JAMES, Mr. WAXMAN, Mr. COSTELLO, Mr. CLARKE, Mr. JONTZ, Mr. PALLONE, Mrs. MORELLA, Mr. KENNEDY, Mr. FORD of Tennessee, Mrs. UNSOELD, Mr. BORSKI, Mr. PORTER, Mr. STAGGERS, Mrs. BYRON, Mr. GORDON, Ms. SLAUGHTER of New York, Mr. RICHARDSON, Mr. SYNAR, Mr. CLINGER, Mr. LEWIS of Georgia, Mr. ERDREICH, Mrs. SAIKI, Mr. SHUMWAY, Mr. SPENCE, and Mr. DUNCAN):

H. Con. Res. 276. Concurrent resolution expressing the sense of the Congress in celebration of the 25th anniversary of the Older Americans Act of 1965; to the Committee on Education and Labor.

By Ms. KAPTUR:

H. Con. Res. 277. Concurrent resolution expressing the sense of the Congress that Poland, Czechoslovakia, and the other nations bordering Germany should be consulted regarding the upcoming conference on German unification; to the Committee on Foreign Affairs.

By Mr. PEASE (for himself and Mr. OBEY):

H. Con. Res. 278. Concurrent resolution expressing a sense of the Congress that substantial savings should be realized from cuts in programs under the Department of Defense and applied to deficit reduction, enhanced U.S. competitiveness in the international economy, and improvements in U.S. public education; jointly, to the Committees on Armed Services, Ways and Means, and Education and Labor.

By Mr. RANGEL (for himself, Mr. LIPINSKI, Mr. CONYERS, Mr. FAUNTROY, Mr. MAZZOLI, Mr. KLECZKA, Mr. GUARINI, Mrs. LOWEY of New York, Mr. TOWNS, Mr. MINETA, Mr. BRENNAN, Mr. BATES, and Mr. SENSENBRENNER):

H. Con. Res. 279. Concurrent resolution expressing the sense of the Congress regarding funding for local drug enforcement programs; to the Committee on the Judiciary.

By Mr. DOUGLAS:

H. Res. 350. Resolution providing for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 83: Mr. LAFALCE.

H.R. 84: Mrs. KENNELLY.

H.R. 747: Mr. BRUCE and Mr. FORD of Tennesse.

H.R. 872: Mr. FALEOMAVAEGA, Mr. HAYES of Illinois, Mr. GONZALEZ, and Mr. DIXON.

H.R. 930: Mr. MINETA and Mr. JONTZ.

H.R. 1090: Mr. CRAIG.

H.R. 1287: Mr. GALLO, Mr. LENT, Mr. COUNTER, Mr. HANSEN, Mr. HILER, Mr. HAYES of Louisiana, Mr. NIELSON of Utah, Mr. THOMAS of California, Mr. BUNNING, Mr. STUMP, Mr. SMITH of New Hampshire, Mrs. VUCANOVICH, and Mr. WOLF.

H.R. 1317: Mrs. JOHNSON of Connecticut, Mr. ROE, Mr. KOLBE, Mrs. KENNELLY, and Mr. FAZIO.

H.R. 1351: Mr. STALLINGS.

H.R. 1875: Mr. LIGHTFOOT, Mrs. BENTLEY, Ms. PELOSI, Mr. BATEMAN, Mr. CRANE, Mr. SAXTON, Mr. ROWLAND of Connecticut, Mr. CARPER, Mr. FRANK, Mr. WOLF, Mr. PAYNE of Virginia, Mr. MYERS of Indiana, Mrs. COLLINS, and Mrs. MORELLA.

H.R. 2186: Mr. ECKART and Mr. GLICKMAN.

H.R. 2202: Mrs. BOGGS, Mr. HATCHER, Mr. BRYANT, and Ms. PELOSI.

H.R. 2380: Mr. DREIER of California.

H.R. 2585: Mr. WALSH, Mr. DELLUMS, Mr. FRANK, Mr. DWYER of New Jersey, Mr. PANETTA, Mr. MCNULTY, Mr. ENGEL, Mr. HOCHBRUECKNER, Mr. LEVINE of California, Mr. MAVROULES, Mr. DIXON, Mr. FISH, Mr. RANGEL, and Mrs. LOWEY of New York.

H.R. 2690: Mr. HUGHES.

H.R. 2700: Mr. WALSH.

H.R. 2807: Mr. CARPER, Mr. JOHNSTON of Florida, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. THOMAS A. LUKEN, Mrs. BOGGS, Mr. MILLER of California, Mr. NAGLE, Mr. WOLF, Mr. LENT, Mr. SCHEUER, Mr. OLIN, Mr. CHAPMAN, Mr. MACHTLEY, Mr. BRYANT, Mr. RANGEL, Mr. WHEAT, Mrs. LLOYD, Mr. AUCOIN, Mr. GEJDENSON, Mr. BATES, Mrs. LOWEY of New York, Mr. DENNY SMITH, Mr. DOUGLAS, Mr. DEWINE, and Mr. UPTON.

H.R. 2813: Mr. LAGOMARSINO, Mr. ECKART, Mr. GLICKMAN, and Mrs. COLLINS.

H.R. 2870: Mr. TRAFICANT, Mr. YATRON, Mr. GONZALEZ, Mr. HILER, Mr. SMITH of Iowa, Mr. FOGLIETTA, Mrs. LLOYD, Mr. DORNAN of California, and Mr. BLAZ.

H.R. 3004: Mr. ANNUNZIO, Mr. BILBRAY, Mr. CARPER, Mr. FUSTER, and Ms. ROS-LEHTINEN.

H.R. 3053: Mr. WAXMAN.

H.R. 3120: Mr. PALLONE.

H.R. 3360: Mr. BROWDER.

H.R. 3405: Mr. SAWYER and Mr. CONDIT.

H.R. 3406: Mr. HUGHES.

H.R. 3412: Mr. KILDEE, Mr. TALLON, Mr. MARKEY, Ms. PELOSI, and Mr. SCHIFF.

H.R. 3501: Mr. GRANT and Mr. PORTER.

H.R. 3603: Mr. MOLLOHAN, Mrs. MARTIN of Illinois, Mr. MCNULTY, Mr. MCCOLLUM, Mr. HERGER, Mr. BORSKI, Mr. IRELAND, Mrs. UNSOELD, Mr. UPTON, Mr. BUNNING, Ms. PELOSI, Mr. JAMES, Mr. MADIGAN, Mr. BURTON of Indiana, Mr. AUCOIN, Mr. FROST, Mr. SENSENBRENNER, Mr. STAGGERS, Mrs. MEYERS of Kansas, Mr. NATCHER, Mr. BUECHNER, Mr. SWIFT, and Mr. MCGRATH.

H.R. 3654: Mr. LEWIS of California, Mr. BONIOR, and Mr. SMITH of Vermont.

H.R. 3732: Mr. FRANK, Mr. RAVENEL, Mr. DAVIS, Mr. MCEWEN, Mr. LAGOMARSINO, Mr. VANDER JAGT, Mr. STUMP, Mr. BROWN of Colorado, Mr. SHUMWAY, and Mr. DARDEN.

H.R. 3766: Mr. CRAIG, Mr. ECKART, Mr. JOHNSON of South Dakota, Mr. MANTON, Mr. MILLER of Washington, and Ms. SLAUGHTER of New York.

H.R. 3821: Mr. WELDON, Mrs. BENTLEY, Ms. LONG, Mr. FUSTER, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Mr. HORTON.

H.R. 3834: Mr. DE LUGO, Mr. MFUME, Mr. HENRY, Mr. FEIGHAN, Mr. EDWARDS of California, Ms. ROS-LEHTINEN, Mr. GORDON, Mr. BILBRAY, Mr. JACOBS, Mr. RANGEL, Mr. ROE, Mr. MCNULTY, Mr. WALSH, Mr. MCDERMOTT, Mr. TOWNS, Mr. FAZIO, Mr. KLECZKA, Mr.

FAUNTROY, Mr. HARRIS, Mr. LEVINE of California, Mr. CROCKETT, Mr. MILLER of California, Mr. FOGLIETTA, Mr. NEAL of North Carolina, Mr. TORRES, Mr. JENKINS, Mr. WOLPE, Mr. ACKERMAN, Mrs. MARTIN of Illinois, Mr. WALGREN, Mrs. BOXER, Mr. WAXMAN, Mr. EVANS, Mr. BERMAN, Mr. BROWN of California, Mr. WHEAT, Mr. KENNEDY, Mr. RAHALL, Mr. STALLINGS, Mr. GREEN, Mr. FORD of Michigan, Mr. PAYNE of New Jersey, Mr. BONIOR, Mr. HATCHER, Mr. LEHMAN of California, Mr. FROST, and Mr. JONES of Georgia.

H.R. 3859: Mr. Bosco and Mrs. BENTLEY.

H.R. 3918: Mr. SUNDQUIST, Mr. RITTER, and Mr. DORNAN of California.

H.R. 3934: Mr. FAZIO, Mr. KASTENMEIER, Mr. DWYER of New Jersey, Mr. ROYBAL, and Mr. KILDEE.

H.R. 3942: Mr. KENNEDY and Mr. FOGLIETTA.

H.R. 3943: Mr. KENNEDY and Mr. FOGLIETTA.

H.R. 4036: Mr. BLILEY.

H.R. 4038: Mr. HUNTER, Mr. ROHRABACHER, Mr. BAKER, Mr. BEILENSON, and Mr. ROYBAL.

H.R. 4079: Mr. LEWIS of California and Mr. BUECHNER.

H.R. 4080: Mr. FAZIO.

H.R. 4097: Mr. NIELSON of Utah.

H.R. 4118: Mr. DEFAZIO and Mr. WILLIAMS.

H.J. Res. 413: Mr. ANDERSON, Mr. AUCOIN, Mrs. BENTLEY, Mr. BOEHLERT, Mr. CARPER, Mr. CLEMENT, Mr. COBLE, Mr. COOPER, Mr. CRAIG, Mr. DE LUGO, Mr. DONNELLY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FRENZEL, Mr. GORDON, Mr. GUARINI, Mr. HEFNER, Mr. HUBBARD, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JENKINS, Ms. KAPTUR, Mr. LENT, Mr. DONALD E. LUKENS, Mr. MCGRATH, Mr. MFUME, Mr. MOAKLEY, Mr. MOORHEAD, Mr. NATCHER, Mr. NELSON of Florida, Mr. NOWAK, Mr. PICKETT, Mr. PORTER, Mr. PRICE, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROSE, Mr. SAVAGE, Mr. SAXTON, Mr. SCHAEFER, Mr. SISISKY, Mr. SPRATT, Mr. STAGGERS, Mr. SUNDQUIST, Mr. SYNAR, Mr. TANNER, Mr. TOWNS, Mr. TRAFICANT, Mr. UPTON, Mr. VOLKMER, Mr. WELDON, Mr. YOUNG of Florida, Mr. HAMILTON, and Mr. BLILEY.

H.J. Res. 417: Mrs. BOXER and Mr. WALGREN.

H.J. Res. 446: Mr. LEHMAN of Florida and Mr. HUTTO.

H.J. Res. 459: Mr. FASCELL, Mr. TOWNS, Mr. FUSTER, Mr. WALSH, Mr. BATES, Mr. ROYBAL, and Mr. LAGOMARSINO.

H.J. Res. 479: Mr. ACKERMAN, Mr. AKAKA, Mr. ATKINS, Mr. ANDERSON, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLAZ, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARR, Mr. CLARKE, Mr. CLAY, Mr. COBLE, Mr. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DORNAN of California, Mr. DE LUGO, Mr. DICKS, Mr. DURBIN, Mr. DYMALLY, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FRENZEL, Mr. FUSTER, Mr. GEREN, Mr. GONZALEZ, Mr. GRAY, Mr. GUARINI, Mr. HANSEN, Mr. HAWKINS, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. JACOBS, Mr. KASICH, Mr. HERGER, Mr. HOAGLAND, Mr. HUTTO, Ms. KAPTUR, Mr. HORTON, Mrs. KENNELLY, Mr. KENNEDY, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Ms. LONG, Mr. LEATH of Texas, Mr. LIGHTFOOT, Mr. MANTON, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. ORTIZ, Mr. PANETTA, Mrs. PATTERSON, Ms. PELOSI, Mr. POSHARD, Mr. PRICE, Mr. PURSELL, Mr. RANGEL, Mr. ROBERTS, Mr. ROE, Mr. MINETA, Mr. ROS-LEHTINEN, Mr. SABO, Mr. SAVAGE, Mr. SCHUMER, Mr. SHUSTER, Ms. SLAUGHTER of New York, Mr. SKELTON, Mr. SOLARZ, Mr. SPRATT, Mr. STALLINGS, Mr. STOKES, Mr. STUDDS, Mr. TALLON, Mr. TOWNS, Mr. TORRES, Mr. TRAXLER, Mrs. UNSOELD, Mr. VENTO, Mr. WALGREN, Mr. WALSH, Mr. WAXMAN, Mr. WEBER, Mr. WISE, Mr. YATES, Mr. GINGRICH, Mr. NIELSON of Utah, Mr. PAXON, Mr. PICKLE, Ms. OAKAR, Mr. BROOMFIELD, Mr. BONIOR, Mr. WELDON, Mr. LIVINGSTON, Mr. MCEWEN, and Mr. SLATTERY.

H. Con. Res. 253: Mr. FISH.

H. Con. Res. 264: Mr. JONTZ, Mr. JONES of Georgia, Mr. WISE, Mr. SAXTON, Mr. COURTER, Mr. DWYER of New Jersey, Mrs. BOXER, Mr. SCHEUER, Mr. WALSH, Mr. BRYANT, Mr. NELSON of Florida, Mr. COUGHLIN, Mr. LIGHTFOOT, and Mr. LAGOMARSINO.

H. Res. 297: Mr. BARTLETT, Mr. BLILEY, Mr. HEFLEY, Mr. QUILLEN, and Mr. RITTER.

SENATE—*Thursday, March 1, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The. Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*In the beginning was the Word * * *.*—John 1:1.

Death and life are in the power of the tongue: and they that love it shall eat the fruit thereof.—Proverbs 18:21.

** * * If any man offend not in word, the same is a perfect man, and able also to bridle the whole body.*—James 3:2.

Almighty God who spoke the universe into existence, thank Thee for words. Thank Thee for the words of the Constitution that hold us together as a nation, that guarantee our rights, that show us our responsibilities, that guide us in Government. Keep us mindful, loving Lord, of the power of words, power to bless, power to curse, power to edify, power to humiliate; power to inform, power to deceive; power to lead, power to mislead; power to inspire, power to discourage; power to build, power to destroy; power to sustain, power to kill.

Mighty God whose Word is truth, in this Chamber where words are the stock in trade, help us to guard our tongues against that which demeans and hurts and confuses. Grant us the grace to use words that clarify and convince. Help our speech to benefit people and glorify God. In the name of Jesus who is the living Word. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE.
Washington, DC, March 1, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning, there will be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 o'clock, the Senate will resume consideration of S. 1430, the national and community service bill.

It is my intention to complete action on that bill today. This morning we will get a definite list of amendments remaining on the bill. And, once these amendments have been identified, I will seek a unanimous-consent agreement for time limitation on those remaining amendments and vote on final passage. In this way, Senators can be aware of what votes are likely to occur and when, so that they may adjust their schedules accordingly.

Mr. President, we will recess from 10:30 to 11 a.m. to permit the two parties to conduct caucuses for a briefing on the status of the clean air bill.

ORDER FOR RECESS FROM 10:30 A.M. UNTIL 11 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate recess from 10:30 to 11 a.m., to permit the party caucuses to occur for briefings on the clean air bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I urge my colleagues to attend their respective caucuses to be briefed on the status of the clean air bill.

Mr. President, I am pleased now to yield to the distinguished Republican leader.

Mr. DOLE. If the majority leader will yield, I know a number of committees probably have scheduled meetings and have scheduled witnesses, but I hope there will be a recess of the committee hearings for an hour, otherwise many of our Members who ought to be at the caucus will not be able to leave their meetings. So I hope the chairmen of the committees will cooperate where they can so we will have a full attendance at each caucus.

Mr. MITCHELL. I agree, Mr. President, with my colleague, and suggest that where possible the committees permit the Members to attend the conference to receive the briefing on the status of that legislation.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COMMENDING BETTY MEYER

Mr. DOLE. Mr. President, I have cleared this resolution with the distinguished majority leader.

I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 254) to commend Betty Meyer.

Whereas Betty Meyer became an employee of the Senate of the United States on May 4, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included ten Congresses;

Whereas Betty Meyer has proudly served as executive assistant and personal secretary to the Republican leader; enduring long hours, short weekends and unending changes in the daily schedule;

Whereas Betty Meyer, despite the barrage of requests, and untold thousands of calls, complaints, requests, and demands from visitors, lobbyists and staffers, faithfully discharged the difficult duties and responsibilities of her position on the staff of the Senate of the United States with great efficiency, devotion, and dedication;

Whereas Betty Meyer, in the line of duty spent more time on the telephone than any other known person, and

Whereas Betty Meyer retires from the Senate of the United States on June 30, 1990: Now, therefore, be it

Resolved, That the Senate of the United States commends Betty Meyer for her exemplary service to the Senate and the Nation, and wishes to express its deep ap-

preciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Betty Meyer.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESERVATION OF LEADERS' TIME

Mr. DOLE. Mr. President, I reserve the remainder of my leader time.

Mr. MITCHELL. I reserve the remainder of my time, Mr. President.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Marvin Doyal be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2212 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTION TRUST CORPORATION

Mr. KERREY. Mr. President, I rise to make two points today. The first is to reinforce the urgency of corrected deficiencies to the Resolution Trust Corporation. Last week I introduced a bill that I believe will correct those deficiencies, and I believe each day that we wait before acting causes the taxpayer to lose additional money. I simply cite a few additional details.

We read that Frederick Wolf, former GAO second in command, withdrew from consideration as the head of the Office of Thrift Supervision, saying that either the administration does not share his view that quick decisive action is necessary to address the thrift crisis; or, he said, they cannot reach a decision that he is the right person for the job.

Danny Wall resigned on the 4th of December, and the administration has been unable to find an acceptable replacement. With Wolf out of the running, Mr. President, my concern is, when will they make a choice?

In addition, the head of the OTC and RTC Oversight Board's president have not been selected. There are two independent positions in the RTC Oversight Board that have not been selected. There is one seat on the FDIC board that has not been selected, as well as many other minor board positions that are mandated by the S&L legislation.

Mr. President, I just urge the administration, that has given this their top domestic priority consideration, in terms of spending $167 million we gave them last year to solve this domestic problem, to give it the requisite consideration that this money would indicate it deserves.

I urge my colleagues as well to take a look at the legislation I proposed, or some alternative legislation, to address what I think is going to be a mounting American problem.

NBC'S "A DAY IN THE LIFE OF THE WHITE HOUSE"

Mr. KERREY. Mr. President, last night NBC televised a program entitled "A Day in the Life of the White House."

The day in question was this past Monday, February 26.

The program was a good one as such documentaries go, but one segment of the program in particular caught my attention.

The segment featured the Secretary of Agriculture apparently briefing President Bush on the details of the administration's 1990 farm bill proposals. As the camera showed the President leafing through his own farm bill, the Secretary explained that the administration's bill was not a dramatic departure from the 1985 farm bill, but instead a series of needed but modest changes in current law.

In what I thought was a rather gratuitous jab at the Senator from Iowa, the Secretary apparently was compelled to point out that the administration's bill did not take the Tom Harkin approach to farm policy. The President even agreed that Harkin was the wrong way to go.

Mr. President, I would have found all this only mildly amusing except for two important facts: One is that Senator HARKIN, amongst others—many good Republicans, as well, strongly oppose the Reagan administration's proposal for the 1985 farm bill. Had they not done that, with the alternatives Senator HARKIN and others had, had they not stood on this floor and other places to resist the proposal that the Reagan-Bush administration had, we would still have a recession going on in American agriculture.

The second fact that occurred to me, Mr. President, was that the Secretary of Agriculture had unveiled the details of the administration's farm bill proposal nearly 3 weeks ago, on February 6.

Are we to believe, as the White House attempted to convey, that the President was reviewing his farm bill proposals for the first time? If so, I must ask, because the proposals were actually unveiled 20 days before, who had approved them? Had the President even seen them?

Perhaps the meeting between the President and the Secretary was scheduled merely for the benefit of the NBC camera crew. I can almost picture the White House media advisers, determined to show that a busy President must deal with a range of issues—even agriculture—in the course of a day, deciding that a session on farm matters must be scheduled in there somewhere.

But perhaps there was some other reason for the meeting not readily apparently to the viewers, in which case I am happy to give the President the benefit of the doubt.

But I thought it made for interesting television, but unfortunately, I was concerned and continue to be concerned, regarding the agriculture policy, that it does not lead us to a satisfactory conclusion.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might speak as in morning business, not to exceed 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLEAN AIR ACT

Mr. SYMMS. Mr. President, as the notification has gone out now to all Senators that both party caucuses will be meeting this morning to discuss the Clean Air Act, I think it is important that we briefly review the process that has brought us to where we are today, that now, finally, after a month of secret meetings, the sunshine commit-

tee, the so-called Clean Air Committee is going to come back out in the open with a process that they could not do publicly in the Environment and Public Works Committee.

I want to just review what happened so Senators are aware of what actually happened with respect to this clean air proposition.

The current predicament started with the fact that the Environment and Public Works Committee decided late last year that it would not mark up on the President's comprehensive clean air proposal. Once that decision had been made, the question was: What will we mark up? There was no comprehensive clean air proposal pending before the committee, only bits and pieces of legislation addressing different issues here and there—a nonattainment bill, an air toxics bill, a municipal waste incinerator bill, and so on.

Supposedly, these pieces of legislation were to be the markup vehicles. Unfortunately, as introduced, these original bills were repleat with errors, both in policy and in structure, and required a substantial degree of rewriting, not a comprehensive package, that could try to address the problem that the American people want to address, just bits and pieces that run on the noble slogan of cleaner air.

The Environmental Protection Subcommittee held three markup sessions, some lasting for as little as a half-hour each. The fact is I think it is notable for the RECORD that in one half-hour session the Subcommittee on Environmental Protection passed out legislation that after the fact, after the people found out what they had done, both the steel industry and the pharmaceutical industry admitted and realized they would have to move offshore to produce the goods that the American people would still want, steel and pharmaceuticals. They would have to go offshore to produce it because they could not comply with what the subcommittee could set up for them.

If there has ever been a good argument, Mr. President, for the proposition that my colleague, the senior Senator from New Hampshire, made yesterday for the limitation of terms to 12 years for people in the U.S. Senate, that they had their national press conference yesterday to kick off, I think it is the process from which the Environmental and Public Works Committee and the failure of the process to produce legislation which would meet the demands of the American people that we pay attention to the environment and cleaner air but do not run everybody out of the country in the process and cost this country somewhere between 1.7 and 2.7 million jobs now that come out as a result of what S. 1630 is.

In each of these sessions the subcommittee met and usually accepted reams of staff-drafted amendments to a vague assortment of separate markup vehicles and voted them out en bloc.

In fact, it was not until the day of the full committee mark up that a draft of the supposed markup vehicle was finally prepared and ready for review. And even that draft was repleat with drafting and typographical errors, incorrect references, and, in some copies, even a number of pages missing as it was passed out.

And yet, the committee, especially at the constant proding of the chairman, our colleague, the senior Senator from Montana, pressed forward to complete full committee consideration that day.

This Senator tried to slow the process down, warned the committee over and over again: Do not take that bill to the floor, the committee will be embarrassed by bringing that bill to the floor because it will be literally the laughing stock of the U.S. Senate if that bill comes to the floor.

I can assure my colleagues I did my best, but I was at a considerable disadvantage, having received a complete copy of the bill only the morning that we started the markup, and it was impossible to build any kind of political support for the needed changes in the bill.

I might note, however, that in the dark rooms, which I have not participated too much in, but I have kept track of what they have been doing, and been there, many of the amendments this Senator was trying to raise in the subcommittee have now been accepted in the dark rooms of secrecy where they do not have the public knowing exactly what the Senate is doing.

In the end, after nearly 8 hours of heated debate, a new ream of amendments was adopted, which included several wholly new and never before debated titles of the bill, voted out of the committee by a vote of 15 to 1.

In my opinion that is a disgrace to the U.S. Senate that a bill like that is sent to the floor. It is no wonder the Congress has a low esteem in the eyes of the public when they bring legislation out, when we find out 2½ million Americans would lose their jobs because we want to be sure—we are so afraid of the news media that somebody might say that the Senator from Idaho or the Senator from Montana or the Senator from Colorado or somebody is not in favor of the cleanest most pristine air that there are Senators promoting dirty air.

It is no wonder the media cannot report accurately what is happening. You should see the television report I saw this morning in my State, a complete distortion of what happened with respect to the clean air process. But I cannot blame them for it when the Senate demands to do the committee work that should have been done in public, they do it in the back room; it is no wonder the media has a hard time figuring out what is happening.

Then, Mr. President, every Member of the Senate who was following the bill will tell you that it disappeared. As I said, it went into hiding, after it came out of committee, because when it got to the floor, the majority leader found out he did not have the votes for the bill, and then people started talking about how bad it would affect the economy, and we got in the situation we are in now. In fact, after it went in hiding there was quite a process that took place. Everyone was trying to prepare for the recess, after the session ended, after this forced pressure in the committee to push the bill out, push the bill out, do not wait, push the bill out, and the final text was really not made available to the public until nearly a month after the reporting of the bill.

Then all heck broke loose around America when people realized what in the heck the Senate Public Works Committee was doing and what the Senate was up to. As people around the country took a hard look at the bill they were appalled at the massive new burdens imposed on them. Continuous, massive retooling mandates, onerous fees—the working men and women of America who looked at this bill were horrified at the extravagant abuse of their lives and livelihoods.

It did not take the authors of the bill long to find out that they could not pass this "stinking bag of fish" as I referred to it in committee and on the U.S. Senate floor.

What astounds me is that a bill that is this onerous could pass a committee of the U.S. Senate by a 15-to-1 vote. I am still astounded at that.

Mr. President, in my opinion the problem with the entire process so far is it has not seen enough light. It has not had enough exposure. We have not had enough input from America on how it will affect different segments of the U.S. economy, the jobs of the very people we claim we are here to represent.

For a month, the authors of the bill have been trying to fix it by more hidden debate, secret negotiations, and more stuff that produced the terrible bill in the first place.

Mr. President, the majority leader and the Senator from Montana and other of the bill's sponsors are now accepting the very amendments that I had offered in committee, in the broad daylight of the committee.

I cannot speak for my colleagues, but I believe when as many people's livelihoods are at stake as we have with respect to this bill that it is vital that our legislation be well reviewed, we make it available to the people whose lives are affected, we allow them to voice their concerns, and we

do not through these party caucuses come out with some kind of idea that we are going to pass this bill in a week or 2 weeks in a rapid passage of the bill before the American people can find out what is in the bill.

I think the American people deserve to have plenty of time to study this measure, to reflect on it, to see how it will affect industries, and then maybe we can pass some good, positive clean air legislation which will, yes, pay attention to the environment, yes, use the best technical knowledge available to have clean air; but, no, not close down America in the name of somehow that we in the Congress are afraid of being branded that we are not for the cleanest possible air.

The PRESIDING OFFICER (Mr. KERREY). The Senator's time has expired:

Mr. SYMMS. I yield the floor. I appreciate the indulgence of the majority leader.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, unanimous consent to proceed in morning business for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2213 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE S&L BAILOUT

Mr. CONRAD. Mr. President, the distinguished occupant of the chair mentioned moments ago the disarray that surrounds the bailout of the savings and loan institutions of this country. I want to add my voice to the concern he voiced, because what we are seeking I believe is a fiasco in the making.

I met 2 weeks ago with some of the most knowledgeable people in this country who have examined in close detail what is occurring with respect to the S&L bailout.

What they told me—respected leaders of major financial organizations in this country—is that the S&L bailout is going to cost between $300 billion and $500 billion. These people who informed me of their view have had literally hundreds of employees out in the affected areas of the country looking at properties that they might pick up.

Mr. President, these financial leaders told me there is not the kind of effort being made to straighten out this mess that will led us to success. In fact, they tell me that the delay, the indecisiveness, the inability to make decisions is creating a monster.

Mr. President, I urge that we put together a special investigatory panel to look at the procedures that are being pursued with respect to the S&L bailout. This administration apparently cannot put a team together or keep a team together to do the work. We ought to be watching these developments very closely and providing the oversight necessary to prevent a complete financial fiasco.

With that, I thank the Chair and yield the floor.

A SISTER'S STEADFAST CAMPAIGN TO FREE TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,811th day that Terry Anderson has been held in captivity in Beirut.

I would also like to note that today's Washington Post contains a feature article on Peggy Say's campaign to free her brother and aptly bestows upon her the title of "The Captives' Crusader." I ask unanimous consent that the article be reprinted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1990]

THE CAPTIVES CRUSADER: PEGGY SAY'S FIVE-YEAR FIGHT FOR THE HOSTAGES

(By Caryle Murphy)

DAMASCUS, SYRIA.—For Peggy Say, the road to Damascus is now a well-beaten path.

On her first journey to this ancient city of narrow, twisting streets and even more serpentine politics, the 49-year-old Kentucky resident mostly sat in her hotel room and cried. But this time, she was interviewed on Syrian television and spoke with the foreign minister.

En route, she zigzagged through European and Arab capitals, had a private audience with Pope John Paul II, an impromptu lunch of roast lamb with PLO leader Yasser Arafat and a least a dozen meetings with various government and human rights officials.

The reason for this sits in a well-guarded room somewhere in Lebanon, his life an enforced hiatus of boredom, loneliness and fear.

On March 16, Say's brother, 42-year-old Terry Anderson, will mark his fifth year of captivity at the hands of Iranian-backed Shiite fundamentalists, the longest held of eight American hostages there. During that time, Anderson's father died and his second daughter was born.

His sister's travels are part of a quest to keep the public spotlight on the plight of Anderson, who was the Associated Press's Middle East correspondent at the time of his capture, and the seven others still held hostage.

"When Terry used to talk about places like this, I never dreamed I'd ever be here," said Say, hugging her raincoat close against the night chill as she strolled around the ancient walls of Damascus's Omayad Mosque, which stores a relic said to be St. John the Baptist's head. And back then, if you'd suggested that the former social worker who is "paranoid" about flying and who had never been out of the United States would be here, her response would have been succinct: "Have another drink."

But after Anderson's capture, Say said she made a commitment: "If Terry died in captivity, it wouldn't be because he'd been forgotten by the American people."

Say, who bears a strong resemblance to her brother, is probably the most widely known member of the hostages' families. This is partly because of her outspokenness, a tactic that has at times been criticized by others who feel quiet diplomacy is the better way to the hostages' release. She has also had at her disposal the resources of the Associated Press, which has paid for her journeys and which mentions Anderson in every story about the hostages sent over its wires.

All this has had an unintended byproduct: The kidnappers are said to regard Anderson as their most crucial hostage, according to Syrian and U.S. sources who follow the situation.

In her public role, Say has called on her strong will, sense of humor and what husband David, who was among those on this trip, calls a knack for verbal "pole vaulting" when pushed into a corner. These traits served her well when she was invited to talk about the hostages on a political talk show called "Focus" on Syria's English-language TV channel.

During the taping, interviewer Yahya Al-Aridi, who was a graduate student at Georgetown University when Anderson was captured, gently suggested to Say that hostage-taking is inhuman, but so is "occupying other peoples' land by force, killing other peoples' children and demolishing homes." This was a clear, if indirect, reference to Israeli actions against the Palestinian uprising in the occupied territories.

Say, who wants to steer clear of the Middle East's emotion-laden political disputes and keep her appeals where she believes they belong—on a humanitarian level—replied: "I think Americans are noted for protesting human rights abuses all over the world. And if human rights abuses exist in the Middle East, I'm sure they would protest. But they are not going to be addressed in an atmosphere in which hostages are being held.

"If you go to the United States for a visit and you are mugged in New York or Los Angeles, you are not going to blame the person who did that to you. You are going to say, 'Americans are violent.' And I'm afraid it's that same kind of generalizations which exist now."

On her first trip to Damascus in 1985, Say said she was "a basket case." The Syrians were correct, but not overly welcoming.

This time, in addition to Say's TV interview, the group met Syrian Foreign Minister Farouk Charaa. He told them he would soon be going to Tehran where he would "work intensely with the top Iranian leaders" to push for freeing the captives. Charaa said his government had already told Iran "that it is in their interest to work with us in gaining the hostages' release."

The TV interview and Charaa's remarks, as well as an editorial last week in an Iranian newspaper that for the first time urged the hostages' release, were seen as good omens by Western diplomats and Syrians here.

Syria is the major warlord in the Lebanese jungle, with 40,000 troops stationed there. And its diligent intelligence agencies undoubtedly know, probably down to the very room, where the hostages are held. Syria also has relations with Iran, which has financed the groups holding the Americans.

Though all this adds up to a considerable amount of influence over the fundamentalist groups, Syrian officials contend they cannot physically deliver the American prisoners. The Syrians want credit for gaining the hostages' release—not an American outcry for getting them killed, which is what might happen if there were a raid to rescue them. Syrian officials put it like this when they talk to Say: "You don't want to receive bodies, and we don't want to give you bodies."

Say said she now believes the Syrians are sincere about working for the hostages' freedom. "Nobody believes anymore that Syria is playing games here. Nobody wants it over more than they do."

In any event, things are much better than right after Iran-contra affair, when the hostage families, according to Say, "suffered a terrible backlash. I thought I would never recover." The way she sees it, "a very popular president" got into a very embarassing mess and the public thought "somebody had to be blamed. So it was the hostage families who'd driven them to it, and the hostages who were [in Lebanon] in the first place."

In Rome, Say and AP Deputy Director of World Services Larry Heinzerling were granted a private audience with the pope in which she told the Roman Catholic leader how Anderson had pulled fibers from his straw sleeping mat and crocheted them into two pairs of rosary beads, one for himself and one for his then-hostage roommate, the Rev. Lawrence M. Jenco, who was released in July 1986. She also told the pope how Jenco had said Mass every day using bread that he and Anderson saved from their meals and water instead of wine.

Say's group, which included other AP executives and AP photographer Don Mell who was with Anderson when he was kidnapped, flew to Tunis to seek a meeting with Palestine Liberation Organization Chairman Yasser Arafat. Arafat was eating lunch when they were brought to his house, so he shooed away his fellow diners and made room for them at the table. "I sat on his left and he ripped off a leg of lamb and put it on my plate," Say recounted. "I'd just eaten lunch, so it was difficult."

The PLO leader "was friendly, he was not intimidating," she said. He told her he'd like to help, but that the problem was "fanatics" in Iran.

Afterward, Say began thinking how she'd told her brother, two months before his capture, that he should leave Lebanon because "the abnormal has become normal to you.

"And now, I think that's what has happened to me. I'm in a huge villa surrounded by probably 30 PLO gunmen and I was not nervous. We had our conversation and then people with guns are waving you into the car, and somehow it feels normal."

TIME TO RECONSIDER UNESCO

Mr. MOYNIHAN. Mr. President, 5 years ago the United States decided to withdraw from Unesco, the United Nations Educational, Scientific, and Cultural Organization. The reasons for this decision were several, including financial mismanagement, a campaign against the free flow of information and the politicization of Unesco.

A great deal has changed at Unesco since the United States decided to withdraw and today many friends and allies of the United States are urging that the United States rejoin the Organization. They argue that Unesco is a very large institution in which change comes slowly and with great effort. They maintain that the decision by the United States to withdraw has had a salutary effect and has caused Unesco to begin to reverse its course, but that the positive effects of the U.S. decision are now over. Additional progress requires that the United States get back into harness and join its allies in continuing to pull Unesco in a positive direction.

There is some recent precedent for the United States withdrawing from an international organization and then returning when improvements were made. In 1977 the United States withdrew from the International Labor Organization. But by 1980 we were ready to return, and today the United States is as actively engaged in the work of the ILO as ever in our history. After a 35-year hiatus the U.S. Senate has ratified—at the strong urging of the Reagan and now Bush administrations—three ILO labor conventions in the last 2 years.

Mr. President, last November the Unesco general conference met and wrestled with many of the issues which were of concern to the United States. The results are still being digested. But clearly we need to take a close look at what happened in Paris and to reevaluate our decision to withdraw from the Organization. Our distinguished former colleague, Robert Stafford, has just led a review of this issue for the United Nations Association of the USA. He was assisted by Leonard R. Sussman who has written an extremely informative editorial on this issue. I ask unanimous consent that this article be printed in the RECORD at this point, and I urge my colleagues to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 26, 1990]

IT'S TIME TO REJOIN UNESCO

(By Leonard R. Sussman)

Five years ago the United States walked out of the U.N. agency known as UNESCO, complaining that it was badly run, spent money recklessly and—perhaps most important—that it posed a threat to freedom of the press in the world because of its promotion of a "new world information and communication order."

Since then, a lot of things have changed, both in UNESCO and the world. I believe it is time for this country to rejoin the U.N. Educational, Scientific and Cultural Organization. Not only does UNESCO no longer qualify as a threat to freedom of the press, it may even be a very useful agency for *promoting* it in an area in which it is just emerging: Eastern Europe.

Last November UNESCO's general conference dealt with a number of matters that had concerned the United States. It budgeted zero-growth on expenditures that were lower than when the United States was paying dues, worked toward a dramatic reorganization of its management process and laid out a new communications program that promotes press freedom more explicitly than any in UNESCO's 44-year history.

The communication program is based on the "free flow of information," an objective repeated 23 times in the 23-page plan. This emphasis reflects the "new strategy" of Dr. Federico Mayor, the Spanish biochemist who succeeded Amadou Mahtar M'Bow two years ago as director-general of UNESCO. The plan commits UNESCO to facilitate and guarantee for journalists "the freedom to report and the fullest possible access to information." UNESCO would also facilitate "access by the public to information in all its forms," hardly a sop to authoritarians. Indeed, the plan provides a linguistic clue to the dramatic change of course. For the first time, the media are described as "in" a country, not "of" if, which implies ownership or control by the government. And for the first time there are repeated references to private news media, private enterprise, the private sector—they too to be supported and protected.

This week, journalists from the Soviet Union and Eastern Europe will confer with Western media leaders to find ways to develop "a free, independent and pluralistic press" in Eastern Europe. The emergence of nongovernmental news systems in the East is an "encouraging development which UNESCO welcomes," says Mayor, who organized the two-day work session in Paris. It is the first practical step taken by UNESCO to help advance press freedom under its new mandate, and it is a signficant one.

The commitment to "free flow" is repeated almost to the point of boredom in its statement. Wherever it is related to "balanced dissemination of information" a new phrase appears: "without any obstacle to the freedom of expression." This reflects Mayor's pledge to increase support for new communication facilities in the Third World and encourage balanced coverage—but not by violating freedom.

The UNESCO plan acknowledges that the "new world information order" created great problems for the organization, because "too much attention was given to standard-setting and quasi-normative action." This refers to Western perceptions that the program would have had governments set criteria for independent journalists. This acknowledgment is about as close as an intergovernmental agency comes to admitting failure.

The "new strategy" in UNESCO comunications reflects the two-year leadership of Mayor. He struggled against some on the executive board who sought several times to restore the "world information order" in one form or another. These sessions were described by one delegate as "psychodrama." Significantly, however, no one even suggested restoring some of the old bugaboos associated with that order: licensing of journalists, imposition of governmental press codes, or monitoring of independent journalists.

The present mandate clearly opens a new era at UNESCO. Its programs include high-level international science links, a global literacy campaign (UNESCO's "absolute priority for the decade"), saving worldwide cultural legacies, managing the world copyright convention, providing the only global forum for charging governments with violations of individual human rights, and scores of projects to improve education in developing countries.

The U.S. administration should now appoint a high-level group, one reflecting interagency and broad nongovernmental concerns, to examine and report promptly on UNESCO's new programs and on the budgetary and management changes demanded for so long by U.S. critics.

American interests in science, education and other fields are ill-served by the continuing absence of the United States from UNESCO in these crucial, fast-changing times.

GOVERNORS TAKE BUDGETS SERIOUSLY

Mr. SANFORD. Mr. President, I am pleased today to add as cosponsors to S. 101, the Honest Budget/Balanced Budget Act, my friends and colleagues and former Governors, Senators, BRYAN, FORD, and HOLLINGS.

I don't think it is a fluke that five former Governors, including Senator ROBB and me, associate themselves with this budget reform legislation. Governors take budgets seriously. The Governors of this country balance their budgets year after year, using an honest approach based on honest figures.

Unlike the Federal Government, States don't print money. Unlike the Federal Government, States cannot pull their retirement funds—their pension funds—down to their bottom line and pretend to balance their budgets. Unlike the Federal Government, States cannot spend money and cover it up by not counting it in their deficit. States cannot play the games with their budgets that we in Washington play with the Federal budget. Governors must balance their budgets for real.

So, as former Governor ROBB knows, and as former Governors BRYAN, and FORD and HOLLINGS know, and as I know, Governors take budgets seriously. This is precisely what S. 101 does.

Under S. 101, the operating budget must be in balance, beginning with the first year. And the operating budget, exclusive of interest, must be in balance without the use of Social Security and other Federal retirement accounts.

Under S. 101, we can—this year—have a balanced operating budget. Under S. 101, we could—this year—have a surplus in the operating budget. I am not talking about the year 2000. We can have a balanced operating budget this year if S. 101 was law.

Governors understand balanced budgets. They understand honest budgets.

Some would argue that most Governors must balance their budgets because their constitutions require it. And many of those who would argue this believe we must have a constitutional amendment at the Federal level requiring a balanced Federal budget in order to achieve a balanced Federal budget. We can also balance the budget without a constitutional amendment.

The President and Congress can balance the Federal budget if there is a willingness to do so. President Reagan was always quick to call for a constitutional amendment to require a balanced budget, yet in the 8 years that he occupied the White House, not once did he submit a balanced budget. It was more convenient for President Reagan to call for a constitutional amendment to balance the budget than it was for him to develop a plan to balance the Federal budget.

Mr. President, we don't need a constitutional amendment, we need action now. S. 101 requires action now.

Mr. President, I ask unanimous consent that the following statement be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE HONEST BUDGET/BALANCED BUDGET ACT

THE BALANCED BUDGET AND DEBT REDUCTION ACT OF 1989, S. 101

Requires honest budgeting

Unlike GRH, which has permitted budget accounting gimmicks, S. 101 has been created to prevent deceptive budgeting practices. S. 101 alone will not guarantee success, but it will lay the right foundation, prompting badly needed action to eliminate our annual deficits, and facilitating substantial reductions in the "botton line" of the Federal debt.

Defines deficit as annual increase in the Federal debt

S. 101 defines deficit to mean the amount by which the debt is increased, which is government's bottom line. The Fiscal Year 1990 Budget Resolution claims a deficit of about $100 billion while acknowledging a $264 billion increase in the federal debt. S. 101 designates this increase in debt as the deficit.

Divides the unified Federal budget into three categories

1. Retirement Funds Budget
2. Operating Budget
3. Debt and Interest Budget

Retirement funds budget

This budget includes receipts and expenditures for Social Security and other Federal retirement programs, including transfers of employer (U.S.) contributions from the Operating Budget to the Retirement Funds, and including interest received from the U.S. Treasury for securities held in trust. Retirement Funds surpluses would be contained in this category and not used to mask the true size of the annual deficits. Also, interest paid by Treasury to these trust funds, must be counted, for deficit purposes, as an outgo just like interest paid on bonds held by a private bank and trust company.

Operating budget

The Operating Budget includes all receipts and expenditures of Federal entities other than those in the two other component budgets, reflecting current receipts and current demands on the Government. S. 101 requires that the Operating Budget must be balanced, or subject to a point of order and sequestration.

Debt and interest budget

This budget includes changes in the public debt, interest on the public debt, and transfer of surpluses from the Operating Budget. Interest displayed here includes payments to the retirement trust funds, and cannot be treated as income to maks the total amount of gross interest paid.

It mandates the reduction of the public debt by establishing annual maximum deficit targets.

It establishes a trust fund for the reduction of the public debt, and allows for enactment of taxes solely dedicated to the reduction of the public debt.

ACTION OF THE NRC

Mr. KENNEDY. Mr. President, the action by the NRC today is the culmination of a long line of irresponsible public-be-damned decisions by the NRC. This is a rogue agency that lives by its own set of proindustry rules.

When the safety regulations do not fit into the licensing scheme, change them. When local officials say the communities around the plant cannot be safely evacuated, ignore them. When workers at the plant say there are serious safety problems, dismiss them.

The NRC is more concerned with the economic interests of the nuclear utilities than the health and safety of the public. I hope the communities endangered by this reckless decision can obtain the relief that they deserve in court.

TRIBUTE TO WILLIAM M. BECK, SR., FORMER ALABAMA HOUSE SPEAKER

Mr. SHELBY. Mr. President, I rise today to ask my colleagues in the Senate to join me in recognizing the accomplishments and achievements of an outstanding Alabamian—William M. Beck, Sr., of Fort Payne, who passed away February 26. William Beck will always be remembered by his family, friends, and colleagues as a man who contributed significantly to his State and community. He will be missed by all.

William M. Beck leaves behind a distinguished legacy of service for future generations of Alabamians to follow. He began his career of service at an early age, having heard the call to arms, and joined the U.S. Army in 1919 to defend democracy in World War I. Upon returning to his home following the war, Beck became an attorney in 1932 and was elected to the Alabama Legislature in 1939. He was then appointed a judge for the DeKalb County Court. Following his appointment, World War II broke out and William Beck resigned his judgeship to enlist in the Marine Corps and once again defended democracy. Defending the principles that this country was founded on was of great importance to this man, and he was proud to sacrifice his career for his country.

Having served his country as a soldier in World War II, Beck returned to Alabama determined to serve his State. He was elected once again to the Alabama State Legislature and had the unique distinction of serving as speaker of the house from 1947 to 1951. He was a formidable force during his tenure as speaker of the house, pushing through legislation to improve State roads. Beck was a man of foresight. He realized that in order to improve the economic climate in Alabama, the State would have to support modernizing and maintaining its infrastructure.

It was during his tenure as speaker of the house that Beck's vision for a better Alabama was noticed by George Wallace, a freshman representative who would later become one of Alabama's most noted Governors. Governor Wallace appointed Beck to the State Board of Education in 1962. As a member of the State Board of Education, Beck found his true calling. Beck was a strong advocate of higher learning. Education had been an important part of his life. Beck was educated in the public schools of Calhoun and Talladega Counties as a young boy. Later he attended Newberry College, Newberry, SC; Jacksonville State University; and Birmingham Southern College. His educational honors included an honorary LLD, Judson College.

Having pursued higher learning himself, Beck realized the value and benefits of a good education. His vision included providing every Alabamian with the opportunity to have a quality education. During his 10-year service on the State Board of Education, Beck devoted himself to improving Alabama's educational system. He was a leader in the movement to establish and locate junior colleges throughout the State. William Beck made a difference in Alabama. With the establishment of junior colleges, Beck was able to improve the lives of the children of his State and provide them with the environment to prepare them to be productive members of society.

William Beck's legacy of service is a gift to us all. As Longfellow has written: "Lives of great men all remind us we can make our lives sublime, and departing, leave behind us footprints on the sands of time." His path was a noble and rewarding one—a path that we should all hope to walk down.

Mr. President, this is a tribute to William and his three children, William, Jr., Robert Daniel, and Frances Jo Jagoe—theirs is a loss shared by all Alabamians. William's family should be proud of the contributions he made to his State and country, and he will always be remembered as an outstanding individual who worked diligently in his pursuits to make Alabama better.

TRIBUTE TO JUNIOR DAVISON

Mr. REID. Mr. President, on Saturday, March 3, 1990, 300 people will gather in Las Vegas to pay tribute to Junior Davison. Unfortunately, my duties as a legislator will keep me from attending. For this reason, I wish to express my respect and admiration for my friend Junior here on the Senate floor.

Junior Davison has been a Las Vegas resident for 55 years. While he was still a teenager, Junior installed powerlines on Hoover Dam.

Junior has seven children, and the Davison offspring have been known to claim themselves as their fathers' greatest contribution to Nevada. Not that I would beg to differ—each child has grown to be an admirable person; however, Junior Davison has clearly contributed to our State beyond increasing its population. Moreover, I believe his children learned the art of personhood from their father. Junior Davison has always served as a fine example of father, friend, coworker and boss.

After 35 years of service, Junior Davison retired on February 28, 1990, from the Nevada Power Co. He rose to the position of supervisor, and there are many in southern Nevada facing the upcoming weeks with some trepidation. Can they provide power without Junior?

His wife, Arlene, retired from the same company on the same day, which was also their 15th wedding anniversary.

As great as his contribution to the Nevada Power Co. has been, Junior is best known as a pitcher for the Las Vegas Fast Pitch Softball League. I first met Junior when he pitched against my brother Dale. He pitched for 25 years, and he is legendary for his enduring athletic prowess. Playing with his sons, Willie and Chuck, he led his team to the State Zone Fast Pitch Championship in 1968.

Mr. President, I am truly saddened I will not be able to participate in the retirement festivities in person. But for the record let me say: Junior, it's always been a privilege to know you, and may you have every happiness in retirement.

A VICTORY FOR DEMOCRACY

Mr. BENTSEN. Mr. President, as we in this body know, elections are strange and wondrous things. They focus into a few hours of 1 day all of the energies and passions of months of campaigning. They serve simultaneously as a referendum on the past and a choice for the future.

Free elections are what distinguish genuine democracies from those fake substitutes where regimented populations rubberstamp an unchallengeable leadership.

Free elections are often unpredictable, surprising both the winners and the losers.

Today we celebrate one of those landmarks of freedom, last Sunday's elections in Nicaragua which produced a landslide victory for Mrs. Violeta Chamorro.

February 25 marked the culmination of a long struggle by the democratic opposition to the Sandinista regime, which came to power by revolution and then abandoned many of its most important promises. The elections permitted the long-suffering people of Nicaragua to express their will.

International observers, especially former President Jimmy Carter, played a crucial role in deterring significant fraud and in making the results acceptable to all sides as a fair test of public sentiment.

The Nicaraguan elections have transformed the politics of Central America and given peace a chance to heal the wounds of war.

President Kennedy once said that victory has a thousand fathers, while defeat is an orphan. In this case, in truth, there are many heroes who can take pride in the results.

Foremost are the Nicaraguan people, who saw through Sandinista propaganda and voted in overwhelming numbers for the democratic opposition.

Mrs. Chamorro deserves our special admiration for uniting so many factions and inspiring such widespread support. I know from my own conversations with her that she has the strength of character to persevere and prevail even against incredible odds. We all join in wishing her success in what is a difficult task of rebuilding the Nicaraguan economy and rekindling democratic government.

Mr. President, it may seem unusual coming from me, a strong and persistent critic of Daniel Ortega, but I believe that he also deserves our appreciation for accepting the election results peacefully and with grace. We tend to judge people by their actions more than their motives, and by that standard he did well by permitting the elections and admitting the international observers who helped to insure their fairness. Unless and until contrary evidence emerges, I trust that his pledge to turn over power will be implemented as required by the Nicaraguan constitution in 2 months.

If so, it will mark the first occasion in history that I am aware of when a revolutionary Marxist regime voluntarily surrendered its power solely on the basis of an election.

But, of course, recent months have been full of historymaking precedents.

The Nicaraguan elections also are a victory for American principles and foreign policy. We supported the 1978 revolution and then, when the Sandi-

nistas shrank to a Marxist-Leninist core and abandoned many of their promises, worked to support the democratic resistance.

The American consensus fragmented during the 1980's, however, as the executive branch took actions without the needed congressional knowledge and support, and thus created a gap of mistrust that made cooperation difficult. Finally, the White House and the Congress began closer consultations, and we built a bipartisan foreign policy in support of both peace talks and pressure.

We need to continue bipartisan cooperation in the months ahead, as Mrs. Chamorro assumes power and confronts the many problems which weaken her country. We need to turn our attention from the often contentious past to the difficult future.

As we applaud the return of democracy to Nicaragua, we need to rededicate ourselves to helping that fragile institution to take root in those many nations where it now seems ready to grow.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1430, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1430) to enhance national and community service, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Armstrong amendment No. 1279, to allow organizations in the Nation's Capital to exclude adult homosexuals from certain programs and activities that involve minors.

AMENDMENT NO. 1282 TO AMENDMENT NO. 1279

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1282 to the Armstrong amendment No. 1279.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

(c)(1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, of any adult homosexual, bisexual or heterosexual person who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor; and

(2) nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.

Mr. KENNEDY. Mr. President, I do not believe that it is an appropriate endeavor for Congress to dictate to the District of Columbia the terms of its human rights laws. It is particularly inappropriate for us to do so on this important legislation.

But if we are to amend the D.C. human rights law at all, we should make it clear that the law does not bar any organization or entity from denying or restricting participation in youth activities to any adult—regardless of his or her sexual preference—who has been convicted of, or is charged with, a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor.

That is what the first provision of my second-degree amendment would do. Futher, the second provision of my amendment would amend the D.C. law to allow a parent or guardian to exclude any person from involvement in youth programs with their child if they object to that person's sexual orientation.

This second-degree amendment, with its two provisions, is far more protective of the interests of children—and their parents—than the Armstrong amendment. Any person, homosexual or heterosexual, who has been charged with a sex offense with a minor, or who otherwise poses a threat of engaging in sex with a minor—may be excluded by an organization from a program involving education or training of children.

That is fair and that is appropriate. The law should not assume that any class of persons is a threat to children. But any person who does pose a threat clearly could be excluded under my amendment.

We all agree that parents ought to be able to decide who is or who is not an appropriate role model for their children. My amendment would protect and preserve for parents their right to object to a person participating with their child in a youth program, if they object to the person's sexual orientation.

Let there be no doubt about it. My amendment would permit the Big Brothers or any other organization in D.C. to exclude any person who has been convicted of a sex offense with a child or who based on his conduct otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor. It would also make it clear that a Big Brother program may exclude a person in a program from working with a child if the parent or guardian of that child objects to that person's sexual orientation.

Senators who really oppose minor abuse and want to protect the interests of children and their parents should vote for this second degree amendment.

RECESS UNTIL 11 A.M.

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate stands in recess until the hour of 11 o'clock.

Thereupon, at 10:30 a.m., the Senate recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

RECESS UNTIL 11:30 A.M.

The PRESIDING OFFICER (Mr. ROBB). Without objection the Senate will stand in recess until the hour of 11:30 a.m.

There being no objection, the Senate, at 10:59 a.m., recessed until 11:31 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

RECESS UNTIL 11:45 A.M.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until the hour of 11:45 a.m.

There being no objection, the Senate, at 11:31 a.m., recessed until 11:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

The PRESIDING OFFICER. In the Chair's capacity as a Senator from Virginia, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 2215 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. HARKIN. Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The Senate continued with consideration of the bill.

Mr. KENNEDY. Mr. President, we are back on the debate on the voluntary service legislation. Our situation is there has been an amendment submitted by the Senator from Colorado. I have offered an amendment in the second degree which I quite frankly think addresses the concerns which he has expressed during our exchange last evening.

I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I thank the Chair.

Mr. President, homosexuality has long been scorned by mainstream people as antisocial behavior. That is not something that just happened in the last few years. That has been basically the point of view of traditional thinkers for many centuries. In fact, until quite recently homosexual behavior was unlawful in most jurisdictions, and in my view properly so.

Recently, I guess maybe in the last 15 years or so, there has been an attempt by homosexual persons to improve their standing in society, to gain a degree of legitimacy, to in some way upgrade their public image, and in a number of different ways, some related to public opinion and some related to their legal status, to gain an improved position over that which has ordinarily and regularly been the status of homosexuals throughout I guess all of recorded history.

To the extent that this effort is aimed at eliminating the persecution of homosexuals I think many of us in this room would be supportive of it. To the extent that the effort which homosexuals have undertaken on a very broad and diverse front in this country is aimed at eliminating the abuse—including on some occasions regrettably physical abuse, that has been directed toward homosexual persons—I think many in this room would agree with.

Regrettably, however, the effort which what might be called the homosexual lobby has undertaken has gone far beyond that.

And there are at least two other thresholds which homosexual persons are increasingly trying to cross, which I—and I judge the vast majority of Senators and the vast majority of those we represent—would not agree with. While, in fact, I think most of us do agree that homosexuals should not be persecuted, that they should not be physically or verbally abused, the reality is that they are asking for much more than that. They are asking, first, for the status of what they euphemistically term a "legitimate alternative lifestyle," that being homosexual is not an evil thing, not as regarded over a long period of time as seriously destructive behavior that undermines the values and traditions and morals of families and individuals and communities and nations, all of which have been the mainstream belief for many centuries, but that somehow it is OK, it is all right to be a homosexual person.

I do not agree with that. I am even more troubled when homosexuals who have, in some political circles and in certain jurisdictions, gained a quite surprising degree of political influence and have used that influence, as they have in the District of Columbia, to seek a preferred legal status, not to protect them from physical abuse, not to protect them from criticism, but in fact to require under the force of law that they be accorded a protected status, and that those who earnestly believe, as most people have I guess forever, as far back as I am aware, that the issue has been addressed by historians, the people who believe over that long period of time that homosexual behavior is antisocial, a form of abhorrent behavior, it is destructive of individuals, families and communities, that they are going to be required to somehow admit homosexuals into their businesses, their organizations, even into their voluntary community activities.

This seems to me to be quite farfetched, and I judge that very few Senators would agree with those efforts.

This came to my attention first in the Georgetown case which was discussed briefly yesterday. The facts of that circumstance were that the D.C. City Council passed a so-called human rights act, and then the city administration sought to vigorously enforce it against Georgetown University, a Catholic institution, which was founded under the motivation of the teachings of the Catholic Church, which has been led by a Catholic clergyman throughout its history and which maintains itself as a religious institution.

The facts of the case I think are well-known to the Senators, and I do not want to recount them in detail, but the essence is this: the city council passed an ordinance, and the D.C. city administration tried to vigorously force this religious institution to do something which is an anathema to giving encouragement and financial support to an organization of homosexuals.

To its credit, the university was not engaging in homosexual bashing, nor do I think any thoughtful person would wish to do so. The university was not seeking to exclude homosexuals from enrolling in the university. The university was not seeking to in any way prevent homosexuals from taking an active part in the life of the campus. The university was not seeking to ridicule homosexuals. All they were saying was, when a group whose organizing principle was the affirmation of homosexual behavior came to ask for university status and funding, they said no. The city said, "You have to give them funding." In the face of that, Congress acted, and properly so, not once but on two occasions, to adopt and to perfect a statute which simply amended the relevant section of the D.C. Code.

Now we have a very similar situation here today, more or less, the same section of the code has now been used by the D.C. city government to insist that the Big Brothers organization admit to its fellowship homosexual persons. Big Brothers, as you all know, is a volunteer organization in which adult volunteers are matched up with boys who need role models. Literally, they are what the name implies, big brothers.

Until last fall, they had a policy of rejecting any applicant who sought to become a member of the Big Brothers organization if the applicant was a homosexual. Under pressure of the D.C. department that enforces this human rights act, Big Brothers of the National Capital Area changed its policy and began accepting homosexuals. In my view, this kind of coercion is reprehensible under any circumstances, but particularly, when it involves a volunteer organization that works with young people.

So, Mr. President, I offered on yesterday an amendment which was very narrowly drawn, which does not seek to make any sweeping policy judgment, which does not seek to solve all the problems of the world, does not seek to put Senators on the spot about any broad-gauged philosophical outlook on homosexuality or life in general. All it says is this: Given a specific instance of abuse involving a volunteer organization that puts adults in the position of being role models with minors, that we are not going to let the District of Columbia force them to accept people who are homosexuals if it is their desire not to do so.

My amendment does not say they cannot accept homosexuals or they cannot accept bisexuals or other persons if that is their wish and desire. What it says is that we are not going to let the D.C. City Council and D.C. government force their hands.

Frankly, in the unlikely event I would ever become a resident of the District of Columbia, I would say more about it and advocate a much broader and deeper social policy change. I do not think it is likely that I shall ever become a resident, because I believe it to be one of the most corrupt places on the face of this Earth, and I do not want to live here.

I say that, recognizing that it may well give some offense to people who do live here—and many fine people live here. There are many fine organizations which work from this locale. But in essence, I think there is the stench of corruption about this place, and I regret it, for it is our Capital, and I love it for that reason.

However, that is not the point of this amendment. The point of this amendment is not to correct a lot of problems, or a broad-gauged problem. It is addressed to a single, very specific, well-identified, concrete problem. It is not hypothetical or speculative. It is specific. I did it that way, even though my heart tells me it would be well to go beyond the scope of this amendment, because my head tells me only deal, when you are touching on controversial issues, with what is specific and concrete; do not get into the abstract. That is what my amendment did.

Mr. President, I am not taken completely by surprise that the Senator from Massachusetts disagrees with me. He told me he disagreed with me. He made it clear he disagrees on the substance of my amendment and made it clear that he disagrees with the process. He does not think we ought to overrule the D.C. City Council. We do it all the time. We do it sometimes four, five times in a single piece of legislation. It is clearly our legal right to do so, although some argue the home rule principle. The U.S. Constitution very clearly reserves to the Congress the legislative prerogative for the District of Columbia.

Moreover, in establishing the home rule form of government, Congress itself reaffirmed that it retained to itself the power to legislate for the District of Columbia. We are conceptually in the same status with respect to the District of Columbia that a State legislature would be with respect to a city or subordinate unit of government within a State. The District of Columbia, of course, is not a State. We have, therefore, the legislative power that would ordinarily be exercised by a Commonwealth or State government.

So, Mr. President, feeling that way, I think it would have been appropriate if the Senator from Massachusetts had urged Members of the Senate to just vote against my amendment. That would have been straightforward, and clearcut, perfectly appropriate, and well within his rights if he moved to table my amendment. That would also have been clearcut, but he did not do that.

Instead he brought in an amendment, the effect of which—I cannot judge its intent and purpose, but the effect of which is somehow to confuse the issue. I guess that it is not too surprising either, because I suppose that this is going to be a difficult matter for some to vote on. For a lot of us it is not very complicated. But I do understand that in certain circles persons have gained a degree of political influence, and how we vote on this amendment does in fact force each Senator to choose whether he wishes to stand up and be counted for traditional values or whether or not one wishes to stand up and be counted on behalf of this growing movement which seeks to provide legitimacy and even a protected legal status for homosexual persons.

Literally, the issue involved here is whether or not we are going to force volunteer organizations like Big Brothers—they are not the only ones, but like Big Brothers—to accept persons against better judgment, maybe even against their moral convictions. I do not think that is going to work. We do that all the time in this Chamber when we have a tough issue. Somebody who does not agree with the proposal but nonetheless does not want to meet it head-on sends over a perfecting amendment. We saw it yesterday, as a matter of fact; the Senator from Texas offered an amendment and somebody, maybe the Senator from Massachusetts, offered a perfecting amendment, and the Senator from Texas moved to recommit the bill with instructions. There could have been parliamentary maneuvers that could have been employed, and on analysis everybody knew what the issues were. Some decided to vote on the issues separately and some voted for both proposed amendments and some for one of them, and some did not vote for either, but I am not sure.

But in this case, Mr. President, it does not matter how many perfecting amendments or second-degree amendments we offer, or substitute amendments we offer, or motions to recommit. We all know what the issue is. All I want to make clear is what the issue is and let Senators vote how they wish to do so.

I could get a direct vote on my amendment in any number of ways. I was not surprised when Senator KENNEDY offered a second-degree amendment. In fact, it crossed my mind to offer a second-degree amendment to my own amendment—some advised me to do so—that would preclude somehow an amendment to confuse the issue, fuzz it over or mix it up or provide political cover for somebody desirous of political cover. I did not choose to do that. I do not think Senators are deceived by such tactics.

The fact of the matter is if you vote for the Kennedy amendment, you are voting against my amendment. If you vote for the Kennedy amendment you are saying the D.C. city government should have the right to force Big Brothers, among others, to admit to counseling and work in volunteer activities homosexual persons. If you vote against the Kennedy amendment you are voting for my amendment which has the opposite point of view.

Mr. President, with that brief explanation I want to analyze for those who are interested in following the debate on the Kennedy amendment. The first part of it, first section says:

> Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, or any adult homosexual, bisexual, or heterosexual person, who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abuses a minor.

That is a sentiment with which I believe every Member of the Senate can agree. It is in fact a sentiment which we can applaud. But it addresses a problem that does not exist, because there is no threat as far as I know in this legislation or anyplace else in the D.C. Code or in the statutes of National Government or any place which has such a requirement. There is not any such requirement. At least I never heard of it. I never heard of anybody advocating a requirement that an organization be required to admit to the counseling of minors a sex offender. If somebody knows of that maybe I will concede maybe this language was helpful. I never heard such a thing. I bet the Senator from Massachusetts cannot name anybody advocating that or point to a section in this bill that vague on that subject. If so, I have no problem with this language.

I do not think it adds a thing. I think it is just kind of political cover.

The second half of this proposed amendment reads as follows:

> Nothing in this chapter shall be construed to bar any organizations or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual, or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objectes to the participation

of such person based on the person's sexual orientation.

Again, I do think there is a Senator who would object to that. What we object to is the fact that the adoption of the Kennedy amendment with these innocuous and frankly meaningless declarations preempts my amendment because it is a substitute. That is the real purpose of it, to preempt my amendment which says that section of the D.C. Code is not going to apply, we are not going to force these volunteer organizations to admit homosexuals.

Is the problem nothing more than suggested by subsection 2, if an organization wants to let homosexuals in or if a homosexual person wants to be a member of that organization and participate in the counseling and guidance work, it should be permitted do so until some parent complains?

Mr. President, if you think about that for just a minute, it is obvious what a preposterous notion this amendment really suggests. It suggests that if a homosexual person presents himself to the Big Brother organizations—that is exactly what happened, according to the published accounts—and seeks to be assigned as a coach or mentor or volunteer teacher or role model for one of these kids, then if that child's parent or guardian objects then that person cannot be a mentor or role model for that child. As far as I can tell he can still go back to the organizations and say "OK, that parent or guardian wouldn't permit me to be a role model for that child, so put me with another child."

When you think about it, that is a pretty farfetched notion. First, how would the parent know it? How many of us, by the way, know who are the leaders of the Cub Scout troop or the Boy Scout troop or the Campfire Girls or other organizations that have contacts with our own youngsters? I would judge that many of us are more involved with our children then are the parents and/or guardians of those who need Big Brothers. There are often tragic circumstances which make it impossible for parents to be involved with their kids and that is the very reason why these youngsters need Big Brothers.

Even if we had alert parents who were monitoring the quality of leadership provided by these big brothers and other leaders, how in the world would anybody know that, if they did know it, and protest it?

Then do we put these organizations to the task of reassigning that person to somebody else? And, in any case, even if this were a workable scheme, and it clearly is not, where is the justice that says a volunteer organization, a not-for-profit organization that seeks to do nothing but good, seeks to harm no one but just to hold out a helping hand to young people, should be forced to compromise their reputations, their standing in the community, their principles, if these are their principles, by taking into the organization a person who they do not approve of?

Why should we force them to do it? Why should we force any volunteers—although not addressed in my amendment—why should we force any organizations to do so?

I said I do not believe in homosexual bashing. I do not believe in persecuting homosexuals. I do not believe in holding them up to ridicule. I do believe, and I think it is the opinion of most Senators and the vast majority of people we represent, that homosexuality is destructive, aberrant behavior we should not encourage and not validate and, for heaven's sake it should not be a protected legal status.

The effect of this amendment, let me say one more time—then I am ready to go to vote, unless others want to expand on the matter—the effect of this amendment by Senator KENNEDY is simply to preempt my amendment. I do not think he is going to be successful in doing that. If he is, there is another way to get my amendment up some other way on some other occasion. I do not expect that is going to be the case. My judgment is that he will not prevail. I hope that is true.

But I do not want anybody to come down and vote on this and think that the amendment is something other than what it is. The question is: Are we going to let the Campfire Girls, Girl Scouts and Boy Scouts, Big Brothers, and similar organizations, including church groups, but not limited to them, make that decision for themselves.

My final point, Mr. President. I am not erring on the opposite side in the way the city council did with my amendment. The city council said you have no choice, you just admit homosexual persons. I am not taking the opposite point of view and saying you may not, we forbid it. As I said earlier, what the heart tells me, my head tells me that is not the right approach, that these organizations can make that decision and rise or fall on the quality of their decisions, and it is not up to us to make it.

Under my amendment, Big Brothers and other organizations can admit homosexual persons, deny homosexual persons, do so on some kind of conditional basis, such as suggested by the Kennedy amendment. They can keep the policy they used to have, they can keep the policy they have now, or they can change to some new kind of policy. We are just saying they ought to make that decision. They should not be coerced by the D.C. City Council or the Congress or anybody else.

Mr. President, it appears to me we should defeat the Kennedy amendment and move to the passage of my amendment.

The PRESIDING OFFICER (Mr. DASCHLE). Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, just briefly, in response to the Senator from Colorado, if we are seriously concerned about the protection of children in the District of Columbia, the amendment in the second degree which I offer deals with it much more effectively than does the amendment of the Senator from Colorado.

My amendment would permit a voluntary organization to take a look at the behavior of an individual and determine whether that behavior indicates that the individual poses a danger of engaging in sex with a minor or sexually abusing a minor. If an individual's behavior indicates that such a threat is posed, the organization may bar such a person from youth programs. My amendment would also allow a parent to stop an individual from participating in a voluntary program with that parent's child if that parent objects to the individual's sexual orientation. That protects children, it protects parents, and it protects the people of the District of Columbia.

I am not going to get into a long debate about what poses the greatest threat to the well-being of children, but the American Psychological Association, says the most authoritative organization that has reviewed and studied these kinds of activities and these kinds of tragedies, points out:

> The most authoritative studies to date indicate that while molestation of a male child by an adult male may be a common form of sexual abuse, the individuals who commit such acts are rarely homosexually identified persons. More typically the man who commits such an act is heterosexually identified and is either a married man or has no adult sexual relationships with other men.

The fact is, Mr. President, we do not have to make a judgment about those particular issues. What we ought to do is take action that is going to protect children, and that is what this particular amendment does. It permits any organization to exclude any individuals who have a record in terms of child abuse, or are charged with it, or that the organization itself reasonably believes, from the behavior of that individual, that those children are threatened. It also permits, if a parent so desires, to exclude that particular individual from working with their child.

Mr. President, the amendment that I offered in the second degree is completely consistent with the Big Brothers and Big Sisters of America policy statement on volunteer selection. I will include the whole statement in the RECORD, but I will read one paragraph that is relevant to this whole issue.

I quote from the Big Brothers and Big Sisters of America:

It is the historical practice of Big Brothers/Big Sisters agencies to consider and communicate (to the parent about the volunteer candidate and to the candidate about the parent and/or child) before a match is made, any past or present pertinent factors in the health, personality and behavior of the other, which in the professional judgment of the agency staff may have a significant effect upon the prospective relationship (between volunteer and child) and which, if revealed at a later date, might affect it adversely. This practice covers such issues as religious and cultural background, marital status, affectional preference, physical and mental health, drug or alcohol use, criminal convictions and other such matters. It is the agency's responsibility to inform the parent about the person with whom their child will be associating. The agency, through its professional staff, is best equipped to deal with such sensitive matters on behalf of the parent and to inform the parent, who is the final authority, regarding the appropriateness of a match of their minor child with a particular individual.

Mr. President, I ask unanimous consent that the text of the policy statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIG BROTHERS/
BIG SISTERS OF AMERICA,
Philadelphia, PA, June 1988.

POLICY STATEMENT ON VOLUNTEER SELECTION AND ASSIGNMENT*

The basic position of Big Brothers/Big Sisters of America regarding any person who wishes to apply to be a Big Sister or Big Brother derives from the Standards and Required Procedures for Affiliated Agencies, adopted October 17, 1986 by the BB/BSA Board of Directors and amended February 20, 1987 (the "Standards and Procedures"), which every local agency subscribes to and agrees to follow. The Standards and Procedures speak to the issues of volunteer intake (Standards 17, 18 and 19) including the development of criteria for program participation, written application, written references, arrest and conviction records, an in-person interview, home assessment, and other possible sources of information about the applicant; and volunteer matching (Standard 20). In this latter regard, the Standards and Procedures provide that "[t]he professional staff shall make a preliminary determination of a specific match based upon the recommendations for matching established in intake." (Standard 20, Procedure a). Further, the agency "shall provide an opportunity to the volunteer and parent/guardian to accept or reject the match[,]" (Standard 20, Procedure c) in a manner consistent with an established "process for sharing information about the proposed match with the volunteer, parent/guardian and child." (Standard 20, Procedure b). The sharing of this information in the context of the matching process must be circumscribed by "a written board approved policy on managing confidential information." (Standard 11, Procedure d).

It is the historical practice of BB/BS agencies to consider and communicate (to the parent about the volunteer candidate and to the candidate about the parent and/or child) before a match is made, any past or present pertinent factors in the health, personality and behavior of the other, which in the professional judgment of the agency staff may have a significant effect upon the prospective relationship (between volunteer and child) and which, if revealed at a later date, might affect it adversely. This practice covers such issues as religious and cultural background, marital status, affectional preference, physical and mental health, drug or alcohol use, criminal convictions and other such matters. It is the agency's responsibility to inform the parent about the person with whom their child will be associating. The agency, through its professional staff, is best equipped to deal with such sensitive matters on behalf of the parent and to inform the parent, who is the final authority, regarding the appropriateness of a match of their minor child with a particular individual.

*Adapted from statement affirmed by BB/BSA Board of Directors in October 1977 to reflect current Standards and Required Procedures.

Mr. KENNEDY. Mr. President, our amendment is completely consistent with that. Our amendment ensures that there is a greater degree of protection for both parents and children, the way that that is drafted. I hope, Mr. President, that the Senate will go on record in supporting this amendment.

Mr. ARMSTRONG. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. ARMSTRONG. Mr. President, just so there will not be any confusion, I would like to ask the Senator if he would be willing to vote on my amendment separately. I would certainly be willing to accept the language he suggested. I think it is meaningless, but I do not find it offensive in any way. My question is, would he be willing to simply vote on his language and then vote on mine as separate issues?

Mr. KENNEDY. Well, quite frankly, Mr. President, my reading and understanding—we will not get into the Constitution now—about what the Founding Fathers meant in terms of the District of Columbia and the disenfranchisement of 760,000 people, who have no representation in the Congress and the Senate is indeed unfortunate, we do not have to get into that particular issue. Those people fought in Vietnam, they fought in Korea, they lost their lives, and they have no representation in this body. We do not have to get into that. But, nonetheless, I think they ought to be able to make decisions with regard to the drafting of various requirements themselves.

Now, this issue is raised and the Senator wants to address it. The best way that we can address it and provide protection for individuals is the language which we have proposed. And that is why I believe that we should move ahead. We are going to follow the procedures of this body and, hopefully, the way that this body has functioned for 200 years, and that is to permit a second-degree amendment to be voted on.

Mr. ARMSTRONG. The Senator is correct. But my inquiry was whether his desire was simply to preempt my amendment by offering a substitute, or whether he would like to have his amendment voted on and then vote on mine. That is the process the Senate followed yesterday, for example, with the Gramm amendment.'

Mr. KENNEDY. The fact is we have consulted with the Senator from Colorado for hours last evening. We tried to consult with him earlier today in trying to accommodate both his concerns and ours. We were unable to do so. I think we ought to follow the regular order of this body and follow its usual procedures. That is what I hope we will be able to do.

Mr. CRANSTON. Mr. President, I urge support of the Kennedy second-degree amendment and defeat of the Armstrong amendment.

The Kennedy amendment deals with a real issue—the Armstrong amendment plays with unfounded prejudices.

The Kennedy amendment makes it clear that any program which involves children can exclude any person likely to engage in the sexual abuse or exploitation of a minor. It covers any person, hetrosexual, homosexual, or bisexual.

The Armstrong amendment does nothing, absolutely nothing, to protect children from the vast majority of sexual abusers. It is a simply a concession to unsubstantiated fears. It diverts us from dealing with real life problems.

Mr. President, the proponent of the amendment seems concerned that the Kennedy amendment deals only with the sexual abuse of minors and not with the issue of role models.

If role modeling is the concern of the sponsors of this amendment, then they have a long way to go. This amendment isn't limited to volunteer organizations, it covers any organization or entity that holds out an adult as a role model to any minor.

Our society is full of role models for young people.

I could rattle off a long list of business leaders, social leaders, people in law enforcement, people in every field that we can think of.

What about athletes and entertainers? Shall we ban gay and lesbian performers from the stages of the Kennedy Center and RFK Stadium?

What about movie stars? Shall we set up a board of censors to prevent distribution of films that have gay or lesbian stars?

What about our public officials? Elected officials surely are role models for millions of young Americans. Should we ban gays and lesbians from public office? Of course, that would not be constitutional. Besides, how would we ascertain who is gay or lesbian?

Do we want to drive them back into the closet? That is the path the proponents of this amendment are driving toward.

How are they going to enforce this policy? Hitler began his persecutions and genocide policies by attacking homosexuals. He made them wear a pink star so that no young person could mistake a gay German for a role model. Next he went to yellow stars for Jews, and the Holocaust followed. Catholics and Austrians and Czechoslovakians and Poles were next. Soon, the Nazis were killing Americans.

This is an ugly amendment and it should be defeated. If we really want to protect young children from sexual abuse we should adopt the Kennedy amendment. Sexual abuse and exploitation of children is a real problem and we ought to deal with it in a meaningful way.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to speak just a few moments on behalf of the Armstrong amendment. I speak as someone who has had a little bit of experience with the Big Brother Organization. Back in 1972 I was the fourth Big Brother matched with a little brother in the Greater Fort Wayne Big Brother, now Big Brother-Big Sister Program.

Subsequently, after having served a number of years as Big Brother to a number of children, I became active on the board of Big Brothers, and then succeeded to the presidency of the local board for a 2-year period of time. I have been active in the national conventions, regional conventions, and various programs throughout the country with Big Brothers. So I have had some personal involvement with the program, what they are attempting to do and the philosophy and theory behind the program.

Our experience in the Fort Wayne program, and it is very similar to experience that other agencies have had, is that there are far more young children—at the time when I was involved boys, and now boys and girls—who are waiting for matches, than there are adults able to provide the kind of support and mentoring that the program seeks to foster and encourage.

So at any one time in Fort Wayne there are up to 200, 300, 400 young boys and young girls waiting for a match. That, obviously, has put pressure on the agency to try to go out and recruit adults to take on a match and take on the responsibility of being a Big Brother or Big Sister to these young people.

Because these young people come from single-parent homes, many of them homes that are disadvantaged in one way or another in terms of economic functioning and social functioning and so forth, there is enormous pressure, generally on the mother, to get her child placed and placed as quickly as possible.

So we run into situations where the temptation exists to reach out and expand the available pool of Big Brother/Big Sister volunteers. The agency in Fort Wayne and Big Brother agencies across the Nation have wrestled with the question of what to do about the known applicant who has expressed a sexual preference for homosexuality, and what impact that might have on the life of the little brother or little sister.

My understanding is that the Washington, DC, Big Brother/Big Sister Agency has had a policy which did not allow the matching of admitted homosexual adult volunteers with young children, premised on the fairly well documented belief that these children are at very impressionable ages, in terms of their decisions relative to their sexual identity, and that the influence of a homosexual adult on a 10-, 11-, 12-year-old young boy or young girl could have enormous consequences.

Because the child is originally, by the very nature of the program, from a home where the father has, in most cases, left, because there is great stress relative to the functioning of the family and the influence of a male on the life of this child, the Big Brother Organization is very sensitive as to the kind of influence and modeling that is offered to the young children when they enter the program. Therefore, the selection criteria has to be very carefully defined and determined before a match is made. Because once that match is made, that Big Brother or Big Sister becomes the most important person in that child's life in many, many instances. Suddenly there is someone who, on a volunteer basis, is going to take the time and make the effort to spend time with that child, to influence that child, to help that child, to mentor that child.

Because that child is at such a critical age in terms of his own or her own personal development, the sexual orientation and sexual preference of that adult male or female volunteer becomes of critical importance. For that reason, Big Brother and Big Sister agencies across the country have adopted policies relative to how they address the question of matching young children, impressionable children at impressionable ages, with adults who have expressed a homosexual sexual preference.

If the Armstrong amendment is not adopted, we are forcing an organization which provides a valuable service to fatherless young boys and young girls across this Nation—although this amendment specifically applies only to the District of Columbia and those children who live in the District of Columbia—we are forcing the board of directors and the Big Brother Organization here in Washington, DC, to make a difficult if not impossible choice.

They will be forced to accept adults into the program to mentor these children where they know it is going to result in potentially dangerous consequences for the child, with possible lawsuits back from the parents—parent or parents or relatives. This is a situation where we may require the organization to literally modify or close down its program unless it agrees to go along with the current law that exists in the Washington, DC area.

We are not, here, even talking about the impact on religious organizations that are reaching out in a number of ways to provide programs for children, those organizations whose very base, whose very tenets of faith dictate against involvement of homosexuals in programs that they are providing.

I think the Armstrong amendment solves for us a whole host of problems, in terms of our ability to provide meaningful services to young people, in terms of avoiding litigation that is going to be embarrassing to all of us and has potential disastrous consequences for young people. To not adopt this, I think, sends a very confused and mixed message to a whole host of charitable organizations that are attempting to serve young children in the best interests of those children.

So I strongly support the efforts of the Senator from Colorado to clarify this matter and to impose what I think are very reasonable restrictions, relative to providing services for young people.

Again, whether it is a religious organization, whether it is a Little League organization or Big Brothers or Big Sisters or some other charitable organization that is reaching out to children, I do not believe that Members of the U.S. Senate want to condone or approve of a policy that says that those organizations cannot make a determination as to the impact of the adult on the life of that child, and that if the organization concludes that that impact could have a negative effect, could potentially impact the child in a way that I do not think any of us want that child to be influenced, that that organization does not have the right to impose in its bylaws or impose in its operating policies, some prohibitions, sanctions, restrictions, rules by which it will evaluate and select individuals to participate in the program.

So, I hope my colleagues will pay close attention to the language of the Armstrong amendment, which I think is very reasonable, and to the underlying problem that it seeks to address.

I trust we will be able to have a clear vote on the matter so that we can express our opinion as to what I think is the disastrous consequences of the D.C. law. I thank the Chair. I yield back my time.

Mr. KENNEDY. Mr. President, I hope we can move to a vote. I just find it, quite frankly, troublesome while some Members of the Senate are apparently concerned about the potential abuse of a child in one area but not so worried about it in another area.

Our amendment protects children, and the amendment is consistent with the Big Brother policy. The Big Brother policy is to tell the parents of that child the sexual orientation of the mentor, and let the parent make the decision. But it would seem to me that we ought to be concerned about the potential abuse of a child by a heterosexual as well. Our amendment does it. Nonetheless, we come back in terms of trying to demonstrate what I think is an unworthy attitude about just selecting one particular group.

I think it is beneath the dignity of the Senate. I think those who are serious about protection for children will gain it through this amendment. Our amendment, as I mentioned earlier, is completely consistent with the Big Brother policy.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. KERRY). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Indiana.

Mr. COATS. Mr. President, if I can add one more point to the discussion. Perhaps I did not make the point very well when I was speaking.

Because so many children are on waiting lists, mothers are being presented what with what I think is a very difficult choice. The agency comes to the mother and says: "I know you have been waiting a year or two for a match. I know you desperately want to find a male role model or female role model for your child. We do not have enough people for those on the waiting list, but if you are willing to accept someone who has expressed a gay preference, or homosexual lifestyle preference, we can give you a match right away. We do not think we should make that choice. You should make that choice."

So we will leave it to the mother, and, therefore, if we leave it to the mother, then the responsibility and, I will say, liability then shifts to the mother. But she is presented with a choice that I do not think is a reasonable thing to ask of a mother.

Here she desperately wants to provide someone to model and counsel and assist and help her young child who has been abandoned, in most cases, by his or her father. She has been on a waiting list for 2 or 3 years, waiting for some match to come along, and someone from the agency comes and says we have what appears to be a fine upstanding person, so forth, but you need to understand that this person is a homosexual; but the only way we can give you the match is if you are willing to accept it.

That is the situation we faced in Fort Wayne. That is the situation that most agencies face around the country. I think it puts the mother in a position of having to make a choice that she should not have to make. It is just unfortunate that in many cases I think mothers without full understanding of what the implication of that choice is, in many cases mothers who have not had education or life experience necessary to understand what the potential consequences or implications of that particular match might be, are put in that position to have to make that kind of a choice.

Of course, we run the risk of any match, whether it is homosexual or heterosexual, of having an adverse consequence on the child. Hopefully, the policies the agencies adopt in terms of screening people, in terms of FBI checks, police checks, background interviews, psychological tests and interviews with psychologists will screen out anyone who might have the potential for abuse. We are not just talking about abusive situations; we are talking about situations where a modeling or a role modeling or a lifestyle can influence a child at its most impressionable age. Everyone knows most children are at an extremely impressionable age in the ages between 11, 12 and 13, somewhere preadolescence. The influence of an adult on that child during that time is of critical importance.

Here is a situation that is just ready made for disaster if we have a policy which forces or allows individuals to match up someone with a declared homosexual preference with a child at an age where they are trying to sort all this out in their own mind. I think the upshot of the amendment is to address this very critical problem.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, it is not my desire to foreclose debate, but I am, at the right time going to move to table the Kennedy amendment. Before I do so, I want to express my very special appreciation to the Senator from Indiana for an extremely thoughtful statement. I hope that many Senators have heard and have weighed carefully his discussion on this because he has experience in this program. It seems to me what he has said really emphasizes the issues that are at stake here. I thank him for his statement.

Mr. President, I want to go back for a moment to something the Senator from Massachusetts said, and I hope he will think better of it. He suggested that there might be some Senators who are concerned about some problems that affect young people and not so concerned about others. I do not know to whom that was directed.

I want to recall for all my colleagues that while I think the amendment he has suggested addresses a nonexistent problem, I have offered to accept it. Even though I think there is no way you can really point to a credible problem which is solved by his amendment, if there is even 1 chance in 1,000, 1 chance in 1 million, or 1 chance in 100 million that the issue that he is presenting in his amendment may be an actual issue rather than a theoretical one, I am willing to take his amendment.

I note that he is not willing to do the same for my amendment. In fact, he is not willing to have a vote on my amendment. Indeed, it appears to me the very purpose of his substitute is to prevent a vote on my amendment. I have to stop just short of authoritatively saying what his intention is because he knows that; I do not. But that is the effect of it. I think he knows that that is the effect of it.

I want to state my offer again: If he wants his language in the bill—it is his bill; he could have put that language in yesterday or the day before, in committee or any time—if he wants this language in the bill, I am glad to have it in there. I do not think it really solves the problem, and I will explain why again in just a moment, but I am willing to have his language in the bill.

What I am unwilling to agree to is to preempt the language of my amendment, which the simple effect of is to leave with the volunteer organizations the decision whether or not they want to attract and admit into their work, including that of counseling and coaching and role modeling for youngsters, homosexual persons. I am coming down on the side of choice. I am saying that is up to the organizations to decide. The Senator from Massachusetts, by preempting my amendment, denies these organizations that choice, in fact, says the D.C. Code shall prevail, and the D.C. Code in this respect is coercive, not for choice.

Even though I am willing to accept it just against some far-fetched theoretical possibility, why do I think the amendment which the Senator offers particularly in the part which he has emphasized in section (c)(1), really is useless? For the very simple reason that it says the following: "Nothing in this chapter shall be construed to bar any organization" from a series of actions. But there is not anything in that chapter that refers to the matters that he is saying. There is no danger; there is no threat; there is no hint; there is no suggestion that anything in the D.C. Code would, in any way, require a voluntary organization or anybody else to admit to their work as a

counselor or role model somebody who had been convicted or charged with a sex offense with a minor or anybody else.

The D.C. Code does not say that. The D.C. Code says lots of things that I do not agree with, but it does not happen to say that. Nonetheless, to whatever extent somebody might infer that or somebody might think that was a big problem, I do not have any problem about putting it in. What I object to is simply preempting my amendment.

Mr. President, I think we know what the issues are. I do not want to deny any other Senators who wish to speak a chance to do so. If anyone else wishes to speak, they should rise now. Otherwise, I am ready to table.

Mr. President, I see no Senator seeking recognition. Therefore, I do move to table the Kennedy amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the Senator from North Carolina [Mr. HELMS] be added as a cosponsor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—47

Armstrong	Gorton	McClure
Baucus	Gramm	McConnell
Bond	Grassley	Murkowski
Boschwitz	Hatch	Nickles
Breaux	Hatfield	Packwood
Burns	Heflin	Pressler
Coats	Helms	Roth
Cochran	Humphrey	Rudman
D'Amato	Johnston	Shelby
Danforth	Kassebaum	Simpson
Dole	Kasten	Stevens
Domenici	Levin	Symms
Durenberger	Lott	Thurmond
Exon	Lugar	Wallop
Ford	Mack	Warner
Garn	McCain	

NAYS—50

Adams	Bumpers	Daschle
Bentsen	Burdick	DeConcini
Biden	Byrd	Dixon
Bingaman	Chafee	Dodd
Boren	Cohen	Glenn
Bradley	Conrad	Gore
Bryan	Cranston	Graham
Harkin	Leahy	Robb
Heinz	Lieberman	Rockefeller
Hollings	Metzenbaum	Sanford
Inouye	Mikulski	Sarbanes
Jeffords	Mitchell	Sasser
Kennedy	Moynihan	Simon
Kerrey	Pell	Specter
Kerry	Pryor	Wilson
Kohl	Reid	Wirth
Lautenberg	Riegle	

NOT VOTING—3

Fowler	Matsunaga	Nunn

So the motion to table the amendment (No. 1282) was rejected.

Mr. PACKWOOD. Mr. President, I would like to take a moment of my colleagues' time to explain my reasons for voting to table Senator KENNEDY's second-degree amendment. I believe Senator KENNEDY's amendment is a sound and reasonable approach to addressing the language in the amendment introduced by Senator ARMSTRONG. Senator ARMSTRONG's amendment would amend the District of Columbia code to allow voluntary organizations who work with minors to exclude homosexuals from participating in programs on the basis of sexual orientation. The second-degree amendment introduced by Senator KENNEDY stipulates that this exclusion may only occur if the volunteer has been convicted or charged in a sexual offense against a minor or if the parent or guardian of a minor disapproves of that volunteer working with their child.

Mr. President, let me be very clear that if we must pass an amendment of this nature, I prefer the language in Senator KENNEDY's amendment. However, I do not believe that any amendment excluding homosexuals from participating as volunteers is an appropriate or necessary part of this underlying legislation. I voted to table the Kennedy amendment to avoid any language weakening the District of Columbia's protection of civil rights based on sexual orientation.

Mr. ARMSTRONG. Mr. President, needless to say I am disappointed. We fell a couple votes short of tabling the Kennedy amendment. My expectation is we will now adopt the Kennedy amendment. I am sure we are going to vote to do so. In fact my suggestion to the Senator would be do it by voice vote.

Since there are now a great many Senators in the Chamber and there were not too many when debating the issue, I restate the proposition. By adopting the Kennedy amendment we do two or three things:

First, preempt my amendment. My amendment provided an exception to the D.C. Code which now requires not a theoretical concern but present real abuse, which now requires that organizations like Big Brothers, and the Campfire Girls and the Boy Scouts admit homosexuals and send them out as role models, coaches, and counselors, and friends of minors.

That is the requirement of the D.C. city government, not only with respect to these organizations but many others. I did not attempt to address a broad range of issues but just the specific abuse that has arisen where the D.C. government is requiring these volunteer organizations who are not trying to hurt anybody but only to help some young people to admit persons that they may not think are suitable and which in fact I think are not suitable.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. ARMSTRONG. Let me finish the point and I am happy to yield.

If my amendment were adopted the discretion would remain where it should with the local organizations. Under my amendment Big Brothers and the others could admit homosexuals, deny homosexuals, admit them on some conditional sort of basis.

The effect of the Kennedy amendment is first to preempt my amendment, just strikes it out of there. To be sure there was no misunderstanding of that, I offered to the Senator from Massachusetts to accept his language and just add it on to mine, or to accept his language and have a separate vote on mine.

The reason that is important is that I hope no Senator has voted not to table the Kennedy amendment thinking that it was some other kind of issue. Really what we just had was a straight up or down issue or whether or not you think groups like the ones we are talking about, Big Brothers and Boy Scouts, ought to be forced to admit homosexual persons.

As I listen today, the chatter down in the well, and discussions as Senators came in who had not heard all the debate, I am not sure everybody understood that. They may wish to reconsider. I wonder if they may move to do so. I could not. I did not vote on the prevailing side.

If anybody is confused and wants to air the issue again that is their right to reopen it. A close vote, if reopened, might well be changed.

I am happy to yield to the Senator for a question.

Mr. HATCH. Mr. President, I am concerned that this amendment may cause some people to be discriminated against. I do not want anybody mischaracterized or mistreated because of their particular lifestyles. I personally do not endorse the homosexual life style and everybody knows that.

But I am really concerned, and maybe I should have spoken up before the vote, what happens here, because of the Kennedy amendment. Let me read the clause I am concerned about, clause (2):

(2) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or con-

ditioning the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.

Currently, voluntary organizations are barred from asking an applicants sexual orientation. Therefore, under clause (2) the only way that a parent or a guardian could object to an individual in an organization is through a whispering campaign. That is, through rumor, parents may find that a volunteer is a homosexual or bisexual. That mere rumor alone could expel a person from being a volunteer regardless of whether or not the rumor is true.

I can see that being very detrimental to a lot of people, because whispering campaigns invariably turn out to be wrong in many cases.

I am really concerned that maybe that is what we are doing here. And, I thought we had some good suggestions last evening that would have resolved this in a straight up and down way so everybody knows where we stand.

I think the way of the Senator from Colorado is preferable.

Under Senator ARMSTRONG'S proposal, an organization may or may not ask a person what a potential volunteer's sexual orientation is. If a person makes a self-declaration that he or she is a homosexual or a bisexual, then the organization may make a quiet and confidential determination, based on the facts, to exclude or include that person as a volunteer in their organization.

If we encourage this, there may be a way where people can be assimilated into the community without being discriminated against.

My personal feeling is we ought to be more concerned about the children than anybody else. But more importantly, even if you disagree with Senator ARMSTRONG'S position, what you have done by adopting this amendment, if we adopt it, is you have provided for the right for anybody to start a whispering campaign about anybody, right or wrong. And even if the information is true, I think whispering campaigns are the wrong way to face these issues. I think homosexuals have had enough of that through the years. I think others have had enough of that through the years. But, that is what this would inevitably lead to.

I have to say to those who disagree with the distinguished Senator from Colorado, and I am not one of them, but those who do, at least in his straight up or down approach, he does not bar the organizations from trying to find some active middle ground if they wanted to. He leaves it up to the organizations. I think that is far preferable to what the District of Columbia has done.

I would have felt badly if I had not expressed my concern. But, Senator KENNEDY has won on this amendment, and I presume we can voice vote it and adopt it. But, I think I have a legitimate concern, and I hope all of us would share that concern. We have to come up with some way of resolving these issues so that we are not denigrating people in our society but yet still working legitimately with legitimate concerns.

I think all of us who have been parents have legitimate concerns.

So having said that, and I would feel remiss if I did not stand up and say that, I think there are arguments for both sides here. But I am not sure that this amendment is the way to resolve it.

Mr. ADAMS. Mr. President, will the Senator from Colorado yield?

Mr. ARMSTRONG. I am happy to yield, but first I would like to say a word back to the Senator from Utah.

Mr. ADAMS. I would like to comment on the question. I think the Senator is laboring under a misapprehension of facts here.

Mr. ARMSTRONG. Before I yield, I wish to make a comment and explanation.

It may well be I have the same concern that the Senator has. I am grateful the Senator from Utah has pointed out that he does not want to see people persecuted. I think the Senator was not on the floor earlier when I made the observation myself.

Mr. HATCH. I know that.

Mr. ARMSTRONG. I do not like homosexual bashing. I do not think that a thoughtful person wants to see anybody, whatever his failing, sins or wrongdoing or behavior may be, be persecuted, ridiculed, or abused. I pointed that out earlier. There have been regrettable episodes of even physical abuse.

I think Senators and thoughtful people, least of all any of us, want to be abused, ridiculed or persecuted by our failings, shortcomings or misbehavior. I do not think that is the issue here.

In my opinion the question is whether or not the D.C. government ought to be permitted to impose on these voluntary organizations a requirement that they admit into their work with sensitive, impressionable young people, a certain group of people who historically and traditionally have been regarded as unsuitable for that kind of work. I mean that is, I think, an undisputed fact. Whether you agree with it or not by longstanding tradition, not just for 20 years or 100 years but practically as far back as history records, homosexual persons have been regarded as out of the mainstream, as persons whose behavior is destructive and unsuitable as role models for impressionable young people.

For the D.C. government to require that Big Brothers, Campfire Girls, Boy Scouts, and whoever, admit these people to that kind of a role, it seems to me is intolerable.

The thing I feel badly about on the vote we just had is I do not think every Senator completely followed what the issue was. My hope is one of them who may have entered the room late will now be disposed to move to reconsider. If they do not, that is fine; we can revisit the issue on another occasion.

I particularly thank the Senator for raising the question of homosexual bashing. On every occasion I addressed the subject in the Senate, I do not think any of us ought to be the ones to cast stones. None of our lives are perfect and above reproach. I do not want to be bashed or be a basher.

Mr. ADAMS. Mr. President, will the Senator from Colorado yield?

Mr. ARMSTRONG. I yield.

Mr. ADAMS. Mr. President, one concern I had, and I address the Senator from Utah, who is here, is what is not being done in the District. This is a problem interfering with District local affairs.

What happened, according to the information available to me, is the Office of Human Rights here called the Big Brothers and they agreed this has been a national policy with the National Big Brothers on the issue of whether or not homosexuals will be allowed to be Big Brothers.

On the application forms, so that there should not be a whispering campaign of any kind, is listed whether or not the person is a homosexual. This information is then given to the mother. The mother is allowed to choose the type of role model best suited for the child. This is what I mean by this has been an accommodation. This has been worked out in the District, and it has been worked out in other local jurisdictions.

I just feel it is better, if we are going to do things with the District government, that people contact them first, find out what happened before going forward with this kind of a program. Because it is not being done. There is no whispering campaign. There is no requirement that a homosexual serve. There is also no requirement that they have on their national organization on it, and here at the local level it is not only revealed but the mothers are asked.

Mr. President, once again the Senator from Colorado has found a perceived flaw in the laws of the District of Columbia and rather than show respect for the legal process and elected legislature of the Nation's Capital he has chosen to offer an amendment to

an unrelated piece of legislation to amend the D.C. Code.

Mr. President, according to information available to me, the District Office of Human Rights and the Big Brothers of the National Capital Area have come to an agreement on the issue of whether or not homosexuals will be allowed to be Big Brothers. The agreement allows the decision to be made by the child's mother.

The application that each prospective Big Brother fills out asks for his age, race, family status, and now whether or not he is a homosexual. From this information the mother is allowed to choose the type of role model best suited to her child. I do not think the Senator from Colorado, or the Congress, know better than his mother what is best for a child.

Mr. President, if the Senator from Colorado believes that his proposal has merit, why does he not contact the appropriate District officials and discuss their policy or contact the elected representatives of District citizens and ask them to consider changes to the D.C. statute, it is their responsibility?

Or as an alternative why does he not introduce legislation that would apply to all jurisdictions, and not just the District, in the Senate have it referred to the proper committee and allow those who support him and who oppose him to come and explain their positions without the emotion, and let Senators make an informed judgment rather than present it when facts on the other side cannot be mustered?

Mr. President, I do not know the answers to those questions, that seems like the fair and prudent way to proceed. As you look around this Chamber you will notice that there is no one to speak for the citizens of the Nation's Capital. They are an easy target. We should reject this proposal and follow the normal and accepted procedures if action is to be taken.

I support Senator KENNEDY. I think we had a good solution to the problem. I hope we do not have to bring it up again. If there is a problem, I think we ought to go over with the officials what they have because they have already solved this problem.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SARBANES). The Presiding Officers have just changed. The Chair understands that at the moment no one has the floor, and the Chair asks who seeks recognition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I would be happy to have my colleague speak before me, but let me just make one other comment. In this particular case, Big Brothers was forced to do what they did.

I want to make it clear that I think of all people in this body that the distinguished Senator from Colorado would be the last to participate in what I would call gay bashing. So I do not want any of my comments to be misconstrued. But there has been some of that around here from time to time and I do not like it. Even with the comments of the distinguished Senator from Washington, I am still very concerned that the amendment we adopted will promote a whispering campaign in certain circumstances.

Big Brothers merely asks if an individual made a self-declaration that he or she was a homosexual or a bisexual. If the self-declaration is made, then Big Brothers makes a quiet determination whether or not to deny an applicant. That is all they want to do. To me, that is far preferable than what we are about to do here.

However, through a whisper campaign or a witch hunt, this amendment allows an individual to proclaim that another individual is a homosexual or bisexual, whether it is right or wrong. That is what I am concerned about. Hopefully it will not happen. And if it does happen, then I would be the first to want to vote against this amendment in the future.

I am sorry to take that time from my colleague from Massachusetts. He certainly has a right to the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. WILSON. Will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I would like to make just a brief comment if I might, please.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Then I would be glad to yield.

But I want, Mr. President, just to point out to the Members that sometimes around here, and it has just happened, when someone who is opposed to the prevailing side—as has been indicated now as to the outcome of this particular rollcall vote—he misrepresents what is the issue before the Senate and then differs with it. I mean that is an old debating tactic. And we have just seen evidence of it now by the Senator from Colorado's misrepresentation, gross misrepresentation, of what the Senate has just concluded.

Mr. President, I will read into the RECORD one more time exactly what the provisions are.

"Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting"—then it goes on—"any adult homosexual, bisexual or heterosexual person who has been convicted or is charged or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor."

That is No. 1. That is what this covers in point number one. What those of us who supported this particular amendment said was that children and parents ought to be protected whether the potential abuser is a homosexual or heterosexual. Protect the children. And there is no provision in the amendment of the Senator from Colorado that provides protection from the potential abuse from a heterosexual child abuser. Our amendment does.

Second, Mr. President, "Nothing in the chapter shall be construed to bar an organization or entity from denying, restricting"—again—"the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation."

We are not talking about a whispering campaign. This is explicit. And where did we get that particular proposal? We got it from the Big Brothers own requirements. We have complied. We have complied, Mr. President.

If we are talking about the protection of children, protection for parents, this amendment does it, in spite of the misrepresentations of it that the Senator from Colorado made.

You cannot get much clearer than the language that has been included in it. You can try and misrepresent it. You can try and distort it or provide emphasis on one side, but the language is there, Mr. President. And that has been stated by the originator of that amendment. The language is clear on what this amendment does.

So, Mr. President, I am quite prepared to vote. We have talked around this last evening for a couple of hours, trying to work out the language. We tried to accommodate the Senator from Colorado. We tried to debate this this morning and offered different language. So we were compelled to come in and offer an alternative, and the Senate has spoken on this issue.

Mr. President, I just feel that an accurate presentation and explanation is certainly due.

I have heard of misrepresentations, Mr. President, but I do not remember an instance where my position has been misrepresented on the floor of this body both in the public explanation and in the private explanation right down here like it has been on this particular issue. We know what is underlying these various kinds of murmurs and actions, Mr. President. People talk about various stereotypes.

People talk about various stereotypes—this body, this membership un-

derstands. And so do the American people.

I will be happy to yield to the Senator for a question.

The PRESIDING OFFICER. The Senator from Massachusetts yields for a question of the Senator from California.

Mr. ARMSTRONG. Mr. President, will the Senator from California yield to me?

Mr. KENNEDY. I yielded to the Senator from California for a question. He asked a question of me earlier, and I will be happy to yield to him if he has a question.

Mr. WILSON. I do have a question. I have no objection if the Senator from Colorado speaks first.

The PRESIDING OFFICER. The floor is held by the Senator from Massachusetts. The Senator from Massachusetts has yielded to the Senator from California for the purpose of asking a question.

Does the Senator from California wish to address a question to the Senator from Massachusetts?

Mr. WILSON. Mr. President, I do. But I will be happy to allow——

Mr. KENNEDY. Mr. President, I am prepared to yield the floor. The Senator from California indicated he had an inquiry. If he does not wish to state one, I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. The Senator from California withheld his question at my request. Because of the extremely personal nature of the remarks of the Senator from Massachusetts, I asked him to do so, so I could respond briefly.

I am not going to respond in kind, and I hope upon reflection the Senator from Massachusetts will think better of his personal remarks. We do not agree about this issue. That is a routine thing. But I think his observations and the personal character and nature of them are unfortunate. And I do not think there is anything to be gained by my responding in kind and I do not choose to do so.

However, Mr. President, I do not want to let the issue be confused and I certainly do not want, by failing to respond, to leave any doubt—not one iota, not one scintilla of doubt—about the underlying question. I want to remind my colleagues that on two occasions—this being the third occasion—I offered to accept the language proposed by the Senator from Massachusetts. I did so, not because I thought it addressed a substantial, real concern, but because I did not want, for the benefit of anyone who thought there might be a concern of the kind that his amendment addresses itself to, that this concern would be left unanswered or unfulfilled.

I have tried to do this as dispassionately and thoughtfully as possible, and I want to conclude as I have begun. I want to explain, first, exactly why in my view the Kennedy amendment does not address a real problem.

I am referring to section (c)(1). The chapter referred to in this amendment is a chapter of the D.C. Code. Then it sets forth a series of things which will not be required as a result of this chapter. That is that chapter of the D.C. Code.

One of those things is a restriction which, if we just read the Kennedy amendment, might lead someone to think that a volunteer organization would be required to admit a person who was guilty or charged with a sexual offense against a minor. I do not think there is any such provision in the D.C. Code. Certainly, if there is, I applaud any effort to overturn it. I do not think there is such a provision in this chapter or any other chapter of the D.C. Code. So for that reason, it appears to me that the Kennedy amendment is not addressed to a real problem but a problem which, at best, is theoretical.

Nonetheless, so no one would be ill at ease about voting against such an exemption, I offered to accept that language. So that is not an issue.

The only issue is whether or not we should accept my amendment, the effect of which would be to open an exemption in the D.C. Code which at present requires organizations like Big Brothers, Campfire Girls, the Boy Scouts, and the others to admit homosexual persons as counselors and role models and coaches and so on in their work.

The Senate has spoken on this issue and I think for the most part Senators understood what the issue was, though there may have been some who did not. If that is the case, they may wish to think about it again. The issue is undoubtedly going to arise again on some subsequent occasion.

It seems to me the pattern on matters of this kind is that sometimes amendments are presented and debated, sometimes with some heat as in this case, but then maybe fall a vote or two short and are passed on a subsequent occasion. I expect that is what is going to happen now.

Mr. President, I thank all Senators. I regret my colleague from Massachusetts feels called upon to engage in personalities. I hope on another occasion, he will think better of that. But in the meantime my advice to him, my suggestion would be we simply adopt his amendment by a voice vote. I am going to vote for it. I do not think it addresses a particularly pertinent concern but I do not think it is hurtful, either. In a sense, it is an expression of opinion.

I do not know if he wishes to vitiate the yeas and nays. If he does, that would be good. Otherwise, I am prepared to vote for it either way.

Mr. KENNEDY. Mr. President, I thank the Senator from Colorado. I think Members indicated to me they would like to get a rollcall vote on this.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yeas and nays have been ordered on the amendment.

Mr. KENNEDY. Mr. President, I am prepared at this time to move ahead on this. I see the Senator from Arizona, and we have a McCain amendment to go to.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts, amendment No. 1282, to the Armstrong amendment No. 1279.

The yeas and nays on the amendment of the Senator from Massachusetts have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—97

*Adams	Fowler	McConnell
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Coats	Jeffords	Sanford
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Specter
Daschle	Kohl	Stevens
DeConcini	Lautenberg	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Wallop
Dole	Lieberman	Warner
Domenici	Lott	Wilson
Durenberger	Lugar	Wirth
Exon	Mack	
Ford	McCain	

NAYS—1

McClure

NOT VOTING—2

Matsunaga Packwood

So the amendment (No. 1282) was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment

No. 1279, as amended. The yeas and nays have been ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the yeas and nays on the Armstrong amendment be vitiated. If for some reason the Senator wants to deal with this issue and have a vote on it, I will be glad to support a motion later on to reinstate it. Otherwise, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The yeas and nays are vitiated.

The question is on agreeing to the Armstrong amendment, as amended.

The amendment (No. 1279), as amended, was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1283

(Purpose: To encourage the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States to enact a model Good Samaritan Food Donation Act to encourage the donation of apparently wholesome food or grocery products to nonprofit organizations for distribution to needy individuals)

Mr. NICKLES. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. HATCH, Mr. GORTON, Mr. LOTT, Mr. MACK, Mr. GRAMM, Mr. KASTEN, Mr. COATS, Mr. ARMSTRONG, Mr. INOUYE, and Mr. BOSCHWITZ, proposes an amendment numbered 1283.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ENACTMENT OF GOOD SAMARITAN FOOD DONATION ACT.

(a) IN GENERAL.—It is the sense of Congress that each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States should—

(1) encourage the donation of apparently wholesome food or grocery products to nonprofit organizations for distribution to needy individuals; and

(2) consider the model Good Samaritan Food Donation Act (provided in subsection (c)) as a means of encouraging the donation of the food and products.

(b) DISTRIBUTION OF COPIES.—The Archivist of the United States shall distribute a copy of this section to the chief executive officer of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(c) MODEL GOOD SAMARITAN FOOD DONATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the "Good Samaritan Food Donation Act".

(2) DEFINITIONS.—As used in this section:

(a) APPARENTLY FIT GROCERY PRODUCT.—The term "apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(B) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" means food that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(C) DONATE.—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(D) FOOD.—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(E) GLEANER.—The term "gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(F) GROCERY PRODUCT.—The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(G) GROSS NEGLIGENCE.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(H) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(I) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an incorporated or unincorporated entity that—

(i) is operating for religious, charitable, or educational purposes; and

(ii) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(J) PERSON.—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

(3) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(4) COLLECTION OR GLEANING OF DONATIONS.—A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners or unpaid representatives of a nonprofit organization for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) PARTIAL COMPLIANCE.—If some or all of the donated food and the grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and products shall not be subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or products—

(A) is informed by the donor of the distressed or defective condition of the donated food or products;

(B) agrees to recondition the donated food or products to comply with all the quality and labeling standards prior to distribution; and

(C) is knowledgeable of the standards to properly recondition the donated food or product.

(6) CONSTRUCTION.—This subsection shall not be construed to create any liability.

(d) EFFECT OF SECTION.—The model Good Samaritan Food Donation Act (provided in subsection (c)) is intended only to serve as a model law for enactment by the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. The enactment of subsection (c) shall have no force or effect in law.

Mr. NICKLES. Mr. President, this amendment is entitled "the Good Samaritan Food Donation Act." It is cosponsored by Senators HATCH, GORTON, LOTT, MACK, GRAMM, KASTEN, COATS, ARMSTRONG, INOUYE, and BOSCHWITZ.

Mr. President, the Good Samaritan Food Donor Act is something I have been working on now for a little over a year. Its purpose is to solve a problem in our country. It is an unfortunate problem. The problem is hunger. We have a lot of people, in the United States, the richest nation in the world, with the highest standard of living of any country in the world, who are hungry. Mr. President, we have a solution to this problem. We have an abundance of food in this country.

We have the solution to this problem in the fact that we waste a lot of

food. It is estimated we possibly waste as much as 20 percent of the food in the United States if you look at restaurants, if you look at grocery stores—you name it.

Unfortunately we waste too much food. So the Good Samaritan Food Donation Act is an amendment which I am introducing that will try to encourage people to donate surplus food. It is an act that I have been working on with Second Harvest, which is a national food bank network, the largest in the country. They have been very helpful in trying to assist me and others in trying to put together an act that will be nationwide in scope, and that will help solve our national problem of hunger.

This legislation serves as a comprehensive model which will be sent to all 50 States, and also to the District of Columbia, Puerto Rico, and the territories which we hope they will adopt. However, we do not preempt State statutes. We hope they will adopt it.

To date the fear of potential liability is causing American companies to waste hundreds of thousands of pounds of food a year that could have been donated to the hungry. Often conservative legal counsel may recommend to company leaders that they do not donate food because of the threat of liability. It has been estimated that as much as 20 percent of wholesome and nutritious restaurant food is needlessly discarded each year.

Good Samaritan laws which provide limitation on liability have been enacted in all 50 States. Unfortunately the statutes vary significantly in the degree of coverage which they provide.

Since many companies that are potential food and grocery store donors are national in scope, standardized liability protection would result in greater confidence on the part of industry and more donations at both the State and local levels.

If my model statute is adopted by the States, the largest food bank network in the country, Second Harvest, estimates approximately 41 million pounds of food will become available for the needy each year. This means over 27 million more individuals could be served a meal.

Best of all, aside from the cost of distributing the copy of the model statute to the States, the Good Samaritan Food Donation Act requires no Government expenditures. It serves as a private sector alternative that will be an important resource to food banks trying to solicit donations of food to distribute to the needy.

Many States already have adequate food banks. In fact, the State of Oklahoma has one of the best food distribution systems in the country. The Oklahoma City food bank distributes food to 344 charities which, in turn, feed 15,000 people with 200,000 meals a week. In 1989, the Oklahoma City food bank distributed over 3.9 million pounds of food.

We can help other States to feed their hungry by providing the model statute which limits liability of a donor of food, except for cases of gross negligence or willful misconduct. It makes no sense to me to promulgate a situation which from a legal standpoint makes it more attractive to dump perfectly usable food and grocery products when these products could be used to assist those in need.

I think this bill is a bill whose time has come. I hope all 50 States will adopt it. I know from researching the State Good Samaritan statutes that many have laws that are very comparable, very close. If we are able to enact this model and the States enact it across the country, this will help get more food to those people who are less fortunate, those people who are hungry.

Mr. President, I ask unanimous consent that a statement of support by the Senate Restaurant Association and also by Second Harvest, the national food bank network, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, February 21, 1990.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the National Restaurant Association and the 626,000 units the food service industry represents, I would like to take this opportunity to commend your efforts in trying to help feed the Nation's homeless and hungry and to let you know of our Association's support for the Good Faith Food Donor Act scheduled for introduction tomorrow.

As long as there are people who can benefit from the abundance of food produced in this country, it only makes sense that restaurant operators who wish to donate food should be able to do so in good faith without fear of liability. Your legislation will be welcomed by all "good samaritans".

We look forward to working with you on this measure in the future and hope you will feel free to contact us if we can be of further assistance.

Sincerely,

MARK GORMAN,
Senior Director, Government Affairs.

Second Harvest,
Chicago, IL, February 21, 1990.

Hon. DON NICKLES,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the entire network of almost 200 Second Harvest Food Banks, I want to take this opportunity to express our appreciation for the drafting of the Model Good Faith Donor Act. We highly endorse your efforts in this area. In addition, we applaud the Model approach you have chosen, as it provides a method for states to adopt the document for their own use "copy ready", as it were. I feel the Model Good Faith Donor Act as drafted will be able to meet the needs of all the states and their constituents in regard to clear, consistent charitable food, grocery, and restaurant donation liability coverage.

Thank you and the best of luck in this endeavor. If we can be of any assistance please let us know.

Sincerely,

PHILIP R. WARTH, Jr.,
President and Chief Executive Officer.

Mr. NICKLES. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to thank the Senator from Oklahoma for working with us over the period of the last few days to try to work out an accommodation to his interests. I believe that we have worked one out with the leadership of the Senator from Alabama [Mr. HEFLIN], who has been very much involved in this issue during consideration of this amendment, as well as the other discussions on similar kinds of issues yesterday.

This amendment would express the sense of the Senate encouraging the States to consider model legislation concerning the liability of those who donate food. There is no requirement that States enact this or any other legislation on the issue, only that the States are encouraged to consider it.

The Senator has brought to the attention of the Chair some of the States that have taken action and the results of that action which he finds encouraging. We are glad to, on that basis, accept the amendment and hope the Senate will support that particular measure.

I want to commend him for his interest in this particular issue. He spent a good deal of time on it. There are some broad policy issues and questions in that, and precedents that the Senator from Alabama and the Senator from Oklahoma have debated and discussed. The objective which the Senator wants to achieve certainly is commendable. I hope the Senate will accept the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this is a sense-of-the-Senate resolution to encourage the States to adopt laws to release grocery chains and other food distributors from being liable for the food that they donate to charitable organizations. It is really a Good Samaritan role. I commend the Senator from Oklahoma for it.

Mr. President, I support this approach which will break down one of the barriers that has kept many from donating food products. Currently, the food distributor is liable for food donated despite the fact that once it is given away they no longer handle it.

If it is not taken care of properly by the food banks or an untrained volunteer, then the food distributor by law is responsible and can be held legally

responsible. This obviously has kept it difficult as well as unwise for some organizations to donate food that usually ends up going to waste rather than donating it and helping people in our country.

It is estimated that this legislation may allow for over 41 million pounds of food to be donated. This would feed millions more of our Nation's hungry.

So I support this amendment which encourages the States to do exactly this. I want to commend my dear friend from Oklahoma, Senator NICKLES also, for his work on this amendment. Private sector programs like this will significantly help to feed the Nation's homeless and hungry.

So we have no objection on this side. We would like to see the amendment adopted.

Mr. NICKLES. Mr. President, I wish to thank Senators HATCH and KENNEDY for their gracious remarks, and I ask unanimous consent Senator BRADLEY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as one who has been very eager to get this moving along, I would like to ask for a very brief quorum call to see whether the Senator from Alabama desires to speak on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, with the indulgence of the Senator from Oklahoma, maybe we can temporarily set this aside, consider the McCain amendment, and either dispose of it, if the Senator from Alabama does not want to call it back just for permitting him a chance to speak on it.

Mr. President, I ask unanimous consent that the Nickles amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

AMENDMENT NO. 1284

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. LOTT, Mr. GORTON, and Mr. MACK, proposes an amendment No. 1284.

At the appropriate place in the substitute amendment insert the following:

"The provisions of this Act shall terminate September 30, 1992.".

Mr. McCAIN. Mr. President, before I describe the amendment, which simply states that this act will require reauthorization after the completion of fiscal year 1992, I wish to say a few words.

First of all, I thank my colleague from Massachusetts, who has shown a great deal of patience during the consideration of this legislation while numerous other amendments have been considered. I understand his desire to dispense with this legislation, as we have had several days of debate and discussion of the issue.

I also wish to express my appreciation to my colleague from Maryland [Ms. MIKULSKI] who has devoted thousands of hours in an effort to see that all Americans are able to provide service to our Nation. I do not believe anyone has been more involved in the issue of voluntarism and its necessity in our society. I appreciate her efforts.

Mr. President, my amendment states that we will require this legislation to be reviewed, after a reasonable length of time. Let me point out that on February 27, during the course of this debate, my colleague from Maryland stated that:

One of the things that I think our bill, the current Kennedy-Mikulski-Nunn bill, does is actually do a demonstration project, which I know the Senator from Arizona would like. We are talking about a bill that, by the way, will only be authorized for 2 years. We are talking about a bill which the Senator from Arizona perhaps does not realize is only authorized for 2 years, and we have to authorize it. If in the course of that 2-year period we see a drastic reduction in military recruitment, we can jettison the bill.

My colleague from Georgia said:

The purpose of this program is to find out some things. One of the things we want to find out is the attractiveness of these positions, the attractiveness of normal work, versus the attractiveness of the military. We have to test this to be able to know what to do on a national basis. That is the test program.

Mr. President, the point here is that I am in agreement with my colleague from Georgia and my colleague from Maryland. This is a very unusual program, one which we would have to go back to the days of the Great Depression before we can find something similar in nature. Clearly it would require some careful reevaluation at the appropriate time.

I believe that the authority committee should play a role in this, as well as the appropriating committees. Perhaps I say that with some bias, being a member of an authorizing committee, rather than an appropriating committee. But the fact is that this is literally a groundkeeping piece of legislation, I believe, and it deserves to be reevaluated at the proper time. In my view, that would be at the end of September 30, 1992.

The types of questions that are going to need to be asked are: what the actual costs of the program are: the impact of legislation on military manpower requirements; what will the success of the programs be from a local and community aspect and from a national aspect? If the types of community service being funded are appropriate and if they are being adequately funded and supervised; if they are meeting the needs of the community as expected by the commission.

I do not wish to get back into the issue of recruitment. I think that was very thoroughly discussed before. Let me point out one aspect of the recruitment issue that was not mentioned before. I am not sure many Members of this body know this. Last year, before we ever had a program like this, the military Reserves of each branch of the military service failed to meet their recruiting goals. I am not saying that this program will have an additional impact, but I am saying that there is certainly a clear and present danger that this could be the case.

There will be a need to evaluate the direct and indirect cost benefits of the programs, and what the likely results of the establishment of a comprehensive national service program would be from the variety of social services being provided under this legislation. We should evaluate closely the future military manpower requirements in the United States and to what extent might those be effected by expansion of this program. We should review the benefits of a national service program against the estimated costs of the program. The implications of this legislation are wide ranging. The impact of this legislation deserves a close and thorough review by the Congress and by the President.

We need to see if this program will affect military recruiting in an environment where there already exists intense competition among civilian employers, educational institutions, nonprofit organizations, and other Government agencies in a time of very low unemployment.

One of my concerns is that there is no requirement that the study of the program meet the rigorous field test design criteria that the Congress has expected of the Department of Defense to satisfy for tests of similar recruiting incentives, such as the educational benefits, enlistment bonuses, or the Army College Fund 2+2+4 option test program. Appropriate control cells must be established; sample sizes must be determined, and data collection must be managed to be sure results are statistically supportable. Without such controls, Mr. President, test evaluators will be left with essentially subjective assessment measures.

There has been much made of what the results of this bill will be. My amendment will give us an opportunity to evaluate the success of the programs we are going to be funding. My amendment will address the pressing

questions that have been posed over the past few days. If the measures that this bill calls for perform at the success level they are supposed to perform, the reenactment of this bill will be simply a matter of reviewing the study, reviewing the programs and applauding the successes. More important, Mr. President, we will have the opportunity to review the impact of this bill on the military, remembering that the defense of the Nation is the principal responsibility of the Federal Government. This amendment will give us over 2 years of experience to review the impact of the program in a variety of ways, including military recruiting.

Mr. President, national service is a tremendous idea. It is an idea whose time has come. If this bill does what it is designed to do, there should be no objection to this amendment. If, however, there are concerns and doubts by the architects and supporters of this legislation that it might fail and should not be reviewed by us, then vote against the amendment. If you feel the implications of this legislation are far-ranging and need congressional review, join me in being responsible and prudent and calling for this sunset provision.

This amendment will not kill this legislation. In fact, it will make it a stronger bill. It will show that the sponsors are dedicated to a program they truly believe in. There should be no fear in this amendment. If there is, the fear about the veracity of this legislation will surface in arguments against it. If this bill does everything it claims, there should be no concern over bringing the results out into the open for public view.

Let me stress again, Mr. President, as I have in the past, that I am a believer in national service. I have introduced legislation on national service. In S. 781, I called for a thorough study of the impacts of a demonstration program and part-time community service. In the last Department of Defense authorization bill, the Senate version called for a study of national service and its impact on our defense, as well as other national needs. Mr. President, my bill recognized the need to conduct a thorough and comprehensive review of the program and then have study along with recommendations, be presented to Congress by the President.

Let me repeat two points. This is potentially a big new spending program. It deserves periodic review by the authorizing committee, which in its infancy. If the program is working as well as its proponents hope, reauthorization is not a problem. Those who argue that the States need to know that this program will continue cannot seriously mean that we are obliged to retain inefficient or ill-conceived programs, merely because of the expectation of future funding by a program's future recipients.

Mr. President, I might add that we have the Department of Defense and the administration's support on this amendment. I hope that we would have an agreement on it and a minimum of debate.

I yield the floor.

Mr. KENNEDY. Mr. President, I will not take a great deal of time, but, first of all, I want to give the assurance to the Senator from Arizona, and others, the importance that those of us who are supporting this measure have put on evaluations.

I think the Senator has raised a very good point about whether these programs are going to be evaluated. I think any fair review of work of our committee and its review of the senior citizen voluntary program, the VISTA Program which is being demonstrated here, will demonstrate that we have followed those programs with considerable scrutiny over the years and certainly will do so with this.

In the legislation itself, page 77, under the section of evaluation, we point out what we hope would be the criteria for the evaluation. The evaluation goes into effect in 18 months, completed in 24 months. The commission shall provide through grants and contracts a continuing evaluation under this title that measures the impact of programs, first, the effectiveness of programs in achieving stated goals and costs, for the purposes required by the impact of such programs in each State in which a program is conducted, on the ability of the impact on VISTA, on the regular Armed Forces, on the Reserve components, on the Peace Corps.

And then it also and I think rather uniquely talks about reviewing to the extent possible comparisons of participants in these programs with individuals not participating in such programs, a controlled group.

This is one of the most extensive, I think, and important provisions of the legislation.

So I give the assurance to the Senator from Arizona that we have and will provide very careful oversight, No. 1.

No. 2, if we accept the McCain amendment, it just sends a very powerful message and perhaps this is the most important aspect for the reason I hope the Members will not support it.

If there is a termination date, what kind of message does that send to Governors who will be supportive of this kind of range of alternatives for their States? In some particular States, they have legislatures that meet every other year. We want them to get started. We are not asking anyone to sign a blank check. We will have careful oversight and review. There will not be the expenditures of moneys outside of which we are authorized unless there is going to be an extension of authorization, No. 1. But it does seem to me to undermine both the spirit and the potential effectiveness of this program if we are to write rather uniquely so that this program will be terminated at that specific time.

I think we will miss the kind of opportunity to do the overall kind of evaluation to try and find which programs are most effective by including such an amendment.

Finally, on the issue about the military, Mr. President, I thought the chairman of the Armed Services Committee addressed that issue in the debate the other evening.

Just to bring it into some focus again, Mr. President, there are 700,000 annually who wanted to join the military. We take 300,000 who actually join the military. Our bill focuses on only 7,200 Americans who will be in the part-time program and 1,400 in the full-time program; 700,000 wanted to go in, 300,000 were admitted. We are talking about 7,200 in the part time and only 1,400 in the full time.

So it is difficult for me to believe that this will have any adverse impact in that recruiting capability, and I believe for those reasons and really the superb reasons that were outlined the other evening by the chairman of the Armed Services Committee in reviewing the range of different kind of questions that we have really nothing to fear.

So, Mr. President, I welcome the Senator's amendment in the sense that it gives us an opportunity to clarify the kinds of evaluations that we are committed to and to also express opposition to the amendment because I do believe that we will not really be able to have the kind of review if we take the rather unique and extraordinary step of just terminating that program. We know, of course, it could then be reauthorized but we would not recommend any reauthorization after 1992 unless it is going to be demonstrated and proven that this program is effective in achieving the goals which its supporters hope will be achieved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I agree with the distinguished Senator from Massachusetts. I also agree with the distinguished Senator from Arizona, and in his own characteristic way, he is trying to practice good legislative policy. I admire him for doing it.

Let me say over the next 3 years as this evolves through 1992 I will be watching this program with a great deal of care. I will be examining every aspect of the program to see which parts of it work, which parts work better, and which parts work best. If the program proves to not be the success that all of us think it will be, then

I will be the first to allow the authorization to expire.

In other words, all we are talking about here is whether this authorizaton bill will expire of its own, because it is only authorized through 1992, or whether we sunset it so that it gives the message that there will not be a chance for it to be reauthorized even if the programs prove to be a tremendous success. We all work with programs that are 2 or 3 years long that we intend to reauthorize at the end of that time. But when we sunset programs, that basically sends a message that we are probably not going to continue the program.

Now there is on particular part of this program I would especially like to see become a tremendous success and that is the President's "thousand points of light" program. We have not only put that in here intact, but we put it in here with the exact language that I think the White House would like to have in their Points of Light Foundation.

The Foundation takes a modest amount of the total amounts of money we are putting in here. When I say it is a modest part, it is a modest sum of money for that type of program; it is a major part of the program. But, it is one-fifth of the total moneys we are putting into this bill. But if that program really does work, if it creates volunteers all over America, I think all of us would want to see it continued. Here we have the President, who has 3 more years guaranteed, who can help to make this work and help encourage volunteers from all over America. I think it is a wonderful thing to support it. I, personally, want to do so.

But having said that, I like a number of the other programs in this bill, too, that our committee has come up with.

I commend the Senator from Massachusetts and above all my good friend, the Senator from Maryland, Senator MIKULSKI. They have come up with some very good programs here that could save the American taxpayers, over the long run, billions of dollars. If they work, we ought to be fostering those programs and causing them to grow. If we can foster volunteers through this bill, I do not think anybody would want it to elapse at the end of 1992.

So it is just a matter of what you want to do. Those who do not like anything about this program really ought to vote for the amendment of the Senator from Arizona. But those who want to give it a chance, who want to see what happens over these next couple years, 3 years, they really ought to vote against that amendment because we then will have a full right to reauthorize. We will have the optimism to go forward here and show that these series of programs embody that which the single program ought to have.

So I am going to vote against the amendment of the distinguished Senator from Arizona, not because I disagree with his intent and not because I want to vote against anything he brings up at this time, because I would normally vote with him, but because I think it sends the wrong message on this type of legislation. I think it especially sends a wrong message with regard to the President's part of this legislation.

Ms. MIKULSKI. Mr. President, I rise in opposition to the McCain amendment. At the same time, I want to thank the Senator from Arizona for his very kind comments about my contribution on this legislation. I would like to just make two important points.

Really, I think one needs to acknowledge the role that Senator MCCAIN has played in the United States in continually restating over and over again those kinds of comments meant to instill and reinstill and reinvigorate a sense of patriotism within this country. I think certainly we need to acknowledge his role in that. He was one of the early positive commenters on the role that national service could play. Certainly any man that has given to his country the way Senator MCCAIN has should certainly be listened to when one listens to what one can expect of young people.

Also, in addition to the issue related to military recruitment, he really has my very firm commitment to continue to pay careful attention to this because it was never the intention of the sponsors of this bill to in any way harm our ability to recruit men and women not only for our full-time military but for our National Guard and our very important Reserve units as well. He has our pledge to continue to do that.

When we look at his amendment, however, I would like to make just a few points. First, it is really not needed. The bill as currently constituted does expire in fiscal year 1992, and it is right under that standard boilerplate language that extends for 1 year—usually so things do not get lost in the shuffle of an election year—would continue for another year.

To that extend, he is right. But the bill cannot only be killed because of the authorization; it can also be killed in the appropriation. The Senator from Arizona talked about the Appropriations Committee.

Every year, unlike tax breaks or tax credits, this bill will be subject to an appropriation. When we are funding fiscal year 1993, which really begins September 30, 1992, if this bill is not working, we can kill it through the appropriations even though it has this automatic kicker for 1 year. So killing it in appropriations means you can kill it in the White House budget, you can kill it in the Budget Committee, and then when it comes to the Appropriations Committee, there is the opportunity to move to kill it in either the House or the Senate. So to really turn off this program, there will be several other appropriate mechanisms to do that.

I want to talk about the spirit of the Senator's amendment and his talk about a demonstration program. We really meant it to be a demonstration program. First, we did have a regular program. It was going to be $2 billion—$2 billion that we thought—well, we really compromised on both sides of the aisle. We did not want to do two things. We did not want to create a big bloated bureaucracy that would exist for the bureaucracy's sake and not for the people's sake. So we wanted to have a program where it would be operated by a quasi-public corporation, that the voluntarism would occur in primarily nonprofit organizations and also phase it in over a 5-year period.

In the course of that conversation, the Senator from Utah said, when I was in his office on Monday, "Well, we know we are talking about a 5-year demonstration project, but 5 years is too long." We really arm wrestled on that and we agreed then to the authorization that would expire in fiscal year 1991. So we have been compromising and conceding, and I mean it in the best spirit of conciliation, on making sure this bill does not get out of hand unless its worthiness, its worthwhileness, its effectiveness, has been demonstrated. And that is really what we are talking about.

As Senator KENNEDY and Senator HATCH said, what the amendment of the Senator from Arizona does is have the presumption of ending. No Governor is going to want to get into it and also no nonprofit organization is going to get in it. We are going to have to set up requirements to be able to document that where a voucher is given that there is really volunteer work going on. So we are going to ask our Scout troops, our Meals on Wheels people, our Habitat for Humanity people, all of those nonprofits that we hope to reinfuse with new volunteers, to set up requirements. They are going to take one look at this and say, "Oh, why do I want to get into that if the bill is going to be sunsetted in 1992? I will wait to see if they extend it. But then we might not have the very groups that we want involved, which are the main line, traditional, voluntary nonprofit groups."

I am concerned we are going to kill the bill by discouraging the nonprofits we are getting in.

The other part is that this bill is more than a voucher program for part-time and full-time volunteers. It is a program to encourage local governments to establish public-private partnerships on moving volunteers

into the schools. We are talking about bringing business into schools.

I read in this morning's Washington Post where an accounting firm has worked with a Montgomery County high school to teach the kids the tax system, help them fill out their taxes for this year. The boys and girls learn a whole lot about personal finance, about paying taxes, when they are 17 years old or 18 years old. The accounting firm loved getting into the classroom. The kids loved talking to real, live grown-ups with real-life business experience who taught them real-life skills.

Part of our program is that there are going to be a clearinghouse on programs that work, that we do not have to be reinventing the wheel around the country. So that somewhere in another part of the country they are going to read about that Montgomery County program, and they are going to read about Senator GRAHAM in Florida where they have got over 6 million volunteer efforts going from the business communities and ideas on how to do that.

So, Mr. President, I would hope that we would not support the McCain amendment. I am acting as the floor leader of the bill and will move to table, but I do know that the Senator from Arizona wishes to comment. Then, if there is no other Senator seeking recognition, I will move to table, but I know he wants to do that.

So I acknowledge the point of the Senator's amendment. We think we have taken care of it. I hope that we could move on with really encouraging people to get out there not only to do a thousand points of light, but I would like to triple that by the 4th of July.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Maryland for her kind remarks. I would submit that an argument can be made that the example she set in her life certainly has served as a role model to many, many more people than has mine, especially in her commitment to those in our society who are less fortunate then we.

Mr. President, I will try to be brief. The only way this program, this legislation, this groundbreaking, innovative, National Service Program can be terminated is if the Congress decides to do so. The Congress has every ability to reauthorize this program at the appropriate time.

From a philosophical point of view, should we not, as a body, want to review, on a mandatory basis, any new program, especially one that is as innovative as this and as significant a departure from other programs as we have seen in this country for many, many years?

I believe a strong case can be made that the majority of the Members of this body should want to have any new program sunsetted so we can be absolutely sure that that program receives the scrutiny that it deserves, especially when we are talking about an expenditure of roughly $2 billion.

I hasten to add, there is no program that this Senator can remember that ever undercosted, in actuality, the estimates of its cost when it passed as a piece of legislation.

Some I have talked to have said the cost of this program could be as much as $3 or $4 or $5 billion, with as much likelihood as the projected $2 billion. So it seems to me entirely appropriate that with any new program there be a sunset clause, so that we can give it the kind of examination that it deserves before we continue to fund it.

Mr. President, as regards to the administration and Points of Light Program that the President has espoused in such eloquent fashion for so long, I will state the obvious. The President has not been able to present his program yet. This program is, in some respects, is preemption of the administration's Points of Light Program.

If we want the administration to work in partnership with us, I think at least we should give the administration an opportunity to present their proposal.

I know my friend from Utah will make the very legitimate point, and perhaps my friend from Maryland, that the administration should have come over by now with a comprehensive proposal. And I agree with that. I hope that what we are seeing here will encourage the administration to do so. I do not believe a program of this nature can succeed, or have very good chances of succeeding, unless we have everybody on board.

At the present time, however, the Department of Defense and the administration opposes this legislation. I hope we can work out some agreement so that will not be the case. But I do believe we need to assure the American people, who are going to expend many billions of dollars on this program, that this program will not be an open-ended one and that the Congress of the United States will come back and revisit it at the appropriate time.

Again, I want to point out that there is no way this program will terminate unless the Congress of the United States decides that it should.

Mr. President, if the Senator from Maryland is prepared for a vote, I have no further remarks. At this time, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, it was my stated intention to move to table. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Maryland is advised such a motion is very much in order.

Ms. MIKULSKI. Mr. President, on behalf of myself and Senator KENNEDY, I move to table the McCain amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland [Ms. MIKULSKI] to lay on the table the amendment of the Senator from Arizona.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER [Mr. BRYAN]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—58

Adams	Exon	Lieberman
Bentsen	Ford	Metzenbaum
Biden	Fowler	Mikulski
Bingaman	Glenn	Mitchell
Boren	Gore	Moynihan
Bradley	Graham	Nunn
Breaux	Harkin	Pell
Bryan	Hatch	Pryor
Bumpers	Heflin	Reid
Burdick	Hollings	Riegle
Byrd	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Sanford
Cranston	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
DeConcini	Kohl	Simon
Dixon	Lautenberg	Wirth
Dodd	Leahy	
Durenberger	Levin	

NAYS—40

Armstrong	Grassley	Nickles
Baucus	Hatfield	Pressler
Bond	Heinz	Roth
Boschwitz	Helms	Rudman
Burns	Humphrey	Simpson
Chafee	Kassebaum	Specter
Coats	Kasten	Stevens
Cochran	Lott	Symms
D'Amato	Lugar	Thurmond
Dole	Mack	Wallop
Domenici	McCain	Warner
Garn	McClure	Wilson
Gorton	McConnell	
Gramm	Murkowski	

NOT VOTING—2

Matsunaga	Packwood

So the motion to lay on the table amendment No. 1284 was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1283

Mr. KENNEDY. Mr. President, we temporarily set aside the Nickles amendment, and I would like to call up the Nickles amendment at this time.

The PRESIDING OFFICER. The Senator is correct. It is amendment No. 1283.

Mr. KENNEDY. I thank the chair.

The PRESIDING OFFICER. Is there further debate on amendment No. 1283?

If not, the question is on agreeing to the amendment.

The amendment (No. 1283) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. KENNEDY. Mr. President, there are no further amendments that have been submitted either to the desk or to the floor managers that I know about.

There are several amendments that I did not know about.

Mr. DOLE. I understand some may be taken by the managers. Senator KASTEN has an amendment, Senator HATCH, and Senator BOSCHWITZ.

Mr. KENNEDY. Mr. President, I am familiar with the Kasten amendment. It is about treatment of rural areas equitably. I believe we will accept that amendment. If others have amendments, perhaps they would be good enough to make them available so that we could be able to discuss them intelligently, perhaps.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1285

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. KASTEN, (for himself, Mr. COCHRAN, and Mr. DOMENICI) proposes an amendment numbered 1285.

Mr. HATCH. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

Any entity, including the Foundation, administering a program or project under this act shall take appropriate action to ensure that:

(1) Rural Areas receive equitable treatment in the allocation and distribution of assistance; and

(2) Prospective grantees or fund recipients located in Rural Areas are treated equitably under the eligibility criteria.

Mr. HATCH. Mr. President, this is an amendment by Senator KASTEN. I send it to the desk on his behalf, and of course Senators COCHRAN and DOMENICI, as well.

This amendment is very simple. It will provide volunteers in rural areas with the same opportunities as those provided in urban areas.

I believe the amendment is acceptable to both sides. I urge its adoption.

Mr. KENNEDY. Mr. President, this issue was brought up earlier by the Senator from Georgia [Mr. FOWLER]. We reviewed in considerable detail at that time how this legislation would impact rural areas.

We are glad to give the same kinds of assurances to the Senator from Wisconsin, and certainly welcome his amendment giving further assurance to it.

I hope the Senate will support it.

Mr. KASTEN. Mr. President, my amendment is very simple. It will provide volunteers in rural areas with the same opportunities as those provided in urban areas.

Rural America is rugged, beautiful and unique—in the hearts of its people as well as in its physical landscape. Many rural communities in Wisconsin and throughout this great Nation have unselfishly given their time, energy, and expertise to those in need.

The vigor of volunteer services in both rural and urban America is yet another indication that the "me" generation is dead—and the age of altruism is alive and well.

Mr. President, many volunteer organizations in rural Wisconsin, such as the Center for Environmental Intern Programs [CEIP]; the Citizens for Greater Galesville; and the Sparta Citizens for Coordinating Local Growth, have time after time given to others in their own special way.

I believe it is essential for us to make our legislative intent clear this issue. This bill does not intend that rural areas be treated inequitably—and all my amendment would do would be to spell this out in the clearest possible terms.

It is my understanding that this amendment has been cleared by the managers on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 1285) was agreed to.

Mr. HATCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, again we reiterate our desire to consider any other additional amendments.

Mr. BOSCHWITZ. Mr. President, if the Senator will yield, I will be ready in a couple of minutes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will ask for a unanimous-consent agreement to permit the recognition of the Senator from Arizona for a special resolution. We are awaiting here any of the amendments on this particular measure. I know of no amendments that have either been submitted to the floor managers, my colleague, the Senator from Utah, Senator HATCH or myself. We are into the fourth day on this bill, and we want to try to accommodate Members, but I think there are other important items on the Senate calendar, and we want to ask other Senators to come over. Otherwise, we are going to try and move forward to try and get the final disposition of the legislation.

We will now propound a unanimous-consent request that will take some 30 minutes time and very hopefully at the termination of that time if there are Senators who have other amendments we hope they will notify us. If not, we are going to make an effort to move to final resolution.

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 255

Mr. KENNEDY. Mr. President, I ask unanimous consent the Senate now proceed to a resolution by Senator McCAIN, that there be 30 minutes equally divided, that there be no amendments or motion in order and that the vote on adoption on the resolution occur immediately after the vote and final passage of S. 1430.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING FOR A SETTLEMENT IN THE MAJOR LEAGUE BASEBALL NEGOTIATIONS—SENATE RESOLUTION 255

Mr. McCAIN. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution [S. Res. 255] calling on baseball owners, players, and their negotiators to settle their differences promptly and begin a complete spring training and regular season as soon as possible.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN] is recognized.

Mr. McCAIN. Mr. Speaker, on behalf of myself, Mr. DECONCINI, Mr. GRAHAM, Mr. LEVIN, and Mr. BOSCHWITZ, I divert the attention of the Senate from the usual objects of its attention so that we may address what is of the utmost and critical importance to the American people, and that is the failure of baseball to begin its annual spring training followed by the season which, in the view of this Member and I am sure the overwhelming majority of Americans, is unacceptable to the American public.

Mr. President, I yield to my colleague from Idaho for him to make few comments since he has some other obligations.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] is recognized.

Mr. SYMMS. Mr. President, I thank you very much.

I thank my colleague for offering this resolution and say as a baseball fan I find it remarkable that those of us in America who buy tickets that make billionaires out of the owners and millionaires out of the players, as the Senator from Arizona has been talking about, that these people cannot have enough common sense, enough pragmatism, if you will, to sit down and settle their disputes and get on with the season. I think they run the risk of having some national movement of people saying if that is the way we are going to play and miss part of the season, maybe we should stop going to baseball games a few years and see how many billionaires and millionaires we have out of it.

I compliment my colleague for bringing this to the attention of the Senate. I think the American people find this kind of activity where we cannot seem to get a resolution for very high-paid people on both sides of the equation, both sides of the table, is really outrageous, that they cannot get this settled.

So I hope that they do get it settled. They have my best wishes that they get it settled. I am a baseball ticket purchaser. We have some semipro and some smaller minor league professional teams in my State. We do not have a major league franchise but we have a lot of interest in baseball that produced even Hall of Fame baseball players, like Walter Johnson, Harmon Killebrew, and others. We would like to get this resolved.

I compliment the Senator from Arizona. I say if they do not get it settled, there will be a group of people leading a boycott of baseball and then the owners and players will find out how the cow eats the cabbage.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, with this resolution, I hope to divert the Senate from the usual objects of its attention. Inside this Chamber, we are expected to consider weighty matters of State. But I think it represents no dereliction of duty to briefly address a developing problem of considerable magnitude in my State and throughout the country. Because for many people, Mr. President, the subject I want to address represents, as Sinclair Lewis wrote, something of "eternal importance": baseball.

Normally, one would think that Members of Congress have more important things to do than concern themselves with the condition of our national pastime. But, Mr. President, I believe that it is perfectly appropriate for Congress to express our concern over the misery occasioned by this current baseball lockout and urge the parties involved to resolve their differences. If for no other reason, baseball's extraordinary treatment under Federal law, its exemption from antitrust laws, should entitle public servants to take a few minutes to express our hope that the dispute will be settled immediately. And while we elected officials must attend to a variety of important subjects, we need not ignore the Nation's plaintive cry: play ball.

I have further cause, Mr. President, to demand the resolution of this interruption in spring training. While players and owners fight over maximized profits, much of the rest of the country suffers a legitimate economic disaster. The absence of major league teams from spring training in Arizona, means an economic loss to my State well in excess of $150 million. Charity events are canceled, hotels and restaurants are empty, sourvenir venders sit on unopened cartons, hotdogs are not hawked, cars are not parked and tourists do not visit. The real victims of this misfortune are not interested in how TV revenues are divided or salaries are arbitrated. They have but one appeal: play ball.

Most people who make a living from baseball do not receive national attention for their suffering; only those that earn the most from the game can command a worldwide audience for their cries of economic deprivation. Those that will suffer real hardship would not and could not deprive the Nation of the sport they love. But those who must endure the inconvenience of hero worship or the complexities of managing vast wealth, believe that their suffering will exceed the pain caused by an absence of baseball. But the real devotees of the game, Mr. President, the fans, cannot comprehend of suffering greater than a summer without baseball. To the groans and complaints of owner and player, they have but one response: play ball.

Over the past couple of weeks, we have been subjected to repeated accusations, denials, protestations and petitions from baseball owners and baseball players. Both sides claim to be interested only in simple justice. With complex arguments and impassioned appeals, both sides beg our understanding. But to most fans, by which I mean most Americans, Mr. President, this is a dispute between billionaires and millionaries who in their pursuit of personal advantage have deprived the country of its summertime diversion. Most fans, Mr. President, do not understand why they must endure this attack on the quality of American life, so that those who profit from the game can profit even more. To those few who want to convince us that the game is just a business, the rest of the country: play ball.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized and the Chair understands the Senator controls his time.

Mr. GRAHAM. Mr. President, today is an important day in the calendar of America. Today, March 1, is the day upon which spring training games were to have commenced in Arizona and in Florida. Many people mark the calendar of the year with the beginning of American Major League professional baseball play in the spring.

As eloquent an American as the columnist George Will says that the year does not really begin until the pitchers and catchers report for spring training and America again begins to live by the daily cycle of major league baseball at play.

Major league baseball, Mr. President, is not just a commercial venture where its concerns are restricted to those who have a direct financial stake either as employer or employee. As has been mentioned by the Senator from Arizona and the Senator from Idaho, there are significant public issues involved.

This Congress has provided an antitrust exemption to major league base-

ball, to all of professional baseball, which is unknown not only in other areas of American business but unknown in other areas of American professional sports. Many communities have made substantial commitments to baseball. The communities that host teams as their home and those which host teams as their spring training host.

On Monday, I will be in Plant City, FL, a community which is known as the strawberry capital of the world, a title well deserved. It also is now the spring training home of the Cincinnati Reds. That community, typical of many others, has made significant financial obligations to build appropriate facilities for this major league franchise, facilities which now stand vacant. Not only are the facilities vacant, not only are the stands vacant, but hotels, restaurants, and other people who have depended upon this as an important part of the economy of their community are being adversely affected. And every day that this lockout continues, the ripple effect of the adverse economic effect is even more severe.

Mr. President, some might ask why should the U.S. Senate be involved in this issue. Not only should we be involved because of the legitimate public commitments that are being affected by this current lockout, but also we should be involved because there has been the suggestion that the difference now between the two parties is a minuscule one, and that what is really preventing settlement is a matter of saving face. There needs to be some means by which the parties can say, "Circumstances now warrant us putting behind our past differences and let us move forward with the spring training and the regular season."

I hope, Mr. President, that the kind of resolution that has been introduced, and I hope will be passed by an overwhelming vote of this Senate, will contribute to that saving of face. This resolution is a strong indication of the national interest in our national pastime and a call for those who are in a position to see that spring training begins and that the regular season will open as scheduled in April, that those events will occur and occur as expeditiously as possible. If we have made that contribution toward creating a climate in which this unfortunate impasse can be resolved, I believe that we will have done good work for America and good work for America's pastime.

Ms. MIKULSKI. Will the Senator from Florida yield?

Mr. GRAHAM. The Senator from Florida yields to the Senator from Maryland who represents the city that contains the Baltimore Orioles, who at this very moment should be playing in my hometown of Miami, FL, which has been the longtime spring training headquarters of the Baltimore Orioles.

Ms. MIKULSKI. The Senator is correct, and I thank him for yielding. That is exactly why I asked for a few minutes to speak.

First of all, I ask unaminous consent to be added as a cosponsor of the resolution offered by the Senator from Arizona and the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this Senator enthusiastically represents the State of Maryland and with a great deal of pride represents the Baltimore Orioles, or at least has the pleasure of knowing that the Baltimore Orioles are in her home State. We not only want them back in spring training, we want them back in the World Series. We are the great comeback team.

Last year, people snickered at the Orioles. We were kind of viewed as the rookies who could not play straight, but then the Orioles came out and showed them exactly what we could do.

Right now, we are building a new stadium in Baltimore which we would hope any and all would be able to come and see the games. It is actually being built on the site of where Babe Ruth's home was, where Babe Ruth's dad actually ran a little tavern, a little saloon, maybe less delicate company would say, and right there center field is going to be over the Babe's house. I think that is something. And we want to make sure that stadium is filled with enthusiatic fans. Good times or bad, the Orioles fans stick together.

Mr. President, that is why I hope, as management and the players are going over the last points of their negotiations, that they would remember the fans. Because what is baseball? Wherein lies, who comes to watch the field of dreams but the fans? Certainly the players get an enormous amount of pleasure, hopefully the owners get profit. But it is the fans that support baseball at the ticket gate, in the stadium, and so on.

I talked to my little nephew last night. I have a 13-year-old nephew Mike. He is a devoted baseball fan. He goes to the games. He knows the statistics. I hope he does as well one day on his SAT scores as he does knowing about baseball because he will be a national merit scholar. He collects those little baseball cards and trades them, and I am sure he will be as good at negotiation as the Senators are.

But you know, he is very upset about this game. He says maybe the fans ought to start speaking up. When you talk to his dad and talk to other dads and others moms, they say right now to go to a baseball game can cost you 50 bucks a pop. Sometimes that $50 can seem like a foul ball to a family.

So I would hope that as we negotiate contracts and so on, we keep our prices reasonable, that we keep our hot dogs at a reasonable price, and do not charge extra for mustard, and we remember that there are Mikes, and Michelles and Aunt Barbs, and Uncle Willies, and so on all around this country who want to come to the game and sing the national anthem, feel that pride and just really know what the good life is all about.

So I am happy today to support this resolution. And I will be happy to arrange buses for the Oriole's World Series.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I thank the Senator from Maryland whose colorful and descriptive and graphic language is always so important to any debate. I think she really says it all with the way she described the situation. I certainly hope that her nephew is not deprived of the benefit of observing the Baltimore Orioles again this year.

Mr. President, I would like to add a few more important comments. We are not talking about, as I said earlier, players making millions and owners making billions. We are talking about in my State some very important charities. We are talking about organizations such as the Mesa HoHoKams, Tempe Diablos, Scarsdale Charros, Caballeros de Yuma, and the Chandler Compadres who make their money for the year from spring training sales. They donate their profits, totaling several hundred thousand dollars last season, to community programs, such as scholarships, park improvement, youth sports leagues and antidrug campaigns.

Mr. President, as we speak today, there was supposed to be a game that was going to take place between the Oakland A's and their 1989 World Series foes, the San Francisco Giants, to raise money for the earthquake fund. The advanced demand for tickets indicated that the game would have been a sellout which would have netted about $50,000 to help earthquake victims.

Mr. President, Mr. Jamey Helmers, who is a secretary of Tempe Diablos, said, "In the last couple of years, we've netted about $120,000 each year. We'll lose the revenue if there's a lockout."

The Uptown Optimists in Tucson make $19,000 last year selling programs and souvenirs at Cleveland Indians' games and spent it on scholarships, youth sports, antidrug programs, and a Christmas party for disadvantaged children.

The list goes on and on, Mr. President, but we are now depriving young men and women from the charities that had become, frankly, an integral part of our communities.

The estimated economic impact in Arizona from the Cactus League in 1988 were as follows:

Chicago Cubs, $38.6 million; Oakland Athletics, $22.5 million; Milwaukee Brewers, $22.0 million; Cleveland Indians, $17.3 million; California Angels, $16.3 million; San Diego Padres, $15.7 million; San Francisco Giants, $15.1 million; and the Seattle Mariners, $14.7 million.

Mr. President, that is a great, great and significant impact and one that I think is totally and absolutely unnecessary.

Let me remind my colleagues again that major league baseball enjoys a unique and privileged status under the law. As my colleague from Florida stated, there is no other professional sport that enjoys the protections of organized baseball. I think they would recognize that the American people do not understand why the baseball season has not begun. Their anger will rise in the days and weeks ahead. I hope that baseball fans throughout America will not be deprived in the same fashion that fans in Florida and Arizona are being deprived today.

Madam President, I ask unanimous consent that Senator BURNS name be added as a cosponsor of this resolution.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection it is so ordered.

Mr. McCAIN. Madam President, I have no further requests for time. I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER. All time on the resolution has been yielded back.

Mr. McCAIN. I believe under the unanimous consent the yeas and nays have been ordered.

The PRESIDING OFFICER. The Senator is correct. I have been advised that the yeas and nays have not been ordered.

Mr. McCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

All time on this resolution having been yielded back, under the previous order, the vote on the adoption of the resolution will occur immediately after the final passage of Senate bill 1430, the National and Community Service Act.

The Senator from Nevada is recognized.

Mr. BRYAN. Madam President, I ask unanimous consent to proceed as in morning business for a period of time not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

THE UNITED STATES-JAPAN SUMMIT

Mr. BRYAN. Madam President, I read with absolute astonishment this morning that the Prime Minister of Japan, Toshiki Kaifu, who is coming this weekend to meet with President Bush, does not think this weekend summit meeting should solve specific trade issues.

Frankly, and with all due respect, the Prime Minister shouldn't even pack his bags if these two leaders are not willing to come to grips with the trade issue. Can anyone doubt that the most important issues facing United States-Japan relations are trade issues? Yet, what are we to think about the value of this summit, when the Prime Minister says at a news conference that if trade issues are raised at these talks, that Mr. Kaifu will suggest "further discussions on the experts level." Is that code for sweeping the problem under the rug?

What are we to think when Foreign Minister Nakayama says that this is not the time to make specific commitments? On this side of the Pacific we may ask, when will the time come?

If our President and the Japanese Prime Minister cannot resolve specific trade disputes they will only be attempting to paper over the most critical issue facing our two countries.

And we in the Congress are deeply worried about another joint statement or so-called understanding that gives the illusion on the evening news that progress has been made on this issue, when in fact no progress has been made at all.

We know today, that in large part the Japanese market is closed to many of our products. Last year, a report prepared for the trade talks, and commissioned by both nations, demonstrated that American consumer products were priced out of the Japanese market by an intricate distribution system which, in effect, imposes a tariff on our goods. We know that on important contracts there is collusion and bid rigging among Japanese firms that keep American firms out. We know that the Japanese are targeting the American aerospace industry as their next conquest.

In short, Madam President, we now know too much to sit idly by and watch a summit take place that produces little but communiques and joint statements. We do not need any more wallpaper or soothing words, but results, Tangible results which can be measured in contracts awarded to American firms, to American products being purchased, when American industries do not become the target of the Japanese corporate-government alliance. We need progress that American businesses and workers can take to the bank.

In today's Washington Post, a Japanese Government official is quoted as saying that the media will judge this Palm Springs summit "a failure if the structural talks are not solved." I agree, and so do the American people—the summit will be a failure if we do not make more progress on trade issues.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distringuished chairman of the Appropriations Committee is recognized.

LITHUANIAN ELECTION

Mr. BYRD. Madam President, I am afraid that in all the excitement surrounding the elections in Nicaragua this past weekend, we may have overlooked another important triumph of democracy. In the Baltic Republic of Lithuania, voters took to the polls in the first multiparty election held anywhere in the Soviet Union in 72 years. In that election, candidates supported by the grassroots independence party, Sajudis claimed 72 out of the 90 seats decided. This victory gives them a majority of the 141-seat legislature. They are also expected to win most of the run-off elections for the remaining seats.

This overwhelming victory for Sajudis, and crushing defeat for the Communist Party, could well be the precursor of a season of electoral change. Lithuania's neighbors, Lativa and Estonia, both have elections scheduled for March 18. The Soviet Republics of Byelorussia and the Ukraine are holding elections on March 4 and many of the other republics will elect legislators this spring as well. Additionally, every country in Eastern Europe will take to the polls in contested elections between now and the end of June. I hope that the Lithuanian examples will serve as an inspiration throughout the region.

What the Lithuanians have accomplished is truly remarkable. Since 1918, when Lenin overturned the results of the last competitive election, the Communists have been the one and only party in every corner of the Soviet Union. The Lithuanian Communist Party recently severed ties with its parent party in Moscow in an attempt to salvage the election, but that was not enough. They won only 29 seats, and 13 of these were Communist candidates supported by Sajudis.

Madam President, the peoples of the Baltic States in the recent past were commonly referred to as "captive na-

tions." They are still politically captive, despite the Lithuanian election, and despite the rejection of the Communist parties in those nations. But this first gigantic step in Lithuania, out of captivity, that occurred this weekend was greeted by a curious silence in official Washington. Freedom for those nations, which was traded like so much feed grain between Hitler and Stalin during the Second World War, is not yet secured, not yet won, and we don't have to tip-toe around our desire and our hope, and our support for the early restoration of full international sovereignty for those nations.

The people of Lithuania have made their choice known. Mr. Gorbachev personally traveled to Lithuania to plead his case. Stay in the political fold of the Soviet Union, he said. He accepted the right of republics to secede and offered more autonomy. He was listened to and politely rebuffed. He was rebuffed because the people of Lithuania understood that these compromises are, for them, only delaying tactics. Mr. Gorbachev's proposition would require a 75-percent approval vote, followed by a 5-year waiting period, before any independence proposal could be implemented. On the surface this may appear to be a positive step, but the people of the Baltic States sense a trap. They know that immigration patterns over the past 45 years, including the influx of ethnic Russians, have changed the demographics of their countries, and that these changes would make it difficult to reach the 75 percent hurdle. More important, they remember that their countries were forcibly incorporated into the Soviet Union and and have been illegally occupied since the Second World War. So why should they agree to more obstacles and delaying tactics? They want their freedom now, and they deserve it.

With full knowledge of what was at stake, the people of Lithuania voted. The result was overwhelming. So let us not be so concerned that we might offend the sensitivities of the Soviet Politburo. We should not be embarrassed by the result. It is not inconvenient at this time. Should there ever be a time when it is inconvenient, or embarrassing, or offensive for a people to declare their sovereignty, a sovereignty that was stolen from them and that they want back? The captivity of Lithuanians, of Latvians, and of Estonians should end as soon as the necessary arrangements can be effected, and it should end soon. The Senate of the United States, the Congress, and the White House should stand clearly, unequivocally, and visibly for that process to move foward, and we should celebrate the freedom of those valiant, courageous peoples.

Lithuania's drive for self-determination will be difficult, but they have taken an important first step. The democratic aspirations of the peoples of the Baltic republics are part of their heritage. Multiparty systems existed in these countries prior to their forced annexation by the Soviet Union and it is only natural that those tendencies should surface again. We must commend the people of Lithuania for their courage, and offer our continued support for their cause.

THE DEATH OF A FAITHFUL SENATE DOORKEEPER

Mr. BYRD. Madam President, on another matter, if I may impose on the Senate for a couple of additional minutes while speaking out of order, on February 15, following a period of illness, Mr. William H. Dietrich passed away.

Mr. Dietrich's death came at the end of nearly 7 years here in the U.S. Senate as a doorkeeper.

I know that I speak for all of our colleagues in extending to Mr. Deitrich's widow and family our deepest and sincerest sympathies on their and our loss.

Bill Dietrich was born and reared in Philadelphia.

As a young man during World War II, he enlisted in the U.S. Army Air Corps and became a pilot with the 91st Bomber Group stationed in England.

After 35 successful missions over Nazi-held Europe, Bill Dietrich was sent back to the United Sates, where he remained active with the Air Force Reserve. He retired from Air Force service with the rank of major at Rickenbacher Air Force Base at Columbus, OH.

In 1952, Bill Dietrich joined the Prudential Insurance Co. in Columbus, retiring after 29 years with that corporation in 1981.

In 1982, accompanied by his wife, Ruth, Bill Dietrich moved to Silver Spring, MD, and in 1982, he became one of our Senate doorkeepers.

In addition to his wife, Bill Dietrich is survived by his four daughters and his 95-year-old mother, Mrs. Margaret Tobin.

In the decades that I have served in the Senate and the House of Representatives, I have learned how vital to our work here are those who serve us on the doors, in the Cloakrooms, and in so many other usually unheralded positions here on Capitol Hill. We do indeed appreciate the loyalty, sacrifices, and dedication of these men and women who allow the Senate more smoothly to carry out its responsibilities and to work its legislative will.

We take notice of the loss of someone as capable and devoted as was Bill Dietrich. We remember him for his years of service here—to us and to our country—and for the other many contributions that he made to our country throughout his life—both as a heroic airman in World War II and as a citizen and a patriot in peacetime.

With his family, we mourn Bill Dietrich's passing, but we shall take continuing inspiration from his citizenship, his character, and his example.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The Senate continued with the consideration of the bill.

Mr. WALLOP. Madam President, I am about to send to the desk an amendment to be proposed to this bill as a sense of the Senate. It is my understanding that Senator KENNEDY, on behalf of Senator DODD, will offer a substitute. If the Senator is now willing, I would like to try to enter into a time agreement with him on both, so that we might give the Senate some understanding. It is my understanding that we have generally agreed that 45 minutes on a side would take care of the debate necessary for both my amendment and the Senator's substitute.

Mr. KENNEDY. That is satisfactory. I think that would give ample time to those who are interested. If the Senator will yield, I believe I might propound a unanimous-consent request that might incorporate what I understand was agreed to by the two leaders in the Senate.

Does the Senator want to proceed for 2 minutes until I get this finalized?

Mr. WALLOP. That is fine.

AMENDMENT NO. 1287

Mr. WALLOP. Madam President, I sent an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself, Mr. HATCH, Mr. DOLE, Mr. SYMMS, and Mr. SIMPSON, proposes an amendment numbered 1287.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

SEC. . FINDINGS.—The Congress of the United States finds:

(1) On February 25, 1990, Violeta Chamorro was elected President of Nicaragua.

(2) Mrs. Chamorro's victory followed a courageous and effective campaign by the United Nicaraguan Opposition—U.N.O.—a

coalition of 14 parties which selected Mrs. Chamorro as its candidate.

(3) The citizens of Nicaragua responded to the opportunity to participate in the electoral process by going to the polls in record numbers.

(4) Immediately following the election, Daniel Ortega pledged to respect the results of the election and turn over power to Mrs. Chamorro on April 25, as prescribed in Nicaraguan law.

(5) Subsequently, Ortega made disturbing comments, indicating that the Sandinistas intended to seek to retain power by "governing from below;" and specifically suggesting that the Sandinistas would seek to retain control of the army and internal security apparatus.

(6) International observers, including observers from the Congress, have generally concluded that the balloting on February 25 was conducted freely and fairly.

(7) The President has welcomed the results of the Nicaraguan election, and has indicated his intention to consider ways to help the people of Nicaragua consolidate a democratic system and rebuild their society and economy.

SEC. . It is the sense of the Congress of the United States that:

(1) Violeta Chamorro should be congratulated on her great election victory, and on her courageous and effective electoral campaign.

(2) The people of Nicaragua displayed great determination and commitment to the democratic process by turning out at the polls in record numbers.

(3) Daniel Ortega and the Sandinistas should turn over all power, military and civilian, to Mrs. Chamorro and her government on April 25.

(4) Recent comments by Ortega that the Sandinistas would seek to maintain power by "governing from below" are deplorable, a violation of Ortega's commitment to respect the results of the election, an affront to the effort supported by the other Presidents of the region and the United States to foster peace and democracy in Nicaragua, and an insult to the people of Nicaragua who voted overwhelmingly for Mrs. Chamorro.

(5) As the process of the transfer of all power to Mrs. Chamorro and her government unfolds and is completed, the United States should consider and implement the lifting of all economic sanctions, the normalization of political and economic relations, and the provision of appropriate aid.

Mr. KENNEDY. Madam President, I ask unanimous consent that there be 1½ hours of debate on the Wallop amendment, now currently being considered, and a perfecting amendment to be offered by Senator KENNEDY, and Senator DODD, and that no other amendments be in order, that the time be equally divided between Senators WALLOP, and KENNEDY and DODD or their designees, that no motions be in order except a motion to reconsider and table.

Mr. WALLOP. Madam President, reserving the right to object, and I shall not object, I just want to clarify that the time agreement applies to the time spent on both my amendment and the perfecting amendment.

Mr. KENNEDY. The Senator is correct. It will be the understanding that at some time, probably after the Senator has made his presentation, and those who are speaking in favor of it, that the other amendment would be introduced.

I think the Senator has a copy of that amendment, but at some time during the debate, the other would be at least——

Mr. WALLOP. The Senator is correct; while it need not be part of the unanimous-consent agreement——

Mr. KENNEDY. It will be part of the understanding.

Mr. WALLOP. There need not be any constraint as to when that would be, because the two of them together are the cause of the debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. WALLOP. Madam President, I yield myself such time as I may need for this presentation.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WALLOP. Madam President, this amendment, to which a perfecting amendment will be offered, is basically a statement on behalf of the Congress of the United States which makes certain findings: that on February 5, Violeta Chamorro was elected to be President of Nicaragua, that her victory followed a most courageous and effective campaign by the United Nicaraguan Opposition, UNO, as it came to be known, and the coalition of 14 parties which had selected Mrs. Chamorro as its candidate.

Madam President, citizens of Nicaragua responded to that election opportunity by going to the polls in record numbers.

Immediately following the election, Sandinista President Daniel Ortega pledged to respect the results of the election and turn over power to Mrs. Chamorro on April 5, as prescribed by Nicaraguan law.

Subsequent to that time, Madam President, Mr. Ortega has made disturbing comments indicating that the Sandinistas intend to seek to retain their power by "governing from below," specifically suggesting that the Sandinistas would seek to retain control both of the army and the internal security apparatus.

International observers, including observers from the Congress, have concluded, Madam President, solely that the balloting on February 25 was conducted freely and fairly. There will be an attempt to say later that the election was not free and fair, and there is a great deal of argument as to how that judgment could be made. President Bush has welcomed the result of the Nicaraguan election.

And so the sense of the Senate would be one, to congratulate Violeta Chamorro; to acknowledge that the people of Nicaragua displayed their great determination and commitment to the democratic process by turning out at the polls in record numbers; that Daniel Ortega and the Sandinistas should turn over all power, military and civilian, to Mrs. Chamorro and her government on April 25; and that recent comments by President Daniel Ortega that the Sandinistas would seek to maintain power by governing from below are deplorable, indeed a violation of his commitment to respect the results of the election and an affront to the effort supported by other presidents of the region and the United States to foster peace and democracy in Nicaragua, and in fact are an insult to the people of Nicaragua who voted overwhelmingly for Mrs. Chamorro.

Finally, as the process of the transfer of all power to Mrs. Chamorro and her government unfolds, the United States should consider and implement the lifting of all economic sanctions, normalization of political and economic relations, and the provision of appropriate aid.

Madam President, that is the gist, indeed the guts, of the amendment that I offered. I should say that I offer it on behalf of myself, Senator DOLE, Senator HATCH, and Senator SYMMS.

I want to examine for a minute this concept of governing from below. Madam President, that is not respecting the results of the election that took place down there. That is typical of what we have seen of Communist governments all around the world. One of the reasons why none of them have ever subjected themselves to elections is because they were unwilling to cede the choice to the people they governed as to whether or not they were fit to continue to govern.

Having said that, the people of Nicaragua spoke and they asked that Ortega and the Sandinistas no longer govern. They did not ask them to "govern from below." I would quote from today's paper. It says:

> In a speech Tuesday, Ortega indicated that almost every important national institution in Nicaragua, including the army, would remain under the control of the Sandinistas Party, a remark widely seen as the opening salvo in a complex transition process.
>
> Mrs. Chamorro's response to that was, "They didn't think they were going to lose, so they were a little sad. But we won through a secret vote and they have to accept it. They have to turn over power. The Berlin Wall has fallen, and ours did also."

Madam President, it is of extreme importance that this Congress and this Government, which was so instrumental in bringing the electoral process to Nicaragua, make a statement to Ortega and the Sandinistas that the results of that election were the voice of the people of Nicaragua and not the voice of the commandantes, not the

voice of the people who surround Ortega and who held Nicaraguans captive for the past decade of the eighties.

Now, Wednedsay, Mr. Ortega said, "The day will come when we will return to governing this country."

Fair enough, should they win.

That is not the statement that he made. He is not talking about new elections at some other time. He is talking about returning to the government, as we can see from his speech to more than 100 top Sandinista leaders and the national resistance front: "In the meantime, we will continue to govern from below."

Daniel Ortega, you lost the election. The Senate of the United States must say that he lost the election no matter what the sensibilities of people in this body were that they might have hoped that he continued to be the President. He is not. The vote of the people of Nicaragua carried that message. It has been characterized in the press as "because they were hungry," "because of the fault of the United States," or because of a lot of things. Nonsense. It was because a big preponderance of the people of Nicaragua, given the opportunity to vote, said "no more" to the Sandinistas. They are now in a democratic process in which the contest of ideas is the only legitimate contest. The contest of arms is gone. This Senate, this Congress, this country, must speak to that right.

The amendment that is to come and follow on here in a few moments will ignore that right. It is an immoral act on the part of the Senate of the United States to ignore the threat to overturn by force, by connivance, by unwillingness to abide by the judgment of the people, by whatever means to overturn the results and the effects of that election.

Ortega told the Sandinista front that its new incarnation will resist any rollback of policies that were the centerpiece of the revolution. Fair enough. They are entitled to do that so long as it takes place within the parliamentary body that governs Nicaragua, and were he to be able to persuade someone that there is a group that constitutes UNO to join him against rolling back some of those—some Republicans join Democrats, some Democrats join Republicans in this body—fair enough. That is the process. But that is not the promise, and that is not the threat that Ortega has made. He has said in so many words that he intends to subvert the extraordinary expression of the Nicaraguan people.

While congratulating Mr. Ortega, and we should, for allowing the voting process to take place, we must acknowledge how unfair it was until the pressures from international groups forced them to allow access to the press, access through the television, through the media, and forced them to resist and protect with police the rights of people peaceably to assemble and state their political posture.

But my point is really a very simple one—congratulate them for permitting the electoral process to be established, and congratulate them for the balloting, which was free and fair.

Madam President, I now yield 10 minutes to Senator DOLE.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. DOLE. Madam President, first of all, let me say it was our hope we could work out some bipartisan approach. We really are not that far apart except in a couple of areas that are very significant, as has already been mentioned by the distinguished Senator from Wyoming.

We believe ours is a straightforward statement of fact. It is not inflammatory. It does not pick on anyone. It says Chamorro won the election. She won it all. She is going to be President of the army, the police, and all the people. That is all. You cannot "govern from below." That is what Ortega is now saying. He is having second thoughts. Here is a man who was so confident of victory. But the people of Nicaragua have spoken, just as the people of the Philippines, Poland, and Panama did when they were faced with the choice between tyranny and freedom. Every time they picked freedom by a wide, wide margin.

They took a good look at Ortega in civies, and decided they liked what they saw. So he can mothball his fatigues for good now, and enjoy his retirement.

Meanwhile, a tough and courageous lady, Mrs. Violeta Chamorro, has been elected as President of Nicaragua. She won in the face of a Sandinista stacked-deck. She won, fair and square.

She won. Ortega lost.

Ortega, and all his apologists in this city, have run out of excuses. The people of Nicaragua blew the whistle on those excuses.

They rejected Ortega. They chose Mrs. Chamorro.

She and UNO have the right to take over all the reins of power. Civilian, military—the whole ball of wax.

She was given that right by the people of Nicaragua. She does not have to negotiate with Ortega on taking over power. On that score, there's nothing to negotiate.

Ortega and the Sandinistas have no right to govern from below, from on top, from the sidelines, or from anywhere else. They have no right to govern, period. It is over in April. It is all over for them.

They probably never did have the right, and they certainly do not now, after being overwhelmingly rejected in an election they did everything they could to rig.

Violeta Chamorro won. Daniel Ortega lost.

End of negotiation.

She won, and she richly deserves the congratulations that this resolution offers.

She won, and she deserves a strong, clear, unequivocal signal that the Senate, and the United States, will not tolerate any attempts by Ortega, or anyone else, to trash the will of the Nicaraguan people.

She won, and—as she assumes power—she deserves, and will need, our material support, too. The first step should be removal of existing sanctions. I hope that can be accomplished immediately after she is sworn in.

She will also need aid. There's no ducking the question of how to pay for that aid.

I am very pleased that Secretary Baker this morning pretty much endorsed the plan I have advanced for an across-the-board cut in aid earmarks, to give the President more flexibility in managing foreign aid. The President will need that flexibility—and those resources—to respond to the needs of Nicaragua, and the other emerging democracies.

And what about the Contras? I deeply regret that former President Carter—who deserves credit for his efforts to ensure a fair election—has suggested that the fact that the Contras are still there, encamped on the Honduran border, somehow makes it understandable that Ortega is threatening to keep control of the army.

That is hogwash.

If the Sandinistas truly give up all power, there will be no need for the Contras. Until they do, it is unrealistic—and wrong—to force the Contras to return to Nicaragua.

The fact of the matter is, this is a totally phony issue.

I know the conditions in the camps. Once Ortega and the Sandinistas are out, and there is real democracy in Nicaragua, the Contras will take care of themselves. You wouldn't be able to keep the Contras in those camps if you wanted to. If you have been there, you will understand what I mean.

Madam President, the people of Nicaragua have spoken. If Daniel Ortega and the Sandinistas really heed their voice, then finally peace can come to that troubled land.

That is the real, bottom-line message of this resolution. I urge all Senators to support it.

I urge my colleagues on the other side just to give a fair reading of this resolution. It states facts, congratulates the people, congratulates Chamorro, indicates the elections were free and fair according to the observ-

ers. It says Daniel Ortega should turn over all the power, military, and civilian. Does anybody oppose that? I do not think so.

It talks about recent comments of governing from below. We indicate that would violate Ortega's commitment to respect the elections. He said he respected the results. It also indicates we ought to lift all economic sanctions and have normal relations, and also provide appropriate aid. I do not believe anybody is opposed to anything in this resolution.

I know there will be a substitute offered by the Senator from Massachusetts on behalf of himself and the Senator from Connecticut [Mr. DODD]. The Senator wants me to reserve some of our time to respond to the substitute. I yield back any time I have.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1288 TO AMENDMENT NO. 1287

Mr. KENNEDY. Madam President, I send an amendment to the desk on behalf of myself and the Senator from Connecticut [Mr. DODD], Senator PELL, Senator LEAHY, and others and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] (for himself, Mr. DODD, Mr. PELL, Mr. LEAHY, and Mr. KERRY), proposes an amendment numbered 1288 to the Wallop amendment numbered 1287.

Mr. KENNEDY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the pending amendment and in lieu thereof insert the following:

(A) Congress finds that—

(1) on February 25, 1990, Violeta Barrios de Chamorro was elected President of Nicaragua;

(2) the Esquipulas Peace Accords, initiated by President Arias of Costa Rica, for which he was awarded the Nobel Peace Prize in 1987, served to lay the groundwork for national elections in Nicaragua by emphasizing the need for improved democratic processes and procedures throughout the region;

(3) the Government of Nicaragua signed the Esquipulas Accords and agreed to conduct free and fair national elections on February 25, 1990;

(4) the congressional leadership and President Bush reached a bipartisan accord on March 24, 1989, which served to endorse the Esquipulas Agreements, and expressed strong support for democratic electoral reform in Nicaragua;

(5) the elections were freely and fairly conducted and that President Daniel Ortega has accepted the results of that election, and he has pledged full support for a peaceful transition process;

(6) the citizens of Nicaragua responded to the opportunity to participate in free and fair elections by going to the polls in record numbers;

(7) hundreds of international observers from the United Nations, the Organization of American States, the Council of Freely-Elected Heads of States, the European Parliament, and other independent groups have declared that the elections were fairly and freely conducted; and

(8) President Bush has welcomed the election results, has expressed his hope that an immediate ceasefire will be declared, and has indicated his intention to consider ways to help the people of Nicaragua to rebuild their country;

(B) In recognition of the above findings, The Congress hereby—

Underscores the achievements of the Esquipulas Peace Accords, particularly with respect to improved democratic processes and procedures in Nicaragua;

Congratulates Violeta Barrios de Chamorro for conducting a courageous and successful election campaign leading to her election as President of Nicaragua;

Applauds the people of Nicaragua for their strong participation in the democratic process and their determination to support political pluralism in Nicaragua;

Commends the Government of Nicaragua for the fulfillment of the commitment to conduct free and fair elections;

Calls upon the Government of Nicaragua to proceed, as quickly as possible, with the transition process, including the transfer of all civil and military power to the duly-elected government of Violeta Barrios de Chamorro;

Urges the incoming Chamorro government and the outgoing Ortega government to give the highest priority to the need for national reconciliation and political stability; and

Recommends that the Government of the United States proceed to full normalization of relations with the Government of Nicaragua, including the removal of all economic sanctions, including the trade embargo; and to do all that it can to assist national reconciliation efforts, such as the reintegration of resistance forces into the civil and political life of Nicaragua.

Mr. KENNEDY. Madam President, there are some important similarities in the two resolutions. One can read the resolutions quickly and find that there is commendation to the people of Nicaragua for the courage that they demonstrated in pressing for free elections and for the exemplary way they participated in the recent election.

Both amendments also commend the extraordinary campaign by a very courageous woman whose family has been touched by violence, brutality and assassination, someone who has demonstrated her patriotism and personal courage in a most extraordinary way—Violeta Chamorro.

Madam President, there is however, a very basic and fundamental difference between these two amendments, a difference which underscores the fundamental difference in policy towards Nicaragua. The underlying amendment gives no recognition whatsoever to the principle causes of peace in Nicaragua—the Arias peace process and an end to the United States military aid to the Contras.

A decade of war in Nicaragua, a decade of confrontation between our two governments and a decade of emphasis on a military solution did not bring peace to the people of Nicaragua. CIA mining of Nicaraguan harbors, United States thumbing its nose at the World Court, hundreds of millions in military aid to the Contras, circumventing the will of Congress and secret deals to divert funds illegally to the Contras—all failed to bring peace to Nicaragua. And they all failed to unseat the Sandinistas.

Rather than promote democracy in Nicaragua, those policies pushed Nicaragua away from that important goal. Our support for the Contras, an open effort to overthrow the Sandinistas, simply provided a convenient excuse for all the Sandinistas failures and increased the hard elements of repression. Repression of civil and human rights escalated, the rights and activities of the church, press, and labor unions were curtailed. Nicaragua became more of a security threat than ever before.

Yet, in 1987, Oscar Arias and the other Central American leaders stepped in and provided a new opportunity for peace in the region. Their peace plan recognized the failure of the Contra policy and emphasized the need to negotiate an end to the conflict in the region. And finally, in February, 1988, the Congress recognized the wisdom of that approach and suspended military aid to the Contras. Since that historic decision was taken, peace in Nicaragua became a real possibility.

The refutation of the Reagan-Contra policy is beyond dispute. Even President Bush recognized it as an utter failure—one of his first steps as President was to send Secretary Baker to Congress to negotiate a bipartisan accord. That accord—which confirmed the ban on military aid to the Contras—gave Nicaragua the breathing room it needed to ensure peaceful, free, and fair elections were possible in their troubled country.

Now that the elections have successfully taken place, we must work together to ensure the transition in power is peaceful. We must ensure the intelligence and defense organizations in Nicaragua yield power to the new civilian authorities; we must ensure the Sandinistas hold true to their pledge to respect the will of their fellow citizens. And the best way to ensure a peaceful transition is to disband immediately the Contras clinging to a failed policy in Honduras. Their raison d'etre does not exist—if it ever did—and it is long past time for them simply to go home.

The amendment of the Senator from Wyoming demonstrates really no rec-

ognition whatsoever of the principal causes of peace in the region, the Arias peace process, the end of the U.S. military aid to the Contras and the efforts to work with the nations in the region to achieve peace. Quite frankly, that is why peace is now the real hope. I urge my colleagues to vote for the substitute I propose and the vote for a lasting peace in Nicaragua.

Madam President, I see the Senator from Connecticut here on the floor, who has been advancing those causes for reconciliation in Central America and who has believed that peace should have been given a chance a long time ago.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield such time as the Senator from Connecticut desires.

Mr. DODD. I thank my colleague from Massachusetts for submitting the resolution. I was tied up over in the Labor Committee. We are reauthorizing the Head Start Program, and for that reason, I was unable to be over here on the floor.

Madam President, I wish to, for a moment here, with the permission of the chairman of the committee, ask for a quorum call so I can familiarize myself with the proposition which has been introduced by the Senator from Wyoming, to have that time run against both sides here.

Mr. WALLOP. I did not hear.

Mr. DODD. I will call for a quorum call so I can get a chance to read over what has been submitted.

Mr. KENNEDY. I suggest the absence of a quorum, to be charged to our time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I have had a chance to review the resolution as submitted by our colleague from Wyoming. Let me first of all commend him. There is much he includes in his resolution with which I would have no quarrel. My objection to the resolution that he has submitted is based on two or three factors.

First, overall it does not really go far enough in recognizing the full implications of what has occurred over the last several years which led up to the events on Sunday.

Second, it fails to recognize the efforts of others within that region, that created the environment, and in fact the procedures and system, which permitted the election to go forward last Sunday.

Third, and I say this with all due respect, and it may not have been his intent, but there is in his resolution, a rather negative tone. What is vitally important at this hour in Nicaragua, given the results of the election on Sunday, is a spirit of reconciliation.

To Mrs. Chamorro's great credit, at about 3:30 Monday morning, when they accepted the results of the Nicaraguan people, her remarks were not ones of recrimination. She did not point out the long list of things that she had complained about over the many years, many with full justification. She did not take the hour or the time to talk about the shortcomings of the campaign, such as her feeling that she and her party were not given as much access to media as they should have been allowed, and other such complaints. Rather than do that, she took the hour and time to talk about the need to build a new Nicaragua. She talked about no winners or losers except the Nicaraguan people.

That tone was then embraced by Daniel Ortega about 6 a.m. in the morning, 6 hours later, when he addressed a large gathering. To his credit he did not talk about the sour grapes of a loser, he talked about what ought to be done in Nicaragua and about building a reconciliation between the various aspects of that society. Contrary to what many felt would be the case, he did not demand that the election be null and void. He talked about accepting the results of that election.

To the great credit of President Bush, when he held a press conference Monday morning, and was asked about the elections, he not only commended Mrs. Chamorro, he commended Daniel Ortega and his government for conducting a free and fair election.

That is what our resolution ought to reflect. It ought to be one that talks about reconciliation, that commends not only Mrs. Chamorro for her great victory, but also recognizes the other participants who made it possible.

President Arias won the Nobel Peace Prize. He won it because he fashioned together a plan that opened up the democratic processes of Central America, including Nicaragua. That is why he received the highest award given to a citizen in the world for their efforts to achieve peace in their respective countries or for human rights. The Esquipulas accords initiated by President Arias need to be recognized.

Third, we ought to recognize the fact that the Government of Nicaragua did what it said it would do. But instead of recognizing and commending the Government of Nicaragua for the election, in the resolution we seem to suggest that we are sorry that they did it. Our resolution which we offered as a substitute takes note of that.

Fourth, we recognize the great contribution of President Bush and the Congressional leadership, both Republican and Democratic, who last March fashioned an accord that made it possible for this environment to be improved. It provided humanitarian assistance for the resistance and no military aid, and embraced the Esquipulas accord. So they deserve credit.

We also of course commend the people of Nicaragua themselves. I have already shared with my colleagues and others, the moving experience that Senators DANFORTH, PELL, PRESSLER, LEAHY, and I, among others, had: the privilege of witnessing last Saturday and Sunday as the Nicaraguan people, many for the first time, exercised their right to vote and choose their political leadership. It was a lesson for all of us who were there, that too often we take our own process for granted. Some 90 to 94 percent of the Nicaraguan people voted that day, and they deserve great credit for voting their conscience, and making a choice. Many of them stood long hours in the hot sun that day and stayed up until the wee hours of the morning participating in the vote counting of their respective polling places.

Lastly, this resolution we have proposed tries to look forward. Great events have occurred in the world over the last several months, in Czechoslovakia, Hungary, Poland, Romania, Bulgaria, the Soviet Union, in Panama, and now in Nicaragua. The expectation of U.S. economic assistance by all of these emerging democracies is a burden that is going to be difficult for us to meet around the globe.

It seems to me that in Nicaragua, given the polarization that has occurred there, given the great difficulties that have existed in terms of their economy and the like, we also need to express in a resolution that we want a procedure to fully normalize relations with the new government including removal of the economic sanctions and the trade embargo. That is what Mrs. Chamorro has talked about.

We ought to join in that effort in order to make the election results fulfill what I think were the hopes of the Nicaraguan people. Not only will they be able to choose a new government, but that new government will have the opportunity to be able to heal the wounds of that country politically, socially, and economically. This resolution, which we have offered as a substitute, does that.

Despite the fact that I think our colleague from Wyoming has many points in his resolution with which I have no disagreement, in my view it does not go far enough. It fails to recognize those in the region who have made the contributions to set up a system that allows them to go forward, and it does not talk at all about the positive things that need to be

done to reconcile the various elements within that society.

Let me lastly point out something that I think is important to stress. Everyone in this Chamber better be interested in the subject of Latin America. In the past we have talked about the unwillingness of Latin Amerians to step forward and begin to engage in solving problems in the region. President Bush, to his credit, went to the OAS on two occasions and asked them to get serious about the problem in Panama. They did not do it. We were all disappointed that they did not try and take some political risks to resolve the problem in their own region.

Back in 1986, 1987, and 1988 and 1989, five leaders decided to take a chance with the Arias plan or the Esquipulas plan. All five of them today with the exception of President Cerezo, who is about to leave office, took a great risk and went forward and fashioned a plan under the leadership of President Arias, which made the very events that occurred Sunday possible.

Had it not been for President Arias, President Duarte, President Cerezo, President Azcona, and President Ortega there would have been no election in Nicaragua last Sunday. President Duarte, with a great tragic irony was buried on the very day in Nicaragua that there was an election. To disregard any mention of these five Presidents in a resolution and then to turn around, as I suppose we will at some point in the not too distant future, and ask Latin leaders to step forward and try and resolve their own problems, is something that has not been lost on the Latin leadership in the last 48 to 72 hours. To not even recognize their significant contributions without which we would not have had the results or even the event of Sunday, to suggest somehow that just a Contra-aid program, as some have suggested, would have produced the results on Sunday, is ludicrous to anyone who has spent 5 minutes analyzing the events in Latin America in the last 2 or 3 months.

I feel very strongly that a resolution ought to include the recognition of that particular effort as well. The efforts of Mrs. Chamorro certainly ought to be mentioned first and foremost along with the people who supported that effort as well as the congressional leadership, President Bush in the agreement of March of last year, and the fact that we look forward to a better day when we can participate in helping the people of Nicaragua achieve a healed society both economically and politically and socially.

Madam President, I reserve the remainder of my time.

Mr. PELL. Mr. President, it is with a deep sense of satisfaction that I support, as a cosponsor, this substitute amendment which views the election in Nicaragua with the proper perspective. Among other things, it congratulates President-elect Violeta Barrios de Chamorro on the electoral victory this past Sunday, commends the Nicaraguan Government for conducting a free, fair, and democratic electoral process, applauds the Nicaraguan people for their strong participation in the process, supports the desire for national reconciliation in Nicaragua, and urges the United States Government to lift the economic sanctions and restore full diplomatic relations with Nicaragua.

As a member of the international observer team headed by former President Jimmy Carter, I was witness to the process which saw the people of Nicaragua freely and fairly, in the confidence of the secret ballot, choose their government for the next 6 years. Sunday's election, under the watchful eye of international observers from the United Nations, the Organization of American States, the Carter group, and hundreds of others from around the world, was not only a victory for Violeta Chamorro but was also a victory for the Central American peace process and bipartisanship in the United States Congress and the administration.

President Oscar Arias deserves much credit for the process which culminated in the free and fair election that took place. It was his perseverance and determination that moved the process from the first meeting of the Central American Presidents in San Jose in 1987, through Esquipulas I and II, through the other meetings at Tesoro Beach, Tela, and San Isidro. Right from the beginning President Arias' plan for peace in Central America focused on instituting democratic procedures in Nicaragua leading to free and fair elections.

Credit also must go the bipartisan accord carefully hammered out last spring after a series of meetings between Secretary of State Baker and Senate and House leaders of both parties. Through the accord, military assistance to the Contras was finally ended and an emphasis was placed on peaceful resolution of the situation in Nicaragua. It was the first time since the early 1980's that the Congress and the administration were speaking with one voice on Central America.

Finally, huge credit goes to former President Jimmy Carter for his constant effort and skillful handling of the various problems that arose within the electoral process in Nicaragua. He truly did a magnificant job. Along with the U.N. and OAS observer teams, the Carter group established a presence in Nicaragua last April, and was very close to the process all the way through and beyond the final vote count on Sunday.

I believe that this resolution congratulating the various actors that have permitted the Nicaraguan people to freely and democratically choose their next government can be supported by the majority of the U.S. Senate.

Mr. ADAMS. Mr. President, the recent elections in Nicaragua provided us with stunning reaffirmation of the wisdom of Costa Rican President Oscar Arias in pursuing a Central American peace plan. President Arias was personally rewarded for those efforts when he was selected to receive the Nobel Peace Prize, and the free and open electoral process that culminated in the election of Mrs. Chamorro is a benefit that was conferred on every citizen of Nicaragua by the efforts of President Arias.

In what has been recognized as a fair and honest election, the Nicaraguan people voted for change, and the ruling Sandinista party has pledged to honor the results. For too many years, our official policy toward Nicaragua has followed the defective premise that civil war was the only way to remove the Sandinistas from power. Now that the process of free and fair elections has once again demonstrated that ballots can prevail over bullets, it would serve our own best interests to congratulate both the winning and losing political parties in Nicaragua, and to express our support for national reconciliation and a brighter future for all Nicaraguans.

Former President Jimmy Carter, together with former Gov. Dan Evans of my home State of Washington, deserve to be congratulated for leading observers in viewing the electoral process, and in testifying as to its fairness. I was pleased to note the presence of other citizens from my State representing the Seattle-Managua Sister City Committee and the Northwest Nicaragua Electoral Watch, all of whom worked with the Nicaraguan people to assure that this election was conducted in a fair manner.

Mr. President, many years were wasted along with millions of dollars in supporting the Contra movement. The corrupting influence of that deeply flawed policy, and the criminal violations of U.S. law that accompanied that effort did not advance our national interests. All Americans can take pride in viewing yet another example of the triumph of democracy. From this date forward, I hope our relations with Nicaragua are based on a policy of mutual respect and friendship.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Madam President, what is the circumstance on time?

The PRESIDING OFFICER. The Senator from Wyoming has 28 minutes and 51 seconds remaining; the Senator from Massachusetts [Mr.

KENNEDY] has 23 minutes and 12 seconds remaining under the consent agreement.

Mr. WALLOP. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona may proceed for 5 minutes.

Mr. McCAIN. First, I would like to make two points concerning this debate.

First, I had hoped that since the elections have just taken place, we could have taken a break from this debate. I believe that almost all of us who have been involved in this issue, in my own case for the last 8 years, have grown a little weary of the arguments that have always attended our discussions. So it is with some reluctance that I come over and join in this debate.

Second, I cannot help but be reminded of the words of the late President Kennedy who, after the Bay of Pigs, said that victory has a thousand parents and defeat is one poor, illegitimate, unwanted child. We are now trying to decide who the victorious parents are for the victory that has taken place recently in Nicaragua.

Frankly, Madam President, I am disappointed by this continued, misguided fondness for Daniel Ortega and the Sandinistas. They should have allowed a free election in 1979 when they came to power. Also my friend from Connecticut has failed to mention or appreciate the fact that it was not exactly a free and fair election. It was marked by Sandinista intimidation of opposition supporters. In a variety of ways it was a very flawed process. UNO was denied equal access to media facilities, they were denied access to their own resources, people were macheted to death at opposition rallies, et cetera.

This great victory was achieved in spite of the best efforts of Mr. Ortega and his Sandinista hard-line Communist friends. This great victory is a testament to the courage of the Nicaraguan people. Also, I think it is well to mention that just yesterday, Ortega stated in unequivocal terms that he is going to "govern from below." That threat is directed specifically against the will of a vast majority of Nicaraguans.

There are people in the Sandinista government who have sworn never to turn over power. I hope that is not the case. I hope and pray that is not the case because that poor unfortunate country has enough problems and it deserves a peaceful and orderly transition.

Also, I will not let this debate pass or any other without recognition of the brave people that we called freedom fighters—others called them Contras. They had far more impact on the peace process than any proposal of Mr. Arias. It was the presence of those freedom fighters that forced the Sandinistas to finally agree to a free and fair election.

It was not President Arias' delicate treading on both sides of the street. It was brute power that brought the Sandinistas to power with the acquiescence of the United States and President Jimmy Carter. It was United States aid and assistance that propped up the Sandinista government until 1981 when we discovered that the Sandinistas had betrayed the revolution.

The Sandinistas came to power in 1979 with a commitment to free and fair elections. It took until 1990 for them to take place. Why? Because the Sandinistas did everything they could to avoid it. And it took U.S. support for the resistance to compel the Sandinistas to honor their promises.

Madam President, I applaud what has taken place in Nicaragua. And we should offer our assistance in every possible way, so that the people of Nicaragua can recover from the economic and political cruelties they have endured for over 10 years of Sandinista misrule.

I regret that we continue this debate. It is, in fact, a rewriting of history. Perhaps this rewriting of history is only a small part of an attempt by the left to rewrite the entire history of the events that have taken place in Eastern Europe.

In my view, Madam President, those events are the result of the same condition that helped create this glorious event in Nicaragua last Sunday.

It was not the presence of President Carter after the election that the Sandinistas respected. It was the presence of the Soviet Ambassador who informed the Sandinistas that, like the fallen regimes of Eastern European tyrants, they could not count on support from the Soviet Union if they chose to resist the will of the Nicaraguan people. It is a result of the events in Eastern Europe and in the Soviet Union which have caused the Soviet Union and their clients, who were formally large suppliers of arms and munitions to the Sandinistas and through them, the FMLN in El Salvador, to withdraw that support. It was the recognition by the Sandinistas that they would not receive support from the Soviet Union and Eastern Europe that was a major factor in making them respect this election and adhere to its results.

Madam President, I, as always, respect the opinion and views of my friend from Connecticut. He has played a major role in the events that have taken place in Central America. I have oftentimes of course disagreed, but I appreciate his dedication to the issue and his fundamental belief in and desire for freedom for the people of Central America.

Madam President, I yield back any time I may have remaining.

(Mr. LAUTENBERG assumed the chair.)

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut is recognized.

Mr. DODD. Just for a minute, Mr. President. I want to suggest we had hoped for a resolution which would incorporate this. It appears that is not going to be the case. It appears nothing is going to be introduced and the reason nothing was offered is as a result of the motion of my friend from Wyoming.

I yield 3 minutes to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is yielding 3 minutes.

Mr. SANFORD. Mr. President, I think what we have heard about the events of Nicaragua indicate more than anything else that we simply are incapable of learning very much. If there is one thing that marks our relationship with Central American countries for the last 100 years it is that we have attempted to tell them how to run their business, we have interfered. For a long time we exploited those nations and their resources. We never have taken the view that they know what they are doing and they can do it by themselves better without our help than by our paternalistic direction.

Here we are. There is not any question that this was a self-help project in Central America. There is not any question that President Arias was recognized internationally for coming up with a creative solution that had the force within it to get the kind of cooperation from all five Presidents. There is no question that they engineered the situation so all the Presidents agreed to nonaggression, to free elections, to moving toward the democratic process. But we cannot let them have credit for it.

We want to find out how we can take credit. How did we engineer it? How did we promote it?

This is one great example of how they promoted something for themselves with their own initiatives, with their own sense of values, with their own understanding of not only their history but of their destiny.

The lesson is that they can accomplish for themselves more effectively the ambition that they have than we can accomplish those ambitions for them.

Their ambitions are prosperity, fuller life, proper health care, education, proper economy, all of those things that we would like to make a part of our own national goals, and they can accomplish those things far better than we can accomplish them for them.

Look back at the history. We have tried numerous ways. We started, in

my own memory, with Franklin Roosevelt's good neighbor approach; John Kennedy's alliance for progress; the more recent Kissinger plan; with Harry Truman's point four. All of those were plans that we designed and laid down and said here is how we are going to help you achieve your destiny. None of them worked. None of them worked because we did not call on them to use their initiative and their resources and get their job done according to their understanding. And now we have a chance of turning history, when we can change all of that.

We have to get away from this business of claiming everything down there is good because we made it good and that nothing good can happen if we do not step in, when that simply is the backward way to go about it.

Right now there are five democratically elected governments in Central America, due primarily to their initiatives. Sure, we have encouraged it. But we also have done a lot to retard it.

Right now there are five free nations. And they need just two things, and they have the plan and they have the resources to get it done.

The PRESIDING OFFICER. The Senator from North Carolina has used the time allotted.

Mr. DODD. I will yield 2 additional minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 additional minutes.

Mr. SANFORD. They have two plans. Instead of standing here and arguing about who needs credit for the victory in Nicaragua, we ought to be looking at how we can help them do their thing.

They have the accords that came out of the Arias peace plan and the various discussions that followed that, providing for human rights, for democratic government, for nonaggression. They have that as the goal and they have that as the commitment of all five nations and the self-enforcing provisions of one nation insisting that the other neighbor nation does what it said it would do; far better than any control and direction that we can give them.

Then they have the first development plan ever in the history of that region of the world that they have put together. They have the International Commission for the Development and Recovery of Central America that is truly, authentically, a Central American-grown plan.

They need our help but they do not need our direction. They need our help to get their plan going. They do not need our plan. And it is so easy, now, to assure that Nicaragua will follow through, that Ortega will play the game, if we simply leave to Central Americans the right to do their thing, their human rights, the democratic approach and their development plan.

It is all in place. We do not have to direct anything. We simply have to help.

I hope we quit this business of who needs credit or who claims credit. Those Central Americans have demonstrated they can do what needs to be done and our job is to support them.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. WALLOP. Mr. President, what is the circumstance on time?

The PRESIDING OFFICER. The Senator from Wyoming has 22 minutes. The Senator from Connecticut has 16½ minutes.

Mr. WALLOP. Mr. President, I yield myself 5 minutes.

I would say to the Senator from North Carolina, this does not seek to tell them to do anything. This resolution of the Senator from Wyoming and his cosponsors seeks to commend the Nicaraguan people on the success of their election.

We spent some considerable time trying to put this into neutral. I will say to my friend from Connecticut that their terms of negotiation were, you take ours and we will have a bipartisan accord. There was no effort over there to move into several parts of it.

But I would say that the resolution of the Senator from Wyoming purposely ignores the partners. I would say Arias had a role. I would say the Presidents of Central America had a role. I would say, too, with my friend from Arizona, the Contras had a role. There is no peace process without a challenge to the tyranny that had been established by Ortega and the Sandinistas.

I also say, Mr. President, as I view the substitute amendment, it is wet enough to take a shower in. It praises Ortega as much as it does Chamorro.

My friend from Connecticut pointed to the spirit of reconciliation that existed on the morning and the night of the election. It did, indeed, exist on the morning of the election when victory became apparent.

But the headline in the Washington Post this morning, and the headlines in the papers today, is a cry from Mrs. Chamorro for the world to understand that Daniel Ortega is threatening to seize this election.

The election was not held with the condition that Ortega could contain the results until his requirements had been met. The election was held to provide that Nicaraguans with a choice of whom they wished to lead, not whom they wished to lead after Ortega had maintained control over the police.

I say to my friend from Connecticut and others who support his position, how would they feel had Dukakis won the election and President Reagan agreed to turn over power except he wished to continue his military buildup in the way in which he had established it and he wished to continue to maintain the controls over certain elements of the Government. That is not an election. That is not the way democracy functions, and that is certainly not the way it ought to function here. And this Senate ought to recognize the threat to Mrs. Chamorro when she asks us to recognize it.

I say, again, we did, in fact, ignore the partners on purpose. There was not Esquipulas. My friend from Connecticut knows better than anybody, there were two Esquipulases and after that there were three other peace conferences, all of which changed these things. And finally which, following the directions and leadership of the Secretary of State, James Baker, Ortega agreed to elections.

Having agreed to elections, he must abide by the will of the people to whom he put the vote. He cannot choose now to abide by just a portion of it. And it is not when he views the conditions in Nicaragua to be right for the transfer of power. Those were all laid down when he assumed that no one but he could win the election. He, having lost it, must abide by the results. That is what Mrs. Chamorro said today:

"They didn't think they were going to lose, so they're a little sad. But we won through a secret vote [and] they have to accept it. * * * He has to turn over power." And we must not turn over power leaving Umberto Ortega in charge of the military.

He must not turn over power waiting to see what takes place with the Contras. That is not his privilege. For this Senate to ignore Mrs. Chamorro's cry for help at this moment in time is a mistake. The similarities in the two proposals are as they should be. They praise the Nicaraguan people; they praise the balloting; they praise the fact choices were made; they praise the early expression of reconciliation.

But ours, unlike theirs, recognizes a danger signal. This is not contrary to the third reconciliation, but it is indeed a statement on the part of the Senate of the United States that reconciliation is part of our concept of what constitutes free and fair elections.

The PRESIDING OFFICER. Five minutes remains.

Mr. SARBANES. Will the Senator yield me 3 minutes?

Mr. DODD. I will be glad to yield to the Senator from Maryland.

The PRESIDING OFFICER. Three minutes for the Senator from Maryland.

Mr. SARBANES. First of all, I would like to ask the Senator from Connecticut whether this substitute, which he has offered, would have been offered

in any event if the Senator from Wyoming had not offered a proposed amendment here?

Mr. DODD. Mr. President, I say to my colleague from Maryland that we hoped in the last couple days, I would have thought it possible, to draft a resolution that would have underscored the Esquipulas accords and commended Mrs. Chamorro. That was impossible.

My view is we cannot reach some consensus like that on a resolution if you are going to battle over them, and my answer is no. Regretfully, I think it is appalling this place cannot find it possible to commend our Latin American neighbors for their accomplishments.

My answer is I would not have offered it except for the fact there was an amendment proposed. Those are the facts.

Mr. SARBANES. In other words, it was the Senator's view—I take it, in the absence of having reached a general consensus—that we should not offer anything, that was the wiser course; is that correct?

Mr. DODD. That was my view.

Mr. SARBANES. You were prepared to concede that.

Mr. DODD. That is correct.

Mr. SARBANES. I think it is incredible, I say to my friend from Wyoming, what is happening here. By any standard, we just had a tremendous success in Nicaragua, and we should be gratified by what has taken place there and what it offers for the future.

If you are going to offer an amendment, you have to cover appropriate matters, including, it seems to me, recognizing the enormous contribution and the great risk that was taken by the democratically elected leaders in Central America. I heard speeches on the floor of this Senate about why do not the leaders of the region asume their responsibilities? Why do they not step up and try to do something? It is right in their own neighborhood.

They did that. A Nobel Peace Prize was awarded to one of the leaders. They managed to work together. I find it incredible that we not recognize that contribution.

There are other contributions which, in my view, ought to be recognized. I am not going to press it, but I think, frankly, it is a display of modesty that the Senator from Connecticut is not in a finding here for his contribution. If there is any Member of this body who has tried with a great commitment of energy and intellect and concern and understanding to try to bring that situation to a peaceful resolution, it has been the very able and distinguished Senator from Connecticut.

I, for one, want to recognize that contribution. I know he has done it under tremendous pressure. He is not in this amendment. I am not trying to put him into it now, because I do not want to complicate the matter any further. But I do think that the proposal he has come up with is an effort to look to the future.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Will the Senator yield me 2 additional minutes?

Mr. DODD. I will be glad to.

Mr. SARBANES. When you look to the future, one of the things you have to do, it seems to me, in this situation is recognize what the leaders in the region have done. Time and time again, there has been a call here: Why do not the people in the area assume responsibilities? And they did it in this instance. There are many other factors that helped. I do not deny that, but that was a very important consideration.

Second, this amendment looks to the future. It has tried to address all of the issues; it has tried to apportion some recognition and acclamation to those who have managed to bring it this far; and it has also, in effect, set out what is expected now to happen. We have this open; it is an opportunity.

I had some sympathy with the Senator from Arizona who got up and spoke and said he had some doubts about whether we should be having this debate, but it was, in effect, forced upon us. If we are going to have it, we have to do the right thing, and I think that is contained in this substitute amendment offered by the very able and distinguished Senator from Connecticut.

So I hope the Senate will adopt this proposal. If we have to speak, I think this is the language in which we should speak. I think it is positive, constructive and forward looking. It recognizes, in particular, those elements that are going to be indispensable to a continuing positive and constructive development in Nicaragua and, indeed, broader in the region.

I commend the Senator from Connecticut for offering it, and I thank him again for the enormous contributions he has made over the years to try to bring about a peaceful settlement of this deeply troubling and tragic situation.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE addressed the Chair.

Mr. WALLOP. I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. Five minutes to the Republican leader, the Senator from Kansas.

Mr. DOLE. Mr. President, let me repeat, in the amendment we offered, we did not try to go back and thank anyone. We did not thank President Reagan; we did not thank the Congress. We thanked the people of Nicaragua and Mrs. Chamorro and congratulated her for winning the election.

I think if the substitute had been offered on Monday, it might have made a little more sense. But since Monday, Ortega has been saying things that have been disturbing. He says he is going to govern from below. There are all kinds of reports that he might not give up control of the Sandinista army. There are all kinds of reports from the Minister of the Interior.

On Monday, this amendment made much more sense than it does on Thursday, and there was an effort. I asked the majority leader on Monday, maybe we can just work out a bipartisan amendment, just congratulate the winners, period.

But when you start saying we are going to thank this person, but not thank President Reagan, I think he had a little something to do with it. There would not have been an election if President Reagan had not been around here keeping everybody's feet to the fire for 8 years.

The Organization of American States and the five in the Esquipulas accords, might not have been meeting had it not been for President Reagan.

I called President Reagan the day after the election and said, "Mr. President, there has been a lot of rhetoric about who deserves credit. Maybe a lot of people do, but certainly one is Ronald Reagan." So we tried to avoid all that.

We did not put in the role the Contras played, though I agree with the Senator from Arizona, they should not have been forgotten. There would not have been any election without the sacrifices made by those young men in Nicaragua who wanted freedom and democracy.

So it was the intent on this side, since we could not come together on a resolution, to try to state the facts. That is all we did. In fact, I think the Senator from Connecticut said he did not have any problem with this resolution except it did not go far enough, it did not praise Oscar Arias. If you want to put in something on Oscar Arias, Ronald Reagan, President Bush, everyone else who has played a role for or against military and economic aid, it would be a fairly lengthy resolution.

I do not know how we can quarrel with the sense of the Congress that we congratulate Violeta Chamorro. Who is against that? That we congratulate the people of Nicaragua. Who is against that? That Daniel Ortega should turn over all powers, military and civilian. Who is against that? We say in paragraph 4 that recent comments by Ortega that the Sandinistas would seek to maintain power by governing from below are deplorable, a violation of Ortega's commitment to respect the results of the election. Does anybody say that is not true?

And, finally, we say we ought to lift sanctions and help with aid.

I cannot see anything offensive about our resolution. To me it seemed to be rather positive.

There are similarities in both, so do not misunderstand me. I think for the most part they are similar. I think there are two fundamental problems with the substitute. One, it commends Ortega for holding free and fair elections. That is just wrong. There was violence, intimidation, denial of equal access to Government facilities, Government intimidation against UNO. That is what I saw on television. The second is that it is totally silent on Ortega's recent comments saying the Sandinistas will continue to "govern from below."

The Sandinistas lost. The transfer of power is not a matter of negotiation, particularly when Ortega said he would respect the election results. Now he is saying he has some reservations; he is to going to govern from below.

Well, having said all that, I also talked to the distinguished Senator from Missouri, who was there, who was an observer, who did an outstanding job and should be commended for it. It still may be possible for the two sides to come together, if we leave out all these people we are going to congratulate and leave it up to the people of Nicaragua and urge Ortega to repeat what he said the night of the election, the day after the election, that he was going to abide by the results and not have second thoughts about the election. So if there is some way to resolve the differences, they are significant in two respects; in other respects they are pretty much the same, although I think there are a lot of things in the substitute that can be left out. We can pass other resolutions commending all the people who might have been responsible if we can find out who they were. Some we know, some we do not know.

It was our purpose to have a straightforward, simple resolution leaving out all the plaudits for all those who might have been deserving, including the Senator from Connecticut, the Senator from Arizona, and a lot of Senators on both sides who I think played a very major role, as did, as I said, President Reagan and President Bush and others. So if there is a disposition to try to resolve any differences, one thing we might do is, after we finish the debate, set it aside, sit down and see if we can come up with some language. If not, we would still vote about 7 or 8 o'clock.

Mr. DANFORTH addressed the Chair.

Mr. DODD. Mr. President, I yield myself——

Mr. DANFORTH. Mr. President, may I make a unanimous-consent request.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. We are under a unanimous-consent agreement now.

Mr. DANFORTH. Mr. President, will the Senator yield me 10 seconds so that I might make a unanimous-consent request?

Mr. DODD. I will yield to my colleague in a minute. Of all the talk I must share with my colleagues, because this is what is needed, let me just quote to you this text. This is February 6, 1990, the day after the elections, Yamales, Honduras. Here is the leadership of the Contras describing Mrs. Chamorro, their words, these people we now want to claim are so responsible for all this:

> Commander Franklin, current chief of the general staff of Nicaraguan resistance, stated that former contra leaders were always "desk militants" with clean tennis shoes and dirty hands.

This is the kind of crowd we want to commend, denouncing in effect the very people that won the election because they decided to go that route. And to compare five Central American presidents in the Esquipulas plan with these other events that are being talked about I think is tragic and a total disregard for history. The facts are there would not have been a process Sunday, there just would not have been an election if the only foreign policy of the United States would be a war in Central America. I do not know anyone who could have concluded that you would have had an election in Nicaragua. It just would not have happened. Mrs. Chamorro called for the total disbandment of the Contras, as has President Ortega. In my view that is what we ought to be doing.

I yield to my colleague 10 seconds.

Mr. DANFORTH. Mr. President, because I am against both sides in this debate, I ask unanimous consent that I might proceed for 5 minutes and that that not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I thank the Chair.

I had the great privilege of being one of the observers at the election. It was one of the most exciting days of my life, one of the most rewarding days of my life, to have been in Nicaragua and to have seen what happened last Sunday. One of the reasons for my personal exhilaration at the end of this day was that I said to myself that this terribly divisive issue in the United States, perhaps the most divisive issue we have had in recent years, perhaps the most divisive issue since the war in Vietnam, is behind us; it is over. The battle is over, and it should be over in the United States.

Now I come to the floor of the Senate and I cannot believe my ears. The best conceivable outcome has taken place in Nicaragua, and we are keeping the battle alive on the floor of the Senate. I think that this should be put behind us. I think that we should be thankful that we have reason to put it behind us, and that we should not be bickering on the floor of the Senate because we cannot even agree on sense-of-the-Senate language relating to Nicaragua. It is inconceivable to me that we cannot agree on this.

Mr. President, early Monday morning, after 3 o'clock Nicaragua time, I happened to be present when former President Carter was on the phone with our Secretary of State, Jim Baker, and the basic message to which they agreed on the phone was that the best thing we could do in the United States was to cool it. Cool it. Cool the rhetoric. Why cannot we do that in the Senate? Why cannot we just shut up for a change? Why must we wade in all the time after the victory is won in this partisan confrontation? Why do we have to rub it in with Ortega? I have always voted for Contra aide. Why now do we have to reach over there and tweak his nose? What good does it do? What does it accomplish for the United States or for anybody else, much less the people of Nicaragua? And if we are speaking at all, why should we not be speaking with one voice in innocuous language with which everybody can agree?

So, Mr. President, I have one suggestion, and if the suggestion fails, I am going to tell the Senate what I propose to do. My suggestion is we lay this aside. My suggestion is we go to some back room and agree on something that is innocuous, that congratulates the people of Nicaragua for the election that they held, period, that we all come out and agree with that and vote on it 100 to 0.

And if we cannot do that, if we cannot agree on that, then I propose when all time is up to move to table the underlying resolution carrying both of them with it so that we end up saying nothing at all.

Mr. DODD. If my colleague will yield, as I explained—I thank him for yielding—I happen to agree that frankly if we could not come to an agreement, my argument was forget it. Let us not take time out here debating resolutions of this kind. Let us just be silent.

I would go a step further. I think being innocuous is almost worse than being silent. We are innocuous enough around here. Let us not add to it. My view was if we could not come to an agreement, let us forget it. Let us move on talking about things we can do to help that country and help its future.

I agree with the Senator. This substitute would never have been offered but in good conscience I could not

accept a resolution that did not say thank you—if we are going to say "thank you," in my view, to the people who deserve the thanks for what occurred on Sunday. But if we cannot reach a consensus, if it is a 51 to 49 vote, one way or another on a sense-of-the-Senate resolution commending the people of Nicaragua and those responsible in Central America for an election that occurred, I agree. I think it is a sad day if we do not have the guts and the courage to say "thank you" to five or four democratically elected presidents who contributed to a process. I think that is tragic.

If they are saying the reason you ought to not disagree is because we mentioned Oscar Arias, the fact he received the Nobel Peace Prize, and we were told that is unacceptable language in the resolution. Think of that. It is unacceptable to mention Oscar Arias and a Nobel Peace Prize. I agree. Let us drop it. Let us withdraw both resolutions. I will withdraw mine, if my colleague from Wyoming will withdraw his. Let us forget it. If we cannot reach a consensus on a simple thing that occurred on Sunday, I agree.

I spent 15 years in this body and the other. There has never been a more important day or a significant day in my 15 years in public service. If we cannot develop consensus on that, my view is we ought to withdraw both of them.

Mr. DANFORTH. Mr. President, do I have any remaining time?

The PRESIDING OFFICER. The Senator from Missouri has 1 minute.

Mr. DANFORTH. Mr. President, I would simply renew my offer to the Senator from Wyoming, and the Senator from Connecticut. I would be happy to join them in trying to put together some mutually agreeable language basically commending the people of Nicaragua. I think from these two resolutions it would be easy to put together something that everybody could agree to. I offer them that possibility. If the answer to that is no, then it is my intention at the appropriate time to move to table the underlying resolution.

Mr. SARBANES. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Missouri has expired. Who yields time?

Mr. DODD. I yield a minute to the Senator.

Mr. SARBANES. I say to my friend from Missouri, because I listened very carefully to him at the outset, I asked the distinguished Senator from Connecticut whether he would have offered a resolution that was not a consensus resolution if someone else had not offered something that he thought omitted a very important matter. He indicated he would not have done so.

So this body in those circumstances would have taken the Senators advice and remained silent. But sometimes it may be the best course of action. The problem now is having brought the language here, if you go down a path of still trying to come up with language, then you are going to recede from something by the very negative.

I mean if you now cannot responsibly thank some of these people who did such a terrific job, if you drop that, that sends a different message. I agree with the Senator. If this has been a great achievement, we ought to take it and accept it. Why does anyone feel necessary, without a consensus, to force the issue?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. That is what happened.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 5 minutes 48 seconds.

Mr. DODD. I yield 1 minute to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, oftentimes the Senator from Missouri puts things in perspective when we have lost sight of what we are doing here. If we do not withdraw these two amendments, I intend to support the motion of the Senator from Missouri to table this.

We do not have any business even trying to negotiate something we can all agree on. Just as he said, leave it alone. I came over here intending to offer a substitute to the amendment of the Senator from Wyoming because I was incensed about us taking this up. I came over here to find that the Senator from Connecticut had already done that, and in a very good manner, I might say. But I am telling you, we have a terrible time in this country accepting yes for an answer. The answer in Nicaragua was yes. Everybody won.

The PRESIDING OFFICER. The Senator's 1 minutes has expired.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The time is controlled by the Senators from Connecticut and Wyoming. Who yields time?

Mr. WALLOP. Mr. President, I yield 3 minutes to the Senator from Florida?

Mr. GRAHAM. Mr. President, I was seeking recognition to make a request similar to that of the Senator from Missouri, because I am speaking as did he in opposition to both of these resolutions.

I believe that sense and sensibility would say that this ought to be a time of national celebration just as Sunday was a day of national celebration in Nicaragua. For the U.S. Senate to be bickering today over the precise words as we attempt to encapsulate in our own resolution our view of history and hope that by so doing we will submit it to the minds of the future Americans is absurd, and below the dignity of this body.

Also, Mr. President, I would like to suggest that the most important debate on Nicaragua is not taking place at 5:47 in the afternoon. The most important debate on Nicaragua has already taken place in this Capitol today, and Nicaragua lost. That was the debate on the Caribbean Basin Initiative. If we want to do something constructive for Nicaragua and for its neighbors in Central America and the Caribbean, we have to extend a meaningful hand of economic support.

The future of the government in Nicaragua that will take off in April will depend on the ability to provide to the people some sense of hope, economic prosperity, of an opportunity for a better life for the people of that ravaged country.

We had an opportunity earlier today when the Senate Finance Committee considered the Caribbean Basin Initiatie to take some very minor steps in that direction to provide the opportunity for expanded economic means of those people to work, to earn by the sweat of their brow and the skill of their hands some resources, which will be applied toward a rebuilding of that nation. We decided it was more important to build the sand wall of protection for the minuscule degree of economic competition that countries like the Dominican Republic, Costa Rica, Jamaica, Antigua, Barbados, Nicaragua, and Panama are going to have for the United States.

I believe we should accept the wisdom of the Senator from Missouri. We should discharge both of these resolutions and, frankly, we should concentrate our attention on things that are really going to make a difference for this region.

I would suggest we ought to start when this Senate has an opportunity on the full floor to debate this matter, doing so by putting some real economic substance behind the expansion of the Caribbean Basin Initiative in the hope that it provides for a better future for the people of Nicaragua and the Caribbean region.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the March 1 Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Thursday Mar. 1, 1990]

THINK CARIBBEAN

What, other than holding press conferences, is Congress prepared to do to support democracy in the Caribbean? There's not going to be much foreign aid. For years the United States has been saying that economic growth—the kind that supports stable self-government—has to come mainly from trade, not aid. That's a reasonable proposition. But whenever anyone in Congress suggests even small trade concessions to help the Caribbean islands and Central America, there are loud shrieks from all of the usual protectionist lobbies.

The Senate Finance Committee is going to be pulled both ways when it meets today to write legislation extending and, let's hope, improving the Caribbean Basin Initiative. First enacted seven years ago, it provides limited but useful trade benefits to two dozen Caribbean countries. All are too small to prosper without reliable access to larger markets. Most have been hurt by the tremendous cuts in their sugar quotas, engineered by protectionists here. Most are being pressed by the United States to cooperate in difficult and expensive efforts to combat the traffic in illegal drugs.

The CBI is designed to encourage investment in these countries by allowing them to ship to American customers under more flexible quotas and lower tariffs than most other countries can. The first thing that the new bill needs to do is to make the CBI permanent. It was originally established only for 12 years, too short a period for serious investment. Beyond that, the new bill would serve American interests by raising those import quotas further and abolishing more of those tariffs.

The counter-argument is that jobs are at stake here in the United States, and competition from low-wage Caribbean countries will destroy them. But senators who worry about economic growth in this country will want to think twice about that one. Economies grow by moving into work with high productivity and high wages. Protecting jobs at the low end of the scale won't make the United States more competitive.

The countries that have taken the greatest advantage of the CBI have been the Dominican Republic, Costa Rica and Jamaica—all democracies, all working hard to raise their standards of living. Nicaragua will be eligible for the CBI when its new government takes over. The Nicaraguans can't expect much foreign aid from this country. But investment and trade can offer them a lot, if Congress is willing to resist the temptations of protectionism and open the door a little wider to small countries trying to earn a better future for their people.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, will the Senator from Wyoming yield me 30 seconds?

Mr. WALLOP. I yield the Senator 30 seconds.

Mr. DANFORTH. Mr. President, I am told that under the previous unanimous-consent request a tabling motion would not be in order.

The PRESIDING OFFICER. That is correct.

Mr. DANFORTH. Therefore, I cannot followthrough on my plan, so my hope would be that in lieu of a tabling motion, we could get the parties together and try to work something out that is mutually satisfactory, without putting in all of the things that everybody would like to put in.

Mr. DODD. I say to my colleague, that we have tried over 2 days to come to some agreement. As I said, I would never have offered the substitute. My intention was to drop the matter. When you cannot reach a consensus on a Senate resolution—those are not normally debated.

I was conducting a hearing when I got notice that a resolution was being put in on a national service bill. This is a piece of legislation that has nothing to do with Nicaragua. I had to drop a hearing and, frankly, the resolution was designed in a partisan fashion. I will withdraw my substitute, if my colleague from Wyoming withdraws his, and maybe we can reach a consensus.

We waste enough money and time around here on innocuous resolutions. Let us forget it and go about the business of doing other things. Let us not get in a silly vote of the Senate maybe endorsing the election or maybe not, or picking on Ortega or maybe commending Mrs. Chamorro. I am prepared to withdraw our substitute if my colleague withdraws his.

Mr. WALLOP. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I do not know what is innocuous about commending Mrs. Chamorro. It happened. If you do not want to congratulate Mrs. Chamorro, you can vote against the resolution. She won the election. We are prepared to sit down with the Senators from Missouri, Wyoming, Florida, and Connecticut, the four Senators and the staff, to see if they can come together on some language, if they are willing to do it, and set aside the resolution. I think we ought to speak out. She won the election. I know it broke a lot of hearts around here, but she won the election. Is it innocuous to commend her for winning the election? I do not think so. We do it all the time around here.

The fact is that she won decisively. Ortega said yesterday that he was going to govern from below. I do not see anything wrong with mentioning that in the resolution. If that is going to offend somebody on that side or this side, maybe we will figure out something else.

Mr. SARBANES. Will the Senator yield? The amendment applauds the people of Nicaragua and congratulates Mrs. Chamorro for conducting a courageous and successful election campaign leading to her election as President of Nicaragua. That is out of the resolution of the Senator from Connecticut. It is his first point. Applauds the people of Nicaragua. The Senator is saying exactly that. He does not find anything wrong with that. In fact, he is all in favor.

Mr. DOLE. The Senator does a lot more. Our view is that we did not have enough room to commend everybody, starting with President Reagan and others who were responsible for this final outcome. Just to pick Oscar Arias out of the blue because of something he did in 1987 seemed to sort of forget about a lot of history that happened prior to that time. But I am just suggesting—and I think it is all right with the author—that if there is a willingness to sit down and work it out, as suggested by the Senator from Missouri, we ought to try it.

Mr. SARBANES. I can say to the Senator, if you rewrite it now and leave Arias out, that——

Mr. DOLE. We are writing a letter.

Mr. SARBANES. You may think that takes care of it. I think that is saying a very negative thing. You do not have that problem if you do nothing——

The PRESIDING OFFICER. The Senator's time has expired. The minority leader's time has expired. Who yields time?

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 3 minutes 40 seconds, and the Senator from Wyoming has 4 minutes 39 seconds.

Mr. BIDEN. Will the Senator yield 40 seconds?

Mr. DODD. Yes.

Mr. BIDEN. Why do we not just have a resolution congratulating Mrs. Chamorro? Nobody here is ever willing to give anybody credit for anything. Everybody has to take credit. This is the most credit-prone place in the world. Why do we not just give the new President credit and say congratulations, Mrs. Chamorro, happy birthday next year, instead of going back and trying to rewrite history. Let the historians decide whether or not President Reagan was an impediment or a spur to this new-found democracy. Will the Senator be willing to say let us congratulate Mrs. Chamorro?

Mr. DOLE. Let us sit down and talk about it?

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I am prepared to sit and talk with the Senator from Connecticut and others in a moment. Let me just set a few things right. One, this was not designed in a purely partisan fashion, and I bitterly resent the concept or statement that it was.

You have to ask yourself if Ortega can do no wrong. Why is it that this Senate, in celebrating the victory of Mrs. Chamorro, the democratic process, and all these people, cannot find it in its heart to say, gee, it is wrong for Mr. Ortega to say that he will only seek power under certain circum-

stances which he prescribes, not the voters of Nicaragua?

The Senator from Maryland says, look to the future. That is looking to the future, the future of securing the process that we all celebrate here today and tonight and have rejoiced in from the beginning. It is not a democratic process, Senator, if the world watches while Ortega says he refuses to give up power, yield the military, yield the police. Mrs. Chamorro, on the front page of the Washington Post and New York Times and other papers in this country, issued a cry, a bitter denunciation of Ortega on that, and was quoted as saying that they lost, we won, he must understand that. It is a great victory that they had, and all of us celebrate that.

Our resolution closes no door. Let me say one other thing, Mr. President, before yielding back the remainder of my time. I do not know who it was that forced this debate upon us. They have the same view of democracy as Ortega has.

Is there something wrong with the opportunity for this body, in expressing its excitement at the results of the election, to express its dismay at the leadership of the Sandinistas, who says he is not going to abide, unless terms which he now concocts are met?

This Senate, this country, has an interest in the survival of that democracy. All of us agree to that—right, left, center, Democrat or Republican. But we will not be able to express ourselves very forcefully if we cannot even debate the fact that Ortega has threatened to abandon the results of this election and govern from below. We may not want to put it in the resolution, and I am willing to say that to my friend, but if we cannot bring it up, or if Ortega cannot be called to account for these threats, then this election will have counted for nothing, and all the celebration that everybody on both sides is willing to express tonight is of absolutely zero consequence.

We better be willing to debate it, we better be willing to watch and see what Ortega does. We better be willing to come to grips with the fact that here is a man, who having agreed to elections, now finds that they do not suit him because of the result and because of the concerns that he may possess about who is to succeed him. He should have thought of that before he agreed to the election.

I say to my friend from Connecticut, is he willing to temporarily set this aside? There are no yeas and nays ordered. So could we look and see if perhaps the one simple statement might be a conclusion? Otherwise, we can go to a vote.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I understand that there was willingness to withdraw this amendment if the Senator would withdraw his. I hope that we would not hold this current legislation hostage until the outcome of some future negotiations. We have been trying to wind this legislation up.

I preferred, as I indicated to the Senator from Connecticut and others, since this matter is not directly related to this, that there be another opportunity to consider it as a freestanding measure. But I hope that the offer of the Senator from Wyoming would be accepted and that we would be able to consider the proposal as a separate item.

Would that be the intention?

Mr. WALLOP. Mr. President, I would say that I am not willing to do that. We have clean air coming. We have, practically speaking, nothing tomorrow and no votes Monday and Tuesday. It seems a simple enough thing that we proceed as I suggest.

Mr. DODD. My view would be to withdraw the two or vote. There is no point in tying up your legislation. I opted for withdrawing. We tried 3 days to work something out. I think colleagues know we will probably not reach accommodation. My view is forget it. Why sit around and take time of the Senate on this resolution? End it. The Senate will be sitting around negotiating back and forth. I do not want to spend the time to do that, quite frankly. Let us vote or withdraw, one or other. I am for withdrawing. Unfortunately, we cannot reach consensus. Why spend time meeting in rooms? That is my choice—withdraw it or vote. Do one or the other. Get on with it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The total time remaining to the Senators from Massachusetts and Connecticut are 29 seconds; for the Senator from Wyoming, 33 seconds.

Mr. KENNEDY. I yield to the Senator from Missouri.

Mr. DANFORTH. I thank the Senator from Massachusetts.

My proposal is that we review this and that we prepare a resolution which does the following: Commends Mrs. Chamorro, commends the people of Nicaragua, calls for a peaceful transfer of power and calls for a spirit of reconciliation by all parties. That would be my proposal. I think that that is constructive. I think that that serves to cool the whole issue. I think it serves to put the issue behind us here.

Mr. DODD. I think that may be fine. We may work something out. In 49 seconds we do not have time to draft it. I am delighted to hear something. The only thing I did was offer a substitute. I was put in a position of offering a substitute.

Mr. DANFORTH. I propose we set this aside until the last item in the bill before us, which would give us, who knows, a half hour or an hour.

The PRESIDING OFFICER. The time has expired.

Mr. KENNEDY. I ask unanimous consent that the Senator be able to proceed for 3 more minutes, the time to be evenly divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DANFORTH. I cannot understand——

Mr. WALLOP. Mr. President, I would like to say the Senator from Wyoming has 1½ minutes of the 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming has 3 seconds.

The time of the Senator from Connecticut has expired. There has been a unanimous consent proposed.

Mr. KENNEDY. I ask unanimous consent for 4 minutes, evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are 4 minutes evenly divided between the Senator from Missouri and the Senator from Wyoming.

Mr. WALLOP. Mr. President, I assume the time control is the same. I yield myself 1 minute.

I would say the Senator from Missouri has proposed something which the Senator from Wyoming would agree to. I would also say that statements of the Senator from Connecticut are precisely why we are in this impasse right now and his unwillingness, at least expressed by sign language to agree to this, is precisely the same reason. I think these three things would work. The Senator from Wyoming is willing to do that if the Senator from Connecticut will agree to it.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I understand that both these resolutions would be withdrawn for a period of time, and that when they would be resubmitted, if they should be submitted and if an agreement is not reached, we would be back to where we are at the present time. We will permit a vote on the amendment of the Senator from Connecticut.

Mr. WALLOP. I say to my friend not to be withdrawn, but rather set aside.

Mr. KENNEDY. That is correct, temporarily set aside.

Mr. DODD. Why do we not do this: If we are able to reach agreement, then we will come back. If not, at the expiration of business today, that is the end of it.

Mr. DOLE. No, no.

Mr. WALLOP. No.

Mr. KENNEDY. We vote on it.

Mr. DODD. We do not want to vote now.

Mr. WALLOP. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator has 1 minute and 33 seconds remaining.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, the Senator from Wyoming has no intention of begging but I think the Senator from Missouri expressed something which the Senate ought to do and which the Senator himself said the Senate ought to do: One, praise Chamorro; two, praise the Nicaraguan people, or commend them; and as I understand it, three, to call for peaceful reconciliation and transfer of power.

Mr. SARBANES. I ask the Senator from Wyoming what is the problem with President Arias?

Mr. DOLE. What is your problem with President Arias?

Mr. SARBANES. He is not out here in the resolution. I am not trying to rewrite a resolution and take him out. That is the very simple answer to the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

The time is divided equally between the Senator from Wyoming and the Senator from Missouri and the Senator from Wyoming.

Mr. KENNEDY. Mr. President, I ask for yeas and nays.

I yield back the remainder of my time and ask for the yeas and nays on both resolutions.

Mr. DANFORTH. Mr. President, do I have time on this agreement?

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes, I am sorry.

Mr. KENNEDY. Yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri has 1 minute remaining.

Mr. DANFORTH. Mr. President, I honestly do not understand why we are debating whether President Arias is somehow included in a resolution. I do not understand why we have to be tweaking the nose of President Ortega in this resolution. It seems to me that the purpose of the resolution if we are going to have one should be to commend Mrs. Chamorro, commend the people of Nicaragua, call for a peaceful transfer of power, and call for a spirit of reconciliation.

I am against both of the proposals that are before us. I do not think that it would serve the purpose of anybody to have a divided vote. I do not see why the divisiveness on the issue. It seems to me that everybody has won.

Mr. President, I would like to ask unanimous consent that this issue be laid aside for a period of a half hour so that the interested parties can go to some back room and try to negotiate a compromise resolution. I put that unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, what was it?

Mr. DANFORTH. The request was that we lay this aside for a half hour so that the interested parties can attempt to reach some compromise agreement.

Mr. SARBANES. Mr. President, reserving the right to object, I want to observe to the Senator from Missouri, I think there is a lot of sense to what he said earlier. But the fact of the matter is the cat has been let out of the bag.

Arias was thanked in one of the proposals. I think he ought to be thanked. I gather some people think he ought not to be. If you rewrite this thing now and drop him out of there, you in fact have slapped him in the face. It is different if he has never been put in there in the first place, and it is different if you drop the resolutions altogether which, as I take it from what the Senator said, is his preferred position, and it seems to me to make some sense.

You just say, look, first of all, this is the wrong bill to put it on. It ought not even be on this bill and maybe you could start over on something else. To go now and drop him out of there once he is in because apparently, for the life of me, I do not understand why offend the sensibilities of some, that he should get some thank you here is now the problem in the matter.

He need not have been put in in the first place, that would have been different. Here he is. This substitute was offered because the other proposal was made. It would not even have been offered. I think the Senator's proposal to take them both out and pull this issue off of this bill is the one that makes the most sense. I do not think you solve the problem by the notion you can recede and rework the resolution. Then it becomes relevant what you did drop out. Obviously, apparently one of the problem is to express the thanks to Arias and other Esquipulas people and I cannot understand why that is the problem. It seems to me to abandon is in effect to send a very bad message.

The PRESIDING OFFICER. All time has expired. Is there objection to the unanimous-consent request that both amendments be withdrawn?

Mr. DOLE. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the unanimous-consent request of the Senator from Missouri that this pending matter be laid aside for one-half hour?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I suggest the absence of a quorum. That will take 30 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask the pending matters be temporarily set aside.

Mr. DOLE. We are just trying to write up the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 1290

(Purpose: To condemn continued human rights repression in China)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY], for himself, Mr. PELL, Mr. KENNEDY, Mr. SIMON, and Mr. ARMSTRONG, proposes an amendment numbered 1290.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . (a) The Senate finds that:

(1) On June 4, 1989, the Government of the People's Republic of China brutally massacred thousands of innocent Chinese nationals demonstrating in Tiananmen Square for greater personal freedom and political expression, and subsequently executed at least forty Chinese nationals for activities in support of the Tiananmen Square pro-democracy movement;

(2) Since June 4, 1989, the Government of the People's Republic of China has brutally imprisoned 10,000 to 30,000 Chinese citizens for their participation in or allegiance to the pro-democracy movement in China;

(3) Consular officials, and other official and unofficial representatives of the Government of the People's Republic of China, in direct violation of United States law, are reported to have instituted systematic intimidation and harassment of Chinese nationals in the U.S. for supporting the pro-democracy movement in China;

(4) The Government of the People's Republic of China continues to enforce coercive population policies, including the use of forced abortions and forced sterilizations;

(5) Numerous international human rights organizations, including Amnesty International, Asia Watch, and the International League for Human Rights, report continued and even increased human rights and reli-

gious freedom violations by the Government of the People's Republic of China, including the recent arrest of four Chinese Catholic priests, and the November 30, 1989, detention of ten Tibetan monks;

(b) It is therefore the sense of the Senate that—

(1) The Senate strongly reiterates its condemnation of the Government of the People's Republic of China for its brutal military repression of the peaceful pro-democracy demonstration in Tiananmen Square on June 4, 1989, and further expresses its abhorrence of the continued political and human rights repression in the People's Republic of China;

(2) The Senate notes that the harassment of Chinese nationals residing in the United States is governed by 22 U.S.C. 2756, Public Law 97-113, and that any continuation of these harassment activities in the United States will further adversely affect Sino-American relations;

(3) The Senate expresses condemnation of the Government of the People's Republic of China for its inhumane policy of forced abortion and sterilization;

(4) The Senate urges the President of the United States to instruct the United States representatives to international financial institutions, and specifically the World Bank, to oppose loans or other financial assistance to the People's Republic of China which are not purely natural disaster relief or basic human needs, until it is clear that the human rights practices of the Government of the People's Republic of China have dramatically improved.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HATCH. Will the Senator yield? I wonder if there is a chance to have a time agreement on the amendment of the Senator?

Mr. HUMPHREY. I prefer not. This shall not take very much time at all, but I do not like racing the clock, and I prefer not.

Mr. HATCH. All right.

Mr. HUMPHREY. Mr. President, first of all, this is a sense-of-the Senate resolution condemning the Government of the People's Republic of China for the crushing of the peaceful democracy demonstration in Tiananmen Square.

Back a few weeks ago, when we last addressed this issue, it was on the occasion of the attempt to override the President's veto of the Pelosi bill.

Many of us on this side helped to sustain the President's veto, not because we were at all comfortable or even happy with the President's policy toward the People's Republic of China, but rather we felt there was at that juncture a large element of partisanship, given that vote was the very first vote of this second session of Congress, and further it would have preceded by only a few days the President's address to the joint session of Congress.

I was one who helped sustain the President's veto. But I looked forward at that time for an opportunity to express my true sentiments, by true revulsion over the conduct of the Government of the People's Republic of China, and I think many other Senators, particularly on this side of the aisle, felt the same way.

So we have created this new opportunity, unencumbered by partisanship, we think, where Senators can express their sentiments once and for all in careful but strong language.

The amendment is short and to the point. It expresses condemnation and abhorrence of the continued political and human rights repression in China. It further warns the People's Republic of China that its harassment of Chinese students in the United States will further serve to deteriorate Sino-American relations.

The resolution further urges the President of the United States to instruct the United States representatives to the international financial institutions to oppose any loans to the PRC that are not of a humanitarian nature.

It is a very serious concern on the part of this Senator that we have failed to take a tough and consistent moral stand against the repressive leadership in China, while at the same time alienating and abandoning the younger generations of Chinese leaders, a generation which, without doubt, will soon come to power and which obviously favors democratic reform.

This new generation of Chinese leaders will long remember with bitterness that when the chips were down for those supporting change in China, the United States was not there to help.

The administration seems by its actions, aparts from its words, by its actions, to forgive and forget the atrocities committed against the people of China.

The Government of the People's Republic of China killed thousands of innocent Chinese civilians during the June 4, 1989, massacre. They have since imprisoned anywhere from 10,000 to 30,000 of their own people for the supposed crime of wanting more personal freeom.

That government has placed outrageous restrictions on both domestic and foreign journalists in China and has publicly executed some 40 Chinese workers for daring to support the demonstrations in Tiananmen Square.

Indeed, Mr. President, even within the last few weeks, the Chinese Government in Peking has further restricted the ability of Chinese students to study abroad.

Mr. President, these accidents demand on outspoken and consistent vote of condemnation by the people and the Government of the United States. This amendment is intended to afford our colleagues just such an opportunity to express their feelings about the atrocities committed in China and the human rights violations which have flowed since.

On February 7 of this year, the human rights monitoring organization, Asia Watch, released a comprehensive report on human rights abuses in China since the massacre. I ask unanimous consent, Mr. President, that portions of the Asia Watch Report, Punishment Season: Human Rights in China After Martial Law, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PUNISHMENT SEASON: HUMAN RIGHTS IN CHINA AFTER MARTIAL LAW

1. Arrests and Executions.—What are human rights? As understood by Western scholars, they are the innate rights of human beings, or the basic rights and freedoms enjoyed by a person as a human. They primarily consist of the rights to life, freedom, equality, property, self-defense and happiness, and the right to oppose persecution. These rights are innate, permanent, universal, and nontransferrable. They cannot be taken away.

In the context of Marxism, [however,] such an interpretation of human rights is unscientific, incorrect, contrived, biased and idealistically metaphysical . . . Human rights, like democracy and freedom, are concrete and class-oriented. (Guangming Daily, 17 November 1989.)

Since June 1989, the Chinese authorities have again been waging a war against the so-called "class enemy"—an elastic term that has been used to stigmatize countless different groups of people in China over the past forty years, but which currently denotes the students, workers and intellectuals who actively promoted or took part in last year's pro-democracy movement. Several hundred and perhaps as many as a thousand of these "counterrevolutionaries" were killed on the streets of Beijing by the Chinese army as it converged from all directions on Tiananmen Square on the nights of June 3-4, and many thousands more have been hunted down and placed in incommunicado detention by the security forces since then. There have been at least 40 officially announced executions of pro-democracy demonstrators, and secret executions may also have occurred.[10] On November 4, 1989, Reuters quoted William Webster, head of the CIA, as saying that "probably thousands of people have been killed" since the crackdown first began.

In late June or early July, following the international outcry over the scale and severity of the crackdown, the authorities issued a confidential directive sharply curtailing the open reporting of arrests and executions in the Chinese media, in an effort to convey the impression that it had somehow diminished. But the arrests have continued, largely in secret, right through to the present, and reports of further executions having recently been carried out continue to appear in the provincial press, to which foreign observers have only restricted access.

According to Asia Watch's information, most of those detained have neither been charged nor brought to trial, and often their families have not even been informed as to their place of detention. Those people who have been brought to trial have been subjected to expedited and summary trial proceedings, under a system of justice which specifically rejects the principle of

the presumption of innocence and in which (according to the Chinese authorities themselves) verdicts are usually decided upon before the trial even begins.

The majority of those brought to trial have been convicted on charges of "counter-revolution," a blatantly political category of criminal offense, and the sentences handed down in such cases have generally ranged from 10 years to life imprisonment. Others have simply been sentenced without any trial at all—usually to three year terms of "re-education through labor," a form of incarceration that is dispensed solely on the authority of the police, and in which no appeal to the courts is possible. In addition, many of the detainees paraded on Chinese television last summer showed signs of severe physical abuse. As the Chinese authorities themselves have admitted in recent years, the use of beatings and torture to extract confessions is a common practice in Chinese jails.

In most cases, the prison sentences handed down by the courts have been entirely disproportionate to the alleged crimes. In July 1989 for example, three men accused of throwing ink and paint-filled eggshells at Mao's portrait in Tiananmen Square in May were sentenced to prison terms ranging from 16 years to life. And on December 7, 1989, a worker in Changsha was sentenced to 13 years imprisonment for making pro-democracy speeches and engaging in independent labor union activity.[11]

Evidence that the Chinese authorities are specifically trying to conceal from the outside world the fact that the political trials still continue was provided by the Washington Post in December 1989:

Two trial notices were posted outside the People's Intermediate Court in Beijing this week. One of the defendants was charged with 'counterrevolutionary sabotage'; the other with espionage and 'counterrevolutionary propaganda and agitation.' Court officials, reached by telephone, declined to comment on the two cases. One of them told a foreign reporter, 'You know that it's not permitted to ask questions like that.' When the reporter went to the court to photograph the posted trial notices, a court official ripped them down.[12]

The question of how many people have been arrested or detained since last June is—like the question of how many died in the military crackdown—extremely difficult to answer with any precision, and estimates vary greatly. By adding up various scattered figures put out by the Chinese authorities themselves, Western journalists last summer arrived at a total official arrest figure of at least 6,000. In early December, *Beijing Youth News* disclosed that 2,578 people had been arrested in connection with the pro-democracy movement in Beijing in the 24-day period following June 4, and that only 190 have since been released; moreover, this total referred only to so-called "ruffians" (or "thugs"), and it excludes all workers or students detained on non-violent and purely political charges.[13]

Other sources (cited by *UPI*), indicated that 6,000 people had been arrested in Beijing alone by the end of July, and the *Washington Post* last October cited "sources with access to internal government documents" as putting the figure at more than 10,000 nationwide. Western diplomats interviewed in Beijing last November estimated that anywhere between 10,000 and 30,000 people had probably been arrested in China since the commencement of the crackdown. Citing "well-placed Communist Party sources," a recent article in the *Washington Post* (January 17, 1990) reported that more than 800 of those involved in last year's movement had already been tried and sentenced to prison terms in recent months, many for ten years on charges of divulging "state secrets" or disseminating" "counter-revolutionary propaganda."

Even those injured by government troops on the nights of June 3–4 reportedly continue to be persecuted by the authorities. According to an interview conducted in China in October 1989 by the *Star Tribune*:

Wang was on a Beijing street, a curious bystander, when a solider's bullet shattered his bones and marked him with a label he may never shed. As China continues its crackdown on the democracy movement that erupted in June, Wang and the other wounded are in great danger. The dead are beyond reach, the unmarked cannot be found, and so official wrath is focussed on the inured. Investigators have endless questions. Why was he out in the streets? What slogans did he shout? What banner did he wave? Who else was around him? [14]

In addition, large numbers of students and workers are currently under active investigation by the authorities, on campuses and in the workplace, for their alleged activities during the events of last summer; to facilitate the purge, people are being cajoled by the authorities to inform upon one another. At one of Beijing's elite universities recently, a teacher interviewed by the *New York Times*" described a faculty meeting with the Party secretary, who complained that while some students had informed on others, no teachers had done so, behavior that set a bad example. . . . We felt he had no sense of shame." [15] In at least two recent reported cases, students have committed suicide as a result of this intense official harassment and pressure.[16]

As for China's long-suffering intellectuals, who have been the target of repeated campaigns of persecution and intimidation since 1949, there are signs that their present plight may worsen still further. In December 1989, the Hong Kong journal *Bai Xing* reported that Wang Zhen, Vice-President of the PRC, had "proposed at a recent Party meeting that 4,000 intellectuals in Beijing who stand opposed to the Party be sent into exile in Xinjiang," the north-west frontier province where China's vast Gulag lies, "so that they could be transformed there." [17]

Despite the crude severity of the government repression, China's pro-democracy movement has not been silenced completely. In a remarkable act of courage, 30 students from the Beijing Institute of Aeronautics on December 9, 1989 defied martial law by staging a protest march along central Chang'an Avenue and carrying banners saying "Freedom and Democracy" and "Why is China poor?" They were promptly set upon and beaten by the police, and eight of them were taken into custody, though one later escaped. Onlookers, who had begged them to disperse, reportedly wept openly as the students were hauled away.[18] Revealing a striking—but characteristic—presumption of guilt, an Education Ministry spokesman later told *Reuters*: "These students' illegal assembly and speeches . . . break martial law. They are detained and waiting their sentences."

(i) Arrests.—The Chinese authorities' relentless hunt for scapegoats to blame for their drastic recent loss of popular support and legitimacy continues. Asia Watch has documented several dozen further arrests and trials of pro-democracy individuals that took place between October 1989 and January 1990, and has received reliable reports that many others (though names are not yet known) were arrested or tried over the same period. The following examples convey the general flavor of the continuing repression in China.

Wang Juntao and Chen Ziming, two intellectuals who headed one of the Chinese authorities 'most wanted lists,' together with Chen's pregnant wife, Wang Zhihong, were arrested near Canton last October while reportedly trying to escape to Hong Kong. Three Hong Kong residents, Luo Haixing, Li Peicheng and Li Longqing, alleged to have been active in the underground rescue network, were also, between October and December, arrested in China in connection with the case. Wang Juntao and Chen Ziming are largely unknown in the West, but they were key figures in the 1989 pro-democracy movement. Indeed, both have played a major role in China's dissident movement ever since 1976, when they were arrested and jailed for helping to organize the popular mass demonstrations in Tiananmen Square against the regime of the "Gang of Four." During the "Democracy Wall" movement of 1978–80 (the forerunner of last year's movement), Wang Juntao founded and edited an unofficial pro-democracy magazine called *Beijing Spring*. And in 1980 he stood as an independent candidate for the local Beijing legislature, in the first openly-contested elections ever to be held in the People's Republic.

Prior to last year's crackdown, Wang, 31, was a leading member of the Beijing Institute of Social and Economic Sciencies and associate chief editor of the influential (and now banned) *Economic Studies Weekly*. Chen Ziming, 37 years old and from Zhejiang Province, is also a leading veteran of the Democracy Wall movement. Until June 4, he was director of the Beijing Institute of Social and Economic Sciencies, a pioneering private research organization and think-tank that worked closely with the Party's reform faction headed by Zhao Ziyang.

On November 5, 1989, a man named Zhao Sujian was arrested in Henan Province for having allegedly spread "counter-revolutionary slogans." According to the *Henan Daily* of December 3:

On 20 May this year, more than 30 slogan posters with extremely reactionary contents were discovered on some main streets, the downtown district, and at the gates of some institutions, schools and factories in Kaifeng City. . . . The Kaifeng Public Security Bureau organized nearly 100 cadres and policemen to handle this case. Through nearly five months' hard work, they eventually ferreted out the hidden criminal.

Criminal Zhao Sujian, male, 33 years of age, is a cadre in the Kaifeng Housing Construction Company. He began to write and put up counterrevolutionary slogans with extremely reactionary contents in 1987. In the spring and summer of this year, when turmoil and a counterrevolutionary rebellion occurred in Beijing, Criminal Zhao took advantage of the opportunity and twice wrote and put up 36 counterrevolutionary posters on 25 April and 20 May [i.e., the day on which martial law was declared in Beijing], thus adding fuel to the flames in the counterrevolutionary rebellion.

In the interrogation, Criminal Zhao confessed his crimes of writing counterrevolutionary slogans three times, organizing illegal demonstrations, giving counterrevolutionary speeches at Henan University, openly spreading what *Voice of America*

broadcast in his own company, together with other illegal and criminal activities.[19]

Two points stand out clearly from this classic piece of demagoguery: first, that Zhao Sujian is being persecuted and charged with "counterrevolution"—the most serious crime possible in China, and potentially a capital offense—purely on account of his exercise of the right to free expression; and second, that the release of such prejudicial pre-trial commentary on the case by authorities, with its manifest presumption of guilt, erases all possibility of Zhao ever receiving a fair trial. Such strongly prejudicial commentary by the authorities is found in virtually all of the Chinese press reports on pro-democracy arrests seen by Asian Watch since last June.

On December 7, the Changsha Intermediate Court in Hunan Province tried and convicted two workers, Zhang Jingsheng, 35, and Wang Chunhuai, 38, on charges relating to their non-violent activities during last year's pro-democracy movement. According to the *Hunan Daily* of December 9, Zhang Jingsheng, a casual laborer in Shaoguan, was sentenced to 13 years imprisonment for making pro-democracy speeches at Hunan University, joining an illegal workers union, writing anti-government leaflets and inciting workers to strike and students to boycott classes.

A *Hunan Radio* broadcast added that Zhang, on May 4 last year, had given a speech at the Changsha Martyr's Memorial calling for the release and rehabilitation of Wei Jingsheng, who was sentenced to 15 years imprisonment in 1979 and is China's best known jailed dissident. A veteran of the Democracy Wall movement himself, Zhang has already spent four years in prison, during the early 1980s, after his conviction on charges of "counter-revolutionary propaganda" for founding and editing a dissident magazine. In true Orwellian vein, the *Hunan Daily* pointed out that Zhang had "continued to have a hostile attitude towards the people after his release."

Wang Chunhuai, formerly a workers at the Changsha Automobile Factory, on May 22 joined the recently-set-up Autonomous Workers Federation, quickly becoming head of its organization and propaganda sections. "Awed by the power of policy and law, Wang surrendered to the public security organs on 15 June," according to *Hunan Radio*, and he was given a sentence of three years imprisonment at his trial last December.

In a significant new development, the authorities recently held secret trials of students detained in the aftermath of the pro-democracy movement. Previously, the great majority of those brought to trial and sentenced since June 4 for their activities during the movement had been either workers or unemployed. According to *Reuters* (December 11, 1989), however, six students from Beijing's College of Foreign Affairs, a prestigious institute for the training of future diplomats, went on trial in November. Requesting anonymity, sources told *Reuters* that four of the students were convicted of "counterrevolution," and the other two on charges of theft; the court imposed punishment ranging from seven to ten years imprisonment. Reportedly, the trials were closed even to the accused's families, and the names of the students are not yet known.

Earlier this month, Politburo member Li Ruihuan assured a foreign journalist that only "about a dozen to 20" intellectuals would eventually be tried and sentenced in connection with the events of last year. Similar official statements have often been made concerning the students. If true, then there can be no justification whatever for the authorities' continued detention of large numbers of students and intellectuals throughout the country, who are not facing trial. They should be freed forthwith. More likely, however, given that secret trials are already known to be underway, is that the great majority of currently detained students and intellectuals are also destined for secret trials, and that only the trials of a very select few will be offered up for public consumption.

Asia Watch has established the identities and documented the circumstances (where known) of more than 500 of those arrested by the Chinese authorities since last June on account of their involvement in the pro-democracy movement. According to all independent estimates, this total represents only a small fraction of the true number of arrests, most of which have never been publicly announced by the authorities. People from virtually all walks of life—students, professors, journalists, artists, engineers, government officials, businessmen and, above all, ordinary workers—have been arrested for their involvement in last year's pro-democracy movement. Many have been accused of committing acts of violence during and after the government's June 3-4 assault on Tiananmen Square. Many others, however, have been accused solely of non-violent activities relating to their free expression of political and other beliefs and on account of their involvement in peaceful protest demonstrations. The majority of those still held have, as far as is known, never been charged at all. The most recent reported arrests were of eight student activists in Lanzhou, north-west China, in early January 1990.[20]

The detainees fall into four broad categories:

First, workers who organized or participated in independent labor organizations that were set up in Beijing and elsewhere in May and early June last year. The most prominent of these groups was the Beijing Autonomous Workers Federation, whose headquarters were sited in the north-west corner of Tiananmen Square. Similar workers' groups, sometimes with very sizable memberships, appeared in most other major cities in China around the same time. The air of these independent labor organizations was to provide authentic representation of workers' interests, both economically and politically.

Second, students who played key roles in the formation of such groups as the Beijing Students Autonomous Federation, the Autonomous Federation of Students from Outside Beijing and numerous other independent campus organizations; students who participated in the mass occupation of Tiananmen Square and the week-long hunger strike there; those who organized and ran independent printing presses and published pro-democracy literature of various kinds; and those who acted as liaison links between students in Beijing and in the provinces. Towards the end of the pro-democracy movement, there were at least as many students from the provinces in Tiananmen Square as from Beijing itself; however, because of the present difficulty in obtaining information, the fate of most of those students who made it back to their home town after June 4 is not known.

Third, leading intellectual figures, journalists, Party theoreticians and college professors, all so-called "black hands" of the movement, whose public statements and writings prior to last spring are said by the authorities to have embodied "bourgeois liberal" thought and hence to have laid the ideological basis for the "counterrevolutionary rebellion" of June 3-4; those who openly sided with the students and workers' cause and who played key roles by organizing large protest demonstrations in Beijing and elsewhere; those who organized such influential groups as the Association for Liaison between All Circles in the Capital; and those who helped coordinate funding for the pro-democracy movement and supplied various kinds of material assistance.

Fourth, the huge numbers of ordinary workers and urban residents, both men and women, who physically confronted the army troops and security forces on the streets of Beijing on the night of the massacre, in a desperate attempt to protect the students in Tiananmen Square; those who helped to shelter fugitive students and workers who had been placed on government wanted lists after June 4; those who took part in demonstrations all over China to protest the crackdown in Beijing; [21] and those who continued to offer even the slightest resistance to the martial law regime—including such things as shouting slogans at troops and holding aloft banners (many of these people were simply shot on the spot)—in the immediate aftermath of the military crackdown.

As can be seen, the scope of the repression is immense. Asia Watch and other organizations have published details of many of those arrested from each of these groups since last June, and some of the more prominent of them are already fairly well known outside of China. They include such people as Wang Dan, the student leader from Beijing University who helped originate the protest movement, and several other student leaders who were placed on the government's "most wanted list," including Liu Gang and Zheng Xuguang; leading establishment intellectuals and theoreticians, such as Li Honglin, a prominent Party historian, and Bao Tong, the senior advisor to ousted Party leader Zhao Ziyang; outspoken pro-democracy journalists such as Dai Qing, who has preversely been accused by the authorities of inciting the students when in reality she tried to persuade them to quit while they were still ahead, and Wang Ruowang, a 71-year-old writer who was expelled from the Party along with Fang Lizhi in 1987 following the student demonstrations of the previous winter; and the organizers of China's first independent labor movement since 1949, including Han Dongfang and Liu Qiang, both leaders of the Beijing Autonomous Workers Federation.

None of the above persons has yet been brought to trial or even, so far as is known, formally charged, and all have been held incommunicado since their initial detention. In both these respects, their continued detention—like that apparently of the vast majority of those held by the authorities since the crackdown began—is in violation of the Criminal Procedure Law of China, 1979, and hence unlawful.

The Chinese authorities's arrest and incarceration without trial of these and unknown thousands of other pro-democracy activities and demonstrators constitutes an egregious violation of internationally recognized human rights. The U.S. government should not allow its attention to be diverted from the central fact of these continued mass detentions by such possible impending

move by the Chinese authorities as the selective release of certain of the better-known detainees—or by the granting of permission to Fang Lizhi and his wife, Li Shuxian, to leave China (highly welcome though such measures would be).

Only the granting of a government amnesty to all of those now detained for non-violent expression or association, together with fair and open trials attended by impartial outside observers for all those against whom valid criminal charges can be laid, will suffice as an indication of genuine good faith on the part of the Chinese government. This is what the Reagan administration demanded from the government of Poland as the price of lifting the sanctions imposed by the United States following the imposition of martial law in December 1981, the repression of Solidarity and the arrest of thousands. Indeed, in the case of Poland, the sanctions were not lifted until *all* the counterparts of China's pro-democracy prisoners were amnested. In the absence of such an amnesty, selective releases of well-known pro-democracy figures in China can be regarded as no more than a carefully calculated ploy, aimed at fostering an improvement in China's international image and its diplomatic relations with the West.

(ii) Executions.—Under Chinese law more than 40 different criminal offenses, notably that of "counterrevolution," may be punished by imposition of the death penalty, and executions are extremely common in China.[22] In 1983, the National People's Congress enacted legislative measures designed to speed up the adjudication of internal security cases and cases involving capitol offenses, thereby reducing still further the already woefully inadequate procedural safeguards in Chinese law against the occurrence of wrongful execution. While not actually admitting to the latter, the Chinese legal press has in recent years (that is, the period of relative openness that preceded last June's crackdown) publicized a number of cases in which death sentences has been wrongfully imposed on people solely on the basis of confessions extorted through torture, and where the victims were spared execution only as a result of the fortuitous emergence of the truth or because of frantic last-minute efforts by defense lawyers. According to the official *China Law Daily* of September 5, 1988:

A particularly serious case occurred [recently] in Anhui Province in which Xie Bingjin, chief of police and former deputy secretary of the Huanggang district Party Committee in Funan County, together with Zhu Gui, the deputy chief of police, used torture to extract confessions from suspects. As a result, two people were subsequently given wrongful sentences of death at the trial of first instance, and one person received a suspended death sentence; another was given life imprisonment and ended up being unjustly jailed.

It is likely that many of those executed for alleged violent offenses since June 1989 were in fact innocent, and had given confessions under duress or been convicted on the basis of grossly insufficient evidence. In addition, one man executed in Shanghai in late June, 1989 on charges on setting fire to a train was said to be mentally retarded, and in the widely televised 'trial' proceedings he appeared not to understand what was going on. (Shanghai TV, June 21, 1989; *Wenhui Bao*, Shanghai, June 21, 1989)

The peremptory, almost sly casualness with which the Chinese legal system often seems to regard the question of judicial execution may be seen from the following statement, which is taken from a discussion in an official legal textbook of 1986 regarding the provision in Chinese law that pregnant women are to be exempted from capital punishment.[23] Reveals the author:

In the view of some [Chinese jurists], if the accused woman is given an abortion prior to the court hearing, then since she will no longer be pregnant by the time the trial began, she can be given the death penalty. And similarly, if the court (*sic*) performs an abortion on the accused at the time of the trial, then she will likewise become eligible for the death penalty.[24]

In Chinese criminal law, which is held by the authorities to be a mere "tool of the dictatorship of the proletariat," loopholes are always available when needed.

As mentioned, at least 40 people have already been executed in connection with the events of last June. Many of them had been convicted of crimes involving no use of violence against the person, but only of crimes against property—typically, such things as "burning vehicles," "setting fire to trains" and "obstructing traffic." Others were executed for having allegedly killed martial law troops and armed policemen on the night of June 3-4. Some soldiers and police were certainly killed (the government has so far identified only a dozen or so of them, though claiming much higher fatalities) but in at least some of those cases eye-witnesses report that the killings by crowds took place only after the soldiers and policemen had shot and killed unarmed civilians.

In addition, troubling allegations of large-scale extrajudicial executions having been carried out in China continue to surface occasionally. A Granada Television documentary screened in Britain late last October contained interviews, filmed secretly inside China, in which Chinese citizens claimed (according to the Hong Kong *South China Morning Post*, October 23, 1989) "that since the imposition of martial law thousands have been killed in police raids and executions." Those interviewed also stated: "Students travelling to Fujian and Hebei to spread the news of the massacre [in Beijing] have been unceremoniously killed by local police." In addition: "One family was said to have been offered 4,000 pounds sterling (HK$50,000) and access to a new apartment, modern appliances and cheap televisions to keep silent after their son was killed by mistake by the secret police."

Reports of new death sentences and of judicial executions of pro-democracy activists recently carried out still continue to appear in the Chinese press. In view of China's past reporting practices on such matters, moreover, it is likely that those announced in the official press only represent a small portion of the total number of recent executions. The following are some of the cases that have been documented by Asia Watch from Chinese press and radio sources:

A man named Sun Baohe was executed in Jinan, Shandong Province on October 14, 1989 according to the *Jinan Masses Daily* of the following day. He had been charged only with the crime of having set fire to and burned a "Shanghai-brand" vehicle in the course of a demonstration on June 6.

Three men—Zhou Qi, He Ziaokang and Chen Guangping—were executed on November 7, 1989, in Chengdu, Sichuan Province, following their conviction on charges of "beating, smashing, looting and burning" during the period June 4-6. According to Chengdu Radio, the three had attacked the police, engaged in robbery, set fire to a movie theatre and destroyed shops. An official of the Chengdu External Affairs Department stated that they had been publicly paraded at a mass rally and then immediately executed.

An execution that was carried out in Beijing on November 30, 1989, that of a man named Liu Baode, gives strong cause for concern that pro-democracy activists may have been tried and executed without the true reasons for their execution (namely their involvement in the protest demonstrations of last May and June) actually being made public. An article in the *Beijing Daily* of December 1, 1989 provided a detailed account of several cases of violent crime that had recently been brought to trial, giving the names of those charged, listing their precise criminal activities and stating what the court's sentences on the men had been. All these sentences were of various terms of imprisonment—there were no death sentences imposed.

The same report, however, stated that Liu Baode, whom it referred to merely as "a hooligan," had been executed by shooting after his sentencing on November 30 by the Beijing Intermediate People's Court. No further details, nor any indication of what the charges might have been, were given. Similarly, the report stated that Su Peng, also "a hooligan," had been sentenced to death with a two-year stay of execution, but again the charges were simply not mentioned. This is unique in Asia Watch's experience of monitoring the Chinese press, and given the particular context of this striking omission, one can only assume that the authorities had something to hide—or rather, that their aim was to 'inform' (the Chinese people) without 'revealing' (to the outside world).

To sum up: the continuing arrests and executions in China form the cutting edge of a protracted, government-led campaign of punitive repression, and they serve a purely political purpose. As Anthony Dicks, an eminent Hong Kong barrister and professor of law at London University, noted recently in *The China Quarterly*:

On the afternoon of 4 June 1989 . . . the Supreme People's Court roundly endorsed the counter-revolutionary character of the demonstrations, foreclosing any real possibility of contesting this designation in criminal proceedings in the lower courts. . . . The subsequent arrests and trials of alleged counter-revolutionaries have shown once again how easily the procedural safeguards of the criminal law can be swept aside for the convenience of those in power.[25]

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5. Suppression of Freedom of Expression—The Monument to the People's Heroes is surrounded with chains, and tourists are not allowed to set foot on the steps. On the four sides of the monument stand wooden notices about one square meter in size, on which are inscribed the regulations to be observed in paying respects to the monument. One of the regulations forbids any painting, drawing, inscribing, posting, hanging and placing of any slogans, big- or small-character posters, or any other propaganda materials in any form. Anybody who wishes to lay wreaths at the monument must seek approval from the duty personnel, and the wreaths must be laid at designated spots. (Report of the official *China News Service*, on January 11, the day of the lifting of martial law.)[33]

The enchainment of the monument in the centre of Tiananmen Square, where the students made their last stand in the early

hours of June 4, 1989 aptly symbolizes the state of freedom of expression in China as a whole as the country enters the new decade. The domestic press, which has shown signs of supporting the pro-democracy cause last spring was comprehensively muzzled at the outset of the crackdown, and it still remains so; fresh restrictions upon foreign journalists, deftly replacing those imposed under Martial Law Order No. 3, have just been issued by the authorities; stringent censorship regulations are being passed in various cities, simultaneously banning "anti-socialist writings" and "obscene literature"; and a nationwide purge of publishing houses is fast getting under way. Regulations restricting the formation of "social organizations" have been rushed into force, and (showing a previously unsuspected sense of humor) the authorities have even chosen recently to promuglate China's first-ever law on "freedom of assembly and demonstrations."

The continued maintenance by the Chinese authorities of their false version of what actually happened last May and June has required strenuous efforts in the realm of press control. Jiang Zemin, the Party's general secretary, last November summed up the regime's main charge against the news media as follows:

We must be soberly aware that the ideological trend of bourgeois liberalization has run unchecked in the past few years and led to the turmoil and counterrevolutionary rebellion at the turn of spring and summer this year. This has exposed many problems, some very serious, in media circles. Instead of exposing and criticizing bourgeois liberalization and stopping the turmoil, certain media units provided a forum for the instigators and supporters of the turmoil and rebellion, thus stirring up the turmoil and adding fuel to the flame of the rebellion. This has caused great ideological confusion among the masses.

In a generous mood, Jiang then went on to spell out—though quite unintentionally—the true meaning and content of the Party's concept of press freedom in China:

Certainly, requiring propaganda and mass media to maintain political unity with the Party Central Committee propaganda does not mean mechanical parroting of political slogans. Rather, it requires them to keep to the stand of the Party and people and, by way of diverse forms, to accurately and vividly reflect and instill the Party's political standpoint, principles and policies into news stories, newsletters, commentaries, photos, headlines and layout.[34]

After the June 4 crackdown, propaganda officers of the PLA took over control of all the main newspapers in Beijing, and editorial departments were thoroughly overhauled. Qin Benli, chief editor of *Shijie Jingji Daobao* (World Economic Herald), the outspokenly pro-reform Shanghai newspaper, had been sacked even before the crackdown, and his Beijing deputy editor, Ruan Jianyun, was arrested last October. Yu Haocheng, former director of the Masses Publishing House (the organ of the public security authorities) and a leading advocate of legal reform, was arrested sometime last summer; and Dia Qing, China's most famous woman journalist, has been in prison since last July. Eleven other journalists or editors are known to have been arrested, but the true figure is probably much higher.

Many editors in China have been making strenuous efforts to shield and protect their journalists from the authorities' continuing purge of "unreliable media elements." Latest reports indicate, however, that a high-level decision has now been made to remove these editors themselves, so that the purge may proceed more smoothly. On January 13, 1990 *Reuters* reported the recent sacking of Guan Zhiahao, director of *Law Daily* (and prime architect of the post-1985 period of "judicial glasnost" referred to earlier), and also that of Xie Yongwang, liberal-minded editor of the Shanghai journal *Literature and Arts*. According to *Reuters*, the two have been sacked for seeking to protect their journalists from government retribution and for publishing articles last summer supportive of the students' demands.

On January 20, the Hong Kong newspaper *Ming Bao* reported that the CPC Propaganda Department had issued an order sometime after New Year calling for a renewed and intensified purge of the news media, so the editors who had failed to fall into line after June 4 could be replaced and the "cleaning out" of journalistic ranks could begin properly. Mu Qing, director of the *New China News Agency*, and Zhou Bingde, deputy director of *Voice of China* and the niece of Premier Zhou Enlai, head the list of senior press officials about to be sacked, according to the report.

Next in line for official "cleansing" is the publishing world as a whole. On December 6, 1989, the *New China News Agency* reported that the Press and Publications Administration of China had decided to abolish or suspend the licenses of 10 percent of all existing publishing houses: "Newspaper and magazine offices which publish pornographic stories or articles which run counter to the Party's line will be deprived of their licenses." On January 11, 1990, the agency revealed that the Press and Publication Administration had issued a circular requiring all publishing houses to register anew between January 15 and the end of the month. "The circular points out that in recent years publications with serious political errors and obscene and violent content have appeared despite repeated prohibitions."[35]

The precise meaning of the terms "anti-socialist" and "reactionary," as applied to writing and literature in China, have been formally codified by the authorities in recent weeks. According to Article 4 of the *Temporary Provisions of the Shanghai Municipality on the Banning of Harmful Publications*, enacted on November 26, 1989:

Reactionary publications refer to those opposing the people's democratic dictatorship and the socialist system, and include publications containing one of the following contents:

1. Opposing the Communist Part of China and its leadership.

2. Attacking the People's Republic of China and opposing taking the socialist road.

3. Attacking and vilifying the people's democratic dictatorship.

4. Denying the guiding position of Marxism-Leninism and Mao Zedong Thought.

5. Seriously distorting historical facts, advocating division of the state and people, and vilifying the Chinese people.[36]

The penalties for infringing these regulations range from a maximum fine of 30,000 *yuan* to criminal prosecution and unspecified terms of imprisonment.

Finally, on December 22, 1989 senior legislators meeting in Beijing to discuss a new draft law on authors' rights stated that henceforth "any anti-socialist and anti-communist works should be banned in China." According to the *New China News Agency*: "The basic principle of anti-bourgeois liberalization should be spelled out in the draft . . . and the rights of authors who produce anti-socialist and anti-communist works should never be protected."[37]

The vitriolic outpourings of criticism against the Western media, and especially that of the United States continue as before for domestic audiences, although they are now less prominent in the externally-directed media. In a sustained diatribe against the evils of Western-style "news authenticity," for example, an article of last December declared:

The "Voice of America," which has always claimed to be "objective and just," has been condemned by the people of the world and regarded as a "rumormongerer." The "news authenticity" which the bourgeoisie has bragged about has been seen through by more and more people.

To drive home its main thesis—the essential duplicity of the Western press—the article cited (inappropriately enough) the Watergate Affair:

For example, the world-shaking "Watergate Scandal" revealed by the Washington Post and other newspapers and journals was a farce which reflected the open strife and veiled struggle between the financial groups in the eastern and western parts of the United States.[38]

In light of this essentially conspiratorial view of the foreign press, it is perhaps small wonder that only nine days after the lifting of martial law in Beijing the authorities should have seen fit to impose a fresh set of regulations on the news-reporting activities of foreign journalists, to replace those imposed as part of the post-June 4, 1989 clampdown. The new regulations ban all articles by foreigners that in the authorities' view "distort facts" or "violate the public interest," and journalists may be expelled if faulted on these counts. As was the case under the martial law rules, foreign journalists are prohibited from conducting interviews with any "work unit" unless prior approval has been obtained from the authorities, and they may not deviate from the agreed program.[39] As one Western diplomat commented, regarding the new press regulations for foreigners: "If they feel like it, they can get you on whatever they want." Noted another: "In real terms, nothing has changed."[40]

In addition, restrictions on access by Chinese people to foreign television broadcasts have also been imposed recently. According to the Hong Kong Standard, a municipal directive was issued by the authorities in Canton on January 1, 1990 banning the installation in the city of aerials capable of receiving television signals from outside of China. This ends a 10-year period during which the residents of Canton have been able to watch Hong Kong television programs freely. As a local cadre commented in the report: "The authorities obviously want to stop people from being influenced by overseas reports on important issues, including the dramatic upheavals in Eastern Europe."[41]

News censorship has been heavily evident in China throughout the recent events in Eastern Europe. Mandarin-language broadcasts of both the Voice of America and the British Broadcasting Corporation have been jammed by the authorities, and China's own press coverage of the major political turnarounds in the Eastern Bloc has been tightly controlled. Radical political change and moves towards democracy in the Eastern Bloc countries have been presented as being

mainly the result of elite leadership decisions, rather than public pressure, and as constituting steps "to perfect socialism" and ensure "stability and unity." [42] More generally, the upheavals in Eastern Europe have been presented by the Chinese authorities as merely proving their claim that the West is applying a "capitalist strategy of peaceful evolution" against the socialist world.[43]

As mentioned above, a series of laws and regulations governing Chinese citizens' rights of assembly, demonstration and association have been enacted in recent months and weeks. The net effect of these is to restrict still further the almost negligible prospects for free assembly, demonstration and association in China, by formalizing the role and prerogatives of the state authorities in the regulation of these various types of civil activity. In the case of the *Regulations on the Registration of Social Organizations*, issued by the State Council in October, 1989 for example, it is clear that a primary purpose of the document is to render unlawful any future formation of the kinds of student and worker organizations which sprang up all around the country last May and June. Commenting in November on the issuance of the new regulations, Fan Baojun, the Vice-Minister of Civil Affairs, in effect compared these pro-democracy organizations to the Chinese Triads:

There are an estimated 100,000 local community groups in the country. But there are some problems with these . . . Moreover, some secret societies or underworld gangs that existed before 1949 have been revived in some backward and coastal areas. Some illegal organizations have already caused severe damage to the State and the Party, such as the "Autonomous Student Union of Beijing Universities," which stirred up counterrevolutionary rebellion in Beijing last spring.[44]

The *Law of the PRC on Assemblies, Parades and Demonstrations*, adopted on October 31, 1989, is also clearly aimed at preventing the re-emergence of any sign or inkling of the kinds of mass public activity seen last summer in Beijing. Among other things, the law prohibits citizens from "starting or organizing assemblies, parades or demonstrations in cities where they are not residents, nor shall they participate in activities held by the local people"; and it forbids foreigners from taking part in all such activities without prior permission from the authorities. The police are granted sweeping powers to determine all aspects of any assemblies and demonstrations. In addition, the law pointedly bans all unauthorized parades and demonstrations within a 300-meter radius of a series of government institutions in central Beijing, the effect of which is to make it unlawful for any future protest demonstrations to be held in Tiananmen Square. Penalties of up to five years imprisonment are laid down for those who violate the law.[45] On January 9, the Shanghai municipal authorities adopted a set of regulations for the law's specific enforcement, and the Beijing authorities did likewise on January 12, the day after martial law was lifted.[46]

One would think that such comprehensively restrictive measure, when viewed in the light of the current repression as a whole, would surely suffice to deter most potential "counter-revolutionaries" from even trying to demonstrate openly. Astonishingly, however, it seems that Chinese workers and students have in fact been flocking to the authorities in the hundreds of thousands in recent months, in order to test the value of the new laws' promises regarding freedom of association and the right to demonstrate.

According to the *New York Times* of January 8, 1990 for example:

Party sources said groups representing thousands of workers across the country who have been suffering under the government's economic austerity program, which has reduced inflation but brought the country to the brink of recession, have sought permission to air their grievances.

Moreover:

The *South China Morning Post* . . . reported last week that workers in more than 30 Chinese cities had applied to carry out legal demonstrations involving a total of more than 500,000 workers. Party sources could not confirm the figure of 500,000, but said worker discontent was widespread and involved most of the country's provinces.

Clearly, the "Polish disease" has already gone well past the merely incubatory stage in China today. The response of the Chinese authorities to these polite requests for the observance of their rights by workers was, however, predictably churlish:

According to the sources, the leadership issued an order to security forces that they use "whatever force is necessary" to crush any demonstrations staged by workers.

The full shock-waves of the recent events in Eastern Europe are, of course, still to come.

FOOTNOTES

[10] The Beijing correspondent of *UPI* reported on July 27, 1989 that more than 40 people had been secretly executed during the previous two weeks at Lugouqiao ('Marco Polo Bridge') in the suburbs of Beijing.

[11] See *Appendix* for details.

[12] *Washington Post*, December 3, 1989.

[13] *Agence France Press*, December 5, 1989; in *FBIS*, January 3, 1990.

[14] *Star Tribune* (Minneapolis, Minn.), December 24, 1989.

[15] *New York Times*, January 2, 1990. Reportedly: "The Party secretary was particularly outraged because he had received anonymous letters purporting to inform on him." According to another, slightly earlier interview: "A professor, heaving a sigh, said: 'My students become cynical, suffer agonies, fall into despair, and are at a loss, and the school and students are changed beyond recognition.'" (*FBIS*, December 27, 1989.)

[16] Both were from Qinghua University, Beijing. According to the *Hong Kong Standard* of December 1, 1989, a postgraduate student named Tang Zujie, 23, jumped from a sixth-floor window on campus on October 1, China's National Day. An economics postgraduate named Guo Wei, 24, killed himself on November 2.

[17] *Bai Xing*, December 16, 1989; in *FBIS*, December 19.

[18] *Washington Post*, December 14, 1989.

[19] In *FBIS*, December 15, 1989.

[20] *Agence France Presse*, January 8, 1990. In *FBIS*, same day.

[21] The largest of these protests took place in Chengdu, Sichuan Province, on June 5–6, 1989. Dozens of people (some accounts claim as many as 300) were killed by the security forces in the ensuing clashes in the city center.

[22] For example, *Hunan Radio* announced on December 27, 1989 that 18 criminals had been executed the previous day (*FBIS* January 8, 1989); and on January 11, 1990 the *China News Service* announced the execution the same day of no less than 31 criminals in Canton (*Ming Bao* January 12, 1990).

[23] *Criminal Law of the PRC*, Article 154.

[24] *Xin Zhongguo Xingfaxue Yanjiu Zongshu, 1949–1985* (A General Study of Criminological Research in New China), Gao Mingxuan (ed.), Henan People's Publishing House, p. 422.

[25] "The Chinese Legal System: Reforms in the Balance," *The China Quarterly* No. 119, September 1989, p. 573.

[33] In *FBIS*, January 12, 1990.

[34] "Jiang Zemin gives speech on mass media work," *New China News Agency*, November 29, 1989; in *FBIS*, December 7.

[35] *New China News Agency*, January 11, 1990; in *FBIS*.

[36] *Jiefang Ribao*, December 5, 1989; in *FBIS*, January 10, 1990.

[37] New China News Agency, December 22, 1989; in *FBIS*, December 27.

[38] *FBIS*, December 19, 1989.

[39] There are even signs that the English language itself is now considered to be subversive. Beijing's highly popular "English Corner", where Chinese of all ages used to come to practise their conversation, was just recently closed down by the authorities. According to the *New York Times* of December 19, 1989: "In mid-November, the area was cordoned off and notices went up, saying, 'English Corner has been withdrawn'. The university teachers, the notices said, no longer had the time."

[40] *Reuters*, January 20, 1990; *New York Times*, January 21; and *Shijie Ribao*, January 22.

[41] *Hong Kong Standad*, January 6, 1990.

[42] *New York Times*, December 24, 1989.

[43] *New York Times*, December 22, 1989. The charge that the West is trying to make China "peacefully evolve into a bourgeois republic" was first made by Deng Xiaoping, directly after the June 4 massacre. As the *People's Daily* explained on December 1, 1989: "The international reactionary forces . . . will work in coordination with the turmoil created in socialist countries in an attempt to force them to make concessions to them so that socialist countries may 'peacefully evolve' into capitalist countries, thus turning those socialist countries into their vassal states. Imperialists have openly declared that their principle is to implement political pluralism and market economy in socialist countries; in other words, they want to implement the bourgeois multiparty system and rotatory term of office, while driving the Communist Party out of office and eventually restoring capitalism."

[44] *China Daily*, November 1, 1989; in *FBIS*, same day.

[45] Text of the law is in *FBIS*, November 1, 1989.

[46] *FBIS*, January 10, 1989; *Shijie Ribao*, January 13.

Mr. HUMPHREY. That is all I have to say. That is all that needs to be said.

Mr. KENNEDY. I understand the Senator desires a vote.

Mr. HUMPHREY. Yes.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I have joined as a cosponsor of this amendment. I think it is a sound proposal. It reiterates the position which both Senator HUMPHREY and I spoke to some time ago and other Members have spoken to in regard to the continuation of oppression in China. I think it is a powerful message and one that, hopefully, will be adopted overwhelmingly by this body.

Mr. President, with every passing day, we learn of yet another step which the Chinese Government has taken to tighten the noose around the necks of those who strive for democracy.

Thirty thousand prodemocracy demonstrators remain in prison. Chinese Embassy officials persist in their harassment of Chinese students on American campuses. And Fang Lizhi—the Andrei Sakharov of China—remains a refugee in his own country, protected only by the four walls of the American Embassy.

Mr. President, these developments all occurred before the President's National Security Adviser, General Scowcroft, toasted the Chinese leadership—the very butchers who conducted the massacre on Tiananmen Square.

But instead of progress for democracy in China, repression continues for those who yearn for freedom in China.

In just the past few weeks, China has tightened its hold on students wishing to study abroad. It now requires that students must first work in China for 5 years after their graduation from a university in China before being permitted to study abroad.

And the Government is cracking down on dissident faculty. Just last week, the President of China's leading law school was ousted for this support of students' demands for democracy.

And this week, the foreign press in China reported that their activities in China were being severely restricted, and their ability to report events from China was being significantly curtailed.

But most troubling of all, Mr. President, is that even in the face of these repressive events, the administration continues to kowtow to the Chinese rulers, rather than siding with the Chinese people in their struggle for freedom.

This week, the World Bank, in which the United States is a leading partner, announced a $40 million loan to China. While this loan is intended to meet basic human needs, which I believe all in this Chamber support, it is deeply troubling that the World Bank went on to announce it is now back to regular lending to China.

And what do we hear from the administration in protest?

Silence. Silence, Mr. President. For the administration, it is business as usual in China. Tiananmen Square seems never to have happened. Are the 30,000 jailed dissidents just figments of our imaginations? Is Fang Lizhi mere fiction? Is the growing repression in China—the new crackdowns on students, faculty and the press—just not occurring?

Of course not. Things may be business as usual for the administration, but we cannot let it become repression as usual for China.

So, I believe the resolution of the Senator from New Hampshire is right on the mark.

It notes the extensive record of oppression in China over the past 9 months. It expresses what I believe is the sense of the Senate to condemn the continuing repression, and to express our abhorrence for the massacre on Tiananmen Square and the brutal events which have followed. It notes the harassment of the students here in the United States—a matter on which we conducted hearings in January in the Immigration Subcommittee—and states that such harassment is a clear violation of our laws.

And, importantly, it urges the President at last to get tough on China—to stop the emerging trend toward business as usual in the World Bank and elsewhere in the international community, and to oppose all loans and economic assistance which do more than respond to basic human needs.

Mr. President, we have given the administration 9 months to show that its kowtow to China would stem the repression. I believe these 9 months have shown that the President's actions have, in fact, encouraged the rulers in Beijing to tighten their grip. It is high time we reversed this trend by adopting this amendment.

Mr. President, we are prepared to vote.

Mr. HUMPHREY. Mr. President, I neglected to state at the outset that I offered the amendment on behalf of Senator PELL, Senator KENNEDY, Senator SIMON, Senator ARMSTRONG, and on my own behalf.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1290, offered by the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the call.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—79

Adams	Gore	Metzenbaum
Baucus	Gorton	Mikulski
Bentsen	Graham	Mitchell
Biden	Gramm	Moynihan
Boren	Grassley	Murkowski
Bradley	Harkin	Nickles
Breaux	Heflin	Nunn
Bryan	Heinz	Pell
Bumpers	Helms	Pressler
Burdick	Hollings	Pryor
Burns	Humphrey	Reid
Coats	Inouye	Riegle
Cohen	Jeffords	Robb
Conrad	Johnston	Rockefeller
Cranston	Kasten	Roth
D'Amato	Kennedy	Rudman
Danforth	Kerrey	Sanford
Daschle	Kerry	Sarbanes
DeConcini	Kohl	Sasser
Dixon	Lautenberg	Shelby
Dodd	Leahy	Simon
Domenici	Levin	Specter
Exon	Lieberman	Symms
Ford	Lott	Wilson
Fowler	Mack	Wirth
Garn	McCain	
Glenn	McConnell	

NAYS—18

Bingaman	Dole	McClure
Bond	Durenberger	Simpson
Boschwitz	Hatch	Stevens
Byrd	Hatfield	Thurmond
Chafee	Kassebaum	Wallop
Cochran	Lugar	Warner

NOT VOTING—3

Armstrong Matsunaga Packwood

So the amendment (No. 1290) was agreed to.

Mr. KENNEDY. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Can we get the Senate's attention now, please?

The PRESIDING OFFICER. The Chair would like to inform the Senator and the Senators present that we are now in a nondebatable posture on the floor of the Senate. All time has expired. The question occurs on the amendment No. 1288, offered by the Senator from Massachusetts, to amendment No. 1287 offered by the Senator from Wyoming.

Mr. WALLOP. Parliamentary inquiry. All time has not been yielded back or expired. Did I have 1 minute left when we set that? A minute under my control was remaining.

The PRESIDING OFFICER. The Chair is informed the Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent that the Senator from Wyoming be entitled to 1 minute and we be entitled, Senator DODD, to 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President——

Mr. KENNEDY. Can we have attention, Mr. President? We still are not in order. We want to try to resolve this issue.

The PRESIDING OFFICER. If the Senator will withhold for a moment, until the Senate comes to order.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, before I begin, let me just state for the record that I stated to the Chair that the Senator from Wyoming had not used 1 minute, and I stand on that statement. And nobody used it in my behalf because it was not yielded.

Mr. President, I will shortly issue a unanimous-consent request that I might be permitted to withdraw the underlying amendment. I do so in the hope and anticipation that there will be some negotiations in good faith over the weekend.

I put the Senate on notice that I have the right and will exercise it to revisit this issue next week at some moment in time with or without negotiations that lead to some satisfactory resolution of it. That would be the Senator's right under any circumstances. I intend to exercise it.

I also say that we have seen why we have gotten to this impasse. It was not that our side was unwilling to negotiate. It was that the other side had a determined path and was unwilling to yield on it.

Mr. President, I will revisit this issue. I put Ortega on notice that I will watch what he is doing, and any

more threats will bring an even more carefully stated amendment.

Mr. President, until that time, I ask unanimous consent that I might be permitted to withdraw the underlying amendment and thereby take with it the Kennedy amendment to it.

The PRESIDING OFFICER. Is there objection? Hearing none, the underlying amendment No. 1287, and the amendment thereto, No. 1288, is withdrawn.

Mr. KENNEDY. Mr. President, I'd like to say to my colleagues that I am grateful for the cooperation that we have received.

We have an amendment of the Senator from Minnesota that has been pending. I do not want to represent the Senator. I believe that the amendment, as modified, is acceptable to Senator HATCH and myself, if he wants to offer it at this time. We would be glad to dispose of that, and urge the Senate to accept it.

Then if the final amendment is the minority leader's amendment we would accept that on a voice vote, and then hopefully go to final passage. That is where we are at 7 o'clock.

Mr. BOSCHWITZ. I advise the Senator from Massachusetts that I also have an amendment, and I want to talk about the bill as well.

Mr. KENNEDY. Mr. President, we stand ready to dispose of any amendments. We are in our fourth day of this. We have tried to move toward the third reading. I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. KOHL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments to the pending bill remaining in order be a Boschwitz amendment on a private right of action, a possible Kennedy second-degree amendment to the Boschwitz amendment on the same subject, and a Dole amendment on emerging democracies; that upon the disposition of these amendments, the Senate, without any intervening action, proceed to vote on the committee substitute, as amended, and immediately thereafter, without any intervening action, vote on final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOSCHWITZ. There is no time agreement on the amendment.

Mr. DOLE. Does the Senator wish to speak near the end, too?

Mr. BOSCHWITZ. I would like to speak, yes. I will do so in conjunction with my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleagues, and I thank the distinguished Republican leader.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator BOSCHWITZ.

Mr. BOSCHWITZ. Mr. President, I have participated in the debate on this bill, and in connection with one of the amendments, I pointed out to the Senator from Massachusetts some of the wording in the report on the bill and the fact that it talks about the spirit of volunteering, the fact that young people are going to be given the incentive to serve others and so forth.

The difficulty I have with this bill is that they are going to be paid, that while the word "volunteer" is sprinkled very liberally throughout this report, the volunteers are going to be paid. While many may consider that volunteering is a wonderful thing, it is a wonderful thing they are going to feel, if they get paid.

What troubles me is that for the millions of people who really do volunteer, the millions of people who do seek to help others, it is not a matter of their getting paid. I do not think they want to particularly be paid. What kind of precedent are we establishing? This is not a VISTA or a Peace Corps, where people are sent away from their homes. This is a bill that calls for volunteering in and around people's places of residence. Yet, there is payment. There is not very high payment, to be sure, though there is forgiveness of debt, and that could amount to a great deal.

In addition to compensation, there is also a provision in the bill for a living allowance of not less than 100 percent of the poverty line for a single individual and, in addition, to the minimum wage, a living allowance reflecting the cost of living, to include transportation, food, housing, utilities in the area in which the program operates, and so forth.

This is a bill that, according to the report—and I understand some of the numbers have been changed—over a 5-year period would require an estimated budget authority of $2.4 billion, and outlays of $1.7 billion. I understand that some of these numbers have been changed and that the initial years are made to look more appealing from the standpoint of budgetary constraint. Nevertheless, there is no question in my mind that, over a period of years, this is going to get a new program, a very broad program, that is going to cost many millions, perhaps billions, each year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1291

(Purpose: To prohibit funds appropriated under the act from being used to engage in certain boycotts)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 1291.

Mr. BOSCHWITZ. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(d) RIGHT OF ACTION.—

(1) SENSE OF THE SENATE.—It is the sense of the Senate—

(A) to deplore the practice of boycotting businesses on the basis of the race, religion, national origin, gender, age, or disability of the owner, operator, employees, or patrons of such entities,

(B) that the programs assisted under this Act should not be used to fund such boycotts,

(C) and that the right of all parties to engage in the special protection by the constitution should be protected.

(20 LIMITATION.—None of the amounts appropriated under this Act shall be used to engage in a boycott of any entity on the basis of race, religion, national origin, gender, age or disability, of the owner, operator, employees, or patrons of such entity.

(3) ATTORNEY GENERAL.—Notwithstanding any other provision of law, the Attorney General may file an action under this subsection, in the appropriate district court of the United States, against any organization or entity to recover the amount of assistance provided to such organization or entity under this Act that is used in violation of this subsection.

Mr. KENNEDY. Is that the revised amendment?

Mr. BOSCHWITZ. Yes. I will describe the amendment.

Mr. President, imagine being a Korean immigrant shopkeeper. For many years, you struggle in a foreign country learning a new language and working long hours in menial jobs. After much hard work and careful saving, you have earned enough money to start your own business in the hope that some day your children will be able to enjoy the good life in America.

Mr. President, this is the American dream, and no people symbolize the American dream better than the Asian-Americans who have recently come to our shores, fleeing communism in countries which have not yet heard of perestroika or glasnost. They have succeeded because of hard work,

strong family values and the entrepreneurial spirit that has made America great. As a fellow immigrant and businessman, I hold a special place in my heart for these people.

This is why I am deeply concerned about the stories that I have heard about some community groups that have organized boycotts of businesses owned by Korean-Americans. These boycotts are based on allegations that certain Korean-American merchants have been rude to customers or have conducted business without established exchange or refund policies. The leaders of these boycotts often use the problems in one store to justify boycotts in all stores owned by Korean-Americans.

This is clearly a national problem. In addition to boycotts organized by OMNI [Organization of Mutual Neighborhood Enterprise] in Los Angeles and the Flatbush Coalition for Economic Empowerment in New York, there have been newspaper accounts of such actions in Chicago, Atlanta, and Washington, DC. I would hate to think that Federal funds under this act would be given to groups that organize these boycotts.

Certainly there have been some instances in which individual merchants or their employees—like all people—act in ways that are offensive to their customers or to others. However, it is unfair and bigoted to boycott all merchants of a certain racial or ethnic group because one member of that group offended someone.

In many of these cases, the tension between Korean-American merchants and their customers results from the language barrier that these merchants face. Mr. President, it is unfortunate that language barriers have caused these problems. But problems of language or cultural differences can only be solved through patience, tolerance and understanding, not through boycotts or picket lines.

These boycotts are the result of the myths and petty jealousies created by misunderstandings between different racial and ethnic groups, and this cannot be tolerated. Where there are faults in the behavior of individuals these faults should be corrected. But to make these individuals or group of individuals scapegoats, or worse, to stereotype them on the basis of race, ethnic background, religion, sex, or political affiliation, is wrong.

My amendment would address this problem by first, expressing the sense of the Senate deploring boycotts on the basis of race, religion, national origin, gender, age, disability or political affiliation; and, second, prohibiting the use of funds appropriated under S. 1430 to assist organizations engaged in such boycotts.

Finally, it would authorize the Attorney General to intervene in recovering the Federal contribution to such programs.

Mr. President, I believe that this amendment will go a long way to redressing the injustice of racist and bigoted boycotts and I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, first of all, I want to thank the Senator for working out the particular language. The way that the amendment had been initially drafted raised some question about various charitable groups being able to participate in first amendment issues in question. Just to be sure that I am commenting correctly, as I understand it, the amendment submitted is the revised language.

Mr. BOSCHWITZ. The revised language that was worked out.

Mr. KENNEDY. Without any other changes?

Mr. BOSCHWITZ. Without any other changes, that is correct.

Mr. KENNEDY, Mr. President, initially, there were important first amendment questions, some Supreme Court precedents that would have to be addressed, in the initial language as drafted. I think we have met those particular objections and, Mr. President, we would be glad to accept the amendment as redrafted.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. I support this amendment by Senator BOSCHWITZ. He is doing the Senate and our bill a favor. This prohibits the use of funds to engage in certain boycotts. These are boycotts against an organization because they are for race, religion, ethnicity, or other irrelevant characteristic of the owner, operator, employee, or patron of an organization.

This is an important amendment. I thank Senator BOSCHWITZ for bringing this amendment to the floor, and we are prepared to accept it as well.

Mr. KENNEDY. I just want to state my understanding that the provision of the amendment of the Senator from Minnesota which prohibits the use of funds appropriated under this act in "a boycott of any entity on the basis of race, religion, national origin, gender, age or disability of the owner, operator, employees, or patrons of the entity" does not restrict or limit in any way the rights and opportunities of any person associated with or employed by a recipient of these funds to engage in constitutionally protected protests of racial or other invidious discrimination. The Supreme Court only 5 weeks ago reaffirmed the constitutional rights of persons to boycott businesses for the purpose of vindicating constitutional rights and seeking to end racially discriminatory practices engaged in by such businesses. *FTC* v. *Superior Court Trial Lawyers Association* (Jan. 22, 1990). *NAACP* v. *Claiborne Hardware Co.*, 458 U.S. 886 (1982).

This act, which provides sorely needed funds to organizations throughout the country, does not condition the granting of such funds on the abandonment of long recognized rights of victims of discrimination to seek equal respect and equal treatment in their communities.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1291) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOSCHWITZ. Mr. President, I would say to the managers of the bill that I have no objection to the idea of including the idea of service into the curriculum of schools. I have no objection to making organizations more viable by including them in public service and providing greater funds to enable them to do so.

However, we are talking about voluntarism: This bill is supposed to enhance voluntarism, it is supposed to make young people, through innovative curriculums, become engaged in a lifetime of service to the community.

What I must say I have problems with, and I would ask my friend from Massachusetts, why it is proper that the payment is made for volunteering. What is the purpose? Throughout this entire report we talk about volunteering. We talk about volunteer service programs that will involve young people, particularly, in the life of service, and then we pay them. Why would a young person who wants to become involved in some kind of voluntary activity not become involved unless he gets paid?

Mr. KENNEDY. Does the Senator support the Peace Corps?

Mr. BOSCHWITZ. Certainly.

Mr. KENNEDY. Does the Senator understand there is a stipend given to Peace Corps members?

Mr. BOSCHWITZ. Absolutely.

Mr. KENNEDY. Does the Senator understand all stipends are given to full-time participants and there is no stipend provided for in the school-based program? And does the Senator support the VISTA volunteers?

Mr. BOSCHWITZ. I certainly do.

Mr. KENNEDY. That also has a stipend which is effectively the same as the stipend in our bill.

I would be glad to give a more elaborate explanation on exactly how this program works but, as I mentioned, the bill does not provide for paying volunteers. The school-based programs do not authorize any payment to indi-

vidual participants. Only participants in the full-time programs receive the poverty-level stipend and modest education and housing vouchers.

That is primarily a recognition that not only well-to-do individuals want to volunteer. The spirit of voluntarism is alive among needy people, among poor young people.

In many instances a stipend is just a living stipend which is essential for those individuals to be able to participate. We have worked out effectively the stipend to be the poverty line. Only full-time participants receive a stipend. Part-time participants do not. There is benefit for part-time participants for tuition at the rate of a public or land grant college, which are attended by about 80 percent of the young people in this country. It goes to tuition and room and board for full-time service.

So there are those educational benefits as part of our effort to try and ensure that individuals would be able after service to receive an education.

The one thing I would mention, in fairness to the Senator, is that the report that the Senator is reading is the bill as it came out of the committee and does not accurately describe the amount of the vouchers which we have reduced those significantly, or the cost to the bill, which has also been reduced. The only amount that is authorized now is $125 million, not the $2.4 billion that the Senator had outlined, and it is for the 2-year authorization.

The bill permits the continuation of an authorization as in the same way that Federal education programs also have a contingent extension of authorizations, but I think that it is only fair to make that observation. I accept that the Senator is reading from the report in good faith. But in order to win support from Senator HATCH, who has been such a valued ally, and the support of a number of other Members, to ensure its bipartisanship, we made substantial adjustments to the bill that was reported out of committee.

Mr. BOSCHWITZ. I say to my friend from Massachusetts that I did not see in this report that part-time volunteers would some way be precluded from receiving compensation.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. The $125 million is essentially for 1 year.

Mr. HATCH. Mr. President, will the Senator yield again?

Mr. BOSCHWITZ. I yield.

Mr. HATCH. I think I can give assistance, too, in answering the Senator's question. The $125 million is really for 2 years, but we have $50 million for 1990, and by the time we get it through, whatever is left over will be in 1991.

Mr. BOSCHWITZ. Most of it.

Mr. HATCH. Probably a fair amount.

Let me say this. The Senator from Massachusetts I think made a very good point. My colleague from Minnesota is referring to the committee report on the original bill. This bill on the floor has been drastically changed. The substitute amendment which we found provides flexibility. States may set living subsistence levels up to the poverty index for a family of two. This does not mandate that the States pay a salary for either the Youth Corps or for the National Service Corps provision. In fact, my own home State of Utah has provided a program that does not pay stipends and that fits within this program.

It is strictly up to the States; if they want to, they can, within the framework of this bill. With regard to benefits, the Youth Service Corps are allowed postservice benefits up to $100 per week for up to $5,000 per year, whichever is less.

This is, again, not a mandatory payment. Under the national service full- and part-time programs, benefits for part-time volunteers are $2,000 and full-time volunteers are $5,000; however, a State may apply for waiver to reduce this benefit.

What we are saying is there is much flexibility. It is up to the States. We have provided for these means and we have a lot of basis for doing so through VISTA and some others.

Mr. BOSCHWITZ. I like the elements of the bill, I state to the Senator from Utah, that provide funding so that schools and other organizations can include the idea of voluntarism. I would answer my friend from Massachusetts VISTA and the Peace Corps are very much different than the voluntarism under this bill.

In the Domestic Volunteer Services Act amendments of 1989 it points out that a VISTA volunteer has to be at least 18 years of age, serve for 1 year, serve on a full-time basis, generally live among those they serve, to receive a monthly subsistence allowance; they remain available to the community 24 hours a day, 7 days a week; they serve principally in urban areas, rural areas, Indian reservations; they principally serve away from home.

Mr. HATCH. Mr. President, will the Senator yield on that?

Mr. KENNEDY. Sure. That is not the voluntarism we are talking about here.

Mr. HATCH. Under this bill, it is quite similar. In the national service, full and part-time program, the State offers full- or part-time civil national service programs for Americans age 17 years and up. It is very similar already. It is 1 year younger, but it does include senior citizens in this particular program.

Mr. BOSCHWITZ. This is far, far broader than VISTA. This bill compensates voluntarism in all forms and shapes.

Mr. HATCH. That is not quite true.

Mr. BOSCHWITZ. It certainly does, unless this report that was left on our desks has no substance whatsoever. The report is dated October 27.

Perhaps the bill was so thoroughly changed that a new report should have been issued. But Senators who read the report have a right to rely upon it.

Mr. HATCH. I agree. If we had not made so many substantial changes in the substitute, the report would be more accurate. Many of the ACTION programs provide benefits like the Senior Companion Program and the Foster Grandparent Program. The people who serve in those programs get $2.40 per hour and payment for transportation costs. They are, in both of those programs, older American volunteers. They serve in homes. They serve in school community functions. They, in those two programs, serve all over the State in various functions.

So it is not that much different in this bill from those two programs. And they work, by the way.

Mr. BOSCHWITZ. I would say that VISTA and the Peace Corps are different from what is contemplated here. The Peace Corps, of course, could be thousands of miles from home and certainly is greatly different from this bill. This bill is supposed to encourage students to develop habits of the heart when they are young, and upon learning the benefits of helping others young people will volunteer their time throughout their lives.

I should add, if they are paid. A young person, if he is not paid, has got to feel like a chump under this act. You are establishing an entirely new type of voluntarism for money, which is an oxymoron, in reality.

I would point out to my friend from Utah if it is $125 million and most of it is going to be rolled into next year, then really the money is not too much different than the $108 million that is shown in the report. Page 72 of the report shows $215 million the second year; $400 million the third year; and then it levels off at $500 million a year.

Of course, from our experience, we know that efforts will be made, once the program has begun, to expand it, and to expand it further later on.

Mr. HATCH. If the Senator would yield on that point.

Mr. BOSCHWITZ. I will yield.

Mr. HATCH. If the Senator would yield, there are new programs here. There is no question.

Mr. BOSCHWITZ. Absolutely.

Mr. HATCH. The Points of Light Program is a significant part of this bill, and that is a new program. It is the President's program, and it is in every respect his. But there are also

programs that are quite similar to VISTA and to ACTION.

But what we have in title I is the States may apply to fund one or more of the following programs. And so we have the School and Community-Based Program, Community Service Corps, Civil Conservation Corps, National Service Part-Time Program, and the Innovative Service Program.

The Senate can opt to do whatever they want to. They can have stipends or not. The purpose of having stipends is not to pay people for doing the work, but to help people who may be poor so that they can volunteer as well, and pay some basic expenses for them, like we do with the senior volunteers or the Foster Grandparent Program.

Mr. BOSCHWITZ. There are many ways to volunteer, as the Senator knows—and I have been quite an active volunteer in my day—that really even the poor can involve themselves in. It need not require a stipend.

Mr. KENNEDY. Will the Senator yield?

Mr. BOSCHWITZ. Yes. In the Senator's absence, I say to my friend from Massachusetts, I tried to make the distinction between VISTA, which he brought up, where you have to go out and live among those you serve; you have to be 18 years of age; you have to serve for at least 1 year on a full-time basis; you have to be available to the community 24 hours a days, 7 days a week. Very often, as you know, they are away from home. That is not anticipated in this bill.

It is not even anticipated in this bill where there are living allowances given, I might say, at least as I see it from the report. And certainly the Peace Corps volunteers are to be distinguished from those under this bill in any number of ways.

I yield to the Senator.

Mr. KENNEDY. Mr. President, I want to point out on the school-based systems, it is an attempt to try and bring the 40-million students of this country into the spirit of voluntarism, and there are no stipends. That is one of the programs.

I outlined this program in very considerable detail on both Monday and Tuesday, and gave illustrations as well.

This bill has a number of different ways to cast a net out to try and bring people into service in the community. The criteria with regard to school-based programs are that they are to be developed by the student; that they are going to have an educational component; and third, that they must serve the community in a meaningful way.

I illustrated what had happened with SerVermont, for example, but this is a school-based program. There are other part-time and full-time programs, as well.

What we have tried to do, is to incorporate a number of different programs, including some full-time programs which have a small stipend plus education benefits, and try and bring those together with careful evaluation so that in 2 years, we can come back to this body and report back what has been the result of these programs.

That is what I think is one of the real advantages of this program. We are effectively setting in motion a number of different ways to tap into voluntarism. I think most people would say today that the Peace Corps has been an extraordinary example. They get a small stipend and education benefits. They serve overseas. It is a remarkable organization. So is VISTA.

And the President himself, I would remind the Senator, when he was campaigning, proposed a new program called Youth Engaged in Service, or YES. A forerunner to the Points of Light Initiative.

At that time, the President did not seem to have a problem with the stipend program.

Here's the kind of effort YES would become involved in and help: A program like California's Conservation Corps. It's a big success, it does great work, it is voluntary, it involves students—and YES could help it be duplicated.

The California Conservation Corps does provide a basic minimum wage stipend plus educational benefits. The President has also talked about the part of his tree-planting package. President Bush is behind an Earth corps that offers participants benefits, even more than those we are considering in this. So this is consistent, certainly, with what the President has supported in the past.

Finally, let me just say on the stipends, at page 26, regarding the school-based program.

Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant.

Mr. BOSCHWITZ. Will the Senator read that again, please?

Mr. KENNEDY. These are the school-based programs, line 13(c):

STIPENDS.—Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant.

Mr. BOSCHWITZ. Is the Senator from Massachusetts therefore saying that no part-time volunteer can be paid under this bill?

Mr. KENNEDY. There is another section dealing with the part-time national service participants. They serve about 9 hours a week.

They are permitted in that situation to get no stipend, only an education voucher.

As I indicated, there are a series of different programs that are included in here. There is the school-based program. There is a part-time national service program. There is the conservation corps program.

Mr. BOSCHWITZ. Yes. Conservation program. Will part-time volunteers be paid?

Mr. KENNEDY. I am sorry, what was the question?

Mr. BOSCHWITZ. Is it correct to say that part-time volunteers will not be paid under this bill?

Mr. KENNEDY. Yes. The part-time national service participants will receive only educational vouchers and only if they serve part time for the equivalent of 9 hours a week. For the 9 hours a week, they will be eligible only for the tuition level educational voucher that will be equivalent or a public or land grant college which 80 percent of American students go to. For the part time, they get the tuition. For full time, they get tuition and room and board.

On the part time there is no stipend for part-time participants of any age and no vouchers for those under 17 years of age.

No participant will get both the minimum wage plus a living allowance, and there will be no living allowance for part time.

Even in those that are over 17, no living allowance is provided to part-time participants, if there is a need, States may, at their own option, provide additional resources to participants out of non-Federal sources.

Mr. BOSCHWITZ. The report makes no mention whatsoever of there being a need to be associated——

Mr. KENNEDY. It is discretionary.

Mr. BOSCHWITZ. It does not state "discretionary" either, I must say, under section 215. Maybe it has been renumbered.

I would say to the Senator from Massachusetts, that the entire underpinning of the bill, the idea that we are now going to pay volunteers in a manner quite different, in my judgment, than VISTA, where somebody is on call, where you have to sign up for a year, similarly, in the Peace Corps, you have to sign up for a period and they ship you overseas. That is an entirely different matter.

I think what we are doing here is opening up a whole new area where we are going to probably see this program grow rapidly, as many programs that we have seen around here that have been undertaken. They grow, and as more people find their way to a Government stipend, less and less people will find it rewarding to volunteer.

As a matter of fact, in a way this bill penalizes volunteers. Those who volunteer, as hundreds of thousands of people that I have been associated with in the Cancer Society and in the Kidney Foundation and in other groups that I have served with and

led, are going to feel that they, too, should somehow be compensated.

Young people who find they are going to volunteer will think of themselves as chumps in the event they volunteer and those about them do not volunteer but yet receive moneys and housing and other things even though they may remain at home.

Is it my understanding, I ask the Senator from Massachusetts, that housing allowances would not be available to people who volunteer under this bill and live at home?

Mr. KENNEDY. There is no housing allowance for part——

Mr. BOSCHWITZ. For what?

Mr. HATCH. Yes, there is.

Mr. KENNEDY. There is no housing allowance for part-time, and there is no housing allowance, even for full time, although the full time do get the stipend.

Mr. BOSCHWITZ. In the event a full-time volunteer lived at home, would that full-time *volunteer be entitled to housing allowances?*

Mr. KENNEDY. They get compensated effectively at the poverty level full time.

Mr. BOSCHWITZ. Well, in addition to the minimum wage——

Mr. KENNEDY. They get the educational vouchers.

Mr. BOSCHWITZ. In addition to minimum wage, educational voucher and forgiveness of debt there is a living allowance of not less than 100 percent of the poverty line for a single individual. That should reflect the cost of living, transportation, food, housing, utilities.

Does that apply to somebody who is a full-time volunteer and lives at home?

Ms. MIKULSKI. The Senator has anticipated that the full-time volunteer will be going away from home in what has been the tradition. The Peace Corps, for example, they would be living in Bangladesh, the Philippines——

Mr. BOSCHWITZ. I say my friend from Maryland is a late arrival.

Ms. MIKULSKI. In all probability, they will be going away.

Mr. BOSCHWITZ. I ask that my colleague answer the question. This is not the Peace Corps. This is not VISTA. People do not sign up for a year or 2 years under this bill. People in VISTA have to be 18 years old, they have to live among those they serve. They have to remain available to the community 24 hours a day, 7 days a week, and they have to sign up for 1 year on a full-time basis.

That is certainly a lot different than this bill.

Mr. HATCH. Will the Senator yield?

Mr. BOSCHWITZ. Yes.

Mr. HATCH. Again, the substitute has been changed from the report. Let me see if I can help here.

In the substitute bill which we are going to vote on in a few minutes—VISTA does not mandate that the States pay salary for either the youth corps or national service corps provision.

One other thing that has to be made clear because we have some misunderstandings here. States can apply for a waiver to reduce the level of the vouchers. But, with regard to stipends, they cannot be more than 100 percent of the poverty line subsistence for a family of two.

So, it should not be characterized as a minimum wage payment. It really can be up to but not more than 100 percent of the poverty line at subsistence for a family of two under the substitute. So that is a considerable change from what the report says.

Mr. BOSCHWITZ. The full-time volunteer cannot receive the minimum wage plus the various living allowances and health insurance and also the forgiveness of loans educational stipends or the accumulations of money for a down payment on a new home?

One cannot receive that? Is that what my colleague is saying, that if one is a full-time volunteer, he cannot receive a wage plus allowance?

Mr. HATCH. Under title I, they cannot.

Under title III, part-time participants can get a voucher for $2,000 a year for education benefits or toward purchase of a home. Full-time participants can get a voucher for $5,000 a year for educational benefits or for purchase of a home.

States, then, if they want to, they can apply for a waiver to reduce the level of the vouchers if they want to do that. It is up to the States.

But with regard to stipends, under the substitute that we will be voting on, different from the report, they will not be allowed more than 100 percent of the poverty line subsistence for a family of two.

So this is no reference to a minimum wage. It is that particular stipend.

Mr. KENNEDY. Could I ask the Senator from Minnesota——

Mr. BOSCHWITZ. Pardon me, there is no reference to the minimum wage in this bill any longer?

Mr. HATCH. That is right. They can get from zero up to that poverty level stipend subsistence for a family of two.

Mr. BOSCHWITZ. If they get the poverty level stipend for a family of two, then they cannot in addition receive living allowances, health insurance, transportation, and so forth? Is that correct?

Mr. HATCH. That is all optional.

Mr. BOSCHWITZ. Optional.

Mr. HATCH. Optional.

Mr. BOSCHWITZ. So they can receive all those things plus they can receive the stipend that you outlined plus they can receive $2,000 in the case of a part-time volunteer?

Mr. HATCH. They can get the benefits of the $2,000 or the $5,000. They can get the living assistance.

With regard to the medical benefit, that is optional. It is encouraged, but it is, basically, optional under the substitute.

Mr. BOSCHWITZ. To clarify it once again, they can get the $5,000 as a full-time volunteer, they can get subsistence as a family of two——

Mr. HATCH. Yes. From zero——

Mr. BOSCHWITZ. From 0 to 100 percent.

Mr. HATCH. To 100 percent of the poverty line subsistence for a family of two.

Mr. BOSCHWITZ. But cannot get beyond the various living allowances and so forth, or is that also optional?

Mr. HATCH. That is it. Not more than.

Mr. BOSCHWITZ. Pardon me?

Mr. HATCH. That is as far as I can go.

Mr. BOSCHWITZ. Not to include living allowances in addition to the subsistence.

Mr. HATCH. Other than what I have said here, that is it.

Mr. KENNEDY. Can I ask the Senator, does the Senator support the Minnesota Conservation Corps?

Mr. BOSCHWITZ. Sure.

Mr. KENNEDY. Does the Senator understand they have a stipend?

Mr. BOSCHWITZ. The Minnesota Conservation Corps is somewhat different. It would be closer to VISTA where you are away from home, or the Peace Corps. I read the additional views of my colleagues, Senator DURENBERGER.

Mr. KENNEDY. I am just trying to find out, because the Minnesota Conservation Corps does have a stipend, and they do have educational benefits. The are eligible for those whether or not they live at home. Most of the features that we have in this are virtually identical to what the Senator has in Minnesota, so I am just wondering whether you support that program.

Mr. BOSCHWITZ. The Minnesota Conservation Corps is mainly summer jobs: Cleaning up rivers and cutting trails.

Mr. KENNEDY. The Senator supports it.

Mr. BOSCHWITZ. Certainly.

Mr. KENNEDY. And the Senator supports the stipends for the corps and the allowances and the education benefits for the corps; do I understand the Senator correctly?

Mr. BOSCHWITZ. This is a program for which our legislature appropriated $400,000. This is not a program of $125 million——

Mr. KENNEDY. I have an annual budget of $1.3 million, which nationwide would probably be, when you

take out the Points of Light Foundation, more per capita than ours.

Mr. BOSCHWITZ. No, it would not, I say to the Senator. We have 2 percent of the population and 1.3 million would be the equivalent of 65 million, not 125. The Minnesota Conservation Corps is a good operating program. Most of the people certainly do not live at home. Most of them do it in the summer, in work camps.

I say to my colleagues that voluntarism is something that I have always been very proud of in my life and that I have never been compensated for, and I imagine most other volunteers are similarly proud of their work.

I think that if you want to instill the idea of community service into people at a young age for the entirety of their lives, the idea of doing so with compensation is not the way to begin.

As I mentioned to the Senator from Massachusetts when we saw one another briefly recently, I am very much in favor of the idea of funding schools and other institutions and programs which can develop innovative community service programs. That part of the bill I find very appealing. But I have difficulty with providing a variety of payments and other kinds of remuneration that include not only forgiveness of loans, but also payment for living allowances, health insurance, and so on—this bill is full of things that I think will not further inspire people to become involved in voluntary activities. That is why I find the bill objectionable.

I yield the floor.

AMENDMENT NO. 1292

(Purpose: To authorize an exchange program with countries in transition from totalitarianism to democracy)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1292.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . AUTHORIZATION OF ACTIVITIES; GRANTS OR CONTRACTS FOR EXCHANGES WITH FOREIGN COUNTRIES.

(a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) exchanges with countries in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania.

(i) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, State, and Federal Government agencies, located in or outside the United States; and

(ii) by financing visits and interchanges between United States and countries in transition from totalitarianism to democracy; which program shall be coordinated by a White House Office, which the President is hereby authorized to establish.

(2) Transfer of Funds—

(i) The President is authorized to transfer to the appropriations account of the agency (agencies) administering this program such sums as he shall determine to be necessary out of the travel accounts of departments and agencies of the United States as he shall designate, which transfers shall be subject to approval of the House and Senate Committees on appropriations and in addition he is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program, and to place such gifts into an endowment fund.

Mr. DOLE. Mr. President, after discussion with the distinguished President pro tempore, Senator BYRD, I made three changes, if anybody is looking at the original amendment. In paragraph (a)(i), "by financing studies, research, instruction, and related activities." Delete the word "other" and put in the word "related."

In subparagraph (B), delete "political parties."

In the last paragraph on line 5, instead of the word "funds"—"which funds shall be subject"—it will be "which 'transfers' will be subject." Delete the word "funds" and insert the word "transfers."

Mr. President, let me explain the amendment because I think the amendment belongs in this bill. I am very serious about the amendment. I think it is an amendment that can be used extensively in all the emerging democracies. It is modeled on the existing Fulbright exchange program. In fact, most of the wording came from that program. These programs, which have allowed over 170,000 scholars to travel abroad, exchanging much needed information, need to build on with a new exchange program emphasizing those persons in fields other than education.

So we are talking about education in the Fulbright program. Under this amendment we are talking about those from private business—we eliminate political parties—trade associations, unions, chambers of commerce, as well as those in local, State and Federal Governments; they need to be involved in my new exchanges. We are getting many demands from emerging democracies all over the world for technical help from different kinds of groups. This will provide that.

Recent events, triggered by the extraordinary developments in Eastern Europe, must be taken into account in the near future if America is to play any significant role in the democratization of the formerly totalitarian world.

Coming in an epochal year in postwar history, the exchanges will not only concentrate attention on how much the world has changed in recent years but will also allow for a reassertion of some fundamental assumptions about America's national character.

Shear inertia of the establishment may make major changes difficult. But the time has come to put things in motion, emphasizing three major points.

First, the needs of the Europeans and others entering the democratic world for the first time are great but so are the opportunities to deal with those needs.

Second, if the efforts to aid those emerging democracies are unsuccessful, the real costs to the Free World will also be great.

Third, and finally, it is important that the efforts to aid the emerging democracies be coordinated at the highest level to avoid bureaucratic infighting.

During the first few months of 1990, it is instructive to look at what the experts were saying about the Soviet bloc only a year ago. Predictions were out of date before they could see print. Analyses were overtaken by events. I suspect that this was as true for Senators as for the ordinary citizen. In any case, it is time to consider new ways, new approaches, in how we deal with some of the democracies.

A new system of international relations that would reject the use of force and reduce the rule of ideology is in the process of being created.

Clearly things have changed, and I think it is fair to say that this amendment will help those changes along. It addresses some of the problems that are of great and proper concern. In fact, we passed the Demenici bill. It has now been used. We have had a delegation go to Poland, for example, to sit down with Polish parliamentarians and members of the staffs of the parliamentarians and talk about how you run a parliamentary system because very few in Poland have had such experience, I think only three out of all the Solidarity members. I hope this amendment will be accepted.

We need to build on our experience with the Fulbright program and it seems to me this would indeed build on this foundation as we reach out to the new democracies.

Keep in mind, instead of dealing with scholars and students, we are dealing with union members, members of the chambers of commerce, people with expertise in the private sector, not only from Poland and the United States. From Bulgaria to the United States, from the United States to Bulgaria, the United States to Poland, it would be an exchange program, and I

believe it would meet the approval of the White House. I hope that it might help the White House when they look at this particular proposal to view it favorably.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendment.

Mr. HATCH. Mr. President, I would like to be added as a cosponsor and we are prepared to accept the amendment on this side. I ask unanimous consent to be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on an agreeing to the amendment of the Senator from Kansas [Mr. DOLE].

The amendment (No. 1292) was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I do not think anyone would dispute the notion of the value of voluntarism and civic responsibility to our communities engendered by the selfless consideration and compassion of those who seek not only to leave the world a better place but to enrich the lives of individuals and services in their own communities with their efforts. The depth of the American spirit of generosity and compassion is moving beyond words. On how many occasions have we seen our people respond to cataclysmic events with not only money, goods, and services but with contributions of time, labor, and care. And how do we count the day-to-day efforts of our people working in their communities providing services to the homeless, food for the needy, care for the indigent, and education and training opportunities—the millions of volunteers and hours and the imputed monetary value of their services.

President Bush is to be commended for his focus on the value of voluntarism to our way of life. Community service is a noble enterprise and is to be encouraged. However, I am not convinced that the creation of additional Federal programs and the use of Federal funds to pay people for participation in community service activities is a necessary or appropriate response to further this ideal. Prior experience with Federal involvement in public service employment—most notably the recent experience with CETA, the Comprehensive Employment and Training Act, which grew to unwieldly proportions while providing what many grew to feel were tenuous benefits, makes me question the usefulness of the additional programs embodied in S. 1430, the National Community Service Act of 1989. In addition, this Congress is facing very difficult decisions ahead in ordering our priorities to meet the deficit targets under Gramm-Rudman while seeking to meet the important domestic concerns in education, drugs, the environment, child care, savings, and investment. Finding the appropriations to fund the programs embodied in this legislation could adversely affect the ability to fund our already pressing domestic agenda. I, therefore, will not support the adoption of the bill before us today.

Mr. CHAFEE. Mr. President, I am pleased to support S. 1430, the National and Community Service Act of 1990. This legislation is a synthesis of more than a dozen service-related Senate bills, and the President's Points of Light proposal, that have been introduced during this session of Congress. It promotes the best in American voluntarism and public service.

First, I wish to commend President Bush for his leadership on the issue of community service. The President has made it clear that voluntarism and public service are integral parts of what it means to be an American citizen. His Points of Light initiative has focused the Nation's attention on the need for individuals to come together in solving our most critical social problems: drug abuse, illiteracy, AIDS, homelessness, and environmental troubles. I thank the President for his vision and leadership in this area.

The United States has a long and proud tradition of public service; this legislation, the National and Community Service Act, aims to usher in a new era in American voluntarism. S. 1430 expands successful organizations like VISTA and the Older American Volunteer Program. It also creates several new national volunteer programs like title I of this legislation, Service America. Service America aims to involve students and disadvantaged school aged youth, senior citizens and others to meet educational and environmental community needs.

This legislation will authorize $125 million through 1991 to encourage volunteers to get involved in community service. Under title I of this legislation individual States will be able to apply for block grants to fund a variety of volunteer programs.

For example, the Governor of my State of Rhode Island may apply for federally funded school-based and community-based programs through the State's Department of Education. The Department of Education could then utilize the school-based program to develop student outreach volunteer programs allowing high schoolers to tutor first graders in reading, for instance, or allowing once a week student visits to local hospitals. The community-based program could utilize this funding to design programs to enlist the knowledge and skills of our senior citizens who would enjoy participating in volunteer activity but lack an appropriate program to best utilize their life skills.

This legislation encourages the true spirit of voluntarism—people freely giving their time and energy to help others in need.

The national service section of this legislation will also be administered on the State level, and will encourage Americans 17 years of age and older—including senior citizens—to become national service volunteers. Like Peace Corps volunteers who have been serving in the developing world for 26 years, the national service full-time volunteer program will pay volunteers a modest living stipend, and will assume health and living expenses if necessary in exchange for domestic service. Moreover, in order to provide some additional incentive as a reward for serving as full-time service volunteers, this act will provide vouchers for up to $5,000 per year for participation in the program. This certificate could be used to pay for education benefits, or toward the purchase of a first home.

This act will encourage volunteer activity on the national level, and will tap new sources that will allow us to accomplish three important goals.

First, domestic volunteer service can direct millions of hours of human resources to combat the Nation's social, educational, and environmental problems. As the Nation enters a new decade and prepares for the year 2000, we need to address the genuine needs of those who are victims of poverty, and illiteracy. We need to provide a service opportunity for those Americans who are committed to teaching a young child to read. Or who want to devote time to the elderly and infirm. In short, the volunteer programs established and contained within S. 1430 can unleash an army of goodwill volunteers that will make long-lasting contributions to their communities.

Second, this act will provide opportunity for many of our Nation's at risk young people who need job training and work skills. Drug- and crime-plagued neighborhoods are increasingly common in many of this Nation's urban areas. The youth corps section of this legislation, for example, will allow young Americans to find meaningful employment while learning important skills training at the same time. Although the programs in S. 1430 are open to Americans of every economic background, it does incorporate—indeed reach out to—those Americans who desperately need to

escape the cycle of generation-to-generation poverty.

Years from now, when we look back on the accomplishments of these volunteer programs, the greatest legacy of this legislation may well be its success in providing opportunity to talented, yet somehow disadvantaged, youth.

And finally, this legislation targets those many Americans who do not understand the fulfillment, joy, and satisfaction of volunteer service. When VISTA volunteers help migrant workers in Florida, or when an older man agrees to act as a Big Brother to an underprivileged inner city boy—that is when reward of voluntarism means its most.

Voluntarism promotes community. Voluntarism promotes civic responsibility, and voluntarism promotes an appreciation for those individuals and causes that need the help of human hands. For these reasons and so many more, volunteer work needs to be supported.

The act calls for a $125 million authorization—$50 million for fiscal year 1990 and $75 million for fiscal year 1991. This may well be an appropriate level for such a deserving set of programs. In a time of rising deficits and overall Federal belt-tightening, however, we all need to be sensitive to budget realities. I would hope that this legislation can be approved as it now stands. In the event that the President deems this level of funding to be excessive, we must be prepared to make the appropriate changes. It is my hope that a national service bill can emerge this year that is acceptable to the President.

Thousands of trained, well-organized, and hardworking volunteers can make an enormous contribution to the health and welfare of this Nation. I look forward to seeing national service legislation enacted during this Congress.

Thank you, Mr. President.

Mr. DOMENICI. Mr. President, we will soon complete action on S. 1430, the National and Community Service Act. This legislation would establish and create a few new progams intended to encourage, and create opportunities for, community service. Though we have spent much of our time on this bill discussing a number of issues that do not relate directly to this bill, the underlying issue addressed in this legislation is, I believe, a highly important one.

We have been greatly blessed in our country with a system of government that frees the tremendous human potential of our people. Every day we see how the energy and drive of individual Americans, free to pursue their particular interests, produce wonders—in science, art, business, and many other matters.

Much of our energy is needed to attend to the basic economic security needs we all have—to ensure our families can live comfortably, be healthy, and have all the opportunities available to succeed throughout life. Our society enables and encourages us to do that.

While I believe we are blessed in that way, unfortunately, our society does not go far to facilitate the desire of our people to use our energies simply to serve our communities and our fellow citizens. A few days ago I mentioned my experiences with my children, and the tremendous interest they have shown in serving their communities and those around them who, maybe, have not been as fortunate.

We ought to find ways to give our people—and especially our young people—the opportunity to make a contribution to their communities that is something beyond the simple pursuits of everyday life.

The legislation before us today attempts to provide a few of these opportunities. This bill would create three new community service programs. The first would focus on school and community-based service activities.

The second program would create a youth service corps or conservation corps, providing full-time service opportunities for youth aged 16-27. The third program would be a national service program for adults. Provisions are also included to help enable States to design innovative programs of their own, and to enable college students to participate in community service.

Finally, this bill would include President Bush's proposal to establish a Thousand Points of Light Initiative. A foundation would be created to help bring national attention, and to find ways to facilitate voluntarism in America.

There has been some debate here over the appropriateness of creating programs that spend several hundreds of millions of dollars each year to promote community service and voluntarism. Let me say I do not believe we need to pay people to get them to want to serve their communities. However, I do believe we should take some steps to help give Americans greater opportunities for serving their communities.

It was with this thought in mind that I introduced S. 689, the Kids Helping Kids Act. That bill would have helped create school-based programs providing community service opportunities for students, particularly programs that got high school students helping their fellow students, and programs that worked service opportunities into school curriculums.

I am pleased that many of the ideas in that small bill were included, and developed on, in the bill we will soon complete. I commend those who helped create the bill before us today for their hard work and concern for improving service opportunities in this country.

Let me say that I do not believe we need to spend a great deal of money to help establish the kinds of opportunities I have been discussing. What we need is a way to tap into, and focus, the great interest our people have in serving their communities.

On this last point I commend President Bush for his efforts to recognize the tremendous volunteer spirit of our Nation. For quite some time the President has been pointing out that the human service needs of our country need not always have a government solution—that all over our country, people work selflessly, day in and day out, to serve their fellow citizens.

I believe a good effort has been made to compromise on the various concerns expressed about this bill, and I am pleased I was able to contribute in a few ways to this legislation. I believe this bill will create some positive opportunities for community service, and I intend to support it.

Mr. CONRAD. Mr. President, I am pleased today to rise as a cosponsor of the National and Community Service Act of 1990.

Last year I joined Senator BUMPERS in introducing three relatively modest, but extremely important community service-related bills. Those bills proposed eliminating one of the major barriers to participation by our kids in community service—student indebtedness.

I am pleased that these proposals have been incorporated into S. 1430.

Young people today are frequently criticized—I believe unfairly—as disinterested in serving their communities and country. When someone just out of college is burdened with student loan debts, when the creditors are calling, and when the Government is cracking down on those who default, is it any wonder that kids do not feel they can volunteer?

But the National and Community Service Act can help change that. The provisions on student loan deferrals and cancellation will lift that burden from the backs of those who volunteer. It will reward participants by acknowledging their sense of community and their wish to contribute to and learn about society and government.

I would like to associate myself with the remarks made yesterday by Senator FOWLER about the importance programs like this can have in rural America. The more connected the young are to their communities, the less likely they are to leave. Volunteer service opportunities can provide experiences that make those connections. They instill in those who participate a taste of the rewards of public service

as well as pride in their communities and country.

S. 1430 creates meaningful service opportunities for both students and out-of-school youth, tailored to community needs such as education, environment and poverty. The bill also provides for the creation or expansion of full-time or summer youth service and conservation corps programs. The work may include service in government agencies, nursing homes, hospitals, libraries, parks, day care centers, schools, law enforcement agencies, private nonprofit social service organizations, on public lands, improving parks, wetlands, forests, or urban revitalization.

Another strength of S. 1430 is its provision for civilian service programs for people of all ages. Through the years we have seen the value of programs like RSVP, ACTION, VISTA, the Peace Corps, and more. The profound effect of these programs is evident even on the floor of the Senate. During this week's debate, several of our colleagues have shared with us how their volunteer experiences led them to public service as a career.

Another area where S. 1430 can make a real difference is Indian reservations. I would like to take this opportunity to thank the managers of the bill, Senators KENNEDY and HATCH, for their willingness to accommodate my concerns regarding the eligibility of Indian tribes to participate in community service programs.

Yesterday, my amendment was added to the bill, thus ensuring that Indian tribes will be eligible to receive grants regardless of whether their state applies for and receives funding.

Like rural areas generally, Indian reservations stand to benefit substantially from volunteer service. Those who live on Indian reservations in North Dakota and elsewhere often live in extreme poverty. Unemployment may exceed 80 percent. Reservations have substantial needs in areas relating to jobs, housing, sanitation, natural resources, and education. Without question, these are places where the efforts and dedication of volunteers can make a difference.

Community service will help Indian youth and others on reservations gain leadership abilities and a better understanding of how they can affect their communities and lives. It will help them shape a better future.

Again, Mr. President, I am pleased to be able to support this important piece of legislation. We all stand to benefit from the effects that volunteer service have on our communities, children, elders, and ourselves.

Mr. KOHL. Mr. President, I rise today to extend my support for S. 1430, the National and Community Service Act of 1990. I commend the leadership of Senator KENNEDY, and the work of the Labor and Human Resources Committee, along with the leadership of Senator HATCH in developing a compromise that we all should be able to support. I also want to thank my colleague from North Dakota [Mr. CONRAD] for adding language to S. 1430 which will make it clear that Indian tribes are eligible to receive grants for community service programs directly from the Federal Government, whether or not their States are participating in the program.

We are witness to a movement in Eastern Europe unprecedented in our lifetimes—a movement characterized by the fact that citizens have taken charge of their nation's future. That sense of involvement in directing the future of one's community and nation is what we hope to rekindle with the national and community service bill. When we encourage our Nation's youth to serve in programs that will help rebuild this Nation's human and social infrastructure—working to solve the problems of poverty, illiteracy, homelessness, and drug abuse—we are building a lasting foundation that can carry this Nation forward into the 21st century with a citizenry committed to and involved in their nation.

With regard to title I, I appreciate the cooperation of my good friend, the distinguished chairman of the Labor and Human Resources Committee, for including language that encourages program agencies to provide health insurance to participants while enabling more young people to benefit from the conservation and youth corps. We both share a deep commitment to universal access to health care and I have great personal respect for his leadership in this area. We would like to see all agencies providing insurance for these young people.

I became aware of the extent of the problem of health insurance for youth corps members in conversation with Topf Wells, executive director of the Wisconsin Conservation Corps [WCC]. The WCC has been described as a model youth corps program. According to Mr. Wells:

A rough estimate from Wisconsin's Department of Employee Trust Funds is that it would cost the WCC between $850,000 to $1,060,000 per year to provide the health insurance available to other State employees to corps members. It would cost an additional $220,000 to provide similar coverage to crew leaders. Based on a total cost of $1,100,000 to do both, the WCC would annually field 15 crews fewer than it does now. Currently, the WCC has 49 crews in the field; therefore 15 crews represent approximately 30 percent of our operations or services.

WCC investigated the possibility of a self-insurance program. The advantage of this approach would be a greatly reduced cost, possibly in the range of about $150,000. Since this can be a complex undertaking, program agencies could benefit from the expertise of State policymakers. With the escalating cost of health insurance, I hope that States will work with program agencies to provide access to health insurance, through direct purchase of coverage, State risk pools, or possibly self-insurance plans.

Wisconsin is fortunate to have an outstanding youth corps program, the Wisconsin Conservation Corps. An article by Catherine Foster in the Christian Science Monitor, identifies the Wisconsin Conservation Corps as a "model program." The corps "typifies labor projects that benefit workers and community." The WCC is an example of the types of programs that will expand under this act. The WCC will also serve as a model for other States to follow in setting up youth corps programs. This article does an excellent job in explaining the activities of the WCC, and in illustrating why these programs are an essential component of the National Service Act. I ask that an excerpt from the article, "Youths Serve Society and Selves," by Catherine Foster in the June 21, 1989 edition of the Christian Science Monitor be printed in the RECORD.

And I urge my colleagues to support S. 1430.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, June 21, 1989]

YOUTHS SERVE SOCIETY AND SELVES

(By Catherine Foster)

Five burly guys in green T-shirts are up to their knees in mud, picking up boulders as if they were papier-mache fakes from Universal Studios. They're riprapping a slope: placing rocks on the side of a stream bed to stabilize the eroding bank.

The team is a part of the Wisconsin Conservation Corps (WCC), a four-year-old organization based on the Civilian Conservation Corps (CCC) that put young men to work rebuilding and replanting America during the Depression. Started by some CCC alumni, the Wisconsin corps is trying to do the kinds of things the parent group did, but adapted to life in the '80s. It's the kind of program, duplicated around the country, that many proponents of national service cite as a good example.

In the '30s, CCC laborers in Wisconsin planted trees, cleared trails, and built picnic tables and gazebos in state parks. They lived in remote camps, earned $5 a month (another $25 was sent home to the families), and were given education leading to a high school equivalency degree, according to Emil Muelver. Now the chairman of the board of directors for the WCC, Mr. Muelver worked for the CCC for 3½ years during the Depression. "It shaped my life," he says. As a result of the speaking ability he developed in his work with the CCC, Muelver became a union representative.

Muelver helped organize the WCC in 1984. Following the CCC model, it has crew leaders and assistant crew leaders. But this version is updated: Almost a third of the members are young women: there are minorities and people with disabilities.

These 535 members and 89 crew leaders live at home, not in camps. It is open to all unemployed youths 18 to 25; and according to state statute, half have to be on public assistance. Paid minimum wage, they're eligible for a $500 cash bonus or a $1,500 tuition voucher if they complete the 12-month stint. Volunteers also receive 12 to 20 hours of educational assistance, including help with writing cover letters and resumes.

A federal, state, or local agency with a project needing labor can apply for a team to come for a year. The volunteers build stone walls, restore prairies, maintain trails, and construct viewing platforms and structures for disabled people. A special unit in Milwaukee works on energy conservation projects installing weatherstripping and insulation.

The first follow-up survey of 800 alumni brought only 120 responses. But of those, 93 percent are now either working at higher than minimum wage or enrolled in school and 94 percent rated it a positive experience, according to Topf Wells, executive of the WCC.

"The most important thing they come away with is tremendously enhanced self-respect," says Mr. Wells. "These are the kinds of work results that are immediately apparent. When you make a lake accessible to disabled people there's no doubt that that is good work. And they learn to work with one another on a team. They've tackled a tough job for 12 months and found they can do it well."

Ron Grasshoff, the lean and driven crew leader who gets his men on site at 6 a.m. for four strenuous, 10-hour days, says. "I see development of work habits." Mr. Grasshoff does more than teach skills. He teaches them about prescribed burning, fish management, and flood plains; giving these young people a different sense of the outdoors that some of them hunt and fish in.

"It's been an education for me," says crew member Brian O'Neill. "A lot of us have learned a lot about conservation. Before I couldn't tell an elm from a walnut tree."

A lot of the backbreaking work they've done on this project—like riprapping or yanking out brush to prepare a hillside for praire restoration—which was sponsored by the state historical society, is "good work that would never have gotten done" if there hadn't been this pool of inexpensive labor, says Grasshoff.

Hard work. New skills. Meeting society's needs at low cost. Educational incentives. All these elements in Wisconsin's program make it a microcosm of the kind of national science program proponents would like to see established by law. Many go beyond strictly conservation work to including care for the elderly and AIDs patients, as well as working in schools.

National service is seen by some as a way to solve two pressing societal problems: young people who lack goals or skills or money for college: and the pressuring needs of the elderly, the military, and environment. A 1988 Gallup poll found it was favored by 83 percent of the total population and 87 percent of 18-to-24-year-olds.

Mr. WILSON. Mr. President, one of the greatest attributes of the American people is their willingness to give so generously of themselves, of their time, of their resources in times of need.

Beginning back in 1787 when 55 statesmen volunteered to draft the U.S. Constitution to recent herculean volunteer efforts in the aftermath of the Loma Prieta quake in California; from the El Virita Lewis Foundation's program which brings senior citizen volunteers into our day care centers to the thousands of parents nationwide who volunteer in our Nation's schools.

All represent one of America's oldest and finest traditions—voluntarism.

Today, the Senate is considering legislation which carries this tradition forward. It sends a basic message across the land: reach out and help each other. The rewards both in terms of personal satisfaction and experience gained rarely will be exceeded by any other activities one might undertake in one's lifetime.

President Bush rightfully has focused the Nation's attention on the Thousand Points of Light—an army of volunteers standing ready, willing, and able to help America. The President's words and leadership on this critical issue have served as an impetus to developing a national youth and community service policy.

S. 1430, the National and Community Service Act, builds upon the President's initiatives. Indeed, the committee substitute amendment incorporates several of the Bush administration's proposals.

It would establish the Points of Light Initiative Foundation to administer our Nation's community service programs but more important, to encourage every American and every American institution to volunteer their time, energy, and services through community service programs.

The committee substitute also includes the President's innovative State grant program to encourage States to develop new volunteer programs designed to meet unique needs within State boundaries.

In addition, several important amendments which I had intended to offer have been included in the committee substitute.

First, although not the intention of the committee, displacement language within the original legislation would have had the effect of barring Federal support for school volunteer and tutor programs.

In California we have had considerable success in bringing promising honors students into the classroom to tutor younger children. Not only do these volunteers gain experience in teaching and serve as role models to their younger counterparts, they also greatly assist our Nation's teachers in providing the individual attention, caring, and guidance which can positively influence young attitudes and young lives.

Mr. President, I am pleased to report that the committee has accepted language to ensure that school volunteer programs such as Project Hermanos in Los Angeles unified school district, which place tutors in the classroom to assist teachers would be eligible for Federal support.

The second concern I had which the committee has addressed is to ensure that programs which seek to bring parents into the classroom receive a funding priority under the school and community based volunteer program authorized under title I of the committee substitute.

Without the support of our Nation's parents to provide children with sufficient motiviation and self-esteem to learn, the level of education funding or the number of national education goals we set will become increasingly less important.

There is no better stimulant to good learning than parental interest. Every study to date demonstrates that parents can make the real difference.

Therefore, it would seem to me that we should take every action to encourage parental involvement. The committee substitute incorporates language I had intended to offer which will add to the list of funding priorities those school volunteer programs which utilize parents in the classroom.

Finally, I am pleased that the committee has included language that I recommended regarding U.S. Border Patrol voluntary services. As my colleagues know, the Border Patrol faces the great burden but important task of intercepting illegal aliens and the illegal flow of drugs across our borders.

All too often, however, the Border Patrol is called into service for search and rescue, interpreter, and other tasks which could be performed by volunteers.

The provision within the committee substitute will allow Federal, State, and local agencies to accept volunteers for Border Patrol activities under the youth and community service programs established under S. 1430.

I want to make clear that this proposal will not allow volunteers to engage in law enforcement or other critical Border Patrol activities nor will it displace any Federal Border Patrol personnel.

Mr. President, every individual who volunteers to serve our country—whether in the schools, at youth shelters, in the armed services, at child care centers, in nursing homes—deserves our applause. A national community and youth service policy will turn that applause into a standing ovation across the land.

Mr. BRADLEY. Mr. President, I rise today as a cosponsor of the National and Community Service Act. I feel that this legislation will foster a commitment from our youth helping serve America's needs through community service.

I believe the Congress should find ways of encouraging citizens to give time and assistance to their communities and to our country. We are all

aware of the benefits of programs such as the Peace Corps, VISTA, and the Retired Senior Volunteer Program which encourage Americans to participate through volunteer activities. These programs have touched the lives of millions of people, in addition to enhancing the community spirit of the volunteer corps.

This bill introduces three new programs to asssit our local communities. It provides grants for school and community based programs for students and out-of-school youth. The bill makes competitive grants available for youth service corps, and also a national service program which includes senior service volunteers.

Another feature of the bill is that it incorporates the President's "Points of Light Foundation" in title III. The Foundation's purpose is to encourage every American to volunteer their time and energy by participating in community service. I am pleased that the Foundation's advisory committee was headed by the former Governor of New Jersey, Tom Kean, and I know this is an issue important to him.

Communities across the Nation clearly benefit from the volunteer services of our citizens. Service fosters the sense of community which has characterized our country from its earliest stages of development. Participation in a service program benefits the youth of our country by showing them that they are an important and valuable national resource. In addition, service provides invaluable assistance at the local level, and strenghtens our Nation by instilling a sense of civic responsibility in America's youth.

So Mr. President, I rise today to affirm the commitment to our communtiies and to our Nation in the spirit of helping our fellow neighbor. This Nation was built upon that commitment of caring for our fellow man, and our society needs its youth to provide the lifeblood of this vital effort. I believe that S. 1430 would foster a renewed sense of community service from our youth, and it has my support in doing so.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the National and Community Service Act. The authors of the bill have done an excellent job in bringing the best national service proposals together into one piece of legislation.

The strength of our democratic society arises from the active involvement and the commitment of all of our citizens in addressing the challenges facing our Nation. The National and Community Service Act builds upon those celebrated American qualities, and the authors of the bill estimate that this legislation could generate over 1 billion hours of service to communities across the country. Volunteers working in education, in health care, and in the outdoors will contribute to make our society smarter, healthier, and cleaner.

I would like to highlight a couple of particularly exciting aspects of the legislation. I am very pleased that this bill works to encourage service opportunities that pair seniors with young people. Seniors are, in so many ways, our Nation's greatest resource. They possess a lifetime of experience and wisdom that can make a real difference to the development of our young people. This is especially promising for young people who need mentors to help guide them in making their important decisions. At the same time, seniors will benefit from the energy and enthusiasm that young people can contribute.

I am also pleased that the bill actively seeks to enable citizens of all economic backgrounds to participate in community service. By providing modest stipends and benefits to those who participate full time in the Youth Service Corps and the National Service Demonstration Program, individuals of low and middle income backgrounds will be able to make a sustained contribution to national or community service.

Finally, I would like to address a concern expressed by many of my constituents regarding the provisions of the bill involving student loans. This proposal in no way requires any student to participate in community or national service in order to receive Federal financial aid for higher education. Instead, the bill allows for deferment or partial cancellation of student loans for individuals who voluntarily participate in community service.

In closing, Mr. President, I am proud to have cosponsored this legislation, and I urge my colleagues to offer their full support.

Mr. SIMON. I support this bill and its intent to expand service opportunities to persons of all ages and all walks of life. It is needed and will benefit both communities and the volunteers themselves. I do have concern, however, over what I believe is an unintended inequity for the VISTA and Peace Corps programs as a result of the differences between postservice benefits available to these volunteers and to volunteers who serve under the national service demonstration programs in this bill.

Even taking into consideration the new loan forgiveness provisions available to VISTA and Peace Corps volunteers, there is a substantial difference between the postservice benefits they are likely to receive and those that national service volunteers are likely to receive. Since a large percentage of VISTA volunteers are economically disadvantaged, the national service voucher may be of far more usefulness to these volunteers than is the loan forgiveness provision. There is also a real possibility that this disparity in regard to VISTA volunteers, who may work side by side with national service volunteers, may negatively affect recruitment for this specifically antipoverty directed program.

Mr. President, Senator KENNEDY, the chairman of the committee, has been a strong champion of both VISTA and the Peace Corps, and I believe he shares my concern that we not take any action that indicates they are less valued by those of us who design these programs, or that could in any way negatively affect them.

I would like to ask the chairman for an assurance that he will work with me and with Members of the House in an effort to make sure that the conference agreement on this bill includes provisions that are fair and equitable to the volunteers in VISTA and, to the extent we can do so given the jurisdictional issue, for the Peace Corps.

Mr. KENNEDY. The Senator is correct in his description of my support for these long effective volunteer programs, and correct that I want to ensure that we treat them fairly and consistently with national service volunteers. I understand the Senator's concern and believe it is one we need to take further time to address seriously. I assure the Senator that I will make every effort to see that the final outcome is fair and equitable to the dedicated volunteers who serve in VISTA. To the extent we can address the issue for Peace Corps volunteers without violating committee jurisdiction, I will do all I can to see that we treat them fairly in regard to postservice benefits.

Mr. SIMON. I thank the Senator for his commitment, and I will work with him to carry out that objective.

Mr. BREAUX. Mr. President, thank you for the opportunity to speak in support of the National and Community Service Act of 1990. I am a cosponsor of this legislation and am very pleased that we will be voting on its final passage in the Senate today.

I strongly believe that everyone should have the opportunity to serve as a volunteer in community service at some time during their life. Young people who become involved in volunteer service will find it a rewarding and valuable experience. From an early age, they will learn the responsibilities and the benefits of serving others through a set of programs that integrates the concept of volunteer service into the education of students from kindergarten through college. At the same time, volunteers will have a chance to make the lives of less fortunate Americans a little bit better.

The United States is faced with a variety of unmet needs which community service volunteers will fulfill. This legislation will bring volunteers into hospitals, where they can help care for newborn babies, the elderly, and the

disabled. Volunteers will also be invaluable workers in drug abuse prevention and rehabilitation programs, education, and literacy training programs, and the protection and maintenance of our national parks and natural resources. These are all national priorities as well as valuable service opportunities for our Nation's youth.

Unfortunately, most people in the United States cannot afford to take a year of their life and work as a volunteer for no pay. People have to eat. The minimal benefits that will be made available to volunteers under this legislation will allow them to pursue community service while receiving enough of a stipend to provide for themselves. Additional benefits that will be made available to volunteers after the completion of their service will help young people to pay for education, job training, or housing. These are important needs which are becoming harder and harder for many young Americans to pay for.

Before closing, Mr. President, I would like to specifically thank Senator NUNN and Senator ROBB for the work they have done on this issue. Based on the work of the Democratic Leadership Council, my two colleagues introduced the Citizenship and National Service Act [S. 3] in January 1989, of which I was proud to be an original cosponsor. Senators NUNN and ROBB deserve a fair amount of the credit for bringing national attention to the whole concept of stronger Federal support for national and community service. Further credit for the success of this legislation goes to the Labor and Human Resources Committee for putting together a package that has considerable bipartisan support. I yield the floor.

Mrs. KASSEBAUM. Mr. President, the National and Community Service Act reflects the feeling that service addresses not only many pressing needs in our society but also enhances the sense of purpose and self worth of those who offer their time and talents. Although I heartily concur with this sentiment, I am not convinced that this new Federal legislation is the most practical or effective means of achieving these goals.

In fact, I do not believe that any Federal legislation can really capture what service and volunteerism are all about. Service activities should be based in the community, and financial reward should not be seen as the incentive for offering service. True service is that which is freely given because one wants to make a real difference in improving the quality of community life. It should not be regarded as an obligation to be met for a year or two and then abandoned.

I believe it is possible to foster this spirit of service without resorting to the creation of new programs which are in many ways duplicative of those already in existence. We in Washington have the power to pass costly programs and launch national initiatives, but we are totally powerless in creating those caring, committed individuals upon whom every success depends.

The diversity of American life has been reflected in the variety of service opportunities which are available. In addition to the activities sponsored by community-based organizations, there are options for service in organizations such as the Peace Corps, VISTA, and the military for those who wish to make a full-time commitment. It seems to me that a more sensible approach, if we wish to expand our presence in this area, would be to beef up the Federal programs already in operation.

A renewed focus on service is a welcome development, but the vitality of the effort will rely not on new Federal programs but rather on the development of a sense of individual responsibility to be of service to others.

Mr. KERRY. Mr. President, I rise today in support of the National and Community Service Act of which I am a cosponsor. This important legislation represents a lot of hard and creative work by a many people who share my commitment to an idea and a principle begun in President Kennedy's administration; that of serving your community through national service.

First off, I must commend my colleague Senator KENNEDY for his hard work and patience in incorporating a variety of ideas and proposals about national service into one comprehensive bill. His leadership and his willingness to work with others on this issue are the reason we are here today, about to pass this historic legislation. I must admit, as I look at the changes that have occurred in this legislation in just the last few days of debate, I am impressed with my colleague's willingness to incorporate such a diverse multitude of opinions on the issue of national service.

The National and Community Service Act is an idea who's time has come. It is of course not a new idea. For years federal programs such as the Peace Corps, VISA, and Older American Volunteer Programs have provided Americans with the opportunity to serve. In addition, tens of thousands of our citizens, young and old alike, volunteer full and part time to serve others in their communities. This legislation is based on that element of community involvement that has historically been such an important part of the American spirit. However, as the need for volunteers has increased the willingness and the ability of many Americans to do so has sadly declined.

Some people point a finger and attribute the decline in community service volunteers to changing values, yuppie greed if you will. There may be some truth to this interpretation but finger pointing is quite unproductive. More directly linked to the decline in the willingness of Americans, particularly young Americans, to volunteer is a general lack of encouragement, support, and opportunity to do so.

First off, changing economic factors have increased the financial pressure on young Americans who wish to finance an education and then a first home purchase. These young people graduate from college with large debts and must devote their energies to financial pursuits if they are to pay that debt and then accumulate the ever increasing moneys needed for the down payment on a first home. Such considerations do not reflect greed, they reflect financial reality. Second, the Federal Government has been slow to structure national service programs in ways that reflect this new reality and which provide opportunities for Americans to offer their services without necessarily foregoing financial stability or experiencing a serious long-term financial burden as a consequence.

The National and Community Service Act recognizes both the critical need for community service in America and the increasing financial pressures on our young people. S. 1430 says: "If you give some of your time and energy to help those in need, your Government will help you." This bill authorizes a demonstration program to help volunteers finance either an education or a first home purchase. So by helping your community, you can to some degree help yourself.

In addition, this legislation assures that there will be a wide range of opportunities for people of all ages to devote themselves full or part time to community service. By expanding on existing programs and implementing new ones, the National and Community Service Act is expected to generate over a billion hours of service in the areas of education, the environment health care, social services, and public safety.

Mr. President, there is a critical need for this initiative at this time. The demand for community volunteers has for too long exceeded the supply, and the Government certainly does not have the resources to provide all the needed services. Enactment of this legislation will allow the Government to underwrite, if you will, the administration of such services by insuring a wider availability of volunteers. In addition, it will serve to better this country by encouraging Americans to work together, help each other, and improve our country.

As most Peace Corps and other volunteers will tell you, the biggest beneficiary of an act of volunteer service is often the volunteer him or her self.

Most volunteers experience ways of life, human problems, and community issues that effect them profoundly. They carry this broadening experience, the rewards of serving others, and a deeper sense of community with them in whatever walk of life they ultimately pursue.

S. 1430 is endorsed by educational associations, labor groups, and business organizations too numerous to name. The point is, there is a loud cry in this country for national service. We can answer that call by passing this legislation. I urge my colleagues to support the National and Community Service Act and help America help itself.

Mr. MITCHELL. Mr. President, last January, I set forth what I hoped would be the Senate's legislative agenda on both domestic and foreign policy.

On domestic policy, I said that Senate Democrats sought a national community whose members shared fairly in prosperity and freedom and who in return did their part to help build prosperity and preserve freedom.

I said the Senate would consider legislation to re-establish national service on a voluntary basis—to ask citizens to help shape this country's future by reactivating our national idealism and the traditional American commitment to giving a helping hand.

That effort reaches another stage of fulfillment today as S. 1430, the National and Community Service Act is approved by the Members of the Senate.

Mr. President, although many Democrats support national service and have spoken about its virtues, support for voluntary service to one's community is not a Democratic idea.

In his words and deeds, as a presidential candidate and since his election, George Bush has made clear his commitment to the concept and has spoken often about the value of community service.

Just last month, during his 1990 State of the Union address, the President once again spoke of the value and need for fostering an improved sense of citizenship,

> . . . the state of the Union depends on whether we help our neighbor—claim the problems of our community as our own. We've got to step forward when there's trouble—lend a hand, be what I call a point of light to a stranger.

In his fiscal year 1991 budget, the President said he would propose legislation to establish the Points of Light Initiative Foundation and included $25 million for its operation.

I am pleased that we have been able to work with a number of interested Republican Senators, in particular Senator HATCH. Without his efforts at working out a bipartisan package, it's unlikely we would be at this juncture today.

It is unfortunate that despite a number of efforts by Senator HATCH, Senator KENNEDY and the other cosponsors of S. 1430 to reach agreement with the White House it is still unclear if the White House supports the final work product.

Nonetheless, I commend my colleagues for their dedication and hard work in putting this legislation together. Particularly I want to commend Senator KENNEDY, Senator NUNN, Senator PELL, Senator MIKULSKI, and Senator DODD for their efforts. Without their personal involvement we would not have a national service bill before us today.

The issues fundamental to creating a program that calls upon Americans to take an active role in making their communities, this Nation, a better place for us all have been debated in this Chamber for 4 days.

Several Senators have asked, "Should we pay people to volunteer?"

The question on its face seemed simple for them. They said that the rewards of volunteer service, an hour or a couple of hours a week, is and should be of itself enough inducement.

According to a recent national survey, the average volunteer contributes about 4.7 hours per week. In demographic terms, the typical volunteer could be described as: female, Caucasian, between the ages of 35–44, married with no children, some college education and employed with an annual income of between $25,000 and $40,000.

But this bill doesn't just propose a program for the typical volunteer. We are asking young people to make a commitment much greater than an hour or two once or twice a week.

It is service we are asking of them, a consistent, dependable, rigorous commitment over a sustained period. Full-time participants in the youth service corps and pilot national service programs authorized in S. 1430 would be engaged in service for 40 hours per week. Part-time service is a commitment for between 3 and 6 years.

Several Senators have asked if the Government has any role to play in designing a national service effort. Is the proper role of Government to encourage? Or is it rather to enable?

The fact of the matter is that this Nation has been encouraging volunteer service for decades. But to enable a broad array of young people to participate in service in their communities, we need to do more than simply encourage them. We need to recognize the constraints that keep young people from community service.

Many moderate-income and low-income young people today need to work so that they may attend college. Some need to work to help their families pay bills. Others are on their own and need to work simply to survive.

S. 4130 is designed to enable all young people to participate in community service, not merely young people from wealthy families.

Mr. President, support for voluntary service to one's community is not a new idea. Throughout our history, Americans have volunteered their labors and energy to meet the civic needs of the day. Citizen militias marched on nearly every village green in colonial times.

Unfortunately, in the past decade, what has often been described as the "me" decade, a generation of young Americans seemed to have lost the historical American tradition and instead focus only on how they can financially better themselves.

A recent study issued by the People for the American Way examining the attitudes and values of America's young people made this point in a dramatic fashion. The study found:

First, that young people cherish America's freedoms without understanding what it takes to preserve them;

Second, this generation is—by its own admission and in the eyes of teachers—markedly less involved and less interested in public life than previous generations;

Third, the institutions with the best opportunity to teach young people citizenship—family, school, and government—have let them down; and

Fourth, young people themselves point the way out of our citizenship crisis by asking for more ways to get involved.

Surveyed teenagers were asked to rank each of a series of potential life goals on a scale of 1 to 10, of which a rating of 10 represented the most important goal.

Seventy-two percent of the teenagers assigned a 10 to being successful in a job or career. Sixty-eight percent of the teenagers assigned a 10 to having a close-knit family life. Fifty-seven percent assigned a 10 to enjoying themselves and having a good time. Fifty-one percent of the surveyed teenagers assigned a 10 to doing well financially and making a lot of money.

Yet only 24 percent of the teenagers assigned a 10 to being involved in helping their community be a better place. And 72 percent of the teenagers agreed to the statement that "young people seem less involved these days than they were in the past."

At the same time, the study by the People for the American Way found that young people would like to be active in the community and would like to be engaged in service.

They are willing to commit their time, their energy, their enthusiasm. What they've been waiting for is for someone to ask them and to set out a mechanism for them to participate.

I believe this legislation, the National and Community Service Act, will enable today's youth to give something back to the society that has given them so much in a multitude of options.

The voluntary national service program envisioned in S. 1430 is a good way to channel the idealism of American citizens, especially young people, while providing a broader opportunity for upward mobility to more of our citizens.

The homeless, the elderly, the poor, and the mentally handicapped are only a few of those who are waiting for service volunteers. Communities across the country face shortages of tutors, counselors, and health care assistants. Conservation work in our Nation's forests, parks, recreation areas, and farmlands goes undone.

I believe the broad-ranging, robust debate held over the past several days has been constructive in laying out for the American public what goals the Senate believes a national service program must have, what elements a national service program must contain, what level of support national service has among our citizens, and what this Nation is willing to commit for such a program.

I recommend to my colleagues for their support, S. 1430, the National and Community Service Act, legislation that is crafted to meet the needs of this country, offers Americans from all walks of life and all ages a worthwhile and challenging opportunity to serve, and which passes the test of fiscal responsibility.

Mr. KENNEDY. Mr. President, I commend the Senate for enacting the National and Community Service Act of 1990.

This bill provides funding for States and localities to establish a wide array of national and community service programs.

Some of the resources under title I will be used to support part-time community service programs for young persons through their schools or through community organizations like the "Y" or the United Way.

Other provisions will be used to support youth service and conservation corps programs.

Finally, title I also provides opportunities for young Americans to earn college scholarships and for young workers to make a down payment on a home by serving in their communities full time or part time.

Title II of the bill provides increased funding for another program, the Innovative Projects for Community Service at the Department of Education, to encourage colleges and universities to make community service programs available on their campuses.

The legislation also increases incentives for colleges to use their College Work Study funds for community service jobs.

Finally, the bill includes President Bush's Points of Light Initiative Foundation to encourage community service programs in the private sector.

This legislation has many purposes: it will enable our Nation to respond to unmet needs by encouraging more citizens to become more involved in serving and thus in their communities.

It will remind all Americans of the responsibilities of citizenship, and it will teach young people about the needs of the community.

The most important purpose of the bill is to encourage all Americans to roll up their sleeves and do what they can to serve their communities and the Nation. It will help us make the 1990's the decade of helping others.

America lost sight of that goal in the 1980's. With this measure, we renew the call to service. Community service is an idea as old as America, and it reflects America at its best.

We face serious challenges in the years ahead to rebuild our country and invest in the future. Americans helping others is what America is all about.

It was the spirit of the old frontier. It was the spirit of the new frontier. And it can be the spirit of the next frontier.

Mr. President, as we come to the conclusion of this debate, I would like to recognize the many Senators whose interest in and commitment to this issue have brought us to this point.

This issue has been a priority for Senator PELL for many years. His proposal has been incorporated in the national service demonstration portion of this bill, and he should receive great credit for bringing the issue of national service to the national agenda.

Senator MIKULSKI has put many hours of work into this legislation. I am grateful for her support as we debated the legislation, and I am pleased that the final bill includes her part-time national service program.

Senator NUNN, with his provocative proposal for a nationwide service program, focused national attention on civilian service. He has been extremely helpful and openminded as we put this legislation together, and I am very appreciative of his willingness to work with us to bring a bill before the Senate that I am hopeful will pass by a strong margin.

I am also grateful for the work of Senator DODD, whose proposal for a full-time youth service corps has been incorporated in title I of our bill.

Senator BUMPER'S loan forgiveness proposals are an important part of our overall program. Senator GRAHAM contributed an excellent proposal regarding adult volunteers in school. Senator KOHL contributed useful suggestions regarding the health care language. Senator DURENBERGER proposed provisions regarding the clearinghouses in the bill. I appreciate all of these proposals.

Senator HATCH deserves special thanks for his willingness to work out a reasonable compromise. He has always had an open mind about our programs and is a strong supporter of volunteer service.

Finally, I am very grateful to the majority leader, Senator MITCHELL, for placing national service high on the Democratic agenda. He has worked with us for many months and was an original sponsor of S. 1430. We thank him for his leadership.

Many staff members contributed a great deal to this legislation: On my own staff, Shirley Sagawa, Terry Hartle, Nick Littlefield, Rusty Barbour, Michael Epp, Melissa Soza, Jeff Blackburn, Jeff Blattner, and Goody Marshall; from Senator HATCH'S staff, Nancy Taylor and Carrie Hillyard; from Senator MIKULSKI'S staff, Leslie Miles and Glenn Roberts; from Senator PELL'S staff, Sarah Flanagan and David Evans; from Senator NUNN'S staff, Julie Abbot Murphy and Jenny Jones; from Senator DODD'S staff, Joan Hogan-Gillman; from Senator MITCHELL'S staff, Steve Hart and Grace Reef; from Senator BUMPER'S staff, Chuck Ludlum; and from legislative counsel, Bill Baird, who worked many late nights and weekends to prepare the legislation for floor action. I am grateful to all of these staff members for their hard work and assistance.

The National and Community Service Act of 1990 also reflects the ideas and inspiration of many organizations and individuals in the field of service. Many of these individuals have worked tirelessly over many years to pass national and community service legislation. I cannot offer a complete list, but several merit special mention: Don Mathis and Peg Rosenberry, and the staff at the National Association of Service and Conservation Corps; Frank Slobig and the staff at Youth Service America; John Buchanan, Melanne Verveer, and Marsha Adler and the staff at People for the American Way. Chuck Loveless at AFSCME; Elaine Shocus at the American Federation of Teachers; Gary Timmons at the National Education Association; Joyce Black at the State of New York Governor's Office for Voluntary Service; Jeff Coolidge, Jay Davis, and others at the Thomas Jefferson Forum and Massachusetts Youth Service Alliance; Kathleen Curry at the National Association of Independent College and Universities; Susan Stroud, Lain Warsavage, and others at Campus Compact; Barbara Gomez and Michael Klusaw at the Council of Chief State School Officers; Sam Halperin, at the W.T. Grant Foundation; Alan Khazei and Mike Brown at City Year; Robert MacFarlane and Louise

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McKnew at the Center for Independent Living Assistance; Jane Ward Robinson and others at COOL; Dick Kruse at the National Association of Secondary School Principals; Bob Canavan at the United Way; Tom Corl, Maria Smith, and Susan Walter and others at the Red Cross; Debbie Murdock and others at the YMCA; Jennifer Wingard at NASULGC: Fran Butler on behalf of the Older American Volunteer Program Directors Association; Harris Wofford and John Briscoe with Penn Serve; Carol Kinsley at Resources for Educational Partnerships; Mark Johnson at AARP, and many others too numerous to mention. To all of these individuals, my deepest thanks. If we succeed in enacting the National and Community Service Act of 1990, all of you deserve the credit.

Mr. HATCH. Mr. President, I do not want to keep our colleagues very long but I would like to say just a few words about this legislation. They will be very few.

I agree with the distinguished Senator from Massachusetts. I compliment him for being so willing to accommodate various people who have tried to improve this bill and to make it better.

We have debated the bill 4 days. That is a significant amount of time to consider legislation on the floor of the Senate. We have discussed many amendments on this specific legislation. Many of them I supported and many of them make improvements in the committee substitute.

But in the 4 days of debate, Mr. President, not one Senator has taken the floor in direct opposition to this bill, not one. Why is this? Reticence to engage in controversy, or to create controversy, is not a trait common to those of us who serve in this body.

I believe the reason, Mr. President, is because every Senator agrees with President Bush that voluntarism is an inherent part of the American character that needs nourishment and encouragement. We have a bill before us that gives national definition to this objective.

This legislation provides national leadership. It does not preempt private sector or personal initiatives. It provides options for States. It does not micromanage State programs. The legislation is itself an acknowledgment that government cannot address every human or community need. The sponsors readily accept this bill's limitations as well. The National And Community Service Act provides needed resources and seed money.

It does not make budgetary commitments that are exorbitant or ongoing.

In short, this legislation is a shot of adrenalin for hundreds of volunteer organizations around the Nation. This bill can help get things moving. It can expand the services and scope of private sector initiatives that have been widely hailed as effective programs for children and youth, for the environment, for health care, for literacy, disaster relief, and other key areas. This bill can finance the mobile health van. It can finance the books and materials for volunteer tutors. It can finance the landscaping of parks and recreational areas. It can support an inestimable number of innovative volunteer projects in every part of our country. It can encourage volunteers themselves by offering stipends and vouchers for certain kinds of national service. This approach—recruiting greater numbers of volunteers and giving those volunteers a sense of accomplishment and self-esteem—may appeal to some States.

I am very confident about this bill and the goodness of this bill.

Mr. President, the authorization level of this measure is modest. On the surface, $50 million in the first year and $75 million in the second seems like a great deal of money—and it is. But, let us look at this authorization level in context.

Let me ask my colleagues: If a worthy organization in your State came to you and said they had volunteers who could teach 100 illiterate adults how to read if only they had a few thousand dollars for books and materials, would not you want to give it to them if you could? If your son or daughter's class at school came to you and said they would like to help the homeless by collecting food and clothing, would not you want to help out? When the local hospital wants to operate a mobile health care van in your State's rural areas, even if that van is staffed with volunteers, it takes money to keep it on the road.

The funds provided in this bill, Mr. President, can fertilize some of these worthy and necessary projects. We know without a doubt that volunteers contribute an incalculable level of service to their fellow Americans. We know that the Government could never offset these services if they were to disappear. We know that our budget will never permit expansion of government services to anything even close to that which would compare to the needs now being addressed by volunteer organizations.

I am very confident, Mr. President, that the funds we are authorizing for this legislation will have a multiplier effect within every State and community. We may be authorizing $50 million and $75 million, but we are going to get back millions more as citizens address their own needs.

I will conclude, Mr. President, by once again commending the Senator from Massachusetts and the Senator from Maryland for their good faith negotiations on this bill. They have incorporated ideas from this side of the aisle and from the White House. They have made every effort to ensure that the spirit of voluntarism and community goodwill does not become political gimmickery. I appreciate that.

President Bush has called on all Americans to reawaken our Nation's spirit of voluntarism. He has offered his pulpit to acknowledge and to thank those who devote themselves to volunteer service. The compromise today allows each one of our State leaders to accept President Bush's challenge to invigorate our State and local communities to the call of national service.

We cannot pass this legislation and expect that every American will automatically be inspired to be a volunteer. Rather, we need help from Americans and government to end suffering and provide relief.

This legislation, Mr. President, will not by itself make America a better place to live. The Points of Light Foundation will not by itself beam light around the country. But, Mr. President, we can, by enacting this bill, take a position in support of volunteers. And, that, Mr. President, we ought to do. A vote for passage of this bill sends a supportive message to American volunteers—you matter, you are important, and you make a difference in the lives of all Americans.

It is time now to enact this legislation. It is a good bill. It will not solve every problem faced by our constituents, but it will help. We in the Congress should not fail to help our citizens help themselves and their neighbors where there is clearly the will and dedication to do so.

Mr. President, I want to thank all those Members and their staffs who worked on this issue. In particular, I would like to thank my colleague, Senator KENNEDY and his staff, Terry Hartle, Shirley Sagawa, and Nick Littlefield. In addition, I would like to thank Thurgood Marshall, Jr., and Jeff Blattner. I also appreciate the hard work of Senator MIKULSKI and her staff, Glen Roberts and Leslie Miles. The work of Senators DODD, DURENBERGER, NUNN, and BUMPERS, and their staffs, is also appreciated.

And, I would like to thank Nancy Taylor and Carrie Hillyard of my staff for their fine work and long hours. I personally appreciate them both very much.

Mr. President, we are prepared to vote. I think it is time to vote. I hope our colleagues will support this bill.

Remember, it has the President's program in it exactly as he has asked it to be formed, exactly with the words that they have asked us to put in, and, basically, it is a tremendous program. I hope we will give the impetus to that through the passage of this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the

nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. The Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 78, nays 19, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—78

Adams	Domenici	Lott
Baucus	Durenberger	Lugar
Bentsen	Exon	McConnell
Biden	Ford	Metzenbaum
Bingaman	Fowler	Mikulski
Bond	Glenn	Mitchell
Boren	Gore	Moynihan
Bradley	Gorton	Nunn
Breaux	Graham	Pell
Bryan	Grassley	Pressler
Bumpers	Harkin	Pryor
Burdick	Hatch	Reid
Byrd	Heflin	Riegle
Chafee	Heinz	Robb
Coats	Hollings	Rockefeller
Cochran	Inouye	Sanford
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Sasser
Cranston	Kasten	Shelby
D'Amato	Kennedy	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Warner
Dodd	Levin	Wilson
Dole	Lieberman	Wirth

NAYS—19

Boschwitz	Kassebaum	Roth
Burns	Kerrey	Rudman
Garn	Mack	Symms
Gramm	McCain	Thurmond
Hatfield	McClure	Wallop
Helms	Murkowski	
Humphrey	Nickles	

NOT VOTING—3

Armstrong	Matsunaga	Packwood

So, the bill (S. 1430), as amended, was passed, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2 Findings.
Sec. 3. Purposes.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

Sec. 101. Definitions.
Sec. 102. Authority to make State grants.

Subtitle B—School and Community Based Service

Sec. 110. Short title.
Sec. 111. General authority.
Sec. 112. Locality application.
Sec. 113. State application.
Sec. 114. Local application.
Sec. 115. Limitations on use.
Sec. 116. Use of funds.
Sec. 117. Treatment of Indian tribes.

Subtitle C—American Conservation and Youth Corps

Sec. 120. Short title.
Sec. 121 General authority.
Sec. 122. Allocation of funds.
Sec. 123. State application.
Sec. 124. Focus of programs.
Sec. 125. Related programs.
Sec. 126. Public lands or Indian lands.
Sec. 127. Training and education services.
Sec. 128. Amount of award.
Sec. 129. Preference for certain projects.
Sec. 130. Age and citizenship criteria for enrollment.
Sec. 131. Post-service benefits.
Sec. 132. Living allowance.
Sec. 133. Joint programs.
Sec. 134. Federal and State employee status.

SUBTITLE D—NATIONAL AND COMMUNITY SERVICE

Sec. 140. Short title.
Sec. 141. General authority.
Sec. 142. Grants.
Sec. 143. Types of national service.
Sec. 144. Terms of service.
Sec. 145. Eligibility.
Sec. 146. Vouchers.
Sec. 147. Living allowance.
Sec. 148. Training.
Sec. 149. Public-private partnership.
Sec. 150. In-service education benefits.

Subtitle E—Innovative Service Programs

Sec. 160. General authority.
Sec. 161. Grants.

Subtitle F—Administrative Provisions

Sec. 170. Limitation on number of grants.
Sec. 171. Reports.
Sec. 172. Supplementation.
Sec. 173. Prohibition on use of funds.
Sec. 174. Nondiscrimination.
Sec. 175. Notice, hearing, and grievance procedures.
Sec. 176. Nonduplication and nondisplacement.
Sec. 177. State advisory board.
Sec. 178. Evaluation.
Sec. 179. Engagement of participants.
Sec. 180. National Service Demonstration Program amendments.
Sec. 181. Partnerships with schools.
Sec. 182. Service as tutors.
Sec. 183. Conforming amendments.

Subtitle G—Commission on National and Community Service

Sec. 190. Commission on National and Community Service.

TITLE II—MODIFICATIONS OF EXISTING EDUCATION PROGRAMS

Sec. 201. References.

Subtitle A—Higher Education

Sec. 210. Innovative projects for community service.

Subtitle B—State Student Incentive Grant and Work Study Programs

Sec. 220. Additional reservation for campus-based community work learning study jobs.
Sec. 221. Work study programs.
Sec. 222. Public Health Amendment.

Subtitle C—Publication

Sec. 230. Information for students.
Sec. 231. Exit counseling for borrowers.
Sec. 232. Department information on deferments and cancellations.
Sec. 233. Data on deferments and cancellations.

Subtitle D—Direct Loans to Students in Institutions of Higher Education

Sec. 240. Loan cancellation authorized.
Sec. 241. Effective date.

Subtitle E—Loan Forgiveness

Sec. 250. Loan forgiveness.
Sec. 251. Effective date.

TITLE III—POINTS OF LIGHT INITIATIVE FOUNDATION

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. Authority.
Sec. 304. Grants to the Foundation.
Sec. 305. Eligibility of the Foundation for grants.
Sec. 306. Powers and functions.
Sec. 307. Principal and branch offices.
Sec. 308. Nonprofit nature of the Foundation.
Sec. 309. Exemption from tax.
Sec. 310. Oversight.
Sec. 311. Annual budget.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

TITLE V—GENERAL PROVISIONS

Sec. 501. Emergency medical services for children.
Sec. 502. Physician's comparability allowance.
Sec. 503. Policy regarding "Peace Dividend".
Sec. 504. Drug free workplace requirements.
Sec. 505. Amend section 1-2503 of District of Columbia Code.
Sec. 506. Sense of Congress concerning enactment of Good Samaritan Food Donation Act.
Sec. 507. Condemning human rights repression in China.
Sec. 508. Exchange program with countries in transition from totalitarianism to democracy.
Sec. 509. Enhance national and community services.

SEC. 2 FINDINGS.

Congress finds that—

(1) service to the community and the Nation is a responsibility of all citizens of the United States, regardless of the economic level or age of such citizens;

(2) citizens of the United States who become engaged in service at a young age will better understand the responsibilities of citizenship and continue to serve the community into adulthood;

(3) serving others builds self-esteem and teaches teamwork, decision making, and problem-solving;

(4) the 70,000,000 youth of the United States who are between the ages of 5 and 25 offer a powerful and largely untapped resource for community service;

(5) conservation corps and human service corps provide important benefits to participants and to the community;

(6) the Volunteers in Service to America Program (hereinafter in this Act referred to as "VISTA"), as established by title I of the Domestic Volunteer Act of 1973 (42 U.S.C. 4951 et seq.), is one of the most cost effective means of fighting poverty in the United States;

(7) the cost of higher education, loan indebtedness, and the high price of housing deter many young adults from volunteering for service programs that involve a substantial time commitment;

(8) older Americans, through the Older American Volunteer Programs (as established by title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.)), provide 500,000,000 hours of service each year and are a vital force in addressing national problems;

(9) the VISTA and Older American Volunteer Programs have recently been expanded and are an important part of the national and community service effort of the United States;

(10) many Americans cannot participate in a full-time service program, but should have the option of part-time service; and

(11) a range of full-time and part-time national and community service opportunities should be made available to all citizens, particularly youth and older Americans.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) renew the ethic of civic responsibility in the United States;

(2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation;

(3) begin to call young people to serve in national service programs;

(4) enable young Americans to make a sustained commitment to national service by removing barriers to such service that have been created by high education costs, loan indebtedness, and the cost of housing;

(5) build on the existing organizational framework of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens, particularly youth and older Americans;

(6) involve participants in activities that would not otherwise be performed by employed workers; and

(7) generate 100,000,000 additional service hours each year to help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

As used in this title:

(1) ADULT VOLUNTEER.—The term "adult volunteer" means—

(A) an individual who is beyond the age of compulsory schooling, including an older American, an individual with a disability, and a parent;

(B) an employee of a private business;

(C) an employee of a public or nonprofit agency; or

(D) any other individual working without financial renumeration in an education institution to assist students or out of school youth.

(2) COMMISSION.—The term "Commission" means the Commission on National and Community Service established under section 190.

(3) COMMUNITY-BASED AGENCY.—The term "community-based agency" means a private nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs, including, but not limited to, churches and other religious entities.

(4) CREW SUPERVISOR.—The term "crew supervisor" means the adult staff individual who is responsible for supervising a crew of participants, including the crew leader.

(5) EDUCATION INSTITUTION.—The term "education institution" means a local educational agency, elementary or secondary school, including, but not limited to, private sectarian and nonsectarian schools, library or a community-based agency that provides educational services.

(6) ELEMENTARY SCHOOL.—The term "elementary school" has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

(7) INDIAN LANDS.—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes that is subject to restrictions on alienation imposed by the United States.

(8) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(9) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(10) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(11) LOCAL GOVERNMENT AGENCY.—The term "local government agency" means a public agency that is engaged in meeting human, social, educational, or environmental needs.

(12) OUT-OF-SCHOOL YOUTH.—The term "out-of-school youth" means an individual who—

(A) has not attained the age of 27;

(B) has not completed college or the equivalent thereof; and

(C) is not enrolled in an elementary or secondary school or institution of higher education.

(13) PARTICIPANT.—The term "participant" means an individual enrolled in a program that receives assistance under this title.

(14) PARTNERSHIP PROGRAM.—The term "partnership program" means a program through which adult volunteers, public or private agencies, including, but not limited to, churches and other religious entities, institutions of higher education, community organizations, or businesses assist an education institution.

(15) PLACEMENT.—The term "placement" means the matching of a participant with a specific project.

(16) PROGRAM.—The term "program" means an activity carried out with assistance provided under this title.

(17) PROGRAM AGENCY.—The term "program agency" means—

(A) a Federal or State agency designated to manage a youth service corps program;

(B) the governing body of an Indian tribe that administers a youth service corps programs; or

(C) a local applicant administering a youth service corps program.

(18) PROJECT.—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(19) PUBLIC LANDS.—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by an agency or instrumentality of a State or local government.

(20) SECONDARY SCHOOL.—The term "secondary school" has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

(21) SERVICE OPPORTUNITY.—The term "service opportunity" means a program or project that enables students or out-of-school youth to perform meaningful and constructive service in agencies, institutions, and situations where the application of human talent and dedication may help to meet human, educational, linguistic, and environmental community needs, especially those relating to poverty.

(22) SPECIAL SENIOR SERVICE MEMBER.—The term "special senior service member" means an individual who is age 60 or over and willing to work full-time or part-time in conjunction with a full-time national service program.

(23) SPONSORING ORGANIZATION.—The term "sponsoring organization" means an organization, eligible to receive assistance under this title, that has been selected to provide a placement for a participant.

(24) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau.

(25) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

(26) STUDENT.—The term "student" means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

(27) SUMMER PROGRAM.—The term "summer program" means a youth service corps program authorized under this title that is limited to the months of June, July, and August.

(28) YOUTH SERVICE CORPS PROGRAM.—The term "youth service corps program" means a program, such as a conservation corps or human services corps program, that offers full-time, productive work (to be financed through stipends) with visible community benefits in a natural resource or human service setting and that gives participants a

mix of work experience, basic and life skills, education, training, and support services.

(29) YOUTH COMMUNITY SERVICE PROGRAM.—The term "youth community service program" means a program in which students or out-of-school youths are offered service opportunities in the community or an educational institution.

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

The Commission may, in accordance with the provisions of this title, make grants to States, or to local applicants, to enable such States or applicants to carry out national or community service programs under subtitles B, C, D, or E.

Subtitle B—School and Community Based Service

SEC. 110. SHORT TITLE.

This subtitle may be cited as the "Service America, the Service to America Act of 1990".

SEC. 111. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants for the creation or expansion of service opportunities for students and out-of-school youth and to increase the number of community members, particularly senior citizens, who are volunteering in schools.

SEC. 112. LOCALITY APPLICATION.

If a State does not apply for assistance under this subtitle or if a State does not have an application approved under section 113, the Commission may make grants directly to local applicants. The Commission shall apply the criteria described in section 114 in evaluating such local applications.

SEC. 113. STATE APPLICATION.

To be eligible to receive a grant under this subtitle a State, acting through the State educational agency, shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission shall reasonably require, including a description of the manner in which—

(1) local applications will be ranked by the State according to the criteria described in section 114, and in a manner that ensures the equitable treatment of local applications submitted by both educational and non-educational institutions;

(2) service programs within the State will be coordinated;

(3) cooperative efforts among education institutions, local government agencies, community-based agencies, businesses, and State agencies to provide service opportunities, including those that involve the participation of urban, suburban, and rural youth working together, will be encouraged;

(4) economically and educationally disadvantaged youths, including individuals with disabilities, youth with limited basic skills or learning disabilities, and youth who are in foster care, are assured of service opportunities;

(5) service programs that receive assistance under this subtitle will be evaluated;

(6) programs that receive assistance under this subtitle will serve urban and rural areas and any tribal areas that exist within such State;

(7) technical assistance and training will be provided to service programs within the State;

(8) non-Federal and other types of Federal assistance will be used to expand service opportunities for students and out-of-school youth; and

(9) information and outreach services will be disseminated and utilized to ensure the involvement of a broad range of organizations, particularly community-based organizations.

SEC. 114. LOCAL APPLICATIONS.

(a) APPLICATION REQUIRED.—

(1) PARTNERSHIP.—

(A) IN GENERAL.—Any education institution, local government agency, community-based agency, or consortia thereof that desires to receive a grant—

(i) from a State that has received assistance under this subtitle; or

(ii) in the case of a State that does not apply for assistance under this subtitle or have an application approved under section 113, directly from the Commission;

shall form a partnership consisting of one or more education institutions and one or more local government or community-based agencies.

(B) EXCEPTION.—The provisions of subparagraph (A) shall not apply if the applicant is—

(i) an education institution that intends to provide service opportunities solely within such education institution; or

(ii) an education institution that has formed a partnership with one or more private businesses to conduct a partnership program.

(2) CONTENT OF APPLICATION.—To be eligible to receive a grant under this subtitle, a partnership under paragraph (1) shall prepare and submit, to the State educational agency (or the Commission if paragraph (1)(A)(ii) applies), an application at such time, in such manner, and containing such information as the State educational agency (or the Commission) shall reasonably require. Each such application shall—

(A) contain a written agreement, between the institution with which participants are affiliated and one or more representatives of the community or education institution where service opportunities will be provided, stating that the program was jointly developed by the parties and that the program will be jointly executed by the parties;

(B) establish and specify the membership and role of an advisory committee that shall consist of representatives of community agencies, service recipients, youth serving agencies, youth, parents, teachers, administrators, school board members, labor, and business, one-half of which shall be selected by the community partner and one-half of which shall be selected by the education institution;

(C) describe the goals of the program which shall include goals that are quantifiable, measurable, and demonstrate any benefits that flow from the program to the participants and the community;

(D) describe the service opportunities to be provided under the program;

(E) describe the manner in which the participants in the program will be recruited, including any special efforts that will be utilized to recruit out-of-school youth with the assistance of community-based agencies;

(F) describe the manner in which participants in the program were or will be involved in the design and operation of the program;

(G) state the name, if available, qualifications, and responsibilities of the coordinator of the program assisted under this subtitle;

(H) describe the preservice and inservice training to be provided to supervisors and participants in the program;

(I) describe the manner in which exemplary service will be recognized;

(J) describe any potential resources that will permit continuation of the program, if needed, after the assistance received under this subtitle has ended;

(K) disclose whether the program plans include addressing basic skill needs and reducing illiteracy;

(L) disclose whether the program plans include preventing and treating school-age drug and alcohol abuse and dependency; and

(M) contain assurances that, prior to the placement of a participant, the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

(3) YOUTH COMMUNITY SERVICE PROGRAM.—If an applicant under this section intends to operate a youth community service program, such applicant, in addition to providing the information described in paragraph (2), shall include in the application required under such paragraph—

(A) a description of an age-appropriate learning component for participants in the program that shall include a chance for participants to reflect on service experiences and expected learning outcomes;

(B) a description of whether or not the participants will receive academic credit for participation in the program;

(C) a description of the target levels of students and out-of-school youth who will participate in the program and the target levels for the hours of service that such participants will provide individually and as a group;

(D) a description of the proportion of expected participants in the program who are educationally or economically disadvantaged, including participants with disabilities;

(E) a description of the ages or grade levels of expected participants in the program;

(F) other relevant demographic information concerning such expected participants; and

(G) assurances that participants in the program will be provided with information concerning VISTA, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), chapter 30 of title 38, United States Code, chapter 106 of title 10, United States Code, full-time Youth Service Corps and National Service programs receiving assistance under this title, and other service options and their benefits (such as student loan deferment and forgiveness) as appropriate.

(4) PARTNERSHIP PROGRAM.—If an applicant under this section intends to operate a partnership program, in addition to the information required to be included in the application under paragraph (2), such applicant shall describe the students who are to be assisted through such program, including the ages and grade levels of such students.

(b) APPROVAL.—

(1) YOUTH COMMUNITY SERVICE PROGRAMS.—The State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall approve applications submitted by entities under this section that intend to operate youth community service programs, only if such applications meet the applicable requirements of subsection (a) and describe programs that provide—

(A) an age-appropriate learning component to enable participants to reflect on service experiences;

(B) preservice and inservice training for both supervisors and participants involving representatives of the community where service opportunities will be provided; and

(C) evidence that participants in the program will make a sustained commitment to the service project.

(2) ADULT VOLUNTEER AND PARTNERSHIP PROGRAMS.—The State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall approve applications submitted by entities under this section that intend to operate adult volunteer and partnership programs, only if such applications meet the applicable requirements of subsection (a) and describe programs that provide—

(A) preservice and inservice training for both supervisors and adult volunteers in the program; and

(B) opportunities for adult volunteers in the program to work with at-risk children or their teachers.

(c) PRIORITY.—

(1) IN GENERAL.—In providing assistance under to this subtitle, the State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall give priority to applications that contain a description—

(A) of programs that involve participants in the design and operation of the program;

(B) of programs that are in the greatest need of assistance, such as programs targeting low-income areas;

(C) of programs that involve individuals of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds serving together; and

(D) in the case of applicants that are educational institutions, of programs that are integrated into the academic program.

(2) ADULT VOLUNTEER AND PARTNERSHIP PROGRAM.—In the case of an adult volunteer and partnership program, the State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall give priority to applications that contain a description of programs—

(A) that involve older Americans or parents as adult volunteers;

(B) that involve a partnership between an educational institution and a private business in the community;

(C) that include a focus on drug and alcohol abuse prevention, school drop-out prevention, or nutrition; or

(D) that will improve basic skills and reduce illiteracy.

SEC. 115. LIMITATIONS ON USE.

(a) REQUIREMENT FOR LOCAL APPLICANTS.—Assistance provided under this subtitle shall not be used by a local applicant to pay in excess of—

(1) 80 percent of the costs of programs that receive assistance under this subtitle for the first year in which the applicant receives assistance under this subtitle; and

(2) 70 percent of the costs of programs that receive assistance under this subtitle for the second year in which the applicant receives assistance under this subtitle.

(b) PAYMENT BY LOCAL APPLICANT.—

(1) NON-FEDERAL SOURCES.—That portion of the costs of programs that receive assistance under this subtitle that are to be paid by a local applicant from sources other than Federal funds may be paid in cash or in kind (fairly evaluated).

(2) PRIVATE PROFITMAKING ORGANIZATIONS.—If that portion of the costs of programs that receive assistance under this subtitle to be paid by a local applicant from sources other than Federal funds are paid by private profitmaking organizations, subsection (a) shall be applied by substituting—

(A) "85 percent" for "80 percent"; and

(B) "75 percent" for "70 percent".

SEC. 116. USE OF FUNDS.

(a) STATES.—

(1) ADMINISTRATION.—A State shall use not to exceed 20 percent of the amounts provided under this subtitle in each fiscal year for costs associated with administration, including training, technical assistance, curriculum development, and coordination activities.

(2) ADULT VOLUNTEER AND PARTNERSHIP PROGRAMS.—A State shall use not to exceed 10 percent of the amounts provided under this subtitle in each fiscal year to carry out adult volunteer and partnership programs.

(b) LOCAL APPLICANTS.—Local applicants may use assistance provided under this subtitle for supervision of participants, program administration, training, reasonable transportation costs, insurance, and other reasonable expenses.

(c) STIPENDS.—Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant except to reimburse such participant for costs associated with transportation, meals, and other reasonable out-of-pocket expenses incident to participation in a program assisted under this subtitle.

SEC. 117. TREATMENT OF INDIAN TRIBES.

An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

Subtitle C—American Conservation and Youth Corps

SEC. 120. SHORT TITLE.

This subtitle may be cited as the "American Conservation and Youth Service Corps Act of 1990".

SEC. 121. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants, to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time or summer youth service corps programs.

SEC. 122. ALLOCATION OF FUNDS.

(a) COMPETITIVE GRANT.—The Commission shall award grants under this subtitle on a competitive basis to States or Indian tribes that have submitted applications under section 123.

(b) DIRECT GRANTS.—

(1) IN GENERAL.—In the case of a State that does not apply for a grant under this subtitle or have an application approved under section 123, the Commission may award grants directly to public or private nonprofit agencies within such State.

(2) EVALUATION.—The Commission shall apply the criteria described in section 123 in determining whether to award a grant to such local applicants.

(3) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

(c) LIMITATION.—

(1) CAPITAL EQUIPMENT.—Not to exceed 10 percent of the amount of assistance made available to a program agency under this subtitle shall be used for the purchase of major capital equipment.

(2) ADMINISTRATIVE EXPENSES.—Not to exceed 15 percent of the amount of assistance made available to a program agency under this subtitle shall be used for administrative expenses.

SEC. 123. STATE APPLICATION.

(a) SUBMISSION.—To be eligible to receive a grant under this subtitle, a State or Indian tribe (or a local applicant if section 122(b) applies) shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including the information required under subsection (b).

(b) GENERAL CONTENT.—An application submitted under subsection (a) shall describe—

(1) any youth service corps program proposed to be conducted directly by such applicant with assistance provided under this subtitle; and

(2) any grant program proposed to be conducted by such State with assistance provided under this subtitle for the benefit of entities within such State.

(c) SPECIFIC CONTENT.—To receive a grant under this subtitle to directly conduct a youth service corps program, each applicant shall include in the application submitted under subsection (a)—

(1) a comprehensive description of the objectives and performance goals for the program to be conducted, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided by such program;

(2) a plan for the certification of the training skills acquired by participants and the awarding of academic credit to participants for competencies developed through training programs or work experience obtained under this subtitle;

(3) an age appropriate learning component for participants that includes procedures that permit participants to reflect on service experiences;

(4) an estimate of the number of participants and crew leaders necessary for the proposed program, the length of time that the services of such participants and crew leaders will be required, the support services that will be required for such participants and crew leaders, and a plan for recruiting such participants, including educationally and economically disadvantaged youth, youth with limited basic skills or learning disabilities, youth with disabilities, and youth who are in foster care;

(5) a list of requirements to be imposed on the sponsoring organizations of participants in the program, including a requirement that a sponsoring organization that invests in a program that receives assistance under this subtitle, by making a cash contribution or by providing free training to participants, shall be given preference over a sponsoring organization that does not make such an investment;

(6) a description of the manner of appointment and training of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities), who shall provide for other central elements of a youth corps, such as crew structure and a youth development component;

(7) a description of a plan to ensure the on-site presence of knowledgeable and competent supervisory personnel at program facilities;

(8) a description of the facilities, quarters and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, accommodations for individuals with disabilities, and other appropriate services, supplies, and equipment that will be provided by such applicant;

(9) a description of the basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner that such standards shall be enforced;

(10) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

(11) an assurance that, prior to the placement of a participant under this subtitle, the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program; and

(12) such other information as the Commission shall require.

(d) GRANT PROGRAM.—To be eligible to receive a grant under this subtitle, a State shall establish and implement a program to make grants to applicants within the State pursuant to subsection (b)(2) and, in the application submitted under subsection (a), such State shall describe the manner in which—

(1) local applicants will be evaluated;

(2) service programs within the State will be coordinated;

(3) economically and educationally disadvantaged youth, including youth with disabilities, youth with limited basic skills or learning disabilities, and youth in foster care, will be recruited;

(4) programs that receive assistance under this subtitle will be evaluated;

(5) the State will encourage cooperation among programs that receive assistance under this subtitle and the appropriate State job training coordinating council established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(6) such State will certify the training skills acquired by each participant and the credit provided to each participant for competencies developed through training programs or work experience obtained under programs that receive assistance under this subtitle; and

(7) prior to the placement of a participant under this subtitle, the State will ensure that program agencies consult with each local labor organization representing employees in the area who are engaged in the same or similar work as the work that is proposed to be carried out by such program.

SEC. 124. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) in the case of conservation corps programs, focus on—

(A) conservation, rehabilitation, and the improvement of wildlife habitat, rangelands, parks, and recreational areas;

(B) urban revitalization, historical and cultural site preservation, rural revitalization, and reforestation of both urban and rural areas;

(C) fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;

(D) road and trail maintenance and improvement;

(E) erosion, flood, drought, and storm damage assistance and controls;

(F) stream, lake, waterfront harbor, and port improvement;

(G) wetlands protection and pollution control;

(H) insect, disease, rodent, and fire prevention and control;

(I) the improvement of abandoned railroad beds and rights-of-way;

(J) energy conservation projects, renewable resource enhancement, and recovery of biomass;

(K) reclamation and improvement of strip-mined land;

(L) forestry, nursery, and cultural operations; and

(M) making public facilities accessible to individuals with disabilities.

(2) in the case of human services corps programs, include participant service in—

(A) State, local, and regional governmental agencies;

(B) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, day care centers, programs serving individuals with disabilities, and schools;

(C) law enforcement agencies, and penal and probation systems;

(D) private nonprofit organizations that primarily focus on social service;

(E) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and basic repairs to low-income housing, energy conservation (including solar energy techniques), removal of architectural barriers to access by individual with disabilities to public facilities, activities that focus on drug and alcohol abuse education, prevention and treatment, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(F) any other nonpartisan civic activities and services that the Commission determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs related to poverty) or in the community where volunteer service is to be performed; or

(3) encompass the focuses and services described in both paragraphs (1) and (2).

(b) INELIGIBLE SERVICE CATEGORIES.—To be eligible to receive assistance under this subtitle, the activities conducted through programs referred to in subsection (a) shall not be conducted by any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such activities do not involve the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization; or

(5) domestic or personal service company or organization.

(c) LIMITATION ON SERVICE.—No participant shall perform services in any project for more than a 1-year period.

SEC. 125. RELATED PROGRAMS.

An activity administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as a program eligible to be carried out under this subtitle, is encouraged to use services available under this subtitle.

SEC. 126. PUBLIC LANDS OR INDIAN LANDS.

(a) LIMITATION.—To be eligible to receive assistance through a grant provided under this subtitle, a program shall carry out activities on public lands or Indian lands, or result in a public benefit.

(b) REVIEW OF APPLICATIONS.—In reviewing applications submitted under section 123 that propose programs or projects to be carried out on public lands or Indian lands, the Commission shall consult with the Secretary of the Interior.

(c) CONSISTENCY.—A program carried out with assistance provided under this subtitle for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

(1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and

(2) all management, operational, and other plans and documents that govern the administration of such lands.

(d) RESERVATION.—The Commission shall reserve not to exceed 5 percent of the amounts appropriated in each fiscal year under section 401(a)(2) to make grants under this subtitle for Federal disaster relief programs.

SEC. 127. TRAINING AND EDUCATION SERVICES.

(a) ASSESSMENT OF SKILLS.—Each program agency shall assess the educational level of participants at the time of their entrance into the program, using any available records or simplified assessment means or methodology and shall, where appropriate, refer such participants for testing for specific learning disabilities.

(b) ENHANCEMENT OF SKILLS.—Each program agency shall, through the programs and activities administered under this subtitle, enhance the educational skills of participants.

(c) PROVISION OF PRE-SERVICE AND IN-SERVICE TRAINING AND EDUCATION.—

(1) REQUIREMENT.—Each program agency shall use not less than 10 percent of the assistance made available to such agency under this subtitle in each fiscal year to provide pre-service and in-service training and educational materials and services for participants in such a program. Program participants shall be provided with information concerning the benefits to the community that result from the activities undertaken by such participants.

(2) AGREEMENTS FOR ACADEMIC STUDY.—A program agency may enter into arrangements with academic institutions or education providers, including—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area vocational-technical schools; and

(E) community based organizations;

to evaluate the basic skills of participants and to make academic study available to participants to enable such participants to upgrade literacy skills, to obtain high school diplomas or the equivalent of such diplomas, to obtain college degrees, or to enhance employable skills.

(3) COUNSELING.—Career and educational guidance and counseling shall be provided to a participant during a period of in-service training as described in this subsection.

(4) PRIORITY FOR PARTICIPANTS WITHOUT HIGH SCHOOL DIPLOMAS.—A program agency shall give priority to participants who have not obtained a high school diploma or the equivalent of such diploma, in providing services under this subsection.

(d) POST-SERVICE EDUCATION AND TRAINING ASSISTANCE.—

(1) USE OF FUNDS.—A program that receives assistance under this subtitle shall use not less than 10 percent of such assistance to comply with the requirements of section 131 for post-service education and training assistance.

(2) ACTIVITIES.—The activities conducted under this section may include activities available to an eligible participant under in-service education and training assistance programs, career and vocational counseling, assistance in entering a program under the Job Training Partnership Act (29 U.S.C.

1501 et seq.), and assistance for other activities considered appropriate for such participant by the appropriate program agency and the Commission.

(e) STANDARDS AND PROCEDURES.—

(1) CONSISTENCY WITH STATE AND LOCAL REQUIREMENTS.—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (c) are consistent with the requirements of applicable State and local law and regulations.

(2) ACADEMIC STANDARDS.—The standards and procedures described in paragraph (1) shall provide that an individual serving in a program that receives assistance under this subtitle—

(A) who is not a high school graduate, participate in an educational curriculum so that such individual can earn a high school diploma or the equivalent of such diploma; and

(B) may arrange to receive academic credit in recognition of the education and skills obtained from service satisfactorily completed.

SEC. 128. AMOUNT OF AWARD.

In determining the amount of a grant to be awarded to an applicant under this subtitle, the Commission shall consider—

(1) the number of the unemployed youth population of the area to be served; and

(2) the type of project or service proposed to be carried out with the amounts appropriated under section 401(a)(2).

SEC. 129. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications submitted under section 123, the Commission shall give preference to programs that—

(1) will provide long-term benefits to the public;

(2) will instill a work ethic and a sense of public service in the participants;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly; and

(5) will enhance skills development and educational level and opportunities for the participants.

SEC. 130. AGE AND CITIZENSHIP CRITERIA FOR ENROLLMENT.

Enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are—

(1) not less than 16 years nor more than 25 years of age, except that summer programs may include individuals not less than 15 years nor more than 21 years of age at the time of the enrollment of such individuals; and

(2) citizens or nationals of the United States (including those citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau) or lawful permanent resident aliens of the United States.

SEC. 131. POST-SERVICE BENEFITS.

The program agency shall provide post-service education and training benefits (such as scholarships and grants) for each participant in an amount that is not in excess of $100 per week, or in excess of $5,000 per year, whichever is less.

SEC. 132. LIVING ALLOWANCE.

(a) FULL-TIME SERVICE.—

(1) IN GENERAL.—From assistance provided under this subtitle, each participant in a full-time youth service corps program that receives assistance under this subtitle shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) NON-FEDERAL SOURCES.—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(b) REDUCTION IN EXISTING PROGRAM BENEFITS.—Nothing in this section shall be construed to require a program in existence on the date of enactment of this Act to decrease any stipends, salaries, or living allowances provided to participants under such program.

(c) HEALTH INSURANCE.—In addition to the living allowance provided under subsection (a), program agencies are encouraged to provide health insurance to each participant in a full-time youth service corps program who does not otherwise have access to health insurance.

(d) FACILITIES, SERVICES, AND SUPPLIES.—

(1) IN GENERAL.—The program agency may deduct, from amounts provided under subsections (a) and (c) to a participant, a reasonable portion of the costs of the rates for any room and board that is provided for such participant at a residential facility.

(2) EVALUATION.—The program agency shall establish the amount of the deductions and rates under paragraph (1) after evaluating the costs of providing such room and board to the participant.

(3) DUTIES OF PROGRAM AGENCY.—A program agency may provide facilities, quarters, and board and shall provide limited and emergency medical care, transportation from administrative facilities to work sites, accommodations for individuals with disabilities, and other appropriate services, supplies, and equipment to each participant.

(e) GUIDANCE AND PLACEMENT.—

(1) IN GENERAL.—Each program agency shall provide such job and educational guidance and placement information and assistance for each participant as may be necessary, including referrals of such participants to organizations where such participants may receive basic skills training or be tested and receive services for specific learning disabilities.

(2) COORDINATION WITH OTHER ENTITIES.—Assistance under paragraph (1) shall be provided in coordination with appropriate State, local, and private agencies and organizations.

SEC. 133. JOINT PROGRAMS.

(a) DEVELOPMENT.—The Commission may develop, in cooperation with the heads of other Federal agencies, regulations designed to permit, where appropriate, joint programs in which activities supported with assistance made available under this subtitle are coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including the Job Training Partnership Act (29 U.S.C. 1501 et seq.)).

(b) STANDARDS.—Regulations promulgated under subsection (a) shall establish standards for the approval of joint programs that meet both the purposes of this title and the purposes of such statutes under which assistance is made available to support such projects.

SEC. 134. FEDERAL AND STATE EMPLOYEE STATUS.

(a) IN GENERAL.—Participants and crew leaders shall be responsible to, or be the responsibility of, the program agency administering the program on which such participants, crew leaders, and volunteers work.

(b) NON-FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a participant or crew leader in a program that receives assistance under this subtitle shall not be considered a Federal employee and shall not be subject to the provisions of law relating to Federal employment.

(2) WORK-RELATED INJURY.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, a participant or crew leader serving in a program that receives assistance under this subtitle shall be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty", as used in such subchapter, shall not include an act of a participant or crew leader while absent from the assigned post of duty of such participant or crew leader, except while participating in an activity authorized by or under the direction and supervision of a program agency (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date that the employment of the injured participant or crew leader is terminated.

(3) TORT CLAIMS PROCEDURE.—For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, a participant or crew leaders assigned to a youth service corps program for which a grant has been made to the Secretary of Agriculture, Secretary of Interior, or the Director of ACTION, shall be considered an employee of the United States within the meaning of the term "employee of the government" as defined in section 2671 of such title.

(4) ALLOWANCE FOR QUARTERS.—For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, a participant or crew leader shall be considered an employee of the United States within the meaning of the term "employee" as defined in paragraph (3) of subsection (a) of such section.

Subtitle D—National and Community Service

SEC. 140. SHORT TITLE.

This subtitle may be cited as the "National and Community Service Act".

SEC. 141. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States for the creation of full- and part-time national and community service programs.

SEC. 142. GRANTS.

(a) TERM OF GRANT.—The term of a grant awarded under section 141 shall not extend beyond September 30, 1991.

(b) CRITERIA FOR RECEIVING APPLICATIONS.—In determining whether to award a grant to a State under section 141, the Commission shall consider—

(1) the ability of the proposed program of such State to serve as an effective model for a large-scale national service program;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the expediency with which the State proposes to make the program operational.

(c) DIVERSITY.—The Commission shall ensure that programs receiving assistance under this subtitle are geographically diverse and include programs in both urban and rural States.

(d) ALTERNATIVE VOUCHER OPTION LIMITED.—The Commission shall ensure that not to exceed 25 percent of States receiving a grant under section 141 are authorized to exercise the alternative voucher authorized under section 146(e)(3).

(e) COMPOSITION OF PROGRAMS.—The Commission shall ensure that not less than 25 percent of the programs that receive assistance under this subtitle include full-time, part-time and special senior service participants.

(f) STATE APPLICATION FOR GRANT.—To receive a grant under section 141, a State shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the State administrative plan for the implementation of a program with assistance provided under this subtitle, including such functions, if any, that will be carried out by public and private nonprofit organizations pursuant to a grant or contract;

(2) a description of the manner in which an ethnically and economically diverse group of participants, including economically and educationally disadvantaged individuals, college-bound youth, individuals with disabilities, youth in foster care, and employed individuals, shall be recruited and selected for participation in a program receiving assistance under this subtitle;

(3) a description of the procedures for training supervisors and participants and for supervising and organizing participants in such program;

(4) a description of the procedures to ensure that the program provides participants with an opportunity to reflect on their service experience;

(5) a description of the geographical areas within such State in which the program would be operated to provide the optimum match between the need for services and the anticipated supply of participants;

(6) a description of the plan for placing such participants in teams or making individual placements in such program;

(7) assurances that, prior to such placement, the State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

(8) assurances that, prior to such placement, such State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such program;

(9) a description of the anticipated number of full- and part-time participants and special senior service members in such program;

(10) a plan for the recruitment and selection of sponsoring organizations that will receive participants under programs that receive assistance under this subtitle;

(11) a description of the procedures for matching such participants with such sponsoring organizations;

(12) a description of the procedures to be used to assure that sponsoring organizations that are not matched with participants shall be provided with information concerning the VISTA program and the programs established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.);

(13) the State budget for the program;

(14) a description of whether the State desires to exercise the voucher alternative option authorized under section 146(e)(3);

(15) a plan for evaluating the program and assurances that such State will fully cooperate with any evaluation undertaken by the Commission pursuant to section 178; and

(16) any other information as the Commission may reasonably require.

(g) NUMBER OF STATES.—

(1) IN GENERAL.—The Commission shall ensure that not more than five States are authorized to operate full-time programs and not more than five States are authorized to operate part-time programs in fiscal year 1991 under this subtitle.

(2) SINGLE PROGRAM.—For purposes of this paragraph (1), a State operating a single national service program with both full- and part-time options shall be counted as a State operating a full-time program and a State operating a part-time program.

(3) COOPERATIVE ARRANGEMENT.—For purposes of this paragraph (1), a State operating a national service program involving a cooperative arrangement with a multi-State organization or with sites in more than one State shall be counted as a single State.

(h) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

SEC. 143. TYPES OF NATIONAL SERVICE.

(a) IN GENERAL.—A participant in a program that receives assistance under this subtitle shall perform national service to meet unmet educational, human, environmental, and public safety needs, especially those needs relating to poverty.

(b) TYPES OF NATIONAL SERVICE.—National service performed under subsection (a) may include—

(1) educational service, such as service in literacy programs, the Head Start program (as established under the Head Start Act (42 U.S.C. 9831)) and other early childhood education programs, tutorial assistance, and service in schools, libraries, and adult education centers;

(2) human service, such as—

(A) service in hospitals, hospices, clinics, community health centers, public health organizations, facilities serving individuals with acquired immune deficiency syndrome, homes for elderly individuals, programs serving individuals with disabilities, and child-care programs;

(B) service in programs to assist elderly, disabled, poor, and homeless individuals, including programs to build, restore, and maintain housing for poor or homeless individuals and self-help programs;

(C) service in programs engaged in the education, prevention, and treatment of drug and alcohol abuse, including care programs for cocaine-addicted babies; and

(D) service in programs to assist elderly, disabled, poor, and homeless individuals obtain meaningful employment;

(3) environmental service, such as service in programs to conserve, recycle, maintain, and restore natural resources in urban and rural environments, to provide recreational opportunities, and to encourage community betterment or beautification;

(4) public safety service, including placement with police and fire departments, courts, the border patrol, and prisons; and

(5) in the case of special senior service members, service to assist a State in administering a program, including mentoring, supervision, and other functions.

SEC. 144. TERMS OF SERVICE.

(a) LENGTH OF SERVICE.—

(1) PART-TIME.—An individual performing part-time national service under this subtitle shall agree to perform community service for not less than 2 years.

(2) FULL-TIME.—An individual performing full-time national service under this subtitle shall agree to perform community service for not less than 1 year nor more than 2 years, at the discretion of such individual.

(3) SPECIAL SENIOR SERVICE.—A special senior service participant performing national service under this subtitle shall serve for a period of time as determined by the Commission.

(b) PARTIAL COMPLETION OF SERVICE.—If the State releases a participant from completing a term of service in a program receiving assistance under this subtitle for compelling personal circumstances as demonstrated by such participant, the Commission may provide such participant with that portion of the financial assistance described in section 146 that corresponds to the quantity of the service obligation completed by such individual.

(c) TERMS OF SERVICE.—

(1) PART-TIME.—A participant performing part-time national service under this subtitle shall serve for—

(A) 2 weekends each month and 2 weeks during the year; or

(B) an average of 9 hours per week each year of service.

(2) FULL-TIME.—A participant performing full-time national service under this subtitle shall serve for not less than 40 hours per week each year of service.

(3) SPECIAL SENIOR SERVICE.—A special senior service participant performing national service under this subtitle shall serve either part- or full-time as permitted by the Commission.

SEC. 145. ELIGIBILITY.

(a) PART-TIME.—

(1) REQUIREMENTS.—An individual may serve in a part-time national service program under this subtitle if such individual—

(A) is 17 years of age or older; and

(B) is a citizen of the United States or lawfully admitted for permanent residence.

(2) PRIORITY.—In selecting applicants for a part-time program, States shall give priority to applicants who are currently employed.

(b) FULL-TIME.—An individual may serve in a full-time national service program under this subtitle if such individual—

(1) is 17 years of age or older;

(2) has received a high school diploma or the equivalent of such diploma, or agrees to achieve a high school diploma or the equivalent of such diploma while participating in the program; and

(3) is a citizen of the United States or lawfully admitted for permanent residence.

(c) SPECIAL SENIOR SERVICE.—An individual may serve as a special senior service member under this subtitle if such individual—

(1) is 60 years of age or older; and

(2) meets the eligibility criteria for special senior service membership established by the Commission.

SEC. 146. VOUCHERS.

(a) PART-TIME.—

(1) IN GENERAL.—Subject to subsection (d), the Commission shall annually provide to each part-time participant a non-transferrable voucher that is equal in value to $2,000

for each year of service that such participant provides to the program.

(2) WAIVER.—A State may apply for a waiver to reduce the amount of a voucher provided under paragraph (1) to an amount that is equal in value to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of a voucher provided under paragraph (1) to an amount in excess of that described in such paragraph.

(b) FULL-TIME.—

(1) IN GENERAL.—Subject to subsection (d), the Commission shall annually provide to each full-time participant a non-transferrable voucher that is equal in value to $5,000 for each year of service that such participant provides to the program.

(2) WAIVER.—A State may apply for a waiver to reduce the amount of a voucher provided under paragraph (1) to an amount that is equal in value to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of a voucher provided under paragraph (1) to an amount in excess of that described in such paragraph.

(c) SPECIAL SENIOR SERVICE PARTICIPANT.—A special senior service participant shall be ineligible to receive a voucher under this section.

(d) INDEXING.—The Commission shall increase the value of vouchers provided under this section in each fiscal year based on the increase in the costs associated with attending a 4-year institution of higher education during that fiscal year. The Commission shall determine such increases in costs based on information made available by the Bureau of Labor Statistics and the National Center for Education Statistics.

(e) USE OF VOUCHER.—

(1) PART-TIME.—A voucher provided under subsection (a) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs associated with purchasing a first home;

(C) downpayment, closing costs, or other costs associated with purchasing a small business concern; or

(D) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(2) FULL-TIME.—A voucher provided under subsection (b) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs associated with purchasing a first home;

(C) downpayment, closing costs, or other costs associated with purchasing a small business concern; or

(D) tuition, room and board, books and fees, and other costs associated with attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(3) ALTERNATIVE VOUCHER OPTION.—A State administering a full-time national service program under this subtitle may apply to the Commission for authorization to offer an alternative voucher option limiting the use of vouchers for education, housing, or costs associated with the purchase of a small business concern, including downpayment or closing costs.

(4) DEFINITION.—As used in this subsection, the term "small business concern" shall have the same meaning given such term in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)).

SEC. 147. LIVING ALLOWANCE.

(a) FULL-TIME SERVICE.—

(1) IN GENERAL.—From assistance provided under this subtitle, each participant in a full-time national service program receiving assistance under this subtitle shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) NON-FEDERAL SOURCES.—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(b) REDUCTION IN EXISTING PROGRAM BENEFITS.—Nothing in this section shall be construed to require a program in existence on the date of enactment of this Act to decrease any stipends, salaries, or living allowances provided to participants under such program.

(c) HEALTH INSURANCE.—In addition to the living allowance provided under subsection (a), grantees are encouraged to provide health insurance to each participant in a full-time national service program who does not otherwise have access to health insurance.

(d) SPECIAL SENIOR SERVICE PARTICIPANT.—

(1) FULL-TIME.—Each full-time special senior service participant shall receive a living allowance equal to the living allowance provided to full-time participants under subsection (a), and such other assistance as the Commission considers necessary and appropriate for a special senior service participant to carry out the service obligation of such participant.

(2) PART-TIME.—Each part-time special senior service participant shall receive a living allowance equal to a share of such allowance offered to a full-time special senior service participant under paragraph (1), that has been prorated according to the number of hours such part-time participant serves in the program, and such other assistance that the Commission considers necessary and appropriate for a special senior service participant to carry out the service obligation of such participant.

SEC. 148. TRAINING.

(a) PROGRAM TRAINING.—

(1) IN GENERAL.—Each participant shall receive 3 weeks of training provided by the Commission in cooperation with the State.

(2) CONTENTS OF TRAINING SESSION.—Each training session described in paragraph (1) shall—

(A) orient each participant in the nature, philosophy, and purpose of the program;

(B) build an ethic community service; and

(C) train each participant to effectively perform the assigned program task of such participant by providing—

(i) general training in citizenship and civic and community service; and

(ii) if feasible, specialized training for the type of national service that each participant will perform.

(b) ADDITIONAL TRAINING.—Each State may provide additional training for participants as such State determines necessary.

(c) AGENCY OR ORGANIZATION TRAINING.—Each participant shall receive training from the sponsoring organization in skills relevant to the work to be conducted.

(d) ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES.—In accordance with the nondiscrimination provisions of section 174, each training program shall provide reasonable accommodations for individuals with disabilities.

SEC. 149. PUBLIC-PRIVATE PARTNERSHIP.

The Commission shall consider and develop opportunities for cooperation between public and private entities in the funding and implementation of a program receiving assistance under this subtitle, including cost-sharing arrangements with sponsoring organizations.

SEC. 150. IN-SERVICE EDUCATION BENEFITS.

Each State that receives assistance under this subtitle shall provide to each participant enrolled in a full-time program in-service educational services and materials to enable such participant to obtain a high school diploma or the equivalent of such diploma.

Subtitle E—Innovative Service Programs

SEC. 160. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States for the creation of innovative national and community service programs.

SEC. 161. GRANTS.

(a) CRITERIA FOR RECEIVING APPLICATIONS.—In determining whether to award a grant to a State under section 160, the Commission shall consider—

(1) the ability of the proposed program of such State to serve as an effective model for other States;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the degree to which the program responds to State and community human, educational, environmental and public safety needs in an innovative manner.

(c) STATE APPLICATION FOR GRANT.—To receive a grant under this subtitle, a State shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the proposed program to be established with assistance provided under the grant;

(2) a description of the human, educational, environmental or public safety service that participants will perform and the State or community need that will be addressed under such proposed program;

(3) a description of the target population of participants and how they will be recruited;

(4) a description of the procedure for training supervisors and participants and for supervising and organizing participants in such proposed program;

(5) a description of the procedures to ensure that the proposed program provides participants with an opportunity to reflect on their service experiences;

(6) a description of any stipend or benefit that participants will receive, if any;

(7) an estimate of the anticipated number of participants and the anticipated number of hours of service such participants will perform;

(8) a description of the State budget for the program;

(9) assurances that, prior to the placement of a participant in a project, the State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such project; and

(10) assurances that, prior to the placement of a participant in a project, the State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such project.

(d) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

Subtitle F—Administrative Provisions

SEC. 170. LIMITATION ON NUMBER OF GRANTS.

(a) IN GENERAL.—The Commission shall not award more than one grant during each fiscal year to each State under section 102.

(b) NUMBER OF APPLICATIONS.—In submitting applications for a grant under section 102, a State shall consolidate all of the applications of such State for the conduct of programs under subtitles B through E, into a single application that meets the requirements of such subtitles.

(c) MULTIPLE USE.—A grant awarded under section 102 to a State may be used by the State in accordance with the applications consolidated, submitted, and approved under subtitles (B) through (E).

SEC. 171. REPORTS.

(a) STATE REPORTS.—

(1) IN GENERAL.—Each State receiving assistance under this title shall prepare and submit, to the Commission, an annual report concerning the status of the national and community service programs that receive assistance under such title in such State.

(2) LOCAL GRANTEES.—Each State may require local grantees that receive assistance under this title to supply such information to the State as is necessary to enable the State to complete the report required under paragraph (1), including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and the existence of any problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(3) REPORT DEMONSTRATING COMPLIANCE.—

(A) IN GENERAL.—Each State receiving assistance under this title shall include information in the report required under paragraph (1) that demonstrates the compliance of the State with the provisions of section 176 and 113(9).

(B) LOCAL GRANTEES.—Each State may require local grantees to supply such information to the State as is necessary to enable the State to comply with the requirement of paragraph (1).

(4) AVAILABILITY OF REPORT.—Reports submitted under paragraph (1) shall be made available to the public on request.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Commission shall prepare and submit, to the appropriate authorizing and appropriation Committees of Congress, a report concerning the programs that receive assistance under this title.

(2) CONTENT.—Reports submitted under paragraph (1) shall contain a summary of the information contained in the State reports submitted under subsection (a), and shall reflect the findings and actions taken as a result of any evaluation conducted by the Commission.

SEC. 172. SUPPLEMENTATION.

(a) IN GENERAL.—Assistance provided under this title shall be used to supplement the level of State and local public funds expended for services of the type assisted under this title in the previous fiscal year.

(b) AGGREGATE EXPENDITURE.—Subsection (a) shall be satisfied, with respect to a particular program, if the aggregate expenditure for such program for the fiscal year in which services are to be provided will not be less than the aggregate expenditure for such program in the previous fiscal year, excluding the amount of Federal assistance provided and any other amounts used to pay the remainder of the costs of programs assisted under this title.

SEC. 173. PROHIBITION ON USE OF FUNDS.

(a) IN GENERAL.—Assistance provided under this title shall not be used by program participants and program staff to—

(1) provide religious instruction, conduct worship services, or engage in any form of proselytization, but nothing in this Act shall be construed to prevent any church or other religious entity from—

(A) displaying religious symbols or decorations;

(B) allowing persons to pray voluntarily, whether silently or vocally;

(C) allowing persons to sing religious hymns; or

(D) affirming or promoting any moral tenet that may be based on religious precepts;

So long as no funds provided under this Act are used by program participants and program staff for such activities and so long as these activities are conducted in a manner consistent with the Constitution.

(2) assist, promote, or deter union organizing; and

(3) finance, directly or indirectly, any activity designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

(b) CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS.—A program that receives assist under this title shall not impair existing contracts for services or collective bargaining agreements.

SEC. 174. NONDISCRIMINATION.

(a) IN GENERAL.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued under such Acts.

(b) NONDISCRIMINATION.—Any individual with responsibility for the administration of a program that receives assistance under this title shall not discriminate in the selection of participants to such program on the basis of race, religion, color, national origin, sex, age, disability, or political affiliation, except that nothing in this Act shall prohibit a church or other religious entity from requiring that participants adhere to the religious tenets and teachings of such organization and further, such organization may require that participants adhere to rules forbidding the use of drugs or alcohol.

(c) QUALIFIED APPLICANTS.—If two or more prospective participants are qualified for any position with a church or other religious entity that is funded under part A of title I or titles II or III, nothing in this Act shall prohibit such organization from accepting a prospective participant for such position who is already participating on a regular basis in other activities of the church or other religious entity.

(d) RULES AND REGULATIONS.—The Commission shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

(e) RIGHT OF ACTION.—

(1) SENSE OF THE SENATE.—It is the sense of the Senate—

(A) to deplore the practice of boycotting businesses on the basis of the race, religion, national origin, gender, age, or disability of the owner, operator, employees, or patrons of such entities;

(B) that the programs assisted under this Act should not be used to fund such boycotts;

and that the rights of all persons to engage in free speech protected by the Constitution should be protected.

(2) LIMITATION.—None of the amounts appropriated under this Act shall be used to engage in a boycott of any entity on the basis of the race, religion, national origin, gender, age, or disability, of the owner, operator, employees or patrons of such entity.

(3) ATTORNEY GENERAL.—Notwithstanding any other provision of law, the Attorney General may file an action under this subsection, in the appropriate district court of the United States, against any organization or entity to recover the amount of assistance provided to such organization or entity under this Act that is used in violation of this subsection.

SEC. 175. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) IN GENERAL.—

(1) SUSPENSION OF PAYMENTS.—The Commission may in accordance with the provisions of this title, suspend or terminate payments under a contract or grant providing assistance under this title whenever the Commission determines there is a material failure to comply with this title or the applicable terms and conditions of any such grant or contract issued pursuant to this title.

(2) PROCEDURES TO ENSURE ASSISTANCE.—The Commission shall prescribe procedures to ensure that—

(A) assistance provided under this title shall not be suspended for failure to comply with the applicable terms and conditions of this title except, in emergency situations, a suspension may be granted for 30 days; and

(B) assistance provided under this title shall not be terminated for failure to comply with applicable terms and conditions of this title unless the recipient of such assistance has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) HEARINGS.—Hearings or other meetings that may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient of assistance under this title.

(c) TRANSCRIPT OR RECORDING.—A transcript or recording shall be made of a hearing conducted under this section and shall be available for inspection by any individual.

(d) STATE LEGISLATION.—Nothing in this title shall be construed to preclude the enactment of State legislation providing for the implementation, consistent with this title, of the programs administered under this title.

(e) GRIEVANCE PROCEDURE—

(1) IN GENERAL.—State and local applicants that receive assistance under this title shall establish and maintain a procedure to adjudicate grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence.

(3) DEADLINE FOR HEARING AND DECISION.—

(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days of filing such grievance.

(B) DECISION.—A decision on any grievance shall be made not later than 60 days after the filing of such grievance.

(4) ARBITRATION.—

(A) IN GENERAL.—On the occurrence of an adverse grievance decision, or 60 days after the filing of such grievance if no decision has been reached, the party filing the grievance shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration.

(C) DEADLINE FOR DECISION.—A decision concerning such grievance shall be made not later than 30 days after the date of such arbitration proceeding.

(D) COST.—The cost of such arbitration proceeding shall be divided evenly between the parties to the arbitration.

(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this title, such placement shall not be made unless it is consistent with the resolution of the grievance pursuant to this subsection.

(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

(A) suspension of payments for assistance under this title;

(B) termination of such payments; and

(C) prohibition of such placement described in paragraph (5).

SEC. 176. NONDUPLICATION AND NONDISPLACEMENT.

(a) NONDUPLICATION.—

(1) IN GENERAL.—Assistance provided under this title shall be used only for a program that does not duplicate, and is in addition to, an activity otherwise available in the locality of such program.

(2) PRIVATE NONPROFIT ENTITY.—Assistance made available under this title shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in, unless the requirements of subsection (b) are met.

(b) NONDISPLACEMENT.—

(1) IN GENERAL.—An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving assistance under this title.

(2) SERVICE OPPORTUNITIES.—A service opportunity shall not be created under this title that will infringe in any manner on the promotional opportunity of an employed individual.

(3) LIMITATION ON SERVICES.—

(A) DUPLICATION OF SERVICES.—A participant in a program receiving assistance under this title shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties or engage in activities that will supplant the hiring of employed workers.

(C) DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.—A participant in any program receiving assistance under this title shall not perform services or duties that have been performed by or were assigned to any—

(i) presently employed worker;

(ii) employee who recently resigned or was discharged;

(iii) employee who is subject to a reduction in force;

(iv) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) employee who is on strike or who is being locked out.

SEC. 177. STATE ADVISORY BOARD.

(a) FORMATION OF BOARD.—Each State that applies for assistance under this title is encouraged to establish a State Advisory Board for National and Community Service.

(b) MEMBERS.—

(1) IN GENERAL.—The chief executive officer of a State referred to in subsection (a) shall appoint members to such Advisory Board from among—

(A) representatives of State agencies administering community service, youth service, education, social service, and job training programs; and

(B) representatives of labor, business, agencies working with youth, community-based organizations such as community action agencies, students, teachers, Older American Volunteer Programs as established under title II of the Domestic Volunteer Act of 1973 (42 U.S.C. 5001 et seq.), full-time youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, educational partnership programs, and other organizations working with volunteers.

(2) BALANCE OF MEMBERSHIP.—To the extent practicable, the chief executive officer of a State referred to in subsection (a) shall ensure that the membership of the Advisory Board is balanced according to race, ethnicity, and gender.

(c) DUTIES OF BOARD.—A State Advisory Board for National and Community Service established under subsection (a) shall assist the State agency administering a program receiving assistance under this title in—

(1) coordinating programs that receive assistance under this title and related programs within the State;

(2) disseminating information concerning service programs that receive assistance under this title;

(3) recruiting participants for programs that receive assistance under this title; and

(4) developing programs, training methods, curriculum materials, and other materials and activities related to programs that receive assistance under this title.

SEC. 178. EVALUATION.

(a) IN GENERAL.—The Commission shall provide, through grants or contracts, for the continuing evaluation of programs that receive assistance under this title, including evaluations that measure the impact of such programs, to determine—

(1) the effectiveness of such programs in achieving stated goals and the costs associated with such;

(2) for purposes of the reports required by subsection (h), the impact of such programs, in each State in which a program is conducted, on the ability of—

(A) the VISTA and older American volunteer programs (established under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4950 et seq.));

(B) each regular component of the armed forces (as defined in section 101(4) of title 10, United States Code);

(C) each of the reserve components of the armed forces (as described in section 216(a) of title 5, United States Code); and

(D) the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.));

to recruit individuals residing in such State to serve in such program; and

(3) the structure and mechanisms for delivery of services for such programs.

(b) COMPARISONS.—The Commission shall provide for inclusion in the evaluations required under subsection (a), where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

(c) CONDUCTING EVALUATIONS.—Evaluations of programs under subsection (a) shall be conducted by individuals who are not directly involved in the administration of such program.

(d) PROGRAM OBJECTIVES.—The Commission shall ensure that programs that receive assistance under subtitle D are evaluated to determine their effectiveness in—

(1) recruiting and enrolling diverse participants in such programs, consistent with the requirements of section 145, based on economic background, race, ethnicity, age, marital status, education levels, and disability;

(2) promoting the educational achievement of each participant in such programs, based on earning a high school diploma or the equivalent of such diploma and the future enrollment and completion of increasingly higher levels of education;

(3) encouraging each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America Program and older American volunteer programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), the military, and part-time volunteer service;

(4) promoting of positive attitudes among each participant regarding the role of such participant in solving community problems based on the view of such participant regarding the personal capacity of such participant to improve the lives of others, the

responsibilities of such participant as a citizen and community member, and other factors;

(5) enabling each participant to finance a lesser portion of the higher education of such participant through student loans;

(6) providing services and projects that benefit the community;

(7) supplying additional volunteer assistance to community agencies without overloading such agencies with more volunteers than can effectively be utilized;

(8) providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers or impair the existing contracts of such workers; and

(9) attracting a greater number of citizens to public service, including service in the active and reserve components of the Armed Forces, the National Guard, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), and the VISTA and older American volunteer programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(e) COMPARISON OF PROGRAM MODELS.—The Commission shall evaluate and compare the effectiveness of different program models in meeting the program objectives described in subsection (d) including full- and part-time programs, programs involving different types of national service, programs using different recruitment methods, programs offering alternative voucher options, and programs utilizing individual placements and teams.

(f) OBTAINING INFORMATION.—

(1) IN GENERAL.—In conducting the evaluations required under subsection (d), the Commission may require each program participant and State or local applicant to provide such information as may be necessary to carry out the requirements of this section.

(2) CONFIDENTIALITY.—The Commission shall keep information acquired under this section confidential.

(g) DEADLINE.—The Commission shall complete the evaluations required under subsection (d) not later than 2 years after the date of enactment of this Act.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 24 months after the date on which the first program is initiated under this title, the Commission shall prepare and submit, to the appropriate Committees of Congress, a report containing the results of the evaluations conducted under subsection (a)(2) with respect to the first 18 months after such initiation date.

SEC. 179. ENGAGEMENT OF PARTICIPANTS.

A State shall not engage a participant to serve in any program that receives assistance under this title unless and until amounts have been appropriated under section 401 for the provision of vouchers and for the payment of other necessary expenses and costs associated with such participant.

SEC. 180. NATIONAL SERVICE DEMONSTRATION PROGRAM AMENDMENTS.

(a) TREATMENT OF EDUCATION AND HOUSING VOUCHER.—For purposes of determining eligibility for programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) (hereafter in this section referred to as the "Act"), vouchers received under this Act shall be considered as estimated financial assistance as defined in section 428(a)(2)(C)(i) of title IV of the Act (20 U.S.C. 1078(a)(2)(C)(i)), except that in no case shall such a voucher be considered as—

(1) annual adjusted family income as defined in section 411F(1) of subpart 1 of part A of title IV of such Act (20 U.S.C. 1070a-6); or

(2) total income as defined in section 480(a) of part F of title IV of such Act (20 U.S.C. 1087vv(a)).

(b) TREATMENT OF STIPEND FOR LIVING EXPENSES.—In no case shall stipends received under this Act be considered in the determination of expected family contribution or independent student status under—

(1) subpart 1 of part A of title IV of such Act (20 U.S.C. 1070a et seq.); or

(2) part F of title IV of such Act (20 U.S.C. 1087kk et seq.).

(c) CONTINGENT EXTENSION.—Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.

SEC. 181. PARTNERSHIPS WITH SCHOOLS.

(a) DEFINITIONS.—As used in this section:

(1) PARTNERSHIP PROGRAM.—The term "partnership program" means a cooperative effort between an agency or department of the Federal government and an educational institution to enhance the education of students.

(2) SCHOOL VOLUNTEER.—The term "school volunteer" means an individual, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(b) DESIGN OF PROGRAMS.—The head of each Federal agency and department shall design an implement a comprehensive strategy to involve employees of such agencies and departments in partnership programs with elementary schools and secondary schools. Such strategy shall include—

(1) a review of existing programs to identify and expand the opportunities for such employees to be school volunteers;

(2) the designation of a senior official in each such agency and department who will be responsible for establishing school volunteer and partnership programs in each such agency and department and for developing school volunteer and partnership programs; and

(3) the encouragement of employees of such agencies and departments to participate in school volunteer and partnership programs.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, and on a regular basis thereafter, the head of each Federal agency and department shall prepare and submit, to the appropriate Committees of Congress, a report concerning the implementation of this section.

SEC. 182. SERVICE AS TUTORS.

Notwithstanding any other provision of this Act, a service opportunity through which a part-time participant serves as a classroom tutor under the supervision of a certified professional shall be considered an acceptable placement if the requirements of section 176(b) (1) and (2) and section 173 are met.

SEC. 183. CONFORMING AMENDMENTS.

The Higher Education Act of 1965 is amended—

(1) in section 411F(9) (20 U.S.C. 1070a-6(9)), by adding at the end thereof the following new subparagraph:

"(F) Annual adjusted family income does not include any stipend received by a participant a programs established under the National and Community Service Act of 1990.";

(2) in section 411F(12)(B)(vi) (20 U.S.C. 1070a-6(12)(B)(vi)), by striking "(including all sources of resources other than parents)" and inserting "(including all sources of resources other than parents and stipends received as a result of participation in a program established under the National and Community Service Act of 1990.)";

(3) in section 480(f) (20 U.S.C. 1087vv(f)), by—

(A) striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon and "and"; and

(C) adding at the end thereof the following new paragraph:

"(3) any stipend received by a participant in a program established under the National and Community Service Act of 1990."; and

(4) in section 480(d)(2)(F) (20 U.S.C. 1087vv(d)(2)(F)), by inserting after "other than parents" "and stipends received as a result of participation in a program established under the National and Community Service Act of 1990)".

Subtitle G—Commission on National and Community Service

SEC. 190. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) ESTABLISHMENT.—There is established a Commission on National and Community Service that shall administer the programs established under this title.

(b) BOARD OF DIRECTORS.—

(1) COMPOSITION.—The Commission shall be administered by a Board of Directors (hereinafter referred to in this section as the "Board") that shall be composed of 21 members, to be appointed by the President with the advice and consent of the Senate, who shall be individuals who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints. The membership of the Board shall be balanced according to the race, ethnicity and gender of its members.

(2) POLITICAL PARTIES.—Not more than 11 members of the Board shall belong to the same political party.

(3) TERMS.—Each member of the Board shall serve for a term of 2 years, except that, subject to the provisions of paragraph (4), eleven of the initial members of the Board shall serve for a term of 1 year,

(4) VACANCIES.—

(A) IN GENERAL.—As vacancies occur on the Board, new members shall be appointed by the President with the advice and consent of the Senate and serve for the remainder of the term for which the predecessor of such member was appointed.

(5) CHAIRPERSON.—The Board shall elect a chairperson and vice-chairperson from among its membership.

(6) MEETINGS.—The Board shall meet not less than three times each year. The Board shall hold additional meetings if seven members of the Board request such meetings in writing. A majority of the Board shall constitute a quorum.

(7) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) DUTIES.—The Board shall—

(1) advise the President and the Congress concerning developments in national and community service that merit the attention of the President and the Congress;

(2) design and administer the programs or initiatives established under this title;

(3) shall consult with appropriate Federal agencies in administering programs that receive assistance under title I;

(4) may delegate authority to administer the programs established under this title to any other agency or entity of the Federal government, on the agreement of such agency or entity, as the Board determines appropriate;

(5) shall provide, directly or through contract with public or private nonprofit organizations with extensive experience in service programs, training and technical assistance to States, school and community-based service programs, full-time youth service corps, and national service demonstration programs;

(6) shall arrange for the evaluation of programs established under this title, in accordance with section 178;

(7) coordinate with the Secretary of Defense in evaluating the effect of the national service demonstration program on the recruitment efforts of the active and reserve components of the Armed Forces; and

(8) carry out any other activities determined appropriate by the Secretary.

(d) EXECUTIVE DIRECTOR OF THE BOARD.—

(1) IN GENERAL.—The Board shall appoint an individual to serve as Executive Director of the Board (hereinafter referred to in this section as the "Director").

(2) DUTIES.—The Director shall advise the Board concerning developments in volunteer or national service that the Director determines merits the attention of the Board, identify promising service initiatives, and coordinate the work of the Board with the work of other Federal agencies involved in service activities and in the design of a competitive grant to provide assistance as authorized under this title.

(e) TECHNICAL EMPLOYEES.—The Director may, at the discretion of the Board, appoint not more than 10 technical employees to administer the Committee. Such employees shall be appointed for terms that shall not exceed 2 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(f) CLEARINGHOUSES.—

(1) IN GENERAL.—The Board shall provide assistance to not less than three national or regional service clearinghouses.

(2) PUBLIC AND PRIVATE NONPROFIT AGENCIES.—Public and private nonprofit agencies that have extensive experience in community service, adult volunteer and partnership programs, youth service, and other volunteer programs shall be eligible to receive funds under paragraph (1).

(3) FUNCTION OF CLEARINGHOUSES.—National and regional clearinghouses that receive assistance under paragraph (1) shall—

(A) assist State and local community service programs with needs assessments and planning;

(B) conduct research and evaluations concerning community service;

(C) provide leadership development and training to State and local community service program administrators, supervisors, and participants;

(D) administer award and recognition programs for outstanding community service programs and participants; and

(E) facilitate communication amongst community service programs and participants.

(4) GRANTS.—

(A) IN GENERAL.—The Board may make grants to national model service programs.

(B) ELIGIBILITY.—States, education institutions, local government agencies, community-based agencies, nonprofit organizations, or consortia composed thereof shall be eligible to receive grants under subparagraph (A).

(C) DISSEMINATION OF INFORMATION.—The Board shall widely disseminate information concerning national model service programs that receive assistance under subparagraph (A).

(5) INNOVATIVE CURRICULUM MATERIALS.—The Board may make grants for the development of innovative curriculum materials for use in youth community service and adult volunteer partnership programs.

(g) PRESIDENTIAL AWARDS FOR SERVICES.—

(1) PRESIDENTIAL AWARDS.—

(A) IN GENERAL.—The President, acting through the Commission, is authorized to make Presidential Awards for service to individuals demonstrating outstanding community service and to outstanding service programs.

(B) NUMBER OF AWARDS.—The President is authorized to make one individual and one program award in each Congressional district, and one Statewide program award in each State.

(C) CONSULTATION.—The President shall consult with the Governor of each State, and with the Board, in the selection of individuals and programs for Presidential Awards.

(D) PARTICIPANTS IN PROGRAMS.—An individual receiving an award under this subsection need not be a participant in a program assisted under this title.

(2) INFORMATION.—The President shall ensure that information concerning individuals and programs receiving awards under this subsection is widely disseminated.

(h) DETAIL OF EMPLOYEES.—Any Federal government employee may be detailed to the Commission without payment of reimbursement to the detailing agency. Such detail of a Federal employee shall not result in the interruption or loss of civil service status or privilege of such employee.

(i) LIMITATION.—In each fiscal year the Commission shall limit the value of any benefits conferred under this Act, to an amount that is not in excess of the appropriations for such fiscal year to carry out this Act, and if the fulfillment of the requirements of this Act requires amounts in excess of the limitation described in this subsection, such benefits shall be reduced to the extent necessary to comply with the requirements of this subsection.

TITLE II—MODIFICATIONS OF EXISTING EDUCATION PROGRAMS

SEC. 201. REFERENCES.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965.

Subtitle A—Higher Education

SEC. 210. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

(a) PURPOSE.—Section 1061 of the Act (20 U.S.C. 1135e) is amended by striking out "projects in exchange" and all that follows through the end thereof, and inserting in lieu thereof "activities before, during, or after the completion of such student's higher education.".

(b) USE OF GRANTS.—Section 1062 of the Act (20 U.S.C. 1135e-1) is amended to read as follows:

"SEC. 1062. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

"(a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this part, to make grants to, and enter into contracts with, institutions of higher education (including combinations of such institutions), and other public agencies and nonprofit organizations working in partnership with institutions of higher education, for purposes including—

"(1) encouraging students to participate in community service activities that will engender a sense of social responsibility and commitment to the community;

"(2) encouraging students to assist in the teaching of individuals with limited basic skills or an inability to read and write;

"(3) creating opportunities for students to engage in community service activities in exchange for financial assistance that reduces the debt acquired by students in the course of completing postsecondary education;

"(4) encouraging student-initiated and student designated community service projects; and

"(5) encouraging the integration of community service into academic curricula.

"(b) ADMINISTRATIVE PROVISIONS.—

"(1) APPLICATION.—No grant may be made, and no contract may be entered into, under this section unless an application is made to the Director of the Fund for Improvement of Postsecondary Education (hereinafter referred to as the 'Director') at such time, in such manner, and contained or accompanied by such information as the Director may reasonably require. Such applications shall include plans that describe the manner in which appropriate training is to be provided to participants and supervisors.

"(2) ADVISE.—Consistent with the provisions of section 1003(c), the National Board of the Fund for the Improvement of Postsecondary Education shall advise the Director on programs, priorities, and the selection of projects developed under the authority of this section.

"(3) TECHNICAL EMPLOYEES.—

"(A) IN GENERAL.—The Secretary may appoint, for terms of not to exceed 2 years, without regard to the provisions of title 5, United States Code governing appointments in the competitive service, technical employees to administer this part who may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) LIMITATION.—The Secretary may appoint not more than 1 technical employee for each $2,000,000 appropriated under section 1063.

"(4) APPLICATION OF OTHER SECTION.—The provisions of section 1004(b) shall apply to grants made under this section.

"(5) CONSTRUCTION.—Nothing in this part shall be construed as requiring an institution of higher education to offer academic credit as a requirement of receiving assistance under this part.".

Subtitle B—State Student Incentive Grant and Work Study Programs

SEC. 220. ADDITIONAL RESERVATION FOR CAMPUS-BASED COMMUNITY WORK LEARNING STUDY JOBS.

Section 415B(a) of such Act (20 U.S.C. 1070c-1(a)) is amended by inserting the following new paragraph at the end thereof:

"(3)(A) If the amount appropriated to carry out this subpart exceeds $75,000,000, the Secretary shall, notwithstanding the provisions of section 415(C)(b)(3)(A), allot 50 percent of such excess to the States for the purpose described in section 415(C)(b)(3)(B).

"(B) The Secretary shall make the allotment required under subparagraph (A) based on the number of students participating in campus-based community work learning study jobs assisted under this subpart in each State as compared to the total number of students participating in such jobs in all States.

SEC. 221. WORK STUDY PROGRAMS.

(a) WORK STUDY PROGRAMS.—Section 443(b)(5) of such Act (42 U.S.C. 2753(b)(5)) is amended by striking "and 70 percent for academic year 1990-1991" and inserting "70 percent for academic years 1990-1991 and 1991-1992, and 60 percent for academic year 1992-1993".

(b) COMMUNITY SERVICE LEARNING PROGRAMS.—Section 443(b)(5)(B) of such Act is amended by striking "90" and inserting "100".

SEC. 222. PUBLIC HEALTH AMENDMENT.

Section 361(a) of the Public Health Service Act (42 U.S.C. 264(a)) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding any other provision of Federal law, the".

Subtitle C—Publication

SEC. 230. INFORMATION FOR STUDENTS.

(a) INSTITUTIONAL AND FINANCIAL.—Section 485(a)(1) of such Act (20 U.S.C. 1092(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(L) the terms and conditions under which students receiving guaranteed student loans under part B of this title or direct student loans under part E of this title, or both, may—

"(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness, and

"(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).".

(b) PARTICIPATION AGREEMENTS.—Section 487(a)(7) of such Act (20 U.S.C. 1094(a)(7)) is amended by inserting before the period a comma and the following: "particularly the requirements of subsection (a)(1)(L) of such section".

SEC. 231. EXIT COUNSELING FOR BORROWERS.

Section 485(b) of such Act (20 U.S.C. 1092(b)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness.".

SEC. 232. DEPARTMENT INFORMATION ON DEFERMENTS AND CANCELLATIONS.

Section 485(d) of such Act (20 U.S.C. 1092(d)) is amended by inserting before the last sentence the following new sentence: "The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial cancellation or defer repayment of loans for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization.".

SEC. 233. DATA ON DEFERMENTS AND CANCELLATIONS.

Section 485B(a) of such Act (20 U.S.C. 1092b(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (4):

"(5) the exact amount of loans partially canceled or in deferment for service under the Peace Corps Act (22 U.S.C. 2501 et seq.)), for service under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), and for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness.".

Subtitle D—Direct Loans to Students in Institutions of Higher Education

SEC. 240. LOAN CANCELLATION AUTHORIZED.

(a) CANCELLATION FOR CERTAIN SERVICE.—Section 465(a)(2) of such Act (20 U.S.C. 1087ee(a)(2)) is amended—

(1) by striking out "or" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) as a full-time volunteer in service comparable to service referred to in subparagraph (E) for an organization of demonstrated effectiveness which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code 1986.".

(b) CANCELLATION PERCENTAGE.—Section 465(a)(3)(A) of such Act (20 U.S.C. 1087ee(a)(3)(A)) is amended—

(1) by striking out "or" at the end of clause (iii);

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2) at the rate of 15 percent for the first or second year of such service and 20 percent of the third or fourth year of such service.".

SEC. 241. EFFECTIVE DATE.

The amendments made by section 240 shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this subtitle.

Subtitle E—Loan Forgiveness

SEC. 250. LOAN FORGIVENESS.

(a) IN GENERAL.—Part B of title IV of such Act is amended by inserting after section 432 (20 U.S.C. 1082) the following new section:

"SEC. 432A. TREATMENT OF STUDENT VOLUNTEERS.

"(a) IN GENERAL.—Notwithstanding any other provision of law except subsection (c), a loan insurable under section 427, or the student loan insurance program of a State, institution, or organization under section 428, shall provide that, in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax exempt organization of demonstrative effectiveness, for the payment by the United States of the percent of the amount of loans specified in subsection (b).

"(b) PARTIAL CANCELLATION AUTHORITY.—

"(1) AGREEMENT.—The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(V) under which the borrower shall agree to serve as a volunteer under the Peace Corps Act (22 U.S.C. 2501 et seq.) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness.

"(2) ASSURANCES.—The agreement entered into under paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part, except those described in sections 428A, 428B and 428C, pursuant to the schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with the agreement.

"(3) PAYMENT.—The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) WAIVER OR SUSPENSION.—The Secretary shall waive or suspend any obligation of service or payment of any loan, or any part thereof, to which the United States is entitled under paragraph (2)(A) whenever the Secretary determines that compliance by an individual with the agreement is impossible or would involve extreme hardship to the individual.

"(5) AMOUNT OF PAYMENT.—

"(A) IN GENERAL.—The percentage of a loan that shall be paid by the United States under paragraph (2)(A) shall be 15 percent for the first or second year of service and 20

percent for the third or fourth year of service as described in paragraph (1).

"(B) INTEREST.—If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment on the loan.

"(c) LIMITATION.—In each fiscal year, the Secretary shall limit the value of any benefits conferred under this section to an amount that is not in excess of the appropriation for such fiscal year to carry out this section, and if the fulfillment of the requirements of this section requires amounts in excess of this limitation described in this subsection, such benefits shall be reduced to the extent necessary to comply with the requirements of this subsection.".

(c) TECHNICAL AMENDMENTS.—

(1) STUDENT VOLUNTEER.—

(A) NOTE.—Section 427(a)(2)(B)(ii) of such Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H),".

(B) PAYMENT BY FEDERAL GOVERNMENT.—Section 427(a)(2) of such Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by—

(i) striking out "and" at the end of subparagraph (G);

(ii) redesignating subparagraph (H) as subparagraph (I); and

(iii) inserting after subparagraph (G) the following new subparagraph:

"(H) complies with section 432A.".

(2) FEDERAL PAYMENT TO REDUCE INTEREST.—

(A) INSURANCE PROGRAM REQUIREMENT.—Section 428(b)(1)(D) of such Act (20 U.S.C. 1078(b)(1)(D)) is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(B) PAYMENT BY FEDERAL GOVERNMENT.—Section 428(b)(1) of such Act (20 U.S.C. 1078(b)(1)(D)) is amended by—

(i) striking out "and" at the end of subparagraph (T);

(ii) striking out the period at the end of subparagraph (U) and by inserting in lieu thereof a semicolon and "and"; and

(iii) adding at the end thereof the following new subparagraph:

"(V) complies with section 432A.".

SEC. 251. EFFECTIVE DATE.

The amendments made by section 250 shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this Act.

TITLE III—POINTS OF LIGHT INITIATIVE FOUNDATION

SEC 301. SHORT TITLE.

This title may be cited as the "Points of Light Initiative Foundation Act".

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) community service and service to others is an integral part of American tradition;

(2) existing volunteers and volunteer programs should be praised for their efforts in helping and serving others;

(3) the definition of a successful life includes service to others;

(4) individuals should be encouraged to volunteer their time and energies in community service efforts;

(5) if asked to volunteer or participate in community service, most Americans will do so;

(6) institutions should be encouraged to volunteer their resources and energies and should encourage volunteer and community service among their members, employees, affiliates; and

(7) volunteer and community service programs are intended to complement and not replace governmental responsibilities.

(b) PURPOSE.—It is the purpose of this title—

(1) to encourage every American and every American institution to help solve our most critical social problems by volunteering their time, energies and services through community service projects and initiatives;

(2) to identify successful and promising community service projects and initiatives, and to disseminate information concerning such projects and initiatives to other communities in order to promote their adoption nationwide; and

(3) to discover and encourage new leaders and develop individuals and institutions that serve as strong examples of a commitment to serving others and to convince all Americans that a successful life includes serving others.

SEC. 303. AUTHORITY.

(a) The President is authorized to designate a private, nonprofit organization (hereafter referred to as the Foundation) to receive funds pursuant to section 401(a)(7), upon his determination that such organization is capable of carrying out the undertakings described in section 302. Any such designation by the President shall be revocable.

(b) Nothing in this Act shall be construed either (i) to cause the Foundation to be deemed an agency, establishment, or instrumentality of the United States Government, or (ii) to cause the directors, officers or employees of the Foundation to be deemed officers or employees of the United States.

SEC. 304. GRANTS TO THE FOUNDATION.

(a) Funds made available pursuant to sections 303 and 401(a)(7) shall be granted to the Foundation by a department or agency in the executive branch of the United States Government designated by the President—

(1) to assist the Foundation in carrying out the undertakings described in section 302; and

(2) for administrative expenses of the Foundation.

(b) Notwithstanding any other provision of law, the Foundation may hold funds granted to it pursuant to this Act in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a) of this section, and may retain for such purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

SEC. 305. ELIGIBILITY OF THE FOUNDATION FOR GRANTS.

(a) Grants may be made to the Foundation pursuants to this Act only if the Foundation agrees to comply with the requirements specified in this Act. If the Foundation fails to comply with the requirements specified in this Act, additional funds shall not be released until the Foundation brings itself into compliance with these requirements.

(b) The Foundation may use funds provided by this Act only for activities and programs consistent with the purposes set forth in sections 302 and 304.

(c) The Foundation shall not issue any shares of stock or declare or pay any dividends.

(d) No part of the funds available to the Foundation shall inure to the benefit of any board member, officer, or employee of the Foundation, except as salary or reasonable compensation for services or expenses. Compensation for board members shall be limited to reimbursement for reasonable costs of travel and expenses.

(e) No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation that affects his or her financial interests or the financial interests of any corporation, partnership, entity, or organization in which he or she has a direct or indirect financial interest.

(f) The Foundation shall not engage in lobbying or propaganda for the purpose of influencing legislation, and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(g) During the second fiscal year in which funds are granted to the Foundation pursuant to this Act, the Foundation shall raise from private sector donations an amount equal to at least one-fourth of any funds granted to the Foundation pursuant to this Act in that fiscal year. Funds shall be released to the Foundation during this fiscal year only to the extent that this matching requirement has been met.

(h) The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by subsection (l) of this section.

(i) So long as the Foundation is receiving grants pursuant to this Act, the accounts of the Foundation may be audited at any time by any agency designated by the President. The Foundation shall keep such records as will facilitate effective audits.

(j) So long as it is receiving grants pursuant to this Act, the Foundation shall be subject to appropriate oversight procedures of the Congress.

(k) The Foundation shall ensure—

(1) that any recipient of financial assistance provided by the Foundation from funds granted pursuant to this Act keeps separate accounts with respect to such assistance and such records as may be reasonably necessary to disclose fully (i) the amount and the disposition by such recipient of the assistance received from the Foundation, (ii) the total cost of the project or undertaking in connection with which such assistance is given or used, (iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and (iv) such other records as will facilitate effective audits; and

(2) that the Foundation, or any of its duly authorized representatives (including any agency designated by the President pursuant to subsection (i) of this section), shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to assistance provided from funds granted pursuant to this title.

(l) The Foundation shall submit to the President and to the Congress an annual report, which shall include a comprehensive and detailed description of the Foundation's operations, activities, financial condition, and accomplishments for the preceding

fiscal year. This report shall be submitted not later than three months after the conclusion of any fiscal year in which the Foundation receives grants pursuant to this Act.

SEC. 306. POWERS AND FUNCTIONS.

The Foundation, in addition to the other powers and functions provided for in this title—

(1) shall have perpetual succession, except that such Foundation may be dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal;

(3) may make and perform contracts and other agreements with any individual, corporation, or other entity and with any government agency;

(4) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as the Board finds to be necessary to achieve the purposes of the Foundation;

(5) may accept money, funds, property, and services of every kind of gift, devise, bequest, grant, or otherwise;

(6) may establish and operate such programs, adopt such policies, and pursue such activities as may be determined appropriate by the Board to further the purposes of the Foundation; and

(7) shall have such other powers as may be necessary and appropriate to carrying out its powers and duties under this Act.

SEC. 307. PRINCIPAL AND BRANCH OFFICES.

The Foundation shall establish a principal office in the District of Columbia and may establish such branch offices or other offices in any place within the United States or elsewhere where the Foundation may carry out its operations.

SEC. 308. NONPROFIT NATURE OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation shall be a nonprofit corporation and shall have no capital stock.

(b) REVENUE AND EARNINGS.—No part of the revenue, earnings, or other income or property of the Foundation shall inure to the benefit of the members of the Board, the officers, or the employees of the Foundation, and such revenue, earnings or other income, or property shall be used for carrying out the purposes of this title.

(c) CONFLICT OF INTEREST.—No member of the Board, officer or employee of the Foundation shall in any manner, directly or indirectly, participate in the deliberation or the determination of any question affecting the personal interests of such members, officer or employee or the interests of any corporation, partnership or organization in which such members, officer or employee is directly or indirectly interested.

(d) CONTRIBUTIONS.—The Foundation shall not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 309. EXEMPTION FROM TAX.

The Foundation, including its income, shall be exempt from taxation imposed by the United States or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

SEC. 310. OVERSIGHT.

The Board shall use amounts appropriated under section 401(a)(7) to—

(1) prepare and submit, to the appropriate Committees of Congress and the President, an annual report concerning the activities of the Foundation and the expenditure of funds by such;

(2) procure audits of its activities by the Comptroller General; and

(3) participate in the Office of Management and Budget budget review process.

SEC. 311. ANNUAL BUDGET.

The Foundation shall establish an annual budget for use in allocating amounts available to the Foundation under section 401(a)(7). The Foundation may, in each fiscal year, supplement the appropriation for such fiscal year under such section (a) with private resources.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, $50,000,000 for fiscal year 1990 and $75,000,000 for fiscal year 1991, of which the Secretary shall make available—

(1) to carry out subtitle B of title I, $10,000,000 for fiscal year 1990 and $15,000,000 for fiscal year 1991;

(2) to carry out subtitle C of title I, $14,000,000 for fiscal year 1990 and $21,000,000 for fiscal year 1991;

(3) to carry out subtitle D of title I, $14,000,000 for fiscal year 1990 and $21,000,000 for fiscal year 1991;

(4) to carry out subtitle E of title I, $400,000 for fiscal year 1990 and $600,000 for fiscal year 1991;

(5) to carry out subtitle G of title I, $800,000 for fiscal year 1990 and $1,200,000 for fiscal year 1991;

(6) to establish clearinghouses under section 190(f), $800,000 for fiscal year 1990 and $1,200,000 for fiscal year 1991; and

(7) to carry out title III, $10,000,000 for fiscal year 1990 and $15,000,000 for fiscal year 1991.

(b) POINTS OF LIGHT FOUNDATION.—If any amounts made available under subsection (a)(7) are not used by the Points of Light Foundation, such amounts shall be made available to carry out subtitles B, C, and D of title I on a pro rata basis.

(c) UNUSED APPROPRIATIONS.—If an amount authorized to be appropriated in any fiscal year is not appropriated, or is appropriated but not expended in such fiscal year, such amount shall remain available to be appropriated, or expended, in the following fiscal year.

SEC. 501. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910(a) of the Public Health Service Act (42 U.S.C. 300w-9(a)) is amended in the first sentence—

(1) by striking out "not more than four";

(2) by striking out "in any fiscal year"; and

(3) by striking out "in such States".

SEC. 502. PHYSICIAN'S COMPARABILITY ALLOWANCE.

The positions of the Assistant Secretary for Health, the Deputy Assistant Secretary for Health, the heads of the Public Health Services agencies, and other positions that are compensated under subchapter II of chapter 53, ot title 5, United States Code, relating to the Executive Schedule, when employed as physicians shall be defined as "government physicians" for purposes of eligibility for physicians comparability allowance as defined in section 5948 of title 5, United States Code.

SEC. 503. POLICY REGARDING PEACE DIVIDEND.

(a) FINDINGS.—The Senate finds that—

(1) in recent months, dramatic movements toward greater political and economic freedom have occurred in Eastern Europe and the Soviet Union, and

(2) these democratic reforms will permit the preservation of our Nation's security at a cost less than current budget levels.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funds saved as a result of reductions in military expenditures shall be used for—

(1) balancing the budget, without resorting to use of the Social Security surpluses, in order to stop the ongoing "thievery" and "embezzlement" from the Social Security Trust Funds;

(2) urgent national priorities, including investing in America's future, anti-drug and anti-crime efforts, education, health care, the environment, rebuilding the infrastructure, assisting emerging democracies, and other critical needs;

(3) tax reductions for working men and women.

SEC. 504. DRUG FREE WORKPLACE REQUIREMENTS.

All programs receiving grants provided under this Act shall be subject to the Drug-Free Workplace Requirements for Federal Grant Recipients under Section 5153 through 5158 of the Anti-Drug Abuse Act of 1988 (41 U.S.C. 702-707).

SEC. 505. AMEND SECTION 1-2503 OF DISTRICT OF COLUMBIA CODE.

Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) (1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates coaches or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, of any adult homosexual, bisexual or heterosexual person who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor; and

"(2) nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.".

SEC. 506. SENSE OF CONGRESS CONCERNING ENACTMENT OF GOOD SAMARITAN FOOD DONATION ACT.

(a) IN GENERAL.—It is the sense of Congress that each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rice, and the territories and possessions of the United States should—

(1) encourage the donation of apparently wholesome food or grocery products to nonprofit organizations for distribution to needy individuals; and

(2) consider the model Good Samaritan Food Donation Act (provided in subsection (c)) as a means of encouraging the donation of the food and products.

(b) DISTRIBUTION OF COPIES.—The Archivist of the United States shall distribute a copy of this section to the chief executive officer of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(c) MODEL GOOD SAMARITAN FOOD DONATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the "Good Samaritan Food Donation Act".

(2) DEFINITIONS.—As used in this section:

(A) APPARENTLY FIT GROCERY PRODUCT.—The term "apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(B) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" means food that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(C) DONATE.—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(D) FOOD.—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(E) GLEANER.—The term "gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(F) GROCERY PRODUCT.—The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(G) GROSS NEGLIGENCE.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(H) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(I) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an incorporated or unincorporated entity that—

(i) is operating for religious, charitable, or educational purposes; and

(ii) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(J) PERSON.—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

(3) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(4) COLLECTION OR GLEANING OF DONATIONS.—A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners or unpaid representatives of a nonprofit organization for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) PARTIAL COMPLIANCE.—If some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and products shall not be subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or products—

(A) is informed by the donor of the distressed or defective condition of the donated food or products;

(B) agrees to recondition the donated food or products to comply with all the quality and labeling standards prior to distribution; and

(C) is knowledgeable of the standards to properly recondition the donated food or product.

(6) CONSTRUCTION.—This subsection shall not be construed to create any liability.

(d) EFFECT OF SECTION.—The model Good Samaritan Food Donation Act (provided in subsection (c)) is intended only to serve as a model law for enactment by the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. The enactment of subsection (c) shall have no force or effect in law.

SEC. 507. CONDEMNING HUMAN RIGHTS REPRESSION IN CHINA.

(a) THE SENATE FINDS THAT—

(1) On June 4, 1989, the Government of the People's Republic of China brutally massacred thousands of innocent Chinese nationals demonstrating in Tiananmen Square for greater personal freedom and political expression, and subsequently executed at least 40 Chinese nationals for activities in support of the Tiananmen Square pro-democracy movement;

(2) Since June 4, 1989, the Government of the People's Republic of China has brutally imprisoned 10,000 to 30,000 Chinese citizens for their participation in or allegiance to the pro-democracy movement in China;

(3) Consular officials, and other official and unofficial representatives of the Government of the People's Republic of China, in direct violation of United States law, are reported to have instituted systematic intimidation and harassment of Chinese nationals in the United States for supporting the pro-democracy movement in China;

(4) The Government of the People's Republic of China continues to enforce coercive population policies, including the use of forced abortions and forced sterilizations;

(5) Numerous international human rights organizations, including Amnesty International, Asia Watch, and the International League for Human Rights, report continued and even increased human rights and religious freedom violations by the Government of the People's Republic of China, including the recent arrest of four Chinese Catholic priests, and the November 30, 1989, detention of ten Tibeten monks;

(b) IT IS THEREFORE THE SENSE OF THE SENATE THAT—

(1) The Senate strongly reiterates its condemnation of the Government of the People's Republic of China for its brutal military repression of the peaceful pro-democracy demonstration in Tiananmen Square on June 4, 1989, and further expresses its abhorrence of the continued political and human rights repression in the People's Republic of China;

(2) The Senate notes that the harrassment of Chinese nationals residing in the United States is governed by 22 U.S.C. 2756, Public Law 97-113, and that any continuation of these harassment activities in the United States will further adversely affect Sino-American relations;

(3) The Senate expresses condemnation of the Government of the People's Republic of China for its inhumane policy of forced abortion and sterilization;

(4) The Senate urges the President of the United States to instruct the United States representatives to international financial institutions, and specifically the World Bank, to oppose loans or other financial assistance to the People's Republic of China which are not purely natural disaster relief or basic human needs, until it is clear that the human rights practices of the Government of the People's Republic of China have dramatically improved.

SEC. 508. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY.

AUTHORIZATION OF ACTIVITIES; GRANTS OR CONTRACTS FOR EXCHANGES WITH FOREIGN COUNTRIES.—The President is authorized, when he considers that it would strength international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) exchanges with countries in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania.

(i) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, state, and federal government agencies, located in or outside the United States; and

(ii) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy; which program shall be coordinated by a White House Office, which the President is hereby authorized to establish.

(2) TRANSFER OF FUNDS.—The President is authorized to transfer to the appropriations account of the agency (agencies) administering this program such sums as he shall determine to be necessary out of the travel accounts of departments and agencies of the United States as he shall designate, which transfers shall be subject to approval of the House and Senate Committees on appro-

priations and in addition he is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program, and to place such gifts into an endowment fund.

SEC. 509. ENHANCE NATIONAL AND COMMUNITY SERVICES.

Any entity, including the Foundation, administering a program or project under this act shall take appropriate action to ensure that:

(1) Rural Areas receive equitable treatment in the allocation and distribution of assistance; and

(2) Prospective grantees or fund recipients located in Rural Areas are treated equitably under the eligibility criteria.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for information of Senators, following the rollcall vote that is about to occur, there will be no further rollcall votes this evening.

The Senate will not be in session tomorrow. The Senate will be in session on Monday, at which time I expect to present a committee substitute on the clean air bill. There will be no rollcall votes on Monday.

However, amendments will be offered then and on Tuesday, and it is expected that rollcall votes will occur on Tuesday.

So I thank Senators for their patience and cooperation.

CALLING FOR A SETTLEMENT IN THE MAJOR LEAGUE NEGOTIATIONS—SENATE RESOLUTION 255

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I understand that the Senator from New Hampshire wishes to be recognized to address the Senate for 30 seconds.

Mr. RUDMAN. Mr. President, I will not be long. I wish to say on the record why I am voting "no" on this resolution.

Quite frankly, I think we have so many of these irrelevant—with all due respect to my colleagues—frivolous resolutions, as if the owners and the baseball players really give a damn as to what the U.S. Senate wants to do with the strike.

Quite frankly, we are wasting everybody's time and we look like fools.

Thank you, Mr. President.

[Applause.]

The PRESIDING OFFICER. The question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Oregon [Mr. PACKWOOD], are necessarily absent.

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—82

Adams	Ford	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Nickles
Boren	Harkin	Pell
Boschwitz	Hatch	Pressler
Bradley	Hatfield	Reid
Breaux	Heflin	Riegle
Bryan	Heinz	Robb
Burdick	Hollings	Rockefeller
Burns	Inouye	Roth
Chafee	Jeffords	Sanford
Coats	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Shelby
Conrad	Kennedy	Simon
Cranston	Kerrey	Simpson
D'Amato	Kerry	Specter
Danforth	Kohl	Stevens
Daschle	Lautenberg	Symms
DeConcini	Levin	Thurmond
Dixon	Lieberman	Warner
Dodd	Lott	Wilson
Dole	Lugar	Wirth
Durenberger	Mack	
Exon	McCain	

NAYS—15

Bumpers	Grassley	Murkowski
Byrd	Helms	Nunn
Domenici	Humphrey	Pryor
Fowler	Leahy	Rudman
Garn	McClure	Wallop

NOT VOTING—3

Armstrong	Matsunaga	Packwood

So the resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 255

Whereas, the American public is now witnessing the end of the second week of the spring training lockout in baseball;

Whereas the economics of those communities that host spring training are suffering major economic losses as a result of baseball owners and players inability to agree and begin the season;

Whereas cities with major league baseball franchises now risk similar serious economic losses if the disagreement continues;

Whereas major league baseball enjoys a unique and privileged treatment under Federal law;

Whereas the American people do not believe the inability to resolve these disputes should deny the American people the opportunity to see a complete spring training and regular session of the national pastime;

Whereas, in addition to representing the interests of owners and players, the negotiators in this dispute have an obligation to baseball fans, who through their enthusiasm, attendance, and willingness to pay to view the game, provide benefits both owners, players and the host communities: Now it be

Resolved, That the baseball owners, players, and their negotiators settle their differences promptly and begin a complete spring training and regular season as soon as possible.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators—I hope their staffs will advise them of this—I earlier described the schedule until next Monday when we will proceed to return to consideration of the clean air bill.

It is my expectation that there will be lengthy sessions on that next week, so Senators should be prepared for sessions throughout the evening all next week and make their plans accordingly.

Mr. President, with respect to the clean air bill, I ask unanimous consent that a summary of the bipartisan Senate Clean Air Act agreement be printed in the RECORD at this point for the information of all Senators and others interested in the legislation.

There being no objection, the materila was ordered to be printed in the RECORD, as follows:

SUMMARY OF BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT

NONATTAINMENT OF HEALTH STANDARDS FOR OZONE

For the past month, representatives of the Administration and members of the Senate from both parties have been meeting to discuss proposed revisions to the Clean Air Act. Today, the Senators and the Administration reached an agreement to support on the Senate floor a series of provisions encompassing virtually all of the major areas by the Act. A summary of those provisions follows.

PROVISIONS FOR ATTAINING HEALTHY AIR STANDARDS

Currently over 100 areas in the United States do not meet health standards under the Clean Air Act for ozone (smog); more than 40 areas are failing to attain the carbon monoxide standards; and an estimated 58 areas exceed the health standard for particular matter (PM-10). State and local governments have a major responsibility for implementing measures that will reduce pollution to levels that do not threaten health; the Federal government sets certain minimum requirements and assures that States carry out their responsibilities.

Title I of the agreement divides areas that fail to meet any one of the pollutant standards listed above into categories, depending

on the severity of the pollution problem, and sets out requirements of different levels of stringency for each category. Following is a summary of the provisions of title I:

Depending on the severity of the pollution problem, nonattainment areas for any of the pollutants must attain the health standard within five, ten, or fifteen years (twenty years for Los Angeles) for ozone.

Nonattainment areas for each of the pollutants must achieve specified increments of progress from the present until the health standard is achieved. This new requirement will ensure early ozone reductions and, for the first time, steady progress toward meeting the standard. In the case of ozone, areas must reduce emissions of volatile organic compounds (VOCs), a precursor of ozone, by 4% per year for the first six years after the amendments are enacted, and 3% per year (with waivers for certain specified conditions) thereafter until the standard is attained.

In areas exceeding the standard for ozone, service stations dispensing more than 20,000 gallons per month are required to install equipment on gasoline pumps to reduce emissions of VOCs.

Vehicle inspection and maintenance programs must be upgraded in ozone and carbon monoxide areas that already have such programs and must be instituted in most other areas that do not already have them.

The Administrator of the Environmental Protection Agency is required to impose one of the following sanctions in an area that fails to prepare or implement a plan that achieves a health-based air quality standard: a ban on construction of new sources of a pollutant, limited use of Federal highway funds, a ban on provision of new drinking water hookups, or withholding of Federal air pollution funds.

The definition of major sources in current law is retained, but any construction ban imposed in an area will apply to sources that emit more than 25 tons of VOCs.

Sources will continue to be allowed to "net out" increases and decreases of emissions when a plant is modified.

When a State fails to develop a plan that meets the requirements of the law, the Environmental Protection Agency is required to impose one new Federal Implementation Plan control measure each year the failure continues.

The Environmental Protection Agency is required to issue control requirements for a number of sources of pollution, including commercial and consumer products.

Polluters are required to pay fees to cover the cost of a State or local air pollution control agency's permitting program and a fee to pay the costs reasonably incurred by EPA in regulating the pollution.

TITLE II: MOTOR VEHICLE-RELATED PROVISIONS

Cars and trucks currently account for almost 50% of the smog (ozone) pollution and 90% of the carbon monoxide pollution in urban areas in the United States. They are also responsible for significant emissions of toxic pollutants. It is not only the vehicles but the fuel they use that cause pollution.

The agreement contains the following measures to reduce these pollutants:

Tailpipe standards for cars and trucks

Auto manufacturers are required to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen, which form smog, by 22% and 60%, respectively, beginning with 4.0% of the vehicles sold in 1993 and increasing to 100% of vehicles sold in 1955. Comparable reductions are required for vehicle classified as light trucks such as vans and pickups.

If more than 11 of 27 cities currently seriously polluted do not attain the health standard by the end of 2001, a second round of reduction emissions from cars—equal to an additional 50% reduction in CO, hydrocarbon and NO_x—will be required beginning with all cars sold after October 1, 2003.

In addition, if pollution is greater than 25% above the health based standard in the year 2000 in any area currently severely polluted by ozone, beginning in 2004 cars sold in that area must meet more stringent emission standards for NO_x, CO, and hydrocarbons.

EPA will study and recommend to Congress alternative methods to achieve the tailpipe emission reductions provided for in model year 2004. Congress will consider adopting alternative methods under expedited procedures.

Other requirements

Vehicle manufacturers must install systems to alert drivers when an emission control system is malfunctioning.

Auto manufacturers are required to install canisters on vehicles to capture hydrocarbons that would otherwise be emitted into the atmosphere refueling, but the Administrator of EPA is authorized to suspend for two years the requirement if a study to be carried out by the Department of Transportation determines that the refueling systems are not safe. Based on the study, Congress will vote under expedited procedures on whether to rescind the requirement.

Fuels sold in areas with unhealthy levels of carbon monoxide will be required to contain a specified oxygen content, which reduces emissions of carbon monoxide from vehicles. The oxygen content can be increased through additives such as ethanol, which is made from corn or other agricultural products, or derivatives of natural gas.

Requires new transit buses, beginning in 1991, to use cleaner fuel such as natural gas or methanol.

Clean fuels standards

Phase I Program

The program begins with Model Year 1995 vehicles sold in the nine cities with the most severe ozone nonattainment problem. All new vehicles sold in those cities will achieve an overall reduction in emissions to a level not more than .75 grams per mile ozone-forming emissions. The current fleet of passenger cars emit approximately 2.8 gpm. The Phase I vehicles are also to achieve a 12% reduction in air toxic emissions.

The emissions reductions will be met primarily through the use of cleaner fuels. By January 1992, EPA is to issue specifications for various alternative fuels, including ethanol, methanol, CNG, electricity, and LPG, as well as reformulated gasoline that will achieve the emissions reductions required used in conventional vehicles. The performance standard will be fuel neutral.

Phase II Program

The standards are tightened beginning in MY 1999. The ozone-forming emissions must not exceed .66 gpm in-use and the toxics emissions reduction is to be 27% below emissions from conventional vehicles. EPA has the authority to reduce the toxics emissions reduction requirement to 18% if 27% is not achievable.

As with Phase I, the emissions reductions can be achieved primarily through use of alternative fuels.

Role of the States

Implementation of the alternative fuels program will be undertaken as part of State Implementation Plans.

States can "opt-up" requiring that cleaner cars (like the fleet car described below) be sold in larger quantities.

States can "opt-in" allowing cities other than the 9 specified in the bill with nonattainment problems to join the program.

California may develop its own alternative fuels program (and one has been proposed). Other states may adopt the California model, provided that their implementation plans contain incentives to encourage vehicle sales and use.

Fuel suppliers will make available for sale alternative fuels at conveniently located service stations.

Fleets

A program for fleet vehicles is included in the agreement. Fleet vehicles covered by the program would be substantially cleaner than conventional vehicles achieving ozone-forming emission reductions of approximately 80% (an in-use emissions rate of .25 gpm HC) and toxics reductions of 75%.

The alternative fuels program would apply first to fleets owned by Federal agencies and used in ozone nonattainment areas. The program would be phased in beginning in 1995.

Beginning in 1997 the fleet program would apply to fleet vehicles operated in the private sector. Fleets of more than 20 vehicles (which are centrally fueled and maintained) operating in the 9 cities with the most severe ozone nonattainment problems would be covered and 30% of new vehicle purchases must meet the alternative fuels standards.

Auto manufacturers who sell cleaner vehicles which operate above the standards will receive credits under a banking trading program.

TITLE III. AIR TOXICS PROVISIONS

Air Toxics Provisions—Routine Emissions from Major Sources

List of Pollutants and Source Categories

The agreement contains a list of approximately 200 hazardous air pollutants taken from the Administration's bill.

EPA is to establish a list of source categories (chemical plants, oil refineries, coke ovens, cotton gins, smelters, etc). for the purpose of promulgating standards. Any source emitting any one of the listed pollutants in quantities greater than 10 tons or any combination greater than 25 tons is classified as a major source and subject to regulation under the bill.

EPA is to revise the list of pollutants from time to time and act upon petititons to add or delete substances from the list.

MACT Standard

For each category of sources, EPA will promulgate a standard which requires the installation of maximum achievable control technology (MACT).

Standards are to be promulgated within 2, 3, 5, and 10 years of date of enactment, depending upon the source category. The standards for approximately a dozen organic solvents are required within 2 years.

Existing sources must comply with MACT standards not later than 3 years after promulgation.

MACT standards are not required for source categories that pose less than a 1-in-1,000,000 risk of cancer.

With respect to electric utility boilers, only particulate and mercury emissions are to be regulated with a MACT standard. EPA is not authorized to require flue gas scrubbers to control emissions of hazardous air pollutants from utility boilers.

Voluntary Pollution Prevention Reduction

Any source making an early reduction of 90% below 1985 emissions levels shall be exempt from the MACT standards.

Residual Risk

The agreement contains provisions to reduce any significant risk to public health which may remain after the application of MACT.

If, after installation of MACT, a significant risk remains, EPA must promulgate health-based standards 5 years after initial promulgation of the MACT standard.

The National Academy of Sciences is to conduct a study of the risk assessment methods currently used by EPA and alternative methods in setting health standards. EPA is to revise its Guidelines for Carcinogenic Risk Assessment based on the NAS study.

A commission to study the use of risk assessment methods in controlling hazardous air pollutants is to be established. The commission is to report to the Congress on residual risk policy questions. Expedited legislative procedures are provided to assure a vote in the Congress on legislation with respect to any recommendations made by the commission.

If Congress does not choose a residual risk standard after the Commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater tha 1-in-1,000,000 for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1-in-10,000.

The owner or operator of a source may provide a site-specific health assessment of pollutants released from the source to show the actual impact of those pollutants on public health within the vicinity of the source. Sources which impose actual cancer risks exceeding 1-in-10,000 must take mitigation measures or shutdown. Sources must use available technology to reduce actual cancer risks striving to reach the goal of cancer risk not exceeding 1-in-1,000,000 to the most exposed actual person.

Steel plants installing the most stringent level of control on emissions from coke ovens before 1995 are given an extension to 2020 before the residual risk health standards apply.

Routine Emissions from Area Sources

Area sources are small industrial or commercial operations such as dry cleaners, service stations, wood stoves which emit air toxics.

Based on the list of hazardous air pollutants, EPA can list an area source category just as the Agency would list a major source category and require MACT. EPA also is authorized to require generally achievable control technology for area sources, which is less stringent than MACT.

The agreement establishes an area source control program to reduce the risks from area sources. Under the program EPA is to conduct research on area sources of air toxics, which is to include a monitoring program, and an inventory of the sources of those toxics.

Five years after enactment, EPA is to propose a national urban air toxics strategy to significantly reduce risks associated with urban air toxics from areas sources. The goal of the strategy is to reduce cancer cases attributable to air toxics by 75%. EPA is to report on reductions achieved in 8 and 10 year intervals.

Sudden, Accidental Releases

The agreement contains a program to reduce the likelihood of catastrophic, chemical accidents.

A general duty to operate a safe facility is imposed on the owner or operator of each facility handling extremely hazardous substances.

The agreement establishes a Chemical Safety Board to investigate chemical accidents, similar to the National Transportation Safety Board. The Board would make recommendations to EPA on measures which can be taken to reduce the likelihood of accidents in particular industries.

EPA is authorized to promulgate accident prevention regulations.

TITLE IV: ACID RAIN PROVISION

Acid rain continues to pose a grave threat to the environment. The agreement incorporates a system of SO_2 emissions trading and a cap on SO_2 emissions at 10 million tons below 1980 levels so as to allow SO_2 emission reductions to be achieved in the least costly way, and to ensure the permanence of these reductions.

Reduction requirements for sulfur dioxide

The agreement achieves the same total of sulfur dioxide reductions as originally proposed by President Bush, ultimately reducing SO_2 by 10 million tons below 1980 levels each year.

Both Phase I and Phase II begin one year earlier than originally proposed by President Bush.

Annual sulfur dioxide emissions are capped beginning in the year 2000.

In Phase I, which begins January 1, 1995, utility power plants emitting at a rate above 2.5 pounds of sulfur dioxide per million Btu (about 111 plants) will have to reduce their emissions to a level equal to 2.5 lbs./mmBtu multiplied by their average 1985–87 fuel consumption measured in Btu.

Plants that use certain control technologies to meet their Phase I reduction requirements may either postpone compliance until 1997 or receive early-reduction bonus allowances for reductions they achieve between 1995 and 1997. In addition, Phase I plants that use certain control technologies will also receive two allowances for every ton of reduction they achieve below a 1.2 lbs./mmBtu level during Phase I.

In Phase II, which begins January 1, 2000, all utility power plants emitting at a rate above 1.2 lbs./mmBtu will have to reduce emissions to a level equal to 102 lbs./mmBut multiplied by their average 1985–87 fuel consumption measured in Btu.

Nationwide, plants that emit SO_2 at a rate below 1.2 will be able to increase their emissions between now and the year 2000 by roughly 20% and will then be limited to that level in order to maintain the nationwide cap on SO_2 emissions.

Bonus allowances are distributed to accommodate growth by units in States with emissions below 0.8 and by units that have experienced substantially increased utilization in the last five years.

The 1977 "percentage reduction" requirement for coal is repealed once the emissions cap goes into effect.

Marketable Allowances

In addition to its pollution control permit, each source will receive allowances equal to the tons of pollution it is permitted to emit.

If a source reduces its pollution more than required, it will have left-over allowances it can sell to another source—which would permit the second source to emit more than required while remaining in compliance. This ensures that total reductions will be achieved in the most cost-effective way and that reduction costs will be allocated in a fair way.

Utility NO_x Emissions

The agreement achieves the same NO_x reductions as S. 1630 in the year 2005, and by providing for earlier NO_x reductions provides greater NO_x reductions in the year 2000.

There is no NO_x/SO_2 trading and no allowance system established for NO_x.

Not later than 1993, EPA is required to establish performance standards under which utilities, required to reduce sulfur dioxide emissions in Phase I are also required to control their NO_x emissions in Phase I based on the performance standards for certain boiler types. The emission standards will be based on low NO_x burner technology.

Not later than 1997, EPA is required to establish performance standards for all remaining types of utility boilers. Remaining affected sources under the acid rain title must meet those standards by the Phase II deadline. This standard will also be set based on low NO_x burners, and will be updated as new technologies are developed.

EPA is required to promulgate a revised NO_x New Source Performance Standard for utility boilers.

Clean coal technology

Temporary clean coal technology demonstration projects (those operating for 5 years or less) are exempt from the requirements of Title I of the Clean Air Act.

Permanent demonstration projects that are retrofits are presumed not to be major modifications.

Permanent demonstration repowering projects are exempt from Part C. and section 111 requirements if their potential emissions for any criteria pollutant do not increase over the potential emissions before the project.

Non-demonstration repowering clean coal technologies are exempt from New Source Review if actual emissions for any criteria pollutant do not increase over previous emissions. If there is an increase in emissions, States are encouraged to give such projects expedited review.

Permits and Enforcement

There remain significant disagreement between the Administration and the Senate on permits and enforcement. Senate and Administration staff have been meeting, but have not yet concluded work on changes to those titles. In the event that agreement on outstanding differences cannot be reached before floor consideration of the clean air bill resumes, the parties to the agreement would not be bound to support changes to the permit and enforcement titles.

OTHER ISSUES

Chlorofluorocarbons

S. 1630 contained a title, as amended, to phase out the use and production of chloroflorocarbons. The title was not covered by the agreement and the parties reserve the right to consider changes to its provisions.

Incinerators

S. 1630 contained provisions to regulate emissions and ash from waste incinerators. These provisions were not covered by the

agreement and the parties reserve the right to consider changes to them.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEABROOK NUCLEAR POWERPLANT

Mr. KERRY. Mr. President, today the Nuclear Regulatory Commission issued full power operating license for the Seabrook nuclear powerplant. This decision is a slap in the face of the concerned citizens who have worked for years to try to wake up the NRC to our legitimate safety concerns about the evacuation plan imposed by the agency.

We have endured a long fight on the issue of the licensing the Seabrook nuclear powerplant, and I do not think the fight is over yet, despite the NRC's action today and, frankly, neither do the people who live in Seabrook's shadow.

Too many issues are yet to be resolved. Most important is the issue of safety for the citizens who live within the reaches of a nuclear disaster. The independent inspector general of the NRC is undertaking an investigation on the safety issue. Congress is still involved, too. I am pleased that Chairman KOSTMAYER has agreed to hold hearings in the House on the issue of safety. In the Senate, at my urging, the chairman of the Governmental Affairs Committee, Senator GLENN, has agreed to closely follow the inspector general's investigation.

Furthermore, we know that these issues will soon be in the U.S. court system instead of the pronuclear NRC.

The process at the Commission has been outrageous. When the rules got in the way, the NRC changed them. When the appeals process threatened licensing, the NRC commissioners overrode it. Now we have the opportunity to get our day in court. I am hopeful that fairness and common sense regarding the safety issues will prevail.

Since the day I arrived in Washington, and when I was Lieutenant Governor of Massachusetts, I have worked to convince regulators, industry and Congress to live up to their principle responsibility to all of us as citizen's and public officials. It is a responsibility to protect the safety of families, the elderly in nursing homes, the disabled, and every person who could possibly be affected by any calamity, large or small, at Seabrook.

Symptomatic of the apparent inability to get a fair and thorough hearing of all of the facts regarding Seabrook, is the nature of NRC appointees in recent years. I blocked the appointment of the last two NRC members from voting on Seabrook evacuation and safety issues, because of their proven pro-Seabrook bias, until they agreed not to participate in voting on these issues.

Despite the odds, I worked hard to try to persuade Congress to face the facts that evacuation plans must be developed early in the process before construction and must be approved by the governors of the States within a reasonable evacuation planning area. This proposal was vehemently opposed by the White House and still is.

The vote today simply renews the intensity of my feelings that we must continue to fight to protect our people from the risks entailed in today's NRC decision. I feel confident that the issue of safety will not die today with this vote. I, for one, intend to prevent that from occurring.

TRIBUTE TO BEN HILL GRIFFIN

Mr. GRAHAM. Mr. President, today, I rise to honor the memory of a great Floridian, a legend for much of this century: Ben Hill Griffin.

Mr. Griffin passed away this morning. His life was full, his contributions were many and his generosity was vast. Florida is a better place because of Ben Hill Griffin's public service, his pioneering progress in agriculture and his support for the University of Florida.

A family man, he was a constructive and respected leader in our State in a time of transition. Ben Hill Griffin understood the traditions of Florida, and the potential of the future. He combined a great entrepreneurial spirit with philanthropy that will live on through the next century.

Mr. President, an author named John McPhee wrote a book entitled "Oranges." Chapter 7 of McPhee's book, published in 1967, is about Ben Hill Griffin.

Author McPhee set out to find any remaining orange barons in Florida. There was one. I respectfully submit selected passages from this book:

Wherever I went, I asked people if they could think of a remaining example (of an orange baron). In every instance, they immediately said, "Ben Hill Griffin." Griffin, I gathered, is a universal man of citrus, a fresh-fruit shipper and a concentrate maker—one foot in the past and the other in the future.

He is both a cattle baron and a state senator, whose anti-segregationist convictions have been applied effectively in Tallahassee.

Ben Hill was in the Class of 1930 at Frostproof High School. "Football was my life," he said. He only weighed a hundred and forty-five pounds, but he played football in the middle of the line, and during his three years on the team, almost no one scored on Frostproof. The score he seems to remember with the most relish was Frostproof 22, Sebring 0.

Mr. President, this tough 145-pounder who played in the middle of the line in the Great Depression went on to greatness. We will miss our friend from Frostproof. We will honor his memory by saluting his high standards for excellence on the playing field, in the Florida Legislature and on the job.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1016. An act to change the name of "Marion Lake", located northwest of Marion, Kansas, to "Marion Reservoir".

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Peter K. Nunez, of California, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 2211. A bill to suspend the duty on diphenyldichlorosilane and phenyltrichlorosilane; to the Committee on Finance.

By Mr. ROTH:

S. 2212. A bill to minimize the adverse effects on local communities caused by the closure of military installations; to the Committee on Armed Services.

By Mr. CONRAD (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. BURDICK, Mr. DECONCINI, and Mr. DASCHLE):

S. 2213. A bill to increase the Federal contribution to the Tribally Controlled Community College Endowment Program; to the Select Committee on Indian Affairs.

By Mr. PACKWOOD (for himself, Mr. HATFIELD, Mr. MCCAIN, Mr. BOSCHWITZ, Mr. WALLOP, Mr. SYMMS, Mr. MCCLURE, and Mr. GRASSLEY):

S. 2214. A bill to provide incentives to health care providers serving rural areas, to eliminate the medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. PACKWOOD, Mr. HATFIELD, Ms. MIKULSKI, Mr. COHEN, Mr. SIMON, Mr. CRANSTON, and Mr. LIEBERMAN):

S. 2215. A bill to amend the Public Health Service Act to provide for the development and operation of center to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COATS (for himself, Mr. NICKLES, Mr. REID, Mr. LUGAR, Mr. HUMPHREY, Mr. HEFLIN, Mr. BURNS, Mr. THURMOND, Mr. EXON, Mr. LOTT, Mr. ARMSTRONG, Mr. D'AMATO, Mr. HATCH, Mr. MURKOWSKI, and Mr. WALLOP):

S. 2216. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

By Mr. COATS:

S. 2217. A bill to establish a School-Based Management Program; to the Committee on Labor and Human Resources.

By Mr. BRADLEY:

S. 2218. A bill to suspend for a 5-year period the duty on Dimethoate; to the Committee on Finance.

S. 2219. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on 2,2,'-azobisisobutytonitrile; to the Committee on Finance.

S. 2220. A bill to extend the existing suspension of duty on graphite; to the Committee on Finance.

S. 2221. A bill to temporarily suspend the duty on methyl and ethyl parathion; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. LIEBERMAN, Mr. DODD, Mr. LAUTENBERG, Mr. GORTON, Mr. SYMMS, Mr. MCCAIN, Mr. WALLOP, and Mr. ROTH):

S. 2222. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

By Mr. BUMPERS:

S. 2223. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S. 2224. A bill to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 2225. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Bill of Rights; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. SIMPSON, Mr. JOHNSTON, Mr. BOREN, Mr. COCHRAN, Mr. DOLE, Mr. DOMENICI, Mrs. KASSEBAUM, and Mr. WALLOP):

S. 2226. A bill to amend title II of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. GORE, and Mr. FOWLER):

S. 2227. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such Act governing exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS (for himself, Mr. KERRY, Mr. STEVENS,and Mr. MITCHELL):

S. 2228. A bill to develop a comprehensive program to ensure the wholesomeness of fish products intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PELL, Mr. RIEGLE, Mr. ADAMS, Mr. SARBANES, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, and Mr. MATSUNAGA):

S. 2229. A bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. COATS):

S. 2230. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S.J. Res. 263. Joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. LAUTENBERG, Mr. ADAMS, Mr. DIXON, Mr. KENNEDY, Mr. METZENBAUM, Mr. DECONCINI, Mr. HEFLIN, Mr. KOHL, Mr. HOLLINGS, Mr. FORD, Mr. INOUYE, Mr. COATS, Mr. SHELBY, Mr. DODD, Mr. LEVIN, Mr. ROCKEFELLER, Mr. HATCH, Mr. LUGAR, Mr. WILSON, Mr. SYMMS, Mr. PRESSLER, Mr. BYRD, and Mr. DASCHLE):

S.J. Res. 264. Joint resolution to commemorate the 50th anniversary of the National Sheriffs' Association; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PELL, Mr. HARKIN, Mr. RIEGLE, Mr. ADAMS, Mr. SARBANES, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, and Mr. MATSUNGA):

S.J. Res. 265. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 254. Resolution to commend Betty Meyer; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. LEVIN, Mr. GORTON Mr. BOSCHWITZ, Mr. ROBB, Ms. MIKULSKI, and Mr. BURNS):

S. Res. 255. Resolution calling on baseball owners, players, and their negotiators to settle their differences promptly and begin a complete spring training and regular season as soon as possible; considered and agreed to.

By Mr. MITCHELL (for Mr. DANFORTH (for himself, Mr. DODD, Mr. WALLOP, Mr. PELL, Mr. DOLE, and Mr. MITCHELL)):

S. Res. 256. Resolution commending the people of Nicaragua; considered and agreed to.

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. CONRAD, Mr. COCHRAN, Mr. GLENN, Mr. EXON, Mr. FORD, Mr. HATFIELD, Mr. MATSUNAGA, Mr. KOHL, Mr. DOMENICI, Mr. PELL, Mr. BRADLEY, Mr. WILSON, and Mr. CHAFEE):

S. Con. Res. 99. Concurrent resolution expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2212. A bill to minimize the adverse effects on local communities caused by the closure of military installations; to the Committee on Armed Services.

BASE CONVERSION, COMMUNITY DEVELOPMENT, AND WORKER OPPORTUNITY ACT

Mr. ROTH. Mr. President, two very exciting developments are being felt on the floor of this distinguished Chamber. One development, the dramatic opening of the Eastern bloc, gives us reason to take heart. The words of Lech Walesa and Vaclav Havel still echo on this Hill, and we all look forward to an era of peace, progress, and human rights.

The second development, however, the emergency of the global economic community, frankly gives us reason for concern. Japan and West Germany—the momentum of the European Community—challenge the economic leadership of America. Repercussions are being felt among our constituents and all eyes are upon us as we develop a viable program to keep our country on the leading edge.

Clearly, each of these developments influences the other—especially as we determine how our economic resources are to be used. Reduced threat from the Eastern bloc will allow for a carefully planned and executed reduction in the size and cost of our defense. It will allow us to redirect a responsible portion of our precious and finite resources to areas critical for our continued growth as an economic superpower—areas like the deficit, education, research and development, and the environment. These necessities for future growth demand sound present policies.

And the first among these policies is the need to cut waste. This is not a new theme for me. I've long advocated the scissors before the cash register—

that is to cut away old and needless programs before we charge the American people for more. Consequently, I've supported programs like closing unnecessary military bases—but always with the painful awareness that closing any base adversely influences the economic livelihoods of the individuals and communities that support it.

These people, as well as these communities, have every right to be concerned about the loss of jobs and economic activity from a closing. And we have an obligation to assist them by adopting policies that turn base closings into economic opportunities—opportunities for the individual, opportunities for the community, and opportunities for the country as it competes in the global marketplace.

To this end, I'm proud to introduce the Base Conversion, Community Development, and Worker Opportunity Act of 1990—legislation that will allow Congress to trim away the useless bases and cut fat from our defense bills without trimming away the good people and communities that have diligently supported these bases.

It is important to note that this legislation is not a base closing bill. It has nothing to do with the process of selecting which bases are to be closed or the mechanism used to close them. Rather, it is a base conversion bill. It will facilitate the closing process—once a base on Secretary Cheney's list is determined to be closed—by giving the community the maximum opportunity to acquire and convert the base as it sees fit. It also provides a package of benefits for Federation civilian employees who lose their jobs as a result of the closing.

Quite simply, the benefit to the community is that once a base is closed, outright ownership would be offered first to the local community, along with the freedom to use or develop the base and the land as it chooses. If the community accepts that offer, it would absorb the cost of the base closing, which means it would provide job retraining, severance pay, and adjustment assistance. In addition, for the first 25 years, the Federal Government would receive 25 percent of the proceeds of any sale or lease of the land.

If the local communities do not accept the offer, the base would then be offered to the counties, the States, and finally to other Federal agencies. This reverses the current order in which surplus Federal land is offered for disposal. And this reversal should facilitate base closings as the people closest to the bases will have the greatest influence as to their future use and how they can best serve the respective communities.

The benefit to the Federal Government is equally as simple. By allowing these communities the freedom to choose how their bases will be used after they're closed, we will minimize the opposition to their closing. And we will be able to make much needed and significant cuts in our defense budget. At the same time, in exchange for giving this valuable land to the communities, they will assume the costs of base closure. This, too, will represent real savings for the Federal Government. And finally, for the next 25 years the Federal Government will profit from any sale or lease of the land.

Mr. President, this is a brief synopsis of the Base Conversion, Community Development, and Worker Opportunity Act of 1990. I believe most who study this issue out will agree that is a very attractive and responsible way to trim needed waste from the Pentagon's budget. It's a realistic step we must take to put our Nation's financial house in order—to remain viable and competitive in the global community. It is also a very attractive and responsible way to keep job opportunities and economic growth in the communities that are affected by base closings.

I ask unanimous consent that an in-depth analysis of the bill as well as the bill itself be printed in their entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Base Conversion, Community Development, and Worker Opportunity Act of 1990".

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to benefit local communities when military installations located in or near such communities are closed by the Department of Defense by authorizing the real property on which the military installations are located to be conveyed to the local communities concerned;

(2) to facilitate the orderly transition into the civilian economy of workers who are adversely impacted by the closing of military installations;

(3) to provide workers whose employment is terminated as the result of the closing of military installations with a broad range of benefits, including job retraining, adjustment allowances, and severance benefits;

(4) to provide to the local communities concerned the opportunity to convert military installations that are closed by the Department of Defense to industrial, commercial, residential, recreational, and other uses, by granting those communities the authority to determine the proper utilization of the real property occupied by those installations;

(5) to minimize the cost to the United States of closing military installations by recovering in certain cases a fair and reasonable amount from the disposal and development of the real property constituting the installations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(2) The term "Administrator" means the Administrator of General Services.

(3) The term "local community" means the incorporated town, village, city, or similar entity of the State in which a military installation is located or, if the military installation is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property on which the military installation is located.

SEC. 4. DISPOSITION OF PROPERTY.

(a) IN GENERAL.—The real property constituting each military installation identified by the Secretary of Defense on January 29, 1990, as a military installation in the United States proposed to be closed by the Department of Defense shall, if such installation is closed, be disposed of as provided in this Act.

(b) TRANSFER OF PROPERTY TO THE ADMINISTRATOR.—Thirty days after the date on which a military installation referred to in subsection (a) is officially closed by the Department of Defense, the Administrator shall have jurisdiction over the real property constituting the military installation.

(c) PRIORITY FOR DISPOSITION.—(1) Within six months after a military installation referred to in subsection (a) has been closed, the Administrator shall offer title to the real property constituting the military installation to the local community concerned. Title to the property shall be offered subject to the conditions prescribed in this Act.

(2) If the local community concerned refuses the property, or fails to notify the Administrator of the community's acceptance of the property within six months after the date on which the Administrator notifies the community in writing of the availability of the property (and the conditions under which the property will be granted to the community), the Administrator shall offer the property to the county in which the military installation is located.

(3) If the county refuses the property, or fails to notify the Administrator of the county's acceptance of the property within three months after the date on which the Administrator notifies the county in writing of the availability of the property (and the conditions under which the property will be granted to the county), the Administrator shall offer the property to the State in which the military installation is located.

(4) If the State refuses the property, or fails to notify the Administrator of the State's acceptance of the property within 60 days after the date on which the Administrator notifies the State in writing of the availability of the property (and the conditions under which the property will be granted to the State), the Administrator shall offer the property to other departments and agencies of the Federal Government.

(5) If no department or agency of the Federal Government requests the property within 30 days after the date on which the notice of the availability of the property is published in the Federal Register, the Administrator shall dispose of the property to the highest responsible bidder.

(d) PROPERTY LOCATED IN MORE THAN ONE LOCAL COMMUNITY.—In any case in which a military installation referred to in subsec-

tion (a) is located in more than one local community, the property shall be offered to each of the communities and, if accepted by more than one community, shall be divided among the communities in such manner as may be specified by the laws of the State concerned.

(e) PROPERTY LOCATED IN MORE THAN ONE COUNTY.—In any case in which a military installation referred to in subsection (a) is located in more than one county of a State and the real property constituting the installation is not accepted by the local community concerned, that portion of the installation within each county shall be offered to that county.

SEC. 5. CONDITIONS.

(a) IN GENERAL.—Title to the real property constituting a military installation referred to in section 4(a) may not be conveyed to a local community, county, or State unless the local community, county, or State, as the case may be, submits to the Administrator, in such manner as the Administrator may prescribe, a plan under which the local community agrees—

(1) to pay for the training or retraining of all Federal civilian employees whose employment is terminated as a direct result of the closing of the military installation concerned;

(2) to reimburse the United States for all severance payments made by the United States to employees described in paragraph (1) as a result of the closing of the military installation;

(3) to pay to employees described in paragraph (1), in addition to any other payments to which they may be entitled, an adjustment allowance equal to one weeks' pay for each year employed, but not more than an amount equal to 10 weeks' pay;

(4) that if the property is sold by the local community, county, or State, as the case may be, within 25 years after the date of the conveyance of the property to the local community, county, or State, to pay to the United States an amount equal to 25 percent of the proceeds from the sale of the property after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent the costs have not been deducted from any proceeds referred to in paragraph (5));

(5) to pay to the United States 25 percent of any income realized by the local community, county, or State, as the case may be, from the rental or lease of the property during the first 25 years following the date of the conveyance of the property to the local community, county, or State, after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent that the costs have not been deducted from any proceeds referred to in paragraph (4));

(6) to make available to the Comptroller General of the United States such information as may be necessary for the Comptroller General to carry out his duties under section 7; and

(7) to such other terms and conditions as the Administrator determines necessary to prevent the local community, county, or State from entering into an arrangement that would postpone payment of part or all of the sale price of the property or postpone payment of part or all of the rental payments so as to avoid any payment to the United States required under paragraph (4) or (5).

(b) REQUIREMENTS REGARDING PLAN.—(1) Property referred to in section 4(a) may not be conveyed under this Act to a local community, county, or State unless the plan submitted by the community, county, or State, as the case may be, is approved by the Administrator, in consultation with the heads of other appropriate departments and agencies.

(2) The Administrator may not approve a plan submitted by a local community, county, or State unless—

(A) the plan describes, in such manner as the Administrator may provide, the manner in which the benefits referred to in subsection (a) will be provided and the manner in which the other conditions prescribed in such subsection will be met by the local community, county, or State; and

(B) the Administrator determines on the basis of the information contained in the plan that there is a reasonable likelihood that the plan will be successful.

(c) APPROVAL OR DISAPPROVAL OF PLAN.—The Administrator shall review each plan submitted pursuant to subsection (b) and shall notify the local community, county, or State concerned of the approval or disapproval of the plan within 30 days after receipt of the plan. If the plan is disapproved, the Administrator shall specify the reasons for the disapproval and the changes necessary to obtain approval of the plan.

SEC. 6. FAILURE TO COMPLY WITH CONDITIONS.

If a local community, county, or State to which real property is conveyed pursuant to this Act fails to comply with any condition provided for in this Act, the Administrator, after providing written notice to the community, county, or State, as appropriate, may withhold from any payments otherwise payable to the community, county, or State under any Federal program, such amounts as may be necessary for the United States to meet the expenses of complying with the conditions provided for in section 5(a). The Administrator may provide any benefit described in section 5(a) to any employee referred to in paragraph (1) of that section in any case in which a local community, county, or State, as the case may be, fails to provide that benefit.

SEC. 7. REVIEW BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct such reviews of the transactions carried out pursuant to this Act as may be necessary to determine whether the transactions are in compliance with this Act.

SEC. 8. REGULATIONS.

The Administrator shall prescribe such regulations as may be appropriate to carry out this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SECTION-BY-SECTION ANALYSIS OF THE BASE CONVERSION, COMMUNITY DEVELOPMENT, AND WORKER OPPORTUNITY ACT

Section 1—Provides that the short title for the legislation shall be the "Base Conversion, Community Development, and Worker Opportunity Act of 1990."

Section 2—States that the purposes of the legislation are to benefit local communities when nearby military installations are closed; to facilitate the transition of impacted workers into the civilian economy; to provide job training and financial benefits for persons whose jobs are terminated as a result of such closings; to transfer the real property to the local community for use as it wishes; and to minimize the cost to the federal government of such closings.

Section 3—Defines the terms "military installation," "Administrator," and "local community."

Section 4—Provides that the legislation applies to any military installation that was identified by the Secretary of Defense on January 29, 1990 as being a candidate for closure. Those such installations which are eventually closed would be offered first to the local community (or communities), then to the county, then to the state, then to other federal agencies, and then offered to the highest responsible bidder.

Section 5—Requires that before the local community, county, or state can take title to the property, it must submit a plan to provide job training, severance payments, and an adjustment allowance to terminated civilian employees. That plan must meet certain requirement and be approved by the Administrator of G.S.A. The Plan must also provide for payment to the federal government of 25 percent of the proceeds of any sale or lease of the property during the first 25 years after conveyance of title.

Section 6—Provides that if, after conveyance, the local community, county, or state fails to provide any of the benefits or payments required, the Administrator of G.S.A. may do so and deduct the cost from any federal payments otherwise payable to that entity under any federal program.

Section 7—Requires the Comptroller General to conduct necessary compliance reviews of transactions carried out under this legislation.

Section 8—Authorizes the Administrator of G.S.A. to issue appropriate regulations.

Section 9—Authorizes necessary appropriations.

PURPOSE

This proposal is designed:

To benefit local communities that are impacted when bases are closed;

To provide retraining, adjustment allowances, and severance benefits for civilian federal employees whose jobs are lost because a base is closed;

To empower local communities to determine how to use former bases without outside interference; and,

To provide for a lowering of the national defense budget and the deficit by ending the operation and maintenance cost of unneeded bases.

The proposed legislation does three things:

First, it provides retraining, severance pay and an adjustment allowance for the workers who are impacted by the closing of military base.

Second, it supersedes existing regulations that deal with disposal of surplus federal property and permits the transfer of property to local communities that wish to own and develop it.

Third, the bill contains provisions to reduce radically or eliminate base closing costs which would accrue to the federal government under existing law.

AN EXAMPLE

One of the federal properties that may become surplus is Bergstrom Air Force Base located near the city of Austin, Texas. Austin's City Council is considering construction of a major new commercial airport to be located some 15 miles north of Austin near Manor, Texas. One City Council member has urged the city to conduct a feasibility study of using Bergstrom rather than build the new airport. According to news reports, Austin community leaders concede it may be cheaper to convert Berg-

strom rather than buy the land for a new airport but that Austin will probably fight to keep Bergstrom open.

The key to breaking this and similar logjams of local resistance is to devise a method that turns base closing into attractive economic opportunities for these communities. A base closure process that is slow, painful, and politically agonizing benefits no one. It means that the financial savings remain largely theoretical, while the process is dragged out in legal and political arenas. A system is needed that begins to change base closings into real opportunities to enhance local communities. What is needed is a way to create "win-win" situations.

If there is local opposition, the Department of Defense will have a difficult time in closing the base. Because the base is not closed, the cost of operating it will continue. Additionally, the Austin taxpayer could also face the cost of a new airport. The federal government would continue to operate a facility which, according to the Secretary of Defense it does not need. Austin might buy land and build an expensive new airport that it does need but at a price greater than was necessary. In such a case, nobody wins and everybody loses a little each year so long as the unneeded facility remains open.

CONDITIONS

Some of the facilities that the Department of Defense wants to close are extremely valuable to the community. Clearly the example of Bergstrom Air Force Base near Austin, Texas is an example. There is not any reason, however, why the people in Austin should receive a windfall at the expense of all the rest of the taxpayers.

Under current law, it is the federal government's responsibility to sever and retrain the civilian federal employees who work on the facilities to be closed. It would also be the federal government's responsibility to make the facility safe for civilian use.

Under this legislation, in exchange for the title to the land and building, the community will pick up the federal government's burden to pay for severance pay and retraining. It also provides for adjustment allowance. One of the few federal government roles in the bill would be the responsibility for the Department of Labor to approve the plan for protecting the impacted worker.

The community would be expected to pay for the costs it assumes and to the extent deemed appropriate by the community, the sale or lease of the property to others. If in the community's view, the value of the closed facility is not sufficient to cover the costs associated with the closure, then the community need do nothing. The property would be offered to the county, then to the state, then to federal agencies and then to the highest bidder. If there are no takers, the regular federal property disposal procedures would take over.

To put it as simply as possible, if it does not make business sense for the community to develop the surplus property, it can choose not to do so.

In addition to the string that will require the community to assume the cost of protecting the federal workers on the surplus property there is another string.

If the community is able to make a profit on the development and use of the surplus property, the federal government will recover 25 percent of the amount of the profit. In this case, profit generally will mean income or proceeds in excess of the cost to develop the property including the cost of providing required benefits to the workers. This simply means that in those cases where the property value of the land greatly exceeds the cost of development, all of the federal taxpayers will receive some benefit. Again though, the greatest benefit—75 percent—is to remain with the community.

The fewer the strings on the property the better. This means property returned to the communities could be used as the community sees fit. The land would be subject to the community's planning and zoning standards and the use made of the property would be that thought best by the local community. In short the federal government would not tell the local community how to do what is best for it.

CAPITAL FORMATION

There are a number of ways that land might be transferred to the community. But this legislation seeks to adopt the simplest method.

The Department of Defense, in those cases where there is community interest, through the General Services Administration will transfer the property to the local community subject to the requirements or "strings" set out earlier. In considering this opportunity, the community must realize this is the only contribution by the federal government. The federal government would have no responsibility to make any other investment or to pay any cost of operation.

The Administrator of the General Services Administration will administer the program for the federal government. It will be the GSA Administrator's responsibility to assure that the community executes its portion of the bargain

PROFIT SHARING

The bill is drafted to enable the federal government to transfer the surplus property at little or no cost. One of the problems encountered last year with the Base Closing Commission was the tremendous amount of "upfront" money required to close the bases on that list. The purpose here however, is not to make a profit but should there be a windfall, it should be shared with all the taxpayers. For this reason, the legislation contains a provision for extracting 25 percent of the profit.

COST OF THE PLAN

As pointed out above, a primary goal of this legislation is to faciliate the transfer of these surplus properties to the community without notable cost to the federal government. The savings that can accrue from this bill are:

The federal government will give up title to the land and building associated with the surplus property. While this is an asset, giving the property to the community will not increase the deficit.

The federal government will be able to discontinue operation and maintenance of the surplus property. This is an immediate benefit which over time is probably the greatest savings that will arise from this legislation. This will reduce the annual deficit.

The cost of severance benefits paid to a federal worker impacted by the closure of a facility would, under current law, accrue to the federal government. Under this proposed legislation, these costs will be paid by the local community. This would represent a reduction of future annual budgets.

In those cases where the community makes a profit from the development and disposal of the land, 25 percent of the profits will accrue to the federal government. This too is a way to reduce future deficits.

ACCEPTABLE USES OF CLOSED BASES

This legislation permits any valid community use including open land, parks, prisons, commercial development, residential development. One of the goals of the legislation is to let the community decide what is the best use of the property based on the community's plan, zoning requirements and desires.

SUMMARY

This bill represents a new constructive alternative for the communities undergoing the transition brought about by closing a defense facility. It is a proposal true to basic federalist principles in that it gives the communities that are impacted by the closure of a federal facility the opportunity to control their fate with regard to the closed facility. It is a voluntary program that is triggered when the community decides it is in its best interest. The community decides the best use of the property, not the federal government. At the same time, it is not a simple give away of the property. The community must shoulder the burden of protecting the impacted federal civilian workers in return for the property. It must also share profits with all of the taxpayers. Even with these strings attached, the bill provides the incentive for aggressive community leaders to turn what in the past has been viewed as a negative experience into a positive development experience under the community's control.

By Mr. CONRAD (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. BURDICK, Mr. DASCHLE, and Mr. DECONCINI):

S. 2213. A bill to increase the Federal contribution to the Tribally Controlled Community College Endowment Program; to the Select Committee on Indian Affairs.

INCREASE IN FEDERAL CONTRIBUTION TO THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

Mr. CONRAD. Mr. President, several months ago I spoke on the Senate floor about a report by the Carnegie Foundation for the Advancement of Teaching entitled, "Tribal Colleges: Shaping the Future of Native America." That study was an important testimonial to the essential role that tribal colleges play on many Indian reservations.

Today I rise to introduce a bill for myself, Senator INOUYE, Senator MCCAIN, Senator BURDICK, Senator DASCHLE, and Senator DECONCINI that builds on the findings of the Carnegie report. The bill strengthens the existing endowment provisions under the Tribally Controlled Community College Assistance Act of 1978.

The impact of tribal colleges on the social and educational fabric of Indian reservations is undeniable. They provide indispensable educational services to many people who would otherwise likely not receive comparable educational opportunities. They contribute to the fabric of reservations by aiding economic development, promoting Indian culture and boosting the self-esteem of many who would not otherwise receive a substantial education.

There are four tribal community colleges in North Dakota—Standing Rock, Fort Berthold, Little Hoop, and Turtle Mountain—as well as 18 others throughout the country. I have seldom seen private or public entities do more with fewer resources than these fine institutions.

In 1981 per-pupil funding for tribal colleges was $3,100. However, by 1989 it had dropped to $1,964—less than 50 percent of what a small State institution would receive in equivalent appropriations, and less than 1/6 the funding per student provided, for example, to Howard University here in Washington.

Last year with the help of Senator BYRD and others we were able to increase per pupil funding by about $400. But much more is clearly needed.

Tribal college facilities need to purchase lab equipment, fill their libraries with books, pay teacher salaries and pay the bills just like any other educational institution. Yet they have had to do so with less than half the funds of comparable institutions.

Yet, despite these difficult conditions, the commitment of the educators at these institutions as well as others on the reservation has helped tribal colleges have a real impact.

The Carnegie report cites their contributions and achievements. It cites the success of institutions like Turtle Mountain Community College and Standing Rock College in North Dakota, Sinte Gleska in South Dakota and others in creating feeder systems to larger universities. It highlights the success of their students in finding jobs upon graduation.

As the Carnegie report states, "graduates who remain on their reservations after graduation offer the seeds of social stability, economic growth, and future leadership." But tribal colleges will not continue to produce those graduates if faced with a continual financial drought. That is why a substantial endowment is so essential.

The Carnegie report makes several recommendations. The first is to increase per pupil funding to $5,820. And the final recommendation urges a major expansion of the tribal college endowment fund "to increase the fiscal base and bring long-term stability to these institutions."

My bill expands the tribal college endowment in three ways. First, it doubles the authorization from $5 million to $10 million. Second, it increases the maximum allowable Federal endowment contribution from the Federal Government to $750,000 from $350,000. And finally, it doubles the Federal match from $1 for each dollar raised by a tribal college to $2 for each dollar raised.

I look forward to debating the bill in conjunction with this year's reauthorization of the Tribally Controlled Community College Assistance Act. And I look forward to receiving recommendations on how the endowment might be improved even more.

Mr. President, I ask unanimous consent that a factsheet issued by the American Indian Higher Education Consortium and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1831, et seq.) is amended—

(1) by inserting "half of" after "equal to" in section 302(b)(2)(B),

(2) by striking out "an equal amount of Federal capital contribution" in section 302(b)(4) and inserting in lieu thereof "an amount of Federal capital contribution equal to twice the amount of such withdrawl",

(3) by inserting "twice" after "equal to" in section 305 each place it appears,

(4) by striking out "$350,000" in section 305(a) and inserting in lieu thereof "$750,000", and

(5) by striking out "$5,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990" in section 306(a) and inserting in lieu thereof "$10,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994".

FINANCIAL REQUIREMENTS OF TRIBAL COLLEGES

The report on tribal colleges by the Carnegie Foundation for the Advancement of Teaching recommends that the colleges receive congressional funding at the full authorized level of $5820 per ISC (Indian Student Count). As the report indicates, this amount is more than justified by the real costs of operation in remote, isolated and economically underserved tribal communities.

Most tribal colleges came into existence during a buyer's market for faculty; they were often able to recruit excellent instructors, directly from graduate school, who valued opportunities for service above monetary compensation. Further, faculty salaries in the northern Great Plains were notoriously low. Many of the dedicated individuals recruited in the 1970s continue to be intellectual mainstays in their institutions. But recruiting their successors is a more expensive undertaking. Academic salary levels in the regions containing most of the tribal colleges have risen considerably in the past five years. Changes in values in mainstream American society have likewise reduced the availability of committed, adventurous, and credentialed young people who seek the kinds of opportunities which the tribal colleges provide.

Salary levels are particularly high in those fields which the tribal colleges are now beginning to address—the biological and physical sciences, mathematics, economics, business and public administration. If the tribal colleges are to address the most serious educational needs of their communities, they must have the financial resources to hire, and support, faculty well-trained in the appropriate disciplines.

Costs of laboratory equipment, reference materials, computer software or maintenance have likewise increased significantly since 1970. As well, deregulation of transportation has led to sharply increased costs of shipping and travel to and from rural areas. This trend has been compounded by changes in non-Indian demographic patterns around reservations; as farm, ranch, and small-town residents move to cities, regional economies in rural areas decline. Essential services—repairs for furnaces, photocopiers, or computers—become harder to obtain, more expensive, and longer in the delivery. Basic operating costs for tribal colleges increase as their regions become, in effect, more isolated from mainstream economic life.

Finally, the successes of tribal colleges raise educational standards, expectations, and costs within their own communities. Library users, over time, increase in numbers and in sophistication; graduates trained in computer usage requests updates on new software and applications. College faculty receive more requests for help from tribal governments and local businesses—requests which, in urban areas, might be directed to local universities or research institutions.

Tribal colleges have proven their capacities to use scant resources effectively. Now, more money is essential.

By Mr. PACKWOOD (for himself, Mr. HATFIELD, Mr. MCCAIN, Mr. BOSCHWITZ, Mr. WALLOP, Mr. SYMMS, Mr. MCCLURE, and Mr. GRASSLEY):

S. 2214. A bill to provide incentives to health care providers serving rural areas, to eliminate the Medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes; to the Committee on Finance.

RURAL HEALTH IMPROVEMENT ACT

● Mr. PACKWOOD. Mr. President, today I am introducing legislation, the Rural Health Improvement Act of 1990, to provide incentives for health care practitioners to serve rural areas and to provide relief for rural hospitals struggling to provide access to needed medical care.

Mr. President, last month I chaired 11 field hearings in Oregon and I am now more convinced than ever that the health care delivery system in our rural towns and communities is in need of a transfusion.

There are more than 70 hospitals in Oregon. More than half are located in rural areas and two-thirds of those are in the isolated eastern portions of the State. Many of us in Congress come from States with large, sparsely populated areas. We have watched rural hospitals struggle to keep their doors open, fighting an uphill battle to provide care to rural residents.

Two hospitals in small Oregon communities closed their doors last year. Another is on the brink of closure now. Unless immediate relief is granted, more Oregonians will be without basic health services. Residents of these small towns cannot simply or easily find care in the neighboring town. The neighboring town in Oregon might be 2 hours away by car. For

many of our elderly rural residents that is just not a viable alternative.

In 1983, Congress changed the way hospitals are paid under Medicare. At that time, it was believed hospitals located in rural areas had lower costs and should, therefore, receive a lower reimbursement than urban hospitals when treating Medicare patients. Over the years, this has not proven to be the case.

Many rural hospitals must compete in the same labor pool for doctors, nurses, and other health care practitioners as their urban counterparts. Because of their size, rural hospitals cannot purchase supplies in sufficient quantities to obtain discounts enjoyed by urban hospitals. In reality, the cost of providing health care in small, rural communities is not much different than urban areas.

Congress has taken steps to correct some of the inequities facing rural communities. The 1989 Budget Reconciliation Act directs the Health and Human Services Secretary to develop a proposal to eliminate the urban-rural differential. The legislation also changes the way physicians are paid. However, these changes will not be fully implemented until 1995. Quite frankly, some of the hospitals in my State simply won't be around in 1995 if immediate relief is not forthcoming.

Many doctors in small communities are general practitioners, providing primary care services. A physician practicing in rural areas today may deliver a baby, treat a heart attack patient, and then provide emergency care to the victim of an automobile accident, all within the span of a few hours.

Because of the current reimbursement system under Medicare, primary care physicians receive a lower rate than specialists. This system will change when the resource-based relative value scale is fully implemented in 1995. But many primary care physicians can't wait that long. I am concerned these critical health care providers will continue to leave rural areas. If there are no doctors in these communities, hospitals will not be able to keep their doors open.

During the course of my 11 field hearings I became convinced that health care must be available in rural towns and communities. To ensure that care will be provided my bill will:

First, eliminate the Medicare urban-rural differential between hospitals by January 1, 1991, rather than 1995. There will be one rate for all hospitals regardless of location;

Second, fully implement the resource based relative value scale [RBRVS] by January 1, 1992. Physicians providing primary care services will receive higher Medicare reibursement in 1992 rather than 1995;

Third, extend Medicare reimbursement to nurse practitioners who work in rural areas when the service would otherwise be furnished by a physician;

Fourth, establish a national payment rate for certified registered nurse anesthetists, the only provider of anesthesia services in many rural areas;

Fifth, revitalize the National Health Service Corps and increase funding for the NHSC Loan Repayment Program. NHSC provides scholarships to and repays loans to health practitioners willing to practice in rural areas;

Sixth, increase funding for area health education centers. AHEC's provide continuing education and clinical instruction in or near underserved areas for physicians, nurse practitioners, and other health care professionals;

Seventh, target Public Health Service funds to county health departments for preventive and health education services;

Eighth, provide tax incentives to physicians, nurse practitioners, and physician assistants for the first 5 years of practice in a rural area. This will encourage these health practitioners to live in and serve rural areas;

Ninth, permit physicians to expend up to $25,000 annually for the purchase of basic equipment used in providing primary care services;

Tenth, permit groups of rural hospitals to engage in joint purchasing, contract for needed services and share personnel; and

Eleventh, require the HHS Secretary to review and recommend the elimination of overly burdensome and unnecessary Medicare regulations affecting rural hospitals.

Mr. President, I hope many of my colleagues will embrace the concepts outlined in my statement and join with me today to cosponsor this legislation.●

● Mr. McCAIN. Mr. President, I rise to join my colleagues, Senators PACKWOOD, WALLOP, BOSCHWITZ, HATFIELD, and others, in introducing an omnibus legislative package to stabilize and improve access to health care in rural areas.

I spend a lot of time in the rural areas of my State, visiting with both those who serve the health care needs of these communities as well as with the people who rely on the rural health care delivery system for their care. I am sure that what I have found is similar to the findings of many of my colleagues—the rural health care delivery system is fighting for its very survival.

About 3 years ago, I started to get involved in helping to address this critical issue. I was led to get involved, largely because it struck me that Federal Government policies were actually exacerbating, rather than alleviating, difficulties facing the rural health care delivery system.

The last 3 years have seen my involvement in helping to narrow the disparity in Medicare payments to rural versus urban hospitals, increase payments to rural health care providers, provide direct Medicare reimbursement to allied and midlevel health professionals who provide services in rural areas, assist rural hospitals in exploring what types of changes they need to make to the services they offer in order to stay competitive, and bolstering the Area Health Education Center Program. I have also been honored to serve on the steering committee of the Senate's rural health caucus—a caucus which now enjoys membership of more than 60 Members of the Senate.

While Congress has taken some positive steps forward in addressing the problems facing the rural health care delivery system, it has largely been a disjointed effort. What we are introducing today is another step in the process of addressing these issues. But, unlike measures introduced in the past, it is fairly comprehensive. As such, the ranking minority member of the Finance Committee, Senator PACKWOOD, deserves much credit for the leadership he provided in fashioning this comprehensive package.

There are a number of important components to this omnibus legislation.

First, it proposes the elimination of the differential in Medicare payments to urban and rural hospitals by January 1, 1991.

Second, it requires the full implementation of the rural portions of the physician payment reform package by January 1, 1992.

Third, it extends Medicare reimbursement to nurse practitioners practicing in rural areas, and permits physician assistants to provide services in rural areas regardless of the site of services.

Fourth, it establishes a national payment rate for certified registered nurse anesthetists.

Fifth, it would revitalize the National Health Service Corps.

Sixth, it increases funding for the Area Health Education Center Program.

And, seventh, it provides tax incentives to health practitioners to encourage them to locate in rural areas.

This comprehensive package, if adopted, will do much to address the critical needs facing our Nation's rural health care delivery system. While it is certainly not the be-all or end-all in our efforts to address rural health needs, its modification of Federal policies will contribute to, rather than hinder, the attempt to stabilize and improve access to health care in rural areas.

I look forward to continuing to work with my colleagues to address the crit-

ical problems facing our Nation's rural health care delivery system. And, I hope that all of our colleagues will take a serious look at this proposal we are introducing today with an eye toward joining us in this effort.●

● Mr. SYMMS. Mr. President, I am pleased to join my colleague, the Senator from Oregon, in sponsoring this important piece of legislation, the rural health care initiative.

We have all been aware for some time that our rural areas are facing tremendous hardships with regard to health care. Without some assistance we will see a definite decline in access and the quality of care in these areas. As my State of Idaho is almost entirely rural, this would have a devastating impact.

I am especially pleased that this package includes two provisions that I have long been working on to make the Medicare system more equitable. The first is the elimination of the urban-rural reimbursement differential for hospitals. Rural hospitals depend on Medicare payments; they tend to have a greater proportion of Medicare patients than urban hospitals. Because their case mix is more diverse, urban hospitals may compensate for low payments from Medicare. Rural hospitals do not have this advantage and, therefore, have been continuously losing funds.

It does not take less money to perform an appendectomy or a bypass in a rural hospital. The procedure is not any different; however, the current system implies that it costs much less by reimbursing the hospital much less than if it were located in an urban area. Clearly, this inequity needs to be addressed.

The second provision that I have emphasized is the establishment of a national reimbursement rate for certified registered nurse anesthetists [CRNA's]. The language in this package is identical to a bill I introduced earlier.

Currently, CRNA's are reimbursed under a fee schedule which sets a different rate for each State. The variation from State to State is extreme; there is a 70-percent difference from the lowest rate to the highest. This is because the data which HCFA used to calculate the schedule was from 1986 salaries, using a 6-percent annual inflation adjustment when actually the increase was 12 percent. The overhead costs were also underestimated, resulting in a clearly inequitable fee schedule.

The provision in this bill will establish a national rate for all CRNA's. For medically directed CRNA services the rate will be set at $14 per unit; for nonmedically directed services the rate will be $21 per unit.

Mr. President, this package contains many other provisions that will greatly assist our rural areas in maintaining quality health care. The Senator from Oregon has worked hard on this bill and I am happy to lend my support and would ask for my colleagues' support as well.●

● Mr. WALLOP. Mr. President, 2 weeks ago, I joined my congressional colleagues, AL SIMPSON and CRAIG THOMAS, and Dr. Louis Sullivan, Secretary of Health and Human Services in attending a conference on rural health issues in Cheyenne, WY. The conference was organized by the Wyoming Medical Society. It was an opportunity to discuss the rather unique challenges confronting health care providers in what is described as a "frontier" setting. This frontier is not some glamorous trendy 21st century concept—it refers to our traditional frontier of the high plains and mountain regions of the West with sparse populations and long distances. Providing modern medicine in such a setting is becoming more and more difficult, as was discussed at the Cheyenne conference.

After listening to the various panels, speakers, and participants, it was evident that four issues stand out as causes of the health care crisis in rural areas. First, rural communities are experiencing incredible difficulties in recruiting and retaining health professionals, doctors, and nurses. Second, hospitals in rural areas are confronted with a financing crisis, in part brought about by low Medicare reimbrusement rates. Third, many individuals in rural areas have great difficulty in obtaining affordable health insurance. Last, there is the dispute over the cost of insurance coverage for medical malpractice.

It is quite clear that one factor contributing to several of these four problems is the level of Medicare reimbursement for hospital and physician services in rural areas. It is a well-known fact that doctors practicing in rural areas are reimbursed at lower levels than in urban areas. This partly reflects the difference in the cost of practice. But, a significant portion of the differential in rates is unexplained. In other words, those practicing in urban areas receive an unjustified bonus for their location. As a result of this differential, my communities are having a rough time keeping and attracting doctors. And, we face even greater obstacles in finding nurses to staff our medical facilities. Currently, there are regions in 15 of Wyoming's 23 counties which have been designated as health manpower shortage areas by the Department of Health and Human Services.

Our community hospitals, unlike physicians, cannot simply move to Denver or Salt Lake. But, they could close their doors. Since most hospitals in my State are sole community providers, and extraordinary effort has been made to keep the hospitals operating, if any hospital closes, we will have a health crisis in their service area.

Many urban hospitals have done quite well under the Medicare prospective payment system. This is not true for rural hospitals. Many costs for services are similar between urban and rural hospitals. We do not receive a special discount for high-technology equipment merely because our hospitals are in rural areas. Nurses expect, and do, receive the same wages in Rawlins, WY, as are paid in Denver. Yet, the system provides for a lower reimbursement level to reflect the mythical "lower cost of living" in rural areas. The result is much anguish in our rural communities as they struggle to keep their hospitals solvent.

Today, I join with my colleague from Oregon [Mr. PACKWOOD] in introducing a rural health care initiative. This package begins the process for revising both the part A and the part B Medicare rural reimbursement rates. It improves Medicare reimbursement for nonphysician health professionals. The bill would strengthen the National Health Service Corps which provides health professionals to health shortage areas. Last, it establishes a tax credit to health professionals providing primary care in rural areas.

Our proposal is a major step in response to the health crisis in rural areas. It does not solve all the problems I have described today. But, our bill does provide a greater sense of fairness in the treatment of the rural health system. My State does not want to be on the frontier of health care—the frontier where we are struggling for survival. We have had our pioneer experience, and as we enjoy celebrating our centennial this year, we prefer to revere the past not relive it. I would hope that we can act quickly on this legislation.●

By Mr. HARKIN (for himself, Mr. PACKWOOD, Mr. HATFIELD, Ms. MIKULSKI, Mr. COHEN, Mr. SIMON, Mr. CRANSTON, and Mr. LIEBERMAN):

S. 2215. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT OF 1990

Mr. HARKIN. Mr. President, I rise today on behalf of myself and Senators PACKWOOD, HATFIELD, MIKULSKI, COHEN, SIMON, CRANSTON, and LIEBERMAN to introduce the Contraceptive and Infertility Research Centers Act of 1990. This bill is a companion measure to H.R. 2956, introduced by Con-

gresswomen SCHROEDER and SNOWE last year.

Mr. President, the United States is without question the world leader in biomedical research. Yet when it comes to research and development in the areas of contraception and infertility, we have lagged behind a number of industrialized nations and even some in the developing world.

Infertility and contraception are central concerns of millions of Americans of child-bearing age. Nearly 2½ million couples desiring to have children struggle with the frustration and heartbreak of infertility. And each year about 3 million women become pregnant who do not wish to do so.

Their anguish is great. All of these individuals can benefit from intensified research on these basic family planning issues.

We can all agree that abortion is no one's first choice for avoiding unintended births. Yet, of the 3 million women who become pregnant unintentionally each year, about half will terminate their pregnancies. And, nearly half of the abortions that occur each year are among women who have become pregnant because the contraceptive method they were using failed.

The fact is, that there are only a limited mumber of safe and effective methods for preventing pregnancy. More research is needed into improved contraceptive methods that will reduce unintended pregnancies, and the less often such pregnancies occur, the fewer the number of abortions. That is a result we can all embrace—regardless of our political or religious beliefs.

And just as those who are not prepared to bear children should have access to safe and effective contraceptive methods, those who want to become parents should have access to safe and effective methods to help them conceive and bear children.

The causes of infertility are not always easy to diagnose, nor are they uniformly treatable. Treatments are expensive, and cost Americans approximately $1 billion in 1987. Yet even which such a large expenditure of funds, today only about 60 percent of infertility cases are treated successfully. Clearly, more research is needed into the causes of, and treatment for, infertility in both men and women.

The need for enhanced contraceptive research was highlighted just 2 weeks ago by the report "Developing New Contraceptives: Obstacles and Opportunities" issued by the Institute of Medicine and the National Research Council. After reminding us that "since the introduction of the pill and the IUD in the early 1960's, no fundamentally new contraceptive methods have been approved for use in the United States," the report goes on to note a number of facts I believe are important for all of us to keep in mind. These points are well summarized in the conclusion of the chapter on contraceptive research, and I quote:

People in the United States currently have limited options for fertility control and fewer contraceptive choices than people in several other industrialized countries and in some developing countries as well. Some improvements in existing methods will be made in the next decade, and some highly effective new methods may become available in other countries. Some of these new methods will probably be safer, easier to use, less expensive, and more acceptable than existing methods * * * The prospects for having one or more fundamentally new methods available in the United States by the year 2000 are negligible. Contraceptive methods that are fundamentally different from existing technology, such as a contraceptive vaccine, are likely to have a greater positive impact on the consumer and society as a whole but will take considerable time to develop.

Some promising new methods, such as the contraceptive vaccine, for which most of the basic research has been completed, are not being developed at a rate that scientific knowledge would allow. Other methods have been approved by one or more European countries, but additional clinical trials in the United States are needed to qualify for FDA approval. Moreover, there are continuing opportunities for basic research in reproductive biology, which may yield significant contraceptive leads.

Accelerated efforts to develop and introduce new contraceptive products to the market would lead to a wider variety of contraceptive options for women and men in the United States and would result in safer, more effective, and more acceptable contraception for a much broader population than is being served by existing methods.

The need is clear. We simply must do more to encourage research in this country on contraception, and that is what this bill does. This bill provides for the establishment of five research centers. Three will focus on improved methods of contraception and two on better diagnosis and treatment of infertility, under the authority of the National Institute for Child Health and Human Development.

The centers authorized in this bill will conduct clinical and applied research, train physicians, scientists, and other allied health professionals; develop model continuing education programs for such professionals; and disseminate information to them. The bill also provides for a loan repayment program for individuals involved in contraceptive or infertility research, in order to encourage more researchers to enter these fields.

This is not a proabortion bill. Whatever positions we take on the question of a woman's right to choose if we are committed to helping couples have children who want children, and to reducing the incidence of abortion in the case of those who do not, this bill is a step in the right direction. I urge my colleagues to examine and to support it.

I ask unanimous consent that the bill be printed in the RECORD and that a list of the organizations supporting the legislation also be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contraceptive and Infertility Research Centers Act of 1990".

SEC. 2. GRANTS AND CONTRACTS FOR RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND RESEARCH CENTERS WITH RESPECT TO INFERTILITY.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following new section:

"SEC. 452. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.

"(b) NUMBER OF CENTERS.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c) DUTIES.—

"(1) IN GENERAL.—Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals.

"(2) STIPENDS AND FEES.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) COORDINATION OF INFORMATION.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) CONSORTIUM.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be pre-

scribed by the Secretary, after consultation with the Director of the Institute.

"(f) TERM OF SUPPORT AND PEER REVIEW.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1991, $20,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $12,250,000 for fiscal year 1994, and $13,000,000 for fiscal year 1995.".

SEC. 3. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part F of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487A the following new section:

"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) ESTABLISHMENT.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each year of such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals.

"(b) ADMINISTRATIVE PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal year 1991 through 1993.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall become effective on October 1, 1990, or on the date of the enactment of this Act, whichever occurs later.

ORGANIZATIONS ENDORSING THE CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT OF 1990

American College of Nurse Midwives.
American Fertility Society.
American Public Health Association.
American Psychiatric Association.
Americans for Democratic Action.
American Youth Work Center.
Catholics for a Free Choice.
Endocrine Society.
Girls Clubs of America, Inc.
National Family Planning and Reproductive Health Association.
National Abortion Federation.
National Abortion Rights Action League.
National Institute for Women of Color.
National Organization for Women.
National Women's Health Network.
National Women's Law Center.
Planned Parenthood Federation of America.
Sierra Club.
The Alan Guttmatcher Institute.
Union of American Hebrew Congregations.
Zero Population Growth.

Mr. LIEBERMAN. Mr. President, I am pleased to be an original cosponsor of the Contraceptive and Infertility Research Act. Today, this country is faced with two critical concerns in the area of reproductive health, too many unwanted pregnancies and too many couples who are suffering from infertility and may need medical assistance in order to have a child. In both of these areas we must conduct more research to ensure that safe methods of contraception are available and to ensure that we can provide safe, knowledgeable assistance to all infertile couples.

One out of every six couples in America experiences infertility problems or fails to conceive within 1 year of trying to have a child. The mental, physical, and economic costs of infertility are very high. Couples who are trying and failing to conceive are subject to enormous emotional stress, and the tests, doctor's visits and medical procedures can cause numerous absences from work and disruptions to daily life. Currently 60 percent of infertility cases can be successfully treated, yet the Federal Government has not participated in the critical research efforts being attempted by medical schools and hospitals around the country. A concerted research effort, with Federal Government participation, will enable us to help more people and, perhaps, make the treatment procedures less complex and time consuming.

Despite the fact that there is a clear need in this country for new, safer methods of contraception and for medical assistance to infertile couples, the Federal Government has not focused its attention on clinical and applied birth control and infertility research. This legislation, establishing three regional contraception research centers and two infertility research centers, is a critical contribution to improving our research capabilities in this area.

Mr. PACKWOOD. Mr. President, I rise today along with Senators HARKIN and HATFIELD and several of our colleagues, both Republican and Democrat, to introduce the Contraceptive and Fertility Research Centers Act. Companion legislation was introduced in the House of Representatives in 1989.

As the Members of this distinguished body know, my support of the individual's right to make reproductive choices is longstanding. That support has often been associated with the right of a woman to choose an abortion. As important as I believe that right is, and I will continue to advocate for it, I deeply deplore that our inability to reach a consensus on abortion has been a factor in our seeming stagnation in the area of family planning. By the term "family planning" I include not only birth control, but the overall ability of American couples to decide whether and when to have children. Unfortunately family planning has been linked to abortion in a way that confuses people. There is a connection, and it is this: The ability of people to control their reproductive lives through family planning cuts down on the incidence of abortion. It's that simple.

Recently the National Research Council Institute of Medicine released an excellent report called "Developing New Contraceptives—Obstacles and Opportunities." The report states that the contraceptive methods currently available in the United States "leave major gaps in the ability of people to control fertility safely, effectively, and in culturally acceptable ways." The report notes that no significant new methods of birth control have entered the U.S. market since the development of the pill and the IUD nearly 30 years ago. Although at one time at least a dozen U.S. pharmaceutical companies were conducting contraceptive research, that number has dwindled to only one.

In addition to the "spillover" effects of the abortion controversy, other factors have played a role in creating this state of affairs. Lack of funding for research, cumbersome Food and Drug Administration requirements, and our inability to resolve the liability issue in a way that is acceptable to both the consumer and manufacturer of contraceptive drugs and devices, are all cited in the National Research Council report.

Whatever the causes of the crisis, women and their families in the United States are paying dearly for our failure to address this situation. The National Research Council study estimates that up to 3 million unplanned pregnancies occur each year to women in this country, about half of which are terminated in abortion. At least one-fourth of those 3 million women were using contraceptive methods which failed. A report by the National Family Planning and Reproductive Health Association entitled "the 1980's: Decade of Disaster for Family Planning," reveals that the United States has the highest teen pregnancy rate among seven industrialized nations. It also states that women in

every other country in the world have access to more methods of contraception than do U.S. women.

Contraceptive methods do more than just prevent pregnancy. Some can also prevent sexually transmitted diseases. The National Family Planning and Reproductive Health Association reports that over the past decade there has been a signficiant increase in such diseases, and the United States now ranks first in the world on our number of reported AIDS cases. New and better methods of barrier contraceptives could help prevent this enormous public health problem.

Ironically, at the same time millions of Americans are affected by unintended pregnancy, the American Fertility Society reports that 2.4 million, or 15 percent of American couples, who want to have a child are unable to conceive. This results in serious effects on mental and physical health and on relationships and careers for many of these couples. Infertility treatment can be very expensive, costing between $2,000 and $10,000 to treat on average, and is usually not covered by health insurance.

On December 1, 1989, the House Committee on Government Operations issued a report titled, "Infertility in America: Why is the Federal Government Ignoring a Major Health Problem?" The report concluded that infertile American couples often pay a high cost for what may be ineffective medical treatment because of the lack of federally funded research.

The United States is being surpassed in progress on contraceptive and fertility research by most of the other industrialized nations, and even some undeveloped nations. For the most powerful and technologically advanced country in the world to allow this situation, with its adverse consequences for millions of Americans families, to continue to happen is simply unacceptable. The legislation which we introduce begin the 1990's.

The bill which we introduce provides funding for five national research centers to do focused, intensive research and development of methods of contraception and fertility treatment. These centers would also develop training programs for scientists and health professionals and National Institute of Child Health and Human Development would oversee the program. To attract qualified researchers, our bill would authorize an Educational Loan Repayment Program modeled after the National Health Services Corps Loan Repayment Program.

This legislation would cost $77.5 million over the next 5 years. As a fiscal conservative, I'm not easily persuaded to spend money on new programs. However, I'm convinced that this legislation would be enormously cost effective in terms of public health savings. As an example, by making contraception more effective, we could lower our costs for medical treatment and public assistance for low-income women with unplanned pregnancies. Additionally, the incidence of sexually transmitted diseases could be impacted by the development of improved barrier methods of contraception.

Mr. President, it is time that we acknowledge the importance of these issues and take steps to make the United States a world leader in contraceptive and fertility research and development, as it should be. I am proud and pleased to be a sponsor of this legislation.

Mr. CRANSTON. Mr. President, I am very pleased to join the distinguished Senator from Iowa [Mr. HARKIN], the Senator from Oregon [Mr. PACKWOOD], as well as many others in introducing the Contraceptive and Infertility Research Centers Act. This legislation would greatly elevate the Federal Government's role and commitment to research in reproductive biology.

Every year the Government spends more than $7 billion to study the causes of and develop therapies to treat every imaginable illness and condition—some common and some rare. Yet, the Government's investment in contraceptive and infertility research—which affects nearly every American at some time during his or her life—has been miniscule, relative to the number of individuals who could benefit. This legislation would begin to reverse that situation by establishing five centers of research—three for contraceptive research and two for infertility research—so that a core of researchers would be trained and expertise developed in these vitally important research fields.

CONTRACEPTIVE RESEARCH

Mr. President, the 1960's saw the development of the pill and IUD—two breakthrough methods of birth control. However, essentially no new contraceptives have been developed or introduced since that time. In a recent report entitled, "Developing new Contraceptives—Obstacles and Opportunities," the Institute of Medicine [IOM] predicted that no dramatic changes in the availability of birth control will likely take place this decade. In fact, even if the research centers proposed by this legislation began work immediately, it is unlikely that new methods of birth control would be available before the 21st century. This legislation is an investment in the future—so that our daughters and sons will have greater options in choosing a safe, effective, and acceptable contraceptive method, depending on their particular situations and needs.

As a staunch supporter of family planning programs, I have long believed that the best way to reduce the number of unwanted pregnancies and, consequently, the number of abortions, is to expand and enhance family planning and birth control. The success of family planning, however, is dependent on the availability, safety, and usability of the method of contraception. This legislation, which would result in more research and development, is absolutely essential for that reason—to make contraceptives more accessible, easier to use, and less expensive.

INFERTILITY RESEARCH

Mr. President, Federal funding for infertility research is practically nonexistent. Yet, every year, more and more Americans spend thousands of dollars in order to become pregnant. Because very little funding has been provided for infertility research—primarily because of politics—Americans are receiving treatments that may not be completely scientifically supported.

This is particularly true for in vitro fertilization. Since the birth of Louise Brown in England in 1978, in vitro fertilization with embryo transfer [IVFET] has become an established method of treatment for certain types of infertility. However, the success rate is relatively low. The reason, according to a 1989 IOM study entitled, "Medically Assisted Conception—An Agenda for Research" is that the "state of clinical practice of IVFET today is limited by lack of knowledge of some of the basic reproductive biology involved."

Mr. President, I was first made aware of the low success rates of in vitro fertilization through my efforts as chairman of the Veterans' Affairs Committee to pass legislation to require VA to cover procreative services when the infertility is the result of a service-connected disability. We have not yet succeeded in enacting the legislation because the House has insisted on excluding in vitro fertilization. One of the criticisms raised against this procedure is its low success rate, although I do not believe this criticism justifies excluding the procedure because I believe any valid medical procedure should be available to ameliorate a service-connected condition. Nevertheless, research on in vitro fertilization is essential to improve the success rate of the procedure and, consequently, to improve efforts to have it covered by third-party payers.

The 1989 IOM report recommended a vigorous program for funding basic sciences research in reproductive biology as well as funding for applied research into technologies for medically assisted conception in order to provide a solid foundation for offering safe and effective in vitro fertilization services.

CONCLUSION

Mr. President, this legislation is greatly needed. It would implement the recommendations of two recent IOM reports.

We should all be able to agree—regardless of one's position on abortion—on the goal of reducing unwanted pregnancies. As the IOM report states: "The stronger the desire to reduce abortion, the greater should be the investment to develop new methods of contraception."

We can make significant progress toward that goal by making contraceptives more accessible, easier to use, safer, and less expensive, and research is the primary means of achieving that goal. I urge all my colleagues to support this legislation.

Mr. HATFIELD. Mr. President, today I am joining several of my colleagues in introducing legislation which, if adopted, could offer the benefits of good health to millions of women who seek safe and reliable contraceptives and medical treatment to the millions of families who currently are experiencing infertility. This bill, the Contraceptive and Infertility Research Centers Act of 1990, recognizes the fertility-related issues are public health issues which deserve attention and aggressive investigation by our Federal research institutions.

I am aware that human reproductive issues often prove controversial, but I am hopeful that my colleagues will recognize the dearth of resources our country has in the area of medical research on contraception and infertility. Despite the incidence in this country of 3 million unplanned pregnancies each year there exists an erosion of available family planning. Family planning education is vitally important, as is the provision of contraception services to lower income women and men, but they are not enough to meet the need. As the National Research Council and the Institute of Medicine recently stated in their joint report, "Currently available contraceptive methods are not well suited to the religious, social, economic or health circumstances of many Americans and, therefore, a wider array of safe and effective contraceptives is highly desirable."

Yet the foreseeable future does not hold any prospects for adequate contraceptive development. Two decades ago there were over a dozen private pharmaceutical companies involved in research on contraceptives. Now there is only one. The past decade's efforts of private companies, coordinated research by foundations and universities, and the involvement of the Federal Government only have yielded one additional contraceptive product made available for use. And, as the NAC/IOM study points out, "Most of the contraceptive methods that will be available in the United States between now and the turn of the century will constitute modest improvements to existing methods." This outlook is particularly bleak if one agrees with the NAC/IOM's statement that "The stronger the desire to reduce abortion, the greater should be the investment to develop new methods of contraception."

Our investment in safe and effective contraception also should be complemented by medical research in the field of infertility. As many as 2.4 million American couples have difficulty in conceiving. Yet little infertility research is conducted at the Federal level. Current efforts are limited and uncoordinated, without the express mission of preventing and treating infertility.

The Contraceptive and Infertility Research Centers Act of 1990 would target research into infertility and contraceptive technology. Five centers, two for infertility research and three for contraceptive research, would be created over the next 5 years. Clinical research and development, training programs for scientists and health professionals, and continuing education programs also would exist at the centers. These centers would build upon the basic research already being conducted at the Federal level, offering hope that new information and medical methods will be soon made available.

Any elected official who is willing to become involved in reproductive issues knows that he or she will at some point have to discuss abortion. That is enough to scare many Members away from public debate and action. And thus the issues of contraception and infertility are treated as pariahs—avoided at any cost. The very research which may ultimately lead to a resolution of the abortion debate is stunted because we seem to be accepting the notion that the best thing to do with reproductive issues is to take them out of the Government's hands. But this is an issue which belongs in the public's realm and policymakers must be willing to consider these programs whatever the political climate.

This legislation has been described as an attempt to find some middle ground in the abortion debate. I do not believe that abortion should be available unless the life of the mother is endangered. Many of my colleagues disagree with me on that point. For those of us who are prolife, family planning offers a compassionate alternative to abortion which also meets a woman's very real need to avoid an unwanted pregnancy. I view contraceptives as components to a prolife philosophy which embraces all life and works to enhance the well-being of each individual through the support of adequate social programs, the prevention of war, and the abolition of the death penalty. And for those who disagree with me on the issue of abortion, family planning represents a way to dramatically reduce the need for a procedure which is the least desired of any option. In short, family planning bridges the gap between the two sides of the abortion debate and gives hope that some day the abortion debate may become moot.

Yet, I urge my colleagues to consider this bill as something more than just an attempt to find middle ground. It is not just a way out of the abortion debate. The research funded by this bill will provide medical information and treatment to promote healthy lives for millions of women and children and could give the gift of life to families who otherwise would remain childless. To only view this legislation from the point of reference of the abortion issue is to ignore those benefits and trivialize our own needs and the needs of the people we care about. I encourage my colleagues to work with me and the other sponsors to bring about passage of this legislation.

By Mr. COATS (for himself, Mr. NICKLES, Mr. REID, Mr. LUGAR, Mr. HUMPHREY, Mr. HEFLIN, Mr. BURNS, Mr. THURMOND, Mr. EXON, Mr. LOTT, Mr. ARMSTRONG, Mr. D'AMATO, Mr. HATCH, Mr. MURKOWSKI, and Mr. WALLOP):

S. 2216. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

INNOVATIVE BOOT CAMP PRISON ACT

Mr. COATS. Mr. President, prisons are essential for isolating violent and dangerous criminals. Bars and walls, in these cases, are a type of societal self-defense. They mark the boundaries which the predatory must not cross.

But we cannot fool ourselves that barbed wire and wasted hours are a recipe for rehabilitation. It makes no sense to strip prisoners of their privacy and possessions, expose them to constant threats, warehouse them will hardened criminals, deprive them of meaningful work, and then expect a rejuvenation of morals and manners. Prisons protect society. They don't reform lives.

Prisons have, in fact, been called graduate schools of crime. They leave young offenders instructed in the finer points of lawlessness. They transform the misguided into the hardened, the confused into the violent.

It is clear that is no substitute for the punishment of prison where the violent are concerned. It is equally clear that some other punishment must be found for young, nonviolent offenders. And I mean real punishment—harsh enough to deter, harsh enough, perhaps, to quicken the conscience.

39-059 O-91-5 (Pt. 3)

There must be some middle ground between a prison's gradual destruction of the soul, and a half-heartened slap of the wrist.

Mr. President, this is the reason I am introducing the Innovative Boot Camp Prison Act of 1990. It is essentially an updated and revised version of S. 1365, the innovative alternatives to Incarceration Act which I introduced last year. I am pleased that the cosponsors of my earlier bill—Senators HUMPHREY, REID, MURKOWSKI, LOTT, THURMOND, NICKLES, WALLOP, D'AMATO, BURNS, LUGAR, HATCH, ARMSTRONG, EXON, and HEFLIN—have agreed to cosponsor this new legislation.

Boot camp prisons have developed throughout this country as an alternative to imprisonment for primarily young, nonviolent criminals. They are used by State correctional officials as a means of relieving severe prison overcrowding, at a much lower cost than prison, so that prison space is available to house more violent criminals. Boot camps provide to States and local communities an affordable means of promoting public safety, a respect for law and order, and better citizenship.

Boot camp prisons—or shock incarceration programs, as they are sometimes called—offer a combination of punishment with rehabilitation more appropriate to people convicted of nonviolent crimes, usually drug offenders, white collar criminals, petty thieves, and first-time offenders in their late teens and twenties serving short parole eligible sentences. Local officials hope that young offenders will gain positive lessons from the experience, including the value of a work ethic and individual responsibility, a sense of self-worth, self-discipline, an understanding of the consequences of criminal activity. They are also provided education, skills and other tools they will need to return to their families and communities.

Traditionally boot camp inmates are selected from among volunteer prisoners—male and female—who are physically able to undergo the program. They enter boot camp prisons, usually minimum security facilities, for short periods of up to 6 months. Participants undergo a rigorous regimen, often 16 hours a day. The program includes military-style discipline, physical training, hard labor, drill and ceremonial exercise, accompanied by drug testing and treatment, counseling, remedial and life skills education. If the recruit successfully completes this boot camp program, he is released for a transitional period to closely supervised community service projects and continued programs of drug treatment, education and job training. If he successfully completes both the boot camp and supervised release program, the remainder of his sentence is reduced or suspended altogether and he is discharged for total time served. If the inmate drops out or otherwise fails to graduate from the program, he is usually returned to prison to complete his original sentence.

The concept of using boot camp prisons as alternatives to imprisonment is gaining wide support. It represents the majority view of State corrections officials, law enforcement personnel, criminologists, social workers, community leaders and parents. It has been endorsed by President Bush in his national drug strategy and by William Bennett, the Nation's drug czar.

Boot camps have been funded by the Justice Department. Last year the Bureau of Justice assistance awarded $500,000 in discretionary grants to two boot camp projects in New York and Louisiana.

The Boot Camp Program has been approved by the U.S. Senate. Last year this body unanimously adopted my amendment to a drug bill directing the Bureau of Justice assistance to provide funding for State-run boot camp programs for first-time offenders who have committed nonviolent crimes, including drug-related offenses. Unfortunately the House failed to act on the Senate-passed bill.

Boot camp projects are operational in 14 States: New York—which has five camps throughout the State, Mississippi, Texas, Louisiana, South Carolina, Georgia, Oklahoma, Florida, Alabama, Arizona, Michigan, Idaho, North Carolina and Tennessee. Eight other States—Arkansas, Kansas, Missouri, New Hampshire, New Mexico, Pennsylvania, Utah, and Wyoming—are in the process of setting up programs. Legislation authorizing a Boot Camp Program in Indiana passed the State House of Representatives by a vote of 97 to 1 and is now in the State Senate.

My boot camp prison bill would amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Director of the Bureau of Justice assistance to make grants to the States to set up and operate boot camp projects for those young adults convicted of nonviolent crimes, including drug offenses. The legislation authorizes $200,000,000 for fiscal year 1991 to establish the demonstration grant program.

The bill sets forth criteria for State applications to receive a grant. For instance, grant funds cannot be used for more than 70 percent of the cost of the project. In other words, to qualify a State must provide 30 percent in matching funds, of which at least 15 percent must derive from funds provided by private entities.

The major changes I have made in this bill are based on the opinions and comments of Federal and State corrections, judicial and legislative officials. These changes include:

First, the definition of boot camp prisons has been slightly amended to ensure that inmates are offenders with sentences that require imprisonment, that is, terms of at least 1 year, so that boot camps will be effective diversionary programs and not be used merely to add to prison overcrowding. Most States do not restrict participants to first-time offenders only, so I have omitted that requirement.

Second, under section 1401, it is made clear that drug offenders confined to boot camp prisons will receive periodic drug testing as well as drug treatment, if needed. All offenders confined to boot camp prisons will also be offered counseling, literacy education, vocational education, and job training, both during confinement and during supervised release.

Third, upon graduation from boot camp, all offenders will continue to be closely supervised, under community confinement or home detention, and will continue to receive drug testing and treatment, counseling, education, and job training. They must also provide restitution, if requested, and participate in community service programs.

This provision for supervised release and rehabilitative programs during the transitional period between boot camp confinement and unsupervised release to society was not included in the original bill. It was added because of the predominant view that the success or failure of boot camp projects will depend largely on post-release conditions facing the graduate. The environment of boot camps is so completely different from regular living conditions that some continuous supervision and assistance are needed to enable the offender to adjust to society. The offender should not be allowed to return immediately to the same unsupervised, value-free, drug-prone and crime-ridden home and neighborhood that may have led to his criminal activity.

My bill will ensure that boot camp graduates will receive community confinement and home detention while serving their term of supervised release, so that they continue to receive the attention and assistance they will require. Moreover, they will be required to provide restitution to their victims, if a condition of their release, and participate in community service. Taken together, these federally assisted programs will benefit the offenders, their victims, and their communities.

Fourth, because the States will need additional funds to operate these treatment, educational and job programs during boot camp and during the post-boot camp transitional period, the percentage of Federal funding to be made available for such purposes was doubled, from 10 percent

under S. 1365 to 20 percent under this bill.

Fifth, while the proposed authorization remains at $200,000,000, should that amount not be appropriated for boot camp prisons under part N, it is clear that the Bureau of Justice assistance may continue to provide assistance to the States for boot camp projects through the Director's discretionary funds.

I am indebted to David Coolidge, Senior Regional Director of Justice fellowship advocates for his suggestions and encouragement. My thanks also go to Indiana State Representative Ralph Ayres of Chesterton and State Senator William Soards of Indianapolis, who sponsored boot camp legislation in the Indiana legislature, and to State Senator Edward Pease of Brazil, chairman of the Judiciary Committee, and others, who are working to make boot camps a reality in my home State.

At a time when we are urgently fighting a national war on crime and drugs, I believe that boot camp prisons can be an effective weapon in our Federal and State arsenals. By providing an alternative to imprisonment for certain criminals, boot camp prisons will benefit the criminal justice system: they will relieve prison overcrowding and save millions in the costs of incarceration. Prison diversion will benefit the community by promoting public safety and civic responsibility. The boot camp experience will benefit individual offenders: the programs are designed to require punishment with rehabilitation, instill positive values and provide useful skills. Boot camp prisons can deter future crimes and curb the demand for illegal drugs.

I hope that the Congress will soon adopt the boot camp concept contained in this legislation which has already gained wide acceptance in the States. I urge my colleague to support this bill and to act quickly to provide the funding necessary to permit the States to continue this bold experiment in law enforcement.

Mr. President, I ask unanimous consent that the complete text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovative Boot Camp Prison Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) By 1987, over half a million adults were incarcerated in the United States.

(2) At the current rate of increase, it is estimated that in less than a decade more than a million adults will be incarcerated in the United States.

(3) It has been estimated that prison costs have risen 1,720 percent, adjusting for inflation (about 180 percent), since 1970.

(4) Using boot camp prisons for nonviolent offenders may alleviate overcrowding and reduce the per capita expenditures.

(5) Federal support is needed to assist States to implement innovative alternatives to imprisonment in order to meet the crisis of prison overcrowding and the escalating costs of incarceration.

(6) Military-style boot camp programs are being operated or developed by more and more States as an alternative to imprisonment.

(7) Many first-time nonviolent offenders, particular drug offenders, are in need of sanctions more serious than simple release back into the community on probation and education programs.

(8) Drug treatment has been most effective in the criminal population when combined with sanctions and a regimen of drug testing.

(9) The breakdown of families and communities has often left youthful offenders without self-discipline, self-esteem, job skills, or an understanding of the consequences of criminal activity.

(10) Boot camp prisons show great promise in instilling discipline and accountability, while promoting the positive values of a work ethic and individual responsibility.

(11) Boot camp prisons can provide to youthful, nonviolent offenders the kind of role models and the regimen of punishment combined with rehabilitation they need to return to society.

(12) Boot camp prisons can provide to States and communities an affordable means of promoting public safety and better citizenship.

(13) Great opportunities exist for involving State and local governments and private entities in providing innovative programs of education, labor, and health services within boot camp prisons.

(14) Corrections officials, probation and parole staff, parents, and community leaders are optimistic about the success of boot camp prisons and the benefits to graduates who complete boot camp punishment and rehabilitation programs.

(b) PURPOSE.—It is the purpose of the amendments made by this Act to provide financial assistance to States—

(1) to carry out projects that demonstrate innovative alternatives to incarcerating individuals convicted of nonviolent offenses and nonviolent drug offenses,

(2) to encourage States to maximize the capacity of their correctional facilities to confine individuals convicted of violent offenses, and

(3) to stimulate private sector participation in providing drug training, literacy education, vocational education, and job training programs, as well as other programs, as assistance to States offering alternatives to the imprisonment of individuals convicted of nonviolent offenses and nonviolent drug offenses.

SEC. 3. DEMONSTRATION GRANTS.

(a) ESTABLISHMENT OF PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901—

(A) in paragraph (20) by striking "and" at the end;

(B) in paragraph (21) by striking the period at the end and inserting a semicolon and "and"; and

(C) by adding at the end the following:

"(22) 'boot camp prison' means a correctional facility in which offenders who have committed nonviolent offenses or nonviolent drug offenses for which the authorized sentence is one year or longer in prison are required to participate in a highly regimented program that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training.",

(2) by striking the heading for part N and inserting the following:

"PART O—TRANSITION",

(3) by redesignating section 1401 as section 1501, and

(4) by inserting after part M the following:

"PART N—GRANTS FOR PROJECTS DEMONSTRATING ALTERNATIVES TO IMPRISONMENT

"DESCRIPTION OF DEMONSTRATION GRANT PROGRAMS

"SEC. 1401. (a)(1) Of the total amount appropriated for this part in any fiscal year, 80 percent shall be reserved and set aside in a special discretionary fund for use by the Director to make grants under this subsection. The Director is authorized to make grants to States to carry out projects that demonstrate innovative alternatives to the imprisonment of individuals who are convicted of nonviolent offenses and nonviolent drug offenses. The funds made available under this part shall be used for establishing and operating these projects.

"(2) The alternatives to imprisonment authorized under paragraph (1) are boot camp prisons.

"(3) In carrying out a project pursuant to this subsection, a State shall provide that—

"(A) drug offenders confined to boot camp prisons shall be tested periodically for illegal drug use and shall receive compulsory drug treatment, if needed, as determined by a qualified physician;

"(B) all individuals convicted of nonviolent offenses and nonviolent drug offenses who are selected for confinement to boot camp prisons shall also be offered drug treatment as required, and counseling, literacy education, vocational education, and job training programs, both during confinement and during supervised release, offered by the State or jointly by the State and private entities, as authorized under this section, and upon release, shall serve a form of community confinement or home detention during which they shall provide restitution, where required, participate in community service programs and continue to receive periodic drug testing and treatment, if required, and counseling, literacy education, vocational education, and job training programs, as authorized under this section; and

"(C) drug treatment, literacy education, vocational education, and job training programs, exclusive of boot camp programs, are not available as alternatives or as substitutes to boot camp programs authorized under this part.

"(b)(1) Of the total amount appropriated for this part in any fiscal year, 20 percent shall be set aside in a special discretionary fund for use by the Director to make grants under this subsection. The Director is authorized to make grants to States to carry out jointly with private entities drug treatment, literacy education, vocational education, and job programs which shall be made available to individuals who are convicted of nonviolent offenses and nonviolent drug offenses and are confined to boot camp prisons.

"(2) A grant made under this subsection may not be expended for more than 70 percent of the cost of the project for which such grant is made. Not less than 15 percent of the cost of such project shall be paid with contributions made in cash or in kind by private entities, including entities receiving State funds.

"APPLICATIONS TO RECEIVE GRANTS

"SEC. 1402. To request a grant under subsection (a) or (b) of section 1401, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

"(1) a certification that Federal funds made available under section 1401 to the State will not be used to supplant State or local funds that would, in the absence of Federal funds, be made available to carry out such project;

"(2) a description of the method the State will use to carry out the evaluation required by paragraph (3), and

"(3) an assurance that after each fiscal year for which a grant is made under section 1401, the State shall submit to the Director an evaluation of the impact and the effectiveness of the project for which such grant is made.

"REVIEW OF APPLICATIONS

"SEC. 1403. For purposes of determining whether to make a grant under section 1401 to a State, the Director shall—

"(1) except as provided in paragraph (2), give priority to States that clearly demonstrate that the capacity of their correctional facilities is inadequate to accommodate the number of individuals who are convicted of offenses punishable by a term of imprisonment exceeding 1 year; and

"(2) not approve an application submitted by a State if—

"(A) the amount of the grant requested by the State for the fiscal year involved exceeds 5 percent of the aggregate amount appropriated for such fiscal year to carry out this part; or

"(B) in any 3 preceding fiscal years the State received a grant under this part for the project for which a grant is requested in such application.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) in paragraph (3) by striking "and M" and inserting "M, and N", and

(2) by inserting after paragraph (6) the following:

"(7)(A) There are authorized to be appropriated $200,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994, to carry out part N of this title.

"(B) Notwithstanding the amount of any funds appropriated under this paragraph, the Director may grant discretionary funding for boot camp projects under part N.".

(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the items relating to part N and inserting the following:

"PART N—GRANTS FOR PROJECTS DEMONSTRATING ALTERNATIVES TO IMPRISONMENT

"Sec. 1401. Description of demonstration grant programs.
"Sec. 1402. Applications to receive grants.
"Sec. 1403. Review of applications.

"PART O—TRANSITION

"Sec. 1501. Continuation of rules, authorities, and proceedings.".

By Mr. COATS:

S. 2217. A bill to establish a School-Based Management Project Program; to the Committee on Labor and Human Resources.

SCHOOL-BASED MANAGEMENT PROJECT PROGRAM

Mr. COATS. Mr. President, in many areas, it seems like the school systems have become somewhat like the structures that undermined the Nation's railroads. Inflexible rules and regulations have resulted in a dinosaur type structure at the same time America is going through dramatic changes. Most experts have come to the agreement that present structures cannot respond to the demands being placed upon public education today.

John Chubb and Prof. Terry Moe of Stanford University suggest from their research that:

While real school expenditures increased, the educational achievement of teachers, class sizes, and other assumed influences on the student achievement improved substantially, test scores steadily declined. Student performance could not be tied closely to anything in particular that the schools did. The nation must understand how tightly school performance may be bound up with school organization and control, for those ties bear directly on the promise of school reform, however it is pursued.

School systems around the country are utilizing the concept of local decisionmaking often times as a last chance resort. These schools are finding positive results and the idea is catching on.

In my home State of Indiana, the city of Hammond embarked on a bold plan restructuring in 1982 known as [SIP] School Improvement Program. It was initially started as a pilot project in a few schools but the programs' success lead to the implementation of SIP in the rest of the schools in the district. Other Indiana school districts are now looking to follow the Hammond model, the newest being in the city of Anderson. Legislators in Indiana are catching on as well. Recently, a bill sailed through the Indiana House of Representatives allowing more school districts to implement a school-based management program.

Watching the reform in these schools is exciting. I am especially encouraged talking with school administrators and teachers and witnessing their sense of challenge and thrill in playing a more direct part in school and classroom planning.

Further proof of school-based management's success is the endorsement by the two leading teachers' unions: Al Shanker, president of the American Federation of Teachers and National Education Association president Keith Geiger both have endorsed the concept of school restructuring and I sincerely believe that this idea is one whose time has come.

The bill I am introducing provides department of education with funds to allow 10 schools to receive 5-year grants to implement school-based management/shared decisionmaking initiatives. This is not a lot of money and will not reach a lot of kids, at first. I am convinced however that allowing a small number of schools to experiment with such programs will encourage neighboring schools and communities to find ways to improve their schools as well, through their own form of school restructuring. Further, I believe that a 5-year grant will ensure that models coming from the funds will be well researched and contain vital information on what worked as well as what didn't work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SCHOOL-BASED MANAGEMENT PROJECT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Education (referred to in this Act as the "Secretary") shall make 5-year grants to not more than 10 State educational agencies for purposes of conducting school-based management projects in 1 or more local educational agencies in the State. A school-based management project conducted with assistance received under this Act shall be designed to result in the strengthening of opportunity and capacity for management of schools at the school level.

(b) AMOUNT OF GRANTS.—A grant recipient selected under subsection (a) shall receive $1,000,000 in each year of the grant period.

SEC. 2. PROGRAM REQUIREMENTS.

(a) APPLICATION.—A State educational agency that desires to receive a grant under this Act shall submit to the Secretary an application containing such information and assurances as the Secretary may require. An application shall be for a 5-year period and shall describe—

(A) each activity or initiative that will be part of the school-based management project conducted under the grant;

(B) the level of State resources (including funding and personnel) committed to the project; and

(C) how the grant will be used to expand or strengthen the project.

(b) SELECTION OF GRANT RECIPIENTS.—The Secretary shall select State educational agencies to receive grants under this Act based on the demonstrated willingness of the State and local governments concerned to waive State and local requirements as necessary to develop and implement new accountability mechanisms based upon outcomes and goals reached by the schools involved, including requirements relating to student performance.

(c) REQUIRED ACTIVITIES.—A school-based management project conducted under a grant received under subsection (a) shall include—

(A) increased responsibility of and decisionmaking by teachers;

(B) increased staff support for teachers;

(C) greater differentiation of teachers' roles and responsibilities;

(D) variation in school leadership structures;

(E) greater autonomy at the school level with respect to budgeting and resource allocation; and

(F) greater accountability for teachers and schools with respect to student performance, as compared with the norm.

SEC. 3. USES OF GRANT FUNDS.

Amounts received under a grant pursuant to this Act may be used—

(A) for the first 2 years of the school-based management project conducted under the grant, to support increased operating costs of the schools involved;

(B) to underwrite development and technical assistance efforts;

(C) to document and describe the process of transition to school-based management;

(D) to evaluate the results of the transition to school-based management; and

(E) to disseminate nationally information concerning new models in school management.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for purposes of carrying out this Act $10,000,000 for each of the fiscal years 1991 through 1995.

By Mr. BRADLEY (for himself, Mr. LIEBERMAN, Mr. DODD, Mr. LAUTENBERG, Mr. GORTON, Mr. SYMMS, Mr. MCCAIN, Mr. WALLOP, and Mr. ROTH):

S. 2222. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

EASING THE FINANCIAL BURDEN ON TERMINALLY ILL PERSONS

● Mr. BRADLEY. Mr. President, together with my colleagues, Senators LAUTENBERG, LIEBERMAN, DODD, SYMMS, GORTON, MCCAIN, WALLOP, and ROTH, I am introducing legislation which has the potential of easing the financial burden on terminally ill persons without forcing them to draw on State of Federal aid.

The Nation's largest life insurance company, the Prudential, recently announced a new plan that would let terminally ill policyholders with a life expectancy of less than 12 months receive virtually the full death benefit before they die.

While this new program has been widely praised, accelerated death benefits may still pose a tax problem. Section 101 of the Tax Code provides an exclusion for benefits "paid by reason of the death of the insured." Although proceeds paid at death are clearly tax free, the Internal Revenue Service has not yet ruled on whether accelerated benefits get the same treatment.

The legislation we are introducing would allow individuals who are certified by a physician to have a terminal illness or injury, which can reasonably be expected to result in death within 12 months, to receive the proceeds of their contracts on a tax-free basis.

Since life insurance proceeds payable on death are generally tax free, I believe that there will be minimal, if any, revenue loss associated with this provision. It merely permits the tax-free receipt of life insurance proceeds earlier than would otherwise be the case. I believe that access to these assets will make the lives of such individuals significantly easier without any significant cost to the Federal Government.

The legislation also contains an amendment to the Social Security Act, dealing with eligibility for Federal means-tested programs, such as Medicaid. The purpose of the Social Security amendment is to make sure that the mere availability of accelerated death benefits on a particular insurance policy, even though the insured does not elect to receive the accelerated benefit, will not automatically disqualify an individual from being eligible for Medicaid benefits. In some cases, full preservation of the death benefit is absolutely necessary to provide for the surviving spouse and dependent children. So it would not be fair to force terminally ill individuals to choose between their own welfare and that of their survivors.

In summary, the legislation I have introduced today will clarify the tax treatment of accelerated death benefits to Americans who need financial help at a most critical time. Having access to these funds before death could mean the difference between dignity and despair for many terminally ill people.●

● Mr. DODD. Mr. President, today I am joining Senators BRADLEY, LIEBERMAN, LAUTENBERG, GORTON, WALLOP, SYMMS ROTH, and MCCAIN in introducing legislation to permit insurance companies to repay death benefits to the terminally ill. The legislation is narrowly targeted to people who have been certified by a licensed physician as having an illness which can reasonably be expected to result in death in 12 months or less. It is designed to permit people who have life insurance benefits to have access to those benefits so that they can die with dignity.

At a time when our country is strapped for resources, it behooves us to develop creative ways to address our Nation's unmet needs. This program, pioneered by Prudential and Connecticut Mutual, and similar to programs introduced by Aetna and others, is just the kind of program we need to be looking at. Americans have some $8.5 trillion of life insurance in effect. This bill would enable insureds to tap that money to pay for their needs during the last year of their lives.

While I am very enthusiastic about the program, I think we need to proceed cautiously. While the bill can afford significant help to the terminally ill, it is important to remember that life insurance is primarily a vehicle for the insured's heirs and we must make sure that a fair amount is left for them. This is the kind of issue that I anticipate the hearings will address, although I suspect that a good way to address this problem would be to put a limit on how much the insured can use, based on some percentage of the difference between the cash value—the amount the insured can withdraw on his or her own, and the face value—the value at death. One might place this sort of limitation where the beneficiaries are dependents.

Enactment of his legislation will also help us get a better handle on the actual cost to the Government in lost revenues. While I have not seen a definitive study, I have seen a preliminary estimate of some $10 million annually—surely a small price tag for making the last year of one's life more tolerable.

While this is a discrete, carefully targeted piece of legislation, I think that, if it is successful, it may well prove to be part of the solution to the long-term care problem facing this country. Demographics and advances in modern medicine have combined to assure that the United States will have an ever-increasing elderly population whose needs must be addressed. In light of our enormous fiscal problems, it is hard to see how the Federal Government will be able to play a significant direct role in meeting these needs for the foreseeable future.

Therefore, it is essential to find ways to permit people to utilize the resources they do have, perhaps in different ways than they had originally anticipated. The elderly have two major sources of money to which they should have greater access. The first is the equity in their homes, and we are finally beginning to enable the elderly to tap that equity through the use of reverse annuity mortgages. This new product enables banks to pay their mortgagors a monthly sum, based on the value of their houses, so that people can afford to continue to live in their houses and in their communities.

The other large source of untapped funds is people's life insurance. If the legislation we are introducing today works to develop a fair balance between the insured and their dependents and the costs are not undue, then expansion of the program to long-term care could well help solve one of our largest problems.

It is important to caution here that accelerated death benefits and a government program are not our only alternatives to solving the long-term care problem. Insurers have, and are developing new, health insurance policies to provide long-term care. As we seek solutions to this problem, we must encourage all reasonable alternatives. In this regard, I think it is important to clarify that long-term care benefits are health benefits and should be accorded appropriate tax

treatment. With such treatment assured, then both health insurance and accelerated death benefits can contribute to fill this need.

Mr. President, I urge prompt consideration of this bill to permit the development of a highly creative and necessary new insurance product.●

● Mr. LIEBERMAN. Mr. President, life insurance represents a significant portion of American savings. For many Americans it is their primary savings vehicle. The American Council of Life Insurance estimates that in 1989 Americans had $5 trillion in life insurance, insuring 104 million individuals and $3.4 trillion in group life insurance, insuring 138 million people. Many Americans have insured the lives not only of themselves and their spouses, but their children as well. With the rising cost of health care and with limited resources available to care for the terminally ill, the prepayment of death benefits could provide much needed funds should any insured member of a family become terminally ill.

Enabling the terminally ill to receive prepaid death benefits will provide them with the funds necessary to pay for their care, enable them to stay off public welfare, and ensure that they can live their remaining days in comfort and with dignity. I believe that those who are terminally ill should be able to live as normally as possible, staying in their own homes if they wish or being cared for in a hospice, receiving the care they need. They should not be deprived of quality care because the funds they have saved in life insurance will not be available until after they die.

Prepayment of death benefits legislation does not solve the long-term care crisis currently facing this country. We still must focus our attention on developing a policy to ensure that all Americans have access to quality long-term care. This legislation does, however, present a unique opportunity to put existing resources to work to ease the burdens on the terminally ill. This bill will ensure that terminally ill individuals who have group or individual life insurance will have access to funds which will allow them to receive the kind of care they need and will ensure that their dignity and privacy can be protected until the end.

The prepayment provision does not require the terminally ill individual to opt for prepayment. The individual may, of course, decide not to opt for prepayment, upon a determination that his or her beneficiaries will need the funds after his or her death.

Death benefits which are prepaid to the terminally ill will receive the same tax treatment as benefits which are paid out upon the death of the insured. While prepayment of death benefits can make a substantial difference in the final year of the individual's life, it should have a negligible impact on the Federal budget because the benefits are merely being paid out 1 year early.

By ensuring that the prepayment of life insurance benefits can occur, this bill will give the many Americans with life insurance policies the option to use their savings at the time when they need them most. I look forward to working with Senator BRADLEY and with Senators DODD and LAUTENBERG and the other cosponsors to make prepayment of death benefits a option for all insurance owners. I also note that Representative KENNELLY has already introduced a prepayment bill in the House and I am delighted to be working with her on this legislation.●

● Mr. LAUTENBERG. Mr. President, I'm pleased to be an original cosponsor of this legislation.

This is a bill based on compassion and common sense. It's a bill that will make a real difference for the most tragically fated of our citizens.

Any compassionate, civilized society must take care of its dying. But the need in our Nation is particularly acute. All too often, terminally ill people have to deal with more than their own trauma, more than their own pain. They also must deal with enormous financial burdens.

The costs of caring for the terminally ill can be enormous. Lengthy hospital stays and expensive medications can bankrupt not only the dying themselves, but their families as well.

It's tough enough to deal with one's own impending death or the death of a loved one. It can be unbearable if a family's financial stability is also being destroyed in the process.

This legislation reflects the compassion we all feel for those who suffer from terminal illnesses, and their families. But the bill is based on more than compassion. It's also based on common sense.

Providing access to life insurance benefits does more than help the dying and their families. It helps the Nation as a whole.

After all, to the extent that private insurance funds substitute for Medicaid and other public assistance, the financial burden on the Government is reduced. So taxpayers also benefit. It's a win-win situation all around.

I look forward to working with Senator BRADLEY and the other cosponsors to see this legislation enacted.●

By Mr. BIDEN:

S. 2224. A bill to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes; to the Committee on the Judiciary.

AUTHORIZATION OF APPROPRIATIONS FOR THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

● Mr. BIDEN. Mr. President, I rise today to introduce legislation to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994.

The Administrative Conference has been in existence since 1968. It was established to study the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and to make recommendations to the agencies, the President, and Congress for the improvement of those procedures. In addition, the Administrative Conference serves as a clearinghouse for information that can be used to improve administrative procedures employed throughout the Government. It has performed these functions extremely well over the course of its lifetime.

The Conference works with Congress by applying its expertise to difficult questions of administrative law. In the last two Congresses, eight pieces of legislation have been modified—and improved—as a result of recommendations made by the Administrative Conference.

The Conference also works with the administrative agencies on an ongoing basis, offering advice on ways to improve and simplify procedures now being used. During the last authorization cycle, the Conference issued 38 formal recommendations addressing issues including the payment of Social Security and Medicare benefits, and the procedural rules governing the regulation of financial institutions.

Because it is a unique repository of expertise in the field of administrative law, the work of the Conference does a great deal to prevent the waste of resources that would occur if individual agencies separately attempted to address their administrative problems.

These valuable benefits are provided by one of our smallest Federal agencies. The amounts authorized in this bill are no more than $2.15 million for fiscal year 1991, $2.3 million for fiscal year 1992, $2.5 million for fiscal year 1993, and $2.7 million for fiscal year 1994.

The American Bar Association, the Federal Bar Association, and the American Association of Retired Persons all have expressed their support for the Conference.

The Administrative Conference's record of achievement clearly justifies its reauthorization, and I encourage my colleagues to support this legislation. An identical bill has been introduced in the House by the distinguished chairman of the Judiciary Committee, Mr. BROOKS.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

The text of section 576 of title 5, United States Code, is amended to read as follows:

"There are authorized to be appropriated to carry out the purposes of this subchapter not more than $2,000,000 for fiscal year 1990, $2,150,000 for fiscal year 1991, $2,300,000 for fiscal year 1992, $2,500,000 for fiscal year 1993, and $2,700,000 for fiscal year 1994. Of any amounts appropriated under this section, not more than $1,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries.".

SEC. 2. POWERS OF THE CONFERENCE.

Section 574 of title 5, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) enter into arrangements with any administrative agency or major organizational unit within an administrative agency pursuant to which the Conference performs any of the functions described in paragraphs (1), (2), and (3).

Payment for services provided by the Conference pursuant to paragraph (4) shall be credited to the operating account for the Conference and shall remain available until expended.".

SEC. 3. ORGANIZATION OF THE CONFERENCE.

Section 575 of title 5, United States Code, is amended—

(1) in paragraph (14) by striking "and" after the semicolon;

(2) in paragraph (15) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(16) request any administrative agency to notify the Chairman of its intent to enter into any contract with any person outside the agency to study the efficiency, adequacy, or fairness of an agency proceeding (as defined in section 551(12) of this title).". ●

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 2225. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Bill of Rights; to the Committee on Banking, Housing, and Urban Affairs.

BILL OF RIGHTS COMMEMORATIVE COIN ACT

● Mr. KENNEDY. Mr. President, I am pleased to join my colleague Senator HATCH in introducing the Bill of Rights Commemorative Coin Act. This legislation directs the Secretary of the Treasury to mint coins to commemorate the Bill of Rights. The bill provides for $5 gold coins, to be issued between January 1, 1991, and June 30, 1992. The coin program shall be operated at no net cost to the Federal Government, and the sales prices of the coins shall include a surcharge to be paid to the James Madison Memorial Fellowship Program. The Madison Fellowship Program was established by Congress as part of the Constitution bicentennial commemoration in 1986 to award fellowships to outstanding graduate students who are preparing to become secondary school teachers of history and American Government. There is no more worthwhile commemoration of our Bill of Rights than a program which fosters greater awareness and understanding of our rights and responsibilities under the Constitution, particularly among our educators and students.

I look forward to favorable consideration of this measure by the Senate, and I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bill of Rights Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall, in accordance with section 4, be emblematic of one or more of the first ten Amendments to the Constitution of the United States, known as the Bill of Rights. Each five dollar coin shall bear a designation of the value of the coin, an inscription of the year 1991, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall mint and issue not more than 2,000,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the one dollar coins shall, in accordance with section 4, be emblematic of one or more of the first ten Amendments to the Constitution of the United States, known as the Bill of Rights. Each one dollar coin shall bear a designation of the value of the coin, an inscription of the year of issue and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 3,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall, in accordance with section 4, be emblematic of one or more of the first ten Amendments to the Constitution of the United States, known as the Bill of Rights. Each half dollar coin shall bear a designation of the value of the coin, and inscription of the year of issue, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins minted under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Trustees of the James Madison Memorial Fellowship Foundation and the Commission of Fine Arts.

SEC. 5. ISSUANCE OF COINS.

(a) FIVE DOLLAR COINS.—The five dollar coins minted under this Act may be issued in uncirculated and proof qualities.

(b) ONE DOLLAR AND HALF DOLLAR COINS.—The one dollar and half dollar coins minted under this Act may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) COMMENCEMENT OF ISSUANCE.—The coins authorized and minted under this Act may be issued beginning January 1, 1991.

(d) TERMINATION OF AUTHORITY.—Coins may not be minted under this Act after June 30, 1992.

SEC. 6. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this Act at a price at least equal to the face value, plus the cost of minting and issuing the coins (including labor, materials, overhead, distribution, and promotional expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $1 per coin for the half dollar coins.

SEC. 7. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not

result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 8. DISTRIBUTION OF SURCHARGES.

The surcharges received by the Secretary shall be paid promptly upon receipt to the James Madison Fellowship Program established in 1986 by the James Madison Memorial Fellowship Act (20 U.S.C. 4501 et seq.). Such transmitted amounts shall qualify under section 811(a)(2) of that Act as funds contributed from private sources. In accordance with the purposes of the James Madison Fellowship Program, the funds transmitted to the Program shall be used to encourage teaching and graduate study of the American Constitution, its roots, its formation, its principles, and its development.

SEC. 9. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data as may be related to the expenditure of amounts paid under section 8 of this Act. The expenditures and audit of surcharge funds deposited to the Madison Trust Fund under section 8 of this Act shall be done in accordance with section 812 of the James Madison Memorial Fellowship Act (20 U.S.C. 4511). Annual reports shall be submitted to both Houses of Congress on all expenditures of surcharge funds.

SEC. 10. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.●

By Mr. BENTSEN (for himself, Mr. SIMPSON, Mr. JOHNSTON, Mr. BOREN, Mr. COCHRAN, Mr. DOLE, Mrs. KASSEBAUM, Mr. DOMENICI, and Mr. WALLOP):

S. 2226. A bill to amend title 11 of the United States Code, to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

EXCLUSION OF CERTAIN INTERESTS UNDER BANKRUPTCY PROCEEDINGS

Mr. BENTSEN. Mr. President, the financial crisis in this Nation's oil and gas industry has forced a number of oil-related businesses and oilmen to seek protection under the Bankruptcy Code. That situation itself is unfortunate, and this misfortune is compounded by the failure of the code to recognize longstanding oil industry practices under farmout agreements. There is an inherent conflict between the code and real-world oil industry practices, a conflict that the legislation Senator SIMPSON and I are introducing today will eliminate.

It is common practice in the oil and gas industry to leave full legal title to oil and gas leases in one individual or entity, even though interests in those leases are held by others through a number of unrecorded agreements related to development of the leases. Many of these transfers are contingent upon successful drilling, and this standard practice avoids unnecessary filings and confusion in the real estate records.

The use of farmout and related agreements greatly enhances the generation of capital needed to develop oil and gas reserves; however, our bankruptcy laws are now working in the opposite direction. As a legislator who has consistently taken steps to reduce our dependence on foreign oil and increase our domestic production, I know that the last thing we want to do is allow a condition to persist that inhibits the generation of capital for domestic oil and gas development.

Clearly, we will inhibit the generation of capital if we do not take steps to reassert the viability of farmout agreements. Under farmout agreements, an operator will agree to drill wells on leased property in exchange for an interest in the underlying oil and gas lease. Typically, this agreement does not call for an actual transfer of record title until the requirements of the farmout have been satisfied. Farmout agreements are also the basis upon which the operator will provide percentage interests to the geologists, landmen, engineers, and others whose services he retains to assist in the development of the lease.

Due to the uncertainty of oil and gas development, the allocation from the leasehold owner to the operator and his subcontractors is unknown until the drilling is complete, and the depth of the well is established. At that point, the interests of the operator and his subcontractor are determinable, and only then can formal assignments actually be executed and recorded.

Frequently, an oil and gas operator that has conducted substantial drilling activity under a farmout will not receive a recorded assignment because the precise percentages and depths are not determinable; his ultimate interest may change through subsequent successful drilling activity. We simply do not know the full extent of the interest until all further development activity has ceased, and the entire focus is shifted to production.

A serious problem arises when any of the parties to a farmout or similar agreement files for protection under the code prior to the time the interests are made of record. Because of the manner in which the courts have interpreted sections 365 and 544 of the Bankruptcy Code, the interests of an operator are in jeopardy if the leasehold owner files for protection, even though the operator has performed valuable services under the farmout agreement that led to production of oil and gas. Under the terms of the farmout agreement, the operator has delivered his consideration and earned an interest in the reserves but the formalities of recordation have not occurred since the ultimate extent of his interest has not been fixed. Similarly, the interests earned by geologists, landmen, and so forth, are in jeopardy if the leasehold owner or the operator files for protection.

Our courts are treating these operators and their subcontractors as simple creditors, leaving them among the class of general unsecured creditors. This is unfair treatment. The transaction is complete in all meaningful respects and the code should recognize the ownership interests of the operator and his derivatives rather than putting them on a plane with persons who have general claims against the debtor totally unrelated to the developed mineral interest.

This bill would remedy this situation in a straightforward manner. It creates a new section 541(b)(3) of the Bankruptcy Code. Section 541 defines the estate or property of the debtor in bankruptcy, and a new section 541(b)(3) would expressly provide that the estate of the debtor does not include oil and gas interests that have been earned and the debtor has obligated itself to transfer under a farmout or related agreement.

The current bankruptcy treatment of oil and gas development agreements threatens the development of energy resources in this country. It makes little sense to undertake the costs and risks associated with oil and gas development if there is no assurance that the interests earned will be protected against the claims of creditors arising in wholly unrelated transactions.

Senator SIMPSON and I are pleased to be joined in this effort by Senators BOREN, COCHRAN, DOMENICI, DOLE, JOHNSTON, KASSEBAUM, and WALLOP as cosponsors. We believe that this legislation constitutes a simple, straightforward solution to a real problem in our domestic oil and gas industry. I urge my colleagues to join us in support of this measure and eliminate the inequitable treatment of oil and gas interests that currently exists under our Bankruptcy Code.

Mr. SIMPSON. Mr. President, today I am very pleased to introduce this legislation along with my colleagues Senators BENTSEN, WALLOP, DOMENICI, COCHRAN, BOREN, DOLE, KASSEBAUM, and JOHNSTON. This bill would amend the Bankruptcy Code in order to cor-

rect a serious problem which has arisen in the oil and gas business. It is a traditional and standard practice in the oil and gas industry for an owner of mineral rights to exchange a portion of his rights for various development or drilling activities. An oil and gas leaseowner often chooses to transfer a portion of his rights in that lease to a geologist, engineer, or to another oil company in order to compensate them for their services in the subsequent development of that lease. The contracts for this sort of exchange are referred to as farmout agreements. Because of their length, and the confidential nature of these agreements, they are seldom recorded in the county courthouses.

Under current application of the Bankruptcy Code, unrecorded farmout agreements are not recognized as legal documents which have transferred interests from the original owner. Consequently, if bankruptcy is eventually entered into, these previously conveyed interests are subject to the bankruptcy proceeding—even though they have already been legally transferred and sold. This is resulting in obvious uncertainty in the industry that is unnecessary—especially in light of the other even more severe problems they face.

The legislation we are introducing today is a narrow and specific response to this critical problem. It would amend section 541(b) of the Bankruptcy Code by providing that these unrecorded farmout agreements will not be included in the debtor's estate in the case of any future bankruptcy proceeding. That's it—a simple solution to a very technical problem.

This amendment will go a long way toward fostering the continued development of our Nation's rich oil and gas resources. The Senate Judiciary Committee held hearings on this legislation in the last Congress. An identical bill introduced by JACK BROOKS, passed the House last October. I earnestly urge my colleagues' support.

By Mr. LEAHY (for himself, Mr. GORE, and Mr. FOWLER):

S. 2227. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such act governing exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE EXPORT REFORM ACT

Mr. LEAHY. Mr. President, every day, millions of Americans are exposed to needless risk.

In neighborhood supermarkets, they unknowingly buy food grown overseas that has been sprayed with pesticides the Environmental Protection Agency refuses to let our farmers use in the United States.

A loophole in current law allows U.S. chemical companies to manufacture here and ship overseas many pesticides that ERA considers probable carcinogens. Food and Drug Administration testing has discovered these banned and unregistered pesticides in many imported foods, completing what many call the circle of poison.

Americans are one of the safest food suppliers in the world. But we are constantly seeking ways to make the best better. We are toughening our food safety standards. Under FIFRA [1], we are requiring EPA to subject pesticides to stricter scrutiny.

At a time when we are toughening standards at home, it makes no sense, to allow American companies to dump unsafe chemicals abroad—only to have them show up back here in imported foods.

This is the circle of poison. It must be broken.

If EPA says it is too hazardous for a pesticide to be used on American-grown food, then it is too hazardous to be used on foreign-grown food. We must stop companies from dumping banned pesticides overseas.

To break the circle of poison, I am today introducing the Pesticide Export Reform Act of 1990. Senators GORE and FOWLER are cosponsoring the legislation and the Honorable MIKE SYNAR of Oklahoma, LEON PANETTA of California, and DAN GLICKMAN of Kansas are introducing a companion measure in the House. The legislation will:

1. STOP U.S. COMPANIES FROM EXPORTING BANNED AND UNREGISTERED PESTICIDES OVERSEAS

Currently, nothing prevents chemical companies from exporting banned or unregistered pesticides overseas, and not enough is done to prevent food sprayed with these chemicals from being imported back into the United States.

For example, in 1978, the EPA halted nearly all agricultural uses of chlordane and heptachlor because industry and independent studies showed both to be carcinogenic.[2] The few remaining domestic uses were prohibited 9 years later when EPA pressured the manufacturer, Velsicol, to stop all U.S. sales.[3] Despite the domestic sales ban, Velsicol still makes the chemicals at its Memphis, Tennessee plant and, between 1987 and mid-1989, exported nearly 5 million pounds, formulated and unformulated, of chlordane and heptachlor to 25 countries.[4]

These powerful products are used on a host of fruits and vegetables grown overseas, including pineapples in the Philippines, beans and carrots in Latin America, potatoes and sorghum in Argentina and sugar cane in Brazil.[5]

Many of these products are imported to the United States, completing the "Circle of Poison." In February and April 1988, USDA found chlordane in beef imported from Honduras at levels three to eight times the allowable levels.[6] In 1988, the Food and Drug Administration detected heptachlor on carrots, pineapples, garbanzo beans, coffee, and Edam cheese.[7]

Other dangerous pesticides—not registered in the United States and largely undetectable by EPA, FDA, or U.S. Department of Agriculture tests—are used on foreign-grown crops imported here. For example, Chile is the No. 1 exporter of pears to the United States and the No. 3 exporter of apples.[8] Pears and apples are treated in Chile with haloxyfop-methyl—trade name: Gallant.[9] Since 1983, Dow Chemical U.S.A. has applied to EPA for registrations for food and nonfood uses. EPA has listed haloxyfop-methyl as a class C—possible human carcinogen—chemical, and have not approved any registrations or tolerances based on their concerns about oncogenicity.[10]

2. SAFEGUARD THE PUBLIC HEALTH—PROTECT THE SAFETY OF OUR FOOD

If EPA finds it unsafe to eat American-grown food sprayed with chlordane and heptachlor, then it is not safe to eat foreign food grown with these chemicals. There is not a single reason to allow chemical companies to continue making banned pesticides in the United States only to export them to foreign markets. The Pesticide Export Reform Act of 1990 would stop this practice.

Pesticides exported abroad come back to the United States on treated fruits and vegetables. Each year Americans consume 134 billion pounds of fruits and vegetables, 25 percent of which is imported. Of that total, we import: 100 percent of bananas consumed—6 billion pounds; 100 percent of palm products—845 million pounds; nearly 40 percent of pineapples; 10 to 20 percent of apples; and 10 to 20 percent of pears.[11]

FDA, the agency responsible for inspecting almost all imported foods, samples only about 1 to 2 percent of all food entering the United States.[12] Although the sampled food is tested for the presence of bacteria, an even smaller amount is tested for pesticide residues. In 1988, FDA inspected only about 10,000 samples of the 40 billion pounds of imported food in their pesticide monitoring program.[13]

Of that group, FDA found that 5 percent of imported food sampled had residues of pesticides for which there is no tolerance and are illegal to use.[14] This violation rate is twice that of domestic producers. In addition, General Accounting Office found that 28 percent—more than one out of every four—sampled pineapple imports tested by the FDA contained illegal pesticide residues.[15]

This legislation will make it illegal to import into the United States any food that has been treated with a pes-

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Footnotes at end of article.

ticide that cannot be legally used in this country. If EPA bans domestic use for a chemical in the future, it will automatically become illegal to import foreign food treated with that chemical.

For some dangerous pesticides, there is no practical method to detect if they have been used on food. Tests most commonly used by FDA cannot detect half of the pesticides routinely used by exporting countries, or the alternative method for testing is so time-consuming and expensive that FDA cannot use it. For these pesticides, the manufacturer will either have to make the chemical detectable in a practical way or have it banned for use on imported food. At a minimum, FDA should be able to protect the public health by finding out what pesticides have been used on food imported into American supermarkets.

3. TAKE THE WORLD LEADERSHIP IN CONTROLLING DANGEROUS CHEMICALS

Nearly a decade ago, the United States took a bold step to control pesticide exports and to foster international change under an Executive order issued by President Carter. The policy strengthened notification procedures and halted the export of extremely hazardous substances. One month after Ronald Reagan entered the White House, he rescinded the Executive order. After that, the United States neglected and at times actively tried to block international agreements on the export of dangerous substances.

The posture of past administrations is now haunting us. The Foreign Agricultural Organization reported in 1986 that nearly two-thirds of developing countries lacked a system to process data on pesticides prior to importation.

Present U.S. policies contain serious loopholes and fail to provide needed information to foreign countries. Currently, exported unregistered pesticides must be labeled: "Not for Use in the United States of America." "Me toos"—pesticides claimed, often falsely, to be significantly similar in composition—are exempted.

Despite the loopholes, current policy is often ignored, a fact which EPA is attempting to remedy. Last summer, EPA charged five U.S. companies with 200 counts—$600,000 in fines—for violating pesticide export laws. The counts included falsely claiming "me too" exemptions and failure to obtain consent forms from the foreign purchasers of unregistered pesticides being exported by the companies.

Although EPA has made some efforts to enforce regulations, the present law is simply inadequate to give American consumers and foreign producers the safety assurances they need. For example, consent forms are often received long after the pesticide has already entered the foreign country—too late for the foreign government to monitor the chemicals' usage.

The "Pesticide Export Reform Act of 1990" would give foreign agencies a powerful new weapon to protect the health of their citizens and of the American people. Prior informed consent [PIC] would replace the current haphazard system. Countries with advanced regulatory agencies would sign the PIC before pesticides could be exported, giving them advanced notice before dangerous chemicals could be imported and used.

Under the legislation, EPA is required to host an international meeting to better coordinate the export/import of unregistered chemicals.

4. PUT U.S. FARMERS ON A LEVEL PLAYING FIELD WITH FOREIGN PRODUCERS

Because of lax controls in other countries and spotty FDA import enforcement, the current policy is unfair to American farmers and growers.

If a chemical is banned here but used by competing producers in a foreign country, then we are in effect penalizing U.S. farmers and growers for using safe pesticides and complying with the law.

This is unfair to American producers who must compete with foreign growers that can use a pesticide the American producer cannot. The "Pesticide Export Reform Act of 1990" gives U.S. farmers equal footing with foreign producers—and a level playing field.

5. FOOD SECURITY AND PESTICIDE SAFETY FOR DEVELOPING COUNTRIES

The indiscriminate use of pesticide can destroy beneficial, natural pest enemies, and spur pest resistance. As a result, more and more pesticides are needed—the "pesticide treadmill" — and poorer countries become more dependent on dangerous and expensive chemicals. Reckless pesticide use also threatens human health and the environment in developing countries. Unintentional acute pesticide poisonings around the world are estimated at 1 million annually resulting in 20,000 deaths.[16] In some countries as many as half of small farmers suffer symptoms of pesticide exposure after improperly using pesticides.

Food security, workers health, and environmental quality depend on sustainable agriculture, not the spiraling use of pesticides. We cannot ignore these concerns, particularly when foreign governments not only want to cooperate, but need U.S. support.

In closing, let me remind you of our moral obligations as a responsible world citizen.

We cannot pretend the circle of poison will end by itself.

We cannot ignore the welfare of workers and the environment in developing countries.

Some may say that the export of pesticides is the business of foreign countries, and none of our concern—that other countries can make their own judgment on whether risks are reasonable.

The value of life in poorer countries is no less than the value of life in rich countries.

When countries need our help to restrict pesticides they often do not want, it is not patronizing to honor that need. How can we justify the export of chemicals to countries where they are illegal for use? What do we want "Made in the USA" to mean?

While moral responsibility is a compelling reason for this bill, we must not forget our obligation to ourselves—the protection of our own citizens from unsafe food. We can ignore this obligation or we can take the lead—attack the problem at its root—and provide real solutions.

As we discuss this bill, I wish to work cooperatively with the administration, as well as leaders in the international community, industry, and environmentalists. We must work together to regain the lost ground of the past administration, and move forward with a renewed sense of responsibility for our own safety and the welfare of others.

FOOTNOTES

[1] Federal Insecticide, Fungicide and Rodenticide Act.

[2] EPA continued to allow chlordane and heptachlor to be used for termite control.

[3] Use on underground cables was still allowed at that time.

[4] Journal of Commerce Port Import/Export Reporting Service (PIERS) database, January 1987-June 1989.

[5] Hearing report, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, U.S. House of Representatives, "Pesticides in Food;" Serial No. 100-17; April 30, 1987.

[6] U.S. Department of Agriculture, Food Safety and Inspection Service, interviews with William Havlik (October 28, 1988) and Mark Manis (March 29, 1989); and correspondence from Patricia Stolfa, Deputy Administrator, International Programs, June 26, 1989.

[7] FDA, "Listing of Pesticides, Industrial Chemicals and Metals Data by Fiscal Year, Origin, Sample Flag, and Industry-Product Code", 1988.

[8] Foreign Agricultural Trade of the U.S. (FATUS), U.S. Department of Agriculture, Economic Research Service, Calendar Year 1988 Supplement.

[9] Dow Chemical U.S.A., information provided on international registrations and uses for Gallant® (haloxyfop methyl).

[10] Experimental Use Permit was issued for crop destruct purposes for soybeans in 1983, but renewal was not granted in 1984. Dow has registrations pending for soybeans, apple orchards and industrial vegetation control, but EPA has not approved any of these applications. Source: EPA, Office of Pesticide Programs Registration Division, New Chemicals Received by Agency 10/01/83 to 1/25/1990; and information provided by Dow Chemical U.S.A. on registrations.

[11] Fruit and Tree Nut Situation and Outlook Yearbook, August 1989, USDA, Economic Research Service.

[12] FDA inspects 95 percent of imported food. USDA inspects the remaining 5 percent which is meat and poultry.

[13] FDA, "Residues in Food—1988", August 1989.

[14] This means: (1) it is illegal to use the pesticide in the United States on that food; and (2) it is illegal to import that food with the pesticide into this country.

[15] General Accounting Office, Report to the Honorable Frank Horton, U.S. House of Representatives, "Pesticides: Better Sampling Needed on Imported Food;" September 1986, p. 50.

[16] World Health Organization, United Nations Environmental Programs, 1989.

Mr. President, I ask unanimous consent that a section-by-section anaylsis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE PESTICIDE EXPORT REFORM ACT OF 1990

TITLE I—EXPORTED PESTICIDES

Section 101. Definitions

Section 2 of FIFRA, *Definitions,* is amended by adding definitions for the terms "country of use" and "exporter." The definition of "misbranded" is amended to reflect the labeling requirements of this Act (see Subsection 105, below), which are: (1) pesticide labels must be written in the language of the country where the pesticide will be used; and (2) labels on exported pesticides must contain the information required for the use of a pesticide in the United States. Labels not meeting these requirements would be considered "misbranded" under Section 2 of FIFRA.

Under FIFRA, it is unlawful to sell or distribute misbranded pesticides. The current definition of "misbranded" makes reference to export label requirements only for unregistered pesticides. This amendment expands the definition of "misbranded" to reflect the new Section 17 labeling requirements of this Act.

Section 102. Registration of Establishments

Section 7 of FIFRA, *Registration of Establishments,* is amended to require pesticide producing establishments to provide an annual report to the administrator containing the types and quantities of pesticides produced for export markets, and the date and quantity of exports to each foreign country.

Current law requires producers of pesticides to provide to EPA information on pesticides that are produced and distributed each year. However, the information currently collected on exported pesticides is not sufficient to permit cross-checking of establishment records with the export notices required under Section 17 (as amended by Section 105 of this Act). Cross-checking is necessary for compliance purposes.

Section 103. Protection of Trade Secrets and Other Information

Information required to obtain prior informed consent (Section 17(a)(5)(C)), production and destination information related to exported pesticides (Section 7(c)(1)(B)(ii)), and information supplied for obtaining permission to export experimental pesticides (Section 17(a)(7)(C)) will not be considered confidential business information. This information will be available to the general public.

Under current policy, much of the information submitted to EPA on exported pesticides is treated as confidential business information. EPA has proposed to change this policy for some of the innformation submitted for unregistered pesticides. This subsection would make public additional information related to the export of pesticides.

Section 104. Unlawful Acts

Section 12(a)(2) of FIFRA is amended by adding as an unlawful act, "to knowingly or recklessly export a pesticide, device, or active ingredient in violation of Section 17." This provision permits the imposition of civil penalties and criminal prosecution for knowing violations of Section 17.

Section 105. Imports and Exports

Section 17(a)—Pesticides and Devices Intended for Export Requirements for the Export of Pesticides

Section 17(a) of FIFRA is amended to require that pesticides for export meet the specifications of the foreign purchaser and the legal requirements of the country of use. Three specific requirements are added for the export of pesticides: (1) exported pesticides must be registered for use in the United States (i.e., the export of unregistered pesticides is prohibited); (2) prior informed consent from the country of use is required for the export of particularly hazardous pesticides (e.g., restricted use pesticides); and (3) labels must be written in the language of the country of use and must contain all the information required by FIFRA for use of a pesticide in the United States. These requirements are explained in more detail below.

Exporters must also meet the requirements of Section 2(p) (*Labeling*) and Section 2(q) (*Misbranded*), additional reporting requirements under Section 7 (*Registration of Establishments*) and the requirements of current law under Section 8 (*Books and Records*).

Export of Unregistered Pesticides

Section 17(a) of FIFRA is amended to prohibit the export of pesticides that are not registered for use in the United States. Even if registered, a pesticide could not be exported for use on food crops unless it is registered for use on food crops in the United States.

Current law allows the export of any unregistered pesticide, provided the label clearly states that the pesticide is not registered for use in the United States. In addition, the purchaser (not the foreign government) must sign a statement acknowledging that the pesticide is not registered for use in the United States. EPA has proposed new regulations to strengthen the requirements for labeling of unregistered pesticides and to facilitate notification of foreign governments. However, the export of unregistered pesticides is permitted under current law.

Additional Requirements for the Export of Certain Pesticides

Section 17(a) is amended to require consent from foreign governments to accept certain pesticides. Certain "hazardous" pesticides, although registered, are considered to present special risks and to require special regulatory oversight.[1] The export of these pesticides is permitted only to countries which, having been apprised of the nature of these pesticides, have consented to their importation. Only countries which have an effective pesticide regulatory apparatus may consent to the importation of a "hazardous" pesticide.

The act provides a preliminary list of countries which are presumed to have an effective regulatory apparatus, and are therefore eligible to receive "hazardous" pesticides. The list contains: Australia, Austria, Belgium, Canada, Denmark, the Federal Republic of Germany, Finland, France, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. The Administrator is provided criteria for adding and deleting from the list.

As part of the prior informed consent process, the Administrator must provide information to the foreign government on the regulatory status of the pesticide and alternatives to the pesticide, including nonchemical alternatives. Prior informed consent is required for the first shipment of "hazardous" pesticides within a 24-month period.

Additional requirements for "hazardous" pesticides include: the pesticide must be manufactured, processed, packaged, and stored in conformity with FAO standards; labels must contain information required under Section 3 for use of a pesticide in the United States.

Current law does not contain special provisions for "hazardous" pesticides. Consent is required only from the purchaser of the pesticide (not the foreign government where it will be used) for unregistered pesticides. Current law does not place restrictions on the countries to which any pesticides can be exported.

Labels

The label of any pesticide intended for export from the United States must be written in the language of the country of use and must contain all the information required by FIFRA for use of a pesticide in the United States.

Current law requires that pesticides meet the specifications of the foreign *purchaser,* not the foreign *government.* Labels are not required to be written in the language of the country where the pesticide is to be used. (EPA has proposed regulations that call for multilingual labels, similar to the labeling requirements of this Act.) This amendment to Section 17 is designed to provide more useful and complete information to foreign regulators and pesticide users.

Waiver for Control of Communicable Disease; and Special Exemption for Experimental Pesticides

There are two limited, special purpose exemptions to the requirements of the Act. First, the Administrator may waive the requirements of the Act to allow the export of a pesticide that is the only practical means of stopping the spread of a communicable disease in humans that poses a serious threat to public health. Such a waiver may be granted only if the country of use consents to the importation of the pesticide. The waiver will allow the export of the amount of the pesticide required to meet the serious public health threat.

Second, experimental pesticides may be exported to acquire the information necessary for registration under Section 3, and are subject to conditions of the use permit issued by the Administrator under Section 5(a). Exporters must receive, prior to export, consent of the foreign government to accept an experimental use pesticide.

Section 17(b) Notices of Regulatory Events Furnished to Foreign Governments

Section 17(b) is amended to require that the Administrator transmit a notice of significant changes in the registration status of pesticides to the appropriate officials in the appropriate agencies of foreign governments. Certain specific regulatory actions requiring these notices are listed in the

[1] Hazardous pesticides subject to these additional export regulations are those that are: the subject of a restricted use registration; subject of an order of suspension (Section 6(c)); subject of a suspension or cancellation proceeding (Section 6(b)); subject of conditional registration (Section 3(c)(7)(C)); subject of an interim administrative review (Section 3(c)(8)); included on the WHO's list of Class 1A, 'extremely hazardous,' or Class 1B, 'highly hazardous' pesticides; cancelled or had a use cancelled under section 3.

Act.[2] The Act also requires that notice be sent when the administrator takes an action because of the health effects of a pesticide. The notice shall explain the reasons for the action; information on chemical and nonchemical alternatives; names and addresses of the producer, and the name and address of the EPA office to contact for additional information.

Under current law, EPA sends notices of cancellation or suspensions it deems of "national or international significance." The notices are sent through the State Department to foreign governments. However, the EPA does not have any regulation or formal policy statement on what is considered "significant." EPA has proposed new regulations to clarify what regulatory actions require notices and the type of information that notices will contain. EPA has also proposed sending the notices directly to foreign government regulatory agencies, as required in this subsection. EPA's proposal for notification is similar to requirements of this subsection.

Section 17(c) Importation of Pesticides and Devices

There are no changes from current law for Section 17(c).

Section 17(d) Cooperation in International Efforts

Section 17 is amended to require the Administrator to convene a meeting of representatives of foreign governments and other interested parties to promote improved research, regulatory programs, and sustainable agriculture (including integrated pest management). The Administrator must also convene a meeting to encourage multilateral agreements on export notices and control measures for pesticides.

The Administrator is directed to provide foreign countries with technical assistance to develop comprehensive pesticide regulatory programs.

Every three years the Administrator must provide a report to Congress on the regulatory capabilities of foreign countries to ensure safe use of pesticides and control residues on foods imported to the United States.

Current law provides very limited guidance on the EPA's international role. EPA is directed to participate and cooperate in any international effort to develop improved pesticide research and regulation. No specific mention is made of promoting sustainable agriculture or the development of multilateral agreements on export policies.

TITLE II—TOLERANCES FOR AGRICULTURE COMMODITIES

Section 201. Tolerances for Agricultural Commodities

Revocations

Section 408 of the FFDCA is amended to require that the tolerance for a pesticide chemical on a specific commodity be revoked if all of the registrations of the pesticide have been canceled, or voluntarily withdrawn for use on the commodity.

A temporary waiver of 12 months may be granted to allow the distribution of commodities that may contain residues from pesticide use before the cancellation, or from residual environmental contamination. The temporary waiver may be granted if there is no substantial evidence that the waiver poses a dietary health risk to humans, and would not cause significant economic hardship for domestic producers of a raw agricultural commodity.

If any of the registration of a pesticide for use on an agricultural commodity is the subject of an order of suspension or the subject of an emergency suspension, the Administrator shall suspend any tolerance for such use. A temporary waiver may be granted under the same conditions described above.

The revocation of tolerances for unregistered pesticides will dissuade the use of unregistered pesticides on food imported into the U.S.

Current law does not require the EPA to revoke tolerances for pesticide registrations which have been canceled, withdrawn or suspended. The Administrator has discretion under current law to take these actions, but procedures are cumbersome and revocation is subject to delay. As a result, some revocations occur many years after certain pesticide uses are canceled or withdrawn.

Section 202. Testing Methods

Practical Testing Methods for Tolerances

Section 408 of the FFDCA is amended to require that the Administrator not establish tolerances or leave in effect tolerances for pesticide chemicals in food or feed use unless a practical method exists for detecting and measuring pesticide residues on a raw agricultural commodity or processed food at the tolerance level. A method may be determined to be practical "only if the Secretary is able to perform such method on a routine basis as part of Surveillance and compliance sampling of raw agricultural commodities and processed foods for pesticide chemicals with the personnel, equipment, and other resources available to the Secretary." FDA is directed to consider the ability of a method to test for a plurality of pesticides.

If the only practical method of residue monitoring cannot detect a plurality of pesticide chemicals on the raw agricultural commodity or processed food to which a tolerance applies, the Administrator may establish a tolerance that shall terminate in two years. This tolerance can be reviewed and reauthorized in two-year intervals.

Current law does not require that a practical testing method exist in order to establish a tolerance.

Criteria for Consideration of Tolerances

Section 408 of the FFDCA is amended to include as criteria for setting tolerances for pesticides: (1) the level of raw commodity or processed food consumed by the population segment that is at the greatest risk of exposure to a pesticide on a raw agricultural commodity or processed food; and (2) the cumulative effect of such pesticides in the human diet, taking into account related substances in the diet, and all other ways in which a consumer may be exposed to the pesticide.

Under current law, EPA is directed to establish tolerances to "protect the public health." EPA is required to consider the need for the production of an economical food supply and the other ways in which the consumer may be affected by the same pesticide chemical or by other related substances. EPA often implements this mandate without considering the level of pesticide exposure for the population group likely to have the greatest exposure through their diet.

Section 2203. Imports and Exports

No food may be admitted into the U.S. unless the importer of the food files an import document with the Secretary and the Secretary of the Treasury. The import document must identify the pesticide chemicals customarily used on specific agricultural commodities. The Secretary shall transmit a copy of the report to the Administrator of the Environmental Protection Agency.

If residues of an unreported pesticide are detected on food samples, the Secretary shall require the importer to submit the results of additional residue tests for subsequent shipments. The Secretary may waive these requirements after the importer has demonstrated a clear pattern of consistent compliance with reporting requirements. These requirements may not apply if the Secretary determines that the residues are the result of long term environmental persistence and the level of residues do not pose a risk to human health.

Section 17 of the Poultry Products Inspection Act, Section 17 of the Egg Products Inspection Act, and Section 20 of the Federal Meat Inspection Act, are amended to require the same testing and documentation as food products subject to Section 801(a) of the FFDCA, as amended. However, the Secretary of Agriculture is made responsible for implementing these provisions.

Current law does not require the importer to list pesticides used on the product in import documentation to FDA. Nor is the FDA required, under current law, to place an importer on automatic detention (i.e., to require residue testing results in import documentation). As a consequence, FDA frequently lacks specific information on pesticide use in countries from which the U.S. imports food.

Mr. GORE. Mr. President, I am pleased today to join Senator LEAHY in introducing this extremely important legislation to stop the export of pesticides already banned here in the United States. This issue is really quite simple. If we decide to ban a life-threatening pesticide from use on food in this country, then it makes absolutely no sense to allow the export of that pesticide to another country where it can be applied to crops and place the citizens of that country at risk or end it up back in this country, as residues on foods we import.

We are in the middle of an extraordinary movement toward global cooperation. I have joined others in pushing the United States to be the world's leader in solving environmental problems. It is essential, if we are to have any credibility at all in that role, that we stop the export of banned pesticides. If not, each shipment will carry a message of ill-will threatening progress on many environmental fronts.

In 1947, Congress identified a need to protect people in this country from dangerous, and sometimes deadly, agricultural chemicals. The Federal Insecticide, Fungicide, and Rodenticide Act bans certain chemicals from being used in the United States. Forty-three years later, in a seemingly shrinking world, it is time we pay more attention

[2] These actions include: a pesticide registration, the cancellation or suspension of the registration of a pesticide; a pesticide is classified for restricted use; a registration is subject to conditions under section 3(c)(7)(c); or a pesticide is subject to administrative review under section 3(c)(8).

to the unique hazards these chemicals can pose.

This legislation will expand FIFRA to ensure that companies exporting chemicals produced in the United States cannot just dump on other countries harmful substances that are unacceptable here. The bill will grant greater control to importing countries over what pesticides are entering their borders and impacting the lives of their people. And it will make legal what is already logical and sound: insecticides and other chemicals that are not registered in this country for food uses cannot be exported to other countries for food uses.

It is absolutely unacceptable that the United States, a leader in environmentally sound practices, allows its companies to produce and export pesticides that have been identified as causing horrible health complications to people who have been exposed to the products. Furthermore, countries using U.S. pesticides could easily be using the chemicals to treat food that may eventually be imported to the United States. For example, although most agricultural uses of chlordane in the United States were halted more than a decade ago by EPA, just 2 years ago chlordane levels as high as eight times the allowable level were found in beef imported to the United States from Honduras.

At the center of this debate unfortunately is a Tennessee company, Velsicol Chemical Corp. in Memphis. Velsicol Chemical is the only producer in the world of chlordane and heptachlor, two of the most highly toxic and persistent insecticides ever made. These two chemicals have been banned or severely restricted in this country for more than a decade because of the risks usage causes to public health and the environment. But between 1987 and mid-1989, Velsicol shipped approximately 5 million pounds of chlordane and heptachlor that ended up in as many as 60 countries, many lacking the most basic regulatory systems to protect their citizens.

Not only are the use of these products harmful, but disposal of wastes from their production have damaged the health of many residents in my home State of Tennessee. Disposal grounds that Velsicol have used for chemical dumping have resulted in three Superfund sites in the United States requiring Federal funds for cleanup.

Everyday, we are pressing countries throughout the world to make sacrifices to assure the preservation of our environment. It is crucial that the United States exert leadership in this arena. While pesticides are useful to food producers in protecting their crops, we have wisely chosen to make certain these uses are compatible with maintaining good human health and protection of the environment. We have a responsibility to see to it that these standards are upheld not just within our borders but around the world.

I look forward to the enactment of this long overdue change in our pesticide laws and urge the support of all Senators for this measure.

By Mr. HOLLINGS (for himself, Mr. KERRY, Mr. STEVENS, and Mr. MITCHELL):

S. 2228. A bill to develop a comprehensive program to ensure the wholesomeness of fish and fish products intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CONSUMER SEAFOOD SAFETY AND QUALITY ASSURANCE ACT

Mr. HOLLINGS. Mr. President, today, I am introducing legislation on a topic which has been an issue in this body in the past, but has been discussed very little for more than two decades—the need for a comprehensive Federal program to ensure seafood safety.

Since the 89th Congress, over 50 bills to require Federal inspection of seafood have been introduced. Though we have addressed the issue a number of times in earlier years, only once have we even come close to passing legislation on the issue. In the early seventies, after several months of discussion, the Commerce Committee reported the Wholesome Fish and Fishery Products Act of 1971. The bill proposed to establish a comprehensive Federal seafood safety program, including a mandatory inspection system. It was never enacted, however, and we are now faced with the same concerns that spurred the committee to take action almost 20 years ago. Now, as then, we seek to ensure that consumers are protected from unwholesome and unsafe fish products, and thereby, to restore their confidence in the safety of those products.

Fish are one of the primary sources of protein in the diet of the American consumer—and are beneficial to health as well. Researchers have found that the oils in fish may have therapeutic or preventive effects on illnesses as diverse as heart disease, stroke, arthritis, and even some forms of cancer. In 1988, Americans consumed about 10.5 billion pounds of edible fishery products. As impressive as this figure sounds, however, it represents a decrease of about 56 million pounds from the year before. Overall, U.S. seafood consumption hit a record high in 1987 of 15.4 pounds per person, but since then it has dropped almost half a pound to 15 pounds per person.

Why would people cut down on the amount of seafood they eat in the face of clear evidence about its health benefits? I think the answer can be found in the trash and oil fouling our coastlines, in the unexplained die-off of dolphins and other marine life, and in the growing number of "closed" signs on our public beaches. If it's not safe to swim in the water, is it safe to eat the fish and shellfish taken from it?

As million of Americans move to coastal areas, contamination of our estuaries and near-shore waters from runoff and sewage will continue to be a greater and greater concern. And, as a least one consumer advocate has pointed out—"shellfish is grown where garbage is thrown." While the States and the Federal Government have established programs to monitor the quality of seafood, the current legal and enforcement tools at their disposal clearly are not adequate to guarantee public safety.

The newspapers in recent years have been filled with disturbing examples of individuals who have paid the price for our failure to provide that guarantee. In Panama City, FL, for example, 61 people became ill after eating oysters taken illegally from a sewage-polluted bayou. I have been told that oysters and clams bootlegged from closed areas may be a health threat in coastal areas from Texas to Massachusetts.

Another concern is the flood of foreign products into our markets in recent years, increasing by 50 percent from 1980 to 1987. Fish imports now account for 65 percent of the seafood eaten by U.S. consumers. We need to ensure that imports meet the same high standards that we expect of our domestic products.

Just how serious is the overall health threat from contaminated seafood? I think we all agree that a seafood safety problem exists. For example, according to Public Voice, a consumer advocacy group, fish and shellfish products are seven times more likely to cause illness than are poultry products. In looking for answers, however, statistics on seafood safety are inconclusive as to where the problems lie. Clearly, the first step in trying to ensure seafood safety is to get a better handle on the nature and extend of the problem. The bill I am introducing takes just that step.

The second step is to determine the type and scope of the program needed. Developing an effective program to ensure seafood safety and quality is not merely a question of imitating Federal meat and poultry inspection programs. Unlike meat and poultry, seafood is harvested mainly in the wild, and often by sport anglers whose catch is seldom commercially marketed. Similar to recreational fisheries, the commerical seafood industry is diverse and seasonal, harvesting and processing over 250 species in a number of different ways. In commercial fisheries alone, there are an esti-

mated 128,000 U.S. vessels and more than 4,000 onshore processing and wholesale plants.

Further complicating the issue, safety and quality problems vary among fisheries, and reflect the seasonal and regional diversity of the commercial industry. For example, most shellfish problems are eliminated by monitoring the water quality of coastal growing areas and preventing harvests from polluted waters. Further, adequate cooling equipment onboard harvesting vessels will prevent problems like scombrotoxins in tuna. And many problems of seafood deterioration occur as a result of inadequate refrigeration during commercial transport. Obviously, the full range of user groups and all factors affecting marine fisheries—from coastal water quality to product standards—must be taken into consideration in developing and implementing a seafood safety program.

These considerations should also determine the Federal agency or department tasked to run the program. Under the Federal Food, Drug, and Cosmetic Act, FDA presently conducts some seafood inspection activities. In addition, the industry participates in voluntary inspection programs developed by the Department of Commerce's National Oceanic and Atmospheric Administration [NOAA] under the Agricultural Marketing Act. In recent weeks, we have heard considerable discussion of providing new authority to the Department of Agriculture and pattering a seafood program on their existing comprehensive meat and poultry inspection programs. While I understand the arguments in support of that new authority, clearly the Secretary of Commerce, and in particular the National Oceanic and Atmospheric Administration, has significant expertise with marine fisheries. The bill I am introducing today gives the Secretary of Commerce the authority over seafood safety.

Why NOAA? NOAA is the recognized Federal expert in dealing with the full range of fish and seafood issues, from management of coastal resources to seafood marketing and promotion. That expertise will be essential for successfully tackling the complexities of the seafood safety issue. In addition, the agency has a core of programs dealing with marine research, inspection services, marine fishery management and industry development that would provide a strong core for a larger program.

At the same time, it is important to recognize that NOAA would not face the challenges alone. Many coastal States have well established seafood safety programs which must be linked into a strong national partnership. Such a partnership has proven its effectiveness in dealing with other marine problems such as coastal zone management and fishery conservation and management. In addition, we have an excellent model for a cooperative program in the National Shellfish Sanitation Program [NSSP]. Through the NSSP, the States and the Federal Government have worked to establish systems for monitoring the environmental quality of shellfish beds and to place polluted and unsanitary growing areas off limits to harvesters. Such collaborative efforts have led to substantial improvements in State seafood programs around the country. And we must now work to strengthen and build on the State initiatives.

At this point, I ask unanimous consent that a summary of the bill I am introducing today be included in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE CONSUMER SEAFOOD SAFETY AND QUALITY ASSURANCE ACT

The bill calls for the Secretary of Commerce to establish a comprehensive safety and quality assurance program for fish and fish products sold in interstate commerce. The purpose of the legislation is to ensure public safety, to minimize problems associated with eating seafood, and to encourage the acceptance of high quality U.S. products in foreign and domestic markets. Key elements of the program are as follows:

1. Federal standards.—The Secretary would be required to establish and implement federal standards in four critical areas: (a) procedures for sanitation and quality control of seafood processing; (b) maximum allowable levels of contaminants such as heavy metals, bacteria, parasites, and toxins; (c) product standards of identity and composition, minimum quality, and labeling and packaging; and (d) requirements for the water quality of seafood growing and harvesting areas.

2. National inspection system.—The Secretary would develop a system for inspecting seafood to minimize public health hazards and other problems. The approach (Hazard Analysis Critical Control Point system) called for by the legislation consists of: (a) identification and assessment of hazards associated with harvesting, processing, and marketing each seafood commodity; (b) determination of critical points for controlling any identifiable hazards; and (c) establishment of procedures to monitor those critical control points. The frequency of inspection would be tailored to the seriousness of potential problems associated with each seafood commodity and the processor's history of compliance. Participation and registration of all processing facilities would be required, with a one-year study to assess fishing vessel requirements. Seafood importers would be expected to meet requirements at least equal to those required for domestic producers.

3. Monitoring growing waters.—The Secretary would establish a monitoring program to identify the growing and harvesting locations in which contaminated fish are likely to be caught. Sale or other disposition of seafood from such polluted areas would then be prohibited or restricted. In addition, the bill calls for an intensive research program to determine the relationship between polluted waters and seafood contamination, and for other related research.

4. State inspection and monitoring programs.—A majority of coastal states have ongoing seafood safety programs. The legislation recognizes that federal-state cooperation will be essential to implementation of an effective national program and provides for technical and financial assistance to the states to strengthen their programs. Inspection, enforcement, and monitoring activities would be delegated to states with a program that met national requirements, and grants of up to 60% of the cost of operating the program would be provided by the federal government.

5. Consumer education and information system.—The bill calls for design and implementation of a national consumer information and education program which would provide for improved collection, analysis, and dissemination of information related to problems associated with seafood consumption.

6. Authorization of appropriations.—The bill authorizes an initial appropriation of $35 million in fiscal year 1991, which would increase to $90 million over the next two years.

I know that many of my colleagues share my interest in this issue. In particular, the majority leader has introduced S. 1245, which I am pleased to cosponsor. I look forward to working with the majority leader and other colleagues to pass legislation to promote our common goal of ensuring that consumers have available the safest seafood.

Mr. KERRY. Mr. President, I rise today in strong support of the Consumer Seafood Safety Act of 1990. This legislation will benefit consumers and the fishing industry by restoring confidence in seafood safety and quality.

Coming from a seafood-producing State, I was pleased to see the popularity of seafood grow so rapidly in recent years. As health conscious consumers found that fish are a good source of low-fat protein, per capita consumption reached 20 percent domestically and exports exceeded $2 billion annually. But after years of increased demand, recent declines in seafood consumption may in part be attributed to the growing concern over safety. Overall, seafood continues to be a safe and healthy food source. However, improper handling or fishing in polluted waters may cause diseases, particularly due to fish taken from warm tropical waters and raw shellfish.

If the United States is to maintain its position as a leading seafood producer both at home and abroad, minimum standards of quality and safety must be assured. There are some existing programs to protect the public against seafood-borne illnesses, but there is a need to expand and coordinate these into a unified Federal seafood inspection effort.

This legislation would build on existing expertise to provide such an effort. For example, the National Marine Fisheries Service has spent the last 3

years developing a model seafood surveillance project that is tailored to the unique needs and problems associated with seafood. The model program includes an improved seafood inspection system, hazard analysis critical control point, that ensures quality at every step in the path from waters to the consumer.

I also believe that an effective seafood inspection program must utilize the expertise and resources that lie within the States. Coastal States already have active programs for monitoring waters and enforcing public health standards for seafood. A Federal-State cooperative program of inspection, enforcement, and monitoring is the best alternative for achieving quality seafood products.

Finally, this bill calls for the design and implementation of a national consumer information and education program which would provide for improved collection, analysis, and dissemination of information on problems associated with seafood consumption.

And most importantly, Mr. President, I want to assure that the fishing industry is not charged user fees for inspection. It would not be fair for the fishing industry to pay when inspections of beef and poultry, its major competitors, are completely paid for.

Mr. MITCHELL. Mr. President, on June 2, 1990, I joined with Senator COCHRAN of Mississippi in introducing S. 1245, legislation to establish a mandatory Federal fish inspection program. At that time, I pledged to work with all interests in the effort to achieve consensus legislation.

S. 1245 currently has 26 cosponsors, including Senator LEAHY and Senator LUGAR, the chairman and ranking member of the Senate Agriculture Committee. There also are four cosponsors each from the Senate Commerce Committee and the Labor and Human Resources Committee—which also have interests in the overall issue.

Three weeks ago, on February 7, 1990, I testified before the House Committee on Agriculture's Subcommittee on Department Operations, Research and Foreign Agriculture in order to express a spirit of cooperation.

In my testimony, I indicated that I would be working closely with the chairmen of the Agriculture, Commerce, and Labor Committees—and that Senators LEAHY, HOLLINGS, and KENNEDY share my commitment to working together to achieve a sound, sensible bill.

I, therefore, am pleased that Senator HOLLINGS is extending his commitment to this effort by introducing his own individual bill. In doing so, he joins Senator LEAHY who introduced an additional bill, S. 1983, on November 21, 1989. Taken together, these bills help to identify and expand issues for discussion.

These bills represent a commitment to enact legislation based on at least two central premises: First, that any Federal fish inspection program must be mandatory, and that, second, it must first and foremost be funded as a public health program, and not supported through any system of industry user fees. We are in complete agreement on these fundamental points.

There are differences between S. 1245 and the other two bills. There also are issues that still need to be resolved, but as I testified before the House Agriculture Subcommittee, it is our job to resolve them. I also testified that as I have worked on this issue, I have come to believe that there is more agreement for a program than anyone might have initially suspected.

In the House of Representatives, a subcommittee of the House Energy and Commerce Committee last week reported fish inspection legislation that was amended to eliminate user fees and to eliminate application to fishing vessels—which moved it closer toward S. 1245. I view this as a positive development in the effort to achieve consensus.

Principal differences between S. 1245 and other bills largely reflect issues of executive branch agency roles and jurisdiction. In that regard:

S. 1245 would place responsibility in the Department of Agriculture. This position is supported by a majority of bills introduced in the House of Representatives, as well as over a quarter of the Members of the Senate.

Senator HOLLINGS' bill would place responsibility in the Department of Commerce, specifically the National Marine Fisheries Services.

Representative DINGELL's bill would place responsibility in the Department of Health and Human Services, specifically the Food and Drug Administration.

These differences should be reconcilable. In introducing S. 1245, for example, it was my own expectation and specific provision that any program under the Department of Agriculture should still involve interagency cooperation.

As an expression of our common commitment to the ultimate enactment of legislation, I am today joining Senator HOLLINGS as an original cosponsor of his bill. Senator HOLLINGS also is joining me as a cosponsor of S. 1245.

These actions are intended as a strong, unmistakable signal of our intention to work cooperatively to reach agreement—and to reach agreement on final legislation that will serve the interests of both the American consumer and the commercial fishing industry.

Senator LEAHY's own bill, S. 1983, specifically provides for distinct roles in an overall inspection program by each of the three Departments. S. 1983 has been endorsed by Public Voice for Food & Health Policy. It also has been described by a coalition of organizations including the AFL-CIO, the Consumer Union, the National Consumers League, and the Consumer Federation of America as containng "most of the provisions * * * [that] are essential to a system that can offer substantial public confidence in the safety of fish."

In my own testimony before the Senate Agriculture Committee on October 24, 1989, I declared: "The choice of agency must not be decided on the basis of any Washington 'turf battles,' but rather, according to what best serves the public interest." I believe that S. 1983 would draw on the strengths of each agency, and provides an outline of common ground for all of us who are committed to this effort.

The Senate Labor Committee already has acknowledged the need for flexibility relative to FDA. In the committee report to S. 845, the Food and Drug Administration Revitalization Act, which is pending on the Senate Calendar, the committee has directed the agency to "determine which of the agency's responsibilities either can more efficiently be performed by the private sector, other Federal or State agencies, or because of changes in technology or science no longer need to be regulated by FDA."

In this regard, I very strongly support increased Federal assistance and cooperation with the States in a comprehensive fish inspection program. This is a central feature of S. 1245. It must be included in the final legislation.

I also believe that FDA and NMFS's approach to imports of fish products is inadequate. In the United States, 70 percent of fish products are imported. International trade is an important feature of our commercial fishing industry. Any Federal fish inspection program must include the capacity for inspection and certification of foreign producers.

My own support for the Department of Agriculture is based on a concern for equity and effectiveness. American consumers must be able to look directly to a single Federal authority for confidence in the inspection of meat, poultry, and fish. Federal fish inspection is too big to give to an agency that is too small; too important to be lost among shifting priorities; and too critical to be regulated to an agency with insufficient funds.

Both the FDA and NMFS currently are undergoing reconsideration, reorientation, or reaffirmation of many of their basic missions. It is my hope that we will avoid a situation where Federal fish inspection might interfere with those more fundamental, parallel ef-

forts. At the same time, the shifting of priorities and resources within FDA and NMFS should not jeopardize establishment of a comprehensive, effective Federal fish inspection program.

Legislation along the lines of S. 1983 would allow Congress to reinforce fundamental strengths within each agency; to streamline and reorganize programs while improving upon them; and to insist on interagency cooperation in an era of scarce budget resources.

My cosponsorship of Senator HOLLINGS' bill therefore comes with some qualifications. I have very strong reservations about the role of the Department of Commerce, specifically the National Marine Fisheries Service [NMFS].

The administration already has proposed a $30 million decrease in funding for NMFS. Among the programs proposed for termination in 1991 are those which include grants to States and various fisheries development programs. Decreases are slated for the Model Seafood Inspection Program and shellfish water standards research.

I question the commitment and ability of NMFS to perform a public health-oriented fish inspection program. NMFS already is failing to adequately perform its mission in fisheries science, management and enforcement. I would very much perfer to see NMFS devote its energy to greater fisheries research in areas such as stock assessment, fishery biology and ecology, and data analysis and management. However, I very strongly support NMFS's missions in many areas, and it is my hope that fish inspection legislation can be used as an opportunity to help strengthen the agency.

I also have reservations about the bill's water quality monitoring provisions. I do not support creating any new, independent water quality monitoring regime. As a member of the Senate Committee on the Environment and Public Works, I will insist that the committees consult closely relative to any provisions of this nature that are included in the final legislation.

From the perspective of all the bills that have been introduced, I also have reservations relative to the issue of vessel registrations, certifications, or inspections. Whatever legislation is enacted must be based on the hazards analysis critical control point [HACCP] concept, and therefore must be based on reasonable risk assessments. Inspection resources should be concentrated on those points where the public health risk is greatest. I am not persuaded that coverage of small fishing vessels is necessarily or immediately a wise use of scarce resources.

Although principles of equity and effectiveness clearly must apply for all food inspection, I also believe that final legislation must recognize the differences between the meat and poultry industries and the fishing industry. I will oppose any imposition of continuous inspection requirements on the fishing industry.

To the degree that less than continuous inspection is used, I also will insist that appropriate safeguards be included in order to adequately protect the public health. Once again, Senator LEAHY's bill, S. 1983, provides substantial guidance in this regard.

My own preferences for final legislation are reflected in the broad outline in S. 1245. However, I clearly indicated at the time of introduction that S. 1245 was intended to help create consensus and to serve as an initial vehicle for discussion. With the introduction of additional bills, I believe that the momentum to achieve consensus has increased, and that we are ready to start discussing the details for a final legislative draft for consideration by the Senate later this session.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PELL, Mr. RIEGLE, Mr. ADAMS, Mr. SARBANES, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, and Mr. MATSUNAGA):

S. 2229. A bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. COATS):

S. 2230. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PELL, Mr. HARKIN, Mr. RIEGLE, Mr. ADAMS, Mr. SARBANES, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, and Mr. MATSUNAGA):

S.J. Res. 265. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF HEAD START PROGRAM

● Mr. DODD. Mr. President, as chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I rise today to introduce three important initiatives related to the reauthorization of the Head Start Program.

Twenty-five years ago, one U.S. President stepped before a microphone before signing into law one of the most visionary and successful antipoverty programs in history. He said that Head Start services could "make certain that poverty's children would not be forevermore poverty's captives." This year, a different President, from a different political party, echoed this view. "Give any American kid an equal place at the starting line and just watch what that kid can do * * *. Head Start helps kids get that equal place."

As we celebrate the 25th anniversary of Head Start, these quotations—one from President Johnson, one from President Bush—underscore the widespread bipartisan support this program has enjoyed since its inception. Twenty-five years later, we in Government have a unique opportunity to make a good program better, to articulate an ambitious vision for the future and make it happen.

What makes Head Start so different? That's simple. We know that quality Head Start Programs can and do work. They work because they are based on some very simple principles that the expert tells us over and over can address the effects of poverty on families. Those principles include early intervention, at a critical time in the child's development; comprehensive services, taking into account the whole family's needs; quality staff and developmentally appropriate curricula; and parental and community involvement.

There is nothing magical in the words "Head Start" alone. If a Head Start Program is high quality—with well-trained and adequately paid staff, low staff-child ratios, good facilities, and a full range of services—it works. If these ingredients are not present, if we skimp on services, if we overburden and underpay our staff—then it won't. This is simple intuition, reinforced again and again by the experts who have looked at Head Start and a range of similar preschool programs.

One problem with Head Start is that too few children benefit from its vision. The program today serves only one-fifth of eligible children. Program funding, in real terms, has remained relatively flat over the past decade. What is worse, we are in danger of letting the vision slip away as program quality erodes. Head Start has made a low investment per child, spending less today in real dollars than 10 years ago. Low salaries produce high staff turnover, threatening the stability and continuity of care essential to early childhood programs. Many programs must choose between quality services and serving more children.

As we begin this reauthorization process, we must articulate a vision for Head Start that addresses today's challenges. The first challenge is funding to expand services to more children and families. To further promote bipartisan cooperation, I am introducing today with Senator COATS, President Bush's reauthorization proposal which includes an increase of $500 million for fiscal year 1991. The President has taken an important step, but we can and must do more. He proposes to

target only 4-year-olds. I believe we must reach children earlier—by age 3 at the latest. We should not limit children to 1 year of services, but give them and their families time to fully benefit from Head Start's comprehensive approach.

The second challenge is to improve the quality of Head Start services. We need salaries that make Head Start competitive for the best teachers and support staff. We need to train staff so they can provide the highest quality services to children and families. We need to make transportation available, so no poor child is left out because he or she has no way to get to the program. We need to improve facilities, so children learn in a safe, attractive environment.

The final challenge is to improve social service coordination so that Head Start Programs are better able to work with today's more troubled families. Head Start is one of the few, if not the only, poverty programs that sees the family as a whole. We must increase its potential to weave a seamless garment of comprehensive services for Head Start families and children.

To meet these challenges, I am introducing today, along with Senators KENNEDY, PELL, RIEGLE, ADAMS, SARBANES, DASCHLE, DECONCINI, KOHL, and MATSUNAGA, the "Head Start Expansion and Quality Improvement Act of 1990." This bill sets out an ambitious blueprint to fully fund the program to serve all eligible 3 to 5 years old by 1995. Full funding is no pipedream we invented ourselves. Its an idea with widespread support among leaders in Government, business, and education. The Committee for Economic Development, the National Alliance of Business, and the National Governors' Association all support full funding of Head Start for all eligible children, not just those 4 years of age. To ensure that children receive high-quality services, the bill sets aside 12 percent of Head Start funds for activities such as increasing staff compensation training, and expanding the coordination of social services vital to disadvantaged families. To ensure that Head Start continues to serve more children, this set-aside would be triggered only if the annual Head Start appropriation exceeds the inflation adjusted level for the previous year.

Finally, to pay tribute to the visionary policymakers and early childhood experts who came together 25 years ago to create this program, I am introducing today a resolution commemorating May 18, 1990, as the 25th anniversary of Head Start. We must take our inspiration from these dedicated people and be as bold in our time as they were in theirs. I hope that 25 years from now, people will look back and say we did our job equally as well.

Mr. President, I ask unanimous consent that the text of these initiatives be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Expansion and Quality Improvement Act of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) by striking "$1,198,000,000" and all that follows through "1989, and"; and

(2) by inserting after "1990" the following: ", $2,733,000,000 for fiscal year 1991, $4,273,000,000 for fiscal year 1992, $5,924,000,000 for fiscal year 1993, and $7,660,000,000 for fiscal year 1994".

SEC. 3. RESERVATION OF FUNDS.

Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (1) by striking "and (3)" and inserting "through (4)";

(2) in paragraph (2)—

(A) by striking "13" and inserting "12";

(B) by inserting "for each fiscal year" after "available" in subparagraph (A); and

(C) by striking "no less" and all that follows through "1985" in subparagraph (A), and inserting "not less than the amount that was obligated for use by Indian and migrant Head Start programs for fiscal year 1990";

(D) by striking "the amount expended" and all that follows through "1982" in subparagraph (C), and inserting "2 percent of the sums appropriated for any fiscal year";

(E) by striking the penultimate sentence; and

(F) by inserting "or paragraph (3)" in the last sentence, after "this paragraph";

(3) in paragraph (3) by striking "87 percent of the";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following new paragraph:

"(3)(A) For any fiscal year for which the amount appropriated under section 639 exceeds the adjusted appropriation for fiscal year 1990, the Secretary shall reserve 10 percent of such amount appropriated, for one or more of the following quality improvement activities:

"(i) Not less than one-half of the amount reserved under this subparagraph, to improve the compensation (including benefits) of staff of Head Start agencies and thereby enhance recruitment and retention of such staff.

"(ii) To provide training necessary to improve the qualifications of the staff of Head Start agencies, including training in the multiple needs of families.

"(iii) To pay transportation costs incurred by Head Start agencies to enable eligible children to participate in a Head Start program.

"(iv) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

"(v) To pay expenses incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

"(vi) To make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability, or enhance the quality, of Head Start programs.

"(B)(i) In each fiscal year for which funds are reserved under subparagraph (A), the Secretary shall publish in the Federal Register a notice requesting comments from the public regarding the amount (if any) of funds reserved under subparagraph (A) that the Secretary should obligate for each of the activities specified in clauses (ii) through (vi) of such subparagraph.

"(ii) The Secretary may not obligate such funds for any of such activities until the expiration of the 30-day period beginning on the date notice is published in accordance with clause (i).".

SEC. 4. POVERTY LINE.

(a) ISSUANCE OF POVERTY LINE.—Subsection (a) of section 652 of the Head Start Act (42 U.S.C. 9847) is amended to read as follows:

"(a) The Secretary shall issue annually (or at any shorter interval that the Secretary determines feasible and desirable) a poverty line that, except as provided in section 645, shall be used as a criterion of eligibility for participation in Head Start programs.".

(b) TECHNICAL AMENDMENTS.—Section 652 of the Head Start Act (42 U.S.C. 9847) is amended—

(1) by striking out subsection (b); and

(2) in subsection (c) by striking "(c) Revisions required by subsection (a) shall be made and issued" and inserting "(b) The poverty line shall be determined by the Secretary".

SEC. 5. PARTICIPATION IN HEAD START PROGRAMS.

The last sentence of section 645(a)(2) of the Head Start Act (42 U.S.C. 9840(a)(2)) is amended by striking "1990" and inserting "1994".

SEC. 6. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4);

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) The term 'adjusted appropriation for fiscal year 1990' means $1,511,000,000 adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the period beginning on October 1, 1989, and ending on September 30 immediately preceding the fiscal year with respect to which a determination is made under section 640(a)(3)(A).''; and

(3) by adding at the end the following new paragraph:

"(5) The term 'poverty line' means—

"(A) the official poverty line (as defined by the Office of Mangement and Budget) adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the 1-year period or other interval immediately preceding the date such adjustment is made; or

"(B) the poverty line (including any revision thereof) applicable to this subchapter for fiscal year 1990, adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by

the Bureau of Labor Statistics, occurring in the period beginning October 1, 1989, and ending immediately before the start such adjustment is made;

whichever is greater.".

SEC. 7. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1990.

(b) SPECIAL EFFECTIVE DATE.—The amendments made by section 2 shall take effect on October 1, 1990 or the date of the enactment of this Act, whichever occurs earlier.

S. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Amendments of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended by striking out "$1,198,000,000" and all that follows through the end thereof and inserting in lieu thereof "$1,886,315,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 3. CONDITIONS ON RENEWED FUNDING OF GRANTEES.

(a) IN GENERAL.—Subsection (c) of section 641 of the Head Start Act (42 U.S.C. 9836(c)) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), in the administration of this section, the Secretary shall give priority in the designation of Head Start agencies to any local public or private nonprofit agency that is receiving funds under any Head Start program on the date of the enactment of this Act if the Secretary makes a finding, pursuant to a review conducted under paragraph (3), that the agency involved meets program and fiscal requirements established by the Secretary.

"(2) If there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, the Secretary shall give priority in the designation of Head Start agencies to any successor agency that is operating a Head Start program and that is operated in substantially the same manner as the predecessor agency that did receive funds in the fiscal year preceeding the fiscal year for which the determination is made.

"(3) The Secretary shall conduct a full review of each designated Head Start agency at least every 3 years, and shall determine whether each agency meets program and fiscal requirements established by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective October 1, 1991.

SEC. 4. COORDINATION WITH OTHER AGENCIES AND PROGRAMS.

Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended by striking out "with other State" and all that follows through the end thereof and inserting in lieu thereof "with public schools, the State agency responsible for administering section 402(g) of the Social Security Act, and other programs serving the children and families served by the Head Start agency to carry out the provisions of this subtitle.".

SEC. 5. CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIPS.

Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10905) is amended to read as follows:

"SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $1,431,000 for fiscal year 1991, and such sums as necessary for each of the fiscal years 1992 and 1993, for carrying out this title.".

S.J. RES. 265

Whereas on May 18, 1965, President Lyndon B. Johnson announced the launching of the Head Start Program;

Whereas Head Start has provided comprehensive services, including health, education, and social services, and parent involvement opportunities to more than 11,000,000 children and their families since 1965;

Whereas Head Start has helped to ensure that children are prepared to succeed in school and become productive adults;

Whereas Head Start has been a pioneer in developing successful approaches for meeting the needs of young children and strengthening early childhood development programs;

Whereas Head Start has been a mode for involving handicapped children, and now more than 13 percent of Head Start participants are handicapped children;

Whereas Head Start now serves more than 450,000 children in every State, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and the Pacific Territories, and in Native American and migrant programs throughout the country;

Whereas Head Start provides children with a learning environment and varied experiences that help them develop socially, intellectually, physically, and emotionally in a manner appropriate to their age and stage of development;

Whereas Head Start maximizes the strengths and unique experiences of each child;

Whereas Head Start guarantees that children receive medical and dental screening and follow-up treatment, including necessary immunizations;

Whereas Head Start helps children become physically capable of learning by providing adequate meals and snacks to help meet their daily nutritional needs;

Whereas Head Start directly includes parents in decisionmaking for the program's planning and operation;

Whereas for every five children enrolled, more than four Head Start parents are providing a volunteer service;

Whereas more the 30 percent of Head Start staff members are parents of current or former Head Start children;

Whereas members of the Head Start staff have shown a high degree of dedication to children and families across the country;

Whereas Head Start has been widely recognized by the business community, policymakers, and child development experts as an important investment in the future of our country, one that should be made for all eligible children; and

Whereas the Congress supports Head Start's goal of ensuring the availability of comprehensive services to all eligible children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 18, 1990, is commemorated as the 25th anniversary of Head Start, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.●

● Mr. COATS. Mr. President, since 1965, Head Start has been an innovator in the field of early childhood development and has been instrumental in developing new and creative ways of working with young children of differing ethnic and cultural backgrounds. In over 22,000 classrooms across the country, Head Start works to strengthen the ability of these children to cope with school and the world around them. But more than that, Head Start provides services for the entire family. And I think that's what makes this program work: the recognition that children are part of a family unit and that parents are the most important influence on a child's development.

For this reason, Head Start places strong emphasis on parental and community involvement in the development, conduct, and direction of the program at the local level. Head Start parents are directly involved in making decisions about their programs. They participate in the classroom and are involved in other administrative or program activities as paid employees or volunteers. Currently, almost one-third of Head Start's paid staff is composed of present and past Head Start parents.

Head Start is much more than an educational program. It is a program for the whole person. In addition to love, support, and encouragement, children in Head Start receive hot meals each day to help meet their daily nutritional needs; a comprehensive health care program—including physical and dental examinations, immunizations, and followup on identified health problems; mental health services to foster their emotional growth and help them deal with special problems; and social activities to help them learn to get along with others and gain self-confidence.

Mr. President, when we find a program that works, we need to emphasize it and preserve it. The President has recommended a significant $500 million increase for Head Start which is a major step toward the goal of affording every poor child "an equal place at the starting line." The President's proposal represents a 36-percent increase which would be the largest expansion in Head Start's history. With the President's leadership and strong support we have an opportunity to make substantial gains with our youth. I am pleased to be listed as an original sponsor of this legislation and look forward to its swift consideration.●

Mr. SARBANES. Mr. President, I am very pleased to join today in introducing legislation to reauthorize the Head Start Program. As you know, I have been a strong and consistent supporter of Head Start as well as other

early childhood initiatives. I am especially pleased that this legislation has as one of its stated goals full funding for the Head Start Program which would enable all eligible 3- to 5-year-olds to be served by 1994.

It has long been my view that our Nation's highest priority must be the well-being and protection of our children. In this regard, the Head Start program is a proven commodity. Research and evaluation studies have documented that participation in Head Start produces immediate positive results in a child's cognitive abilities. Statistics indicate that Head Start children score higher than other children in preschool achievement tests and are less likely to repeat a grade or to be placed in remedial classes. Further, reports suggest that benefits experienced by Head Start students remain long after participation in the program. Children who have participated in Head Start are less likely than others to later drop out of school, be arrested, or receive welfare payments, and are much more likely to find employment or attend college.

The Head Start Program was established in 1965 to assist in preparing low-income preschool children for entrance into the school system. It is based on the principle that young children have certain needs which must be fulfilled in order to grow, learn, and develop successfully. Head Start was designed and intended to involve the child's entire family in the process of learning and development, and parents are encouraged to offer their ideas and participate in program activities. By bringing parents into the process, the program recognizes the family as the most important influence in the child's early years. By offering a comprehensive, interdisciplinary program providing educational, social, health, nutrition, and psychological services to disadvantaged children and their families, Head Start has proven that early attention to the needs of children can make a significant difference in their educational and social development.

The Head Start Program was established with the recognition that the most successful programs are those in which communities are allowed the necessary flexibility and latitude to shape the program to best suit their needs. I know that in my State of Maryland, Head Start has benefited from the strong support of community non-profit organizations, school boards, and religious institutions. Head Start staffs have also worked closely with local social service agencies to coordinate efforts on behalf of low-income families. Recognizing that many impoverished children have never received adequate medical attention, Head Start children are afforded medical and dental checkups and nutritious meals. The full range of Head Start's developmental services are also extended to handicapped children, who compromise 10 percent of the program's national enrollment.

Mr. President, it is estimated that every dollar invested in the Head Start Program will save $7 in the future by reducing school dropouts, drug abuse, crime, and teenage pregnancies. In spite of this, the previous administration consistently recommended funding levels that were completely inadequate to meet the needs of millions of our Nation's disadvantaged children. Reliable studies have shown consistently that the Head Start Program can help prevent a broad range of poverty-related problems that drain our resources and prevent millions of young people from living full and productive lives. I am pleased that the current administration has proposed an increase in funding for Head Start in fiscal year 1991. However, even with this increase, only one in five disadvantaged children will have access to the tremendous benefits available through participation in the Head Start Program.

Let me close by making this observation. Four years ago, as chairman of the Joint Economic Committee, I held a series of hearings on investments in the Nation's future. These hearings were an effort to try to look into the future and take a long view on investment needs in such diverse fields as health, the environment, transportation, research and development—in short, the entire range of things to be considered when talking about the future strength of our country. During the hearing devoted to preventive health care, the point was made effectively that the cost of providing adequate services during early childhood would be more than rapid in the future in terms of saved health care costs, improved productivity, and improved output. We cannot afford to continue to shortchange programs which have proven effective in ensuring a brighter future for our children. The Head Start Program has demonstrated conclusively that early childhood intervention can make a significant difference in a child's development, and I urge my colleagues to join me in strong support of legislation to reauthorize the Head Start Program.

Mr. President, I want to note that I am also joining in the introduction of a resolution to commemorate May 18, 1990, as the 25th anniversary of Head Start. Head Start now serves more than 450,000 children in every State, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, the Pacific Territories, and in Native American and migrant programs throughout the country. Over 30 percent of Head Start staff members are parents of current or former Head Start children. It has been my privilege to meet and work closely with Marylanders who have been involved in my State's Head Start Program, and I want to take this opportunity to extend my congratulations to those individuals and to others throughout the country who have worked so hard to ensure the continued success of this critical program.

By Mr. HELMS:

S.J. Res. 263. Joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day"; to the Committee on the Judiciary.

NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION CENTENNIAL DAY

● Mr. HELMS. Mr. President, today I am pleased to introduce a joint resolution designating October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day." I invite each of my colleagues to cosponsor this resolution.

If this is a "conflict of interest," I plead nolo contendere because Dot Helms and our two daughters have been active in the Daughters of the American Revolution for years.

Founded in October 11, 1890, the National Society of the Daughters of the American Revolution [NSDAR] is a service organization dedicated to educational, historical and patriotic purposes. It was incorporated by Congress in 1896. Today, there are chapters of NSDAR in all 50 States, the District of Columbia, and overseas in Australia, Canada, France, Mexico, and the United Kingdom.

Mr. President, there are many examples of the fine work of NSDAR. For years, the society has been helping children in remote mountain areas receive an education. Two schools in the Appalachian region that NSDAR supports are the Kate Duncan Smith DAR schools in Alabama, and the Tamassee DAR school in South Carolina. Both schools are accredited by the Southern Association of Colleges and Schools. The NSDAR also assists in the education of Indian youth by granting scholarships.

Mr. President, its name, Daughters of the American Revolution, suggests involvement in and emphasis on the history of the United States. NSDAR American history scholarships are given annually to one qualifying senior in a high school graduating class. Headquartered in Washington, DC, the NSDAR facility is a registered national historic landmark. The NSDAR Library, which occupies a part of the headquarters building, is one the finest genealogical libraries in the country, containing a vast amount of historical material, including more than 82,000 books, along with unpublished genealogy typescripts and genealogical periodicals.

Obviously, Mr. President, the NSDAR is constantly involved with patriotic events and endeavors. For ex-

ample, the first and only resolution of the first NSDAR Continental Congress in 1892 was to honor and respect the flag of the United States of America. Also, the flags at the U.S. Naval Academy Dahlgren Hall were originally given by the NSDAR in 1937. These include the U.S. flag, the flags of the 48 States, and the territorial flags. In 1955, the NSDAR gave 52 flags to replace the earlier ones, and individual flags have been given since.

Mr. President, this resolution will officially commemorate the centennial of a fine organization that has contributed an immense amount of time and effort to the heritage and pride of this country. I urge my colleagues to join in this worthy commemorative.●

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. LAUTENBERG, Mr. ADAMS, Mr. DIXON, Mr. KENNEDY, Mr. METZENBAUM, Mr. DECONCINI, Mr. HEFLIN, Mr. KOHL, Mr. HOLLINGS, Mr. FORD, Mr. INOUYE, Mr. COATS, Mr. SHELBY, Mr. DODD, Mr. LEVIN, Mr. ROCKEFELLER, Mr. HATCH, Mr. LUGAR, Mr. WILSON, Mr. SYMMS, Mr. PRESSLER, Mr. BYRD, and Mr. DASCHLE):

S.J. Res. 264. Joint resolution to commemorate the 50th anniversary of the National Sheriffs' Association; to the Committee on the Judiciary.

THE 50TH ANNIVERSARY OF THE NATIONAL SHERIFFS' ASSOCIATION

● Mr. BIDEN. Mr. President, on September 26, 1940, the National Sheriffs' Association [NSA] was founded by the Secretary of State in the State of Ohio. I rise today to introduce a joint resolution to commemorate the 50th anniversary of this association and to recognize the services rendered by the sheriffs of our Nation.

One of the NSA's longstanding goals has been to raise the level of professionalism of all sheriffs and their deputies. The association continues to help train professional law enforcement officers and serves as an outlet for information pertaining to the duties, methods, and official practices of its members.

The NSA works closely with all State associations of sheriffs, as well as with Federal, State, and municipal law enforcement agencies, to ensure that sufficient law enforcement services are provided in communities throughout our Nation. The NSA also works with Federal and State legislatures, promoting both the needs of the enforcement officials and the safety of the public.

The commitment and service of our Nation's sheriffs to the individual counties and communities throughout the United States is often administered without due recognition or acknowledgment. Mr. President, the sheriffs of this country are the chief law enforcement officers in each individual county. Every day, sheriffs throughout the United States engage in the war on drugs in our cities and in the rural areas of our counties. This legislation will honor not only the efforts of current sheriffs but also the sheriffs and deputies who have died in the service of others.

Although, the authority of the individual sheriff varies from State to State, all sheriffs possess the power to make arrests and conduct investigations within their jurisdiction. Some States extend this authority to adjacent counties or to the entire State. Sheriffs' departments also perform routine patrol functions, including traffic control, accident investigations, and transportation of prisoners. Larger departments perform criminal investigations and engage in other specialized law enforcement activities. In addition, some sheriffs' departments have air patrols, mounted patrols, and marine patrols.

Mr. President, the purpose of this joint resolution is to honor the efforts of our Nation's sheriffs. I invite my colleagues to join me in honoring our Nation's sheriffs and their commitment to the security of our counties and communities.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 264

Whereas the National Sheriff's Association, incorporated on September 26, 1940, by the Secretary of State of the State of Ohio, is commemorating 50 years of service this year;

Whereas the purposes of the National Sheriff's Association are to form and perpetuate an efficient organization of the sheriffs of the United States and to raise the level of professionalism in the office of sheriff and in sheriff's deputies and other law enforcement professionals charged with or interested in the execution and enforcement of State and Federal laws;

Whereas the National Sheriffs' Association continues to provide professional law enforcement leadership in the areas of training and exchange of information pertaining to the duties, methods, and official practices of the members and to inform the members of all such matters that pertain to violation of law or injury to persons or property;

Whereas the National Sheriffs' Association has continued to foster cooperation among State sheriffs' associations and Federal, State, and municipal law enforcement organizations; and

Whereas the National Sheriffs' Association has continued to advocate and preserve legislation in harmony with the needs of enforcement officials and the safety of the public: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 24, 1990, through June 30, 1990, is designated as "National Sheriffs' Week" in honor of the 50th anniversary of the National Sheriffs' Assocation, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to honor all sheriffs during the week for their outstanding efforts to preserve the peace and ensure domestic tranquility.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. SANFORD, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Kentucky [Mr. FORD], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 980

At the request of Mr. MITCHELL, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the names of the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1557

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1557, a bill to amend title 17, United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1579

At the request of Mr. FOWLER, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1579, a bill to amend the National Historic Preservation Act, the Historic Sites Act, the Archaeological Resources Protection Act, and the Abandoned Shipwreck Act, and certain related acts to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 1853

At the request of Mr. CHAFEE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Maine [Mr. COHEN], and the Senator from Utah [Mr. HATCH] were added as

cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1853, supra.

S. 1893

At the request of Mr. REID, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1893, a bill to reauthorize the Asbestos School Hazard Abatement Act of 1984.

S. 2003

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2012

At the request of Mrs. KASSEBAUM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2012, a bill to amend the Employee Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans.

S. 2013

At the request of Mr. BRYAN, the names of the Senator from Nebraska [Mr. EXON], the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. ROBB], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2013, a bill to require that the surplus in the Highway Trust Fund be expended for the Federal-Aid Highway System.

S. 2021

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2069

At the request of Mrs. KASSEBAUM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2069, a bill to provide an 18-month moratorium on employer revisions upon termination of single-employer defined benefit pension plans.

S. 2114

At the requesof Mr. KENNEDY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2114, a bill to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; provide for education, training, and retraining of the Nation's technologists; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes.

S. 2158

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2184

At the request of Mr. BAUCUS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2184, a bill to assist small communities in construction of facilities for the protection of the environment and human health.

S. 2203

At the request of Mr. DOMENICI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2203, a bill to settle certain claims of the Zuni Indian Tribe, and for other purposes.

SENATE JOINT RESOLUTION 224

At the request of Mr. BYRD, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Washington [Mr. ADAMS], the Senator from Indiana [Mr. LUGAR], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Delaware [Mr. ROTH], the Senator from California [Mr. WILSON], the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. LOTT], the Senator from New York [Mr. MOYNIHAN], the Senator from Missouri [Mr. DANFORTH], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. MITCHELL], the Senator from Arizona [Mr. MCCAIN], the Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. BENTSEN], the Senator from Florida [Mr. MACK], the Senator from Virginia [Mr. WARNER], the Senator from New Jersey [Mr. BRADLEY], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. METZENBAUM], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 237, a joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Wisconsin [Mr. KOHL], and the Senator from Maryland [Mr. SARBANES], were added as cosponsors of Senate Joint Resolution 241, a joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Michigan [Mr. RIEGLE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wisconsin [Mr. KASTEN], were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 252

At the request of Mr. BENTSEN, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 15, 1990, through April 21, 1990, as "National Minority Cancer Awareness Week."

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. WILSON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress relating to the human rights conditions of Jews in Ethiopia.

SENATE CONCURRENT RESOLUTION 92

At the request of Mr. HATCH, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 92, a concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution concerning the consultations of nations at the conference on the reunification of Germany.

AMENDMENT NO. 1279

At the request of Mr. ARMSTRONG, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Amendment No. 1279 proposed to S. 1430, a bill to enhance national and community service, and for other purposes.

AMENDMENT NO. 1280

At the request of Mr. LUGAR, his name was added as a cosponsor of amendment No. 1280 intended to be proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

At the request of Mr. SPECTER, the names of the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. DIXON], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of amendment No. 1280 intended to be proposed to S. 1630, supra.

SENATE CONCURRENT RESOLUTION 99—25TH ANNIVERSARY OF THE OLDER AMERICANS ACT

Mr. PRYOR (for himself, Mr. HEINZ, Mr. CONRAD, Mr. COCHRAN, Mr. GLENN, Mr. EXON, Mr. FORD, Mr. HATFIELD, Mr. MATSUNAGA, Mr. KOHL, Mr. DOMENICI, Mr. PELL, Mr. BRADLEY, Mr. WILSON, and Mr. CHAFEE) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 99

Whereas 1990 marks the 25th anniversary of the enactment of the Older Americans Act of 1965;

Whereas during the past 25 years, the implementation of the Older Americans Act of 1965 has contributed to the economic well-being of millions of older Americans, and has improved the quality of life for such individuals;

Whereas one of the key elements contributing to the successful implementation of the Older Americans Act of 1965 has been the establishment of an aging network composed of State and local aging agencies providers of congregate and home-delivered nutrition and many other community service workers;

Whereas the Administration on Aging in the Department of Health and Human Services was created by the Older Americans Act of 1965, and has been empowered to act as an effective advocate for the concerns and needs of older individuals;

Whereas many older individuals, and the individuals who serve the needs of older individuals, have benefited greatly from the research, training, and education that programs established under the Older Americans Act of 1965 have provided;

Whereas services authorized under the Older Americans Act of 1965 have provided important part-time community service employment opportunities for low-income elderly individuals;

Whereas some of the programs under the Older Americans Act of 1965 were designed to address the special needs of older Native Americans;

Whereas some of the programs authorized under the Older Americans Act of 1965 were created to address the specific concerns of those older Americans with the greatest social and economic needs, especially minority older Americans;

Whereas many services under the Older Americans Act of 1965, including long-term care ombudsman and legal services providers, have acted as powerful advocates for elderly individuals;

Whereas in recognition to the changing needs of a rapidly aging society, the Older Americans Act of 1965 has been periodically amended;

Whereas the Older Americans Act of 1965 has brought together thousands of dedicated professionals and volunteers and has provided inspiration for such individuals;

Whereas the Older Americans Act of 1965 serves as a model for the development of community-based services, including services that provide alternatives to the institutionalization of older individuals; and

Whereas the Older Americans Act serves as the foundation for an effective human services policy for millions of Americans as this Nation enters the 21st century; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the 25th anniversary of the enactment of the Older Americans Act of 1965, and the successful implementation of such Act should be recognized;

(2) the many and varied contributions at all levels of the aging network fostered by the Older Americans Act of 1965 should be recognized; and

(3) the Congress and the citizens of this Nation should reaffirm support for the Older Americans Act of 1965, and the primary goals of such Act of providing services to maintain the dignity of older individuals in the United States, and promoting the independence of such individuals.

● Mr. PRYOR. Mr. President, this year marks the 25th anniversary of the enactment of the Older Americans Act, the principal Federal legislation providing social services to the elderly. As chairman of the Senate Special Committee on Aging, I join with Senator JOHN HEINZ, the committee's distinguished ranking minority member, Senator SPARK MATSUNAGA, the chairman of the Aging Subcommittee of the Labor and Human Resources Committee, and Senator THAD COCHRAN, the subcommittee's ranking minority member, as well as Senators CONRAD, GLEEN, EXON, KOHL, PELL, FORD, BRADLEY, HATFIELD, DOMENICI, and WILSON in introducing a resolution commemorating the act's 25th anniversary.

Today, Representative THOMAS DOWNEY, the distinguished chairman of the Human Services Subcommittee of the House Select Committee on Aging, will be introducing an identical resolution in the other Chamber. Mr. DOWNEY, who drafted this resolution has been an unfailing advocate of the elderly for many years. I salute him for initiating this timely resolution, and I look forward to working with him in the years to come on issues of concern to older Americans.

Mr. President, the Older Americans Act was signed into law during my first term in the House of Representatives. In reflecting upon the past 25 years, it is safe to say that the act has been a tremendous success. The statute authorizes a broad array of services and programs for older persons, including congregate nutrition centers, home delivered meals programs, legal services, long-term care ombudsman-advocates, information and referral programs, homemaker services, and community service employment, among others.

The diversity of services is a remarkable feature of the Older Americans Act. Unlike many complex Federal programs, this act places trust in the creativity and resourcefulness of State and local agencies to address the disparate needs of their communities.

However, this diversity does not mean the act lacks clear purpose. On the contrary, I believe one theme ties together all elements of the Older Americans Act. In my view, the act serves as a helping hand enabling elderly persons to maintain their independence and dignity. Through its various services, the Older Americans Act remains a vital and needed force in the lives of elderly persons.

In order to coordinate these various services, the Older Americans Act established an aging network that advocates on behalf of older persons on the national, State, and local levels. Today, this vital network consists of State units on aging in each of the 50 States, 670 area agencies on aging, and more than 25,000 local service providers. The act also provides grants for Native American senior programs, as well as funding for training, research, and demonstration projects in the field of aging.

The Older Americans Act is scheduled for reauthorization next year. In anticipation, the Senate Special Committee on Aging is holding a series of legislative workshops to examine the act and its services and to propose possible changes. The first workshop was held on January 31, 1990. More than 100 persons, including congressional

staff, advocates, and service providers, attended the workshop and actively participated in a broad review of the act and its purposes. The committee hopes to hold at least three more workshops this year, focusing upon particular services or specific issues affecting the act.

Mr. President, I believe that this resolution will help assure that the achievements of the Older Americans Act and of thousands of dedicated professionals and volunteers who provide services to the elderly receive proper recognition. I urge all my colleagues to support this resolution acknowledging the first quarter century of the Older Americans Act.●

SENATE RESOLUTION 254—COMMENDING BETTY MEYER

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 254

Whereas Betty Meyer became an employee of the Senate of the United States on May 4, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included ten Congresses;

Whereas Betty Meyer has proudly served as executive assistant and personal secretary to the Republican Leader; enduring long hours, short weekends and unending changes in the daily schedule;

Whereas Betty Meyer, despite the barrage of requests, and untold thousands of calls, complaints, requests, and demands from visitors, lobbyists and staffers, faithfully discharged the difficult duties and responsibilities of her position on the staff of the Senate of the United States with great efficiency, devotion, and dedication;

Whereas Betty Meyer, in the line of duty spent more time on the telephone than any other known person, and

Whereas Betty Meyer retires from the Senate of the United States Senate on June 30, 1990: Now, therefore, be it

Resolved, That the Senate of the United States commends Betty Meyer for her exemplary service to the Senate and the Nation, and wishes to express its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Betty Meyer.

SENATE RESOLUTION 255—CALLING FOR A SETTLEMENT IN THE MAJOR LEAGUE BASEBALL NEGOTIATIONS

Mr. MCCAIN (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. LEVIN, Mr. GORTON, Mr. BOSCHWITZ, Ms. MIKULSKI, Mr. ROBB, and Mr. BURNS) submitted the following resolution; which was considered and agreed to:

S. RES. 255

Whereas the American public is now witnessing the end of the second week of the spring training lockout in baseball;

Whereas the economics of those communities that host spring training are suffering major economic losses as a result of baseball owners and players inability to agree and begin the season;

Whereas cities with major league baseball franchises now risk similar serious economic losses if the disagreement continues;

Whereas major league baseball enjoys a unique and privileged treatment under federal law;

Whereas the American people do not believe the inability to resolve these disputes should deny the American people the opportunity to see a complete spring training and regular season of the national pastime;

Whereas in addition to representing the interests of owners and players, the negotiators in this dispute have an obligation to baseball fans, who through their enthusiasm, attendance, and willingness to pay to view the game, provide benefits to both owners, players and the host communities: Now, be it

Resolved, That the baseball owners, players, and their negotiators settle their differences promptly and begin a complete spring training and regular season as soon as possible.

SENATE RESOLUTION 256—COMMENDING THE PEOPLE OF NICARAGUA

Mr. MITCHELL (for Mr. DANFORTH, for himself, Mr. DODD, Mr. WALLOP, Mr. PELL, Mr. DOLE, and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Resolved, That the Senate commends the people of Nicaragua for their recent successfully held election, and calls for a spiritual reconciliation by all parties and for a peaceful transition of power.

AMENDMENTS SUBMITTED

NATIONAL AND COMMUNITY SERVICE ACT

KENNEDY AMENDMENT NO. 1282

Mr. KENNEDY proposed an amendment to amendment No. 1279 proposed by Mr. ARMSTRONG (and others) to the bill (S. 1430) to enhance national and community service, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

(c)(1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, of any adult homosexual, bisexual, or heterosexual person who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor; and

(2) nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual, or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.

NICKLES (AND BRADLEY) AMENDMENT NO. 1283

Mr. NICKLES (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ENACTMENT OF GOOD SAMARITAN FOOD DONATION ACT.

(a) IN GENERAL.—It is the sense of Congress that each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States should—

(1) encourage the donation of apparently wholesome food or grocery products to nonprofit orginizations for distribution to needy individuals; and

(2) consider the model Good Samaritan Food Donation Act (provided in subsection (c)) as a means of encouraging the donation of the food and products.

(b) DISTRIBUTION OF COPIES.—The Archivist of the United States shall distribute a copy of this section to he chief executive officer of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(c) MODEL GOOD SAMARITAN FOOD DONATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the "Good Samaritan Food Donation Act".

(2) DEFINITIONS.—As used in this section:

(A) APPARENTLY FIT GROCERY PRODUCT.—The term "apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearence, age, freshness, grade, size, surplus, or other condition.

(B) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" means food that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(C) DONATE.—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(D) FOOD.—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(E) GLEANER.—The term "gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit

organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(F) GROCERY PRODUCT.—The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(G) GROSS NEGLIGENCE.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) is likely to be harmful to the health or well-being of another person.

(H) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(I) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an incorporated or unincorporated entity that—

(i) is operating for religious, charitable, or educational purposes; and

(ii) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(J) PERSON.—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

(3) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or international misconduct.

(4) COLLECTION OR GLEANING OF DONATIONS.—A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners or unpaid representatives of a nonprofit organizations for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or international misconduct.

(5) PARTIAL COMPLIANCE.—If some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and products shall not be subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or products—

(A) is informed by the donor of the distressed or defective condition of the donated food or products;

(B) agrees to recondition the donated food or products to comply with all the quality and labeling standards prior to distribution; and

(C) is knowledgeable of the standards to properly recondition the donated food or product.

(b) CONSTRUCTION.—This subsection shall not be construed to create any liability.

(d) EFFECT OF SECTION.—The model Good Samaritan Food Donation Act (provided in subsection (c)) is intended only to serve as a model law for enactment by the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. The enactment of subsection (c) shall have no force or effect in law.

McCAIN (AND OTHERS) AMENDMENT NO. 1284

Mr. McCAIN (for himself, Mr. LOTT, Mr. GORTON, and Mr. MACK) proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place in the substitute amendment insert the following:

"The provisions of this Act shall terminate September 30, 1992.".

KASTEN (AND OTHERS) AMENDMENT NO. 1285

Mr. HATCH (for Mr. KASTEN, for himself, Mr. COCHRAN, Mr. DOMENICI, and Mr. DOLE) proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place in the bill, add the following:

Any entity, including the Foundation, administering a program or project under this act shall take appropriate action to ensure that:

(1) Rural Areas receive equitable treatment in the allocation and distribution of assistance; and

(2) Prospective grantees or fund recipients located in Rural Areas are treated equitably under the eligibility criteria.

CLEAN AIR ACT AMENDMENTS

GLENN (AND HEINZ) AMENDMENT NO. 1286

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by him to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 381, beginning with line 10, strike out all through line 2 on page 382.

NATIONAL AND COMMUNITY SERVICE ACT

WALLOP (AND OTHERS) AMENDMENT NO. 1287

Mr. WALLOP (for himself, Mr. HATCH, Mr. DOLE, Mr. SYMMS, and Mr. SIMPSON) proposed an amendment to the bill S. 1430, supra, as follows:

At the end of the bill insert the following:

SEC. . FINDINGS.—The Congress of the United States finds:

(1) On February 25, 1990, Violeta Chamorro was elected President of Nicaragua.

(2) Mrs. Chamorro's victory followed a courageous and effective campaign by the United Nicaraguan Opposition—UNO—a coalition of 14 parties which selected Mrs. Chamorro as its candidate.

(3) The citizens of Nicaragua responded to the opportunity to participate in the electoral process by going to the polls in record numbers.

(4) Immediately following the election, Daniel Ortega pledged to respect the results of the election and turn over power to Mrs. Chamorro on April 25, as prescribed in Nicaraguan law.

(5) Subsequently, Ortega made disturbing comments, indicating that the Sandinistas intended to seek to retain power by "governing from below;" and specifically suggesting that the Sandinistas would seek to retain control of the army and internal security apparatus.

(6) International observers, including observers from the Congress, have generally concluded that the balloting on February 25 was conducted freely and fairly.

(7) The President has welcomed the results of the Nicaraguan election, and has indicated his intention to consider ways to help the people of Nicaragua consolidate a democratic system and rebuild their society and economy.

SEC. . It is the sense of the Congress of the United States that:

(1) Violeta Chamorro should be congratulated on her great election victory, and on her courageous and effective electoral campaign.

(2) The people of Nicaragua displayed great determination and commitment to the democratic process by turning out at the polls in record numbers.

(3) Daniel Ortega and the Sandinistas should turn over all power, military and civilian, to Mrs. Chamorro and her government on April 25.

(4) Recent comments by Ortega that the Sandinistas would seek to maintain power by "governing from below" are deplorable, a violation of Ortega's commitment to respect the results of the election, an afront to the effort supported by the other Presidents of the region and the United States to foster peace and democracy in Nicaragua, and an insult to the people of Nicaragua who voted overwhelmingly for Mrs. Chamorro.

(5) As the process of the transfer of all power to Mrs. Chamorro and her government unfolds and is completed, the United States should consider and implement the lifting of all economic sanctions, the normalization of political and economic relations, and the provision of appropriate aid.

KENNEDY (AND OTHERS) AMENDMENT NO. 1288

Mr. KENNEDY (for himself, Mr. DODD, Mr. PELL, Mr. LEAHY, and Mr. KERRY) proposed an amendment to amendment No. 1287 proposed by Mr. WALLOP (and others) to the bill S. 1430, supra, as follows:

Strike all after the first word in the pending amendment and in lieu thereof insert the following:

(A) Congress finds that—

(1) on February 25, 1990 Violeta Barrios de Chamorro was elected President of Nicaragua;

(2) the Esquipulas Peace Accords, initiated by President Arias of Costa Rica, for which he was awarded the Nobel Peace Prize in 1987, served to lay the groundwork for national elections in Nicaragua by emphasizing the need for improved democratic processes and procedures throughout the region;

(3) the Government of Nicaragua signed the Esquipulas Accords and agreed to conduct free and fair national elections on February 25, 1990;

(4) the Congressional leadership and President Bush reached a bipartisan accord on March 24, 1989 which served to endorse the Esquipulas Agreements, and expressed strong support for democratic electoral reform in Nicaragua;

(5) the elections were freely and fairly conducted and that President Daniel Ortega has accepted the results of that election, and he has pledged full support for a peaceful transition process;

(6) the citizens of Nicaragua responded to the opportunity to participate in free and fair elections by going to the polls in record numbers;

(7) hundreds of international observers from the United Nations, the Organization of American States, the Council of Freely Elected Heads of States, the European Parliament and other independent groups have declared that the elections were fairly and freely conducted; and

(8) President Bush has welcomed the election results, has expressed his hope that an immediate cease-fire will be declared, and has indicated his intention to consider ways to help the people of Nicaragua to rebuild their country;

(B) In recognition of the above findings, the Congress hereby—

Underscores the achievements of the Esquipulas Peace Accords, particularly with respect to improved democratic processes and procedures in Nicaragua;

Congratulates Violeta Barrios de Chamorro for conducting a courageous and successful election campaign leading to her election as President of Nicaragua;

Applauds the people of Nicaragua for their strong participation in the democratic process and their determination to support political pluralism in Nicaragua;

Commends the Government of Nicaragua for the fulfillment of the commitment to conduct free and fair elections;

Calls upon the Government of Nicaragua to proceed, as quickly as possible, with the transition process, including the transfer of all civil and military power to the duly-elected government of Violeta Barrios de Chamorro;

Urges the incoming Chamorro government and the outgoing Ortega government to give the highest priority to the need for national reconciliation and political stability; and

Recommends that the Government of the United States proceed to full normalization of relations with the Government of Nicaragua, including the removal of all economic sanctions, including the trade embargo; and to do all that it can to assist national reconciliation efforts, such as the reintegration of resistance forces into the civil and political life of Nicaragua.

CLEAN AIR ACT AMENDMENTS

DECONCINI AMENDMENT NO. 1289

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1630, supra, as follows:

On page 180, line 17, strike "Act.". and insert "Act."

On page 180, between lines 17 and 18 insert the following:

"(h) MAINTENANCE OF REQUIREMENTS.—

"(1) Notwithstanding any other provision of this Act, until a State demonstrates and the Administrator determines that the area to which an implementation plan applies has actually attained the applicable ambient air quality standards in effect for such area, any implementation plan or revision of such plan shall—

"(A) in addition to any other requirements of this Act, provide emission limitations, control measures, conditions and requirements at least as stringent and comprehensive as those included in the applicable implementation plan in effect on the date of enactment of the Clean Air Act Amendments of 1989 for the area to which the plan applies.

"(B) provide that schedules and timetables of compliance, as defined by section 302(p), a delayed compliance order under section 113, or an order of any court for any source located in, or that contributes to, air pollution in any nonattainment area that are included in the plan shall not be extended or relaxed, and

"(C) provide that a condition or requirement or schedule for implementation of any requirement or prohibition respecting a motor vehicle fuel or fuel additive, transportation control measures, air quality maintenance plans, vehicle inspection and maintenance programs, or vapor recovery requirement that is included in the implementation plan may not be extended or relaxed.

"(2) The provisions of subparagraphs (A) and (B) shall not be construed as requiring the continuation of any provisions of an implementation plan where the Administrator finds, after notice and opportunity for public comment that—

"(A) implementation of the provision would create a serious risk of adverse effect to human health that was unknown at the time the provision was adopted, and the risk significantly outweighs any actual or potential air quality benefit;

"(B) implementation of the provision offers no potential for any air quality benefit or for assisting in implementing other parts of the plan; or

"(C) the provision was included in the implementation plan as the result of typographical or clerical error.

"(2) If, prior to the enactment of the Clean Air Act Amendments of 1989, the Administrator or a court has directed that an implementation plan be revised, that attainment be achieved, that control strategies be implemented, or that emission reductions be achieved on schedules more expeditious than those required under this Act, then the schedules directed by the Administrator or the court shall remain in effect and enforceable.".

NATIONAL AND COMMUNITY SERVICE ACT

HUMPHREY (AND OTHERS) AMENDMENT NO. 1290

Mr. HUMPHREY (for himself, Mr. ARMSTRONG, Mr. SIMON, Mr. PELL, Mr. KENNEDY, and Mr. GORTON) proposed an amendment to the bill S. 1430, supra, as follows:

At the end of the pending question, add the following:

SEC. □.

(a) The Senate finds that—

(1) On June 4, 1989, the Government of the People's Republic of China brutally massacred thousands of innocent Chinese nationals demonstrating in Tiananmen Square for greater personal freedom and political expression, and subsequently executed at least forty Chinese nationals for activities in support of the Tiananmen Square pro-democracy movement;

(2) Since June 4, 1989, the Government of the People's Republic of China has brutally imprisoned 10,000 to 30,000 Chinese citizens for their participation in or allegiance to the pro-democracy movement in China;

(3) Consular officials, and other official and unofficial representatives of the Government of the People's Republic of China, in direct violation of United States law, are reported to have instituted systematic intimidation and harassment of Chinese nationals in the United States for supporting the pro-democracy movement in China;

(4) The Government of the People's Republic of China continues to enforce coercive population policies, including the use of forced abortions and forced sterilizations;

(5) Numerous international human rights organizations, including Amnesty International, Asia Watch, and the International League for Human Rights, report continued and even increased human rights and religious freedom violations by the Government of the People's Republic of China, including the recent arrest of four Chinese Catholic priests, and the November 30, 1989, detention of ten Tibeten monks;

(b) It is therefore the sense of the Senate that—

(1) The Senate strongly reiterates its condemnation of the Government of the People's Republic of China for its brutal military repression of the peaceful pro-democracy demonstration in Tiananmen Square on June 4, 1989, and further expresses its abhorrence of the continued political and human rights repression in the People's Republic of China;

(2) The Senate notes that the harassment of Chinese nationals residing in the United States is governed by 22 U.S.C. 2756, Public Law 97-113, and that any continuation of these harassment activities in the United States will further adversely affect Sino-American relations;

(3) The Senate expresses condemnation of the Government of the People's Republic of China for its inhumane policy of forced abortion and sterilization;

(4) The Senate urges the President of the United States to instruct the United States representatives to international financial institutions, and specifically the World Bank, to oppose loans or other financial assistance to the People's Republic of China which are not purely natural disaster relief or basic human needs, until it is clear that the

human rights practices of the Government of the People's Republic of China have dramatically improved.

BOSCHWITZ AMENDMENT NO. 1291

Mr. BOSCHWITZ proposed an amendment to the bill S. 1430, supra, as follows:

(d) RIGHT OF ACTION.—

(1) SENSE OF THE SENATE.—It is the sense of the Senate—

(A) to deplore the practice of boycotting businesses on the basis of race, religion, national origin, gender, age, or disability of the owner operator, employees, or patrons of such entities;

(B) that the programs assisted under this Act should not be used to fund such boycotts; and

(C) that the rights of all persons to engage in free speech protected by the Constitution should be protected.

(2) LIMITATION.—None of the amounts appropriated under this Act shall be used to engage in a boycott of any entity on the basis of the race, religion, national origin, gender, age, or disability of the owner, operator, employees, or patrons of such entity.

(3) RIGHT OF ACTION.—

ATTORNEY GENERAL.—Notwithstanding any other provision of law, the Attorney General may file an action under this subsection, in the appropriate district court of the United States, against any organization or entity to recover the amount of assistance provided to such organization or entity under this Act that is used in violation of this subsection.

DOLE AMENDMENT NO. 1292

Mr. DOLE proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place add the following:

SEC. . AUTHORIZATION OF ACTIVITIES; GRANTS OR CONTRACTS FOR EXCHANGES WITH FOREIGN COUNTRIES.

(a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) exchanges with countries in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania.

(i) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, state, and federal government agencies, located in or outside the United States; and

(ii) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy; which program shall be coordinated by a White House Office, which the President is hereby authorized to establish.

(2) TRANSFER OF FUNDS—

(i) The President is authorized to transfer to the appropriations account of the agency (agencies) administering this program such sums as he shall determine to be necessary out of the travel accounts of departments and agencies of the United States as he shall designate, which transfers shall be subject to approval of the House and Senate Committees on Appropriations and in addition he is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program, and to place such gifts into an endowment fund.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The hearing is scheduled to take place on Tuesday, March 13, 1990, at 9 a.m. at the Shiprock High School Gymnasium on Frontage Road in Shiprock, NM.

The purpose of the hearing is to receive testimony concerning the impacts of past uranium mining practices.

Those wishing to submit written statements for the hearing record should deliver them to my Albuquerque office at 625 Silver Avenue, SW., Suite 130, Albuquerque, NM 87102. For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, March 1, beginning at 9 a.m., to hold a hearing on the Corps of Engineers water projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer and Regulatory Affairs Subcommitee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, March 1, 1990, at 1:30 p.m. to hold hearings on expedited funds availability.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 9:30 a.m., to hold a hearing on the Federal role in promoting and using special alternative incarceration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 1, 1990, at 9:30 a.m., to hold a hearing on the nomination of Robert W. Sweet, Jr. to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2:30 p.m., to hold a markup on S. 590, a bill to prohibit injunctive relief, or an award of damages against a judicial officer for action taken in a judicial capacity; S. 591, a bill to amend the Federal rules of criminal procedure with respect to the examination of prospective jurors; S. 592, a bill to amend the Federal rules of civil procedure with respect to the examination of prospective jurors; and S. 982, a bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 10 a.m., March 1, 1990, to conduct a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 1, at 2 p.m. to hold a hearing on the economic transformation in Eastern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on

Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2 p.m. for a hearing on Head Start reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 9 a.m. for a hearing on the Civil Rights Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 11:30 a.m., to continue its hearing on campaign finance legislation—S. 1655, the Federal Election Enforcement Act and S. 1727, the Comprehensive Campaign Finance Reform Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Thursday, March 1, 1990, at 3 p.m. to discuss the issue of unauthorized appropriations for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 1, 1990, at 9:30 a.m. to hold a hearing on S. 1751 and S. 1904, legislation on safeguarding the integrity of food shipments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, March 1, 1990, at 10 a.m. to receive testimony on the fiscal year 1991 budget, the 5-year defense plan and recommendations to improve the efficiency of Defense Department operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address cotton issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Conservation and Forestry of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 9:30 a.m. to hold a hearing to address the forestry title of the 1990 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, March 1, 1990, at 10 a.m. to hold hearings on legislative proposals to reauthorize the Defense Production Act of 1950. Including S. 1379, the Defense Production Act Amendments of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 1, 1990, at 10:30 a.m. to consider miscellaneous trade and tariff matters; proposals for U.S. International Trade Commission studies, pursuant to section 332 of the Trade Act of 1974; and to consider the nomination of Peter K. Nunez to be Assistant Secretary of the Treasury for Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BICENTENARY OF THE ARRIVAL OF THE FIRST INDIAN-AMERICANS

● Ms. MIKULSKI. Mr. President, I would like to take time today to recognize the achievements of an important element of our proud and diverse population: Americans of East Indian descent. I believe it is important to take note of the bicentenary of the first Indian-American's arrival in this country, which will be celebrated on December 29 of this year.

Two hundred years ago in Salem, MA, the first Indian-Americans came to the United States, mainly as indentured servants. Unfortunately, many of the Indian-Americans who followed faced discrimination because of the color of their skin.

Despite such discrimination, Indian-Americans for two centuries have shown courage and perseverence and have continued to succeed in their chosen professions. They have successfully overcome obstacles to obtaining citizenship and have become proud members of American society. Indian-Americans can today celebrate great achievements, including two Nobel Prizes for science, awarded to Drs. Chandrasekhar and Khorana.

Americans of East Indian ancestry should take a special pride in their bicentennial year, and we take pride in acknowledging their many contributions to this country.

It is my great pleasure and honor to join with the Indian-American Forum for Political Education, the forum's 1990 bicentennial committee, which is headquartered in the State of Maryland, with all Indian-Americans and with this Congress in acknowledging the 200th anniversary of the arrival of the first person of East Indian heritage to America.●

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO ANTI-SEMITISM IN THE SOVIET UNION

● Mr. D'AMATO. Mr. President, I rise today, in association with my esteemed colleagues Senators PELL, PRESSLER, and GORE, as an original cosponsor of a concurrent resolution expressing the sense of Congress with respect to anti-Semitism in the Soviet Union.

Anti-Semitism. Hardly new to the Soviet Union, but, with the rise of nationalism that has accompanied glasnost, more virulent than ever. PAMYAT, a Russian nationalist organization, has the Jewish community up in arms with its threats of spring pogroms. As yet, the Soviet Government has not seen fit to publicly chastise these hooligans.

For that reason, we are submitting a concurrent resolution calling upon President Bush to use every means in his power to convince President Gorbachev that it is in his best interest to condemn anti-Semitic activities in his country.

In closing, Mr. President, I would like to salute Congressman HANK BROWN of Colorado, a true friend of

the Soviet Jewish Community, who was the impetus behind the companion measure in the House, House Concurrent Resolution 264.●

ESTONIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, on February 24, Estonian Americans in Illinois and throughout the United States commemorated the 72d anniversary of Estonian Independence Day. I am proud to join them in honoring this important occasion.

The Republic of Estonia declared its independence from the Russians on February 22, 1918, and for 22 years the people of Estonia enjoyed political sovereignty and freedom. But, in July 1940, the Red army demolished this freedom by illegally invading and occupying the Baltic Republics of Estonia, Lithuania, and Latvia.

Nevertheless, in spite of Estonia's forced annexation to the Soviet Union, and against efforts by the Soviet authorities to suppress the culture, religion, and language of the Estonian people, their commitment to liberty prevailed. Now, as the wave of democracy is sweeping Eastern Europe and the world, the citizens of Estonia and the other Baltic States are boldly displaying their desire for justice, human rights, and self-determination.

On March 18, the people of Estonia will hold elections. They will have a chance to vote this dream of freedom with a free vote. The United States has never recognized the illegal annexation of the Baltic Republics by the Soviet Union, and our commitment to an independent and free Estonia remains strong. The 72d anniversary of Estonian Independence Day comes at a tremendously exciting moment in the history of Estonia. I am pleased to honor it here.●

SETTING THE RECORD STRAIGHT

● Mr. LUGAR. Mr. President, the financial and business press have provided significant coverage to statements made by various administration officials regarding the regulations and regulators responsible for governing stock index futures. As many of my colleagues are aware, the stock market decline of October 13, 1989, is being used as the support rationale for making arguments to modify the jurisdictional structure and authority of financial regulatory agencies. These arguments purport that trading in stock index futures increase volatility in the underlying equities traded on the stock market and encourage an unstable market structure.

Through these arguments, two courses of action are suggested: First, shift responsibility for regulating stock index futures from the Commodity Futures Trading Commission [CFTC] to the Securities Exchange Commission [SEC]; and second, raise the initial and maintenance margin requirements for stock index futures trading.

Mr. President, I submit for the RECORD and review of my colleagues an enlightening speech presented by CFTC Chairman Wendy Gramm last week at a conference hosted by Virginia Polytechnic Institute addressing some of these very important issues.

The speech follows:

SETTING THE RECORD STRAIGHT

HOLDING AND TRADING STOCK INDEX RISK: MARKET INNOVATIONS, VOLATILITY AND PUBLIC POLICY, FEBRUARY 15, 1990

(By Wendy L. Gramm, Chairman, Commodity Futures Trading Commission)

I. Introduction

A false premise underlies much of the public policy debate regarding market reform. This premise is that the individual investor has been driven out of the stock market by stock index futures and related trading strategies such as index arbitrage and program trading, which, in turn, have created excessive speculation and excessive volatility. Those who accept this false premise offer a range of solutions to cure the problem such as:

Getting rid of stock index futures or shifting jurisdiction to SEC.

Raising margins on stock index futures.

Banning index arbitrage—for example, making this trading strategy off-limits to pension managers.

Restricting program trading.

The outcome of the policy debate is important for the future of our financial markets. So let's set the record straight—direct participation in the stock market by individuals is declining but not because of stock index futures. This decline has been going on for decades and is transforming the financial services industry around the world. How policy makers respond to these changes will determine the future role and importance of the U.S. financial industry in the world economy.

II. Setting the record straight on the individual investor

The so-called "retreat" of the individual investor from the stock market began in the late 1960s and for the most part culminated in the mid-1970s. The retreat was all but over well before stock index futures, program trading and index arbitrage appeared on the scene and had a chance to frighten individual investors out of their positions. Frankly, I wonder why some seem to be working so hard to scare the remaining investors out of the markets.

It was in the 1960s and 1970s that households shifted their asset holdings away from direct equity investments. For example, in 1968 households held 33 percent of their assets directly in stocks; by 1974 they held only 15 percent of their assets directly in stocks, and that fraction has been roughly constant for the last 15 years. If you're looking for what else motivates the extent of investors' direct participation in the stock market, look at the major market declines of 1973, 1978, and 1987, not financial and technological innovation.

The flip-side of the trend away from direct household investment in the stock market is, of course, the long-term increase in equity holdings by pension funds and other institutional investors.

From 1950 to 1987, pension fund assets grew almost six times faster than did assets for the whole economy, and now stand at about 2 trillion dollars. As a result, pension assets now account for roughly 18 percent of U.S. financial assets compared to only 3 percent in 1950. And more and more, this massive pool of funds has been invested in U.S. equity markets: whereas 6 percent of pension fund assets were held in equity in 1950, fully 35 percent of their assets were held in equity in 1988.

Institutional investors—pension funds, mutual funds and insurance companies—are dominant players in today's equity markets. The simple fact is that institutional holdings account for 35 percent of all U.S. equity holdings, up from 13 percent in 1965, while household holdings represent 57 percent of all U.S. equity holdings down from 85 percent in 1965.

The inevitable consequence of this shift in holdings from households to institutions is a corresponding change in trading methods: retail trading has declined dramatically just as block trading and program trading have become more prevalent.

The truth, then, is that the individual investor decided long ago to shift his equity investments towards indirect holdings through pension funds and mutual funds and away from direct holdings. But remember the individual investor is still in the market, although he now participates through institutions, funds, pools, etc.

III. Setting the record straight on scapegoating and witch hunting

The rise of the institutional investor has had—and will continue to have—profound implications for the financial services industries—especially for the securities and the futures industries.

These trends have brought—and will continue to bring—a fundamental transformation of the securities industry. The implications of this transformation are being felt deeply and broadly by the people and firms in the industry.

The response of the financial services industry to these trends had its pluses and minuses. On the plus side, the institutionalization of U.S. capital markets has spawned an unprecedented wave of financial innovation. Old products have been repackaged and securitized. New products and trading techniques have been developed.

The futures exchanges, for their part, have responded to the risk management needs of these institutions by conceiving, developing, and trading a new generation of futures and options products—interest rate and stock index futures and options. They did this despite the skepticism and even opposition of some of the agencies represented in this room today.

More recently the futures exchanges have responded to the institutionalization and globalization of the financial markets by developing computerized trade execution systems for around-the-clock and around-the-world trading of futures and options.

The securities industry, for its part, has responded to the demands of institutions to trade portfolios by developing program trading systems, portfolio trading systems, and, more recently, a new generation of basket products.

The securities exchanges have responded to the tremendous growth in share volume and the likelihood of surges by modernizing and greatly expanding their trade processing capacity.

During the last hour of trading on the NYSE on Friday, October 13, 110.5 million shares were traded. This represents more than the average daily volume of 1985; more than 3 times the average daily volume of 10 years ago; and almost double the average monthly volume of 30 years ago.

On the negative side, there has been an incessant search for scapegoats to explain the latest decline in prices or reduction in trading volume. This search might be described more accurately as a witch hunt.

Many have blamed new trading investments (stock index futures and options), and new trading techniques (program trading, index arbitrage) for causing October the '87 and '89 market volatility.

Let's set the record straight; evidence doesn't support the premise that futures cause volatility. Futures don't cause volatility, it's volatility in the cash markets that causes futures to be traded. Financial engineers and other large firms are learning what farmers learned long ago—that price risk can be managed through futures and options.

IV. Setting the record straight on margins

Others blame margins on stock index futures for excess volatility. The Working Group on Financial Markets, however, got it right. Margins for prudential purposes ensure contract performance by limiting credit exposures of FCMs, brokers, banks, and, most importantly, clearinghouses. Margins were adequate for prudential purposes in '87.

On the issue of harmonizing prudential margins on futures and stocks the Working Group also got it right. Because of the greater volatility of individual stocks and the much longer settlement periods in the stock market than the futures markets, stock margins must be significantly higher than futures margins to provide the same level of protection. In fact, stock margins should generally be at three to five times greater than futures margins for consistency.

Some have gone further and called for using margin regulation to equalize leverage across instruments and markets for other purposes or to control volatility. There are serious problems with this suggestion. First, as I mentioned before, existing studies of stock price behavior provide no persuasive evidence of a significant relationship between the availability of leverage and the volatility of stock prices. Besides, institutions generally don't use instruments to gain exposure, or leverage. They use them to hedge a cash market exposure.

The shift toward indirect holding of assets through greater reliance on institutions is an important trend in financial markets over the last four decades. We should celebrate the fact that our markets can make this adjustment.

The difficulty is that whenever you have change—there are those who adjust, or who otherwise act to benefit from the change, and there are those who fail to adjust. There are winners and losers. Small investors, whose actual participation in U.S. financial markets has been growing for over four decades, and who now have access to sophisticated trading and risk shifting methods, are winners. The other winners are those who offer financial innovation, which serves those investors. But suppliers of traditional retail financial services, who have profited from the large and frequent trading of retail customers, have seen their profits eroded by this change. And, facing the loss of business, they do what many have done in the past—find scapegoats, look to government and Congress for protection—to raise rival's cost of doing business or to find other ways of turning back the clock.

But we know that if we protect the inefficient, it will only lead to long-term damage to that sector of the market.

It's important to realize that the changing structure of these markets will continue to challenge regulators and market participants in ways that will not make everyone happy. New instruments will continue to be developed—instruments that cross jurisdictional lines and continue to challenge regulators as to what these instruments are and how they should be regulated. We would really regret it if such innovation stopped.

So let's spend a few minutes to set the record straight on one more item—innovation.

IV. Setting the record straight on innovation

The CFTC has a record of encouraging market innovation that has been spawned by the institutionalization and internalization of the U.S. financial markets.

In 1975 the CFTC approved GNMAs to trade on the Chicago Board of Trade, the first financial future. This was followed by futures contracts on commercial paper loans, Eurodollar rates, Treasury Bills, Treasury Notes, Treasury Bonds, Treasury Strips, Zero Coupon Treasury Bonds and long-term Japanese Government Bonds—to name just a few of the new interest rate contracts. Options on many of these interest rate contracts were also approved.

In the off-exchange area, we've worked long and hard to accommodate the recent innovations in the area of hybrid debt instruments and commodity swaps. Our goal was to allow innovation while carrying out our statutory mandate. We worked long and hard with other agencies to avoid litigation and reduce regulatory uncertainties that existed in these markets—uncertainties that stood as an impediment to further innovation.

Most recently, index participations (IPs)—have been called by some a market innovation. Let me set the record straight. These instruments were futures contracts that had to be approved by the CFTC in order to trade and the issue is not that innovation has now been stifled. I cannot improve on Frank Easterbrook when he wrote in the opinion that:

"We doubt the premise of the SEC's argument as well as its conclusion, for if IPs are useful to investors, then someone will offer them—if not the CBOT and CME, then a market in New York or Kansas City, or Tokyo. The CBOT and CME will be compelled to follow or they will lose business. There are too many futures exchanges to suppose that a conspiracy could suppress a beneficial financial instrument."

As you are all aware, index participations are no longer trading after the Court of Appeals agreed with the futures exchanges that IPs were futures contracts. What you may not be aware of is the effort the CFTC made to see these products trade. Staff from the CFTC and SEC met on numerous occasions to try to resolve the regulatory and jurisdictional issues. During these meetings, the CFTC offered to address concerns about the loss of the securities retail network if IPs were designated as futures contracts by taking up a proposal for cross registration of account executives (AEs) and associated persons (APs). In response to concerns about futures style trading systems, the CFTC offered to take up proposed rules for a specialist or board broker style trading system along with rules for large order execution of IPs. These overtures were rejected.

After the Seventh Circuit Court stopped the trading of IPs on securities exchanges, the CFTC contacted counsel for the Philadelphia Stock Exchange and the AMEX and offered to designate the IPs contracts—on an expedited basis—on their futures subsidiaries. Once again, the CFTC offered to take up cross-registration of AEs and APs along with proposed rules for different trading systems. The securities exchanges chose to pursue their case in court and, as a result, index participations are not now trading. The CFTC, however, did support the NYSE basket product—that's innovation.

In my view, CIP's are not the model of how to deal with intergovernmental regulatory issues. A better model is to work to see if the desires of an exchange to trade a product, as well as the law and regulatory concerns, can be accommodated.

VII. Conclusion

The challenge for the future is this: change will continue to occur—and the change will be more painful for some than others. We need financial innovation and competition in the marketplace. Rather than seeking to protect old trading instruments and trading strategies, rather than constantly finding fault and criticizing the competition or trying to turn back the clock, let's look to the future. Let's make sure that the financial marketplace remains open for new entry, new ideas, and yes, to competition. Rather than imposing restrictions on new products, let's remove inflexible regulations which impede our securities and financial products in the world marketplace.

Finally, let us not just bicker and complain, but sit down to find solutions to the most important issue—keeping U.S. financial markets on top in the global marketplace.●

THE ACADEMY OF THE SACRED HEART AT NEW ORLEANS, LA

● Mr. BREAUX. Mr. President, a secondary school curriculum that emphasizes knowledge of government, together with traditional academic subjects, provides an excellent learning experience for our high school students. It is a sterling investment that yields young citizens who are versed in the workings of government and knowledgeable of other educational disciplines and skills.

Today, we recognize the Academy of the Sacred Heart in New Orleans, LA, which emphasizes government as part of its studies. This year marks the third time this all-girls school has won Louisiana's State competition for the Bicentennial of the Constitution and Bill of Rights.

The competition is sponsored by the Center for Civic Education and is chaired by the Honorable Warren Burger, former Chief Justice of the U.S. Supreme Court. The competition, to be held in May this year, consists of a question and answer session based on the Constitution.

Representing the Academy of the Sacred Heart in the 1990 competition are the students in Martha de la Houssay's government honors class. Last year, the Academy of the Sacred Heart achieved a fourth place ranking overall and a first place finish in the medium-size State category.

We, in the Louisiana Delegation, wish Martha de la Houssay and her students every success this year. We are proud of their achievement, as are their families, school, community, and State.

All schools in Louisiana that emphasize government in their curricula and that participate in government-oriented programs to expand students' knowledge are to be commended. Students who are well educated about government, especially those who use their knowledge to participate in it, reinforce society's civic fabric. As a nation, as States, and as communities, we are all stronger for it.●

LEADERSHIP IN POLAND

● Mr. SIMON. Mr. President, clearly, one of the most impressive leaders to emerge in Poland out of the dramatic changes that have occurred there in the past year is Bronislaw Geremek, now the parliamentary leader for the Solidarity forces.

Because of its comments on the current Polish situation and its insights into what is happening, I ask that an article by Mr. Geremek be placed in the RECORD at this point.

I urge my colleagues to read the article.

The article follows:

GEREMEK VIEWS POLISH DEMOCRATIZATION

The events that took place during the closing months of 1989, the eruption of freedom in Czechoslovakia, the GDR, and Romania, have caused a certain distortion in our perspective. It would appear that Poland has suddenly found itself behind in Central Europe's march to freedom, and that our neighbors are ahead of us. Yet it is Poland that began this historic march, owing to the 1980 events in Gdansk and "Solidarity's" election victory in 1989. The entire world today acknowledges this particular role we have played. However, today the point is not so much historic services as the present reality, and in the process of authentic democratization, Poland is still ahead of all the other countries of Central Europe. In 1989 we achieved freedom and stabilization. Today there are doubts: Is there perhaps too much stabilization and not enough freedom? This question poses major political significance, and I do not think it is a rhetorical one, or that only demagogues ask it.

A STATE GEARED TO THE PEOPLE

We headed for the June elections with pledges to abolish the party's monoply and gear the state to the people. The election results, parliament's new role in public life, and the appointment of the first non-communist government in Poland's postwar history translated into a fulfillment of these pledges sooner than expected. Although the Communist Party has survived and we have not issued it a bill for the past, the party's monopoly over the state has been effectively and definitely neutralized. The PZPR [Polish United Workers Party] is now facing a choice that will determine its future—either to adapt itself to the democratic rules of public life and alter its political modus vivendi, or disappear.

We now have the legal conditions necessary for political pluralism and a democratic multiparty system. Any obstacles to this are the result of society's distrust of political parties in general, rather than political restrictions. The freedom of speech and of conscience has also been safeguarded, although this will not be formally manifested until censorship is abolished in the immediate future.

However, the personnel composition of the main bodies of authority has not changed much. However, these bodies are now functioning according to different principles, and their attitudes have changed. The new texts of the oaths that are taken by employees show that the state has been de-ideologized. The judiciary has been reformed, and we have begun the process of depoliticizing the Army. True, personnel changes do require more time because new people have to be trained, but professional competence and integrity should already be the ruling criteria, and that means promoting the best people at the expense of the worst. Preserving the nomenklatura would have disastrous consequences for the implementation of economic and state reforms.

However, the party's dismemberment also involves dangerous short-term effects. Threatened with the end of its old working style, the old apparatus of authority is plundering public assets or permitting the waste and destruction thereof. In view of the passionate defense of existing posts and job relationships that have been made (one remembers the cases of the mayors and voivodes of Lodz, Gdansk, and Krakow), the above phenomenon is highly disturbing and requires immediate steps, even if they have to be extraordinary.

A UNIQUE OPPORTUNITY

Economic reform processes have gained momentum in recent weeks. A package of economic laws was passed by the Parliament without the introduction of extraordinary powers for the government, but with the use of extraordinary parliamentary procedures. We have created a legal framework for commencing work on overhauling the economy and introducing institutional changes. Tadeusz Mazowiecki's government has obtained important credits and economic support from the West. There is a real possibility that Western capital can be secured for Polish investment projects. It is obvious that the success of the Government program will primarily depend on the emergence of Polish initiatives and making the economy buoyant from within, but we must also be aware that a great deal also depends on the extent to which we manage to tap the great fund of interest and sympathy that exists in the West. In this respect, our privileged position is exceptional and probably unique, although Polish internal structures have yet to assume a form that would attract Western investment.

Poland will not be able to attract foreign capital by being able to offer a high profit margin. However, it can and should attract capital by virtue of the ease with which capital can be invested, which is a factor providing the greatest inducement to foreign capital. We must also abolish the routine procedures employed by the Polish economic bureaucracy, which continue to make what has become possible impossible. It is imperative that we rapidly create a modern banking system, replace the antiquated telephone network, and introduce the extensive application of the economic norms, principles, and standards that are recognized by the EEC.

We must create the best possible conditions for operating in Poland for those people who are important for Poland. Measures facilitating such matters should be introduced in an appropriate fashion, and that requires a suitable state policy, which is one of the rights and duties of a government. An excessive faith in the capacity of market mechanisms for self-regulation may prove to have dire consequences.

THE FRAGILE FUND OF CONFIDENCE

The enormous public support that the present government commands is a key but also a fragile fundamental component of economic policy. This is because the support stems more from political trust and the force of the hopes that the public has invested than from acceptance of the economic program. Public confidence undoubtedly provides an opportunity, but whether there continues to be that confidence depends on the extent to which society understands the strategic and operational provisions of the government program and the extent to which it considers those provisions to be its own. This, in turn, depends on ascertaining the psychological mood of society correctly and on appropriate social and technical measures. However, that will be primarily determined by the effectiveness of state intervention in two fundamental areas: creating a social safety net that will protect the weakest and offset the social effects of introducing a market economy and the priority treatment of agriculture.

It is true that "priorities" have been effectively discredited by the arbitrary conduct of previous governments and that someone who is planning the restoration of natural economic mechanisms, that is, the market, cannot, first and foremost, introduce privileges that will upset the function of market mechanisms. However, it is also true that many privileges inherited from the old system will continue to exist within the transitional setup, and it is worth thinking about them before they disappear. A policy supportive of agriculture can be accommodated within the framework of the planned introduction of measures facilitating business. This would provide both the government and the country with an opportunity to achieve rapid and tangible results and, in addition, it would represent a positive response to what is deemed a sensitive issue by a large part of society.

A SELF-GOVERNING REPUBLIC

The year 1990 is of key importance for Poland's future, and not just because it involves the first and most risky stage of restructuring the Polish economy. Life itself is about to put the successes of 1989 to the test. It will now be necessary to use the stability of the Polish changes in order to accelerate political reform. It is important to see in this perspective the key tasks which life is presenting before us or which we are trying a present before life.

We have decided to apply for the elections to the self-government bodies to take place sooner than planned, before the end of June 1990. This is a risky decision because the elections will thus take place during a period of accumulated material difficulties, and the positive results of the economic

changes may still not be clearly visible. Nevertheless, we cannot avoid this risk, because the elections to the self-government bodies may be a powerful weapon in breaking up the nomenklatura at every level of authority, breaking up local cliques, and reviving the civic energy of large groups of society. The significance of this frequently goes unnoticed. Because of the routine of the old system of people's councils, people fail to realize that these elections are supposed to be an integral part of a powerful political reform, in other words the reshaping of local self-government. The Senate's announced legislation in this sphere paves the way to one of the greatest political transformations.

Political centralization has been a development trend in modern European states. In the postwar Central European system, this formed the basis of the Communist Party's monopoly. The self-government reform is supposed to pave the way to broad economic and administrative autonomy; in other words, it will permit the development of local democracy. Here we perceive the philosophy of the "Self-Governing Public" program which "Solidarity" adopted at its 1981 congress, for the main thesis of this program was to restore to individuals and milieus the right to decide on matters concerning the state, society, the factory, and the local community. It is important that the election campaign should contain as little political demagogy as possible, and as much local programs and practical ideas as possible. But it would be bad if the momentous nature of the political transformation involved in the new system of local government were to be erased.

TOWARD A NEW CONSTITUTION

In the last days of 1989 we made far-reaching changes to basic constitutional principles concerning the political and socio-economic system. It is difficult to overestimate the value of these changes. We have removed ideological clauses from the Constitution, including the ones introduced to it by the infamous amendment of 1976 (which not only made the "leading role" of a single party a constitutional principle, but also turned international alliances and "friendship" into such principles). We have placed the office of the prosecutor general under the control of the minister of justice, we have made the respect of private property a clear political principle, and by restoring the country's historic name and emblem we have lent expression to our program of continuing the traditions of the independent republic. In this way, the political changes have received essential constitutional guarantees. The fact that the Sejm, and even the president, have approved of such far-reaching changes shows that the Polish political model is still functional and that it encourages democratic transformations.

The work which our parliament has already begun should result in a new Constitution this year. This will define the principles of our state's system, create the guarantees of national sovereignty and independence, and contain the rights and obligations of our citizens; in a nutshell, the Constitution will be the great charter of a reborn Polish republic. In this way there can be no compromises that reflect the present arrangement of forces in the Sejm. The process of creation and adoption of a new Constitution will therefore be a successive test of the adaptability of the Polish political system. It seems that it will also be necessary to have a referendum on the Constitution, so that the general public can have its say. On the threshold of the 20th century's last decade, Poland would thus gain a fundamental law that would meet the challenge of the changes which we are implementing.

POLAND BETWEEN EAST AND WEST

After years of limited sovereignty, Poland has at last the possibility of newly defining its independent role in international life. Even today one can state that fundamental changes have taken place in Polish foreign policy. Its main principles have been emphatically sketched out. We have rejected the principle of imperial subordination. The sovereignty of the state and the defense of the Polish right to exist in secure conditions have shaped the new philosophy in our foreign policy. The role that Poland has played in the democratic transformation of Central Europe can serve as the basis of an active policy, especially in our part of the world.

The particular position of Poland "between East and West" poses certain dangers. Our history has never ceased to teach us this fact. However, our position also lends us great advantages. An independent and sovereign Poland is without doubt interested in pursuing an open policy of cooperation with the Soviet Union. That country now finds itself at a historic crossroads, and the way the Soviet Union will proceed must be of particular interest to us. Our economic interests in this cooperation are quite obvious, although Polish public opinion tends to undervalue this point. Our political interest does not only stem from the fact that we are neighbors. Poland can strengthen its international position if for no other better reason than by the fact that Polish experiences will act to either strengthen or weaken the transformations in the Soviet Union.

However, the fundamental arena for Policy activity can and should be Central Europe. The post-communist democratic process has created the visible convergence of the Polish, Czechoslovak, and Hungarian situation. All three countries are in the process of returning to Europe—to the European civilizational, economic, and political model. Each one of these countries is striving to forge closer links with the EEC, to obtain approval of its democratic reforms by joining the Council of Europe, and to develop bilateral cooperation with the countries of the West. Why not try to do this together? This would strengthen our joint opportunity and create a real strength, which on an individual basis none of us has. The Hungarians are now leaning toward Austria. Czechoslovakia is looking to the two Germanys. Poland could activate its interests in the direction of Scandinavia. These separate tendencies do not reduce the opportunity for closer cooperation between our three countries, but on the contrary, it increased these opportunities, because it widens the nature of their complementary character.

Jean Monnet's European idea germinated for decades in the process of advancing federative structures. The creation of Benelux has served the process of European integration very well. It is worth studying that example. The chances of a similar union and the continuing friendship of our three states is further strengthened by the significant fact that there was clandestine cooperation between those people who now hold state posts in their respective countries. This also teaches us a lesson of a more general nature, namely, one sould not treat the matter of support of democratic aspirations beyond one's own boundaries as something to be ashamed of, or something which conflicts with the raison d'etat of one's own country. On the contrary, the reverse is true.

THE NEED TO QUICKEN THE HISTORICAL PROCESS

The Polish political order, which came about as a result of the elections and the creation of a non-communist government, is a response to the demands of a transitional period. Its ability to function is assessed according to its ability to meet the challenges of this period, namely, the dismantling of the values and structures of the old system, and the support, the expansion of, and the strengthening of a citizen's society. The time is ripe and it appears necessary to quicken the tempo of the changes and the successive historical process. The efficiency of the Polish model of evolutionary democratization now faces another challenge. This model will continue to serve Polish state interests only when it adapts itself to the demands of the time.●

LETTER FROM EIGHTH GRADE STUDENT CONCERNING SOUTH AFRICA

● Mr. GORE. Mr. President, I would like to add a letter to the RECORD from an eighth grade student who is a constituent of mine concerning the situation in South Africa:

DEAR SOUTH AFRICA: This is to the government. My name is Ashley Pearse. I am 8 years old. I don't like what you are doing to black people. They should have their own rights as much as the white people should. If you selected a black president would you treat him the same way that you treat black people? Think. If the blacks took over South Africa how would you feel? You would not be able to vote, to use the same restrooms, eat in the same restaurants, drink the same water and live in the same building areas. Why would the Lord make people if they would not have the same rights? There's nothing different about the blacks and the whites. What if everyone was the same, would this be going on? It doesn't matter about their colors. What if everyone was different colors, would it matter? How would you feel if someone tried to kill your family almost every day? It would hurt very bad. That's how the black people feel. What if you killed everyone in South Africa. I guess you would have no one to kill anymore and it would not be fun would it? I live in the U.S.A. and I am brown. I was adopted. But if I move to South Africa I would probably be separated. I am happy in the U.S.A. We have president that understands. Tell your president that life is never easy and that you can never get your way in life. I have white friends—they never say I can't play with you because you are brown. I never expect them to say that to me. You know that the U.S.A. has changed and that no one is different. Please stop hurting the black children in South Africa. It sounds like the Lord does not like what you are doing to his creations that he has formed. This world is made for everyone. Please write me back—1104 Ridgeway Dr., Franklin, TN 37064. 794-5301. Please understand what I am trying to tell you! Thank you. I love you. Black people keep on fighting for freedom. That's what we did. I am not lying.

Sincerely,

ASHLEY PEARSE,

Harpeth Academy, 3d grade, 8 years old.●

OFFSHORE DRILLING RISKS

● Mr. GRAHAM. Mr. President, more than a month has passed since President Bush has received a report from a Presidential task force on offshore drilling risks.

In one of his first acts, the new President in early 1989 created a task force to explore the environmental concerns raised by potential drilling near the Florida and California coastline. This task force held four well-attended hearings in Florida June 12-16, Tallahassee, Fort Myers, Miami, and Key West. Testimony was virtually unanimous for restrictions on offshore drilling in environmentally sensitive areas, such as the Florida Keys and near Everglades National Park.

We are entering the fifth month of the Federal fiscal year. As the legislative cycle moves toward the mid-point of the year, we need to determine if we must again rely on the appropriations process to achieve the goal of protecting our coastline. In the past, we have relied on temporary moratoria to protect the Florida shoreline south of Naples into the Keys. Permanent proteciton is preferable to temporarily measures, and, therefore, we urge the President to support a policy that would preclude drilling in environmentally fragile areas where the risks are too great.

The recent oil spill at Huntington Beach, CA, brings these issues into focus, underscoring the need for policy changes to move tanker traffic away from Florida's coral reef and to enact permanent restrictions on offshore drilling in environmentally sensitive areas. In Florida, we don't want to wait for a disaster to prompt action. We're ready now.

I ask that a sampling of editorial comment from Bradenton, Tallahassee, Miami, Tampa, and Orlando be published in the RECORD following this statement.

The editorials follow:

[From the Bradenton (FL) Herald, Jan. 7, 1990]

OIL-RISK SECRECY SUSPICIOUS

A report that could shape the future of oil drilling off the Florida Keys and the Everglades is on President Bush's desk. But the people of Florida, who would face environmental and economic ruin from any oil spill that such drilling could produce, aren't allowed to know its recommendations.

Why should such a report, affecting the very lifeblood of this state, be cloaked in secrecy? Perhaps so powerful oil interests can lobby Bush to alter or soft-pedal its findings to justify the rape of the waters offshore of the Keys. That's the obvious conclusion a reasonable observer would reach after a presidential task force from federal agencies has spent eight months and countless hours trying to shed light on this sensitive issue. The secrecy makes a mockery of the federal investigatory process.

One member of the Florida congressional delegation that has called for a permanent ban on drilling off the Keys, Senator Bob Graham, last week made public results of an audit by the Inspector General's Office of the agency that oversees land-based oil and gas leases, the Interior Department. The audit found widespread evidence of noncompliance with rules that resulted in environmental damage, lost or unpaid royalties and a potential liability to the government for plugging abandoned wells and cleaning up well sites that could cost in excess of $300 million. 0

Senator Graham properly asks: "If the onland oil and gas drilling program is a mess, how can we be confident in the offshore drilling operation?" which is also supervised by the Department of the Interior.

Well, of course we can't—not with the memory of last year's Exxon Valdez disaster still fresh in our minds and news of a major oil spill off Morocco in the headlines today. It does not take an eight-month study to realize what a spill such as this would do to the coral reef off the Keys.

Accidents will happen—that we know for certain. But they are less likely to happen if rules are strictly enforced. Enforcement is the weak link in the Interior Department's supervision of the federal leasing program. The IG audit of land leases showed that for 1,317 incidents of non-compliance found in fiscal 1988, the agency assessed just $11,500 in fines. Yet that was a tough stance compared to the record of the off-shore leasing program, in which Interior found more than 16,000 drilling violations over the last four years but assessed not a single penalty.

This is the atmosphere in which the White House proposes to announce a drilling decision without releasing the basis on which it was reached. Floridans should flood the president with complaints and appeals for drilling off southwest Florida to be permanently banned. Address: President George Bush, The White House, Washington, DC 20500.

[From the Tallahassee (FL) Democrat, Nov. 16, 1989]

OIL DRILLING LUJAN IGNORES OWN REPORT

Republicans and Democrats. Liberals and Conservatives. In Florida they all agree offshore oil drilling poses huge risks.

With so much potential for harm—to seagrasses, sea life, reefs, beaches and tourism—no drilling should be allowed until questions are adequately answered.

In fact, a panel of scientists convened to study the matter for the National Academy of Sciences concluded the government lacks ample information to assess economic and environmental risks.

His agency requested the National Academy of Sciences report, but Interior Secretary Manuel Lujan must have discarded it out of hand. Lujan has already given three gung-ho-for-drilling speeches in recent months. Others are reported to be planned.

It is more than inappropriate for the U.S. Cabinet official charged with stewardship of U.S. lands to be the front man for the oil industry on oil drilling. It is a perversion of public duty.

Lujan's unseemly promotion of oil drilling surely comes with White House approval. It offers further evidence that President Bush has reneged on campaign promises to address urgent environmental issues during his first year in office.

Said Lujan to a group of independent oil drillers in Midland, TX:

"We must reverse the growing trend toward summarily dismissing the possibility of leasing in areas which offer great potential for supplying our whole nation with energy resources.

"When we move in the direction of shutting down American development, when we base policy on limiting our potential rather than expanding it, when we turn to foreign lands to supply our energy needs—then I can't help but feeling that somewhere along the way we've surrendered something of our freedom and relinquished our independence."

This from the Interior secretary?

U.S. energy policy should point away from reliance on foreign oil. But there are many constructive ways to pursue such a policy without sacrificing the coastlines of California and Florida. For starters the Bush administration could:

Raise the miles-per-gallon requirements of new cars. The Reagan administration shamefully foot-dragged on making manufacturers meet standards in a timely fashion. Increase the standard; reduce reliance on foreign oil.

Increase appliance efficiency standards. Although Reagan first pocket-vetoed the law setting standards for energy-gobbling household appliances, a national appliance efficiency standard law was passed. Requiring refrigerators, water heaters, air conditioners and other appliances to meet even higher energy efficiency standards would further reduce reliance on foreign oil.

Back solar research and manufacturing. The solar industry doesn't have the political pull of the oil business. But if Lujan and Bush really want to free America from reliance on foreign oil, solar is a good and reliable option to pursue to decrease U.S. dependence on foreign oil.

Tax imports Earmarking part of the money to make public transportation systems usable and attractive to more travelers would reduce the need for foreign oil imports.

Hot on the hot campaign trail in the Greenhouse Summer of 1988, candidate Bush said: "In the past few years we have not done enough to protect the environment. I will do more."

There is no evidence of that more.

In fact, 11 environmental groups criticized the president at a press conference in late October. Not only had the president failed to address global warming in the first year of his presidency as promised, the administration could not even decide, at that point, whether to send a representative to a Netherlands meeting of environmental ministers on global warming.

"We have great rhetoric but no leadership," said Dan Becker of the Sierra Club. "There are no plans, no action, no one in charge."

Becker misses the mark about no plans. The plan is to continue the damn-the-environment path brutally cleared by the Reagan administration.

Lujan is heading an Interior Department study group looking at granting oil leases off Florida's southwest coast and along the California coast as well. What confidence can the public have in the Lujan report, when the leader is avowedly in favor of oil drilling?

And how cynical must the president be to have not one Energy secretary—but two?

[From the Miami (FL) Herald, Feb. 13, 1990]

PREVENTING OIL SPILLS

Florida's flat, sandy coasts and its living coral reef, unique in North America, would suffer even more from a major oil spill than the rugged shorelines of Alaska and Califor-

nia. Thus, much more must be done to prevent major spills and be ready if they do occur.

The 1989 Legislature established a spill-response task force, which published its recommendations this month. Many are identical to those proposed to the Legislature by Gov. Bob Martinez.

The governor wants to establish tanker-free zones to keep ships away from the reefs, or else get approval from the International Maritime Organization to move shipping lanes. Approximately 5,000 tankers pass through the Florida Straits each year. Three groundings on reefs in 30 days last fall emphasize the need to get vessels out of the shallows for good.

Recommendations include more regulation of shipping traffic in Florida's ports. No one really keeps track of ships carrying potentially polluting cargo. Ships that draw less than seven feet don't need a state-licensed pilot to enter and leave ports. Both the governor and the task force recommend that these shallower-draft vessels be required to use a pilot, with commercial fishing and recreational boats excepted.

The task force also would require alcohol and drug testing of state-licensed harbor pilots. Federal policy now promotes such testing of employees in high-risk positions, such as train engineers, but no great evidence suggests that Florida's pilots drink or take drugs on the job. The Legislature ought to give this proposal more study. The groundings on Keys reefs occurred well outside of the pilots' control.

Other recommendations include designating one agency, the state Department of Natural Resources, to oversee clean-up readiness in coordination with the Coast Guard. Right now, responsibility is scattered. One agency should be in charge, but with funding to do the job.

A state fund, financed by an excise tax on hazardous cargo, is supposed to maintain clean-up equipment and response crews. Yet clean-up plans are lacking. This should be remedied by single-agency supervision and a halt to borrowing from the fund. Other recommendations would tighten rules on reporting small spills, increasing the liability of spillers, and identifying environmental damage and finding violators.

The get-tough approach is welcome, but it must be implemented via legislative action, funding, and conscientious vigilance in every port—every day.

[From the Tampa (FL) Tribune, Jan. 6, 1990]

INTERIOR CHIEF'S CONTEMPT FOR FLORIDA'S FRAGILE COAST

Interior Secretary Manuel Lujan wants oil wells drilled off Florida's coast. To those worried that the wells would pollute, Lujan pleads: Trust us.

He chides critics for their "can't do attitude," and accuses them of not knowing the facts.

Here are the facts. A recent audit revealed widespread federal mismanagement of oil and gas leases. Regulations were unenforced, environmental damage occurred, and the government lost revenue it should have received in lease royalties.

Yet Lujan asks Floridians to trust Interior to police oil wells that would be located within sight of the Florida Keys and within a few miles of pristine beaches. As Senator Bob Graham asks, "If the on-land oil and gas drilling program is a mess, how can we be confident in the offshore drilling?"

Consider some of the findings of Interior's inspector general:

Interior's Bureau of Land Management did not levy a single civil penalty in the past six years, even though it found more than 16,000 offshore drilling violations in the past four years.

The Federal Royalty Management System, which oversees land leases, did not inspect and supervise leases sufficiently to prevent environmental damage.

The agency did not determine the amount of oil and gas pumped from the leases so it had no way to determine whether the government was being cheated.

The government allowed producers to abandon 22,520 nonproducing wells, essentially leaving the federal government responsible for plugging those wells. Graham says the cost to taxpayers may be more than $300 million.

The need for reforms is clear. Also clear is the thinness of Lujan's pledge to safeguard Florida.

Congress passed a one-year moratorium on oil exploration in Florida waters last summer. A presidential task force recommends no leases of the Keys anytime soon. But Lujan doesn't try to hide his bias.

In a recent speech before Texas oil drillers, he lambasted opponents of lease plans. When Lujan visited the Florida Keys, Gov. Bob Martinez sought to impress him with the coral reefs, which sustain permanent damage from oil spills and are threatened by the slightest change in water clarity. Lujan's enthusiasm for the delicate wonders was muted.

Offshore drilling is appropriate only in areas where it poses small danger to important resources. The Interior Department's own studies indicate drilling at the proposed sites would almost surely result in premanent environmental damage. Other studies show that if a spill occurred in Southwest Florida, currents would soon carry oil ashore. Once it hits the shoreline, oil devastates mangroves, sea grasses, mussels, oysters, even algae—virtually every link in the coastal food chain. Not to mention what tar does to white sand and bare feet.

Lujan possesses hard evidence his agency cannot supervise land-based wells, much less offshore operations. Is it likely to make him more cautious about Florida's ecology? Don't bet on it. But perhaps it will spark Congress to adopt an offshore policy that protects states from reckless zealots like Lujan.

[From the Orlando Sentinel, Feb. 16, 1990]

FOIL OIL DRILLERS, MR. BUSH

People out to drill for oil in the Everglades and near the Keys have been asking too much of Floridians who love what's left of their state's beauty.

Let's hope President Bush thinks they're also asking too much of him.

He's about to decide whom to side with, the drillers or the vast numbers of people whose interest is in protecting nature.

The ecology of the Everglades and offshore South Florida is delicate and precious. It's almost inconceivable that Mr. Bush would put it at risk by allowing oil exploration to proceed when the present ban on drilling ends late this year.

Almost inconceivable but—sadly—not entirely so. Some time ago, the president set up a federal task force to recommend options in the Florida controversy.

He put a pro-drilling man in charge—Secretary of the Interior Manuel Lujan. That offered no assurance at all that the task force would be fair.

Nobody in an official position will talk about the task force recommendations, which have been delivered to the White House. But rumor has it they don't even include a permanent ban on drilling.

Why not? The only possible conclusion is that Mr. Lujan and his fellow task force members want to see that oil brought to the surface. Hang the ecological dangers!

Remember, only 34 days' worth of oil lies under the entire South Florida area. That's right. Only about a month's national supply at our present consumption rate.

Yet drilling for the oil would set up the possibility of rig disasters and tanker accidents like those off Alaska and California. Imagine, if you will, what that would mean for Florida.

It would:

Endanger swimmers' beaches, so essential to citizens' recreation and the tourism industry, and sensitive mangrove coasts off the Keys and the Everglades. The mangroves help keep the waters clean.

Put at risk 11,000-year-old coral reefs, the only ones off the continental United States. Some sections of shallow coral are still recovering from the effects of just 500 gallons of oil spilled 25 years ago.

Threaten the fishing trade. Those reefs, together with sea grass patches, are home to many varieties of fish, 80 percent of the nation's spiny lobsters and half the stone crabs.

Monroe County, home of the Keys, produces more seafood than 33 states. In 1985, its $40 million fishing industry put 25 million pounds of fish and shellfish on home and restaurant tables.

The most absurd argument used by supporters of drilling is that Floridians consume much more oil than the state's few existing wells produce.

Well, so what. Many states produce no oil at all. And those that do drill face no obligation—legal or moral—to come up with as much as they use.

The danger is that the task force will persuade the president to offer Florida a token victory, like delays on further oil leasing in the offshore areas.

That's unacceptable. Mr. Bush is not bound by the task force options. Let him choose is own option: extending the ban on drilling indefinitely.

Surely, when you balance all the interests, a paltry 34-day supply of oil comes out dead last.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to commemorate the 72d anniversary of the establishment of Estonia as a free and independent nation.

In 1918, the Estonian people ended nearly 700 years of oppression and fulfilled their dreams of freedom in their own land. With a proclamation known as the "Manifest to All the Peoples of Estonia," the Estonian people declared their independence from external subjugation. On February 2, 1920, a peace treaty, signed by Soviet Russia and Estonia, declared the Government of the Republic of Estonia to be the sovereign governing entity in the country.

At the same time, Russia renounced any claims on Estonian lands.

As one of the free nations of the world, Estonia rapidly took its place as a democratic member of the post-war European Community of nations. Soon after the founding of the League of Nations, Estonia's sovereignty was recognized by the member states of that body, reaffirming Estonia's position as a free and independent land.

Tragically, Estonian independence was short-lived. In 1940, the Molotov-Ribbentrop Pact between the Soviet Union and Nazi Germany ended 22 years of Estonia's existence as a free nation. This period of Soviet dominance is ending only today. Still, during its brief period of democracy, the nation experienced rapid economic growth and social development. Furthermore, due to a history of oppression, the independent government of Estonia took great care to protect the human rights and civil liberties of minorities living in Estonia.

The past year has witnessed many remarkable developments in Soviet-occupied Estonia. In 1989, the Estonian parliament reinstated Estonian as the nation's official language and Estonian Popular Front candidates swept elections for the Congress of People's Deputies in Moscow. In addition, the first Estonian independent political parties were founded (including the Green Party and the Democratic Labor Party) and the first Baltic Assembly was held as representatives of Estonian, Latvian and Lithuanian independence movements gather in Tallinn for discussions on the future of the Baltic States. On August 23, in perhaps one of the most moving demonstrations the world has ever witnessed, 300,000 Estonians joined hands with over a million of their neighbors in Latvia and Lithuania in a 430-mile human chain to protest Soviet domination.

Also during the past year, due to unremitting pressure from Estonians, Latvians and Lithuanians, Moscow acknowledged the existence and illegality of the secret protocols to the 1939 Molotov-Ribbentrop Pact which led to the 1940 Soviet invasion of the Baltic States. In addition, the Soviet central government agreed to grant limited economic autonomy to the Baltic States, officially endorsed the right of republics to secede from the U.S.S.R., and sanctioned the formation of a multi-party system in the Soviet Union. In light of 50 years of Soviet domination in the Baltics, these developments are truly remarkable.

Because of the courageous, persistent and peaceful efforts of the Estonian people, the ability of Estonia to determine its own future is now an immediate possibility for the first time in five decades of Soviet occupation. Now more than ever, Americans must stand with the Estonian people in their struggle for freedom and self-determination. I urge my colleagues to join in expressing our solidarity with the Estonian people, as well as our hope that the end to their struggle may finally be in sight.●

TO COMMEMORATE THE 100TH ANNIVERSARY OF THE BIRTH OF DWIGHT DAVID EISENHOWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 237, commemorating the 100th anniversary of the birth of Dwight David Eisenhower, and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joing resolution (S.J. Res. 237) to commemorate the 100th anniversary of the birth of Dwight David Eisenhower.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joing resolution.

Mr. DOLE. Mr. President, the Eisenhower legacy continues to be equated with courage, vision, and leadership. I think all of my colleagues would agree, his mark was clearly that of a true leader, reaching a climax with the two terms of outstanding service he gave this country.

Ike has long been a hero to me, and has had significant influence on me, though I was elected to Congress in 1960, the last year of Eisenhower's Presidency. It is most appropriate that this great man is honored throughout 1990, his centennial year. This joint resolution is just one of literally hundreds of ways in which Dwight Eisenhower will be honored.

The combination of Ike's military accomplishments and his remarkable devotion to public service has made him a hero across our Nation and around the globe. There are centennial commissions from here to London, all working diligently to prepare for events to commemorate one of history's greatest. The degree of effort and contributions that so many individuals are making is tremendous. It's pretty clear, there are a lot of us that still like Ike.

The 1990 centennial gives us a new opportunity to reflect on Eisenhower's contributions. Moreover, this reflection should actually give us a new perspective on the future. In this century we have marked the centennials of only three other U.S. Presidents—Herbert Hoover, Franklin Delano Roosevelt, and Harry S Truman.

I would like to thank all of my distinguished colleagues who have cosponsored this joint resolution, and who share the admiration and respect, I have for a man who has given so much, in terms of leadership, service and vision, to all of us.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 237) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution with its preamble is as follows:

S.J. RES. 237

Whereas October 14, 1990, marks the 100th annivesary of the birth of Dwight David Eisenhower;

Whereas Eisenhower was born on October 14, 1890, in Denison, Texas, and soon thereafter moved with his family to Abilene, Kansas;

Whereas Eisenhower developed an interest in military history early in childhood, and attended the United States Military Academy at West Point, New York, from 1911 through 1915;

Whereas in 1915, upon graduation from the United States Military Academy, Eisenhower was commissioned as a second lieutenant and assigned to the 19th Infantry at Fort Sam Houston, Texas;

Whereas at the conclusion of World War I, Eisenhower assumed the rank of captain, and was promoted to the rank of major shortly thereafter;

Whereas in 1935, Eisenhower accompanied General Douglas MacArthur to the Philippines, where he served as a senior military assistant to General MacArthur.

Whereas Eisenhower was promoted to the rank of lieutenant colonel during his service in the Philippines;

Whereas Eisenhower was subsequently assigned to Fort Lewis, Washington, where he served as executive officer of the 15th Regiment of the 3d Infantry Division from January through November, 1940, and as chief of staff to General Kenyon A. Joyce of the 9th Corps from March through June of 1941;

Whereas in March 1942, Eisenhower was promoted to the rank of General and named Chief of the Operations Division for the General Staff of the United States Army;

Whereas in June 1942, Eisenhower achieved the rank of Lieutenant General, and in December 1944, he became a General of the Armies;

Whereas Eisenhower served as President of Columbia University from 1948 through 1950;

Whereas Eisenhower was appointed by President Harry S Truman as Supreme Commander of the North Atlantic Treaty Organization forces in Europe, and served in that position from 1951 through 1952;

Whereas Eisenhower was elected the 34th President of the United States on November 4, 1952, and was reelected to serve a second term on November 6, 1956;

Whereas President Eisenhower hosted 115 foreign chiefs of state and heads of government on visits to the United States, traveled to 28 foreign countries, and participated in 20 summit talks with foreign government leaders;

Whereas Eisenhower strongly supported education and promoted international understanding through education;

Whereas Eisenhower had a long and productive association with Gettysburg College, serving as a member of the College's Board of Trustees, using a campus office to write his memoirs and to fulfill the numerous duties of a former President, and receiving an honorary doctorate from the College;

Whereas after leaving office on January 20, 1961, Eisenhower retired with his wife to their farm and home in Gettysburg, Pennsylvania;

Whereas Eisenhower died on March 28, 1969, and was buried in military uniform in the place of mediation on the grounds of the Eisenhower Center in Abilene, Kansas; and

Whereas throughout 1990, various public and private organizations, including the Eisenhower Society, the Eisenhower Foundation, the Eisenhower World Affairs Institute, the Eisenhower Exchange Fellowship Program, Inc., the Eisenhower Centennial Commission, and others, will be sponsoring and conducting events across the Nation to commemorate the centennial of the birth of Dwight David Eisenhower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 14, 1990, the 100th anniversary of the birth of Dwight David Eisenhower, is designated as "Dwight D. Eisenhower Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. The members of the Senate and the House of Representatives who are members of the Dwight David Eisenhower Centennial Commission, with the assistance of the other members of that commission (referred to hereinafter as the "Commission"), shall—

(1) make arrangements for a joint meeting of the Congress to be held on Tuesday, March 27, 1990, or such other day as may be designated by the Speaker of the House of Representatives, in the Hall of the House of Representatives in commemoration of the centennial of the birth of Dwight David Eisenhower;

(2) Plan the proceedings of and issue appropriate invitations to the joint meeting; and

(3) coordinate the foregoing arrangements with the activities of the Dwight David Eisenhower Centennial Commission.

SEC. 3. The expenses of carrying out this joint resolution shall not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives upon vouchers approved by Speaker of the House of Representatives.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 462 and 463 en bloc, that the resolutions be agreed to en bloc, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF ADDITIONAL COPIES OF A SENATE DOCUMENT

The resolution (S. Res. 246) authorizing printing additional copies of Senate report titled "Developments in Aging: 1989," was considered, and agreed to, as follows:

S. RES. 246

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volumes 1 and 2 of its annual report to the Senate, entitled "Developments in Aging: 1989", which may be printed at a cost not to exceed $1,200.

PRINTING OF RULES OF SENATE COMMITTEES

The resolution (S. Res. 250) to amend the Standing Rules of the Senate to require each committee to publish the rules of such committee only during the first year of a Congress unless such rules are amended and to provide that an amendment to committee rules shall not take effect until published in the CONGRESSIONAL RECORD, was considered, and agreed to, as follows:

S. RES. 250

Resolved, That paragraph 2 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in the second sentence by striking "March 1 of each year" and inserting "March 1 of the first year of each Congress"; and

(2) by striking the last 2 sentences and inserting "Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.".

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 251, regarding use of the Capitol rotunda for a ceremony to dedicate a bust of Lajos Kossuth.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251), authorizing use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Lajos Kossuth in the Capitol and authorizing the printing of a transcript of the proceedings of the ceremony.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 251) was considered and agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 90

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar No. 461, Senate Concurrent Resolution 90, the Senate companion resolution, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2742 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2742) to extend and amend the Library Services and Construction Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of February 27, 1990.)

Mr. PELL. Mr. President, it is a pleasure to rise today on behalf of the conference agreement on H.R. 2742, the Library Services and Construction Act Amendments of 1990. I am pleased to report to my colleagues that a final agreement has been reached on this important legislation, and I want to convey my thanks to my fellow conferees for their diligence and thoughtfulness in concluding their work on this important legislation.

The Library Services and Construction Act, which was first signed into law in 1956 by President Eisenhower, continues to be the single most significant source of Federal funds for our Nation's public libraries. The importance of libraries to an educated American citizenry is undeniable and it is crucial that these institutions—be

they urban or rural, large or small—be kept strong, viable and growing. The provisions contained in H.R. 2742 extend this act and thereby reinforce the Federal commitment which we have made to these institutions.

The LSCA has successfully provided much-needed Federal support to the States through a system of formula grants. While the total amount is only a small percentage of all assistance to libraries, these monies have been targeted toward particularly critical areas. These areas include services to the physically handicapped and the elderly, and to communities with little or no access to a public library.

In more recent years, the LSCA has been expanded to provide a set-aside to support library services to American Indians and native Hawaiians and to address the specific needs of illiterate and multilingual populations. In addition, the problems in providing adequate library services to urban populations have been acknowledged to be just as profound as those of providing services to rural populations, and LSCA funds are now assisting with these needs.

It is the intent of H.R. 2742 to ensure the continuity of these library services by reauthorizing the LSCA for another 5 years or through fiscal year 1994. As the Committee on Labor and Human Resources began its review of LSCA in anticipation of this reauthorization, it was generally agreed that significant changes to the act should await the recommendations of the White House conference on library and information services. The advisory committee of the White House conference is now meeting to plan this event which is to be held not later than September 1991. The findings of the conference will be a primary focus of future congressional activity in regard to the LSCA.

Nonetheless, there are modifications in this reauthorization bill that strengthen the act in certain key areas. The two areas of technology and preservation receive increased emphasis because the projected needs in these areas are not adequately provided for in current law. The States are given greater latitude in using LSCA funds for purchasing and maintaining technological equipment and they are given the option of using title III funds for developing programs to address preservation needs. The added emphasis on preservation programs will hopefully encourage libraries to establish programs to protect endangered materials and ensure their preservation for future generations.

In addition, title I purposes have been expanded to include literacy and child care activities, a new title VII has been added for the evaluation and assessment of LSCA by the Department of Education, and various technical amendments have been included to increase flexibility and efficiency of current LSCA programs. Title V, which supports the acquisition of foreign language materials by public libraries, has also been amended by raising the grant size from $15,000 to $35,000 and by setting aside thirty percent of available funds for grants up to $125,000. This action recognizes the increasing demand on these libraries for such materials as well as their escalating cost.

I commend the Library Services and Construction Act Amendments of 1989 to my colleagues and ask that they join me in supporting this conference report which will reaffirm our commitment to our Nation's public libraries.

Mr. SIMON. Mr. President, I am pleased to support the conference report for the Library Services and Construction Act Amendments of 1990.

I have been and will continue to be supportive of the goals and important services provided by the Library Services and Construction Act [LSCA]. LSCA assists States in the extension and improvement of public library services to geographic areas or groups of persons for whom current services are inadequate.

Mr. President, 57 percent of all adults, or over 79 million people are using our Nation's public libraries every year. The services provided by these libraries not only enrich the communities they serve, but they also provide educational tools and resources for citizens of all ages. Public libraries are fundamental institutions in our society. They are social centers and resource centers, in addition to being quiet places to read.

Unfortunately, the current administration doesn't share my support for LSCA. I am very disturbed that it's fiscal year 1991 budget request includes dramatic cuts in funding for the LSCA. Throughout our country, LSCA funds have been key to the development and growth of library systems and services. In fiscal year 1988, more than 75 projects were funded by LSCA and approximately $4 million in LSCA projects were funded by LSCA and approximately $4 million in LSCA funds were used to promote library development in Illinois. Model projects funded such as the "Lift Up Your Hearts, Open Your Doors" project enhanced a statewide public awareness program and improved library access and collection for people with disabilities, and the Atwood-Hammond Public Library program expanded library services to rural areas. Because of important programs such as these, I oppose the administration's budget request of LSCA.

Mr. President, libraries also provide assistance to some of the estimated 23 million adults who are functionally illiterate in the United States. Libraries are logical focal points for combating the illiteracy problem. They provide literacy materials, training, and volunteers, Often, literacy programs sponsored by libraries are less intimidating to adults than those sponsored by schools.

LSCA, particularly, helps to contribute to the fight against illiteracy through its title VI, Library Literacy Program, and title VIII, Family Literacy and Library Literacy Centers. Title VI authorizes grants for adult literacy programs in public libraries. I am pleased that Congress agrees with me that literacy is an important and demanding problem that can in part be addressed through the help of libraries, and that we have increased the authorization levels for title VI.

An excellent example of effective literacy program in Illinois, which was made possible through title VI funds, is the "Bond Out or Book Out" program conducted in the Darrow Branch of the Cook County Library System. The Darrow Branch is located in the heart of the Cook County Jail complex. An estimated 60 percent of the inmates are functionally illiterate. The program recognizes the link between illiteracy and crime and has developed several innovative programs to assist inmates in learning to read. In the words of one inmate: "Although you're locked up and you may be facing time, this is no reason to incarcerate the mind."

The Bond Out Program is a model literacy program, but these types of programs are far and few between. Public and private literacy programs are estimated to serve only 19 percent of those in need. I believe we need to expand programs like title VI to reach more of the population in need.

In addition, I would like to extend my thanks to Senator COCHRAN and his staff for their work in creating a new title VIII under LSCA. Our amendment to title VIII would establish model literacy resource centers for the dissemination of literacy materials and equipment to local public libraries and provide innovative approaches to improving library literacy services to adults.

Finally, I am pleased to announce that we were able to increase the maximum grant amount for foreign language material acquisitions under title V for major urban resource libraries. I have written extensively about the need for America to grow out of its cultural isolationism, especially as we move into a more global economy. We need to improve foreign studies on all levels.

Promoting literacy and providing access to foreign language materials are just two of the many services provided under LSCA. As the largest Federal program of assistance specifically to libraries, LSCA is essential to the vitality of our public library system.

Mr. COCHRAN. Mr. President, I am pleased to join my colleagues in support of the conference agreement on the Library Services and Construction Act Reauthorization. I would like to thank the conferees for their good work in reaching this agreement.

When the Senate adopted this bill last October, I emphasized the value of our local public libraries in combating illiteracy. The bill we adopted made significant improvements in this area by increasing the authorization level for the title VI, library literacy programs, to $10 million and increasing the amount of individual grants to libraries up to $35,000. Moreover, during the negotiation process, House and Senate conferees further strengthened the role of libraries in fighting illiteracy by adopting a new title VIII, which includes a House provision to establish family literacy centers, and at my request, a modest but important new program to help overcome the high incidence of adult illiteracy in the United States, entitled "Library Literacy Centers."

The Library Literacy Center Program will provide funds to establish statewide networks for the distribution of instructive videotapes and other materials specifically designed to enable adults with limited literacy skills to learn to read and write and develop basic employment skills. Local public libraries will make these materials available for use by individuals with limited literacy skills or to volunteers assisting them. The materials may be used either in the confines of the library or checked out for use in their own home or other nonthreatening environment. In addition, States receiving these grants will train library personnel to work with individuals having limited reading and writing skills. The local libraries will also provide information on adult education and employment programs available in the community.

The bill authorizes the Secretary of Education to make grants to States on a competitive basis to carry out these activities. States will be eligible for grants up to $350,000 to purchase equipment and materials, establish the statewide network, and to train library personnel. In selecting States to participate, the Secretary will give priority to States having the highest incidence of adult illiteracy and poverty. States will be eligible for 2 years of funding to establish the program, and a third year of funding, at a maximum of $100,000, to phase out reliance on Federal funding.

The Library Literacy Center Program will result in the establishment of model library literacy centers throughout the country to serve as resource centers for the dissemination of literacy materials. It is my hope that these centers will assist adults with limited literacy skills to reach full employment through nonthreatening learning experiences in their local public library or in their own home and will identify innovative approaches to improving library literacy services.

Mrs. KASSEBAUM. Mr. President, I am pleased that the Senate is considering the conference report to the Library Services and Construction Act Amendments of 1990.

The original Library Services and Construction Act was signed into law in 1956 for the primary purpose of assisting States in extending library services to rural America. For Kansas, this was a very important step. At that time, only one in six Americans had access to a public library. Today, all 50 States enjoy the services that public libraries provide.

Being an avid reader, I find it difficult to imagine a life without books and libraries. The initial purpose of LSCA was to give everyone the opportunity to open their minds with books. Gilbert Highet once noted that "(t)these are not books, lumps of lifeless paper, but minds alive on the shelves. From each of them goes out its own voice * * * and just as the touch of a button on our set will fill the room with music, so by taking down one of these volumes and opening it, one can call into range the voice of a man far distant in time and space, and hear him speaking to us, mind to mind, heart to heart".

The conference report before us extends and slightly modifies the existing law. These amendments will help libraries across our Nation meet the needs of our ever-changing society. They build upon the initial purpose of the act and attempt to continue a tradition of providing services while encouraging innovation and preservation of resources.

The Library Services and Construction Act Amendments is composed of eight titles. The first title strengthens State library administrative agencies and major urban resource libraries. The second title, public library construction, is a popular program which provides funds for the construction of public libraries. Title III provides funds for the development of interlibrary cooperation and resource sharing programs which will permit individuals even greater access to resources currently available to them.

Title IV strengthens the programs available to native Americans and title V provides funds for libraries to purchase materials in foreign languages. Title VI addresses the problem of illiteracy now facing our Nation for designating funds for the development of library literacy programs.

Title VII allows for the evaluation and assessment of library programs. The purpose of these funds is to provide a review of programs supported under the authority of the LSCA and the degree to which they are reaching their intended populations. Title VIII is a new title that was added by the House. It provides funding for the establishment of family library learning centers.

I would also like to thank the following staff for their hard work on this legislation: Susan Hattan, Becky Rogers Voslow, and Lydia Spencer of my staff, Laurie Chivers with Senator HATCH; Sandy Crary with Senator PELL; Pam Kruse with Senator JEFFORDS; and Pat Fahy, Bob Shireman, and Christina Zahorik of Senator SIMON's staff.

I hope the Senate will adopt this conference agreement promptly.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to:

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOLE. I move the lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 618, Edwin G. Foulke, Jr., to be a member of the Occupational Safety and Health Review Commission;

Calendar No. 619, Bernard E. DeLury to be Federal Mediation and Conciliation Director;

Calendar No. 620, John T. MacDonald to be Assistant Secretary for Elementary and Secondary Education, Department of Education;

Calendar No. 621, Tony E. Gallegos to be a member of the Equal Employment Opportunity Commission;

Calendar No. 622, Antonia C. Novello to be Surgeon General of the Public Health Service;

Calendar No. 623, Wanda L. Forbes to be a member of the National Commission on Libraries and Information Science;

Calendar No. 624, Charles E. Reid to be a member of the National Commission on Libraries and Information Science;

Calendar No. 625, Daniel W. Casey to be a member of the National Commission on Libraries and Information Science;

Calendar No. 626, Elinor H. Swaim to be a member of the National Commission on Libraries and Information Science;

Calendar No. 627, Joyce T. Berry to be Commissioner on Aging;

Calendar No. 628, Frederick M. Bernthal to be Deputy Director of the National Science Foundation;

Calendar No. 629, William H. Graves III to be Director of the National Institute on Disability and Rehabilitation Research;

Calendar No. 630, Allan V. Burman to be Administrator of Federal Procurement Policy; and all nominations placed on the Secretary's desk in the Public Health Service.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Edwin G. Foulke, Jr., of South Carolina, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1995.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Bernard E. DeLury, of New Jersey, to be Federal Mediation and Conciliation Director.

DEPARTMENT OF EDUCATION

John T. MacDonald, of New Hampshire, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1994. (Reappointment.)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Antonia Coello Novello, of the District of Columbia, to be Surgeon General of the Public Health Service for a term of four years.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1993:

Wanda L. Forbes, of South Carolina. (Reappointment.)

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1993:

Charles E. Reid, of New Jersey. (Reappointment.)

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1994:

Daniel W. Casey, of New York. (Reappointment.)

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1994:

Elinor H. Swaim, of North Carolina. (Reappointment.)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Joyce T. Berry, of the District of Columbia, to be Commissioner on Aging.

NATIONAL SCIENCE FOUNDATION

Frederick M. Bernthal, of Tennessee, to be Deputy Director of the National Science Foundation.

NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH

William Hughes Graves III, of Mississippi, to be Director of the National Institute on Disability and Rehabilitation Research.

EXECUTIVE OFFICE OF THE PRESIDENT

Allan V. Burman, of Virginia, to be Administrator for Federal Procurement Policy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Kenneth J. Bart, and ending Henry A. Walden, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1990.

STATEMENT ON THE NOMINATION OF DR. ANTONIA COELLO NOVELLO

Mr. HATCH. Mr. President, today, I am pleased to support the nomination of a noted scholar, an excellent physician, a leader in public health, and a friend, Dr. Antonia Novello, as the Surgeon General of the United States.

Dr. Novello will become what many have characterized as "our Nation's doctor." In this capacity, she must lead us to understand deadly epidemics, work to prevent disease and promote healthy lifestyles, and advocate the important role of public health in our society.

We face many challenges in health care. Children are dying needlessly from disease as we watch illicit drugs kill our families and as we watch new and frightening illnesses capture the minds and souls of people in our society.

Dr. Novello is well qualified to carry on the fine tradition of those before her. Because of her work on my staff in the early 1980's, I know and appreciate her knowledge of our health care system.

She served me well as a health adviser, the Nation well in the important positions she has held within the Commissioned Corps, and as Deputy Director of the National Institute of Child Health and Development. In addition to this experience, she brings to the job of Surgeon General other qualities: humor, compassion, and a great capacity for hard work.

I strongly endorse this nomination. I believe that she will carry on the legacy of those Surgeons General before her. I know that as the future leader of the Public Health Services Commissioned Corps, she accepts its proud heritage of protecting and advancing the health of the American people and others throughout the world since 1798. I wish her well in this new assignment.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

COMMENDING THE PEOPLE OF NICARAGUA

Mr. MITCHELL. Mr. President, in behalf of Senators DANFORTH, DODD, WALLOP, and PELL, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 256) commending the people of Nicaragua.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. I believe this accomplishes in a few words what we were trying to do a couple of hours ago. I think the important thing is we commend the people of Nicaragua. We believe in the spirit of reconciliation and there should be a transfer of power. This says it all. The only thing missing is congratulating Violeta Chamorro. I do not know why we cannot include that. There was objection to that. This at least conveys our best wishes to the people of Nicaragua for making the right choice. I ask unanimous consent that I be made a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I believe on behalf of all Americans, Senator DOLE and I can send our congratulations to Mrs. Chamorro.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

S. RES. 256

Resolved, That the Senate commends the people of Nicaragua for their recent successfully held election, and calls for a spirit of reconciliation by all parties and for a peaceful transition of power.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO PROCEED TO SENATE JOINT RESOLUTION 212 WITHDRAWN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the motion to proceed to Senate Joint Resolution 212 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, I ask unanimous consent that Senator BIDEN be recognized to address the Senate for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Delaware, Mr. BIDEN.

CONVENTIONAL FORCES IN EUROPE

Mr. BIDEN. Mr. President, I thank the leadership and I thank the Chair for allowing me at this hour tonight to take an additional 12 or 15 minutes of his time and the Senator's time. I refrained from making these comments earlier because I did not want to interfere with the business that was underway. I think the matter to which I am about to speak is of some importance, and I believe it is important that at least the views, slightly differing views, of one Democrat be placed on the record.

Mr. President, over the last several days, the administration has come under considerable criticism for its position in the talks on conventional forces in Europe, so-called CFE. Some of my colleagues have expressed serious concern about the ramifications about the agreement reached between Secretary of State Baker and Soviet Foreign Minister Shevardnadze to cap U.S. and Soviet troops at 195,000 in central Europe while permitting the United States the right to keep an additional 30,000 troops in the southern and northern flank areas.

It was just 2 weeks ago, Mr. President, that the Bush administration received widespread, and I might add, uniform praise for achieving this agreement at the foreign minister's meeting in Ottawa. Now it seems the administration negotiators have gone from heroes to goats.

This episode is a classic example of conventional wisdom in Washington run wild. The old conventional wisdom, Mr. President, was that the Soviet Union had caved in to the United States and made a major unprecedented concession.

That was last week. This week the new conventional wisdom is that President Bush's negotiators were somehow tricked by the Soviet Union into limiting U.S. flexibility. Not surprisingly, Mr. President, the truth lies somewhere in between. While President Bush first made the new troop proposal during his State of the Union address and received immediate instantaneous overwhelming applause, he was rightly praised for recognizing that events had rendered the previous U.S. offer, that is 275,000 troops on each side, obsolete. So he proposed a ceiling of 195,000 United States and 195,000 Soviet troops in central Europe; that is, Central, the region encompassing Belgium, the Netherlands, Luxembourg, Denmark, the Federal Republic of Germany for the West, and the German Democratic Republic, Hungary, Czechoslovakia, and Poland for the East. That is the so-called central to which we refer.

He also indicated a U.S. intention to retain an additional 30,000 troops in the United Kingdom, Spain, Portugal, Italy, Greece, and Turkey, as compensation for the geographical asymmetries favoring the Soviet Union. No similar rights were to be given to the Soviet Union in Eastern Europe. The Soviet side immediately came forward and praised the President's offer to lower overall numbers, but the Soviets raised questions about the inequity that would exist, that is, that we would be allowed to have an additional 30,000 troops outside the central region which I have described above.

Now, the Soviets, although, as I said, they immediately praised the proposal, raised questions about this inequity. Indeed, when Secretary Baker went to Moscow, Soviet leader Mikhail Gorbachev stated that he could not accept the United States proposal. Instead, he urged that the United States and Soviet troops be capped at equal levels, either 195,000 or 225,000 troops in all of Europe. The next day, President Bush announced that this was unacceptable, leaving an apparent impasse.

Over the next several days, Mr. President, further negotiations took place culminating in the Baker-Shevardnadze agreement in Ottawa, Canada, and it was a negotiation. Both sides—the Soviets and the United States—compromised. While the Soviet side explicitly accepted the asymmetrical United States right to retain 30,000 more troops in Europe than the Soviet Union, we made an important concession as well. We agreed that the right to keep additional troops in the flanks would be made legally binding and that the asymmetry would be limited to no more than 30,000 troops.

With top administration officials touting Secretary Baker's negotiating prowess to the press, the conventional wisdom developed that President Bush had won a major victory. Supposedly, he had extracted an astonishing concession from the Soviets because they were so desperate for a deal they would accept almost anything. At least that was the story line. Top United States arms negotiators bragged that by forcing the Soviets to accept an asymmetry, they had demonstrated, as if it needed demonstrating at this late date, that Soviet forces are an army of occupation whereas American forces are in Europe by invitation.

Now the pendulum has swung, Mr. President. The new conventional wisdom is that the administration made a major blunder and that we should instead have accepted Gorbachev's offer for equal ceiling throughout all of Europe. According to the logic of the critics, if German unity leads to a desire to remove most or all of United States and Soviet forces, then our troop presence might be limited to a small number in Germany, a small number in the Netherlands and Belgium and a maximum of only 30,000 troops on our flanks.

Let us examine the scenario. Would a unified Germany really equate United States forces in West Germany with Soviet forces in East Germany and expel most or all of them as part of a unification settlement? Is it probable that such a development would occur?

Mr. President, as chairman of the Subcommittee on European Affairs of the Foreign Relations Committee, I have been conducting hearings to examine the political, economic, and military questions affecting U.S. policy in Europe. Last Thursday, I raised this very scenario with Assistant Secretary of State Richard Clarke, and he gave what I considered to be an emphatically reasonable answer.

He labeled the scenario farfetched on the premise that as far into the future as we can see the Germans and their NATO allies—not to mention the Poles and perhaps even the Soviet Union—will want us to remain in Europe. If that were to change, he argued, so much would have changed that the entire structure of the western security system has to be reviewed.

But equally important is the military reality if the United States did withdraw from Central Europe. What would it be? Our forces have been in Europe precisely to defend that region; that is, Central Europe. If we retain 195,000, it will be for that purpose. And if we withdraw from Central Europe, there is no way we will be able to defend that region—regardless of any limitations imposed by a CFE agreement, we would be unable to with even 195,000 troops on the flanks defend Central Europe—whether we placed those troops in England, Italy, or Turkey. The bizarre premise of the critics is that we would somehow want—much less be permitted—to redeploy tens of thousands of United States forces to England, Italy, or Turkey.

In my view, the administration has it about right, having at worst committed a minor tactical error. Perhaps the

Soviets would have agreed to a United States ceiling of 225,000 in Europe with a common superpower ceiling of 195,000 in Central Europe, thus allowing the United States to transfer forces from Central Europe to the flanks. But this would have served only to obviate what to me is a highly implausible scenario.

By this, I do not suggest that I find it inconceivable that we will eventually make large-scale reductions in United States force deployments in Germany. But if and when that occurs, it will almost certainly occur in the context of a complete Soviet withdrawal from Eastern Europe. And that in turn will mean that the world has changed and there would be no requirement for a large United States presence in Europe. It is simply fanciful to suggest that other countries—whether Greece, Spain, Portugal, Italy, or Turkey—would welcome massive numbers of United States troops in that geopolitical environment of the Soviets having withdrawn from all of Eastern Europe. And it would be equally fanciful to imagine that the American taxpayer would be prepared in that context to spend tens of billions of dollars that would continue to be required to station U.S. forces in those numbers in the countries that I mentioned.

Therefore, I think it is important that we should recognize the new conventional wisdom of the Bush-Baker blunder is as ill-conceived as the initial conventional wisdom of a stunning Bush-Baker triumph.

The administration is doing its work on arms control, and in this regard, at least one should not fault their judgment or their competence. This episode, I am sad to say, reminds me of the so-called window of vulnerability debate with which you and I and others are so familiar in this body, a debate that has been going on for 20 years with regard to strategic weapons, a debate that, in fact, still threatens to undermine the arms control process.

If we look at the question of vulnerability of our ICBM's in unreal isolation, this vulnerability can be portrayed as worrisome, or even downright scary.

Yes, the Soviet Union, if its leaders were crazy enough to start a global thermonuclear war, could, perhaps, destroy most of our land-based missiles. But that scenario should not, if we are rational ourselves, concern us very much, because we retain thousands of warheads, thousands of warheads and submarines that are invulnerable to Soviet attack, and we maintain thousands of warheads on bombers which the Air Force believes can escape potential Soviet barrages.

Thus, when you examine the totality of the strategic triad, the supposed vulnerability of land-based missiles simply does not matter. When you examine the context in which United States forces would be asked to leave Central Europe, the fact that we can only keep 30,000 troops on the periphery of Europe simply does not matter.

Some, of course, believe that 225,000 United States troops are needed in Europe under any circumstance. I might add that I am not one of them. I can understand why they would be troubled by recent developments.

But the fact is that this number is considerably higher than we even need today. The long-exaggerated threat of invasion from a united Warsaw Pact—that so-called threat for all to see—has been eliminated. This juggernaut of a Warsaw Pact raging across the Western border, in fact, is as I suggest, for all to see, nonexistent.

Our security interests can be preserved with a much lower number of U.S. forces, and as we negotiate that draw-down, we should hardly fear that we have lost some hypothetical flexibility that we never needed in the first place.

Mr. President, currently, we stationed approximately 6,000 troops in Belgium and the Netherlands, and there is no reason to expect that all of these will be expelled any time soon.

With the limited troop presence of some 20,000 to 30,000 combat troops in Germany, and some 5,000 troops in Belgium and Holland and some 30,000 troops on the flanks, we would be able to retain what we may wish to retain over the long term, which is a force large enough to demonstrate an American commitment to the stability of Europe in a context where few, if any, Soviet forces remain anywhere in Eastern Europe.

In summary, Mr. President, let me say emphatically that I do not believe our flexibility to respond to the process of demilitarization in Central Europe has been or would be seriously impaired by the Baker-Shevardnadze agreement in Ottawa.

One question, I would note, does arise: Why did the President choose to give greater priority to achieving an asymmetry than to providing U.S. military forces maximum flexibility, albeit one that they do not particularly need?

The answer, I think, lies in the politics of Washington, and its continuing internecine battles. Recently, the administration had come under strong criticism from the right, political right, which it seems to fear somewhat excessively. Skeptics of arms control were arguing very recently that the CFE Treaty process itself had become a dangerous exercise, because it allegedly equates United States and Soviet forces in Europe, and because a negotiated ceiling on those forces could conceivably be taken as legitimizing a Soviet present in Eastern Europe. So the argument went.

"Why don't we stop negotiating and simply watch as the Eastern Europeans kick Soviet forces out?" some prominent conservatives were asking.

Some in the administration were, I suspect, made anxious by this conservative criticism. Accordingly, to defend the arms control process and to demonstrate its value, the President may have made a political decision to trade off some minor degree of flexibility in order to achieve asymmetrical rights in Europe. What is apparent upon reflection—as the old conventional wisdom has given way to the new—is that the Soviet Union did not make such a drastic concession. Instead, Soviet leaders reached a rational conclusion that allowing the United States 30,000 more troops in Europe than they were allowed was acceptable and reasonable for precisely the reason the President made his proposal: because the Soviets, even with their forces withdrawn to their own territory, are still in Europe while the United States forces are an ocean away. The Soviets can accept leaving us with more conventional power because, in extremis, they can move forces into Europe more quickly than we can.

I would point out that there were other ways for the President to respond to concerns—which we all share—that diplomacy must, on no account, explicity or implicitly enshrime a Soviet right to remain in Eastern Europe. We must be clear on the difference between NATO, a voluntary collaboration, and the Warsaw Pact as an instrument of Soviet coercion. But this goal can be accomplished at the 35-nation all-European summit planned for later this year. There, as I suggested in an opinion piece in the New York Times last month, the United States could and should propose the formal adoption of a principle whereby any member nation can determine autonomously whether any foreign troops will remain on its soil. We should enter into such an agreement.

This would be a very difficult principle for the Soviets to oppose. And yet, once accepted, this simple expression of the right of self-determination would be a much more straightforward means to achieve the objective of seeing the Red army leave Eastern Europe.

In practice such a Helsinki-sanctioned mechanism could lock in the Soviet promise to withdraw their forces and convert the Warsaw Pact to no more than a political role. Meanwhile, NATO countries would have full liberty to retain an American presence for as long as our joint security structure requires it. In my view, adopting this principle would be the best way to underscore, in practical terms with practical consequences, the

inherent difference between NATO and the Warsaw Pact.

Mr. President, perhaps we would do well to try to escape from the prison of our current political propensities, in which the forces of partisan recrimination are forever trying to erect a new conventional wisdom at someone else's expense.

Certainly I have no qualms about disagreeing with the President's foreign policy from time to time when I judge it necessary. And certainly those in the current administration have had no qualms about tarring my party as craven and weak-kneed. That is, they have not been above that. But it is a tough game we have created here. One week the swing of the pendulum can make you a hero, the next week a goat.

The President of the United States and Secretary Baker were neither heroes in the compromise they arrived at nor goats. We should put it in perspective, and we should, in fact, let them move about the business of seeking what I predict will occur and that we need even further negotiated reduction over time in Europe.

I thank the Chair for allowing me to trespass on the time at this late hour, and I thank the leadership for giving me the opportunity.

I yield the floor.

ORDERS FOR MONDAY, MARCH 5, 1990

RECESS UNTIL 2 P.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, March 5, and that following the time for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it was our hope that we could act on the nomination of Clarence Thomas. I understand there was objection to that. It is now hoped we can do that early next week or sometime next week before the next recess.

Mr. MITCHELL. I will be pleased to discuss that with the interested Senators and hope we will be able to move that nomination as soon as possible.

RECESS UNTIL MONDAY, MARCH 5, 1990, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m., Monday, March 5.

Whereupon, at 9:12 p.m., the Senate recessed until Monday, March 5, 1990, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1990:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE TERM EXPIRING APRIL 27, 1995.

FEDERAL MEDIATION AND CONCILIATION SERVICE

BERNARD E. DELURY, OF NEW JERSEY, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

EXECUTIVE OFFICE OF THE PRESIDENT

ALLAN V. BURMAN, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

DEPARTMENT OF EDUCATION

JOHN T. MACDONALD, OF NEW HAMPSHIRE, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TONY E. GALLEGOS, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE TERM EXPIRING JULY 1, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANTONIA COELLO NOVELLO, OF THE DISTRICT OF COLUMBIA, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF 4 YEARS.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1993:

WANDA L. FORBES, OF SOUTH CAROLINA.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1993:

CHARLES E. REID, OF NEW JERSEY.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1994:

DANIEL W. CASEY, OF NEW YORK.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1994:

ELINOR H. SWAIM, OF NORTH CAROLINA.

DEPARTMENT ON HEALTH AND HUMAN SERVICES

JOYCE T. BERRY, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER ON AGING.

NATIONAL SCIENCE FOUNDATION

FREDERICK M. BERNTHAL, OF TENNESSEE, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

NATIONAL INSTITUTE ON DISABILITY AND REHABILIATION RESEARCH

WILLIAM HUGHES GRAVES III, OF MISSISSIPPI, TO BE DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILIATION RESEARCH.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING KENNETH J. BART, AND ENDING HENRY A. WALDEN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 1990.

EXTENSIONS OF REMARKS

MPLA MILITARY OFFENSIVE IN ANGOLA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SMITH of Florida. Mr. Speaker, I want to speak today about the escalation of the war in Angola and the destruction such military actions are creating. Deciding to reject the peace process, the MPLA regime has engaged in an increasing number of military offensives that have reached alarmingly unprecedented levels.

On June 22, 1989, in Zaire, MPLA President Jóse Eduardo dos Santo and UNITA President Jonas Savimbi, before 18 African heads-of state, agreed to a formal cease-fire and promised to open talks on a government of national reconciliation. However, in December the MPLA continued its bloody combats against UNITA, causing heavy casualties on both sides. With Soviet and Cuban support, as well as massive heavy artillery, tanks and military warplanes, the MPLA's military offensive has escalated into one of the largest offensives of the 15-year civil war.

As a means to retain their power and dominance in Angola, the MPLA's continued warfare against UNITA has only caused the loss of hundreds of innocent lives, the destruction of cities, and a suffering economy in a country rich with resources. Whether you are supportive of or against the MPLA, we all can agree that the fighting must stop and peace must be established.

It is not until the people are given the freedom to choose their own government that true democracy can begin in Angola. If the South Africans and the ANC can negotiate after years of bitter struggle, why can't the MPLA negotiate with UNITA to end the civil war? From South Africa to Poland, from Nicaragua to even the Soviet Union, opposing parties are compromising and agreeing that democracy is their only option. Sooner or later, the MPLA will realize that free multiparty elections are their only option.

The Bush administration has asserted its support of UNITA's goals of direct negotiations and a cease-fire in Angola, and I urge you to join me in agreeing with and supporting this as the only possible solution. We must condemn the MPLA for their military actions and the Soviet Union for supporting them, especially with the dramatic changes that are occuring throughout the world.

The only way for this dangerous crisis to end is to put an end to the misery and destruction of this 15-year civil war. The war will only finally end at the negotiating table, not the battlefield.

I would like to submit for the RECORD a recent article from Inform Africa that accurately depicts what is currently happening in Angola.

[From Inform Africa, Feb. 10, 1990]

ANGOLA: WOLVES AMONG SHEEP

The hard line wing of the MPLA, made up mostly of historical members who want to preserve the party's power at all costs, has regained the upper hand in internal politics in Luanda. The moderates, who are open to political compromise with UNITA and favour a rehaul of the system, are finding themselves increasingly isolated and powerless to intervene. President José Eduardo dos Santos has begun to align himself with the radicals. He is now known in political circles in Luanda as the "balancer".

Until October and November last year, dos Santos generally supported the moderate wing of the MPLA, although this was not always consistent or apparent. The ambiguities which have generally characterized his leadership spared him from having to break openly with the hardliners. The president is also more ideologically compatible with some of the radicals and shares with them all the strong desire to preserve MPLA hegemony.

The impasse in the peace process, which was largely engineered by the hardliners, allowed them to reap political and psychological dividends. After a phase of great internal tension (see no. 10, p. 1), in which a real showdown seemed imminent and the scales ready to tip in the moderates favour (and thus lead to renewed peace efforts), it was the orthodox wing which emerged with the upper hand.

This development reversed the logical evolution of the orthodox ideologue, Kito Rodrigues believes for exemple that rebel leader Jonas Savimbi should be neutralized. His political rehabilitation was so complete that at the last Central committee meeting in mid-January, an agenda item to discuss a report on alleged illegalities which led to his sacking as interior minister was ignored.

Kito Rodrigues' political rise has been accompanied by the apparent decline of his most direct rival and one of the leading moderates of the regime, Foreign Minister Pedro Van Dunem (Loy). Dos Santos has added his voice to the criticism of Loy, reprehending the minister publically for declarations he made in Portugal which were considered out of line.

The president himself also approved ultimately the decision to launch the latest offensive against UNITA, although he apparently had reservations about such a massive military thrust. Dos Santos even went so far as to request Cuban and Soviet help in the offensive. Rumours suggest the president sincerely believed in the effectiveness of the operation, which also explains his air of confidence and control.

When he travelled to Havana in November to attend a memorial service for Cuban soliders killed in Angola, dos Santos made political statements which surprised observers in Luanda. Dos Santos seemed to align himself with the Cuban view on world politics, which caused irritation in Washington and embarrassment to the pro-MPLA lobbies in the United States.

In addition, the Angolan leader said recently that "a multi-party system is unacceptable" and that "perestroika does not apply to Angola." In a interview he gave to Cape Verdian television on his return from Cuba, dos Santos affirmed: "It is not the principles of socialism which are in question but the methods of applying these principles." His recent statements in Luanda have carried the same overtones.

While in Cuba, dos Santos met with 6000 Angolan students who clearly looked to him for help in resolving some of the problems they face living in Cuba. But dos Santos disappointed them by saying merely they must make sacrifices just as the Cuban internationalists made sacrifices in Angola.

Feelings of discontent and frustration have begun to become apparent among officials in Luanda, mainly due to the lack of peace prospects and the timid attempts at reform. Some were also uneasy over the so-called "television trials" of Transport and Communications Minister Carlos António Fernandes and Construction Minister João Garcia Cabelo Branco. Cabelo Branco, for example, was publicly humiliated when dos Santos said on Angola television that he was not a dynamic minister. Cabelo Branco retorted by saying later that Angola itself could use "a more dynamic boss."

Given dos Santos present position and his difference to the radical wing, the committee preparing the next MPLA congress has been dominated by the hardliners. The choice of issues for internal situation. It also coincided with the hardline "declaration of faith" in a military defeat of UNITA which came out of the Cafundo meeting (see no. 11, p. 4). At this meeting, where the military thrust on Mavinga and ultimately Jamba was agreed, the moderates suggestion that the war be ended by political means was shot down.

Turnaround—While euphoria reigned over the perceived infallibility of a military option to weaken UNITA and deny the rebel movement political status in any solution to the war, dos Santos political line shifted. Some of the signs of this were the following:

Dos Santos drew closer to some of the most emblematic hardliners, such as Roberto de Almeida and Afonso Van Dunem (Mbinda). In Almeida's case, however, this realignment was offset by the announcement of the creation of a Ministry of Information, apparently to check Almeida's powers in this sector given his role as the MPLA's ideology chief.

Veteran MPLA figures such as João Louis Neto (Xietu), marked by their categorical rejection of dealings with UNITA were rehabilitated. A member of the Presidential staff, Aldermiro Vaz da Conceição. who was a target of attack by the radicals, was withdrawn and replaced by five men who are more ideologically rigorous

Dos Santos' year-long dispute with Manuel Alexandre Rodrigues (Kito) began to subside. Although he is not strictly the congress shows the purely cosmetic nature of proposed political reforms. For exemple, removal of the letters PT in the acronym MPLA-PT (originally meaning MPLA-Workers' Party but more popularly known as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Peta Comunista". or "Communist Lies") is a continual source of discussion. Despite the scorn the acronym has attracted, the hardliners insist it must remain and that the people would misunderstand or misinterpret its removal.

In his opening speech at January's Central Committee meeting, which coincided with one of the most intense phases of the military offensive against UNITA, dos Santos encouraged some, although limited, political reforms. But during the actual debate on changes, the president's comments got little attention, and he failed to defend his ideas actively. The final communique contained no reference to reforms.

The hardliners's attempts to thwart more moderate members of the regime were evident in a report presented by the Control Commission (chaired by Kito Rodrigues), which states textually that the president is "surrounded by the wrong people". They also vehemently opposed Dos Santos' planned trip to the United States on the grounds that the MPLA "has no business begging from imperialists." The trip was postponed.

In his comments to the Central Committee on the peace process, dos Santos took up the old theme of amnesty for UNITA members. He also insisted on exile for Savimbi, although now with the nuance that the exile could be internal.

Paulo Jorge, one of the older orthodox members of the MPLA, was also promoted to active member of the Central Committee.

Cease-fire—Final convincing proof of dos Santos' new alignment with the radicals was his total opposition to the cease-fire proposal of Zairean President Mobutu Sese Seku, the mediator in the Angolan conflict.

Mobutu's proposal is based on the principle that both belligerents should be treated equally. Dos Santos' counterproposal, however, puts the MPLA clearly in a position of superiority. In general, it allows only "social integration of UNITA members, and insists that UNITA suspend its military activities and dismantle its bases.

While Mobutu's plan would place monitoring and control of a cease-fire in the hands of five countries (Congo, Egypt, Gabon, Morocco and Nigeria), Luanda's plan would entrust this mission to the government with three African countries acting as observers, Dos Santos's plan means effectively the surrender of UNITA.

Mobutu, already the target of mistrust among the Angolan radicals (who describe him as an enemy of Angola), appears to begin to be rejected by dos Santos himself. Mobutu lamented privately that the Angolan leader had "allowed the peace process to sink into such an impasse".

Dos Santos has fallen into some discredit among international observers given his new alliance with the hardliners. Whether this approximation is merely a tactic, only time will tell. Despite his past political cleverness and manoeuverability, opinion is growing that dos Santos may have irreparably jeopardised his role in bringing peace to Angola.

ANGOLAN MEDIATION IN THE ANGOLAN CONFLICT?

One of the highlights of UNITA leader Jonas Savimbi's visit last month to Portugal was a meeting with a group of highly respected Angolans, who have put themselves forward as possible mediators in the civil war and who appear to enjoy a favourable reception on both sides.

Savimbi met Mário Pinto de Andrade, a former president of the MPLA, Gentil Viana and Adolfo Maria, who were both former MPLA members with leading roles in party structure and political activities, in Lisbon. Another member of this group, Maria do Céu Reis, who lives in Maputo, was unable to attend.

Their common link is that all broke off from the MPLA under Agostinho Neto's leadership in 1974 and formed along with about 20 others (mostly intellectuals) the "Active Revolt" faction. Most have lived abroad since the split, mainly in Portugal.

Aims at the new group, whose nucleus is made up of the four people mentioned above, are to think hard about the Angolan problem and present positive, concrete ideas for a solution. Other Angolans, including some who have remained in the country, have been involved.

MEDIATION

Three months ago, "Informáfrica" gained access to information, at that time incomplete, that Andrade, Viana and Maria had begun low-key initiatives to present new ideas to resolve the Angolan conflict.

Further investigations revealed that the fundamental proposal of the group is that mediation in the conflict must be ensured by Angolans, who would intervene within certain limits, have moral credibility and promote national reconciliation and reconstruction.

It was this essential idea that the group presented to Savimbi, as it had done earlier with President José Eduardo dos Santos and other leading MPLA figures such as Lopo do Nascimento. In the case of dos Santos, the group's proposals were delivered through the Cape Verdian president. Their message was apparently well-received, although dos Santos' expressions of willingness to meet the group have not yet borne fruit.

The group's proposals also enjoyed a favourable reception from Savimbi, who even pledged to set up a contact group to work towards concretising the plan. The meeting with Savimbi was in accordance with the group's commitment to talk with both sides equally yet remain equally-distant from the parties.

One important detail is that the would-be mediators have said they would renounce all political aspirations in Angola, both in the present and the future, thus making a clear distinction between their stated aims and any political ambitions they might be accused of having.

In elaborating their ideas, particularly on the urgency of finding a balanced solution to the Angolan war, the members maintained that a continuation of the civil war could lead to a Balkanisation of the country or even a "Lebanonisation". Two years ago, when circumstances were critical, they issued a document warning of the dangers of splitting the country.

They also believe that the changes in Eastern Europe and the West's response to these changes show that Angolans must stop destroying themselves and their country before the damage is irreversible and reconciliation and recovery are impossible.

The potential mediators distributed a note explaining their ideas to the presidents of the five Portuguese-speaking African countries at the summit in December in Cabo Verde. Already after the Gbadolite summit last summer, they sent a memorandum to both dos Santos and Savimbi defending the advantages of purely Angolan intermediaries.

The group has also made contacts outside Angola, such as with Portuguese President Mário Soares and Portugal's Socialist Party. It would like to expand links to all parties in Lisbon, including the Communists.

The group feels one of the first steps in ending the war is to bring together the disputing parties, MPLA and UNITA, in a context which is genuinely Angolan. The idea is to allow both sides to voice all their concerns without inhibitions in an atmosphere of openness.

FOREIGN INTERESTS

In formulating its basic tenents, the group recognises that the Angolan question is riddled with complex international angles. It advocates setting up a mechanism to address foreign interests, but feels this should come only after, and be conditional on, agreement among Angolans themselves.

It argues that outsiders will eventually understand that Angolans can best resolve their problems among themselves (and not through alliances with some force or another) and defend better their legitimate interests themselves, notably economic. Contacts are envisaged with the United States, the Soviet Union, South Africa, and Cuba.

TRIBUTE TO DR. HOWARD GARBER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. DANNEMEYER. Mr. Speaker, 1990 represents the 30th anniversary of an article published in Popular Mechanics by an Anaheim, CA, optometrist Dr. Howard Garber.

The subject had a little to do with eyes and sight. Although, it had more to do with automobiles. Dr. Garber helped pioneer what we consumers now know as a third tail light on most models of cars made after 1986.

On May 20, 1987, the Los Angeles Times ran an editorial commending the idea and reported a finding of the National Highway Traffic Safety Administration that if a consumer owns a car with a third tail light mounted in the rear window, that consumer will be 22 percent less likely to be in an auto accident.

Many modern American pioneers get lost in the shuffle of social trends and current fads. Dr. Howard Garber is one pioneer who deserves recognition for pursuing an idea that touches nearly all of our lives and probably has served many as well.

BLACK HISTORY MONTH—REMEMBERING FREDERICK DOUGLASS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the history of African Americans in our country dates back to 1619, with the arrival of the first shipload of slaves arriving in Virginia. Beginning with this event, and the other acts of oppression to follow, a racist scar has been left on our Nation's history. One of the first cam-

paigner against slavery and its racist foundation in the United States was Frederick Douglass. Mr. Douglass will be remembered forever as the foremost black abolitionist in antebellum America, who took the initial steps in ending this hypocrisy.

Frederick Douglass was born in February 1817 on the Eastern Shore of Maryland. His mother, from whom he was separated at an early age, was a slave named Harriet Bailey. Douglass, who never knew or saw his father, had a childhood which was extraordinarily deprived of personal warmth. On the main plantation of Col. Edward Lloyd, the text of his early remembrances were filled with lack of familial attachments, hard work, and sights of incredible inhumanity. With his younger years spent in oppression, Douglass rose above those who enslaved him through self-education, which enabled him to become a passionate campaigner for the abolitionist movement.

In 1838, he escaped to New York and married a free black woman from the South and settled in New Bedford, MA. From there, Douglass quickly became involved in the antislavery movement which was gaining impetus in the North. After delivering a moving speech in Nantucket, MA, about his experiences as a slave, Douglass was hired as a lecturer by the Massachusetts Antislavery Society. Douglass was a forceful and eloquent speaker; his self-taught prose and manner of speaking so inspired some Harvard students that they persuaded him to write his autobiography.

With the Civil War beginning in 1861, several issues were raised, not the least of which was what role the black man would play in his own liberation—since one of the main objectives of the war was emancipation of the slaves. As a result of his continued insistence, President Abraham Lincoln asked him to recruit black soldiers for the Union Army. As the war proceeded, Douglass had two meetings with Lincoln to discuss the use and treatment of black soldiers by the Union forces. In consequence, the role of black soldiers was upgraded each time and their military effectiveness increased also.

Douglass was delegated many responsibilities, among these was to settle disputes among politicians who differed on the question of race and its corresponding problems, as well as giving advice during the legislative battles which were waged to establish the constitutional integrity of the slave's emancipation.

As we look back at the important contributions made by Frederick Douglass in the abolitionist movement, we can clearly say that men such as himself have enabled our Nation to overcome seemingly insurmountable odds to establish themselves at the leading edge of change and progress in American society. Black Americans have clearly played a vital role in our Nation's development—socially, politically, economically, and religiously. Black History Month allows all Americans to learn from past injustices to further ourselves as a Nation; through this valuable history lesson, we can look confidently into the future with a commitment to perpetual harmony between races.

TWENTY-FIRST CENTURY TEACHERS ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GOODLING. Mr. Speaker, yesterday I joined with several of my colleagues in introducing a bill, H.R. 4130, the Twenty-First Century Teachers Act. This bill recognizes that we are facing a serious shortage of teachers, especially if we look at the number of teachers retiring and the increases in students that we have had due to the baby boomlet. We could be seeing a situation regarding our need for teachers similar to that which we had after World War II.

These shortages become even more critical when we examine the numbers of teachers we will need in certain discipline areas such as mathematics and the sciences. The data indicate that this scenario will get worse before it gets better. As a result, our students, and ultimately this Nation, will suffer the consequences. The seriousness of this overall teacher shortage, coupled with the need to attract high achieving and minority students into teaching, led to my introducing H.R. 3909, the Augustus F. Hawkins' Early Childhood and Elementary Teacher Preparation and Retraining Act.

Despite my agreement with the chairman as to the general goals and purposes of the Twenty-First Century Teachers Act, I have some reservations about a few provisions in the bill. Whatever we accomplish in a bill such as this one, we must first assure that the incentives we provide encourage students to enter teaching. We should not place such rigid requirements on the loan incentives, that instead of encouraging students, we actually discourage students from taking advantage of them. I cannot deny that I believe that we must look for ways to encourage teachers to work in economically disadvantaged and rural areas, and that we must give priority to minority and high achieving students, but I do not want to do this to the detriment of attracting as many individuals as possible into teaching.

Additionally, as in my bill, H.R. 3909, I think that we must find a way to emphasize professional development and inservice activities for those who are teaching in preschool and elementary grades. I believe that much of what forms the basis of our students ability to read, write, and compute occurs early in the educational process. If we do not provide the means to revitalize and upgrade the skills of those teachers in the early grades, we will miss an important opportunity.

I hope to be able to work with the chairman to resolve these concerns as the bill is considered in committee. I commend the chairman's efforts in the introduction of this bill, a bill that can ultimately make a real difference in the education our children receive.

INTRODUCTION OF THE HUMAN SERVICES REAUTHORIZATION ACT OF 1990

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. KILDEE. Mr. Speaker, I am pleased to introduce today with several of my colleagues, the Human Services Reauthorization Act of 1990. This legislation will reauthorize the Head Start Act, the Child Development Associate Scholarship Assistance Act, the State Dependent Care Development Grants Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981.

Project Head Start was launched in 1965 as part of the war on poverty to help ensure that economcially disadvantaged children begin school on an equal basis with their more advantaged peers. At the time, Head Start was a pioneer in a unique approach to helping children, emphasizing strong parental involvement, and comprehensive service delivery. This approach is reflected in the program's broad set of objectives. These include working to improve children's health; aiding their emotional, social, and motivational development; improving and expanding their ability to think, reason, and speak clearly; and helping both children and their families to gain greater confidence, self-respect, and dignity.

The Follow Through Act authorizes grants to public schools to provide children from low-income families, coming from Head Start, with the extra support they need to succeed in primary school. These grants support high quality, comprehensive programs in kindergarten through third grade which include: A full-day classroom program covering basic skills, social studies, arts, and sciences; access to social health, nutritional, and psychological services; and activities that encourage and enable parents to take part in their child's education as well as decisions about the local program. Follow Through is distinctive among Federal education programs because it is preventive and its students are subsequently less likely to need remedial services.

The Child Development Associate Scholarship Assistance Act was created in 1986 to provide needed financial assistance to low-income individuals who otherwise would be unable to afford the cost of the child development associate credential [CDA] application and assessment. The CDA is a performance-based, professional credential awarded to people with demonstrated ability to work with young children. The credential serves not only as a recognition of an individual's skills in working with children, but often is the first step to further educational achievement.

The State Dependent Care Development Grants Act authorizes funds to States for the planning, establishment, expansion, or improvement of resource and referral programs and before and after school child care services for school-aged children. It enjoyed bipartisan support at the time of its enactment in 1984 and continues to play an important role in expanding the availability of resource and

referral services and school-aged child care programs.

The Community Services Block Grant [CSBG] is designed to provide funding to States for a range of services and activities having measurable and potentially major impact on the causes of poverty. CSBG supports the operation of nearly 900 community action agencies [CAA's] which serve low-income families in 98 percent of the Nation's counties. The CAA's, based upon assessments of local needs, provide short-term direct assistance such as emergency food and shelter, job banks and counseling, and services leading to economic self-sufficiency, from literacy training and budget counseling to the creation of new jobs.

The Low-Income Home Energy Assistance Program [LIHEAP] provides block grants to States, territories, and Indian tribes to help low-income families meet their energy costs. Formula grants are made to States and to Indian tribes to provide low-income households with financial assistance for heating and cooling costs, energy-related crisis intervention aid, and low-cost weatherization. The critical need for LIHEAP assistance was made even more evident late last year when the cost of home heating fuels rose dramatically as a result of the severe cold weather experienced by most of the country in December.

There are a number of important issues which need to be addressed in the Head Start reauthorization concerning the expansion and quality of the Head Start Program. For this reason, I am also introducing the Head Start Expansion and Quality Improvements Act of 1990 today with Congressman HAWKINS and Senators DODD and KENNEDY which addresses these critical issues.

The National Governors' Association, a bipartisan report by former Presidents Carter and Ford, the Committee for Economic Development, the American Academy of Pediatrics, as well as other child advocate and educational organizations, have all called upon Congress to fully fund Head Start. The Head Start Expansion and Quality Improvements Act of 1990 proposes to fully fund Head Start within 4 years.

As noted in the February 12, 1990, issue of Time magazine, there is a critical need to look at building upon the current effective system to enhance the quality of the Head Start Program. Without addressing quality, a Head Start spokesman said:

> We could end up like the Savings and Loans. By functioning on the cheap, we will eventually so severely underfund Head Start's ability to deliver quality care that we will be forced to spend even more to fix the problems shortsightedness created.

The Head Start Expansion and Quality Improvements Act of 1990 addresses this issue by targeting funds to quality improvement activities such as teacher salaries and training. We must make an investment both in the expansion and the quality of the Head Start Program.

I urge my colleagues to support the Human Services Reauthorization Act of 1990 and the Head Start Expansion and Quality Improvement Act of 1990.

THE FAIR SITE SELECTION ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. VISCLOSKY. Mr. Speaker, approximately 5 years ago, a process was begun to choose a site in the Midwest for the location of an airport to relieve the ever-increasing congestion experienced at the area's major airports and to meet the future needs of the Nation's air travelers. Thousands of hours have gone into evaluative studies and millions of taxpayer dollars have been expended. Over time, different phases of the site selection study have been completed and the number of potential locations to be examined has now been narrowed to four—three in Illinois and one in northwest Indiana. A final recommendation is expected by September 1991.

While I wish the study had proceeded in a more timely manner and a final decision had been rendered by now, I have been confident that, for the most part, the study was being conducted in a fair and unbiased manner by all those concerned. Regretfully, recent events have caused me to revise my assessment. Through actions and words, key national decisonmakers have tainted the process. Efforts to address this situation directly have been rebuffed and I now believe that the work of all those who have participated in the process and the millions of tax dollars spent may have been wasted. Therefore, today I am introducting legislation whose purpose is to ensure that the study proceeds in a proper manner and that outside influences are minimized.

My bill, the Fair Site Selection Act simply precludes the Secretary of Transportation from funding any new airport development study for the third major airport in the region. The legislation would also preclude the addition of any new sites for consideration in the ongoing study.

In conclusion, I must stress that this legislation is not intended to promote any parochial interest. Of the four sites being reviewed by the site selection committee, three are in Illinois and only one is in Indiana. Indeed, the Fair Site Selection Act is meant to protect all the sites and ensure the impartiality of the process.

THE NEED FOR OUR BATTLESHIPS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ANDERSON. Mr. Speaker, the Navy recently announced its intention to mothball two battleships, the U.S.S. *Missouri* and the U.S.S. *New Jersey.* I have made my position known on the need for "reasonable" cuts in our armed services. As much as anyone, I would like to see this nation prudently trim our military expenditures, as long as that trimming process is done with our strategic needs in mind and adequately accounts for present and future military threats. I question whether mothballing battleships adheres to that necessary logic.

I was heartened to see that the Navy was least impacted in Secretary Cheney's proposed 1991 defense budget. As our Nation's historical defender, the Navy has consistently sailed in harm's way, resisting unjust aggression and promoting democracy around the world. We are a maritime power, do not forget. Our future lies in freedom of the seas, and control of those same seas if the need should arise. As world trade becomes a greater and greater share of our Gross National Product, our reliance on the Navy to protect this country's economic integrity will grow. We also primarily rely upon the Navy to project power onshore. Between the years 1945 and 1990 we used our naval power 187 times. The question for the future is then one of how do we maintain those forces that are most capable and most likely to successfully fulfill our worldwide commitments, responsibilities and needs. I point to our battleships as uniquely qualified for that mission.

As evidence I would like to quote from Senator MCCAIN'S insightful article entitled, "The Need for Strategy in the New Postwar Era," as appeared in the January 1990 Armed Forces International Journal. He writes, "We must be cautious, however, about cutting our four battleships. They cannot simply be dismissed as outdated weapons. They can deliver far more firepower with far more security along most of the world's coast than an air wing. In fact, one battleship can deliver 40,500 pounds of ordnance at ranges up to 23 miles in one minute. Each battleship also has eight quadruple launchers for Tomahawk cruise missiles. This gives it the ability to hit fixed targets with incredible precision at ranges of up to 700 miles. The battleshp has an almost ideal surgical strike capability for low-intensity war and is the natural partner of fixed-wing air power because it can use its cruise missiles and guns to suppress air defense sites. It is also important to note that a battleship costs only $45 million a year in operating and maintenance funds. This is less than the $48 million per year for a nuclear cruiser and about one-third of the $124 million cost of a conventional carrier." I would further add that our battleships represent a very large percentage of the Navy's gunnery support and also carry Harpoon anti-ship missiles.

I found this article, written by a highly decorated Navy veteran and a distinguished member of the Senate Armed Services Committee, to be greatly informative. I think it puts to rest many questions concerning the cost, capability, and strategic mission of our battleships. I would just like to add that there is no other type of ship in our fleet so ideally suited to playing the crucial deterrent role of "showing the flag." Speaking softly and carrying a big stick is easily demonstrated with a fleet of battleships on your side. Finally, when many have called into question the survivability of our carriers, I would like to remind all that there is no ship harder to sink than a battleship.

With these facts in mind, I hope that we will all think long and hard before we decide to mothball these two fine and proud ships.

AMERICANS SKATING ON ECONOMIC THIN ICE

HON. HARRY A. JOHNSTON II

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. JOHNSTON of Florida. Mr. Speaker, what follows is an article written by one of my constituents, Mr. Arthur Burck. This article is entitled "Americans Skating on Economic Thin Ice." It was published in the Palm Beach Post last October. I believe that Mr. Burck raises many interesting points, and his article certainly deserves widespread reading.

[From the Palm Beach Post, Oct. 22, 1989]

AMERICANS SKATING ON ECONOMIC THIN ICE

(By Arthur Burck)

ROME.—It takes a stock-market collapse to remind one of how small and interrelated today's world is.

The bleak news of Friday the 13th quickly reached me at the Giulio Romano festival amid the medieval castles of Mantua in northern Italy, where it took more than four centuries for the message to arrive that Romano (1497-1543) should be included among the world's all-time greats in the art world.

Then, on the following Monday, the stock markets of Italy and other major countries plummeted even more—7 percent to 11 percent—than did ours on Friday, just as after Black Monday two years ago when many foreign markets sank 30 percent to 40 percent. The grave lesson is that when America sneezes, the rest of the world catches a cold.

In Rome, businessmen are not very happy about such disruptive consequences. For example, Count Eolo Poll Sandri, a noted financier, lamented: "By hard work, since the ruins of World War II, we have pulled up our economy to become second in Europe and fifth in the world. Now, because of some takeover problems about which we know nothing, we see our economy threatened just as it was two years ago."

Mergers, of course, are indispensable to an effective free economy. But for decades we have grossly abused what is a basic necessity. The entire world is now suffering, but the hard reality is that our economy is in danger of foundering unless corrective action is soon taken.

We often lament the decline of our industry, and especially the quality of our products. In large part these are among the victims of mergermania. During the early postwar years—especially the 1950s and '60s—there was a great fluorescence of small entrepreneurial businesses, thousands of which eventually became sizable enterprises that made advanced, high-quality products—usually because of a motivated management and worker force.

By the 1960s many of our big old-line companies were stagnating; for many, the early postwar years were one-way streets because foreign competition had been destroyed or minimized by the war. Softened due to a lack of competition, they were ineffective when new foreign competition arrived. So many of these dinosaurs acquired the entrepreneurial new companies that were thriving. These deals were rarely successful.

I know this personally. I negotiated acquisitions with a dozen Fortune 100 companies, and most became disasters for the acquired companies. I estimate that since 1955 there were at least 60,000 acquisitions, and that at least 75 percent of the acquired companies were damaged or destroyed.

Why? A very basic and simple reason. Businesses are people. Businesses that become successful invariably have a vital intangible asset: People who are dedicated and hard-working. That fragile asset is usually lost or damaged because of inability to mesh with the bureaucracy or corporate culture of the acquirer, especially when a big company is the buyer. We know it is hard enough for two people to stay married; just imagine when two huge corporate families are involved.

We must remember that the giants for several decades have been beating the bushes to find the most tempting takeover targets, the cream of the crop of emerging growth companies and leading indepdendents. In other words, we have undermined a generation of our most promising companies, the industrial future of America.

Nobody has said it better than Japan's Akio Morita, chairman of Sony Corp.: "Unfortunately, America's brightest managerial talent is engaged in takeover moves and empire-building, in which profits are made not by manufacturing and selling goods."

Few today realize how extensive were the abuses and excesses that have endured for decades.

The success of the grand acquisitors has created a fad atmosphere that encourages normally sound businessmen to join the crowd bent on fast-moving growth.

Apart from the erosion of our business structure, we are imperiled by the many worst-case scenarios that lurk in the risky practices that have infiltrated our financial community. Wall Street was never a place where the public or the national welfare received priority consideration, indeed, there has always been a tendency to ignore the supplication of the Lord's Prayer: "And lead us not unto temptation."

The excesses of mergermania and today's casinolike atmosphere are reminiscent of the free and easy 1920s.

The business casualties of the Great Depression were often caused by speculative practices of the 1920s that nowadays are again rife in, our financial community excessive debt, "junk bonds" (in the '20s they were more politely called second-, third- and fourth- mortgage bonds) and leveraged buyouts. The 1920s also had its share of speculative new stock issues and helter-skelter mergers that enriched opportunists, such as the empire-builders who then ravaged our public utility industry.

Also, it should not be forgotten that the main reason for the 1929 collapse was that stocks became overpriced during the euphoria of the '20s. Speculators overleveraged stock purchases—stocks could be bought with little of the buyer's money, often with as much as 90 percent borrowed. Since these practices were outlawed by the margin requirements of the 1930s reforms, most people assume that there is protection against this ever again happening.

But LBOs are not subject to margin requirements; most LBOs are structured on minimal equity—10 percent or less—piled atop a pyramid of different classes of debt including junk bonds.

In many other ways, takeovers influence the upward trend of the market:

The shrinkage of the supply of equities—3 percent to 4 percent in the first half of this year alone—places upward pressure.

The juicy premium on prices paid for takeover stocks also has an upward impact on the market.

Target companies reduce their liquidity by various devices: purchase of their own stock with borrowed money, exchanging stock for debt instruments, or leveraged buyouts by management.

Moreover, the ever-increasing concentration—more 20 percent of the companies in *Fortune's* 500 have disappeared in the past five years—has dangerous consequences. With lax antitrust enforcement, monopoly tendencies are emerging in some industries, such as airlines.

All of this could easily be stopped by Congress withdrawing the tax breaks that fuel the giant mergers. But it will not happen. I say this from having for several decades repeatedly explored the subject with government leaders and legislators, including four appearances before Senate and House groups in 1977-78.

Indeed, an apt description for today's economic scene is "skating on thin ice." At the national level, our foreign trade balance remains at troubling levels; our commercial real estate industry is in recession; our banking system is burdened with bad foreign and domestic loans, ominous in view of the current patchwork in the savings-and-loans sector; and a recession lurks at a time when inflation is also a prospect.

To be sure, there are counter-balancing reasons for optimism. We should never forget the tremendous strength of our nation, especially at a time when our communist rivals already face an economic twilight. But couldn't we do with less skating on thin ice?

HOUSE CONCURRENT RESOLUTION 87: PERSECUTION OF THE BAHA'I

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Mr. BEREUTER. Mr. Speaker, according to the State Department Human Rights Report that was released last week, Iran continues to be a major violator of human rights. The report notes that the Islamic government's hold on power is achieved through "arrests, summary trials and executions, and other forms of intimidation implemented by an extensive internal security system."

It is hard to draw an accurate picture because Iran has no procedural safeguards to guarantee basic human rights, and because the fundamentalist regime has very tight control on the flow of information. It is clear, however, that tens of thousands have suffered at the hands of Iran's revolutionary tribunals.

Earlier this month, Mr. Speaker, an investigating team from the U.N. Human Rights Commission conducted a brief investigation of conditions in Iran. It is altogether fitting, therefore, that this body choose this time to consider House Concurrent Resolution 87, concerning Iran's systematic persecution of the Baha'i religious sect.

The Baha'i religion is an offshoot of Islam, and is not officially recognized by the Iranian Government. Instead, they consider the Baha'is to be a misguided and heretical sect—something to be stamped out. And over

the years, the fundamentalist regime in Iran has done its very best to do just that.

Since the 1979 revolution when Khomeini came to power, hundreds of Baha'is have been executed or imprisoned because of their faith. Baha'is have systematically been denied the normal benefits of society, such as access to education, the right to travel, the ability to inherit property, and even on occasion the right to purchase food.

This resolution demonstrates the continuing commitment of the U.S. Congress to press for respect of religious minorities in Iran. Resolutions concerning the Baha'is have been passed by both Houses of the Congress in 1982, 1986, and again in 1988. The resolution we are considering today has 139 cosponsors, demonstrating the overwhelming support of this resolution.

Mr. Speaker, this member would bring to your attention the gentleman from Pennsylvania [Mr. YATRON] whose tireless efforts on the behalf of the Baha'i have made this resolution possible. I also would like to voice my appreciation to Chairman LEE HAMILTON of the Subcommittee on Europe and the Middle East, and ranking member GILMAN of that subcommittee, for acting in a timely and expeditious manner on this important resolution, and for the distinguished chairman and ranking member of the Foreign Affairs Committee, Mr. FASCELL and Mr. BROOMFIELD. Truly, Mr. Speaker, this is a bipartisan effort that enjoys overwhelming support.

As an original cosponsor of this resolution, along with the gentleman from Pennsylvania Chairman YATRON, this Member would urge adoption of this resolution.

THE SIMON WIESENTHAL CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on Thursday, March 15, 1990, the Simon Wiesenthal Center, in its Southern Regional Tribute Dinner, will honor Sol A. Shenk and Ted Turner. The evening will feature a tribute to Holocaust remembrance through the performing arts organized by honorary chairmen, Harry Gampel and Robert Marlin and cochairmen, Sol Taplin and Rita Schwartz. I bring this activity to your attention because it represents the day to day seeking of justice that the Simon Wiesenthal Center is committed to. The Simon Wiesenthal Center was established in 1977 as an institution dedicated to the study of the Holocaust and other human rights issues.

The Wiesenthal Center was founded to preserve the memory of the Holocaust such that, no other people shall ever fall victim to genocide—the crime of hate. The center is sponsoring innovative education and awareness programs in the areas of Holocaust studies, and educational outreach to schools and the media. The center maintains many dynamic relationships with public and private agencies. It corresponds with officials informing them of contemporary situations of intolerance and bigotry, terrorism and genocide. I stand to recognize their commitment to justice and tolerance both at home and worldwide.

HEALTHCARE EMPOWERMENT AND ACCESS LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GOODLING. Mr. Speaker, since I became the ranking Republican member on the Education and Labor Committee, the question unrelated to education which is most often asked of me is, what is Congress going to do about the 31 million uninsured Americans?

While I, too, have many questions about our health insurance system, I do not have all of the answers. I do, however, feel strongly that we must do something and that we must proceed in a deliberative fashion—studying all the problems, and looking at the Canadian system to fully understand why it cannot be transplanted wholesale as a solution to the problems being experienced in the United States. Let us not rush into adopting legislation that could cost billions of tax dollars yet fail to help those we intend to serve, the Nation's uninsured.

I was pleased to learn that my colleague FRED GRANDY was working on legislation. In fact, I cosponsored his bill, H.R. 4070, entitled "Healthcare Empowerment and Access Legislation." I did so not because I believe that it contains all of the answers or the only answers to solve the problems of our Nation's uninsured but because I strongly believe that, in a matter as important as this, it would be beneficial to have several alternatives for discussion purposes.

H.R. 4070 provides incentives for private and public-private partnership arrangements to be established to simultaneously address the issues of access to health-care coverage and the affordability of such coverage, with an emphasis on improving the quality of health care. The ERISA preemption of State health benefit mandates will encourage insurers to offer more affordable group plans to uninsured employers. The preemption of State barriers to managed care options will encourage competition and initiatives in approaches to cost control and quality review.

This issue is a priority. This year we can expect reports from the U.S. Bipartisan Commission on Health Care—the Pepper Commission—the Advisory Council on Social Security, and an independent task force on the healthcare system led by the Undersecretary of the Department of Health and Human Services, Constance Horner. President Bush in his State of the Union Address has weighed into this debate by directing the Secretary of Health and Human Services, Dr. Louis Sullivan, to lead the White House Domestic Policy Council review of health care in America.

I would hope that, when legislation in this area is considered, the committees of jurisdiction will give serious consideration to the Grandy proposal, H.R. 4070, in addition to the recommendations contained in the various reports that I just mentioned.

HUMAN SERVICES REAUTHORIZATION ACT OF 1990

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SCHEUER. Mr. Speaker, I rise in strong support of the bill introduced today by my distinguished colleague from Michigan, Mr. KILDEE, together with myself and several other colleagues, to provide for full funding of the Head Start early-education program by 1994.

Mr. Speaker, the proposed budget recently submitted to Congress by the President would increase Head Start funding by $500 million in fiscal year 1991 to a level just under $1.9 billion. This 35-percent increase in Head Start is commendable, but it is only a small step in the right direction.

Under current funding levels, only one in every six poor children in America who need a Head Start education is able to get one. The President's proposal would increase that figure to one in five needy children. That still leaves almost 2 million disadvantaged 3- to 5-year-olds deprived of a vitally important Head Start experience. In other words, the administration proposal ignores the needs of 80 percent of our kids at greatest risk of education failure. That is not nearly good enough.

At last September's education summit, the participants—who included numerous State Governors—issued a list of national education goals. The No. 1 educational priority identified at the education summit was to improve "the readiness of children to start school." Additional priorities included:

Reducing the dropout rate and increasing academic performance, particularly for at-risk students;

Improving the functional literacy of adult Americans;

Achieving a level of training necessary to guarantee a competitive work force; and

Establishing safe, disciplined and drug-free schools.

All of these goals need the help of Head Start. The Head Start Program works. It was the pearl of the 1960's antipoverty program, with perhaps the greatest return on investment of any U.S. social program. It has made a critical difference in the educational success of a generation of disadvantaged children.

The President knows this. He stated clearly in the text of his recent budget submission: "Research shows that Head Start children experience substantial immediate gains in cognitive growth, school readiness and achievement."

And in the 1990 Economic Report of the President, the President praised the program's virtues, stating that Head Start "significantly improves children's subsequent school performance."

But when it came time for the President to translate his words into action in this year's budget, the proposed funding did not match the rhetoric. An additional $500 million for Head Start is welcome, but it is nowhere near the "full funding" that is needed so desperately. Indeed, according to the analysis of the Joint Economic Committee, even with the pro-

posed funding increase, only 20 percent of needy 3-, 4- and 5-year-olds in America will be able to find an opening in a Head Start Program.

Just this week, at a hearing of the Education and Health Subcommittee of the Joint Economic Committee, a panel of two highly-respected American business leaders—Frank Doyle, vice president of General Electric, and William Kolberg, president of the National Alliance of Business—testified strongly in favor of full funding of Head Start. Their statements were testament to the fact that Head Start is not only important for reasons of justice, equality, and compassion, but also for bottom-line economic reasons: American industry urgently needs an educated work force. Indeed, Head Start is a front-side investment that actually will save money in the long run.

And the truth of the matter is that we can afford to fund fully the Head Start Program. The United States has a $5 trillion economy—by far the largest in the world. It is a matter of choosing more intelligently our national priorities:

It is time we started facing our real choices. We have to stop saying that we cannot afford to do this or that, when all we mean is that we cannot afford it within the rules of the game we have arbitrarily established and agreed to play. What we should mean when we say that we cannot afford to spend a certain amount of money for drug control, or for education or for assistance to poor people or for national security is that we prefer to spend the money on something else.

Mr. Speaker, these are not my words. They are those of Herb Stein—a conservative, Republican economist, who headed President Nixon's Council of Economic Advisers—in recent congressional testimony. As Stein brilliantly argues, it is ludicrous to say that this great Nation cannot afford to provide an early education to every disadvantaged child who needs it. Of course we can * * * If only we have the political will, the foresight, the courage, and the enlightened self-interest.

On May 1 of last year, the Education and Health Subcommittee, which I chair, conducted a hearing in New York City that documented the economic and social benefits of early pre-school education. When former Head Start participants were compared to a control group that had not had the benefits of pre-school education, the Head Start group had fewer dropouts from high school, fewer who were ever arrested, fewer on welfare, and many more who were fully literate, employed, and in college.

In light of these numerous, documented, cost-effective benefits from Head Start, one is perforce moved to ask a very simple question: "Why hasn't the administration requested full funding for Head Start, to allow every American child who needs it to have access to this invaluable and enriching pre-school experience?"

The only possible answer is that the administation views Head Start funding as an expenditure and not an investment. That is shortsighted, both in economic and national security terms.

In national-security terms, the President's budget priorities indicate the administration is still mired in a Cold War mindset. Full funding of Head Start is estimated to cost between $5 and $10 billion annually. The administration, rather than make this investment in future economic security, instead plans to continue spending our tax dollars on budget-busting strategic nuclear programs, despite the virtual withering away of the Soviet threat. In reality, in the 1990's, the threat to our national security from an emerging underclass and an illiterate workforce is far greater than any Soviet threat.

Yet, the President's budget spends $5.5 billion for the B–2 bomber; $4.7 billion for Star Wars. And $2.2 billion for putting MX missiles on trains, despite the fact that, unanimously this month, the three past chairmen of the Joint Chiefs of Staff testified that the mobile MX program is a dinosaur. These programs are relics of a bygone era, yet the administration insists on throwing good money after bad.

Cutting just these three Pentagon budget busters would free up more than enough funds to provide a Head Start experience to every 3-, 4-, and 5-year-old, underprivileged child in America. The administration clearly needs to revise its definition of "national security" for the 1990's and the next century.

In economic terms, Head Start is one of the best investments we can make in the future of this country. According to the Bureau of Labor Statistics, the fastest growth in jobs between now and the year 2000 will be in highly skilled white-collar occupations, where 97 percent of workers have high school diplomas and 57 percent have college degrees.

At the very same time, however, there is projected to be a scarcity of young people entering the labor force. And among those who do, there will be a growing percentage of minorities—including African-Americans and Hispanics—who currently have higher-than-average drop-out rates and lower-than-average educational attainment. Unless we invest in our children now, they will enter the workforce in 15 years with very little hope of qualifying for the jobs that then will be available, and which our society will need urgently to be filled.

The U.S. simply cannot be competitive in the world economy in the century ahead if a large chunk of our work force is grossly undereducated. It is beyond belief that this Nation is willing to borrow over $100 billion a year to buy consumer electronics and cars from abroad and yet refuses to invest a fraction of that amount in a proven program to rescue children at desperate risk of educational failure, with all of its attendant costs to society.

The economic cost of denying a Head Start experience to 80 percent of needy children—as we would do under the President's proposal—is enormous. Two recent studies shed light on the long-term damage we are inflicting on our society.

One, a study at Stanford University, found that the loss to the U.S. economy from the dropouts in a single year's high school class nationally—just in terms of lost economic output—is $228 billion over their lifetimes. This study did not even examine the billions of dollars in additional costs that result from increased law enforcement, incarceration, welfare payments, unemployment compensation, public housing, health care, and teenage pregnancy.

Another recent study by Bill Beuchner, senior economist of the Joint Economic Committee, demonstrates that an earlier U.S. program—the World War II GI bill of rights—realized an enormous payback from its investment in education. According to the study, every $1 of U.S. investment in the GI bill returned between $5 and $12 in increased economic output by World War II veterans, over the course of their lives.

It is abundantly clear that, for the very same reasons, a small investment in Head Start now will return many times that investment in the future.

I congratulate my colleague from Michigan on his leadership on this vitally important initiative, and I look forward to working closely with him toward its successful passage and enactment.

CORPORATE PENSIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. CRANE. Mr. Speaker, as we enter the second session of the 101st Congress, I want to urge my colleagues to resist efforts that may be made to forbid pension asset reversions on over-funded pension plans.

James R. Stover, who is chairman of the Board of Eaton Corp. which is one of the larger corporations in my district, recently delivered a speech to the American Society of Corporate Executives. In his address, Mr. Stover makes some very insightful comments with respect to a number of pension-related issues and the ill-advised proposals that are being considered by some in Congress. I believe we can all benefit from Mr. Stover's remarks, and I highly recommend his address to my colleagues.

REMARKS BY JAMES R. STOVER

One of our topics for this session was in the employee benefits area . . . health care. It's an interesting topic and more needs to be heard on it. I'm going to talk about an area that's closely related.

My subject is pensions. What I see coming out of Washington these days just doesn't smell right. When that happens, it's time to start making noise & yelling!

Where am I coming from? Let me say that it suddenly seems appropriate to note that yesterday was the 97th anniversary of the day that the Dalton Gang simultaneously robbed two banks. . . . The federal government is not, of course, literally robbing the pension system. But the trend of pension laws and regulations is downright scary. So much of what is going on has a pious and sanctimonious ring to it. Every change, of course, is designed to "help" the retirees. But if it continues, the pensioners will be "helped" the same way depositors of those two banks were "helped" in Coffeyville, Kansas back in 1897. There may not be any "wanted" posters around of guys with bandanas, but maybe there ought to be.

The general idea of pensions is, of course, simple. But the specifics of pensions gets complicated in a hurry, so I'm going to oversimplify and take a few liberties in the in-

terest of time and clarity . . . and besides, I'm no pension expert. It's the trends that bother me, and that's what I want to bring out.

Twenty or so years ago, it was big news when a few private pension plans failed. We all remember those sad stories back in the late 60's and early 70's. Studebaker was one case that got a lot of attention. The Studebaker pension plan was grossly underfunded when the company went belly up. A lot of employees who thought they had pensions learned they were out of luck.

Back in 1974, Congress stepped in to strengthen the private pension system with the law we know as ERISA. It stands for Employee Retirement Income Security Act, although people at the time said it stood for "Every Ridiculous Idea Since Adam." We complained about ERISA, but most of us yearn for those simpler days of yesteryear back in 1974. In the 15 years since, ERISA regulations have got a lot worse and great deal more costly.

Let's talk a little bit about the "kinds" of pension plans. Being a "lifer" with Eaton, all I ever knew was the "defined benefit" type that provides a specific amount of income after you retire. There is a formula based on years of service and salary, of course, but the focus is on how much you get. It's up to the company to do enough funding to see that happens. The company takes the risk. As we know, that's the kind of pension commitment that ERISA was primarily aimed at regulating.

But companies aren't required to make that type of benefit commitment, and today many companies provide another kind—a "defined contribution" plan. In a defined contribution plan, the company generally makes a contribution of up to 10% of an employees wages into an investment fund. Or, in many cases, the level of contribution is tied to profits of the company. No profits, no contribution—or perhaps a limited contribution. That provides a real profit incentive for the employees and the company. What is the advantage of the contribution type? The company simply agrees to the amount of money it will put IN to the fund. There is no promise of the earning rate on the money put into the fund, and no promise of how much money will be available at the end of the trail.

Also, the contribution plans are not subject to nearly as many onerous ERISA regulations. They are much simpler to report on and administer. The company in effect is saying to employees, "we'll put up to a given amount of money away for you each year. The money will be invested, and your pension at retirement will be based on your investment balance at that time." Clean. Simple. Like making repeated deposits in a bank account. A variation to this approach allows employees to kick in some of their own money, but not more than 10% of the pay according to ERISA rules, or the plan loses its tax advantages. Admittedly, some employees—particularly very young ones—prefer the defined contribution approach and the fact that contribution plans are "portable" after vesting.

Most pension experts agree that this first type—the defined benefit plan—is the most worry-free for the employee. But because of the burden of ERISA and the IRS code, and under the threat of still more negative legislation, no one is creating new defined benefit plans anymore. At one time three times as many Americans were in defined benefit plans as were in defined contribution plans. Today, the ratio is getting close to 50/50. Companies are cancelling or suspending traditional pension plans in record numbers.

From all quarters, the government seems to be taking aim at defined benefit pension plans. Like always, their motives are pure as Snow White. Most proposals are designed to achieve some quote, "good," quote, purpose. But the regulations are generally so awful that the patient is going to leave the hospital rather than swallow the medicine. It's time we stood back and looked at what's going on.

Since 1982, ERISA has been amended no less than seven times. Each change brought new and sweeping requirements on employers. The focus has been in such areas as funding, contributions, vesting and non-discrimination rules. One way or another, these changes forced employers to spend more money. Some regulations required employers to pour more soup into the pot. Others required employers to use a larger ladle in dishing out the soup. Still others said that more people should be in the soup line, or required that more empty bowls be given out.

Having done that, Congress also enlarged the size of its own ladle and its own soup bowl . . . a lot! Legislation in recent years has meant bigger tax bites. The "driver" has been the need for federal revenue, not the health of pensions. Tax law changes have dramatically reduced the tax incentives for retirement savings. This has made it unlikely that employers will fund their retirement programs at anything other than the minimum possible levels. That's the irony. These changes encourage only minimum funding.

Congress is setting all the rules for private pensions so they can minimize responsibilities under Social Security. It's a different way to spend other peoples' money without having to call it taxes.

The key issue these days is who owns the excess money in defined benefit plans—employers or employees?

Under both ERISA and earlier pension legislation there was no doubt. Excess funding for defined benefit plans belonged to employers. The surplus is defined as the amount left over after the employer meets ALL obligations to participants-current employees and retirees. Under new legislative proposals employers who generously funded defined benefit plans would be penalized for their conservative practices. Proposed legislation is now saying that the reward for over-funding will be that you can't get the excess money back!

Earlier this year Senator Howard Metzenbaum of Ohio and Representative William Clay of Missouri introduced the Employee Pension Protection Act of 1989. It was aimed at companies who wanted to recapture excess funding from defined benefit pension funds—a process known as "reversions." Since 1980, about 1,900 defined benefit pension plans have gone through this reversion process. After fully paying off the 2.1 million workers and retirees under the plans, the companies recovered about $20 billion in surplus assets they put in.

Metzenbaum's and Clay's legislation would require companies involved in reversions—that is, the cancelling of their existing defined benefit plan—to set up new, replacement pension plans. Employers who failed to do so would lose control of the surplus funds. The replacement pension plans would be required to provide a 125% or 135% cushion against projected liabilities. The employer also would have to provide a cost-of-living increase to retirees. If there is no replacement plan, all excess assets would simply be passed out to employees and retirees in a pension windfall. Oh, and by the way, the government takes a 15% cut of the excess assets in the form of an excise tax, so there isn't a tax holiday on reversionary excess.

Metzenbaum and Clay have confused this issue in the public's mind. They project the view that employers are raiding the employee-pension cookie jar, rather than taking a surplus that they put in there in the first place!

Just last week, another proposal was beaten back. This one was proposed by Representative Peter Visclosky of Indiana. Under the Visclosky proposal employers would have been required to share control of investment decisions for pension plan assets with employees . . . in the form of a board. The legislation envisioned a board of trustees made up of both employee and employer representatives.

In fact, no employer will accept a structure that gives investment control to others while it stays completely on the hook for any fund shortfalls. The employer still has to keep his promise even if the investment is a poor one.

Fortunately, the Visclosky proposal failed last week in a 250 to 173 vote in the House. But we shouldn't be too encouraged. The issue may be dead for this year, but it is likely we will see some variation of this theme in the future.

The Congress, under pressure from Gramm-Rudman, can no longer find the funds to continue its social agenda. So they are shifting gears. The focus to legislate to force the private sector to fund the social programs the Congress wants to accomplish, but which it lacks the tax revenues to achieve.

Pension funds are an attractive target. The nation's private pension plans have $1.7 trillion dollars. It is that huge pool of capital that is whetting the appetite of a Congress that thinks it is starved for funds.

All the do-gooder legislation is putting government hands on pension funds—particularly defined benefit pension funds-under the guise of "protecting the pensioner." But all these efforts will have the opposite effect—causing employers to minimize funding. Suffice it to say that we're in for more governmental pressure on private pension assets, not less.

In the interest of truth-in-labeling-which is always big with Congress—we should insist that the current body of legislative proposals on pensions be called, "The Living Tribute to the Dalton Gang!"

SOVIET-AMERICAN EFFORT TO CURB HARMFUL IMPACT OF WATER PROJECTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MILLER of California. Mr. Speaker, glasnost has led to a number of remarkable changes in the Soviet Union. One of the most important has been the increased exchange of Soviet citizens to visit the United States.

In mid-February, a unique conference was held in Washington, DC, between activists from several major American environmental

organizations and the Soviet Association for Ecology and Peace [Ekologie y Mir].

The focus of this conference was to share information on efforts by all the participants to save rivers and to stop environmentally destructive large dam and water diversion projects.

The conference has led to an important statement of cooperation between the organizations involved. In the joint statement, the Soviets have pledged to assist the Americans in efforts to protect the Platte River. The Platte provides essential habitat for sandhill cranes which nest in Canada and the Soviet Union.

The American organizations agreed to provide assistance in efforts to halt construction of large water projects on the Volga and Katun Rivers and to assist in forming an International Coalition to Save the Aral Sea.

Mr. Speaker, the Soviet and American environmental organizations are to be congratulated for undertaking this unique cooperative effort. Let us hope that it is the first of many such efforts.

Mr. Speaker, I insert a statement outlining the Soviet-American effort to save rivers at this point in the RECORD:

STATEMENT OF JOINT U.S.-SOVIET COOPERATION TO SAVE RIVERS

The undersigned U.S. and Soviet organizations announced that they will work to support each others' efforts to save rivers and to stop environmentally destructive large dam and water diversion projects and to modify existing projects which are causing environmental damage.

The organizations announced four specific actions being taken this week to implement this broad and ambitious objective.

First, the Soviet Association for Ecology and Peace (Ekologie y Mir) will support U.S. environmental organizations in their efforts to save the Platte River in Nebraska. The Platte River provides essential habitat for hundreds of thousands of migratory birds, including sandhill cranes which nest in Canada and in Siberia.

Second, the undersigned U.S. environmental organizations will assist the Soviet Association for Ecology and Peace and the Committee to Save the Volga and other Soviet organizations in their efforts to save the Volga River. Intensive damming and water diversions in the Volga River Basin, together with intensive industrialization (oil, chemical, and gas facilities), have brought catastrophic environmental conditions to the river, such as massive depletion of the sturgeon population.

Third, it is considered expedient and important to form an International Coalition to Save the Aral Sea. The Coalition will coordinate and assist Soviet organizations in the effort to restore and save this large body of water by publicizing the problem and providing information about possible solutions. The organization and activities of the Coalition will be coordinated by Friends of the Earth, the National Wildlife Federation, and the Soviet Association for Ecology and Peace.

Fourth, the undersigned U.S. environmental organizations will join Soviet efforts to save the magnificent Katun River (in Central Asia near the USSR-Mongolia border) and its majestic valley from a gigantic dam.

The organizations believe that the efficient use of water and energy should be the cornerstone of water policy for our nations and that large projects invariably involve great cost and environmental damage.

February 16, 1990

BRENT BLACKWELDER,
Vice President, Friends of the Earth.
ALEXANDER MISCHENKO,
Deputy Chairman, Ekologia y Mir (Ecology & Peace).
EDWARD OSANN,
Director, Water Resources Program, National Wildlife Federation.

SUPPORTING ORGANIZATIONS

Kevin Coyle, Acting President, American Rivers, Inc.

Bruce Rich, Director of International Programs, Environmental Defense Fund.

Philip Williams, President, International Rivers Network.

Ed Pembleton, Director, Water Resources, National Audubon Society.

Cathy Fogel, Associate International Representative, Sierra Club.

A CONGRESSIONAL SALUTE TO BETTY WHITEKER IN HONOR OF HER SELECTION AS DEMOCRATIC WOMAN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to an outstanding individual who has devoted so many years of her life to the betterment of Long Beach and the surrounding community. Betty Whiteker will be honored by the Long Beach Democratic Women Study Club on March 2, 1990, as their "Democratic Woman of the Year." This occasion gives me the opportunity to express my sincere appreciation for her many years of hard work and unending commitment.

Betty was born on July 20, 1923, in Anaheim, CA. However, she received most of her formal education in Long Beach. During her earlier years, she attended Willard Elementary School, and St. Mathews Catholic School. Later, after graduating from Wilson High School, she attended Long Beach City College, and UCLA, where she received her nursing degree.

Throughout her life, Betty has been known for her participation in many activities. As an early teen she was active in the Junior Auxiliary, the Daughters of the American Revolution, and the Junior American Legion No. 27. During World War II, Betty offered her services to the Torrance Army Hospital attending to patients from the war hospital ships *Mercy* and *Hope*. After the war, she continued her involvement in Lakewood. True to her civic nature, she was active with her sons, George and Steve, in Scouts. Betty also gave her time to the Red Cross, Community Chest, the March of Dimes, and the Business Womens Club in Bellflower.

As an elected official from the southern California area, I can attest to Betty Whiteker's untiring political involvements. She first became active in the Democratic Party during Ted Kennedy's Presidential campaign, phoning, fund raising, and walking the precincts. Betty also worked on Bob Fronke's State senate campaign, and was local chair for the Gary Hart campaign for Congress. In addition, she is a member of the Democratic State Central Committee, the L.A. County Democratic Central Committee, the JFK Democratic Forum, a member and participant in California's 58th Assembly District, and of course, a member of the Long Beach Democratic Women Study Club, the organization that is honoring her as the "Democratic Woman of the Year."

My wife, Lee, joins me in extending our congratulations to Betty Whiteker. She is truly a remarkable individual who has devoted her talents and energies to enriching the lives of so many other people. We wish Betty, her sons, George and Steve, all the best in the years to come.

HONORING THE OLDER AMERICANS ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. KILDEE. Mr. Speaker, I rise in support of the resolution introduced by my colleague, Mr. DOWNEY, honoring the Older Americans Act on its 25th year of successful operation.

Long viewed as the major vehicle for the organization and delivery of social services to the elderly, the Older Americans Act and the programs it authorizes are among the most popular operating in the Federal Government today. Whether it be through a congregate or home-delivered meal, participating in senior center activities, receiving nonmedical in-home assistance, or finding a job through the Senior Community Service Employment Program, the Older Americans Act has been successful in helping elderly persons remain active and independent participants in their own communities.

This silver anniversary celebration not only marks the completion of 25 years of successful operation, but serves as a new beginning. Meeting the social service needs of a greatly increasing aging population is the challenge for the future and the Older Americans Act, through its wide array of authorized services, is poised to respond to those needs. The Older Americans Act currently has in place a sophisticated and complex aging network which has evolved and become more effective through the years. This network of State and area agencies on aging and service providers have demonstrated their effectiveness in carrying out the mandates of the Older Americans Act.

Through title III of the act, over 240 million meals were provided to elderly individuals in 1988 with almost 40 percent of those meals delivered in-home. At the same time, numerous elderly individuals were assisted with transportation needs, legal assistance, and nonmedical in-home services.

Title IV, through the awarding of research and demonstration grants, has not only served to greatly expand our base of knowledge on the aging process, but has provided detailed information on issues affecting the elderly such as employment, health, and housing

issues. Many individuals have also received training in the field of aging through this title.

Title V supports almost 64,000 positions to provide low-income elderly with meaningful employment opportunities. These seniors, many working with other older individuals, are able to supplement their incomes while providing important services to the communities in which they live.

1991 will be an important year for the Older Americans Act. Scheduled for reauthorization, we will work diligently to tailor the act to the needs of a changing aging population.

THE RIGHT TO SAFE DRINKING WATER ACT OF 1990

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. VISCLOSKY. Mr. Speaker, there is something fundamentally wrong when a country's Tax Code is structured so as to force people to drink contaminated water when other options exist.

There is something fundamentally wrong when a country's Tax Code penalizes utilities for extending safe water services to areas threatened by ground water contamination.

There is something fundamentally wrong when a country's Tax Code forces Federal agencies to use Federal funds to pay Federal taxes.

Today I have introduced legislation to change this fundamental problem with our Tax Code. My legislation, the Right to Safe Drinking Water Act of 1990, will allow a utility to exclude from its gross income, for Federal income tax purposes, a contribution received to aid construction for water main extensions in cases where public health is threatened by ground water contamination. These contributions are now taxable under section 118 of the Internal Revenue Code.

The exemption will only apply in cases where the donation of dollars or property is received from a governmental entity. Under the current system, utilities pass the tax on to the public body which must use tax dollars to pay taxes. In addition, the legislation will only apply to circumstances where wells already in existence have become contaminated, thereby preventing developer abuse.

While this legislation addresses a growing nationwide problem, I am aware of a situation in northwest Indiana that painfully illustrates the effects section 118 can have on communities and their residents.

The Lake Sandy Jo Superfund site is located in the center of a small northwest Indiana neighborhood. The solid wastes that accumulated in this one-time landfill have seeped into the surrounding environs—contaminating nearby ground water and threatening the health of nearby residents.

The Environmental Protection Agency [EPA] determined that it was necessary to bring water mains to the neighborhood, however, problems with section 118 of the Tax Code have blocked progress for almost 3 years.

In June 1988, a widow who lives next to Lake Sandy Jo was quoted in a local newspaper:

I just feel it's taking too long to do this. I don't drink the water. I'm paying $14 a week for six gallons of bottled water. I wash in my well water, sometimes. I used to use it to water my flowers, but my African violets didn't bloom. So I started using the bottled water for that and they started to bloom again.

Mr. Speaker, it is now March 1990 and water main construction at Lake Sandy Jo has barely started. Various Federal agencies haggled for almost 3 years about who was going to pay this Federal tax. Ironically, most of it will be paid for by the Federal Government.

In conclusion, the problems experienced by those who live near Lake Sandy Jo and the countless others like them throughout the country deserve to be able to drink, bathe, and cook in water that is safe and clean.

TRIBUTE TO THE LATE DR. EDWARD J. BLOUSTEIN, DISTINGUISHED PRESIDENT OF RUTGERS UNIVERSITY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ROE. Mr. Speaker, it is with the greatest solemnity and admiration that I rise today on behalf of the entire New Jersey Congressional Delegation to pay tribute to a truly great, an outstanding administrator and a true visionary of higher education who was taken from our midst late last year.

I am speaking of the late Dr. Edward J. Bloustein who served with the highest distinction as president of Rutgers, the State university of New Jersey, from 1971 until his death on December 9, 1989. During his long and outstanding tenure, Dr. Edward J. Bloustein helped make Rutgers one of our Nation's truly preeminent universities.

Recently, Mr. Speaker, we honored the memory and the lasting and profound accomplishments of this great man at a truly moving university memorial convocation in Dr. Bloustein's honor at Rutgers. For the RECORD, Mr. Speaker, I would like to insert the text of the Memorial Convocation Program, which gives a comprehensive overview of Dr. Bloustein's great accomplishments, and all that he has meant to Rutgers University, to the State of New Jersey, and to our Nation:

EDWARD J. BLOUSTEIN, 1925-89

Dr. Edward J. Bloustein, the seventeenth president of Rutgers, left an indelible mark upon New Jersey and its State University.

A philosopher and lawyer, he was president of Rutgers from 1971 until his death December 9. Under his guidance, Rutgers became one of the nation's leading state universities, and was recently selected to join the prestigious Association of American Universities.

Born of immigrant parents in New York City in 1925, Dr. Bloustein served in the United States Army from 1943 to 1946. He graduated Phi Beta Kappa from New York University in 1948 and later received a bachelor of philosophy degree from Oxford. He married Dr. Ruth Ellen Steinman in 1951. He attended Cornell, earning a doctorate in philosophy in 1954 and a law degree in 1959. He joined the faculty of the NYU School of Law in 1961 and became president of Bennington College in 1965, a post he held until coming to Rutgers.

The Bloustein years at Rutgers were a period of phenomenal growth. Enrollment increased from 36,869 to more than 47,000. More than 60 percent of all Rutgers degrees ever awarded bear Dr. Bloustein's signature. He took great pride in the significant increase in minority graduates and the growth of opportunities for women during his tenure.

One of Dr. Baloustein's highest priorities was to raise the national stature of both Rutgers and New Jersey. Under his guidance, the number of Rutgers faculty in the national academies soared from three to nineteen.

Colleges and schools established during his tenure include Cook College; the Mason Gross School of the Arts; the Schools of Business in Camden and New Brunswick; the Graduate School of Applied and Professional Psychology; the School of Communication, Information and Library Studies; the School of Criminal Justice in Newark; and the Graduate Schools in Newark and Camden.

With the opening of the Rutgers Athletic Center in 1977, Dr. Bloustein began efforts to develop Rutgers as a national competitor in intercollegiate athletics.

In 1979, he initiated the reorganization of the facilities of the New Brunswick liberal arts colleges. The resulting plan established a single Faculty of Arts and Sciences while preserving the undergraduate colleges.

A 1983 study of the future financing needs of Rutgers paved the way for creation of the Fund for Distinction, a financial strategy for implementing a development program that now includes more than $600 million in capital projects. Passage of the 1984 state bond issue provided funds for five advanced technology centers while the 1988 bond issue provided more than $100 million for a variety of educational projects. One of the most effective fund raisers in higher education, Dr. Bloustein announced in June 1989 that the $125 million Campaign for Rutgers had exceeded its financial goal a year ahead of schedule.

Despite the demands on his time, Dr. Bloustein continued to teach and do research. He wrote extensively on the law, and his article on privacy is often cited. He was the author of the books *The University and the Counterculture* and *Freedom of Expression*, and was writing a book on the First Amendment at the time of his death.

Throughout his tenure, Dr. Bloustein expressed his moral, ethical, and educational philosophies openly and clearly. He took part in the public protests against the Vietnam War and South African apartheid. More recently, he worked as a volunteer in a New Brunswick soup kitchen. His passion for the principles he believed in led him to call in 1988 for a community service requirement for all Rutgers undergraduates to "help educate our students to the world of the sick and the aged, the world of the deprived and dispossessed, a world which looms before us and which we can no longer continue to neglect except at our moral and political peril."

His beloved wife of thirty-seven years, Ruth Ellen, died in October 1988. He is survived by two daughters, Elise and Lori, three sisters, and a brother.

Mr. Speaker, on behalf of the entire New Jersey Congressional Delegation, I appreciate the opportunity to present this brief profile of a

truly great man, and an outstanding educator, administrator, leader, and visionary whose work has made Rutgers University one of the great universities of our Nation, and whose work has made New Jersey, our Nation, and the world a better place to live.

BLACK HISTORY MONTH—HONORING WAYMON MORLEY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today, the final day of Black History Month, to pay tribute to a figure who is inspirational to the black community in Miami, Mr. Waymon Morley. Black history is full of inspirational stories of people who have made invaluable contributions to unite our racially divided society. People such as Frederick Douglass, Dr. Martin Luther King, Dr. Carter G. Woodson, Jackie Robinson, Dr. Charles Drew, and many others have been instrumental in making these contributions. Often, people fail to remember that history is not something always confined to the past, it is a continually evolving facet of our society; Mr. Morley is an example of history in the making in my home district of Miami. Because of the racial hatred and oppression in our country, black Americans had to struggle against the odds in order to achieve success. Ladies and gentlemen, Mr. Morley is a shining example of how success is no longer determined by the color of one's skin, and serves as an example of how unlimited success is available in our great nation through dedication and hard work.

Born in Miami, Morley graduated from North Miami Beach High School, then went to Howard University, receiving a degree in finance. At age 21, Mr. Morley had a booth in a flea market on Seventh Avenue in Miami; there, he sold magazines, clothing, and gift items. In 1987, he received his M.B.A. from the University of Miami, and then began working as a business development specialist with a Liberty City business development organization. Through his experience gained in the business world, Mr. Morley has assumed a new role, as the publisher of Miami's first black business magazine known as the Miami-South Florida Black Business Review.

With the first issue debuting in March, Morley is facing an uphill battle against the competitive magazine industry, but with his tremendous drive and insight, success is inevitable. Throughout the month of February, we have all developed a sense of the richness of black history—economic, political, religious and social. Mr. Morley's contribution through his new magazine will further all of these facets, especially in the Miami community.

Mr. Morley deserves commendation on his tremendous achievements for the black community which will add to the tremendously diverse community in Miami. For those who maintain racial prejudices, let the accomplishments of Mr. Morley illustrate how the color of one's skin does not limit the ability of individual's success. As Americans, we should all strive to learn from our past inequities, and end the ignorance of all racial prejudices which scar our Nation's past. I wish Mr. Morley the best of luck in his endeavors.

ANTI-SEMITISM IN THE SOVIET UNION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SPRATT. Mr. Speaker, I am deeply concerned by reports about significant increases in the level of anti-Semitism in the Soviet Union and many parts of Eastern Europe. It is tragic and ironic that during this euphoric period of freedom which has swept the Soviet bloc, some people are exploiting their new found liberty to raise the old canard of anti-Semitism. This pattern is being witnessed in several Eastern European nations including Hungary and East Germany but it has taken on its most dfisturbing aspects in the Soviet Union. I would like to insert into the RECORD an article which appeared last week in the Washington Post and was written by Vitalii Goldanskii, a senior Soviet official. Mr. Goldanskii lays out in great detail the ways in which anti-Semitism is manifesting itself.

I find it incredible that only 45 years after Hitler's Holocaust, which wiped out most of Europe's Jews, some Europeans are still blaming the Jews for the world's problems. In the U.S.S.R., members of an anti-Semitic Soviet organization called Pamyat have stated it is time to "finish the job" which Hitler started by killing the world's surviving Jews. Scattered reports have reached the West of Jews who have been physically beaten on the streets of Soviet cities because of their religious background. Rumors abound throughout the Soviet Union about upcoming pogroms or mass attacks against Jewish homes, synagogues and Jewish cemeteries. A few weeks ago, in Leipzig, East Germany scores of so-called skinheads held a demonstration where they shouted anti-Jewish slogans and blamed Jews for Germany's economic problems. Anti-Semitism is among the world's most insidious forms of skapegoating, and tragically we are witnessing a resurgence of it today. As the events in Europe 45 years ago taught us most painfully, it would be dangerous as well as naive to ignore these signs of anti-Jewish activities.

The United States along with the rest of the civilized world must condemn this anti-Semitic wave in the most unequivocal terms. It is true that this most recent strain of anti-Jewish attacks is not being sponsored by any of the governments in the area. To the contrary, one of the reasons this prejudice is appearing now is that the Communist governments have relaxed restrictions on political activities thereby making it easier for right-wing racist groups to organize and speak out. But we must make clear to these governments that they have a profound responsibility to protect their Jewish communities against harassment and attack.

We are now in the midst of negotiations with the Soviet Union and other Eastern nations to lift trade restrictions and open up a new area of economic relations. We are now considering whether to grant most-favored-nation [MFN] trade status to the Soviets. The Congress will have the opportunity to decide whether to approve a waiver of the Jackson-Vanik amendment which bars MFN status for any Communist nation that restricts emigration of religious minorities. I welcome these trade initiatives because I believe they will promote economic and political stability for these new governments. At the same time, we must tell these governments that they must demonstrate a commitment and ability to safeguarding their Jewish minority in order for these barriers to be removed. We must also continue our pressure on the Soviet Government to permit direct flights between Moscow and Tel Aviv so that Soviet Jews who wish to emigrate will be able to leave the Soviet Union.

The small number of Eastern European Jews who survived Hitler's final solution and have remained in Eastern Europe have the right to live in dignity, free of persecution. We must make clear to the relevant European governments that we believe they have a solemn duty to protect their Jewish minority and we will consider their record in achieving that goal when we determine the future of our economc and political relations with them.

The article follows:

ANTI-SEMITISM: THE RETURN OF A RUSSIAN NIGHTMARE

(By Vitalii I. Goldanskii)

Supporters of President Gorbachev's *perestroika* are increasingly alarmed by the possibility that this program of restructuring and reforms may collapse. Should this occur—and it cannot be ruled out even in the near future—it would be a disaster not only for the Soviet Union but for all humankind.

Many of the difficulties being encountered by perestroika are well known outside the Soviet Union, as are some of the potential consequences if perestroika fails. But too little attention has been given, until now, to the special dangers posed by the growing aggressiveness in the Soviet Union of extreme right-wing, virulently anti-semitic groups that seek to subvert perestroika, to blame the country's past and present problems on the Jews, and (as some of their propaganda states explicitly) to "finish what Hitler started."

These extremists are flourishing in the climate of spite, envy, scapegoating and hatred associated with the increasingly severe difficulties in the Soviet economy and growing ethnic tensions. They are perhaps already the strongest, and certainly the fastest growing, of the divisive forces pushing the country toward bloodshed and civil war.

The extremist groups go by a variety of innocuous-sounding names, of which the best known outside the Soviet Union is the "National Patriotic Front *Pamyat*" (pamyat means "memory"). A number of them recently entered into a confederation under the title of "Bloc of Social-Patriotic Movements of Russia." I prefer to call them Russian monarcho-Nazis (or monarcho-fascists), to reflect their combination of deep reverence for the autocratic csarist Russian empire and ferocious hatred of Jews.

Incredibly, the Russian monarcho-Nazis openly and widely condemn the Jews as the main culprits in all of the troubles of Russia from the October Revolution of 1917 up until the present—including genocide

against the Russian people in the form of the millions of Russian deaths in civil war, collectivization and various purges; destruction of tens of thousands of Russian churches and historical monuments; and spirtual poisoning of the people through the introduction of decadent and corrupt Western culture alien to Russian tradition. They even accuse the Jews of ritual murders and a worldwide conspiracy against humankind, making reference to the disgraceful hoax, "The Protocols of the Elders of Zion."

There is striking similarity, in fact, between the views, programs and intentions of the Russian monarcho-Nazis and the original Nazi platform as laid out in Hilter's "Mein Kampf" and other infamous documents of the German Nazi period. This similarity, and the resemblance of the general situation in the Soviet Union in 1988-90 to that in Germnay in 1931-33, have been publicized by progressive Soviet mass media. The newspaper Soviet Circus, for example, has printed a point-by-point comparison of Pamyat's manifesto with the program of the Nazi Party of the 1930s.

The main organization serving as a coordinator of the monarcho-Nazi forces is the Union of Writers of the Russian Federation (RSFSR). As outlets for their propaganda they have at their disposal such newspapers and journals as "Literaturnaya Rossiya" (Literary Russia), "Nash Sovremennik" (Our Contemporary), "Molodaya Gvardija" (Young Guards) and "Moscow." The leaders of this movement include many notorious writers, some scientists, some artists and others.

"The Nazi-type speeches and publications of these groups are becoming routine features of everyday life in the Soviet Union. Their form and content were analyzed by Prof. Herman Andreyev from Mainz University in West Germany in a recent issue of the weekly magazine Ogonyok. He concluded that in Western European countries such statements would be treated as unconstitutional, the persons propagating them would be called to account and the organizations supporting them would be disolved."

Yet the monarcho-Nazis seem to be meeting no serious opposition—indeed, more often sympathy and connivance—from important party and government leaders of the U.S.S.R. It is instructive, for example, that in the platform of the Soviet Communist Party on ethnic problems published in August 1989, not a single word was said about the anti-semitic campaign against so-called cosmopolites (1949), the shooting of leading Jewish writers and artists (1952), or the disgraceful "Doctor's plot." (1953), while many other Stalin-era crimes against various nationalities of the Soviet people were scrupulously mentioned.

Similarly, an appeal by more than 200 people's deputies of the U.S.S.R. to the Presidium of the First Session of the Congress of People's Deputies in June 1989, expressing concern about the "growing wave of anti-semitic activities, including open calls for violence that could lead to irretrievable consequences," went unanswered. That was also the fate of a letter written to Gorbachev on this subject by 10 distinguished scientists and writers in September 1989.

The explanation of such passivity on the part of the authorities seems quite simple. In addition to the evident sympathy of many authorities on different levels to the views of the monarcho-Nazis, others who do not sympathize nonetheless hesitate to act because of the way the growing aggressiveness of the monarcho-Nazis is linked to the bloody ethnic conflicts and intensifying separatist movements in nearly all of the outlying districts of the Soviet Union.

Specifically, this situation offers the monarcho-Nazis considerable opportunities for blackmail and intimidation of Gorbachev and his closest advisers, through the claim that, in conditions of the "decline of empire," the Russian heartland and her "genuine sons" constitute the only reliable basis for preservation of Gorbachev's power. Such arguments are being used to push Gorbachev toward the right and to divide him from his true supporters on the left—the liberal intelligentsia. The result could be a repetition of the circumstances that produced the downfall of Khrushchev in 1964.

In parallel with their attempts to intimidate Gorbachev, the monarcho-Nazis have been openly attacking his foreign policy. They even have accused Gorbachev of being an agent in the service of the CIA and the Israeli intelligence service, the Mossad. With this two-pronged strategy of intimidation and direct attack, the Russian monarcho-Nazis hope to attain either a decisive influence over Gorbachev's policies or his removal and replacement at the seat of power by supporters of their movement.

What would that mean for Soviet Jews? The answer is all too clear from the similarity of the monarcho-Nazis' program to that of Hitler. The Russian monarcho-Nazis already possess their equivalent to Hitler's SA and SS, in the form of the Pamyat movement. This movement does not disguise its intentions to carry out programs against the Jews, to whom it refers using the insulting word "shidy" (yids). In fact, members of Pamyat have been organizing well-attended meetings all over the country to call for pogroms—even in Moscow's Red Square on Nov. 12, 1989—and no one has stood in their way.

Hitler treated as Jews those who have more than one-quarter Jewish blood. Pamyat goes further. It has announced its intention to search for Jewish progenitors back to the 10th generation. New recruits to Pamyat are required to prove their "racial purity" and to provide to the organization the home addresses of five Jews—no doubt for the purposes of the pogroms to come. Opponents of the monarcho-Nazis movement who happen to be "racially pure" or "Aryan" are characterized, along with all liberal intelligentsia, as "masons" (or *"zhido-masons,"* i.e., supporters of Jews); and these are also the targets of pogrom propaganda.

The brazenness of monarcho-Nazi threats against Soviet Jewry has been increasing. In addition to anti-semitic rallies and the desecration of Jewish cemeteries around the country, which have been going on for some time, it now seems that meetings of liberal intellectuals are no longer safe from disruption by Pamyat thugs.

On the evening of Jan. 18 of this year, for example, a meeting of the progressive "April" group of writers at the Central House of Writers in Moscow was invaded by some dozens of Pamyat monarcho-Nazis with megaphones. They roughed up some of the writers, forcibly ejected others from the hall, shouted anti-semitic slogans and announced that their next visit will be with automatic weapons. They also designated St. George's Day, at the beginning of May, for a pogrom. The police were called but took their time in arriving, and there were no arrests.

Further increases in anti-semitic activities (especially, of course, actual violence) surely will lead to a mass exodus of Jews, people of partly Jewish extraction and "racially pure" liberal intelligentsia. This new wave of emigrants—refugees from monarcho-Nazi power—could reach several millions and would represent a serious brain-drain from the U.S.S.R.

As for the possibility of another Holocaust, it certainly could not reach the scale of earlier Nazi crimes: The world has changed too drastically in the last half century for that. But a wave of pogroms more or less along the lines of the infamous *"Kristallnact"* cannot be ruled out—weaker if a government like the present one tries to oppose them, stronger if a successor government of the monarcho-Nazi stripe sympathizes with the pogrom lust.

What should be done? As a start, the world public should be informed of the activities and intentions of the new followers of Hitler in the Soviet Union and should be told their names. The famous "Brown Book" published by anti-fascists in 1933, after all, was the first important step in the exposure of the Nazi crimes of that era. Clearly, the publishers of newpapers, journals and books, and producers of electronic media, have an important role to play.

The stakes are high. If the monarcho-Nazis prevail and perestroika collapses in an orgy of chauvinism and racism, the results are likely to include not only a rapidly growing degree of anarchy in the Soviet Union but even the outbreak of civil war. In a country still laden with tremendous stockpiles of nuclear and chemical weapons, as well as a widespread network of nuclear power plants, such a chain of events could quickly become not just a national but an international catastrophe.

A RABBIS' RABBI SEEKS THE ESSENCE OF JUDAISM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MICHEL. Mr. Speaker, an interesting story appeared in yesterday's Washington Times, which profiled Rabbi Menachem Mendel Schneerson.

Rabbi Schneerson is the spiritual leader of the Chabad-Lubavitch movement, and as such has had a profound effect on all who have known him. Indeed, in recognition of his accomplishments, President Bush issued a proclamation, which was introduced by myself and the distinguished majority leader at that time, the Honorable TOM FOLEY, dedicating Education Day U.S.A. for 1989 and 1990 to Rabbi Schneerson.

I urge my colleagues to read this article to gain a better appreciation of a truly great and fascinating man.

A RABBIS' RABBI SEEKS THE ESSENCE OF JUDAISM

(By Richard Lipkin)

BROOKLYN.—He is old, but his energy amazes men of much younger years. He is soft-spoken, but when he speaks hundreds of thousands listen.

And from the renovated confines of a former private hospital in Brooklyn, his words and teachings drive a movement that challenges, inspires and routinely provokes Jews all over the world.

They call him the rabbi of all rabbis. The faithful say he is preparing the way for the messiah. Many of his adherents insist he is the messiah.

He is Menachem Mendel Schneerson, an 87-year-old rabbi who since 1950 has been the spiritual leader of the controversial, zealous branch of Hasidic Jews known as the Chabad-Lubavitch.

Rabbi Schneerson is the rebbe, or rabbis' rabbi. And because rabbi means teacher in Hebrew, he is the teachers' teacher as well.

"In a world in which there are many self-proclaimed Jewish leaders and very few Jewish followers, I have to say that Rabbi Schneerson is an authentic leader," says Steven Bayme, a director of the American Jewish Committee.

This month, when Rabbi Schneerson marked his 40th anniversary as rebbe, more than 10,000 Orthodox Jews from around the world went to Brooklyn for a week of celebration and reflection. In Manhattan, a column of so-called Mitzvah-Mobiles rolled down Fifth Avenue. These "tanks" in the rebbe's war against Jewish assimilation into secular Western culture are recreational vehicles equipped with religious items—virtual learning centers on wheels to reclaim "wayward" Jews.

"He has mobilized a strong following and seems to have incredible capacities to motivate people to action," Mr. Bayme says. "When he says things people jump."

Some critics maintain that when the rebbe speaks, too many people jump. He has been criticized for, among other things, seeking to influence Israeli politics.

"People's reaction to Lubavitch are sort of a Rorschach test of their own feelings about Judaism," sayd Gary S. Rosenblatt, editor of the Baltimore Jewish Times. "Either they get all warm and fuzzy and nostalgic when they meet Lubavitchers or else they become very hostile."

"In the last couple of years, significant conflicts have erupted between Lubavitchers and the mainstream Jewish community," adds Mr. Bayme. "Some conflicts have been over issues of public policy, where Lubavitch has legally challenged the separation of church and state. However, that is not nearly as central as the conflict over who is a Jew—or more importantly, who is a rabbi. That is no small matter to members of the non-Orthodox community. Many people saw them as trying to delegitimatize non-Orthodox rabbis."

As a result, "there has been a spate of Lubavitch-bashing in the last few years that I think has been divisive among the Jewish community," Mr. Bayme says. "They've become a popular target for non-Orthodox Jews, as if the Lubavitchers typify the worst aspects of Jewish life."

The goal of the Chabad-Lubavitch movement, it seems, is to restore modern Judaism to its proper condition by reviving its "essence," or, as spokesman Rabbi Yehuda Krinsky says, "the authentic spirit and practice of Jewish life, as it is stated in the Torah and the Talmud."

FUELED BY MESSIANISM

The movement, named after the Russian town of Lubavitch, is a branch of the broader Hasidic tradition that originated in 18th-century Poland. Hasidim are Orthodox Jews known for their piety and distinctive appearance—black hats, black coats, long beards.

But at a time when other branches of the Jewish tradition appear to be losing adherents, Lubavitch appears to be prospering. Best estimates suggest a worldwide following of 500,000 to 700,000, with the largest population, about 25,000 in the Crown Heights section of Brooklyn.

In summer 1940, Lubavitch Hasidim purchased the building at the corner of Eastern Parkway and Kingston Avenue, once a private hospital run by wealthy doctors. Earlier that year the doctors had been jailed for performing illegal abortions and 770 Eastern Parkway went on the auction block.

The Lubavitchers converted it into a shul, a Yiddish word meaning school or synagogue. Adding kosher kitchens and refurbishing offices with bookshelves that brim with Talmudic scholarship, they turned the building into their world headquarters.

By 1970, the group had roughly 200 Chabad Houses, or places of worship and Lubavitcher activities, in 22 countries. Today, it has more than 1,000 houses in 30 countries, including 180 in the United States.

"There is an enormous amount of good work being done here," says Arthur Hertzberg, a historian and professor at Columbia University. "But let's understand the fuel that fires it. The fuel from within is messianism—the idea that this rebbe is preparing the way for the messiah. Many Lubavitchers believe Schneerson is himself the messiah. True, he never said he is. But he's never explicitly denied it either."

INTELLECTUAL TRADITION

Rabbi Schneerson is the seventh in a dynastic line of Lubavitcher leaders. Born in Nikolayev, Russia, in 1902, he studied religious law as a boy and then electrical engineering at the University of Berlin and the Sorbonne. After receiving degrees, he married in 1929 and emigrated 12 years later to the United States.

He rose as a Hasidic scholar and went on to head the Lubavitch educational program. He speaks six languages fluently and several others haltingly. Upon becoming rebbe, he turned his attention fully to biblical study. Rabbi Schneerson's writings and lectures since 1950 fill 125 volumes.

"He wields enormous influence," says Mr. Hertzberg. "In a sense, his own life is a metaphor for what he has done in the Lubavitch movement."

"The thing about Chabad—which means chochma bina daas, standing for wisdom, understanding and knowledge—is that their tradition is more intellectual than most other Hasidic sects," says Norman Podhoretz, editor of Commentary magazine, published by the American Jewish Committee. "I think that has a great bearing on the vitality of the movement."

Concerned about the inability of residents of the Soviet Union and Eastern Europe to express their religions, Lubavitch became active in an underground movement to help Jews practice theirs.

Among other activities, Lubavitch emigres from the East block founded an organization called FREE, Friends of the Refugees of Eastern Europe, more than a decade ago to help emigrating Jews and others to resettle in various countries, primarily the United States and Israel.

"About two or three years ago, the rebbe anticipated perestroika/glasnost and began to speak about it, suggesting that people make preparations for a mass exodus," says Rabbi Krinsky. "At the time, most other Jewish organizations thought he was crazy. . . . He suggested building facilities to care for these people when the Soviet Union began to collapse."

The Lubavitchers did, and went on to build Satec, a research facility in Jerusalem, where scientists and intellectuals from the East bloc, Jews and non-Jews alike, could continue their work.

President Bush issued a proclamation last April praising the rebbe and the movement for worldwide endeavors in promulgating ethical values and dedicating Education Day U.S.A. for 1989 and 1990 to Rabbi Schneerson.

MAKING ONESELF "NEW"

On a typical Friday afternoon in Crown Heights, a siren on a nearby apartment building sounds 18 minutes before sundown, signaling the start of the Sabbath. Under darkening skies, the shadows of frozen trees drag across the grates of closed kosher shops. Men hustle to get to shul before sundown. Women are indoors, lighting candles. And throughout the neighborhood, police cars roam to prevent trouble from outsiders.

"This is like an oasis in the middle of hell," says one patrol officer.

Inside the shul, hundreds of men stand shoulder to shoulder in a worship area that vaguely resembles an aging banquet hall.

Soon, they begin to chant in unison, "Ay yai yai yah yai-yai-yai-yai-yah." Smiles appear on the men's faces. The women watch from a gallery above.

A fissure forms in the crowd and Rabbi Schneerson walks through, stepping spryly to a podium beside a wooden ark that contains the Torah. He says his prayers, bowing to the east. For the next 24 hours, no one will work, use electrical appliances or operate machinery. They will put worldly matters aside and pray, talk, sing, eat and sleep.

On Saturday, praying commences at 10 a.m. and continues until noon. The Hasidim go home for a quick lunch, then return to the shul for the afternoon farbrengen, or gathering.

By 1 p.m. the room is packed and the singing begins again. The rebbe sits on a table above the crowd so he can be heard—a difficult task, since he speaks softly in Yiddish.

The silent crowd seems to breathe and sway gently in unison. From above, it looks like swells in a sea of black hats.

No tape recorders may run, no scribes may take notes. Several rabbis memorize the rebbe's talks. After sundown, they will go to word processors and type out the entire lecture verbatim.

On the farbrengen Feb. 5 commemorating his 40th anniversary, Rabbi Schneerson focuses on the injunction that the Almighty "has given you a heart to know, eyes to see and ears to hear." After explicating a lengthy biblical allegory, he interprets: "After a period of 40 years, one graduates to an entirely new state, attaining that which is above and beyond one's natural capabilities."

The renewal, he says, permeates a person's entire being, "so that this new elevated state is experienced in every aspect of his life."

In examining one's daily conduct, he adds, "everyone can find how to make of himself a 'new being.'"

HOSTING THE MULTITUDES

Though Saturday night marks a return to the secular world, by 10 a.m. Sunday, the rebbe is standing before the shul's eastern wall, cloaked, like everyone else, in a prayer shawl (called a tallis) and wearing, bound to his forehead and left upper arm, the tefillin, a pair of leather boxes containing four segments of the Torah.

"In Jewish scripture, it says that you shall bind the holy words against your hand, which refers to the heart, and between your

eyes, which means against the head," explains Rabbi Krinsky.

The rebbe prays for 40 minutes, then moves out to a vestibule to greet visitors. Though they pass quickly, he says something to everyone, blessing them and presenting each with a crisp $1 bill "so that they may go out into the world and use it for tzedaka, or charity," says Rabbi Krinsky.

On his feet for six to eight hours straight, Rabbi Schneerson's stamina wears out his entourage. Each passerby exchanges words and a glance, transfixed by his electric blue eyes.

On a typical Sunday, as many as 5,000 people pass through between 11 a.m. and 3 p.m. On his 40th anniversary, the number exceeds 10,000, the queue lasting past dark and including New York Mayor David N. Dinkins and state Attorney General Robert Abrams.

The dignitaries gone, chaos resumes as thousands of men, women and children press forward to greet Rabbi Schneerson. "You are a doctor? Yeah? Good luck for you and all your patients."

DYNASTY'S FUTURE?

The rebbe will turn 88 in April. He has no children, though so far the dynasty has followed, primarily, patrilineal descent.

He has lived alone for the past two years, since the death of his wife of 60 years. This prompts varied reactions: For some, it is a source of concern; for others, curiosity or indifference or even relief.

A decision has not been made as to who will succeed Rabbi Schneerson. Some people believe the dynasty, and perhaps the movement, will end with him. Others argue that the situation will provide an opportunity to begin a new dynasty.

"They seem to be one of the few groups in the Jewish community that takes seriously the Jewish value that one soul is the equivalent of an entire world," Mr. Bayme says.

PERSONAL EXPLANATION

HON. ENI F.H. FALEOMAVAEGA

OF AM. SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to inform my colleagues concerning certain names that were not included in yesterday's CONGRESSIONAL RECORD. I certainly do not fault the recorders and reporting staff, because some of these names are in the Samoan language, and as such they were just not able to correctly spell the names of those individuals whom I mentioned in my statement yesterday.

Mr. Speaker, for the record, I made reference to the honorable president of the senate who is Paramount Chief Letuli Toloa, and also our speaker of the house, High Chief Tuana'itau Tuia.

Additionally Mr. Speaker, I made reference to Lt. Gov. Galea'i Poumele, who is presently in charge of our overall territorial disaster task force to address the problems caused by Hurricane Ofa.

Mr. Speaker, I want to note the names of the above gentlemen as it should have been printed on page H 555 of the CONGRESSIONAL RECORD dated February 28, 1990.

I appreciate very much the patience and professionalism of our reporters and printers who work so diligently each day to provide what I consider the most comprehensive and accurate accounting of our proceedings each day we are in session.

Mr. Speaker, I also want to add for the RECORD a statement from my dear friend and colleague, the gentleman from Hawaii [Mr. AKAKA] for his support and willingness to assist me with whatever Samoa may need as a result of the devastation caused by Hurricane Ofa.

Mr. Speaker, thank you for your attention to this matter.

HURRICANE OFA

SPEECH OF

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1990

Mr. AKAKA. Mr. Speaker, I rise today to join my dear friend and colleague, Congressman ENI FALEOMAVAEGA of American Samoa, to call the attention of Congress to the devastating hurricane, Hurricane Ofa, which hit American Samoa and Western Samoa on February 2. I do so to ask the support of my colleagues to provide additional resources if that becomes necessary. I also wish to extend my deepest sympathy to the families of those who died in Western Samoa, and commiserate with my Pacific Island friends in the Samoas.

The immediate effects of Hurrican Ofa were devastating to say the least, and its continuing impact grave. Fortunately, though damage and destruction of property was extensive, there were no deaths in American Samoa. However, hundreds were injured, some seriously. Twelve died in Western Samoa. We in Hawaii, especially the Samoan community, have risen to the emergency with food and clothing drives. However, the devastation is so great that volunteer action alone will not meet the crisis of food, clothing and housing, and power shortages. Immediate congressional action may become necessary after a more complete posthurricane assessment is completed, and I urge my colleague to rise to the occasion.

Under the proven and forceful leadership of Congressman FALEOMAVAEGA, the administration acted with alacrity to come to the assistance of American Samoa. Once requested by Governor Coleman for a declaration of emergency on February 9, the President declared American Samoa to be a major disaster area within 3 days, thus setting the stage for immediate action by the Federal Emergency Management Agency which I'm advised is doing a splendid job with the resources available to it. I want to assure Congressman FALEOMAVAEGA that he and the people of Samoa have my full support.

TRIBUTE TO MARVIN ALTENBURG

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. HERTEL. Mr. Speaker, I rise today to honor an outstanding man, Mr. Marvin Altenburg, who has been named "Lutheran Layman of the Year" by the Lutheran Luncheon Club of Metropolitan Detroit. He is a member of St. Thomas Lutheran Church in east Detroit and will be honored at a special ceremony on March 6, 1990.

Marvin has displayed tremendous dedication to the Lutheran community all of his life. Marvin is currently a member of the St. Thomas Senior Choir and Men's Chorus. In the past he served as the president and vice president of the congregation and was the Sunday School superintendent for 15 years. He also took an interest in athletics; coaching and playing on the church baseball team and serving as treasurer for the bowling team.

Outside of the St. Thomas community Marvin has also displayed deep commitment to other activities in the area. He was past president of the Greater Detroit Sunday School Association, and was past president of the Lutheran Luncheon Club, and is currently a member of the Lutheran Layman's League and is involved in the Luthern East High School Booster Club.

Marvin has also been a man who is dedicated to his job. He worked at Michigan Bell for over 42 years as a staff manager and retired in 1983. He has continued to be involved with his former job through the Pioneers of America, an industrial volunteer organization which is sponsored by the Bell Co. He has been a member for 26 years and served as president of the Southfield Council and even served as president of the Wolverine Chapter for 1984–85.

Marvin is an individual who is dedicated to his religion and helping those in the Lutheran community in the Metropolitan Detroit area. My dear colleagues please join me in honoring Mr. Marvin Altenburg as he is honored as the "Lutheran Layman of the Year."

THE SHORT-TERM EXTENSION OF THE ENERGY POLICY AND CONSERVATION ACT

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SHARP. Mr. Speaker, today, Congressman MOORHEAD and I are introducing a bill to extend the Energy Policy and Conservation Act [EPCA] from April 1 through August 15, 1990. Unless EPCA is extended before April 1, 1990, the Department of Energy may not have sufficient authority to draw down the strategic petroleum reserve [SPR] in response to an oil shortage.

The bill is a 4½-month extension of title I and a 2½-month extension of title II. Title I

contains authority to fill and use the SPR; title II contains an antitrust exemption for the major oil companies which would allow them to coordinate use of oil supplies during times of oil shortages. Part of the function of this bill is to put the expiration of title I and title II on the same schedule.

This short-term extension of title I is the second recent short-term extension. A previous extension had extended title I of EPCA from June 30, 1989 to April 1, 1990. An important feature of this extension was a requirement for the administration to complete a study of alternative financing mechanisms for the SPR.

This study was completed on February 1. It contained a recommendation that the Congress consider legislative language that allows, but does not require, the Department of Energy to lease oil for storage in the SPR. The legislative language is unusually complex and will require detailed review to assure it provides appropriate oversight safeguards as well as giving DOE sufficient latitude to credibly sit at a bargaining table with potential lessors of oil.

With their study, the Department submitted a recommendation not to expand the SPR beyond 750 million barrels. These two issues alone are of sufficient importance and complexity that it will be impossible to adequately consider them before the current expiration of EPCA.

In addition to these two issues, there are other unresolved issues related to the SPR. These include increased flexibility in Presidential authority to draw down the SPR; the desirability of some refined product storage in the SPR; authority to allow the SPR to be used to respond to domestic shortage; currently its use is restricted to shortage in oil imports, and authority to conduct test drawdowns of the SPR.

Therefore we are recommending this short-term extension to allow proper and deliberate consideration of the reports, the energy policy issues, and the implications they raise.

The Subcommittee on Energy and Power will move expeditiously to consider these issues and recommend a bill to improve the way we use the SPR, our first line of defense against an energy emergency.

H.R. 4167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended—

(1) sections 171 and 104(b)(1), by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990"; and

(2) in section 281, by striking out "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

SODOMY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. DANNEMEYER. Mr. Speaker, ever since the Supreme Court decided the Hardwick case in 1986, questions have been raised about the crime known as sodomy. Indeed, particularly within the District of Columbia, there seems to be quite a bit of confusion regarding the crime and its enforcement—or lack thereof.

Although sodomy is a crime in 24 States as well as in the District of Columbia, the District is unique in that Congress rejected a recent attempt by the DC City Council to abolish the crime, see *United States* v. *Langley,* 112 WLR 801 (Sup. Ct.). For this reason, and because Congress has both a particular interest and specific constitutional responsibility with regard to crimes committed in the Nation's Capital, it seems appropriate to try to put some of the confusion to rest.

This memo, therefore, attempts to briefly address some of the most common questions and misconceptions related to the crime of sodomy in the District of Columbia.[1] The issue is addressed generally, and the memo does not expressly or by implication refer to any particular Member of Congress. As the attached article indicates, sodomy and solicitation for sodomy remain serious problems in the District, and interfere with education at the District's major universities, including Georgetown and George Washington.[2]

Is a law prohibiting sodomy in private between consenting adults constitutional, or does it violate fundamental rights?

In a case with the ironic name of "Hardwick," the U.S. Supreme Court made it clear in 1986 that there was no fundamental right for homosexuals to engage in sodomy, even in private, and that it was not constitutional for States to make homosexual sodomy a crime,[3] even when committed in private and between consenting adults. See *Bowers* v. *Hardwick,* 106 Sup. Ct. 2841 (1986).

The court based its decision on the fact that:

(1) sodomy had been a crime ever since the Nation began, and that it remained one in 24 States and the District of Columbia at the time of the decision;

(2) sodomy had been universally condemned throughout most of history; and

(3) a contrary holding with regard to sodomy would probably mean that other sexual acts committed in private—that is, incest between consenting adults—would probably also have to receive constitutional protection.

Not specifically mentioned, but certainly not far from the minds of the Justices, was the argument that making homosexual sodomy a fundamental constitutional right would make it very difficult if not impossible to adopt laws, regulations, and even enforcement policies aimed at controlling the spread of AIDS through anal intercourse.[4]

To justify actions closing down bath houses and other places where homosexuals frequently practice anonymous sodomy, restricting male-male escort services which often serve as a cover for prostitution, keeping homosexuals out of the Army and so forth would have required a showing that there was a compelling governmental interest, and that the Government had taken the narrowest, weakest possible action which could protect that interest.[5] In practice, this is a very difficult standard to meet.

Is it true that sodomy, like other so-called victimless crimes which occur in private, are rarely if every prosecuted?

Sodomy, like other crimes which occur strictly in private and do not have immediate identifiable victims, is usually not prosecuted in the absence of aggravating circumstances.[6] However, this is not always true, and such cases are frequently punished where one or more of a large number of aggravating circumstances are present. This section compares sodomy with other so-called victimless crimes.

(1) prostitution: Mistresses who are kept by men, and compensated for providing sex are usually not prosecuted—nor are the men—if the activity is done strictly in private and in a discreet manner. This is true even if someone else—for example, the man's jealous wife—finds out and seeks prosecution.

Indeed, even escort and outcall services are not often prosecuted because the sexual acts are kept secret. Notorious cases, in which the matter creates a public scandal like the "Mayflower Madam" case in New York City, are the exception which tends to prove the rule.

(2) illicit drug use: The use of illicit drugs in private between consenting adults is rarely the basis for prosecution by itself. Where drug-related prosecutions occur they are more likely to involve selling or attempts to sell, attempts to use or acquire the drugs in a public place, or where drug possession is uncovered as a result of an investigation into something more serious. However, vigorous prosecution efforts are frequently employed where the perpetrator is a politician, sports celebrity, or other public figure.

(3) gambling: Gambling which occurs in private is almost never prosecuted, even where it is illegal. However, where aggravating circumstances are present—such as where it occurs in public, involves cheating, result in fights, has connections to organized crime, and so forth—it may be.

(4) miscellaneous: Telling fortunes, even for money, incest when it occurs between two mature consenting adults, charging excessive rates of interest for noncommercial loans, and other so-called victimless crimes are also rarely prosecuted except where aggravating circumstances are present.

What types of aggravating circumstances are likely to result in a prosecution for sodomy or other victimless sex crimes?

It appears that while people are usually not charged with the crime of sodomy unless there are aggravating circumstances, prosecutions are frequently brought where there are aggravating circumstances. These aggravating circumstances for sodomy include:

(1) when it occurs during the course of robbery, rape, or some other crime involving violence;

(2) when one of the parties claims that violence or the threat of violence was used, even if the evidence is not strong enough to support a conviction;

(3) when minors are involved, as was apparently true in the Gobie case;

(4) when it occurs in public or in a public place, or where the solicitation is occurring in a public place. From time to time one reads

Footnotes at end of article.

about situations where restrooms known to be used for casual homosexual sodomy are put under surveillance, and those engaged in the act are arrested;

(5) where it occurs as part of an act of prostitution, or in connection with other crimes such as drug dealing;

(6) when charging the perpetrator may help persuade him to confess to other crimes, or to otherwise assist the police by providing information, cooperating in a setup, and so forth;

(7) where it involves a prominent person and/or becomes known to the public in such a way that law enforcement authorities cannot ignore it.[7]

Does the public's knowledge of a crime constitute an aggravating circumstance justifying prosecution?

Indeed, there appear to be many circumstances where an action which would not ordinarily be prosecuted as a crime is treated in this way because of the need to make an example and to avoid giving the public the wrong impression that persons escape prosecution because of their station in life. The following are recent examples.

(1) It is not unusual for prosecutorial authorities to fail to prosecute for a variety of reasons, but to be forced to change their minds by public pressure which results from an exposure of the situation on television or in a newspaper article.

(2) Persons who violate the income tax law are generally dealt with in civil proceedings, However, in the case of prominent people such as Mrs. Helmsley, or tax protestors who publicly boast about their activities, prosecution may be seen as warranted so as to deter others from engaging in similar acts. Otherwise, prominent people seem to be getting away with it, and this harms public confidence in the fair enforcement of the law.

(3) Situations in which an innocent person uses deadly force to defend against a threat are usually not made the basis for prosecution. New York City subway shooter Bernhard Goetz appears to have been an exception because of the massive publicity and public outcry, even though persons involved in similar situations occurring at the same time were never even charged.

(4) Mayor Barry is of course a prime example of this general principle. Certainly the U.S. attorney would not have conducted a lengthy and very expensive investigation resulting in an elaborate sting operation if he had received information that an ordinary person such as a businessman was using cocaine at parties, and in private with close friends or business associates. However, when politicians, rock stars, and other prominent persons are involved, prosecution is more likely because of the significant deterrent effect it will have on nonprominent people, and to avoid any impression that "big shots" can get away with it.

Is sodomy a crime which is rarely if ever prosecuted, both in the District of Columbia and elsewhere?

Contrary to the view of many people who know little about the criminal justice system, sodomy is prosecuted with some frequency in the District as well as elsewhere.

For example, at least half a dozen convictions for sodomy were reviewed by the D.C. Court of Appeals, the District's highest court, during the year 1989, and were the subject of a written opinion. Most were affirmed, and where they were not it was on some technical or evidentiary basis having nothing to do with the nature of the crime. This number does not include those convictions for sodomy which were appealed and did not result in a written opinion. It also appears that during the 1980's, approximately 60 sodomy cases were decided by the same court.

It is also generally true that for every conviction of a crime which is reviewed by a jurisdiction's highest court, there are dozens if not hundreds of convictions which are not appealed, and a much larger number of situations in which the crime was charged, but the person was allowed to plead guilty to a lesser offense, or was found not guilty. Thus it would appear that sodomy is still prosecuted with some frequency in the District.

To see what the pattern was in other States, the WESTLAW service was asked to determine how many cases there were in other States decided during the year 1989 which had the word "sodomy" in them. The answer was over 500. While not all of these cases involve convictions of the crime, and may use the word only incidentally in connection with other matters, it does suggest that there are a significant number of sodomy prosecutions in other States also.

In addition, the NEXIS service was asked to see how many news and magazine stories in its database written during 1989 mentioned the word "sodomy," and also used in the same article any one or more of the following words: "convict," "conviction," "charge," "charged," or "appeal." The answer was that far more than 500 did.

When the same search was narrowed to the period of the last 3½ months—after October 1989—the number was still over 200. While some of these stories may likewise only mention sodomy in some other context, this research also indicates that the term is alive and well in the news media as well as the courts, and that prosecutions in other States with similar statutes occur frequently.

FOOTNOTES

[1] As it is most states where it is illegal, sodomy is a very serious crime in the District of Columbia. Prohibited by § 22-3502, it is a felony punishable by 10 years in jail. It has also been held in the District that consensual sodomy is a "crime of moral turpitude," *Valez-Lozano* v. *Immigration & Naturalization Serv.*, 462, F.2d 1305 (D.C. Cir. 1972), thereby providing the basis for deportation or disbarment of persons found guilty.

There are also several other criminal statutes which apply to sodomy: see, e.g., Inviting for purposes of prostitution, § 22-2701; making lewd, obscene, or indecent sexual proposals, § 22-1112; maintaining premises for lewdness or prostitution, § 22-2713; and keeping a bawdy or disorderly house, § 22-2722.

[2] "Book Directs Homosexuals to Local College 'Cruising' Spots," Brian Reilly; Washington Times, February 23, 1990:

Officials at Georgetown and George Washington universities have been forced to consider increasing security at campus buildings that became major homosexual "cruising" spots after being listed in a national homosexual guidebook.

"It is not conducive [to the functions] of the university to have people engaging in homosexual activities in the bathrooms," Capt. RoccoGrande [of GWU] said. "Officers enter the men's rooms and check for anything suspicious."

Ms. Gatta said most of the "cruisy areas" listed concern men's bathrooms, and said the homosexuals use restrooms in order to protect themselves.

"You can't be that blatant," she said. "You can't just get down and do it in the hallway."

"The problem needs to be handled on the societal level," said Marcel Prather, president of GW's Lesbian and Gay People's Alliance. "When there is less homophobia, there will be a decrease" in such incidents.

However, Mr. Prather said that because of the burgeoning problem in the GW student center, "I personally don't feel comfortable using the bathrooms."

Recent reports of homosexual activity and indecent exposure in Georgetown University's Lauinger Library included the drilling of holes in the partitions separating stalls in the men's rooms which, according to the university security director, could be used for peep holes or for anonymous sex.

"If there is a hole, it can be used for any purpose," said Georgetown security director William Tucker . . .

"They are seeking quick, anonymous, furtive sex," Whitman-Walker health educator Joe Izzo said. "It's been going on for centuries, and I don't believe it's going to stop."

[3] The U.S. Supreme Court specifically limited its decision to acts of sodomy between homosexuals. Most experts seem to agree that it would be unconstitutional to make heterosexual sodomy illegal, especially between married people, since it falls within the zone of privacy which applies to acts related to procreation and reproduction.

[4] According to the most recent report from the Center for Disease Control dated January 26, 1990, 115,786 cases of AIDS in adults and adolescents have been reported. Of these 70,093 (60.5%) were reported among homosexual or bisexual males, 24,212 (20.9) among intravenous drug abusers, and an additional 8,117 (07%) among homosexual males who were also drug abusers. In contrast, the total number of reported cases among both heterosexual men (2,308, 02%) and women (3,322, 2.9%) who are not drug abusers was less than 5% of the total. It is also relevant to note that Washington D.C. had more reported cases than all but five cities: New York, Los Angeles, San Francisco, Houston, and Newark, N.J.

[5] Within the past several days the U.S. Supreme Court rejected arguments that barring homosexuals from the armed forces violated either the First Amendment of Equal Protection rights of homosexuals. In doing so the Court held that the government need only show a rational basis, not a compelling state interest. See *Ben-Shaiom* v. *Marsh*, 58 U.S.L.W. 2118 (1990).

[6] In other words, homosexuals who engage in acts of sodomy in strictest privacy with lovers with whom they have a long-term commitment and a lasting and loving relationship probably have little worry about prosecution, see, e.g., Hardwick. However, they engage in random acts of sodomy with prostitutes, or with casual strangers in semi-public places, prosecution is much more likely, and also much more justified. See note 2.

[7] For example, several months ago the National Law Journal reported on a male state senator who apparently let a call girl perform oral sodomy on him at a party, and who was then charged and (to the best of my memory) pleaded guilty to a lesser offense.

[From the Washington Times, Feb. 23, 1990]

BOOK DIRECTS HOMOSEXUALS TO LOCAL COLLEGE "CRUISING" SPOTS

(By Brian Reilly)

Officials at Georgetown and George Washington universities have been forced to consider increasing security at campus buildings that became major homosexual "cruising" spots after being listed in a national homosexual guidebook.

"Bob Damron's 1989 Address Book," a North American guidebook for homosexuals, lists buildings at Georgetown, Catholic, Howard and George Washington Universities and the University of Maryland as so-called "cruisy areas" where homosexual men can seek out semi-public illicit sex.

Capt. Anthony RoccoGrande of the GW security department said the university attempts to thwart such activities by "barring suspicious individuals" from campus buildings who are not affiliated with the university in any way.

"It is not conducive [to the functions] of the university to have people engaging in homosexual activites in the bathrooms," Capt. RoccoGrande said. "Officers enter the men's rooms and check for anything suspicious."

He said homosexual men seem to target the student center, or Marvin Center, and he is concerned with what he called the predisposition of off-campus men to frequent the building. "We don't want this to become a mecca of the homosexual community," he said.

Officials at GW and Georgetown have considered increasing ID checks at entrances to the buildings, all of which are now open to the public. But both Marvin Center Operations Director Donald Cotter and Georgetown Librarian Joseph Jeffs said such measures are often too costly and burdensome.

Gina Gatta, a sales representative for the San Francisco-based Damron Co. that publishes the address book, said they receive the information on the cruising areas from readers. She said the book is a resource for homosexuals across the continent, and the varying locations are listed and deleted depending on reader requests.

"We don't go looking for the spots. We keep them in the book until readers say, 'I don't want it there'" because of problems with law enforcement or outbreaks of violence.

Ms. Gatta said most of the "cruisy areas" listed concern men's bathrooms, and said the homosexuals use restrooms in order to protect themselves.

"You can't be that blatant," said. "You can't just get down and do it in the hallway."

The head of GW's student homosexual rights group said he does not condone the activities but sympathizes with the men who resort to such measures.

"The problem needs to be handled on the societal level," said Marcel Prather, president of GW's Lesbian and Gay People's Alliance. "When there is less homophobia, there will be a decrease" in such incidents.

However, Mr. Prather said that because of the burgeoning problem in the GW student center, "I personally don't feel comfortable using the bathrooms."

Recent reports of homosexual activity and indecent exposure in Georgetown University's Lauinger Library included the drilling of holes in the partitions separating stalls in the men's rooms which, according the university security director, could be used for peep holes or for anonymous sex.

"If there is a hole, it can be used for any purpose," said Georgetown security director William Tucker.

A number of "suspicious" sexual activities have been reported so far this year at the Marvin Center on 21st Street NW, prompting campus security to increase patrols in the building.

The director of the Marvin Center, LeNorman Strong, said the homosexual activities in the restrooms of the building "represent a significant nuisance to members of the university community using the bathrooms for necessary purposes."

On the Georgetown campus, the G.T. Walsh building, Nevils Hall and the McDonough Gym were included in the 1989 address book as well as the new 1990 edition.

Security officials at Georgetown and GW said the reported incidents, for the most part, do not involve university students, and campus security officials agreed that such sexual activities in campus buildings is a problem facing many urban colleges.

Mr. Tucker said he constantly reminds Georgetown security forces to "increase your security checks and, in the library, see who is frequenting the bathrooms."

The Georgetown student paper, The Hoya, last year quoted an anonymous library employee as saying homosexual activity in the restrooms increased over the summer months and library officials actively checked the men's rooms in order to erase messages that set up "meetings for anonymous sex."

A health educator at the Whitman-Walker Clinic, which provides legal and medical services to local homosexuals, said all metropolitan colleges suffer from this problem that arises when "closeted gay and bisexual men do not think they can have sex in an open relationship."

"They are seeking quick, anonymous, furtive sex," Whitman-Walker health educator Joe Izzo said. "It's been going on for centuries, and I don't believe it's going to stop."

Other area universities have had similar problems in the past. Buildings at Catholic University of America and Howard University were listed in Bob Damron's 1989 Address Book, but were omitted for the 1990 edition.

Clay Goldston, Catholic's director of public security, said there have been two reported cases of so-called "flashing" of private parts in the campus library, but he has not received reports of furtive sexual activities in the restrooms.

Howard's security director, Lawrence Dawson, said there were reports of such activities occurring in campus buildings in the past, but there were no reports in the last two years.

CRUISY AREAS

According to the 1990 edition of Bob Damron's Address Book, cruisy areas includes parks, beaches, highways, rest stops, university campuses and other public facilities. The book said these places "may or may not be active, depending on the season, weather and time of day. Some are extremely dangerous (AYOR) * for various reasons and all should be visited strictly at your own risk. Play safe."

"P Street Beach," 23rd and P streets NW (AYOR).

"Rest Stop," on I-95 South, between Baltimore and Washington.

"The Block," from 30th to 31st streets NW between O and Dumbarton streets (Late).

Ninth Street NW from E to H streets.

George Washington University student center.

Georgetown University—G.T. Walsh Building, Gym and Nevis Hall.

Park Avenue, bounded by New York Avenue, 12th, 11th and I streets NE.

The woods surrounding P Street (AYOR).

* At your own risk.

THE INTRODUCTION OF THE BANK AND THRIFT REGULATORY AGENCY MERGER ACT OF 1990

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SCHUMER. Mr. Speaker, today, along with my colleagues Mr. CHAPMAN of Texas, Mr. FRANK of Massachusetts, Mr. RANGEL of New York, and Mr. RINALDO of New Jersey, I am introducing the Bank and Thrift Agency Merger Act of 1990. This legislation would abolish the Office of Thrift Supervision [OTS], which supervises all savings and loans and their holding companies, and transfer its responsibilities to the banking regulators.

Throughout the last decade the predecessor to the OTS, the Federal Home Loan Bank Board, was in disarray, unable to properly regulate the industry which it was supposed to oversee. The result was paralysis and weak regulation, setting the stage for the savings and loan debacle, the most expensive financial crisis in history.

In 1989, Congress passed the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA]. In addition to providing the organization and at least some of the money necessary to clean up the mess, FIRREA was designed to address the disorder brought by the S&L crisis by forcing the industry to comply with the same accounting, capital, and other regulatory standards that the banking industry has always adhered to.

FIRREA sought to repair that ineffective thrift regulatory system by replacing the old Bank Board with a new agency, the OTS. The key to resolving this crisis, and to limiting the cost to the taxpayers, is to minimize the number of S&L's that fail. That critical task currently falls on the shoulders of the OTS. Unfortunately, the OTS does not seem to be up to the task.

FIRREA was an important first step in getting the thrift industry back on its feet. The time has come for Congress to complete the job it began and eliminate the last remnant of the S&L crisis, the Office of Thrift Supervision. The Bank and Thrift Regulatory Agency Merger Act accomplishes that goal by eliminating the OTS, which will:

Provide the thrift industry with a stable, proven and permanent regulatory that can properly guide it over the long road to recovery. The current chaos and paralysis at the OTS guarantees future problems if not immediately corrected.

Maintain consistency between the standards that apply to S&L's and the corresponding standards that apply to their competitors, the banks. At this time, the rules are being interpreted and promulgated differently, causing confusion, disorder, and competitive inequality.

Save money through the elimination of the current duplicative system. Maintaining a separate and redundant bureaucracy for a shrinking industry is expensive and wasteful.

Create an environment that will attract the quality people necessary to regulate complex

financial institutions. Disorder, negative publicity, and a shrinking industry have made the OTS a less attractive place to work, causing key people to resign and discouraging prospective employees. The administration's inability to find someone willing to serve as the new director of the OTS has highlighted this critical problem.

Currently, the OTS supervises both Federal and State savings and loans as well as the savings and loans holding companies. Under this act, the OTS would be dissolved and its supervisory duties would be delegated to the Office of the Comptroller of the Currency [OCC] and the Federal Reserve Board. As a result, the OCC would be responsible for overseeing Federal and State S&L's as well as national banks, which it currently supervises. The Federal Reserve would assume responsibility for the S&L holding companies, consistent with its authority over bank holding companies.

It is important to note that this act would not eliminate the separate thrift industry, nor would it even change the laws, regulations or rules under which S&L's or their holding companies are currently operating. Indeed, all laws and regulations that affect S&L's, including those mandated by FIRREA, would remain intact and unchanged. All this legislation proposes to do is to eliminate an agency that is unable to fulfill its mandate and is not necessary in the long run.

The current situation at the OTS is abysmal. M. Danny Wall, Director of OTS, announced his resignation months ago. With no replacement forthcoming from the administration, the agency is rudderless. And the confidence among his subordinates necessary to make important and difficult decisions is nonexistent. The result is arbitrary regulation which damages healthy S&L's and pushes marginal S&L's needlessly toward insolvency. At this critical juncture, Congress must act to ensure that all S&L's are supervised by a strong regulator.

Mr. Speaker, the OTS is a redundant agency, and its removal will end needless and costly duplication and confusion. Moreover, eliminating this agency will save the taxpayers money. This act will finish what FIRREA started and help end the national embarrassment that has been the savings and loan scandal.

ACCESSIBLE TELEVISION FOR ALL AMERICANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. BONIOR. Mr. Speaker, I am proud to support the Television Decoder Circuitry Act of 1990 introduced by my colleague Representative MAJOR OWENS today. Over the years, much progress has been made in expanding closed-captioned television programming. By requiring new television sets to be equipped with built-in decoder circuitry, this legislation represents the next step toward equal access to television for deaf and hard of hearing Americans and establishing a self-sustaining captioning service.

As Congressman OWENS has pointed out, television has become a central part of our society in gaining access to entertainment, news, and education. Unfortunately, many Americans with a hearing loss are denied full and equal access to this vital source of information, now taken for granted by the hearing population. Until the 1970's, deaf and hard of hearing persons had no access to television. The development of closed-captioned television programming has made it possible for deaf and hard of hearing persons to see what television has to say. Through the years, I have been proud to play a role in Federal funding initiatives to start and expand closed-captioning services. Currently, the Federal Government funds about 40 percent of closed-captioning services.

Since 1979, the amount of closed-captioned programming has dramatically increased. The Commission on the Education of the Deaf reported that by the end of 1987, there were more than 125 hours of closed-captioned programming per week. This year, 100 percent of prime-time shows will be captioned. In order to provide economic incentives for the continued growth of closed-captioning, more homes need to be provided with decoders.

The National Captioning Institute estimates that at least 1 million homes need to receive closed-captioning in order to make the captioned service economically viable and independent of Federal funding. However, since 1979, decoder sales have been far below that figure. Many senior citizens simply cannot afford to purchase a separate decoder and are reluctant to do so because of the stigma attached to it.

To many deaf and disabled people, purchase of a separate decoder is an economic hardship. A Lou Harris survey found that two-thirds of all disabled Americans between the age of 16 and 64 are not working. Those disabled people who are working are often in low-paying jobs with little opportunity for advancement.

Technological advances now make it possible for manufacturers to include built-in decoder circuitry at a nominal cost. By requiring the installation of decoder circuitry on new televisions with screens 13 inches or larger, closed-captioning will soon reach all 24 million deaf or hearing impaired Americans.

In addition, studies show that closed-captioned television facilitates the teaching of literacy skills. It is a national tragedy that an estimated 23 to 27 million American adults are functionally illiterate. Another 3 to 4 million Americans learning English as a second language will benefit from built-in decoders.

The Television Decoder Circuitry Act of 1990 is supported by a number of leading organizations representing deaf and hard of hearing people, including Gallaudet University, the National Association of the Deaf, the Alexander Graham Bell Association for the Deaf, the National Center for Law and the Deaf, the American Speech-Language-Hearing Association, the American Society for Deaf Children and Self-Help for the Hard of Hearing, the Conference of Educational Administrators Serving the Deaf, and the Conference of American Instructors of the Deaf.

Congressman OWEN'S statement notes the many other organizations representing educators, the television industry, and consumers who back this bill. Mr. Speaker, I urge my colleagues to support this legislation to provide decoder technology for the millions of Americans who can benefit from it.

WEIR FARM, CONNECTICUT'S FIRST NATIONAL PARK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mrs. KENNELLY. Mr. Speaker, Connecticut may be a small State, but it certainly has many great treasures. Today I joined my Connecticut colleagues in introducing legislation which would make one of those treasures—the J. Alden Weir Farm of Wilton and Ridgefield, CT—my State's first national park.

Weir Farm is more than just a beautiful estate. Since its acquisition by artist J. Alden Weir in 1882, Weir Farm has served as both a retreat and inspiration for great American artists. With over 200 acres of meadows, woodlands and wetlands, the Farm's landscapes and pastoral setting have inspired many wonderful works, including those of its owner, J. Alden Weir, considered by many to be the leader of the American Impressionist Movement. At Weir Farm, every rock, tree field, barn and house on the land has been recorded and explored in paintings. They offer a glimpse of the beauty of the land at the turn of the century—and they remind us of the importance of preserving that land for the enjoyment of generations ahead.

Weir Farm has also became the gathering place for some of the best American artists of the era, including Childe Hassam, J.H. Twachtman, and Albert Pinkham Ryder. Following Weir's death in 1919, his son-in-law Mahonri Mackintosh Young—a grandson of Brigham Young and a gifted artist in his own right—sculpted many of his finest works at the farm, including monuments to the Mormon tradition now installed in Salt Lake City and throughout Utah. Many of Young's works have been left in the house at Weir Farm. Today, artists Sperry and Doris Andrews live and work at Weir Farm, making them the third consecutive American artists to have occupied and cared for Weir Farm since Mr. Weir first acquired this property.

Many have worked to preserve the farm. Trust for public land, cooperating with the Andrews family and descendants of Mr. Weir and Mr. Young, bought back what they could of the original property. Simultaneously, the Weir Farm Heritage trust was formed by local residents, selectmen, State legislators, conservationists, and art enthusiasts to raise money for the protection of the farm and to manage it until the Park Service could participate.

In 1984 Weir Farm was listed on the National Register of Historic Places. The Connecticut State Legislature voted just this past year to bond $4.25 million dollars to purchase the 60 acres of the original Weir Farm. In addition, last week a coalition of 20 national conservation groups issued a report calling on Congress to fund land acquisition at Weir Farm.

For an amount not to exceed $1 million, the Park Service can acquire what is left—the 2-acre core parcel of land which includes the houses, barns, studios, with original furnishings intact—a seemingly small price to pay for an investment that will so greatly enrich the State of Connecticut, and add to the cumulative value of these United States.

As the first national park paying tribute to an American Painter, Weir Farm would enhance public awareness and appreciation of history, the arts and the environment.

TRIBUTE TO AN UNSELFISH COMMUNITY LEADER: BILL NELSON

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. BRYANT. Mr. Speaker, I take this opportunity to acknowledge and honor the unselfish dedication and caring contributions of a man who devoted the last few years to caring for AIDS patients, before the disease claimed his own life.

Bill Nelson, 40, was one of Dallas' most prominent and active leaders in the fight for human rights for all people. His compassion for people in humble circumstances, for people discriminated against regardless of the reason, for people felled by disease or ignored by insensitive bureaucrats, guided his public life.

He stood up for homeowners against the encroachment of commercial development and devastating traffic patterns. He stood up for the rights of all minority citizens. He stood up for the needs of AIDS victims with a strength that belied his own disease.

"Even in his death, he was a role model in fighting this disease," said William Waybourn, a successor of Bill Nelson as president of the Dallas Gay Alliance. "He didn't give up; his body did."

Bill Nelson cofounded Dallas' AIDS Resource Center to help those with the disease and educate those most at risk. Under his direction, the center became perhaps the most effective AIDS education and service provider in Texas.

After two Dallas residents with AIDS were discovered without food, he also started the AIDS Food Pantry, which now feeds more than 400 families each month.

Venturing into the elective political arena, Bill Nelson ran for the Dallas City Council in 1985 and 1987. Although he did not win, he captured more than 23,000 votes in his second citywide contest, and he succeeded in bringing a challenging new perspective to local political debate.

At the time, Bill Nelson was director of the Dallas Homeowners League and president of the Vickery Place Homeowners Association in East Dallas. He was a community activist in every sense of the term.

His work earned him a citation by the Texas State Senate last year. He was also a recipient of the Texas Human Rights Foundation's Robert Schwab Award for community service and the United Our Way Humanitarian Award.

Bill Nelson was born in Galveston, TX. He earned bachelor's and master's degrees from Southern Methodist University in Dallas. He taught literature and humanities courses at W.T. White High School for 10 years before opening the Crossroads Market antique store.

Bill Nelson leaves a legacy of compassion, dedication, and strength that transcends human boundaries. He and his valuable work will be missed.

RECOGNITION OF WALTER L. "MICKEY" CORBAN'S INDUCTION INTO "WHO'S WHO IN MISSISSIPPI"

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a great citizen of my district, Walter L. "Mickey" Corban.

Mickey Corban has been selected for induction into the recognition publication, Who's Who in Mississippi. Only those Mississippians that are noteworthy of success in their fields of endeavor are chosen to appear in the publication annually.

Mickey Corban and his family are former Franklin County residents. He and wife Pauline now reside in Pearl, MS.

"The professional achievements and service in the fields of education and business have distinguished Mickey Corban as a predominant figure in Mississippi. The entire advisory board of Who's Who in Mississippi joins the family, friends, and associates of Mr. Corban in extending our heartfelt congratulations and thanks for his unselfish devotion to making Mississippi a wonderful place to live, work, and play," stated Chuck Lambert, chairman of the advisory board.

Mr. Speaker, I am glad to have Mickey Corban as my friend and to commend him on his noteworthy achievements and service in the fields of education and business in the State of Mississippi.

NATIONAL FFA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. NATCHER. Mr. Speaker, the members of the Future Farmers of America celebrated National FFA Week with the theme "FFA—Leading the Challenge."

The Future Farmers of America is a vocational education organization for high school students who are enrolled in vocational agriculture classes in public high schools or area vocational education centers.

Each chapter is encouraged to participate in at least one community service activity during the school year. The Future Farmers of America gives recognition to members for achievements at the chapter, district or area, State, and national levels. This allows each vocational education-FAA member the opportunity to participate and receive recognition.

During the past year there were 11,917 FFA members in 147 chapters in my home State of Kentucky. Over 1,000 FFA members and teachers attended one week of FFA leadership development at the Kentucky FFA Leadership Training Center in Hardinsburg, KY last year.

The FFA Chapters, and individual members, in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, received many awards at the State and national levels in 1989.

Timmy Herndon (Spencer County)—Agricultural Sales and/or Service; Greg Willoughby (Allen County)—Dairy Production; Daniel Fisher (Allen County)—Diversified Crop Production; Timmy Lee (LaRue County)—Floriculture; Tim Powell (Breckinridge County)—Forest Management; Scott Elliott (Daviess County)—Oil Crop Production; Mason Crawford (LaRue County)—Poultry Production; David Pace (Warren Central)—Extemporaneous Speaking; Jon Ragan (Warren Central)—Public Speaking; Jim O'Donoghue (Breckinridge County)—Impromptu Speaking—Beef; Mark Ballman (Breckinridge County)—Impromptu Speaking—Swine; and David Booher (Franklin-Simpson)—Impromptu Speaking—Horse, were recognized at the State level. Greg Willoughby also was recognized in the Computers in Agriculture category and represented Kentucky at the National Convention.

Eric Lawson (Franklin-Simpson), Eric Sweazy (Spencer County), Tommy Bartley (Barren County), Cindy Leachey (Washington County), and Debbie Winchell (Breckinridge County) were members of the Reporter Corps at the State Meeting.

The following chapters were also recognized at the State level: Barren—Treasurer's Book Award, Secretary's Book Award, and Chapter Safety (2d place); Breckinridge—Chapter Meeting Award, and Farm Business Management; Apollo—Record Keeping; Spencer—Treasurer's Book, and Farm Business Management; and East Hardin—Farm Business Management.

The Spencer County and Barren County Chapters placed first and second in the Chapter Safety Program at the State level and received gold and bronze awards at the national contest. The Apollo, Daviess County, Barren County, Breckinridge County, East Hardin, and Spencer County Chapters were recognized as Superior Chapters in the Chapter Safety Program at the State level.

The Spencer County Chapter participated in the Building Our American Communities Program at the State and national levels. At the national level the chapter received a bronze award and at the State level the chapter received a gold award. Also receiving awards at the State level were the Warren East (silver), Breckinridge (bronze), Franklin-Simpson (bronze), and Warren Central (bronze) Chapters.

National Chapter Awards were presented to chapters that had proven their excellence in carrying out a program of activities. Chapters were designated as gold, silver, or bronze winners. The following chapters from the Second Congressional District were recognized;

Apollo, Breckinridge County, and Spencer County—silver; Barren County, Daviess County High, and East Hardin—bronze.

Marty A. Chandler (Franklin), Timmy Herndon (Mt. Eden), Scott D. Jernigan (Franklin), Paul A. Miles (Owensboro), Shannon Morgan (Alvaton), and Kimberly L. Tooley (Utica) were recognized at the National Convention for attaining degree requirements and outstanding performance in the Future Farmers of America, and received American Farmer Degree.

Danny Oliver of Scottsville was a member of the National Band and Beth Henderson of Irvington was a member of the National Chorus.

The Apollo Chapter was 1 of 33 affiliates recognized as Outstanding FFA Alumni Affiliates at the National Convention.

I know of no group of young people who are accomplishing more in the area of agriculture than the members of the Future Farmers of America. At this time I would like to commend all of those associated with the FFA for their achievements, and I wish them continued success in all their future endeavors.

A MEDICARE RESPITE BENEFIT: KEEPING PEOPLE IN THE HOME

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. WALGREN. Mr. Speaker, today I am introducing a bill to add to the Medicare Program a respite benefit for in-home care of the chronically ill. I was able to incorporate a similar benefit in the Medicare Catastrophic Program in 1988, but it was eliminated when Congress repealed the Medicare Catastrophic Program last year.

Under my bill, a chronically dependent person could receive up to 120 hours of care—homemaker/home health, personal care, or nursing care services—during a year. Respite care is intended to give relief and assistance to the caregiver, usually a spouse or other family member. My bill is intended to provide a limited in-home benefit to supplement current Medicare home health benefits and to allow the individual to remain in the home and avoid institutionalization in a nursing home.

The majority of elders being cared for by family are 80 years of age or older and have multiple impairments—people needing a high level of care. Caring for a chronically ill or disabled elderly person is more than a full-time responsibility. Most families want to keep the person at home and provide a loving environment. Respite care gives the caregiver limited relief—under my bill, 10 hours a week. Even the most heroic caregivers become tired and overwhelmed. They are better caregivers when they get a little help.

Among the Nation's elderly, 3.6 million live in the community and are disabled in some activities of daily living, such as eating, toileting, and moving. Most of these people require help to remain at home and many cannot be left alone.

Eighty percent of the most chronically dependent elderly live in a community setting, an approach most of us wish to encourage. Seventy-five percent of these individuals can stay at home because they have a caregiver, usually a spouse or son or daughter, who provides virtually all of their care.

We should note that most of the elderly and disabled are institutionalized not because of a breakdown in health, but because of the breakdown of supports—illness or death of a spouse, change in living arrangement, the absence of anyone to take care of them. By preventing institutionalization, we can reduce costs to the Medicaid Program or other expensive institutional costs. More important, we can keep people at home where they want to be.

I hope the Congress can reexamine the gaps in Medicare coverage and find the resources and will to add a good respite and other benefits to the program.

IN SUPPORT OF H.R. 1141, FAMILY LEAVE BENEFITS ACT OF 1989

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. CRAIG. Mr. Speaker, once again Congress is hearing rumors that H.R. 770, the Family and Medical Leave Act, is coming to the floor. Proponents of the bill often misleadingly refer to it as a "parental leave" bill, or "family legislation." In fact, this bill is just another attempt by big government to interfere with families and private initiatives by imposing Federal mandates.

Yes, there have been great changes in the family structure, and many employers have responded on their own accord, without Government prompting. Unfortunately, H.R. 770 will only serve to disrupt this trend and create some unwanted side effects.

Women and men of childbearing years will be confronted with subtle discrimination. An employer faced with two equally qualified candidates—one likely to take leave and the other not likely to take it—probably will hire the one less likely to take leave because that person offers more stability and a lower price tag.

Mr. Speaker, this legislation is counterproductive to the interest of employees and employers alike. It is simply a fact of life that many small businesses have limited resources, which restricts the amount available for benefits. A Federal mandate dictating what type of benefits must be provided only reallocates portions of the benefit budget, disregarding the employee's choice of benefits. Some small businesses, unable to absorb the cost, would be forced to close their doors. This could have drastic effects on our economic growth, and unemployment. Let us not forget, Mr. Speaker, that small business has fueled the recent U.S. economic expansion.

Workers who typically would not use the mandated leave in H.R. 770, will also be discriminated against. They will see the scope of benefits available to them reduced, as businesses are forced to adjust their compensation packages to reflect federally mandated priorities.

Mr. Speaker, Congress can assist America's families without this sort of Federal intrusion, by voting against H.R. 770 and supporting H.R. 1141, the Family Leave Benefits Assistance Act of 1989. H.R. 1141 is a better alternative. It offers incentives, helping employers and private organizations to meet the needs of working men and women and their families.

THE TELEVISION DECODER CIRCUITRY ACT OF 1990

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. OWENS of New York. Mr. Speaker, today, along with Congressmen GUNDERSON, BONIOR, BERMAN, LLOYD, SLATTERY, SYNAR, WYDEN, BILIRAKIS, and CHANDLER, I am introducing the Television Decorder Circuitry Act of 1990 which promises to ensure full and equal access to television for all Americans, including 24 million Americans who are deaf or hard of hearing. This legislation will also help in the fight to combat illiteracy which can benefit 23 to 27 million American adults who are functionally illiterate, 3 million Americans learning English as a second language, and millions of deaf, learning disabled and hearing children. In a letter of support, the Bill Cosby Show stated that "it becomes clear that very few families in the United States will not be touched by this bill in a positive way."

Today, we all take television for granted. It has become much more than a medium of entertainment. It provides a crucial link to the world with news and has become the central way we share information in our society. However, the benefits of television are not fully accessible to all Americans. Millions of deaf and hard of hearing citizens are still denied full access to television. While the technology of closed-captioning has opened the door to television viewing, the cost of separate decoders and the lack of incentive to close caption all programs has denied many Americans the full view of what television offers.

In a letter to the Commission on the Education of the Deaf, ABC noted:

> . . . [if] decoders were more widely used and viewership to grow, the marketplace can be relied upon to increase captioning because more viewers would be reached at a decreased per capita cost. Increased decoder ownership—not just more captioning—is required for a strong, selfsustaining captioning service.

The National Captioning Institute [NCI] concurs that the future of closed captioned television service is:

> Inextricably tied to the number of households who access it. In order to eliminate the need for ongoing federal funds and to make the captioned service economically viable and self-sustaining, captioning must reach into at least 500,000 homes and ideally 1,000,000 by 1990.

The Commission on the Education of the Deaf [COED] cited that the low number of decoders purchased by consumers resulted in a lack of commerical incentives for private funding of captioning services and was one of the

main impediments to a self-sustaining captioning service. Since 1979, only 170,000 decoders have been sold according to the COED report.

Technology offers an alternative solution to the survival of closed-captioned programming. Companies are currently working on this technology, and have indicated that by the end of 1991, a built-in decoder circuitry chip can be built right into new television sets at a nominal cost. This will greatly increase the audience that can be served by closed-captioned television. It will reach more than 24 million deaf and hard of hearing Americans, including 38 percent of senior citizens.

Closed-captioned programming has also been shown to have tremendous benefits for teaching literacy skills. Several studies have indicated that exposure to closed-captioned television improves students' word recognition, reading comprehension, and language retention skills and is a motivational tool for learning. The U.S. Department of Education, on the basis of a Census Bureau test, stated that 13 percent of the adult population are unable to read other tests have found 20 percent of them to be "functionally incompetent." Jonathan Kozol, in his book, "Illiterate America," indicates an even more deplorable situation. He states that 45 percent of the adult population do not read a daily newspaper—10 percent by choice; the remainder because they are functionally illiterate. A study by the National Assessment of Educational Progress estimates that 23 to 27 million American adults are functionally illiterate. Another 3 to 4 million are learning English as a second language according to the "Final Report on the Project of Adult Literacy" by Forest Chisman.

In order to reach this potential audience and ensure a strong, self-sustaining captioning service, we need to pass this legislation mandating built in decoder circuitry. This bill would require that all new televisions with screens 13 inches or larger, whether manufactured in the United States or imported for use in the United States, be equipped with built in decoder circuitry designed to display closed-captioned television transmissions. The bill would further require the FCC to promulgate rules providing performance and display standards for built in decoder circuitry. Such rules shall require that all built in circuitry receive and display closed-captioning by October 1, 1992.

Mr. Speaker, this bill is designed to support a strong, self-sustaining captioning service that will reach the millions of Americans who will benefit from this technology. I urge my colleagues to join me in supporting this legislation to provide full and equal access to television for all Americans.

ORGANIZATIONS ENDORSING THIS LEGISLATION

TELEVISION INDUSTRY

Sanyo Fisher Corporation.
The Corporation for Public Broadcasting.
The National Association of Public Television Stations.
The Cosby Show.
National Captioning Institute.
The Captioning Center.
Caption America.
KCNC-TV, Denver, Colorado (NBC).
WRKR, Rochester, New York.
KAET, Tempe, Arizona.
WRGB, Schenectady, New York (CBS).
WJLA, Washington, D.C. (ABC).
WGBH, Boston, Massachusetts (PBS).

EDUCATIONAL ORGANIZATIONS

National PTA.
National Education Association.
American Federation of Teachers.
Laubach Literacy International.
Literacy Volunteers of America—Barbara Bush, Honorary Chair.
Council for Exceptional Children.
Gallaudet University.
Gallaudet University Alumni Association.
Conference of Educational Administrators Serving the Deaf.
Convention of American Instructors of the Deaf.
International Reading Association.
National Association of State Directors of Special Education.

NATIONAL DISABILITY ORGANIZATIONS AND OTHER NATIONAL ORGANIZATIONS

Learning Disabilities Association of America.
Alexander Graham Bell Association for the Deaf.
American Association of Retired Persons.
American Association of the Deaf-Blind.
American Civil Liberties Union.
American Council of the Blind.
American Deafness and Rehabilitation Association.
American Foundation for the Blind.
American Society for Deaf Children.
American Speech-Language-Hearing Association.
Association for Education and Rehabilitation of the Blind and Visually Impaired.
Association for the Retarded Citizens of the United States.
Council of State Administrators of Vocational Rehabilitation.
Disability Rights Education and Defense Fund.
Disabled But Able to Vote.
Epilepsy Foundation of America.
Mental Health Law Project.
National Association of Developmental Disabilities Councils.
National Association of the Deaf.
National Association of Protection and Advocacy Systems.
National Center for Law and the Deaf.
National Council on Independent Living.
National Council on Rehabilitation Education.
National Council of Senior Citizens.
National Easter Seal Society.
National Fraternal Society of the Deaf.
National Head Injury Foundation.
National Network of Learning Disabled Adults.
National Rehabilitation Association.
National Shorthand Reporters Association.
Paralyzed Veterans of America.
Registry of Interpreters of the Deaf, Inc.
Self Help for Hard of Hearing People, Inc.
Spina Bifada Association of America.
Telecommunications for the Deaf, Inc.
United Cerebral Palsy Association.
World Institute on Disability.

LEGISLATION TO BENEFIT THE TAXPAYER AND LAW ENFORCEMENT COMMUNITY

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. STAGGERS. Mr. Speaker, I rise today to introduce legislation that will be of benefit to the taxpayer and the law enforcement community. This legislation will provide full law enforcement authority to all criminal investigators in the offices of inspectors general [OIG]. At the present time a system of confusion exists. This legislation would confer full law enforcement authority including making arrests, issuing search warrants, and carrying firearms.

Let me take a few moments to explain the present state of disconnection within the law enforcement component of the offices of inspectors general. By statute, OIG's are charged with the responsibility of conducting investigations of programs and operations in their agency. Although the statutory law enforcement responsibilities of all OIG's are identical, they do not have uniform authority to exercise law enforcement functions. At the present time there are more than 1,900 criminal investigators—GS-1811's. Less than half of these special agents exercise some limited form of enforcement powers through existing or delegated authority.

Like their traditional law enforcement brethren in the FBI, DEA, IRS, Customs, and Secret Service, these agents conduct investigations through the use of review of records, use of informants, surveillance, undercover operations, approved electronic monitoring, and interviews with witnesses and subjects of investigation who are hostile. Many of the witnesses these investigators come in contact with are involved in substantial criminal activity including numerous types of violent crimes.

However, unlike traditional law enforcement agents, OIG special agents must frequently enter high crime areas to gather information, or serve subpoenas without the protection of firearms. There are numerous examples where this lack of firearms have placed many of these agents in undue danger and have contributed to felons remaining unapprehended.

I will not use this time to detail many of the incidents that have come to my attention regarding the need for this legislation. It is sufficient to say that every agency that has criminal investigators can detail examples of agents being placed at risk or suspects or investigations that have been hampered by this lack of full law enforcement.

Special agents of the OIG's currently meet the same experience and training requirements as agents in other Federal agencies having full law enforcement authority. All OIG agents must pass the criminal investigators course at the Federal Law Enforcement Training Center [FLETCC] or similar training such as courses at the FBI Academy.

Two-thirds of OIG special agents have previously been employed by traditional law enforcement agencies. Information given to me shows that 84 percent hold college degrees,

in comparison to 77 percent in the other law enforcement agencies. Of that 84 percent, 18 percent had advanced degrees in comparison to only 8 percent in other law enforcement agencies.

I am sure that some will tell you that these agents can go through a process in the Federal courts and be deputized, or call on the assistance of other law enforcement agencies to assist them. They already do both. The problem remains that at time and places where the assistance is needed it may not be available. Deputation is a complex process that may take months. No less than three different units within the Department of Justice must approve these requests for deputation.

Mr. Speaker, there is no additional cost to the taxpayers to provide full law enforcement powers to these agents. These agents are already trained to use firearms. In fact, it has been estimated that if this legislation would free up 100 FBI agents and/or deputy marshals from having to assist OIG criminal investigators over the course of a year, it is believed that a savings of more than $4 million could be achieved.

This legislation has the full support of the Association of Federal Investigators. I urge my colleagues to support this legislation.

BLACK HISTORY MONTH

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleague from Ohio, Mr. STOKES, for calling this special order on Black History Month. It is especially fitting that this year's theme is "The Father of Black History, Carter G. Woodson: A Living Legacy" as we witnessed in 1989 the removal of long established racial barriers with the elections of David Dinkins, Norman Rice, and L. Douglas Wilder; and 1990 has already proven to be a watershed in black history throughout the world with the release of Nelson Mandela. I am proud to take part in this special order to celebrate the significant contributions of African-Americans to our society.

The work of Carter Woodson has enabled all of us as a nation to study the history of African-Americans. His work has opened new frontiers for scholars. Mr. Woodson's publications have been used as the standard text in the study of black history in this country. His life was dedicated to chronicling the achievements of the African-American community with the belief that if a race has no recorded history then its achievements will be forgotten.

As an accomplished historian, Carter Woodson recognized the need to celebrate the achievements and contributions of blacks worldwide. Most of the resources on black history available today can be traced back to Carter Woodson. His work serves as an inspiration to all of us.

I believe that Mr. Woodson's work serves a significant function in our society. It is critically important to educate our children to the 300 years of struggle of African-Americans. Black History Month and the work of Carter Woodson help us to focus on the past, present, and future of the fight for social justice in our society. We must recognize that the struggle is still far from being over. Yet this year we should be encouraged by the progress we have made. Not long ago freedom for Nelson Mandela seemed unlikely and an end to apartheid appeared impossible.

I am proud to represent an area where we enjoy an abundance of creativity and innovation within our African-American community. With the help of the Glide Memorial Church, St. Paul of the Shipwreck, the Third Baptist Church, the Washington Senators, and the Omega Boys Club, we will find solutions to the crises in education and drugs. I am encouraged by the work of these groups within our community and I commend them for their creativity and achievements.

I look forward to continuing my involvement as an associate member of the Black Caucus to ensure job opportunities, affordable housing, health care, and drug treatment and rehabilitation services for all Americans. Again I would like to thank the gentleman from Ohio for calling this important special order. Thank you.

THE TELEVISION DECODER CIRCUITRY ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GUNDERSON. Mr. Speaker, throughout my years in Congress I have often remarked that one of my most rewarding experiences has been to serve on the Gallaudet University Board of Trustees and encounter a silent culture of profound dimensions. This interaction, coupled with frequent interaction with deaf members of my staff, has opened my ears to their needs and inspired my action. I can honestly say, Mr. Speaker, spending time with my deaf and hearing-impaired friends is like going home. It is a challenging pursuit and I cherish it.

For these reasons and because of these experiences, I am happy to join several of my colleagues in sponsoring the Television Decoder Circuitry Act of 1990. This bill, like many others this body has considered in recent years, holds great potential benefit for millions of Americans. It will provide the 24 million deaf and hearing-impaired Americans universal access to television broadcast programming and it will provide our literacy organizations and volunteers with yet another source to which they can turn to help empower the 23 million functionally illiterate Americans.

Rarely, does a day go by, Mr. Speaker, when you or I or any other Member of this House does not watch TV. In fact, I would be hard pressed to imagine our world without it: Financial shows, news broadcasts, talk shows, sitcoms, sporting events, the list of television broadcast programming is endless. We watch because we hear. And while I applaud those in the industry who have made a conscientious attempt at closed captioning [CC] programs, many hours of television are still only accessible by the hearing world. Presently, low decoder ownership and a lack of incentive for captioning services serve to prohibit viable and independent captioning. This bill, however, provides an answer.

In essence, the TV Decoder Circuitry Act would require that televisions with screens 13 inches or larger be equipped with a decoder circuit chip which display CC television transmissions. The cost is nominal, estimated to be $5 to $10 dollars per TV and it has received broad industry support.

I strongly support this legislation and would urge my colleagues to consider its enormous potential and join with me to support the Television Decoder Circuitry Act.

RECOGNITION OF NAIA DIVISION II NATIONAL CHAMPIONS WESTMINSTER COLLEGE

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. RIDGE. Mr. Speaker, I rise today, as I did last March, to speak of a group of young men that deserve special recognition. In athletic competition, it is extremely difficult for individuals or teams to repeat as champions in consecutive years. As good as Notre Dame played in 1989, they could not duplicate their 1988 national championship. The student athletes at Westminster College, a prestigious liberal arts school of 1,300 students, in New Wilmington, PA, were asked to repeat as Division II champions and deserve special recognition for their incredible effort and untiring excellence.

Led by their coach, Joe Fusco, the Westminster Titans obtained their second consecutive and a record fifth overall NAIA—National Association of Intercollegiate Athletics—Division II football championship. The team also extended their Nation-high winning streak to 27 games, while posting the first ever back-to-back, unbeaten, untied seasons in Westminster history. The team won the championship game in competition with an outstanding team from the University of Wisconsin-LaCrosse by a score of 51 to 30. The Titans exemplified their championship spirit, when they fought to victory after being down by two touchdowns.

One hero, among the game's many stars, and most valuable offensive player, was quarterback Joe Micchia. Even though Micchia was playing with stretched ligaments on his throwing hand, he still completed 18-of-33 passes for 219 yards and 4 touchdowns. Another hero and most valuable defense player was corner Lou Berry, whose interception of a 2-point conversion and subsequent 100-yard return with 5 minutes left in the game gave Westminster a comfortable lead and confidence that victory was theirs.

Many players on this championship team also received individual honors. Joe Micchia was named Kodak College Division II All-America, second-team NAIA Division II All-America, and third-team quarterback on the Associated Press Little All-America Team. Brad Tokar was named second-team NAIA Division II All-America, while Kevin Blazer, Andre

Borowicz, Jeff Catanzarite, Pat Shannon, and Dan Shorts received honorable mention to the NAIA Division II All-Americans. Not only were the players honored, but head coach Joe Fusco was voted the area coach of the year.

Jeff Catanzarite, Pat Shannon, Rob Kokor, Frank Mantinaos, Craig Schweiger, and Brad Tokar were all named Academic All-Americans. This particular honor attests to the fact that the Westminster Titans are not only strong competitors on the football field, but also in the classroom. The team began practice 2 weeks before the start of the semester and were taking finals the same week as the championship game. Even with the tremendous athletic demands placed on all members of this championship team, the 91-member squad was able to finish the semester with a 2.8 grade average, which was the highest in Westminster's history.

I would like to join the family of the players and the many loyal fans of the Westminster Titans to congratulate them on this spectacular season and historic accomplishment, both on and off the field.

HOME OF THE INFANTRY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. RICHARDSON. Mr. Speaker, I recently had the opportunity to visit Fort Benning, GA—the "Home of the Infantry." It is an outstanding training facility operated by the U.S. Army.

With the infantry school as its primary activity, Fort Benning is regarded by many as the world's most influential military center, having produced some of our country's most prominent leaders and innovative combat doctrine.

During my stay at Fort Benning I was impressed with not only the physical facilities at the military post and the school, but was most overwhelmed by the outstanding men and women who serve and work at Fort Benning.

Fort Benning has a proud heritage encompassing some 72 years. Its mission is the same today as it was back in 1918: "to produce the world's finest combat infantrymen." As evidenced during my visit, Fort Benning is not only living up to its mission, but the facility stands ready for the challenges of the 20th century and beyond.

I ask my colleagues to join me in honoring Fort Benning as the men and women there form a strong team, dedicated, able and willing to go the extra distance.

INTRODUCTION OF MAGLEV RIGHTS-OF-WAY BILL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, few inventions in the world surpass the importance of the wheel in contributing to the progress of humanity. The wheel allowed the world's first travelers to move quicker, easier, and further than before. Today I would like to say a few words about H.R. 3714, legislation to make the wheel obsolete.

This legislation is the companion bill to S. 221, introduced in the first session of this Congress by Senator MOYNIHAN. It would authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system. The main provision of this legislation would amend chapter 1 of title 23 of the United States Code by adding at the end of that chapter a new section. This section would direct the Secretary of Transportation to prescribe regulations under which States will be allowed to use rights-of-way along Federal-aid highways for the construction of magnetic levitation systems.

Magnetic Levitation [Maglev] trains are transportation systems which travel on a magnetic cushion generated between magnets located in the vehicles and metal guideways. Speed and direction of Maglev systems are controlled by the spacing of the magnets and the power of the electric current. The trains have no physical contact with the guideway. This allows the attainment of greater speeds with a much smaller expenditure of energy and virtually eliminates roadbed maintenance.

Maglev was invented at Brookhaven National Laboratory, in my district, over 20 years ago. Research on this technology was conducted in the United States until 1975. While research has since come to a halt in the United States, Japan and West Germany have moved full speed ahead in developing this technology. Each of these countries has spent over a billion dollars developing working Maglev systems.

Florida, Ohio, Nevada, Pennsylvania, and California are all currently considering the construction of Maglev systems. Unfortunately, the companies most likely to be awarded contracts for these projects are from West Germany or Japan, because the United States has not to date produced the economic environment necessary for the development of a domestic Maglev industry.

This legislation will help to produce a domestic Maglev industry without spending any Federal money. Land acquisition costs are, by a factor of 10, the most expensive component of the construction of this system of transportation. By using the rights-of-way along the Federal highway system, we can eliminate or greatly reduce the land acquisition costs and make the construction of Maglev systems economically possible.

Maglev is a technology that makes sense for the conditions we will face as we enter the 21st century. Maglev can travel at speeds up to 300 miles per hour. With this speed, Maglev is a competitive alternate to short-distance airline flights. It can reduce the problems of airport overcrowding, airport noise, air pollution, and the consumption of aviation fuel. As Maglev would parallel our highway system, it can reduce gasoline consumption and reduce the burden and deterioration of our roads and bridges. Because there is no friction involved, Maglev is quieter and easier to maintain than other forms of transportation. Because Maglev uses electricity generated from central power stations and does not burn fuel, it can make use of the cleanest available sources of energy and reduce U.S. consumption of oil. Finally, because it reduces the use of gasoline and aviation fuel, Maglev can contribute to efforts to clean the air.

All of these benefits make construction of Maglev systems attractive. Because the United States has already fallen 15 years behind in the development of Maglev systems, the first generation of systems both in the United States and abroad are likely to be constructed by foreign-owned firms. However, the United States has the ability and the resources to retake the lead in this technology. Once we have done this, Maglev systems can also play a role in reducing our foreign trade deficit.

Maglev is not a "sci-fi" technology beyond our reach. Maglev works using either electromagnets or superconducting magnets currently available. In fact, West Germany and Japan have each had operating prototypes for a number of years and are now beginning to construct commercial Maglev systems.

H.R. 3714 has been introduced to hasten the creation of a viable domestic Maglev industry. I hope that my colleagues will join me in supporting this legislation and the development of a U.S. industry.

NATIONAL QUARTER HORSE WEEK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. RITTER. Mr. Speaker, yesterday morning, President Bush signed Senate Joint Resolution 186 into law. This resolution designates the week of March 1 through March 7, 1990 as National Quarter Horse Week.

There are 2.8 million registered quarter horses in every State of the Union and in 62 countries in the world. President Bush, upon signing the resolution said that "This horse is uniquely ours, having been developed in colonial America and bred for speed. No other horse is a greater part of Western folklore, and none has contributed more to our nation's development and cultural heritage."

The American Quarter Horse Association, founded on March 15, 1940, is celebrating its 50th anniversary this year. The American Quarter Horse Association has grown to more than 200,000 members; its registry which began with 556 horses is now the largest equine registry in the world.

Mr. Speaker, I am proud to say that my friend and constituent, Mr. C. Thomas Fuller, of Catasauqua, PA, is an honorary vice president of the American Quarter Horse Association. It gives me great personal pleasure not only to recognize the quarter horse for its unique place in our Nation's history but to recognize Tom Fuller and the American Quarter Horse Association on its 50th anniversary.

ST. PATRICK'S DAY 1990

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GILMAN. Mr. Speaker, I am pleased to rise again this year to call the attention of our colleagues to the fact that St. Patrick's Day is again upon us. This feast is not only the national holiday of the Republic of Ireland; it is also a special day for the Irish, and the Irish at heart throughout the world.

Fifteen hundred years have gone by since St. Patrick drove the snakes from the Emerald Isle and converted that land to Christianity. It is altogether fitting and proper that St. Patrick be remembered on this day, for he has served as a constant inspiration to the Irish for the past 15 centuries.

With the light of democracy and freedom now shining forth from the darkest points, it is inspiration, faith, and perseverance that is needed in Northern Ireland. Tragically, the fundamental problems in Northern Ireland remain the same, despite the overwhelming worldwide changes.

Unemployment in Northern Ireland remains the highest in all of Western Europe. And, while changes have been made in the Fair Employment Act, we must make certain that the deep-rooted economic discrimination is ended.

For this reason, I continue to heartily support the MacBride principles for American firms doing business in Northern Ireland. These principles of fair employment and anti-discrimination serve as a model for a future generation of employment opportunities.

Further, since American companies provide for over 10 percent of employment in Northern Ireland, we have the opportunity and moral obligation to fight against the discrimination in Northern Ireland.

Mr. Speaker, I request that the full text of the MacBride principles be inserted at this point in the RECORD, and I invite my colleagues to join in support of H.R. 725, legislation espousing the MacBride principles.

On a positive note, I am encouraged by the recent interest in reviewing the Birmingham Six and Maguire Seven cases as indicated in the human rights report of the U.S. Department of State. Further, the U.N. Human Rights Commission in Geneva will soon hear a full outline of the Birmingham Six case.

With the recent revelations in the Guilford Four case, and the doubt surrounding the forensic tests which implicated the Birmingham Six, it has become increasingly apparent that an investigation into the Birmingham Six case is proper and would result in freedom for the six.

Regretfully, Joe Doherty must continue his struggle for freedom. On several occasions since his imprisonment in 1983, judgment has been rendered in favor of Joe Doherty in court hearings in the United States, yet he still remains at the metropolitan correction center in New York. His case is expected to go before the highest court in the land, our Supreme Court. It is hoped that the facts will triumph and after 7 years of imprisonment, Joe Doherty will finally be free.

Mr. Speaker, let us take advantage of this St. Patrick's Day to reflect on the marvelous events now taking place throughout the world, and to resolve to work toward a just and long-lasting peace for the too long embattled island of Ireland so that they too may enjoy the fruits of liberty, justice and freedom:

THE MACBRIDE PRINCIPLES

1. Increasing the representation of individuals from under-represented religious groups in the workforce including managerial, supervisory, administrative, clerical and technical jobs.

2. Adequate security for the protection of minority employees both at the workplace and while travelling to and from work.

3. The banning of provocative sectarian or political emblems from the workplace.

4. All job openings should be publicly advertised; and special recruitment efforts should be made to attract applicants from underrepresented religious groups.

5. Layoff, recall, and termination procedures should not in practice favor particular religious groupings.

6. The abolition of job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

7. The development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of all categories of minority employees.

8. The establishment of procedures to assess, identify, and actively recruit minority employees with potential for further advancement.

9. The appointment of a senior management staff member to oversee the Company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

LEGISLATION FOR DISADVANTAGED FEED BARLEY GROWERS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MARLENEE. Mr. Speaker, today we are introducing legislation which will correct a small, yet serious problem which often happens when well-intentioned government programs encounter unforeseen circumstances. I am happy to have Mr. BOB SMITH of Oregon, and Mr. CRAIG join with me in this effort to rectify one remaining "glitch" resulting from the adverse weather conditions in 1988 and 1989 which so drastically and severely impacted agricultural producers throughout the country.

In this particular instance, one of the existing farm programs which seemed to work pretty well during ordinary times went haywire during that 2-year period of drought-induced short supply. The farm program for farmers who produce barley contains a feature which uses both the average price of feed barley and the average price of malting barley in a formula to determine the year-end price support payment. Unfortunately for producers of feed barley, when the drought created a shortage of malting barley in 1988 the price of that particular type of grain skyrocketed, with the result that the traditional method of computing the year-end payment was seriously skewed to the disadvantage of feed barley producers.

The final result showed that, because of the disproportionately high prices received by malting barley growers, all producers would be required to refund to the Commodity Credit Corporation their entire advance deficiency payment of 30.4 cents per bushel. This was grossly unfair to the feed barley folks who did not benefit from similar increases in the market price for their product.

Our legislation today simply directs the Secretary of Agriculture to recompute the refund owned by producers of feed barley for 1988 and 1989 using the average market prices received for feed barley sales only. This removes the distortion created by the extremely high malting barley sales, and allows a reduction in the amount of refund owed by feed barley growers down from 30.4 cents per bushel to about 6.4 cents per bushel. These growers are still required to refund a portion of the advance payments they received, but the amount is in keeping with the intent of the original formula Congress established in the 1985 farm bill legislation.

I hope many of our colleagues will see fit to help us correct this serious situation, and that we can expedite enactment of the bill we have introduced today.

TRIBUTE TO MARDI WORMHOUDT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to an outstanding leader and tireless public servant of the people of California's 16th Congressional District, mayor of Santa Cruz Mardi Wormhoudt. I am pleased to have this opportunity to express my sincere appreciation to Mardi for her tireless work for the people of Santa Cruz, and especially for her efforts in the wake of the Loma Prieta earthquake.

Mardi Wormhoudt has served the Santa Cruz community for over a decade. She has been a member of the Santa Cruz City Council since 1981 and is an active member of the County Transportation Commission, the City Housing Task Force, the University of California at Santa Cruz Long-Range Planning Committee, and the Performing Arts Facility Task Force. These are but a few examples of the resolve Mardi has demonstrated for the betterment of the Santa Cruz community.

I have rarely encountered a public servant so selflessly devoted to the community which she serves. Through her efforts with the Federal Emergency Management Agency and the Santa Cruz community, the devastating effects of the earthquake were quelled and remedial action was swiftly undertaken. Mardi was there to consult with President Bush and Vice President QUAYLE as they examined the destruction resulting from the disaster and brought national attention to the area. She is

continuing her leadership role by heading the planning group for the rebuilding of Santa Cruz following the tragedy of October 17, 1989. Mardi has been truly instrumental in the recovery of the community.

I am sure my colleagues are pleased to join me, and the people of Santa Cruz, in recognition of Mardi's public service and expression of gratitude for her continued efforts. It is with great respect and pride that I salute the achievements of Mardi Wormhoudt.

THE U.S.S. "SIMPSON"

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to the brave sailors of the U.S.S. *Simpson,* a guided missile frigate homeported in Newport, RI, in my congressional district. Last week, the *Simpson* rescued crewmen from the *Surf City,* a Persian Gulf petroleum tanker which had suffered an explosion and was burning out of control.

As part of her Persian Gulf duty, the *Simpson* had been monitoring the progress of the *Surf City,* a tanker carrying 25 million gallons of naptha and gasoline. The *Simpson's* response immediately after the explosion was swift, and, according to the U.S. Navy, actually saved lives. Commander James McTigue and his entire crew deserve our highest recognition for their bravery during a situation involving extreme danger.

I have visited and toured the U.S.S. *Simpson,* and am extremely proud that she was able to serve her country in this manner.

This latest incident reminds us just how diverse the missions of today's U.S. Navy are. Because we assign the Navy so many tasks, we must ensure that they are given proper resources to carry them out. As such, I urge my colleagues to recognize the diversity of the modern U.S. Navy as we consider this year's Defense budget.

OLD GROWTH REDWOODS—LET'S STOP THE MINING OF THEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. STARK. Mr. Speaker, many people would be surprised to know that ancient redwood trees are being chain sawed every working day. Even more disturbing is the fact that these trees are being cut as fast as possible on a junk-bond repayment schedule.

A common definition of old growth is 150 years. However, many of these trees have been around for an astounding 1,000 or more years.

The cutting of old-growth redwood is, in essence, tree mining. Old growth redwoods are not a renewable resource in a 100-year timespan. Anything that can take a millennium to regenerate should hardly be considered renewable. The cutting of old-growth redwood must be considered depleting a nonrenewable resource for current generations of Americans.

Mr. Speaker, I am introducing legislation which would impose a Federal severance tax on the cutting of old-growth redwood. The severance tax would be 35 percent of the value of the tree that is cut. This severance tax should change the economics of cutting these old giants and encourage the substitution of quicker growing, more traditional lumber sources.

Those who benefit from the mining of old growth redwoods should pay the societal costs for removing nonrenewable resources. A severence tax is a common way that the public benefits from the use of a nonrenewable resource. Redwoods should not be treated differently.

I do not believe that many of the old-growth redwoods that are being cut today should be cut. It is a true desecration of a symbol that is uniquely both Californian and American. The cutting down of old-growth redwood forests is a national issue. But if they are going to be cut down, society should benefit.

IN COMMEMORATION OF THE ROLL-OUT OF THE X-31

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. DENNY SMITH. Mr. Speaker, the roll-out of a new airplane always makes us think about the possibilities for the future, and the latest entry in our long line of distinguished X-series aircraft, the X-31, is no exception. No aviation program in history has had more success leading us into the future than the X-series program. Today, the X-31 continues that proud tradition.

We build experimental aircraft like this to push the limits of aircraft technology, so that our pilots and our industry will have the best. Our X-series program has a long and illustrious history of breaking new ground in aviation development, and the X-31 promises to be no less revolutionary.

From my own days as a fighter pilot, I can say that getting in close and shooting has been and will remain the staple of aerial combat. The X-31 will teach us vital lessons about maneuverability we can apply to the design or modification of future aircraft. Testing our ideas in the air is the only way to ensure our future aircraft can out-turn and outshoot anything thrown their way, just as our current aircraft do.

An additional benefit of the X-31 research program has been the unprecedented participation of our German allies. By sharing funding and expertise, we have been able to push back the frontiers of aircraft performance at a modest cost to both countries. We have also fostered international cooperation at a time when it is clear that foreign markets and opportunities are becoming increasingly important.

Let me take the occasion of this momentous roll-out to personally congratulate the managers, engineers, technicians, and assembly workers at Rockwell and Messerschmitt-Bolkow-Blohm on a job well done. The technology you are pioneering here will have a significant influence on aviation for years to come.

TRIBUTE TO BLACK HISTORY MONTH

SPEECH OF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Mr. DIXON. Mr. Speaker, well over a half-century ago, historian Carter G. Woodson posited that a people whose history and achievements go unrecorded "becomes a negligible factor in the thought of the world and stands the danger of being exterminated." Motivated by his own foreboding, Carter G. Woodson set out to document the experience of black women and men in Africa and the "New World," and to record the tremendous contributions of African-Americans to the Nation in which they toiled for three centuries as slaves.

Woodson's scholarship brought new integrity to the study of black history and culture and earned him the title, "Father of Black History." Woodson believed that "the achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization." Africans, he wrote, "produced in ancient times a civilization [which] influenced the [Mediterranean] cultures * * * and taught the modern world trial by jury, music by stringed instruments, the domestication of sheep, goat, and cow and the use of iron by which science and invention have remade the universe. Must we let this generation continue ignorant of these eloquent facts?" Sadly, generations do, still, continue ignorant of these eloquent facts, despite the efforts of Dr. Woodson and his proteges.

Subsequent research has revealed volumes more about the centrality of black Africa in the spawning of modern civilization and about the central role of African-Americans in building, literally and figuratively, this great Nation. Yet, mournful are the voices which attest, in swelling choruses, to a dearth of positive black role models for today's African-American youth. I believe that there is, in fact, a wealth of positive African-American role models whose examples beg exposure and emulation.

I rise today to recognize a number of African-Americans from the Los Angeles area who have made noteworthy contributions to the advancement of their respective professions and from whose pioneering work the African-American community derives significant benefit.

Leroy Weekes, M.D., is a prominent Los Angeles obstetrician with an established record of community service and leadership in the medical profession which spans over 40 years. He continues to practice in my district at the Julian Ross Medical Center, which Dr. Weekes named for his mentor at Howard University Medical School where he trained. Throughout his career, Dr. Weekes has been active in community affairs. Dr. Weekes initiat-

ed efforts to establish a Martin Luther King, Jr. Medical Center to serve residents of the South-Central Los Angeles area.

L. Julian Haywood, M.D., is professor of medicine and director of the Coronary Care Unit at LAC/USC Medical Center. He is vice president, cofounder and former president of the Sickle Cell Disease Research Foundation and former president of the American Heart Association's Los Angeles affiliate. Dr. Haywood has published scores of articles in numerous scientific journals and serves on several medical review boards. He has conducted pioneering research in the areas of hypertension, sickle cell disease, and computer applications in cardiology, and has been committed to addressing the medical and health care needs of the African-American and disadvantaged communities.

My esteemed colleague and friend, U.S. Congressman AUGUSTUS "GUS" HAWKINS, whose district includes Watts, South Central Los Angeles and Huntington Park, will retire this year from over a half century in elected office. Representative HAWKINS served for 28 years in the California Assembly before being elected the first African American Representative from a Western State in 1962. In 28 years in Congress, GUS HAWKINS has compiled a distinguished record at the national level as a staunch advocate of the poor, minorities, and the disadvantaged, and he is responsible for important legislation in the areas of civil rights, employment, and education. He is responsible for the creation of the Equal Employment Opportunity Commission [EEOC] under title VII of the 1964 Civil Rights Act and is currently chairman of the House Committee on Education and Labor.

Rev. James Lawson has contributed to the human community as a spiritual leader, civil rights activist, and peacemaker. As president of the United Methodist Youth Fellowship, Reverend Lawson spent over a year in Federal prison as a conscientious objector. As a close associate of Rev. Martin Luther King, Jr., Lawson trained freedom riders and became one of the preeminent voices for nonviolent direct action. Today Reverend Lawson focuses his energies on the problems of the urban poor in Los Angeles, as president of the Southern Christian Leadership Conference/Greater Los Angeles and vice president of the SCLC national board. Additionally, he is pastor of Holman United Methodist Church and president of the Peace with Justice Leadership Conference, a coalition of 60 denominational and religious groups.

Herbert L. Carter is executive vice chancellor of California State University and the first black chairman of the board of the United Way of Greater Los Angeles. Carter earned his doctorate in education administration, and is responsible for guiding, coordinating, and integrating policy formulation and program planning for the entire California State University system. A longtime volunteer, Mr. Carter has held numerous positions with the United Way and is responsible for the creation of the United Way's Black Partnership Development Council.

For 20 years, Willie West has taught classes and coached the basketball team at Crenshaw High School. During that time, Crenshaw has maintained a virtual stranglehold on Los Angeles city's top high school basketball honors, garnering an incredible 11 city championships and 4 State championships. The Cougars have amassed a total of 433 victories against 48 losses overall for an amazing winning percentage of 90 percent against all opponents—giving West one of the highest winning percentages among high school basketball coaches in the Nation.

Astronaut Ron McNair was one of four African-Americans participating in the American space program at the time of his death. McNair was a trained physicist and a mission specialist on the ill-fated 1986 space shuttle *Challenger* mission. A graduate of North Carolina State A&T University, McNair received his Ph.D. in philosophy and physics from MIT. McNair was an enthusiastic individual whose love of science and discovery was an inspiration to the African-American youth whose interest he encouraged in the sciences.

Dr. Mae Jemison is the first black woman accepted to participate in NASA's Astronaut Corps Training Program. A graduate of Stanford University and Cornell University School of Medicine, Jemison worked as a Peace Corp medical officer in Sierra Leone and Liberia before applying to NASA in 1986. Dr. Jemison now awaits her opportunity to become America's first black woman in space, as a mission specialist on an upcoming space shuttle mission.

Beyond Los Angeles, African-Americans can take pride in the steady rise in the number of black officials elected and appointed to high office. Speaker of the California Assembly Hon. Willie Brown, majority whip of the U.S. House of Representatives, Hon. BILL GRAY , Virginia Governor Douglas Wilder, New York City Mayor David Dinkins, Commander in Chief of the Joint Chiefs of Staff General Colin Powell, and Secretary of Health Dr. Louis Sullivan have all attained positions of leadership never before occupied by blacks.

Clearly, the recent ascension of African-Americans to key posts in government and the professions has not and will not, by itself, eradicate the range of problems plaguing the African-American community. Nevertheless, it is important that African-American youth take note of the despite-the-odds accomplishments of the black men and women I have mentioned. Each one of them has overcome imposing obstacles to reach their respective position, and all have given generously to the African-American community that is their common base. Thus, it is in the spirit of Carter G. Woodson, and with the hope that the black youth of today will be inspired to heighten their own aspirations, that I recognize these contemporary African-American role models whose lives comprise a significant part of the ever-expanding body of eloquent African-American historical facts.

TRIBUTE TO GEORGE FURGALA ON HIS 105TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me a great deal of pleasure to pay tribute to an exemplary member of my Fifth Congressional District in Illinois, Mr. George Furgala. On March 12, 1990, Mr. Furgala will turn 105 years old, an accomplishment worthy of special recognition.

A longtime resident of this great country, Mr. Furgala came to this great Nation in the early wave of immigrants in the 1900's. Arriving from what is now Poland, he later became an American citizen. Mr. Furgala spent 70 years of study and preaching the Good Word, the Bible. On top of the usual difficulties, he raised a family of four lovely children while working to overcome the difficulties of a language barrier.

George Furgala's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to George Furgala for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his 105th birthday and hope his life continues to be an adventure full of pleasant memories.

AFFORDABLE MODULAR HOUSING

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ERDREICH. Mr. Speaker, today I am introducing legislation to increase the availability of affordable modular housing. Modular housing, which is produced in a factory and then assembled or installed on the building site, is constructed in compliance with State and local building codes, as is "stick-built" housing.

The major problem affecting modular housing is the lack of uniformity in administrative rules and regulations at the State level, and the enforcement process affecting housing shipped from State to State. Houses being shipped in this manner are subject to duplicative regulation, which adds to their cost and inhibits the use of new technologies and construction materials.

My bill is based on a proposal supported by the National Association of Home Builders, the Council of American Building Officials [CABO] and other model code organizations. It would preempt State and local building codes for those modular houses which are to be shipped from one State to another, and would establish a system for inspecting and certifying the safety of those houses. The National Evaluation Service [NES], part of CABO, would administer and enforce the program under the direction of the Modular Construc-

tion Commission established in the act. NES already performs this type of evaluation and certification in some areas. The Modular Construction Commission, a consensus body of 18 members will develop and oversee the program. The commission, representing Federal, State and local governments, consumers and modular home builders, would be appointed by the President. This means of regulating modular housing shipped in interstate commerce was suggested in a study mandated by the 1987 Housing Act and conducted by the National Institute of Building Sciences.

In my community and many others across the country, modular housing is part of the solution for providing quality, affordable housing for those of low and moderate incomes. By removing existing barriers to interstate commerce and retaining responsible regulation, we can increase the availability of this affordable housing for Americans.

HEAD START AMENDMENTS OF 1990

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. TAUKE. Mr. Speaker, I am pleased to introduce today the administration's Head Start Amendments of 1990. The President has demonstrated his support for this valuable program by calling for an increase of $500 million. This would bring the Head Start fiscal year 1991 authorization level to $1,886,315,000. This represents the largest funding increase in the history of the Head Start Program.

I wish to acknowledge and applaud the President for his commitment to providing this extra assistance to our Nation's disadvantaged children.

The President's bill calls for some thoughtful and needed changes to the Head Start Act. In the area of service delivery and program administration, the bill calls for renewal of funding for current Head Start grantees to be conditioned on a favorable finding by the Secretary. In order for this provision to be carried out, the President has requested that 30 percent of Head Start programs be monitored on a yearly basis. He hopes that funds will be targeted for this purpose.

The National Head Start Association has said that the only thing worse than being evaluated is not being evaluated. I believe this change in the law will be a great deal of help to providers in giving direction to them as they try to satisfy their performance objectives.

I am pleased that the President has sought specific language in the bill requiring Head Start programs to coordinate with public schools and other social service agencies providing services to Head Start children and their families. This coordination requirement will serve as a building block to a stronger bridge between Head Start and the school system, so that we can have a greater opportunity to ensure that developmental gains acquired by children at Head Start, are maintained throughout their academic careers.

HOUSE OF REPRESENTATIVES—*Monday, March 5, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your light shines as a beacon of hope for all the world to see, that it illumines the darkness of any despair and anxiety, that Your truth points the way to reconciliation among all people. Open our eyes, O loving God, to see the brightness of that hope, open our minds to be instructed by that truth, open our hearts to its warmth and its redeeming spirit. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma [Mr. INHOFE] please come forward and lead the House in the Pledge of Allegiance?

Mr. INHOFE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 251. Concurrent resolution authorizing use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Lajos Kossuth in the Capitol and authorizing the printing of a transcript of the proceedings of the ceremony.

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 10. Joint resolution to designate the month of May 1990 as "National Foster Care Month";

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week";

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating May 1990 as "Neurofibromatosis Awareness Month"; and

S. Con. Res. 98. Concurrent resolution authorizing a public event with music for Earth Day 1990 on the U.S. Capitol Grounds.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2742) "An act to extend and amend the Library Services and Construction Act, and for other purposes."

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1990.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L(50) of the Rules of the U.S. House of Representatives that a subpoena has been served upon me, in my capacity as Sergeant at Arms, requiring the production of certain official documents in the United States District Court for the Western District of Tennessee. In consultation with the General Counsel to the Clerk I have determined that compliance with the subpoena would be appropriate and consistent with the privileges and rights of the House.

Very truly yours,

JACK RUSS,
Sergeant at Arms.

CONGRESSMAN ANNUNZIO CALLS FOR SECURE POLISH BORDERS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing in the House of Representatives a concurrent resolution expressing the sense of Congress that part of the process leading to the reunification of Germany must include acceptance and recognition of the current, existing borders between Germany and Poland.

At present, the 35 signatories of the Helsinki Final Act recognize the existing borders of Europe, including the borders between Germany and Poland, and any agreement for a reunified Germany must also include provisions ratifying these existing borders, and forcefully renouncing any claims to former territories not within these well-established borders. This recognition of existing borders will not only be important for protecting the security of Poland, but also for maintaining the peace and stability of Europe.

Mr. Speaker, I have also written to President Bush outlining my deep concern on this vital matter, and I urge all of my colleagues in the House of Representatives to join as cosponsors of this concurrent resolution so that Congress can demonstrate our commitment to the inviolability of existing borders as a cornerstone of any agreement concerning the reunification of Germany.

AN ALTERNATIVE TO STATEHOOD

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I am introducing legislation to retrocede the District of Columbia back to Maryland, and I invite Members to cosponsor this legislation.

There are more residents in the District of Columbia than in the average congressional district, but these residents have no representation in the Senate and one nonvoting delegate in the House.

It is not necessary that we create a whole new State in order to give residents of the District of Columbia voting representation in Congress. The land that now comprises the District of Columbia once belonged to Maryland and it makes sense to turn the District back to Maryland, minus a reduced Federal enclave made up of the Federal buildings, just as the western portion of the District was returned to Virginia in 1846.

Current D.C. residents would become citizens of Maryland, with full voting representation. And retrocession would preserve Maryland's intent that the land it gave be the seat of government.

My legislation is a responsible alternative to statehood.

ANN LANDERS, A TRUE FRIEND TO VETERANS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, each year the Department of Veterans Affairs sets aside a special week in February for a salute to our veterans in VA hospitals nationwide.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In conjunction with the salute, syndicated columnist Ann Landers for 2 years now has solicited Valentine messages from her millions of readers. The Valentines are sent to a central collection point at the Hines VA Hospital in Chicago and are distributed to all 172 veterans' hospitals across the country.

Thanks to Ann Landers' compassion and generosity—and certainly her popularity—nearly 5 million Valentine cards and letters were received by hospitalized veterans during this year's salute. But her involvement did not stop there. She visited patients at the Hines VA Hospital and presented her own personal valentine.

Mr. Speaker, I know my colleagues will join with me in commending Ann Landers for her kindness and patriotism. Thanks in large part to her willingness to promote this project, our hospitalized veterans received the message that they are not forgotten and that we still appreciate them.

Ann Landers, we salute you.

A TRIBUTE TO THE LATE HONORABLE JOSE NAPOLEAN DURATE, FORMER PRESIDENT OF EL SALVADOR

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise today to join my many colleagues who are expressing the sorrow of this House at the death of former President of El Salvador Jose Napoleon Duarte.

Those of us who knew President Duarte admired his courage and his perserverance in struggling with professional challenges and personal adversity.

President Duarte more than any other person was probably the single key to ensuring the advance of democracy for El Salvador. Caught between the right and the left in his nation, he struggled to bring peace to his people, but also to to give them justice and dignity.

His example inspired those of us in the Congress who supported his efforts to bring reform, democracy and economic growth to his nation. By the end of his Presidential term, when he had not accomplished all of his goals, he still achieved the distinction of being the first President in the history of his country to transfer power peacefully to the opposition party.

The personal challenges faced by President Duarte would have defeated lesser men, but his character enabled him to succeed and to inspire us all. To his nation and to his family, we offer our heartfelt sympathy and our sincere condolences.

A TRIBUTE TO THE LATE COL. RICH HIGGINS OF LOUISVILLE, KY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I was honored to have taken part in the dedication and unveiling of a monument in honor of Col. Rich Higgins, a brave patriot, a valiant marine, and a fellow Louisvillian, who, it is presumed, gave his life as a U.N. peacekeeper in the Mideast.

It was fitting that the granite monument—partly finished and partly unfinished to signify Rich's own life and work—is located at Southern High School, Rich's alma mater, and the focal point of his early years.

In attendance were Rich's wife, Marine Maj. Robin Higgins, a valiant marine in her own right, Rich's daughter, Chrissy, his sister, Mary Fisher, and friends, by the hundreds.

Also adding dignity to the ceremonies were, among others, Marine Commandant, Gen. Alfred Gray, Fort Knox, KY, commander, Maj. Gen. Thomas Foley, Kentucky adjutant general, Maj. Gen. Michael Davidson, and Jefferson County Commissioner Irv Maze.

Mr. Speaker, the ceremony was not somber or solemn as if it were a memorial to a lost comrade.

Rather, it was:

A tribute to a Louisville native who chose the military as his career in public service;

A recognition of a life well-lived in the cause of peace and freedom here at home and abroad;

A testimonial to the lofty proposition that we should not live self-centered lives but self-less lives dedicated to the betterment of our fellows; and

A reminder that, as in Col. Rich Higgins' case, each of us individually can make a difference and can make things better.

Mr. Speaker, whatever is Rich Higgins' fate and condition, he stands—in the form of the granite marker at Southern High School—as an inspiration to his loving family, to his proud hometown, and to a grateful nation.

EASTERN AIRLINES

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. CLINGER. Mr. Speaker, on Wednesday of this week the House is scheduled to consider a motion to override the President's veto of H.R. 1231 which would establish a commission to investigate and report on the labor dispute between Eastern Airlines and its unions. An aye vote on the veto override has disastrous implications for Eastern's 17,000 present and 12,000 retired employees as well as the traveling public.

The examiner in the bankruptcy case concerning Eastern Airlines has written a letter to the House leadership stating reasons why this legislation is ill-advised since it would jeopardize the ongoing negotiations to bring Eastern back as a viable carrier.

Mr. Speaker, the examiner in the bankruptcy case writes, and I quote:

Having spent the last eleven months as the court-appointed Examiner in the Eastern Airlines' bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

I urge my colleagues to give these words their full and complete consideration prior to the vote on the veto override.

Mr. Speaker, under permission to include extraneous matter, I include the full text of the letter, as follows:

DICKSTEIN, SHAPIRO & MORIN,
Washington, DC, March 5, 1990.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. MICHEL: You have before you the question of overriding President Bush's veto of H.R. 1231, the proposed blue ribbon investigation of Eastern Air Lines. Having spent the last eleven months as the court-appointed Examiner in the Eastern Airline's bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

When I was appointed Examiner, I was given a broad mandate to protect the public with regard to the Eastern reorganization. I wish to emphasize that I do not represent Texas Air or Mr. Lorenzo any more than I represent Mr. Copeland or ALPA. I have one constituency and that is the many interests that intersect in Judge Lifland's Court: creditors, preferred shareholders, employees, retirees, and elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Air Lines.

There are a number of reasons why H.R. 1231 is bad legislation.

(1) As my report (Vol. 1, pp. 40-48) shows: the unions have been unwilling to face up to the reality of hard collective bargaining in the hope that some outside body would rescue them. First, it was Ueberroth, then it was Ritchie, then it was H.R. 1231. When the Examiner urged the pilots to go back to work to maintain their jobs and seniority and continue to negotiate from the inside, he was accused of a "sell-out" to Lorenzo. When Jack Bavis, Chairman of the Eastern Pilots' Master Executive Council came to the conclusion that the only way to save the pilots' jobs was to return to work, he was removed from office and brought up on charges. (The charges were later dropped). It was only after H.R. 1231 was vetoed that the pilots and management got back to the bargaining table. Based on reports currently available to me, the negotiations have been inching along toward agreement. H.R. 1231

would reverse this process, create a further straw for the unions to clutch at, and make it impossible for the parties to settle.

(2) The Examiner's team (15 lawyers and a large support staff) spent more than six months looking at the various asset transfers; no Commission can do this job in 45 days.

(3) H.R. 1231 undermines the doctrine of separation of powers. The transactions which the panel would examine are *sub judice* in every respect; the panel would cover precisely the same ground. The Bankruptcy Court and the Examiner are objectively and fairly discharging their statutory obligations. It would therefore be an unwarranted legislative interference with the judicial process for the panel envisioned by H.R. 1231 to proceed as proposed.

(4) The creation of a second forum outside the judicial process to resolve Eastern's future creates uncertainty for an enterprise that no longer has the ability to withstand such shocks; it could therefore so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable. This would result in the loss of jobs held by Eastern's present employees, some 17,000 people; destroy the pensions and health and medical benefits of its retired employees, some 12,000 people (mostly union members); and deprive the travelling public of yet another air carrier.

I am equally concerned that my report to the Court of last week has been misinterpreted in the press. Lest this report be improperly referred to in the forthcoming debate, I want to make sure that certain facts are clear.

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail in any such litigation. My report stated that any legal action seeking recovery would have to plough new legal ground.

In short, as I stated in Court last Thursday, I did not find on the merits against Eastern, Continental or Texas Air. On the contrary, I issued the report contemporaneous with a settlement with Texas Air in an attempt to demonstrate that the settlement was fair, reasonable and adequate and in the best interests of Eastern. I further told the Court, "Maybe Texas Air and Continental would have won all twelve of the disputed issues, maybe six, maybe three, maybe none." Any legal judgment of wrongdoing by Eastern, Continental or Texas Air would have taken years of litigation with uncertain likelihood of success.

Another fact that should be firmly before the Congress involves the settlement with Texas Air. The settlement is not an admission of liability by Texas Air. Rather, it is an agreement between Texas Air and the Examiner as to what is needed to assure the economic viability of Eastern Air Lines. I frankly do not believe we could have gotten anywhere near the settlement, and its clear benefit to Eastern, unless Texas Air was committed to see Eastern through to a return to economic health. I therefore believe that that agreement demonstrates Texas Air's commitment to the future of Eastern.

Finally, whatever merit there is to the claims of "conflict of interest" and "self-dealing", the Examiner has proposed that Eastern's reorganization plan contain provisions (such as, for example, a special independent committee of outside directors) for monitoring all intercorporate transactions between Eastern and Texas Air and its affiliates which are outside the regular course of business and have a value in excess of $500,000. Accordingly, whatever concerns that continue to exist on this score will be dealt with in the Bankruptcy Court when it comes time for the Court to consider whether or not it should approve Eastern's plan of reorganization.

I do not believe that H.R. 1231 can do any good; it will, instead, do a great deal of harm. The bitterness between management and the unions should not be allowed to determine Eastern's fate. I therefore ask the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. I ask the Congress to act out of concern for the employees, retirees and members of the general public who depend on the future existence of Eastern. I ask the Congress not to enact H.R. 1231.

Sincerely,

DAVID I. SHAPIRO,
Examiner.

□ 1210

HURRICANE OFA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, as you know, for the past several days I have shared with my colleagues my observations and related reports on the devastation of thousands of homes, and even lives, caused by Hurricane Ofa which passed the Samoan Island from February 2 through February 4 last month. Several other island countries were also affected by the severity of this hurricane, which incidentally, stretched for about 1,000 miles in diameter.

Mr. Speaker, I express my disappointment in our national media—newspapers and our major television networks—for not reporting the damages caused by this hurricane.

Mr. Speaker, I want to commend our director of public works, High Chief Tio Fuavai for the countless hours he and his working crews made to clear the debris and obstacles on the roads which are now accessible by car. Also Mr. John Al Sue and his staff of the Department of Human Resources for their efforts to distribute food items and other basic necessities to the local residents.

Mr. Speaker, I also want to note the outstanding contributions our Peace Corps volunteers who are working with the officials and villagers throughout the country of Western Samoa.

Again I want to commend our Ambassador to New Zealand, Mrs. Della Newman, for her sensitivity and tremendous effort she and her staff have provided to render assistance, for the Government of Western Samoa.

Mr. Speaker, I noted earlier my intention to examine our territorial weather reporting system, and I appreciate the cooperation and assistance the regional director of NOAA, Mr. Richard Hagemeyer and his staff has provided for me to hopefully resolve the problems that we encountered by the destruction caused by Hurricane Ofa.

FEDERAL EMERGENCY
MANAGEMENT AGENCY,
San Francisco, CA, February 16, 1990.

To: Congressman ENI F.H. FALEOMAVAEGA.
From: Steven Farrington, FEMA Congressional, Liaison.
Subject: Hurricane Ofa Background.

Fifty-eight percent of the 285 businesses on the Island of Tutuila were affected by the Hurricane Ofa. Thirty-eight businesses were destroyed: 47 had major damage; 81 had minor damage. One hundred homes were completely destroyed; 417 suffered major damage and 3,127 had minor damage.

Damage assessment teams who visited the Islands of Ofu and Ta'u found four completely destroyed homes and several others less severely damaged.

Thirty Sea Bees, working with territory crews, are making good headway in re-establishing the power network on Tutuila. FEMA arranged for bucket trucks, auger trucks, 10 generators, and other equipment to be flown in to be used in the power restoration effort. Power is especially important as it is needed to pump enough water to ensure an adequate supply.

The Army Reserve has been activated and, working under FEMA supervision, is responsible for distributing and installing plastic sheeting on houses which suffered roof damage. Residents of homes where plastic sheeting is being installed are signing receipts.

Five hundred tents are being brought in for families whose homes were complete destroyed. The Red Cross will be distributing the tents to families it determines to be in need of emergency shelter.

Federal aid needed for the public assistance program will be limited since the American Samoa Government has had a $45 million insurance policy in effect since last October. The policy, which has a $50,000 deductible provision, covers all tangible property owned by the Samoan Government.

Forty-four FEMA personnel are on the Island working in the recovery operations.

Attached are schedules for each DAC which we previously provided.

Also attached are facts sheets explaining the program which are being distributed to the media and the public.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1990.

DEAR COLLEAGUE: On Friday, February 2, 1990, Hurricane Ofa swept across American Samoa leaving a path of destruction behind it. Roads have been washed away by heavy rainfall and huge waves. Trees have been stripped bare. Ninety-five percent of the agricultural crops are destroyed, and hundreds of families are now homeless.

According to a preliminary report by the Federal Emergency Management Agency [FEMA], it is estimated that the roads have sustained in excess of $4 million in damages. Federal aid will be needed to repair the

damages, as well as construct shore protections to prevent this tragedy from recurring to this extent in the future. Prior to this hurricane, the Army Corps of Engineers completed shore protection projects in several villages which protected schools from serious damage due to the high waves.

Most of the agricultural crops have been destroyed. This will have a detrimental impact upon many families in American Samoa which depend on locally-grown produce to supplement their diet. Following their most recent hurricane, they were able to obtain agricultural products from Western Samoa. Unfortunately, since there is even more damage in Western Samoa, there will be problems getting cuttings and seedlings.

Four thousand homes have been either severely damaged or destroyed, leaving hundreds of families homeless. In coastal villages, many homes were literally washed away. Many have lost all their possessions. A substantial number of businesses have suffered severe damages also. It is estimated that the public schools alone have sustained $7.4 million in damages.

At the time of writing, relief teams are in the process of restoring power to the territory. The majority of American Samoan families are still without electricity.

There are currently relief teams from FEMA, the Army Corps, and Red Cross, among others, in the territory, working to reconstruct buildings and offer other forms of assistance. We applaud their valued work and appreciate their efforts.

Despite all of the work being done, the road to recovery will be very difficult for many families who have to pick up what is left and start anew. With our collective efforts, we can help make this road easier for them. If you or your staff would like to contribute food, clothing or other type of assistance, please contact J.R. Scanlan at 5-8577 or Heidi Te'o at 4-3939.

Sincerely,

DANIEL K. INOUYE,
U.S. Senator.
ENI F.H. FALEOMAVAEGA,
Member of Congress.

AMERICAN EMBASSY,
Apia, Western Samoa,

To: The Hon. Eni F.H. Faleomavaega.
From: Charge D'Affaires William P. Francisco.

TALOFA ENI: I really appreciated your recent visit to Western Samoa following Cyclone Ofa. The team approach that we took in our private meeting with Tofilau is paying excellent dividends, and I believe it will significantly help the people of Western Samoa. They are fortunate to have such a friend as you.

Per your request, I have forwarded through our Embassy in Wellington several documents which should assist your presentation to Congress on the needs of Samoa following the devastation caused by Cyclone Ofa. The assessments which I forwarded are only preliminary and have not been shown to USCINCPAC. They may become upset that they arrived to you outside proper channels and for that reason it was necessary to send them through my official channels. Please take this in consideration when you use them. They contain no classified or sensitive information. You requested creditable information on the situation in Western Samoa, and we have worked quite hard to produce it. As the senior U.S. official in the country, I take full responsibility for the contents of those documents. They were prepared under my direction and close supervision. They represent my official views.

We are still operating the Embassy from my home, and I suspect it will be some time before we can return to normal. The military is scheduled to depart February 28, and I am in agreement that we will have completed the emergency phase of our support to Western Samoa by that date. The spirit of close cooperation continues to amongst the key donor nations providing relief, and Western Samoa now knows who its friends are.

The people of Western Samoa constantly express their gratitude for the quick and generous support provided by the United States, and it these expressions and such support which make me proud to come from a country such as ours. Since you were with me when I spoke to Tofilau, you know that I have clearly defined the limits of the support which they can expect to receive from us. I am enclosing a copy of a fax which I have sent to our Embassy in Wellington outlining what I believe are additional things we might do to help here given the tough funding situation which our Government finds itself in. As you can see the assistance provided by USCINCPAC has been tremendous. Since it was done out of their own hide, hopefully the Pentagon or Congress might be able to give them a little back at some point this fiscal year. I know that just the phone bills for this are going to severely impact on my tiny Embassy budget. Losing the center portion of the roof of the Embassy caused us significant damage, especially to our telecommunications equipment which was destroyed. I am very grateful for the outstanding support which we have received from the Embassy in Wellington. They worked until two in the morning taking cables which I had to dictate over the telephone after the destruction of our communications system. Please do not consider the above comments as a request for help, they are not. It is far better to work from within the system, and it is already responding well to this post's needs.

If you think we should do more than what I have proposed in my fax to Wellington, then I anticipate it will take Congressional action to accomplish it, given the meager resources available to us for operations in this area. I would recommend that we look to non-governmental sources for this support. For example, I simply see no way that we can respond positively to the Western Samoan Government's request for heavy road construction equipment. Please see what you might be able to do with getting a U.S. manufacturer to consult with them here to determine what they really need and to develop a package which they can afford to purchase. I have been most impressed with extraordinary efforts made by the Samoan people to recover from this disaster on their own. I have nothing but the highest praise for the Public Works and Electric Power Corporation workers. For the first two weeks following the storm, I believe that they have been working like me on no more than three hours sleep a night. The results of their work has been incredible but so much remains to be done. While I know that they will be very grateful for all that they receive, they clearly recognize that the damage is so extensive that they are going to have to suffer through some very rough times. It is a shame that situation has received so little press coverage in the United States, because the Western Samoans could very much use our normal generousity. I wish you much luck in geting the word out. Please pass my warm regards to Steve Solarz and Bob Dornan. I really enjoyed the visit by the three of you. Just think about the support Samoa would get if you could reach all the Americans who fill the gap between their constituencies both geographically and ideologically. Soifua.

BILL FRANCISCO.

February 19, 1990.
To: American Embassy, Wellington.
From: American Embassy, Apia.
Subject: United States Disaster Assistance Following Cyclone Ofa.

1. The United States of America has assisted Western Samoa in its efforts to recover from the effects of Cyclone Ofa by:

A. Providing tools and shelter from relief stocks stored in Guam. Value USD 270,000.00.

B. Sending the USCINCPAC Joint Task Force Western Samoa (JTFWS) from Honolulu which did the following: Value USD 658,000.00:

1. Conducted helicopter search and rescue operations to locate missing American citizens and transport injured and sick Samoans to their national hospital after providing them with immediate emergency medical care.

2. Delivered emergency food, shelter, medical and other relief supplies to inaccessible areas by helicopter.

3. Provided a generator to keep the WSG Earth Satellite station in operation to permit communications with the outside world.

4. Prepared a detailed written assessment of damage from Cyclone Ofa.

5. Provided a team to restore quarry operations.

C. Purchasing food in New Zealand which was then shipped by New Zealand Navy ship. Value US$50,000.00.

2. Upon completion of the initial assessment, the Embassy will determine best way to use remaining US$35,000.00 from Office of Foreign Disaster Assistance.

3. Future efforts of the U.S. should focus in the following areas to achieve greatest impact considering the small amount of funds known to be possibly available. Recommend we provide the following support:

A. Engineering:

1. Send Mobile Training Team (MTT) to repair WS Public Works (FWD) Department heavy construction equipment, train FWD mechanics and assist with the development of an improved maintenance and parts supply system.

2. Send a 32 person Seabee unit to Western Samoa after it completes the damage repairs in American Samoa. This unit specializes in the repairs of electric lines.

3. Change the work plan of the 150 person Army Reserve Engineer Unit coming to Western Samoa this summer. New work plans should focus on repairs of Cyclone Ofa damage.

4. Increase significantly the number of Seabees on next ship visit to provide construction assistance. If possible, US Navy should advance timing of visit scheduled for this summer.

5. Leave the two man U.S. Army Quarry operations team for three to four weeks to continue restoration and recovery following departure of the USCINCPAC Joint Task Force Western Samoa (JTFWS).

B. Medical:

1. Provide material and personnel assistance to repair and rebuild damaged and destroyed health care facilities which are located outside of Apia.

2. Provide medical equipment repair technicians to fix readily repairable medical equipment and provide training to Samoans on maintenance.

3. Repair/replace furnishings in health care facilities damaged/destroyed by the cyclone, such as kerosene operated refrigerators, beds and beddings, and furniture such as tables, chairs, bedside stands, etc.

4. Provide medical personnel assistance such as Special Forces Aidmen (four to eight), preventive Medicine medical officer(s), registered nurses with public health training (two to four), preventive medicine technicians (two to four) and environmental science officer to conduct medical surveys of ongoing health care needs, medical training, infectious disease identification, water and sanitation inspections, and immunization at the local village level for a period of three to six weeks.

5. Provide basic essential medical supplies such as antibiotics (primarily oral antibiotics and mostly penicillin), bandages, dressings and tape, sutures and suture needles, tetanus toxiod and tenanus immune globulin, scissors and minor surgical instruments, and intravenous fluids.

6. Suggest the military provide the personnel and US Aid fund material, equipment, and supplies.

C. Management:

Provide a disaster assistance team consisting of Joe Chung from USAID and members of the 364th Civil Affairs Brigade to assist the Western Samoan Government with preparing lessons learned and developing a new plan based on this information.

D. Food and relief supplies:

Review carefully Western Samoan Government success in obtaining relief supplies from other aid donors before deciding to provide further support in these areas.

PEACE CORPS,
February 20, 1990.

To: Congressman Faleomavaega EM Hunkin.

From: Dan Mueller, Ph.D., Country Director W. Samoa/Cook Islands.

PEACE CORPS VOLUNTEERS' ROLES IN THE CYCLONE OFA RELIEF EFFORTS

All 53 PCVs are back on their work-sites assisting in the relief effort. They are reconstructing schools and homes, replanting trees in the forestry projects, as well as trying to save the economy by replanting cocoa, coconut, bananas and breadfruit trees which are the mainstay of the economy. These crops were destroyed by the recent Cyclone Ofa.

In one of the worst damaged areas, Asau, on the island of Savaii, PCV Mark Muckerheide was there right through the hurricane, helping villages save their houses. After the storm along with his Department of Forestry, he started replanting trees to replace those lost through the cyclone.

PCV Diana Audin De Paradis is preparing a plan for the recovery of the nursery at the National Park at Togitogiga. The new plants from this nursery will be used in replanting the hardwood rain forest.

PCVs William Woodbridge, and Helen Ogden are conducting surveys of the damage to the Forestry areas in the Community Forestry Projects, throughout Upolu Island.

Steven Walker is involved in mending fences and cutting down fallen banana trees giving them a chance to grow back again. Also, he is leading a replanting team to replace the trees that were destroyed.

While PCV Mike Pranzia and his Samoan Counterparts in the Ag. Extension Division are helping village planters with their replanting efforts. They hope in six months time the villagers should be able to harvest taros and banana crops.

Led by Susan Hjellen, a large group of Volunteers, are working with Red Cross and the Disaster Support Organization in helping and distributing medical supplies, and food to the village victims of the recent cyclone. Peace Corps Staff with PCVs assist the Army personnel from Hawaii and the Embassy Office in Apia, in their efforts to help Western Samoa recover from the cyclone.

Our Peace Corps Volunteers are helping Western Samoa recover from this devastating cyclone. Our Volunteers are making their contributions by setting up rain catchment system, providing general health information and helping with local relief efforts in the villages.

The Peace Corps is at work in Western Samoa.

Soifua,

DANIEL K. MUELLER, Ph.D.,
Peace Corps Country Director,
Western Samoa/Cook Islands.

THE DANGERS OF VOTING TO OVERRIDE THE PRESIDENT'S VETO ON EASTERN AIRLINES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply wanted to rise in response to the gentleman from Pennsylvania [Mr. CLINGER], my good friend, who earlier was pointing out the dangers of voting to override the President on the Eastern Airlines issue. As a Representative of the Atlanta airport area and somebody who studied the Eastern Airlines carefully now for 16 or 17 years, let me just urge all of my colleagues to read the articles from last Friday and Saturday about the decision by the examiner in the bankruptcy case, that Texas Air has in fact taken $280 million from Eastern Airlines and had to repay it because through a variety of devices Mr. Lorenzo was in effect taking money away and weakening the airline.

Mr. Speaker, I think this is a very difficult vote, and all I ask my colleagues to do is look at all the facts and consider carefully the situation and what the examiner discovered last Friday and announced last Friday before they vote on this difficult decision on Wednesday.

SQUEEZING EXORBITANT COSTS OUT OF OUR HEALTH CARE SYSTEM

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the House and the Senate and the American people just received the Rockefeller report, a very thoughtful report that elaborated how we can provide health care for the 30 million Americans that do not have it now and provide long-term care for the elderly. The price tag was $86 billion.

Many Members of Congress reacted in horror. One Member was quoted in the New York Times as saying, "It is a nonstarter."

Well, Mr. Speaker, it can be a starter. I chaired 9 days of hearings last year in the Health Subcommittee of the Joint Economic Committee on how we can squeeze some of the exorbitant costs out of our present health care system. We know how to do this. We are spending 12 percent of GNP on health care, 50 percent more than the average for the developed countries of the world. In 1950 we were spending $1 billion a month on health care, and today we are spending $1½ billion a day.

Mr. Speaker, the health care system is larded with fat, with waste, with stupidities, with chaos in terms of its organization. We can squeeze all of that out of the health care system. According to experts who testified, like Joseph Califano, a former Secretary of HEW, and Ewe Reinhardt, one of the Nation's top health economists at Princeton, we can save upward to $125 billion a year if we simply squeeze the waste and the abuse out of the health care system.

Mr. Speaker, the American public also can make a contribution if they give up their craving for absolutely limitless health care choices, which cost us very dearly. The American people can have universal health care coverage, but they are going to have to give a little.

The suppliers of health care, and the insurers of health care also are going to have to compromise a little, by squeezing the waste and abuse out of the system. If they are willing to do that, then the American people can have a health care system that will do us proud.

Mr. Speaker, we already have the finest health care system in the world, but it is inordinately expensive and organized and structured extremely bad. If we remedy those defects, the American people can have every element of the health care system that the Rockefeller report recommended, without paying an extra dime.

Mr. Speaker, we can—and should—squeeze the cost of universal health care out of the present health care budget of the United States, so that at long last we can provide health insurance and long-term nursing care to every single American who needs them.

THE NEW PARADIGM

The SPEAKER. Under a previous order of the House, the gentleman

from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to spend some time today describing what Jim Pinkerton, the Deputy Assistant for the President for Policy Planning, calls the new paradigm and discussing it within the context of the bureaucratic welfare state and the values of the left.

Mr. Speaker, on February 8 of this year Mr. Pinkerton gave a superb speech on the new paradigm to the World Future Society and tried to outline what in his opinion is the general framework of what President Bush talked about. I think the speech is so important that I want to share the concepts of the new paradigm and talk about that framework.

In addition, Mr. Speaker, I want to talk briefly today about the importance of a capital gains tax cut in order to avoid a recession, to strengthen investment, to create new jobs and about the role of the Joint Tax Committee in that issue, and then, if time permits, I want to talk about the development of the new paradigm as it relates to drugs and violent crime as it relates to education.

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I want to discuss the need to develop successful alternatives to the bureaucratic welfare state and to the values of the left and the approach that we are going to be taking in a bipartisan workshop on May 19, organized by GOPAC, which will develop what we are calling an "American Opportunities Workshop Common Sense Solution for the 1990's."

Let me start with Mr. Pinkerton's description of the new paradigm, because I think it helps put in place what we are faced with and where we have to go. He said:

I'm here today to talk about George Bush, the first President to govern in the spirit of the New Paradigm, a concept I'll return to in a moment. But before I talk about the New Paradigm, we need to dispose of the superficial Beltway theories about the Bush Presidency. Some say that the President's success comes from atmospherics, such as his personality, or Mrs. Bush, or the puppies. I say that's wrong. The voters may be charmed, but they look to the bottom line: peace and prosperity; what works for them. President Bush is popular because his policies are working. And the reason things are going well for the Administration and the country is that George Bush is truly in tune with the global *Zeitgeist* of freedom, decentralization, and a new look at ways to solve old problems.

In the face of the conventional wisdom, the President has kept his campaign promises: a Kinder, Gentler Nation, and No New Taxes. Add the unprecedented prospect of reduced troop levels in Europe and decreased military spending around the world and you have a President and a country perfectly positioned to benefit from the dawning of the New Paradigm around the world; the new forces that define how the world works, cracked the Berlin Wall, dismantled the Soviet Empire, and brought a new peaceful integration of the world economy, with the prospect of a better life for everyone.

These forces go by different names. The President himself has spoken of the New Breeze of peace and freedom that is sweeping the globe. The New Breeze is a metaphor for the learning process that has led virtually all of us to conclude, as the President has said, "We know what works. Freedom works."

Just as we now know what works, we have all come to know what doesn't work. After decades of collectivization and concentration camps, we have learned the truth about an ideology whose central premise is a war against human nature, including the human desire for voluntary exchange. Socialism doesn't work. It has obviously failed in Eastern Europe, but it has also failed when it goes by some other name. State socialism doesn't work in South Africa, where it goes by the name of apartheid, and it hasn't worked in the Third World.

Mr. Pinkerton went on to say:

Forgive me for laboring the cliche of the failure of socialism, but it's important to establish the context of the international failure of collectivism before I bring my argument home, to make the point that the same dream of centralized socialized bureaucracies has failed here at home in its lesser manifestations. Here at home, as in the Third World, the biggest losers under the old system have been poor people. The Great Society, to pick one obvious example, has been a continuing, if well-intentioned failure because it too was based on the false assumption that experts, wise bureaucrats in league with university professors and politicians, could somehow administer prosperity and equality from an office building somewhere.

Having said all that, am I about to launch into a critique of all social programs, and argue that we should do nothing to solve the problems that need solving? No. I'm here as a representative of the Bush White House—

Remember, this is Jim Pinkerton of the Office of Policy Planning speaking—

and as a Republican to tell you that we have just as much desire to end homelessness, improve education, lift up the underclass and realize the goals of most liberals. However, as someone with some modest responsibility for governing, and with the benefit of what we have learned about what works and what doesn't work, I am also here to tell you that if we went to improve the lives of people, then we are going to have to go about solving them in a different way. In a phrase, we are going to have to be guided by the lessons of the New Paradigm.

In addition to his general awareness that freedom works and socialism doesn't, out of the 80s come two areas of emerging national consensus.

First, the public by and large agrees on the goals they want this country to achieve; whether Democract or Republican, black or white, male or female, virtually everyone wants an educated young generation, a roof over every head, and a clean environment. It's a cliche that Ronald Reagan, the most conservative President in our lifetime, nevertheless ratified the welfare state, uniting both parties in a common commitment to the safety net. So now the argument shifts away from goals—which we all agree upon—to means. That is, how do we do what we all agree needs to be done?

Second, there are limits to the size of government. Like it or not, "read my lips" is national policy and will be, as long as people think that government, especially the federal government, is incompetent.

Some think that these two consensuses that define the 90s are in conflict, that we are condemned to wander around on a darkling plain, existentially stumbling over the rubble of demolished policy, poking around for new solutions to old problems. The New Paradigm is an attempt to light a candle of hope and optimism amid the cynicism, fatalism, and opportunism that have come to characterize Washington.

Mr. Pinkerton went on to say:

I believe that people of good will can seize this opportunity to significantly restructure the way government operates, to move away from monopolistic bureaucracies, and thus meet change in a way that contributes to decency and competitiveness in the 1990s.

These two new consensuses, and the worldwide realization both that freedom works and socialism doesn't, spells the death of the Old Paradigm of centralized bureaucracy, where wise government officials preside over distribution and production, fine-tuning aggregate demand, etc.

The use of the phrase New Paradigm is one I have adapted from Thomas S. Kuhn's classic work The Structure of Scientific Revolutions as a way of getting a handle on the nature of the social transformation that is taking place around us.

Mr. Pinkerton went on to say:

Indulge me a moment to review Kuhn's argument.

Kuhn argues that most scientists are problem solvers, proceeding in their activity on the basis of certain models or sets of assumptions about how the universe works. Kuhn calls those assumptions "paradigms." A great scientist will develop a paradigm to describe, for example, the nature of the solar system.

In the third century A.D., the astronomer Ptolemy outlined the theory, or paradigm, that the sun revolved around the earth. This "geocentric" paradigm was accepted by the ancient scientific community because it "worked," in the sense that ordinary scientists were able to use Ptolemy's paradigm to make at least some correct calculations about the location of the planets and so on.

Thus, until the 16th century, scientists labored under this paradigm, doing their best to solve scientific problems. Even though the Ptolemaic paradigm was clearly flawed, it was the best model they had. It did work, at least somewhat, to solve the problem of predicting the location of the planets.

More than a thousand years after Ptolemy, Copernicus and Galileo revolutionized astronomy by propounding a completely different paradigm: that the earth revolves around the sun. Suddenly it became possible for ordinary scientists to advance the science of astronomy, because the assumptions they were now working on were so much closer to the truth. This heliocentric paradigm guides astronomy to this day. We all remember from school that the New Paradigm was not received with open arms by the Old Paradigm powers that were. Then the opposition was called the Inquisition. Today it's called . . . .

And here Mr. Pinkerton goes off in dots, making point that all too ofen we have a leftwing oppression. We see it

on college campuses. We saw it with Andy Rooney recently, a willingness for the leftwing culturally to impose silence on those who would question their model.

Mr. Pinkerton goes on to say:

Kuhn put his finger on a truth about the scientific process that applies to societies as well as scientists. Societies, too, form themselves on the basis of paradigms. These paradigms may be good or evil; they may or may not "work."

If a paradigm does "work" it will continue to survive. But it still faces the challenge of adapting to challenges over time. Paradigms give way when people see a new, a different, a better approach. This process can happen by revolution, or by evolution.

Thus, feudalism was a social paradigm, which "worked" in the same limited sense that the Ptolemaic astronomical paradigm "worked" during roughly the same period. For all their obvious shortcomings, the two paradigms were all that these cultures had to make sense of the world. Of course, both paradigms were swept aside when other ideas—new and more useful paradigms—emerged. From our contemporary vantage point, we believe that these paradigmatic shifts were changes for the better.

The point Pinkerton is making is that as the modern age came to replace the early Middle Ages, what we call progress was the replacement of one model, called a paradigm, for another model, that a new and better way of doing things emerged.

Mr. Pinkerton goes on to say:

Kuhn's lesson is that people will not abandon a familiar paradigm, no matter how defective it is, until they can grasp a *new* paradigm that will replace the old. This is the essence of the psychological and political truism that "you can't beat something with nothing." This is the transition period we are going through—people around the world are coming to see that the Old Paradigm is failing. Leaders and thinkers have a duty to help learn and share the emerging lessons of the New Paradigm.

I believe that centralized bureaucratic government is a manifestation of the Old Paradigm. Max Weber said in the last century that the alternative to bureaucracy was despotism, but he was describing a different world, where the main obstacle to progress was the dead hand of the aristocracy. For its time, bureaucracy may well have been the best available way to organize the transition from a farm to an industrial economy. Today, in the era of the Third Wave, Weber would agree that we have nothing to fear from residual aristocrats like Prince Charles and Fergie, and that today, Central Europeans and others see that the main obstacle to progress is reactionary statism.

Let me make the point about why I am citing Mr. Pinkerton's speech to the World Futurist Society. The fact is reactionary statism, to use Mr. Pinkerton's phrase, whether it is in Prague or Birmingham, AL; whether it is in Warsaw or Washington, DC; whether it is in Moscow or New York City; the reactionary statism, what I would call the bureaucratic welfare state, is the primary blockage of the kind of progress, the kind of technology, the kind of prosperity, and the kind of opportunity that is available for America, but is stopped by the bureaucratic welfare state, and then compounded by the cultural values of the left which are inherently destructive.

Let me go on to quote from Mr. Pinkerton:

The great English Prime Minister Disraeli said that a successful politician must know two things: he must know himself—forgive the nineteenth century sexism—and he must know his times.

The most important knowledge comes from confronting past mistakes: we must come to see our own institutional rigidities, in a way analogous to the way the Eastern Europeans have come to see theirs. The Eastern Europeans are worried about getting through the winter—we have to worry about the Japanese. But in both cases, thoughtful people see the need for change. The President's willingness to at least begin that process of reform is a key reason for his popularity.

The New Paradigm has five main features:

First, governments are now subject to market forces in a way they haven't been before. The policy-maker who tinkers with the economy in the wrong way, who pushes the wrong button, will see the flow of capital and investment re-route itself instantaneously across nations and continents and oceans.

This aspect of the New Paradigm is a function of feedback and the increasing sensitivity of the economy and political system to feedback. Where the system is increasingly self-monitoring and self-correcting there is less room for the social and economic experiments that were the hallmarks of the 60s and 70s. As someone said, if you don't deal with reality, other people will! The President's dogged determination to see a cut in the tax rate on capital gains, for example, seems very compelling in view of the low capital gains taxes imposed by American's greatest economic competitors (most have no capital gains tax at all).

Second, the New Paradigm is characterized by increasing individual choice. The President's education program offers a concrete example. Instead of pouring money into an existing structure—an education structure that already represents the world's highest expenditure per capita, yet the results of that spending have been disappointing, to put it mildly—the President offers a reform that promises to change that structure by letting parents choose the public school their children will attend.

Parental choice in education is a means of letting the people with a stake in the process, the parents, not bureaucrats, decide what constitutes a successful school. Outputs not inputs. And the New Paradigm method of choice in education is sweeping the country, among state governments run by Democrats and Republicans alike. I might add that the trailblazer in the fight for choice in the public schools has been a liberal Democrat, Governor Rudy Perpich of Minnesota.

Third, the New Paradigm is characterized by public policies which seek to empower people so that they are able to make choices for themselves. Take the Bush Administration's approach to child care: The President has offered a Child Care Tax Credit for low-income working parents that enables—empowers—those parents to care for their children in the way that best suits them: at home, or with a relative, or a neighbor, or at a church or synagogue-based child care program, or at a day care center.

By contrast, the old paradigm method is to focus on one method of child care, usually day care centers, to fund or regulate that one alternative to the exclusion of other alternatives, have the money trickled down from Washington, and thereby constrict the range of choice. Again, the quantitative approach is to say, in effect, how much spending can we "input" into one method in the hope that that method is correct.

The New Paradigm approach, on the other hand, says: how can we let those with a stake in a certain process, be it the process of caring for kids, or education or health care, whatever—how can we empower those with a stake in the process so that they and not bureaucrats can determine the outcome of that process. In a world where more and more people know better than to believe that wise bureaucrats can benevolently enact child care from Moscow or Washington, choice is increasingly the answer.

Fourth, the New Paradigm is characterized by decentralization: the dispersal of the centers of authority and the break-up of bureaucracy—whether those bureaucracies be a Stalinist government in Eastern Europe, a stodgy corporation on Park Avenue, or a sclerotic city hall in Anytown, U.S.A.

Decentralization means pushing decision-making downward and outward, to the lowest feasible level. No place, no culture is immune from the benefits of perestroika. The cultural anthropologists who said that one culture is backward as compared to another have missed the central insight of the great Peruvian economist Hernando de Soto: that people everywhere by and large want the same things. The President himself made this point in speaking of de Soto.

I am quoting from George Bush now:

By walking the streets of Lima, not analyzing official statistics, [de Soto] found that the poor of Latin America—who have never read Jefferson or Adam Smith—ran their affairs democratically, outside the formal economy, organizing their private, parallel economy in a free and unregulated manner. . . . People everywhere want the same things. And when left alone by government, people everywhere organize their lives in remarkably similar ways.

Those of you familiar with the great Nobel economist Friedrich Hayek will be reminded of the "spontaneous order" of the market that he described.

But what about here? What about decentralization here at home? Here too, centralized bureaucracies have proven themselves unable to translate our wealth and compassion into opportunity and a better life for every American. Public and private bureaucracies have not been able to adjust to the change of this decade, not to mention the coming decade. Therefore, a new generation which still believes in social justice and the promise of the American Dream must look for new ideas and new approaches to achieve the old goals.

Now that the people have learned that government doesn't know best, they will refuse to turn over decision-making power when they can decide better for themselves. Popular opinion now converges around the notion that instead of doing many things badly, the government should try to do a few things well. The public debate focuses on qualitative, as opposed to quantitative changes in government, to a restructuring that finally begins to put the government in tune with the society that has changed so much in the past decades.

As Bob Samuelson recently put it, the American people are not so much stingy as they are skeptical. This skepticism—this immunization against being fooled by the authorities that the Information Age allows is a healthy thing. The guiding principle is accountability and feedback. Rather than a rigid dedication to centralized government, the New Paradigm emphasizes results. Achieving those results will usually require the above-mentioned market orientation, choice, empowerment, and decentralization.

Fifth, the New Paradigm implies an emphasis on what works: Once we agree on the goals of a decent life for every American, then the debate shifts to actually achieving those goals, as opposed to talking about them and spending money. As far as public policy is concerned, that means changing the way we measure the success of those policies. Again, it's the difference between measuring input and measuring output.

Look at the President's education policy. The President, in an agreement with the governors at the Education Summit in Charlottesville last September, set out some national education goals based not on how much money we are going to pour into education, but just how well the students who come out of that education system perform—outputs, not inputs. One of the leaders in this effort, has been Governor Clinton of Arkansas, who has emerged, especially since Governor Kean's retirement as the most imaginative and energetic force for educational reform in the country.

□ 1240

Overnight, the debate on education in this country has changed. It is now a question of the quality of education, and less a question of the quantity of dollars that may or may not contribute to quality. Note that I am not saying that quantity is irrelevant, only that we have lost sight of why we focused on quantity and inputs in the first place. These factors may help determine the outcome, but they are not the same thing as the outcome.

I would refer all of you to David Osborne, whose Laboratories of Democracy is a wonderful overview of the individual states' respective efforts to actually make life better for their people. I don't agree with everything David says, but that's not the point. The New Paradigm does not rely on the wisdom of one individual, it relies on diversity and innovation spread out across the states like 50, or 1,000, points of light.

As I said, this President holds office at a time when there is an emerging national consensus: Everyone wants an educated young generation, a roof over every head, and a clean environment in which to live. And yet, everyone wants limits on the size of government—limits especially on the size of their taxes.

Are these two areas of consensus in conflict? Well, if you believe, for example, that the problems of America's schools can be solved by spending more money on them—if you believe that the best solution for the high cost of raising kids is to concentrate on subsidizing bureaucratized, monopolized day care—if you believe that the answer to housing our poor is only to build more public housing projects—then you must believe that, yes, our national aspirations are in conflict.

On the other hand, if you believe that we ought to judge our schools by how well they perform, not by how much money we spend on them—if you believe that those schools will improve if parents have a greater say in choosing the schools their children will attend—if you believe that the best child care is the one that responsible parents decide is best for themselves—if you believe in giving the poor a stake in their own futures, say through tenant management and ownership of public housing—if you believe, for that matter, that we should measure the success of our welfare programs by how many needy people pull themselves out of poverty—then, perhaps, you too see the outlines of the New Paradigm as it emerges from the dawn.

A world where the focus of public policy is on what works, where we judge the success of those policies qualitatively not quantitatively—emphasizing outputs over inputs, where we expand individual choice, empower the poor, and create decentralized, flexible and adaptable institutions and organizations, there is a world where there is no insurmountable conflict between our national aspirations of caring for our neighbors and enlarging the sphere of our freedoms by limiting our government.

But note: none of this is just my opinion of what should happen in the future. All of this is happening. Thanks to the Information Age, thanks to the worldwide span of the media, thanks to the global village, we are learning faster about what works and what doesn't work. That, incidentally, is why I have been so impressed with the World Future Society. You are looking forward, scanning the horizons of what works. I like to think that the President shares that farsightedness. He is a man whose biography, after all, is entitled Looking Forward.

But notwithstanding that similarity with the country's leading politician, this Society has of course not tied itself to the political, but to the practical. If, as I believe, we are witnessing the emergence of a New Paradigm, a new era marked by an emphasis on what works, then all the more worthwhile are the contributions of a practical, non-ideological organization like this Society—not least because the old cliches have suddenly taken on a new profundity: the future is today, as it never was before.

This speech by James Pinkerton, Deputy Assistant to the President for Policy Planning, to the World Future Society on February 8, I think marks a very serious intellectual effort to explain the new approach of President Bush and to explain the new paradigm that we are trying to develop.

It is part of a general movement which recognizes that the bureaucratic welfare state no longer works, that the bureaucratic welfare state doesn't work in New York City, nor in Warsaw, and that the same movement which is changing Eastern Europe and which is changing Nicaragua should change America.

In addition, I think it reflects a serious effort on our part to try in a bipartisan way to reach out to any Democrat who is prepared to give up on the values of the left, who is prepared to give up on the bureaucratic welfare state, and to join together in forming a nonpartisan effort to develop the positive, solid, commonsense approaches of the future.

Let me suggest that the new paradigm is in part explained, certainly in terms of what has not worked in the bureaucratic welfare state and the values of the left, both in Paul Johnson's "Modern Times," probably the best history of the 20th century that has been written, and in a book by Collier and Horowitz called "Destructive Generation."

Collier and Horowitz were the editors of Ramparts in the late sixties, and now that they have matured as adults, they look back and recognize just how destructive the cultural values of the left have been.

One good place to look at this argument, the debate between the two paradigms or the two viewpoints, is on the question of job creation, capital gains, and public works.

There are two clear choices. The bureaucratic welfare state and the values of the left would argue that job creation ought to be done by the Government. That somehow if we are going to have a soft period in the economy, if there is going to be a recession, that Government should create jobs.

Those of us who believe in a commonsense approach to where America is going, those of us who believe that an opportunity society will work better than the bureaucratic welfare state, we believe that we ought to avoid a recession by having a capital gains tax cut which will create new jobs, which will enable people to deal with the private economy and to create private incentives.

Now, it is fascinating, many of our friends on the left will tell you that they really want America to compete in the world market, but they are worried about the Japanese or Koreans or Germans. Many of our friends on the left make all sorts of protectionist speeches.

But let us look at why some of our competitors in the world market are more successful. Because one of the points that Mr. Pinkerton made in his speech is that we have no choice in the world market. If we raise our taxes, the fact is we drive businesses and investors out of the country. We lead them to build their next factory in Mexico or Canada, Japan or Germany.

So we are competing in a world market. A corporation trying to decide where to build its next factory, where to do its research, where to create its laboratory, where to build new jobs, that company looks at the whole world.

An investor who has $1,000 to invest by the action of a telephone or a computer communicates with Frankfurt, Germany, with London, England, with Tokyo. They are not trapped in the United States. So when we look at our taxes, we have to compare our tax situation with the rest of the world.

Now, the values of the left and the bureaucratic welfare state deny the reality of the world market. They try to

talk about taxes and isolation, and then when that causes economic slowdowns in the United States, they try to deal with that slowdown either by protectionism that is stopping foreign countries from selling us imports, or by creating government jobs, which are very, very expensive.

Let us look at the capital gains tax rate. Remember, a lower capital gains is designed to encourage people to save, to invest, to create jobs.

This is what one recent study says: "The United States has one of the highest capital gains taxes in the world and that hurts United States competitiveness. Countries with lower capital gains taxes encourage more capital investment which aids economic growth and job creation. Cutting the capital gains tax rate will keep America competitive."

Here are the countries and their tax rates. These are the maximum individual capital gains tax on long-term stock investment. South Korea, 0 percent; Hong Kong, 0 percent; Germany, 0 percent; Netherlands, 0 percent, Taiwan, 0 percent; Italy, 0 percent; France, 16 percent.

The Japanese have two rates, a 1-percent rate and a 20-percent rate. The tax in Japan is the lesser of 1 percent of the sales price or 20 percent of the capital gains. For example, on a stock purchased for $100 and sold for $150, the investor has the option of paying 1 percent of the $150 sales price or 20 percent of the $50 capital gains. In this example it is preferable to pay 1 percent of the sales price.

This tax was enacted in 1989. Prior to this Japan had no capital gains tax on stock investments.

So what do we learn from this list? That virtually all of our major industrial competitors who are successful in the world market, they charge 0 percent capital gains on all of their sales of stock, thereby encouraging people to build factories, to buy machinery, to create better jobs. And that is the key. The reason you want a lower cost of capital is the lower your cost of capital, the better the machinery, the better the research and development, the better the job. So if you want an American worker to use a very modern machine, to have a very good job that pays a lot of income, you want to have to low cost of capital.

If you have a high cost of capital, we cannot afford then to buy the new machine, to do the research and development, to create the new jobs, and we either lay people off or we lower their wages. So there is a direct relationship. High cost of capital means low wages and few jobs. Low cost of capital means high wages and a lot of jobs.

□ 1250

In a situation where most of our competitors have a zero-percent capital gains rate, 16 percent in France or 1 percent of gross sale capital gains rate in Japan, what is the rate in the United States? The highest marginal rate in the United States is 33 percent. That is, if you make $3 you lose $2.

But that understates how badly we punish ourselves, because the current capital gain does not take into account inflation. Let me give an example. Again I quote from a study on capital gains.

A typical stock investment of $1,000 made in 1970 would have sold for $4,250 in early 1990 based on the Standard & Poors 500 Index, a capital gain of $3,250. However, $2,180 of the gain was due to inflation. The real gain was only $1,070, yet the capital gains tax is assessed on the full $3,250. The tax owed is, therefore, $1,073, which consumes all of the real gain. It is easy to see how this level of taxation discourages capital investment. The capital gains tax rate must be cut to protect investors from the devastating effects of inflation.

In other words, what happens is simple. In the current situation the capital gains tax cut offsets the impact of inflation. If you are going to save $1,000, but 10 years later because of inflation you are going to have less real spending power, you are not going to save the money. What you are going to do is buy a car, buy a house, you are going to spend the money in some way in a real good or service. All of us know that when we see countries like Brazil and Argentina with high rates of inflation, but it is also true in the United States.

When we fail to index capital gains, something which the gentleman from Texas [Mr. ARCHER] has been working on for a number of years, when we fail to protect the saver and the investor against inflation, we decrease the desirability of saving and investing, and then American does not have enough money, then America does not build enough factories, and we do not invest enough in the future.

This is a bipartisan concern. Listen to President John F. Kennedy talking about capital gains.

The tax on capital gains directly affects investment decisions, the mobility and flow of risk capital from static to more dynamic situations, the ease or difficulty experienced by new ventures in obtaining capital, and thereby the strength and potential for growth of the economy.

That is a Democrat, John F. Kennedy.

President George Bush said:

I propose that we cut the maximum tax rate on capital gains to increase long term investment. History is clear. This will increase revenues, help savings and create new jobs.

Ironically, although Democrats and Republicans who believe in the private sector, who believe in the private economy, who want to see jobs created support a capital gains cut, our friends on the left oppose it. They still resemble those in Poland, or Hungary or the Soviet Union who somehow are opposed to encouraging incentives for the private sector, and in fact end up in a situation where only the Government can create jobs.

The fact is that a capital gains tax cut benefits all Americans. Again, let me quote from a recent study which used 1987 as the most recent year.

Over 70 percent of those reporting a capital gain had ordinary income under $50,000 in 1987. The elderly represented 26 percent of all taxpayers reporting a capital gain in 1987. Over 14 million Americans reported a capital gain in 1987. A capital gains tax cut will encourage the purchase and sale of capital assets. These increased sales will provide the government with additional tax revenue to finance programs that help all Americans.

Notice that all of the talk we hear is about how capital gains is only for the rich, but the fact is that over 70 percent of those who reported a capital gain earned under $50,000 in ordinary income in 1987, senior citizens represented 1 out of every 4 people who reported a capital gain, and over 14 million Americans were reporting a capital gain. This is not just a change for those who are wealthy. This is a change for every American who has a small business or a family farm, for every American who saves and invests, for every American who may have a little timber or who is interested in real estate. It is an across-the-board incentive to encourage Americans to save.

But it has one additional impact that we tend to forget. A capital gains tax cut is the opportunity society version of a jobs bill, whereas the bureaucratic welfare state and the values of the left would create jobs through the Government at an average of about $128,000 per job, according to a General Accounting Office study. The fact is we would create jobs through a capital gains tax cut. I have seen studies that range from 300,000 new jobs to 750,000 new jobs as the effect of a capital gains tax cut.

That kind of change means that poor Americans who need work, Americans who are out here and want to do better, Americans who may have a job but want one that pays more, every one of those Americans would have a better future.

There is, in fact, bipartisan support for a capital gains cut. President Kennedy was a leading advocate of a low capital gains tax in the 1960's, and support for a capital gains cut in 1978 and 1981 was bipartisan. From 1922 to 1986, U.S. tax law provided capital gains tax relief. Only in 1987 did the United States begin taxing capital gains at full tax rates.

President Bush called for a capital gains tax cut in the 1988 election, and he has made enactment of this tax cut a top priority of this administration. In 1989, a bipartisan majority of both houses of Congress supported a capital

gains tax cut. Only a procedural device allowed a minority to prevent the passage of a capital gains cut as a job creation mechanism, as a way of helping us to compete in the world market, and as a way of avoiding a recession, which represents perfectly the arguments between the new paradigm, which represents the old bureaucratic welfare state and the emphasis on government.

Interestingly, if we look at another study by the Joint Tax Committee, which is also described as nonpartisan, but whose thinking is obsolete and whose intellectual model is just plain wrong because it does not take into account the economic growth, the number of people employed in new jobs, the kind of reflow and growth government would get in a larger economy. Sadly, the intellectuals who have developed both the Congressional Budget Office and the Joint Tax Committee studies are all too representative of the old paradigm, representing a way of thinking about this process which simply does not make sense in a modern world.

But the new paradigm and the development of an opportunity society as a replacement for the bureaucratic welfare state is in fact occurring, not just with tax policy, it is occurring across the board, it is occurring in places which I think is changing America.

Some of my friends say to me what do you really mean by values of the left? Let me suggest to them that they go back and read the Lawrence Eagle Tribune series, which is a Pulitzer Prize winning series on political activities by criminals in Massachusetts. It was probably published in 1987, and it became an important issue in the Dukakis Presidential campaign. But, in fact, the series, which I put in the CONGRESSIONAL RECORD last year, illustrates perfectly what I mean by the values of the left.

In Massachusetts, convicted felons who are serving in prison are allowed to vote. In Massachusetts, life prisoners have what is called the lifers' PAC. That is, a political action committee that you have to be sentenced to jail for life in order to belong to.

In Massachusetts, politicians actually go to the prison on registration day to encourage the convicted felons to register and vote. There is a marvelous scene in both the Lawrence Eagle Tribune article and the Reader's Digest article about this activity in which a State senator goes to the local prison, and begins his speech by saying, "It's good to be back with my friends." We did not know whether he was about to be indicated, or exactly why he felt so good about it. But imagine what from a normal, commonsense American standpoint, what I would call basic American values, is, the bizarre nature of a system in which you can be convicted of rape or murder, you can be a convicted three-time drug dealer serving for a felony, and you still have the right to vote. In fact, in a small town if they build a big enough prison, the prisoners could elect the mayor. That is what I mean by the values of the left, and it is illustrated by the Massachusetts criminal system and the way the Massachusetts prisons operate.

But we see a real struggle going on as people who are liberals but have common sense find it harder and harder to accept the values of the left. Let me give an example of the transition as it appeared in the New York Times of January 12, 1990.

□ 1300

This article is an editorial entitled "Their Drug War—And Ours," because it illustrates what I think is an intellectual struggle going on among Republicans and Democrats alike, among everybody who is not committed to the values of the left and the bureaucratic welfare state.

Now I am quoting from the New York Times editorial.

As a woman starts across the street, a van roars up. Strong arms wrest her purse from her grasp. As the van lurches away, she falls beneath the wheels and is crushed to death . . . Members of a drug gang kidnap an enemy's 12-year-old brother, hack off the boy's finger and enclose it with a ransom request . . . A group of teen-age boys blame a 12-year-old girl for stealing $45. They take out their anger by raping her and torturing her with a heated knife and an ice pick.

Three sickening stories, all in a few days, that send the mind racing: can there be such depraved people in a civilized city? And where are the cries of horror, and anger, from those who govern in the name of civilized society?

The photos, Polaroid prints seized by police in crack house raids, might have been snapped at any casual party, but for one thing. Nearly all of the young men are posing proudly with their firearms. In one large portrait, the subject flashes a debonair grin and a massive handgun.

For the last few years, outlaw gangs have roamed northern Manhattan virtually at will. Heavily armed with weapons designed for war, they carry on homicidal feuds over territory, drug deals or bad blood. They willingly torture and murder their victims. Too often, their crimes go unpunished: fewer than half of more than 300 murders in northern Manhattan last year have been solved.

The situation cries out for basic law enforcement: bring in some gang members and persuade them to inform on their colleagues. Build intelligence and make cases against the more powerful. Then unbalance the gangs by nailing the leaders. When gangs of violent young Chinese proliferated in the 1970's, just such labor-intensive pressure contained the threat.

But so far, the drug gangs remain beyond control. In 1983, Manhattan's District Attorney, Robert Morgenthau, created a Homicide Investigation Unit to pursue them, but it has funds for only three attorneys and 10 investigators. Mr. Morgenthau pleads for more, but with budgets tight, his requests have been turned down.

Tight budgets are no excuse. Neither are assertions that violence arises from social pathologies. A government too impoverished and confused to defend the social contract is no government at all.

The entire city suffers from so profound a lapse. It takes a special depravity to crush a woman beneath a van for the sake of her purse, hack off a child's finger to extort ransom, rape and torture a young girl for $45, or any reason.

The depraved may or may not be involved with drug gangs, but they know what the drug gangs know. Society talks about cracking down on crime and making war on drugs. And talks. And talks.

First of all, notice this is the New York Times; this is not the New York Post, this is not some rightwing publication, this is not National Review, this is not the Washington Times or the Wall Street Journal, this is the New York Times.

Notice, second, that it raises the basic cultural values question: "A Government too impoverished or confused to defend the social contract is no Government at all."

I would argue that what we have is the end result of 25 years of leftwing values and the bureaucratic welfare state, leading to decay, of court decisions by people appointed by liberals like Jimmy Carter, who simply do not reflect the values of common sense and the basic American values, that understand that some people are too dangerous to put them back on the street; that the police have been too restricted and that we have spent our money in the wrong places.

Notice Mr. Morgenthau has, in a city that had 300 murders in northern Manhattan alone—that is only part of one borough and there are five boroughs in New York—Mr. Morgenthau has, for Manhattan, 3 attorneys and 10 investigators in a homicide investigation unit. Is this because there is not any money and therefore the Federal Government is to blame? Not at all.

The city of New York has a $27 billion budget. It employs 300,000 people, but it has made a conscious values decision, and this is what I mean by the values of the left, the conscious values decision that they would not have enough policemen, they would not have enough prosecutors, they would not have enough jails.

So the result is, while they hire more and more welfare workers and more and more caseworkers, you are more likely to get mugged, or you are more likely to have somebody who will sympathize with you after the mugging.

The fact is every citizen has the right to demand of their government both national security and personal security. Whether it is Washington, DC, which has become the murder capital of the United States, or New York City, every citizen has the right to demand that their home, whether it is

a private home or a public housing project, that their home be safe and that the government interpose itself to block those who are truly evil.

How can you describe it? I realize that evil is a nonleftwing word. But how can you describe a group of teenage boys who would rape and torture a 12-year-old girl using a heated knife and an icepick, if that is not evil? How can you describe a drug gang which kidnaps a 12-year-old boy, cuts off his finger and sends it back for ransom, if that is not evil?

I do not blame the young people who get caught up in evil, because I think all of us have that potential. But I do blame a leftwing value system and a bureaucratic welfare state which has failed to send the signals that we will not tolerate this kind of behavior.

President Bush, last June, sent a drug and violent crime bill to the U.S. Congress, and today, 9 months later, the liberal Democratic leadership in the House and the Senate has not moved the bill. It is still sitting there.

Senator PHIL GRAMM and I have introduced a bill calling for an emergency effort on drugs and violent crime, saying that when you have 300 murders in northern Manhattan, when you have this kind of brutal activity across America, that it is a drug and crime emergency.

Some people say to us, "Well, why do you say it is an emergency?" And I would say to them, "Talk to the young boy whose finger was cut off. Talk to the young girl who, at 12, was raped and tortured with a heated knife and an icepick, talk to the family whose mother was killed so that they could steal her purse. Talk to the young girl who was gang-raped in Central Park." If that is not an emergency, what would it take to wake up our friends on the left?

It is not that New York City does not have the money. It is that Mayor Dinkins and the values on the left will not spend the money, will not be involved in looking at that kind of effort, because we know exactly how to crush crime. You flood the streets with police, you go out and you make sure that there is enough strength on the streets that criminals will be arrested, that when they are arrested they will stay in jail, and that when they stay in jail the message will go out across this country that this country is prepared to protect its citizens not just from the dangers abroad, but from the dangers at home.

The dangers are tragic. Again from the New York Times, February 23: "A Bronx 13-year-old is shot while going to buy cereal." How can we not be enraged in America when the following happened:

A 13-year-old boy who had crossed a street near his home to buy cereal and milk was shot and seriously wounded Wednesday night when he walked into the crossfire between suspected drug dealers in the Bronx, the police said.

The boy, Darryll McPherson, of 1458 Webster Avenue in the Morrisania section, was shot five times in the chest and abdomen as he walked by a grocery store opposite the 21-story apartment building where he lives, Sgt. E. Caloigaris of the 44th Precinct said. He was in critical condition yesterday at Jacobi Hospital.

Sergeant Caloigaris said the shootout, which began about 10:30 p.m., was the latest of several gunfights in the last two weeks near 1458 Webster, which is part of the Butler Houses, a New York City Housing Authority project.

The apartment building is on the east side of Webster Avenue. Opposite it is a deserted brick-strewn strip of land that separates two grocery stores and that the police and residents say is a favorite turf for drug dealers and buyers. The pop of gunfire can be heard in the area every night, they said.

The point is this: We owe it to every American to protect them physically. We owe it to them to provide enough police, to provide enough prosecutors to what is necessary, to use common sense to build enough jails; to make sure that those who are willing to brutalize and kill, to turn folks into drug addicts, are in fact locked up. And I think that the family of Darryl McPherson deserves to know that their country has heard their cry and that the country has earned their respect and the country wants to deal with their anguish.

If we are going to insist that it is important that a 9-year-old girl in a ghetto say the Pledge of Allegiance to the flag at the beginning of her school day, then we must insist that she and her family know that we care about her the rest of that day, the rest of that week, and the rest of her life because she is an American. We must insist she has a right to national security and to personal security and that we will do what is necessary to protect her.

On May 19, GOPAC is going to provide a 1-hour television program available by satellite television to anyone who wants to participate, to look at the new paradigm, to develop new approaches, to recognize that we must replace the bureaucratic welfare state and we must replace the values of the left, to develop commonsense solutions for the 1990's, to apply common sense focused on opportunity and successes so that every American can look forward to the time when they are physically safe, when they can live in a drug-free country, when they have schools that educate, and when they have a chance to find a good job, living in an area which is environmentally healthy.

Mr. Speaker, we encourage everyone, Democrat, Republican, or independent, who agrees that we need a new paradigm, who agrees that the bureaucratic welfare state and the values of the left no longer work, to join us in trying to think through newer and better approaches.

I appreciate very much, Mr. Speaker, this opportunity to lay out Mr. Pinkerton's speech, to lay this out as a framework of thinking about how we can have an America that is more successful in the 1900's and that is prepared for the 21st century.

AMERICA'S FUTURE IN THE WORLD ECONOMY

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I would like to talk today about what I regard to be the mindless, systematic disinvestment in tools necessary to keep our country strong abroad and to keep our American families strong and secure at home.

The purpose of government in moral and practical terms is, I think, twofold. The first is that in the world it is supposed to fashion policy and apply resources to protect and promote our interests and our values. At home government is supposed to design policies and apply resources to give each person the greatest possible opportunity to develop his or her fullest potential as a human being, to expand opportunities for its people to earn a just share of the fruits and benefits of society, and to earn a decent living in order to provide security for each family and to provide a better life for our children than we have provided for ourselves. That is the American dream, and that is the American promise.

Now, events beyond our control can often limit government's ability to provide those things, but government owes its citizens its best possible effort to meet those goals.

What I would like to do today is to take a look for a moment at the place of America in the world and the place of the American working family in the world economy.

Since 1945 our military might have served as a guarantor of Western values. Over the past 40 years we were able to devote about $10 trillion to defend the West because we entered the postwar peace with a virtual monopoly on economic power. And we did more than just provide a huge military unbrella; we provided political leadership in rebuilding European and Asian economies, including our former military enemies.

We all know why we did it, but the question is: Why were we able to do it and to politically sustain it? We were able to do that without much economic strain; we were able to provide such incredible programs as the Marshall Plan, for instance, because we had our

own fiscal house in good order. But remember, when Harry Truman proposed the Marshall plan, he proposed it within the context of a balanced budget. The difference between Harry Truman and the Presidents we have had in the past 10 years is that Harry Truman knew how to pay his bills.

We were also able to do it without much political objection because it was happening in the context of rapidly expanding opportunity for America's working families. In those days real income for the average American family was rising rapidly. Good economic prospects were seen as being widely shared among the general population. Government was seen as a friendly helper in promoting broad-scaled economic progress for average Americans through such devices as the GI bill and Federal housing programs, for instance. And in that economic and political climate, with our national and economic horizons unlimited and with government being seen as being on the side of American working families, military and foreign aid spending was accepted as a tolerable burden.

But 40 years of history has produced a quite different environment for the American economy and for American working families. And that has large consequences for American foreign policy, for America's foreign strength, and for our domestic strength. We all know the changes brought about by each decade. For our national economy, the 1950's and the 1960's saw a somewhat reduced American monopoly on economic success.

The energy price revolutions in the 1970's took a heavy toll on America's economy and its politics. Then, unfortunately in the 1980's we bought virtually every weapon on the Pentagon's wish list. We spent over $2 trillion and paid for about half of them, borrowing for the rest. That and other factors helped to provide the now legendary Reagan budget deficits of the 1980's. And they also helped to produce two other deficits just as real: One in trade and one in domestic investment—both fiscal and human.

For American families the picture is also quite different from the postwar potential of the late 1940's. Real family income for the lion's share of American families has stagnated, for many it has fallen. In my judgment, without a significant change in attitude and policy, Japan and Germany will emerge in the 1990's as the winners of the cold war, and all but very high income American families will be the losers in the economic trading world of the 1990's.

That is why changes in the Soviet Union and Eastern Europe are almost as important for us as they are for them. They give us a second chance to rebuild our American economic engine at home and to provide us with an opportunity to change our emphasis abroad.

I think it is obvious that the unilateral military reductions announced last year by Mr. Gorbachev, now half completed, make a surprise attack almost impossible. The collapse of Communist governments in Eastern Europe mean that over 1 million men and 15,000 tanks have been effectively removed from the Soviet military equation. The CIA tells us that that is irreversible.

In light of those numbers, does anyone really believe that the President's new budget that increases defense spending by another $5 billion makes any sense whatsoever? Do they really believe that that is in the interest of American families?

Now, I want America to play a large role in the world. I think everybody does. The question is, Will our economy be strong enough for us to play it?

The stark fact is that the United States emerged from both World War I and World War II in a stronger relative position economically than we entered it, but we are emerging from the cold war in a weaker relative economic position than we entered it. Before last year the talk was of the coming "Japanese decade" or the "Japanese century." Now, with events in Europe, people are talking about the "European decade" or the "European century." Those conversations are based on the assumption that the nations who will be the movers and shakers in the next decades will be those who have the economic strength to sustain and protect their power.

If we want the 1990's to produce an America that is prepared to play a leadership role in the new century, we need to pay at least as much attention to domestic investment needs, both public and private, as we do to defense and foreign aid budgets. To understand how critical that is, we must understand the extent to which our domestic budget has been savaged in the last decade. To do that, we have to compare the way we spent the taxpayers' dollar in the 1980's with the way we spend it today and the way the Bush administration wants to spend it tomorrow. The Democratic study group has prepared a very important analysis of that, which I want to share with you today.

Now, I know that there are those of our friends on the far right in this country who believe that the best way to promote investment is to simply provide a capital gains tax change as President Bush is trying to do. I think we ought to remember that over 80 percent of the benefits of that capital gains proposal would go to the wealthiest 1 percent of the people in this country, people with incomes of well above $100,000. I think one of the critical differences that divides the two parties is that the Democratic Party believes that we need investments that create opportunities directly for the vast majority of working families, while the Republican Party seems to favor investments that operate principally through the expansion of economic income of those at the very top of the economic ladder.

□ 1320

Mr. Speaker, the Democratic Party does not believe that the way to strengthen average families is to create public rationales and public justifications to provide more gifts to the wealthy financed out of the pockets of working families. Rather than "read my lips," we believe we ought to read results.

We do not believe that the private sector should be abandoned, not in the least. We believe the private sector needs to be strengthened. We think it needs to be strengthened by having a cooperative partnership between private investments and public investments, and that is what I would like to talk about today.

Mr. Speaker, most investment decisions in this economy are and should be made in the private sector by businessmen, by entrepreneurs and families. But governments can and do make decisions which determine the environment in which those private decisions are made. Government also makes investments collectively that cannot or are not being made individually in the areas ranging from basic research, to education, to transportation. And the document that reveals those national decisions more than any other is the Federal budget.

Mr. Speaker, from 1945 to 1981 America had a national consensus that certain public investments were crucial to the strength and stability and decency of our society. But in 1981 and 1982 that consensus was shattered. Crucial decisions were made that set us on the road to a massive transfer of income and wealth from almost all income groups in society to the very wealthiest among us. Those years also provided a massive increase in military spending. And at the same time they provided a massive and incredibly damaging disinvestment in some key building blocks of national strength and stability. Mr. Speaker, I am more proud of my opposition to those decisions in 1981 and 1982 than I am of any other actions I have ever taken in the 21 years I have served in this Congress.

What I do not think the public knows is that, if we pass President Bush's budget, we will be embarking upon another round of disinvestment that will threaten the economic strength of this country and the economic security of millions of American families.

My favorite philosopher is Archie the cockroach. Archie said once that "experience is the quality that enables you to recognize a mistake when you make it again." If we do not make major changes in the President's budget, in my view we will be repeating and continuing the very large mistakes that we made on investment policy over the last decade, and I would like to try to explain why.

To understand the investment threat in the President's budget, Mr. Speaker, it is first necessary to understand how much we have already disinvested. Let me compare where the budget puts taxpayers' dollars in 1980 with where it is putting those taxpayers' dollars today and where the President would put them tomorrow.

First let us look at the noninvestment portions of the budget. If we first take a look at spending for the elderly and disabled, if we take a look at the portion of the budget which goes for programs to support the elderly and the disabled, in 1980 we spent approximately 37 cents out of every taxpayer's dollar for programs like that. Even though we had a number of reductions in specific Social Security benefits in the 1980's, we are still spending somewhat more on those programs today because we have had a 20-percent increase in the size of the population over 65, and health care costs for the elderly have been doubled as with the cost of inflation as a whole in our economy.

Mr. Speaker, that means that the 37 cents of every dollar that we were providing for senior citizens in disabled programs in 1980 today has grown to not quite 39 cents on the dollar. For the nonelderly poor, we were providing about 7 cents out of every dollar in 1980; in plain language that is for welfare programs. Today we are providing roughly 6 cents out of every dollar instead of the 7 cents that we were providing out of every dollar in 1980.

For economic stabilization programs, such as unemployment compensation, such as the commodity credit program for agriculture, we were providing in 1980 about 5½ cents out of every dollar. Today we are providing about 5 cents on every dollar, so there has been a very small reduction.

The cost of general government, which means keeping the FBI running, keeping the Customs Department going, just the general day-today business of keeping government open, that has essentially dropped from about 4 cents out of every dollar in 1980 to about 2 cents out of every dollar today.

So that means so far, if we take a look at these portions of the budget, and I am not suggesting that programs in that category are not good programs, but they are not investment programs the noninvestment portion of the budget is spending about 52 cents out of every dollar today versus 53 cents in 1980, rougly the same.

But now the big changes. Interest, which accounted for not quite 9 cents out of every dollar in 1980 today accounts for almost 15 cents out of every budget dollar. That is an increase of about two-thirds over the decade, an increase of over 60 percent.

Now why have our interest costs grown so fast? Well, the No. 1 reason for that in my judgment is the huge cuts in tax revenue which were provided in the 1981 and 1982 tax package. Now the average family in this country did not feel those tax reductions because the lion's share of those tax reductions went to very high income people. In fact, when we factor in and account for inflation, and we factor in the increase in Social Security tax since that time, the fact is that only the richest 10 percent of families in this society have experienced a real tax reduction, only families making about $82,000 a year or more, The fact is that the Treasury has lost literally billions and billions of dollars, as Carl Sagan, the noted scientist, would say. They lost billions and billions of dollars because we have seen the income of the richest 1 percent of people in the society essentially double over that time, but we have not seen their tax payments keep up. So, that is the largest reason for the increase in interest payments that we have had between now and 1980.

The second has been that we have had a massive increase in military spending. Military spending was around 24 cents out of every dollar in 1980. Today it has grown to 27 cents on the dollar. It has grown now almost 15 percent. We have had a 50-percent increase in real dollar terms of military spending between 1980 and today. We are spending approximately $100 billion in real terms above what we were spending in 1980 for military expenditures.

However, Mr. Speaker, what I call the investment portion of the budget, what we invest in kids by the way of an education, what we invest in health research by way of research at NIH, what we invest in science, especially civilian scientists, what we invest in community infrastructure such as transportation, highways, roads, sewage treatment plants, the things necessary to make a community function; those investments have declined from not quite 17 cents on the dollar in 1980 to less than 9 cents today, roughly a 40-percent decline as a percentage of the Federal budget! Looked at in another way, in real dollar terms after inflation, military spending has increased by about 50 percent in this decade. In contrast, outlays for domestic investment have declined by about 30 percent in real dollar terms over the same period.

□ 1240

Now, if we compare the investment and the President's new budget with the investments being made in 1980 and adjust for inflation, what we see is that we have a $90 billion shortfall in the investment portion of the budget that would be needed in order to provide the same level of investment as a society that we were providing in 1980.

Let me give some specific examples. The President says he wants to be the education President, but this year he is presenting a status quo budget for education, and over the next 5 years the President's budget as a percentage of gross national income, the President's budget for education goes down another 25 percent, taking us down to a level 50 percent below the 1980 level.

In higher education, the President recommends reductions in the Guaranteed Student Loan Program, most of which to be fair to him are simply reductions in interest costs, but there are other reductions made in addition to that.

The President reduces Pell Grant purchasing power by 17 percent since 1987. Middle-income families continue to be squeezed out of Pell Grants which provide families with grant assistance to send their youngsters to school.

The President wants to eliminate the Federal contribution for the capital fund for the Perkins Loan Program. I think that is flat out wrong.

I remember the week that I went away to college, because that was the week that my father lost his job. I remember the uncertainty we felt at that time. I remember wondering whether or not I was going to be able to get any help at all from my father. That experience burned into me the belief that in this society young people are entitled to educational opportunity, or at least they ought to be, based on their determination, based on their intellectual ability to handle the course work, not based on how many dollars the old man has in his bank account. And yet we are today slowly but surely abandoning the obligation of the Federal Government to see to it that every young person in this country who has the talent and the determination to profit by higher education in fact has the opportunity to experience that higher education.

The Federal Government is continuing to walk away from its obligation to support elementary and secondary education, to the extent that today property taxes at the local level for education purposes are $9 billion higher than they would be if the Federal Government were meeting the same level of obligation to elementary and secondary education that we were in 1980.

I ask you, how do you produce the best educated kids in the world, which

the President indicated he wanted to do, at the same time that we are substantially reducing the public investments that we are making in education?

The President claims that we are spending a whole lot of money on education, but the fact is that as a percentage of national income, if you take the 16 most industrialized societies in the world, we spend less than all but 14 of them, and that is a fact.

Now, if you turn to the environment and natural resources, the sewage treatment construction program in the President's budget is reduced 21 percent in real dollars terms.

Toxic waste cleanup, to the President's credit, goes up 9 percent, but that is clearly inadequate, given the need, and no further increases under the President's budget are planned for the next 4 years for that program.

Land acquisition funds, conservation and recreation funds, are down in real terms by 17 percent in the President's budget.

We have a 30-percent cut in the investments necessary to help our economy grow. For instance, real outlays for education have dropped by 11 percent in the President's budget. Costs have shifted back to the property tax and we see even further reductions that the President is planning in education budgets for the next 5 years.

Now, most of the slashes in these investment programs came in the early eighties. In job training and employment, for instance, we have a real reduction of about 70 percent in the funding for those programs. Most of these reduction came in the early eithties and we were slowly reducing the impact of those cuts over the past 3 years and in some areas we even tried to build back some tiny progress in meeting needs in those areas. But when the President produces his budget, we see that he has, in fact, resumed the reductions in domestic investments which President Reagan carried on with such a vengeance over the past decade.

Now, when he spoke to the country on his budget and when he spoke to the country on his State of the Union Message, the President seven times spoke of the need for new investments. In fact, the President's message accompanying his new budget said, "The budget's chief emphasis is on investments in the future," but if you make a close analysis of that budget, as I have indicated, in some areas so far he, in fact, continues reductions in real investments. In this portion of the budget, which has already been savaged, he reduces domestic investments by another 4 percent this year and by 1995 reduces them by another 11 percent. So as a percentage of national income, the domestic investment portion of our budget, which in 1980 was about 3½ percent of our total national income, by 1995 under the President's budget would take us down to 1.6 percent of total national income, more than a 50-percent reduction.

Now, it seems to me that is exactly the wrong way to go.

One area where the President does not disinvest is in space. He provides a very large investment to provide a safe habitat for people who will be living on a space station that circles the globe, at the very same time that we have seen disinvestments in housing of about 70 percent to provide a decent habitat for people here on Earth.

Or let us take the area of health care, for instance. In 7 of the last 8 years if you take a look at biomedical research, the Reagan administration and then the Bush administration asked for budgets which eroded the real purchasing power of biomedical research in the basic research area.

Between 1980 and 1990, defense research and development increased by about 98 percent. In the last 2 years, however, we have spent more on defense R&D than we spent in 100 years on biomedical research.

If you take a look at the President's budget for energy investment, we have already seen a 60-percent reduction in investments in energy since 1980, and the President's budget would take that down by another 20 percent over the next 5 years.

Energy conservation, which has been cut by 50 percent since 1980, would be cut by 85 percent below the 1980 levels if we followed the President's budget request for the next 5 years.

Solar and renewable energy, the investments are up somewhat, but they are still 80 percent below 1980 levels.

□ 1340

If we take a look at transportation, we will see that the President's budget is down 10 percent from last year in real terms for investment in transportation. He provides further cuts for the next 4 years, so that by 1995 we would be investing 22 percent below today's level and 30 percent below 1980 levels for transportation investment in areas such as highways and mass transit. As a percentage of GNP, we would be providing less than half the investment for transportation purposes that we provided in 1980.

Is it any wonder that the public today is unhappy with the condition of their highway and mass transit systems? I do not think so if we take a look at the budget trends which are continued by the President's budget this year. In fact, in the transportation area, net investments after we deduct for depreciation and wear and tear drop 20 percent in this year alone. Depending upon how we count a number of factors, we are between $3 billion and $6 billion short this year alone of meeting the investment level we would need just to stay even in the transportation area.

What are the consequences of this disinvestment, tax and deficit policy which we have seen the Presidents follow for the past 10 years? For wealthy families, we have seen a huge increase in after-tax benefits being provided to the wealthiest 1 percent of people in this country, but we have seen the Nation which protects us all, and we have seen the vast majority of working people, become considerably weaker in economic terms during the same period.

Over the last 12 years, for instance, college-educated families, high-income earners in our society, have held their own, but people with a high-school education, have seen their income decline in real-dollar terms by about 10 percent, and for high-school dropouts, we have seen their income decline from 1978 by about 20 percent in real-dollar terms.

That is not an accident. That is because this country is today much more active in world trading markets than we were 10 and 15 years ago. That means that when we have systematic disinvestment policies in this country, it is not the guy in the front office who is going to feel the economic brunt of those disinvestments as we become less and less able to compete in international markets. It is the guy out in the shop, it is the guy working in the front office at a middle-level job. Those are the people who are going to suffer economically over the next decade unless we begin to invest again in the things that make America strong.

We cannot afford to allow the younger generation to be the first generation in the 20th century to wind up being less well off than their parents, but that is what is going to happen if this systematic trend of disinvestment on the domestic side of the ledger is continued as President Bush's budget continues it.

The problem we face in changing what is being recommended by the President is that since 1946 no Congress has ever changed any President's budget by more than 2 percent. That means that unless we have a much more dramatic changing of budget priorities this year than we have had in virtually any year in the past 40, that means that we are going to continue to put the average working family in this country more and more at risk as we have systematic disinvestment in the things that give this country its growing power and its staying power.

The Soviet Union found out the hard way that they could not project military or political power over the world over a sustained period of time if they do not have the economic strength to sustain that. We have to learn that same lesson before it is too

late. It seems to me that we are going to have a great deal of difficulty in making the kind of changes that are necessary to prevent this investment erosion in our own country unless the President himself understands the need to make those changes. Because, as I say, the ability of Congress, because of the power of the veto, is so limited. Anytime that an institution has been able to affect only about 2 percent of public expenditures over a 40-year period, we have to recognize that the capacity of the Congress to change these mistakes in policy is extremely limited. That is why we need a redoubled effort on the part of the House and Senate to change that policy and why we have to appeal to the White House to recognize what 12 years of systematic disinvestment will do to the average American working family.

I guess what bothers me the most is that I do not see that happening at the White House, because it seems to me that there is a more aggressive pursuit of popularity through public opinion polls than there is a pursuit of problems that must be attacked on a systematic basis if we are to reverse this disinvestment trend in our own country.

What I find ironic is that in Eastern Europe, at the very time that politics is ennobled by the action of leader after leader who has risked everything in order to do something great and important for their country, at that very same time, we seem to see politics trivialized here at home. We see it reduced to read-my-lips slogans rather than looking at the results and seeing what those results are going to mean to the average American working family.

It makes absolutely no sense, and it is a disservice to every working American, to provide a budget as the White House has done this year which, in the teeth of all of the changes in Eastern Europe and in the Soviet Union, asks us, for instance, to increase military spending by $5 billion and to increase military foreign aid by one-half of a billion dollars, and at the same time we are seeing these kinds of disinvestments here at home. That is simply not, in my judgment, the kind of budget policy which is going to meet the challenge of the 1990's and, indeed, the next century. Not just for the Nation as a whole, but for every single working family which has a right to expect that we will be making the kinds of investments, both public and private, which will give them an opportunity to affect their own lives in a way which produces a growing field of opportunity for their children.

That is really what is at stake. And I would hope in the coming weeks and months that the Congress will pay less attention to the propaganda coming out of the White House and its allies with respect to the kinder and gentler budget that has been provided and, instead, look at the numbers. Numbers can be very boring, but if we look at them honestly and accurately, they tell a story. They paint a picture, and they lay out a future for this society which will not be the kind of future that our society has a right to expect without substantial changes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous material:)

Mr. ARMEY, for 30 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on March 6 and 7.

Mr. PARRIS, for 5 minutes each day, on March 6 and 7.

Mr. GINGRICH, for 60 minutes each day, on March 12, 13, 14, and 15.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes today.

Mr. OBEY, for 60 minutes today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. OBEY, for 60 minutes, each day on March 6, 7, and 8.

Mr. WISE, for 60 minutes, each day on March 6, 7, and 8.

Mr. GONZALEZ, for 60 minutes, on March 8.

Mr. WOLPE, for 60 minutes, on March 22.

Mr. OWENS, of New York, for 60 minutes, each day on March 5, 6, 7, 8, 12, 13, 14, 15, and 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Mr. MCDADE in two instances.

Mr. DANNEMEYER in two instances.

Mr. LENT.

Mr. GRADISON.

Mr. EMERSON in three instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. ROYBAL in 2 instances.

Mr. KANJORSKI.

Mr. TORRICELLI.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. VENTO.

Mr. NELSON of Florida.

Mr. OWENS of New York.

Mr. ROE.

Mr. STARK in three instances.

Mr. MAZZOLI in two instances.

SENATE JOINT RESOLUTIONS AND CONCURRENT RESOLUTION REFERRED

Joint resolutions and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 10. Joint resolution to designate the month of May 1990 as "National Foster Care Month"; to the Committee on Public Works and Transportation.

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating May 1990 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 98. Concurrent resolution authorizing a public event with music for Earth Day 1990 on the United States Capitol Grounds; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 6, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2613. A letter from the Secretary of the Army, transmitting his determination that the family of medium tactical vehicles program has exceeded the program acquisition unit cost baseline by more than 25 percent, and that the Army tactical missile system has exceeded the current procurement unit cost baseline by more than 25 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2614. A letter from the Under Secretary of Defense, transmitting a report on research, development, test and evaluation activities conducted under the Biological Defense Research Program [BDRP] during 1989; to the Committee on Armed Services.

2615. A letter from the Secretary of Housing and Urban Development, transmitting a report on activities concerning the prepayment of mortgages insured under the National Housing Act, pursuant to Public Law 101-242, section 232 (101 Stat. 1885); to the Committee on Banking, Finance and Urban Affairs.

2616. A letter from the Secretary of State, transmitting a copy of Presidential Determination No. 90-12 regarding the certification of 19 major narcotics source and transit countries that have cooperated fully with the United States to control narcotics production; that certification of Lebanon is in the vital national interests of the United States; and that Afghanistan, Burma, Iran, and Syria do not meet the standards, pursuant 22 U.S.C. 2291-1; to the Committee on Foreign Affairs.

2617. A communication from the President of the United States, transmitting a report on international agreements transmitted to Congress after the deadline for their submission, with reasons, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

2618. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2619. A letter from the Assistant Secretary (Management), Department of the Treasury, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2620. A letter from the Acting Executive Secretary, Department of Defense, transmitting a report on activities under the Freedom of information Act during the calendar year 1989, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2621. A letter from the Administrator, Drug Enforcement Administration, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

2622. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2623. A letter from the Acting Director, Federal Emergency Management Agency, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2624. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2625. A letter from the Acting Chairman, Federal Maritime Commission, transmitting a report on activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2626. A letter from the Chairman, National Credit Union Administration, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2627. A letter from the Director of Legislative and Public Affairs, National Science Foundation, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2628. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2629. A letter from the Acting Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2630. A letter from the Acting President and Chief Executive Officer, Oversight Board—Resolution Trust Corporation, transmitting a report on activities under the Freedom of Information Act during 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2631. A letter from the Director, Peace Corps, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2632. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2633. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2634. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Interior and Insular Affairs.

2635. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report and recommendations concerning the claim of Ms. Rebecca T. Zagraniski to be reimbursed full relocation expenses consistent with those benefits and entitlements provided for employees transferred in the interest of the Government, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

2636. A letter from the Secretaries of Defense and Veterans Affairs, Departments of Defense and Veterans Affairs, transmitting their joint report on the sharing of medical resources between the two agencies for fiscal year 1989, pursuant to 38 U.S.C. 5011(f); jointly, to the Committees on Armed Services and Veterans' Affairs.

2637. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1991 and 1992, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Interior and Insular Affairs and Science, Space, and Technology.

2638. A letter from the Acting Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1991, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1109. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; with an amendment (Rept. 101-411). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1159. A bill to amend the National Trails System Act to designate the Juan Bautista de Anza National Historic Trail, and for other purposes; with an amendment (Rept. 101-412). Referred to the Committee of the Whole House of the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of Mar. 1, 1990]

By Mr. SCHUMER:

H.R. 4165. A bill to amend the Immigration and Nationality Act with respect to employment-sponsored and independent immigration, and for other purposes; to the Committee on the Judiciary.

[Submitted Mar. 5, 1990]

By Mr. FORD of Michigan (by request):

H.R. 4174. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the U.S. Court, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. PARRIS:

H.R. 4175. A bill to recognize the organization known as the Korean War Veterans Association, Inc.; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4176. A bill to amend the Internal Revenue Code of 1986 to include Federal irrigation subsidies in gross income; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. DOWNEY):

H.R. 4177. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on sulfur dioxide and nitrogen oxide emissions from utility plants; to the Committee on Ways and Means.

By Mr. BONIOR (for himself and Mr. LEWIS of California):

H.J. Res. 498. Joint resolution designating April 1990 as "Actors' Fund of America Appreciation Month"; to the Committee on Post Office and Civil Service.

By Mr. EMERSON (for himself, Mr. SKELTON, Mr. FUSTER, Mr. HORTON, Mr. TRAXLER, Mr. CARPER, Mr. TOWNS, Mr. HANSEN, Mr. BUSTAMANTE, Mr. JONTZ, Mr. WEBER, Mrs.

BOXER, Mr. FALEOMAVAEGA, Mr. MCNULTY, Mr. WALSH, and Mr. WILSON):

H.J. Res. 499. Joint resolution designating April 15 through 21, 1990, as "National Young Writers Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (for himself and Mr. GEPHARDT):

H.J. Res. 500. Joint resolution to designate April 6, 1990, as "Education Day, U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON (for himself, Mr. HAMMERSCHMIDT, Mr. OBERSTAR, and Mr. CLINGER):

H. Con. Res. 280. Concurrent resolution to urge the President and the U.S. Trade Representative not to propose or support the inclusion of civil air transport services under the General Agreement on Trade in Services that is being negotiated under the auspices of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H. Con. Res. 281. Concurrent resolution calling for the reaffirmation of the present border between Germany and Poland as part of the process leading to the reunification of Germany; to the Committee on Foreign Affairs.

By Mr. WOLPE (for himself, Mrs. MORELLA, Mr. PAYNE of New Jersey, Mr. HOUGHTON, Mr. DYMALLY, and Mr. FAUNTROY):

H. Con. Res. 282. Concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

319. By the SPEAKER: Memorial of the Legislature of the State of Colorado, relative to health care; to the Committee on Energy and Commerce.

320. Also, memorial of the 20th Legislature of Guam, relative to self-determination; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 725: Mr. MACHTLEY.

H.R. 930: Mr. NAGLE and Mr. COURTER.

H.R. 1620: Mr. HUGHES.

H.R. 3037: Mr. STUDDS and Mr. ECKART.

H.R. 3088: Mr. EMERSON.

H.R. 3155: Mr. ENGEL.

H.R. 3267: Mr. MURTHA and Mr. CONTE.

H.R. 3319: Mr. MARKEY.

H.R. 3475: Mr. PORTER.

H.R. 3735: Mr. ANNUNZIO, Mr. RANGEL, and Mr. OBERSTAR.

H.R. 3758: Mr. BOEHLERT and Mr. TOWNS.

H.R. 3818: Mr. MCDERMOTT.

H.R. 3859: Mr. FALEOMAVAEGA.

H.R. 3880: Mr. ALEXANDER, Mr. CLINGER, Mr. APPLEGATE, Mr. PANETTA, and Mr. YATES.

H.R. 3885: Mr. SCHIFF, Ms. LONG, Ms. KAPTUR, Mr. BONIOR, and Mr. BUNNING.

H.R. 3934: Mr. OWENS of New York.

H.R. 3949: Mr. HOLLOWAY and Mr. NEAL of North Carolina.

H.R. 3978: Mr. MINETA, Mr. SMITH of Florida, Mr. TRAXLER, Mr. KANJORSKI, Mr. SAVAGE, Mr. LEVINE of California, Mr. PEASE, Mr. CONTE, Mr. SHAYS, Mr. ATKINS, Mr. MCDERMOTT, Mrs. LOWEY of New York, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. WALGREN, Mr. STUDDS, and Mr. KOSTMAYER.

H.R. 3979: Mr. RAHALL, Mr. HUGHES, and Mr. QUILLEN.

H.R. 3980: Mr. GOSS, Mr. DERRICK, Mr. FAUNTROY, Mr. GORDON, Mrs. PATTERSON, Mr. BLILEY, and Mr. SMITH of New Hampshire.

H.R. 4036: Mr. WALSH.

H.R. 4043: Mr. COURTER, Mr. CONTE, and Mr. FAUNTROY.

H.R. 4048: Mr. KANJORSKI, Mr. DWYER of New Jersey, Mr. SCHEUER, Mrs. BOXER, Mr. BATES, Mr. WHEAT, Mr. WOLPE, Mr. STARK, Mr. WALGREN, and Mr. MORRISON of Connecticut.

H.R. 4080: Mr. OWENS of New York.

H.J. Res. 236: Ms. OAKAR, Mr. GREEN, Mr. ACKERMAN, Mr. BOSCO, Mrs. ROUKEMA, Mr. DORNAN of California, Mr. PALLONE, Mr. EVANS, Mrs. MORELLA, Mr. HAWKINS, Mr. MINETA, Ms. PELOSI, Mr. DWYER of New Jersey, Mr. SAVAGE, Mr. MILLER of Washington, Mr. GRANT, Mr. MCMILLAN of North Carolina, Mr. CARR, Mr. TRAFICANT, Mr. AUCOIN, Mr. BILIRAKIS, Mr. BILBRAY, Mr. SKELTON, Mr. LANCASTER, Mr. TOWNS, Mr. THOMAS A. LUKEN, Mr. SCHULZE, Mr. JENKINS, Mr. DYMALLY, Mr. LIGHTFOOT, Mr. FROST, Mr. GINGRICH, Mr. BONIOR, Mr. STARK, Mr. BATES, Mrs. MARTIN of Illinois, Mr. TORRES, Mr. MICHEL, Mr. ROBERTS, Mr. GEJDENSON, Mr. BEVILL, Mr. WYDEN, and Mr. MCDERMOTT.

H.J. Res. 441: Mr. NEAL of Massachusetts, Mr. CALLAHAN, Ms. LONG, Mr. GEREN of Texas, Mr. GILMAN, Mr. THOMAS A. LUKEN, Mr. PARRIS, Mr. HUTTO, Mr. JENKINS, Mr. FOGLIETTA, Mr. SMITH OF NEW JERSEY, Mr. LEWIS of Florida, Mrs. BOXER, Mr. RUSSO, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MURPHY, Mr. OWENS of New York, Mr. SARPALIUS, Mr. BURTON of Indiana, Mr. SKEEN, Mr. SAVAGE, Mr. ERDREICH, Mr. CLEMENT, Mr. MILLER of California, Mr. FISH, Mr. PALLONE, Mr. TAUZIN, Mr. TRAFICANT, Mr. WEBER, Mr. BEVILL, Mr. FLAKE, Mr. DELAY, Mr. SMITH of New Hampshire, Mr. WYDEN, Mr. CLARKE, Mr. BORSKI, Mr. TAUKE, Mr. YATRON, Mr. LEWIS of California, Mr. ANDERSON, Mr. CONYERS, Mr. SHUMWAY, Mr. SPENCE, Mr. BATES, Mr. DOWNEY, Mr. TANNER, Mr. ANTHONY, Mr. DARDEN, Mr. OLIN, and Mr. DE LUGO.

H.J. Res. 464: Mr. BARTLETT, Mr. BUECHNER, Mr. GEREN, Mr. MACHTLEY, Mr. PRICE, Mr. ROBERT F. SMITH, and Mr. WEBER.

H. Con. Res. 108: Ms. ROS-LEHTINEN and Mrs. MORELLA.

H. Con. Res. 273: Mr. NEAL of Massachusetts, Mr. FRANK, Mr. MILLER of California, Mr. GEJDENSON, Mr. BORSKI, and Mr. WEISS.

H. Con. Res. 279: Mr. TRAFICANT, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. MCNULTY, Mrs. COLLINS, Mr. MFUME, and Mr. MACHTLEY.

SENATE—*Monday, March 5, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will come to order. As we reverence our God and our Creator, the Senate will be led in prayer by the Senate Chaplain, Dr. Richard C. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

God of Creation, thank Thee for this record of the first wedding when You ordained the first woman and the first man to be one flesh. Help us to remember that marriage is Your idea, not the invention of a clever sociologist who thought it would be a good way to organize human nature. And help us to realize that next to our relationship with Thee, relationship to our spouse is most important.

Father in Heaven, how much evil in our society is due to failure in marriage? What is the awful price paid in crime, alcoholism, drug abuse, vandalism, sexual promiscuity, child abuse, suicide? How much destruction is the direct result of failure to prioritize the marriage covenant? Help us to understand that no success, however great, compensates for failures as husbands and wives, fathers and mothers. Give us wisdom to make time for spouse and children, remembering that we are not Senators when home; we are husbands and wives, fathers and mothers.

We pray this in the name of Jesus who performed His first miracle at a wedding reception. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders today, there will be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each. It is my intention momentarily to seek unanimous consent to proceed to the nomination of Clarence Thomas to be a U.S. circuit judge for the District of Columbia Circuit at 2:30 p.m. And, if, as I expect, that consent will be given, we would be on that nomination for up to 2 hours of debate. Upon the completion of that debate the vote will be scheduled for tomorrow, Tuesday, at 12:15 p.m. We will then, this afternoon, proceed to consideration of the Clean Air Act, on which I expect we will remain throughout the week.

There will be no rollcall votes today. However, tomorrow I expect rollcall votes to occur and Senators should be prepared for lengthy sessions throughout the week, including votes into and during the evenings on all days of this week on the clean air bill.

At 11 on Wednesday morning, Prime Minister Andreotti of Italy will address a joint meeting of Congress, to which all Senators are invited and encouraged to attend.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as in executive session I now ask unanimous consent that at 2:30 p.m. today, Monday, March 5, the Senate turn to consideration of the nomination of Clarence Thomas of Virginia, to be a U.S. circuit judge for the District of Columbia Circuit, that there be 2 hours of debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees, that at the conclusion or yielding back of time, without any intervening action, the Senate return to legislative session.

I further ask unanimous consent that the vote on the nomination occur on Tuesday, March 6, at 12:15 p.m., that following the conclusion of the vote the motion to reconsider be tabled, the President be immediately notified, and the Senate return to legislative session and stand in recess until 2:15 p.m.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. That will be the order of the Senate.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I yield to the Republican leader.

The PRESIDENT pro tempore. Without objection, the remaining time of the majority leader is reserved.

The Republican leader is recognized.

Mr. DOLE. Mr. President, I reserve my time.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order there will now be a period for morning business to extend to the hour to 2:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Illinois [Mr. DIXON] is recognized for not to exceed 5 minutes.

CAMPAIGN FINANCE REFORM

Mr. DIXON. I thank the Chair. Mr. President, I rise today to express my sincere hope that this Congress will soon act on campaign finance reform legislation with bipartisan support. The drastically escalating cost of elections demonstrates that our campaign financing laws are in shambles and need substantial improvement.

We have come to the point where entirely too much money is being spent on political campaigns, and it is clearly time that we set limits on what candidates can spend for congressional office. Such soaring costs have forced Members of Congress to devote an enormous amount of time and attention to fundraising activities. I believe it is safe to say that our constituents would rather we spend our time on public business.

In the 1988 election cycle, the average amount spent to win a Senate seat was $3,745,455. This means that a successful Senate candidate must raise more than $12,500 every week for 6 years. Given that the bulk of campaign fundraising may occur in the

last 2 years of a Senator's term, a successful candidate would have to raise more than $36,000 every week for those 2 years. Such intense campaign fundraising time obviously leaves that much less time for vital matters of concern to our constituents.

Mr. President since coming to the Senate in 1981, I have been a consistent advocate of campaign reform, and several times I have introduced my own legislation to deal with this problem. In prior public service, I was among the first statewide elected officials in Illinois to make available information regarding amounts and sources of my campaign contributions, and I also made available all personal income and net worth.

I am, therefore, proud to be a cosponsor of S. 137, the Senatorial Election Campaign Act. Senator BOREN and the distinguished majority leader have presented a bill that I believe is both responsible and equitable.

I congratulate the occupant of the Chair who, as the previous majority leader, contributed a great deal of his time and effort in attempting to pass this very worthwhile legislation.

One area of campaign finance reform that consistently evokes controversy has been the question of public financing. I can understand how there might be some reluctance on the part of some of my colleagues to support public financing. I think we all realize, however, that unless we retain some sort of public financing, as a triggering device, we cannot answer the first amendment concerns raised by the 1976 Supreme Court ruling in Buckley versus Valeo. Under the Court's ruling, Congress could not consistently impose spending limits unless they were adopted voluntarily; for example, as a condition for receiving public financing.

Under S. 137, there will be no public financing as long as both candidates accept modest campaign expenditure limitations. The only way public financing would come into play is if one candidate chooses not to be bound by these limitations. Therefore, only the most limited type of public financing is involved here as a means of complying with the Supreme Court ruling.

I believe that a substantial majority in the Senate, Mr. President, supports some kind of reasonable limitation on campaign expenditures. Yet we continue to hear opposition to the idea on the grounds that it is difficult for a challenger to beat an incumbent without outspending him. In response to that, let me point out a few facts about the two election cycles in the last 10 years that saw control of the Senate change hands:

In 1980, there were nine incumbents defeated. Of those nine, seven outspent their successful challengers during the campaign.

In 1986, 9 of the 34 Senators elected were outspent by the candidates they defeated. Of those nine, six were up against incumbents who outspent them during the campaign by as much as 2 to 1.

These election results and campaign spending statistics clearly demonstrate, regardless of allegations to the contrary, that reform of campaign finance laws is not a veiled effort to create an "incumbent protection society."

Another concern addressed by S. 137 is the ever-present issue of soft money—those contributions falling outside of Federal limitations, yet directly impacting Federal elections. S. 137 calls for disclosure of national and State party building funds, and requires that those funds must be raised and spent through regulated Federal accounts. The same requirements will also apply to political committees active in non-Federal elections, but engaging in activities that influence Federal elections.

In addition, bundled contributions from lobbyists and political parties would count toward both the intermediary's contribution limit as well as the original contributor's limit.

The enormous amounts of money flowing into campaign coffers through PAC's, special interests, and such questionable practices as soft money contributions cannot help but leave the impression that influence is being purchased.

Our elections must be a contest of ideas, ideas determined in the political marketplace and not in the financial marketplace. The only effective way to curb the rising cost of political campaigns is to impose a spending limit on the amount of money well-financed candidates can raise and spend, thus giving underfinanced candidates the chance to compete.

Let me say as forcefully as I can, Mr. President, that spending limits alone do not make a good bill, but spending limits are the essential foundation for any reform package we put together. To call a bill without spending limits reform is a joke.

Mr. President, S. 137 has evolved from several years of debate in connection with campaign finance reform. I implore my colleagues to support this measure so that we may begin as early as possible to influence the minds, and campaign treasuries, of candidates for Federal office. Our fellow citizens will be satisfied with nothing less.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN] is recognized for not to exceed 5 minutes.

Mr. LIEBERMAN. I thank the Chair.

ENVIRONMENTAL DEFENSE FUND REPORT ON CHILDHOOD LEAD POISONING

Today the Environmental Defense Fund has released a report which tells the story of a terrible epidemic harming millions of American children. This is not a new epidemic. It is one we have been warned of for years. The reality is that as a nation we have failed to take the concerted action necessary to deal with it. We have not protected our children from the lead that is quite literally harming and hurting them.

The Federal Government estimates that 3 to 4 million children in America who have dangerously elevated lead levels. We now know that even moderately elevated lead levels in children lead to dramatic increases in school dropout rates and reading disabilities, and to impairment of concentration, short-term memory, and reaction time. There is no cure for lead poisoning; we must prevent it before it occurs.

This country now faces two lead poisoning challenges. We must care for those children who have already been poisoned by lead, providing them with the special education and attention they may need; and we must prevent any further poisoning of our children by ensuring that the homes they live in, the yards they play in, the water they drink, and the air they breathe are safe.

I first became aware of the risks lead posed to children and adults, in whom it can cause hypertension and pregnancy complications, as attorney general of Connecticut. In that position I joined a petition to the FDA urging that warning labels be placed on all lead-soldered cans, and undertook an education campaign to warn the citizens of Connecticut not to refrigerate food in open cans because this speeds the migration of the lead into the food. One of the most disturbing things I discovered as attorney general was that lead paint was being sold in Connecticut stores for home use 10 years after lead had been banned from household paint. Some of the paint, sold in salvage stores, was produced before the ban. Other paint, manufactured with lead for industrial use, was being sold as household paint to unsuspecting consumers.

We sued the paint manufacturers and the retailers, and we launched a full scale effort to locate and remove the lead from those homes painted with the illegally sold paint. But that case is only the tip of the iceberg. All across America children are growing up in homes painted with lead paint, and before they even enter school their ability to learn has been significantly damaged.

As reported by EDF today, in a number of urban areas over 50 percent of the children have lead levels that can damage their health. In my own State of Connecticut, two cities, New Haven and Bridgeport, have 50 percent or more children with potentially damaging levels of lead in their sys-

tems. In six other cities, including Hartford, Stamford, and Norwalk, more than 40 percent of the children between the ages of 6 months and 5 years may have unacceptable lead levels.

It is my hope that the recent medical study showing the long-term harm caused by lead poisoning and the release of the Environmental Defense Fund report which quantifies the epidemic among American children will mark the beginning of a new national commitment to prevent lead poisoning now and forever.

This Thursday, March 8, 1990, the Toxic Substances, Oversight, Research and Development Subcommittee of the Environment and Public Works Committee, of which I am a member, will be holding a hearing on lead poisoning in American children. Senator HARRY REID, of Nevada, will chair this important hearing. We will be reviewing the medical data, surveying the sources of lead poisoning, examining the efforts of the Federal Government to protect children, and discussing the development for an aggressive, effective Federal approach to this problem. I look forward to this opportunity to address this critical issue.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized for not to exceed 5 minutes.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, governments all over the world are changing, East Germany, Romania, Czechoslovakia, even the Soviet Union, and in most cases not through war or any type of armed struggle but through the force of reason and through the ballot box.

Most recently, Mr. President, we saw a great change in Central America. The Sandinistas were defeated in a free and open election. True, there has been a great deal of armed struggle in Nicaragua over the years, but it was not until regional leaders negotiated peacefully and an election was held that things really changed and changed dramatically. Mrs. Chamorro gave the credit to the Nicaraguan people, and that is where it belongs. After achieving the first truly democratic election in that country's history, she said, "We have shown the world an example of civic duty, demonstrating that we Nicaraguans want to live in democracy, want to live in peace and, above all, we want to live in liberty."

Mr. President, we owe a great deal to the observation groups that helped influence the freedom and fairness of the elections in Nicaragua, and all the observers say that the person who was most influential was President Jimmy Carter. His presence, everyone said, no matter which political party, no matter which country, made an enormous difference.

One of the members of President Carter's group was a former Governor of Nevada, Mike O'Callaghan. Upon returning to the United States, Governor O'Callaghan had breakfast with me, Senator BRYAN, and Congressman BILBRAY. Governor O'Callaghan described to us some of what he saw. He was assigned to cover the North Atlantic region of the country of Nicaragua along with Congressman BEN JONES of Georgia. He told us of seeing, for example, 170 Miskito Indians lined up to wait to vote, another 400 people lined up in a place called Wasba, some of whom had paddled their boats and walked for more than a day to reach that polling place so they could stand in line to vote. In a column that he writes for the Las Vegas Sun newspaper, he described it in these words:

> I have experienced many elections in my life, but never have I seen the enthusiasm demonstrated by the people of Nicaragua. They showed me an election day that I'll never forget. The Nicaraguans overcame almost impossible odds to let the world smell the fragrance of a free and fair election.

We all owe a great deal of gratitude to the Jimmy Carters and Mike O'Callaghans of the world for their selfless dedication to the democratic ideal. I am happy to see the spirit of American democracy infusing the governments of the world. But I am equally happy to see that the practice of the American electoral process is not.

We have a process here—as the Senator from Illinois spoke of—in the United States where elections are won in many instances by the highest bidder—whoever can raise the most money. People are elected to the U.S. Senate because they have more money than the other person, a system that we here in Washington have refused to do anything about.

When the person who is now chairing the Senate was majority leader, all records were broken for attempting to invoke cloture on a piece of legislation. As I recall it, it was seven or eight times that cloture was attempted and failed because we as a Senate could not agree that it was the time for campaign reform.

It is time for reform. The system is no different now than it was last year. In fact, it has gotten worse.

Mr. President, it is no wonder so few people in this country who are eligible to vote simply do not participate in the process. In Nicaragua, over 80 percent of those eligible to vote voted—not only registered but of those who were eligible over 80 percent voted. I think that is something that we should look to.

EXTENSION OF MORNING BUSINESS

Mr. REID. But part of the reason they do not vote—Mr. President, I ask unanimous consent that I be given an extra 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Without objection, the time for morning business will be extended accordingly.

The Senator is recognized for 3 additional minutes.

Mr. REID. Mr. President, when is the last time in this country that we saw 400 Americans lined up at a polling place? People simply do not participate because they think it is futile. They do not care because the guy with the most money is going to win anyway. Why should they get involved?

The Nicaraguans, as an example, are enthusiastic because they have never had a true democracy, and they have never had a say. But we in America cannot say that. We take our democracy, our freedom, our liberty for granted. We should not.

I do not want to blame the American public for this apathy. We here, as Members of the U.S. Congress, both Members of this body and the other body, bear the responsibility just as much as the people down on Pennsylvania Avenue in the White House. It is up to us, it is up to this Congress; it is up to us to do something about campaign reform.

Let us stop bickering over inserting commas and crossing t's; over which party has advantage. Let us reform the election process. Let us get to the real business of the Nation. Not only do we owe it to our constituents, but we owe it to the world as a model of democratic ideal.

There are many campaign reform proposals in the Rules Committee. Shortly, we will be able, I hope, to debate them here on the floor of the Senate. I urge all my colleagues to participate in this important debate, but most of all I urge them to join with me in passing a campaign reform bill, and to pass it this year.

I yield the floor, Mr. President.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,815th day that Terry Anderson has been held in captivity in Beirut.

I should also point out that promising news continues to come out of the Near East. Over the weekend, Syrian Foreign Minister Farouk Charaa and Iranian diplomat Mahmoud Hashemi reportedly met in Damascus to discuss prospects for freeing the 18 hostages being held in Lebanon.

I ask unanimous consent that the Washington Post article highlighting the report of the meeting be reprinted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 5, 1990]

IRANIAN, SYRIAN OFFICIALS MEET ON HOSTAGES

DAMASCUS, SYRIA, March 4.—A senior Iranian envoy met today with Syria's foreign minister and discussed efforts to free Western hostages held in Lebanon, an informed source said.

The Syrian source, who refused to be identified further, said the meeting between Iranian diplomat Mahmoud Hashemi and Syrian Foreign Minister Farouk Charaa "appears to be to coordinate efforts between the governments of Syria and Iran to gain the release of all the hostages" held by pro-Iranian Shiite Moslem militants in Lebanon.

Syria, Iran's main Arab ally, has been instrumental in helping release Western hostages in the past. It has 40,000 troops deployed in much of Lebanon.

The source said that Hashemi, the brother of Iranian President Ali Akbar Hashemi Rafsanjani, delivered "a very cordial message" to Charaa from Iranian Foreign Minister Ali Akbar Velayati, including an invitation for him to visit Tehran to meet with Rafsanjani and Iran's spiritual leader, Ayatollah Ali Khamenei.

The source said Hashemi arrived here after a visit to Beirut, where he met with senior Shiite Moslem figures on the hostage issue.

"Nobody can be precise about how long the process will take. There appears to be a genuine desire by the Iranian president to end this ordeal. But there are still difficulties," the source said.

Most of the 18 hostages in Lebanon, who include eight Americans, are believed held by Shiite Moslem groups loyal to Iran.

THERE'S ONLY ONE ALAN OTTEN

Mr. MOYNIHAN. Mr. President, on Friday, March 2, Alan Otten retired from the Wall Street Journal. This is no occasion for regret. He is not leaving us stranded, bereft of his wisdom, deprived of his guidance, he is only just easing up a bit. Al Hunt, Washington bureau chief of the Journal, gets it just right in an article that appeared in the Journal on Friday. This is an occasion to celebrate extraordinary professional achievement and a not less exemplary life. I ask unanimous consent that the Journal article may be printed in the RECORD, that history might know of the Senate's regard for this man of rare understanding and forgiveness, virtues of which we have had great need which he has showered upon us with selfless amplitude.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 2, 1990]

ON HIS RETIREMENT, STILL FASTER, TOUGHER, SMARTER

(By Albert R. Hunt)

More than two decades ago, as a young Wall Street Journal reporter covering the broadcasting and pulp-and-paper industry, I was offered a job by a top editor at the Philadelphia Bulletin.

"What do you want to do eventually?" he asked, somehow sensing that I didn't view the pulp-and-paper beat as my crowning achievement. I said I wanted to cover politics in Washington.

"Well you can't do that at The Wall Street Journal," he shot back. "There's only one Alan Otten."

Indeed, for two generations Alan L. Otten has been synonymous with this newspaper and excellence in covering politics and, more recently, some of the vexing ethical dilemmas facing our society. Today, after more than 43 years with the Journal, he's retiring—sort of. To anyone who cares about this paper or American politics, the Otten legacy is awesome.

He's one of a few dozen extraordinary journalists who shaped the postwar Journal, changing it from a parochial paper with 60,000 subscribers into one of the premier papers of the world with a circulation of close to two million.

Alan Otten's slice was politics and governance; from the early '50s to the early '80s it was difficult to find an important congressional staffer, state legislator or local party chairman who didn't know and respect him. "He was the model of the political reporter who went beyond the superficial," recalls former colleague Robert Novak, now a syndicated columnist. "Alan Otten made The Wall Street Journal a serious paper for political coverage."

Other reporters also were heavily influenced. "Alan was may mentor," recalls the Washington Post's David Broder, now the dean of political reporters. "More than anybody else, he taught me how to do the job."

He has the best political instincts of any reporter I've ever known. My first Ohio political story was during the Republicans' 1974 Watergate nightmare, and the incumbent Democratic governor, John Gilligan, was heavily favored to defeat former GOP governor Jim Rhodes. But before I left for Ohio. Alan mapped out a route that Gov. Gilligan soon would travel to defeat. My coverage followed it perfectly, and I claimed all the credit when Jim Rhodes won an upset victory in November.

His grasp of policy was equally powerful. Recalls columnist Philp Geyelin, a former colleague: "He'd take the federal budget, tear it apart, find out what mattered and give the story to the relevant reporter. I covered foreign affairs, and he would hand me my story every year."

As a bureau chief, he was tough and demanding; he also was compassionate and magnanimous. Bob Novak remembers how Alan Otten, his senior colleague, gave him major assignments in the 1960 campaign. "He was enormously generous in a business where that wasn't commonplace."

To be sure, even Alan Otten has flaws. On May 3, 1960, he co-authored a piece boldly declaring that "anti-Catholic sentiment" likely would defeat John F. Kennedy in the crucial West Virginia primary, perhaps siphoning off as much as 60% of the Mountaineer State vote; a week later Kennedy won West Virginia with 60%.

He has personal foibles too. In 1978 he almost turned down the coveted assignment of London bureau chief because it would take him out of the presidency of Washington's Gridiron Club. He's perpetually grumpy; once, when he went several days without complaining about anything, his daughter and I worried he was ill.

Grumpy or not, he always has been a man of total integrity who brings a splendid sense of skepticism to reporting but who never falls into unearned cynicism; he truly cherishes institutions, whether this newspaper or American politics.

He also embodies the best of old-fashioned values; a day without the Ottens worrying about their kids—even as they reach their 30s and 40s—is unusual. Unlike some of us, he rejected the glitter of telvision as too superficial for his interests.

Whether covering Congress, the White House or national politics, Alan had this uncanny ability to discover the best and brightest, even in obscure positions. David Broder remembers going to dinner at the Ottens almost 30 years ago and meeting a fascinating young assistant secretary of labor. That was Daniel Patrick Moynihan.

This penchant was as apparent in his Politics and People column—which graced these pages from 1966 until he took over in London—as at his dinner table. In November 1971, less than a year after a relatively obscure former quarterback named Jack Kemp came to Congress, Alan Otten spotted him as one of the "clear comers" in the House. Likewise, his presence on issues ranging from abortion to crime to career couples has been striking.

And he's a man of enormous maturity. Upon returning from his stint in London in 1983, he decided he needed a new challenge, other than politics. So for the past seven years he has written about big ideas—bioethics and demographics and the like. His insights and perspective were never more in evidence—as is his series of penetrating pieces in 1985, for instance, on thorny bioethical issues, such as conflicts between women's rights and fetal rights, "living wills" and organ transplants.

But no story that year was more touching or profound than the account of his own semi-comatose mother. This man, who cares so passionately about family, described her pitiful existence in a nursing home and forcefully questioned a system that considers it more humane to keep people alive, in those circumstances, than to let them die.

Alan Otten had one extraordinary asset to guide him during these four decades: He married above himself. Jane Otten, a first-class journalist and author, has most of his strengths and none of his shortcomings.

So today one of the Journal's most distinguished reporters officially retires. But fortunately he'll still be around, writing his thoughtful People Patterns column every four weeks and coming to the bureau at least once a month to practice a favorite pastime: telling me how we're screwing up. That's good news for all of us. For that Philadelphia Bulletin editor was right: There is only one Alan Otten.

EULOGY FOR WARREN DEMIAN MANSHEL

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that my eulogy for Warren Demian Manshel, on February 28, 1990, be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR WARREN DEMIAN MANSHEL

(By Daniel Patrick Moynihan)

It is common observation that free societies depend upon and derive their strength from a singular class of persons who lead neither wholly public nor yet wholly private lives, but rather combine in judicious measure elements of both. A common observation, but not a common sight. And rare indeed in the measure of harmony and symmytry to which Warren Manshel attained in his singularly accomplished public and private career.

Although I cannot be sure he would wholly approve, I am confident he would indulge his old friend here in a brief Ciceronian aside. A passage from *De Finibus:*

Iucundi acti labores. How pleasant is work accomplished. Pleasant then in the 45th year before the Christian era, pleasant in the not less demanding years toward the close of the second millenium.

I speak of pleasant things, yes. Warren Manshel's life was filled with hard tasks, often in hideous times. Born a Jew in soon-to-be Nazi Germany, life for him was problematic from the first, but in the most trying or demanding of circumstance he embraced life as a gift, as well as a responsibility.

His life alternated between the most public of tasks—an American soldier, an American Ambassador—and the most private of roles, husband and father and friend. In between, if you like, there was his life as scholar and financier, and most especially as creator of institutions. It is to these latter tasks accomplished that I would especially refer.

Just a quarter century ago this spring, Warren, as publisher, presided over the first meeting of the Publication Committee of a new journal entitled, naturally, as it now seems, *The Public Interest.* No such enterprise had ever been attempted, much less successfully. At the moment of a somewhat unexamined triumphalism in the liberal spectrum of American politics, the task of *The Public Interest* would be to examine both the tenets and the proposals of the time from the perspective of contemporary social science and traditional social and political values. A prodigious task calmly undertaken and wondrously performed. Five years later, in 1970, with Samuel P. Huntington he founded the journal, *Foreign Policy,* yet another institution which has helped define our age and which he left in flourishing vitality.

All this needs to be said by others, for it is the plain fact that Warren would never say such things for himself. For he was not simply self-effacing. He could contrive almost to be invisible. Helping, guiding, often indeed directing, but scarcely to be perceived, such was the lightness of his touch, *and* the sureness thereof. He enriched all who knew him, and countless others who only knew his name. He enriched the Republic, which is all he ever asked, and for which we shall be ever mindful and grateful.

PANAMA AND EL SALVADOR

Mr. LEAHY. Mr. President, from February 2-5, I visited Panama and El Salvador in my capacity as chairman of the Foreign Operations Subcommittee. My purpose was to discuss Panama's foreign assistance needs and to find out where matters stood in El Salvador concerning the investigation of the six Jesuit priests and their housekeepers. I ask unanimous consent to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 28, 1990.

HON. ROBERT C. BYRD,
Chairman, Committee on Appropriations.

DEAR BOB: From February 2-5, I visited Panama and El Salvador to discuss issues of interest to the Appropriations Committee. This trip was to help prepare for committee consideration of a supplemental appropriations request from the President for Panama. In addition, I fully expect U.S. assistance to El Salvador will be a major issue once again on the supplemental or the fiscal 1991 Foreign Operations Appropriation.

My visit was a timely one. Immediately upon my return, I held hearings in the Foreign Operations Subcommittee on the status of the Salvadoran investigation of the horrendous murder of the Jesuit priests and their housekeepers. This case will be central to the issue of assistance to El Salvador. Moreover, I anticipate that the Foreign Operations Subcommittee will soon schedule hearings on the Panama Supplemental, and the information gained in my discussions with President Guillermo Endara, Vice President Ford and Vice President Arias will be valuable as we consider assistance levels to Panama.

I have attached a report on my discussions for the use of other Members of the Committee. I also intend to place this report in the Record for the information of all senators.

With best regards.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.

PANAMA AND EL SALVADOR TRIP REPORT, SENATOR PATRICK LEAHY, CHAIRMAN, FOREIGN OPERATIONS SUBCOMMITTEE, APPROPRIATIONS COMMITTEE

INTRODUCTION

From February 2 to February 5, I visited Panama and El Salvador to discuss with host country and U.S. officials issues related to U.S. military and economic assistance. On this visit, I was supported by Foreign Operations subcommittee staffers Eric Newson and James Bond, subcommittee staff director and minority staffer, respectively.

As I departed, the Administration was drafting legislation for emergency short term assistance of more than half a billion dollars for Panama, as well as a Supplemental Appropriations request to provide an additional $500 million in direct assistance to Panama over a longer term. In addition, legislation had been introduced or was in preparation relating to U.S. military and other forms of aid to El Salvador. The Foreign Operations subcommittee will be directly involved in all this legislation affecting aid levels to Panama and El Salvador.

I wish to thank Mr. Newsom and Mr. Bond, as well as the many Panamanian, Salvadoran and U.S. military, diplomatic and aid officials, who contributed so much to making my visit productive and useful as the subcommittee prepares to address these major foreign aid issues.

Panama

In Panama, I was privileged to meet President Guillermo Endara and Vice Presidents Ricardo Arias Calderon and Guillermo Ford, as well as numerous Panamanian economic and security officials. In addition, I had several valuable meetings with Ambassador Deane Hinton and senior members of his staff. As well, I had important discussions with General Maxwell Thurman and his top advisers on the immediate security situation and the longer term role of the U.S. military in helping to create a civilian-controlled Panamanian security force.

President Endara and his administration clearly are enjoying a honeymoon of high popularity and great expectations after the years of the Noriega dictatorship. I witnessed moving scenes of popular support for President Endara when we attended church together on Sunday morning, as well as demonstrations of strong approval of the U.S. military action to remove General Noriega. What concerned me is how long this widespread support for President Endara and approval of the U.S. action will last if expectations for rapid material improvement in people's lives and the quick dismantling of the Noriega regime are not satisfied.

While I was in Panama President Endara strongly welcomed President Bush's announcement that American forces would return to the pre-invasion level before the end of February. He and his advisers expected this move would ease their problems of legitimacy and recognition by some Latin American governments.

THE ECONOMIC AND FOREIGN ASSISTANCE NEEDS

On the economic side, the new Government is giving top priority to reducing widespread unemployment (estimated at more than 25% in the urban areas), restarting commercial and business activity disrupted by looting and destruction on the fall of the Noriega regime, restoring the banking system, and instilling sufficient confidence in the economy that Panamanian capital which had fled would begin to return.

I was told that estimates of losses due to looting had been scaled back drastically. Business losses from looting may be as low as $500-$600 million, and insurance claims are more on the order of $250 million. Panamanian leaders assured me they did not intend to ask the United States Government to pay for rebuilding businesses that had been hurt by looting. They intend to set up a line of credit from Panamanian banks for loans to small and medium sized business. Panama will not expect the United States to shoulder this burden.

On unemployment, the Panamanian leaders seek a grant of $200 million from the United States for a public works program to soak up temporarily about 20,000 unemployed in the major cities. The government is deeply worried about the political consequences of failing quickly to provide jobs to these people, for the most part the poorest elements in the cities. Also, the government believes that creation of demand through this jobs program will stimulate the quick recovery of the retail and commercial sector.

The Endara government believes the banking system is already recovering well. It seems less concerned than the United States about reducing secrecy in the Panamanian banking system, which many believe was so

conducive to drug money laundering. Instead, Panama's leaders argue that what is needed is better rules to prevent the misuse of secrecy. This may turn out to be a bone of contention with the United States.

In my view, the Committee should not move on the Panama Supplemental until it has received a report from the Administration on the Panamanian banking system and the money laundering problem. That report, mandated by the legislation containing the emergency aid authorization for Panama passed early in February, is due April 15. The Committee should carefully review that report to satisfy itself that adequate steps are being taken to clean up the Panamanian banking system, which was so thoroughly corrupted by drug money.

A central part of the Government's recovery program is to clear arrears to the multilateral development banks (MDBs), now totaling some $540 million. Unless action is taken before this summer, these arrears will exceed $600 million. Elimination of these arrears is supposed to open the way for major new lending by the World Bank, the Inter-American Development Bank and the IMF. Panama needs far more outside assistance than the United States can or is likely to provide, and the MDBs are seen as the only possible source of aid on this scale. To get access to new lending, the Government has asked the United States to lead in forming a "Support Group" of donor countries, including Japan, to help in pay off these arrears.

Under this plan, the United States would be asked to contribute about $130 million in cash. In addition, the U.S. Treasury would make a "bridge loan" of $150 million to help repay the World Bank arrears, which would be repaid. Panama would raise $130 million from its own resources, primarily from assets of the Noriega regime frozen by the United States under sanctions. Japan would contribute the remainder. However, some Panamanian leaders, evidently expecting that it could take some time to get the Support Group set up, would like to use its $130 million right now to meet urgent needs. The problem is that once Panama commits this money to other uses, it is probably going to have difficulty raising it again. It might have to turn to the United States to help make up the difference. I expressed the opinion that there would concern in Congress about the American taxpayer paying off Panama's debts to the World Bank, and this concern would be even greater if Panama itself were unable to pay anything.

Unfortunately, according to information given to me, clearing the MDB arrears of $540 million and keeping current on some $265 million in new payments owed this year may not actually open the door to much net new capital for at least a year and possibly even two years. I believe that only $350-$400 million or less in MDB loans will be available for 1990 once the arrears are cleared, and probably not much more than that for 1991. This means Panama and its friends, primarily the United States, will pay over $800 million in 1990 alone, so that Panama can receive less than half that in new loans. Payments to MDBs in 1991 will also probably significantly exceed new loans.

It is open to question whether, at least in the near term, the MDBs are going to be able to help Panama on the lavish scale which some Panamanians and American officials seem to believe. The Administration is allowing the impression to develop that clearing the MDB arrears will stimulate massive inflows of new assistance. This is contributing to unrealistic assumptions among some Panamanians about the levels of aid their country is likely to receive over the next two years. I am concerned that such impressions feed the already inflated expectations by the Panamanian people of rapid material improvement. There is a real danger of disillusionment with the Endara government and a sharp political reaction if these expectations are deflated abruptly when aid is not forthcoming on a scale being unwisely promised.

When I asked why the US should appropriate $130 million or more to help Panama pay its arrear to the MDBs while at the same time waiving payment of Panama's arrears to us, I was told it would send the "wrong signal" to other potential contributors to the Support Group for us to ask for payment to ourselves. The argument seems to go that somehow, for Panama to catch up on its back payments to the United States is harmful, while it is vital for us to pay part of Panama's debts to the international financial institutions so it can borrow more. This was not a logic I found convincing.

Whatever may happen through the Support Group to deal with the problem of MDB arrears, external debt will remain a massive problem for Panama. Total government debt exceeds $6 billion, of which over 80% is external. According to some economists I met, it would take about 15% of Panama's national income just to stay current in debt payments regardless of what is done about arrearages. Panama is not capable of meeting these payments, and will clearly seek a Paris Club rescheduling of official debt, including debt to the United States Government, as part of its overall debt management strategy.

I told Panamanian leaders that while Congress would want to provide significant help, I doubted that Panama would receive the full $500 million requested in the Supplemental, on top of the $530 million in direct and indirect assistance Congress was expected to approve shortly after my return. Many, including me, would question whether a nation of less than 3 million people could effectively absorb over $1 billion in assistance in the short time frame planned by Panama's leaders and the Bush Administration. I noted that the Supplemental request alone is nearly equal to the entire US development aid program for black Africa, with over 500 million people. There is also a need to set priorities. I pointed out that there are many demands on limited US foreign aid resources, including the need to help in Eastern Europe. I suggested Panama should be prepared for the possibility that they might receive less than $500 million the President was expected to request in a Supplemental Appropriation.

Panamanian leaders agreed that ultimately, only private enterprise could contribute the level of money needed to revive the Panamanian economy, but they insisted they needed large scale external assistance to bridge the period until private investment and expatriated capital began to flow into the country.

President Endara and Vice President Ford both argued strongly that the United States should negotiate a Free Trade Treaty with Panama. Panama does not want to become a permanent ward of the United States, and trade and private investment are the tools for a sustainable Panamanian economy.

One welcome promise both Panamanian leaders and US officials made was that US aid would be limited to a two to three year period. The Embassy is not planning to establish a traditional AID mission, and efforts are being made to prevent the entrenchment of a large, project-oriented assistance program. This is encouraging. Still, because I sensed an overly rosy view in Panama about how quickly things could be turned around, I retain a certain skepticism that Panama will avoid becoming a long term aid recipient.

I came away with a number of vivid impressions about Panama's leaders and their plans for the economy. First, President Endara and Vice President Ford, the two main shapers of economic policy, are committed to rebuilding a vibrant, free enterprise economy free from dependence on drug money and ultimately not dependent on aid from the United States. They are astonishingly courageous, and they represent the present best hope of their country for real democracy. They need and deserve our strong support.

Nevertheless, as noted earlier I could not escape the impression that the political leadership in Panama has too optimistic a picture of what is going to happen over the next two years in their economy. Rapid recovery from the depredations of Noriega and his cronies is certainly possible. A kind of hothouse economic growth over the next year is very likely. Yet, there are profound structural problems in the Panamanian economy that will not yield to quick infusions of money. Major, long term reforms requiring difficult and politically risky decisions are necessary. The underlying fiscal crisis of Panama arises from an enormous debt, a heavily service-oriented economy producing few goods for export, widespread and deeply rooted unemployment and underemployment, uncertain Canal revenues, and an unhealthy dependence on spending by United States military and other official personnel.

These are problems which a few hundred million dollars of aid from the United States and some new loans from the MDBs are not going to cure in a couple of years. Panama's leadership needs to give hope to its people, but it also needs to be honest and realistic. Otherwise, the vast expectations which now pervade the country will turn into disillusionment, anger and opposition.

THE PANAMA PUBLIC FORCE AND THE SECURITY SITUATION

Vice President Ricardo Arias Calderon is in charge of security policy, under the overall leadership of President Endara. The central task Vice President Arias faces is the formation of a new Panamanian Public Force (PPF) to replace the Noriega Panamanian Defense Force (PDF).

The new Panamanian leadership was faced with two options to provide for public order in the wake of the collapse of the PDF:

To build a new public security force entirely with new personnel; or

To constitute the new force largely with ex-members of the old PDF.

In full recognition that it was taking a calculated risk, but believing that it really had no choice, Panama's leaders decided to use former PDF personnel in the new security force. To dismiss all PDF members would have thrown 16,000 trained (and in many cases, armed) military men on the streets. The government was—and still is—concerned about the threat of banditry or urban guerrilla activity by elements of the ex-PDF, aided and abetted by remnants of the Dignity Battalions. In addition, a decision against using members of the old PDF

would have required a longer US military presence to provide order in Panama while a totally new force was recruited, trained and equipped.

The decision to scrap the PDF as a military force was made during the US military action. In its place, Panama has decided to create a civilian-controlled police force—or, more accurately, a police force, customs service, an immigration service, an air transport service and a coast guard. All these functions were controlled by the PDF under Noriega. About 13,000 former PDF members have been incorporated into the PDF. Screening of these men is underway. Those found to have been close to Noriega, to have any involvement with torture or murder, or involvement in gross corruption, including drugs, will be removed. Only 3 of 17 PDF lieutenant colonels and half the PDF majors have been retained. All other senior PDF officers have been dismissed. Eventually, the PPF will number about 10,000 men uniformed as police and equipped with sidearms.

The PPF will be funded out of the central government budget under the control of the Comptroller General. In contrast to the PDF, the PPF will have no financial autonomy.

The US military action revealed that the so-called "Dignity Battalions," the Noriega-created paramilitary units, were better armed and better trained than originally believed. Elements of these units are still at large in Panama. Over 20,000 AK-47 assault rifles have been found in caches throughout the country. The government believes there may be thousands more weapons still outside government control. To be able to cope with any threat from these elements, or from organized crime or terrorists, the Government is considering equipping and training two or three special units of between 100-150 men with infantry weapons as a kind of "SWAT" team.

I am concerned about the decision to form the PPF almost entirely of ex-PDF members. This means the PPF, the only armed force in the country, will be constituted of military men, all having been exposed to the mentality and practices of the PDF under General Noriega and his predecessors. Many will resent, overtly or covertly, what they may see as a lowering of their status from soldiers running the country to police under civilian direction. Putting these men into police uniforms and giving them some police training is not going to erase the PDF mentality in many of them. The PPF could remain as a focus of potential opposition to democracy and civilian control, especially if the "Dignity Battalion" attempt to oppose the new government. The US and Panama's democratic leaders make a dangerous mistake if they believe the danger of a new "man on horseback" is gone from Panama. Moreover, even if it does not become a source of political instability, PPF may continue to abuse human rights and to engage in corruption.

El Salvador

The day before I left the United States for Panama, I had a lengthy meeting in Washington with President Adolfo Cristiani, and I also met Ambassador William Walker. In El Salvador, I met Colonel Rene Emilio Ponce, chief of staff of the Armed Forces, Colonel Manuel Rivas, head of the Special Investigative Unit, US Charge, Jeffras Dieterich, Colonel Milton Megivar, head of the US Military Group, and other members of the US Embassy. The focus of all these discussions was the investigation into the murders of the six Jesuit priests and the two housekeepers the morning of January 16.

President Cristiani assured me he intends to carry the investigation of the Jesuit murders any place it may lead. He also assured me he intends to subject to Salvadoran courts anyone against whom sufficient evidence exists.

There is no doubt that in arresting a Salvadoran Army Colonel, three lieutenants and five enlisted men from the elite Atlacatl Battalion, President Cristiani has taken a highly significant step toward making the Salvadoran security forces responsible for acts committed by its members. President Cristiani has shown courage in taking the investigation as far as he has.

The difficulty with President Cristiani's assurances, important as they are, is that no serious observer of political realities in El Salvador believes the President is fully in control of the military forces. Furthermore, the Salvadoran judicial system is notoriously weak and its members, understandably, frightened of the consequences of proceeding vigorously against members of the Armed Forces for any human rights abuses, especially a colonel who is a member of the *tandona*, the 1966 military academy class that presently dominates the Salvadoran military forces.

While President Cristiani deserves the support of the United States in his effort to bring the murderers of the Jesuits to justice, to reduce the power of the *tandona*, to reform the Salvadoran military, and to subject it to genuine civilian control, there is unfortunately strong reason to doubt that he will be successful in any of his objectives. I am convinced that the reason the Army tolerates President Cristiani's efforts, and has acquiesced in the arrest and detention of officers and enlisted men for the Jesuit murders is because it fears Congress will cut military aid. There is no doubt in my mind that it is pressure from Congress that has enabled President Cristiani to come as far as he has. Any relaxation of that pressure will immediately undermine his authority, strengthen the dominance of the *tandona*, and confirm the human rights abusers in the security forces that they can resume activities as usual.

The army leadership firmly denies that the murder of the Jesuits in any way indicts the armed forces as an institution. Army leaders see no need to subject themselves to further investigation or examination respecting this case. As far as the army is concerned, it will support President Cristiani and the civilian authorities in carrying out the investigation and trial of those accused.

I asked about reports I had received concerning a meeting of the High Command the night of November 15, during which, it is alleged, there was discussion of taking "actions" against the FMLN support structure in San Salvador during the FMLN offensive then underway. It was confirmed that a meeting of the High Command had indeed taken place that night, and that decisions were made to use bombing inside the city, artillery and tanks against the FMLN, even though it was recognized this would cause civilian casualties. It was categorically denied that there was any discussion of the killing of the Jesuits. Colonel Benavides was present at this meeting.

Shortly after this meeting at the High Command, Colonel Benavides, it is alleged, gave orders to the lieutenants to take a unit from the Atlacatl Battalion and go to the University of Central America and kill the Jesuits. I was informed that the lieutenants had confessed that Colonel Benavides had given them the order to kill the Jesuits, though he denies giving such an order in his own statements to investigators. Neither Colonel Benavides nor the lieutentants have been subjected to polygraph tests on these statements.

I asked what efforts had been made to investigate what transpired at the November 15 meeting of the High Command, which many believe to be the key to understanding whether Colonel Benavides was explicitly or implicitly ordered to kill the Jesuits. The response from all those I asked was, essentially, that nothing is being done. I was informed that no basis existed to interrogate those present at this meeting (in essence, the entire High Command of the Salvadoran Armed Forces), nor to subject them to polygraph examinations.

The position of the Salvadoran army is that the case is in the hands of the judicial authorities, and the army has no further responsibility to ensure that justice is done. Army leaders categorically deny any involvement of the High Command or of any officers above Colonel Benavides. I was informed that the first time the chief of staff of the Armed Forces learned of the possible involvement of Colonel Benavides was on January 2, when Colonel Milton Mengivar confronted Colonel Ponce with this information. Colonel Mengivar received information from a Major Buckland of his staff in the US Military Group, that he had been told that Colonel Benavides had admitted he was responsible for the Jesuit murders and that he believed Colonel Ponce knew this. Major Buckland said that he received this information from a friend, Colonel Aviles, of the Salvadoran Army, who had received it from a Colonel Lopez y Lopez, who was helping the SIU with the investigation. Colonel Lopez y Lopez, in turn, had received it from Colonel Rivas, chief of the Special Investigations Unit, who was told it directly by Colonel Benavides. I was informed that Major Buckland had received this information at least two weeks before he relayed it to Colonel Mengivar, that is, in mid-December.

Colonel Rivas denies that he was told by Colonel Benavides that he was responsible for the Jesuits muders, and insists that this is a fabrication. Colonel Aviles also denied that he had made any such statement to Major Buckland. I was informed that both Colonel Aviles and Major Buckland had been subjected to polygraph tests on this question. The results indicated that Colonel Aviles's denial was false. The test on Major Buckland was inconclusive.

This sequence of events suggests to me that knowledge of the involvement of Colonel Benavides was probably known to several Salvadoran Army officers and at least one American Army officer two weeks before Colonel Ponce states that he became aware of it. Such widespread knowledge of Colonel Benavides' involvement makes it extremely difficult to believe that other senior officers were not aware of the information. Yet, no investigative action was taken against Colonel Benavides until an American officer, Colonel Mengivar, confronted Colonel Ponce and other senior Salvadoran officers with the information, in writing. Obviously, this raises serious questions about whether the Salvadoran Army leadership, or the SIU itself, intended to subject Colonel Benavides to the investigation until his involvement became known directly to the American Embassy.

However, the Special Investigative Unit has no evidence of an attempted coverup by the Salvadoran military, and believes there was no other involvement beyond those now being detained.

The statements of the two lieutentants is considered sufficient evidence under Salvadoran law to detain Colonel Benavides, but not sufficient to take him to trial. The testimony of codefendants against each other is not admissible under Salvadoran law. Without other evidence, Salvadoran lawyers believe, Colonel Benavides cannot be tried for the Jesuit muerders, though the confessions of the lieutenants and the other accused, as well as ballistics and other physical evidence, is sufficient to try them for the murders. This raises the very real possibility that, unless other evidence is developed, Colonel Benavides may not even be tried, while the other defendants may be tried and perhaps convicted.

HONORING THE SISSETON, SD, OTTO QUANDE RENVILLE AMERICAN LEGION POST 50; AND THE ELK POINT, SD, BERT L. SMITH AMERICAN LEGION POST 134

Mr. PRESSLER. Mr. President, I recently received letters from Shirley Cameron of Sisseton, SD, and Doris Jean Hanson of Elk Point, SD, describing some of the activities conducted by their local American Legion Post and auxiliary units. The extensive community involvement by the members of the American Legion and auxiliary throughout South Dakota and the Nation is evident from the examples cited in these letters. These activities range from sponsoring government days in the local high schools, to providing medical equipment and care for shut-ins, and the more familiar Memorial Day and Veterans Day activities. The members of the American Legion and auxiliary deserve our heartfelt gratitude for their daily contributions to the betterment of our local communities. I ask unanimous consent that these two letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SISSETON, SD.

Hon. LARRY PRESSLER,
Senate Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: We of the Otto Quande Renville Unit #50, American Legion Auxiliary of Sisseton, South Dakota feel that a tribute to the American Legion Auxiliary, helpmates of the American Legion, who valiantly served their country during the wars and are still serving in so many ways; greatest being youth, elderly and aged, being made known. A large percentage of local help for the above named people is provided by the American Legion Auxiliary locally. Let us enumerate several activities of our unit, one member of the largest women's organization of its kind in the world, as follows:

1. For 50 years American Flags have been provided to elementary school children upon their learning the Pledge of Allegiance to the Flag, which has been a happy accomplishment for them, and planting the seed of respect for our flag for the future. Flags are also presented to Boy and Girl scouts to use in parades and other special events.

2. Our American Legion sponsors and finances a fine baseball team; the auxiliary helps by selling lunches at legion sponsored activities during the winter months as well as to the ball teams when needed.

3. An annual Government Day is sponsored by the American Legion in the spring, when students from surrounding towns gather in Sisseton and tour the Roberts County Courthouse, learning the duties of the officers, then electing officers for the various offices and, after lunch served by the auxiliary, taking a try at conducting the business of the office.

4. A loan closet is provided by the ALA and kept in the Roberts County Courthouse to provide wheel chairs, hospitals beds, walkers and various needs of the crippled at no cost to these needing the equipment.

5. The American Heritage and Firing Line are presented to the Sisseton Library each year. We also subscribe to the National Legislative Bulletin.

6. Each month during the winter the American Legion and the Auxiliary together conduct a fun Bingo party for the residents of the Tekakwitha Nursing Home and prizes of 25¢ provided by the American Legion. The ALA also remembers the resident on Valentine's with a simple gift, as Kleenex or a piece of fruit.

7. Education Week is recognized with a party for teachers or a surprise delivered to them at school, such as apples or some goody.

8. The Junior American Legion Auxiliary assists with Poppy Day and often makes favors for holidays to be used at the nursing home. Also they participate in Christmas caroling.

9. We contribute to the U.S.O.

10. Our unit has sent its quota of girls to Girl's State since its beginning, often with a girl qualifying for Journalism City. In 1988 our girl, Wendy Glynn, was Governor and went to Girl's Nation.

11. We have made donations to Freedoms Foundation near Valley Forge, Pennsylvania, and sponsor an essay contest for interested 12th grade high school girls on selected topics, showing leadership qualities. In 1988 our local winner was selected to go to Valley Forge. She was Wendy Flynn of Sisseton High School. This year 1990, Missy Mackner won the contest and will be going to Valley Forge. Most unusual for one unit to win twice in such a short time, which is a real compliment to our school and the enthusiasm of the American Legion Auxiliary for the encouragement given to the girls.

12. For many years, probably 50, the American Legion Auxiliary has served a Washington Tea to the public for the purpose of raising money for financing the above mentioned activities and many other unexpected and regular expenses. The city and surrounding rural areas and towns attend in large numbers as they enjoy the food and fellowship and to show their appreciation of what we contribute to the community.

We just want the world to know that the veterans organizations and their auxiliaries love our country, our flag and our people and want to make the United States of America a better place for all.

Sincerely yours,

SHIRLEY CAMERON,
Otto Quande Renville Unit #50, American Legion Auxiliary.

(By Legislative Chairman, Unit President, Esther Carl).

ELK POINT, SD,
February 23, 1990.

DEAR SENATOR PRESSLER: Bert L. Smith #134, American Legion and Auxiliary of Elk Point, SD held an annual Government Day for the government classes of the county's four high schools (Jefferson, Alcester, Beresford, and Elk Point) the second Tuesday of February. Country officials presented their duties and responsibilities to the morning assembly. The Auxiliary served a noon lunch to about 200 students and adults. The local attorneys directed a "mock trial" during the afternoon session. This hands on experience builds a foundation for understanding our government.

At the February 12, 1990 meeting of Bert L. Smith #134, American Legion and Auxiliary of Elk Point, SD, Colonel Dennis Swanstrom Commander of the 185th Technical Fighters Group of the Iowa National Guard of Sioux City, Iowa presented Civil Preparedness, National Defense, and Disaster Planning information. Education and action combine to make our Unit and Post strong.

Bert L. Smith #134 American Legion and Auxiliary of Elk Point, SD prepared, decorated, and delivered 35 Christmas plates to the Elk Point and Jefferson elderly veterans, wives, and other shut-ins. The visits, caring, fruits, and cookies all warmed the hearts of the givers as well as the receivers of this seasonal generosity.

DORIS JEAN HANSON,
Auxiliary Historian.

TRIBUTE TO JAMES FLEMING GORDON

Mr. FORD. Mr. President, I rise today to pay tribute to James Fleming Gordon, a good friend from the heartland of western Kentucky who died on February 9 of this year.

To stand up here and imply that Jim Gordon's claim to fame was based solely on my friendship with him would do a great disservice to a great man. As a Federal judge appointed to the bench by President Lyndon B. Johnson in 1965, Jim is best remembered for his influential role in shaping the desegregation policies of the Jefferson County public school system.

Many of you may recall the tremendous uproar that ensued in 1975 when Louisville first began busing its students. This action generated enormous resistance, school boycotts, and violent demonstrations. But through it all, Judge Gordon received praise from leaders of civil rights groups and members of the Jefferson County Board of Education for the confidence and evenhandedness that he displayed during what could well be considered one of the Louisville area's most tempestuous periods, and his plan for desegregating the Jefferson County schools became a model for other systems to follow.

Jim came from a family rooted in Kentucky politics and in the law. His

father was a circuit judge; his mother, one of the first women to be admitted to the Kentucky bar. And an uncle served in both the U.S. House and Senate. Jim, however, never sought an elective office himself although he was seriously considered as a candidate for Lieutenant Governor in 1963 and for the U.S. Senate in 1968. To Jim, the law came first, and it is through the law that he felt he could best serve others.

It is with great sadness that we say goodbye to Jim. His presence will be missed, but we will always have fond memories of his quick wit and sharp style. And his contributions to building a more harmonious, racially integrated society will be long remembered.

ON THE VACANCIES ON THE SOCIAL SECURITY BOARD OF TRUSTEES

Mr. MOYNIHAN. Mr. President, last Wednesday, by a 79 to 19 vote, the Senate adopted a sense-of-the-Senate amendment by the chairman of the Budget Committee, Senator SASSER, stipulating that savings from the defense budget would be used first to balance the Federal budget without: "resorting to the use of the Social Security surpluses, in order to stop the ongoing "thievery" and "embezzlement" from the Social Security trust funds.

In the 55-year history of the Social Security trust funds, no such statement by the Senate has ever been made. The very thought has never, until recently, even existed.

It now does. Only last week a Buffalo News editorial spoke of the "phony bookkeeping that makes the thievery so easy."

From the first, of course, the trust funds have had trustees. These moneys are held in trust. As President Roosevelt stated in 1941, the trust funds were designed "so as to give the contributors a legal, moral and political right to collect their pension benefits." The original trustees were all Government officials serving ex officio. In the Social Security Amendments of 1983, however, having in mind the huge build up in the trust funds that was to come, Congress provided for two additional public trustees. That is to say persons from private life. In the bipartisan manner of Social Security legislation, one trustee was to be a Democrat, one a Republican.

In September 1984, President Reagan nominated two such trustees, and they were promptly confirmed by the Senate.

At about this time, however, a most disturbing development took place. In September and October 1984, and again in September, October and November of 1985, the Treasury Department cashed in Social Security trust fund bonds—before their date of maturity—in order to lower the total amount of outstanding Federal debt, which in turn enabled it to sell Treasury bonds to the public and obtain needed cash.

This unprecedented action came about because the debt ceiling had been reached, and Congress, more specifically the Senate, had not acted in a timely fashion to raise the ceiling.

In the circumstances, the Secretary of the Treasury probably had no choice.

However, these actions were taken without informing Congress, and so far as can be determined, without informing the public trustees.

The public trustees, however, made no protest.

On March 31, 1986 the annual report of the board of trustees of the Federal old-age and survivors insurance and disability insurance trust funds was sent to the Speaker of the House of Representatives and President of the Senate. Deep inside there was this paragraph:

> The securities held by the OASI and DI Trust Funds are included in the Federal debt that is subject to a statutory limit on the total amount outstanding. In September 1985, the amount of outstanding Federal debt reached the applicable limit before legislation to raise the limit was enacted into law. Normal investment procedures therefore could not be followed in that month. As a result, $6,041 million in 10.375-percent bonds were redeemed in September 1985 so that benefits could be paid on time. Legislation enacted after September 1985 permitted the restoration of these bonds, as well as bonds redeemed after September due to continuation of the debt-limit problem.

This statement, at minimum, was incomplete. At one point $28 billion in bonds had been disinvested—as the jargon had it.

In these circumstances, this Senator lost confidence in the Democratic trustee. When, in September 1988, President Reagan proposed that the incumbent trustees be reappointed, no action was taken by the Senate. President Reagan thereupon made recess appointments, and renewed his request for full-term appointments in January 1989.

On June 13, 1989, Senator BENTSEN, as chairman of the Committee on Finance, and I, as chairman of the Subcommittee on Social Security and Family Policy, wrote President Bush recommending that he nominate Dr. Alicia Munnell, the senior vice president and director of research of the Federal Reserve Bank of Boston, and an expert on Social Security.

President Reagan's recess appointments, of course, expired at the end of the last session, on November 22, 1989. Since that time, we have had no members of the public serving on the Social Security Board of Trustees.

Mr. President, the statutory duty of the Board of Trustees is to hold the trust funds. But perhaps their most important specific task is to submit to the Congress an annual report on the status of the trust funds. Under the Social Security Act, the annual trustees report is to be submitted no later than April 1. It is now March 5. Obviously, the report is being prepared without the input and oversight of public trustees.

We might wonder why, Mr. President, especially those who heard Alan Greenspan, Chairman of the Federal Reserve, say to the Senate Finance Committee on February 27 that the Social Security trust funds are being squandered. Squandered because we have been using Social Security funds to finance the general expenses of Government, rather than saving the funds as we were supposed to do.

I ask, are there no public trustees because public trustees might go public?

The present situation is wholly unacceptable. I urge President Bush to respond directly to our recommendation of Dr. Munnell. Surely the wishes of the Democratic Senators ought to be heard on such a matter. Just as surely, Dr. Munnell is superbly qualified for the post.

Silence is equally unacceptable. We are prepared to discuss Dr. Munnell's nomination, or any alternative. But surely the administration must sense the anomoly of its position. A sense of the Senate resolution referring to thievery and embezzlement of the trust funds requires a response.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Also under the order, the Senate will proceed to the executive session, and to Calendar Order No. 603 on the Executive Calendar, which the clerk will report.

THE JUDICIARY

The legislative clerk read the nomination of Clarence Thomas, of Virgina, to be U.S. circuit judge for the District of Columbia Circuit.

The PRESIDENT pro tempore. Under the order, there will be 2 hours of debate, the time to be equally divided and controlled between the chairman and the ranking member of the Judiciary Committee or their designees.

The vote on the nomination will occur on tomorrow at the hour of 12:15 p.m.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from South Carolina raises the point of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent to be able to proceed as in morning business for a period not to exceed 4 minutes, with no time charged to either side.

The PRESIDENT pro tempore. Is there objection? Hearing none, the Senator will be permitted to speak for not to exceed 4 minutes out of order and as in morning business.

SAVINGS AND LOAN BAILOUT LEGISLATION

Mr. KERREY. Mr. President, I rise again to speak about President Bush's No. 1 new spending priority: America's savings and loan institutions.

Ten days ago I introduced legislation designed to improve the decisionmaking and the public accountability of the Resolution Trust Corporation. I spoke about the hands-off approach the President has taken toward this effort since we gave him $167 billion of taxpayers' money and new regulatory powers to clean up this problem.

The response from the Treasury Department's Assistant Secretary for Public Affairs and Public Liaison, Roger Bolton, should be instructive to my colleagues who have looked at this problem. Mr. Bolton disputed my charge that the administration is not moving fast enough in filling key jobs. Mr. Bolton said:

> The administration is taking this issue and the need to make the appointments very, very seriously. We are moving as quickly as humanly possible.

Mr. President, their best is not good enough. Let me list again those positions which are not filled: President of the Oversight Board, two independent members of the RTC Oversight Board, one member of the FDIC Board, head of the Office of Thrift Supervision, and other minor positions mandated by the S&L bailout legislation.

Decisions are not being made. Good policy analysis is not occurring. Tax dollars are being wasted by the tens of millions. Sound financial institutions suffer while the weak ones are being supported.

Mr. President, this is not the first time that Treasury has dismissed as nonserious a problem which turned out to be deserving of attention. The U.S. League of Savings Institutions raised a question about the legality of decisions being made by an Acting Director of the Office of Thrift Supervision. Further, the American Heritage Bank Corp. has filed a lawsuit against the U.S. Government contending that such an appointment was unconstitutional since it was tantamount to the Congress taking over the Presidential appointment process. They claim the new capital regulations and other actions that Mr. Wall has taken since passage of the legislation last summer was void.

Now, upon closer examination, the Treasury is taking the lawsuit seriously. This is a wise move since a successful suit could void what Mr. Wall and his successor have done.

The changes I am recommending, Mr. President, begin with the assumption that we need better accountability and decisionmaking than we can possibly get under the current structure. Mr. Bolton and others at the Treasury Department may consider this as a threat to their authority. They should. I maintain they have enough to do without being in charge of the disposition of $400 billion worth of assets.

I must also call my colleagues attention to the remarks made by another who regards this legislation as unnecessary. A Banking Committee staff member—who asked to remain anonymous when talking about a Member of the Senate—said it is doubtful that the committee would schedule a hearing on my bill this year. This staffer—whose anonymity was a benefit to him and not me—said:

> We think the legislation that passed last year is working very well. We don't agree with Senator Kerrey.

I strongly disagree with this staffer's assessment. The legislation is not working well.

Mr. President, the delays in making decisions are costing our taxpayers millions of dollars. The lack of accountability is makint it difficult for Americans to trust that violators of the law are being brought to justice. The surrender of policy to unaccountable individuals is making it impossible for us to serve our people well. I urge the Banking Committee to look closely at my bill and other suggested changes in the bailout plan so that we can move quickly to make the needed changes.

I ask unanimous consent to have printed in the RECORD a copy of an article from the March 4 Omaha World Herald which discusses my bill and the response to it in greater detail.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR KERREY MOUNTS CAMPAIGN TO REVAMP S&L BAILOUT LAW

(By David C. Beeder)

WASHINGTON.—Sen. Bob Kerrey, D-Neb., has become one of the loudest congressional critics of Bush administration efforts to salvage failed financial institutions, urging his colleagues to rewrite a law that many of them considered their most significant action of last year.

Kerrey, who voted against the legislation last year, has repeatedly taken to the Senate floor to urge President Bush to fill vacancies on new agencies reponsible for closing hundreds of failed savings and loan institutions.

These same agencies also are responsible for selling off assets totaling nearly $400 billion, much of its commercial real estate in the Kerrey Southwest and California.

It is a national problem that Kerrey said will cost U.S. taxpayers more than the post-World War II Marshall Plan for the reconstruction of Europe.

"A year ago, President Bush asked us for $167 billion to save the nation's thrifts," Kerry said in one Senate speech. "He asked us to hurry, because we were losing $15 million a day."

NOT WORKING

Kerrey said Congress complied with Bush's urgent appeal, passing the complex legislation within the 45-day period the president requested.

Now, Kerrey said, "The president's solution is not working. Decisions are not being made. Taxpayer accountability is so cumbersome that it is fair to describe it as nonexistent."

Kerrey, who does not serve on any committee with responsibility for financial legislation, nevertheless has called for a major overhaul of the Financial Institutions Reform Recovery and Enforcement Act, known as FIRREA.

"I think my bill makes the Banking Committee nervous," Kerry said in an interview—"I think I may have lined up some influential co-sponsors, some of them members of the committee."

A top member of the Banking Committee staff said that while Kerry's bill has not caused any nervousness it is unusual for a senator who is not a member of the committee to offer a bill like the one framed by Kerrey.

QUICKLY AS POSSIBLE

The committee staff member, who asked to remain anonymous when talking about a member of the Senate, said it is doubtful that the committee would schedule a hearing on Kerrey's bill this year.

"We think the legislation that passed last year is working very well," the staff member said. "We don't agree with Senator Kerrey."

Kerrey's bill, and his criticisms of Bush, also have come to the attention of the Treasury Department.

Roger Bolton, assistant secretary for public affairs and public liaison, disputed Kerrey's charge that the administration is not moving fast enough in filling key jobs.

"The administration is taking this issue and the need to make the appointments very, very seriously," Bolton said. "We are moving as quickly as humanly possible."

Kerrey, in a Senate speech last week, said he had heard a key job had been rejected by Frederick Wolf, former deputy director of the General Accounting Office.

Wolf withdrew from consideration, Kerrey said, "saying that either the administration does not share his view that quick decisive action is necessary . . . or they cannot reach a decision that he is the right person for the job."

Bolton said Wolf withdrew from consideration before he could be told that "he was not the right person for the job."

Wolf's decision followed by about one week the resignation of Daniel P. Kearney as president of the Resoluton Trust Corp. Oversight Board, one of two agencies created to close the failed institutions and sell their assets.

The Washington Post reported that Kearney, "a seasoned Wall Street executive and a veteran Washington player," resigned when he discovered that his title as president "didn't mean he was in charge of anything."

TWO HEADS

Kerrey, in a letter seeking support from other members of the Senate, said his legislation would eliminate the Oversight Board and the board of directors for the Resolution Trust Corp.

"The problem is the RTC has two heads," Kerrey said. "One head is the RTC Oversight Board, made up of the secretaries of treasury and housing and urban development, the chairman of the Federal Reserve, and two private individuals."

He said the other head is the RTC board, which is also the board of the Federal Deposit Insurance Corp., an agency that monitors the operation of both banks and savings and loan associations.

Members of the RTC board include the chairman of the FDIC, the comptroller of the currency from the Treasury Department, two private individuals, and the head of the Office of Thrift Supervision, an agency that succeeded the now-defunct Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corp.

In place of the two boards, Kerrey's bill would create "a single board of governors composed of five non-government members named by the president and confirmed by the Senate, and four government members: the treasury and HUD secretaries, the chairman of the Federal Reserve, and, as an important addition not currently on the Oversight Board, the chairman of the FDIC."

MAJOR PRIORITY

The chairman of the new board would be designated by the president from among the five non-government members, Kerrey said.

"This would make it more like the Federal Reserve Board," he said. "The chairman should be somebody who is well-connected to Bush."

Kerry said he intends to make the bill one of his major legislative priorities.

"The dilemma now is that we don't have anybody strong enough in that job who has the trust of the American people," he said. "We need a strong chairman, like Alan Greenspan at the Federal Reserve."

He said much of the current legislation was drafted last year in the lobbies of Congress by the S&L industry, with support from government regulators.

"They devised the much-too-clever plan which buries most of the critical decisions in the bowels of the bureaucracy . . . so that blame will now be directed at the people who run the new alphabet agencies.

"The sheer size of the bailout demands that the voters have the ability to punish or reward those overseeing its implementation," he said.

NOMINATION OF CLARENCE THOMAS TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The Senate continued with the consideration of the nomination.

The PRESIDENT pro tempore. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, Mr. Clarence Thomas was nominated by President Bush on October 30, 1989, to be a U.S. circuit judge for the District of Columbia Circuit. The Judiciary Committee conducted a full investigation of Mr. Thomas' background and qualifications for this position. During this investigation, an extensive document request was made which resulted in Mr. Thomas supplying the committee with over 1,000 documents relating to his tenure with the Equal Employment Opportunity Commission. A confirmation hearing was held on February 6, 1990, at which time Mr. Thomas responded to questions regarding his background and qualifications to serve on one of the Nation's highest courts.

Mr. Thomas has an impressive background which has prepared him well for the position of U.S. circuit judge. He was born in Pinpoint, GA, on June 23, 1948. From 1967 to 1968, he attended the Immaculate Conception Seminary. Mr. Thomas then transferred to Holy Cross College where he was a member of the honors program, graduating in 1971. He graduated from Yale Law School in 1974. Today, he serves as a member of the board of trustees for the Holy Cross College.

In addition to an impressive academic background, Mr. Thomas has extensive practical experience which has prepared him for a position on the bench. Following law school, Mr. Thomas worked for the State of Missouri for almost 3 years as an assistant attorney general. He represented the State before the trial courts, appellate courts, and supreme court of Missouri on matters ranging from taxation to criminal law. From 1977 to 1979, he worked for the Monsanto Co. handling general corporate matters such as antitrust, contracts, and governmental regulation.

In 1979, he went to work for Senator DANFORTH as a legislative assistant, responsible for issues relating to energy, environment, Federal lands, and public works. President Reagan nominated Mr. Thomas in 1981, to the position of Assistant Secretary for Civil Rights for the Department of Education. In 1982, he was nominated by President Reagan to be the Chairman of the U.S. Equal Employment Opportunity Commission where he has served for almost 8 years.

During Mr. Thomas' confirmation hearing, he responded to numerous questions regarding his tenure with the EEOC. Also, several witnesses presented testimony in support of Mr. Thomas for this position. Mr. Arthur Green, Federal liasion for the International Association of Official Human Rights Agencies, stated at his hearing.

Mr. Thomas has not only encouraged and demonstrated his commitment to us that he cares about the law being enforced, but Mr. Thomas has urged state and local commissioners, the policymakers, similar to EEOC, to carry out the law faithfully and thoroughly.

Mr. President, the Judiciary Committee on February 22, 1990, overwhelmingly endorsed Mr. Thomas' nomination when it voted 13 to 1 to report his nomination to the Senate with a favorable recommendation. Mr. Thomas has demonstrated personally and professionally that he is highly qualified for this important position. He possesses the attributes which I believe a judicial candidate should bring to the bench, that of wisdom, knowledge, judgment, integrity, and temperament.

I am very pleased that President Bush has nominated an individual of such high caliber to the D.C. Circuit, and I urge my colleagues to support his nomination.

The PRESIDENT pro tempore. Who yields time?

Mr. THURMOND. Mr. President, I yield the distinguished Senator from Utah is 5 minutes.

The PRESIDENT pro tempore. The Senator from Utah recognized for 5 minutes.

Mr. HATCH. Mr. President, I thank my colleague from South Carolina for yielding time to me. I also thank equally my friend from Ohio for allowing me to go next because of prior commitments. I know he has a certain right on that and I appreciate that.

Mr. President, I am proud to support the nomination of Clarence Thomas to be a U.S. circuit judge for the D.C. Circuit. As I stated at his confirmation hearing and during the Judiciary Committee vote, the President could not have chosen a better person for this important position.

I have had the pleasure of working with Mr. Thomas for several years—from his service as the Assistant Secretary of Education for Civil Rights and especially through his tenure as Chairman of the Equal Employment Opportunity Commission.

I have been very impressed with his abilities and the work that he has done in these positions. He is a truly remarkable young man. I think one of the finest people I have seen in government.

In 1981, when I became chairman of the Senate Committee on Labor and Human Resources, I learned of management and financial problems at the Commission. Unfortunately, because of the nature of the agency's mission, there had been great reluctance in the past number of years to conduct thorough and objective oversight. A Gen-

eral Accounting Office audit of the agency was devastating. The EEOC had no credible financial records. Millions of dollars were missing or mishandled, fund controls were inadequate, transactions were unrecorded, cases were lost, the agency was faced with a tremendous case backlog, and many complaints were inadequately handled. Furthermore, there was no adequate central tracking system by which the cases being handled by the district offices could be carefully monitored.

The EEOC Clarence Thomas inherited was, despite the myths surrounding it, a pure and simple disaster. It was incapable of fulfilling its mission, placing in jeopardy the rights of the very people it was charged with defending and taking care of.

Mr. Thomas personally accepted the challenge and succeeded beyond all expectations. He balanced the agency's books. He recovered lost money. He eliminated the case backlog. He instituted a computerized tracking system, so that the agency could monitor each and every complaint. Working with the other Commissioners, he transformed the EEOC into an aggressive enforcer of civil rights, an agency capable of achieving its mission.

But this is only one aspect of Mr. Thomas' background that has helped to prepare him for service on the bench. He was born and raised in a world of poverty and segregation. He learned first hand the meaning of the phrase separate but equal, and he learned first hand the meaning of hard work to overcome artificial barriers.

He attended Holy Cross College and Yale Law School. During college, he helped found the Black Student Union, worked in the free breakfast program, and tutored in the Worcester community. During law school, he worked for the New Haven Legal Assistance Program and then for a small integrated law firm in Savannah, financed, in part, by a grant from the Law Students Civil Rights Research Council.

After school, he joined the staff of our colleague, JOHN DANFORTH, who at the time was attorney general of Missouri, where he handled cases ranging from criminal law to taxation. He then worked for a short time in the private sector for the Monsanto Corp., handling corporate legal matters such as antitrust, contracts, and governmental regulations. He then rejoined Senator DANFORTH in Washington where he handled issues involving energy, environment, Federal lands, and public works. And in 1981, President Reagan tapped Mr. Thomas to be Assistant Secretary of Education for Civil Rights. The following year, he was nominated and confirmed as Chairman of the Equal Employment Opportunity Commission.

Clarence Thomas, in my opinion, embodies the soul of the American dream. He is proof that talent knows no color and success no race. He is the very kind of person we want to see in our judicial system—an excellent lawyer and an experienced administrator, and one who is attuned to the less fortunate. I am convinced that Clarence Thomas will be an outstanding judge.

MISHANDLING OF THE ADEA CASES

Mr. President, during the committee consideration of this nomination, it was alleged that Mr. Thomas mishandled some 13,000 ADEA cases. There was extensive questioning of the nominee, who spent a good deal of time explaining the issues, there was debate as to what the ADEA law required of the Commission, and there was additional testimony by other interested parties.

Mr. President, the allegation that EEOC mishandled 13,000 age discrimination cases is simply wrong. Some review of the history of the handling of these cases is in order to properly understand this stituation.

Before Clarence Thomas became Chairman of the EEOC, the Commission and the Department of Labor, the EEOC's predecessor in ADEA enforcement, did not investigate most age discrimination charges. These enforcement agencies would attempt an early settlement, but if that was unsuccessful, the cases were closed and returned to the complainants because they had a private right of action.

When Mr. Thomas became Chairman, the EEOC policy on these discrimination charges changed. All field offices were instructed to fully investigate these charges, and if a charge was about to expire because of the 2-year statute of limitations, the investigation was to be conducted on a priority basis. Unfortunately, given some deeply ingrained feelings by some district personnel that the EEOC should not be handling age cases, these instructions were not followed.

While the Chairman did learn of some instances where charges were allowed to expire prior to investigation, he believed they were isolated. The lack of a central data base, for which sufficient funds were never appropriated, made monitoring difficult from the central offices. While gathering information for fiscal year 1987 appraisals, the Commission discovered that approximately 900 of the 17,000 pending age charges had not been properly investigated and the charging parties had not filed suit prior to the expiration of the statute of limitations. This information was reported to Congress as soon as it was discovered.

I must point out at this juncture that in all of these expired cases, the charging parties had been instructed, as were all other ADEA charging parties, that they had a private right to file a suit and that there was a statute of limitations within which such a suit must be filed.

Nevertheless, Chairman Thomas, as head of the agency willingly acknowledged his responsibility for this management problem. Congress has since enacted a law which reinstated the statute of limitations for these and other cases and notices of this change in the law were mailed to the appropriate parties. While I agree that this is a serious matter, I want to point out that it was Mr. Thomas who uncovered the problem, took steps to see to that it would not recur, and worked with Congress to rectify the uncovered problem.

I should also note for my colleagues and those who are following these proceedings, that in spite of the continued lack of appropriations, the Chairman has now established a central data base that allows the central headquarters to track all of these cases to ensure that they are being processed and that proper and timely notices are being provided to the charging parties. The development and implementation of this system, without funding help from Congress, demonstrates a level of competence and resourcefulness not often found in the Federal bureaucracy.

FEPA CASES

Prior to Mr. Thomas' nomination hearing, as a part of its investigation of the ADEA lapsed case issue, the Judiciary Committee asked Mr. Thomas to supply information on the number of ADEA charges for which the statute of limitations had expired after April 7, 1988. In his response, the Chairman informed the committee that the number of EEOC charges which had lapsed were as follows: Two charges in fiscal year 1990, 42 charges in fiscal 1989 and 195 in 1988. In a followup letter, the EEOC notified the committee that 1,534 charges that were filed with the State fair employment practices agencies had also lapsed during that time. During the committee's hearings on the nomination, much was made about these State age charges.

During his testimony, Mr. Thomas pointed out that these were charges which were filed with the State agencies, who then notified EEOC. Under agreements between the State agencies and the EEOC, the State agencies have responsibility to investigate the charges. While the EEOC could duplicate this investigation, it is not required to do so by the age discrimination laws, and frankly, it would be a serious waste of Federal funds to carry out an identical investigation.

Mr. President, these are charges in which the EEOC has done all that it could do and everything that it is required to do under the law. Proper notices were provided to the complaining

parties. There is nothing more that EEOC must do with respect to these charges. Although they were reported as lapsed charges, in response to the Judiciary Committee request, that does not mean that they were cases or charges in which the EEOC was required to do more.

Mr. President, for an understanding of the relationship between the EEOC and the State agencies with respect to these cases, I ask unanimous consent that the response from Chairman Thomas to a question I submitted for the hearing record be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOLLOWUP QUESTIONS FROM SENATOR HATCH TO CHAIRMAN THOMAS

1. Please briefly describe the relationship between EEOC and state and local fair employment practices agencies.

At the time Congress enacted Title VII, there were a number of state statutes prohibiting various forms of employment discrimination and Congress did not want to diminish those efforts. Under section 706(c) of Title VII of the Civil Rights Act of 1964, where there is state or local law prohibiting unlawful employment practices and a state or local authority to grant or seek relief from such practices, a charge cannot be filed with the EEOC until 60 days after commencement of a proceeding with a state or local fair employment practices agency (FEPA).

A "706 agency" is a state or local FEPA that fits the definition appearing at Section 706(c) of Title VII and the Commission's regulations at 29 CFR 1601.70. Such agencies then qualify as organizations to which charges of discrimination are deferred. However, charges are not deferred to all 706 agencies. Where there are two 706 agencies with overlapping jurisdiction, as is the case when there is a city or county 706 agency as well as a state 706 agency, the Commission may choose to defer only to one. There are approximately 100 state and local FEPAs that have obtained deferral status under Section 706.

Section 709(b) of Title VII provides that the Commission "may cooperate" with state and local agencies by, among other things, contributing to the cost of services and projects performed by such agencies. Accordingly, each year Congress earmarks part of EEOC's appropriation ($20 million annually in the last four fiscal years) for EEOC to distribute to FEPAs for processing a certain number of deferred charges. The number of charges for which the 706 agency may be paid is considerably less than the total number of charges which it receives. EEOC follows specific guidelines to distribute the state funds through charge processing contracts, which set out payment schedules. EEOC pays state agencies a fixed rate of $400 for each properly completed charge.

EEOC also enters into annual worksharing agreements to maximize the efficiency of both state and federal efforts and to avoid wasteful delay and duplication of efforts. EEOC currently has worksharing agreements with 82 FEPAs across the country. These agreements often provide that each agency will be an agent of the other for the purpose of receiving charges. They also typically provide that the FEPA will initially process certain categories of charges and that the EEOC will initially process others, with the state waiving its right to the 60-day exclusive processing period in the latter instance.

EEOC is required by Section 706(b) of Title VII and its own regulations to give "substantial weight" to the findings of the 706 agencies with which EEOC has worksharing agreements. Findings and resolutions on all Title VII charges are individually reviewed by EEOC unless a 706 agency is certified. EEOC developed the "certification" process in 1978. FEPAs eligible for certification are those which have consistently done work of high quality and successfully completed the certification procedures set forth at 29 CFR 1601.75. Under this process, the Commission will accept as final, without an individual "substantial weight review," the action taken on many cases being processed by a certified 706 agency. However, individuals who file charges with certified agencies have the right to request that EEOC conduct a substantial weight review on their case.

Since the laws which the 706 agency enforces may be different, only charges which could have been brought under federal statutes are included in the worksharing agreement. The deferring agency normally reserves the right to review the initial processing agency's findings of fact and, if appropriate, also to investigate a charge further after the initial processing agency has completed its proceedings.

While EEOC originally contracted with 706 agencies regarding race, sex, national origin and religion discrimination charges only, it began including age discrimination charges in FY 1980, the first full fiscal year EEOC had jurisdiction over the ADEA. Section 14(b) of the ADEA requires that charges be filed with a state agency authorized to grant or seek relief for the alleged discrimination at least 60 days before suit is brought, but it does not provide a 60-day period of exclusive state jurisdiction as does Title VII. Of the 82 agencies with which EEOC has worksharing agreements, 46 also are approved to investigate age charges under their respective laws. Unlike the procedures under Title VII, EEOC reviews every age charge processed by a state or local agency to ensure that it was handled properly. EEOC only pays for completed age charges which EEOC receives within 18 months after the date of the alleged violation.

When an age charge is received first by a FEPA with which EEOC has a worksharing agreement, the FEPA files and processes the charge under its age discrimination law. Under the worksharing agreement, the state filing also constitutes a "technical" filing of a federal age discrimination charge under the ADEA, which EEOC enforces. The latter charge is not filed for the purposes of initiating a separate federal investigation but rather to preserve the charging party's right to file a private ADEA lawsuit in federal district court, and to preserve the charging party's option to have EEOC investigate the charge under federal law rather than have the state FEPA investigate it under state law. This is known as "dual filing".

The FEPA generally will end its processing of an age charge and allow EEOC to investigate the charge upon a request by EEOC or a charging party that EEOC process the charge; however, EEOC cannot force the FEPA to do so. The only control EEOC has is to withhold payment on a particular charge or refuse to enter into future charge processing contracts or worksharing agreements.

After the state FEPA notifies EEOC that an age charge has been filed with it, EEOC informs the charging party that it will not separately investigate the age discrimination charge, advises the charging party of his or her private federal ADEA rights and of the statute of limitations, and urges the charging party to contact EEOC if there are any questions. A copy of the notice is attached. Before the statute of limitations expires, charging parties again routinely receive notice of their right to file suit in federal district court when there has been no final disposition of the charge.

Mr. HATCH. Mr. President, in addition to the lengthy discussion of this issue during the hearings, members of the committee received two letters from our colleague from Ohio on this matter. The members of the committee considered these arguments and still the committee voted 13 to 1 in favor of this nomination.

Suffice it to say, from my review of the questioning and testimony on this issue, I am convinced that Mr. Thomas is handling these charges and cases in an appropriate manner. He accepted full responsibility for earlier problems with the Equal Employment Opportunity Commission's handling of these cases and charges and has done all that he could do to ensure that these problems have not recurred. I want to emphasize that Mr. Thomas knows and understands the laws governing these age cases. The Commission is currently doing all that it can do and all that it is required to do under these age discrimination laws.

I urge my colleagues to support this nomination.

Let me finish with a few final words.

I guess I have seen over the last 14 years, as have my other colleagues who have been here that long on the Judiciary Committee, literally hundreds and hundreds of Federal judicial nominees come through our committee. Most all of them were outstanding people. All of them who have been accepted have been qualified. Some have gone on to eminent distinction. Others have served loyally and in a dedicated fashion from both parties in our Federal judicial system.

I am proud of the Federal judiciary. I, for one, do not want to approve anybody regardless of party or politics who is not going to do the job. I, for one, have supported and will continue to support strong, noble, and good people for these judicial slots in our country regardless of party or politics. I think it is that important. I think it ought to be the least politicized area of government.

In that regard I cannot imagine a better appointment to the Circuit Court of Appeals for the District of Columbia than Clarence Thomas. He has my deepest respect and my highest support.

I thank the Chair and I thank my colleagues for allowing me to go forward.

The PRESIDENT pro tempore. Who yields time?

The Senator from Ohio, Mr. METZENBAUM.

Mr. METZENBAUM. Mr. President, I yield myself such time as I may need.

The PRESIDENT pro tempore. The Senator is recognized.

(Mr. KOHL assumed the chair.)

Mr. METZENBAUM. Mr. President, when Mr. Thomas' nomination came before the Judiciary Committee, I had not yet made a firm decision as to how I would vote. I thought that I would probably vote for his confirmation, in spite of the fact that I was one of two members of the Labor Committee who voted against Mr. Thomas in 1986 when he sought reconfirmation as Chairman of the Equal Employment Opportunity Commission.

But I thought that the issues regarding his suitability for the circuit court of appeals were different from the issues concerning his suitability to continue as Chairman of the EEOC. I knew I differed with Mr. Thomas' political philosophy, but I differed with the political philosophy of Justice Scalia, Justice Kennedy, and Justice O'Connor, and I voted for each of them. And I have not refused to vote for a nominee just because I differed with him or her with respect to political philosophy.

So I assumed that I would vote to confirm Mr. Thomas. Throughout most of his confirmation hearing, nothing in Mr. Thomas' testimony prompted me to change my mind. I asked him a number of questions about important issues. While I was concerned about some of his answers, I was not inclined to change my mind until we got to the topic of lapsed age discrimination cases processed by the EEOC and State fair employment practices agencies [FEPA's].

Let me explain what this issue is all about and let me make it clear that my vote concerning Mr. Thomas does not relate to a particular issue. It relates to the man's legal ability and legal comprehension. First, let me give you this background.

Older workers who believe they have been discriminated against on the basis of age are required by law to first file their age discrimination charges with the Equal Employment Opportunity Commission, the national agency, or with a State fair employment practices agency.

Individuals who file age discrimination charges with the EEOC or a State fair employment practice agency lose their Federal Age Discrimination in Employment Act rights if that State agency fails to process those charges within the Federal law's 2-year statute of limitations.

In late 1987, Congress learned that the Equal Employment Opportunity Commission and the State FEPA's had failed to process an extremely large volume of age discrimination charges prior to the expiration of the 2-year statute of limitations that was applicable.

As a matter of fact, in March of 1988, Congress passed the bill called the Age Discrimination Claims Assistance Act [ADCAA]. In essence, that act merely takes care of the problem of the statute of limitations with respect to the claims that had theretofore expired. The act became law on April 7, 1988. The act granted an 18-month extension of the statute of limitations to the thousands of older workers who lost the opportunity to pursue their age discrimination charges in Federal court because the Federal agency and the State agency had failed to act in a timely manner.

I am not here today to talk about the lapsed charges which were covered by ADCAA. As a matter of fact, documents provided to the Judiciary Committee in connection with Mr. Thomas' nomination show that since the special law was enacted in 1988 to take care of those old cases, another 1,700 age discrimination charges filed with the Federal agency and the State agencies—and not covered by that law we passed in 1988—have not been processed within the 2-year statute of limitations.

In other words, the old cases were taken care of by an act that we passed which became law in April of 1988. But since that time, another 1,500 individuals have had their rights lapse because the State agencies did not process them within the 2-year statute.

Senator PRYOR, chairman of the Aging Committee of the Senate, has spoken on the floor on the recurring problem of inaction by the Equal Employment Opportunity Commission and the State agencies. He has spoken about the serious consequences for individuals who have lost their Federal rights to sue for age discrimination. He will probably speak later in the day in connection with the same subject.

I was very concerned about those matters, so, when Mr. Thomas was before our committee, I questioned him closely in connection with those cases in which the statute of limitations had lapsed. I want to make it clear. This Senator is not standing on the floor because of those old cases. As a matter of fact, I am not even standing on the floor because of Mr. Thomas' failure to act in connection with the subsequent group of 1,500 cases.

But what bothers me and the reason I am here on the floor opposing Mr. Thomas' nomination is that I was astonished to discover that Mr. Thomas simply did not know critical and fundamental aspects of the law and of the Equal Employment Opportunity Commission's relationship with the State and local agencies which assist the EEOC in processing age discrimination charges.

I want to emphasize that I am not here saying that Mr. Thomas should not be confirmed because thousands of age discrimination charges lapsed between 1984 and 1988, which required Congress to enact legislation to restore the rights of older workers. And I am not here because he failed to act with respect to the 1,500 subsequent cases that lapsed after ADCAA became law.

I am here today because I believe that Mr. Thomas' answers to me in committee prove conclusively that he does not know the law he was responsible for administering for the last 8 years.

To me, that is incredible. It goes to the very heart of the question as to whether or not a man should be a member of the circuit court of appeals. It has nothing to do with his political philosophy, nor does it even have to do with his administrative ability as to whether or not he ran the Equal Employment Opportunity Commission well or did not run it well.

I am talking about the fact that this man, when he goes on the circuit court of appeals, will deal with nothing but the law. There are no witnesses in circuit court of appeals. You only get briefs. You only get arguments from lawyers. And you must deal with the law.

My concern is that a man who has had the responsibility of running a Federal agency and having a State agency assist in connection with the Federal agency's responsibilities did not and does not—maybe by this time he does but, at the time of the hearing, he did not—know what the law was and did not understand those State agencies' responsibilities as related to the Federal agency.

To me, it is incredible. How could he possibly be the head of a Federal agency which is assisted by a State agency, and fail to know the law regarding the relationship between the State and the Federal agency?

Let me explain. Mr. Thomas did not know that the State agencies are under contract to his agency to process Federal age discrimination claims. He did not understand that these State agencies were working for him. Let me read you what he said, his direct quote. "The charges filed in those agencies are filed under State statute."

He repeated this misstatement of law. But the fact is they are not filed under State statute alone. They are also filed under Federal statute. Some States do not have laws on the subject. But that does not mean that a State agency does not have a responsibility

if, by contract, it has developed a relationship to handle the Federal cases at the State level.

Federal law provides that charges filed with the State agencies which have work-sharing agreements with EEOC are regarded as charges filed under both State and Federal law. That is the law. That is the regulations.

Charges filed with the State agencies are regarded as dual filed in order to preserve an older worker's opportunity to pursue his or her claim in Federal court.

But Mr. Thomas had told our committee that those charges are filed under State statute. That is just 100 percent inaccurate. They are filed under both State and Federal law.

Now my colleague on the committee, for whom I have the highest respect, the ranking member of the Judiciary Committee, asserted in a letter to the committee that State agencies process age discrimination charges under State statutes. I submit some do, some do not. That is only half the story.

The critical point is that State agencies also process the same charges for purposes of Federal law. That is why they are dual filed. That is why EEOC pays the State agencies. The Equal Employment Opportunity Commission pays State agencies $400 per charge to process Federal age discrimination charges.

But Mr. Thomas said that they are State cases, that they are State charges. That is just not so. Those State agencies are not paid by the Federal Government to process State age discrimination charges. They are paid to process Federal age discrimination charges.

It is critical to understand that these State agencies are processing Federal age discrimination charges. An older worker's right to sue in Federal court is lost, totally lost, if these State agencies do not process the charges within the Federal 2-year statute of limitations.

So, the first point was he did not understand for 8 years that these were Federal rights, not State rights; and that they were paying the State agencies to handle the claims of individuals under the Federal law.

Second, Mr. Thomas did not know that older workers lose their right to pursue Federal age discrimination claims because of inaction by State agencies. They lose their Federal rights if the State agency fails to process the claim in a timely manner. But Mr. Thomas stated as follows:

> The charges filed with the State agencies are filed under State law and, to our knowledge, none of these State laws have statutes of limitation. So there cannot, by definition, be lapses in those agencies.

That is 100 percent inaccurate. That is just not the fact. That is not the law. First, Federal law says that the ADEA charges filed with the State agencies are filed under Federal law. Second, older workers who file age discrimination charges with State agencies lose their right to pursue their Federal claim if the State agencies fail to act within 2 years. But Mr. Thomas said that by definition there cannot be lapses in those agencies.

That is as wrong as black is different from white; as the sky is different from the Earth. We only have to look at the special law passed by Congress in 1988 to see that Mr. Thomas is wrong in asserting that "There cannot be lapses in the State agencies." That law, the so-called Age Discrimination in Employment Act, extended the statute of limitations for over 2,000 individuals who lost their Federal cause of action due to delays in the State agencies. But Mr. Thomas says there cannot be lapses by those agencies.

Since the 1988 law, as I said previously, there are 1,500 more individuals who have lost their State claims due to inaction in State agencies.

I want to say I am not here saying Mr. Thomas should not be confirmed for the circuit court of appeals because of the thousands of cases that lapsed between 1984 and 1988. I am not saying Mr. Thomas should not be confirmed because of those 1,500 new cases that have been lost.

One can make out a good case and say he should not be confirmed for that reason. But that is not my point. My point is that this man for 8 years had a job and did not understand the law under which he was operating, under which his agency was operating, and under which he was subcontracting out work to the State agency.

If he did not understand that elementary idea, that concept, that law, that arrangement, what will he understand when he reads complicated briefs that come before him on the circuit court of appeals?

Third, Mr. Thomas did not know that the Equal Employment Opportunity Commission has the legal responsibility to ensure that these State agencies process Federal age discrimination charges in a timely manner.

Mr. Thomas stated that the EEOC does not supervise or regulate State agencies. The fact is that it does. Federal regulations provide that: "The Commission may enter into agreements with State agencies in processing age discrimination charges, assuring the safeguard of the Federal rights of aggrieved persons." But he said, no, that the EEOC does not supervise or regulate State agencies. And his own regulations state exactly to the contrary.

If the EEOC, the agency which he headed, does not ensure that State agencies safeguard Federal rights, it is violating its own regulations. And that is what concerns me, that a man should be charged with the responsibility of heading the agency, that agency charged with the regulation of the State agencies, and yet he says they had no responsibility. He said, "EEOC does not supervise or regulate State agencies."

The Equal Employment Opportunity Commission worksharing agreements—and that is what they are, they share the work at the Federal level and the State level—with State agencies stating:

> To ensure timely processing of charges which allege violations of the ADEA, EEOC is authorized to take over State agency investigations which are more than 1 year old.

In other words, they contract out to the State agency. The claim is filed with the State agency. It is processed there. But the EEOC reserves to itself the right to take back the State agency investigations which are more than 1 year old. Mr. Thomas did not know that.

The EEOC field office report states:

> If charging parties' Federal rights are to be protected in cases handled by State agencies, the committee must maintain some degree of direct oversight responsibility.

Mr. Thomas said there was none. He said there was no obligation and said we do not supervise or regulate the State agencies.

His agency's regulations, and the work-sharing agreements with the State agencies, and the EEOC's own internal documents, and the $400 a case that is being paid, show incontrovertibly that the Commission is responsible for ensuring that Federal ADEA charges filed at the State level are processed in a timely manner.

After the committee hearing on Mr. Thomas, and prior to the committee's vote on his nomination, I wrote two letters to my Judiciary Committee colleagues, detailing the erroneous statements in Mr. Thomas' testimony.

I ask unanimous consent, Mr. President, that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 9, 1990.

Hon. JOSEPH BIDEN,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR JOE: I am extremely concerned by some of the answers the Committee received from Clarence Thomas at his nomination hearing on Tuesday, February 6, 1990. In particular, I am concerned by Mr. Thomas' responses to my questions regarding lapsed Age Discrimination in Employment Act (ADEA) charges filed with the state Fair Employment Practices Agencies (FEPAs).

Mr. Thomas' answers to my questions indicate that after serving for eight years as Chairman of the Equal Employment Opportunity Commission (EEOC), he does not understand several critical points about the work of the FEPAs or the EEOC's responsibility for their work. That is simply unbelievable to me. Allow me to explain.

The thrust of my inquiry on this matter centered on my concern that individuals who file age discrimination charges with a FEPA lose their federal ADEA rights if the FEPAs fail to process those charges within the ADEA's two-year statute of limitations. This problem first came to light in late 1987, when Congress learned that the EEOC and FEPAs had failed to process an extremely large volume of ADEA charges prior to the expiration of the statute of limitations. On April 7, 1988, the Age Discrimination Claims Assistance Act became law. The Act granted an 18 month extension of the statute of limitations to the thousands of older workers who had lost the opportunity to pursue their ADEA charges in federal court because the EEOC and FEPAs had failed to act in a timely manner.

Documents provided to the Committee by the EEOC for the hearing show that the problem of lapsed federal ADEA charges has not been corrected. The new problem involves older workers whose federal ADEA claims are not covered by ADCAA because the claims expired on or after April 7, 1988. EEOC data indicate that over 1700 ADEA charges filed with EEOC and FEPAs, and not covered by the ADCAA, have passed the two-year statute of limitations governing the ADEA. Over 1500 of these post-ADCAA lapsed charges were filed with the FEPAs.

Mr. Thomas' responses to my questions regarding the recurrence of the lapsed ADEA charge problem clearly indicate that he does not understand two critical points. First, he does not understand that the FEPAs are processing federal ADEA charges and that the EEOC has a responsibility to ensure that the FEPAs process ADEA charges in a timely manner.

Mr. Thomas stated that with respect to charges filed with the FEPAs: "The charges filed in those agencies are filed under state statute." (tr. 237) Mr. Thomas omitted the critical fact that all charges filed with the FEPAs with whom the EEOC has work-sharing agreements are considered to be charges filed with both the EEOC and the FEPAs. 29 C.F.R. 1626.9(a) and 1626.10(a).

Under questioning, Mr. Thomas repeatedly refused to acknowledge this elementary point.

Sen. METZENBAUM. What we have is these are federal claims, they are federal claims under the ADEA, and what occurs is that they are processed at the state level.

Mr. THOMAS. They are filed under state statute, Senator.

Sen. METZENBAUM. Pardon?

Mr. THOMAS. They are filed—we only have work-sharing agreements in states which have age statutes.

Sen. METZENBAUM. But these people have federal claims under the ADEA, they are filing them under the ADEA.

Mr. THOMAS. Senator, they are filing them under the state statute.

Sen. METZENBAUM. I want you to know, Mr. Thomas, that that is not my understanding and I do not believe you are stating the facts. I believe that these are federal claims, they are processing federal claims under the ADEA. (tr. 239).

Mr. Thomas suggested at least four times that the EEOC does not have responsibility for the FEPAs. Regulations adopted by the EEOC pursuant to its duty to administer the ADEA state that:

Pursuant to sections 6 and 7 of the ADEA . . ., the Commission may enter into agreements with state or local fair employment practices agencies . . . and may engage the services of such agencies in processing charges assuring the safeguard of the federal rights of aggrieved persons. 29 CFR 1626.10(a).

Thus, EEOC regulations invest the Commission with responsibility to assure that FEPAs processing ADEA charges do so in a manner which safeguards "the federal rights of aggrieved persons." If the EEOC is not taking steps to ensure that the FEPAs safeguard "the federal rights of aggrieved persons," that it is in violation of its own regulations.

The second critical point that Mr. Thomas does not understand is that individuals are losing their federal ADEA claims due to inaction by the FEPAs.

In his initial response to my questions on this matter, Mr. Thomas sought to deny that any claims were being lost as a result of inaction by the FEPAs.

Mr. THOMAS. With respect to the fair employment agencies, those agencies do not have statutes of limitations. Unlike the two-year statute of limitations under ADEA, the charges filed with them are filed under State law and, to our knowledge, none of these State laws have statutes of limitations, so there cannot by definition be lapses in those agencies. (tr. 236).

This statement is flatly wrong. The EEOC contracts with the FEPAs to process federal ADEA charges. If the FEPAs fail to process those charges within two years, the federal ADEA claim is lost.

Mr. Thomas has been nominated to the Circuit Court of Appeals for the District of Columbia. For a nominee to that distinguished and important court not to understand the law which he has had the obligation to administer for eight years is incredible. It certainly raises serious questions about his ability to serve on the court.

Sincerely,

HOWARD M. METZENBAUM,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 21, 1990.

Hon. JOSEPH R. BIDEN,
Senate Judiciary Committee, Washington, DC.

DEAR JOE: I am writing to you concerning the nomination of Clarence Thomas to the Circuit Court of Appeals for the District of Columbia. After reviewing Mr. Thomas' statements at the nomination hearing on February 6, 1990, and his February 16, 1990, written response to questions submitted by Committee members, I have concluded that Mr. Thomas is not qualified to serve on this important court.

I reached this conclusion without regard to Mr. Thomas' political philosophy or his record of public service. I base my conclusion solely on his knowledge of the law.

In his testimony before the Committee, Mr. Thomas displayed an alarming lack of knowledge concerning three legal matters which are fundamental to the operation of the Equal Employment Opportunity Commission (EEOC), which he has chaired for the last eight years, and to one of the laws which the EEOC administers.

He did not know that state agencies are under contract to the EEOC to process federal age discrimination claims.

He did not know that thousands of individuals are losing their right to pursue federal age discrimination claims because of the inaction of these state agencies.

He did not know that the EEOC has the legal responsibility to ensure that these state agencies process federal age discrimination claims in a timely manner.

As indicated by the February 16, 1990, letter to the Committee from the American Association of Retired Persons (AARP), these are not technical or trivial points. These matters involve nothing less than the availability of legal relief for older workers who have suffered age discrimination.

INFORMATION BEFORE THE COMMITTEE

As you know, I wrote to you on February 9, 1990, shortly after Mr. Thomas' nomination hearing, to express my concerns with his lack of knowledge of these same matters. Since then, the Committee has received Mr. Thomas' responses to written questions submitted by the Committee. In his responses, Mr. Thomas admitted some—but not all—of his inaccurate statement made at the hearing. Allow me to explain.

The thrust of my inquiry on this matter at the nomination hearing centered on my concern that individuals who file age discrimination charges with a state Fair Employment Practices Agency (FEPA) lose their federal Age Discrimination in Employment Act (ADEA) rights if the FEPAs fail to process those charges within the ADEA's two-year statute of limitations. This problem first came to light in late 1987, when Congress learned that the EEOC and FEPAs had failed to process an extremely large volume of ADEA charges prior to the expiration of the statute of limitations. On April 7, 1988, the Age Discrimination Claims Assistance Act (ADCAA) became law. The Act granted an 18 month extension of the statute of limitations to the thousands of older workers who had lost the opportunity to pursue their ADEA charges in federal court because the EEOC and FEPAs had failed to act in a timely manner.

Documents provided to the Committee by the EEOC show that the problem of lapsed federal ADEA charges has not been corrected, despite enactment of ADCAA. The new problem involves older workers whose federal ADEA claims expired on or after April 7, 1988, and thus, are not covered by ADCAA. The EEOC data indicate that over 1,700 ADEA charges filed with EEOC and the FEPAs—and not covered by the ADCAA—have passed the two-year statute of limitations governing the ADEA. Over 1,500 of these post-ADCAA lapsed charges were filed with the FEPAs.

FEPAS PROCESS FEDERAL AGE DISCRIMINATION CHARGES UNDER THE ADEA

At his nomination hearing on February 6, Mr. Thomas repeatedly refused to acknowledge that FEPAs process federal ADEA charges. Mr. Thomas insisted that ADEA charges filed with the FEPAs are state law claims.

Sen. METZENBAUM. What we have is these are Federal claims, they are Federal claims under the ADEA, and what occurs, is that they are processed at the State level.

Mr. THOMAS. They are filed under State statute, Senator.

Sen. METZENBAUM. Pardon?

Mr. THOMAS. They are filed—we only have work-sharing agreements in States which have age statutes.

Sen. METZENBAUM. But these people have Federal claims under the ADEA, they are filing them under the ADEA.

Mr. THOMAS. Senator, they are filing them under the state statute.

Sen. METZENBAUM. I want you to know, Mr. Thomas, that that is not my understanding and I do not believe you are stating the facts. I believe that these are Federal claims, they are processing Federal claims under the ADEA. (tr 239).

In my letter to you on February 9, I pointed out that EEOC regulations state that all charges filed with the FEPAs with whom the EEOC has work-sharing agreements are considered to be charges filed with both the EEOC and the FEPAs. This practice of "dual-filing" is utilized to preserve the federal ADEA rights of older workers whose age claims are filed with FEPAs. Despite my repeated questioning on this matter, Mr. Thomas never acknowledged this fundamental point.

In his February 16 written responses to the Committee, Mr. Thomas did admit that the FEPAs are handling federal ADEA charges:

"When an age charge is received first by a FEPA with which the EEOC has a worksharing agreement, the FEPA files and processes the charge under its age discrimination law. *Under the worksharing agreement, the state filing also constitutes a 'technical' filing of a federal age discrimination charge under the ADEA, which EEOC enforces.*" (emphasis added)

The fact that an age discrimination charge filed with a FEPA is considered to be a "federal age discrimination charge under the ADEA," is no mere "technical" matter. It means that older workers will not be able to pursue their claims in federal court if—as has happened—the FEPAs fail to process those claims within the statute of limitations.

Mr. Thomas' February 16 response goes on to state that the charges filed with the FEPAs are regarded as "dual-filed" in order "to preserve the charging party's right to file a private ADEA lawsuit in federal district court, and to preserve the charging party's option to have EEOC investigate the charge under federal law rather than have the state FEPA investigate it under state law."

In short, after the hearing, Mr. Thomas did correct his erroneous assertion that FEPAs do not process federal ADEA charges.

INDIVIDUALS LOSE THEIR FEDERAL ADEA RIGHTS IF FEPA'S FAIL TO ACT IN A TIMELY MANNER

In his initial response on this matter at his nomination hearing, Mr. Thomas sought to deny that any federal ADEA claims were being lost as a result of inaction by the FEPAs.

Mr. THOMAS. With respect to the fair employment agencies, those agencies do not have statutes of limitations. Unlike the two-year statute of limitations under ADEA, the charges filed with them are filed under State law and, to our knowledge, none of these State laws have statutes of limitations, so there cannot by definition be lapses in those agencies. (tr. 236)

This is clearly incorrect. FEPAs are paid by EEOC to process federal ADEA charges. If the FEPAs fail to process those charges within the two year statute of limitations, the federal ADEA claim is lost.

In his February 16 response, Mr. Thomas did not correct this misstatement of law. He did, however, provide data which demonstrates that there have been lapes of federal ADEA claims at the FEPAs. The data provided by Mr. Thomas show that between January 1984 and April 1988, over 2000 individuals who filed federal age claims with FEPAs had lost their federal cause of action due to the state agencies failure to process the charges in a timely manner. These individuals were granted an extension of the ADEA statute of limitations by Congressional enactment of ADCAA in April, 1988. ADCAA only granted an extension to individuals whose federal ADEA claims had lapsed.

It is also clear that there continue to be lapses of federal ADEA charges filed with the FEPAs. Data provided to the Committee by the EEOC reveal that since April, 1988, an additional 1500 age charges filed with the FEPAs have not been processed within the two-year statute of limitations. Thus, individuals filing these charges have lost their federal cause of action, and will not have the benefit of the extension of the statute of limitations granted by ADCAA.

These figures were available to Mr. Thomas before the hearing. Inded, the lapsing of federal ADEA charges was perhaps the single most publicized event which occurred during his tenure at EEOC. For Mr. Thomas to assert at his nomination hearing that "there cannot by definition be lapses" at the FEPAs demonstrates an alarming lack of knowledge. And his refusal to correct this misstatement of law forthrightly and directly is equally disturbing.

EEOC HAS THE RESPONSIBILITY AND CAPABILITY TO ENSURE THAT FEPAS PROCESS ADEA CHARGES IN A TIMELY MANNER

At his nomination hearing, Mr. Thomas repeatedly refused to acknowledge that the EEOC has both the responsibility and the capability to ensure that all ADEA charges filed with the FEPAs are processed in a timely manner. He repeatedly insisted that the EEOC does not "supervise" or "regulate" FEPAs, thus leaving the impression that the EEOC cannot be held responsible for any ADEA charges which are not processed by FEPAs within the two-year statute of limitations.

Once again, his subsequent response of February 16 tells a different story. There, Mr. Thomas concedes that EEOC can sanction FEPAs which fail to timely process ADEA charges by "withhold[ing] payment on a particular charge or refus[ing] to enter into future charge processing contracts or worksharing agreements."

This response, however, is grossly inadequate because it fails to explain the full extent of the EEOC's responsibility and efforts to oversee the FEPAs processing of ADEA charges. EEOC's regulations, its worksharing agreements with the FEPAs, and its own internal documents clearly show that the agency has ultimate responsibility for ensuring that *all* ADEA charges filed with the FEPAs are processed in a timely manner. Indeed, these documents show that the agency has sought to oversee the FEPAs handling of ADEA charges.

Regulations adopted by the EEOC pursuant to its duty to administer the ADEA state that:

"Pursuant to sections 6 and 7 of the ADEA . . . , the Commission may enter into agreements with state or local fair employment practices agencies, . . . and may engage the services of such agencies in processing charges assuring the safeguard of the federal rights of aggrieved persons. 29 C.F.R. s1626.10(a)."

EEOC's worksharing agreements with state agencies grant the Commission the right to review ADEA charges handled by the FEPAs. These agreements also permit the EEOC to take over investigation of ADEA charges filed with FEPAs, when over one year has elapsed since the date of the alleged age discrimination violation. This contractual right enables EEOC to assume responsibility for ADEA charges which may be slipping due to FEPA inaction.

Finally, EEOC's own documents demonstrate that agency officials believe the Commission is directly responsible for ensuring that the FEPAs timely process ADEA charges. A number of EEOC field office reports written in 1988 express concern that EEOC district offices needed to do more to ensure that older workers did not lose their ADEA rights due to inaction by the FEPAs. One field office report stated:

"If charging parties' Federal rights are to be protected in these cases [handled by FEPAs], the Commission must maintain some degree of direct oversight responsibility. Without direct involvement of the [EEOC] District [Offices], it will become aware of the failures of FEPAs to fulfill their contractual obligations on a case by case basis, after the fact. Such a result places the Commission in an untenable position, should the two year statute of limitations expire in ADEA charges, and the District Office cannot demonstrate that it had taken reasonable actions."

A March 23, 1989, memo to FEPAs with lapsed ADEA charges from EEOC Program Operations Director, James Troy states that:

"In analyzing charge processing patterns, we were alarmed to discover the extent open ADEA charges with FEP Agencies have been allowed to extend beyond the Federal two year statute of limitation for filing a lawsuit. . . . The number of charges you report as having lapsed the statute of limitations suggests strongly, that your agency is not meeting its contractual obligation to complete the processing of ADEA charges within 18 months of the date of violation. If this problem is not corrected in the very near future, we will have to reconsider contracting with your agency for the production of age discrimination charges."

This memo demonstrates that EEOC not only regards itself as responsible for overseeing the processing of ADEA charges by FEPAs, but it also shows that the Commission recognizes that it can take steps to prod the FEPAs into processing age claims in a more timely manner.

In short, Mr. Thomas' hearing testimony provides no indication that he recognizes that the Commission has both the responsibility and the capability to ensure that FEPA's process ADEA charges in a timely manner. And neither his hearing testimony—nor his subsequent written responses—acknowledge that the Commission's own rules require it to "safeguard the federal rights" of older workers, regardless of whether their age discrimination claims are initially filed with the EEOC or with the FEPAs.

CONCLUSION

I do not expect Mr. Thomas to be able to recite chapter and verse every single provision of all the federal anti-discrimination statutes administered by the EEOC. Nor would I refuse to support his nomination because of a few technical misstatements of law. But that is not what we have here.

The issue that I have raised concerns Mr. Thomas' knowledge of several fundamental aspects of the EEOC's responsibility to protect older workers from age discrimination. Frankly, it is unbelievable to me that the Chairman of the EEOC for the past eight years would lack such knowledge.

As a federal appellate judge Mr. Thomas will be obliged to read the law and study the briefs of appellants. At the nomination hearing, elementary matters of federal age discrimination law were not known to Mr. Thomas. His failure to know laws he was responsible for administering indicates to me

that he does not have the necessary legal ability to serve on the Circuit Court of Appeals.

I will not support Mr. Thomas' nomination.

Sincerely,

HOWARD M. METZENBAUM,
U.S. Senator.

Mr. METZENBAUM. Frankly, Mr. President, I was not the only one troubled by Mr. Thomas' statements. The American Association of Retired Persons was troubled as well. The AARP has never taken a formal position on a judicial nominee. They did not take a position in connection with Mr. Thomas confirmation. But they did take the time to write a long and detailed letter, I think it was 15 pages, outlining their serious concerns about the Thomas nomination.

The Judiciary Committee received that 15-page letter from the AARP, explaining inaccuracies in Mr. Thomas' statements at the hearing.

Mr. President, I ask unanimous consent that the entire letter from the AARP be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
Washington, DC, February 16, 1990.

Hon. JOSEPH BIDEN,
Chairman,
Hon. STROM THURMOND,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, SENATOR THURMOND, AND MEMBERS OF THE COMMITTEE: The American Association of Retired Persons (AARP) requests that this letter be made part of the record of the confirmation hearings on the nomination of Clarence Thomas to the U.S. Court of Appeals. The purpose of this letter is to correct inaccurate statements made by Mr. Thomas at his confirmation hearing on February 6, 1990, and to express AARP's serious concern about his commitment to enforcing the law without regard to his personal wishes.

Mr. Thomas's testimony reveals a fundamental lack of understanding of both the laws he has been charged with enforcing for the past eight years and the regulations and procedures of the agency he has chaired. Taken as a whole, Mr. Thomas's testimony exhibits the same disregard for the rights of older workers that we have seen during his tenure at the EEOC.

The areas of Mr. Thomas' testimony that evidence these problems include:

His incorrect assumption that the loss of federal civil rights due to agency inaction can be excused by the existence of a similar state law.

His refusal to accept responsibility for, and his misstatements regarding, the EEOC's continued failure to process on a timely basis charges under the Age Discrimination in Employment Act (ADEA). As a result, thousands of older workers have lost their rights under the law.

His misstatements of the case law to erroneously justify EEOC's rules on unsupervised ADEA waivers.

His misstatements regarding the EEOC's obligation to rescind admittedly illegal regulations that permitted employers to deny older workers full and fair pension benefits.

The inaccuracies in Mr. Thomas's testimony are discussed in more detail below.

1. Mr. Thomas's Testimony on Lapsed Federal ADEA Charges Processed by FEPAs.—

AARP was shocked to learn at the February 6, 1990, confirmation hearing that the EEOC has continued to forfeit the rights of thousands of older workers by failing to process charges brought under the ADEA within the required two year statute of limitations.

Even more disturbing is Mr. Thomas's assumption that the lapsing of federal ADEA claims is not a problem for victims of age discrimination because they retain similar state law claims. This is a remarkable—and incorrect—view of federal law for someone who has been charged with enforcing fundamental federal rights and who has been nominated to become a federal appeals court judge.

When the problem of lapsed charges was initially discovered in 1987 by the Senate Special Committee on Aging, Mr. Thomas personally committed himself to resolving, that he called "totally inexcusable." Apparently, he has made little effort to do so. Even more disturbing, Mr. Thomas now seeks to avoid responsibility for the EEOC's continued malfeasance by divorcing himself and the EEOC from the actions of the state and local agencies that processed these charges on behalf of the Commission.

In his testimony, Mr Thomas acknowledged that for the period from April 6, 1988 to July 27, 1989, more than 1500 charges of age discrimination were not processed by the agency within the ADEA's two year statute of limitations. It is unclear whether the charging parties received notice of this problem. The older workers who filed these charges have lost their right to pursue their claims in federal court under federal law.[1]

When asked to explain this situation, Mr. Thomas asserted that the overwhelming majority of the lapsed charges were handled by fair employment practice agencies (FEPAs), which are state and local agencies under contract with EEOC. He asserted that the lapsing of charges by FEPAs is not significant because the state and local agencies only handle claims filed under state law, not federal law, and the state claims are not subject to the two year statute of limitations. Mr. Thomas insisted repeatedly that these were "state claims," not federal claims. He stated that the EEOC is not involved or responsible for ADEA charges filed with FEPAs until and unless the FEPA investigates and reports the charge to the EEOC within 18 months of the discriminatary act.

Mr. Thomas is incorrect on every point. As he must—or should—know:

A state law claim in no way substitutes for federal rights, and in no way diminishes the EEOC's obligation to vigorously protect older workers under the ADEA.

The EEOC contracts with the FEPAs to receive and investigate federal ADEA charges as the EEOC's agent. These charges remain subject to the ADEA's two year statute of limitations for filing a lawsuit;

The EEOC is informed of every federal charge filed with a FEPA at the time the charge is filed;

The EEOC remains responsible for ensuring that the federal charges are investigated in a timely and thorough manner, and for monitoring the work of the FEPAs;

As discussed below, federal law, the EEOC's regulations, the terms of its worksharing agreements with the FEPAs, and EEOC documents establish these basic principles. Mr. Thomas's testimony was not only misleading, but revealed an astonishing lack of understanding of, and concern for, the protection of older workers' rights under the law.

A. A state law claim in no way substitutes for federal rights, and in no way diminishes the EEOC's obligation to vigorously protect older workers under the ADEA.—

Perhaps the most astonishing aspect of Mr. Thomas's testimony is his assumption that state claims are an adequate substitute for the loss of federal rights. He belittled the problem of thousands of lapsed federal ADEA charges by noting that a complaining party retains a state law claim if the federal charge is lost.

The existence of a state law claim is no way excuses the EEOC's failure to protect older workers' rights under the ADEA. Congress enacted the ADEA in order to provide older workers with the federal cause of action in federal court. A state law claim—no matter how beneficial to the charging party—is no substitute for the federal rights.

It is also untrue that state laws provide comparable rights and relief to the federal law. In fact, state laws often provide more limited relief to older workers for age discrimination than the ADEA. For example, the ADEA permits a private right of action 60 days after a charge is filed, jury trials, liquidated damages, and attorney's fees to a prevailing plaintiff. In contrast, some state laws provide:

New York: If an older worker pursues an age discrimination charge with the New York FEPA, the older worker loses his or her private right of action to pursue the state claim in state court. The worker is limited solely to the state administrative process, which may take as many as seven years to complete and which is only subject to a deferential standard of judicial review. There is no right to a jury trial, no right to attorney's fees and no right to liquidated damages.

Maryland: Older workers have no private right of action to bring a claim of age discrimination in court, but are limited to the state administrative process, which is subject to deferential judicial review. Neither attorney's fees nor liquidated damages are awarded.

An older worker's rights under the ADEA should not and must not depend upon whether the charge was filed with the EEOC directly or with a FEPA designated as the EEOC's agent. Nonetheless, that is precisely what appears to have happened during Mr. Thomas's tenure as EEOC Chairman.

B. FEPAs handle federal claims as EEOC's agent.—

In his testimony, Mr. Thomas repeatedly asserted that, "The cases filed with the state agencies are filed under state law." Each time he was asked whether federal charges are filed with FEPAs, he responded by restating, "They are filing them under state statute." As Mr. Thomas must or should know, this is incorrect.

The EEOC certifies state and local agencies to become FEPAs after reviewing analogous state laws on age (as well as race, sex,

[1] Because these charges lapsed after April 6, 1988, they are not covered by the Age Discrimination Claims Assistance Act, passed by Congress to restore, for 18 months, the rights of certain older workers who had lost their claims due to the EEOC's previous failure to meet the two year statute of limitations.

national origin and religious) discrimination, and investigation, conciliation and prosecution procedures. The EEOC and FEPAs then enter into annual "worksharing" agreements, which designate state and local agencies as the EEOC's agent for the receipt and investigation of federal charges. (In most instances the complaining party has also filed a state law charge based on the same facts, which the FEPA will investigate in any event.) The sole purpose of the EEOC-FEPA relationship is to allow state and local agencies to receive and investigate federal claims.

Title 29 C.F.R. part 1626 of the EEOC's regulations on the ADEA defines the parameters of this relationship. Section 1626.10(a) explicitly provides that the EEOC may "engage the services of [FEPAs] in processing charges *assuring the safeguards of the Federal rights of aggrieved persons,*" (emphasis supplies).

The worksharing agreements reiterate this point. For example, the current agreement between the EEOC and the Maryland Commission on Human Relations makes clear that the EEOC has jurisdiction over ADEA charges, and that the "EEOC by this Agreement designates and establishes the FEPA as a limited agent of EEOC for the purpose of receiving charges on behalf of EEOC * * *

The handling of federal claims by FEPAs in no way modifies or

tolls the ADEA two year statute of limitations, irrespective of a state law's more generous statute of limitations. Regardless of which agency initially receives and investigates the federal charge, an ADEA claim must be filed in court within two years of the discriminatory act or the federal cause of action is forever lost.[2]

C. EEOC is notified of every ADEA charge filed with a FEPA at the time the charge is filed.—

In his testimony, Mr. Thomas implied that the EEOC may not know about the charges handled by FEPAs and, therefore, cannot be held responsible for the lapsing of those claims. He stated that charges not reported to the EEOC within 18 months are outside the scope of the worksharing agreement and, therefore, are not the obligation or responsibility of the EEOC. ("[I]f a state agency receives a charge and that charge is not to us by 18 months from the date of violation, that charge is not under contract with EEOC. We have to have that charge in time to process under our statute.")

Mr. Thomas is again incorrect. The EEOC is notified of all ADEA charges at the time they are filed with the FEPA. The EEOC cannot claim ignorance about these charges, nor use this as an excuse for failing to exercise its responsibility to insure that the charges are processed in a timely manner.

The worksharing agreement permits an older worker to file his or her federal age discrimination charge with either the EEOC or a FEPA. If the latter course is followed, the FEPA notifies the EEOC by sending a copy of the charge to the relevant EEOC district office. In fact, the worksharing agreements expressly require the FEPA to advise the EEOC of the charge within ten days of its receipt. Furthermore, the FEPA may also enter the federal charge into the national computer data base—providing a second means of notification to the EEOC.

The EEOC, therefore, has the requsite knowledge for monitoring the FEPAs' processing of federal claims and for ensuring that the two year statute of limitations does not lapse. The 18-month period for processing by the FEPA is simply the baseline by which the FEPA's work is judged for purposes of payment.[3] It does not obviate the EEOC's responsibility to enforce the ADEA—and to insure that its agent, the FEPA, enforces the ADEA. Indeed, a FEPA that repeatedly exceeds the 18-month baseline can be reviewed for nonfeasance and possible decertification.

D. The EEOC is responsible for ensuring that federal charges handled by FEPAs are processed in a timely manner.—

Contrary to Mr. Thomas's testimony,[4] the EEOC retains jurisdiction over all federal charges filed with a FEPA. The EEOC retains the responsibility and obligation to ensure that all federal claims handled by FEPAs are processed within the two year statute of limitations.

The EEOC's regulations at 29 CFR parts 1626.10(a), (c) make clear that the worksharing agreements not only do not relieve the Commission of its responsibilities with regard to ADEA charges filed with a FEPA, but in fact obligate the Commission to monitor the FEPAs and "promptly process charges which the state agency does not pursue." Obviously, these regulations contradict Mr. Thomas's repeated statements that EEOC's responsibilities extend only to charges reported by FEPAs to the EEOC within 18 months.

The worksharing agreements also make clear the EEOC's continued responsibility with regard to the federal claims. *See e.g.,* Paragraph 1e: "It is understood that this Agreement does *not* in any way reduce the jurisdiction conferred upon either party to this agreement, or *limit the rights and obligations of the respective parties.*" (Emphasis supplied.) Even more explicit is the section entitled "Timely Processing of ADEA Charges." This section establishes the EEOC's right to review any ADEA charge handled by the FEPA, and to take over the investigation of that charge when over one year has passed from the date of the alleged violation.[5]

EEOC internal documents also reveal that, contrary to Mr. Thomas's repeated assertions that the EEOC does not "supervise" or "regulate' the FEPAs processing of federal claims, the Commission holds itself responsible for monitoring the FEPAs and ultimately for the federal charges they handle. For example, a "Field Trip Report," resulting from a review of EEOC headquarters of the Miami District Office, states that the EEOC district office must be able to monitor federal charges handled by FEPAs "to ensure that charging party rights are not eroded by the running of the statute of limitations." [6] Similarly, a March 14, 1988 memorandum from EEOC's Director of Field Management Programs (West) to the Director of the Office of Program Operations, expresses concern over the EEOC Chicago district office's monitoring of ADEA charges handled by the Illinois Civil Rights Commission (a FEPA).[7]

It is deeply troubling to us that after eight years as Chairman, and only two years since he pledged to solve the problem of unprocessed ADEA cases, Mr. Thomas is unaware of the most fundamental aspects of the EEOC's relationship with its agents, the FEPAs, and unwilling to accept responsibility for the repeated failure of the FEPAs—and hence the EEOC—to adequately protect the rights of older workers under the ADEA. His (incorrect) insistence that the EEOC does not "supervise" or "regulate" the FEPAs may in fact highlight the cause of this continuing problem: the EEOC under Mr. Thomas has made no effort to insure that the FEPAs are fulfilling the terms of their worksharing agreements by processing ADEA charges in a timely and thorough manner.

2. Mr. Thomas's Testimony Regarding Unsupervised Waivers.—

At the February 6, 1990 confirmation hearing, Mr. Thomas was asked to explain the legal basis for the EEOC's rule permitting unsupervised ADEA waivers, given Supreme Court case law that invalidates such waivers. Rather than answer this question, Mr. Thomas repeatedly stated that EEOC's General Counsel had recommended adopting the regulations. When pressed, Mr. Thomas cited a series of lower court decisions permitting unsupervised waivers in limited circumstances.[8]

The appellate court cases cited by Mr. Thomas provide little if any support for the rules issued by the EEOC and subsequently suspended by Congress. First, *none* of these cases had been decided when the EEOC first proposed its regulations in October 1985. Indeed, the only decision on point prohibited unsupervised waivers.[9] Second, only two of the cases had ben decided before the rules were issued in final form in July 1987 and, in both these cases, the courts relied at least in part upon the commission's proposed rules and/or an EEOC brief in reaching their decisions.[10]

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[2] The FEPAs sole function with respect to the federal charges is to receive the charge and conduct an administrative investigation. When it reaches a determination of cause or no cause, it reports its finding to the EEOC. The FEPA's finding is then subject to EEOC review, during which it receives "substantial weight." To pursue litigation, the EEOC uses the same procedures as when the charge was initially investigated by one of its district offices. For example, the Office of General Counsel must review the charge and determine whether or not to recommend litigation.

[3] FEPAs are paid by the EEOC for investigating federal charges only if the FEPA reports its findings within 18 months. This deadline is an acknowledgement, by the EEOC, that the federal charges must be handled in a timely fashion.

[4] In his testimony, Mr. Thomas repeatly said, "We do not supervise state and local FEPAs. * * * [I]f a state agency receives a charge and that charge is not to us by 18 months * * * that charge is not under contract with EEOC."

[5] In addition, paragraph 8 of the worksharing agreements establishes that if the FEPA determines it does not have the resources to pursue a federal charge, it must notify the Commission.

[6] Field Trip Report, Field Management Programs—East, EEOC Miami District Office (August 8-12, 1988).

[7] See Hearing before the Special Committee on Aging, 100th Cong., 2d Sess. (June 23, 24, 1988) at 966.

[8] In *Lorillard* v. *Pons,* 434 U.S. 575 (1978), the Supreme Court expressly held that the ADEA incorporates the enforcement provisions of the Fair Labor Standards Act, and the case law interpreting those provisions. The Supreme Court has held that section 16(c) of the Fair Labor Standards Act, which is incorporated into the ADEA, invalidates unsupervised waivers. See *Brooklyn Bridge* v. *O'Neill,* 324 U.S. 697 (1945). The rules published by the EEOC—and subsequently suspended by Congress—contradict these cases.

[9] *Runyan* v. *National Cash Register,* No. 83-3862 (6th Cir. April 22, 1985) (rev'd *en banc* 1986).

[10] *See Runyan* v. *National Cash Register,* 787 F.2d 1039, 1045 (6th Cir. 1986, en banc); *EEOC* v. *Cosmair, Inc.,* 821 F.2d 1085, 1091 (5th Cir. 1987).

Third, the two courts carefully and specifically limited their decisions to waiver obtained in settlement of a bona fide factual dispute.[11] The EEOC's rules are not similarly limited, but would permit waivers in all circumstances.

When asked to explain this discrepancy, Mr. Thomas twice misstated the case law by asserting "no court has limited unsupervised waivers to bona fide factual disputes that I know of." Mr. Thomas is wrong. In fact, in *Runyan* v. *National Cash Register*, 737 F.2d 1039 (6th Cir. 1986, en banc)—the case upon which the EEOC placed primary reliance when issuing its final rule—the Sixth Circuit explicitly stated that its holding was limited to waivers of bona fide factual disputes.[12] In *Borman* v. *AT&T Communications, Inc.*, 875 F.2d 399, 404 (2d Cir. 1989), the court also held that the case involved a bona fide factual dispute. The other appellate decisions cited by Mr. Thomas are similarly limited by their facts, their holdings, or are simply inapplicable to the issue.[13]

Mr. Thomas's refusal to be guided by Supreme Court case law and his misstatements of the facts and decisions in the lower court cases cast serious doubt upon his ability or commitment to enforcement of the law regardless of his own personal preferences and interpretations. As many of the Senators indicated in the questions to Mr. Thomas, it is imperative that a federal judge be willing to accept and enforce the law as passed by Congress, and interpreted by the Supreme Court, notwithstanding personal disagreement with the law or its interpretation.

3. Mr. Thomas's Testimony Regarding Pension Benefit Accrual.—

Mr. Thomas's testimony at his confirmation hearing paints an inaccurate picture of the EEOC's actions and authority with respect to the issue of nondiscriminatory pension benefit accruals and contributions for older workers. Specifically, Mr. Thomas mischaracterized the law and the EEOC's conduct with regard to its refusal to rescind an admittedly illegal Interpretive Bulletin (IB) that permitted employers to freeze the pension accounts of persons who worked past age 65.

Mr. Thomas's testified that in order to rescind the IB, the EEOC had to comply with the formal procedures of rulemaking, including inter-agency coordination, a regulatory impact analysis and OMB approval. According to Mr. Thomas, these rulemaking requirements and the actions of other agencies prevented the EEOC from either rescinding the IB or issuing new regulations requiring post-65 pension benefit accrual. ("In essence, what happened to the pension accrual rulemaking was it was bogged down in the coordination process * * * we had to engage in rulemaking * * *". Rescission "is a major rulemaking * * * we could not simply withdraw the IB.")

This is incorrect and, in our view, misleading. As noted by both Senator Metzenbaum and Mr. Thomas at the hearing, the EEOC's Acting Legal Counsel at the time advised Mr. Thomas that the EEOC could rescind the IB without running afoul of rulemaking requirements. Moreover, even if formal rulemaking were required, there were interim steps available to the Commission to alleviate the considerable harm caused to, and cost imposed upon, older workers by allowing the admittedly illegal IB to remain in effect.[14]

A. EEOC's Acting Legal Counsel advised Chairman Thomas that rescission of the IB did *not* require formal rulemaking.—

The Office of Legal Counsel is responsible for all rulemaking within the EEOC. As documented in a contemporaneous memorandum, the Acting Legal Counsel advised Mr. Thomas that the Commission did not need to engage in formal rulemaking procedures to rescind the IB. Under Executive Order 12291, only if the proposed agency action is estimated to have an annual effect on the economy of $100 million or more is it designated a major rule requiring a regulatory impact analysis and submission to OMB. The Acting Legal Counsel determined that rescission of the IB would not have the required economic impact and thus the formal requirements of Executive Order 12291 did not apply.[15]

In his testimony, Mr. Thomas stated that he believed his Acting Legal Counsel to be wrong. He stated that he obtained a "second opinion" which reached the opposite conclusion. Mr. Thomas failed however, to identify who gave the second opinion and when—or why—it was solicited.[16]

Mr. Thomas's willingness to follow or not follow the advice of counsel seems arbitrary, at best. For example, Mr. Thomas's rejection of his Legal Counsel's advice in this regard must be contrasted with his repeated reliance upon the advice of the (Acting) General Counsel and the Legal Counsel with regard to regulations on unsupervised ADEA waivers (see discussion above). At the confirmation hearing, when asked for the legal basis for the EEOC's regulations on unsupervised waivers, Mr. Thomas emphasized again and again that EEOC's General Counsel initiated the controversial regulations and that the regulations had the support of the Legal Counsel. There appears to be no reason for his reliance upon counsel's advice in one instance and his rejection of it in the other.

B. The EEOC could have taken action short of rulemaking to protect the rights of older workers to fair and nondiscriminatory pension benefits.—

Mr. Thomas also failed to acknowledge that even if full rulemaking procedures were required for the rescission of the illegal IB, the EEOC had the authority to provide interim relief to older workers. The EEOC had the authority to issue an opinion letter stating that it would no longer recognize the IB as a good faith defense available to an employer charged with discrimination in pension benefits. The EEOC, however, not only failed to do this, but also repeatedly dismissed charges filed by older workers who were denied post-65 pension benefit accrual even after the Commission determined that this practice was illegal.

The EEOC has previously issued opinion letters interpreting the requirements of the ADEA, thereby establishing agency policy prior to or outside the "informal" rulemaking process. For example, in December 1983, it approved for publication an opinion letter explaining an employer's obligation to rehire retired employees under the ADEA.[17]

C. The Inter-agency Coordination process was completed by the time the EEOC voted to rescind the old regulations and issue the new ones in March 1985.—

The EEOC had been examining the IB and the issue of pension benefit accrual since it first assumed jurisdiction over the ADEA in 1979. In 1983, it issued an Advanced Notice of Proposed Rulemaking and in June 1984 it voted to rescind the IB and instructed staff to prepare new rules. In March 1985, the EEOC voted again to issue the new rules. The issue had been discussed repeatedly with other agencies and departments during this entire period. The inter-agency coorporation process was certainly complete when the Commission was sued, in June 1986, to rescind the IB and issue the new regulations.

Mr. Thomas has once again attempted to evade responsibility for his failure to protect older workers' rights under the ADEA by imposing blame upon another party. In this instance, as in the case of the lapsed charges, the blame must rest squarely with the Commission and Mr. Thomas.

In any hearing, there will always be some unintentional misstatements of fact or law. Here, however, the misstatements throughout Mr. Thomas's testimony cannot be excused as uninformed. The issues discussed

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[11] *Runyan*, 787 F.2d at 1044; *Cosmair*, 821 F.2d at 1091 (specifically adopting the reasoning of *Runyan*).

[12] The Runyan court noted, "The dispute is not over legal issues such as the ADEA's coverage or its applicability. Rather, the parties contest factual issues concerning the motivation and intent behind National Cash Register's decision to discharge Runyan. Accordingly, we hold that an unsupervised release of a claim in a bona fide factual dispute of this type under these circumstances is not invalid." 787 F.2d at 1044.

[13] See *Shaheen* v. *B.F. Goodrich Co.*, 873 F.2d 105, 106 (6th Cir. 1989); *Cirillo* v. *ARCO Chemical Co.*, 862 F.2d 448, 450 (3d Cir. 1988). In addition, other appellate decisions permitting unsupervised waivers also are limited, by their facts, to a bona fide factual dispute. See e.g., *Cosmair, supra; Coventry* v. *U.S. Steel Corp.*, 856 F.2d 514, 516-17 (3rd Cir. 1988).

A fifth case cited by Mr. Thomas, *Nicholson* v. *CPC International Inc.*, 877 F.2d 221 (3d Cir. 1989), does not involve an unsupervised waiver of ADEA rights.

[14] In June 1984, the EEOC voted to rescind the IB, finding that it violated the ADEA. In March 1985, the EEOC reaffirmed its decision. However, at no time did the EEOC actually take the required steps to rescind the admittedly illegal IB or publish replacement regulations for notice and comment. It did not rescind the IB until subject to court order.

The EEOC's refusal to rescind the IB also prevent older workers from asserting their rights in court. Under the ADEA, an employer who relies upon a written agency action may have a "good faith" defense to a charge of discrimination if he demonstrates reliance upon the IB—even if the challenged conduct is discriminatory and the agency action is subsequently found invalid.

[15] The Acting Legal Counsel's position is supported by the fact that rescission of the IB would not require employers to take any action, nor would it release employers from any obligation.

Although studies showed that older workers suffered a loss of approximately $450 million in annual pension benefits due to the illegal practice of freezing pension accounts at age 65, regardless of whether the worker continued to work the cost to employers of continuing pension contributions and accruals beyond normal retirement age was minimal at most. Comm. Pub. No. 97-323, An Analysis of the Costs of Pension Accrual After Age 65 (A. Rappaport, W. Mercer), U.S. House of Representatives, Select Committee on Aging, 97th Cong., 2d Sess (May 1982).

[16] Indeed, Mr. Thomas stated that "we have gotten a second opinion after the document request," which would be January-February 1990. This, of course, means that the "second opinion" could not have formed the basis for this decision four and five years ago.

[17] EEOC Opinion Letter on Obligation to Rehire Retired Employees under Age Discrimination in Employment Act, (approved December 13, 1983), No. 60, published by the Bureau of National Affairs, Jan. 1984.

above, and in our previous letter to Chairman Biden and Senator Thurmond (of January 26, 1990), have consistently and publicly been before the Congress and the EEOC and involve basic operating procedures of the Commission.

During Mr. Thomas's tenure as Chairman, Congress has repeatedly been forced to step in to overrule or substantially modify the EEOC's actions and conduct with regard to its enforcement of the ADEA. What is most disturbing to AARP, and we hope would be of greatest concern to the members of the Judiciary Committee, is that Mr. Thomas's testimony and record reveal not only a failure to enforce the law as passed by Congress, but, at best, a lack of concern for the working Americans protected by the Age Discrimination in Employment Act. The record of the hearing, and Mr. Thomas's record as EEOC Chairman bring into question whether he will act differently as a federal judge.

Very truly yours,

HORACE B. DEETS.

Mr. METZENBAUM. Mr. President, that letter states as follows:

Mr. Thomas' testimony reveals a fundamental lack of understanding of both the laws he has been charged with enforcing for the past 8 years and the regulations and procedures of the agency he has chaired.

Mr. President, that letter makes the same points, only far more extensively, maybe far more adequately, even, than my letter sent to members of this committee, a copy of my letter having been introduced at an earlier point.

The National Council on Aging does take a position with respect to Mr. Thomas' nomination. The council wrote the committee to say that, "There is no question that the EEOC retains ultimate responsibility for FEPA-processed ADEA charges."

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL COUNCIL ON THE AGING, INC.,
Washington, DC, February 15, 1990.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BIDEN: We are appalled over misleading statements made by EEOC Chairman Clarence Thomas at his confirmation hearing regarding his agency's failure to enforce the federal Age Discrimination in Employment Act for thousands of older Americans.

The Committee confronted Chairman Thomas with evidence that close to 2,000 new age discrimination victims have lost their right to file suit in court because of the failure to process their claims within the two-year statute of limitations. We emphasize that these are new lapses, which have been discovered since the passage of the Age Discrimination Claims Assistance Act in April of 1988. That Act extended protection to thousands of complainants whose ADEA charges were mishandled and neglected by EEOC prior to 1988 and under Mr. Thomas' administration.

The bulk of these complaints were filed with state and local fair employment practices agencies which have contracts with the EEOC to investigate complaints filed under federal anti-discrimination laws. Chairman Thomas and the Commissioners approve every such contract.

Several times during the hearing, Mr. Thomas attempted to shift blame for both past and current lapsed ADEA charges away from him. He stated that an ADEA charge filed with a FEPA is actually filed under state law, which is false. According to the agency's own guidelines, an ADEA charge may be filed with a state-sponsored agency and may be accompanied by related claims under state law, but it remains a federal claim and invokes the protection of the federal law.

Mr. Thomas also implied that the EEOC's responsibility for an ADEA charge filed with a FEPA begins only when the FEPA returns the charge for contract credit within 18 months of the date of violation. That is also erroneous. As it rules make clear, the EEOC is required to docket, monitor and review every federal charge handled by the FEPAs. Upon the initial filing, the charges are entered into EEOC's national database, and the FEPA investigations are supposedly monitored by the EEOC's field offices.

It is simply amazing that Mr. Thomas proffers these excuses for failure to enforce the law. There is no question that the EEOC retains ultimate responsibility for FEPA-processed ADEA charges. Contrary to what Mr. Thomas may have the Committee believe, the EEOC cannot contract away the ADEA rights of older Americans. The FEPAs act directly as agents of the EEOC in processing federal charges.

We have witnessed Mr. Thomas's capacity for evasion before Congressional committees on other occasions, and we believe that he is being less than candid with the Judiciary Committee about the extent of his agency's responsibility for the newly lapsed ADEA charges. During the same hearings, he misrepresented the facts to Senator Heflin regarding the number of charges lapsing in prior years. He stated that only 900 had lapsed, when his own agency reported to the Senate Aging Committee that possibly 13,000 charges had lapsed. (The actual number is unknown because of the agency's prior policy of destroying files six months after closure.)

We believe that it would be a serious mistake to place on the federal bench an official who has repeatedly shown a disregard of the law and a willingness to mislead the Committee on important points of fact. On behalf of older workers and those who wish to preserve and advance their rights under law, we urge you not to confirm this nominee.

Sincerely,

DANIEL J. SCHULDER,
Senior Public Policy Associate.

Mr. METZENBAUM. Upon learning of Mr. Thomas' testimony on the lapsed charge issue, the chairman of the Senate Aging Committee took to the floor of the Senate, stating that he was "dismayed to learn about several erroneous statements made by Chairman Thomas and his supporters regarding his role in enforcing the ADEA."

That is a quotation from an earlier statement made on the floor of the Senate by Senator PRYOR, chairman of that committee. Senator PRYOR stated:

There should be little dispute that thousands of ADEA claimants have unfairly and unacceptably lost their rights during Chairman Thomas' 8-year tenure.

He noted that the nominee and his supporters had sought to paint a "rose-color view" of Mr. Thomas' record as head of the EEOC. Senator PRYOR stated that—

Several thousand age discrimination claimants who, during Chairman Thomas' watch, lost their rights largely due to EEOC neglect and mismanagement would differ with this rose-color view of the past 8 years.

The chairman of the Aging Committee went on to say that

"As the Federal entity charged with the enforcement of the ADEA, the EEOC has the inescapable duty to protect the rights of ADEA claimants," regardless of whether the ADEA charges are filed at the State or Federal level.

Finally, Senator PRYOR declared that Mr. Thomas' statement on the EEOC-FEPA relationship "raised serious questions about the nominee's appropriateness for the Federal bench."

It is my understanding that if Senator PRYOR can get away from a committee hearing which he is presently attending that he intends to address himself to this subject on the floor of the Senate later in the afternoon.

What do we have before us? We have the people who know the ADEA—the Age Discrimination Employment Act—and aging issues who are troubled by Mr. Thomas' statements, as I was. The chairman of the Aging Committee, the American Association of Retired Persons, and the National Council on Aging all felt compelled to issue formal responses to the statement made by Mr. Thomas during his confirmation hearing.

Let me talk about some of the other opposition that exists to Mr. Thomas' nomination, notwithstanding the fact I stand here before you and say I have no doubt in my mind that Mr. Thomas will be confirmed. There is a considerable bloc of opposition in addition to that which I previously mentioned; 19 of the 24 Members of the Congressional Black Caucus oppose Mr. Thomas.

Mr. President, I ask unanimous consent that each of their names be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

LIST OF MEMBERS OF THE CONGRESSIONAL BLACK CAUCUS OPPOSED TO THE NOMINATION OF CLARENCE THOMAS FOR THE D.C. CIRCUIT COURT OF APPEALS

Rep. William Clay (D-Missouri).
Rep. Cardiss Collins (D-Illinois).
Rep. John Conyers (D-Michigan).
Rep. George Crockett (D-Michigan).
Rep. Ron Dellums (D-California).
Rep. Julian Dixon (D-California).
Rep. Mervyn Dymally (D-California).
Rep. Mike Espy (D-Mississippi).
Rep. Harold Ford (D-Tennessee).
Rep. Augustus F. Hawkins (D-California).
Rep. Charles Hayes (D-Illinois).

Rep. Major Owens (D-New York).
Rep. Donald Payne (D-New Jersey).
Rep. Charles Rangel (D-New York).
Rep. Gus Savage (D-Illinois).
Rep. Louis Stokes (D-Ohio).
Rep. Craig Washington (D-Texas).
Rep. Alan Wheat (D-Missouri).
Rep. Kwesi Mfume (D-Maryland).

Mr. METZENBAUM. Of the remaining five, it is my understanding, I am informed, that none affirmatively support the nomination. Some have not been heard from and some take no position whatsoever.

Furthermore, 10 chairs of House committees and subcommittees with jurisdiction over EEOC issues, including the chairman of the House Aging and House Government Operations Committees, have written a letter opposing Mr. Thomas. The letter states that Mr. Thomas "developed policy directives and enforcement strategies which have undermined the effectiveness of the ADEA."

Mr. President, let me read the names of those who have signed this letter:

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Don Edwards, Chairman, Judiciary Subcommittee on Civil and Constitutional Rights; Cardiss Collins, Chairwoman, Government Operations Subcommittee on Government Activities and Transportation; Gerry Sikorski, Chairman, Post Office and Civil Service Subcommittee on Civil Service; Matthew G. Martinez, Chairman, Education and Labor Subcommittee on Employment Opportunities; Patricia Schroeder, Chairwoman, Armed Services Subcommittee on Military Installations and Facilities; Edward R. Roybal, Chairman, Select Committee on Aging; Charles A. Hayes, Member, Committee on Education and Labor; Tom Lantos, Chairman, Government Operations Subcommittee on Employment and Housing; William Clay, Education and Labor Subcommittee on Labor-Management Relations; Dale Kildee, Chairman, Education and Labor Subcommittee on Human Resources; John Conyers, Jr., Chairman, Committee on Government Operations.

Mr. METZENBAUM. Mr. President, I know that Mr. Thomas will be confirmed, and I questioned myself as to whether or not I ought to make a statement in opposition. I concluded that it would be irresponsible on my part not to come to this floor and point out the limitations of this man who is, unquestionably, well educated and, to the best of my knowledge, has a fine reputation. I have no fault to find with his integrity, nor do I question his political philosophy. But I do say that any person who has headed up a major agency, such as the Equal Employment Opportunity Commission, and does not understand the full scope of those responsibilities and the major factor concerning the relationship between his agency and the State agencies that are working for his agency, just does not understand the law well enough to be a member of the circuit court of appeals.

Having said that, I repeat again, I will vote no, but I expect that he will be confirmed. I hope that my judgment and conclusion is wrong, and I hope that he will make a superb member of the circuit court of appeals. I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

Mr. President, I would like to address the comments made by the Senator from Ohio and concerns raised by certain House Members. Regarding lapsed charges, they are filed with the fair employment practices agencies in the States. The Equal Employment Opportunity Commission has worksharing agreements with local and State fair employment practices agencies. The agreements are to avoid duplication of efforts by the EEOC and the fair employment practices agencies.

When a person submits a charge of age discrimination to a State or local agency, although the Age Discrimination in Employment Act does not require the FEPA's to notify the EEOC of the age charges that are filed with them, they have agreed to do so in worksharing agreements. At that time, the EEOC notifies the charging party that the charge is also filed with the Equal Employment Opportunity Commission, and that he or she has the right to file a lawsuit alleging age discrimination in Federal district court. The charging party must sue no sooner than 60 days after the charge is filed with the Agency, and no later than 2 years after the date of the alleged act of discrimination.

Dual filing also affords the EEOC the opportunity to alert the charging parties of their Federal rights. The provision of dual filing insures that the rights of the charging parties to file suit under ADEA are maintained throughout the State agencies administrative process. Before the Federal 2-year statute of limitation expires, the charging party receives an additional notice of the fight to file a private suit in Federal district couret. Even if the charging party does not file a suit under the Federal ADEA or request that the EEOC investigate the charge under the Federal ADEA, the State and local agency continues to investigate the charge and provides relief under the applicable State age discrimination statute.

Mr. President, even though the age charges are usually filed under both the State statute and the Federal law, the fair employment practices agencies do not process Federal ADEA charges. These charges are processed under State age discrimination statutes.

I think there is some misunderstanding about this matter, and I wanted to make that statement.

There was a question about the American Association of Retired Persons being concerned and statements made that they were opposing this man. The American Association of Retired Persons had some concerns, and they contacted me. I wrote them a letter and explained the matter.

I ask unanimous consent that this letter appear in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 27, 1990.

Mr. HORACE DEETS,
Executive Director, American Association of Retired Persons, Washington, DC.

DEAR MR. DEETS: Thank you for your recent correspondence regarding Mr. Clarence Thomas and the Judicial nomination process. As you know, I support Mr. Thomas' nomination to be a United States Circuit Judge for the District of Columbia. However, I have looked into the concerns you expressed in your letter.

First, I will address the matter of lapsed charges which are filed with the Fair Employment Practices Agencies in the states. When a person submits a charge of age discrimination to a state or local agency, although the Age Discrimination in Employment Act does not require the F.E.P.A.s to notify the E.E.O.C. of the age charges that are filed with them, they have agreed to do so in worksharing agreements. At that time, the E.E.O.C. notifies the charging party that the charge is also filed with the E.E.O.C., and that he or she has the right to file a lawsuit alleging age discrimination in federal district court. The charging party must sue no sooner than 60 days after the charge is filed with the agency, and no later than two years after the date of the alleged act of discrimination.

Dual filing affords the E.E.O.C. the opportunity to alert the charging parties of their federal rights. The provision of dual filing insures that the rights of the charging parties to file suit under the Age Discrimination in Employment Act are maintained throughout the state agencies administrative process. Before the federal statute of limitation expires, the charging party receives an additional notice of the right to file a private suit in federal district court. Even if the charging party does not file a suit under the federal A.D.E.A. or request that the E.E.O.C. investigate the charge under the federal A.D.E.A., that state and local agency continues to investigate the charge and provides relief under the applicable state age discrimination statute. Even though the charges are usually filed under both the state statute and the federal law, the Fair Employment Practices Agencies do not process federal A.D.E.A. charges.

Also, I have examined the issue of unsupervised waivers and pension benefit accrual. I have been informed that several Circuits have ruled on the issue of unsupervised waivers and have agreed with the E.E.O.C. that knowing and voluntary waiv-

ers may be permissible. The pension benefit accrual issue was a hotly contested one within the Executive Branch. My examination of this issue showed that Mr. Thomas made a good faith effort to revise the Interpretive Bulletin.

I appreciate your having taken the time to advise me of your concerns regarding Mr. Thomas' nomination. I hope the areas I addressed help to alleviate some of your concerns.

I believe that Mr. Thomas has demonstrated both personally and professionally that he is qualified for this important position. He possesses all the attributes which I feel a Judicial candidate should bring to the bench. For these reasons, I support his nomination.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND.

Mr. THURMOND. On the morning of the hearing a newspaper came out and said that the AARP was opposed to this man. That was incorrect. The AARP telephoned us and stated that was incorrect. They did not oppose him. They had some concerns. I think we allayed those concerns; we explained that matter to them. When the paper carried erroneously that they were opposed to him, they went to the trouble to call and notify us they were not opposed to him.

RELATIONSHIP BETWEEN EEOC AND STATE AND LOCAL AGENCIES

Mr. President, in response to the statements made by Senator METZENBAUM, I want to briefly describe the relationship between EEOC and State and local fair employment practices agencies.

At the time Congress enacted title VII, there were a number of State statutes prohibiting various forms of employment discrimination and Congress did not want to diminish those efforts. Under section 706(c) of title VII of the Civil Rights Act of 1964, where there is State or local law prohibiting unlawful employment practices and a State or local authority to grant or seek relief from such practices, a charge cannot be filed with the EEOC until 60 days after commencement of a proceeding with a State or local fair employment practices agency.

Title VII provides that the Commission may cooperate with State and local agencies by, among other things, contributing to the cost of services and projects performed by such agencies. Accordingly, each year Congress earmarks part of EEOC's appropriation—$20 million annually in the last 4 fiscal years—for EEOC to distribute to FEPA's for processing a certain number of deferred charges. The number of charges for which the 706 agency may be paid is considerably less than the total number of charges which it receives. EEOC follows specific guidelines to distribute the State funds through charge processing contracts, which set out payment schedules. EEOC pays State agencies a fixed rate of $400 for each properly completed charge.

When an age charge is received first by a FEPA with which EEOC has a worksharing agreement, the FEPA files and processes the charge under its age discrimination law. Under the worksharing agreement, the State filing also constitutes a technical filing of a Federal age discrimination charge under the ADEA, which EEOC enforces. The latter charge is not filed for the purpose of initiating a separate Federal investigation but rather to preserve the charging party's right to file a private ADEA lawsuit in Federal district court, and to preserve the charging party's option to have EEOC investigate the charge under Federal law rather than have the State FEPA investigate it under State law. This is known as dual filing.

After the State FEPA notifies EEOC that an age charge has been filed with it, EEOC informs the charging party that it will not separately investigate the age discrimination charge, advises the charging party of his or her private Federal ADEA rights and of the statute of limitations, and urges the charging party to contact EEOC if there are any questions. A copy of the notice is attached. Before the statute of limitations expires, charging parties again routinely receive notice of their right to file suit in Federal district court when there has been no final disposition of the charge.

This should clarify the point.

Mr. President, I do not know of any reason to take more time. The committee has spent a substantial amount of time on this nomination.

The able Presiding Officer at this time is a member of the Judiciary Committee, and he knows how much time was taken by that committee. It investigated every facet of his nomination. It was put off with substantial investigation before we had the hearing.

We finally had the hearing, and what was the committee vote? The committee vote was 13 to 1. The distinguished Senator from Ohio was the only Senator on the committee who voted against him. All Democrats voted for him except the Senator from Ohio, and all Republicans voted for him.

We think the nominee has had a full hearing, and we think this individual should be confirmed. We think he is an able man.

Clarence Thomas came up the hard way. He rose by his own bootstraps. He rose up from one position to another. He worked his way through school. He worked his way through college, and he then went to Yale Law School. He worked with the State of Missouri.

He worked with the able and distinguished Senator from Missouri, who is here and I think will say a few words in his behalf in a few minutes. He will tell you about the man.

If anybody in the world deserves consideration, it is this particular individual. I hope the Senate will confirm him by a big majority.

At one time, I thought we were just going to have a voice vote, but I have been requested now to have a rollcall vote. So at the conclusion, Mr. President, I ask that we have a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, just a couple things, and then I will yield to my colleague from Missouri.

First, I made it very clear in my statement that the AARP never takes a position with respect to judicial nominees and they did not take a position either in support of or in opposition to Mr. Thomas. I do not believe that their concerns as expressed in their 15-page letter have been allayed. But they have not taken a position. Their letter speaks for itself.

Second, Mr. President, I think I failed to include in the record the copy of the letter signed by the chairs of the various subcommittees in the House. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1990.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR METZENBAUM: Last year, we wrote to President Bush urging him not to nominate Clarence Thomas to the D.C. Circuit Court of Appeals. We are members of congressional committees with oversight responsibilities for the EEOC and believe Mr. Thomas' actions as chair of the Equal Employment Opportunity Commission raise serious questions about his judgment, respect for the law and general suitability to serve as a member of the Federal judiciary.

Mr. Thomas has developed policy directives and enforcement strategies which have undermined the effectiveness of the Age Discrimination in Employment Act (ADEA) and Title VII.

Both Democratic and Republican administrations have vigorously enforced the ADEA since enactment in 1967. However, during Mr. Thomas' administration, the Commission has adopted policies involving pension accrual, supervised waivers, apprenticeship exclusions and early retirement incentive plans inimical to ADEA's purpose—to encourage the employment of qualified, older workers. In addition, EEOC failed to process thousands of older workers' complaints in a timely manner which prevented them from pursuing their claims in court. This lead to congressional legislation extending the statute of limitations for these workers.

EEOC is the primary federal agency charged with enforcing Title VII of the 1964 Civil Rights Act which prohibits employment discrimination based on race, sex, color, national origin and religion. Mr. Thomas' questionable enforcement record frustrates the intent and purpose of that statute. For example, congressional hearings revealed that his public statements supporting equal employment opportunity conflicted with his directives to agency staff. And while employers, civil rights advocates, the judiciary and the EEOC's own Uniform Guidelines on Employment Selection Procedures generally agree on the legality of goals and timetables in affirmative action programs, Mr. Thomas has denounced their use. In fact, without consultation with the five sponsoring federal agencies, he has attempted several times to revise the Uniform Guidelines. Those efforts were blocked by Congress. He has also shifted EEOC enforcement from litigation with broad systemic effect to individual cases with limited impact.

Mr. Thomas has resisted congressional oversight and been less than candid with legislators about agency enforcement policies. For example, the Senate Special Committee on Aging took the unusual step of issuing a subpoena to compel production of the agency's records on enforcement of ADEA cases. Thomas first reported 78 claims had lapsed because of the statute of limitations and complained to the Committee chairman that the requested data was useless and consumed too much staff time. New legislation compelled the EEOC to notify complainants with lapsed claims; 8900 persons were notified. Contrary to statements made to former Government Operations Subcommittee Chair Barney Frank, an Education and Labor Committee Staff Report revealed, the EEOC had abandoned the use of goals and timetables as an enforcement tool in Title VII claims. This major shift in EEOC enforcement was in place for a number of months, and neither the Congress nor the public was notified of the change.

The Chairman reportedly retaliated against an employee critical of EEOC's enforcement of ADEA shortly after she presented testimony under subpoena from the Senate Committee (this is a violation of federal law and is currently under review).

Mr. Thomas has demonstrated an overall disdain for the rule of law. His record as EEOC Chair sends a clear message to those who have suffered job discrimination that he is insensitive to the injustice they have experienced.

For these reasons, we believe Mr. Thomas should not be confirmed.

Sincerely,

Don Edwards, Chairman, Judiciary Subcommittee on Civil and Constitutional Rights; Edward R. Roybal, Chairman, Select Committee on Aging; Cardiss Collins, Chairwoman, Government Operations Subcommittee on Government Activities and Transportation; Gerry Sikorski, Chairman, Post Office and Civil Service Subcommittee on Civil Service; Matthew G. Martinez, Chairman, Education and Labor Subcommittee on Employment Opportunities; Patricia Schroeder, Chairwoman, Armed Services Subcommittee on Military Installations and Facilities; Charles A. Hayes, Member; Committee on Education and Labor; Tom Lantos, Chairman, Government Operations Subcommittee on Employment and Housing; William Clay, Education and Labor Subcommittee on Labor-Management Relations; Dale Kildee, Chairman, Education and Labor Subcommittee on Human Resources; John Conyers, Jr., Chairman, Committee on Government Operations.

Mr. METZENBAUM. Third, I am not sure, with respect to the request for a rollcall, if there was a sufficient second; at least I did not hear it so determined. But I wanted to make it clear to my colleague that originally I had indicated I would ask for a rollcall. I am not asking for a rollcall.

Of course, he is certainly within his rights in requesting a rollcall, but I am not particularly asking for a rollcall. And I am prepared to concede the fact Mr. Thomas is going to be confirmed.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield to the able Senator from Missouri such time as he may require.

Mr. DANFORTH. I thank the Senator from South Carolina.

Mr. President, I am pleased to hear that the Senator from Ohio has conceded, as I understand it, the questions of character and intellectual ability, the usual matters that are brought before the Judiciary Committee or any other committee in matters of confirmation.

He has pinned his opposition entirely on a question of interpretation of the law, which I am not prepared to debate. I do not know what the law is in this area.

I do know this, that Clarence Thomas is a very able lawyer.

Mr. President, I do not speak from the standpoint of a member of the Senate Judiciary Committee. I did sit in the committee hearing room and hear a couple of hours, I suppose, of the Clarence Thomas nomination hearing, but I rise to address the Senate as a person who has known Clarence Thomas not for a few hours or for a day, but I have known him for 16 years.

I hired Clarence Thomas when he was a third-year student at Yale Law School. At that time, I was on a recruiting trip to various law schools, interviewing prospective people to come to work for me when I was the State attorney general of our State of Missouri.

I interviewed Clarence Thomas, and I offered Clarence Thomas a job. One of the good things that happened to me when I was State attorney general was that he accepted that job invitation, and he came to work for me in Jefferson City as assistant attorney general and served in that capacity for—I do not remember the exact length of time, but it was something like 2½ years until I left the attorney general's office.

So I know Clarence Thomas firsthand. I worked with him on a daily basis over a period of years. I know the quality of his legal work.

When I was State attorney general, we had a small office with a lot of work to do. We could not afford deadwood, and we could not afford high salaries.

The only way we could make that office work was for me to go around the State and around the country and spend a lot of time trying to recruit people out of law school, and then giving them an amazing amount of responsibility right off the bat, because we could not pay the salaries of people who had been in the practice of law for a long period of time. We had to depend on very able people, and we had to give them work well beyond what could be expected from people of their responsibilities.

I was told that when I was State attorney general—and I am not sure if this is right or not, but I was certainly told this—the first jury trial of a civil rights case was conducted by a person in my office 1 year out of law school. When I think about that, it makes me shudder at how much responsibility we gave these young men and women who came to work in the attorney general's office, being paid salaries of maybe $15,000 or $16,000, something like that.

But necessity was the mother of invention, and we had to have them do that work. We threw them into the fire. As a matter of fact, it was characteristic when I was State attorney general that we had to have people specially admitted to practice law in our State before their classmates out of law school were admitted because we could not wait around for the formalities. They had to argue cases before the State supreme court. We had the responsibility of arguing all of the felony appeals before the State supreme court.

And there were hundreds of them every year. So when Clarence Thomas came to work for me in, I think, 1984 right out of Yale Law School, he was immediately thrown into appellate advocacy, briefing and arguing appeals before the State supreme court right off the bat. There was no apprenticeship. He discharged that task with great ability.

Then, as happens in any office, the better you are, the more responsibility you assume. Well, Clarence Thomas was given responsibility for some of our most demanding State departments. The State tax commission was a plan of Clarence Thomas. The State department of revenue was a plan of Clarence Thomas. He was their lawyer in our office. He discharged that job very, very effectively, and very well as a very young lawyer.

One of the things that has interested me during the 4 months or so that the Thomas nomination has been

before the Senate is the number of people who have known Clarence Thomas over the years, who have a measure of his ability and a measure of his character, who have taken the initiative of talking to me about Clarence Thomas, or who have expressed an interest in doing whatever it takes to support Clarence Thomas.

For example, the now Governor of our State was a young lawyer in the attorney general's office when I was attorney general. And he shared an office with Clarence. He was in my office a month or so ago and asked how the nomination was going. He remarked on how much Clarence Thomas had fought him, John Ashcroft, as a young lawyer. Then a couple of weeks ago I happened to be on the telephone on an entirely unrelated matter with the dean of Yale Law School, Guido Calabresi, and during that conversation about who knows what, Dean Calabresi said to me, "How is Clarence doing?" We talked about the nomination. He said, "Well, I had testimony all ready to go if you needed me. I was prepared to come down and testify before the Judiciary Committee on behalf of Clarence Thomas."

This is the dean of Yale Law School who was on the faculty of Yale Law School when I was a student there, and when Clarence Thomas was a student there. He knew him. One of the things that Dean Calabresi said on the telephone was to remark on the character of Clarence Thomas, the personal character of the man.

So I have no doubt about his ability. I have no doubt about his character. As a matter of fact, I not only hired Clarence Thomas once, but I hired him twice. He worked for me in Jefferson City when I was State attorney general as a lawyer. And then I left the attorney general's office, came to Washington, and he went to work in the legal department of Monsanto, the headquarters of which are in St. Louis County. Then I asked him to leave Monsanto, and come to work for me here in Washington as a legislative assistant. And he did, and he worked for me here, I guess, a couple of years or so.

Then when Ronald Reagan was elected, Clarence Thomas was recruited by the Reagan administration. He has worked for me twice. Some people might say, "Well, have you ever made a mistake?" Yes, but not twice. I asked him to come to work for me twice, and he did a great job twice. I know his ability. I know his ability as a lawyer. I know his ability as a legislative assistant. I have spent countless hours of my life talking to Clarence Thomas or reading the things he has written. I can tell the Senate on the basis of firsthand experience with the man he is an able lawyer and a fine human being.

We have been told already this afternoon about his personal history. It really is a remarkable history. Here is a person who was raised in poverty, a black kid in rural Georgia raised by his grandparents who were illiterate but who believed in education and its importance. So they put him in the Catholic school system in Savannah, GA. From there, after he graduated from high school, he went to a monastery. He went to Benedictine Monastery in northwest Missouri. He decided, after a year there, that he did not want to be a monk. So he went to Holy Cross College. He is now on the board of trustees of Holy Cross. Then he went from Holy Cross to Yale Law School. That was when I hired him, when he was a third-year law student. The rest of his history is well-known.

I would like to say a word about his character because Dean Calabresi mentioned it, and, of course, his personal history speaks of it. I was present in the Judiciary Committee when he was questioned about the lapse of the statute of limitations on the aging cases. I really do not know enough about it. I hope my friend from Ohio does not question me about it because my knowledge of this is zero. But I will just tell the Senate what I remember hearing. Clarence Thomas said that he takes full responsibility for what happened. As I understand, at least part of what happened was a result of a system that he inherited. In any event, he said, "This was on my watch." That was the nature of what he said. "It was on my watch. I assume responsibility for what happened in EEOC while I was chairman."

Mr. METZENBAUM. Will the Senator yield for just a moment? I made it quite clear that I am not standing here because some cases lapsed in the first instance. On the 1,800 cases, we then passed legislation. Mistakes happen. Nor am I here because 1,500 subsequent cases lapsed at the State level. Again, that is an issue to which Senator PRYOR has addressed himself. Nor am I here in connection with an interpretation of the law.

I am here because of the basic point, and that is, either a particular responsibility or a major responsibility, belonged to the national agency that he headed or it did not. I thought that was very basic. I still do. But I want to make it very clear—and I apologize for interrupting my colleague, but I do not do it in any sense of unfriendliness, but just to say I am not making an issue about some of those cases that lapsed. It was a mistake and he apologized for it. That is good enough for me.

Mr. DANFORTH. I thank the Senator. And he did. I simply pointed it out because I think it refers to the kind of person he is. He said, "Yes, it happened while I was chairman. I take responsibility for it."

Clarence Thomas was appointed by President Reagan to the chairmanship of the EEOC. It really was not a job that he sought.

Then after he served a term, the President asked him to serve for a second term. I can remember visiting with Clarence Thomas at that time and saying to him, "Why do you want do this again? This is the time that you move on to something that is maybe a little more career oriented."

Clarence Thomas said, "I have not finished the job yet." That is the Clarence Thomas that I know, a person who would say, "I have not finished the job yet," and there was no question about it, he had not finished the job.

Here is a person who knew discrimination when he was growing up, and I guess for the whole rest of his life, and he is committed and said, "I have not finished the job."

He wanted to make that agency competent and capable and effective. Insofar as Senator METZENBAUM's comments go to the question of ability, I have already stated my own experience. I can also tell the Senate that during these last 4 months, I had occasiont to speak on the telephone one day with a man who is now a Federal district judge in the Western District of Missouri, named Brook Bartlett. He was my first assistant part of the time while I was State attorney general, a very, very able person, a Stanford Law School product, a person who has experience in a major law firm in Kansas now. He is now, as I say, a Federal district judge. He was Clarence Thomas' immediate supervisor when Clarence Thomas served as an assistant attorney general.

He would be perfectly willing to come up and testify on behalf of Clarence Thomas and in strong support of him, a believer in the basic good sense of Clarence Thomas and in his ability as a lawyer. The American Bar Association's committee to review prospective judges unanimously found Clarence Thomas qualified. The difference between highly qualified and qualified being one of exactly how much experience he has had in the actual practice of law in a court. But they unanimously found him qualified to serve as a Federal appellate judge. I really do not have any doubt about it at all. Why would a law school want to come down here and testify on his behalf?

So, Mr. President, I simply say that this is a matter I know about. I cannot tell the Senate in all good conscience that I have always spoken only about matters I know about on the floor of the Senate. This one I do know about.

I have known about this person for 16 years. He has worked for me twice in two different capacities. I have kept

up with him since. And the people who have known him and have worked with him, Judge Bartlett in Kansas City, and various people in my office, in both the attorney general's office and here in Washington, who feel so strongly about him, about his ability, about his personal qualifications, would be prepared to appear before any group of Senators who would like to visit with them.

I told the Judiciary Committee when I presented Clarence Thomas, that if the committee wanted, I could produce a list of witnesses as long as your arm to testify about this man. It was not necessary. The committee and Senator THURMOND voted to report it to the floor of the Senate favorably, by a vote of 13 to 1.

Senator THURMOND has asked for a rollcall vote. Senator METZENBAUM said he did not want one. I think it is fine to have one now that the question has been brought to the floor. This particular nomination has been a high-visibility nomination. A lot has appeared in the press. I know the Wall Street Journal particularly has had some editorials and ariticles about it, but there has been a lot of discussion about it.

There was a comprehensive hearing; I think it lasted most of a day in the Senate Judiciary Committee. We have all had an opportunity to think about it, to talk about it, hear about it, to hear from those who have known Clarence Thomas, to review the record.

Obviously, I feel strongly about this nomination. It is my very strong hope that tomorrow, when there is, I am told, a rollcall vote on this matter, that the vote will be overwhelming, and that it will be a real vote of approval and a real vote of support for a man who, as Senator HATCH pointed out, embodies the American dream, who embodies the hopes and aspirations of so many people, who really is a model and should be a model to black Americans, to all kinds of people who have not had the advantages of the kind of wealth and resources that many of us have had, who made the most of the talents that he was given. That is Clarence Thomas.

My hope is that if the vote is 100 to nothing, and I do not think it will be, that it is no worse than 99 to 1. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield the distinguished Senator from Wyoming such time as he may require.

The PRESIDING OFFICER. The Chair recognizes Senator SIMPSON.

Mr. SIMPSON. I will take a few minutes, if I may. I am very pleased to speak in support of Clarence Thomas to be judge of the U.S. Circuit Court of Appeals for the District of Columbia. I have listened carefully to this debate. The Senator from Ohio and I sit on the Judiciary Committee. We have had some spirited exchanges throughout the years, and I enjoy those opportunities for debate very much. He is a worthy advocate and a worthy adversary.

I have been through these hearings before, with regard to judgeships. Some of them are quite anguishing. I think, in regards to this nomination, we should put a great deal of credence in the statements of my colleague from Missouri, for whom I have a great deal of respect. He knows Clarence Thomas and in all my time here, I have never heard a more moving and extraordinary presentation about a man's record and philosophy and character than I did when Senator DANFORTH appeared before the Judiciary Committee that day when Clarence Thomas' name was presented.

He had a very fair hearing. To hear Senator DANFORTH speak about Mr. Thomas to know him as he does is ever more important, I think, to all of us.

We have heard of the man and now know of his early life, that he grew up with very few of the opportunities available to most of us in this body. I have heard probably our most respected colleague, the ranking member of the Senate Judiciary Committee, Senator THURMOND, describe this man. We know now of this man—what he has done since his earliest days. We know of the important qualities he represents which we all hope for in our own children: Hard work, a positive attitude, and never, ever saying "I cannot do this" or "I cannot make it."

Despite the absence of privilege and because of the attitudes that have been described by Senator THURMOND and Senator DANFORTH, Clarence Thomas has really created an astounding record of public service and legal experience.

His fine scholastic performance from elementary school through Yale Law School has been so well documented. Equally impressive is Clarence Thomas broad legal experience in both the private sector and in the public sector where he served on the Hill and his service in the administration.

So, Mr. President, we appraise Clarence Thomas on those traditional requirements for a judicial nominee: Education, experience, judgment, judicial temperament, and I always like to add the capacity for hard work. Let there be no doubt that all those attributes: Experience, education, and capacity for hard work, are there in this man in full measure, in every way.

When discussing judgment and judicial temperament, and unfortunately we sometimes stray from the primary importance of these qualities, in the Judiciary Committee, and when we do I think it tends to lessen ourselves and our work, let us remember that disagreement with Clarence Thomas' policy decisions and ideology is not grounds for opposing this nominee. As Senator DANFORTH has described, this man grew up with a firsthand knowledge of racism, discrimination, and poverty. He worked intensely and intently to overcome those disadvantages and in doing so came to the conclusion that goals and timetables in affirmative action programs are just not the answer. That is what Clarence Thomas found. That is what the Supreme Court found, too. But to say that this conclusion somehow or in some way demonstrates an insensitivity to injustice, I think, is truly a paternalistic kind of attitude and unbecoming.

He is a conservative. I know that sends a shiver through many people and a tremble through their spine, but that is the way it is. His views on quotas and affirmative action are the views, as I say, of the Supreme Court and of our President. And what is wrong with that? That is what you do in this particular form of government.

I guess the final conclusion is if one does not like the philosophy of people that are presented by this President there is another thing to be done within this remarkable constitutional system. You go elect a President that will put your kind of people on the bench. I know that is an unheard of kind of thing. I hate to bring it up. But nevertheless that is what you do. You elect a President and then that President, with his philosophy, puts his kind of people on the bench. I supported many of President Carter's people with very few exceptions. I think the Senator from Ohio has supported many people of President Reagan's persuasion with a few notable exceptions, which I have discussed with him in rich detail, but nevertheless he has.

So as we review this man and the arguments that might be presented to oppose him, we should remember that the problems the AARP had with Thomas were presented in some detail in committee. All that material appeared in the Senate Select Committee on Aging, where we went through that anguish. The chairman of that committee directed that activity. It almost obsessed the staff of that committee at that time. They could not seem to live or breathe or eat without trying to do something with Clarence Thomas. The chairman of that committee is no longer serving as chairman. Some of the staff have been replaced. And nothing was ever really proven in all that, except a huge waste of manhours trying to nail Clarence Thomas. That is what happened over there in the Senate Select Committee on Aging.

So those problems with the AARP have all been heard in detail. The vote

out of the Judiciary Committee was 13 to 1 to favorably report the nomination.

I urge my colleagues to confirm this nominee. He meets and he exceeds all of the qualifications for this judicial office. I thank the Senator from South Carolina for his courtesy.

Mr. THURMOND. I thank the able Senator from Wyoming.

Mr. President, I ask unanimous consent that we have a rollcall vote at the conclusion of the debate of this nomination.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there objection?

The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I do not think the Senator wants to do that. We assured there would be no votes today. Does the Senator not want to have it tomorrow?

Mr. THURMOND. Mr. President, I modify that then to have the rollcall vote tomorrow.

The PRESIDING OFFICER. The Chair advises the Senator that under the previous unanimous-consent agreement the rollcall vote on this nomination will occur tomorrow at 12:15 p.m.

Who yields time?

Mr. THURMOND. Mr. President, if there is no other discussion or debate on this nomination, I am willing to yield back my time if the distinguished Senator from Ohio is willing to yield back his time.

Mr. METZENBAUM. I advise my colleague that Senator PRYOR is on his way over and wishes to be heard. So I am not in position to do that.

Mr. THURMOND. How much time remains for each side?

The PRESIDING OFFICER. The Senator from South Carolina has 6 minutes and 44 seconds; the Senator from Ohio 28 minutes and 14 seconds remaining.

Who yields time?

Mr. THURMOND. Mr. President, since we have finished I think the entire time should be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, perhaps I can resolve this. I do not think I quite agree with that. I suggest to the Senator from South Carolina that he and I yield back our further right to the floor and any other Senator's right to the floor with exception of Senator PRYOR to whom we will allow up to 15 minutes. I have 28 minutes remaining.

Mr. THURMOND. That is satisfactory.

Mr. DANFORTH. Mr. President, before the Senator from South Carolina agrees to that, I would like very much to be on the floor during the entire debate and have the opportunity for at least some of the remaining minutes of the Senator from South Carolina to perhaps respond to whatever is said on the other side. So, I wonder if at least some of the Senator's time could be yielded to me?

Mr. THURMOND. I say to the able Senator from Ohio, will he reserve 15 minutes for him and the 6 minutes we have remaining on our side, is that agreeable? That will be 15 minutes for Senator PRYOR and 6 minutes reserved on our side.

Mr. METZENBAUM. Mr. President, I would like to say I would like to ask 2 minutes for myself in the event my friend from Missouri says something so I can respond.

The PRESIDING OFFICER. The remainder of the time is divided 15 minutes to the Senator from Arkansas [Mr. PRYOR], 6 minutes to the Senator from Missouri.

Mr. THURMOND. We have 6 minutes remaining on our side.

The PRESIDING OFFICER. And then 2 minutes for the Senator from Ohio [Mr. METZENBAUM].

Without objection, it is so ordered.

Mr. THURMOND. Mr. President, is Senator PRYOR coming right way?

Mr. METZENBAUM. I think he is. Mr. President, I ask unanimous consent this there be a quorum call at this point and that the time not be charged against any of the parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas, under a previous agreement, is now recognized for not to exceed 15 minutes.

Mr. PRYOR. Mr. President, those who are managing this particular nomination should be on notice that my speech should not take more than about 4 minutes maximum.

Mr. President, this nominee's fate, I believe has already been determined. There is no question about that. My vote against this nominee will not change the fact, and certainly I do not expect it to, that Clarence Thomas will be confirmed by this body as U.S. circuit judge for the D.C. Circuit. Frankly, I wish him nothing but the very best as he takes on this new challenge.

On February 22, I outlined to my colleagues in the Senate not only my admiration for, but also my doubts regarding, Mr. Thomas. I see no need to repeat them at great length today. Whether through mismanagement or through disdain for the Age Discrimination in Employment Act [ADEA] Clarence Thomas, as Chairman of the Equal Employment Opportunity Commission [EEOC] for the past 8 years, has been responsible for allowing thousands of age discrimination claims to lapse the statute of limitations.

From 1984 through 1988, as many as 13,000 ADEA claimants may have lost their rights to bring suit in Federal court. Since that time, over 1,500 additional age discrimination claims have been allowed to lapse. Throughout congressional investigation into these lapses, Mr. Thomas has vigorously resisted oversight, and he has consistently, whether he new it or not, misstated his record as chairman of the EEOC.

In 1988, Mr. Thomas was very, very uncooperative to the extent that former Senate Aging Committee Chairman John Melcher was forced to issue subpoenas to the EEOC in order to discover that Mr. Thomas had substantially understated the number of lapsed ADEA claims to the committee. But Chairman Melcher's experience with this nominee was not unique. On July 18, 1989, the chairperson of 12 separate House committees and subcommittees with jurisdiction over the EEOC wrote to the President expressing the same frustrations, and urging that Mr. Thomas not be nominated for this judgeship.

As I stated to my colleagues in the Senate on February 22, I feel that the nominee has once again been far less than candid with a congressional committee—in this instance the Senate Judiciary Committee—regarding his record as Chairman of the EEOC. I am also astonished by his apparent lack of knowledge regarding the EEOC's contractual relationships with State fair employment practices agencies [FEPA's]. Hundreds of ADEA charges contracted out by the EEOC to the FEPA's on the local level have lapsed since 1988, and Mr. Thomas flatly denies any responsibility for them. I hope that my colleagues will refer to my previous statement when I attempted to straighten out the record for a more thorough discussion of the FEPA issue.

After much careful consideration, Mr. President, I have determined that I have significant and unanswered concerns regarding this nominee's sensitivity to the rights of older individuals and his commitment to protecting those very particular and specific rights.

Mr. President, strong and fair enforcement of the ADEA is just as important as enforcement of any other law that protects our citizens from discrimination. As Senators, we must have confidence that the judges we confirm to fill what is often described as the second most important court in the land will uphold the laws that embody the rights of those most vulnerable in our country and in our society.

Based upon his record as the Chairman of the EEOC, I cannot say that Mr. Thomas has given me that degree

of confidence that I need to vote for his confirmation. I am not trying to enlist support against his nomination. But, in my capacity as chairman of the Senate Special Committee on Aging, I cannot ignore my concerns about Mr. Thomas in this area and, as a result, I will not vote for his confirmation.

If my vote on the Thomas nomination can achieve only one outcome, Mr. President, it is my hope that it signals that enforcement of the ADEA must be a high priority. I am pleased to say that I believe that the new Chairman of the EEOC, Evan Kemp, shares my commitment in protecting the rights of older citizens. It is therefore with great hope and expectation that I look forward to an improved and productive relationship with the EEOC. It is also to my great sorrow that I cannot support the nomination of Clarence Thomas to this particular position.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized?

The Chair recognizes the Senator from Missouri [Mr. DANFORTH] for not more than 6 minutes.

Mr. DANFORTH. Mr. President, I agree with the Senator from Arkansas only insofar as he expresses regret for the position he has taken.

I have stated previously this afternoon that I do not know either the law or the facts relating to these cases dealing with the aging. I do know that I was present in the Judiciary Committee when Clarence Thomas assumed the responsibility personally for everything that happened on his watch, including these cases. I can say to the Senator from Arkansas that, having known Clarence Thomas for 16 years in a collegial capacity, both when I was State attorney general and as a Senator, Clarence Thomas is a totally candid person. What you see is what you get. He is not going to pull a fast one on anyone. As a matter of fact, one of the real characteristics of Clarence Thomas is that he will tell you or me or anybody else exactly what he thinks at any time. I have no doubt that there was no effort on his part to pull the wool over anybody's eyes.

It is well known, I think, that when Senator Melcher was chairman of the Aging Committee there was a very severe difference of opinion—it may have even been a difference of personality—between Senator Melcher and Clarence Thomas. I know on numerous occasions Clarence Thomas expressed concern about this to me because I consider myself to be his personal friend. But one thing he does not do, I am sure has not done, and I know will not do—I will be surprised if he does it as a Federal appellate judge—is to somehow twist or tailor the law in order to meet some personal agenda of his own. He would not do that.

If the statute of limitations ran, it was from some fault of the system. It was not some conniving trick designed to accomplish some weird personal agenda which was then covered up in some dastardly fashion by Clarence Thomas. That is just not the way the man works.

I think some people might say, well, if he is a judge he will not engage in new frontiers of social policymaking from the bench. Undoubtedly that is the case. He is a person who is a believer in the concept of restraint. But he is also a person who believes in enforcing the law. I am confident, knowing the person as well as I do, that that is exactly what he attempted to do as Chairman of the EEOC, and that is exactly what he would attempt to do on the court of appeals.

Mr. President, I yield back whatever remaining time I might have.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. PRYOR. Mr. President, I wonder if it might be permissible for me to respond to the distinguished Senator from Missouri for not to exceed 5 minutes?

The PRESIDING OFFICER. The Senator is recognized.

Mr. PRYOR. Mr. President, there is no one in this body that I have greater admiration for than the great Senator from Missouri, my friend, Mr. DANFORTH. And I know Senator DANFORTH has had an extremely personal relationship with the nominee for a number of years. I know he knows the nominee well; in fact, much better than I do.

Mr. President, I say this out of great respect to the Senator from Missouri and out of all respect to the distinguished career of the nominee in this case, Mr. Clarence Thomas. What I think happened at EEOC during the past 8 years is that rather than Clarence Thomas, the director, running the bureaucracy, the bureaucracy ran him. I think the bureaucracy ran him to a very dangerous extent, so that Clarence Thomas decided no longer to look at what was happening in that agency.

This is not the first time this has happened in a bureaucracy. It happens many times. All of us in this body have seen bureaucracies or agencies or entities of government being taken over by those who are not in command. We also see what we might call the tail wagging the dog.

Clarence Thomas is not a bad man. In fact, he is a good man. His intentions are not bad. In fact, his intentions are good. But he allowed this to happen, and it happened on his watch. As a result, for some 15,000 individual Americans who had age discrimination claims, appealing to the court of first resort, the EEOC, those claims might as well have been sent to Beijing. They might as well have been sent to Bulgaria or Romania. But they were filed in the court of first resort, EEOC.

What happened to them? The statute of limitations was allowed to run. Had it been 10 cases or 20 cases, that might have been something different. But there were 15,000 charges which may have lapsed, Mr. President. These 15,000 charges representing the rights of American citizens were denied and snuffed out, literally snuffed out, by a bureaucracy that was run by Clarence Thomas.

That is too much for me to overlook. I cannot say, well, he was a good man, but I am sorry he did not do better and I will vote for him.

In this case, the instances were too many, the warnings were too often, and the consequences were too great for me to have that degree of confidence to promote this fine man to the job for which he is being considered.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized? The Senator from Ohio has 2 minutes.

Mr. METZENBAUM. Mr. President, I commend the Senator from Arkansas for so succinctly stating the facts concerning the operation of EEOC under Chairman Thomas. I think his remarks very much indicate the reason that the National Council on Aging came out in opposition to Mr. Thomas' confirmation, and I think it is the reason that the AARP wrote a 15-page letter. They take no position, but make it very clear about their unhappiness with respect to his conduct as Chairman of the EEOC.

I think his remarks also support and make us understand better why 10 chairs of various House committees came out against confirmation of Mr. Thomas. I think his remarks help us to understand also why 19 members of the Congressional Black Caucus came out in opposition, and not one member of the Black Caucus came out in support of Mr. Thomas' confirmation.

So I think, Mr. President, although I said earlier I expect that Mr. Thomas will be confirmed, there are some strong and persuasive reasons why he should not be confirmed and seated as a member of the Circuit Court of Appeals.

Mr. KOHL. Mr. President, I will vote to confirm Mr. Clarence Thomas to the U.S. Court of Appeals for the D.C. Circuit. I am concerned about this nomination, however, for some of the reasons outlined by Senator METZENBAUM and organizations representing elderly Americans—namely, that Mr. Thomas did not zealously protect the rights of a vulnerable segment of our society when he was head of the EEOC. I also have some concerns that Mr. Thomas' strong ideology could

interfere with his performance as a judge.

Still, Mr. Thomas has been nominated to the bench—not to the EEOC again—so any managerial mistakes are not a bar. Moreover, he repeatedly assured us during the Judiciary Committee hearing that he would put aside his own political beliefs and be an impartial judge. I take him at his word. He also very clearly vowed to follow Supreme Court precedent even if he disagrees with it. This, too, was reassuring.

Consequently, Mr. President, I am going to vote in favor of Mr. Thomas. For this position on the D.C. Circuit—where he must follow Supreme Court precedent—he is qualified and deserving of confirmation.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina would have to have unanimous consent to proceed.

Mr. THURMOND. This has all been hashed out in the committee anyway. It has all been decided there. The vote was 13 to 1.

The PRESIDING OFFICER. All time allocated to the confirmation of Clarence Thomas has been used up at this point. The Senate will return to legislative session.

LEGISLATIVE SESSION

The Senate resumed consideration of legislative business.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to be allowed roughly 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, as I understand it, the majority leader is coming down to lay down the clean air bill, which we are waiting on to get started.

Could the Senator take such time as is available until the leaders get here with the amendments to get started?

Mr. GORTON. Under the circumstances of this request, I prefer to wait until later on in the evening, so I can give it uninterrupted.

Mr. CHAFEE. This was meant to start at 4:30. I hope it is imminent.

Mr. GORTON. Pardon?

Mr. CHAFEE. We hoped to start at 4:30. There is a little delay.

Mr. GORTON. I withdraw the request for a moment, and ask the Senator from Rhode Island if he will check and see if the amendments are available.

Mr. CHAFEE. I will be glad to do so.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

Mr. MITCHELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1630 which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending committee-reported substitute be modified to reflect the following changes which I now send to the desk in behalf of Senators MITCHELL, DOLE, BAUCUS, CHAFEE, BURDICK, DURENBERGER, BREAUX, SIMPSON, LEVIN, JEFFORDS, DOMENICI, WARNER, RIEGLE, COHEN, and MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I reserved the right to object and I would just like to state in my opinion I think you are going to find that we have an amendment here that is probably about this high. I guess the recording clerk probably has it. Maybe he could hold it up so I could see how big it is.

I will not object to the second portion of the leader's request that it be printed in the RECORD so you have a copy of it, because I think all Members do need that.

But I have worked on this bill for 9 years in the committee. I am not convinced that this bill is needed for the health of the country at this point. We could not get a bill out of the committee that the Senate would discuss at all. They became absolutely apoplectic when they found out what was in S. 1630, so we go behind closed doors for 3 weeks.

Now we come out and want to change it so if this Senator offers an amendment—if the same thing happens as happened last week when Senator ARMSTRONG and others offered an amendment, they got second degreed in every case. I have about 25 to 30 amendments that are serious amendments that I want to offer to this bill to improve it so that we will not have a depression in this country as a result of this bill, and I want to have the Senate vote on those things.

The only way that I can see that I will be able to be successful and defend my right as a Senator to try to save the Senate and the administration from themselves with respect to clean air legislation is to keep this in this degree so that when I offer an amendment it will either be tabled or voted up or down. So I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I regret the Senator's objection. He has for 9 years sought to prevent the clean air legislation from being enacted and has made clear that he will continue in his efforts in opposition to clean air legislation, a position which he has every right to hold but one with which I strongly disagree, one with which I believe the overwhelming majority of the American people disagree, and one with which I know the President disagrees.

In any event, the Senator has the right to object.

AMENDMENT NO. 1293 IN THE NATURE OF A SUBSTITUTE TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. MITCHELL. I, therefore, now send the amendment to the desk and I ask that it be printed, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself, Mr. DOLE, Mr. BAUCUS, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. BREAUX, Mr. SIMPSON, Mr. LEVIN, Mr. JEFFORDS, Mr. DOMENICI, Mr. WARNER, Mr. RIEGLE, Mr. COHEN, and Mr. MOYNIHAN, proposes an amendment numbered 1293.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 1293 is as follows:

S. 1630 is amended by striking line 14, page 157 and all that follows through line 23, page 587 and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Clean Air Act Amendments of 1989".

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TITLE I—ATTAINMENT AND MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS
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Sec. 102. Enhanced monitoring and inventories.
Sec. 103. Transportation guidance.
Sec. 104. General planning requirements.
Sec. 105. Federal facilities.
Sec. 106. General provisions for nonattainment areas.
Sec. 107. Additional requirements for ozone nonattainment areas.
Sec. 108. Additional requirements for carbon monoxide nonattainment areas.
Sec. 109. Additional requirements for PM-10 nonattainment areas.
Sec. 110. Interstate pollution.
Sec. 111. Outer continental shelf activities.
Sec. 112. Indian tribes.
Sec. 113. Miscellaneous and conforming amendments.
Sec. 114. Role of secondary standards.
TITLE II—MOBILE SOURCES
Sec. 201. Emissions standards for certain motor vehicles.
Sec. 202. Carbon monoxide emissions at cold temperatures.
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Sec. 204. Evaporative emissions.
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Sec. 207. Light duty vehicle useful life.
Sec. 208. Warranties.
Sec. 209. Non-road engines.
Sec. 210. Prohibition on production of engines requiring leaded gasoline.
Sec. 211. Motor vehicle testing and certification.
Sec. 212. In-use compliance—recall.
Sec. 213. Fuel volatility.
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TITLE IV—ACID DEPOSITION CONTROL
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Sec. 403. Acid deposition standards.
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Sec. 407. Continuation of the National Acid Precipitation Assessment Program.
TITLE V—PERMITS
Sec. 501. Part B—Permits.
Sec. 502. Definition of emission standard or limitation.
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TITLE I—ATTAINMENT AND MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS

DESIGNATION OF AREAS

SEC. 101. (a) DESIGNATIONS.—Section 107 of the Clean Air Act is amended by adding the following new subsection:

"(f)(1)(A) Upon promulgation of a new or revised national ambient air quality standard, the Governor of each State shall (and at any other time the Governor of a State deems appropriate the Governor may) submit to the Administrator a list of all areas (or portions thereof) in the State, designating as—

"(i) nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant,

"(ii) attainment, any area (other than an area identified in clause (i)) that meets the national primary or secondary ambient air quality standard for the pollutant, or

"(iii) unclassifiable, any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant.

The Administrator may not require the Governor to submit the required list sooner than one hundred and twenty days, or later than three hundred and sixty-five days, after promulgating a new or revised national ambient air quality standard.

"(B)(i) Upon promulgation or revision of a national ambient air quality standard, the Administrator shall promulgate the designations of all areas (or portions thereof) submitted under subparagraph (A) as expeditiously as practicable, but in no case later than six months from the required date of submission of the State list required under subparagraph (A). Such period may be extended for specific areas for up to six additional months in the event the Administrator has insufficient information to promulgate the designations.

"(ii) In making the promulgations required under clause (i), the Administrator may make such modifications as the Administrator deems necessary to the designations of the areas (or portions thereof) submitted under subparagraph (A) (including to the boundaries of such areas or portions thereof). Whenever the Administrator intends to make a modification, the Administrator shall notify the State and provide such State with an opportunity to demonstrate why any proposed modification is inappropriate. The Administrator shall give such notification no later than one hundred and twenty days prior to the date the Administrator promulgates the designation, as may be modified. If the Governor fails to submit the list in whole or in part, as required under subparagraph (A), the Administrator shall promulgate the designation that the Administrator deems appropriate for any area (or portion thereof) not designated by the State.

"(iii) If the Governor of any State, on the Governor's own motion, under subparagraph (A), submits a list of areas (or portions thereof) in the State designated as nonattainment, attainment, or unclassifiable, the Administrator shall act on such designations in accordance with the relevant procedures under subsection (d)(5) (relating to redesignation).

"(2) A designation for an area (or portion thereof) made pursuant to this subsection shall remain in effect until the area (or portion) is redesignated pursuant to subsection (d)(5).

"(3)(A) Each area which, as of the last calendar year before the date of enactment of this subsection for which data are available, did not meet the national primary ambient air quality standard for ozone or such standard for carbon monoxide, as determined in accordance with the same methods as are used under regulations of the Administrator for determining attainment of the standard, is hereby designated by operation of law as nonattainment for the applicable pollutant.

"(B)(i) Within one hundred and twenty days of the date of enactment of the Clean Air Act Amendments of 1990, each Governor of each State shall submit to the Administrator a description of the boundaries, identified by the Governor, of the areas within such State that were designated nonattainment under subparagraph (A) of this paragraph or under paragraph (4).

"(ii) No later than one hundred and twenty days after the date the Governor is required to submit the description of boundaries required under clause (i), the Administrator shall promulgate such boundaries as supplements to the designations under subparagraph (A) of this paragraph and under paragraph (4), making such modifications to such boundaries as the Administrator may deem necessary, in the same manner, and under the same procedure, as is applicable under paragraph (1)(B)(ii), except that the phrase 'sixty days' shall be substituted for the phrase 'one hundred and twenty days' in the clause. If the Governor does not submit, in accordance with clause (i), the required identification of boundaries for an area (or portion thereof), the Administrator shall promulgate the boundaries that the Administrator deems appropriate for such area.

"(C) No nonattainment area may be redesignated as an attainment area under this paragraph.

"(D) No later than thirty days after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall issue guidance describing the criteria upon which the identification of boundaries required under subparagraph (A) shall be based.

"(4) Until redesignation by the Administrator, each area which—

"(A) is identified in 52 Federal Register 29383 (August 7, 1987) as a Group I area (except to the extent that such information was modified by the Administrator prior to the date of enactment of the Clean Air Act Amendments of 1990), or

"(B) contains a site for which air quality monitoring data shows a violation of the national ambient air quality standard for PM-10 before the date of enactment of this subsection (as determined under part 50, appendix K of title 40 of the Code of Federal Regulations), is hereby designated by operation of law nonattainment for PM-10. All other areas of the country not described in subparagraph (A) or (B) are designated unclassifiable for PM-10, until such time as the Administrator redesignates any such area. Any designation for particulate matter (measured in terms of total suspended particulates) which the Administrator promulgated pursuant to section 107(d), as in effect before the date of enactment of this subsection, shall remain in effect for purposes of implementing the maximum allowable increases in concentrations of particulate matter (measured in terms of total suspended particulates) pursuant to section 163(d), until the Administrator determines that such designation is no longer necessary for such purpose.

"(5) PROCEDURE.—(A) The Administrator shall publish a notice in the Federal Register promulgating any designation under paragraph (1) or announcing any designation under paragraph (3) or (4), or promulgating any redesignation under subsection (d)(5).

"(B) Promulgation or announcement of a designation or boundaries under paragraph (1), (3) or (4) shall not be subject to the provisions of sections 553 through 557 of title 5 of the United States Code (relating to notice and comment), except nothing herein should be construed as precluding such public notice and comment whenever possible.

"(6)(A) Notwithstanding any other provision of this Act, any ozone nonattainment area that—

(i) did not violate the national ambient air quality standards for ozone for the thirty-six month period commencing on January 1, 1987, and ending on December 31, 1989, and

(ii) by the date of enactment of this paragraph, submitted to the Administrator all measures intended to satisfy the applicable requirement for reasonably available control measures, reasonably available control technology, and vehicle inspection and maintenance under section 172(b) (as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989), as interpreted in guidance issued by the United States Environmental Protection Agency prior to the date of enactment of this paragraph,

shall, within thirty days of enacment of this paragraph, either be redesignated by the Administrator as an attainment area for ozone or be classified by the Administrator, in lieu of any classification that might otherwise apply under section 181, as a transitional ozone nonattainment area. For the period from the date of such classification as a transitional ozone nonattainment area until December 31, 1992, each such area shall not be subject to the requirements of the Clean Air Act Amendments of 1989 (other than the requirements of this paragraph), and shall be subject to the provisions of this Act (except the provisions requiring a demonstration of attainment of the national ambient air quality standards for ozone) which were in effect immediately prior to the date of enactment of such amendments.

"(B) Notwithstanding section 107(d)(5)(C), the Administrator may redesignate a transitional ozone nonattainment area to attainment if such area satisfies the requirements of section 107(d)(5) and part D as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989 (except the requirements relating to attainment of the national ambient air quality standards for ozone, as such requirements were interpreted in guidance issued by the United States Environmental Protection Agency prior to the date of enactment of such amendments.

"(C) Whenever a location within a transitional ozone nonattainment area violates the national ambient air quality standards for ozone during a thirty-six month period that includes all or a part of the period commencing on January 1, 1990, and ending on December 31, 1992, such area shall promptly be classified by the Administrator pursuant to section 181 and be subject to the requirements applicable by virtue of such classification, except that any absolute, fixed date applicable in connection with any such requirement is extended for such area by operation of law by a period equal to the length of time between the date of enactment of this paragraph and the date the area is classified pursuant to section 181.

"(D) Any transitional ozone nonattainment area that, as of January 1, 1993, has not been either redesignated to attainment or classified under section 181 (pursuant to subparagraph (C) of this paragraph) shall on that date become subject to the requirements of the Clean Air Act Amendments of 1989 that would have applied to such area if this paragraph has not been enacted, except that any absolute, fixed date applicable in connection with any such requirement is extended for such area by operation of law by a period equal to the length of time between the date of enactment of such amendments and December 31, 1992.".

(b) REDESIGNATION.—Section 107(d)(5) of the Clean Air Act is amended to read as follows:

"(5)(A) Based on a request for area redesignation by the Governor of any State, or at any time on the Administrator's own motion, the Administrator may revise the designation of any area or portion of an area in accordance with this section. In the case of a complete request by the Governor of any State to revise the designation of any area or portion of an area from nonattainment to attainment, the Administrator shall approve or deny such request within eighteen months of the Administrator's receipt of the submittal.

"(B) Whenever the Administrator obtains evidence demonstrating that an area exceeds a national ambient air quality standard for any pollutant and is not designated as a nonattainment area for such pollutant pursuant to this section, the Administrator shall, within ninety days of receiving such evidence, propose, and within one hundred and eighty days promulgate by rule, a revised designation of such area as nonattainment for such pollutant, and where applicable, a classification of such area in accordance with part D.

"(C) Except as otherwise provided in subsection (f)(6), the Administrator may redesignate a nonattainment area to attainment only if—

"(i) the Administrator promulgates the redesignation by rule, after notice and opportunity for comment;

"(ii) the Administrator determines that the area has attained the national ambient air quality standard;

"(iii) the Administrator has fully approved the applicable implementation plan;

"(iv) the Administrator determines that the improvement in air quality is due to permanent reductions in emissions;

"(v) the Administrator has fully approved a maintenance plan for the area as meeting the applicable requirements of section 110 and part D; and

"(vi) the State containing such area has met all requirements applicable to the area under section 110 and part D.

"(D) The Administrator shall not redesignate any area from nonattainment to unclassifiable.".

ENHANCED MONITORING AND INVENTORIES

SEC. 102. Section 108 of the Clean Air Act is amended by adding the following at the end thereof:

"(g) GUIDELINES FOR ENHANCED MONITORING AND INVENTORIES.—Not later than six months after enactment of this subsection, the Administrator shall publish the following:

"(1) guidelines for enhanced monitoring by the State or local air pollution control agencies of emissions of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109, including guidelines governing the frequency, location, and maintenance of monitors; and

"(2) guidelines for improving the inventories of emissions from mobile and stationary sources (including, but not limited to, emissions factors for estimating emissions from stationary sources which emit less than twenty-five tons per year and other area sources) of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109.

Failure by the Administrator to publish guidelines required under paragraphs (1) and (2) shall not affect other applicable deadlines under this Act, including, but not limited to requirements under section 110 or part D.".

TRANSPORTATION GUIDANCE

SEC. 103. (a) TRANSPORTATION PLANNING GUIDANCE.—Section 108(e) of the Clean Air Act is amended by deleting the first sentence and inserting in lieu thereof the following: "The Administrator shall, after consultation with the Secretary of Transportation and with State and local officials, within nine months after enactment of the Clean Air Act Amendments of 1989 and periodically thereafter as necessary to maintain a continuous transportation-air quality planning process, update the June 1978 Transportation-Air Quality Planning Guidelines and publish guidance on the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards.".

(b) TRANSPORTATION CONTROL MEASURES.—Section 108(f)(1) of the Clean Air Act is amended by deleting all after "(f)" through the end of subparagraph (A) and inserting in lieu thereof the following:

"(1) The Administrator shall publish and make available to appropriate Federal, State, and local environmental and transportation agencies not later than one year after enactment of the Clean Air Act

Amendments of 1989, and from time to time thereafter—

"(A) information prepared, as appropriate, in consultation with the Secretary of Transportation, regarding the formulation and emission reduction potential of transportation control measures related to carbon monoxide, ozone precursors, particulate matter and toxic air pollutants, including, but not limited to—

"(i) programs for improved public transit;

"(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;

"(iii) employer-based transportation management plans;

"(iv) trip-reduction ordinances;

"(v) traffic flow improvement programs that achieve emission reductions;

"(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

"(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

"(ix) transportation management plans for shopping centers;

"(x) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

"(xi) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

"(xii) programs to control extended idling of vehicles;

"(xiii) programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations; and

"(xiv) programs to reduce motor vehicle emissions which are caused by extreme cold start conditions.".

GENERAL PLANNING REQUIREMENTS

SEC. 104. (a) SUBMISSION OF PLANS.—Section 110(a)(1) of the Clean Air Act is amended by striking "(1)" after "(a)" and by striking "nine" each time it appears and inserting in lieu thereof "twenty-four".

(b) STATE IMPLEMENTATION PLAN ELEMENTS.—Section 110 of the Clean Air Act is amended by striking subsection (a)(2) and subsection (a)(3)(A) and inserting the following:

"(b) MAINTENANCE PLANS.—

"(1) Whenever an area containing all or part of a metropolitan statistical area or consolidated metropolitan statistical area is designated attainment or unclassifiable with respect to a national ambient air quality standard, the Administrator shall, and in other cases may, require the State containing such area to submit an implementation plan (including such emissions inventories as the Administrator may prescribe) that provides for maintenance of such standard for at least twenty years from the date such plan is submitted. Every ten years after submission of the last twenty-year maintenance plan, the State shall submit an updated twenty-year maintenance plan.

"(2) Any plan required to be submitted pursuant to paragraph (1) shall meet the applicable requirements of subsection (c) (concerning general plan requirements).

"(3) Any plan required to be submitted pursuant to paragraph (1) shall be submitted by the State in accordance with such schedules as the Administrator may reasonably prescribe.

"(c) GENERAL REQUIREMENTS FOR IMPLEMENTATION PLAN SUBMITTALS.—Each implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. Each such plan shall—

"(1) include enforceable emission limitations and other control measures, means, or techniques as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;

"(2) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

"(A) monitor, compile, and analyze data on ambient air quality, and

"(B) upon request, make such data available to the Administrator;

"(3) include a program to provide for the enforcement of the measures described in paragraph (1), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved and maintained, including a permit program as required in parts C and D;

"(4) contain adequate provisions—

"(A) prohibiting any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

"(i) contribute significantly to nonattainment in or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard,

"(ii) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility, or

"(iii) contribute to atmospheric loadings of pollutants or their transformation products which may reasonably be anticipated to cause or contribute to an adverse effect on public health or welfare or the environment in any other State,

"(B) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);

"(5) provide—

"(A) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), including a statement from the attorney general (or the attorney for those relevant State (or, as appropriate, local) air pollution control agencies which have independent legal counsel) that the laws of such State (or locality) provide adequate authority to carry out such implementation plan,

"(B) requirements that the State comply with the requirements respecting State boards under section 128, and

"(C) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions;

"(6) require, as may be prescribed by the Administrator—

"(A) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

"(B) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

"(C) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;

"(7) provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;

"(8) provide for revision of such plan—

"(A) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

"(B) except as provided in section 110(h)(2), whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;

"(9) in the case of a plan or plan revision for an area designated as nonattainment under section 107, meet the applicable requirements of part D (relating to nonattainment areas);

"(10) meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);

"(11) provide for—

"(A) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

"(B) the submission, upon request, of data related to such air quality modeling to the Administrator;

"(12) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—

"(A) the reasonable costs of reviewing and acting upon any application for such a permit, and

"(B) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action).

"(d) ENVIRONMENTAL PROTECTION AGENCY ACTION ON PLAN SUBMISSIONS.—

"(1)(A) The Administrator shall promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection.

"(B) Within sixty days of the Administrator's receipt of a plan or plan revision, but no later than six months after the date by which a State is required to submit the plan or revision, the Administrator shall determine whether each part of the plan or revision meets the minimum criteria established pursuant to subparagraph (A). Any plan or plan revision that a State submits to the Administrator, and that has not been determined by the Administrator (by the date six calendar months after receipt of the submission) to have failed to meet the minimum criteria established pursuant to subparagraph (A), shall on that date be deemed by operation of law to meet such minimum criteria.

"(C) Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to subparagraph (A), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof).

"(2) Within twelve months of a determination by the Administrator (or a determination deemed by operation of law) under paragraph (1) that a State has submitted a plan or plan revision (or, in the Administrator's discretion, part thereof) that meets the minimum criteria established pursuant to paragraph (1), the Administrator shall act on the submission in accordance with paragraph (3).

"(3) In the case of any submittal on which the Administrator is required to act under paragraph (2), the Administrator shall—

"(A) approve such submittal as a whole if it meets all of the applicable requirements of this Act, or

"(B) disapprove the submittal in whole (or approve it in part, based on criteria established by the Administrator, and, simultaneously with such partial approval or subsequently within the twelve-month period under paragraph (2), disapprove it in part) if it does not meet all of the applicable requirements of this Act.

"(4) Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, or to otherwise comply with any requirement of this Act, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines for the submission of such plan revisions. Such findings and notice shall be public. Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this Act to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date except as prescribed under part D).

"(5) Whenever the Administrator determines that his action approving, disapproving, or promulgating any plan or plan revision (or part thereof), was in error, the Administrator may, in the same manner as the approval, disapproval, or promulgation, revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and be public.

"(e) PLAN REVISIONS.—Each revision to an implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement of this Act.

"(f) FEDERAL IMPLEMENTATION PLANS.—

"(1) The Administrator may, after notice and opportunity for public comment, promulgate regulations setting forth an implementation plan, or portion thereof, for a State whenever the Administrator—

"(A) finds a State has failed to submit an implementation plan or revisions as required by this section or part C or D;

"(B) determines that a plan, or portion thereof, submitted by a State is not in accordance with the requirements of this section or part C or D.

"(2) With respect to each failure of a State described in section 176(a)(1) (A) or (B) as to a particular nonattainment area (but in no event, except as provided in paragraph (1), with respect to more than one such failure in any single year as to a particular area and pollutant), twelve months after the application under section 176(a)(1) or (3) of the first sanction applied with respect to such failure, and annually thereafter until such sanction is rescinded or the Administrator determines that the area has attained the relevant national ambient air quality standard (whichever is earlier), the Administrator shall promulgate, as a Federal measure to be included in the applicable implementation plan for the area—

"(A) in the case of an ozone nonattainment area—

"(i) a measure or combination of measures sufficient to achieve, within three years of such promulgation, volatile organic compound emission reductions from baseline emissions of at least three per centum of baseline emissions in such areas. Such baseline emissions and per centum emission reductions shall be calculated in accordance with the provisions of section 183(b)(3)(C)(i), (ii) and (iii). For purposes of meeting the requirements of this subparagraph, reductions in emissions of oxides of nitrogen, to the extent they will occur by the applicable deadline, may be substituted for all or part of the reductions of emissions of volatile organic compounds required by this clause at no less than one-to-one ratio (oxides of nitrogen to volatile organic compounds) if the Administrator determines that such reductions of emissions of oxides of nitrogen, together with whatever reductions of emissions of volatile organic compounds the Administrator is promulgating to meet the relevant requirements of this clause, would result in a reduction in ozone concentrations at least equivalent to that which would occur from the reductions in volatile organic compound emissions required under this clause. In the event a measure or combination of measures promulgated by the Administrator under this clause for a particular area in a particular year would achieve greater reductions in emissions of the relevant pollutant than the amount required under this clause, the Administrator may credit such excess emissions reductions toward meeting any emissions reductions requirement applicable for such area under this subparagraph in subsequent year;

"(ii) as one of the measure or measures promulgated under clause (i) for the first year such promulgation is required, the control measure from the following list that will achieve the greatest reductions in emissions of volatile organic compounds in the area (unless each measure described in subclauses (I) through (III) is already substantially included in the applicable implementation plan for the relevant area)—

"(I) the measure required under section 183(a)(1)(B) (relating to a system for vapor recovery of emissions from the refueling of motor vehicles);

"(II) the measure required under section 183(a)(1)(A) (relating to an enhanced vehicle inspection and maintenance program to reduce hydrocarbon emissions); or

"(III) a measure requiring the application of reasonably available control technology for all sources of volatile organic compounds in the area covered by a Control Techniques Guideline (CTG) document issued by the Administrator and all other stationary sources in the area that have the potential to emit at least one twenty-five tons per year of volatile organic compounds; and

"(B) in the case of a pollutant other than ozone, at least one control measure that will result in significant reductions in emissions of such pollutant.

"(3) In the event any court of the United States is presented with a request to modify an order or settlement agreement entered by the court implementing the requirements of section 110(c) of the Clean Air Act as in effect before the date of enactment of the Clean Air Act Amendments of 1990, such court shall, in considering and ruling on such request, consider the effect of such Amendments (including the changes made by such Amendments to the requirements for Federal implementation plans, the development of State implementation plans, and attainment dates) on such settlement agreement or order.

"(g) SAVINGS CLAUSE.—Any provision of any applicable implementation plan or any revision thereof that was approved or promulgated by the Administrator pursuant to this section as in effect prior to the date of enactment of the Clean Air Act Amendments of 1989 shall remain in effect as part of such applicable implementation plan, except to the extent that a revision to such provision is approved or promulgated by the Administrator pursuant to this Act.".

(c) CONFORMING AMENDMENTS.—Section 110 of the Clean Air Act is amended as follows:

(1) Redesignate subparagraph (B) of section 110(a)(3) as paragraph (1) of section 110(h) and, in this newly designated paragraph, strike the phrase "paragraph (2) of this subsection" and insert "subsection (c)".

(2) Redesignate subparagraph (C) of section 110(a)(3) as paragraph (2) of section 110(h) and, in this newly designated paragraph—

(i) strike the word "subsection" after the phrase "approved under this" and insert "section",

(ii) strike the reference to subsection (c) and insert "subsection (f)", and

(iii) strike "section 110 (f) or (g)" and insert "section 110(l) or (m)".

(3) Delete subparagraph (D) of section 110(a)(3).

(4) Delete paragraph (4) of section 110(a).

(5) Delete paragraph (5) of section 110(a).

(6) Redesignate paragraph (6) of subsection (a) as subsection (i).

(7) Delete subsection (b).

(8) Delete paragraph (1), (2), (4), and (5) of subsection (c) and redesignate paragraph (c)(3) as subsection (j).

(9) Strike subsection (d) and add the following new subsection after subsection (j):

"(k) APPLICABLE IMPLEMENTATION PLAN.—(1) For purposes of this Act, an applicable implementation plan is the portion (or portions) of the implementation plan, or most

recent revision thereof, which has been approved under this section, promulgated under subsection (f) and which implements the requirements of the Act. Such term includes any portion of an implementation plan which has been submitted by a State and approved by the Administrator. Notwithstanding any other provision of this Act, each provision of such implementation plan (and each permit in effect under such plan) shall remain in effect, and shall be enforced under this Act, until a revision of such plan is approved by the Administrator or a plan is promulgated by the Administrator under subsection (f).".

(10) Delete subsection (e).

(11) Redesignate subsections (f) through (j) as subsections (l) through (p).

(12) In newly designated subsection (m), strike "the required four month period" and inserting "twelve months of submission of the proposed plan revision".

(13) In newly designated subsection (n)—

(i) strike "one year after the date of enactment of the Clean Air Act Amendments of 1977 and annually thereafter" and insert "five years after the date of enactment of the Clean Air Act Amendments of 1989, and every three years thereafter"; and

(ii) strike the second sentence of paragraph (1).

(14) In newly designated subsection (o)—

(i) strike "110(f) or (g)" and inserting "110(l) or (m)"; and

(ii) strike "110(a)(3) and insert (110(e)".

FEDERAL FACILITIES

SEC. 105. The second sentence of section 118(a) of the Clean Air Act is amended to read as follows: "The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to any requirement to pay a fee or charge imposed by any State or local agency to defray the costs of its air pollution regulatory program, (C) to the exercise of any Federal, State, or local administrative authority, and (D) to any process and sanction, whether enforced in Federal, State, or local courts, or in any other manner.".

GENERAL PROVISIONS FOR NONATTAINMENT AREAS

SEC. 106. (a) HEADING.—Part D of the Clean Air Act is amended by inserting "SUBPART 1—NONATTAINMENT AREAS IN GENERAL" immediately after the heading "PART D—PLAN REQUIREMENTS FOR NONATTAINMENT AREAS."

(b) APPLICABILITY.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 170 as follows:

"APPLICABILITY

"SEC. 170. Each provision of this subpart applies as set forth herein, except to the extent it is inconsistent with a provision in another subpart, in which case the provision in such other subpart shall apply.".

(c) DEFINITIONS.—Section 171 of the Clean Air Act is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The term 'nonattainment area' means, for any air pollutant, an area which is designated 'nonattainment' with respect to that pollutant pursuant to section 107."; and

(2) by adding the following sentence at the end of paragraph (4): "Where the applicable implementation plan for a nonattainment area defines 'major stationary source' as a combination of discrete operations, units or other pollutant emitting activities, the terms 'modification' and 'modified' include each change to such a source, as described in section 111(a)(4), that results in a net increase in emissions from such source, regardless of the amount of such increase."

(d) PERMITS.—

(1) Section 172 of the Clean Air Act is amended as follows:

(A) Subsection (a) is amended to read as follows:

"(a) ATTAINMENT DATES FOR NONATTAINMENT AREAS—"(1) The attainment date for an area designated nonattainment with respect to a primary national ambient air quality standard shall be the date by which attainment can be achieved as expeditiously as practicable, but no later than five years from the date such area was designated nonattainment under section 107, except that the Administrator may extend the attainment date to the extent the Administrator determines appropriate, for a period no greater than ten years from the date of designation as nonattainment, considering the severity of nonattainment and the availability and feasibility of pollution control measures.

"(2) The attainment date for an area designated nonattainment with respect to a secondary national ambient air quality standard shall be within a reasonable time after the date such area was designated nonattainment under section 107.";

(B) Subsection (c) is deleted, subsection (b) is redesignated as subsection (c), the heading "NONATTAINMENT PLAN PROVISIONS.—" is inserted after "(c)", the text following "The" through "subsection (a)" in the first sentence is deleted, and the following is inserted in lieu thereof: "provisions of an applicable implementation plan for a State relating to attainment and maintenance of national ambient air quality standards in any nonattainment area";

(C) Section 172(c)(6) (as redesignated by subparagraph (B) is amended to read as follows:

"(6)(A) require permits for the construction and operation of new or modified major stationary sources, and, beginning not later than three years after the date of enactment of the Clean Air Act Amendments of 1989, for the operation of all major stationary sources, in accordance with section 173 (relating to permit requirements); and

"(B) include provisions for permit fees that meet the requirements of section 351(b)(3) (except that for purposes of this subparagraph, the term 'regulated pollutant' in section 351(b)(3)(B) shall be defined as the pollutant or pollutants (or, in the case of ozone, the precursors of such pollutant) for which the area is designated nonattainment (except that carbon monoxide shall be excluded from this reference)). Provisions comparable to the provisions of section 351(b)(3)(C) (concerning fee collection by the Administrator) shall apply with respect to the permit fees required under this subparagraph (except that for purposes of this subparagraph, the references under section 351(b)(3)(C)(i) to 'section 351(d)', 'section 351(i)', and 'this title' shall be considered references to section 176(a)(1)(A)-(B), section 176(a)(1)(C), and title I of the Clean Air Act, respectively)."; and

(D) A new subsection (b) is added as follows:

"(b) SCHEDULE FOR PLAN SUBMISSIONS.—At the time the Administrator designates an area as nonattainment with respect to a national ambient air quality standard under section 107, the Administrator shall establish a schedule according to which the State containing such area shall submit a plan or plan revision (including the plan items) meeting the applicable requirements of subsection (c) and section 110(c). Such schedule must, at a minimum, include a date or dates, extending no later than two years from the date of the nonattainment designation, for the submission of a plan or plan revision (including the plan items) meeting the applicable requirements of subsection (c) and section 110(c).".

(2) Section 173 of the Clean Air Act is amended by inserting "(a) CONSTRUCTION PERMITS—" after "SEC. 173.", by deleting "and operate" in the first sentence, by substituting "172(c)" for "172(b)" each time it appears, and by adding the following at the end thereof:

"(b) OPERATING PERMITS.—

"(1) Each operating permit issued as required pursuant to this part for a new or existing stationary source shall—

"(A) be for a fixed term not to exceed five years and shall require compliance with applicable emission limitations and with such monitoring measures as are appropriate for adequately determining compliance with such limitations;

"(B) require the permittee to submit quarterly reports to the permitting authority containing the results of the monitoring required under subparagraph (A) and, no less often than every six months, certification to the permitting authority that demonstrates compliance with the permit. Any report or certification required to be submitted by a permittee under this title shall be signed by a responsible corporate official who shall certify its accuracy;

"(C) require that the permittee promptly report any violations of the permit or other requirements under this Act to the permitting authority and a program for correcting these violations including a schedule for implementation of the corrections; and

"(D) set forth inspection and entry requirements to assure compliance with the permit terms and conditions.

"(2) Applicants for, and recipients of, any permit issued pursuant to this part shall be subject to fee requirements sufficient to cover all reasonable costs of developing and administering the permit program in accordance with the provisions of section 172(c)(6)(B).

"(3) Before issuing any permit pursuant to the provisions of this part the State shall provide notice of the application and an opportunity for a public hearing on the conditions to be included in the permit.

"(4) No permit may be issued pursuant to this part if the Administrator within sixty days objects to its issuance as not meeting the goals and objectives of this Act.

"(5) A copy of each permit and certification shall be submitted by the permittee, or by the permitting authority (as determined by the permitting authority), to the Administrator and shall be available to the public in the same manner as is provided for records and reports under section 114(c). No such permit may be issued unless the permitting authority or its agent has conducted an on-site inspection of the source to which such permit is issued. Not later than six months after the enactment of this subsection the Administrator shall publish guidelines for permit programs under this part. Such guidelines may be revised from time to time as the Administrator deems appropriate.".

(e) OFFSETS.—Section 173 is further amended by adding at the end thereof the following new subsection:

"(c) OFFSETS.—A new or modified major stationary source may comply with any offset requirement in effect under this part for increased emissions of any air pollutant by obtaining enforceable emissions reductions of such air pollutant from other sources in the same nonattainment area. Such enforceable emissions reductions shall be in effect by the time a new or modified source commences operation and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by a greater reduction in the actual emissions of such air pollutant from other sources in the area. Emissions reductions otherwise required by law shall not be credited as an emissions reductions for purposes of any such offset requirement.

"(d) FEES.—(1) The owner or operator of any source subject to the requirement to obtain a permit under sections 172(c)(6)(A) and 173 shall be liable for the payment of a fee to the Administrator in an amount and on a schedule as the Administrator shall require. In establishing the amount of such fees, the Administrator shall take into account the reasonable costs incurred by the Agency in carrying out the provisions of this part with respect to the pollutants emitted by such source and the source's proportionate share of such costs to be allocated among those liable for payment of the fee.

"(2) The fee required under paragraph (1) shall be either, in the Administrator's discretion—

"(A) $15 per ton of volatile organic compound, oxides of nitrogen, carbon monoxide or PM-10 (to the extent the source is required to obtain a permit under sections 172(c)(6) and 173 with respect to such pollutant or pollutants) emitted by the source; or

"(B) an amount that is of the same ratio to the total amount required to be collected under this subsection as the amount required to be paid by that source to the permitting authority in implementing the provisions of the applicable implementation plan required under section 172(c)(6)(B) is to the total amount required to be paid to the permitting authority under such plan provisions in the nonattainment area, but only if the total fees required to be collected under this subsection from all sources in the nonattainment area are equivalent to $15 per ton of emissions of volatile organic compound, oxides of nitrogen, carbon monoxide and PM-10 (to the extent the sources in the nonattainment area are required to obtain a permit under section 172(c)(6) and 173 with respect to such emissions).

"(3) Notwithstanding the provisions of section 3302(b) of title 31, United States Code, revenues from fees imposed under this subsection shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation only to carry out the activities of the Agency under this Act.

"(4) In accordance with regulations promulgated by the Administrator, provisions comparable to the provisions of section 351(b)(3)(C)(iii) (relating to penalties and interest for failure to pay fees) and section 351(b)(3)(B)(v) (relating to inflation adjustment) shall apply with respect to fees required to be paid under this subsection.

"(e) Every five years, beginning in the fifth year after enactment of this subsection, the Administrator shall submit a report to Congress concerning the extent to which the fees required under this Act are adequate to meet State and local agency expenses associated with permitting and other implementation activities required under this Act.".

(f) PLANNING PROCEDURES.—Section 174 of the Clean Air Act is amended to read as follows:

"PLANNING PROCEDURES

"SEC. 174. (a) For any ozone, carbon monoxide or PM-10 nonattainment area, the Governor of the State containing such areas and elected officials of affected local governments shall, prior to the date required for submittal of the inventories described under sections 182(a), 188(a), and 192(a), jointly review and update as necessary the planning procedures adopted pursuant to this subsection as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989 or develop new planning procedures pursuant to this subsection, as appropriate. In preparing such procedures the State and local elected officials shall determine which elements of a revised implementation plan will be developed, adopted, and implemented (through means including enforcement) by the State and which by local governments or regional agencies, or any combination of local governments, regional agencies, or the State. The implementation plan required by this part shall be prepared by an organization certified by the State, in consultation with elected officials of local government in the affected area, and representatives of the State air quality planning agency, the State transportation planning agency, the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code, the organization responsible for the air quality attainment and maintenance planning process under regulations implementing this Act, and any other organization with responsibilities for developing, submitting, or implementing the plan required by this part.

"(b) The preparation of implementation plan provisions and subsequent plan revisions under the continuing transportation-air quality planning process described in section 108(e) shall be coordinated with the continuing, cooperative and comprehensive transportation planning process required under section 134 of title 23, United States Code, and such planning processes shall take into account the requirements of this part. The Administrator shall consult with, and make recommendations to, the Secretary of Transportation within nine months from the date of enactment of the Clean Air Act Amendments of 1989 on changes to the Department of Transportation policies and planning and programming process that will assist the planning and implementation process of this part.

"(c) In the case of a nonattainment area that is included within more than one State, the affected States may jointly, through interstate compact or otherwise, undertake and implement all or part of the planning procedures described in this section.".

(g) SANCTIONS.—Section 176 of the Clean Air Act is amended by—

(1) inserting in the heading "SANCTIONS AND" before "LIMITATIONS";

(2) deleting subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively; and

(3) amending subsection (a) to read as follows:

"(a) SANCTIONS—

"(1) For any implementation plan or plan revision required under this part (or required in response to a finding of substantial inadequacy as described in section 110(d)(4)), at such time as—

"(A) a State fails to make the required plan submission, or the plan or plan revision submitted by the State does not satisfy the minimum criteria established under section 110(d)(1)(A),

"(B) the Administrator disapproves the submission in whole or in part, or

"(C) the Administrator finds that any requirement of the approved plan (or approved part of the plan) is not being implemented, the Administrator shall publish in the Federal Register a determination of whether the State is making reasonable efforts to cure the relevant failure. If the Administrator determines that the State is not making reasonable efforts to cure the failure, the Administrator shall simultaneously apply, with respect to the relevant area within such State, at least one of the sanctions specified in paragraph (2). No sanction under paragraph (2) that is imposed because of a failure by a State may be applied, based on such failure, outside the borders of that State.

"(2) The following sanctions are available to the Administrator for the purpose of implementing paragraphs (1) and (3)—

"(A) a prohibition by the Administrator on the construction or modification of any major stationary source of the relevant pollutant or pollutants in a nonattainment area (or portion thereof, where the Administrator determines by rule that the State failure relates exclusively to such portion). Where the State failure relates to ozone, the moratorium is available with respect to both the nonattainment area and the area within twenty-five miles of the boundary of such area. For purposes of this subparagraph, the term "major stationary source" shall have the meaning provided in section 302(j), except that, where the State failure relates to ozone, "twenty-five" shall be substituted for "one hundred" in that section;

"(B)(i) a prohibition, applicable to a nonattainment area, on the approval by the Secretary of Transportation of any projects or the awarding by the Secretary of any grants, under title 23, United States Code, other than projects or grants specified under clause (ii). Such prohibition shall become effective upon the selection by the Administrator of this sanction.

"(ii) Projects or grants that may be approved, notwithstanding the prohibition in clause (i), are the following—

"(I) capital programs for improved public transit;

"(II) construction or restriction of certain roads or lanes solely for the use of passenger buses or high occupancy vehicles;

"(III) planning for and implementation of requirements for employers to reduce employee work-trip-related vehicle emissions;

"(IV) highway ramp metering, traffic signalization, and related programs that improve traffic flow and achieve a net emission reduction;

"(V) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit operations;

"(VI) programs for inspection and maintenance of vehicle emission control systems;

"(VII) programs for the conversion of publicly-owned fleet vehicles to vehicles that use low-polluting fuels, or to otherwise

control fleet vehicle operations and miles traveled;

"(VIII) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(IX) programs for breakdown and accident scene management, nonrecurring congestion, and vehicle information systems, to reduce congestion and emissions; and,

"(X) such other transportation-related programs as the Administrator, in consultation with the Secretary of Transportation, finds would improve air quality and would not encourage single occupancy vehicle capacity.

In considering such measures, the State should seek to ensure adequate access to downtown areas and avoid increasing or relocating emissions and congestion rather than reducing them. Notwithstanding the requirements of title 23, United States Code, or any other provision of law, any Federal funds made available to a State to carry out the provisions of such title shall be available without limitation to implement the programs and provisions of this subparagraph in nonattainment areas, and the State share shall not be required to exceed 10 per centum of the cost of such programs.

"(iii) Nothing in this paragraph shall preclude the Secretary of Transportation from approving projects or awarding grants under title 23, United States Code, for (I) elimination of highway safety hazards pursuant to sections 130, 152, and 402 of such title, or (II) rehabilitation or replacement of deteriorated highway bridges, provided that such projects or grants will add no significant additional right-of-way and are determined by the Administrator to be consistent with maintaining air quality;

"(C) a prohibition of any public water system regulated under title XIV of the Public Health Service Act from providing drinking water service in the nonattainment area (or portion thereof, where the State failure relates exclusively to such portion) to any structure to which such service was not provided before the Administrator's choice of this sanction. The Administrator may not prohibit any public water system from providing water service to any customer requiring such service to correct an existing public health hazard;

"(D) the withholding by the Administrator of all or part of the grants for support of air pollution planning and control programs that the Administrator is authorized to award under section 105.".

"(3) Not later than twelve months after the Administrator makes a determination under paragraph (1) that a State is making reasonable efforts to cure the relevant failure, the Administrator shall make a final determination, which shall be published in the Federal Register, of whether the State has cured such failure. If the Administrator determines that the State has not cured such failure, the Administrator shall immediately apply, with respect to the relevant area within such State, at least one of the sanctions specified in paragraph (2).

"(4) The Administrator may, in the Administrator's discretion, apply any sanction or sanctions listed in paragraph (2) to address any of the failures specified in subsection (1) relating to any plan required under this title.

"(5)(A) Within six months following the applicable attainment date for any nonattainment area, the Administrator shall determine, based on the area's air quality as of the attainment date, whether the area attained the standard by that date.

"(B) Upon making the determination under clause (A), the Administrator shall publish a notice in the Federal Register identifying each area that the Administrator has determined to have failed to attain. The Administrator may revise or supplement such determination at any time based on more complete information or analysis concerning the area's air quality as of the attainment date.

"(6) No major stationary source of any pollutant shall be constructed or modified in a nonattainment area for such pollutant after the date forty-two months from the date of enactment of the Clean Air Act Amendments of 1990 or the date forty-two months from the date such area was designated nonattainment for such pollutant, whichever is later, unless, as of the later of such dates, the Administrator has approved a plan submission for the area meeting the requirements of section 172(c)(6) with respect to such pollutant as those requirements relate to the construction and operation of new or modified major stationary sources. Before the later of the dates set forth in this subsection, no State shall issue a permit for construction or modification of a major stationary source unless such permit meets the requirements of section 173.

"(7) Whenever—

"(A) an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b)(2) or (3),

"(B) a carbon monoxide nonattainment area fails to achieve the emissions reductions of a milestone required under section 188(g)(3), or

"(C) a PM-10 nonattainment area fails to achieve the emission reduction of a milestone required under section 192(e)(2),

but no later than twelve months after passage of the date for achieving such reductions, the Administrator shall notify the State containing such nonattainment area of such failure. No later than nine months after such notification, the State shall submit to the Administrator a revision to the applicable implementation plan adequate to achieve the emissions reductions that the area failed to achieve before such plan revision was due. Such revision shall provide that such emissions reductions shall be achieved by the end of the next complete three-year period (described in section 183(b)) or milestone period (described in section 188(g) or section 192(e)), as the case may be. Notwithstanding any other provision of this Act, the Administrator shall act on such revision under section 110(d)(3) no later than six months after the date on which the State submits such revision.".

(h) CONFORMITY REQUIREMENTS.—Section 176(b) of the Clean Air Act (as redesignated by subsection (g)) is amended by deleting the second sentence, by striking "(1)", "(2)", "(3)" and "(4)" where they appear, by inserting "(1)" after "(b)", and by adding the following at the end thereof: "Conformity to a plan means—

"(A) conformity to a plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and

"(B) that such activities will not, considering any growth likely to result from such activities—

"(i) cause or contribute to any new violation of any standard in any area;

"(ii) increase the frequency or severity of any existing violation of any standard in any area; or

"(iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

"(2) Any transportation plan or program developed pursuant to title 23, United States Code, or the Urban Mass Transportation Act shall implement all relevant transportation provisions of any implementation plan approved under this Act applicable to all or part of the area covered by such transportation plan or program. No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has been found to conform to this Act and any implementation plan in effect under this Act. In particular—

"(A) no transportation plan or transportation improvement program may be adopted by a metropolitan planning organization designated under title 23, United States Code, or the Urban Mass Transportation Act, or be found to be in conformity by an air quality planning agency, department or officer until a final determination has been made that emissions expected from implementation of such plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions contained in the State's implementation plan, and that the plan or program will, considering any growth likely to result from such plan or program, conform to the requirements of paragraph (1)(B);

"(B) no metropolitan planning organization or other recipient of funds under title 23, United States Code, or the Urban Mass Transportation Act shall adopt or approve a transportation improvement program of projects until it determines that such program provides for timely implementation of transportation control measures consistent with schedules included in the applicable implementation plan;

"(C) no transportation project may be adopted or approved by a metropolitan planning organization or any recipient of funds designated under title 23, United States Code, or the Urban Mass Transportation Act, or found in conformity by an air quality planning agency, or approved, accepted, or funded by the Department of Transportation unless—

"(i) such a project comes from a conforming plan and program;

"(ii) the design, scope, and emissions from such project have not changed significantly since the conformity finding regarding the plan and program from which the project derived;

"(iii) emissions from such a project remain consistent with emissions reduction schedules in the applicable implementation plan; and

"(iv) it is demonstrated, in any case where such a demonstration was not made during the process to determine the conformity of the plan and program from which project derived, that the project is consistent with the provisions of paragraph (1)(B).

The determinations required by this subsection shall be made by Federal, State and local agencies as prescribed pursuant to criteria and procedures which shall be promulgated by the Administrator no later than one year after the date of enactment of the Clean Air Act Amendments of 1989. Such procedures shall include a requirement that

each State containing an ozone or carbon monoxide nonattainment area shall submit to the Administrator within eighteen months of such date of enactment, a revision to its implementation plan that includes, for each such nonattainment area, criteria and procedures for assessing the conformity of any plan, program or project subject to the conformity requirements of this subsection.".

(i) MAINTENANCE PLANS.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 179 as follows:

"MAINTENANCE PLANS

"SEC. 179. (a) PLAN REQUIREMENTS.—The maintenance plan required under section 107(d)(5)(C) as a precondition for redesignation of an area shall—

"(1) comply with the provisions of section 110(a)(2);

"(2) provide for the maintenance of the national ambient air quality standard of the relevant air pollutant in such area for a period of twenty years after attainment; and

"(3) include the following provisions—

"(A) an identification of sources, including area and mobile sources, that are expected to contribute to increases in emissions of such pollutant after attainment of a national ambient air quality standard;

"(B) a quantitative estimate of emissions increases from such sources for each three-year period following attainment;

"(C) an identification of transportation control measures, emission control limitations or standards, or permit requirements as may be necessary to limit emissions or permissible emission increases; and

"(D) an identification of contingency measures to be implemented in the event of an exceedance of the air quality standard sufficient to correct any air pollution problem which may lead to redesignation as a nonattainment area.

"(b) PLAN REVISIONS.—Maintenance provisions required by this section shall be updated every ten years and submitted to the Administrator for approval pursuant to section 110 and this part as a revision to the implementation plan.".

ADDITIONAL REQUIREMENTS FOR OZONE NONATTAINMENT AREAS

SEC. 107. Part D of the Clean Air Act is amended by adding the following new subpart at the end thereof:

"SUBPART 2—ADDITIONAL PROVISIONS REGARDING OZONE NONATTAINMENT AREAS

"CLASSIFICATION OF OZONE NONATTAINMENT AREAS

"SEC. 181. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area that did not meet the national primary ambient air quality standard for photochemical oxidants (hereinafter "ozone") as of the last calendar year ending before enactment of this subpart for which data are available is hereby classified by operation of law in one of the following categories based upon the percentage by which such standard is exceeded:

"Area classification	Amount by which standard exceeded
Moderate ozone nonattainment area.	Not greater than 20 per centum
Serious ozone nonattainment area.	More than 20 per centum but not more than 50 per centum
Severe ozone nonattainment area.	More than 50 per centum but not more than 120 per centum
Extreme ozone nonattainment area.	More than 120 per centum

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of determining the percentage by which the national primary ambient air quality standard for ozone is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for determining attainment of the standard shall be applicable (including the design value, reference methods, and guidelines for interpretation of ozone air quality standards).

Not later than thirty days after the enactment of this subpart, the Administrator shall publish a notice of the percentages by which the national primary ambient air quality standard for ozone was exceeded in each area referred to in subsection (a).

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the ozone nonattainment areas classified in accordance with subsection (a):

"Area classification	Applicable Attainment Date (in years after enactment of the Clean Air Act Amendments of 1989)
Moderate Area	5 years
Serious Area	10 years
Severe Area	15 years
Extreme Area	20 years.

"(d) REFERENCES TO TERMS.—Any reference in this subpart to a 'moderate area', a 'serious area' a 'severe area', or an 'extreme area' shall be considered a reference to a moderate ozone nonattainment area, a serious ozone nonattainment area, a severe ozone nonattainment area, or an extreme ozone nonattainment area as classified under this section.

"REQUIREMENTS APPLICABLE TO ALL OZONE NONATTAINMENT AREAS

"SEC. 182. (a) INVENTORIES.—Not later than one year after the date of enactment of this subpart in the case of each State that contains a nonattainment area or portion thereof classified pursuant to section 181(a), or in the case of a State containing an area subsequently classified nonattainment pursuant to section 107 and this subpart, within eighteen months of such classification, such State shall submit to the Administrator—

"(1) for each such area, a comprehensive, accurate, current inventory of actual emissions of volatile organic compounds and oxides of nitrogen from all sources in such area. Such inventory shall be of emissions in the calendar year of enactment, or such other calendar year between 1987 and the year of enactment, inclusive, approved by the Administrator. Each such inventory shall be prepared in accordance with the guidance required to be published by the Administrator pursuant to section 108(g)(2), if such guidance is available. Revisions of each such inventory shall be submitted every three years thereafter until the area for which the inventory is prepared is redesignated attainment; and

"(2)(A) a revision to the State implementation plan that contains a requirement that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds within an ozone nonattainment area or portion thereof in such State provide the State with a statement in such form as the Administrator may prescribe (or the State may prescribe, if the Administrator does not) for classes or categories of sources, showing the actual emissions from that source during the previous calendar year of oxides of nitrogen and volatile organic compounds. The first such statement shall be submitted for the calendar year in which the revision referred to in the first sentence of this subparagraph was submitted to the Administrator. Subsequent statements shall be submitted at least annually thereafter.

"(B) The State may waive the application of subparagraph (A) to any class or category of stationary sources which emit less than twenty-five tons per year of oxides of nitrogen or volatile organic compounds if the State, in its submissions under paragraph (1), provides an inventory of emissions from such class or category of sources based on guidelines provided by the Administrator under section 108(g)(2) (relating to inventories).

"(b) IMPLEMENTATION OF CURRENT REQUIREMENTS.—Each State containing an ozone nonattainment area or portion thereof shall—

"(1) not later than eighteen months after the date of enactment of this subpart, fully implement all provisions of any implementation plan for the attainment of the ozone air quality standard for each such area or areas which have been approved by the Administrator prior to the date of enactment of this subpart, and

"(2) within six months after the date of enactment of this subpart, submit a revision or revisions to the applicable implementation plan to include provisions to correct requirements in (or add requirements to) the plan concerning reasonably available control technology as were required under section 172(b) (as in effect immediately before the date of enactment of this subpart), including a requirement to implement within one year after submission reasonably available control technology with respect to all sources of volatile organic compounds in such area or areas covered by a control technique guideline issued before the date of enactment of this subpart.

"(c) PERMIT REQUIREMENT.—Each State containing an area or portion thereof classified pursuant to section 181(a) or subsequently classified pursuant to section 107 and this subpart shall, not later than eighteen months after the date of such classification submit to the Administrator a revision to the implementation plan for each such area requiring an operating permit (including permit fees) as provided in sections 172(c)(6) and 173(b) for each new or existing major stationary source of volatile organic compounds or oxides of nitrogen located within any such nonattainment area. It shall be unlawful to operate any such major stationary source without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(d) Notwithstanding any other provision of this Act, any State implementation plan submittal required for any ozone nonattainment area (or portion thereof) not designated nonattainment prior to the date of enactment of the Clean Air Act Amendments of 1990, that is required to be submitted within six or twelve months from the date of enactment, classification, or designation of such area, shall be required to be submitted within six or twelve months, as the case may be, of the date the area (or portion thereof) is included within the boundaries of an area designated nonattainment under section 107(f)(3)(B).

"REQUIREMENTS FOR SPECIFIC CLASSES OF OZONE NONATTAINMENT AREAS

"SEC. 183. (a) REQUIREMENTS FOR MODERATE AREAS.—Each State containing an area

classified as a moderate nonattainment area pursuant to section 181(a) or subsequently so classified pursuant to section 107 of this subpart, shall, with respect to the moderate area, submit to the Administrator, by the dates provided, the following revisions to the applicable implementation plan:

"(1) within one year of the date of classification, a revision that requires implementation, within one year of submission of such revision, of requirements in either paragraph (A) or (B)—

"(A) an enhanced vehicle emissions control inspection and maintenance program to reduce in-use emissions of volatile organic compounds and oxides of nitrogen from motor vehicles, which program shall include each of the following elements—

"(i) require coverage of all light-duty vehicles registered in, at a minimum, each metropolitan statistical area (as defined by the Office of Management and Budget) with a population of one hundred thousand or more according to the 1980 Census,

"(ii) direct inspection of components of vehicle emission control systems (including evidence of misfueling) and, where such components have been rendered inoperative, the repair or replacement of such components,

"(iii) computerized emission analyzers,

"(iv) if a provision waiving the requirements for repairing the emission control system in the event of failure is included, a provision that such waiver shall apply only when the costs of repair exceed $200,

"(v) enforcement through denial of vehicle registration (except for any program in operation prior to the effective date of this section whose enforcement mechanism is demonstrated to the Administrator to be more effective than the applicable vehicle registration program in assuring that noncomplying vehicles are not operated on public roads), and

"(vi) any requirements the Administrator may prescribe under section 202(j)(3) (pertaining to onboard emission diagnostic systems), or

"(B) a requirement that all persons within the area transferring gasoline to a motor vehicle fuel tank from a gasoline dispensing system use a fill nozzle designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel system to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities which sell more than twenty thousand gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

Each vehicle inspection and maintenance program required by this paragraph shall include such additional elements as are necessary to assure that the program would achieve a reduction in emissions of volatile organic compounds equivalent to a reduction of four thousand seven hundred tons of such emissions per million vehicles covered in the year of enactment of this subpart (if such program had been operating in such year). The Administrator may establish an alternative performance standard with respect to such programs for nonattainment areas located in California, if the Administrator finds that such alternative standard is necessary to reflect lower average emissions of volatile organic compounds from vehicles operating in such State. Any area which is already operating a vehicle emission control inspection and maintenance program or for which the implementation plan, as of the date of enactment of this subpart, includes a specific schedule for implementation of such a program shall comply with subparagraph (A);

"(2) an ozone nonattainment area for which the design value is less than .13 parts per million in the year immediately preceding enactment of this subpart shall not be required to comply with the requirements of subsection (a)(1) (pertaining to inspection and maintenance and refueling programs) unless such compliance is needed to bring the area into attainment with the primary ambient air quality standard for ozone by the date specified in section 181(c). The design value shall be calculated according to the interpretation methodology issued by the Environmental Protection Agency most recently before the date of enactment of this subpart;

"(3) within one year after the date of classification, a revision that contains a permit program which meets the requirements of section 172(a)(6), section 173, and title V.

"(b) REQUIREMENTS FOR SERIOUS AREAS.—Each State containing an area classified as a serious area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the serious area, make the submissions described under subsection (a) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) an inventory that meets the requirements of section 182(a)(1) and, where all or part of such area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), includes emissions from all sources within such MSA or CMSA, whichever is applicable, plus the twenty-five-mile radius around such area;

"(2) no later than one year after the date of classification, a revision to provide for, and a demonstration that the plan as revised will provide for, within three years after classification, emissions reductions of volatile organic compounds of 12 per centum from actual anthropogenic emissions in the calendar year of classification. Emissions reductions that will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)) may be credited toward the required 12 per centum reduction. The provisions of paragraph (3)(D)(ii) (relating to carryforward of excess reductions) shall apply with respect to reductions in excess of the required 12 per centum reduction;

"(3) no later than three years from the date of classification a revision which demonstrates, based on photochemical grid modeling or any other analytical method determined by the Administrator, in the Administrator's discretion, to be at least as effective, that the plan, as revised—

"(A) will provide for attainment by the applicable attainment date;

"(B) will result in volatile organic compound emission reductions from emissions reported in the initial inventory required under section 182(a)(1) equal to 12 per centum, averaged over the three-year period beginning with the fourth year after the date of classification. Emissions reductions may be credited towards the 12 per centum reduction requirement to the extent they will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)); and

"(C) will result in volatile organic compound emission reductions from baseline emissions equal to at least 3 per centum of baseline emissions each year, averaged over each consecutive three-year period beginning with the seventh year after the date of classification, and extending until the area attains the primary ambient air quality standard for ozone:

"(i) For purposes of this subparagraph, the term 'baseline emissions' means emissions reported in the initial inventory required under section 182(a)(1), excluding emissions that would be eliminated under the regulations described in clauses (iii)(I) and (II).

"(ii) Except as provided under clause (iii), emissions reductions are creditable toward the per centum reductions required under this subparagraph to the extent they will occur, by the applicable deadline, from measures required under either the applicable implementation plan or rules promulgated by the Administrator.

"(iii) Emission reductions from the following measures are not creditable toward the per centum reductions required under this subparagraph:

"(I) Any measure relating to motor vehicle tailpipe or evaporative emissions promulgated by the Administrator by the date of enactment of this section.

"(II) Regulations concerning Reid Vapor Pressure promulgated by the Administrator by the date of enactment of this section or required to be promulgated under section 211(h).

"(III) Measures required under section 182(b)(2) (concerning corrections to implementation plans).

"(iv) The demonstration referred to in this paragraph may, in order to meet the requirements of this subparagraph, provide for emission reductions in an amount less than 3 per centum of the baseline emissions if the State (following a public hearing, and by a statement signed by the Governor as a nondelegable action) demonstrates to the satisfaction of the Administrator that the plan reflecting such lessor amount includes all measures that can feasibly be implemented in the area (in light of technological achievability, costs, and any nonair quality and other air quality-related health and environmental impacts).

"(D)(i) The demonstration referred to in this paragraph shall explicitly quantify projections with respect to emissions and necessary emission reductions from motor vehicles, using estimates for growth in vehicle miles traveled, congestion levels, and other relevant parameters that are used by the agency or agencies responsible for transportation planning for the area.

(ii) Any area that achieves, or the demonstration for which projects, a reduction in emissions in excess of that required by this paragraph, as determined by the Administrator, may credit such excess emissions reductions toward the next three-year reduction requirement period.

(iii) The revision referred to in this paragraph may provide that reductions in emissions of oxides of nitrogen, to the extent they will occur by the applicable deadline from measures required under either the applicable implementation plan or fuels promulgated by the Administrator (calculated

in accordance with the requirements of subclause (I) or (II)), may be substituted for the reductions of volatile organic compounds required by this subparagraph at no less than a one-for-one ratio (nitrogen oxides to volatile organic compounds) if a State demonstrates to the satisfaction of the Administrator that such reductions of oxides of nitrogen, together with remaining reductions of volatile organic compounds, would result in a reduction in ozone concentrations at least equivalent to that which would occur from the reductions in volatile organic compound emissions required under this subparagraph. A State may request, and the Administrator may provide, technical assistance in making this demonstration.

"(I) In the case of the per centum reductions required under subparagraph (B), the reductions in oxides of nitrogen shall not include reductions attributable to Federal motor vehicle standards.

"(II) In the case of the per centum reductions required under subparagraph (C), the reductions in oxides of nitrogen shall not include reductions identified in subparagraph (C)(iii).

"(4)(A) beginning one year after the date of classification, annual reports on measures adopted or implemented during the preceding calendar year and any failure to implement measures scheduled for implementation during such year;

"(B) beginning with the fourth such report and in each third such report thereafter, a demonstration by the State as to whether current vehicle miles traveled, congestion levels and other relevant parameters are consistent with those used for the demonstration required in paragraph (2) or for emissions projections pursuant to paragraph (3)(B)(i). Where such parameters and emissions levels exceed the levels projected for purposes of the area's three-year emissions reduction demonstration, the State shall, within one year, develop and submit a revision to the applicable implementation plan that includes a transportation control measures program consisting of measures from, but not limited to, section 108(f) that will reduce emissions to levels that are consistent with emission levels projected in such demonstration. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(e) and with the requirements of section 174(b) and shall include implementation and funding schedules that achieve expeditious emissions reductions in accordance with implementation plan projections;

"(5) within one year of the date of classification, a revision that satisfies the requirements of subparagraphs (A) (pertaining to vehicle inspection and maintenance) and (B) (pertaining to vapor recovery during vehicle fueling) of subsection (a)(1);

"(6) within twelve months of classification, a revision to require implementation of reasonably available control technology for all stationary sources of volatile organic compounds that are not covered by a control technique guideline or listed pursuant to section 185(a) and that have the potential to emit 100 tons or more per year of such compounds and for all stationary sources of oxides of nitrogen that have the potential to emit one hundred tons or more per year of such pollutant. Such revision shall require the implementation of such technology no later than two years after classification and, in the case of volatile organic compounds, shall provide that reductions of 80 per centum or more from uncontrolled levels be achieved unless the State determines for a category of sources that such level of reductions is not technologically or economically feasible, in which case the required reduction shall be the maximum that is technologically and economically feasible.

"(c) REQUIREMENTS FOR SEVERE AREAS.—Each State containing an area classified as a severe area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the severe area, comply with the requirements of subsections (a) and (b) (except that the requirements of subsection (b)(6) concerning implementation of reasonably available control technology by stationary sources of volatile organic compounds shall apply with respect to such sources that have the potential to emit fifty tons or more per year of such compounds) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) within two years after the date of classification, a revision that identifies and adopts specific enforceable strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or numbers of vehicle trips in such area and to attain reduction in motor vehicle emissions as necessary, in combination with other emission reduction requirements of this subpart, to comply with the requirements of subsection (b)(3)(B) (pertaining to periodic three-year emissions reduction requirements). The State shall consider, at a minimum, measures specified in section 108(f) and if the State fails to include any such measure, the implementation plan shall contain an explanation of why such measure was not adopted and what emissions reduction measure was adopted to provide a comparable reduction in emissions, or reasons why such reduction is not necessary to meet the requirements of subsection (b)(3)(B) or to attain a national ambient air quality standard;

"(2) within one year after the date of classification, a revision requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 per centum above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within two years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this paragraph not later than four years after such date. An employer may demonstrate in such plan compliance with a vehicle occupancy rate less than 25 per centum greater than the average in the area, if (A) expenditures by the employer in implementing the compliance plan are equal to or greater than the cost of providing each employee with a parking space at the location of the workplace; and (B) compliance with a vehicle occupancy rate 25 per centum above the areawide average is not feasible at such cost.

"(d) REQUIREMENTS FOR EXTREME AREAS.—

"(1) When all or part of an extreme area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), the boundaries of the extreme area for the purposes of this subpart shall be defined, by operation of law, as the boundary of such MSA or CMSA, as applicable, plus twenty-five miles. If a State demonstrates to the satisfaction of the Administrator within sixty days of such designation that with respect to a portion of such area,

"(A) sources in that portion do not contribute to violations of the standards, and

"(B) there is a geographical basis for excluding that portion,

the Administrator may approve a State's request to exclude such portion from the nonattainment area. The Administrator shall determine whether or not to exclude such portion within sixty days of receiving the State's request.

"(2) Each State in which an extreme area or portion thereof is located shall, with respect to the extreme area, comply with the requirements of subsections (a), (b), and (c) and in addition submit to the Administrator revisions to the applicable implementation plan that comply with subsection (b) (2) and (3) (pertaining to initial and periodic per centum emission reduction requirements) except that in addition to the required reductions in emissions of volatile organic compounds, the State shall submit revisions providing for initial and triennial 12 per centum reductions in emissions of oxides of nitrogen.

"(e) CERTAIN NON-SELF-GENERATING AREAS.—

"(1) Notwithstanding any other provision of section 181 or this section, a State containing an ozone nonattainment area that does not include and is not adjacent to any part of a metropolitan statistical area or, where one exists, a consolidated metropolitan statistical area (as defined by the Office of Management and Budget), which area is determined by the Administrator to be non-self-generating within the meaning of paragraph (2), shall be treated by operation of law as satisfying the requirements of this section if it complies with regulations promulgated by the Administrator. Such regulations shall be promulgated no later than January 1, 1991, and shall, at a minimum, require compliance with the provisions of section 182 and such other measures as the Administrator determines appropriate to provide for the attainment and maintenance of the national ambient air quality standard for ozone.

"(2) The Administrator may determine an ozone nonattainment area to be non-self-generating if the Administrator finds that sources of volatile organic compounds and oxides of nitrogen emissions within the area do not make a significant contribution to the ozone concentrations measured in the area or in other areas.

"FAILURE TO ATTAIN

"SEC. 184. (a) FAILURE TO ATTAIN.—For any ozone nonattainment area that fails to attain the primary ozone air quality standard by the date applicable to such area pursuant to section 181, the Administrator shall—

"(1) in the case of a moderate area reclassify such area as a serious area, in the case of a serious area, reclassify such area as a

severe area, and in the case of a severe area, reclassify such area as an extreme area. From the date of reclassification each such area shall be subject to the provisions of this subpart, including the attainment date, that are applicable to the classification to which the area has been reclassified; and

"(2) assure that the provisions of the implementation required by section 184(e) (pertaining to emissions for major stationary sources) are enforced.

"(b) FEE FOR FAILURE TO ATTAIN.—

"(1) The revision to the applicable implementation plan required under section 183(a)(1) (relating to the State implementation plan submittal required for all ozone nonattainment areas) shall provide that if the area has failed to attain by—

"(A) in the case of moderate, serious, and severe ozone nonattainment areas, the end of the fifteeth calendar year beginning after enactment of this section; and

"(B) in the case of extreme ozone nonattainment areas, the applicable attainment date;

each major stationary source of volatile organic compounds located in the area shall, except as otherwise provided under paragraph (4), pay a fee, computed in accordance with paragraph (2), for each calendar year beginning after the date identified in subparagraph (A) or (B), as applicable, until the area is redesignated as an attainment area.

"(2)(A) The fee shall equal $5,000, adjusted in accordance with subparagraph (B), per ton of VOC emitted during the calendar year in excess of 80 per centum of the amount of emissions allowed under the applicable implementation plan (in accordance with such guidance as the Administrator may provide), during the year identified under paragraph (1) (A) or (B), as applicable.

"(B) The fee amount under subparagraph (A) shall be adjusted annually, beginning in the year beginning after the year of enactment, by the percentage, if any, by the which the Producer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Producer Price Index for the calendar year 1989.

"(3) If the Administrator has determined under section 176(a)(1)(A)-(B) (related to disapproval of an implementation plan) that the fee provisions of the implementation plan submitted for the area do not meet the requirements of this section, or if the Administrator makes a determination, under section 176(a)(1)(C) (related to failure to implement an applicable implementation plan) that the State is not administering and enforcing the fee provisions approved for the area under this subsection, the Administrator shall, in addition to any other action authorized under this title, collect the fees required under paragraph (1). If the Administrator make such a determination under section 176(a)(1)(C), the Administrator may collect fees for periods prior to the determination, plus interest computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes), to the extent the Administrator finds such fees have not been paid to the State. The provisions of section 351(b)(3)(ii)-(iv) (relating to penalties and use of the funds, respectively) shall apply with respect to fees collected under this subsection.

"(4) For areas with a total population under two hundred thousand which fail to attain the standard by the applicable attainment date, no sanction under this or any other section of the Act shall apply if the area can demonstrate, consistent with guidance issued by the Administrator, that attainment in the area is prevented because of ozone or ozone precursors transported from other areas. The prohibition applies only in cases in which the area has met all requirements and implemented all measures applicable to the area under this Act.

"ADDITIONAL FEDERAL MEASURES TO CONTROL OZONE POLLUTION

"SEC. 185. (a) CONTROL TECHNIQUES GUIDELINES.—

"(1) Not later than six months after the date of enactment of this subpart, the Administrator shall publish a list of at least twelve categories of stationary sources for which control technique guidelines, in accordance with subsection 108(b), have not previously been published and which the Administrator considers to make the most significant contribution to the formation of ozone air pollution. The categories shall be divided into three groups (with an equal number of categories in each group) and the Administrator shall establish a schedule for publication of guidelines for each of such groups at the time of publication of the list of categories.

"(2) The Administrator shall publish control technique guidelines for sources within the categories listed under paragraph (1). The guidelines shall be published for the first group of such sources within the first eighteen months after publication of the list and for at least one additional group in each succeeding eighteen-month period until guidelines have been published for all listed categories.

"(3) Within thirty-six months after the date of enactment of this subpart, and every four years thereafter, the Administrator shall review and, if necessary, update control technology guidelines including those issued before the enactment of this subpart. The Administrator may publish such additional guidelines as the Administrator deems necessary.

"(b) VOLATILE ORGANIC COMPOUNDS EMISSIONS FROM LOADING AND UNLOADING OF CERTAIN VESSELS.—Within two years after the enactment of this subpart, the Administrator shall publish a control technique guideline, in accordance with section 108(c), regarding control of volatile organic compound emissions from the loading or unloading of petroleum products on to or from vessels. Such emissions shall be considered to be direct emissions of the onshore terminal for all purposes under this Act.

"(c) VOLATILE ORGANIC COMPOUNDS EMISSIONS FROM AEROSPACE COATINGS AND SOLVENTS.—Within two years after the enactment of this subpart, the Administrator shall publish a control techniques guideline for all aerospace coating and solvent applications (including military and commercial applications), after consultation with the Department of Defense, the Federal Aviation Administration, the National Air and Space Administration, and the affected industry. In evaluating VOC reduction strategies, the guidelines shall take into account the applicable requirements of section 112 and the need to protect stratospheric ozone."

"(d) CONSUMER OR COMMERCIAL PRODUCTS.—

"(1) Within two years after the date of enactment of this subpart, the Administrator shall submit to the Congress a final report on emissions of ozone precursors from consumer or commercial products which emit significant quantities of ozone precursors, and include recommendations for the control of such emissions. The report shall consider the costs and technological feasibility of controlling emissions of ozone precursors from consumer or commerical products, as well as the amount of emissions reductions from consumer or commercial products that would be necessary for areas designated nonattainment for ozone to attain and maintain the national ambient air quality standard for ozone. In addition, the report shall estimate the total amount of reductions of emissions of ozone precursors that is appropriate and achievable from regulation of consumer or commercial products.

"(2)(A) Within one year of submission of the report required under paragraph (1), the Administrator shall propose, and within two years of such submission shall promulgate, regulations to aid in the attainment of the ozone ambient air quality standard by decreasing emissions of ozone precursors from classes or categories of consumer or commercial products. Such regulations shall be designed to achieve reductions from the product categories selected by the Administrator to a level equal to the level that would be achieved by the application of reasonably available controls to each such class or category of consumer or commercial products and shall, at a minimum, achieve, within three years after promulgation, reductions in nationwide anthropogenic emissions of volatile organic compounds of at least one per centum below the level of such emissions in the calendar year of enactment of this subpart.

"(B) Such regulations may include any system or systems of implementation as the Administrator may deem appropriate, including but not limited to requirements for registration and labeling, self-monitoring and reporting, prohibitions, limitations, or fees concerning the manufacture, processing, distributions, use, consumption, or disposal of the product.

"(C) The regulations may exempt health-use products for which the Administrator determines there are not suitable substitutes.

"(D) Any fees collected under such regulations shall be deposited in a special fund in the United States Treasury which shall thereafter be available for appropriation, to remain available until expended, to carry out activities of the Environmental Protection Agency under this Act.

"(3) Any standard established under this subsection shall be treated, for purposes of sections 113, 114, 115, 120, and 304, as a standard under section 111.

"(4) The Administrator may, pursuant to regulations, delegate to any State that so requests, administration and enforcement of the regulations promulgated under paragraph (2).

"(5) For the purposes of this subsection—

"(A) the term 'reasonably available controls' means the degree of emissions reduction that the Administrator determines, on the basis of technological and economic feasibility, health, environmental, and energy impacts, is reasonably achievable through the application of any equipment, processes, systems or techniques, including, but not limited to, chemical reformulation, product or feedstock substitution, repackaging, or directions for use, consumption, storage, or disposal;

"(B) the term 'consumer or commercial products' means any substance, product, or article (including any container or packaging) held by any person, the use, consump-

tion, storage, disposal, destruction, or decomposition of which may result in the release of ozone precursors. The term does not include fuels or fuel additives as defined under section 211; and

"(C) the term 'ozone precursors' means pollutants that contribute to the ambient air concentrations of ozone.

"(d) HAZARDOUS WASTE FACILITIES.—The Administrator shall, not later than March 31, 1991, and after notice and opportunity for public comment, promulgate regulations pursuant to section 3004(n) of the Solid Waste Disposal Act controlling emissions of volatile organic compounds and other pollutants from treatment, storage, and disposal facilities subject to such Act which shall, at a minimum, achieve within three years after promulgation, reductions in nationwide emissions of volatile organic compounds of 4 per centum below the level of such emissions in the calendar year of enactment of this subpart.

"CONTROL OF INTERSTATE OZONE AIR POLLUTION

"SEC. 186. (a) OZONE TRANSPORT REGIONS.—The area comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and the consolidated metropolitan statistical area including the District of Columbia is established as an ozone transport region. The Administrator may add any State or portion of a State to any region established under this subsection or establish other ozone transport regions, consisting of two or more States, when the Administrator determines that the interstate transport of air pollutants from such State or States significantly contributes to concentrations of ozone or ozone precursors in any nonattainment area in another State classified under section 181(a) as a serious, severe, or extreme area for ozone. The ozone transport commission established under subsection (b) for any ozone transport region may remove any State or portion of a State from the region if the commission determines that the control of emissions in that State or portion of a State pursuant to this section will not significantly contribute to the attainment of the primary ambient air quality standard for ozone in any nonattainment area.

"(b) OZONE TRANSPORT COMMISSIONS.—Not later than six months after enactment of this subpart, the Administrator shall establish an ozone transport commission for the ozone transport region established by the first sentence of subsection (a). Not later than three months after the establishment of any other ozone transport region, the Administrator shall establish an ozone transport commission for the region. Each ozone transport commission shall be comprised of the following members—

"(1) an air pollution control official representing each State in the region, appointed by the Governor or as provided under State law;

"(2) the Administrator (or an employee designated by the Administrator from the headquarters office of the Environmental Protection Agency); and

"(3) the Regional Administrator (or an employee designated by the Regional Administrator) for each Environmental Protection Agency regional office for each Environmental Protection Agency region affected by the ozone transport region concerned.

Decisions of each ozone transport commission may be made only by a majority vote of all members other than the Regional Administrators (or designees thereof).

"(c) PLAN PROVISIONS FOR STATES IN OZONE TRANSPORT REGIONS.—Not later than two years after the enactment of this subpart (or nine months after the subsequent inclusion of a State in an established ozone transport region), each State included within an ozone transport region shall submit a State implementation plan or revision thereof to the Administrator which requires the following—

"(1) that each area in such State that is in an ozone transport region, that is not a nonattainment area, and that is a metropolitan statistical area or part thereof with a population of 100,000 or more, comply with the provisions of section 183(a)(1)(A) (pertaining to vehicle inspection and maintenance programs);

"(2) implementation of reasonably available control technology with respect to—

"(A) all sources of volatile organic compounds in the State covered by a control techniques guideline issued before the date of enactment of this subpart.

"(B) all sources of volatile organic compounds or oxides of nitrogen in the State covered by a control techniques guideline issued by the Administrator after the date of enactment of this subpart, and

"(C) all stationary sources that have the potential to emit one hundred or more tons of volatile organic compounds and that are not covered by a control technique guideline or listed pursuant to section 185(a); and

"(3) a requirement that all owners or operators of gasoline dispensing systems within the area install and operate a system designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel system to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities which dispense more than fifty thousand gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

"(d) ADDITIONAL CONTROL MEASURES.—

"(1) Upon petition of any State within an ozone transport region, the commission may, after notice and opportunity for comment, develop a plan of additional control measures to be applied within all or a part of such transport region if the commission determines such measures are necessary to bring any area in such region into attainment by the dates provided by this subpart. The commission shall transmit such plan to the Administrator.

"(2) Whenever the Administrator receives a plan prepared by a commission pursuant to paragraph (1) (the date of receipt of which is hereinafter in this section referred to as the receipt date), the Administrator shall—

"(A) immediately publish in the Federal Register a notice stating that the plan is available and that written data, views, or comments on the plan may be submitted to the Administrator within ninety days beginning on the receipt date; and

"(B) commence a review of the plan to determine whether the control measures in the plan are necessary to bring any area in such region into attainment by the dates provided by this subpart and are otherwise consistent with this Act.

"(3) In undertaking the review required under paragraph (2)(B), the Administrator shall consult with members of the commission of the affected States and shall take into account the data, views and comments received pursuant to paragraph (2)(A).

"(4) Within one hundred and twenty days after the receipt date, the Administrator shall determine whether to approve, disapprove, or partially disapprove and partially approve the plan; shall notify the commission in writing of such approval, disapproval or partial disapproval; and shall publish such determination in the Federal Register. If the Administrator fails to act within one hundred and twenty days, the plan shall be deemed approved. If the Administrator disapproves or partially disapproves a plan, the Administrator shall specify—

"(A) why any disapproved additional control measures are not necessary to bring any area in such region into attainment by the dates provided by this subpart or are otherwise not consistent with the Act; and

"(B) recommendations concerning actions that could be taken by the commission to conform the disapproved portion of the plan to the requirements of this section.

"(5) Upon approval or partial approval of a plan submitted by a commission, the Administrator shall issue to each State which is included in the transport region and to which a requirement of the approved plan applies, a finding under section 110(d)(4) that the implementation plan for such State is inadequate to meet the requirements of section 110(c)(4). Such finding shall require each such State to revise its implementation plan to include the approved additional control measures within one year after the finding is issued.

"(e) EXEMPT AREAS.—(1) Upon petition of any State within an ozone transport region, the Administrator, after seeking written views of the commission and after publishing a written finding in the Federal Register, may exempt any area within such State from one or more of the requirements of subsection (c) if the State demonstrates to the satisfaction of the Administrator that stationary or mobile sources within the area do not contribute to nonattainment in any other area in such region. The Administrator shall make a determination under this paragraph within nine months following receipt of a petition.

"(2) The requirements of subsection (c)(3) shall not apply to any State that contains no ozone nonattainment area or portion thereof unless the Administrator determines that such requirements are necessary to achieve attainment in any area in an adjoining State or the Governor of the State containing no ozone nonattainment area determines, pursuant to State law, that such requirements should apply in such State.

"(f) PETITIONS.—Any State or political subdivision may petition the Administrator to make a determination that any other State or portion thereof should be included within an ozone transport region under this section. The petitioning State shall include with such petition such evidence as is available to it regarding the contribution made by sources located in (or operating in) the State (or portion thereof) which is the subject of the petition to ozone concentrations in the petitioning State. Within one hundred and twenty days after receipt of any petition under this subsection and after a public hearing, the Administrator shall include the State (or portion thereof) within

an ozone transport region or deny the petition.

"(g) BEST AVAILABLE AIR QUALITY MONITORING AND MODELING.—For purposes of this section, not later than six months after the enactment of subpart, the Administrator shall promulgate criteria for purposes of determining the contribution of sources in one area to concentrations of ozone in another area which is a nonattainment area for ozone. Such criteria shall require that the best available air quality monitoring and modeling techniques be used for purposes of making such determinations.".

ADDITIONAL REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS

SEC. 108. NEW REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 2:

"Subpart 3—Additional Provisions Regarding Carbon Monoxide Nonattainment Areas

"CLASSIFICATION OF CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 187. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area which did not meet the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period as of the last calendar year ending before enactment of this subpart for which data is available is hereby classified by operation of law in one of the following categories based upon the percentage by which the standard was exceeded in that area:

"Area classification	Percentage exceedance
Moderate	Not Greater than 55 per centum
Serious	Greater than 55 per centum.

Any reference in this subpart to a 'moderate nonattainment area' or a 'serious nonattainment area' shall be considered a reference to a moderate or serious carbon monoxide nonattainment area as classified under this subsection (or as subsequently reclassified under this subpart). Any reference in this subpart to the 'carbon monoxide air quality standard' shall be considered a reference to the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period.

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of calculating the percentage by which the carbon monoxide air quality standard is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for purposes of determining attainment of the standard shall be applicable.

Not later than thirty days after the date of enactment of this subpart the Administrator shall publish a notice identifying the percentage by which each area referred to in subsection (a) exceeds the carbon monoxide air quality standard and the classification of each area as moderate or serious.

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the carbon monoxide nonattainment areas classified in accordance with subsection (a)—

"Area Classification	Applicable attainment date (in years after enactment of this subpart)
Moderate	5 years
Serious	10 years.

"(d) NEW STANDARD.—If the Administrator revises the carbon monoxide air quality standard after the enactment of this subpart, the Administrator shall, within six months after the revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas classified under subsection (a) and shall provide for attainment of such revised standard according to a schedule which is comparable to that specified in subsection (c).

"REQUIREMENTS APPLICABLE TO ALL CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 188. (a) INVENTORIES.—Each State containing a nonattainment area classified pursuant to section 187(a) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of carbon monoxide emissions from stationary and mobile sources located within each such area as provided in the guidelines issued by the Administrator pursuant to section 108(g). The initial inventory shall report emissions occurring in the calendar year immediately preceding enactment of this section or the subsequent year. Any area subsequently classified nonattainment pursuant to section 107 and this subpart shall submit (and update as provided in this subsection) carbon monoxide emissions inventories beginning eighteen months after the date of classification. Guidance for inventory preparation published by the Administrator pursuant to section 108(g) shall contain factors for estimating carbon monoxide emissions from wood stoves and other small combustion sources.

"(b) MONITORING.—The enhanced monitoring program required by section 108(g) shall include the use of mobile monitors for carbon monoxide to determine the geographic extent of any nonattainment problem for such pollutant within an area. Monitoring pursuant to such guidelines shall be commenced in all areas classified pursuant to section 187(a) or subsequently pursuant to section 107 and this subpart not later than eighteen months after such classification. The Administrator may require through guidance or by rule the use of mobile monitoring devices for carbon monoxide in areas designated as attainment areas.

"(c) EXISTING COMMITMENTS.—

"(1) Not later than eighteen months after the date of enactment of this section each State containing an area classified nonattainment pursuant to section 187(a) shall fully implement all provisions of any implementation plan for the attainment of the carbon monoxide air quality standard for such area or areas which have been submitted to the Administrator for approval (whether or not approved) prior to the date of enactment of this section.

"(2) Each State containing an area classified pursuant to section 187(a) shall promptly and fully implement any additional measures not previously proposed by the State but required by subpart 1.

"(d) PERMIT REQUIREMENT.—

"(1) Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after the date of such classification submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit (including permit fees) as provided in sections 172(a)(6) and 173(b) for each new or existing major stationary source of carbon monoxide emissions located within any such nonattainment areas. It shall be unlawful to operate a major source of carbon monoxide emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subsection shall require the installation of continuous emission monitoring for carbon monoxide emissions from the source.

"(e) ATTAINMENT DEMONSTRATION AND MILESTONES.—

"(1) Each State containing a moderate or serious nonattainment area shall, after notice and opportunity for public comment but not later than twenty-four months after such area has been designated nonattainment, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate, as provided in section 110 and this part, attainment of the carbon monoxide air quality standard by the deadline for attainment for such area or areas as provided in section 187(c).

"(2)(A) Notwithstanding the provisions of paragraph (1), revisions demonstrating attainment under this subsection shall not be required for any moderate nonattainment area for which the design value in the most recent calendar year immediately preceding enactment of this section did not exceed the carbon monoxide air quality standard by more than 10 per centum: *Provided*, That, within three months after the date of enactment of this subpart the Governor of such State submits to the Administrator a detailed statement of the measures to be undertaken in such area which will assure attainment of the carbon monoxide air quality standard by not later than thirty-six months after such date of enactment.

"(B) In the event that a moderate nonattainment area for which an attainment demonstration has not been submitted pursuant to subparagraph (A) does not attain the carbon monoxide air quality standard by the date thirty-six months after the date of enactment of this subpart, the State in which such area is located shall, after notice and opportunity for public comment, submit within an additional twelve-month period revisions to the implementation plan for the area making such demonstration and such area shall be subject to all of the requirements of this subpart applicable to moderate nonattainment areas including implementation of a vehicle inspection and maintenance program pursuant to subsection (i) and the deadlines for attainment established by section 187(c).

"(3) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones to be achieved in each year in which an inventory is required under subsection (a) until the area is reclassified attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable to the area under section 187(c). Milestones proposed for inclusion in an implementation plan under this paragraph may be stated as—

"(A) reductions in vehicle miles traveled or vehicle trips in the nonattainment area, or both, during periods when the standard is likely to be violated;

"(B) reductions in tons of emissions of carbon monoxide emitted annually in the nonattainment area;

"(C) reductions in the design value for carbon monoxide averaged over an eight-hour period for the area;

"(D) reductions in the number of exceedances of the national carbon monoxide air quality standard which would be expected to occur each year; or

"(E) any combination of the above.

"(4) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) carbon monoxide emissions in the nonattainment area as reported in the most recent inventory by not less than 5 per centum for moderate nonattainment areas and not less than 10 per centum for serious nonattainment areas. The revisions shall provide for automatic implementation of the measures in the event the area does not attain the carbon monoxide air quality standard by the date applicable to the area as provided in section 187(c). Contingency measures may be implemented only in part if all measures are not necessary to assure attainment of such standard as determined by the Administrator. Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 190(d)(1).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates specified in section 187(c). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in such revisions be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the carbon monoxide air quality standard by the dates applicable under section 187(c).

"(f) CONTINUING AUDITS OF IMPLEMENTATION PLANS.—

"(1) The Administrator shall conduct an audit of each implementation plan for carbon monoxide for each area designated nonattainment for the carbon monoxide air quality standard to determine whether the State (or local air pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (g). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided by subsection (a).

"(2) If the Administrator finds that any provision required by section 110, section 172(a) (1) through (10), section 173 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose the sanctions required by section 190 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (g) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled for achieving the milestone. The Administrator shall also impose the sanctions required by section 190 until such time as the milestone is achieved.

"(g) VEHICLE INSPECTION AND MAINTENANCE PROGRAM.—Each State containing an area classified nonattainment pursuant to section 187(a) or which contains an area subsequently classified nonattainment and which is required to submit revisions to the implementation plan for such area demonstrating attainment pursuant to subsection (g) shall, not later than one year after the date of such classification, submit a revision to the applicable plan providing for implementation of a vehicle inspection and maintenance program which achieves carbon monoxide emissions reductions equivalent to a reduction of fifty-two thousand tons of such emissions per million vehicles covered in the year of enactment of this subpart (if the program had been operating in such year) and includes each of the elements in clauses (i) through (vi) of section 183(a)(1)(A).

"(h) OXYGENATED FUELS.—Revisions demonstrating attainment submitted pursuant to subsection (g) shall contain provisions implementing and enforcing an oxygenated fuels program for each moderate or serious nonattainment area as provided in section 211(e).

"(i) Notwithstanding any other provision of this Act, any State implementation plan submittal required for any carbon monoxide nonattainment area (or portion thereof) not designated nonattainment prior to the date of enactment of the Clean Air Act Amendments of 1990, that is required to be submitted within twelve months from the date of enactment, classification, or designation of such area, shall be required to be submitted within twelve months of the date the area (or portion thereof) is included within the boundaries of an area designated nonattainment under section 107(f)(3)(B).

"REQUIREMENTS APPLICABLE TO SERIOUS CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 189. (a) TRANSPORTATION CONTROL MEASURES.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain a commitment to implement as expeditiously as practicable each of the transportation control measures specified in section 108(f) or a statement of the reasons for not including such measure in such revisions and an identification of other measures which will be taken in the area to obtain carbon monoxide emissions reductions equal to or greater than those which would have been achieved by implementation of such measure or measures, or reasons why such reduction is not necessary to meet the requirements of subsection 188(g)(3) or to attain a national ambient air quality standard.

"(b) EMPLOYER RIDERSHIP PROGRAM.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain provisions requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 per centum above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within two years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this subsection not later than four years after the date the revision is submitted. An employer may demonstrate in such plan compliance with a vehicle occupancy rate less than 25 per centum greater than the average in the area, if (1) expenditures by the employer in implementing the compliance plan are equal to or greater than the cost of providing each employee with a parking space at the location of the workplace; and (2) compliance with a vehicle occupancy rate 25 per centum above the areawide average is not feasible at such cost.

"FAILURE TO ATTAIN STANDARD

"SEC. 190. (a) FAILURE TO ATTAIN.—The Administrator shall reclassify any moderate nonattainment area failing to attain, as provided in section 187(c), the carbon monoxide air quality standard by the date five years after the date of enactment of this subpart as a serious nonattainment area, and such area shall from the time of reclassification be subject to the provisions of this subpart applicable to serious nonattainment areas. The Administrator may grant a one-year extension of the attainment date established by section 187(c) for a moderate nonattainment area before reclassification provided that the State has fully implemented all provisions in the implementation plan for the area and the area has not exceeded the carbon monoxide air quality standard by more than 10 per centum in the two years prior to such date. Not more than two one-year extensions may be granted to any area under this subsection. Within twelve months of reclassification, the State shall submit to the Administrator for approval revisions to the implementation plan for such area as may be necessary to comply with the requirements for serious nonattainment areas.

"(b) In the case of an area classified as a serious nonattainment area in which the carbon monoxide air quality standard is not attained by the date provided in section 187(c), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment deadline plan revisions which provide for attainment of the carbon monoxide air quality standard as provided in section 172(a), and, from the date of such submission until attainment, for an annual reduction in carbon monoxide emissions within the area of not less than 5 per centum of the amount of such emissions as reported in the most recent inventory prepared for such area.".

ADDITIONAL REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS

SEC. 109. (a) NEW REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 3:

"Subpart 4—Additional Provisions for PM-10 Nonattainment Areas

"ATTAINMENT DEADLINES FOR PM-10 NONATTAINMENT AREAS

"SEC. 191. (a) DEADLINES FOR ATTAINMENT.—State implementation plans required for any PM-10 nonattainment area not meeting the national ambient air quality standard for particulate matter with an aero-dymanic diameter less than or equal to a nominal ten micrometers (as measured by such method as the Administrator may determine) under this subpart shall demonstrate attainment as expeditiously as practicable but not later than the date five years after the date on which such area was designated nonattainment for PM-10. The attainment deadline for areas designated nonattainment pursuant to subparagraphs (A) or (B) of section 107(f)(4) shall not extend beyond December 31, 1993. The Administrator may extend the deadline applicable to any area under this subsection upon a showing by the State that—

"(1) attainment within five years is impracticable because measures or technology to reduce PM-10 emissions are not available or secondary aerosols account for a significant portion of PM-10 levels in such area;

"(2) the State will implement all reasonably available control measures including all measures and control technology requirements described in any guidance issued by the Administrator pursuant to section 195; and

"(3) reasonable further progress toward attainment will be achieved and demonstrated at regular intervals until the attainment date, as provided in section 192(e).

No extension provided under authority of this subsection may extend for a period beyond the date ten years after the date on which an area has been designated nonattainment.

"(b) NEW STANDARD.—If the Administrator revises the particulate matter air quality standard after the date of enactment of this subpart, the Administrator shall, within six months after such revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas designated nonattainment for PM-10 and shall provide for attainment of such revised standard.

"REQUIREMENTS APPLICABLE TO PM-10 NONATTAINMENT

"SEC. 192. (a) INVENTORIES.—Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of PM-10 (and PM-10 precursors) emissions from stationary and mobile sources located within each such area as provided in guidelines issued by the Administrator pursuant to section 108(g). Any area subsequently designated nonattainment pursuant to section 107 or this subpart shall submit (and update as provided in this subsection) such emissions inventories beginning eighteen months after the date of designation. Guidance for inventory preparation issued by the Administrator pursuant to section 108(g) shall contain factors for estimating PM-10 (and PM-10 precursors) emissions from area and natural sources.

"(b) APPROVED SIPs.—Nothing in this section shall be interpreted to require preparation and submission of plan revisions for areas for which the State has submitted and the Administrator has approved a plan revision pursuant to regulations promulgated on August 7, 1987 (52 Federal Register 29383) if such plan revisions otherwise meet the requirements of this subpart.

"(d) PERMIT REQUIREMENTS.—

"(1) Each State containing an area designated nonattainment for PM-10 pursuant to section 107(f)(4) or which contains an area subsequently designated nonattainment for PM-10 pursuant to section 107 or this subpart shall not later than eighteen months after the date of such designation submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit (including permit fees) as provided in sections 172(a)(6) and 173(b) for each new or existing major source of PM-10 or PM-10 precursor emissions located within such areas. It shall be unlawful to operate a major source of PM-10 or PM-10 precursor emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subpart shall require monitoring of PM-10 or PM-10 precursor emissions from the permitted source not less frequently than monthly. The owner or operator shall periodically (but not later than twenty-four hours after any violation is detected) report the results of such monitoring to the State in which the source is located.

"(e) ATTAINMENT DEMONSTRATION AND MILESTONES.—

"(1) Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, after notice and opportunity for public comment but not later than twenty-four months after such designation, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate attainment of the PM-10 air quality standard by the date provided in section 191(a).

"(2) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones which are to be achieved in each year in which an inventory is required under subsection (a) until the area is redesignated attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable under section 191(a).

"(3) If a State includes in a plan revision an attainment date for an area which is after the date five years after the date of enactment of this subpart, the State shall commit to implementing each of the guidelines for control technology and measures which the Administrator promulgates pursuant to section 194 for each class or category of PM-10 or PM-10 precursor emission sources in the area. If the Administrator promulgates guidelines which are applicable to such classes and categories of sources after the date on which a plan revision is required by this subsection, the State shall further revise its plan within one year after the promulgation of such additional guidelines to provide for prompt implementation.

"(4) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) PM-10 or PM-10 precursor emissions in the nonattainment area as reported in the most recent inventory by not less than 10 per centum. The plan revision shall provide for automatic implementation of the contingency measures in the event the area does not attain the PM-10 air quality standard by the date established pursuant to section 191(a). Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 193(d).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates applicable under section 191(a). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in a plan revision be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the PM-10 air quality standard by the dates applicable under section 191(a).

"(f) CONTINUING AUDITS OF IMPLEMENTATION PLANS.—

"(1) The Administrator shall conduct an audit of each implementation plan for PM-10 for each area designated nonattainment pursuant to section 107(f)(4) to determine whether the State (or local pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (e). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided in subsection (a).

"(2) If the Administrator finds that any provision required by section 110, subpart 1 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose sanctions required by section 193 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (e) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled. The Administrator shall also impose the sanctions required in section 194 until such time as the milestone is achieved.

"(g) WAIVERS FOR CERTAIN AREAS.—The Administrator may, on a case-by-case basis, waive a requirement applicable to an area granted an extension under subsection 191(a) where he determines that nonanthropogenic sources of PM-10 are the principal cause of the violation of the PM-10 standard in the area, except that no requirement for reasonably available control measures or best available control measures applicable to anthropogenic sources which make a significant contribution to PM-10 levels and which are required pursuant to an extension granted under subsection 191(a) shall be waived. The Administrator may also waive a specific date for attainment of the standard where he determines that nonanthropogenic sources of PM-10 in combination with extraordinary meterological conditions contribute significantly to the violation of the PM-10 standard in the area.

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"FAILURE TO COMPLY OR ATTAIN STANDARD

"SEC. 193. (a) The Administrator may, for any area, grant a one-year extension of the attainment date established pursuant to section 191(a) provided that—

"(A) the State has fully implemented all provisions in the implementation plan for the area;

"(B) the area does not exceed the PM-10 standard averaged annually; and

"(C) the area has not exceeded the PM-10 air quality standard averaged over twenty-four hours by more than 10 per centum in the two years prior to such date.

Not more than two one-year extensions may be granted pursuant to the authority of this subsection.

"(b) In the case of an area designated nonattainment pursuant to section 107(f)(4) in which the PM-10 standard is not attained by the date provided in section 191(a) (and considering any extension provided in paragraph (1)), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment date, plan revisions which provide for attainment of the PM-10 air quality standard as provided in section 172(a), and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 per centum of the amount of such emissions as reported in the most recent inventory prepared for such area.

"GUIDELINES FOR PM-10 SOURCES

"SEC. 194. (a) INITIAL GUIDELINES.—Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate control technique guidelines with respect to reasonably available control technology and best available control technology for PM-10 (and PM-10 precursor) emissions from major stationary sources. At the same time, the Administrator shall publish guidelines with respect to reasonably available control measures and best available control measures for controlling PM-10 (and PM-10 precursor) emissions from area sources which cause or contribute to PM-10 nonattainment. At a minimum, guidelines published under this subsection shall include identification of technology and measures for combustion sources including wood smoke, prescribed burning for silviculture and agriculture, and urban fugitive dust.

"(b) WOODSTOVE CURTAILMENT.—In addition to the guidelines required by subsection (a), the Administrator shall, not later than twelve months after the date of enactment of this subpart, publish guidelines for the curtailment of residential wood burning as a reasonably available control measure under this subpart. Each State containing an area or areas which are designated nonattainment for PM-10 and for which residential wood burning contributes 20 per centum or more of PM-10 levels shall, not later than twenty-four months after the date of enactment of this subpart, submit a plan revision for each such area providing for the implementation of guidelines issued under this subsection. A State may elect to exempt wood heaters that have certified under the Environmental Protection Agency's Wood Heater Certification Program from any such curtailment.

"(c) ADDITIONAL GUIDELINES.—Not later than six months after the date for submission of plans and plan revisions pursuant to section 192(e)(1), the Administrator shall publish a list of all other classes and categories of sources of PM-10 emissions which States have indicated will prevent attainment of the PM-10 air quality standard within five years after the date of enactment of this subpart because control technology is not available. Not later than forty-eight months after the date of enactment of this subpart, the Administrator shall publish control technique guidelines and guidelines for area sources (as provided in subsection (a)) for each such class or category.".

(b) PM-10 INCREMENTS IN PSD AREAS.—Section 166 of the Clean Air Act is amended by adding the following new subsection:

"(f) PM-10 INCREMENTS.—The Administrator is authorized to substitute, for the maximum allowable increases in particulate matter specified in section 163(b) and section 165(d)(2)(C)(iv), maximum allowable increases in particulate matter with an aerodynamic diameter smaller than or equal to ten micrometers. Such substituted maximum allowable increases shall be at least as stringent in effect as those specified in the provisions for which they are substituted. Until the Administrator promulgates regulations under the authority of this section, the current maximum allowable increases in concentrations of particulate matter shall remain in effect.".

INTERSTATE POLLUTION

SEC. 110. (a) Section 126 of the Clean Air Act is amended as follows:

(1) by adding a new subsection as follows:

"(d) Emissions of air pollutant which, by itself or in combination, reaction, or transformation, adversely affects the public health or welfare of another State, is a violation of this section.";

(2) in subparagraph (B) of subsection (a)(1), by striking "in excess of the national ambient air quality standards";

(3) in subsection (b)—

(A) in the first sentence, following "major source", by inserting "or group of sources"; and

(B) by striking "110(a)(2)(E)(i)" and inserting in lieu thereof "110(c)(4) or this section"; and

(4) in subsection (c)—

(A) in the first sentence, following the words "violation of", inserting "this section and"; and

(B) striking "110(a)(2)(E)(i)" wherever it appears and inserting in lieu thereof "110(c)(4) or this section".

(b) Section 302(h) of the Clean Air Act is amended by inserting before the period ", whether caused by transformation, conversion, or combination with other air pollutants".

(c) Section 304(a)(1) of the Clean Air Act is amended by—

(1) striking "or" after "Act" and inserting a comma in lieu thereof, and

(2) inserting at the end thereof the following: "or (C) section 126,".

OUTER CONTINENTAL SHELF ACTIVITIES

SEC. 111. Title III of the Clean Air Act is amended by adding the following new section after section 326:

"AIR POLLUTION FROM OUTER CONTINENTAL SHELF ACTIVITIES

"SEC. 327. (a).—

"(1) Due to severe and unique air quality problems in California, Congress finds that Outer Continental Shelf ("OCS") oil and gas activities (which, for the purposes of this section, shall include activities of vessels associated with OCS facilities, including in transit activities of vessels associated with the OCS facility they service and within twenty-five miles of such facility) offshore California significantly affect air districts in that state. Therefore, based on such finding, the Secretary of the Interior, pursuant to authorities granted under section 5(a)(8) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1334(a)(8) ("OCSLA")), shall promulgate regulations to reduce this significant effect by limiting emissions of air pollutants from OCS activities in the area adjacent to California. Such regulations shall be promulgated only after consultation with appropriate state and local agencies and after obtaining the written concurrence of the Administrator of the Environmental Protection Agency. In order to assist the Secretary in formulating these regulations, the Administrator shall provide the Secretary with a draft of proposed regulations that meet the requirements of this section. The regulations shall be as stringent, in terms of the level of pollution control technologies and the emission offset requirements, as those regulations applied onshore for onshore sources of air pollution in California air districts adjacent to the portion of the OCS in which the activities are occurring. Such regulations may incorporate by reference, as appropriate, the rules of the adjacent onshore air districts. However, the construction phase offset requirement may be averaged over a number of consecutive years such that the annual construction phase offset requirement is reduced down to the level of the peak annual development/production phase offset requirement. In such event, construction phase offsets shall continue at such level until all construction emissions are offset. In addition, the Secretary may substitute a pollution control technology with an alternative technology that achieves the same level of emission control. The OCS requirements shall not impose a greater burden of air pollution control on OCS sources than is imposed on onshore sources, and shall not require pollution control technology that is technically infeasible or that causes an unreasonable threat to health and safety. Based on the above criteria, and after obtaining the written concurrence of the Administrator and providing for public comment, the Secretary may waive an OCS requirement and impose another requirement in its place. The Administrator shall delineate OCS air districts on the basis of their location relative to adjacent onshore air districts. Such OCS air districts shall extend a distance of twenty-five miles from the shoreline, with such outer boundary subject to review and extension by the Administrator in the event that a new exploration plan or development and production plan involving OCS activities beyond that boundary is proposed pursuant to section 1340 or section 1351 of OCSLA. OCS equipment contained in a plan of exploration or development and production plan approved by the Secretary prior to enactment of this section shall be considered to be existing sources. The Secretary shall promulgate the regulations required by this section within one hundred and eighty days of enactment of this section and shall update those regulations as necessary to maintain consistency with onshore regulations in accordance with the provisions of this section. The authority of this section shall supersede any inconsistent authorities under this Act or the OCSLA, but in no case shall allow violation of national ambient air quality standards.

"(2) There is hereby established a Project Emission Reduction Fund ("Fund") to acquire or create emissions offsets to mitigate emissions of air pollutants from OCS activities. This Fund shall be a separate account

in the Treasury into which the Secretary or his designee shall deposit fees collected pursuant to this section. Fees shall be payable, through the Secretary or his designee, to the Fund by the owner or operator of any facility that is subject to regulation under this section and for which such owner or operator seeks to obtain emissions offsets, as required by regulation pursuant to paragraph (1), through participation in the Fund. The Fund shall be available for acquisition or creation of emissions offsets directly or through cooperative agreements with State or local agencies. The regulation may provide that in lieu of deposit of fees in the Fund, the Secretary may approve the direct transfer of such fees from the owner or operator to the person or entity implementing the emission reduction project upon the approval of an emission reduction plan by the Secretary. All emissions offsets obtained through this Fund shall meet all offset requirements established by the Administrator pursuant to regulations. The Fund shall be used to acquire or create only those emissions offsets which are not already required by the applicable implementation plan or other laws or regulations. The Secretary may, with the consent of the Administrator, allow the Fund to be used to pay for an early implementation of emission control measures planned for the future under the applicable implementation plan or other relevant laws or regulations. In the event of such early implementation of emission control measures, the reductions shall be credited as offsets against OCS emissions only for the period for which the reductions are not otherwise required under the applicable implementation plan or other relevant law or regulation in effect at the time the emission control measures are approved. The Secretary, in consultation with appropriate State and local agencies and with the written concurrence of the Administrator, shall promulgate regulations necessary for the operation of this Fund within one hundred and eighty days of enactment of this section.

"(b) REQUIREMENTS FOR OTHER OFFSHORE AREAS.—For portions of the OCS that are adjacent to States other than California, the Secretary shall consult with the Administrator to assure coordination of air pollution control regulation for OCS emissions and emissions in adjacent onshore areas. Concurrently with this obligation, the Secretary shall complete within three years of enactment of this section and submit to the relevant congressional committees a research study examining the impacts of current and future emissions from OCS activities in such areas on adjacent onshore areas that fail to meet the national ambient air quality standards for either ozone or nitrogen dioxide. Based on the results of this study, the Secretary shall, in consultation with the Administrator, determine if any additional actions are necessary and, if so, develop a plan to implement such actions. The Secretary shall make a periodic review of new OCS activities to determine if any additional actions are necessary. There are authorized to be appropriated such sums as may be necessary to provide funding for the study required under this section.".

INDIAN TRIBES

SEC. 112. Title III of the Clean Air Act is amended by adding the following at the end thereof:

"INDIAN TRIBES

"SEC. 328. (a) IN GENERAL.—Subject to the provisions of subsection (b), the Administrator—

"(1) is authorized to treat Indian tribes as States under this Act,

"(2) may delegate to such tribes primary responsibility for assuring air quality and enforcement of air pollution control, and

"(3) may provide such tribes grant and contract assistance to carry out functions provided by this title.

"(b) EPA REGULATIONS.—

"(1) The Administrator shall, within eighteen months after the enactment of this section, promulgate final regulations specifying those provisions of this Act for which it is appropriate to treat Indian tribes as States. Such treatment shall be authorized only if—

"(A) the Indian tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

"(B) the functions to be exercised by the Indian tribe are within the area of the tribal government's jurisdiction; and

"(C) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this title and of all applicable regulations.

"(2) Indian tribes shall not be treated as States for purposes of the last sentence of section 105(c). For any other provision of this Act where treatment of Indian tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this Act, the Administrator may include in the regulations promulgated under this section, other means for administering such provision in a manner that will achieve the purpose of this section and such other provision. Nothing in this section shall be construed to allow Indian tribes to assume or maintain primary responsibility for assuring air quality and enforcement of air pollution control in a manner less protective of public health or welfare than such responsibility may be assumed or maintained by a State. An Indian tribe shall not be required to exercise criminal jurisdiction for purposes of complying with the proceeding sentence.".

MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 113. (a) Section 106 of the Clean Air Act is amended by inserting—

(1) after "section 107" the following: "or of implementing section 186 (relating to control of interstate ozone air pollution)";

(2) after "program costs of" the following: "any commission established under section 186 (relating to control of interstate ozone air pollution) or"; and

(3) in the last sentence after "such agency" in each place it appears the following: "or such commission".

(b)(1) SURFACE COAL MINE FUGITIVE EMISSIONS.—Prior to any use of the Industrial Source Complex (ISC) Model using AP-42 Compilation of Air Pollutant Emission Factors to determine the effect on air quality of fugitive particulate emissions from surface coal mines, for purposes of new source review or for purposes of demonstrating compliance with national ambient air quality standards for particulate matter applicable to periods of twenty-four hours or less, under section 110 or parts C or D of title I of the Clean Air Act, the Administrator shall analyze the accuracy of such model and emission factors and make revisions as may be necessary to eliminate any significant over-prediction of air quality effect of fugitive particulate emissions from such sources. Such revisions shall be completed not later than four years after the date of enactment of this subpart.

(2) Until such time as the Administrator develops a revised model for surface mine fugitive emissions, the State may use alternative empirical based modeling approaches pursuant to guidelines issued by the Administrator.

ROLE OF SECONDARY STANDARDS

SEC. 114. (a) The Administrator shall request the National Academy of Sciences to prepare a report to the Congress on the role of national secondary ambient air quality standards in protecting welfare and the environment. The report shall:

(1) include information on the adverse effects on welfare and the environment which are caused by ambient concentrations of pollutants listed pursuant to section 108 and other pollutants which may be listed;

(2) estimate welfare and environmental costs incurred as a result of such effects;

(3) examine the role of secondary standards and the state implementation planning process in preventing such effects;

(4) determine ambient concentrations of each such pollutant which would be adequate to protect welfare and the environment from such effects;

(5) estimate the costs of meeting secondary standards which are protective of welfare and the environment; and

(6) consider other means consistent with the goals and objectives of the Clean Air Act which may be more effective than secondary standards in preventing or mitigating such effects.

(b) The report shall be transmitted to the Congress not later than three years after the date of enactment of this section. There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II—MOBILE SOURCES

EMISSIONS STANDARDS FOR CERTAIN MOTOR VEHICLES

SEC. 201. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(g) MODEL YEARS AFTER 1992.—(1) The regulations under subsection (a) applicable to emissions of nonmethane hydrocarbons (NMHC), total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO) and particulates (PM) from the light duty motor vehicles and engines specified in tables 1a and 1b shall contain standards which provide that such emissions from 40 and 80 per centum of each manufacturer's 1993 and 1994 model year vehicles, respectively, and 100 per centum of 1995 through 2003 model year vehicles may not exceed the levels specified in the tables.

"TABLE 1a.—EMISSIONS STANDARDS FOR GASOLINE-FUELED LIGHT-DUTY VEHICLES

Pollutant	Standard—	
	Column A [1]	Column B [2]
NMHC	0.25 gpm	0.31 gpm.
HC	0.31 gpm	0.39 gpm.
NO_x	0.4 gpm	0.5 gpm.
CO	3.4 gpm	4.2 gpm.

"TABLE 1b.—EMISSIONS STANDARDS FOR DIESEL-FUELED LIGHT-DUTY VEHICLES

Pollutant	Standard—	
	Column A [1]	Column B [2]
NMHC	0.25 gpm	0.31 gpm.
HC	0.31 gpm	0.39 gpm.
NO_x	1.0 gpm	1.25 gpm.
PM	0.08 gpm	0.10 gpm.

[1] In the case of the standards under column A, the applicable useful life shall be 5 years or 50,000 miles, whichever first occurs.

[2] In the case of the standards under column B, the applicable useful life shall be 10 years or 100,000 miles, whichever first occurs.

"(2)(A) If more than eleven ozone nonattainment areas outside of the State of California classified as serious under section 181(a) each exceed an ozone level of 0.12 parts per million or four or more instances in the period from January 1, 1999, through December 31, 2001, then the regulations under subsection (a) applicable to emissions of total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO), and particulates (PM) from the light-duty vehicles and engines specified in tables 1c and 1d below shall contain standards which provide that such emissions from 2004 and later model year vehicles may not exceed the levels specified in the tables.

"TABLE 1c.—EMISSIONS STANDARDS FOR GASOLINE-FUELED LIGHT-DUTY VEHICLES

Pollutant	Standard
HC	0.125 gpm.
NO_x	0.2 gpm.
CO	1.7 gpm.

"TABLE 1d.—EMISSIONS STANDARDS FOR GASOLINE-FUELED LIGHT-DUTY VEHICLES

Pollutant	Standard
HC	0.125 gpm.
NO_x	0.7 gpm.
CO	1.7 gpm.
PM	0.08 gpm.

"(B) If these standards do not go into effect pursuant to subparagraph (A), they shall go into effect with respect to vehicles from 2007 and later model years if more than eleven ozone nonattainment areas outside of the State of California classified as serious under section 181(a) each exceed an ozone level of 0.12 parts per million on four or more instances in the period from January 1, 2002, through December 31, 2004.

"(3) The regulations under subsection (a) applicable to all light-duty vehicles distributed for sale in model years 2004 and thereafter in ozone nonattainment areas that are classified as severe or extreme under section 181(a) and that have an ozone design value at or above 0.15 parts per million as of December 31, 2000, shall contain standards that provide that emissons from such vehicles may not exceed the levels specified in tables 1e and 1f.

"TABLE 1e.—EMISSION STANDARDS FOR GASOLINE-FUELED LIGHT-DUTY VEHICLES

Pollutant	Standard
HC	0.6 gpm. total vehicle emissions [1]
NO_x	0.2 tailpipe certification
CO	1.7 tailpipe certification

"TABLE 1f.—EMISSIONS STANDARDS FOR DIESEL-FUELED LIGHT-DUTY VEHICLES

Pollutant	Standard
HC	0.6 gpm. total vehicle emissions [1]
NO_x	0.7 gpm.
CO	1.7 gpm.
PM	0.08 gpm.

[1] The 0.6 gpm total hydrocarbon emissions standard shall be revised as appropriate if the Administrator determines that the total hydrocarbon emissions standard that is equivalent to a 0.125 gpm exhaust hydrocarbon emissions standard vehicle when operating on model year 1990 certification gasoline (indolene) with a Reid vapor pressure of 9.0 pounds per square inch, is a standard other than 0.6 gpm.

When the provisions of this paragraph apply to an area to which the provisions of section 212(a)(2) also apply, the hydrocarbon in-use total vehicle emissions standard of this paragraph supersedes the 0.66 gpm or other hydrocarbon in-use standard established under section 212(a)(2). All other provisions of section 212(a) applicable to the hydrocarbon in-use standards apply to the hydrocarbon in-use standard of this paragraph.

"(4) The Administrator shall—

"(A) survey all available measures for the control of emissions of hydrocarbons, oxides of nitrogen and carbon monoxide from mobile sources or stationary sources, other than measures that are required to be implemented pursuant to this title (prior to the year 2003) or pursuant to title I; and

"(B) assess such measure in terms of

(i) the technological feasibility and cost effectiveness of such measures;

(ii) the ability of the Federal, State, or local governments to implement and enforce such measures;

(iii) the effect of such measures on emissions in nonattainment areas and ozone transport areas, including the effects on emissions associated with interregional travel; and

(iv) the degree to which such measures differ in their effectiveness in emissions reductions on an area-by-area basis.

"(5) If the Administrator determines that any available measures surveyed pursuant to paragraph (4)—

"(A) would result in actual reductions in emissions of hydrocarbons, oxides of nitrogen, and carbon monoxide, on a pollutant-by-pollutant basis, at least equal to the reductions attributable to the emissions standards specified in tables 1c and 1d for model years 2004 and after;

"(B) would achieve such reductions in the same time period as the standards specified in tables 1c and 1d for model years 2004 and after, which reductions would be equitably dispersed on a regional basis and at least as consistent and durable over time as the reductions attributable such standards; and

"(C) would be more cost effective in terms of cost per unit of emissions reduced than the emissions standards specified in tables 1c and 1d for model years 2004 and after,

the President may submit to the Congress a proposal to adopt such other available measures in lieu of the standards specified in tables 1c and 1d for model years 2004 and after.

"(6) The survey and assessment required by paragraph (4) shall be submitted to the Congress not later than June 30, 1999, together with any proposal submitted pursuant to paragraph (5).

"(7) During the one-hundred-and-twenty-calendar-day period beginning on the date that the President submits a proposal to the Congress pursuant to paragraphs (5) and (6), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill embodying such proposal.

"(8) Effective with respect to the model years specified in table 2 below, the regulations under subsection (a) applicable to emissions of nonmethane hydrocarbons (NMHC), total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO) and particulates (PM) from motor vehicles and motor vehicle engines in the classes specified in table 2 shall contain standards which provide that such emissions may not exceed the levels specified in table 2.

"TABLE 2.—EMISSION STANDARDS FOR GASOLINE AND DIESEL-FUELED TRUCKS AND BUSES

Vehicle or engine type	Pollutant	Model years	Standard [1]
Trucks (3,750 lbs or more but less than 5,750 lbs, loaded vehicle weight)..	NMHC	1995 and after.	0.32 gpm.
	HC	1995 and after.	0.38 gpm.
	NO_x	1995 and after.	0.7 gpm.
	CO	1995 and after.	4.4 gpm.
Trucks (5,750 lbs loaded vehicle weight or more but less than 8500 lbs GVW)...	NMHC	1995 and after.	0.39 gpm.
	HC	1995 and after.	0.46 gpm.
	NO_x	1995 and after.	1.1 gpm.
	CO	1995 and after.	5.0 gpm.
	PM	1995 and after.	0.12 gpm.
Heavy duty trucks ...	NO_x	1991 through 1997.	5.0 gbh.
	NO_x	1998 and after.	4.0 gph.
	PM	1991–93	0.25 gbh.
	PM	1994 and after.	0.1 gbh.
Heavy duty buses.	PM	1991 and after.	0.1 gbh.

[1] Standards are expressed in grams per mile (gpm) or grams per brake horsepower hour (gbh).

"(2) Effective with respect to model years after 1992, any motor vehicle with a loaded vehicle weight of three thousand seven hundred and fifty pounds or less, as determined by the Administrator, shall be a light duty vehicle.".

CARBON MONOXIDE EMISSIONS AT COLD TEMPERATURES

SEC. 202. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(h) COLD CO STANDARD.—The Administrator shall promulgate regulations under subsection (a) applicable to emissions of carbon monoxide from light duty vehicles and light duty trucks when operated at twenty degrees Fahrenheit. Such regulations shall contain standards which provide that, with respect to model years 1993 through 1999, emissions of carbon monoxide in the case of light duty vehicles may not exceed ten grams per mile and, in the case of light duty trucks, thirteen grams per mile. Such regulation shall also contain standards that provide that with respect to model year 2000 and thereafter, emissions of carbon monoxide in the case of light duty vehicles may not exceed three and four-tenths grams per mile, and, in the case of light duty trucks, four and four-tenths grams per mile.".

CONTROL OF VEHICLE REFUELING EMISSIONS

SEC. 203. Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6)(A) The Administrator shall promulgate regulations applicable to all motor vehicles requiring that such vehicles be equipped with vehicle-based ('onboard') systems for control of evaporative emissions during refueling. Except as provided in subparagraph (B), such regulations shall take effect, with respect to light duty vehicles, beginning in model year 1993, and, with respect to other vehicles, at the earliest date the Administrator determines is feasible, and shall require that such systems provide a minimum evaporative emission capture efficiency of 95 per centum.

"(B) No later than June 30, 1991, the Secretary of Transportation shall complete a study to assess the impacts on motor vehicle safety of the use of onboard systems for the control of evaporative emissions during refueling. If the Secretary of Transportation determines that such onboard systems will present an unreasonable motor vehicle safety risk, the Secretary shall report to the Administrator and Congress in accordance with subparagraph (C). If no legislation concerning the use of onboard systems has been enacted within twelve months after the receipt of the Secretary's report, the regulations requiring the use of onboard systems shall go into effect as of model year 1995.

"(C)(i) A determination by the Secretary pursuant to subparagraph (B) which includes proposed amendments to this paragraph shall be transmitted in legislative form as a special message to the Speaker of the House of Representatives and to the President of the Senate not later than July 15, 1991.

"(ii) any bill introduced with respect to a special message shall be referred to the Committee on Environment and Public Works in the Senate and the Committee on Energy and Commerce in the House of Representatives.

"(iii)(I) If the committee to which a bill with respect to a special message has been referred has not reported it at the end of sixty calendar days of continuous session of the Congress after its introduction, it is in order to move to discharge the committee from further consideration of the bill.

"(II) A motion to discharge may be made only by an individual favoring the bill, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill with respect to the special message); and debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(iv)(I) When the Energy and Commerce Committee of the House of Representatives has reported, or has been discharged from further consideration of, a bill with respect to the special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(II) Debate on any bill with respect to the special message shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable.

"(III) Motions to postpone, made with respect to the consideration of a bill with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

"(IV) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill with respect to a special message shall be decided without debate.

"(V) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any bill with respect to a special message and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

"(v)(I) Debate in the Senate on any bill with respect to a special message, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than fifteen hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

"(II) Debate in the Senate on any amendment to a bill with respect to a special message shall be limited to two hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a bill with respect to a special message shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a bill with respect to a special message or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

"(III) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed three, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided beteween, and controlled by, the mover and the manager of the bill.

"(IV) The conference report on a bill with respect to a special message shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

"(V) During the consideration of the Senate of the conference report on any bill with respect to a special message, debate shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

"(VI) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to thirty minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to twenty minutes, to be equally divided between and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

"(VII) In any case in which there are amendments in disagreement, time on each amendment shall be limited to thirty minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.".

EVAPORATIVE EMISSIONS

SEC. 204. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(i) EVAPORATIVE EMISSIONS.—Within eighteen months after the enactment of this subsection the Administrator shall pro-

mulgate regulations under subsection (a) applicable to evaporative emissions of hydrocarbons, including emissions during vehicle operation, from all gasoline-fueled motor vehicles. Such regulations shall take effect beginning in model year 1994 and shall require the greatest degree of emission reduction achievable by means expected to be available during any model year to which such regulations apply.".

ONBOARD EMISSION DIAGNOSTIC SYSTEMS

SEC. 205. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(j) ONBOARD EMISSION DIAGNOSTIC SYSTEMS.—

"(1) Within eighteen months after enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) requiring manufacturers to install on all new light duty vehicles and light duty trucks diagnostic systems capable of—

"(A) accurately identifying emission-related systems deterioration or malfunction including, at a minimum, the catalytic converter and oxygen sensor, which could cause or result in failure of the vehicles to comply with emission standards established under this section,

"(B) alerting the vehicle's owner or operator to the likely need for emission-related components or systems maintenance or repair, and

"(C) providing access to stored information in a manner specified by the Administrator.

The Administrator may, in the Administrator's discretion, promulgate regulations requiring manufacturers to install such onboard diagnostic systems on heavy-duty vehicles and engines.

"(2) The regulations required under paragraph (1) with respect to light duty vehicles and light duty trucks shall take effect no later than model year 1994.

"(3) The Administrator may by regulation require States that have implementation plans containing motor vehicle inspection and maintenance programs to amend their plans within two years of promulgation of such regulations to provide for inspection of onboard diagnostic systems (as prescribed by regulations under paragraph (1) of this subsection) and the maintenance or repair of malfunctions or system deterioration identified by or affecting such diagnostic system.".

CLEAN ALTERNATIVE FUELS PROGRAM

SEC. 206. (a) DEFINITIONS.—Section 216 of the Clean Air Act is amended by adding the following new paragraphs at the end:

"(7) The term 'clean alternative fuel' includes methanol or a mixture containing methanol and gasoline, ethanol or a mixture containing ethanol and gasoline, reformulated gasoline, natural gas, liquefied petroleum gas, electricity, or any other fuel or power source provided that such fuel or power source, when used in a motor vehicle, results in compliance with the emissions standards prescribed under section 212(a).

"(8) The term 'fleet vehicle' means any light-duty vehicle or light-duty truck that is centrally maintained and uses as its primary fuel source, a central refueling station.

"(9) The term 'covered fleet operator' means any person who, on or after January 1, 1990, controls the operation of 20 or more fleet vehicles registered in, or primarily operating in, any area which has a 1988 ozone design value of 0.18 parts per million or greater or area for which a Governor requests coverage pursuant to section 212(a)(7); and who, on or after such date, provides a facility or facilities for the central refueling and maintenance of such vehicles in the normal course of business. For purposes of this paragraph, each motor vehicle operated by a person controlling, controlled by or under common control with any other person shall be treated, under regulations of the Administrator, as operated by a single person.

"(10) The term 'baseline vehicle' as used in section 212 means a light-duty vehicle meeting tail pipe standards of 0.25 grams per mile NMHC for five years or 50,000 miles, meeting the evaporative emissions standard under section 202(i), operating on model year 1990 certification gasoline (indolene) with a Reid vapor pressure of 9.0 pounds per square inch which is presently calculated to produce total in-use emissions (exhaust, evaporative, and refueling) of ozone-forming of volatile organic compounds of 0.95 grams per vehicle mile.

"(11) the term 'carcinogenic air pollutants' as used in section 212 means benzene, 1,3-butadiene, gasoline refueling vapors, polycyclic organic material (POM), including POM in diesel particulates, and formaldehyde.

"(12) The term "ozone-forming volatile organic compound emissions' includes tail pipe, evaporative, refueling, and running loss emissions, adjusted for reactivity.".

"(b) CLEAN FUEL REQUIREMENTS.—Section 212 of the Clean Air Act is amended to read as follows:

"CLEAN FUEL REQUIREMENTS

"SEC. 212. (a) CLEAN ALTERNATIVE FUEL VEHICLE PROGRAM.—The Administrator shall promulgate, and may from time to time revise, regulations that provide for the following:

"(1) FLEET VEHICLE REQUIREMENTS.—

"(A) EMISSIONS STANDARDS.—Not later than October 1, 1992 the Administrator shall promulgate regulations under section 202(a) applicable to vehicles certified and made available for purchase or placement into use pursuant to subparagraphs (B) and (C) which shall contain, in addition to the standards otherwise applicable, standards that yield when the vehicle is operated exclusively on clean alternative fuels—

"(i) for light-duty vehicles, total in-use emissions (exhaust, evaporative, and refueling) of ozone-forming volatile organic compounds not in excess of 0.25 grams per vehicle mile,

"(ii) for light-duty vehicles, total in-use emissions of carcinogenic air pollutants not in excess of a level that, in the Administrator's judgment, may be reasonably anticipated to achieve a 75 per centum reduction in the annual incidence of human cancer reasonably attributable to such emissions from baseline vehicles, on a per vehicle basis,

"(iii) for light-duty vehicles, emissions of formaldehyde not in excess of 0.015 grams per mile, and

"(iv) for light-duty trucks reductions in emissions of ozone-forming volatile organic compounds, carcinogenic air pollutants and formaldehyde equivalent to the reductions for light-duty vehicles required by clauses (i)-(iii).

In-use compliance with the additional standards prescribed under this subparagraph shall be determined in accordance with paragraph (4).

"(B) FEDERAL GOVERNMENT PROGRAM.—

"(i) For model years 1995 and 1996, 30 per centum, for model years 1997 and 1998, 60 per centum, and for model years after model year 1998, 90 per centum, of all light-duty vehicles and light-duty trucks purchased for use or placed into service by the Federal Government including the Postal Service and registered in or primarily operated in areas classified as serious, severe or extreme ozone nonattainment areas under section 181(a), shall comply with the emissions standards prescribed under subparagraph (A).

"(ii) With respect to vehicle model years 1995 and 1996 only, the Administrator may include a lesser percentage of such vehicles under this paragraph if the Administrator determines that the required percentage cannot be feasibly achieved or would impose unreasonable costs. For model years after 1998 the Administrator may require a percentage less than 90 per centum, but in no event less than 60 per centum, if the Administrator determines that a higher percentage would impose unreasonable costs, including costs associated with vehicle acquisition, fueling facilities, operation, maintenance, safety, reliability and resale value.

"(iii) REQUIRED OPERATION.—The Administrator of the General Services Administration, the Post Master General, and the Secretary of Defense with the concurrence of the Administrator, after consultation with the Secretary of Energy, shall, before October 1, 1993, issue regulations to assure that a vehicle acquired pursuant to this subsection—

"(I) shall be supplied with appropriate clean alternative fuel in its primary area of operation, using commercially available fueling facilities to the maximum extent practicable; and

"(II) shall be operated exclusively on such fuel except when operated so as to make it impracticable to obtain such fuel.

"(iv) CONSIDERATION.—

"(I) Funds appropriated for carrying out this subsection shall be applied on a priority basis, for expenditure first in areas of the United States which the Administrator determines have the most severe air pollution problems.

"(II) A Federal officer or agency responsible for deciding which types of clean alternative fuel vehicles to acquire in order to comply with this subsection shall consider as a factor in such decision which types of vehicles and fuels yield the greatest reduction in pollutants emitted per dollar spent.

"(v) COST OF VEHICLES TO FEDERAL AGENCY.—Funds appropriated pursuant to the authorization under this subsection for the acquisition of vehicles under this subsection shall be applicable only—

"(I) to the portion of the cost of vehicles acquired under this subsection which exceeds the cost of comparable conventional fueled vehicles;

"(II) to the portion of the costs of fuel storage and dispensing equipment attributable to such vehicles which exceeds the cost for such purposes required for conventional fuel vehicles; and

"(III) to the portion of the costs of operating and maintaining such vehicles which exceed the cost of such purposes required for comparable conventional fueled vehicles.

"(vi) VEHICLE COSTS.—The incremental cost of vehicles acquired under this subsection over the cost of comparable conventional fueled vehicles shall not be applied to any calculation with respect to a limitation under law on the maximum cost of individual vehicles which may be acquired by the United States.

"(vii) EXEMPTIONS.—The requirement of this subsection shall not apply to vehicles—

"(I) with respect to which the Secretary of Defense has certified to the Administrator that an exemption is needed based on national security consideration; or

"(II) used for law enforcement or emergency purposes.

"(viii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be required to carry out the provisions of this paragraph.

"(C) PRIVATE FLEET PROGRAM.—For model years 1997 and therafter, 30 percent of all fleet vehicles purchased for use or placed into service in fleets of vehicles registered in or primarily operated in areas classified as severe or extreme ozone nonattainment areas pursuant to section 181(a) having a 1980 population of two hundred and fifty thousand or more, by a covered fleet operator shall comply with the emission standards prescribed under subparagraph (A). The Administrator shall by regulation establish a program under which any State may grant a covered fleet operator an appropriate amount of credits toward compliance with the requirements prescribed under this subparagraph only for purchasing or placing into service more vehicles meeting the emission standards prescribed under this subparagraph than the regulations prescribed under this subparagraph require or vehicles which achieve greater emissions reductions than those required by subparagraph (A). The Governor of any such State shall issue appropriate emission credits to each covered fleet operator for the use of covered fleet vehicles in excess of the percentage required under this subparagraph or which achieve greater emission reductions than those required under subparagraph (A). The Governor shall also issue appropriate reduction credit to owners and operators of clean alternative fuel vehicles who have been designated as covered fleet operators pursuant to subparagraph (L)(2) for vehicles meeting the requirements of subparagraph (A) and operating within the nonattainment areas but not subject to the requirements of this subsection. Any person granted such reduction credits may trade, sell, or otherwise transfer some or all of such credits to a covered fleet operator within such nonattainment area who may use such credits to demonstrate compliance with the requirements of this subparagraph.

"(D) FUEL USE.—Vehicles purchased or placed into service pursuant to subparagraph (C) shall be exclusively operated on the clean alternative fuel needed by those vehicles to comply with the emissions standards prescribed under subparagraph (A), when operated by a covered fleet operator in the areas in which they are registered or primarily operated.

"(E) EXEMPTION FROM REQUIREMENTS.—This paragraph shall not apply to law enforcement or emergency vehicles, retail rental fleets, automobile dealer demonstration vehicles, or motor vehicle manufacturer demonstration, test and evaluation vehicles, as defined by the Administrator.

"(F) CONVERSIONS.—

"(i) The Administrator shall by regulation set standards and requirements for the conversion of new (as determined by the Administrator) gasoline or diesel-powered vehicles into vehicles that satisfy the emissions standards prescribed under subparagraph (A). Such vehicles shall be subject to the certification requirements of section 206, the warranty requirements of section 207, and the enforcement provisions of paragraph (4). Any person who obtains such certification shall be considered a manufacturer for purposes of sections 206 and 207 and paragraph (4). A vehicle converted in accordance with these regulations shall be considered equivalent to a purchase of a vehicle for purposes of determining compliance with the requirements of subparagraph (C).

"(ii) Nothing in this paragraph shall be construed to require conversion of new or existing vehicles capable of operating on gasoline or diesel fuel only to a vehicle capable of operating on a clean alternative fuel in order to achieve compliance with subparagraph (C).

"(G) EMISSIONS OF OXIDES OF NITROGEN.—If the Administrator determines that it is not technically feasible for light-duty vehicles satisfying the emissions standards prescribed under subparagraph (A) to satisfy the applicable emissions standard for oxides of nitrogen prescribed under section 202(g), the Administrator may by regulation modify the emissions standard for oxides of nitrogen as it applies to such vehicles as follows: for model years 1995 through 1997, emissions of oxides of nitrogen may not exceed 1.0 gram per vehicle mile and, for model years 1998 through 2000, emissions of oxides of nitrogen may not exceed 0.7 grams per vehicle mile. The Administrator may grant equivalent waivers for the same two three-year periods for emissions standards for oxides of nitrogen prescribed under section 202(g) from light-duty trucks.

"(H) VEHICLE AVAILABILITY.—The Administrator shall promulgate regulations as the Administrator finds necessary to assure that the vehicles needed to permit compliance with the requirements of subparagraphs (B) and (C) are certified under section 206 and made available for purchase or placement into use. Nothing in this subparagraph shall authorize the Administrator to mandate the production or sale of a specific quantity of vehicles by any motor vehicle manufacturer.

"(I) INCENTIVES.—

"(i) Any State which obligates the operator of a clean alternative fuel vehicle controlled by a covered fleet operator in compliance with subparagraph (C) to comply with the transportation control measures specified in section 108(f)(1)(A)(iv) (relating to trip-reduction ordinances) or (vii) (relating to vehicle operational restrictions) may not credit toward the emission reduction requirement under section 183(b)(3)(B) any emission reduction pursuant to subparagraph (C).

"(ii) Notwithstanding the provisions of clause (i), a State may credit under section 183(b)(3)(B) any emission reductions pursuant to subparagraph (C) if the State demonstrates to the satisfaction of the Administrator that any increase in emissions which would result from traffic congestion caused by the operation of such fleet vehicles exceeds the emission reductions attributable (directly or indirectly) to the use of clean alternative fuel vehicles under subparagraph (C).

"(J) FUEL CHOICE.—The choice of available clean alternative fuel vehicles and clean alternative fuels shall be made by covered fleet operators subject to the requirements of subparagraph (C).

"(K) EXEMPTION.—

"(i) The Administrator shall establish by rule not later than twenty-four months after the date of enactment of this subsection standards to be used to determine the availability of suitable clean alternative fuels or clean alternative fuel vehicles, taking into consideration vehicle size and type, driving range, cargo area, unique requirements for vehicle use, and other factors which may create undue hardship for covered fleet operators.

"(ii) The Governor of any State under an approved implementation plan shall, upon a showing by a covered fleet operator that a suitable clean alternative fuel is not available or a suitable clean alternative fuel vehicle is not available from any vehicle manufacturer in accordance with the applicable standards established under clause (i), that excess credits are not available under the fleet program to offset the requirements of subparagraph (C) exempt such operator from the requirements of this subsection for a period of one year. A covered fleet operator may certify annually thereafter that such suitable clean alternative fuel vehicle or credits to offset the requirements of subparagraph (C) are not available, and the Governor shall provide further annual exemption from the requirements of this subsection upon such certification, unless the Governor finds that the requirements of this subparagraph have not been met.

"(L) CREDITS FOR OTHER FLEET OPERATORS.—

"(i) The Administrator may on the Administrator's own motion or in response to a petition from any person establish in-use emission standards under subparagraph (A) for vehicles or engine families, other than light-duty vehicles, which yield total emissions reductions (exhaust, evaporative and refueling) per vehicle of not less than 75 per centum in ozone-forming volatile organic compounds and not less than 75 per centum in the annual incidence of human cancer attributable to emissions of carcinogenic air pollutants from levels that would otherwise occur under the requirements of this title.

"(ii) The operator of any fleet of light-duty trucks or other vehicles meeting the emissions standards established pursuant to clause (i) or the operator of a fleet of light-duty vehicles meeting the standards established pursuant to subparagraph (A) who is not otherwise covered by the requirements of this paragraph, may elect to be designated a covered fleet operator under an approved State implementation plan and receive credits pursuant to subparagraph (C) for each new vehicle which such operator purchases and operates as authorized and granted by a State under its implementation plan.

"(2) GENERAL VEHICLE REQUIREMENTS.—

"(A) EMISSIONS STANDARDS.—The regulations under section 202(a) applicable to light-duty vehicles that are certified and made available in areas classified as severe and extreme ozone nonattainment areas pursuant to section 181(a), having a 1980 population of two hundred and fifty thousand or more, shall contain in addition to the standards otherwise applicable, standards that yield—

"(i) effective with respect to the model years specified in table 1 below, total in-use emissions (exhaust, evaporative and refueling) of ozone-forming volatile organic compounds (VOCs) not in excess of the levels specified in the table (except that the Administrator shall adjust the calculation of the total in-use emissions (exhaust, evaporative, refueling) of ozone-forming volatile organic compound emissions from the baseline vehicle not sooner than one year or later than two years after the date enactment of the Clean Air Act Amendments of 1990 and shall at the same time adjust the standard in table 1 applicable to model years 1999 and after by an amount reflecting the proportion by which the baseline vehicle emis-

sions are less than 0.95 grams per vehicle mile),

"TABLE 1

Pollutant	Model years	Standards
VOCs	1995 through 1988	0.75 gpm.
VOCs	1999 and after	0.66 gpm.

"(ii) total in-use emissions of carcinogenic air pollutants from light-duty vehicles manufactured during the model years 1995 through 1998 and during and after the model year 1999 not in excess of a level that, in the Administrator's judgment, may be reasonably anticipated to achieve a 12 per centum reduction and a 27 per centum reduction, respectively, in the annual incidence of human cancer attributable to such emissions from baseline vehicles on a per vehicle basis (if the Administrator determines that it is not technically feasible to reduce emissions of carcinogenic air pollutants so as to attain a 27 per centum reduction in the annual incidence of human cancer, the Administrator may modify the carcinogenic air pollutant emissions standards by regulation six months prior to the start of each model year after 1998 to limit such emissions to a level that may be reasonably anticipated to achieve a reduction of no less than 18 per centum in the annual incidence of human cancer attributable to such emissions from baseline vehicles), and

"(iii) emissions of formaldehyde not in excess of 0.015 gpm.

In-use compliance with the standards prescribed under this subparagraph shall be determined in accordance with paragraph (4). The regulations containing standards applicable to model years 1995 through 1998 shall be promulgated no later than April 1, 1991, and the regulations containing standards applicable to model years beginning with the 1999 model year shall be promulgated no later than September 1, 1994;

"(iv) Light-duty vehicle manufacturers may apply for a two-year renewable waiver of the table 1 performance standards (and including any adjustment pursuant to clause (i)) for model years 1999 and thereafter. Any such waiver request must include a demonstration that the table 1 performance standards cannot be met with a vehicle that—

"(I) uses the reformulated gasoline specified in subparagraph (B)(2);

"(II) meets all standards under section 202(g) for model years after 1993 through 2003;

"(III) meets on-board refueling requirements as required by section 202(j) or achieves an equivalent additional emissions reduction from a system not otherwise required by section 202; and

"(IV) includes such minor technical modifications as are necessary to optimize vehicle emission performance on the reformulated gasoline specified in subparagraph (B)(2).

If such a waiver is requested and, if by rule, the Administrator determines that the demonstration required has been made, the Administrator shall grant the waiver request. If such waiver is granted, the Administrator must set an interim performance standard at a level that can be met with a vehicle meeting the above requirements.

"(B) SELECTION OF VEHICLES, FUEL SYSTEMS, AND FUELS.—

"(i) No later than January 1, 1992, the Administrator shall conclude a rulemaking to determine the clean alternative fuels that will be made available pursuant to the regulations prescribed under paragraph (5) for vehicles for model years 1995 through 1998 and to determine the certification specifications for such fuels. In determining the specifications for each fuel or fuels to be made available, the Administrator shall select the specifications resulting in the maximum level of emissions reductions that can be achieved to the extent that it is needed to meet the standards applicable to model years 1995 through 1998, provided that such specifications will result in the establishment of a cost effective combination of fuel or fuels and motor vehicle technology. Such specifications shall include at least one standard for a reformulated gasoline that can be utilized in gasoline-fueled vehicles satisfying the emissions standards prescribed under 202(g) for model years 1995 through 1998. Any manufacturer who opts to meet the requirements of this subparagraph using the reformulated gasoline specified by the Administrator is in compliance, if the vehicles produced by such manufacturer for sale in the covered areas comply with the standards established under sections 202 and 206 of this Act that are generally applicable to light-duty vehicles in the model year in which they are produced.

"(ii) No later than September 1, 1995, the Administrator shall conclude a rulemaking to determine the clean alternative fuels that will be made available pursuant to the regulations prescribed under paragraph (5) for vehicles for model years 1999 and thereafter and to determine the certification specifications for such fuels. In determining the specifications for each fuel or fuels to be made available, the Administrator shall select the specifications resulting in the maximum level of emissions reductions that can be achieved to the extent that it is needed to meet the standards applicable to model years 1999 and thereafter: *Provided*, That such specifications will result in the establishment of a cost effective combination of fuel or fuels and motor vehicle technology. Such specifications shall include at least one reformulated gasoline that will achieve the standards required in this subsection when utilized in gasoline-fueled vehicles satisfying the emissions standards prescribed under section 202(g) for model year 1999 and thereafter, unless the Administrator determines that it is not technologically or economically feasible to achieve such standards with fuel changes alone. In such case, the Administrator must specify a reformulated gasoline achieving the maximum emissions reductions that are economically and technologically feasible. The regulations promulgated pursuant to that proceeding shall be promulgated no later than September 1, 1996.

"(iii) Clean alternative fuels for which certification specifications have been established shall be made available pursuant to regulations prescribed under paragraph (5).

"(C) EMISSIONS CREDITS.—The Administrator shall by regulation grant a manufacturer an appropriate amount of credits toward compliance with the emission standards prescribed under this paragraph for selling vehicles that are certified to achieve emission reductions greater than those required by such standards. Such regulations shall also grant credits toward compliance with emissions standards prescribed under this paragraph for selling vehicles that are certified to meet the emissions standards prescribed by paragraph (1)(A) in quantities required by paragraph (1) (B) or (C). Implementation plan revisions submitted by States pursuant to paragraph (8) may also establish programs to grant manufacturers credits toward compliance with emissions standards prescribed under this paragraph for selling vehicles that are certified to achieve emissions reductions greater than those otherwise required by such plan (but not less than the emissions reductions required by this paragraph) or for selling vehicles meeting the emissions standards prescribed in paragraph (1)(A) in quantities greater than prescribed by subparagraph (1)(B) or (1)(C). A manufacturer may use such credits to demonstrate compliance with the standards established by this paragraph in the model year in which the credits were earned or in following model years, or may transfer some or all of the credits for use by one or more other manufacturers in demonstrating compliance with such emissions standards. Credits granted pursuant to this subparagraph shall not be used to modify in any way emissions standards or other requirements applicable to vehicles under any other section of this Act, nor shall credits granted under the Administrator's regulations or the plan of any State for exceeding requirements with respect to vehicles sold in a particular nonattainment area be used to modify the requirements including emissions standards established under this section applicable to vehicles sold in other areas. The Administrator (or a State pursuant to an implementation plan revision) may make the credits available for use after consideration of enforceability, environmental and economic factors and upon such terms and conditions as he finds appropriate.

"(3) CALIFORNIA VEHICLE PROGRAM.—The applicability of section 209 shall be deemed to be waived with respect to standards adopted by the State of California as part of a program to limit motor vehicle emissions through the use of clean alternative fuels. Such State standards may include standards requiring vehicles that operate on clean alternative fuels to meet emissions standards that differ from those prescribed under paragraphs (1) and (2).

"(4) COMPLIANCE WITH STANDARDS.—In determining compliance by vehicles and engines in actual use with the emission standards prescribed under this subsection by testing in-use vehicles on certification-type fuels, only vehicles that have been obviously abused or tampered with in a manner that would likely affect emissions performance may be excluded from the sample tested pursuant to section 207(c) (with appropriate adjustments to the above standards determined by the Administrator to be necessary to reflect the exclusion of such vehicles from the sample). When a vehicle that operates on two kinds of fuel is certified or tested, it shall be certified or tested on one fuel only after all traces of the other fuel that can practically be removed from the vehicle's fuel system have been removed.

The Administrator may require a manufacturer to remedy nonconforming engines or vehicles pursuant to section 207(c) either (A) when a substantial number of vehicles fails to comply with the applicable emissions standards prescribed under this subsection or (B) when the average emissions performance of the tested sample does not satisfy the applicable emissions standards prescribed under this subsection. Recall procedures established under this paragraph apply only to standards promulgated pursuant to this section. Any manufacturer who chooses to meet the standards established by paragraph (2)(A) for model years 1995 through 1998 by using reformulated gasoline specified by the Administrator and who

complies with the standards established by sections 202 and 206 shall not be subject to recall under this paragraph.

"(5) FUEL AVAILABILITY.—The clean alternative fuels needed to operate vehicles so that they comply with the emissions standards prescribed under paragraphs (1), (2), or (3) shall be made available by fuel providers in areas subject to the clean alternative fuel vehicle program and, as the Administrator finds necessary, along major nationwide transportation corridors at such time as vehicle manufacturers project sales of dedicated clean alternative fuel vehicles other than reformulated gasoline, in a manner to be specified by the Administrator. Before requiring availability in such transportation corridors, the Administrator shall determine, in consultation with the Department of Energy and the Department of Transportation, that production and distribution of such clean alternative fuel vehicles to such corridors is feasible. For purposes of supplying vehicles with the clean alternative fuels needed to comply with the emission standards prescribed under paragraphs (2) and (3), at a minimum one such fuel (and at a maximum one fuel in addition to reformulated gasoline) shall be offered for retail sale at service stations dispensing at least fifty thousand gallons of motor vehicle fuel per month, on average, in the areas in which such vehicles are required to be made available. The Governor of any State in which the requirements of this paragraph apply, may modify such requirements exempting some service stations for a period not longer than four years after such requirements first apply, provided that information available to the Governor indicates that such fuels will be readily available throughout the area. If a service station would have to remove or replace one or more motor vehicle fuel underground storage tanks and accompanying piping in order to comply with the provisions of this section, and it had removed and replaced such tank or tanks and accompanying piping prior to the date on which this section is enacted, it shall not be required to comply with this subsection until a period of seven years has passed from the date of the removal and replacement of such tank or tanks:

"(A) The Administrator shall determine the types and amounts of clean alternative fuels necessary to operate vehicles so that they comply with the emissions standards prescribed under paragraphs (1), (2), or (3) based on motor vehicle manufacturers' projections of future sales of vehicles capable of complying with those emissions standards, and consultations with the affected State and local governments. The Administrator shall not require the availability of any fuel, other than reformulated gasoline, if vehicle manufacturers do not project sales of motor vehicles operating on fuels other than reformulated gasoline. Any information provided by a motor vehicle manufacturer pursuant to this subparagraph shall, at the request of the manufacturer, be protected as a trade secret pursuant to subsection (c)(2). Each motor vehicle manufacturer must submit its projections of sales to the Administrator in accordance with regulations to be promulgated by the Administrator. Not later than January 1, 1992, the Administrator shall provide notification of the types and amounts of clean alternative fuels that the Administrator determines are initially needed to supply such vehicles and that shall be distributed by persons who first introduce for sale motor vehicle fuel into the areas that are subject to the clean alternative fuels program, according to their relative market share. The required types and amounts shall be adjusted based on the information provided to the Administrator pursuant to this paragraph as needed to reflect changes in the number or nature of vehicles that the Administrator reasonably expects will occur and the Administrator shall periodically revise the notification required by this subparagraph.

"(B) The Administrator may by regulation grant a person subject to the requirements prescribed under this paragraph an appropriate amount of credits for exceeding such requirements, and any person granted credits may transfer some or all of the credits for use by one or more persons in demonstrating compliance with such requirements.

"(C) The Administrator may by regulation establish requirements for colorization, odorization, luminosity or other similar requirements for any fuel required under this paragraph, other than reformulated gasoline, as the Administrator finds necessary to reduce or eliminate an unreasonable risk to public health, welfare or safety associated with its use or to ensure acceptable vehicle maintenance and performance characteristics.

"(6) PROGRAM SCOPE.—In addition to the areas specified in paragraphs (1) and (2), the emissions standards prescribed under either of those paragraphs shall apply in any other area at the request of the Governor of the State in which the area is located, upon the approval of the Administrator. The Administrator shall approve any such request where the Governor of the State has made a determination that inclusion of the area in the clean alternative fuel vehicle program is appropriate and would result in progress toward attainment of any national ambient air quality standard and the Administrator finds that such request and such determination is not arbitrary or capricious. Any such additional requirements resulting from such approval shall become applicable after such period as the Administrator finds by rule necessary for the requisite vehicles and fuels to be made available, giving appropriate consideration to model availability and the cost of compliance within such period. The Administrator shall approve a revision to a State implementation plan proposed under this paragraph, if the Administrator determines that it is feasible to produce the quantities of clean alternative fuel vehicles and clean alternative fuels called for in the time frame established in the State implementation plan. In assessing State implementation plans and the availability of clean alternative fuels under this paragraph, the Administrator shall give priority to the sale of clean alternative fuel vehicles and clean alternative fuels in severe and extreme ozone nonattainment areas. (The Administrator shall publish the request submitted by a Governor of a State in the Federal Register upon receipt. Such notice shall constitute a notice of proposed rulemaking on the period of time that may be necessary for the requisite vehicles and fuels to be made available, and shall be deemed to comply with the requirements concerning notices of proposed rulemaking contained in sections 553 through 557 of title 5 of the United States Code (related to notice and comment).)

"(7) INCREASE PROGRAM REQUIREMENTS.—

"(A) REQUEST.—The Governor of any State containing an area included in the clean alternative fuel vehicle program may submit to the Administrator a request either—

"(i) to increase the percentage of new fleet vehicles that are required to meet the emission standards prescribed under paragraph (1);

"(ii) to require that all light-duty vehicles certified and made available in the area in 1995 or later model years meet the emissions standards prescribed under paragraphs (1) or (3); or

"(iii) both (i) and (ii).

"(B) PLAN REVISIONS.—The Administrator shall approve any such request where the Governor of the State has made a determination that the request is appropriate and would result in progress toward attainment of any national ambient air quality standard within the State, if the Administrator finds that such determination is not arbitrary or capricious. The Administrator shall approve a revision to a State implementation plan proposed under this paragraph, if the Administrator determines that it is feasible to produce the quantities of clean alternative fuel vehicles and clean alternative fuels called for in the time frame established in the State implementation plan. In assessing State implementation plans and the availability of clean alternative fuels under this paragraph, the Administrator shall give priority to the sale of clean alternative fuel vehicles and clean alternative fuels in severe and extreme ozone nonattainment areas.

"(C) MODIFICATION OF FEDERAL REQUIREMENTS.—If the Administrator approves one or more such requests, he shall by regulation and as appropriate—

"(i) increase the percentages of fleet vehicles required to meet the emission standards prescribed under paragraph (1) in the relevant area or areas by the amount requested,

"(ii) revise the regulations prescribed under section 202(a) so that the emission standards prescribed under paragraphs (1) or (3) apply to all vehicles certified and are made available in the relevant area or areas, and

"(iii) revise the requirements prescribed under paragraph (5) regarding the availability of the clean alternative fuels needed by vehicles to comply with the emission standards prescribed under paragraphs (1), (2), or (3), as appropriate.

"(D) OTHER PROGRAMS.—

"(i) The Governor of any State may request either that less than all of the vehicles certified and made available in the area meet the emissions standards prescribed under paragraph (1) or that less than all of the vehicles certified and made available in the area meet the emissions standards prescribed under paragraph (3): *Provided,* That the Governor also proposes specific incentives to encourage the purchase of such vehicles. The Administrator shall only approve the plan revision if the Administrator determines that in his judgment, the purchase incentives included in the State Implementation Plan will achieve a level of purchase of such vehicles in quantities proposed in the plan. The Administrator shall approve a revision to a State implementation plan proposed under this paragraph, if the Administrator determines that it is feasible to produce the quantities of clean alternative fuel vehicles and clean alternative fuels called for in the time frame established in the State implementation plan. In assessing State implementation plans and the availability of clean alternative fuels under this paragraph, the Administrator shall give priority to the sale of clean alternative fuel vehicles and clean alternative fuels in severe and extreme ozone nonattainment areas.

"(ii) If the Administrator approves a revision to a State Implementation Plan pursuant to Paragraph (i), the Administrator shall require motor vehicle manufacturers selling vehicles in the State to—

"(I) Begin the production and distribution in the necessary quantities of vehicles certified to meet the applicable requirements to the State at a time and in a manner that accords with normal business practices; and

"(II) Make reasonable efforts to promote and sell the vehicles, at a price comparable to the price at which the vehicles are sold in other areas.

"(iii) The Administrator may on his own motion or in response to a petition review the implementation of the request to determine whether purchases of vehicles have achieved their expected levels. If such purchases have not achieved expected levels after a period of one year, the Administrator shall conduct such a review. If, pursuant to such review, the Administrator determines that motor vehicle manufacturers have complied with the requirements of subparagraph (ii) and expected purchase levels have not been met, then manufacturers shall be deemed to have satisfied their obligations under this paragraph, and the State shall be required to revise its implementation plan so as to increase incentives to purchase the vehicles or to reduce the expected levels of purchase of such vehicles.

"(iv) No sanction or penalty may be imposed on a motor vehicle manufacturer for failure to produce or sell specific quantities of vehicles, if the manufacturer has in good faith complied with the requirements of subparagraph (ii).

"(E) IMPLEMENTATION OF ADDITIONAL REQUIREMENTS.—Any additional requirements prescribed under this paragraph shall become applicable after such period as the Administrator finds by rule is necessary for the requisite vehicles and fuels to be made available, giving appropriate consideration to model availability and the cost of compliance within such period. (The Administrator shall publish the request submitted by a State in the Federal Register upon receipt. Such notice shall constitute a notice of proposed rulemaking on the period of time that may be necessary for the requisite vehicles and fuels to be made available and shall be deemed to comply with the requirements concerning notices of proposed rulemaking contained in section 553 through 557 of title 5 of the United States Code (related to notice and comment).) Any regulations promulgated by the Administrator under paragraph (1) or (2) that provide for credits to be granted toward compliance with requirements prescribed under those paragraphs shall also be applicable to any requirements prescribed under this paragraph.

"(8) REVISIONS TO STATE IMPLEMENTATION PLANS.—

"(A) REQUIRED REVISIONS.—Except to the extent that substitute provisions have been approved by the Administrator under subparagraph (B) the State shall submit to the Administrator, within forty-two months of enactment of this section, a revision to the applicable implementation plan for each area subject to requirements prescribed under paragraphs (1) and (2) to include such measures as may be necessary to promote and ensure the effectiveness of the clean alternative fuel vehicle program prescribed under this subsection. Such revisions shall include provisions establishing the private fleet program prescribed under paragraph (1)(C) and such vehicle registration provisions as may be necessary to ensure the effectiveness of the requirements prescribed under paragraph (2), which shall be based on guidance developed by the Administrator. Each State shall develop its implementation plan revision with respect to fleet programs after consultation with covered fleet operators, vehicle manufacturers, fuel producers and distributors, and other interested parties, taking into consideration vehicle operational range, specialty uses, vehicle fuel availability, costs, safety and resale value. Such a revision shall also be submitted for each area included in the clean alternative fuel vehicle program under paragraph (6) within twelve months of the inclusion of such area in the clean alternative fuel vehicle program. A revision to the applicable implementation plan shall also be submitted for each area for which a request to increase program requirements pursuant to subparagraph (7) is made at the time of such request. In the event the State of California adopts a program pursuant to paragraph (3) to limit motor vehicle emissions through the use of clean alternative fuels, it shall submit a revision to the applicable implementation plan or plans within twelve months of the adoption of such program.

"(B) REVISIONS TO IMPLEMENT SUBSTITUTE PROGRAM.—The Administrator shall approve, as a substitute for all or a portion of the clean alternative fuel vehicle program prescribed under this section, any revision to the relevant applicable implementation plan that in the Administrator's judgment will achieve long-term emissions reductions in ozone-forming volatile organic compounds and carcinogenic air pollutants equal to those reasonably expected to be achieved by the program, or the percentage thereof attributable to the portion of the clean alternative fuel vehicle program for which the revision is to substitute. Administrator as a clean alternative fuel pursuant to subparagraph (2)(B) be offered for sale and sold in such area or areas beginning on October 1, 1994. The Administrator may delay the date on which reformulated gasoline is to be offered for sale and sold in order to provide adequate lead time for such fuel to be made available in the necessary quantities. In assessing proposed implementation plan revisions pursuant to this subparagraph and the availability of reformulated gasoline, the Administrator shall give priority to the sale of reformulated gasoline in severe and extreme ozone nonattainment areas.

"(9) REVISIONS TO FUEL AVAILABILITY AND OTHER REQUIREMENTS.—If one or more areas are exempted from the clean alternative fuel vehicle program under paragraph (8)(b), are included in the program under paragraph (6), or increase program requirements under paragraph (7), the Administrator by regulation shall revise, as appropriate, the requirements prescribed under paragraph (5) regarding the availability of clean alternative fuels needed by vehicles to comply with the emissions standards prescribed under by paragraphs (1), (2) and (3) in such area or areas. Any additional requirements prescribed under this paragraph shall become applicable after such period as the Administrator finds by rule is necessary for the requisite vehicles and fuels to be made available, giving appropriate consideration to model availability and the cost of compliance within such period. The Administrator may approve such revision only if it consists exclusively of provisions other than those required under this Act for the area. Any State seeking approval of such revision with respect to the requirements established by paragraph (2) for model years 1995 through 1998 must submit the revision to the Administrator within twenty-four months of enactment of this paragraph. Any State seeking approval of such revision with respect to the requirements established by paragraph (2) for model years 1999 and thereafter must submit the revision to the Administrator within sixty months of enactment of this section. The Administrator must approve or disapprove any such revision within six months of receipt of such revision. (The Administrator shall publish the revision submitted by a State in the Federal Register upon receipt. Such notice shall constitute a notice of proposed rulemaking on whether or not to approve such revision and shall be deemed to comply with requirements concerning notices of proposed rulemaking contained in sections 553 through 557 of title 5 of the United States (related to notice and comment). However, no authority not expressly granted to the Administrator by law is conferred by this section.

"(C) REFORMULATED GASOLINE REVISIONS.—Any State in which there is a serious, severe or extreme ozone nonattainment area may propose as a revision to the applicable implementation plan for such area or areas a requirements that the reformulated gasoline specified by the

"(10) STUDIES TO BE UNDERTAKEN BY THE ADMINISTRATOR.—

"(A) Not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1990, the Health Effects Institute, after consultation with the Environmental Protection Agency, the National Institute of Health, the Department of Energy, the Department of Health and Human Services, the Department of Transportation, and the Office of Management and Budget, shall complete an analysis of the risk of carcinogenic effects, if any, associated with the use of methanol as a motor vehicle fuel and, if such a risk exists, of the need for and feasibility of controlling emissions of methanol.

"(B) The Administrator may also conduct an analysis of the risk of carcinogenic effects posed by any air pollutant associated with motor vehicles and motor vehicle fuels. After completing such an analysis, the Administrator shall by regulation include the air pollutant within the definition of the term "carcinogenic air pollutants" contained in section 216(11) if the Administrator determines that the pollutant poses such a risk.

"(C) The Secretary of Energy shall report to the Congress not later than July 1, 1993 on the relationship between electric vehicle use and electric generation capacity and the potential to meet additional electric energy demand which may be associated with use of electric vehicles using off-peak capacity.

"(11) CONVENTIONAL GASOLINE.—Not later than July 1, 1992, the Administrator shall promulgate regulations ensuring that, beginning on January 1, 1993, gasoline sold on a nationwide basis does not result in emissions of volatile organic compounds, oxides of nitrogen, carbon monoxide, and carcinogenic air pollutants in excess of emissions of such pollutants attributable to gasoline sold in calendar year 1989.

"(b) TANK AND FUEL SYSTEM SAFETY.—The Secretary of Transportation shall, in accordance with the National Motor Vehicles Traffic Safety Act of 1966, promulgate applicable regulations regarding the safety and use of fuel storage cylinders and fuel systems in

vehicles capable of operating on clean alternative fuels.

"(c) INFORMATION COLLECTION.—

"(1) For purposes of enforcing regulations implementing this section, the Administrator may by regulation require manufacturers, distributors, and retailers of motor vehicles or motor vehicle fuels to establish and maintain records, make reports, and provide information concerning the sales of (A) motor vehicles capable of operating on clean alternative fuel, and (B) clean alternative fuels. Nothing in this subsection shall be construed to limit the Administrator's authority under sections 114, 206, or 208.

"(2) Any records, reports on information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular portions thereof (other than emission data), to which the Administrator has access under this subsection would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code. Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of section 1905 of title 18 of the United States Code. Nothing in this section shall prohibit the Administrator or authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports, or information to other officers, employees, or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator) concerned with carrying out this Act or, when relevant, in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Administrator or any officer or employee under his control (including any authorized contractor acting as a representative of the Administrator) from the duly authorized committees of the Congress.

"(d) CONSULTATION WITH DEPARTMENT OF ENERGY AND DEPARTMENT OF TRANSPORTATION.—The Administrator shall consult with the Secretaries of the Department of Energy and the Department of Transportation in carrying out the Administrator's duties under this section.".

(c) CONFORMING AMENDMENT.—Section 202(a)(4) of the Clean Air Act is amended by striking the phrase "standards prescribed under this subsection" every place it occurs and inserting the phrase "requirements prescribed under this title."

(d) STUDY OF ULTRA-CLEAN VEHICLES.—

(1) Section 219 of the Clean Air Act (as redesignated by section 206) is amended by adding the following new subsection:

"(13) The term 'ultra-clean vehicle' means any light-duty vehicle powered by batteries, fuel cells, hydrogen, or any comparably low-polluting power source. In determining whether a power source is comparably low-polluting, the Administrator shall consider the level of emissions of air pollutants from vehicles using the power source, the level of emissions from plants and refineries generating or processing power for such vehicles and the contribution of such emissions to ambient levels of air pollutants. For purposes of this subsection, battery-powered vehicles include hybrid vehicles which are powered primarily by a battery and also have a secondary power source.".

(2) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(m) ULTRA-CLEAN VEHICLES.—

"(1) The Administrator, in coordination with the Department of Energy and the Department of Transportation, and other appropriate Federal agencies, shall—

"(A) conduct a survey of available and forseeable technologies for the production of ultra-clean vehicles and the feasibility and cost effectiveness of using such technologies to reduce pollutant emissions from mobile sources;

"(B) develop a plan to foster joint public-private development of practical and economical ultra-clean vehicle technologies and encourage the gradual introduction of ultra-clean vehicles into use; and

"(C) take into consideration the conclusions and recommendations made by the Interagency Commission on Alternative Fuels.

"(2) The survey and plan required by this subsection shall be completed and submitted to the Congress by no later than December 31, 1992 of the Clean Air Act Amendments of 1990.".

LIGHT DUTY VEHICLE USEFUL LIFE

SEC. 207. Section 202(d)(1) of the Clean Air Act is amended to read as follows:

"(1)(A) in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs;

"(B) in the case of light duty vehicles and light duty engines manufactured in the model year 1995 and thereafter, be a period of use of ten years or one hundred thousand miles (or the equivalent), whichever first occurs;".

WARRANTIES

SEC. 208. Section 207 of the Clean Air Act is amended as follows:

(a) strike out "useful life (as determined under section 202(d))" in each place it appears in subsection (b) and insert in lieu thereof "warranty period (as determined under subsection (i))";

(b) strike so much of section 207(b) as follows the third sentence thereof;

(c) add the following new subsection at the end thereof:

"(i) WARRANTY PERIOD.—

"(1) For purposes of subsection (a)(1) and subsection (b), the warranty period, in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year shall be the useful life (as determined under section 202(d)). For the purposes of such subsections, the warranty period, in the case of such vehicles and engines manufactured during model year 1995 and thereafter, shall be the first two years or twenty-four thousand miles of use (whichever first occurs), except as provided in paragraph (2).

"(2) In the case of a specified major emission control component, the warranty period for purposes of subsection (a)(1) and subsection (b) shall be eight years or eighty thousand miles of use (whichever first occurs). As used in this paragraph, the term 'specified major emission control component' means only a catalytic converter or electronic emissions control unit, except that the Administrator may designate any other pollution control device or component as a specified major emission control component if—

"(A) the device or component (except in the case of onboard emission control diagnostic equipment required by section 216) was not in general use on vehicles and engines manufactured prior to the model year 1990; and

"(B) the Administrator determines that the retail cost (exclusive of installation costs) of such device or component exceeds $200 (in 1989 dollars, adjusted for inflation or deflation as calculated by the Administrator at the time of such determination).

Nothing in this Act shall be interpreted to mean that parts other than those specified by the Administrator as major emission control components shall be construed to be warranted under this Act for eight years or eighty thousand miles.

"(3) Subparagraph (A) of subsection (b)(2) shall apply only where the Administrator has made a determination that the instructions concerned conform to the requirements of subsection (c)(3).."; and

(d) amend subsection (a)(1) by adding the following at the end thereof: "In the case of vehicles and engines manufactured in the model year 1995 and thereafter such warranty shall require that the vehicle or engine is free from any such defects for the period of two years or twenty-four thousand miles of use (whichever first occurs), except that for a specified major emission control component (as defined in subsection (i)) such warranty shall require that such component is free from any such defects for the period of eight years or eighty thousand miles of use (whichever first occurs).".

NON-ROAD ENGINES

SEC. 209. (a) DEFINITIONS.—Section 216 of the Clean Air Act is amended by adding the following new subsections:

"(8) The term 'non-road engine' means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or in a vehicle used solely for competition in vehicle racing or which is not subject to standards promulgated under section 111 (pertaining to new stationary sources) or section 202 (pertaining to motor vehicles) or to regulation under part B of this title (pertaining to aircraft emissions).

"(9) The term 'non-road vehicle' means a vehicle that is powered by a non-road engine and that is not a motor vehicle.".

(b) Subsection (1) of section 219 of the Clean Air Act (as redesignated by section 206) is amended by striking the phrase "new motor vehicles or new motor vehicle engines" every place it occurs and inserting in its place "new motor vehicles, new motor vehicle engines, new non-road vehicles or new non-road engines".

(c) The Clean Air Act is amended by adding a new section 217 as follows:

"EMISSION STANDARDS FOR NON-ROAD ENGINES AND VEHICLES

"SEC. 217. (a) LIST OF CATEGORIES.—Not later than twenty-four months after the date of enactment of this section and after notice and opportunity for public comment the Administrator shall publish (and from time to time revise) a list of all categories of non-road engines and non-road vehicles together with estimates of the contribution of each category to ambient ozone and carbon monoxide levels in nonattainment areas and to oxides of nitrogen and total particulate levels.

"(b) EMISSION STANDARDS.—Whenever the Administrator determines that emissions

from categories of non-road engines or vehicles contribute significantly to concentrations of ozone, carbon monoxide or to oxides of nitrogen or particulate levels or otherwise contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, the Administrator shall promulgate regulations applicable to emissions from new vehicles or engines in such categories. Such standards shall achieve the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the engines or vehicles to which such standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy, and safety factors associated with the application of such technology. In determining what degree of reduction will be available, the Administrator shall first consider standards equivalent in stringency to standards for comparable motor vehicles or engines (if any) regulated under section 202, taking into account the technological feasibility, costs, safety, noise and energy factors associated with achieving standards of such stringency.

"(c) ENFORCEMENT.—The standards under this section shall be subject to the same provisions of title II as are applicable in the case of standards under section 202, and shall be enforced in the same manner as the standards under section 202, with such modifications as the Administrator deems appropriate.".

PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

SEC. 210. The Clean Air Act is amended by adding a new section 218 as follows:

"PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

"SEC. 218. The Administrator shall promulgate regulations applicable to motor vehicle engines and non-road engines manufactured after model year 1992 that prohibit the manufacture, sale, or introduction into commerce of any engine that requires leaded gasoline.".

MOTOR VEHICLE TESTING AND CERTIFICATION

SEC. 211. (a) IDLE TEST.—Section 206(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) Not later than one year after the enactment of this paragraph, the Administrator shall promulgate regulations adding an idle test and idle test mode to the Federal test procedure for light duty vehicles. Such modified test procedure shall be used for the certification of light duty vehicles and engines manufactured during or after model year 1992.".

(b) PRODUCTION LINE TESTING.—Section 206(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) The Administrator shall revise the regulations under this section regarding selective enforcement auditing of new light duty vehicles (as set forth in section 86.610 of subpart G of part 86 of title 40 of the Code of Federal Regulations) such that the maximum percentage of failing vehicles that, for purposes of sampling inspection, can be considered satisfactory as a process average for purposes of such selective enforcement audits shall be 10 per centum. Such revised regulations shall apply with respect to motor vehicles manufactured after the model year 1991.".

(c) REVISION OF CERTAIN TEST PROCEDURES.—Section 206 of the Clean Air Act is amended by adding the following new subsection:

"(h) Within eighteen months after the enactment of this subsection and at least every four years thereafter, the Administrator shall review and revise as necessary the regulations under subsection (a) and (b) of this section regarding the testing of motor vehicles and motor vehicle engines to insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used, including conditions relating to fuel, temperature, acceleration and altitude. Such revised test procedures shall include testing of evaporative emissions (including running losses) as well as tail-pipe emissions and shall provide for the testing of trucks with a gross vehicle weight rating of six thousand pounds or more in a loaded mode approximating such rating.".

(d) AVERAGING.—Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(l) AVERAGING.—(1) Each emission standard under this section shall apply to, and be met by, each and every vehicle or engine sold, offered for sale, introduced into commerce, or imported, and may not be met or complied with by the average of the performance of various vehicles, engines, engine families, or models manufactured by the same manufacturer.

"(2) Paragraph (1) shall not apply to emission standards applicable to heavy duty vehicles. The Administrator may by regulation provide for manufacturers to demonstrate compliance with emission standards for heavy duty vehicles by averaging credits for emission reductions between engine families of the same manufacturers, by banking credits over time, and by traditional credits with other manufacturers.

"(3) By June 1, 1994, the Administrator shall complete and submit to Congress a study of the impacts on costs, economic efficiency, emission reductions and environmental impacts from any rule adopted by the Administrator under this subsection permitting trading, banking, and averaging.".

IN-USE COMPLIANCE—RECALL

SEC. 212. (a) USE OF INFORMATION FROM STATE PROGRAMS.—Section 207(c) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) In making determinations of nonconformity under this subsection, the Administrator shall take into account information collected under any State vehicle emission control inspection and maintenance program. Any State in which such a program is operating may petition the Administrator to make a determination of nonconformity under paragraph (1) on the basis of information collected in such program. The Administrator shall act upon such petition within sixty days of receipt of such petition.".

(b) RECALL TESTING AT MANUFACTURER'S EXPENSE.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(5) If the Administrator has reason to believe that in-use vehicles or engines may not conform to regulations prescribed under section 202, the Administrator may require the manufacturer of such vehicles or engines to pay the costs that the Administrator incurs in procuring and testing such vehicles or engines. Such reason to believe shall be based on data or information available to the Administrator, including but not limited to, field surveys, State inspection and maintenance programs and consumer complaints.".

FUEL VOLATILITY

SEC. 213. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) EVAPORATIVE EMISSIONS FROM MOTOR VEHICLE FUELS.—

"(1) The Administrator shall promulgate regulations to reduce evaporative emissions from motor vehicle fuels.

"(2) Regulations under this subsection shall include a standard for gasoline volatility. The standard shall apply to all gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles during the high ozone periods of each year. Effective with respect to gasoline sold in the second high ozone period which commences after the enactment of this subsection, the standard shall require that such gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles in class C areas (as defined by the American Society of Testing Materials as of the date of enactment of this subsection) shall not exceed a Reid vapor pressure of nine pounds per square inch unless the Administrator establishes a lower number which the Administrator determines to be achievable and appropriate for purposes of protecting public health and welfare. The regulations shall require a proportional reduction in areas other than such class C areas.

"(3) For purposes of regulations referred to in paragraph (2), the high ozone period shall be the period between May 16 and September 15 each year or such longer period as the Administrator establishes for any region to cover periods of potential ozone air pollution in excess of the standard for ozone for the region.

"(4) For fuel blends containing gasoline and 10 per centum denatured anhydrous ethanol, the Reid vapor pressure limitation pursuant to this subsection shall be one pound per square inch greater than the applicable Reid vapor pressure limitations established under paragraph (2): *Provided, however,* That a refiner, distributor, blender, marketer, reseller, carrier, retailer, or wholesale purchaser shall be deemed to be in full compliance with the provisions of this subsection and the regulations promulgated thereunder, if it can demonstrate (by showing receipt of a certification or other evidence acceptable to the Administrator) that (A) the gasoline portion of the blend complies with the Reid vapor pressure limitations promulgated pursuant to this subsection, and (B) the ethanol portion of the blend does not exceed its waiver condition under subsection (f)(4).".

DESULFURIZATION

SEC. 214. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(i) DESULFURIZATION OF DIESEL FUEL.—

"(1) Effective October 1, 1993, no person shall manufacture, sell, offer for sale, dispense, transport or introduce into commerce motor vehicle diesel fuel which contains a concentration of sulfur in excess of 0.05 per centum (by weight) or which fails to meet a cetane index minimum of 40.

"(2) No later than twelve months after the enactment of this subsection, the Administrator shall promulgate regulations to implement and enforce the requirements of paragraph (1). The Administrator shall require manufacturers and importers of diesel fuel not intended for use in motor vehicles to dye such fuel in order to segregate it from motor vehicle diesel fuel.

"(3) The sulfur content of fuel required to be used in the certification of 1991 through 1993 model year heavy-duty diesel vehicles and engines shall not exceed 0.05 per centum (by weight). The sulfur content and cetane index minimum of fuel required to be used in certification of 1994 and later model year heavy-duty diesel vehicles and engines shall comply with the regulations promulgated under paragraph (2).".

LEAD PHASEDOWN

SEC. 215. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(j) PROHIBITION ON LEADED GASOLINE FOR HIGHWAY USE.—Effective January 1, 1991, it shall be unlawful for any person to sell, offer for sale, or introduce into commerce, for use as fuel in any motor vehicle (as defined in section 219(2)) any gasoline which contains lead or lead additives. The Administrator may extend the January 1, 1991, deadline for up to two years, if the Administrator determines that unavailability of gasoline containing lead or lead additives for such vehicles will reduce the availability of such gasoline for farm vehicles and that alternatives to gasoline containing lead or lead additives are unavailable for use in gasoline powered farm vehicles.".

FUEL QUALITY

SEC. 216. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(k) FUEL QUALITY.—

"(1) Not later than thirty-six months after the date of enactment of this subsection the Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing specifications for fuel quality which will minimize, to the extent economically and technically achievable, emissions (including evaporative emissions) of hydrocarbons, carbon monoxide, oxides of nitrogen, particulate matter and hazardous air pollutants over the useful life of vehicles and engines certified for manufacture under this title. Such regulations may prohibit the presence of fuel impurities and other substances or mandate the use of specific additives to achieve the purposes of this subsection. The regulations shall be effective for fuels sold on and after January 1, 1994. In the event that the Administrator does not promulgate the regulations required by this paragraph, effective January 1, 1994, it shall be unlawful to sell, offer for sale or introduce into commerce any fuel for use in a gasoline-powered vehicle unless such fuel contains additives effective in preventing the accumulation of deposits in fuel-injected engines.

"(2) In order to achieve and maintain attainment of ambient air quality standards, the Administrator may promulgate regulations applicable to fuel refiners, distributors, marketers, or consumers establishing specifications for fuels (including regulations requiring the availability or sale of fuels meeting the specifications in a nonattainment area or areas) to reduce emissions of pollutants subject to a standard under this title or hazardous air pollutants from motor vehicles. In establishing such specifications and availability requirements the Administrator shall consider other environmental effects which would result from production and use of fuels meeting the specifications. The Administrator shall require as part of any specification under this paragraph that there be no increase in emissions of any other pollutant subject to a standard under this title or any hazardous air pollutant by vehicles using the specified fuel. Regulations under this paragraph shall be stated as performance standards and may be satisfied by any fuel which, as certified to the Administrator by the refiner or distributor, achieves comparable emissions reductions and otherwise satisfies the specification.".

OXYGENATED FUELS

SEC. 217. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(l)(1) Except as provided in paragraph (2) and effective October 1, 1991, no person shall, during the period from October 1 to March 31 each year, sell, offer for sale, or introduce into commerce in any area classified as nonattainment for carbon monoxide any gasoline fuel for use in a motor vehicle unless the oxygen content of such fuel shall be 3.1 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 3.1 per centum or greater.

"(3) The Administrator may waive, in whole or in part, the requirements of this subsection in any area upon a demonstration by the State to the satisfaction of the Administrator that the use of oxygenated fuels would prevent or interfere with the attainment by such area of a national primary ambient air quality standard (or a State or local ambient air quality standard) for any air pollutant other than carbon monoxide.

"(4) Any person selling oxygenated fuel at retail pursuant to this subsection shall be required under regulations promulgated by the Administrator to label the fuel dispensing system with a notice that the fuel is oxygenated and will reduce carbon monoxide emissions from motor vehicles.".

MISFUELING

SEC. 218. Section 211 of the Clean Air Act is amended by deleting subsection (g) and inserting the following new subsection:

"(g)(1) No person shall introduce, or cause or allow the introduction of, leaded gasoline into any motor vehicle which is labeled 'unleaded gasoline only,' which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, which is a 1990 or later model year motor vehicle, or which such person knows or should know is a vehicle designed solely for the use of unleaded gasoline.

"(2) Beginning October 1, 1993, no person shall introduce or cause or allow the introduction into any motor vehicle of diesel fuel which such person knows or should know contains a concentration of sulfur in excess of 0.05 per centum (by weight) or which fails to meet a cetane index minimum of 40.".

URBAN BUSES

SEC. 219. (a) Section 216 of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(13) the term 'urban bus' has the meaning provided under regulations of the Administrator promulgated under section 202(a).".

(b) Section 212 of the Clean Air Act, as amended by section 206, is further amended by adding at the end thereof the following new subsection:

"(e) Not later than twelve months after the enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations requiring the use of low polluting fuels in new urban buses operated primarily in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of one million persons or more. The regulations shall provide that all new urban buses beginning with the model year 1994 purchased or placed into service by owners or operators of urban buses in such areas must be capable of operating, and must be exclusively operated, on low polluting fuels. The Administrator shall prescribe a schedule phasing in the applicability of the requirements established by this paragraph over the 1991 through 1994 model years as follows: 10 per centum of new urban buses purchased or placed into service in model year 1991; 25 per centum of new urban buses purchased or placed into service in model year 1992; 60 per centum of new urban buses purchased or placed into service in model year 1993; and 100 per centum of new urban buses purchased or placed into service in 1994 and later model years. Emissions of particulate matter from buses purchased or placed into service as required by this paragraph shall not exceed 0.10 grams per brake horsepower-hour.".

ENFORCEMENT

SEC. 220. (a) TESTING.—Section 203(a)(2) of the Clean Air Act is amended by inserting before the semicolon at the end thereof the following: ", or to refuse to pay for procurement or testing under section 207(c)".

(b) TAMPERING WITH VEHICLE EMISSION CONTROLS.—(1) Section 203(a)(3) of the Clean Air Act is amended to read as follows:

"(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or

"(B) for any person to manufacture or sell, or offer to sell, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title, and where such person knows or should know that such part or component is being offered for sale for such use or put to such use; or".

(2) At the end of section 203(a) of the Clean Air Act insert the following: "No action with respect to any device or element of design referred to in paragraph (3)(A) shall be treated as a prohibited act under that paragraph until the vehicle or engine on which such device or element of design had been installed (i) has been subsequently released from the custody and control of the person performing such action, if such person is a manufacturer, dealer, or person engaged in the business of repairing, servicing, selling, leasing or trading motor vehicles or motor vehicle engines (or an employ-

ee or agent of such a person), or (ii) has been subsequently operated on a street or highway, if the person performing such action is a person who operates a fleet of motor vehicles or any person other than a person listed in (i).".

(c) CIVIL AND ADMINISTRATIVE PENALTIES.—Section 205 of the Clean Air Act is amended to read as follows:

"SEC. 205. (a) CIVIL PENALTIES.—Any person who violates paragraph (1), (2), or (4) of section 203(a) or any manufacturer or dealer who violates paragraph (3)(A) of section 203(a) of this title shall be subject to a civil penalty of not more than $25,000. Any other person who violates paragraph (3)(A) or any person who violates paragraph (3)(B) of such section 203(a) shall be subject to a civil penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3)(A), or (4) of section 203(a) of this title shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine. Any such violation with respect to paragraph (3)(B) of such section shall constitute a separate offense with respect to each part or component. Any such violation with respect to paragraph (2) of such section shall constitute a separate offense with respect to each day of violation.

"(b) CIVIL ACTIONS.—The Administrator may commence a civil action to assess and recover any civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels and fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide), or subsection (c) of section 217 (pertaining to nonroad engines and vehicles). Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has his principal place of business, and such court shall have jurisdiction to assess such civil penalty. In determining the amount of any civil penalty to be assessed under this subsection, the court shall consider the seriousness of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. In any such action, subpoenas for witnesses who are required to attend a district court in any district may run into any other district.

"(c)(1) The Administrator may assess a civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels or fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide) or subsection (c) of section 217 (pertaining to nonroad engines and vehicles), except that the maximum amount of any civil penalty assessed under this paragraph shall not exceed $200,000. Assessment of a civil penalty under this subsection shall be by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Administrator may issue rules for discovery procedures for hearings under this paragraph.

"(2) In determining the amount of any civil penalty assessed under this subsection, the Administrator shall consider the seriousness of the violation, the economic benefit (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good-faith efforts to comply with the applicable requirements, the economic impact on the violator, and such other matters as justice may require.

"(3)(A) Action by the Administrator under this subsection shall not affect or limit the Administrator's authority to enforce any provision of this Act, except that any violation—(i) with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or (ii) for which the Administrator has issued a final order not subject to further judicial review and the violator has paid a penalty assessment under this subsection, shall not be the subject of civil penalty action under subsection (b).

"(B) No action by the Administrator under this subsection shall affect any person's obligation to comply with any section of this Act.

"(4) An order issued under this subsection shall become final thirty days after its issuance unless a petition for judicial review is filed under paragraph (5).

"(5) Any person against whom a civil penalty is assessed in accordance with this subsection may obtain review of such assessment in the United States Court of Appeals for the District of Columbia Circuit, or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the thirty-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's assessment of the penalty constitutes an abuse of discretion, and such court shall not impose additional civil penalties for the same violation unless the Administrator's assessment of the penalty constitutes an abuse of discretion.

"(6) If any person fails to pay an assessment of a civil penalty imposed by the Administrator as provided in this subsection—

"(A) after the order making the assessment has become final, or

"(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at rates established pursuant to 26 U.S.C. 6621(a)(2) from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

"(7) The Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued under this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, or to appear and produce documents before the Administrator, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof.".

(c) ENFORCEMENT OF SECTION 211.—Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a), (f), (g), (j), or (l) or the regulations prescribed under subsection (c), (h), (i), or (k) or who fails to furnish any information or conduct any tests required by the Administrator under subsection (b) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation. Any violation with respect to a regulation prescribed under subsection (c) of this section which establishes a regulatory standard based upon a multiday averaging period shall constitute a separate day of violation for each and every day in the averaging period. Such civil penalties shall be assessed in accordance with the provisions of subsections (b) and (c) of section 205.

"(2) INJUNCTIVE AUTHORITY.—The district courts of the United States shall have jurisdiction to restrain violations of subsections (a), (f), (g), or (j) and of the regulations prescribed under subsection (c), (h), (i), or (k), to award other appropriate relief, and to compel the furnishing of information and the conduct of tests required by the Administrator under subsection (b). Actions to restrain such violations and compel such actions shall be brought by and in the name of the United States.".

COORDINATION OF FEDERAL TRANSPORTATION AND ENVIRONMENTAL POLICIES

SEC. 221. (a) FINDINGS.—The Congress finds that—

(1) it is Federal policy, as reflected in the Clean Air Act, to require the use of new technologies and alternative fuels by public transportation vehicles to further improve air quality;

(2) the installation and use of new technologies and alternative fuels by public transportation vehicles will require substantial capital investment, and could significantly increase the costs of operating such vehicles;

(3) under existing Federal transportation policy, Federal funding for maintenance, improvement, and expansion of public transportation systems is very limited;

(4) it is in the public interest that such new technologies and alternative fuels be brought into use in the appropriate timeframe, and that public transportation systems become more available and efficient; and

(5) Federal surface transportation programs must be reauthorized by September 30, 1991.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) increased use of multipassenger and public transportation vehicles should be strongly encouraged by Federal, State, and local governments;

(2) Federal transportation policy should reflect environmental policy and concerns; and

(3) the upcoming reauthorization of Federal surface transportation programs should—

(A) take into account and authorize appropriate Federal funding of additional costs imposed on State and local entities relating to environmental requirements contained in this Act;

(B) encourage increased State and local funding for public transportation systems; and

(C) provide various regions, States, and localities with the flexibility to best meet their transportation and environmental needs.

TITLE III—AIR TOXICS

HAZARDOUS AIR POLLUTANTS

SEC. 301. Section 112 of the Clean Air Act is amended to read as follows:

"HAZARDOUS AIR POLLUTANTS

"SEC. 112. (a) DEFINITIONS.—

"(1) The term 'major source' means any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, considering installed and operating controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors. Notwithstanding the provisions of this paragraph, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such wells or stations are major sources.

"(2) The term 'area source' means any stationary source of hazardous air pollutants that is not a major source.

"(3) The term 'stationary source' means any facility or installation or unit of such facility or installation which emits or may emit any hazardous air pollutant.

"(4) The term 'new source' means a source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under this section establishing emissions standards applicable to such source.

"(5) The term 'hazardous air pollutant' means any air pollutant listed pursuant to subsection (b).

"(6) For purposes of this section, the term 'adverse environmental effects' means any threat of significant adverse effects, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources including disruption of local ecosystems, impacts on populations of endangered or threatened species, significant degradation of environmental quality over broad areas, or other comparable effects.

"(7) The term 'electric utility steam generating unit' means any fossil fuel fired steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system.

"(8) The terms 'owner or operator' and 'existing source' shall have the same meaning as such terms have under section 111(a).

"(9) The term 'carcinogenic effect' shall have the meaning provided by the Administrator under Guidelines for Carcinogenic Risk Assessment.

"(b) LIST OF POLLUTANTS.—

"(1) The Congress establishes for purposes of this section a list of hazardous air pollutants as follows:

CAS number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorine
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
7664417	Ammonia
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	Cresols/Cresylic acid (isomers and mixture)
108394	Cresols/Cresylic acid (isomers and mixture)
106445	Cresols/Cresylic acid (isomers and mixture)
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91255	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	Xylenes (isomers and mixture)
108383	Xylenes (isomers and mixture)
106423	Xylenes (isomers and mixture)
0	Antimony Compounds

CAS number	Chemical name
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds [1]
0	Glycol ethers [2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Mineral fibers [3]
0	Nickel Compounds
0	Polycylic Organic Matter [4]
0	Radionuclides (including radon) [5]
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1] X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$

[2] includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-$(OCH2CH2)_n$-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-$(OCH2CH)_n$-OH

Polymers are excluded from the glycol category

[3] includes glass microfibers, glass wool fibers, rock wool fibers, and slag wool fibers, each characterized as "respirable" (fiber diameter less than 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

[4] includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C

[5] a type of atom which spontaneously undergoes radioactive decay.

"(2) The Administrator shall, from time to time, but not less often than every five years, review and revise the list established by paragraph (1) adding pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic but not including effects for which a pollutant has been listed pursuant to section 108 of this Act) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, but not including releases subject to regulation under section 129 as a result of emissions to the air. No substance, practice, process, or activity regulated under title V of this Act shall be subject to regulation under this section solely due to its adverse effects on the environment.

"(3)(A) Any person may petition the Administrator to modify the list established by paragraph (1) by adding or deleting a substance. Any such petition shall include a showing by the petitioner that there is adequate data on the health effects of the pollutant or other evidence adequate to support the petition. Within twelve months after receipt of a petition the Administrator shall either grant the petition or publish a statement of the reasons for not granting the petition. The Administrator may not deny a petition on the basis of inadequate resources or time for review.

"(B) The Administrator shall add a substance to the list upon a showing by the petitioner or on the Administrator's own determination that the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects, or that the substance is an air pollutant that qualifies for addition to the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(C) The Administrator shall remove a substance from the list upon a showing by the petitioner or on the Administrator's own determination that there is adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bioaccumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to the human health or adverse environmental effects, or that the substance qualifies for deletion from the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986. Action by the Administrator pursuant to section 313(d)(3) of such Act prior to the date of enactment of this paragraph shall constitute a deletion for the purposes of this section.

"(4) If the Administrator determines that information on the health or environmental effects of a substance is not sufficient to make a determination required by this subsection, the Administrator may use the authorities of section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act and other information-gathering authorities under such Act and other laws administered by the Agency to acquire such information.

"(5) The Administrator may establish test measures and other analytic procedures for monitoring and measuring emissions, ambient concentrations, deposition, and bioaccumulation of hazardous air pollutants.

"(c) LIST OF SOURCE CATEGORIES.—

"(1) Not later than twelve months after the date of enactment of this paragraph and after notice and opportunity for public comment, the Administrator shall publish (and from time to time revise) a list including all categories and subcategories of major sources of hazardous air pollutants which shall, to the extent practicable, be consistent with the list of source categories established pursuant to section 111 and part C of this Act.

"(2) The Administrator shall list under this subsection and designate for regulation under subsection (d) each category or subcategory of area sources which the Administrator finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section.

"(3) In addition to those categories and subcategories of sources designated for regulation pursuant to paragraphs (1) and (2), the Administrator may at any time designate additional categories and subcategories of sources of hazardous air pollutants according to the same criteria for designation applicable under such paragraphs and at the time of designation shall establish a date for the promulgation of emissions standards under subsection (d).

"(4) At the time of setting a standard for any category or subcategory of sources pursuant to subsection (d), (f), or (g), the Administrator shall also establish a minimum emissions rate for each hazardous air pollutant emitted by sources in the category or subcategory reflecting the criteria for listing a hazardous air pollutant established by subsection (b)(2). All sources in the category or subcategory emitting more than the minimum emissions rate for any hazardous air pollutant shall be subject to standards promulgated under subsection (d), (f), or (g). In no event shall the minimum emissions rate be greater than ten tons per year for any one hazardous air pollutant or twenty-five tons per year for any combination of such pollutants.

"(5) Notwithstanding the provisions of pargaraph (4), the Administrator may establish a minimum emissions rate of more than ten tons for a category or subcategory and a pollutant for which a health effects threshold can be established, provided that, the minimum emissions rate assures, with an ample margin of safety, such threshold will not be exceeded within the vicinity of the sources in the category and that no adverse environmental effects will occur as the result of emissions from the sources individually or in combination with emissions from other similar sources.

"(6) With respect to alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Administrator shall establish minimum emissions rates for categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(1).

"(7) Notwithstanding the provisions of paragraph (1), the Administrator shall not be required to list any source category for which—

"(A) the hazardous air pollutants emitted by sources in the category (in quantities greater than ten tons per year for any pollutant or twenty-five tons per year for any combination of pollutants from a source) are all known, probable or possible human carcinogens with no other adverse health or environmental effect; and

"(B) no source in the category emits a hazardous air pollutant in quantities which may cause a lifetime risk of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of such pollutant from a source in the category.

"(d) EMISSIONS STANDARDS.—

"(1) The Administrator shall promulgate emissions standards for every category or subcategory of sources of hazardous air pollutants designated for regulation pursuant to subsection (c).

"(2) Emissions standards promulgated under this subsection and applicable to new or existing sources of hazardous air pollutants shall require the maximum degree of reduction in emissions of each air pollutant subject to this section (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emissions reduction, and any non-air-quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which such emissions standard applies, through application of measures, processes, methods, systems or techniques including, but not limited to, measures which—

"(A) reduce the volume of such pollutants through process changes, substitution of materials, or other modifications,

"(B) enclose systems or processes to eliminate emissions,

"(C) collect, capture, or treat such pollutants when released from a process, stack, storage, or fugitive emissions point,

"(D) are design, equipment, work practice, or operational standards (including requirements for operator training or certification as provided in subsection (h)), or

"(E) are a combination of the above.

"(3) The degree of reduction in emissions that is deemed achievable for new sources in a category or subcategory shall not be less stringent than the most stringent emissions level that is achieved in practice by a source in the same category or subcategory, as determined by the Administrator, and may be more stringent where feasible. Emissions standards under this subsection for existing sources in a category or subcategory may be less stringent than standards for new sources in a similar category or subcategory: *Provided*, That, the emissions limitation for existing sources in the category or subcategory shall not be less stringent than—

"(A) the average emissions limitation achieved by the best performing 10 per centum of the existing sources (for which the Administrator has emissions information) in the category or subcategory for categories or subcategories with thirty more sources, or

"(B) the average emissions limitation achieved by the best performing three sources (for which the Administrator has emissions information, provided that the Administrator has made reasonable efforts to obtain such information) in the category or subcategory for categories or subcategories with fewer than thirty sources, and may be more stringent.

The Congress finds that an average reduction of 90 per centum (95 per centum in the case of particulates) from uncontrolled levels is an appropriate benchmark for emissions standards applicable to existing sources in the category or subcategory under this subsection.

"(4) With respect to pollutants for which a health threshold can be established, the Administrator may consider such threshold level, with an ample margin of safety, when establishing emissions standards under this subsection.

"(5) With respect only to categories and subcategories of area sources listed pursuant to subsection (c)(2), the Administrator is authorized, in addition to the authorities provided in paragraph (2) and subsections (f) and (g), to promulgate standards or requirements applicable to sources in such categories or subcategories which provide for the use of cost-effective and generally achievable control technologies or management practices by such sources to reduce emissions of hazardous air pollutants.

"(6) The Administrator shall review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emissions standards promulgated under this section no less often than every seven years.

"(7) No emissions standard or other requirement promulgated under this section shall be interpreted, construed or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established pursuant to section 111, part C, section 172(b) (3) or (6), or other authority of this Act or a standard issued under State authority.

"(8) Not later than two years after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate regulations establishing emission standards for coke oven facilities. Such regulations shall assure that such sources will not exceed—

"(i) 8 per centum leaking doors;

"(ii) 1 per centum leaking lids;

"(iii) 5 per centum leaking offtakes; and

"(iv) sixteen seconds visible emissions per charge, as modified by any necessary technical corrections.

"(9) Emissions standards promulgated under this subsection shall be effective upon promulgation.

"(e) SCHEDULE FOR STANDARDS AND REVIEW.—

"(1) The Administrator shall promulgate regulations establishing emissions standards for categories and subcategories of sources designated for regulation pursuant to subsection (c) as expeditiously as practicable, assuring that—

"(A) emissions standards for categories or subcategories of sources of acrylonitrile, benzene, 1,3-butadiene, cadmium, carbon tetrachloride, chloroform, chromium, ethylene dichloride, ethylene oxide, methylene chloride, perchloroethylene, trichloroethylene, and coke oven emissions are promulgated not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1989;

"(B) emissions standards for 25 per centum of the categories and subcategories designated pursuant to subsection (c) (1) and (2) shall be promulgated not later than three years after such date;

"(C) emissions standards for 50 per centum of the categories or subcategories designated pursuant to subsection (c) (1) and (2) shall be promulgated not later than five years after such date; and

"(D) emissions standards for all categories and subcategories designated for regulation pursuant to subsection (c) (1) and (2) shall be promulgated not later than ten years after such date.

"(2) In determining priorities for scheduling the promulgation of standards pursuant to subparagraphs (1) (B), (C), and (D), the Administrator shall consider—

"(A) the known or anticipated adverse effects of such pollutants on human health and the environment;

"(B) exposure to and the location of major sources of such pollutants including risks to individuals most exposed and the consequent urgency of a national standard;

"(C) the quantity of hazardous air pollutants that sources in each category or subcategory emit; and

"(D) the efficiency of grouping the categories or subcategories according to the pollutants emitted or the processes or technologies used.

"(3) Not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1989 and after opportunity for comment, the Administrator shall publish a schedule establishing a date for the promulgation of emissions standards for each category and subcategory of sources listed pursuant to subsection (c) (1) and (2) which shall be consistent with the requirements of paragraphs (1) and (2). The determination of priorities for the promulgation of standards pursuant to this paragraph is not a rulemaking and shall not be subject to judicial review, except that, failure to promulgate any standard pursuant to the schedule established by this paragraph shall be subject to review under section 304 of this Act.

"(4) If, under other provisions of this Act, the Administrator is proposing or promulgating requirements applicable to a class of sources similar to a category or subcategory listed pursuant to this section, the Administrator may simultaneously propose or promulgate emissions standards under this section for such category or subcategory notwithstanding the priorities established by paragraph (2). Nothing in this paragraph shall be construed or applied to stay a deadline for control requirements otherwise applicable under this or other law.

"(5)(A) The Administrator shall conduct, and transmit to the Congress not later than three years after the date of enactment of this paragraph, a study of emissions of hazardous air pollutants which are particulates from electric utility steam generating units.

"(B) The Administrator shall conduct, and transmit to the Congress not later than four years after the date of enactment of this paragraph, a study of mercury emissions from electric utility steam generating units considering the rate and mass of such emissions, the health and environmental effects of such emissions, technologies which are available to control such emissions, and the costs of such technologies.

"(C) Notwithstanding the requirements of subsection (e), standards under subsection (d) for the control of emissions of hazardous air pollutants which are particulates and mercury emissions from electric utility steam generation units shall be promulgated not sooner or later than five years after the date of enactment of this paragraph. Electric utility steam generating units shall be in compliance with such standards not later than eight years after the date of enactment of this paragraph.

"(D) Notwithstanding the provisions of this section, the Administrator shall not be required to promulgate standards to control emissions of organic or inorganic acid gases from electric utility steam generating units unless the Administrator finds that such standards are warranted to protect public health or the environment. Nothing in this section shall be construed to authorize the Administrator to promulgate standards requiring use of flue gas stream scrubbing technology by electric utility steam generating units for the control of hazardous air pollutants.

"(E) Notwithstanding the provisions of this section, the Administrator shall not promulgate standards to control emissions of any hazardous air pollutant, other than mercury, which is emitted in gaseous form from electric utility steam generating units, if the emissions of such pollutant are less than ten tons per year.

"(F) Emissions of organic and inorganic acid gases shall be included in determining whether an electric utility steam generating unit is a major source of hazardous air pollutants which are particulates or mercury under this section.

"(6) Notwithstanding the provisions of paragraph (1), the Administrator shall promulgate standards pursuant to subsection (d) applicable to publicly owned treatment works (as defined in title II of the Federal Water Pollution Control Act) not earlier or later than five years after the date of enactment of this paragraph.

"(7) Prior to the evaluation of remaining risks pursuant to paragraph (8), and after notice and opportunity for comment, the Administrator shall publish revised Guidelines for Carcinogenic Risk Assessment or a detailed explanation of the reasons that any recommendations contained in the report of the National Academy of Sciences will not be implemented. The Administrator shall consider, but need not adopt, the recommendations contained in the report of the

National Academy of Sciences prepared pursuant to subsection (s) and the views of the Science Advisory Board. The publication of such revised Guidelines shall not be a final Agency action for purposes of section 307.

"(8)(A) If legislation recommended by the Risk Assessment and Management Commission in accordance with this section or alternative legislation providing for the regulation of risks to public health resulting from exposure to emissions of hazardous air pollutants after application of controls in accordance with subsection (d) is not enacted by a date five years after the date of enactment of the Clean Air Act Amendments of 1990, the provisions of this paragraph and subsections (f) and (i) (4)–(8) shall become effective on such date.

"(B) Not later than three years after the initial promulgation of emissions standards for a category or subcategory of sources pursuant to subsection (d), the Administrator shall commence an evaluation of the risks to human health and the environment resulting from emissions of hazardous air pollutants by sources in the category or subcategory remaining after application of such standards. If the Administrator finds as the result such evaluation, that emissions of hazardous air pollutants from sources in the category or subcategory (or portion thereof), individually or in the aggregate, after application of the prescribed standards, present a significant risk of adverse effects on public health or a threat of adverse environmental effects, the Administrator shall complete, within two years after the date of commencement, such evaluation and revise standards applicable to such category or subcategory (or portion thereof) using the authorities of subsection (f) or (g), as appropriate.

"(C) The Administrator shall take such steps as are necessary, including studies pursuant to section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, to assure that adequate data on the health and environmental effects of any hazardous air pollutant emitted by sources in a category or subcategory subject to review under this paragraph are available at the commencement of the evaluation.

"(D) To the extent that standards promulgated under subsection (d) do not eliminate lifetime risks of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory (as determined according to Guidelines for Carcinogenic Risk Assessment published by the Administrator), the Administrator shall use the authorities of subsection (f) to revise the standards applicable to such pollutant (or stream of pollutants) and categories or subcategories. To the extent that standards promulgated under subsection (d) do not reduce emissions to a level at or below the threshold for adverse health effects, with an ample margin of safety, for pollutants other than carcinogens, the Administrator shall use the authorities of subsection (g) to revise the standards applicable to such pollutants and categories or subcategories. With respect to any hazardous air pollutant which is both a carcinogen and causes adverse health effects for which a threshold exists, the Administrator shall establish standards pursuant to subsection (f) for sources of such pollutant, unless a more stringent standard than would be promulgated pursuant to subsection (f)(1)(A) is necessary to assure that such threshold, with an ample margin of safety, will not be exceeded. The Administrator shall in any such case establish a standard under subsection (g) in lieu of the standard which would be applicable under (f)(1)(A).

"(E)(i) Any recommendation of the Risk Assessment and Management Commission which includes proposed amendments to this section shall be transmitted in legislative form as a special message to the Speaker of the House of Representatives and to the President of the Senate not later than forty-two months after the date of enactment of this paragraph.

"(ii) Any bill introduced with respect to a special message shall be referred to the Committee on Environment and Public Works in the Senate and the Committee on Energy and Commerce in the House of Representatives.

"(iii)(I) If the committee to which a bill with respect to a special message has been referred has not reported it at the end of sixty calendar days of continuous session of the Congress after its introduction, it is in order to move to discharge the committee from further consideration of the bill.

"(II) A motion to discharge may be made only by an individual favoring the bill, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill with respect to the special message); and debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(iv)(I) When the Energy and Commerce Committee of the House of Representatives has reported, or has been discharged from further consideration of, a bill with respect to the special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(II) Debate on any bill with respect to the special message shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable.

"(III) Motions to postpone, made with respect to the consideration of a bill with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

"(IV) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill with respect to a special message shall be decided without debate.

"(V) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any bill with respect to a special message and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

"(v)(I) Debate in the Senate on any bill with respect to a special message, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than fifteen hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(II) Debate in the Senate on any amendment to a bill with respect to a special message shall be limited to two hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a bill with respect to a special message shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a bill with respect to a special message, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

"(III) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed three, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill.

"(IV) The conference report on a bill with respect to a special message shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

"(V) During the consideration of the Senate of the conference report on any bill with respect to a special message, debate shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

"(VI) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to thirty minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to twenty min-

utes, to be equally divided between and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

"(VII) In any case in which there are amendments in disagreement, time on each amendment shall be limited to thirty minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

"(vi) Beginning on the date one hundred and eighty calendar days following the submission of the report of the Risk Assessment and Management Commission, a bill consisting of any draft legislation accompanying the report shall be privileged in both the House of Representatives and the Senate. In the Senate, such legislation shall be subject to a limitation of debate of fifteen hours, equally divided between the majority leader and the minority leader. Relevant amendments to the legislation shall be in order. At the conclusion of the fifteen-hour period, no intervening action shall be in order, and the bill shall be read a third time followed by a vote on final passage. This subparagraph is enacted as an exercise of the rulemaking power of the House of Representatives and of the Senate.

"(f) ADDITIONAL REGULATION OF CARCINOGENS.—

"(1) The Administrator is authorized to promulgate emissions standards under this subsection applicable to categories or subcategories of sources of any hazardous air pollutant which is a known, probable, or possible human carcinogen. For each such pollutant (or stream of pollutants containing carcinogens) the Administrator shall establish two simultaneously applicable standards including—

"(A) a standard which eliminates all lifetime risks of carcinogenic effects greater than one in ten thousand to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory; and

"(B) a standard which eliminates all lifetime risks of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory.

No consideration of cost, cost effectiveness, economic, energy, or other factors or technological feasibility shall be included in the determination of the appropriate level of any emissions standard under this subsection.

"(2) Any standards promulgated under this subsection shall be effective upon the date of promulgation.

"(g) STANDARDS TO PROTECT HEALTH AND THE ENVIRONMENT.—

"(1) The Administrator is authorized to promulgate emissions standards under this subsection applicable to categories or subcategories of sources of any hazardous air pollutant which is not a carcinogen. The Administrator shall establish any emission standard or standards under this subsection at the level which, in the judgment of the Administrator, provides an ample margin of safety to protect the public health, unless a more stringent standard is required to protect the environment. No consideration of costs, cost effectiveness, economic, energy, or other factors or technological feasibility shall be included in the determination of the appropriate level of any emission standard or the margin of safety to protect the public health under this subsection.

"(2) Any emission standard established pursuant to this subsection shall become effective upon promulgation.

"(h) WORK PRACTICE STANDARDS AND OTHER REQUIREMENTS.—

"(1)(A) In addition to any numerical emissions limitation established under this section, the Administrator is authorized to promulgate a design, equipment, work practice, or operational standard (including requirements for operator training or certification), or combination thereof, applicable to sources in categories or subcategories listed pursuant to subsection (c) and consistent with the provisions of subsection (d), (f), or (g). The Administrator shall promulgate such standards whenever it is not feasible to prescribe or enforce an emission standard for a category or subcategory for control of hazardous air pollutants (or a stream of such pollutants). In the event the Administrator promulgates a design or equipment standard under this paragraph, the Administrator shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

"(B) For the purpose of this paragraph, the phrase 'not feasible to prescribe or enforce an emission standard' means any situation in which the Administrator determines that (i) a pollutant (or stream of pollutants) listed pursuant to subsection (b) cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (ii) the application of measurement methodology to a particular category or subcategory of sources is not practicable due to technological and economic limitations.

"(C) If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant (or stream of pollutants) at least equivalent to the reduction in emissions of such pollutant achieved under the requirements of subparagraph (A), the Administrator shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.

"(D) Any standard promulgated under subsections (d), (f), or (g) shall include a numerical emissions limitation whenever it is feasible to promulgate and enforce a standard in such terms.

"(2) For the purposes of developing or assisting in the development of any standard, requirement, or regulation, conducting any study, or enforcing the provisions of this section, the Administrator (or a State with an approved program under subsection (1)) may require the owner or operator of any facility which emits air pollutants subject to this section or stores any substance subject to section 129 of this act to monitor for the presence of such pollutant in the emissions (both point and nonpoint) from such source and in the ambient air within the vicinity of the facility, to install and maintain leak detection systems, and to keep records and make reports on the results of such monitoring and leak detection.

"(3)(A) Emissions standards promulgated pursuant to this section shall include, where appropriate, leak prevention, detection and correction requirements consistent with the provisions of subsection (d)(2) and may include monitoring, recordkeeping, reporting, vapor recovery, secondary containment, or other requirements, which shall be applicable to devices and systems (including pumps, compressors, valves, flanges, connectors, containers, and vessels) from which there may be emissions of any pollutant subject to this section.

"(B) Regulations under this paragraph may require the owner or operator of a source to carry out an annual audit and safety inspection to locate and correct all leaks and other preventable routine or episodic releases of any air pollutant subject to this section. The results of such inspection and the results of any other safety inspection, survey, or audit carried out with respect to the source shall be available to the Administrator, to the State in which the source is located, and to the public, consistent with the provisions of sections 322, 323, and 324 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(4) Any design, equipment, work practice, or operational standard, audit or monitoring requirement or any combination thereof, described in this subsection shall be treated as an emission standard for purposes of the provisions of this Act (other than the provisions of this subsection).

"(i) SCHEDULE FOR COMPLIANCE.—

"(1) After the effective date of any emission standard, limitation, or regulation under subsection (d), (f), (g), or (h), no person may construct any new major source or reconstruct any existing major source subject to such emission standard or limitation unless the Administrator (or a State with a permit program approved under subsection (j)) determines that such source, if properly constructed and operated, will comply with the standard or limitation except that a source otherwise subject to subsection (f) or (g), may in the alternative, seek approval of an emissions limitation under paragraph (3) or (4), as appropriate.

"(2) After the effective date of any emissions standard under this section, no air pollutant may be emitted from any source in violation of an emissions standard under this section or alternative emissions limitation established pursuant to paragraph (3) or (4), except in the case of an existing source, the Administrator shall establish a compliance date or dates for each category or subcategory of existing sources, which shall provide for compliance as expeditiously as practicable, but in no event later than three years after the effective date of such standard, except as provided in paragraphs (3) through (15).

"(3) With respect to standards established pursuant to subsection (g), the Administrator (or a State with an approved program) shall establish an alternative emissions limitation if the owner or operator of a source provides a site-specific health assessment, performed in accordance with regulations promulgated by the Administrator under paragraph (7). Such alternative emissions limitation shall be established to protect public health with an ample margin of safety, based on the results of the site-specific health assessment.

"(4)(A) With respect to standards established pursuant to subsection (f), the Administrator (or a State with an approved program) shall, after consultation with the State in which the source is located, grant a

source an alternative emissions limitation, if the Administrator (or the State) determines, based on a site-specific health risk assessment provided by the owner or operator of the source and other information prepared in accordance with rules issued under paragraph (7), that such alternative emissions limitation provides that the actual person living within the vicinity of the source who is most exposed to emissions of any hazardous air pollutant from the source will not experience an individual lifetime risk of carcinogenic effects exceeding one in ten thousand as the result of such exposure. No alternative emissions limitation applicable to a source and authorized by this paragraph shall be less stringent than an emission standard established pursuant to subsection (d) applicable to such source. Any alternative emissions limitation shall be reviewed at the time the permit for the source is renewed to assure that such controls and mitigation measures as are being employed continue to be effective.

"(B) An alternative emissions limitation established under this paragraph shall, to the extent possible using available technology and operational controls, reduce the expected risk of carcinogenic effects to the actual person most exposed to emissions of any hazardous air pollutant from the source to a level not exceeding one in one million. To the extent that such level cannot be achieved, the Administrator (or a State with an approved program) shall assure that all available technology and operational controls are employed and that the alternative emissions limitation is reviewed at the time the permit for the source is renewed to determine whether further technology and operational controls are available. The Administrator (or the State) may require the owner or operator of the source to conduct research and development on improved or more effective control technologies or management practices as a condition for any alternative emissions limitation or permit renewal established pursuant to this paragraph.

"(5) The owner or operator of any source seeking an alternative emission limitation under paragraph (3) or (4) may employ mitigation measures to reduce expected risks of carcinogenic effects to actual persons living within the vicinity of the source, except that any stack height credit used in a modeling demonstration shall not exceed the credit permitted by the stack height regulations promulgated in accordance with section 123 of the Act. To the extent that mitigation measures include relocation of persons living within the vicinity of the source or a greenbelt around the source, the Administrator (or a State with an approved program) shall assure whenever the permit is renewed for such source that such measures continue to be effective.

"(6)(A) Any request for an alternative emissions limitation under paragraph (3) or (4) shall be submitted within one year of the date on which an emission standard applicable to an existing source is promulgated pursuant to subsection (f) or (g). Any request for an alternative emissions limitation for any source shall include all supporting information as required by rule which is necessary for the Administrator (or the State with an approved program) to make a determination with respect to the eligibility of the source for an alternative emissions limitation. The site-specific health assessment or health risk assessment submitted by the owner or operator of the source in support of a request for an alternative emission limitation shall comply with rules for preparing such health assessments and health risk assessments which have been promulgated by the Administrator pursuant to paragraph (7).

"(B) The Administrator (or the State with an approved program) shall make a determination upon any request one year before the date of compliance established for the emissions standard promulgated pursuant to subsection (f) or (g) and the alternative emissions limitation shall be effective upon the date of compliance, except that the Administrator (or the State with an approved program) can provide the owner or operator of the source one additional year to comply with the alternative emissions limitation upon a showing by the owner or operator of the source that additional time is necessary to comply.

"(C) If a State has an approved program and initial authority to grant an alternative emissions limitation and a complete application has been timely filed by the owner or operator of the source, but the State has failed to act on such application, the Administrator shall review and approve or disapprove such application by a date not later than three years after the relevant standard has been promulgated. The Administrator may provide the source up to two years from the date an alternative emission limitation is established to comply with such limitation, but in no event longer than five years after the relevant standard was originally promulgated under subsection (f) or (g).

"(D) A new source subject to an emissions standard under subsection (f) or (g) shall be in compliance with any applicable alternative emissions limitation before operation of the source commences.

"(E) The Administrator shall review and approve or disapprove, after an opportunity for public comment, each alternative emissions limitation granted by a State to a source under this subsection which is less stringent than an emissions standard promulgated under subsection (f)(1)(A) and which would otherwise be applicable to such source. The Administrator's decision to approve or disapprove an alternative emissions limitation pursuant to this subparagraph shall not be subject to judicial review. Nothing in this subparagraph shall restrict the right of any person to judicial review of a permit.

"(7)(A) Not later than five years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate rules for site-specific health assessments and health risk assessments to be prepared in support of applications for alternative emissions limitations pursuant to paragraphs (3) and (4). In promulgating such regulations, the Administrator shall provide methods for submitting and including in the health assessment and health risk assessment information including, but not limited to, configuration of the facility, actual meteorology and terrain of the site, dispersion modeling reflecting actual rates of operation of the source, direct and indirect exposure pathways, and typical lifestyles (including length of residency within the vicinity of the source) and patterns of activity of the residents of the area. To the extent that actual information is not submitted or governed by the last sentence of this subparagraph, the model used to conduct the health assessment or health risk assessment shall include the default assumptions from the Agency's standard model. Regulations promulgated under this paragraph shall require use of unit risk factors for each hazardous air pollutant as determined by the Administrator, provide methods for estimating exposure for the actual person most exposed to emissions of any hazardous air pollutant from the source, specify dispersion modeling methodology and monitoring methods and require that all data collected in the assessment must be available for inspection by the Administrator (or the State with an approved program). For purposes of estimating exposure to any hazardous air pollutant from the source, exposure parameters with respect to lifestyles and activity patterns are to be based on information gathered by the Administrator concerning persons living under comparable socioeconomic conditions and reflecting expected exposure of one standard deviation above the mean level of exposure which would be expected for such persons.

"(B) The health assessments and health risk assessments supporting applications for alternative emissions limitations under paragraph (3) or (4) shall identify the actual person most exposed to emissions of any hazardous air pollutant from the source and shall determine risks of carcinogenic effects to such person. To the extent that mitigation strategies are used that relocate any such persons, the health assessment or health risk assessment shall determine the risk of carcinogenic effects to the actual person who would be most exposed after all mitigation measures are implemented and shall include a determination of the alternative emissions limitations which would be necessary to provide that no person living within the vicinity of the source would experience risks of carcinogenic effects exceeding one in ten thousand or one in one million resulting from exposure to emissions of any hazardous air pollutant from the source.

"(8) Each alternative emission limitation established pursuant to paragraph (3) or (4) shall be implemented through a permit under subsection (j). Prior to the issuance of any such permit, the Administrator (or the State with an approved program) shall publish a notice of the request for an alternative emissions limitation along with a brief analysis prepared by the Administrator (or the State) of the site-specific health assessment or site-specific health risk assessment provided by the owner or operator and make the analysis along with the health assessment of health risk assessment available to the public (prior to the public hearing). The Administrator (or the State with an approved program) shall provide an opportunity to comment on the site-specific health assessment or site-specific health risk assessment in writing and at a public hearing held within the vicinity of the source during the permit process. The notice of the hearing shall be published in a general circulation newspaper and include sufficient information as necessary to provide a reasonable explanation of the health assessment or health risk assessment. The health assessment or health risk assessment shall be made available to the public not less than 60 days before such hearing. The Administrator (or the State with an approved program) shall respond to any written comments received from the public on the health assessment or health risk assessment at the time of permit issuance incorporating any alternative emissions limitation.

"(9)(A) With respect to standards promulgated pursuant to subsection (f)(1)(B) the Administrator (or a State acting pursuant to

a program approved under subsection (l)) may grant an existing source a temporary exception from the standard, if the Administrator (or the State) determines, based on specific information provided by the owner or operator of the source and other information, that the standard cannot be achieved by the source using all available technology and operational controls and that the source will implement a risk-reduction program employing all such technology and controls. For purposes of this section, consideration of cost is implicit in the term 'available'. Controls which are so expensive that they force closure of the source or would severely impair its continuation as an economic entity are not 'available'. For purposes of this subparagraph the phrase 'all available technology and operational controls' shall include all measures which are technically feasible including process modifications and materials substitution to reduce emissions of hazardous air pollutants from the source. The Administrator (or the State) may require the owner or operator of the source to conduct research and development on improved or more effective control technologies or management practices as a condition for any temporary exception or permit renewal pursuant to this paragraph.

"(B) Any request for an exception under this paragraph shall be submitted within six months of the date of promulgation of the applicable standard and shall include all information necessary for the Administrator (or the State) to make a determination with respect to the eligibility of a source for an exception. The Administrator (or the State) shall review and approve or disapprove any request within one year of submittal. Any request failing to meet the requirements of this subparagraph shall be deemed denied.

"(C) An exception may only be granted under this paragraph, if the Administrator (or the State) has provided notice of the proposed exception and has provided an opportunity for public comment and a public hearing on the conditions of the proposed exception. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any exception granted by a State under this paragraph. The Administrator shall make a determination with respect to any appeal within one hundred and eighty days.

"(D) An exception granted under this paragraph shall be reviewed upon renewal of the permit for the source, and may be extended after a further determination subject to the same terms and conditions as applicable in the first instance.

"(10) The President may exempt any source from compliance with paragraph (1) for a period of not more than two years if the President finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

"(11)(A) The Administrator (or a State acting pursuant to a program approved under subsection (l)) shall exempt any existing source from an emissions standard promulgated pursuant to subsection (d) upon a showing by the owner or operator of such source that it has achieved a voluntary reduction of 90 per centum or more in emissions of hazardous air pollutants (95 per centum or more in the case of a pollutant which is a particulate) from the source on or before December 31, 1992.

"(B) The reduction shall be determined with respect to verifiable and actual emissions in a base year not earlier than calendar year 1985, provided that, there is no evidence that emissions in the base year are artificially or substantially greater than emissions in other years prior to implementation of emissions reduction measures. Emissions data satisfying all requirements imposed pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 shall be considered 'verifiable and actual' for the purpose of establishing base year emissions.

"(C) For each source granted an exemption under this paragraph there shall be established by a permit issued pursuant to subsection (j) an enforceable emissions limitation for hazardous air pollutants reflecting the reduction which qualifies the source for an exemption under this paragraph. An exemption under this paragraph shall not include an exemption from standards or requirements promulgated pursuant to subsection (f) or (g) and the Administrator shall review emissions from sources granted exemptions under this paragraph according to the provisions of subsection (e)(7) at the same time that other sources in the category or subcategory are reviewed.

"(D) For purposes of this paragraph, the term 'voluntary' means not otherwise required by a Federal, State, or local air pollution control law or regulation.

"(E) The Administrator shall promulgate regulations to carry out the provisions of this paragraph as expeditiously as practicable, but not later than twelve months after the date of enactment of the Clean Air Act Amendments of 1989. Such regulations may include fees sufficient to offset the costs of reviewing applications for exemptions submitted under this paragraph. Revenues from such fees received by the Administrator shall, notwithstanding the provisions of the Miscellaneous Receipts Act, be used for the purpose of administering this section.

"(F) With respect to pollutants for which high risks of adverse human health effects may be associated with exposure to small quantities including, but not limited to, chlorinated dioxins and furans, the Administrator shall by regulation limit the use of offsetting reductions in emissions of other hazardous air pollutants from the source as counting toward the 90 per centum reduction in such high-risk pollutants qualifying for an exemption under this paragraph.

"(12) Notwithstanding the requirements of this section, no existing source that has installed—

"(A) reasonably available control technology (which achieves a reduction of 80 per centum or more from uncontrolled levels of hazardous air pollutants emitted by the source),

"(B) best available control technology (as defined in section 169(3)),

"(C) technology required to meet a lowest achievable emissions rate, or

"(D) has voluntarily achieved (as certified to the Administrator) on or after January 1, 1993, a reduction of 90 per centum in the emissions of the hazardous air pollutants emitted by the source,

prior to the promulgation of a standard under this section applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to an action described in subparagraph (A), (B), (C), or (D) shall be required to comply with such standard under this section until the date five years after the date on which such installation or reduction has been achieved, as determined by the Administrator. The Administrator may issue such rules and guidance as are necessary to implement this paragraph.

"(13)(A) If at any source a hazardous air pollutant is subject to regulation under this section because the source emits more than the minimum emissions rate of other pollutants, the Administrator (or a State acting pursuant to a program approved under subsection (l)) may, at the request of the owner or operator of the source, waive the requirements applicable to such pollutant where emissions of the pollutant are in de minimis amounts and do not present a significant risk of adverse effects to human health or adverse environmental effects and control of the pollutant would require installation of additional and separate control technologies for that pollutant only.

"(B) Applications for waivers under this paragraph shall be submitted not later than four months after the effective date of the relevant standard and the Administrator (or the State) shall make a determination on any application within six months of submission. Applications which are not complete shall be deemed denied without further opportunity for reapplication. An application for a waiver under this paragraph shall not stay the applicant's obligation to comply with emissions standards applicable to other pollutants. Applications shall be accompanied by fees adequate to offset all direct and indirect costs of reviewing such applications. Not later than eighteen months after the date of enactment of this paragraph, the administrator shall publish guidance on procedures for application and review.

"(14) A source for which construction or reconstruction is commenced after the date an emissions standard applicable to such source is proposed pursuant to subsection (d) but before the date an emissions standard applicable to such source is proposed pursuant to subsection (f) or (g) shall not be required to comply with the emissions standard under subsection (f) or (g) until the date ten years after the date construction or reconstruction is commenced.

"(15(A)(i) Any source of coke oven emissions which achieves the emissions limitation specified in clause (ii) beginning on or before January 1, 1995, and continues to achieve such limitation after such date, shall not be required to achieve emissions limitations promulgated under subsection (d), (f), or (g) until January 1, 2020.

"(ii) Sources of coke oven emissions qualifying for an extension under this subparagraph shall not exceed—

"(I) 3 per centum leaking doors (5 per centum leaking doors for six meter batteries)

"(II) 1 per centum leaking lids;

"(III) 4 per centum leaking offtakes; and

"(IV) Sixteen seconds visible emissions per charge.

"(B)(i) Any source of coke oven emissions which is not owned or operated by an integrated steel company may elect to meet the standards and schedule specified in this subparagraph in lieu of the requirements of subsections (d), (f), and (g).

"(ii) A source electing the regulatory schedule under this subparagraph shall meet the standards established in subsection (d)(8) not later than three years after date of enactment and the standards established under clause (B)(iii) not later than

ten years after the date of enactment of the Clean Air Act Amendments of 1990.

"(iii) Not later than seven years after the date of enactment of this paragraph, the Administrator shall promulgate emissions standards for categories of coke oven emissions qualifying under this subparagraph with the presumption that such standards will include a standard for leaking doors as specified in subparagraph (A)(i)(I) unless determined otherwise by the Administrator. Standards under this clause shall be established pursuant to the authorities of subsection (d)(1).

"(iv) Any source of coke oven emissions which is not owned or operated by an integrated steel company and which meets emission standards pursuant to clause (ii) and (iii) shall not be required to meet emissions standards which would otherwise be applicable to the source under subsection (f) or (g) until January 1, 2020.

"(C) The Administrator shall promulgate monitoring, reporting and recordkeeping, and other requirements including national test methods, as necessary, to implement and enforce standards under this paragraph and subsections (d), (f), and (g).

"(j) PERMIT PROGRAM.—

"(1) Except as provided in paragraph (2) and after the date of enactment of this section, it shall be unlawful for any person to construct a new source, or for the owner or operator of any source to emit any air pollutant, subject to any emissions standard under this section, except in compliance with a permit issued by the Administrator (or a State acting pursuant to a program approved under subsection (l)) under this subsection. The Administrator shall promulgate within twelve months after the date of enactment of this subsection regulations establishing the minimum elements of a permit program. These elements shall include—

"(A) requirements for permit applications, including a standard application form and fees sufficient to offset the direct and indirect cost of processing applications;

"(B) requirements for monitoring (including continuous emissions monitoring, unless determined to be unavailable or inappropriate) the mass and rate of emissions for each hazardous air pollutant emitted by the source according to test procedures established by the Administrator, reporting of monitoring results not less frequently than annually and the maintenance of such records with respect to monitoring which the Administrator shall require;

"(C) a requirement that permittees pay an annual fee sufficient to offset all direct and indirect costs of administering the program (if such fees are paid to the Administrator, the Administrator may, notwithstanding any requirement of the Miscellaneous Receipts Act, expend such receipts for the purposes of administering the provisions of this section); and

"(D) a requirement that any State seeking approval of a program pursuant to subsection (l) have adequate personnel and funding to administer the program and adequate authority to—

"(i) issue permits that apply, and assure compliance by all sources within the State with, each applicable standard, regulation or requirement under this section;

"(ii) issue permits for a fixed term, not to exceed five years;

"(iii) terminate or modify permits for cause, including establishment of a new emissions standard applicable to the source;

"(iv) enforce permits and the requirement to obtain a permit, including adequate civil and criminal penalties;

"(v) provide public notice of each application for a permit and an opportunity for public hearing before a determination on each such application; and

"(vi) assure that no permit will be issued if the Administrator timely objects to its issuance.

No fee schedule established by the Administrator under this subsection shall be designed with the purpose of supporting other aspects of any State air pollution control program including elements for control of area sources or prevention of accidents. Nothing in this subsection shall prevent a State from imposing additional permit fees, except that, the Administrator shall not approve any program pursuant to subsection (l), if revenues from such fees are used for purposes other than the development and implementation of programs to control the emissions of hazardous air pollutants. When issuing permits in the absence of an approved State program, the Administrator shall comply with the guidelines issued to implement this paragraph.

"(2)(A) Notwithstanding the requirements of paragraph (1), an existing source in a category or subcategory subject to an emissions standard under this section may continue operations prior to the issuance of a permit, provided that, the owner or operator of the source certifies to the Administrator (or to the State) that the source will comply with all applicable standards and requirements under this section. Certification pursuant to this paragraph shall be provided not later than six months after the effective date of any applicable standard or revision of a standard under this section. The certification shall be accompanied by a compliance plan describing means by which the source intends to achieve the standard on and after the compliance date established by subsection (i) and shall be signed by a responsible official of the business concern owning or operating the source.

"(B) Upon receipt of any certification, the Administrator (or the State) shall issue a temporary operating permit for the source, unless within thirty days the Administrator (or the State) notifies the owner or operator of the source that the certification does not adequately demonstrate compliance with all applicable standards and requirements under this section. Any temporary permit issued under this paragraph shall be for a term not exceeding one year and shall be enforceable to the same extent as any standard or other requirement promulgated under this section.

"(C) Within six months of the issuance of any temporary operating permit for any source under this paragraph, the Administrator (or the State) shall complete a review of the operations of such source, including an inspection at the site of the source, to determine whether a full operating permit under this subsection should be issued. If upon conclusion of such review (including any right to administrative appeal, but not including pendency of any judicial proceeding), the Administrator (or the State) determines that a permit should not be issued, the temporary permit granted under this paragraph shall be suspended immediately.

"(D) The Administrator shall require that certifications under this paragraph be accompanied by a fee sufficient to offset the full administrative costs of reviewing certifications.

"(3)(A) In the event that the Administrator fails to promulgate a standard for a category or subcategory of sources by the date established pursuant to subsection (e)(1)(A) or (3), and beginning six months after such date, it shall be unlawful for the owner or operator of any source in such category or subcategory to emit any hazardous air pollutant except in compliance with a permit issued by the Administrator (or a State acting pursuant to a program approved under subsection (l)) under this paragraph.

"(B) The permit shall be issued pursuant to the provisions of paragraph (1) and such other provisions as are necessary to carry out the objectives of this Act. In preparing applications for permits under this paragraph, the owner or operator of the source shall commit to the installation and operation of technology and practices to control emissions of hazardous air pollutants which are the best technology and practices available for such source, as certified by an independent, registered professional engineer.

"(C) Each permit issued under this paragraph shall include an enforceable emission limitation for each hazardous air pollutant emitted by the source and no such pollutant may be emitted in amounts exceeding the applicable limitation immediately for new sources and, as expeditiously as practicable, but not later than the date three years after the permit is issued for existing sources.

"(D) If the Administrator subsequently promulgates a standard which would be applicable in lieu of the emissions limitations established by permit under this section, the Administrator (or the State) shall revise such permit upon the next renewal to reflect the standards promulgated by the Administrator.

"(E) Paragraph (2) shall not be available to any source requiring a permit under this paragraph.

"(4) The Administrator shall suspend the issuance of permits by the Agency in any State promptly upon approval of a program for that State under subsection (l).

"(5)(A) Each State shall transmit to the Administrator a copy of each permit application (but not including certifications for temporary permits) and including any application for an extension or modification submitted under this section, and shall provide for notice of each permit proposed to be issued by the State.

"(B) No permit shall be issued if the Administrator within sixty days objects in writing to its issuance as not in compliance with the requirements of this section. The Administrator shall provide with the objection a statement of the reasons for the objection and the terms and conditions that the Administrator would impose if the permit were issued by the Administrator.

"(C) If the State fails within ninety days after the date of the objection to submit a permit revised to meet the objection, the Administrator shall have authority to issue or deny the permit.

"(D) Nothing in this paragraph shall be interpreted, construed, or applied to require the Administrator to review each permit to be issued by a State, provided that the Administrator conducts an audit program which assures that State permitting activities are consistent with the goals and objectives of this section.

"(6) To the maximum extent practicable, permits issued under this section shall be consolidated with other permits required under this Act.

"(k) AREA SOURCE PROGRAM.—

"(1) The Congress finds that emissions of hazardous air pollutants from area sources may individually, or in the aggregate, present significant risks to public health in urban areas. Considering the large number of persons exposed and the risks of carcinogenic and other adverse health effects from hazardous air pollutants, ambient concentrations characteristic of large urban areas should be reduced to levels substantially below those currently experienced. It is the purpose of this subsection to achieve a substantial reduction in emissions of hazardous air pollutants from area sources and an equivalent reduction in the public health risks associated with such sources including a reduction of not less than 75 per centum in the incidence of cancer attributable to emissions from such sources.

"(2) The Administrator shall, after consultation with State and local air pollution control officials, conduct a program of research with respect to sources of hazardous air pollutants in urban areas and shall include within such program—

"(A) ambient monitoring for a broad range of hazardous air pollutants (including, but not limited to, volatile organic compounds, metals, pesticides and products of incomplete combustion) in a representative number of urban locations;

"(B) analysis to characterize the sources of such pollution with a focus on area sources and the contribution that such sources make to public health risks from hazardous air pollutants; and

"(C) consideration of atmospheric transformation and other factors which can elevate public health risks from such pollutants.

Health effects considered under this program shall include, but not be limited to, carcinogenicity, mutagenicity, teratogenicity, neurotoxicity, reproductive dysfunction, and other acute and chronic effects including the role of such pollutants as precursors of ozone or acid aerosol formation. The Administrator shall report the preliminary results of such research not later than three years after the date of enactment of this paragraph.

"(4)(A) Considering information collected pursuant to the monitoring program authorized by paragraphs (2) and (3), the Administrator shall, not later than five years after the date of enactment of this subsection and after notice and opportunity for public comment, prepare and transmit to the Congress a comprehensive strategy to control emissions of hazardous air pollutants from area sources in urban areas.

"(B) The strategy shall (i) identify not less than ten hazardous air pollutants which, as the result of emissions from area sources, present the greatest threat to public health in the largest number of urban areas and which are or will be listed pursuant to subsection (b) and (ii) identify the source categories or subcategories emitting such pollutants which are or will be listed pursuant to subsection (c). When identifying categories and subcategories of sources under this subparagraph, the Administrator shall assure that sources accounting for 90 per centum or more of the aggregate emissions of each of the ten identified hazardous air pollutants are subject to standards pursuant to subsection (d) or this subsection.

"(C) The strategy shall include a schedule of specific actions to substantially reduce the public health risks posed by the release of hazardous air pollutants from area sources which will be implemented by the Administrator under authority of this or other laws (including, but not limited to, the Toxic Substances Control Act, the Federal Insecticide Fungicide, and Rodenticide Act, and the Resource Conservation and Recovery Act) or by the States. Requirements applicable to mobile sources or to fuels shall be established pursuant to title II of this Act. The strategy shall have as a goal a reduction in the incidence of cancer attributable to exposure to hazardous air pollutants by 75 per centum, considering control of emissions of hazardous air pollutants from all stationary and mobile sources and resulting from measures implemented by the Administrator or by the States under this or other laws.

"(D) The strategy may also identify research needs in monitoring, analytical methodology, modeling or pollution control techniques and recommendations for changes in law that would further the goals and objectives of this subsection.

"(E) Nothing in this subsection shall be interpreted to preclude or delay implementation of actions with respect to area sources of hazardous air pollutants under consideration pursuant to this or any other law and which may be promulgated before the strategy is prepared.

"(F) The Administrator shall implement the strategy as expeditiously as practicable assuring that all sources are in compliance with all requirements not later than nine years after the date of enactment of this subsection.

"(G) As part of such strategy the Administrator shall provide for ambient monitoring and emissions modeling in urban areas as appropriate to demonstrate that the goals and objectives of the strategy are being met.

"(5) In addition to the national urban air toxics strategy authorized by paragraph (4), the Administrator shall also encourage and support areawide strategies developed by State or local air pollution control agencies which are intended to reduce risks from emissions by areas sources within a particular urban area. From the funds available for grants under this section, the Administrator shall set aside not less than 10 per centum to support areawide strategies addressing hazardous air pollutants emitted by area sources and shall award such funds on a demonstration basis to those States with innovative and effective strategies. At the request of State or local air pollution control officials, the Administrator shall prepare guidelines for control technologies or management practices which may be applicable to various categories or subcategories of area sources.

"(6) The Administrator shall report to the Congress at intervals not later than eight and ten years after the date of enactment of this subsection on actions taken under this subsection and other parts of this Act to reduce the risk to public health posed by the release of hazardous air pollutants from area sources. The reports shall also identify specific metropolitan areas which continue to experience high risk to public health as the result of emissions from area sources.

"(7) The Administrator shall prepare a report with recommendations on health impacts of mobile source benzene emissions considering both fuel and vehicle-based control strategies to be submitted to the Environment and Public Works Committee of the Senate and the Energy and Commerce Committee of the House of Representatives not later than twenty-four months after the date of the enactment of the Clean Air Act Amendments of 1989.

"(l) STATE PROGRAMS.—

"(1) Each State may develop and submit to the Administrator for approval a program for the implementation and enforcement (including a review of enforcement delegations previously granted) of emission standards and other requirements for air pollutants subject to this section or requirements for the prevention and mitigation of sudden, accidental releases pursuant to section 129. A program submitted by a State under this subsection may provide for partial or complete delegation of the Administrator's authorities and responsibilities to implement and enforce emissions standards and prevention requirements but shall not include authority to set standards less stringent than those promulgated by the Administrator under this Act.

"(2) Not later than twelve months after the date of enactment of this paragraph, the Administrator shall publish guidance which would be useful to the States in developing programs for submittal under this subsection. Guidance shall, at a minimum, include permitting requirements for new and existing sources of air pollutants subject to this section. The guidance shall also provide for the registration of all facilities producing, processing, handling, or storing any substance listed pursuant to section 129 in amounts greater than the threshold quantity. The Administrator shall include as an element in such guidance an optional program for the review of high-risk point sources of air pollutants including, but not limited to, hazardous air pollutants listed pursuant to subsection (b).

"(3) The Administrator shall establish and maintain an air toxics clearinghouse, control technology center and risk information center to provide technical assistance and information to the States and local agencies and, on a cost reimbursable basis, to others on—

"(A) measures, methods, practices and techniques effective in reducing emissions of air pollutants subject to this section or section 129;

"(B) risk assessment;

"(C) ambient monitoring and modeling and emissions measurement and modeling.

The Administrator may conduct research on methods for preventing, measuring and controlling emissions and evaluating associated health and ecological risks. All information collected under this paragraph shall be available to the public.

"(4) Upon application of a State, the Administrator may make grants, subject to such terms and conditions as the Administrator deems appropriate, to such State for the purpose of assisting the State in developing and implementing a program for submittal and approval under this subsection. Programs assisted under this paragraph may include program elements addressing air pollutants other than those specifically subject to this section or section 129. Grants under this paragraph may include support for high-risk point source review as provided in paragraph (2) and support for the development and implementation of areawide area source programs pursuant to subsection (k).

"(5) Not later than one hundred and eighty days after receiving a program submitted by a State, and after notice and opportunity for public comment, the Administrator shall either approve or disapprove such program. The Administrator shall disapprove any program submitted by a State, if the Administrator determines that—

"(A) the authorities contained in the program (including conditions in permits) are not adequate to assure compliance by all sources within the State with each applicable standard, regulation, or requirement established by the Administrator under this section;

"(B) adequate authority does not exist, or adequate resources (including revenues from permit fees) are not available, to implement the program;

"(C) the schedule for implementing the program (including the schedule for issuing permits) and assuring compliance by affected sources is not sufficiently expeditious; or

"(D) the program is otherwise not in compliance with the guidance issued by the Administrator under paragraph (2) or is not likely to satisfy, in whole or in part, the objectives of this Act.

If the Administrator disapproves a State program, the Administrator shall notify the State of any revisions or modifications necessary to obtain approval. The State may revise and resubmit the proposed program for review and approval pursuant to the provisions of this subsection.

"(6) Whenever the Administrator determines, after public hearing, that a State is not administering and enforcing a program approved pursuant to this subsection in accordance with the guidance published pursuant to paragraph (2) or the requirements of paragraph (5), the Administrator shall so notify the State and, if action which will assure prompt compliance is not taken within ninety days, the Administrator shall withdraw approval of the program. The Administrator shall not withdraw approval of any program unless the State shall have been notified and the reasons for withdrawal shall have been stated in writing and made public.

"(7) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard or requirement under this section or section 129.

"(8) The Administrator may after notice and opportunity for public comment approve programs developed and submitted by a local pollution control agency (after consultation with the State) pursuant to this subsection and any such agency implementing an approved program may take any action authorized to be taken by a State under this section.

"(m) TECHNICAL ASSISTANCE FOR SMALL SOURCES.—The Administrator (and each State with an approved permit program) shall establish means and measures to supply technical assistance and information to area sources and stationary sources that are not major sources to help carry out the requirements of this section, including meeting applicable standards and obtaining needed permits. The assistance shall include information availability and types of equipment, measures, methods, practices, processes and techniques in reducing emissions of air pollutants and preventing and detecting accidents. The Administrator shall establish and maintain a clearinghouse of such information.

"(n) STATE AUTHORITY.—Nothing in this section shall preclude, deny, or limit any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard (including any procedural requirement) which is more stringent than a regulation, requirement, or standard in effect under this section or that applies to a substance not subject to this section. Nothing in this section shall authorize any State to impose any standard, limitation or requirement on the emissions of radionuclides from facilities licensed by the Nuclear Regulatory Commission where such standard, limitation or requirement would be barred by other Federal law including the Atomic Energy Act.

"(o) ATMOSPHERIC DEPOSITION TO GREAT LAKES AND COASTAL WATERS.—

"(1) The Administrator shall conduct a program to identify and assess the extent of atmospheric deposition of hazardous air pollutants and other air pollutants to the Great Lakes, Lake Champlain and coastal waters. As part of such program, the Administrator shall—

"(A) monitor Great Lakes and coastal waters, including monitoring of Great Lakes waters through the monitoring network established pursuant to paragraph (2) of this subsection and designing and deploying an atmospheric monitoring network for coastal waters pursuant to paragraph (4);

"(B) investigate the sources and deposition rates of atmospheric deposition of air pollutants (and their atmospheric transformation precursors);

"(C) conduct research to develop and improve monitoring methods and to determine the relative contribution of atmospheric pollutants to total pollution loadings to Great Lakes and coastal waters;

"(D) evaluate any adverse effects to human health or the environment caused by such deposition (including effects resulting from indirect exposure pathways) and assess the contribution of such deposition to violations of water quality standards established pursuant to the Federal Water Pollution Control Act and drinking water standards established pursuant to the Safe Drinking Water Act; and

"(E) sample for such pollutants in biota, fish, and wildlife of Great Lakes, Lake Champlain and coastal waters and characterize the sources of such pollutants.

"(2) The Administrator shall oversee, in accordance with Annex 15 of the Great Lakes Water Quality Agreement, the establishment and operation of a Great Lakes atmospheric deposition network to monitor atmospheric deposition of hazardous air pollutants and other air pollutants to the Great Lakes.

"(A) As part of the network provided for in this paragraph, and not later than December 31, 1990, the Administrator shall establish in each of the five Great Lakes at least one facility capable of monitoring the atmospheric deposition of hazardous air pollutants in both dry and wet conditions.

"(B) The Administrator shall use the data provided by the network to identify and track the movement of hazardous air pollutants through the Great Lakes, to determine the portion of water pollution loadings attributable to atmospheric deposition of such pollutants, and to support development of remedial action plans and other management plans as required by the Great Lakes Water Quality Agreement.

"(C) The Administrator shall assure that the data collected by the Great Lakes atmospheric deposition monitoring network is in a format compatible with databases sponsored by the International Joint Commission, Canada, and the several States of the Great Lakes region.

"(3) The Administrator shall establish at Lake Champlain an atmospheric deposition station to monitor deposition of hazardous air pollutants and other pollutants within the Lake Champlain watershed. The Administrator shall determine the role of air deposition in the pollutant loadings of Lake Champlain, investigate the sources of air pollutants deposited in the watershed, evaluate the health and environmental effects of such pollutant loadings and shall sample such pollutants in biota, fish and wildlife within the watershed as necessary to characterize such effects.

"(4) The Administrator shall design and deploy atmospheric deposition monitoring networks for coastal waters and their watersheds and shall make any information collected through such networks available to the public. As part of this effort, the Administrator shall conduct research to develop and improve deposition monitoring methods, and to determine the relative contribution of atmospheric pollutants to pollutant loadings.

"(5) Within two years of the date of enactment of this Act and biennially thereafter, the Administrator shall submit to the Congress a report on the results of any monitoring, studies, and investigations conducted pursuant to this subsection. Such report shall include, at a minimum, an assessment of—

"(A) the contribution of atmospheric deposition to pollution loadings in the Great Lakes, Lake Champlain and coastal waters;

"(B) the environmental and human health effects of any pollution which is attributable to atmospheric deposition to the Great Lakes, Lake Champlain, and coastal waters;

"(C) the source or sources of any pollution to Great Lakes, Lake Champlain, and coastal waters which is attributable to atmospheric deposition;

"(D) whether pollution loadings in Great Lakes, Lake Champlain, or coastal waters cause or contribute to violations of drinking water standards pursuant to the Safe Drinking Water Act or water quality standards pursuant to the Federal Water Pollution Control Act; and

"(E) a description of any revisions of the requirements, standards, and limitations pursuant to this Act and other applicable Federal laws as are necessary to assure protection of human health and the environment.

"(p) PUBLICLY OWNED TREATMENT WORKS.—The Administrator may conduct, in cooperation with the owners and operators of publicly owned treatment works, studies to characterize emissions of hazardous air pollutants emitted by such facilities, to identify industrial, commercial and residential discharges which contribute to such emissions and to demonstrate control measures for such emissions. When promulgating any standard under this section applicable to publicly owned treatment works, the Administrator shall consider control measures which include pretreatment of discharges causing emissions of hazardous air pollutants and process or product substitutions or limitations which may be effective in reducing such emissions. The Administrator may prescribe uniform sampling, modeling and risk assessment methods for use in implementing this subsection.

"(q) HYDROGEN SULFIDE.—The Administrator is directed to assess the hazards to public health and the environment resulting from the emission of hydrogen sulfide associated with the extraction of oil and natural gas resources. To the extent practicable, the assessment shall build upon and not duplicate work conducted for an assessment pursuant to section 8002(m) of the Solid Waste Disposal Act and shall reflect consultation with the States. The assessment shall include a review of existing State and industry control standards, techniques, and enforce-

ment. The Administrator shall report to the Congress within twenty-four months of the enactment of this subsection with the findings of such assessment, together with any recommendations, and shall develop and implement a control strategy for emissions of hydrogen sulfide as appropriate to protect human health and the environment, based on the findings of such assessment, using authorities under this Act including section 111 and this section.

"(r) SAVINGS CLAUSE.—No amendment to this section made by the Clean Air Act Amendments of 1989 shall affect any emission standard for a hazardous air pollutant which has been promulgated prior to the enactment of such Act. Emissions standards for categories and subcategories of sources of radionuclides for which standards were proposed at 54 Federal Register 9612 (March 7, 1989) except sources which are subject to licensing by the Nuclear Regulatory Commission and including any emission standards for a new subcategory of grate calcination elemental phosphorus plants, shall be established in accordance with section 112 of the Clean Air Act as in effect prior to the enactment of this subsection.

"(s) NATIONAL ACADEMY OF SCIENCES STUDY OF RISK ASSESSMENT.—

"(1) Within three months of enactment of this subsection, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of—

"(A) risk assessment methodology used by the Environmental Protection Agency to determine the carcinogenic risk associated with exposure to hazardous air pollutants from source categories and subcategories subject to the requirements of this section; and

"(B) improvements in such methodology.

"(2) In conducting such review, the National Academy of Sciences should consider, but not be limited to, the following:

"(A) the techniques used for estimating and describing the carcinogenic potency to humans of hazardous air pollutants; and

"(B) the techniques used for estimating exposure to hazardous air pollutants (for hypothetical and actual maximally exposed individuals as well as other exposed individuals).

"(3) To the extent practicable, the Academy shall evaluate and report on the methodology for assessing the risk of adverse human health effects other than cancer for which safe thresholds of exposure may not exist, including, but not limited to, inheritable genetic mutations, birth defects, and reproductive dysfunctions.

"(4) A report on the results of such review shall be submitted to the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, the Risk Assessment and Management Commission established by subsection (w) and the Administrator not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1990.

"(5) The Administrator shall assist the Academy in gathering any information the Academy deems necessary to carry out this subsection. The Administrator may use any authority under this Act to obtain information from any person, and to require any person to conduct tests, keep and produce records, and make reports respecting research or other activities conducted by such person as necessary to carry out this subsection.

"(6) Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out this subsection.

"(t) ANNUAL REPORT.—Not later than January 15, 1991, and within one hundred five days of the close of the fiscal year for each fiscal year thereafter, the Administrator shall prepare and transmit to the Congress a comprehensive report on the measures taken by the Agency and by the States to implement the provisions of this section and section 129. The Administrator shall maintain a database on pollutants and sources subject to the provisions of this section and shall include aggregate information from the database, in each annual report. The report shall include, but not be limited to—

"(1) a status report on standard-setting under subsections (d), (f), and (g);

"(2) information with respect to compliance with such standards including the costs of compliance experienced by sources in various categories and subcategories;

"(3) development and implementation of the national urban air toxics program;

"(4) recommendations of the Chemical Safety and Hazard Investigation Board with respect to the prevention and mitigation of sudden, accidental releases; and

"(5) such recommendations for additional legislation to achieve the purposes of this section and section 129 as the Administrator may deem appropriate.

"(u) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

"(v) COKE OVEN PRODUCTION TECHNOLOGY STUDY.—

"(1) The Secretary of the Department of Energy and the Administrator of the Environmental Protection Agency shall jointly undertake a six-year research program to assess coke oven production emission control technologies and to assist in the development and commercialization of technically practicable and economically viable control technologies which have the potential for significant reduction in emissions of hazardous air pollutants from coke oven production facilities. In identifying control technologies, the Secretary and the Administrator shall consider the range of existing coke oven operations and battery design as well as alternatives to existing coke oven production design.

"(2) The Secretary and the Administrator is authorized to enter into agreements with persons who propose to develop, install, and operate coke production emission control technologies which have the potential for significant emissions reductions of hazardous air pollutants provided that Federal funds shall not exceed 50 per centum of the cost of any project assisted pursuant to this subsection.

"(3) The Secretary shall prepare annual reports to Congress on the status of the research program and at the completion of the study shall make recommendations to the Administrator as to the lowest achievable emissions rate for the coke oven emissions category or subcategories thereof.

"(4) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 through 1996 to carry out the research program authorized by this subsection.

"(W) RISK ASSESSMENT AND MANAGEMENT COMMISSION.—

"(1) There is hereby established a Risk Assessment and Management Commission (hereafter referred to in this subsection as the 'Commission'), which shall commence proceedings not later than eighteen months after the date of enactment of this subsection and which shall make a full investigation of the policy implications and appropriate uses of risk assessment in the regulation under this section of hazardous air pollutants that present a risk of carcinogenic effects.

"(2) The Commission shall consider the report of the National Academy of Sciences pursuant to subsection (s) and based on that report and its own deliberations the Commission shall consider—

"(A) the use and limitations of risk assessment in establishing emission standards for hazardous air pollutants that present a risk of carcinogenic effects and the suitability of risk assessment for such purposes;

"(B) the most appropriate methods for measuring and describing cancer risks from exposure to hazardous air pollutants considering such alternative approaches as the lifetime risk of cancer or other effects to the individual or individuals most exposed to emissions from a source or sources on both an actual and worst case basis, the range of such risks, the total number of health effects avoided by emissions reductions, reductions in the number of persons exposed at various levels of risk, the incidence of cancer, and other public health factors;

"(C) methods to reflect uncertainties in measurement and estimation techniques, the existence of synergistic or antagonistic effects among pollutants, the accuracy of extrapolating human health risks from animal exposure data, and the existence of unquantified direct or indirect effects on human health in risk assessment studies;

"(D) risk management policy issues including the use of lifetime cancer risks to individuals most exposed, incidence of cancer, the cost and technical feasibility of emission reduction measures and the use of site-specific actual exposure information in setting emissions standards applicable to sources of hazardous air pollutants; and

"(E) and comment on the degree to which it is possible or desirable to have the risk assessment methodology relating to hazardous air pollutants conducted under this section be part of a consistent risk assessment methodology, or a consistent standard of acceptable risk, among various government programs.

"(3) Such Commission shall be composed of ten members who shall have knowledge or experience in fields of risk assessment or risk management, including three members to be appointed by the President, two members to be appointed by the Speaker of the House of Representatives, one member to be appointed by the minority leader of the House of Representatives, two members to be appointed by the majority leader of the Senate, one member to be appointed by the minority leader of the Senate, and one member to be appointed by the President of the National Academy of Sciences. Appointments shall be made not later than eighteen months after the date of enactment of this subsection.

"(4) The Administrator and the heads of all other departments, agencies, and instrumentalities of the executive branch of the Federal Government shall assist the Commission in gathering such information as the Commission deems necessary to carry out this subsection.

"(5)(A) In the conduct of the study required by this subsection, the Commission is authorized to contract with nongovernmental entities that are competent to perform

research or investigations within the Commission's mandate, and to hold public hearings, forums, and workshops to enable full public participation.

"(B) The Commission may appoint and fix the pay of such staff as it deems necessary. The Commission may request the temporary assignment of personnel from the Environmental Protection Agency or other Federal agencies to assist it.

"(C) The members of the Commission who are not officers or employes of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chair, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently.

"(6) A report containing the results of all Commission studies and investigations under this subsection, together with any appropriate legislative recommendations (presented in the form of a bill proposing amendments to this section) or administrative recommendations, shall be submitted to the President and to the Congress not later than forty-two months after the date of enactment of this section. In such report, the Commission shall make recommendations with respect to the appropriate regulation of any risks of carcinogenic effects remaining after application of emissions standards under subsection (d) to a category or subcategory of hazardous air pollutants, including an assessment of the residual risk reduction approaches in subsection (f) and (i). The Commission shall cease to exist upon the date determined by the Commission, but not later than nine months after the submission of such report.

"(7) There are authorized to be appropriated such sums as are necessary to carry out the activities of the Commission established by this subsection.".

SEC. 302. (a) When establishing emissions standards for styrene under section 112 of the Clean Air Act, the Administrator shall list boat manufacturing as a separate subcategory unless the Administrator finds that such listing would be inconsistent with the goals and requirements of such Act.

(b) Not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall complete a review and, if appropriate, revise the unit risk estimate for the carcinogenic efforts of 1,3-butadiene.

NRC-LICENSED FACILITIES

SEC. 303. (a) Section 122(a) of the Clean Air Act is amended by revising the words "including source material, special nuclear material, and byproduct material" to read "excluding source material, special nuclear material, and byproduct material regulated by the Nuclear Regulatory Commission or by a State which has an agreement with the Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended".

(b) Section 122(c) of the Clean Air Act is deleted.

(c) Section 302(g) of the Clean Air Act is amended by revising the words "including source material, special nuclear material, and byproduct material" to read "excluding source material, special nuclear material, and byproduct material regulated by the Nuclear Regulatory Commission or by a State which has an agreement with the Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended".

ACCIDENT PREVENTION

SEC. 304. The Clean Air Act is amended by adding the following new section at the end of part A of title I:

"PREVENTION OF SUDDEN, ACCIDENTAL RELEASES

"SEC. 129. (a) PURPOSE AND GENERAL DUTY.—It shall be the objective of the regulations and programs authorized under this section to prevent the sudden, accidental release and to minimize the consequences of any such release of any substance listed pursuant to subsection (c) or any other extremely hazardous substance. The owners and operators of facilities producing, processing, handling, or storing such substances have a general duty to identify hazards resulting from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of sudden, accidental releases which do occur. Nothing in this subsection shall be interpreted, construed, or applied to create any liability for compensation for bodily injury or property damages to any person which may result from sudden, accidental releases of such substances.

"(b) DEFINITIONS.—

"(1) The term 'accidental release' means the direct or indirect introduction of an extremely hazardous substance into the air under circumstances which are not routine and which are not authorized pursuant to any permit or emission limitation or standard under any other provision of this Act or any other Federal law.

"(2) The term 'facility' means all buildings, structures, equipment, installations or substance emitting stationary activities or any other point or nonpoint source of a release. The term 'facility' does not include the right-of-way of a railroad outside of any railroad yard.

"(c) LIST OF SUBSTANCES.—The Administrator shall, not later than twelve months after the date of enactment of this section, propose and, not later than twenty-four months after such date, promulgate, a list of not less than fifty substances which may, as the result of sudden events, be released in concentrations that may reasonably be anticipated to cause acute adverse health effects in humans. The list shall be drawn from, but not be limited to, those substances on the list established by section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 and shall include those substances with the greatest likelihood to cause death, injury, property damage, or evacuations as the result of sudden, accidental releases. The initial list shall include sulfuric acid, chlorine, anhydrous ammonia, hydrochloric acid, methyl chloride, ethylene oxide, toluene, vinyl chloride, methyl alcohol, nitric acid (94 per centum by weight or more HNO^3), styrene, tetrachloroethylene, ammonia, hydrogen sulfide, acetone, methylene chloride, benzene, methyl ethyl ketone, toluene diisocyanate, phosgene, sulfur dioxide (10 per centum or more by volume), formaldehyde (gas), butadiene, hydrofluoric acid, and acrylonitrile. The Administrator shall from time to time (but not less often than every five years) review and revise the list established by this subsection adding substances which, as a result of sudden events, may be released in concentrations that may reasonably be anticipated to cause acute adverse health effects in humans. At the time any substance is placed on such list, the Administrator shall establish a threshold quantity for such substance, taking into account the toxicity (including short- and long-term health effects), reactivity, volatility, dispersibility, combustibility, or flammability of the substance.

"(d) HAZARD ASSESSMENTS.—

"(1) Not later than twelve months after a substance is listed under subsection (c), the owner or operator of each facility at which such substance is present in amounts greater than the threshold quantity shall conduct and complete a hazard assessment for each such substance present at the facility. The purpose of such assessment shall be to anticipate the consequences of a range (including worst case events) of sudden, accidental releases of such substances from the facility and to provide information that may aid in the prevention, or mitigation, of or response to such releases.

"(2) Not later than twelve months after the date of enactment of this subsection the Administrator shall propose and not later than twenty-four months after such date publish guidance with respect to the preparation of hazard assessments. In preparing such guidance, the Administrator shall consider the extent to which each of the following elements should be required:

"(A) basic data on the facility, units at the facility which contain or process substances listed under subsection (c) (including the longitude and latitude of such units), facility operating procedures, population of the nearby communities, and the meteorology of the area where the facility is located;

"(B) an identification of the potential sources of sudden, accidental release from the facility of substances listed under subsection (c);

"(C) an identification of any previous such releases from the facility for which a report was required under this or other laws, including the amounts released, frequencies, and durations;

"(D) an identification of a range (including worst case events) of potential releases from the facility including an estimate of the size, concentration, and duration of such potential releases and a correlation of such factors with the distance from the source of release;

"(E) a determination of potential exposure (including the concentration and duration of exposure) for all persons who may be put at risk as the result of a sudden, accidental release from the facility;

"(F) a determination of the probability of exposure as the result of various release scenarios including consideration of meteorological factors;

"(G) information on the toxicity of the substances listed under subsection (c) present at the facility and;

"(H) a review of the efficacy of various release prevention and control measures.

The Administrator shall prepare and distribute information on the health effects and other hazards associated with each extremely hazardous substance listed pursuant to subsection (c) which shall be included, pursuant to subparagraph (G), in each hazard assessment prepared under this subsection.

"(3) Each hazard assessment prepared pursuant to this subsection shall be updated every five years, except that any hazard assessment for a facility shall be updated within six months of any facility alteration which may substantially increase (as deter-

mined under rules promulgated by the Administrator) the likelihood of an accidental release of an extremely hazardous substance from the facility or the severity of the consequences of such release. Hazard assessments shall not be required to include potential releases from rolling stock infrequently and temporarily located at the facility but may be required to consider hazards with respect to the substances contained in rolling stock which are regularly present.

"(4) To the maximum extent practicable, the Administrator shall coordinate requirements for hazard assessments under this section with any comparable requirements that may be imposed by the Occupational Safety and Health Administration including joint promulgation of regulations: *Provided,* That, impacts of potential releases on human health and property outside the boundary of the facility are fully considered in any such regulation, that hazard assessments are available to the public as provided in this subsection, and that nothing in such regulation is interpreted, construed, or applied to preclude or diminish the right of any State or a political subdivision thereof to impose requirements for hazard assessment or accident prevention and mitigation more stringent than those established under such regulations. In exercising any authority under this section, the Administrator shall not, for purposes of section 653(b)(1) of title 29, be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

"(5) To the extent practicable, and where there are a large number of small facilities with similar business and operating characteristics which are likely to present similar risks of sudden, accidental releases of extremely hazardous substances, the Administrator shall facilitate compliance with the requirements of this subsection by designing generic hazard identification and assessment tools including training manuals, checklists, and workbooks which would be useful to the owners and operators of such facilities. The Administrator is authorized to cooperate with trade associations and other organizations representing such facilities and other advisory groups to develop hazard identification and assessment materials and to conduct training programs in the use of such materials.

"(6) Hazard assessments prepared pursuant to the requirements of this subsection shall be available to the Administrator, to the Chemical Safety and Hazard Investigation Board, to the State in which the facility is located, to any local emergency planning entity or public safety agency having responsibility for planning or response with respect to sudden, accidental releases which may occur at such facility, and to the public subject to the conditions of sections 322, 323, and 324 of the Emergemcy Planning and Community Right-to-Know Act of 1986. The Administrator shall conduct compliance audits of hazard assessments prepared pursuant to this subsection reviewing not less than 1.4 per centum each year. The requirements of this subsection shall be enforced in the same manner as requirements of section 114. The Administrator is authorized to issue administrative orders pursuant to section 113 to assure compliance with the requirements of this subsection.

"(7) As a part of the guidance published pursuant to paragraph (2), the Administrator may collect and publish information on accident scenarios and consequences covering a range of possible events for substances listed under subsection (c). The Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques of hazard assessment which may be useful in improving and validating the procedures employed in the preparation of hazard assessments under this subsection.

"(e) CHEMICAL SAFETY BOARD.—

"(1) There is hereby established within the Environmental Protection Agency an independent safety board to be known as the Chemical Safety and Hazard Investigation Board.

"(2) The Board shall consist of three members, including a chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate. Members of the Board shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, chemical safety, toxicology, or chemical regulation.

"(3) The terms of office of members of the Board shall be five years. Any member of the Board, including the chairperson, as determined by the President, may be removed for inefficiency, neglect of duty, or malfeasance in office.

"(4) The chairperson shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board including the selection, appointment and compensation of such officers and employees as are necessary to carry out the functions of the Board.

"(5) The Board shall—

"(A) investigate (or cause to be investigated), determine and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any sudden, accidental release involving the production, processing, handling, or storage of chemical substances resulting in a fatality, serious injury, or substantial property damages;

"(B) issue periodic reports to the Congress, Federal, State, and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of sudden, accidental releases and proposing corrective steps to make chemical production, processing, handling, and storage as safe and free from risk of injury as is possible and may include in such reports proposed rules or orders which should be issued by the Administrator under the authority of this section or the Secretary of Labor under the Occupational Safety and Health Act to prevent or minimize the consequences of any release of substances that may have an acute adverse effect on human health as a result of sudden events; and

"(C) establish by regulation requirements binding on persons for reporting accidental releases subject to the Board's investigatory jurisdiction under this paragraph: *Provided,* That, reporting releases to the National Response Center, in lieu of the Board directly, shall satisfy such regulations: *And provided further,* That, the Center shall promptly notify the Board of any releases which are within the Board's jurisdiction.

"(6) The Board shall coordinate its actions under paragraph (5) with investigations and studies conducted by other agencies of the United States having a responsibility to protect public health and safety, but in no event shall the Board forego an investigation where a sudden, accidental release involving the production, processing, handling, or storage of a chemical substance causes a fatality or serious injury among the general public. The Board shall enter into a memorandum of understanding with the National Transportation Safety Board to assure coordination of functions and to limit duplication of activities which shall designate the National Transportation Safety Board as the lead agency for the investigation of releases which are transportation related.

"(7) The Board is authorized to conduct research and studies with respect to the potential for the sudden, accidental release of substances subject to section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 and other extremely hazardous substances, whether or not an accidental release has occurred, where there is evidence which indicates the presence of a potential hazard or hazards. To the extent practicable, the Board shall conduct such studies in cooperation with other Federal agencies having emergency response authorities, State and local governmental agencies and associations and organizations from the industrial, commercial, and nonprofit sectors.

"(8) No part of the conclusions, findings, or recommendations of any report of the Board relating to any accidental release or the investigation thereof shall be admitted as evidence or used in any action or suit for damages arising out of any matter mentioned in such report.

"(9) Not later than eighteen months after the date of enactment of this section, the Board shall publish a report accompanied by recommendations to the Administrator on the use of hazard assessments in preventing the occurrence and minimizing the consequences of sudden, accidental releases of extremely hazardous substances. The recommendations shall include a list of extremely hazardous substances (including threshold quantities for such substances) and categories of facilities for which hazard assessments would be an appropriate measure to aid in the prevention of accidental releases and to minimize the consequences of those releases that do occur. The recommendations shall also include a description of the information and analysis which would be appropriate to include in any hazard assessment. The Board shall also make recommendations with respect to the role of risk management plans as provided for in subsection (f)(2) in preventing accidental releases. The Board may from time to time review and revise its recommendations under this paragraph.

"(10) Whenever the Board submits a recommendation with respect to the safety of chemical production, processing, handling, and storage to the Administrator, the Administrator shall respond to such recommendation formally and in writing not later than one hundred and eighty days after receipt thereof. The response to the Board's recommendation by the Administrator shall indicate whether the Administrator will—

"(A) initiate a rulemaking or issue such orders as are necessary to implement the recommendation in full or in part, pursuant to any timetable contained in the recommendation;

"(B) decline to initiate a rulemaking or issue orders as recommended.

Any determination by the Administrator not to implement a recommendation of the Board or to implement a recommendation

only in part, including any variation from the schedule contained in the recommendation, shall be accompanied by a statement from the Administrator setting forth the reasons for such determination.

"(11) The Board, or upon authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board, may for the purpose of carrying out duties authorized by paragraph (5)(A)—

"(A) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence and may require by order that any person engaged in the production, processing, handling, or storage of chemical substances submit written reports and responses to requests and questions within such time and in such form as the Board may require; and

"(B) upon presenting appropriate credentials and a written notice of inspection authority, enter any property where a sudden, accidental release causing a fatality, serious injury or substantial property damage has occurred and do all things therein necessary for a proper investigation pursuant to paragraph (5)(a) and inspect at reasonable times records, files, papers, processes, controls, and facilities and take such samples as are relevant to such investigation.

"(12) The Board is authorized to establish such procedural and administrative rules as are necessary to the exercise of its functions and duties. The Board is authorized without regard to section 5 of title 41 of the United States Code to enter into contracts, leases, cooperative agreements or other transactions as may be necessary in the conduct of the duties and functions of the Board with any other agency, institution, or person.

"(13) The Administrator shall provide to the Board such support and facilities as may be necessary for operation of the Board.

"(14) Any records, reports, or information obtained by the Board shall be available to the public, except that upon a showing satisfactory to the Board by any person that records, reports, or information, or particular part thereof (other than release or emissions data) to which the Board has access, if made public, is likely to cause substantial harm to the person's competitive position, the Board shall consider such record, report, or information or particular portion thereof confidential in accordance with section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, and authorized representatives of the United States concerned with carrying out this Act or when relevant under any proceeding under this Act. This paragraph does not constitute authority to withhold records, reports, or information from the Congress.

"(15) Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget request, or other budget information, legislative recommendation, prepared testimony for congressional hearings, recommendation or study to the President, the Administrator, or the Director of the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony, comments, recommendations or reports to any officer or agency of the United States for approval or review prior to the submission of such recommendations, testimony, comments or reports to the Congress. In the performance of their functions as established by this Act, the members, officers and employees of the Board shall not be responsible to or subject to supervision or direction of any officer or employee or agent of any other part of the Environmental Protection Agency or any other agency of the United States except that the President may remove any member of the Board for inefficiency, neglect of duty or malfeasance in office.

"(16) The Board shall submit an annual report to the President and to the Congress which shall include, but not be limited to, information on sudden, accidental releases which have been investigated by or reported to the Board during the previous year, recommendations for legislative or administrative action which the Board has made, the actions which have been taken by the Administrator or the heads of other agencies to implement such recommendations, an identification of priorities for study and investigation in the succeeding year, progress in the development of risk-reduction technologies and the response to and implementation of significant research findings on chemical safety in the public and private sector.

"(17) There are authorized to be appropriated to carry out the provisions of this subsection not to exceed $12,000,000 in each of the fiscal years ending September 30, 1990, 1991, 1992, 1993, and 1994.

"(f) ACCIDENT PREVENTION.—(1) In order to prevent the release of substances listed pursuant to subsection (c) or other extremely hazardous substances (which may cause acute adverse effects on human health as the result of sudden events) from devices and systems (including, but not limited to, pumps, compressors, valves, flanges, connectors, containers, and vessels but not including rolling stock), the Administrator shall promulgate release prevention, detection, and correction requirements which shall include monitoring, recordkeeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements. Regulations promulgated under this subsection may make distinctions between various types, classes, and kinds of facilities, devices, and systems taking into consideration factors including, but not limited to, the size, location, process, process controls, quantity of substances handled, potency of substances, and response capabilities present at any facility.

"(2) The regulations under this subsection may require the owner or operator of any facility handling an extremely hazardous substance to prepare and implement a risk management plan to detect and prevent or minimize the potential for an accidental release of extremely hazardous substances and to provide prompt emergency response in the event of a release. The Administrator may require that such plans be reviewed by an independent engineer and that any deficiencies identified be corrected.

"(3) In carrying out the authority of this subsection, the Administrator shall consult with the Secretary of Labor and seek to coordinate any requirements under this subsection with any requirements established for comparable purposes by the Occupational Safety and Health Administration. Nothing in this section shall be interpreted, construed, or applied to impose requirements affecting, or to grant the Administrator, the Chemical Safety and Hazard Investigation Board, or any other agency any authority to regulate (including requirements for hazard assessment), the accidental release of radionuclides arising from the construction and operation of facilities licensed by the Nuclear Regulatory Commission.

"(g) DETECTION.—Within thirty-six months of enactment, the Administrator shall conduct a study and report to Congress, assessing the best available technology to monitor devices and systems (including, but not limited to, pumps, compressors, valves, flanges, pipes, and pipelines, connectors, processes, containers and vessels), storage facilities, and transfer points adequate to detect immediately and report concurrently to the facility operator accidental release of such substances from facilities regulated under this section. Such study shall include an assessment of the cost effectiveness and feasibility of each technology. The study shall build upon and not duplicate work conducted pursuant to section 305(b) of the Emergency Planning and Community Right-to-Know Act of 1986. After reviewing the findings of the study, the Administrator shall, within twenty-four months after completion, promulgate regulations, taking cost effectiveness and technological feasibility into account, with respect to accidental leak detection monitoring requirements.

"(h) ORDER AUTHORITY.—

"(1) In addition to any other action taken, when the Administrator determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a substance listed pursuant to subsection (c) or other extremely hazardous substance from a facility, the Administrator may secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The Administrator may also, after notice to the State in which the facility is located, take other action under this subsection including, but not limited to, issuing such orders as may be necessary to protect human health, welfare, or the environment.

"(2) Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under paragraph (1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000 for each day in which such violation occurs or failure to comply continues.

"(3) Within one hundred and eighty days after enactment of this section, the Administrator shall publish guidance for using the order authorities established by this subsection. Such guidance shall provide for the coordinated use of the authorities of this subsection with other emergency powers authorized by section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act, sections 311(c), 308, 309, and 504(a) of the Federal Water Pollution Control Act, sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, sections 1445 and 1431 of the Safe Drinking Water Act, sections 5 and 7 of the Toxic Substances Control Act, and sections 113, 114, and 303 of this Act.

"(i) ENFORCEMENT.—Each requirement under this section shall, for purposes of sec-

tion 113, 114, 116, 304 and 307, be treated as a standard in effect under section 112.

"(j) PRESIDENTIAL REVIEW.—The President shall conduct a review of release prevention, mitigation, and response authorities of the various Federal agencies and shall clarify and coordinate agency responsibilities to assure the most effective and efficient implementation of such authorities and to identify any deficiencies in authority or resources which may exist. The President may utilize the resources and solicit the recommendations of the Board in conducting such review. At the conclusion of such review, but not later than twenty-four months after the date of enactment of this section, the President shall transmit a message to the Congress on the release prevention, mitigation, and response activities of the Federal Government making such recommendations for change in law as the President may deem appropriate. Nothing in this subsection shall be interpreted, construed, or applied to authorize the President to modify or reassign release prevention, mitigation, or response authorities otherwise established by law.

"(k) STATE AUTHORITY.—Nothing in this section shall preclude, deny, or limit any right of a State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard (including any procedural requirement) that is more stringent than a regulation, requirement, or standard in effect under this section or that applies to a substance not subject to this section.

"(l) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the provisions of this section.".

CONFORMING AMENDMENTS

SEC. 305. (a) Section 111(d)(1) of the Clean Air Act is amended by striking "112(b)(1)(A)" and inserting in lieu thereof "112(b)".

(b) Section 111 of the Clean Air Act is amended by striking paragraphs (g)(5) and (g)(6) and redesignating the succeeding paragraphs accordingly. Such section is further amended by striking "or section 112" in paragraph (g)(5) as redesignated in the preceding sentence.

(c) Section 114(a) of the Clean Air Act is amended by striking "or" after "section 111," and by inserting ", or any accident prevention regulation under section 129," after "section 112".

(d) Section 118(b) of the Clean Air Act is amended by striking "112(c)" and inserting in lieu thereof "112(i)(3)".

(e) Section 302(k) of the Clean Air Act is amended by adding before the period at the end thereof ", and any design, equipment, work practice, or operational standard authorized by this Act constitutes a violation of an 'emission standard' whether or not an air pollutant is emitted to the ambient air".

(f) Section 304(b)(1) of the Clean Air Act is amended by striking "112(c)(1)(B)" and inserting in lieu thereof "112".

(g) Section 307(b)(1) is amended by striking "112(c)" and inserting in lieu thereof "112".

MUNICIPAL WASTE COMBUSTION: AIR EMISSIONS

SEC. 306. (a) Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

"MUNICIPAL WASTE COMBUSTION

"SEC. 130. (a) STANDARDS FOR NEW UNITS.—(1)(A) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate standards of performance to control emissions of air pollutants into the ambient air from each—

"(i) new or modified municipal waste incineration unit; and

"(ii) municipal waste incineration unit which begins operation after July 1, 1989, except units which are substantially completed before such date.

"(B) The standards promulgated under this subsection shall reflect the greatest degree of emission limitation achievable through application of the best available control technologies and practices which the Administrator determines at the time of promulgation (or revision, in the case of a revision of a standard)—

"(i) has been achieved in practice by a municipal waste incineration unit, excluding periods of malfunction or misoperation, or

"(ii) is contained in a State or local regulation or any permit for municipal waste incineration units, and will be implemented at such units,

whichever is more stringent, unless the Administrator determines that such degree of emission limitation will not be achievable by units to which the standards apply or was adopted for reasons that are unique to the unit or jurisdiction in which the unit is located and are not applicable to other units or jurisdictions. In determining the emissions limitation to be required under this subsection, the Administrator shall take into account the performance of all units which achieve, in whole or in part, emissions limitations more stringent than current standards and may subsequently exclude units from consideration only to the extent provided in this subparagraph. In establishing standards under this section the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(C) In no event shall the standards promulgated under this subsection permit such municipal waste incineration units to emit any pollutant in excess of the amount allowable under any applicable new source standards of performance.

"(D) Standards under this subsection shall be based on methods and technologies for removal or destruction of pollutants before, during, or after combustion, and shall incorporate siting requirements that minimize, on a site specific basis, to the maximum extent practicable, any potential risk to human health or the environment. The following practices and control technologies, used individually, in combination with one another, or in combination with other available practices or control technologies not identified in this paragraph, shall be deemed available for purposes of this paragraph: electrostatic precipitators, fabric filtration, flue gas scrubbers, spray dry scrubbers, negative air flow, and good combustion practices, including availability of auxiliary fuel to maintain specific temperatures.

"(E) In adopting standards of performance, the Administrator may take into consideration other technologies and practices that, either by themselves or in combination with other technologies or practices, may achieve a greater degree of emission reduction for the pollutants specified in paragraph (2)(A), including the use of selective or non-selective catalytic reduction, wet flue gas denitrification, selective noncatalytic reduction, wet scrubbing, or catalytic oxidation.

"(2)(A) The standards promulgated under this subsection shall specify numerical emission limitations for the following substances or mixtures: particulate matter (total and fine), opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, halogenated organic compounds, dioxins, and dibenzofurans. In establishing such standards of performance under this subsection, the Administrator shall take into account the use of numerical standards or other methods to reduce the presence in air emissions or ash from a municipal waste incineration unit of each of the following additional substances: volatile organic compounds, beryllium, hydrogen fluoride, antimony, arsenic, barium, chromium, cobalt, copper, nickel, selenium, zinc, polychlorinated biphenyls, chlorobenzenes, chlorophenols, and polynuclear aromatic hydrocarbons.

"(B) Except as provided in subparagraph (C), any such standard shall not allow—

"(i) an outlet gas carbon monoxide concentration greater than fifty parts per million corrected to 7 per centum oxygen on an eight-hour average except that the Administrator is authorized to establish a standard for refuse derived fuel units allowing carbon monoxide concentrations not to exceed one hundred parts per million corrected to 7 per centum oxygen on an eight-hour average if such units commencing construction or modification after the date of enactment of this section control emissions with dry scrubbers and fabric filtration;

"(ii) an outlet gas particulate concentration greater than 0.015 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(iii) an outlet gas concentration of sulfur dioxide greater than forty parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by not less than 70 per centum;

"(iv) an outlet gas concentration of hydrogen chloride greater than thirty parts per million corrected to 7 per centum oxygen, unless uncontrolled hydrogen chloride emissions are reduced by not less than 90 per centum;

"(v) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent), except that the Administrator may establish standards for combustion parameters (including temperature) other than those stated in this paragraph for units employing atmospheric-fluidized bed boilers for the control of oxides of nitrogen, if such standards achieve a combustion efficiency equivalent to that required of other units; or

"(vi) a flue gas temperature of 450 degrees Fahrenheit or more averaged over four hours at the inlet of the particulate control device.

"(C) The Administrator shall by regulation establish periods of unit startup, unit shutdown and process upset to which the requirements of subparagraph (B)(i) do not apply and shall establish alternative standards during such period which shall include numerical limitations for carbon monoxide emissions and a requirement to use auxiliary fuels to minimize emissions of such pollutant.

"(3) Standards promulgated under this subsection shall be effective no later than six months after the date of promulgation. To the extent that installation of an acid gas scrubber at a municipal waste incineration unit is required to comply with a standard or standards under this subsection, such standard shall be effective for units at which a scrubber is to be installed not later

than twenty-four months after the date of promulgation. Not later than five years following the initial promulgation of such standards and at five-year intervals thereafter, the Administrator shall review and, in accordance with this subsection, revise such standards. Such revised standards shall be effective as of the date six months after the date of promulgation with respect to facilities which begin construction or modification on or after the date on which such standards are first proposed.

"(4) After the effective date of any standard promulgated under this section, it shall be unlawful for any owner or operator of any municipal waste incineration unit to operate such unit in violation of such standard applicable to such unit.

"(5) When promulgating standards (or revised standards) under this subsection the Administrator shall consider the applicability of such standards (as the result of subsection (k)(2)(B)) to municipal waste incineration units already in operation and shall publish with such standards a schedule for compliance for each such unit providing adequate time for retrofit of necessary pollution control equipment, but in no event longer than four years after the date such standards are promulgated.

"(b) RECYCLING AND ASH MANAGEMENT.—(1) In addition to any other applicable requirements, after the date thirty-six months after the enactment of this section, no permit may be issued under a State program approved under part C or part D of this Act for any new or modified municipal waste incineration unit unless (A) the applicant has fully complied with the application requirements for the permit (pursuant to 40 CFR 52.21) and any applicable State requirements before such date, or (B) each of the jurisdictions served by the municipal waste incineration unit (as designated by the State in accordance with section 4006 of the Solid Waste Disposal Act) has been certified by the director of the solid waste program for the State in which the unit is to be located as in compliance with all solid waste planning requirements under the Solid Waste Disposal Act and will achieve pursuant to an enforceable plan a solid waste recycling rate of 25 per centum or more before such unit begins operation, unless the director determines that recycling at such rate is economically infeasible and establishes an alternative rate. Yard waste shall not be credited for more than 10 per centum of the waste stream for purposes of the recycling requirement under this paragraph.

"(2)(A) Beginning twenty-four months after the date of enactment of this section, no permit may be issued under this Act to a municipal waste incineration unit unless an ash management plan has been submitted for the ash from such unit. The application for each permit to be issued to a new or modified municipal waste incineration unit or renewal or issuance of a permit for an existing unit, shall include a reasonable demonstration of adequate capacity to treat, manage, or dispose of the ash produced by the unit for a period of not less than five years in compliance with the requirements of section 4011 of the Solid Waste Disposal Act. Demonstrations required by this paragraph shall be updated every five years as required by subsection (f).

"(B) The Administrator may promulgate regulations or issue guidelines for the implementation of this paragraph which shall provide that, to the extent practicable, demonstrations are based on the characteristics of ash from the municipal waste incineration unit as determined by testing methods prescribed pursuant to section 4011 of the Solid Waste Disposal Act. The initial demonstration required for new or modified municipal waste incineration units under this paragraph shall be based on the characteristics of the ash from units of comparable design (including pollution control equipment and ash treatment systems) combusting similar waste streams.

"(C) Notwithstanding any other provision of this Act or the Solid Waste Disposal Act, no person may operate a municipal waste incineration unit unless adequate capacity is available to treat, manage or dispose of the ash produced by the unit in compliance with section 4011 of the Solid Waste Disposal Act.

"(c) INTERIM STANDARDS.—If the Administrator fails to promulgate standards under subsection (a) of this section, beginning eighteen months after the date of enactment of this section and extending until such time as standards are promulgated no permit may be granted to the owner or operator of any municipal waste incineration unit which begins operation after July 1, 1989, and which is required to obtain a permit under a State program approved under part C or part D of this Act unless such permit requires compliance with emission standards that comply with subsection (a)(2)(B). Compliance with standards promulgated under subsection (a) shall be required six months after the date such standards are promulgated for all municipal waste incineration units subject to the provisions of this subsection, unless a unit is required to install an acid gas scrubber to comply with a standard in which case the standard shall be effective for such unit no later than twenty-four months after promulgation.

"(d) STANDARDS FOR EXISTING UNITS.—(1) Not later than eighteen months after the enactment of this section, the Administrator shall promulgate regulations and standards of performance to control emissions of air pollutants into the ambient air from each municipal waste incineration unit which is in operation or which is substantially completed prior to January 1, 1989. Such standards of performance shall be established on the basis of the degree of emission limitation achievable through application of available control technologies and practices as determined under subsection (a)(1), and shall specify emission limitations for the substances required under subsection (a)(2). In establishing standards under this subsection the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(2) Except as provided in paragraph (3), any such standard shall not allow—

"(A) an outlet gas carbon monoxide concentration greater than one hundred parts per million corrected to 7 per centum oxygen on an eight-hour average except that the Administrator is authorized to establish a standard for units allowing carbon monoxide concentrations not to exceed two hundred parts per million corrected to 7 per centum oxygen on an eight-hour average provided that such units control emissions with acid gas scrubbers and fabric filtration;

"(B) an outlet gas particulate concentration greater than 0.020 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(C) an outlet gas concentration of sulfur dioxide greater than sixty parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by 70 per centum;

"(D) an outlet gas concentration of hydrogen chloride of forty-five parts per million corrected to 7 per centum oxygen, unless uncontrolled emissions of hydrogen chloride are reduced by 90 per centum;

"(E) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent); or

"(F) a flue gas temperature of 450 degrees Fahrenheit or more averaged over four hours at the inlet of the particulate control device.

The Administrator shall promulgate a schedule for compliance with these standards. In no event shall such schedule provide for compliance with such standards later than the date six years after the enactment of this section.

"(3) The Administrator shall by regulation establish periods of unit startup, unit shutdown and process upset to which the requirements of paragraph (2)(A) do not apply and as part of such standards shall include a numerical limitation for carbon monoxide emissions and a requirement that auxiliary fuels be used during such periods to minimize emissions.

"(e) MONITORING.—(1) The Administrator shall promulgate regulations requiring the owner or operator of each municipal waste incineration unit—

"(A) to monitor emissions from the unit at the point at which such emissions are emitted into the ambient air (or within the stack, combustion chamber or pollution control equipment, as appropriate) and at such other points as necessary to protect human health and the environment;

"(B) to monitor such other parameters relating to the operation of the unit and its pollution control technology as the Administrator determines are appropriate; and

"(C) to report the results of such monitoring.

Such regulations shall contain provisions regarding the frequency of monitoring, test methods and procedures validated on municipal incineration units, and the form and frequency of reports containing the results of monitoring and shall require that any monitoring reports or test results indicating exceedance of standards under this section shall be reported separately and in a manner that facilitates review for purposes of enforcement actions. Such regulations shall require that copies of the results of such monitoring be maintained on file at the facility concerned and that copies shall be made available for inspection and copying by interested members of the public during business hours.

"(2) The Administrator shall promulgate the regulations required under this subsection within eighteen months after the enactment of this section. Such regulations may be revised from time to time in accordance with paragraph (1). Except as provided in paragraph (3), the requirements of this subsection shall take effect—

"(A) upon commencement of operation of any new or modified unit; and

"(B) twenty-four months after the enactment of this part in the case of any existing municipal waste incineration unit.

"(3)(A) The regulations promulgated under this subsection shall, at a minimum, require continuous monitoring for the following: opacity, hydrogen chloride (if such monitoring device or method is available),

sulfur dioxide, oxides of nitrogen, carbon monoxide, carbon dioxide, oxygen, stack temperature, furnace temperature (or secondary combustion zone temperature, as appropriate) and stack gas temperature at the inlet to the particulate control device.

"(B) For all emissions subject to standards under this section that are not subject to continuous monitoring under subparagraph (A), the regulations promulgated under this subsection shall require periodic monitoring of such emissions at each municipal waste incineration unit not less frequently than—

"(i) every six months, or

"(ii) six months after commencement of operations, and every eighteen months thereafter if the owner or operator of such unit demonstrates that such unit has complied with all applicable emissions standards as of the commencement of operations and during the previous periods of monitoring and maintains compliance with all applicable emissions standards during each interval between monitoring.

Regulations promulgated under this section shall provide for prompt monitoring of emissions and parameters which are not monitored continuously whenever there is a violation of a related emission standard or parameter which is continuously monitored.

"(C) The initial monitoring under this subsection shall commence at the later of the following—

"(i) the date six months after the promulgation of regulations under this subsection; or

"(ii) the commencement of operation of the unit concerned.

"(4) Notwithstanding the provisions of paragraph (3), regulations promulgated under this subsection and applicable to municipal waste incineration units which are not major emitting facilities as defined in part C may provide for monitoring with other than EPA-certifiable monitoring methods and shall at a minimum require continuous monitoring of: oxygen; opacity; furnace temperature (or secondary combustion zone temperature, as appropriate); carbon monoxide; pH; and such other parameters as the Administrator shall require.

"(5)(A) The regulations required by this subsection may require the owner or operator of each municipal waste incineration unit to establish and operate, or to pay the costs of establishing and operating, a program to detect impacts of the unit, or any associated releases, on the environment or human health. Such program shall require periodic testing for and public reporting of the presence of waste constituents or contaminants (or indicators thereof) at statistically significant levels.

"(B) In any case in which exposure to municipal waste incineration unit emissions or ash may pose a potential risk to human health, the Administrator or the State may request the Administrator of the Agency for Toxic Substances and Disease Registry to conduct a health assessment in connection with the unit and such other health studies or surveillance as may be warranted, as authorized under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Such studies may include programs to detect changes in the body burden of various pollutants including but not limited to lead, mercury, cadmium, halogenated hydrocarbons, and dioxins in any area affected by incineration unit emissions or ash.

"(f) PERMITS.—Notwithstanding any other provision of this Act, each permit for a municipal waste incineration unit issued under this Act may be issued for a period of up to twenty years and shall be reviewed every five years after date of issuance or reissuance. Each permit shall continue in effect after the date of issuance until the date of termination, unless the Administrator or State determines—

"(1) that the unit is not in compliance with all standards and conditions contained in the permit; or

"(2) capacity to treat or dispose of the ash from such unit in compliance with section 4011 of the Solid Waste Disposal Act for a five-year period after such determination has not been demonstrated.

Such determination shall be made at regular intervals during the term of the permit, such intervals not to exceed five years, and only after public comment and public hearing. No permit for a municipal waste incineration unit may be issued under this Act by an agency, instrumentality or person (other than a Governor) that is also responsible, in whole or part, for the design and construction or operation of the unit. Notwithstanding any other provision of this subsection, the Administrator or State may require the owner or operator of any unit to comply with emissions limitations or implement any other measures, if the Administrator or State determines that emissions in the absence of such limitations or measures may reasonably be anticipated to endanger public health or the environment.

"(g) OTHER AUTHORITY.—(1) Nothing in this section shall diminish or otherwise affect any authority to establish and enforce standards under section 111 or 112 or under any other authority of law for emissions from municipal waste incineration units of any air pollutant not referred to in subsection (a). With respect to emissions from municipal waste incineration units of any air pollutant referred to in subsection (a)—

"(A) nothing in this section shall diminish the authority of the Administrator to promulgate more stringent standards under section 112 or any other provision of this Act;

"(B) nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements under any other authority of law, including the authority to establish for any such air pollutant a national ambient air quality standard;

"(C) no requirement of an applicable implementation plan under section 165 (relating to construction of facilities in regions identified pursuant to section 107(d), relating to the designation of areas as nonattainment with respect to a national ambient air quality standard) or under section 172 (relating to permits for construction and operation in nonattainment areas) may be used to weaken the standards in effect under this section; and

"(D) nothing in this section shall be interpreted, construed or applied to limit the authority of the Administrator to impose more stringent requirements for the incineration of hospital or other infectious wastes under this Act or other authority including subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921, et seq.).

"(2) Nothing in this Act shall be construed, interpreted, or applied to preempt, supplant, or displace other State or Federal law, whether statutory or common.

"(h) STATE PROGRAMS.—Any State may submit to the Administrator a proposed State program for implementation and concurrent enforcement of the requirements of this section. After ninety days after submission to the Administrator, the State shall be treated as authorized to enforce the requirements of this section in such State unless the Administrator determines that the State program does not provide enforcement equivalent to Federal enforcement under this Act. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization for such State. Each State program approved under this subsection shall, at a minimum, include permitting requirements for each new and existing municipal waste incineration unit located in the State. Any permit issued by a State may be reviewed and withdrawn by the Administrator on the Administrator's own motion or upon a showing by any person that the conditions contained in such permit are not in compliance with the requirements of this Act.

"(i) STATE AUTHORITY.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard relating to municipal waste incineration units that is more stringent than a regulation, requirement, or standard in effect under this section or under any other provision of this Act.

"(j) ENFORCEMENT.—For purposes of sections 111(e), 113, 114, 116, 120, 304, and 307 each standard and other requirement promulgated under this section shall be treated in the same manner as a standard of performance under section 111 which is an emission limitation and each requirement of a State plan authorized under this section shall be treated as a requirement of an applicable implementation plan. Any civil penalties imposed by a court against a unit of local government under this Act for violations of this section shall be paid into a trust fund or comparable mechanism established by a court or the State and shall be applied in support of public programs or activities, as authorized by the court (or a fund administrator appointed by the court), that serve to enhance the protection of human health and the environment of the residents of such unit of local government but shall not be used to come into compliance with requirements established under this section or section 4011 of the Solid Waste Disposal Act.

"(k) DEFINITIONS.—As used in this section—

"(1) The term 'municipal waste incineration unit' means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The Administrator may promulgate standards for hospital incineration units (or other units operated principally to handle infectious wastes) under other provisions of this Act or section 3005 of the Solid Waste Disposal Act in lieu of standards under this section, provided that such standards are no less stringent than the standards under this section which are applicable to municipal waste incineration units of a comparable class or type. Until such regulations are promulgated, hospital incineration units (or other units operated principally to handle infectious wastes) shall be subject to the requirements of this section. The term 'municipal waste

incineration unit' does not include air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such incinerators comply with opacity limitations to be established by the Administrator by rule.

"(2) The term 'new municipal waste incineration unit' means a municipal waste incineration unit—

"(A) the construction or modification of which is commenced after the Administrator proposes requirements under this section establishing emissions standards or other requirements which would be applicable to such unit, or

"(B) effective January 1, 1992, which had commenced operation thirty years or more previously, except that any unit in compliance with the requirements of subsection (d) shall not be considered a new unit until thirty years after the date for compliance specified in such subsection.

"(3) The term 'substantially completed unit' means a unit not in operation before July 1, 1989 for which the addition of required pollution control equipment will cost more than twice what such equipment would have cost had it been constructed as part of the permitted design or for which 90 per centum of all construction has been completed before such date.

"(4) The term 'modified municipal waste incineration unit' means a municipal waste incineration unit at which modifications have occurred after the effective date of a standard under subsection (a) or (d) if (A) the cumulative cost of the modifications, over the life of the unit, exceed 50 per centum of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation), or (B) the modification is a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under this section.

"(5) The term 'existing municipal waste incineration unit' means a municipal waste incineration unit which is not a new or modified municipal waste incineration unit.

"(l) SOURCE SEPARATION.—(1) Not later than eighteen months after the enactment of this section, the Administrator shall publish guidelines identifying items or materials that should be removed from municipal waste prior to incineration, either through separation by the generator of such waste or at a central facility from the general waste stream or through limitations on the composition (including inks and pigments) of products or on the disposal of such items or materials in municipal waste.

"(2) Regulations under this section shall require the operator of any municipal waste incineration unit to establish contractual requirements or other appropriate notification and inspection procedures sufficient to assure that the unit does not receive any waste required to be placed in a facility permitted under section 3005 of the Solid Waste Disposal Act.

"(m) PRODUCT COMPOSITION.—If the Administrator finds that there is a reasonable basis to conclude that any product or article distributed in commerce presents, or may (to a reasonable degree of certainty) present, a threat to human health or the environment as the result of incineration of such product or article at municipal waste incineration units which are in compliance with standards promulgated under this section or as the result of the handling or disposal of ash from such units, the Administrator shall by rule apply one or more of the following requirements to the composition of such product or article, its distribution in commerce or methods of disposal as may be necessary to protect human health and the environment—

"(1) requirements prohibiting or limiting the manufacture, processing or distribution in commerce of such product or article;

"(2) requirements with respect to the concentration of any substances in the composition of the product or article, including a prohibition on the presence of such substances in the product, article or its residue;

"(3) requirements for the marking or labeling of such product or article, including instructions for the proper disposal of such product or article or its residues;

"(4) requirements for recovering or recycling such product or article, including the imposition of reimbursable fees on the sale of such product or article;

"(5) requirements that solid waste management plans for areas served by municipal waste incineration units as required by subsection (b) of this section provide for the separation, recovery or recycling of such products or articles or residues to prevent, to the maximum extent practicable, any threat to human health or the environment which may result from the incineration of such products, articles or their residues or the handling or disposal of ash from units which have incinerated such products, articles or their residues; or

"(6) requirements for the disposal of such product or article or its residues.

Not later than twenty-four months after the date of enactment of this section, the Administrator shall identify not less than five pollutants which present the greatest threat to public health or the environment as the result of municipal waste combustion or the disposal of ash from such combustion and for which health and environmental threats can be substantially diminished through rules issued pursuant to this subsection. The Administrator shall make a determination under this subsection with respect to the principal consumer or commercial products or residues of such products which contribute to the generation of the identified pollutants not later than thirty-six months after the date of enactment of this subsection.

"(n) OPERATOR TRAINING.—Not later than eighteen months after the enactment of this section, the Administrator shall develop and promote a model State program for the training and certification of municipal waste incinerator operators. The program shall include a requirement that all operators achieve a passing grade on an examination on (and participate in continuing education to stay informed about) current technology for the control of pollution from municipal waste incineration units. The Administrator may authorize any State to implement a State program for the training and certification of municipal waste incinerator operators if the State has adopted a program which is at least as stringent as the model program developed by the Administrator. Beginning on the date thirty months after the date of enactment of this section it shall be unlawful to operate a municipal waste incineration unit unless each person with control over processes affecting emissions from such unit has satisfactorily completed a training and certification program meeting the requirements established by the Administrator under this subsection.".

(b) Section 169(1) of the Clean Air Act is amended by striking "two hundred and" after "municipal incinerators capable of charging more than".

ASH MANAGEMENT AND DISPOSAL

SEC. 307. (a) Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section:

"MUNICIPAL WASTE COMBUSTION ASH

"SEC. 4011. (a) IN GENERAL.—(1) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units, as may be necessary to protect human health and the environment. Notwithstanding other provisions of this Act, the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units shall be subject to this section and subtitle and not subject to the provisions of subtitle C except that the Administrator may issue regulations under subtitle C in lieu of regulations under this section applicable to ash from units operated primarily to incinerate hospital or other infectious wastes. Until such time as regulations are promulgated for such units, ash from units operated primarily to incinerate hospital or other infectious wastes shall be subject to the requirements of this section. The provisions of sections 3007 and 3008 shall apply to ash from municipal waste incineration units and the requirements of this section to the same extent that such sections apply to hazardous wastes and the requirements of subtitle C.

"(2) For the purposes of this section, the term—

"(A) 'municipal waste incineration unit' shall have the meaning given in section 130(k)(1) of the Clean Air Act; and

"(B) 'treatment' means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any ash so as to remove or permanently fix in place any constituent of the ash which, in the event of mismanagement during transportation, storage, reuse or disposal, would pose a threat to human health or the environment and includes testing of such ash to assure that criteria promulgated under subsection (e) are satisfied.

"(3) Regulations promulgated under this section may establish requirements that apply to fly ash separately, to bottom ash separately, or to the combination of fly ash and bottom ash.

"(b) DISPOSAL.—(1) Regulations promulgated under subsection (a) for the disposal of ash from municipal waste incineration units in landfills shall require—

"(A) the installation of a double liner consisting of one flexible membrane liner and a composite liner with a leachate collection system above and between such liners, in accordance with paragraph (2); and

"(B) ground water monitoring.

"(2) The requirement of paragraph (1)(A) may be satisfied by the installation of liners designed, operated, and constructed of materials to prevent the migration of any constituent into such liners during the period such facility remains in operation (including any post-closure monitoring period). For the purposes of this section the term 'composite liner' means a liner which consists of a flexible membrane liner and at least a three-foot thick layer of recompacted clay or other

natural material with a hydraulic conductivity of no more than 1 x 10^{-7} centimeter per second. The provisions of this paragraph apply prior to and after the promulgation of regulations under paragraph (1).

"(3)(A) Notwithstanding the requirement of paragraph (1)(A), regulations promulgated under subsection (a) may provide for the placement of ash from municipal waste incineration units in a monofill (containing only ash from such units) with a composite liner designed, operated and constructed of materials to prevent the migration of any constituent into and through such liner during the period the monofill remains in operation (including any post-closure monitoring period), ground water monitoring and leachate collection.

"(B) For the purpose of paragraph (4), a monofill (containing only ash from municipal waste incineration units) with two or more flexible membrane liners, a leachate collection system above and between such liners and ground water monitoring is determined to be an alternative design which will prevent the migration of any hazardous constituent into ground water or surface water at least as effectively as the design requirements of subparagraph (A).

"(C) If fly ash is to be disposed in a monofill containing solely or substantially fly ash, such ash shall be treated pursuant to treatment standards established under this section before disposal or such monofill shall be constructed with an additional liner and a leachate detection and collection system between the liners.

"(D) Requirements under this paragraph are minimum requirements and the Administrator shall promulgate more stringent requirements applicable where necessary to assure that releases from a monofill will not contaminate ground water or surface water or otherwise pose a threat of adverse effects on human health or the environment.

"(4) The design requirements of paragraphs (1) and (3) shall not apply if the owner or operator of a solid waste management unit utilizing an alternative design demonstrates to the State, and the State finds, that the alternative design and operating practices will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the design requirements of paragraphs (1) or (3) of this subsection. The State shall not solely or substantially rely upon location characteristics to make any determination under this paragraph. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any determination made by a State under this subsection. The Administrator shall make a decision on any appeal within one hundred and eighty days.

"(5) Liner requirements imposed under paragraphs (1) or (3) of this subsection or subsection (c) shall include provisions for quality control and quality assurance with respect to the design and installation of the liners.

"(6) Nothing in this section shall be interpreted, construed or applied to require the routine testing of ash which is disposed in a landfill or monofill meeting the requirements of this subsection.

"(c) DISPOSAL IN SANITARY LANDFILLS.—Regulations promulgated under subsection (a) may allow disposal of ash from municipal waste incineration units in sanitary landfills with, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meeting the requirements of revised criteria promulgated under section 4010(c), if (1) such ash is routinely tested and does not fail any criteria under subsection (e); and (2) any fly ash so disposed (including any fly ash combined with bottom ash) has undergone treatment (as defined in subsection (a)) in accordance with regulations for treatment promulgated under this section and such treated fly ash is separately tested and does not fail any criteria established under subsection (e). For the purposes of this section, the mixing of fly ash and bottom ash, or the mixing of such ash with other solid waste, without the introduction of chemical stabilization agents, does not constitute treatment. Ash may not be disposed of in units that are created as a result of vertical expansion of an existing waste disposal facility unless the owner or operator of such facility demonstrates, and the State finds, that there will be no settling (that would impair the integrity of any required liner) of the waste upon which the proposed unit is to be built.

"(d) REUSE.—(1) The regulations under this section shall include such requirements applicable to the reuse and recycling of the ash from municipal waste incineration units, including criteria and routine testing procedures, as may be necessary to protect human health and the environment. In developing such regulations, the Administrator shall consider, to the extent feasible and appropriate, all potential pathways of human and environmental exposure, including both short-term and long-term, to hazardous constituents of such ash from such recycling and reuse. The pathways to be considered shall include, but not be limited to, inhalation, ingestion as a consequence of incorporation of the ash or any hazardous constituents into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its hazardous constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash. At a minimum the Administrator shall consider with respect to such recycling and reuse, appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity.

"(2) Such regulations shall require treatment of ash from municipal waste incineration units before any such ash is recycled or reused to protect human health and the environment. Such regulations shall specify those levels or methods of treatment that, taking into account the potential pathways of exposure identified in paragraph (1)—

"(A) substantially reduce the likelihood of migration of ash or its hazardous constituents so that short-term and long-term threats to human health and the environment are minimized;

"(B) satisfy any criteria and routine testing procedures included in the regulations under paragraph (1); and

"(C) assure that the recycling or reuse of such ash is protective of human health and the environment.

"(3) If the Administrator fails to promulgate regulations under this subsection, no person may reuse or recycle ash from a municipal waste incineration unit after the date thirty-six months after the date of enactment of this section unless such ash is treated and leachate from an extraction procedure toxicity test applied to such ash does not exceed standards established pursuant to section 1412 of the Safe Drinking Water Act for any pollutant or contaminant.

"(e) CRITERIA AND TESTING.—(1) For the purposes of developing regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units under this section, the Administrator shall promulgate criteria and testing procedures for identifying the characteristics of ash from municipal waste incineration units that may pose a hazard to human health or the environment. In considering potential hazards to human health and the environment, the Administrator shall consider, to the extent appropriate and feasible, all potential pathways of human or environmental exposure to constituents of such ash, including, but not limited to, inhalation, ingestion as a consequence of incorporation of the ash or any constituent into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash (including, for all such pathways, situations of disposal or reuse). At a minimum, the Administrator shall consider appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity. The criteria and accompanying testing procedures promulgated by the Administrator under this subsection shall reflect the heterogeneous characteristics of municipal solid waste and municipal incinerator ash, including seasonal variations in the constituents of such solid waste and ash. Leaching procedures established under this subsection shall include testing under acidic and native conditions. Test leachate from any ash containing a substance in concentrations exceeding the maximum contaminant level for such substance established pursuant to section 1412 of the Safe Drinking Water Act by a factor of one hundred or more shall, unless the Administrator establishes a more stringent requirement, constitute a failure of the test required by this section.

"(2) The Administrator shall, pursuant to subsection (c) or (d), require the owner or operator of any municipal waste incineration unit or any facility handling, transporting, storing, treating, reusing, recycling, or disposing of ash from such unit to test such ash in accordance with the criteria and testing procedures promulgated under this subsection. If fly ash and bottom ash are combined, such combined ash must also be tested in accordance with such criteria and testing procedures, including, as the Administrator determines necessary, the separate testing of bottom ash and fly ash.

"(3) Any ash which fails in any characteristic under the criteria and testing procedures promulgated by the Administrator under this subsection shall be disposed of in a facility in compliance with subsection (b)(1) or (3), or shall be treated (as defined in subsection (a)) in accordance with regulations promulgated under subsection (a) and shall be demonstrated to satisfy all applicable criteria promulgated under this subsection before disposal (pursuant to subsection (c)) or reuse (pursuant to subsection (d)).

"(4) The Administrator shall seek to validate the criteria and testing procedures established pursuant to this subsection by conducting a program of continuing analysis of leachate produced at facilities disposing or reusing ash from municipal waste incineration units.

"(f) CORRECTIVE ACTION.—(1) Whenever on the basis of any information the Adminis-

trator determines that there is or has been a release of any hazardous constituent from a facility regulated under this section, the Administrator may issue an order requiring corrective action or such other response measure as the Administrator deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If any person named in an order fails to comply with the order, the Administrator may assess, and such person shall be liable to the United States for, a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.

"(3) Regulations promulgated under subsection (a) shall require corrective action for all releases of hazardous constituents from any solid waste management unit at a facility seeking a permit under this section, regardless of the time at which waste was placed in such unit. Permits issued under this section shall contain schedules of compliance for such corrective action and assurances of financial responsibility for completing such corrective action.

"(g) CLOSURE.—Regulations promulgated under subsection (a) shall establish requirements for the proper closure of facilities treating, storing, or disposing of ash from municipal waste incineration units, for the post-closure monitoring and care of such facilities for a period of not less than thirty years, and for assurances of financial responsibility for closure, post-closure care and corrective action.

"(h) STATE PROGRAMS.—(1) Beginning eighteen months after the date of enactment of this section, any State may submit to the Administrator a proposed program for implementation and concurrent enforcement of the requirements of this section which may be considered and approved by the Administrator in accordance with the procedures established in section 4007. State programs approved under this subsection shall contain provisions assuring that each facility receiving ash from a municipal waste incineration unit obtains a permit or other form of prior approval. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization of such State program under this subsection.

"(2) Nothing in this section shall prohibit any State or political subdivision thereof from imposing any requirement with respect to the management, handling, storage, treatment, transportation, reuse, recycling or disposal of ash from municipal waste incineration units which is more stringent than any requirement established under this section.

"(i) EXPORT.—(1) Export of ash from a municipal waste incineration unit to locations outside of the United States shall be unlawful except as provided in an international agreement between the United States and the country receiving the ash. Any such international agreement shall include at a minimum—

"(A) a provision for obtaining the consent of the receiving country prior to shipment of the ash;

"(B) a provision that requires tracking of the ash shipment from the site of generation to the receiving country;

"(C) a provision for cooperation between the United States and the receiving country on compliance and enforcement of the agreement.

"(2) No person shall export ash from a municipal waste incineration unit to locations outside of the United States without a permit or other prior approval from the Administrator to do so. Permits granted for export under this section shall have a term not to exceed five years, shall be accompanied by fees sufficient to offset the cost experienced by the Administrator in monitoring compliance with the conditions of the permit and shall contain such other requirements as the Administrator may deem appropriate.

"(j) EFFECTIVE DATES.—(1) Regulations promulgated under this section shall be effective upon promulgation, except that requirements promulgated pursuant to subsection (b) or (c) with respect to the disposal of ash from municipal waste incineration units shall be effective on and after the date forty-eight months after the date of enactment of this section.

"(2) Beginning eighteen months after the date of enactment of this section and until the effective date of disposal requirements promulgated pursuant to subsection (b) or (c), ash from municipal waste incineration units shall not be disposed in landfills unless such landfills have, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meet the criteria for sanitary landfills issued under this subtitle.

"(3) Notwithstanding the provisions of paragraph (2), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from each municipal waste incineration unit be disposed in a facility with a liner, leachate collection and ground water monitoring beginning eighteen months after enactment of this section, on a showing by the owner or operator of any such unit that sufficient capacity to dispose of ash in compliance with such requirements is not available for the unit taking cost into consideration. No variance granted under this paragraph shall extend for a period longer than thirty months after the date of enactment of this section.

"(4) Notwithstanding the provisions of paragraph (1), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from municipal waste incineration units be disposed only in landfills meeting the requirements of subsection (b) or (c) beginning forty-eight months after the date of enactment of this section, on a showing by the owner or operator of any such unit that good faith efforts were made to satisfy such requirement but the unit will fail to do so for reasons not in control of the owner or operator of such unit. No variance granted under this paragraph shall extend for a period longer than seventy-two months after the date of enactment of this section.

"(5) If the Administrator fails to promulgate regulations under subsection (a) for the disposal of ash from municipal waste incineration units, no person may dispose of ash in a landfill after forty-eight months after the date of enactment of this section unless such landfill satisfies the requirements of subsections (b)(1) or (b)(3).

"(k) PROHIBITION.—(1) Beginning on the effective date of any regulation or requirement under this section it shall be unlawful to manage, handle, store, treat, transport, reuse, recycle, or dispose ash from a municipal waste incineration unit otherwise than in accordance with such regulation or requirement or a State program approved pursuant to subsection (h).

"(2) Prior to and after the effective date of regulations under this section, the Administrator may use the authorities of section 3008 to enforce the requirements of this section. In the case of a violation in a State which is authorized to implement and enforce a program under subsection (h), the Administrator shall give notice to the State in which a violation has occurred prior to issuing an order or commencing civil action under section 3009.".

(b) The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item at the end thereof:

"Sec. 4011. Municipal waste combustion ash.".

(c) Subsection (i) of section 3001 of the Solid Waste Disposal Act is repealed.

CONSULTATION

SEC. 308. Notwithstanding the provisions of the Federal Advisory Committee Act, prior to promulgation of any regulations, requirements, or guidelines pursuant to section 4011 of the Solid Waste Disposasl Act or section 130 of the Clean Air Act, the Administrator shall consult with elected officials of State and local governments, or their representatives or representatives of their organizations which may develop plans, administer programs, issue permits, promulgate regulations or take corrective action under such sections to receive their advice and recommendations on such regulations, requirements and guidelines.

TITLE IV—ACID DEPOSITION CONTROL

SEC. 401. The Clean Air Act is amended by adding the following new title:

"TITLE IV—ACID DEPOSITION CONTROL

"FINDINGS AND PURPOSES

"SEC. 401. (a) FINDINGS.—The Congress finds that—

"(1) the presence of acidic compounds and their precursors in the atmosphere and in deposition from the atmosphere represents a threat to natural resources, ecosystems, materials, visibility, and public health;

"(2) the principal sources of the acidic compounds and their precursors in the atmosphere are emissions of sulfur and nitrogen oxides from the combustion of fossil fuels;

"(3) the problem of acid deposition is of national and international significance;

"(4) strategies and technologies for the control of precursors to acid deposition exist now that are economically feasible, and improved methods are expected to become increasingly available over the next decade;

"(5) current and future generations of Americans will be adversely affected by delaying measures to remedy the problem;

"(6) reduction of total atmospheric loading of sulfur dioxide and nitrogen oxides will enhance protection of the public health and welfare and the environment; and

"(7) control measures to reduce precursor emissions from steam-electric generating units should be initiated without delay.

"(b) PURPOSES.—The purpose of this title is to reduce the adverse effects of acid deposition through reductions in annual emis-

sions of sulfur dioxide of ten million tons from 1980 emission levels, and, in combination with other provisions of this Act, of nitrogen oxides emissions of approximately two million tons from 1980 emission levels, in the forty-eight contiguous States and the District of Columbia. It is also the purpose of this title to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as a long-range strategy for reducing air pollution and other adverse impacts of energy production and use.

"DEFINITIONS

"SEC. 402. As used in this title—

"(a) The term 'affected source' means a source that includes one or more affected units.

"(b) The term 'affected unit' means a unit that is subject to emission reduction requirements or limitations under sections 404, 405, 406, 407, or 410 of this title.

"(c) The term 'allowance' means an authorization, issued to an affected source by the Administrator under this title, to emit, during or after a specified calendar year, one ton of sulfur dioxide or nitrogen oxides.

"(d) The term 'baseline' means the annual quantity of fossil fuel consumed, measured in millions of British Thermal Units ('mmBtu's'), by an affected unit, calculated as follows:

"(1) For each utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu's consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 National Acid Precipitation Assessment Program (NAPAP) Emissions Inventory, Version 2, National Utility Reference file (NURF). For other units, the baseline is the NAPAP Emissions Inventory, Version 2. The Administrator may exclude periods during which a unit is shutdown for a continuous period of four months or longer.

"(2) For each utility unit that entered operation on or after January 1, 1985, the baseline shall be an annual average quantity of mmBtu; as calculated pursuant to a method which the Administrator shall prescribe, by regulation to be promulgated not later than one year after the date of enactment of the Clean Air Act Amendments of 1989.

"(3) For any other unit, the baseline shall be the annual average quantity, in mmBtu consumed in fuel by that unit, as established by regulation to be promulgated by the Administrator not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"(e) The term 'capacity factor' means the ratio between the actual electric output from a unit and the potential electric output from that unit.

"(f) The term 'compliance plan' means a plan submitted pursuant to section 408 describing how the source will comply with all applicable requirements under this title, including a schedule for compliance and certification by the owner or operator that the facility is in compliance with the requirements of this title.

"(g) The term 'continuous emission monitor system' (CEMS) means the equipment used to sample, analyze, measure, and provide on a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbs/mmBtu), pounds per hour (lbs/hr) or such other forms as the Administrator may prescribe by regulations under section 412 of this title).

"(h) The term 'existing unit' means a unit (including units subject to section 111) that commenced construction prior to January 1, 1990 and commenced operation on or before December 31, 1992. Any unit modified, reconstructed, or repowered after the date of enactment of the Clean Air Act Amendments of 1989 shall continue to be an existing unit for the purposes of this title. For the purposes of this title, existing units shall not include simple combustion turbines.

"(i) The term 'generating unit' means a turbine together with its generator reported pursuant to Department of Energy Form 860.

"(j) The term 'new unit' means a unit that commences operation on or after January 1, 1993.

"(k) The term 'permitting authority' means the Administrator or the air pollution control agency, as defined under section 302(b).

"(l) The term 'repowering' means replacement of an existing coalfired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or a derivative of one of these techniques, or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler generation efficiency and of achieving significantly greater solid waste reduction relative to the performance of technology in widespread commercial use as of the date of enactment of the Clean Air Act Amendments of 1989, as determined by the Administrator, in consultation with the Secretary of Energy.

"(m) The term 'State' means one of the forty-eight contiguous States and the District of Columbia.

"(n) The term 'unit' means a fossil fuelfired combustion device.

"(o) The term 'actual 1985 emission rate', for electric utility units means the annual sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emissions Inventory, Version 2, National Utility Reference File. For non-utility units, the term 'actual 1985 emission rate' means the annual average sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emission Inventory, Version 2.

"(p) The term 'utility unit' means a unit that produces electricity for sale. For purposes of this title, a unit that cogenerates steam and electricity shall be considered a utility unit if the unit supplies more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system for sale.

"(q) The term 'allowable 1985 emissions rate' means the emissions limitations for sulfur dioxide and oxides of nitrogen, expressed as a rate in units of pounds of emissions per million Btu, of a federally enforceable emissions limitation applicable to a unit in 1985. Where the emissions limitation for a unit is not expressed, or the averaging period of that emission rate is not expressed on an annual basis, the Administrator shall determine the annual equivalent of that emissions rate.

"(r) The term 'qualifying Phase I technology' means a technological system of continuous emission reduction which achieves a 90 per centum reduction in emissions of a pollutant from the emissions that would have resulted from the use of fuels which were not subject to treatment prior to combustion.

"ALLOWANCE PROGRAM FOR EXISTING AND NEW UNITS

"SEC. 403. (a) ALLOCATIONS OF ANNUAL ALLOWANCES FOR EXISTING AND NEW UNITS.—(1) For the emission limitation programs under this title, the Administrator shall allocate annual allowances to the owner or operator of the affected units at an affected source in an amount equal to the annual tonnage emission limits calculated under sections 404, 405, 406, and 410 except as otherwise specifically provided in section 405(h)(1) and elsewhere in this title. Except as provided in sections 405(a)(2) and 410, beginning January 1, 2000, the allocation of allowances for the emissions of sulfur dioxide pursuant to section 405 shall not result in total annual emissions of sulfur dioxide from utility units in excess of 8.9 million tons, except that the Administrator shall not take into account allowances carried forward by owners and operators of affected units or by other persons after issuance in previous years. If necessary to meeting the restrictions imposed in the preceding sentence, the Administrator shall reduce, pro rata, the annual allowances allocated to each unit subject to the requirements of section 405. Subject to the provisions of paragraphs (2) and (3) of this subsection, the Administrator shall issue allowances for each affected unit at an affected source annually, as provided in paragraphs (2) and (3) and section 408. If an existing unit subject to the requirements of sections 404, 405, or 406 is removed from operation, such removal from operation shall not affect the number of allowances allocated or issued for the unit annually as provided in section 408.

"(2)(A) Beginning January 1, 1993, and during each calendar year thereafter, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall offer for purchase, at a price of $1,500 per ton (adjusted for inflation based on the Consumer Price Index beginning on the date of enactment of the Clean Air Act Amendments of 1989 and annually thereafter), allowances not to exceed an annual total of one hundred thousand. Allowances purchased pursuant to this paragraph shall be issued to the purchaser on January 1 of the calendar year seven years after the year in which the allowances are offered and reserved for the purchaser.

"(B) The regulations promulgated pursuant to subparagraph (A) shall specify that an applicant for such sales shall demonstrate that (i) it is, or will be, an owner or operator of a unit subject to subsection (e), (ii) the owner or operator has entered into binding agreements to construct the unit for which the allowances are being sought or that the public service commission with jurisdiction over the unit has given its approval for the construction and operation of the unit and (iii) the owner or operator has failed, after a good faith effort, to secure the necessary allowances from owners and operators eligible to receive allowances under paragraph (1) of this subsection. Applications may be submitted beginning ninety days after promulgation of such regulations and shall be approved or disapproved by the Administrator not later than

ninety days after submission of each completed application. Applications shall be approved in the order of submission and each applicant shall be required to pay 5 per centum of the total purchase price within six months of approval of the application. Upon the receipt of such payment the Administrator shall issue to the owner or operator a letter certifying that the owner or operator is eligible to purchase allowances as specified in the approved application.

"(C) Not later than one year prior to the calendar year for which the allowances have been offered for sale and reserved in accordance with an approved application, the owner or operator who wishes to purchase such reserved allowances shall pay to the Administrator the balance of the purchase price. The Administrator shall issue the allowances to the applicant and deduct, from the allowances allocated pursuant to subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitations requirement of subparagraphs (4) and (5) of subsection (d) of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(3)(A) Beginning January 1, 1995, and during each calendar year thereafter, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall auction, on a quarterly basis beginning January 1, 1995, and each calendar year thereafter, allowances in an amount not to exceed an annual total of one hundred thousand. Not later than thirty-six months after the enactment of the Clean Air Act Amendments of 1989, the Administrator, after consultation with the Secretary of the Treasury, shall promulgate regulations setting forth the method by which each auction shall be conducted. The regulations shall assure that the auction is open to any person who may hold allowances pursuant to this section and shall provide for quarterly sales of the allowances. The regulations shall not require that a minimum price be met for the purchase of allowances from the reserve. Allowances awarded at auction may be used for any purpose subject to the provisions of this title but in no calendar year earlier than five years after the calendar year in which the allowances have been awarded pursuant to auction. Persons awarded allowances pursuant to each auction shall be required to pay 5 per centum of the total purchase price within six months of award. Upon the receipt of such payment the Administrator shall issue to the person a letter certifying that the person is eligible to purchase allowances as specified according to the bid and award.

"(B) Not later than one year prior to the calendar year for which the allowances have been auctioned and awarded, the owner or operator who wishes to purchase such awarded allowances shall pay to the Administrator the balance of the purchase price. The Administrator shall issue the allowances to the applicant and deduct, from the allowances allocated pursuant to subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitation requirements of subparagraphs (4) and (5) of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(C) Within ninety days of receipt, all monies collected as a result of each auction shall be disbursed on a pro rata basis to the owners or operators of the affected units from whose allocation the allowances were withheld. The Administrator shall report the nature, price, and results of each auction including the prices of successful bids and shall record the transfers of allowances as a result of each auction and purchase in accordance with the requirements of subsection (b). Any holder of allowances may contribute to any auction allowances applicable for meeting compliance requirements in the year in which the auction is to be held and shall receive a pro rata share of monies collected. The holder of such allowances may specify a minimum sale price and time of payment provided that the Administrator finds that doing so would not interfere with the purposes and functioning of the auction.

"(D) The regulations promulgated pursuant to subparagraph (A) shall ensure that the operation of the auction is consistent with orderly functioning of a national market for allowances and with preservation of competition in the electric power industry. Pursuant to rulemaking after public notice and comment the Administrator may discontinue, or alter the frequency of, the auction if the Administrator finds that such auctions are not necessary to preserving the orderly functioning of a national market for allowances and competition in the electric power industry. Pursuant to the regulations promulgated pursuant to subparagraph (A), the Administrator may by delegation or contract provide for the conduct of auctions under the Administrator's supervision by other departments or agencies or by nongovernmental agencies.

"(b) ALLOWANCE SYSTEM.—Allowances issued under this title may be transferred among the owners or operators of affected sources under this title or any person who lawfully acquires such allowances, as provided by regulations to be promulgated by the Administrator not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989. The Administrator shall promulgate regulations, not later than eighteen months after enactment, to establish the allowance system prescribed under this section, including, but not limited to, requirements for the issuance, transfer, and use of allowances under this title. Such regulations shall prohibit the use of allowances prior to the calendar year for which the allowances were issued, and shall provide, consistent with the purposes of this title, for the identification of unused allowances, and for such unused allowances to be carried forward and added to allowances allocated in subsequent years. Such regulations shall permit transfers only within each of the two major geographic regions of the country as defined by such regulations. Nothing in the regulations shall relieve the Administrator of the Administrator's permitting, monitoring and enforcement obligations under this Act nor relieve sources of their requirements and liabilities under this Act. Transfers of allowances shall not be effective until written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator. Such regulations shall permit the transfer of allowances prior to the issuance of such allowances. Upon the recordation by the Administrator of such transfers, the Administrator, in the calendar year in which the allowances are issued, shall deduct the transferred allowances from the number of allowances issued to the transferor and add such allowances to those issued to the transferee. Such transfers shall not affect the prohibition contained in this subsection against the use of allowances prior to the year for which they are issued.

"(c) INTERPOLLUTANT TRADING.—Not later than January 1, 1994, the Administrator shall furnish to the Congress a study evaluating the environmental and economic consequences of amending this title to permit trading sulfur dioxide allowances, for nitrogen oxides allowances.

"(d) ALLOWANCE TRACKING SYSTEM.—The Administrator shall promulgate, not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, a system for issuing, recording, and tracking allowances and shall specify procedures and requirements. All allowance allocations and transfers shall upon recordation by the Administrator be deemed a part of each unit's permit requirements pursuant to section 408, but shall not require permit review and revision.

"(e) NEW UTILITY UNITS.—The owner or operator of each new utility unit must hold allowances equal to the annual tonnage of sulfur dioxide emitted by such unit after January 1, 2000. Such new utility units shall not be eligible for an allocation of sulfur dioxide allowances under subsection (a). Notwithstanding the geographic limitations on transfers of allowances in subsection (b), new utility units may obtain allowances from any unit allocated allowances under this title. After January 1, 2000, it shall be unlawful for any new utility unit to emit sulfur dioxide in an amount exceeding the allowances the owner or operator of such unit holds for such unit. The owner or operator of any new utility unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title.

"(f) NATURE OF ALLOWANCES.—An allowance issued under this title is a limited authorization to emit sulfur dioxide or nitrogen oxides in accordance with the provisions of this title. Such allowances may be limited, revoked or otherwise modified in accordance with the provisions of this title or other authority of the Administrator. Such allowance does not constitute a property right.

"(g) PROHIBITION.—It shall be unlawful for any person to hold or transfer any allowance issued under this title, except in accordance with regulations issued by the Administrator.

"PHASE 1 SULFUR DIOXIDE REQUIREMENTS

"SEC. 404. (a) EMISSION LIMITATIONS.—(1) After January 1, 1995, each source that includes one or more affected units listed in Table A is an affected source under this section. After January 1, 1995, it shall be unlawful for any affected unit (other than an eligible phase I unit) to emit sulfur dioxide in excess of the tonnage limitation stated in table A for phase I unless the emissions reduction requirements applicable to such unit have been achieved pursuant to subsection (b) or (d) or the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title. The annual limitation for any unit totaled on Table A shall equal the product of each unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000.

"(2) Not later than December 31, 1991, the Administrator shall determine the total ton-

nage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 1995 that will occur as a result of compliance with the emissions limitation requirements of this section, and shall establish a reserve of allowances equal in amount to the number of tons determined thereby not to exceed a total of 3.50 million tons. In making such a determination, the Administrator shall compute for each unit subject to the emissions limitation requirements of this section the difference between: (A) the product of its baseline multiplied by the lesser of each unit's allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2000, and (B) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2000, and sum the computations. The Administrator shall adjust the foregoing calculation to reflect projected calendar year 1995 utilization of the units subject to the emissions limitations of this section that the Administrator finds would have occurred in the absence of the imposition of such requirements. Not later than June 1, 1996, the Administrator shall adjust, if necessary, the allowances in the reserve to reflect the actual emissions reductions achieved by such units during calendar year 1995 as measured by continuous emissions monitoring pursuant to section 412. In making any such adjustment, the Administrator shall take into account, inter alia, whether emissions reductions achieved by any unit subject to the requirements of this section resulted from reduced utilization of the unit as compared with its baseline or from shutting the unit down and whether additional emissions of sulfur dioxide from units not subject to the emissions limitations of this section occurred as a result of those units' provision of electrical generation to compensate for the reduced output resulting from any affected unit's reduced utilization or shutdown. Pursuant to subsection (d), the Administrator shall issue allowances from the reserve established hereinunder until the earlier of such time as all such allowances in the reserve are issued or December 31, 1999.

"(b) SUBSTITUTIONS.—The owner or operator of an affected unit under subsection (a) may submit a proposal to the Administrator to reassign, in whole or in part, the sulfur dioxide reduction requirements to any other unit(s) under the control of such owner or operator. Such proposal shall specify—

"(1) the designation of the substitute affected units to which any part of the reduction obligations of subsection (a) shall apply, in addition to, or in lieu of, the original affected units designated under such subsection;

"(2) the baseline, the actual 1985 sulfur dioxide emissions rate, and the authorized annual tonnage limitation stated in Table A for the original affected unit;

"(3) calculation of the calendar year 1985 annual tonnage emitted by the substitute units, based on the baseline for each unit, as defined in section 402(d), multiplied by the unit's actual 1985 emission rate;

"(4) the emission rates and the actual tonnage limitations that would be applicable to the original and substitute affected units;

"(5) documentation, to the satisfaction of the Administrator, that the reassigned tonnage limits will, in total, achieve the same or greater emissions reduction than would have been achieved without such substitutions; and

"(6) such other information as the Administrator may require.

"(c) ADMINISTRATOR'S ACTION ON A PROPOSAL.—

"(1) The Administrator shall approve or disapprove such substitution not later than six months after receipt of a substitution proposal that fulfills the requirements of this subsection. If a proposal does not meet the requirements of subsection (d), the Administrator shall disapprove it. The owner or operator of a unit listed in Table A may not substitute another unit without the approval of the Administrator.

"(2) For an approved proposal, each substitute unit and source shall be deemed affected under this title, and the Administrator shall act on the submission in accordance with section 408. The Administrator shall allocate allowances for the affected units in accordance with the approved proposal pursuant to section 403. It shall be unlawful for any source or unit that receives allowances pursuant to this section to emit sulfur dioxide in an amount in excess of the allowances allocated to it. The owner or operator of any unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title. For a disapproved proposal, the Administrator shall issue allowances in accordance with subsection (a).

"(d) ELIGIBLE UNITS.—(1) Any unit subject to an emissions limitation requirement under this section may qualify for an extension of two years of the deadline for meeting such requirement. To qualify for such an extension a unit must employ a qualifying phase I technology, or transfer its phase I emissions reduction obligation to a unit employing a qualifying phase I technology. Such transfer shall be accomplished through submission of a compliance plan under section 408 that includes all units included in the transfer and satisfaction of the emissions reduction obligations imposed pursuant to an approved plan or permit.

(2) The owner or operator of an affected unit under subsection (a) or (c) may submit a proposal to the Administrator requesting that such unit be designated an eligible phase I unit. Such proposal shall—

(A) specify the unit proposed for designation as an eligible phase 1 unit;

(B) provide an executed contract, which may be contingent upon the Administrator approving the proposal, for the design of the qualifying technology for the unit, or for the unit to which the unit's emission reduction obligation is to be transferred;

(C) specify the unit's baseline, actual 1985 emission rate, allowable 1985 emission rate, and projected utilization for calendar years 1995 through 1999; and

(D) specify the emission rate and number of allowances expected to be necessary for annual operation after the qualifying technology has been installed.

(3) The Administrator shall review and approve or disapprove each proposal in order of receipt, and for an approved proposal designate the unit as as eligible phase I unit. Each eligible unit shall receive allowances determined under subsection (a)(1) or (c) of this section. In addition, the Administrator shall issue to each eligible unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between its projected emissions tonnage for calendar years 1995 and 1996 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu multiplied by a factor of 2, divided by 2000.

(4) The Administrator shall reduce the reserve by the number of allowances calculated according to subparagraph (A) and (B) until either the reserve is consumed or all approved proposals have been acted upon. If the reserve is consumed before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to—

(A) the difference between the projected emissions tonnage for calendar years 1995 and 1996 of each eligible unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu; and

(B) the difference between the product of each unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2000, and the tonnage level specified under subparagraph (D) of paragraph (2) of this subsection multiplied by a factor of 3.

(5) After January 1, 1997, in addition to the liabilities imposed under section 411, if any eligible phase I unit employing qualifying phase I technology emits sulfur dioxide in excess of the annual tonnage limitation specified under subparagraph (D) of paragraph (2) of this subsection, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit's annual allowance allocation.

(6) In addition to allowances specified in paragraph (3), the Administrator shall issue to the owner or operator of each eligible unit employing qualifying phase I technology, for calendar years 1997, 1998, and 1999, additional allowances, from the allowance reserve created pursuant to subsection (a)(2), not to exceed the difference between (A) the product of each eligible unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2000, and (B) the tonnage level specified under subparagraph (D) of paragraph (2) of this subsection. However, the number of allowances issued shall be reduced, on a pro rata basis, as the result of any adjustment by the Administrator's June 1, 1996 recalculation of the level of the reserve under subsection (a)(2) of this section.

Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances

(Tons)

State and Plant Name	Unit	Allowances	
		Phase 1	Phase 2
Alabama:			
Colbert	1	13,570	6,520
	2	15,310	7,350
	3	15,400	7,390
	4	15,410	7,400
	5	37,180	17,850
E.C. Gaston	1	18,100	8,690
	2	18,540	8,900
	3	18,310	8,790
	4	19,280	9,250
	5	59,840	28,720
Florida:			
Big Bend	1	28,410	13,640
	2	27,100	13,010
	3	26,740	12,840
Crist	6	19,200	9,220
	7	31,680	15,210
Bartow	1	4,190	2,010
Georgia:			
Bowen	1	56,330	27,040
	2	54,770	26,290
	3	71,750	34,440
	4	71,740	34,430
Hammond	1	8,780	4,220
	2	9,220	4,420
	3	8,910	4,280
	4	37,640	18,070
J. McDonough	1	19,910	9,560
	2	20,600	9,890
Wansley	1	70,770	33,970
	2	65,430	31,400
Yates	1	7,210	3,460

Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances—Continued

(Tons)

State and Plant Name	Unit	Allowances	
		Phase 1	Phase 2
	2	7,040	3,380
	3	6,950	3,340
	4	8,910	4,280
	5	9,410	4,520
	6	24,760	11,890
	7	21,480	10,310
Illinois:			
Baldwin	1	42,010	20,170
	2	44,420	21,320
	3	42,550	20,430
Coffeen	1	11,790	5,660
	2	35,670	17,120
Grand Tower	4	5,910	2,840
Hennepin	2	18,410	8,840
Joppa Steam	1	12,590	6,040
	2	10,770	5,170
	3	12,270	5,890
	4	11,360	5,450
	5	11,420	5,480
	6	10,620	5,100
Kincaid	1	31,530	15,130
	2	33,810	16,230
Meredosia	3	13,890	6,670
	3	13,890	6,670
Vermilion	2	8,880	4,260
Indiana:			
Bailly	7	11,180	5,370
	8	15,630	7,500
Breed	1	18,500	8,880
Cayuga	1	33,370	16,020
	2	34,130	16,380
Clifty Creek	1	20,150	9,670
	2	19,810	9,510
	3	20,410	9,800
	4	20,080	9,640
	5	19,360	9,290
	6	20,380	9,780
E. W. Stout	5	3,880	1,860
	6	4,770	2,290
	7	23,610	11,330
F. B. Culley	2	4,290	2,060
	3	16,970	8,150
F. E. Ratts	1	8,330	4,000
	2	8,480	4,070
Gibson	1	40,400	19,390
	2	41,010	19,680
	3	41,080	19,720
	4	40,320	19,360
H. T. Pritchard	6	5,770	2,770
Michigan City	12	23,310	11,190
Petersburg	1	16,440	7,890
	2	32,380	15,540
R. Gallagher	1	6,490	3,120
	2	7,280	3,490
	3	6,530	3,130
	4	7,650	3,670
Tanners Creek	4	24,820	11,920
Wabash River	1	4,000	1,920
	2	2,860	1,370
	3	3,750	1,800
	5	3,670	1,760
	6	12,280	5,890
Warrick	4	26,980	12,950 :/ #DM1:A22AP6/ [011,020]/ r/\///
Iowa:			
Burlington	1	10,710	5,140
Des Moines	7	2,320	1,110
George Neal	1	1,300	620
M.L. Kapp	2	13,800	6,620
Prairie Creek	4	8,180	3,920
Riverside	5	3,990	1,920
Kansas:			
Quindaro	2	4,220	2,020
Kentucky:			
Coleman	1	1,125	5,400
	2	12,840	6,160
	3	12,350	5,930
Cooper	1	7,450	3,570
	2	15,320	7,360
E.W. Brown	1	7,110	3,410
	2	10,910	5,240
	3	26,100	12,530
Elmer Smith	1	6,520	3,130
	2	14,410	6,920
Ghent	1	28,410	13,640
Green River	1	7,820	3,750
H.L. Spurlock	1	22,780	10,940
Henderson II	1	13,340	6,410
	2	12,310	5,910
Paradise	3	59,170	28,400
Shawnee	10	10,170	4,880
Maryland:			
Chalk Point	1	21,890	10,520
	2	24,330	11,680
C. P. Crane	1	10,330	4,960
	2	9,230	4,430
Morgantown	1	35,260	16,930
	2	38,480	18,470
Michigan:			
J. H. Campbell	1	19,280	9,250
	2	23,060	11,070
Minnesota:			
High Bridge	6	4,270	2,050
Mississippi:			
Jack Watson	4	17,910	8,600
	5	36,700	17,620
Missouri:			
Asbury	1	16,190	7,770
James River	5	4,850	2,330
Labadie	1	40,110	19,250
	2	37,710	18,100
	3	40,310	19,350
	4	35,940	17,250
Montrose	1	7,390	3,550
	2	8,200	3,940
	3	10,090	4,840
New Madrid	1	28,240	13,550
	2	32,490	15,590
Sibley	3	15,580	7,480
Sioux	1	22,570	10,840
	2	23,690	11,370
Thomas Hill	1	10,250	4,920
	2	19,390	9,310
New Hampshire:			
Merrimack	1	10,190	4,890
	2	22,000	10,560
New Jersey:			
B.L. England	1	9,060	4,350
	2	11,720	5,630
New York:			
Dunkirk	3	12,600	6,050
	4	14,060	6,750
Greenidge	4	7,540	3,620
Milliken	1	11,170	5,360
	2	12,410	5,960
Northport	1	19,810	9,510
	2	24,110	11,580
	3	26,480	12,710
Port Jefferson	3	10,470	5,030
	4	12,330	5,920
Ohio:			
Ashtabula	5	16,740	8,040
Avon Lake	8	11,650	5,590
	9	30,480	14,630
Cardinal	1	34,270	16,450
	2	38,320	18,400
Conesville	1	4,210	2,020
	2	4,890	2,350
	3	5,500	2,640
	4	48,770	23,410
Eastlake	1	7,800	3,750
	2	8,640	4,150
	3	10,020	4,810
	4	14,510	6,970
	5	34,070	16,350
Edgewater	4	5,050	2,430
Gen. J.M. Gavin	1	79,080	37,960
	2	80,560	38,670
Kyger Creek	1	19,280	9,260
	2	18,560	8,910
	3	17,910	8,600
	4	18,710	8,980
	5	18,740	9,000
Miami Fort	5	760	360
	6	11,380	5,460
	7	38,510	18,490
Muskingum River	1	14,880	7,140
	2	14,170	6,800
	3	13,950	6,700
	4	11,780	5,650
	5	40,470	19,420
Niles	1	6,940	3,330
	2	9,100	4,370
Picway	5	4,930	2,370
R.E. Burger	3	6,150	2,950
	4	10,780	5,170
W.H. Sammis	5	12,430	5,970
	5	24,170	11,600
	6	39,930	19,170
	7	43,220	20,750
W.C. Beckjord	5	8,950	4,290
	6	23,020	11,050
Pennsylvania:			
Armstrong	1	14,410	6,920
	2	15,430	7,410
Brunner Island	1	27,760	13,330
	2	31,100	14,930
	3	53,820	25,840
Cheswick	1	39,170	18,800
Conemaugh	1	59,790	28,700
	2	66,450	31,890
Hatfield's Ferry	1	37,830	18,160
	2	37,320	17,920
	3	40,270	19,330
Martins Creek	1	12,660	6,080
	2	12,820	6,150
Portland	1	5,940	2,850
	2	10,240	4,910
Shawville	1	10,320	4,960
	2	10,320	4,960
	3	14,220	6,830
	4	14,080	6,760
Sunbury	3	8,760	4,210
	4	11,450	5,500
Tennessee:			
Allen	1	15,320	7,360
	2	16,770	8,050
	3	15,670	7,520
Cumberland	1	86,700	41,620
	2	94,840	45,520
Gallatin	1	17,650	8,470
	2	17,310	8,310
	3	20,020	9,610
	4	21,260	10,200
Johnsonville	1	7,790	3,740
	2	8,040	3,860
	3	8,410	4,040
	4	7,990	3,830
	5	8,240	3,950
	6	7,890	3,790
	7	8,980	4,310
	8	8,700	4,180
	9	7,080	3,400
	10	7,550	3,630
West Virginia:			
Albright	3	12,000	5,760
Fort Martin	1	41,590	19,960
	2	41,200	19,780
Harrison	1	48,620	23,340
	2	46,150	22,150
	3	41,500	19,920
Kammer	1	18,740	9,000
	2	19,460	9,340
	3	17,390	8,350
Mitchell	1	43,980	21,110
	2	45,510	21,840
Mount Storm	1	43,720	20,990
	2	35,580	17,080
	3	42,430	20,370
Wisconsin:			
Edgewater	4	24,750	11,880
La Crosse/Genoa	3	19,090	9,160
Nelson Dewey	1	6,010	2,880
	2	6,680	3,210
N. Oak Creek	1	5,220	2,510
	2	5,140	2,470
	3	5,370	2,580
	4	6,320	3,030
Pulliam	8	7,510	3,600
S. Oak Creek	5	9,670	4,640
	6	12,040	5,780
	7	16,180	7,770
	8	15,790	7,580

"PHASE II SULFUR DIOXIDE REQUIREMENTS

"SEC. 405. (a). APPLICABILITY.—(1) After January 1, 2000, each steam-electric existing utility unit as provided below is subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide tonnage emission limitation under this section is an affected unit under this title. Each source that includes one or more affected units is an affected source. In the case of an existing unit that was not in operation during calendar year 1985, the emission rate for a calendar year after 1985, as determined by the Administrator, shall be used in lieu of the 1985 rate. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title.

"(2) Following the issuance of permits pursuant to section 408 to the owners or operators of units subject to the emissions limitation requirements of this section the Administrator shall calculate the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 2000,achieved as result of compliance by units subject to this section with the emissions limitation requirements of subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitation requirements of subparagraphs (4) and

(5) of subsection (d). In calculating such reductions the Administrator shall compute for each unit subject to the emissions limitation requirements of section 404 and included on Table A the difference between: (A) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2000, and (B) the product of each unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2000. For each unit not included on Table A of section 404, but subject to the emissions limitation requirements of subsections (b) and (c), the Administrator shall compute the difference between: (A) the product of each unit's baseline multiplied by the lesser of its allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2000, and (B) the product of each unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2000, and sum the computations, except for those units granted an extension pursuant to section 409. The Administrator shall adjust the foregoing calculation to reflect the utilization of such plants that the Administrator finds would have occurred in the absence of the imposition of emissions limitation requirements. The Administrator shall establish a reserve of allowances equal in number to the tons so calculated and adjusted to reflect the actual emissions reductions achieved during calendar year 2000 as measured by continuous emissions monitoring pursuant to section 412 up to a limit of 5.30 million allowances. If the Administrator determines that the total of actual emissions reductions achieved in calendar year 2000 is less than 5.30 million tons, the Administrator shall deduct from each unit's annual allocation its pro rata share of 10 per centum of the difference between 5.30 million tons and actual emissions reductions achieved in calendar year 2000. Each unit's pro rata share shall be calculated on the basis of allowances that would be allocated pursuant to subsections (b)(1), (c)(1) and (2), (d)(4) and (5), (e), (f) and (g)(1) and (2). Pursuant to section 403 and subsections (b)(2), (c)(3), (d)(3)(A) and (B), (g)(3), (h)(2) and section 406(a), the Administrator shall issue annually 530,000 tons from the reserve established hereunder for calendar years 2000 through 2009.

"(b) UNITS EQUAL TO, OR ABOVE, 75 MWE AND 1.20 LBS/MMBTU.—(1) After January 1, 2000, it shall be unlawful for any steam-electric existing unit with nameplate capacity equal to, or greater, than 75 MWe and an actual 1985 emission rate equal to or greater than 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000 unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions. In the case of a unit which has decreased its emissions rate as of the date of enactment by forty per centum or greater from 1980, and whose utility system's residential customer growth has increased by at least three per centum per year since 1980, such unit has the option of calculating its baseline, as defined in section 402(d)(1), using an average of any three consecutive years between 1980 and 1989.

"(2) Except for units subject to the second sentence of paragraph (1), after January 1, 2000, the Administrator shall allocate and issue annually to the owner or operator of a unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate greater than 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 per centum, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 per centum of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 per centum capacity factor.

"(c) COAL OR OIL-FIRED UNITS BELOW 75 MWE AND ABOVE 1.20 LBS/MMBTU.—

"(1) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is equal to, or greater than, 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is less than 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(3) After January 1, 2000, the Administrator shall allocate and issue annually to the owner or operator of a unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 per centum, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 per centum of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 per centum capacity factor.

"(d) COAL-FIRED UNITS BELOW 1.20 LBS/MMBTU.—

"(1) After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate of less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(3)(A) At the election an operating company, after January 1, 2000, the Administrator shall allocate and issue annually for such unit subject to the emissions limitation requirements of paragraph (1) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in an amount equal to either (i) the product of the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by the difference, on a Btu basis, between the unit's baseline and its fuel consumption at a 60 per centum capacity factor, or (ii) 20 per centum of the allowances allocated for the unit pursuant to paragraph (1) and section 403.

"(B) At the election of the operating company, after January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (2) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in an amount equal to either (i) the product of the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate multiplied by the difference, on a Btu basis, between the unit's baseline and its fuel consumption at a 60 per centum capacity factor, divided by 2000, or (ii) 20 per centum of the allowances allocated for the unit pursuant to paragraph (2) and section 403.

"(C) An operating company with units subject to the emissions limitation requirements of this subsection may elect only one formula for the allocation of allowances as provided under subparagraphs (A) and (B), which elected formula shall apply to the annual allowance allocation for each and every unit in the operating company subject to the emissions limitation requirements of this subsection. The Administrator shall issue allowances pursuant to subparagraphs (A) and (B) only in accordance with this subparagraph.

"(4) After January 1, 2010, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate of less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions."

"(5) After January 1, 2010, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(6) For the purposes of this section, in the case of an oil- and gas-fired unit which has been awarded a clean coal technology demonstration grant as of January 1, 1991, by the United States Department of Energy, such unit may use any three consecutive years between 1980 and 1989 in calculating its baseline, as defined in section 402(d)(1).

"(e) OIL AND GAS-FIRED UNITS EQUAL TO OR GREATER THAN 0.6 LBS/MMBTU AND LESS THAN 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 sulfur dioxide emission rate equal to, or greater than, 0.60 lbs/mmBtu, but less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate and a numerical factor of 120 per centum divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(f) OIL AND GAS-FIRED UNITS LESS THAN 0.6 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 emission rate of less than 0.60 lbs/mmBtu whose average annual fuel consumption during 1985, 1986 and 1987 on a Btu basis was 90 per centum or less in the form of natural gas to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(g) UNITS THAT COMMENCE OPERATION BETWEEN 1986 AND DECEMBER 31, 1995.—After January 1, 2000, it shall be unlawful for any utility unit that has commenced operation on or after January 1, 1986, but not later than September 31, 1990 to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the unit's allowable sulfur dioxide emission rate, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, the Administrator shall issue to the owner or operator of any utility unit that commences operation, or has commenced operation, on or after October 1, 1990, but not later than December 31, 1992 allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation, in pounds per mmBtu, divided by 2000.

"(3) After January 1, 2000, the Administrator shall issue to the owner or operator of any utility unit that has commenced construction before December 31, 1990 and that commences operation between January 1, 1993 and December 31, 1995, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation, in pounds per mmBtu, divided by 2000.

"(h) OIL AND GAS-FIRED UNITS LESS THAN 10 PER CENTUM OIL CONSUMED.—(1) After January 1, 2000, it shall be unlawful for any oil- and gas-fired utility unit whose average annual fuel consumption during 1985, 1986 and 1987 on a Btu basis exceeded 90 per centum in the form of natural gas to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the unit's actual 1985 emissions rate unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) Beginning January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2000.

"ALLOWANCES FOR STATES WITH EMISSIONS RATES AT OR BELOW 0.8 LBS/MMBTU

"SEC. 406. (a) ELECTION OF GOVERNOR.—In addition to allocations of allowances pursuant to subsections (b)(1), (c)(1) and (2), (d)(1), (2), (3)(A)(ii) and (3)(B)(ii), (e), (f), and (g)(1) and (2), upon the election of the Governor of any State, with a 1985 statewide annual sulfur dioxide emissions rate of 0.80 lbs/mmBtu, averaged over all fossil fuel-fired utility steam generating units, the Administrator, in lieu of allocations pursuant to subsections (b)(2), (c)(3), (d)(3)(A)(i) and (B)(i), (g)(3) and (h)(2) of section 405, shall allocate and issue allowances from the reserve created pursuant to section 405(a)(2) to all such units in the State in an amount equal to the unit's pro rata share of electricity generated at fossil fuel-fired utility steam units in all such States.

"(b) NOTIFICATION OF ADMINISTRATOR.—Not later than January 1, 1997, each Governor of a State eligible to make an election under paragraph (a) shall notify the Administrator of such election. In the event that the Governor of any such State fails to notify the Administrator of the Governor's elections, the Administrator shall allocate and issue allowances pursuant to section 405.

"(c) ALLOWANCES AFTER JANUARY 1, 2010.—After January 1, 2010, the Administrator shall allocate and issue allowances to units subject to the provisions of this section pursuant to section 405.

"NITROGEN OXIDES EMISSION REDUCTION PROGRAM

"SEC. 407. (a) APPLICABILITY.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405 and 409, or on the date a unit subject to the provisions of 404(d) and 409(b), must meet the SO_2 reduction requirements, such units also shall become an affected unit for the purposes of this section and shall be subject to the emission rate limits for nitrogen oxides set forth herein.

"(b) EMISSION LIMITATIONS.—(1) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall by rule establish allowable emission rates for nitrogen oxides for the types of utility boilers listed below, which rates shall not exceed the rates listed below. The Administrator may, however, set a rate higher than that listed for cell burners if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology for that type of utility boiler. The maximum allowable emission rates are as follows:

"(A) for tangentially-fired boilers, 0.450 lb/mmBtus;

"(B) for dry bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu. After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and that is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1997, the Administrator shall, by rule, establish preliminary allowable emission rates, on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet bottom wall-fired boilers;

"(B) cyclones;

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs, the costs of nitrogen oxides controls on other boiler types, and the energy and environmental impacts. Such rates shall be subject to periodic review and revision by the Administrator. After January 1, 2000, it shall be unlawful for any affected unit to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph or paragraph (1).

"(c) REVISED PERFORMANCE STANDARD.—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance pursuant to section 111 for nitrogen oxides emissions from fossil-fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"PERMITS AND COMPLIANCE PLANS

"SEC. 408. (a) PERMIT PROGRAM.—This title shall be implemented by permits issued in accordance with the provisions of this Act. Any permit issued by the Administrator, or a State with an approved permit program, shall prohibit each of the following:

"(1) annual emissions of sulfur dioxide or nitrogen oxides in excess of the total allowances held by the affected unit or source,

"(2) exceedances of applicable sulfur dioxide or nitrogen oxide emissions rates, and

"(3) contravention of any other provision of the permit.

"(b) COMPLIANCE PLAN.—Each permit application shall be accompanied by a compliance plan for the source to comply with its requirements under this title. The compliance plan shall provide all necessary information on the schedule and means by which the source will obtain compliance with its annual tonnage limitation, or emission rate if applicable, including specification of the owner's or operator's intent to acquire any additional allowances beyond the initial allocation that will be used to achieve compliance and the owner or operator's certification that such owner or operator will comply with the requirements of this title in all circumstances, including, but not limited to, those in which such owner or operator fails to secure any such additional allowances necessary to achieve compliance. The Administrator may also require—

"(1) for a source, a demonstration of attainment of national ambient air quality standards, and

"(2) from the owner or operator of two or more affected sources, an integrated compli-

ance plan providing an overall plan for achieving compliance at the affected sources.

"(c) FIRST PHASE PERMITS.—The Administrator shall issue permits to the affected sources under section 404—

"(1)(A) Not later than thirty months after the date of enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected source under section 404 shall submit a permit application and compliance plan for that source in accordance with regulations issued by the Administrator. The permit application and the compliance plan shall be binding on the owner or operator, and be enforceable for purposes of this Act, in lieu of a permit, until a permit is issued by the Administrator for the source pursuant to this section and title III of this Act. During pendency of the permit application and the compliance plan, the owners or operators may amend such applications or plans automatically provided that they notify the Administrator of such amendments.

"(B) In the case of a compliance plan for an affected source under section 404 for which the owner or operator proposes to meet the requirements of that section by reducing utilization of the unit by 20 per centum or more, as compared with the baseline prescribed in section 402(d), or by shutting down the unit, the owner or operator shall include in the compliance plan a specification of the units that will provide electrical generation to compensate for the reduced output of the affected source or a demonstration that such reduced utilization will be accomplished through energy conservation or improved unit efficiency. The source, and any unit to be used for such compensating generation, if not otherwise affected under section 404, shall be deemed affected under section 404, subject to the requirements of section 404 of this title, except that allowances shall be allocated to such unit in the amount of an annual limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emission rate or its allowable 1985 emissions rate, divided by 2,000.

"(2) The Administrator shall review each proposed compliance plan to determine whether it satisfies the requirements of this title, and shall approve or disapprove such plan within six months after receipt of a complete submission.

"(3) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations consistent with regulations required to be promulgated under title III of this Act to implement a Federal permit program to issue permits for affected sources under this title. Following promulgation, the Administrator shall issue a permit to implement the requirements of section 404 and the allowances provided under section 403 to the owner or operator of each affected source under that section. Such a permit shall supersede any permit application and compliance plan submitted under paragraph (1). The permitting authority shall issue a permit to the affected source in accordance with title III.

"(d) SECOND PHASE PERMITS.—(1) To implement sections 405, 406, and 407, each State in which one or more sources subject to those sections are located, shall submit a permit program to the Administrator for approval. The Administrator shall approve any permit program meeting the requirements of section 351.

"(2) The owner or operator of each affected source under section 405 shall submit a permit application and compliance plan for that source to the permitting authority, not later than January 1, 1994.

"(3) Not later than July 1, 1995, each State with an approved permit program pursuant to title III of this Act shall issue permits to the owners or operators of existing affected sources under section 405 that satisfy the requirements of this Act. In the case of a State without an approved permit program, or a State that fails to issue permits to all of its existing affected sources by July 1, 1995, the Administrator shall, not later than July 1, 1996, issue a permit to the owner or operator of each such affected source that has not been issued a State permit.

"(4) Not later than July 1, 1996, the Administrator shall issue allowances to each affected source. These shall be deemed a part of the permit issued for that source, as provided in section 403. Allowances shall be issued each year by the Administrator to affected sources in accordance with sections 403 and 411.

"(5) The owner or operator of any unit subject to the requirements of section 407 shall submit a permit application for such unit to the permitting authority, not later than January 1, 1997. The Administrator shall, not later than July 1, 1998, issue a permit to the owner or operator of each such affected source that has not been issued a State permit. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(6) The owner or operators of any unit subject to the requirements of section 406 shall submit a permit application for such unit to the permitting authority not later than July 1, 1999. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(e) NEW UNIT PERMITS.—(1) Each State shall submit a comprehensive and enforceable permit program for new units to the Administrator for approval, as provided under title III. The Administrator shall approve or disapprove complete submittals within one year of receipt.

"(2) The owner or operator of each source that includes a new unit or units shall submit a permit application and compliance plan to the permitting authority not later than twenty-four months prior to January 1, 2000, or to commencing operation of the unit, whichever is later. The permitting authority shall issue a permit to the owner or operator of the unit that satisfies the requirements of this title.

"(f) AMENDMENT OF APPLICATION AND COMPLIANCE PLAN.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan, in accordance with the requirements of this section.

"(g) PROHIBITION.—It shall be unlawful for an owner or operator (1) to fail to submit a permit application or compliance plan in accordance with the deadlines specified in this section or otherwise to fail to comply with regulations implementing this section, or (2) to operate any source subject to this title except in compliance with the terms and requirements of a permit application and compliance plan or permit issued by the Administrator or a State with an approved permit program.

"REPOWERED SOURCES

"SEC. 409. (a) AVAILABILITY.—Not later than December 31, 1997, the owner or operator of an existing unit subject to the requirement of section 405 may demonstrate to the permitting authority that one or more units will be repowered with a qualifying clean coal technology to comply with the requirements under section 405. The owner or operator shall, as part of any such demonstration, provide, not later than January 1, 2000, satisfactory documentation of a preliminary design and engineering effort for such repowering and an executed contract for the majority of the equipment to repower such unit and such other information as the Administrator may require by regulation.

"(b) EXTENSION.—(1) An owner or operator satisfying the requirements of subsection (a) shall be granted an extension of the emission limitation requirement compliance date for that unit from January 1, 2000, to December 31, 2003. The extension shall be specified in the permit issued to the source under section 408, together with any compliance schedule and other requirements necessary to meet second phase requirements by the extended date. Any unit that is granted an extension under this section shall not be eligible for a waiver under section 111(j) of this Act.

"(2) If (A) the owner or operator of an existing unit has been granted an extension under paragraph (1) in order to repower such unit with a clean coal unit, and (B) such owner or operator thereafter satisfies the Administrator (i) that the clean coal technology to be utilized by such unit is economically or technologically infeasible, (ii) that by January 1, 2000, the owner or operator has demonstrated to the Administrator a good faith effort to achieve compliance with the requirements of subsection (a), and (iii) that such existing unit will be retrofitted or repowered with equipment or facilities utilizing another clean coal technology or other available control technology, then such extension shall be available until no later than December 31, 2003.

"(c) ALLOWANCES.—(1) For the period of the extension under this section, the Administrator shall issue to the owner or operator of the affected unit, annual allowances for sulfur dioxide equal to the affected unit's baseline multiplied by the lesser of the unit's federally approved State Implementation Plan limitation or its actual emission rate for 1995. Such allowances may not be transferred or used by any other source to meet emission requirements under this title. The source owner or operator shall notify the Administrator sixty days in advance of the date on which the affected unit for which the extension has been granted is to be removed from operation to install the repowering technology.

"(2) Effective on that date, the source shall be subject to the requirements of section 405. Allowances for the year in which the source is removed from operation to install the repowering technology shall be calculated by multiplying 1.20 lbs/mmBtu by the existing utility unit, divided by 2,000, and prorated accordingly, and are transferable.

"(3) Allowances for such existing utility units for calendar years after the year the repowering is complete shall be calculated by multiplying 1.20 lb./mmBtu of sulfur dioxide by the existing utility unit's baseline divided by 2,000.

"(d) CONTROL REQUIREMENTS.—Any source qualifying for an extension under this section that does not increase actual hourly emissions for any pollutant regulated under the Act shall not be subject to any standard of performance under section 111 of this Act.

"(e) EXPEDITED PERMITTING.—State permitting authorities and, where applicable, the Administrator, are encouraged to give expedited consideration to permit applications under parts C and D for any source qualifying for an extension under this section.

"(f) PROHIBITION.—It shall be unlawful for the owner or operator of a repowered source to fail to comply with the requirement of this section, and any regulations to implement this section.

"ELECTION FOR ADDITIONAL SOURCES

"SEC. 410. (a) APPLICABILITY.—The owner or operator of any existing unit that is not an affected unit or that is subject to section 405 (c) or (h) or that is a process source under subsection (e), that emits sulfur dioxide, may elect to designate that unit, or source, to become an affected unit and receive allowances under this title. An election may be submitted to the Administrator for approval anytime after promulgation of regulations under subsection (g) of this section. The Administrator shall approve a designation that meets the requirements of this section and such designated unit, or source, shall receive allowances for purposes of this title, and be an affected unit or source.

"(b) ESTABLISHMENT OF BASELINE.—The baseline for a unit designated under this section shall be established by the Administrator by regulation, based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative data.

"(c) EMISSION LIMITATIONS.—Annual emission limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985 the emission rate for a calendar year after 1985 (as determined by the Administrator), divided by 2,000. After January 1, 2000, the emission rate for calculating an emission limitation under this subsection shall be the rate prescribed under section 405 for any unit subject to those provisions. However, any such unit shall be subject only to an emission limitation under this section, and not also to an emission rate requirement under those provisions.

"(d) ALLOWANCES AND PERMITS.—The Administrator shall issue allowances to an affected unit, or source, under this section in an amount equal to the limitation calculated under subsection (c) or (e), in accordance with section 403. Such allowances may be transferred to the owner or operator of any other affected source in accordance with section 403.

"(e) PROCESS SOURCES.—The Administrator shall establish a program under which the owner or operator of a process source that emits sulfur dioxide may elect to designate that source to receive allowances under this title for designation of process sources as affected sources under this section. The Administrator shall define the sources that may be included (not including any unit as defined under this title), specify the operating, emission baseline, and other data requirements, prescribe CEMS or other monitoring requirements, and promulgate permit, reporting, and any other requirements necessary to implement such a program.

"(f) LIMITATION.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown. In no case may the Administrator permit a source to receive allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act in effect prior to enactment of this title.

"(g) IMPLEMENTATION.—The Administrator shall issue regulations to implement this section not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"EXCESS EMISSIONS FEE

"SEC. 411. (a) EXCESS EMISSIONS FEE.—The owner or operator of any unit or process source subject to the requirements of sections 403(e), 404, 405 or 406, or designated under section 410 that emits sulfur dioxide or nitrogen oxides for any calendar year in excess of the unit's or process source's emissions limitation requirement or of the allowances the owner or operator possesses for the unit or process source for that calendar year that are unclaimed or unused by any other source shall be liable for the payment of an excess emission fee. That fee shall be calculated on the basis of the number of tons emitted in excess of the unit's or process source's emissions limitation requirement or of the allowances the operator possesses for the unit or process source multiplied by $2,000. Any such fee shall be due and payable without demand to the Administrator as provided in regulations issued by the Administrator. Any such funds shall be deposited in the United States Treasury pursuant to the Miscellaneous Receipts Act. Any fee due and payable under this section shall not diminish any fine, penalty or fee imposed on the same source under any other section of this Act.

"(b) EXCESS EMISSIONS OFFSET.—The owner or operator of any affected source liable for payment of a fee under subsection (a) is also liable to offset the excess emissions by an equal tonnage amount in the following calendar year, or such longer period as the Administrator may prescribe. The owner or operator of the source shall, within sixty days after the end of the year, submit to the Administrator, and the State, a plan to achieve the required offsets. The Administrator shall also deduct allowances equal to the excess tonnage from those issued for the source for the calendar year, or succeeding years, following the year in which the excess emissions occurred.

"(c) FEE ADJUSTMENT.—The Administrator shall, by regulation, adjust the fee specified in subsection (a) for inflation, based on the Consumer Price Index, on the date of enactment and annually thereafter.

"(d) PROHIBITION.—It shall be unlawful for the owner or operator of any source liable for a fee and offset under this section to fail to pay the fee under subsection (a) or to provide, and thereafter comply with, a compliance plan as required by subsection (b), or offset excess emissions as required by subsection (b).

"MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS

"SEC. 412. (a) APPLICABILITY.—All sources subject to this title shall be required to install and operate continuous emissions monitors and quality assure the data for sulfur dioxide, nitrogen oxides, opacity and volumetric flow for each unit subject to this title. The Administrator shall, by regulations issued not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, specify the requirements for continuous emissions monitors, for alternative methods that provide information with the same precision, reliability, accessibility, and timeliness as that provided by continuous emissions monitors, and for recordkeeping and reporting of information from such systems.

"(b) FIRST PHASE REQUIREMENTS.—Not later than thirty-six months after enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected unit under section 404 shall install and operate continuous emissions monitors, quality assure the data, and keep records and reports in accordance with regulations issued under subsection (a).

"(c) SECOND PHASE REQUIREMENTS.—Not later than January 1, 1995, the owner or operator of each source subject to this title that has not previously met the requirements of subsection (a) shall comply with those requirements.

"(d) UNAVAILABILITY OF CONTINUING EMISSION MONITORING SYSTEM.—If continuous emissions monitors data is not available for any affected unit during any period of a calendar year in which such data is required under this title, and the owner or operator cannot provide information, satisfactory to the Administrator, on emissions during that period, the Administrator shall deem the unit to be operating in an uncontrolled manner and, by regulation, prescribe means to calculate emissions for that period. The owner or operator shall be liable for excess emissions fees and offsets under section 411 in accordance with such regulations which shall be issued not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"(e) PROHIBITION.—It shall be unlawful for the owner or operator of any source subject to this title to operate a source without complying with the requirements of this section, and any regulations implementing this section.

"GENERAL COMPLIANCE WITH OTHER PROVISIONS.

"SEC. 413. Except as expressly provided, compliance with the requirements of this title shall not exempt or exclude the owner or operator of any source subject to this title from compliance with any other applicable requirements of this Act.

"ENFORCEMENT

"SEC. 414. A violation by the owner or operator of a source subject to this title of the prohibitions of, requirements of, or regulations promulgated pursuant to this title shall be a violation of this Act. Operation of an affected source to emit sulfur dioxide or nitrogen oxides in excess of its allowances shall be deemed a violation, with each ton emitted in excess of allowances held constituting a separate violation.".

"CLEAN COAL TECHNOLOGY REGULATORY INCENTIVES.

"SEC. 415. (a) DEFINITION.—For purposes of this section, 'clean coal technology' means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, process steam, or industrial prod-

ucts, which is not in widespread use as of the date of enactment of this title.

"(b) FEDERAL RATE INCENTIVES.—(1) Within twenty-four months after enactment of this section, the Federal Energy Regulatory Commission shall complete a rulemaking to establish a demonstration program for regulatory incentives to promote the development of clean coal technologies and other innovative control technologies that limit powerplant emissions. The regulatory incentives shall include—

"(A) establishment of an incentive rate of return for clean coal or other innovative emission control technologies that recognizes their inherent risk; and

"(B) allowance of a ten- to twenty-year amortization period to recover the capital costs of a clean coal or other innovative emission control technology.

"(2) The Federal Energy Regulatory Commission demonstration program is subject to the following—

"(A) the program initially will have a five-year life;

"(B) the program will cover no more than four units in each technology class; and

"(C) the technology classes eligible for the program should be reasonably likely to realize significant cost reductions when employed.

"(3) At the end of the five-year demonstration program, the Federal Energy Regulatory Commission shall review the merits of the program and determine whether it should be extended or made permanent.

"(c) FERC PREAPPROVAL OF PRUDENCE FOR CLEAN COAL TECHOLOGY COSTS.—The Federal Energy Regulatory Commission shall establish a process for negotiating with potential developers of clean coal technology or other innovative control technology projects to agree upon cost caps for future projects and preapproval of the prudency of expenses for those projects if the expenses fall within the agreed-upon cap.

"(d) REVISED REGULATIONS FOR CLEAN COAL TECHNOLOGY DEMONSTRATIONS.—

"(1) APPLICABILITY.—This subsection applies to physical or operational changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project. For the purposes of this section, a clean coal technology demonstration project shall mean a project conducted under title II, section 101(d) of the Further Continuing Appropriations Act of 1985 (section 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at lest 20 per centum of the total cost of the demonstration project.

"(2) TEMPORARY PROJECTS.—Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the State implementation plans for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during and after the project is terminated, shall not subject such facility to the requirements of section 111 or part C or D of title I.

"(3) PERMANENT PROJECTS.—(A) For permanent clean coal technology demonstration projects that constitute repowering as defined in section 402(l) of this title, any qualifying project shall not be subject to standards of performance under section 111 or to the review and permitting requirements of Part C for any pollutant the potential emissions of which will not increase on an hourly basis as a result of the demonstration project.

"(B) Any permanent clean coal technology demonstration project that constitutes a retrofit project and that complies with the State implementation plans for the State in which the project is located, and other requirements necessary to attain and maintain the national ambient air quality standards shall not be deemed to be a major modification subject to the review and permitting requirements of part C or D of title I: *Provided*, That the project will not result in a significant net increase in actual emissions of any pollutant regulated under this Act. For purposes of this subsection, the Administrator shall presume that a retrofit project will not result in an increase in the capacity utilization of the source. This presumption may be overcome if the Administrator concludes, based on information submitted pursuant to regulations or interpretative rulings promulgated under this section, that there is a likelihood that hours of operation or rates of production will increase because of the retrofit project. For purposes of this subsection, 'retrofit project' is defined as the permanent installation or operation of an emissions control system or device designed primarily to improve the control or prevention of emissions of any air pollutant, other than a repowering as defined in section 402(l) of this title.

"(4) EPA REGULATIONS.—Not later than twelve months after the date of enactment, the Administrator shall promulgate regulations or interpretive rulings to revise requirements under section 111 and Parts C and D, as appropriate, to facilitate projects consistent in this subsection. With respect to Parts C and D, such regulations or rulings shall apply to all areas in which EPA is the permitting authority. In those instances in which the State is the permitting authority under Parts C or D, any State may adopt and submit to the Administrator for approval revisions to its implementation plan to apply the regulations or rulings promulgated under this subsection.

"(e) ENCOURAGEMENT OF STATE INCENTIVE PROGRAMS.—Because the use of clean coal technologies is in the national interest, States, including their agencies and political subdivisions which regulate public utility rates and charges, are encouraged to provide additional incentives for their implementation. Those incentives may include, but are not limited to—

"(1) Preapproval of recovery of capital costs and other expenses, within reasonable bounds agreed upon before project construction;

"(2) elimination of retroactive 'used and useful' reviews for clean coal technologies;

"(3) rapid amortization of clean coal technology expenditures; and

"(4) immediate recovery of a portion of clean coal technology expenses through a fuel adjustment clause or by some other method."

REPEAL OF PERCENT REDUCTION

SEC. 402. (a) REPEAL.—Section 111(a)(1) of the Clean Air Act is amended to read as follows:

"(1) The term 'standard of performance' means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.".

(b) REVISED REGULATIONS.—Not later than three years after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate revised regulations for standards of performance for new fossil fuel fired stationary sources commencing construction after the date on which such regulations are proposed that, at a minimum, require any source subject to such revised standards to emit any pollutants for which a standard has been promulgated pursuant to section 109 at a rate not greater than would have resulted from compliance by such source with the applicable standards of performance under this section prior to such revision.

(c) APPLICABILITY.—The provisions of subsections (a) and (b) apply only so long as the provisions of section 403(e) of the Clean Air Act remain in effect.

(d) BACT DETERMINATIONS.—Section 169(3) of the Clean Air Act is amended by inserting: ", clean fuels," after "including fuel cleaning,".

ACID DEPOSITION STANDARDS

SEC. 403. Not later than thirty-six months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the feasibility and effectiveness of an acid deposition standard or standards to protect sensitive and critically sensitive aquatic and terrestrial resources. The study required by this section shall include, but not be limited to, consideration of the following matters:

(a) identification of the sensitive and critically sensitive aquatic and terrestrial resources in the United States and Canada which may be affected by the deposition of acidic compounds;

(b) description of the nature and numerical value of a deposition standard or standards that would be sufficient to protect such resources;

(c) description of the use of such standard or standards in other Nations or by any of the several States in acid deposition control programs;

(d) description of the measures that would need to be taken to integrate such standard or standards with the control program required by title IV of the Clean Air Act;

(e) description of the state of knowledge with respect to source-receptor relationships necessary to develop a control program on such standard or standards and the additional research that is on-going or would be needed to make such a control program feasible; and

(f) description of the impediments to implementation of such control program and the cost-effectiveness of deposition standards compared to other control strategies including ambient air quality standards, new source performance standards and the requirements of title IV of the Clean Air Act.

NATIONAL ACID LAKES REGISTRY

SEC. 404. The Administrator of the Environmental Protection Agency shall create a National Acid Lakes Registry that shall list, to the extent practical, all lakes that are known to be acidified due to acid deposition,

and shall publish such list within one year of the enactment of this Act. Lakes shall be added to the registry as they become acidic or as data become available to show they are acidic. Lakes shall be deleted from the registry as they become nonacidic.

INDUSTRIAL SO_2 EMISSIONS

SEC. 405. (a) Not later than January 1, 1995, the Administrator of the Environmental Protection Agency shall transmit to the Congress an inventory of sulfur dioxide emissions from industrial sources along with a report indicating likely trends in such emissions over the following twenty-year period. The Administrator shall update such inventory every five years.

(b) Whenever the inventory required by this section indicates that sulfur dioxide emissions from industrial sources may reasonably be expected to reach levels greater than one million five hundred thousand tons less than such emissions in 1980, the Administrator of the Environmental Protection Agency shall take such actions under the Clean Air Act as may be appropriate, including the promulgation of standards for existing sources of such emissions under section 111(d), to assure that sulfur dioxide emissions from industrial sources do not exceed such levels.

SENSE OF THE CONGRESS ON EMISSION REDUCTIONS COSTS

SEC. 406. It is the sense of the Congress that the Clean Air Act Amendments of 1989, through the allowance program, allocates the costs of achieving the required reductions in emissions of sulfur dioxide and oxides of nitrogen among sources in the United States. Broad based taxes and emissions fees that would provide for payment of the costs of achieving required emissions reductions by any party or parties other than the sources required to achieve the reductions are undesirable.

CONTINUATION OF THE NATIONAL ACID PRECIPITATION ASSESSMENT PROGRAM

SEC. 407. (a) The National Acid Precipitation Assessment Program created by Public Law 96-294 shall be continued pursuant to this section. The Chairman of the Joint Chairs of the National Acid Precipitation Task Force shall be the Administrator of the Environmental Protection Agency.

(b) The Task Force shall sponsor monitoring and research in the federal agencies and in the scientific community that is necessary to understand the effects of the emissions control program created by this title. The Task Force shall undertake cost-benefit analyses of the effects of the emissions control program created by this title.

(c) The Task Force shall provide for the collection of information regarding—

(1) natural and anthropogenic emissions of the precursors of acid deposition;

(2) actual levels of all types of acid deposition;

(3) the status of ecosystems (including forests and terrestrial waters), materials, and visibility affected by acid deposition; and

(4) the costs and benefits of the control program created by this title.

The Task Force shall assure that this data is interpreted in such a way as to allow interested persons to determine as accurately as possible the total effects of the emissions control program created by this title.

(d) The Task Force shall provide for the maintenance and updating of models that describe the interaction of emissions with the atmosphere such as the Regional Acid Deposition Model, and models that describe the response of ecosystems to acid deposition.

(e) The Task Force shall make a unified budget recommendation. Every two years beginning in 1992, the Task Force shall submit a report to the President and the Congress describing the results of its investigations and analysis of the effects of the emissions control program contained in this title.

(f) There are authorized to be appropriated the amount of $10,000,000 per year to carry out the purposes of this section, to remain available until expended.

TITLE V—PERMITS

SEC. 501. The Clean Air Act is amended—

(1) by inserting after the heading "TITLE III—GENERAL" the subheading "PART A—MISCELLANEOUS"; and

(2) by adding at the end of title III the following:

"PART B—PERMITS

"DEFINITIONS

"SEC. 350. As used in this part—

"(1) The term 'affected source' shall have the meaning given in title IV of this Act.

"(2) The term 'major source' means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that—

"(A) is a major source as defined under section 112 or part D of this Act; or

"(B) is a major stationary source or major emitting facility as defined in section 302(j).

"(3) For sources subject to standards issued under section 112 of this Act, the terms 'new source', 'stationary source', and 'area source' shall have the meaning given in that section.

"(4) For sources subject to standards issued under section 111 of this Act, the terms 'new source', 'modification', 'existing source', 'stationary source', and 'owner or operator' shall have the meaning given in that section.

"(5) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an applicable implementation plan, emission standard, emission limitation, or emission prohibition.

"(6) The term 'permitting authority' means the Administrator, or the air pollution control agency authorized by the Administrator to carry out a permit program under this part.

"PERMIT PROGRAMS

"SEC. 351. (a) After the effective date of any permit program approved or promulgated under this part, it shall be unlawful for any person: (i) to violate any requirement of a permit issued under this part, or (ii) to operate a major source, any source subject to title IV of this Act, any other source (including an area source) subject to standards or regulations under section 111 or 112, any source required to have a permit under parts C or D of this Act, or any other source designated by regulations promulgated by the Administrator, except in compliance with a permit issued by a permitting authority under this title. Nothing in this subsection shall be construed to alter the requirements of sections 165, 172, and 173 regarding the requirement that a permit be obtained prior to construction. The Administrator may, in the Administrator's discretion, after notice and opportunity for public comment, promulgate regulations to exempt one or more source categories from a permit program and the requirement of this part to have a permit, if the Administrator finds that such an exemption is warranted and would be consistent with protection of the public health, welfare and the environment.

"(b) Not later than twelve months after the date of enactment of this part, the Administrator shall promulgate regulations establishing the minimum elements of a permit program to be administered under this Act by any air pollution control agency. These elements shall include:

"(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion when such applications are complete.

"(2) Monitoring and reporting requirements.

"(3)(A) A requirement under State or local law that the owner or operator of each source subject to the requirement to obtain a permit under this part pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable costs of developing and administering the permit program, including, but not limited to, the reasonable costs of—

"(i) reviewing and acting upon any application for such a permit,

"(ii) if the owner or operator receives a permit for such source, whether before or after the date of enactment of this section, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

"(iii) emissions and ambient monitoring,

"(iv) preparing generally applicable regulations or guidance,

"(v) modeling, analyses, and demonstrations, and

"(vi) preparing inventories and tracking emissions.

"(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

"(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the air pollution control agency demonstrates that, except as otherwise provided in clauses (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than $25 per ton of each regulated pollutant, or such lesser amount that the Administrator determines, after notice and opportunity for public comment, adequately reflects the costs of the program.

"(ii) As used in this subparagraph, the term 'regulated pollutant' shall mean: (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

"(iii) In calculating the amount to be collected on a per ton basis under clause (i), the permitting authority shall exclude emissions of regulated pollutants from any source that are in excess of four thousand tons per year.

"(iv) The requirements of clause (i) to collect the amount specified under such clause shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will satisfy the requirements of subparagraph (A).

"(iv) The fee calculated under clause (i) shall be increased (consistent with the need to cover reasonable costs) in each year beginning after the year of enactment of this section by the percentage, if any, by which

the Producer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Producer Price Index for the calendar year 1989.

"(C) Any fee required to be collected by an air pollution control agency under this subsection shall be utilized to support the air pollution control program of such agency.

"(D)(i) If the Administrator determines, under section 351(d) that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under section 351(i), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under subparagraph (A) without regard to the requirements of subparagraph (B).

"(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall be liable to the United States for payment of such fees plus a penalty in an amount equal to 50 per centum of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of title 26, of the United States Code (relating to computation of interest on underpayment of Federal taxes).

"(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected.

"(4) Requirements for adequate personnel and funding to administer the program.

"(5) A requirement that the permitting authority have adequate authority to—

"(A) issue permits that apply, and assure compliance by all sources required to have a permit under this part with each applicable standard, regulation or requirement under this Act;

"(B) issue permits for a fixed term, not to exceed five years;

"(C) assure that permits include emission limitations and other conditions required by section 353(a);

"(D) terminate, modify, or revoke and reissue permits for cause;

"(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than $10,000 per day for each violation, and to seek appropriate criminal penalties;

"(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under section 354; and

"(G) grant limited extensions of a permit's term upon a timely and complete application for renewal, pending final action upon the renewal application by the permitting authority.

"(6) A requirement that the permitting authority establish and implement adequate procedures for processing permit applications expeditiously, and for public notice, including offering an opportunity for public comment and a hearing, on any permit application. These procedures shall include a requirement that the permitting authority include in public notices of any application for a permit that would amend or alter an applicable implementation plan an explicit statement describing the ways in which the permit would amend or alter such plan.

"(7) A requirement that all permit applications, compliance plans, permits, and monitoring or compliance reports filed under section 352 shall be made available to the public, subject to section 114 of this Act.

"(c) Each permit issued under this part shall include conditions providing for review and revision prior to expiration of the permit term for purposes of—

"(A) incorporating requirements of this Act that become applicable to the permitted source prior to expiration of the permit term, where such review and revision may be necessary to protect the public health or welfare and the environment; and

"(B) correcting any material mistake or material error made in establishing the emission standards or limitations, or other requirements of the permit.

"(d) A single permit may be issued for a facility with multiple sources.

"(e)(1) Each permit application or request for permit modification or renewal shall be acted upon by the permitting authority as expeditiously as practicable, and, except as provided in paragraph (2), final action upon any such application or request for modification or renewal shall be required to be taken by the authority not later than twelve months after receipt of a complete application or request.

"(2) Notwithstanding the requirement of paragraph (1), a permitting authority may extend the twelve month deadline for final action on a permit application or request for modification or renewal if the authority determines that, as a result of technical complexity or insufficient administrative resources, it is not possible to take final action within twelve months as provided in paragraph (1). Such extension may be for a period not to exceed eighteen months and may not be further extended nor renewed.

"(f) Not later than three years after the enactment of this part, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality or the interstate compact provide adequate authority to carry out the program. Not later than one year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator shall approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b) of this section. If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within one hundred and eighty days after receiving notification. If the Governor fails within such period to resubmit an approvable program, the Administrator—

"(1) shall apply at least one of the sanctions specified in section 176(a) of this Act other than the sanction specified in section 176(a)(2); and

"(2) unless required to act pursuant to subsection (j) of this section, may in the Administrator's discretion promulgate, administer, and enforce a program, or partial program, under this part.

"(g) The Administrator shall suspend the issuance of Federal permits promptly upon approval and implementation of a permit program under this section, but may retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this part until they are replaced by a permit issued under an approved permitting program. Nothing in this provision shall be construed to limit the Administrator's ability to enforce permits issued by a State.

"(h) INTERIM APPROVAL.—If a program (including a partial permit program) submitted under this part substantially meets the requirements of this part, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than two years after such approval, and may not be renewed.

"(i) EFFECTIVE DATE.—The effective date of a permit program, or interim program, approved under this part, shall be the effective date of approval by the Administrator.

"(j) Whenever the Administrator makes a preliminary determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this part, the Administrator shall notify the permitting authority of such determination and the reasons therefore. Such notice shall be made public. If the permitting authority fails to take action to assure adequate administration and enforcement, the Administrator may in the Administrator's discretion, but not before ninety days after issuing such notice, take one or more of the following actions:

"(1) withdraw approval of the program or portion by rule;

"(2) apply any of the sanctions specified in section 176(a) of this Act other than the sanction specified in section 176(a)(2); or

"(3) promulgate a program, or portion of a program, under this part.

"(k) In the event the Administrator determines that (1) a permitting authority is not adequately administering and enforcing a program, or a portion thereof, in accordance with the requirements of this part and (2) such permitting authority has failed to take action to assure adequate administration and enforcement of such a program within sixty months after enactment of this part, or two years after receiving notice from the Administrator under subsection (i) of this section, whichever is later, the Administrator shall promulgate, administer and enforce a program under this part to assure compliance with the requirements of this part.

"PERMIT APPLICATIONS

"SEC. 352. (a) Any source specified in section 351(a) shall become subject to a permit program and, except as provided in subsection (g), shall be required to have a permit, on the later of the following dates:

"(1) the effective date of a permit program or partial or interim permit program applicable to the source; or

"(2) the date such source becomes subject to section 351(a).

"(b) The regulations required by section 351(b) shall include a requirement that the

owner or operator submit with the permit application a compliance plan describing (1) how the source will comply with all new requirements applicable to the source under this Act, including a schedule for achieving compliance with such new requirements, and (2) in the event the source is not in compliance with all existing applicable requirements of this Act at the time it submits the permit application, a description of how the source will comply with all such requirements, including a schedule for achieving compliance with such requirements. The compliance plan shall include a schedule under which the owner or operator will submit progress reports to the permitting authority no less frequently than every six months. The regulations shall further require any owner or operator submitting a compliance plan to certify periodically that the facility is in compliance with any applicable requirements under this Act, and to report promptly any violations of such requirements to the permitting authority.

"(c) The owner or operator of any source required to have a permit shall, not later than thirty months after the date on which the source becomes subject to a permit program approved or promulgated under this part, or such earlier date as the permitting authority shall establish by regulations, submit to the permitting authority a compliance plan in accordance with subsection (b) of this section and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted.

"(d)(1) Each permitting authority shall, in consultation with the Administrator, establish by regulations a schedule for the submission of all or part of the application by sources or categories of sources (including any class, type, or size within such category) within the thirty-month period in a manner that minimizes administrative burdens. Such schedules shall be based on the nature and amount of emissions from the sources or categories of sources, similar air quality considerations, and such other factors as may be relevant.

"(2) The schedules established pursuant to paragraph (1) shall provide that, to the maximum extent practicable:

"(i) those sources that represent the most significant contributions or potential contributions to air pollution shall be required to submit permit applications not later than ten months after the date on which such sources become subject to a permit program approved or promulgated under this part;

"(ii) those sources that represent significant contributions or potential contributions to air pollution shall be required to submit permit applications not later than 20 months after the date on which such sources become subject to a permit program approved or promulgated under this part; and

"(iii) all other sources shall be required to submit permit applications not later than thirty months after the date on which such sources become subject to a permit program approved or promulgated under this part.

"(e)(1) To the maximum extent practicable, each of the three permit tiers established by the permitting authority under subsection (d) shall include not less than one-third of all sources estimated by the permitting authority to be subject to the permit program approved or promulgated under this part (other than sources subject to section 408 of this Act).

"(2) All sources subject to section 408 of this Act shall be subject to the provisions of this part, except that such sources shall submit their permit applications in accordance with the schedule established under section 408 in lieu of the schedules established under subsection (d) of this section.

"(3) The regulations required by this subsection and section 351(b) shall, with respect to sources subject to section 112 of this Act, incorporate the requirements of subsection 112(j).

"(f) No permit shall be issued to any source located in a nonattainment area unless (A) the permitting authority has made the determinations required under section 173 of this Act, and (B) the conditions of section 173 are satisfied.

"(g) Except for sources required to have a permit prior to construction under sections 165, 172, or 173, if an applicant has submitted a timely and complete application for a permit required by this part, but final action has not been taken on the application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant to timely submit information required or requested to process the application. No source required to have a permit under this part shall be in violation of section 351(a) before the date on which the source is required to submit an application under subsection (c) of this section.

"(h) A copy of each permit application, compliance plan, emissions or compliance monitoring report, certification, and each permit issued under this part, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit or of a compliance plan shall not be entitled to protection under section 114(c).

"PERMIT REQUIREMENTS AND CONDITIONS

"SEC. 353. (a) Each permit issued under this part shall include enforceable emission limitations and standards, a schedule of compliance in accordance with section 352(b), and such other conditions and measures as are necessary to assure prompt and continuing compliance with applicable requirements of this Act.

"(b) The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act.

"(c) Each permit issued under this part shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulations under subsection (b) of this section. Any report required to be submitted by a permit issued to a corporation under this part shall be signed by a responsible corporate official, who shall certify its accuracy.

"(d) A permit for a source that is an affected source under title IV shall prohibit the emission of sulfur dioxide in excess of the allowances acquired by the source through trading or otherwise under title IV. No permit modification shall be required for increases in emissions that are authorized by allowances acquired through trading or otherwise under title IV, provided that any such increase complies with other requirements of the Act.

"(e) The permitting authority may, after notice and opportunity for public hearing, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to permits under this part. No source covered by a general permit shall thereby to relieved from the obligation to file an application under section 352.

"(f) The permitting authority may issue a single permit to an owner or operator authorizing emissions from similar operations at multiple temporary locations. No such permit shall be issued unless it includes conditions that will assure compliance with all the requirements of this Act at all authorized locations, including, but not limited to, ambient standards and compliance with any applicable increment or visability requirements under part C of title I. Any such permit shall in addition require the owner or operator to notify the permitting authority in advance of each change in location. The permitting authority may require a separate permit fee for operations at each location.

"(g) Compliance with the terms and conditions of a permit issued in accordance with the requirements of this part shall be deemed compliance with all requirements of this Act that are explicitly addressed by such terms and conditions: *Provided, however,* That compliance with the terms and conditions of a permit issued in accordance with the requirements of this part shall not alter, modify, or otherwise affect the authority of the Administrator under section 303 (emergency powers) or the requirement to comply with any order issued under section 303.

"NOTIFICATION TO ADMINISTRATOR AND OTHER STATES

"SEC. 354. (a)(1)(A) Each permitting authority shall transmit to the Administrator a copy of each draft permit or draft permit modification release for public comment, including any compliance plan, and such other information as the Administrator may by rule require in order to carry out the Administrator's duties under the Act. Each permitting authority shall provide public notice, in accordance with regulations promulgated by the Administrator, of each permit or permit modification proposed to be issued or granted by the authority, and, except as provided under subparagraph (B), transmit a copy of each such proposed permit to the Administrator for review under subsection (b). Such notice shall include a concise description of the manner in which a proposed permit or permit modification does not implement or otherwise proposes to change the requirements of any applicable implementation plan.

"(B) A proposed permit shall not be required to be forwarded to the Administrator for review under subsection (b) if the permit only implements and does not change any material requirement of any applicable implementation plan (a 'codifying permit') and the permitting authority so states in the public notice, unless—

"(i) the Administrator notifies the permitting authority, not later than the close of the public comment period, that the permit does not so implement without change all such requirements or is otherwise not in compliance with the requirements of this Act; or

"(ii) the final permit modifies any provision that was included in the proposed permit submitted for public notice.

In any case in which a proposed permit contains a provision that changes any material

requirement of an applicable implementation plan or is otherwise not in compliance with the requirements of this Act, failure by the Administrator to notify the permitting authority under clause (i) of this paragraph shall be subject to an action under section 304(a)(2) of this Act: *Provided,* That no person may commence such a civil action unless such person has, in accordance with procedures established under section 351(b)(6) of this part, participated in the public comment process relating to the permit. In any action brought under this provision, pending a final decision in such action, the court shall have jurisdiction to entertain an application to maintain in effect the provisions of the applicable implementation plan that affect the source seeking the permit or permit modification.

"(2) The permitting authority shall provide notice of each permit or permit modification proposed to be issued by the authority and forwarded to the Administrator under this section, to any State that is susceptible to adverse air quality effects resulting from emissions that would be allowed under the permit.

"(3) The permitting authority shall provide an opportunity for each State that satisfies the condition set out in paragraph (2) of this subsection to submit written recommendations respecting issuance of the permit, including proposed terms and conditions for the permit. If any part of those recommendations is not accepted by the permitting authority, such authority shall notify the State submitting the recommendations and the Administrator in writing of its failure to accept those recommendations and its reasons therefor.

"(4) For purposes of paragraph (2), any State that is within fifty miles of a source that applies for a permit under this Act shall be deemed susceptible to adverse air quality effects resulting from emissions that would be allowed under the permit. The Administrator shall promulgate guidelines with respect to application of paragraph (2) in cases involving the emission and transport of specific pollutants that have the potential to affect air quality adversely in areas located further than fifty miles from the source of such pollutants.

"(b) No permit shall be issued, and no permit modification shall be granted, if the Administrator (1) within ninety days after receipt of the proposed permit or permit modification under subsection (a)(1)(A) of this section, or (2) within ninety days after receiving notification under subsection (a)(2), objects in writing to its issuance. Such objection may be based on the Administrator's determination that the proposed permit or permit modification is not in compliance with the applicable implementation plan or other applicable emission limitations, standards, or other applicable requirements of this Act. The Administrator shall object to the issuance of any proposed permit or permit modification that contains provisions which are not in compliance with the requirements of this Act. The Administrator shall provide with each objection a statement of the reasons for the objection, along with the terms and conditions which such permit or permit modification would include if it were to be issued by the Administrator. A copy of any objection and statement shall be provided to the applicant.

"(c)(1) If the permitting authority fails within ninety days after the date of the objection under subsection (b) to submit a permit revised to meet the objection, the Administrator shall promptly issue or deny the permit in accordance with the requirements of this part. No objection shall be subject to judicial review until the Administrator takes final action to issue or deny a permit under this subsection.

"(2) A failure by the Administrator to object to the issuance of a permit containing provisions that are not in compliance with the requirements of this Act shall be subject to an action under section 304(a)(2) of this Act: *Provided,* That no person may commence such a civil action unless such person has, in accordance with procedures established under section 351(b)(6) of this part, participated in the public comment process relating to issuance of the permit. In any action brought under this provision, pending a final decision in such action, the court shall have jurisdiction to entertain an application to maintain in effect the applicable provisions of the implementation plan that affect the source seeking the permit or permit modification.

"(d) The Administrator may, by regulation, require that specified modifications to requirements of the applicable implementation plan with respect to specified categories of sources (including any class, type, or size within such category) be made only through a revision to the applicable implementation plan.

"(e)(1) The Administrator shall, by regulation, require that if a permit applicant identifies the composition of emissions under the reasonably anticipated operating conditions of the permitted facility, the permit shall set forth the emission limitations, standards, and other requirements that would apply under all such reasonably anticipated operating conditions.

"(2) The Administrator shall, by regulation, require that emission limitations contained in permits, as well as other permit terms, provide the owner or operator of a facility the flexibility to make changes in the operation of the facility that might shift permitted emissions from one source to another within the same facility, as authorized by a permit, without the necessity for a permit modification: *Provided* That the owner or operator provides the Administrator and the permitting authority with advance written notification specifying the proposed changes and the anticipated emissions effects of such changes not less than thirty days prior to making such changes: *Provided further,* That the permit includes such emission limitations, monitoring provisions, and other requirements as are necessary to assure that all permit requirements will continue to be enforceable. Changes in the operation of a facility that will cause an increase either in the rate at which emissions are allowed under a permit issued under this part, or in total emissions allowed by such permit shall not be authorized by the regulations promulgated to implement the preceding sentence.

"(f) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a State or local permit under this part, the Administrator shall notify the permitting authority of such finding. The permitting authority shall, within ninety days after receipt of such notification, forward to the Administrator under this section a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend such ninety-day period for an additional ninety days if the Administrator finds that a new or revised permit application is necessary, or that the permitting authority must require the permittee to submit additional information. The Administrator may review such proposed determination under the provisions of subsections (a) and (b) of this section. If the permitting authority fails to submit the required proposed determination, or if the Administrator objects and the permitting authority fails to resolve the objection within the period prescribed in subsection (c) of this section, the Administrator may, after notice and in accordance with duly promulgated procedures, terminate, modify, or revoke and reissue the permit.

"RELATION TO OTHER AUTHORITY

"SEC. 355. (a) Nothing in this part shall prevent an air pollution control agency from establishing additional permitting requirements not inconsistent with this Act.

"(b) Nothing in this part shall be construed to authorize the Administrator, or a State, or other permitting authority, to modify or revoke any allowance granted under title IV, or to alter or amend any provision of title IV or of sections 111 or 112.

"(c) Permits issued under this part shall, to the maximum extent practicable, be coordinated and consolidated with all other permits required under this Act, including permits required under sections 112, 172, 173, and 408.

"(d) In promulgating any standard under section 111 or 112, the Administrator shall identify which sources or categories of sources (including any class, type, or size within such category) subject to such standard shall be subject to this part.

"(e) For the purposes of this Act, any permit properly issued or revised under this part shall become part of, and supersede any inconsistent portion of, the applicable implementation plan, and shall have the effect specified in section 353(g).".

SEC. 502. Section 304(f)(1) of the Clean Air Act is amended to read as follows:

"(1) an emission limitation, standard of performance, or an emission standard, or a schedule or timetable of compliance that is currently legally enforceable;".

TITLE VI—ENFORCEMENT AND REAUTHORIZATION

SEC. 601. (a) The heading of section 113(a) of the Clean Air Act is amended by replacing the words "FINDING OF VIOLATION" with the words "NOTIFICATIONS AND COMPLIANCE ORDERS".

(b) Section 113(a)(1) of the Clean Air Act is amended as follows:

(1) In the first sentence, after "finds that any person", insert the words "has violated or"; and following the words "shall notify the person" replace "in violation of" with "who violated".

(2) In the second sentence,

(A) strike the words "If such violation extends beyond the thirtieth day after the date of the Administrator's notification," and insert in lieu thereof the words "At any time after the expiration of thirty days following the date on which such notice of a violation is issued," and;

(B) strike all after "of such plan" and insert in lieu thereof the following: ", may issue an administrative penalty order under subsection (d), or may bring a civil action under subsection (b), without regard to the period of the violation (subject to section 2462 of title 28 of the United States Code). Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(c) Section 113(a)(2) of the Clean Air Act is amended as follows:

(1) Strike the "or" at the end of section 113(a)(2)(A), redesignate subparagraph "(B)" as "(C)", and insert the following new subparagraph (B):

"(B) by issuing an administrative penalty order under subsection (d) of this section, or".

(2) Insert the following new sentence at the end of section 113(a)(2): "Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(d) Section 113(a)(3) of the Clean Air Act is amended as follows:

(1) Insert the words "has violated or" before the words "is in violation of" in the first sentence.

(2) Strike the words "section 111(e)" and all that follows down through "(relating to inspections, etc.), he" and insert in lieu thereof the following new language: "any other requirement of this title, title III, or title IV, including, but not limited to, a requirement of any rule, plan, order, waiver or permit promulgated, issued or approved under those titles or for the payment of any fee owed the United States under this Act, the Administrator".

(3) Strike the words "or he" before the words "may bring a civil action" and insert in lieu thereof the following words: "may issue an administrative penalty order in accordance with subsection (d), may".

(4) Insert ", or may bring a criminal action in accordance with subsection (c)" immediately before the period at the end of the sentence.

(e) Section 113(a)(4) of the Clean Air Act is amended by inserting at the end thereof: "An order issued under this subsection shall require the person to whom it was issued to comply with the requirement as expeditiously as practicable, but in no event later than one year after the date the order was issued, and shall be nonrenewable. No order issued under this subsection shall prevent the State, the Administrator, or a court in an action brought under section 304, from assessing any penalties nor otherwise affect or limit the State or the United States' authority to enforce under other provisions of this Act, nor affect any person's obligations to comply with any section of this Act, or a term or condition of any permit or applicable implementation plan promulgated or approved under this Act. Any order issued under this subsection shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.".

(f) Section 113(a)(5) of the Clean Air Act is amended to read as follows:

"(5) Whenever, on the basis of any available information, the Administrator finds that a State is not acting in compliance with any requirement of the Act relating to the construction of new sources or the modification of existing sources, the Administrator may—

"(A) issue an order prohibiting the construction, modification or operation of any major stationary source in any area to which such provisions apply;

"(B) issue an administrative penalty order in accordance with subsection (d); or

"(C) bring a civil action under subsection (b)(5).

Nothing in this subsection shall preclude the Administrator from filing a criminal action under section 113(c) at any time for any such violation.".

(g) Section 113(b) of the Clean Air Act is amended to read as follows:

"(b) The Administrator shall, in the case of any person which is the owner or operator of a major emitting facility or a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than $25,000 per day for each violation, or both, whenever such person—

"(1) has violated or is in violation of any requirement of an applicable implementation plan (such action shall be commenced (A) during any period of federally assumed enforcement, or (B) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of a finding that such person has violated or is in violation of such requirement); or

"(2) has violated or is in violation of any other requirement of this title, title III, or title IV, including, but not limited to, a requirement of any rule, order, waiver, plan or permit promulgated, issued or approved under this Act or for the payment of any fee owed the United States under this Act; or

"(3) attempts to construct, modify, or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made.

Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred, or is occurring, or in which the defendant resides, or where the defendant's principal place of business is located, and such court shall have jurisdiction to restrain such violation, to require compliance, to assess such civil penalty, to collect any fees owed the United States under the Act and any noncompliance assessment and nonpayment penalty owed under section 120, and to award any other appropriate relief. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency. In the case of any action brought by the Administrator under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party or parties against whom such action was brought if the court finds that such action by the Administrator was unreasonable.".

(h) Section 113(c) of the Clean Air Act is amended to read as follows:

"(c) CRIMINAL ENFORCEMENT.—

"(1) Any person who knowingly fails to pay any fee owed the United States under this Act shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment for not more than one year, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(2) Any person who negligently releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42 of the United States Code, which release such person knows or reasonably should have known could place another person in imminent danger of death or serious bodily injury and who at the time negligently places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under title 18 of the United States Code per day for each violation, or by imprisonment for not more than one year, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emission standard or limitation (by rule, in a permit that is in effect and was issued to the source under part B of title III, or in a temporary operating permit that is in effect and was issued to the source under section 112), a release of such pollutant from such source shall not constitute a violation of this paragraph unless it exceeds or is otherwise not in accordance with such standard or limitation.

"(3) Any person who knowingly violates any requirement or prohibition of this title, title III, or title IV, including but not limited to a requirement or prohibition of any rule, plan, order, waiver, or permit promulgated, issued, or approved under those titles shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment for not more than five years, or both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(4) Any person who knowingly—

"(A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals or fails to maintain or file, any notice, application, record, report, plan, or other document required pursuant to this Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State); or

"(B) fails to notify or report as required under this Act; or

"(C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this Act;

shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment for not more than two years, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(5)(A) Any person who knowingly releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)92) of title 42 of the United States Code, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each vio-

lation, or by imprisonment of not more than fifteen years, or by both. Any person committing such violation who is an organization shall, upon conviction under this paragraph, be subject to a fine of not more than $1,000,000 per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emissions standard or limitation (by rule, in a permit that is in effect and was issued to the source under part B of title III, or in a temporary operating permit that is in effect and was issued to the source under section 112), a release of such pollutant from such source shall not constitute a violation of this paragraph unless it exceeds or is otherwise not in accordance with such standard or limitation.

"(B) In determining whether a defendant who is an individual knew that the violation placed another person in imminent danger of death or serious bodily injury—

"(i) the defendant is responsible only for actual awareness or actual belief possessed; and

"(ii) knowledge possessed by a person other than the defendant, but not by the defendant, may not be attributed to the defendant;

except that in proving a defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to be shielded from relevant information.

"(C) The term "organization" means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(D) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(6) For the purposes of this subsection, the term 'person' includes, in addition to the entities referred to in section 302(e), any responsible corporate officer.".

(i) Section 113(d) of the Clean Air Act is amended to read as follows—

"(d) ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES.—

"(1) The Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to $25,000, per day for each violation, whenever, on the basis of any available information, the Administrator finds that such person—

"(A) has violated or is violating any requirement of an applicable implementation plan (such order shall be issued (i) during any period of federally assumed enforcement, or (ii) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of this section of a finding that such person has violated or is violating such requirement); or

"(B) has violated or is violating any other requirement of this title, title III, or IV, including, but not limited to, a requirement of any rule, order, waiver, permit, or plan promulgated, issued or approved under this Act or for the payment of any fee owed the United States under this Act; or

"(C) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made. The Administrator's authority under this paragraph shall be limited to matters where the total penalty sought does not exceed $200,000 and the first alleged date of violation occurred no more than twelve months prior to the initiation of the administrative action.

"(2)(A) An administrative penalty order under paragraph (1) shall be issued by the Administrator after opportunity for a hearing in accordance with sections 554 and 556 of title 5 of the United States Code. The Administrator may issue rules for discovery and other procedures for hearings under this paragraph. Before issuing such an order, the Administrator shall give written notice to the person to whom the order is to be issued of the Administrator's proposal to issue such order and provide such person an opportunity to request such a hearing on the order, within thirty days of the date the notice is received by such person. An administrative penalty order issued under paragraph (1) shall become final if no hearing is requested within thirty days or upon issuance of the order following the hearing provided for in this paragraph.

"(B) The Administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under paragraph (d)(1).

"(3) The Administrator may implement through regulation, after consultation with the Attorney General, a field citation program for appropriate minor violations, which authorizes the issuance of field citations assessing civil penalties not to exceed $5,000 per inspection. During any six month period, the total penalty assessed under this paragraph for any single facility shall not exceed $25,000. Any person to whom a field citation is assessed may, within a reasonable time as prescribed by the Administrator through regulation, elect to pay the penalty assessment or request a hearing on the field citation. If a request for a hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. Payment of a civil penalty required by a field citation shall not be a defense to further enforcement by the United States or a State to correct a violation, nor shall it be a defense to liability for payment of the statutory maximum penalty pursuant to other authorities in the Act, if the violation continues.

"(4) Any person against whom a civil penalty is assessed under paragraph (3) of this subsection or to whom an administrative penalty order is issued under paragraph (1) of this subsection may seek review of such assessment or order in the United States District Court for the District of Columbia, or for the district in which the violation is alleged to have occurred, in which such person resides, or where such person's principal place of business is located, by filing in such court within thirty days following the date the administrative penalty order becomes final under paragraph (2), the assessment becomes final under paragraph (3), or a final decision following a hearing under paragraph (3) is rendered, and by simultaneously sending a copy of the filing by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy, or certified index, as appropriate, of the record on which the administrative penalty order or assessment was issued within thirty days. Such court shall not set aside or remand such order or assessment unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the order or penalty assessment constitutes an abuse of discretion. Such order or penalty assessment shall not be subject to review by any court except as provided in this paragraph. In any such proceedings, the United States may seek to recover civil penalties assessed under this section.

"(5) If any person fails to pay an assessment of a civil penalty or fails to comply with an administrative penalty order—

"(A) after the order or assessment has become final, or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to enforce the order or to recover the amount ordered or assessed (plus interest at rates established pursuant to section 6621(a)(2) of title 26, United States Code, from the date of the final order or decision or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such order or assessment shall not be subject to review. Any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of such quarter.".

(i) Current section 113(e) of the Clean Air Act is deleted in its entirety and replaced with the following new sections 113(e) and 113(f):

"(e) PENALTY ASSESSMENT CRITERIA.—(1) In determining the amount of any penalty to be assessed under this section or section 304(a), the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. The court shall not assess penalties for noncompliance with administrative subpoenas under section 307(a), or actions under section 114 of this Act, where the violator had sufficient cause to violate or fail or refuse to comply with such subpoena or action.

"(2) A penalty may be assessed for each day of each violation. For purposes of determining the number of days of violation for which a penalty may be assessed under subsection (b) or (d)(1) of this section, or sec-

tion 304(a), or an assessment may be made under section 120, where the Administrator or an air pollution control agency has notified the source of the violation, and the plaintiff makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator proves by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

"(f) MONETARY AWARDS.—The Administrator may pay an award, not to exceed $10,000, to any person who furnishes information or services which lead to a criminal conviction or a civil judicial or administrative judgment of liability for any violation of this Act enforced under this section. Any officer or employee of the United States or any State or local government who furnishes information or renders service in performance of an official duty is ineligible for payment under this subsection. An authorized contractor acting as a representative of the Administrator shall be considered an employee of the United States for purposes of this subsection. The Administrator may, by regulation, prescribe additional criteria for eligibility for such an award.".

COMPLIANCE CERTIFICATION

Sec. 602. (a) Section 114(a)(1) of the Clean Air Act is amended by—

(1) inserting ", on a one-time, periodic or continuous basis" immediately before "to (A) establish and maintain";

(2) inserting ", audit procedures," immediately before "or methods, (D)";

(3) inserting "procedures or" immediately before "methods, at such locations,";

(4) inserting "during such continuous periods" immediately before ", and in such manner as the Administrator";

(5) striking "and" immediately before subparagraph (E); and

(6) redesignating subparagraph (E) as (G) and inserting the following new subparagraphs: "(E) keep periodic or continuous records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical, (F) submit compliance certifications in accordance with section 114(a)(3); and".

(b) Section 114(a) is amended by adding the following new paragraph:

"(3) The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, require enhanced monitoring and submission of compliance certifications. Compliance certifications shall include (i) identification of the applicable requirement that is the basis of the certification, (ii) the method used for determining the compliance status of the source, (iii) the compliance status, (iv) whether compliance is continuous or intermittent, (v) such other facts as the Administrator may require. Compliance certifications and monitoring data shall be public information. Submission of a compliance certification shall in no way limit the Administrator's authorities to investigate or otherwise implement the Act.".

(c) Section 307(b)(1) is amended by inserting "or revising regulations for enhanced monitoring and compliance certification programs under section 114(a)(3) of this Act," immediately before "or any other final action of the Administrator".

CONTRACTOR INSPECTIONS

Sec. 603. (a) Section 114(a)(2) of the Clean Air Act is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)," immediately before "upon presentation of his credentials".

(b) Section 114(c) is amended by striking ", except that such record," and all that follows in the subsection and inserting ". Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of the provisions of section 1905 of title 18. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports or information to other officers, employees or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator), or to any State concerned with carrying out this Act, or when relevant in any proceeding under this Act.".

ADMINISTRATIVE ENFORCEMENT SUBPOENAS

Sec. 604. Section 307 of the Clean Air Act is amended by redesignating subsection (a)(1) as subsection (a), and, in that newly designated subsection, striking "or" before "section 202(b)(5)" and inserting "any investigation, monitoring, reporting requirement, entry, compliance inspection, or administrative enforcement proceeding under the Act (including but not limited to section 113, section 114, section 120, section 129, section 167, section 205, section 206, section 208, section 303 or section 306)," immediately after "section 202(b)(4) or 211(c)(3)".

EMERGENCY ORDERS

Sec. 605. (a) Section 303(a) of the Clean Air Act is amended by—

(1) striking "the health of persons, and that appropriate State or local authorities have not acted to abate such sources" and inserting "public health or welfare, or the environment";

(2) revising the second sentence to read, "If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect public health or welfare or the environment.";

(3) striking the last three sentences in their entirety; and

(4) inserting the following at the end of the subsection: "Prior to taking action under this section, the Administrator shall consult with appropriate State and local authorities and attempt to confirm the accuracy of the information on which the action proposed to be taken is based. Any order issued by the Administrator under this section shall be effective upon issuance and shall remain in effect for a period of not more than sixty days, unless the Administrator brings an action pursuant to the first sentence of this section before the expiration of that period. Whenever the Administrator brings such an action within the sixty-day period, such order shall remain in effect for an additional fourteen days or for such longer period as may be authorized by the court in which such action is brought.".

(b) section 303(b) of the Clean Air Act is amended by—

(1) striking "willfully" immediately after "Any person who" and inserting in lieu thereof "without sufficient cause";

(2) striking "$5,000" and inserting in lieu thereof "$25,000"; and

(3) inserting immediately before the period at the end of the sentence the following: ", be subject to imprisonment for not more than one year, or both."

CONTRACTOR LISTINGS

Sec. 606. Section 306(a) of the Clean Air Act is amended by—

(a) striking "(1)" after "section 113(c)"; and

(b) inserting at the end thereof: "For convictions arising under section 113(c)(2), the condition giving rise to the conviction also shall be considered to include any substantive violation of this Act associated with the violation of 113(c)(2). The Administrator may extend this prohibition to other facilities owned or operated by the convicted person.".

JUDICIAL REVIEW PENDING RECONSIDERATION OF REGULATION

Sec. 607. Section 307(b)(1) of the Clean Air Act is amended by adding at the end thereof the following: "A petition for reconsideration by the Administrator of any otherwise final agency action shall not render the action nonfinal for purposes of judicial review nor extended the time within which a petition for review may be filed, and shall not postpone the effectiveness of the agency action.".

CITIZEN SUITS AND PETITIONS

Sec. 608. (a) CIVIL PENALTIES.—(1) Section 304(a) of the Clean Air Act is amended by inserting immediately before the period at the end thereof: ", and to apply any appropriate civil penalties (except for actions under paragraph (a)(2)), including those pursuant to a consent judgment, payable to the special fund as established in subsection (g), taking into account the factors listed in section 113(e))".

(2) Section 304(a) of the Clean Air Act is amended by adding the following new subsection:

"(g) PENALTY FUND.—Penalties received under subsection (a) shall be deposited in a special fund in the United States Treasury for licensing and other services, which shall be available for appropriation, and remain available until expended for use by the Environmental Protection Agency to finance air compliance and enforcement activities.".

(3) Paragraph (2) of subsection 304(c) of the Clean Air Act is amended to read as follows:

"(2) In any action under this section, the Administrator, if not a party, may intervene as a matter of right at any time in the proceeding. A judgment in an action under this section two which the United States is not a party shall not, however, have any binding effect upon the United States.".

(b) UNREASONABLE DELAY AND NATURE OF VIOLATION.—Section 304(a) of the Clean Air Act, as amended by subsection (a), is further amended by—

(1) inserting "to have violated or" immediately preceding "to be in violation of" in paragraph (1);

(2) amending paragraph (2) to read as follows:

"(2) against the Administrator where there is alleged a failure to perform any act or duty under this Act which is not discretionary with the Administrator, including failures to act that violate one or more of the standards set forth in section 307(d)(9),

or that violate the duty to object to issuance of a permit as set forth in section 354(b), or that constitute unreasonable delay, provided however that a failure to act does not include a written decision not to take action which the Administrator designates, within such decision, as a final action within the meaning of section 307(b)(1); or";

(3) inserting immediately before the period at the end of paragraph (3) the following: ", or of any condition of a temporary operating permit issued under section 112 or other permit issued under part B of title III.";

(4) inserting after "to perform such act or duty," the following: "or to compel agency action unreasonably delayed,"; and

(5) adding at the end thereof the following: "Where a provision of the Act mandates that the Administrator shall take specified action when certain preconditions are met, the court's power to compel the specified action under paragraph (2) shall not depend in any manner upon whether the Administrator has published in the Federal Register a proposed final determination that the threshold preconditions are met.".

(c) NOTICE TO THE GOVERNMENT.—Section 304(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator, during which time the government may submit its comments on the proposed consent judgment to the court and parties or may intervene as a matter of right.".

(d) DEFERRED ACTIONS.—Section 307(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) Where a final decision by the Administrator undertakes to perform an action, but defers such performance to a later time, any interested person may bring an action at any time under section 304(a)(2) to compel such performance.".

(e) PETITIONS.—Section 307 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) PETITIONS.—(1) Any interested person shall have the right to petition the Administrator to issue, amend, reconsider, or repeal any regulation or order issued under the authority of this Act, unless such right is expressly limited by any other provision of this Act.

"(2) To the maximum extent practicable, within six months after receiving a petition, the Administrator shall publish in the Federal Register a finding as to whether the petition presents substantial information indicating that the petition has merit. In the event the petition is found not to present such information, the Administrator shall deny it and publish notice of such denial with notice of the finding required by the preceding sentence.

"(3) In the event the Administrator finds that the petition presents substantial information indicating that it has merit, the Administrator shall immediately undertake a review of the regulation or order that is the subject of the petition, and shall either grant or deny such petition within twelve months of the date of the Federal Register finding, except that in the case of a petition for reconsideration under section 307(d)(7)(B), the Administrator shall grant or deny the petition not later than twelve months after receiving such petition. In any case in which the Administrator grants a petition, the Administrator shall take final action in response to any such petition within a reasonable time.".

ENHANCED IMPLEMENTATION AND ENFORCEMENT OF NEW SOURCE REVIEW REQUIREMENTS

SEC. 609. Section 167 of the Clean Air Act is amended by—

(a) striking "the construction of a major emitting facility" and inserting in lieu thereof "the operation, construction, or modification of a major emitting facility"; and

(b) inserting at the end thereof the following: "Any order issued under this section shall be effective upon issuance and shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.".

MOVEABLE STATIONARY SOURCES

SEC. 610. Section 302 of the Clean Air Act is amended by adding the following subsection:

"(q) STATIONARY SOURCE.—The term 'stationary source' means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes.".

AUTHORIZATIONS

SEC. 611. Title III of the Clean Air Act is amended by adding at the end thereof the following new section:

"(c)(1) There are authorized to be appropriated $120,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to make grants to the States pursuant to section 105. In addition there are authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1991, 1992, and 1993 to make grants to the States to prepare implementation plans as required by subpart 2, 3, or 4 of part D.

"(2) There are authorized to be appropriated $90,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the research and development activities authorized by sections 103 and 104 and other sections of this Act.

"(3) In addition to the sums authorized by paragraphs (1) and (2) there are authorized to be appropriated $250,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the activities authorized under this Act.".

TITLE VII—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

SEC. 701. Part B of the Clean Air Act entitled "Ozone Protection", sections 150 through 159, is hereby repealed.

SEC. 702. The Clean Air Act is amended by adding the following new title:

"TITLE V—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

"FINDINGS

"SEC. 501. The Congress finds that—

"(1) the best available scientific evidence shows that manufactured substances, including chlorofluorocarbons and other substances covered by this title, are destroying stratospheric ozone, and significantly contributing to global climate change by enhancing the greenhouse effect and causing other atmospheric modifications;

"(2) no level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe;

"(3) stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation in the troposphere and at the surface of the Earth;

"(4) increased incidence of solar ultraviolet radiation will cause increased rates of disease in humans (including increased rates of skin cancer, cataracts, and, potentially, suppression of the immune system), threaten food crops and marine resources, and otherwise damage the natural environment;

"(5) the Ozone Trends Report completed in March 1988 through the effort of over one hundred international scientists found undisputed observational evidence that the atmospheric concentrations of source gases important in controlling stratospheric ozone levels and aggravating the problem of uncontrolled global climate change (chlorofluorocarbons, halons, methane, nitrous oxide, and carbon dioxide) are increasing on a global scale as a result of human activities;

"(6) scientific expeditions and analyses have established that chlorine compounds derived from emissions of chlorofluorocarbons are responsible for destruction of the stratospheric ozone layer over the Antarctic and the surrounding oceans;

"(7) recent scientific reports indicate that a similar destruction of the ozone layer may occur over the Arctic region and that the same chlorine compounds found in the Antarctic region are present in areas of the Arctic ozone layer;

"(8) experimental laboratory studies and measurements of ozone depletion suggest that the chemical reactions responsible for destruction of ozone over Antarctica could operate in the aerosol layer of the stratosphere and would not be limited to the polar regions;

"(9) the Montreal Protocol on Substances that Deplete the Ozone Layer (the Montreal Protocol) provides a framework for all nations of the world to protect the Earth's ozone shield;

"(10) the control measures that are set forth in the Montreal Protocol (a freeze on the consumption of certain chlorofluorocarbons at 1986 levels in 1989 followed by a 20 per centum reduction in 1993 and an additional 30 per centum reduction in 1998, coupled with a freeze on the consumption of certain halons at 1986 levels in 1992) will allow atmospheric concentrations of chlorine to increase by at least a factor of two to three;

"(11) because of the worldwide recognition of the need to reduce significantly the use of ozone-depleting chemicals, United States chemical producers and chlorofluorocarbon and halon user industries should be encouraged to develop improved chemicals, products, and technologies that do not rely on chlorofluorocarbons and halons;

"(12) the Ozone Trends Report and other recent scientific studies have raised serious questions about the adequacy of the control measures that are set forth in the Montreal Protocol;

"(13) ozone depleting chlorofluorocarbons are also powerful greenhouse gases projected to be responsible for 15 to 25 per centum

of global warming and, under the existing Montreal Protocol, 10 per centum of future warming;

"(14) stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated chlorine containing halocarbons with ozone depleting potential, and emissions of other gases, such as methane and carbon dioxide, imperil human health and the environment worldwide;

"(15) in order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

"(A) emissions of chlorofluorocarbons and other substances covered by this title, including partially halogenated chlorine containing halocarbons with ozone depleting potential, should be terminated rapidly;

"(B) it is necessary to control international trade in substances covered by this title and products containing such substances; and

"(C) emissions of other gases, such as methane and carbon dioxide, should be controlled;

"(16) the highest priority must be given to developing and deploying safe and energy efficient products and technologies as substitutes for ozone depleting substances as rapidly as possible; and

"(17) the United States needs to develop and deploy safe, energy efficient substitutes to replace ozone depleting substances in order to demonstrate to the world its commitment to protect the stratosphere and to limit global climate change.

"OBJECTIVES AND NATIONAL GOAL

"SEC. 502. (a) The objectives of this title are to restore and maintain the chemical and physical integrity of the Earth's atmosphere, to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, to provide for a smooth transition from the use of ozone-depleting chemicals to the use of safe chemicals, products, and technologies that do not threaten the ozone layer, and to reduce the generation of greenhouse gases in order to protect the Earth's ozone layer and to limit anthropogenically induced global climate changes by—

"(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

"(2) promoting the rapid development and deployment of energy efficient alternatives to the use of chlorofluorocarbons and other substances covered by this title,

"(3) assuring that such alternatives reduce ozone depleting potential to the maximum extent possible and, at the same time, do not exacerbate the problem of human induced global climate change either directly as radiatively important trace gases or indirectly as substances that reduce the energy efficiency of products which incorporate or use such substances, and

"(4) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

"(b) In order to achieve the objectives of this title, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential as well as direct and indirect global warming potential, including chlorofluorocarbons and other halogenated chlorine or bromine containing halocarbons with ozone depleting and global warming potential, to reduce to the maximum extent possible emissions of other gases caused by human activities that are likely to affect adversely the global climate, and to provide for an orderly and equitable shift to alternative, safe chemicals, products, and technologies.

"DEFINITIONS

"SEC. 503. As used in this title, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'household appliances' means noncommercial personal effects, including airconditioners, refrigerators, and motor vehicles;

"(3) 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States;

"(4) 'manufactured substances' means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes;

"(5) 'medical purposes' means medical devices and diagnostic products (including drugs, as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) and drug delivery systems (A) for which no safe and effective substitute has been developed and, where necessary, approved by the Commissioner of the Food and Drug Administration (the Commissioner) and (B) which, after notice and opportunity for public comment, has been approved and determined to be essential by the Commissioner in consultation with the Administrator;

"(6) 'person' means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality);

"(7) 'to produce' means to manufacture a substance from any raw material or feedstock chemical but does not include the manufacture of substances that are used and entirely consumed in the manufacture of other chemicals; and

"(8) 'substances covered by this title' means those substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 504 of this title.

"PART A—CONTROL OF CHLOROFLUOROCARBONS AND OTHER MANUFACTURED SUBSTANCES

"LISTING OF REGULATED SUBSTANCES

"SEC. 504. (a) PRIORITY LIST AND INITIAL LISTS OF SUBSTANCES TO BE PHASED-OUT.—Within sixty days after enactment of this title, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute significantly to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include all fully halogenated chlorine or bromine containing halocarbons, including chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, halon-1211, halon-1301, and halon-2402.

"(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The list of other substances shall be subject to monitoring and the limitations on production and use under section 508 of this title and shall include all partially halogenated chlorine containing halocarbons not listed under subsection (a), including hydrochlorofluorocarbon-22, hydrochlorofluorocarbon-123, hydrochlorofluorocarbon-124, hydrochlorofluorocarbon-141(b), hydrochlorofluorocarbon-142(b), and methyl chloroform. At least annually thereafter, the Administrator shall publish a proposal to add to the priority list under subsection (a) or the list under this subsection other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a) or this section and warrant listing under subsection (a) or under this subsection. Within one hundred and eighty days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the appropriate list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a) or this subsection.

"(c) OZONE DEPLETION POTENTIAL, GLOBAL WARMING POTENTIAL, AND ATMOSPHERIC LIFETIME.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance numerical values representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11, the chlorine or bromine contribution of such substance, the global warming potential of such substance, and the atmospheric lifetime of such substance. Unless the Administrator promulgates regulations under this subsection setting forth a different value, the following ozone depletion factors shall apply for the following listed substances:

"Substance	Ozone depletion factor
chlorofluorocarbon-11	1.0
chlorofluorocarbon-12	1.0
hydrochlorofluorocarbon-22	0.05
chlorofluorocarbon-113	0.8
chlorofluorocarbon-114	1.0
chlorofluorocarbon-115	0.6
hydrochlorofluorocarbon-123	0.02
hydrochlorofluorocarbon-124	0.02
hydrochlorofluorocarbon-141(b)	0.1
hydrochlorofluorocarbon-142(b)	0.06
carbon tetrachloride	1.06
methyl chloroform	0.15
halon-1211	3.0
halon-1301	10.0
halon-2402	6.0

"REPORTING REQUIREMENTS

"SEC. 505. (a) PRIORITY LIST.—Unless such information has previously been reported to the Administrator, within ninety days after enactment of this title, each person produc-

ing or importing a substance listed pursuant to subsection (a) of section 504 shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during calendar year 1986. Not less than annually thereafter, each such person shall file a report with the Administrator setting forth the production and importation levels of such substance in each successive twelve-month period until such person ceases production or importation of the substance. Each such report shall be signed by a responsible corporate officer.

"(b) OTHER REGULATED SUBSTANCES.—Within ninety days of the date on which a substance is placed on the list under subsection (b) of section 504, each person producing or importing such substance shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during the twelve months preceding the date of listing. Not less than annually thereafter, each such person shall file a report with the Administrator setting forth the production or importation levels of such substance in each successive twelve-month period until such person ceases production or importation of the substance. Each such report shall be signed by a responsible corporate officer.

"PRODUCTION PHASE-OUT OF SUBSTANCES ON THE PRIORITY LIST

"SEC. 506. (a) NATIONAL POLICY.—The Congress hereby declares it to be the national policy of the United States that the production and use of substances listed under subsection (a) of section 504 are to be reduced and eliminated as expeditiously as possible.

"(b) ACCELERATED SCHEDULE.—The Administrator shall promulgate regulations, after notice and opportunity for public comment, which control and reduce production of—

"(1) a substance listed under subsection (a) of section 504 more rapidly than the schedule provided under this title; or

"(2) a substance listed under subsection (b) of section 504 on a specific schedule not otherwise provided for in this title;

if (A) the Administrator determines that such revised or specific schedule (i) based on the latest assessments of information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, may be necessary to protect human health and the environment or (ii) based on the availability of substitutes for a listed substance, is attainable, or (B) the Montreal Protocol is modified to include a schedule to control and reduce production or consumption of any such substance more rapidly than the schedule set forth in subsection (c) of this section or in regulations promulgated in accordance with this subsection. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within one hundred and eighty days after receipt of any such petition, unless the Administrator determines that such regulations are not necessary and denies the petition. No less often than every eighteen months, the Administrator shall, in response to a petition or otherwise, either publish such regulations or a determination that such regulations are not necessary.

"(c) SCHEDULE.—In the absence of regulations promulgated in accordance with subsection (b) establishing earlier dates—

"(1) effective July 1, 1989, it shall be unlawful for any person to produce substances listed under subsection (a) of section 504 in annual quantities greater than the combined ozone depletion weighted amount of such substances produced by such person during calendar year 1986;

"(2) effective July 1, 1993, it shall be unlawful for any person to produce substances listed under subsection (a) of section 504 in annual quantities greater than 80 per centum of the combined ozone depletion weighted amount of such substances produced by such person during calendar year 1986;

"(3) effective July 1, 1998, it shall be unlawful for any person to produce substances listed under subsection (a) of section 504 in annual quantities greater than 50 per centum of the combined ozone depletion weighted amount of such substances produced by such person during calendar year 1986; and

"(4) effective July 1, 2000, it shall be unlawful for any person to produce any quantity of a substance listeed under subsection (a) of section 504 unless such person has, in accordance with subsection (d), received prior authoriziaton to produce such substance.

"(d)(1) EXCEPTION FOR MEDICAL PURPOSES.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, shall authorize the production or importation of limited quantities of a substance listed under subsection (a) of section 504 solely for medical purposes if such authorization is determined by the Commissioner of the Food and Drug Administration, in consultaiton with the Administrator, to be necessary for medical purposes.

"(2) EXCEPTION FOR EXPORT TO DEVELOPING COUNTRIES.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, may authorize the production of limited quantities of a substance listed under subsection (a) of section 504 solely for export to and use in developing countries that are parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and are operating under Article 5 of such Protocol. Any production authorized under this paragraph shall be solely for purposes of satisfying the basic domestic needs of such countries.

"(3) CAP ON EXCEPTIONS.—Under no circumstances may the authority set forth in paragraphs (1) and (2) of this subsection be applied to authorize any person to produce a substance listed under subsection (a) of section 504 in annual quantities greater than 10 per centum of that produced by such person during calendar year 1986.

"(e) IMPORTATION.—Any person who imports a substance covered by this title shall, for the purposes of this section and section 508 (control of other regulated substances), be deemed to have produced an equivalent amount of such substance on the date of such importation.

"PRODUCTION PHASE-OUT EXCEPTION FOR NATIONAL SECURITY

"SEC. 507. The President may issue such orders regarding production and use of chlorofluorocarbon-114, halon-1211, halon-1301 and halon-2402, at any specified site or facility as may be necessary to protect the national security interests of the United States if the President finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this title. The President shall notify the Congress within thirty days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

"CONTROL OF OTHER REGULATED SUBSTANCES

"SEC. 508. (a) NATIONAL POLICY.—The Congress hereby declares it to be the policy of the United States that the production and use of ozone depleting substances listed under subsection (b) of section 504 are to be monitored closely and controlled in such a manner as to assure that the production and use of such substances will not—

"(1) increase the peak chlorine loading that is projected to occur with interim chloroflurocarbon emission controls followed by a year 2000 global phase-out of all halocarbon emissions (the base case);

"(2) reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under the base case; or

"(3) delay the date by which the average atmospheric concentration of chlorine is projected under the base case to return to a level of two parts per billion, the highest concentration at which repair of the Antarctic ozone hole may be possible.

"(b) MONITORING GROWTH IN PRODUCTION AND USE.—The Administrator shall monitor and not less often than every three years following enactment of this title submit a report to Congress on the production and use of substances listed under subsection (b) of section 504. Such report shall include data on domestic production compiled under section 505 and an estimate of worldwide production and use of such substances.

"(c) MONITORING ATMOSPHERIC CONCENTRATIONS OF CHLORINE.—The Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration shall monitor and not less often than every three years following enactment of this title submit a report to Congress on the current average tropospheric concentration of chlorine. Such reports shall include, under the base case as well as on the basis of current international and domestic controls on substances covered by this title, updated projections of—

"(1) peak chlorine loading;

"(2) the rate at which the atmospheric abundance of chlorine is projected to decrease after the year 2000; and

"(3) the date by which the atmospheric abundance of chlorine is projected to return to a level of two parts per billion.

"(d)(1) PHASE-OUT SCHEDULE FOR METHYL CHLOROFORM.—In the absence of regulations promulgated in accordance with subsection (b) of section 506 establishing earlier dates—

"(A) effective on the date of enactment of this title, it shall be unlawful for any person to produce methyl chloroform in annual

quantities greater than that produced by such person during calendar year 1989;

"(B) effective January 1, 1996, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than 50 per centum of that produced by such person during calendar year 1989; and

"(C) effective January 1, 2000, it shall be unlawful for any person to produce any quantity of methyl chloroform.

"(2) FEASIBILITY REPORT ON PHASE-OUT SCHEDULE FOR OTHER REGULATED SUBSTANCES.—Not later than January 1, 1995, the Administrator shall submit a report to the Congress that includes recommendations concerning the development of a legislative or administrative regulatory program which provides that, except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier—

"(A) effective January 1, 2015, it shall be unlawful for any person to introduce into interstate commerce or use any substance listed under subsection (b) of section 504 unless such substance—

"(i) has been used, recovered, and recycled;

"(ii) is used and entirely consumed in the production of other chemicals, or

"(iii) is used to maintain and service household appliances or commercial refrigeration and air-conditioning units manufactured prior to January 1, 2015;

"(B) effective January 1, 2015, it shall be unlawful for any person to produce any substance listed under subsection (b) of section 504 in annual quantities greater than that produced by such person during calendar year 2014; and

"(C) effective January 1, 2030, it shall be unlawful for any person to produce any substance listed under subsection (b) of section 504.

Such report shall include information on the need for controls on the production or use of any substance listed under subsection (b) of section 504 and other manufactured materials or human activities that may contribute to destruction of stratospheric ozone; an inventory of national and international programs or proposals to control the production or use of partially halogenated chlorine containing halocarbons; the status of international agreements and negotiations respecting the stratospheric ozone layer, including the Montreal Protocol; and the status of worldwide efforts to phase out fully halogenated chlorine or bromine containing halocarbons, including information concerning international compliance with the Montreal Protocol.

"(e) TECHNOLOGY STATUS REPORT IN 2010.—The Administrator shall review, on a periodic basis, the progress being made in the development of alternative systems or products necessary to manufacture and operate household appliances and commercial refrigeration and air-conditioning units without substances listed under subsection (b) of section 504. If, in the Administrator's judgment, as a result of technological development problems, the development of such alternative systems or products will not occur within the time necessary to provide for the manufacture of such equipment without such substances prior to 2015, the Administrator shall, not later than January 1, 2010, so inform the Congress.

"(f) EMERGENCY REPORT.—If, in consultation with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, the Administrator determines that the production and use of substances listed under subsection (b) of section 504 is projected to contribute to an atmospheric chlorine loading in excess of the base case projections by more than five-tenths parts per billion, the Administrator shall so inform the Congress immediately. The determination referred to in the preceding sentence shall be (A) based upon worldwide production and use levels extrapolated from domestic production and use levels and the domestic share of the worldwide market; and (B) in accordance with subsection (c) of this section, updated not less often than every three years.

"NATIONAL RECYCLING AND DISPOSAL PROGRAM

"SEC. 509. (a) The Administrator shall, not later than July 1, 1991, promulgate regulations establishing standards and requirements regarding the use of substances covered by this title. Such standards and requirements shall become effective not later than twelve months after promulgation of the regulations. Such regulations shall include requirements that (1) reduce the use and emission of such substances to the lowest achievable level and (2) maximize the recapture and recycling of such substances. Such regulations may include requirements to use alternative substances (including substances which are not covered by this title) or to minimize use of substances covered by this title.

"(b) The Administrator shall promulgate regulations establishing standards and requirements controlling the production or use of any manufactured substance that may, either directly as a radiatively important trace gas or indirectly as a substance that reduces the energy efficiency of products which incorporate or use such substance, exacerbate the problems of human induced global climate change.

"(c) The Administrator shall, before January 1, 1994, promulgate regulations establishing standards and requirements for the safe disposal of substances covered by this title. Such regulations shall include requirements that—

"(1) substances covered by this title that are contained in bulk in appliances, machines or other goods (including but not limited to refrigerators and air-conditioners) shall be removed from each such appliance, machine or other good prior to the disposal of such items;

"(2) any appliance, machine or other good containing a substance covered by this title in bulk shall not be manufactured or distributed in commerce unless it is equipped with a servicing aperture or an equally effective design feature which will facilitate the recapture of such substance during service and repair or disposal of such item; and

"(3) any product in which a substance covered by this title is incorporated so as to constitute an inherent element of such product shall be disposed of in a manner that reduces, to the maximum extent practicable, the release of such substance into the environment. If the Administrator determines that the disposal of any product covered by paragraph (3) would result in producing only marginal environmental benefits, the Administrator shall include in such regulations an exception for such product.

"(d) Effective January 1, 1992, it shall be unlawful for any person in the course of maintaining, servicing, repairing, or disposing a household appliance or a commercial refrigeration or air-conditioning unit to knowingly vent or otherwise knowingly release or dispose of any substance used as a refrigerant in such appliance or unit and covered by this title in a fashion which permits such substance to enter the environment. De minimis releases associated with good faith attempts to recapture and recycle or safely dispose of any substance covered by this title shall not be covered by the preceding sentence.

"MOTOR VEHICLE AIR-CONDITIONING

"SEC. 510. (a) CERTIFICATION OF EQUIPMENT.—Within one year after the date of enactment of this title, the Administrator shall issue regulations which provide that on or after January 1, 1992, no person shall perform service for consideration on a motor vehicle air-conditioning system, including maintenance and repair services, unless such person uses equipment which is certified as meeting the standards set by the Society of Automotive Engineers for the extraction and reclamation of a refrigerant from motor vehicle air-conditioning systems by—

"(A) the National Institute of Standards and Technology,

"(B) the Underwriters Laboratories, or

"(C) an entity which the Administrator determines to be comparable to the entities described in subparagraphs (A) or (B).

"(b) SCHEDULE FOR ACQUISITION AND USE OF EQUIPMENT AND DOCUMENTATION OF SUCH USE.—(1) Within one year after the date of enactment of this title, the Administrator shall issue regulations establishing a phased schedule of deadlines by which the equipment described in subsection (a) shall be acquired by entities that perform service for consideration on motor vehicle air-conditioning systems.

"(2) In establishing the schedule under paragraph (1), the Administrator shall—

"(A) set an earlier deadline for any entity that performs service on a high volume of motor vehicle air-conditioning systems, as determined by the Administrator, and

"(B) require all entities that perform service for consideration on motor vehicle air-conditioning systems to have such equipment operational and in use for any such service performed on or after January 1, 1992.

"(c) DOCUMENTATION REQUIREMENTS.—Within one year after the date of enactment of this title, the Administrator shall promulgate regulations which require entities described in subsection (b)(1) to document the following on a form provided by the Environmental Protection Agency—

"(A) the number of motor vehicle air-conditioning systems repaired or otherwise serviced by such entity;

"(B) the amount and type of substances covered by this title that are purchased by such entity; and

"(C) the amount and type of substances covered by this title that are sold by such entity.

"(d) RESTRICTIONS ON THE SALE OF LISTED SUBSTANCES.—Effective January 1, 1992, it shall be unlawful for any person to sell or offer for sale to any person or entity (other than a person or entity performing service for consideration on motor vehicle air-conditioning systems in compliance with subsection (a) of this section) any substance covered by this title that is suitable for use as a refrigerant in a motor vehicle air-conditioning system and is in a container which contains less than twenty pounds of such refrigerant.

"(e) RESTRICTIONS ON THE SALE OF MOTOR VEHICLE AIR-CONDITIONING SYSTEMS THAT USE CHLOROFLUOROCARBONS.—(1) Within two years after enactment of this title, the Administrator shall issue regulations establish-

ing standards and requirements to assure that a minimum percentage of the motor vehicles manufactured in the United States and imported into the United States that are equipped with passenger compartment air-conditioning systems are equipped with systems that are not dependent on chlorofluorocarbon-12 as a refrigerant (or any substitute refrigerant with a comparable ozone depletion factor). Such regulations shall provide that, beginning with model year 1994, not less than 25 per centum of such motor vehicles are so equipped and, beginning with model year 1996, not less than 50 per centum of such motor vehicles are so equipped.

"(2) If the Administrator determines that, as a result of technological development problems, the development of alternative systems or products necessary to equip motor vehicle passenger compartments with air-conditioning systems that are not dependent on chlorofluorocarbon-12 as a refrigerant (or any substitute refrigerant with a comparable ozone depletion factor) will not occur within the time necessary to provide for compliance with paragraph (1) of this subsection, the Administrator shall so inform the Congress and propose alternative effective dates for this subsection.

"(f) DEFINITION.—As used in this section, the term 'motor vehicle' has the meaning given for such term under section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(3)).

"NONESSENTIAL CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS

"SEC. 511. (a) Effective twelve months after the date of enactment of this title, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution, nonessential products that release substances listed under subsection (a) of section 504 into the atmosphere during use, including chlorofluorocarbon-propelled plastic party streamers and noise horns, chlorofluorocarbon-containing cleaning fluids for noncommercial electronic and photographic equipment, and other consumer products determined by the Administrator to be nonessential. Nothing in this section shall apply to products used for medical purposes, as defined in section 503(5) of this Act.

"(b) Effective January 1, 1994, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution—

"(1) any aerosol product or other pressurized dispenser (other than a medical device or diagnostic product, including drugs, as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) or a drug delivery system) which contains a substance listed under subsection (b) of section 504; or

"(2) any plastic foam product (other than a foam insulation product) which contains or is manufactured with a substance listed under subsection (b) of section 504.

"CERTIFICATION OF EQUIVALENT PROGRAMS

"SEC. 512. (a) IMPORTS.—(1) Effective twelve months after the date on which a substance is placed on the priority list under subsection (a) of section 504, it shall be unlawful for any person to import such substance or any product containing such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported are parties to and in compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer. Effective July 1, 2000, it shall be unlawful for any person to import a substance listed under subsection (a) of section 504 or any product containing such substance unless the Administrator, in consultation with the Secretary, has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this title, on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this title. The prohibition on the import of any product containing a substance listed under subsection (a) of section 504 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may contain or is designed to contain or use such substance. The Administrator's decision that a product contains or is designed to contain or use such substance shall constitute a rebuttable presumption.

"(2) The President may, after notice and opportunity for public comment, prohibit the importation of any product that has been (A) made with a subtance listed under subsection (a) of section 504 and (B) manufactured in or exported from a nation that has not been certified under this section. The authority to prohibit the importation of any product made with a subtance listed under subsection (a) of section 504 shall include the authority to prohibit the import of any product which the President has reason to believe may have been made with such a substance. The President's decision that a product was made with such a subtance shall constitute a rebuttable presumption.

"(b) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under the second sentence of subsection (a) unless it is determined that—

"(1) the Nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

"(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in sections 505 and 515 of this title, and that the information contained in such reports is available to the Administrator and the Secretary.

"(c) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

"(d) INVESTMENT AND EXPORT.—(1) Within one year after enactment of this section, the President shall prohibit—

"(A) the export of technologies used to produce a substance listed under subsection (a) of section 504; and

"(B) direct or indirect investments by any person in facilities designed for or capable of producing a substance listed under subsection (a) of section 504 in nations not certified under this section.

"(2) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment—

"(A) determine whether there exists, for each class of products containing a substance listed under subsection (a) of section 504 or manufactured with a process that uses such substance, substitute products or manufacturing processes that do not rely on the use of such substances; and

"(B) promulgate regulations for each class of products for which a positive determination has been made under subparagraph (A).

Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of—

"(i) using a substance listed under subsection (a) of section 504 in nations not certified under this section in quantities that will increase use of such substance in any such nation, or

"(ii) manufacturing products that require the use of a substance listed under subsection (a) of section 504 in nations not certified under this section in quantities that will increase use of such substance in any such nation.

"(e) FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing any substance listed under subsection (a) of section 504.

"(f) DEFINITION.—For purposes of this section, methyl chloroform shall be deemed to be a substance 'placed on the priority list under section 504' and a substance 'listed under subsection (a) of section 504'.

"LABELING

"SEC. 513. (a) Not later than January 1, 1992, and every two years thereafter, the Administrator shall, after notice and opportunity for public comment—

"(1) determine whether there exists, for each class of products containing a substance listed under subsection (a) of section 504 or manufactured with a process that uses such substance, substitute products or manufacturing processes that do not rely on the use of such substances; and

"(2) promulgate regulations for each class of products for which a positive determination has been made under paragraph (1). Such regulations shall prohibit the introduction or reintroduction into interstate commerce of any product containing such substance or manufactured with a process that uses such substance ninety days after promulgation of such regulations unless such product bears a label stating either of the following as appropriate:

"(A) 'Warning: This product contains (insert name of listed substance) a substance which harms public health and the environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

"(B) 'Warning: This product is manufactured with (insert name of listed substance) a substance which harms public health and the environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

"(b) The Administrator shall, after notice and opportunity for public comment, promulgate labeling requirements determined by the Administrator to be appropriate for products containing a substance listed under

subsection (b) of section 504 or manufactured with a process that uses such substance.

"SAFE ALTERNATIVES POLICY

"SEC. 514. (a) POLICY.—To the maximum extent practicable, substances covered by this title shall be replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to human health and the environment.

"(b) REVIEWS AND REPORTS.—The Administrator shall—

"(1) recommend Federal research programs and other activities to assist in identifying alternatives to the use of substances covered by this title as refrigerants, solvents, fire retardants, foam blowing agents, and other commercial applications and in achieving a transition to such alternatives;

"(2) examine Federal procurement practices with respect to substances covered by this title and recommend measures to promote the transition by the Federal Government, as expeditiously as possible, to the use of safe substitutes; and

"(3) specify initiatives, including appropriate intergovernmental, international, and commercial information and technology transfers, to promote the development and use of safe substitutes for substances covered by this title, including alternative chemicals, product substitutes, and alternative manufacturing processes.

"(c) ADDITIONAL MEASURES.—Notwithstanding any other provision of law, the Administrator shall require that—

"(1) any person who produces a chemical substitute for substances covered by this title shall provide to the Administrator all published and unpublished health and safety studies on such chemical substitute; and

"(2) any person who produces a chemical substitute for substances covered by this title shall notify the Administrator of such person's intent to introduce such chemical substitute into commerce not less than sixty days prior to such introduction.

"FEDERAL ENFORCEMENT

"SEC. 515. (a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this title, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this title and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this title. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

"(d) CRIMINAL PENALTIES.—Any person who—

"(1) knowingly exceeds the production limits under section 506 (production phase-out for initial list) or section 508 (control of other regulated substances);

"(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 506 or section 508;

"(3) knowingly imports a substance listed under subsection (a) of section 504, or a product containing such substance, in violation of section 512 (certification of equivalent programs);

"(4) knowingly exports technologies or invests in facilities in violation of section 512 (certification of equivalent programs);

"(5) knowingly vents or releases a substance into the environment in violation of section 509 (recycling and disposal program);

"(6) knowingly introduces into interstate commerce a substance or product in violation of section 508 (control of other regulated substances), section 509 (recycling and disposal program), section 510 (motor vehicle air-conditioning), section 511 (nonessential consumer products), or section 513 (labeling);

"(7) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this title; or

"(8) knowingly produces, transports, distributes or uses any substance listed under section 504, or a product containing such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this title

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment.

"(e) CIVIL PENALTY.—Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

"(f) VIOLATIONS.—Each day of violation of any requirement of this title shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 506 (production phase-out for initial list) and section 508 (control of other regulated substances), the production, introduction into commerce, or importation of each one hundred pounds of a substance listed under section 504 that is in excess of the production limits under section 506 or section 508 shall constitute a separate violation.

"JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS

"SEC. 516. Any judicial review of any final action of the Administrator pursuant to this title shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

"(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such action or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

"(2) if a party seeking review under this title applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

"CITIZEN SUITS

"SEC. 517. (a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to have violated or to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this title; or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 515.

"(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation to—

"(A) the Administrator; and

"(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

"(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this title may be brought under this section only in the judicial district in which such alleged violation occurred or is occurring.

"(c) NOTICE.—No action may be commenced under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that said plaintiff will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

"(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 515, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

"SEPARABILITY

"SEC. 518. If any provision of this title, or the application of any provision of this title to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of this title shall not be affected thereby.

"RELATIONSHIP TO OTHER LAWS

"SEC. 519. (a) Nothing in this title shall be construed to alter or affect the authority of the Administrator under any other provision of this Act or the Toxic Substances Control Act or to affect the authority of any other department or agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratospheric ozone layer or reducing the extent of global climate change.

"(b) Nothing in this title shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratospheric ozone layer or reducing the extent of global climate change except as otherwise provided in subsection (c).

"(c) If a regulation of any substance, practice, process, or activity is in effect under this title in order to prevent or abate any risk to the stratosphere, or ozone in the stratosphere, no State or political subdivision thereof may adopt or attempt to enforce any requirement respecting the control of any such substance, practice, process, or activity to prevent or abate such risk, unless the requirement of the State or political subdivision is identical to the requirement of such regulation. If upon application of any person, after notice and opportunity for public hearing, the Administrator determines that the requirement of a State or political subdivision does not impose a substantial and unreasonable burden on interstate commerce, the Administrator shall waive application of the preceding sentence. No such waiver shall be granted if the Administrator determines that—

"(1) the decision of the State or political subdivision is arbitrary and capricious, or

"(2) the requirements and accompanying enforcement procedures of such State or political subdivision are inconsistent with the requirements and procedures of this title.

"AUTHORITY OF ADMINISTRATOR

"SEC. 520. The Administrator is authorized to prescribe such regulations as may be necessary to carry out this title. If, in the Administrator's judgment, any substance, practice, process, or activity may reasonably be anticipated to affect the stratosphere and such effect may reasonably be anticipated to endanger public health or welfare, the Administrator shall promptly promulgate regulations respecting the control of such substance, practice, process, or activity.

"INTERNATIONAL COOPERATION

"SEC. 521. (a) The President shall undertake to enter into international agreements to foster cooperative research which complements studies and research authorized by this title, and to develop standards and regulations which protect the stratosphere consistent with regulations applicable within the United States. For these purposes, the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums and shall report to the Congress periodically on efforts to arrive at such agreements.

"(b) The Administrator, in consultation with the Secretary of State, is authorized to support global participation in the Montreal Protocol on Substances that Deplete the Ozone Layer by contributing funds to developing countries that are parties to the Protocol and are operating under Article 5 of such Protocol. Such funding shall be contributed either directly to the recipient country or through appropriate channels established under the Protocol and the use of such funding shall be limited to the support of efforts to comply with the terms of the Protocol.

"(c) There are authorized to be appropriated to the Environmental Protection Agency $75,000,000 annually to carry out subsection (b).

"GRANTS

"SEC. 522. (a) The Administrator is authorized to establish and carry out a grant program through the Office of Air and Radiation for purposes of promoting the objectives of this title by: testing the basic properties of chemical substitutes; examining product redesign and technological innovations that would reduce, avoid, or eliminate chemical use in specific production processes; testing the applicability of possible substitutes in specific products; examining health, environmental, and safety issues related to the use of potential chemical substitutes; developing new technologies; improving the energy efficiency of new or modified technologies; monitoring environmental impacts; conservation; and other related purposes. Grants made under such program may be made to public and private entities, or combinations thereof, including consortia established expressly for the purpose of conducting research and related activities pursuant to this title.

"(b) Applications for grants under this title shall be submitted at such time and in such form and contain such information as the Administrator shall prescribe by regulation.

"(c) In making grants under this section, the Administrator shall consider, among other factors: the quantities of ozone-depleting chemicals or greenhouse gas emissions the proposed substitute, product or technology would replace; the timing of possible reductions with preference given to substitutes, products and technologies that will yield prompt reductions in demand for ozone-depleting chemicals covered by this title; the global climate implications of a proposed project; the likelihood of commercialization of the technology; the degree of public and private participation and support for a proposed project; the extent to which the results of the project will be accessible to the public; and the energy efficiency that would result from the project.

"(d) There are authorized to be appropriated to the Environmental Protection Agency such amounts as may be necessary to carry out the grant program pursuant to this section.

"PART B—METHANE ASSESSMENT

"OBJECTIVE AND NATIONAL GOAL

"SEC. 523. (a) The objective of this part is to identify and analyze options to reduce the risks of tropospheric ozone formation and global climate change by—

"(1) reducing global methane emissions sufficiently to assure that the atmospheric concentration of methane does not rise above current levels;

"(2) identifying and analyzing the relationships among methane and other atmospheric pollutants to determine the synergies that may be contributing to tropospheric ozone formation and global climate change;

"(3) promoting additional analyses of the factors causing methane concentrations to increase and of the sources of methane emissions and the opportunities for reducing such emissions; and

"(4) identifying emissions reductions options that are economically as well as environmentally advantageous.

"(b) In order to achieve the objective of this part, it is a national goal to—

"(1) reduce methane emissions associated with human activities in the United States;

"(2) stimulate international agencies to fund projects in developing countries that will reduce methane emissions;

"(3) stimulate other governments to implement measures to reduce methane emissions; and

"(4) in support of international efforts to reduce methane emissions, provide data regarding sources of methane emissions and options for reducing such emissions.

"INFORMATION COLLECTION

"SEC. 524. The Administrator is authorized to collect from persons responsible for the release of methane to the atmosphere during manufacturing, processing, resource

recovery or distribution, waste management, or other economic activities information concerning such releases as may be necessary to complete the studies required by this part. Failure or refusal to provide such information in such form as the Administrator may reasonably require shall constitute a violation for purposes of section 515 of this title. To the extent information concerning methane releases is already being reported to a State or Federal agency and such information is available to the Administrator, the Administrator shall utilize such sources of information.

"ECONOMICALLY JUSTIFIED ACTIONS

"SEC. 525. Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit a report to the Congress that identifies activities, substances, processes, or combinations thereof that could reduce methane emissions and are economically justified with or without consideration of environmental benefit.

"DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS

"SEC. 526. (a) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress reports on:

"(1) Methane emissions associated with natural gas extraction, transportation, distribution, storage, and use. Such report shall include an inventory of methane emissions associated with such activities within the United States. Such emissions include, but are not limited to, accidental and intentional releases from natural gas and oil wells, pipelines, processing facilities, and gas burners.

"(2) Methane emissions associated with coal extraction, transportation, distribution, storage, and use. Such report shall include an inventory of methane emissions associated with such activities within the United States. Such emissions include, but are not limited to, accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal.

"(3) Methane emissions associated with management of solid waste. Such report shall include an inventory of methane emissions associated with all forms of waste management in the United States, including storage, treatment, and disposal.

"(4) Methane emissions associated with agriculture. Such report shall include an inventory of methane emissions associated with rice production and animal production in the United States.

"(5) Methane emissions associated with biomass burning. Such report shall include an inventory of methane emissions associated with the intentional burning of agricultural wastes, wood, grasslands and forests.

"(6) Other methane emissions associated with human activities. Such report shall identify and inventory other domestic sources of methane emissions that are deemed by the Administrator to be significant.

"(b) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report that presents a plan outlining measures that could be implemented to stop the growth in atmospheric concentrations of methane from sources within the United States. This plan shall identify and evaluate the technical options for reducing methane emissions from each of the activities listed in subsection (a) as well as other activities or sources deemed by the Administrator to be significant and shall include an evaluation of costs. The plan shall identify the emissions reductions that must be achieved to prevent increasing atmospheric concentrations of methane. The plan shall also identify programs of the United States and international lending agencies that could be used to induce lesser developed countries to undertake measures that will reduce methane emissions and the resource needs of such programs.

"INTERNATIONAL STUDIES

"SEC. 527. (a) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrator of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane emissions associated with the activities listed in subsection (a) of section 526.

"(b) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report that analyzes the potential for preventing an increase in atmospheric concentrations of methane from activities and sources in other countries. Such report shall identify and evaluate the technical options for reducing methane emissions from each of the activities listed in subsection (a) of section 526 as well as other activities or sources that are deemed by the Administrator to be significant and shall include an evaluation of costs. The report shall identify the emissions reductions that must be achieved to prevent increasing atmospheric concentrations of methane. The report shall also identify technology transfer programs that could promote methane emissions reductions in lesser developed countries.

"NATURAL SOURCES

"SEC. 528. Not later than September 30, 1992, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to Congress reports on—

"(1) methane emissions from biogenic sources such as (A) tropical, temperate and subarctic forests, (B) tundra and (C) freshwater and saltwater wetlands; and

"(2) the changes in methane emissions from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide.".

Mr. SYMMS. Mr. President, I regret, I say to the majority leader, that I feel constrained to object to the request he makes today. Maybe, in time, my opinion will change on that.

But I would just like to say, I would not object to or resist some changes and modifications to the Clean Air Act that we operate under in this country, but I think that is not the issue. The issue is, in this country, can this country afford to drive investment offshore, which is what I believe will happen.

I know my colleagues, Senators BAUCUS, MITCHELL, DOLE, DOMENICI, CHAFEE, and others, worked very hard behind closed doors, and I do not in any way criticize them for their efforts to try to improve this bill. I think they have made some improvement. But they moved it about 10 percent to where it needs to go.

There is a long, long way to go on this bill. I know other Senators are here to make their opening statements. I will probably make my opening statement tomorrow.

But I want to say to Senators who are not here today but who will be coming here and to their staffs who may be listening, the compromise that was worked out in the last 3 weeks in the majority leader's office—not in the committee process, where it should have been done, not on the floor where it should have been done, but in the majority leader's office—for the most part is basically the same bill that came over here from the Senate Environment and Public Works Committee that the rest of the Senate was so concerned about.

I know there have been some improvements, but the phase II programs, for example, the Senator mentioned, he worked so hard on, just to give my colleagues one example, in the air toxics position, the residual risk, we will use the best available technology. But if Congress does not choose—I read right from the information sheet that was put out by the working group. It says:

If Congress does not choose a residual risk standard after the commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater than 1 in 1 million for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1 in 10,000.

What that means is basically we have the same thing as we have in the bill now, Mr. President. That is what it means. It means Congress will have to act in the future to change and adopt some other standard.

If my colleagues think foreign investment or U.S. investment is going to invest in a pharmaceutical plant, in a steel plant, in a chemical plant, in a petroleum refinery process in this

country, when they have the guillotine of these phase II things replete through this compromise, through this so-called compromise—I do not believe that will happen.

I think we are here prepared to pass a bill that may be signed by the President with all of these phase II sections in it, whether they be in the automobile emissions, whether they be in the air toxics section or other places in the bill. Basically, it is the same bad bill that came out of the committee, and it is going to be very costly to this country. It is going to drive away investment from more jobs and a better future for Americans who are making great strides with clean air in this country.

I know that is a debatable point. But I say again to my colleagues, we are living longer, we are healthier, we have much cleaner air than we had 40 or 50 years ago in this country. People are doing a lot better. The life expectancy is greater. There are all kinds of reasons why the sky is not falling in.

I believe we should take our time on this. I hope that Senators will carefully look at this legislation before they jump on the bandwagon and deny many amendments that still need to be made to correct and improve this piece of legislation.

Many Senators, as they take this bill home over the coming recess and have constituents in their States look at what the impact will be in those States, they will come back a week from Monday, 2 weeks from today, with a great many recommendations to the committees and to the Senate on what should be done to improve this legislation.

So, I say again I have the utmost respect for the majority leader and his efforts to move this bill, and for the minority leader, Senator CHAFEE, Senator BAUCUS, and others. But I believe it is just premature to ask the Senate to accept this in 4 days, when most of the people have not seen it at all.

I think also it is premature, from my point of view, that I should give up my rights to offer amendments I would like to get votes on until I am persuaded to believe I will be able to do that.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I want momentarily to yield to the distinguished managers, who deserve enormous credit for the effort they have made in bringing this legislation to this point.

The distinguished chairman of the full committee, Senator BURDICK, the distinguished chairman and ranking member of the subcommittee, Senators BAUCUS and CHAFEE, have done a great job in bringing this bill to this point.

I believe Senators BAUCUS and CHAFEE are principally responsible for what has occurred until now. Without Senator BAUCUS' steadiness and perseverance, chairing all of the committee's proceedings and all the negotiations that have recently occurred, we would not be at this point.

This is not the place for me to debate the issues raised by the Senator from Idaho. Indeed, I will just make the following points.

First, the Senator from Idaho is consistent. He has opposed every effort to improve the quality of American air in the past 10 years. He voted against this bill in committee. He was the only member of the committee to do so.

By a vote of 15 to 1, Democrats and Republicans voted for this bill to clean up the air. The Senator from Idaho voted against it, as he voted against the previous clean air bill 3 years ago, as he voted against the clean air bill before that.

So, while I disagree strongly with his position, I commend him for his consistency. He is against clean air legislation. He has made that very clear over and over again. And he has made it clear again here today.

On the second point, the discussions in which we reached agreement on this compromise, the Senator from Idaho was invited to participate, as were all Members of the Senate. He chose not to participate. That was his right.

But no one should be under any illusion that either the Senator from Idaho or any other Senator did not have the right to participate in those discussions. Indeed, over half of the Members of the Senate did so participate. And, as a result, the bill has been improved in some respects.

With respect to the Senator's allegation about not rushing to complete this bill, in the 10 years that I have been in the Senate, no bill has had a more thorough, painstaking, and lengthy process of consideration than has this bill. It has been before the committee for 9 years. It has been reported out three times. The third time was last November. I announced in November that I would bring the bill to the floor in January, 2 months after the bill was reported, before it was brought to the floor.

The bill has now been on the Senate floor for over 5 weeks, actively debated and considered for the first 2 weeks, and then the subject of negotiations for that last 3 weeks.

I challenge Members of the Senate to suggest to me comparable legislation that has been considered over a longer period of time, and with respect to which Senators had as much notice as they had on this one.

I can recall numerous important bills that were brought to this floor on a fraction of the notice that has occurred here. And I do not recall the Senator from Idaho protesting about the speed at which they were considered.

He has every right to make his points and I accept them, but the Members of the Senate—may I finish?

But the Members of the Senate and the American people ought to know that rarely has there been legislation so thoroughly considered, so long debated, so much discussed with as much notice given of consideration as this bill.

Mr. President, we are going to stay with this bill until we complete it sooner or later. I hope sooner, but the Senator from Idaho has a right, as he has indicated he will do, to offer 25 or 30 amendments. We welcome those. We urge him to do so. Let us get the amendments up, debate them, and vote on them, and then finally let us act to protect the health of the American people. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have great admiration and respect for the majority leader. I must just say it is true the vote was 15 to 1 out of the committee. Maybe I should have voted for it, then we would have had 16 to nothing. And then when it got to the floor, people would have said, what in the world was the Environment and Public Works Committee doing sending a bill over here unanimously that the Senate was not ready to move on? That is why we had to take the bill back off the floor.

I did participate partially in those meetings early on, but my suggestions were not those that the power structure wanted to take. I respect that. I have a different point of view. I suggested we recommit the bill to the committee and go through it line by line, start the amendment process, and get a bill that we can bring to the floor that will stand on its own. But that was not the wishes of the majority leader and the minority leader and others.

As one Senator, I can see that, and I do not object to that. I just think as far as the 15-to-1 vote is concerned, I believe, Mr. President, that my vote was vindicated by the fact that the Senate would not move the bill that the committee passed by a 15-to-1 vote. In my opinion, my vote was vindicated. There are 15 Senators who have yet to get a bill through the Senate from the committee that they voted for. They can explain that. I do not mind that, and I do not like to be classified in a position that somehow, because I voted against that bill, I am totally opposed to clean air legislation.

I think it is safe to say that the clean air legislation that the United States operates under, which was based on the premise of maximizing local and State authorities, is moving

the country in the right direction at a reasonable pace. We have improved the air quality. In my own State, we have reached attainment with the one area that was out of attainment using our own methodology to work it out with respect to the climate, the inversion layers, and things that we have in that area.

This bill, on the contrary, goes away from the very principle of our current Clean Air Act and reaches the long arm of intrusion of the Federal Government into many, many decisions. I urge my colleagues to get the RECORD tomorrow that has this bill printed in it and start reading from that RECORD. They will find out that in every chapter, in every paragraph, in every section, in every title it is a big, long arm of the Federal Government intruding into the lives of the American people, and it will be a great expense to the jobs and working men and women in this country.

I think with a little common sense, we have the most of clean air. We can clean up 90 percent of the problem and not have to have huge layoffs and transfers of the pharmaceutical industry, the steel industry or the chemical industry out of the United States.

As one Senator, I do not want the kind of an agrarian economy that would have a perfect, pristine air that might suit some people. I would like to see us have common sense where we can enjoy jobs and a good environment and have opportunity for Americans to continue to prosper as they have. But this legislation, I say to my colleagues, does not answer that yet. It still needs a great deal of work here on the floor. I will make my statement tomorrow and yield to the leadership of the committee to make their statements. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the substitute. This substitute was put together primarily by those Members of the Senate who are primarily interested in clean air legislation. Most credit, Mr. President, goes to the majority leader. The majority leader has greater mastery of the technical details of clean air legislation and has greater patience than any man I have ever known and has greater negotiator skills than any other man I have known as the majority leader. He has done a terrific job, Mr. President, and he is the primary reason we are here today with a substitute amendment that is now pending before us.

I also want to give highest praise to the ranking member of the committee, Senator CHAFEE, from Rhode Island. Senator CHAFEE has worked diligently, and his support, too, is a very integral part of this substitute, which is a compromise of the efforts of many Members of the Senate.

It is true that the Senator from Idaho did participate in these discussions, but, I must say, it was very brief. The Senator was there for about 5, 6, 7 minutes out of 3 weeks.

I would like to take my hat off to those Senators who for approximately 3 weeks virtually all day long worked laboriously to find a solution that they felt, we all felt, would be a good compromise and be worthy of the Senate's consideration.

I, too, Mr. President, take my hat off to the chairman of the full committee, Mr. BURDICK, from North Dakota, who has been exceedingly patient with this whole process. He has been firm in his guidance. He has given us valuable help in giving us, I say, the willpower to proceed, giving us the moral support to proceed to find a solution, find a compromise that we should bring up before the full Senate.

At this time, Mr. President, I turn to the chairman of the committee, also, without whose help and support we would not be here. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, Senators MITCHELL and DOLE have proposed a comprehensive substitute to S. 1630, the Clean Air Restoration and Standards Attainment Act.

After over 3 weeks of grueling negotiations with the administration and colleagues of diverse interests, the majority leader has achieved consensus on one of the most complex and far-reaching pieces of legislation I have ever known.

Mr. MITCHELL has once again demonstrated his commitment to the protection of public health and the environment, as he struggled to craft an equitable solution to a longstanding and deeply divisive national problem. Without his dedication and his sense of fairness, a reasonable and timely resolution of the clean air logjam would have been impossible.

Many Senators were directly involved. Nearly half the Members of the Senate participated in the negotiations with the administration. First, I would like to mention Senator BAUCUS, chairman of the Environmental Protection Subcommittee.

He chaired the negotiations and devoted many hours toward reaching this monumental compromise. The senior Senator from Montana piloted this comprehensive bill through subcommittee, full committee and these negotiations with equal portions of insight, mastery of the issues, and fairness. He deserves a great deal of credit for getting this vital bill to this point.

I also thank Senator CHAFEE, the ranking member of the Committee on Environment and Public Works. He labored to address the concerns of both the committee and the administration during the discussions of the past month.

This was no simple task, but with characteristic knowledge and good humor he helped achieve this compromise. No one has worked harder to amend the lax and largely unworkable air toxic provisions of the current Clean Air Act than Senator DURENBERGER.

Over the past 3 years, the senior Senator from Minnesota has also played a major role in developing a comprehensive municipal waste incineration package to address air emissions and ash disposal from municipal waste incinerators.

In addition, I want to thank Senators BREAUX, LEVIN, and DOMENICI for their positive contributions to this process. I want to specifically thank Senators BYRD and BOND.

These Senators brought an acid rain proposal to the table that was imaginative and fair. Senator BOND demonstrated great personal interest and knowledge on this very complicated subject. Their commitment made this compromise possible.

Even though the acid rain title of this substitute will affect powerplants and lignite mining in my State, I have worked hard to make sure North Dakota does not bear any unfair burden under this legislation.

My State is one of only two clean air attainment States in the Nation, and 75 percent of the electricity generation in North Dakota is scrubbed.

The clean air compromise is a vast improvement over current law for protecting our health and our environment. This cost-effective and reasonable legislation achieves sulfur dioxide and nitrogen oxide reductions equal to or greater than either the committee bill or the administration's proposal.

The substitute does not include direct cost sharing, does not require scrubbing for sulfur dioxide removal, achieves nitrogen oxide reduction with existing and cost-effective retrofit technology.

It has as its centerpiece a market-based approach to pollution control instead of command and control. I am happy to see the Senate move to a consensus on this most difficult issue.

This comprehensive package is urgently needed to address nonattainment, mobile pollution control, air toxics, acid rain, and CFC phaseout. This is a fair and effective package, and it deserves the support of the Senate. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, today is an historic day. We are about to debate clean air legislation that has bipartisan Senate support, as well as the support of the President.

It is the result of nearly a month of intense but productive discussions

with administration officials and with Senate members from both parties.

It is really the result of over 70 days of healings and 45 days of committee markups on clean air since 1980.

The bill before the Senate is strong and responsible and, I might add, long over due. It is one of which we should all be proud.

It contains strong provisions to reduce ozone, acid rain, and air toxics.

It lists 191 hazardous air pollutants, and establishes strong controls to stop sources from discharging these toxic pollutants.

It more tightly controls emissions from motor vehicles, and requires a second round of tailpipe controls starting in 2003, if necessary.

And it mandates a 10 million ton reduction in SO_2 from utilities by the year 2000.

Let me be honest. This bill is not the same bill we reported from committee.

It is not perfect.

It does not have everything that each Senator would like to see.

It does not have everything the administration wants, or everything the environmental community or various proponents of American industry would like to see.

We have all had to bend some, all of us.

But we never compromised the fundamental goal of the Clean Air Act, that is to protect public health and the environment. Whenever a proposal came up that might compromise this goal, it was flatly rejected.

Mr. President, as I see it, we have two choices.

We can wait for the perfect bill and let the American people continue to suffer because under that scenario a perfect bill can pass, or we can enact this legislation and ensure that all Americans will have clean, healthy air by early next century.

To me the choice is clear.

Every year millions of Americans suffer needlessly because they breathe dirty air. And every year we delay legislation—because the bill is not perfect—air quality gets worse, and millions more people get sick and die.

Mr. President, I do not know of any major legislation that everyone completely agrees with, and I cannot understand why some people are willing to gamble with the health of 150 million Americans that breathe dirty air so that they can get a bill a little more to their liking.

I do not like every single provision in this legislation. But that is true with just about every other bill that we consider. That is the legislative process.

But I can promise you one thing. Once enacted, this bill will provide the most comprehensive and dramatic clean air legislation in over a decade. It will get us on track to achieve our goal, of clean air for all, by early next century.

We have been stuck in political gridlock for 13 years. That was the last time we were willing to rise above our political differences. That was the last time we passed comprehensive clean air amendments.

But that was 13 years ago. And 13 years is too long.

It is time that we put aside our differences—for the benefit of individuals who work in or live near industrial plants emitting cancer causing toxies; for the benefit of our children, whose lungs are smaller and are especially vulnerable to dirty air; for our elderly and our disabled; for virtally all Americans who suffer in one way or another from contami nated air.

We must put aside our differences so that we can make good on a promise we made back in 1970. we then promised that the air in our cities would be clean—not just cleaner, but clean enough to be safe to breathe.

We have not lived up to that promise. Today, 20 years later, 150 million Americans live in cities with air that is not safe to breathe.

Today, 44 of our urban areas still do not meet the health standard for carbon monoxide. Three of those areas are in my home State of Montana.

One hundred and one cities do not meet the standard for smog.

And 54 cities do not meet the standard for airborne particulates. PM-10 is a significant public health problem in a number of Montana communities. Woodsmoke particulates are a major concern for example, in Lincoln County in northwestern Montana.

Today, 20 years after we promised clean, healthy air, our industries continue to discharge billions of pounds of hazardous air pollutants that cause cancer. These deadly pollutants cause thousands of unnecessary cancer-related deaths each year. That is right, thousands.

And our utilities continue to belch sulfur dioxide by the millions—of tons—roughly 23 million tons per year—forming acid rain, killing people, destroying our lakes and streams.

The cost of inaction—the cost of political gridlock—is chilling.

Every year that we delay legislation, between 5 and 10 million Americans get sick, or die prematurely, because of dirty air.

In the 13 years since we last passed comprehensive clean air amendments, perhaps 100 million or more Americans got sick and many died because of unhealthy air.

There is more! Every year we spend $100 billion to treat illnesses and diseases caused by dirty air.

Farmers lose $5.3 billion each year to crop damage from ozone.

And we spend over $2 billion each year to repair structures that have deteriorated because of acid rain.

Mr. President, we must set aside our differences. We must give the American people what we've promised them since 1970—clean, healthy air.

This substitute, supported by the president, and by many of my colleagues—from both sides of the aisle—offers us a way to make up for our broken promises.

It offers us a reasonable and responsible way to protect public health by making sure that all Americans have clean air to breathe.

It tightens up various provisions of the existing act that no longer work. And it will help us to achieve our goal, of clean air for all, by early next century.

Let me briefly describe how this bill helps us meet this goal.

For starters, it sets new requirements that cities in nonattainment must meet. For the first time cities in nonattainment must make steady measured progress toward meeting emissions standards.

Cities will no longer be allowed to wait until the final deadline to reach attainment and then simply get an extension because their air is still dirty.

That's because this new approach emphasizes not just the final deadline, but more importantly what happens before the deadline.

Ozone nonattainment areas, for example, must reduce VOC's—a precursor of ozone—by 4 percent per year for the first 6 years. Then 3 percent per year until the standard is met.

This approach will ensure steady progress and faster reductions.

What's more, to ensure progress, this bill requires some cities to put in place vehicle inspection and maintenance programs, stage II vapor controls and transportation control measures.

But we can't expect cities to clean up their air overnight. It has taken years for air quality to degrade to where it is today. That's why the bill provides a realistic schedule.

That is why we've given States and localities more time to meet our national standards whether it's 20 years in the case of Los Angeles or 5 years in the case of Minneapolis, Kansas City, or Charleston.

But if these areas fail to reach attainment on schedule—watch out! Sanctions will be imposed—sanctions ranging from a ban on construction of new sources of a pollutant, to limited use of Federal highway funds, to a ban on new drinking water hookups, to withholding Federal air pollution funds.

This is what cities will have to look forward to if they miss their deadlines.

We are serious about cleaning up our dirty air.

But these requirements along will not guarantee clean air. That is why

the bill also includes tighter controls on motor vehicles and fuels.

That is why by 1995—only 5 years from now—all vehicles must reduce their hydrocarbon emissions by 22 percent, and their nitrogen oxide emissions by 60 percent.

And that is why beginning in the year 2004—over a decade from now—cars must further reduce tailpipe emissions another 50 percent, if ozone pollution is still a serious problem;

And why beginning in 1993, urban buses must use clean fuels—that reduce diesel particulates;

And why, for the first time, new vehicles in serious ozone nonattainment areas must use cleaner fuels after 1995.

This is significant. For the first time alternative fuels like—ethanol, methanol, compressed natural gas, reformulated gas, and electricity—are expected to play their part in reducing vehicle emissions.

And for the first time, beginning in 1997, fleets of more than 20 vehicles—in certain cities—must use alternative fuels that will reduce ozone emissions by 80 percent and toxics by 75 percent.

There is more. The bill also includes tough new requirements to control the billions of pounds of toxic chemicals that pollute the air every year. Many of these chemicals are deadly.

Unfortunately, in the 18 years that the EPA has been in the business of controlling toxic pollutants, it has regulated only seven chemicals. That is right only seven chemicals.

This bill lists 191 hazardous air pollutants. What is more it requires all major sources emitting these pollutants to use maximum achievable control technology [MACT] to control these emissions within 10 years. This will reduce toxic emissions by 90 percent, perhaps more.

But even with these controls we all know that some risk will still remain, and chemical accidents will still happen.

That is why the bill also requires sources to control significant residual risk or shut down, when the risk is greater than 1 in 10,000 to the most exposed actual person.

And that is why the bill establishes a Chemical Safety Board, similar to the National Transportation Safety Board. This board will investigate chemical accidents to minimize their reoccurrence.

There is still more.

The bill also includes requirements to significantly reduce sulfur dioxide and nitrogen oxides, precursors of acid rain.

When fully implemented, the acid rain provisions will reduce SO_2 emissions by 10 million tons below 1980 levels and cap it at these levels by the year 2000.

Acid rain has been one of the most heated debates for years. It has pitted region against region.

But I am confident that with this bill, we will at long last put an end to the ravages of acid rain.

After long discussions, the acid rain provisions will reduce SO_2 and NO_x in a way that balances—and treats fairly—competiting interests of all States and regions.

I have always said that any acid rain bill would have to accommodate regional interests. We have done that.

The bill reduces SO_2 and NO_x fairly—without cost sharing and without mandated scrubbers. It provides flexibility and freedom of choice so that utilities can find the cheapest and most effective way to reduce SO_2 emissions.

The bill recognizes that some utilities already have low SO_2 emissions which make it very difficult to find offsets for future growth.

That is why the bill provides for 125,000 tons per year, of bonus allowances to clean utilities, like the kind we have in Montana. This provides room for growth in clean States.

The bill also recognizes that dirty utilities will face costly expenditures. And some coal markets may be disrupted.

That is why the bill provides incentives that help dirty utilities reduce their emissions.

And that is why the bill provides bonus allowances to utilities that use technology to reduce their emissions ahead of schedule.

Before I conclude, Mr. President, I would like to acknowledge those responsible for this bill.

President Bush's leadership should be applauded. The value of his initiative cannot be overstated.

Rodger Porter and the other administration advisers worked tirelessly to reach this agreement.

Our chairman, Senator BURDICK, from North Dakota, continued to provide support for this legislation.

Senator CHAFEE, our ranking member, continued his long role as one of the Nation's true environmental leaders. He worked hard to keep the process moving—especially during the difficult times.

Senator SIMPSON worked constructively on all aspects of the bill, especially acid rain.

And many other Senators spent long and hours in these discussions so that we could agree to these amendments.

Finally, I want to acknowledge the majority leader.

Senator MITCHELL, has played a major role—in fact the major role—in this legislation and in keeping the process on track. It is because of his devotion, his persistence, and his patience that we are about to debate a bill that has Presidential support, and bipartisan support in the Senate.

Mr. President, now comes the hard part. The rubber meets the road.

Many amendments will be offered. Some will be relatively minor. Although important to individual Senators, they will not go to the heart of the bipartisan compromise. We will work to accommodate these amendments the very best we possibly can.

Others will be deal breakers, that do go to the heart of the compromise.

When these deal-breaking amendments are offered, I am going to oppose them. And I expect the administration, the Republican leadership, and other parties to the compromise to do the same.

This will be painful to do. I understand that. For my part, I do not look forward to standing here and opposing amendments that I strongly support on the merits—indeed, amendments that embody provisions of my own original bill.

But I intend to do just that. Our compromise constitutes a breakthrough, and we must push forward together.

And that applies to all sides. As our majority leader, Judge MITCHELL, noted during one tense point in the negotiations, "mutuality of obligation is the essence of a contract."

And in the words of Edmund Burke: "All government—indeed every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise."

Mr. President, it has taken us 13 years to reach this compromise. For 13 years the public has had to watch one political stalemate after another. The American public has been very patient.

But in this Senators' opinion, the time for political sparing is over.

The bill before us today provides us with a glimmer of hope. It is the product of many hours—many days—of hard negotiations.

The Washington Post yesterday described this bill as a triumph of common sense.

I agree.

This bill is a victory for all Americans.

The American people want strong clean air laws. The American people want a clean environment. This bill represents a step toward that goal.

This bill with its bipartisan and Presidential support provides an opportunity to give the American people what they want—and what they have been asking us to give them for years—clean air once and for all.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, after 3 long weeks of negotiation and hard bargaining, the administration, the Senate leadership, and the Senate

Committee on Environment and Public Works reached agreement on a compromise to the committee's clean air bill, S. 1630. Parties on all sides to this extraordinary process proceeded in good faith through the negotiations.

Mr. President, I want to make it clear that we would not be where we are without the support and leadership of a whole series of individuals. First of all, the President of the United States, President Bush, put himself behind clean air legislation. And that gave it the push that made it acceptable, and helped it through the committee. He was assisted by Roger Porter and Bill Rosenberg, the Deputy Assistant Administrator of EPA, in the long negotiations that we had.

Senator DOLE was of tremendous help, likewise, in seeing that the leadership and the others participated in the gatherings that we held in the majority leader's room. I wish to pay tribute to the leader of our committee, Senator BURDICK. But, Mr. President, there are two individuals that particularly deserve tremendous credit for this. I first want to mention the majority leader. As has been said, he knows more about this bill than any other individual. I am confident of that.

Second, without his persistence, we would not be where we are today. He changed the formula. He changed the basis on which we are able to get this bill out of committee and take them up and to reach such progress as we have made today. So he has been really the leader of the forces.

Assisting him so ably throughout this was Senator BAUCUS, the senior Senator from Montana. It was his duty to chair the subcommittee and, indeed, most of the committee actions devolved upon him. He stayed the cause. He stayed on a steady, persistent effort to get this bill not only considered in the committee, reported out, dealt with all the amendments in the committee, but then presided over the majority of all the sessions that we held in the majority leader's office, where we considered this. He certainly added to his reputation as a stellar environmentalist by the actions that he took. We all owe him a deep debt of gratitude for what he did.

Assisted also, as has been mentioned—and I will list some of those that were from our side, without trying to be exclusive in any way because many came in: Senators DURENBERGER, JEFFORDS, SIMPSON, WILSON, DOMENICI, GRAMM, MCCLURE, NICKLES, all were actively then involved.

Of course, on the other side we had Senator BREAUX, and Senator LAUTENBERG and Senator LIEBERMAN were also actively involved, although regrettably we were not able to persuade them that this is the way to go. I believe they demurred from the final result.

In the coming days we will hear much about the substitute, and some are going to criticize it for being too proenvironment. Others will criticize it for selling the environment short. To those on either side, I say, "keep your powder dry"; this is a very good bill, and it strikes the balance between environmental protection and costly overregulation.

I want to say to the environmentalists with whom I have been associated for so many years, that their efforts were tremendously helpful, not only in the original bill, S. 1630, but we consulted with them as we went along; and they gave some good suggestions, although I do not want to imply that they are four square behind this substitute, because many of them believe it falls short.

It is accurate to say that those in the meetings that produced this bill all gave up something. The Senator from Montana gave up something. Certainly, I, representing my State, gave up something, particularly, in connection with carbon dioxide emissions and the first tier, tier I, so-called, of the tailpipe standards dealing with the useful life. These are technical terms and, frankly, the language we are concerned with dealt with how long automobiles should be required to meet these tailpipe emissions. I felt that the useful life should be 100,000 miles. That did not prevail. Nor did the second tier automatically come into effect that I would have liked.

Nonetheless, changes were made in other areas, likewise, but these were negotiations in good faith. And there is give and take. Although I and others did not get what we wanted, the result is a substantial improvement over the legislation that is currently on the books dealing with clean air. It is a compromise, and it is a good compromise. I think all sides should be pleased.

I wish to present a brief summary of some of the parts of this bipartisan agreement. I do so in order to alert our colleagues as to what was agreed upon. As has been mentioned, this is about a 3-inch thick bill, and it is hard to pick up quickly. But many of us who agreed on that, that is, the majority and minority leaders and the leadership of the Environment Committee and the administration and others, made pledges to oppose any amendments that would alter the basic principles that we agreed upon.

However, there are areas of the bill which were not covered by the agreement, and those Senators who signed on to the agreement are free to offer amendments or to support or oppose amendments that affect those particular sections that were not agreed upon. The areas that generally were not covered by the agreement are permits, enforcement provisions, and municipal waste incinerators, for example.

In considering this legislation, let us all remember that its principal purpose is to improve the health of the American people. That is what it is all about. It is a health bill. For the first time, we will have an air toxics control program that, in the short term, will remove 90 percent of the hazardous pollutant emissions from major sources. Additionally, further reductions will be made in later years.

We have developed a program that will tighten up control requirements and impose stiffer sanctions on factory emissions in cities that have unhealthy air. The key words we will be using throughout this debate is "attainment" or "nonattainment." Nonattainment means that a city or an area is not reaching the minimal health standards that the EPA believes are necessary. Attainment means that the city or community is in attainment with those standards.

Beginning with the model year of 1993, automobiles will be 25 percent cleaner in volatile organic compounds, VOC's; 60 percent cleaner in oxides of nitrogen emissions, which these, the VOC's and nitrous oxides, are the principal causes of urban ozone or smog. If a substantial number of cities do not reach the cleanup standards by the year 2000, an additional round of tailpipe standards, 50 percent cleaner than the 1993 cars, will kick into effect.

For the first time, we have developed a two-phase alternative fuels program which will result in automobiles being 15 percent cleaner in model year 1995 and 30 percent cleaner in model year 1998 for ozone producing emissions. That is as a result of the fuel that is put in, nothing to do with the tailpipe standards.

Finally, we have reached agreement on acid rain, a controversial area which many thought would be impossible to solve. Under the proposal, utilities that emit sulfur dioxide, which is the chief cause of acid rain, will be controlled at levels which will result in a 10 million ton reduction.

We have heard the distinguished senior Senator from Montana indicate earlier that the total emissions, about 23 million tons in the Nation, we are reducing that by 10 million tons a year, which is an incredible achievement. Further, we put a permanent cap on these emissions. Also, the emissions of oxides of nitrogen, which is another precursor of acid rain, will be reduced even more than the committee bill provided by the year 2000. First, I want to say this: The objective in both the President's bill and the committee bill was to assure that the nonattainment areas embark on, and stay on, a course of emission reductions that will bring them into attainment with the ambient air quality standards by the deadlines set. It re-

quires annual percentage reductions in VOC's, or 4 percent a year, and this is for 6 years in these communities that are not in attainment.

Mr. President, this is a lengthy bill and I would ask that the remainder of my statement be included in the RECORD, but before doing that I just briefly would like to mention that we have provided in this legislation provisions dealing with chlorofluorocarbons or so-called CFC's. The report filed by the committee is applicable and remains relevant legislative history. Details of the most significant changes are included in a separate document which I ask by unanimous consent be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. After the first 6 years, ozone nonattainment areas are required to reduce VOC's by 3 percent a year, as in the President's bill. In each case, the reductions are allowed to take place and be averaged over a 3-year period.

After the first 6 years, a State containing an ozone nonattainment area may seek a waiver from achieving the 3-percent reduction on the basis of "technological achievability, costs, and any nonair quality and other air quality-related health and environmental impacts." The inclusion of cost as a factor to be considered in the waiver was a much-discussed issue.

We know from information submitted to us from several States that the costs of VOC controls currently being required can exceed $10,000 per ton. State air pollution control agencies have, for example, estimated that controls on aerospace coating operations currently cost $10,000 per ton; on auto primer application processes, $14,000 per ton; and up to $24,000 per ton for petroleum fixed roof tanks.

If such costs are being incurred in some areas of the country, costs of similar magnitude should not be the basis for excusing another area from its percent emissions reductions requirements.

Many areas cannot come into attainment with the ozone standard on their own, no matter what level of controls they require, because ozone is transported in from other areas. Thus, allowing one area to slow down its emissions reductions before it has required controls at costs already being borne by emitters in other areas, may make attainment impossible for areas that are willing to impose tough requirements.

Also, residents of an area should not be denied healthy air at the earliest achievable date because polluters are permitted to delay expenditures that are being made by polluters in other areas of the country.

Another area of the agreement that reflects serious discussions is that relating to sanctions and Federal implementation plans—the so-called FIP's. The agreement requires the Administrator to impose at least one of a list of four sanctions when a State fails to develop or implement a State implementation plan. The expectation is that the Administrator will impose the sanction that will result in the greatest progress toward achieving the health standard for which the area is in nonattainment.

If vehicles are a major cause of pollution, then the highway funding limitations should be the sanction selected. If ozone pollution is related more to stationary source growth, the construction ban on major sources of NO_x and VOC's—for VOC's the ban would apply to sources emitting 25 tons per year—should apply.

The provision for FIP's assures that there is the continuing threat of EPA intervention where State or local officials fail to act. The requirement for annual EPA imposition of control measures at least as tough as the State would be required to undertake, should make it unlikely that State or local officials will abdicate their responsibilities.

Finally on the nonattainment issues, let me just note that several provisions were compromised to ally the worst fears of businesses, withcut stepping back from the requirements of the legislation that health standards are to be achieved by the deadlines prescribed. We eliminated specific references to offsets of greater than 1 to 1 for new sources coming into a nonattainment area, but retain the requirement in existing law for a new source to reduce pollution by more than the new pollution it will create.

We agreed to allow a new source to net out of new source review, but only so long as the transaction guarantees there is absolutely no increase in pollution. And we eliminated some fees on polluters while retaining significant new resources to State and local agencies through the permit fee provisions that are in both the President's and the committee's bills.

Undoubtedly there will be those who criticize this compromise as too strong or too weak. However, for those of us who are deeply interested in environmental protection, I think it is very important to recognize that this legislation represents a great leap forward in cleaning up the Nation's air.

As I mentioned earlier, the substitute also contains an alternative fuels section. This issue was not addressed in S. 1630, however our committee had a hearing on a proposal that I submitted earlier this year. The substitute embraces both my proposal as well as that of the proposal contained in the administration's bill. There are several key points I would like to touch with respect to alternative fuels later in the floor debate.

The substitute also contains the provisions on chlorofluorocarbons [CFC's] with several changes to the provisions originally contained in S. 1630. As such, the report filed by the committee is still applicable and remains the relevant legislative history. Detailed explanations of the most significant changes are included in a separate document and I ask unanimous consent that these be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CHAFEE. First, the amendment on methyl chloroform that was adopted on January 31 by a vote of 95 to 2 is included in this substitute. A conforming amendment to the trade sanctions portion of the bill is also included.

Second, an amendment is included to clarify the authority of the Administrator to allow limited production of CFC's and other regulated substances for export to developing countries in accordance with the Montreal protocol.

Third, a three-part amendment is added to restore language currently found in section 157 of the Clean Air Act regarding the authority and responsibility of the Administrator to promulgate regulations. This amendment simply moves a portion of the existing law from one place to another.

In a similar fashion, it moves that part of the existing law concerning international cooperation to the new title 5.

It also adds new authority for the Administrator to foster international participation in the Montreal protocol by, at the discretion of the Administrator and the Secretary of State, contributing funds to help developing countries comply with the protocol. The amendment authorizes not more than $75 million annually for such assistance and makes these funds subject to the appropriations process. Finally, there has been a fair amount of discussion in this Chamber about the need to regulate the so-called HCFC's. These are a class of ozone destroying chemicals that are less potent than CFC's but remain dangerous in their own right.

In place of the amendment I had prepared that would have forced the elimination of these chemicals by the year 2030, this substitute clarifies EPA's authority and responsibility to regulate HCFC's and directs EPA to submit a report to Congress by January 1995. The report is to examine the feasibility of implementing a control program similar to the one I had originally proposed.

Mr. President, enactment of this title will represent a significant

strengthening of current law. It will help the United States regain its rightful position as a world leader in environmental matters and will help pave the way for restoration of Earth's fragile ozone layer.

One area that was not agreed upon are changes in the permitting and enforcement titles of S. 1630. The proposed changes in the substitute will assure prompt and continuous compliance with the requirements of the Clean Air Act.

I think it important to point out the permitting and enforcement titles of S. 1630 were virtually identical to those in the President's bill. Those provisions received much criticism and we have been working with the administration and affected groups to come up with an alternative approach.

Let me begin by addressing the permit system.

First, the permit system will assist everyone—from plant managers to government regulators to concerned citizens—in understanding exactly what is required of each permitted plant in order to satisfy the requirements of the Clean Air Act.

Second, the permit system will provide a convenient means for establishing and keeping track of emissions inventories—and this will prove invaluable to plants as they begin to operate under the acid rain restrictions imposed in the bill.

Third, the permit system will allow the States and EPA to tailor emission limitations to specific sources and to take into account special conditions that may affect any particular source.

Fourth, the permit system will ensure uniform Federal enforcement of the requirements of the Clean Air Act.

Mr. President, as I have said, there is very broad agreement among a wide range of affected groups that these goals are important. However, there remains some disagreement. The changes we have made in the substitute represent our best effort at resolving as many of the concerns of the various groups as we can, consistent with the goals I just mentioned.

Now let me turn to a brief summary of the permitting program established in S. 1630, and then to a summary of the pending substitute.

As we know, the current Clean Air Act has no provision of any kind requiring operators of plants that emit air pollutants to obtain operating permits under a uniform program administered by the Federal Government. Such permits are routinely required under the Clean Water Act, and they have proved of enormous assistance in the battle to clean up our Nation's waters.

Instead of a straightforward system under which these operators can apply for and be issued such permits under a uniform federally administered system, the current Clean Air Act relies upon a combination of requirements and controls imposed upon plants by State implementation plans, various State permit programs, and the like. Indeed, I understand that approximately 35 States have developed some sort of operating permit program, and that the requirements of these programs vary enormously from State to State and have resulted in confusion and inefficiency.

To remedy these problems we designed a permitting system that will resolve significant problems that currently exist under the Clean Air Act.

The substitute makes several changes in S. 1630.

First of all, it preserves the existing timetable for the implementation of the permit program, and I must say that this timetable is quite generous in allowing time for EPA, the States, and industry to put the program in place. Let me just walk through the timetable as it would apply for a specific source that is considered a significant contributor to air pollution.

EPA is granted 12 months from the date this act is passed to develop regulations implementing the permit program.

Next, the States are then given 2 years after EPA publishes those regulations within which to prepare and submit their own programs to implement the permit process.

Then, after the States submit their proposed programs to EPA, EPA is allowed another year to review those proposals. And if EPA asks a State to revise its proposal, we allow yet another 6 months for revisions.

Just in case you weren't counting all these periods of time as I went along, let me just note that they total a full 4½ years. Now remember, this is 4½ years just to get to the point where EPA-approved, federally enforceable, State-administered operating permit programs are in place and ready to process the first permit application.

Mr. President, we both know that sources subject to the permit requirements of the act will not spend those 4½ years with their heads in the sand. To the contrary, they will use that time to monitor the development of the EPA regulations and the State proposals, and they will be ready to submit applications when the time finally arrives.

In order to avoid a logjam of permit applications, we have added to S. 1630 a provision that would allow the permitting agencies to establish a phased priority system for the submission of permits over a period of 2½ years. This process would begin at the point roughly 4½ years after we enact this legislation.

And so, Mr. President, this amendment neatly resolves the concern that the permit process will result in regulatory gridlock. Agreeing to this amendment would ensure that gridlock can be avoided, and that the permitting process will work with a minimum of disruption and delay.

I would like now to proceed with discussion of the other major provisions contained in the permitting amendment.

In recent days we have heard a concern that S. 1630 as currently phrased would require the States to collect $10,000 per day in fines from sources that violate these new permit requirements. Let me just say that we certainly did not—and do not—intend that such a requirement be imposed.

Therefore, we have revised the language in S. 1630 in order to make clear that States are not going to be required to impose minimum fines of $10,000 per day for permit violations. Instead, the bill as amended makes clear that States shall ensure that they have authority to impose fines in that amount.

We have also heard concerns from industry that S. 1630 would burden sources unduly by requiring them to submit—along with their permit applications—plans explaining how they intend to comply with all requirements of the Clean Air Act that apply to them.

But, Mr. President, we emphatically do not intend to burden industry with preparation and submission of unnecessary compliance plans. The substitute clarifies that any compliance plans would address only those matters by which the sources would comply with new requirements imposed by this act as it is finally signed into law. These plans would not need to address compliance with any existing Clean Air Act requirements, unless the source is in violation of those requirements.

So, Mr. President, the amendment should calm the concerns of industry that S. 1630 will impose unnecessary filing burdens with respect to compliance plans.

The amendment resolves yet another concern. As initially drafted, S. 1630 would require that each State located next to a State, in which an air operating permit is sought, be given notice of that permit application. Concerns were raised that this contiguous State notification requirement, if it applied to each permit application, harbored the potential for delays in the program.

Thus, the amendment includes new wording in this section of S. 1630 to limit the requirement to notify States to those instances where the source of the emissions lies within 50 miles of the State affected by those emissions.

Mr. President, I would now like to touch on the process by which EPA would review permit applications approved by States. S. 1630 provides that EPA shall have 90 days to review the

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State determination to approve a permit, and that if EPA lodges no objection during that 90-day period, the permit can be granted.

If EPA does object to the issuance of a permit, an additional 90 days is provided for the State to make revisions in the proposed permit. If the State chooses to forego that opportunity, then EPA is empowered to issue or deny the permit, and the bill allows for judicial review of the final EPA decision.

If EPA does not object to the permit, the State would be free to issue the permit. However, any person who participated in the public review and comment period that disagreed with EPA's decision not to oppose the permit could have that decision reviewed in Federal district court.

In this fashion, Mr. President, our amendment preserves the ability that exists under current law to subject EPA decisions on matters affecting air pollution to judicial review at the behest of the affected public.

The substitute also addresses concerns to the so-called permit shield. As reported, S. 1630 contained not just one, but two permit shields. The first of those shields protects any source that has submitted its permit application in a complete and timely fashion from the allegation that it is operating without that permit.

It is the second permit shield that we have redesigned in the substitute. As reported, S. 1630 would have allowed any source of air emissions that was in compliance with its permit terms to use the permit as a shield, even if the source was out of compliance with any other requirement of the Clean Air Act. And here is the important point.

Mr. President, I do not think it good policy to create this second kind of permit shield. For example, we do not believe it sound policy to tell a plant that it can ignore monitoring or recordkeeping requirements that happen not to be included in its permit, or that it can avoid acid rain restrictions or MACT requirements that happen to be imposed after a permit has been issued to that plant, and that it can defeat allegations that it is thereby in violation of the act simply by showing that it is complying with the terms of the permit it holds.

Therefore, Mr. President, the substitute makes it clear that the permit shield will apply only to those terms and conditions actually included in the permit.

Finally the permit section contains the permit fees provisions agreed to the administration and the Senate leadership. A fee of $25 per ton, with cap at 4,000 tons, will be imposed on sources. The funds will go to the State air pollution control agencies.

Mr. President, I turn now to a brief discussion of the provisions of this bill that relate to enforcement.

As is the case with respect to the permit program established in this bill, there is broad agreement among the administration, industry, and the environmental community on the need to improve the process by which the Clean Air Act currently is enforced.

Let me begin my summary of the enforcement title by providing a snapshot of these enforcement improvements. After I complete this introduction to the key elements of this title, I will describe the particular points on which the committee substitute resolves the more controversial enforcement questions that have been the subject of negotiation over the past few weeks.

As an initial matter, Mr. President, the enforcement provisions of this title have been modeled upon the type of provisions already found in the Clean Water Act and in several other environmental statutes enacted since the Clean Air Act was last amended in 1977. So there is nothing particularly novel or startling about these provisions.

The bill expands the range of activities that can be the subject of either civil or criminal sanctions to conform to the scope of such sanctions provided under the Clean Water Act and the Resource Conservation and Recovery Act.

Additionally, the bill grants authority to the Environmental Protection Agency to impose administrative penalties for violations of the act. EPA already has similar authority under the Clean Water Act, and it has proved quite useful in enforcing compliance.

Except for emergency situations, the bill provides anyone who is served with an administrative compliance order an opportunity to have a public hearing before they must comply with the order. This provision addresses the isue of preenforcement review, and grants defendants new rights that they do not enjoy under current law.

The bill allows citizens to sue the Government to compel action in the event there has been an unreasonable delay in performing nondiscretionary duties under the act. This provision will help to ensure that our progress in cleaning up the Nation's air continues at a steady pace, and that statutory requirements and deadlines are satisfied.

Each of these provisions is marked improvement upon existing law. And it is very important for the Senate to know that in developing these provisions we have worked with the administration, and with the environmental community as well as industry.

For example, we have made sure in expanding the scope of potential criminal penalties that possible prison terms are kept in line with those set out in the Clean Water Act and RCRA. Prison terms are to be calculated on the number of violations, and not on a per day of each violation basis.

In addition, in authorizing EPA to impose civil penalties in administrative proceedings, we have placed a limit on the amount that can be assessed, and we have also limited the Agency's ability to use subpoenas to obtain documents and information.

Finally, by allowing those who recieve a nonemergency compliance order to seek a public hearing in which to present their case before being made to comply, we have responded directly to concerns that, under current law—which does not provide for a preenforcement hearing—these people are being put—as the saying goes, between a rock and a hard place. Under current law, they face the difficult choice of refusing to comply and risking significant penalties, or deciding to comply and spending significant sums that might not be needed in the final analysis to improve air quality. This bill addresses these fairness concerns while at the same time protecting the ability of the Government to enforce the provisions of the act.

In summary, Mr. President, the enforcement title of this bill contains much-needed and well-balanced provisions designed to assure that this act has the desired effect of protecting the quality of our country's air while at the same time allowing our economy to prosper.

Undoubtedly there will be those who criticize this compromise as too strong or too weak. However, for those of us who are deeply interested in environmental protection, I think it is very important to recognize that this legislation represents a great leap forward in cleaning up the Nation's air. I urge my colleagues to support the changes made in the bipartisan leadership package.

Mr. President, I would just like to conclude with the following summary.

For those who are deeply interested in environmental protection, I think it is important to recognize that this legislation represents a great leap forward in cleaning up the Nation's air. I urge my colleagues to support the changes made in the bipartisan leadership package.

I thank the Chair. I would like to say this. In my recognition, Mr. President, of those who were extremely helpful with this legislation, I failed to mention the distinguished junior Senator from Louisiana, who has such an important role and was so helpful, and who has been a supporter of this legislation. It is my understanding he is going to support it throughout the remainder of the efforts we have on the floor.

I thank the Chair.

EXHIBIT 1

SUMMARY OF BI-PARTISAN SENATE CLEAN AIR ACT AGREEMENT NONATTAINMENT OF HEALTH STANDARDS FOR OZONE

For the past month, representatives of the Administration and Members of the Senate from both parties have been meeting to discuss proposed revisions to the Clean Air Act. Today, the Senators and the Administration reached an agreement to support on the Senate floor a series of provisions encompassing virtually all of the major areas by the Act. A summary of those provisions follows.

PROVISIONS FOR ATTAINING HEALTHY AIR STANDARDS

Currently over 100 areas in the United States do not meet health standards under the Clean Air Act for ozone (smog); more than 40 areas are failing to attain the carbon monoxide standard; and an estimated 58 areas exceed the health standard for particulate matter. (PM-10). State and local governments have a major responsibility for implementing measures that will reduce pollution to levels that do not threaten health; the Federal government sets certain minimum requirements and assures that States carry out their responsibilities.

Title I of the agreement divides areas that fail to meet any one of the pollutant standards listed above into categories, depending on the severity of the pollution problem, and sets out requirements of different levels of stringency for each category. Following is a summary of the provisions of title I:

Depending on the severity of the pollution problem, nonattainment areas for any of the pollutants must attain the health standard within five, ten, or fifteen years (twenty years for Los Angeles) for ozone.

Nonattainment areas for each of the pollutants must achieve specified increments of progress from the present until the health standard is achieved. This new requirement will ensure early ozone reductions and, for the first time, steady progress toward meeting the standard. In the case of ozone, areas must reduce emissions of volatile organic compounds (VOCs), a precursor of ozone, by 4 percent per year for the first six years after the amendments are enacted, and 3 percent per year (with waivers for certain specified conditions) thereafter until the standard is attained.

In areas exceeding the standard for ozone, service stations dispensing more than 20,000 gallons per month are required to install equipment on gasoline pumps to reduce emissions of VOCs.

Vehicle inspection and maintenance programs must be upgraded in ozone and carbon monoxide areas that already have such programs and must be instituted in most other areas that do not already have them.

The Administrator of the Environmental Protection Agency is required to impose one of the following sanctions in an area that fails to prepare or implement a plan that achieves a health-based air quality standard: a ban on construction of new sources of a pollutant, limited use of Federal highway funds, a ban on provision of new drinking water hookups, or withholding of Federal air pollution funds.

The definition of major sources in current law is retained, but any construction ban imposed in an area will apply to sources that emit more than 25 tons of VOCs.

Sources will continue to be allowed to "net out" increases and decreases of emissions when a plant is modified.

When a State fails to develop a plan that meets the requirements of the law, the Environmental Protection Agency is required to impose one new Federal Implementation Plan control measure each year the failure continues.

The Environmental Protection Agency is required to issue control requirements for a number of sources of pollution, including commercial and consumer products.

Polluters are required to pay fees to cover the cost of a State or local air pollution control agency's permitting program and a fee to pay the costs reasonably incurred by EPA in regulating the pollution.

TITLE II: MOTOR VEHICLE-RELATED PROVISIONS

Cars and trucks currently account for almost 50 percent of the smog (ozone) pollutant and 90 percent of the carbon monoxide pollution in urban areas in the United States. They are also responsible for significant emissions of toxic pollutants. It is not only the vehicles but the fuel they use that cause pollution.

The agreement contains the following measures to reduce these pollutants:

Tailpipe Standards for Cars and Trucks

Auto manufacturers are required to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen, which form smog, by 22 and 60 percent, respectively, beginning with 40 percent of the vehicles sold in 1993 and increasing to 100% of vehicles sold in 1995. Comparable reductions are required for vehicle classified as light trucks such as vans and pickups.

If more than 11 of 27 cities currently seriously polluted do not attain the health standard by the end of 2001, a second round of reduction emissions from cars—equal to an additional 50% reduction in CO, hydrocarbon and NOx—will be required beginning with all cars sold after October 1, 2003.

In addition, if pollution is greater than 25% above the health based standard in the year 2000 in any area currently severely polluted by ozone, beginning in 2004 cars sold in that area must meet more stringent emission standards for NOx, CO, and hydrocarbons.

EPA will study and recommend to Congress alternative methods to achieve the tailpipe emission reductions provided for in model year 2004. Congress will consider adopting alternative methods under expedited procedures.

Other Requirements

Vehicle manufacturers must install systems to alert drivers when an emission control system is malfunctioning.

Auto manufacturers are required to install canisters on vehicles to capture hydrocarbons that would otherwise be emitted into the atmosphere during refueling, but the Administrator of EPA is authorized to suspend for two years the requirement if a study to be carried out by the Department of Transportation determines that the refueling systems are not safe. Based on the study, Congress will vote under expecited procedures on whether to rescind the requirement.

Fuels sold in areas with unhealthy leels of carbon monoxide will be required to contain a specified oxygen content, which reduces emissions of carbon monoxide from vehicles. The oxygen content can be increased through additives such as ethanol, which is made from corn or other agricultural products, or derivatives of natural gas.

Requires new transit buses, beginning in 1991, to use cleaner fuel such as natural gas or methanol.

CLEAN RULES STANDARDS

Phase I Program—The program begins with Model Year 1995 vehicles sold in the nine cities with the most severe ozone nonattainment problem. All new vehicles sold in those cities will achieve an overall reduction in emissions to a level not more than .75 grams per mile ozone-forming emissions. The current fleet of passenger cars emit approximately 2.8 gpm. The Phase I vehicles are also to achieve a 12% reduction in air toxic emissions.

The emissions reductions will be met primarily through the use of cleaner fuels. By January 1992, EPA is to issue specifications for various alternative fuels, including ethanol, methanol, CNG, electricity, and LPG, as well as reformulated gasoline that will achieve the emissions reductions required used in conventional vehicles. The performance standard will be fuel neutral.

Phase II Program—The standards are tightened beginning in MY 1999. The ozone-forming emissions must not exceed .66 gpm in-use and the toxics emissions reduction is to be 27% below emissions from conventional vehicles. EPA has the authority to reduce the toxics emissions reduction requirement to 18% if 27% is not achievable.

As with Phase I, the emissions reductions can be achieved primarily through use of alternative fuels.

Role of the States—Implementation of the alternative fuels program will be undertaken as part of State Implementation Plans.

States can "opt-up" requiring that cleaner cars (like the fleet car described below) be sold in larger quantities.

States can "opt-in" allowing cities other than the 9 specified in the bill with nonattainment problems to join the program.

California may develop its own alternative fuels program (and one has been proposed). Other states may adopt the California model, provided that their implementation plans contain incentives to encourage vehicle sales and use.

Fuel suppliers will make available for sale alternative fuels at conveniently located service stations.

Fleets—A program for fleet vehicles is included in the agreement. Fleet vehicles covered by the program would be substantially cleaner than conventional vehicles achieving ozone-forming emission reductions of approximately 80% (an in-use emissions rate of .25 gpm HC) and toxics reductions of 75%.

The alternative fuels program would apply first to fleets owned by Federal agencies and used in ozone nonattainment areas. The program would be phased in beginning in 1995.

Beginning in 1997 the fleet program would apply to fleet vehicles operated in the private sector. Fleets of more than 20 vehicles (which are centrally fueled and maintained) operating in the 9 cities with the most severe ozone nonattainment problems would be covered and 30% of new vehicle purchases must meet the alternative fuels standards.

Auto manufacturers who sell cleaner vehicles which operate above the standards will receive credits under a banking trading program.

TITLE III. AIR TOXICS PROVISIONS

AIR TOXICS PROVISIONS—ROUTINE EMISSIONS FROM MAJOR SOURCES

List of Pollutants and Source Categories:

The agreement contains a list of approximately 200 hazardous air pollutants taken from the Administration's bill.

EPA is to establish a list of source categories (chemical plants, oil refineries, coke ovens, cotton gins, smelters, etc.) for the purpose of promulgating standards. Any source emitting any one of the listed pollutants in quantities greater than 10 tons or any combination greater than 25 tons is classified as a major source and subject to regulation under the bill.

EPA is to revise the list of pollutants from time to time and act upon petitions to add or delete substances from the list.

MACT Standard

For each category of sources, EPA will promulgate a standard which requires the installation of maximum achieveable control technology (MACT).

Standards are to be promulgated within 2, 3, 5, and 10 years of date of enactment, depending upon the source category. The standards for approximately a dozen organic solvents are required within 2 years.

Existing sources must comply with MACT standards not later than 3 years after promulgation.

MACT standards are not required for source categories that pose less than a 1-in-1,000,000 risk of cancer.

With respect to electric utility boilers, only particulate and mercury emissions are to be regulated with a MACT standard. EPA is not authorized to require flue gas scrubbers to control emissions of hazardous air pollutants from utility boilers.

Voluntary Pollution Prevention Reduction

Any source making an early reduction of 90 percent below 1985 emissions levels shall be exempt from the MACT standards.

Residual Risk

The agreement contains provisions to reduce any significant risk to public health which may remain after the application of MACT.

If, after installation of MACT, a significant risk remains, EPA must promulgate health-based standards 5 years after initial promulgation of the MACT standard.

The National Academy of Sciences is to conduct a study of the risk assessment methods currently used by EPA and alternative methods in setting health standards. EPA is to revise its Guidelines for Carcinogenic Risk Assessment based on the NAS study.

A commission to study the use of risk assessment methods in controlling hazardous air pollutants is to be established. The Commission is to report to the Congress on residual risk policy questions. Expedited legislative procedures are provided to assure a vote in the Congress on legislation with respect to any recommendations made by the commission.

If Congress does not choose a residual risk standard after the Commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater than 1-in-1,000,000 for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1-in-10,000.

The owner or operator of a source may provide a site-specific health assessment of pollutants released from the source to show the actual impact of those pollutants on public health within the vicinity of the source. Sources which impose actual cancer risks exceeding 1-in-10,000 must take mitigation measures or shut down. Sources must use available technology to reduce actual cancer risks striving to reach the goal of cancer risk not exceeding 1-in-1,000,000 to the most exposed actual person.

Steel plants installing the most stringent level of control on emissions from coke ovens before 1995 are given an extension to 2020 before the residual risk health standards apply.

Routine Emissions From Area Sources—Area sources are small industrial or commercial operations such as dry cleaners, service stations, wood stoves which emit air toxics.

Based on the list of hazardous air pollutants, EPA can list an area source category just as the Agency would list a major source category and require MACT. EPA also is authorized to require generally achievable control technology for area sources, which is less stringent than MACT.

The agreement establishes an area source control program to reduce the risks from area sources. Under the program EPA is to conduct research on area sources of air toxics, which is to include a monitoring program, and an inventory of the sources of those toxics.

Five years after enactment, EPA is to propose a national urban air toxics strategy to significantly reduce risks associated with urban air toxics from areas sources. The goal of the strategy is to reduce cancer cases attributable to air toxics by 75 percent. EPA is to report on reductions achieved in 8 and 10 year intervals.

Sudden, Accidental Releases—The agreement contains a program to reduce the likelihood of catastrophic, chemical accidents.

A general duty to operate a safe facility is imposed on the owner or operator of each facility handling extremely hazardous substances.

The agreement establishes a Chemical Safety Board to investigate chemical accidents, similar to the National Transportation Safety Board. The Board would make recommendations to EPA on measures which can be taken to reduce the likelihood of accidents in particular industries.

EPA is authorized to promulgate accident prevention regulations.

TITLE IV: ACID RAIN PROVISION

Acid rain continues to pose a grave threat to the environment. The agreement incorporates a system of SO_2 emissions trading and a cap on SO_2 emissions at 10 million tons below 1980 levels so as to allow SO_2 emission reductions to be achieved in the least costly way, and to ensure the permanence of these reductions.

Reduction Requirements for Sulfur Dioxide

The agreement achieves the same total of sulfur dioxide reductions as originally proposed by President Bush, ultimately reducing SO_2 by 10 million tons below 1980 levels each year.

Both Phase I and Phase II begin one year earlier than originally proposed by President Bush.

Annual sulfur dioxide emissions are capped beginning in the year 2000.

In Phase I, which begins January 1, 1995, utility power plants emitting at a rate above 2.5 pounds of sulfur dioxide per million Btu (about 111 plants) will have to reduce their emissions to a level equal to 2.5 lbs./mmBtu multiplied by their average 1985–87 fuel consumption measured in Btu.

Plants that use certain control technologies to meet their Phase I reduction requirements may either postpone compliance until 1997 or receive early-reduction bonus allowances for reductions they achieve between 1995 and 1997. In addition, Phase I plants that use certain control technologies will also receive two allowances for every ton of reduction they achieve below a 1.2 lbs./mmBtu level during Phase I.

In Phase II, which begins January 1, 2000, all utility power plants emitting at a rate above 1.2 lbs./mmBtu will have to reduce emissions to a level equal to 1.2 lbs./mmBtu multiplied by their average 1985–87 fuel consumption measured in Btu.

Nationwide, plants that emit SO_2 at a rate below 1.2 will be able to increase their emissions between now and the year 2000 by roughly 20% and will then be limited to that level in order to maintain the nationwide cap on SO_2 emissions.

Bonus allowances are distributed to accommodate growth by units in States with emissions below 0.8 and by units that have experienced substantially increased utilization in the last five years.

The 1977 "percentage reduction" requirement for coal is repealed once the emissions cap goes into effect.

Marketable Allowances

In addition to its pollution control permit, each source will receive allowances equal to the tons of pollution it is permitted to emit.

If a source reduces its pollution more than required, it will have left-over allowances it can sell to another source—which would permit the second source to emit more than required while remaining in compliance. This ensures that total reductions will be achieved in the most cost-effective way and that reduction costs will be allocated in a fair way.

Utility NOx Emissions

The agreement achieves the same NOx reductions as S. 1630 in the year 2005, and by providing for earlier NOx reductions provides greater NOx reductions in the year 2000.

There is no NOx/SO_2 trading and no allowances system established for NOx.

Not later than 1993, EPA is required to establish performance standards under which utilities, required to reduce sulfur dioxide emissions in Phase I are also required to control their NOx emissions in Phase I based on the performance standards for certain boiler types. The emission standards will be based on low NOx burner technology.

No later than 1997, EPA is required to establish performance standards for all remaining types of utility boilers. Remaining affected sources under the acid rain title must meet these standards by the Phase II deadline. This standard will also be set based on low NOx burners, and will be updated as new technologies are developed.

EPA is required to promulgate a revised No New Source Performance Standard for utility boilers.

Clean Coal Technology

Temporary clean coal technology demonstration projects (those operating for 5 years or less) are exempt from the requirements of Title I of the Clean Air Act.

Permanent demonstration projects that are retrofits are presumed not to be major modifications.

Permanent demonstration repowering projects are exempt from Part C and section 111 requirements if their potential emissions for any criteria pollutant do not increase over the potential emissions before the project.

Non-demonstration repowering clean coal technologies are exempt from New Source Review of actual emissions for any criteria pollutant do not increase over previous emissions. If there is an increase in emissions, States are encouraged to give such projects expedited review.

PERMITS AND ENFORCEMENT

There remain significant disagreement between the Administration and the Senate on permits and enforcement. Senate and Administration staff have been meeting, but have not yet concluded work on changes to those titles. In the event that agreement on outstanding differences cannot be reached before floor consideration of the clean air bill resumes, the parties to the agreement would not be bound to support changes to the permit and enforcement titles.

OTHER ISSUES

Chloroflurocarbons

S. 1630 contained a title, as amended, to phase out the use and production of chloroflurocarbons. The title was not covered by the agreement and the parties reserve the right to consider changes to its provisions.

Incinerators

S. 1630 contained provisions to regulate emissions and ash from waste incinerators. These provisions were not covered by the agreement and the parties reserve the right to consider changes to them.

EXHIBIT 1

EXPLANATION OF CHANGES TO TITLE VII AS REPORTED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND MODIFIED BY THE SUBSTITUTE BILL

Submitted for the Record by Senator John H. Chafee, chief sponsor of title VII

Explanation of modification to title VII to clarify the authority of the Administrator to allow limited production for export to developing countries

New section 506(d), as added by title 7, is modified by the substitute to include language modeled after the provisions of the Montreal Protocol authorizing limited production in excess of otherwise applicable controls in industrialized countries for purposes of assisting developing countries and promoting global participation and compliance with the Protocol.

Recognizing the special situation of developing countries that consume very small quantities of ozone depleting compounds, the Montreal Protocol provides for a delay in the application of international control measures in those countries for a period not to exceed ten years. The Protocol also authorizes industrialized countries, such as the United States, to continue to produce a limited amount of these compounds solely for export to qualified developing countries for purposes of satisfying the basic domestic needs of the developing countries. These provisions of the Protocol are designed to provide assurances of adequate supplies and to eliminate the need or incentive for developing countries to build or expand their own production capacity at a time when the international community is attempting to reduce production capacity.

Explanation of modification to title VII to clarify the authority of the Administrator and to foster international cooperation

New section 520, as added by title 7, is modified in three respects. First, language from section 157(a) of the current Clean Air Act is restored. This language sets forth the authority and the responsibility of the Administrator to promulgate regulations to protect public health and welfare from the risks associated with changes to the stratosphere, including but not limited to destruction of the stratospheric ozone layer. The restoration of this language clarifying the general authority and responsibility of the Administrator may not be used to avoid or undercut the more specific requirements that are contained in this Act. This language is intended to supplement the authorities set forth elsewhere in this title, not to supplant them.

The second part of this modification regarding "International Cooperation" begins by restoring to the Clean Air Act language currently found in section 156. It directs the President to foster international research and to negotiate multilateral agreements which protect the stratosphere "consistent with regulations applicable within the United States." For purposes of negotiating multilateral agreements, the phrase "regulations applicable in the United States" shall include statutory requirements and prohibitions as well as administratively promulgated regulations.

This provision provides the United States negotiating team with guidance and the latitude to seek an international accord that is more stringent than that set forth in this Act. International proposals that are less stringent than the program set forth in this Act are, by definition, not consistent with the United States' program. On the other hand, as indicated in new section 506, we are encouraging the development of a program, multilaterally or unilaterally, that goes beyond the requirements of this Act. As such, international proposals that are more stringent than this Act shall be deemed consistent with the United States' program.

The third part of this modification authorizes the Administrator to foster international participation in the Montreal Protocol by funding efforts by developing countries to comply with the Protocol. Funding may be offered only to those countries that, in addition to being parties to the Protocol, are operating under Article 5 of the Protocol. The authorized level of funding is $75 million annually, a small percentage of the hundreds of billions of dollars that will be collected by the United States as a result of the excise tax on ozone depleting chemicals that was enacted as part of the budget reconciliation process in the Fall of 1989.

Explanation of new section 508, as added by title VII, to control production of methyl chloroform and similar ozone destroying compounds

The first part of new section 508, as added by title 7 of this substitute, incorporates amendment number 1219 that was introduced on January 29, 1990 and adopted by a vote of 95 to 2 on January 31, 1990.

It provides that, effective on the date of enactment, production of methyl chloroform will be frozen at 1989 levels. Allowable production will then be reduced 50 percent by 1996 and completely eliminated by 2000.

The prohibition on production does not cover recycling or production for use as feedstocks. It does not include limits on the allowable uses of methyl chloroform. Recycled and existing stocks could continue to be used after 2000.

In August 1989, the international Science Assessment Panel established under the Montreal Protocol issued a United Nations Environment Programme (UNEP) report and presented several scenarios that highlighted the need to control the growth and use of all ozone depleting substances, including methyl chloroform and hydrochlorofluorocarbons (HCFCs).

The Panel established that:

(1) the current atmospheric concentration of chlorine is approximately 3 parts per billion (ppb), a record high level;

(2) peak chlorine loading is increasing and will continue to increase for several years;

(3) increases in cholorine loading will increase the risk of significant ozone depletion over the northern hemisphere, similar to that occurring over Antarctica and the southern hemisphere;

(4) an atmospheric chlorine concentration of 2 ppb is the maximum allowable level if the Antarctic ozone hole is to be repaired; and

(5) the production and use of methyl chloroform and other ozone depleting substances:

(a) may affect peak chlorine loading;

(b) will affect the rate at which atmospheric abundance of chlorine is projected to decrease; and

(c) may effect the date by which the average concentration of atmospheric chlorine is projected to return to 2 ppb.

The conclusion suggested by the recent UNEP presentation is that, in addition to eliminating the CFCs currently regulated under the Montreal Protocol as rapidly as possible, additional controls on methyl chloroform, carbon tetrachloride and the HCFCs are necessary to:

(1) limit increases in peak chlorine loading;

(2) assure that the production and use of these substances does not reduce significantly the rate at which atmospheric chlorine loading is projected to decrease; and

(3) assure that production and use of these substances does not delay the date by which the average atmospheric concentration of chlorine is projeced to return to a level of 2 ppb (currently projected, on the basis of a year 2000 global elimination of all halocarbon emissions (the base case), to be 2075).

Methyl chloroform

Because of its high production volume (approximately 1.5 billion lbs. worldwide in 1988 and 700 million lbs. in the U.S.) methyl chloroform currently represents a significant source of chlorine to the stratosphere (13 percent—approximately 4 times more than CFC-113 of HCFC-22). The short atmospheric lifetime of MCF allows its contribution to stratospheric ozone loss to be reduced significantly faster than the contribution from any of the CFCs.

Recent analyses by EPA suggest that a year 2000 phaseout of methyl chloroform would be the single most important source for near-term reductions in stratospheric chlorine levels.

Methyl chloroform differs from the fully halogenated CFCs in that it has a substantially shorter atmospheric lifetime. For example, the lifetime of methyl chloroform has been calculated to be on the order of 6-7 years compared to lifetimes of 60 and 120 years for CFC-11 and CFC-12, respectively.

The importance of a chemical's atmospheric lifetime is that the longer its lifetime, the higher the percentage of the compound that will survive to be transported to the stratosphere where its chlorine will be released and begin the process of destroying ozone.

However, the lifetime alone does not determine the risks from that chemical to the ozone layer. The total amount of stratospheric chlorine contributed from a particu-

lar chemical will be determined not only by its atmospheric lifetime, but also by the quantity of its emissions, and the amount of chlorine it contains.

Because methyl chloroform is currently produced and used in large quantities (e.g., roughly equivalent to the total of all the CFCs combined) and because it contains three chlorine atoms, its contribution to current stratospheric chlorine levels has been significant. Despite its short atmospheric lifetime, methyl chloroform contributes 13 percent of the chlorine in the atmosphere. This is about 4 times more than the contribution from CFC-113 or HCFC-22. See Figure 7-4 from page 390 of Senate Report 101-228.

Methly chloroform's short atmospheric lifetime (relative to the fully halogenated CFCs) allows its contribution to stratospheric chlorine concentrations to be reduced significantly faster than the contribution from any of the CFCs. Chlorine from methyl chloroform is almost entirely cleansed from the atmosphere in 15 to 20 years, whereas significant quantities of chlorine from the CFCs remain for well over 100 years. Thus, controls on methyl chloroform emissions will reduce stratospheric chlorine levels more rapidly than controls on any of the CFCs.

Any suggestion that delaying the phaseout of methyl chloroform from 2000 to 2030 will have little, if any, environmental impact is misguided and is not supported by the scientific evidence. Such a delay would significantly affect the increased risk of greater ozone depletion from higher chlorine concentrations. The difference between peak chlorine levels resulting from a year 2000 phaseout of methyl chloroform (3.5 ppb) and a year 2030 phaseout (3.9 ppb) represents a 45 percent increase in risks from today's level (3.0 ppb).

A year 2000 phaseout of methyl chloroform is the single most important sources for near-term reductions in stratospheric chlorine levels. The significant role played by this chemical can be attributed to two factors: it is already a significant contributor of chlorine to the stratosphere and, because it has a relatively short atmospheric lifetime, its chlorine contribution can be eliminated relatively rapidly following a phaseout.

A phaseout in 2000 of the CFCs and carbon tetrachloride will not have significant short-term results in reducing stratospheric chlorine concentrations, though it will be critical for achieving long-term reductions. In sharp contrast, the phaseout of methyl chloroform by 2000 will result in its full impact being experienced during this near-term period.

A prompt phaseout of methyl chloroform is the most effective means of limiting increases in peak chlorine concentrations and in achieving signficant near-term reductions in stratospheric chlorine concentrations. It is also achievable with current technologies.

A June 30, 1989, report of the Montreal Protocol's Technical Review Panel (an international panel of experts) concluded that "substances currently exist for 90 to 95 percent of the methyl chloroform uses." A draft report by EPA agrees that technically feasible technologies that reduce or eliminate the use of methyl chloroform are available for all end-users of methyl chloroform.

Data from EPA's November 3, 1989 draft report "Costs and Benefits of Phasing Out Production of CFCs and Halons in the United States" and EPA's October 5, 1989 draft report "Costs of Controlling Methyl Chloroform in the United States" show that the addition of methyl chloroform to the CFC and halon year 2000 phaseout will increase health benefits alone by $89 to $348 billion through 2075. These benefits exceed the long-term social costs of a methyl chloroform phaseout (estimated to be between $43 and $58 billion through 2075) by a substantial margin.

It has been estimated that, for example, the addition of methyl chloroform to the CFC and halon year 2000 phaseout will eliminate almost 4 million cases of nonmelanoma skin cancer in the U.S. and 65 thousand cancer deaths among people born before 2075. Similarly, 364 thousand cases of cataracts will be avoided.

The difference between a methyl chloroform production freeze and a production phaseout for people born before 2075 is estimated to be the avoidance of 875 thousand cases of nonmelanoma skin cancer, almost 16 thousand cancer deaths, and more than 86 thousand cases of cataracts.

The value of cases avoided in the U.S. among people born before 2075 as a result of a year 2000 phaseout of methyl chloroform is estimated to range from $89 to $350 billion. These health benefits exceed those associated with a methyl chloroform production freeze by between $25 and $96 billion.

EPA's estimates of social costs associated with a year 2000 phaseout of methyl chloroform production are based on projected annual growth rates of between 2.2% and 4.7%. By contrast, industry demand forecasts show a decline in U.S. demand between 1988 and 2000, suggesting that EPA cost estimates based on assumptions projecting growth rates of even 2.2% may overestimate actual costs.

Nevertheless, social costs of a year 2000 phaseout of methyl chloroform are estimated (on the basis of 2.2% annual growth prior to 2000) to be $1.2 billion over the short term (1989-2000) and $43 billion over the long term (1989-2075), far less than the $89 to $350 billion in health benefits alone.

Hydrochlorofluorocarbons (HCFCs)

The second part of new section 508 is concerned primarily with the control of hydrochlorofluorocarbons (HCFCs). It directs EPA to submit a report to Congress not later than January 1, 1995, that includes recommendations concerning the development of a legislative or administrative regulatory program controlling the production and use of HCFCs. EPA's authority and responsibility to promulgate such a control program is not limited by this provision. Submission of the report or prior Congressional approval are not necessary predicates to the exercise of EPA's existing authority.

To provide a model control program for consideration by EPA and the international community, the substitute includes an outline of a possible control program and directs EPA to report to Congress on the feasibility of this program. If adopted by EPA or included in subsequent legislation, the proposed control program would provide that:

Effective January 1, 2015, production of these substances will be frozen at year 2014 levels and allowable uses will be limited to (1) maintaining and servicing household appliances (defined as noncommercial personal effects), including air-conditioners, refrigerators, and motor vehicles, manufactured prior to January 1, 2015) or commercial (including military and industrial) refrigeration and air-conditioning units manufactured prior to January 1, 2015; (2) recycling; and (3) use as feedstocks for other chemicals; and

Effective January 1, 2030, new production of these substances will be prohibited. The prohibition on production does not cover recycling or production for use as feedstocks. Recycled and existing stocks could continue to be used after 2030 to maintain and service household appliances and commercial refrigeration and air-conditioning units manufactured prior to 2015.

In addition to reporting to Congress on the feasibility of the control program outlined above, the Administrator of EPA is directed to review technological progress on a regular basis. If, at any point, it is determined that the development of alternative systems or products necessary to manufacture and operate household appliances and commercial refrigeration and air-conditioning units without these substances will not occur within the time necessary to provide for the manufacture of such equipment beginning not later than 2015, the Administrator is to so inform Congress.

The need to control the production and use of hydrochlorofluorocarbons (HCFCs) and other ozone depleting substances was graphically demonstrated in testimony presented to the Committee on Environment and Public Works by EPA on May 19, 1989. One difficulty, however, is the fact that achieving the goal of eliminating the potent, long-lived CFCs as rapidly as possible is, to some extent, dependent on the continued availability of HCFCs as intermediate substitutes pending development of other, safe, non-ozone depleting substances or processes.

A control program that places limitations on use followed by prohibitions on production of these ozone depleting substances will assure that the production and use of these substances will not contribute to increases in peak chlorine loading, reduce significantly the rate at which atmospheric chlorine loading is projected to decrease, or delay the date by which the average atmospheric concentration of chlorine is projected to return to a level of 2 ppb. Scientific experts predict that a level of 2 ppb is the maximum allowable level if the Antarctic ozone hole is to be repaired.

Limitations on production and use that take effect around 2015 are necessary to control growth in demand and to force technological developments by both the producers and the users of these substances.

As a result of atmospheric lag time, to avoid delaying the date by which chlorine levels are projected to return to 2 ppb, the production and use of each of these chemicals must be eliminated no less than two and one-half lifetimes prior to such date. Using a year 2000 global elimination of all halocarbon emissions as the base case, current projections are that atmospheric chlorine concentrations will return to 2 ppb by the year 2075.

Therefore, unless the Administrator established earlier dates than those set out in the bill or updated projections under subsection (c) of new section 508 establish an earlier target date for chlorine concentrations of 2 ppb, production of ozone depleting substances covered by paragraph (2) of new subsection (d), some of which have atmospheric lifetimes of approximately 20 years, should be prohibited as of January 1, 2030.

Industry analysts project that 30% of the demand for CFCs in the year 2000 will be satisfied by HCFCs. The balance of the demand is projected to be satisifed as fol-

lows: 32% by not-in-kind substitution, such as product or process changes; 29% by conservation; and 9% by HFCs. Depending on the accuracy of these projections and the ozone depleting potency of the HCFCs that are chosen as substitutes, the production and use of these chemicals may or may not reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under the base case.

For example, if the projected 30% substitution rate proves to be correct and grows at a 3% annual rate, use of a HCFC with a relatively long atmospheric lifetime of 15 years and an ozone depletion potential (ODP) similar to HCFC-22 is projected to produce a year 2030 chlorine loading penalty of 0.6 ppb when compared to the base case. Use of a HCFC that has a relatively short atmospheric lifetime of 6 years and an ODP similar to that of HCFC-123 is projected to produce a year 2030 chlorine loading penalty of only 0.3 ppb. By way of contrast, if the long-lived HCFC is substituted at a rate of 50% and use is allowed to grow 3% until the year 2030, the chlorine loading penalty in the year 2030 will exceed 1.0 ppb, a significant amount.

By mandating immediate submission of an emergency report to Congress when and if the growth of HCFC production and use contributes to an atmospheric chlorine loading that exceeds the base case by more than 0.5 ppb, the substitute legislation creates an incentive to produce and use short-lived, less potent ozone depleting chemicals as substitutes for CFCs and assures that such production and use will not reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under base case.

Limiting the allowable chlorine loading penalty to 0.5 ppb over the base case is projected to accommodate a substitution rate of 88% for the short-lived HCFCs, a substitution rate that exceeds current industry expectations by a considerable amount. Thus, this statutory provision will allow significant growth in the HCFC market while building in a preference for short-lived, less potent ozone depleting chemicals (as opposed to longer-lived HCFCs, such as HCFC-22) and tempering the impetus to construct excessive HCFC production capacity.

The phased elimination of ozone depleting substances on the basis of atmospheric lifetimes or chlorine loading potential would create an additional bias in favor of producing short-lived, less potent ozone depleting chemicals and EPA should consider the feasibility of implementing such a phased regulatory program.

The fact that HCFCs are not benign substances is an important one. These chemicals may be less potent ozone depleters and greenhouse gases than the CFCs but they pose a serious threat just the same. Scientific experts have tetified that our focus should not be limited to five or six CFCs and halons. We need to consider the total chlorine loading of the atmosphere.

It makes little sense to eliminate one source of chlorine—such as CFCs—and allow another source—such as HCFCs—to expand to a point where we are right back where we started. The testimony presented to the Committee showed that unless there is some limit on HCFC production and use, atmospheric concentrations of chlorine will remain at unacceptably high levels for more than 100 years.

Industry representatives say that to justify investments in HCFC production facilities, they need 20 to 30 years of allowable production. Twenty years to provide a rate of return equal to a risk free investment and between 20 and 20 years to earn a reasonable premium.

There is a limited need for HCFCs in the short term. They can serve as a bridging chemical that will hasten the elimination of CFCs. The scientists predict that it is safe to use modest amounts of short-lived HCFCs, as long as we eliminate them by 2030. Industry tells us that they will not invest in new production facilities unless they have 20 to 30 years of allowable production. These two positions are not necessarily inconsistent. The model regulatory program included in this legislation accommodates both interests and includes operative dates that are 25 and 40 years in the future.

An important component of this provision is the requirement for ongoing monitoring and periodic reports to Congress. The proposed effective dates for the limitations on use and production of these chemicals are based on scientific projections of what is necessary to protect the environment. It is fortuitous that these projections have produced dates that are consistent with and will allow industry to make crucial investment decisions that will foster the elimination of the most harmful CFCs. The fact that our scientific understanding of atmospheric chemistry is changing so rapidly makes continual vigilance and frequent updating of scientific projections a necessity.

Many industry representatives argue that a control program such as that proposed in this legislation is not necessary. They cite recent scientific reports to support the notion that continued use of HCFCs will not affect peak chlorine loading and will not delay the date by which atmospheric levels of chlorine will return to a level of 2 parts per billion.

Such arguments, however, ignore the third important environmental factor, namely the rate of decline in atmospheric chlorine loading. The significance of this omission becomes clear when it is recognized that there is a clear, inverse relationship between growth in HCFC usage and the rate of decline in chlorine levels. Even with a year 2030 phaseout, if HCFC usage is allowed to grow unchecked, the rate of decline in chlorine levels will be slowed considerably.

The rate of decline is critical because, as stated in a recent paper by Dr. Watson of NASA, one of the world's leading authorities in this area, the rapid appearance of the "Hole" over Antarctica "demonstrates the extremely nonlinear response of polar ozone to increasing chlorine levels." As long as chlorine levels continue to rise above the current record high levels of 3 parts per billion, and the longer these levels remain elevated, the greater is the risk of accelerated ozone loss over the Arctic.

This is not a problem limited to remote, uninhabited portions of Antarctica. The threat is to the ozone layer over densely populated portions of the Northern Hemisphere.

The suggestion that the continued use of HCFCs will not affect peak chlorine levels or delay the date by which atmospheric chlorine levels will return to a level of 2 parts per billion is misleading because it ignores two important caveats found in the scientific reports.

First, the Watson and Prather paper cited by industry representatives concluded that "substitution of modest amounts of short-lived HCFCs for the CFCs will not increase the maximum chlorine levels," Compounds such as HCFC-123 with an atmospheric lifetime of 2 years can be characterized as "short-lived". Compounds such as HCFC-22 have a much longer lifetime of 18 years. Unlimited growth in the use of long-lived HCFCs such as HCFC-22 may cause a dangerous increase in peak chlorine loading and is unacceptable.

Second, the projection that continued use of HCFCs will not delay the date by which chlorine levels return to 2 parts per billion is based on the assumption that all production and use of these chemicals will be eliminated by the year 2030.

Between now and the year 2000, chlorine levels are expected to rise from the current record high levels of 3 parts per billion to around 4.5 parts per billion. Following a year 2000 phase-out of CFCs, there will be a slight dip in chlorine levels—to around 4 parts per billion, a level that is still dangerously and unacceptably high. Analyses circulated by industry's own analysts show that, if we fail to control growth in HCFCs and fail to eliminate them by 2030, chlorine levels will climb back and by 2075—the year we expect atmospheric levels of chlorine to be at 2 parts per billion—such levels will instead be in excess of 6 parts per billion. Such high levels present an unacceptable risk to public health and the environment.

The scientific evidence does not support those who oppose controls on the production and use of HCFCs. On the contrary, the evidence supports the need for such controls. Without such controls, we run the risk of runaway, elevated levels of chlorine in the atmosphere and an acceleration of life threatening destruction of the ozone layer.

The PRESIDING OFFICER.

The Senator from Idaho.

Mr. SYMMS. Mr. President, I will address and speak to the bill for the most part tomorrow, but just briefly I would like to say that when I first came to the Congress, about the time the distinguished Presiding Officer did, about a month or two behind him I believe, my dad told me when I left to go to Congress: "Son, if you just vote 'No' all the time, 90 percent of the time you will be right."

And the majority leader, casting some disparaging remark somehow earlier about the fact that the committee passed this bill 15 to 1, gives the implication that somehow the 1 vote was wrong and the 15 votes are right.

Mr. President, it just so happened that I did have an understanding of what was in this bill when it passed the committee and I did vote against it when it passed the committee. I say again that if we still had S. 1630 on the floor we would not be any further than we were after the last 3 weeks of off-the-floor negotiation.

I have to say to my colleagues that I compliment them on doing a few good things. They had a ridiculous $2 fee to impose on people; that was one of my amendments that I offered in committee—it failed by a vote or two—and I compliment the Senator from Montana who opposed my amendment in committee but agreed to accept it. So

there have been a few things that have happened.

I point out to my colleagues that they still have a standard in this bill that if you have this person who lives on the plant gate and he stays there for 70 years and breathes that air for 24 hours a day for 70 years, never takes a bath or whatever, that is the most sensitive person, that they can close the plant based on that standard. And the way I figure it works out, 1 in 10,000 for 70 years, it is approximately 1 cancer in every 69,000 years or something that we are talking about passing a law here that we are going to turn over to the EPA the authority to close a plant.

AMENDMENT NO. 1295 TO AMENDMENT NO. 1293

(Purpose: To allow communities to decide whether or not to close a business because of emission limitations imposed by Section 112 of the Clean Air Act)

Mr. SYMMS. Mr. President, I send an amendment to the desk and then will go ahead and speak on the amendment.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Idaho.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1295 to amendment numbered 1293.

At the appropriate place in amendment No. 1293, insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

"Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

"Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community."

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, we can debate this amendment further tomorrow, and I will not hold all my colleagues here on this Monday.

The amendment, I think, is relatively self-explanatory, and I think it points out to the American people just what it is that is happening here. This debate gets clouded, it gets so that pretty soon we are talking about this as a health bill. We spend $2 billion through the National Institutes of Health to do research on cancer. This bill alone has a section in it, that is, the air toxic section, that the Business Roundtable thinks will cost $62 billion per year. There is a great disparity of whose price you want to view of how much it costs, but it is very expensive.

I think it is extremely questionable whether we are going to get our money's worth out of the money spent on this bill in terms of better health, that much better air, than, if you will, in a more moderate piece of legislation that would try to clean up many of the pollutants that get into the atmosphere but not try to clean up the last one at the expense of costing millions and millions of jobs.

Tomorrow I will have for my colleagues some graphs and pictures to show how employment will be affected in this country under certain parts of this bill. I think it will astound my colleagues to find out that the bill as it passed the committee was estimated that we would lose anywhere from 1.7 to 2.7 million jobs in the United States of America in order to impose these very stringent standards.

There have been some modifications and we are working on the graphs and charts to make them include this, but I think my colleagues will be shocked tomorrow when they find this out. I think they also will find out there is a great deal of support around the country for an amendment of this nature because, after all, this amendment that is pending now before the Senate has nothing to do with clean air. It is not going to do anything that states that air will be cleaner or be less clean. All it says is that before this ridiculous residual-risk standard is imposed by this legislation as it is now written, and the EPA will have the authority to go out and start closing plants, that the local people who are most affected by it in the community will have an opportunity to vote on it.

As a matter of fact, Mr. President, air disperses when it leaves the plant and it can go up and it can go out. The worst possible scenario, the worst case is what is used in the basis of the estimation of this bill. I know my colleagues say we do that with the Clean Water Act. That is a different matter because with water you can find the source; that is usually one source where it comes to a funnel where it comes out. We are talking about, with clean air, where dispersed in the atmosphere, if you move back two city blocks the risk is less than it is if you live at the plant gate. They make the assumption that this person will stay there for 70 years, 24 hours a day, and keep his head in the flume. That is what the legislation is talking about.

I think what the American people find out how ridiculous it is that we in the Congress are going to start trying to impose that kind of a standard in a regulation, at the expense of millions of Americans' opportunities for good jobs and an opportunity for happiness, if you will, they are going to wonder what is going on.

Mr. President, I will discuss this amendment tomorrow. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is an interesting amendment. It is the first time we have heard of this amendment. The Senator has not informed us of the nature of this amendment in advance. This amendment may or may not be a deal-breaker amendment. I would have to examine the amendment more closely.

I did not know the Senator wished to offer an amendment of this kind at this time. We do not yet have a copy of the amendment. We have not seen the amendment. We will have to read the amendment to see more precisely what its implications are.

But I would ask the Senator from Idaho if he would consent to temporarily putting his amendment aside to be the first amendment to be voted on at an appropriate time. I would ask that he have his amendment temporarily laid aside so that other Senators may speak.

I see the Senator from Washington on the floor. He would like to speak.

Mr. President, I ask unanimous consent that the amendment offered by the Senator from Idaho be temporarily laid aside.

Mr. SYMMS. Reserving the right to object. Parliamentary inquiry: That would mean that all a Senator would have to do is demand regular order, and we would go back to the pending amendment?

The PRESIDING OFFICER. The Chair does not understand that to be the request of the Senator from Montana.

Mr. SYMMS. Is there any reason why the Senator from Washington cannot speak on the bill?

Mr. BAUCUS. Mr. President I ask unanimous consent that the pending amendment be temporarily laid aside, frankly, so that we can move on. There may be other amendments that would come up.

Mr. SYMMS. I object to that. If the Senator wanted to speak on the bill, I do not have any objection to that.

Mr. BAUCUS. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President I ask unanimous consent that I be allowed to speak as if in morning business on an entirely different subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN TROOPS IN EUROPE—SUPPORT OF THE PRESIDENT'S PROPOSAL

Mr. GORTON. Mr. President, on several occasions I have visited the graves, both here and abroad, of American soldiers who died in battle. All who served in the Armed Forces deserve respect, but none more than those who never made it home. As I pass by the rows of blinding white monuments that sometimes cover whole hillsides and fields as far as one can see, I think of the families that suffered the wounds that never heal, of the children who were young when their fathers died, and who now carry the memory quietly in the very center of their souls. I think of the parents, now very old, whose sons and daughters preceded them in drying by half a century, and who have not spent a day since without remembering the child they raised and lost, all while we were so busy with our own occupations and the vanities that kidnap time.

Though the dead of America's wars have long been laid to rest, I confess that I can move them neither from my heart nor from my mind, and that I report to them and for them almost as if they were a constituency, for they are, they are.

I realize that sentiments such as these are no longer the dominant piety, which is perhaps why I feel so comfortable expressing them, although I would have felt comfortable anyway, because the moral, the right, and the imperative are so clear.

So, at the risk of speaking for the silent in the time of the lost, I would like to tell you what it is I have been thinking of late, what it is I have been saying in my imagination to those American soldiers who have lain still in a field in France for half a century, and to those who preceded them, and to those who came after: at Lexington, Antietam, Chancellorsville, Chateau-Thierry, the Kasserine Pass, Utah Beach, the Chosan Reservoir, Khe Sanh, Panama.

They fought sometimes for ideals, sometimes for their families, or perhaps only because they could not escape the draft. I doubt that many of them fought or died to remake the world, but, in fighting and dying, they did remake the world.

Their values have triumphed, even if late. Part of the confusion surrounding the great changes in Europe arises from the fact that those changes cannot be understood outside the context of the Second World War, and the Second World War is almost half-a-century gone. The term cold war is apt and precise, for the victory of World War II was incomplete, and the outcome of the struggle was frozen for decades. Now it is unfreezing, and the world is changing rapidly.

The old order is dying. You can see the life running out of it. The death of a person is so fundamental and mysterious that it never fails, at least initially, to bring blindness and confusion to those who are left behind. As the survivors begin to make sense of what has caused them grief, however, they refashion their existence. So it is even with the international system. The order that follows the order which has collapsed is created not by fiat but in a slow process of recognition and understanding.

As these changes manifest themselves, opportunities arise for making the world anew. As in the terrible business of grief, a better new world cannot be built except by memory, thought, and action. In grief the memory is of love. In a world that is changing faster than perception can convey, the memory is of essential principles.

If I were reporting to the fallen, I would say to them not just that the cold war is over, as is almost certainly the case, but that this fact is secondary to something of far greater moment. Germany, I would tell them, is ascendant in Europe, our World War II allies are in disarray, and the Soviet Union is breaking apart. And not only is Germany on the rise, but also Japan, a country whose essential vigor simply cannot be contained.

I would take into account what they had seen and how they had died, and would reassure them that the ascendancy of both countries, now firm friends, is not military, that any signs of imperial ambition are either so faint or so eccentric as to be meaningless. And then I would think again of what they had seen, and in the midst of my reassurance I would be forced to think not in years but in decades, and that, I believe, would change the tone of what I said.

For then I would remember how fluid were the years before the First and Second World Wars, how quick were the realignments, how uncertain and how divided were opinions as the forces of history blossomed into events that completely outran human powers of prediction and control.

I am not saying that history is bound to repeat itself, for, even if history sometimes does so, that is an unimaginative argument. Nevertheless, some strains are hauntingly familiar. The leader of the Solidarity bloc in the Polish Parliament said recently that "The only way to change the border is war, and Germany knows it." He was responding not to his historical memory, but to the current official German refusal to assure the Poles that the borders between the two countries are permanent.

But I am not saying that World War III will start with the German invasion of Poland, for events tend not to repeat themselves with such precision. I am saying, rather, that the processes of history are bound to repeat themselves, for they do not ever do anything but repeat themselves. And I am saying that one of history's most certain and beguiling powers is its ability to elude prediction and control.

I believe that in regard to the great changes that are taking place in Europe, we have no choice but to respond with generosity and with optimism. Specifically, I believe that a carefully calculated drawdown of the order of battle, both strategic and conventional, will be justified by similar Soviet reductions, when they occur, and that we can plan, just as they do, in advance, with an eye to their progress and their stability.

I believe that we can give political support to Soviet reformers, including President Gorbachev himself, when it is merited and when it does not too obviously conflict with our own ideals. We may have a choice to make when it comes to throwing our support to the immediate assertion of freedom within the Soviet Union, or to a reformist Soviet Government that may fall if the demand for freedom is so militant that it results in anarchy. The proper course cannot be clear now, for this is not merely a case of realpolitik versus essential principles, it is a case of the two locked in interdependence, and when the time comes to choose we will have to rely on not only political morality and assessments and probabilities but also upon our sense of history and perhaps upon our ability to exercise a positive influence.

We should not despair of the latter, for it is not only in a reduction of armaments that we can reassure an agitated Soviet Union, but in continuing expressions of support and good will, in small gestures such as export controls and increased personal and cultural transactions, and in trade.

I am convinced that American history and the American national character oblige us to extend ourselves as much as we possibly can to the people of the East bloc, but I also believe that we should not lose sight of the fact that this noble obligation is also a noble risk. I am tremendously disturbed by the tendency of some of my colleagues, in this Chamber and in the

House, to celebrate, as it were, before the aircraft has touched down. I am even more disturbed by their tendency to find in the revolution in Eastern Europe support for what has been for some simply the lifelong, inescapable, ineradicable desire to reduce American military capacity. In fact, the story has just begun and they are behaving as if it were finished. And, then, it just may be that an onward rush to diminish our military capacity is precisely what will encourage the kind of instability in Europe that will threaten the very changes some celebrate so prematurely.

These people have proceeded for years from the assumption that the existence of American military power is a threat, and that, unless our power is diminished the threat will remain, and even grow in relation to a lesser Soviet military establishment. The basis of their assumption is their long-proclaimed willingness to view American power with cynicism and Soviet power with a supposedly rational nonchalance. If events in the Soviet Union have proved anything, it is that even the Russians do not share this view and do not act upon it—which accounts for the views of some of my colleagues that a long string of Soviet concessions is either purely inexplicable or merely saintly.

They thought that the zero option was a cruel Reaganite hoax, and could not understand why the Soviets did not agree. For decades and decades they have expressed acute and pained embarrassment at the existence of Eastern European liberation movements in this country. What could have been less chic than a Czech, or a Pole, or an Estonian, pointing his finger at the U.S.S.R. and strongly supporting the very American power of which American liberals are so ashamed? Their puzzlement continues, of course. They were surprised, shocked, and deflected from their recent opposition to the President's insistence upon an edge of 30,000 troops on the European periphery only by the Soviet acceptance of a position that they had thought asked too much.

I will say it as simply as possible. The existence of American power is not in itself an element of instability, and the reduction of American power is not required to promote stability. The Soviets understand this. In fact, they have understood it since the beginning.

In fact, American power and resolve have been essential to the triumph of freedom that we witnessed during the course of the year that has just passed, a triumph which continues to grow even as we speak here today.

If the diminution of American military capacity is, then, not necessary for stability, might circumstances exist in which the diminution encourages instability? I say yes, and I say so with emphasis, for the answer brings me back to my starting point, which was to assert that the best way of dealing with a situation evolving too rapidly for the senses to convey is to turn to those acts and duties that are made essential not by the specifics of history but by the general direction in which history proceeds.

The probability of German unification is overwhelming, as is the likelihood of either more rapid change or deepening instability in the U.S.S.R., or both. Between two great continental powers locked in fundamental internal redefinition are the East European buffer states, both a cause of and hostage to the troubles and changes around them. This is as volatile a condition of the international system as I can imagine, and it is made even more so by the risks that Mikhail Gorbachev has assumed for the sake of reform.

Without going into the specifics of the Soviet economy, the dissolution of the Warsaw Pact, and the potential demise of the union, that is the Soviet Union itself, I have only one thought for those who are celebrating, and that is: Although nothing has yet been thrown off the rails, the process has just begun and no final verdict is in. I am an optimist—life is too short to be anything else—but I believe that even optimists should now, instead of popping champagne corks, be diligently working for policies that will secure the triumph of freedom, democracy, and peace.

And so, I return to the long rows of gravestones, for it is as if they are saying, with the full weight of their eternal patience, that even in victory we should make sure to take care, that we must make sure not to lengthen the rows, and not to be careless or remiss in such a way that our children will join these soldiers that we honor for their ultimate sacrifice. What of these soldiers, then, so many of whom were left behind in Flanders fields? Were their deaths in vain?

Certainly those who fell in the First War were betrayed by the slipshod statesmanship that made and then unmade the peace. They were betrayed by unwarranted assumptions about the power of treaties and the nature of man. They were betrayed by an insufficient understanding of the system of states and its tendency to convert political ferment into action that is seemingly independent of human influence. They were betrayed by those who thought that war was so terrible as to be no longer possible. They were betrayed by a British Government that failed to stop Hitler in half a hundred places, and by good men such as Neville Chamberlain, who wanted peace so much, so long, and so publicly, that it became for them not merely a goal but a delusion. They were betrayed because, two decades after they fell, their survivors had not taken good enough care, and war came again.

Half a century has passed since then, in peace. I believe unequivocally that this peace for 50 years and its continuation long into the future is the real peace dividend. The difference between a 20-year interlude between wars, on the one hand, and half a century of peace on the other, has not been that these last 50 years have been without incident. Indeed, I would match the Berlin crises to Munich, Guernica in 1937 to Budapest 1956, and so on, both for intensity and danger.

But where the peril of one era led to catastrophe, that of the subsequent era was contained. Why? The reason was the presence of a real alliance, with American power the guarantor and American troops on the ground the fundamental deterrent to the kind of risk-taking that propelled the world into war in 1939.

Now that Europe, and even, with the rise of Japan, Asia, are more volatile than they have been in generations, now that Germany may unify and become simultaneously stronger and less stable, now that Chancellor Kohl refuses to rule out reclaiming historical German territories presently in Poland, now that half a dozen Soviet Republics are either moving toward secession or in open rebellion, now that the Soviet economy is in collapse, now that Eastern Europe is just at the brink of real freedom, now? Now? Now should we rush to withdraw the control rods of this tremendous reactor, the element that for half a century has buffered the forces and taken the heat? Now, when the forces are in flux and the temperature is on the rise?

It makes no more sense than decrying the zero option or being embarrassed, until very recently, by those who spoke for the freedom of Eastern Europe.

The Second World War would not have taken place had we been present in Europe as we are present now. Let us not draw down American forces in Europe, more than the President proposes, not, at least, until they serve no longer to weight the keel, and until we and our friends agree. It would be foolish, for the sake of a percentage point of GNP, to risk the real peace dividend, which has been half a century of Europe without war—and the promise, if we are wise, of peace as far as we can see into the future.

These sentiments are old-fashioned, yes, but I submit that they are tested and they are true, and I address them less to the followers of the fashions and dictates of the moment than to those Americans who can no longer answer, and for whom far too few of us speak, to those Americans who lie

under white crosses and stars, to whom an accounting is sometimes necessary, and to whom, again and again, I feel honor-bound to report.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

THE NEED FOR A CONSTITUTIONAL AMENDMENT TO PROTECT THE FLAG FROM PHYSICAL DESECRATION

Mr. DOLE. Mr. President, the score is now flag burners "two," the American people "zero."

Two weeks ago, the Federal district court in Seattle ruled that the so-called Flag Protection Act of 1989 did not work as advertised—that it failed to live up to its marquee billing—that it was unconstitutional. Earlier today, the Federal district court here in Washington followed suit, declaring that the flag statute completely flunks the constitutionality test.

During last year's debate, you didn't need to be a constitutional scholar to realize that the flag statute runs smack into the Texas versus Johnson decision. I said it. Senator GRASSLEY said it. Senator HATCH said it.

And you do not need to be a Supreme Court expert to realize that the flag statute's days are numbered—that its lifespan before the Supreme Court will be shorter than that of a fruitfly in a laboratory petri dish.

Mr. President, last year, I couldn't understand why Congress was so defensive about a constitutional amendment to protect Old Glory. I could not understand why Congress was so stubborn about conforming to a Supreme Court decision about which 97 Senators—97 Senators—expressed "profound disappointment." And I could not understand why Congress was so eager to pass a bill that is patently overboard and now—according to two district courts—most definitely unconstitutional.

But Congress insisted upon staging an elaborate magic show. It insisted upon waiving a magic wand over the flag desecration problem by crafting a statute that strived to be something called content-neutral—whatever that means.

I will make no bones about it: I do not want a content-neutral flag desecration statute. I want a statute that protects the cherished values that the flag symbolizes, not a statute that views the flag as if it were some lifeless rock. I want a statute that punishes people who "publicly cast contempt" upon the flag, not a statute that lumps the innocent with the likes of Gregory Johnson, and, most importantly, I want a flag desecration statute that works—one that is constitutional.

So, it will be no surprise when I say that the way to protect our flag is not with a hocus-pocus statute. The way to protect our flag is with an affirmative step—a constitutional amendment.

That is why I argued for a constitutional amendment last year. And that is why I stand ready to reintroduce the amendment once the Supreme Court finally passes judgment on the flag statute.

Mr. President, it is time that we stopped listening to the lawyers and the self-proclaimed constitutional law experts, and started listening to the American people.

Last year, the overwhelming majority of Americans urged Congress to pass the 27th amendment to the Constitution and Congress turned a deaf ear.

But the voice of the American people remains loud and clear today. And, I can assure you, that next time, this voice will be heard.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Seante messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. MILLER of California, Mr. DARDEN, Mr. LEVINE of California, Mr. FALEOMAVAEGA, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, and Mr. RHODES as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2750. An act to provide for the designation of certain public lands as wilderness in the State of Arizona.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2570. An act to provide for the designation of certain public lands as wilderness in the State of Arizona; to the Committee on Energy and Natural Resources.

MEASURE PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following bill, which was placed on the calendar:

S. 1757. A bill to amend title 28, United States Code, to provide special habeas corpus procedures in capital cases.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 5, 1990, he had presented to the President of the United States the following enrolled bill:

S. 1016. An act to change the name of "Marion Lake," located northwest of Marion, KS, to "Marion Reservoir."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2454. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on a study with respect to converting the commissary resale warehouse function at Langley Air Force Base, Virginia, to performance by contract; to the Committee on Armed Services.

EC-2455. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1991 and 1992, for the Panama Canal Commission to operate and maintain the Panama Canal, and for other purposes; to the Committee on Armed Services.

EC-2456. A communication from the Comptroller General of the United States,

transmitting pursuant to law, a report entitled "Financial Audit: Air Force Does Not Effectively Account for Billions of Dollars of Resources"; to the Committee on Armed Services.

EC-2457. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

EC-2458. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on biological or infectious agents used in Department of Defense Biological Defense Research Program Research, Development, Test, and Evaluation; to the Committee on Armed Services.

EC-2459. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. Exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-2460. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications; construction of facilities; and research and program management; and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2461. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on all the National Transportation Safety Board's recommendations to the Secretary regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC-2462. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1991 and 1992, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2463. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification of the extension of time for issuing a final decision in Finance Docket No. 31469 South Carolina Central Railroad Company, Inc.—Purchase—CSX Transportation, Inc., Line Between East Greenville and Laurens, South Carolina; to the Committee on Commerce, Science, and Transportation.

EC-2464. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2465. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2466. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2467. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2468. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the United States Customs Service for fiscal years 1991 and 1992; to the Committee on Finance.

EC-2469. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for the recovery by the United States Customs Service of the cost of processing of imported articles, and for other purposes; to the Committee on Finance.

EC-2470. A communication from the President of the United States, transmitting, pursuant to law, the report on Soviet Noncompliance with Arms Control Agreements; to the Committee on Foreign Relations.

EC-2471. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Agriculture, for the period ending September 30, 1989; to the Committee on Governmental Affairs.

EC-2472. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government, Fiscal Year 1990"; to the Committee on Governmental Affairs.

EC-2476. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department of Transportation on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2477. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Department of Veterans Affairs on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2478. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, recommendations for comprehensive reform of the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

EC-2479. A communication from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2480. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2481. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2482. A communication from the Acting Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1991, and for other purposes; to the Committee on the Judiciary.

EC-2483. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2484. A communication from the Director of the United States Peace Corps, transmitting, pursuant to law, the annual report of the Peace Corps under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2485. A communication from the Associate Director of the Office of Management and Budget, transmitting, pursuant to law, the annual report of the ACTION Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2486. A communication from the Acting Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2487. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2488. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting, a draft of proposed legislation to authorize appropriations to carry out the programs of the United States Holocaust Memorial Council; to the Committee on the Judiciary.

EC-2489. A communication from the Assistant Secretary of Energy (Management and Administration), transmitting, pursuant to law, the annual report of the Department of Energy under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2490. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-410. A petition from citizens of N. Tonawanda, NY, favoring the adoption of an animal bill of rights; to the Committee on Agriculture, Nutrition, and Forestry.

POM-411. A joint resolution adopted by the Legislature of the State of Maine to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the Portsmouth Naval Shipyard, located in Kittery, Maine, has received news that the overhaul of the nuclear submarine Sea-Devil, which was to be conducted at the Portsmouth Naval Shipyard, may now be cancelled; and

"Whereas, this action may result in the loss of jobs for 1,000 to 3,000 workers, many of them Maine residents; and

"Whereas, the seacoast region of Maine and New Hampshire has already sustained a potentially severe economic dislocation with the announced closing of Pease Air Force Base; and

"Whereas, workers will have to be rehired for future overhauls at the Portsmouth Naval Shipyard that are already planned and scheduled; and

"Whereas, there was no advance warning that the United States Navy might take such action and no opportunity to plan for an orderly transition for the displaced workers; and

"Whereas, no concerted governmental action has been taken to alleviate the effects of defense budget cuts, or to work for conversion of defense industries to a peacetime economy; now, therefore, be it

"Resolved, That the 114th Legislature of the State of Maine requests that Maine's Congressional Delegation make all diligent efforts to defer the action of the United States Navy in this instance and institute measures that will lessen the impact of defense cuts on industries in the State through planning for alternative use and will provide governmental assistance to workers during periods of transition; and be it further

"Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-412. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Banking, Housing, and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION No. 34

"Whereas, the State of Nevada is a leading producer of gold and silver in the United States; and

"Whereas, a United States mint was once located in Carson City, the capital city of the State of Nevada; and

"Whereas, a Mint Act would reestablish a branch of the mint of the United States in Carson City, Nevada; and

"Whereas, the passage of a Mint Act would result in a direct economic benefit to the State of Nevada; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to support and pass a Mint Act to reestablish a branch of the mint in Carson City; and be it further

"Resolved, That a copy of this resolution be delivered by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-413. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Banking, Housing, and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION No. 33

"Whereas, in article 1 of the Constitution of the United States, the writers of the Constitution have given Congress the power "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures" and have limited the powers of the states to "make any Thing but gold and silver Coin a Tender in Payments of Debts"; and

"Whereas, a Coinage Act could authorize the Secretary of the Treasury to mint and issue dollars, half dollars, quarter dollars and dimes in such quantity as he determines to be necessary to meet the needs of the United States; and

"Whereas, a Coinage Act could prohibit the minting of dimes, quarter dollars and half dollars with an alloy of 75 percent copper and 25 percent nickel; and

"Whereas, a Coinage Act could authorize the Secretary of the Treasury to mint and issue $50 gold coins, $20 gold coins, $10 gold coins and $5 gold coins in such quantity as he may determine to be necessary to meet the needs of the United States; and

"Whereas, the mining of gold and silver in Nevada was an important element in the development of the state and continues to be crucial to the economy of the State of Nevada; and

"Whereas, the passage of a Coinage Act by Congress will result in a direct economic benefit to the State of Nevada and the general public; now, therefore be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to support and pass a Coinage Act in accordance with the provisions of this resolution; and be it further

"Resolved, That a copy of this resolution be delivered by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegaton; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-414. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance:

"A CONCURRENT RESOLUTION

"Whereas, families with children bear a disproportionate share of the United States tax burden; and

"Whereas, in 1948 the income tax exemption for a dependent child equaled eighteen percent of the average American income while in 1988 it equaled four percent, demonstrating a devaluation of children in the United States Tax Code; and

"Whereas, the estimated cost of raising a child today is two hundred thousand dollars; and

"Whereas, mortgage and interst rates make it increasingly more difficult for the single-earner family to buy a home; and

"Whereas, a heavy tax burden and the high cost of living are causing mothers to seek employment outside the home, forcing them to leave their children in the care of strangers; and

"Whereas, child development experts are predicting serious problems with future generations who do not receive adequate mother love and nurturing; and

"Whereas, statistics show that eighty-four percent of employed mothers would rather be home taking care of their own children; and

"Whereas, current tax laws discriminate against single-earner families with a parent in the home: Now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring: That the members of the General Assembly, by this resolution, memorialize the United States Congress to raise the income tax exemption for dependent children to three thousand dollars, phased to five thousand dollars by 1995, and that it give an income tax credit of one thousand dollars a child under the age of five to low-income, working families in which at least one parent is employed.

"Be it further resolved, That a copy of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of this state's congressional delegation."

POM-415. A resolution adopted by the Senate of the Commonwealth of Kentucky; to the Committee on the Judiciary:

"A resolution expressing the concern of the Senate for the preservation of the federalist system of government and urging Congress to propose specific amendments to the Constitution of the United States relative thereto.

"Whereas, the American federal system, by its very nature, requires a careful balance between the roles of the federal and state governments; and

"Whereas, through constitutional, judicial, and legislative change, the authority of the states has been severely eroded, thereby tipping the balance in favor of the national government and substantially reducing Tenth Amendment protection for state authority generally; and

"Whereas, the ability of the states to initiate constitutional change has been severely impeded; and

"Whereas, one or both houses of fourteen state legislatures have already given their approval to, and some twenty others are now considering resolutions reaffirming the substantive and operational effects of the Tenth Amendment to the Constitution of the United States, and enhancing the ability of the states to initiate constitutional change; and

"Whereas, it is the desire of the Senate to lend its support to this effort: Now, therefore, Be it

"Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

"Section 1. That the Senate expresses its concern for the preservation of federalism as envisioned by the framers of the Constitution of the United States.

"Section 2. That the Senate urges Congress to submit to the states an amendment proposing to add the following language to the Tenth Amendment to the Constitution of the United States:

" 'Whether a power is one reserved to the states, or to the people shall be a matter to be decided by the Courts.'

"Section 3. That, in order to enhance the ability of the states to initiate amendments to the Constitution of the United States, the Senate urges Congress to submit to the state legislatures an amendment proposing to add the following language to Article V of the Constitution of the United States:

"'Whenever three-fourths of the legislatures of the several states deem it necessary, they shall propose amendments to this Constitution that, after two years, shall be valid to all intents and purposes as part of this Constitution, unless disapproved by two-thirds of both Houses of Congress within two years of the date the amendments are submitted to Congress.'

"Section 4. That this resolution be sent to each member of the Kentucky Congressional Delegation, the Vice-President, and the President of the United States."

POM-416. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Labor and Human Resources:

"SENATE JOINT RESOLUTION 90-6.

"By Senators Gallagher, Hopper, Bishop, Brandon, DeNier, Hume, Martinez, McCauley, McCormick, Meiklejohn, Pascoe, Rizzuto, Traylor, and Wham; also Representatives Philips, Arveschoug, Berry, Coffman, DeHerrera, Duke, Dyer, Epps, Faatz, Fagan, Fish, Foster, Grampsas, Grant, P. Hernandez, Irwin, Johnson, Kerns, Knox, Kopel, Mares, Martin, Mutzebaugh, Neale, Owen, Pankey, Paulson, Pierson, Prinster, Ratterree, Reeser, Reeves, Ruddick, Rupert, Schauer, Shoemaker, Tanner, Taylor-Little, Thiebaut, Tilger, Tucker, Ulvang, Webb, K. Williams, S. Williams, and Wright.

"Whereas, Older Americans are the largest users of health care, accounting for over $145 billion, about one-third of the nation's health bill in 1988; and the total cost to society from Alzheimer's Disease is now estimated to be $80 billion annually; and

"Whereas, Today, Alzheimer's Disease and related disorders affect more than 4 million Americans, 7 to 9 percent of persons over age 65 and about 25 percent of persons over age 85, and is the fourth leading cause of adult death in this country; at least 25 percent of Americans in their 20's and 30's will develop the disease before they die if a cure is not found; and as more people live to an older age, the incidence of Alzheimer's Disease will rise dramatically; and

"Whereas, The aging of the population from the year 1990 through the year 2000 will significantly increase the number of nursing home residents; and thereby add to the number of nursing home residents who have Alzheimer's Disease, which increase will have a serious impact on the health care system of the United States; and

"Whereas, Expenditures on nursing homes have increased dramatically over the past decade; and nearly one-half of these costs is now borne by the states and the federal government, almost entirely through Medicaid, at a current cost for Alzheimer's Disease alone estimated to exceed $12 billion per year; and

"Whereas, Alzheimer's Disease is widely recognized as placing an enormous financial, physical, and emotional burden on family caregivers; and

"Whereas, Current research expenditures for Alzheimer's Disease amount to less than $30 per patient compared to an average of $22,000 spent in 1988 to care for Alzheimer's patients; and if scientists do not find a way to cure or treat Alzheimer's Disease by the end of this century, the number of patients will double simply because of the demographic shift that is occurring; and

"Whereas, Medical research offers the only hope for understanding and eventually eliminating Alzheimer's Disease: Now, therefore, be it

"Resolved by the Senate of the Fifty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

That, although notable scientific advances have been made in recent years, the Congress of the United States is strongly urged to increase federal support to address some of the major issues still surrounding Alzheimer's Disease, including identifying the underlying cause or causes; developing a diagnostic screen that can identify the presence of this disorder prior to the presence of clinical signs; investigating the application of drugs or therapeutic agents that could aid in the treatment of the disease; and participate in international exchanges of information, research and development of services for those afflicted with Alzheimer's Disease.

"Be it further resolved, That each member of Congress from the State of Colorado give full support to any such legislation that may address the intent of this resolution.

"Be it further resolved, That copies of this resolution be sent to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the chairman of the Senate Committee on Finance and the chairman of the House Committee on Ways and Means, and to each member of Congress from the State of Colorado."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2231. An original bill to amend the Energy Policy and Conservation Act to extend the authority for Titles I and II (Rept. No. 101-247).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1472. A bill to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes (Rept. No. 101-248).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Frank B. Solloars, of Ohio, to be a member of the Board of Directors of the National Consumer Cooperative Bank for a term of 3 years;

Carol Mayer Marshall, of California, to be Superintendent of the Mint of the United States at San Francisco, CA;

Arthur J. Hill, of Florida, to be president, Government National Mortgage Association;

Philip R. Lochner, Jr., of Connecticut, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1991; and

John J. Adair, of Virginia, to be inspector general, Resolution Trust Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

S. 2231. An original bill to amend the Energy Policy and Conservation Act to extend the authority for titles I and II; placed on the calendar.

By Mr. FORD:

S. 2232. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from withholding tax requirements; to the Committee on Finance.

S. 2233. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from certain employment and withholding tax requirements; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. DOMENICI, Mr. KERREY, Mr. BOREN, Mr. MCCONNELL, Mr. SIMPSON, Mr. BURNS, Mr. GRAMM, Mr. WALLOP, Mr. HARKIN, Mr. CONRAD, Mr. WILSON, Mr. PRYOR, Mr. FOWLER, Mr. BENTSEN, Mr. HEFLIN, and Mr. LEAHY):

S. 2234. A bill to extend the price support program for wool and mohair; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mr. NUNN, Mr. WILSON, Mr. REID, Mr. COCHRAN, Mr. ROTH, Mr. CHAFEE, Mr. WARNER, Mr. SARBANES, Mr. GORTON, Mr. HEFLIN, Mr. GORE, Mr. THURMOND, Mr. HOLLINGS, Mr. ROBB, Mr. HATFIELD, Mr. COHEN, Mr. MATSUNAGA, Mr. BOREN, Mr. GRAMM, Mr. DANFORTH, Mr. D'AMATO, Mr. DECONCINI, Mr. LIEBERMAN, Mr. KOHL, Mr. COATS, Mr. BURNS, Mr. BRADLEY, Mr. SYMMS, Mr. INOUYE, Mr. HATCH, Mr. BOND, Mr. BOSCHWITZ, Mr. STEVENS, Mr. LUGAR, Mr. SPECTER, Mr. LOTT, Mr. GLENN, Mr. DOLE, Mr. RIEGLE, Mr. KASTEN, Mr. GARN, Mr. MACK, Mr. MCCLURE, Mr. BYRD, Mr. ARMSTRONG, Mr. RUDMANN, Mr. DURENBERGER, Mr. KERRY, Mr. MCCAIN, and Mr. EXON):

S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for Mr. PELL) (for himself, Mr. BIDEN, Mr. KASTEN, Mr. SIMON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. MURKOWSKI, Mr. DODD, Mr. LEVIN, Mr. RIEGLE, Mr. CRANSTON, Mr. KERRY, Mr. KOHL, and Mr. DIXON) by request:

S. Res. 257. Resolution expressing the advice of the Senate with regard to any treaty or other legal instrument entered into the United States affecting the status

and boundaries of a united Germany; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. Res. 258. Resolution to recognize and congratulate the 1990 International Trans-Antarctica Expedition; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. Con. Res. 100. Concurrent resolution in support of regional efforts to end driftnet fishing in the South Pacific; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 2232. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from withholding tax requirements; to the Committee on Finance.

S. 2233. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from certain employment and withholding tax requirements; to the Committee on Finance.

PAPERWORK REDUCTION FOR SMALL FARMERS

● Mr. FORD. Mr. President, today I am introducing two pieces of legislation to end a paperwork nightmare for small farmers. The first bill will eliminate the burden of section 7631 of the Omnibus Budget Reconciliation Act of 1989 for small farmers. Under this provision of last year's deficit reduction bill, farmers are now required to withhold Federal income taxes from their workers' wages.

The legislation I am introducing today would add an exemption under the new Federal income tax withholding provisions for farmers who are already exempt from the Fair Labor Standards Act. Therefore, if a farmer is exempt from minimum wage, he is also exempt from the withholding requirements.

Prior to enactment of the Reconciliation Act last October, wages paid for agricultural labor were exempt from income tax withholding. However, section 7631 of that legislation now requires that Federal income taxes be withheld from certain agricultural wages paid after December 31, 1989. Farmers will now be required to provide W-4 forms for their farm workers and calculate the amount of Federal tax withholding for those workers. Small, family farmers are simply not prepared to become tax advisers for their seasonal and part-time employees.

Under current law, certain cash wages paid to agricultural workers are subject to FICA [Federal Insurance Contributions Act] taxes. Generally, farmers must withhold FICA taxes from agricultural workers' wages if the worker is paid cash wages of at least $150 annually, or if the farmer pays more than $2,500 in cash wages to all employees annually. There is an exemption from the FICA withholding provisions for certain agricultural workers who are hand harvest laborers and are paid on a piece-rate basis.

Section 7631 of the Reconciliation Act conforms the Federal income tax withholding requirements for agricultural worker's cash wages are subject to FICA withholding, they are now also subject to Federal income tax withholding. Many of my farmers only learned of this change after it had already gone into effect.

On December 27 of last year, the Internal Revenue Service first advised farm employers of this new liability. The Service sent informational Form 907 to over 400,000 farm employers, advising farmers to have each employee fill out a Form W-4 in order to know the amount of tax withholding for each paycheck. Farmers are just now discovering the paperwork burden associated with this new requirement. The first quarter reporting period is coming up in just 1 month, and apparently the Internal Revenue Service does not intend to issue any specific guidelines for farmers who face this new reporting requirement for the first time. My office is being flooded with complaints.

For small, family farmers, the new Federal income tax withholding requirements are the final straw. While the law does not require farmers to advise their employes of how to fill out a Form W-4, it should be obvious that that is exactly what farmers will be required to do. Consider the case of the small farmer who hires seasonal farm workers. Those workers may have difficulty understanding the form, much less know how to determine how many exemptions to claim.

Congress historically exempted farmers from the Federal income tax withholding requirements because of the migratory nature of agricultural labor and because the relatively low wages earned by these workers did not give rise to any tax liability. While the labor force for large farms may have stabilized and their wages may now be sufficient to necessitate withholding, this is not the case for the small farmer, and he deserves some relief.

The new Federal income tax withholding requirement does not make sense for the small, family farm, particularly those which are exempt from minimum wage requirements. Agricultural workers who do not fall under minimum wage are unlikely to incur Federal tax liability. According to USDA figures, over half of all farm workers earn less than $5,500 annually, which means that they would have almost no tax liability at all. And an average family of four would have to earn more than twice that amount before incurring any Federal tax liability. To withhold Federal income tax from these workers' paychecks serves no purpose, and amounts to an interest-free loan to the Federal Treasury from those least able to give. And the paperwork required of farmers who must withhold and file these taxes is simply a wasteful burden.

The second piece of legislation I am introducing would add the same exemption to the current FICA withholding requirements. My farmers did not seek this legislation. However, to maintain the uniformity of the two provisions, a similar amendment is necessary.

The purpose of my legislation is to draw attention to the situation of the small family farmer and provide a starting point for debate on reform of these provisions. I encourage my colleagues to join in cosponsoring this legislation.●

By Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. DOMENICI, Mr. KERREY, Mr. BOREN, Mr. MCCONNELL, Mr. SIMPSON, Mr. BURNS, Mr. GRAMM, Mr. WALLOP, Mr. HARKIN, Mr. CONRAD, Mr. WILSON, Mr. PRYOR, Mr. FOWLER, Mr. BENTSEN, Mr. HEFLIN, and Mr. LEAHY):

S. 2234. A bill to extend the price support program for wool and mohair; to the Committee on Agriculture, Nutrition, and Forestry.

EXTENSION OF PRICE SUPPORT PROGRAM FOR WOOL AND MOHAIR

● Mr. DASCHLE. Mr. President, I rise today on behalf of myself and my colleague Senator BAUCUS to introduce legislation to reauthorize through 1995 the National Wool Act. I am pleased that Senator DOMENICI, Senator KERREY, Senator BOREN, Senator MCCONNELL, Senator SIMPSON, Senator BURNS, Senator GRAMM, Senator WALLOP, Senator HARKIN, Senator CONRAD, Senator WILSON, Senator PRYOR, Senator FOWLER, Senator BENTSEN, Senator HEFLIN, and Senator LEAHY have joined us as original cosponsors of this legislation. It is my belief that this reauthorization should be one of the least controversial aspects of the farm bill debate because this program has had virtually universal support since its inception in 1954. The fact that a majority of the Senate Agriculture Committee's members are sponsors of this legislation is a true testament to the support for the program as it currently exists.

The program has been successful because of its ability to maintain the viability of domestic production of wool and mohair at no net cost to the taxpayer. Through a combination of support payments, quality incentives, and tariffs, the program has provided producers with income stability, consumers and the military with a reliable supply of ever-increasing quality, and

has had a general positive contribution to our rural economy.

Wool production may not come immediately to mind when we think about this Nation's agriculture, but sheep and goats are raised in all 50 States. More than 125,000 farm families consider wool production to be an important part of their ranching operations. South Dakota ranked fifth in the Nation for sheep and lambs on hand at the beginning of 1989, and the 1989 wool crop was valued at over $7 million. From the conversations I have had as I travel around my home State, I cannot underestimate the importance of the wool industry to our State. Central to the continued success of this industry is the reauthorization of the National Wool Act.

Recently, considerable attention has been placed on the broader market effects of the farm programs. I am increasingly concerned about the adverse impact our crop programs have on the quality of the wheat, feedgrains, and oilseeds we produce. The wool program, on the other hand, can be held up as an example of how government and the market can operate together to enhance quality. The program encourages producers to place an emphasis on quality by providing higher payments for higher quality. The U.S. textiles industry generally attributes the increased quality they have witnessed over time in the U.S. wool clip to the National Wool Act.

For these reasons, it is with great pride that I introduce this legislation today. On behalf of our Nation's wool industry, I look forward to working with my colleagues to ensure the extension of this important program as part of the 1990 farm bill.●

● Mr. DOMENICI. Mr. President, I rise today in support of this bill to reauthorize the National Wool Act, an important part of the 1990 farm bill.

The production of lambs and wool is a very important industry in my home State of New Mexico. Commercial sheep production is generally concentrated in the southeast and central regions of the State and generated more than $22 million in cash receipts for ranchers in my State in 1988. Wool production contributes about one-third of gross income for sheep producers in our State.

In addition, the sheep and goat industry is vital for the people of the Navajo Nation, a portion of which is located in northwestern New Mexico. In 1988, the production of wool and mohair contributed about $850 to the average Navajo family income of $1,850.

After years of hard work, New Mexico flocks are characterized by superior breeding stock. In fact, the Debouillet breed was first developed in New Mexico and is now widely used in New Mexico, Texas, and other sheep-producing States.

Funds for this program are provided, in part, by the duties assessed on imported wool and wool products. The wool and mohair program will cost approximately $120 million in fiscal year 1991, only 1 percent of the overall cost of the Commodity Credit Corporation. Because this program is relatively small in the overall budget context and yet so important to the wool and mohair industries, I strongly support the reauthorization of the National Wool Act.

Another very important aspect of the National Wool Act is that it rewards production of high-quality wool. Higher incentive payments are made for wool of superior quality clipped in a professional manner.

The New Mexico sheep industry is widely known for its high-quality wool. Our dry climate and high-quality feed result in the production of a strong staple wool with excellent color.

New Mexico ranchers are consistent winners of prestigious awards recognizing outstanding wool quality. In 20 of the last 22 years, our wool producers have won the sweepstakes award at the National Western Stock Show in Denver, CO.

The Wool Act also authorizes the wool and mohair industries to engage in market development, research, and promotion activities. I strongly support the concept of producer promotion programs to increase market demand. The wool industry is actively developing overseas markets for its products, including West Germany and several East European countries. It is important that we enable producers to continue the use of this important tool to compete in a market where there is strong competition from Australia and New Zealand.

Mr. President, I look forward to working with my colleagues for successful passage of this bill.●

● Mr. BAUCUS. Mr. President, I am pleased today to join with Senator DASCHLE in introducing a bill to reauthorize the Wool Act through 1995.

This program is small relative to other farm programs but it means a great deal to many Western States like Montana.

It is critical that we maintain this program as it is currently structured so that producers can afford to continue to provide wool to consumers.

Congress passed the Wool Act in 1954 in response to fabric demands of World War II and the Korean conflict. U.S. leaders at the time decided to support a strong domestic wool industry as an item of national defense.

They, therefore, devised a program to stimulate production of a critical commodity.

The wool program works as follows. The USDA establishes a minimum support price for wool. The wool farmer sells his wool on the market. Then the USDA calculates the difference between the national average price and the support price, and puts it in terms of a percentage of the average price.

Producers receive a payment based on their market price multiplied by that percentage.

In other words, producers receive an incentive for producing high-quality wool. The higher the quality wool they produce, the higher the support payment.

As a result of these incentives, the quality of U.S. wool has steadily improved since the program's inception.

In addition, the wool program doesn't cost the taxpayer a dime. In fact, it puts money in the Treasury.

The program is paid for through a tariff imposed on imported wool.

This tariff nets about $300 million per year. In 1988, the cost of the wool program was only $80 million. In other words, the Treasury came out ahead by about $220 million.

I am concerned that the administration wants to completely dismantle the wool program by converting it to a target price system similar to some other program crops.

This change would eliminate the incentive for increasing production of high-quality wool. Instead, it would turn the wool program into one that is designed to control production.

I think this is the wrong approach and I strongly oppose it.

The current program achieves the objectives it was designed to achieve and puts money in the Treasury to boot. It should continue as is.

That is why Senator DASCHLE and I are introducing this legislation today. I urge my colleagues to support our efforts and reauthorize the Wool Act through 1995.●

By Mr. JEFFORDS (for himself, Mr. NUNN, Mr. WILSON, Mr. REID, Mr. COCHRAN, Mr. ROTH, Mr. CHAFEE, Mr. WARNER, Mr. SARBANES, Mr. GORTON, Mr. HEFLIN, Mr. GORE, Mr. THURMOND, Mr. HOLLINGS, Mr. ROBB, Mr. HATFIELD, Mr. COHEN, Mr. MATSUNAGA, Mr. BOREN, Mr. GRAMM, Mr. DANFORTH, Mr. D'AMATO, Mr. DECONCINI, Mr. LIEBERMAN, Mr. KOHL, Mr. COATS, Mr. BURNS, Mr. BRADLEY, Mr. SYMMS, Mr. INOUYE, Mr. HATCH, Mr. BOND, Mr. BOSCHWITZ, Mr. STEVENS, Mr. LUGAR, Mr. SPECTER, Mr. LOTT, Mr. GLENN, Mr. DOLE, Mr. RIEGLE, Mr. KASTEN, Mr. GARN, Mr. MACK, Mr. MCCLURE, Mr. BYRD, Mr. ARMSTRONG, Mr. RUDMAN, Mr. DURENBERGER, Mr. KERRY, Mr. MCCAIN, and Mr. EXON):

S.J. Res. 266. Joint resolution designating March 1990, as "U.S. Naval Reserve Month"; to the Committee on the Judiciary.

U.S. NAVAL RESERVE MONTH

● Mr. JEFFORDS. Mr. President, I rise today to offer a joint resolution to designate March 1990 as U.S. Naval Reserve Month; 1990 is the 75th birthday of the U.S. Naval Reserve.

The tradition of a civilian reserve navy dates back to colonial days. Some of the States activated their own State navies during the Civil War. This prompted the Navy Department to create the Office of Naval Militia in 1881 and during the Spanish American War, some of these men joined with the regular Navy.

Over the past 75 years the Naval Reservists have been called to active duty during World Wars I and II, and the Korean and Vietnam conflicts.

By the end of this year we are expected to have over 153,000 men and women in our countries Naval Reserve, making it the 10th largest in the world.

Mr. President, as an active member of the Naval Reserve for the past 30 years, I appreciate the support that my colleagues have shown for this resolution and I look forward to its passage.

Mr. President, I ask unanimous consent that a "Dear Colleague" letter of mine on this subject be printed in the RECORD.

There be no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR COLLEAGUE: For the last 30 years I have been a drilling Naval Reservist. 1990 will be the 75th Anniversary of the Naval Reserve. I am asking your support in joining me as a cosponsor of a joint resolution I plan to introduced commemorating the 75th Anniversary of the Naval Reserve.

The tradition of a civilian reserve navy or "citizen sailors" stretches back to colonial days when States organized their own militia or State navies. These civilian navies were activated during the Civil War and then dissolved. However, not long after, several States formed their own naval militia which prompted the Navy Department to establish the Office of Naval Militia in 1881. Some of these officers and enlisted men joined with the regular Navy in the Spanish American War.

In 1915, the Congress passed legislation establishing a Federal Naval Reserve. Thus, the Naval Reserve was born. Over the past 75 years, Naval Reservists have been called to active duty frequently:

In World War I, more than 600,000 of the U.S. Navy were Naval Reservists;

In World War II, more than 3 million men and women, 80 percent of the total Navy force were Reservists;

In Korea, 250,000 Reservists fought;

In Vietnam, one out of three Navy service members was a Naval Reservist.

The Reserve is a critical component of our Naval force today. There are 149,000 Naval Reservists many of whom have seen service in areas like Lebanon. By 1990, our reserve force is expected to grow beyond 153,000—making the Naval Reserve the 10th largest in the world.

Five of the last seven Presidents, representing both parties, have been members of the Naval Reserve. In fact, many of our colleagues in Congress also served. We hope that you can join in honoring and remembering the dedicated service of our Nation's "civilian sailors." Please call Darcie Johnston on my staff at 224-5141 if you would like to become a cosponsor.

Sincerely,

JAMES M. JEFFORDS.●

ADDITIONAL COSPONSORS

At the request of Mr. DASCHLE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1767

At the request of Mr. BURNS, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1767, a bill to reimburse individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, and for other purposes.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1898

At the request of Mr. REID, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1898, a bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities.

S. 1911

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 1913

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1913, a bill to require the use of child restraint systems on commercial aircraft.

S. 2021

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2039

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2071

At the request of Mr. PACKWOOD, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2119

At the request of Mr. KASTEN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2119, a bill to amend the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to increase the total amount of commitments which may be made to finance projects for housing and infrastructure in Israel for Soviet refugees, and for other purposes.

S. 2187

At the request of Mr. COCHRAN, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2188

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2188, a bill to amend the Rural Development Act of 1972 to provide for the establishment of rural health and safety education programs, and for other purposes.

S. 2229

At the request of Mr. DODD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week".

SENATE JOINT RESOLUTION 261

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution making dire emergency supplemental appropriations for low income home energy assistance.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. RIEGLE], the Senator from North Carolina [Mr. SANFORD], the Senator from Washington [Mr. ADAMS], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 239

At the request of Mr. DECONCINI, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate cease-fire.

SENATE RESOLUTION 247

At the request of Mr. MACK, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 247, a resolution expressing the sense of the Senate that the United Nations Human Rights Commission should continue to report on human rights in Cuba.

SENATE RESOLUTION 256

At the request of Mr. DANFORTH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Resolution 256, a resolution commending the people of Nicaragua.

SENATE CONCURRENT RESOLUTION 100—RELATIVE TO ENDING DRIFTNET FISHING IN THE SOUTH PACIFIC

Mr. INOUYE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 100

Whereas Japan and Taiwan have significantly expanded the combined size of their driftnet fishing fleets in the South Pacific region in recent years, from 9 vessels in 1987 to at least 121 vessels in the 1988-89 fishing season;

Whereas there is considerable concern among the nations of the South Pacific region that the continued widespread use of driftnets poses a danger to the South Pacific's marine resources and particularly to the albacore tuna resources of the South Pacific;

Whereas according to the report of the Second South Pacific Albacore Research Workshop, which was conducted in June 1989 under the auspices of the South Pacific Commission and included scientists from Japan and Taiwan, the harvest of South Pacific albacore tuna by driftnet fishing has "rapidly increased to an alarming level";

Whereas according to some marine biologists the continued practice of driftnet fishing in the South Pacific at current levels could deplete harvestable albacore tuna fish stocks within 2 years;

Whereas the depletion of this marine resource would have severe economic consequences not only for many of the nations of the South Pacific but also for United States economic interests in American Samoa and California;

Whereas scientific research to assess accurately the impact of driftnet fishing in the South Pacific has been greatly impeded by the absence of statistically reliable scientific data concerning driftnet fishing operations in the region, particularly those of Taiwan;

Whereas current driftnet practices result in the indiscriminate slaughter of sea birds, sea turtles, nontarget fish, porpoises, whales, seals, and other marine mammals, lending credence to claims that they function as "walls of death" where they are used;

Whereas lost and abandoned driftnets, called "ghost nets", continue to entangle, maim, and aimlessly kill thousands of marine animals each year;

Whereas on June 28, 1989, at a meeting convened in Suva, Fiji, by the South Pacific Forum Fisheries Agency, to discuss the impact of driftnet fishing on albacore tuna stocks, the South Pacific nations, supported by the United States, called for a cessation of driftnet fishing in the South Pacific until a management regime can be established;

Whereas on July 11, 1989, the South Pacific Forum, a regional organization composed of 15 South Pacific countries, issued the Tarawa Declaration, which calls on the international community to support and cooperate in the negotiation of a regional convention to establish a driftnet free zone in the South Pacific region;

Whereas pending the negotiation of such a convention, the Tarawa Declaration calls for an immediate cessation of driftnet operations in the region by Japanese and Taiwanese vessels;

Whereas on October 11, 1989, at the 29th session of the South Pacific Conference, convened in Guam, the South Pacific Commission, including the United States, supported a resolution calling for an immediate ban on the practice of driftnet fishing in the South Pacific region to allow time for the development of a comprehensive fishery management program;

Whereas Japan has announced that it would not cease the practice of driftnet fishing but would reduce the number of its driftnet fishing vessels in the South Pacific region by two-thirds during the next fishing season; and

Whereas Taiwan has neither agreed to cease its driftnet operations in the South Pacific nor to reduce the size of its driftnet fleet; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. UNITED STATES SUPPORT FOR REGIONAL EFFORTS TO PROTECT MARINE RESOURCES IN THE SOUTH PACIFIC.

(a) PROTECTION OF MARINE RESOURCES.—The Congress declares that it is in the interests of the United States to support regional efforts to protect the marine resources of the South Pacific from the indiscriminate slaughter caused by driftnet fishing, not only albacore tuna but also porpoises, whales, seals, and other mammals, sea birds, sea turtles, and nontargeted fish.

(b) SUPPORT FOR TARAWA DECLARATION AND SOUTH PACIFIC COMMISSION RESOLUTION.—(1) The Congress supports the Tarawa Declaration's call for an immediate cessation of driftnet fishing in the South Pacific.

(2) The United States supports the policy, as expressed in the resolution of the South Pacific Commission, calling for an immediate ban on driftnet fishing in the South Pacific in order to allow time for the development of comprehensive fishery management programs in the region.

(c) INTERNATIONAL CONVENTION BANNING DRIFTNET FISHING.—The Congress urges the Secretary of State to cooperate with regional organizations in the South Pacific in the formulation of an international convention banning driftnet fishing in that region.

(d) ACTIONS BY JAPAN AND TAIWAN.—It is the sense of the Congress that Japan and Taiwan—

(1) should immediately cease the use of driftnets in the international waters of the South Pacific; and

(2) should furnish immediately all available scientific data on their driftnet fishing catch in the South Pacific to both the South Pacific Forum and to other appropriate regional or international organizations such as the South Pacific Forum Fisheries Agency.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State with a request that the Secretary transmit copies of the resolution to appropriate authorities in Taiwan, the Government of Japan, and the governments of the member countries of the South Pacific Forum.

● Mr. INOUYE. Mr. President, I come before this body to introduce a companion resolution to Delegate ENI FALEOMAVAEGA'S resolution, House Congressional Resolution 214 that was introduced in the House on October 19, 1989. This resolution would effectively ban the destructive use of driftnets in the South Pacific.

The outrageous practice of driftnet fishing involves laying strings of nets 30 feet deep and 20 to 30 miles long. These small mesh nylon nets are walls of death that indiscriminately sweep and kill almost all marine mammals and birds that the nets come in contact with. Nothing escapes the driftnet slaughter. Thousands of seabirds, seals, sea lions and countless dolphins,

porpoises and whales are entangled and killed in driftnets every year.

The destructive force of driftnets on our ocean's ecological system has received worldwide attention. On December 23, 1989, the U.N. General Assembly adopted a resolution to phase out driftnets in the South Pacific by July 1991 and for a global moratorium by June 1992. I fully support the United Nations efforts and complement Prime Minister Geoffrey Palmer of New Zealand for his leadership on that consensus.

Although driftnets plague the entire Pacific, including the North Pacific near the Hawaiian islands, problems in the South Pacific are in need of immediate attention. The nations of the South Pacific have been confronted by mushrooming, unchecked growth in the size of driftnet fleets from Taiwan and Japan. As a result, the driftnet catch has depleted the albacore tuna stocks in the region.

This issue is of great importance to the South Pacific region. The South Pacific Forum, composed of 15 island nations, put forth its Tarawa Declaration in July 1989, which called for Japan and Taiwan to abandon immediately their driftnet operations in the region.

Despite the international condemnation of this destructive practice, Taiwan and Japan continue to submerge their walls of death in the South Pacific. I hope by this resolution, Congress will send these nations a strong and urgent message to stop this outrageous stripmining of our oceans.●

SENATE RESOLUTION 257—RELATIVE TO UNITED STATES PARTICIPATION IN GERMAN UNIFICATION NEGOTIATIONS

Mr. MITCHELL (for Mr. PELL, for himself, Mr. BIDEN, Mr. KASTEN, Mr. SIMON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. MURKOWSKI, Mr. DODD, Mr. LEVIN, Mr. RIEGLE, Mr. CRANSTON, Mr. KERRY, Mr. KOHL, and Mr. DIXON) submitted the following resolution (by request); which was referred to the Committee on Foreign Relations:

S. RES. 257

Whereas the four victorious Allied powers of World War II, the United States, the United Kingdom, France, and the Union of the Soviet Socialist Republics, continue to have certain legal responsibilities for the future of Germany and in particular continue to exercise full legal authority over Berlin;

Whereas, for the three Western powers, the retention of full occupation rights and responsibilities "relating to Berlin and to Germany as a whole, including the reunification of Germany and a peace settlement" is codified in a formal treaty between the Federal Republic of Germany and the United States, the United Kingdom, and France (The Convention on Relations Between the Three Powers and the Federal Republic of Germany, As Amended by Schedule I of the Protocol on Termination of the Occupation Regime in Germany; entry into force May 5, 1955);

Whereas the termination of Allied occupation rights in Germany and the end of the occupation of Berlin will require the assent of the four Allied powers;

Whereas the United States has consistently supported the right of the Federal Republic of Germany and the German Democratic Republic to unify if the people of both countries so choose;

Whereas the current western boundaries of Poland were established to compensate Poland for territory lost as a result of the cynical and illegal Nazi-Soviet Pact;

Whereas the German Democratic Republic (in 1950) and the Federal Republic of Germany (in 1970) have each, by separate treaty agreements with Poland, renounced any claims to Polish territory;

Whereas, in addition, the Federal Republic of Germany and the German Democratic Republic are both signatories to the Helsinki Final Act of 1975, which affirms the inviolability of existing European borders;

Whereas, however, the Federal Republic of Germany has adhered to the legal position that only the parliament of a unified Germany can bind the German nation permanently with regard to Germany's eastern border;

Whereas West German Chancellor Helmut Kohl has failed to provide unambiguous assurances that, in the event of German unification, he would act promptly to give official German recognition of the permanence of the present German-Polish border;

Whereas the failure to provide such assurance has caused considerable anxiety in Poland, a country which lost more than six million citizens at the hands of Nazi Germany during the Second World War; and

Whereas Germany's neighbors, including Poland, Czechoslovakia, Austria, France, Belgium, Luxembourg, the Netherlands, and Denmark, are entitled to know that a united Germany recognizes and accepts the existing boundaries: Now, therefore, be it

Resolved, That the Senate hereby states that United States adherence to any treaty or other legal instrument terminating Allied occupation rights in Germany and the occupation of Berlin should be contingent on Germany's unequivocal recognition that all its present borders are legal, permanent, and unalterable.

SENATE RESOLUTION 258—TO RECOGNIZE AND CONGRATULATE THE 1990 INTERNATIONAL TRANS-ANTARCTIC EXPEDITION

Mr. DURENBERGER (for himself and Mr. BOSCHWITZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 258

Whereas Antarctica is a vast land of snow and ice, that is as big as the United States and Mexico combined and contains 70 percent of the world's fresh water and has the most extreme weather in the world with temperatures as low as minus 128 degrees Fahrenheit and 200 mile per hour winds;

Whereas the six men and 40 dogs of the 1990 International Trans-Antarctica Expedition are the first in history to traverse the 4,000 mile wide Antarctic continent on foot using only dogs and skis and overcoming tremendous physical odds and unimaginable weather conditions including temperatures to minus 54 degrees Fahrenheit and winds to 100 miles per hour;

Whereas the effort of the six men from six different countries—the United States, France, the Soviet Union, People's Republic of China, Great Britain, and Japan—show that people from diverse social, economic, and political backgrounds can cooperate to overcome even the most daunting obstacles;

Whereas the team has focused attention and educated millions of people around the world showing the magnificence of the continent, and has demonstrated that although the continent is hostile, forbidding, and barren, it is also a land of great beauty and vulnerable to man's intrusion, demanding careful consideration of its future by the Antarctic Treaty nations;

Whereas the team was led by author and adventurer Will Steger of Ely, Minnesota who, working with co-leader Jean-Louis Etienne of Paris, France overcame significant odds to make possible the dream they conceived in 1986 on the ice near the North Pole;

Whereas the team member from the Soviet Union, Victor Boyarsky, helped garner essential logistical support for the trek from his country and joined Qin Dahe of the People's Republic of China in collecting scientific data that has never been gathered before in Antarctica;

Whereas Geoff Somers of Great Britain provided essential navigation skills and worked with Keizo Funatsu of Japan in driving the sleds and handling the specially bred polar huskies, that pulled their supplies and equipment;

Whereas the 40 dogs including Sam, Yeager, Thule, and Gordy, not only pulled the sleds but provided the men with the spirit they needed to continue their trek, especially when times got tough;

Whereas without the commitment of people like Cathy de Moll and Jennifer Gasperini, along with the expedition staff and volunteers and the corporate and individual supporters from around the world, this historic trek would not have happened: Therefore, be it

Resolved, That the United States Senate recognizes and congratulates the six members of the 1990 International Trans-Antarctica Expedition for completing their historic trek and focusing attention on and educating the world to the beauty and vulnerability of the forbidding bottom of the Earth: the Antarctic continent.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

MITCHELL (AND OTHERS) AMENDMENT NO. 1293

Mr. MITCHELL (for himself, Mr. DOLE, Mr. BAUCUS, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. BREAUX, Mr. SIMPSON, Mr. LEVIN, Mr. JEFFORDS, Mr. DOMENICI, Mr. WARNER, Mr. RIEGLE, Mr. COHEN, and Mr. MOYNIHAN) proposed the following amendment to the bill reported amendment (in the nature of a substitute) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and

maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

(The amendment appears in the body of the RECORD.)

KERREY (AND OTHERS) AMENDMENT NO. 1294

(Ordered to lie on the table.)

Mr. KERREY (for himself, Mr. EXON, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill S. 1630, supra, as follows:

On page 384, line 23, after facility. insert the following: The Administrator is authorized to establish a greater threshold quantity for, or to exempt entirely, any substance that is a nutrient used in agriculture when held by a farmer.

SYMMS AMENDMENT NO. 1295

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed to the reported amendment (in the nature of a substitute) to the bill S. 1630, supra, as follows:

At the appropriate place in amendment No. 1293, insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk or greater than [1 in 10,000 or 1 in 1,000,000].

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a field hearing on "Drugs and Violence: The Criminal Justice in Crisis."

The hearing will take place on Monday, March 19, 1990, in Detroit, MI. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearing is to receive testimony on Senate bill S. 639, to establish a hydrogen research and development program.

The hearing will take place on Friday, March 30, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510, attention: Cheryl Moss.

For further information, please contact Cheryl Moss at (202) 224-7569.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, March 21, 1990, at 9:30 a.m., to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call Marja Maddrie of the committee staff at 224-2130.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, March 5, 1990, to hold a hearing in preparation for the 1990 farm bill as it relates to rice.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government for a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 for Geryld B. Christianson, a member of the Senate Foreign Relations Committee, to participate in a program in the Netherlands sponsored by the Netherlands Atlantic Commission, from March 16 to 17, 1990.

The committee has determined that participation by Mr. Christianson in the program in the Netherlands, at the expense of the Netherlands Atlantic Commission, is in the interest of the Senate and the United States.●

RETIREMENT OF ELSA SCHUSTER FROM THE VA HOSPITAL IN KNOXVILLE, IA

● Mr. GRASSLEY. Mr. President, I want to just note the retirement of Mrs. Elsa Schuster, of Pleasantville, IA, from the Veterans Administration Hospital in Knoxville, IA on March 2, 1990. Mrs. Schuster worked for the VA for nearly 21 years as a nurse's aide. For over two decades she was a loyal and dedicated employee caring for the veterans who helped keep our land free. I wish to extend my best wishes to her and urge her to remain actively involved in her community.●

ISRAEL AND THE DOUBLE STANDARD

● Mr. BOSCHWITZ. Mr. President, I commend to my colleagues' attention an excellent essay by Charles Krauthammer that appeared in the February 26, 1990, issue of Time magazine. In this essay, entitled "Judging Israel," Mr. Krauthammer writes forthrightly and directly on an issue which is of concern to most supporters of Israel. That issue is the standard by which Israel's actions are judged by the other nations of the world.

Israel has been an independent state for almost 42 years, yet during that time it has hardly led what could be called a normal existence. Its history has been marked by a near-constant

succession of wars and crises with its neighbors. Only one Arab State, Egypt, has concluded a peace treaty with it. Other nations in the region, such as Syria, Libya, and Iraq, have armed themselves with many of the most modern weapons in large part against Israel and continue to pour forth never-ending torrents of anti-Israel invective. And since 1987 Israel has contended with a popular Palestinian uprising, the intifadeh, whose most extreme elements call for Israel's destruction.

Mr. Krauthammer does not deny for a moment that judgment against Israel should be withheld, but he has eloquently expressed the need to have that judgment tempered by realistic standards, ones which are appropriate to its situation. I ask that his essay be printed in the RECORD at the conclusion of my remarks.

The essay follows:

JUDGING ISRAEL

(By Charles Krauthammer)

Jews are news. It is an axiom of journalism. An indispensable axiom, too, because it is otherwise impossible to explain why the deeds and misdeeds of dot-on-the-map Israel get an absurdly disproportionate amount of news coverage around the world. If you are trying to guess how much coverage any Middle East event received, and you are permitted but one question, the best question you can ask about the event is: Were there any Jews in the vicinity? The paradigmatic case is the page in the International Herald Tribune that devoted seven of its eight columns to the Palestinian uprising. Among the headlines: "Israeli Soldier Shot to Death; Palestinian Toll Rises to 96." The eighth column carried a report that 5,000 Kurds died in an Iraqi gas attack.

Whatever the reason, it is a fact that the world is far more interested in what happens to Jews than to Kurds. It is perfectly legitimate, therefore, for journalists to give the former more play. But that makes it all the more incumbent to be fair in deciding how to play it.

How should Israel be judged? Specifically: Should Israel be judged by the moral standards of its neighborhood or by the standards of the West?

The answer, unequivocally, is: the standards of the West. But the issue is far more complicated than it appears.

The first complication is that although the neighborhood standard ought not to be Israel's, it cannot be ignored when judging Israel. Why? It is plain that compared with the way its neighbors treat protest, prisoners and opposition in general, Israel is a beacon of human rights. The salient words are Hama, the town where Syria dealt with an Islamic uprising by killing perhaps 20,000 people in two weeks and then paving the dead over; and Black September (1970), during which enlightened Jordan dealt with its Palestinian intifadeh by killing at least 2,500 Palestinians in ten days, a toll that the Israeli intifadeh would need ten years to match.

Any moral judgment must take into account the alternative. Israel cannot stand alone, and if it is abandoned by its friends for not meeting Western standards of morality, it will die. What will replace it? the neighbors: Syria, Jordan, the P.L.O., Hamas, Islamic Jihad, Ahmed Jabril, Abu Nidal (if he is still around) or some combination of these—an outcome that will induce acute nostalgia for Israel's human-rights record.

Any moral judgment that refuses to consider the alternative is merely irresponsible. That is why Israel's moral neighborhood is important. It is not just the neighborhood, it is the alternative and, if Israel perishes, the future. It is morally absurd, therefore, to reject Israel for failing to meet Western standards of human rights when the consequences of that rejection it to consign the region to neighbors with considerably less regard for human rights.

Nevertheless, Israel cannot be judged by the moral standards of the neighborhood. It is part of the West. It bases much of its appeal to Western support on shared values, among which is a respect for human rights. The standard for Israel must be Western standards.

But what exactly does "Western standards" mean? Here we come to complication No. 2. There is not a single Western standard, there are two: what we demand of Western countries at peace and what we demand of Western countries at war. It strains not just fairness but also logic to ask Israel, which has known only war for its 40 years' existence, to act like a Western country at peace.

The only fair standard is this one: How have the Western democracies reacted in similar conditions of war, crisis and insurrection? the morally relevant comparison is not with an American police force reacting to violent riots, say, in downtown Detroit. (Though even by this standard—the standard of America's response to the urban riots of the '60s—Israel's handling of the intifadeh has been measured.) The relevant comparison is with Western democracies at war: to, say, the U.S. during the Civil War, the British in Mandatory Palestine, the French in Algeria.

Last fall Anthony Lewis excoriated Israel for putting down a tax revolt in the town of Beit Sahour. He wrote: "Suppose the people of some small American town decided to protest Federal Government policy by withholding their taxes. The Government responded by sending in the Army . . . Unthinkable? Of course it is in this country. But it is happening in another . . . Israel."

Middle East scholar Clinton Bailey tried to point out just how false this analogy is. Protesting Federal Government policy? The West Bank is not Selma. Palestinians are not demanding service at the lunch counter. They demand a flag and an army. This is insurrection for independence. They are part of a movement whose covenant explicitly declares its mission to be the abolition of the state of Israel.

Bailey tried manfully for the better analogy. It required him to posit 1) a pre-glasnost Soviet Union, 2) a communist Mexico demanding the return of "occupied Mexican" territory lost in the Mexican War (Texas, New Mexico, Arizona, Utah, Nevada and California) and 3) insurrection by former Mexicans living in these territories demanding secession from the Union. Then imagine, Baily continued, that the insurrectionists, supported and financed by Mexico and other communist states in Latin America, obstruct communications; attack civilians and police with stones and fire bombs; kill former Mexicans holding U.S. Government jobs ("collaborators"); and then begin a tax revolt. Now you have the correct analogy. Would the U.S., like Israel, then send in the Army? Of course.

But even this analogy falls flat because it is simply impossible to imagine an America in a position of conflict and vulnerability analogous to Israel's. Milan Kundera once defined a small nation as "one whose very existence may be put in question at any moment; a small nation can disappear and knows it." Czechoslovakia is a small nation. Judea was. Israel is. The U.S. is not.

It is quite impossible to draw an analogy between a small nation and a secure superpower. America's condition is so radically different, so far from the brink. Yet when Western countries have been in conditions approximating Israel's, when they have faced comparable rebellions, they have acted not very differently.

We do not even have to go back to Lincoln's Civil War suspension of habeas corpus, let alone Sherman's march through Georgia. Consider that during the last Palestinian intifadeh, the Arab Revolt of 1936-39, the British were in charge of Palestine. They put down the revolt "without mercy, without qualms," writes Middle East scholar Fouad Ajami. Entire villages were razed. More than 3,000 Palestinians were killed. In 1939 alone, the British hanged 109. (Israel has no death penalty.)

French conduct during the Algerian war was noted for its indiscriminate violence and systematic use of torture. In comparison, Israeli behavior has been positively restrained. And yet Israel faces a far greater threat. All the Algerians wanted, after all, was independence. They were not threatening the extinction of France. If Israel had the same assurance as France that its existence was in no way threatened by its enemies, the whole Arab-Israeli conflict could have been resolved decades ago.

Or consider more contemporary democracies. A year ago, when rioting broke out in Venezuela over government-imposed price increases, more than 300 were killed in less than one week. In 1984 the army of democratic India attacked rebellious Sikhs in the Golden Temple, killing 300 in one day. And yet these democracies were not remotely as threatened as Israel. Venezuela was threatened with disorder; India, at worst, with secession. The Sikhs have never pledged themselves to throw India into the sea.

"Israel," opined the Economist, "cannot in fairness test itself against a standard set by China and Algeria while still claiming to be part of the West." This argument, heard all the time, is a phony. Israel asks to be judged by the standard not of China and Algeria but of Britain and France, of Venezuela and India. By that standard, the standard of democracies facing similar disorders, Israel's behavior has been measured and restrained.

Yet Israel has been treated as if this were not true. The thrust of the reporting and, in particular, the commentary is that Israel has failed dismally to meet Western standards, that it has been particularly barbaric in its treatment of the Palestinian uprising. No other country is repeatedly subjected to Nazi analogies. In no other country is the death or deportation of a single rioter the subject (as it was for the first year of the intifadeh, before it became a media bore) of front-page news, of emergency Security Council meetings, of full-page ads in the New York Times, of pained editorials about Israel's lost soul, etc., etc.

Why is that so? Why is it that of Israel a standard of behavior is demanded that is not just higher than its neighbors', not just equal to that of the West, but in fact far higher than that of any Western country in similar circumstances? Why the double standard?

For most, the double standard is unconscious. Critics simply assume it appropriate to compare Israel with a secure and peaceful America. They ignore the fact that there are two kinds of Western standards, and that fairness dictates subjecting Israel to the standard of a Western country at war.

But other critics openly demand higher behavior from the Jewish state than from other states. Why? Jews, it is said, have a long history of oppression. They thus have a special vocation to avoid oppressing others. This dictates a higher standard in dealing with others.

Note that this reasoning is applied only to Jews. When other people suffer—Vietnamese, Algerians, Palestinians, the French Maquis—they are usually allowed a grace period during which they are judged by a somewhat lower standard. The victims are, rightly or wrongly (in my view, wrongly), morally indulged. A kind of moral affirmative action applies. We are asked to understand the former victims' barbarities because of how they themselves suffered. There has, for example, been little attention to and less commentary on the 150 Palestinians lynched by other Palestinians during the intifadeh. How many know that this year as many Palestinians have died at the hands of Palestinians as at the hands of Israelis?

With Jews, that kind of reasoning is reversed: Jewish suffering does not entitle them to more leeway in trying to prevent a repetition of their tragedy, but to less. Their suffering requires them, uniquely among the world's sufferers, to bend over backward in dealing with their enemies.

Sometimes it seems as if Jews are entitled to protection and equal moral consideration only insofar as they remain victims. Oriana Fallaci once said plaintively to Ariel Sharon, "You are no more the nation of the great dream, the country for which we cried." Indeed not. In establishing a Jewish state, the Jewish people made a collective decision no longer to be cried for. They chose to become actors in history and not its objects. Historical actors commit misdeeds, and should be judged like all nation-states when they commit them. It is perverse to argue that because this particular nation-state is made up of people who have suffered the greatest crime in modern history, they more than any other people on earth, have a special obligation to be delicate with those who would bring down on them yet another national catastrophe.

That is a double standard. What does double standard mean? To call it a higher standard is simply a euphemism. That makes it sound like a compliment. In fact, it is a weapon. If I hold you to a higher standard of morality than others, I am saying that I am prepared to denounce you for things I would never denounce anyone else for.

If I were to make this kind of judgment about people of color—say, if I demanded that blacks meet a higher standard in their dealings with others—that would be called racism.

Let's invent an example. Imagine a journalistic series on cleaniness in neighborhoods. A city newspaper studies a white neighborhood and a black neighborhood and finds that while both are messy, the black neighborhood is cleaner. But week in, week out, the paper runs front-page stories comparing the garbage and graffiti in the black neighborhood to the pristine loveliness of Switzerland. Anthony Lewis chips in an op-ed piece deploring, more in sadness than in anger, the irony that blacks, who for so long had degradation imposed on them, should now impose degradation on themselves.

Something is wrong here. To denounce blacks for misdemeanors that we overlook in whites—that is a double standard. It is not a compliment. It is racism.

The conscious deployment of a double standard directed at the Jewish state and at no other state in the world, the willingness systematically to condemn the Jewish state for things others are not condemned for—this is not a higher standard. It is a discriminatory standard. And discrimination against Jews has a name too. The word for it is anti-Semitism.●

ADDITIONAL COSPONSORS—SENATE JOINT RESOLUTION 261

● Mr. LIEBERMAN. Mr. President, I ask that the following two cosponsors be added to Senate Joint Resolution 261, a joint resolution for dire emergency supplemental appropriations for low-income home energy assistance: Mr. LEVIN and Mr. SARBANES.

Mr. LEVIN has assisted me in my efforts following up on the home heating crisis. His help was instrumental in the three pieces of legislation I introduced on February 26, 1990. These bills were designed to solve some of the problems presented during the heating crisis. It was only through oversight that his name was left off the LIHEAP supplemental appropriation bill as an original cosponsor. I regret that this happened and apologize to Mr. LEVIN.

I am also pleased to welcome Mr. SARBANES.●

WELCOMING THE LEADERSHIP OF THE VETERANS OF FOREIGN WARS TO WASHINGTON

● Mr. MURKOWSKI. I rise today to welcome the leadership of the Veterans of Foreign Wars of the United States to Washington DC, and to the Capitol.

The VFW, through its local posts, is interwoven into the fabric of our Nation. Those posts are more than a meeting place or a building. They are the nucleus around which the men and women of the VFW demonstrate, in their local communities, their continuing commitment to our Nation. A commitment first manifested when they answered the Nation's call to arms.

VFW's impact extends far beyond the communities found at the grassroots of our Nation. Departmental leadership, national committees and national officers ensure that the Nation and the Congress also benefit from the commitment of the VFW.

This year, more than most, we see the legacy generated by America's veterans. This year we see the tide of freedom rising throughout the world. These events did not have to happen. They are the result of generations of action and commitment by individuals. In some countries, it was individuals pinned under the dead hand of democratic centralism who had the courage to recognize and act on the the knowledge that the human spirit can prevail. In the free world, individuals who donned the uniform of the Armed Forces of the United States and our allies played a major role in creating a climate in which liberty could bloom. These individuals, now veterans, ensured that the rulers of Marxist-Leninist governments could not look to a military solution for the inevitable internal contradictions of communism.

Mr. President, this week the Halls of the Capitol will be filled with men and women wearing the hats of the VFW. They served our country proudly in military uniform. They continue to serve our country, and their fellow veterans, proudly as leaders of the VFW. No one in the Congress need be reminded of the debt we owe these men and women, but I urge my colleagues to reflect upon their service, and the rewards we all enjoy as a result of it, when we greet these veterans in the Halls or in our offices.●

CONGRATULATING DR. FRED P. MEYER

● Mr. BOSCHWITZ. Mr. President, I rise today to congratulate Dr. Fred Meyer, this year's recipient of the Department of the Interior Distinguished Service Award.

Dr. Meyer is nationally recognized as a renowned fish parasitologist.

Dr. Meyer first gained recognition in the early 1960's when he developed the first warmwater fish disease diagnostic laboratory in the United States. In this laboratory he developed critical fish health assistance to fledgling catfish production, and he played an important role in the successful establishment of what is now a multimillion-dollar industry.

With this experience, Dr. Meyer became the director of the National Fisheries Research Center in La Crosse, WI, where he has been instrumental in identifying numerous fish diseases and developing many of the first disease control procedures and treatments.

Dr. Meyer's dedication and guidance have resulted in the approval of 28 compounds for use in cold and warm water fish culture management practices. He has also become a leading expert on the use of chemical techniques in fisheries.

In 1986 and 1987, Dr. Meyer led a task force to investigate the cause of lake trout mortality at a number of fish hatcheries in the Great Lakes lake trout restoration effort. The task force's findings resulted in significant changes in lake trout culture technolo-

gy as well as technologies for improving salmonid culture nationwide.

Mr. President, I ask my colleagues to join me in saluting Dr. Fred Meyer for his outstanding contributions to the science of fish disease research.●

THE NATIONAL WRITING PROJECT

● Mr. CHAFEE. Mr. President, I am pleased to join as a sponsor of, S. 2039, the National Writing Project Act, and look forward to its passage during this session.

Everyone knows that the three R's—reading, writing, and arithmetic—are the foundation of the American educational system. American students need to master these skills, but recent studies indicate that many young people are not developing the tools they have to write effectively.

The Writing Report Card, an assessment of the writing skills of school-aged students conducted by the National Assessment of Educational Progress in 1988, revealed that fewer than 25 percent of high school juniors could write an adequate, persuasive letter—and most of those were filled with numerous grammatical and spelling errors. Twenty-five percent of high school juniors, many of whom will no doubt enter college and university programs woefully unprepared to achieve on that level. In the near future these students will become part of the work force and perhaps as many as 25 percent of that work force will be educationally handicapped.

This legislation, the national writing project, focuses the national effort to improve educational standards through the expansion of the Nation's most successful writing program. Seventeen years ago the national writing project was established and has since trained over 600,000 teachers nationwide, including nearly 150 in my home State of Rhode Island.

The national writing project advocates a simple message: teachers need to encourage students to write. Through a teachers-teaching-teachers approach, the project allows educators to share successful writing teachniques and thus identify what works in the Nation's classrooms. Through the promotion of an interdisciplinary approach that taps the writing potential in all students, both teachers and students feel more comfortable about making writing an integral part of their curriculum.

The project has won numerous awards since 1972, and the demand for its services is outgrowing its ability to supply. In Rhode Island the writing project has quadrupled in size in the past 4 years. Teachers from 22 of the States's 38 school districts have participated in the program. This summer the Rhode Island consortium on writing expects to have 50 qualified teachers, but only 25 places.

As a nation that is serious about achievement and educational excellence, we must be willing to support legislation that for the relatively modest price of a $10 million authorization will allow the national writing project to expand, monitor, research, and assess its work.

The only reservation I have about S. 2039 is that I am reluctant to designate any one group, even such a fine enterprise as the national writing project, as the sole recipient of such a sum of Federal money without the benefit of a competitive bidding process. The Federal Government must be careful not to establish the precedent of designating deserving programs at the expense of open and fair competition.

In closing, I commend my colleague Senator COCHRAN for bringing this legislation to the Senate. I know he and his staff have worked hard to put together this package, and I applaud their work.●

CONGRATULATING LESLIE KOUBA

● Mr. BOSCHWITZ. Mr. President, I rise today to congratulate Mr. Leslie Kouba, the recipient of this year's Public Service Award of the Department of the Interior.

Mr. Leslie Kouba is Minnesota's master wildlife artist. His paintings, prints, and plates portray the natural beauty our country holds.

Mr. Kouba's artwork not only charms art lovers, but also benefits our wildlife resources. For many years he has donated his valuable artwork for wildlife fundraising efforts. Since 1976, Ducks Unlimited, Inc., has reportedly received more than $1.5 million for important waterfowl projects from the sale of his donated work. Recently a wildlife fundraiser was held in Minneapolis, MN, raising thousands of dollars to help finance the newly established North American waterfowl management plan.

Mr. Kouba's generosity and talent do not stop here. He has produced designs for 16 conservation stamps, including 2 Federal duck stamps. He was chosen to represent all duck stamp artists at a special Presidential reception honoring the 50th anniversary of the Federal Duck Soup Stamp Program.

Mr. Kouba's motto, "you can't just take, take, take—you must be willing to give something back to nature," reinforces his commitment and dedication to the conservation of wildlife.

Mr. President, the past years have seen numerous disasters that have destroyed some of our countries natural beauty. In a time where our wildlife is increasingly important, I ask my colleagues to join me in saluting Mr. Leslie Kouba for his dedication, and his generous and remarkable contributions to wildlife.●

NOMINATION REFERRED TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, as in executive session, I ask unanimous consent that when the nomination of John Adair to be inspector general of the Resolution Trust Corporation is reported by the Committee on Banking, Housing, and Urban Affairs, it be referred to the Committee on Governmental Affairs for a period not to exceed 20 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. BAUCUS. Mr. President I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 617 and Calendar No. 631.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

GOVERNMENT PRINTING OFFICE

Robert William Houk, of Ohio, to be Public Printer.

DEPARTMENT OF THE TREASURY

Peter K. Nunez, of California to be an Assistant Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CONVEYANCE OF CERTAIN LAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 397, H.R. 2749, land conveyance in Whitney Lake, TX.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2749) to authorize the conveyance of a parcel of land in Whitney Lake, Texas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2749) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REGARDING THE SALE OF STERILE SCREWWORMS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Agriculture Committee be discharged from further consideration of H.R. 4010, regarding the sale of sterile screwworms, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4010) to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, the House has passed H.R. 4010, a bill to provide the Secretary of Agriculture with authority to produce and sell cochliomyia hominivorax or sterile screwworms to foreign governments or international organizations. The U.S. Department of Agriculture has requested this legislation.

There has been an outbreak of screwworm infestation in North Africa, particularly in Libya. USDA reports that the pest not only threatens indigenous animal herds but could spread to other North African countries, to Israel, the southern Mediterranean, the Nile Valley, and central Africa. If allowed to spread it could become the most devastating wildlife and livestock pest on the African Continent, according to USDA.

The screwworm is also a threat to human population as well, particularly to those weakened by famine and disease. If not stopped immediately, the pest can spread relatively easily through human migration or transport of animals to other geographic areas.

In the United States, the screwworm was eradicated in 1982 and our Government has cooperated with the governments of Mexico and in Central America to gradually eliminate the pest there. The United States and the Government of Mexico jointly operate a facility in Mexico that produces sterile screwworm flies. The flies are then distributed in infested areas and the pest is eventually eliminated.

H.R. 4010 gives authority to the Department of Agriculture to sell sterile screwworm flies produced at this facility to foreign governments or international organizations to control and eradicate the outbreak in North Africa and any other area where the problem occurs. In dealing with the current problem, the joint United States-Mexican facility would sell the flies to the Food and Agriculture Organization of the United Nations which would conduct the eradication program.

USDA advises that there is no cost to the United States Government for this program and that the United States share of proceeds from the sales will be deposited with the United States Treasury Department and credited to the appropriation account which pays for the facility in Mexico.

Mr. President, this is purely a humanitarian measure which provides the U.S. government an opportunity to help eliminate a dangerous threat that once jeopardized our own Southern and Western States. My distinguished colleagues, Senator HELMS, the senior Senator from North Carolina, and Senator DOMENICI, the senior Senator from New Mexico, join me in supporting this bill. I ask that the Senate proceed with this measure and pass it by unanimous consent.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4010) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF OBSOLETE SUBMARINE U.S.S. "REQUIN"

The bill (S. 2151) to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF WAITING PERIOD.

Clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, for use by the Carnegie Institute in connection with the Carnegie Institute Science Center in Pittsburgh.

PROVIDING FOR ACCEPTANCE OF A STATUE OF PHILO T. FARNSWORTH

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Rules Committee be discharged from further consideration of House Concurrent Resolution 226, regarding the acceptance of a statue of Philo T. Farnsworth, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 226) providing for acceptance of a statue of Philo T. Farnsworth, presented by the State of Utah, for placement in National Statuary Hall, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 226) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 93

Mr. BAUCUS. Mr. President, I ask unanimous consent that Calendar No. 465, Senate Concurrent Resolution 93, the Senate companion, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, March 6; that following the time for the two leaders there be a period for morning business not to extend beyond 10 o'clock with Senators per-

mitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow the Senate will resume consideration of the clean air bill at 10 a.m. At 12:15 p.m., the Senate will vote on the nomination of Clarence Thomas, to be a U.S. circuit judge for the District of Columbia Circuit. Upon the conclusion of that vote, the Senate will stand in recess until 2 p.m.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished Republican leader has no further business, and I see no other Senator seeking recognition, I ask unanimous consent that the Senate stand in recess until the previous order until Tuesday, March 6, at 9:30 a.m.

There being no objection, the Senate, at 6:56 p.m., recessed until Tuesday, March 6, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1990:

DEPARTMENT OF AGRICULTURE

JOHN C. FOLTZ, OF OHIO, TO BE ADMINISTRATOR OF THE FEDERAL GRAIN INSPECTION SERVICE, VICE W. KIRK MILLER, RESIGNED.

NATIONAL SCIENCE FOUNDATION

THE FOLLOWING-NAMED INDIVIDUALS TO BE MEMBERS OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR TERMS EXPIRING MAY 10, 1994:

PETER H. RAVEN, OF MISSOURI, VICE WILLIAM A. NIERENBERG, TERM EXPIRED.

BENJAMIN S. SHEN, OF PENNSYLVANIA, VICE NORMAN C. RASMUSSEN, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

AUBREY W. BOGLE
JACK L. HIRSCH, JR.
REGINALD M. SEALEY
TIMOTHY M. O'LEARY
PETER A. JENSEN
JOSEPH E. WAHLIG
LYNN M. WOODS

To be lieutenant (junior grade)

FREDERICK A. SALISBURY
GREGORY S. OMERNIK
RONALD L. RODDAM
ARTHUR J. DININNO
JOSEPH P. STAFFORD
MICHAEL J. MENAH
DOUGLAS R. MCCRIMMON, JR.
ERIC J. FORDE
JAMES R. MANNING
DANIEL V. VENNE
LARRY A. GLICK
LINN M. CARPER
THOMAS A. SAINT, JR.
JOHN T. FOX
DOUGLAS W. STEPHAN
JOSEPH J. TUROSKY, III
TONY JOHNSON
ALBERTO L. PEREZ-VERGARA
MICHAEL C. RYAN
WILLIAM F. IMLE
CARL B. HANSEN
JOHN F. PERTGEN
DAVID L. RABITOR
HOWARD R. WHITE
GEORGE W. DUPREE
ADAM BAKER
JERRY R. HONEYCUTT, JR.
MARK R. DIX
BRIAN A. SANBORN
WESLEY S. TRULL
DAVID P. DANGELO

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 1990:

GOVERNMENT PRINTING OFFICE

Robert William Houk, of Ohio, to be Public Printer.

DEPARTMENT OF THE TREASURY

Peter K. Nunez, of California, to be an Assistant Secretary of the Treasury.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

CLUB PED

HON. WILLIAM E. DANNEMEYER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. DANNEMEYER. Mr. Speaker, child abuse is a national tragedy. As the following article points out, it is also an American export of homosexual pedophiles. The North American Man/Boy Love Association [NAMBLA] calls the molestation of young boys a "right." Hear the rhetoric,

We speak out against the oppression endured by men and boys who love one another and support the rights of all people to consensual intergenerational relationships. (NAMBLA Bulletin)

Mr. Speaker, to deem the molestation of children as "consensual intergenerational relationships," or as an act of love, is a perversion of the mind and the soul. To call it a "civil right" is an act of insanity. But, unfortunately, the American Psychiatric Association [APA] removed pedophilia from their list of mental disorders as long as the fantasizing pedophile does not manifest any "subjective guilt."

If you are keeping score, the removal of fantasized pedophilia from the APA's list of mental disorders came shortly after the removal of homosexuality from the list. Society can't wait to know what is next. Better keep Fido leashed.

[From the Sunday Punch, Feb. 18, 1990]

A SILENCE OF SHAME—SONS OF ASIAN REFUGEES ARE BEING SEXUALLY ABUSED BY "FRIENDS" AND "HELPERS"

(By Jeanie Kortum-Stermer)

On top of all the other problems Asian refugees have faced in recent years, child molesters, often introduced through organizations set up to help families assimilate into American society, have been preying on very young boys in the Bay Area, according to police and social workers.

"These children are easy prey. It's like a lion circling a herd, picking out the weakest member of the pack to attack," said Glenn Pamfiloff, inspector for the Juvenile Division of the San Francisco Police Department.

One reason pedophiles like Asian boys is that they fulfill their fantasties; they are small in stature and often look younger than they actually are. Another reason is that Asian families seldom report sexual abuse. Recently immigrated from countries devastated by war, with an instinctual distrust of the police, they are unwilling to entrust strange authorities with what they consider to be humiliating secrets.

Inspector Pamfiloff has been working on child-abuse cases involving sexual molestation for the past 10 years and has a caseload of 20 to 30 at present. He has seen a rapid rise in those involving children from Asia and elsewhere in the Third World, perpetrated by men who have ingratiated themselves with the entire family, teaching the children English and serving as a valuable link to American society and culture.

"Many become trusted and honored family helpers," Pamfiloff says. "The families don't know America, they feel uncomfortable in this society, and what do they get? They get this wonderful guy, sent to them through a refugee organization they trust, who will teach their children the American way of life, who treats the family with utmost respect, buys the kids gifts that the family could never afford and completely wins their hearts."

Such was the case in a recent arrest in the Tenderloin involving three Southeast Asian boys ages 5 to 9. The suspect, sent to the family through a refugee organization ostensibly to help the children learn English, had been molesting the two older boys for 1½ years. He was beginning to assault the 5-year-old when he was arrested.

"The family told my outreach worker that there was an American man who was teaching the children English and taking them out," said "Tim Brown," the social worker who first began to feel something was wrong and later reported the case to the police. "This was a very isolated family, and there was something about the situation which made me suspicious." (For the sake of the children who are still in trauma, any names linking this case to the actual family have been changed.)

Even after the parents had been warned not to permit the man to be alone with the children while care providers figured out what was going on, the family allowed him to take them on outings. "It's the culture," said Reena Cho, a Southeast Asian outreach worker who was working closely with the family at the time. "If we think someone is doing something good for the children and we knew each other for a long time, it's very difficult to say no. We don't want to hurt. We just think that way."

After many hours of questioning, the children finally admitted to being molested. According to Pamfiloff, this is typical. "These boys ar not going to talk about their sexual lives. They feel complexities in this terrible thing that they are involved with. They feel guilty about being used. There is a sexual response. They don't feel that they are victims, they feel like they are accomplices. They are too immature to understand all the implications."

It wasn't until Pamfiloff asked the 7-year-old boy if he wanted what had happened to him to happen to his 5-year-old brother that the boy finally broke down.

Reports Cho, the outreach worker: "The boy was crying. The man had been with the 9-year-old, but he was getting too big so he switched to the 7. Then, it turns out he was starting to take the 5-year-old. Sometimes right in their own home. The policeman asked, 'Did you play in bed?' The boy said yes. 'Did he touch your body?' The boy said yes, and then he pointed between his legs. 'Do you mean your penis?' the policeman said, and the boy said yes."

The reward would be taking the children out for cookies and video games.

One of the reasons Cho and Brown consented to interviews is that they believe it is only through education that the problem can be avoided. "We didn't have this kind of thing in our native country," said Cho. "Even though I am an outreach worker, I didn't know about it."

"Refugee families really are vulnerable for exploitation," says Margaret Brodkin, executive director of Coleman Advocates for Children and Youth. "As an advocate for children for the last 10 years, I am amazed how little this is spoken about. Few people know about it, care about it, speak out about it. It's just symptomatic of what a low priority kids are in this city."

According to Pamfiloff, refugee organizations, outreach workers, teachers and families are going to have to educate themselves quickly, for the problem is on the rise. Many of these men interested in boys become involved in activities—Nintendo, pets, aquariums, movies—that attract children of the age they're interested in.

"There was this one case in which this guy had tons of movies for kids," reports Pamfiloff. "He also had tons of child pornography. He videotaped the boy as he was molesting him. It was full molesting, about everything you can do with a kid. He brought him a lot of presents and also got him to bring his cousin around. They were around 8 or 9 years old. This was a refugee kid (the victim). He spoke English, but his parents didn't. And he shared the boys with his best friend.

"Another guy who just pleaded guilty of molestation recently focused on poor kids in the Tenderloin, which included a lot of Asian kids. He bought them skateboards. He wasn't making much money, but he would go out and buy them $150 to $200 skateboards. He liked the 12- to 13-year-old kids. He met the kids around the park."

Another molester was reported by a coworker. "This guy, the suspect," Pamfiloff said, "was observed to be parked in the Tenderloin in a van and there was a boy wedged between the suspect and the door. He continues to be seen in the community with young boys about the age of 10, mostly Southeast Asians, probably Vietnamese."

A number of child molesters try to pick up children in Boeddeker Park, in the heart of the Tenderloin. "We've got a lot of kids hanging around there," says Pamfiloff, "even though it's almost taken up by our street community. The suspects make friends with the kids to get them up to their apartments. A lot of these guys have computers, and what Tenderloin kid wouldn't want to play with Nintendo or on an Apple?"

Pamfiloff reports that many but not all child molesters belong to a group called NAMBLA, North American Man-Boy Love Association, which has about 125 members in California and 600 worldwide. The group was founded about 12 years ago, and men with close ties to the group have been arrested in Sacramento, San Francisco, Boston and the U.S. Military Academy at West Point.

NAMBLA says that sex between a boy, even an infant, and a man is completely natural—that it is merely misunderstood by a conservative society. "We speak out against

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the oppression endured by men and boys who love one another and support the rights of all people to consensual intergenerational relationships," the NAMBLA bulletin says.

"Over the years I have experienced some wonderful and meaningful relations with boys," writes one correspondent to the NAMBLA bulletin, "which in most instances never developed into a sexual relationship but to me, in many ways, were just as satisfying. Those that did go to full fruition in sexual contact did so out of mutual trust, love and appreciation. Most of those young men have now grown up, are happily married and we still are very good friends. Our past contacts are viewed as warm, friendly and exciting during the 'maturing' years . . . I am married and have a good wife and four wonderful children whom I love very much. There is still a very real part of me that needs these other intimate relationships to help me feel fulfilled and that I know, having been told, brings joy to my young partner."

As in the case with the three Southeast Asian boys, the "love" of which the pedophile speaks is a sexual attraction to a young boy. When the boy grows too big he is dropped.

"They say they are falling in love with the children," says Pamfiloff, "but as soon as the children pass the age limit they're attracted to, they're gone. When you love that kid, it locks them in at 9 years old; when he's 16, the interest is gone, you want that 9-year-old again. Few people really understand what these kids go through."

Says Kathy Baxter-Stern, director of the Child Abuse Council, "I've seen too many kids who have been victims of this sort of orientation and we're really talking about young kids. People say, well, you don't understand the lifestyle, but that's not what we're talking about. Kids who feel that they are gay and they come to San Francisco and get involved in the whole street stuff is not really what we're talking about. We're talking about much younger children being victimized."

There is a loosely organized international ring of pedophiles, according to Pamfiloff, many of whom belong to NAMBLA, who introduce men to young boys and exchange pornography.

This child-molester ring acts as a sort of underground railroad when one of them is believed to be under surveillance or near arrest. It even serves as a sort of international liasion between men and Third World boys, jokingly referred to by both the pedophiles and the police as "Club Ped."

"They prey on poor children in the Third World," said Pamfiloff. "Their trips go to Bangkok, Brazil, Manila and Sri Lanka, among others. They protect each other and even have a safe house in Sri Lanka in which they help to hide each other out."

Recently, he said, with the San Francisco police working closely with the Bangkok police, there was a big bust of some of these men who were running an orphanage in Bangkok. "Traditionally, it's one of the spots where you can get little kids," says Pamfiloff. "They had a safe house over there including a couple of our Bay Area pedophiles. A Massachusetts guy got arrested. Pedophiles went there on tours, and they had sex with the kids. It was all set up.

"They guy who is running the show was Steve Raymond. He was head of NAMBLA's steering committee and basically the leader for NAMBLA on the West Coast. He's in custody in Bangkok for child-molestation charges. Also the caretaker of the orphanage was arrested and found with child pornography.

"The word that we have about what was gong on there, and this is from federal authorities, is that they were running a junket where the child molesters would come to Bangkok and be assigned a boy as a guide to take them around to various places through the country. They would check into hotels together and do whatever they wanted with the boys."

"Protect yourself," NAMBLA urges its members in its bulletin. "As boy lovers, we can share much with each other—our feelings of love and attraction for boys, and our dream for justice . . . It is extremely dangerous to possess pictures that show you and a boy having sex . . . Sexual fascism marches on, but with caution you can avoid its death camps."

Pamfiloff has another warning, this one for parents. "If your kid is going off to visit some wonderful man all the time, someone who has all these puppies and kitties and is always down at Boeddeker Park, you should be a little bit suspicious."

For Asian families who have been through war and massive social disruption, it is a wrenching irony that their sons may be in danger from friendly men in a neighborhood park in their peaceful new homeland.

YOUNG WRITERS WEEK

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. EMERSON. Mr. Speaker, today, I am introducing a bill that will designate April 15 through April 21, 1990, as Young Writers Week. Since written communication is a vital element in our society, and schools in our country should strongly encourage the mastery of writing and improvement of the communications skills, I feel very strongly that we should designate such a week. Young writers should be honored for their diligence in the study and practice of writing and their contribution of stories, articles, novels, and essays to American literature.

I would encourage my colleagues to cosponsor this worthwhile endeavor to let the young writers in our country know we care and are serious about the art of writing.

CLOSING AN AGRIBUSINESS TAX LOOPHOLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. STARK. Mr. Speaker, today I am introducing a bill to include Federal irrigation subsidies in gross income.

The President's budget for fiscal year 1991 makes a persuasive case for increasing the responsiveness of American agriculture to market mechanisms. The budget cites major improvements in the farm economy which bring into question the need for farm subsidies: net farm income is at an all time high of $48 billion in 1989; cropland used in 1989 is estimated at 330 million acres, up about 12 million from the year before; the farm sector is economically ,stronger, while debt-to-asset ratio on farm balance sheets is expected to continue to fall 17 percent in 1989.

The President's budget also expresses concerns about the distribution of subsidy payments. Since the 1930's, the number of farms has dropped by 50 percent and commercial farms are much larger. A significant portion of benefits go to larger, wealthy farmers and the President's budget concludes that "in an era of limited resources, this is hard to justify."

I couldn't agree more.

I suggest that Congress start by taxing the benefit that farmers receive when they get subsidized water. There is a long history of misuse and abuse of water subsidies. From 1902 to 1982 Federal reclamation law and policy allowed the Bureau of Reclamation to provide federally subsidized water to Western farmers on up to 160 acres in certain areas. The intent of the law to to help small farmers work land that had not been previously farmed.

The law was silent on leased acreage and the Bureau provided subsidized water to some large farms consisting of thousands of acres. Recognizing that this loophole needed to be closed and also that the acreage limit should be increased to reflect modern farming practices, the Reclamation Reform Act of 1982 increased the maximum acreage of subsidized water to 960 acres and attempted to close the loophole for larger farms by including language covering leased acreage.

However, according to the General Accounting Office, the loophole remains in place because the Bureau of Reclamation regulations do not preclude subsidized water for multiple landholdings—each within the 960 acre limit—that operate as one farm. The Bureau issued regulations which negated the intent of Congress as explicitly stated in the legislative history.

The General Accouting Office report on water subsidies of October, 1989—GAO/RCED-90-6—studied eight farms having enough acreage to be subject to the act's full cost provision. Six of the eight farms had reorganized through a combination of partnerships, corporations, and trusts to circumvent the 960-acre limit so that they could continue to receive the subsidized water. For example, a 12,345 acre cotton fam operating under a single partnership was reorganized into 15 separate landholdings through 18 partnerships, 24 corporations, and 11 trusts.

Why go to all this trouble? The water subsidy is liquid cash. It is a benefit which averages about $100 per acre. In just four of the cases reviewed by GAO, the value of the water subsidy was $1.3 million in 1987. And the benefit will flow year after year to agribusiness with thousands of acres in landholdings unless we change the law.

The operators of large farms found a way out of the Reclamation Reform Act of 1982 with the embarassing compliance of the Bureau of Reclamation. Maybe it's time to take a different approach. My bill treats the value of the subsidy as income to the farmers who receive it. This cuts the value of the subsidy by approximately one-third and will serve

to decrease the reliance of all farmers on subsidized water. By moving toward full cost of water, I hope to promote water conservation and to provide a level playing field between farmers who receive the subsidized water and farmers who do not have this option.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 90 of the Internal Revenue Code of 1986 (relating to illegal Federal irrigation subsides) is amended to read as follows:

"SEC. 90. FEDERAL IRRIGATION SUBSIDIES.

"(a) GENERAL RULE.—Gross income shall include an amount equal to the Federal irrigation subsidy received by the taxpayer during the taxable year.

"(b) FEDERAL IRRIGATION SUBSIDY.—For purposes of this section—

"(1) IN GENERAL.—The amount of the Federal irrigation subsidy received by any taxpayer during any taxable year is the excess (if any) of—

"(A) the full cost charge for Federal irrigation water delivered to the taxpayer during the taxable year; over

"(B) the amount required to be paid for such water.

"(2) FULL COST CHARGE.—The term 'full cost charge' means the full cost determined by the Secretary of the Interior under paragraph (3) of section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb(3)) plus any operation, maintenance, or replacement charges required in addition to any full cost charge.

"(3) FEDERAL IRRIGATION WATER.—The term 'Federal irrigation water' means any water made available for agricultural purposes from the operation of any reclamation or irrigation project referred to in paragaph (8) of section 202 of the Reclamation Reform Act of 1982.

"(c) DENIAL OF DEDUCTION.—No deduction shall be allowed under this subtitle by reason of any inclusion in gross income under subsection (a)."

(b) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 90 and inserting the following:

"Sec. 90. Federal irrigation subsidies."

"(c) The amendments made by this section shall apply to water delivered to the taxpayer in months beginning after the date of the enactment of this Act.

IN MEMORY OF WELLES BELIN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. McDADE. Mr. Speaker, on February 15, 1990, I was saddened to learn of the death of longtime Scranton, PA, social and civic leader and my friend of many years, Charles Welles Belin.

I was fortunate to know Welles for about 30 years, and had worked with him in many social and civic capacities. He was an interested citizen of Scranton, of the Commonwealth of Pennsylvania, of the Nation, and the world.

I knew Welles Belin as a person who selflessly gave of his time and treasure to make the world a little better place in which to live and work and raise a family.

I knew Welles Belin as a successful businessman and defender of the American free enterprise system.

I knew Welles Belin as a devoted husband and proud and caring father and my deepest sympathies go out to his wife Connie, his two daughters, Lucie Belin Steele and Mary Belin Rhodes; and his two sons, Dorrance and Charles, Jr. In fact, some years ago, his son Dorrance served as an intern in my office; an experience which was as richly rewarding for me as I hope it was for him.

I knew Welles Belin as an active award-winning leader of the Boy's Club of Scranton for 34 years.

I knew Welles Belin as a successful general chairman of the fund drive of the Community Chest of Scranton and Dunmore, now the United Way of Lackawanna County.

I knew Welles Belin as a director of the Hahnemann Hospital and its successor, Community Medical Center, for 43 years, helping to build it into the fine medical institution that it is today.

I knew Welles Belin as governor and vice chairman of the Scranton Area Foundation for 20 years; as Abington Township supervisor for 10 years, and as a member of the Abington Independent School District board for 10 years.

I knew Welles Belin as the recipient of the Americanism Award in 1971 for distinguished service to the community from Amos Lodge 136, B'nai B'rith of Scranton.

In short, I was privileged to know Welles Belin for a long, long time; a friendship I shall always treasure. And the Scranton community was privileged to have Welles amongst its midst for a long, long time; benefiting from his tireless energies and devotion of the higher principle of service to others.

Welles and I often worked together to find solutions to problems and I could always count on him to keep me posted on these projects.

Mr. Speaker, the Nation has lost one of its premiere citizens. If there can be found any consolation in our sadness at his passing, it is to know that Welles is now at rest, now at peace, now at home with God.

DEMOCRACY HAS EMERGED VICTORIOUS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. MAZZOLI. Mr. Speaker, I rise today to congratulate Violetta Chamorro on her impressive victory in the recent Nicaraguan elections.

A host of international observers, led by the United Nations, the Organization of American States and former President Jimmy Carter, have determined that this was a fair and impartial election, and Mrs. Chamorro and democracy have emerged victorious.

President-elect Chamorro faces stern challenges to remake her beleaguered nation and to uplift her tormented people. I wish her well in these efforts.

TRIBUTE TO NEWARK COLLEGE STUDENTS FOR SUCCESS IN COMPUTER CONTEST

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, it is with great pride that I share with my colleagues in Congress the accomplishments of a group of students from the New Jersey Institute of Technology in Newark, NJ.

A four-member team from NJIT placed 18th out of 24 teams in the finals of the "International Computing Challenge," a contest between the Nation's top computer science students which tests their ability to solve problems using computers. The competition is held annually by the Association of Computing Machinery and sponsored by AT&T Computer Systems.

The students on the NJIT team are Nestor Voronka, a senior majoring in electrical engineering; Patrick Taylor, a senior majoring in computer science; Steven Muccione, a senior majoring in computer engineering; and David Charlap, a sophomore majoring in electrical engineering. Prof. Richard Coll is the team's adviser.

The NJIT team earned a right to compete in the contest by finishing first in a regional competition last fall. Nationwide, there were 12 regional contests involving 1,800 students on 459 teams from 354 universities. I am extremely proud of the team from NJIT and their success in this national competition.

Mr. Speaker, I know my colleagues join me in congratulating these four outstanding students and in wishing them continued success as they pursue careers in engineering and computer-related professions.

TRIBUTE TO JUDGE ANDREW J. PALMER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. HUBBARD. Mr. Speaker, it is my privilege to pay tribute today to a longtime friend, Judge Andrew J. Palmer of Paducah, KY, who died last Saturday at Southgate Health Care Center in Metropolis, IL, after a long illness.

Judge Palmer, 64, was admired by many western Kentuckians. He served as McCracken County attorney from 1965-70 and McCracken County judge/executive from 1970 to 1974.

Judge Palmer, a native of Richmond, KY, graduated from Eastern Kentucky University and the University of Kentucky School of Law before moving to Paducah and practicing with the late Joe Grace.

As judge, he was instrumental in the development of the McCracken County landfill, and became known as an avid opponent to city annexation efforts.

After leaving public office he raised American saddlebred horses and developed proper-

ty as he continued to practice law in Lone Oak.

A veteran of World War II, he also served as president of the McCracken County Jaycees—and was instrumental in construction of the Jaycee Civic Center—and the Lone Oak High School Parent-Teacher Association.

Judge Palmer was also a member of Masonic Lodge F&AM, the American Legion and the Lone Oak Lions Club. He also was a sponsor, manager and coach of Khoury League baseball, and was involved in the Lone Oak Park Board and Fire Department.

He helped organize the McCracken County Muscular Dystrophy Association, directed the mental health center and worked with the Paducah Association for Mentally Retarded Children, Red Cross, Boys' Club, and the USO.

Survivors include his wife, Joretta C. Palmer, three sons, Neville Palmer of Paducah, Andrew J. Palmer III of Lexington, and David W. Palmer of Alameda, CA; one daughter, Jennifer Richardson of Paducah; one stepson, Terry Trevathan of Paducah; one stepdaugher, Tara Eddy of Kuttawa; two sisters, Nancy Pratt of Lexington and Rosella Grubbs of Danville, 11 grandchildren and several nieces and nephews.

He was preceded in death by his parents, Andrew J. Palmer, Sr. and Fannie Woolums Palmer.

The funeral for Judge Palmer is today at 1 p.m. at Roth Funeral Home in Paducah.

My wife Carol and I visited with Joretta, Neville, Jennifer, and other members of the family yesterday at Roth Funeral Home. Today, we again express sympathy to the Andrew Palmer family.

THE PEPPER COMMISSION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. GRADISON. Mr. Speaker, this past year I have had the privilege of serving as a vice chairman of the U.S. Bipartisan Commission on Comprehensive Health Care—the Pepper Commission. The purpose of the Commission was to examine the problems in the current health care system that limit access for over 31 million uninsured Americans and prevent adequate and affordable long-term care services for the elderly and disabled, and to make specific recommendations to the Congress as to solutions to these problems.

While I support the goals of the Commission, I cannot support the commission's final recommendations. I would like to share with my colleagues my views on the Commission's recommendations along with my own recommendations. These are expressed in a letter I sent to Senator JAY ROCKEFELLER, Chairman of the Pepper Commission.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 1990.

Hon. JAY ROCKEFELLER,
Chairman, The Pepper Commission, Cannon House Office Building, Washington, DC.

DEAR JAY: The Pepper Commission, you as our able chairman, and our energetic staff, have worked long and hard to meet the charge laid out by the Congress. I commend you for approaching the job with energy and a willingness for hard work. I am pleased that you kept the commission free of partisan bickering. It has been an honor for me to serve as a vice-chariman of the commission.

I am writing to offer you some further background on why I cannot support the thrust of the Commission's recommendations. These recommendations will be the first of a number of proposals on our health care system that will be issued this year; it will initiate, not end, public discussion about health care. I regret that unanimity eluded us. We share the same goals but differ on how to reach them.

That there are problems with the health care system in this country is not in question:

Far too many Americans lack health insurance; health care costs continue to increase at unacceptable rates; deteriorating financial conditions of essential health providers threaten to undermine their ability to serve the public.

At the same time the country faces these issues, there does not appear to be a constituency for pumping very large amounts of money into the present health care system. Certainly, there is no evidence that the public feels undertaxed. No wonder the Commission promises the moon but doesn't tell how to get there.

As you know, the federal government has failed to carry out the promises made to provide health care for the poor and other special populations. For example, only about 42% of the poor are now covered under Medicaid, where limitations on eligibility, the scope of benefits, and the level of reimbursement undermine its value to those it was intended to serve. To a lesser extent, Medicare is not fully meeting its promise, especially with regard to catastrophic levels of acute care costs. And, the one-size-fits-all design of the Medicare benefit package fails to meet the varied needs of the elderly.

Why Medicaid and Medicare aren't doing their jobs well is an important question, and one not much explored by the Pepper Commission. But whatever the reasons, it is simply bad public policy to make new health care promises to groups presently lacking adequate health insurance when existing programs aren't meeting their responsibilties. In fact, there is an unreal quality to the Pepper Commission's proposals for $65 billion of new spending by the Federal Government alone, when the Congress has just been advised (in the President's 1991 budget) that the present value of the deficit in the Hospital Insurance Trust Fund (Medicare Part A) could be $250 billion.

I am reminded of Milton Friedman's observation:

"Although the purveyors of health care may initially get additional resources by tapping the government till, that is a transitory phenomenon. When the government is taking over any activity, there is more money available . . . once the government has taken it over, the situation changes. Politicians have to move on to new fields and take over new areas in order to get votes. The result is that those areas already taken over get starved. Instead of there being more funds available, there are less."

Politicians as well as economists should know we live in a world of scarce resources. While the Pepper Commission's mandate is to recommend action, we cannot overlook the fact that if its proposals were adopted, much less money would be available for other worthy causes: education, housing, the homeless, child care, cleaning up the environment, or raising future living standards by cutting the deficit (i.e., raising national saving), to name just a few.

MANDATES

The Pepper Commission wisely emphasizes the employer's responsibilities for health care, and I support an employer-based approach. It is the distinctive feature of the U.S. system just as the provincial-based plans are in Canada, and the centralized, government-provider system is in Britain.

But the recommend *mandatory* employer payments for most employee health care costs—even if delayed by a "trigger"—merely assures that the Commission's recommendations will be political non-starters in Congress. Small businesses—already adjusting to the new mandate of a higher minimum wage, and legitimately concerned about cost-increasing mandates ranging from parental leave, to Social Security tax boosts, to various disabilities proposals—will object to the plan, and they will be right to do so.

An employer mandate for health insurance is based on a false premise, namely, that small businesses are able but unwilling to meet their social responsibilities. This may be true of some, but the overwhelming evidence is that health care is simply unavailable and/or unaffordable to many small businesses. Especially in a tight labor market, it is in the interest of small business to offer health benefits in order to be competitive in recruiting and retaining employees. But the fact is many cannot afford to do so. To make matters even worse for small businesses, the Commission's recommendations would result in a $10 billion shift of health care costs from larger to smaller businesses.

My own analysis is that the insurance reforms—which I support—will increase the availability of health insurance for small business, but they will also increase the cost. The cost increases will arise from prohibiting medical underwriting (e.g., consideration of pre-existing conditions) and from encouraging more businesses to self-insure basic benefits.

Philosophically, there are valid pros and cons to mandates. Over the years, mandates have been imposed for the minimum wage, workers compensation, Social Security, unemployment compensation, overtime pay, and so forth. But to pile mandate upon mandate without considering cost is to cause serious job losses, thereby harming the very individuals meant to be helped.

Few would object to a health care mandate if it cost, say, $100 a year for each worker; and few would support it if it cost $10,000 a year. Regrettably, it is somewhere in between: costs of $3000 or $4000 a year are neither uncommon nor trivial in amount. In my view, the Commission consistently understates the costs of health insurance today. In some cases, this increase in employers' payments for workers will cost jobs. Employers with many part-time workers will simply cut back rather than pay the extra tab. But even worse, many people who have jobs will simply see the purchasing power of their pay checks reduced over time as the mandate phases in. In some cases, as when these individuals have access to public hospitals or community health centers, they may be worse off with the coverage they are required to buy.

Like it or not, mandate-induced job losses must be balanced against the socially desirable goal of assuring employees and their dependents access to health care. Employer mandates of this type should be opposed until costs are brought under control—at least until the per employee costs for small businesses are brought in line with those of larger, generally self-insured, businesses. To do otherwise would, in effect, mandate higher costs for smaller employees than for large, hardly an enlightened public policy.

COVERAGE

Universal access is a worthy goal, but the costs—not alone financial—of reaching this goal suggest a more limited, more attainable objective. The problem with the present system is not the fact that some lack health insurance; it is that so many lack health insurance. Were the number lower, the health needs of the uninsured could be met through public hospitals, philanthropy, community health centers, even cost shifting. Designing a system with, say, 95% coverage, hard as that is, will be infinitely easier and less intrusive than a system meant to cover 100%. Even the Pepper Commission fails to assure 100%. What about uninsured employees of small businesses if the "trigger" is not pulled? Medical expenses not covered under the Commission's mandated health package? Premiums and deductibles which must be paid by beneficiaries? Prescription drugs and dental care? Better to acknowledge that 100% is unattainable and act accordingly than to pretend otherwise.

The Commission's "play or pay" plan has a basic political failing. Under its recommendations, about 70 million persons will be covered under the public plan excluding 33 million Medicare beneficiaries. Over 100 million Americans would then look to the federal government for their health insurance. As a result, the political pressures to increase benefits would likely result in costs to taxpayers far above what even the Commission estimates.

LONG TERM CARE

Policy researchers have found that the Commission's assumptions about the problem of long term care don't hold up very well in the face of the facts. As an example, consider the widespread belief that only a small percentage of elderly people will ever be able to afford the premiums for private long-term care insurance, even among the baby boom generation as they start to retire. Yet, as we heard in testimony before this Commission, even the Brookings/ICF model, which is widely quoted to this effect, has provided estimates of over 50 percent coverage if people begin paying during their working years or use some of their assets in their later years.

Moreover, we simply don't know how many people with substantial assets could pay premiums for such insurance. Yet the Commission proceeds on the assumption that a new non-means tested entitlement program is the answer.

There are two basic issues today in the financing arrangements for long term care: (1) the emphasis on institutional (nursing home) care rather than community (home) care and (2) the spend-down requirements of Medicaid. Happily, insurance is now becoming available permitting those who can afford it and qualify for it to protect themselves through the private sector. Unhappily, the non-means tested (social insurance) proposals of the Pepper Commission, rather than encouraging a private sector response, may retard it. And even more ominous, the losers, if a major new social insurance program is adopted, may be the poor.

As Isabel Sawhill of the Urban Institute has pointed out, since 1962 all of the growth in federal spending as a percentage of GNP is accounted for by two non-means tested social insurance programs—Social Security and Medicare. That they have accomplished a great deal and are enormously popular is not at issue. The question is whether a large new non-means tested social insurance program can be adopted in the face of strong public opposition to higher taxes and major competing demands for the revenue resources.

My thinking about long-term care has been influenced by the University of Pennsylvania's Mark Pauly, who comments:

"In a world of unlimited resources, one would surely not want to ask people to reveal their wealth levels before they get public benefits, or to sacrifice some of the bequest they intended to leave. But in the real world of constrained resources, there has to be a cheaper way to deal with the feeling of 'stigma' ".

Fortunately, there is a cheaper way. Long-term care is an insurable event. Obviously, few families can afford a $25,000-a-year nursing home bill, but the evidence is that a large and growing number of Americans can afford long term care insurance. And the increasing affluence of many elderly, if not the elderly as a group, makes it possible to redesign the Medicare benefit package so that those who wish to have at least partial protection against long term care costs can have it, without increasing the costs of the Medicare program.

MY PROPOSALS

Unlike those who list the new health care expenditures they favor, and then explore how to pay, I start with the money, since that is the limiting factor.

To put the federal cost of the Commission's plan in perspective, consider this: $65 billion in annual new spending is itself larger than all but five of the budget's 18 spending functions. Only the National Defense, Health, Medicare, Income Security, Social Security, and Net Interest budget functions are larger in dollar amounts. It is more than 10 times the cost of the catastrophic health care program that was repealed primarily because of its financing. And this figure—$65 billion—which I believe is a low-ball estimate of the government's cost of the proposals, represents only the federal cost of the proposal. By the Commission's own (and likely low) estimate, an additional $20.5 billion would be imposed on businesses.

Let me put it another, more apparent way: The annual additional federal cost of $66 billion works out to over $870 per year for every household that pays federal income taxes. My congressional district may be atypical, but I am confident that my constituents are unwilling to fork over that much more of their incomes to Uncle Sam.

What, then, do I favor, and how would I finance it?

Before the first dime of new taxes is considered, we should seek revenue neutral means of paying for much needed improvements to existing programs. The present tax treatment of health care expenses of business is perverse and should be changed. Full deductibility for the employer, coupled with complete exclusion for the employee, has four undesirable results:

Tax subsidies for health insurance for those workers who have coverage, but not for those workers who do not;

Tax subsidies for workers covered by health insurance but not for non-workers;

Larger tax subsidies for higher-income taxpayers than for those in lower brackets; and,

Higher tax subsidies for more expensive benefit packages, regardless of income.

Capping the tax benefit could finance a refundable tax credit for those not covered by employer insurance, Medicare, or Medicaid. The refundable portion of the credit could be in the form of a voucher which could only be used to purchase health insurance either by buying into Medicaid, or by contributing to an employer-sponsored plan. The tax cap could be set at the level needed to finance an appropriate tax credit. The credit could "slide" depending on income and family size.

If employers were required to offer—but not to pay for—group health coverage, the availability of the vouchers may induce employers voluntarily to pick up all or a part of the costs in excess of the employee's voucher. Initially, the use of the voucher might be limited to maternal and child health benefits.

Further encouragement for small business would come from extending to the self-employed the same full deductibility of health insurance premiums provided corporations.

To illustrate how this could be revenue neutral, a cap of $350/140 per month for family/single employer-provided coverage would finance a tax credit of $200 per individual (up to $600 per household) for the purchase of health insurance by those unprotected by employer-provided or public health insurance.

Needed changes in long-term care can be financed by offering actuarially equivalent and revenue neutral packages to new Medicare beneficiaries and bringing the Medicare eligibility age in line with the normal retirement age for Social Security benefits. This would also produce substantial savings to the general fund under Part B. Such a change would reflect the increase in life expectancy over what it was when Medicare went into effect nearly 25 years ago.

Under these criteria, at least two long term care packages might be available under Medicare in addition to current benefits:

Current benefits with higher deductibles and/or premiums coupled with catastrophic acute care protection; or

Current benefits with higher deductibles and/or premiums coupled with long term care protection. For example, raising the Part B deductible to $400 from its current $75 would save approximately $172 per enrollee in 1991 which could be applied to a long term care benefit. Raising the deductible to $600 would save $249 per enrollee.

The Part B savings to the general fund means the change in the age for Medicare eligibility could finance:

Increasing the income and asset limits for sick spouses to the level set under the spousal impoverishment provisions of the Medicare Catastrophic Coverage Act; and

Broadening home health coverage under Medicaid.

At very little expense to the Treasury, taxpayers should be permitted, tax-free, to use part of their life insurance reserves, pensions, or IRAs to purchase long term care protection. The current tax treatment of employer-paid health insurance should be extended to employer-paid long term

care insurance. States should be granted waivers under Medicaid to experiment with stimulating the development of affordable private long term health insurance.

In conclusion, I find the Commission's recommendations far too costly. They rely too much on coercion and too little on state and local initiatives and private efforts. I believe that in tackling the nation's health care problems, the American people will respond better to incentives and the removal of regulatory barriers than to a gun at their heads.

The track record of federal programs in dealing with all manner of human problems should give us pause in trying to lay out a strategy and a fixed time-table as the Commission has done. Best to take measured action now and evaluate our progress on a regular basis.

Regrettably, after much hard work by all, the Pepper Commission's report will only raise false hopes. Instead of focusing on the possible, the recommendations make promises which cannot be kept.

Sincerely,

BILL GRADISON,
Vice Chairman.

SUPREME COURT DECISION ON SEARCH AND SEIZURE ABROAD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. EDWARDS of California. Mr. Speaker, last week the Supreme Court handed down yet another opinion restricting individual liberties and extending the power of the executive branch. The Court held that the fourth amendment, embodying the right to be free from unreasonable searchs and seizures by the Government, does not protect foreigners living abroad from American law enforcement officials. The Court reached this result even though the individual will be tried in the United States under our laws.

Although the fourth amendment guarantees the rights of United States citizens living abroad and of aliens living in America, the Court's refusal to include foreigners within the amendment's scope failed to recognize that there are limits which American officials should honor wherever they act. As a matter of law, the decision is hardly defensible. As a matter of policy, the opinion disparages our role as a model for fledgling democracies who look to the United States for leadership in the area of individual liberties. Less and less can we rely on the judicial branch to enforce the principle that ours is a government of delegated powers.

This morning, the Washington Post and the New York Times carried editorials expressing concern about the decision, and I ask that they be made part of the RECORD.

[From the Washington Post, Mar. 5, 1990]

JUSTIFYING SEARCHES ABROAD

With increasing frequency in the past decade, the United States has sought to prosecute foreign nationals for violations of U.S. law abroad. Thus drug traffickers, securities manipulators, plane hijackers and others have been subjected to U.S. law and tried in U.S. courts for acts committed elsewhere. Last week the Supreme Court tackled a question that logically arises in these cases: Do the procedural guarantees of the U.S. Constitution, specifically the Fourth Amendment, apply to protect the defendant?

The case at issue involved the search, in Mexico, of the homes of a purported drug dealer, a Mexican national who was at the time in a U.S. prison. U.S. law inforcement personnel sought the permission and obtained the cooperation of Mexican police, but they did not obtain a search warrant from an American court.

A majority of the court found that while the Fourth Amendment applies to U.S. citizens here and abroad and to aliens resident in this country (whether legally or not) because the defendant in this case was not here voluntarily, the search of his property in Mexico was not governed by the amendment. The majority also pointed out the difficulty and the futility of obtaining a U.S. search warrant since that document carries no authority outside the United States.

But as he so often does, Justice Brennan has written a dissent of great clarity and force. Seeking a warrant, he argues, serves an important purpose even if it is not valid abroad. The procedure subjects the government to a neutral decision-maker, a magistrate who evaluates the claim of probable cause and sets limits on the search to be conducted. When the evidence obtained is going to be used at a criminal trial in the United States, why shouldn't the same standard be applied in the case of a foreigner as in that of a citizen, or even an illegal alien? Even more important, as Justice Brennan points out, "the behavior of our law enforcement agents abroad sends a powerful message about the rule of law to individuals everywhere. . . . For over 200 years, our country has considered itself the world's foremost protector of liberties. The privacy and sanctity of the home have been primary tenants of our moral, philosophical and judicial beliefs." Aside from the diplomatic problems involved in these searches—can you imagine the reaction if Mexican, French or Korean police were allowed to search American homes without demonstrating reasonable cause?—Justice Brennan points out the hypocrisy of the practice when it's carried out by representatives of this government.

Whether or not the Fourth Amendment applies abroad or search warrants are mandated, steps can still be taken to require a demonstration that proposed searches are reasonable and based on probable cause. Law enforcement agencies can take it upon themselves to make the case—the Army, for example, asks for U.S. warrants before wiretapping outside the United States—or Congress can require it. This country cannot continue to expand its criminal jurisdiction across international boundaries and maintain its reputation as a protector of civil liberties if a constitutional double standard is maintained.

[From the N.Y. Times, Mar. 5, 1990]

GUNBOAT LAW

According to the Supreme Court's peculiar reasoning last week, the Fourth Amendment does not protect a foreigner from a warrantless search by Americans of his home in his native country, and the use of seized evidence at his trial in this country. This 6-to-3 decision is to jurisprudence what gunboats are to diplomacy.

The Court says that the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches" does not embrace an alien who is brought to American justice for crimes against the United States. Chief Justice Rehnquist says America can use this extra power at a time of increased paramilitary ventures abroad. He would have served the nation better by promoting, instead of naked power, the rule of law.

Federal Drug Enforcement Administration agents obtained a U.S. arrest warrant for René Martin Verdugo Uriquidez, a Mexican citizen and one of a band of violent drug smugglers. Mexican authorities picked him up in Mexico and brought him to the United States, where he has been convicted of the torture-murder of a D.E.A. agent. To prosecute separate drug charges, agents searched two residences in Mexico, with Mexican cooperation but no search warrant. Lower courts barred the evidence under familiar constitutional principles, but not the Supreme Court.

The Chief Justice, long known for his literal, narrow constitutional interpretations, said "the people" protected in the Fourth Amendment are different from the people whose rights are safe-guarded elsewhere in the Constitution. This was such a flight of judicial imagination that the junior Justice, Anthony Kennedy, said "with respect" that he couldn't use it to support the result.

Justice William Brennan's dissent offers a worthier lesson to a world now studying the U.S. Constitution as a model. In his view, the people it protects, citizen or alien, include those accused in our courts of violating our laws.

Agents could have got a search warrant for this defendant's home or office as easily as the warrant for his arrest. In an emergency, agents behaving reasonably could have found innumerable court-allowed excuses for not obtaining a warrant. The power to skirt the Constitution altogether was unnecessary as well as illegitimate.

Any restrictions on searches and seizures that occur "incident to American action," Justice Rehnquist wrote, "must be imposed by the political branches through diplomatic understanding, treaty, or legislation." That's an invitation to politicians to study ways to maintain America's reputation for justice. It's unfortunate that the judicial branch has made such a study necessary.

COMMENTARY BY WILLIAM HERSHEY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. McEWEN. Mr. Speaker, recently I received a letter from Mr. Clayton Horn, the retired publisher of the Beacon Journal.

Mr. Horn wrote to me concerning an article by William Hershey of Federal trust funds which was published in the Beacon Journal on February 26, 1990.

For the past 4 years, I have been fighting to use the transportation trust fund surpluses to maintain and upgrade our Nation's critical transportation infrastructure. I welcome Mr. Horn's support for this effort and would like to commend this letter and the article by Mr. Hershey to my colleagues.

FEBRUARY 28, 1990.

DEAR BOB: I can't tell you how pleased I am that you are taking a whack at the dam-

nable practice of using the trust funds to help hide the size of the national deficit.

Money that is desperately needed for highways, bridges and airports is used to make the gullible people of this country believe we are living up to the provisions of the Gramm-Rudman law.

It's good to see Pat Moynihan also trying to do something for the Social Security System.

Wish I were still writing editorials!

Warmest regards,

CLAYTON.

MISUSE OF TRUST FUNDS MAKES WARRIORS OF MOYNIHAN, MCEWEN

(By William Hershey)

WASHINGTON.—Bob McEwen's not used to saying thanks to Democrats like Daniel Patrick Moynihan.

But the Ohio Republican from Hillsboro may make an exception.

By howling—and howling well—about the misuse of surplus money in the Social Security Trust Fund, Moynihan, a New York senator, may help McEwen in his four-year battle to pave highways, build and repair bridges and make airports safer.

What McEwen, a House member, and Moynihan have in common is disgust about how federal budget makers treat so-called trust funds. These funds are set up with taxes that are supposed to go for single purposes, rather than become part of the general budget.

(The "trust" part is ironic, because that's hardly what the funds inspire.)

Moynihans disgusted because the Bush administration, with a few nods and winks from willing Democrats, has been using a surplus of more than $50-billion in the Social Security Trust Fund to help "meet" the targets of the Gramm-Rudman deficit reduction law.

By counting the Social Security surplus in Gramm-Rudman calculations, Bush and his pals in Congress have been able to avoid making more spending cuts or—"read my lips" forbid—raising taxes.

Moynihan has called for a cut in the Social Security payroll tax and for setting up a "pay-as-you-go" Social Security system.

For a lot of reasons, some political, Moynihan's bill isn't expected to be enacted into law soon. It has inspired the Bush administration to begin talking seriously about eventually divorcing Social Security funds from the rest of the budget.

McEwen wants to do the same thing with trust funds set up to build highways and bridges and improve airports.

In McEwen's opinion, taxpayers have been hoodwinked about the taxes they pay into these funds. They may think the 9 cents a gallon federal gasoline tax they pay goes to build highways. Or that the 8 percent federal tax they pay for airplane tickets goes to improve airports.

Some of the money generated by these taxes does go for the intended purposes. Some doesn't, however. McEwen estimates that a $29-billion surplus has been built up in the transportation trust funds.

Like the surplus in the Social Security fund, this unspent money helps budget makers meet Gramm-Rudman deficit reduction targets.

"Americans are paying gasoline and airline taxes in good faith with the expectation that these funds are being used to keep roads and airports safe and in good repair," McEwen said.

"But that is not the case. Instead the federal government has held these funds hostage to mask the true deficit. . . . Let's end the lie and lower gasoline and airline ticket prices, if we are not going to spend these funds on our roads and airports."

McEwen would like to spend the money on roads and airports, and he has introduced a simple-sounding bill that would be a first step. It simply excludes the money in these funds from the totals in the budget. This way, there'd be no incentive to build up surpluses because the extra money couldn't be used to meet deficit-reduction targets.

The debate Moynihan has sparked over Social Security is beginning to spill over to the other trust funds. McEwen, ever the optimist, can hardly wait.

"We've already identified all the bridges and highways," he said. "We could spend those (surpluses) responsibly this summer."

Maybe he'll invite Moynihan to a ribbon-cutting or two.

STATEMENT IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 87

of 174speech

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Mr. FEIGHAN. Mr. Speaker, as a cosponsor of House Concurrent Resolution 87, I urge my colleagues to support his resolution. The resolution expresses the sense of Congress that the Government of Iran extend to the members of the Baha'i community, the largest religious minority within Iran, the human rights to which all human beings are entitled. The resolution also urges the President to support the plight of the Baha'is through cooperation with other governments and the United Nations. We must support this resolution and show that we will not stand and watch as a foreign government abuses its citizens.

The Baha'i vision is one in which no religion is preeminent; no one religion can call itself the one true faith, for each religion is a facet of what can be called the truth. This view has placed the Baha'is at odds with much of the Islamic community. This conflict has been exemplified by the persecution of Baha'is by the Government of Iran. There are 300,000 Baha'is in Iran, and since the fall of the Shah in 1979, they have borne the brunt of Iranian religious fervor. More than 200 Baha'is have been executed. By 1982 all Baha'i students had been expelled from Iranian universities. Some believers were even forced to repay salaries and pensions earned under the earlier regime. This pattern of persecution was endemic during the early years of the Khomeini government.

Recently, conditions for the Baha'is have improved slightly. No Baha'is have been executed since 1987, and fewer than 20 Baha'is remain in prison. The Baha'is can now also reapply for school. Although persecution has not been so consistent in recent years, the Baha'is still experience discrimination.

The internationally community has consistently addressed the plight of the Baha'is through the United Nations. Between 1985 and 1988 the United Nations adopted four resolutions specifically mentioning the Baha'is and condemning Iran's human rights record. For each of the last 8 years, the United Nations Commission on Human Rights and the United Nations Economic and Social Council have adopted resolutions concerning Iran's human rights record.

The Congress has also made a concerted effort to address Iranian abuse of the Baha'is. Congress adopted concurrent resolutions pertaining to Iranian human rights abuses and the Baha'is in 1982, 1984, and 1988. In addition, the Reagan administration repeatedly expressed support for the Baha'is, and I hope that the Bush administration will, upopn passage of this resolution, continue our historical support for the Baha'is.

We tend to forget that Iran is not a homogenous country, that there are minority populations within the country that are as dissatisfied with the current government as the international community. We rightly concentrate on the connection between Iran and international terrorism, for Iranian controlled terrorist organizations such as Hezbollah control the lives of America hostages. But we must also remember the Baha'is, for the Iranian Government's atrocious foreign policy is only an extension of its domestic policy, a domestic policy which justifies persecution of minority populations based on religious differences.

A recent report by Mr. Reynaldo Galindo-Pohl, the United Nations Special Rapporteur for Human Rights in Iran, supports the purpose of this resolution. All religious shrines and many properties remain confiscated. In addition, Baha'is are rarely admitted to universities. It is still illegal to practice the Baha'is faith, for the Zoroastrian, Christian, and Jewish faiths are the only constitutionally recognized religious minorities. In his report the special rapporteur did state that the situation for the Baha'is was approaching de facto tolerance; he added, however, that continued monitoring was necessary due to past and current discrimination against the Baha'is.

Again, I urge my colleagues to support this resolution. The Iranian Government must know that the Government of the United States has not forgotten the Baha'is. The commitment that this resolution demonstrates is simple and thorough; the United States is committed to human rights, and the status of the Baha'is is no exception.

TWO GERMANYS GOOD, ONE GERMANY BETTER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. DANNEMEYER. Mr. Speaker, in his tale "Animal Farm," George Orwell described life on the farm after the animals chased out the farmer. The pigs, the leaders of the revolution, issued the slogan: "Four legs good, two legs bad," suggesting that the miseries of the four-legged race were due to the arrogance and tyranny of the two-legged creatures. Once set free, nothing would stand in the way of prosperity for all the animals.

Many years have passed and the animals have made great sacrifices in trying to build their future. But the more independent they

became of the two-legged race, the more hopelessly they were falling behind. On the tenth anniversary of the revolution, Comrade Napoleon, the Secretary General of the Four-Legged Party, the leader of the pigs, announced new directives—we may guess, under the names of perestroika and glasnost. The new measures called for the adoption of a political and economic structure imitating those of the two-legged race. It was an astounding spectacle to watch the pigs as they marched on their wobbly hind legs, chanting the new slogan: "Four legs good, two legs better."

THE BUGLES OF JERICHO SILENT

Since the creation of the so-called German Democratic Republic in the Soviet zone of occupation 40 years ago, the rest of the world has been chanting the slogan: "Two Germanys good, one Germany bad." It is true that the Western governments, including the government in Bonn, paid lip service to the ideal of eventual German reunification. It is true that they denouced the erection of the Berlin Wall and the shooting of citizens who tried to scale it. But there was no conviction in the commitment to German unity. Willi Brandt called it the living lie as recently as in 1988. Deeds were a far cry from words. Bribery, blackmail and ransom were paid on a regular basis to keep East Germany's gauleiters in power. Diplomatic recognition and other privileges of sovereign states were unconditionally granted to the regime. Ample commercial credits were made available, enabling East Germany to become the showcase of communism. Nobody, no politician, no journalist had the courage to speak the truth, namely, that oppression under Honecker was hardly distinguishable from that under Hitler.

The slave-keepers hailed the Berlin Wall as a monument to their victory. In January, 1989, Honecker predicted that the Berlin Wall will still be standing in 50 or even 100 years, to protect our Republic from thieves, not to mention those who are prepared to disturb stability and peace in Europe.

No sooner were the fortieth anniversary celebrations of the regime over than the Wall started to crumble. But unlike the walls of Jericho, it did not come down to the sound of the bugles from the outside. It came down in response to the wailings and prayers of the slaves inside.

Perhaps one can justify the silence of the bugles, and the lack of heroic display outside, in the name of realpolitik. But it would be fitting and proper if the Western powers would belatedly identify themselves with the aspirations of the people of East Germany, and accept with good grace the new slogan: "Two Germanys good, one Germany better".

THE FAULT LINE OF EUROPE

As many authors have observed, the inner-German border is the fault line of Europe. Pressures that have been building up over decades could cause unexpected tremors and quakes elsewhere, sending tidal waves to our own shores.

But unlike the San Andreas fault in California, the line in Europe is man made. And what man has made, man can also undo. In the closing decade of the century and millennium, there is no unfinished business pressing with a greater sense of urgency than the prevention of a devastating earthquake emanating from the artificial and long-neglected fault line in Germany. The hour is late. Policy makers have fallen way behind events. They do not seem to understand what is happening in Eastern Europe. They do not see that East Germany, this monster that was created against the wishes of the people, and which carries the earmarks of the two most hideous ideologies ever known to man, Hitlerism and Stalinism, is on the verge of imminent disintegration. They have shown themselves reluctant to abandon the fantasy that the regime can be reformed, propped up, bolstered; that it has a mission to fulfill: the maintenance of the status-quo and pace in central Europe.

The introduction of free elections and free markets in East Germany could not revive this corpse in Europe any more than a new suit for Lenin's mummy could resurrect the dead dictator. The disintegration of the government in East Berlin is tantamount to the demise of East Germany, and the de facto reunification of Germany, whether the rest of the world is prepared for such a situation or not. Only union can bring order, stability and prosperity. The crumbling of the Berlin Wall under the incessant chipping of millions of chisels is the symbol of the obliteration of the partition of Germany, in answer to the wishes of 77 million Germans. There is little that politicians and governments can do, except quickly try to adapt their ways to the ways of history.

Nothing is more characteristic of the lack of leadership in the Western world than the fact Mr. Gorbachev was allowed to steal the show. He was the first to acknowledge that the two Germanys have embarked on an immutable drive toward unity, and to stand in their way was to risk losing any input in the process. By contrast, the pronouncements of Western leaders have been vague, evasive, and contradictory. Mr. Gorbachev has moved on the diplomatic chessboard against a weak Western position. Britain and France, for their own reasons, want German unity delayed indefinitely. The United States sees no harm in unity but would not volunteer to play the role of the honest broker, for fear of wounding British and French sensibilities. But nobody in the West, not even the West German political leadership, is prepared to contemplate a neutral Germany.

It is clear that German unity will not be a political contrivance, but a popular avalanche akin to the one that has brought down the Communist governments in the Soviet fiefdom during the unforgettable year 1989. What is not clear is that, when the hour comes, the leadership of the Western World will prove equal to the challenge of Mr. Gorbachev as he endears himself to the German people. The danger is that the Western governments will allow themselves to be set up as the stumbling block to German neutrality, not so much in opposition of the wishes of the Soviet leader as in opposition of the wishes of the German people.

DIVIDE ET IMPERA

The documents signed at Yalta and Potsdam in 1945 by the victorious allied powers speak of one Germany with several zones of occupation, making the ultimate reunification of Germany the charge of the occupying powers. The preamble of the Federal Republic of Germany calls upon all Germans to achieve in free self-determination the unity and freedom of Germany. The idea of perpetuating two German states, one on each side of the fault line, is an affront to the ideals of humanity and freedom. It has never been officially endorsed by any government that has been freely elected by the people, whether German or non-German.

Ye there is a last-minute rush trying to lend respectability to the proposition that the permanent division of Germany is in the interest of world peace and progress. The sacrifice of national unity is seen as the atonement of the German people for the horrors of two world wars for which they are held responsible. Some even go so far as questioning the validity of assumptions underlying the quest for a German nation-state. They point out that, since Germany was united only from 1870 to 1945, unification may well be the anomaly and partition the norm. In suggesting that the Germans can overcome and redeem their past only by supporting universal values—peace, environment, economic and social justice—to the exclusion of their national aspirations, they profess to promote the universalist ideal.

We need not take these exhortations seriously. History does not follow the neat, preconceived ideas of visionaries. Rather, it follows its own dynamics. Holding a people collectively responsible for the putative sins of its forefathers is notcompatible with the Western value system. It has been tried—notably, by Christianity, in the case of the Jewish people—and found reprehensible. The denial of unification in the name of opposing German nationalism does not make sense. Nothing would do more to awaken the dormant German xenophobia than such an unwarranted obstruction of this nation's just aspirations. When we peel off the rhetoric, the universalist ideal is exposed as a vain attempt to apply the age-old strategem of divide et impera.

WHO IS AFRAID OF A NEUTRAL GERMANY?

In failing to put German neutrality and the withdrawal of all foreign troops from German soil on the table, the Western powers missed an opportunity to show themselves magnanimous and trusting. The Soviets are now ready to exploit German sensibilities by asking the question: "Who is afraid of a neutral Germany?"

In the debate over Germany's destiny, the West should not assume that German public opinion will be unambiguously on NATO's side. Thomas Kielinger, editor of the conservative Bonn weekly Rheinischer Merkur, points out that foot-dragging by Western politicians can only make Germans question the value of their Western links. An opinion poll last year indicated that 71 percent of the West German population agreed with the idea of withdrawing all foreign troops from East and West Germany as a precondition for reunification. According to a poll by the daily newspaper Bild, 57 percent of the population of West Germany is prepared to accept neutrality. A public opinion poll by the Wickert Institute found that 9 out of 10 East Germans thought a reunified Germany should be neutral.

If there is one formula in Europe that in itself is a virtual guarantee of political and economic success for the benefit of the coun-

try concerned as well as its neighbors, then it is neutrality. Switzerland, Sweden, Finland, Austria have been showcases of stability and prosperity after they embraced neutrality. Thousands of Hungarians fought and died for the right to declare their country independent and neutral in 1956. It should not be beyond the wits of NATO planners to redraw the defence arrangements of the alliance on the assumption of German neutrality. It is time for our European NATO partners to make up their mind. If they do not want to have on their soil the surplus American troops evacuated from Germany, then the presence of these troops in Europe is not needed, and they should be brought home.

It is possible that, in its present moment of political weakness, the Soviet Union will drop German neutrality as a precondition for German unity. It would be a mistake for the West to use this as an opportunity to enlarge NATO with the human and material resources of East Germany. Statesmanship calls for German involvement in the decisionmaking. If we want to earn the respect of the people of East Germany, then we must let them speak for themselves. To pontificate on their future without consulting them is a sure way to alienate them. If it is true that they have left one military alliance only to get entangled in another, then we should let them say so. But the message they are sending through the opinion polls do not support this theory. What these messages show is that the people of East Germany are thorougly fed up with the idea of living in a garrison state, having lived in one for 57 years.

DRANG NACH OSTEN IS BAD, DRANG NACH WESTEN IS GOOD

The most delicate question arising in the context of reunification is the status of Germany's eastern borders. As a signatory to the Helsinki agreement, West Germany has already renounced the use of force in solving territorial disputes. Yet the West German Chancellor has been repeatedly criticized for his failure to accept the existing borders—— the Oder-Neisse line—as final. He is being exhorted by his Western allies that he should, in advance of the peace conference and without an argument, renounce any and all claims to the Eastern provinces that were taken from Germany in 1945 as war booty, after the native German population was uprooted and expelled.

Such a course of action would justify in retrospect the indiscriminate deportation of innocent civilians from their native land. The President of Czechoslovakia, Mr. Vaclav Havel, a man of uncommon moral courage, has shown the world the true road to reconciliation. In January, on his state visit to West Germany, he offered a public apology to the 3 million Sudeten Germans forcibly expelled from his country, for multiplying the horrors of World War II after hostilities have ceased.

No one has apologized to the East Prussians, Pomeranians, and Silesians; 13 million of them were condemned to suffer the fate of the Sudeten Germans in 1945, when Stalin pushed Poland westward on the map in pursuance of the reverse of Drang nach Osten—eastward thurst, as the policy of German expansionism was known.

The Allies were treating German civilians no better than Heinrich Himmler was treating the Jews—in the opinion of an eyewitness, British journalist Victor Gollancz, himself a Jew. The uprooting and deportation from their native land of 16 million Germans in Central Europe—ordered by Stalin and endorsed by President Truman and Prime Minister Churchill—was, in the words of another eyewitness, Anne O'Hare McCormick of the New York Times: "a crime against humanity for which history will exact a terrible retribution."

Moral retribution is now at hand. If the Western powers do not belatedly distance themselves from the 1945 land grab by the Soviets, if instead they try to pressurize Germany into obsequiousness, then they will lose the moral high ground they have been able to claim for themselves in their opposition to Hitlerism and Stalinism. They will appear as the willing accomplices of Stalinist tyranny, which to the Germans and other fair-minded people is every bit as reprehensible as Hitlerite tyranny was. The world will remember that the Western powers supported Stalin's expansionism of their free will—unlike most Germans, who had to support Hitler's expansionism on pain of death.

It is no use to argue that the aggressor must pay. In 1939, the Soviet Union was as much of an aggressor as Germany, against more countries, coveting more land. The Soviet Government practiced genocide at home and abroad on the same scale as the German. Soviet atrocities predated German atrocities. In the end, the Soviets could keep their share of the 1939 land grab, no questions asked. This is not making making the aggressor pay; this is making aggression pay. That, sorry to say, is still the last word on the subject ot aggression.

The Germans would not be serving the cause of world peace if they accepted the 1945 Soviet land grab as non-negotiable in advance of a peace conference. They may never be able to recover any part of their lost territories east of the Oder and Neisse rivers, but they may be able to keep their dignity. They have a moral duty to register a protest against the practice of uprooting and expelling innocent civilians from their ancestral lands. The unpopular role has fallen upon them to speak out for the protection of the victims of past and future territorial aggrandizement.

It is to be regretted that Western politicians could not muster the courage of Vaclav Havel. They can only blame themselves if Germany pillories the hyocrisy of the allied position, and exposes the double standard involved in their condemnation of aggression. The Western powers will have no leg to stand on if the Germans denounce the peace conference as a farce, a mammoth Munich, designed to appease the Soviets who gobbled up far more land than they can ever digest.

The United States would be better off if it permitted the German people to tell the world their side of the story and to bargain freely for the return of the disputed territories at the peace conference.

LAND-LEASE, LAND-PURCHASE

The effort to find a peaceful resolution to border disputes presents the Western powers with a singular opportunity for high-minded and innovative statesmanship. Throughout the 18th and 19th century, the principle and practice of leasing or purchasing territories between sovereign governments was well-established. The United States was successful in negotiating several such deals: The Louisiana purchase—from France in 1803; 800,000 square miles for $27 million, the Alaska purchase—from Russia in 1867; 570,000 square miles for $7.2 million, the purchase of the Virgin Islands—from Denmark in 1917; 136 square miles for $25 million. With the advent of global wars, the practice went out of vogue. Or was it the other way around? Have wars become indispensable precisely because the practice of leasing or purchasing territories has fallen into disuse, and no alternative was available in settling disputes?

This is a serious question deserving a serious answer. But the League of Nations and the United Nations Organization ignored it, which may be the reason for the demise of one, and the decline of the other. War is still the only means of adjusting boundaries, as the examples of Korea, Vietnam, and Israel show. In the absence of an alternative, anachronistic border arrangements are perpetuated, only to become a festering wound on the face of the globe.

The alternative, to be championed by Western diplomacy, is the revival of land-lease, land-purchase agreements between sovereign governments. Consider that the Soviet government might be tempted to spin off the Southern Kuril Islands, fruits of another land grab in 1945, but for fear of losing face. These islands have no economic or strategic value to the Soviets, and have become a source of endless embarrassment in their dealings with the Japanese. The Soviet government needs an honest broker to help negotiate the sale of these islands to the Japanese government. The U.S. government should offer its good offices to consummate such a deal.

These would be delicate negotiations requiring a great deal of tact. The Soviet empire, shedding its ill-gotten gains, is trying to avoid the appearance of the sick man of the world, reminiscent of the Ottoman Empire, the sick man of Europe in the 19th century. In retrospect, the Ottoman Turks would have done better for themselves if they had offered their surplus real estate for sale, before it was too late.

Or consider the vast stretches of Siberia, mostly uninhabited, which are off-limits for settlement and economic development in the face of growing population pressure along its periphery. The Soviets do not have nor can they generate the capital needed for its development. Foreign capital will not do the work for them in the absence of a land-lease or land-purchase arrangement. How long can the Soviets keep the industrious people of Asia, looking for a place underneath the Sun, out of Siberia? Unless a formula is found whereby land once again is routinely leased or sold between sovereign states, there will be a war in Asia for Lebensraum in the next century. It is fortunate that this—possible nuclear—war will be fought on another continent where no American interests are at stake, and no American troops are deployed. But it is incumbent

on the American Government to do everything possible to prevent the conflict.

The simple truth is that the world cannot much longer support its growing population without the land resources sequestered over the centuries by a succession of Russian Tsars, some white and some red. As successful as the Russians have been in amassing land, they have been just as unsuccessful in utilizing it. According to one estimate the unutilized or poorly utilized land resources under Soviet control could, under proper management, feed at least twice the world's present population. Yet the Soviets have shown themselves utterly incompetent in developing their idle economic resources for the benefit of their own people, let alone the community of nations. How long can they afford to play the role of the dog in the manger?

The signs are all around us that the Soviet leadership is very much aware of this problem, but is at a loss to find the solution. American diplomacy could help them, and thus contribute to the cause of lasting peace. There is one solution which the Soviets cannot fail but find acceptable and satisfactory. As a starter, the American and the British governments should invite the Soviet Government to lease the Kamchatka Peninsula for 99 years to those residents of Hong Kong who do not wish to live under Communist rule after the British lease on Hong Kong expires. The Soviets would find it hard to decline this invitation. The new settlers would bring with them the type of skills and resources the Soviets need most. The people of Hong Kong have a proven track record of economic success. They present a military threat to no one. From the proceeds of the lease, the Soviets could finance the development of other parts of Siberia.

An important side effect may also be mentioned here. The lease of Kamchatka to former residents of Hong Kong would take the wind out of the sails of the Chinese Communists, who have designs of their own on Siberia. It is not secret that in the opinion of Chinese military planners, a nuclear conflict involving a hundred million casualties is an acceptable risk in the struggle for the control of Siberia. The northward trek of millions of hungry Chinese settlers is a matter of strategic timing. These military planners, however, would have to scurry back to their drawing boards once the Kamchatka precedent was established. The world would know that Siberia was open and newcomers were welcome on the basis of competitive bidding. War or the threat of war, in a bid for the control of Siberia, would no longer be justified or tolerated in the eyes of the world.

With the ice broken, Germany could also offer to buy back the formerly German territories now under Soviet or Polish jurisdiction. The Soviets could, of course, refuse the offer—but the onus would be on them to create in the former German provinces economic and political conditions which compare favorably with those prevailing in other German lands. Honecker's ghost would be haunting the Soviets until they made good on Mr. Gorbachev's promise of a common European home extending all the way to the Urals.

WHAT IS TO BE DONE?

First, the Western governments should declare that the question and the timetable of German reunification is up to the German people, who should make the decision through an all-German referendum.

Second, the referendum should offer several alternatives, such as continued sovereignty for the two Germanys, a loose confederation, or a Federal Republic to be formed on the basis of a new constitution.

Third, in a separate referendum, the German people should decide whether they want their country to be part of a military alliance, or they prefer to live in a neutral state which, together with Austria, Switzerland, Sweden, and Finland could serve as a cordon sanitaire between the two existing military alliances in Europe.

Fourth, the Western governments should offer to conclude a peace treaty with Germany within 1 year after the referendum on reunification.

Fifth, the question of Germany's eastern borders must be left to Germany, Poland, and the Soviet Union to work out. If Germany wished to reserve the right to purchase the disputed territories from Poland and the Soviet Union, or to purchase former Polish territories from the Soviet Union and offer these to Poland in exchange for disputed territories presently under Polish jurisdiction, then this right must be respected.

Sixth, regardless of the outcome of these negotiations, the German Peace Treaty should go beyond condemning Germany for its aggression against Poland in 1939. It should also declare that the act of uprooting and expelling millions of innocent civilians from their ancestral lands by the Soviet Union after the cessation of hostilities in 1945 was a violation of basic human rights, and that such conduct could not be condoned by the community of civilized nations—any more than the act of armed aggression could.

Seventh, the United States should reexamine its policy of maintaining combat troops and nuclear weapons in Europe. The policy of perpetuating American garrisons on foreign soil is not compatible with the ideal of prosperity at home and peace abroad.

A strong, united, and free Germany will enable the United States to claim victory in the cold war, come home, and allow this generation of Americans to take to heart the admonition of their first President George Washington in warning them against foreign entanglements. With their mission overseas at long last completed, Americans want to devote their attention and resources on problems at home.

COMMON SENSE NEEDED IN UNDERSTANDING OF AGRICULTURAL CHEMICALS—WHAT THEY DO AND DON'T DO AND HOW BAD IT WOULD BE WITHOUT THEM

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday March 5, 1990

Mr. EMERSON. Mr. Speaker, Dr. Charles Knote of Cape Girardeau, MO, has spent a lifetime studying, understanding, formulating, applying, and teaching the practical effects and usages of pesticides, herbicides, rodenticides, fungicides, and other chemicals that are generally lumped in the category of agricultural chemicals.

He is a devoted husband, father, grandfather, uncle, friend to many, stranger to none, active churchman, solid citizen who has carried his share of the water for many progressive civic causes. He is a respected and trustworthy businessman and scientist. He believes in clean air, clean water, a healthy environment and, most notably, he doesn't want to poison anyone.

He has written a very enlightening article, "Before and After Pesticides," that appeared in the Southeast Missourian, the largest paper of daily circulation in southeast Missouri, as a guest column on February 22. Dr. Knotes' common sense, lay-term discussion of pesticides is essential reading as this body undertakes the consideration of many important environmental issues, most particularly those in the agricultural arena. I am pleased to share Dr. Knotes, thoughts with my colleagues:

BEFORE AND AFTER OF PESTICIDES

Before modern pesticides, Americans "knew" bed bugs intimately. These insects crawled out at night and sucked your blood while you slept. You got bit at home, or even at the good hotels. And you woke up with big whelps that itched for days.

Yes, people welcomed the beginning of the pesticide revolution back in 1945. Why? Back then, hundreds of different kinds of pests caused health problems, and many pests cost Americans many dollars in damage individually every day.

Thousands of small brown German cockroaches added their droppings and sputum to people's foods in homes, restaurants and grocery stores. Now we know that these cockroaches carried salmonella—the same as chickens did and still do. Some homes were so full of these German roaches that you'd need to flip them off the kitchen table in the daytime before eating. Many people slept with them in their beds. They didn't want to, but the peoples of the U.S. and the world had no effective controls at a reasonable cost.

2,500 RATS

Before modern pesticides, hundreds of rats and mice easily destroyed and contaminated many individuals foods and property because there were no effective, palatable

controls. About 1979, Cape-Kil treated a 100,000-hen egg-laying farm for rats. Our initial treatment killed an estimated 2,500 big rats and hundreds of unborn rat pups. We examined three large female rats and found 8, 9, and 11 nearly mature embryos respectively. These estimated 2,500 rats ate 1,700 lbs. of multi-feeding pallatable anti-coagulant baits before we had them totally controlled. Obviously, old-time rat traps were useless in this kind of a problem; only pesticides were effective.

Before pesticides, people in the southern U.S. lived with mosquitoes that carried malaria fever. Typhus fever and bubonic plague were problems for the western people of the U.S. because both were carried by the fleas on rats. Both of these problems are no longer feared in the U.S. because of pesticides.

TERMITES AND TOMATOES

I remember treating a home where the new owner replaced much of the floor joist, studding and wood sheeting damaged by termites. The owner spent about $3,000 to rebuild the termite-damaged wood. This was back when a big, nice home cost only $25,000. In the "good ole days" clothes moths and carpet beetles damaged or destroyed woolen carpets, woolen clothing and furs for many individual home owners, costing hundreds of dollars.

Back then, everyone "knew" wormy, rotten tomatoes, apples, peaches, and oranges, etc. They cut away or threw away these spoiled products. In 1951, I bought a ½ bushel of ripening tomatoes from a Cape Girardeau commercial gardener. In five days they were all rotten. This rot had traveled from one tomato to another, just like brown rot destroyed peaches in a basket. We threw these tomatoes and peaches into the garbage . . . complete wastes. Now safe effective fungicides control these rots.

FARM WEED PROBLEMS

Back then, many farmers were forced to grow corn and weeds as one crop in many fields . . . not intentionally . . . the rains just came and thousands of dormant weed seeds lying in the soil finally germinated.

JOHNSON GRASS AND FOXTAIL

Both the old root grass and the young seedling Johnson grass, absolutely "took" corn reducing the yields to a very unprofitable six bushels per acre in Southern Illinois. The giant foxtail, a tall grassy weed, was so thick you couldn't see the young corn plants in some fields in Scott and Mississippi Counties. The rains came, the dormant grass seed germinated and they had no controls until the late 1960s. Also, I have seen the crab grass so thick in cotton it is impossible to "chop" the weeds out of the cotton without "chopping" out the cotton plants. Crab grass reduced yields and increased farmer's costs.

AGRICULTURAL INSECTS CYCLE

Many years insects are not a problem on farm crops and no pesticides are used! But insects do attack, such as: (1) In 1954, north of Perryville, the grasshoppers were so thick, they ate portions of this farmer's wooden fence posts; also, they ate his corn and clover hay fields and those of his neighbors until controlled. (2) The chinch bugs, a very small sucking insect, moved from a wheat field to a corn field at Bell City and sucked many rows of young corn to death before they were controlled. (3) The Army worms came by the thousands in Cape, Scott, Mississippi, Stoddard, Perry, Bollinger, St. Genevieve Counties, crawled the barley stalks, ate the leaves and cut off the heads and also damaged wheat leaves severely until they were controlled.

(4) The little green worms, from the alfalfa weevils, crawled up the stems of the alfalfa and ate the leaves off. Many alfalfa fields were stripped before controls came. (5) The cotton bollworms destroyed 35 percent of the young cotton bolls in hundreds of acres of cotton in the Missouri Bootheel before they were controlled. (6) Lice sucked the blood of beef cattle, dairy cattle, hogs, chickens, which reduced their productivity greatly. Weevils, bran bugs and grain moths destroy farm-stored wheat and corn and contaminate flour and cereal. Black cutworms caused farmers to replant corn, and I could go on and on about agricultural pests.

EXPERIENCE—A GREAT TEACHER

Why do I cite these local pest problems and their damage? We older folks forget what these pest problems were like, plus how much they cost . . . and the younger folks never have had these experiences to learn how costly and harmful these pests can be, because we've had effective, safe controls during their lifetimes.

Farm pesticides help keep the cost of American's food very low. We average spending only 18½ percent of our net income for food. People from other industrial countries in the world average spending 33 percent of their income for food. Some developing countries spend over 50 percent for food.

This past summer, I visited a large eastern U.S. city. While there, I "checked-out" the food stores because barbecuing and smoke-cooking are two of my hobbies. One supermarket sold "organically-grown" dressed frying chickens. They were white skinned, plump, fresh and good looking . . . until I spotted their price—$3.49/pound and they weighed about 3½ pounds each. One chicken would cost me $12.21.

In the next meat counter were the "standard-grown" white skinned, plump, fresh and good looking chickens priced at only $1.09/pound or $3.81 for 3½ pounds. I could buy nearly three "standard-grown" chickens for the same amount of money as one "organically-grown" chicken.

ORGANICALLY-GROWN

Were these "organically grown" chickens truly "organically grown?" You must ask yourself if the chicken grower could or even tried to trace every raw feed ingredient in his feed back to its "organically grown natural source"—the farmers' fields where each product was grown or raw material produced? Also you must ask yourself if "organically grown" chicken is truly any healthier to eat.

REASONABLY PRICED FOOD

American farmers cannot continue to grow adequate food at a reasonable price without many of the pesticides now used. America's health and property cannot be protected without the use of some pesticides. American consumers must not be dazzled and moonstruck by Hollywood's pseudo environmentalists and the national media's desire for sensationalism that they would permit the banning of all pesticides.

Americans cannot continue to afford these kinds of anti-pesticide hoaxes and stay healthy and well-fed. What can you do? Write your elected government official in Washington and Jefferson City, and ask them not to be harassed into legislation that will unnecessarily increase America's cost of health protection and food costs. Also, ask them to have an impartial adviser who understands scientific data.

RATIONAL APPROACH NEEDED ON FOOD, CHEMICAL ISSUES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. EMERSON. Mr. Speaker, there is a significant debate under way in Congress, the national media, and among many concerned citizens about agricultural chemicals and certain food additives. As with all issues, this debate needs balance and I, for one, have been concerned that this debate has seen important facts and considerations sacrificed on the altar of sensationalism.

Mr. Peter Kinder, the associate publisher of the Southeast Missourian newspaper in my district, has written an editorial piece entitled "Hysteria on Food, Chemicals Blown Away by Good News" that gives some perspective on the subject that we have need of.

I am pleased to share this material with my colleagues and urge that it be a factor in our perspective of this important subject matter.

HYSTERIA ON FOOD, CHEMICALS BLOWN AWAY BY GOOD NEWS

"At the risk of seeming cavalier, we need to remember that every person dies, no matter how well-loved, meritorious, or rich."

Excerpted from a study entitled "How Safe is Safe Enough?—Setting Safety Goals", published by the Center for the Study of American Business at Washington University in St. Louis.

This has been a real bad week for the panic mongers. The news—very good news—is simply devastating to them. It seems fitting that a major announcement by leading scientists and government officials would arrive almost on the first anniversary of the launching of the phony Alar scare about apples on the CBS program "60 Minutes". The first anniversary of that grossly one-sided episode of the respected TV news magazine will be this weekend.

This week's announcement received major play in most news media, as well it should: "Big Cancer Risk Said To Be Normal Food, Not Additives" screamed the headlines in an edition of this week's St. Louis Post-Dispatch. Some excerpts from that article and from other wire service accounts follow.

"Natural cancer-causing agents in meat, grain and other foods are a far greater danger than pesticides and additives, a government scientist said Monday.

"Even a minor reduction in these naturally occurring hazards, he said, would surpass the benefits of eliminating all traces of dangerous, man-made chemicals.

"Speaking was Dr. Robert J. Scheuplein, Director of the Office of Toxicological Sciences at the Food and Drug Administration. He commented at the annual meeting of the American Association for the Advancement of Science.

"Dr. Scheuplein estimated that, over all, about 7.7 percent of the 500,000 annual cancer deaths in the United States are

linked to exposure to carcinogens (cancer-causing agents) found in food.

"Most of the cancer-causing dietary materials lies in 'traditional' food prepared in ordinary ways, not from additives, pesticide residues or fungal contamination that have worried many consumers, Scheuplein said.

". . . The FDA official estimated traditional food accounts for 98.8 percent of the food-related cancer risk, spices make up about 0.98 percent, other additives 0.2 percent, pesticides 0.01 percent, animal drugs 0.01 percent, food preparation such as boiling or pickling 0.01 percent, and mushroom and other fungal toxins 0.0001 percent.

"Scheuplein contended that people were worried about the wrong risks in their diet, in part because of what he called the exaggerated news accounts of such scares as Alar in apples, cyanide in grapes and dioxin in milk. (Emphasis added.)

". . . 'Even a modestly effective attempt to lessen the dietary risk of natural carcinogens would be enormously more useful to human health than regulatory efforts devoted to eliminating traces of pesticide residues or other specific trace-level chemicals,' Scheuplein said.

"Dr. Frank Young, a former Food and Drug Administration commissioner who is now deputy assistant secretary of health and human services, agreed with Scheuplein.

"Dr. Young said he thinks the reason so much attention has focused on artificial contaminants such as Alar on apples is that often 'outrageous claims drive out less flamboyant concerns,' like whether high-fat diets increase the risk of . . . cancer. (Emphasis added.)

". . . 'The good news is, let us not as a nation focus just on the technological food additive,' Young said. "We ought to focus on the big issues as well.'

". . . Scheuplein said the FDA should change its research focus to concentrate on the total diet and move away from 'the notion that you can ban one or two substances and have an effect.'

"He said he is puzzled why many Americans seem to demand 100 percent safety from their food while they are willing to accept risks in other areas, such as riding in cars without wearing seatbelts or smoking.

'Consumers need to learn 'that most cancer risk from food preparation probably have to do with our own dietary choices,' such as reducing fat intake or increasing consumption of cabbage-like vegetables they eat, he said.

"That's a hard lesson for most people to learn. They want to blame someone else,' he said."

This is a free country, where people may follow whatever fads they like. They can even take their toxicological advice and their hard science on chemicals from paid SpokesPersons Meryl Streep, Ed Asner and other such internationally renowned authorities that some cunning PR may trots out at the Chicken Little press conference of the week. If "60 Minutes" wants to corrupt its own standards and get taken in, I can't stop them.

The rest of us should go back to our mothers' advice on nutrition. Funny thing about Mom's advice, the wisdom of the ages. It keeps getting borne out by the careful untainted work of the real scientists in our midst.

A TRULY MARKET APPROACH TO CONTROLLING ACID RAIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. STARK. Mr. Speaker, we must curb acid rain. It is destroying our lakes, seriously affecting human health, significantly damaging forests, and even melting the monuments at Gettysburg battlefield.

In the current debate over the Clean Air Act, there is considerable discussion over how to implement a complex package of regulations to control acid rain emissions. President Bush has proposed a pollution allowance scheme. It is a cumbersome and inefficient way of controlling pollution. In fact, it creates a whole new market for middlemen to broker these pollution allowances.

Mr. Speaker, I am introducing legislation today with my colleague, Mr. DOWNEY, which would impose an excise tax on the emissions that cause acid rain. This legislation simplifies President Bush's regulatory proposal into an excise tax.

We can advance two important goals with this bill. We can solve significant pollution problems by making it in the economic interest of utilities to reduce pollution. Second, we can use the money to help meet our deficit reduction goals.

The excise tax is very simple to implement. For every ton of sulfer dioxide or nitrogen oxide emitted over a floor amount, a tax would be paid. If you pollute you pay, with escalating penalties for polluting.

The intent of the tax is to change behavior not to allow people to pay to pollute. This is the opposite of what happens with the pollution allowances. Once someone purchases the right to pollute, they are going to want to get their money's worth.

Mr. Speaker, this legislation will add an important dimension to the debate over the Clean Air Act. I believe this legislation can meet the environmental goals put forward by the President and the environmental community. The bill can achieve those goals with true market forces and a minimum of Government intrusion.

Following is the text of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER E—TAX ON CERTAIN EMISSIONS OF ELECTRIC UTILITY GENERATING UNITS

"Sec. 4691. Imposition of tax.
"Sec. 4692. Taxable emissions defined.
"Sec. 4693. Definitions and special rules.

"SEC. 4691. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax at the rate determined under subsection (b) on taxable emissions from an electric utility generating unit.

"(b) RATE OF TAX.—For purposes of this section—

"(1) IN GENERAL.—

"In the case of taxable emissions during calendar year:	To the extent the emissions consist of sulfur dioxide, the tax per pound is:	To the extent the emissions consist of nitrogen oxide, the tax per pound is:
1991	15 cents	10 cents
1992	20 cents	13 cents
1993	25 cents	17 cents
1994	30 cents	20 cents
1995	35 cents	23 cents
1996	40 cents	27 cents
1997 or thereafter	45 cents	30 cents.

"(2) INFLATION ADJUSTMENTS FOR YEARS AFTER 1997.—

"(A) IN GENERAL.—In the case of taxable emissions during any calendar quarter beginning after 1997, the tax per pound shall be an amount equal to the product of—

"(i) the applicable rate specified in paragraph (1) without regard to this paragraph, multiplied by

"(ii) the inflation adjustment for such calendar quarter.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

"(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A), the inflation adjustment for any calendar quarter is the percentage by which—

"(i) the implicit price deflator for the gross national product for the second preceding calendar quarter, exceeds

"(ii) such deflator for the calendar quarter ending June 30, 1997.

"(C) FIRST REVISION USED.—For purposes of subparagraph (A)(i), the first revision of the price deflator shall be used. For purposes of subparagraph (A)(ii), the revision which is most consistent with the revision used for purposes of subparagraph (A)(i) shall be used.

"(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by the operator of the electric utility generating unit.

"SEC. 4692. TAXABLE EMISSIONS DEFINED.

"(a) GENERAL RULE.—For purposes of this subchapter, the term 'taxable emissions' means—

"(1) emissions into the atmosphere of sulfur dioxide during any calendar quarter from any electric utility generating unit to the extent that the total amount of such emissions exceed the exemption level for sulfur dioxide, and

"(2) emissions into the atmosphere of nitrogen oxide during any calendar quarter from any electric utility generating unit to the extent that the total amount of such emissions exceed the exemption level for nitrogen oxide.

"(b) EXEMPTION LEVEL.—For purposes of subsection (a)—

"(1) IN GENERAL.—Except as provided in paragraph (2)—

"In the case of any calendar quarter	The exemption level for sulfur dioxide is the following amount per million Btu's of fuel burned in the unit:	The exemption level for nitrogen oxide is the following amount per million Btu's of fuel burned in the unit:
After 1990 and before 1996.	1.2 pounds	0.7 pounds
After 1995 and before 1998.	1.0 pounds	0.6 pounds
After 1997 and before 2000.	0.8 pounds	0.5 pounds
After 1999	0.6 pounds	0.4 pounds.

"(2) EXEMPTION LEVELS FOR NEW FACILITIES.—In the case of any electric utility generating unit the original use of which began after the date of the enactment of this subchapter—

"(A) the exemption level for sulfur dioxide is 0.25 pounds per million Btu's of fuel burned in the unit, and

"(B) the exemption level for nitrogen oxide is 0.2 pounds per million Btu's of fuel burned in the unit.

"SEC. 4693. DEFINITIONS AND SPECIAL RULES.

"(a) EXEMPTION FOR SMALL UNITS.—No tax shall be imposed by section 4691 on taxable emissions from any electric utility generating unit if—

"(1) the rated capacity of such unit is less than 75 megawatts, and

"(2) such unit is not operated by a person whose units have a total rated capacity of more than 150 megawatts.

For purposes of paragraph (2), rules similar to the rules of subsections (a) and (b) of section 52 shall apply.

"(b) MEASUREMENT OF EMISSIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of emissions shall be determined through the use of continuous emission monitoring devices meeting such performance and quality standards as the Secretary (after consultation with the Administrator of the Environmental Protection Agency) shall prescribe.

"(2) SPECIAL RULE FOR PERIODS BEFORE 1993.—The operator of any electric utility generating unit may elect to determine the amount of emissions from such unit during any period before January 1, 1993—

"(A) on the basis of the fuel consumption, characteristics of the fuel, and emissions rate of the unit, and

"(B) in accordance with procedures prescribed by the Secretary.

"(c) ELECTRIC UTILITY GENERATING UNIT.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'electric utility generating unit' means any electric generating unit located in the United States if more than one-third of the electricity produced at such unit is provided to a utility power distribution system for sale.

"(2) ELECTRIC GENERATING UNIT.—The term 'electric generating unit' means any furnace, boiler, turbine, or other device used for purposes of burning fuel to produce electricity."

(b) The table of subchapters for chapter 38 of such Code is amended by adding at the end thereof the following new item:

"SUBCHAPTER E. TAX ON CERTAIN EMISSIONS OF ELECTRIC UTILITY GENERATING UNITS"

(c) The amendments made by this section shall take effect on January 1, 1991.

IN MEMORY OF JACK LEWIS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. McDADE. Mr. Speaker, on February 9, 1990, I was saddened to learn of the unexpected death of veteran Scrantonian Tribune editor and columnist and my friend of many years, Jack Lewis.

A native of Scranton, PA, Jack graduated from local schools before joining the U.S. Marine Corps and rose to the rank of sergeant during World War II. Upon his discharge, he joined the Scrantonian Tribune and rapidly moved up the ladder to become a correspondent, a staff reporter, copy editor, and Sunday editor.

He was a member and a past officer of the Newspaper Guild and a member of the Holy Cross Athletic Association, Fifth Marine Division Association, and Sloan Booster Association.

A fine athlete, Jack enjoyed tennis as a member of the Scranton Tennis Club and racquetball as a member of the Greater Scranton YMCA. He was active in both sports until earlier this year. He also coached Little League baseball teams.

Our thoughts go out to his wife, the former Dale Thomas; three sons, Jack, an attaché of the State attorney general's office; Jeff, an educator who resides in Washington, DC and Glenn, of Atlanta, GA, a Marriott Hotel executive; a daughter, Mrs. Pamela Kane of Dunmore; a sister, Mrs. Jean Dowse of Scranton; five grandchildren; and several nieces and nephews.

HOLY FAMILY'S ROSANNE DILLON: 1990 PEACE AND JUSTICE AWARD WINNER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. MAZZOLI. Mr. Speaker, it is a great pleasure for me to share the news with all of my colleagues of the grand distinction to be bestowed on Rosanne Dillon, principal of Holy Family Elementary School in Louisville, KY. Miss Dillon is to receive the 1990 Peace and Justice Award of the Roman Catholic Archdiocese of Louisville.

This award is in recognition of Rosanne Dillon's lifetime of devotion and service to furthering the principles of peace and justice in the Louisville community. Throughout her long and enriching career at Holy Family School, Rosanne has instilled these principles in the nearly three generations on boys and girls whom she has taught and administered.

A classroom teacher for 15 years before becoming Holy Family Principal in 1970, Rosanne's own life has been guided by her dedication to peace and justice. She has been a very active volunteer in numerous civic, charitable and educational organizations in Louisville and Jefferson Country, and she has encouraged similar outreach efforts from her students.

In her profession as an educator, she has adapted many innovative approaches to curriculum development that continue to thrive at Holy Family. She has been a bridge builder, involving parents, teachers, and students together in the task of setting goals—both for the individual student's success and the school's.

Rosanne has successfully worked to help create an atmosphere of trust and mutual respect where young students on the threshold of adulthood can excel and be assured of the kind of education and values they will need to confront real world problems. She has sown the bountiful seeds of peace and justice through each and every young student whose life she has touched.

It is undoubtedly one of the most important tasks anyone could undertake, that of teaching our children. Rosanne Dillon is one individual who has and continues to give full measure of herself, her wisdom, her talents, and energies to her school and community.

If I appear to be extremely enthusiastic and complimentary about Rosanne Dillon and appear to be her unabashed fan and devotee, then I plead guilty. I am all of these, Mr. Speaker.

For in addition to all my other reasons for applauding her work and her personal traits, Mr. Speaker, Rosie is my sister-in-law.

I married her sister, Helen, over 30 years ago, and I have seen Rosie "up close and personal," as they say, for all these years. I can testify unequivocally that Rosanne is both a thoroughgoing and extraordinarily conscientious educator and administrator as well as a thoroughly wonderful, thoughtful, decent and warm human being.

I am proud to spread the good news of Rosanne Dillon in the RECORD for my colleagues and for the Nation. At this moment in our history, we are desperately in need of good educators who are also good people devoted to the achievement of peace and justice in the world.

One such educator and peacemaker is Rosanne Dillon. I am proud to be her brother-in-law as well as her Representative in Congress.

TRIBUTE TO ADRIAN M. FOLEY, JR., AND BERNARD M. SHANLEY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in the House of Representatives to join me in offering congratulations to two outstanding men from New Jersey: Adrian M. Foley, Jr., and Bernard M. Shanley.

On February 22, 1990, these two distinguished alumni of St. Benedict's Preparatory School of Newark became that institution's first recipients of the Medal of St. Benedict. The two men were honored by St. Benedict's at a dinner in West Orange, NJ. Over 500 people, including many former and current top elected officials, gathered to pay tribute to these two prominent attorneys.

Shanley is a senior partner in the law firm of Shanley & Fisher in Morristown and Newark. Foley is a senior partner in the law firm of Connell, Foley & Geiser in Roseland and Newark.

Both men were recognized for their contributions to their community throughout their distinguished professional and public careers. St. Benedict's honored Shanley and Foley for their dedicated commitment to the ideals of St. Benedict's exemplified by their service, generosity, and integrity. Although the demographics of the school have changed, St. Benedict's remains in Newark to continue its legacy of quality education. Mr. Foley and Mr. Shanley have both supported the excellent work of this institution.

St. Benedict's Preparatory School has been operated since 1868 by the Benedictine

Monks of Newark Abbey to provide college prep education to youths from the Newark area.

Mr. Speaker, I know my colleagues join me in congratulating these outstanding community leaders and in wishing them all the best in the future.

BUDGET DEFICIT CONCERN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. HUBBARD. Mr. Speaker, I have recently received dozens of letters and telephone calls expressing increased concern over the Federal budget deficit.

At this time, I would like to share with my colleagues a recent letter from my friend and constituent Hatler E. Morgan of Benton, Kentucky. In his letter Mr. Morgan, for many years the president and chairman of the board at Bank of Marshall County (Benton, KY), expresses his deep concern over the serious financial condition of this country. He suggests that all members of Congress read Gunther's Inside Europe and recall what happened to Germany in 1923.

I urge my colleagues to read the letter from Hatler E. Morgan. The letter follows in its entirety:

MORGAN, TREVATHAN & GUNN, INC.,
Benton, KY, February 14, 1990.

Congressman CARROLL HUBBARD,
Paducah, KY.

DEAR CARROLL: I know that you have been conservative in your approach to governmental affairs but I want to urge you again to make every effort to balance the federal budget. I do not believe that the members of Congress as a whole realize the seriousness of the financial condition of this country and that the time is rapidly approaching when the federal government may not be able to meet its financial obligations. It would be well if they could all read what happened to Germany in 1923. I recall that period and have reread Gunther's "Insider Europe" in recent years and would suggest that you do that also. Be assured of my regards and well wishes.

Very truly yours,

HATLER E. MORGAN.

STEINFORT SHOWS COMMUNITY SPIRIT DURING CRISIS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. DE LUGO. Mr. Speaker, when disaster strikes, there are always some individuals who respond with the very best in community spirit and concern for their neighbors.

Deirdre Steinfort, a young woman from St. Croix, is one such individual who showed her concern and abilities after Hurricane Hugo left its trail of destruction in the U.S. Virgin Islands. Deirdre, who is just finishing high school at Good Hope School on St. Croix this year, showed maturity beyond her years by assuming a pivotal role in the recovery of St. Croix.

Three days after the storm, Deirdre volunteered with the Red Cross and worked on a damage assessment team that worked long hours traveling around the island to gather information on the extent of the destruction. Her talents were quickly recognized and, in a few days, she was made damage assessment coordinator at the Red Cross headquarters at Beacon Hill.

Deirdre is a shining example of the many people on St. Croix and the Virgin Islands, especially our young people, who provided tremendous service to our community after Hurricane Hugo. There is no minimum age for developing community spirit and it is not taught in the classroom. It takes a big heart and cool head, a willingness to step into the fray and provide help when people are in desperate need. Deirdre showed that she has these impressive qualities.

I want to express my personal appreciation to her. The Red Cross also showed its appreciation in a letter on her behalf, and I want to place that letter in the CONGRESSIONAL RECORD for everyone to see the outstanding service provided by this young woman.

AMERICAN RED CROSS,
October 6, 1989.

To Whom It May Concern:

I would like to take this opportunity to express my personal thanks to Deirdre Steinfort for her invaluable support of the damage assessment function during the Hurricane Hugo disaster relief operations here on the island of St. Croix. She has contributed significantly to the successful completion of a most difficult job under very trying conditions.

While my direct supervision of her activities extended over only a portion of the time she contributed to the Red Cross it has been obvious to me from her intelligent observations and easy rapport with members of the local staff that she has been a most effective volunteer worker in this extreme disaster.

On behalf of the American Red Cross, and personally, thanks for a job well done. I wish her luck in the future and I hope her island home recovers quickly.

———— ————,
Damage Assessment Officer, U.S.V.I.

SALUTE TO RETIRING HAWTHORNE, NJ, POLICE CHIEF VINCENT J. MANGIAFICO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. ROE. Mr. Speaker, it is with great pride and admiration that I rise today to salute a truly outstanding man and a dedicated public servant who, for the past 37 years has devoted his life to protecting the people of his community of Hawthorne, NJ.

I am speaking of Hawthorne Police Chief Vincent J. Mangiafico who has served with the utmost distinction during nearly four decades and who is retiring from the Hawthorne Police Department. For all that he has done for his community, Chief Mangiafico will be honored with a dinner on March 10, 1990, at Macaluso's in Hawthorne.

I know this event will be a source of great pride, not only to Chief Mangiafico, but to his devoted family; his children, Jaime Lynne Detrick, Susan Vertolomo, and Paul Mangiafico, and his three grandchildren, as well as his many friends, colleagues, and the distinguished government officials I know will be a part of this great celebration.

Mr. Speaker, Vincent J. Mangiafico was born on August 26, 1926, in Seward, PA, to Paul and Josephine Mangiafico. He grew up in the Riverside section of Paterson, NJ, and attended local schools, graduating from school No. 10 and from Eastside High School. At Eastside he excelled in athletics, earning awards in football, basketball, and track. While attending high school Vince also worked as a life guard at the Preakness Pool and held the position of chief life guard.

He fought for his country during World War II, serving in the Navy and in Volunteer Armed Guard gun crews. Following his military service, Vincent J. Mangiafico was appointed to the Hawthorne Police Department in 1953 by Mayor Louis Bay II. Through his dedication and outstanding work, Vince worked his way up the ranks and was promoted to sergeant on September 29, 1962.

Two years later he was promoted to lieutenant, a position he held for 8 years filled with admirable achievement. On September 1, 1972, Vincent J. Mangiafico was made captain and, 4 years later he was promoted to chief of the Hawthorne Police Department, a position he has held with great distinction since that time.

Along with his great service to Hawthorne through his outstanding career with the police department, Chief Mangiafico has also served his community in numerous other ways. Among his most noteworthy achievements was his initiative that led to the construction of a new Boys Club in Hawthorne, which is now known as the Hawthorne Boys and Girls Club, of which he serves as president.

In addition, he is a member of the PBA Local 200, the Passaic County Chiefs Association, the International Police Chiefs Association, the International Identification Officers Association, the New Jersey Narcotics Officers Association, the AAA Traffic Safety Committee, the Disabled Veterans of America and American Legion Post 199 of Hawthorne.

Chief Mangiafico, for his countless contributions to his community, has received numerous citations from the mayor, civic groups, and private citizens who have appreciated his selfless efforts through the years.

Mr. Speaker, I appreciate this opportunity to present a brief profile of an outstanding public servant and a great community leader who has spent his life making his town, his State and our Nation a better place to live, Vincent J. Mangiafico, chief of the Hawthorne, NJ, Police Department.

A 25TH ANNIVERSARY SALUTE TO BHRAGS INC.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. OWENS of New York. Mr. Speaker, I rise to pay tribute to the Brooklyn Haitian Ralph And Good Shepherd, Inc., a community based organization located in the Brownsville section of my congressional district, which is celebrating its 25th anniversary.

BHRAGS' slogan is "Committed To Service," and in its 25-year existence it has indeed provided valuable services to the community. Its Homemaker Home Health Aide Training Program offers an opportunity for women in the community to be trained to provide vitally needed services to the homebound and disabled as homemaker home health aides. The 120-hour program along with its 24-hour internship extends over a 3-month period and is unique in that it reaches far beyond the requirements for New York State certification.

Its Good Shepherd employment agency serves clientele ranging in age from 9 months to 101 years. Under contract with the Visiting Nurse Association, the Metropolitan Jewish Geriatric Center, the Nursing Sisters Visiting Home Service, St. Mary's Hospital, the Brookdale Medical Center, and Maimonides Hospital, it has placed some 200 certified aides. The BHRAGS Home Care Program combines nursing assistance with several of the standard housekeeping services. Begun in 1981, the program is currently accommodating the needs of over 600 clients and employing some 700 certified home attendants.

The BHRAGS Housekeeping Vendor Program provides housekeeping services to 800 Medicaid-eligible clients in Brooklyn, including the elderly and infirm, and families facing physical and psychological problems. During a 12-month period, over 300 women are trained in domestic and culinary skills.

BHRAGS provides a 40-hour training regimen under its City-Wide Home Attendant Training Program.

The organization is presently training home attendants for New York City. It conducts rapid assessment and provides six module training. The program component trains an average of 1,000 referrals per month.

BHRAGS' Senior Citizens' Program provides standard home attendant services along with escort services, telephone reassurance, health screening, referrals to other service providers, advocacy through assistance in obtaining entitlements, recreational activities and general social services/outreach. Working together with Meals on Wheels, BHRAGS' Senior Citizens' Program is servicing approximately 50 homebound clients.

BHRAGS operates four senior citizens centers: Grant Square Senior Center, Thompkins Park Senior Center, Boulevard Senior Center, and Tete Ensemble. All of the centers provide a full complement of activities which include health screening and followup recreational and cultural activities, education, arts and crafts, nutrition and food services, counseling, information, and referral services. The program also provides meals for some 1,000 people, plus accommodations for about 30 blind clients who come to the centers.

In 1968 BHRAGS established its Haitian center as a result of a critical need for comprehensive services for refugees. Due to years of oppression in Haiti by the Duvalier family dictatorships and by subsequent military regimes following Jean-Claude Duvalier's ouster in 1986, my congressional district has the largest Haitian population in the United States. BHRAGS developed a variety of services under its Haitian center to provide assistance to Haitians, such as instructing them on immigration law and the legalization process; advocacy for public assistance; a literacy program to provide basic education; and information on Social Security and referral for health and other entitlement programs. The Haitian center also has a program designed to assist temporary residents and special agricultural workers in becoming permanent residents.

The Haitian center's intergenerational program offers students well-structured prework experience at local senior citizens programs as an incentive to remain in school and graduate, and to help obtain unsubsidized jobs in the future. All of the students in the program receive a stipend.

Sadly, in recent years, the 1,400 BHRAGS staff has had to carry out its good works in exceedingly dangerous streets in the Brownsville community. A surgeon on the BHRAGS board of directors was shot at 4 p.m. last month in broad daylight—the victim of crack-related crime. He survived, but the BHRAGS staffers should not have to literally place their lives in their hands when they walk the streets of Brownsville and go into community housing projects to care for the elderly.

BHRAGS is to be commended for its invaluable service to the Brownsville community. Numerous Brownsville elderly, infirm, young people, and Haitian refugees have been immeasurably helped by BHRAGS' home health aides, housekeepers and attendants, its immigration and legalization law counselors, and its job training and education programs. BHRAGS is a prime example of how a community-based group can encourage pride, self-help and empowerment through education, job training, and mutual assistance. I am proud to have BHRAGS in my congressional district, and I am heartened over its having continued its work for 25 years despite the recent dangers to it posed by drug-related violence in Brownsville. I congratulate BHRAGS on its silver anniversary and wish it many more years of service.

STATE OF THE ECONOMY AND ECONOMIC POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. HAMILTON. Mr. Speaker, on Thursday, March 1, I testified, in my capacity as chairman of the Joint Economic Committee, before the House Budget Committee on the fiscal 1991 budget. My statement follows:

STATEMENT OF LEE H. HAMILTON

I am pleased to appear before the House Budget Committee today to present my views, as Chairman of the Joint Economic Committee, on the current state of the economy and on economic policy.

I. THE OUTLOOK

The economy in 1989

During 1989, the U.S. economy grew more slowly than in 1987 and 1988. In the fourth quarter, real GNP expanded at less than a one percent annual rate. The weakness primarily reflected a few particular sectors, however, and factors such as the East Coast hurricane and West Coast earthquake. The current quarter's growth will be difficult to interpret as well; while new car output is slow, unusually favorable weather has boosted construction.

The short-term outlook

Probability of recession. Overall, the probability of recession in 1990 is no higher than 35 percent, and probably less, according to the panel of forecasters who appeared before the Joint Economic Committee. Chairman Greenspan indicated in his JEC testimony that he believes the probability of recession has declined since last summer, but that the situation will bear careful watching.

Growth. Despite the recent softness, the economy is nearer to full employment of its labor and other resources than it has been in a number of years. The unemployment rate has remained at 5.3 percent for almost one year, which many economists would characterize as full employment; and job creation in the past year ran well below the pace of the previous five years. For this reason, our witnesses expect the economy to grow even more slowly than last year. Chairman Greenspan noted in his JEC testimony that the economy has "stocked up" with automobiles, housing for middle- and upper-income homeowners, commercial buildings, and for the time being, computers. Other witnesses find the consumer a little more cautious. Meanwhile, international pressures have raised interest rates and constrained construction, business equipment investment, and exports.

The average of the forecasts of our private sector witnesses for GNP growth in 1990 was slightly less than 2 percent; the Blue Chip Consensus forecast is 1.8 percent. The Federal Open Market Committee's central tendency forecast is 1.75 to 2.0 percent real GNP growth over the four quarters of this year. Thus, the FOMC and virtually all private forecasters expect less growth in 1990 than the 2.6 percent forecast by the Administration.

Inflation and interest rates. The rest of the Administration's forecast is also optimistic, particularly on inflation, interest rates, and corporate profits. Those private sector forecasters who expect strong growth this year also expect higher inflation than the Administration, and upward pressure on interest rates. The prediction of simultaneous rapid growth and declines of inflation and interest rates sets the Administration's forecast off from the pack of private forecasters.

Profits. Meanwhile, corporate profits have been weak, as shown by the decline in corporate profits tax receipts from a year ago. Continued weak profits will reduce tax revenues and constrain business investment. The Administration forecasts a strong rebound in profits that will require faster growth, lower interest rates and declining

labor costs, none of which seems likely at present.

Summary. The economy is likely to avoid recession. However, growth will be slower than in recent years, because we are at or near full employment; and inflation, interest rates, and corporate profits will all be less favorable than the Administration forecasts.

Recommendation. If estimates of first quarter GNP show growth below one percent, the Congress and the Administration will have the option of suspending deficit reduction under Gramm-Rudman for one year. Because growth is likely to resume, however, I do not recommend suspending deficit reduction targets—pending further developments on the economic outlook. Stability in financial markets and longer-term domestic savings and investment will be best served by steady and credible deficit reduction, while monetary policy will be the best tool to assure short-term expansion.

The long-term outlook

Growth. Of even greater importance is the longer-term growth potential of the economy; after all, we are budgeting for 1991, and should be planning well beyond that. For 1991, the Administration's forecast is exceptionally optimistic, with much faster expansion than private forecasters—3.3 percent compared with the 2.4 percent Blue Chip estimate. The Administration's projected growth rate would require nonfarm business productivity growth of more than twice last year's estimated 0.9 percent.

Interest rates. We were told by our witnesses that the fundamentals do not favor the downtrend in real interest rates that is projected by the Administration. If growth is as rapid as the Administration forecasts, credit demand will be strong. And with unemployment fairly low, industrial capacity fully utilized, and inflation a concern, the Federal Reserve is unlikely to ease monetary policy. Meanwhile, the credit demands of our major trading partners are expected to remain robust; and central banks of key developed nations, which have been raising rates, will remain concerned with inflation. Finally, credit needs of Eastern Europe and developing countries are likely to grow.

Higher interest rates bias business investment decisions, impose costs on sensitive sectors, and skew the income distribution toward those who already have substantial wealth. So the interest rate forecast is of considerable importance for the economy at large. It is crucial for the budget, in view of the $2.3 trillion of debt held by the public, on which debt service must be paid.

I believe that U.S. budgetary policy can make a significant contribution to lowering real interest rates; but this will require much more than the deficit reduction proposed in the President's Budget.

Before turning to more detailed comments on budget policy, let me set the issues in a broader perspective.

II. ECONOMIC PROBLEMS

In many respects the economy has performed well—with a prolonged expansion, low unemployment, and moderate inflation. It may be difficult to persuade ourselves, and the public, that we must make the tough choices to address the budget problem. We need to understand that the budget deficit is a source of important weaknesses in our economy.

Savings. We need more saving to finance investment to make us competitive in world markets and to provide the standard of living we want for ourselves and our children. National savings has fallen from an average of 17 percent of GNP in the 1960s and 1970s to 14 percent last year.

The major single source of the decline in domestic saving was the extraordinary federal budget deficit. Including the growing saving in the Social Security trust fund, the budget deficit syphoned off more than twice as much savings relative to our GNP last year than the average of the 1960-79 period.

Investment. The budget deficit has distorted our use of the savings pool. It has kept interest rates high, and thereby biased business decisions toward the short term. With business investment concentrated on short-lived assets that wear out or become obsolete quickly, we have needed to invest more just for replacement, and investment over and above what is needed for replacement has declined as a percentage of GNP. The deficit has also driven the dollar higher, made U.S. products less competitive, and discouraged investment in manufacturing.

The budget deficit has also restrained public investment. Last summer, 327 economists, including 6 Nobel Prize winners, presented a letter to the JEC which stated: "In addition to our trade and fiscal deficits, America faces a 'third deficit'—the deficiency of public investment in our people and our economic infrastructure. This deficit will have a crippling effect on America's future competitiveness."

Although economists may disagree about the precise cause of the slowing of productivity growth since the late 1960s and early 1970s, they do agree that productivity increases when we raise our investment, to equip our workers with more and better factories, machines, technology, and public infrastructure. And they do agree that the key to raising our standard of living and our children's is raising productivity.

Dependence. The deficit and its drain on domestic saving has made us dependent on foreign capital to finance our domestic investment. Private investment during the 1980s was largely financed by unprecedented inflows of capital from abroad; our economy is building on a foundation of borrowed money. These capital inflows have accumulated to an international debt projected to reach $2 trillion by the end of the century. This debt gives our foreign creditors a large influence over our exchange rates and interest rates. A decline in their confidence could raise interest rates and choke domestic investment.

World leadership. Twenty-five years ago, our position of leadership was secured by defense capabilities and sheer economic size. Today, we are unquestionably still the world leader. But there are signs that our position has begun to erode because our fiscal house is not in order. We cannot be the leader in setting the rules for the international economy when other nations are our creditors, and can point to our fiscal profligacy—with the support of international organizations like the International Monetary Fund and the Organization for Economic Cooperation and Development. Most recently, Japan has defended its trade barriers on the ground that our trade deficit is caused by our large budegt deficit. Meanwhile, we cannot find the resources to aid Romania and other East Bloc economies to make a smooth transition to a free market system. Wide fluctuations in the dollar illustrate our weakened international role. We must recognize the close relationship between our domestic policies and our position in the world.

Fairness. Economic mobility—where anyone willing to work hard could achieve a decent and rising standard of living—is much less evident for the average working American today. Wages have stagnated throughout the 1980s; family incomes have grown modestly only because more family members have worked more hours. Income inequality has now reached its highest level since we began collecting such statistics in 1947—a sharp reversal of the historic trend toward more equality during expansions. And the tax system has become less fair, with the tax burden on the lowest-income families increasing, and that on the highest-income families decreasing—in large part because of our growing reliance on payroll taxes.

The deficit has hindered our ability to tackle this problem. We must make room in the budget for effectivenly targeted human investment and a more humanitarian policy toward our least advantage, while also achieving the deficit reduction that will reduce real interest rates and encourage private investment, rising productivity, and wage growth.

III. THE ADMINISTRATION'S BUDGET

The Budget and the Annual Report of the Council of Economic Advisers lay out some commendable economic analysis. I point especially to the highlighting of the scarcity of domestic saving; the sharp decline of net investment; the roles of public infrastructive and R&D; the environmental challenge; the need for more effective education and training; and the importance of stable and credible fiscal policy.

But the President's policies do not follow through; they merely tinker around the edges of the problems.

Let me identify seven sources of inaccuracy and imprudence in the President's approach—what I would call "The Seven Deadly Sins of Budgeting."

1. Smoke—optimistic economic assumptions. I have already noted that the budget is deficient from its beginning: Its economic and technical assumptions are not prudent. They start the process on the wrong foot, distorting everything that follows.

The Reagan and Bush Administration's forecasting records are sometimes misunderstood. Their optimistic economic assumptions for current years have sometimes proven accurate; but the Administration's short-term optimism has been fulfilled by employment growth, rather than productivity growth, and with the economy now near full employment, that windfall has ended. Further, despite their accuracy in predicting economic growth, the Administration's other economic and technical assumptions have been unfailingly optimistic, and so their deficit forecasts have been consistently too low.

Even worse, their long-term forecasts invariably call for rapid real growth and falling interest rates, with the tantalizing result that the deficit melts away just over the horizon. If so, why not glide by this year, and let the problem solve itself later?

Of course, the Congress could use a more prudent forecast; but we always accept the Administration's assumptions, so that we can reach the deficit target with less pain. In our own defense, however, it is politically perilous to be the bearer of the bad news that the Administration so publicly denies.

Also often misunderstood is the administration's claim that its forecast is not optimistic because it assumes adoption of their program, which will improve the economy. However, the program offers very little deficit reduction; and the forecast is extraordi-

narily buoyant. In other words, the Administration justifies a modest program by assuming a vigorous economy, and explains the vigor of the economy with its modest program. You need either a chicken or an egg to get the process rolling; the Administration has neither.

We do not need pessimistic economic and technical assumptions, merely realistic and prudent ones—of the character that any successful business would choose. We may fool ourselves by projecting, and accepting, unrealistically low future deficits, and then declaring victory—but in the end, we harm the country.

There are other failings in the Budget:

2. Mirrors—deficit reductions that appear bigger in the fun house mirrors than in technicians' cold calculations. The mirrors in the Budget include "management reforms" in defense.

3. Pennywise and pound foolish—policies whose ill effects outweigh the budget savings. Among the pennywise and pound foolish policies is the failure to provide the resources obviously needed for infrastructure investment, and for the indebted developing nations and Eastern Europe.

4. Pass the buck—policies that shift the burden to other levels of government. The Federal Government passes the buck to States and localities with mandated cost savings under Medicaid, and reductions such as those in grants for sewage treatment plants and for public housing modernization.

5. Cut now, pay later—policies that seem to reduce the deficit now but make it worse in future years. A major example is the capital gains tax cut proposal; the Joint Committee on Taxation estimates that this proposal would result in revenue losses in every year after the first.

6. Shell games—policies that claim to save money by moving activity from one shell to another. Eliminating indirect subsidies to the Postal Service would cut on-budget outlays but raise off-budget outlays in an equal amount.

7. "Nonstarters"—proposals that have been submitted before and failed to achieve political support. There are many proposals in the current Budget that have been proposed time and again, without achieving passage. Some of them may be good ideas, from my own perspective or that of a detached budget analyst; but their chance of passage is nil. Nonstarters in the Budget include Social Security payroll taxation of certain State and local government employees, elimination of Amtrak subsidies, and more fees related to recreational use of public park land.

Together, practices of these Seven Deadly Sins of Budgeting descredit the President's Budget document. As the Washington Post puts it, "The fooling around with numbers that used to be cosmetic has become fundamental. To those who produce as well as to those who read them, the numbers have become objects of contempt."

I believe that only $10 billion of the President's $36 billion of spending reduction and revenue increases for FY91 are likely to offer credible and lasting deficit reduction.

The revenue proposals in the Budget illustrate this weakness. Under the Administration's own estimates, the FY91 net revenue gain of $13.9 billion falls to $4.1 billion by FY93. However, if we substitute the Joint Committee on Taxation's estimate for the revenue effect of the capital gains tax cut, and assume that revenue raising retreads will be rejected again, the FY91 revenue gain is only $6.9 billion; the FY93 impact is a revenue loss of $5.3 billion. This revenue loss would be even greater if any of the Administration's tax reduction initiatives (like enterprise zones or family savings accounts) would cost more than projected, which is likely.

Because there is little meaningful deficit reduction, the Budget was left with some very unpleasant choices: between primary and secondary education, where funding is increased, and higher education, where funding does not fully keep up with current program costs; between AIDS research, and the other activities of Center for Disease Control and National Institutes of Health that were cut to make room; between air transportation, and ground transportation; between planting trees, and forest fire fighting; and between new special services for mothers, and general community services for States and localities; to name only a few. This reshuffling does not free enough resources to deal with our problems; the result is mere tinkering.

The efforts to stimulate private investment and saving—the capital gains tax cut and the Family Savings Plan—also amount to tinkering. The possible gains from these proposals are controversial at best, according to serious studies; as was pointed out at a recent Joint Economic Committee hearing, the investment stimulus from the capital gains tax cut would be no greater than a five basis point reduction of market interest rates—as from 8.00 percent, to 7.95 percent. And the revenue costs of these proposals will grow to sizable amounts.

This temporizing is required by the "no new taxes" pledge. But what does this pledge really mean? About $16 billion of gross revenue increases are proposed in the budget, as well as $2.3 billion of offsetting receipts. And last year the President signed a reconciliation bill that raised $5.7 billion of additional revenues for FY90. Slogans aside, we are raising taxes; but by requiring that it be done in hiding, we are insuring that it will be done badly.

IV. WHERE DO WE GO FROM HERE?

We cannot reduce the deficit and meet our responsibilities without a balanced package that includes both spending cuts and a moderate tax increase.

Past Efforts at Deficit Reduction

Grow out? We have not grown out of the deficit, despite the second-longest postwar economic expansion, and years of rosy scenarios. The current rosy scenario will fare no better.

Spending cuts alone? We have not eliminated the deficit through spending cuts in part because of a lack of political will. We accept economic and technical assumptions that minimize the problem. And we have refused to consider spending cuts that will be painful to our own States and districts. We have fooled ourselves, but we have harmed the country.

We must recognize how difficult it will be to achieve significant spending cuts that will not harm important National interests. Even if we eliminated the "social safety net" means-tested programs, we would still have fallen $60 billion short of wiping out the deficit in the fiscal year just ended. It would have taken a cut of more than 75 percent on all nondefense discretionary spending—which includes priorities such as science, technology, pollution control, transportation, education, health, and the administration of justice—to eliminate the deficit.

Other needs. We must also consider the National priorities that we have ignored over the last decade, and the need to accumulate a Social Security reserve against the retirement of the baby boom early in the next century.

In FY89, while we had a $152 billion total deficit, we accumulated a $54 billion Social Security surplus that should have been set aside against future benefits, and we ignored an absolute minimum of $20 billion needs in infrastructure, research, law enforcement, environmental protection, and education. It is inconceivable that we could find $225 billion in spending cuts to match those calls upon our Federal resources; $225 billion is about 65 percent of all spending other than Social Security, Medicare, defense, and net interest.

Frequent Misconceptions

Foreign aid. Many of the programs often thought of as targets to balance the budget are in fact quite small. Our deficit in 1990 is expected to be about $138 billion. Against that figure, total U.S. foreign development, humanitarian, and security aid outlays will be less than $15 billion; much of that assistance turns around in expenditures for U.S. farm products and manufactured goods, and contributes to international stability.

The Congress. The Congress' total budget (which includes maintenance of the buildings and grounds, the Capitol Police and Guide Service, the Government Printing Office, the Library of Congress, and other activities that are often forgotten) will be under $3 billion. Obviously, no cuts in these small programs, however desirable, could possibly eliminate the deficit.

The peace dividend. The expected "peace dividend" will help to reduce the deficit. However, there is no peace dividend in the President's budget this year; spending is increased. And we cannot leave our important National priorities, including deficit reduction, dependent upon continued favorable political developments in other nations. Further, witnesses before the Joint Economic Committee have cautioned that any significant peace dividend will be several years in coming. An emhasis on quick savings will leave us with a weakened defense establishment and will waste money in the long run.

The Grace Commission. A number of citizens have written to me advocating the recommendations of the Grace Commission. According to President Reagan's last budget, the Congress approved 90 percent of the Grace Commission recommendations that the President proposed. Of the recommendations he put forward that were not approved by the Congress, President Reagan found worthy of proposing again only about $7 billion in annual savings, most from user fees (i.e., taxes) and sales of assets. Less than $2 billion of the first-year savings came from reduced spending.

Procedural remedies. Likewise, procedures to reduce the deficit—budget process reforms and balanced budget amendments—are not the answer. You cannot solve a substantive problem with a procedure; hard choices must still be made, and in the absence of the will to make them, a way will be found to circumvent the procedure. Our experience with Gramm-Rudman proves this. A line-item veto would apply to only a small fraction of spending; it could not reduce Social Security benefits, Medicare payments, the interest on the debt, or defense or other costs involving long-term contractual obligations. Further, a president with a line-item veto would be likely to bargain for spending for a program he wants,

like Star Wars, by offering not to veto a program that a Congressman wants, like a new dam or Federal building in his or her State or district. The result would most likely be more spending, not less.

Outlines of a Solution

Therefore, in my judgment, there is no formula and no procedure that will solve our deficit problem. We need to devise a substantive solution, and summon the political will to enact it. And that solution must be a balanced package of spending cuts for lower priority functions and moderate tax increases. In broad outline, here is what such a package would require.

1. We need a prudent and realistic economic forecast, so that we have an accurate measure of the size of the problem.

Budget estimates that command public respect are a part of the process. I would therefore urge consideration of my proposal for a commission to choose between Administration and CBO economic assumptions. And I urge continuing oversight by the Budget Committees to encourage OMB and CBO to minimize their technical differences, which have been about as important to recent deficit forecasts as have economic assumptions.

2. We need an ultimate deficit target that addresses our Nation's need for both savings and public investment.

The major cost of the deficit is its drain on our Nation's savings and investment. Therefore, we need to reduce the deficit enough to increase national savings and private investment, without starving the Federal sector of funds needed for public investment. At the same time, we must eliminate our current dependence on foreign savings.

As one illustration of a possible goal, we might aim to achieve the levels of national saving and public investment that prevailed in the 1960s and the 1970s—which were far above current levels—by no later than the middle of this decade, without relying on foreign capital.

If we seek to achieve those goals without assuming an increase in private saving, we will have to reduce the on-budget deficit (excluding Social Security) to one percent of GNP by 1995—from its current level of about four percent.

This target leaves room for a separate fund of about one-half of one percent of GNP, outside of the budget, for carefully defined public investments over and above current service levels. This approach might help to convince the taxpayers that the additional spending that they support with their tax dollars is focused on important National needs. It will be essential, however, that we provide the discipline to make that true. The target would also allow for a similar amount of money for payroll tax relief, to reduce the burden on working households.

This is just one possible target. But if our goal for the Nation is increased savings and investment, we will need to fix our numerical target in this fashion.

3. We need a schedule of annual deficit reduction that is neither too tight nor too loose.

A deficit reduction schedule that is too rigorous will lead to "smoke-and-mirrors" trickery, and those games increase spending and hurt our economy in the long run. But a schedule that asks too little will allow our debt to mount, and further erode our economic strength.

Recommendation. This standard has policy implications right now. If we start with the CBO assumptions—which, as a package, are more prudent than the Administration's—it is not realistic to achieve the required $74 billion of genuine deficit reduction for 1991 under the current deficit reduction law. It would be not only politically impossible but also economically risky to cut the deficit by well in excess of one percent of GNP in one year.

The target that I suggested would require, again using CBO's estimates about $35 billion of deficit reduction per year. Economists tell us that deficit reduction of up to one percent of GNP—about $50 billion—would be economically preferable. However, $30 billion of deficit reduction is the maximum that has been achieved in any single year under Gramm-Rudman. I suggest that we aim high, especially if we do realize a "peace dividend" through continued favorable political developments abroad. But we should not push so hard for big deficit reductions through defense savings in the short run that we make unsound cuts and waste even more defense dollars in the long run.

4. We need credibility with the public at large, and with the financial markets.

The deficit is fundamentally a long-term problem—eroding our savings and our investment for the future. Therefore, we need a long-term solution. This means actual deficit reduction, rather than revenues borrowed from future fiscal years and expenditures bunted backward and forward to achieve cosmetic success in one particular year.

Long-term policies require credibility. In my experience, the American people know instinctively that our economic course is wrong; they know that we must pay our bills as a society. Therefore, they are prepared to accept a deficit reduction program, provided that it is credible. Our problem is that we have played our budget games for so long—with all of the best intentions, to be sure—that we have no credibility left.

If we propose a long-term substantive program of deficit reduction, the people will be sure that we will back out of it. If we ask the taxpayers for the money to reduce the deficit and to finance needed public investment, they will be convinced that we will waste it.

This loss of credibility and public trust may be the most important cost of our decade of deficits.

We must somehow create an airtight package—one that we can't wiggle out of. We will have to put ourselves on record and on the spot with the public. We may have to buy credibility with some restrictions that we would not choose in the best of all possible worlds—like earmarked taxes, dedicated trust funds, or legislated long-term phase-outs of programs or phase-ins of taxes. And while we will not solve the deficit problem with a procedure, we will need a disciplinary mechanism to attain some minimum of credibility. We will need to craft that mechanism so that it does not reward accounting games as the current process does.

V. CONCLUSION

Even desirable adjustments to budgeting at the margin will only be effective when we restore equilibrium to the core. That is why procedures and formulas are not enough. We need a realistic economic outlook; we need a meaningful target that addresses our needs for national savings and both public and private investment; we need a deficit reduction schedule that wastes neither time nor money; and we need credibility with the American people and, like it or not, financiers around the world.

You on the Budget Committee are the first line of assault on these objectives, and it will be difficult to craft a program that meets all of our goals. But I believe that you owe it to the Nation to face this challenge, and that your best efforts will be rewarded with broad public support.

TRIBUTE TO SOLON B. COUSINS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring an outstanding leader, Mr. Solon B. Cousins, who is retiring after more than 35 years in human services, the last 10 of which he has served as the national executive director of the YMCA of the USA.

Mr. Cousins' work in leading the Nation's largest voluntary organization has made him a nationally known authority in the field of human service. His influence has gone beyond his work with the YMCA: he has set standards for the entire not-for-profit sector. The YMCA has indeed been fortunate for his guidance.

His association with the organization has a long and fruitful history. He began implementing important programs and policy for the YMCA when he assumed the role of personnel and planning director of the Chicago Metro YMCA from 1954 to 1966. He continued to advance the organization as general director of the greater Boston YMCA from 1966 to 1970. His leadership proved invaluable as head of the National Board of the YMCA's Urban Group, an association, at the time, of the 17 largest YMCA's in North America, from 1970 to 1973. Prior to assuming the position of national executive director with the YMCA, he served as executive director of the United Way of Metropolitan Chicago, the Nation's largest United Way organization, from 1974 to 1980.

In 1987, he received the United Way of America's National Professional Leadership Award, a top honor in the not-for-profit sector. He earned the award for implementing a service system within the YMCA that created a more decentralized and efficient organization. YMCA staff with special skills are now able to share them with everyone in the organization across the country.

In my own service as a national volunteer officer of both the YMCA of the USA and the National Assembly, I have worked closely with Solon Cousins over many years. My work with the YMCA focused on young people—in the United States as well as other nations—and the importance of developing programs which stress education and social responsibility. Under his guidance, the organization has moved forward with programs promoting strong families, youth leadership, healthy lifestyles, community development, and international understanding.

As president of the National Assembly of National Voluntary Health and Social Welfare Organizations from 1985 to 1989, he improved

communications and cooperation among the member agencies and helped to advance their work. He also served as chairman of their affiliate organization, the National Collaboration for Youth, a coalition of 15 national youth serving organizations founded in 1973.

His commitment to important public policy issues is exemplified by his establishing high quality child care standards and encouraging new initiatives for affordable housing and the homeless through the Y-House and Y-Haven programs. During his tenure, the number of people served by the YMCA increased from 10.9 million to 13.5 million.

The YMCA has become the country's largest child care provider, as well as the Nation's largest non-governmental provider of single resident occupancy housing, and health and fitness services.

I know that Mr. Cousins is held in high esteem by staff, volunteers, and his peers within the not-for-profit sector. The YMCA has benefited from the intelligent, insightful, and energetic approach he has brought to the position of national executive director.

Mr. Speaker, Mr. Cousins has inspired many people through his devoted service. I ask my colleagues to join me today in paying tribute to this very special person.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. NELSON of Florida. Mr. Speaker, had I been present on February 28, 1990, I would have voted "aye" on rollcall No. 18.

H.R. 4139, COMPETITIVE NORTHEAST RAIL FREIGHT SERVICE ACT OF 1990

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. LENT. Mr. Speaker, since Senator D'AMATO and I jointly introduced the Competitive Northeast Rail Freight Service Act on February 28, questions have been raised concerning the absence of explicit language providing for labor protection powers to be exercised by the Interstate Commerce Commission, in the event that the ICC must determine the terms and conditions of trackage rights for the Delaware & Hudson Railroad over Conrail's line into Hagerstown, MD, from Harrisburg, PA. The fear has been expressed that the agency or the courts might interpret the absence of such language as a prohibition on any ICC action to provide protection for displaced employees.

Tying the hands of the ICC was not our intention. This legislation is not intended to affect the normal labor-management balance in the railroad industry one way or another; neither is it intended to reduce or enlarge the ICC's usual powers to order labor protection in terminal-rights cases. To confirm this intent, and to make certain that unwarranted inferences are not drawn from the bill's original language, we intend to offer a clarifying amendment on this point when the bill is considered. Meanwhile, we will redouble our efforts to see that the vitally needed Hagerstown trackage rights are made available to the D&H, preferably by good-faith private-sector negotiation, but by ICC action if need be.

SUPPORT FOR NAMIBIAN DEMOCRACY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. TORRICELLI. Mr. Speaker, on February 9, the Constitution for an independent Namibia was adopted by its newly elected Constituent Assembly. On March 21, Namibia will become independent and will have a democratic constitution appropriate for a new democracy in this era of change.

This event may be taken for granted or even overlooked by a world which has been swept by startling political changes in Eastern Europe, Panama, South Africa, and the Soviet Union. The independence of Namibia is a success story for democracy, however, which should not be slighted. For decades Namibia was racked by a guerrilla war led by Sam Nujoma and the Southwest Africa Peoples' Organization [SWAPO] against the South African administration.

As recently as 2 years ago, it would have been hard to predict a peaceful solution to this war. South Africa, however, did agree to grant full independence to the territory in exchange for a full Cuban troop withdrawal from Angola. The United Nations monitored, administered, and declared free and fair, an election under U.N. Resolution 435 in which well over 90 percent of the people voted. The people gave SWAPO a 57-percent majority but elected a Constituent Assembly with diverse opposition parties. The new assembly adopted a constitution establishing separation of powers, checks and balances, a bill of rights, freedom of the press, and other measures to give Namibia a bright start to its future. Sam Nujoma of SWAPO has been unanimously elected by the Constituent Assembly as Namibia's first President.

The story of the process of independence in Namibia will be crucially important in the context of the future of South Africa and other countries, which are evolving toward democratic ideals.

Sanctions against Namibia will be lifted by the United States on March 21. We in the Congress should make clear our strong support for the move toward democracy in southern Africa, as well as in Eastern Europe and Central America. As this trend of democratization establishes itself, the Congress and the American people must be supportive of every new initiative, such as that which has led to Namibia's emergence as a democratic state.

A TRIBUTE TO OLIVER L. HOLMES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. MILLER of California. Mr. Speaker, I would like to take a few moments to pay tribute to Oliver L. Holmes on the occasion of his retirement from the city council of Pleasant Hill, CA.

Oliver's 9 years of dedicated service to the city of Pleasant Hill began when he was first elected to the council in 1980 and continued through his reelection in 1985. His devotion to his work and the city did not go unappreciated. The residents of Pleasant Hill elected him to serve as mayor in 1982 and again in 1986. Oliver also served as the chair of the Redevelopment Agency in 1984–85.

Mr. Holmes' activity within the Pleasant Hill community began long before his membership on the city council. For 10 years he was a director for the Pleasant Hill Recreation and Park District; he chaired the East Bay Regional Advisory Committee; and was director of the statewide Association of Park Districts. He was also able to spend time as a teacher and consultant to West Valley College and as a member of the joint authority governing board, which administers the financing of the Pleasant Hill Community Center and the police services building. Oliver has been active and a long time supporter of his church. Friends Abroad, and the Pleasant Hill Foundation.

Oliver's keen interest in the recreation and park district and in the preservation of parklands and open spaces stems from his 30-year career as a professional forester. In his personal time, Oliver enjoys traveling with his wife, Rachel, and is an avid player and fan of golf and can often be found on the local golf course.

Mr. Speaker, I ask that my colleagues in the House of Representatives join with me in congratulating Oliver Holmes for his outstanding career with the city of Pleasant Hill and to wish him the very best in his retirement.

AMBASSADOR ADOLPH DUBS DIED AS HE HAD LIVED—IN THE SERVICE OF HIS COUNTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to and remember Ambassador Adolph Dubs, the U.S. Ambassador to Afghanistan, who lived and died in the service of his country. February 14, 1990, commemorated the 11th anniversary of the kidnaping and murder of Ambassador Dubs.

Ambassador Dubs was born in Chicago on August 4, 1920. After receiving a bachelor of arts degree from Beloit College, WI, in 1942, he joined the Navy and served aboard destroyers as a lieutenant in the Pacific theater.

Following his discharge, Mr. Dubs attended Georgetown University. In 1950, he joined the Foreign Service and served subsequently as resident officer in Kulmbach, Germany; at the Embassy in Monrovia, Liberia; and at the Embassy in Ottawa, Canada. Following his Canadian assignment, Mr. Dubs entered a 2-year course on Russian area and language training—first in Washington at the Foreign Service Institute and, later, at Harvard. He served on the Soviet desk in the Department from 1959 until 1961 and then at the Embassy in Moscow for 2 years as a political officer.

He returned to Washington in 1963 and was assigned for 1 year to the National War College. He served as a political counselor at the Embassy in Belgrade from 1964 until 1968, receiving the Department's Superior Honor Award. He returned to the Department as Director of the Office of Soviet Union Affairs in the Bureau of European Affairs and served in this position until 1971.

Later, Mr. Dubs attended the Senior Seminar in Foreign Policy at the Foreign Service Institute. Following his studies, he was named Deputy Chief of Mission in Moscow. In addition, he served as chargé d'Affaires there for about a year. Mr. Dubs returned to the United States in 1974 and became diplomat-in-residence at Southwestern University, in Memphis TN.

Ambassador Dubs was nominated by President Carter as envoy to Afghanistan on June 1, 1979, and was confirmed by the Senate on June 23, 1979. He served in Kabul for 7 months before he was seized from his car while en route from his home to work at the Embassy. He was taken hostage by unknown terrorists, brought to the Hotel Kabul downtown, held in a room by his captors, and later killed in a shootout between the captors and Afghan police.

Upon learning of Ambassador Dubs' death, President Carter paid tribute to the diplomat:

I am shocked and saddened by the murder of Ambassador Dubs in Kabul this morning. The act of brutality which took his life has deprived our Nation of one of its most able public servants. Throughout his distinguished career in the Foreign Service, Ambassador Dubs took on difficult and challenging jobs, performing them with exemplary dedication and skill. He died as he lived—in the service of his country—and the manner of his death redoubles our dedication to the struggle against the kind of senseless violence which took his life. My thoughts and prayers are with the family of Ambassador Dubs.

Ambassador Adolph Dubs was laid to rest with full military honors at Arlington National Cemetery on February 20, 1979. Mrs. Mary Ann Dubs, the Ambassador's widow and originally from the 11th Congressional District of Pennsylvania, accepted the Secretary's Award, the State Department's highest award, posthumously for her husband. The inscription read, "For inspiring leadership, outstanding courage, and devotion to duty for which he gave his life, Kabul, February 14, 1979."

I invite my colleagues in the House of Representatives to pause and honor Ambassador Adolph "Spike" Dubs on the 11th anniversary of his death. The life of Ambassador Dubs exemplifies the greatest devotion to public service. We should all take his lead and learn from his self-sacrifice, bravery, and great sense of duty.

THANKS TO DALE CRANE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. VENTO. Mr. Speaker, I want to publicly thank and acknowledge the efforts of Dale Crane, who recently left as staff director of the Subcommittee on National Parks and Public Lands which I've had the privilege to chair the past three sessions of Congress. For over 14 years Dale Crane has been an integral part of the decisionmaking policy process on nearly every land issue and question that was considered by the U.S. Congress. With his guidance the subcommittee enacted more than 100 measures in the 100th Congress. Dale has been a leader, an innovator, a counselor, friend, and educator for me and other Members of Congress and to numerous staff in both House and Senate.

I have especially appreciated Dale's loyalty, his candor and his passion for both the work and the issues. Dale Crane truly cares for this nation's natural and cultural resources. Dale's efforts took on special meaning during recent years in the establishment of two magnificent new national parks, Great Basin National Park in Nevada, and our most recent national park in American Samoa, an ancient tropical rain forest, the 50th national park. He worked on legislation to help save Mono Lake, our Nation's first scenic area designation and toiled to protect Lake Tahoe. He was particularly active in the protection of wild and scenic rivers such as the Kern, the Kings and Merced recent designations in California. He worked hard on wilderness legislation, with the Nevada Wilderness Act passing at the end of the first session of this 101st Congress. And he worked on park bills including the establishment of Jimmy Carter National Historic Site and the numerous measures to expand Everglades National Park and Big Cypress Preserve. Throughout his service in natural resources roles, surely Dale Crane's vision of our Nation's natural resources has been forward looking to ensure that these resources would be conserved and preserved today for American generations tomorrow.

The Congress and this humble Congressman and subcommittee chairman give our sincere thanks and gratitude to Dale Crane for the role he played so well these past 14 years as staff, as chief of staff and confidant. Surely we will not soon forget the lessons and values, the mission and responsibilities Dale shared with us. Hopefully, we too will retain the reasoned passion for the conservation and care of our Nation's natural and cultural resources Dale Crane so ably personifies. Thank you, Dale.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest - designated by the Rules Committee - of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 6, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the dairy industry.

SR-332

Special on Aging

To hold hearings to examine marketing abuses in the medigap insurance industry.

SD-628

9:30 a.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs including the impact of the Defense Management Report on logistics programs.

SR-222

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

To hold hearings on proposed budget estimates for fiscal year 1991 for the Environmental Protection Agency.

SD-406

Labor and Human Resources

To resume hearings on S. 2104, to revise the Civil Rights Act of 1964 (P.L. 88-352) to restore and strengthen civil rights laws that ban discrimination in employment.

SD-430

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury and Departmental Offices.

SD-116

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on proposed legislation authorizing funds for the Export Administration Act.
SD-538

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine NATO military strategy.
SD-419

2:00 p.m.
Armed Services
To hold hearings on operational requirements and military strategies for strategic forces.
SR-222

Foreign Relations
To hold hearings on the status of the arms control negotiations.
SD-419

2:30 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Commission on Security and Cooperation in Europe
To hold hearings to examine the current domestic and international developments affecting Soviet Jews.
B318 Rayburn Building

MARCH 8

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending calendar business.
H-131, Capitol

9:00 a.m.
Appropriations
Defense Subcommittee
To resume closed hearings on proposed budget estimates for fiscal year 1991 for defense programs, focusing on the unified commands.
SD-124

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Environmental Protection Agency.
S-126, Capitol

Armed Services
To hold a closed meeting on the issue of unauthorized appropriations for fiscal year 1991, reprogramming requests, and to review those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1991 with a view towards making its recommendations to the Committee on the Budget.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to examine the effects of lead exposure on children's health and educational performance.
SD-406

Governmental Affairs
To hold hearings to examine the Departments of Labor's and Health and Human Services' high risk management problems.
SD-342

Rules and Administration
Business meeting, to consider pending legislation on campaign finance reform.
SR-301

Small Business
To hold hearings on implications of technology transfer on small business.
SR-428A

Veterans' Affairs
Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
To resume hearings on proposals authorizing funds for the Defense Production Act of 1950, including S. 1379, the Defense Production Act Amendments of 1989.
SD-538

Foreign Relations
To hold hearings to examine support for East European democracy.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

11:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nomination of Donald R. Quartel, Jr., of Florida, to be a Federal Maritime Commissioner.
SR-253

1:30 p.m.
Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1991 for the U.S. Fish and Wildlife Service.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wheat industry.
SR-332

Energy and Natural Resources
To hold hearings on S.J. Res. 154, to consent to certain amendments enacted by the Hawaii State legislature to the Hawaii Homes Commission Act of 1920.
SD-366

Foreign Relations
To hold hearings on the nominations of Everett E. Briggs, of New Hampshire, to be Ambassador to the Republic of Portugal, Edward M. Rowell, of California, to be Ambassador to Luxembourg, Robert G. Joseph, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Commissioner on the U.S.-USSR Standing Consultative Commission, and John J. Maresca, of Connecticut, for the rank of Ambassador during his tenure of service as Head of the U.S. Delegation to the Conference on Confidence and Security Building Measures (CSBM).
SD-419

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine the impact of drugs on the child welfare system.
SD-430

Small Business
To hold hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration and on proposed legislation authorizing funds for the Small Business Administration.
SR-428A

MARCH 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA).
SR-253

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on Federal participation in magnetic levitation transportation systems.
SD-406

Joint Economic
To hold hearings on the employment-unemployment situation for February.
Room to be announced

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Senate, the Office of the Sergeant at Arms, and the Congressional Budget Office.
SD-116

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Terrorism, Narcotics and International Operations Subcommittee
To hold joint hearings on narcotics trafficking activities in South East Asia.
SD-419

Governmental Affairs
To hold joint hearings with the Committee on Labor and Human Resources to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).
SD-430

Judiciary
To hold hearings on S. 640, to regulate interstate commerce by providing for

uniform standards of liability for harm resulting from general aviation accidents.
SD-226

Labor and Human Resources
To hold joint hearings with the Committee on Governmental Affairs to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).
SD-430

1:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 1908 and H.R. 737, bills to amend the Stock Raising Homestead Act to prescribe conditions under which U.S.-owned hardrock mineral deposits may be mined or removed from lands whose surfaces are privately owned.
SD-366

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Small Business Administration, and the U.S. Information Agency.
S-146, Capitol

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 2088, to extend authority for Titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to one billion barrels, and to provide for predrawdown diversion authority for SPR oil.
SD-366

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
RD-116

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
RD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on

the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

MARCH 26

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
RD-192

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
RD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction Program.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
RD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

APRIL 3

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

APRIL 15

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

POSTPONEMENTS

MARCH 6

2:00 p.m.
Select on Indian Affairs
Business meeting, to review those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1991 with a view toward making its recommendations to the Committee on the Budget.
SR-485

MARCH 7

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1978, to promote

U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.
SD-342

10:00 a.m.
Appropriations
To hold hearings on the President's proposed budget for fiscal year 1991.
SD-192

2:00 p.m.
Appropriations
To continue hearings on the President's proposed budget for fiscal year 1991.
SD-192

HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 1990*

The House met at noon.

The Reverend Michael B. Easterling, pastor, Madison Avenue Baptist Church, New York, NY, offered the following prayer:

Lord of life, we give You thanks for this day, for the gift of life and for all our blessings. We are such a blessed people. It is something we forget because we have been conditioned in prosperity and we bask in it every day of our lives.

Ours is a simple prayer today.

Help us to somehow understand that, while we have received the legacy of privilege and prosperity, others have received the legacy of poverty and pain.

Help us to somehow realize, that while most of us have always had open doors and open highways, so many, even in our Nation, have only had closed doors and dead ends.

We ask for two more things today, O Lord.

First, help us to understand more fully what it means to be our brothers and our sisters' keepers.

Second, may we as citizens have the courage and strength to stand by and with, any of our brothers and sisters, who are kept down or kept out.

This is our humble prayer today, which we pray in the name of truth, justice and love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. UPTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 101, not voting 46, as follows:

[Roll No. 19]

YEAS—284

Ackerman	Frost	McHugh
Akaka	Gaydos	McMillan (NC)
Alexander	Gejdenson	McMillen (MD)
Anderson	Gephardt	McNulty
Andrews	Geren	Meyers
Annunzio	Gibbons	Mfume
Anthony	Gillmor	Mineta
Applegate	Gilman	Moakley
Archer	Gingrich	Mollohan
Atkins	Glickman	Montgomery
AuCoin	Gonzalez	Moody
Barnard	Gordon	Morella
Bartlett	Gradison	Morrison (CT)
Bateman	Grant	Morrison (WA)
Bates	Gray	Mrazek
Beilenson	Green	Murtha
Bennett	Guarini	Nagle
Bereuter	Gunderson	Natcher
Bevill	Hall (OH)	Neal (MA)
Bilbray	Hall (TX)	Neal (NC)
Boggs	Hamilton	Nielson
Bonior	Hammerschmidt	Nowak
Borski	Harris	Oakar
Bosco	Hatcher	Oberstar
Boucher	Hayes (IL)	Obey
Brennan	Hayes (LA)	Olin
Broomfield	Hefner	Ortiz
Browder	Hertel	Owens (NY)
Brown (CA)	Hoagland	Owens (UT)
Bruce	Hochbrueckner	Oxley
Bryant	Horton	Pallone
Bustamante	Houghton	Parker
Byron	Hoyer	Patterson
Callahan	Hubbard	Payne (NJ)
Campbell (CA)	Huckaby	Payne (VA)
Cardin	Hughes	Pelosi
Carper	Hutto	Penny
Carr	Hyde	Perkins
Chapman	Jenkins	Petri
Clarke	Johnson (CT)	Pickett
Clement	Johnson (SD)	Pickle
Clinger	Johnston	Porter
Coleman (TX)	Jones (GA)	Poshard
Combest	Jones (NC)	Price
Condit	Jontz	Quillen
Conte	Kanjorski	Rahall
Conyers	Kaptur	Ravenel
Cooper	Kastenmeier	Ray
Costello	Kennedy	Richardson
Crockett	Kennelly	Ritter
Darden	Kildee	Roe
Davis	Kleczka	Rohrabacher
de la Garza	Kolter	Ros-Lehtinen
DeFazio	Kostmayer	Rose
Dellums	LaFalce	Rostenkowski
Derrick	Lancaster	Roth
Dicks	Lantos	Rowland (CT)
Dingell	Leath (TX)	Rowland (GA)
Dorgan (ND)	Lehman (CA)	Roybal
Dornan (CA)	Lehman (FL)	Russo
Duncan	Levin (MI)	Sabo
Durbin	Lewis (GA)	Saiki
Dwyer	Lipinski	Sangmeister
Dymally	Livingston	Sarpalius
Dyson	Lloyd	Savage
Early	Long	Sawyer
Eckart	Lowey (NY)	Scheuer
Edwards (CA)	Luken, Thomas	Schiff
Edwards (OK)	Manton	Schneider
Emerson	Markey	Schulze
English	Martin (NY)	Schumer
Erdreich	Martinez	Sharp
Espy	Matsui	Shuster
Evans	Mavroules	Sisisky
Fascell	Mazzoli	Skaggs
Fawell	McCloskey	Skeen
Fazio	McCollum	Skelton
Fish	McCrery	Slattery
Flake	McCurdy	Slaughter (NY)
Flippo	McDade	Smith (FL)
Ford (MI)	McDermott	Smith (IA)
Frank	McEwen	Smith (NE)
Smith (NJ)	Tauzin	Walgren
Smith (VT)	Taylor	Walsh
Snowe	Thomas (GA)	Washington
Spence	Thomas (WY)	Waxman
Spratt	Torres	Weldon
Staggers	Torricelli	Wheat
Stallings	Towns	Wilson
Stark	Traficant	Wise
Stenholm	Traxler	Wolpe
Stokes	Unsoeld	Wyden
Studds	Vander Jagt	Wylie
Tallon	Vento	Yatron
Tanner	Volkmer	

NAYS—101

Armey	Hastert	Rhodes
Baker	Hawkins	Ridge
Ballenger	Hefley	Roberts
Barton	Henry	Rogers
Bentley	Herger	Roukema
Billey	Hiler	Saxton
Boehlert	Holloway	Schaefer
Brown (CO)	Hopkins	Schroeder
Buechner	Hunter	Schuette
Bunning	Inhofe	Sensenbrenner
Burton	Ireland	Shays
Chandler	Jacobs	Sikorski
Coble	James	Slaughter (VA)
Coleman (MO)	Kolbe	Smith (TX)
Coughlin	Kyl	Smith, Robert (NH)
Courter	Lagomarsino	
Cox	Leach (IA)	Smith, Robert (OR)
Craig	Lewis (CA)	
Crane	Lewis (FL)	Solomon
Dannemeyer	Lowery (CA)	Stangeland
DeLay	Lukens, Donald	Stearns
DeWine	Machtley	Stump
Dickinson	Madigan	Sundquist
Dreier	Marlenee	Tauke
Feighan	Martin (IL)	Thomas (CA)
Fields	McCandless	Upton
Frenzel	Michel	Vucanovich
Gallegly	Miller (OH)	Walker
Gallo	Miller (WA)	Weber
Gekas	Moorhead	Whittaker
Goodling	Murphy	Wolf
Goss	Parris	Young (AK)
Grandy	Pashayan	Young (FL)
Hancock	Paxon	
Hansen	Regula	

NOT VOTING—46

Aspin	Kasich	Shaw
Berman	Laughlin	Shumway
Bilirakis	Lent	Smith, Denny (OR)
Boxer	Levine (CA)	
Brooks	Lightfoot	Solarz
Campbell (CO)	McGrath	Swift
Clay	Miller (CA)	Synar
Collins	Myers	Udall
Coyne	Nelson	Valentine
Dixon	Packard	Visclosky
Donnelly	Panetta	Watkins
Douglas	Pease	Weiss
Downey	Pursell	Whitten
Engel	Rangel	Williams
Foglietta	Rinaldo	Yates
Ford (TN)	Robinson	

□ 1224

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall 19.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair recognizes the gentleman from Missouri [Mr. SKELTON] to deliver the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolution of the House of the following titles:

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX.;

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms; and

H. Con. Res. 226. Concurrent resolution providing for acceptance of a statue of Philo T. Farnsworth, presented by the State of Utah, for placement in National Statuary Hall, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1430. An act to enhance national and community service, and for other purposes; and

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

THE REVEREND MICHAEL B. EASTERLING

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I am pleased to introduce a distinguished religious leader from my congressional district, our guest chaplin today, the Reverend Michael B. Easterling. Reverend Easterling is pastor of the Madison Avenue Baptist Church in New York City.

A native of Texas, Reverend Easterling is a graduate of Wheaton College in Illinois, where he won all-American honors in soccer. He is also a graduate of Gordon Conwell Seminary in Hingham, MA.

Reverend Easterling and the congregation of the Madison Avenue Baptist Church are carrying on a vital ministry in the heart of New York City, with programs for the homeless and needy. The church is also well known for providing support and counseling to the people of this diverse community.

On behalf of all my colleagues I wish to extend a warm welcome to Reverend Easterling. I should also like to thank him for giving the prayer today, and to express our appreciation to Reverend Easterling and the members of the Madison Avenue Baptist Church for their outstanding work on behalf of all the residents of their community.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 436

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arizona [Mr. KYL] be removed as a cosponsor of House Joint Resolution 436.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

BUSH'S VENTRILOQUISM ON TAXES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, it is time the American people knew the truth about George Bush and taxes. It's simple: The President says one thing then does the opposite, time and time again.

He says "read my lips—no new taxes."

Then he practices ventriloquism, trying to make the American people play Charlie McCarthy to his Edgar Bergen. Because, Mr. Speaker, his budget does raise taxes. It raises taxes by $28 billion.

Who is paying these taxes? Not his rich friends. No, these taxes hit working Americans hardest.

Mr. Bush raises the payroll tax, taking money directly out of the pocket of every working man and woman in this country.

Mr. Bush raises Medicare taxes, hitting those on fixed incomes hardest.

Then, Mr. Speaker, the administration has the gall to make the only legislative initiative a tax cut for the rich.

The American people are tired of reading lips that say one thing and do another. Let me quote the Republican Governor of Illinois, Jim Thompson, on the Bush budget. It is a "Read My Lips, Raise Your Taxes Plan."

□ 1230

THE LOST DECADE FOR TAX FAIRNESS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, call it the lost decade for tax fairness in America. Ten years of conservative economics has stood the old-fashioned notion of tax fairness on its head.

Some in the administration swallow a philosophy that believes the janitor in Trump Plaza should pay the same tax rate as Trump himself pays. That is called flat rate taxes. Well, the folks who believe that should be happy now. New studies show that during the past decade the rich grew richer and their effective Federal tax rate declined—the poor grew poorer and their effective Federal tax rate increased.

The overall tax burden has ceased to be progressive so rich and poor now give about the same amount of their income to tax collectors.

Now the administration wants to compound this bad news with a capital gains tax cut that will go primarily to the rich.

With America choking on Federal deficits, the President is proposing an average $25,000 a year capital gains tax cut for Americans whose incomes are over $200,000 a year.

The final act of larceny in this parade of errors is the practice in the Gramm-Rudman budget act of misusing the $70 billion in Social Security taxes to offset other Federal spending. The administration says they will stop it, but not for a few years.

Oh, sure. we have heard that before. We will stop drinking in the morning, but pass the bottle tonight. We Democrats must start step by step to restore some fairness to the Tax Code and we must stop the administration's misuse of Social Security money.

TRIBUTE TO STATE POLICE OFFICER JOSEPH AVERSA

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform my colleagues that we have lost another brave crusader in our war against drugs. On the afternoon of March 5, 1990, New York State Police Officer Joseph T. Aversa was gunned down while engaged in an undercover narcotics operation in Manhattan's lower east side.

Officer Aversa, age 31, had been a member of the New York State Police since March 1984, proudly serving with Troop F in Middletown, NY. In

October 1989, Officer Aversa's outstanding service was recognized by a promotion to investigator. It was in that capacity that he began work as an undercover narcotics officer with the State's drug enforcement task force.

An apparent buy and bust operation went amiss when an undercover officer was led into an ambush in a New York City housing project. Joseph Aversa bravely ran to the aid of his fellow officer only to be met with deadly gunfire.

As we reflect on the tragic loss of Investigator Aversa, we cannot help being outraged by the ruthless acts of violence committed daily by the drug dealers of our cities. Each and every day, we are losing our children and young people—victims to drugs.

Yesterday, not only Officer Aversa's family and community, but the whole of our country suffered a tremendous loss. Officer Aversa was one of a select few, who cared so much for his fellow man that he made the ultimate sacrifice, his life.

The public outcry to these inhuman acts should be loud and resolute. As we remember Joseph Aversa, and the life he devoted to fighting crime, let us become more determined to do our part in the war against drugs. We should not have to lose proud, young men and women to corrupt, ruthless, murderous criminals.

I invite my colleagues and the American people to recognize the proud, distinguished and courageous manner in which Joseph Aversa served. As we express our condolences to the Aversa family. Let us hope and pray that his devotion to law and order will inspire an even greater effort to fight back against crime, lawlessness, and the scourge of illicit narcotics.

TAXES UNFAIR FOR MIDDLE AMERICANS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, suppose an investment banker making $200,000 a year or even someone like Donald Trump making $200 million a year receives a salary increase of $1,000; at the same time, an auto mechanic with an annual salary of $27,000 also got a raise of $1,000.

Who would one think would pay more in Federal income and Social Security taxes? The auto mechanic. The Main Street working man's taxes would be $365 on that increase. Donald Trump's would be $280 on the increase.

Let us now take a self-employed plumber who fixes Donald Trump's pipes, and he has a wife who is a schoolteacher. The two have a joint income of $86,000 a year. The plumber gives himself a $1,000 raise. Question: How much in Federal taxes will he pay? Answer: $483, almost twice as much as Donald Trump will pay.

Is that fair? I do not think so, and neither do most of the American people. Unfortunately, the President wants to skew the Tax Code even further. He wants to give even more benefits to the Wall Street banker or to Donald Trump. He wants to hand that banker and give him a cut on his capital gains which will enable him to buy a new car. That same tax would allow our auto mechanic to buy 1 week of groceries.

This is kinder and gentler? This is a new breeze blowing in America?

COMPULSORY UNION DUES MUST BE SPENT FOR COLLECTIVE BARGAINING ONLY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I wonder how many union members ever think about how much of their union dues are being spent properly? How much actually goes to support the union itself, and how much is being used to elect candidates to office, pay for travel or lobby Congress on a number of left-wing causes?

A gentleman by the name of Harry Beck did. He challenged the secrecy of union spending and found some little known facts. He discovered that 79 percent, that is 79 percent, of his union dues was being spent for political campaigning, lobbying, and underwriting protest marches for all sorts of groups. Harry Beck disagreed with how his money was being spent by the union. He sued, and he won his case.

On June 29, 1988, the Supreme Court ruled that compulsory union dues cannot be spent for anything but collective bargaining. All union members have the right to know what their dues are being spent for, and all union members have the right to refuse to pay for practices with which they do not agree.

But it will not just happen. Each and every union member, Mr. Speaker, owes it to himself or herself to ask for a fair assessment and a fair accounting of union dues. After all, it is their money, not the union's.

THE TRUTH ABOUT TAXES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, millions of Americans have been told that during the 1980's their taxes were cut. But if you count payroll taxes, the fact is that for working Americans, overall taxes went up 5.5 percent.

The fact is that while everyone else was paying higher taxes, the richest fifth of our citizens were paying lower taxes—more than 5 percent less than the rest of us. Most Americans spent the decade struggling just to stay even. But the wealthiest Americans soared even further ahead financially.

Now we have a new President who says he won't raise our taxes either. But the fact is that the President's budget proposal includes not 1, not 2, but 15 new taxes or fees.

Mr. Speaker, there is an old saying—fool me once, shame on you, fool me twice, shame on me. The American people may have been fooled once with false promises of no new taxes. But I do not think they will be fooled this time.

INTRODUCTION OF LEGISLATION TO STOP POSTAL RATE HIKE

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, inflation is caused by paying more people more money for the same or less work. This principle has never been better illustrated than it is today by the current request of the Post Office to raise their rates by 20 percent.

This Government-run monopoly that is badly mismanaged with labor costs going through the roof wants to pass a $7 billion bill on to the American taxpayers without doing a thing to reform the way they operate this monopoly, and they are asking us to pay 20 percent more and put them 46 percent ahead of the current rate of inflation.

Mr. Speaker, this is outrageous. My constituents are angry about it, and I have introduced a resolution to stop this rate hike. I would encourage all the Members of Congress to work for sanity in postal delivery rather than inflation in postal rates for the American consumers.

SKELTON REMEMBERS STATE SENATOR RICHARD WEBSTER

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, Missouri lost one of her finest sons Sunday. The death of State Senator Richard Webster of Jasper County, the senior member of the Missouri Senate, ended an outstanding career of public service.

Mr. Speaker, he was speaker of the Missouri House in 1954, and he served in the Missouri State Senate from 1962 to the present time.

I became acquainted with Dick Webster when I entered the State senate

in 1971. He was a good friend when I served there through the years, and he remained a good friend.

Dick Webster was as Lincolnesque as anyone I have ever known. He was wise, he was thoughtful, he was bright, and he was an extremely fine legislator. He lived for the Missouri Senate. It was his whole life, and those of us who worked with him knew him to be the master of his profession.

As a result of that, the people of the State of Missouri were the beneficiaries of his hard work. We will all miss him.

CONDEMNATION OF INCIDENTS OF HATRED AND PREJUDICE

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, perhaps no other passage from President Bush's State of the Union Address received as much universal praise and enthusiastic bipartisan support than his declaration that "We must maintain the democratic decency that makes a nation out of individuals * * * every one of us must confront and condemn racism, anti-Semitism, bigotry, and hate, not next week, not tomorrow, but right now—every single one of us."

Some of us mistakenly presume that incidents of hate violence are problems only in someone else's district. And we say to ourselves, "certainly such terrible hatred would not be found in our districts."

Wrong.

In my own district in Montgomery County, MD, one of the wealthiest and best-educated constituencies in the country, we have experienced a recurring hate compaign in the last few months. In December, the Yeshiva High School in Silver Spring was savagely vandalized by anti-Semites bent on senseless destruction. Shortly thereafter, the delivery vehicles of a catering firm contracted for a local NAACP event in my district were vandalized and spray painted with racist graffitti. Just this past week, Richard Montgomery High School was attacked by anti-Semitic vandals whose damage and destruction, believed to be unparalleled in recent local history, was so extensive and vicious that it brought tears to the eyes of students. Also recently, the gates of American University, minutes from my district, were painted with symbols equating the Star of David with, of all things, a Nazi swastika.

I join with the President, as I know my colleagues do, in condemning in the strongest possible terms these incidents of hatred and prejudice. I am pleased to report that in the case of the Yeshiva, several arrests have already been made, thanks to a little luck and the hard work of the Montgomery County Police Force. In my visit to the Yeshiva, the assistant principal, Rabbi Zev Katz, was effusive in his praise of the local police, and especially of the county's special investigative unit, which specializes in investigating hate crimes. I join with Rabbi Katz in thanking Capt. Douglas McFee, Lt. James Lee, Lt. Rick Swain, Det. Fred Dimisa, and Det. Linda Kreiger for their swift and compassionate response to this despicable act.

I also want to recognize the Richard Montgomery community for its determined and united response to the crimes committed against its school. I hope that all Members will join with me tonight in Rockville, MD, to participate in a vigil which the community is holding, the 7:30 march begins at the courthouse square and ends at the high school, where a community forum will be held. I am especially pleased to learn that the impetus for the rally came from the students, and was planned and coordinated with the help of the Richard Montgomery student government, Principal Tom Quelet, PTSA President Karen Baker, and Tony Deliberti, the Montgomery County public schools coordinator for community service.

We in Congress have taken some action in combating this scourge by passing the Hate Crime Statistics Act. But this is hardly enough. I urge my colleagues to demonstrate their personal commitment to opposing these sickening acts, for "every one of us must confront and condemn racism, anti-Semitism, bigotry, and hate * * * right now." But don't just speak out—visit the scene of the crime, comfort the victims, encourage the authorities and praise their accomplishments. Show a personal commitment.

I urge President Bush to further demonstrate his personal commitment and leadership in eradicating the scourge of hate violence by visiting the scenes of these crimes, especially when they take place so close to Washington. His presence will reemphasize our determination to build the harmonious society which is our ideal.

ADMINISTRATION TURNS WAR ON DRUGS INTO A PILLOW FIGHT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, on Thursday, the Subcommittee on Financial Institutions Supervision, Regulation and Insurance, which I chair, will hold hearings on a series of legislation designed to stop money laundering, the practice of turning illegal drug profits into the mainstream economic system.

One of the bills is legislation that I introduced that would take away the charter of any financial institution convicted of money laundering. I want to stress the word "convicted." My bill does not cause problems for legitimate financial institutions or for those institutions that are not found guilty.

In short, my legislation would only punish convicted money laundering institutions—corporate criminals.

This is the type of bill that every American should support. But guess who is opposing the legislation. The Bush administration has indicated it does not want the loss of charter for financial institution money launderers, but rather wants the regulators to pick and choose those institutions that should be punished.

The administration talks about a war on drugs, when in reality it really wants to have a pillow fight.

NO REPRESENTATION WITHOUT TAXATION

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, a bill to permit D.C. residents to vote for Maryland Senators and Representatives is being introduced today.

There is no question that the vote is a fundamental right.

This country was founded on the idea that those who shoulder the burden should share the benefits—and the primary benefit has always been voting.

This idea led to the Boston Tea Party.

And this idea was written into the Constitution, and further guaranteed in the Bill of Rights and subsequent amendments.

D.C. residents have no real Federal representation. This is wrong. But they have chosen of their own accord to live in the District of Columbia—not to live in Maryland.

And now those who pay no Maryland taxes are to vote for Federal representatives of Maryland in Washington?

This is wrong.

Does Virginia—or even New York or California—want voters who do not pay their State taxes decide who its Congressmen should be? If so, there are a couple hundred thousand D.C. absentee voters who want to help choose your Members of Congress.

With the benefits should come a measure of responsibility. There should be no representation without taxation.

THE SIDEWAY PUSH RIGHT IN THE KEISTER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1986 Japan was caught red-handed. They were dumping semiconductors below production costs in America to destroy American jobs and competition. When President Reagan put his foot down, Japan said, "We are sorry. We are guilty. We will not do it any more. We promise."

Ladies and gentlemen, they also gave us a sidebar agreement promising 20 percent of the Japanese market for semiconductors.

Guess what? The sidebar agreement is now the sideway push right in the keister. They said no way.

Ladies and gentleman, I do not blame Japan. I blame America for listening to think tank economists who have never stood in an unemployment line and whose policies on trade are so misdirected if they threw them at the ground they would probably miss.

It is time to tell Mr. Kaifu no more promises. The joy ride is over. The yen stops here. And we will take care of American workers with a real fair trade program.

Think about it.

THUMBS DOWN TO THE 30-CENT STAMP

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, Congress should give a big thumbs down to a proposal for a 30-cent stamp. Everybody complains about postal service, but nobody wants to do anything about it. There are those who will blame the postal workers for a jump in the price of stamps. That reaction is totally unfair. Congress itself has added greatly to the baggage hauled by our mail carriers. We have got them carrying junk mail and have provided special favors to special interests at their expense. We have got them lugging around our political baggage, including our newsletters.

I happen to have a high regard for our postal employees. What we need to do is provide them the incentives every private company has. Let us put the profit motive and competition to work in improving our mail.

Let us turn the Post Office over to the employees, lock, stock, and barrel, every building and piece of equipment, right down to the last postage meter. Let us make the Post Office the largest employee-owned corporation in the world. Instead of having higher prices and lower service, it will be the other way around, and everyone will be better off.

AMERICA NEEDS A SUGAR SUPPORT PROGRAM

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, twice in the past decade the administration has proposed reductions in the sugar program which would bankrupt America's beet and cane sugar farmers. Fortunately, in both instances Congress has had the foresight to reject these Draconian proposals.

Now we have a new administration and a new Secretary of Agriculture. Secretary Yeutter is a heavyweight when it comes to understanding the dynamics of agricultural trade, and this includes the machinery of the world sugar market.

He has rejected the appeals of the big fat cat industrial users of sugar who urge unilateral trade disarmament by virtually abandoning the current sugar program in advance of the Uruguay round of the trade negotiations. The Secretary has brought forth a farm bill which maintains the status quo for sugar because he understands that no rational purpose would be served by weakening our bargaining position while these negotiations are ongoing.

The real villian among the world sugar producing nations is not the United States, which supports sugar at a price equal to the cost of production, but the Common Market. As a consequence of Common Market policies which promote domestic production through exorbitant price supports at the same time that sugar imports are virtually prohibited, the European Community has moved from being a net importer of 1 million tons of sugar in 1970, to exporting nearly 5 million tons of sugar in 1988.

While there are some who believe that reform of the U.S. sugar program is in our best interests, I am certainly not one of them. Nor, might I add, are the large majority of our colleagues who overwhelmingly approved the sugar program on the House floor during the last farm bill.

Let us support sugar in the farm bill.

TOTALITARIAN REPRESSION STILL EXISTS IN AFGHANISTAN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, the sources of two news stories this morning should serve to clarify a misconception many in the West have had. A year and 3 weeks ago the Soviets withdrew their last combat troops from Afghanistan. Many people in the West believed that this brought to an end the kind of totalitarian repression which had been imposed on the people of Afghanistan for the last decade.

Well, this morning the report came out that a coup attempt had been launched against Dr. Najibullah, the Soviet-installed dictator in Afghanistan. First the report came from Tass, the Soviet news agency, and the second report came from Kabul's government radio, clearly demonstrating that in fact there is not a free press in Afghanistan. The Soviets continue to impose their repression in many ways.

Now, I know that the attempt launched by the Defense Minister is one that comes from the right and not from the majaheddin, but it is very clear that while we are in the euphoric state about the changes which are taking place in the name of freedom around the world, we have got to recognize that the 1½ million people who have died in the past decade in Afghanistan cannot have died in vain. We want to see national reconciliation and the kind of pluralism which people around the world are beginning to enjoy and which Afghans deserve.

VOTING REPRESENTATION FOR CITIZENS OF THE DISTRICT OF COLUMBIA

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, as has been suggested, I have introduced a bill in the House today to provide for voting representation of the citizens of the District of Columbia in Federal elections. They would elect their own Congressmen who would vote in this House. They would have the opportunity to support two Senators of their choice.

I understand from talking to my more conservative folks who support my general proposition that there ought to be no statehood for the District of Columbia and that this ought to remain, as the Constitution provides, the Nation's Capital forever. I also understand the desires of my more liberal colleagues who would like to have statehood and individual representation in the Federal Congress of Representatives from the District of Columbia.

But if Members want a reasonable compromise, if they want a middle ground that provides for the creation of a new Congressional District in the State of Maryland with a right of the residents of the District of Columbia to vote in Federal elections, if the agenda is truly to eliminate taxation without representation, then they ought to be widely enthusiastic about the bill I have just introduced. If, on

the other hand, the purpose is not to provide representation, then perhaps they ought to continue to fight the unconstitutional provisions of statehood, which simply will not work, or they ought to maintain the status quo, which is undesirable.

PRESIDENT BUSH'S STAND AGAINST MOTHERHOOD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, something very startling has happened in politics. For all of the people who say no news is being made, new news is being made in the White House.

For years it has always assumed that no one would ever be against motherhood, but, by golly, President Bush has said that if any kind of maternity leave bill were to come out, he would veto. That is very clear coming out against motherhood.

I find it rather startling that in every other industrialized nation on the planet, except for South Africa, and we do not look to them for much leadership, they have said that women could have job-protected leave upon the birth or adoption of a baby. Our President has said no.

I certainly hope that this House tests him on that, and I certainly hope he changes his opinion, because I do not think in any other way are we going to get our children off to a good start, and get them going in the way we want to get going so that we can really be competitive in the next century with these new people that make up our future.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise the gallery that the gallery is not to demonstrate or to take any part in the activities of the House.

COMPETITION IN CABLE TELEVISION

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, in 1984 Congress made a decision to deregulate the cable industry. We did so in the hope, and with the belief that real and effective competition would develop so that cable consumers would realize both the benefit and the protection of a real free market competition.

Each year thereafter I have urged upon Congress measures to ensure that competition would in fact develop by providing a fair chance for satellite television to compete with cable. Each year I have tried to alert this body that the American public would one day demand to know why, why we deregulated a monopoly, and each year Congress took no action.

Now the time of reckoning is upon us. Americans at town and county meetings across this land are demanding some relief from the more egregious monopolistic cable practices, and local governments are correctly pointing those constituents back to Washington. "Write your Congressman," they say, and demand that they reregulate or that they provide real competition.

Congress will be hearing a lot more from these angry constituents, and our choice is still the same. Someone must compete with cable, perhaps the phone company, or reregulation will be on the table, and it will not go away.

LET US HAVE A VOTE ON MANPOWER REPROGRAMMING

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, ordinarily I do not seek to interfere with or second-guess the decisions of committee chairmen.

But I feel I should address a question that has arisen through the action of our esteemed and distinguished colleague from Wisconsin, our good friend, Chairman LES ASPIN of the Armed Services Committee.

I do so only because his action has implications that go beyond the jurisdiction of his committee.

The chairman has sent letters to the heads of the armed services and others, informing them he does not intend to hold hearings on various reprogramming requests.

Secretary Cheney informs me this decision could seriously affect his ability to reduce and restructure the all-volunteer force.

The Pentagon won't feel the pain. People will—between 45,000 and 65,000 uniformed men and women—all volunteers—will get a pink slip before October 1 of this year.

Is this really what we want? I think not. I certainly hope not.

In the fiscal year 1990 Defense authorization conference report, we agreed to this language:

> The conferees further expect the Secretary of Defense to submit reprogramming requests for additional military personnel funds as he deems appropriate.

Secretary Cheney has fulfilled that obligation. Now we are told he is wrong although DOD has been reprogramming money for military personnel since 1985, on a routine basis.

Mr. Speaker, let us at least get a vote of this House on these requests.

VIOLENT PEACE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, yesterday there was a thought-provoking front page story in my home district paper that told me we have a new kind of moron at the Pentagon, an oxymoron.

Admiral Trost was quoted raising the alarm about the coming era of "violent peace." That is a new low for the American language, and a new low for those at the Pentagon desperate to preserve the status quo infinitely increasing budgets for the Pentagon.

The new threat posed by Admiral Trost is to justify the 600-ship Navy, more carrier groups, and a new seaborne nuclear arms race with unlimited cruise missiles, and this to support tinpot dictator terrorists and oilspills.

Come on, Admiral, peace is breaking out all over. Do not stand in the way.

A great warrior, Dwight David Eisenhower, told the people of the world that people want peace so much that they will someday push their leaders aside to get it.

□ 1300

Admiral, you can stand with the last of the hardline cold warriors and demand ever more billions for gold-plated weapons that do not work and we do not need, or you can get pushed aside. Or you can plan and help us shape a navy for the 21st century, a scaled-back, money-saving, lean, mean navy and a peace dividend; a dividend we can spend to fight the major battle of the 21st century, an economic battle for world leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Before proceeding to the next speaker, the Chair would remind all Members of the House that remarks in debate should be addressed to the Chair, not to other people, but to other people through the Chair in an indirect way.

DON'T MESS WITH SOCIAL SECURITY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we heard a number of interesting speeches this morning from Members from the majority side about the question of taxation of the American people, and I think you need to listen very carefully to what those members of the majority were saying because the point that they were making surrounds the concept of Social Security taxes.

What they seem to be arguing in favor of is differentiating the amounts that people pay into the Social Security system, therefore, in their opinion, to even out the taxes.

Just understand that when Democrats talk that way, what they are doing is talking about changing the Social Security system from what it has always been, an insurance system, to a welfare system, because when you start talking about using general revenues or when you start differentiating the taxes, you are talking about a welfare program.

That is precisely what these Members are talking about doing, about moving us away from the idea of insurance toward the idea of welfare.

Let us remember it was a leading Democrat in the Senate who first gave us the idea we ought to destroy the Social Security system with his plan just a few weeks ago. Now we have got Democrats in his body saying we ought to turn the Social Security system into another welfare system.

President Bush was right: "Let's not mess with Social Security."

MODULAR HIGH-TEMPERATURE GAS-COOLED REACTOR PROGRAM

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise to discuss the Department of Energy's new production reactor program, specifically some of the benefits associated with the modular high temperature gas-cooled reactor program.

One of the principal benefits of the MHTGR design is its reliance on inherent and passive safety features. The reactor design relies on laws of nature rather than complicated machinery or human actions to prevent major accidents. Core damage or a meltdown are not physically possible with the MHTGR. This and other safety features have been confirmed by the Nuclear Regulatory Commission in a recent safety evaluation report and by letters of the Advisory Committee on Reactor Safeguards.

Incidents at Three Mile Island and Chernobyl demonstrate the importance of safety to the design and operation of a nuclear reactor. With the MHTGR we have the opportunity to make a major jump forward in reactor technology. By aggressively pursuing the MHTGR option we can guarantee that our nuclear deterrent receives the tritium it requires in a safe manner. With the inherent and passive safety of the MHTGR, the future of reactor technology is here today.

THE UNITED STATES AND CANADA—QUID PRO QUO ON ACID RAIN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the Canadians must be laughing up their sleeves at the stupidity of the Congress and the administration. They are leading the rush into costing the United States tens of thousands of jobs, excessive utility rates, adding hundreds of billions of dollars to those utility rates, and more importantly, the power companies will contract for the Canadians' cheaper electricity rather than to spend the cost to clean it up.

Canada, you see, does not bother with costly acid rain legislation because up there it is legal. So they do not have to worry about it. I think it is time for a quid pro quo. I think that if they want to tell us that we have to spend billions of dollars to clean up the acid rain, then they too are going to have to spend billions up in Canada. I think it only fair.

What is good for the goose is good for the gander.

UNIVERSAL HEALTH COVERAGE

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker and my colleagues, last Thursday, the day before the Pepper Commission put out its recommendation, I introduced a bill that would cover every single man, woman, and child in this country, universal health coverage. Many of my colleagues today have asked me what the bill number is, and I wanted them to know it is H.R. 4162. I hope many of them will cosponsor the bill.

Mr. Speaker, we are the only industrialized country besides South Africa that does not provide comprehensive access to health insurance for our citizens.

We have 37 million Americans without any health insurance. We have 40 million Americans with very substandard health insurance.

Is it going to cost the American people? Yes, sure it is. But the American people already pay $200 billion for health coverage, most of which is inadequate. Many people who want to get health insurance cannot even purchase it because they are considered high risk. They might have a chronic difficulty.

In addition, Mr. Speaker, we have absolutely no, with very few exceptions, long-term care for our people. We know that families have a very difficult time when they have children with chronic problems, we know that we have 70-year-old kids taking care of 90-year-old parents who cannot cope with the situation.

Is it not time that we say that health coverage is a national security issue, as much of an issue as anything in our budget?

Mr. Speaker, I urge my colleagues to cosponsor the legislation and send a signal that we are going to do something about what is a crisis in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

REGARDING FARMERS HOME ADMINISTRATION DELINQUENT LOANS AND INVENTORY

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4077) to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such delinquent loans, including limiting the write-down of such loans; and for other purposes, as amended.

The Clerk read as follows:

H.R. 4077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SALE OF INVENTORY PROPERTY.

(a) OFFERING PRICE; USE RESTRICTION.—Section 335c) of the Consolidated Farm and Rural Development Act (hereinafter referred to in this Act as the "Act") (7 U.S.C. 1985(c)) is amended by amending paragraph (2)(B) to read as follows:

"(B) offer such land—

"(i) for sales pursuant to subsection (e)(1)(C), at a price not greater than that which reflects the appraised market value of such farmland; and

"(ii) for all other sales, at a price not greater than that which reflects the fair market value of such land as determined by bids after advertising or by negotiated sale;".

(b) CONFORMING CHANGES.—Section 335(e)(4) of the Act (7 U.S.C. 1985(e)(4)) is amended by—

(1) striking subparagraph (B); and

(2) redesignating subparagraph (C) as (B).

SEC. 2. GOOD FAITH REQUIREMENT FOR PRESERVATION RIGHTS.

Section 335(e)(1) of the Act (7 U.S.C. 1985(e)(1)) is amended—

(1) in subparagraph (A)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with such loan."; and

(2) in subparagraph (C)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with the loan of such borrower-owner for which such property served as security.".

SEC. 3. INCLUSION OF PROPERTY IN CALCULATING RECOVERY VALUE.

Section 353(c)(2) of the Act (7 U.S.C. 2001(c)(2)) is amended by—

(1) in subparagraph (B)(iv) striking "costs." and inserting "costs; plus"; and

(2) inserting a new subparagraph (C) as follows:

"(C) the value, as determined by the Secretary, of any property not included in subparagraph (A) if the property is specified in any security agreement with respect to such loan and the Secretary determines that the value of such property should be included for purposes of this section.".

SEC. 4. INCLUSION OF ASSETS IN CALCULATING THE VALUE OF THE RESTRUCTURED LOAN.

Section 353(c)(3) of the Act (7 U.S.C. 2001(c)(3)) is amended by adding at the end the following:

"(C) ASSETS CONSIDERED.—For the purpose of calculating the value of restructured loans under this subsection, the Secretary may consider all the assets of the borrower, other than the value of unencumbered assets determined by the Secretary to be essential for necessary family living expenses or essential to the operation of the farm."

SEC. 5. NET RECOVERY BUY-OUT; LIMITATION ON USE; RECAPTURE; APPLICATION DEADLINE; GOOD FAITH REQUIREMENT.

Section 353(c)(6) of th Act (7 U.S.C. 2001(c)(6)) is amended to read as follows:

"(6) PURCHASE AT RECOVERY VALUE.—

"(A) TERMINATION OF LOAN OBLIGATIONS.—The obligations of the borrower to the Secretary under the loan shall terminate if—

"(i) the value of the restructured loan is less than the recovery value;

"(ii) the borrower has not previously been relieved of loan obligations by write-down or termination of loan obligations under this section;

"(iii) the borrower has acted in good faith with the Secretary in connection with the loan as defined in regulations issued by the Secretary; and

"(iv) within 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the recovery value.

"(B) RECAPTURE.—The Secretary may require, as a condition of the termination of loan obligations under this paragraph, that the borrower enter into an agreement with the Secretary providing that if the borrower—

"(i) sells or otherwise conveys the real property used to secure such loan within 10 years after the date of such agreement; and

"(ii) realizes a gain on such sale or conveyance over the amount of the recovery value of the loan,

then the Secretary may recapture part of all of the difference between the recovery value of the loan and the fair market value (on the date of such sale or conveyance) of the property securing the loan. In no event shall any such agreement provide for recapture of an amount that exceeds the difference between such recovery value and the outstanding balance of principal and interest owned on the loan immediately prior to the termination of any loan obligations under this paragraph.

"(C) LIMITATION ON AMOUNT OF TERMINATED OBLIGATIONS.—The Secretary may not terminate loan obligations under this section in excess of $250,000 for any one borrower.".

SEC. 6. LIMITATION ON USE OF DEBT WRITE-DOWN.

"(a) LIMITATION ON USE OF DEBT WRITE-DOWN.—Section 353(d) of the Act (7 U.S.C. 2001(d)) is amended by adding the following new paragraphs:

"(3) LIMITATION TO SINGLE WRITE-DOWN.—The Secretary may not restructure a loan under this section by means of a write-down of principal or interest for any borrower who has received a previous write-down of principal or interest or a termination of loan obligations under this section.

"(4) LIMITATION ON AMOUNT OF WRITE-DOWN.—The Secretary may not write-down principal or interest under this section in excess of $250,000 for any one borrower.

"(5) CUT-OFF DATE.—No loan made or insured by the Secretary pursuant to this title on or after January 6, 1988 shall be eligible for write-down or termination of loan obligations under this section.".

"(b) TECHNICAL AMENDMENT.—Section 353(e)(1) is amended by striking "written off" and inserting "written down".

SEC. 7. EXTENSION OF DEADLINES.

"(a) APPLICATION FOR LOAN SERVICE.—Section 331D(e) of the Act (7 U.S.C. 1981d(e)) is amended by striking "45 days" and inserting "60 days".

"(b) PROCESSING OF APPLICATIONS.—Section 353(c)(4) of the Act (7 U.S.C. 2001(c)(4)) is amended by striking "60 days" and inserting "90 days".

The SPEAKER pro tempore. Is a second demanded?

Mr. COLEMAN of Missouri. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, this bill, as the title directs, will amend the Consolidated Farm and Rural Development Act to modify procedures and to insist that borrowers act in good faith and to improve the management of delinquent loans.

The problem, as with most legislation, Mr. Speaker, is that someone has gone and found loopholes. There are some perhaps inconsistencies in the application of the intent of Congress in relation to the law.

So basically that is what this legislation would do, allow the Farmers Home Administration to effectively administer these programs.

In order to do so, we must close the loopholes that were inadvertently created.

I would hope the Members would join us in supporting this legislation.

Mr. Speaker, this bill will amend the Consolidated Farm and Rural Development Act to modify the procedures for the sale of inventory land, require Farmers Home Administration borrowers to act in good faith, and improve the management of delinquent loans.

The Farmers Home Administration [FmHA] provides a unique service by operating as the Federal lender of last resort to farmers who are unable to obtain financing through the private sector. Direct loans are made to family farmers and ranchers to assist them in maintaining their operations at the least cost to the Federal Government. FmHA also provides guarantees for some loans by commercial lenders.

In its role as lender of last resort, FmHA provided an increasing amount of support for farmers and ranchers during the agriculture recession of the early seventies through the eighties. As indicated in a GAO report—January 1990—FmHA Financial Statements for 1988 and 1987—FmHA's farm loan portfolio increased from $5.1 billion in 1976 to $25.5 billion in 1988. With the continuing deterioration of the financial condition of agriculture, FmHA found itself dealing with increasing levels of loan losses and interest costs.

In an effort to alleviate the situation, Congress passed the Agriculture Credit Act of 1987 which was signed into law on January 6, 1988. Through such restructuring options as loan consolidation, rescheduling or reamortization, interest rate reduction, and write-downs of outstanding principal and accumulated interest, the act was a sincere effort to keep borrowers on the farm and shore up the agricultural economy.

The 1987 Agriculture Credit Act has been successful in alleviating some of the financial stress on the agricultural community. However, some problems have arisen which were not anticipated and the committee is concerned that the act is not being administered as originally intended. H.R. 4077 focuses on addressing those problems and clarifying congressional intent.

One area that has caused considerable concern is the "bad faith" borrower. There have been cases where borrowers sell or dispose of property secured by loans without FmHA approval or repay other lenders more than required. This bill requires borrowers to act in good faith to qualify for net recovery buyout and preference with regard to the repurchase of property acquired through foreclosure or otherwise.

A second provision of the bill requires the Secretary to sell inventory property at the appraised market value to purchasers with rights of first refusal under the act and at the fair

market value, as determined by bids after advertising or by negotiated sale, to all others.

A third provision allows the Secretary to consider all assets of the borrower in determining the value of restructured loans and to consider all assets listed on the security agreements in determining the recovery value of the collateral.

The bill limits each borrower to one writedown and one net recovery buy-out. Writedowns would also be limited to $250,000 per borrower.

Other changes include extending the time period to 90 days for exercise by the borrower of the net recovery buy-out option and extending the recapture period with regard to net recovery buy-out to 10 years. The deadlines for application by the borrower for loan servicing and for processing of such applications would be extended to 60 days and 90 days respectively.

To allow FmHA to effectively administer these programs, we must close the loopholes that were inadvertently created. Please join me in supporting this bill as we attempt to clarify the intent of Congress when it passed the 1987 Agriculture Credit Act.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], who might give us a little bit more detail in several areas relative to this legislation.

□ 1310

Mr. ENGLISH. Mr. Speaker, the purpose of H.R. 4077 is really to clarify the intent of the provisions of borrowers' rights in the 1987 Credit Act.

When the Committee on Agriculture passed that legislation, it did so to benefit both the taxpayer and the farmer. The objective of the provisions of the act state that if it is cheaper to write down a loan, even if it means forgiving the debt of the loan, restructuring of the loan, then that is the direction we should go if in fact that is the cheapest way for the taxpayer, the objective being at the same time, of course, to keep the farmer on the farm, to keep as many of our family farmers as possible in business. But certainly, as the chairman of the committee pointed out, there are some elements the committee certainly did not intend, and one of them is for multimillion dollar writedowns.

Neither the Agriculture Committee of the House nor the Senate had any intent that multimillion debts would be forgiven.

On the issue of multiple writedowns, certainly it was not intended that farmer would be entitled to have multiple forgiveness of debts over a period of years. On the issue of bad faith, in some cases we have heard of the U..S Government being defrauded and mortgaged property being sold. That action, through the interpretation now being made by the Farmers Home Administration, means that the farmer could still be eligible and could conceivably even benefit through the sale of such mortgaged property.

On the exclusion of assets, we have heard of cases, Mr. Speaker, in which assets in excess of the amount that is owed on the loan were not being counted. In fact, in one case I heard of a farmer who had money in the bank in the form of certificates of deposit that exceeded the amount of the loan. That was never the intent of the Committee on Agriculture.

So. Mr. Speaker, the Agriculture Committee has acted in this case, and we have dealt with these violations of the intent of the law. There are some questions as to whether or not the law does not provide for this already. I think many of us feel, and certainly the attorneys for the committee felt that the Department of Agriculture could have acted, that they had the authority to act. Their attorneys, however, felt otherwise. So regardless of which set of attorneys is right, we have dealt with it under the circumstances..

Mr. Speaker, we have dealt with the situation under these circumstances, and we are clarifying the intent of the law. We believe that removes any question that may remain.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the Agricultural Credit Act of 1987 became law more than 2 years ago, it has helped thousands of farmers, ranchers and producers.

Today we are considering amendments to this act which will allow it to continue assisting those who need help while eliminating loopholes that have been used by some to receive benefits they do not need and Congress did not intend to provide. These amendments will strengthen the act for the purposes intended by Congress while meeting the mandate of the American taxpayers that Federal dollars be spent as efficiently as possible.

Congress was right in passing this law to assist American farmers and producers during one of the worst agricultural crises in our Nation's history. I hope that Congress will always be responsive to the needs of those, who through no fault of their own, find themselves in difficulty. Yet, as often happens when we act quickly to help those who need it, we also create the opportunity for others to take advantage of assistance they do not need. During these times of huge budget deficits we cannot allow costly abuses of the system to continue.

Recently, Secretary of Agriculture Clayton Yeutter estimated that losses within Farmers Home Administration lending programs could reach $10 billion this year. More alarming still is the General Accounting Office's estimate of losses in the range of $40 billion. The Under Secretary of Agriculture recently identified 284 buyout transactions where bad faith action on the part of borrowers cost the taxpayers $88 million.

Borrowers who have failed to act in good faith by illegally converting secured property, falsifying documents, concealing assets or allowing them to dissipate, weaken the program and betray the taxpayers who are willing to help those who truly need it. While we should never assume that borrowers are acting in bad faith or make the program totally inflexible, we clearly must tighten it.

We are seeking to do this through the eight amendment we are offering today. Briefly, these provisions relate to the sale of inventory property; establishing good faith requirements for preservation rights; including other property when calculating the recovery value of the loan; including certain other assets when calculating the value of a restructured loan; establishing a good faith requirement in the net recovery buyout option and limiting the amount that may be written off to $250,000; extending certain deadlines for applying for rights under the act and FmHA's response time; and prohibiting the extension of borrower's rights on loans made after the date of enactment of the 1987 law.

Mr. Speaker, at this point I would take a moment only to speak directly to one of these provisions, the sale of inventory property.

I understand that the current method of property disposition has not worked particularly well. There are now about 5,000 farms in the FmHA inventory, and this number could increase fourfold in the next few months. It seems clear that we need to develop some procedure to get these farms back into the hands of the former owner or another family-size operator. Related to this will be some effort to alleviate the burden now imposed by countless appeals.

In closing, Mr. Speaker, I urge my colleagues to support our amendments to strengthen this important farm lending program.

Mr. DE LA GARZA. Mr. Speaker, I yield 5 minutes to our distinguished colleague, the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, as an original cosponsor I am delighted to rise in support of H.R. 4077. I want to thank Chairmen ENGLISH, DE LA GARZA, and the Agriculture Committee for bringing it to the floor so quickly.

Mr. Speaker, I supported the Agricultural Credit Act of 1987. I felt then and feel now that we must provide a reliable and accessible source of farm credit in this country. I supported the debt restructuring plan as the best way to keep farmers who get into financial trouble through no fault of

their own on the land producing food for America and the world.

However, since the law took effect we have discovered some flaws in the debt restructuring program that no one anticipated in 1987. In fact, a small number of farmers have found loopholes in the program big enough to drive their tractors through. The Farmers Home Administration estimates that the cost of debt restructuring under the 1987 act could eventually exceed $8 billion. I, for one, believe we simply cannot afford to leave these loopholes open for 1 more minute.

If I had to describe this bill in two words, they would be "good faith." This legislation imposes an additional requirement that to qualify for preservation servicing and loan restructuring with net recovery buyout a delinquent borrower must deal with the FmHA in good faith. In one example cited by FmHA of how borrowers can benefit from dealing in bad faith, a borrower disposed of FmHA-mortgaged property without FmHA's consent and received more than $500,000, while FmHA received nothing. Yet under the law the debtor could still qualify for restructuring with net recovery buyout, which would produce a write-off of $1.75 million. The total loss to FmHA and the taxpayer: $2.25 million.

In a case cited by the General Accounting Office, a borrower was behind more than $76,000 on FmHA loans even though he had $91,000 in his checking account. Despite his positive cash flow, he could still qualify for preservation servicing, which means he could end up buying back his farm, on which he owed FmHA loans of $348,000, for its market value of $151,000. The U.S. taxpayer would eat the $197,000 difference.

The bill addresses other problems with the 1987 act. For example, FmHA cannot consider borrowers' other assets in restructuring loans. This means solvent debtors who own vacation homes and other valuable assets, which could be liquidated to pay FmHA debts, can qualify for restructuring. FmHA cites an example of a farmer who owed $1.2 million and received a write down of $485,000 even though he had $800,000 worth of equity in other property. The 1987 act does not limit the number of write downs a borrower may receive; H.R. 4077 would limit each borrower to a single write down of up to $250,000. H.R. 4077 would fix all these problems and more.

Mr. Speaker, many of the abuses which have occurred under the debt restructuring provisions of the 1987 act are downright scandalous. It is unfair to the overwhelming number of FmHA borrowers, who make every honest effort to pay their debts, to let a few have a free ride at Government expense. And it is fundamentally unfair to the beleaguered taxpayer who winds up footing the bill to let borrowers who could repay escape their responsibility. I urge all Members to vote for H.R. 4077.

□ 1320

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Speaker, I simply want to commend the gentleman from South Carolina [Mr. DERRICK] for his statement and thank him for his strong support.

I also think it is important to lay out that this is a very, very small number of people that we are talking about that have brought about this abuse and made this legislation necessary.

In fact, Mr. Speaker, it has come to my attention. I know numerous other members on the Committee on Agriculture and from rural areas throughout the country. The farmers are the ones that brought it to our attention. The farmers are the ones that pointed out that it needed to be stopped, and not from some investigator, and I think it is the farmers in the agricultural community that are dealing with this problem and stopping this abuse right in its tracks.

Mr. DERRICK. Mr. Speaker, I appreciate the remarks of the gentleman from Oklahoma [Mr. ENGLISH].

Mr. Speaker, from my personal observation most farmers out there are working hard to repay their debts, but there are a few who are taking advantage of these loopholes. I know of instances where people have had two or three vacation homes, and getting writedowns and so forth, and what it does is it makes it hard on the rest of the honest farmers, and what it does is it holds programs like this that are basically good and designed to help the farmer who is in bad straits out of no fault of his own. It makes these programs ineffective and unable to work.

Mr. Speaker, I thank the gentleman from Oklahoma [Mr. ENGLISH] very much for his time and for the work that he has put into this.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield 4 minutes to the gentleman from Montana [Mr. MARLENEE], a member of the committee.

Mr. MARLENEE. Mr. Speaker, I rise to speak out against this measure which would undermine the basic concepts of the 1987 Agriculture Credit Act and which would retroactively, retroactively, deprive Farmers Home Administration borrowers of certain rights to loan servicing which existed at the time they entered into their loan contract with that agency.

Now, Mr. Speaker, we hear about the writedowns, and the giveaways and this particular restructuring that was given to them in the 1987 Agriculture Credit Act. However, those writedowns were given to those producers in an effort to save the U.S. taxpayers' dollars, whether those are a writedown of $50,000, whether a writedown of $5,000 or a writedown of $255,000.

We have no argument, any one of us on the Committee on Agriculture, against those borrowers who act in bad faith, who do not intend to service their loans. They should be gone after, and there are means by which the Farmers Home Administration can do that under existing law.

Nothing magical has happened since the passage of that legislation which warrants making significant changes which are contained in H.R. 477. Many agricultural producers will still face financial hardships and a crisis from meeting their credit obligations.

Yes, the picture is slowly getting better, but the need for the 1987 act and its mechanism still exists throughout the country.

Mr. Speaker, this measure is a perfect example, and I am talking about the one before us, of trying to fix something that is not particular broken, but which can be handled administratively, if the Farmers Home Administration wishes to handle the situation.

I would remind my colleagues that the most basic underlying philosophy of the 1987 Credit Act is this: That FmHA should use any one of a combination of loan servicing obligations in an effort to keep the producer in business provided, and I emphasize provided, that by restructuring the loan the taxpayer, we would eventually recover as much or more of the taxpayers' money as we could through a foreclosure on the loan. Now this is true whether we have a $5 loan, a $5,000 loan, or a $255,000 loan, as I have stated before. The idea was to save the taxpayers' money. There was no massive giveaway of taxpayers' dollars in the Credit Act, but merely a recognition of the fact that a portion of our FmHA loan portfolio was already lost by the foreclosure action and would never be recovered. This was an attempt to allow the farmer, the producer, to try to restructure and, further, to repay the Government because he had restructured and we could recognize some savings.

Mr. Speaker, I will enter into the RECORD the National Family Farm Coalition letter addressed to me.

The letter referred to is as follows:

NATIONAL FAMILY FARM COALITION,
Washington, DC.

Re. Concerns about H.R. 4077.
To: Members of Congress.
From: Benny Bunting, Chair—Credit Committee Kathy Ozer, Legislative Coordinator.
Date: March 5, 1990.

The National Family Farm Coalition (NFFC) representing over 40 rural advocacy organizations in 30 states opposes H.R. 4077. Despite being labeled as technical corrections, this legislation would make major changes to the Agricultural Credit Act of

1987. There should be adequate debate on the implications of these proposals, not a Full Agriculture Committee markup two legislative days after introduction, nor a House vote under suspension without even a budget estimate.

We strongly supported the passage of the Agricultural Credit Act of 1987, commented extensively on the regulations, and have been working through our member groups across the country to see that the law has been implemented as Congress intended. We have testified before the House and Senate Agriculture Committees' on concerns that farmers have raised about the implementation of the Act. The January 25th House Ag. Committee hearing raised many more questions than it answered. H.R. 4077 addresses none of these concerns and would dismantle key FmHA borrowers' rights provisions enacted on January 6, 1988.

The Agricultural Credit Act was enacted to reduce further losses by either the government or farmers across the country. The provisions were to provide a cost-effective alternative to bankruptcy. The one-time write-down limitation and the $250,000 limitation of debt write-downs will cost the government additional money since the options would have only been utilized if it was the least cost alternative. Changing the land in inventory price to fair market value will make it impossible for many farmers to compete to repurchase their own farms or for entry/re-entry farmers. The targetted provisions for socially disadvantaged farmers will become meaningless if farmers cannot afford the price.

We urge you to oppose H.R. 4077 on the floor today. There may be some problems in the Agricultural Credit Act of 1987 but it certainly doesn't need this kind of solution.

We thank you for your consideration of our concerns.

Mr. Speaker, I rise to speak out against this measure which today would undermine the basic concept of the 1987 Agricultural Credit Act, and which would retroactively deprive Farmers Home Administration borrowers of certain rights to loan servicing which existed at the time they entered into their loan contract with the agency.

In 1987, the farm economy was reeling under the crippling effects of events which were largely beyond the control of any individual producer. Farmers Home Administration was not alone among lenders who were, in turn, faced with thousands of loans which had turned sour as producers struggled against the tide of events. Those of us familiar with this critical problem finally devised what we thought to be the very best solution possible, and after months of debate Congress passed the Agricultural Credit Act of 1987.

Nothing magical has happened since passage of that legislation which warrants making the significant changes which are contained in H.R. 4077. Many agricultural producers still face financial hardship and a crisis in meeting their credit obligations. Yes, the picture is getting slowly brighter, but the need for the 1987 act and its mechanism still exists throughout the country. This measure is a perfect example of trying to fix something when it's not broken.

I would remind my Colleagues that the most basic, underlying philosophy of the 1987 Credit Act was this: That FmHA should use any one or a combination of loan servicing options in an effort to keep the farm producer in business, provided that by restructuring the loan we would eventually recover as much or more of the taxpayers' money as we could through a foreclosure on the loan. There was no massive "give-away" of taxpayers' dollars in the Credit Act, but merely a recognition of the fact that a portion of our FmHA loan portfolio was already lost, and would never be fully recovered.

Thus, we in Congress did the most sensible thing—we established a mechanism which would recover as much as possible, despite the existing losses. This formula still works for the best interests of American taxpayers and American farm producers today, and I urge my Colleagues to defeat H.R. 4077 which would result in only greater losses in FmHA loans than the losses already incurred.

Further, H.R. 4077 would take away these significant loan servicing options for farmers whose loan originated after January 1988, despite the fact that some of the most severe weather-related losses occurred in 1988 and 1989 causing many borrowers to be in difficulty with their FmHA loans at the present time.

Mr. COLEMAN of Missouri. Mr. Speaker, let me remind my colleagues that the administration supports the passage of this legislation, and we worked very closely with the administration in putting it together because the Farmers Home Administration is the obvious agency with the knowledge and information regarding these activities, and I want to just echo what the gentleman from Oklahoma [Mr. ENGLISH] was saying a while ago, that while we are pointing out the shortcomings of the 1987 act, the 1987 act is working.

In fact, Mr. Speaker, information which we were provided with in committee shows that out of 75,352 notices that were mailed by the Farmers Home to those farmers who were in some form of arrears or delinquencies, the vast number of them are being resolved in a positive fashion, not just to the farmer, but to the taxpayers, and just a few, a very few, are ending up being prosecuted for fraudulent efforts by those farmers by the Department of Justice, and yet some want to key onto the negative aspects of this and try to make the farmers kind of a scapegoat. The farmers are not the scapegoat.

There are going to be some people trying to take advantage of whatever law is passed. It may be in the corporate boardrooms, or it may be somebody who is pinned against the wall while trying to see how he can get out from under debt. We just want to make sure that those farmers who deserve to be taken care of, who deserve and why this bill was written in the first place, are not going to be taking advantage of it because of people trying to abuse and misuse the system. So, I want to be straight up front.

The other thing is I would ask the gentleman from Oklahoma [Mr. ENGLISH] to enter into a colloquy with me, if he would.

Mr. Speaker, H.R. 4077 contains a provision limiting the total amount of debt that can be written down to no more than $250,000 for any one borrower. Is it the understanding of the gentleman from Oklahoma that this debt forgiveness limitation applies to both debt restructuring with write down and the net recovery buy out?

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. That is correct. The total amount of debt that the Farmers Home Administration can forgive a delinquent borrower is no more than $250,000.

Mr. COLEMAN of Missouri. Mr. Speaker, I appreciate the clarification of the gentleman from Oklahoma [Mr. ENGLISH] on that, and, Mr. Speaker, I do not have any other requests for time and yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the chairman of the subcommittee, and the ranking minority member, and the members of the subcommittee and the full committee. Mr. Speaker, so that the world might know, our commitment to rural America has not changed. Our commitment to try and keep our farmers on the land has not changed. But we also must continue with our commitment realizing that these are taxpayers' dollars. This is the people's money that we are dealing with, and what this legislation is doing is to try and take the most flagrant abuses in this endeavor so that we might comply with the intent of the law. The 1987 act is in full force. It is working. Nothing has changed. We are still the best fed people in the world. If there is any subsidy, basically it is the American consumer as being subsidized by the American farmer.

Mr. Speaker, our commitment is still there. It will continue to be there. But this is the responsible thing to do when dealing with the people's money. There cannot be one who can use a loophole to take money that does not rightfully belong to them and in the end prejudice the Family Farm Coalition. Small farmers from across the United States would be prejudiced by those that abuse the program.

□ 1330

I still insist that if you do not feel the vibration, you are not a farmer. They are not going to vote for you.

This legislation is aimed at those who do not feel the vibration, that are not rightfully those who toil the soil and feed our families; so I would hope that the Members support this legislation, because it is to correct some deficiency that we see. Our commitment

remains the same, to keep our farmers on the land.

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 4077. The decade of the 1980's were filled with many changes, challenges and difficulties for American agriculture. Acute financial difficulty confronted many farm families as rising loan delinquencies forced increasing numbers of foreclosures and farm sales in our heartland. The Congress readily responded with the 1987 Agricultural Credit Act to address the concerns of family farmers and FmHA borrowers in particular. It has become apparent however, that opportunities were created by the act whereby the unscrupulous were able to take advantage of compassionate relief measures, designed to help the truly distressed family farmers improve their financial situation, for their own selfish benefit. H.R. 4077 will do much to correct these abuses and restore and enhance the integrity of FmHA loan programs to ensure that the program will continue to be a viable source of funding for family farmers throughout America.

Finally, one constituent expressed concern that this legislation nullifies the present priority system for disposing of FmHA inventory property, which gives first priority to the farm borrower, second to family members, and so forth. This Member has been assured by the House majority staff of the Agriculture Committee that the priority system remains unchanged and I am supporting this legislation on the basis of that assurance.

Mr. CRAIG. Mr. Speaker, I would like to speak today regarding H.R. 4077 which restructures the process by which Farmer's Home Administration [FmHA] deals with delinquent loans. While I understand this bill has the support of the Agriculture Committee, I have reservations about several provisions and hope that our Senate counterparts will take a serious look at them.

This bill is likely to require larger expenditures by the FmHA than presently mandated. The Agriculture Credit Act of 1987 required that the Government essentially make a profit on their debt write-down—net-recovery procedure. If it could save more money by writing a loan down $300,000 rather than foreclosing and selling at a sheriff's auction, FmHA was required to do so. Under these new provisions, the debt write-down would be set at $250,000. Even though FmHA could save money by writing down a larger amount, this bill would not allow them to do so. So much for fiscal responsibility.

I believe that FmHA should be given all the tools it needs to efficiently administer its delinquent loans, but I worry that by setting the arbitrary limits and cut-off dates, as this bill does, we will only add an unfair burden upon the farmers with little gain for FmHA. I hope that the Senate will carefully consider these measures and thoroughly question the effectiveness of such language. It is better that we do so now, rather than having to correct this legislation 2 or 3 years down the road.

The Agriculture Credit Act of 1987 was a landmark bill which was progressive in its approach toward farm credit. It hope that we do not enact legislation that cuts short the progress we have already made.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 4077, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUSPENDING SECTION 332 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 FOR THE 1991 CROP OF WHEAT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4099) to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

The Clerk read as follows:

H.R. 4099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 332 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1332) shall not be applicable to the 1991 crop of wheat.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

Mr. Speaker, what section 332 of the Agricultural Adjustment Act of 1938 would do is require the Secretary to proclaim and determine a national marketing quota for wheat for the 1991 marketing year. The Secretary would have to undertake this massive exercise in quota calculation by April 15 of this year. Today is March 6. He would have to do all that massive calculation at a cost of time and money to the Department. This section has been suspended almost routinely through the years, and basically that is what we do once again.

Mr. Speaker, H.R. 4099 will suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

Section 332 of the Agricultural Adjustment Act of 1938 would require the Secretary of Agriculture to proclaim and determine a national marketing quota for wheat for the 1991 marketing year. The Secretary would have to undertake this massive exercise in quota calculation by April 15 of this year.

Mr. Speaker, the requirements of section 332 have routinely been suspended in past farm bills, including the Food Security Act of 1985 which applies to the 1986 through 1990 wheat crops.

However, the 1985 farm bill's suspension of section 332 does not apply to the 1991 wheat crop—which includes the winter wheat crop that will be sown this fall.

By passing this bill and suspending section 332, we avoid needless actions and expenses being incurred by the Department of Agriculture. More importantly, H.R. 4099 avoids unnecessary confusion among our wheat farmers about the operation of the Federal wheat price support program next year.

This Congress will set wheat program guidelines for the 1991 through 1995 crops in the 1990 farm bill. The Committee on Agriculture is currently working on the 1990 farm bill which will address the provisions contained in the 1938 act.

H.R. 4099 is a bipartisan measure, supported by my colleagues on both sides of the aisle and by the administration. By supporting passage of this legislation we can avert needless actions and expenses being taken by the Department of Agriculture this year and avoid confusing our wheat producers.

I urge my colleagues to support this timely measure.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my chairman, the distinguished gentleman from Texas.

Mr. Speaker, what the gentleman from Texas is telling me and what I seem to be hearing is that this little piece of legislation would save a tremendous amount of time for the Department, valuable time that they could spend doing other tasks that they have that are in support of the farmer, rather than this needless paperwork. Is that correct?

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. MARLENEE. Mr. Speaker, I urge my colleagues to support this measure, and I do myself support this measure and would urge its quick passage.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman.

Mr. MARLENEE. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 4099.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4077 and H.R. 4099, the two bills previously passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1159) to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes as amended.

The Clerk read as follows:

H.R. 1159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juan Bautista de Anza National Historic Trail Act".

SEC. 2. JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL.

(a) DESIGNATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following:

"(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled 'Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment' and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking the first sentence and inserting: "Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1159, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1159, introduced by Representative GEORGE MILLER, would amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail.

This historic de Anza Expedition, which took place in 1775 and 1776, over 200 years ago, involved several hundred men, women, and children on a 1,200-mile journey from northern Mexico, through southern Arizona, up to the San Francisco Bay region of California. The expedition furthered Spanish settlement of the region by opening up the first land route to California.

The de Anza trail was studied pursuant to the provisions of the National Trails System Act, found to be nationally significant and eligible for designation as a national historic trail. Testimony provided the committee from the administration and public witnesses favored national designation of the de Anza trail.

We know there is a considerable history associated with the de Anza expedition. The expedition kept detailed records on the topography, flora, fauna, weather, and indigenous life of the areas it passed through. From that historical record we have gained further insights into the colonization of the region, the development and life of the Spanish missions, and the political/military spheres of influence that ruled that period. Commemoration and interpretation of the de Anza trail, as provided in H.R. 1159, will contribute to the preservation and understanding of this facet of our national identity.

Mr. Speaker, national historic trail designation for the de Anza trail enjoys widespread support. I wish to commend our colleague the gentleman from California [Mr. MILLER] for his initiative on this matter. I believe the bill as amended is a good proposal and one that merits our favorable consideration.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1159, designation of the Juan Bautista de Anza National Historic Trail. I am very pleased to see that designation of the de Anza trail, a trail for which I first introduced a bill to study its possible designation some 11 years ago, is finally on the verge of being passed. While there remains today virtually no physical remains of this trail, it was nonetheless very important in the exploration of both Arizona and California and the highly detailed diaries kept during the expedition allow us to pinpoint the route of travel with great accuracy.

As a cosponsor of this bill, along with the gentleman from Arizona [Mr. RHODES] and others from this subcommittee, I would like to express my appreciation for the high quality study of this trail completed by the National Park Service. Their study involved extensive dialog with the local citizens which is crucial to the success of a project such as this. As the de Anza trail passes through my district, I can say that there is indeed strong local support for this project. Since the trail crosses relatively little Federal land—especially for a trail in the West—this local support is critical to the success of the project. I note that the NPS report recognizes this strong local support and that the trail will become a reality through strong local volunteer efforts, such as that of Vi Oberen of Santa Barbara.

I would like to recognize the efforts of the committee chairman for moving this bill forward and of the gentleman from California [Mr. MILLER] for introducing this important measure.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was an oversight, but I want to commend my colleague, the gentleman from California [Mr. LAGOMARSINO], for his work in identifying the needed study that this legislation is based on. Frequently these studies really precipitate the designation legislation that occurs and the gentleman's insight in asking for that study and advocating it some time ago has brought the necessary information to the committee and to the Members of the House so that we can move ahead positively.

□ 1340

Mr. Speaker, I want to commend him for that and for his cosponsorship of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I am pleased to rise to express my strong support for this measure which commemorates an area of national and historical significance in my district. In this case, I support the designation of the Juan Bautista de Anza National Trail.

De Anza was a man of the frontier. He was born in northern Mexico at the far edge of Spanish settlement in the New World. At the age of 24 he commanded the Presidio of San Ignacio de Tubac. He was a soldier and explorer whose campaigns took him throughout Mexico and southern Arizona.

In 1775, when Jefferson and Franklin were busy contemplating independence from England, de Anza led an expedition from his base in northern Sonora all the way to northern California. His route covered 1,600 miles. The expedition included 30 families, 10 Tubac presidio soldiers, 115 children, 695 horses and mules, and 355 cattle. The goal was to establish a safe overland route to California to give the Spanish a reliable base of operations in California.

A diary entry by Franciscan Father Pedro Font, a member of the expedition, describes their passage through lands currently represented by the esteemed chairman of this committee, MO UDALL:

What is most abundant is the weed or shrub which they call the hediondilla * * * and another scrubby and useless plant which, if the horses eat, burns their mouths. In short, in all this land of the Papagueria which we passed I did not see a single thing worthy of praise.

It took the expedition just over 2 months to reach the Los Angeles area, and another 3 months to reach San Francisco. His was the first settlement of the San Francisco area. The only casualty of this 5-month trek through uncharted desert was a woman who died giving birth, at the site of the trip's commencement. Her child, however, did survive the trip.

It was through my district—Santa Cruz County—that de Anza entered what is now the United States. Because it marks the beginning of the de Anza Trail—and because it is the area de Anza called home, communities in my district have a keen interest in this legislation.

Commemoration of de Anza's life, and his expedition is an important element to preserving and passing on our national identity. In a then desolate corner of the world, he was a figure of tremendous stature, endurance, and intelligence. To my colleagues whose districts de Anza passed through, he was a celebrated tourist. To Santa Cruz County, where I was raised, he is a hometown boy who made good.

I urge a favorable vote on the de Anza addition to the National Trail System.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1159, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL TRAIL

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1109) to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System as amended.

The Clerk read as follows:

H.R. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment' and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

"( ) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment', and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10(c)(2) of the National Trails Systems Act (16 U.S.C. 1249(c)(2)) is amended by striking the first sentence and inserting: "Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1109, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1109 was introduced by Congressman NORMAN SHUMWAY along with numerous cosponsors. The legislation would amend the National Trails System Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System.

The California Trail covers over 5,600 miles from points along the Missouri River westward to numerous destinations in California. It was a major migration route used by settlers and prospectors alike to reach California in the mid-1800's. Likewise, the 1,833-mile Pony Express Trail was a major link between the East and California. Although the Pony Express system operated only 18 months, it was the Nation's most direct and practical means of East-West communications before the telegraph.

The California and Pony Express Trails were studied pursuant to the provisions of the National Trails System Act, found to be nationally significant and eligible for designation as national historic trails. Such designation enjoys widespread support. In testimony before the committee, the administration and public witnesses fa-

vored national historic trail designation for the two trails.

Mr. Speaker, the California and Pony Express Trails are important elements in the Old West's history. Designation as national historic trails is a fitting recognition of their role in the westward expansion and will provide historical, cultural and educational benefits to all Americans interested in this element of our Nation's history. I support H.R. 1109 as amended and recommend its adoption.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 1109, an act to designate the California and Pony Express National Historic Trails. This is a very important bill which has been drafted by my California colleague Mr. SHUMWAY. Mr. Speaker, I congratulate Mr. SHUMWAY on this legislation, but I am saddened by his decision to retire from the Congress. We will miss him. Mr. Speaker, these two trails personify the settlement of the West in the 19th century and represent the apotheosis of the National Historical Trail as envisioned when we created this concept.

The California trail has been called the route of the greatest mass migration in American history and was extensively used by variety of settlers to reach the west coast. Likewise the Pony Express Trail, while only in use for 18 months, evokes visions of the young riders and saddle horses crossing the 1,800 mile length of the trail in less than 10 days.

The strong support from the western cosponsors, including myself, attests to the importance of these trails. However, their strong support relates directly to the concept for management and interpretation as set forth in this bill. This concept relies on limiting land acquisition and interpretation to certain high value segments of the trail. In fact, Federal acquisition of lands outside the boundaries of previously designated areas would be precluded without the consent of the owners. The issue of viewshed protection as it relates to these trails has also been raised, but has been adequately addressed through report language.

I would like to express the appreciation of the western Members to the subcommittee chairman, Mr. VENTO, for working with us and expediting completion of these measures.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Kansas [Mr. SLATTERY], a cosponsor of this measure.

Mr. SLATTERY. Mr. Speaker, I thank the chairman for yielding me this time, and I would like to express my gratitude to him and the ranking minority member for their leadership in bringing this measure to the floor of the House here today.

I am pleased to speak today in support of legislation to include the original Pony Express trail in the National Historic Trails System.

As a young boy growing up in northeast Kansas, I can still vividly recall stories of the Pony Express riders who passed near our Atchison County farm as they raced west from nearby St. Joseph, MO, toward Sacramento, CA.

I am continually impressed when I read tales of these young Pony Express riders who traveled nearly 2,000 grueling miles across treacherous land, through inclement weather, as part of a revolutionary communications system connecting the two edges of the American frontier.

Fortunately, there still is abundant physical evidence of the original Pony Express trail and historic documentation of the young men who faced untold dangers carrying mail to communities beyond the reach of the modern technologies of the 1860's.

Passage of H.R. 1109 will help preserve, for future generations, the spirit of the Pony Express riders. I believe Congress has an obligation to protect these historic trails from becoming a dusty memory of our uniquely American Wild West history.

The spirit of the Pony Express represents America's pioneering spirit and dedication to the concept that a job can be done better and faster; and that the risks are worth the rewards.

For 16 months, the Pony Express thrilled Americans with its daring young riders and the speed of its unmatched service. I look forward to participating in the re-enactment of the Pony Express ride next summer and I encourage all my colleagues along the Pony Express trails to join me in participating in this historic ride.

In closing, I want to thank Ken and Arleta Martin, of Marysville, KS, for their dedication to the preservation of the Pony Express trail and for their ongoing efforts to enact H.R. 1109 into law. Their commitment to this cause represents the founding spirit of the Pony Express.

I urge my colleagues to support H.R. 1109.

□ 1350

Mr. LAGOMARSINO. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SHUMWAY], the primary sponsor of this legislation.

Mr. SHUMWAY. Mr. Speaker, I would like to take this opportunity to express my deep appreciation to the Interior Subcommittee chairman, the gentleman from Minnesota, [Mr. VENTO] and my esteemed colleague from California [Mr. LAGOMARSINO] for their support and assistance in bringing this legislation to the House floor.

Mr. Speaker, H.R. 1109 amends the National Trails System Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System. H.R. 1109 reflects, pursuant to Public Law 98-405, enacted on August 28, 1984—48 Stat. 1483—the final recommendations of the eligibility study and environmental assessment for the California and Pony Express Trails prepared by the National Park Service at the Department of Interior which were formally submitted to Congress on January 30, 1989, by Acting Secretary of Interior Gjelde. These two trails closely parallel one another across the West, and at points in the Great Plains region, become a single pathway.

Mr. Speaker, I am particularly proud of the fact that this effort to preserve a portion of our 19th century heritage has been a product of a wide-ranging consensus. Six Federal agencies—Bureau of Land Management, U.S. Forest Service, Fish and Wildlife Service, Department of Defense, Bureau of Reclamation, and Department of Energy—48 State and local governmental entities, 69 private organizations, and approximately 615 individuals from a total of 35 States participated in the development of recommendations incorporated in H.R. 1109. Congressional support for this legislation has likewise been equally balanced—42 Members have cosponsored H.R. 1109, including every Member whose district includes a portion of the 7,498 miles of historic trail incorporated in this bill.

H.R. 1109 follows a good neighbor approach which saves the historical assets remaining on the respective trails without undue impact on private landowners or other land uses in the vicinity of the trail corridors. The National Park Service's management objectives are to provide reasonable access to all high-interest trail sections on both Federal and non-Federal lands. The National Park Service would establish overall management guidelines with other Federal agencies encouraged to incorporate those guidelines for the trail corridor segments on lands under their stewardship. Negotiated agreements would be used to secure access on non-Federal lands. Private landowners, State and local governments, and other private historical societies would be encouraged to provide access outside Federal lands and to develop and manage trail resources on non-Federal lands. Since large stretches of the trails follow the same geographical thoroughfare, visitor centers and other trail features can be combined so that funds can be saved.

The Pony Express trail ran between St. Joseph, MO, the western terminus of the railroads in 1860, and Sacramento, CA, for a total distance of 1,833 miles. Upon arrival in Sacramento, the letters and important dispatches were taken by steamer to anx-

ious recipients in San Francisco. The route left Missouri and followed the well-traversed Oregon Trail through Kansas and along the Platte River in Nebraska. Before leaving Nebraska, the route dipped south into Julesburg, CO, then headed north into South Pass, WY. At Fort Bridger, WY, the Pony Express trail left the emigrant trail and swung south to Salt Lake City, UT, before running due west across the salt desert and badlands of Nevada, over the Sierra Nevada Mountains, and down into Sacramento.

For what was in its day an enormous investment, $500,000 dollars, William B. Waddell, Alexander Majors, and William H. Russell erected 190 Pony Express stations 10 to 15 miles apart and hired 80 to 120 young riders (average age: 18 years) to carry what were called mochilas between the stations. Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the first transcontinental telegraph line was completed. During the Pony's 18 months of glory, 318 individual runs were made for a total of approximately 600,000 miles. The mail was lost only once.

Although the Pony Express was a financial disaster for its proponents, it proved that correspondence could be delivered in 8 to 12 days over the central route. Like the transcontinental telegraph and railroad which succeeded it, the Pony Express provided an improved communications link between the widely separated eastern and western segments of the country. It heightened the demand for expedient transcontinental linkage prior to the outbreak of Civil War. In fact, the fastest time recorded by the Pony Express occurred in November 1860 when news of President Lincoln's election victory was carried from Fort Kearny, NE, to Fort Churchill, NV, in 6 days. It is interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths today.

The historical significance of the California trail is no less impressive. The trail was one of the major thoroughfares used by settlers and prospectors in their movement to the West during the mid-1800's. The trail breaks from the Oregon Trail—already included in the National Trails System—at the Raft River, in Idaho and heads southwest toward Sacramento, CA. There were many branches and side trails which were all heavily utilized, particularly by prospectors. First and foremost, though, the California trail was the main emigration artery to California and eventually, the Gold Rush. In fact, more than 50,000 men, women, and children trod this trail to settle or prospect on the west coast in 1852 alone.

Mr. Speaker, my legislation is a simple, straightforward confirmation of the study provisions included in H.R. 3787 of the 98th Congress provided: that the acknowledgment of these two trails is a national priority in order to preserve our American heritage. I strongly urge my colleagues to support this legislation and see to its swift enactment. Again, I thank the Interior Committee chairman, Mr. UDALL, and subcommittee chairman, Mr. VENTO as well as the ranking Members, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, and Mr. MARLENEE for their leadership in guiding this measure to the House floor for full consideration.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I rise today as a cosponsor of H.R. 1109, a bill to designate the route followed by Pony Express riders as a National Historic Trail, and urge my colleagues to support of the bill.

Stretching 1833 miles, from St. Joseph, MO, to Sacramento, CA, the Pony Express Trail played a significant role in the developing and settling of the central and western United States. It served as a vital communications link between the widely separated eastern and western regions of the Nation, and it met the demand for fast transcontinental communications just before the outbreak of the Civil War.

Pony Express service began in April 1860 and continued through October 1861, when the first transcontinental telegraph line was completed. During this short heyday, Pony Express riders completed 318 runs each way, for a total of some 600,000 miles. In the process, Pony Express riders' exploits spawned legends of courage, strength, and dedication which endure today.

Mr. Speaker, as an aside, we heard a lot about the 30-cent postage stamp this morning. Perhaps we may take a look at the Pony Express as a way to reduce those postal outlays in the future.

This bill also provides historic designation for the California Trail, which served as a major artery for emigration to the West Coast. Thousands of people traveled the trail through Missouri, Iowa, Kansas, Nebraska, Wyoming, Idaho, Utah and Nevada on their way to settle or to prospect for gold in California and Oregon.

I am very pleased that this bill has made its way through the legislative process for floor consideration today.

I want to commend those involved, especially the gentleman from California [Mr. SHUMWAY] for his dedication to seeing this through.

This bill has a special significance for St. Joseph, MO—the home of the Pony Express—and I believe Historic Trails Designation will give added impetus to efforts to locate an interpretive center in St. Joseph as well.

Mr. Speaker, I urge my colleagues to join me in voting to pass this important bill.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of H.R. 1109. I rise particularly to comment on its impact in my home State of Wyoming. First, let me congratulate the gentlemen who have given leadership to this bill, and I am pleased to be a co-sponsor.

The proposed legislation designating the Pony Express National Historic Trail as part of the National Trails System will be an important addition to Wyoming's senior and historic attractions.

This legislation is a historic opportunity which will make Wyoming history even more vivid and alluring.

Wyoming was a key section of the Pony Express trail. The Nation was thrilled by the daring riders of the Pony Express and their efforts to connect the frontier. Now, our technology has advanced to a point that communications happen in the blink of an eye, a fax, a phone call, instead of several riders from St. Louis to Fort Bridger and on to California.

As cosponsor of this bill, I am enthusiastic about the legislation that will designate the trail from Missouri to California through Wyoming as part of the National Trails System, protecting what remains of the original Pony Express trail.

The bill will mark several sites along the trail—such as Fort Caspar and Fort Bridger in Wyoming.

I also applaud the fact that land will be acquired only on a willing buyer—willing seller basis.

We in Wyoming are very proud of our heritage. I am thrilled that this bill would protect that part of that history.

Mr. LAGOMARSINO. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I would like to commend the gentleman from California [Mr. SHUMWAY] and the Interior Committee leadership on both sides of the aisle for their efforts in bringing us this legislation, which among other things relates to the Pony Express National Trail. This legislation is a significant effort. In my own district we have Rock Creek Station, which is also famous as a Western shootout, it is the site of an original Pony Express station, now commemorated by a State interpretation center.

Additionally, we have an existing Pony Express building at Gothenburg, NE, to give you an example of the kind of sites and structures that ought to be preserved, enhanced, and interpreted along the Pony Express Trail.

As an original cosponsor of H.R. 1109, I commend the gentleman from California [Mr. SHUMWAY] the sponsor of the bill, and my colleagues on the House Interior Committee for reporting the measure for floor consideration. My interest in this legislation primarily relates to the Pony Express Trail which extends almost 2,000 miles westward from St. Joseph, MO, to Sacramento, CA.

The Pony Express Trail has tremendous historical significance to the development of the Great Plains and West. Pony Express service began in April 1860, and continued until October 1861, when the first transcontinental telegraph line was completed. During the 18 months of its existence, 318 runs were made each way across the 2,000-mile route. The mail was lost only once. A part of our Nation's past can be preserved, enhanced and interpreted for all future generations by including the Pony Express Trail in the National Trails System.

As a Congressman from Nebraska, this Member is pleased to note that there are two recognized Pony Express station sites in our State. Two are worthy of special mention at this point. Rock Creek Station near Fairbury is now the site of a State historical park interpretation center. An existing building from the original Pony Express stop at Gothenburg has also been designated as an historic site.

The bill before us today is a relatively simple measure, but it carries with it important methods for recognizing this important element in our Nation's history of westward expansion. I am pleased to lend my support to the measure and urge my colleagues to vote for H.R. 1109.

I do support this legislation, and I thank the gentleman for yielding.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I rise today in support of H.R. 1109, an amendment to the National Trails System Act that would allow the California National Historic Trail and the Pony Express National Historic Trail to be added to our country's trails system.

The National Trails System was created to provide for the ever-increasing outdoor recreational needs of the American people and to promote the preservation, enjoyment, and appreciation of the great outdoors and our Nation's history and heritage. The addition of the California National Historic Trail and the Pony Express National Historic Trail to the National Trails System will certainly contribute to the fulfillment of these goals.

Both trails, as previously noted in this Chamber, are of great historical significance to our Nation. The California trail, with its many spurs and branches, was a major emigration artery not only to California and the gold rush, but also to the entire West Coast and all points in between. Several years saw well over 100,000 men, women, and children traveling through Missouri, Iowa, Kansas, Nebraska, Wyoming, Idaho, Utah, and Nevada on the trail to settle or prospect in California and Oregon.

The Pony Express Trail, running between St. Joseph, MO, and Sacramento, CA, and covering a distance of nearly 1,900 miles, is also of great importance to our national heritage. Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the transcontinental telegraph line was completed. During the Pony Express' 18 months of service, over 300 runs were made. The mail, remarkably, was lost only once despite the rough and sometimes hostile frontier terrain. Although the Pony Express was a financial disaster for its investors, it proved to be a very reliable and extremely quick mode of communication between the East and West coasts. Mail was usually delivered within 10 days and sometimes made it within 6. If only our present day system were so efficient. It is also interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths of today.

Designation of these two trails as components of the National Trails System will contribute much to the preservation of our national heritage. At the same time, these trails will allow many to experience some of the most scenic, and in some cases, spectacular, sights that our country has to offer, opening the areas for the enjoyment and education of all. I urge my colleagues to support this legislation and see to its enactment.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1109, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

METAL CASTING COMPETITIVENESS RESEARCH

Mrs. LLOYD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to require the Secretary of Energy to establish three Centers of Metal Casting Competitiveness Research, as amended.

The Clerk read as follows:

H.R. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) metal casting is an important process for manufacturing many items imported into or exported from the United States;

(2) the encouragement and maintenance of a technologically advanced United States metal casting industry is essential to the competitiveness of many American industries;

(3) maintaining a viable metal casting industry is vital to the national security and economic well being of the United States; and

(4) the promotion of technology competitiveness and energy conservation in the United States metal casting industry by the Federal Government is necessary to maintain a viable metal casting industry.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "metal casting and related industries" refers to the industries identified by codes numbered 3321, 3322, 3324, 3325, 3363, 3364, 3365, 3366, and 3369, in the Standard Industrial Classification manual published by the Office of Management and Budget in 1987;

(2) the term "region of the United States" means one of the nine groups of States which are designated as census geographic divisions by the Bureau of Census; and

(3) the term "Secretary" means the Secretary of Energy.

SEC. 3. ESTABLISHMENT OF CENTERS.

The Secretary shall, as part of the Department of Energy's energy conservation programs, establish three Centers for Metal Casting Competitiveness Research (hereafter in this Act referred to as the "Centers") for the purpose of performing or promoting the performance of research and development on issues related to the technology competitiveness and energy conservation of the United States metal casting industry.

SEC. 4. LOCATION OF CENTERS.

(a) CRITERIA.—The Centers shall be located in regions of the United States where the United States metal casting industry is concentrated. The criteria to be used in selecting sites for the Centers shall be as follows:

(1) Each Center shall be located in a different region of the United States.

(2) Each Center shall be located at a research facility of a major educational institution or consortia of educational institutions, which has the available space, supporting services, and technical capability to adequately house a Center and enable it to make use of existing research support and facilities in carrying out its research objective.

(3) Each prospective Center shall have in existence at the time of consideration a multidisciplinary research staff experienced in advanced metal casting or other directly related technologies.

(4) Each prospective Center shall have in existence at the time of consideration laboratory facilities and equipment capable of conducting laboratory scale testing or dem-

onstration of advanced metal casting or related processes.

(b) EXCEPTION.—If research facilities described in subsection (a)(2), and meeting the other criteria in subsection (a), are not available in three appropriate regions of the United States, Centers may be established at State or Federal research facilities.

SEC. 5. FUNDING FOR THE CENTERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated by section 5 (1)(B), (2)(B), and (3)(B) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12004 (1)(B), (2)(B), and (3)(B)), not more than $5,000,000 may be expended in each of fiscal years 1991, 1992, and 1993 for the purpose of carrying out this Act.

(b) MATCHING FUNDS.—Funds appropriated under this section shall be available only to the extent that matching funds are obtained from the United States metal casting industry, related industries, industry-related associations, individuals, organizations, or other non-Federal entities supporting the metal casting industry (hereafter in this Act collectively referred to as "industry contributions").

(c) NONCASH CONTRIBUTIONS.—For purposes of determining under subsection (b) the amount of matching funds received for carrying out this Act, the value of equipment, services, materials, and other assets useful to the research mission of the Centers shall be included. The Secretary shall determine the value of such noncash industry contributions.

SEC. 6. INDUSTRIAL ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary, within six months after the date of enactment of this Act, shall establish an Industrial Advisory Board (hereafter in this Act referred to as the "Board") to provide guidance and oversight for the establishment and operation of the Centers. The Board shall be composed of at least nine members, a majority of whom shall be individuals from the metal casting industry or individuals affiliated with industry contributors.

(b) REVIEW AND RECOMMENDATIONS.—The Board shall meet at least once every two years to review the research and development activities and projects of the Centers. The Board shall identify research priorities and make recommendations for the use of funds in the next fiscal year. A report containing the recommendations of the Board shall be provided to the Secretary within one year after the establishment of the Board, and as necessary thereafter.

(c) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this Act, the Board shall be subject to the Federal Advisory Committee Act.

SEC. 7. REPORTING AND OTHER REQUIREMENTS.

(a) SECRETARY'S REPORT.—The Secretary shall submit a report to the Congress by January 1 of each year reviewing the progress of the Centers and providing a research plan for the next fiscal year. Such report shall include a copy of the report of the Board provided under section 6(b).

(b) TECHNOLOGY TRANSFER.—The Secretary shall encourage the expeditious transfer of technology from the Centers to the United States metal casting industry pursuant to the Stevenson-Wydler Technology Innovation Act of 1980, or otherwise.

SEC. 8. BUY AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE SECRETARY.—If the Secretary, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this section whether the public interest so requires, the Secretary shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitation for bids are issued after the date of enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1991, 1992, and 1993, and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Secretary shall also report to the Congress on the number of contracts covered under this Act and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1243, calls for the establishment of the three centers for metal casting competitiveness research. The bill seeks to remedy an ever-worsening situation in our domestic metal casting industry—the loss of market share of casting products to foreign competition.

In putting forth this legislation we have proposed a new method for coming to grips with the difficult problem of technology development in a manufacturing industry composed of small companies. We are proposing a cooperative effort involving government, industry, and the university research community. This cooperation is essential for an industry such as metal casting, where the average company employs less than 100 people.

The proposed centers provide a focal point for these small manufacturers. Here they can present and discuss their problems, knowing that the scientists and engineers at the centers will be attentive. They can also be assured that the technological advances made by the centers will be quickly transferred to the companies.

Mr. Speaker, the bill as reported from our Committee on Science, Space, and Technology is a workable solution to needed technology innovations for our domestic metal casting industry. I believe that the 112 Members who have cosponsored the bill reflect the bipartisan recognition of the importance of the legislation. The legislative approach provided in H.R. 1243 is an exciting model for future collaborative government/industry research and development. Leveraging research dollars by cost sharing with industry will allow the most beneficial use of scarce resources.

The legislation before us today represents a bipartisan effort by our committee. I want to particularly thank Chairman ROE of New Jersey and the ranking Republican member, Mr. WALKER of Pennsylvania for their support in bringing this legislation through the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the metal casting industry is essential to the American economy. Thousands of foundries are small to medium-size businesses which employ over 250,000 people across the country. H.R. 1243 will help ensure that this industry remains competitive by giving them a research base off of which to operate in the future.

I am pleased to support this legislation, particularly since it is funded through the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 which was signed by the President last year.

While the metal castings program is important, fiscal realities demand that the funds come from already authorized programs. The President's request for the industrial conservation program is $40.1 million. The enacted authorization as of last year provided $53.5 million, which does leave plenty of room for the metal castings pro-

grams to be fitted within the authorization.

I might say, however, that it is also going to have to meet the needs of both the appropriations and the budget strategy if we stick with the President's request, but the idea behind this particular piece of legislation is that we are not exceeding the authorization request. We require in the bill that it stay within the authorization which this House approved and which the Congress approved last year.

In addition, the bill mandates that the Federal funds are only available if matching funds are provided by the industry. This will ensure that the metal castings research undertaken by the centers that are put together is truly deemed important by the firms that are involved.

H.R. 1243 was approved by the Science, Space, and Technology Committee without dissent, and I urge its passage by the House.

I would also point out that the administration does not oppose passage. They are not entirely enthusiastic, but they do not oppose passage at this time.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I rise in support of the bill, H.R. 1243. This bill introduced by my good friends from Alabama, Congressman ERDREICH and Congressman HARRIS, along with more than 100 other cosponsors, is designed to address concerns of the metals casting industry, as well as to help in the development of technology for industrial competitiveness in this important area.

Last year I joined with the gentlewoman from Tennessee in holding joint hearings on the benefits of this legislation and the concerns it addresses. From the experience of the Subcommittee on Transportation, Aviation and Materials in looking at other materials-related technologies—materials such as ceramics, plastics, superconductors, and others—advances in processing have been singled out as key to the successful application of these materials. These advanced materials are in turn key to the success of many of our high-technology programs, including aeronautics, space, energy, and defense.

Our hearings underscored this idea with respect to metals casting and related technologies. This industry which produces such diverse products as candlestick holders and rocket combustion chambers, employs over 300,000 workers with over 4,000 producers dispersed throughout the country.

Like other materials industries, the metals casting industry is under strong competitive pressure from abroad. Since 1980, the number of foundries in the United States has declined by more than 13 percent. Much of this has occurred due to technology improvements introduced abroad, improvements developed and supported by national programs targeted to erode our domestic casting industry. In this country we have failed to focus our research efforts on this important field, in part due to the diverse nature of the industry. H.R. 1243 seeks to correct this problem by creating a new program within the Department of Energy.

Others have already described the details of this legislation and its merits. I wish to highlight only one aspect of the bill which I consider of particular note. This bill requires a strong cost-sharing component from the private sector in these research programs. The industry must match a dollar for every Federal dollar spent on the research up to a total of $5 million each year. Without such matching, no Federal moneys may be expended. The metals casting industry takes seriously its responsibilities in supporting this work by committing their hard-earned profits to the success of this program.

Among other advantages, such commitment better ensures that any technology derived from this research program will find its way to the factory floor and ultimately benefit the U.S. consumer. Obviously, without appropriate technology transfer of the results of this research we will fail to achieve the intended purpose of this bill.

Mr. Speaker, I strongly urge my colleagues to vote in favor of this legislation.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. ERDREICH] the chief sponsor of this bill.

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Mr. ERDREICH. Mr. Speaker, I would like to thank the Committee on Science, Space, and Technology for expeditiously moving my legislation to the floor. In particular, I would like to thank Representatives ROE, LLOYD, VALENTINE, WALKER, MORRISON, and LEWIS for all their assistance. In addition, I thank all the cosponsors of this legislation for their support and recognition of the importance to American industry of metal casting. This legislation will take an important step toward revitalizing a business which has been the backbone of U.S. industry for the past 150 years.

Historically, metal casting is one of the oldest and most profitable of American industries. Our Capital dome was cast and erected in the mid-19th century by an American company which has since succumbed to the same fate as many of the great U.S. foundries of the 19th and early 20th centuries. Foreign trade practices, coupled with our failure to maintain our technological advantage, have created a situation whereby U.S. foundries are, too often, fighting a losing battle to regain their share of an increasingly competitive market.

The total amount of metal casting in the United States has declined from 20.85 million tons in 1966 to 11.65 million tons today, and over half of U.S. foundries have closed since 1971, putting tens of thousands of Americans out of work.

There are approximately 3,700 surviving foundries in the United States today. Our metal casting industry produces over $21 billion worth of products annually and employs over 260,000 people. In the State of Alabama, foundries employ some 18,000, with over 10,000 in my own Jefferson County, and produce over $1 billion of casting annually.

The decline in our domestic metal casting industry has contributed to the dramatic rise in the U.S. trade deficit and created problems that will continue to plague all American industries unless we take the necessary steps to reverse this trend.

H.R. 1243 is designed to establish three regional metal casting technology centers for the purpose of advancing technology and research in this field and applying these advancements to basic industry functions. In the past, we have failed to keep up with many of our foreign competitors in education and technological advancements. Today, there remain very few American university-trained foundry engineers. We mistakenly view casting as a "low tech" field, whereas many of our competitors, including South Korea, West Germany, and many South American countries, fund national foundry centers for the purpose of furthering their advantages. Metal casting encompasses a large variety of products from the most basic items to space hardware and medical devices. Virtually all manufactured products imported into or exported out of the United States contain metal castings and it is high time we initiate a program that will regain our competitive position in this vital area.

The U.S. metal casting industry is made up generally of small and medium-sized businesses. This applied technology will dramatically help enhance their competitiveness.

I would like to note that these centers do not represent a new expenditure, but would come from a reallocation of existing Department of Energy funds. With direct industry match of these funds, this public-private partnership should help sharpen our competitive edge in this basic American industry. It is past time we got tough and got smart in international trade.

In closing, I would like to call your attention to an article which appeared in the November 19, 1989, issue of the New York Times, entitled "The Sign of America's Decline, Under Foot." In the piece, the writer concludes his examination of the shocking state of affairs of the U.S. metal casting industry by stating, "America's manhole covers are made in China, as our industries go down the drain." This bill seeks to reverse that trend.

I urge passage of H.R. 1243, sponsored by my colleague CLAUDE HARRIS and myself. Increasing America's competitiveness is a priority for our economic future.

Mr. WALKER. Mr. Speaker, I think the gentleman from Minnesota [Mr. FRENZEL], would like to add a dissenting voice, and for that purpose I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, H.R. 1243, which establishes three Metal Casting Competitiveness Research Centers, is on the Suspension Calendar today as noncontroversial. I believe the foundry business has at least some claim on the Federal Government's attention and its particular problems need the full attention of the Congress and full debate in this House. It is special, but legitimate needs have been ignored too long. I welcome government-industry cooperation that many feel is imperative to restore competitiveness.

However, I am not enthusiastic about financial commitments by the Government to sustain these efforts. Even though this bill would require matching funds from the industry, I do not like this bill's precedent. In fact, it is another example of tinkering with industrial policy. How does the Government decide which industries need this kind of support? As soon as we pin a rose on one group, all the others will soon line up behind.

The business of picking winners and losers should be determined in the market place. Many of the world's governments found this out the hard way, and are now switching to market systems. Meanwhile, this bill expands our own tinkering.

In his February economic report, the President stated, "Government can encourage economic growth but cannot manage it. I remain strongly opposed to any sort of industrial policy, in which the Government, not the market, would pick winners and losers. Second-guessing the market is the way to raise Government spending and taxes, not living standards."

I assume that supporters of the bill will point to the Sematech example, and possibly discuss the demise of U.S. Memories, which had not requested Government funding. The real question here is why should the Government finance projects for industries which do not finance them themselves?

The Government has an obligation to provide its expertise and to remove barriers, such as antitrust uncertainties, to joint research efforts. It also needs to provide a fair tax system and a reasonable set of environmental regulations, but, particularly in these times of severe budget pressures, we should not be providing funding for private ventures, even if there is evidence that other countries do so.

This bill is also encumbered with a Buy America provision that should be stricken, even though it does contain some discretion. We have new Buy America legislation on nearly every bill that passes this body which violates the spirit of the standstill agreement we signed at the beginning of the Uruguay Round of trade negotiations.

Mr. Speaker, I would be pleased to support a bill to feature cooperation without the Buy America section and the Federal funding. As it stands now under suspension, I shall oppose it.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, first, I would like to thank the gentlewoman from Tennessee [Mrs. LLOYD] for making it possible for us to be here today. With her personal attention and the support of Mr. VALENTINE, Mr. MORRISON, Mr. WALKER, Mr. LEWIS, and of course, Chairman ROE, I believe that we have crafted a bill which will create a strong partnership between the U.S. Government and one of our essential industries, the American foundries.

The U.S. foundry industry is a basic industry which produces cast products for virtually all manufactured items and machinery used in manufacturing. American metalcasters supply foundry products to the energy, transportation, aerospace, defense, and manufacturing industries. Until recent years, U.S. foundries dominated the international market, but increased foreign competition aided by centralized government research efforts and a strong dollar have contributed to the steady erosion of this traditional American stronghold.

I believe that the metalcasting research centers created by H.R. 1243 are a necessary step toward restoring the vitality to this essential U.S. industry. Most metal castings in this country are produced in small- and medium-sized businesses with sales under $100 million a year. These businesses alone cannot bear the cost of a strong centralized research and development effort needed to help the industry regain its footing in this fiercely competitive international market. H.R. 1243 provides the link between industry, research facilities, and the Government. With some funding by the U.S. Government to be matched by industry moneys, new technology and information sharing will be available for application in American foundries.

The State of Alabama is one of the leading foundry states in this country producing about $1 billion in castings annually. The information and technology breakthroughs available from the metalcasting research centers will significantly benefit the economy of Alabama as well as restore the competitive edge to American foundries. Our goal is to recapture the international market once held by high-quality American metalcast products.

Again, I want to thank Madam Chairman the gentlewoman from Tennessee [Mrs. LLOYD] and to recognize the conscientious and quality work of a member of her staff, Nancy Jeffrey.

And I urge a favorable vote for this important piece of legislation.

Mr. HILER. Mr. Speaker, as one who has in-depth experience in the foundry business and a considerable understanding of the challenges the industry is facing today, I rise in strong support of H.R. 1243, the Metal Casting Competitiveness Research Act.

Those who are familiar with the cast metals industry or who rely on its products understand what a fundamental role it plays in the overall health of our economy. The metal casting industry not only sustains basic manufacturing in the United States, but also plays a critical role in the success of high technology advances which are so important to America's involvement in both the developing global economy and our growing presence in, and dependence on space.

In fact, metal castings are used in 90 percent of all manufactured items, and in 100 percent of all machinery used in manufacturing. Metal castings are necessary for something as simple as a frying pan, and something as complex as a human heart replacement valve.

Those of us who know the industry also know that it has suffered over the past decade as a result of shortfalls in American initiatives and competitiveness in research and development for new casting technologies. A number of foreign countries have wisely invested in R&D for their own metal casting industries and the impact of this action is evident here in the United States. The lack of profitability within our domestic industry resulting from outdated and inefficient technologies has contributed to the closure of over 800 American foundries in the past decade alone. The International Trade Commission has confirmed that unless U.S. foundries can keep up with a changing world, producers will continue to lose domestic markets to imports, and to lose out on market opportunities abroad.

H.R. 1243 recognizes the importance of protecting America's ability to support its own manufacturing sector and seeks—through competitive means—to improve the casting industry's standing in the international economic community by utilizing our research assets.

The bill will do so both by providing Federal grants and requiring matching funds, goods, equipment, or services from private entities that sustain the metal casting industry.

Given adequate resources, our research institutions and the individuals who guide them can be the best in the world at finding solutions to problems or innovative approaches to changing needs. We have problems in the metal casting industry and we are facing important changes in casting technologies which could be overcome by a commitment on our part to move into the future and stay ahead of our global competitors. Let's allow our cast metals industry a fighting chance by utilizing our academic assets and give it the means to continue to produce top quality foundry products efficiently.

I can assure you that the approximately 2,000 metal casting workers in the Third District of Indiana, the 250,000 metal casting employees nationwide, and the U.S. manufacturing community and economy as a whole will all benefit from the passage of H.R. 1243. A failure on the part of Congress to acknowledge a changing world and to enable our foundries to keep up with improvements in casting technologies will almost certainly deny our domestic manufacturing industry the leadership position it deserves in the international economy. Thus I urge passage of this bill and yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. LLOYD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Tennessee [Mrs. LLOYD] that the House suspend the rules and pass the bill, H.R. 1243, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1109 by the yeas and nays; and H.R. 1243 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

□ 1420

CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL TRAIL

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 1109, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1109, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 20]

YEAS—416

Ackerman	Conyers	Gingrich
Akaka	Cooper	Glickman
Alexander	Costello	Gonzalez
Anderson	Coughlin	Goodling
Andrews	Courter	Gordon
Annunzio	Cox	Goss
Anthony	Coyne	Gradison
Applegate	Craig	Grandy
Archer	Crane	Grant
Armey	Crockett	Gray
Aspin	Dannemeyer	Green
Atkins	Darden	Guarini
AuCoin	Davis	Gunderson
Baker	de la Garza	Hall (OH)
Ballenger	DeFazio	Hall (TX)
Barnard	DeLay	Hamilton
Bartlett	Dellums	Hammerschmidt
Barton	Derrick	Hancock
Bateman	DeWine	Hansen
Bates	Dickinson	Harris
Bellenson	Dicks	Hastert
Bennett	Dingell	Hatcher
Bentley	Dixon	Hawkins
Bereuter	Donnelly	Hayes (IL)
Berman	Dorgan (ND)	Hayes (LA)
Bevill	Dornan (CA)	Hefley
Bilbray	Douglas	Hefner
Bilirakis	Downey	Henry
Bliley	Dreier	Herger
Boehlert	Duncan	Hertel
Boggs	Durbin	Hiler
Bonior	Dwyer	Hoagland
Borski	Dymally	Hochbrueckner
Bosco	Dyson	Holloway
Boucher	Early	Hopkins
Boxer	Eckart	Horton
Brennan	Edwards (CA)	Houghton
Broomfield	Edwards (OK)	Hoyer
Browder	Emerson	Hubbard
Brown (CA)	English	Huckaby
Brown (CO)	Erdreich	Hughes
Bruce	Espy	Hunter
Bryant	Evans	Hutto
Buechner	Fascell	Hyde
Bunning	Fawell	Inhofe
Burton	Fazio	Ireland
Bustamante	Feighan	Jacobs
Byron	Fields	James
Callahan	Fish	Jenkins
Campbell (CA)	Flake	Johnson (CT)
Campbell (CO)	Flippo	Johnson (SD)
Cardin	Ford (MI)	Johnston
Carper	Frank	Jones (GA)
Carr	Frenzel	Jones (NC)
Chandler	Frost	Jontz
Chapman	Gallegly	Kanjorski
Clarke	Gallo	Kaptur
Clement	Gaydos	Kasich
Clinger	Gejdenson	Kastenmeier
Coble	Gekas	Kennedy
Coleman (MO)	Gephardt	Kennelly
Coleman (TX)	Geren	Kildee
Combest	Gibbons	Kleczka
Condit	Gillmor	Kolbe
Conte	Gilman	Kolter
Kostmayer	Ortiz	Slattery
Kyl	Owens (NY)	Slaughter (NY)
LaFalce	Owens (UT)	Slaughter (VA)
Lagomarsino	Oxley	Smith (FL)
Lancaster	Packard	Smith (IA)
Lantos	Pallone	Smith (NE)
Leach (IA)	Panetta	Smith (NJ)
Leath (TX)	Parker	Smith (TX)
Lehman (CA)	Parris	Smith (VT)
Lehman (FL)	Pashayan	Smith, Robert (NH)
Levin (MI)	Patterson	
Lewis (CA)	Paxon	Smith, Robert (OR)
Lewis (FL)	Payne (NJ)	
Lewis (GA)	Payne (VA)	Snowe
Lightfoot	Pease	Solarz
Lipinski	Pelosi	Solomon
Livingston	Penny	Spence
Lloyd	Perkins	Spratt
Long	Petri	Staggers
Lowery (CA)	Pickett	Stallings
Lowey (NY)	Pickle	Stangeland
Luken, Thomas	Porter	Stark
Lukens, Donald	Poshard	Stearns
Machtley	Price	Stenholm
Madigan	Pursell	Stokes
Manton	Quillen	Studds
Markey	Rahall	Stump
Marlenee	Rangel	Sundquist
Martin (IL)	Ravenel	Swift
Martin (NY)	Ray	Synar
Martinez	Regula	Tallon
Matsui	Rhodes	Tanner
Mavroules	Richardson	Tauke
Mazzoli	Ridge	Tauzin
McCandless	Rinaldo	Taylor
McCloskey	Ritter	Thomas (CA)
McCollum	Roberts	Thomas (GA)
McCrery	Roe	Thomas (WY)
McCurdy	Rogers	Torres
McDade	Rohrabacher	Torricelli
McDermott	Ros-Lehtinen	Towns
McEwen	Rose	Traficant
McHugh	Rostenkowski	Traxler
McMillan (NC)	Roth	Udall
McMillen (MD)	Roukema	Upton
McNulty	Rowland (CT)	Valentine
Meyers	Rowland (GA)	Vander Jagt
Mfume	Roybal	Vento
Michel	Russo	Visclosky
Miller (CA)	Sabo	Volkmer
Miller (OH)	Saiki	Vucanovich
Miller (WA)	Sangmeister	Walgren
Mineta	Sarpalius	Walker
Moakley	Savage	Walsh
Mollohan	Sawyer	Washington
Montgomery	Saxton	Watkins
Moody	Schaefer	Waxman
Moorhead	Scheuer	Weber
Morella	Schiff	Weiss
Morrison (CT)	Schneider	Weldon
Morrison (WA)	Schroeder	Wheat
Mrazek	Schuette	Whittaker
Murphy	Schulze	Whitten
Murtha	Schumer	Williams
Myers	Sensenbrenner	Wilson
Nagle	Sharp	Wise
Natcher	Shaw	Wolf
Neal (MA)	Shays	Wolpe
Neal (NC)	Shumway	Wyden
Nielson	Shuster	Wylie
Nowak	Sikorski	Yatron
Oakar	Sisisky	Young (AK)
Oberstar	Skaggs	Young (FL)
Obey	Skeen	
Olin	Skelton	

NAYS—0

NOT VOTING—15

Brooks	Laughlin	Smith, Denny (OR)
Clay	Lent	
Collins	Levine (CA)	Unsoeld
Engel	McGrath	Yates
Foglietta	Nelson	
Ford (TN)	Robinson	

□ 1440

Mr. SYNAR changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

METAL CASTING COMPETITIVENESS RESEARCH

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 1243, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee [Mrs. LLOYD] that the House suspend the rules and pass the bill, H.R. 1243, as amended, on which the yeas and nays are ordered.

The Chair will advise the members this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 27, not voting 22, as follows:

[Roll No. 21]

YEAS—382

Ackerman	Carr	English
Akaka	Chandler	Erdreich
Alexander	Chapman	Espy
Anderson	Clarke	Evans
Andrews	Clement	Fascell
Annunzio	Clinger	Fawell
Anthony	Coble	Fazio
Applegate	Coleman (MO)	Feighan
Aspin	Coleman (TX)	Fields
Atkins	Combest	Fish
Baker	Condit	Flake
Ballenger	Conte	Flippo
Barnard	Conyers	Ford (MI)
Bartlett	Cooper	Frank
Barton	Costello	Frost
Bateman	Coughlin	Gallegly
Beilenson	Courter	Gallo
Bennett	Coyne	Gaydos
Bentley	Crockett	Gejdenson
Bereuter	Darden	Gephardt
Berman	Davis	Geren
Bevill	de la Garza	Gibbons
Bilbray	DeFazio	Gillmor
Bilirakis	Dellums	Gilman
Billey	Derrick	Gingrich
Boehlert	DeWine	Glickman
Boggs	Dickinson	Gonzalez
Bonior	Dicks	Goodling
Bosco	Dingell	Gradison
Boucher	Dixon	Grandy
Boxer	Donnelly	Grant
Brennan	Dorgan (ND)	Gray
Broomfield	Dornan (CA)	Green
Browder	Douglas	Guarini
Brown (CA)	Downey	Gunderson
Brown (CO)	Dreier	Hall (OH)
Bruce	Durbin	Hall (TX)
Bryant	Dwyer	Hamilton
Buechner	Dymally	Hammerschmidt
Bustamante	Dyson	Hansen
Byron	Early	Harris
Callahan	Eckart	Hastert
Campbell (CA)	Edwards (CA)	Hatcher
Campbell (CO)	Edwards (OK)	Hawkins
Cardin	Emerson	Hayes (IL)
Hayes (LA)	Miller (CA)	Schiff
Hefner	Miller (OH)	Schneider
Henry	Miller (WA)	Schroeder
Herger	Mineta	Schuette
Hertel	Moakley	Schulze
Hiler	Mollohan	Schumer
Hoagland	Montgomery	Sensenbrenner
Hochbrueckner	Moody	Shaw
Holloway	Moorhead	Shays
Hopkins	Morella	Shumway
Horton	Morrison (CT)	Shuster
Houghton	Morrison (WA)	Sikorski
Hoyer	Mrazek	Sisisky
Hubbard	Murphy	Skaggs
Huckaby	Murtha	Skelton
Hughes	Myers	Slattery
Hunter	Nagle	Slaughter (NY)
Hutto	Natcher	Slaughter (VA)
Hyde	Neal (MA)	Smith (FL)
Inhofe	Neal (NC)	Smith (IA)
Ireland	Nowak	Smith (NE)
Jacobs	Oakar	Smith (NJ)
James	Oberstar	Smith (TX)
Jenkins	Obey	Smith (VT)
Johnson (CT)	Olin	Smith, Robert (NH)
Johnston	Ortiz	
Jones (GA)	Owens (NY)	Smith, Robert (OR)
Jones (NC)	Owens (UT)	
Jontz	Oxley	Snowe
Kanjorski	Packard	Solarz
Kaptur	Pallone	Solomon
Kasich	Panetta	Spence
Kastenmeier	Parker	Spratt
Kennedy	Parris	Staggers
Kennelly	Pashayan	Stallings
Kildee	Patterson	Stangeland
Kleczka	Paxon	Stark
Kolbe	Payne (NJ)	Stenholm
Kolter	Payne (VA)	Stokes
Kostmayer	Pease	Studds
LaFalce	Pelosi	Sundquist
Lagomarsino	Penny	Swift
Lancaster	Perkins	Synar
Lantos	Petri	Tallon
Leach (IA)	Pickett	Tanner
Leath (TX)	Pickle	Tauke
Lehman (CA)	Porter	Tauzin
Lehman (FL)	Poshard	Taylor
Levin (MI)	Price	Thomas (CA)
Lewis (CA)	Pursell	Thomas (GA)
Lewis (FL)	Quillen	Torres
Lewis (GA)	Rahall	Torricelli
Lightfoot	Rangel	Towns
Lipinski	Ravenel	Traficant
Lloyd	Ray	Traxler
Long	Regula	Udall
Lowery (CA)	Rhodes	Upton
Lowey (NY)	Richardson	Valentine
Luken, Thomas	Ridge	Vander Jagt
Lukens, Donald	Rinaldo	Vento
Machtley	Ritter	Visclosky
Madigan	Roberts	Volkmer
Manton	Roe	Walgren
Markey	Rogers	Walker
Martin (IL)	Rohrabacher	Walsh
Martin (NY)	Ros-Lehtinen	Washington
Martinez	Rose	Watkins
Matsui	Rostenkowski	Waxman
Mavroules	Roth	Weber
Mazzoli	Roukema	Weiss
McCloskey	Rowland (CT)	Weldon
McCrery	Rowland (GA)	Wheat
McCurdy	Roybal	Whittaker
McDade	Russo	Whitten
McDermott	Sabo	Williams
McEwen	Saiki	Wilson
McHugh	Sangmeister	Wise
McMillan (NC)	Sarpalius	Wolf
McMillen (MD)	Savage	Wolpe
McNulty	Sawyer	Wyden
Meyers	Saxton	Wylie
Mfume	Schaefer	Yatron
Michel	Scheuer	Young (AK)

NAYS—27

Archer	DeLay	McCandless
Armey	Duncan	McCollum
Bunning	Frenzel	Nielson
Burton	Gekas	Skeen
Carper	Goss	Stearns
Cox	Hancock	Stump
Craig	Hefley	Thomas (WY)
Crane	Kyl	Vucanovich
Dannemeyer	Livingston	Young (FL)

NOT VOTING—22

AuCoin	Ford (TN)	Nelson
Bates	Gordon	Robinson
Borski	Johnson (SD)	Sharp
Brooks	Laughlin	Smith, Denny (OR)
Clay	Lent	
Collins	Levine (CA)	Unsoeld
Engel	Marlenee	Yates
Foglietta	McGrath	

□ 1449

Mr. LEWIS of Florida changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall numbers 20 and 21.

□ 1450

GENERAL LEAVE

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1243, the bill just passed.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 118

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the name of my colleague, the gentleman from New York [Mr. MCHUGH] be deleted from the list of cosponsors of House Concurrent Resolution 118, to which it was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CLEAN AIR AMENDMENTS CRIPPLE OHIO

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the proposed clean air legislation may be good for some States, but it is going to cripple our economy in Ohio. Last week the Clean Air Working Group [CAWG] released a job-impact analysis that is thoroughly frightening. The impact will be dramatic or even catastrophic.

At the very least, more than 200,000 U.S. jobs will be quickly eliminated * * * and the number could be as high as 750,000. If we throw in job displacements from proposed military cutbacks and base closings, we, here in Congress, may be heading our part of this country into a recession.

The study claims at least 46,780 jobs would be lost from Ohio alone—that is over one-third more than any other State. And all because of the lack of flexibility for meeting mandatory deadlines. Yet Ohio electric utilities lead the Nation in clean air investments with over $2.1 billion in air pollution control facilities through 1987. This represents over 10 percent of the total spent in the United States.

Mr. Speaker, Ohioans want clean air as much as anyone, but they also want to keep their jobs and feed their families. We can achieve clean air, all we are asking for is some flexibility in the time needed to meet the standards.

Mr. Speaker, I include the following material from the Clean Air Working Group.

CLEAN AIR AMENDMENTS COULD AFFECT 3 TO 4 MILLION JOBS NATIONWIDE

WASHINGTON, February 27.—Between three and four million jobs in almost half of the nation's counties could be adversely affected by proposed clean air legislation, a study released today by the Clean Air Working Group (CAWG) reveals.

The study, An Analysis of Jobs-At-Risk and Job Losses Resulting from the Proposed Clean Air Act Amendments, was conducted by the CONSAD Research Corporation, Pittsburgh, Pa. The authors, Dr. Robert W. Hahn, associate professor of economics and public policy at Carnegie Mellon University, and Dr. Wilbur A. Steger, adjunct professor of public policy at Carnegie Mellon and president of CONSAD Research, defined adverse employment impacts as loss of jobs, prolonged layoffs and reductions in wages and/or hours.

The study focused on the job impacts of a variety of proposed amendments to the Clean Air Act in three principal categories—Title III—Hazardous Air Pollutants (Air Toxics), Title IV—Permits, especially as they impact on small business; and Title V—Acid Deposition Control.

Not all jobs potentially at risk were identified and included in the study. Drs. Hahn and Steger characterized the findings as "conservative," noting that "only a limited number of U.S. plants and workers were included in the study and only direct effects were quantified." Changes in other titles of the Act and trickle-down effects could increase the jobs impact, they said.

However, according to the study, there is "little doubt that a minimum of 200,000 jobs will be quickly lost, with plants closing in dozens of states. . . . Few industrial sectors would be totally immune from such adversity. Large and small businesses, including new and established enterprises, will all be seriously affected in dozens of industrial sectors in locations everywhere in the United States."

The researchers estimated that the total number of jobs that would be affected by the proposed legislation ranges from 1.8 million under the Administration bill to more than 3.7 million under the most severe pollution control scenario in S. 1630.

The study noted that under each of the scenarios they examined, the majority of jobs impacted by proposed air toxics provisions would be in transportation equipment, chemicals, primary metals, paper products, electronics, petroleum refining, industrial machinery, and electric and gas utilities.

With regard to the geographic impact, the study says that under the moderate scenario some 895 of the nation's 3,100 counties would be affected. Under the most severe scenario, almost half of U.S. counties—1,446—would be adversely impacted. These counties, the researches noted, contain between 157 million and 190 million Americans, or 67 to 84 percent of the total U.S. population.

Acid rain control provisions would have their greatest effect on jobs in 20 states, principally in the midwest where industrial consumers of electric power are likely to experience significant rate increases.

Small businesses, especially those in ozone non-attainment areas, are expected to incur significant costs, the study says, including an average of $15,000 for permits and $50,000—$250,000 for equipment to monitor pollution. The effect, the study says, will be lost jobs now and lower growth employment opportunities in the future.

The study also points out that the adverse effects of the proposed clean air amendments would be compounded in communities that are in a "difficult economic position." These communities have "already high levels of unemployment and underemployment; a significant underclass; troubled, perhaps fiscally failing municipalities; and other indicators of already adverse economic conditions."

The Clean Air Working Group (CAWG) is a national, broad-based coalition of nearly 2,000 small and large businesses and trade associations working together to ensure effective and responsible clean air policies.

Mr. Speaker, this situation is serious for Ohio and Ohioans. My State needs some options and flexibility in meeting these arbitrary deadlines. Science and technology do not adhere to a bureaucratic schedule. Give us some flexibility.

□ 1250

HUMAN RIGHTS VIOLATIONS IN KASHMIR

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, a number of American Kashmiris have met with me and expressed their concern about the current political crisis in Kashmir, and the human rights violations occurring there. I believe that such concern needs the attention of our Government. The American Kashmiri community is in constant contact with relatives and friends, and is deeply disturbed by the reports they are receiving of the atrocities being committed against innocent women and children.

Mr. Speaker, the Indian security forces are using brutal and lethal force on peaceful demonstrators. I have reviewed a report by Amnesty International and a letter by the New York-based Committee to Protect Journalists, and agree with the views expressed therein. The use of lethal force on children and women, and the expulsion of foreign reporters, are contrary to internationally recognized and democratic standards of freedom of expression. In a democracy, the freedom of press is especially important. India, as the world's largest democracy must allow, and itself undertake, a free and impartial inquiry into the brutality of its armed forces. It must also allow access to all journalists and permit them unhindered to receive and impart factual information.

Mr. Speaker, the principal concern of Kashmiris right now is that of the denial of a fundamental human right—the right of personal freedom—to them. The will of the people forms the basis of the authority of government. Hundreds of thousands of people are out on the streets in Kashmir reminding the Indian Government that they do not accept its authority. Since 1947, when India annexed Kashmir, it has more often than not denied the people of Kashmir the freedom to exercise their vote in a free and fair election. The current uprising, in fact, was triggered off by the mass rigging of elections in 1987. Moreover, this uprising is the culmination of the Kashmiris' half-century-old struggle for freedom, which began in 1931 and paralleled India's own fight for freedom.

I realize that sovereign nations must not interfere in the internal affairs of one another. I also know that India and Pakistan have fought several wars over Kashmir. As a friend of both nations, we must encourage them to resolve their differences through mutual consultations. However, after a review of historical facts and my meeting with a group of American Kashmiris, I am convinced that the Kashmir issue is not merely a territorial dispute between two countries, but an issue of the right to self-determination of some 10 million people. It cannot be settled without considering the will and wishes of these people.

Mr. Speaker, the Kashmir dispute was brought to the United Nations by India and Pakistan in 1948. Realizing that Kashmiris had not voluntarily acceded to India, the two countries, and the permanent members of the Security Council agreed to hold a U.N.-supervised plebiscite as soon as possible. This U.N.-mandated plebiscite never took place. As a member of the Security Council, the United States has always supported the principle of self-determination for Kashmir. However, the motion was repeatedly vetoed by the Soviet Union. With the Soviet leadership promoting an era of glasnost and perestroika, and the winds of democratic change sweeping across Eastern Europe and the Soviet Union itself, the impasse on the Kashmir issue in the United Nations can be ended.

Mr. Speaker, I am also convinced that the Kashmir uprising is not simply a secessionist movement. The accession of Kashmir to India was never final. In 1947, when India became independent, Kashmir had a feudal ruler. At that time the struggle

for freedom and democratic rule in the region had been continuing for two decades. It was the Hindu king who invited India to send its armed forces to Kashmir. At the same time, however, India also made its commitment to the people of Kashmir that they would decide their own future. That is, whether to accede to India, to Pakistan, or remain independent. This commitment is an international agreement made by India, Pakistan, and the permanent members of the U.N. Security Council, all of whom have a moral obligation toward ensuring its fulfillment.

Mr. Speaker, until a free and fair plebiscite takes place in Kashmir there will be no peace in this strategic region. The people of Kashmir are currently in revolt against Indian occupation. They have waited for the last 40 years for a basic human right: the right to decide their own future. A new generation, painfully aware of the failure of peaceful means, sees violence as the only alternative. The brutality being used in Kashmir to curb such violence can only result in genocide, and catastrophic consequences for both India and Pakistan.

The Kashmir problem must be settled immediately. As people all over the world are being given a chance to express their will, so must Kashmiris be granted their right of self-determination. Such action would bring fulfillment to their half-century-old aspirations, and would also release tensions between India and Pakistan. Consequently, it would enhance a process of stability, growth, and development in the entire region.

Mr. Speaker, the United Nations could be the appropriate forum to settle this dispute. As a friend of both India and Pakistan, and as a member of the Security Council, our Government should take the lead in bringing the current Kashmir crisis to the attention of the world and seek, in cooperation with other permanent members, a meaningful solution for it.

[From the New York Times, Mar. 2, 1990]

INDIAN TROOPS KILL 29 PROTESTERS IN SECESSIONIST RALLY IN KASHMIR

(By Sanjoy Hazarika)

NEW DELHI, March 1.—At least 29 people were killed and about 25 wounded today in Srinagar, capital of the state of Jammu and Kashmir, when Indian troops fired on pro-independence crowds, news reports said.

The United News of India, quoting the Kashmiri radio, said 15 people were killed and 20 wounded when troops fired at crowds. In a separate episode, 14 people were killed and 15 wounded when army soldiers fired at a mob of people hurling rocks who had surrounded an army convoy.

The government-run All India Radio reported that seven people were killed when armed guards repulsed an attack by a mob on an army school bus in Srinagar but it was not clear whether this incident was a separate one or related to those already reported.

More than 120 people have died in six weeks of confrontation between the Kashmiri militants and troops sent to keep order. On Jan. 21, Indian Army soldiers opened fire in clashes with demonstrators defying a curfew in Srinagar, and at least 35 people were killed and 100 wounded. The violence that day was the worst in the nearly two years since a resurgence of secessionist sentiment began.

Since 1947 the militants of Jammu and Kashmir, the only Indian state with a Muslim majority, have sought either independence from largely Hindu India or union with Islamic Pakistan. Pakistan and India have fought two of their three wars over Kashmir, and parts of Kashmir are claimed by both nations.

After the latest surge of violence began this year, the national Government took control of Kashmir, a state with a population of about four million, under a constitutional arrangement known as governor's rule.

The killings today ended a shaky peace of several days during which Srinagar and other towns in the Kashmir Valley had seen large independence demonstrations. Although the violence between security forces and Kashmiri militants had eased, Srinagar and the other towns have continued to be tense because of the demonstrations. Most of the casualties have occurred in Srinagar, which is one of the major tourist attractions of the subcontinent.

OFFICIAL SHOT AND KILLED

There were no reports about a curfew being ordered to contain possible consequences of the shootings, which followed several days of largely peaceful protests by the agitators who have marched through Srinagar, waving the flags of militant groups, to press their demands.

The police said today that Pushkar Handoo, an assistant director of information in the state government, had been shot and killed outside his home in Srinagar, and that militants were suspected in the killing.

Mr. Handoo is one of several Hindu Government officials who have been assassinated in recent weeks, including the director of the government-run Srinagar Television Center, who was also killed near his home.

NO SUPPORT FROM OTHER MUSLIMS

Muslim leaders in other parts of India have not supported the agitation for independence in Kashmir. They have said that the state is an integral part of India and have opposed demands by Pakistan and the militants in Kashmir for United Nations-supervised plebiscites in the state. The goal of the plebiscites would be to enable Kashmiris to choose their political future.

A political scientist, Bashiruddin Ahmed, said Indian Muslims are distancing themselves from the Kashmir tangle because they are aware that they must survive in predominantly Hindu India. Mr. Ahmed, said Muslims outside of Kashmir did not see any need to endanger their existence. Muslims comprise India's biggest religious minority—they are about 100 million in a population of 800 million.

EASTERN EUROPEAN ECONOMIC COOPERATION AND POLITICAL FREEDOM ACT

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, today I rise to introduce the Eastern European Economic Cooperation and Political Freedom Act.

This bill is designed to help our exporters compete for the newly opened markets in Eastern Europe, protect our legitimate national security needs, and help promote pluralistic societies.

We have all watched with awe as the centralized governments and economies of Eastern Europe have fallen to popular movements. We've seen Czechoslovakia's velvet revolution and Poland's Solidarity take power. We applauded as the Berlin wall came down. We watched with horror as secret police in Romania fought house by house to hold onto power. And, we've wondered how the United States and our Western allies should respond.

This bill responds with hope tempered by a recognition the future is unknown. The Eastern European Economic Cooperation and Political Freedom Act is based on a recognition that we should, on a country-by-country basis, in response to changes toward democracy, remove the export restrictions that exist between western countries and Eastern Europe.

My bill would direct the United States to work with our Cocom allies to support identical general exceptions for exports to Eastern Europe. It would provide specific guidelines to American exporters through the publication of new regulations and advisory opinions. Exporters would be given prompt information on specific goods, sectors, and end users eligible for new general exceptions made in these times of new openness.

Mr. Speaker, in the past, U.S. exporters have suffered because our regulations have been more strict than those of our western allies. If we are to compete on a level playing field for new markets for our high technology goods, our rules and regulations must be consistent with those of France, West Germany, England, or other Cocom countries.

Our rules and regulations need to make sense. Today, for example, an American exporter may sell several MacIntosh Plus and IBM PCAT computers to Poland without having to procure an export license. But if the Polish end user wants to purchase the software needed to allow these decontrolled personal computers to share information off the same data base, then Mr. Speaker, the U.S. exporter must file for an individual license for the network software.

Another example, Mr. Speaker, are telephone systems. All but the most obsolete telephone systems require an export license. By obsolete, I mean at least 5 and probably 10 years old. If a Hungarian business wants to purchase a contemporary telephone system to operate a small business and provide

for call forwarding, call transferring, and a simple operator switchboard, his U.S. supplier would need an export license.

Mr. Speaker, computers and telephone systems are needed if we are to help Poland, Hungary, and the other Eastern European countries move into the international marketplace. Telephone systems are also needed by our own businesses trying to succeed in Eastern Europe. Barriers like these not only prevent the sale of U.S. equipment, but they give our exporters a bad name. Our international competitors go to Poland, Czechoslovakia, Hungary or Indonesia, for that matter, and say "Don't buy American. Their licenses are too complicated, their bureaucracy is too slow. Buy from us." Well, Mr. Speaker, this bill gets at this complaint. It prevents our bureaucracy from unilaterally preventing sales to Eastern bloc countries which are making strides for freedom, democracy and open markets.

These technologies are not exotic. Our offices, Mr. Speaker, have networked computers to share a common data base and modern telephone systems to expedite communication among our staffs and with our constituents.

Moreover, Mr. Speaker, this bill uses the incentive of access to modern technology to encourage continued progress toward democracy. Under the Eastern European Economic Cooperation and Political Freedom Act, the President must certify that progress toward open governments, open societies, and open markets continues in each country. We have a powerful incentive, which we can use to help the people of Eastern Europe enjoy political and economic freedom.

Last month, Mr. Speaker, you gave me a chance to witness history by naming me to the observer team which was to monitor the Lithuanian elections. Unfortunately, we were denied visas until after the election. Under this bill, if Lithuania were to become independent from the Soviet Union and if Lithuania were to meet the conditions of this bill, we would be able to help her return to the European economy as a free country.

Mr. Speaker, events are changing so rapidly that we need to develop a flexible and responsive regulatory system. A system which can respond to advances in democracy, human rights, open markets. A system which can respond if progress is reversed. The changes we are witnessing, Mr. Speaker, are historic. This bill allows us to respond to those historic changes and promote the cause of democracy.

The Eastern European Economic Cooperation and Political Freedom Act also contains a voluntary set of principles to guide Western businesses in promoting these values. Americans doing business in Eastern Europe can and should be powerful advocates of the principles of human rights and human dignity.

Finally, Mr. Speaker, this bill would help those struggling for democracy in other lands. We are witnesses to a new era in international politics. Our children will remember this as the time democracy took hold around the world. Who would have believed 30 years ago an electrician from Gdansk would address a joint session of Congress, beginning his speech with the words, "We, the people?" Who would have believed 30 years ago some leaders of the Communist Party in the Union of Soviet Socialist Republics would announce other parties should be allowed to participate, and private property should be encouraged?

But while democracy's advance around the world is inspiring, we must back up our words with deeds. We must do more than congratulate those who are striving for open markets. We must welcome them, help them, teach them. We all remember when Lech Walesa spoke to Congress, the standing ovations we gave him. But after the speech was over, he spoke to a small group of us. He told us Poland doesn't need the world's compassion. He said Poland doesn't need the world's favors or hand outs. Poland needs much more than the world's emotional support. Lech Walesa said Poland and other new democracies want trade and investment. This bill will help those countries, and it will help our exporters.

PAPER RECYCLING STANDARDS ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, communities across America are attempting to deal with the landfill crisis. Some have turned to incineration. Others have opted to truck their trash to other communities with open landfills. The city of Los Angeles has found a novel way to lessen some of its waste paper burden. In Los Angeles they are considering shipping some of their trash to China. The Chinese need it, the Los Angeleans don't want it.

Those approaches might get the job done for the moment, but the long-term problems will not be dealt with so easily. Incineration has many health concerns associated with it. Landfills are running out of space and are a source of contamination in many communities. And a slow boat to China, Taiwan, or any other of the nations that need waste paper is not a cure-all for the solid waste problems of the United States.

I believe that the problem of solid waste in general and used paper in particular is largely a recycling matter. The unnecessary use of natural resources is never a good idea. We should be moving toward a system of paper use that protects the environment.

Each year the United States recycles about 22.6 million tons of paper. That's an impressive number until you realize that in that same year we use and discard 64 million tons of paper products. Most of this waste paper is dumped in landfills. The EPA estimates that over 80 percent of the landfills that were in operation in 1988 will close in 20 years.

The United States spends over $9 billion a year to dispose of its solid waste. Recycling is an option that can have economic as well as environmental benefits. Recycling can create 36 jobs per every 10,000 tons of material as opposed to 6 jobs per 10,000 tons brought to a landfill or an incinerator. Studies have concluded that, in some applications, as much as 23 percent less energy is needed to produce paper made with recycled stock.

Research on EPA data has pointed out that that while no type of paper manufacturing is totally safe for the environment, the pollution from tree cutting and timber transportation is often overlooked when comparisons are made between virgin and recycled paper production. Even if all statistics about the two types of production were the same, the fact is that unrecycled waste paper is just garbage choking our landfills or smoke filling our skies.

I am today introducing legislation to use the Tax Code to encourage the recycling of paper products by requiring paper manufacturers to use specific amounts of reclaimed/recycled paper material in their production. The bill provides that:

The guidelines for the percentages of recovered materials to be used in the production of paper are the same as the procurement guidelines set forth by the Environmental Protection Agency in June 1988 (Section 6002 of the Solid Waste Disposal Act, as amended by the Resource conservation and Recovery Act, subsection 250.4. Federal Register, June 22, 1988).

A manufacturer of paper is defined as one that produces over 200,000 tons of paper per year.

For the first year after this legislation takes effect, manufacturers will pay the following excise tax (per short ton) on printing, writing, tissue, packing, and paper board that does not meet the recovered material content guidelines of this legislation.

Paper type	Dollar amount (per ton)	Year (after implementation)
Writing/printing	7.00	1
	8.00	2
	9.00	3
	12.00	4
	15.00	5
	24.00	Thereafter.
Tissue	.90	1
	1.10	2
	1.40	3
	1.70	4
	2.20	5
	3.60	Thereafter.
Packing	3.90	1
	4.50	2
	5.50	3
	7.00	4
	8.00	5
	14.00	Thereafter.
Paperboard	3.50	1
	4.00	2
	5.00	3
	6.00	4
	8.00	5
	13.00	Thereafter.

The excise tax will not have to be paid by manufacturers that meet the percentage goals of the guidelines for that year.

The definition of paper includes all types of paper (as defined by section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, subsection 250.4. Federal Register, June 22, 1988).

The taxable years of the legislation will begin after January 1, 1992.

Newsprint is not covered in my bill since that sector of the paper industry is being addressed through other proposals. If, however, progress is not made in the newsprint segment of the industry, this legislation can be amended to encourage the recycling of newsprint.

I realize that there are some types of paper that need a near total content of virgin material to insure packing strength or proper sanitation. These products, as defined by the EPA's guidelines which interpret the Resource Conservation and Recovery Act, would be exempt from this legislation. All other types of paper would be expected to conform to the EPA guidelines.

To help ensure the continued international competitiveness of the American paper industry, the bill also increases the tax on imported paper for foreign paper producers that do not meet the suggested EPA guidelines for the minimum amounts of recycled materials in paper products. Exports of paper products are also excluded from this legislation.

By using the tax approach, we are really internalizing to the paper companies some of the external costs of their products: the costs of landfills, incinerators, pollution damage, garbage collection, et cetera. It is only fair that the companies which produce these products and which place such a burden on public services either pay a tax for those costs—or better yet, ensure a market for the recycling of their product.

I would like to work with the paper industry to find the most efficient and least bureaucratic way to speed the national move toward recycling. The bill I am introducing today is a draft bill and I would like to hear from the recycling and paper industries about ways to ensure that the bill uses economic forces efficiently to promote a cleaner, more environmentally sound America.

THE MEDICAID STATE SHARE PROTECTION AMENDMENTS OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. COOPER] is recognized for 5 minutes.

Mr. COOPER. Mr. Speaker, I am introducing this legislation to protect State Medicaid budgets from unwarranted Federal intrusion. This bill would stop efforts by the Health Care Finance Administration [HCFA] to place unprecedented restrictions on States' options for financing their Medicaid programs, restrictions that would cost states hundreds of millions of dollars. Countless poor people would be hurt as a result of this heartless policy.

On February 9, HCFA proposed rules which would restrict States from raising their share of Medicaid costs through a number of common financing strategies. They would bar voluntary donations, special fees or taxes, and even sales or excise taxes when they apply to medical assistance payments.

For many States, these are vital sources of revenue. The regulations would restrict for the first time the wide latitude States traditionally have had in financing their programs—even ones with Federal matching money.

In these times of skyrocketing health care costs, and increased Federal mandates and priorities, we should be improving States' options for raising revenue, not limiting them. Health care spending is swallowing up State budgets. What's more, we in Congress have passed broad expansions of Medicaid such as mandatory coverage of all poor seniors, and of poor and near-poor infants and children.

In my State of Tennessee, hospital donations and licensing fees are our only means of meeting the mandates and priorities passed by Congress while maintaining bare-bones Medicaid coverage. The new regulations would end these funding sources. And Tennessee is not alone. States immediately affected include Florida, Texas, California, New York, West Virginia, Alabama, Ohio, and Georgia. The regulations would disqualify hundreds of millions of dollars in State Medicaid budgets from Federal matching.

Currently, Federal laws prevent States from revoking even its optional expansions. If the Bush administration succeeds in restricting how States can raise their funds, States will have no choice but to cut still insufficient benefits and reimbursement, already below cost for many services.

The express reason HCFA gives for the new restrictions is that the donations, special taxes, and fees, even sales taxes on medical services are unfair. They say it's almost a kickback if facilities which put up Medicaid money—whether through taxes or donations—get State and Federal reimbursement for their services. But this is no more a kickback than when taxpaying citizens get subsidized health care or other benefits for their money. Also, strict rules already exist which prevent real kickbacks.

The real reason for the financing restrictions is simple: It's supposed to be a budget savings. If the Federal Government refuses to match a whole category of State money, it's that much less money spent. This is not just bad policy, it's not real savings. Whatever State money HCFA doesn't match—why, they could have said income taxes don't count—States have to find Medicaid money somewhere. It may take some time, but States have no choice. And when they do find the money, the Federal Government will have to match it just the same.

My bill will stop these damaging restrictions in two ways. First, it would leave States free to finance their share of health care funds through taxes of their choice without interference from HCFA. The bill does not endorse one tax or another. It simply leaves State tax matters to the States, as they should be.

In addition, the bill expressly allows donated funds to be used as part of a State's share of Medicaid spending, though with two limitations to prevent abuse: The donations cannot amount to more than 10 percent of the State's Medicaid spending, nor can a donation be more than 10 percent of the donating facility's gross revenues.

These provisions were passed by the House last year as part of budget reconciliation, but a moratorium against the regulations was substituted in conference. This moratorium expires at the end of this session.

So we must act now to prevent implementation of the proposed rules. The Federal Government has no business telling States how they can raise their funds. The HCFA policy is a recipe for shattering State Medicaid budgets in the name of phantom savings.

□ 1500

IN SUPPORT OF LEGISLATION TO ADDRESS THE PROBLEMS OF DRUGS AND CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing two bills with my colleague, Mr. MCCOLLUM. The first is the Mandatory Detention for Defendants Convicted of Serious Crimes Act, which would require the detention, in most cases, of a convicted criminal pending sentence or appeal. There is almost never a good reason for letting someone already convicted of a violent crime or serious drug trafficking offense back on the street. This bill would keep them in prison. The second is the Mandatory Prison Sentences for Armed Drug Traffickers Act, which ensures that drug traffickers and other violent criminals receive appropriately harsh penalties. This legislation will help remove dangerous criminals from our communities and send out the message that society will not tolerate violent drug crimes.

The 1984 Bail Reform Act strengthened the law to require that a defendant be held pending trial unless he posed no danger to the community. However, under current law, a judge has discretion to release a convicted criminal pending sentencing or appeal. This bill would tighten that loophole considerably, allowing release only under very narrow circumstances. There is no presumption of innocence once a defendant has been convicted,

so the law should not allow a convicted criminal to enjoy the privileges of an innocent man.

This legislation would prohibit the release of a convicted criminal in the presentencing setting unless a judicial officer finds there is a substantial likelihood the defendant's motion for a new trial or aquittal will be granted and the defendant is not likely to flee or pose a danger to the community. In the appeals setting, the convicted criminal could only be released if the attorney for the government files a motion indicating that there are exceptional circumstances which warrant release and the defendant is not likely to flee or pose a danger to the community.

This legislation will close a loophole on the Federal level and serve as a model to States grappling with this problem. It is difficult enough to convict drug dealers and violent criminals, without allowing them back on the street to commit more crimes before sentencing.

The Mandatory Prison Sentences for Armed Drug Traffickers Act ensures that drug traffickers and other violent criminals receive appropriately harsh penalties.

Americans have identified the violent crime associated with drugs as the No. 1 problem facing our Nation. Our law enforcement agencies report that they face violent drug gangs equipped with machine guns, sawed-off shotguns, sawed-off rifles, grenades, firebombs, and other deadly weapons. Current law provides some enhanced punishment for armed drug traffickers and other violent criminals, including a 30-year mandatory minimum sentence for those who use a machine gun or silencer in connection with drug offense. But Federal law enforcement officials have called for legislation to provide stronger penalties against violent drug gangs with their modern arsenals.

This bill will respond to the call by extending the enhanced penalties to cover not only machine guns and silencers, but the other deadly weapons used by violent drug gangs. It imposes a 10-year mandatory prison sentence for the use of sawed-off shotguns or sawed-off rifles in connection with a drug trafficking offense, and a 30-year penalty for the use of destructive devices.

This bill will also help the States in their struggle against drugs by allowing the Federal Government to reach the worst offenders apprehended by State and local officers. If the underlying violent or drug trafficking crime is one that is prosecutable under Federal law, the offender will face a mandatory prison sentence in the Federal system. State and local prisons are sorely overcrowded. This bill lessens that burden by permitting the use of Federal courts and prisons for some of the worst cases.

Mandatory prison sentences for drug traffickers with machine guns or silencers have already proven valuable. While in terms of completed trials this is a relatively new law, the Bureau of Alcohol, Tobacco and Firearms [BATF] reports that, through August 25 of this year, 326 individuals have been sentenced under this statute and have received a cumulative 1,815 years of mandatory prison time. BATF indicates that from two to three times this number are pending trial at this time. Moreover, BATF has found that this statute has helped to crack the criminal codes of silense and fear. Faced with certain prison terms, suspects are willing to cooperate with law enforcement.

I hope my colleagues will join me in supporting this worthwhile legislation. Thank you.

CURRENT TAX LAW RIGS WORLD MARKETPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, a recent story in the business section of the Baltimore Sun reports that the IRS has been auditing U.S. subsidiaries of foreign-owned firms for possible underpayment of taxes. These audits have been triggered because in 1986, more than half of 36,800 foreign-owned companies reported that they had no taxable income.

On the cases now being audited by the IRS, underpayments could amount to as much as $12 billion.

These estimates and the auditing involve identifiable foreign-owned firms—foreign subsidiaries incorporated in the United States. I wonder, however, how much more tax is being lost to individual foreign ownership of commercial properties.

It has been impossible to get legislation passed to require foreign investors to register with this Government. So that when a foreign individual buys a farm or a shopping center or an apartment building, the Internal Revenue Service has no way of knowing that it has passed into foreign hands. The same is true for stocks and bonds or any of the other assets of this country.

And, if we were to have this list, not one of those investors would be required to pay one penny of tax on profits to the Government. Right now, every Treasury bill that is sold to a foreign investor is sold tax free. Currently these foreign purchases cost the Treasury in excess of over $1 billion per year.

We have no more right to collect taxes abroad on moneys earned inside the United States than we do to collect taxes in any foreign country from their citizens. That is why up until 1984 we collected upward of 30 percent of all money earned in this country before it was allowed to be repatriated. I use the phrase "upward of 30 percent" because we had tax treaties with every country and in each treaty the amount was different.

In the instance of Great Britain, we collected no taxes. In the matter of Japan, we collected 15 percent. The 1984 act was an effort to make all the treaties conform, so we have wound up collecting nothing. Of course, the countries reciprocated and collect no taxes from U.S. investors.

The IRS position on U.S. foreign investment is that if the investment is active, in a going business, the IRS won't collect any taxes either. It's heads they win, tails we lose.

Think about it, Mr. Speaker. We collect no tax money on foreign investments, not incorporated in this country, and on most foreign investments abroad by U.S. companies, we collect no taxes. The puzzle to me, thinking about it, is why any native American money is ever invested in this country. And, looking at GNP growth of around 2 percent, seemingly, less and less is invested here.

For a very long time I have been trying to understand the internationalization of our economy and every time I think I have come up with some understanding, the shells are moved again and the pea eludes me.

But, this time, looking at the tax picture, I believe I may have found the proper shell. Many of my constituents have been complaining that the multinational companies are doing the country in on taxes. Frankly, I haven't wanted to believe them and I haven't. But, the more I look at the tax laws, the more I am convinced that there are absolute bonuses—big-time tax benefits which have encouraged manufacturing flight.

And in the wake of American plants moving offshore, foreign plants—with our encouragement—have moved in to fill up the void.

The efforts of the internationalists and free traders to convince us that globalization is wonderful—the wave of the future—and all that happy baloney seem, in reality, nothing more or less than a massive public relations campaign to cloak avarice.

Isn't it wonderful to be able to have a set of books in three countries, better yet, 10 or 12 countries, with no one single taxing authority able to examine them all? Oh the infinite possibilities for showing losses wherever you are.

I would suggest to you, Mr. Speaker, that the only country in which any one of these companies will show a profit is the country where they sell the greatest amount to stock.

Now, freed of tax paying at the rates the rest of the citizens—in any country pay—what kind of citizens do these corporate giants become? Are they concerned about the wage and hour laws of their parent country? If they're manufacturing offshore, probably not. What about pollution in their native country? The cost of cleanup won't bother them. The majority of their operation is in other nations.

What about good, efficient government in their native country? God forbid. They might have to pay a fair share of taxes.

What is being created by this internationalization of corporations and economies are cartels—so multination-

al that they are above the law of any one nation, so large that the amounts of money they have to spend dwarf the budgets of many of the smaller nations, so powerful that the nation begins to exist for their benefit, rather than they being the servants.

Remember the president of General Motors—Charley Wilson's—famous quote, "What's good for General Motors is good for the country."

Every session of the Congress we increasingly see Mr. Wilson's maxim being implemented when U.S. corporations show up lobbying the Congress against any kind of restriction on foreign imports even when the foreign company has broken trade agreements.

In the matter of Toshiba selling technology through to the Soviets—technology which destroyed the edge this country had on silent submarine production—the heaviest and most productive lobbying against a ban on Toshiba's import was waged by American multinational corporations.

News reports focused on the huge sums of money expended by Toshiba and Japan, Inc., for powerful Washington lobbyists, but, in my opinion, the arguments which carried the day were those from the major U.S. microelectronics firms.

And interestingly, the ban on Toshiba was gutted. And this last year the company reported more profits from America than ever before.

Right now, as we are renegotiating GATT—the General Agreements on Trade and Tariffs—many of these same so-called U.S. companies have hired a Washington lobbyist to weigh in on the side of foreign interests to gut restrictions against such predatory trading practices as targeting markets and dumping products in the U.S. market at artificially low prices.

A Washington Post article on Sunday headlines "GATT Talks: Selling Ourselves Short." the subhead reads "America's Giving Away the Store in Geneva." Evidently, the efforts of some of the multinationals are already being effective.

A more chilling note, however, comes out of this story. Gilbert Kaplan, former acting Assistant Secretary of Commerce for Import Administration, who is the author of the article, states that the U.S. Trade Representative has already folded to the Europeans on section 337 which allows the President to prohibit the importantion of foreign goods that infringe U.S. patent, copyright, or other intellectual property rights.

This is the section that keeps pirated products from being sold profitably inside this country.

Incredible that we would be willing to give up that protection.

But, then, our multinational corportations can play it from inside the European Community or outside the European Community; they can always pick their trading bloc. And, as if to make my point, stories this week commenting on the EC's trading position report that for trade purposes, Texas Instruments is considered a Japanese company and IBM is considered a European company.

We are witnessing the destruction of the state by economic forces that are no more benevolent than the cartels of the 1920's and 1930's which controlled Germany and Japan and fed the nationalism that plunged the world into the Second World War.

And we have had our own dose of unchecked Adam Smith in the era of the robber barons—"those malefactors of great wealth," as Teddy Roosevelt called them—who turned the goons loose on the early organizers of the labor movement in this country.

This whole nostalgia for Adam Smith and the invisible hand of the market place—to make the choices of the companies who will live and who will die—is pure balderdash. The free market place is a jungle. The winner, the biggest tiger. The one who wounds the most and kills the most and terrorizes all. Mr. Smith's invisible hand takes the food out of the little animals' mouths starving them before they grow up to become competition.

Brutal? Shocking? Let's look at the effects of untrammeled free trade. Tour Lowell, MA, as the Wall Street Journal did. A town first impacted by the breaking wave of textile imports and job flight in the 1970's, now suffering a second reversal with the loss of a major microelectronics company—Wang.

With that, as this article points out, they not only lost the industry, but they lost all of their service industries with it. The hotels are hurting, the restaurants are hurting, all of that service economy that we have been told will replace the industrial base.

But, it is not only Lowell. The industrial rust belt stretches from Michigan through the North Central States into the Northeast. The trail of disrupted lives created by the loss of auto manufacturing and television production, machine tools and ball bearings, foundries and watch factories—is now spreading to the high technology centers of the Northeast and the Far West reflecting the current foreign assault on the microelectronics industry.

I would be doing a disservice to leave the impression that all of the losses of industry in this country are due to the operations of the marketplace or to foreign targeting of markets, we in this body share much of the blame.

The tax laws encouraging manufacturing flight were passed by the Congress. The high interest rates growing out of the undisciplined spending of the Government rest at our feet. And among all of the culprits that discourage startup companies and the development of new products, I can think of none more guilty than the high cost of capital. And nothing is moving U.S. companies into foreign joint ventures any faster than the shortage of reasonably priced long-term investment money.

For the leadership of this country to disclaim any industrial policy, considering the effects on industry of taxing policy and foreign trade policies, is ludicrous. While we are not operating as a planned socialist economy—as most of our trading partners operate—U.S. law certainly controls the operation of manufacturing inside this country.

And no matter how much we proclaim the existence of a level playing field on which U.S. companies can compete, statistics do not bear this out—unless you believe that every plant in every industry lost to foreign competition over the last 15 years was operated by totally incompetent managers.

Our companies, our managers have been pitted against closed markets in Southeast Asia and the value added tax in Europe which places on average a 20-percent tax on every product going into the Common Market.

In truth, much of the recent manufacturing flight into Europe has been an effort to deal with the value added tax on an equal footing with European products. When European companies export, their governments rebate that 20 percent which then acts as an export bonus.

We, in this body have not seen fit to rebate the 30 percent taxes on U.S. products to our companies; when a U.S. product competes in the European market it carries not only the burden of 30 percent U.S. taxes but it carries an additional burden of 20 percent value added taxes making it unprofitable for most companies to enter European markets.

Free Trade? For whom?

I have to be fair to the multinational corporations. Were I to be managing a profitable U.S. company facing European trade barriers, I would consider opening a new plant inside the Common Market. I could pay one of the taxes—either value added or U.S. income tax. Not both.

U.S. tax law would give me every writeoff for building abroad that I am allowed for building in Baltimore County. My profits kept abroad would not be subject to U.S. tax. I would be foolish not to consider corporate flight.

The choice of manufacturing in a Third World country is even more attractive. Wages are much lower than in the United States and Europe, and environmental restrictions less stringent. Tax benefits granted by the U.S. Government for offshore operations, the same.

The grim picture I have painted of what is happening to this great country is an effort to dispel the notion that a free marketplace economy operates any place except inside the U.S. market. Current tax law rigs the world marketplace only for companies large enough and profitable enough to operate internationally.

I would also refute any notion that the conditions we see in this country just growed, like Topsey. We are a nation of laws and thereby a country working on policy stemming from those laws and we the Congress are responsible. As one of my favorite Presidents, Harry Truman said about his job, "The buck stops here." Ultimately, the American people will not blame either Adam Smith or the free traders for the loss of America's greatness in the world, they rightly will blame us.

□ 1520

INFRASTRUCTURE AND INVESTMENT

The SPEAKER pro tempore (Mr. CARR). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I appreciate the opportunity to address the House during this special order. My subject today will be infrastructure and investment.

Mr. Speaker, my observation, to be quite frank, is that you mention infrastructure in any town meeting, and you can just watch everybody's eyeballs roll back in their heads. It may be a word that can put people to sleep quicker than any that I have run into in a long time. But let us talk about what infrastructure is and what the significance of investment in our Nation's infrastructure is and why we are falling down on the job.

Infrastructure. Did you drive to work today and feel frustration, Mr. Speaker, at the way the traffic was backed up, all those lanes of traffic funneling it seemed like, two or three lanes trying to get over a bridge maybe in some distant beltway, whether it was Washington or L.A. or New York or Houston or wherever. Or maybe there was a hazardous materials accident that happened, so they had to rope off that entire section of freeway, diverting traffic somewhere else. Why is it that one of the most popular shows nowadays during rush hour is the traffic report, where do you go, where do you not go in order to get to work? That is infrastructure, Mr. Speaker. It is the ability to get to work and get there on time.

What else is infrastructure? Infrastructure is coming up to a bridge, and as you go over that bridge, it might be a big bridge, but as you go over that bridge, which is the only artery into the city you are trying to get into to go to work, as you go over that bridge you see orange barrels stacked alongside, perhaps making it impossible to travel in a few lanes. You kind of think as you go over and as you inch over that bridge at a much slower rate than you did just a few months ago, you think why are those orange barrels there? They are there I guess because of construction, and does that mean this bridge is deficient, does that mean this bridge needs repair? Once again, that is infrastructure, Mr. Speaker.

Or you decide you want to fly somewhere, and you go to an airport. There has not been a new, modern airport built in this country since 1974. So you wait, and your plane is late, and it is clogged up, it is out there on the runway. Sometimes you can actually see it, but the problem is it cannot get into the gate. Why? Because there are not enough gates. Why? Because the air traffic control system is not operating properly. Why? Because perhaps the weather is such or the runway is not long enough. Whatever the reason, Mr. Speaker, or maybe there is just a tie-up overhead, or perhaps they are just late getting out of Chicago, whatever the reason, Mr. Speaker, that is infrastructure, and infrastructure is what drives this country and makes this country move.

Finally, perhaps maybe you want to grow in your community, like in West Virginia we want to build and we want to grow. There are certain prices you have to pay for growth, and one of them is cleaning up the environment. You cannot leave it now any worse than it was before, and indeed we want to leave it better. So you go down and you put in the plans for a shopping mall, or a factory or something where people can work in and create jobs, and the first person you run into is the health department who says I am sorry, but we do not have adequate sewage treatment and therefore you cannot build. There is a moratorium on this area because the river can no longer take anymore sewage being dumped into it. That is infrastructure.

Mr. Speaker, the failure to invest in infrastructure means less jobs. Indeed, it means a declining standard of living. So when we talk about investment, and there is a lot of talk about investment nowadays, the important thing is to recognize what investment is and what we are talking about.

That is my concern with the President's budget, Mr. Speaker, and my concern with the present President's policies concerning investment, because we are not investing in the future. We are not. We are eating our seed corn; we are not planting it. So we need to talk some about infrastructure and what it means, how we get those orange barrels off the bridges and off the roads, how we get the traffic moving more quickly to our workplace. Moreover, also importantly, getting goods transported from one workplace to another workplace. We need to talk about building some of those airports that are so vital if we are to maintain our international competitiveness. We need to talk about cleaning up through investment in sewage treatment, through creating water systems that did not exist before. So that is infrastructure, Mr. Speaker, and we need to be investing in it.

Are we investing in it? Far less than we ever did before. In 1960 this country was investing over 4 percent of its gross national product in infrastructure. Today it is less than half of that. In real dollars, in constant dollars, in 1980 this country was investing in transportation infrastructure alone $29.1 billion a year. Today it is down to somewhere around, in constant dollars, $20 billion a year, and shrinking.

So, Mr. Speaker, we can see that where we ought to be on the way up, we are headed on the way down. What does that mean for the future?

Ironically it means that we are celebrating this year almost the total completion of our Interstate Highway System, almost 43,000 miles; yet, the irony to that is that that highway system now, much of that highway system now needs to go through its first wave of maintenance; that is, the repaving that is so necessary to keep that highway up, or it will no longer be able to function as it was once envisioned. That is infrastructure, and we need to invest in it.

We need to be building a new round of highways, not simply concentrating on repairing the old, and yet we do not have the money to do that. Why? Because we are not investing. Why? Because they call it deficit reduction, but I have never seen a situation where you stop investing.

Tell me any company that figures that the key to success is to stop investing. Instead, what companies do is they try to invest. They know how important it is, whether it is in research and development, whether it is in capital equipment or whether it is training for the workplace, they know the importance of investment.

We have a lot of needs. The National Committee of Public Works, which reported to President Reagan just 2 years ago, estimated that our total infrastructure needs in this country are something like $90 billion, and that is just to maintain our present level. That is some building and also some maintenance, but that is to maintain our present level. Yet how much are we spending at the State and local and Federal levels; $45 billion, exactly 50 percent of what is needed. So that investment is not being made.

We have had it all right for the last few years, that is right. You can sort of coast along for a while. You can

delay that maintenance schedule one more year. We will just hold off putting the concrete or the asphalt down on this 10 miles of highway, we will hold off building that bridge, we will hold off extending that runway, we will hold off on building that sewer system, and we will do it for another year, and it will look good on the books for that one year. But we know we are undercutting ourselves and undercutting not only ourselves but our children.

I guess the figure that gets me on transportation infrastructure, for instance, is that most nations understand the need to invest in infrastructure, so on a chart you will see the investment trend line going up. Not so in the United States. Our tend line is going down.

Look a sewage construction, for instance, and you will see that the Construction Grants Program which was authorized for $2.4 billion, the Bush budget requests $1.6 billion this year and it ends next year, so you can see what is happening there. Look at highways and look at the airports, look at the bridges, look at the mass transit, and you see all of those tend lines are down, heading downward.

It is interesting to note that on a per capita basis, 54 nations spend more per capita than the United States does. I do not know about you, Mr. Speaker, but I do not feel good knowing that Surinam probably spends more on infrastructure and investment than the United States of America.

How are we to continue being the economic power that we want to be, that the previous speaker was talking about, if we are not willing to make that kind of investment? I worry about what kind of country we are going to be in 4 or 5 years.

For instance, on the earthquake in San Francisco, look at all that had to be done for this great Nation to put together $2.5 billion to go to San Francisco and some for Hurricane Hugo. But we did not even have that much that we could spare it. It had to be taken from other accounts in order to respond to that emergency. There is so much that needs to be done.

Infrastructure is vital, Mr. Speaker, to our economy. I think it is important to look at exactly what some of the budget figures are. I have pulled some to compare.

The Bush budget, for instance, in the highway trust fund, and incidentally that highway trust fund is not the general fund, that is not the money that comes from our general tax revenues, whether it be an income tax, or corporate tax, or any other tax revenues, that is money that comes from every time you pull up to the pump and pump a gallon of gasoline, and that money goes into the highway trust fund. For what purpose, Mr. Speaker? For one purpose only. Not to reduce the deficit, not to pay old age benefits, not to pay any other kind of benefits, not to buy new missiles for the Defense Department, not to promote education. That money is there for one purpose, and that is to build highways, the highway trust fund. Let us remember that because I will be talking about it a lot.

In the highway trust fund this year, the President requested budget authority of $14.6 billion. That is down from last year. That is a 9-percent cut from last year. Does that mean he did that because the highway trust fund does not have any money in it?

□ 1530

No, indeed there is a surplus in the highway trust fund, almost $18 billion a year, $18 billion over what was obligated.

Why is that surplus there? Because deficit reduction pressures, read that "Gramm-Rudman," say that the more money you save and you can store up in a surplus, you can then credit against the deficit.

So we mindlessly store up $18 billion in highway funds that should be spent on highways, simply to offset against the deficit.

Remember Senator MOYNIHAN and his statement about the "dirty little lie," the social security trust fund and how that money was being used to reduce the deficit? Well, that "dirty little lie" extends on over to the aviation trust funds and to the highway trust fund.

So that is one of the great concerns that we have to have. So instead of using the money that is available in the highway trust funds to build the highways so crucial to us, instead what the administration proposes to do is cut what could be expended.

Same thing in the aviation trust fund. There is an increase, there is a slight increase asked for in the budget for aviation. I might add there is also an increase in the aviation ticket tax from 6 percent to 8 percent. That is from the "no new taxes, read my lips" generation.

But there is an increase.

However much of the money still available for aviation, $7 billion surplus, will not be used for that purpose either.

So that becomes something that could be available to build airports that are so vital to this country and yet is not going to be.

Did you know that 9 percent of the highways are considered deficient and that 36 percent of the highways are considered only in fair condition? Nine percent of the highways are considered in need of some kind of structural repair.

Feel safe crossing that bridge? Did you know that the situation with bridges is even more significant, that nationally 28 percent of all bridges, roughly 80,000 bridges in this country, are considered structurally deficient?

That ought to make you feel real good crossing, driving home in rush hour traffic across the "orange barrel" bridge.

That is just on the federally assisted system of highways. In some States the figure goes far higher, ranging to 40 percent and some even to 50 percent.

So you can see there is a price to pay.

When you pick up the paper and see about that interstate bridge that collapsed in Connecticut a few years ago, when you see bridges that are falling down and suffering great problems in other areas of the country, that is the price we pay.

Not only is there danger to the people crossing it but also to the economic situation in those communities.

So there is a price, there is a devil of a price that we are paying for failure to invest.

How long can we continue to go on this way? Each year we are told we can go a little longer, we can go a little longer. Yet we are reaching a crisis stage. We are reaching a crisis stage when we see our competitive nations, our allies yet our competitors, rapidly increasing their infrastructure because they know its importance. They know the importance of the roads to get their products to market; they know the importance of the airports which speed products to market and speed people to distant locations; they know the importance of the inland waterway sytem which must be funded in order to permit rapid barge transit of some of our crucial goods, so many of our crucial goods; they know the importance of the water systems, they know the importance, yes, of prisons, yes, and we know how underfunded we are for that. They know the importance of so much of what makes modern life possible. So what are they doing? They are putting an increasing part of their gross national product into infrastructure.

What we are doing is we are undercutting ours.

What can be done? First of all, the first thing that has to be done is to recognize the vital role that the Federal Government plays in transportation, particularly.

I have been waiting with bated breath for the Department of Transportation to come out with its much vaunted, much announced, much heralded study on transportation with recommendations about what can be done to take us into the next century.

I think it started out, probably, as a pretty bold approach. Unfortunately, after the OMB bean-counters got a hold of it—and remember we have Gramm-Rudman and we cannot invest even if you get a better return for

years to come—we still have to cut the budget at least to credit those assets against the deficit.

So after the OMB bean-counters got finished with it, apparently what we are down to is a basic call for self-initiative, which helps a lot, for entrepreneurship, for privatization—that is fine, but I do not know too many people that are up to building a massive six-lane tollroad, maybe in a few places but not a whole lot. We are up to requiring the States to pay a much greater share of any type of transportation initiative of the future. Present matching is often 80-20 Federal to State. This would increase it to 50-50 or perhaps even more than that. I suggest to you that what that does is to say that the Federal Government is running out on roads, that the Federal Government is not going to be a player anymore.

So the vital network of interstate highways that we are all so proud of, the 43,000 miles that were built starting in 1958 under Dwight Eisenhower, that is going to be the last significant involvement of the Federal Government, if the Department of Transportation's policies take effect.

I suggest to you that we can do better than that, that what we need is a true investment initiative in this country. Indeed, this poster that I have here reflects total funding for all investment. I have to stress this is not just infrastructure, but it also illustrates the problem with infrastructure. This is also education here, job training, community development block grants, those kinds of programs. It shows that what we need is an investment initiative. The President talked a lot about investment in his State of the Union message a couple of months ago in this hall. I was fascinated, I waited eagerly, I turned pages frantically to see what he was going to say about infrastructure. Show me how we are going to move, give me a sense of the vision of the miles of highway that we are going to roll out, the traffic jams that would be eliminated, the productivity that would be increased.

Do you know how he referred to infrastructure? He said we need infrastructure policy. That was it. Infrastructure policy.

No recognition of the problem, and more importantly, no statement of how we get there.

So I have to dismiss the President's approach. I found unfortunately with promises and statements like that, that infrastructure is probably too vital to be left to the administration because they do not understand.

I have also observed that if promises were asphalt, there would not be a pothole left in any road in West Virginia or any place else.

We have plenty of potholes, and unfortuantely we have had plenty of promises.

So it is time to talk about a definite program. What other impact on infrastructure? We are not talking just about the need to get from point A to point B quicker. That helps. We are talking about the fact that there is an already demonstrated link between infrastructure spending and productivity increase.

What is it that we are trying to do to become more competitive with Japan, with Germany, with the other nations that we compete with economically? We keep hearing "boost productivity, we compete better, we sell our goods cheaper, we have more people working, more tax revenues paid, productivity."

So it could be a panacea, this productivity. Yet the first studies that come out from the Federal Reserve System, Dr. David Aschauer, in Chicago, with the Federal Reserve System there, it clearly links increases in investment in infrastructure with increases in productivity. The first research shows an increase of 1 percent spending on infrastructure results in a 4/10ths of 1 percent increase in productivity.

Now that is real supply-side economics, as far as I am concerned. You supply the infrastructure and you do see this economy grow.

So that is what we need to be looking at in terms of investment. Yet what is the answer of this administration? It is to cut back on certain types of infrastructure investment.

Then by definition to further restrict the growth of productivity.

So investment initiative is what is called for, and investment initiative says, "Well, let us talk to the bean-counters a little bit and say, 'Listen, every other business we know invests in the future and they recognize that you can't just look at 1 year's bottom line, that you have to look and see what kind of return you are going to get.'"

□ 1540

We have to look and see what kind of return we will get.

If I can demonstrate to Members, and I can clearly if I can demonstrate to Members that an increase in infrastructure investment, an increase in spending for highways, for airports, for bridges, for sewer systems, for all those things that are so important, will produce more return than we can get from simply a 1-year deficit reduction measure, we should be looking at that. Clearly the answer is we should.

Therefore, I would suggest there are several things to do. I understand that this Congress and this President are not going to agree to take the trust funds off budget—the aviation trust fund and the highway trust fund, particularly. It would be nice, but that is not going to happen. However, there are several things that could be done. One is, for instance, to increase the amount authorized for spending next year out of the highway trust fund, almost $3 billion. Because we are not spending all that at once, it is obligated over a several-year period, as we contract for that construction. That means we only have outlays of increased outlays of roughly $4 million next year. That is only $400 million more to be counted against Gramm-Rudman deficit reduction as opposed to a higher figure.

That, then, begins to give Members a start. That begins to roll out more miles of highway, to open up some of those clogged lanes to get this country moving. It is not what is necessary, but it is a start. By the same token, doing the same in aviation trust funds, there is a whole new era of aviation construction that has to take place. I am not wild about circling airports for an hour at a time while we wait to see if we can get in, and yet we see massive airport construction occurring in so many of our distant countries. I want Americans to be competitive, to have the very best. Therefore, it becomes important that we do that investment.

So it is also that this President and this Congress need to look at the sewage construction program. The construction grants program is set to expire. Are all the sewers built, that we need to clean up this country? At the rate of $2.4 billion a year which was authorized, $1.6 billion—this is what the President asked to spend this year. The EPA estimates that the figure alone, for the country, is something like $67 billion additional Federally shared construction that must be done. Yet the program terminates next year. That could go to doing that. So clearly, that need is not being met.

It is possible, for instance, to set up an infrastructure bank, to recognize that there are Gramm-Rudman deficit reduction targets that must be met, but by setting up an infrastructure bank, and indeed for many localities to borrow money, that would be in that bank, and they would be repaying it, we could leverage $3 of local and private money for roughly every dollar of Federal money that went in. That would go a long way to getting the country moving.

I want to see this country moving, but I am concerned what we are doing is, as I said earlier, eating our seed corn before we ever plant it. We built this country's economy, was built on a system of strong public works: the road system, the bridge system, the aviation system, the sewer system, the water system, the inland waterway system, all of it built, all of it designed to get this country moving. Some of the first construction projects, the

Erie Canal, for instance, back when our country was still a fledgling nation. Yet, we seem to be retreating from that.

As each person drives home tonight, as we all go to our different homes and to our States, and we think about it for a second, do I need to be sitting in this traffic jam? How much time am I losing? It is estimated, for instance, that the State of California alone loses $300 million a year in lost productivity simply because of rush hour. Translate that across the country. Think about when the Democratic Infrastructure Task Force and the Committee on Public Works went to New York a few weeks ago and stood on the Williamsburg Bridge, a roughly $300 million repair project. Think what the closing of that massive structure in New York City means to the economy of that area. Think what it means in our own communities when it is necessary to close a bridge because of declining infrastructure, or declining structural condition.

Therefore, I want Members to be that kind of a country that is building, not retreating; that is growing, not contracting; that is investing, not disinvesting. Yet the Bush budget is a disinvestment budget. These figures show it well. They show what happens to overall investment under the Bush proposals from fiscal year 1990 through 1995. I thought we wanted to be in a stronger position in 1995 than we are in 1990. We will not get there from here. As they say, the time to build some new roads is now, if we are going to get there from here.

Infrastructure and investment go hand in hand. Infrastructure, investment increases in productivity, increase in tax revenue, increases in competitiveness, go hand in hand. I want to invest in this country, Mr. Speaker. I think it is time to start with our Nation's infrastructure.

BAD LEGISLATION IN H.R. 1231

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, we are having probably tomorrow a vote to override the President's veto on the Eastern Airlines issue. Because my time is limited, and I do not have a lot of time to explain the issue, most of the Members here understand the issue. I just wanted to bring before the House a letter written by David Shapiro, who is the court-appointed examiner in the Eastern Airlines bankruptcy, a letter written to the Speaker, the gentleman from Washington [Mr. FOLEY], and to the minority leader, the gentleman from Illinois [Mr. MICHEL].

I think it is important that the Members understand the real issues from a man that has been dealing in this issue for the last year, and understands the issue, probably even better than Texas Air or Eastern or the employees involved.

DICKSTEIN, SHAPIRO & MORIN,
Washington, DC, March 5, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: You have before you the question of overriding President Bush's veto of H.R. 1231, the proposed blue ribbon investigation of Eastern Airlines. Having spent the last eleven months as the court-appointed Examiner in the Eastern Airlines' bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

When I was appointed Examiner, I was given a broad mandate to protect the public with regard to the Eastern reorganization. I wish to emphasize that I do not represent Texas Air or Mr. Lorenza any more than I represent Mr. Copeland or ALPA. I have one constituency and that is the many interests that intersect in Judge Lifland's Court: creditors, preferred shareholders, employees, retirees, and elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Airlines.

There are a number of reasons why H.R. 1231 is bad legislation.

1. As my report (Vol. 1, pp. 40-48) shows: the unions have been unwilling to face up to the reality of hard collective bargaining in the hope that some outside body would rescue them. First, it was Ueberroth, then it was Ritchie, then it was H.R. 1231. When the examiner urged the pilots to go back to work to maintain their jobs and seniority and continue to negotiate from the inside, he was accused of a "sell-out" to Lorenzo. When Jack Bavis, Chairman of the Eastern Pilot's Master Executive Council came to the conclusion that the only way to save the pilots' jobs was to return to work, he was removed from office and brought up on charges. (The charges were later dropped). It was only after H.R. 1231 was vetoed that the pilots and management got back to the bargaining table. Based on reports currently available to me, the negotiations have been inching along toward agreement. H.R. 1231 would reverse this process, create a further straw for the unions to clutch at, and make it impossible for the parties to settle.

2. The Examiner's team (15 lawyers and a large support staff) spent more than six months looking at the various asset transfers; no Commission can do this job in 45 days.

3. H.R. 1231 undermines the doctrine of separation of powers. The transactions which the panel would examine are *sub judice* in every respect; the panel would cover precisely the same ground. The Bankruptcy Court and the Examiner are objectively and fairly discharging their statutory obligations. It would therefore be an unwarranted legislative interference with the judicial process for the panel envisioned by H.R. 1231 to proceed as proposed.

4. The creation of a second forum outside the judicial process to resolve Eastern's future creates uncertainty for an enterprise that no longer has the ability to withstand such shocks; it could therefore so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable. This would result in the loss of jobs held by Eastern's present employees, some 17,000 people; destroy the pensions and health and medical benefits of its retired employees, some 12,000 people (mostly union members); and deprive the travelling public of yet another air carrier.

I am equally concerned that my report to the Court of last week has been misinterpreted in the press. Lest this report be improperly referred to in the forthcoming debate, I want to make sure that certain facts are clear.

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail in any such litigation. My report stated that any legal action seeking recovery would have to plough new legal ground.

In short, as I stated in Court last Thursday, I did not find on the merits against Eastern, Continental or Texas Air. On the contrary, I issued the report contemporaneous with a settlement with Texas Air in an attempt to demonstrate that the settlement was fair, reasonable and adequate and in the best interests of Eastern. I further told the Court, "Maybe Texas Air and Continental would have won all twelve of the disputed issues, maybe six, maybe three, maybe none." Any legal judgment of wrongdoing by Eastern, Continental or Texas Air would have taken years of litigation with uncertain likelihood of success.

Another fact that should be firmly before the Congress involves the settlement with Texas Air. The settlement is not an admission of liability by Texas Air. Rather, it is an agreement between Texas Air and the Examiner as to what is needed to assure the economic viability of Eastern Air Lines. I frankly do not believe we could have gotten anywhere near the settlement, and its clear benefit to Eastern, unless Texas Air was committed to see Eastern through to a return to economic health. I therefore believe that that agreement demonstrates Texas Air's commitment to the future of Eastern.

Finally, whatever merit there is to the claims of "conflict of interest" and "self-dealing", the Examiner has proposed that Eastern's reorganization plan contains provisions (such as, for example, a special independent committee of outside directors) for monitoring all intercorporate transactions between Eastern and Texas Air and its affiliates which are outside the regular course of business and have a value in excess of $500,000. Accordingly, whatever concerns that continue to exist on this score will be dealth with in the Bankruptcy Court when it comes time for the Court to consider whether or not it should approve Eastern's plan of reorganization.

I do not believe that H.R. 1231 can do any good; it will, instead, do a great deal of harm. The bitterness between management and the unions should not be allowed to determine Eastern's fate. I therefore ask the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. I ask the Congress to act out of concern for the employees, retirees and members of the general public who depend on the future ex-

istence of Eastern. I ask the Congress not to enact H.R. 1231.

Sincerely,

DAVID I. SHAPIRO,
Examiner.

□ 1550

Mr. Speaker, Mr. David Shapiro, the examiner of the bankruptcy court, whose signature appears at the end of this letter, has been dealing with this issue for the last 6 months to a year and understands it to be an issue for the betterment of Eastern and its present employees. I ask this Congress to sustain the President's veto.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

SPECIAL ORDERS GRANTED

Mr. ENGEL (at the request of Mr. GEPHARDT) for today on account of personal business.

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHAW) to revise their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes, on March 7.

Mr. DELAY, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. COOPER, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANDERSON, for 5 minutes, on March 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHAW) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. LEWIS of Florida.

Mr. BURTON of Indiana.

Mr. SOLOMON.

Mr. SMITH of New Hampshire.

Mr. HYDE.

Mr. CONTE.

Mr. HUNTER.

Mr. BLAZ.

Ms. ROS-LEHTINEN.

Mr. STANGELAND.

Mr. FRENZEL.

Mr. MILLER of Washington.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. SYNAR.

Mr. LEHMAN of Florida in two instances.

Mr. ECKART.

Mr. KANJORSKI.

Mr. MONTGOMERY.

Mr. JONES of North Carolina.

Mr. SCHUMER in two instances.

Mr. TRAFICANT.

Mr. KILDEE.

Mr. RICHARDSON.

Mr. CROCKETT in four instances.

Mr. VENTO.

Mr. LANCASTER.

Mr. WYDEN.

Mrs. COLLINS.

Mr. ROYBAL.

Mr. GUARINI.

Mr. BARNARD.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower; to the Committees on House Administration, Post Office and Civil Service, and Rules.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 7, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2639. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled "Review of Receipts and Disbursements of the Office of the People's Counsel Agency Fund for Fiscal Year 1989," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2640. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of Receipts and Disbursements of the Public Service Commission's Agency Fund for Fiscal Year 1989," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2641. A letter from the Secretary, Department of Health and Human Services, transmitting the third annual report of the Department's Council on Alzheimer's Disease delineating revisions to previous research plans and progress made in research sponsored by the Federal Government, pursuant to Public Law 99-660, section 912(2) (100 Stat. 3805); to the Committee on Energy and Commerce.

2642. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense equipment sold commercially to Denmark (Transmittal No. MC-3-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2643. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense equipment sold commercially to Algeria (Transmittal No. MC-2-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs, March 6, 1990.

2644. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Spain for defense articles and services (Transmittal No. 90-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2645. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2646. A letter from the Executive Secretary, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting its first annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

2647. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2648. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2649. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2650. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's fourth annual report on the list of incomplete water resources studies authorized but unfunded during the 5 full fiscal years preceding the submission of the list (fiscal years 1985-89), pursuant to 33 U.S.C. 2264; to the Committee on Public Works and Transportation.

2651. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a report of a building project survey for the consolidation of the Internal Revenue Service National Office in suburban Maryland; to the Committee on Public Works and Transportation.

2652. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a report of a building project survey for the Pioneer Valley Region of Massachusetts; to the Committee on Public Works and Transportation.

2653. A letter from the Secretary of Health and Human Services, transmitting the report of his initial estimate of applicable percentage increase for fiscal year 1991 that will be recommended for hospitals subject to the Medicare prospective payment system and for excluded hospitals, pursuant to Social Security Act SSA, section 1886(e)(3)(B); to the Committee on Ways and Means.

2654. A communication from the President of the United States, transmitting a report that reviews the relationships of the arms control objectives of the United States to the responsiveness of research and development of monitoring systems for verification, pursuant to Public Law 100-456, section 910(a) (102 Stat. 2037); jointly, to the Committees on Armed Services and Foreign Affairs.

2655. A letter from the Administrator, Environmental Protection Agency, transmitting the third annual report on the status of the Radon Mitigation Demonstration Program, pursuant to 42 U.S.C. 7401 nt.; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4077. A bill to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such delinquent loans, including limiting the writedown of such loans; and for other purposes; with an amendment (Rept. 101-413). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4099. A bill to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat (Rept. 101-414). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOSCO (for himself and Mr. PETRI) (both by request):

H.R. 4178. A bill to facilitate the construction of U.S. courthouses, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. COLLINS:

H.R. 4179. A bill to establish a pilot program to improve the economy and efficiency of Federal procurement of construction services by increasing competition for Federal construction contracts, to improve participation of small and minority businesses in those contracts by encouraging Federal agencies to accept contract bids underwritten by individual sureties that are members of approved surety associations, and for other purposes; to the Committee on Government Operations.

By Mr. CONTE:

H.R. 4180. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to allow individuals to use an income tax checkoff to provide for matching payments to primary and general election candidates for the office of Representative who receive at least $40,000 in contributions from individual residents of their congressional districts; jointly, to the Committees on Ways and Means and House Administration.

By Mr. COOPER:

H.R. 4181. A bill to amend title XIX of the Social Security Act to permit State matching payments through voluntary contributions and State taxes; to the Committee on Energy and Commerce.

By Mr. COURTER:

H.R. 4182. A bill to temporarily suspend the duty on isophorone diisocyanate and trimethyl hexamethylene diisocyanate; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. STENHOLM, Mrs. SMITH of Nebraska, Mr. MARLENEE, Mr. STALLINGS, Mr. CAMPBELL of Colorado, Mr. WEBER, Mr. ROBERTS, Mr. THOMAS of Wyoming, Mr. MORRISON of Washington, Mr. NIELSON of Utah, Mr. CRAIG, Mr. SARPALIUS, and Mr. RICHARDSON):

H.R. 4183. A bill to amend the Federal Noxious Weed Act of 1974 to implement a national comprehensive plant management program that will alleviate damage to the environment by controlling or containing undesirable plant species on Federal lands; to the Committee on Agriculture.

By Mr. FEIGHAN:

H.R. 4184. A bill to authorize the Assistant Attorney General of the Office of Justice Programs to enhance law enforcement by providing financial assistance to law enforcement personnel who seek to further their professional education; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. FRENZEL:

H.R. 4185. A bill to correct the tariff treatment of certain articles covered by the Narobi Protocol; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, and Mr. MCCOLLUM):

H.R. 4186. A bill to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms; to the Committee on the Judiciary.

H.R. 4187. A bill to amend section 3143 of title 18, United States Code, to require the detention of any person found guilty of a violent offense or serious drug offense pending sentence or appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. GUARINI:

H.R. 4188. A bill to extend until January 1, 1994, the existing suspension of duty on acet quinone base; to the Committee on Ways and Means.

By Mr. HUCKABY (for himself, Mr. STANGELAND, Mr. GLICKMAN, Mr. MARLENEE, Mr. COMBEST, Mr. EMERSON, Mr. ESPY, Mr. HARRIS, Mr. HATCHER, Mr. HERGER, Mr. HOLLOWAY, Mr. STALLINGS, and Mr. TALLON):

H.R. 4189. A bill to provide for a flexible system for establishing farm and crop acreage bases and program yields for the wheat, feed grain, upland cotton, and rice programs under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. HUTTO:

H.R. 4190. A bill to suspend temporarily the duty on copper acetate monohydrate; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. JOHNSTON of Florida, Mr. WYDEN, and Mr. FEIGHAN):

H.R. 4191. A bill to enhance exports by eliminating Government-imposed obstructions to freer trade; jointly, to the Committees on Foreign Affairs; Ways and Means; and Banking, Finance and Urban Affairs.

By Mr. MILLER of Washington:

H.R. 4192. A bill to amend the Export Administration Act of 1979 to allow for the export of certain nonmilitary items to Warsaw Pact countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PARRIS:

H.R. 4193. A bill to restore the right of the residents of the District of Columbia to be treated as residents of the State of Maryland for the purposes of participation in Federal elections, and for other purposes; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. QUILLEN:

H.R. 4194. A bill to continue until the close of December 31, 1994, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 4195. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. ROE (for himself and Mr. WALKER) (both by request):

H.R. 4196. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications construction of facilities, and research and program management, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SCHEUER (for himself, Mr. SMITH of New Hampshire, Mr. ROE, Mr. WAXMAN, Mrs. MORELLA, Mr. WALGREN, Ms. SCHNEIDER, Mr. BROWN of California, Mr. BOEHLERT, Mr. SIKORSKI, Mr. WOLPE, Mr. BATES, Mr. SKAGGS, Mr. TANNER, Mr. VALENTINE, Mr. HUNTER, Mr. NOWAK, Mr. PRICE, Mr. SMITH of Vermont, Mr. SMITH of Texas, Mr. GOSS, Mr. SHAYS, and Mr. MACHTLEY):

H.R. 4197. A bill amending the Clean Air Act with respect to research and development activities; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 4198. A bill to authorize the Attorney General of the United States to make grants for law enforcement associated with the exercise of Indian treaty rights in the State of Wisconsin; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 4199. A bill to make clerical and technical amendments to section 404 of the Controlled Substances Act; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. SOLOMON:

H.R. 4200. A bill to extend the existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the manufacture and importation of paper products which do not contain specified amounts of recycled material; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4202. A bill to extend until January 1, 1994, the existing temporary suspension of duties on certain clock radios; to the Committee on Ways and Means.

By Mr. GILMAN (for himself and Mr. SCHEUER):

H.J. Res. 501. Joint resolution to designate the week of May 6, 1990, through May 13, 1990, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.J. Res. 502. Joint resolution to designate the week of July 22-29, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H.J. Res. 503. Joint resolution concerning export controls and mulitlateral sanctions with respect to the People's Republic of China; jointly, to the Committee on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. PARRIS:

H.J. Res. 504. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 23d article of amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VENTO:

H.J. Res. 505. Joint resolution making emergency supplemental appropriations for the fiscal year ending September 30, 1990, for urgently needed assistance for the homeless as authorized in the Stewart B. McKinney Homeless Assistance Act; to the Committee on Appropriations.

By Mr. ARMEY:

H. Res. 351. Resolution expressing the sense of the House of Representatives with respect to the proposed increase in postal rates; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the Senate of the State of California, relative to the Bureau of the Census; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 4203. A bill for the relief of Norma Tonizzo; to the Committee on the Judiciary.

By Mr. MILLER of Washington:

H.R. 4204. A bill to deem the S/V *Zodiac* to be less than 100 gross tons, so as to allow the Secretary of the department in which the Coast Guard is operating to inspect that vessel under regulations permitting wooden hulled ships to carry passengers; to the Committee on Merchant Marine and Fisheries.

PRIVATE RESOLUTION

By Mr. FORD of Tennessee:

H.J. Res. 506. Joint resolution for the relief of Randall Stewart; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. DOUGLAS, Mr. MILLER of Washington, Mr. FISH, Mr. TRAFICANT, Mr. FLIPPO, Mr. MCGRATH, Mr. GOSS, Mr. CHANDLER, Ms. KAPTUR, Mr. HUNTER, Mr. HORTON, Mr. RICHARDSON, Mr. MICHEL, Mr. BLAZ, Mr. SMITH of Vermont, Mr. COURTER, Mr. WALKER, Mr. GEREN, Mr. CAMPBELL of Colorado, Mr. NOWAK, Mr. DARDEN, Mr. HOLLOWAY, Mr. BRUCE, Mr. MCMILLEN of Maryland, Mr. DELAY, Mr. CARPER, Mr. BOSCO, and Mr. PAYNE of Virginia.

H.R. 201: Mr. RAHALL.

H.R. 214: Mr. YATRON, Mr. SOLOMON, Mr. MCHUGH, Mr. DEWINE, Mr. HAMMERSCHMIDT, Mr. SHARP, Mr. AUCOIN, Mr. LEWIS of Georgia, Ms. SLAUGHTER of New York, Mr. PERKINS, Mr. CHAPMAN, Mrs. LOWEY of New York, and Mr. COMBEST.

H.R. 222: Mr. SCHAEFER.

H.R. 505: Mr. GEREN.

H.R. 664: Mr. PACKARD.

H.R. 702: Mr. CLINGER.

H.R. 720: Mr. PAYNE of New Jersey.

H.R. 742: Ms. PELOSI and Mr. GRANT.

H.R. 745: Mr. PALLONE.

H.R. 855: Mr. MADIGAN, Mr. LIGHTFOOT, and Mr. DYMALLY.

H.R. 933: Mr. HEFNER, Mr. AUCOIN, and Mr. PEASE.

H.R. 990: Mr. BOEHLERT, Mr. BONIOR, Mr. ENGEL, and Mr. COSTELLO.

H.R. 995: Mr. HANSEN.

H.R. 1060: Mr. NEAL of North Carolina.

H.R. 1083: Mr. MACHTLEY, Mr. COLEMAN of Missouri, Mr. BENNETT, Mr. TANNER, Mr. KENNEDY, Mr. DEWINE, Mr. GRANDY, Mr. MADIGAN, Mr. THOMAS A. LUKEN, Mr. PERKINS, Mr. MCCOLLUM, Mr. ROBINSON, Mr. CARR, Mr. MCHUGH, Mr. HOAGLAND, and Mr. LIVINGSTON.

H.R. 1092: Mr. FAUNTROY, Ms. PELOSI, and Mr. LAGOMARSINO.

H.R. 1163: Mr. RANGEL, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. MCNULTY, Mr. ROE, Mr. SABO, Mr. KOLTER, Mr. QUILLEN, and Mr. FAZIO.

H.R. 1185: Mr. WALSH, Mr. SCHEUER, Mr. MACHTLEY, and Mr. PALLONE.

H.R. 1227: Mr. RAY, Mr. SLAUGHTER of Virginia, Mr. COSTELLO, Mr. YOUNG of Alaska, Mr. KANJORSKI, and Mr. CHANDLER.

H.R. 1249: Mr. SANGMEISTER.

H.R. 1307: Mr. SLAUGHTER of Virginia and Mr. OBERSTAR.

H.R. 1400: Mr. HAYES of Illinois, Mr. SKEEN, Mr. BENNETT, Mr. PORTER, Mr. SOLOMON, and Mr. DOUGLAS.

H.R. 1409: Mrs. COLLINS and Mr. RIDGE.

H.R. 1463: Mr. GORDON.

H.R. 1494: Mr. BOEHLERT.

H.R. 1582: Mr. KENNEDY.

H.R. 1693: Mr. SMITH of Vermont.

H.R. 2031: Mrs. BOGGS and Mrs. ROUKEMA.

H.R. 2044: Ms. LONG.

H.R. 2373: Mr. CONDIT, Mr. HATCHER, Mr. GILMAN, Ms. SLAUGHTER of New York, and Mr. FUSTER.

H.R. 2418: Mrs. MEYERS of Kansas.

H.R. 2460: Mr. COURTER, Mr. DEFAZIO, Mr. CHANDLER, Mr. BEREUTER, Mr. PARKER, Mr. VANDER JAGT, Mr. DREIER of California, and Mr. HORTON.

H.R. 2564: Mrs. UNSOELD, Mr. JAMES, and Mr. IRELAND.

H.R. 2588: Mr. BROWDER.

H.R. 2615: Mr. COURTER.

H.R. 2819: Mr. MORRISON of Washington.

H.R. 2826: Mr. MORRISON of Washington.

H.R. 2857: Mr. SAWYER.

H.R. 2951: Mr. WAXMAN, Mr. CARPER, Mr. CHAPMAN, and Mr. KOLTER.

H.R. 2952: Mr. WAXMAN, Mr. CARPER, Mr. CHAPMAN, Mr. KOLTER, and Mr. FISH.

H.R. 2958: Mr. SAXTON.

H.R. 3001: Mr. SLATTERY, Mr. NEAL of North Carolina, Mr. CAMPBELL of Colorado, Mr. PACKARD, Mr. GILMAN, Mr. GEREN, and Mr. MCEWEN.

H.R. 3004: Mr. GOSS, Mr. DONALD E. LUKENS, Mr. MADIGAN, and Mr. MCGRATH.

H.R. 3087: Mr. PETRI.

H.R. 3088: Mr. PETRI.

H.R. 3089: Mr. PETRI.

H.R. 3099: Mr. ENGEL, Mr. WALSH, and Mr. SCHEUER.

H.R. 3239: Mr. JONES of Georgia, Mr. WAXMAN, Mr. RHODES, and Mr. DONNELLY.

H.R. 3251: Mr. WISE.

H.R. 3252: Mr. GEREN.

H.R. 3285: Mrs. MARTIN of Illinois and Mr. BUSTAMANTE.

H.R. 3321: Mr. ARMEY, Mr. DELAY, and Mr. OBEY.

H.R. 3343: Mr. PRICE, Mr. MCGRATH, Mrs. KENNELLY, Mr. SIKORSKI, Mr. KENNEDY, and Mr. FISH.

H.R. 3349: Mr. FAUNTROY, Mr. SWIFT, and Mr. DERRICK.

H.R. 3423: Mr. CROCKETT and Mr. GEJDENSON.

H.R. 3475: Mr. MCCURDY.

H.R. 3498: Mr. DEWINE, Mr. ARMEY, Mr. PETRI, Mr. DORNAN of California, and Mr. SCHIFF.

H.R. 3501: Mr. BOUCHER.

H.R. 3512: Mr. CHAPMAN, Mr. WHEAT, Mr. OBEY, Mr. THOMAS A. LUKEN, and Mr. BATES.

H.R. 3546: Mr. MRAZEK.

H.R. 3625: Mr. LEHMAN of Florida, Mr. HOCHBRUECKNER, Ms. PELOSI, Mr. SIKORSKI, Mr. KASTENMEIER, Mr. WOLF, Mr. SKELTON, Mr. TRAFICANT, Mrs. SAIKI, Mr. SOLARZ, Mr. WYDEN, Mr. WOLPE, Mr. BRUCE, Mr. PAYNE of New Jersey, Mr. MADIGAN, Mr. RAY, Mr. JACOBS, Mr. HENRY, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. PANETTA, Mr. FAUNTROY, Mr. BEVILL, Mr. WALGREN, Mr. YATES, Mr. DEFAZIO, Mr. MARKEY, Mr. STAGGERS, Mr. HOAGLAND, Mr. WHEAT, Mr. WALSH, Mr. BRYANT, Mr. BEREUTER, Mr. BENNETT, Mr. RAVENEL, Mr. DE LUGO, Mr. CLINGER, Mr. KOLTER, Mr. CLARKE, Mr. FRENZEL, Mr. BARNARD, Mr. HALL of Ohio, Mr. STUDDS, Mr. ANDERSON, Mr. GEPHARDT, Mr. CAMPBELL of California, Mr. BILBRAY, Mr. MCNULTY, Mr. OBEY, Mr. BLILEY, Mr. SLATTERY, Mr. HATCHER, Mr. HOYER, Mr. COOPER, Mr. VENTO, Mrs. UNSOELD, Mr. DARDEN, Mr. DYMALLY, Mrs. MORELLA, Mr. FAWELL, Mr. BUSTAMANTE, Mr. GEJDENSON, Mr. GOSS, Mr. TORRICELLI, Ms. SLAUGHTER of New York, Mr. MANTON, Mr. JONES of Georgia, Mr. PORTER, Mr. LEVIN of Michigan, Mr. LANTOS, Mr. JONTZ, Mr. WHITTEN, Mr. MCMILLEN of Maryland, Mr. ATKINS, Mr. DICKS, Mr. FALEOMAVAEGA, Mr. MILLER of Washington, and Mr. STALLINGS.

H.R. 3643: Mr. ROGERS, Mr. ARMEY, Mr. SCHAEFER, Mr. ATKINS, and Mr. OWENS of New York.

H.R. 3675: Mr. MRAZEK.

H.R. 3685: Mr. JONTZ and Mr. ENGEL.

H.R. 3690: Mr. CAMPBELL of California and Mr. JAMES.

H.R. 3691: Mr. CAMPBELL of California and Mr. JAMES.

H.R. 3705: Ms. SLAUGHTER of New York.

H.R. 3732: Mr. GOSS, Mr. FIELDS, Mr. COURTER, Mr. JONTZ, Mr. HANCOCK, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. RHODES, Mr. LANCASTER, Mr. DELAY, Mr. SCHUETTE, Mr. EMERSON, Mr. PORTER, Mr. HEFNER, Mr. MARLENEE, Mrs. MORELLA, Mr. LIVINGSTON, and Mr. LEWIS of Florida.

H.R. 3735: Mr. MOODY.

H.R. 3817: Mr. OWENS of New York.

H.R. 3831: Mr. STUDDS, Mr. WALSH, Mr. GEJDENSON, Mr. EVANS, Mr. KENNEDY, Mr. FISH, Mr. JONTZ, Mr. ROWLAND of Connecticut, Mr. STAGGERS, Mr. FAZIO, Mr. MARTIN of New York, Mr. MACHTLEY, and Mr. GEREN.

H.R. 3854: Mr. PENNY, Mr. MORRISON of Connecticut, Mr. WELDON, Mr. LIPINSKI, Mr. KOLTER, Mr. WALSH, Mr. LIVINGSTON, Mr. FAZIO, Mr. LAUGHLIN, Mr. CAMPBELL of Colorado, Mr. GEREN, Mr. NELSON of Florida, Mr. FROST, Mr. BILBRAY, Mr. DORNAN of California, and Mr. HOLLOWAY.

H.R. 3863: Mr. COYNE, Mr. CLINGER, Mr. MURTHA, Mr. EVANS, Mr. HANSEN, Mr. STUDDS, Mr. JONTZ, Mr. AUCOIN, Mr. PALLONE, Mr. NEAL of North Carolina, Mr. STOKES, Mr. CONYERS, Mr. BORSKI, Mr. OWENS of New York, Ms. PELOSI, Mr. WOLPE, Mr. FAUNTROY, Mr. HALL of Ohio, Mr. MFUME, Mr. OWENS of Utah, and Mr. CARPER.

H.R. 3864: Mr. HOAGLAND, Mr. HATCHER, and Mr. CONDIT.

H.R. 3865: Mr. BORSKI.

H.R. 3880: Mr. KLECZKA, Mr. MCHUGH, and Mr. PETRI.

H.R. 3896: Mr. MCCLOSKEY and Mr. JONTZ.

H.R. 3911: Mrs. BOXER, Mr. KOLTER, and Mr. WALSH.

H.R. 3914: Mr. BRUCE, Mr. HATCHER, Mr. MCDADE, Mrs. LLOYD, Mr. RHODES, Mr. SLATTERY, Mr. HYDE, Mr. JONTZ, Mr. BEVILL, Mr. SMITH of New Hampshire, Mrs. UNSOELD, Mr. WATKINS, Mr. GORDON, Mr. DONNELLY, Mr. COMBEST, Mr. RAVENEL, Mr. MFUME, Mr. BROWDER, Mr. BATEMAN, Mr. SANGMEISTER, Mr. HAMMERSCHMIDT, Mr. FISH, Mr. COLEMAN of Texas, and Mr. SCHIFF.

H.R. 3935: Mr. KASTENMEIER, Mr. FAZIO, Mr. YATES, Mr. DWYER of New Jersey, and Mr. ROYBAL.

H.R. 3972: Mr. COUGHLIN, Mr. FISH, Mr. COBLE, Mr. FIELDS, Mr. SPENCE, Mr. MILLER of Washington, Mr. MOORHEAD, Mr. IRELAND, Mr. LOWERY of California, Ms. SCHNEIDER, Mr. STUMP, Mr. YOUNG of Alaska, Mr. SCHAEFER, Mr. SKEEN, Mr. MORRISON of Washington, Mr. COLEMAN of Missouri, Mr. INHOFE, and Mr. MCDADE.

H.R. 3979: Mr. CROCKETT and Mr. MARKEY.

H.R. 3992: Mr. MORRISON of Connecticut, Mr. BUSTAMANTE, Mr. TOWNS, Mr. HARRIS, and Mr. BROWN of California.

H.R. 4014: Mr. RIDGE.

H.R. 4036: Mr. BILBRAY.

H.R. 4044: Mr. ANNUNZIO, Mr. MCMILLEN of Maryland, Ms. KAPTUR, and Ms. PELOSI.

H.R. 4062: Mr. DENNY SMITH, Mr. HYDE, Mr. JAMES, Mr. DORNAN of California, Mr. ARMEY, and Mr. CAMPBELL of California.

H.R. 4075: Mr. STOKES, Mr. HAYES of Illinois, and Mr. HOYER.

H.R. 4083: Mr. BURTON of Indiana, Mr. HENRY, and Mr. WEBER.

H.R. 4110: Mr. LEWIS of Florida, Mr. HERGER, Mr. STANGELAND, Mr. STOKES, Mr. BUSTAMANTE, Mr. DICKS, Mr. PENNY, Mr. FAUNTROY, Mr. BOUCHER, Mr. GORDON, Mr. MCNULTY, Mr. JONTZ, Mr. RAHALL, Mr. COYNE, Mr. TOWNS, Mr. MCDERMOTT, Mr. AUCOIN, Mr. RANGEL, Mr. SIKORSKI, Mr. KLECZKA.

H.R. 4168: Mr. MILLER of California.

H.J. Res. 240: Mr. DIXON, Mr. DYSON, Mr. MAVROULES, and Mr. PASHAYAN.

H.J. Res. 439: Mr. DYMALLY, Mr. ANDERSON, Mr. BLILEY, Ms. PELOSI, and Mr. MANTON.

H.J. Res. 457: Mr. CARDIN, Mr. KLECZKA, Mr. FROST, Mr. FOGLIETTA, Mr. MARTINEZ, Mrs. LOWEY of New York, Mr. LOWERY of California, Mr. GRANT, Mr. CRAIG, Mr. MOORHEAD, Mr. JONES of Georgia, and Mr. RHODES.

H.J. Res. 459: Mr. HORTON, Mr. FAUNTROY, Mr. BUSTAMANTE, Mr. GRADISON, Mr. BROWN of California, Mr. GONZALEZ, and Mr. ROE.

H.J. Res. 467: Mr. DINGELL, Mr. MCEWEN, Mr. MCHUGH, Mr. AKAKA, Mr. THOMAS of Georgia, Mr. BROWN of California, Mr. FUSTER, Mr. LEWIS of California, Mr. RINALDO, Mr. PORTER, Mr. MOAKLEY, Mr. BLILEY, Mr. MICHEL, Mr. GEKAS, Mr. SLATTERY, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. DEWINE, Mr. FRENZEL, Mr. LENT, Mr. QUILLEN, Mr. DONNELLY, Mr. HARRIS, and Mr. HORTON.

H.J. Res. 481: Mr. PARKER, Mr. TRAXLER, Mr. DE LUGO, Mr. DYMALLY, Mr. SHARP, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. LIPINSKI, Mr. SCHUETTE, Mr. SAVAGE, Mr. SABO, Mr. TALLON, Mr. WILSON, Mr. FAUNTROY, Mr. CARPER, Mr. SKELTON, Mr. PAYNE of New Jersey, Mr. SANGMEISTER, Mr. WALSH, Mr. GEREN, Mr. AUCOIN, Mr. HOCHBRUECKNER, Mr. NEAL of Massachusetts, Mr. DANNEMEYER, Mr. RAVENEL, Mr. YATRON, Mr. BILBRAY, Mr. SAWYER, Mr. NEAL of North Carolina, Mr. MAVROULES, Mr. ROWLAND of Georgia, Mr. ANDERSON, Mr. MARKEY, Mr. WAXMAN, Mr. HAYES of Illinois, Mr. ESPY, Mr. BENNETT, and Mr. OWENS of Utah.

H.J. Res. 492: Mr. PALLONE, Mr. MCDADE, Mr. DYMALLY, Mr. MAZZOLI, Mr. SKELTON, Mr. HORTON, Mr. RAY, Mr. MCNULTY, Mr. FUSTER, Mr. MOLLOHAN, and Mr. TALLON.

H.J. Res. 495: Mr. HAWKINS, Mr. CONYERS, Mr. TOWNS, Mr. FAUNTROY, Mr. SAVAGE, Mr. CLEMENT, Mr. STOKES, Mr. DELLUMS, Mr. HAYES of Illinois, Mr. OWENS of New York, Mr. ESPY, Mr. FORD of Tennessee, Mr. BERMAN, Mr. MFUME, Mr. MINETA, Mr. RANGEL, Mr. MCDERMOTT, and Mr. TALLON.

H. Con. Res. 172: Mr. WAXMAN, Mrs. VUCANOVICH, Mr. CARPER, Mr. CHAPMAN, and Mr. KOLTER.

H. Con. Res. 186: Mr. FISH.

H. Con. Res. 197: Mrs. MARTIN of Illinois and Mr. BUSTAMANTE.

H. Con. Res. 252: Mr. BRUCE, Mr. HATCHER, Mr. MCDADE, Mrs. LLOYD, Mr. RHODES, Mr. SLATTERY, Mr. HYDE, Mr. JONTZ, Mr. BEVILL, Mr. SMITH of New Hamsphire, Mrs. UNSOELD, Mr. WATKINS, Mr. GORDON, Mr. DONNELLY, Mr. COMBEST, Mr. RAVENEL, and Mr. MFUME.

H. Con. Res. 263: Mr. SCHIFF, Mr. ARMEY, Mrs. BENTLEY, Mr. MACHTLEY, Mr. GEREN, Mr. SHAYS, Mr. TOWNS, Mr. JOHNSON of South Dakota, Ms. LONG, Mrs. JOHNSON of Connecticut, Mr. JONTZ, and Mr. PAXON.

H. Con. Res. 265: Mr. FUSTER and Mr. RANGEL.

H. Con. Res. 267: Mr. WILSON, Mrs. BOXER, Mr. GEREN, and Mr. LEATH of Texas.

H. Con. Res. 270: Mr. HOYER, Mr. KANJORSKI, Mr. MACHTLEY, Mr. BATES, Mr. BILBRAY, Mr. SYNAR, Mr. MORRISON of Connecticut, Mr. KASTENMEIER, Mr. NELSON of Florida, Mr. BUSTAMANTE, Mr. KENNEDY, Mr. WISE, Mr. HALL of Ohio, Mr. KILDEE, Mr. GONZALEZ, Mr. MATSUI, Mr. JACOBS, Mr. AKAKA, Ms. OAKAR, Mr. WYDEN, Mr. SIKORSKI, and Mr. NAGLE.

H. Con. Res. 271: Mr. FRANK, Mr. MCNULTY, Mr. STALLINGS, Mr. WALGREN, Mr. BUSTAMANTE, Mr. FAUNTROY, Mr. DELLUMS, Mr. MOODY, Mr. OWENS of New York, Mr. COLEMAN of Texas, Mr. MCCLOSKEY, Mr. FALEOMAVAEGA, Mr. OWENS of Utah, Mr. TOWNS, Mr. FUSTER, Mr. YATRON, Mr. CHAPMAN, and Mr. ENGEL.

H. Res. 239: Mrs. LOWEY of New York.

H. Res. 306: Mr. KOLTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 436: Mr. KYL.

H. Con. Res. 118: Mr. MCHUGH.

PETITIONS, ETC.

Under clause 1 of rule XXII.

143. The SPEAKER presented a petition of the Joint Legislative Committee on Aging, Columbia, SC, relative to Medicare premiums; which was referred, jointly, to the Committees on Energy and Commerce and Ways and Means.

SENATE—*Tuesday, March 6, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Out of the mouth of babes and sucklings hast Thou ordained strength.—Psalms 8:2.

* * * *Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God.*—Mark 10:14.

The prayer this morning, a reminder of the Biblical texts just quoted, was composed by Carley Stedman, Jr., 8-year-old son of a 19-year veteran of the Capitol Police Force, Carley Stedman, Sr.

Carley, Jr., prayed:

"Dear Lord, thank You, Lord, that I am not poor. Please help the sick, like my grandma. My grandma had 37 operations. Please bless my granddad. He died on January 6, 1990, at 4:30. Thank You for my friends. Thank You for making the world and the Moon. Thank You for the Sun, too. Thank You for Heaven. Thank You for the Holy Bible. Thank You for Mary and Joseph."

And so ends the profound prayer of a child. And, as it is, a child leads us. Thank You, Father in Heaven, for the simplicity and the profundity of a child's prayer, in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BIDEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 a.m. this morning, the Senate will resume consideration of the clean air bill, with the Symms amendment No. 1295 pending.

Debate on the clean air bill will continue throughout the morning until 12:15 p.m. when the Senate will conduct a rollcall vote on the confirmation of the nomination of Clarence Thomas, to the U.S. Circuit Court for the District of Columbia circuit.

Upon the conclusion of that vote, the Senate will recess for the party conferences. When the Senate reconvenes at 2:15 p.m., we will resume consideration of the clean air bill. I urge Members who have expressed an interest in offering amendments to the bill to do so today.

As I indicated last week and again yesterday, and now repeat, I expect there to be votes throughout the day and well into the evening. There will be lengthy sessions throughout this week as we attempt to make progress on the clean air bill.

Again, I have been advised that a number of Senators are planning amendments. I hope that they have the amendments ready to proceed so that we can move forward on this legislation and deal with the several amendments that will be offered.

RESERVATION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OUR FLAG—A SPEECH GIVEN BY CHAPLAIN BILL E. WILLIAMS, DAV, DEPARTMENT OF NEBRASKA IN NOVEMBER 1989

Mr. EXON. Mr. President, I would ask that a copy of a speech entitled "Our Flag" given by Chaplain Bill E. Williams, a member of the Nebraska Disabled American Veterans, be printed in the CONGRESSIONAL RECORD. To me, Chaplain Williams' poignant words speak eloquently as to why we must maintain the integrity of the American flag, the symbol for which so many brave men and women have sacrificed their lives.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OUR FLAG

To me our Flag is not just a symbol of our Country, but it is also a symbol of our way of life. Our way of life that was bought and paid for by the sacrifices of all of this Country's Veterans since the Revolutionary War.

The Veterans' Administration slogan, "The price of Freedom is visible here," does not just apply to the Veterans' Administration Medical Centers, but to this whole Country of ours from sea to shining sea. Our Flag should always be held in the highest esteem and respect due it. Not just as a symbol of this great Country of ours, but as a Memorial to all the Veterans that went before us. That their cause, which was a just cause, in the eyes of, and for the Glory of God, shall never be forgotten.

I am terribly upset and cannot understand, just how the Supreme Court could

rule that it's all right to burn the American Flag, Old Glory. I had an older brother that served in the U.S. Navy in Vietnam. He lived through that, and then was tragically killed in a car accident, at the age of 34 years old. He left behind a young widow and three small children.

I have many pleasant memories of my older brother, who I loved dearly, and who was always an inspiration to me. And the thing etched into my memory forever of his funeral, with the Burial Flag drapped over his casket, the same Flag that will be drapped over my casket at my funeral when Our Lord calls me home to walk by his side.

I'll never forget as the Veterans Service Officer, neatly folded the Flag into a "triangle of stars," and handed it to his young widow as Taps was played, the spirit of pride that was there in the cemetery along with the great sorrow and sadness, because my brother was proud to be an American War Veteran, and to have served his Flag honorably. As I am also.

I see the Flag as an extension of my brother, and it stands for all that he held dear to his heart.

That's why I cannot even stand the thought of someone burning our Flag in this Country. It's bad enough they do it overseas.

In Iran on this day as we meet here, they will be burning 160 American Flags in celebration of the 10th Anniversary of the takeover of the American Embassy there, thus they will be burning up my older brother, and they will be burning up me, and you, and every decent upright citizen and veteran that ever lived in this great land of ours under the American Flag. Our Flag!

I urge you each and everyone, the next time you're at a parade and Old Glory passes in front of you waving proudly in the breeze, as you stand and remove your hats, and place your hands over your hearts urge those around you that will tend to remain seated to stand also and show the Flag the proper respect. Teach your children and grandchildren why we respect the Flag, and how to show proper respect to the Flag.

Even in these days when Foreign Investors are buying our Country right out from under us, we have one thing no Country on the face of this earth will ever be able to buy or take from us, and that's "Our Flag."

(By Bill E. Williams, Chaplain, D.A.V., Department of Nebraska)

Written in memory of and honour of my older brother: Donald E. Williams, Jr., FN, U.S. Navy-Vietnam (January 28, 1950 to February 14, 1984) because he loved the American Flag!

THE SALE OF A NUCLEAR REACTOR TO PAKISTAN

Mr. EXON. Mr. President, a little over a week ago, a commercial agreement took place between nations which represents a backward step in controlling the proliferation of nuclear technology. I am referring to the decision by the Government of France to sell a nuclear reactor to Pakistan.

With the United States and the Soviet Union working toward a superpower accord to significantly reduce the burgeoning nuclear arsenals each possesses, the news of the French-Pakistani sale underscores the importance of restricting the spread of nuclear weapons more than ever. More destabilizing than the construction of a new Trident submarine or a new Soviet ICBM, I would argue, is another Third World nation obtaining the technology necessary to join the most exclusive of clubs—those nations capable of unleashing the horrors of nuclear war.

France and Pakistan are both strong allies to the United States. Still, the French decision flies in the face of an international approach to controlling the spread of such technology—control which is slowly and dangerously eroding. It should be stated for the record that the reactor that is to be sold to Pakistan is dedicated to peaceful purposes. Furthermore, the facility will be subject to international inspection so as to ensure that the fuel is not being used for military purposes. On initial review, such a sale might seem unobjectionable. Yet, the reactor agreement between France and Pakistan is unsound for three reasons.

First, the French reactor sale will increase the number of Pakistan engineers and technicians trained in nuclear technology, thereby furthering its capability to build a nuclear bomb. Second, France has established a precedent by becoming the first Western nation in many years to sell such sensitive technology to a country where adherence to international inspection of all of its nuclear facilities is in question. Third, and most important, nuclear competition between India and Pakistan coupled with the present bloodshed in Jammu and Kashmir makes the reactor sale destabilizing and all the more irresponsible.

In 1988, the Soviet Union sold two reactors to India which does not adhere to the open, full-inspection international guideline. To counter this sale, the People's Republic of China announced that it would sell a reactor to Pakistan. The French sale escalates this nuclear race one step further. The volatility of the border dispute between India and Pakistan in Kashmir shows little sign of diminishing. To the contrary, the conflict has resulted in scores of fatalities and gives every indication that it might be fanned by the respective sides into a regional war.

Mr. President, much attention is being given to negotiations between the United States and the Soviet Union to reduce nuclear weapons. As important as these talks and subsequent treaties are, we must not forget that such gains can be quickly negated by further proliferation of nuclear technology. As we proceed down the road to a world where the threat of nuclear weapons is scaled back, the French decision represents a step backward.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

I advise all Senators we are in morning business until 10 o'clock with a 5-minute limit on remarks by Senators.

The Senator from Montana is recognized.

Mr. BURNS. Thank you very much, Mr. President.

(The remarks by Mr. BURNS pertaining to the introduction of S. 2235 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I thank you for your time and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 2236 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Minnesota is recognized.

THE 1990 INTERNATIONAL TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I do not know where you were at 7 o'clock on Saturday evening. I have a general idea where I was. But at 7:06 eastern standard time, last Saturday evening, the 1990 International Trans-Antarctica Expedition, the 6 men and the 40 dogs that we have been following for the last 210 days, completed the first nonmechanized traverse of Antarctica, traveling the west to east axis.

Honoring this important accomplishment yesterday, Senator BOSCHWITZ and I submitted Senate Resolution 258 to recognize and to congratulate the men for their accomplishment. I urge my colleagues to join us in honoring these six people who made up the 1990 International Trans-Antarctica Expedition for their accomplishment.

As those of you who have been following this expedition with us know, there are 4,000 miles of the toughest part of the world between a July 28 start at one end of the tip of Antarcti-

ca 4,000 miles across this incredible continent a little place called Mirnyy, which they reached on March 3, 1990.

This was accomplished by 6 human beings, not unlike us, but probably unlike us in a lot of very special respects, from 6 different countries of the world, and 40 polar husky dogs who have been both bred and trained for this experience over a long period of time. They traveled from the Antarctica Peninsula which we talked about in terms of its crevasses and its blinding storms and the danger of falling into 50-foot-deep crevasses, they traveled from the tip of Antarctica through this peninsula to the South Pole where we see pictures now in our media of members standing on their heads right at the South Pole. We actually get to see what the South Pole looks like for a change. Then across the Area of Inaccessibility, which is called the Area of Inaccessibility because no one travels that area, to a point at a Russian research station called Vostok which is about 10,000 feet in altitude, and then the last leg of their journey to the Russian station on the far coast.

Upon completing this trek on Saturday, the team was greeted by family and friends and journalists from all over the world, as well as messages of congratulations from President Bush and President Mitterrand of France.

Mr. President, I ask unanimous consent that President Bush's message to the team be printed in the RECORD at the end of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURENBERGER. Although the men are now safe, they had a severe scare last Friday night. And I remember when I read about it in the papers, I wondered if this was hype or this was the real thing. By 7:06 on Saturday night, I knew it was the real thing.

On Friday night, they were within 11 miles of their destination. They were in their tents but they were in the middle of a blinding blizzard which had winds as high as 70 miles an hour. As part of their routine at night, the men have to go out and check the dogs just to make sure that the dogs are safe. That is particularly true in adverse weather. Keizo Funatsu, who is the member from Japan, went out to check his dogs and did not return. After 2 hours, his tent partner, Qin Dahe, who is from China, risking getting lost himself in the white-out conditions, was able to make his way to the tent that had the radio in it and he called Mirnyy, the Russian port station, for help. Mirnyy was only 11 miles away. The team in their tents and the people at Mirnyy joined up, tied themselves together, and then began sort of a sweep of the whole area to try to find Keizo.

Luckily, he was found in good health after a 14 hours' absence. After realizing he was disoriented, rather than stumbling around blindly risking falling into a crevasse, Keizo did the smart thing: He dug a hole in the snow and curled up to wait for help to arrive.

Despite this near tragedy, Keizo was able to finish the trek without assistance.

The expedition has caught the imagination of the world. Their arrival at Mirnyy was televised live in the Soviet Union, France, Japan, Italy, and Australia. In the United States, many Senators may have caught the live interviews with the team on "ABC Wide World of Sports" on Saturday.

Yesterday, the team left Mirnyy by ship from New Zealand. From there they will begin a world tour starting with a meeting with President Mitterrand. The team will return to the United States on March 26 when they come to Washington, DC, that evening, I am hosting a reception which I hope all my colleagues will attend to honor these six men. Earlier that day, they will be the guests of the National Press Club. They will meet President Bush the following day, March 26.

By accomplishing something that has never been done before, the men have lit the immagination of the world. They have shown light on a continent that is little understood and served as beacon of international cooperation. This is why Senator BOSCHWITZ and I have submitted Senate Resolution 258. I hope that my colleagues will join me in honoring these six men who have accomplished so much.

To conclude, I ask unanimous consent to have printed in the RECORD the summary of the trek, which is not too long, produced by the team's support crew, and with that, to express my appreciation to all who have, in one way or another, encouraged these people in this very important endeavor, which is probably, in many ways, just beginning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANS-ANTARCTICA EXPEDITION MAKES HISTORY, COMPLETING SEVEN-MONTH DOGSLED JOURNEY DESPITE MAJOR OBSTACLES

ST. PAUL, MN, March 3, 1990.—At 6:06 a.m. CST, the 1990 International Trans-Antarctica Expedition completed the first unmechanised traverse of Antarctica, travelling the west-east axis. Logging nearly 4,000 miles in the harshest conditions on earth, the six men and 40 polar huskies travelled from the tip of the Antarctic Peninsula to the South Pole, across the Area of Inaccessibility to the coast of East Antarctica. The team skied into Mirnyy with Soviet Victor Boyarsky in the lead. Will Steger drove his sled in behind Victor, followed by Geoff Somers and his dogs, then Jean-Louis Etienne and Keizo Funatsu with the final team of huskies. Immediately upon crossing the "finish line", marked by a large banner made by the Soviet scientists working at Mirnyy, Steger and Etienne, co-leaders of the expedition, embraced and cried. Boyarsky was met by his wife Natasha, who had arrived moments before by Soviet plane which also ferried TV journalists from another point on the continent where they had been stranded for 24 hours. The team immediately celebrated with the entourage of Soviets with a Russian tradition of bread and salt and champagne. Jean-Louis Etienne commented, "It's a great relief to finish. It has been a very difficult seven months." As of this morning, congratulatory messages had been received for the team at the expedition's St. Paul office from President Bush and President Mitterand, in addition to the National Geographic Society, and Antarctic explorer Sir Vivian Fuchs, among others. In addition to meeting its goal to cross the continent on foot, without mechanised means, the team has also reached its goal to serve as a worldwide learning tool, bringing increased attention to the fragile, seventh continent and the successful Antarctic Treaty. Relying on satellite equipment provided by the Soviet Union, the expedition's finish was broadcast live today—an historic achievement in itself—into the Soviet Union, France, Japan, Italy and Australia. Interviews with the team members will be broadcast live from Mirnyy on ABC-TV's "Wide World of Sports" today. Just 16 miles from its final destination, the team was held up by a winter storm with winds blowing to 73 mph. Yesterday, Keizo Funatsu disappeared in the "white-out" conditions resulting from the high winds. After not being seen for two hours, the team formed a search party, roping themselves together, and searched for Funatsu until darkness. The search resumed in the morning and Funatsu was eventually found, 14 hours after he disappeared. Funatsu explained that just a few feet from his tent, he became disoriented by the lack of visibility and resorted to digging a hole in the snow to survive. He was found yelling, "I'm alive." "We ran up to him, like the Twins picture at the World Series, crying, and carried him back," Steger explained. Funatsu had no frostbite and was able to finish the trip on skis. The team is comprised of three teams of specially-bred sled dogs and six men representing six countries: Will Steger of the U.S., Jean-Louis Etienne of France, Victor Boyarksy of the USSR, Geoff Somers of Great Britain, Keizo Funatsu of Japan and Qin Dahe of the People's Republic of China. The expedition began on July 27, 1989 at Seal Nunataks on the Antarctic Peninsula in the middle of the austral winter. While travelling along the mountainous peninsula, never-before traversed in winter, the team experienced a 60-day storm with winds blowing to 100 mph and temperatures dropping to −45F. When not tentbound by these severe conditions, the team made slow progress through the deep snow, often travelling on hands and knees. Crevasses, giant fissures left as the glacial ice flows from the high Antarctic Plateau to sea level, threatened the lives of men and dogs for the first three months of the journey. Time and again, the team relied on their combined years of mountaineering experience to provide rescue from the crevasses using climbing techniques. Throughout this leg of the journey, the team was virtually without air support or emergency rescue. High sunspot activity prohibited radio contact with a base camp and support planes were grounded by

both mechanical failures and bad weather. Steger explained the frustration at this time: "There were some pretty black moments for me when I could see the desparation of other explorers like (Antarctic explorer Robert Falcon) Scott, hopelessly dying. But I always hung onto that spark, that little flicker of hope in the black and that's what I zeroed on." (Scott and his team perished 11 miles from a food cache when returning from the South Pole in 1912.) Unusually heavy snowfall buried three of the team's food caches, placed every 150-400 miles apart, requiring the team at one point to feed the dogs man food. Weakened by the severe conditions, Will Steger's veteran dog Tim died unexpectedly on October 20th. "Tim was one of my favorite dogs. He had a special character," Steger wrote in his journal. "When we realized Tim was suffering, we tried to get a plane in to take Tim off the ice, but the plane was grounded by weather and never reached us." One of the oldest huskies on the trip, Tim was the only dog the team lost during the expedition. In November, as the team climbed on top the Antarctic Plateau, the team increased its mileage from an average of eight miles per day to 25 miles per day, making up for nearly one month of lost time. Despite the team's steady pace, however, a near crisis was averted on December 4th when the Soviet Union offered to supply the expedition with 12 tons of fuel from an existing deposit at the South Pole. This would be used by the expedition's logis-tical support company, Adventure Network, which had not been able to deposit fuel and food supplies nor provide sufficient fuel for emergency rescue due to mechanical problems and weather delays. On December 11, the expedition reached the South Pole, becoming the first to do so by dogsled since the pole was discovered by Norwegian Roald Amundsen in 1912. Two of Steger's polar huskies, Sam and Yeager, became the first to travel to both poles. Both dogs helped Steger complete his historic expedition to the North Pole in 1986. From the South Pole, the team sledded out into the Area of Inaccessibility, a 750-mile stretch named for its remoteness and unilateral distance from all coasts of the continent. Upon reaching the Soviet Vostok station, on January 18, after 11 weeks without radio contact with its crew, the team added another first to its accomplishments by completing the first on-foot crossing of the Area of Inaccessibility. Vostok, situated at 11,000 feet, holds the world's record low temperature at −129F. From Vostok, the team began its last leg of the journey, travelling 850 miles to its final destination, Mirnyy, a Soviet base on the coast of East Antarctica. For 41 days the team raced with winter, enduring temperatures of −54F and windchills of −113F, relying heavily on the outstanding strength and endurance of the dogs. "The dogs are the true heroes of the expedition," Steger says. "They are incredible. They have provided us with an indomitable spirit." Most of the dogs gained weight during the expedition, eating 5,700 calories in a specially-formulated high energy diet. Despite the strength of the dogs, however, many suffered abrasion to their paws during this final portion of the journey from the hard-packed ice surface. Through support from individuals around the world, classroom materials to follow the journey were produced and distributed in the U.S., France, Great Britain, Japan, the Soviet Union, Denmark and Australia. From Antarctica, British team member Geoff Somers relected on the commitment of educators and children: "The expedition belongs to the hundreds of people who have helped us and thousands more who have involved themselves by following it. For them the expedition is like watching a live movie, as it happens, like watching the first moon landing," Audio-visual materials, wall maps, study guides and articles in educational publications have helped teachers to use the expedition as an interdisciplinary theme. While following the excitement of the journey, people around the globe have learned about the successful Antarctic Treaty, the continent's history, its wildlife and the important scientific research being conducted at the bottom of the world. The international composition of the expedition purposefully reflects the Antarctic Treaty, signed in 1961, which sets aside Antarctica as an international scientific laboratory. Thirty-nine countries abide by the 30-year treaty, which is expected to continue after 1991. From Mirnyy, the team will be transported by Soviet icebreaker to Wellington, New Zealand. They will then travel to Paris, London and Minneapolis/St. Paul for welcome home ceremonies. On March 24th, the team will be honored at a public celebration in St. Paul, on the steps of the State Capitol at 12:00 noon. On March 25, ABC-TV will air a one-and-a-half-hour documentary on the expedition including live interviews with the team, from 3:30-5:00 p.m. CST. On March 26th, Will Steger will make a presentation at the National Press Club luncheon in Washington, DC. This will be followed by a Senate reception hosted by Minnesota Senator Dave Durenberger and will make a White House visit on March 27th. In May, the team will travel to Osaka, Japan for a 3-day festival hosted by the city, followed by a visit to Beijing at the request of the government of the People's Republic of China. In late May, they will visit the Soviet Union and Great Britain. The expedition was made possible through financial support from numerous corporations based in France and the U.S. and extensive logistical support from the Soviet Union. The major U.S. sponsors include: W.L. Gore & Associates, makers of "Gore-Tex" fabric; DuPont Fiberfill, makers of "Quallofil, "Thermoloft," and "Thermolite" insulations; Hill's Pet products, makers of Science Diet pet foods; Target Stores, based in Minneapolis; and The North Face, a leading rugged outerwear manufacturer.

CHRONOLOGY OF EVENTS DURING TRANS-ANTARCTICA EXPEDITION

July 27, 1989: Expedition begins at Seal Nunataks on the Antarctic Peninsula.

August 9: Two sleds crash into Sastrugi at the bottom of a steep slope and break apart, severely disabling the expedition. Team takes the next two days off to assess the damage and is able to improvise a solution, cutting off the 9' of damaged runners from each sled with a Swiss Army Knife, leaving two 5-ft. sleds, in addition to the third whole sled.

August 11: First experience with crevasses when surface gives way under Victor Boyarsky; he is able to rescue himself with outstretched arms and climb to safety.

August 21: After a long search, the food cache at Three Slice peninsula cannot be found; team moves on, relying on emergency of three caches (placed every 150-400 miles) that would never be found by the team due to unseasonably heavy snow fall.

Spinner falls into a crevasse and out of his harness, but lands on a ledge 20 feet down; below him the hole dropped into "black nothingness." Rescue procedure is established using climbing ropes.

August 25: Numerous dogs fall into crevasses and are rescued throughout the day as the team climbs up Wilson Pass towards the Wyerhaeuser Glacier.

August 26: Buffy falls into a crevasses and is rescued by Steger and Boyarsky.

September 1: Severe storms begin, lasting for the next 60 days. Winds blow to 100 mph and temperatures drop to −45F; windchills of −110. Team remains tentbound for 17 days over the 60-day period. During the raging wind storms, tent partners often cannot hear one another talk inside the tent. Walking from tent-to-tent is nearly impossible; any movement outside the tent can be life-threatening because of hidden crevasses and the risk of getting lost in the white-out conditions. Dahe and Victor tell of fellow Antarctic scientists who lost their lives several feet from their base buildings because of white-outs.

September 13: Team resumes travel, after two tentbound days, to progress towards food cache despite any break in the high winds. Progress is often made with eyes closed, using the feel of the wind as a guide or crawling on hands and knees to follow barely-distinguishable trail of advance team. Team must take cautions to stay as close together as possible not to get sparated from critical supplies packed among three sleds. Because the two shortened sleds can no longer carry full loads, one sled is no longer a self-supporting unit.

September 30: Fifteen dogs are airlifted from the team to Chile. The team has become increasingly concerned for the health of the dogs in the deep snow and high winds. With the dogs, the team unloads 1,000 pounds of dogfood and begins to travel more quickly to make up for nearly one-month delay.

October 20: Steger's dog Tim dies. One of Steger's favorites, an older dog, Tim's strength was severely weakened by the harsh conditions. Although under close watch by the team, an unexpected, overnight storm takes Tim's life. Tim travelled with Steger to the North Pole in 1986.

November 8-10: Team meets with journalists at Patriot Hill's field camp. Ten of the 15 dogs that had been evacuated to Chile rejoin the team.

November 24: Journalists rescued from Patriot Hill's camp after an unexpected stay of 17 days due to mechanical difficulties with the support plane and weather delays.

December 4: Soviet Union agrees to provide Trans-Antarctica with 12 tons of fuel at South Pole, preventing the expedition from aborting its mission. The same mechanical difficulties and weather delays which stranded the journalists in Antarctica prevented Adventure Network, the expedition's charter company, to lay out fuel depots, to fly food caches beyond the South Pole and assure emergency rescue in the Area of Inaccessibility without the Soviet fuel.

December 11: Team arrives at South Pole (1992 miles into the expedition) after completing the first-ever winter traverse of the Penninsula. Team becomes the first to reach the South Pole by dogsled since Roald Amundsen discovered the Pole in 1912.

December 15: Team departs Pole, heading into Area of Inaccessibility, an area named for its unilateral distance from all coasts and until recently, inaccessible to aircraft. To enable emergency rescue if necessary during the crossing of this vast, featureless landscape, the team built "cairns," 6-foot

piles of ice blocks, every 40-minutes along the trail. These cairns would create a shadow to provide a marker to pilots trying to locate the team.

January 18: Team arrives Soviet Vostok station, completing first-ever on foot crossing of 750-mile Area of Inaccessibility. The area was crossed by Soviets using tractors in 1959. The team was received with a warm welcome from Soviet scientists stationed at the inland base, situated at nearly 11,000 feet. Vostok holds the world's record low temperature at −129°F.

January 23: Expedition record of 31 miles travelled in one day.

February 6: Coldest day of expedition, at −54°F.

February 15: Team experiences lowest windchills of expedition at −113°F.

February 26: Team sights first sign of wildlife since early September 1989: a skua, a common bird of the Antarctic coast.

March 2: Keizo Funatsu disappears in a blizzard with winds blowing to 73 mph and temperatures to −30°F. After a 14 hour search, he is found alive. To survive, he dug a hole in the snow and crawled in.

March 3: Team arrives Mirnyy, completing the first unmechanized traverse of the continent, across the west-east axis.

EXHIBIT 1

THE WHITE HOUSE,
Washington, February 28, 1990.

I am delighted to extend my greetings and heartiest congratulations to the members of the Trans-Antarctic International Expedition as you complete your historic trek.

During the past six months, you have braved deadly cold and 4,000 miles of perilous, icy land to conquer one of the last frontiers on earth. Your spirit of international friendship and cooperation not only helped make this fantastic journey possible but also set a wonderful example for the world community of nations. You have demonstrated how differences in language and culture can be overcome in the common pursuit of great and noble aspirations. I commend you for your outstanding achievement, and I salute you on a job well done.

Barbara and I send our best wishes for a restful and enjoyable trip home and for every future success and happiness. We look forward to meeting you on March 27th. Until then, God bless you.

GEORGE BUSH.

THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Item No. 460, S. 2151; that the bill be deemed read the third time and passed, and that the motion to reconsider the passage of the bill be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,816th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a Washington Post article on the administration's view of recent reports regarding the hostage situation be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1990]

UNITED STATES ACKNOWLEDGES OTHERS' EFFORTS ON HOSTAGES

(By Ann Devroy)

The Bush administration acknowledged yesterday that a variety of private individuals, foreign diplomats and others are trying to gain the release of U.S. hostages in Lebanon, but said none of the efforts has led to any indication that a hostage release is imminent.

White House spokesman Marlin Fitzwater, responding to what he said were a half-dozen recent reports about hostage-related developments, said, "there is a lot happening behind the scenes independent of the U.S. government.

Repeating the denial that any U.S. official is directly involved in talks, Fitzwater said intermediaries such as businessmen in the region, diplomats of other nations, families of hostages and their employers and officials with Lebanese and Iranian contacts all have worked on the hostage problem. Some of these people, he said, "have had contacts with the U.S. government" and "have told us what they are doing; they have asked us for advice."

But those efforts are not being made on behalf of the U.S. government nor are they directed by it, Fitzwater said. He said all intermediaries who contact the administration are told the Bush policy that hostages must be released without conditions. "No deals. If you can be helpful, fine, but keep in mind—this is our policy: no deals," Fitzwater said.

Eight Americans and 10 other Westerners are being held hostage in Lebanon. Most are believed held by Shiite Moslem factions loyal to Iran. Fitzwater repeated President Bush's inaugural call to Iran to release the hostages for the promise of U.S. "good will" to follow, and said the administration wants direct talks with Iran on the hostages.

Asked about movement on the issue, Fitzwater said, "We cannot say there is any movement. We know of no imminent release."

Speculation about possible release of the hostages, some of whom have been held for five years, has been fueled by reports in Middle Eastern publications and by indications from Iranian leaders of a new willingness to discuss release.

The latest report quotes Syrian sources that Mahmoud Hashemi, a senior Iranian official, met Sunday in Damascus with Syria's foreign minister to "coordinate efforts" between Iran and Syria on release of the hostages. Hashemi, brother of Iranian President Hashemi Rafsanjani, arrived in Damascus from Beirut, where he reportedly met with Shiite Moslem groups on the hostage issue.

State Department spokesman Margaret Tutwiler said the administration is "not aware of any . . . discussions that may be taking place n Syria on hostages." She reiterated Bush's denial over the weekend that he called French officials on the hostage issue, and Vice President Quayle's denial on Sunday that former secretary of state Cyrus R. Vance was officially negotiating hostage releases.

RETIREMENT OF LT. GEN. HERBERT E. TEMPLE, CHIEF, NATIONAL GUARD BUREAU

Mr. WARNER. Mr. President, Lt. Gen. Herbert R. Temple, Jr., Chief of the National Guard Bureau, retired after 42 years of military service on January 31, 1990. He left with the respect and appreciation of all who had the honor of serving with him.

General Temple was a visionary leader whose unwavering commitment to professional excellence helped mold and shape the contemporary National Guard into the widely respected, credible military force it is today. No doubt, the decade of the eighties has meant unprecedented challenges and change for the Nation's reserve component forces, specifically, the National Guard.

As the total force policy of the seventies became a reality in the eighties, for the first time in peacetime history the National Guard was relied upon as a first line defense resource. As Chief of the National Guard Bureau, General Temple was at the forefront of seeing the Guard through one of the most dynamic and turbulent periods in its 353 year history.

General Temple began his military career as a private in the 160th Infantry Regiment, 40th Infantry Division, California National Guard on June 2, 1947. He was called to active duty in September 1950 and served in Korea as a noncommissioned officer with Company B, 5th Regimental Combat Team, 24th Infantry Division.

His experiences in Korea, coupled with an unwavering desire to improve upon the National Guard's peacetime readiness, guided General Temple through a series of impressive assignments in the California Military Academy, military assistant to the Governor of California, deputy commander of the 49th Infantry Brigade (separate) and commander of the 3d Brigade, 40th Infantry Division (mechanized).

After attending the Army War College, he reported to the National Guard Bureau in Washington, DC, where he served in a series of assignments, each successfully building upon his ability to effectively lead and manage an institution experiencing rapid growth and change. General Temple's demonstrated leadership abilities eventually led him to the National Guard's highest rank of lieutenant general and chief of the National Guard Bureau.

As chief, General Temple vigorously pursued the goal of professional excellence for all National Guard members. He envisioned a National Guard fully compatible with its active component counterparts—a Guard which could meet and even exceed active Army and Air Force standards.

Stressing the three pillars of military professionalism—modernization, training, and education—General Temple set out to reshape the Guard institution by spearheading some of the most historic and ambitious initiatives in the history of the National Guard. As a direct result of improved resourcing, expanded training, and accelerated educational programs, today's National Guard enjoys unprecedented readiness as well as renewed credibility as a first line defense force.

One of General Temple's most vocal passions was his insistence on expanded overseas training for National Guard members. An ambitious overseas training deployment program conceived in the seventies came to fruition under General Temple's leadership. Taking Guard members to exciting and challenging training environments throughout Asia, Europe, and the Caribbean, as well as Central and South America, these were the very places where Guard members were most likely to be called upon to serve in the event of mobilization.

Here in the United States, Army and Air Guard members today train at some of the military's premier training sites, like the National Training Center at Fort Irwin, CA, and the Joint Readiness Training Center at Fort Chaffee, AR. The National Guard has also seen increased representation at some of the Nation's most prestigious senior service academies and academic institutions.

Throughout his career, General Temple strived to set a foundation for the Guard's long-term effectiveness as a full and reliable partner in national defense. He once likened the Guard's road to success to a quest—an ongoing journey that will continue over time. The Guard of the nineties will certainly proceed along this evolutionary path so that it may continue meeting our Nation's constantly changing defense needs. To best manage these changes, the future will call for leaders like Lieutenant General Temple—men and women with a quest, a vision, and the courage to follow their dreams.

We wish General Temple and his family a well-deserved long and happy retirement and a hearty "well done"—as we say in the Navy, General—for his dedicated and outstanding service to his country.

NORTHWEST INDIANA SYMPHONY ORCHESTRA CELEBRATES ITS JUBILEE

Mr. COATS. Mr. President, one of Indiana's foremost cultural organizations is celebrating its jubilee anniversary this month. On March 15 the Northwest Indiana Symphony Orchestra will kickoff its 50th season with a gala event, including a special concert followed by a dinner celebration.

The Northwest Indiana Symphony Orchestra was founded in 1941 as the Gary Civil Symphony. The ensemble's very first concert was presented on December 7, Pearl Harbor Day, under the baton of Arthur Zack. Until 1983, when the Star Plaza Theatre became the orchestra's permanent home, concerts were presented in various locations throughout Lake and Porter Counties, along with surrounding communities in Indiana and Illinois.

In addition to its regular season of classical and pops concert programs, the orchestra presents special concerts for area schoolchildren. The orchestra also brings good music to listeners in Gary, Crown Point, Hammond, Highland, Whiting, Dyer, and Munster.

Mr. Robert Vodnoy begins his 15th season as music director and conductor of the Northwest Indiana Symphony Orchestra. The 77-member orchestra, under Mr. Vodnoy's leadership, has won wide critical acclaim. For instance, in 1988, the NISO received a special award from the American Society of Composers, Authors, and Publishers [ASCAP] for adventuresome programming.

Maestro Vodnoy, a native of South Bend, attended Indiana University on a doctoral program in conducting. He also held a doctoral teaching assistantship in music theory and later a full university fellowship. He holds baccalaureate and master degrees in composition.

As a guest conductor, Maestro Vodnoy has been active in the symphonic, operatic and ballet fields, in and out of Indiana, conducting orchestras in Chicago, Michigan, Wisconsin, Georgia, Mississippi, Venezuela, and elsewhere. He is the music director of the Southwest Michigan Symphony in Benton Harbor and St. Joseph, MI. Vodnoy is also the host and producer for "Backstage At the Symphony," a monthly television series, which in 1989 received a major grant from the Indiana Arts Commission. He has coproduced several musical TV programs for children. This fall the Voice of America will broadcast excerpts from recent performances of the Northwest Indiana Symphony Orchestra, under Maestro Vodnoy's baton.

The Northwest Indiana Symphony Society, the orchestra's parent organization, has a strong commitment to education. In addition to the annual Mary Elizabeth Hannah Children's Concerts, the society sponsors the Northwest Indiana Youth Orchestra, an ensemble designed to train area school musicians. Other educational programs supported by the society include the Edith Root Scholarship, presented annually by the Women's Association to outstanding graduates of the youth orchestra.

The society also sponsors the symphony chorus, under the direction of Joe Evan Burt, which appears each season with the orchestra in various classical and pops concerts.

The society, which employs an artistic staff and an administrative staff of four persons each, is governed by a board of directors drawn from the many communities in the region served by these programs. These dedicated volunteers provide overall direction to the society's activities and financial stability to its programs.

The Women's Association provides financial support through its many fund-raising projects, takes an active role in the society's educational programs and shares responsibility for the annual subscription campaign. It also sponsors a calendar of social events for its members.

On March 15, Maestro Vodnoy will lead the Northwest Indiana Symphony Orchestra in a special anniversary concert sponsored by Bank One of Merrillville. The orchestra will perform two major 20th-century works, Symphony No. 3 by French composer Albert Roussel and Carmina Burana, the great choral work—"Cantiones Profanae"—by German composer Carl Orff. Appearing with the orchestra of 90 musicians will be soprano Patrice Michaels Bedi, tenor William Watson, the 110 members of the Northwest Indiana Symphony Chorus, under Joe Evan Burt, and the Southlake Children's Choir, under Cynthia Bayt Bradford, director.

I am told that the total number of performers for this event will be the largest ever assembled on stage at the Star Plaza Theatre. It should be quite a musical evening. I am sorry that I shall have to miss it due to Senate business. However, I extend to the Northwestern Indiana Symphony Orchestra, Maestro Vodnoy, the musicians and singers, the Symphony Society and the friends and supporters of this great orchestra my sincerest congratulations for a successful 50th birthday. Best wishes for many more wonderful seasons of concerts.

At the close of its first half century the Northwestern Indiana Symphony Orchestra has demonstrated that it is more than what the Chicago Tribune called "the little orchestra that could." The NISO already has the appreciation of the people of Indiana and music lovers everywhere for bringing to hundreds of thousands of Hoosiers the joys of great music and hours of cultural fulfillment.

UNITED STATES SHOULD RESTORE DIPLOMATIC RELATIONS WITH COMMUNIST GOVERNMENTS

Mr. PELL. Mr. President, Mr. Strobe Talbott, the distinguished diplomatic correspondent for Time magazine, recently stated a convincing case for the United States to restore diplomatic re-

lations with countries throughout the world that we have shunned because they are Communist regimes tied to the Soviet Union. Mr. Talbott writes:

One way for the United States to signal a comprehensive approach (to these Marxist-Leninist regimes) would be to maintain full-fledged embassies in four far-flung corners of the Third World that have long been color-coded red on American maps: Afghanistan, Angola, Cuba and Vietnam. By snubbing those governments in various ways, Washington is doing more than just underscoring its disapproval of their leaders; it is also stubbornly reaffirming the implication that they are minions of Moscow.

There is much wisdom in Mr. Talbott's analysis. On February 28 our distinguished former collegue and former Secretary of State, Ed Muskie, appearing before the Foreign Relations Committee called for direct talks by United States officials with the Government of the State of Cambodia in Phnom Penh. In response to my question he also said the time had come to move to normalization of relations with Vietnam. He saw significant advantages for U.S. interests and policy in opening talks and diplomatic relations, not because we endorse or approve of the governments in those places, but as a way of engaging those governments in constructive dialog and exchange of information. For myself I find it difficult to understand how we expect to reach a peaceful solution in Cambodia—a ceasefire and a fair election—without talking to the government in Phnom Penh and restoring relations with Vietnam.

As Talbott, writes, our objection to various governments is no argument for a diplomatic boycott. "Quite the contrary," he writes, "the United States would have more clout with such miscreants if it dealt with them directly, through American ambassadors who could remonstrate with local officials and gather intelligence."

Talbott notes that the Communist world is changing fundamentally, but that there has been no systematic review by the administration of United States policy for dealing with the Communist regimes outside Europe. On the one hand, we have sent high-level envoys to China, despite the excesses of Tiananmen Square, and despite China's continued active support of the Khmer Rouge. On the other hand, we continue to try to isolate the regimes such as Afghanistan, Angola, Cuba, and Vietnam.

In a real sense we are isolating ourselves from these regimes. As a former foreign service officer, I have long called attention to the value of maintaining diplomatic relations even with our sharpest adversaries. It is precisely when relations are bad that it is most important to maintain embassies. When relations are good the business of foreign affairs can be conducted in many easy and informal ways, in addition to diplomatic relations. But when governments are hostile, that's when the channels provided by a working embassy with skilled diplomats are especially necessary.

I ask unanimous consent that the article by Strobe Talbott in the March 5, 1990, issue of Time magazine entitled "Influencing Moscow's Clones" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLUENCING MOSCOW'S CLONES

The Bush Administration may be forgiven for reacting slowly to the phantasmagoria of 1989. No one saw the collapse of communism coming, and no one could be sure that it would continue, much less spread. The next stage, however, is more predictable: sooner or later what started in the Soviet Union will engulf Moscow's clones in the Third World. This time there will be no excuse for the U.S. to be caught flat-footed.

Yet the Bush Administration is not even thinking about the matter in a serious, coordinated way. Neither the National Security Council, which is the President's personal think tank, nor the State Department's Policy Planning Staff, which is supposed to look over the horizon of foreign policy, is engaged in a systematic review of U.S. strategy for dealing with Marxist-Leninist regimes outside Europe. Instead, the regional experts of the bureaucracy are nibbling away at their own pieces of what should be seen, and addressed, as a global challenge—and opportunity.

One way for the U.S. to signal a comprehensive approach would be to maintain full-fledged embassies in four far-flung corners of the Third World that have long been color-coded red on American maps: Afghanistan, Angola, Cuba and Viet Nam. By snubbing those governments in various ways, Washington is doing more than just underscoring its disapproval of their leaders; it is also stubbornly reaffirming the implication that they are minions of Moscow.

That bedrock contention of the cold war simply does not stand up these days. Insofar as the Kremlin still calls the tune, it is sounding retreat. In the past year the U.S.S.R. has removed its army from Afghanistan, prevailed on Viet Nam to withdraw its troops from Cambodia, and helped begin extricating the Cubans from Angola.

Some puppets, having had their strings loosened or even cut, can be expected, like Pinocchio, to misbehave as badly as ever. Fidel Castro, for example, is almost as much at odds with Moscow as he is with Washington. But that is no argument for a diplomatic boycott. Quite the contrary. The U.S. would have more clout with such miscreants if it dealt with them directly, through American ambassadors who could remonstrate with local officials and gather intelligence.

In other contexts, conservative American Presidents have argued that maintaining diplomatic relations need not constitute an endorsement of the powers that be or the political system of a country. The Reagan Administration justified its intensive diplomacy toward racist South Africa as "constructive engagement." Last year George Bush sent two high-level envoys to toast a Chinese leadership that had just slaughtered thousands of its citizens. The President explained that preserving U.S. leverage over future developments in that largest of Third World communist nations meant avoiding the temptation to "isolate" its government. Bush was proplerly criticized not for the principle he was enunciating but for the gratuitious, maladroit way he applied it. Simply keeping his ambassador in Beijing should have sufficed.

By the same token, Bush could send ambassadors extraordinary and plenipotentiary to Kabul, Luanda, Havana and Hanoi to engage the leaders there constructively rather than treating them like avatars of Moscowcentric world communism, a phenomenon that no longer exists. For the U.S. to stop withholding or hedging recognition of those regimes would be a big step toward recognizing how much the world is changing.

GENERAL KIELY STEPS DOWN

Mr. PELL. Mr. President, on Sunday afternoon, March 4, on the south lawn of the Rhode Island Statehouse, there was a public farewell review and change of command ceremony marking the retirement of Maj. Gen. John W. Kiely, adjutant general of the State of Rhode Island and commanding general of the Rhode Island National Guard.

General Kiely is an old friend and I have enjoyed working with him during his 6-year tour as adjutant general and his previous tour as assistant adjutant general. He has always been a vigorous and steadfast advocate for the National Guard and a thoughtful proponent of the role of the militia in the national defense.

General Kiely's distinguished military career spanned 47 years, beginning in World War II, when he was commissioned a second lieutenant and had the distinction of being the youngest officer in the 76th Division. After graduating from Providence College in 1950, he returned to service and held several commands in post-war Europe. He subsequently continued his education at the Army War College and at George Washington University where he was awarded a masters degree in political science in 1965. After serving in Vietnam, he held a number of responsible posts in the office of Comptroller of the Army before being confirmed by the Senate in 1977 as a brigadier general in the Army National Guard.

As adjutant general of Rhode Island, General Kiely has served with distinction under two Governors of different parties. In addition to the usual problems of funding and equipment allocations, he has had to cope with particular thorny issues like the question of military uniforms for civilian technicians and the larger issue of deployment of National Guard units in Central America.

General Kiely and I have maintained over the years a friendship and a good working relationship that I believe has yielded many positive benefits for the Rhode Island National Guard. Now he can step down with a

sense of a job well done. I salute him and wish him well in his retirement years ahead.

ESTONIAN LEGISLATURE PASSES DECLARATION CONCERNING INDEPENDENCE

Mr. PELL. Mr. President, the swift pace of change in Eastern Europe and the Soviet Union is truly remarkable. Although few could have anticipated the gains made by freedom and democracy over the past year, nearly all look to the coming year with great hopes of consolidating these gains.

The extent and depth of the changes we are witnessing are perhaps best exemplified by the strong drives for independence among the Baltic States. As a former desk officer for the Baltic countries at the Department of State, I hold a particular interest in developments there. The recent election in Lithuania serves as a poignant reminder of the traditional affinity for freedom among the Baltic people. As a longtime cosponsor of legislation to commemorate Baltic Freedom Day, I am proud to be among those in the United States who have supported the hopes and aspirations of the Baltics over the years.

Mr. President, my Rhode Island constituency has been very supportive of the drives toward freedom in the Baltics. Recently I received from Professor Eric Suuberg of Brown University in Providence, RI, a copy of the Estonian Legislature's declaration concerning independence. In view of the importance and timeliness of this document, I believe that my colleagues would find it of interest. Accordingly, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

DECLARATION: ABOUT THE NATIONAL INDEPENDENCE OF ESTONIA

Today, February 2nd 1990, at the 70th Anniversary of the Tartu Peace Treaty between the Republic of Estonia and the Russian Federation that established peace after the Estonian War for Freedom, the General Assembly of all represenatives elected in Estonia held a meeting at the Tallinn City Hall and discussed the Estonian statehood.

The General Assembly stresses—that in 1940 Estonia lost its independence that had endured for 20 years and had been recognized by all states. This action was the result of a criminal deal between Stalin and Hitler, Molotov and Ribbentrop and was carried out as an international deception maneuver under the cover of the Red Army military force and after occupation of the country on June 17th, 1940, the same week that Paris fell to the armies of Hitler and the democratic world was in a state of despair.

The General Assembly states—that as an annexed state Estonia has for half a century been formally a Soviet republic, in fact a province, but has retained in the hearts of the people a quest for independent statehood. Both the country and the people have been subjected during this era to all the horrors of stalinism and its aftermath, to lawlessness and the reign of terror, and have had enormous losses of moral, cultural, political, economic and ecological nature.

The General Assembly declares—that democratic statehood, based on the continuity of the Republic of Estonia, has survived as the undisputed political aspiration of the Estonian nation. The experience of the last half-century has confirmed anew our conviction that only national independence can guarantee further existence and future development of the Estonian nation.

The General Assembly decides—that it is a sacred duty of ours as elected representatives of the people to fight for the aspirations of the Estonian people. Our fight must be based—before the world public opinion—upon the right for self-determination of nations under the international law and the documents, regulating its application, and—especially in relation to the Soviet Union—upon the undisputed validity of the Tartu Peace Treaty. According to the Tartu Peace Treaty the Leninist Government of the Soviet Russia acknowledged the right of Estonia for independent statehood and abdicated for all times all pretences against Estonian people, country and estate.

The General Assembly acknowledges—that the fight for Estonian independent statehood can only be peaceful, using only democratic means and in collaboration with all groups representing diverse ideas, if only the actions of these groups are not in conflict with democratic principles and norms of international law. While propagating the idea of Estonian independence we are cognizant of the support given to independent Estonia by hundreds of thousands of non-Estonians. In the state, whose re-establishment we are working for, all human and ethnic rights are going to be honored according to traditions of the Estonian Republic and of ethnic tolerance. The rights of ethnic and ideological minorities for their ideas and feelings must be protected under Estonian law.

The General Assembly addresses—the United Nations Organization, the participants of the Helsinki Conference of European Security and Cooperation, the Governments of all states and the world public opinion with a call to support and to enforce our legal rights, our undeniable right to regain our palce in the community of independent nations, taken from us by force, thus separating us from those with whom we have belonged for 70 years both spiritually and de jure. The decisions and agreements between superpowers must never again determine the fates of smaller states and nations.

The General Assembly asks—the Supreme Soviet of the Union of Soviet Socialist Republics to begin consultations with the legally elected representatives of the Estonian nation for the re-establishment of the independence of the Estonian Republic.

The General Assembly states—that in order to re-establish the Republic of Estonia, based upon the continuity of the Tartu Peace Treaty, the Estonian side begins through her representatives contacts and consultations with all parties, involved in the de facto re-establishment of the Republic of Estonia.

THE CONGRESS OF ESTONIA

Mr. PELL. Mr. President, the largest grassroots movement in Estonia, the Congress of Estonia, is scheduled to convene March 11 in Tallinn. All citizens of the Republic of Estonia, regardless of ethnicity, place of residence or political opinion, are eligible to register and vote for 499 delegates to the Congress, 35 of whom will represent Estonians in exile. Estonians in the United States will have 9 delegates to the Congress.

Over 670,000 people have already registered with the Estonian Citizens' Committee to participate in the election of delegates to the Congress, which has been endorsed by all significant political movements and parties in Estonia, including the local Soviet authorities.

The concept of the Congress of Estonia is founded upon the principle of the lawful continuity of the Republic of Estonia, the nation which declared its independence on February 24, 1918. Under the terms of the 1920 Peace Treaty of Tartu, the Soviet Union recognized the Republic of Estonia and renounced forever all rights over Estonia.

Despite this treaty, Estonia, along with Latvia and Lithuania, were forcibly incorporated into the Soviet Union following the signing of the Molotov-Ribbentrop Nonaggression Pact in 1939.

The United States, as well as many other nations in the world, have never recognized the forcible incorporation of the Baltic States into the Soviet Union. It is altogether fitting therefore that my fellow Senators join me in supporting the Congress of Estonia as the true expression of the will of the Estonia people.

THE CHANGING FACE OF EUROPE: A BREAKING APART AND A COMING TOGETHER

Mr. PELL. Mr. President, this past weekend Lithuanians elected a legislature dominated by non-Communists—a legislature that probably will press for independence from Moscow. At the same time, in East Germany, the Social Democrats offered a unification platform and urged East and West German legislators to form a joint parliamentary commission on unification. These legislative events capture the essence of two phenomena occurring on the European Continent: A simultaneous breaking apart and a coming together of nations.

Both phenomena are fueled, in large part, by nationalism—a word that at once invokes hopes and fears. In the February 9, 1990, issue of Commonweal, David R. Carlin, Jr., the majority leader of the Rhode Island State Senate, offered an interesting perspective on the seemingly incompatible moves toward unification and toward independence, and the role that nationalism plays in those processes. I believe that his words warrant the at-

tention of my colleagues as we witness the actions of our European counterparts. I ask unanimous consent that Mr. Carlin's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONALISM'S SIREN CALL

(By David R. Carlin, Jr.)

Who would ever have imagined that the Soviet Union might be in danger of falling apart?

Well, Milovan Djilas, for one. Djilas, you remember, was Tito's friend and comrade-in-arms during the partisan struggle against the German occupation in World War II; in the postwar period he was vice-president of Communist Yugoslavia and one of the chief architects of Tito's successful revolt against Stalin in the late 1940's; he then became a critic of communism, even the Titoistic brand, and was rewarded for this insight with many years imprisonment, he was the author of, among other works, "Conversations with Stalin" and "The New Class," a critique of communism that caused a great sensation when it came out in the mid-1950s.

Years ago Djilas predicted that the centrifugal force of nationalism would eventually endanger the very existence of the Soviet Union. He made the same prediction for his own multinational Yugoslavia. I fear Djilas was correct. I don't see how Gorbachev can have glasnost along with the continued existence of the Soviet Union.

Gorbachev's hope, apparently, had been that a more liberal, more democratic Soviet Union would energize individuals, groups, and institutions so that they would become vastly more productive than they had been in recent decades. This increased productivity would eventually permit the Soviets to catch up with the Western nations, to become a fully modernized society. This is the lastest version of the dream of westernization that has fascinated Russian rulers since the time of Peter the Great, nearly three centuries ago. But every time the Russians make progress in this direction, the West, it turns out, makes further progress, and the goal of catching up remains almost as distant as ever.

It was not difficult to predict that once the conditions and instruments of liberal democracy were presented to the numerous non-Russian national groups in the Soviet Union, these groups would seize the gift, not in order to work harder in their farms, factories, and offices, but to assert national independence. Maybe they will work harder and more efficiently once they get independence. But nationalism is more attractive than hard work. When people are free to choose one or the other, they'll choose the former.

For at least 200 years, since the age of the French Revolution, nationalism has been an enormous force in the world, an intoxicating force. It has redrawn the map of the world time and time again; it created modern nation-states; during the nineteenth century it extended European dominion over much of the rest of the world; in the twentieth century, rebounding, it led the rest of the world to overthrow the same European dominion; it has presided over the industrialization of the earth; it has led to recognition of the rights of man and the citizen; it has also led to brutal totalitarianism. It has given us enormous prosperity; it has also given us World War I and World War II, not to mention the wars of the French Revolution and Napoleon, the bad angels that presided over its birth.

After two centuries of playing with this intoxicant, Western Europe shows signs at last of being able to handle it with moderation. Slowly, ever so slowly, the nations of Western Europe creep toward confederation. They have a popularly elected, though of course very weak, parliament the meets in Strasbourg; they have an economic union that will be significantly strengthened in 1992. Their long-term goal seems to be a nationalism in moderate doses: just enough to preserve a comfortable sense of pride and identity in Europe's constituent parts, but not so much as to disrupt the advantage of transnational order and cooperation.

But why can't Gorbachev do the same? If the Western European states can ascend from anarchy to confederation, why can't the Soviet Union descend from a unitary state to a confederation? Why can't the two process—increasing centralization in the West, increasing decentralization in the East—meet one another halfway? Why indeed, can't this double process eventually lead to a pan-European federation, embracing west, east, and center?

Something like this is what Gorbachev appears to have in mind. In his appeals for patience to the non-Russian nationalities, he promises that the Soviet Union will be transformed from what it has been, a de facto unitary state with a federal veneer, into a genuine confederation—though he is still short on specifics. And of course he speaks of "a common European house, from the Atlantic to the Urals."

But there is a crucial difference, I fear, between the nationalism of the West and that of the East. The Western Europeans have been free to have their fling with nationalism; they've sown their wild oats; they've come home drunk at three in the morning and been sick all the next day. You don't have to read them lectures on the dangers of excess; they know all about it; they've been there. Through pain they have learned wisdom. But the nations of the East, particularly the non-Russians of the USSR, are still young in nationalism; they haven't had their fling; they haven't been allowed to go out on the town and live riotously. Their more experienced brothers and sisters can tell them national independence isn't all it's cracked up to be. They can tell them that Gorbachev's offer of confederation, as opposed to outright independence, is generous and wise. They can tell them that when it comes to national independence, half a loaf is not only better than none at all—it's even better than a whole loaf.

Unfortunately, we grow too soon old and too late smart. It's not easy for young people to benefit from the wisdom their elders have gained in the college of hard knocks. The young want to have their own experience, commit their own follies, bang their own heads against the wall. The nationalism of Western Europe is now mature; it has grown ripe and mellow. The nationalism of the East, alas, is in its exuberant adolescene.

To date Gorbachev has been a great political miracle worker. If he can handle this problem, if he can hold the Soviet Union together within a federal framework while continuing to pursue his program of glasnost and perestroika, then he will be one of the great political miracle workers of all time.

A TRIBUTE TO MALCOLM FORBES

Mr. BRADLEY. Mr. President, with the death of Malcolm Forbes, we have lost one of the 20th century's great corporate leaders. I join my colleagues in paying tribute to a man who has left an indelible mark on our society.

Malcolm Forbes was an original. Editor, executive, philanthropist, collector, author, balloonist, motorcyclist—and even a politician. Incredibly, he pursued all of these interests with vigor and enthusiasm.

Malcolm Forbes was also a life-long New Jerseyan. Born in Englewood and educated at Princeton, Malcolm chose to live and raise his family in Far Hills. While his interests and concerns took him all over the world, he was also an active and involved member of his community and his state.

Malcolm Forbes was an unabashed capitalist. He believed fervently in our system, and used it to build a corporation and a magazine that make a real contribution to our business environment.

I join my colleagues in celebrating the life of Malcolm Forbes. He will be deeply missed.

A TRIBUTE TO MAYOR FRANK GRAVES

Mr. BRADLEY. Mr. President, with the death of Frank Graves, New Jersey has lost a great friend and a devoted public servant.

For over 25 years, Frank Graves has worked on behalf of the people of Passaic County. As Alderman and later as State senator, he worked to make New Jersey a safer and a better place to live.

But it was the people and the city of Paterson that benefited most directly from his years of service. Mayor Graves loved his city and spent every waking moment protecting it and advancing it. No problem was too small for his attention. Mayor Graves was a public servant who never passed the buck to someone else. He has left an indelible mark on his community, and his leadership will be greatly missed.

With the passing of Mayor Graves, we have lost a public servant whose dedication, hard work, and unbending pride in Paterson and in New Jersey has made our State a better place to live. I join his wife Ethel and his daughters in mourning his loss. He will be deeply missed.

JANUARY 1990 TRIP TO IRAQ AND MEETING WITH PRESIDENT SADDAM HUSSEIN

Mr. SPECTER. Mr. President, on Tuesday, January 23, the day that the U.S. Senate reconvened for the 2d session of the 101st Congress, I reported briefly on my recent trip abroad in-

cluding visits to several nations in the volatile Mideast. On February 7, I made a floor statement presenting an overview with some additional detail on that trip. In this statement, I shall focus on one of those nations because of its special importance to Mideast security and the desirability of developing a closer relationship with the United States. I am referring to Iraq, which I visited on January 12 and 13, 1990. Today I am also making a statement as to my visit to Syria, which I visited on January 14 and 15, immediately following my visit to Iraq.

While Iraq has been an important nation historically, it has a special role in the world today as it has emerged from the Iraq-Iran war as a major regional power. With the well-known problems in the U.S.S.R. concerning the Soviet economy and political restructuring, nations like Iraq are looking more toward the United States. This presents an opportunity for us to suggest policies on human rights and to urge them to play a more constructive role in the Mideast peace process. Our visit last month, which supplemented an earlier trip in January 1989, provided an opportunity to meet with President Saddam Hussein and gain important insights on ways to strengthen United States-Iraq relations and draw that nation closer to our values and interests.

Up until the present time, Iraq has been a relatively closed society with few foreign publications. In general, unofficial contacts with foreigners seem to be discouraged. Iraqi use of poison gas against rebellious Kurds in 1987 and 1988 aroused world public opinion, as have allegations of human rights abuses.

For many years, the United States had no diplomatic relations with Iraq. It was not until November 1984 that the United States and Iraq restored full diplomatic relations. During the past 8 years of the Iran-Iraq War, very few congressional delegations visited Baghdad, and only one other congressional Member, Representative STEPHEN SOLARZ, to my knowledge, met with President Saddam Hussein in 1982 and 1987.

My distinguished colleague, Senator RICHARD SHELBY of Alabama, and I met with President Saddam Hussein in Baghdad on Saturday, January 13. President Hussein is an imposing figure who exudes strength and confidence, which would be expected from a leader whose nation has recently emerged with the upperhand from a bloody 8-year war. While President Saddam Hussein has been the subject of critical comment, he occupies a position of real power and has the potential to play a constructive role if properly motivated. Our discussions were cordial and candid, focusing on issues of regional security and United States-Iraq bilateral relations. When I suggested his participation in regional security and peace talks with Israel, President Hussein responded that he needed first to concentrate on peace between Iraq and Iran, but he did not rule out Iraqi participation in a regional conference.

President Hussein expressed concern and annoyance about the United States limiting the number of Soviet Jewish immigrants in order to force them to go to Israel. He appeared to be unaware that this limitation was a part of overall U.S. restrictions on immigrants from all nations. I discussed with him in some detail U.S. immigration practices including the necessity for a floor amendment in the Senate last year to secure even the admission of 30,000 technicians, scientists and other highly skilled immigrants into the United States. I also pointed out to President Saddam Hussein that, in fact, the number of Soviet Jews eligible for admission to the United States had been increased, and I commented on my own special interest in increasing such immigration because my parents were Jewish immigrants from Russia and Russo-Poland.

In the recent past, it appeared to be the position of Iraqi officials that the United States needed to prove that it wanted good relations, with Iraq. During my visit to Baghdad 1 year ago, I encountered hard liners, with only a few emerging younger officials esposuing diplomatic solutions. While the United States and Iraq had common interests in opposing Iran's belligerency and terrorism, Iraqi officials appeared to remain angered by certain United States actions which appeared to tilt in favor of Iran. The Iran-Contra affair did little to assuage that Iraqi perception.

On my return to Baghdad in January, I found a more open and friendlier response. It may be that the intervening year provided Iraqi officials with an opportunity to focus on relations with other countries once the Iraq-Iran War had ended. It may be that the changes in the Soviet Union and Eastern Europe caused Iraq to focus on the United States as a nation which could provide more assistance, or at least beneficial reciprocal arrangements, for the future.

While I have already noted some of the factors which have discouraged closer relations between Iraq and the United States, there have been other actions by Iraqi officials which should promote closer relations between the two countries. President Saddam Hussein deserves credit for backing Egypt's return to the Arab League, for supporting the Palestine Liberation Organization's statements toward recognition to Israel, and for denying the Abu Nidal organization continued basing rights in Iraq. We should note that Iraq has been removed from the United States terrorism list. Iraqi officials also moved to resolve the question of compensation for the victims of the U.S.S *Stark*, mistakenly hit by an Iraqi missile.

In our recent meetings with Iraqi officials, we found a strong interest in improving relations with the United States. First Deputy Prime Minister Ramadan stated that "Iraq is ready to build good relations with the United States in all fields and without hesitation," and Foreign Minister Aziz reiterated that he would like the "best possible relations." At a dinner hosted by First Deputy Foreign Minister Hamdoon, former Ambassador to the United States, Mr. Hamdoon was outspoken in his interest in improving United States-Iraqi relations. The message from President Saddam Hussein was even more forceful. During our 1½-hour meeting he looked us straight in the eye and said that he looked forward to seeing relations with the United States "always in progress, always on the upswing."

Part of the answer for this apparent change in position may rest in the cost, devastation, and lessons learned from Iraq's war with Iran. Iraq is deeply in debt, and while it has vast oil reserves to generate hard currency, the road to recovery will be hard. Iraq has acted constructively by its immediate acceptance of U.N. Resolution 598 calling for a cease-fire and negotiated settlement with Iran. It also has agreed to a Soviet effort to mediate a settlement. We were informed that on January 5, 1990, President Hussein called for a gradual exchange of POW's and for an opening of borders for visits to Iraqi and Iranian religious centers. Iran has rejected these proposals outright. It is apparent that the Iraqis are expressing a strong preference for diplomatic rather than military solutions.

Another part of the answer may have been provided by President Saddam Hussein himself. He stated that only with stability and peace can Iraq and Iran build as nations, only with peace can they ensure a higher standard of living for their people. And with an increased standard of living there will be less of a taste for conflict. To emphasize the need for development, President Hussein noted that there is still a significant number of Iraqi farmers who do not have proper bathrooms and toilets, not because they cannot afford them, but because they do not see the need for them.

There are a number of difficult, unresolved issues which stand in the way of better relations, not only between the United States and Iraq, but also between Iraq and its Mideast neighbors. First and foremost is the need for a settlement in the conflict between Iraq and Iran; second is the broader issue of regional instability

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caused by adversarial relations among Iraq, Israel, Syria, Iran, and Lebanon. There is a history of misunderstanding and mistrust which only time and focused diplomacy can hope to resolve.

Some of the problem may be based on misperception. In my view, it is time to end the isolation which engenders distrust. The Iran-Iraq war and excessive attention to the Israeli-Palestinian situation has kept President Saddam Hussein and other Mideast leaders from addressing broader issues of regional security and peace. I believe that if Iraq, along with Syria, Jordan, and Saudi Arabia, could be persuaded to join Egypt in negotiations with Israel to discuss regional security and peace, the issues of the Palestinians and the intifada would more likely fall into place. There are no easy answers, but there will be no answers unless and until all parties commence a dialog.

The United States can help. I urge my colleagues to travel to the area and to visit with the leaders and officials of each of these nations, especially Iraq. Encourage them, correct their misperceptions, nurture mutual trust through face-to-face meetings, even without agendas, especially without agendas at first. Officials in each of the nations we visited in the Mideast were intensely interested in what we had learned from our visits to their neighbors, particularly the attitudes and perceptions of national leaders toward their neighbors. It was all too apparent there is no dialog, no personal atmosphere in which to develop the trust and respect that is essential for negotiations on critical issues as arms control and confidence building measures to promote regional stability.

Members of Congress and others can serve as very useful conduits in discussing with men like President Saddam Hussein what other men like President Asad and Prime Minister Shamir are saying. President Saddam Hussein does not maintain diplomatic relations with President Asad or Prime Minister Shamir so it may be something new for one of these men to hear what some of the others are saying on a given subject. Until those direct contacts are established, people from the United States, like Members of the U.S. Congress, can serve as useful informal transmitters of information, and we may have an ability over the course of time to persuade these parties to undertake direct contacts.

To pursue some of the issues from our January trip to Iraq, Senator SHELBY and I met with Iraq's Ambassador to the United States, Dr. Muhammad Al-Mashat, on February 22. We were pleased with his willingness to discuss reports on human rights abuses and use of chemical warfare by Iraq. He understood our deep concern on such matters and was prepared to meet those issues directly.

It is clear that we need to encourage more Iraqi officials to visit the United States. The Deputy Speaker and 12 Members of the Iraqi Parliament are scheduled to visit the United States soon. They wish to meet with Members of Congress and I urge my colleagues to find room on their busy schedules.

Shortly after my return, I briefed the President, Chief of Staff John Sununu, National Security Adviser Brent Scowcroft, and others at the White House on January 25. I commented that Foreign Minister Aziz had raised the possibility of some high-level Iraqi executive branch officials visiting the United States later this year.

If the United States developed closer bilateral relations, Iraq might listen more closely to United States interests in the region. While certain issues on human rights and the use of chemical warfare must be resolved in advance, it is not too early to consider an invitation for President Saddam Hussein to visit the United States. I raised this possibility in my January 25 meeting with President Bush. Such a meeting and closer bilateral relations could promote the interests of human rights and the Mideast peace process.

JANUARY 1990 TRIP TO SYRIA AND MEETING WITH PRESIDENT HAFIZ AL-ASAD

Mr. SPECTER. Mr. President, on Tuesday, January 23, the day that the U.S. Senate reconvened for the 2d session of the 101st Congress, I reported briefly on my recent trip abroad including visits to several nations in the volatile Mideast. On February 7, I made a floor statement presenting an overview with additional detail on that trip. In this statement, I shall focus on one of those nations because of its special importance to Mideast security and the desirability of developing a closer relationship with the United States. I am referring to Syria which I visited on January 14 and 15, 1989. Today I am also making a statement as to my visit to Iraq which I visited on Janury 12 and 13, immediately preceding my visit to Syria.

This visit to Syria was my fourth trip since 1984. In 1984, my visit to Syria, like United States relations generally with Syria, was cool. When I returned to Syria in January 1988, I had a cordial discussion with Foreign Minister Farouk al-Shara and then I had a lengthy meeting with President Hafiz al-Asad. On my next visit in January 1989, I again visited with President Asad and Vice President Abd al-Halim Khaddam, and this January I again met with Syria's President and Foreign Minister.

These three meetings with President Asad, totaling more than 10 hours, and my meetings with other Syrian officials produced for me substantial insight into Syria's key role in Mideast affairs and President Asad's approach to a variety of problems. In conjunction with substantial reading of President Asad's biographies and other materials, I believe that I have some sense on his approach to the current issues and some ideas on ways to approach matters of mutual concern.

For example, over the course of my four visits to Syria, I have found an increasing Syrian interest in a more extensive bilateral relationship with the United States. It was reported that President Asad met with President Gorbachev in Moscow in 1987 at which time President Gorbachev emphasized his interest in cooling the Mideast as a hot spot and limiting U.S.S.R. aid to Syria. In late 1989, the Soviet Ambassador to Syria, Mr. Alexander Zotov, made a public statement to the effect that the U.S.S.R. would not supply Syria with military parity with Israel. These events, in combination with retrenchment in the Soviet Union due to economic and political problems, may have caused nations like Syria to look more to the West and to the United States.

While almost imperceptible, I believe there has been some shift in President Asad's attitude toward Israel. In our earlier meetings, he talked at length about Israel's intent to control land from the Nile to the Euphrates. President Asad said that it was not only a biblical and historical position, but was also evidenced by modern statements by Golda Meier, Moshe Dayan, and Yitzhak Shamir. In reply, I ventured the opinion that Israel had no such intent since the State of Israel had difficulty even controlling the territory from the Mediterranean to the Jordan. I discussed the question with Prime Minister Shamir, heard his assurances to the contrary and then wrote to President Asad about the Prime Minister's denial of any such Israeli intent.

As I have come to know President Asad better, I have felt comfortable in pressing just a bit on certain issues. In our January 1989 meeting, I asked on three separate occasions, separated by respectable periods of time, what it would take for Syria and Israel to become friends. President Asad answered, after the third query, that it was not a question of friendship, but that "normalizing" a relationship between Syria and Israel might be possible under certain circumstances.

In my recent visit, President Asad stated a significant change in position when he advised that Syria would be willing to attend an international conference convened only by the United States and the U.S.S.R. When United

States Ambassador to Syria, Ed Derejian, and I talked in advance of meeting with President Asad, Ambassador Derejian advised me of that recent change in Syria's position.

I believe that change is highly significant because President Asad had previously taken the position that Syria would attend an international conference only if it was convened by the five permanent members of the United Nations, the United States, the Soviet Union, Britain, France, and China. Israel had consistently rejected that structure because it would pit four of the superpowers against Israel with the prospect that only the United States would be likely to support Israel's position.

When I informed Prime Minister Shamir of President Asad's change in position a few days later, the Prime Minister was surprised and he appeared pleased to hear the news.

Such a format in negotiations marks a very different approach than President Asad described when he categorically rejected joining with President Sadat of Egypt on his discussions with Prime Minister Begin. When President Asad discussed the meetings between President Sadat and Prime Minister Begin, he emphasized the inappropriateness of any Arab nation negotiation or making any concessions for the Arabs in what might constitute a concession of even an inch of ground or a grain of sand. Such shifts suggest President Asad's interest in participating in the Mideast peace process.

There are significant indications that President Asad is interested in altering Syria's reputation on terrorism. There is evidence that Syria played a key role in pressuring Nabih Barri, leader of the Amal, to bring about the safe, early, and unconditional release of the TWA 847 hostages. At President Asad's directive, the Abu Nidal organization was expelled from Syria. In addition, it appeared that Syria assisted in the freeing of ABC correspondent Charles Glass in August 1987.

At our January 1989 meeting, we discussed the sabotage against Pan Am 103 which had occurred in late December 1988. In that meeting, attended by Ambassador Ed Derejian, President Asad said for the first time that action would be taken against Ahmad Jibril and his PFLP-GC if adequate evidence was presented on complicity in the Pan Am 103 incident.

Our Ambassador Ed Derejian recently presented a demarche to the Syrian Government regarding PFLP-GC involvement in the attacks on United States military troop trains in Germany. The German incidents and Pan Am 103 were subjects of our conversations last month. Syria has rejected the data provided on the German incidents, and it is now up to the United States to decide on the next step on the presentation of evidence on Pan Am 103.

Syria has been helpful on the release of hostages in the past and, I believe is making additional efforts to be of further assistance. In all my meetings with President Asad, I urged renewed efforts by Syria to secure the release of United States hostages. In the most recent meeting, we discussed at length Mr. Joseph Cicippio, a Pennsylvania resident, who was targeted for assassination last July. Both President Asad and Foreign Minister Shara expressed an interest in helping obtain the release of Mr. Cicippio and other hostages.

In each of my meetings with President Asad, I discussed a variety of issues relating to Syrian Jews. I urged that Jews should be allowed to emigrate from Syria and that special consideration be given to divided families and Jewish women who could not marry in Syria because of the shortage of Jewish men. United States diplomatic efforts have produced positive results and more efforts should be undertaken on behalf of Syrian Jews.

Regarding the Lebanon situation, President Asad recounted the significant steps that have been taken and the need for further action. He cited the Taif agreement but also the setback brought on by the assassination of President Rene Mu'Awwad. He felt that there is now a legitimate government in place for exercising its duties, but it is facing a serious problem—an officer who remains in place monopolizing control over a large part of the Lebanese Armed Forces. President Asad expressed concern that the means the U.S. advocates to resolve the problems are neither clear nor effective.

He suggested that if the Lebanese Government decides to take decisive action against Aoun and wants Syrian assistance, Syria would be duty-bound to assist. He stated that the Lebanese Government and the Lebanese President have a right to seek Syrian assistance. He cited 1958 as the year in which the Government of Lebanon requested the United States to send in the marines. Responding to this request, the U.S. Government did just that. He further noted that the United States was not a neighbor or fraternal state and was far away geographically from Lebanon while Syria and Lebanon share one history, one language, and are neighbors. Therefore, he maintains Syrian forces are present in Lebanon legitimately. He also pointed out that the Taif accords, which were agreed to unanimously by all the Lebanese deputies, call on Syria to assist the new legitimate authority in Lebanon to impose its authority in all of Lebanon. That accord was ratified by all the Lebanese deputies in Taif.

In the past decade, United States relations with Syria have been—at best—uneven. Syria's adamant rejection of the Camp David accords and the United States view of its support for international terrorism led the Congress in 1983 to prohibit any new assistance. In November 1986, we withdrew our Ambassador to Syria and imposed a comprehensive set of sanctions.

In September 1987, we returned Ambassador Eagleton partially in response to Syria's positive actions against terrorism on expelling the Abu Nidal organization from Syria, and assisting in freeing of ABC correspondent Charles Glass in August 1987. In addition, since 1987, the United States Government has been working with the Syrian Government to establish a structure for national reconciliation and reform in Lebanon.

Syria is obviously an important regional power, not merely in terms of its ability to project power and influence in the Middle East, but also because of its strong perception by other countries in the region as a significant power. Israel recognizes this and is concerned by Syria's missile and chemical warfare capabilities as well as its conventional warfare potential. This suggests that if there is to be regional stability in the Middle East, Syria must be an important player.

With the U.S.S.R.'s preoccupation with other matters and the U.S.S.R.'s rejection of Syrian requests, there is now an opportunity for the United States to bring Syria closer to the West. There are many matters on which the United States could be appropriately helpful to Syria such as spare parts for commercial airliners, trade and the extension of commercial credit. If the United States developed closer bilateral relations, Syria might listen more closely to the United States concerns on human rights and the Mideast peace process. The matter of terrorism, including outstanding questions on Ahmad Jibril's involvement in Pan Am 103, remains a cloud over United States-Syrian relations, but Syria's continuing efforts on that subject and aid in releasing our hostages, in conjunction with what Syria has already done, may ameliorate that troublesome issue.

A stronger bilateral relationship with the United States could help bring Syria into active negotiations in the Mideast peace process which would promote United States interests in the region. Last June, in a meeting with executive branch officials and a group of Senators, I urged President Bush to consider an invitation for President Asad to visit the United States. Shortly after my return, I briefed the President, Chief of Staff John Sununu, National Security Adviser Brent Scowcroft and others at the White House on January 25 and renewed my suggestion that consider-

ation be given to inviting President Asad to the United States.

The Mideast peace process is currently preoccupied with the Palestinian issue. If security for Israel and the region could be achieved by bringing Syria and Iraq to the bargaining table, I believe the Palestinian issue would fall into place.

My meeting with President Asad, Vice President Khaddam, and Foreign Minister Shara suggests to me significant Syrian receptivity to closer United States-Syrian relations; and with that, a likelihood of greater United States success on our Mideast and worldwide goals.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell Amendment No. 1293, in the nature of a substitute.

(2) Symms Amendment No. 1295 (to Amendment No. 1293), to allow communities to decide whether or not to close a business because of emission limitations imposed by Section 112 of the Clean Air Act.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I understand the pending matter before us is an amendment by the Senator from Idaho [Mr. SYMMS.]. Am I correct in that assumption?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by the Senator from Idaho and I do so because I believe it is contrary to the agreement which has been reached by the Senate leadership and the administration on this legislation.

I will speak only briefly to the agreement which we reached, but more importantly, to my colleagues, I will say that doing a clean air authorization is the next impossible thing to crossing Antarctica by skis and dogsled. We have not been able to do it since 1977. We only were able to do it once before that, in 1970. We have struggled in a variety of ways over time to bring a bill to the floor that might alter public policy in an appropriate way.

I think the only reason the bill is before us this week is because both the Bush administration and the Senate, I think the House as well, made a decision to take as much of the partisanship, and even as much of the regionalism, out of the clean air bill as possible.

We all know the history of the last 4 weeks and the negotiations that took place, to try, not just to accommodate the variety of philosophic views, regional views and so forth, but also to stay within the original intent of the national clean air policy, which was to make a workable piece of public policy which can be implemented.

S. 1630 includes a health standard for cancer-causing air toxics which may be released from industrial facilities. Those standards will begin to be effective for existing plants in the year 2000.

The bill also contained a 5-year extension for any plant that would face severe economic hardship as a result of those standards. So plants emitting carcinogens would have 15 years before they would have to come into compliance with health standards. It was the belief of the committee that this extension would allow time to install the pollution control technology necessary to reduce the risk and would avoid unreasonable costs.

Many Senators felt the requirements of the bill were too harsh. And as a result, the negotiations which have been conducted over the past 3 weeks have focused on other approaches to this problem. The agreement provides that the owner of a plant emitting a large quantity of cancer-causing substances need only show that no actual person within the vicinity of the source is exposed to a cancer risk greater than 1 in 10,000. But the agreement is based on the clear understanding that any plant exceeding this level will be required to cleanup or shutdown.

The Symms amendment would set aside that policy. It would override the agreement that took us almost 4 weeks to hammer out. The first subject we tackled on February 8 for 8½ hours was this section, air toxics. We came back to it again on February 22 and spent the better part of a day, and a second day dealing with this same issue. We came back to it again 2 or 3 successive days before this agreement was arrived at in order to reach this agreement. It was an agreement that everyone, including those who were not on the committee, those who were not part of the group of 15, but who were very involved on the part of the same community Senator SYMMS feels strongly about where a party to and hopefully were in agreement with.

So I say the Symms amendment would set aside that policy. It would override that agreement.

No action could be taken to force reductions in cancer pollution from a plant unless there was a referendum in the community surrounding the plant. The amendment clearly touches on issues which are within the scope of the agreement and establishes a different policy. I believe all of us who are party to the agreement must, therefore, oppose the Symms amendment.

Mr. President, I would also oppose the amendment even if it did not violate the agreement which has been reached between the Senate leadership on both sides of the aisle and the Bush administration. I would do so because it is an unworkable agreement. One can imagine a small town with a single plant voting to keep the plant open and accepting the cancer risks.

But how would this policy be implemented in metropolitan areas? Large sources of hazardous air pollutants may increase cancer risks over an area extending 30 miles from the fence line of a plant. In a metropolitan community, hundreds of thousands of people living in dozens of communities would have to be consulted by referendum under the Symms amendment. Can anyone imagine a vote in the District of Columbia metropolitan area on a plant that might be located in Alexandria, College Park, or Reston? The District, two States, and dozens of local communities would have to coordinate an election whenever a plant decided to claim that an air pollution standard caused an economic hardship.

My colleague from Idaho might say that the complexity facing the dozens of local governments trying to coordinate that kind of election is nothing compared with the burden faced by the plant owners and workers facing shutdown. But the amendment is not only about shutdowns. The amendment goes beyond the extreme case, and it requires an amendment for every fee, every permit that might be imposed under the air toxics section of this legislation.

I ask my colleagues to try to imagine a public referendum every time an air pollution permit is issued, every time a fee is collected on a permit application. We would be voting two or three times a day in this community on these kinds of referendums. Three-

quarters of the people of America live in large metropolitan areas, and hundreds of permits will be issued to sources of pollutants in each area every year.

There are 30,000 plants and other facilities across the country that may be subject to these regulations. The Symms amendment would put those polluters in charge of the regulatory process. If they did not like their permit or they thought the fee imposed by the State air pollution control agency was too high or they did not want to include air pollution control equipment, they would just plead hardship, threaten the workers, the communities, and force a referendum. The State pollution control agencies would be stymied, which I suspect may be what the Senator from Idaho has in mind.

I will oppose this amendment because it violates the agreement we negotiated so carefully and because it is not workable.

Mr. President, I will say that if others have a different judgment about this agreement, I may offer an amendment in this area myself at a later point, but I urge the Senate to oppose the Symms amendment. It is in violation of the agreement. It is unworkable. It would make it impossible to implement the air toxics program in this bill, and it would require a public vote on every permit or fee issued by a State air pollution control agency. It is the largest possible step backward from the 1977 bill, to say nothing of what it does to the workability of the one we proposed to be the 1990 Clean Air Act.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. Thank you, Mr. President. I rise in support of the committee product that is now pending before the Senate, which is the result of a number of days, and I would also point out nights, of extended negotiations, negotiations that lasted until 3:30 in the morning, until 2 o'clock in the morning, until 1 o'clock in the morning; wherein all Senators who had an interest in trying to come up with a compromise package were invited to participate. There are a number of Senators, however, who stayed the whole route and indeed worked day and night to produce the legislation which is now before the Senate, of which I have signed on as a supporter and, indeed, do so with enthusiasm.

I would like to particularly commend the majority leader of the U.S. Senate, the Senator from Maine, without whose help this product would not be on the floor today. It has been 13 years since we have taken action to do something about the quality of air in this country. Environmental groups could never agree on how much we should do; industrial leaders could never agree on how much they would accept. Because of that impasse, we have continued to pump out untold amounts of toxics and pollutants into our Nation's atmosphere. Congress has had to sit idly by and watch the devastation, the sickness, the illness that that type of operation has continued to produce. We have been frozen in limbo with an inability to produce legislation that was going to address this very serious and substantial problem up until now.

The majority leader put together a group of Senators from widely different perspectives, some of us representing large concentrations of petrochemical and oil and gas refining industries, as well as those who represented areas that were being particularly impacted because of acid rain and because of other exposures as a recipient of the pollutants that were coming from other parts of the country. We were asked by Senator MITCHELL to sit in a room, to work to resolve differences, and stay there until we produced a product. That product is now on the floor of the U.S. Senate.

It is interesting to see the various comments outside of Washington about whether this is a good bill or bad. I predicted that those from industry would think that we have done too much, and we have seen their remarks indicating that that is in fact, their belief. We have seen environmentalists who have said we have done too little. We have seen press conferences now sprouting up throughout our respective States saying that we have retreated from what we had before.

Mr. President, I believe that the truth is certainly somewhere between the two extremes. I like the way it was phrased and characterized by the Washington Post in their recent editorial when they called this product a "triumph of common sense" that will go a long way toward cleaning up our Nation's air in a manner that allows our industries, our companies, producers of products to continue to operate with new rules and new standards. This bill says to polluters: "Clean up or close up." But it does so with a set of standards that are reasonable, practical, and balanced and will allow all of us to pass a piece of legislation that we can be proud of.

Air toxics is a section of the bill that directly affects my State of Louisiana because of the high concentration of petrochemical plants, oil and gas refineries, and chemical plants producing products for use throughout the world. Louisiana right now by estimates is emitting 134 million pounds of air toxics a year—air toxics being emitted into the Earth's atmosphere essentially unregulated under current law.

This section of this bill is expected to reduce that amount by about 90 percent in the first round—roughly 120 million pounds less of air toxics should be emitted within the State of Louisiana as a result of the first phase of this bill, a monumental step with regard to the cleaning up of the air we breathe.

What we do better that first round is, I think, settled in a manner which is agreeable to most thinking Members of this body. After we clean up 90 percent, we ask the Environmental Protection Agency to study the locations, the situation, and determine whether we must do even better than that. But we do not arbitrarily accept a mathematical computer model and put the computer model into play with regard to further requirements for these plants. We are not trying to clean up the air for hypothetical people. We are trying to stop people's exposure to health problems.

What we crafted in the compromise will allow the National Academy of Sciences to recommend the best way of assessing risk and to provide that recommendation to a commission, which is a balanced commission, which will make a recommendation to Congress on how we may best arrange risk.

If Congress does nothing, if we just sit back and refuse to accept what we should do in the second phase of cleanup operations, then a minimum standard of no greater than a 1 in 10,000 risk of cancer as a result of exposure to these air emissions would go into effect, with a further goal of reducing risk below 1 in 1,000,000. So we have a bottom line if Congress does nothing, but we give Congress the chances to receive expert advice and to come up with a real world, reasonable test, which I think makes a great deal of sense.

We want to clean up health problems in the real world, not hypothetical problems suggested by a computer model. This, I think, makes a major step in that particular direction.

What do we do about automobiles? No. 1, we are going to require that they use cleaner burning fuels. We can do that. Right now we have automobiles that average about 1.75 grams per mile of hydrocarbon belching into the atmosphere every day. That is a particular problem in some of the severe and extreme areas, like Los Angeles, that have incredibly high amounts of pollution, producing a very unsafe situation for the citizens of those cities because of the high number of automobiles.

We require that by phase 2, which begins in model year 1999, we will reduce that 1.75 grams per mile of hydrocarbons down to .66, a major reduction in emissions, because of burning cleaner gasoline or other fuels in improved automobiles, which this bill requires. In addition, we require a 27-percent reduction in air toxics.

I am very pleased that we also had our group accept a section that I offered which requires ultra-clean vehicles, even cleaner than those that burn reformulated gasoline. We will require automobiles to burn especially clean fuels, like compressed natural gas, which emit virtually no pollutants. We phase in that requirement by ordering that Federal vehicles in some of our most serious, severe and extreme areas be operated on these alternate fuels like natural gas we require that the Federal Government set the stage and, indeed, become the leader in producing a cleaner vehicle.

What a great achievement it would be if every vehicle owned by every Federal agency in these dirty areas would be operated on a fuel such as natural gas—a tremendous effort at cleaning up the atmosphere and the quality of the air. So we require that Federal vehicles in these extremely dirty areas actually begin using especially clean fuels like natural gas.

We also require that beginning in 1997, at least 30 percent of new private vehicles which are owned by fleets with 20 or more cars and are fueled and maintained at central locations also begin using these especially clean fuels in the nine most polluted areas.

We are talking about a total of 69 major cities that will be required to have vehicles gradually phased in beginning in 1995, to begin using ultra-clean fuels—a major achievement as far as cleaning up the atmosphere.

With regard to acid rain, very difficult compromises were reached. The President pro tempore of the Senate, the Senator from West Virginia [Mr. BYRD] was very active in fighting to try to protect the interests of his State, and at the same time I think a realistic compromise was reached with those States which want to see less acid rain produced by restricting the burning of high sulfur coal.

I personally feel that if we have a cleaner burning fuel, we should use it. I think this legislation goes a long way to requiring that the dirty utilities in this country which are burning high sulfur coal start converting to cleaner burning operations by switching fuels, by cofiring, burning the high sulfur coal with clean natural gas and producing fewer emissions, or they can use scrubbers or other technology which are more costly, to help additionally clean up emissions that they are producing.

This bill calls for a 10-million-ton reduction in the amount of emissions that are being produced by the utilities in this country—a 10-million-ton reduction—and cap it at that level, 10 million tons below what we were doing in 1980.

The emissions reductions are in two phases. We require them to go down to 2.5 pounds per million Btu's by 1995, and down to only 1.2 pounds per million Btu's by the year 2000. We allow the clean burning States like my State of Louisiana, which is one of the cleaner States because we use natural gas, to receive allowances which will permit us to grow so that we will not be penalized for having clean utilities. So we do have an opportunity to have some growth in our area.

For all cities that are in nonattainment areas, we have some very strict standards they have to meet. Annual progress is required in reducing their emissions 4 percent a year for 6 years, and 3 percent each year thereafter. We allow the States to come up with their plans to produce these results but certainly require that if the State fails to act, the Federal Government steps in. It gives the State the opportunity, but if it fails to produce a plan that meets these standards, the Federal Government will come in and begin to do it.

With regard to motor vehicles, in addition to the clean burning fuels we are going to require such as natural gas and reformulated gas, we also require that beginning in 1993 the tailpipes on the cars will meet a new standard, more strict than it is today. This would result in a reduction of 22 percent in hydrocarbons and 60 percent in emissions of oxides of nitrogen coming from the tailpipes of these cars, a major new effort at reducing pollution coming from vehicles, which is our largest source.

How do we get further reductions? The bill provides that if 11 of the 27 serious nonattainment areas are not clean by the end of 2001, then additional tailpipe standards will go into effect in the model year beginning 2004.

We hope these areas are in fact in attainment, that they have been successful in cleaning up the air. But if they are not, this legislation requires that a second round of tailpipe standards go into effect. I am hopeful and optimistic, as is EPA, that that will not be necessary. The legislation clearly provides that if the situation is not working as we think it will be, additional tailpipe standards will be required nationwide.

We also require in the severe areas, if they are still 25 percent above the health standards in the year 2004, additional tailpipe standards will go into effect in those areas, and these are the nine cities that are the most severely impacted, and severe and extreme areas.

So we have, I think, adequate protection to ensure that cars, No. 1, will burn cleaner fuels and, No. 2, that cars will have better exhaust systems that will produce less emissions from their tailpipes.

All in all, Mr. President, the bill is not perfect. No legislation product of a body such as ours will probably ever be perfect. But I think it goes a long way in addressing one of the most complex, complicated, and most severe problems with which we, as a nation, are going to be faced, and that is indeed saving the planet Earth and protecting the health and living conditions of its people.

The bill goes a long way toward doing that. I want to commend particularly the Senator from Montana and the Senator from Rhode Island who both, I think, made a major contribution toward compromising in areas in which there was reason for legitimate compromise to try to produce a new law that is 100 percent better than what we have now.

This compromise agreement is one I highly recommend to my colleagues. It merits their support so we can send the bill to the President and have it signed into law this year.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all I would like to thank the distinguished junior Senator from Louisiana for the kind comments that he made in connection with the work that we have done on this legislation.

I also would like to say that he has been a key player in all the conferences and meetings that we had in connection with it, and deserves a lot of praise, as does the senior Senator from Minnesota, for the work on the bill as a whole but particularly in connection with this section which they delved into, and indeed in fashioning the compromise that we came up with.

I oppose the amendment offered by the Senator from Idaho. The amendment would overturn the compromise on health standards for air toxics which is included in our agreement with the administration. I support the agreement, and hence oppose this amendment.

But beyond that, there are other reasons to oppose the amendment. First of all, I must say that the wording of the amendment is somewhat confusing, and indeed does not cite in its language the agreement that we finally reached, and the language that is included in the agreement. For example, the amendment by the distinguished Senator from Idaho sets forth the question that is posed to the people in the constituency that he is suggesting we vote upon in a referendum—whether a plant should be closed or not.

He sets forth the exact language. I shall read it. Question: Shall—name of plant or facility—remain in operation notwithstanding the fact that the U.S. Environmental Protection Agency has projected the possibility that an individual born or standing in the defense line of this plant for 70 years be sub-

ject to a lifetime cancer risk of greater than 1 in 10,000 or 1 in a million.

Mr. President, in the language that we provided under the compromise it does not deal with the risk of 1 in 1 million. It deals with the risk in 1 in 10,000. But beyond that, we do not know yet what exact standards will be provided because in the legislation that we have it provides for a study. It provides for the National Academy of Sciences to come up with a standard, and the standard may well not be that of an individual born and standing in the defense line of the plant for 70 years. That would not be the appropriate question to ask the citizens to vote upon.

Furthermore it seems to me that this is an entirely unworkable proposal. It says that any time a plant claims that an economic hardship is being imposed by an air pollution rule or permit, the whole community will go to vote pro or con on that permit or rule.

This cuts into the heart of the residual risk program which says that if a plant cannot reduce its emissions so that an active person living within the vicinity of the plant—these standards are going to be set up by the National Academy of Sciences and studies resulting therefrom as I said. If a person is exposed to cancer risks greater than in 1 in 10,000 it must shut down. This is a national standard.

The standards that we come up with will be a national standard, and will have to be applied equally and fairly amongst all sources in a particular industrial category. The amendment proposed by the Senator from Idaho would change that equation. The emitter of the cancer causing substances will be able to mount a large public relations campaign in local communities to convince the voters they cannot afford to install those controls.

The entire process it seems to me would be put in the hands of the polluter. The polluter would control the information on which the voters would decide. The Government does not have any funds to go out there and mount a counter campaign. The polluter with the high-powered public relations effort would present what it considered the facts, and indeed these might well be distorted or twisted in order to satisfy the polluter.

The polluter as I say would control the information on which the voters decide. They are the ones who can threaten the local citizens and the local elected officials with a shutdown unless their economic demands are met—"they" being the plant, its officials, and its public relations individuals are the ones who have thousands of dollars to spend on a slick advertising campaign which can confuse the issues or mislead the voters.

This concept undermines the premise of the Clean Air Act. Furthermore, it undermines the premise of further acts that we have on the books, particularly the Clean Water Act and other environmental laws. If we are going to make any progress in cleaning up the environment, we need strong national standards applied equally to polluters in the same industrial categories.

There is another hidden roadblock in this amendment. Assuming that the EPA Administrator somehow could figure out how to define what the "community" is, the legislation talks about the "community." "No plant or source shall be required to cease operations unless a question shall have been placed in referendum before the community exposed to the risks."

What is the community? Is it a city? Or is it a metropolitan statistical area? Is it a radius of 5 miles from the plant? Are those in that radius then entitled to vote? By the way, who is going to vote? Everybody, man, woman, and child? After all, everybody's health is affected. Or just those over 16 or just those over 18? Do you have to be a registered voter? Do you have to be an American citizen to vote for example? After all, you could be a legal alien living in the territory, legal with your green card. You are the one who is going to suffer. Are you going to be permitted to vote on this plant or do you have to be a U.S. citizen to vote even though your health may be adversely affected by the plant?

What about those who have not lived in the area very long, not long enough to qualify to vote under the normal voting standards? In our State, for example, you have to register 30 days before you vote. What would be required here? Would you have to have lived there a certain length of time? Who knows? That is not made clear.

But these are the problems that the EPA Administrator would have to satisfy. We are going to have the Administrator of the EPA tied up with a whole series of burdensome requirements that could cost all kinds of man-years to an agency that is already strapped for manpower.

Under our approach the permits for these facilities are going to be issued by responsible State and local governments. It is important to note that a program very similar to the one that is included in this air toxic legislation has already been implemented under the Clean Water Act in connection with the discharge of toxic pollutants into surface waters. It is suggested that some gigantic new burden is imposed by this legislation that is totally foreign to anything that American industry has been subjected to in the past. That just is not so.

Many of the facilities that will be regulated for air toxics are being regulated for water pollution discharges for water discharges. These same industries already pay fees to support the water program. They must meet under the existing laws stringent water quality standards which go beyond simple technology requirements. They include consideration of health and environmental effects. American industry has not been shut down by the Clean Water Program. It has not been necessary to have a public referendum on every permit or fee to run an equitable program.

None of this language exists, that is proposed in this amendment, under the Clean Water Act. The Pollution Control Program proposed for air toxics in this legislation that we have is a copy of the Clean Water Program, and undue burdens will not be imposed.

We have modified the original proposal that we came to the floor with, 1630, the committee bill. As a result, the program we have come up with does involve the community in the decisionmaking process. This is not something done by some faceless bureaucrats way off in Washington.

Plans which exceed the 1 in 10,000 risk level can get an alternative standard, as I mentioned previously, if the plant does a health assessment in the community showing that no actual person would experience a high cancer risk. These health assessments are available to the public. There will be public hearings and a chance for written comment before any final decision is made. All of that is provided under the bill that we are currently voting upon. So we have a workable process for public involvement.

But this amendment, in my judgment, would gut our program. It is explicitly contrary to provisions in the agreement. As I said before, I believe it is unworkable.

So I hope that the amendment will be rejected.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I rise to talk about one thing.

First, I want to make a couple of comments to answer some of the criticism of what I consider to be a very fine amendment. I might say to my colleagues that the idea behind this amendment originally came from the environmental side of the argument.

I think the Environmental Defense Fund first started talking about it because they think that local people who would be affected, to answer the question of the Senator from Rhode Island, long before we ever got to a referendum. EPA will already have determined who the population that is exposed and at risk is.

For us in the Senate to say that we do not have confidence in those people that are the exposed population is a classic definition of what I call "banks

of the Potomac mentality." My definition of that is when we think the people along the banks of the Potomac River know what is best for the people who live along the banks of the Snake River or the Columbia River or the Missouri River or the Mississippi River.

It is incredible to me that somehow, after a time in Washington, when all of the players here in this town talk to each other, that finally they come to the conclusion that the only way the people can survive is that we pass legislation, and we will not even give them a referendum. That is all this amendment says. It is very simple.

I will just read the text. It says:

No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

I know my colleagues are saying that is not appropriate. That is exactly what is in the bill. Unless the National Science Foundation makes other recommendations and Congress enacts another residual risk standard, the way the bill is written, that is exactly appropriate.

Then I go on with the amendment. It says:

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

In other words, so they cannot pollute worse just because they won the vote. The people in Beaumont, TX, who stand to have a petroleum refinery plant closed because of this legislation, and the 2,000 people, and the other thousands of people who live in the community, who are the exposed population, choose to keep the plant open, that we are going to keep it open. That is basically what the amendment says.

Before I go further on the amendment, I want to talk to my colleagues about my general analysis of what we have with respect to this bill.

Mr. CHAFEE. Will the Senator yield for a minute?

Mr. SYMMS. Sure.

Mr. CHAFEE. I want to make clear that in the legislation we have, it provides for a study involving the actual person who lives there. In other words, the plant who is threatened with the shutdown, because it cannot meet certain standards, can then request a study involving the actual person.

So it is not quite accurate to say in your question that is being presented for the referendum that EPA has projected the possibility that an individual born and standing in the fenceline of this plant for 70 years may be subjected to a lifetime cancer risk of greater than 1 in 10,000.

That will not be the final situation, so the question you set forth in your legislation, in your amendment, is not an accurate question to pose to the people, because before they get to the situation where the plant will be closed, the plant will have requested this study that I mentioned, and that study will involve the actual person. In other words, you actually find where the nearest house is, who is living in it, how long they anticipate living there; you deal with actual facts, rather than somebody who has been standing in the fence line for 70 years.

Mr. SYMMS. I say to my colleague, Mr. President, if the Senator from Rhode Island has some suggestions, I would be willing to look at those suggestions for a possible modification, of a more accurate definition to the language of the amendment. But the way I understand the residual risk from the agreement, it is one of the most resolved of the so-called "rumored-to-be-resolved" issues. The 1 in 10,000 shutdown standard and the 1 in 1 million technology case standard still exists, unless amended by Congress sometime in the future; is that not correct?

Mr. CHAFEE. No, that is not correct.

Mr. SYMMS. That is the way I read it.

Mr. CHAFEE. The plant threatened with the shutdown can then appeal for the actual man, for the actual situation, and thus a study is based upon that actual situation, rather than the hypothetical situation that would otherwise be involved, absent the request for the on-site study.

Mr. SYMMS. Mr. President, the way I understand it, to go on from what I said, Congress will have to act between now and the time that this takes place, because the current language in the bill—it is true that they are asking for a study. But furthermore, the hypothetical maximum exposed individual continues to be the basis for the regulation, unless a company invests millions in a demographic study upon which to base a maximum real exposed individual standard.

Now, what that tells me is it will be cheaper to go out and buy up a few of the houses close to the plant, because this air does disseminate once it leaves the plant, and it spreads out, it goes up and it broadens, and it instantly becomes less toxic, or it has less air toxic in it as it is spread out in a wider area.

If the goal of perfecting the original S. 1630 provision was to provide some assurance for future capital formation in the United States, the compromise fails miserably since it clouds rather than clarifies what the future regulation is going to be. So I think this amendment is appropriate.

But I appreciate the concern that the Senator from Rhode Island brings up, and if someone thinks that they can come up with better language—I would say this with respect to the language in the bill, that first off EPA is going to determine who is the exposed population, what community is at risk. That is the first thing. The second thing, there will be a great deal of time to go through this, and the appropriate wording, it may well be that appropriate wording could be different, but the way the bill is written now, I think the Senator would have to say that this language is correct because it really basically is based on this MEI, most exposed individual, for 70 years, subjected to a lifetime cancer risk of greater than 1 in 10,000 or 1 in 1 million, which amounts to 170,000 years, or something like that.

It is very interesting to me that we are legislating that which will cost millions and millions of Americans their jobs that could be threatened when the average risk, the residual risk, if you will, of anybody, any person, is 50 in 1 million that you will be struck by lightning in your lifetime, and yet we are talking here on the Senate floor, along the banks of the Potomac, where all wisdom seems to be most valid, that we are going to go out and give the EPA the authority to start closing plants, costing millions of Americans their livelihood, driving these production facilities, pharmaceuticals, chemicals, the steel industry, and others, offshore, driving them to Canada, driving them to Mexico, driving them to Honduras and Nicaragua and other places that will hopefully by then, after the elections in the Communist country of Nicaragua they have seen the light, that they know that they do not want what it is that we keep pressing forward with here along the banks of the Potomac that we continue to try to force and mandate excessive regulation on people.

Mr. President, I want to go through very briefly a few points. After analyzing this bill in the late hours last night—and I would like to thank Trent Clark of my staff for the work he did to prepare this summary of the best we could analyze this bill. But some of

the provisions are worse than when they went in from my point of view.

Stage II vapor recovery nozzles: The compromise contains the original Stage II mandates in S. 1630, but decreases the chances of waiving the mandate in the event it becomes unnecessary.

Fees: Generally speaking, while the initial amounts of several fees in the bill were reduced, a new provision indexing fees to the CPI was added to every fee in the bill.

So we do have the potential for higher fees into the future.

The automobile standards section:

The committee-reported S. 1630 contained a super-tight tailpipe standard for automobiles in the year 2003. The substitute does not entirely delete that requirement, but adds on top of it an additional "alternative fueled vehicles program" requiring private centrally-fueled fleets to be 30 percent "alternative fueled" beginning in 1997. The two provisions overlap, creating a situation wherein major nonattainment cities would have to make enormous infrastructure changes to accommodate methanol, CNG, or LPG, vehicles, only to have a nationwide emission standard imposed 5 years later that eliminates the need for such a program.

This is a very, very costly program, Mr. President. This is enormously costly to the American people. All I am trying to do, and if other Senators do not wish to be concerned about this maybe later on they can tell me and I will just vote against this bill and the Senators can go right ahead and pass it which they probably have the votes to do, but I think that the American people need to realize the cost this bill is going to impose on the working men and women of this country. It is going to be extremely costly.

Acid rain: Generally speaking, the new acid rain compromise does little to remedy the dilemma of clean-energy States whose growth is stifled by the cap on SO_2 emissions.

This is exactly the situation in the State of Idaho. We do not produce any SO_2.

To the extent that it further biases the granting of emission "allowances" to already high-SO_2 emitters, the compromise only makes the forced "clean State subsidy" to "dirty States" that much greater. Also, NO_x for SO_2 trading, allowed under S. 1630, is now prohibited. This eliminates a mechanism that would have allowed utilities to maximize cost-effective acid precursor control.

Mr. President, I think when Senators here begin to figure out and the American people begin to figure out the way this bill is written there will be 40 States paying to help cleanup 10 States that we are setting the stage for the second war between the States and there will be, I think, a great deal of controversy when people finally figure out down the road a few years what the Congress has done.

They are literally saying that the people in Idaho who have already cleaned up, the people in Wyoming who have already cleaned up, the people in Montana who have already cleaned up will end up getting to help pay for the cleanup of the power production in Ohio and through the Ohio Valley and in the States that burn high sulphur coal and have not spent the money on scrubbers as yet. So this still needs to be reviewed. People need to be aware this is what they are being asked to vote for.

Permits: Fee provisions have now been added into the permit section. [in S. 1630, they were attached to the criteria pollutant provisions]

PROVISIONS RUMORED AS "FIXED" THAT REMAIN SERIOUSLY FLAWED

Fees: $15 EPA budget booster: While the "per/ton" fees assessed on criteria pollutants is dropped from $75 to $25, that is only for the portion of fees that S. 1630 originally allocated for state air programs. The $15 dollar fee destined for federal coffers is still in the bill, and is still "dedicated to a special fund available only for appropriation to the EPA."

Fees $5,000 "Hammer" fee: While applied to a smaller slice of emissions, this enormous fee (still reaching as much as $100,000 per year for small businesses) remains in the bill in spite of the fact that it would be levied on even the best and the cleanest businesses through no fault of their own—possibly just because of a bad weather or high temperature year.

2003 tailpipe standards: This $8 billion dollar feature of S. 1630 is only cosmetically hidden by a caveat if 11 of the nation's furthest-from attainment cities are "in attainment" in the years 1999, 2000, and 2001.

If they are not in attainment then the $8 billion feature to this substitute will kick in as S. 1630. A mere replay of 1988's mean annual temperatures in any one of these years could produce nonattainment in all of these cities, even though such exceedance of the standards might not reoccur for 30 years after that.

So we are leaving ourselves exposed so no Senator should be misled to think that the $8 billion feature on the tailpipe on the phase 2 on tailpipes is not still in this bill.

Onboard canisters: This onboard vehicle bomb, as I call it, is still deemed safe by Congress, and is mandatory incorporation in vehicle design by 1995 can only be altered by an Act of Congress.

So it will requre a positive act if this becomes law so a handful of Senators who want to delay the progress will be in a position to stop the positive action that it would take to change this in the law.

Utility toxics emissions: The basic concern, that certain otherwise "clean" utilities might be forced to install scrubbers under title III, remains even for those plants that have very low SO_2 emissions.

Such "scrubbing" would increase power rates, while potentially providing little or no public health benefit. The provision also continues to include the vague terminology of "threats to * * * the environment" which could become a catch-all for any substance on the regulated list.

So we are just exposing ourselves with this to all kinds of mischief that could be played by a future Environmental Protection Agency.

Mr. President, I have already discussed the residual risk issue, but I think it is worth saying again. The biggest, most unresolved of the so-called resolved issues is the 1 in 10,000 shutdown standard and the 1 in 1 million technology chase standard which still exists unless amended by Congress at some time in the future.

Furthermore, the hypothetical MEI, the maximum exposed individual, continues to be the basis for the regulation unless a company invests millions in a demographic study upon which to base a maximum real exposed individual standard. If the goal of perfecting the original S. 1630 provision was to provide some assurance for future capital formation in the United States, which I thought was the reason for this, then this will not do the job because the compromise fails miserably, since it clouds the issue.

What I am talking about is if a group of investors were wanting to put a production facility that may emit some air toxics in any State in the Union, and had the potential to do it, they still would have to look at the future. Ten years down the road, if Congress does not act and they leave in this 1 in 10,000 or 1 in 1 million standard in the bill so that this person, maximum exposed individual, who as they say lives at the plant gate, keeps his head right in the fumes, stays there for 24 hours a day for 70 years, if his risk is increased, that 1 in 70,000 years that he might get a cancer over and above what he might have gotten otherwise, then they can have the authority to close the plant down. That is really what we are talking about, Mr. President. I think that that is still in the bill.

I know that a lot of Senators worked hard to resolve that issue, but I am not sure that investors—and I have no doubt that the intention of Senators here is to modify this residual risk part of the bill after the appropriate studies are completed. But I do not think that will do much for investors. I do not believe that will do much for investors, Mr. President. I say that again.

I believe what will happen is investors will say the United States is just simply too difficult a place. They are the country that set the pattern for those people around the world that are throwing off the yoke of oppressive government. The United States was the bastion, the example, the beaming, gleaming light of liberty, if you will, for people to know how to do things. But they are imposing, making it so difficult that we believe it would be safer to invest our capital in Mexico or in Canada or in some other country in the Caribbean basin if we are going to develop a steel plant, a pharmaceu-

tical plant, a chemical plant, and we will drive them out of the United States and we will lose jobs and we will lose opportunities for people.

There are some other critical provisions that were totally unaddressed by the compromise package.

Design value: Billion dollar decisions based on determinations of attainment versus nonattainment will continue to be predicated on a mathematical game with air quality monitoring statistics that can throw an entire State into nonattainment merely because of one obscure monitor, or because of one abnormally hot or, for carbon monoxide, abnormally cold, year.

Mr. President, this is extremely esoteric to determine attainment versus nonattainment on this kind of a basis; that one monitor, because of a meteorological or a weather pattern or some phenomena that happens, could throw a major area out of attainment and have all kinds of fees levied on people, expensive costs imposed on the opportunity for people to be able to do business in an area and literally drive jobs and drive investment capital out of these areas.

Transportation controls: The bill still contains provisions requiring States to implement very costly and very intrusive transportation controls like forced HOV lanes, bus lanes, no-drive days, and so on.

Forced carpooling: In spite of objections from the administration, the bill still contains provisions that would force employers to increase the number of "persons per car" at the threat of stiff criminal and civil enforcement sanctions.

Useful vehicle life: On top of tighter tailpipe standards, tougher pass/fail criteria for recalls, etc., Detroit will be required to manufacture cars that meet emissions standards for an entire 10 years, or 100,000 miles. While this poses considerably higher costs for marginal benefit, it also will force United States dependence on South African strategic metals—like platinum, palladium, and rhodium—to increase by 260 percent.

So South Africa and the Soviet Union will be the large beneficiaries from this part of the bill.

Mr. President, if we want to do something to help on automotive standards, in my opinion what we should do is pass the Roth bill which would make an incentive for people to trade in the pre-1983 automobiles with a tax credit and spend some money in that respect. In many ways, you can compute it out so it would not even be costly because of the CAFE standards. We would greatly enhance the reduction of emissions in the automobile fleet in the United States by making it possible for working Americans who would like to have a newer automobile, give them an incentive to take their older automobile that is a polluter and allow it to be run through the recycling machine and have them be able to trade up to a new automobile with a tax credit that would amount to somewhere between $2,000 and $3,000.

Senator ROTH has done a great deal of work on this. I cosponsored his bill. This would make a great deal more sense than imposing this 10-year, 100,000-mile standard.

Off-road vehicle standards by States: Farm and heavy-duty vehicle cost could escalate due to off-road vehicle provisions of the Senate bill that leave off-highway—but not on-highway—tailpipe regulation in the hands of States, in spite of the clear interstate commerce obstacles created by such regulation.

Gasoline volatility: The Senate bill continues to require a lowering of Reid vapor pressure to summertime levels that, in some areas, could result in vehicle start up difficulty.

In the high-level elevation areas when it gets cold at certain times of the year, with this Reid vapor pressure imposed at the Federal level, we will find that a lot of people will have difficulty getting their cars started.

Another area that needs to be resolved, and I have an amendment that would fix this and I hope to offer it before we complete action on this, but by requiring all "on-road diesel to go through the capital intensive process desulfurization, the bill forces small refineries and farm co-ops to redirect their diesel to off-road and home-heating markets, creating a nightmare of enforcement as you try to keep cheaper off-highway diesel from being used on highway. A simple SO_2 allowance crediting to small refiners could offset the capital cost of desulfurization, and reduce the incidence of duel fuels.

This was an amendment that I tried to pass in the committee, and I still will make another attempt to do that on the floor.

A simple credit to small refiners should offset the capital costs, I say again, Mr. President, so they could desulfurize and reduce the incidence of dual fuels in an area which is so confusing and so complicated and so difficult for enforcement and is not good for the environment.

Lead phaseout: The bill already requires lead-dependent engines to be phased out of production, thus guaranteeing the eventual phaseout of leaded fuel. A separate ban on leaded fuel itself serves no purpose other than to penalize farmers and owners of older vehicles—usually low-income households.

Mr. President, this will be great. All I can say to my colleagues who have a large number of farms in their States is be prepared as we drive leaded fuel off the market to answer to those people who will have their engines wearing out much faster, where there is really no evidence at all that anyone has suffered from lead poisoning from fuel used on farm vehicles that use leaded gasoline.

What we will have is more engines wearing out sooner, forcing rapid replacement. Also, if I am not incorrect on this, this has something to do with recycling, using up machines and equipment that otherwise would last longer, which is very negative to the overall environment of the country. It is beyond me how we think we are helping the environment to deny people technology that is known and proven to extend the life, the wear, and the fuel efficiency of gasoline engines.

Urban buses: The bill continues to require that 100 percent of new buses purchased on or after 1994 in cities of 1 million or more population, be "alternative fueled." The higher cost, initial capital plus maintenance, plus or minus the fuel costs, depending on the fuel, would create a distinct disincentive to modernize bus fleets.

I want to repeat that, Mr. President. The way this bill is written, there will be a distinct disincentive for people to modernize their bus fleets.

The air toxics list. A number of problems are associated with the list of pollutants in title III, including the following:

Ammonia: A substance that is neither carcinogenic, nor chronically toxic, [in fact, it is actually produced by the human body on a daily basis] ammonia is dangerous only when released under sudden and accidental circumstances, yet it is listed for both sudden and routine regulation, presenting the possibility of massive routine emission controls for no health benefit whatsoever.

Mr. President, I will have an amendment on that later on as we work on this bill. I hope we can get support for that, bipartisan support, and correct that to remove ammonia.

Mineral fiber: Even the Glass, Molders, Pottery & Allied Workers Union is on record opposing listing of mineral fibers. EPA's Health Hazard Assessment of mineral fibers states that "the casual relationship between fibrous glass exposure and the development of respiratory cancer is not considered credible at this time."

Compound categories: The list ends with a virtual kitchen sink of broad compound categories such as "cadmium compounds," "nickel compounds," etc., representing the addition of over a thousand additional chemicals to the initial list of 191 substances. Enormous resources could be invested in regulating this list of compounds when there are no known health affects associated with the vast majority of them.

Hazard assessments: The bill's costly redtape requirement forcing individuals to conduct hazard assessments is triggered by EPA's determination that the individual possesses a "threshold amount" of some substance "reasonably anticipated to cause acute adverse health effects * * * based on its * * * dispersibility." Water (H_2O) meets that criteria. The Small Business Administration estimates that these hazard assessments could cost between $2,000 and $10,000 each. Given the broad definition used in the bill, it is likely that farmers and other small businesses could be faced with such costs—all in the generation of paperwork, and not in protection of public health.

It is an enormously costly redtape requirement, which will force individuals to conduct these hazard assessments. And it creates an enormous amount of waste in time and effort on the part of small business people, where they are going to be required to hire more people to not help produce

anything, but only to fill out more forms for Government. Maybe some bright young staffer who is listening to this should do a study on how much paper will be required and how many trees will have to be cut down to provide the paper to fill out all this redtape, these costly redtape requirements of hazard assessments.

The definition of a municipal waste incinerator in this bill, Mr. President, simply says that the bill is going to regulate a municipal waste incinerator which literally means anything that burns anything. So we are adding a whole new round of redtape for all of the waste incinerators in the country, with this.

Product composition: The bill sets EPA in a position of prohibiting or limiting the manufacture, processing, or distribution in commerce of * * * or regulating the composition of any product it thinks should not be burned. Such sweeping power is only precedented in the context of this bill.

I hope there will be an amendment on the permitting section of this bill, because this massive overlay of permits on top of the existing State information plan regime continues in this bill. It will be enormously costly for permitting, for changing from one emission inside of a plant to another. It is going to be enormously costly to work out the permit system in this bill, and it will be a serious impediment in the way of the productivity of the American workers to be able to compete with the Japanese and compete with Western Europeans and compete with the Pacific rim and to maintain our competitive position in the world.

The enforcement part of the bill. "Serious flaws which penalize paperwork and good faith error remain uncorrected, threatening to drive many good professsionals away from the field of environmental engineering," where we need them.

On that point, Mr. President, what will do more good for the environment of this country than all the restrictive, punitive regulations that this Congress can dream up and pass, will be a development of better technology, better computer models. The solution to pollution, if you will, is design, to make things more simple. It is technology, and the way to have that is to have an entrepreneurial-based economy where people are unafraid to charge into the future, to try to make a better mousetrap, so to speak, so they can have a cleaner environment for all of us.

Handling of CFC's. The provisions which would impose an enormous regulatory burden on any CFC handling, thus making recycling of cars and refrigerators nearly impossible, remain in the bill.

Mr. President, they are still in the bill. This so-called compromise still has this sticky thing. What we need to realize is that Freon, in this bill, will be outlawed. That is already in the process of being done in other aspects of legislation.

The substitute, like S. 1630 as amended, bans methyl chloroform, one of the most readily available substitutes for the CFC's and constitutes, in the manufacture of HCFC's, the most efficacious substitute for CFC's. This only increases the difficulty of a total CFC phaseout.

This bill even continues to persist in the ludicrous exercise of requiring a nationwide inventory of methane emitted from stock. So, I think, Mr. President, there is still a lot of work to do on this bill. It is not the intention of this Senator to delay the Senate too far. But I do think Senators need to be aware of the fact that there is still a lot of work to do.

Mr. President, is the majority leader seeking recognition? I would be happy to yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleague for his courtesy. I am seeking recognition for an unrelated matter, just briefly to gain unanimous consent to vitiate the pending rollcall vote on the Thomas nomination.

I am advised that this has been cleared with the Republican leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the rollcall vote on the Thomas nomination and the order be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object, Mr. President, might I inquire of the majority leader what is his intention with respect to disposing of the Symms amendment? Would that be done after lunch, then?

Mr. MITCHELL. Disposal of which amendment?

Mr. SYMMS. The Symms amendment.

Mr. MITCHELL. It is my understanding the Senator from Idaho wished to have the vote on his amendment after the caucuses.

Mr. SYMMS. That is correct. As long as it did not interfere with that.

Mr. MITCHELL. That is perfectly agreeable to the managers, I understand, and to me.

Mr. SYMMS. That is fine with me.

The PRESIDING OFFICER. Hearing no objection, the request of the majority leader is agreed to.

Mr. MITCHELL. I thank my colleagues.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. SYMMS. Yes, I will be happy to.

Mr. BAUCUS. Since we have now vitiated the vote on the nomination and also now because the Senator from Idaho is agreeable to a vote after conference, I wonder at this point if the Senator from Idaho would be willing to agree to a unanimous-consent agreement that the vote on the Symms amendment occur at 2:30 today?

Mr. SYMMS. I would rather not enter into any agreement until after the lunch meeting with the Republican conference. I may be agreeable to enter into an agreemant at that point.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to carry on this discussion of title III of the air toxics title of the clean air bill pending before the Senate.

I think it is important for us to understand this title imposes regulations on the lives of millions of Americans. Unlike the criteria of air pollutants, like ozone, carbon monoxide, oxides of nitrogen, all of which are regulated under the ambient air quality standard or nonattainment provisions of the act, air toxics are not what we consider generic air pollution. Air toxics are emissions that are comparatively localized, such that you do not come into contact with them unless you pass fairly close to their source. Consequently, the definition of a major source of air toxics under the bill is much more stringent.

Mr. President, under this bill, a farmer, an automotive repair shop, a local dry cleaner, even the local newspaper, could be considered as a major source. So small businesses are going to be eligible for permits, for fees, technological controls and likely they will be impacted by what is in this legislation.

In the past, section 112 of the Clean Air Act has regulated air toxics under the health-based standards, standards that are promulgated by the Environmental Protection Agency and designed to protect the public from possible health risks. But because the health risks from these kind of pollutants are so vague and ill-defined, writing a standard that was soundly based in science has taken an extraordinary amount of time. The EPA has been able to issue standards only for a handful of substances—seven to be specific.

In an effort to expedite the Agency, the Environment Committee bill would promote a new approach to hazardous air pollutant regulation—technological standards imposed without regard to whether they are actually necessary in order to protect human health. However, mindful of the fact that such standards may, by their very

arbitrary nature, not adequately protect human health, the bill adds to the additional round of regulation whose goal is to achieve a level of nationwide cancer risk no greater than one in a million for anyone born, and not moving while inhaling deeply their entire life on the fence line of an air toxics source.

That is really what is in this bill. It would probably surprise a lot of my colleagues to hear that the purpose of this section is not to save lives. It clearly is not the goal. It is to establish a national risk level, a goal quite different from saving lives. As an example, suppose there is an air toxic to which everyone in the United States is exposed and the risk posed by that toxic results in the deaths of 25,000 Americans? According to the bill before us, this is acceptable as long as the source of the toxic is making an effort to control emissions. But, if there is an air toxic to which only 10 people are exposed, resulting in one cancer case every 69,000 years, the bill deems that risk too high because it translates into an individual lifetime risk for those 10 individuals or greater than 1 in 10,000.

Mr. President, I think we need to get this down and understand it very well. Let me repeat that. The regulatory program under this bill would not focus on a toxic that would kill 25,000 Americans, but it would force a plant to shut down that poses a hypothetical risk of one cancer case every 69,000 years. That is what is in this legislation. The goal of this regulatory program is definitely not to save lives. It is to create a homogenous risk across America.

Such a goal has never been advanced overtly by the proponents of the committee bill. Almost all public arguments in favor of the bill talk about how we are going to avoid cancer cases—a goal that we all favor—lives saved or deaths avoided, and yet at the price tag that the Business Round Table comes up with, a $62 billion price tag per year attached to this title of the bill, you can save many, many more lives. In fact, a million more lives if you spent that $62 billion in another way.

Mr. President, I have a real concern about this. I have a real concern about the idea that it is the Government's job to establish the acceptable risk level for all Americans. Is a world where the Government keeps us from facing risks the kind of world we want to live in? Are we going to try to become a risk-free society? How would life be if we never had to take a risk?

In a world without risk, we never would have to worry about earning a living, eating the right food or maintaining our health. We would not have a farm or highway accident. We would not have to face a stroke of bad luck, let alone suffer the adverse consequences of a bad decision.

That would be a great life, but you would not believe the number of people, thousands, on the banks of the Potomac, eagerly working for a risk-free world. It just is not possible. It is not utopia. They start with the social planners who want to guarantee everyone an equal-paying job, comprehensive health care and automatic retirement. They are closely assisted by the tax-and-spenders who want to make sure once we are paid we do not spend our money foolishly.

Right behind them are the consumer advocates committed to protecting us from ourselves. They are working hard to ban guns, three-wheel motor bikes, and worm-probes, you name it, to protect Americans from themselves. Soon, they will have all the dangerous objects out of our lives if they have their way, and they are aided by their friends the workplace regulators, who shut down businesses for being too risky. These are the people who mandate placing latrines for farm workers every 500 yards, protecting us from all risks too awful to name.

Finally, we have our environmental friends who act as cleanup for any risks any others might have missed. For them, everything is too risky. Since anything, pesticides are too risky. They condemn farming with even the smallest potential for erosion as too risky. They find unbearable the risk in transportation of fertilizer. They cannot stand to see the risk posed when cow and sheep graze BLM land.

I think this risk-free-world campaign is a lot of bunk. Life is a risky business. Of course, we want to minimize the risk, but at what price and how far? When I think about the fact that the American people have the cleanest, the healthiest, the safest, the most abundant and convenient lowest priced supply of food of any other group of people on Earth, and yet there are people who will come out and tell you day after day that somehow the food supply of the United States is not good; there are too many chemicals used in it; it is unhealthy for you.

The reason we are living longer is because we are eating better. We have cleaner, healthier, safer food. We are able to eat more fresh fruit and vegetables because of technology and because of some risks that have been taken. Every day we have to make decisions, decisions that involve some risk or another. That is what freedom is all about, Mr. President. We have to take some risks.

That is what the Founding Fathers did; that is what the early settlers did who settled in this country on the eastern seaboard. They faced a lot of hostile problems, but they braved the American wilderness and they escaped the tyranny of the English monarch. It was not a price that was paid without a great deal of sacrifice, and a lot of them died in the process.

But they all agreed that the risk was worth taking, and somehow the idea that the Government must prevent us all from facing any risk greater than one in a million to me is absolutely ludicrous. If any Senators ever go out and play golf, they have a lot bigger risk of being struck by lightning on a golf course and yet we are going to pass a law that says if the risk is one in a million, we will have the power of the Federal Government to close down the plant.

This bill could make it criminal to operate any business where a substance is used that might pose this kind of risk regardless of who or how many people are actually exposed to the chemical. For some of these chemicals, we are talking about extremely minute amounts. Take one-three butadiene as an example. A mere film of this substance on the water of a half-full paper cup is enough to trigger this hypothetical one in a million risk level.

Think about it. The Federal Government would ban any substance that it projects through some highly questionable mathematical equation, voodoo mathematics maybe you could call it, which would pose more than a one-in-a-million risk.

I want to make some comparisons for my colleagues. Smoking two cigarettes in your entire life would give you a risk of cancer 50 percent greater than one in a million. Two cigarettes in a lifetime will increase your risk of cancer 50 percent greater than a one-in-a-million risk. One x ray at the doctor's office increases the risk of cancer by eight in a million. Living in a House as compared to sleeping on a sidewalk grate raises your risk of dying in a fire to 50 in a million. Living below a dam, like many people in my State do, increases your chances of drowning 50 in a million.

Before we pass this part of this bill, with this one-in-a-million risk, how many of my colleagues live in a House, have smoked more than two cigarettes in their life or had an x ray? That is what we are legislating.

If we were going to legislate that being exposed to this kind of water is too risky, if that is the way Senators are going to feel about it, we might as well get the burial committee out and we can start burying those who are afraid to drink the water because of the risks that may be deemed as unacceptable by this clean air bill. The simple fact is it would be impossible to live a risk-free life even if it were desirable, which I question.

Needless risks of course we would want to avoid, but it only comes

through education and experience, through people becoming more conscious about their lifestyles, their work habits, by companies designing new and innovative processes that can serve to recycle their feedstocks so that air toxics are not emitted in the first place. The heavy hand of Government regulation is not going to solve this problem. Seeking to eliminate extremely small risks at extremely high costs is nothing but counterproductive in this process and there is far too much of that in this legislation.

Taking risks has been the hallmark of American success. We took a risk in the space program. We put a man on the Moon. In fact, we put several there. We risked American lives in Europe and the Pacific and we restored freedom to millions and millions of people. Pfc. James Markwell risked his life in Panama, and as President Bush said in his State of the Union Address, he did so gladly so we could be "free to do what we want and live our lives freely."

In fact, in the same speech the President even urged Congress to "encourage risk takers." If we as a Nation are to continue to succeed, it will be because we have met future risks head on and not retired to a risk-free society.

Several hundred years ago when the founding principles of the American society were first conceived, a number of men risked a traitor's death by signing a document we know as the Declaration of Independence. The author of that document, Thomas Jefferson, had this to say about the Government's role in regulating risks. I do not think Jefferson was that far off. In fact, I think he was right on target.

I think he would be right on target if he were here today and he would have something like this to say:

> Our legislators are not sufficiently apprised of their rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us * * * agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise.

This bill is going in exactly the opposite direction of individual enterprise. This bill is allowing the long arm of the Federal Government to intrude into the management and regulation of every business in America, and to dictate the lives of the people.

Mr. Jefferson and his compatriots fought, and some of them died, to secure this Nation for us where men and women could live free to earn their livings by industry and hard work. In my view, Mr. President, it was a risk worth taking.

I have offered an amendment which will allow the right of Americans to live and work and face those risks on their own decision, not have those people on the banks of the Potomac have the complete, dictatorial rights over whether or not they will have a job.

There may be those who doubt the Environmental Protection Agency's ability to accurately measure risks. There may be those who doubt that they are as exposed to certain risks as the "maximum exposed individual" upon whom this bill bases its regulation. And there may be those who, looking at the extremely small, theoretical risks, choose to face those risks rather than face unemployment, local economic depression, and a general quality of life decline that would be much greater, if the plant were closed, than if they continued to take the risk of one in a million for that one person who lives right on the fenceline of the plant. If you move two blocks away, your risk may be one in a billion, so it is much less.

But my amendment creates, in the terminology of none other than the Environmental Defense Fund, a "bright light," allowing communities to decide whether they want to face a theoretical risk from the supposed air toxics or to have the EPA close down what could be their only source for making a living.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD. I have already read from the amendment earlier.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in amendment No. , insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

Mr. SYMMS. Mr. President, I have a number of other specific concerns in the way in which this title of the bill is constructed. I want to list just a few of those.

The substances to be regulated under this section are supposed to be those which the EPA has at least some evidence that health risks are present, yet the committee bill includes 174 specific compounds including 17 categories of substances such as cobalt compounds, magnesium compounds. Each of these categories represents an addition of many individual substances.

In most cases there is no evidence to suggest that every member of a category causes any human health effect. Instead of identifying which substances may cause human health effects, the bill unfairly shifts the burden of proof to manufacturers and users of these substances.

The last Superfund bill we enacted, title III, contains provisions for delisting substances similar to the process in this bill to the proposed section 112 criteria. To date the agency has processed only 18 delisting petitions. This is of particular concern since those 17 categories include at least 1,000 individual substances.

In addition to the problems with delisting individual substances, the inclusion of these categories will signficantly increase the difficulty of identifying which businesses will be regulated. Whether the agency could ever identify every business which uses each of these substances is questionable, Mr. President. But given the relatively tight schedule in the bill it would appear to me that it is impossible.

I mentioned ammonia earlier. It is a very important product in rural America. By including ammonia on its list of routine hazardous air pollutants, the committee places an unfair double regulatory burden on the fertilizer industry of this country. Ammonia, the basic nitrogen enhancer in nature as well as on the farm, is specifically listed under both the routine emissions and the sudden accidental release provisions of this bill, and yet the principal health concern with ammonia is strictly its sudden and accidental release in the atmosphere.

Mr. President, it is in the bill. It should be amended, and if no one else offers it, I will offer it. But ammonia is not carcinogenic, not mutagenic, not teratagenic or neurotoxic in either low or high volumes of exposure, nor does it present any significant public health hazard or environmental hazard through chronic exposure to routine emissions.

The imposition of this costly and burdensome regulation on routine am-

monia emissions associated with the production of crop nutrients would place an undue economic burden on an already beleaguered farm economy. If air emissions of ammonia are hazardous at all, it is only in case of substantial sudden accidental release, the regulation of which is appropriately addressed under the accident prevention provision.

In fact, far greater quantities of ammonia are released into the ambient air by the natural decomposition or organic material including manure than by the fertilizer industry.

The World Health Organization in 1986 estimated that cattle manure alone in the United States released 370,000 tons of ammonia per year. According to EPA, in 1987 livestock waste management systems for beef cattle feed lots and cropland spreading resulted in a release of 540,000 tons of ammonia per year. This is far above the emissions associated with commercial fertilizers.

Mr. President, even we humans produce ammonia—almost 16 grams per day. Half of all the nitrogen fertilizer used by farmers is applied in the form of anhydrous ammonia or simply ammonia without water. Farmers prefer anhydrous ammonia because it is 82 percent nitrogen, while most other nitrogen enhancers are only 40 percent nitrogen, costing more to obtain the same amount of nutrients.

America's farmers have learned how to live with and handle ammonia safely. The agricultural sector's hazardous substance training and educational programs associated with ammonia are among the best in the Nation. It simply does not make any sense to impose additional costs, additional uncertainties and burden the Nation's food production sector by including ammonia fertilizer under both the routine and accidental section of the toxics title.

I would invite my colleagues if they are not in the habit of shopping in the grocery stores or someone else who in the family normally does it, to take a trip to the local supermarket of their choice here in the Washington area or in their home States and look at the marvelous, high-quality food that is available for Americans; think about what we have accomplished through the food chain in this country, through the food processing industry, through the food handling, through the development of cold storage plants and transportation systems to get fresh produce to the markets immediately. They are high-quality, clean, healthy, nutritious foods for the American people to eat at a conveniently packaged, low-priced, affordable price.

VOLUNTARY EMISSIONS REDUCTION

Mr. President, this is an extremely costly situation that is in this bill and totally unnecessary. On voluntary emissions reduction, the committee bill attempts to recognize the value of offering carrots as well as sticks to obtain emissions reductions which I think is very positive.

I am saying something good, I say to my good friend from Montana, about the bill. Do not let him think that I have not said something good about this bill. However, Mr. President, even in this well-intended provision the committee has introduced a number of inequities.

First, the voluntary emissions reductions given recognition in the bill are only those achieved before 1992, from a base emission level established as that emitted in a calendar year no earlier than 1985. If you examine this scenario, company A made a significant investment in major pollution control equipment in late 1984. Company A's competition, company B, thought they might get by without any pollution control. The committee bill is enacted. Company B, realizing their loafing days are over, sees they can get a 90-percent reduction by using the same technology that company A installed in 1984. Result: company A must now retool to meet a "maximum achievable control technology," MACT standard in 1992, while company B is exempted for having "voluntarily reduced."

This scenario is a direct result of applying the voluntary reductions credits to the reductions from a particular date. No matter what date you select, it will be inequitable for those who acted just previous to that date. This inequity can be avoided by calculating the reductions from an industry norm, or from "a generally available control technology" equivalent, and then crediting reductions that go beyond that level, regardless of the time period in which the reductions occurred.

The committee bill implies that voluntary emission reductions apply only to a single source category or subcategory within a major facility. Companies should have the option of aggregating the reductions of all listed pollutants at a given site to achieve an overall 90-percent emissions reduction. This would make a lot more sense. This would provide a realistic incentive for companies to make investment in early reductions because it would give them the flexibility to find a cost-effective emissions to reduce.

The definition of "voluntary" is also problematic, resulting in certain good-faith efforts not being eligible toward the 90-percent tally. For example, several States or local agencies confiscate reductions which have been made in the VOC's at the time they redo their inventories for the SIPs.

As written, the committee bill would preclude the use of such reductions obtained, since provisions to incorporate past reductions in the SIPs are part of the State and local agency's regulations. Many emission reductions in nonattainment areas would not be allowed. The same language would also complicate the process for counting emission reductions—the bill does not give any guidance on that matter. As a matter of consistency, since the goal of the voluntary emission reduction credit is to obtain emissions reductions early, how or why those reductions should not be a question on any bearing on whether the reductions have been credited. It is not fair.

Even though utility powerplants are the focus of significant regulation under other titles, and even though utility plant emissions have seldom been measured for quantification or for health effects, the bill before us does not fail to impose one more layer of potential costly regulation on these sources.

Utility plant emissions listed under the air toxics title fall into three categories: solids found in the fugitive fly-ash portion of the flue gas—like manganese and nickel—gases vaporized by the high temperature flue gases, like hydrochloric acid, and other compounds that are not certain to be found in flue gas, like polycyclic organics.

Because the utility powerplant is already under significant regulation, options for further reductions are limited. Particulates from powerplants are currently regulated on a measure of "opacity" performance—how light or how dark the smoke coming out of a stack is—and emission rates.

In order to achieve a nominal 20-percent opacity limit, an implied collection efficiency often exceeds 99 percent. Even with this efficient performance, fugitive emission may total over the threshold limits of this bill. The technology needed to improve upon this high level of performance is limited to one known method, one method: Fabric filtration or baghouses which would have to be retrofitted to the existing units at an enormous cost.

The President's proposal wisely incorporated a thorough scientific review of the possible health benefit from the utility powerplant regulation for air toxics prior to the imposition of any regulations. Such a provision would be prudent and a justified addition to this bill. Such a provision would be prudent and justify the addition of this bill.

Mr. President, I hope that my colleagues that are signed onto this agreement are not going to deny an opportunity for us to correct what I think is a real costly oversight in this bill and should be corrected, as was recommended by President Bush.

The committee bill, in additional regulation of carcinogens, would treat equally all known probable or possible carcinogens. Under the Agency's categorization scheme, this would include substances for which there is no evi-

dence of human carcinogenicity. Those substances should not be treated the same as substances for which there is strong evidence of human carcinogenicity. Such substances trigger the "risk standards" of a 1-in-10,000 and a 1-in-1-million lifetime cancer risk. The EPA estimates that such standards are not currently technologically feasible for a number of major U.S. industries. Charts one and two list those industries most likely to "have difficulty" meeting such standards.

Mr. President, I ask unanimous consent to have printed charts numbers 10 and 11 in the RECORD at this point.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

CHART NO. 10.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-10,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Butadiene production	Butadiene.
Neoprene production	Butadiene.
Polybutadiene production	Butadiene.
Styrene, butadiene resins	Butadiene.
Chlorinated hydrocarbon use	Chloroform, carbon tetrachloride, methylene chloride.
Chlorinated hydrocarbon production	Chloroform, carbon tetrachloride, methylene chloride.
Pharmaceuticals	Chloroform, methylene chloride.
Ethylene dichloride production	Ethylene dichloride.
Pesticide production	Ethylene dichloride, carbon tetrachloride, methylene chloride.
Ethylene oxide production	Ethylene oxide.
Primary copper smelters	Arsenic.
Primary lead smelters	Arsenic.
Zinc oxide production	Arsenic.
Chemicals production	Chromium.
Ferrochrome production	Chromium.
Vinylidiene chloride polymer	Vinylidiene chloride.
Coke ovens	Benzene soluble organics.

[1] Source categories listed were assumed to have a current risk greater than 1 in 1,000, thus requiring emissions reductions of more than 90 percent to achieve a 1-in-10,000 residual risk.

CHART NO. 11.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-1,000,000 RISK STANDARD [1]

Category	Chemical(s) Emitted
Chlorine production	Carbon tetrachloride.
Ethylene dichloride production	Chloroform, ethylene dichloride.
Arsenic chemical production	Arsenic.
Secondary lead smelters	Arsenic.
Specialty steel production	Arsenic.
Glass manufacturing	Arsenic.
Chromium production	Chromium.
Refractories	Chromium.
Coke byuproducts processing	Benzene.
Mill tailings piles	Radionuclides (radon).
Elemental phosphorous plants	Radionuclides.
Underground uranium mines	Radionuclides.

[1] Source categories listed were assumed to have a current risk greater than 1 in 10,000, thus requiring emissions reductions of more than 99 percent to achieve a 1-in-1,000,000 risk.

Mr. SYMMS. Because the consequences of failure to meet standards applied under this section are so severe, that is, shutdown, it is unreasonable to ignore the consideration of technological feasibility in the development of standards. And, yet, such considerations are specifically prohibited in the bill.

This is the main reason I believe, Mr. President, that the community decision on plant closing amendment is so necessary. This is a necessary thing added to this bill. Mr. President, the accidential release provisions of the committee bill are intended to prevent the sudden accidental release of "extremely hazardous substances" in concentrations "that may reasonably be anticipated to cause acute short-term adverse health effects in humans," and to minimize the consequences of such releases.

Subsection (c) of this section directs the EPA Administrator to propose and, after public comment, promulgate a list of no less than 50 of such extremely hazardous substances within 2 years of enactment. The primary source for candidate substances is the list of more than 400 substances under the emergency planning provision, section 302 of the Emergency Planning and Community Right-To-Know Act of 1986, title III of the SARA. It further provides that this new list shall include substances "with the greatest likelihood to cause death, injury, property damage, or evacuation as a result of sudden, accidental release."

Despite the explicit instructions regarding the selection of substances, the committee then inserts on its own part an initial list of 25 substances to be subject to the accidental release provisions, 11 substances that are not included on the SARA section 302 "reference" list, and they do not appear to meet the specified criteria. Some of these chemicals—acetone, methyl ethyl keton, methylene chloride, tetrachlorethylene, and toluene—are widely used throughout American industry, and have not been implicated in the Bhopal-like incidents that the emergency release provisions are designed to address.

Mr. President, this is costly, and it is based on not sound scientific evidence, not sound science. It is based on the whims of Government, if you will, on the whims of Government to, along the banks of the Potomac, start listing things and sending them out to the people that work with them every day, the scientists, engineers that know what the risks are and work with them. They have done very well at them.

The permissible exposure limits or PEL's, as they are referred to by the Occupational Safety and Health Administration [OSHA] as acceptable workplace exposure limits, 8 hour and 15 minute averages, for these 11 substances, are considerably higher than the substances generally recommended for substances presenting significant acute health hazards. There is a similar distinction in the recommended threshold limits values developed by the American Conference of Governmental Industrial Hygienists for those substances. The 11 substances appeared to have been selected, not on the basis of their potential acute toxicity, but on the magnitude of atmospheric emissions of these substances reported under the provision of section 313 of SARA. Such emissions have no relation to the acute toxicity of a chemical, nor to its potential for sudden, accidental release.

Moreover, Mr. President, emissions of these substances will be substantially reduced through the imposition of technology-based and, if necessary, health-based emission controls specified under other provisions of this title. Listing of the individual substances in this section circumvents the procedures for EPA assessment and priorization, including the opportunity for public comment, established by the bill itself, and will not facilitate more rapid implementation of the accidental release provisions for substances so listed. Such a list should not be included in this title, and should, in any event, be limited to substances that fit the specified criteria for selection as "extremely hazardous."

Mr. President, I will conclude my remarks now with respect to title III, and I yield the floor.

Mr. BAUCUS. Mr. President, I first want to thank the Senator from Idaho for his contributions to this debate. The Senator is a member of the Environment and Public Works Committee. He is not a member of the subcommittee that first considered this bill at length. But as a member of the full committee, he has often indicated his views on the Clean Air Act, and certainly here on the floor he has also added his additional views on the act.

He was the one member of the full committee who did not support reporting out the bill. The bill was 15 to 1. Certainly, it was within his right to express his views why at that time he felt the bill should not be reported out of the committee, and now on the floor he is adding additional views, essentially, in disagreement with the main thrust of the substitute which is now before us.

Mr. President, as everyone concerned with this issue knows, the Clean Air Act has been the subject of very intense discussions by all Senators, discussions between the Senate and the administration, and certainly very intense discussions with a large number of interest groups and American citizens who were also concerned about the clean air legislation.

We, the Environment and Public Works Committee, reported out S. 1630 several weeks ago, and we also, for the last 3 weeks, have been negotiating with the administration on developing a substitute, which we think is a good compromise between those Senators who want the air to be so clean that other Senators will filibuster the bill, and the other Senators on the other side who want to weaken the bill so much that those Senators who support strong air legislation will

probably filibuster and, therefore, prevent the bill from becoming law or at least passing the Senate.

We have worked very long and hard trying to come up with what we think is a good compromise, one which will enable us to pass clean air legislation, rather than finding ourselves at a stalemate which means the current law stays in effect and no clean air legislation is passed.

We worked long and hard on the residual risk section of the bill. The residual risk section was probably debated more, discussed more, in our discussions with the five or six Republican Senators and five or six Democratic Senators, and representatives from the administration, more than any other section of the bill. I would say 30 to 40 percent of our discussions were on this very title, the air toxics, particularly residual risk section of the air toxics portion of the bill.

Because of those discussions, we have greatly modified the provisions as they were reported out of the full committee.

The residual risk section of the air toxics title as reported out of the full committee essentially stated that after a plant enacted maximum achievable control technology, which by the way would account for at least 90 percent reduction of air toxics that would be emitted from plants, and after installation of that technology, if there was a residual risk of cancer, then a plant would have to begin to install technology which would reduce the risk down to 1 to 10 to the minus 6, or eventually if it could not do that, at least down to 1 to 10 to the minus 4, which is 1 out of 10,000.

That is, if after installing technology, a plant would still allow a theoretical person, the maximum exposed individual standing next to the plant, 1/10,000th chance of cancer, then the plant would have to shut down.

We in the committee bill provided that that could not occur at the earliest for at least 15 years, and many years beyond that, because of the schedule of categories of technologies to be put in place, depending upon the sources that would emit certain toxic chemicals. We felt that we were very fair, and not only that a plant could continually apply for extension that could not meet the 10 to the minus 6, that is 1 of 1 million and also get a 5-year extension if it could not meet the 1 in 10,000, the theoretical man standing next to the plant would be exposed. That was the committee bill.

When we started to discuss this section of the discussions, we realized that that was a little too theoretical. That is, it probably made more sense for us to apply that standard, 1 out of 10,000, to an actual person at the plant site; not the theoretical person, but the actual person. So we moved in our discussions away from the theoretical person to the actual person; that is, who is this actual person standing near the plant? How exposed would that actual person be?

In addition, we should probably make this site-specific. There are some plants where air currents are predominant in one direction; other plants where they are not predominant. There are some plants which are located in populous areas; there are other plants which are located in unpopulous areas. We should be more site-specific. That is, what as a practical matter would the cancer risk be to an actual person standing near an actual particular site? That seemed to make more sense. So we moved in that direction, and we adopted that change in our discussions.

We even went further than that and began to ask who is this person standing near the site? Is it a person who in fact lives there 70 years, which is the theoretical maximum exposed individual standard, or do most people not live 70 years in the same home; do people move sometimes? We tried to take account of that the best we can.

So we modified the standard so that EPA would determine what are the population trends in this community; do the people tend to stay, tend to move? Let us be more actual, as best we possibly can; nothing too theoretical about this. So we adopted that standard as well.

Mr. President, we went beyond that. Some Senators in these negotiations thought maybe this actual man residual risk standard is too theoretical still because in environmental law there are some areas where we pose residual risk methodology. We do it in Superfund cleanup and other areas where we do not have residual risk methodoly.

It is not time tested enough to really know. So we further modify the committee report. We provided that once this law is enacted, the National Academy of Sciences, probably the best outfit around, good scientists, good men and women who are highly qualified, should study this standard. Does it make sense, and what recommendations, what changes would they suggest?

To make sure the scientists are not too theoretical, we also set up a commission, that is the National Academy, since I think in the bill after 18 months they must submit a report to the commission we set up so the commission can review this. So the commission then, I think it is up to 3 or 4 years finally—we have a deadline date in the substitute—would report back to the Congress if they thought that there was a better way to be doing this, a fairer way or a more practical way of doing this other than the actual man, site-specific provisions we have in the bill.

And by the way, we also provided that Congress must vote on this alternative that the commission may or may not recommend to the Congress; that is, we provided that for expedited procedural basis under which the Congress, the Senate in particular, would have to vote; that is, the motion to proceed could not be filibustered, and I frankly believe we went even further than that, but I have to check that point.

But the main point is this: We greatly modified the committee bill's provision with respect to residual risk in a way which I think is very practical and sensible. I think when Senators focus on the modifications, they will realize just how practical and what common sense we have enacted in this bill.

Why do I go to such lengths to explain this? Simply, it is this. The amendment by the Senator from Idaho does not contemplate these changes. The amendment of the Senator from Idaho as it is written seems not to take these changes into consideration. The amendment seems to apply that the theoretical man who would be exposed as the standard, not to the site-specific actual person as the standard. That is one major problem with this amendment.

In addition, the amendment seems to say that a referendum would be held when a plant is put in jeopardy because of permits or fees or fines that may result; just put in jeopardy, not an actual shutdown.

So what I am saying, Mr. President, is that this amendment is a dealbreaker. It goes against the very heart of the residual risk compromise that the Republican Senators and Democratic Senators and the administration agreed to in these last several weeks of negotiations and discussions.

It goes against the agreement, as I said, because, first, the amendment seems not to understand or take into consideration the changes that have been made; that is, the amendment is inaccurate on its face as to formulation.

Second, it adds additional hurdles, additional provisions, additional complications that were not part of the agreement.

So I must say, Mr. President, that I fully understand the concerns of the Senator from Idaho, but this is an amendment which must be opposed and opposed strenuously, and it is opposed by Republican and Democratic Senators, the leadership of the Senate, by the manager and ranking member of the committee, because it is contrary and against the agreement.

There will be other amendments, Mr. President, that other Senators will offer which will go in another direction, which will go toward trying to strengthen environmental controls.

This amendment goes in the opposite direction, tries to weaken the bill.

Mr. President, I stand here forthrightly to say that just as I am very strongly opposing this amendment which weakens the bill from an environmental point of view, I will also strongly oppose those amendments which are strengthening amendments from the environmental point of view which go against the thrust and basic heart of the agreement that we all agreed to.

I frankly would vote differently on some of these amendments if it were not for this agreement. Each Senator would vote differently on different amendments, that is, Senators who are not part of the agreement. If we are going to pass a bill here, pass a clean air act, enact clean air legislation that this country very much wants, we have to compromise and reach agreements.

This amendment is against the compromise, against the agreements, and therefore is an amendment which should not pass and it should be resoundedly defeated.

At the appropriate time, Mr. President——

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. BAUCUS. I am happy to yield for a question.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. As to the pending nomination of a constituent of mine, Clarence Thomas, at this time I think perhaps the Senator from Missouri wishes to address the Senate.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. I am happy to yield the floor in a minute.

Mr. WARNER. I am just inquiring as to what the plans are.

Mr. BAUCUS. I inform the Senator from Virginia that the pending amendment is the Symms amendment. Senator SYMMS has indicated that he does not want a vote on his amendment until after the conferences, the Republican conference and the Democratic conference this noon.

After those conferences, then he will be in a position to indicate what time he would be agreeable to a vote on his amendment.

Mr. President, to repeat my basic point, the Symms amendment should be opposed because it is contrary to the compromise agreement the leadership and the chairman and ranking member of the Environment and Public Works Committee have worked out.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to join the distinguished senior Senator from Montana in opposing the amendment proposed by Senator SYMMS. He has referred to it as a bill breaker. I would add, it is a mischief maker. It is intended to upset and create mischief in the basic approach that this bill takes to regulating air toxics, chemicals that have been determined to be hazardous to our health, that are emitted into the air.

Mr. President, when we talk about this and other sections of the clean air bill, I think it is important to come back to the base and declare that what we are dealing with here is public health.

This Clean Air Act is not before the Senate today because somebody thought it would just be a good idea for the sake of having legislation before us. It responds to a proven objectively determined public health crisis in this country. People are getting sick and dying prematurely as a result of toxic material in the air.

Toxic air pollutants themselves take an annual toll in thousands of cases of cancer, acute illness, and chronic disease. EPA, in fact, has concluded that there are 200,000 people who are alive today who will get cancer because of air toxic emissions. And here I am talking just about the section of the bill the Senator from Idaho would deal with in this amendment, not ozone, not carbon monoxide, not acid rain, not any of a host of other air pollutants, but just the air toxics dealt with in this section of the bill.

The risk from these are particularly high for those living in urban areas, where one excess cancer death for every 1,000 people is not unusual.

Toxic emissions also can cause serious illness besides cancer, including birth defects, damage to the brain and nervous system, reproductive disorders, and genetic mutations.

Senator SYMMS is concerned about the so-called residual risk section of this part of the bill. Senator BAUCUS has quite ably and eloquently described the first phase of cleanup under this bill.

Then what happens if companies use the maximum available control technology and still cannot meet the safety, public health standard in the bill? There is a possibility, and it is a remote possibility, that some of them will be forced to consider closing.

I have two things to say about that, Mr. President. One is that we are talking about events that will not, under the terms of this bill, occur before 15 years from now and in some cases not before 23 years from now. This is a time during which we hope the technology in this area will have improved so not one, no firm will have to think about closing its plant to satisfy and meet the health needs of people who live near that plant.

The CRS recently did a review of the various cost estimates of implementing this bill. In considering the cost estimate that the administration and others have attached to the original air toxics section of Senate bill 1630, the original committee bill, the CRS warned that there was a substantial overestimate. They said approximately $6 billion, which resulted from the fact that the administration was concluding that any plant that had a problem meeting the so-called residual risk standard of the air toxic section of this bill would close. Whereas, CRS quite sensibly said that the probability is that in 15 or 23 years from now, technology will come along that will allow those plants to remain open and meet those standards.

Senator SYMMS wants to give the residents of the community in which these plants are located the opportunity to vote if we come to what I believe will be the extreme exception, a plant that actually has to think about closing.

The truth is the voices of those who live in the communities where toxic air pollutants take such an annual toll have actually already been heard. I was particularly struck by a description of life in an industrialized area of the Appalachian Mountains, which appeared in the Washington Post last spring. In a region surrounded by large chemical companies, the air is so polluted that screens rust out, paint peels off of cars, and gardens literally wilt. The lung cancer death rate is twice the national average.

One resident described the situation this way:

> With what we breathe, what would it hurt to smoke. You wake up with a headache. You get up and start in coughing and, hopefully, your sinuses will clear. You have laryngitis, and you just ache all over.

This next line, Mr. President, is one that sticks with me as we go through this debate. I hope it will go through others. The man in the Applachian Mountains said:

"The only thing free in this world, they ruined," and that is "the air."

That is what this bill and this particular section is all about, to protect people like this who, through no choice of their own, are affected by toxic emissions from plants.

Members of the Senate have also heard loudly and clearly from the unions who represent those people living in the community and working in these very factories. The International Chemical Workers Union, United Rubber, Cork, Linoleum and Plastic Workers of America, United Steelworkers of America, the Oil, Chemical, and Atomic Workers International Union, all have written to Members of the Senate in support of strong air toxic legislation.

The reason is clear. As they say in their letter:

The dangers from these pollutants fall hardest on the working men and women who are doubly exposed from working in major industrial facilities and living in the surrounding communities, and on their families and on those communities.

As representatives of working men and women and their families, our unions. * * * ask you to reject any effort to eliminate, delay or cripple the vital health protection provisions of this bill.

The United Steelworkers, including the elected district directors of the steelworkers living and working in the areas producing the worst pollution, also sent their own letter to each Member of Congress in which they stated:

As elected union representatives we do not view the air toxics section as a job loss or shutdown provision—

Contrary to what has been suggested here on the floor today.

Actually, we are concerned about the continuing risk of life loss for workers and community residents.

These are the people who face the risks of cancer from air toxics. This one plant in Texas, where 3 out of every 10 people exposed to the emission may be expected to get cancer. A risk of 2 in 100 is not uncommon near other plants. One-quarter of all plants inspected by EPA have risks exceeding 1 in 10,000 for persons living nearest the plants.

That is the way in which those who live around these plants have already spoken.

It is unfair to ask the citizens of a community to choose between their jobs and their lives. It is not only unfair, it is not sensible, because we are dealing here with highly technical questions which ought not to be decided in a ballot box. I actually believe that any referendum that was held in a community around a toxic emitting plant would say, "If necessary to protect our health, close the plant." But why create the opportunity for that kind of politicking, expenditure of large sums of money, by a plant wanting to stay open when we are dealing with public health?

There is another problem that comes from this. Let us say in a certain situation the residents of a community voted to allow a plant to stay open, even though it was emitting toxic chemicals beyond the acceptable limit. What about communities outside of that community? It is not possible to put a bubble over a given community with a toxic emitting plant and limit the emissions to that community. The wind will take those emissions and carry them. We know that one of the reasons why some of the Great Lakes have been so seriously polluted is the result of chemical poisons that have come out of plants, not adjacent to the lakes, that have spilled into the lakes.

The amendment, as drafted, as Senator BAUCUS pointed out, finally, I say here, not only deals with the case of closing of the plants, but because it is so generally worded would suggest that in any case where the EPA chose to act against the plant by fees, by permits, by failure of the plant to act according to its permit and punishment that would follow, that decision—not just the decision to close the plant—might well have to be subjected to a referendum.

And that is why I say that this amendment is not only wrong as a matter of policy, but it is literally a mischief maker, and it ought to be rejected.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 603, Clarence Thomas to be U.S. circuit judge for the District of Columbia. I further ask unanimous consent that any statements appear in the Record as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLARENCE THOMAS OF VIRGINIA TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Clarence Thomas of Virginia to be U.S. circuit judge for the District of Columbia Circuit.

STATEMENT ON NOMINATION OF CLARENCE THOMAS

Mr. DOLE. Mr. President, I rise today to express my strong support for the nomination of Clarence Thomas to fill the current vacancy on the D.C. Circuit Court of Appeals.

I must say that supporting the Thomas nomination is very easy for me. It is very easy to support someone whose background and experience represent a life rich with personal and professional accomplishment.

Born in rural Georgia, raised by his grandfather, victimized by racial discrimination and racial stereotyping, Clarence Thomas has managed to climb out of poverty, and rise to great heights at Holy Cross College, at Yale Law School, as an Assistant Attorney General in Missouri, as a legislative assistant to Senator JOHN DANFORTH and, most recently, as Chairman of the equal employment opportunity Commission—disproving the naysayers each step of the way, and proving to the world that skin color is irrelevant when it comes to uncommon intelligence and personal character.

Most importantly, Clarence Thomas has risen to the many challenges that life has offered him. And he has done so without complaint and with much distinction.

Mr. President, I have no doubt that Clarence Thomas will be an outstanding member of the federal bench. I have no doubt that he will rise to the challenges that accompany membership on the "second highest court in the land"—the D.C. Circuit Court of Appeals. And I have no doubt that Clarence Thomas will continue to be a great source of pride not just for black Americans, but for all Americans.

As a result, I commend President Bush for his nomination of Clarence Thomas. And I urge all of my colleagues in the Senate to vote for confirmation.

STATEMENT ON THE NOMINATION OF CLARENCE THOMAS

Mr. WARNER. Mr. President, today I am pleased to support the nomination of my fellow Virginian Clarence Thomas who has been nominated by President George Bush to be U.S. Circuit Judge for the District of Columbia Circuit.

Currently Mr. Thomas is the Chairman of the U.S. Equal Employment Opportunity Commission having been nominated to the post by President Ronald Regan.

Let me briefly describe the background of Clarence Thomas because it is a unique and interesting story indeed. Clarence Thomas was born on June 23, 1948 outside of Savannah, GA. He was raised in a very modest environment. The world of Clarence's youth was the world of segregation. In 1955 Clarence Thomas went to live with his maternal grandparents who were honest, hardworking, and deeply religious people. They instilled in Clarence the drive to work hard and never to give up in pursuit of certain goals in his life.

Through hard work and determination, Clarence Thomas was able to enroll in college and graduated from Holy Cross in Worcester, MA, with honors in 1971. From 1971-74 Clarence Thomas attended Yale Law School and after graduation went on to work in the State of Missouri. In fact one of our colleagues, Senator JOHN C. DANFORTH, offered Clarence a job as an assistant attorney general when he was the attorney general of Missouri. Clarence Thomas served as an assistant attorney general for 3 years before he moved on to work in the law department of Monsanto Co. from 1977 to 1979. By August 1979 Clarence Thomas moved to Washington, DC to work for Senator JOHN C. DANFORTH as a legislative assistant. In the spring of 1981 he was nominated by President

Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education.

In 1982 Clarence Thomas was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was renominated and reconfirmed as Chairman again in 1986.

Having been Chairman of the Equal Employment Opportunity Commission for more than 7 years, he has served longer in that position than any of his predecessors. As the Chairman of the Equal Employment Opportunity Commission, Clarence Thomas implemented a qualitative shift in enforcement philosophy away from the quick settlement approach to a focus on full investigation and litigation of claims on the merits. He has emphasized obtaining the maximum remedies for the victim of discrimination, rather than the minimum remedies. His record at the Equal Employment Opportunity Commission has shown increases in enforcement actions, as well as the level of damages collected. The number of cases actually taken to court have also increased from the level under the previous administration.

Clarence Thomas is married to the former Virginia Bess Lamp, and he has one son Jamal who is a high school student.

Mr. President, Clarence Thomas has the education, experience, and temperament to be an outstanding Federal judge, and I am pleased to support his nomination to the U.S. Circuit Court for the District of Columbia.

Clarence Thomas met with me to discuss his appearance before the Senate Judiciary Committee. He receives my strongest support and I explained that I would not be able to introduce him as I would be traveling in Virginia on that day.

Mr. President, I am very hopeful that Mr. Thomas will have a most successful career as a member of the Federal Judiciary.

Mr. THURMOND. Mr. President, I would like to address the comments made yesterday during the floor debate on the nomination of Clarence Thomas for the position of U.S. appeals court judge for the District of Columbia Circuit. During the debate, the distinguished Senator from Arkansas stated that approximately 13,000 age discrimination charges lapsed during Mr. Thomas' tenure with the Equal Employment Opportunity Commission. I would like to briefly respond and correct the record on that point.

Mr. Thomas discovered in December 1987, and publicly announced that a certain number of age discrimination in employment act charges had exceeded the statute of limitations. Under the Age Discrimination Claims Assistance Act, which extended the statute of limitations to individuals who may have lost their rights, the EEOC was required to count and report the number of people covered under this act to the Senate labor and aging committees. The 1988 EEOC research found in 1989, that a total number of 4,377 individuals covered by ADCAA had their charges lapse. This number is not anywhere close to the 13,000 as reported yesterday. Of the 4,377 claimants, 2,292 individuals filed charges with the EEOC, and 2,085 filed charges with the State fair employment practices agencies between January 1, 1984, and April 7, 1988. When legislation was introduced to insure that those whose charges lapsed had their rights restored, Chairman Thomas strongly supported it and took steps to correct the situation.

Mr. President, I believe these numbers outline the lapsed charges which were filed with the EEOC and fair employment practices agencies, prior to the passage of ADCAA, and clarifies any misunderstanding concerning this issue.

Mr. BOND. Mr. President, it is my great pleasure to rise today in support of Clarence Thomas to be a judge on the U.S. Court of Appeal for the District of Columbia Circuit. Unfortunately, I was unable to be present during yesterday's debate on the nomination. I wish however, to add my voice to the ranks of those who will vote in support of this nomination today.

Clarence Thomas is an American success story. We all have been impressed by the stories of his tremendous rise from poverty and racism in the South through his years at Holy Cross College and Yale Law School and from there to a successful career as an attorney and Government official. It is truly an impressive success.

We also have heard many people talk of Mr. Thomas' outstanding qualifications for this position—his strength of character, his understanding of many of the issues before the court, and his skill as a lawyer.

Mr. President, we have heard my senior colleague from the State of Missouri talk of his support for Clarence Thomas, and particularly of the fine work that Mr. Thomas did in the Missouri Attorney General's office. I too had the honor to serve as an assistant attorney general under Jack Danforth, and I can say from personal experience that there was no better place to learn the law, and there was no better place quickly to gain a broad range of experience.

Clarence Thomas clearly deserves to be confirmed for this important position, and I have no doubt that he will be. I urge all of my colleagues to lend their support to his nomination, and I wish Mr. Thomas success as he takes on this new challenge.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Clarence Thomas of Virginia to be U.S. circuit judge for the District of Columbia circuit?

So the nomination was confirmed.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the RECORD reflect the Senator from Virginia [Mr. WARNER] was present at the voice vote and voted "aye."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent the RECORD reflect Senators METZENBAUM and PRYOR were here and voted in the negative.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I am about to ask unanimous consent that the Senate stand in recess until 2:15 p.m., unless there is any other Senator present wishing to address the Senate. I see the distinguished Senator from Montana, the manager of the clean air bill, wants to address the floor, so I will yield the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators EXON, MCCAIN, and FOWLER be added as cosponsors to the Mitchell-Dole substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, at 12:32 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. HEINZ. Mr. President, what is the regular order at this time?

The PRESIDING OFFICER. The pending business is amendment 1295 to amendment 1293.

Mr. HEINZ. Mr. President, I ask unanimous consent I may be allowed to speak for no more than 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN AGENTS REGISTRATION ACT

Mr. HEINZ. Mr. President, I am pleased to note today the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. GARN], and the Senator from North Carolina [Mr. HELMS] have joined in sponsoring S. 176. Mr. President, S. 176 is my bill to update the Foreign Agents Registration Act. The Senator from South Carolina [Mr. HOLLINGS] also joined as a cosponsor some time ago.

The growth in support for this bill reflects growing concern in our society over the nature and extent of foreign lobbying and the degree to which it influences the political process in ways which might not be in our interest. The growth of such lobbying—and we all know what I am talking about—which matches the growth of foreign economic activity in the United States, both in investment and in trade, has made it difficult to determine the true antecedent of Pogo's famous comment, which we all recollect, "We have met the enemy, and he is us." These days, it is hard to tell who "us" really is, a fact recently discussed in some detail from an economic perspective by Robert Reich in the Harvard Business Review.

Nevertheless, while it may be difficult to determine who "us" is, I remain convinced that there is an "us" and a "them," and that it is in the public interest to try to determine and disclose which is which.

That is not to say, and I do not want anyone to misunderstand me, that representatives of foreign companies are the enemy or that we should return to 1938 when the Foreign Agents Registration Act became law amongst widespread concern about Nazi activities here. That is not what I am saying.

S. 176 deals strictly with the disclosure of activities, the sun shining in on lobbying activities by people who are or are controlled by foreign nationals. It is not a regulatory bill, S. 176. It makes no attempt to constrain anyone's activities or freedom of speech on behalf of any party, foreign or domestic.

It is premised, however, on the belief that agents of foreign principals, whether they are American or not, are working for foreign interests which do not—indeed, they have no reason to—have our interests at the top of their lists of priorities. That does not mean foreign interests inevitably work against America. Far from it. I do not want anyone to take that implication away. Many of those interests are helpful, positive forces. But they have no obligation to be helpful or positive and cannot be faulted if at the end of the day they are not.

But they can be observed and their efforts noted and quantified. Doing so more effectively will give us a better picture of foreign activity in our economy and a better sense of foreign strategic priorities, both important results in what is, I think we would all admit, an increasingly contentious global trading environment.

Mr. President, that is why I introduced this bill some months ago. It is in one sense just a modest advance in the disclosure area, but modest or not it is why I do welcome these new sponsors and any additional new sponsors.

I hope my colleagues and their staffs who hear these brief remarks will express any interest they have either for more information or for cosponsorship. I do note that the Foreign Relations Committee plans a hearing on S. 176 later this month. I thank them for that hearing. I hope other Senators will examine the bill and indicate their support for it before that time.

I wish to add one thing. The heart of this legislation goes back to an experience that Senators GARN, SHELBY, myself, and others had during Toshiba, where, as we all know, there was the misappropriation of very sophisticated machine tool equipment to the Soviet Union at a time when we were totally against that.

And it created a diversion of technology. What we found was that not only was Toshiba of Japan lobbying here in the United States, and that was under the Foreign Agents Registration Act disclosed, but their American-owned subsidiaries—and there are lots of them—were lobbying at least as hard, if not harder, and purchasing services from a variety of firms here in town.

That is not illegal, but it was not required to be reported. And the premise above all of this legislation, S. 176, is that if you are working for a foreign owner—and no doubt about it, Toshiba of the United States is owned by Toshiba, domiciled in Japan—you should be considered as if you were working directly for the parent company. You should not be able to use the fact that you are working for an American subsidiary that is owned 51 percent someplace else as an excuse not to report.

Those people who disagree with the proposition of this bill, I think, have only one other consistent position to go to; that is, to repeal the entire Foreign Agents Act because that is what the philosophy of the underlying act is.

Frankly, I have not noticed a lineup of people saying it is time to repeal the Foreign Agents Registration Act. Therefore, I hope people will think about this issue and in its proper terms. We are not out to get anybody. We just want to know what is going on and be consistent with the original act and its original intent.

THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. HELMS. Mr. President, I am pleased to join Senator HEINZ as a cosponsor of S. 176, a bill intended to strengthen the Foreign Agents Registration Act.

Current law has several defects. First, those who act on behalf of a U.S. subsidiary of a foreign corporation do not have to register. Second, lawyers who act for foreign clients do not have to register if they are doing only legal work. Third, the schedule of registration is confusing and data is always out of date. Finally, while I would prefer criminal penalties, civil penalties are needed if there is to be any practical enforcement.

The bill is currently pending before the Senate Foreign Relations Committee, on which I serve. Hearings may be held this spring.

Under current law most of the people who represent foreign interests in Washington probably do not register. With the rash of foreign takeovers, it is very difficult to tell who is really speaking. Finally, it is particularly important that we know which of our formerly high officials now represent foreign interests.

COSPONSORSHIP OF S. 176 AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. GARN. Mr. President, I rise today to cosponsor S. 176, the legislation introduced by Senator HEINZ to strengthen the Foreign Agents Registration Act of 1938. That law was first enacted to address concerns regarding undue foreign influence over U.S. policymaking in the years just prior to World War II. It requires that those representing foreign governments and foreign interests make known their affiliations in a timely and regular fashion. Its simple goal is to ensure that those who might be influenced know whose influence is being peddled.

While the history of the legislation demonstrates that foreign influence over U.S. policy has long been a concern in Washington, my attention to the problem was heightened by the massive lobbying effort directed at the so-called Toshiba sanctions amendment I proposed to the 1988 trade bill. This was the same event that triggered Senator HEINZ' concern and development of this legislation.

The Toshiba case involved the knowing transfer of advanced computer-controlled milling machinery to the

Soviet military by Toshiba Machine Corp. of Japan and the government-owned Kongsberg Trading Co. of Norway. This breach of multilateral trade rules gave our chief strategic adversary a quantum increase in strategic capability, a serious blow to our national security. In response, I proposed tough trade sanctions against Toshiba Corp. and Kongsberg Vaapenfabrik, the parent corporations, and their affiliates.

As I said many times during the trade bill debate, I have never seen heavier lobbying on any issue during my 15 years in the Senate than I saw during the long consideration of the Toshiba amendment in conference. The governments involved, both our own and those of Norway and Japan, opposed the amendment and lobbied heavily against it. What was more troubling, however, was the array of U.S. legal, political, and business talent recruited to the lobbying effort.

Former government officials, all manner of high-priced lawyers, officials of Japanese firms in the United States, management and workers from United States subsidiaries of Toshiba affiliates, representatives of United States firms with supply relationships or joint ventures with Toshiba—all joined the effort. Everyone had an interest in protecting the wrongdoers. No one seemed to have an interest in taking a stand for U.S. national security.

When Senator HEINZ attempted to identify the players and money spent in this effort, he found a few prominent names and large dollar amounts—Mudge, Rose, Guthrie, Alexander & Ferdon first among them with millions in billings. However, it quickly became clear that the reporting rules were so limited and haphazard that relatively few of those involved in this campaign had to register or properly identify themselves with the effort, and the data was so diffused that it was simply impossible to put together.

He then took the very commendable step of proposing changes to the law that I warmly applaud and join today. These changes will make the Foreign Agents Registration Act a more useful law at a time when it is vitally needed. We are not at the moment facing the Nazi challenge of 1938 or a serious breach of security like the Toshiba diversion. However, we do face important policy challenges that affect foreign interests and that they will want to influence.

Recent world political and economic developments have triggered reconsideration of our future national security requirements, of our export control system, of foreign aid priorities, and of the national security and economic security implications of current approaches to trade and investment policies. The Banking Committee is in the midst of hearings on export controls, the health of our defense industrial base, and the broad issue of fair trade in services—all issues that intermingle national security and economic concerns and that are likely to form the policy framework for U.S. competitiveness during the 1990's.

These may be the critical policy challenges of the next decade. They have a prominent international dimension and we must, of course, be mindful of their impact on friendly countries and international obligations. This requires foreign input. But first and foremost, we must resolve them in our national interest. That requires that we know and understand those influences that are domestic and speak for our constituents and those that speak for foreign parties.

The proposed amendments would improve the working of the foreign agents law by more broadly defining entities controlled by foreign interests, expanding coverage of legal counsel in trade cases, standardizing filing dates, and adding civil penalties to encourage compliance. These changes will ensure that we are aware of foreign influence in our policy process.

I was elected to represent the people of Utah and the United States. The least I can do is ensure that their views are fully represented and their needs effectively balanced against international interests that are clearly identified. I therefore join today with my Banking colleague Senator RIEGLE, and with Senator HELMS, in cosponsoring the Heinz bill and in urging its speedy passage.

A BILL TO AMEND THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. RIEGLE. Mr. President, I rise to salute Senator HEINZ for introducing S. 176, a bill which is designed to amend and strengthen the Foreign Agents Registration Act of 1938, and to request that I be added as a cosponsor of the bill.

The Foreign Agents Registration Act was enacted by Congress in 1938 primarily to deal with propaganda spread by Nazi agents operating in the United States. Its purpose was to help make Government officials and the public aware of the source and financial backing behind information being given to Government, Congress, and the public in order to influence their opinions.

Today, the basic challenges facing our country are economic ones. Yesterday the Office of Technology Assessment presented a report to the Banking Committee entitled "Making Things Better: Competing in Manufacturing." This report was completed in response to a 1986 request from Senators GARN, HEINZ, and PACKWOOD who asked OTA, among other things, to "undertake a study evaluating how stiffening international competition affects the health of American manufacturing." OTA states on page 1 of its report that "American manufacturing has never been in more trouble than it is today. Its biggest challenge if from Japan * * *." While noting that other nations are responding to the challenge from Japan as nations, the report states that our country is not because the American "government is dozing at the switch."

The OTA report only confirms what John Young of Hewlett Packard, the Chairman of President Reagan's Commission on Industrial Competitiveness, told the President in a 1985 report in which he warned that "America's ability to compete in world markets is eroding" and that such erosion must be arrested because "a strong industrial base is vital to our national security."

It is clear that our country must undertake a very serious debate about how we can ready ourselves to compete and meet the economic challenges that now confront us as a nation. The increasingly integrated nature of the world economy, along with America's large trade deficits, open markets, and open investment policy, have given foreign companies and interests a very large stake in our economy. These companies and interests have lobbyists to advance their views in our current economic debate, and such views may not always accord with our country's larger national interests. Our internal debate on what we must do to meet the new challenges can thus become skewed.

Senator HEINZ' bill begins the process of ensuring a fair debate by updating the Foreign Agents Registration Act to reflect the realities of the 1990's. Under current law foreign principals, who lobby our Government and put out information to influence the public debate, are required to register as foreign agents. Foreign principals are presently defined as "a government, political party, corporation, partnership, association or organization, or person domiciled outside the United States." Senator HEINZ' bill amends that definition to include domestic entities that are controlled by foreign principals even if they are organized and incorporated under U.S. law. The bill also standardizes filing dates for registering so that information about who has filed as a foreign agent is more easily accessible. It also provides civil, not just criminal, penalties for failing to comply with the law in order to give the Justice Department greater flexibility in enforcing the foreign agents law.

Our country faces very serious economic challenges. While I am not opposed to foreign interests having a voice in the debate about policies to meet those challenges, I do think we must ensure that our people and governmental officials know which views

are being advocated by foreign interests. I am pleased to cosponsor Senator HEINZ' bill.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senator continued with the consideration of the bill.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe I am correct that the pending business is the Symms amendment to the substitute offered by the majority leader.

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. There are no time restraints at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I intend to speak to the underlying amendment and then specifically to the Symms amendment.

Mr. President, yesterday after a long and intense negotiation with the administration, we returned to the Clean Air Act. The majority leader filed a substitute that would amend the bill that we had approved by a vote of 15 to 1 in the Environment and Public Works Committee.

The substitute embodies the agreements reached in those talks with the administration.

I am a member of the Senate Environment Committee and was one of the authors of the Environment Committee clean air bill. I participated in those talks, and we faced the administration's opposition. We faced the threat of a filibuster.

The majority leader led us in good faith and with expert hands to get an agreement. No one worked harder or longer to get a new Clean Air Act to the floor of the Senate for over a decade than Senator GEORGE MITCHELL. He has done everything he could to see that the Congress address clean air issues. He has been the conscience of the Senate on acid rain. It is too bad that the administration did not share the same concern for clean air which GEORGE MITCHELL demonstrated.

The Senator from Montana [Mr. BAUCUS] has distinguished his effort by the vote for a cleaner environment. We have worked closely with him. He is a good friend. He has done, I would say, an outstanding job to fashion a bill that we discuss here today. Included, of course, were other members of the Environment Committee, like the Senator from Rhode Island, Mr. CHAFEE, and the Senator from Minnesota, Mr. DURENBERGER, who have all been committed allies in the fight for a tough bill. But I regret to say that after weeks of negotiation, weeks of sincere effort to compromise, I cannot support this substitute without trying to improve it.

The people of my State are choking on dirty air. They die from dirty air. They get sick from dirty air. This bill will not do enough to save them. It is as simple as that. For the health and safety of our people, the people of New Jersey and the people across the States and the Nation, we need a stronger bill. We face a public health crisis. Fifty thousand people die from dirty air. For the sake of our economy, yes, our economy, we need a stronger bill.

Opponents charge that a tough bill would be a burden on business but dirty air costs us $100 billion a year in health costs. Mr. President, who pays the $100 billion if not business? Business pays the taxes and the health insurance. Who pays for the lost productivity of sick workers? Who pays for the billions of dollars a year from crop losses?

During the 1988 Presidential campaign, President Bush came to my State, to New Jersey. He stood on our seashore and promised to clean up our environment. But during these negotiating sessions the President's people seem to focus on the costs of providing clean air, not the 100 billion dollars' worth of costs already burdening our Nation that we pay each year because of dirty air.

It takes more to be an environmental President than just to say that you are one. You cannot scrape by with a minimum effort. It takes strong resolve and resources to fulfill the commitment the President made to reduce cancer deaths by 75 percent.

Americans want cleaner air. They want us to pass a tough bill. They know that it is going to mean some changes in the way we do things. They know that it is going to mean adjustments. But they also know that we Americans have the capacity and the talent to meet the challenge.

We passed clean air bills before in 1970, in 1977. But the result is that today the air is still filthy. We have learned a lesson. And if we do not write into the Clean Air Act now the tools we need, the forecast is simple: our air will continue to get dirty.

Is a clean air compromise an improvement of current law? Of course. But does it give us all the tools we need? I do not think so. It fails to require the tightest controls on autos which account for 50 percent of the Nation's smog forming hydrocarbons. It fails to require EPA to comprehensively reduce air toxics, pollutants that are poisonous from cars, trucks, and buses which account for 56 percent of the cancer deaths from air toxics. And it does not require the control of smaller, stationary sources of smog-forming compounds which contribute 45 percent of the Nation's inventory of these pollutants.

This is a particular problem in New Jersey. My State controls most of these sources. But it receives ozone pollution from small sources in upwind States.

The entire State of New Jersey is an ozone nonattainment area. That means the air in the State threatens the health of our citizens.

In 1988 in New Jersey, the ozone health standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard.

New Jersey would be in noncompliance even if all emissions in the State were eliminated because of ozone transported from areas upwind of New Jersey.

Northern New Jersey has levels of carbon monoxide, which is poisonous to humans, exceeding the existing health standard by over 50 percent.

And New Jersey is second among the States in pounds of air toxics released per square mile. Many of these toxics cause cancer and other serious health effects.

New Jersey faces a tough task, to reduce air toxics, and to reach attainment of clean air standards. But, New Jersey is not alone. The problems of nonattainment and air toxics are duplicated across our Nation.

And despite strengthening the law in some respects, the substitute weakens it in others. It weakens the health standard in exiting law to protect our citizens from air toxics.

It abandons a key provision in the Clean Air Act that requires the Federal Government to act as the final guarantor of clean air. Under current law, when a State has not produced or implemented an acceptable air quality plan, the EPA steps in by issuing its own plan. While EPA has seldom had to issue these plans, the threat of EPA acting has prompted States to take actions on their own.

Finally, the agreement abandons current law requiring cities to continue to make annual pollution reductions to keep them on schedule toward attainment of standards. Under the agreement, areas could stop making pollution reductions if the cost of control is deemed too high.

Over the next few days, a number of Senators who agree that we can and must do better will be offering amendments to strengthen the agreement. The health of our citizens and the quality of our environment are at stake.

Mr. President, having noted where the compromise falls short, I do not want to ignore areas where the agreement improves existing law in some areas. In many important areas, the committee's work was preserved.

In particular, in the area of air toxics which I have been so involved

in, the substitute makes significant improvements over existing law.

Yes, it establishes an ambitious schedule to require industrial facilities to install the maximum achievable control technology. EPA has failed to use existing law to require controls on most of these facilities.

And yes, it requires that emissions limitations protect the environment. And it would require EPA to establish a program to monitor atmospheric deposition of toxics into the Great Lakes and, of particular concern to my State, into coastal waters.

But, the agreement exempts mobile sources of air toxics—and that is the cause of more than half the problem. The agreement weakens the health standard we already have in the law. And it lets industry turn communities into no-man's-lands, by buying out homes, rather than reducing pollution.

The agreement encourages facilities to begin making those reductions now. Facilities which achieve 90 percent reduction in emissions would be exempt from the technology requirements. This provides an incentive for facilities to reduce their emissions now rather than wait for EPA to establish the technology standard before acting. I particularly want to commend Senator KOHL and Senator SANFORD for raising with me a number of concerns and about the early reduction program. As a result of their efforts, we will have a more useful and fairer early reduction program.

Mr. President, during the committee consideration of the air toxics bill, I offered an amendment which was adopted to change the definition of "new source." As introduced, the legislation would have included in the definition of "new source" those existing sources that are modified subsequent to proposal of an applicable standard. My amendment deleted "modifications" from the definition, defining "new sources" to mean facilities that are "constructed" or "reconstructed" subsequent to proposal of an applicable regulation.

As defined for purposes of section 111 of the Clean Air Act, "modifications" include not only physical changes to an existing source, but also changes in the method of a source's operations. By limiting the definition of new sources in section 112 to those that are constructed or reconstructed, I intended that process changes in an existing source will not trigger the requirements applicable to "new sources," and that only actual physical changes will bring a source within the definition of "new" source.

With respect to what constitutes "reconstruction" under section 112, my amendment's intent was that only significant physical changes to a facility should satisfy the definition. In particular, the test for defining "reconstruction" under section 112 should be the same as that currently found in EPA's regulations implementing the new source performance standards program. In those regulations, EPA has adopted an economic analysis.

Defining reconstruction in this manner will assure that facility operators who make significant changes to existing sources will be treated as new sources, while at the same time allowing operators of existing sources the flexibility they need to make modest changes in a physical plant without having to undergo permit applications and review procedures.

The agreement largely preserves the program to reduce the threat of chemical accidents. It creates an independent chemical safety board, like the National Transportation Safety Board, to ensure that chemical accidents will be subject to thorough investigations.

Companies using more than threshold amounts of certain acutely hazardous substances would have to prepare hazard assessments. And EPA is given authority to promulgate accident prevention regulations.

The agreement preserves a program to achieve significant reductions in emissions of sulfur dioxide and nitrogen oxides.

While the agreement would preserve some measures designed to reduce levels of ozone and carbon monoxide pollution, it does not go far enough to protect the public health. Half of our population lives in areas in which the air is not safe to breathe.

Yes, the bill includes a program to regulate pollutants transported from upwind States. Attainment areas within the Northeast Transport Region would be required to adopt reasonably available and cost-effective controls. But, the bill then lets small polluters continue to pollute in other States, while they are controlled in my State. The bill takes away the threat of federally imposed clean air plans, if a State fails to act.

Mr. President, we need all the tools to fight clean air. The agreement gives us nails, but not the hammer.

In sum, Mr. President, the substitute is a step forward, but does not go far enough. The agreement fails to require all of the controls we need to provide clean air in the Nation and in New Jersey.

Twenty years ago when the Congress passed the National Environmental Policy Act, we declared that every citizen should have a right to a healthful environment.

I urge Members to join with us so that we can redeem that promise we made to the American people.

Mr. President, I ask unanimous consent that a letter from Governor Florio, and a letter from State and local air pollution regulators, and their recommendations for improvements in the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, March 5, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: The health of millions of Americans and the future of our environment hang in the balance as the Congress considers changes to the Clean Air Act. As a Congressman I had the pleasure of working with you to enact strong environmental laws to protect our health, environment, and natural resources. I admire your strength and perseverance and now that I am no longer in Congress, I rely even more on your efforts.

While I understand the difficulty of reconciling the various proposals to amend the Clean Air Act, I have several concerns about the Clean Air package that the Senate will consider. The package will hamper New Jersey's ability to improve our air quality. Without strict federal standards, the temptation could exist for some states to keep standards low in hopes of attracting business. This kind of competition between the states would penalize states with proper standards and would lead to dirtier air for all the states.

First, the package weakens the definition of a "major source"' to be regulated to one that emits 100 tons or more per year. New Jersey currently regulates sources that emit 25 tons or more per year and our state Right-to-Know law has demonstrated that emissions from smaller commercial and industrial operations are one of the largest source categories of pollution. This change in the federal definition will exempt facilities that are significant polluters and will put New Jersey and other states that regulate smaller sources at a serious economic disadvantage.

Second, a change in the definition of a non-attainment area to include only urban areas will make it very difficult to impose controls on suburbs and outlying areas. Suburbs and outlying areas make a significant contribution to the air quality problems of non-attainment areas and should be subject to controls.

Third, allowing industry to obtain a waiver of the percent-reduction agreement if the controls are considered "costly" would set back progress in emissions control. We need the latitude to impose controls that can have a significant impact on improving air quality.

Eight Northeastern states, including New Jersey, recently agreed to seek strict California emission controls for motor vehicles in our states. It is important that we have the flexibility to impose these strong controls. Since air pollution travels beyond state boundaries, the federal Clean Air Act should impose strong Phase II emission controls nationwide and clean fueled vehicles in severe and serious non-attainment areas.

And we can go even further to reduce car emissions. The bill no longer requires car manufacturers to produce alternative-fuel cars. Fuels like ethanol, methanol, and compressed natural gas burn much more cleanly than gasoline. We should encourage the development of the technology necessary for such fuels.

The package dilutes the provision of the current Clean Air Act which requires that Federal Implementation Plans be imposed

on states that fail to comply with the requirements of the law. It is essential that the bill spell out clearly and definitively what the consequences of non-compliance will be. There must be an assurance that swift and certain federal action awaits areas that do not adequately address air problems.

The package seriously weakens the strong air toxics language in the original Senate bill. The package abandons the goal of regulating pollutants that pose a 1 in 1,000,000 risk and instead leaves the standard-setting process to future action by Congress, on the recommendations of a "Blue Ribbon" panel. Should there be no Congressional action, the standard would be set at 1 in 10,000. And I am troubled that risk would be determined on a lower basis than the traditional 70 year exposure standard.

New Jersey has made significant progress in addressing air pollution problems. We must be able to continue to move forward to improve our air quality. The states must be given effective tools to make necessary reductions, and all the states must bear the burden for reducing air pollution.

I am hopeful that the Senate will be able to address some of these concerns in its consideration of the Clean Air Act Amendments. I urge you to insist on tough, fair standards that will lead to cleaner air in New Jersey and throughout the nation.

Sincerely,

JIM FLORIO,
Governor.

STAPPA/ALAPCO,
Washington, DC, March 5, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: We write to you today on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO)—the two national associations representing the air pollution control agencies in the 54 states and territorties and over 165 major metropolitan areas across the country—to express our serious concerns with the Administration-Bipartisan Senate Clean Air Act Agreement announced on Thursday, March 1, 1990.

STAPPA and ALAPCO firmly believe that the compromises outlined in the agreement represent a significant weakening to the provisions contained in S. 1630 as reported by the Senate Committee on Environment and Public Works and, in some cases, represent a weakening to existing law. Moreover, as the state and local officials who hold primary responsibility for implementing our nation's air pollution control laws and regulations, we are troubled by the fact that this agreement will make it difficult for us to expenditiously attain and maintain the health-based air quality standards nationwide. If we are to be successful in providing our citizen's with healthful air, we must have strong regulatory tools with which to work; this agreement falls short in providing us with those tools.

The following issues are among those considered by STAPPA and ALAPCO to pose the most significant obstacles to efforts to ensure clean air.

With respect to nonattainment, we are concerned that the proposal does not mandate comprehensive Federal Implementation Plans that demonstrate attainment of the air quality standards in areas that inadequately address air pollution problems; allows new sources emitting less than 100 tons per year to escape control and offset requirements, in that these sources represent a significant portion of the stationary source volatile organic compound emissions inventory; and permits states to obtain a waiver of the percent-reduction requirement after six years if they can demonstrate that it is too costly to achieve reductions.

Emissions from mobile sources are responsible for approximately one-half of the volatile organic compound and nitrogen oxides inventories and 90 percent of the carbon monoxide inventory. Given that mobile source emissions are expected to increase later in this decade, it is imperative that Clean Air Act amendments include a stringent motor vehicle control program capable of achieving both short- and long-term emission reduction. Unfortunately, STAPPA and ALAPCO find the mobile source provisions of the agreement to be inadequate. First, the agreement not only postpones implementation of the first phase of tailpipe standards by phasing them in over a three-year period, but also relaxes the in-use performance requirements for motor vehicles by 25 percent after a vehicle has operated for 50,000 miles. Second, national implementation of a second phase of tailpipe standards—a key facet in a successful mobile source control program—is contingent upon an inappropriate set of circumstances and could likely never be required. As a result, millions of our citizens may never enjoy the benefits of cleaner cars and may be exposed unnecessarily to unhealthy air. Finally, carbon dioxide control standards that were appropriately included in S. 1630 have been eliminated by the agreement.

The clean fuels program established by the agreement is markedly weaker than the laudable program established in the President's original clean air proposal. Instead of establishing a standard that would encourage the development of substantially cleaner vehicles and fuels, the agreement sets an unambitious performance standard that, while applicable to all vehicles, will not result in the per-car emission reductions necessary for long-term air quality improvements.

The agreement's provisions related to the control of toxic air pollutants also raise several concerns. The assurance of an acceptable statutory "brightline" or benchmark (identified in S. 1630 as a goal of one-in-one-million) against which residual risk is to be evaluated has been seriously weakened; the agreement specifies no minimum standard for protecting public health other than a default provision, to take effect in the event that Congress fails to act. In addition, the agreement is weaker than current law in that it bases residual risk on the most exposed actual person, rather than on the risk that exists at the fenceline of a source's property, and calculates this risk based upon an exposure period of less than 24 hours a day for 70 years. The agreement also allows sources to escape requirements to reduce risk by purchasing the property of people living near a plant. Finally, in spite of the significant contribution of mobile sources to levels of air toxics, the provisions of the agreement addressing this issue have been seriously weakened.

STAPPA and ALAPCO have been consistently impressed by the dedication and commitment of those of you who have defended the Clean Air Act and authored progressive clean air legislation over the past few years and believe that many of the proposals offered viable strategies for addressing a pervasive and urgent problem. When S. 1630—the product of substantial debate and compromise—reached the floor of the Senate, we were most optimistic that a tough but fair law was on the horizon. However, we believe the Administration-Bipartisan Senate Clean Air Act Agreement will impede state and local efforts to realize the health-based air quality standards. Senator Mitchell, we encourage you to support amendments that will restore critical provisions of existing law and important features of S. 1630.

Sincerely,

BRADLEY J. BECKHAM,
STAPPA President.
JAMES M. LENTS,
ALAPCO President.

RECOMMENDATIONS OF THE STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS AND THE ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS ON THE ADMINISTRATION-BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT, MARCH 5, 1990

FEDERAL IMPLEMENTATION PLANS

Administration-Senate Agreement

EPA is required to impose one additional control measure each year that a state fails to develop an approvable plan.

Recommendation

Retain the provision in Section 110(c) of the existing Clean Air Act, requiring the mandatory imposition of a Federal Implementation Plan (FIP) that demonstrates attainment of the air quality standards.

Justification

Mandatory FIPs are required by the current Clean Air Act. The agreement represents a relaxation of the existing law.

FIPs place pressure on states to implement their programs, often forcing legislatures or governors to adopt necessary controls.

Many areas have had successful experiences with Federal Implementation Plans (examples follow).

Examples of Successful Experiences with FIPs

Arizona.—Since neither Phoenix nor Tucson had reached attainment of the carbon monoxide standard by the 1982 deadline, Arizona prepared revisions to its State Implementation Plan (SIP). Following a 1985 lawsuit against EPA, the agency disapproved the SIP revisions and was ordered by the Court to either prepare a carbon monoxide FIP for Phoenix and Tucson or approve an adequate SIP.

After Arizona revised its SIP for Phoenix and Tucson, EPA announced its intention to impose highway funding sanctions because Phoenix still could not demonstrate attainment. In the spring of 1988, EPA formally announced its proposed approval of the plan for Tucson and a proposed FIP for the Phoenix area.

In June 1988, under the threat of a FIP, the Arizona legislature adopted a plan that was ultimately approved by the EPA in August 1988.

Arizona asserts that the FIP process was successful for at least two reasons. First, the threat of the FIP exerted sufficient pressure on the state to develop an adequate program. Second, it marshalled EPA resources, expertise, and effective technical assistance that was made available to the state. Although the proposed FIP relied heavily on control strategies in effect and under consideration in Arizona, it was EPA's concerted effort to develop the FIP that

helped the state prepare an approvable plan.

South Coast Air Quality Management District, California (Southern California).—Since the Clean Air Act of 1970, there have been several instances in California, and specifically in the South Coast Air Quality Management District (SCAQMD), in which FIPs or the threat of FIPs have been responsible for encouraging the adoption and implementation of air quality measures.

The existence of mandatory sanctions were the key reason that California, after resisting for many years, finally implemented a motor vehicle inspection and maintenance program, as required by the Clean Air Act. The threat of sanctions placed sufficient pressure on the state legislature to enact the legislation.

After the SCAQMD submitted plans in 1979 and 1982 that failed to demonstrate attainment of the ozone standard, local environmental groups sued EPA to fulfill its obligation to prepare a FIP. The threat of air quality regulations promulgated by EPA was sufficient to allow the building of a consensus for a plan demonstrating attainment in the Los Angeles Basin; a strong coalition of business and industry, local governments and the public was brought together to urge adoption of the SCAQMD's 1989 Air Quality Management Plan. The public record of the workshops and hearings preceding the approval of the plan make it clear that the threat of the FIP was a decisive force in forging that coalition.

Wisconsin, Illinois, Indiana, Michigan.—Certain areas of Wisconsin had been classified as nonattainment for ozone, based in part on transported emissions from the Chicago area (Illinois and Indiana). The state brought a suit against EPA for the agency's failure to promulgate a FIP for Illinois and Indiana, which resulted in the District court ordering EPA to promulgate a FIP for those two states by March 1990.

After the FIP was mandated, Wisconsin, Illinois and EPA reached a settlement agreement, which the Court accepted in lieu of its original order. The agreement calls for each of the parties to undertake certain measures, including interim emissions reductions by Wisconsin and Illinois. Additionally, a study including more sophisticated modeling must be conducted and Illinois must submit an approvable SIP by 1993 based on the results of modeling. If Illinois does not meet its interim reductions or submit an adequate SIP, EPA must promulgate a FIP for Illinois.

The original Court-ordered FIP, although never promulgated, exerted pressure on all of the involved states to address their problems on a regional basis, rather than through a FIP. As a result of the settlement agreement, Wisconsin, Illinois, Indiana and Michigan have formed the Lake Michigan Air Directors Consortium (LADCO) to address regional transport problems and to conduct the study required by the agreement. It is expected that LADCO will assist the states in addressing future regional problems.

MAJOR SOURCE DEFINITION

Administration-Senate agreement

Major sources are defined as those emitting 100 tons per year (tpy) or more.

Recommendation

Expand the definition of major sources to include sources emitting less than 100 tpy.

Justification

Sources emitting less than 100 tons per year (tpy) contribute significantly to our nation's air quality problems. According to the Office of Technology Assessment (OTA), up to 34 percent of hydrocarbon emissions (ozone precursors) from stationary sources are from facilities that emit 25-100 tpy. Area-specific examples include California (39 percent), Cleveland, OH (30 percent), New York City (63 percent), Rhode Island (29 percent), and Vancouver, WA (56 percent).

Many types of sources and activities emit between 25-100 tpy, including: small-medium power plants, printing operations, painting and refinishing (automobiles and furniture), chemical plants, weather stripping, paint manufacturing, asphalt plants, and pharmaceutical operations.

The agreement will allow new sources emitting less than 100 tpy to construct without any air pollution controls and escape offset requirements.

Many states are precluded from adopting regulations more stringent than those of the federal government. Consequently, such states may be unable to regulate these facilities, even if such action is necessary to attain the health-based standards.

The provision may create economic inequities. Because some areas will regulate sources smaller than 100 tpy, while neighboring regions may not, industries may choose to locate facilities in the areas with less stringent controls.

Since not all states will control smaller than 100 tpy equally, the problem of transport may be exacerbated. Even if a downwind state controls smaller sources more stringently, it may not reach attainment because pollution from upwind areas, in which smaller sources are inadequately regulated, contributes to its problem.

WAIVER OF PROGRESS REQUIREMENTS BASED UPON COST

Administration-Senate agreement

States may obtain a waiver of the progress requirements after six years if they demonstrate that it is too costly to achieve reductions (based upon a determination by EPA).

Recommendation

Eliminate the waiver of progress requirements (i.e., percent reductions) based upon the cost of control.

Justification

The agreement, in effect, relaxes existing law by allowing for the establishment of an acceptable cost for controlling air pollution and protecting public health.

EPA (and the Office of Management and Budget) may set an extremely low threshold for obtaining waivers, possibly far lower than what most states are already requiring sources to spend for air pollution control.

Sources may exaggerate the cost of control in order to escape the more stringent measures that will result from percent reduction requirements.

The inequities that may result from the provision could aggravate the problem of pollution transport. Even if a downwind state does not limit controls to those below a specified cost, an upwind state may seek a waiver, thereby allowing sources to escape more expensive, but necessary, controls.

Administration-Senate agreement

Phase I: Postpones full implementation of the first phase of the tailpipe standards from 1933 to 1995.

Relaxes the in-use performance requirements for motor vehicles by 25 percent after a vehicle has operated for 50,000 miles.

Phase II: Requires nationwide implementation of a second phase of tailpipe standards *only if* 12 or more of the 27 non-California ozone nonattainment areas designated as "Serious" fail to attain the health-based standard by 2001.

CO_2: Does not include carbon dioxide controls.

Recommendations

Retain provisions of S. 1630 that would require full implementation of Phase I tailpipe standards by 1993.

Require that the same tailpipe standards remain in effect for the full useful life of the vehicle (i.e., 10 years/100,000 miles).

Retain language in S. 1630 that would require Phase II tailpipe standards to take effect automatically beginning in model year 2003.

Require controls for carbon dioxide.

Justification

Motor vehicles are responsible for approximately one-half of the volatile organic compound and nitrogen oxide inventories and 90 percent of the carbon monoxide inventory; they are the most dominant source of smog and carbon monoxide in our nation.

Motor vehicle emissions will increase later this decade due to increased vehicle travel and congestion.

Without substantial near- and long-term reductions in motor vehicle emissions, it will be impossible for states and localities to attain and maintain the health-based air quality standards.

Expeditious implementation of Phase I tailpipe standards (i.e., by 1993), is necessary for the achievement of air quality standards. Further, the same standards must remain in effect for the entire life of the vehicle (i.e., 10 years/100,000 miles), since vehicle emissions increase significantly after 50,000 miles.

To offset the long-term effects of increased vehicle travel and congestion, a second phase of tailpipe standards will be necessary. The additional emission reductions achieved through national implementation of a second phase of tailpipe standards will assist areas not only in attaining the health-based standards, but also in maintaining these standards.

Based upon the contingencies set forth in the agreement, it is likely that national implementation of a second phase of tailpipe standards will never occur. The agreement establishes a "trigger" that would be set off only if more than 40 percent of the non-California ozone nonattainment areas designated as "Serious" continue in nonattainment in 2001. Further, national implementation of Phase II is based solely upon the performance of "Serious" nonattainment areas, while "Severe" and "Extreme" nonattainment areas are ignored. Moreover, the process for determining whether or not Phase II will be implemented focuses entirely upon ozone nonattainment and does not take into consideration other important problems that could be addressed by Phase II standards, such as carbon monoxide and nitrogen oxides. For example, the outcome of the ozone nonattainment strategy will determine whether or not Phase II standards will be implemented in carbon monoxide nonattainment areas.

Without a second phase of tailpipe standards, states and localities will be required to achieve emission reductions by imposing extremely controversial and cost-ineffective controls on other sources, including small businesses. Below are some examples of the kinds of measures that states would have to impose in order to obtain emission reductions equivalent to those that would result

from implementation of Phase II tailpipe standards.

Motor vehicles account for one-fourth of the carbon dioxide (CO_2) emitted in the United States. Because of the prominent role played by carbon dioxide in global warming, it is important that Congress establish a CO_2 emission standard for motor vehicles.

Emission reductions equivalent to phase II motor vehicle standards (2-percent reduction in hydrocarbons)

1. Georgia.—The state would need to eliminate all (hundreds) dry cleaners in the Atlanta area and adopt regulations on hundreds of autobody refinishing plants.

2. Massachusetts.—The state would have to decrease vehicle miles travelled (VMT) by 5 percent per year; upon reaching attainment, the state would need to reduce VMT by 8 percent annually to account for growth in the motor vehicle sector.

3. North Carolina.—In Wake County (Raleigh), the state would have to 1) require a 25-percent reduction (1.75 tons per day) in flight operations at Raleigh-Durham International Airport, 2) shut down Raleigh's largest newspaper, all small graphic arts operations and all of the county's dry cleaners, or 3) lower the threshold of RACT on all stationary sources.

4. Illinois.—The state would be required to eliminate all 1) iron and steel manufacturing in the Chicago area, 2) automobile and truck assembly plants, 3) dry cleaning operations, or 4) miscellaneous metal coating operations.

5. Virginia.—Virginia would need to reduce emissions by 3,000 tons/year to obtain a 2-percent reduction in its inventory. This would be equivalent to installing Stage II Vapor Recovery and onboard controls in the entire state, including all attainment areas.

6. Delaware.—To obtain a 2-percent reduction in emissions in New Castle County, the state would be required to 1) take 5,000 vehicles off the road each day, 2) shut down one-half of the organic chemical manufacturing operations, or 3) cut surface coating emissions by 35 percent in two large auto assembly plants.

7. Maryland.—The Baltimore region would need to 1) cut emissions from architectural coatings by 50 percent, 2) reduce emissions from consumer solvents by 40 percent, 3) install State II Vapor Recovery in two-thirds of the gas stations, 4) require alternative fuels on fleets and regulations on landfills, or 5) control pesticide applications by 50 percent and require can manufacturers to install incinerators.

8. Wisconsin.—The state would have to 1) reduce its VMT from "work-trips" by 6-10 percent annually, 2) eliminate surface coating emissions, 3) install Stage II Vapor Recovery in all nonattainment areas, 4) reduce area source solvent use (consumer/commercial solvents) by 50 percent, or 5) prohibit any treatment, storage and disposal facilities.

9. Arizona.—The state would have to 1) adopt an inspection/maintenance (I/M) program statewide, 2) reduce VMT by 3.1 percent, or 3) adopt a $1.00 increase in the gas tax and construct HOV lanes in the nonattainment area.

10. California.—Five of the nonattainment areas—in addition to Los Angeles—would have to implement the following measures to obtain a 2-percent reduction. These include requiring RACT on minor sources, reformulating pesticides and consumer products, controlling non-road engines, adopting transportation control measures, increasing vehicle occupancy to 1.5 persons per vehicle, lowering the volatility of gasoline to 8 psi, adopting a clean fuels program, etc. The state estimates that a 2-percent reduction in emissions is equivalent to the reductions obtained from the state's vehicle I/M program, which covers about 85 percent of the state.

11. Kentucky.—The state would have to regulate dry cleaners in nonattainment areas.

12. Maine.—The state may need to control consumer solvents, apply Best Available Control Technology to minor sources and adopt I/M and Stage II Vapor Recovery.

13. Washington.—To obtain a 2-percent reduction in VOC emissions, the state would have to 1) shut down their aluminum, lumber and paper mills, 2) close all the state's petroleum refineries, 3) eliminate all diesel vehicles—both on and off-road (including locomotives), or 4) ban all pleasure boats and commercial ships. In addition, the state must rely solely on regulating vehicle emissions to abate its carbon monoxide problem.

14. New York.—The state would have to require, among other things, a 20-percent reduction in VMT, institute a no-drive day program, close some industries, and require mandatory retirement of vehicles beyond warranty.

15. Ohio—The state would have to expand I/M to all nonattainment counties, require mass transit measures, impose parking fees, require car pooling, stagger employee work hours, and possibly more.

16. Rhode Island.—Since point sources now account for less than 10 percent of emissions, the state would have to regulate architectural coating sources (oil-based paints) and commercial/consumer solvents, or reduce VMT by 3-5 percent.

17. South Carolina.—Since no offsets are available for new source growth, the state would be required to apply LAER to existing sources, adopt an I/M program, regulate dry cleaners and/or adopt Stage II Vapor Recovery.

18. Michigan.—The state would need to 1) require incinerators on 15 paint spray booths ($8,000-$10,000/ton), 2) regulate consumer/commercial solvents, including many of the measures in the South Coast Air Quality Management District's plan, or 3) possibly reduce VMT.

19. Oklahoma.—The state would possibly 1) expand I/M to outlying areas, 2) impose more stringent controls on smaller stationary sources (e.g., dry cleaners), or 3) regulate consumer/commercial solvents.

20. Texas.—The state would 1) limit vehicle access to the Central Business District, 2) adopt regulations for consumer/commercial solvents, 3) ban industrial growth, or 4) relocate certain industries.

CLEAN FUELS

Administration-Senate agreement

Phase I: Beginning in model year 1995, all new vehicles sold in the most severely polluted areas are required to achieve a reduction in hydrocarbon emissions of 0.75 grams per mile (gpm) and a 12-percent reduction in air toxics emissions.

Phase II: Beginning in model year 1999, the hydrocarbon emission standard must not exceed 0.66 gpm, and toxic emissions must be reduced by 27 percent (although EPA is provided with the authority to lower this requirement to 18 percent).

Recommendation

Strengthen the alternative fuels proposal by restoring it to a level at least as stringent as that recommended by the President's original proposal, STAPPA/ALAPCO and the states of California and New York.

Justification

The President original clean air proposal contained an innovative program that required one million clean fuel vehicles to be introduced each year in severely polluted areas. STAPPA and ALAPCO supported this proposal and recommended that it be expanded in certain areas.

California and New York have offered an alternative fuels program that also strengthens the President's original proposal. The California/New York program requires earlier introduction of clean fuel vehicles in California, establishes specific performance standards and assures that sufficient of clean fuels will be available.

The Administration-Senate agreement is significantly weaker than the proposals made by the President, STAPPA/ALAPCO or California and New York.

Emission reduction requirements are weakened so that only slightly cleaner gasoline would be required. The need for truly clean fuels, including substantially reformulated gasoline, is eliminated.

Areas with the most severely polluted air are prevented from obtaining the ultra-clean vehicles and fuels that will be needed to meet federally-imposed clean air deadlines, thus increasing the possibility of continued unhealthful air and federal sanctions.

A mobile source "bubble," that will undermine the stringency and enforceability of emission standards is included.

The requirements to reduce toxic emissions from motor vehicles are substantially weakened.

TOXICS

Administration-Senate agreement

The agreement contains no "brightline" or benchmark upon which to evaluate residual risk (i.e., the threat to public health remaining after the application of initial control measures). Rather, the agreement calls upon a commission to recommend to Congress an acceptable standard to address residual risk. If Congress does not choose a standard witin five years, a range of 1 cancer in 10,000 to 1 in 1,000,000 will be instituted to evaluate residual risk.

The calculation of residual risk will be based upon "the most exposed actual person," rather than upon pollution levels at the fenceline of the plant's property. Additionally, risk will be calculated upon an individual's exposure for a period of less than 24 hours per day over the course of 70 years.

Provisions to address emissions of air toxics from motor vehicles have been significantly weakened.

Recommendation

Require that sources meet a minimum risk level of 1 in 10,000, with a goal of 1 in 1,000,000, as specified in S. 1630.

Restore provisions in existing law requiring risk measurements to be based upon lifetime exposure at a plant's property line.

Include provisions contained in S. 1630 to address emissions of air toxics from motor vehicles.

Justification

The proposal specifies on minimum standard for protecting public health, other than a default provision, to take effect in the event that Congress fails to act. Consequently, the agreement has removed the assurance of an acceptable statutory "bright-

line," against which residual risk is to be evaluated. Over half of the states have recognized the importance of a "brightline" in their air toxics programs and have incorporated a benchmark between 1 in 10,000 and 1 in 1,000,000 to evaluate residual risk.

The calculation of residual risk based upon the most exposed actual person, rather than upon exposure at the plant's property line, represents a weakening of existing law. Moreover, existing law will be further weakened by provisions in the agreement calculating risk based upon a period of less than 70 years and 24 hours per day. It is important to retain existing law in both respects in order to ensure adequate protection of all people potentially exposed to toxic air pollution and to address uncertainties in the data.

The agreement allows sources to purchase the homes of individuals near the plant in order to further reduce the exposure of the nearest "actual" person and avoid control requirements. As a result, emissions at levels otherwise deemed unacceptable could continue.

The President has established a goal of reducing cancers from exposure to toxic air pollution by 75 percent. EPA has concluded that emissions from motor vehicles account for over 50 percent of the cancers from air toxics. Clearly, without a strong program to regulate air toxics form motor vehicles, this goal will never be met. Accordingly, the Clean Air Act should contain a comprehensive program to reduce emissions of air toxics from motor vehicles, such as the provisions originally contained in S. 1630.

Mr. LAUTENBERG. Mr. President, now I would like to address the amendment offered by the Senator from Idaho. I oppose the amendment. I oppose it most strenuously.

Senator BAUCUS has already pointed out the technical problems with the amendment. It misreads the underlying substitute.

But, aside from the technical problems with the amendment, I oppose the Symms amendment because of what it stands for. It stands for retreat.

The amendment asks workers and neighbors to vote, to choose whether they want jobs or they want good health. The amendment gives industry the right to hold towns and jobs hostage.

Instead of taking the steps needed to clean up the air, a company could wait, and wait, and then put an economic gun to the head of workers and their families.

Mr. President, that is not the American way. Down through the years, there has been a minority of voices telling Americans that the cost of better health was too high and the cost of better lives was too high.

We heard it when we took children out of sweatshops. They said factories would close. We heard it when we gave workers a minimum wage.

It was said then: Jobs will be lost. We will not be able to compete. We are going to be in for hard times. We heard it when we passed the mine safety and factory safety laws. It was said the mines would close and the plants would close. We have seen the result, Mr. President. They were simply wrong.

We passed those laws and we still prospered as a nation. We did not ask our kids to vote on whether or not they wanted child labor laws; and we did not ask workers to vote, factory by factory, on whether they would take the kinds of wages they pay in the Third World or give up their jobs; and we did not ask miners and workers to accept dangerous conditions and ruin their health in mines and deadly factories.

Americans want us to pass a tough clean air bill because they do not want to choose between health and a job. They want both of them. That is a consistent dream of Americans. They have a right to both. They want us to pass a law that tells industry to give them both, to work hard, to use all the creativity they have, to produce and to build and to do it with respect for the individuals and the environment.

Mr. President, that is what the steelworkers, the chemical workers, the oilworkers, and the atomic workers are saying. They have written to us. They have asked us to pass a tough clean air bill. They want to continue to work. Of course they do. They like their jobs. They want those jobs. But they do not want to have to die to go to work.

I ask unanimous consent, Mr. President, that letters from these unions whose workers are so affected by air toxic pollution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, the American people understand what is involved in this debate. In a poll conducted just this past December by Cambridge Emergy Research Associated and Opinion Dynamics Corp., 75 percent of those polled said they would be more likely to vote for someone who supported a law that all factories meet strict toxic waste and air pollution standards or be forced to close.

Mr. President, if we give industry the incentive to develop new technologies, they will develop them. If we give them the out that has been proposed by the Senator from Idaho, they will use that out.

When EPA projected job losses from the air toxics bill, it assumed that no new technology will be developed to control hazardous air pollutants. If EPA itself calls this an unreasonable assumption, then it is obviously something that has to be paid attention to.

The history of the Clean Air Act suggests that many new technologies will be developed. The catalytic converter for automobiles was available within 5 years after Congress required a 90-percent reduction in tailpipe emissions. Scrubbers for powerplants have only been used for 15 years, and industry is already looking to a new generation of clean coal technology opportunities. New technologies will reduce the cost of health standards.

According to information provided by the Congressional Research Service, 20,000 new jobs will be created for every $1 billion in pollution control capital expenditures.

Mr. President, we are going to create jobs. We are not going to destroy them, but we are going to create jobs in a healthful environment.

We are not the only Nation looking for ways to control pollution, Mr. President. We only have to look at the increasing awareness of pollution problems in Eastern Europe. When America develops pollution control technologies, it will develop products for export around the world, and that is going to mean more jobs.

In sum, Mr. President, the amendment by the Senator from Idaho in my view is a dangerous amendment. It would establish a dangerous principle in our law. It would force American workers to choose retreat, to choose a dirty environment.

I hope my colleagues will oppose the amendment, and I urge them to do so.

I yield the floor.

EXHIBIT 1

INTERNATIONAL CHEMICAL WORKERS UNION,
Washington, DC, January 31, 1990.

DEAR SENATOR: Our unions strongly support the air toxics provisions of S. 1630, the clean air legislation now before the Senate. We urge you to reject amendments that would eliminate or undermine any of the bill's vital measures for protecting public health.

Toxic air pollutants impose a staggering toll of death, injury, and illness. Nearly 2.7 billion pounds of air toxics were reported released in the "routine" operations of large industrial facilities in 1987, causing cancer risks as high as 1-in-10 for the people most heavily exposed. In addition, more than 11,000 chemical accidents occurred in the 1980s, killing more than 300 people and injuring 11,000 others.

The dangers from these pollutants fall hardest on the working men and women who are doubly exposed from working in major industrial facilities and living in the surrounding communities, and on their families and communities.

To control so-called routine emissions, S. 1630 establishes a two-stage program for major industrial facilities: "Maximum available control technology" standards, followed by health-based standards to reduce cancer risks when they remain high. Both parts of this program, including the firm deadline for reducing cancer risks below 1-in-10,000, are vital. The health standards, coupled with the bill's more than adequate leadtime, will encourage the development of efficient new control measures where necessary.

We urge you to reject calls from some in industry to eliminate S. 1630's health standards in favor of an "unreasonable risk" approach. This is familiar code language for

cost-benefit analysis. It would be totally unacceptable to working men and women for cost-benefit analyses to govern these life and death decisions.

S. 1630's chemical accident program is equally essential to protecting health and safety. We support the bill's "hazard assessment" process, requiring companies that handle extremely dangerous substances to analyze and disclose their potential for accidental releases. These hazard assessments will lead many companies to discover and correct dangerous conditions before they take lives or destroy productive facilities.

We also support the bill's creation of an independent Chemical Safety Board to investigate and report on the causes of serious accidents when they do occur. Too often, it is left up to companies themselves to investigate the causes of accidents. Like the National Transportation Safety Board on which it is modelled, the Chemical Safety Board will help prevent past tragedies from being needlessly repeated.

We favor S. 1630's provision for coordination between EPA and OSHA in accident safety rulemaking. We ask you to support provisions assuring that important rights under OSHA (such as "walk-around rights" during official inspections) are extended to EPA and the Chemical Safety Board as well.

In short, as representatives of working men and women and their families, our unions urge you to support S. 1630's air toxics amendments. We ask you to reject any effort to eliminate, delay, or cripple the vital health protection provisions of this bill.

Sincerely,

E. Robert Marlow, Vice President, International Chemical Workers Union; Milan Stone, President, United Rubber, Cork, Linoleum and Plastic Workers of America; Jack Sheehan, Assistant to the President, United Steel Workers of America; Nolan W. Hancock, Citizenship-Legislative Director, Oil, Chemical and Atomic Workers International Union.

UNITED STEELWORKERS OF AMERICA,
Washington, DC, February 27, 1990

Re Air Toxics, S 1630.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The USWA, which is a supporter of the air toxics provision of S 1630, has become aware of a steel-specific amendment which would put those exposed to coke ovens benzene and other cancer-causing emissions—both workers and residents of nearby communities—in a second class category with regard to the health risk protection being provided for the rest of the nation.

While we are aware that some opponents of a "technology-forcing" obligation have strongly expressed their views, a flat-out thirty-year (30) avoidance of a health-based standard just for steel communities denies protection for a particular endangered population. It is a special treatment which carries with it no special health benefits for the worker nor the communities in and around coking facilities.

Debate over the methodology for determining health risk evaluations, as applicable to all air toxics vulnerable communities, does not justify a special long-term exclusion of steel communities from any technology-forcing evaluations. Note that neither the Senate bill nor the Administration's bill describes the methodology or assumptions to be followed in determining the health risk. The Senate bill, however, does require that the methodology focus upon the "most exposed individual", but EPA is left with the discretion of formulating the actual measurement technique, subject to a review by Congress within two years which would include an examination of the "factors which may contribute to overestimating or underestimating such risks, including the exposure parameters used in establishing carcinogenic risk estimates for the most exposed individual."

The steel industry has declared the risk assessment in S 1630 to be "arbitrary and unscientific." Yet that methodology is precisely what EPA is presently applying even without S 1630. Actually what the industry is objecting to is any residual health risk obligation which is not conditioned upon a cost-benefit analysis. While methodologies can be fine-tuned and USWA supports that exercise, the union urges the Congress to maintain a health-based approach to air toxics rule-making even if it entails a technology-forcing burden.

Since there are coke facilities in your state you should be aware that these special arrangements will unduly deprive workers and their families in these communities of needed protection.

Many of our communities exposed to coke emissions are already experiencing very high health risks. Some of the risks are as high as one cancer per 55 persons. The air toxics section of S 1630 is designed to lower those risks. To denounce this objective as a "shutdown sentence" is to engage in an environmental blackmail threat to the coke oven communities on an unreasonable and irresponsible assumption that coke oven abatement technology will be frozen at its present level of effectiveness. Even current control practices according to EPA studies can bring 36% of coking facilities up to the 10-4 health protection level. It is reasonable therefore to expect and socially responsible to demand that over the next 15 years there should be a push to improve coke oven control strategies.

Statements which infer immediate shutdown and job loss are irresponsible. USWA urges that you not be swayed by that type of rhetoric and that you adhere to a pollution abatement strategy which will induce development of control technologies which will accomplish a specific health-protective objective.

Sincerely,

LYNN R. WILLIAMS,
President.

UNITED STEELWORKERS OF AMERICA,
Washington, DC, March 1, 1990.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On February 27, USWA President Lynn Williams communicated with you regarding the air toxics section of the Clean Air Act Amendments (S. 1630). Because carcinogenic emissions from coke ovens are causing health risks to workers and steel community residents alike, he urged that coke oven operators not be relieved of a year 2005 health-based regulations to control residual emissions; i.e., those toxic emissions still remaining after the installation of current abatement technology.

We, the undersigned, are the elected USWA District Directors of steelworkers working and/or living in coke-producing communities. We urge you—especially steel-state Senators—to reconsider the politically pragmatic-based decision to allow a special 30-year exclusion of these communities and their workers from the health-based protection of the Act. Steel communities which will be treated differently than the rest of the country will be placed in a second-class health status with regard to protection against carcinogens.

Well-financed lobbying efforts by industry representatives who do not live in, nor are responsive to, workers or residents of these communities should not be the compelling reason to justify a steel-specific exclusion to postpone a public health obligation. As elected union representatives, we do not view the air toxics section as a job loss or shutdown provison. Actually, we are concerned about the continued risk of life loss for workers and community residents.

The USWA has not resisted advances in steel production technology; e.g., pulverized coal injection to displace coke in the blast furnaces, which has reduced the number of jobs in the coke ovens. But we do reject the assertion that coke oven abatement technology will not advance over the next 15 years, thereby resulting in coke oven shutdowns. Presently, 36% of coking capacity can meet the health-based requirements of S. 1630. While further production technology will displace coke oven steelworkers, pollution abatement technology will not. But it will save lives.

Sincerely,

Thermon Phillips, USWA District 36, Alabama; Jack Parton, USWA District 31, Indiana; David Wilson, USWA District 8, Maryland; Harry Lester, USWA District 29, Michigan; Louis Thomas, USWA District 4, New York; Frank Valenta, USWA District 28, Ohio; Anthony Rainaldi, USWA District 20, Pennsylvania; Andrew Palm, USWA District 15, Pennsylvania; Paul McHale, USWA District 9, Pennsylvania; John Reck, USWA District 7, Pennsylvania; Robert Petris, USWA District 38, Utah.

Mr. BAUCUS. Mr. President, the pending amendment is the amendment offered by the Senator from Idaho [Mr. SYMMS]. I understand that the Senator from Idaho is on his way to the floor to speak on his amendment.

I very much hope the Senator from Idaho arrives quickly, so we can very quickly dispose of his amendment one way or the other. We have been on his amendment now for quite a number of hours. In fact, his amendment was laid before the Senate last night. It is my hope that we vote on it very quickly.

If the Senator from Idaho does not come to the floor fairly quickly to speak on his amendment, I would be constrained to ask for the regular order at the appropriate time, so the Senate does vote on the amendment.

But the pending amendment is the amendment offered by the Senator from Idaho [Mr. SYMMS]. It is the Symms amendment, an amendment which the leadership opposes, an amendment which the Senator from Montana opposes, as does the Senator from Rhode Island, the ranking member opposes. It is a deal-breaker amendment.

But, nevertheless, the Senator is certainly within his rights to offer the amendment. He is within his rights to offer any amendment under the standard procedure, though I believe it only appropriate that the Senate vote on the amendment, deal with that amendment fairly quickly since the Senate has been on that amendment for quite some time.

There will be many more amendments that will come before the Senate dealing with the Clean Air Act. I now urge all Senators who have amendments to quickly come to the floor to offer their amendments, so we can avoid very late night sessions.

The majority leader has indicated that he plans to stay in late each night in order to finally conclude action on the clean air bill this week. The Senators can come to the floor now, this afternoon, while no other amendments are pending. Then we can go home at an earlier hour each evening.

But the longer Senators wait with their amendments, the longer Senators delay in offering their amendments, the later the hour will be when the Senate recesses each night. So I strongly urge Senators for their own sakes to offer their amendments quickly. This is a good opportunity.

Once we dispose of the Symms amendment one way or another, it is a good opportunity for other Senators to come to the floor with their amendments. I strongly urge Senators to do so.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, a study was released on Tuesday that bears out some of the statements that I have made with respect to jobs, and that is really what this amendment is all about. I happened to be in my office and I saw my good friend from New Jersey, Senator LAUTENBERG, make the comment that this is a dangerous amendment.

This is only a dangerous amendment if we are afraid of having people who are going to lose their jobs have a chance to say that they would rather take the risk of breathing this air than let the EPA decide what is best for them. It is only a dangerous amendment if we are afraid of the common sense of the good people of the United States of America.

Mr. President, a study was released last Tuesday that bears out those statements. Two Ph.D. economists at Carnegie Mellon at Pittsburgh, Dr. Robert W. Hahn and Dr. Wilbur A. Steger, just released an extensive review of the various clean air regulatory proposals, and I would like to have my colleagues have a look at this.

They went through the bill, made conservative impact estimates—they built on the EPA methods wherever possible—only direct impacts, only direct jobs, no indirect effects. They limited the numbers to U.S. plants and workers, and they used EPA and census data bases, and they employed EPA technology assumptions.

Mr. President, these economists came up with this conclusion, that there would be somewhere between 2.3 and 3.7 million jobs that would be lost if this standard is applied.

I know there seems to be some discussion as to what the standard is. I discussed this with Senator DOMENICI, who was one of the authors, and worked out the agreement about the residual risk. But the way I read it, and I have not heard anyone on the floor dispute that this issue is still unresolved, we will, without a positive act of Congress, have a 1-in-10,000 shutdown standard; and 1 in 1 million technology standard still exists, unless amended by Congress at some time in the future.

So, Mr. President, when we look at this, we start seeing that in Ohio they will lose somewhere between 208,000 and 326,000 jobs. I do not think it is unfair for people from Ohio to have a chance, if they have a plant and the EPA comes in and applies the standard, I do not think it is too much to come in and ask the people, the ones affected. EPA will designate the area affected by this plant. They will have this person who lives for 70 years out here. When we look at that chart of the areas that could be affected by full compliance with the 98-percent MACT standard and 1 in 1 million residual risk requirement, we are talking about a lot people.

Every State is impacted by this, every State of the Union. Some of the States will get affected to a high degree. I will just go through the States. Mr. President, I ask unanimous consent to have printed in the RECORD those States, and I will highlight a few of them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
Alabama	31,778	37,775	34,670	56,412	9,438	4,890	46,106	70,740
Alaska	3,251	3,251	3,251	4,786			3,2,51	4,786
Arizona	8,326	8,326	8,326	12,059	14,520		22,846	26,579
Arkansas	9,098	9,286	9,098	14,141	156		9,254	14,297
California	29,659	29,659	30,194	132,991	210,243		239,902	343,234
Colorado	7,612	7,612	7,612	20,090			7,612	20,090
Connecticut	18,838	18,838	19,209	30,691	20,637		39,475	51,328
Delaware	2,637	2,637	2,637	14,872	4,580		7,217	19,452
District of Columbia	50	50	50	250			50	250
Florida	14,118	14,118	14,466	29,619	30,781	7,599	52,498	67,999
Georgia	18,289	18,422	18,481	51,433	22,019	6,329	46,637	79,781
Hawaii	3,055	3,055	3,055	5,254			3,055	5,254
Idaho	675	675	675	2,791			675	2,791
Illinois	54,668	55,917	58,219	109,660	79,707	6,250	140,625	195,617
Indiana	81,136	81,136	82,872	155,798	16,788	28,559	126,483	201,145
Iowa	14,949	14,949	14,949	26,373		6,932	21,881	33,305
Kansas	3,594	3,594	5,309	19,531	6,110	8,427	18,131	34,068
Kentucky	16,559	16,559	19,017	37,506	11,334	9,000	36,893	57,840
Louisiana	26,619	26,619	26,665	38,894	7,757		34,376	46,651
Maine	3,185	3,185	3,185	10,245	4,214		7,399	14,459
Maryland	8,002	8,002	8,042	27,169	29,526	10,502	48,030	67,197
Massachusetts	13,424	13,574	14,868	24,446	53,874		67,298	78,320
Michigan	46,992	46,992	47,734	181,083	36,272	3,464	86,728	220,819
Minnesota	17,890	17,890	17,890	27,599			17,890	27,599
Mississippi	13,813	13,813	13,813	27,082	685	272	14,770	28,039
Missouri	58,066	58,066	58,440	87,336	25,914	21,442	105,422	134,692
Montana	1,261	1,261	1,261	3,923			1,261	3,923
Nebraska	3,750	3,750	3,750	6,820			3,750	6,820
Nevada	0	0	0	2,316			0	2,316
New Hampshire	4,339	4,339	4,339	10,621	7,605	1,387	13,331	19,613
New Jersey	12,510	13,368	25,492	43,817	90,458	69	103,037	134,344
New Mexico	2,209	2,209	2,209	7,413			2,209	7,413
New York	70,083	79,280	81,415	140,458	98,652	8,570	177,305	247,680

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS—Continued

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
North Carolina	16,135	16,135	16,135	114,736	27,427		43,562	142,163
North Dakota	61	61	61	635			61	635
Ohio	92,346	93,145	94,322	210,170	69,351	46,780	208,477	326,301
Oklahoma	4,044	4,165	4,165	23,703	4,346		8,390	28,301
Oregon	4,651	4,651	4,651	11,591	8,703		13,354	20,294
Pennsylvania	54,246	55,370	55,430	135,015	71,533	24,714	150,493	231,262
Rhode Island	826	826	879	5,939	9,878		10,704	15,817
South Carolina	4,672	4,672	4,672	45,619	9,627		14,299	55,246
South Dakota	320	320	320	811			320	811
Tennessee	69,027	69,034	78,707	92,377	17,833	8,305	95,165	118,515
Texas	62,239	84,810	75,918	114,967	69,377		131,616	184,344
Utah	8,145	8,145	8,145	14,210	5,516		13,661	19,726
Vermont	1,573	1,573	1,573	2,038			1,573	2,038
Virginia	33,979	33,979	33,984	107,378	19,642		53,621	127,020
Washington	11,468	11,468	11,468	67,469			11,468	67,469
West Virginia	20,485	22,360	23,105	31,290	2,854	1,967	25,306	36,111
Wisconsin	41,823	41,823	42,206	74,949	16,731	26,437	84,991	118,117
Wyoming	1,341	1,341	1,351	3,425			1,341	3,425
United States	1,027,816	1,067,085	1,098,285	2,414,804	1,114,088	231,895	2,373,799	3,760,787

Mr. SYMMS. Alabama, between 46,000 and 70,000 jobs, depending on which scenario is used, which set of standards in this study, based on this study.

Alaska, 3,000 to 4,700 jobs. Arizona, 22,000 to 26,000 jobs. Arkansas, 9,000 to 14,000 jobs. California, 239,000 to 343,000 jobs.

There may be communities where there is a heavily affected population of people who would vote to close the plant, if this risk technology is there.

The point is the economic impacts be considered and the jobs, jobs gained, jobs lost, jobs at risk from large business, small business, plants closed, at risk, States and counties.

The 20,000 plus, 1 in 10,000 risk level; 200,000 1 in 1 million risk level.

Mr. President, I think just to tick these off, Colorado would lose somewhere between 7,600 and 20,000 jobs; Connecticut would loose somewhere between 39,000 and 51,000 jobs; Delaware would lose somewhere between 7,000 and 19,000 jobs; District of Columbia, 50 to 250; Florida 52,000 to 67,000; Georgia, 3,000 to 5,000. In my own State of Idaho, somewhere between 700 and 3,000 jobs; Illinois, 140,000 jobs to 195,000 jobs could be lost, Indiana, 21,000 to 33,000; Iowa, 18,000 to 34,000; Kansas, 36,000 to 57,000.

Mr. President, I could go on through this list, but this is, in my opinion, something that Senators should look at with great concern.

What this amendment says, and I will just reread the amendment, it is very simple:

No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a ressult of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded—

If this is something my colleagues are afraid of, I find this to show the utmost confidence in the American people. The question on the ballot will be:

Shall the, (name of the plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 to 1 in 1,000,000).

Mr. President, I am told by my colleagues that they think they worked this out. So, if they are correct and this standard is not going to be applied, I see no reason for Senators to not accept this amendment and have it be a part of the bill so there will be some protection for the working men and women of this country, so they will be able to have an opportunity to vote on whether or not they want their plant closed if, in fact, they are going to be impacted by a loss of jobs because of the cloud that goes with this bill.

So I think it is a very simple amendment, very easily understood. I hope that this amendment will not be tabled; that it will just be accepted as part of this bill.

It seems to me that if we want to stand with the basic premise of the Clean Air Act, which this country operates on, it puts the utmost confidence in local and State authorities to come up with these SIP plans, to come up with the other standards in the bill, allow the people most affected by it—one has to understand, in residual risk assessments, Mr. President, that air disperses so the worst case we are talking about is the plant may be closed; in the worst case, that is the person who will stand there for 70 years, 24 hours a day and, as Senator SIMPSON said, keep their head right in the flume and breathe the worst possible air they can get and be the most sensitive individual. Not for the whole group.

Senator MITCHELL and others are trying to come up with a standard that would reach a wider basis, that would reach a public health standards, if you will, not this standard of this one person. But that still is in the bill. Nothing has been resolved here without Congress acting. So if any Senator thinks they are going to be voting for this bill and not voting for this standard, in my opinion, the way I read the bill, and I invite my colleagues to read this bill, that is the way it reads.

Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for a period of 5 minutes.

The PRESIDING OFFICER. Hearing no objection, the Senator from Illinois will proceed as in morning business for 5 minutes.

U.S. DEFENSE POLICY IN A TIME OF PEACE

Mr. DIXON. Mr. President, the United States is witnessing a period of historic change in the Soviet Union and Eastern Europe. These developments require Congress, in conjunction with the President and his administration, to look hard at fundamental U.S. defense strategy.

Last week, the Senate expressed its sense of how we should use the anticipated peace dividend. Congress, the Bush administration, and the Nation must remember that we are at the beginning of a fundamental debate on the future of our country's defense

policy, not the end. The major cuts that would produce the savings much talked about of late are nowhere near an accomplished fact. The freed-up funds do not now exist. Focusing on a dividend at this early juncture is to invite inevitable frustration created by high expectations that are not about to materialize immediately.

I believe that at this point Congress should instead focus more on the first word, "peace," and less on the second word, "dividend." The prospect of creating a more stable and secure world is the greatest opportunity afforded by the recent warming in United States-Soviet relations and the startling, but welcome and significant events in Eastern Europe. While I recognize the constraints imposed by Gramm-Rudman-Hollings on all budgetary decisions, I insist that any economic peace dividend should be the result of congressional thinking and rethinking, not the main force driving our actions.

Testimony received recently by the Armed Services Committee indicates clearly that the Warsaw Pact threat to NATO security has been drastically reduced. Yet the most difficult question remains unanswered. How should we act to protect our overall security interests in this world in transition? The bottom line is that I am uncertain—and I think I speak for many people in this regard—about what lies ahead for U.S. national security interests.

Faced with this unsettled situation, we in Congress must take a careful, balanced approach to reviewing the Bush administration's fiscal year 1991 budget request. There is no doubt in my mind that we can, will, and must make changes in our overall defense program now, and that some immediate savings will result. However, these cuts—at least for this year—should come from budget areas most directly and obviously related to the changing situation in the Soviet Union and Europe. To my mind, strategic nuclear weapons systems are the biggest example in this category.

Turning to the conventional side, common sense also requires that—on the one hand—the United States should not in most cases commit to big ticket new programs that future events could make unnecessary. We can safely skip the next generation of weapons in many areas, while continuing research and development efforts. On the other hand, and equally important, we should not eliminate existing capabilities that we need now or might need in the near future. In other words, when confronted with a choice between maintaining an existing program that we know works, or sacrificing it for a future program that we might not need, I say we stick with what we have and make gradual improvements as necessary. I am a firm believer in the "if-it-ain't broke, don't fix-it" theory. I am also a believer in the "save-a-dollar by getting the most-value-for-each-tax dollar" theory. These two theories combined mean we should stick with conventional weapons that work, and eliminate waste and reduce expenditures by not buying into new projects that are of questionable need or are not yet proven.

I am unconvinced that the Bush administration's defense budget now before Congress takes this sort of sensible, reasonable approach. As I review the President's budget, I once again see this administration emphasizing strategic over conventional programs—as did its predecessor. Strategic nuclear modernization programs, the requirements for which I believe are most obviously and directly related to the degree of overall Soviet threat, emerge from the President's request unscathed—and even receive substantial funding increases. In remarkable contrast, existing conventional capabilities that possess more broad-ranging immediate or potential applications, are eliminated, while expensive replacements are initiated.

Mr. President, as chairman of the Armed Services Readiness, sustainability and Support Subcommittee, I do not believe that this is a wise direction to take the defense budget in these times. The President's request reflects the wrong priorities. For example, the Army plans to terminate the AH-64 Apache helicopter, and then initiate a brand new program, the light helicopter or LHX, which is still only on the drawing board. This simply does not make sense. Why commit to a brand new capability when we do not know what the threat will be? At the same time, why eliminate the best helicopter in the world, which by the way has only been in production for 6 years, when—once again—we do not know what the threat will be? A similar situation exists with the M-1 tank. The Army plans to terminate the program because it wants to buy a new tank. This is not the time to devote scarce funds to an expensive new tank. We should simply keep and improve the one we have.

On the strategic side, the situation only gets worse—no cuts at all. How can this be? I have always understood that a major reason that we modernize our strategic nuclear forces, especially land-based forces, is to enhance the credibility of our guarantee of Western European Security. As I said earlier, the Warsaw Pact threat to NATO security has radically changed. While I am a vigorous supporter of a strong U.S. nuclear deterrent, I have difficulty swallowing a defense budget that refuses to recognize a changed world. After hearing three former chairmen of the Joint Chiefs of Staff testify before the Armed Services Committee that this country does not need two mobile missile systems, I certainly cannot support both the Rail Mobile MX and the Road Mobile Midgetman programs.

I have other general concerns with the Bush administration's budget request and overall approach to defense issues at this time. I have no quarrel with the ongoing negotiations to reduce conventional forces in Europe. However, I also believe that we can withdraw a significant number of troops from Europe now—perhaps 50,000—without waiting for an agreement. Upon concluding a treaty, our earlier reductions will simply have moved the United States closer to our agreed upon number sooner. I can think of no more tangible action that we can take immediately to demonstrate U.S. seriousness about re-examining the Nation's defense policy.

I envision the United States drawing down troops in Europe, while at the same time reducing the size of the overall Active Force. However, I strongly believe that in this uncertain environment we must preserve a high degree of readiness in this smaller Active Force. Moreover, as we reduce Active Forces, we should place greater emphasis on the reserve units and the National Guard. Similarly, I believe that we must have sufficient airlift and sealift capability in the event that we need to move these forces to meet some contingency unforseen at this time. The President's defense budget request again takes us in the wrong direction. It cuts funds for both the Reserves and the Guard, and reduces funds for the fast sealift and the C-17 programs. Mr. President this is unacceptable.

I also hear the Army talking about reshaping itself into a lighter outfit similar to the Marine Corps. While I understand that some degree of increased flexibility for the Army is a good thing, I think it is absurd to create two Marine Corps. We must retain strong conventional forces, and we must not find ourselves left with an Army that is too light to fight.

I am also very concerned about the military services approach to the issue of commonality in weapons systems. In the austere defense funding environment that now exists, commonality in weapons systems is more essential than ever. For example, the Air Force wants to build an advanced tactical fighter plane. Congress has called for a plane that both the Navy and the Air Force can use. I very much hope that the Pentagon is listening, because without a large amount of commonality, I do not see Congress approving two new fighter planes.

No one doubts that the United States continues to be a superpower concerned about maintaining peace and stability in the world by deterring aggression. We will continue to need sufficient active and reserve Armed

Forces. Yet, of course, the key question is how we define sufficient.

Today I have outlined broadly my thinking on the general direction we should take the defense policy of the United States, and discuss some of my immediate concerns. As chairman of the Readiness Subcommittee, I—along with my armed services colleagues—will be spending considerable time in coming months working on more specific answers to these difficult questions.

However, Mr. President, I know that I am uncomfortable with the fact that U.S. defense spending traditionally runs in cycles. I believe the United States must avoid the inefficient feast-or-famine attitude it has exhibited toward funding defense in the past. Critics have charged correctly that the previous administration during the first half of the 1980's poured too much money too fast into defense, and without enough thought. However, that does not mean that we should now make the same mistake in the opposite direction.

We can and will reduce defense spending somewhat this year as we begin to alter our defense policy to reflect a changing world. However, we have a grave responsibility to provide for the security of the United States, and our challenge is to do so in a sensible, orderly fashion.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

AMENDMENT NO. 1295, AS MODIFIED

(Purpose: To exempt ammonia used in the production and manufacture of fertilizer from consideration as a hazardous air pollutant)

Mr. SYMMS. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

Amendment No. 1295, as modified, is as follows:

At the appropriate place, insert the following new paragraph:

Notwithstanding any other provision of this section, ammonia in emissions resulting from the manufacture or production of fertilizer shall not constitute a hazardous air pollutant.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMMS. Mr. President, there seems to have been some misunderstanding on the floor this afternoon. Just to catch up all Senators who may be wondering what is going on, my amendment calling for a vote on whether or not a plant should be closed—the community involvement in closing decisions—has been modified, and I am prepared to withdraw the modified amendment which now reads:

Notwithstanding any other provision of this section, ammonia and emissions resulting from the manufacture or production of fertilizer shall not constitute a hazardous air pollutant.

What I have agreed to do, Mr. President, is to cosponsor with the senior Senator from Montana an amendment which he will offer, which he had offered at one time in the committee. It is not the amendment I would like to have, but it is better than nothing. I think we all know that at some points in time in our political system, it is better to get half a loaf on a bill that is as complicated as this as nothing.

So I shall ask that I may withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

Mr. SYMMS. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1295) as modified, was withdrawn.

Mr. SYMMS. Mr. President, I want to say again that I am sorry if there was a misunderstanding with the majority leader and Senators, the managers of the bill, Senator CHAFEE and the Senator from Montana [Mr. BAUCUS]. I do not believe there was ever a misunderstanding.

I might also let the Senate be on notice that they may not have heard the last of the community involvement in closing decision until it is clear to all Senators what exactly is in the compromise package with respect to the bright line. I am not resolved but what the community involvement section may not be needed as an amendment, and I still may ask the Senate to dispose of that later.

But it has been withdrawn. My original amendment on ammonia has been withdrawn, and I believe that the Senator from Montana is going to offer an amendment which I will cosponsor. It is not what I wanted, but it is part of what I wanted.

I yield the floor.

AMENDMENT NO. 1297 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. SYMMS and Mr. DOLE, proposes an amendment numbered 1297 to amendment No. 1293.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment follows:

Insert on page 243, line 24, after (4), "(A)" and insert on page 244, line 3, at the end of the period the following:

"(B) Standards for sources of ammonia shall be established pursuant to this subsection within the time established by subsection (e)(1)(C). The Administrator shall establish a health threshold for ammonia before standards are required to be promulgated pursuant to subsection (e)(1)(C). Emission standards for sources of ammonia shall be established at levels which protect public health with an ample margin of safety."

Mr. BAUCUS. Mr. President, I would like to clarify the parliamentary situation for all Senators who may be interested.

We were considering the Symms amendment. Senator SYMMS then withdrew that amendment and offered another amendment dealing with ammonia. As a consequence, the earlier Symms amendment is no longer pending before the Senate. It has vanished. It is not at all before the Senate in any way whatsoever.

The Senator from Idaho [Mr. SYMMS] has also now withdrawn his ammonia amendment. Therefore, we are back on the committee amendment which is in the nature of a substitute. That is the pending business before the Senate.

I have not proposed an amendment dealing with ammonia to that substitute. I offer that amendment on behalf of myself and also on behalf of Senator SYMMS, from Idaho.

Mr. President, this amendment deals with ammonia. It is an amendment to the air toxics provision of the Clean Air Act regarding the treatment of ammonia. The amendment is within the scope and the spirit of the compromise.

Ammonia is historically one of the top chemicals produced nationally. Thirty-two billion pounds were produced in the United States in 1987, making ammonia the fourth highest chemical in production volume. Ammonia, especially in the form of anhydrous ammonia, used by farmers

across the Nation as fertilizer, is very important to all of us.

Ammonia is released into the environment in large amounts. In fact, in 1987 the EPA reported in its toxic release inventory that over 318 million pounds of ammonia were released into the air, more than any other chemical reported in the inventory by about 60 million pounds. These releases occur on a routine basis according to plans and scheduled events, and they also occur when accidents occur. Both types of releases must therefore be controlled. Once ammonia is released it can cause serious injury and death. Ammonia releases have resulted in the second greatest number of injuries and deaths of all chemicals reported in EPA's acute hazards events data base.

Ammonia is also on the Superfund amendments and Reauthorization Act 302 list of extremely hazardous substances. Exposure to routine ammonia emissions may result in potentially adverse human health effects. Ammonia has been shown to cause irritation of the eyes, the skin, the mucous membranes, headaches, nausea, also possible eye damage; that is, cataracts.

These effects are not just based on laboratory tests. In my home State of Montana I received reports from constituents complaining of eye irritations, and impaired breathing due to emissions of anhydrous ammonia.

Mr. President, because ammonia is released in such large quantities and because of its known effects, it must be regulated. That is why the bill requires that ammonia be controlled.

But the bill before the Senate recognizes that some chemicals like ammonia can be regulated as a threshold pollutant, that is, a pollutant for which there are no health and environmental effects below a certain level of exposure. In other words, there is a safe level of exposure. For such threshold pollutants the bill allows EPA to establish a safe level and only regulate emissions above the safe level.

This amendment is intended to clarify that ammonia is to be regulated as a threshold pollutant. Under this amendment EPA would be required to establish a threshold level for routine ammonia emissions and within 5 years of enactment sources with routine emissions of ammonia above the threshold would be required to apply the maximum achievable control technology to control emissions. Routine emissions of ammonia must be controlled. This amendment requires the control of these emissions in a way that is safe and is fair.

Mr. President, I must say that this change also allows feedlots and agricultural users of fertilizer to continue to operate those feedlots, and to continue to use fertilizer. It, further, by changing from a technology-based standard to a health-based standard, particularly at the end of a 5-year period, will not cause the production of ammonia to be nearly as expensive as some have feared if we continue to do so in the bill S. 1630. This is a compromise amendment. It is an amendment which recognizes the very valuable uses of fertilizer. It also recognizes that ammonia has adverse health effects that also must be controlled. It is a good compromise and an amendment which I think the Senate would be well advised to adopt.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. Mr. President, this amendment by the senior Senator from Montana has received support, although it does not go as far as the Senator from Idaho would wish. Nonetheless, the Senator from Idaho has been extremely effective and helpful in trying to reach this compromise. As he mentioned, and as we recognize, this does not totally satisfy him, but, nonetheless, it is a step forward as far as he is concerned, as far as those in the agricultural communities are concerned.

Just a couple of words about ammonia. In high concentrations it can burn the eyes, and lung tissue. Standards to protect worker health from acute exposure have been promulgated by OSHA. Some plants emit ammonia at high enough levels to cause health effects. Of the 351 chemicals covered by EPA's toxic emission inventory, ammonia had the largest quantity of emissions in 1987. It is emitted by sources in 30 different industrial categories. That is where ammonia is coming from.

The bill that we are discussing here today lists ammonia as a hazardous air pollutant. The bill would require maximum available control technology for any source of ammonia greater than 10 tons. However, the bill also includes a provision that allows EPA to forego these maximum available control technologies for a pollutant like ammonia where control to that level of stringency is not necessary in order to protect the public health.

Frankly, this provision is in there to save money. The bill allows EPA to use a health standard in the first phase instead of technology. All the rest of the toxic chemicals, the 351 that we have discussed, have to go with MACT [maximum available control technology] without question. It is done. It is required. But this bill allows an exception in the case of ammonia.

This amendment confirms that this procedure should be used to set the standard for ammonia; that is, do not use the technology, the MACT standards immediately; use the health standard to start with. EPA is to define the threshold and set the ammonia level standard at that level, at the health level.

This amendment does not list ammonia as one of the substances to be controlled. It does not change the level of regulation which would otherwise have been imposed under the bill. It just assures that EPA will use this specific provision in the health standard to set the standards for ammonia. This amendment is somewhat similar to the one that we accepted on electric utility boilers during the negotiations.

So I want to thank the distinguished junior Senator from Idaho for his work on this, again recognizing that it does not completely satisfy him. It does not satisfy everybody. In some instances it does not even satisfy totally the cosponsors. But nonetheless, I think we should get on with it.

I appreciate his support and of course the leadership of the senior Senator from Montana.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. Mr. President, I am glad to see the Senate making progress on this important piece of legislation, particularly with regard to this amendment that is so very important to farmers, farm cooperatives, and fertilizer producers.

This amendment, the so-called Symms-Baucus amendment, is an important improvement to this bill. The amendment will make it much easier for fertilizer producers to utilize anhydrous ammonia in their production process, yet maintain the high standard of environmental protection that this bill sets.

America's farmers are probably not paying too much attention to the debate on clean air. They are getting ready for this year's planting season, probably with fertilizer decisions yet to be made.

This amendment will make it possible for the American farmer to continue to use anhydrous ammonia fertilizer in a cost-effective way.

We still have a few related issues left to resolve with regard to fertilizer. The Senate still must address accidental release provisions that are a part of the fertilizer production process. I do not believe it is the intent of Congress to leave out this important safety issue.

We also must address the issue of fertilizer nurse tanks. Farmers all over America, and in my State of Kansas, have thousands of applicator tanks that will be affected by this bill. I am hopeful we will work something out on this as well.

Mr. DIXON. Mr. President, I encourage my colleagues to support the pending amendment on ammonia. This amendment assures that ammonia will be treated properly under the air toxics section of the pending clean air bill. Ammonia accounts for about one half of all the nitrogen fertilizer

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applied by American farmers. It is the lowest cost and most effective form of nitrogen fertilizer available to our farmers.

This amendment will assure that a health threshold will be established for ammonia sources. Any source of ammonia that achieves or surpasses this threshold will not be required to put on expensive controls that would not benefit the environment or public health. Ammonia is not carcinogenic, mutagenic, teratogenic, or a neurotoxic chemical; unlike the rest of the substances listed in the air toxics section of the pending bill. It is necessary, therefore, that we recognize that ammonia is different, and that it warrants the treatment this amendment will provide.

I have worked to inform my colleagues of the importance of ammonia to American agriculture. I am pleased to see that my friends, the Senators from Montana and Idaho, with whom I have worked on the ammonia issue, will soon call for a vote on this amendment. I am confident that our colleagues will agree with us that this amendment is both necessary and appropriate.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the vote on the amendment occur at 5:15 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, parliamentary inquiry. During this interim, if other people want to come forward with their amendments, they would be entitled to do so?

The PRESIDING OFFICER. If the amendment can be offered under the precedents of the rules, it could occur.

Mr. CHAFEE. Mr. President, would it not be possible, if other people wanted to come over with their amendments, to set this aside, recognizing that the vote would occur at 5:15, proceed with the debate of the other amendments, and, if they extended beyond the vote, interrupt the discussion, the debate, have the vote, then go back to the amendment? Would it be possible?

The PRESIDING OFFICER. The Senator is correct in that understanding.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. The Senator from Rhode Island suggested a possible scenario under which Senators are urged now to come to the floor and offer their amendments. We have a little window here for an amendment, particularly one that might not be controversial, but even if it is controversial, we can then vote on that amendment at a later time.

So even though the pending amendment is the Baucus amendment, upon which there will be a vote at 5:15, if Senators have amendments to the bill they wish to bring to the floor, I urge them to come to the floor so that we can continue to dispose of amendments. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORE). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 1297, offered by the Senator from Montana, to amendment No. 1293, offered by the Senator from Maine, to the committee substitute.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oklahoma [Mr. NICKLES] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—97

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nunn
Boschwitz	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Coats	Jeffords	Sanford
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Specter
Daschle	Kohl	Stevens
DeConcini	Lautenberg	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Wallop
Dole	Lieberman	Warner
Domenici	Lott	Wilson
Durenberger	Lugar	Wirth
Exon	Mack	
Ford	McCain	

NAYS—0

NOT VOTING—3

Matsunaga	Nickles	Packwood

So the amendment (No. 1297) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I may have the attention of Senators, we are at a stage in the consideration of this bill with which Senators are all too familiar. I have been advised by a large number of Senators that they wish to offer amendments to the bill—estimates have run in the hundreds—and as of this moment the managers are here prepared to consider and debate and dispose of any amendment, but no Senator is prepared to offer it.

I encourage, indeed urge, any Senator who intends to offer an amendment to do so. Any time not spent tonight on this bill will be time spent tomorrow night, or Thursday night, or Friday night. Senators ought to take into account when making their calculations as to when is the opportune time to proceed with their amendment.

I recognize that the amendment in the nature of a substitute was not offered until yesterday, and that has handicapped some Senators who wished to address certain subjects in the compromise. However, there are many, many other amendments which were not even the subject matter of the discussions, of which Senators were aware weeks ago that they would be in a position to offer when we got the substitute on the floor. Notwithstanding that, Senators, each for individual reasons, perhaps each individually valid, are not prepared to go forward.

I simply say to Senators that it means a very long night tomorrow, a very long night Thursday, a very long night Friday, and perhaps well into Saturday. We are going to do the best we can to make progress on this bill and finish as soon as possible. Anyone who thinks they are saving themselves some inconvenience by delaying on their amendment is not only inconveniencing themselves but every other Member of the Senate.

It is still early in the legislative day at least, if not in the day by time in which ordinary citizens live and work. I simply will repeat what I have said many, many times before—that we are going to stay until we finish. I encourage those Senators who have amendments—and there are literally dozens of Senators who said "I have an amendment to offer. Do not do anything until I get to offer my amend-

ment." To come forward and do so. This is the time to do so. The managers are here ready to proceed.

So I express again the hope and the encouragement that Senators will be prepared to do so and the managers are here ready to consider, perhaps accept, in any event dispose of amendments through the evening.

Mr. President, I thank the managers for their patience. I want to thank the Senator from Idaho for his earlier cooperation in withdrawing his previous amendment, and for working out an agreement with Senator BAUCUS on an amendment on ammonia that has just been approved.

Mr. FORD. If the leader will yield, when he introduced the substitute yesterday, I want to make the point that we made a telephone call, and the substitute was on our desk in a timely fashion this morning. The GPO gave us a supply. I want to compliment them. There was no delay in getting the information to the Senators as it related to the substitute.

Mr. MITCHELL. They did. I am glad that the Senator made that statement because it was a very good effort on their part for which they are to be commended, and for which we are very grateful.

Mr. WIRTH. Mr. President, will the leader yield?

Mr. MITCHELL. Yes.

Mr. WIRTH. I thank the leader for yielding.

I and others are deeply appreciative of the work the leader has done and really, what an incredible job this was to not only get this together conceptually but also to get it all printed. For purposes just to say to the leader, if I might, there is no intent on the part of many of us who are intending to offer amendments to delay.

It takes a bit of time, as Senators will recognize, to conform our amendments to something that we received only late last night, in paginated line form today, and to put together the kind of amendments with other Senators who are also curious to make sure that their interests and their concerns are not in the bill or how they are in the bill. It is just taking a period of time.

Senator ARMSTRONG and I intend to be offering a package of amendments familiar to the committee early tomorrow as soon as we can. We have been meeting as a group, as the leader knows. A number of us informally related to a variety of amendments on enforcement and radio nuclear mobile forces and so on, and attempting to schedule those out in a timely way. We are doing the best we can, but it takes a period of time to make sure that each Senator and each Senator's State's concerns are reflected as they should be in the amendments which are important in this very, very important legislation.

So we recognize the urgency which the leader has just expressed, but we are also doing our best to put together the most comprehensive and most thorough job that we can to reflect interests that we think may have been forgotten or neglected or not fully understood by other drafters of the compromise.

So we are doing the best we can. We really appreciate the work that the leader and Senator BAUCUS, Senator CHAFEE, and others have done.

I thank the leader for yielding.

Mr. SARBANES. Will the leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. I understand from what the leader said that the normal rules on scheduling for this week do not apply, that we are going to stay, I take it, with this bill in an effort to finish it before the recess.

Mr. MITCHELL. That is my hope and intention. I would like to try to finish this bill if it is at all possible.

Mr. SARBANES. The late evenings, early Fridays, all of that is not applicable now at this point. Is that correct?

Mr. MITCHELL. That is correct. Yes. As Members of the Senate know, for the past few weeks there has been a relatively light floor schedule with no votes on Mondays, no votes on Fridays, and no votes beyond an early hour in the evening. There comes a time, much as I would like to accommodate each Senator's individual schedule, that we have to get the business before us done. We are going to simply have to stay here until we finish this bill.

Mr. BREAUX. Will the leader yield?

Mr. MITCHELL. Yes.

Mr. BREAUX. I just pose a question. Do we know of any amendments that are being prepared for consideration tonight? Have we been notified of anybody ready to go this evening? Are there amendments that we expect to go to this evening, or generally are we just on the bill?

Mr. MITCHELL. The reason I made this statement is because we have not only not had anyone propose an amendment, but the managers have been actively contacting the Senators who said they intend to offer amendments to ask them to come forward with their amendments. But they have not done so.

So as I understand it, right now there is no amendment pending and there is no one prepared to offer an amendment. I simply say to Senators that might mean we will leave a little early tonight, but it means a lot later tomorrow night, a lot later Thursday night, a lot later Friday, and maybe Saturday. Senators have a choice of accommodating their schedule in this manner. We simply cannot permit legislation of this magnitude not to proceed because no Senator wants to come forward and offer an amendment.

There is nothing new on the legislative process. All of us are familiar with it. We encounter it repeatedly on major legislation. It usually results in enormous inconvenience to a large number of Senators at a later point in time, and I fear and expect that is what is going to happen here.

So the managers are here. We will remain now for some time in the hope, perhaps in vain, that this exhortation has aroused someone's conscience and concern, and will induce them to come forward with an amendment.

As I said, we have had Senators say that they have 10, 15, 20, 30 amendments that they want to offer. I have received numerous letters from Senators saying "I have a lot of amendments I want to offer. Please do not make any agreement on the bill until I have a chance to offer my amendment." I have had many Senators speak to me personally, as has the distinguished manager on our side, and I am sure on the other side. Yet here we are ready to go, and we do not have anyone with an amendment ready to go.

We will remain for awhile, and perhaps have a general debate if anyone wishes to address the bill. Then I will have an announcement soon about that.

But I just repeat again so there cannot be possibly any misunderstanding. We are going to stay here. I understand that there is a dinner tomorrow evening put on by the Senate wives. We will obviously have to accommodate that at least for a brief period of time. But Senators should plan on returning to the session following a brief period of time for that dinner remaining here very late tomorrow night, very late Thursday night, on Friday, and on Saturday if necessary. We just are going to proceed until we see some progress on this very important legislation.

Mr. SARBANES. Will the leader yield for a further question? Have the managers developed a list of the amendments that are going to be offered? Have they been able to do that yet?

Mr. MITCHELL. No. We do not even have that yet. As the previous colloquy disclosed, there are several Senators who are working together to coordinate a series of amendments. I had been under the impression that several of them would be offered today. But we are advised that is not the case, and that those will be offered tomorrow.

Mr. SARBANES. Perhaps, now that the leader has made it clear his intention to stay on this bill into and through the end of this week, it might be possible to develop such a list, and then structure an orderly consider-

ation of those amendments over the next 3 days that will then lead to the disposing of them and conclusion of the work on this bill. I do not know whether that is possible. I just throw it out as a suggestion.

Mr. MITCHELL. I think it is a very good suggestion. I believe that is the intention of the managers of the bill.

Mr. President, I will ask Senator BAUCUS and Senator CHAFEE if they wish to add anything in this regard.

Mr. CHAFEE. Mr. President, the welcome sign is out. Everybody, olly olly in free; bring in the amendments. We are here. We have flung open the golden gates and invite everybody in. All we want is just a few amendments. They do not have to be big and complicated—just a few. It is 10 minutes to 6. What kind of a teaser can we put out there, Mr. Leader?

Maybe there should be bonuses for those——

Mr. MITCHELL. Early credits, it is called under the bill.

Mr. CHAFEE. They might get some credits under the acid rain provision; all those who bring in early amendments will get 2-for-1 credit. See if that starts an onslaught as a tantalizing suggestion.

Mr. MITCHELL. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2240 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CHEATING BY FOREIGN FIRMS COSTING U.S. TAXPAYERS BILLIONS

Mr. HELMS. Mr. President, I have today filed a formal request with the U.S. Comptroller General, Charles A. Bowsher, asking that the General Accounting Office begin a thorough investigation of what clearly appears to be tax cheating by foreign firms operating in the United States. I have also written to President Bush urging that a maximum effort be made to collect what is owed by these foreign firms operating in the United States. As background that is essential.

More than 4 months ago, I received serious allegations that subsidiaries of foreign firms operating in the United States are cheating on their Federal taxes. The alleged cheating focused on foreign automobile companies and several billion dollars were involved.

Mr. President, I did two things with this information. First, I consulted the House Ways and Means Oversight Subcommittee quietly, and learning that the subcommittee did not have the information that had come to me, I shared the details with the subcommittee. Second, I wrote to Fred T. Goldberg, Commissioner of the Internal Revenue Service, and this was on November 6 as I recall, suggesting that the IRS expand its investigations of foreign automobile companies to include at least about but not limited to the foreign parts companies, if not foreign firms in general.

Then Christmas came and went and then the first of the year.

On February 22, the House Ways and Means Oversight Subcommittee announced that, according to the preliminary findings of the subcommittee's investigation, foreign firms' income tax payments are "unusually low" compared to their gross income.

In 1986 foreign firms operating in the United States had $540 billion in gross sales but showed a loss of $1.5 billion. Let me repeat for the purpose of emphasis, a loss for income tax purposes of $1.5 billion.

Mr. President, I confess that I find it difficult to believe that foreign firms operating in the United States could have gross incomes totaling more than half a trillion dollars and still lose money. If that were the case, you can bet your boots that foreign investors would be deserting our shores rather than flocking to them.

The House Ways and Means Oversight Subcommittee says that foreign firms are in effect "cooking their books" in a way that "inappropriately reduces U.S. taxation." That is a nice way to say tax cheating.

The Ways and Means Subcommittee also disclosed that it is looking at "improprieties by foreign-owned companies in the automobile manufacturing and electronics industries."

How much money is involved? Ways and Means says, "Billions of dollars in tax revenues may be at stake." The IRS meanwhile says that suspected tax cheating by foreign firms amounts to $12 billion, and that estimate may be low. It could be, according to other estimates perhaps a little more realistic, as high as 50 percent higher because during the decade of the 1980's, it might well exceed $50 billion, particularly if underpayment of State taxes is involved.

Mr. President, if present suspicions prove to be accurate, we are talking about $50 billion that U.S. taxpayers had to pay because foreign tax cheaters shifted the tax burden to our citizens. That is also $50 billion in extra money available to foreign firms to beat our companies in the marketplace—$50 billion more in research and development money, production plant and equipment, and all the other things that determine a winner or a loser in the marketplace.

Mr. President, I ask unanimous consent that my letters to the President and to Comptroller Bowsher, along with the February 22 statement of the House Ways and Means Subcommittee on Oversight, and the New York Times article of February 18 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 6, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: More than four months ago, I received serious and credible allegations of underpayment of taxes by foreign corporations operating in the United States. I immediately brought this information to the attention of the Ways and Means Subcommittee and the Internal Revenue Service.

The Ways and Means Oversight Subcommittee has now reported its preliminary conclusions: First, foreign parents are so arranging their transfer prices with their United States subsidiaries as to "inappropriately" reduce their Federal tax liability. Second, there are allegations of "improprieties" by foreign automobile and electronics manufacturers operating in the United States. Finally, the subcommittee said, "billions of dollars of tax receipts may be at stake."

Today I have asked the General Accounting Office to open a major investigation of the transfer pricing issue. By September 1 they are to report to the Congress what is owned and the efforts to collect it. The GAS is also asked to report to Congress on the competitive impact on American firms of underpayment of taxes by their foreign competitors.

The IRS estimates that at least $12 billion is owed by foreign firms. If state taxes also are owed, the final figure could be considerably higher.

It is time to bring tax cheating by foreign firms to a halt. Not only are American taxpayers bearing an additional burden, they are subsidizing foreign firms in the U.S.

marketplace. The estimated billions of dollars owed but not paid by foreign firms were paid by American citizens. The billions of dollars which foreign firms did not pay in taxes made precisely that much more funds available for their research and development, product plant and equipment and finally, acquisition of American firms.

At the same time that foreign firms are not paying their fair share of taxes, the federal budget remains in deficit, Gramm-Rudman targets are not being met, and the operation of the government is being underwritten by foreign loans.

Given what is at stake, it is vital that a renewed effort be made to collect what is due from foreign firms operating in the United States. Please allocate whatever resources are necessary at the Internal Revenue Service and the Department of Justice to ensure that equity is restored to the tax collection process.

Sincerely,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 6, 1990.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: The Internal Revenue Service reports that in 1986 foreign companies operating in the United States had $540 billion in gross receipts but reported a negative tax liability of $1.5 billion. The House Ways and Means has made a preliminary investigation and found that foreign companies are setting transfer prices with their U.S.-based subsidiaries so that they are "inappropriately" reducing U.S. taxation. The Subcommittee has found "allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries."

I urgently request that a major investigation be conducted relating to the entire issue of transfer pricing practices by foreign firms operating in the United States. At a minimum, the following questions should be answered:

1. How much is owed?
2. Why has the IRS failed to collect it?
3. Have there been attempts by foreign governments, corporations or their agents to lobby or influence the Department of the Treasury or Internal Revenue Service regarding the transfer tax issue?
4. Do the "improprieties" extend beyond the automobile manufacturing and electronics industries?
5. Are foreign parent firms avoiding State taxes also?
6. What is the competitive impact on American firms as a result of underpayments of taxes by foreign competitors?

The Ways and Means Oversight Subcommittee reports that "billions of dollars of tax reveneus may be at stake." Because of the potential scope of this matter it is imperative that whatever resources that may be necessary be committed to this report and that a final draft be available on or before September 1, 1990.

Sincerely,

JESSE HELMS.

[Press Release]

HON. J.J. PICKLE, CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT, COMMITTEE ON WAYS AND MEANS, ANNOUNCES SUBCOMMITTEE INVESTIGATION OF TAX UNDERPAYMENTS

The Honorable J.J. Pickle (D., Texas), Chairman of the Subcommittee on Oversight, Committee on Ways and Means, U.S. House of Representatives, announced today that the Subcommittee on Oversight is continuing to investigate individual and corporate noncompliance with Federal tax laws, as part of its 1989-90 "tax gap" analysis. The Subcommittee is examining noncompliance by U.S. subsidiaries of foreign-owned companies to determine the extent to which these firms are underpaying corporate income taxes in the United States, and how it is being done.

Preliminary findings of the Subcommittee's investigation confirm that the level of tax payments of foreign-owned businesses in the United States is unusually low relative to the rise in their gross income. According to recent Internal Revenue Service (IRS) statistics, foreign-owned companies operating in this country are paying lower taxes overall than American-owned companies with a similar total sales. In 1986, foreign-owned companies reported more than $540 billion in gross receipts and a negative tax liability of $1.5 billion. The main issue in many cases relates to the fact that a significant number of foreign parent companies are setting transfer prices with their U.S. subsidiaries in a way which inappropriately reduces U.S. taxation.

Chairman Pickle stated: "The Subcommittee is looking at compliance with section 482 of the Internal Revenue Code, generally, and specific allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries. I expect the Subcommittee to hold a hearing on this matter in the near future.

"The Subcommittee understands that the IRS audits certain U.S. subsidiaries of foreign firms year after year, constantly raising the same transfer pricing issue. It appears from our preliminary investigation that some very large foreign firms are routinely shifting income from their U.S. subsidiaries, thus reducing U.S. tax obligations. Billions of dollars in tax revenues may be at stake.

"Last year we enacted Code section 6038A which strengthened the ability of the IRS to pursue these cases. We will continue to monitor closely the efforts and success of the IRS to enforce these laws and collect taxes owed to the U.S. Government."

[From the New York Times, Feb. 18, 1990]

I.R.S. INVESTIGATING FOREIGN COMPANIES OVER UNITS IN U.S.: LOW TAX PAYMENTS CITED

(By Robert Pear)

WASHINGTON.—Bolstered by new auditing powers, Federal tax officials are investigating many American subsidiaries of Japanese companies on the suspicion that they have underpaid corporate income taxes by billions of dollars.

As foreign-owned assets in the United States more than tripled in a decade to $1.8 trillion, the gross income foreign-owned companies made here more than doubled. But the total taxes they paid hardly changed, data compiled by the Internal Revenue Service show. Of the 36,800 foreign-owned companies filing returns in 1986, more than half reported no taxable income.

Tax officials assert that some subsidiaries understate income, thus minimizing tax liability, by manipulating transactions with parent companies. But the I.R.S. has been frustrated in efforts to audit these companies' returns because important financial records are often kept at headquarters abroad, in foreign languages, with much less detail than would be required in the United States.

NEW POWER FOR THE I.R.S.

To aid I.R.S. investigations, Congress has provided an important tool. Under a provision of a law signed by President Bush on Dec. 19, Congress gave the tax agency broad authority to assess taxes on foreign-owned companies that fail to comply promptly with demands for any records or testimony. Those that do not cooperate can be fined up to $10,000 a month, with no limits on the cumulative penalty.

"We don't target a particular country for enforcement," said Charles S. Triplett, deputy associate chief counsel of the tax agency. "Nonetheless, it's pretty clear that the Japanese do a lot of business here and have many U.S. subsidiaries acting as distributors of manufactured goods."

Multinational companies, including those based in the United States, face difficult tax questions all the time because they do business in countries with widely varying tax systems. Allocating income and deductions among national units of a multinational company is thus a complex area of tax law.

EXPORTERS FEEL TRAPPED

Tadashi Iwashita, a financial counselor at the Japanese Embassy here, said that Japanese companies conscientiously tried to comply with American tax laws. The Japan Tax Association, a group of tax experts from major Japanese companies, said the I.R.S. was partly to blame because it had not established "concrete guidelines" for determining the appropriate price in transactions between units of a multinational company.

One I.R.S. official said suspected underpayments amounted to at least $12 billion. Critics of the I.R.S. say the agency sometimes cites extreme cases or amounts to support its contention that the Government has been cheated. But tax experts, accountants and economists outside the Government say tens of billions of dollars are at issue in cases, involving Americans affiliates of foreign companies.

I.R.S. data show that in 1986 American subsidiaries of foreign companies took tax deductions of $544 billion against total receipts of $543 billion.

A recent study by the Congressional Joint Committee on Taxation expressed concern about the issue. "There is some indication that the level of tax payments of foreign-owned businesses in the United States is unusually low," the report said.

The law has important implications for American distributors of cars and electronic goods made in Japan. The law applies to all foreign-own businesses, but Japanese-owned companies have attracted I.R.S. attention because they are active in manufacturing industries where Federal investigators have found a potential for abuse.

Federal tax officials say American distributors of foreign-made goods can reduce their profits, and thus their tax liability, by paying high prices to the parent corporations for goods, services and technology. Under Federal law, a parent company is supposed to charge its subsidiary the same price as a buyer would pay an unrelated seller in the open market—the arms' length price.

The Internal Revenue Service, responding to a big increase in foreign investment in the United States, says that "the examination of transactions between foreign parents and their U.S. affiliates will become an in-

creasingly important part" of this enforcement work.

"A CLEAR PATTEN"

Alexander Zakupowsky, Jr., a lawyer for the American subsidiary of the Yamaha Motor Company said, "There is a clear patten of the I.R.S. looking at the importation of Japanese products into the United States."

Yamaha makes motorcyles. Its American subsidiary imports and distributes them. In a case pending in the United States Tax Court, the I.R.S. asserts that Yamaha's American affiliate understated its income and overstated the amount it paid to the parent company for motorcycles and related products. It contends that the subsidiary underpaid income taxes by a total of $133 million from 1977 through 1984 and is trying to collect the amount, plus $13 million in penalties.

The taxation of foreign companies doing business in the United States, an esoteric area of tax law for many years, has suddenly attracted the attention of politicians concerned about foreign investment and trade.

Representative Richard A. Gephardt of Missouri, the leader of the Democratic majority in the House, and Senator Jesse Helms, Republican of North Carolina, have expressed concern that foreign-owned companies are paying lower taxes than American-owned companies with similar sales.

"That is wrong, and we've got to do something to turn it around," Mr. Gephardt said. Mr. Helms asserted that the disparities gave foreign-owned companies an unfair competitive edge.

James F. Wheeler, a professor of accounting at the University of Michigan in Ann Arbor, who worked for the I.R.S. on sabbatical leave in 1986-87, said: "On the average, foreign owned U.S. corporations pay substantially less tax to the U.S. Government than the American firms with which they compete."

They also report lower profits. "The extremely low rate of return on the assets of U.S. companies owned by foreign corporations is astonishing and unbelievable," Mr. Wheeler said. "In my view, they are just trying to avoid U.S. income tax."

TOLERATING LOW PROFITS

Japanese executives, lawyers and accountants say Japanese companies are often willing to accept low profits for a decade or more while they try to gain a foothold in the American market. But American officials say the subsidiaries of Japanese companies continue reporting low profits long after they have gained a secure position.

As part of its investigation, the I.R.S. has retained an economist to collect information in Japan on taxes paid by Japanese companies that do business in the United States. The economist, Kozo Yamamura, is a professor at the University of Washington in Seattle and has edited an important study of Japanese investment in this country.

In a typical case, the Federal Government asserted in the early 1980's that the Toyota Motor Corporation in Japan had records needed by the I.R.S.

Federal auditors issued a summons for huge amounts of confidential business data kept at Toyota's Japanese headquarters. They wanted to see if Toyota was charging American distributors more than it charged Japanese car dealers for the same cars.

MORE TAXES WERE PAID

Toyota fought the summons. The case ended in 1987, when Toyota's American sales unit was reported to have paid an undisclosed amount of additional taxes.

Michael F. Patton, an international tax lawyer who used to work at the International Revenue Service and now works at Ernst & Young, the accounting firm, said: "The new law puts a lot of power in the hands of I.R.S. agents. If they conclude that a foreign-owned company has not complied with a request for information, they can make an arbitrary assessment of taxes."

Under the law, if the tax agency requests records and a foreign-owned company fails to produce them, the Government can levy taxes solely on the basis of information available to the I.R.S., without regard to data that might later be supplied by the taxpayer.

"Foreign companies will not like this law in the least," said John E. Lanman, international tax partner at Ernst & Young. "They will see it as an intrusion on their business, a violation of natonal sovereignty. Many Japanese companies are very concerned about what they see as the Draconian powers given to I.R.S."

Mr. HELMS. Mr. President, I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I am advised by the managers that up to as many as four amendments will be offered this evening that can be worked out and will not require rollcall votes. So the proceedings on the bill will continue with respect to those four amendments. However, no controverted amendments that will require rollcall votes have been presented for consideration this evening. Accordingly, there will be no further rollcall votes this evening.

The Senate will come into session at 9 a.m. tomorrow and be back on the bill at 9:30. In view of the fact that so little progress was made today, Senators should be prepared for a very long day tomorrow, extending throughout the entire evening, with a brief window for the Senate wives' dinner but returning to session after the dinner tomorrow evening.

I think it almost certain that the same will be true of Thursday and Friday as well. Senators should be prepared to make their plans accordingly. I understand a large number of Senators, who had previously indicated that they have amendments to offer, have now indicated that they will be prepared to offer them tomorrow. So I anticipate if that is the case, there will be a number of votes tomorrow on this legislation.

I thank the managers again for their patience and cooperation, and I look forward to a productive day tomorrow on the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1303 TO AMENDMENT NO. 1293

(Purpose: To monitor the acid rain program in Canada and to facilitate the flow of information between the United States and Canada regarding acid rain reduction techniques)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1303.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Energy, and other persons the Administrator deems appropriate, shall prepare and submit a report to Congress on January 1, 1994, January 1, 1999, and January 1, 2005.

"The report to Congress shall analyze the current emission levels of sulfur dioxide and nitrogen oxide in each of the provinces participating in Canada's acid rain control program, the amount of emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the costs to each province and the employment impacts in each province of making and maintaining those reductions. Beginning on January 1, 1999, the reports shall also assess the degree to which each province is complying with its stated emissions cap."

Mr. McCONNELL. Mr. President, I rise to offer an amendment to amendment No. 1293 which is designed to accomplish two things. First, it will ensure that we know whether or not efforts by the United States to reduce acid rain will be reciprocated in Canada. Second, it will facilitate the flow of information on acid rain reduction techniques between the two countries.

Experts tell us that acid rain is a global problem because it involves the transboundary flows of "acid rain precursors." Some of the acid rain produced in this country falls in Canada and some of the acid rain produced in Canada falls in the United States.

Partly at the request of our Canadian neighbors, we are about to impose upon ourselves a very strict acid-rain reduction program which, I fear, will cause extreme economic hardship on many regions of this country, particularly in the Midwest and in my State of Kentucky.

A major part of that program, as we all known, will be a cap on national emissions of sulfur dioxide and nitrogen oxides after the year 2000.

As a nation, we will pay a price to meet the standards of this program. Jobs will be lost, workers will be dislocated, utility rates will rise, and many businesses will be forced to shut down.

The absolute cap on emissions will hinder our ability to cost-effectively generate electric power and this, Mr. President, will certainly hinder economic growth and negatively impact our energy and national security.

Our Acid Rain Progam will be strictly enforced. The bill we are considering expands and strengthens the enforcement provisions of the current Clean Air Act by expanding the list of actions for which civil and criminal penalties can be applied. In other words, violators of the Acid Rain Program may go to jail.

Indeed, Mr. President, this country will pay a high price to reduce its contribution to the global acid rain problem. However, because the United States is only one of many countries contributing to this global problem, and because the price we will pay could be staggering, it seems to me only prudent that, as we embark on this program, we take steps to ensure that other nations which contribute to the problem are also doing their part to clean up.

Canada currently has an acid rain program in place. The goal of this program is a 50-percent reduction in national sulfur dioxide emissions by 1994. Also, each province participating in the program has agreed to cap its emissions in perpetuity at 1994 levels. The Canadians believe this is an important aspect of their program.

The Canadians also believe that for any United States acid rain program to be credible, it must also have an absolute cap on emissions. They have spent a great deal of time and money lobbying the U.S. Congress to ensure our program has such a cap and it appears that those efforts have paid off.

The point that troubles me, Mr. President, relates to the enforcement of the Canadian program. The fact is, there is no enforcement mechanism within the Canadian program. The post-1994 cap is based on an implicit agreement by the provinces not to exceed 1994 emissions levels.

The Federal Government of Canada is largely powerless to intervene if a province decides to cancel its program or to exceed its 1994 cap. Canadian law does allow the Federal Government to intervene if Provincial action affects transboundary flows of acid rain precursors—making it an international matter—or if there are national health effects associated with the Province's decision. In practice, though, the Federal Government can do very little.

This is in sharp contrast to the bill we are debating here today. Our bill sets a post-2000 emissions cap and clearly identifies criminal and civil penalties, to be imposed by the Federal Government, for violations of the cap.

The Canadians tell us their cap will not be exceeded because the Provincial governments have enforcement powers within their own borders. I would argue, though, that the elected officials of the Provincial governments are unlikely to enforce the standards if doing so would cause undue economic hardship on their constituents.

However, Mr. President, I am not here to criticize the Canadian program. I am simply asking for some assurance that we will know whether or not our efforts are being reciprocated by Canada.

Therefore, I propose that Congress required the Administrator of the EPA, in consultation with the Secretary of Energy, the Secretary of State, and other persons the administrator deems appropriate, to prepare and submit to Congress three reports on the progress of the Canadian Provinces in reducing acid rain and complying with their 1994 emissions cap.

The reports will detail the current emissions levels of acid rain precursors in each Province, the amount of emissions reductions achieved by each Province, the methods used to make those reductions, the cost involved, and the increase or decrease of transboundary flows of emissions between Canada and the United States.

Beginning in 1999, the reports will also assess the compliance of each Province in complying with its stated emissions cap.

These reports will serve two purposes. First, they will facilitate the exchange of information, allowing us to learn from Canada's experience and perhaps develop new cost-effective methods of acid rain control in this country.

Second, they will help us evaluate our efforts relative to Canada and ensure that both sides are doing their part to deal with this global problem.

Mr. President, I believe this is a good provision which will ensure equity on both sides of the border in dealing with this global problem. I understand there is no objective on either side of the aisle and I ask that the amendment be adopted.

Mr. BAUCUS. Mr. President, the Senator is correct. We have had opportunities to examine the amendment, and it is acceptable to this side. Essentially, it is an amendment which would direct the U.S. Government to conduct a study to determine the degree to which Canadians are meeting their SO_2 emission reductions, and whether they are meeting them on time. I think it is an appropriate amendment, and we are willing to accept it.

Mr. CHAFEE. Mr. President, I want to commend the Senator from Kentucky for this amendment. I think it is a thoughtful one.

He is quite correct in saying that a considerable thrust of this legislation has come legitimately from the Canadians, our neighbors to the north. They have felt very deeply that the amount of acid rain sulfur dioxide emissions from all powerplants have been blown by the westerlies across into Canada and have caused deleterious effects to their lakes, streams, forests, and believe that we should take affirmative action to reduce these sulfur dioxide emissions and nitrous oxides.

We are undertaking it in the course of this legislation.

Likewise, they have assured us that they are going to take steps, and I think the legislation that the Senator from Kentucky is suggesting is good, and it will be a form of report by the Administrator of EPA as to the progress that not only the Federal Government is making, but each of the individual Provinces are making. So I think that will be helpful to us.

I commend the Senator, and it is acceptable by this side.

Mr. McCONNELL. I thank my friend from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the McConnell amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment of the Senator from Kentucky? If not, the question is on agreeing to the amendment.

The amendment (No. 1303) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1304 TO AMENDMENT NO. 1293

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1304 to amendment No. 1293.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Secretary of Energy in consultation with the Secretary of Commerce shall provide a report to the Congress within one year of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies."

Mr. McCONNELL. Mr. President, my second amendment will streamline and make more efficient the Federal Government's efforts to export clean coal technologies.

I, and many of my colleagues in this Chamber, support Federal, State, and industry efforts to expand the export of U.S. coal to overseas markets. We also would like to see the developing countries integrate coal more fully into their energy mix. Unfortunately, global environmental concerns have hindered efforts to do so.

However, there appears to be an answer to this dilemma. In its annual report to Congress on the Clean Coal Technology Demonstration Program, dated February 1989, the Department of Energy states that—

These technologies will reduce and/or eliminate the economic and environmental impediments that limit the full consideration of coal as a future energy resource.

Mr. President, exporting clean coal technologies will open new overseas market opportunities for U.S. coal and help mitigate some of the job loss that will occur under this acid rain legislation.

Also, exporting clean coal technologies will help the United States renew its technological leadership in a growing world market for coal utilization techniques and will improve our balance of trade.

Mr. President, there are currently several clean coal technology export promotion programs operated by a variety of U.S. governmental and quasi-governmental agencies. Government officials operating these programs, as well as the industries involved in the development of clean coal technologies, agree that Federal export promotion programs serve a very useful purpose, but that room exists for better coordination of the programs and the agencies overseeing them.

My amendment simply asks that the President provide to Congress a report which will identify, inventory, and analyze clean coal technology export programs operated by U.S. Government and quasi-government agencies.

The purpose of the study is to improve the effectiveness and efficiency of interagency coordination of export promotion and to determine the feasibility of establishing an interagency commission to centralize the promotion of clean coal technology exports.

Mr. President, this amendment has the support and endorsement of the Federal official closely involved in the export promotion program. It was, in fact, approved by this body last session. However, at the request of the relevant conferees from the other body, the provision was dropped.

It is my understanding that the other body has now agreed to the amendment and it may, in fact, be included in their version of clean air legislation.

So Mr. President, bearing that in mind and understanding that there is no objection, I hope my amendment will be approved.

Mr. BAUCUS. Mr. President, we have examined this amendment as well. It is a good idea. It is helpful to export clean coal technologies overseas, and the study will be very helpful to reach that goal. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. CHAFEE. I commend the Senator again for this thoughtful amendment. It is an amendment he presented previously that was adopted. I think it is helpful for the coal technology to have a worldwide market, and this would encourage the sales of that type of equipment. It is a good suggestion, and this side supports it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 1304) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1305 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, on behalf of Senator BENTSEN and Mr. GRAMM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BENTSEN, and Mr. GRAMM, proposes an amendment numbered 1305.

Mr. BAUCUS. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

The amendment is as follows:

Section of the bill is hereby amended to read as follows:

"( ) NATIONAL URBAN AIR TOXICS RESEARCH CENTER.—

"(1) The Administrator shall oversee the creation of a National Urban Air Toxics Research Center, to be located at a university, a hospital or other facility capable of undertaking and maintaining similar research capabilities in the areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology and biostatistics. The geographic site of the National Urban Air Toxics Research Center should be further directed to Harris County, Texas, in order to take full advantage of the well developed scientific community presence currently on-site at the Texas Medical Center as well as the extensive data previously compiled from the comprehensive monitoring system currently in place."

"(2) The National Urban Air Toxics Research Center shall be governed by a Board of Directors to be comprised of nine members, the appointment of which shall be allocated pro rata among the Speaker of the House, the majority leader of the Senate and the President. The members of the Board of Directors shall be selected based on their respective academic and professional backgrounds and expertise in matters relating to public health, environmental pollution, and the industrial hygiene. The duties of the Board of Directors shall be to determine policy and research guidelines, submit views from Center sponsors and the public and issue periodic reports of Center findings and activities."

"(3) The Board of Directors shall be advised by a Scientific Advisory Panel, the thirteen members of which shall be appointed by the Board, and to include eminent members of the scientific and medical communities. The Panel membership may include scientists with relevant experience from the National Institute of Environmental Health Sciences, the Center for Disease Control, the Environmental Protection Agency, the National Cancer Institute and others, and the Panel shall conduct peer review and evaluate reserach results. The Panel shall assist the Board in developing the research agenda, reviewing proposals and applications and advise on the awarding of research grants."

"(4) The Center shall be established and funded with both Federal and private source funds."

Mr. BAUCUS. This is an amendment offered on behalf of Senator BENTSEN and Senator GRAMM. Essentially, it would create the National Urban Air Toxics Research Center to be located in the Houston area of Texas. Essentially, it is to undertake various studies in areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology, and other related studies, particularly with respect to air toxics.

I think it is a very appropriate amendment, because the State of Texas is probably more heavily impacted compared to any other State by the air toxics provisions of this bill.

It is therefore altogether appropriate, first, that a research effort like

this be undertaken and, second, that it be undertaken where the problems occur. They occur all over the country, but they particularly occur in industrialized portions of the country, and that is obviously in Texas.

Mr. President, I urge the Senate to adopt the amendment. I think it is a good idea.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1305) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments in Aging, 1989, Volumes 1 and 2" (Rept. No. 101-249).

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and with a preamble:

H. Con. Res. 258. Concurrent resolution congratulating the President of Honduras, Rafael Callejas, on his election and offering good wishes for the success of his administration.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amended preamble:

S.J. Res. 75. Joint resolution relating to NASA and the International Space Year.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

S. Con. Res. 92. Concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Robert William Farrand, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua, New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert William Farrand.

Post: U.S. Ambassador to Papua, New Guinea.

Contributions, amount, date, and donee:

1. Self: None

2. Spouse, $25, 1988, Democratic National Committee.

3. Children and spouses names: William Patrick, N/A. Michael Joseph, $100, October 10, 1985, Democratic Party. Carol Elaine, N/A.

4. Parents names: Both parents are deceased.

5. Grandparents names: Grandparents are deceased.

6. Brothers and spouses names: Frederick Joseph (unmarried) N/A. Thomas Walter (unmarried) N/A. John Michael N/A. Wife: Janet, N/A.

7. Sisters and spouses names: Miller, Therese, N/A. Husband, Kenneth, N/A. Flanagan, Elizabeth Ann, N/A. Husband, John J., N/A.

J. Steven Rhodes, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: J. Steven Rhodes.

Post: Ambassador to Zimbabwe.

Contributions, amount, date, and donee:

1. Self: $1,000, 1985, Fund for America's Future; $1,000, March 1986, Smith Barney Better Government Com.; $200, May 1986, Antonovich for Senate; $300, September 1986, Antonvich for Senate; $500, Ed Zschau for Senate; $300, Dixon for Congress; $1,000, 1987, Smith Barney Gov't Fund; $1,000, George Bush for President; $50, Republican National Committee; $50, 1988 Republican National Committee; $200, Lynne Martin.

2. Spouse: None.

3. Children and spouses names: Christian Rhodes.

4. Parents names: Jones Rhodes (deceased), Ethel Rhodes.

5. Grandparents names: Joseph and Alice Williams Claiborne (deceased), Georgiana Howard, Jones Rhodes.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Joyce M. McGhee (divorced), none; Shirley and Ralph Clark, Eleanor C. Woods (divorced), none; Sheila and Milton Lebo, none.

David C. Fields, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: David C. Fields.

Post: Director, Office of Foreign Missions.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: Claudia Fields, none.

5. Grandparents names: N/A.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Pat Groves, none.

Susan Jane Koch, of the District of Columbia, to be an Assistant Director of the Arms Control and Disarmament Agency;

Bradley Gordon, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Michael Lorne Moodie, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years;

Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; and

Ronald William Roskens, of Nebraska, to be Administrator of the Agency for International Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of January 23 and February 28, 1990, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 2235. A bill to provide for the disposition of certain Federal lands created from the public domain in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL:

S. 2236. A bill to amend the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROTH (for himself, Mr. KASTEN, and Mr. SYMMS):

S. 2237. A bill to amend the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) to authorize the Secretary of Transportation to take action to encourage the removal of certain model year vehicles from use; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 2238. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 2239. A bill to amend title 10, United States Code, to require sealed bids and competitive proposals for the procurement of professional services by the Department of Defense to be evaluated on the basis of a 40-hour work week; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. CRANSTON, Mr. HATFIELD, Mr. BENTSEN, Mr. WILSON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. ADAMS, Mr. CHAFEE, Mr. KERRY, Mr. SIMON, Mr. SARBANES, Mr. RIEGLE, Mr. INOUYE, Mr. JOHNSTON, Mr. DODD, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GLENN, Mr. PELL, Mr. BRADLEY, Mr. GORE, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. SPECTER):

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. MOYNIHAN):

S. 2241. A bill to provide scholarships to law enforcement personnel who seek further education; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 268. Joint resolution to designate April 6, 1990, as "National Student-Athlete Day"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 269. Joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. Res. 259. Resolution recognizing the contributions of the Hugoton Gas Field to the Nation; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2235. A bill to provide for the disposition of certain Federal lands created from the public domain in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

MONTANA FEDERAL LANDS MANAGEMENT ACT OF 1990

Mr. BURNS. Mr. President, I rise today to introduce the Montana Federal Lands Management Act of 1990. Since the passage of the Wilderness Act in 1964, 3,400,000 acres of land have been designated wilderness in Montana. Still today we have another 6,000,000 acres of roadless land in Montana that has to be dealt with. The debate has raged on for more than a dozen years over the fate of these roadless lands. Although we are closer to resolving the debate today than we were 12 years ago, we are still a way off from reaching the necessary compromise.

Folks on both sides of the issue have become severely polarized on this issue. This has made it even more difficult for Montana's congressional delegation to reach an acceptable compromise.

Several statewide wilderness bills for Montana have been introduced in Congress during the past dozen years. In fact we have had four different bills introduced since 1986. These bills all used the same approach, of a single statewide wilderness bill, to try to resolve the issue. Ultimately, all of these bills failed.

Montana is one of only two states that have not now passed statewide wilderness legislation. Frankly, the prospects for doing so in the near future aren't very rosy. After all of the debate and negotiations it seems that folks on all sides are still just too far apart. At various times the Montana delegation has worked on a strict consensus basis, wherein any one member could hold up any particular area if he had an objection to its inclusion in a bill. At other times individual members stepped out and introduced wilderness bills of their own. As I said before, none of these approaches succeeded. I believe it is now time for a fresh, news and innovative approach to resolving this debate.

The bill I am introducing today is a new approach to the issue. My bill does not completely resolve the issue; however, I believe my bill will serve to break this large and controversial issue into smaller more easily resolved issues. This bill will serve as a platform and be but one of a series of bills aimed at resolving not only the roadless debate but also the appeals problems and the timber supply crisis facing Montana. The problem our natural resource dependent industries in Montana face is multifaceted, and will require a multifaceted approach to be solved.

The timber industry is in a crisis. Data compiled by the Bureau of Business and Economic Research at the University of Montana shows that between 800 and 1,200 jobs per year will be lost over the next 2 years due to timber shortages in western Montana. That could be as much as a fifth of our timber jobs. Montanans cannot afford to lose these jobs.

My approach is logical and reasonable. It is a commonsense approach to break a contentious logjam. Western district Representative PAT WILLIAMS introduced a similar bill in 1981. What was a good approach then is even better now. We haven't gotten anywhere since 1981. Oil and gas development has nearly dried up and blown away. Future growth in tourism in Montana is in increasing motorized access. Ranchers rely on public grazing for their livestock. We cannot seem to agree on how to resolve the entire, complex question, so a simple first step is even more compelling today.

Resolving the question of wilderness designation versus management for other multiple uses is only a partial solution to the problems we face in Montana. However I believe it is a critical first step. The Forest Service will still be hampered on individual projects by seemingly endless appeals—appeals that have served to dry up the supply of timber from Federal lands. There is still the overall question of what level of commodities should be produced from our national forests. These questions will all have a bearing on a solution to the timber supply crisis we currently face in Montana. I am committed to continuing to work to resolve these other issues as well. As I said

before, I believe this bill is a critical first step.

Montana has 6 million acres of roadless land. Every previous wilderness proposal including the wilderness advocates alernative W proposal, would have released nearly 3 million acres to multiple use other than wilderness. Within all of these proposals I have identified the same 2,800,000 acres that have never been seriously considered for wilderness. Despite the fact that these noncontroversial lands have never been proposed for wilderness, they have been, and continue to be, held hostage while the debate goes on over the controversial lands. I do not believe this is fair.

This bill releases those 2,800,000 acres of noncontroversial lands to the Forest Service, to be managed according to the Land and Resource Management Plans. This will allow the Forest Service to get on with some of the management of these lands. This will also help to more narrowly focus the debate on the remaining roadless land.

While releasing some land, I also believe it is fair to approach the issue from the other side, that is, to designate as wilderness the lands which are not controversial. These lands appear to total approximately 620,000 acres. These areas have all been recommended for wilderness designation by the Forest Service through the land and resource management plans, and also have been included in most recent Montana wilderness bills.

Eastern Montana College has taken polls in the State that show that clearly 70 percent or more of Montanans believe we have enough wilderness and do not want any more. In spite of this strong opposition to more wilderness, I am including in this bill the designation of some 620,000 acres of additional wilderness for Montana. I fully recognize that in order to get to a full and complete resolution of the wilderness debate, some amount of wilderness will have to be designated. This is the reality of the situation.

I am proposing this bill which releases approximately 2,800,000 acres to multiple use and designates 620,000 acres of wilderness to help move the process forward. It will solve part of the controversy and serve as a platform for building a larger, more comprehensive solution to the overall land management debate in Montana.

I have included within this bill provisions which, I believe, will provide adequate protection of existing water and grazing rights. The Wilderness Act of 1964 provided for the continuation of livestock grazing in wilderness areas, where that practice already existed. I want to make it abundantly clear that the ability to graze in wilderness must continue.

All of the areas being designated wilderness by this act are headwaters areas. However, this does not preclude the need to address the water rights question. The 1964 Wilderness Act did not address wilderness water rights. It is clear that Congress did not intend either express or implied Federal reserved water rights for wilderness. I have included in this bill language that clearly protects existing water rights and reaffirms that the State of Montana water laws are preeminent in relation to the reservation of water rights in Montana. This will be even more important as we begin to review downstream areas for possible inclusion in the National Wilderness Preservation System.

I have also included updated release and sufficiency language in this bill. We have final, completed forest plans for all 10 national forests in Montana. During the land management planning process, the Forest Service once again reviewed all roadless areas and evaluated them for their wilderness attributes. These forest plans have superseded the old Rare II evaluations. My changes to the language reflect this. I have also strengthened the language to ensure that when a decision is made to enter one of these released areas, it cannot be challenged simply on the basis of whether or not the area should remain roadless.

Contrary to what some critics will say, this bill does not remove a citizens right to administrative appeal or judicial review of decisions on the basis of a number of various environmental laws. It does, however, preclude judicial review on the basis of whether a released roadless area should remain roadless and on whether or not the area must continue to be protected to maintain its wilderness characteristics. The areas released by this bill have not been found to have any outstanding wilderness characteristics. It is wrong to allow these released lands to be tied up in the courts, stopping planned resource management. Please remember, one of the purposes of this bill is to ensure the management of some lands for nonwilderness multiple uses.

This bill is not a development bill. Fully 70 percent or more of the released land will be managed in its roadless state for recreation and wildlife habitat, according to the land and resource management plan for each national forest.

This release bill does not end the wilderness debate in Montana. By this bill we will leave approximately 2,400,000 acres of roadless land in Montana to have its management decided at a later time. I am confident this is a step forward.

I have been working with Senator BAUCUS and the other members of the Montana delegation to try to reach some point of compromise that will help to resolve the issue once and for all. I fully intend to continue working with Senator BAUCUS and Congressmen MARLENEE and WILLIAMS to reach that compromise. In the meantime I believe it is imperative to resolve any portion of this issue possible. We must get on with the management of the Federal lands so that our communities will be able to survive.

Although not a complete solution, this proposal has already received widespread support from throughout Montana. I expect this support to continue to grow as more Montanans have the opportunity to examine the bill.

Some critics have said this is just a political ploy. Frankly, I don't care what the politics of this proposal are. I just want it debated fairly on the merits. My motives are clear: release those lands not in dispute to try to save jobs that will certainly be lost if we don't act. Keep in mind, it is not just timber we are talking about here. We need to manage these lands for energy, mining, wildlife habitat, and recreation. The way the energy situation is going in this country, we as a Nation had better be looking at what we are doing. We are a Nation at risk at this very moment.

This is very important to Montana. I urge my colleagues to also recognize the importance of this legislation, and I ask for its quick passage. I will also be working with Senator JOHNSTON to move expeditiously toward committee hearings.

By Mr. McCONNELL:

S. 2236. A bill to amend the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

RURAL RENTAL HOUSING AFFORDABILITY ACT

Mr. McCONNELL. Mr. President, there are nearly 3,000 families and seniors in Kentucky and more than 127,000 nationwide who need our help. Actually, they have needed our help for some time. They live in Farmers Home Administration rental housing and are paying rent in excess of 30 percent of their incomes. They are overburdened with the amount of rent they pay.

The Farmers Home Administration [FmHA], an agency within USDA, finances rental apartment complexes in rural areas for low-income families and senior citizens. Many of the rents are subsidized by FmHA through rental assistance so tenants don't pay over 30 percent of their adjusted income. But, where rental assistance is not available, many tenants do pay more than 30 percent.

In Kentucky, FmHA has financed 317 rural rental housing complexes for senior citizens and families, including the handicapped and disabled. About 9,000 rural Kentucky households live in these Section 515 Program apartments. But, over one-third of these rural Kentucky households pay more than 30 percent of their adjusted income for rent. In two of Kentucky's

eight FmHA districts, over 42 percent of the households are overburdened, which indicates a critical need for these families. Remember, Mr. President, these are lower income families and elderly; this is not an issue of disposable income and consumption, but paying for a necessity. Because they are overburdened by the rent, they are eligible for rental assistance; however, none is available from FmHA.

Mr. President, I have a proposal to assist them by lowering their monthly rent payments. Today I am introducing the Rural Rental Housing Affordability Act of 1990.

This legislation increases the affordability for renters in FmHA's 515 Rural Housing Program by lowering the rent for the overburdened families and elderly in our rural communities.

It increases the marketability of rental units for owner, with no impact on mortgage payments.

It does not cost the Government one nickel.

Let me explain how this legislation works.

The owner of an FmHA 515 project is required to make a monthly deposit of one-twelfth of 1 percent of the FmHA loan amount into an account for maintenance of the property. This account is called a reserve for replacement. This bill would use a portion of that reserve payment to lower the rent for each overburdened family. I call it affordability assistance.

Let me give you an example of how I expect this legislation to work.

A couple with two children have an adjusted monthly income of $631, 30 percent of which affords a monthly rent payment of $189. The rent, however, is $208. They are eligible for FmHA rental assistance, but because FmHA rental assistance is not available, they pay $208 which is 33 percent of their income. This bill provides affordability assistance for a reduction of their rent equal to the monthly reserve contribution for that unit. In this example, the reduction is $16, lowering their rent to $192 or 30.4 percent of their income.

My focus on the 515 Program is well founded. The program provides apartments in rural areas for low-income elderly and families. It provides an option to living in substandard housing such as exists in rural Kentucky and the other 49 States. It provides housing where people live so they can live there, and not have to leave their town in search of decent housing. Rural Kentucky is filled with small towns which are viable; there are jobs in these towns; it is always with great pride that I see another rural town which has added a new plant or facility because it provides support to the economic base. The people need someplace to live, and Farmers Home has a program to provide the rental apartments.

As Farmers Home has noted, most areas in rural America need more adequate rental housing. Some people live in substandard housing that is cold in the winter and hot in the summer because adequate housing at a reasonable rent is not available. Other people commute long distances to work because they cannot find decent housing in the rural community where they work.

The program delivers housing and housing assistance to rural America. According to a 1987 GAO report, over 90 percent of the complexes are located in rural areas with populations under 10,000; more than half of the complexes are in towns of 2,500 or less. Close to half of the renters reduced their rent burden when they moved into a Section 515 apartment. Over 40 percent of the households were headed by a senior citizen.

We can do more to make this much-needed housing affordable. We can provide affordability assistance to help the overburdened rural households living in the decent housing provided under the 515 Program.

I am hopeful that this proposal will receive all appropriate consideration; the Congress has funded the program to assist low-income rural households, and the Congress has provided rental assistance for a number of households, and this Congress should provide affordability assistance to close the gap for overburdened families and the elderly.

The FmHA 515 multifamily housing program has been heralded as the best working model for the delivery of rural multifamily housing in the United States. It operates with minimal Federal Government involvement. It has proven to be the least costly means to provide housing to the very poor, and yet the program has a default record of under 1 percent.

According to a 1987 GAO report, more than half of the apartments are in towns of 2,500 or less, 93 percent of the renters are low income, and 49 percent of the households paid lower rent after moving into 515 housing.

I am hopeful that this proposal will receive the consideration commensurate with the need in our country for rural housing assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rental Housing Affordability Act of 1990".

SEC. 2. USE OF RESERVE FOR REPLACEMENT FUNDS.

(a) SECTION 515.—Section 515 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(u) In order to increase and assure the affordability of units in projects which are financed under this section, and which are assisted with interest credits under section 521, the Secretary shall approve the use of monthly additions to the reserve for replacement funds to subsidize up to the difference between a low-income tenant's required rent and the basic rent, in an amount not to exceed the monthly amount allocable to the tenant's unit.".

(b) SECTION 514.—Section 514 of the Housing Act of 1949 is amended by adding at the end the following:

"(j) In order to increase and assure the affordabillity of units in projects which are financed under this section, the Secretary shall approve the use of monthly additions to the reserve for replacement funds to subsidize up to the difference between a low-income tenant's required rent and the basic rent, in an amount not to exceed the monthly amount allocable to the tenant's unit.".

SEC. 3. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may increase any administrative requirements for the reserve for replacement funds to implement the amendments made by this Act.

(b) FINAL REGULATIONS.—The Secretary shall issue implementing regulations to carry out the amendments made by section 2 of this Act not later than 180 days after the date of enactment of this Act.

By Mr. SHELBY:

S. 2238. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

HAZARDOUS AND SOLID WASTE MANAGEMENT ACT

● Mr. SHELBY. Mr. President, I rise today to introduce legislation that would greatly enhance the State's ability to address substantively and responsibly its hazardous and solid waste problem. My bill is the companion bill to the Hazardous and Solid Waste Management Act, H.R. 3395, that was introduced by Congressman ERDREICH in the House of Representatives on October 3, 1989. Both Mr. ERDREICH and I believe that the management of this country's hazardous and solid wastes is one of the Nation's most pressing environmental issues of the 1990's

Mr. President, I have come before this body several times in the past 2 years to express my concerns regarding hazardous waste. Each year, the volume of hazardous waste grows as disposal capacity shrinks. The most recent figures kept by the Environmental Protection Agency [EPA] of the amount of hazardous waste generated in the United States are for the year 1985. The total estimate for that year is 245 million tons.

There are 17 sites across the country that are approved for the disposal of

hazardous waste. The most recent statistics available from the EPA to determine the total hazardous waste disposed of in the removal program are through March 1, 1989.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the Chem Waste Management Facility in Emelle, AL. That represents 40 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 when the program began, and March 1, 1989.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989 has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

These two facilities are obviously receiving a disproportionate amount of the Nation's hazardous waste. For the record, EPA region IV is comprised of eight States—Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee. Consequently, if only two facilities in region IV received 57 percent of all the hazardous waste nationwide processed through the Superfund Removal Program, it simply means that hazardous waste has been coming from great distances to be disposed of in region IV.

Mr. President, I say that it is not fair that two facilities in region IV should bear the brunt of actions of generations of consuming Americans. We have all benefited from various industrial processes—the byproducts of which are polluting our water, contaminating our soil, and poisoning our air. We never thought that we would have to pay for these industrial and chemical advances with our health or with the well-being of our children. However, we now realize that we have a hazardous waste disposal problem which may threaten the long-term health and safety of our citizens.

On November 20, 1989, the Senate passed a resolution which I introduced on hazardous waste. The resolution encourages each State to develop a comprehensive plan to handle the waste it generates, either individually or in interstate agreements. I believe that this sense of the Senate resolution is a step in the right direction toward providing an equitable solution to the hazardous waste disposal problem in this Nation. However, it is now more than 3 months since the passage of my resolution and there are no observable changes in the management of hazardous waste disposal. For this reason, I decided to introduce this bill, which if passed, will be the law of the land.

Although I have not been as vocal on solid waste issues; I am equally concerned. As landfills across the country fill to capacity, States must assume a responsible role in managing their garbage.

A recent Environmental Protection Agency [EPA] study indicates that there is a direct correlation between growth in population and growth in the amount of solid waste generated: 157.7 million tons of solid waste is produced annually; each individual in the United States produces 3.5 pounds of trash daily; and by the year 2000, it is estimated that the amount of solid waste generated will increase to 192.7 million tons a year.

While it is clear that the quantity of garbage is slowly increasing, it is even more evident that disposal capacity is decreasing.

Presently, the United States disposes of most of its solid waste in landfills—only about 11 percent is recycled and approximately 13 percent is incinerated. It is increasingly difficult to find new sites for landfills because of public opposition and unknown environmental risks. Due to this "not in my backyard" syndrome, the disposal of solid waste which was once thought to be only a local concern has become a national crisis.

Many States have sought to solve their solid waste problem by shipping their waste to other States. Recent Congressional Research Service [CRS] data indicate that the following States export their garbage to other States: New Jersey exports 5,250,000 tons; New York exports 2,000,000 tons; Pennsylvania exports 1,500,000 tons; Missouri exports 1,500,000 tons; District of Columbia exports 700,000 tons; Massachusetts exports 600,000 tons; and California exports 200,000 tons.

We all remember the 3-month journey of the New York barge during the spring of 1987 that could not find a haven for its garbage. I think that the New York garbage barge going from port to port seeking a disposal site vividly depicts the magnitude of the problem that we are addressing.

In addition to the "not in my backyard" syndrome causing problems in the disposal of solid waste, there is yet another, even greater dilemma. Pending EPA regulations in solid waste landfills will result in substantial increases in the construction and operation of such facilities and could result in the closing of many existing landfills. EPA expects almost half of the Nation's landfills operating in 1986 to close by 1991. The closing of these facilities obviously will make a bad situation worse when you consider, as I alluded to earlier, that approximately 70 percent of all solid waste is disposed in landfills.

The legislation that I am introducing today will be beneficial in solving the hazardous and solid waste disposal problem. The bill would require that States take responsibility for the solid and hazardous waste generated within their borders, either individually or in regional compacts by demonstrating the capacity to handle such waste for 20 years. In addition, when a State has developed a 20-year management plan to handle its hazardous and solid waste, the State would be able to place limitations on the amount of hazardous and solid waste transported into the State for disposal purposes.

I urge all of my colleagues to support this legislation. Each State must be responsible for the waste it generates. When a State has accepted its responsibility and developed a 20-year plan to handle its waste, the State's plan must not be rendered useless because of encroachment by out-of-State waste.

My bill focuses the attention needed for the safe and effective management of hazardous and solid waste. Congress must take the initiative in resolving the Nation's waste disposal problem realistically to prevent future threats to human health and the environment.●

By Mr. PELL:

S. 2339. A bill to amend title 10, United States Code, to require sealed bids and competitive proposals for the procurement of professional services by the Department of the Defense to be evaluated on the basis of a 40-hour workweek; to the Committee on Armed Services.

EVALUATION OF DEPARTMENT OF DEFENSE SERVICE CONTRACTS

● Mr. PELL. Mr. President, I am introducing a bill to correct an abuse in defense contracting practices which has caused undue hardship for many of my constituents, namely the problem of uncompensated overtime.

The problem has its roots in the unremitting pressure for competitiveness. Contractors pare their bids to the bone by allocating 48- or 50-hour workweeks—or longer—to professional and managerial employees who receive no overtime pay because they are exempt from the Fair Labor Standards Act.

In evaluating such bids, the Department of Defense seems to have suspended judgment about the wisdom or propriety of such practices, figuring that the Government is getting a cheaper product, regardless of the means.

But I believe it is a questionable practice. It is certainly questionable from the point of view of the people who get caught in the squeeze and have to give away their time. Dozens

of them have written to me to complain about it. And it certainly must be nerve-wracking for the competing contractors who have to participate in the uncertain charade, never knowing how much giveaway time is being bid by their competitors, or how much overtime their own professional work force can tolerate.

The issue has been addressed by Congress but without apparent effect. The fiscal year 1989 Defense Authorization Act ordered the Pentagon to establish an advisory committee to study the problem and make recommendations to the Secretary of Defense. The panel was established and made its report last August, but it failed to solve the problem. It refused to call for new regulations barring the use of uncompensated overtime and recommended instead only general policy directives which would still leave room for the practice to continue.

My constituents advise me that not only has there been no improvement in the situation since the study was mandated, but that there has been an actual escalation in the number of uncompensated hours they are being asked to work. Since Pentagon policy is not yielding any positive results, they are asking for statutory relief.

Accordingly, the bill I am introducing today simply requires that bids and competitive proposals for the procurement of professional services by the Department of Defense be evaluated on the basis of a 40-hour workweek. Such a standard would provide a level playing field for all contractors, particularly at this time of increasing competitiveness for the defense dollar. And it would bring an end to a basically predatory practice which causes hardship for many.

Finally, I wish to acknowledge the work of my colleague in the House, Representative RON MACHTLEY, who introduced an identical bill last fall when the initial results of the DOD study became known. He and I share a mutual concern for our many constituents who argue persuasively that more conclusive steps must be taken.●

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. CRANSTON, Mr. HATFIELD, Mr. BENTSEN, Mr. WILSON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. ADAMS, Mr. CHAFEE, Mr. KERRY, Mr. SIMON, Mr. SARBANES, Mr. RIEGLE, Mr. INOUYE, Mr. JOHNSTON, Mr. DODD, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GLENN, Mr. PELL, Mr. BRADLEY, Mr. GORE, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. SPECTER):

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

Mr. KENNEDY. Mr. President, for 9 years, America has been grappling with the devastating effects of AIDS. Up to a million of our fellow citizens are already infected with the AIDS virus and are almost certain to face serious health problems as a result of HIV disease.

Today, we are proposing emergency relief for the cities hit hardest by AIDS and funding for States to respond to the mounting need for AIDS care services.

The overwhelming majority of people who develop AIDS are young and unprepared to cope with this catastrophic disease. So is the Nation's health care system.

In terms of pain, suffering, and cost, AIDS is a disaster as severe as any earthquake, hurricane, or drought. Because this disaster continues to unfold, even now we cannot tally the full extent of devastation.

We must make clear to all Americans that the AIDS emergency is not behind us—HIV remains a grave threat to communities across the Nation. In fact, the rate of increase in new cases is now greatest in small cities and rural areas. By 1991, 80 percent of new AIDS cases will be diagnosed outside New York and California.

Right now, the health institutions in our major cities are in crisis—overcrowded emergency rooms and shortages of trained health care personnel. AIDS by itself is certainly not the only cause of these problems. But it is adding to the stress that is leading to a total breakdown of our health care systems.

If we do not respond with emergency financial aid, we can expect to see many more public and private hospitals facing insolvency. Nationally, an estimated 70 percent of persons living with AIDS either have no health insurance or rely on Medicaid—which frequently does not cover the service that are most needed.

Two successive, national commissions on AIDS—one created by the President, one by the Congress—have recommended that the Federal Government provide funds to help develop care networks for persons with HIV disease. Both commissions have stressed the urgent need for expansion of outpatient and home health services.

Until we take action to organize and integrate HIV health services, both costs and chaos will continue to increase—with devastating consequences for individuals and families throughout the United States.

This Nation can do better.

America responded within days to the California earthquake. We have pledged tens of billions to rescue the savings and loan industry. AIDS is a comparable disaster and we need to respond accordingly.

The bipartisan legislation we are introducing today calls for $600 million in emergency funds—$300 million for relief to hard-hit cities and $300 million for States to develop HIV care programs.

In addition to providing funds for home and community-based services to get people out of costly hospital beds, this measure will expand access to early intervention services. Early diagnosis of treatment does prolong life. By offering medical services, we provide a strong incentive for individuals to take advantage of counseling and testing services.

This bipartisan legislation incorporates the ideas and hard work of hundreds of organizations and individuals—many of whom are represented here this morning.

Our proposal is about more than money. It is about caring and the American tradition of reaching out to people who are suffering and in desperate need of help.

As a nation, we pride ourselves on our ability to rally in the face of adversity. AIDS is a disaster that demands a response by the American people. It is not a question of resources—because we can find the resources. What we need is the will.

Thank you Mr. President and I ask that letters of support for this critical legislation and other materials be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE AIDS RESOURCES EMERGENCY (CARE) ACT OF 1990 SUPPORTING ORGANIZATIONS

AIDS Action Council.
AIDS National Interfaith Network.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State, County and Municipal Employees.
American Foundation for AIDS Research (AMFAR).
American Hospital Association.
American Medical Student Association.
American Nurses Association.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Association of Schools of Public Health.
Association of State and Territorial Health Officers (ASTHO).
Catholic Health Association of the United States.
Center for Population Options.
Church of the Brethren.
Citizens Commission on AIDS.
Coalition for the Homeless.
Committee for Children.

Consortium for Social Science Associations.
Episcopal Church.
Episcopal Health Services, Inc.
Friends Committee on National Legislation.
Hispanic AIDS Committee for Education and Resources.
Human Rights Campaign Fund.
Infectious Diseases Society of America
Legal Action Center.
National AIDS Network.
National Association for the Advancement of Colored People.
National Association for Home Care.
National Association of Commuinity Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Association of State Alcohol and Drug Abuse Directors.
National Council of Churches.
National Council of La Raza.
National Council on Alcoholism and Drug Dependence.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Medical Association.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Northwest AIDS Foundation.
Presbyterian Church USA.
Synagogue Council of America.
Unitarian Universalist Association.
United Church of Christ.
U.S. Conference of Mayors.

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, March 1, 1990.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the nation's Mayors, I am pleased to inform you of the support of The United States Conference of Mayors for the legislation you will be introducing next week: the Comprehensive AIDS Resource Emergency Act of 1990.

As you are well aware, AIDS has had a disproportionate impact on our major cities. With the burdens of almost every conceivable crisis facing America today hitting cities the hardest—including drugs, declining stocks of affordable housing, and aging infrastructures—the financial hardships forced on cities by the AIDS epidemic cannot be borne by local government without federal assistance. The weight of the increased burden on our existing health care infrastructures caused by HIV disease is threatening to overwhelm our ability to respond to the health care needs of our citizenry.

We especially appreciate your recognition, in title I, of AIDS as a national epidemic that requires a national response directly where it is most needed: at the city level, where people with AIDS live and die. The relief available under Title I and the essential involvement of the chief elected local official in determining service priorities is crucial to the success of the legislation. We appreciate your close involvement with USCM in the development of this approach.

The Conference of Mayors is also supportive of the Title II provisions which help address the development of a broad array of health care planning and services needed by cities. The sound public health options offered to localities through states will greatly assist in the provision of essential early and efficient care for people with HIV infection.

The United States Conference of Mayors looks forward to working with you and your staff to further fine tune the bill to best meet local service needs as the bill proceeds through hearings, markup and eventual passage.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 1, 1990.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National Association of Counties supports the legislation you are introducing, the Comprehensive AIDS Resources Emergency Act of 1990. We particularly appreciate your recognition of the health care service delivery and financing emergencies experienced by those urban counties and cities with a high incidence of AIDS cases. The relief available under Title I of the bill and the integral role of chief local elected officials in determining service priorities mark significant steps toward alleviating the crisis. We thank you for your close involvement with our organization in the drafting of those provisions.

As the bill progresses through the hearing and markup stages, we will work with you to further refine the bill so that it assists current systems in meeting the needs of persons with AIDS and encourages the development of more comprehensive, effective and appropriate care systems.

Sincerely,

JOHN P. THOMAS,
Executive Director.

STATEMENT OF PAUL C. RETTIG, EXECUTIVE VICE PRESIDENT, AMERICAN HOSPITAL ASSOCIATION, UPON THE INTRODUCTION OF THE COMPRENHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

The American Hospital Association applauds Senators Kennedy and Hatch's efforts to provide financial assistance to localities hardest hit by the Human Immunodeficiency Virus epidemic.

AIDS has brought new challenges to health care and has dramatized the persistent gaps in the way we finance care. The growing demand for a complex array of services is testing the limits of our nation's health care system.

Since the onset of this epidemic, hospitals have been on the front lines, providing medical care for those with AIDS. For some hospitals the burden has been enormous.

This legislation is a well-conceived response to help communities deal with this epidemic. First, the bill will immediately assist communities in greatest need by shoring up existing resources. Second, because the AIDS epidemic recognizes no geographic boundaries, the legislation will provide all states with financial assistance as the epidemic spreads.

For those infected, the search for an effective treatment and cure is of utmost urgency. For the uninfected, adoption of effective means of preventing transmission is equally urgent. And for AIDS patients and facilities providing care, federal assistance is long overdue.

AHA supports the Comprehensive AIDS Resources Emergency Act.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, March 6, 1990.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Hart Building, Washington, DC.

DEAR MR. CHAIRMAN: The National Association of Community Health Centers stroingly endorses the Comprehensive AIDS Resources Emergency (CARE) Bill which you are introducing today.

As the AIDS epidemic has progressed over the last few years, community Health Centers have seen our neighborhoods placed increasingly at risk. Even absent such onslaughts, maintaining healthy families under a severely limited federal grants program becomes a challenge to the most dedicated and innovative Center staff.

Until this Bill, our Centers were despairing of the great financial risk the additional costs of AIDS will pose, in the face of continued tight funding constraints as we have seen since 1980.

This Bill acknowledges the need for fortification of front-line community clinic providers, in its disaster relief, consortia and early intervention sections. Community Health Centers know what is needed, and stand ready to provide early care through the provisions of the programs you are making possible.

We thank you for your admirable leadership on this difficult issue. Please accept our offer of support in any way we can as you work for passage of this landmark legislation.

Sincerely,

TOM VAN COVERDEN,
Executive Director.

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS,
McLean, VA, March 5, 1990.

Hon. EDWARD KENNEDY,
Chairman, Committee on Labor and Human Resources, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Association of State and Territorial Health Officials (ASTHO), I am writing in support of the concept of your legislative proposal the "Comprehensive AIDS Relief Emergency (CARE) Act of 1990."

ASTHO agrees with your assessment that definitive action must be taken immediately to assist states in dealing with the AIDS epidemic. We are in concurrence with your assessment in Title I of the bill that resources need to be directed to cities and areas hardest hit by AIDS. We also strongly support Title III of the bill which would develop the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care. Much of the HIV related health care planning has been based on logical assumptions, but there is not a large foundation of research data for support.

We do have some concerns about Title II of the bill. While ASTHO wholeheartedly supports the provision for funds to develop and operate more effective and cost efficient systems for the delivery of care, treatment, early intervention and support services to individuals and families infected with HIV, we have some concerns about the distribution of the resources on the basis of AIDS case. While this may seem a fair distribution, it may represent a mal-distribution based upon need. Most areas with small number of AIDS cases are likely to have less well-developed integrated systems of care,

and hence, need a proportionally greater share of funds to develop these systems of care than will high incidence areas which have been providing care to patients for a number of years. It is even feasible that states with the smallest number of AIDS cases will not receive adequate resources under this Title to sufficiently address any of the services within the Title. It is the recommendation of ASTHO that a two-tiered funding system be established where all states get a basic grant, with the balance based on the number of AIDS cases. ASTHO recommends that the sum of $150,000 be given as the base grant. In states with very small numbers of AIDS cases this amount will at least allow for coordination and core program support with some resources to purchase drugs.

ASTHO appreciates the opportunity to comment on this bill and strongly supports its concept.

Sincerely yours,

GEORGE K. DEGNON, CAE,
Executive Director.

March 1, 1990.

Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We, the undersigned, directors of Washington-based offices, representing the policy recommendations of our respective religious bodies, write to offer our support to you as you introduce the Comprehensive AIDS Resources Emergency (CARE) Act of 1990.

Our respective religious bodies have become increasingly involved in the provision of care services to People with AIDS, their friends and families as the pandemic continues to grow in size. The religious communities response to the epidemic include primary education and prevention, pastoral care, medical services through our various medical facilities, and thousands of hours personal services to PWAs to meet daily living needs. Religious based AIDS service programs continue to grow at an astounding rate to respond to the ever growing need.

Even this enormous outpouring of concern, care, and, in fact, from the private, voluntary, religious sector of our nation can not meet the overall needs of persons currently living with AIDS and especially those to be diagnosed in the near future. The federal government must increase its role in the provision of medical and social services, especially to those most in need.

This epidemic no longer primarily affects white, middle class males. Increasing cases of HIV infection and AIDS is now evident in poor, minority men and women. It is more critical than ever that the federal government realize it's responsibility to provide "for the common welfare" of all its citizens.

We are especially pleased to see that your proposed legislation will target the hardest hit top 13 cities in the United States where medical and social systems are in serious peril. As representatives of institutions that have experienced the efficacy of case management and comprehensive planning for health care, we also applaud your efforts at encouraging communities in need to provide for better planning and coordination. It is critical that as resources for this epidemic become harder to secure and numbers of persons to be served increase, that we find additional ways to provide the very best services on a prudent fiscal basis.

The religious bodies we represent will continue to do their part in response to our religious mandate to support people with AIDS. We will continue to respond to the message of the prophet Amos who said; "Seek good, and not evil, that you may live; and so the Lord, the God of hosts will be with you, as you have said. Hate evil, and love good, and establish justice in the gate."

The struggle against the AIDS epidemic calls us all to works of justice as well as compassion. We look forward to cooperating with your office to see the 1990 CARE bill become a reality.

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association; Fr. Robert Brooks, Director, Washington Office, Episcopal Church; Rabbi Irwin M. Blank, Washington Representative, Synagogue Council of America; Jay Lintner, Director, Washington Office, United Church of Christ.

Melva B Jimerson, Acting Director, Washington Office, Church of the Brethren; Mary A. Cooper, Director, Washington Office, National Council of Churches; Ruth Flowers, Washington Office, Friends Committee on National Legislation; Rev. Elenora Giddings Ivory, Director, Washington Office, Presbyterian Church, USA.

NATIONAL URBAN COALITION,
Silver Spring, MD, March 1, 1990.

Hon. EDWARD KENNEDY,
Chair, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: Thank you for sharing with us your plans for emergency legislation to provide critically needed federal funds for the care of people living with HIV and AIDS. As advocates for the nation's cities, and the people in them, we have seen the devastating toll the AIDS epidemic has taken on the lives of individuals and the strain it has put on already overburdened health care and social service agencies.

On behalf of the National Urban Coalition, I offer strong support to your effort to enact a Comprehensive AIDS Resource Emergency (CARE) Act. We are especially supportive of your effort to provide some immediate relief to caregiving institutions and community-based agencies in the cities of the nation that have borne the brunt of this health crisis to date through CARE's Title I. Theirs have been heroic efforts, and they deserve the financial support of the federal government to continue meeting this challenge.

We also support the effort to encourage a comprehensive approach to developing health and support services, early intervention and case management in lesser-impacted states. We do, however, have some concern that the state block approach envisioned in Title II does not contain enough assurance that harder-hit localities and communities within the lesser-impacted states will receive the funding needed. We hope that this aspect of the bill will be addressed in the legislative process.

Sincerely,

RAMONA H. EDELIN, PH.D,
President.

NATIONAL COUNCIL OF LA RAZA,
NATIONAL OFFICE,
Washington, DC, March 1, 1990.

Hon. EDWARD M. KENNEDY,
Senate Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to lend the voice of the Hispanic community in supporting the Comprehensive AIDS resource Emergency (CARE) Act of 1990, which we understand you intend to introduce shortly in the Senate. The AIDS crisis is an overwhelming burden on our society, and its effects will be more far-reaching than we can presently estimate.

It is therefore urgent that government on every level, along with all sectors of our society, work together to make resolution of the AIDS crisis a top priority. We are pleased to see that the CARE bill focuses on the areas which we believe will need the most support. We consider Title I, which provides federal emergency funds to those geographic areas hardest hit by the AIDS epidemic, especially important to the Hispanic community. This will make possible money for cities with high rates of Hispanic AIDS cases. As you may know, while Hispanics comprise only 8% of the U.S. population, they account for 15% of all AIDS cases. For this reason alone, the AIDS epidemic is of prime concern to this organization and Hispanics throughout the country.

If there is anything that the National Council of La Raza or our national network can do to be of assistance in assuring the passage of this critical legislation, please do not hesitate to contact me at 289-1380.

Sincerely,

RAUL YZAGUIRRE,
President.

NATIONAL MINORITY AIDS COUNCIL,
Washington, DC, March 2, 1990.

Senator EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: Along with other members of the National Organizations Responding to AIDS (NORA), the National Minority AIDS Council is pleased to endorse the Comprehensive AIDS Resources Emergency Act of 1990.

Since the beginning of AIDS epidemic, people of color have been disproportionately represented among U.S. AIDS cases. The National Minotiry AIDS Council (NMAC) was founded to examine the impact of AIDS on minority communities, and to provide information, technical assistance, and support to organizations offering HIV/AIDS related services to people of color.

The legislation that you and Senator Hatch introduce addresses the urgent needs of our hardest hit cities, plants the seed money for the development of cost effective community care, and seeks to study various health care service and financing options for the future. In our view, the enactment of this bill would greatly enhance the ability of minority communities to meet the short and long term challenges of the HIV epidemic. We support this legislation wholeheartedly.

Sincerely,

PAUL AKIO KAWATA,
Executive Director.

NATIONAL ORGANIZATIONS
RESPONDING TO AIDS,
Washington, DC, March 6, 1990.

DEAR SENATOR: The undersigned members organizations of the National Organizations Responding to AIDS coalition (NORA) enthusiastically welcome and endorse the Comprehensive AIDS Resources Emergency (CARE) Act of 1990 and urge your support and co-sponsorship.

As you know AIDS is the number one public health issue facing our country today. With more than 120,000 Americans diagnosed with AIDS, this epidemic is reaping disaster and despair across the nation in

an unprecedented manner. The latest CDC projections indicate that with more than 1 million citizens infected with the HIV virus, the impact on our health care system will likely be catastrophic. Senator Kennedy and Senator Hatch have crafted a three part proposal that addresses the urgent needs of our hardest hit cities and urban counties, begins to plant the seed money for the development of cost effective community care and responsibly seeks to study various health care services and financing options for the future.

Currently our nation's largest cities, urban counties, and many of it's smaller localities, are facing a crushing expansion of HIV patients seeking services on already over burdened systems of health care. Community health centers, AIDS service organizations, child welfare services, mental health centers, substance abuse prevention and treatment programs, and, most notably, public hospitals are unable to keep pace with the exploding caseload and maintain and meet other health care needs in affected communities. Title I of the Kennedy/Hatch bill provides for the emergency relief that is necessary for these service systems. Just last year the nation witnessed the decisive and compassionate actions of the Congress in response to Hurricane Hugo and the San Francisco earthquake, it is with that same spirit that the adoption of this proposal is urged. Sadly, the $250 million proposed under this title will merely sustain the existing structures of AIDS health care and support. However, without this assistance public hospitals face collapse and many community based service organizations will close their doors.

The proposed legislation goes further in Title II in addressing the development of a broad array of health care planning and services required by state and local areas. This proposal builds on the sound notion that new service systems are not necessary for AIDS but rather the adaptation of existing community services must commence. The models of care developed by the Health Resources and Services Administration and through the Robert Wood Johnson Foundation provide ample evidence that community based care consortia work to provide cost effective and compassionate care. The sound public health and cost effective program options offered to states under this title will provide early and efficient care for people with HIV. Our generous public investment in AIDS research is made real only in the provision of these services. The proposed $250 million for this title represents an investment now against a much larger price tag in the future if planning, coordination and early interventions are not implemented.

The research priorities outlined in Title III begin to put in place needed evaluation and planning data long neglected in our nation's response to a growing health care crisis. It is our hope that the findings of these studies will act as guideposts in the HIV policy deliberations of the Congress and communities in the coming years. We can all agree that AIDS will be with us for a long time to come and our ability to study and thereby competently respond is based on research today.

Senator, AIDS has killed more Americans than the Vietnam War. AIDS has already cost the nation more than $7 billion in lost economic contributions by those who have died. The epidemic is far from over and the burgeoning effect is likely to collapse not only the patchwork AIDS care system but also most of our low-income health and social service systems.

We, therefore, urge your co-sponsorship of this bill and a commitment to expeditious passage.

Signed by,

AIDS Action Council.
AIDS National Interfaith Network.
American Anthropological Association's Task Force on AIDS.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State County and Municipal Employees.
American Foundation for AIDS Research.
American Home Economics Association.
American Medical Student Association.
American Nurses' Association.
American Psychological Association.
American Public Health Association.
Association of Schools of Public Health.
Catholic Health Association of the United States.
Center for Population Options.
Chronic Fatigue Syndrome Information Institute Inc.
Citizens Commission on AIDS.
City of Chicago.
City of New York.
City of Philadelphia.
Coalition for the Homeless.
Committee for Children.
Consortium of Social Science Associations.
Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Legal Action Center.
National AIDS Network.
National Assembly of State Arts Agencies.
National Association of State Alcohol and Drug Abuse Directors.
National Association for Home Care.
National Association of Community Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Council on Alcoholism and Drug Dependence.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Rainbow Lobby.
Service Employees International Union.
Sex Information and Education Council of the U.S.
The United States Conference of Mayors.
United States Conference of Local Health Officers.
UJA—Jewish Federation of New York.

STATE OF LOUISIANA, DEPARTMENT OF HEALTH AND HOSPITALS, OFFICE OF PUBLIC HEALTH,
New Orleans, LA, March 2, 1990.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: Last year in Louisiana we observed with great dismay a significant increase in the number of infants born with syphilis, a totally preventable condition. We attribute this abominable medical event to the scourge of drug addiction and similarly we have watched as the number of Human Immunodeficiency Virus (HIV) infected newborns increases steadily over the last few quarters. Both of these events have occurred against a back drop of hospital bed closings, up to 30% in the last year alone in our largest public hospital in the state-Charity Hospital of New Orleans. The bed closings do not reflect a decrease in need but rather a decrease in resources to meet the ever spiraling need. For us here at the State and city level, the necessity for improvements to the health care system is a non-debatable fact. We must have the resources to meet the needs of AIDS patients and individuals addicted to drugs. We must reinforce the tools that will help us prevent high risk behavior that leads to HIV infection and/or drug addiction.

I join you in support of the Comprehensive AIDS Resource Emergency (CARE) act of 1990 and will be happy to provide you and your staff with information based on our experiences here in Louisiana. I believe that this proposed act would provide the resources that we need in our State to create and maintain a just, humane system of health care for AIDS and HIV infected citizens.

Thank you for your tireless work in making this legislation a reality. If I can be of service in any way, please do not hesitate to contact me.

Sincerely,

LOUISE MCFARLAND, DrPH,
State Epidemiologist and AIDS Project Director.

CITY OF SAINT LOUIS,
DEPARTMENT OF HEALTH AND HOSPITALS,
St. Louis, MO, February 27, 1990.

Hon. EDWARD M. KENNEDY,
Committee on Labor and Human Resources, Washington, DC.

DEAR MR. KENNEDY: As the Health Officer for the city of St. Louis, my responsibility entails insuring the provision of quality health care services to every citizen in my jurisdiction.

All federally funded public health activity directed at the AIDS epidemic are under my purview.

Unfortunately, there is currently no funding available for direct services to persons with HIV seropositive status, ARC or AIDS. Funds are desperately needed to provide medical screening and treatment, and social and mental health support services to our citizens infected with HIV.

I applaud and strongly support your committee's efforts to provide these life sustaining essential services through the comprehensive AIDS Resources Emergency Act of 1990 (CARE).

Please let me know if there is anything additionally that I can do to further support this valiant effort.

Sincerely,

DIAN SHARMA, Ph.D.,
Health Commissioner.

CHATTANOOGA CARES,
Chattanooga, February 23, 1990.

Senator EDWARD M. KENNEDY,
Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR: This is to inform you of the wholehearted support of Chattanooga CARES, its Board of Directors, and membership (500 members) in Tennessee and

Georgia for the Comprehensive AIDS Resources Emergency (CARE) Act of 1990.

Chattanooga CARES is a Community Based AIDS Service Organization offering AIDS Education to people at risk for AIDS and services to People With AIDS and their families and loved ones. Considering the emotional and financial cost of AIDS to patients and their families along with that to hospitals and other medical facilities. We feel that legislation like this is desperately needed.

Sincerely,

KENTON DICKERSON,
Executive Director.

AIDS SERVICES OF DALLAS,
Dallas, TX, February 26, 1990.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to provide my support for the Comprehensive AIDs Resources Emergency Act of 1990. For the past decade the tragedy of the AIDS epidemic has been faced primarily by community-based organizations that have struggled hard to keep afloat. I believe this is particularly true in states, such as Texas, where the epidemic has been largely ignored.

It is imperative that community-based organizations caring for people with AIDS survive. Community-based care alternatives provide the most cost-effective means to provide delivery of a full range of services to people living with AIDS.

You have my active support in helping make this legislation a reality. Please let me know the status of this bill and what can be done to assure its passage.

Sincerely yours,

DON MAISON, Esq.
Executive Director.

CHCANYS,
New York, NY, February 23, 1990.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: The Community Health Care Association of New York State represents the interests of community health centers (CHCs) throughout New York State. As you probably know, CHCs were started in the mid-60's as a "Great Society" program to provide comprehensive primary care and preventive health care services to the poor and uninsured. Now, 25 years later, there is a nationwide network of approximately 800 centers which are working hard to handle the primary health needs of this growing population.

The HIV epidemic has hit the neighborhoods hard in which our inner city centers are located. These Centers are faced with increasing demands for risk assessment, education, testing, counseling and medical intervention—often without adequate reimbursement—as the epidemic has grown. We fully support your proposal for immediate congressional action on the Comprehensive AIDs Relief Emergency Act of 1990. By providing additional funding to states and MSAs, our centers will be better able to take care of people with, or at risk for, HIV disease in neighborhoods where they live. And as the disease has become chronic rather than acute in nature, availability of ambulatory care has become even more important. Additional funding to CHCs for these services is overdue and we offer you our support in whatever way possible.

Please let us know what else we can do to assist in assuring that this legislation is enacted.

Sincerely,

INA LABINER,
Executive Director.

NAPWA,
Washington, DC, February 21, 1990.

Senator EDWARD M. KENNEDY,
Health Affairs Office, Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: We are writing to you at this time to express our sincere interest and support of the Comprehensive AIDS Relief Emergency (CARE) Act of 1990.

The metropolitan cities of the United States which have been impacted hardest by the AIDS epidemic are currently facing a critical drain on their resources. This impact is further complicated by the inability of many of the people with HIV infection and AIDS in these areas to pay for their medical needs.

The health care system as we currently know it is at the brink of a complete collapse. The only hope of keeping the system working is the assistance you have proposed for high impact areas which will slow the drain on this country's resources and stabilize the health care system. We must all realize that preventive health care is much cheaper and therefore more cost efficient than curative care.

Any assistance we can be to you on this proposal, please contract us at home; Ms. Mason 502-298-4664 and Mr. Jerrell 502-926-1627.

Sincerely,

BELINDA MASON,
President, the National Association of People With AIDS (NAPWA); the National Commission on AIDS.

RONALD L. JERRELL,
Secretary, the National Association of People With AIDS (NAPWA).

AMFAR,
New York, NY, March 6, 1990.

Senator KENNEDY, and Senator HATCH,
The Senate,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR HATCH: On behalf of the American Foundation for AIDS Research, I wholeheartedly endorse The Comprehensive AIDS Resources Emergency (CARE) Act of 1990. The AIDS epidemic is wreaking havoc in our nation's cities. The number of AIDS cases is expected to double in the next year and a half, and there is an increasingly urgent need for early intervention for the over one million Americans infected with HIV. Unless we act now, the impact on our health care system will likely be disastrous.

The Comprehensive AIDS Resources Emergency Act will provide urgently needed relief. Our hardest hit cities will receive emergency assistance to care for persons with AIDS. The Act will also make available much needed seed money to each and every state for the development and evaluation of cost effective models to provide care for persons with AIDS.

We must act quickly and decisively on this Act. The American foundation for AIDS Research welcomes your initiative and urges that it receive the urgent attention of Congress.

Yours truly,

JOEL WEISMAN, D.O.,
Chairman, The American Foundation for AIDS Research.

HARVARD SCHOOL OF PUBLIC HEALTH,
Boston, MA, February 23, 1990.

Hon. EDWARD M. KENNEDY,
Chairman, Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of my 23 colleagues, the deans of the U.S. schools of public health, I wish to go on record in support of your "emergency legislative initiative for increased federal AIDS care funding." The proposed "Comprehensive AIDS Resource Emergency (CARE) Act of 1990" will address a need not presently covered by federal AIDS programs—basic support for community-based agencies caring for persons with AIDS and HIV infection. This has been a missing piece in the national effort to deal effectively with the epidemic.

Along with preventing the further spread of HIV infection, the needs in health care for persons with AIDS have been a major interest and involvement of faculty at many schools of public health. The Association of Schools of Public Health, therefore, stands ready to support the CARE bill and applauds you, once again, for your leadership in this critical area of need.

Sincerely,

HARVEY V. FINEBERG,
Chairman, ASPH Legislative Committee.

THE STEWART B. MCKINNEY FOUNDATION, INC.,
Fairfield, CT, February 28, 1990.

Senator EDWARD KENNEDY,
Committee on Labor and Human Resources, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to you today to offer my whole hearted support to you in your efforts to make the Comprehensive AIDS Resource Emergency (Care) Act and the Homelessness Prevention and Community Revitalization Act of 1990 a reality.

I am confident if Stewart were here he would have voiced his support and lent all his energies to see that these bills were passed.

I am well aware of all the deficiencies present in our government's systems to care for those with H.I.V. disease and the homeless among us. Every opportunity I have to address these issues I do so, I might add to the consternation of many others.

Putting a face on the landscape of homelessness and AIDS is of vital importance. All to often, it becomes an endless stream of numbers that many of our legislators and private citizens find too easy to ignore. I find this attitude present all to often and quite inhumane. We are at war with an epidemic that is everyone's disease. Everyone is at risk, not only to the consequences of infection, but to the loss of our sons, daughters, husbands, wives, and friends. We have a moral obligation as private and public citizens to eradicate this horror from our midst.

The bills that you wish to enact are the types of legislation long overdue and in a compassionate way meet the needs. Homelessness and AIDS walk hand in hand. You cannot speak of drug abuse without the latter. Human suffering has no place in our society. A nation like ours, who fails to care for it's own has also failed the constitutional mandate of our Founding Fathers.

Senator, if I can be of assistance to you in any way, written or personal testimony, please feel free to call on me at any time.

Sincerely,

LUCIE C. MCKINNEY,
Chairman of the Board.

[From the U.S. Conference of Mayors, Mar. 6, 1990]

THE IMPACT OF AIDS ON CITIES: THE NEED FOR EMERGENCY RELIEF, A SURVEY OF CITIES HIT HARDEST BY THE AIDS EPIDEMIC

The national AIDS/HIV epidemic has taken a devastating toll on the public health systems in our nation's cities. The disease that has already claimed more American lives than the Vietnam War has swept like a hurricane through our major cities, leaving hospitals and health care systems damaged, teetering on the edge of disaster. In contrast to hurricanes or earthquakes, the full force of which are ususally felt in a day or an instant, the AIDS/HIV epidemic has been pelting our cities each day for nearly a decade. For close to ten years, we have seen the numbers of diagnosed cases steadily increasing, the cost in human lives steadily mounting, and the level of health care services provided by cities increasingly incapable of meeting the growing demand.

AIDS has had a disproportionate impact on cities, creating major disaster areas scattered throughout the nation. Linked with the burden of almost every conceivable crisis facing America today hitting cities the hardest—including drugs, declining stocks of affordable housing, and aging infrastructures—the financial hardships forced on cities by the AIDS/HIV epidemic cannot continue to be borne by local governments without increased federal assistance.

The time for federal disaster relief is now.

THE COMPREHENSIVE AIDS RESOURCE EMERGENCY (CARE) ACT OF 1990

The United States Conference of Mayors is pleased to support the Comprehensive AIDS Resource Emergency (CARE) Act of 1990 which calls for direct federal emergency assistance to 13 cities within metropolitan areas that currently have greater than 2000 reported diagnosed cases of AIDS. These cities are: Atlanta, Boston, Chicago, Dallas, Houston, Los Angeles, Miami, Newark, New York City, Philadelphia, San Francisco, San Juan, and Washington, DC.

Every city is unique. Their histories in responding to the epidemic vary; the characteristics of their populations and their needs are different. What they share in common is the undue burden their local health care systems have been forced to carry in responding to the needs of people living and dying in their cities, in the face of dwindling resources and scarce federal assistance.

Many cities are planning and implementing comprehensive responses to the needs of persons with AIDS and HIV infection; most of the cities that would be eligible for emergency federal assistance under the CARE bill have developed strategic plans for coordinating sytems of care. Yet cities face a critical shortage of resources that prevent them from making these plans a reality. The CARE legislation would provide needed assistance to help patch the holes as well as lay the groundwork for comprehensive care approaches to meet the complex needs of persons with AIDS and HIV infection in cities that have been hardest hit by the epidemic.

The CARE legislation would also help address the development of a broad array of health care planning and services needed by cities. The sound public health options offered to localities through state grants will greatly assist in the provision of essential early and efficient care for people with HIV infection. The CARE legislation would also provide for the development and enhancement of effective models of comprehensive care for persons with AIDS which includes case management, access to community based clinical drug trials, home health care, housing, legal services, and other supportive services.

AIDS DISASTER AREAS: CURRENT CAPACITY AND PROJECTED NEEDS

The United States Conference of Mayors recently conducted a survey of cities affected by the emergency assistance measures of the Comprehensive AIDS Resource Emergency (CARE) Act of 1990 in order to gather information on the health systems of the local governments in responding to AIDS.

The major public health areas that the CARE bill will support include inpatient hospital care, outpatient care, nursing homes/sub-acute care facilities, home health care and hospice care—areas where evidence of overburdened urban public health care systems, straining to care for the disproportionate share of the nation's AIDS cases, is staggering.

Inpatient hospital care

The financial depletion of many of the nation's urban public hospitals—due to the rise in indigent care, the lack of adequate Medicaid financing, and private insurance coverage—has been exacerbated by the AIDS/HIV epidemic. As few as five percent of the nation's urban public hospitals are treating more than 50 percent of persons with AIDS. The changing population of people increasingly affected by AIDS—IV drug users, minorities, the indigent—has resulted in bad debt, hospital shortfalls and rapidly growing uncompensated care leading to declining hospital conditions and ultimately poor health care.

The crisis, though recognized in many quarters for some time, continues unabated. Urban public hospitals, often the only resort for those without private insurance, and, increasingly, those ineligible for Medicaid, are struggling to bear the burden, according to the cities surveyed by The U.S. Conference of Mayors. For example:

New York City's public hospitals provide care to 35 percent of all patients with AIDS in New York City, a disproportionate share given that the percentage of medical/surgical beds provided by the city government is only 16 percent of the city's total private and public hospital beds. Nearly 90 percent of the patients with AIDS treated at New York City public hospitals are indigent which means much of the care is uncompensated.

In Los Angeles, 40 percent of patients with AIDS depend on the public sector for medical services. According to one health official, "The disease is increasingly becoming a disease of the poor and the disease makes poor people out of many of the affluent it infects."

In Miami, Jackson Memorial Medical Center is the only public hospital in Dade County, providing 60 percent of the inpatient acute care to persons with AIDS in the area.

In Chicago, the city health department estimates the projected need for beds during the next five years is at a minimum 600 and may go as high as 1,600.

In Dallas, Parkland Memorial Hospital is the only public hospital in the county. Like most public hospitals throughout the nation, the burden of caring for AIDS patients falls on Parkland, where the majority of all patients are indigent. Approximately 50 percent of all AIDS patients in Dallas County are treated by the hospital, in addition to increasing numbers of AIDS patients from outlying counties that do not have public hospitals.

In San Juan, according to the AIDS Institute, over 70 percent of the AIDS patients cared for by the city's publicly supported hospital system are medically indigent, unemployed, and are IV drug users.

The AIDS/HIV epidemic has generated an enormous burden on all of the major urban public hospital systems, which, coupled with the increase in drug use, particularly crack cocaine, and homelessness, has placed many systems on the verge of collapse. But the worst of AIDS is yet to come; according to the CEO of Parkland Memorial Hospital in Dallas, "A sophisticated continuum of care must be in place now that the volume of HIV-infected individuals has not entered the health care pipeline. . . . When the impact of that patient caseload hits, the force will be similar to water erupting from a garden hose that has a knot in it."

Outpatient care

Outpatient care, provided either by a hospital or clinic, has long been recognized as often the most appropriate vehicle for persons with AIDS and HIV infection to obtain treatment. However, given resource limitations, cities responding to the Conference of Mayors survey are unable to meet the current and projected demands for services. For example:

In San Francisco, it is projected that 20,055 to 23,651 patients annually will require ambulatory care for their HIV infection between 1990 and 1993. Given the current capacity of 25,000 visits for HIV-related diseases per year at San Francisco General and 20,000 visits for HIV-related diseases per year at its District Health Centers, the capacity for an additional 42,000 patient visits per year will be required in the public sector by 1993.

In New York City, the estimated demand for outpatient care for persons with HIV-related medical conditions for the end of 1990 is 29,126 people.

In Houston, at the indigent care facility, there were 3,804 outpatient visits for persons with AIDS in 1989 with an average cost per visit of $669.

In Dallas, the Parkland AIDS Outpatient Clinic's current patient caseload of approximately 1,300 patient visits per month receives a disproportionately large share of hospital resources. The cost of treating AIDS patients on a outpatient basis at Parkland was more than $6 million in 1989—a cost equal to approximately three percent of the hospitals total operating budget.

In Philadelphia, according to the Department of Public Health, an ambulatory care clinic network, which currently does not exist in an organized fashion in the city, would greatly enhance the accessibility of medical care to people with AIDS and HIV infection, especially those who are uninsured or underinsured.

Nursing homes/sub-acute care facilities

Most cities responding to the USCM survey report there is currently a shortage of nursing home beds for persons with AIDS. Given this fact and the resulting waiting lists for admission, it is reported that nursing homes have been reluctant to admit PWAs. Barriers that have also been cited include:

The level of care PWAs require is typically more expensive and complicated in comparison with a traditional geriatric population;

Medicaid and Medicare reimbursement amounts do not meet the additional costs of providing care;

The majority of PWAs who could benefit from this service in most cities are viewed as undesirable by many private nursing homes authorities;

Discrimination against PWAs, particularly on the part of local neighborhood residents who don't want PWAs "in their backyard," has blocked many residential care facilities.

Nursing homes provide institutionalized residential care for individuals who cannot care for themselves and/or unable to function outside an institution. Up to this point, while the need for nursing home care has been great, the accessibility for PWAs to nursing homes has been extremely limited in cities nationwide. For example:

In New York City, there are currently 66 nursing home beds for PWAs provided by Terrance Cardinal Cooke Center and an additional 93 beds provided by the Health and Hospitals Corporation out of a total estimated number of nursing home beds of 35,000. The average cost per day for skilled nursing facilities is $371.

In Miami, the Human Resource Health Center was the first nursing home in the nation to accept AIDS patients and currently has 17 beds available to PWAs. An organized system of residential care for adults with AIDS has not been fully developed due to complicated state licensure rules and procedures. There is also reported reluctance for long-term care facilities to actively accept clients with HIV.

In Chicago, based on the projections of the number of AIDS cases for 1989 through 1994, it is estimated that the following number of nursing home beds will be required for PWAs during the next five years: 1989: 85-100; 1992: 185-220; 1994: 270-335. To date, however, there are only four nursing home beds available for PWAs in Illinois. The waiting list at this facility is reported to be between 10-20 persons.

In Washington, DC, only two nursing homes have placed PWAs in their facilities. The Washington Commission of Public Health reports that there continues to be concern about private sector nursing homes' willingness to care for PWAs.

In Houston, of the sixty-two nursing homes in the city, only one (1) provides care to PWAs. The nursing home requires that prior to acceptance of a PWA, the hospital seeking admission must incur the cost for additional medication. Medicare coverage allows only for the cost of three medications and most patients average fifteen medications each.

In Philadelphia, the residential program for drug and alcohol abusers with AIDS requires a 300% increase in capacity to 60 beds to meet the demand for services. It is also anticipated that the residential program for homeless individuals with AIDS will need to double in size to 50 beds.

Home health care

The nature of HIV infection makes in-home services an appropriate health care service for PWAs. Because the disease is episodic, clients can be treated for and recover from an opportunistic infection, be well for a period of time, and then succumb again to the same or another infection. PWAs in recuperative periods can often be cared for at home after hospitalization with proper nursing and home care. Some areas reporting to The U.S. Conference of Mayors relate success stories; in San Francisco, the Visiting Nurses Association has 85 hospice care spaces available for PWAs with waiting lists of two to three days.

However, even in San Francisco, as in other cities with high numbers of AIDS cases, the availability of home health care cannot meet the demand for services.

In New York City, the Human Resources Administration provided home care to 444 clients in 1989. The projected demand for the end of 1990 is 2,080.

According to Washington, DC Commission of Public Health estimates, 25% of PWAs in the city will require some type of home care services.

In Houston, the large number of persons with HIV infection coupled with the limited number of home health care agencies serving this population results in considerable unmet need. The home health agencies providing services to the low income population are only able to serve 10%-15% of those in need of services. An average of 40 individuals requesting services are unserved on a monthly basis.

Hospice care

Hospice service comprise end-stage care for persons with terminal illness and are designed to provide palliative and supportive services for the terminally ill, either through hospice facilities or home-based care. Cities responding to the USCM survey report:

In New York City there are currently no providers of hospice care. Most terminally-ill PWAs are served based on a continuum of care basis through health-related facilities or skilled-nursing facilities, because of existing funding restrictions and reimbursement mechanisms pertaining to hospices.

In Washington, DC, the Washington Home facility has an inpatient hospice program for PWAs. The facility has a capacity of nine beds.

A survey of Chicago hospices, both hospital-based and home-based, indicated that 200 PWAs have been served by hospice programs, which is approximately 10% of all PWAs in Chicago. The average amount of service required per PWA is 77 days.

In Miami, one agency in the area provides hospice services for 478 PWAs. The projected demand for hospice services for PWAs in Miami for the end of 1990 is 717.

[From the National Organizations Responding to Aids, Washington, DC; Mar. 5, 1990]

OVER FIFTY NATIONAL ORGANIZATIONS CALL FOR AIDS CARE RESPONSE

WASHINGTON.—This morning Senator Edward Kennedy introduced a bill to provide $500 million in federal assistance to states and cities for AIDS care. Calling today's action by Senators Kennedy and Hatch and (20) other co-sponsors "the most urgently needed and responsive AIDS initiative yet" more than 50 national organizations called on Congress to press for expeditious passage. The coalition of professional, service and community organizations known as the National Organizations Responding to AIDS (NORA) joined the Senate co-sponsors, Elizabeth Taylor, Mayor David Dinkins, and The National AIDS Commission in a Capitol Hill press conference this morning.

The bill formally called the "Comprehensive AIDS Resources Emergency Act of 1990" (CARE), calls for $500 million in federal assistance to all states to assist in planning and coordinating services for people with HIV. A major component of the legislation provides for "disaster relief" for the thirteeen cities hardest hit by the epidemic.

"The nation's ability to respond with generosity and support to disasters such as Hurricane Hugo and the San Francisco earthquake provides the spirit upon which this bill is based" said Jean McGuire, chair of the NORA coalition. With more Americans lost to AIDS than any natural disaster or war in the last 30 years "this bill is a great example of sound legislation; built upon compelling need, responsive in an unprecedented crisis and compassionate in an appropriate and cost-effective manner" continued McGuire.

Calling the nation's ability to respond to the care needs of children, women, adolescents and men with AIDS and HIV infection as "burdened to the point of collapse", Donna Richardson of the American Nurses Association applauded the bill's ability to "empower communities to build upon existing systems and unite communities around the common decency of care". To date the federal response to AIDS has primarily focused on the prevention, education and research issues but not on the critical issue of assistance to people in accessing necessary care.

"This nation's billion dollar investment in AIDS research will only be profitable if access to the treatments is assured to people with HIV infection at the earliest opportunity" said Mike Merdian, of the National Association of People with AIDS. This bill gives both the necessary resources and the local flexibility to allow communities to begin the development of these service systems.

Noting that the President has recently sent $500 million to Panama for assistance and the same sum to US border cities to assist in the interdiction of illegal drugs, McGuire stated "we are hopeful that the President will endorse this bill as an equal partner in the priorities of our nation".

The National Organizations Responding to AIDS (NORA) is comprised of over 140 professional, religious, and AIDS service groups. The coalition was founded in 1987 and is currently the major political voice on AIDS and HIV on Capitol Hill.

Signed by—

AIDS Action Council.

AIDS National Interfaith Network.

American Anthropological Association's Task Force on AIDS.

American Association for Counseling and Development.

American Association for Marriage and Family Therapy.

American Association of University Affiliated Programs for Persons with Developmental Disabilities.

American College Health Association.

American Federation of State County and Municipal Employees.

American Foundation for AIDS Research.

American Home Economics Association.

American Medical Student Association.

American Nurses' Association.

American Psychological Association.

American Public Health Association.

Association of Schools of Public Health.

Catholic Health Association of the United States.

Center for Population Options.

Chronic Fatigue Syndrome Information Institute Inc.

Citizens Commission on AIDS.

City of Chicago.

City of New York.

City of Philadelphia.

Coalition for the Homeless.

Committee for Children.

Consortium of Social Science Associations.

Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Legal Action Center.
National AIDS Network.
National Assembly of State Arts Agencies.
National Association of State Alcohol and Drug Abuse Directors.
National Association for Home Care.
National Association of Community Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hosptials.
National Association of Social Workers.
National Council on Alcoholism and Drug Dependence.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Rainbow Lobby.
Service Employees International Union.
Sex Information and Education Council of the U.S.
The United States Conference of Mayors.
United States Conference of Local Health Officers.
UJA—Jewish Federation of New York.

[From the National Commission on Acquired Immune Deficiency Syndrome, Washington, DC, March 6, 1990]

STATEMENT ON THE "CARE" ACT OF 1990

The National Commission on AIDS endorses the principles and objectives of the Comprehensive AIDS Resources Emergency (CARE) Act of 1990. This legislation is responsive to many of the recommendations in the report issued by the National Commission on AIDS in December 1989, as well as to recommendations of the Presidential Commission Report on the HIV Epidemic of June, 1988.

There must be frank recognition that a health care crisis exists in many of our cities that will require extraordinary measures to overcome. The HIV epidemic of the 1990's will be far worse than what we have seen thus far. Our Nation simply must be prepared to invest adequate resources now or pay dearly later.

The CARE Act of 1990 will provide emergency funds to those areas hardest hit by the epidemic. It will provide critical support for services in hospitals, clinics, other health facilities, and in the home. The CARE Act will prompt the development of more effective systems for the delivery of health and support services, including early intervention. It will develop and fund mechanisms to assure continuity of health insurance coverage for people with HIV disease and will also create community-based consortia capable of delivering a comprehensive continuum of care.

The Commission's recent hearings and site visits in the Los Angeles, New York City, and northern New Jersey areas impressed upon us the serious need for increased coordination between the various levels of government. Managing the HIV epidemic is a responsibility that must be shared by all. This legislation would stimulate further planning and coordination between all levels of government and the private sector.

The health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, its epidemic nature has accelerated the urgent need for responsible national action to correct the system's serious shortfalls.

The Commission is extremely pleased that a strong bipartisan commitment has been made to enact this bill and looks forward to the passage and funding of comprehensive AIDS care legislation by the 101st Congress.

[From the Washington Office of the Episcopal Church, Washington, DC, Mar. 5, 1990]

STATEMENT IN SUPPORT OF COMPREHENSIVE AIDS RELIEF EXPANSION ACT OF 1990

(By Father Robert Brooks)

At the 69th General Convention of the Episcopal Church held in Detroit, Michigan in July, 1988, strong statements were adopted to help promote public policy to combat the AIDS crisis by advocating for long overdue funding to provide adequate public health care facilities for those suffering with AIDS.

Last year, The Most Reverend Edmond L. Browning, the Presiding Bishop of the Episcopal Church stated that the battle against AIDS is now a primary mission imperative of the Church. Since then, Bishop Browning has travelled across the country, committing a great deal of his time and energy as well as much of the resources of the National Church, advocating for the proper treatment and care for those suffering with AIDS.

Now, with this deadly disease having reached epidemic proportions, we must allocate emergency relief to those living in the metropolitan areas of the country that have been hardest hit by the AIDS public health disaster. It is a horrible fact that the 13 metropolitan target areas for disaster relief contain 55 percent of all the diagnosed AIDS cases in the United States.

However, it must also be understood that smaller cities, towns, and rural areas have not been immune from the ravages of AIDS. It is particularly in some of these areas, where care facilities don't exist or are largely inefficient and outdated, that the Church has also seen the need for action. It is in those communities where the National Church has worked in conjunction with local churches to expand the network of AIDS educators, caregivers and advocates for people with AIDS.

The Church is committed to combatting the AIDS crisis through education, anti-discrimination and comprehensive relief. Powerful legislation that will confront discrimination and the need for education passed by an overwhelming margin last fall. It is now time to put into motion a comprehensive plan to expand AIDS relief care and make it available to those in the most need of treatment.

It is said that one of the best tests of the greatness of a nation is to look at the way it treats those in need of assistance. As a great nation, we must strive to pass this test of our humanity by passing the Comprehensive AIDS Relief Expansion (CARE) Act of 1990.

[From the American Nurses' Association News, Washington, DC]

NURSES SUPPORT EMERGENCY AIDS RELIEF BILL

WASHINGTON, DC, March 6.—The American Nurses' Association (ANA) announces its strong support of the emergency AIDS relief legislation introduced today by Senators Edward M. Kennedy and Orrin Hatch.

The legislation is designed to provide $600 million in emergency assistance. Half of this amount would go to hard-hit cities and the other half to states to develop comprehensive HIV care programs, including services for small cities and rural areas where the rate of increase in AIDS cases is now greatest.

"Nurses are on the front lines in addressing the wide variety of health care needs of persons infected with HIV," said Lucille A. Joel, Ed.D., R.N., F.A.A.N., ANA president. "We know firsthand how desperately the health care institutions of this country need this emergency relief."

The legislation builds on the sound notion that new service systems are not necessary, but rather the strengthening of existing community services is appropriately called for and long overdue. Without this assistance, many public hospitals are in danger of bankruptcy and closing and community-based service organizations will not be able to withstand the overflow. ANA officials believe the legislation is a very efficient way of beginning to address the inordinate burden this disease has placed on the nation's health care facilities.

ANA is the national professional organization representing the nation's two million registered nurses through its 53 state and territorial associations. The association has a long history of advocacy work for persons infected with HIV disease, and is a member of the National Organizations Responding to AIDS.

[From the National Association of Community Health Centers, Inc.]

COMMUNITY HEALTH CENTERS LAUD KENNEDY CARE BILL

The National Association of Community Health Centers, which represents the over 600 federally-funded Community and Migrant Health Centers and Health Care for the Homeless Projects nationwide, strongly endorses the Comprehensive AIDS Resource Emergency (CARE) Bill being introduced today by Senator Edward M. Kennedy (D-MA), Chairman of the Senate Committee on Labor and Human Resources.

As the AIDS epidemic has progressed over the last few years, Community Health Centers have seen our neighborhoods placed increasingly at risk. The six million patients we see every year at our Centers' 2000 health care facilities, the majority of whom are minority women of childbearing age and their children, are victims of epidemics of teenage pregnancy and alltime high infant mortality rates in our country already, much less the new triple threats of AIDS, crack cocaine, and sexually-transmitted diseases. Maintaining healthy families in the face of these public health disasters, under a severely limited federal grants program, becomes a challenge to the most dedicated and innovative Center staff.

Our primary outpatient health care services must now include substantial counseling and risk identification, to bring patients to an awareness of and commitment to handle their risk. This often requires longer visit times and additional staffing. Our Cen-

ters must be able to offer AIDS-related screening as indicated, and care if necessary, even though these expensive drugs eat away the funds for drugs and services for all other patient care needs.

Centers must add these services if they are to be responsive, as their mandate dictates, to the community's health needs. After all, we see patients in most locations for whom our Centers are the only source of primary care other than emergency rooms.

Until this Bill, our Centers were despairing of the great financial risk these additional costs pose, in the face of level or unpredictably fluctuating grant funding under the Health Centers program in recent years.

This Bill acknowledges the need for fortification of frontline community clinic providers, immediately in its disaster relief provisions and for the future in its consortia and early intervention sections. Community Health Centers know what is needed, and stand ready to provide early care through the funding provided in this timely legislation.

[From the National Association of State Alcohol and Drug Abuse Directors, Washington, DC, Mar. 6, 1990]

NASADAD HAILS INTRODUCTION OF EMERGENCY AIDS LEGISLATION

The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) joins with other members of the National Organizations Responding to AIDS (NORA) in strongly supporting emergency AIDS care legislation introduced today by Senators Edward Kennedy and Orrin Hatch and urges speedy consideration by the full Senate.

The Comprehensive AIDS Resource Emergency (CARE) Act of 1990 will assist States and local communities to more adequately respond to the health crisis related to AIDS/HIV and alcohol and other drug abuse. Additionally, the legislation will facilitate cooperative efforts between the primary health care system and the substance abuse treatment system to assure early intervention and continuity of care in the treatment of drug dependencies and other health problems.

"Alcohol and other drug abuse treatment programs throughout the United States are currently straining to meet two equally pressing demands: do more and do it better," stated NASADAD President John S. Gustafson, Deputy Director of the New York State Division of Substance Abuse Services. Mr. Gustafson added, "The urgency of these requirements has escalated as a result of several societal trends, including the spread of HIV/AIDS, the crack epidemic, and the increase in homeless persons, mentally ill chemical abusers and substance abusers who are parents."

AIDS has fundamentally changed the nature and scope of alcohol and other drug abuse treatment, and has introduced new areas of emphasis within treatment and service programs, ranging from the management of physically sick and dying clients to the provision of HIV testing services to the initiation of new outreach, counseling, and other services designed to prevent the spread of AIDS.

"The State Alcohol and Drug Abuse Directors appreciate the ongoing concern of Senators Kennedy and Hatch and others for persons with HIV/AIDS and those at risk for contracting the disease and laud their efforts to develop comprehensive AIDS policies supported by increased federal resources," stated NASADAD President Gustafson. "We stand ready to assist in the passage of legislation to effectively address the overwhelming drug treatment and primary health care needs of this growing population," he added.

The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) is a not-for-profit organization comprised exclusively of the State and territorial Administrators of the publicly funded alcohol and other drug abuse prevention and treatment system. NASADAD's primary purpose is to foster and promote the development of effective alcohol and other drug prevention, intervention and treatment services throughout the Nation.

REMARKS BY AMFAR FOUNDING NATIONAL CHAIRMAN ELIZABETH TAYLOR AT NEWS CONFERENCE TO INTRODUCE THE COMPREHENSIVE AIDS EMERGENCY RESOURCE ACT OF 1990

I am so honored to be here with some of the most courageous political leaders in the fight against AIDS.

I want to offer my most heartfelt thanks to all of you who have joined this battle. Senator Kennedy and Senator Hatch, I applaud your ability to overcome partisan differences and join together to fight the disease. Mayor David Dinkins, your presence here testifies to the harrowing devastation AIDS is reaping on great cities such as New York.

AIDS is unmercifully killing people—people I know and love and, I suspect, people you know as well.

But sadly, the darkest days of the AIDS crisis still lie ahead of us. Hundreds of thousands of lives hang in the balance unless we begin to confront AIDS as a true national medical emergency.

And yet, there are those who would have us believe that this health crisis is no crisis at all, that the number of AIDS cases is levelling off, that heterosexuals are not at risk, and that AIDS has been overfunded.

Well, these people are wrong, dead wrong.

We cannot blind ourselves to the coming storm. We cannot fall victim to the dangerous trap of complacency and false security.

I have seen the horrible impact this disease has had on people from all walks of life. In my travels around the country, and to countries abroad, I have come face to face with the tragedy of AIDS. I have watched good friends wither away and die. I've seen newborn infants struggling to keep alive past their first birthday. I've seen the tragedy of women who became infected simply because no one bothered to warn them about the dangers of AIDS.

Quite frankly, I have seen enough. Isn't it time we stopped fooling ourselves about the threat of AIDS and launch an all-out assault on this heinous monster?

We need money—we need lots of money and we need it now. Our cities and States are being choked by the enormous cost of caring for AIDS patients. They can no longer cope, they need disaster relief now.

That's why I'm here. I am here to say that I will not stop fighting, I will not be silent until Congress passes this bill. Just think of it: a half a billion dollars. Think of what that money can do.

And please, I beg of you, think of the men, women and children who need our help. Think of their desperate struggle to survive in a world that until now has been indifferent to them, at best. We Americans are a generous people and we can't bear to witness undue suffering. Today, let us open our hearts and our pocketbooks. Common sense and human compassion tell us that we can do nothing less. Thousands and thousands of lives are depending on it.

Thank you very much.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME,

Washington, DC, December 5, 1989.

President GEORGE BUSH,

The White House, Washington, DC.

DEAR PRESIDENT BUSH: The official charter for the National Commission on Acquired Immune Deficiency Syndrome (AIDS) was signed on August 2, 1989. Since that time the National Commission has convened a series of hearings to solicit information and recommendations from experts in the field of medicine and public health policy to assist the Commission in meeting its statutory mandate of "promoting the development of a national consensus on policy concerning acquired immune deficiency syndrome."

The testimony we recently heard on health care and financing was so compelling we felt it is vital to write you now, rather than wait until our statutorily required annual report next August. In fact, the Commission will continue to bring these urgent matters to your attention and to the attention of Congress as we hear from the experts about the Human Immunodeficiency Virus (HIV) epidemic and what is needed to respond to it.

The following represents the first of such reports which we hope will prompt appropriate action.

OVERVIEW

"We don't have time to sit around and have this Commission live out its life and issue another report and have another report, another Commission. . . . We have to act and we have to act swiftly."

This testimony was presented before the National Commission on Acquired Immune Deficiency Syndrome at a hearing held in Washington, DC., November 2nd and 3rd of this year. The Commission convened a meeting of experts to examine the global, national and local challenges confronting the United States in the HIV epidemic. The message from the experts was clear and alarming:

There is a dangerous, perhaps even growing, complacency in our country toward an epidemic that many people want to believe is over.

Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's.

The link between drug use and HIV infection must be acknowledged and addressed in any national drug strategy.

There is no national plan for helping an already faltering health care system deal with the impact of the HIV epidemic.

Over the coming months, the Commission intends to bring the message of experts who have studied the problems and proposed the solutions to those who have the power to act. The Commission believes it is time to match rhetoric with action.

This letter is intended to outline the first of these messages from experts in the field of health care and financing: the public health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, it may well be

the crisis that could pressure responsible national action to correct its serious shortfalls.

SCOPE OF THE PROBLEM

To date, AIDS has claimed more American lives than the Vietnam War. Over the course of the next four years in this country, AIDS will likely claim an additional 200,000 lives. It is estimated that by 1991 AIDS will be among the top ten leading causes of death in the United States. Nearly one-half of all AIDS cases reported to the Centers for Disease Control (CDC) through May 1989 were diagnosed in people 30 to 39 years old. By 1991, ten years after the first AIDS cases were reported, AIDS will far exceed all other causes of death for people between the ages of 25 and 44 years. In testimony before the Commission, it was stated that nine times more adults around the world may develop AIDS during the 1990's than have developed AIDS during the 1980's.

The proportion of AIDS cases with intravenous drug use as a risk behavior has risen from 25 percent prior to 1985, to 30 percent in 1988. In New York City, alone, as estimated 100,000 intravenous drug users are HIV-infected.

The HIV epidemic is not just a New York City or a San Francisco problem as some would like to believe. While it is true that before 1985, 44 percent of all cases of AIDS were diagnosed in the New York City or San Francisco areas, by 1988 this proportion had fallen to 25 percent. By 1991, it is expected that 80 percent of new AIDS cases will come from outside New York City and San Francisco.

In increasing numbers, these new cases will be women and children. As one prominent pediatrician from New Jersey told the Commission, "As a society, we claim to protect and cherish our children, but in fact, we have placed women and children squarely in front of an onrushing HIV epidemic."

The cumulative incidence of AIDS cases is disproportionately higher in Blacks and Hispanics than in whites. Fully 25 percent of all persons with AIDS in the United States are African-American and the number is growing. In fact, there has been, as one witness told the Commission, "a disproportionate impact of HIV on disenfranchised populations, gays, the poor, racial minorities, women, adolescents and drug users—populations having already less than optimal access to quality health care. . . . The development of a national care and treatment strategy will require a rethinking of our past effort."

ACCESS TO CARE

Recent years have seen considerable advances in the development of new HIV-related drugs, including the prospect of treating HIV infection before symptoms develop. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low income people with HIV infection and AIDS is, as one expert witness told the Commission, a "Medicaid fantasy." According to one quarter of all AIDS patients have no form of insurance, a 1987 U.S. Hospital AIDS Survey, almost private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS. Five percent of the nation's hospitals treat fifty percent of the people with AIDS.

For those who are covered by Medicaid, access to care is better than for those who have no insurance at all. However, the obstacles to care under Medicaid funding can be insurmountable for many. One obstacle is the wide variation among states in Medicaid eligibility and scope of benefits. The Food and Drug Administration (FDA), under considerable public pressure, has struggled with mechanisms to speed new drugs to the market. Yet there is no requirement that Medicaid make even life-prolonging drugs such as zidovudine (AZT) available.

Another obstacle to needed care for persons with HIV infection and AIDS who qualify for Medicaid is the low reimbursement rates. Stunning examples of Medicaid physician compensation rates far below those by private insurance or Medicare were illustrated during the Commission hearing. For example, a new patient intermediate office visit in New York City is compensated by Blue Cross at $78, by Medicare at $80, and by Medicaid at $7. One witness indicated that physicians in New York with large AIDS practices were reluctant to refer Medicaid patients for specialty consultations because of low levels of reimbursement—levels so low that several physicians said the few dollars at stake per office visit were not worth the time and paperwork to bill the Medicaid program.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people: the initial appearance of HIV infection and AIDS in groups often shunned by the larger society—gay men, the poor, minorities, and intravenous drug users encouraged a slow response, a gross lack of training support for primary care physicians to treat people with HIV infection and AIDS, and serious disincentives for physicians to take Medicaid patients and perhaps poor people in general.

WHAT IS NEEDED?

First, frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome. Significant changes must be made not only in our health care system but in how we think about the system and the people it is designed to serve. As one witness told the Commission, it can no longer be "business as usual."

Second, the creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care. Primary care physicians must be central to such a system. But if primary care doctors are to care for patients with HIV infection and AIDS, they need the financial, social and institutional support to assist them in managing complicated patients.

Third, consideration of the creation of regional centers or networks of care, perhaps using the already existing regionalized hemophilia treatment program as a model. These centers would not serve as a replacement for the care provided by primary care physicians but would provide backup and consultation to help strengthen community based primary care.

It is essential that everyone be afforded early intervention and access to care. In addition, the availability of backup and consultation from appropriate specialists is required to provide the assistance and encouragement primary care doctors need to see more people with HIV infection and AIDS. Regional centers should also provide the appropriate link with the hospital when hospital services are needed.

Fourth, create units which can treat patients who have both HIV infection and drug addiction. The availability of drug treatment on request is essential for responding to the combined HIV and drug epidemic that imperils not only drug users but also their sexual partners and children.

Given the massive link between drug use and HIV infection, and the fact that there is an alarming increase in the number of new infections among intravenous drug users, the Commission wishes to go on record in expressing its surprise and disappointment that the White House National Drug Control Strategy mentions AIDS only four times in its ninety pages of text and not at all in its recommendations or discussions of how to allocate resources. The President's drug strategy simply must acknowledge and include HIV infection and AIDS.

Fifth, provide comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Often mothers will seek health care services needed for their babies but are not able to then gain access to care for themselves. Health care services for women and children need to be provided in one place. For the homeless, housing and health care need to go hand-in-hand. This is true not only for those who are homeless today but for those who will become homeless tomorrow because of the HIV epidemic.

WHAT WILL IT COST?

Estimates of the national costs of direct medical care for persons with AIDS in 1991 range from $2.5 to 15.1 billion (in 1988 dollars). These estimates represent a small fraction of the total health care costs for the nation—from less than one to slightly more than three percent. We simply must be prepared to make these expenditures.

WHO IS RESPONSIBLE FOR ACTION?

In carrying out its mandate, the National Commission on AIDS will attempt to delineate clearly the roles and responsibilities of various levels of government and the private sector in responding to and managing the HIV epidemic.

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

Without federal leadership the states have assumed various degrees of responsibility for planning, coordination and the provision of care. Likewise some local governments have played key roles in determining how patient services could be provided and in demonstrating important models for service delivery.

The role of the private sector voluntary and professional AIDS service organizations has been all important in managing the HIV epidemic to date. Foundations and corporations have also been important and their roles need better recognition and definition.

"We must," the Commission was told, "move swiftly to bring the missing players to the table . . . this includes a greater lead-

ership, financing and service delivery. It includes the support and cooperation of the insurance industry, employers, physicians and other medical providers, and last but profit-wise not least, the pharmaceutical industry as well."

Responding to the challenge to bring the "missing players to the table," the National Commission on AIDS intends to do just that in hearings, working groups and other forums that can swiftly translate the facts into action and hold us all accountable for the national strategy that is long overdue. The time has come to define exactly what needs to be done, and measure how far we have come, and how much farther we still have to go.

On behalf of all of the members of the National Commission on AIDS, we look forward to being able to continue to bring important information to your attention.

Sincerely,

DAVID E. ROGERS, M.D.,
Vice Chairman,
JUNE E. OSBORN, M.D.,
Chairman.

[From the Los Angeles Times, Jan. 26, 1990]

AIDS: NATIONAL PANEL CALLS FOR EMERGENCY RELIEF

(By Kenneth J. Garcia)

The head of the National Commission on AIDS said Thursday the panel will seek emergency disaster relief money for the cities hardest hit by the AIDS epidemic because of inadequate federal, state and local funding.

Commission members meeting in Los Angeles said they would seek congressional support for a bill that would provide emergency funding—similar to relief provided for communities crippled by earthquakes, floods and hurricanes—for Los Angeles, New York, San Francisco, Newark and Miami.

SUMMARY OF THE COMPREHENSIVE AIDS RESOURCES EMERGENCY (CARE) Act of 1990

TITLE I—EMERGENCY ASSISTANCE

It is the purpose of this title to provide emergency relief to those metropolitan statistical areas hardest hit by the AIDS public health disaster (see Attachment A). Funds are to be used by eligible individual MSAs to:

(a) support hospitals, clinics, community health centers, and nursing/sub-acute care facilities serving a disproportionate share of low-income individuals and families with HIV disease.

(b) provide case-managed community-based outpatient health and support services for the purpose of reducing hospitalization and expediting discharge.

No funds under this Title may be used for renovation or rehabilitation of physical facilities unless the MSA can demonstrate that a critical shortage of long-term, subacute or congregrate care facilities exists within the service area. Federal funds used for remodeling must be matched (50/50) by the locality-state—with allowance for in-kind contribution.

50 percent of funds appropriated under this program must be distributed to MSAs with greater than 2000 AIDS cases within 60 days and shall be allotted according to relative number of AIDS cases and per capita incidence within the MSA.

50 percent of funds shall be awarded by Secretary as supplemental grants to MSAs with greater than 2000 AIDS cases. Such supplemental grants must be distributed within 5 months after funds become available on the basis of need, local investment, potential for immediate utilization, and development of a comprehensive plan for organization and delivery of HIV care, treatment and support services.

In order to receive funds, political subdivisions within each eligible MSA must establish an intergovernmental agreement and advisory board to govern allocation of resources.

Funds must supplement NOT supplant existing state, country, or local funds provided for services to individuals with HIV disease. In addition, funds may not be utilized for any purpose not specifically delineated in statute.

Authorizes $250 million for 1991 and 1992 with such sums as may be necessary in 1993, 1994, and 1995.

TITLE II—COMPREHENSIVE CARE PROGRAMS

It is the purpose of this title to provide for the organization, development and operation of more effective and cost efficient systems for the delivery of essential care, treatment, early intervention and support services to individuals and families with HIV disease. Eligible uses of funds include:

(a) Creating and operating local consortia of public and private health and support service entities capable of delivering a comprehensive continuum of care to individuals with HIV disease including children and families; if practical, a funded consortium must demonstrate an ability to deliver services to and address the needs of the full range of populations and subpopulations with HIV disease within its service area and must include participation of community organizations with a history of service to such individuals.

(b) Delivering outpatient, home health and support services to low-income, medically eligible individuals with HIV disease;

(c) Developing and funding mechanisms to assure continuity of health insurance coverage for individuals with HIV disease;

(d) Providing therapeutics determined to prolong life or prevention of serious deterioration of health of individuals with HIV disease;

(e) Integrating early intervention services with care and support services in existing public health and medical care settings.

Up to 10% of the funds appropriated under this title may be reserved by the Secretary to directly fund Special Programs of a National Significance for the care of individuals and families with HIV disease and for technical assistance to states.

The remainder of funds appropriated shall be distributed to states based on the number of AIDS cases reported to CDC by the state in the preceeding 24 months as a percentage of all AIDS US cases reported in the same period.

All states receiving funds must develop a comprehensive plan for HIV health and support services.

In states with significant incidence of AIDS (1% or more of the US AIDS cases), not less than 50% of funds appropriated under this title shall be distributed directly to local entities in areas hardest hit by HIV (see Attachment B).

In states with less than 1% of US AIDS cases, the state must assure than not less than 5% of funds are utilized to develop a plan for coordinating the delivery of services to individuals and families with HIV disease.

Authorizes $250 million in 1991 and 1992 with such sums as may be necessary in 1993, 1994, and 1995.

TITLE III—HIV HEALTH SERVICES RESEARCH

Directs the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care.

ATTACHMENT A

DISASTER RELIEF AREAS

Eligible Metropolitan Statistical Areas (MSAs)—those with more than 2,000 diagnosed AIDS cases.

As of February 1, 1990, the following cities were eligible for relief according to the Centers for Disease Control.

These 13 cities have 74,363 diagnosed AIDS cases or 61% of all cases diagnosed in the United States.

[Dollar amounts in millions]

	Adults	Children	1st round allocation[1]	2d round allocation[2]
Atlanta	2,365	21	$3.9	(2)
Boston	2,010	33	3.0	(2)
Chicago	2,932	36	4.4	(2)
Dallas	2,068	8	3.1	(2)
Houston	3,495	29	5.5	(2)
Los Angeles	8,295	73	13.5	(2)
Miami	2,919	124	5.7	(2)
New York	22,912	557	46.0	(2)
Newark	3,339	99	6.5	(2)
Philadelphia	2,505	36	3.6	(2)
San Francisco	7,545	15	19.9	(2)
San Juan	2,057	73	4.5	(2)
Washington	370	51	5.3	(2)
Total	73,119	1,245	[1]125.0	[2]$125.0

[1] 1st round allocations totalling $125 million are made by formula (# cases and incidence) within 60 days of appropriation of funds.

[2] 2d round allocations totalling $125 million are distributed on the basis of competitive applications submitted by eligible areas, within 150 days of appropriation of funds.

ATTACHMENT B

STATES WITH A SIGNIFICANT INCIDENCE OF AIDS

Significant incidence—states with more tha 1% of the total number of AIDS cases reported in the last year. Ranked by the number of cases in each, these states area: New York, California, Florida, Texas, New Jersey, Illinois, Puerto Rico, Pennsylvania, Georgia, Massachusetts, Maryland, District of Columbia, Louisiana, Ohio, Washington, Connecticut, Michigan, Virginia, Missouri, and Colorado,

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[From the New England Journal of Medicine, New York, NY]

EDITORIAL: FEDERAL SPENDING ON AIDS—HOW MUCH IS ENOUGH?

(By David E. Rogers, M.D.)

I believe that we are spending vastly too little on AIDS from the federal purse and are targeting some of it very poorly. Although the amount of scientific knowledge about HIV infection that has been generated in a very short time has been breathtaking and bodes well for the future, the degree of human misery and suffering associated with AIDS far exceeds anyting I have witnessed during my 40-year professional lifetime. What has happened to too many persons with AIDS is so heart-wrenching as to be almost unbelievable. It shames us as a nation. Not all this sorrow could have been prevented by increased expenditures on the disease, but some of the tragedies accompanying the AIDS epidemic could have been softened by better funding, coupled with aggressive but compassionate leadership at all levels.

NOTE:—David Rogers is President Bush's appointee to the National Commission on AIDS.

NEED FOR LEGISLATION AND RECOMMENDATIONS FROM PRESIDENTIAL COMMISSION ON THE HIV EPIDEMIC—FINAL REPORT, JUNE 1988

The Presidential Commission on the HIV Epidemic was a group of 15 individuals all of whom were appointed by President Reagan. The commission was chaired by Admiral James Watkins, now Secretary of Energy. Excerpts from their final report follow.

OBSTACLES TO PROGRESS

Witnesses before the Commission and other experts expressed concern that our health care delivery system currently is structurally and financially unprepared to deal with the diverse needs of people with HIV infection, as well as those with other chronic illnessses.

Much of the newly emerging HIV patient population is dependent on already overburdened municipal hospital systems.

Health care service resources to date have primarily been directed toward meeting the acute care needs of persons diagnosed with AIDS and not been available to others in the HIV patient spectrum for diagnosis, early intervention, or support.

Currently, the vast array of services required for people with HIV infection are uncoordinated or may be available only in pieces. A person with HIV infection is confronted by a complex system of fragmented and expensive services. Out-of-hospital care is generally inadequate. Indeed, a large and growing number of HIV infected persons are poor and medically underserved, and are covered by Medicaid and other forms of public assistance. If a wider range of coordinated out-of-hospital services were available, hospitalizations could presumably be decreased.

The range of services is inadequate to meet the diverse and often complex needs of HIV infected families. Available services, such as day care, home care, respite care, and psychosocial services, would decrease the number of hospitalizations of children with AIDS and help to maintain the intactness of the natural family.

The private and public health care reimbursement systems emphasize institutional care and are unresponsive to alternative health services, which may be more desirable from the patient's perspective and more cost effective over the long term.

A pluralistic approach involving public and private financing of HIV related care is being jeopardized by inadequate insurance coverage of HIV infected individuals.

RECOMMENDATIONS

Municipal hospital systems in high prevalence cities should assess their current and five-year anticipated demand for HIV related services for incorporation into a plan for increased funding for patient care in community and long term care settings.

Health care facilities should provide or arrange for a case manager or some equivalent mechanism for assuring continuity of care for HIV infected persons who use their facilities.

Facilities which currently care for persons infected with HIV should be encouraged to make available psychosocial care as needed.

The Public Health Service through HRSA and in collaboration with the states should provide funding and technical assistance to communities in order to establish services to fill existing gaps and to develop coordinated networks of service. Systems created should include a continuum of services, emphasize alternatives to hospitalization, and utilize a case-management approach.

The Community Health Center Program should be increased in high incidence areas to allow for the provision of additional services to persons infected with HIV. Community Mental Health Centers should develop programs targeted for persons infected with HIV and their loved ones.

The federal government and the states should provide funds for home health care services for underinsured persons with HIV infection. Each state's federal allocation for home health care should be based on the ratio of the number of persons with AIDS in the state to the total number of persons with AIDS in the US.

In areas where availability of intermittent or chronic care services is encumbered by local restrictions or zoning requirements, local governments should provide reasonable variances to permit such care to be available.

Consideration should be given to providing federal assistance to help pay the private insurance premium, under the COBRA program, for persons unable to pay full premium.

The federal government should encourage all states to enact a qualified state pool for medically uninsurable individuals.

EXCERPTS FROM THE NATIONAL COMMISSION ON AIDS—REPORT NO. 1, DEC. 1, 1989

ACCESS TO CARE

Recent years have seen considerable advances in the development of new HIV-related drugs. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low-income people with HIV infection and AIDS is, as one expert told the Commission, a Medicaid fantasy. According to a 1987 US Hospital AIDS Survey, almost one quarter of all AIDS patients have no form of insurance, private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast, and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS; 5 percent of the nation's hospitals treat 50 percent of the people with AIDS.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people.

WHAT IS NEEDED

(1) Frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome;

(2) The creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care;

(3) Comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Health care services for women and children need to be provided in one place.

WHO IS RESPONSIBLE FOR ACTION?

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

COMMENTS ON URBAN AIDS CRISIS

"The concentration of AIDS patients in a few hospitals is threatening to overwhelm these providers financially and limit their ability to treat other patients, bringing many to the brink of rationing. * * * Public hospitals average a loss slightly over $200 per AIDS inpatient day, with the average public hospital in the northeast losing over $600,000 per year in AIDS care."—Dennis Andrulis, President, National Public Health and Hospital Institute.

"The crisis in our emergency rooms is widespread and growing, limiting access to emergency care and potentially cutting the quality of care beyond the margin of safety. I cannot overemphasize the effect of poverty, AIDS, and drug abuse as adding substantially to increase the number of patients entering the health care system through the emergency department. AIDS may be the straw that breaks the camel's back."—Steven Lynn, M.D., Chairman, Task Force on Overcrowding, American College of Emergency Physicians, December 1989.

"The role of cities in financing the HIV epidemic is clearly limited, with the burdens of almost every conceivable crisis facing America today—drugs, declining stocks of affordable housing, aging infrastructures—evolving with a vastly decreased federal role. Since 1980, the federal government has reduced by 80% in real dollars its support of urban programs addressing these problems. There is no room for placing yet another burden, another role and responsibility, upon cities. Though those infected with HIV live primarily in cities, HIV is a national epidemic; we simply cannot place any further financial burden on localities where it cannot be borne."—The Honorable Donald Fraser, Mayor of Minneapolis, Chair, Task Force on Health Care, U.S. Conference of Mayors.

[From the Washington Post, Mar. 3, 1989]

N.Y. HOSPITALS BECOMING OVEREXTENDED

(By Howard Kurts)

NEW YORK, March 2—City hospitals are so crowded by AIDS patients that there is "a dire possibility" that they soon will be unable to care for other seriously ill people, a mayoral task force said today.

With many New York hospitals operating at 95 percent of capacity and some emergency rooms being used to house patients for several days, the city's health-care system "is on the verge of being overwhelmed," the panel said.

"The city has been doing the best it can, but that hasn't been anywhere near enough," Dr. David Rogers of the AIDS task force named by Mayor Edward I. Koch (D), told reporters.

New York City has one-fourth of the nation's acquired immune deficiency syndrome cases. About 10,000 residents have died of AIDS, and the city, in an estimate that is widely considered too cautious, says 200,000 people have been infected by the virus and that about half of them will become seriously ill in the next five to 10 years.

The panel said this epidemic "threatens to become the city's social catastrophe of this century." It recommended, among other things, that the city add 300 to 500 hospital beds and 1,500 nursing-home beds, for AIDS patients and create two facilities to house another 400 patients with AIDS related illnesses."

The task force was vague about funding at a time when the city and state face budget deficits.

Koch sharply criticized federal officials for failing to provide special aid to New York. "If it were a natural disaster, they'd be all over us," he said. "What we should pray for is an earthquake * * *. We cannot do it by ourselves.

The report painted a bleak picture of "grossly overcrowed" hospitals with "markedly overstressed staffs." Hundreds of beds remain closed because of a shortage of nurses and technicians, and many hospitals are in "precarious finanical condition."

While 1,700 AIDS patients occupy about 6 percent of the city's medical beds, in many cases because there is no other place to move them, the panel predicted, that the number will double or triple by 1994. Some experts consider that estimate conservative by half.

Nor is the burden equally shared among the city's 76 hospitals. Ten hospitals, most of them in Manhattan, care for more than half of the AIDS patients. At King's County Hospital in Brooklyn, 80 percent of the beds are occupied by patients with AIDS-related illnesses.

The report noted that a growing portion of AIDS patients are "poor, black or Hispanic i.v. drug users," adding: "The opportunity, for unpleasant social conflicts with significant racial overtones is all too obvious."

Panel experts, said the influx of AIDS cases would add $1 billion to $2 billion annually to the city's $20 billion health-care bill by 1992.

Gov. Mario M. Cuomo (D), released a five-year AIDS plan last month, acknowledged that the state was not allotting enough money for hospitals, education and drug programs to meet the plan's goals. He has proposed cutting Medicaid payments to city hospitals to help close a $2 billion budget deficit.

[From the Atlanta Journal and Constitution, Aug. 2, 1989]

AIDS Cases Causing "Gridlock" at Some Hospitals

(By Hal Straus)

Four percent of the nation's hospitals are caring for more than half of its AIDS patients, a new study shows.

The increasingly uneven burden is trapping the poor—even those who don't have AIDS—in a kind of health care "gridlock" and threatening to drive some hospitals into insolvency, health authorities say.

The National Public Health and Hospital Institute survey showed that the problem appeared to be particularly severe in the South, where public hospitals lost an average of $7,488 for every AIDS patient they treated in 1987.

"Finding the resources to deal with the AIDS problem is one of the hardest things we've ever done, and it's going to get worse," said Robert Parrish, director of ambulatory care at Grady Memorial Hospital, which currently treats more than half of Georgia's AIDS patients.

"You add AIDS patients, but no one is adding hospital beds," he said. "What about the folks that used to be in those beds?"

Nationwide, the number of AIDS cases, now nearing the 100,000 mark, is expected to reach 300,000 by 1992. The latest study estimated that in 1987, hospital costs for AIDS care, not including doctors' fees, totaled $486 million.

The latest survey—scheduled for publication in next week's Journal of the American Medical Association—looked at AIDS patients admitted to 332 of the nation's 6,800 hospitals in 1987 and the cost of caring for them.

Two hundred seventy-six of the hospitals cared for 14,145 AIDS patients—52 percent of the people that year who had the deadly disease. Nearly 17 percent of the AIDS victims were treated at only 10 of the hospitals.

The study found that AIDS patients placed a finanical burden on the hospitals because most of them had no private insurance.

Nationwide, participating hospitals spent an average of $17,910 on each AIDS patient, but were able to collect only $14,334.

The red ink was more evident at public hospitals in the South—which spent $11,989 for each AIDS patient but collected just $4,501. The discrepancy may reflect lower Medicaid payments for the treatment of indigent patients in many Southern states.

Health experts said the flood of AIDS patients is overloading inner-city public hospitals that traditionally care for the poor.

New York City public hospitals, for example, have only 16 percent of the city's hospital beds, but now care for about a third of the city's AIDS patients, according to Paul Moore, director of AIDS programs for the New York City Health and Hospitals Corp.

"The result of gridlock," said Mr. Moore. "Patients are having to wait two and three days in the emergency rooms before they can get a bed—whether they have AIDS or not. I don't even want to think what things will be like in three years."

Grady currently cares for about 800 AIDS victims, more than half the State total, most of whom are treated as outpatients. By comparison, West Paces Ferry Hospital, a private hospital in northwest Atlanta, treats seven or eight AIDS patients a day, according to officials there.

According to Mr. Parrish, Grady can pay for its AIDS programs only because its $200 million-a-year budget is supported by Fulton and DeKalb taxpayers, as well as state aid and special grants from private foundations and the federal government.

Federal and foundation grants, however, are expected to expire next year, and the AIDS caseload is still growing.

"If you go to the General Assembly with this, it's viewed as a life-style problem, an Atlanta problem, a problem that will take care of itself because it's fatal," said Mr. Parrish.

Comments on Rural AIDS Crisis

"With such low incidence rates of AIDS in rural areas in the past, false security may lull people into complacency. AIDS heretofore primarily an urban disease, is increasing in incidence and prevalence in small communities and rural areas of this country. Not only are people returning to their rural families after diagnosis, but people are being diagnosed HIV positive and with AIDS while residing in rural communities.

"While services and programs to meet the needs of people with AIDS have been established in metropolitan areas, many small communities are ill equipped to provide comprehensive services. The challenge for rural social workers and health care professionals who assume the responsibility of helping people with AIDS and their loved ones is further compounded by incredible isolation and stigmatization."—Romel W. Mackelprang, DSW, Eastern Washington University.

"AIDS has come home to Mississippi—often times, to die. Perceived to be a plague affecting other people—homosexuals, urban dwellers, intravenous drug users, prostitutes—AIDS is invading communities at every crossroad."—Jackson Daily News.

"The survey done by the American College of Emergency Physicians reported severe hospital and emergency room overcrowding in 41 states. The problem we see today seems to be increasing in scope and scale and extending beyond the confines of the inner city into the suburbs and into the rural areas as poverty, AIDS, and drug abuse moves out of the city as well."—Dr. Stephen Lynn, American College of Emergency Physicians.

"Increased attention and resources should be devoted to the problems of AIDS in rural communities. Coordinated and comprehensive services should be planned and delivered with the appropriate involvement of local, regional, and state units. Regional approaches are strongly recommended as a means of maximizing limited resources while avoiding duplication of efforts. However, local involvement is a must, and rural communities must be willing to take the initiative for service delivery even in the absence of regional and state actions."—Peggy Cleveland, MSW, Ph.D., University of Georgia.

[From the Atlanta Journal and Constitution, Jan. 20, 1990]

AIDS Cases Triple in 2 Years—Disease Affecting Small Cities, Rural Areas as Well as Atlanta

(By Steve Stormberg)

Georgia has one of the fastest growing AIDS epidemics in the nation, according to a state report released Friday.

The state's Department of Human Resources (DHR) reported that the number of AIDS cases has tripled in the past two years—with the spread of the disease in rural areas and small cities keeping pace for the first time with the growth in Atlanta.

Only New York, New Jersey, California and Florida reported higher rates of AIDS during the last year.

State health officials said the "significant epidemic" now emerging in central and southeastern Georgia is being fueled primarily by drug abuse and heterosexual transmission of the virus from male drug abusers to their female sexual partners.

"Intravenous drug abuse is as much of a problem out there as here," said Dr. Bruce Whyte, a medical epidemiologist in the state's office of infectious diseases. He said sexual transmission to partners of drug abusing men has markedly increased the reach of the epidemic.

Dr. Whyte said state epidemiologists had not expected to find AIDS spreading so rapidly among women in smaller cities and rural areas.

"That was a surprise to us," he told the Georgia AIDS Task Force.

As a result, officials said, there has been a sharp increase in the cumulative number of AIDS cases among women in Georgia, from 16 in 1986 to 172 in 1989. There were 20 times as many drug-related AIDS cases

among black women as among white women.

Epidemic experts have documented several other features of the AIDS epidemic in Georgia:

The proportion of AIDS cases among homosexual and bisexual men in Georgia decreased from 78 percent to 68 percent, and the proportion of cases among IV drug users rose from about 8 percent to more than 14 percent.

Minorities make up a disproportionate number of the state's AIDS victims. Blacks constitute 26 percent of the state's population but 36 percent of reported AIDS cases.

Military recruits in Georgia have a higher incidence of AIDS virus infection than the national average. Overall, 1.9 of every 1,000 military recruits in Georgia tested positive, compared with a national average of 1.3 per 1,000. The rate among black recruits in Georgia was 3.1 per 1,000.

Nearly seven of every 1,000 women tested for exposure to AIDS at Grady Memorial Hospital's obstetrics clinic are infected with the virus.

Pediatric AIDS cases in the state increased from 25 in 1988 to 34 in 1989, and epidemiologists said the actual toll probably is far higher.

Outside Atlanta and Savannah, facilities for AIDS patients are scarce—non-existent in some areas—even though there are nearly 500 cases in southern and central Georgia and another 200 in northern counties.

Once you leave metro Atlanta, resources are scant," said Dr. Paul Jurgenson, a Savannah physician and member of the state's AIDS task force.

Currently, the state provides about $2.7 million for AIDS programs, with $813,700 going to Grady's infectious disease clinic; $90,000 to Grady's pediatric AIDS project; $140,000 to AID Atlanta; $100,000 to Savannah's regional AIDS clinic; $100,000 for public information and education; $1.3 million for staff and costs; and $281,688 for laboratory services.

DHR has requested as additional $3.6 million for its AIDS programs for the coming fiscal year, but Gov. Joe Frank Harris has recommended an increase of only $716,000—mostly to expand the number of employees in the county health departments and $258,000 in additional money to Grady.

The governor's budget would not allow DHR to open three new AIDS outpatient clincs it had requested in Augusta, Columbus and Macon.

Mr. Harris also turned down DHR's request for $50,000 to launch community-based programs, similiar to AID Atlanta, in Savannah and Augusta, and $590,000 to replace an expiring private grant that provided meals-on-wheels and other community services to AIDS patients in the metro area.

Sen. Pierre Howard (D-Decatur), chairman of the Senate's Human Resources Committee, called the new statistics "a fairly dramatic development" and said he would present them to his committee.

"I think it merits our attention," he said. "It's really tragic."

State legislators have introduced four AIDS-related bills this session, all of which address the confidentiality of the medical records of AIDS patients.

[From the Department of Health and Human Services, Public Health Service Centers for Disease Control, Mar. 28, 1990]

MEMORANDUM

From: Chief, Statistics and Data Management Branch AIDS Program, CID, CDC.

To: Terry Beirn, Senate Labor Committee.

Attached is the information you requested on the increase in reported AIDS cases in my metropolitan area. The first table shows individual metropolitan statistical areas (MSAs) my name (column 1), together with a 1988 estimate of the population in the area (column 2), number of AIDS cases reported to CDC in 1988 (column 3), number reported in 1989 (column 4), and the percentage increase from 1988 to 1989 (column 5). Notice that among the 25 areas with with highest increases, only 1 (4% of 25) has a population of over 1,000,000. Among the remaining MSAs, 44 of 174 (25%) have populations over 1,000,000.

The shift in the distribution of cases from more urban to more rural areas is best seen in the second table. All MSAs over 500,000 population have been grouped in the first row, those of less that 500,000 in the second row, and areas outside of MSAs in the third row. As you can see, the increase from 1988 to 1989 in the large MSAs is small (only 5%) compared to areas not in MSAs (37%).

I hope these tables are helpful. If you need more information, please let me know.

MEADE MORGAN.

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990

	Metropolitan area of patients residence	1988 population	Case total		Percent change 1988 to 1989
			1988	1989	
(3408)	Indianapolis, IN	1,239,517	39	175	348.718
(2960)	Gary-Hammond, IN	597,488	8	35	337.500
(2710)	Fort Pierce, FL	222,389	23	83	260.870
(5345)	Naples, FL	132,663	14	49	250.000
(3960)	Lake Charles, LA	171,940	6	18	200.000
(4600)	Lubbock, TX	230,857	7	20	185.714
(3160)	Greenville-Spartanburg, SC	616,855	14	38	171.429
(3660)	Johnson City-Kingsport-Brst., TN-VA	443,308	9	22	144.444
(7920)	Springfield, MO	232,773	14	33	135.714
(920)	Biloxi-Gulfport, MS	209,189	14	30	114.286
(6403)	Portland ME NECMA	236,170	11	23	109.091
(5170)	Modesto, CA	337,144	19	38	100.000
(7880)	Springfield, IL	191,356	6	12	100.000
(1760)	Columbia, SC	458,986	36	71	97.222
(2320)	El Paso, TX	589,323	17	33	94.118
(8680)	Utica-Rome, NY	312,104	15	29	93.333
(640)	Austin, TX	763,984	108	205	89.815
(560)	Atlantic City, NJ	307,511	55	104	89.091
(6080)	Pensacola, FL	349,886	27	50	85.185
(680)	Bakersfield, CA	515,471	20	37	85.000
(2020)	Daytona Beach, FL	340,838	32	59	84.375
(3520)	Jackson, MI	148,003	6	11	83.333
(3120)	Greensboro/Winston-Salem/H.Pt. NC	928,584	40	72	80.000
(8520)	Tucson, AZ	638,555	34	61	79.412
(8240)	Tallahassee, FL	225,755	17	30	76.471
(8003)	Springfield, MA NECMA	585,927	25	44	76.000
(200)	Albuquerque, NM	501,430	28	49	75.000
(6720)	Reno, NV	235,891	22	38	72.727
(6280)	Pittsburg, PA	2,080,650	94	158	68.085
(2680)	Ft Lauderdale-Hllywd-Pomp. Bch FL	1,179,854	360	601	66.944
(3965)	Lake County, IL	505,772	12	20	66.667
(7510)	Sarasota, FL	260,654	36	60	66.667
(1440)	Charleston, SC	511,935	41	66	60.976
(4000)	Lancaster, PA	409,811	20	32	60.000
(6760)	Richmond-Petersburg, VA	835,956	59	93	57.627
(1310)	Caguas, PR	274,087	87	137	57.471
(1800)	Columbus, GA-AL	247,330	13	20	53.846
(2560)	Fayetteville, NC	260,428	15	23	53.333
(760)	Baton Rouge, LA	541,355	34	51	50.000
(1280)	Buffalo, NY	951,411	46	69	50.000
(2640)	Flint, MI	435,387	14	21	50.000
(5950)	Orange County, NY	292,511	42	63	50.000
(8200)	Tacoma, WA	552,981	24	36	50.000
(8440)	Topeka, KS	163,287	6	9	50.000
(720)	Baltimore, MD	2,327,038	313	465	48.562
(6640)	Raleigh-Durham, NC	683,605	66	97	46.970
(7490)	Santa FE, NM	115,934	15	22	46.667

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990—Continued

	Metropolitan area of patients residence	1988 population	Case total		Percent change 1988 to 1989
			1988	1989	
(4120)	Las Vegas, NV	616,603	87	126	44.828
(5403)	New Bedford/Fall River MA NECMA	478,644	30	43	43.333
(1720)	Colorado Springs, CO	402,549	21	30	42.857
(3400)	Huntington-Ashland, WV-KY-OH	320,693	7	10	42.857
(3320)	Honolulu, HI	842,287	87	121	39.080
(520)	Atlanta, GA	2,754,500	619	860	38,934
(7485)	Santa Cruz, CA	225,561	26	36	38.462
(7600)	Seattle, WA	1,823,822	260	360	38.462
(8720)	Vallejo-Fairfield-NAPA, CA	414,681	41	56	36.585
(4720)	Madison, WI	349,791	11	15	36.364
(7680)	Shreveport, LA	366,909	17	23	35.294
(3710)	Joplin, MO	134,914	6	8	33.333
(3283)	Hartford/N Britain NECMA	1,110,145	108	142	31.481
(4900)	Melbourne-Titusville-Palm Bay, FL	386,941	29	38	31.034
(5790)	Ocala, FL	188,556	13	17	30.769
(2920)	Galveston-Texas City, TX	212,689	23	30	30.435
(8160)	Syracuse, NY	645,725	30	39	30.000
(8725)	Vancouver, WA	218,884	10	13	30.000
(1520)	Charlotte-Gast.-Rock Hill, NC-SC	1,112,188	68	88	29.412
(3000)	Grand Rapids, MI	667,689	21	27	28.571
(3690)	Joliet, IL	382,631	14	18	28.571
(5700)	Niagara Falls, NY	215,489	7	9	28.571
(5000)	Miami-Hialeah, FL	1,811,496	704	899	27.699
(5190)	Monmouth-Ocean, NJ	979,092	141	180	27.660
(5560)	New Orleans, LA	1,327,135	241	306	26.971
(620)	Aurora-Elgin, IL	359,525	15	19	26.667
(2700)	Fort Worth-Cape Coral, FL	306,233	78	98	25.641
(2800)	Fort Worth-Arlington, TX	1,316,701	122	153	25.410
(2840)	Fresno, CA	606,499	40	50	25.000
(4763)	Manchester/Nashua NH NECMA	331,868	12	15	25.000
(7560)	Scranton-Wilkes-Barre, PA	730,915	20	25	25.000
(2080)	Denver, CO	1,667,854	257	321	24.903
(6680)	Reading, PA	325,576	25	31	24.000
(2000)	Dayton-Springfield, OH	942,007	46	57	23.913
(8480)	Trenton, NJ	332,295	65	80	23.077
(9160)	Wilmington, DE-NJ-MD	565,507	52	64	23.077
(6440)	Portland, OR	1,177,727	141	173	22.695
(6160)	Philadelphia, PA-NJ	4,890,922	637	780	22.449
(3600)	Jacksonville, FL	899,226	162	196	20.988
(6780)	Riverside-San Bernardino, CA	2,212,009	177	213	20.339
(1140)	Bradenton, FL	187,262	15	18	20.000
(3240)	Harrisburg-Lebanon-Carlisle, PA	584,961	40	48	20.000
(7500)	Santa Rosa-Petaluma, CA	361,982	95	114	20.000
(7440)	San Juan, PR	1,555,528	736	877	19.158
(6920)	Sacramento, CA	1,370,110	141	168	19.149
(4480)	Los Angeles-Long Beach, CA	8,651,592	1,938	2,306	18.989
(6460)	Poughkeepsie, NY	259,813	70	83	18.571
(360)	Anaheim-Santa Ana, CA	2,256,024	235	278	18.298
(4360)	Lincoln, NE	209,388	6	7	16.667
(7080)	Salem, OR	268,685	6	7	16.667
(6360)	Ponce, PR	239,752	177	206	16.384
(1163)	Bridgeport/Stamford, CT NECMA	818,720	116	134	15.517
(960)	Binghamton, NY	258,678	7	8	14.286
(6120)	Peoria, IL	334,817	7	8	14.286
(8960)	W. Palm Bch-B. Ratn-Delray Bch, FL	818,279	300	340	13.333
(600)	Augusta, GA-SC	400,582	56	63	12.500
(2400)	Eugene-Springfield, OR	264,558	16	18	12.500
(8320)	Youngtown-Warren, OH	498,039	16	18	12.500
(7320)	San Diego, CA	2,350,245	445	499	12.135
(5160)	Mobile, AL	491,099	42	47	11.905
(1150)	Bremerton, WA	177,523	9	10	11.111
(9200)	Wilmington, NC	117,852	9	10	11.111
(8120)	Stockton, CA	456,537	28	31	10.714
(7520)	Savannah, GA	245,069	44	48	9.091
(1000)	Birmingham, AL	924,634	69	75	8.696
(2160)	Detroit, MI	4,375,086	324	350	8.025
(4680)	Macon-Warner Robins, GA	285,516	25	27	8.000
(6200)	Phoenix, AZ	2,045,691	222	239	7.658
(5080)	Milwauke, WI	1,390,973	66	71	7.576
(1600)	Chicago, IL	6,212,801	867	929	7.151
(5775)	Oakland, CA	1,991,477	360	385	6.944
(8840)	Washington, DC-MD-VA	3,711,651	809	858	6.057
(3880)	Lafayette, LA	211,870	18	19	5.556
(7040)	St. Louis, MO-IL	2,475,664	168	177	5.357
(9040)	Wichita, KS	478,045	21	22	4.762
(5120)	Minneapolis-St. Paul, MN-WI	2,371,411	149	156	4.698
(5380)	Nassau-Suffolk, NY	2,625,852	352	368	4.545
(8560)	Tulsa, OK	738,355	48	50	4.167
(7360)	San Francisco, CA	1,598,900	1,751	1,816	3.712
(240)	Allentown-Bethlehem, PA-NJ	671,029	30	31	3.333
(1123)	Boston/Lawrence/Salem, MA NECMA	3,746,244	570	585	2.632
(6483)	Providence/Pawtckt RI NECMA	901,132	80	81	1.250
(160)	Albany-Schenectady-Troy, NY	847,725	72	72	0.000
(1320)	Canton, OH	395,499	9	9	0.000
(1540)	Charlottesville, VA	124,759	6	6	0.000
(2900)	Gainesville, FL	208,850	27	27	0.000
(5240)	Montgomery, AL	300,322	14	14	0.000
(5320)	Muskegon, MI	159,636	7	7	0.000
(5523)	New London/Norwich CT NECMA	248,001	26	26	0.000
(8080)	Steubenville-Weirton, OH-WV	146,108	6	6	0.000
(8360)	Texarkana, TX-Texarkana, AR	121,652	12	12	0.000
(1920)	Dallas, TX	2,534,336	544	538	−1.103
(3760)	Kansas City, MO-KS	1,566,687	244	240	−1.639
(3980)	Lakeland-Winter Haven, FL	394,948	50	49	−2.000

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990—Continued

	Metropolitan area of patients residence	1988 population	Case total		Percent change 1988 to 1989
			1988	1989	
(4520)	Louisville, KY-IN	969,424	45	44	−2.222
(1680)	Cleveland, OH	1,846,843	129	126	−2.326
(3360)	Houston, TX	3,256,121	914	892	−2.407
(8280)	Tampa-St. Pete.-Clearwater, FL	2,005,340	404	393	−2.723
(1880)	Corpus Christi, TX	363,603	21	20	−4.762
(4040)	Lansing-East Lansing, MI	431,632	17	16	−5.882
(2975)	Glens Falls, NY	112,537	27	25	−7.407
(8400)	Toledo, OH	611,103	25	23	−8.000
(1840)	Columbus, OH	1,334,992	121	111	−8.264
(5015)	Middlesex-Somerset-Hunterdon, NJ	984,585	204	187	−8.333
(4400)	Little Rock-N, Little Rock, AR	517,797	33	30	−9.091
(9243)	Worcester/Fitchburg, MA NECMA	668,278	44	40	−9.091
(2335)	Elmira, NY	89,713	10	9	−10.000
(60)	Aguadilla, PR	157,524	37	33	−10.811
(5640)	Newark, NJ	1,897,933	1,069	948	−11.319
(5960)	Orlando, FL	963,983	182	161	−11.538
(9280)	York, PA	406,736	25	22	−12.000
(3720)	Kalamazoo, MI	220,349	8	7	−12.500
(1640)	Cincinnati, OH-KY-IN	1,448,920	70	61	−12.857
(2120)	Des Moines, IA	387,377	15	13	−13.333
(870)	Benton Harbor, MI	165,597	7	6	−14.286
(80)	Akron, OH	647,153	27	23	−14.815
(380)	Anchorage, AK	225,211	12	10	−16.667
(2580)	Fayetteville-Springdale, AR	111,699	12	10	−16.667
(5600)	New York, NY	8,538,593	5,982	5,946	−17.319
(7160)	Salt Lake City-Ogden, UT	1,077,372	69	57	−17.391
(4920)	Memphis, TN-AR-MS	982,568	103	85	−17.476
(5720)	Norfolk-VA Beach-Newprt News, VA	1,369,901	90	74	−17.778
(7240)	San Antonio, TX	1,347,198	235	193	−17.872
(1560)	Chattanooga, TN-GA	434,652	27	22	−18.519
(4840)	Mayaguez,PR	206,672	32	26	−18.750
(3560)	Jackson, MS	402,809	50	40	−20.000
(9080)	Wichita Falls, TX	126,374	10	8	−20.000
(470)	Arecibo, PR	165,301	24	19	−20.833
(3840)	Knoxville, TN	596,818	28	22	−21.429
(440)	Ann Arbor, MI	270,317	18	14	−22.222
(7480)	Santa Barbara-Santa Maria-Lmpoc, CA	345,031	45	35	−22.222
(8600)	Tuscaloosa, AL	146,366	9	7	−22.222
(840)	Beaumont-Port Arthur, TX	371,704	25	19	−24.000
(6000)	Oxnard-Ventura, CA	640,146	41	31	−24.390
(7400)	San Jose, CA	1,423,615	161	121	−24.845
(4280)	Lexington-Fayette, KY	346,152	12	9	−25.000
(5483)	New Haven/Waterbury CT NECMA	793,961	147	110	−25.170
(7840)	Spokane, WA	354,298	17	12	−29.412
(320)	Amarillo, TX	200,103	13	9	−30.769
(7120)	Salinas-Seaside-Monterey, CA	348,249	42	29	−30.952
(875)	Bergen-Passaic, NJ	1,295,910	297	204	−31.313
(8760)	Vineland-Millville-Bridgeton, NJ	139,077	44	30	−31.818
(1125)	Boulder-Longmont, CO	219,786	12	8	−33.333
(5920)	Omaha, NE-IA	620,552	36	24	−33.333
(3640)	Jersey City, NJ	544,731	468	308	−34.188
(5880)	Oklahoma City, OK	979,579	29	19	−34.483
(6840)	Rochester, NY	978,206	97	63	−35.052
(3350)	Houma-Thibodaux, LA	184,616	10	6	−40.000
(5360)	Nashville, TN	976,944	132	78	−40.909
(1145)	Brazoria, TX	188,458	13	7	−46.154
(6453)	Portsmouth/Dover/Rchstr NH NECMA	335,673	16	8	−50.000
(8780)	Visalia-Tulare-Porterville, CA	296,513	24	11	−54.167

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE—CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990

MSA category	1988 total	1989 total	Percent change 1988 to 1989
Population GE 500000	27,260	28,630	5.0257
Population LT 500000	2,882	3,803	31.9570
Non-MSA	2,035	2,791	37.1499

COMMENTS ON THE NEED FOR ALTERNATIVE CARE SYSTEMS IN THE COMMUNITY

"Many home and community-based services were not available to AIDS patients who needed them because both capacity and insurance coverage were limited. As the epidemic progresses across the country, Medicaid as well as private insurers will pay for more expensive AIDS services if communities have not developed lower-cost alternative delivery systems."—GAO Report, September 1989, *AIDS: Delivering and Financing Health Care Services in Five Communities.*

"Traditional reimbursement systems, such as private health insurance and Medicaid, do not adequately support the range of community-based services needed by HIV-infected people. They also do not cover the cost of planning, developing, and initiating new programs. States and local government funding, as well as private funds, have supported AIDS services in these communities. However, these other funding sources are not adequate to meet the growing need, and their substantial expansion is not likely. Furthermore, these sources generally support only the provision of direct services, not the cost of coordinating services or administrative costs. Continued federal support appears necessary given the inadequacy of other resources."—*Executive Summary: Evaluation of AIDS Service Demonstration Projects* SysteMetrics/McGraw-Hill.

"Funding programs should encourage a continuum of care, including less costly alternatives to hospital stays such as outpatient care and home care. Similarly, distinctions between acute and sub-acute care in hospitals should be provided for. In general, as with any other long-term care situation, persons with HIV infection should be cared for and treated in the least restrictive environment.

"The best answer to containing the costs of care for persons with HIV infection is to invest whatever is required now to develop effective prevention, treatment, and a cure."—County Government and HIV Infection Report of the National Association of Counties Task Force on HIV Infection and AIDS. March 1989.

"For those people who must wait weeks for a blood test, for those with severe physicial symptoms who must wait weeks for a clinic appointment, and for those who will die in the street because there are too few shelters for someone dying of AIDS, community-based services are of critical importance.

"The network of services existing for people with AIDS is extremely spotty. Overall, all types of community services are less available for people with AIDS than they are for individuals with other types of chronic or fatal illnesses. This is especially true of services that require living space, such as nursing homes, hospices, and other alternative living arrangements.

"Study findings suggest that policy makers move as quickly as possible to develop options for facilitating earlier and more flexible access to funding sources, extension of long-term care services, creation of more alternative living arrangements and funding mechanisms to sustain them, creation of comprehensive case management programs, creation of educational programs to deal with community prejudices, and of inhospital data systems to routinely document service gaps."—National Center for Social Policy and Practice, American Hospital Association, *Beyond the Hospital Door: Community Resources Available for Persons with HIV Infection or AIDS in the United States.* September 1989.

Institute of Medicine Recommendations to President Bush:

"AIDS federal grant programs to the states to ensure that AIDs patients and those who have HIV related conditions have access to appropriate and cost effective care;

"Principles to guide strategies should include: coverage from the time HIV infection is discovered; consideration of relief for hard hit communities; payment mechanisms that encourage the most cost effective care; and shared responsibility between private and public sectors."—White Paper, Institute of Medicine/National Academy of Science, January 1989.

"The AMA supports increased funding for reimbursement and other incentives to encourage expanded availability of alternatives to inpatient care of persons with HIV disease, including intermediate care facilities, skilled nursing facilities, home care, residential hospice, home hospice, and other support systems."—American Medical Association, Policy Update, February 1990.

STATE INVESTMENTS FOR AIDS CARE: FAR SHORT OF NEED

Figure 2.9 State-only AIDS Funds, Patient Care, Excluding Medicaid, FY 1989, total—$65 million.

Inpatient care—26 percent.
Hosp/facil support—22 percent.
Networks/planning—21 percent.
Outpatient/home care—14 percent.
Case management—6 percent.
AZT—6 percent.
Other—6 percent.
Total is not 100 percent due to rounding.

Source: AIDS Policy Center, Intergovernmental Health Policy Project, George Washington University, October 1989.

GENERAL AIDS BACKGROUNDER

The Numbers (as of February 1, 1990):

121,645 Americans have been diagnosed with AIDS 73,119 (61%) of which live in the 13 US cities.

69,000 Americans have died of AIDS—more than the number of Americans lives lost during the entire Vietnam war.

1 million Americans are already HIV infected—all of whom will develop symptoms without medical intervention.

By 1991—200,000 more Americans will have died of AIDS. Aids will be, by far, the leading cause of death for those age 25-44. 80% of new AIDS cases will not be in NY or CA, new cases will disproportionately effect minorities.

One AIDS case is diagnosed very 6 minutes! One AIDS death occurs every 11 minutes! Nevertheless, what we see now—is the tip of the iceberg!

The Cost: The range of estimates of the national costs of direct medical care for persons with AIDS in 1991 average $8.5 billion or 1.5% of total health care expenditures. Initial estimates of the cost of care from diagnosis to death were $147,000 per individual and were based on lifetime hospital costs. More recent data indicates that a more accurate estimate lies between $35,000—$75,000. According to the IOM this reduction in dollars is largely due to fewer hospitalizations and shorter stays. This trend can explained by improvements in clinical management and the utilziation of home and community-based services, where available. Further diversification of care options should continue to reduce the cost of care and the pressure on our hospital system—while at the same time making care more humane and effective. This will nevertheless require recognition that as AIDS becomes a chronic illness, significant long term care needs will have to be addressed.

Access to health care—Who pays: People with AIDS (PWAs) face similar yet compounded problems accessing necessary health care services. Although there is considerable geographic diversity—the nationwide breakdown of health care coverage for PWAs is as follows: 15%—uninsured, 44%—

Medicaid, 29%—private insurance, 1%—Medicare.

The number of PWAs with no insurance is increasing. As the epidemic moves into the South and the Midwest, the restrictive policies of these Medicaid poor states exclude many people with AIDS. For example, many states do not have "spend down provisions" or do not cover single men, regardless of disability.

A recent study indicates that Medicaid covers only 18% of PWAs living in Georgia, where as 48% of PWAs lack any form of health insurance. Per capita, Georgia has the 6th highest incidence of AIDS in the U.S.

Private insurers, overly afraid of the cost of AIDS care, often refuse to cover PWAs, or drop them once they become ill. Individuals terminated from their job due to fear of AIDS—may never again be privately covered for their health care costs or for the services they need.

A Crisis in our Hospitals: A study by the Urban Institute reveals that in the 1980s, 100 hospitals (6% of hospital beds nationwide), provided 40% of the charity care and 19% of the bad debt care in the U.S. These hospitals, mainly public and volunteer, rely primarily on Medicaid, and state and local governments—private insurance represents only 12% of their revenues. With a long standing history of serving the poor, the elderly, and the chronically ill and mentally ill, these institutions are now disproportionately effected by the dual epidemics of AIDS and drugs.

A survey by the National Public Health and Hospital Institute (NPHHI) found that in 1988:

10 hospitals treated 38% of all PWAs; 4% of hospitals treated 52% of all PWAs, 20% of hospitals treated more than 80% of PWAs.

Nationally, Medicaid is the largest payor for hospitalized PWAs, 44%, with a range from 54% (NE) to 18% (South).

Virtually all hospitals lose money on PWAs—the extent varies depending on the number of uninsured and Medicaid patients. Nationally, the average cost of inpatient care for a person with AIDS was $681, while revenues averaged $545. This average loss per day ($136, or $2,285 per AIDS admission—see Appendix D) is 5 times that of the average med/surg patient. This is due to the large number of drug users who are generally sicker and more difficult to place outside the hospital.

The Need for Long-Term Care: The hospital crisis is further compounded by the absence of comprehensive outpatient services and a funding stream to foot the bill. Public and private insurance programs extend inpatient stays by not reimbursing for ambulatory care or by paying an exceptionally low rate. A recent report entitled, Crisis on the Frontlines: The Effects of AIDS on Public Hospitals documents that public hospitals lose 86 cents for every $1.00 of outpatient services.

A GAO study affirms that as AIDS progresses from a fatal illness to a chronic condition, there will be an increased need for long term care support. As with the elderly and other chronically disabled, funding sources for home care, sub-acute care, and nursing home care are extremely scarce. In addition, most long term care facilities will not accept PWAs because of fear of infectious disease and the need for highly skilled staff to handle the severity of acute illness episodes experienced by PWAs.

Mr. HATCH. Mr. President, I am pleased to join Senator KENNEDY and 24 other cosponsors in supporting this legislation to respond to the diverse care needs created by the AIDS epidemic. There are many who are suffering from this disease, including children, who need the resources that this bill can provide.

With more cases of AIDS now being diagnosed in small cities and rural areas, we propose to give States both the funds and the flexibility to design an effective local response. Title II of this bill would allow States to develop more effective systems for the delivery of health and support services to individuals and families with AIDS. A set-aside of at least 15 percent would go to children and families with HIV disease.

I am personally committed to making sure that infants, children, and mothers with AIDS have access to whatever help we can give them. There are 2,050 reported cases of children with AIDS. This number does not include children infected with the HIV-virus, and it is estimated that for every child reported to have AIDS, there are 2 to 10 unidentified cases. The compassion borne by every American for these children dictates that we act on this proposal. I am pleased to announce that this legislation has the endorsement of the Pediatric AIDS Foundation, founded by Elizabeth Glazer and Susan de Laurentis.

Further, this bill requires States and cities to identify the populations in need of services and to develop a comprehensive plan to address their needs. Funds may be used to deliver outpatient and home care health services to low-income individuals with AIDS; develop a local consortium of health and support services that will provide a comprehensive continuum of care, establish a program of financial assistance for low-income individuals, provide money for drugs used in the treatment of AIDS patients, and develop clinical centers for early intervention and medical monitoring of individuals with AIDS.

In responding to this totally unanticipated health emergency, we must continue to search for innovative and cost-effective programs for delivering essential support services. What works in New York City will be different from what's needed in Utah while encountering cases of AIDS.

We in Congress realize it is hard work to care for people who are severely ill. For instance, we know that AIDS patients require an unusually intensive level of nursing care when hospitalized. I think that this Nation owes a debt of thanks to those health care institutions and health care professionals that have reached out to help poor patients with this terrible disease. Therefore, our legislative proposal targets support to those hospitals and care facilities that have been serving the largest number of low-income AIDS patients. The reward for helping people in trouble should be more than a stack of unpaid bills.

Title I of this legislation would provide emergency relief to metropolitan areas hardest hit by the AIDS epidemic. Funds would be used to support health care facilities serving a disproportionate share of low-income individuals with HIV disease and to enhance in-patient care and out-patient casemanagement. Funds would also be used to remodel long-term care facilities with matching locality/State funds. As a last resort, funds could be used for new construction.

This bill is a means for the Nation to fight a common enemy—the AIDS epidemic and the pain and suffering it causes. It will also allow for the Secretary of Health and Human Services, through title III of this bill, to commission independent research by experts in health services delivery and health economics. The research must also address better ways to treat children with the HIV-virus.

This bill will not end the debate over the causes of this disease or the methods for its prevention; but, through this bill, we show our compassion for its victims and their families and demonstrate to those who feel abandoned that we care. We already have strong bipartisan support for this legislation. I hope we will be able to pass it quickly in the Congress and see it signed by President Bush as soon as possible.

Mr. BENTSEN. Mr. President, over 60,000 Americans have died of AIDS. As others have noted, that's more Americans than lost their lives in Vietnam. And in fact, the battle against AIDS is very much like war, with victory still years away.

I'm confident that medical science will one day offer a cure for AIDS. In the absence of a monumental medical breakthrough, though, the legislation that we introduce today is essential.

The CARE Act recognizes the widespread nature of AIDS. Some think this disease is confined to the east and west coasts. It's true that New York and San Francisco have borne an inordinate share of the burden. But there are AIDS victims everywhere. Texas, for example, has the fourth highest number of reported AIDS cases in the Nation. And Houston and Dallas are among the 13 hardest hit cities in America—those eligible for funding under title I of the bill.

You can see the magnitude of the problem in hospitals like Parkland Memorial. It's the only public hospital in Dallas; as a result it treats half of all AIDS patients in the county. Or you can see it in Harris County, where the total cost of treating AIDS patients went from $3.8 million in 1987 to over $8 million last year. With costs that

can reach $100,000 for a single AIDS patient, it's clear that Dallas and Houston desperately need the assistance offered by CARE.

CARE goes further than just Dallas and Houston. Half of the funds authorized under this act will go to other areas, based solely on need. This means places like Austin, San Antonio, and El Paso will get some of the help necessary to deliver outpatient services to those infected by HIV. They'll also be able to establish clinics for early intervention and medical monitoring.

Earlier, I compared fighting AIDS to fighting a war. But isn't it also like being hit by a hurricane—a natural disaster to which nobody is immune? Well, in Texas, after a hurricane hits, we all pitch in together to help. CARE is one way Americans can help communities around the country deal with this medical hurricane, which has destroyed not buildings but lives. That's why the CARE Act deserves the full support of Congress. And that's why I'm pleased to offer mine.

Mr. WILSON. Mr. President, I am pleased to join as an original cosponsor the Comprehensive AIDS Resources Emergency Act [CARE] of 1990. With this legislation, Congress will open up an urgently needed new front in its multifaceted attack on the AIDS epidemic.

Congress has responded to the AIDS epidemic by providing billions of dollars for research and public education on this dreaded disease. This is as it should be if we are to fully understand the complexities of the AIDS virus and its transmission, and educate our citizens to protect themselves from exposure to HIV.

Less attention, however, has been paid to the financing and provision of services for individuals along the continuum of HIV infection—from those who are asymptomatic to those in the terminal stages of AIDS. Yet, as the number of people with HIV infection continues to grow throughout the Nation, localities, and States find themselves in a crisis situation as they struggle to provide needed medical, psychosocial, and other support services with limited resources.

I recognize, Mr. President, that the word "crisis" is used regularly in this city—perhaps so often as to be all but devalued of its meaning. But on the subject of AIDS, as I have often said, the word "crisis" is barely adequate to describe today's problem and tomorrow's potential nightmare.

We have seen already the tragedy of AIDS spread beyond men of the gay community and intravenous drug users. To the ranks of suffering victims we now add an increasing number of heterosexuals, women and—most tragically—children.

And we have witnessed the devastation of AIDS touch every State in the Union, reaching more and more of our communities. AIDS is no longer a problem confined to our urban areas; it is a problem that extends throughout the country. AIDS is a problem for all of America.

It is true, Mr. President, that we have made enormous strides in our national effort to understand the AIDS virus, the manner in which it is transmitted, and how to protect ourselves against infection. However, as the National Commission on AIDS warned in its first report in December 1989:

> There is a dangerous, perhaps even growing complacency in our country toward an epidemic that many people want to believe is over. Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's. There is no national plan for helping an already faltering health care delivery system deal with the impact of the HIV epidemic.

No such national plan is in place and, indeed, our medical facilities, our health care system, our care givers are strained to the breaking point—particularly in those parts of the country hit hardest by the AIDS epidemic.

My home State of California, Mr. President, has been severely affected by AIDS, consistently accounting for over 20 percent of all AIDS cases in the Nation. While the incidence of HIV infection has been concentrated in San Francisco and Los Angeles, it is accelerating in San Diego, Oakland, Sacramento, and areas throughout the State.

Californians have struggled heroically to meet the diverse medical and psychosocial needs of people with AIDS and HIV infection and their families. I applaud the cities, volunteers, community-based groups, and other providers that have worked together to develop creative and innovative approaches to the delivery of AIDS-related care.

Yet only so much can be done in the face of mounting demands and limited resources, particularly for nonhospital services.

The city of San Francisco provides a telling example of the innovation and resiliency of localities disproportionately affected by the AIDS epidemic—and the limitation of such locales to meet the challenge.

San Francisco has earned a national reputation for its unique network of AIDS-related services, a network built on a public-private partnership, a network that has extended the lives of countless San Franciscans, a network that has offered comprehensive, compassionate care in a cost-effective manner.

Yet the San Francisco model—challenged by growing caseloads and unchanged resources—is strained to capacity.

As noted in the "Mayor's Call To Action on the HIV Epidemic," a draft report of the mayor's HIV task force released in January 1990:

> Here is the sad truth: in the next decade, more San Franciscans will live and die with AIDS than in the last. Caseloads and costs are rising. The San Francisco model of AIDS care is near collapse. AIDS has struck San Francisco like a disaster, and we require disaster relief in order to cope.

The bill introduced today, Mr. President, responds to the compelling realities of the AIDS epidemic:

It recognizes that a relatively small number of cities is disproportionately affected by the AIDS epidemic, straining city human and economic resources;

It responds to the concentration of health care resources in costly acute hospital services, thereby limiting the availability of services to HIV infected persons in need not of acute care but of counseling, early intervention, outpatient, and social services;

It recognizes the need to shift our orientation from inpatient care to coordinated, integrated networks of community-based care, guiding HIV infected individuals along a continuum of the most appropriate and cost-effective services; and

It responds to the need to provide a range of medical and social services that reflect the diverse needs of HIV infected individuals and their families.

In short, Mr. President, the CARE bill makes two extremely vital contributions to our war on AIDS: First, it provides financial relief to States and localities disproportionately affected by this national tragedy; and second, it provides the structural relief to our CARE delivery system required to provide for the development, organization, and operation of more effective and cost-efficient delivery of CARE to the HIV infected.

The AIDS epidemic is an extraordinary disease which demands extraordinary measures to overcome. The magnitude of the problem suggests the difficulty of any one State or city carrying the burden unassisted; the magnitude of the problem emphasizes the need for a comprehensive, national program for combating this disease.

Mr. President, Congress has made important strides in promoting research and education in recent years. Let us not stop there. Let us not become complacent. Additional steps are needed to ease the burden our towns and communities face and to promote compassionate, cost-efective networks of care.

Let us move forward with CARE, an urgently needed step in the evolution of our national campaign against the AIDS epidemic. While the costs of meeting the challenge posed by the HIV epidemic are great—in economic, social, and human terms—the cost of failing to act will be infinitely greater.

Mr. D'AMATO. Mr. President, I am pleased to join my colleagues, Sena-

tors KENNEDY and HATCH, in introducing the Comprehensive AIDS Resources Emergency Act of 1990 [CARE].

The CARE bill is the first Federal bill to provide emergency disaster relief to the U.S. cities hit hardest by the brutal epidemic of AIDS. This bill will direct $300 million in emergency assistance to 13 cities—including New York—which together represent 61 percent of our Nation's 122,000 diagnosed cases of AIDS. It will provide an additional $300 million for States to develop comprehensive HIV care programs, serving both high-incidence urban areas and rural areas where the rate of increase is greatest.

A decade has passed since AIDS was first recognized—and yet, New York City is still the epicenter of this terrible public health threat. To date, more than 23,000 cases have been reported in New York City—19 percent of the national total. And that number is expected to grow to 43,000 by 1991.

Adding to this human tragedy, AIDS has combined with drug abuse, violence, homelessness, and mental illness to bring the city's hospital system—once the pride of the Nation—to the brink of disaster.

These multiple epidemics are causing gridlock in the city's health care system, and a crisis in its emergency rooms, where waits of 3 and 4 days have become commonplace. Patients with AIDS already occupy 10 percent of the city's medical/surgical beds, and many feel this figure will soon double unless the city can add hundreds of new acute care beds, and thousands of long-term care and residential beds.

The CARE bill will help relieve this burden in New York—and in every city hit hardest by the AIDS epidemic. By providing financial support not only for hospitals, but also for clinics, community health centers, and nursing care facilities, the CARE bill will help reduce unnecessary hospitalization of AIDS patients—thus driving down costs—and, equally important, will help assure their appropriate placement within the continuum of care.

The problem of AIDS is also a growing threat in areas of the country like Albany, Monroe, and Onondaga Counties in New York. A large part of our fight against AIDS in the future will occur in small urban areas like these—areas where the per capital incidence of AIDS today matches that of New York City in 1982. These areas desperately need the assistance provided under this act for the development of comprehensive systems of care.

Mr. President, I commend my colleagues, Senators KENNEDY and HATCH, for taking the lead in this effort to assist the States and localities most affected by AIDS. I believe this bill provides an appropriate and urgently needed response to the AIDS public health emergency. I encourage each of my colleagues to join me in supporting this bill, and I urge its prompt consideration and passage.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, I am pleased to join in introducing the Comprehensive Aids Resources Emergency [CARE] Act of 1990. This legislation would provide funding for the care and treatment of persons with the acquired immune deficiency syndrome [AIDS].

Between 1981 and 1988, 100,000 Americans were diagnosed as having AIDS. In the last 12 months alone, an additional 100,000 Americans have been found to have AIDS. The swift spread of this devastating disease is overwhelming health care providers struggling to administer adequate care for those affected.

In 1988, the Congress enacted legislation to provide funds for AIDS education, prevention, and treatment programs. These programs are a critical part of our efforts to prevent the further spread of AIDS. We must, however, not stop there.

The cost of caring for those with AIDS is staggering. Many individuals quickly exhaust their ability to pay for treatment, even those who have insurance. Those who are uninsured must rely on public assistance. Yet, few persons with AIDS are eligible for Medicaid or Medicare.

It is important to note that the majority of care for persons with AIDS is provided primarily in hospitals. Our health care system lacks community and home-based long-term care services for these individuals.

Most State and local governments in areas hardest hit by the AIDS epidemic have developed comprehensive systems of services. What they lack is the funding to provide the actual care, particularly in community settings. State and local governments in areas not yet devastated by the AIDS epidemic have only begun to develop systems of care. They need assistance in developing long-term strategies to administer efficient and compassionate care, and in providing immediate treatment to those already in need of care.

Our legislation would address these problems by providing emergency funds to areas hardest hit by the AIDS epidemic and assisting States in their efforts to provide treatment and care to persons with AIDS. Under our bill, funds would be provided to support hospitals, community health centers, and other providers for patients with AIDS. In addition, the bill would provide community-based outpatient, home health, and support services designed to reduce unnecessary hospitalization. Further, the bill would provide medication, such as AZT, determined to prolong life or prevent the deterioration of health of those with AIDS.

Mr. President, this legislation will not ensure care for all persons affected by AIDS. It is a beginning, however, and will enable State and local governments to provide more appropriate and effective care for those with AIDS. Just as important, it will help these individuals live longer, more dignified lives. I urge my colleagues to recognize the necessity of providing funding for direct care of persons with AIDS and support this critical legislation.

Mr. SPECTER. Mr. President, today I join my colleagues, Senators KENNEDY, HATCH, CRANSTON, and others, in introducing the Comprehensive AIDS Resources Emergency Act of 1990. This legislation authorizes emergency relief grants to metropolitan statistical areas [MSA's] that have reported more than 2,000 AIDS cases to the Centers for Disease Control and authorizes grants to States to: First, establish HIV care consortia; second, provide home and community-based care services; third, ensure the continuity of health insurance coverage for individuals with HIV disease; fourth, provide therapeutic treatments; and fifth, integrate early intervention services for persons with HIV disease with care and support services provided by existing public health and medical care services. The legislation authorizes $600 million for these purposes in fiscal years 1991 and 1992.

In addition, the bill establishes a program to enable independent research to be conducted concerning the organization, impact, efficacy and cost effectiveness of various health care service delivery and financing systems for the care of individuals with HIV disease.

Mr. President, Congress is long overdue in providing assistance for the care and treatment of individuals with HIV disease. Data supplied by the Centers for Disease Control through January 1990 indicate that 121,645 individuals had been diagnosed as having AIDS. My home State, Pennsylvania, currently ranks 7th in States with the highest number of persons with AIDS. Reports indicate that of the 3,381 cases diagnosed in Pennsylvania through January 1990, 2,541 were in Philadelphia.

On February 14, 1990, I had the opportunity to meet with families in which one or more individuals have been diagnosed as having AIDS. The plight of these families in which the mother, who is often an intravenous drug user or the sexual partner of the intravenous drug user, has passed the AIDS virus to her newborn child is nothing less than tragic.

These families face tremendous obstacles in their attempts to obtain the various health and social services needed by both the children and the adults. In some instances, the child's mother and father are intravenous drug users and substance abuse treat-

ment services must be integrated into the service mix for the children and adults.

During my visit with these families, which occurred at St. Christopher's Children's Hospital, I also had the opportunity to discuss with representatives of organizations providing care to these families the manner in which services should be organized. The recommendations were that a family-centered, community-based, culturally sensitive, integrated and coordinated system of health and social services is necessary to best serve this population.

I have previously proposed such a system in S. 896, the Pediatric AIDS Resource Centers Act, which I introduced on May 2, 1989. This legislation authorizes $100 million to establish consortia, to address the health and social service needs of children, adolescents, women, and families with HIV disease.

AIDS is now the ninth leading cause of death among children ages 1 to 4 in the United States, and the seventh leading cause of death among young people aged 15 to 24. Reports indicate that by 1991, one of every 10 pediatric hospital beds is expected to be filled by a child stricken with the AIDS virus. According to Dr. Antonia Novello, Surgeon General of the United States and former deputy director of the National Institute of Child Health and Human Development, if current trends continue, AIDS soon will become one of the top five leading causes of death in young people from birth to 24 years of age.

The Department of Health and Human Services [HHS] estimates that for every child who is diagnosed as having AIDS, another 2 to 10 are infected, but do not show full symptoms of the disease. Health experts project that by 1991 there will be at least 10,000 to 20,000 HIV-infected children in the United States. HHS also estimates that over 100,000 women of childbearing age in the United States are infected with the virus.

A disproportionate number of affected children are black and Hispanic. In addition, because of the increasing incidence of drug abuse and sexual activity among adolescents, they are particularly at risk for contracting the AIDS virus.

Especially at risk are the runaway and homeless youth population. A 1988 Covenant House study of 1,111 runaway and homeless youth in New York City tested over an 11-month period found nearly 7 percent infected with the AIDS virus. Medical histories indicated most of the victims were engaged in prostitution with multiple sex partners.

The few statistics available on street youth with AIDS do not sufficiently reveal the true scope of the AIDS epidemic in that population.

The growing spread of AIDS among young people is seriously straining the medical, social service, and foster care systems in many communities. The cost of providing the needed medical and supportive services for pediatric patients is high, particularly because of the long periods of hospitalization these children often require. Although ambulatory and community-based services often are more appropriate and cost effective for these children, many communities lack or have an inadequate human service infrastructure to provide the appropriate level of care. Since these children usually are the result of at least one parent who is an intravenous drug abuser, and one or both parents are infected with the AIDS virus, the children often end up homeless, abandoned, and sometimes orphaned.

Mr. President, providing services to children, adolescents, women, and families with HIV disease will present major challenges to local service delivery systems. This is a population that is harder to serve—individuals connected with substance abuse, and/or who are sexually active with multiple partners, and/or who are homeless or on the run. Assurances must be included in the pending legislation that States and localities provide the appropriate and full range of services as indicated in my legislation, S. 896.

Although the Comprehensive AIDS Resources Emergency Act of 1990 represents an important first step in providing care to individuals with HIV disease, I am concerned that it does not provide adequate assurances that families will receive the full range of needed services.

It is my hope that this issue can be resolved before the bill is considered by the full Senate.

Mr. CRANSTON. Mr. President, I am delighted to join with the distinguished chairman, Mr. KENNEDY and ranking minority member, Mr. HATCH of the Labor and Human Resources Committee to introduce the Comprehensive AIDS Resources Emergency Act of 1990. This legislation is urgently needed.

As the sponsor of the first bill in the Senate in 1987 to focus comprehensively on AIDS care issues, I am very pleased that this issue is receiving the attention it warrants. I am also very pleased that the bill we are introducing incorporates the model for establishing comprehensive AIDS care services programs that I sought to promote in my bill.

Mr. President, the Federal Government recognizes that true disasters cannot be dealt with by individual cities or States alone. The magnitude of assistance that is needed in those situations is just too great. We acknowledge the responsibility of the society as a whole to come to the assistance of individual communities during times of crisis. We responded compassionately and quickly when the residents of South Carolina and of northern California were devastated by natural disasters. The time has come to recognize AIDS as a natural disaster that is disproportionately affecting certain parts of the country. These areas cannot be expected to continue to cope with this crisis alone.

Unless new drugs are developed, hundreds of thousands of Americans will likely develop AIDS in the coming decade. With new therapeutics, many may be able to continue working and lead productive and full lives. But many will be sick and need a broad spectrum of health and support services. We must begin now to develop a system of care that is compassionate and cost effective.

Mr. President, in California, we make substantial investments to prepare for earthquakes in order to minimize potential disasters. Likewise, we know what's ahead with AIDS. Not to use that knowledge, not to act would not only be foolish but would be an abdication of our responsibility as a compassionate and caring society.

NEED FOR LEGISLATION

Mr. President, according to the February 1990 HIV/AIDS Surveillance Report, more than 121,000 cases of AIDS have been reported to the Centers for Disease Control since the epidemic began. More than 72,500 individuals have died from this disease. The CDC estimates that between 800,000 and 1.5 million Americans are currently infected with the HIV and will likely develop the disease during this decade.

The impact of the AIDS epidemic on California has been enormous. Nearly 24,000 cases—20 percent of all people with AIDS—were residents of my State. San Francisco and Los Angeles each have seen more than 7,500 cases of AIDS—more than half resulting in deaths. In San Francisco, virtually everyone knows someone who has been affected by the epidemic; last year alone, more than 1 San Franciscan out of every 1,000 developed AIDS—the highest rate of any city. But other California cities have also been hit hard—San Diego, Oakland, San Jose, and Sacramento.

As the number of AIDS cases continues to grow—and it will grow well into the 1990's—more and more communities and States across the country will have difficulties responding to the crisis. Cities all over the country are reporting that without some relief, the entire public health system that serves all of us is seriously threatened.

Mr. President, I recently met with members of the San Francisco mayor's HIV task force who presented me with a draft report concerning critical gaps in HIV care and prevention services. They brought a startling message of

what is urgently needed to help a city that has been devastated by this disease.

San Francisco has been a pioneer in developing a new model of providing services in the community to people with a life-threatening disease. The result has enabled city residents to live longer, receive comprehensive care, and spend less time in the hospital—all at a lower cost per patient than other cities. I sought to promote and replicate this model—the so-called San Francisco model—through S. 14. It works—but it requires commitment of the local government and the public. However, it also requires a continuing financial investment. The task force reports that, although the community has been successful in caring for its residents with AIDS, the increasing caseload is making it difficult to continue providing that level of service. The city has made a strong commitment to helping its residents in need, but, as in any other disaster situation, such as the earthquake or Hurricane Hugo, it cannot do it alone.

OUTLINE OF LEGISLATION

Mr. President, the Comprehensive AIDS Resources Emergency Act of 1990 consists of a two-pronged approach: Immediate financial assistance to communities hardest hit by the epidemic and assistance to all States and communities to develop comprehensive care programs in order to avert disaster down the road.

Under title I, $300 million would be authorized to assist metropolitan areas that have reported more than 2,000 cases of AIDS. Half of the funds would be distributed within 60 days according to the relative number of AIDS cases and per capita incidence with the metropolitan area. The remaining funds would be awarded to areas with more than 2,000 cases on the basis of need, local investment, and other criteria. These funds would greatly help both San Francisco and Los Angeles maintain and build their systems of care in order to provide services to the growing numbers of people with AIDS in the immediate future.

Under title II, $300 million would be authorized to assist States and localities establish and operate consortia or networks of services to care for people with AIDS that focus on community-based care. This section is modeled on legislation, S. 14, I had introduced early to provide assistance to communities to set up consortia of care.

States would also be able to use funding provided under this section to support early intervention efforts, home health, and support services, therapeutics that have been determined to prolong life and methods to ensure continuity of health insurance coverage for individuals with HIV disease. Under this title, so-called second-wave cities, such as Sacramento, San Diego, Oakland, and San Jose in California, as well as smaller communities will be able to receive assistance.

CONCLUSION

Finally, Mr. President, I would like to comment on the view that I have heard expressed by some individuals that we are spending too much money on AIDS. I couldn't disagree more. AIDS is not like other illnesses and should not be compared to other illnesses in strict terms of dollars spent per individual. We haven't encountered a new disease of this virulence in decades. That required that we start from scratch in identifying the cause and the natural history of the disease and in building a research infrastructure to continue the rapid pace of research.

We haven't encountered an epidemic of this magnitude in decades. That requires an investment in activities to prevent the further spread of the disease and to keep people infected with the HIV productive and healthy. And, we haven't encountered a new disease that disproportionately affects people in the prime of their lives or that causes such suffering and nearly universal death in decades—or perhaps ever. Public health officials agree that this disease is extraordinary and calls for extraordinary action.

If we don't treat the AIDS epidemic for what it is—an unprecedented epidemic that continues to spread and to claim young lives—we will look back 10 years from now with tens of thousands more dead Americans and a public health system that is unable to care for people with AIDS or indeed anyone needing assistance and wonder why we did not act at such a critical time in history.

I would like to share with my colleagues a quote from the San Francisco mayor's HIV task force. It states:

> The HIV epidemic requires bold action, not timidity. It requires individuals, groups and institutions to work together in new partnerships, not the promotion of narrow self-interest. It requires risk taking, not caution. It requires the defeat of old fears and prejudices, not their perpetuation.

Mr. President, this legislation represents bold action. It represents commitment to preventing an ever-increasing tragic loss of life. It represents the best hope for hundreds of thousands of Americans infected with the HIV. I urge all my colleagues to support the prompt enactment of this important legislation.

Mr. BRADLEY. Mr. President, I rise as a cosponsor along with my colleagues, to introduce legislation to provide $500 million in new authorization for emergency relief to areas serving large numbers of AIDS patients; and to provide funding to these areas for the development of cost efficient, comprehensive, patient-centered, and community-based health care systems. The funding would enable institutions serving a disproportionate share of AIDS patients some relief from the burdens of this care. It would support the development of a health care infrastructure that would help to relieve the overcrowding experienced by these acute care institutions.

Many studies, including a report by the President's AIDS Commission and the General Accounting Office have called attention to the fact that as AIDS becomes more of a chronic disease and more of its victims survive longer, community-based care systems must be developed. These systems are more humane for the patients, provide greater coordination of essential services, and, in the long run, save money. An acute care hospital is not the provider of choice for most AIDS patients today. Where community-based systems do not exist, the hospitals are overwhelmed by AIDS patients who have nowhere else to go.

All of these funds will provide critical assistance to AIDS patients in a way that is the most humane for patients and the most cost effective for taxpayers. Many of New Jersey's public hospitals are now pressed beyond capacity in caring for its AIDS patients. These funds will help to alleviate some of the pressure.

By Mr. GRAHAM (for himself and Mr. MOYNIHAN):

S. 2241. A bill to provide scholarships to law enforcement personnel who seek further education; to the Committee on the Judiciary.

LAW ENFORCEMENT SCHOLARSHIP ACT

● Mr. Graham. Mr. President, as I was walking over to the Senate floor about a month ago I was approached by two police officers visiting from south Florida. They impressed upon me the increasing burden of local and State law enforcement in staying one step ahead of crime.

The President echoed this sentiment in his drug control strategy. The strategy correctly states that local and State law enforcement are the first line of defense in securing the safety of our communities and citizens.

The criminal element of our society is becoming increasingly sophisticated—moving into areas like money laundering and computer crime that threatens our national security.

But in many cities and towns, law enforcement is short on human and financial resources.

Even more troubling, studies show that today's law enforcement officers are short on education. On the average, today's police officers have less than 2 years of college education.

As an example, Mr. President, only 18 percent of Florida's law enforcement officers have completed a bachelors degree. The large majority—69 percent—have only a high school degree.

Opinion differs on how much education is necessary. But a study of police administrators by the Police Executive Research Forum indicated that at least some higher education compliments on-the-street experience and training.

College-educated officers seem to communicate better with the public and are better decisionmakers. Officers with higher education are the subject of fewer citizen complaints and are more sensitive to the needs of racial and ethnic groups.

The Florida Department of Education is conducting a similar study of the educational needs of Florida's law enforcement community. Early results from this study show a strong interest in enhancing education opportunities.

The legislation Senator MOYNIHAN and I are introducing creates a cooperative program at the Federal, State, and local level to provide financial assistance to sworn, active duty law enforcement and correctional officers seeking associates, bachelors, or graduate degrees.

The Department of Justice would oversee the program while working closely with State and local law enforcement and education agencies to determine where assistance is most needed and what sort of academic programs would best meet the goals of this legislation.

Let me emphasize that this bill provides assistance to those men and women who have already demonstrated their commitment to law enforcement by serving at least 2 years. In return, grant recipients would commit to additional service based on the amount of assistance received.

There is other legislation in the Senate that would focus on bringing new recruits into law enforcement. I look forward to working with the sponsors of that bill to combine these ideas.

Our legislation is being supported by a number of organizations represented here today including the International Brotherhood of Police, the National Association of Police Officers, the Fraternal Order of Police, and the Police Executive Research Forum.

I ask unanimous consent that letters of support for this legislation and the text of the bill be included following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Scholarship Act of 1990".

SEC. 2 STATEMENT OF PURPOSE.

It is the purpose of this Act to assist States to establish scholarship programs which—

(1) provide educational assistance to law enforcement personnel seeking further education;

(2) enhance the recruitment of young individuals to careers in law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Assistant Attorney General" means the Assistant Attorney General of the Office of Justice Programs;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies and related expenses;

(3) the term "institution of higher education" has the same meaning given such term in section 1401(a) of the Higher Education Act of 1965;

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. ALLOTMENT.

From amounts appropriated under the authority of section 11, the Assistant Attorney General shall allocate—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State; and

(2) 20 percent of such funds to States on the basis of the State's shortage of law enforcement personnel and the need for assistance under this Act.

SEC. 5. PROGRAM ESTABLISHED.

(a) IN GENERAL.—From amounts available pursuant to section 5 each State shall pay the Federal share of the cost of awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education.

(b) FEDERAL SHARE.—The Federal share of the cost of scholarships under this Act shall not exceed 60 percent.

(2) The non-Federal share of the cost of scholarships under this Act shall be supplied from sources other than the Federal Government.

(c) LEAD AGENCY.—Each State receiving an allotment under section 5 to conduct a scholarship program in the State in accordance with the provisions of this Act shall designate an appropriate State agency to serve as the lead agency in carrying out the provisions of this Act.

(d) RESPONSIBILITIES OF ASSISTANT ATTORNEY GENERAL.—The Assistant Attorney General shall be responsible for the administration of the program conducted pursuant to this Act and shall, in consultation with the Assistant Secretary for Postsecondary Education, promulgate regulations to implement this Act.

(e) ADMINISTRATIVE EXPENSES.—Each State receiving an allotment under section 4 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) SPECIAL RULE.—Each State receiving an allotment under section 5 shall ensure that each scholarship recipient under this Act be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this Act shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 6. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarship awarded under this Act shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this Act may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 7. ELIGIBILITY.

An individual shall be eligible to receive a scholarship under this Act if such individual has been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

SEC. 8. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 5 shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require. Each such application shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the provisions of this Act.

(2) contains assurances that the State shall advertise the scholarship assistance provided under this Act;

(3) contain assurances that the States shall screen and select law enforcement personnel for participation in the scholarship program under this Act;

(4) contain assurances that the State shall make scholarship payments to institutions of higher education on behalf of individuals receiving financial assistance under this Act;

(5) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(6) contain assurances that the State shall promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in high schools and community colleges.

SEC. 9. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual desiring a scholarship under this Act shall submit an application to the State at such time, in such manner, and accompanied by such information as the Senate may reasonably require. Each such application shall describe the academic courses for which financial assistance is sought.

(b) PRIORITY.—In awarding scholarships under this Act, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligi-

ble for employment in law enforcement in the State; and

(2) pursuing an undergraduate degree.

SEC. 10. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual receiving a scholarship under this Act shall enter into an agreement with the Assistant Attorney General.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual shall work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay all of the scholarship assistance awarded under this title in accordance with such terms and conditions as the Assistant Attorney General shall prescribe, in the event that the requirements of the agreement under paragraph (1) are not complied with except where the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this Act may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this Act.

(c) SERVICE OBLIGATION.—(1) Each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which financial assistance is received under this Act—

(2) For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than six months nor more 2 years.

SEC. 11. REPORTS TO CONGRESS.

No later than April 1 of each fiscal year, the Assistant Attorney General shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of present and past scholarship recipients under this Act, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement; and

(2) describe the geographic, racial, and gender dispersion of scholarship recipients; and

(3) describe the progress of the program and make recommendations for changes in the program.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out the provisions of this Act.

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,
Washington, DC, March 2, 1990.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the members of the International Brotherhood of Police Officers, we are pleased to endorse your bill, "The Law Enforcement Scholarship Act of 1990", which will provide scholarships to law enforcement personnel who seek further education.

We believe that the wisdom of the bill resides in your decision to focus the benefits on current law enforcement personnel. The bill is designed to meet the educational and professional needs of current officers; those eligible must have been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

State and local law enforcement accounts for over 90 percent of the drug arrests in the U.S. If we are to win the drug war, we must make a sincere effort to help those who man the front lines. Providing educational assistance to current officers improves professionalism, increases productivity, alleviates burnout, and demonstrates the importance of having highly trained and educated, experienced police patrolling our streets.

In addition, on behalf of one of our affiliates, the International Brotherhood of Correctional Officers, we are pleased to see that the bill recognizes the important duties of the correctional officers in the United States. Prison overcrowding has become a drastic problem in the past decade, and as we fight the drug war and send more criminals to prison, it is clear that at no time has the professional challenge to correctional officers been greater. This bill will help correctional officers to keep pace in a field of criminal justice that is experiencing rapid changes.

This bill reflects a great deal of effort from you and your staff. We wish to thank you for consulting with us during the drafting stages of the bill, and we look forward to working with you in making "The Law Enforcement Scholarship Act of 1990" a reality for the state and local police officers and correctional officers that currently serve.

Sincerely,

KENNETH T. LYONS,
National President.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, March 2, 1990.

Senator BOB GRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: The Police Executive Research Forum (PERF) an organization representing bit-city police chiefs and sheriffs, was very pleased to hear of the introduction of the Law Enforcement Scholarship Act of 1990. By providing current police officers with educational assistance, the act will enable America's police to move closer to a time when officers with college degrees are the rule rather than the exception.

At a time when police are facing perhaps their toughest challenge—drug-related crime and violence—they must be more professional, efficient and effective than ever before.

Education can help police in this quest. According to research conducted by PERF, college-educated officers communicate better with public, perform more effectively than their non-degree counterparts, receive fewer citizen complaints, are better decision makers and show more sensitivity to racial and ethnic groups.

While the education of current officers is paramount to the professionalization of policing, we also think that a pre-service educational assistance program should be a smaller, but important, component of this measure. Such a pre-service provision would make policing more attractive to women and minorities—persons who are underrepresented in many police departments. (It may be interesting to note that PERF's study found that current women and minority officers have higher educational levels than white males, which leads us to believe that the educational assistance for in-service officers may be less helpful to these groups.)

Finally, we think there is merit to financing research and demonstration projects in an effort to develop model police education programs. We were encouraged by the bill's mention of the need to identify model curriculums and programs.

Once again, we commend you for your concern for American policing and your leadership in helping to increase the educational levels of police. We hope that the Law Enforcement Scholarship Act of 1990 will receive favorable consideration when it reaches the Senate floor.

Sincerely,

DARREL STEPHENS,
Executive Director.

HILLSBOROUGH COUNTY POLICE BENEVOLENT ASSOCIATION, INC.,
Tampa, FL, February 26, 1990.

Senator BOB GRAHAM,
Dirksen Building,
Washington, DC.

DEAR SENATOR GRAHAM: Providing police officers with educational assistance is an especially important objective today when law enforcement has become much more complex and police officers are in need of more information in order to do their job. You have done a great service to the country and everyone in law enforcement by introducing the Law Enforcement Scholarship Act of 1990.

This act would help the continued professionalization of the delivery of law enforcement services, help motivate dedicated police officers in their continued service of law enforcement and aid in the attraction of motivated candidates to a career of law enforcement service.

I, therefore, urge others to support your efforts on this issue. On behalf of this organization, I commend and thank you for your attention to their needs.

Sincerely,

ROBERT J. SHEEHAN,
President, Hillsborough County Police Benevolent Association.

FLORIDA STATE LODGE,
FRATERNAL ORDER OF POLICE,
Tallahassee, FL, February 28, 1990.

Hon. BOB GRAHAM,
U.S. Senator,
Dirksen Building,
Washington, DC.

DEAR SENATOR GRAHAM: There is a lot of talk in Washington, D.C. and across America about fighting crime and drugs, but the brunt of that war takes place at the local and state level. We appreciate your recognition of the importance of state and local law enforcement officers through introduction of the Law Enforcement Scholarship Act of 1990.

Police officers have daily contact with both law-abiding citizens and criminals. The criminal justice academies and in-house training programs do much to prepare officers for every potential situation, but no amount of education or training can be too much. Your legislation would provide new opportunities for the many officers who would like to enhance their law enforcement skills with higher education study.

The men and women who protect our communities and citizens due a great service to this country, often at the risk of their lives. Your bill both rewards these officers for their service and benefits the general population by promoting further education to compliment the experience of these officers.

Thank you for introducing this much-needed legislation. We will be glad to work with your Colleagues in Congress to secure its passage.

Sincerely,

THOMAS M. PERRY,
President.
ROBERT M. SPIEGEL,
National Trustee.●

By Mr. THURMOND:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICIAL FITNESS AND SPORTS MONTH

● Mr. THURMOND. Mr. President, I am pleased to introduce a joint resolution which designates the month of May 1990 as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in, the evergrowing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities. Personally, I have benefited greatly from the effects of physical exercise. Each morning, I do calisthenics for a half hour, lift weights, and I swim one-half a mile three times a week.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care.

Last year during May, as part of the celebration of "National Physical Fitness and Sports Month," 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Bush to declare May 1990 as "National Physical Fitness and Sports Month."

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 267

Whereas there is an increase in the number of adults in our country who regularly participate in exercise and sports;

Whereas the number of physically active men and women continues to grow rapidly, especially since the 1970s;

Whereas there is great support for the importance of daily exercise for youth and children regardless of physical capabilities or limitations;

Whereas there is continued growth in senior citizens' physical activity participation which increases their enjoyment and quality of life;

Whereas today we recognize that physical activity is an important part of daily life for children, adults, and senior citizens of both sexes;

Whereas physical activity is vital to good health and is a rich source of pressure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available in the schools, at the workplace, and during leisure time so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Seante and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1990 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.●

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 268. Joint resolution to designate April 6, 1990, as "National Student-Athlete Day"; to the Committee on the Judiciary.

NATIONAL STUDENT-ATHLETE DAY

● Mr. BRADLEY. Mr. President, I rise today with my colleague from Minnesota [Mr. DURENBERGER] to introduce a joint resolution designating April 6, 1990, as "National Student Athlete Day."

Mr. President, this day will focus attention on the positive role that sports can have on the physical and mental development of young people. Within the proper framework of a school program, sports can build confidence, cooperation, integrity and maturity. These qualities are necessary for our future leaders.

In spite of all the positive aspects of sports, over emphasis on sports can cause serious harm to young people, even those who pursue sports professionally. The single-minded devotion to athletics among our Nation's schools and colleges too often leads to exploitation and abuse of the student-athlete. Only 1 in 10,000 high school athletes who dream of a career in professional sports even realize that aspiration, while those who do can expect a professional sports career of less than 4 years. Too many young people sacrifice academic achievement to the dream of professional athletics. And all too frequently schools are willing accomplices—demonstrating no interest in students' academic progress and keeping students eligible even when their real academic achievement levels do not warrant it. Students must realize that education is a life-long asset, and schools have to remember that their primary responsibility is education.

Last year, all 50 States along with the District of Columbia proclaimed April 6 as Student-Athlete Day. With the help of a broadened observance of National Student-Athlete Day, educators will be able to promote the role of sports within education to stress the need for a balance between academics and athletics. This effort will direct young people away from the idea that sports can be a substitute for education. The programs planned include professional athletes, who have returned to college to complete their degree, speaking to students about the importance of education. Since athletes are role models for many young people, the day will stress the positive role sports can play in development of personal character. Athletes will also speak frankly about the dangers of alcohol and drug abuse that threaten our society.

In supporting this important effort we, the U.S. Senate, will join with coaches, parents, and educators throughout the Nation to encourage the pursuit of excellence in both academics and athletics.

On behalf of Senator DURENBERGER and myself I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 268

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides oportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division I college athletics;

Whereas although college athletes graduate at the same rate as other students, less than 30 percent of scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school athletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for the athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1990, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.●

● Mr. DURENBERGER. Mr. President, we have focused a lot of attention lately on the problems associated with some college athletic programs. And while I wholeheartedly believe that the National Association of College Athletics [NCAA] continue to take disciplinary action against those schools who are violating NCAA rules and who are disservicing not only their athletes but also the general public, I think that if we focus solely on the negative aspects of high school and college athletic programs we will lose sight of the many positive aspects of student athletics.

The resolution that Senator BRADLEY and I are introducing today is designed to bring recognition to the positive aspects of student-athletics, and to emphasize the student aspect of the term student-athlete.

It is often said that people learn more from hands-on experiences rather than they do from classroom academic settings. Thus, a balance of academics and athletics provides the opportunity for our schools and colleges to relate what we learn in the classroom to the real world through real-life experiences.

Almost all of us can remember participating on a school sports team at one time or another while we were growing up. And we can remember the things we learned about ourselves and others while participating in such programs. Team work, self-discipline, leadership, and commitment to a goal are all fostered by a well-balanced program of athletics and academics. These values will stay with a person over a lifetime and will provide direction into the decisions they make and the people they become.

Last year, all 50 States participated in the recognition of the student-athlete. Mr. President, I urge my colleagues again to recognize the contribution of the student-athlete in our society and to support this legislation.●

By Mr. D'AMATO:

S.J. Res. 269. Joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution to designate March 12, 1990 through March 18, 1990, as "National Employ the Older Worker Week."

Persons over 55 years of age constitute over 20 percent of the Nation's population as a whole, and their potential for the workplace should not be overlooked. Older workers possess resources of wisdom and experience that can be utilized by a variety of industries, and employers need to be made aware of their low absenteeism, diligence, and generally exemplary work performance.

National Employ the Older Worker Week will seek to encourage employers of all industries to give special consideration to older workers, and also encourage the Department of Labor to assist older workers through job training and counseling programs. Also, the citizens of the United States during National Employ the Older Worker Week will observe the week with appropriate ceremonies, programs and activities.

I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 269

Whereas individuals aged 55 and over are a major national resource, constitute 22 percent of the population of the United States at the present time, and are likely to constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the workforce, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strenths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored "National Employ the Older Worker Week" during the second week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the period commencing March 11, 1990, and ending March 17, 1990 as "National Employ the Older Worker Week," and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the workforce;

(2) voluntary organizations to reexamine the many fine service programs that they sponsor, with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe that week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 101

At the request of Mr. SANFORD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 384

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 682

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA," "VNS," "VNAA," or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 1560

At the request of Mr. BURNS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1629

At the request of Mr. SPECTER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1728

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1728, a bill to provide disaster assistance to timber producers who suffered losses of trees due to Hurricane Hugo to help them reestablish private timber stands.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1835

At the request of Mr. WILSON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1835, a bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes.

S. 1853

At the request of Mr. CHAFEE, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Massachusetts [Mr. KERRY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. KOHL], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1898

At the request of Mr. REID, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1898, a bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities.

S. 2015

At the request of Mr. DODD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2015, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 2019

At the request of Mr. SYMMS, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

S. 2041

At the request of Mr. SYMMS, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2048

At the request of Mr. SARBANES, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2071

At the request of Mr. PACKWOOD, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2158

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. BOSCHWITZ, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

SENATE JOINT RESOLUTION 238

At the request of Mr. SARBANES, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. LUGAR], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Washington [Mr. GORTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BURNS], the

Senator from California [Mr. WILSON], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 238, a joint resolution to designate the week beginning March 5, 1990, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. GORE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. BIDEN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. SYMMS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. SIMON, the names of the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 262, a joint resolution designating March 1990 as "Irish-American Month."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. SIMON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

AMENDMENT NO. 1293

At the request of Mr. MITCHELL, the names of the Senator from Nebraska [Mr. EXON], the Senator from Arizona [Mr. MCCAIN], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of amendment No. 1293 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE RESOLUTION 259—RECOGNIZING THE CONTRIBUTIONS OF THE HUGOTON GAS FIELD TO THE NATION

Mr. DOLE (and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 259

Whereas the Hugoton gas field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton gas field has been an major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean conflict, and the Vietnam war;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton gas field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton gas field is recognized for its important contributions to the Nation.

Mr. DOLE. Mr. President, today I am submitting a resolution recognizing the Hugoton gas field for its contributions to America's energy security. The people in my home State of Kansas, as well as in Oklahoma and Texas, are very familiar with the Hugoton gas field, which contains enough reserves to make it one of the largest gas fields in the entire world.

Named after the town of Hugoton, KS, this field has been a valuable supplier of natural gas, yielding over 8.8 trillion cubic feet [TCF] since 1927. In addition, the Hugoton field is an important source of helium gas, accounting for nearly 60 percent of all the helium used in the United States in 1988.

The field has been of particular importance to Kansas. The 11 counties which make up the Kansas portion of the gas field paid over 50 percent of the State severance tax collected during a 1 year period spanning over 1987 and 1988. Furthermore, the production from the Hugoton field enables Kansans to enjoy some of the lowest natural gas prices in the Nation.

While the economies of Kansas and surrounding States have prospered from Hugoton's wells, Hugoton gas is also of national importance. During the second world war, in fact, troops were stationed in Hugoton to guard the field's pipelines from sabotage.

As we take this time to celebrate the Hugoton gas field's past, we must also look ahead to the future of our Nation's energy security. We are approaching a time when we may have to reexamine our national energy situation. While our energy demands continue to grow, our reliance on foreign energy suppliers is increasing.

In my view, the continued development of domestic natural gas resources will play a critical role in maintaining America's energy security. The Hugoton field, with about 34 TCF in reserves, will undoubtedly be an important part of that development.

Sixty years ago, then-Kansas Gov. Clyde Reed recognized the gas field's importance when he declared the town of Hugoton the "gas capital of the southwest." We have benefitted greatly from the fruits of this gas field in the time since. I now urge all of my colleagues to support this resolution to recognize the Hugoton gas field's contributions to the Nation.

AMENDMENTS SUBMITTED

REIMBURSEMENT OF CERTAIN EXPENSES INCURRED IN TESTING FOR BRUCELLOSIS IN CATTLE

WALLOP (AND OTHERS) AMENDMENT NO. 1296

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. WALLOP (for himself, Mr. SIMPSON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill (S. 1767) to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside

Yellowstone National Park by elk and bison, and for other purposes, as follows:

On page 1, line 7, strike "Montana private lands" and insert "private lands in Montana and Wyoming".

On page 2, line 1, strike "defacto" and insert "de facto".

On page 2, line 17, strike "Montana is a brucellosis-free state" and insert "Montana and Wyoming (except for Yellowstone National Park) are brucellosis-free States".

On page 2, line 20, strike "Montana" and insert "the cattle owners of Montana and Wyoming and the governments of those States".

On page 3, strike lines 1 through 6 and insert the following:

SEC. 2. REIMBURSEMENT OF COSTS AND DAMAGES.

(a) IN GENERAL.—The Secretary of the Interior shall reimburse the owners of cattle ranched in the States of Montana and Wyoming and the governments of those States for—

(1) the costs of testing cattle for brucellosis made necessary or prudent because of a demonstrated risk that the cattle have become infected with brucellosis as a result of having been exposed to elk or bison herds that have come from Yellowstone National Park; and

(2) reasonably foreseeable economic loss caused by the necessity of destroying cattle that have become infected with brucellosis as a result of having been exposed to elk or bison herds that have come from Yellowstone National Park.

On page 3, line 10, insert "the" between "of" and "Interior".

On page 3, line 13, strike "to carry out this Act $50,000 for fiscal year 1991, and $50,000 for fiscal year 1992" and insert "such sums as are necessary to carry out this Act".

Amend the title to read as follows: "To reimburse cattle owners in Montana and Wyoming and the governments of those States for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison and for economic loss caused by the necessity of destroying cattle that have been infected by elk and bison herds of Yellowstone National Park, and for other purposes.".

CLEAN AIR ACT AMENDMENTS

BAUCUS (AND OTHERS) AMENDMENT NO. 1297

Mr. BAUCUS (for himself, Mr. SYMMS, and Mr. DOLE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

Insert on page 243, line 24, after (4), "(A)" and insert on page 244, line 3, at the end of the period the following:

"(B) Standards for sources of ammonia shall be established pursuant to this subsection within the time established by subsection (e)(1)(C). The Administrator shall establish a health threshold for ammonia before standards are required to be promulgated pursuant to subsection (e)(1)(C). Emission standards for sources of ammonia shall be established at levels which protect public health with an ample margin of safety."

SIMON AMENDMENTS NOS. 1298 THROUGH 1301

(Ordered to lie on the table.)

Mr. SIMON submitted four amendments intended to be proposed by him to the bill S. 1603, supra, as follows:

AMENDMENT No. 1298

On page 229, line 7, delete "two" and insert in lieu thereof "four".

On page 229, line 9, delete "report" and insert in lieu thereof "study".

On page 229, line 12, after the period add the following: "The Administrator shall commence such study within 60 days following the date of the enactment of this subpart.".

On page 229, line 14, strike out "report" and insert in lieu thereof "study".

On page 229, line 16, strike out "regulations" and insert in lieu thereof "such regulations as he deems necessary (based on the study".

On page 231, after line 24, add the following new paragraph:

"(6) The Administrator may, at any time after 2 years after initiation of the study pursuant to paragraph (1) and based upon substantial evidence developed in such study, propose and promulgate, pursuant to section 307, regulations with respect to a specific consumer or commercial product, provided—

"(A) that the Administrator has first determined, after consultation with and comment by interested parties, including any affected industries, that such regulations will achieve a significant reduction in ambient air concentrations of ozone; and

"(B) that such regulations apply reasonably availble controls.".

AMENDMENT No. 1299

On page 469, between lines 20 and 21, insert the following:

"(i) Not later than 90 days after the date of the enactment of this title, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the levels of sulfur dioxide emission.

AMENDMENT No. 1300

On page 168, between lines 14 and 15, insert the following:

(c) Nothing in the amendments made by this section shall be construed as requiring any Federal, State or local environmental or transportation agency to adopt or implement any transportation control measure published and made available to such agency pursuant to 108(f)(1) of the Clean Air Act.

AMENDMENT No. 1301

On page 305, line 12, after the period add the following: "Not later than twelve months after the enactment of this subsection, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring the provisions in this paragraph to be applied to all cities of 100,000 population or greater regardless of their attainment status."

GLENN (AND HEINZ) AMENDMENT NO. 1302

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Commencing with line 11 on page 319 of the amendment No. 1293, strike out all through line 2 on page 320.

McCONNELL (AND BYRD) AMENDMENT NO. 1303

Mr. McCONNELL (for himself and Mr. BYRD) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of Title IV of amendment 1293 add the following new section:

"SEC. .

"The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Energy, and other persons the Administrator deems appropriate, shall prepare and submit a report to Congress on January 1, 1994, January 1, 1999, and January 1, 2005.

"The report to Congress shall analyze the current emission levels of sulfur dioxide and nitrogen oxide in each of the provinces participating in Canada's acid rain control program, the amount of emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the costs to each province and the employment impacts in each province of making and maintaining those reductions.

"Beginning on January 1, 1999, the reports shall also assess the degree to which each province is complying with its stated emissions cap."

McCONNELL AMENDMENT NO. 1304

Mr. McCONNELL proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Secretary of Energy in Consultation with the Secretary of Commerce shall provide a report to the Congress within one year of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within U.S. government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies."

BENTSEN (AND GRAMM) AMENDMENT NO. 1305

Mr. BAUCUS (for Mr. BENTSEN, for himself and Mr. GRAMM) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Section of the bill is hereby amended to read as follows:

"( ) NATURAL URBAN AIR TOXICS RESEARCH CENTER—

"(1) The Administrator shall oversee the creation of a National Urban Air Toxics Research Center, to be located at a university, a hospital or other facility capable of undertaking and maintaining similar research capabilities in the areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology and biostatistics. The geographic site of the National Urban Air Toxics Research Center should be further directed to Harris County, Texas, in order to take full advantage of the well developed scientific community presence currently on-site at the Texas Medical Center as well as the extensive data previously compiled from the comprehensive monitoring system currently in place.

"(2) The National Urban Air Toxics Research Center shall be governed by a Board of Directors to be comprised of nine numbers, the appointment of which shall be allocated pro rata among the Speaker of the House, the majority leader of the Senate the President. The members of the Board of Directors shall be selected based on their respective academic and professional backgrounds and expertise in matters relating to public health, environmental pollution, and industrial hygiene. The duties of the Board of Directors shall be to determine policy and research guidelines, submit views from Center sponsors and the public and issue periodic reports of Center findings and activities.

"(3) The Board of Directors shall be advised by a Scientific Advisory Panel, the thirteen members of which shall be appointed by the Board, and to include eminent members of the scientific and medical communities. The Panel membership may include scientists with relevant experience from the National Institute of Environmental Health Sciences, the Center for Disease Control, the Enviromental Protection Agency, the National Cancer Institute and others, and the Panel shall conduct peer review and evaluate research results. The Panel shall assist the Board in developing the research agenda, reviewing proposals and applications and advise on the awarding of research grants.

"(4) The Center shall be established and funded with both federal and private source funds."

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs scheduled business meeting for Tuesday, March 6, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations has been moved to Thursday, March 8, 1990 at 4 p.m.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold four field hearings during the March recess.

March 14: Norwalk United Methodist Church, Norwalk, IA, 10 a.m. For further information, please call Mark Halverson at 224-3254.

March 14: Fonner Park Club House, upper level, Grand Island, NE, 2:30 p.m. For further information, please call Tim Galvin at 224-6551.

March 15: North Dakota State University, Memorial Union-State Ballroom. Fargo, ND, 9 a.m. For further information, please call Kent Hall at 224-2043.

March 15: Ramkota Inn, Aberdeen, SD, 3 p.m. For further information, please call Rob Wise at 224-2321.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that two hearings have been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearings is to receive testimony on Senate bill S. 1966, the Advanced Nuclear Reactor Research, Development, and Demonstration Act of 1989.

The first hearing will take place on Thursday, March 29, 1990, at 9:30 a.m., and the second hearing will take place on Monday, April 2, 1990, at 2 p.m. Both hearings will be conducted in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510, Attn: Ben Cooper.

For further information, please contact Ben Cooper or Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the Department of Energy on its decision plan related to the opening of the Waste Isolation Pilot Plan in Carlsbad, NM. Testimony will also be received on any proposed legislation to withdraw the public lands surrounding the WIPP site.

The hearing, originally scheduled to take place on March 29, 1990, has been rescheduled. The hearing will now take place on Tuesday, April 3, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attn: M.L. Wagner.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 10 a.m. to hold hearings on pending ACDA nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Securities Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 6, 1990, at 10 a.m. to hold oversight hearings on the condition of the securities industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 11 a.m. to hold a business meeting to consider and vote on pending nominations and legislation.

The committee will consider and vote on the following agenda items:

I. NOMINATIONS

Ms. Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Mr. David C. Fields, of California, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

Mr. Ronald W. Roskens, of Nebraska, to be Administrator of the Agency for International Development.

Mr. Robert W. Farrand, of Virginia, to be Ambassador to Papua New Guinea and to serve concurrently as the Ambassador to the Solomon Islands and the Republic of Vanuatu.

Mr. J. Steven Rhodes,* of California, to be Ambassador to Zimbabwe.

Mr. Bradley Gordon,* of Virginia, to be an Assistant Director for the Bureau of Nuclear and Weapons Control, U.S. Arms Control and Disarmament Agency.

Ms. Susan Jane Koch,* of the District of Columbia, to be an Assistant Director for the Bureau of Strategic Programs, U.S. Arms Control and Disarmament Agency.

Mr. Michael Lorne Moodie,* of Maryland, to be an Assistant Director for Multilateral Affairs, U.S. Arms Control and Disarmament Agency.

* Pending the satisfactory completion of hearings.

Mr. Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years.

Foreign Service Officer's promotion list, Mr. Anderson et al., January 23, 1990.

Foreign Service Officers' promotion list, Mr. Baker et al., January 28, 1990.

II. LEGISLATION

S. Con. Res. 92, commemorating the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

S. Con. Res. 94, relating to the release of Nelson Mandela and other positive developments in South Africa.

S. Con. Res. 95, relating to negotiations relative to German unification.

S. Con. Res. 97, expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

S.J. Res. 75 (with an amendment requested by the sponsor, Mr. MATSUNAGA) relating to NASA and the International Space Year.

S.J. Res. 246, calling upon the United Nations to repeal the resolution on Zionism as racism.

H.J. Res. 472, expressing support for Chile's transition to democracy.

H. Con. Res. 258, congratulating the President of Honduras on his election and offering good wishes.

S. Res. 257, Pell resolution expressing the advice of the Senate with regard to any treaty or other legal instrument entered into by the United States affecting the status and boundaries of a united Germany.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 6, 1990, at 10 a.m. to hold a hearing on the revenue provisions contained in the President's budget for fiscal year 1991 and all expiring tax provisions not included in the President's budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet in open session on Tuesday, March 6, 1990, at 2:15 p.m. to consider the nominations of: Donald J. Yockey to be Deputy Under Secretary of Defense for acquisition; Charles M. Herzfeld to be Director of Defense Research and Engineering; Gerald A. Cann to be Assistant Secretary of the Navy (research, development, and acquisition); and Jacqueline E. Schafer to be Assistant Secretary of the Navy (installations and environment).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m. to hold a hearing on J. Steven Rhodes, to be Ambassador to Zimbabwe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Tuesday, March 6, 1990, 9:30 a.m. for a hearing to receive testimony on S. 666, to enroll 20 individuals under the Alaska Native Claims Settlement Act; S. 1128, for the relief of Richard Saunders; S. 1719, to designate the segment of the Colorado River within Westwater Canyon in Utah as a component of the National Wild and Scenic Rivers System; S. 1738, to convey certain Oregon and California land grant lands in Oregon to the Rogue Community College District; and S. 1837, to direct the Secretary of the Interior to establish a desert research center.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Tuesday, March 6, 1990, 2 p.m. for a hearing to receive testimony on S. 1976, the Department of Energy High-Performance Computing Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 6, 1990, at 10 a.m., to hold a hearing on S. 2027, a bill to require certain procedural changes in the U.S. district courts in order to promote the just, speedy and inexpensive determination of civil actions, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 9:30 a.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address sugar issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address crop insurance issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2:30 p.m., to hold a hearing on S. 948, a bill to amend title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Veterans' Affairs Committee to hear a legislative presentation by the Veterans of Foreign Wars on Tuesday, March 6, 1990, at 9:00 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, March 6, at 9:30 a.m., for a hearing on the sub-

ject: "Serious Problems in Department of Defense Supply System."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, March 6, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 6, 1990, beginning at 9 a.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE INDEPENDENCE OF NAMIBIA

● Mr. LEVIN. Mr. President, on March 21, Namibia will become an independent nation. The people of Namibia have held elections to choose a Constituent Assembly which, in turn, has adopted a democratic Constitution and, on February 16, unanimously elected Sam Nujoma as Namibia's first President. The election, originally scheduled for March 16, was brought forward for protocol reasons relating to the coming independence celebrations. There were no other nominees and the Assembly greeted Mr. Nujoma's election with a standing ovation. In his acceptance speech, the President-elect pledged to uphold the Constitution and to execute his duties in the spirit of "National reconciliation, unity, peace and stability."

The events have taken place at a time when incredible moments have occurred throughout the world. The Berlin Wall has fallen, Eastern Europe has thrown out its totalitarian leaders and moved toward democracy, South Africa has begun a process of monumental change, Chile has held free elections, and the Soviet Union seems poised to enter an entirely new era. Yet these momentous events should not overshadow what has taken place in Namibia.

Since 1915 Namibians have been ruled by South Africa. The United Nations declared the Southwest African People's Organization [SWAPO], led by Sam Nujoma, the sole authentic representative of the people of Namibia in 1973. Since that time the United States has worked to bring about the independence of Namibia and I have been proud to have served on the Commission on Independence For Namibia, a project headed by Ms. Gay McDougall of the Lawyers' Committee for Civil Rights Under Law.

I want to take this opportunity to congratulate the people of Namibia for their courageous struggle which has led to the beginning of their nationhood. The United States must do its share to recognize the new democracy of Namibia by encouraging investment, trade, and providing technical and economic assistance where it is needed. On March 21, all sanctions against Namibia which applied as a territory of South Africa will be lifted and an exciting new era of opportunity will begin.

The people of my State join in congratulating President Nujoma and the people of Namibia for their swift national reconciliation, adoption of an excellent Constitution, and birth of a nation.●

REGARDING THE NOMINATION OF KYO RHOON JHIN TO BE CHIEF COUNSEL FOR ADVOCACY U.S. SMALL BUSINESS ADMINISTRATION

● Mr. WALLOP. Mr. President, it was with much sadness that I recently learned Kyo Rhoon Jhin withdrew his name from nomination to be the Small Business Administration's Chief Counsel for Advocacy. He did so, in my view, because the majority on the Small Business Committee refused to focus on his strong educational background and list of achievements. Instead they insisted on regurgitating unfounded allegations of impropriety. It was a complete mockery of our nomination process.

What we have here, Mr. President, is just another example of trial by transom of a bright, ambitious individual who wanted to contribute something to the good of his country and to small business with which he is so familiar. I would hasten to say that this is not the first time—and probably will not be the last—that we in this body have witnessed the character assassination of an honorable and qualified individual.

While the Democrats continue to insist that administrations choose the best and the brightest people as appointees to executive slots, they also continue to deny the President the privilege of nominating those people he finds most competent. Here again we have eliminated totally the point that those who know most about the small businesses of our country are, by definition, the least qualified by democratic standards to be Chief Counsel for Advocacy. In this case as in so many others we have the liberals getting out to destroy a member of a minority group because he was so uppity as to be an articulate conservative. The liberals serve warning that minorities must remain in their place—lean to the left or be destroyed in want of your family.

There were those on the Small Business Committee who complained that Mr. Jhin was not an attorney. There is no law written that says that the chief counsel must be a lawyer. There is not even a law that says our Attorney General must be an attorney. Mr. President, Mr. Jhin's educational background demonstrated that he would have been able to perform the duties of advocate for America's small businesses.

In the State of Alabama, Mr. Jhin, in his capacity as director of the Alabama Regional Education Service Agency, developed a set of recommendations for an Adult Education Program that brought 10,000 adults to a status of literacy that they did not possess. It seems to me that in addition to working with other government agencies, testifying among them, getting to work with each other, one of the main roles of the Chief Counsel for Advocacy is to develop some kinds of programs that can find the support within the Government and participation within the small business community of America.

When asked about his role in performing such a task during his confirmation hearing, Mr. Jhin replied that he was looking forward to working with the Department of Education to help prepare the small businesses of our Nation carry out their day to day needs. I would also note that as a Korean-American, Mr. Jhin's small business background and educational experience would have brought much to bear on our ability to inform the small business community about new trade opportunities in the European Community, particularly the Pacific Rim. And, with all the changes in the economies of Eastern European countries and the potential for trade in the Eastern bloc—albeit a few years off—the type of experience that Mr. Jhin possesses becomes even more critical.

Mr. President, I point in all this to a nomination process that is a sham and it is time for the Senate to put a stop to it. It is unfair. It is unfair to the President of the United States; it is unfair to the nominee; it is unfair to his family and friends and it is unfair to the Senate. We are better people, or have been, than we are now for allowing the character assassination of a good man.●

A FRESH APPROACH TO CAPITAL GAINS

● Mr. SIMON. Mr. President, one of the more stimulating people on the

American business scene is Stephen C. Swid, chairman and chief executive officer of SCS Communications, and a person cited frequently in the New York Times and elsewhere for his fresh thought, as well as his contributions to civic life.

Recently, he wrote a piece on the capital gains tax that makes more sense than most of the things I have read.

I particularly believe that his suggestion that future investment should be supported by more equity and less debt is absolutely sound.

The problem with the present structure that encourages piling up debt is that if the business collapses, a great many people who have acquired the debt and are dependent on it will go down, also.

In the case of equity, everyone knows that you are taking certain risks, and you cushion against those risks.

There are a few things in the Stephen Swid observations that I differ with, particularly his praise of the 1986 tax bill.

But he is willing to think in fresh terms, and that's one of the things that this Nation desperately needs.

I urge my colleagues to read his statement, and I ask to insert it in the RECORD at this point.

The statement follows:

REMARKS BY STEPHEN C. SWID

Rarely does a President have a second chance not only to accomplish, but also to improve on an original objective after his first approach has been defeated. Now is one of those moments.

Congress has recently killed President Bush's capital gains tax proposal. He proposed a 29-month capital gains tax cut in order to push America towards investment. The President promoted his proposal as the inspiration for Americans to look towards funding our future rather than endowing ourselves with of-the-moment consumption.

The President is correct when he calls for increased investment by Americans in America. If this is his main goal, and it should be, and not just a smokescreen for other purposes, why doesn't he propose lowering the capital gains tax for new investments made during the first term of his administration and held for at least five years?

This kind of proposal will entice our best corporations to increase their research dollars and accelerate their product cycle. It will push our entrepreneurs to use their foresight and instincts to increase investments enabling American industry to be better prepared to face the strongest competitors in the next century.

Also, it would be more effective if future investment was supported with more equity and less debt. Therefore, coupled with a new tax measure that truly responds to the need of investment, the government should ask for an end to the double taxation of dividends. Placing dividends and interest expense on equal footing would induce corporate financial officers to issue more equity and less debt for investment. More importantly, yet immeasurable, is the universal opinion that a one-tax dividend will push public stock market multiples higher.

It is the latter that will enable American financial and industrial companies to compete more effectively with their Japanese competitors. For example, if the immense Japanese money-center banks can issue equity at 60 times their earnings per share, how can our multinational banks compete at 8 times earnings? They are unable to. Therefore, America's banks have a much higher cost of funds leading to the need to have much higher lending rates.

The effect of Ronald Reagan's economic program of the eighties was tax reform and the massive build-up of government debt. The Tax Reform Act of 1986 was a masterpiece of legislation resulting in the fairest tax structure Americans have seen since the first federal progressive tax was introduced in 1862 to support the Civil War. Also, the 1986 Tax Reform Act was a compact between taxpayers and the government. It reduced income taxes in trade for the advantage of tax preferences. Over the years, the constant addition of preferences had raped our tax system. Major corporations earning hundreds of millions of dollars did not pay any taxes at all. Some wealthy individuals found themselves in the same fortunate position.

The increase in debt is the other side of the proverbial coin. It is totally unfair. It gives to today's generation of Americans while burdening the next. Since the founding of our colonies, Americans have worked hard so that their children could live a better life. President Bush and his political advisors understand this philosophy very well. That is why they coat their capital gains tax reduction with the illusion of it providing investment motivation. It is their rationale, their key selling point in pressuring our elected officials to vote with them.

On the surface it sounds great, wrapped in red, white and blue; it's the elixir to compete with the foreign investment that finds American real and operating assets attractive and cheap. Although it is clear as a summer's day that the benefits of selling, especially over a truncated period of 29 months, is not what investment is made of. The philosophy of investing still holds true after endless generations, so why doesn't George say what he means? Let's read his lips.

The President firmly states that a capital gains tax cut is not a Christmas present to the rich. Yet, do today's working people or working couples have enough disposable income to invest in new businesses or the stock market? Highly unlikely. Government statistics have shown us that disposable income and personal savings were lower in the 1980's than in the previous three and a half decades since the end of World War II.

The proposed capital gains tax cut would have rewarded stockbrokers and investment bankers, the beneficiaries of increased activity, and the Treasury would have collected higher dollar receipts, even with the lower rate in the short-term. This government assumption, in itself, proves that the proposed tax cut pushes us towards selling, not investing.

The proposed tax cut is not right for other reasons, all of which are meaningful. After the immediate rush of tax revenues the stream will reverse; government projects a loss of at least $4 billion annually after 1991. Can our deficit plagued Treasury really afford to lose revenues? Is short-term tax policy ever effective or is it more likely to be destructive?

With America in dire need of investment and long-term economic planning, and our stock market, as represented by the Standard & Poor's 425 industrial companies, selling at 14 times earnings per share compared with Japan's Nikkei Index of industrial corporations selling at 60 times earnings, we are in need of a creative, honest and rational tax policy dedicated to motivating us to invest.

President Bush should follow his own beliefs and re-submit a capital gains tax reduction tied to new investment and eliminate double taxation on dividends. Of course, this is not to say that everything is equal between American and foreign economies, but regardless of other inequities, our government should take these two steps to give our long-term economic future a well deserved boost.

Stephen C. Swid is Chairman & CEO of SCS Communications and Chairman of the Executive Committee of the Institute for East-West Security Studies.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4.0 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through March 1, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 26, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG. 2D SESS. AS OF MAR. 1, 1990

[In billion of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,990.5	3,122.7	−132.2
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus.●

FORT WAYNE, IN, SCHOOL RESTRUCTURING

● Mr. KERREY. Mr. President, I rise today to note the heroic accomplishment of an American from Fort Wayne, IN.

In the March 4 Washington Post there appeared a story about the schools of East Allen County in Fort Wayne. I ask that the article by David Maraniss be included in the RECORD.

The story described the decision by the East Allen County School Board to do two of the most difficult things that any elected representative can be asked to do: consolidate and integrate neighborhood schools. The hero of the story for me as Steve Stieglitz, a soybean farmer and a member of the board, who had to cast the tie breaking vote.

Mr. Stieglitz's father wanted him to vote against the school superintendent's proposal. Many of his neighbors, who were in the room the night of the vote, felt the same way. The numbers of people gathered for the board's decision who were opposed to the plan far outnumbered those who supported it.

Mr. President, we here in the Senate have the luxury of making our decisions in the quiet of this Chamber. Any disruptions in our deliberations are caused by Members and not by citizens who witness what we do from the galleries or on C-SPAN. Although all of us face our voters in town hall meetings and every 6 years at the polls, it is not the same as making the decision in the manner of Steve Stieglitz.

When the Governors were in town for their annual meeting, they and the President used the opportunity to describe the urgent need for school board members to participate in school restructuring. For the Governors, the President, and us, restructuring is an abstract word. For Steve Stieglitz it was a vote—in the face of angry and hostile citizens—for consolidation and integration.

The Washington Post writer said that Steve Stieglitz was still in agony on the day after his vote. He was still troubled by the potential of what he had done. For my part, and from the cool vantage of these chambers, I am inspired by his courage and moved to greater hope as a consequence of his brave act.

[From the Washington Post, Mar. 4, 1990]

INTEGRATION: ITS PROMISE AND FAILINGS: AFTER FIGHTING FOR BALANCE, SUPERINTENDENT MOVES ON

(By David Maraniss)

Fort Wayne, Ind.—When Mike Benway became superintendent of schools in Allen County eight years ago, he told the board of education that the number one problem he hoped to resolve was the system's racial imbalance. He came closer to reaching that goal than many people expected, but not as close as he hoped. And soon he will be departing, leaving behind a five-year contract, a file of hate mail and telephone that buzzed with racist insults.

The life of a superintendent is rarely tranquil, but Michael P. Benway's in recent months was virtually nonstop stress.

One day his wife came home from a town sporting event where no one would sit by her. Another day he was warned that he needed police protection. He grimaced one night when Mary Barksdale, the lone black member of the school board and his strongest ally, faced taunts of "Chicken! Chicken!" from angry parents who spotted her entering the board room through a back door. Then his 7th grade son, shy and hesitant to tell his dad anything unpleasant, revealed that boys at school wanted to smash a truck into the superintendent's house. "If your dad's so great," they asked, "why was he run out of town after ruining a school system in Minnesota?"

Benway told his son that he had never been in Minnesota. Then he said to himself: "I'm tired of this crap!" And so he is moving on, ending an era that revealed both the promise and the failure of public school integration in the United States.

Integration, not only in shools but across all of America's major institutions, is a concept that has gone out of fashion. To many whites, integration came to mean social engineering, quotas, forced busing. To many blacks it became synonymous not with equality, but with assimilation, giving up a sense of self and community in a perhaps futile effort to be accepted by the majority-white culture, and capitulating to the cause of harmony rather than pursuing the more elusive goal of justice.

But while the word may not be fashionable, integration overlays all other aspects of race relations. Prejudice, discrimination, empowerment, pluralism, intolerance, diversity—all these divergent themes are played out in settings where black and whites are "integrated" and where they interact, at least superficially.

This series of articles will explore the interracial dynamics in five key institutions of American life: the public school, the church, the military, the university and the corporation. Of the five, it is the public school system that most directly touches most Americans.

It has been 26 years since *Brown* v. *Board of Education*, the seminal school desegregation case in American history. More constitutional law, blood, sweat, time, money, research and political effort have been expended over the issue of race in public schools than in any other major institution in American society. This was the arena that was thought to be the nation's major success story, but in many ways the frustrations of Superintendent Benway in northeastern Indiana are representative of larger failings north and south.

In the South, there was dramatic desegregation of public schools starting in 1965, when the government overcame resistance with the threat of federal aid cutoffs, but often the effort stopped with numerical balance. There was little true integration. Between 1968 and 1971 more than 1,000 black teachers and principals lost their jobs in the consolidation process at the same time that 5,000 whites were being hired. Few schools developed programs to train teachers in race relations. White administrators often said they were "color blind," a way, said University of Pittsburgh school psychologist Janet Schofield, of dismissing the racial implications of disciplinary and academic actions.

RESHAPING SCHOOL BOUNDARIES

In the north, where many urban school systems ended up virtually all black, issues of integration became almost irrelevant, said University of Chicago sociologist Gary Orfield, especially after the Supreme Court's *Milliken* v. *Bradley* decision in 1974 that ruled against cross-district school busing between cities and suburbs. Illinois and New York now have the nation's highest percentages of black students attending predominantly minority schools, each at more than 80 percent. Projections in New York indicate that in 20 years there will be virtually no whites in the schools of Queens, Brooklyn, Manhattan and the Bronx.

The East Allen County School District has a bit of everything, covering 330 square miles from the predominantly black southeast quadrant of Fort Wayne, Indiana's second-largest city, out through isolated farm towns of German Lutheran heritage—Woodburn, Hoagland, Monroeville, Harlan—to the Ohio line. Its borders long predate the current racial makeup of the area, and the diversity in the East Allen County district today is such that Benway once met with a black Muslim minister in the morning and an Amish high bishop at night.

For decades sections of the district operated as worlds apart. But in the 1980s, with the black section of the district growing and rural white areas declining, Benway agreed with a study by the Ball State School of Education saying it made economic sense to reshape the district's internal school boundaries. Even more, he agreed with board member Barksdale that the East Allen district's 9,500 students would benefit academically and sociologically from increased racial interaction.

Black students approached 15 percent of total enrollment, yet four of the five high schools and eight of the 10 elementary schools were all white.

Unlike neighboring Fort Wayne Community School District, which included most of the city, the East Allen district had not yet faced legal pressure to desegregate. Whether that lay ahead was uncertain, but Benway wanted to take action. He began three years ago with an experiment: the transfer of kindergarten through 5th grade

students from predominantly black Village Elementary out to all-white Hoagland Elementary nine miles away down a winding country highway.

"I had some reservations about sending the black kids out there," Benway recalled recently. "We had to find a strategy for making them feel accepted." The strategy they decided upon was cooperative team learning, a method designed to reduce racial stereotypes by having students study and compete in four-member biracial teams. Studies conducted at Minnesota and the Johns Hopkins Center for Research on Elementary and Middle Schools attested to its academic and sociological effectiveness.

The method works like this: The teacher organizes the classroom into small teams balanced by race, sex and academic achievement. Students in each team push their desks together and help each other study a specific subject. They give names to their teams: Batman and the Jokers, Uncle Buck Spellers, The Bad Dudes, Mega Force.

In some variations, team members split up once a week and compete in quizzes with students at the same achievement level on other teams. There still is individual responsibility—each student is graded separately based on improvement—but there also are awards at the end of each week for teams with the most points. The idea is to bring students together on equal footing and give each member of a team reason to think that he or she has something to contribute.

Jennifer Reinking was in 4th grade when the first black students arrived at Hoagland in the fall of 1987. She had lived all her life in the old agrarian town, and the only blacks she ever saw were on television or at the mall. When her teacher announced that black students were coming, she worried that some white classmates would be rude. "You know how kids are," she said. "Some might think that just because people are black, they are not equal. But it wasn't that way at all. Most kids were looking forward to it and made a lot of friends."

She called cooperative learning "one of the funniest things we have. When you're just sitting in a classroom, they try to put a label on you like you're smart or not, but everybody is good at something. It kind of brings that out. And believe me the spelling grades have gone way, way up since we started."

Kemberly Lael Watkins was in 2nd grade. One of the black children bused out to Hoagland, she arrived wearing a red, yellow and green African unity medallion and carrying some anxieties in the back of her mind: Would the whites treat her like a slave and tell her what to do? She also was sad because she had to leave old friends behind. "But I feel comfortable with my friends here," she said, especially the ones she has made on her math and spelling cooperative learning teams.

Adults were less enthusiastic. Principal Gerald Hapke was approached by one of his parent volunteers who said: "Jerry, I don't mind my children going to school with them, but I don't want them living out here."

Lynn Marquardt, a teacher who oversees the cooperative learning programs, had inlaws in Hoagland and heard all the talk. "There were a lot of problems with parents who were afraid it would be the failing of the school," she said. "Afraid things would get stolen. These people see themselves as worldly, but their exposure to the outside world is limited. What they wanted to do was sell the blacks in East Allen back to Fort Wayne."

The point of cooperative learning, from the perspective of Benway and school board member Barksdale, was to take the process beyond mere numerical desegregation. But there were limits. The school had no black teachers or administrators, and while some teachers were comfortable with black students, others were not.

For principal Hapke, who had taught in Hoagland for 20 years, face-to-face dealing with blacks was a totally new experience. During his boyhood, Hapke said, he did not know any blacks. If blacks were discussed in his family it was in a negative context. His grandmother threatened to "take me down and give me to the niggers if I misbehaved."

One day this school year, Hapke looked across the cafeteria at a black 4th grader and said: "He came here with a lot of hype and jive, but I've tried to get it out of him." The principal said he had a hard time dealing with black culture. "There are certain things these people have in their thinking process," he said, "that leads to defeat."

DEBATE PLAYED OUT ELSEWHERE

Later, in this office, Hapke said Benway was always talking to him about affirmative action, but Hapke didn't know what it meant. "Handouts," Hapke said, "are more disservice than help." Then he talked about how "the black life style has infiltrated" white society, "with sexual freedom," he said. "They've had that a lot longer than whites, and some whites have adopted that in some cases."

Barksdale said it was principals such as Hapke who made some blacks decide that integration was not worth it. She does not subscribe to that view herself, she said, but understands it. She knows what Harvard law professor Derrick Bell meant when he said: "Societal racism can disadvantage black children as effectively (although more subtly) in integrated as in segregated schools."

Not far from Barksdale's house—across the school district line in the Fort Wayne Community school system—another version of that debate was being played out. There, black administrators and community leaders balked at parts of a desegregation plan that would take students away from Ralph Bunche Elementary, a predominantly black school with a black principal, Oscar Underwood, whose programs have achieved national recognition. While black support for school desegregation remains strong (nationwide polls consistently have shown blacks endorsing busing for desegregation by 2 to 1, while whites are 4 to 1 against), there always has been concern in the black community about desegregation's methods.

Kaitu Oludawa, editor of Fort Wayne's African-American newspaper, Frost Illustrated, is a leading opponent of desegregation. "We have 30 years of history behind us to tell us that it does not work," he said. "The condition of black people is no better today than it was 30 years ago. The cultural support we had no longer exists. There is a breakdown in our society, and it is a direct result of being integrated into a system that didn't accept us to begin with. Desegregation means manipulation of the black community."

In Allen County, Benway and Barksdale knew that the situation was not perfect and that true integration with significant numerical representation and equality of authority was decades off, if attainable at all. But they thought the positive aspects outweighed the negatives.

"Students need to learn how to deal with the real world, the modern world, and that world is not all one race," said Barksdale, 55, a personnel executive at Navistar who was educated in integrated schools in Richmond, Indiana. "No matter what people say, when schools are one race, blacks get the bottom of the barrel. That cannot be acceptable."

Benway, 47, who grew up in a small town in Vermont and first interacted with blacks while in the National Guard, said he became devoted to racial balance after reading the studies of Johns Hopkins scholar JoMills Henry Braddock II, whose decade-long analysis of federal statistics indicated that black students attending integrated schools had a better chance of breaking down the barriers of equal employment opportunities and succeeding in maintream institutions.

One year after the Hoagland experiment began, Benway and East Allen's seven-member school board considered plans to extend racial balance to other parts of the system. Black leaders insisted that the process had to become a two-way proposition. "The day and age when black children are asked to do all the integrating is over," Barksdale said. The concept was incorporated into proposals to close two underpopulated rural high schools and a physically deteriorating predominantly black grade school, and redraw boundaries so that 10 of the district's 15 schools would have populations that would be 15 to 25 percent black.

The issue of racial balance and equity was juxtaposed against the desire of predominantly white communities to retain their local schools. The pressure on the seven-member school board to back away from change was intense. Pressure groups formed in several white communities to lobby for a five-year moratorium on boundary changes. Board members were presented with petitions signed by 5,000 parents opposed to change, and candlelight vigils were held. Some opponents said they endorsed the concept of racial balance but did not like the administration's proposal.

Steve Burris, a Methodist minister near Woodlan High School, one of those slated for closing, emerged as spokesman for the opposition. "The high school is the focus of athletic events, plays, musical events, everything is directed toward the schools. To close it would remove the soul of the town."

In an effort to find common ground between those pushing for reorganization and racial balance and those seeking to preserve old schools and ancient boundaries, the school board brought in an outside mediator. For three months, there was talk of harmony and mutual goals, but as soon as the mediation ended and the school board had to make a decision, the polarization became stronger than ever.

The climatic moment occurred on the night late last month when the board finally gathered to vote on a racial balance plan. It was a compromise proposal that would not take effect for two years, and then only based on trigger mechanisms of declining enrollment in the rural white schools and enrollment increases in the minority schools. Benway and Barksdale thought it was the best they could get. They were unsure about the vote. It appeared that three board members supported it and three were opposed. The swing vote was Steve Stieglitz, 29, a soybean farmer who graduated from one of the rural white schools slated for closing and whose family had tilled the soil here for generations.

AN AGONIZING DECISION

More than 600 East Allen County district residents filled the school board auditorium that night. A few dozen black residents sat in the front of the room. They supported the plan, as did several teachers and administrators. The rest of the audience was clearly on the other side. The day before, Benway had learned that he was the leading candidate for the superintendent's job in another Indiana city. He had decided to take it, if offered, but no one at the school board meeting knew: He didn't want his decision to affect the vote.

No one knew what Stieglitz would do, either, though he had made up his mind the day before. It was an agonizing decision. His father had urged him to vote against the change. The community pressure had taken a toll on his wife and five children. Benway could move to another city, but this was Stieglitz's home, his life. Yet the plan made sense to him. He decided to support it.

When his "aye" vote resounded through the auditorium there was a clamor. "We've got to take Stieglitz out!" a woman in the back yelled to her compatriots as the meeting adjourned at 9. School administrator Barbara Ahlersmeyer heard the remark and motion to two policemen to accompany her up to the front where Stieglitz stood, dazed. After a few black citizens shook his hand and thanked him, the young farmer found himself engulfed by the hostile crowd. "Traitor!" someone yelled. "How could you?" yelled another.

The next morning, Stieglitz said he had spent a sleepless night thinking about the conflict between his conscience and the demands of his constituents. He thought he had done the right thing, but it all seemed uncertain to him, including the role that racial fears played. "I'm really having difficulty right now dealing with these thoughts," he said. "Was the anger racist? I would prefer to think that prejudice was not involved, although I recognize that our prejudices and biases as human beings are such an interwoven and complex part of our whole thoughts that at times it is impossible to separate them out and deal with them."●

NATIONAL AVON REPRESENTATIVE DAY

● Mr. GRASSLEY. Mr. President, I rise to call your attention to the celebration by Avon Products, Inc. of National Avon Representative Day on March 19, 1990.

Over the past 104 years, Avon has grown from a company with one product and one representative to the world's leading manufacturer and distributor of cosmetics, fragrances, and fashion jewelry. Today, some 450,000 active, independent Avon sales representatives, the vast majority of whom are women, continue the direct selling method by providing personal service and quality products to consumers in their homes.

The earning opportunity Avon has provided for its representatives has resulted in personal and professional development for millions of women. Avon's success and growth is mirrored in the individual achievements of each and every one of the millions of women who are and have been Avon representatives. The Avon representative is in control of her own destiny—reaching out to family, friends, and community. Being an Avon representative has shown millions of women what they can achieve when they set their minds to it.

One Avon representative, of whom I am especially proud, is my mother-in-law, Verla Speicher, who has been selling Avon products in New Hampton, IA, for over 30 years. Mr. President, I might add, that at the age of 79, she is selling Avon products with the same vigor, enthusiasm and commitment as she did on the first day she began selling them.

I am certain that my colleagues join me in extending best wishes to each of these men and women as they are honored this day.●

EXTENSION OF THE ENERGY POLICY AND CONSERVATION ACT

● Mr. JOHNSTON. Mr. President, on March 1, the Committee on Energy and Natural Resources reported an original bill to extend authority to August 15, 1990 for titles I and II of the Energy Policy and Conservation Act. The committee submitted a report on this bill but the budget impact estimate from the Congressional Budget Office was not ready at the time of submittal. That estimate is now ready and I ask that it be printed at this point in the RECORD.

The estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed an unnumbered bill to amend the Energy Policy and Conservation Act, as ordered reported by the Senate Committee on Energy and Natural Resources, March 1, 1990. CBO estimates that the bill would not have any impact on the federal budget or on those of state and local governments.

The bill would extend spending authority for the Strategic Petroleum Reserve from April 1, 1990 to August 15, 1990. In addition, the bill would extend Presidential authority to issue orders relating to the use of domestic energy supplies from June 30, 1990 to August 15, 1990.

CBO does not estimate any budget impact for this bill because 1990 funding for the Strategic Petroleum Reserve has already been appropriated for the full fiscal year; and because we do not expect any change, as a result in the short-term extension, in the rate of outlays from 1990 appropriations.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Peter Fontaine, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.●

SIXTH COOLEY'S ANEMIA SYMPOSIUM

● Mr. D'AMATO. Mr. President, I rise today to let my colleagues know about the remarkable work of the Cooley's Anemia Foundation headquartered in New York City, and of its voluntary membership who have worked so hard to conquer the disease known as Cooley's anemia. For those unfamiliar with Cooley's anemia, it is a fatal blood disease that is passed from parent to child, frequently striking children of Mediterranean-American parents, including those of Italian and Greek descent, as well as Syrian, Israeli, and other population groups. Recently the incidence of Cooley's anemia in this country has increased, largely because of the great increase in the number of immigrants from Asia, where the disease also occurs.

The Cooley's Anemia Foundation was founded over a quarter century ago in New York City. It has had major impact on this disease and on the care of Cooley's anemia patients, not only because of its own funding support of investigators, but also because of its advocacy for research funding at the Federal level for hematologists and other researchers.

I have learned recently that during the past year, the Cooley's Anemia Foundation, Inc. has provided $280,000 to medical researchers across the country in the form of grants which have been peer reviewed by the Medical Advisory Board of the foundation. It should be noted that these grants are peer reviewed in the NIH fashion, ensuring their worthiness of funding.

In the past, I have been pleased to support the New York and New England Cooley's anemia research demonstration programs, as well as increases in research to aid not only those with Cooley's anemia, but those with other kinds of anemias as well.

Today I would like to tell you of the remarkable program that has been assembled as part of the Sixth Cooley's Anemia Symposium, to be held March 13-15, at the New York Academy of Sciences. The cosponsors of this program will be the Cooley's Anemia Foundation, Inc., the National Heart, Lung and Blood Institute of the National Institutes of Health, and the U.S. Army Medical Research and Development Command.

Some of the most outstanding hematologists and hematology researchers throughout the world will be gathered at this 3-day symposium. Outstanding leaders from the National Institutes of Health and researchers coming from all over the world will be presenting their findings in regard to Cooley's anemia. An important topic of discussion will be the possibility of new oral iron chelators—drugs taken orally which would combine with iron overloaded from the necessary frequent

transfusions and eliminate it from the body. This iron overload is a major cause of fatality with the disease.

At the same time that this meeting is being held, the Thalassemia International Federation Conference, which is celebrating the Fourth Parent and Patient Association meeting, will also have its meeting. A major guest speaker opening the program will be Dr. V. Bulyzherkov of the World Health Organization.

The Thalassemia Action Group, composed of young patients, will also be participating in this program. TAG is a network of Thalassemia patients who have joined together to develop patient support groups all over the country. TAG provides young adult patients a channel for communication and23 mutual support. In addition, the group promotes compliance with the treatment of desferal and encourages a positive attitude toward life.

Mr. President, it seems to me that when a major voluntary effort like this is made by the parents and relatives of patients to organize so strongly for research on a specific disease, such an effort should be widely recognized and applauded. It is remarkable that a small group of people, organized in New York and in chapters around the country, have been able to raise this kind of money to support ongoing research efforts, especially those of the Federal Government.●

THE AFL-CIO AND ABORTION

● Mr. HUMPHREY. Mr. President, to sanction the extermination of innocent human life for mere personal gain is to violate the most fundamental moral principle upon which our Nation is founded. In an article entitled "the AFL-CIO and abortion," which appeared in the January 17, 1990 edition of Catholic New York newspaper, Cardinal John J. O'Connor reports that the AFL-CIO is under tremendous pressure to proclaim, itself prochoice in order to gain new women members. Such a maneuver would violate every principle for which the AFL-CIO previously stood. As Cardinal O'Connor points out, the AFL-CIO, "an organization that came into being to protect the weak from the strong," now may endorse the legalized destruction of the "weakest of the weak, the unborn," Those politicians and organizations that cater to the abortion lobby elevate popular opinion polls above the sanctity of human life. I join Cardinal O'Connor in lamenting the temporary triumph of politics over principle.

The article follows:

THE AFL-CIO AND ABORTION

(By Cardinal John J. O'Connor)

I remember that Labor Day in Scranton so vividly. There was hardly a union worker present who didn't want to give me a hat. I spoke of "Guns of Lattimer," Michael Novak's book about the massacre of coal miners protesting at last the horrible treatment and the miserable pay that were typical of the day.

Not a man among the miners was armed. The sheriff's men shot them in cold blood.

As I reminisced that day in Scranton on the almost unbelievable changes that unionism had brought about, I reflected out loud on the way it used to be in the mines. Countless numbers of men died from "black lung disease." Safety measures were virtually non-existent. A cave-in could crush lives in the bowels of the earth at any time, without warning. When bodies were finally recovered, they would be dumped on a flatbed drawn by a mule from the mines, then dumped once again on the open front porch of the widow's house. No insurance. No burial payments. No tears shed by the mine owners. Another "nobody" or two had been killed. End of the story.

A few listeners to my speech that day were wearing hard hats. I remarked about what it is like for a tiny little baby in its mother's womb, totally helpless, completely vulnerable, without even a hard hat. How many more such babies are killed every hour of every day in the United States than all the men killed in Lattimer, how many more in a month than all the men ever killed in the mines.

I knew I was talking to solid union workers who were as distressed over the abortion tragedy in our nation as I was. I had grown up respecting union workers from the time I was a foot high. Anything less on my part would have been a complete betrayal of the father I loved.

But now I am heartsick to learn that a far sadder betrayal could be in the offing. I am told the AFL-CIO is under tremendous pressure to go proabortion at its February convention (under the guise of "pro-choice," of course). I am told, further, they could yield to the pressure because a "pro-choice" resolution would win them a lot of new women members. In numbers is strength, and everyone knows the unions have been weakened in a lot of ways in recent years. God help us. What a way to become "strong"—at the expense of the weakest of the weak, the defenseless unborn. Perhaps I have taken too much for granted in believing that union workers would never forget how defenseless working people themselves were before unionism.

The temptation is tremenedous, I suppose. The bigger the AFL-CIO, the more muscle it can exercise with candidates for public office. I wonder how many candidates will have the courage to admit they are "prolife" if they want to run, let us say, for Congress, or even for the presidency of the United States, if the official position of the AFL-CIO is "pro-choice."

Might we even see the sorry spectacle of union members required to permit a portion of their union dues to go into anti-life, proabortion activities?

We hear till our ears are filled from those politicians who tell us they are "personally opposed" to abortion, but "don't want to impose their morality on others." Will union workers who are "personally opposed" to abortion be nonetheless required to support it with their dues? Or might existing Supreme Court decisions be invoked to protect them, and authorize them to send their dues to a charity of their choice, such as the prolife movement? There are organizations such as the National Right to Work Committee that would be more than happy to assist such choices. I'm sure. My, oh my, what that would do to the "strength" of the AFL-CIO, if all those dues were withheld with court approval.

I can't imagine any need for such action, of course, because I can't imagine any need for the AFL-CIO to pass a "pro-choice," read "proabortion," resolution. If they should. I'm sure they would be fair enough to say: "Well, if pro-choice is really to be pro-choice, then those union members who choose life can send their dues to the prolife movement." Then the court wouldn't have to step in. Wouldn't that be nice? But why create the dilemma in the first place? It is so unlike an organization that came into being to protect the weak from the strong, the helpless from the powerful.●

LABOR PROTECTION ON THE DELAWARE & HUDSON RAILROAD

● Mr. D'AMATO. Mr. President, I rise today to comment on rail labor issues with respect to legislation, S. 2210, which I introduced with Senator MOYNIHAN to help preserve the ailing Delaware & Hudson Railroad. In the House, the companion bill, H.R. 4139, was introduced by Congressman LENT and a bipartisan group of New York and Pennsylvania Members.

Since our joint introduction of the competitive Northeast Rail Freight Service Act on February 28, questions have been raised concerning the absence of explicit language providing for labor protection powers to be exercised by the Interstate Commerce Commission, in the event that the ICC must determine the terms and conditions of trackage rights for the Delaware & Hudson Railroad over Conrail's line into Hagerstown, MD, from Harrisburg, PA. The fear has been expressed that the agency or the courts might interpret the absence of such language as a prohibition on any ICC action to provide protection for displaced employees.

Tying the hands of the ICC was not our intention. This legislation is not intended to affect the normal labor-management balance in the railroad industry one way or another; neither is it intended to reduce or enlarge the ICC's usual powers to order labor protection in terminal-rights cases. To confirm this intent, and to make certain that unwarranted inferences are not drawn from the bill's original language, we intend to offer a clarifying amendment on this point when the bill is considered. Meanwhile, we will redouble our efforts to see that the vitally needed Hagerstown trackage rights are made available to the D&H, preferably by good-faith private-sector negotiation, but by ICC action if need be.

Mr. President, I believe my remarks today should help assure rail labor that this legislation will not adversely affect the status of labor-management agreements.●

EXECUTIVE SESSION

Executive Calendar

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order Nos. 632, 633, 634.

I further ask unanimous consent that the nominees be confirmed en bloc and that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I note for the RECORD that Arthur J. Hill, Calendar 634, indicated his commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The nominations considered and confirmed en bloc are as follows:

NATIONAL CONSUMER COOPERATIVE BANK

Frank B. Sollars, of Ohio, to be a member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

DEPARTMENT OF THE TREASURY

Carol Mayer Marshall, of California, to be Superintendent of the Mint of the United States of San Francisco, CA

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Arthur J. Hill, of Florida, to be President, Government National Mortgage Association.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HARRIET TUBMAN DAY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 257, a joint resolution designating March 10, 1990, as Harriet Tubman Day, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 257) to designate March 10, 1990 as "Harriet Tubman Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 257

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around the year 1820;

Whereas she escaped slavery in 1849 and became a "conductor" on the Underground Railroad;

Whereas she undertook a reported nineteen trips as a conductor, endeavoring despite great hardship and great danger to lead hundreds of slaves to freedom;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas she served in the Civil War as a soldier, spy, nurse, scout, and cook, and as a leader in working with newly freed slaves;

Whereas after the War, she continued to fight for human dignity, human rights, opportunity, and justice; and

Whereas Harriet Tubman—whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom—died at her home in Auburn, New York, on March 10, 1913: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 10, 1990 be designated as "Harriet Tubman Day," to be observed by the people of the United States with appropriate ceremonies and activities.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO HAVE S. 1430 PRINTED AS PASSED

Mr. BAUCUS. Mr. President, I ask unanimous consent that S. 1430, as passed in the Senate, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE APPOINTMENT OF A COMMITTEE OF ESCORT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Giulio Andreotti, President of the Council of Ministers of the Italian Republic, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

RECESS UNTIL 9 A.M.; MORNING BUSINESS; RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, March 7, that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that on Wednesday at 10:40 a.m., the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow the Senate will resume consideration of the clean air bill at 9:30 a.m., with debate continuing until 10:40, when the Senate will recess so that Members of this body can join with House Members in a joint meeting to hear an address by Prime Minister Andreotti of Italy. I would like to indicate to Members that consideration of the clean air bill will resume around 12 noon tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished acting Republican leader has no further business, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Wednesday, March 7.

There being no objection, the Senate, at 7:12 p.m., recessed until Wednesday, March 7, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1990:

THE JUDICIARY

SAMUEL GRAYSON WILSON, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA VICE GLEN M. WILLIAMS, RETIRED.

D. BROCK HORNBY, OF MAINE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MAINE VICE CONRAD K. CYR, ELEVATED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LYNNE VINCENT CHENEY, OF WYOMING, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF 4 YEARS. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL AND APPOINTMENT AS CHIEF OF NAVAL RESEARCH UNDER TITLE 10, UNITED STATES CODE, SECTIONS 5021 AND 5133:

To be rear admiral

REAR ADM. (LOWER HALF) WILLIAM C. MILLER, U.S. NAVY, xxx-xx-xxxx/1210.

CONFIRMATION

Executive nomination confirmed by the Senate March 6, 1990:

NATIONAL CONSUMER COOPERATIVE BANK

FRANK B. SOLLARS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

DEPARTMENT OF THE TREASURY

CAROL MAYER MARSHALL, OF CALIFORNIA, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED STATES AT SAN FRANCISCO, CALIFORNIA.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

CLARENCE THOMAS, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

EXTENSIONS OF REMARKS

THE ANDEAN DRUG SUMMIT: PROGRESS IN THE WAR AGAINST DRUGS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BROOMFIELD. Mr. Speaker, I am pleased with the administration's energetic and determined approach to fund and launch a new American attack on the scourge of illicit narcotics. The Cartagena Drug Summit was a success and I want to share with my colleagues in the Congress the Bilateral Communique that was issued by President Bush and the Presidents of the Andean nations as well as the text of the Declaration of Cartagena which calls for unprecedented cooperation in the struggle against drugs between the United States and our Andean partners. I wish the Bush administration and the Andean countries good luck in one of the most important wars that America and those nations have ever fought.

BILATERAL COMMUNIQUE, CARTAGENA, COLOMBIA

MEETING BETWEEN VIRGILIO BARCO, PRESIDENT OF COLOMBIA AND GEORGE BUSH, PRESIDENT OF THE UNITED STATES

The President of Colombia, Virgilio Barco, and the President of the United States, George Bush, met on February 15, 1990 at Cartagena, Colombia to reaffirm their decision to continue the struggle against the trafficking and the consumption of narcotic drugs and psychotropic substances, and to address aspects relating to bilateral relations.

The two Presidents took note of the threat posed by narcotic trafficking and stressed it must be confronted squarely and eliminated. They also agreed that the problem of illicit drugs must be addressed by the international community in its various stages of production, trafficking and consumption. The President of the United States recognized that supply reduction efforts must be accomplished by significant reduction in demand.

The President of the United States expressed his admiration for the leadership of Colombia in the struggle against illicit drugs, and his appreciation for the firmness and the example set by President Barco. He also stressed the courage and the sacrifices of the Government, the people, the Armed Forces, and police of Colombia, who, in undertaking this struggle, merit the solid support and economic assistance of the international community.

The two Presidents acknowledged the importance of maintaining adequate levels of economic growth and revitalizing areas affected by the production of illicit drugs in order to help achieve success in combatting narcotics trafficking. To that end, they agreed on the need for joint actions on both a bilateral and multilateral basis.

The President of the United States expressed the willingness of his government to examine ways to achieve a greater opening of the United States market for Colombian products. The Presidents noted President Bush's November 1 Andean Trade Initiative, which constitutes an important step towards this goal, and they agreed to explore further possibilities.

President Barco expressed his concern regarding the application of antidumping duties to cut flowers. President Bush noted that this issue is currently under review within the U.S. Government. President Barco also expressed his concern about the system used in determining Colombia's sugar quota.

The Presidents stressed the importance of a successful completion of the Uruguay Round of multilateral trade negotiations, and recognized the significance of increased access for Colombia's tropical products.

The two Presidents agreed to intensify further the process of consultations between coffee producer and consumer countries with a view to accelerating negotiations that will lead to a viable new international agreement, and issued a call to nonmember countries of the agreement for their support of this valuable instruments.

President Bush praised Colombia's seriousness in meeting its international financial commitments. He reiterated the need for international support to facilitate Colombia's sound economic and social policies. In this regard, he confirmed his Administration's willingness to study specific Colombian proposals for obtaining additional resources.

The two President's again indicated the importance of continuing programs for technical training, equipment, and administrative support for Colombian judicial officials, as well as continued assistance in terms of equipment and means for guaranteeing their safety in the struggle against narcotics trafficking.

The two Presidents reviewed the progress made in negotiations on agreements concerning essential chemicals, the distribution of seized assets, and export controls on weapons and other materials use by drug traffickers, which will reinforce cooperation in the struggle against illicit drugs.

The two Presidents agreed that the Andean Summit was a significant step towards improved anti-drug coordination. They pledged cooperation in bringing about the 1991 World Conference of Nations involved in reinforcing international cooperation in the fight against the production, trafficking and consumption of illicit drugs.

On behalf of the Government and people of Colombia, President Barco expressed thanks for the demonstrations of assistance and solidarity, received from the Government and the people of the United States in their efforts to combat illicit drug trafficking, and trusts that cooperation will intensify in various areas.

ANDEAN SUMMIT, CARTAGENA, COLOMBIA

DECLARATION OF CARTAGENA

The Parties consider that a strategy which commits the Parties to implement or strengthen a comprehensive, intensified anti-narcotics program must address the issues of demand reduction, consumption and supply. Such a strategy also must include understandings regarding economic cooperation, alternative development, encouragement of trade and investment, as well as understandings regarding economic cooperation, on attacking the traffic in illicit drugs, and on diplomatic and public diplomacy initiatives.

The Parties recognize that these areas are interconnected and self-reinforcing. Progress in one area will help achieve progress in others. Failure in any of them will jeopardize progress in the others. The order in which they are addressed in the document is not meant to assign to them any particular priority.

Economic cooperation and international initiatives cannot be effective unless there are concomitant, dynamic programs attacking the production of, trafficking in and demand for illicit drugs. It is clear that to be fully effective, supply reduction efforts must be accompanied by significant reduction in demand. The Parties recognize that the exchange of information on demand control programs will benefit their countries.

The Parties recognize that the nature and impact of the traffic in and interdiction of illicit drugs varies in each of the three Andrean countries and cannot be addressed fully in this document. The Parties will negotiate bilateral and multilateral agreements, consistent with their anti-narcotics efforts, specifying their responsibilities and commitments with regard to economic cooperation and intensified enforcement actions.

UNDERSTANDING REGARDING ECONOMIC ASPECTS AND ALTERNATIVE DEVELOPMENT

The Parties recognize that trafficking in illicit drugs has a negative long-term impact on their economies. In some of the Parties, profits from coca production and trade and from illicit drug trafficking contribute, in varying degrees, to the entry of foreign exchange and to the generation of employment and income. Suppression of coca production and trade will result in significant, immediate, and long-term economic costs that will affect, in various ways, each of the Andean countries.

The President of the United States will request Congress to authorize new funds for the program during fiscal years 1991 to 1994, in order to support the Andean Parties' efforts to counteract the short- and long-term social-economic impact of an effective fight against illicit drugs. This contribution by the United States would be made within the framework of actions against drug trafficking carried out by Andean Parties. The Andean Parties reiterate the importance of implementing or strengthening sound economic policies for the effective utilization of such a contribution. The United States is also prepared to cooperate with the Andean Parties in a wide range of initiatives for development, trade and investment in order to strengthen and sustain long-term economic growth.

Alternative development, designed to replace the coca economy in Peru and Bolivia and illicit drug trafficking in all the Andean

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Parties, includes the following areas of cooperation. In the short term, there is a need to create and/or to strengthen social emergency programs and economic costs stemming from substitution. In the medium and long term, investment programs and measures will be needed to create the economic conditions for definitive substitution of the coca economy in those countries where it exists or of that sector of the coca economy in those countries where it exists or of that sector of the economy affected by narcotics trafficking. It is necessary to implement programs to preserve the ecological balance.

1. Alternative Development and Crop Substitution

In order to foster increased employment and income opportunities throughout the entire productive system and implement or enhance a sound economic policy to sustain long-term growth, the United States will support measures aimed at stimulating broad-based rural development, promoting non-traditional exports, and building or reinforcing productive infrastructure. The Parties, in accordance with the respective policies of Bolivia, Colombia, Peru and the United States, shall determine the economic assistance required to ensure sound economic policies and sustain alternative development and crop substitution, which in the medium term will help replace the income, employment and foreign exchange in the countries in which these have been generated by the illegal coca economy. The United States is prepared to finance economic activities of this kind with new and concessional resources.

In order to achieve a complete program of alternative development and crop substitution, the Parties agree that in addition to the cooperation provided by the United States, economic cooperation, as well as greater incentives to investment and foreign trade from other sources, will be needed. The Parties will make concerted efforts to obtain the support of multilateral and other economic institutions for these programs, as the three Andean Parties implement or continue sound economic policies and effective programs against drugs.

The Parties are convinced that a comprehensive fight against illicit drug traffic will disrupt the market for coca and coca derivatives and will reduce their prices. As success is achieved in this fight, those employed in growing coca and in its primary processing will seek alternative sources of income either by crop substitution or by changing jobs. The Parties will work together to identify alternative-income activities for external financing. The United States is ready to consider financing of activities such as research, extension, credit and other agricultural support services and support of private-sector initiatives for the creation of micro-enterprises and agro-industries.

The United States will also cooperate with the Andean Parties to promote viable domestic and foreign markets to sell the products generated by alternative development and crop substitution programs.

2. Mitigation of the Social and Economic Impact of the Fight Against Illicit Trafficking

As the Andean Parties implement or continue to develop effective programs of interdiction of the flow of illicit drugs and of crop eradication, they will need assistance of the fast disbursement type to mitigate both small-and large-scale social and economic costs. The Parties will cooperate to identify the type of assistance required. The United States is prepared to provide balance of payments support to help meet foreign exchange needs. The United States will also consider funding for emergency social programs, such as the successful one in Bolivia, to provide employment and other opportunities to the poor directly affected by the fight against illicit drugs.

3. Trade Initiatives, Incentives to Exports and Private Foreign Investment

An increase in trade and private investment is essential to facilitate sustained economic growth and to help offset the economic dislocations resulting from any effective program against illicit drugs. The Parties will work together to increase trade among the three Andean countries and the United States, effectively facilitating access to the United States market and strengthening export promotion, including identification, development and marketing of new export products. The United States will also consider providing appropriate technical and financial assistance to help Andean agricultural products comply with the admission requirements.

The Parties may consider the establishment of economic and investment policies, as well as legislation and regulations to foster private investment. Where favorable conditions exist, the United States will facilitate private investment in the three Andean countries, taking into account the particular conditions and potential of each.

B. UNDERSTANDINGS REGARDING ATTACKING ILLICIT DRUGS

The Parties reaffirm their will to fight drug trafficking in a comprehensive manner attacking all facets of the trade: Production, transportation and consumption. Such comprehensive action includes the following:

Preventive actions to reduce consumption and therefore demand.

Control and law enforcement activities against illegal cultivation, processing, and marketing of illicit drugs.

Control of essential chemicals for the production of illegal drugs and the means used for their transport.

Seizure, forfeiture, and sharing of illegal proceeds and property used in committing narcotics-related crimes.

Coordination of law enforcement agencies, the military, prosecutors and courts, withing the framework of national sovereignty of each of the Parties.

Actions to bring about a net reduction in the illegal cultivation of coca.

The Parties undertake to engage in an ongoing evaluation of their cooperation, so that the President of the United States, as appropriate, may request Congress to provide additional assistance to the Andean Parties.

Given that the Parties act within a framework of respect for human rights, they reaffirm that nothing would do more to undermine the war on drugs than disregard for human rights by participants in the effort.

1. Prevention and Demand

The Parties undertake to support development and expansion of programs in comprehensive prevention, such as preventive public education in both rural and urban areas, treatment of drug addicts, and information to encourage the public opposition to illegal drug production, trade and consumption. These programs are fundamental if the drug problem is to be successfully confronted.

The Parties recognize that prevention efforts in the four countries will benefit from shared information about successful prevention programs and from bilateral and multilateral cooperation agreements to expand efforts in this field.

To this end, the Parties undertake to contribute economic, material and technical resources to support such comprehensive prevention programs.

2. Interdiction

A battle against an illicit product must focus on the demand for, production of and trade in that product. Interdiction of illegal drugs, as they move from producer to consumer, is essential. The Parties pledge to step up efforts within their own countries to interdict illegal drugs and to increase coordination and cooperation among them to facilitate this fight. The United States is ready to provide increased cooperation in equipment and training to the law enforcement bodies of the Andean Parties.

3. Involvement of the Armed Forces of the Respective Countries

The control of illegal trafficking in drugs is essentially a law enforcement matter. However, because of its magnitude and the different aspects involved, and in keeping with the sovereign interest of each State and its own judicial system, the armed forces in each of the countries, within their own territory and national jurisdictions, may also participate. The Parties may establish bilateral and multilateral understandings for cooperation in accordance with their interests, needs and priorities.

4. Information Sharing and Intelligence Cooperation

The Parties commit themselves to a greater exchange of information and intelligence in order to strengthen action by the competent agencies. The Parties will pursue bilateral and multilateral understandings on information and intelligence cooperation, consistent with their national interests and priorities.

5. Eradication and Discouragement of Illicit Crops

Eradication can play an essential part in the anti-drug fight of each country. In each case, eradication programs have to be carefully crafted, measuring their possible effect on total illicit drug production in each country; their cost-benefit ratio relative to other means of fighting illicit drugs; whether they can be most effective as voluntary or compulsory programs or a combination of the two; and their profitable political and social consequences.

The Parties recognize that to eradicate illicit crops, the participation of the growers themselves is desirable, adopting measures that will help them obtain legal sources of income.

New economic opportunities, such as programs for alternative development and crop substitution, shall be fostered to help to dissuade growers from initiating or expanding illegal cultivation. Our goal is a sustained reduction in the total area under illegal cultivation.

Eradication programs must safeguard human health and preserve the ecosystem.

6. Control of Financial Assets

The Parties agree to identify, trace, freeze, seize, and apply other legal procedures for the disposition of drug crime proceeds in their respective countries, and to attack financial aspects of the illicit drug trade. In accordance with their respective laws, each of the Parties will seek to adopt measures to define, categorize, and criminalize money laundering, as well as to increase

efforts to implement current legislation. The Parties agree to establish formulas providing exceptions to banking secrecy.

7. Forfeiture and Sharing of Illegal Drug Proceeds

The Parties pledge to implement a system for forfeiture and sharing of illegal drug profits and assets, and to establish effective programs in this area.

In United States cases related to forfeiture of property of illegal drug traffickers where Bolivia, Colombia, and Peru provide assistance to the United States Government, the Government of the United States pledges to transfer to the assisting government such forfeited property, to the extent consistent with United States' laws and regulations. The Parties will also seek asset sharing agreements for Bolivia, Colombia, and Peru, with other countries.

8. Control of Essential Chemicals Used in the Production of Illicit Drugs

The control in the United States of the export of chemical substances used in the processing of cocaine is vital. In addition, there is a need for greater control of the import and domestic production of such substances by the Andean Parties. Joint efforts must be coordinated to eliminate the illicit trade in such substances.

The Parties agree:

To step up interdiction of the movements of essential chemicals that have already entered the country, legally or illegally, and are being diverted for illicit drug processing. This includes controlling choke points as well as establishing investigative and monitoring programs in close cooperation with all the Parties' law enforcement agencies.

To further develop an internal system to track essential chemicals through sale, resale and distribution to the end user.

To cooperate bilaterally and multilaterally to provide each other with information necessary to track domestic and international movements of essential chemicals for the purpose of controlling their sale and use.

To support the efforts under the Organization of American States (OAS) auspices to develop and implement a regional inter-American agreement on essential chemicals.

9. Control of Weapons, Planes, Ships, Explosives and Communications Equipment Used in Illegal Drug Trafficking

Illicit drug trafficking is heavily dependent on weapons, explosives, communications equipment, and air, maritime and riverine transportation throughout the illicit cultivation and the production and distribution process.

The Parties agree:

To strengthen controls over the movement of illegal weapons and explosives and over the sale, resale and the registration of aircraft and maritime vessels in their respective countries, which should be carried out by their own authorities.

The Parties agree to establish within their own territory control programs that include:

The registration of ships and aircraft;

The adoption of legal standards that permit effective forfeiture of aircraft and vessels;

Controls on pilot licenses and training;

Registration of airfields in their respective countries; and

Development of control measures over communications equipment used in illegal drug trafficking to the extent permitted by their respective laws and national interests.

The United States agrees to work with the Andean Parties to stem weapons exports from the United States to illegal drug traffickers in the three Andean countries.

10. Legal Cooperation

The Parties pledge to cooperate in the sharing of instrumental evidence in forms admissible by their judicial proceedings. The Parties also agree to seek mechanisms that permit the exchange of information on legislation and judicial decision in order to optimize legal proceedings against the traffic in illicit drugs.

The Parties recognize the value of international cooperation in strengthening the administration of justice, including the protection of judges, judicial personnel, and other individuals who take part in these proceedings.

C. UNDERSTANDINGS REGARDING DIPLOMATIC INITIATIVES AND PUBLIC OPINION

The scourge of illicit drug trafficking and consumption respects no borders, threatens national security, and erodes the economic and social structures of our nations. It is essential to adopt and carry out a comprehensive strategy to promote full awareness of the destructive effects of illegal production, illicit trafficking and the improper consumption of drugs. Toward this end, the Parties commit themselves to use all political and economic means within their power to put into effect programs aimed at achieving this goal.

1. Strengthening Public Opinion in Favor of Intensifying the Fight Against Illegal Drug Trafficking

Public awareness should be enhanced also by means of active and determined diplomatic action. The Parties pledge to strengthen plans for joint programs leading to the exchange of ideas, experiences, and specialists in the field. The Parties call upon the international community to intensify a program of public information stressing the danger of drug trafficking in all of its phases. In this regard, the Parties undertake to give active support to Inter-American public awareness and demand reduction programs, and will support the development of a drug prevention education plan at the Inter-American meeting in Quito this year.

2. Economic Summit

The 1989 Economic Summit in Paris established a Financial Action Task Force to determine how governments could promote cooperation and effective action against the laundering of money gained through illegal drug trafficking.

The United States will host the next Economic Summit on July 9–11, 1990, in Houston. The United States will use this opportunity to seek full attention on a priority basis to the fight against illegal drug trafficking.

The Parties call upon the Economic Summit member countries, and on the other participants in the Financial Action Task Force, to give greater emphasis to the study of economic measures which may help to reduce drug trafficking. In particular, the Parties call upon the Economic Summit countries to take the steps necessary to ensure that assets seized from illicit drug trafficking in Bolivia, Colombia and Peru are used to finance programs of interdiction, alternative development and prevention in our countries.

3. Multilateral Approaches and Coordination

The Parties intend to coordinate their actions in multilateral economic institutions in order to ensure for Bolivia, Colombia and Peru, broader economic cooperation within the framework of a sound economic policy.

4. Report to the UN Special Session on Illicit Trafficking in Drugs

The United Nations has recognized that the problem of drug trafficking presents a grave threat to the security of the states and economic stability. It has called for a Global Action Plan and it has convened a Special Session, February 20–23, 1990, to discuss the magnitude of this problem. This will be a proper occasion to reiterate the need to bring into force as quickly as possible the UN Convention Against Illicit Traffic in Narcotic Drugs and Pyschotropic Substances, which provides for energetic measures against illegal drug trafficking, while recognizing the ancestral and traditional uses of coca leaf.

The Parties request that consideration be given during the Special Session to the inclusion of the cooperative efforts outlined in this document to develop concrete programs for strengthening multilateral responses to the drug problem, as recommended in Resolution No. 44/141 of the United Nations General Assembly.

5. Report to the OAS Meeting of Ministers and Cicad

The Organization of American States has called an Inter-American meeting of Ministers responsible for national narcotics programs, to be held on April 17–20, 1990 in Ixtapa, Mexico. The Parties urge that the meeting of Ministers and the Inter-American Drug Abuse Control Commission (CICAD) give priority to the understandings set forth in this document and lend support to their early implementation within the context of regional cooperation against drugs.

6. Madrid Trilateral Meeting

The parties stress the importance of the document issued by the Trilateral Meeting in Madrid and the efforts undertaken in Europe, particularly the participation of the European Community, with a view to adopting specific policies and initiatives against illicit trafficking of drugs.

7. World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat

The Parties note with satisfaction the convening of a World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat, to be held on April 9–11, 1990 in London. This meeting will serve to highlight the role demand reduction must play in the international community's efforts to reduce the trade in illicit drugs and will underline the social, economic and human costs of the trade. The Parties agree to coordinate their actions and future strategies in this area with the objective of building upon this important initiative.

8. Demarches to Transit Countries

Through specialized agencies of the United Nations such as the Heads of the National Law Enforcement Agencies, our countries participate in important coordination efforts. The Parties undertake to strengthen cooperation with transit countries on interdiction of traffic in illicit drugs.

9. World Conference Against Illicit Drug Trafficking

In order to progress towards the goals agreed upon at the Cartagena Summit, the Parties call for a world conference in 1991 to strengthen international cooperation in the elimination of improper consumption, illegal trafficking and production of drugs.

10. Follow-up Meeting to the Cartagena Summit

In order to follow up on progress of agreements arising under the foregoing understandings, the Parties agree to hold a high level follow-up meeting within a period of not more than six months.

BUSH'S CHOICE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, the world is presently going through a period of volatile and momentous change. As nations and political and economic alliances are redrawn, expert analysis of these changes is of tremendous value. Prof. Tom Farer has published a fine article in the "London Review of Books" analyzing these changes and the Bush administration's reaction to them.

Professor Farer has served as president of the University of New Mexico and the Inter-American Commission on Human Rights. He is presently on the faculty of the American University here in Washington. Professor Farer's article places the tremendous changes underway in a unique and interesting perspective. I highly recommend this article and submit it into the RECORD for my colleagues' review.

BUSH'S CHOICE

(By Tom Farer)

In the early months of George Bush's Presidency, before his reassuringly innocuous pronouncements and prudent compromises at the NATO summit had allowed the American media to discover prophetic qualities in him, editorial pages were much occupied by pundits clashing over what Bush, during the electoral campaign, had plaintively labelled "the vision thing". Despite the country's considerable domestic difficulties—some of which are on daily display in violent, drug-drenched streets within jogging distance of the White House—the President's critics were aroused primarily by an alleged absence of vision about an exterior world whose familiar contours were melting into odd and unsettling forms.

United in demanding vision, they were divided over its substance. The militant right, which often sounds distressingly like Alcestis Dubois's definition of fascism—"bayonets in search of an idea"—indicted the President for failing to insulate the West from the narcotic of Gorbachev. Declarations, however hedged, implying that the Cold War is over were seen as evidence of a deepening addiction. The most benign consequence of collective stupefaction, it was implied, would be a lost opportunity to bury the Soviet threat. A less optimistic scenario had the Soviets achieving, at a time of maximum weakness, their greatest triumph: the collapse or emasculation of NATO.

Critics from the left also bewailed the prospective loss of opportunity. The one to which they referred, however, was the democratisation of Soviet politics and a concomitant negotiated settlement of the Cold War. But it was not only rosy visions that fueled their antagonism to Bush's deliberate pace and prose. Like those establishment figures, epitomised by Henry Kissinger, who are the self-conscious heirs of the Anglo-European conservative tradition in foreign policy, with its emphasis on balance and order, liberal commentators were moved by a sensation of danger impending from a massive convulsion within the Kremlin's sphere of influence or the Soviet Union itself.

At no point evincing signs of a reflective bent, Bush has found success in public life by propitiating right-wing icons and plodding inconspicuously behind the brute force of events. But let us assume for the sake of argument that the grinding shift of plates beneath the surface of the post-war world moves the President to envisage bold departures in national policy—towards reconciliation with the Soviet Union, and an intensified collaboration with traditional allies. Could he act on the basis of such an epiphany, or would he be confined by electoral constraints rooted in the national character?

Investigating the American character is a line of work extending back at least to de Tocqueville. Rupert Wilkinson's book, The Pursuit of the American Character, is one of its more useful contemporary products. The book aims to give a fresh perspective on the tensions between individualism, community and conformity. It focuses on "four historic American fears that have surrounded the dual attraction of Americans to individualism and "getting together": the fear of being owned (including fears of dependence and of being controlled and shaped by others); the fear of falling apart (a fear of anarchy and isolation); the fear of winding down (losing energy, dynamism, forward motion); and the fear of falling away from a past virtue and promise". Only occasionally, Wilkinson concludes, can public policy be reduced to a confluence of these fears. This is so for two reasons. First, the fears often pull against each other: policies apparently responsive to one will aggravate concerns generated by another. Secondly, the practical implications of each fear are in most cases sufficiently ambiguous to permit its invocation on behalf of inconsistent policies. But at all times they infest the symbolic environment in which policy is formed. Hence, on all occasions, an American attempting to marshal support for a policy, or a foreigner attempting to influence American policy process, must employ language that pays them homage. At rare moments, rather than simply providing broad parameters and a distinctive language for discourse about foreign policy, they can coalesce to dictate its content.

The end of the 1970s was such a moment. Ronald Reagan, a man with few peers at personifying and manipulating the key symbols of American political life, seized on it. For fifteen years history had been conspiring to give him the chance. Fear of falling apart? Only a Pangloss could have lived through the social convulsions and assassinations of the Vietnam War years, and the longer-running disintegration of social mores, without beginning to doubt that the centre could hold. Fear of winding down? The prolonged humiliation of the Tehran hostage crisis, following so quickly the utter defeat of American purposes in Vietnam and experienced against the backdrop of apparently successful Soviet interventions in the Third World, signaled a stunning plunge from the apogee of world power. Fear of falling away? The tens of thousands of our Vietnamese collaborators rotting in Hanoi's re-education camps and drowning in their efforts to escape, the killing fields assembled by the Khmer Rouge in the wake of our withdrawal from Cambodia, the sudden multiplication of Marxist regimes in all parts of the Third World—many Americans could not witness these events without the sense of a failed mission to save the world for freedom. And when on top of military defeat, the collapse of client regimes, and the evident loss of industrial supremacy, the Soviet Union appeared to acquire, through the relentless deployment of additional weapons and the invasion of Afghanistan, the means to strike at the Persian Gulf and to neutralise our strategic deterrent, the fear of being owned was ripe for arousing.

Reagan was swept to power by a rip tide of strategic pessimism. For a moment, it seemed capable of dragging American foreign policy into the sort of perilous waters that would normally be chanced only by a profoundly dissatisfied or ideologically crazed country. The US was hardly the latter, and being pre-eminent in influence (despite the decline in its relative power), affluent, cohesive, and more dependent than ever on the pacific environment requisite for a smoothly functioning global economy, it had ample reason for satisfaction with the fundamental norms of international order. That may well be the main reason why the moment passed without producing disaster. I suppose, however, that one should not altogether discount the reassuring Reagan persona, the tranquillising effect of a few hundred billion additional dollars spent on defence, the suppression of inflation, the renewal of economic buoyancy (albeit floating on a sea of debt), and the non-appearance, despite avid predictions to the contrary, of a Soviet challenge in the Gulf, in Europe, or anywhere else.

For whatever reason, the country had recaptured its normal if slightly brittle optimism by the time Reagan met Gorbachev, pronounced him authentic, and declared a new era in Soviet-American relations, thereby reinforcing the collective sense of a nation restored. As the heir to this wealth of renewed confidence about America's domestic health and global role, Bush enjoys unusual freedom. Whether he jogs along, marginally adjusting policy as events dictate, or innovates boldly, he is likely to retain broad public support.

If parts of the edifice of international relations built after World War Two appear vulnerable, the remainder seems stronger than ever. As principal architect, the United States designed a structure of international relations that would foster a global economy governed by free markets enforcing the law of comparative advantage. The first condition of such an economy is the existence of societies willing to exchange the risks of comparative advantage for its predicted gains and living in a state of internal and external peace, a state plainly welcome to the war-weary Western allies. The GATT, the IMF and the World Bank were established to encourage acceptance of those risks. Force was banned for any purpose other than as a last recourse against aggression. The classic means for legislating change in the relations of states was therefore gone.

Today, with China already inside and the other great post-war autark, the Soviet Union, sueing for entry, and with Southeast Asia providing a cluster of dynamic new participants, the economic structure is arguably stronger and more stable than at any previous moment in post-war history. But just as the system is becoming truly inclusive, anxiety about disintegration has surfaced in respectable foreign policy discourse.

We are moving, some experts claim, toward rival trading blocs led, respectively, by the West Europeans (primarily the Federal Republic of Germany), the Japanese and the United States, with the latter forced to organise a trading sphere out of the bits and pieces rejected by its competitors.

The motive force for this glide away from globalism is seen to come from at least three sources. One is the expansion and accelerating integration of a European common market with the strength and self-confidence needed to protect inefficient but politically significant sectors of its economy. A second is the declining capacity of the United States to resist centrifugal forces within the circle of advanced capitalist democracies. For domestic reasons both political and economic, it is progressively less able to bear the disproportionate material costs associated with its hegemonic role within the Western alliance. It has perforce become intolerant of free riders on its security investments and of less than full reciprocity insofar as it practises free trade. Japan is the third. The MIT economist Rudiger Dombusch appears to be arguing in a recent piece that the problem is not so much its government's policies as its acts of omission which express the very character of the place. Japan is structurally neo-mercantilist. That is to say, the forms of its political and economic life, together with its mentality, preclude for the foreseeable future anything like the level of imports required to offset the enormous value of its exports. Today much of the resulting surplus capital is productively employed (from the Japanese point of view) in accumulating foreign assets such as factories, real estate and raw materials, but the principal part goes towards financing the American budgetary and trade deficits.

Although American consumers have found this arrangement comfortable, the American elite is conspicuously uneasy about the country's growing subjection to the investment decisions of Japanese lenders. The number of blue and white-collar employees who believe they have been injured by Japanese competition, or who are for less material reasons receptive to nationalist appeals, provides a popular base for an elite-led drive to restore equilibrium which is likely to accelerate with the next downswing in the economic cycle. If, one is tempted to say when, the US gets its accounts in balance, and if the Japanese political system still will not produce the unprecedented measures required to induce a sharp increase in domestic consumption of foreign goods and services, Japanese capital will have to find huge new outlets.

Europe, Dornsbusch argues, will still not need and Latin America will not be able to afford to borrow more than a fraction of the Japanese surplus. The first alternative, then, will be direct investment. In Europe and North America, however, this option will be constrained by political forces determined to limit foreign ownership of land and other productive resources. Rebuffed by its erstwhile allies, according to this hypothesis, the Japanese will summon their capital and political energy to build an Asian trade and finance zone, a move likely to be facilitated by the limits imposed by Europe and the United States on the exports of all Asian countries. In addition or alternatively, the Japanese might decide to mate their money, technology and capital goods to the natural resources and untapped markets of the Soviet Union.

In fact, the economic consequences of the world's division into three trading blocs are far from clear. In the first place, one cannot predict how much the division would add to existing trade restraints. Protectionism is a political decision, not a force of nature. The formation of blocs might do nothing more than force a moderate increase in the global deviation from that optimum production of goods and services presumed to result from unlimited free trade. Theoretically, such an increase would occur if the value of inter-bloc trade restrained was somewhat greater than that of intra-bloc trade unleashed. But whatever the aggregate consequences of disintegration into blocs, the United States is likely to experience the largest relative losses and fewest gains, above all in the currency of political influence, among the powerful nations concerned.

With whom will America bond other than its immediate neighbours? Even after it achieves equilibrium in its balance of payments, it will not have the huge quantities of surplus value capital which Japan will be able to deploy. That is one reason why both China and the Soviet Union are likely to gravitate into Japan's orbit. A second is what appears to be the greater ability of public and private actors in Japan to identify, and collectively to pursue national economic objectives: public and private élited in Japan are more compact and homogeneous; their relations are marked by mutual respect; their cooperation is not haunted by the distrust of government and the visceral individualism that are so much a part of the American character.

Japan Inc. will not rely on the drift of events. It will actively court the Marxist giants with offers uninhibited by balance-sheet anxieties. Strategic consideration should enhance their receptivity. A militarily powerful state will normally prefer economic dependence on a comparatively weak one. This strategic factor, coupled with the proximity of major decision centres, might alternatively draw Moscow into close association with the EEC, which is, in any event, likely to incorporate most of Eastern Europe.

The relative weight and cohesion of each Bloc would affect the terms of trade it could negotiate with the other two. Negotiations could also be affected by the political environment in which they would be conducted. The environment for negotiations between an Asian bloc led by Japan and one dominated by the United States promises to be poisonous. Aside from the fact that a defining characteristic of each bloc would be skin colour—a less than propitious element in the diplomatic mix—both sides will feel sorely aggrieved. By hypothesis, the Japanese decided to concentrate on organizing an Asian bloc because of rebuffs to Japanese goods and capital in Washington to less than Brussels. As for the United States, it will find itself negotiating to retain some part of what it won with bloc and treasure in World War Two: an unrestricted Asian presence. For a country which has imagined itself throughout the 20th century to have an Asian vocation, the very need to negotiate will be a source of rage. Mutual resentments will implicate negotiations on purely economic issues, in part by investing them with torrid symbolic values. The severity of those negotiations could in turn shadow the prospect for cooperation on other matters.

History, being sloppy, will probably not allow anything nearly so neat as three-bloc world. But the centrifugal forces identified by Dornbusch and others could certainly produce a more fragmented and less open international economy than we have today. The potentially sizeable opportunity costs that would accrue from the failure to maintain, much less expand, an open global system are reason enough for an American President to question a largely reactive policy of marginal adjustments. But more ominous than the notional loss of goods and services is the inevitably associated loss of political cooperation—an element which is already insufficient to cope with multiplying threats to the security of nations.

As the electoral strides of the Green Parties demonstrate, the ecological threats have finally begun to bore deeply into mass consciousness. Collectively we are poisoning the water and air, levelling the forests, dissipating the soil, raising the temperature, spreading the deserts, depleting the ozone, and just plain shifting the whole balance of nature. Through their acts and omissions, governments all over the globe commit crimes against the Earth. The consequences of those crimes ooze inexorably across national frontiers. Some governments cannot stop because they are inept. They need expertise or trustees. Others will not stop because they are delinquent. They need sanctions. Others again do not stop because the immediate political and economic costs threaten their survival. They need contingent rewards and sanctions too. Many wait for others because acting alone is both costly and inconsequential. They need company.

We lack relevant processes, institutions and norms, not to mention an inherited disposition, to monitor behaviour, identify threats, deploy assistance, allocate funds, and to impose sanctions. Brazil consumes its forests; the world wails; the World Bank lends the means for consuming them faster; the forests continue to shrink. That is the status quo.

Irreversible ecological damage will kill us slowly while progressively depressing the standard of living. Emerging strategic developments presage conflicts that will kill lots of people quickly while battering global GNP and doing their own bit for ecological degeneration. Within the next ten years at least two dozen countries will have the means to make nuclear weapons. The weapons themselves are spreading. Missiles capable of delivering them at great distances are spreading faster. Virulent chemical weapons seem accessible to any state with money or a half-way developed scientific-industrial base. Meanwhile the norms governing the use of force and protecting the independence and integrity of states have lost at least some of the clarity and authority they enjoyed when first incorporated in the United Nations Charter.

During the past fifteen years Indonesia has invaded East Timor, Vietnam has invaded Cambodia, Israel invaded Lebanon, Iraq has invaded Iran, Morocco has invaded the Western Sahara, India has invaded Sri Lanka, and South Africa has invaded whoever in the region it was disposed to invade. Events confirmed their evident conviction that they would not be punished. The superpowers, by their interventions in the name, respectively, of scientific socialism and democracy, have contributed to the view, rejected at Nuremberg but manifested in the actions of these powers, that every state is the exclusive judge of the measures required for its security. Preoccupied with the Cold War, avid in the cultivation of clients, the Soviet Union and the United States have sheltered instead of disciplining norm-busting nations.

Since it is strategically secure, and dependent for its affluence and therefore its domestic harmony on the smooth operation of the international market economy, the United States has ample incentive to help restrain inter-state violence. The imperatives of perestroika, or perhaps one should say the political and economic imperatives that have produced perestroika, have led Soviet leaders to see more clearly than ever before that international anarchy does not serve their interests either.

In a world of competitive states and transnational loyalties—particularly those stemming from race and ethnicity—the fuse of interstate conflict will often be lit by events within states: wars, coups, insurgencies, massacres. For that reason the great powers have a material interest in fostering the peaceful resolution of internal disputes. As it becomes a more plural and open society, a society more dependent on the uninterrupted movement of people and goods across frontiers, the Soviet Union's stake in repressing international terrorism and the movement of illicit goods—narcotics, materials for manufacturing weapons of mass destruction, art treasures, nuclear and other toxic wastes—will increasingly approximate to that of the United States and its traditional allies. The growth of environmental consciousness in the Soviet Union, coupled with the growing exposure of decision-makers to popular pressure, is establishing another point of convergence between the concerns of its elites and those of our own.

This happy conjuncture of interests (and the inception thereof) between the two great protagonists of the Cold War cries out for institutional expression designed to avert misunderstandings, to concert policy and to strengthen within each country the advocates of co-operation. But although the US and the USSR are necessary participants in any collective effort to address the central risks to security, they are not sufficient. In order to contain the destructive and centrifugal forces at work in the world, all of the leading states must be drawn to a structure that will invest them with the prestige and power, and the constraints and responsibilities, of system managers.

Bush has not responded to this cry, and will not as long as he imagines that policy consists only of incremental adjustment and, when adjustment fails, of crisis management. Through the excess of caution, or an insufficiency of imagination, he has ignored this opportunity, just as he has lagged thus far in confronting the fact that reform of the Soviet system will explode in the hands of its practitioners, in such a way as to restore—with heightened inflamation—the condition of cold war.

By getting aid for Poland and Hungary to the top of the agenda at the recent economic summit of the Group of Seven, and by committing the United States to contribute $119 million, Bush made a beginning. But the risk is greatest in the Soviet Union itself, where the authority of the regime is unravelling at a stunning pace. If Stalin were in power, that would be marvellous, because any alternative would be superior. With Gorbachev in power, it is distressing, because the most likely alternative is a reactionary government ruling by terror. And if, to save themselves, Gorbachev and his colleagues yielded to pressure for the imposition of martial law, they, too, would end up ruling by the knout. After glasnost, anything like the old order of things will not be easily restored. It appears unlikely that Gorbachev can dampen combustible social tensions, or inspire economic discipline and initiative, solely through accelerated deregulation and enhanced political participation. Necessary as those steps are, they are not sufficient. Exhaustion and cynicism are running high. The Soviet people needs to experience now the taste of the promised fruit. Over the longer term, Gorbachev's reform should enhance consumption. In the shorter term, the conflict and confusion associated with the transition seem to have produced further deterioration in living standards for some and greater frustration for almost all.

Making perestroika work may well be as important to the interests of the United States as the restoration of Europe was after World War Two. One response to that imperative was the Marshall Plan, which made financial adjustments and outlays play the dual role of supporting reconstruction and of inducing a habit of consultation and collaboration among the nations of Western Europe, and between these nations and the United States. The plan's rapid implementation eased social tensions in Western European countries, re-invigorated their economies and imparted a momentum to international relations which culminated in the institutions of co-operation which dominate the current scene.

In his letter to the G-7 Heads of State, Gorbachev announced the readiness of the Soviet Union to become an active participant in global economic affairs. The members of the Group of Seven should respond by proposing discussions among Soviet and G-7 officials about means for increasing economic interaction. Each of the G-7 party leaders should designate a prestigious figure, backed by a small staff of experts from government, research centres, academia and the private sector, to conduct those discussions. The designee would report directly to his president or prime minister. In proposing discussions, the G-7 should have several immediate objectives. One is to identify the scale of credits required to give Gorbachev breathing space and leverage. A second is to assist Soviet experts in planning the integration of foreign investment into the transition toward a relatively open economy. A third is to strengthen personal and institutional links between important segments of the Soviet bureaucracy and their G-7 counterparts. And a fourth is to deepen those links among the Group of Seven. On the basis of proposals developed by the participants in this exercise, the relevant G-7 cabinet members, working closely with business and financial pashas (and in the United States with Congressional luminaries), should assemble export credits and investment guarantees sufficient in scale to furnish Gorbachev with the means for tangibly improving the condition of Soviet consumers. They should also agree on institutional arrangements for collective allocation of the credits and guarantees so that the allies move as one to reinforce positive developments in the Soviet transition.

Since the Japanese have most of the spare capital required to finance Soviet imports. Japan should chair the group of experts, the ministerial consultation, and the co-ordinating mechanism. And the Japanese Prime Minister should co-chair the summit, with President Gorbachev required to negotiate the precise arrangements and understandings that would commit the capitalist democracies to helping perestroika succeed. As things stand now, however, it is the United States that must set the project in motion.

Bush's decision to inauguarate this process would be one important measure of the man. A second would be a decision to advocate systematic consultation among the G-7 and the Soviet Union on the full slate of international issues. To that end, the G-7 could expand the agenda of the proposed summit and urge that it be an annual event. Twenty years ago agreement between the G-7 and the Soviet Union on almost any issue would have been decisive for the remainder of the international community. The subsequent diffusion of power has made other states, or blocs of states, necessary parties to effective decisions on many issues. While Bush and his colleagues should visualize a broad and regular consultation with Moscow as a way of sealing the end of the Cold War, it should also be seen as an immense step toward global co-operation. To further this aim, the first summit would establish a planning group authorised to create support among other states for converting the Security Council into an institution able to identify risks to widely shared interests and to adopt and implement decisions. The conversion would involve adding Japan and the Federal Republic as permanent members and expanding the Council's authority to include all serious threats to human welfare.

If the past is prologue, Bush will go on drifting with the current of events, steering to avoid a shoal here and there, husbanding his stores, exhorting his crew, defending his flag, all the while hoping to arrive at an agreeable place, but unwilling to raise sail in the favouring wind and plot his own way. And yet, as he himself concedes, an extraordinary and fragile process of change is occurring in the Soviet Union, which the United States is in a position to support. It is also in a position to attempt to determine a future in which the governing systems of the world may be able to act collectively in relation to the changes they share. No President since Truman, possibly since Franklin Roosevelt, has faced an environment so full of promise and peril. Bush's acts and omissions will soon settle the question of whether the American people have elected a man, if not for all seasons, then at least for this one.

WE NEED A PUBLIC SOLUTION TO LONG-TERM CARE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEHMAN of Florida. Mr. Speaker, in February, I met in my district office with a group of constituents who are concerned about the affordability of long-term health care.

Their organization is called the National Long-Term Care Campaign, which is very active locally as well as on the national level.

Since Congress will be reviewing various long-term health care proposals, I would like very much to share with my colleagues part of the position paper from this organization.

WE NEED A PUBLIC SOLUTION TO LONG-TERM CARE

(By Lil Leviten)

Private insurance is, in practice, unaffordable to a large majority of American Fami-

lies. Private insurance rarely covers the actual cost of: Custodial Nursing Home Care, or care in an assisted living facility. Families who prefer to care for their loved ones at home are not covered for the cost of chore services, respite care or adult day care for their loved ones. Home Health Care policies, when you can afford them, provide very limited services of therapists, nurses and home health aides.

Families USA Foundation in collaboration with James P. Firman and Susan Pointlaskzek, just released, a research report entitled, the Unaffordability of Nursing Home Insurance. People over 80 years old cannot buy nursing home insurance. The study focuses on policies available to healthy persons between the ages of 65 and 79. The average price per person per year, at age 65 is $1,255, at age 70 is $1,808, at age 75 is $2,879 and at age 79 becomes $3,860. The study proves that very few senior citizens can afford these rates.

I believe in a public solution similar to Social Security or Medicare. Private insurance is too expensive and doesn't provide all the care that is needed. Families need a public solution for Long-Term Care.

A TRIBUTE TO THE BROOKLYN IRISH-AMERICAN PARADE COMMITTEE ON ITS 15TH ANNUAL PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I call my colleague's attention to the Brooklyn Irish-American Parade Committee on its 15th annual parade to be held on Sunday, March 25, 1990, at the historic site of the Battle of Brooklyn in which Irish Freedom Fighters gave their lives to secure Independence for America.

The Brooklyn Irish-American Parade highlights the cultural, educational and historical accomplishments and contributions of Brooklyn's Irish-American community. The parade encourages an appreciation of an ancient Irish heritage and celebrates Brooklyn's cultural diversity.

This year's theme is "Games of the Gael: Hurling, Camogie, Gaelic Football and Handball" in honor of Kathleen O'Dwyer McDonagh, native of Drombane, Thurles, County Tipperary. Ms. O'Dwyer McDonagh, a founder of the parade, is a leader in promoting Irish sports in Brooklyn and the Northeast. Not only is she a cofounder of New York's Young Irelands Camogie Team and the Park Slope Shamrocks Minor Gaelic Football, but she is also the organizer and former president of the North American Camogie Association.

Ms. O'Dwyer McDonagh, through her many years of dedicated and tireless effort, has brought public honor and recognition of the many cultural, educational and civic contributions made by the Irish-American community. Because of her very special work and leadership, she has been selected by the parade committee as this year's grand marshal.

Mr. Speaker, please join me in commending the Brooklyn Irish-American Parade Committee: its grand marshal, Kathleen O'Dwyer McDonagh and her aides, Ann Patricia Behan, Kings County Ladies AOH, past president-division 6; Anna McElroy, president, United Irish Counties; Bernadette Buckley Kash—Irish culture—Buckley School of Irish Dance; Rev. Msgr. Vincent D. Breen—religious/education superintendent of education, Brooklyn and Queens; Alfred E. Jennings—Irish-American business—Brooklyn Union Gas Co., director of community relations; Andy O'Neill, Kings County, AOH, past president-division 19; John O'Donnell—Gaelic sports—Brooklyn Shamrocks Football Club and parade chairperson; Peggy Toner, dance chairperson; Eileen O'Dea, journal chairperson; Peggy Lynaugh, parade officers and members and all the citizens of Brooklyn participating in this important and memorable cultural and civic event.

A DEDICATED FEDERAL EMPLOYEE RETIRES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join with me in congratulating upon his retirement a constituent who has faithfully served his Nation and community for nearly 32 years.

Ronald H. Zimmerman, known to his many friends as Zimmy, lives in Halifax, PA. For the past three decades, he has worked as an FAA area supervisor at the Terminal Radar Approach Control Facility and Airport Traffic Control Tower at Capital City Airport in New Cumberland, PA. As a supervisor, Zimmy was a role model to those men and women who are responsible for the safety of thousands of passengers in America's skies.

I thank Ronald Zimmerman for his dedicated service; our country depends on employees like him. I know he will be sorely missed by his colleagues.

JEWISH HERITAGE WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GILMAN. Mr. Speaker, once again I am pleased to introduce legislation designating "Jewish Heritage Week" before the House of Representatives. This legislation presents a unique opportunity to foster renewed appreciation for the rich culture, heritage, traditions, and history of the Jewish people, as well as the contributions of American Jews to our Nation and our society.

The legislation designates May 6 to 13, 1990 as "Jewish Heritage Week." By so commemorating these few days, Congress and the American people can continue to promote intergroup understanding and the principles of brotherhood which are so pertinent. It is indeed reprehensible and incomprehensible to learn of domestic hate crimes and antisemitism around our country. Jewish Heritage Week is commemorated throughout our Nation with appropriate celebrations and proclamations, and last year, more than 1 million students of all ages, races, and faiths learned about Jewish religion and traditions by participating in meaningful education programs and celebrations.

This year, the theme of Jewish Heritage Week is "Women of Valor: Celebrating the American Jewish Woman." Jewish Heritage Week will also focus on the many religious celebrations and cultural events that take place in the spring, among them, Passover, the holiday of redemption from slavery; Israel Independence Day; Jerusalem Day; the anniversary of the Warsaw Ghetto Uprising; and Holocaust Memorial Day.

Mr. Speaker, I request that the full text of this resolution be printed at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to join me in cosponsoring this commemorative resolution.

H.J. RES. 501

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas May 10, 1990, marks the forty-second anniversary of the founding of the State of Israel;

Whereas the months of April, May and June contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation;

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 6, 1990, through May 13, 1990, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

H.R. 4185

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. FRENZEL. Mr. Speaker, I have introduced H.R. 4185 which would include parts and accessories as eligible for duty-free treatment under the Nairobi protocol. The protocol is a multinational agreement granting preferential access for items used by the handicapped.

There has been some confusion in the past as to whether or not parts are included as eligible items. Since Customs has ruled that they are not included, I have introduced this bill to clarify what I believe is the original intent of the law.

CITATION TO MR. FRANKLIN G. SMITH OF EL PASO, TX

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. COLEMAN of Texas. Mr. Speaker, it is with great pleasure that I rise today to recognize Mr. Franklin G. Smith of El Paso, TX, who is being honored this week by the U.S. Department of the Interior. Mr. Smith will be receiving the Department's highest honorary recognition—the Distinguished Service Award—for his outstanding career with the National Park Service. This citation is granted for an exceptional contribution by an individual to public service in the performance of his or her duties with the Department.

Mr. Smith's career has spanned a variety of positions and today he is the superintendent of the Chamizal National Memorial—a community cultural center located on the border between El Paso and Ciudad Juarez, Mexico. Operating from the premise that the best way to communicate across the boundaries of language and culture is through the arts, Mr. Smith's work has encompassed a broad spectrum of highly successful annual cultural programs including a 3-day Border Folk Festival, the Border Jazz Festival, Charreadas (traditional Mexican rodeos), El Grito (celebrating Mexican independence), and the internationally acclaimed Seiglo de Oro Drama Festival. His professionalism, competence, and commitment have made him an example and an inspiration to his colleagues. Through theatrical performances, graphic-arts displays, information services, publications, films, and exhibits, Frank Smith has successfully delivered the message of the Chamizal—a message of the peace and friendship we wish to foster along the El Paso-Juarez border and between our two nations. Under his leadership and guidance, the Chamizal has fulfilled its mission of becoming a living memorial to the spirit of international cooperation and goodwill.

In addition to his efforts to broaden the cultural growth and development of the Chamizal, Mr. Smith is an effective and dedicated administrator whose commitment to employee service has led to the establishment of exceptional programs in equal opportunity and cooperative education.

Mr. Speaker, for his eminent career with the National Park Service, Franklin G. Smith is most deserving of this prestigious award granted to him by the Department of the Interior. The work and invaluable service he provides for his community will not be forgotten.

THE INTRODUCTION OF THE PESTICIDE EXPORT CONTROL ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SYNAR. Mr. Speaker, I am pleased to join with Senator LEAHY and other Members of the House and Senate in introducing the Pesticide Export Reform Act.

This bill is long overdue. Last May I held a hearing in my Environment, Energy and Natural Resources Subcommittee on the uncontrolled export of unregistered pesticides. The 1978 amendments to FIFRA require that foreign governments receive information about exports of pesticides which can't be used in the United States. Yet, according to a GAO report released at the hearing, because of loopholes in the law, foreign governments were not being notified of 90 percent of the unregistered pesticides exported from this country.

In the last 10 years the global pesticide market doubled and U.S. exports accounted for one-quarter of the world's supply. But many importing countries don't have the resources or expertise to regulate the chemicals that they are shipped.

According to a U.N. survey of 115 countries which I released at my hearing, many nations, especially in the Third World, lacked the ability to assure safe pesticide practices. These practices may be a threat to the health of farmworkers and the environment in those foreign countries. Unfortunately, they may also be a threat to American consumers when foods containing residues of banned products are imported back to the United States. Other GAO and congressional investigations show that high rates of violations commonly occur.

Even with a flawed inspection system, the Food and Drug Administration [FDA] reports that 5 percent of imported products contain residues of pesticides not registered for that use here. For some commodities like cabbages, the FDA has found 14 percent of imports had violations. Imported blackberries had an even greater rate of violations, at 38 percent. Does the consumer really have to face fruit salad roulette at the grocery store.

American farmers have a right to be angry when they see foreign producers competing against them using chemicals that they can't use here. And American consumers have a right to be angry since almost no foreign agricultural products get tested at our borders and many residues are virtually untestable at entry. Without accurate and complete EPA export information shared with other Federal agencies and foreign governments, border inspectors will not even know which pesticide residues to look for.

While EPA has attempted to correct some of these problems since our hearing, their regulations don't go far enough. The Agency proposal merely tightens the requirements on export labels, trusting the users, importers, and food inspection agencies to prevent reintroduction of unregistered products. This is like putting a Band-Aid on a broken leg. Only one solution will work—a prohibition on the export of unregistered and banned products except for limited research and medical purposes. This step requires new legislation.

But putting controls on banned or unregistered products is not enough. Our bill puts new requirements on the export of restricted-use pesticides, the most hazardous types of products which are still used legally here at home. We require that foreign governments give prior informed consent before these products are exported to willing countries. This contrasts with the EPA proposal which gives no special protections against restricted-use pesticides and limits the receipt-of-notice provisions solely to foreign purchasers.

We also tighten up requirements on the information supplied to EPA by exporters so that the Agency can adequately police compliance with the law. Export product labels must also be written in the language of the importing country and include all of the information which would be contained on U.S. labels.

In addition, the bill reduces the kinds of data which can be withheld from the public as confidential business information and sets up a strict notification scheme to let foreign governments know of important EPA pesticide regulatory decisions.

Finally, not only is the bill important for protecting our own consumers and farmers and those in foreign countries, it is also important for protecting the good name of our country. We should not be sending abroad those products which we have determined are detrimental to public health or the environment.

EULOGY FOR CHAVEZ COHO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, the Ramah Navajo School Board is presently constructing an educational facility on its Pine Hill campus. The facility will aptly bear the name of Ramah Navajo School Board founder Chavez P. Coho. Chavez Coho led a remarkable and full life in service to the Navajo people and the Ramah chapter until his death in 1987.

As a child, Chavez Coho did not have the opportunity to attend school because the Ramah area lacked such facilities. It was this sad situation which compelled him to dedicate many years of his life to assure Ramah's citizens would one day be able to send their children to a local school. As president of the school board, Chavez sought that an uncompromising pursuit of excellence in education be the Ramah School Board's goal. His spirit is still very much a part of the Ramah Navajo School Board and the Ramah chapter.

In addition to founding the school board and serving as its president, Chavez Coho served as a tribal judge, chapter president, Tribal Council delegate and in several other important positions. The building of an education facility in his name is a most fitting tribute to his life of service.

Mr. Speaker, I am submitting for insertion in the RECORD a eulogy for Chavez Coho written by his long-time friend Michael Gross. I believe it reflects the inspirational character of life Chavez led and I submit it to my colleagues' attention:

EULOGY FOR CHAVEZ COHO

(By Mike Gross, Attorney for Ramah Navajo School Board, Inc.)

I first met Chavez Coho in 1968. I had newly arrived at Window Rock to begin working for DNA Legal Services. My first day in Window Rock I tried to get my car fixed in Gallup. While there at the garage, I got a call from the office. To this day I don't know how anyone knew where I was.

Could I get back to the office in a hurry, I was asked. Seems they needed my help on a case that had to be filed shortly.

When I arrived back in Window Rock I was ushered into DNA's library/conference room. The place was packed with lawyers and law clerks. Ted Mitchell was there. Vard Johnson too. I was told about the closing of Ramah's public high school and the need to get it reopened in time for the start of the next school year, otherwise Ramah Navajo kids would have to leave home to go to federal Indian boarding schools or drop out of school altogether.

I was assigned to the case as a law clerk and remember my first trip to Ramah with Abe Plummer to look for witnesses. We drove all over the countryside finding people. Later Chavez Coho, the community's Chapter President, came to the office to learn about what we lawyers were doing. That began a monthly information session at our offices through the life of the suit, which lasted more than a year. We tried to reopen the school but the judge wouldn't go along with that. Instead he ordered that bus routes be extended to take Ramah Navajo kids to Zuni High School. We lawyers thought that was great. We had achieved a major legal victory. The only problem was our clients didn't want to send their kids to Zuni and besides the local school district needed State permission to extend the bus routes.

Eventually the suit fizzled. By this time, Ramah Navajo high schoolers were off in Utah or at Ft. Wingate or at Albuquerque Indian School. One parent reported that his daughter had been on the honor roll at the old Ramah High School but, since she had gone off to Albuquerque, he had no word from her, did not know what courses she was taking, and had no contact with her teachers.

In the meantime, I had poured over the reports of the Special Senate Subcommittee on Indian Education. It seemed that Ramah was a microcosm of everything that was wrong in Indian education. The Committee recommended following the local control approach of the Rough Rock Demonstration School but it laid out no plan for expanding that concept.

In December 1969, a private foundation in New York which had contacted me made a $2000 grant to the Ramah Navajo community on the condition that it would try to start its own school from scratch. No Indian community this century had ever done that. On February 6, 1970, in the company of Leo Haven and representatives from Rough Rock, I attended an historic Ramah Navajo Chapter meeting. I presented a plan for electing a local school board, getting it incorporated, and using the $2000 to raise operating funds from the government. The rest of the story is pretty well known. That day Chavez Coho was elected to the first Ramah Navajo School Board. He served on it, most of the time as President, for the next 17 years and was still serving on it when he died.

It is safe to say the School Board became Chavez Coho's life. And to a great extent Indian self-determination was born through his efforts. Along with his fellow school board members, he went to Washington to raise the funds. He addressed Congressmen and Senators in halting English and told them of his dreams for education. He spoke about his own upbringing, how he had never gone beyond the third grade, how the BIA had often promised a school but never delivered. His message was effective. In early April 1970, Louise Bruce committed $368,000 to this untried, untested, uneducated Navajo grassroots school board. In July 1970, President Nixon mentioned the Ramah project in his message on Indian Affairs.

My association with the Ramah Chapter and Chavez Coho intensified. I offered to quit my job at DNA and help coordinate efforts to open the school by September 1970. That was a turbulent summer. Nothing seemed to work right. The army tents to house the kids were drafty and cold. Blankets did not arrive on time. Setting up a cafeteria was a nightmare. The kids were supposed to help renovate the old high school but there really wasn't much they could do. Ramah Lake was low and organizing activities for the kids proved tough. The school board met constantly. Often meetings would go to 11:00 or 12:00 o'clock. We had plenty of disagreements. Yet in early September the school was dedicated. The teachers had been hired. The curriculum had been established.

Eventually, there came a time in the fall when I had to leave. I had always told the Board that I intended to leave when the school was established. Still it came as something of a shock when Mr. Coho—we always called him that—told me the time had come. There followed a year of little contact. But then the Board asked me to help with fund raising for construction of a new school. We went to Washington again. And once again Mr. Coho and the other Board members spoke to Senators and Congressmen in the chandeliered halls of Congress. The money came. The new school was built.

Throughout this period, we were constantly involved, the Board and I, in working out problems with the four year long construction project. All of us learned a great deal about constructing in remote areas and dealing with the business world. One day Larry Manuelito asked me to talk with the Board about tax issues surrounding the project. It seems that New Mexico was indirectly charging its sales tax to the project through the non-Indian contractor. Was there a way to save this expense and get the taxes already paid back? I did some research and concluded the answer was no. There were a few cases which might help make an argument that the tax was illegal but nothing directly on point. Still the Board with Mr. Coho firmly leading the way directed me to pursue a claim. I did. And once again Ramah made history.

Five years after the claim for refund of taxes was first made, the U.S. Supreme Court handed down its 6-3 decision. We had won and all of the taxes plus interest (some $368,000) was returned to the Board. I can still see Mr. Coho and the other Board members sitting in the first row of the Supreme Court Chamber listening to the legal arguments.

I also remember one time at a convention, I think it was the old Coalition of Indian Controlled School Boards, when I was explaining how the Ramah case was my first case out of law school and I was still working on it. Mr. Coho in a loud stage whisper cut in and said: "That's because you haven't won it yet!"

There was a bond between us. We came from different worlds. We had trouble communicating with one another. And yet the trust was there. I knew he knew that with both of us the school and its welfare came first. He was truly dedicated to improving life in his community and he saw education as the chief means to do it.

His legacy is all around us. The building we are in and the many school children around us would not be here if it hadn't been for Chavez Coho. He was a community leader, a tribal leader, a family leader. Others in far away places have learned from him. An uneducated man demonstrated more wisdom than hundreds of educated bureaucrats. He lived his life as an example of Indian self-determination: Accept help from outside but always on your terms. I remember once in the early days of that long ago summer of 1970 when OEO said it would give the fledgling Board a $25,000 grant. However, said OEO, the money would have to be routed through the Rough Rock Demonstration School because it already had an established relationship with OEO. I remember a late night meeting on this question, with me drawing diagrams on the blackboard showing how OEO wanted to send the money to Rough Rock and then have Rough Rock send it on to Ramah. The issue I said was one of status and control. Would Ramah Navajo School Board be recognized as a separate entity capable of handling its own monies? Mr. Coho listened to all this in characteristic silence until I was done. Then he spoke in Navajo. I did not understand and yet I did understand. At his initiative, the Board sent a telegram to OEO. Either give us the money directly or keep it, the telegram said. Two weeks later the $25,000 check arrived in the mail.

Chavez Coho will be long remembered. He was the embodiment of Indian determination to control life for themselves. He was always willing to talk but on the question of local control and self-determination he would not compromise. In large part, his vision has now become established federal Indian policy.

All of us will miss him and yet take pleasure from knowing that he influenced so many of us in such a positive way.

RICHARD B. SMITH TAKES CHARGE OF MIAMI INS OFFICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEHMAN of Florida. Mr. Speaker, of all the offices of the Immigration and Naturalization Service, the Miami district office ranks at the very top in terms of both the immensity of the problems it faces and the challenge it poses to its top administrator.

I am pleased to report to you that the Commissioner of the INS has appointed Richard B. Smith as the new director of the INS Miami office.

It takes a special person to fill this post. For years, Perry Rivkind, one of the INS' most able administrators, directed this office. Mr. Smith served as his chief assistant, and he is well familiar with the special issues facing south Florida. He is also a career INS employee who knows his agency from the bottom up.

I know that my colleagues join me in congratulating Mr. Smith on his appointment, and I would like to share with them an article on this matter which appeared in the Miami Herald.

[From the Miami Herald, Mar. 2, 1990]

MIAMI INS INSIDER NAMED DISTRICT CHIEF

(By David Hancock)

The newly named director of the busy, something-always-happening Miami immigration district has a familiar face—he's been a top administrator in the office for six years.

Richard B. Smith, who has filled in as acting director of the Miami district for the last seven months, got the nod for the full-time job this week. Gene McNary, commissioner of the U.S. Immigration and Naturalization Service, picked Smith over INS district directors from Baltimore and Detroit.

"I set this goal for myself 20 years ago when I came in to the immigration service. It took me 19 years and 8 months to achieve," said Smith, 48. "I'm looking forward to the challenge."

Smith, a transplant from Texas known for candor and a low-key style, has been praised by local immigration attorneys for his broad understanding of the immigration field.

As acting director last fall, Smith persuaded McNary to send a task force of INS examiners and clerks to Miami to speed up the tremendous paperwork backlog here.

"Smith has some very good statistics in that area. The task force has really made a difference," said attorney Michael Bander. The task force has carved months off the waiting time for naturalization and other immigration services.

"Smith is a career guy. He's got excellent contacts and the support of mid-level bureaucracy in Washington," Bander said. "Things are really moving here now."

Two traditional adversaries of the Miami INS district—the director and supervising attorney of the Haitian Refugee Center—said they hope Smith will use his new position to correct what they feel are injustices to Haitian refugees.

Among other complaints, HRC attorney Cheryl Little and the Rev. Gerard Jean-Juste said INS must stop transferring Haitian detainees out of state, and be more willing to parole them from detention to allow easier access to lawyers.

"We can't keep going into federal court over these things," Little said.

"These things cause a lot of misery," said Jean-Juste.

Smith has been a top administrator in the Miami INS office since coming here in 1984. He was the deputy director for his former boss, Perry Rivkind, and also headed up the Miami district's immigration fraud unit. Before coming to Miami, Smith spent 14 years working his way up through the El Paso INS district.

Rivkind said Thursday that McNary was wise to pick a local person who understands Miami's diverse cultures.

"If a person had come to Miami with no understanding of the complexities of the situation here, you could have had big problems," Rivkind said. "Smith has excellent judgment, very courageous, and he's not afraid to make decisions."

Attorney Leo Ochoa said he was initially concerned that Smith's early background in immigration fraud investigations would keep him from seeing the need for occasional humanitarian decisions. An INS district director has leeway to make exceptions in special immigration cases.

"I was afraid he might be too much of a policeman. But I've found him to be fair and straightforward," Ochoa said. "Smith has a lot of background and local experience."

Current events in Cuba, Haiti, Nicaragua and Eastern Europe notwithstanding. Smith said his biggest priority is the continuing effort to bring the backlogged Miami office up to speed.

Smith also is shepherding the long and bureaucratic process of filling more than 100 vacancies in his district, which includes 1,000 employees in 27 offices throughout Florida and the Bahamas.

Although he has candidates and funding for some positions, the need for background checks has slowed the hiring of badly needed employees, including 27 guards at the Krome Avenue detention center, Smith said.

"I need to turn my attention to solving some in-house problems," Smith said. "We have a good number of vacancies, I want to bear down on that."

In addition to his immigration duties, Smith is serving on Gov. Bob Martinez's Commission on a Free Cuba, which is making preparations for the possible fall of Fidel Castro.

The fall of Castro, like the defeat this week of the Sandinistas, could affect South Florida's refugee population. What will happen to Nicaraguans coming to Miami in view of this week's election? "I don't know," Smith said.

"One of the exciting things is I'm beginning my tour here as district director at a time when all these phenomenal things are occurring in Eastern Europe and the world," Smith said.

"It will be very interesting to see how these things affect us in South Florida."

WELCOMING THE STUDENTS OF EMERSON JUNIOR HIGH SCHOOL TO BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SCHUMER. Mr. Speaker, today, I join my constituents at the John Wilson Junior High School of Canarsie in extending a warm Brooklyn welcome to the students of Emerson Junior High School of Pomona, CA on their visit to Brooklyn. The young men and women from the Golden State will be visiting New York from March 30 to April 7, 1990.

The two buddy schools have been exchanging letters, photographs, reports, and videos in order to gain insight into their differing environments. After their 2-year correspondence, the two classes planned their own Student Exchange Program.

In March of 1989, students from the John Wilson Junior High School went to Emerson Junior High School. During their stay the Wilson students attended classes at Emerson, were honored by the Pomona City Council, the Pomona Board of Education and the Pomona Fire Department. They were taken to Universal Studios, Television City and Disneyland. These students experienced learning that will never be forgotten and made friends that will last a lifetime.

This year, the Pomona students will be making their way to the Big Apple via the John Wilson Junior High School. Although, New York does not possess the palm trees and balmy breezes of southern California, our young visitors will be warmed by their companion students from Wilson as they attend classes in Canarsie and view the exciting sites of New York.

The John Wilson Junior High School has much to offer these bright young students. Its student body reflects the community's diverse ethnic and economic make-up. The school, itself, has a full range of educational programs including programs for the physically challenged and for gifted students.

Mr. Speaker, please join me in welcoming these fine, young exchange students from Pomona on their arrival to Brooklyn.

PENNSYLVANIAN AWARDED EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join me in congratulating a young Pennsylvanian who has achieved the highest honor in Boy Scouting.

On March 11, Aaron Larsen will be presented with his Eagle Scout Award. This represents the culmination of 10 years of scouting. In September 1980, he joined Pack 95 of Enhaut, PA, eventually going on to earn Cub Scouts' highest award, the Arrow of Light. In January 1983, he moved on to join Troop 95.

During his time in Boy Scouting, Aaron has held the following leadership positions: assistant patrol leader, patrol leader, quartermaster chaplain's aide (the latter three held concurrently), assistant senior patrol leader, and for most of the last 2 years, senior patrol leader. For the last 6 months as a scout, he held the appointed position of junior assistant scoutmaster, and is now an assistant scoutmaster with Troop 95. In addition to his Troop 95 activities, he is a brotherhood member of the Susquehannock Lodge of the Order of the Arrow and has danced with the O.A. Indian dancers. He has also attended junior leadership training week and served as a volunteer counselor on the Hidden Valley summer camp staff.

Aaron attends Central Dauphin East High School where he maintains a B plus average. He also participates in many extracurricular activities. These include concert and marching band, choir, choraliers, the Mock Trial team, and the school musical. Academic honors include National Merit Commended Students and National Honor Society. He is also very involved in church activities. He sings in the church choir, teaches junior church and actively participates in his church youth group. One of the high points was his youth group's mission trip to Belize, Central America in June of last year. This year Aaron plans to accompany the youth group on its mission trip to Venezuela.

Aaron plans to attend a small liberal arts college in order to prepare for a career in teaching history at the secondary or collegiate level.

I congratulate Aaron on all his achievements and wish him continued success.

INTRODUCTION OF THE LAW ENFORCEMENT SCHOLARSHIP ACT OF 1990

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation designed to help those public servants who daily risk their lives to protect us: our Nation's law enforcement officers. With low pay, long hours, and stressful, dangerous work, these professionals are on the front line of the war on drugs but for too long have been at the back of the line for Federal aid. My bill aims to change that situation. The Law Enforcement Scholarship Act of 1990 will provide Federal money to the States so that scholarships may be provided to eligible law enforcement officers.

While over 65 percent of the police officers in America have some college course credit, only 22.5 percent have completed a bachelor's degree. Law enforcement organizations are convinced that officers who have pursued college educations are better-equipped to handle the difficult situations faced by today's law enforcement community. We must ensure that every officer who wants to pursue higher education can afford to do so. As the war on drugs wages on, as crime becomes ever more complex, we depend upon our police force to be sophisticated, well-educated, and effective. We must back up this reliance with assistance. The least we can do for law enforcement officers who desire to further their education is to see that they can afford to do so.

The Law Enforcement Scholarship Act authorizes $30 million for law enforcement scholarship programs. States would determine which officers would be eligible for participation, although emphasis would be given to undergraduate study and to members of underrepresented racial, ethnic, and gender groups. Eligibility would require 2 years of service as a law enforcement officer immediately preceding application for the scholarship. In addition, scholarship recipients would be required to serve as a law enforcement officer for a certain length of time after completing their courses, depending on the number of courses for which they received aid. The bill would also provide such assistance for corrections officers, other public servants who are overworked by the current soaring level of crime.

Between 1978 and 1987, violent crime increased 22.5 percent. In our ever more violent society, we rely increasingly on law enforcement to protect our homes, our neighborhoods, our friends and our families. We must ensure that these officers are better-equipped to confront this unprecedented crime wave. Mr. Speaker, I am hopeful that this bill will be part of a larger effort to address more effectively the overwhelming level of crime across the United States. I am proud that it has already been endorsed by the Fraternal Order of Police, the Police Executive Research Forum, the National Association of Police Organizations, and the International Brotherhood of Police Officers. I look forward to working with my colleagues, as well as law enforcement, to ensure that the Law Enforcement Scholarship Act becomes law before the end of the 101st Congress.

FISTS FULL OF DOLLARS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, we need boxing reform legislation in light of the Buster Douglas-Mike Tyson fiasco in Tokyo to prevent the shenanigans of people like Don King.

Yet there are some bright lights in the sport. One is Seth Abraham of HBO. Seth has given boxing positive visibility through a very well seen, safety conscious boxing series.

As the enclosed article in Sports Illustrated demonstrates, Seth Abraham is a class act, especially since he has to put up with Don King.

FISTS FULL OF DOLLARS—THROUGH HAIR-RAISING, 12-ROUND NEGOTIATIONS WITH PROMOTERS LIKE DON KING, HBO'S SETH ABRAHAM HAS BECOME THE HEAVIEST HITTER IN THE WORLD OF PROFESSIONAL BOXING

(By Richard Hoffer)

Of all the unlikely career conceits—I want to be a door-to-door salesman, a hairdresser, a soccer goalie—this is the least likely: I want to study journalism and then do business on a regular basis with boxing promoters like Don King, Butch Lewis and Dennis Rappaport. Somebody actually did this. A man of respectable upbringing (his father is a lawyer), education (a master's degree from Boston University) and seeming sensitivity (his mother-in-law calls him to help draft her thank-you notes) set out to make deals with men for whom piracy would be an absurdly lofty goal, a relative priesthood. Would you like to meet this fellow's vocational counselor?

Would you like to meet this fellow? When he gets up in the morning, whistling at his prospects, it might be to do business with Bob Arum, who once dismissed a contradiction with the following reassurance: "Yesterday I was lying, but today I'm telling the truth."

This fellow is Seth Abraham, senior vice-president for sports programming at Home Box Office, a man whose corporate title and bearing are entirely misleading. First, they obscure the fact that he controls, to a large degree, the colorful business of boxing, an enterprise that one rival in cable-TV sports describes as "Guys and Dolls without the music." Second, they give the impression there is something soft or conventional about Abraham. His presence in boxing is so unlikely that it amuses even King, who says, "He's got these big rimmed glasses! He wears suspenders and he enunciates!" Others are not amused. Lewis has called Abraham "very vindictive." King admits Abraham is a "voracious tiger," but that is King's idea of high praise. As for being conventional, Abraham is a man who staked the name and resources of HBO (which is owned by Time Warner, the parent company of SPORTS ILLUSTRATED's publisher) on a problematic series of boxing bouts, each new contract an adventure fraught with risk. Some men like to swim with sharks, but only Abraham enjoys flossing their teeth.

Abraham is not the sort to climb into the ring during the prefight celebrity introductions. Yet it was he who, however anonymously, produced a single heavyweight champion out of three titleholders and many more self-interests. You can give credit to Mike Tyson if you want, but compared with the battles Abraham fought, the boxer's path was greased. Abraham quietly guides boxing's most important division, and he negotiates the Tyson fights you will see on cable TV for some time to come. He helps decide who will be the next Sugar Ray Leonard and, for that matter, when and whom the old one will fight. It is Abraham who, backed by a production and programming budget of $50 million a year, has elevated Saturday afternoon fights, once the transition between cliff-diving and rhythmic gymnastics, into prime-time events.

We'll leave it to the promoters to argue whether he is the smartest man in boxing or just the luckiest. We'll leave it to the social historians to decide whether he has wrought cultural changes on the scale of, say, Monday Night Football. But please! Let nobody dispute that Abraham, whom one friend describes as "prissy" (he is certainly dapper), is the least likely man ever to sit across a table from Don King.

Here's King at that table, finally taking notice of this impossibly well-mannered interloper: "What's a nice Jewish boy like you doing in this business?" This was followed by chilling advice (you would have found it chilling if King had been three inches from your face): "Leave it for me!"

What is Abraham doing in this business? Why not be a goalie? At least, why not remain in the baseball commissioner's office doing gentlemanly deals on behalf of the national pastime, as Abraham did from 1974 to '78. That was a nice living for a kid who grew up down the street from Ebbets Field and saved Borden's ice-cream wrappers to trade in for a bleacher-seat ticket every Friday. But Abraham says he needed more—the adrenaline generated by the ultimate deal, a deal that is almost certainly calamitous, only possibly rewarding. A boxing deal.

Ten years ago, newly hired to a sports programming job that HBO was thinking of eliminating, Abraham steer the network and himself into boxing as a programming staple. Moving quickly to generate confidence in HBO's little sports division, he negotiated a championship bout between WBC welterweight champ Wilfred Benitez and Harold Weston. It was suprisingly easy. No wonder boxing attracts such scoundrels, he thought: They are drawn to the ease with which high-dollar business can be accomplished. But days went by without attention being paid to his masterstroke. Publicity was scant. Matter of fact, he did not see anything in the newswpapers about his fight, and he reads eight papers every day. He called up Madison Square Garden to inquire into the lack of promotion. Well, he was told, as there is no such fight. . . .

"I had bought a fight that didn't exist!" he says. Ten years has been time enough to turn a career-killer into cocktail-party chatter, but at the beginning, time was in short supply. As legend has it the week before Abraham went to HBO, senior executives of HBO and Time Inc. had voted informally, 6-1, to discontinue sports programming; Michael Fuchs, then HBO's head of original programming and now its chairman, cast the one, persuasive vote that saved Abraham's job. And among Abraham's first acts was to schedule that phantom fight. "You

see, I didn't know," he says, uttering the words of every first-time business partner in boxing.

Do you think the Kings and the Arums were somewhat roused by the arrival of this moneyed innocent, this babe with the goods? A man who will sign up invisible fights! Imagine the promoters slavering over the prospect of doing business with Abraham, a fellow who stays up nights reading long history books and dreaming up just the right gifts for his friends and whose real joy is pickup basketball. "He was kinda green," says King. Of course, the point of this story is not that Abraham was fooled—who isn't in this business?—but rather that he's still around 10 years later. Back when Abraham first called him up, all King could manage on the phone was, "Who are you, anyway?"

Telephoning King from his corner office—good view, nice furniture and a lot of sporting knickknacks (signed baseballs, an antique mitt, pictures of celebrities)—Abraham says, "Don, Don, Don." Muffled barking comes out of the receiver."Don, Don, Don." Abraham appears stricken by what he is hearing. "Don! It's my birthday. For my birthday, you can't give me the fifty? Don, Don, Don," There is more muffled barking and, apparently, the slamming of a phone. Abraham looks up, amused by the little drama. "Jousting," he says.

The two are negotiating the licensing fee for the March 17 Julio Cesar Chavez-Meldrick Taylor fight, which Abraham has essentially created for HBO. He has been trying to turn Chavez, the WBC junior welterweight champion, into an HBO star. He has already paid the fighter $5 million for six fights, and Abraham needs a matchup with another undefeated champion—Taylor, the IBF junior welterweight titleholder—to secure the payoff. Abraham has been working on this for nine months, trying to overcome the reluctance of each fighter's promoter to risk his championship franchise. Promoters agree that a division should be represented by a single champion, but only if he is their fighter. This cannot be guaranteed.

Nevertheless, Abraham has brought King, Chavez's promoter, together with King's hated rival, Dan Duva, Taylor's promoter. And the fight has been made. All that remains to be resolved is the difference between King's asking price of $2.9 million and Abraham's offer of $2.85 million. They had begun with a $1.3 million spread and narrowed it to these. . . pennies. Fifty thousand is loose change to these men, but it is clear that each enjoys the opportunity to dive for it. The phone rings in Abraham's office. Muffled barking comes out of the receiver. King, it turns out, is reminding Abraham of a favor to be returned, a time when King delivered Tyson, gratis, for one of Abraham's corporate functions. Abraham, as if he had been waiting for King to remember this all along, says, "You got the fifty," and they quickly move on to other pleasantries, such as possible sites for a planned Tyson-Razor Ruddock fight. (The bout was later postponed when Tyson became ill and has not yet been rescheduled.) Off the phone Abraham says, "Don knew I was going to buy the Chavez fight, and he knew that I knew he knew." The back and forth was just for fun? Not entirely. "I'm not going to roll over for even one dollar."

Abraham is one of life's strange discoveries, a man of apparent contradictions who is, nevertheless, entirely at peace with himself. He battles King for that dollar and then, minutes later, remembers how he always manages to come up with the perfect gift for King. "I was with him at a hotel once, and I noticed he left a wakeup call," says Abraham. "So I went over to Tiffany's, and I bought him a beautiful traveling alarm clock." Odd.

Abraham is comically meticulous, given his tolerance for workaday chaos. Describing the way to his weekend farm north of New York City, he indicates perhaps a dozen turns, each with a mileage reading. "At 9G," he will say, "turn north. Set your odometer. At point-five miles, you'll see an antique store. Set your odometer." Once done, he says, "Let's go over it again." He loves to recount past deals, always starting with the date. "August of '87," he'll say, leaning back into the story. He's the kind of guy who, when he leaves his office, picks up an index card from his secretary with all the calls he must return.

Yet he makes million-dollar deals on napkins at oyster bars. At last year's U.S. Open tennis tournament, he invited King to the quarterfinal match between Ivan Lendl and Tim Mayotte, and between points they worked on details of a proposed lifetime contract for Tyson. It wasn't the first time Abraham had sketched a contract on a tennis program. For all his fastidiousness, he is not a man of corporate caution.

Reconcile this: Abraham wanders around his new farm in a dream state—a Brooklyn kid gone goofy—pointing out butterflies and hawks to his four-year-old daughter, Sari, while the phone rings off the hook inside the big red barn of a house. The next day he leaves for his regular pickup basketball game at the 23rd Street YMCA in New York City—"do-or-die basketball," says another participant, advertising legend George Lois, the man who gave us Mr. Whipple. Plays defense with his teeth, says Lois, and shocks the street kids—"these aren't yuppies"—with his shooting. Sulks mightily when he loses. Abraham has been going to city gyms for a decade or so, same gyms, same players, and doesn't even know the palyers' names. He is 42, 10 years past retirement age for most guys at the Y, and just 5' 10" in his hightops. "I don't play basketball for fun." he says. And then, his fires banked, he returns to his family.

Or this: He can bluster with the best of them. In an early deal King tried intimidatioin and sprang at Abraham, stopping just short of physical contact. Abraham sat there impassively and then lit into King. He says he recently had to insult a promoter for 15 minutes, which is about three days short of the time required to hurt a promoter's feelings.

And all the while he might have been plotting his wife's 40th-birthday party, an elaborate surprise no other husband should allow his wife to read about. Champagne and chocolate cake aboard the Orient Express from Paris to Venice, then a flight back to Paris and a frontrow seat at an Yves St. Laurent fashion show, where she could turn to Catherine Deneuve or Paloma Picasso and say, "Lynn Abraham, New Jersey." The party took more than a year to plan.

What is he doing in this business? Abraham never even saw a live fight until he was 27, when Lynn surprised him by getting tickets to a bout at Madison Square Garden.

Well, how does someone prepare for the boxing business, anyway? Take the Chavez-Taylor deal. For nine months Abraham worked to reconcile the two parties, making just the right promises, extracting just the right concessions. A fight involving the principals' stablemates had to be guaranteed, even if it wasn't Abraham's idea of an HBO-caliber fight. Yet as boxing deals go, this was straightforward. Many deals for bouts are far more exciting than the fights themselves.

The Tyson-Trevor Berbick deal, for example. This was a key fight in the heavyweight unification series that Abraham dreamed up. Everybody was committed, and all that remained was for Berbick to sign a contract. He had agreed to do so. In the meantime, Dennis Rappaport, Gerry Cooney's promoter, was announcing that Berbick had agreed to fight Cooney outside the series. Something needed to be worked out here. Berbick agreed to meet Abraham and King at the Las Vegas Hilton to sign for the Tyson fight.

But where was Berbick? The day of the meeting one of his agents showed up at the hotel to express Berbick's regrets but refused to disclose the fighter's whereabouts. This agent, not familiar with surveillance techniques, then hopped into the first available cab. One of King's lieutenants, Duke Durden, got into the next available cab and was able to say—as they do only in movies and boxing—"Follow that car." Durden tailed the agent to Caesars Palace and discovered that Berbick was staying there under the alias Tommy Brown. Durden called King to the scene, and together they went to the fighter's room and knocked on the door. Berbick asked who it was. King said, "Room service." Berbick swung the door open and, wideeyed, looked at the two men filling his doorway. He said, "Hey, you're not room service."

Papers were quickly signed, and the series remained intact. "This is not a business for choirboys," says Abraham. He adds, "But how can you not have fun with this?"

Some stories: One night in Las Vegas back in 1985, Abraham was hosting a dinner party for 12 friends and relatives. It was strictly a social gathering. But at the time, Abraham had been idly inquiring into the possibility of a Larry Holmes-Michael Spinks fight on HBO. "So who shows up at dinner," says Abraham, "but Don and Butch." This would be King and Lewis, who represented Holmes and Spinks, respectively. "It was about 11 o'clock. Everything stopped. I moved my father-in-law down a spot and moved Uncle Irv. And the three of us, me, Don and Butch, sat there until after two, talking about how to make Holmes-Spinks for HBO. It was like a Passover seder. Everybody else just sat there and watched us."

After Gerrie Cotezee beat Michael Dokes in Richfield, Ohio, in 1983, King and Abraham began wondering if it wouldn't be possible to make Holmes-Coetzee. Let's talk, they said. King phoned ahead to Winston's, a rib joint in Cleveland, and King's and Abraham's staff repaired there. "They hadn't seen any white faces at Winston's since before the war," says Abraham, "and I mean the Civil War." Two of Abraham's aides, both white, arrived early, looked around the neighborhood and hunkered down in their car until King's limo arrived. They all ate smoked whitefish and ribs until 5 a.m. and pounded out a fight on paper. That fight never took place, but Abraham betrays no disappointment in the telling. The point is, they made a deal.

Another time Abraham found himself dealing with Arum on a series of fights for Marvelous Marvin Hagler, HBO's original meal ticket. This was at the U.S. Open in 1983, and the only available paper on which

to scratch out a contract was the tennis program. Abraham took pains not to write near the figures denoting the tennis players' career earnings. "I didn't want Bob coming back and pointing to this $1.3 million figure," he says.

For boxing, such informality represents business as usual. Boxing has resisted the normal principles and practices of commerce and instead moves along by accidents of inspiration and perseverance, its ethics developed on the fly. The working moral code, Abraham says, is "who screws who first." But everyone seems to enjoy the opportunity to do high-stakes business outside a boardroom, in an arena where the only rule is that there are no rules.

So what was HBO thinking of when it got into this business? Like Abraham, did it just not know?

The story: "The idea of boxing? It just came to me. I wouldn't call it a revelation, but it was a very odd experience," Abraham says. He and Fuchs found themselves at a Rangers-Flyers game at the Garden—"This was March of '79"—for what turned out to be one of the great brawls in NHL history. Just as the fights on the ice wore down, the Flyers found a second wind and charged into the stands after hecklers. The mayhem went on for another 30 minutes. Fuchs and Abraham, hardly hockey fans, turned to their reading. Fuchs dived into some Hollywood trade papers, Abraham into the *New York Post.*

There he came across a story about Hagler, who was proclaiming himself the uncrowned middleweight champion. The idea appealed to Abraham, and he turned to Fuchs and said, "This guy's got moxie." Fuchs was equally intrigued, and Abraham got his go-ahead into the fight business.

The next day Abraham called Arum, Hagler's promoter. "We had breakfast at the Dorset Hotel," Abraham says. "We stayed in the dining room four hours. The reason I remember is, the maitre d', Vito, asked if we wanted lunch. We didn't."

Arum recalls, "They were paying more than the networks, but barely," King remembers that HBO was paying quite a bit less. That same year, 1979, he was trying to peddle a Holmes fight with Mike Weaver, a guy with an 18-8 record. King's price was $1 million, ABC's was $750,000. "I gave HBO that fight," says King. "Seth came in hollering they didn't have no money, they had to scuffle along, and he could maybe get me $125,000. I started laughing. But I was dogged determined not to give the fight to ABC, which could afford my price. And I kind of liked the way that Seth talked." King took the paltry $125,000. This seems patently unbelievable, but both King and Abraham insist that the story is true.

The fight, which Holmes won by a TKO in the 12th round, turned out to be a thriller. In *The New York Times,* Red Smith wrote a glowing account of the bout the networks had passed over, and suddenly HBO had working arrangements with the two most important suppliers in boxing.

All this encouraged HBO to think increasingly in terms of original programming and, specifically, sports programming. The cable companies all seemed to show the same movies, so how could you tell them apart? HBO's sports programming as it existed then was a hodgepodge of 150 different events—volleyball, *Wild West Roundup,* man versus shark. "It filled up airtime," Abraham says.

Back then boxing might not have seemed an upgrade from man versus shark, but now there are plenty of people who can explain the logic of broadcasting fights. Jay Larkin, the director of original programs at Showtime, has followed Abraham's lead into boxing, though with a smaller budget. Showtime does only four to eight fights a year, while HBO does an average of 12. Larkin thinks boxing is a natural. "A fight brings out celebrities and generates press attention," he says. Larkin believes HBO made boxing acceptable for prime-time viewing, although he feels that HBO overproduces its fights ("Oh, look, this must be a 12-camera shot!"). "You've got to give HBO a lot of credit for recognizing the compatibility of cable and the sport," he says. "They put the tuxedo on boxing."

They also recognized the numbers. HBO soon discovered that while its movies were averaging a 19 share—the percentage of viewers watching a show—in HBO homes, Hagler was averaging a 26 share. Hagler has come and gone, but HBO still averages a 27 share for its fights.

Abraham believes HBO has done more than stumble upon a viewing phenomenon. He believes the company has fine-tuned a particular kind of programming, made an art of it. "We don't just do boxing, we do boxing that tells a story," he says. He has been trying to make a story out of Chavez, nursing him along from division to division until, someday, he fights as a welterweight. Abraham is also waiting to make a story out of IBF middleweight champion Michael Nunn. HBO is presenting Nunn as "the princeling in waiting."

"We bought a whole bunch of fights to tell the story, to take us right to Leonard-Nunn if that would develop," Abraham says.

Occasionally the drama drifts into burlesque, as it did in a recent program involving Chavez. Just keeping his hand in, Chavez was an 18-1 favorite over Sammy Fuentes. HBO and Caesars Palace hoped to dress up the card by adding Julian Jackson in a defense of his WBA junior middleweight title against Troy Wortham. But Jackson dropped out with an eye injury eight days before the fight, and the promoters were left with a rather lackluster event. Chavez won by a TKO in the 10th round.

Duva says Abraham is a tough sell because fighters have to meet, after everything else, a test of theatricality. "Do they think he's special? Can his fights become events? Are there a number of quality opponents to be featured, and is there a superfight that can be pointed to?" Duva asks. "In the case of Nunn, there was Leonard. That was Nunn's edge over Taylor."

Life is not easy for promoters who can't attract Abraham's interest. Duva has excuses not only for Taylor but also for another of his fighters, Pernell Whitaker. "They have the ability at HBO to be a star-maker, but they do only a dozen fights a year, and three or four of those are Tyson," he says. "Now, if they decide to make Nunn or Chavez their next star, that eliminates Pernell. I'm not questioning their motive, but I obviously disagree with their judgment. The difference is, Nunn makes $1 million a fight and Meldrick not even $200,000. Just because he's not on HBO."

Some other cable companies believe HBO's lavish approach to boxing productions is only so much corporate preening. Face it, what mostly works these days is not HBO's storytelling presentation, but the bludgeoning power of Mike Tyson. Tyson has put the HB—heavyweight boxing—back into HBO. Tyson is the man Abraham calls HBO's most important employee. He is certainly the best paid. Having starred in HBO's $22 million title-unification series, Tyson is now the featured attraction in an eight-bout series for which HBO has been glad to pay him $26.5 million.

Can he be worth that? Well, Tyson is the one piece of continuing programming that demonstrably generates new subscribers. "Here's a snapshot," says Abraham. "On the day of the Holmes-Tyson fight, Cablevision, which serves Long Island, reports a record number of sign-ups. Snapshot: In '87, when we started with Tyson in earnest in the heavyweight series, 40 percent of the men who subscribed to HBO for the first time said they did it because of boxing." Tyson, even including his three nontitle bouts, has averaged a 35 share of HBO viewers, and in a fight with Frank Bruno he hauled in a 55 share. These bouts, Abraham points out, might last no more than 93 seconds. That minute and a half refers to Tyson's demolition of Carl Williams, which drew, incidentally, a 51 share. "Earthquake numbers," says Abraham.

Obviously Tyson's dominance does not hurt his—or HBO's—drawing power. The viewers are not put off by the noncompetitive nature of a fight between Tyson and, say, a contender like Ruddock. While the date for that fight was up in the air, the rest of the broadcast industry was on hold. When HBO announced a date that interfered with other fights, says Larkin, "shows began falling like dominoes." Larkin says Showtime had planned to hold its Evander Holyfield-Alex Stewart fight on the same date. "For about half a second we thought about it," he recalls. "You know the saying, Where does a 400-pound gorilla sit?"

But Tyson, like everything else in boxing, was an accident of inspiration and perseverance. Abraham didn't invent him, but at the time of Tyson's miraculous appearance Abraham was pushing forward his heavyweight tournament, a bit of genius that everybody agreed would go down as a noble failure. In the end it turned out to be the ideal vehicle for Tyson. Without the tournament Tyson might be as dominant a boxer, but he would not hold the unified championship.

In unifying the title, Abraham was asking promoters and fighters to enter an era of uncertainty, one in which only the best man would win. Such a notion is contrary to the business of boxing. At the time—"this was late spring of 1985"—Abraham was being besieged by King, who controlled WBC heavyweight champion Pinklon Thomas, among others. King was trying to sell Abraham on a Thomas-Berbick fight.

"I said this fight means nothing," Abraham recalls. "Even if it's an evenly matched fight, it means nothing. All through the summer, King keeps badgering me—phone calls, phone calls. The man has got tremendous energy. I said, 'Don, it's not gonna happen.' I'm home in October '85, and I'm watching the Kansas City-St. Louis World Series. Don comes to see my new daughter, Sari; she was 13 days old. We had lobster. During dinner Don says, 'Lynn, please tell Seth to buy the fight. It's a good fight.' Finally I said, 'Don, you really want to make history?'—and this idea had been percolating while I watched the World Series. That's where I got the idea, seven games, seven fights. Don stayed until 2 a.m."

After all their negotiations, it is almost impossible for these two men to surprise each other. King submits wearily to the rituals of their dealmaking. "Many times Seth tries to shift me to his subordinates, find

out what my modus operandi is, get the lay of the land, and then he comes in and tries to circumvent it," King says. "He always wants two, three bites of the apple." But Abraham knew he would have to come up with something special to force King, who already controlled two heavyweight champions, into a partnership with Butch Lewis, promoter of champion No. 3, Michael Spinks.

So Abraham read up on Tex Rickard and all the other great promoters, men whose places in boxing history were secure. "I kept going back at King, 'You call yourself the greatest promoter? Prove it, prove it.' I'd say, 'Don, where's your epitaph? That you promoted Ali? Arum promoted Ali.' The appeal was history."

The idea of unifying the heavyweight title was soon revealed as not so much a piece of history as a colossal act of naivete. Abraham quickly found that each bout would be a nightmare to negotiate. In fact, immediately to negotiate. In fact, immediately before the first fight of the series, the whole affair was plunged into uncertainty when Tim Witherspoon tested positive for marijuana after his bout with Tony Tubbs, and the WBA said Witherspoon's title would be declared vacant. "I thought there would be a honeymoon," Abraham says. "But it was like the Russians had invaded on Inauguration Day."

Always there was Gerry Cooney lurking outside the tournament, a bigger problem retired than when he was active. For leaving Cooney out of the draw, Abraham was accused by Cooney's manager, Rappaport, of being a one-man cartel. Rappaport threatened legal action, said he was buying Time Inc. stock—who knew how much?-and promised to raise a ruckus at the next shareholders' meeting. "Did Dennis forget his fighter was retired?" Abraham wonders.

Then there was the tournament itself. "As nobile as it was, it was just not happening," says Larkin. "There was nobody to watch, just a lot of fat, out-of-shape guys banging bellies together. The original idea was interesting, but through no fault of HBO, it was turning into a disaster." The parade of cholesteric contenders had turned boxing's most glamorous division into a running joke.

And then Tyson happened. His Catskill Concussions were beginning to draw a lot of attention, and Fuchs, who had never seen this kid, kept hearing about him. "If there's one guy outside this tournament who has more credibility than our guys," Fuchs told Abraham, "this whole tournament goes down the drain." Fuchs told Abraham to bring Tyson in.

You will not be surprised to learn that Abraham remembers exactly how he brought Tyson in. "The deal closed on my birthday. That night my wife and I were going out to a restaurant. Well, I was late. Every half hour I called my wife, who was sitting at the table, and I said, 'Lynn, just order me a Scotch, because we're gonna have this deal.' When I got to the restaurant there were six Scotches lined up."

That deal was both HBO's doing and its undoing. The prospect of fighting Tyson for an HBO-sized fee, then ridiculously low, drove Spinks and Lewis through a loophole. (When Spinks was stripped of his IBF crown for failing to fight the IBF's No. 1 challenger, Tony Tucker, he argued that because he was no longer champion he was not obligated to fight in the HBO series. The courts agreed.) Spinks and Lewis opted instead for a big-money pay-per-view bout with Cooney. When Tyson finally met Spinks in June 1988, long after the HBO tournament was over, HBO had to show the fight on tape delay.

All parties are aggrieved to this day. Abraham says he won't do business with Lewis or Rappaport. Lewis says he still can't believe Abraham asked him to sell out his own fighter to accept the $1.25 million and $2 million purses the HBO tournament was offering when Spinks could earn upward of $20 million outside the series. "He told me if I went along with this, my future at HBO would be secure," Lewis says. "I said, 'I like all that, but. . . .' "

For all the contractual problems Tyson precipitated, he did save the tournament. More important, Tyson, through his relationship with King, continues to fight under the HBO banner. This is a comfortable arrangement for King and Abraham but not so wonderful for other promoters. Still, nobody except Lewis sees anything improper in this. "If Seth deals with King," says Larkin, employing his best boxing logic, "it's an unholy alliance. If he doesn't, then it's racism."

The problem may be not so much that HBO monopolizes Tyson, but that Tyson monopolizes the division. There are few attractive matches for Tyson out there, but thanks to HBO, Tyson is assured of being showcased in even the worst of them. "Tyson has the unrestricted ability to fight anybody he wants and get paid enormous amounts of money," says Duva. "If this were a competitive marketplace, we wouldn't be talking about Tyson-Ruddock. But Tyson doesn't have to respond to public demand. He almost has a hunting license from HBO." Nobody expects the Tyson-Ruddock show to be historic, but the numbers will certainly be there.

Meanwhile, Abraham continues to explore corners of the big picture. The day after he met with King at the U.S. Open—this would be September '89—he returned to the tournament with Fuchs. They were burdened with about "50 pounds of reading material, for between the points," says Fuchs, and they had plenty of ideas. These days are a little different from the time they attended that hockey fight. Now Tyson looms above the scene, HBO's walking billboard, promising high ratings for years to come. The network has set itself apart with its boxing and tennis programming. HBO now bids for NFL packages. These are exciting times for HBO and Abraham, both so powerful in this business that even their enemies strike conciliatory notes.

Rappaport, for example. "I can't say that I'm blackballed," he says. "I'd like to think that if I have a product that makes sense, the door at HBO would be open. I konw it was fairly nasty and a long, extensive procedure, but I'd like to think I could deal with Seth." Rappaport, who is now promoting Witherspoon, pauses. "I'd like to know what Seth would say to that." Pause. "Will you be talking to him soon?"

WOODEN SAILING SHIP "ZODIAC" TO OPERATE ON SHORT CRUISES

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. MILLER of Washington. Mr. Speaker, today, I rise to introduce a bill that will, in essence, save an important piece of our nautical history.

This bill will allow the owners of the historic wooden sailing ship *Zodiac* to operate on short cruises. The *Zodiac,* based now in Seattle, is unique. She was built in 1924 in East Boothbay, ME, by heirs to the Johnson & Johnson pharmaceutical fortune. In 1928, she took part in the trans-Atlantic yacht race from New York to Spain, where she finished fourth.

In 1931, Mr. Speaker, the *Zodiac* was sold to the San Francisco Bar Pilots to transfer pilots who could guide incoming ships safely in and out of port. The Pilots changed the name of the schooner to *California,* bobbed her masts and remodeled the space below deck. The *California* continued this service through 1972.

In 1982, the *California* was placed on the national register of historic places, the official list of our Nation's cultural resources worthy of preservation.

Now, 65 years old, this grand ship is ready for a new lease on life. Under the careful scrutiny of skilled workers, the ship is being restored to its historic elegance, and will be able to carry small parties around Puget Sound. This bill will allow us to save the *Zodiac,* through deeming it as less than 100 gross tons.

This bill, Mr. Speaker, does not and will not compromise the ability of the Coast Guard to ensure that the *Zodiac* meets all safety standards. As the Coast Guard wrote me on January 19, 1990, "gross tonnage is a long-used term that refers to the cargo carrying capacity of the vessel; it is common practice for vessels of *Zodiac's* size to use additional bulkheads and other measures to reduce their cargo carrying capacity so that they measure under 100 gross tons and accordingly be certified as small passenger vessels."

My goal in this bill is to allow the *Zodiac* to retain its historic structure, allow its passengers to enjoy the style of a 1920's schooner, and protect the public. This bill does not certify the safety of the *Zodiac;* it allows the owners to meet the standards set by the Coast Guard.

REAGAN/BUSH POLICIES BEAR FRUIT IN NICARAGUA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SOLOMON. Mr. Speaker, I have a question for every Member of this body. Does anyone really think the Sandinistas would have submitted to the risk of elections had they not been forced into them by the firm policies of Ronald Reagan?

By 1980, Communists in both hemispheres had good reason to dismiss the United States as a paper tiger. Then came Ronald Reagan. He called the Soviet Union an "Evil Empire." He installed Pershing missiles in Europe. He rebuilt America's defenses. He freed Grenada. He gave Mu'ammar Gadhafi a bloody nose.

By 1990, his successor, George Bush, had freed Panama, the Berlin Wall had been torn down, and the subject populations of the

Warsaw Pact were rising up to demand basic freedoms and human rights.

By last Sunday, the tide of democracy was invincible. Consider this, ladies and gentleman. The Sandinistas, depsite their harassment, threats, and intimidation, despite their control of all government institutions, were beaten by a margin of nearly 15 percent.

George Bush beat Governor Dukakis by only 8 percent, which in American term is a landslide. Think of how badly the Sandinistas would have been beaten it they had allowed absentee ballots to all exiles, who totaled about 15 percent of the population.

Mr. Speaker, too many in this body dismissed the Contras as unrepentant Somocistas, despite the fact Somoza's National Guard never numbered more than 10,000 men, whereas there were 15,000 Contras in the field, most of whom could not have been more than toddlers when Somoza was toppled and his national guard decimated. But it was the heat of the Contras, and not the good will of the Sandinistas, that made Sunday's trimumph possible, and it is time the Sandinista defenders in this body admit it.

Mr. Speaker, I place in today's RECORD two excellent columns on the subject by Charles Krauthammer and Jeane Kirkpatrick, which appeared in Tuesday's Washington Post.

ON THE WRONG SIDE OF HISTORY, AGAIN

(By Charles Krauthammer)

"In the end it will not matter to us whether we wrote well or ill; whether we fought with flails or reeds. It will matter to us greatly on what side we fought."—G. K. Chesterton

In the post-election new conference during which he tried to bring himself to concede defeat, Daniel Ortega had a peculiar, yet strangely familiar, look on his face. Haven't we seen that look before? Indeed we have. Ceausescu on their balcony—that now indelible image of the despised dictator so oblivous to his people's real feelings, so believing his own numbing propaganda, that at the moment of truth when he is confronted with his people's contempt, he can evince nothing but incomprehension. How can the ingrates spurn me?

The ingrates of Nicaragua spurned Daniel Ortega and Sandinism at their very first opportunity, 11 years after they had been promised the chance. The margin of victory—14 points—is a landslide by American standards. Bush, for example, beat Dukakis by a mere eight. But it far underestimates the true weight of Nicaraguan opinion. Between 10 and 20 percent of Nicaragua's population had fled Sandinista rule. Had exiles been permitted (as expatriate Ameircans are permitted in our elections) to vote by absentee ballot, the Sandinistas would have lost by 25 points. (In 1964 Johnson crushed Goldwater by a mere 22.)

Which is why the Sandinistas did not allow absentee ballots. Add the fact that they used the full power of the state, their monopoly of the media, harassment of the opposition and their control of the voting age (lowered to 16 on the assumption that teenage conscripts subjected to relentless indoctrination in the Sandinista army were a captive constituency)—and the magnitude of their rejection becomes clear.

The Sandinistas are stunned. And so too are the Western media and elites. This is the third time they got it wrong on Nicaragua. In 1979, they celebrated the Sandinistas as nationalists, agrarian reformers, the embodiment of the anti-Somoza revolution. The Sandinistas turned out to be Leninists who, far from embodying the revolution, hijacked it. Violeta Chamorro, who beat them Sunday, was part of the first revolutionary junta. Within a year, the Sandinistas had pushed her and other democrats out.

The Western elites got it wrong again during the 1980s when they dismissed the contras as a gang of Somocista, CIA hirelings. Archbishop Obando y Bravo called them "the resistance." But when Ronald Reagan called them "freedom fighters," the cognoscenti snickered. They never adequately explained how such an army could raise 20,000 men, a force more than twice the size of the Salvadoran guerrillas in a country with half the population. Nor could they adequately explain how until U.S. aid was cut off in February 1988 the contras had control of most of northern Nicaragua.

The media got it wrong again this time, believing polls showing the Sandinistas in the lead. In a Communist dictatorship where the party controls your job and your ration card, people are not inclined to reveal to strangers their political allegiances. They save that for the secret ballot. When I saw the last pre-election poll showing the Sandinistas ahead by only 16 points, I was as sure as UNO leader Alfredo Cesar was that UNO was going to win. In a dictatorship that might still be in power the day after an election, far more than 16 percent of people will out of sheer prudence mislead a gringo pollster.

It was wrong, condescendingly wrong, to believe that the Sandinistas could buy the peasants with free T-shirts, a reference to God and a promise to be nice in the future. Nicaraguans remember that being nice and democratic is precisely what the Sandinistas promised, in writing, the first time round.

The fall of Sandinism in the first free election ever to test a Third World Communist regime, should, but won't, put an end to the romance of the West with Third World Communism. Ever since Hungary '56 and Czechoslovakia '68, the Western left has pretended that Third World communism was different from the Soviet variety. Their affections were engaged first by Mao, then Castro, then Ho (and the Khmer Rouge), then the Sandinistas. The guerrillas of El Salvador are today's liberals in a hurry.

When each is subsequently exposed for crimes ranging from common political terror to genocide, the caravan of enlightened opinion moves on to the next set of agrarian reformers. Little more is required than the promise of socialism, revolution, and anti-Americanism.

Hence the historic importance of the Nicaraguan election. After Russia, China, Southeast Asia, and Cuba, Nicaragua shows—by secret ballot, no less—that the left's record of being on the wrong side of history is unbroken. Wrong now again in El Salvador. It is precisely because the guerrillas know that they cannot win an election in El Salvador that they continue to fight. Their only hope is to impoverish the country, polarize the people and provoke the extreme right into acts that will make America turn away and go home, leaving El Salvador to them.

The astonishing march of democracy throughout the world tends to make us complacent. It should make us more militant. What we want, at least in the Americas, is total victory. To the Communist holdouts in Cuba and El Salvador and to their fellow travelers everywhere, our motto should be: *no pasaran!*

CASTRO'S NIGHTMARE

(By Jeane Kirkpatrick)

Nothing is what it used to be for Fidel Castro. His faithful allies—Maurice Bishop in Grenada, Manuel Noriega in Panama and now Daniel Ortega in Nicaragua—have passed from power. The very foundations of the world socialist bloc have crumbled. As he complained to the Congress of Cuba's Working People: "Whereas previously it was customary to hear the word 'comrade' at meetings of the socialist countries . . . now they say 'ladies and gentlemen.'

"The building of capitalism has become the openly declared goal of some of these countries," he continued. "There is already talk of the market, private ownership, a market economy. Anti-Communist sentiments are gaining strength in almost all these countries." He was speaking, of course, of Eastern Europe and was sharing his concerns with "the masses." Where will all these reforms leave Cuba? he asked. "We hope that certain trade agreements will be fulfilled in 1990. . . . Nevertheless we are not sure of this. . . . What price will they pay for our sugar? Perhaps they will try to pay for it at the price of the international garbage pit which is the world sugar market."

For 30 years, Fidel Castro had no doubt that the economic and social problems of Cuba and the world were due to imperialism and imperialist exploitation, the principal offender being, of course, the United States. But lately Castro's problems have been coming not just from the United States, but from the Soviet Union as well, whose delayed grain shipments have caused severe shortages, long lines, hungry cows and a good deal of trepidation. "For 20 years now, grain and certain foodstuffs and raw materials for the year have arrived from the Soviet Union ahead of schedule in November and December." However, he said, the shipments needed for January had still not arrived at the end of the month.

Rationing was imposed for bread and other wheat products. The use of feed grain for cattle was completely stopped. It was cut back for poultry farming, threatening to make necessary the slaughter of millions of chickens, with a consequent drop in egg production. The government was forced to spend hard currency to buy wheat from Canada because Cuban reserves had already been used up.

Fidel Castro and his colleagues believe their problems are a consequence of perestroika. Soviet deliveries are no longer as reliable as they always have been, he says, because of "disturbances, strikes, distortions and stoppages of production." Cuban fruit has been left to rot or has been consumed at home, because merchant ships from East Germany, Poland and the Soviet Union that should have taken the fruit to market have been unavailable.

Not surprisingly, Soviet spokesmen have a different view of who's to blame. First, the Soviets insist there was no shortfall in Soviet grain deliveries to Cuba in 1989. Planned shipments for 1989 were 100 percent fulfilled, they say. Second, there has been no cut in Soviet grain shipments to Cuba in 1990, but a "slight one-month delay" in the arrival of "advanced shipments" of Soviet foodstuffs and raw materials. Castro, they suggest, is overreacting, doubtless because of his fear of change in the Socialist camp.

Ever so gently, Soviet spokesmen suggest that there are Cuban causes for Cuba's eco-

nomic problems: "Adverse weather" (to which socialist agriculture is so uniquely prone) has reduced the sugar cane harvest; the slow pace of construction in Cuba has hampered work on needed dock facilities; archaic equipment at Cuban ports and chronic scarcity of transportation and warehouse facilities have forced Soviet ships to dock for long periods.

Soviet spokesmen flatly deny that the economic pressure felt in Cuba is a tactic designed to force Castro to reconsider his opposition to Mikhail Gorbachev's leadership. "There is no such pressure on Cuba," said Vladimir Shalalov, president of the Soviet-Cuban Friendship Society. "But there is currently a need for reorganization, just as we are doing in the Soviet Union." While some Soviet economists charge that the Soviet Union cannot afford to continue forever its wholesale subsidization of the Cuban economy, official spokesmen deny that "Soviet aid to Cuba is like throwing money down the drain," and in denying it, they give further credibility to the charge.

Castro calls this "the most decisive period in Cuba's history." And indeed recent events must lead him to wonder about which way history is moving after all. With Manuel Noriega's fall, he lost a valuable ally in Panama. With Daniel Ortega's defeat he loses his best friend in the hemisphere. With perestroika, he risks losing the system of reliable subsidies that delivered Cuba from the disciplines of the market. With the transformation of Eastern Europe, he risks losing the sense of membership in a great global system of power that ensures him a role in the vanguard of history.

On Jan. 29, Castro ended a speech with: "Do we want the newest reforms? No. Do we want bourgeois reforms? No. Do we want neo-liberal reforms? No. We don't even want that in our dreams." Now Fidel is having nightmares.

Several days ago, he announced a plan for "perfecting" Cuba's Communist Party. The sentimental break with the Soviet Union has already come. The political break is on the horizon.

REVIVING AMERICA'S ECONOMY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. KANJORSKI. Mr. Speaker, Dr. Lester Thurow, dean of MIT's Alfred P. Sloan School of Management has written a thoughtful and incisive analysis of our nation's economic problems. His article, "Today: We're Not Facing Up To Our Nation's Problems . . .", which appeared in the Outlook section of the Washington Post, is an effort to rouse us from our sleep so that we can take the steps which are necessary to revitalize our economy.

Dr. Thurow's prescription for our ills is strong, but so too is the disease which is eating away the heart of our economy.

Dr. Thurow tells us that our Nation has a "good track record when it comes to dealing with crises. Give us a Pearl Harbor or a sputnik and we will get organized to march collectively in the necessary direction." Thus he believes we do have the ability to draw upon our reserves and redirect our nation.

For several months I have shared Dr. Thurow's concern that if we do not seize upon the recent unprecedented turn of world events, we will miss a unique opportunity to right our Nation's course. My apprehension was heightened during a recent inspection of Eastern Europe when I saw what can become of an economy that is allowed to stagnate and rot.

I am in the process of drafting a comprehensive economic development program to deal with many of the problems cited by Dr. Thurow. My proposal, which I call the Peace Production Board, is modeled after the War Production Board which our Nation used so well to prepare itself for World War II.

It is time for our Nation to recognize that the economic crisis we face today—the need to eliminate our national deficit and national debt, and to increase savings and investment in infrastructure—is as serious as the security crisis we faced in World War II.

We need bold, bipartisan measures to revitalize our economy.

With the assistance of eminent economists like Dr. Thurow, I believe we can meet this challenge and leave a better world for our children and grandchildren.

I encourage all my colleagues to read Dr. Thurow's excellent article, and I will followup with further details of the Peace Production Board proposal.

TODAY: WE'RE NOT FACING UP TO OUR NATION'S PROBLEMS . . .

(By Lester C. Thurow)

Does America know where it's going? Does it care?

Poll after poll shows that the American people are uneasy about the country's current economic drift. Yet those same polls also register record popularity for the country's top leader who, in his State of the Union message two weeks ago, brushed by the country's economic problems to declare that "America is ready" for competition. "The budget commitment is there. The money is there," President Bush assured us, "to invest in America's future."

Yet how assured could the average citizen be? Last week U.S. officials sat around nervously waiting to see if the Japanese would or would not buy long-term Treasury bonds on Thursday. Great societies don't depend upon foreigners to pay their bills. They don't sit around waiting to see if their chain is going to be yanked. It is sad to watch the momentous events occurring in Eastern Europe knowing that we cannot help with aid or investment since we have to borrow from the rest of the world to keep investment from falling here at home. What would John Foster Dulles have been willing to pay to guarantee democracy in Poland?

Yet, despite these humiliations, we stay adrift, unable even to admit that we have to change if we want to play a leading role on the world stage. Our lack of direction seems the more embarrassing in that the changes we have to make to get back in control of our social and economic destiny are, in fact, rather modest. Indeed, the seeming modesty of our challenges may be why we seem unable to mount a collective response.

Our democracy has a good track record when it comes to dealing with crises. Give us a Pearl Harbor or a Sputnik and we will get organized to march collectively in the necessary direction. All societies that have made it to the top have had that ability. But staying at the top requires something more: the ability to deal with situations that, if viewed in any one single year, are hardly problems but that, if allowed to fester decade after decade, become disasters.

America's investment, trade and education deficits all fall into this "festering disaster" category. Consider how each of these deficits plays out in the short run—and then in the long run:

If Japan saves and invests three times as much as we do per employee for one year (as it did in 1989), that extra equipment doesn't give the Japanese worker much of an edge in world markets. But if Japan outinvests America decade after decade (it has now done so for 20 straight years), America eventually ceases to be an important economic power and loses its world-class standard of living.

If America runs a 3 percent of GNP deficit in its international trading accounts for one year, the necessary adjustment—selling just three-quarters of one percent of America's assets—is barely noticed. But if that same deficit is run for 40 years, Americans must sell 30 percent of all they own.

If America's elementary and secondary education system is not as good as that in the rest of the world, nothing is to be seen in year one. But if the system generates inferior workers decade after decade, real wages must eventually fall. Inflation-corrected wages of non-supervisory workers have fallen 16 percent since 1972 and are now falling by 1 percent per year.

No one wants to face any of these problems because they require change and short-run sacrifice. To invest as much as the Germans or Japanese, we would have to save an equivalent amount. To save more, we would have to consume less. The politicians now talk about more saving but we will know that they are serious when they are willing to talk about less consumption, public or private.

Doing that doesn't necessarily mean reducing our average standard of living in absolute terms, but we would have to organize our society so that consumption grew more slowly than income for a substantial period of time. If, for example, consumption grew one percentage point less rapidly than the GNP for the next 10 years (i.e., we transferred about $50 billion per year into the savings-investment pool), we would have reached German levels of savings (but would still be below Japanese levels).

That extra saving from less consumption would allow us to correct our balance of payments problem. We wouldn't have to sell American assets such as Rockefeller Center to finance a consumption standard of living that is in excess of our ability to produce.

Similarly, correcting our education deficit would require more days in school and more focused work effort while there. Either would make schools better and more fun in the long run but both would be seen as an immediate reduction in youthful leisure and standard U.S. operating procedures.

Gearing up for these sacrifices, modest though they are, will not so much require convincing the public that changes are needed as educating them to the fact that collective responses are called for. Recent polling by the Public Agenda Foundation, among others, finds that the public is already deeply worried about our lack of competitiveness. But most people see the source of their problems not in three collectively curable deficits but in individual moral failings—lack of motivation and work effort, drug use, etc.

No doubt individual initiative can contribute importantly to reducing economic and social ills, but our most serious problems are

caused not by individual moral failings but by collective organizational shortcomings. Short-run sacrifices are necessary to preserve the American long-term standard of living, but there is nothing morally wrong with America.

The public also believes that less consumption and more saving would lead to unemployment. But we wouldn't just be consuming less. We would also be investing more. Fewer jobs in our consumption industries would be matched by more jobs in our investment industries, upgrading our capacity to produce.

But the necessary changes won't happen because of spontaneous combustion. Humans like to lie to themselves. We all say that we like to change, that we keep our eye on the long run. But when it comes to actually taking actions today that will improve our position tomorrow, we don't want to do it. We have to be organized, to be led. Instead we are being soothed.

Near the beginning of his State of the Union speech, President Bush asserted that the U.S. worker was the "most productive in the world." But a country with the world's most productive workers wouldn't have the world's largest trade deficit and the industrial world's lowest rate of growth of productivity. It wouldn't be losing market share in industry after industry—consumer electronics, machine tools, autos, semi-conductor chips, computers. The real wages of nonsupervisory workers wouldn't be falling even as the GNP grows if American workers were the world's best. (Nor would it need the new goals for education that the president called for later in his speech.)

But the president surely increased his popularity by asserting something that we all know in our heads and hearts isn't true. We wouldn't have liked him so much if he told us we were less than world class.

No society changes until its movers and shakers are willing to publicly admit that there is a problem. As it is, we cannot even disagree sensibly about solutions since we don't yet agree that we have a problem.

Technically there are many solutions to our three deficits—some liberal, some conservative. The problem is getting serious about implementing some of them.

Higher savings rates could be brought about by simply raising taxes and running a large surplus in the federal budget. A real system of tax-free savings accounts might be designed where individuals would get tax breaks only if they could demonstrate that their consumption was less than their income. All pension plans, public and private, could be forced to be fully funded. Social Security surpluses could be taken out of the federal budget and surpluses placed in private investments. A value-added tax could be imposed to replace the corporate income tax.

If our macro-economic savings-investment problems were under control, the trade deficit would automatically improve. With more U.S. savings, our real interest rates would not need to be higher than those abroad (in 1989 real interest rates were three times those in Japan), and U.S. corporations could expand and modernize at lower cost. Lower interest rates would also reduce foreign demand for dollar assets, so the value of the dollar would fall, exports would rise as they became cheaper in foreign markets and imports would fall as they became more expensive here.

If balancing our international accounts forces the dollar so low as to induce a "fire sale" for cheap U.S. assets, we could design mechanisms for promoting exports, such as those found in Germany and Japan, and for reducing the attractiveness of off-shore production bases for servicing the U.S. market. And, of course, a better educated and skilled labor force would ultimately help alleviate our trading problems.

When it comes to education, liberals and conservatives, each have part of the answer. Discipline needs to be restored, and school bureaucracies are much too large. But it is equally true that at current salary scales one cannot get many first-rate people into teaching—and that America ranks near the bottom of industrialized nations in its spending on elementary and secondary education. Few American high schools have trained science teachers. At current wage rates they never will.

It does not take a wise man to understand that if Americans go to school 180 days per year while the rest of the industrial world is in school 220 to 250 days per year, Americans won't learn as much. Nor can a country turn out a high-quality high school product unless it is willing to set a quality standard. The French have their baccalaureate examination, the English their A and O levels, the Japanese their examination system, the Germans theirs. If a society won't clearly say what it wants from its schools, it won't get any clear performance.

If you have been the world's most successful economy (and we have been so for the past 100 years), it is very difficult to make the adjustments needed to run even with new challengers. Failure forces one to change. This is the big advantage that Germany and Japan had after World War II: They had failed; they had to change. America now faces history's toughest long-run challenge: changing before failure arrives.

Historians of the future will base their judgment of today's leaders on how well they meet this challenge, but our leaders base their performance on today's popularity polls. Which is better: To be loved by today's citizens but to be reviled by tomorrow's citizens for not solving today's problems; or to be loved by history but forced to tell today's citizens some truths they do not wish to hear?

THE CLEAN AIR RESEARCH AMENDMENTS OF 1990

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SMITH of New Hampshire. Mr. Speaker, today I will join my colleague from New York Mr. SCHEUER, in introducing the Clean Air Research Amendments of 1990. Our bill would update and redirect Federal air pollution research efforts.

The bill we coauthored closes three major gaps in ongoing Federal research and development efforts. First, it would establish a basic research program to improve the scientific capability to detect, characterize, and quantify risks to human health from air pollutants. Second, it would provide the information base necessary for the development of air quality control measures which efficiently and effectively reduce such risks. Finally, it would redirect our efforts at air pollution monitoring, with particular emphasis on acid rain research.

The research and development our bill would provide is necessary to determine the future effectiveness of any new Clean Air Act in reducing air pollution. Most of the current provisions for research and development in the Clean Air Act were developed over a decade ago, when problems like acid rain or air toxics were little more than obscure scientific phenomena. Today's air pollution problems are much more complicated—they range from indoor air quality to global warming, and include air toxics, ozone nonattainment, acid rain, ozone depletion, and radon. In order to be able to evaluate the effectiveness of new Clean Air Act controls in fighting air pollution problems such as these, we must refocus and update our research efforts to support a regulatory program. Passage of the Clean Air Research Amendments will be an essential part of such an effort.

Given the legislation's emphasis on sound air pollution monitoring and health effects, its passage will also be important to future pollution prevention efforts. Clearly, the health and environmental issues surrounding air pollution are complicated. By improving scientists' understanding of the cumulative, adverse effects of air pollutants on public health and the well-being of ecological systems, our bill will help scientists develop and apply corrective action before the damage becomes irreversible.

In addition, this bill will enable us to maintain the comprehensive information base on acid rain that the National Acid Precipitation Assessment Program [NAPAP] has developed. To date, we have spent $500 million and 10 years on NAPAP, building a national base on information about acid rain and its causes, transport and effects. However, NAPAP's mandate will expire in 1990. Uninterrupted collection of such data is essential for scientists to be able to continue documenting long-term deterioration and improvements related to acid rain on a national scale. Our bill would fill just this need.

Among its major provisions, the legislation we developed would require a report that identifies significant gaps and future priorities in acid rain research. It would provide for an assessment of the need to continue a long-term, nationwide research program on the causes, effects, and the transport of the pollutants that cause acid rain and would ensure the continued collection of data on acid rain pollution.

This session, committees in both the House and Senate held hearings that solidly established the need for our legislation. In testimony before the House Science Subcommittee on National Resources, the Office of Research and Development at the Environmental Protection Agency, the director of NAPAP, and the National Institute of Environmental Health Sciences stressed the need for continued, long-term acid rain trend monitoring and research, particularly in light of pending proposals to amend the Clean Air Act.

In closing, Mr. Speaker, the clean air research amendments will serve as an extremely useful tool for scientists to pursue more detailed questions and obtain clearer answers to the problems of air pollution. Accordingly, I urge my colleagues' support of this important legislation.

MIAMI RIVER COORDINATING COMMITTEE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I pay tribute to an exceptional commission of my district which has proven its effort and commitment to renew the quality of the Miami River. On March 3 of this year, the Miami River Coordinating Committee held a dredging summit to help place in action a single community strategy that would help ensure the expedient dredging of the Miami River.

In the mid-1970's a problem of contamination became evident in the Miami River. It was also found that pollutants were flowing into the river from local sources. The Miami River cleanup project proposes to dredge contaminated sediments from the river. The project area includes the 6 miles of the Miami River in Dade County from its mouth to a point past 36th Street, where it joins the Miami Canal, as well as the 14 miles of the canal within Dade County.

The Miami River is an underused urban resource. The Miami River Coordinating Committee and Dade County are striving to improve the river's value for navigation, recreation, tourism, and as an aesthetic amenity. The polluted sediments in the navigation channel are degrading water quality and preventing full use of a major urban river. The polluted sediments are also causing degradation of Biscayne Bay.

The Miami River Coordinating Committee has long been a strong advocate of dredging the Miami River to remove a source of pollution, improve water quality, enhance safety and other values. I commend Robert Parks, Huber Parsons, E.N. Claughton, Jr., Linda Eads, Michael Moore, Bijan Nakhjaven, Joey Teitelbaum, and Teo Babun for their constant dedication and continuous effort of this momentous project.

A TRAGIC FALL FROM GRACE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, as you know, our friend and former colleague Robert Garcia has left the House under regrettable circumstances. While in the past months much attention has been paid to the events leading to Bobby's resignation, I believe it is vitally important that attention instead be focused on his many achievements and fine years of service in the House of Repesentatives.

Bobby Garcia was unwaivering in his service to his constituents in the south Bronx, an economically depressed area that was in great need of the leadership he provided. On broader and national issues, Bobby was steadfast in his dedication to the needs and concerns of Hispanic Americans. He protected bilingual education programs, pushed to assure a complete census count in minority communities, and strengthened relations between Hispanic Americans and Latin American nations. In these and countless other areas he served his constituents, this body, and all Americans, with distinction.

Mr. Speaker, the League of United Latin American Citizens' National Reporter recently printed an article highlighting Bobby Garcia's many contributions. I believe this fine article does justice to Bobby Garcia and his many years of dedicated public service.

BOBBY GARCIA, A TRAGIC FALL FROM GRACE

The theme for the 1990 LULAC National Convention in Albuquerque next June is "UNIDAD HISPANA: AMERICA'S FUTURE. In the 1980's no Hispanic leader exemplified a better example of advocating Hispanic unity than the Congressman from the South Bronx, the only voting Puerto Rican Member of Congress, Bobby Garcia.

Let us review briefly some of his accomplishments. As Chairman of the Congressional Hispanic Caucus from 1981-84, he led the fight to remove the bilingual education program from being included in the education block grants, and in 1984 played a major role in the successful reauthorization of the Title VII bilingual education programs.

On immigration issues, he strongly opposed immigration legislation which contained employer sanctions because he felt they would cause tremendous discrimination against Hispanics. Garcia authored the amendment to the legislation which will end employer sanctions if they are found to be widely discriminatory.

He co-hosted the first Congressional Hispanic Caucus dinner and chaired hearings during National Hispanic Heritage Week to educate the population at large about the Hispanic community.

As Treasurer of NALEO, he helped a number of Hispanic candidates in their election efforts throughout the country. At the 1984 Democratic National Convention, Bobby Garcia was given the honor of seconding the nomination of Walter Mondale for President of the United States.

The Garcia Amendment to the 1978 Civil Service Act created the Hispanic Employment Program Managers Program in the federal government.

As Chairman of the Census and Population Subcommittee, Garcia successfully fought for a better count of Hispanics during the 1980 Census through increased outreach and education. He and the Congressional Hispanic Caucus were able to persuade the INS to have a moratorium on raids during the Census counting period in 1980.

More recently he actively opposed efforts to exclude the undocumented from the Census and co-sponsored legislation to have the Census Bureau adjust the 1990 Census to account for the historic undercount of Hispanic and Blacks in the Census.

He was the first Hispanic to serve on the Democratic Steering and Policy Committee for the Speaker of the House. He was also the first Hispanic to serve on the House Foreign Affairs Committee where he set out to strengthen relations between Hispanics in the U.S. and their countries of origin.

A couple of years ago, rumors began to circulate that Bobby Garcia was being implicated in some wrongdoing with Wedtech. But for almost a year, nothing further was heard on this matter, and many hoped that maybe the rumors were unfounded. Finally last fall, Bobby and his wife went to trial.

On October 20, a federal jury in Manhattan rendered a conviction verdict on him and his wife for their involvement in the Wedtech scandal. On January 5, a U.S. District Court Judge in Manhattan will set sentencing.

Charlie Erickson, founder of the Hispanic Link probably has captured the respect and affection felt for Bobby Garcia by many in the Hispanic community.

"My memory of Congress' only voting Puerto Rican member throughout the '80s is of a man who fought for all Hispanics.

He devoted endless hours to issues of Mexican Americans in the Southwest, immigration and census most prominent among them. I heard the comment more than once that his heart was more Chicano than the corazones of some of his Mexican American congressional colleagues.

On Hispanic issues, Garcia always spoke 'sin pelos en la lengua.' Whether talking among friends in the South Bronx, inspiring a group of visiting Latino students in the Capitol, or firing up a rally in the Midwest or Southwest, he preached unity with pulpit passion.

In so many ways Bobby Garcia was a good guy, it will be hard to see him in any other light.

COLUMNIST PATRICK BUCHANAN CRITICIZES PUERTO RICO STATEHOOD

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. FUSTER. Mr. Speaker, as a Democrat who represents predominantly Democratic Puerto Rico in the Congress, I thought it would be a rare day when I would agree with the thrust of an opinionated article by Patrick Buchanan, the nationally syndicated conservative columnist who served as a senior adviser in the Reagan White House—particularly when Buchanan writes about something I know a lot about, in this case, Puerto Rico.

Much as been written in the national press about the proposed political status plebiscite in Puerto Rico next year between statehood, independence and commonwealth, which I favor as being in the best interests of both Puerto Rico and the United States. As you know, Mr. Speaker, both the House and the Senate have before them legislation which would authorize such a plebiscite and which would commit the Congress to honor the result of such a vote.

President Bush, in an address to a joint session of Congress early last year, endorsed such a plebiscite and expressed his strong personal desire for statehood. Members of his party, both here and in Puerto Rico, have generally followed suit and favored statehood.

Now comes conservative columnist Buchanan with a surprisingly different point of view, one that surely isn't going to win friends and influence people at the White House. It is an eyebrow-raising departure from the usual conservative point of view on Puerto Rico, and while the tone of his column might appear parochial or ethnocentric at times, there is food

for thought in his blunt analysis. I urge my colleagues to ponder Buchanan's column, entitled "Puerto Rico as Our 51st," which appeared in the Washington Times of February 26, 1990.

[From the Washington Times, Feb. 26, 1990]

PUERTO RICO AS OUR 51ST?

(By Patrick Buchanan)

From opposite directions on Pennsylvania Avenue, Oscar Collazo and Girsel Torresola made their way to the front door of Blair House. The plan: meet at the stairs, shoot their way inside and assassinate President Truman. They came close. Torresola was killed on the spot by dying police hero, Leslie Coffelt, Collazo wounded. But, to the tiny Puerto Rican party then seeking a break free of the United States, Torresola would become a martyr, Collazo a hero.

Four years later, Independistas smuggled weapons into the visitors' gallery of the House of Representatives and sprayed the floor, wounding five.

That was long, long ago. But, as last June's march of 80,000 through San Juan demonstrates, the desire for an independent Puerto Rico yet burns in the breasts of many on that island we seized as war booty from Spain in 1898. Though only a tiny fraction of the 10 percent who seek independence endorse violence, that fraction yet finds bloody expression in Los Macheteros.

To the point, not enough hard thought is being given by Mr. Bush to the potential consequences of making Puerto Rico our 51st state. We may be about to create a Northern Ireland in the Caribbean.

Legislation is quietly moving through Congress for a summer 1991 vote, which would permit Puerto Rico's 3.5 million to choose statehood, commonwealth status or independence. The 248 million in the 50 states would have no say in the matter. If the island chose statehood, the grant of statehood would be automatic.

Again, we had best wake up to what is going down.

Already, 40 percent of the people on the island get federal benefits. If statehood is adopted, the cap on welfare spending comes off, and perhaps 60 percent would be eligible for Aid to Families with Dependent Children, food stamps, Medicaid, etc. The present $6 billion in U.S. budget outlays would explode.

Can we afford this—and not only in welfare payments?

Considering what the Great Society did to Washington, with the nation's highest per capita income, do we really want to convert Puerto Rico (per capita income $4,500, not half that of Mississippi) into a Caribbean reservation mired in the same rage and resentment that those dependent on welfare exhibit everywhere else in America?

Dutifully, of course, such a state would send six Democrats to an enlarged House of Representatives, and two liberal senators to help Massachusetts' Edward Kennedy overturn the Reagan revolution. Why is the GOP enthusiastic about this?

Why not leave well enough alone? Today, Puerto Rico is an enterprise zone. Under Section 936 of the Internal Revenue Code, U.S. factories that are exempt from corporate income taxes; islanders need not file 1040s on April 15, But if Puerto Rico votes statehood—and the proffered bribe of a cornucopia of federal goodies is tilting it that way—all tax privileges would have to go; and we would soon have a tax revolt from Puerto Rico's middle and upper classes.

Have we considered the fundamental change in the character of our union, if Puerto Rico becomes the 51st state?

An English-speaking, people, we Americans would become a bilingual nation. For the English language could not be forced upon this island of Spanish heritage, where 60 percent do not even understand it.

According to the Senate bill, all that is needed for this historic change is for just half the island to vote "yes" on statehood. While Puerto Rico is entitled to decide its own future, is 50.1 percent enough of plurality to effect the permanent transfer of sovereignty, to make Puerto Rico a permanent part of the American Union?

Thirteen decades ago, we fought a bloody Civil War to prevent the Confederate states from breaking free. Are we prepared to send troops, if the people of Puerto Rico should later change their minds? Are we prepared to fight a guerrilla war, like the British in Belfast, if the Macheteros emulate the Irish Republican Army? Before entering a marriage, "till death do us part," ought not both the island and the mainland reflect longer upon how nasty a divorce would be?

If it ain't broke, don't fix it.

There is no overwhelming clamor for statehood on the island; nothing is wrong with today's commonwealth status that cries out for repair. And, as in the 13 Colonies in 1775, there is a vocal minority for total independence whose views ought to be respected, if not heeded. The last thing America needs now is to clasp to her bosom, forever, 300,000 embittered Hispanics who yet dream of an independent country.

Before this island, with the size and population of a small nation, becomes a state, at least two-thirds of its people, better yet three-fourths, should request it. And, the 248 million who reside in the 50 states should be given time to reflect on their request to join the American family, forever.

From Serbia to Azerbaijan, from the West Bank to Soweto, from Scotland to Quebec, ethnic chauvinism is on the rise. Separatism is everywhere winning converts. People are demanding not what is in their economic interest but what they deem vital to preserving the race, the tribe, the religion, the culture. While we may bemoan the trend, we cannot deny it; nor are we Americans immune to it.

In such an environment, prudence dictates that we think twice, then think again, before annexing forever to the American Union an island people with a separate cultural nationality, who do not speak our language, and who are still deeply divided in their own desires.

TRIBUTE TO EDWARD LASOTA

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. KENNEDY. Mr. Speaker, I would like to pay tribute to a man by the name of Mr. Edward LaSota, who, for the past 2 years, has been the faithful navigator of the Pius the IX Chapter of the Knights of Columbus in Reading, PA. On March 3, 1990, the Pius the IX Chapter honored Mr. LaSota for his leadership of the chapter during 1988 and 1989.

Edward LaSota has been active with the Knights of Columbus for the past 14 years. He has chaired various functions for the chapter, and his past successes led to his being chosen as faithful navigator. As navigator, Edward LaSota represented the chapter throughout the region and across the Nation with other Knights of Columbus groups. As you know, Mr. Speaker, members of the Knights of Columbus are actively involved in helping those less fortunate and bringing help, guidance, inspiration, and leadership to the communities they serve. Indeed, I am pleased to recognize Mr. LaSota for his leadership and endeavors to better his community. It is a privilege to commend Edward LaSota and to say congratulations on many years of service.

TRIBUTE TO DR. WALTER "CURLY" WATSON

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BARNARD. Mr. Speaker, today BUTLER DERRICK and DOUG BARNARD, Jr., join Senator STROM THURMOND in paying tribute to Dr. Walter "Curly" Watson on the occasion of his 80th birthday.

Dr. Watson has served the people of Georgia and South Carolina for over 43 years in his roles as physician, friend, confidant, community-minded citizen, devoted church member, and committed family man. To honor Dr. Watson, the people of Augusta will pay tribute to him at a surprise 80th birthday celebration on March 9, 1990.

Dr. Watson graduated from the Medical College of Georgia School of Medicine in 1943. After serving 2 years in the U.S. Army, Dr. Watson established a thriving medical practice with the now late Dr. William Thurmond at University Hospital in Augusta, GA. Today, Dr. Watson serves as chairman of the obstetrics department at University Hospital and is professor emeritus of obstetrics and gynecology at the Medical College of Georgia.

During his years of practice, Dr. Watson delivered approximately 15,000 babies. Three of those babies were the children of Congressman and Mrs. DOUG BARNARD, and two of them were the Congressman's grandchildren. Dr. Watson has indeed touched the lives of several generations and is well-deserving of this tribute.

In addition to being honored on the occasion of his 80th birthday, Dr. Watson has received numerous commendations over the years. In 1968, Dr. and Mrs. Watson were recognized as Citizens of the Year by the North Augusta Chamber of Commerce for their outstanding contribution to the moral, civic, and recreational development of the area.

In 1982, Dr. Watson received the WRDW-TV's Thomas Jefferson Award for contributions to the civic affairs of the community at large. He was also voted the 1983–84 Teacher of the Year by his students at the Medical College of Georgia.

In 1987, the Grace United Methodist Church in Augusta honored Dr. Watson with the Workhorse Award for his service as chairman of the building committee to rebuild the church's sanctuary which was destroyed by fire in 1983.

In 1988, the American Legion of South Carolina awarded Dr. Watson the distinguished Public Service Award in recognition of his outstanding contributions to his community, State, and Nation.

Just last year, Dr. Watson devoted hours of hard work to aid the people of Charleston after Hurricane Hugo devastated the area. In fact, Dr. Watson is still a part of a group from his church which is volunteering hours of skill and labor to help the victims of Hugo's destruction.

It is indeed an honor to rise in recognition of Dr. Curly Watson and to wish him a happy 80th birthday. On behalf of the people of Georgia and South Carolina, we commend Dr. Watson for 43 years of dedicated service to his community.

THE REPUBLIC OF GUINEA TURNAROUND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BURTON of Indiana. Mr. Speaker, I would like to bring to the attention of my colleagues a country in West Africa that has made a dramatic turnaround in its policies in recent years. This turnaround is starting to show positive results and it is a tribute to the success of free market economics.

For the past 5 years, the Republic of Guinea has been working to reconstruct their economy based on the principles of free enterprise, after 26 years of uncompromising socialist economics. The structural adjustment program of President Lansana Conte has received high praise from the IMF, the World Bank and our own Agency for International Development, and the Government has been working diligently to create an investment climate that will be attractive to American businesses.

More recently, the President announced an ambitious plan for political reform, intended to create the foundation for democracy in Guinea. The Government is currently drafting a new constitution that would establish a Parliament, guarantee regular elections of a President and the Parliament, and phase in a multi-party system over 5 years. The constitution is also designed to guarantee an independent judiciary and provide a bill of rights.

Mr. Speaker, I commend to my colleagues' attention an article that recently appeared in the New York Times about the promise and potential of Guinea. Although the article makes it clear that Guinea has a long struggle ahead for economic and political development, the author also points out that there is good hope for success.

[From the New York Times, Nov. 29, 1989]

NEW HOPE IN GUINEA, A LAND THAT HOPE FORGOT

(By Kenneth B. Noble)

CONAKRY, GUINEA.—When Col. Lansana Conté seized power in Guinea five years ago, he vowed to restore law and order to a nation that had endured nearly three decades of nightmarish repression, purges and bloodshed.

It was a promise that few believed. Colonel Conté, after all, had been the highest-ranking military officer during the final years of President Sékou Touré's tyrannical 26-year leadership. Cynics grumbled that the new President, was probably deeply involved in many of the horrors he, by then, professed to abhor.

But now, many of those critics are being won over. After years in which Guinea was a Soviet-aligned, one-party state, President Conté is working to transform it into that rarest of African political systems—a multiparty democracy.

That hope was raised by an announcement last month that the military leaders would permit new, competing parties to form. What is more, the President promised a new constitution, regular elections, an independent judiciary and a bill of rights, and he held out the prospect of having his own military rule replaced by a civilian government.

A 'GUARANTEE' AGAINST COUPS

In a recent speech, he said he could "guarantee" that there would be "no coups" during a five-year transition to constitutional rule. The military, said the since-promoted General Conté, would "do everything so that Guinea is not like other nations. We won't cling to power."

But an African envoy here sounded a cautionary note: "If he pulls it off, it'll be the political miracle of the decade. And most of us are praying that he can do it."

Almost three decades after the wave of decolonization, 38 to 45 nations south of the Sahara have single- or no-party systems, and more than half are led by soldiers. Only five govern themselves under systems of majority rule: Senegal, Gambia, Botswana, Madagascar and Mauritius.

While offering political changes, President Conté has embarked on an ambitious program of economic rehabilitation that follows the free-market requirements of the World Bank. State-run collective farms have been eliminated, and producer prices have been allowed to rise. The national currency, the sylis, was devalued to about 7 percent of its former level, bringing it closer to the black-market exchange rate.

And, by laying off about 30,000 civil servants, the Government has started to convert budget deficits into surpluses. The gross domestic product grew by about 5 percent last year.

Foreign donors, impressed by the economic and political turnaround, have responded with an outpouring of aid: $286 million in commitments in 1988, roughly double the level of 1984.

"They're almost to where they started in 1958, and that's real progress in this context," a European diplomat here said.

Indeed, 1958 is an important date in the mythology that has shaped Guinea's self image, the touchstone against which everything is measured. In that year, Guineans overwhelmingly rejected President Charles de Gaulle's proposal for self-government under a system that retained association with France, instead choosing full independence. By most accounts, it is also the year that Guinea's problems began.

The French, affronted by Mr. Touré's demand for immediate independence, determined to make Guinea an example to other colonies. Within days, all 4,000 French colonial administrators and technicians were pulled out. As they departed, they took with them everything they could carry or ship.

In response, Mr. Touré relied more and more on speechmaking to fill the gaps. At first, he sought help from Western countries other than France, but when this aid dried up, he turned to the Soviet Union.

Although the Guinean leader said he was leading the country toward self-reliance, his rule turned increasingly ruthless.

By the 1970's, Guinea was pervaded by repression and xenophobia. By some estimates, about a third of the country's people fled to exile in neighboring West African countries.

Today, the most visible legacy of Mr. Touré's "revolution" is this drab city of rutted and potholed streets, overgrown lawns and peeling paint. Electrical power regularly fails, and medicine is in short supply. The wreckage of abandoned cars and trucks gives much of the city the appearance of a vast junkyard.

Even in the business district, children roam naked, their bellies bloated from hunger—a sight more usually seen in rural Africa.

Still, the word commonly heard here is "potential." The country has the world's largest bauxite deposits, as well as iron ore, uranium, gold and diamonds—although three decades after independence, most of these assets remain undeveloped.

WHAT IS PROMISED

The political agenda calls for the completion of a new constitution by next spring. This is to be followed by the formation of two political parties, and perhaps some time in 1994, presidential elections. President Conté has yet to indicate his intentions, but most people here expect him to run.

While enthusiasm runs high, there are many doubts about how far change can go in this poor country.

Even so, the exhilaration many Guineans feel about the moves toward free elections is clear. "We lived for 26 years under the most awful dictatorship," said Thierno Djibi Thiam, a Government adviser. "We learned the hard way what a one-party system means, and we know that it doesn't work here."

HONORING THE JERSEY CITY BOYS BIDDY BASKETBALL TEAM ON WINNING THE STATE CHAMPIONSHIP

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GUARINI. Mr. Speaker, on Sunday, March 4, 1990, the Jersey City Boys Club won the New Jersey State Biddy Basketball Championship. The team will now represent the State in the AA–1 Division of the International Biddy Basketball Tournament which will begin March 16 in Kenner, LA.

The Jersey City Boys Club has been in existence for more than 80 years, and is located in the downtown section of Jersey City. It also administers to the needs of the Hoboken Boys Club in the nearby area.

Several years ago, I had the opportunity to help the Jersey City Boys Club, then known as the Whittier Boys Club, find new facilities. With the assistance of David Messier, executive director of the Boys Club, and William Martin, executive director of the United Way of Hudson County, we renovated an abandoned

coal bunker and converted it into one of the most modern facilities in the Nation.

According to William Martin of the United Way of Hudson County, upwards of 1,500 children use the facility each week. There is no question in my mind that it is a central force in helping reduce juvenile delinquency and the pestilence of drug abuse.

I was quite elated to learn yesterday that the Jersey City Boys Club Biddy Basketball team has won the State basketball tournament and will travel to New Orleans on March 16 for the national tournament.

I am pleased to report the following article from the Jersey Journal of Monday, March 5, 1990, as follows:

The Jersey City Boys Club, entered in the New Jersey State Biddy Basketball Tournament for the first time, defeated West New York twice over the weekend to capture the championship.

Jersey City will now represent the state in the AA-1 Division of the International Tournament which gets underway March 16 in Kenner, LA.

Ned Felton, who won the Mr. Biddy Award for the most valuable player, dropped in 14 points and Jerry Healy and Korie Williams added 10 and eight, respectively, as the Boys Club topped West New York, 54-47, in yesterday's final of the double-elimination tournament.

Felton had eight of his points and Healy netted four in the 14-5 third quarter as the Jersey City took a 37-30 lead. Felton also had nine rebounds and three assists while Charles Ferguson, who was named to the All-Tournament Team, had four steals and five assists to go with five points.

"We defeated West York five times, once in the Teaneck Tournament and in BBA action and it was one of the things that bothered me," said Jersey City Boys Club athletic director and coach Ed Fasani. "It's tough to keep beating the same team and Dennis Cooney is an excellent coach. I think the difference in the final game was that we slowed the game down after we got the lead in the third quarter."

Oddly enough, the Boys Club team was able to adjust to the Biddy regulation 8½ foot baskets after playing all season on 10-foot ones. In fact it might have helped their inside game.

"This team is great," said Fasani. The kids' athletic abilities are unbelievable. There were a lot of other fans staying to watch our team play after their games were over. We are trying to see if we can borrow some of the city's 8½-foot baskets to practice on. We play an inside game and I guess the shorter basket might have helped us but we have not had to go to the perimeter and I want to see what we can do from there.

Right now we have to get busy and try to raise the funds needed for the trip to Louisiana. We were lucky that the Jersey City Rotary has sponsored our league from which this All-Star team was selected from. Either way we will find a way to get there.

The team plans leaving on March 16 and will play in the opening round on the 17th. They will stay as long as they remain alive in the double-elimination tournament. The finals are March 23rd.

The members of the team are: Charles Ferguson, Kevin Callaghan, Omar Robertson, Nick Kramer, Joseph Fasani, Keeron Cooper, Avery Bristol, Korie Williams, Jason Roberts, Jerry Healy, Ned Felton, and Kerwin Williams.

I salute coach Ed Judge and athletic director Ed Fasani, the many volunteers and members of the board of directors, David Messier, executive director of the Jersey City Boys Club, William Martin, who has been providing leadership for the young people in my area for the last 45 years as director of the Hudson County Catholic Youth Organization [CYO] and now long-time director of the United Way of Hudson County, and the young people who have generated so much pride and excitement in our Garden State of New Jersey.

I am sure that my colleagues here in the House of Representatives will wish them, and all teams from other parts of the country, good luck in this competition.

PROTECTING OUR NATION'S SECRETS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. HYDE. Mr. Speaker, our colleague PORTER GOSS, makes some important observations regarding the problem of unauthorized disclosures of classified information in the December 24, 1989 issue of the Fort Meyers' News-Press. A former CIA operations officer, the gentleman from Florida knows from firsthand experience how leaks of our Nation's secrets greatly damage our ability to collect timely and accurate information vital to our leaders' decisionmaking ability. Mr. GOSS stresses that those given access to classified material must respect the risks taken by those who obtain this special information and become more committed to its protection. As a means of coming to grips with the problem of congressional leaks, some institutional reforms are necessary. In this regard, I appreciate my colleague's recommendations that some of my congressional security reform ideas be implemented. He cites, in particular, my initiatives calling for oaths of secrecy and security clearances for Members and staff with access to classified material. He also endorses my proposal for penalizing those who willfully disclose sensitive information to unauthorized persons. Enactment of these measures would demonstrate that Congress is serious about doing its part to plug leaks.

Mr. Speaker, I request that Mr. GOSS's article be inserted at this point in the RECORD, and I commend it to all of my colleagues.

HUSH UP, CONGRESS!

(By Porter Goss)

"And ye shall know the truth and the truth shall make you free." (John VIII-32).

So speaks the inscription that marks the entranceway of the Central Intelligence Agency. Within that off-cited scripture lies motivation for countless men and women who have discreetly defended and promoted the principles of peace, freedom and democracy by working for the U.S. intelligence organizations at home and abroad. I know, because I served among them for 10 years as a career Clandestine Services officer.

Now, as the only former CIA intelligence operations officer sitting in Congress, I believe I can offer a unique perspective on the sensitivity of our intelligence secrets—and the damage from divulging those secrets through the open political forum of the U.S. Congress.

One thing is clear: The unauthorized disclosure of classified information—international or otherwise—has a profoundly harmful effect on this nation's ability to collect timely and accurate information necessary for our leaders' decision-making ability.

Another thing, sadly, is becoming clear: Neither all my colleagues nor all their staff with access to classified information seem to understand just how devastating leaked information can be. With nuclear holocaust only a button's push away, is this a situation we should tolerate? Isn't it time we addressed this issue in the U.S. Congress? Isn't it time we started plugging the leaks on the Hill?

We are now living in an era of extraordinary and fast-moving change. The crumbling of the Berlin Wall, student uprisings in China, the evolution of fair and free elections in Latin American nations—these are truly tidal waves of change. And with such events, the United States faces uncertainty and opportunity—both of which create a critical need for solid intelligence and wise decision-making.

The early architects of our intelligence services recognized the importance of feeding timely facts and accurate raw data into foreign policy formulation. The simple truth is that good intelligence can prevent conflicts and save lives; bad intelligence does the reverse. Recorded history is our proof. Most of us recall our elation at the successful outcome of the Cuban missile crisis, in contrast to our shock over the total failure of early warning at Pearl Harbor.

Today, probably more than ever, our leaders rely heavily on our nation's intelligence collection capabilities. Without the myraid of details and analyses sent to Washington from our field offices and many sources abroad, our policy-making capacity would be noticeably crippled.

When I worked as a CIA operations officer, I met discreetly with men and women who shared the American faith in democratic principles. Those people placed their livelihoods—and in some cases their lives—on the line to help advance the cause of freedom and democracy in their own countries. They didn't have to meet with me, and they didn't have to support our efforts to promote democracy. Yet for their own very deeply held reasons, they took the risk—often at great personal cost.

The most junior intelligence officer is carefully taught how to protect these sources and their special information. Our men and women serving in these front lines understand that any mistakes or leaks have the potential to bring about immediate, unpleasant consequences. Elaborate security measures and strict compartmentalization are practiced to be sure knowledge is shared only on a "need-to-know" basis.

Clearly, the same should be true at the highest levels of our government. Leaks of classified information, whether headline news or one line dribbles, shake our intelligence gathering capabilities to the core and endanger lives—lives of operational sources in hostile areas and lives of our own operation officers.

When unauthorized sensitive information hits the news, it is a fair bet that the shock waves will be felt worldwide. Cooperative assets overseas become demoralized, reluctant and even fearful. We lose face and credibility with intelligence agencies of other friendly countries. Sources dry up everywhere. Often our closest friends find it

difficult to stick with us if their national well-being is suddenly jeopardized by the release of sensitive material in Washington. Our access to information vital to our national interests begins to narrow.

News of intelligence leaks also make it that much harder to recruit and develop well-placed new contacts. People who had considered meeting confidentially with U.S. government officials fear their information could be tomorrow's compromising news—and committed as they may be to democracy and freedom, they prefer their silence to someone else's indiscretion.

Until recently, the administration has been served large and repeated doses of criticism about alleged mismanagement of events in Panama—criticism that blames our government for inaction because we apparently lacked the contacts to find out what was going on. I wonder if it has occurred to those measuring out the complaints that we may be paying the price for previous security leaks on the Hill? If so, it promises to be a pretty expensive plumbing bill.

Those who are made privy to classified material know that they have an obligation to uphold the trust of protecting it. There are several simple, but extremely important reforms we could implement on the Hill to prove that we are serious about this trust. In fact, several current members of the House Permanent Select Committee on Intelligence, most notably Henry Hyde of Illinois, have made similar suggestions in public debate.

Why not require all members and staffers who receive classified briefings to take a simple oath administered by Congress agreeing not to disclose sensitive material to unauthorized persons?

As a freshman member of Congress, I was surprised to learn that no such commitment exists for members of the House of Representatives or the Senate—even though every newcomer to our intelligence organizations must take such an oath. At a minimum, individuals who make such a formal commitment to protect sensitive information become more aware of their increased responsibilities.

Why not require security clearances for members and staff to whom highly classified information will be regularly provided?

Why not impose penalties for members and staff who willfully disclose classified information to unauthorized persons?

Curiously, when members have formally made such recommendations at committee level in the past, partisan politics have steered the debate to nowhere. I've seen it happen three times in my first 10 months in Congress alone. This type of reform is not only sound and long overdue, but it would go a long way toward bolstering the confidence of our allies overseas, who for too long have been distressed by the leakage within the legislative branch.

But there is one further reason for reform. The entrance of the CIA headquarters building also houses a memorial to honor the American men and women who have been killed in the line of duty. Few are identified by name because they served their country in clandestine service. Instead, we honor their sacrifice quietly by inscribing a star into the granite for each person killed. I knew one of those individuals—a person who died violently and needlessly because information was released to the wrong person at the wrongtime.

Despite forewarning, Winston Churchill silently allowed the population of Coventry, England in World War II to be subjected to a killer air raid to conceal the vital secret that the allies had broken the Nazi communication code. That was wartime; life and death decisions were part of it. This is peacetime, and there is no excuse for casualties either to our sources or to our secrets.

BLUE CORN TORTILLAS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, many first time visitors to northern New Mexico are surprised to find blue corn tortillas listed on their restaurant menus. Blue corn, grown for hundreds of years by local Indians has suddenly found a new cachet, discovered by food aficionados from throughout the world. Blue corn has gained such renown that Business Week magazine recently devoted an entire page to efforts on the Santa Ana and Jemez Pueblos in northern New Mexico to capitalize on this new market. I submit a copy of that article for my colleagues' review.

[From Business Week, Mar. 5, 1990]

BLUE SKIES, BLUE CORN—GOLDEN OPPORTUNITY?

(By Sandra D. Atchison)

Like his father and grandfather before him, Lawrence A. Montoya grows the sacred blue corn. Each spring, the Santa Ana Indian drops seeds into holes poked in the ground with a sharp stick, then kicks dirt over them. In the fall, he harvests the blue-black ears from stalks that usually flop over under the weight of the ears. Montoya saves the best kernels to plant the following year, then grinds the rest into dusky cornmeal.

Since ancient times, blue corn has been an integral part of this pueblo's life. Indian women would kneel for hours over their grinding stones, crushing the kernels into blue-gray flour. Blue cornmeal is still used for blessings in religious ceremonies. And, made into paper-thin tortillas, it remains a staple of the pueblo diet. Since the time of the Aztecs, mothers have fed their families atole, a blue corn gruel sweetened with spices, to ward off colds and flu—a sort of Native American chicken soup.

"WONDER GRAIN"

It was only a matter of time before yuppie gourmets and health-food faddists, searching the globe for unusual foods, discovered blue corn. Recently, they have begun scoffing it up as smoky-tasting blue corn chips and flakes, pancakes, and pizza.

"The health-food trade is forever looking for the wonder grain," says Harold J. Newman, president of Blue Corn Connection, which produces chips, flours, and baking mixes under its Blue Heaven label in nearby Albuquerque. High in protein and lysine, which makes it easy to digest, "blue corn was a logical candidate," he explains.

There's a certain irony that the urban chic are paying top dollar for a moldy-looking ethnic food that has all the visual appeal of wet cardboard. But the Santa Anas and neighboring villagers, who form a confederation called the Five Sandoval Indian Pueblos Inc., aren't chortling. They see an emerging commercial market for blue corn. "This could be economic development," says Montoya, hopefully.

Set against brilliant blue skies and towering mesas, the Sandoval County pueblos look more picturesque than poor. Television antennas spring from the flat roofs of the dun-colored adobe houses. Battered pickup trucks are parked alongside. Near the old church, women supplement their income by selling handcrafts. But with unemployment as high as 44% at Jemez, the most remote of the villages, many families are on welfare. Drug use and alcoholism are high. "Before World War II, agriculture was a way of sustaining life," says James Roger Madalena, Jemez' tribal administrator. "Ever since then, we've seen many of the younger generation going out to big urban areas." He hopes that blue corn will "revive the interest [in farming] their forefathers had."

That has already begun to happen. Well-capitalized Anglo farmers are the primary commodity growers right now. But last year, the Santa Ana and Jemez pueblos produced 20 tons of cornmeal and *atole*. In addition to individual plots, 15 acres of community land were planted, and they expect to double production this year. Since the corn is ground at an Indian-owned mill that operates rent-free and pays no property taxes, it can pay farmers twice the price that blue corn commends off the reservation.

Out of India. The man who heads the fledgling blue corn project is Denis Robinson, an unlikely figure who seems to have stepped into the pueblo straight from the pages of Rudyard Kipling. A retired CPC International Inc. executive, Robinson served with troops from India during World War II and once hoped to work for economic development in India. Instead, he's here in New Mexico. And despite his clipped British accent and tweed jackets, he fits in easily. "They call me Mr. Corn," he says.

Robinson estimates that last year's blue corn crop will bring in $40,000 in revenues, with a profit of $7,000. That isn't much. But it's a start, and around here, every little bit helps. He says those figures could triple in five years, especially if the tribes are successful marketing their products outside New Mexico. Newman, over at Blue Corn Connection, estimates the blue corn market could increase tenfold, to $200 million, in the next few years.

Robinson says the tribes would like to become contract growers for a major processor, or even make their own consumer products. Now, most of their cornmeal is sold at Indian fairs or through ads in organic-gardening magazines. Robinson also plans to hire a salesman to call directly on specialty food stores.

For now, though, this place remains a frame from the past. Crows fly over the barren cornfields of Santa Ana, seeking kernels hidden among wisps of cornhusk that glint in the winter sun. The village is a cluster of adobe houses decorated with strings of bright red chilies and protected by giant cottonwoods. In the cold, women rush across the yards to tend to their *hornos*, adobe ovens shaped like beehives. They scrape out hot coals, then shove in loaves of bread dough.

Even though the villagers use contemporary farming machinery, they adhere to time-honored growing practices. The *cacique*, or tribal spiritual leader, decides when the time is right for planting. They use no fertilizer, and they flood the fields weekly with water from the Acequia Madre, or Mother Ditch, an ancient canal that flows down to Mexico. To avoid cross-pollination and keep the strain of blue corn pure, they plant the seed kernels far from

yellow and white varieties. Keeping the blue corn unadulterated is so critical that Madalena, a state representative, hopes to introduce legislation protecting it.

Intangibles. In the fall, after the ears turn from milky white to dark blue, machines harvest the corn, then strip away the husks and scrape off the kernels, which range in color from pale blue to purple. After the kernels are dried and the best are kept for seed, the rest are ground at the Indian mill—a cement building that once held the equipment for the Santa Ana swimming pool. Many of the men then spend the winter hunting in the neighboring mountains.

As spring approaches, the farmers now are preparing to start the cycle again. They have sorted the seed and turned the soil and are ready to begin planting. If the weather cooperates, the harvest will be their largest yet. And if the customers cooperate, the farmers will try for a larger crop next year. All they are waiting for is the word from the *cacique.*

THE COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS OF 1990

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. JONES of North Carolina. Mr. Speaker, on February 21, on behalf of many of my colleagues from the Merchant Marine and Fisheries Committee, I introduced the Coastal Zone Act Reauthorization [CZAR] Amendments of 1990—the CZAR amendments.

I do not need to catalog the virtues of the Nation's coastal zone. We all know the importance of coastal areas from an environmental and an economic standpoint.

I do not need to tell my House colleagues from Coastal States how great are the pressures of growth and development in coastal areas. We have all heard the statistics time and time again.

The press of economic, residential, and agricultural development is wearing down our coastal environment. It is like a slowly eroding shoreline—almost invisible. But one day you wake up and the waves are washing against your back porch. Unfortunately, then it is too late to do anything except pack up and move. The problem is that we are running out of places to go.

In 1972, I voted for original enactment of the Coastal Zone Management Act [CZMA]. I have been a supporter ever since.

The CZMA established a voluntary, two-stage assistance program. The first stage provided grants to Coastal States for development of coastal management programs meeting minimum Federal requirements; all 35 eligible States and territories participated in this development stage. If, in the judgment of the Secretary of Commerce, a State program met those requirements, then it received "federally approved" status and became eligible for the second stage of financial assistance for program implementation.

An additional incentive for voluntary participation under the CZMA is the promise of "Federal consistency." That is, a State which receives and maintains a federally approved coastal management program is assured and future actions by Federal agencies—including direct agency activities, federally licensed or permitted activities, and Federal assistance project—will be consistent with their programs. The federal consistency provisions of the CZMA are a unique tool. Their use has sometimes engendered controversy, but I believe that most often they have functioned as the original drafters of the CZMA envisioned—to coordinate state and Federal management in the coastal zone.

I want to reemphasize the voluntary nature of this program. No Coastal Zone is forced to participate in it. None of the requirements in the law are binding on any State that chooses not to participate. Yet the program has become so popular that, to date, 29 of the eligible States and territories have received Federal approval of their coastal zone management programs, covering more that 90 percent of the U.S. coastline.

Much has been accomplished under the CZMA, with the help of the States and a small but dedicated army of coastal management professionals. But there is no doubt that we are still losing this war. And we are losing it on all fronts.

H.R. 4030 is designed to turn this campaign around. We are reinforcing and rearming the troops; we are rebuilding morale; and we are making a commitment to Federal leadership.

These amendments make many changes to the Coastal Zone Management Act of 1972, but I will focus on only the major facets of the bill.

First, the bill addresses the issue of Federal consistency by restoring a fundamental State right under the Coastal Zone Management Act.

The legislation overturns the 1984 Supreme Court decision in Watt v. California. This Court decision misconstrued one of the most important elements of the Coastal Zone Management Program and has had a chilling effect on the implementation of federally approved State programs.

The Court found that Outer Continental Shelf oil and gas lease sales are exempt from the Federal consistency requirements of the CZMA. This was a dramatic enough ruling, but in reaching its decision, the Court relied on extremely broad arguments which have cast a shadow over the application of the consistency requirements to other Federal agency activities. Federal agencies like the Army Corps of Engineers, the Environmental Protection Agency, and the General Services Administration have used the Supreme Court decision as a shield in making what I call me too arguments that their activities are also exempt from the consistency requirements of the CZMA.

This bill will restore to the participating coastal States a simple and basic right under the CZMA. Any Federal activity, no matter if it occurs within or outside of the coastal zone, must be consistent with federally approved coastal zone management programs if that activity will affect natural resources, land uses, or water uses in the State's coastal zone. No Federal agency is exempt from this requirement. If it will affect the coastal zone, then the activity must be consistent.

This will not result in the veto of vital national projects or activities. This is true for two reasons. First, agency activities under section 307(c)(1) must be consistent "to the maximum extent practicable." Under existing Department of Commerce regulations this means that an agency must be fully consistent where that Agency has discretion; however, where the Agency is acting subject to a nondiscretionary statutory duty, full consistency is not required. Second, the bill provides for the President to exempt activities which he finds are in the paramount interest of the United States. The bill borrows this exemption proviso from the Clean Water Act, the Clean Air Act, and other environmental laws. It will not be frequently used, but this exemption is an additional safety valve.

These revised consistency provisions restore important authorities to the States with approved CZM programs, which I believe were intended by the original statute.

Next, the legislation emphasizes controlling land uses which affect coastal waters.

The CZAR amendments require that State programs organize themselves to effectively manage the land uses which affect coastal water quality. This is accomplished by requiring that each participating State develop and submit for approval to the Under Secretary of Commerce for Oceans and Atmosphere—that is, the Administrator of the National Oceanic and Atmospheric Administration—a "coastal waters protection program."

The regulation of land uses to protect the coastal waters was an original objective of the CZMA as reflected in the following excerpts from the House report on the 1972 coastal zone management bill (H.R. 14146):

The purpose of limiting the inland reach is to restrict the operation of this legislation to its basic underlying purpose, that is the management and the protection of the coastal waters. It would not be possible to accomplish that purpose without to some degree extending the coverage to the shorelands which have an impact on those waters.

To implement this "basic purpose," the CZMA requires that participating states define land uses which affect the coastal waters and identify the means by which the State proposes to control such land uses. To prevent duplication and conflict with the Federal Water Pollution Control Act, the CZMA makes clear that the water pollution control requirements established by the Clean Water Act shall be included as a part of every State Coastal Zone Program and shall be the water pollution control requirements applicable to those programs.

Therefore, the original concept of coastal zone management envisioned a close relationship between land use management under the CZMA and water pollution control under the Clean Water Act. However, the continuing degradation of our coastal waters is evidence that this relationship is not working. It is equally evident that State Coastal Zone Management Programs have not been effectively "identifying and controlling" land uses which affect the coastal waters as originally intended.

States are not entirely to blame. A lack of Federal leadership, oversight, and funding is

at the root of this failure. Therefore, the CZAR amendments propose new funds and technical assistance to help the States fulfill this important mandate. Since this was an original and "basic" purpose of the CZMA, the amendments require that each participating State program develop a coastal waters protection program which demonstrates that the State is organized to identify and control land uses which result in degradation of the coastal waters. H.R. 4030 provides a maximum of 6 years for the development of these programs.

In 1972, the authors of the CZMA recognized the crucial linkage between land use activities and the protection of the coastal waters. Section 306B of H.R. 4030 requires that the participating States organize themselves to fulfill what I concur to be a basic underlying purpose of the CZMA.

Also, the bill encourages national interest improvements in State plans.

There are many important national interests in good coastal management. Unfortunately, for most of the last decade, the Federal Government has been trying to turn its back on these interests. A favorite phrase of the Reagan administration was that "coastal management is primarily a State and local responsibility." This statement symbolized a period of time during which the Federal Government essentially abdicated its responsibility for safeguarding the national interests in coastal management. Section 310 of H.R. 4030 ends this abdication.

Under this section, the Under Secretary of Commerce is required to implement a program of national interest improvements. Twenty percent of the funds appropriated for state program administration are to be set aside by the Under Secretary to provide assistance to those states which agree to make improvements in one more of five national interest areas: Coastal wetlands protection; natural hazards management, including potential sea level rise; providing public access to coastal areas; assessing the cumulative environmental effects of coastal growth and development; and facilitating energy-related activities which are of greater than local significance.

To implement this section, the Under Secretary will assess the priority needs of every Coastal State in each of these areas. Based on this assessment, the Under Secretary will negotiate with each State a multiyear, national interest improvements program. The State is then eligible to receive grants to improve their management program. This new effort will restore a sense of Federal-State partnership in coastal management.

Next, the bill acknowledges that funding is a key ingredient in coastal management.

Money is not "the solution" to improving our coastal environment, but it is one of the key ingredients. H.R. 4030 says, in effect, "we are ready to put our money where our mouth is." Not surprisingly, simply talking about coastal degradation has not made things any better. The States can do a better job, but the Federal Government has to live up to its part of the bargain.

H.R. 4030 provides authorization for crucial new funding of coastal management. In fiscal year 1990, the total Federal appropriation for coastal zone management was $42.7 million. The CZAR amendments call for an increase of $20 million for fiscal year 1991 and further increases in subsequent years. The bill authorization levels are: $63.2 million for fiscal 1991; $65.6 million for fiscal 1992; $68.1 million for fiscal 1993; $70.1 million for fiscal 1994; and $73.4 million for fiscal 1995.

H.R. 4030 also makes numerous additional improvements to the CZMA.

Establishment of an Ocean and Coastal Zone Management Service within the National Oceanic and Atmospheric Administration will elevate this program within the Federal bureaucracy, sending a clear signal that this is a priority program for our "Oceans" Agency.

Revitalization of the Outer Continental Shelf State Participation Grants Program, will signal to the coastal States that they will have help in dealing with Federal activities such as offshore leasing, exploration, and development.

Establishment of a coastal zone management discretionary fund will support technical and emergency assistance to States in implementing their program.

The bill expresses a sense of Congress that the Under Secretary and the Secretary of State should work together in assisting developing nations in coastal management. This is particularly important in view of the potential for global sea level rise and the obvious implications for coastal development. The United States has the world's most comprehensive and successful experience with the coastal zone management, and this capability should become an integral component of our foreign policy.

In summary, H.R. 4030 addresses many major issues in coastal management, the CZAR amendments incorporate a decade worth of housekeeping changes that were not feasible during the tenure of an openly hostile Reagan administration. I hear there is a new breeze blowing around here. I hope that breeze crosses the coastal zone and brings some fresh air and new attitudes along with it.

H.R. 4030 reshapes the Nation's Coastal Management Program for the decade of the 1990's. I look forward to the enthusiastic support of my colleagues. I invite all of my colleagues to join in cosponsoring H.R. 4030.

SALUTE TO REAR ADM. THOMAS JAMES JOHNSON, USN

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BLAZ. Mr. Speaker, I rise today to pay tribute to Rear Adm. Thomas James Johnson, U.S. Navy, who will be leaving my district as commander, Naval Forces Marianas on March 16, 1990, on Guam.

A distinguished professional, Rear Adm. T.J. Johnson has served as commander of Naval Forces Marianas and has been U.S. CinCPac Rep—representative of the Commander in Chief to Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, and the Republic of Palau—since 1987.

Originally from Little Falls, NY, Rear Admiral Johnson attended St. Bernard's Seminary and College prior to entering the U.S. Navy in December 1954.

In May 1955, he was commissioned from officer candidate school and was designated a naval aviation observer in 1956, a radar intercept officer in 1960, and a naval flight officer in 1966.

In the ensuing years he served with distinction in both command and staff assignments, ashore and at sea, during conflict and peace, throughout the Navy.

Rear Admiral Johnson holds a masters degree in public administration from George Washington University and is a graduate of the Air Command and Staff College, the Naval War College, and the Flag and General Officer of CAPSTONE course.

His military awards include the Legion of Merit with gold star in lieu of a second award, the Air Medal, the Bronze Star, the Meritorious Service Medal with gold star in lieu of second award, the Navy Commendation Medal and various unit citations and service ribbons in recognition of his service to the Navy and the country.

As Commander, Naval Forces Marianas, he added a new dimension to his career with a demonstrated interest in community affairs. He sought to stay in touch with civilian leaders, and he actively supported locally sponsored improvement projects. As an educator himself he successfully pursued, along with the political leaders of Guam, to have the Department of Defense provide a substantial share of defense funds to local schools. During the past 2 years, this sum totaled $20 million. In 1988, he authorized Navy personnel to assist in a cost-free safety assessment of government of Guam facilities. The result was the enactment by the Guam Legislature of the government of Guam's first occupational safety and health code for public employees.

The superb leadership, outstanding dedication, and ceaseless efforts of Rear Adm. Thomas James Johnson culminate a distinguished career in the service of his country, and his departure from Guam will genuinely sadden all who know him. Mindful of the key role that the Navy and the rest of the military establishment plays in the Western Pacific, he kept abreast of developments and kept local leaders apprised. He had an excellent working relationship with Guam's U.S. Congressman with whom he worked diligently in behalf of Guam and the Nation.

It is with a great deal of pleasure today that I recognize the service of Rear Adm. "TJ" Johnson before this body and to wish him "fair winds and following seas" as he brings to a close another chapter of a long and distinguished career in the U.S. Navy. As they say in the naval service, he was a great shipmate and we shall miss him.

TRIBUTE TO BISHOP NORMAN L. WAGNER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Bishop Norman L. Wagner for

outstanding service to the people of my 17th Congressional District of Ohio and to all those who share in his vision. Bishop Wagner's unabated dedication to the importance of human excellence through wholesome education and the breeding of genuine human concern for the elderly and poor have bore fruits that only the purist in cultivation may.

Born in Youngstown, OH, to Leonard and Louise Wagner, Bishop Wagner was educated in the Youngstown City School System. He went on to receive both his bachelor's and master's degrees from Indiana Bible University. After entering the ministry in 1965, he traveled as an evangelist until 1971 when he became pastor of the Mount Calvary Pentecostal Church in Youngstown.

Realizing the problems that arise for black youths in the inner-city setting, Bishop Wagner set out to counteract the nemesis of dropouts and deficient graduates. In 1976 he established Calvary Christian Academy for grades K–12. This private institution, emphasizing strong moral standards, became a role model for the black community with 100 percent of its graduates going on to college. Bishop Wagner then turned his attention to the need for low-income housing in his economically depressed city. In 1989 the opening of Calvary Towers, a $3.2 million, 7 story, 70 unit seniors' complex built under the HUD 202 section 8 guidelines, opened its doors to the community. This, the Bishop calls, the Miracle on Market Street.

Most recently Bishop Wagner's weekly television program "Dr. Norman L. Wagner and the Power of the Pentecost" was chosen by the U.S. Department of Defense to air on the Armed Forces Radio and Television Network. This in turn will give his show access to 1.5 million people in 60 foreign countries.

Mr. Speaker, it is this type of excellence that needs to be commended if we want to see it continue to thrive. The example that Bishop Norman L. Wagner has given us is his helpful reminder that the youth of today is from what our future will be made. Furthermore, it is from our elderly that our history was forged. I am honored to represent this outstanding individual.

THE INTRODUCTION OF LEGISLATION REGARDING PLANTING FLEXIBILITY AND PAYMENT YIELDS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. STANGELAND. Mr. Speaker, the concept of planting flexibility has received a great amount of attention in recent months in preparation for writing a new farm bill. As I traveled throughout my congressional district meeting with farmers last month, planting flexibility was something discussed at every stop. However, there was not a consensus on what is the best approach. Their opinions varied depending on what crops they farm, in what area of the district they live, whether they have livestock in addition to farming program crops, or whether they farm nonprogram crops.

Those who support increased planting flexibility have pointed out that because of our current program requirements the United States has not been able to respond to demand for oilseeds and other commodities for which domestic and national market opportunities exist. The United States has lost its ability to compete for growing markets to which other nations have been able to respond. In addition, farmers have been restricted in making planting decisions in response to market opportunities, conservation objectives and agronomic considerations.

Today, I join Mr. HUCKABY in introducing legislation which will allow farmers greater planting flexibility. I know there will be several proposals put forth as we debate the farm bill, and I believe this proposal will make a valuable contribution to the discussion. As we receive input from the various interested and affected parties on the different proposals, I will keep an open mind. Our proposal serves as a starting point to be refined as we receive this input.

The four basic provisions of the proposal are:

First, crop acreage bases. Crop acreage bases could be the average of the acres planted and considered planted to that crop during the 3 previous years.

Second, payment yields. Payment yields would be based on the average of the previous 5 years actual production.

Third, cross and offsetting compliance. There would be no authority to implement cross and offsetting compliance.

Fourth, 10 percent floating base. This provision would apply to 10 percent of the total cropland acres on a farm. A producers may shift 10 percent per year between any crop acreage bases—from one crop acreage base to another, or he may shift 10 percent nonbase acreage to program crop, this portion would be eligible for benefits and could become permanent base after three consecutive years planted, or he may plant 10 percent to any nonprogram crop and protect his crop acreage base on that portion.

This proposal would allow limited shifts between program crops and would avoid the potential massive shifts allowed under other proposals which, if allowed, would inject a tremendous amount of uncertainty in the farm economy. Deficiency payments would be based on actual production which would offer some protection to those producers who have made a commitment to nonprogram crops. Basing payments on actual yields would reward those producers who have become more efficient in recent years and would help reduce abuses of the program.

Of particular concern to me is the potential impact of any proposal on farmers who have been producing nonprogram crops year after year. I cannot support any program which will allow producers to produce nonprogram crops on program crop acre base and continue to receive program benefits for the program crop on those acres. In addition I cannot support any approach which will allow drastic shifts to the production of nonprogram crops with no protection for those producers of nonprogram crops.

I think this proposal offers a realistic starting point and I look forward to working with Mr. HUCKABY and other colleagues in developing a workable flexibility program.

THE NICARAGUAN ELECTIONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, I was a member of President Carter's team of election observers to the Nicaraguan election.

I am submitting for the RECORD two articles I prepared, one a few days before the contest and the other following the Sunday UNO upset victory.

THE NICARAGUAN ELECTIONS: CLOSER THAN WE THINK? SILENT MAJORITY COULD MAKE ELECTION CLOSER

[Rep. Bill Richardson, D-NM, of the House Intelligence Committee, is a member of President Carter's international observer team.]

From every indication, it appears that the Nicaraguan elections, despite a continuing series of Sandinista inspired problems, will be relatively free and fair. Despite some early pre-election polls predicting a Sandinista victory, the outcome of the election is far from certain. This uncertainty is based on the volatility of the issues and what I anticipate will be an unexpectedly large turnout of voters that could contain a surprising "silent majority" undecided vote. The silent majority will likely support the opposition out of dissatisfaction with the Sandinista's handling of the most potential electoral issue in Nicaragua—the state of the economy.

The Nicaraguan people, scarred by war and economic troubles, are extremely reserved about expressing their political views to outside polsters and pundits. I was recently at a Sandinista rally outside of Managua, an eighteen year old voter told me initially he was a Sandinista supporter, but as he saw me leave with former President Carter, an extremely respected figure among all Nicaraguans, he ran over to me and tapped me on the shoulder, telling me he was really for UNO.

Given past behavior there have been well founded fears that the Sandinistas might try to steal the election. In my judgement, this will be extremely difficult. Nearly five hundred observers from the United Nations, the OAS (the Organization of American States) and former President Carter's election observer group will be in place to oversee the balloting. In addition to receiving copies of the original vote tabulation sheets, these three international observer missions will play a critical role in assuring that pollwatchers will be present at all precincts. The observers estimate their parallel vote tally will be within 2 or 3 percent of the actual count.

Another important consideration is that the Sandinistas have a strong incentive to hold a legitimate election. The Sandinistas can ill afford Noriega-style election fiasco condemned by the international community at a time when their economy is collapsing and their previously solid Soviet and East European support sources are drying up. Increasingly, Western Europe has also been a dry well for the Sandinistas. They must now compete with East European reform governments for West European assistance dollars.

Given the fundamental changes in Eastern Europe, the Sandinistas will be hard pressed to demonstrate to the West that they are equally deserving of international development funds unless their election is fair.

Given these high stakes, the Sandinistas have exploited every legitimate incumbency advantage. Since the campaign started, President Ortega has given out more than 4,600 land titles and written off bank debts for more than 2,000 small landowners. At this point, the Sandinistas have swelled the state payroll to the point that three out of every five workers in urban areas works for the state, no small potatoes in a country where yearly inflation is three thousand percent.

The Sandinistas have transferred their military style organization to the precinct level extremely effectively. While their rallies appear dispirited, they have an efficient machinery to turn out the vote. Incredibly, they have been able to raise more funds in the United States and overseas than UNO.

In contrast to the Sandinista superior organizational skills, UNO has been slow in gearing up. Unable to develop a clear campaign message, UNO has been racked by internal bickering. The widely reported announcement that the U.S. Congress approved nine million dollars for the Sandinista opposition made UNO complacent, and also gave fodder to Sandinista charges that UNO is a U.S. creation rather than an indigenous and credible opposition. In reality, U.S. imposed restrictions is strangling the efficient political use of these funds. Most of these monies must be split among largely neutral poll-watching and voter registration entities, leaving Mrs. Chamorro with only $1.8 million.

The Sandinistas superior organization could be offset by an exceptionally high turnout of undecided voters who may well lean toward UNO Motivated by the poor Sandinista economic performance, the mystical Chamorro name, and a desire for change, this "silient majority" of voters will make the election close.

Once the Nicaraguan people have had their say, U.S. policy makers will be presented with a series of important decisions. The Bush Administration has an opportunity to start fresh with a new Nicaraguan policy after this election. Should UNO win, Mrs. Chamorro's Nicaragua will probably require close to a one billion dollar aid package to rebuild that devastated country. Her early days as head of the government will not be easy since she will still have to contend with the Sandinistas total control over the huge Nicaraguan army and the security apparatus, a fate that also greeted Chile's new President, Patricio Aylwin.

A Sandinista victory presents both problems and opportunities for the Bush Administration. Regardless, one hopes that President Bush will not revert to the gunboat diplomacy of the Reagan years centered on using the Contras as a pressure point. If the Sandinistas win fair and square, the Bush Administration should ease the trade embargo by quietly letting it expire when it comes up for reconsideration in April. But the President should demand cash payments for any transactions with the United States.

In addition, the United States should encourage the UN and OAS to join us in disarming and demobilizing the Contras as required by regional agreements. The Sandinistas, in turn, should provide safety assurances and end harassment to Contras wanting to return to Nicaragua. Additionally, the United States for humanitarian reasons should be ready to accept remaining Contras into the United States or arrange for a third country transfer.

A victorious Sandinista government needs to change its mindset about governing and their role in this hemisphere if they want legitimacy and respect from their neighbors. For one, they need to stop transferring arms to the Marxist rebels in El Salvador and participate in peace negotiations to resolve that country's bloody war. Secondly, they need to privatize some industries and start returning to a market economy in order to attract international assistance. Thirdly, they need to consider developing a government of national reconciliation, one that will include members of the UNO opposition. In turn, the United States might stop blocking loans for Nicaragua from international agencies and might even consider a modest assistance package.

In the event of a Sandinista victory, the United States and the Sandinistas should use a fair and free election as a springboard to better bilateral ties that would, in turn, dramatically lessen tensions in the area. While we might not like each other, we must learn to live together.

THE PEOPLE WON, NOT U.S. POLICY, NOT THE CONTRAS, BUT CITIZEN-VOTERS

(By Bill Richardson)

Now that Violeta Barrios de Chamorro has achieved a Buster Douglas-type victory over Daniel Ortega, what should U.S. policy be toward Nicaragua? Ironically, the Bush Administration's much-desired victory by the United Nicaraguan Opposition could present as many problems and challenges to America as a Sandinista victory. Nonetheless, Congress and the executive branch could achieve a rare bipartisan partnership in Nicaraguan policy by moving decisively, while cautiously, to assure an effective transition.

Any doubts about the relative fairness of the vote have been put to rest by the outcome. As a member of former President Jimmy Carter's official observer delegation, however, it became clear to me that, despite the Sandinistas exerting incumbent advantages, the campaign was conducted honorably. Election-day procedures were remarkably well run. In the northern province of Esteli, where I was assigned to monitor several voting precincts. I saw large, orderly turnouts while election officials and opposition poll watchers worked in close coordination. All were obviously aware that they were taking part in a historic event—Nicaragua's first truly open free election.

Unfortunately, rather than examining what role the United States should now play in relation to Nicaragua, Washington policy-makers are busy fighting for credit—rehashing arguments about whether past U.S. Contra policy is responsible for the results. In fact, this is moot: Last week's election rendered past military adventures irrelevant. Former President Ronald Reagan's Contra policy served to frustrate peace efforts and heighten regional tensions. The Contras remain unpopular throughout Nicaragua and UNO officials actually took pains to dissociate themselves from the group whenever possible. In reality, credit lies not with those who sought to impose a military solution but rather those committed to diplomacy—Carter, President Oscar Arais Sanchez of Costa Rica and the other Central American presidents.

Every step toward free elections followed efforts by the Central American presidents and their peace proposals. Once the electoral process was under way, the United Nations, the Organization of American States and the Carter delegation proved invaluable mediators.

Ultimately, though, credit lies with the Nicaraguan people. The election was well-mannered and enthusiastic—with an astounding 90% of eligible voters participating. Nicaraguans said they voted less for a particular party than for change. It was their strong desire for change, peace and an improved economy—not the Contras or U.S. support of UNO—that accounted for last Sunday's upset.

The wrong lesson must not be drawn. Crediting U.S. Contra policy for the election result would undoubtedly derail future U.S. policy toward Nicaragua. What worked in Nicaragua were good-faith negotiations facilitated by individuals—Arias and Carter—who had established ties and credibility with both sides. The White House could learn from this measured diplomatic approach.

First, to position itself effectively, Washington should not gloat over the Sandinista defeat nor take credit for UNO's victory. UNO overcame initial organizational problems and peaked at the right time. The Administration should be more gracious than it has been in acknowledging the positive roles played by the Sandinistas and the Nicaraguan Supreme Electoral Council in this clean election. Before election day, the Sandinistas, albeit grudgingly, addressed all discrepancies and grievances.

In defeat, the Sandinistas could have pulled a Don King routine—cried foul and tried to about the results. Instead, they seem to be respecting the outcome. In days ahead, cooperative Sandinista behavior is vital for a successful transfer of power and much-needed reconciliation. It is also important that the Sandinistas turn over the levers of power—especially in the interior and army ministries. Any kind of U.S. breast-beating, criticism of the Sandinistas or pressure would be counterproductive. With over 40% of the popular vote, a sizable representation in the National Assembly and a loyal military, the Sandinistas are a formidable opposition that cannot be dismissed.

The Administration would be best advised not to inject itself in attempting to influence the transition. The OAS, the United Nations and Carter have been asked by UNO and the Sandinistas to assist in the transition. The White House should support these mediating efforts and take a back seat. It's influence would be best-used to discourage any potential UNO retaliation against Sandinista lame duck officials or sympathizers.

Second, the Bush Administration and Congress must commit to dismantling the Contras. The Contras should not be encouraged to remain armed during the transition process until the Sandinista army is dismantled, as some Contra leaders have suggested. A workable relocation program is needed that includes Contra admission to the United States or a third country.

There will be many Contras who will not want to return to Nicaragua—partly because they feel unwelcome there. For those who do return, however, safety should be guaranteed, perhaps using the good offices of Arias. Instead of trying to run a relocation program with existing U.S. agencies, the United States could encourage the OAS and the U.N. High Commissioner for Refugees

to administer the operation by pledging financial support.

Third, after U.S. involvement helped launch a proxy war, killing thousands of Nicaraguans and devastating the country economically, the United States has a moral obligation to help rebuild a devastated Nicaraguan economy. Those who say Nicaragua should get in line for U.S. aid renege on a responsibility. The need to help Nicaragua is even more pressing than U.S. efforts to aid East European reform governments.

In addition to lifting the trade embargo, and possibly granting most-favored-nation trade status, the United States should quickly renew a coffee agreement. Both support for the new government and support for social programs are required. A U.S. aid package, however, cannot be rushed. It should be implemented carefully, to be properly absorbed and not wasted like so many other "emergency" aid efforts.

Fourth, the United States must now act in concert with the Central American presidents to guarantee enforcement of previous Central American accords, such as the barring of illegal Sandinista arms shipments to the Salvadoran rebels. The United States and its Latin neighbors should hold the Sandinistas to their pledge not to send arms to El Salvador's guerrillas in the remaining two months of the Ortega presidency and beyond—especially if Chamorro has difficulty controlling Sandinista army activities.

The Nicaragua surprise will have serious implications for U.S. policy in the region's other hot spot. El Salvador. Having "won" in Panama and Nicaragua, the Bush Administration, along with the Alfredo Cristiani government in El Salvador, have no reason to become cocky and pursue an all-out military solution to the Salvadoran conflict.

Even without new arms shipments through Nicaragua, the Salvadoran rebels are still well-supplied. The Administration should not adopt an aggressive Central American policy to placate rightwing supporters. Rather, the United States should actively support efforts to broker a negotiated settlement through the United Nations, also linking continued military aid to Cristiani with the successful prosecution of those involved in the brutal murder of six Jesuit priests last November.

The United States and Nicaragua are on the verge of a new relationship. Transitional periods can be the most sensitive times. The Bush Administration has to remember that past U.S. action in Central America can render suspect any future action, however, well-motivated. The United States should work through individuals, including Carter and Arias, who have established ties and credibility with both sides. Most important, the Nicaraguans must be allowed to solve transition and reconciliation problems for themselves.

A TRIBUTE TO THE BETA ALPHA OMEGA CHAPTER OF THE ALPHA KAPPA ALPHA SORORITY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I want to draw my colleagues' attention to a celebration that is taking place in my district tomorrow. The Beta Alpha Omega Chapter of the Alpha Kappa Alpha Sorority is paying a special tribute to 33 of its members who have given more than 25 years of dedicated service to our community. Two of these outstanding women have served our community for more than 50 years.

It is the membership of organizations like Alpha Kappa Alpha who help close the gaps, help provide the nonacute but necessary services to our communities, help raise our consciousness and focus our moral and social obligations by volunteering their time and talent. Is there a more appropriate time to recognize these women than during Women's History Month?

The Alpha Kappa Alpha Sorority was founded in 1908 at Howard University in Washington, DC. Its purpose is to foster community service. New Jersey's oldest chapter is the Beta Alpha Omega, the "mother chapter." It was chartered in 1934. Since that time, the members of the Beta Alpha Omega chapter have made significant contributions to the well-being of my district, the 10th Congressional District of New Jersey.

Mr. Speaker, I know my colleagues would want to join me as I congratulate the Alpha Kappa Alpha Connection, the social/political actions committee of the organization, chaired by Attorney Moonyene Jackson; and the Golden Sorors and Silver Stars of the Beta Alpha Omega chapter.

The Golden Sorors are Tina Bohannon and Ella Shields Rainey. The Silver Stars are Bernice C. Johnson, Eleanor Cameron Lyle, Emma A. Massey, Frances McDaniel, Mabel Bentley-Perry, Ed.D., Joan M. Smart, Greta Shepherd, Barbara H. Vickers, Winifred Waldon, Gertrude Jacobs Waters, M.D., Gwendolyn Goldsby Grant, Ph.D., Geri Hayden, Mary H. Peele, Jannie S. Arthur, Frances Caesar, Maude Faye Patterson, Carole Anderson Graves, Lois Patterson Carpenter, E. Alma Flagg, Ed. D., Helyn Payne-Baltimore, Sadie Baten Bonner, Charlotte B. Cade, Geraldine T. Crooms, Theresa S. David, Constance L. Greene, Genevieve H. Hardy, Joan F. Henderson, Constance L. James, Josephine Belle Janifer, Betty C. Cobb, and Arigaree K. Pitchford.

MILITARY PREPAREDNESS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from a longtime friend and a constituent of whom I am very proud, Joel G. Hurley of Dawson Springs, KY, the Commander of the Department of Kentucky Veterans of Foreign Wars of the United States.

I would like to share with my colleagues a speech Commander Hurley delivered on December 7 last year to the National Pearl Harbor Survivors Association's convention held in Lexington, KY. In his remarks he reflects on the lessons learned from the attack on Pearl Harbor and emphasizes the importance of maintaining the resolve and strength to prevent another war.

The speech follows in its entirety:

For America, World War Two began at 7:55 am on December 7 1941. In less than two hours 2,403 service people were killed and hundreds more wounded, and a large part of our naval fleet was damaged or sunk. And along with the death and destruction, America's dream of a world where peace and freedom were enjoyed by everyone ended forever.

Even before the smoke had cleared over Pearl Harbor that day, questions were being asked and the hardest one to answer was: How could this have happended?

Was Pearl Harbor the fault of one man or two or a hundred? Or was it the fault of a nation?

As I said, its a hard question to answer, but if we are to avoid future Pearl Harbors, we must look at the first one and try to determine why it happened. One could say that the stage was set for Pearl Harbor in the last days of the First World War. That was the war that was referred to as the "War to end all wars," and many people truly believed it.

America in the 1920's was a country on the move. The war was behind us and a golden future lay ahead. In the peace that so many had fought so long for, a new and better world was being built and America was leading the way.

Military preparedness was ignored. If there are going to be no more wars, the people asked, why have a military? In such a mood, the ranks of military were thinned, arms and ammunition were not purchased, and the nation felt safe and protected in saying that it was against war.

But some in America knew better. They knew that the First World War would have been won sooner if we had been prepared. They knew that thousands of lives could have been saved if we had been prepared. And they knew what George Washington had once said: In time of peace plan for war.

The Veterans of Foreign Wars listened and watched and then at their 30th National Convention in 1929, adopted two resolutions addressing national defense. They called for a defense adequate to protect the country, and for an end to the disarmament that was underway.

In August of 1930, the VFW again called on the Congress to provide for an adequate defense. This call came in response to the War Department's announcement that America's ammunition reserves were dangerously low and that Congress had not funded replacements.

In September of 1933, the VFW supported the Secretary of War in his request for more funds for the Armed Forces. And at our National Convention we called for a stop to further reductions in our Armed Forces.

At the same time we were calling for an adequate defense, those nations who would soon be our enemies were building the greatest offensive forces ever seen.

Outbreaks of violence in Europe in the winter of 1934 brought new warnings from the VFW. We called for America to remain neutral—but to strengthen its defense.

In an editorial in the 1934 VFW Magazine, our leadership said that no nation on earth would attack a strong America. Yet, America did nothing to make itself strong. Those who wanted peace thought you could have it by remaining neutral.

While the world raced toward another war, America felt safe in its isolation—an ocean to the East—an ocean to the West

and friendly neighbors to the North and South.

But the VFW did not feel safe. At our National Convention in 1936, we adopted resolutions calling for increased defense spending, deportation of foreign born communists, elimination of Anti-American teachings in our colleges and universities, and restriction on the export of American technical knowledge.

We saw the threat to America from abroad and from within, but still America held to the course of undefended neutrality. The bombs of December 7, 1941 were only five years away. While America slept, the world prepared for war.

In our 42nd National Convention of August, 1941, we adopted 139 resolutions—18 concerned national defense. In these we called for the mobilization and defense procurement programs that it would take the bombs of December 7th to put into effect.

Were we ahead of the times? No, we were just aware of the times. Peace is not something you inherit and have forever—it is a challenge that each generation must meet.

Aware that war was imminent, the VFW adopted another resolution at that convention that spelled out its belief in America and its determination to fight for that belief. The words of the resolution are as meaningful today as they were in August of 1941. I would like to share the last paragraph with you.

"Be it resolved, that the Veterans of Foreign Wars of the United States assembled in Philadelphia, Pennsylvania, in its 42nd National Convention, go on record wholeheartedly endorsing and supporting those measures taken by the Government of the United States of America to defend and perpetuate the American way of life from any and all aggressors."

We make the same pledge today, in a world as threatened by war as it was in 1941—but a world in which America has the resolve and the strength to prevent war.

When the bombs of December 7, 1941 fell, we as a nation learned that only the weak are ever attacked. The strength that allows you to fight a war also allows you to enjoy peace.

Ever since December 7, 1941, people have discussed the attack on Pearl Harbor and have tried to place the blame. Who will ever be able to say for sure who alone was to blame. But, who will ever be able to deny that while the world prepared for war, America failed to defend the peace she cherished so much.

The lesson learned on December 7, 1941 is just as meaningful today—only the weak are ever attacked. Peace belongs to those prepared to defend it and if necessary to fight for it.

We remember Pearl Harbor today and we honor those who gave their lives there. And we re-affirm our resolve that there will be no more Pearl Harbors.

In 1941, we had time to regroup and fight back. In fact, just six months after Pearl Harbor, in June of 1942, our forces fought and won the Battle of Midway—the turning point of the war in the Pacific. Just six months after Pearl Harbor we won the decisive battle of the war! The enemy was turned around and was on the run until his final defeat in August of 1945.

We won't have six months to regroup in any future conflict. We may not have even six hours. We live in an age where events are measured in microseconds and destructive force is delivered in kilotons.

Peace is a challenge each of us must meet each day. It is not something someone else is going to do for you.

The best defense is to understand what America stands for—and believe in what America stands for. Cast your vote for peace at every election, and add your support to the national resolve to remain free.

When you do this, you honor those who died at Pearl Harbor—and you make America a living memorial to them.

FDIC MISLEADS COURT

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. STAGGERS. Mr. Speaker, during conference committee deliberations on the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [FIRREA] last summer considerable time was spent debating the merits of a provision in the Senate bill that would have given the FDIC an absolute priority over shareholders and other creditors in suits against directors, officers, and others responsible for the failure of a savings institution. Fortunately, the House conferees stood firm, and overwhelmingly rejected this provision, which would have seriously undermined bank fraud enforcement efforts and been at Cross purposes with the underlying thrust of FIRREA. The Senate conferees ultimately receded on this issue, and the priority provision was dropped from the final legislation.

Recently, in a filing before the U.S. Court of Appeals for the Eleventh Circuit in the case of FDIC versus Jenkins, the FDIC seriously misrepresented the legislative history of the priority provision. My colleagues—Representatives GLICKMAN, MCCOLLUM, and JAMES—and I, who were personally involved in the debate on this issue, have written FDIC Chairman Seidman to point out the misleading nature of the filing and to request an explanation. Fortunately, the eleventh circuit recently ruled against the FDIC in its "suggestion" for a rehearing en banc in the Jenkins case.

I wish to share a copy of this letter with the House.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 30, 1990.

Mr. L. WILLIAM SEIDMAN,
Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR CHAIRMAN SEIDMAN: As House conferees last year for the Judiciary and Banking Committees on the Savings & Loan bill, we are deeply concerned about a recent filing by the FDIC in the United States Court of Appeals for the Eleventh Circuit in the case of *FDIC* v. *Jenkins* (No. 88-3798).

As you may know, the issue in the *Jenkins* case is whether the FDIC is entitled to an absolute priority over bank shareholders in claims against officers, directors, and other third parties who may have been responsible for the failure of a financial institution. On November 27, 1989, a panel of the Eleventh Circuit held, correctly in our view, that the FDIC was not entitled to such an absolute priority, citing the legislative history of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA").

The FDIC has since filed a "Suggestion" for a rehearing *en banc* in the *Jenkins* case. This filing is misleading as a factual matter and insulting to those of us who specifically addressed the priority issue during the conference committee deliberations on FIRREA last summer. Moreover, the FDIC is well aware of the accurate legislative history in this matter, since representatives of the corporation were in attendance when the priority issue was debated at length and voted upon in the conference.

In sum, last summer the FDIC suggested that legislative language be included in FIRREA to change the law on priority to conform to its legal arguments in the *Jenkins* case. This language was overwhelmingly and specifically rejected by the conference and, thereafter, by Congress. Nevertheless, the FDIC is now trying to rewrite the legislative history to deny that its priority language, and therefore, the policy of establishing an absolute priority, were directly rejected. This, in our opinion, represents an example of game playing and bad faith by the FDIC that we cannot ignore.

Specifically, the FDIC's filing for a rehearing *en banc* notes that the statement of the managers accompanying the conference report on FIRREA contains no explanation of why the absolute priority provision was deleted. The filing neglects to mention that the provision was the subject of extended debate in the conference over an entire morning, in which all of us participated at length in opposing the priority, as did the Chairman of the House Banking Committee and the conference, Mr. Gonzalez. Among the policy reasons we cited for opposing this priority were that it would undermine bank fraud enforcement efforts by discouraging private suits against wrongdoers, penalize the innocent victims of fraud, lessen the incentive for the FDIC to pursue its own actions promptly and vigorously, and be patently unfair to private litigants who have spent the time and money to develop a case—only to see the FDIC step and assert a priority.

The FDIC's filing does mention in a footnote that a letter from the FDIC on the issue was read to the conference, but omits that Senator Heinz spoke in favor of the priority and offered the expertise of the FDIC representatives present in the room to answer questions on the letter and the subject. The filing also fails to point out that, after lengthy debate on whether a priority should be given to the FDIC, the House conferees voted specifically on the priority issue, overwhelmingly rejecting it. In the face of this vote, the Senate receded and the priority provision was deleted from the final bill. This was clearly a direct and substantive congressional decision that the FDIC should not have an absolute priority in these cases.

The FDIC's filing for a rehearing also denigrates the statements by two of us on the floor of the House during consideration of the conference report on FIRREA. Leaving aside the highly inappropriate nature of the comments in the FDIC's brief, the fact is that both floor statements fully and accurately describe the legislative history of the priority provision and the discussion that had occurred during the conference debate. Moreover, the implicit suggestion in the FDIC's filing that these floor statements were the sum total of the efforts leading to the deletion of the FDIC priority language from FIRREA is a gross distortion of the truth. As we pointed out previously, the FDIC is well aware of the conference debate

since its representatives were witnesses to what occurred.

If we are to resolve the crisis in the savings and loan industry, Congress and the FDIC will have to work together in a cooperative and fair-minded spirit. We find it hard to accept that the FDIC has filed a document with a federal court as misleading as this one. We would ask that you look into this matter and respond to us promptly.

Sincerely,

DAN GLICKMAN,
BILL MCCOLLUM,
HARLEY O. STAGGERS, JR.,
CRAIG JAMES,
Members of Congress.

INTRODUCTION OF LEGISLATION TO PROVIDE SUPPLEMENTAL FUNDING FOR McKINNEY HOMELESS ASSISTANCE PROGRAMS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. VENTO. Speaker, today, I am introducing legislation to provide fiscal year 1990 emergency supplemental funding of $90.3 million to fully fund three essential McKinney homeless assistance programs that were shortfunded last year: The emergency shelter grants block grant, the health services categorical grant and the mental health block grant. These desperately needed supplemental funds will enable these key programs to prevent the shutdown of currently operating projects while allowing them to provide additional assistance for projects that are, in many cases, already approved, but not funded.

My legislation would provide supplemental funds of $51.8 million to the Emergency Shelter Grant [ESG] Program. The supplemental request for ESG represents 42 percent of the 1990 authorization level of $125 million. The need is demonstrated by the recent annual survey on hunger and homelessness compiled by the U.S. Conference of Mayors which found that requests for emergency shelter in the 27 survey cities have increased by 25 percent while 22 percent of those requests went unmet. Additional funds in the ESG Program could help meet those pressing needs.

This bill would also provide $31.2 million in critically needed supplemental funding to primary health services and substance abuse services for the homeless. Because of the fiscal year 1990 shortfall, health clinics for the homeless around the country are shutting down or being forced to cut back their services. Seventeen clinics are facing a 3-month complete phaseout of Federal funding. Twenty-three of the one hundred and nine currently funded clinics have had their funding levels reduced as a result of the low level of funding. Additionally, 27 projects have been approved for funding that is just not available. All of these projects are essential for the provision of health care services to the homeless.

Finally, the bill would provide $7.2 million in supplemental funds to the mental health services for the Homeless State Block Grant Program. A February 9, 1990, report by the National Association of State Mental Health Program Directors estimated that 214,000 to 275,000 homeless individuals in 49 of 50 States—excluding New York—may not be receiving needed mental health services. These are people we could serve if we successfully provide supplemental funding now.

Mr. Speaker, while we were able to fund almost every McKinney Homeless Assistance Program at increased levels last year, we must take responsibility for the programs that we did not fully fund. Hundreds of thousands of our homeless citizens may lack for emergency shelter, for basic health care, and for mental health services if we do not. I urge my colleagues to join me in sponsoring this legislation.

THE AMERICAN LEGION HONORS BOB TRAXLER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. MONTGOMERY. Mr. Speaker, on February 27, our colleague BOB TRAXLER, the distinguished gentleman from Michigan, received the American Legion's 1990 Distinguished Public Service Award for "his outstanding leadership to promote the interests of veterans by aggressively protecting programs vital to veterans." The award, which I was privileged to receive in 1989, was presented to Representative TRAXLER by American Legion National Commander Miles S. Epling during the organization's Washington conference.

There certainly is no individual more deserving of such recognition. Veterans have no greater champion nor more loyal friend. As chairman of the House Appropriations Subcommittee on VA, HUD, and Independent Agencies, BOB has demonstrated time and again that he intends to make certain that veterans receive their rightful share of Federal funding. He's gone to bat for veterans many times.

Prominent among his accomplishments is his role as the principal player in securing enactment of crucial supplemental funding for our VA hospitals last year. As a gentleman who believes that veterans' health care should be among the Nation's highest budgetary priorities, he has certainly put his beliefs, his determination, and his work where his mouth is.

Mr. Speaker, I would like to share with my colleagues BOB TRAXLER'S remarks upon receiving this prestigious award from the American Legion. The simple eloquence of his statement tells of a strong and unyielding commitment to our defenders.

The statement follows:

REMARKS OF HON. BOB TRAXLER, AMERICAN LEGION NATIONAL CONVENTION, FEBRUARY 27, 1990

National Commander Epling, National Adjutant Spanogle, National Auxiliary President Calder, National Vice Commanders, Past National Commanders, and other distinguished guests. I am extremely proud to accept your 1990 Distinguished Public Service Award. As a draftee who served two years in Europe during the 1950's, I never dreamed that an honor such as this would ever—or could ever—come my way.

"To care for him who shall have borne the battle, and for his widow, and for his orphan." These are the words of Abraham Lincoln in his second inaugural address, words that are proudly displayed on the building that houses our Department of Veterans Affairs, words that represent one of our Government's oldest and most important commitments to providing services for an important segment of our citizens.

And, who are these citizens? They are men and women from every walk of life, most of them definitely not careerists in the military, Americans who have unfailingly answered the call of our Nation in times of great need. Our Nation, in return, owes them our thanks, our respect, and the care promised by a President some 125 years ago.

A declining quality and availability of medical services for those whose scars of battle remain is both an insult to them and to us as a nation of people so indebted and, at least in words, committed to caring.

The costs of war and the recovery from war go on for years, long after the last shell is fired and even long after the passions of the conflict have faded. These costs—the costs of simply caring for those who have carried the burdens and sacrifices in upholding our way of life—are just. And they must not be shirked.

I think it will come as no surprise to anyone here that the VA medical care system has fallen on hard times in the past ten years. Our largest group of living veterans is aging and in need of services. Our younger veterans suffer from special needs, not fully understood or even existent in previous generations. And yet we have been trying to live up to our historic commitment to do more with less in the way of resources. Many of our hospitals are aging and in need of renovation, while at the same time, changing demographics have dictated the need for more hospitals, an area where we also are behind.

Worst of all in my mind is that we have allowed staffing levels in our hospitals to fall below the number required to maintain the beds we believed to be in service. Anyone who has even casually walked through a typical hospital in the last few years has seen it. The mattresses turned up, the lights off, what House Veterans' Affairs Chairman SONNY MONTGOMERY has called the "phantom beds," not just here and there, but often whole wards or even wings, cruelly taken out of service for those who have served.

We can and must do better to return our VA medical care system to its rightful position as a place where veterans can get the best possible care and treatment in a dignified setting and manner. And, I consider this to be a top budget priority.

To that end, I must in all candor and humility remind you that no man is an island—even a subcommittee chairman in the Congress. I need a lot of help from my friends—and from your friends, friends of the veteran in Congress. In particular, Congressman Sonny Montgomery has long been the first and foremost champion of the veteran and the veteran's most eloquent and effective voice in the halls of Congress. Sonny is a man for whose counsel and advice I am most grateful.

I hope that the 1990 appropriations bill enacted last year, in addition to the supplemental appropriations for 1989 approved earlier last year have begun to restore stability to the hospital system, but I am under no illusion that we are yet out of the woods. One of the most critical elements we have

been trying to address is the matter of staffing. Budgets for all hospitals are by definition heavily staff intensive. Resources are needed not only to fill staffing positions. But consistency and predictability in the resources for staffing is essential for the retention of qualified professionals.

Our VA hospital system has been blessed with thousands of strongly dedicated nurses, doctors, administrators, technicians and others who believe in the VA hospital system; and they deserve the support of the Congress and the American people on your behalf.

As chairman of the VA, HUD and Independent Agencies Subcommittee in the House, I am very proud of the 1990 funding bill that the House and Senate approved for the Department of Veterans Affairs. The VA medical care budget-spending for VA hospitals and clinics—for 1990 is $11.4 billion, nearly $700 million more than requested in the Reagan and Bush budgets. This amount, in addition to the $340 million supplemental appropriation for 1989, provided last summer, is intended to help the hospital system maintain a national staffing level of 194,000, the level I believe is a minimum to assure our veterans of the level of medical care they so richly deserve.

Unfortunately, the effects of a Gramm-Rudman across the board cut have skewed our efforts somewhat, leaving another shortfall (about $150 million) that all but precludes our reaching that staffing target. The Gramm-Rudman cut also makes President Bush's request for 1991—a far healthier number than we've seen from any administration in some time—look a little less sizable as an increase, since his increase is on top of the diminished 1990 number, still, I want to pay special tribute here to our Nation's first Secretary of Veterans Affairs. Ed Derwinski, my longtime colleague in the House, is the right man at the right time to represent the interests of veterans at the highest levels of our Government. He has been a pleasure for me to work with in my first year as chairman. Veterans and their families should know that they have an outstanding and effective advocate for their interests at the Cabinet table.

I plan to work with Veteran Affairs Committee Chairman Sonny Montgomery, Secretary Derwinski, and my Senate counterpart, Senator Barbara Mikulski, who is keenly attuned to the needs of veterans, in the weeks and months ahead to do everything possible to strive for our goal of a staffing level of at least 194,720. And I look forward to your help in that quest.

But, as you may know, we are now living with something called the Sec. 302(b) budget allocation process. The subcommittee I chair also funds our Nation's space program housing programs for the poor and the homeless, programs to clean up our environment and programs to stimulate basic research in our Nation's universities and science education for our young people. That all-important 302(b) allocation, which will occur within the next couple of months, will lay down the parameters within which we must work. But, as I said, maintaining our veterans' medical care system remains a top budget priority with me.

While I feel good about the result of my first year as chairman of the VA Appropriations Subcommittee and the outlook for the upcoming year, I can only urge all veterans and their families to continue the hard work of educating all Members of Congress about the needs faced by veterans and their families. Veterans can no longer assume that the Congress will "come through" with the necessary levels of spending to assure veterans benefits and medical care. Competition for the Federal dollar is intense.

I will continue to fight harder than ever for this funding, but Federal budget pressures are growing more and more severe, so we have all got to pull together to insure that our historic and just commitment to caring for our Nation's veterans is not shortchanged.

INTRODUCING A BILL TO MATCH CAMPAIGN CONTRIBUTIONS FROM INDIVIDUALS WITHIN CONTESTED CONGRESSIONAL DISTRICTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. CONTE. Mr. Speaker, I rise today to introduce a bill which should make a contribution to the debate over congressional campaign finance reform.

Briefly put, this bill will increase the influence citizens of a district have over their congressional elections. The bill requires the Federal Elections Commission to make a matching payment, financed by a checkoff on Federal income tax returns, for each contribution of up to $1,000 to a congressional campaign from within a contested district.

This would increase the weight each individual's contribution makes, while simultaneously making it more profitable and important for candidates to seek funds within their own district. No PAC or other organizational donation would be eligible for the matching funds.

This approach would avoid increasing taxes or Government spending, and would increase the influence of small individual contributors. It thus has neither the drawbacks posed by instituting a public financing mechanism during a time of high budget deficits, nor the problem of raising the limit on individual contributions and thus increasing the influence of richer individuals over the election process.

The bill is not intended as a comprehensive solution to the problems of campaign finance. It is, however, a constructive suggestion which will go some way toward restoring local control over elections.

JOBS FOR TAOS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, I would like to extend a warm welcome to the Augustina Co., a clothing manufacturer, which is relocating to Taos, NM. In an area of high unemployment, Augustina will be providing approximately 20 jobs paying $7 to $8 per hour. While this may not seem like many jobs, or high pay, in our Nation's urban areas, it is big news in rural areas such as northern New Mexico.

When in this Chamber we discuss weighty matters of national policy, whether it be minimum wage, tax policy, or international competitiveness, let us think about people like Jamie Delaney and her family, owners of Augustina, who are out there on the front lines of job creation. I extend my best wishes to the Delaneys and the Augustina Co. for every possible success in their new home. I am confident they will be a valuable addition to the community.

EXPORT ENHANCEMENT ACT OF 1990

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEVINE of California. Mr. Speaker, today I am introducing the Export Enhancement Act of 1990. This legislation would make urgently necessary changes in our export administration law to adapt to the rapid changes in Eastern Europe and the Soviet Union.

The folly of forcing U.S. firms to negotiate a bureacratic labyrinth for a simple export license has never been more apparent than today. It is of fundamental importance that foot-dragging in the United States not hinder our own exporters as other nations enthusiastically take advantage of new business opportunities around the globe.

This legislation will revise cumbersome American high technology export regulations which hamper the ability of U.S. firms to compete in the international marketplace.

Among the bill's provisions are:

A substantial liberalization of restrictions on exports to Eastern Europe, plus most favored nation status, OPIC insurance, eximbank financing and GSP for democratizing countries in that region;

A clarification of jurisdictional lines between the Departments of State, Commerce and Defense over commercial-military "dual use" items;

An automatic decontrol of items to free world destinations after 2 years unless the Department of Commerce formally recontrols them;

An elimination of licensing requirements for exports to member nations of the Coordinating Committee on Export Controls;

Support for international negotiations to bring newly industrialized countries into Cocom to increase its effectiveness.

Revision of many of these procedures is long overdue. The changes become ever more urgent as the explosive change in Eastern Europe pressures our Cocom allies in Western Europe to relax restrictive export controls.

I urge my colleagues to support this legislation, and ask unanimous consent that a copy of the bill and a brief summary be included in the RECORD.

SECTION BY SECTION ANALYSIS: EXPORT ENHANCEMENT ACT OF 1990

TITLE I: EXPORT ADMINISTRATION ACT

101. Requires the President to review the current list of controlled countries and make a determination as to whether all countries on the list should remain. He must also review criteria in the Act for de-

termining a controlled country and report to Congress his recommendations for change.

102. China "greenline" level can be exported to Eastern Europe.

103. The President can identify non-military sectors that would help economic reform in the Soviet Union (e.g. telecommunications, financial institution, environmental protection). Technology in these sectors would then be eligible for export at levels higher than currently allowed.

104. Permits bulk licensing for Eastern Europe, to make it easier for exporters to send numerous shipments of the same item to pre-approved end users.

105. Allows items to be exported for trade shows that would not otherwise be exportable, so long as certain conditions are met.

106. Mandates that within one year of enactment, no validated licenses may be required for exports to COCOM or countries with which we have an agreement to abide by COCOM policy (5(k) countries). No reexport controls among COCOM nations.

107. Gives Commerce sole authority to determine what is controlled under this Act (State would still maintain and control the munitions list). Mandates that there be no overlap between Commerce's dual use list and the munitions list. If another agency disagrees with Commerce's decision that something is dual-use, they can petition Commerce to resolve the disagreement. If the two agencies can't agree within 20 days, it must be sent to the President. He then has 20 days to make a determination, and if no action is taken, Commerce's ruling stands.

108. Gives Commerce a permanent representative at COCOM and requires the Administration to report to Congress on why Commerce should not be the lead agency.

109. Requires the Administration to review the sophistication of goods and technology available in the Newly Industrialized Countries and determine if those technologies warrant multilateral controls. If so, the U.S. should work with our COCOM allies to get these countries to join the multilateral control system.

110. Gives commerce the authority to issue regulations to administer export controls without the concurrence of any other agency, unless expressly stated otherwise in the Act.

111. Changes current technology indexing provision to state that the Secretary shall on an ongoing basis index performance levels (where appropriate), instead of "may."

112. Creates a sunset provision to automatically decontrol all items on the control list to Free World destinations after 2 years unless Commerce formally determines controls should remain.

113. Moves Defense's authority in the review process from the Undersecretary for Defense Policy to the Undersecretary for Acquisitions, where the Militarily Critical Technologies List is made and there is greater technical expertise.

114. Deletes the parenthetical phrase "to the maximum extent consistent with the purposes of this Act" from the section on Militarily Critical Technologies to ensure that controls are limited to items which are militarily critical.

TITLE II: TRADE AND INVESTMENT

201. Urges President to grant MFN for Bulgaria, Czechoslovakia, East Germany and Romania.

202. Allows Czechoslovakia, East Germany and the USSR to be eligible for GSP.

203. Allows Bulgaria, Czechoslovakia, East Germany, and Romania to be eligible for OPIC.

204. Allows Eximbank financing for projects in Bulgaria, Czechoslovakia, East Germany and Romania.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Enhancement Act of 1990".

TITLE I—EXPORT ADMINISTRATION ACT

SEC. 101. CONTROLLED COUNTRIES.

(a) IN GENERAL.—In light of the rapidly changing strategic environment, the President shall—

(1) assess the current list of controlled countries and determine whether the list remains appropriate; and

(2) review the criteria contained in section 5(b)(1) of the Export Administration Act of 1979.

(b) REPORTS.—Not later than 3 months after the date of enactment of this Act, the President shall report to the Congress the results of the assessment under subsection (a)(1) and recommend any changes he deems appropriate. Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress the results of the review under subsection (a)(2) and recommend any changes he deems appropriate.

SEC. 102. EXPORTS TO EASTERN EUROPE.

Section 5(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(b)) is amended by adding at the end the following:

"(8) Within 6 months of the effective date of this paragraph, controls on exports to Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania shall be no more rigorous than were controls on exports to the People's Republic of China on January 1, 1989, if the countries have in place safeguards equivalent to those in the People's Republic of China. The application review procedure for such exports should be the same as that for exports to the People's Republic of China on January 1, 1989.".

SEC. 103. SOVIET REFORM.

(a) IN GENERAL.—Section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) is amended by adding at the end the following:

"(r) SOVIET EXPORTS.—The Secretary shall identify, and report to Congress within 3 months after the date of enactment of this subsection on, those nonmilitary industries and sectors thereof that can undertake projects to assist the economic reforms in the Union of Soviet Socialist Republics. In connection with such projects, approvals of export licenses for goods or technology at higher levels shall be granted to assure project completion unless the end-user presents a significant risk of diversion to a military use.".

(b) POLICY.—Section 2(11) of the Export Administration Act of 1979 (50 U.S.C. App. 2401(11)) is repealed.

SEC. 104. BULK LICENSES.

Section 4(a)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2403(a)(2)) is amended by inserting after "People's Republic of China" each place it appears the following: ", Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, or Romania".

SEC. 105. TRADE SHOWS.

Section 5(e)(6) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(e)(6)) is amended—

(1) by striking "the People's Republic of China" the first place it appears and inserting "any country";

(2) by striking "the People's Republic of China" in subparagraph (A) and (B) and inserting "such country"; and

(3) by adding at the end the following:

"This paragraph does not apply in the case of a trade show in the Soviet Union to supercomputers, goods or technology for sensitive nuclear uses (as defined by the Secretary), or devices for surreptitious interception of wire or oral communications.".

SEC. 106. EXPORTS TO COCOM.

(a) IN GENERAL.—Section 5(a)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(a)(4)) is amended to read as follows:

"(4) Effective on and after the expiration of 1 year after the date of enactment of this paragraph, a validated license is not required for any export to or reexport to or from a foreign country that is a member of the group known as the 'Coordinating Committee' or a party to an agreement under subsection (k), except for those end-users specified by the Secretary.".

(b) CONFORMING AMENDMENT.—Section 5(b)(2) of the Export Administration Act of 1979 (50 U.S.C. Ap. 2404(b)(2) is repealed.

SEC. 107. DUAL USE ITEMS.

Section 17(b) of the Export Administation Act of 1979 (50 U.S.C. App. 2416(b)) is amended to read as follows:

"(b) AGENCY JURISDICTION.—Notwithstanding any other provision of law, the Secretary shall determine whether an item is subject to controls under this Act. Upon the expiration of 3 months after the date of enactment of this subsection, no item subject to controls under section 5 may be subject to controls under the Arms Export Control Act. In any case where there is a dispute regarding the applicability of controls under this Act or controls under the Arms Export Control Act, the head of any dissenting agency may notify the Secretary in writing of his or her objection. If the two agencies cannot concur on which controls should apply within 20 days after such notification, the matter shall be referred to the President for a determination. If no action is taken within 20 days after the matter is referred, the determination of the Secretary of Commerce is final.".

SEC. 108. REPRESENTATION ON THE COORDINATING COMMITTEE.

Section 15(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)) is amended by adding at the end thereof the following: "The Secretary shall designate an official of the Department of Commerce to represent the Secretary on a permanent basis in the United States Delegation to the Coordinating Committee. Not later than December 31, 1990, the President shall transmit to the Congress a report describing the structure of the United States delegation to the Coordinating Committee and setting forth any reasons why the representative of the Department of Commerce should not be the chairperson of the delegation.".

SEC. 109. TREATMENT OF NEWLY INDUSTRIALIZED COUNTRIES.

(a) IN GENERAL.—Section 5(k) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(k)) is amended by adding at the end of the following: "The Secretary of Commerce shall undertake a review of,

and report to the Congress not later than 3 months after the date of enactment of the Export Enhancement Act of 1900 on, the goods and technology available from newly industrialized countries to determine if such goods and technology are of such sophistication that they warrant multilateral control. If so, the Secretary of State, in coordination with members of the Coordinating Committee, shall initiate negotiations with such newly industrialized countries to reach agreements with them under this subsection or to obtain their participation in the Coordinating Committee.".

SEC. 110. REGULATORY AUTHORITY.

Section 15(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(b)) is amended by striking the last two sentences and inserting any such regulations the purpose of which is to carry out the provisions of section 5, or of section 4(a) for the purpose of administering the provisions of section 5, to such other departments and agencies as the Secretary considers appropriate and to the appropriate technical advisory committee. Unless otherwise specifically provided in this Act, the approval or concurrence of any other agency or official of the United States Government is not required prior to the promulgation of any regulation of the Secretary under this Act.".

Section 5(g)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(g)(1) is amended by striking "may" in the first sentence and inserting "shall on an ongoing basis".

SEC. 112. CONTROL LIST.

Section 5(c)(7) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(7)) is amended to read as follows:

"(7) Notwithstanding any other provision of this section, effective after the expiration of 2 years following the enactment of the Export Enhancement Act of 1990, and every 2 years thereafter, no controls under this section shall apply to the export of any goods or technology on the control list to a country not on the list of controlled countries unless the Secretary determines and reports to the Congress that continued controls on each item within each control list entry is necessary. Notice of all items removed shall be immediately forwarded to COCOM for multilateral East-West decontrol consideration.".

SEC. 113. DOD REVIEW.

Section 5(P) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(p)) is amended by striking "of Defense Policy" and inserting "for Acquisition".

SEC. 114. LIMITATION OF CONTROLS.

Section 5(d)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(d)(1)) is amended by striking the parenthetical phrase.

TITLE II—TRADE AND INVESTMENT

SEC. 201. MOST-FAVORED-NATION STATUS.

Title III of Public Law 101-179 is amended by adding at the end thereof:

"SEC. 308. MOST-FAVORED-NATION STATUS.

"(a) It shall be the policy of the United States to achieve normal trade relations with countries that have institutionalized free emigration and taken substantial steps to establish free political and economic institutions.

"(b) The President shall, at the earliest possible time, act, in accord with the criteria and procedures set forth in section 402 of the Trade Act of 1974, to confer nondiscriminatory ('most-favored-nation') trade status on Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Latvia, Lithuania, and Romania".

SEC. 202. ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(1) by striking out "Czechoslovakia",

(2) by striking out "Germany (East)", and

(3) by striking out "Union of Soviet Socialist Republics",

in the table within such subsection.

SEC. 203. ELIGIBILITY FOR OPIC PROGRAMS.

Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting after "Hungary," the following: "Bulgaria, Czechoslovakia, East Germany, and Romania,".

SEC. 204. EXPORT-IMPORT BANK PROGRAMS FOR ADDITIONAL EASTERN EUROPEAN COUNTRIES.

Nothwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by Bulgaria, Czechoslovakia, East Germany, or Romania, or any agency or national thereof.

UNITED STATES MUST FIGHT ANTI-SEMITISM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SHAW. Mr. Speaker, every day on television and in the newspapers we hear stories about the changes that are sweeping through Eastern Europe. One day, a new Communist government falls, the next Germany will be reunited. These are indeed exciting times that we live in. I even had the opportunity to go to Germany and take a piece of the Berlin Wall.

However, as all these changes come sweeping through, we have to remind ourselves what caused all these walls to be built in the first place. The simple reason is the end of World War II and the end of Hitler's dream of an Aryan world free of the undesirable elements in society—particularly, the Jews. With the end of World War II came Soviet domination of Eastern Europe and total control of civilian life. Anti-Semitism, once widespread in Hitler's Europe, became quieted with the authoritarian rule of the Soviet Union.

Now, with the Soviet influence diminishing, and people allowed to express their own feelings, the old hatreds that existed prior to 1945 are beginning to rear their ugly head. Incidents of antisemitism are on the rise in Eastern Europe. It is time for us to be cautious and remember what caused those walls to be erected 55 years ago.

There was an editorial regarding this issue in the Wednesday, February 14, 1990 edition of Fort Lauderdale's Sun Sentinel which expresses my feelings. I would like to submit this article for the RECORD and urge my fellow colleagues to read it.

U.S. MUST FIGHT ANTI-SEMITISM

In his quick tour of the wreckage of communism, Secretary of State James A. Baker III was too busy to be gleeful, at least openly. He neogitated, debated, argued, offered plans, fielded replies, took home proposals and shook the hands of dozens of former communits, present communists and onetime jailbirds in Czechoslovakia, the Soviet Union, Bulgaria and Romania.

He brought back discernible progress in arms control, or so it is said. But in the euphoria and sense of triumph, as well as the demands of his extremely busy schedule, did Baker forget something? Has the Bush administration overall forgotten something important about Eastern Europe?

From the ashes of totalitarian communism, a familiar and repugnant snake is rearing its head and baring its fangs; anti-Semitism. As the cold war thaws, so too are the old hatreds.

The most publicized so far of the old hatreds is the bloody battle between Azerbaijanis and Armenians in the Soviet Union. Less well known, but potentially more devastating, is the surge of anti-Semitism in nations newly freed from communism's yoke.

The United States government must not stand by idly while the mental sickness of anti-Semitism grows like cancer. There must be no repeat of the Nazi years, when the U.S. response to savagery against Jews was tepid and late.

This time, a public stand must be made immediately. Just as U.S. presidents and Congress for many years have denounced apartheid in South Africa, so must this administration and Congress condemn in no uncertain terms the anti-Semitism occurring in Eastern Europe. If necessary, the United States should condition its economic and technical aid on whether these nations take firm action against bigots in their midst.

Details of anti-Semitic reports were examined in Palm Beach at last week's annual executive meeting of the Anti-Defamation League. The facts are revolting:

Hundreds of East German neo-Nazis marched through Leipzig brandishing placards with such bigoted messages as "To Hell With the Jews." In Hungary, old-time facism is crawling from its grave, as some right-wing Hungarians whine that North American Jews are coming "to buy out Hungary."

In Poland, an American Jew wearing a religious skullcap was hectored by anti-Semites. In the Soviet Union, the nationalist organization Pamyat calls Jews the enemy of the people. Leaflets threaten Jews and warn them to leave the country.

Under communism's iron control, anti-Semitism in these nations was more or less regulated. In the Soviet Union, "before perestroika, the discrimination was painful but not threatening," says Abraham Foxman, ADL's national director. But now, with these Eastern European nations groping for a new kind of feedom as controls are removed, Jews justifiably have become fearful, intensely so.

The United States has a moral responsibility to react unequivocally to these anti-Semitic outrages. Baker, President Bush and leaders of Congress must take the lead in confronting this repugnant issue squarely and not backing off.

150TH ANNIVERSARY OF LAKE COUNTY, OH

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. ECKART. Mr. Speaker, I rise today in recognition of the 150th anniversary of Lake County, OH. On March 6, 1840, legislation passed in both houses of the Ohio General Assembly officially creating Lake County, the smallest of Ohio counties. Furthermore, the Lake County commissioners officially declared the year 1990, "The Year of the Lake County Sesquicentennial."

In 1795, the western Indians ceded eastern Ohio to the United States and the earliest settlement was in Lake County, at Mentor Marsh. For decades the nursery capital of the world, Lake County rapidly urbanized after WWII. Many suburban cities sprang into being supplemented by agriculture from within the county. Today, Lake County is a mixture of urban and rural communities. Additionally, many well-known attractions are found in the county.

Lawnfield, one of the major attractions, was home to the 20th President of the United States, James A. Garfield, and bears the mark of many generations of the Garfield family.

I come before you today to salute Lake County's 150 years of prosperity and I look forward to Lake County's promising future.

LEGISLATION TO ESTABLISH A PILOT PROGRAM FOR INDIVIDUAL SURETY ASSOCIATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mrs. COLLINS. Mr. Speaker, today I am introducing legislation to improve participation of small and minority businesses in Federal procurement by encouraging Federal agencies to accept contract bids underwritten by individual sureties that are members of approved surety associations.

Current regulations under the Miller Act (40 U.S.C. 270a-270f) provide that all Federal construction projects over $25,000 be secured by either corporate bonds or personal surety bonds. The purpose of the provisions is to ensure that the Government is protected in case the contractor defaults, and to ensure that subcontractors and suppliers of materials and labor get paid. Unfortunately, because of historical exclusion from the construction market, and limited assets, among other factors, relatively few minority-owned companies have been able to secure corporate bonding. During hearings I held last February, it became abundantly clear that many minority construction contractors could not obtain construction work because no corporate surety would bond them and Federal contracting officers were reluctant to accept individual sureties. A 1986 study conducted by the National Association of Minority Contractors found, for example, that nearly 95 percent of the contractors responding to the survey could not perform construction projects they had otherwise won because no corporate surety would bond them.

Moreover, the difficulties minority contractors have with corporate surety bonding are not solely limited to new contractors. Many experienced minority construction firms have been either denied bonding or terminated after initially receiving bonding.

The corporate surety industry claims that it does not discriminate, but it has no figures on the amount of business it is doing with minority firms. The strict criteria used by corporate sureties effectively discriminate against minority and women contractors. Reasons such as "unfamiliarity with the bonding market", "newness to the industry," "small size of the firm" and "inadequate financial capital", are often given by corporate surety firms to deny bonding to minority contractors.

The lack of access to corporate bonding, therefore, has led minority contractors to the only available alternative—individual sureties. An individual surety is simply any person who is willing and able to guarantee contract performance with his or her assets. The proliferation of the individual surety market in the last few years has resulted in many abuses, including individuals listing assets that they do not own or overstating the value of assets they do own. In testimony during our hearings last February we heard reports of subcontracts who attempted to collect from individual sureties after the contractor failed to pay, only to come up emptyhanded. While this problem is considered by most in the construction industry to be commonplace, there are no definitive data to indicate the default rate of individual sureties.

The bill I am introducing today will, I believe, eliminate the abuses among individual sureties which have become far too frequent, while preserving access to the bonding market for small and minority firms. The legislation establishes a pilot program which provides for federally approved associations of individual sureties. The association concept permits individuals to pool their resources and collectively bond contracts. The association becomes liable, therefore, for all contract obligations, which is secured by a loss reserve fund paid by members of the approved surety association. In order to become a member of the association an individual would have to submit certain financial information and be subject to an audit. The association itself must adhere to regulations and procedures established by a designated Federal agent. This is to ensure that all associations pass strict financial muster. Additionally, the associations would be involved in contract monitoring to ensure that work is being properly performed and that potential problems are circumvented.

These federally approved associations will facilitate contracting officers in their review of contract bids by giving them assurance that the individual suretors is sound. I believe this bill will serve the dual function of protecting the Government and subcontractor, while expanding bonding opportunity for minority-owned construction firms. I urge my colleagues to support it.

THE SUGAR PROGRAM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEWIS of Florida. Mr. Speaker, there have been genuine concerns raised by Caribbean Basin nations, that they are being used as a stalking horse for the attacks on the U.S. sugar program. In fact, the international practices which create problems for sugar exporting nations in the Caribbean are the same practices which forced the United States to adopt the defense of a quota system.

The real problem with the international sugar economy is that world prices are artificially low—the result of a worldwide pattern of abusive subsidies which has pushed residual sugar prices below the cost of production even for some of the efficient producers in the Caribbean and the United States.

For CBI nations, the U.S. sugar market is important because in the U.S. market, they can get a reasonable price for their sugar, instead of depressed world dumping prices. If the United States canceled its program, two things would happen, neither of which would benefit CBI ecomomies:

First, while Caribbean sugar exporters might be able to send more sugar to the United States, their sugar would no longer earn a reasonable return. Instead, they would face the kinds of depressed prices that have hurt them in world markets.

Second, by canceling its sugar program, the United States would undermine the chances for international sugar policy reforms at the multilateral trade talks. Secretary Clayton Yeutter, a committed free trade advocate, has urged the United States not to change its program unilaterally because it would remove the incentive for groups like the European Community to reform their program.

The fact is, the United States cannot solve the problems facing Caribbean sugar exporters by itself. Economic studies have shown that if we end our sugar program, the major beneficiaries will be the European Economic Community and Cuba, not the CBI nations.

Mr. Speaker, the U.S. sugar program provides vitally important leverage for trade negotiations trying to achieve the long-term multinational reforms that will mean real relief for CBI nations.

LONG BEACH NAVAL SHIPYARD

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. DYMALLY. Mr. Speaker, recently, a delegation from the city of Long Beach, CA, headed by Mayor Ernie Kell, visited with Hon. H. Lawrence Garrett III, Secretary of the Navy, regarding the Long Beach shipyard.

I am attaching a statement from Mayor Kell to Secretary Garrett:

Mr. Secretary, we had breakfast in Long Beach not long ago and I appreciate your attention to our City.

Since then Long Beach has been told that our shipyard will be closed.

We understand your answer is that you don't decide these things but please listen to how we see the Federal losses from the closing.

There will be economic losses that do not cut the budget but widen the deficit.

There will be strategic losses that needlessly compromise basic defense posture.

There will be political losses that are unwise for the Administration.

Here are examples supporting these losses as well as documentation of the high cost of closing the shipyard.

1. The Navy appears to be downgrading California, the Country's strongest defense State. Of 43 base closures, 11 are in California and 8 of those are Navy.

2. Economic Losses That Do Not Cut the Budget but Widen the Deficit

Closing the most budget "profitable" shipyard will not cut the budget deficit.

After closing costs, the Navy will further aggravate the deficit when, due to the reduction of land bases in Europe, it will be necessary to reopen Long Beach to help maintain maritime capability.

Closing the shipyard at Long Beach to possibly expand the Naval Station will not reduce the budget deficit.

The Long Beach Naval Shipyard is a highly competitive bidder which helps to keep private shipyard costs down.

3. Strategic Losses that Needlessly Compromise Basic Defense Posture

The Navy would eliminate from the West Coast the only non-nuclear, surface vessel, overhaul base near the Pacific Surface Fleet, and disband its 4100 trained workers.

California homeports at least 30% of all Naval surface vessels. Most of these would be left with compromised Federal overhaul capability.

Shipyard closure will eliminate the economic advantages of the Southern California industrial base, the strongest in the U.S.

Long Beach is the historic guts of Pacific Rim overhaul.

4. Political Losses that are Unwise for the Administration

The Navy would purposely punish the West Coast's most loyal Navy town.

The Navy would strain the support of California's 10% of The Congress and 14 Chairmanships on Capitol Hill.

ADMINISTRATION SHOULD MOVE FASTER ON EASING EXPORT CONTROLS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. WYDEN. Mr. Speaker, my colleagues BILL GRADISON, NANCY JOHNSON, and I are seeking signatures on a letter to the administration urging faster action in dismantling outdated restrictions on high-technology exports to Eastern Europe.

This past Sunday in an op-ed in the New York Times, Senator JOHN HEINZ made a strong case for the need for major reforms in this area. Among other things, he noted that the administration will not approve the export of an Apple computer to Solidarity in Poland to help typeset its newsletter. I would like to have the full text of that article printed in the RECORD.

If, after reading the article, other Members agree that our current muscle-bound system of export restrictions makes no sense in light of the dramatic political and economic changes in Eastern Europe, I would urge them to contact my office and sign onto our letter to the administration.

[The New York Times, Mar. 4, 1990]

NOT EVEN AN APPLE FOR POLAND

(By John Heinz)

WASHINGTON.—Solidarity wants an Apple computer so it can do a better job of typesetting its newspaper. The Polish telecommunications authority wants to buy outdated Western equipment so that local callers will be able to dial direct. For now, the Administration says Poland can't have either.

Meanwhile, China, which savagely suppresses democracy, can buy mainframe computers 10 times more powerful than the computer Solidarity's newspaper can't have. Thanks to purchases of U.S. equipment and satellites, China soon will have one of the world's most modern telecommunications systems.

The difference lies in liberalized export regulations agreed to in 1985 to encourage China to "grow out" of tradition Marxism-Leninism. Despite impressive attempts by Poland and Hungary to win U.S. confidence, the Administration refuses to grant these struggling democracies the same access to Western technology we allow China. That defies common sense.

Poland and Hungary should be granted a comparable arrangement immediately—contingent, of course, on President Bush's having assurances that Soviet intelligence operatives in those countries have been evicted or contained. The same should hold for any Eastern European nation that adopts a democratic system and takes concrete steps to reduce its military, intelligence and economic ties to the Soviet Union.

Helping Poland and Hungary match their political successes with modernized, successful economies is the only way to insure the permanence of reforms. Modern technology is the key. As Peter Varkonyi, Hungary's Ambassador to the U.S., put it, "We cannot have a first-rate economy with third-rate technology, and we cannot earn the currency required to transform our backward economies into modern ones if we cannot compete in the world marketplace."

Recent reports indicate some Administration members are thinking about relaxing controls affecting exports to Poland and Hungary in perhaps a year. New technology can make a difference today; a year could be too long, if democracy begins to weaken. In explaining the delay, the Administration cites old worries: Both countries belonged to the Warsaw Pact; both were members of Comecon, the Soviet-dominated economic alliance, and both were heavily infiltrated by the K.G.B.

Today Comecon is dead in all but name. Its 10 member nations recently voted to move toward a market-based system of trade. Hungary and Czechoslovakia proposed to gut the system and get on with integrating their economies into the West.

The Warsaw Pact, too, is all but dead. Poland, Hungary and Czechoslovakia have announced military spending cuts of up to 25 percent in the coming year. Moscow began withdrawing troops from Czechoslovakia a few days ago, and plans to begin pulling out of Poland and Hungary in coming months. According to impeccable sources, some Eastern European nations are expelling K.G.B. agents.

None of these changes guarantees that an Apple computer won't end up in Soviet hands if Solidarity is allowed to buy one. But Poland and Hungary have gone a step further: volunteering to accept extremely intrusive safeguards, which include on-site inspections. Just a few days ago, after months of delay, the Administration responded with a statement of export-control principles so vague as to have no practical value for negotiating a new arrangement.

The U.S. has long taken the lead on export-control issues, but the Administration's hesitation threatens to change that.

Soviet and Eastern Europe access to advanced Western technology is governing by the Coordinating Committee on Multilateral Export Controls, made up of 14 Western European countries, Japan, Australia and the U.S. The unity of this watchdog, known as Cocom, is one of the West's best sources of leverage for democratic change in Eastern Europe.

In the past two years, France, Britain and Italy have allowed companies to circumvent Cocom's control and sell advanced technology directly to the Soviet Union. This deterioration in unity will continue to accelerate the longer we resist adjusting to the changes in Eastern Europe. This message was conveyed to the Administration at a recent Cocom meeting; our partners called for a trade agreement with Eastern Europe that would match the China arrangement in every respect. The Administration agreed to liberalize controls in only 3 of 39 technology categories.

The costs of the Administration's delay will not be limited to a loss of international influence. We also will end up cutting U.S. companies out of lucrative markets, while their Japanese and European counterparts cut deals.

HOW CONTRAS FELLED ORTEGA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. HUNTER. Mr. Speaker, in the wake of last week's stunning UNO victory in Nicaragua, it is important that we examine the American policies which forced Daniel Ortega to conduct the elections and helped to return freedom to the people of Nicaragua.

The article reprinted below appears in the March 10, 1990 edition of Human Events. The author, Brett Sciaroni, served as the counsel for President Reagan's Intelligence Oversight Board. I believe that my colleagues will find that Mr. Sciaroni offers an excellent summary of why President Reagan's policy of aiding the Nicaraguan freedom fighters was right. The article also outlines why we must continue to be vigilant in the face of the Sandinista's apparent reluctance to give up control of the Soviet-supplied 100,000-man army and the 20,000-man police force.

[From Human Events, Mar. 10, 1990]

HOW CONTRAS FELLED ORTEGA . . . AND WHY THEY SHOULDN'T DISBAND

(By Bretton G. Sciaroni)

In the wake of the stunning victory of Nicaraguan opposition candidate Violeta

Chamorro over President Daniel Ortega, a fierce debate has arisen over who should get credit for ousting the Sandinista strongman.

Opponents of the Nicaraguan freedom fighters were quick to assert that Chamorro's triumph had nothing whatsoever to do with former President Ronald Reagan's policy of aiding the armed resistance.

For example, a long-time opponent of Reagan's Nicaraguan policy, ultraliberal Sen. Tom Harkin (D.-Iowa), stated that the election results demonstrated "the failure of the Contra war." But, in fact, the Contras were critical in forcing the Sandinistas to hold elections at all, and should prove key to the transfer of power in Managua.

The fact that there was an election was a total vindication of President Reagan's steadfast support of the Nicaraguan Resistance. As with recent events in the Soviet Union and Eastern Europe, Reagan's resolution in facing Communist adversaries has proven crucial to creating the conditions for change.

Always derided by liberals as ex-Somocistas and mere creations of the U.S. government, in truth the Contras constituted an authentic peasant army. Ultimately, the Reagan Administration's support for the Contras turned out to be vital in securing victory for the internal opposition.

The origins of the Nicaraguan election lie in the Contra campaign of 1987. Fueled by $100 million in U.S. aid, the Nicaraguan Resistance carried the war to the Soviet- and Cuban-backed Sandinista army. Despite being greatly outnumbered, resistance units were on the attack country-wide. The hard-pressed Communists in Managua understood that their revolution would never be secure until the Contras were eliminated.

Although the 1988 congressional cut-off of military aid gave hope to the Sandinista commandantes that the armed resistance would fade away, the Contras did not disband. Although most of the peasant army was confined to camps along the Honduran border, the anti-Communist rebels refused to disarm, while others continued an active insurgency against the regime in Managua.

It was Ortega's realization that the Contras would not go away that prompted the recent election.

The road to Chamorro's electoral victory began with the 1989 Tesoro Beach accord. The previous accords among the Central American presidents had accomplished nothing, but at the Feb. 14, 1989 meeting, at Tesoro Beach, El Salvador, a significant trade-off was negotiated.

Ortega agreed to hold elections by Feb. 25, 1990, in exchange for Contra demobilization. Despite Panamanian despot Manuel Noriega's subsequent warning to his Sandinista friends not to hold elections, Ortega understood that his regime would always be at risk so long as there was an alternative to his dictatorial rule.

Thus, the key to final Communist consolidation of power was to disband the armed resistance. In order to secure the cooperation of the Central American presidents, Ortega had to agree to elections in 1990.

In fact, in the year since the Tesoro Beach accord, Contra demobilization remained the preeminent Sandinista foreign policy objective. At the follow-on presidents' meeting at Tela, Honduras, last August, Ortega negotiated a specific plan for disbanding the resistance.

Even Ortega's announcement calling off the ceasefire last October was not aimed at canceling the elections, as many thought at the time, but at getting U.S. and Central American help to enforce the Contra demobilization by Dec. 5, 1989, as promised in the Tela accord. For despite the involvement of the United Nations, an unprecedented use of the organization in this hemisphere, little progress had been made in getting the resistance to turn in their weapons and assume refugee status or be repatriated to Nicaragua.

Furthermore, despite losing the election, the Sandinistas still have Contra demobilization on their agenda.

Two days after the election, Ortega conditioned the transfer of power to the internal opposition on disbanding the Nicaraguan Resistance. But the Bush Administration should now insist that there be no Contra demobilization until the Sandinista army and secret police disband. As instruments of the Sandinistas, these institutions have been critical for the enforcement of totalitarian rule in Nicaragua.

Unfortunately, there are a number of signs that the Sandinistas do not intend to relinquish control of these tools of state terror. Before the election, Interior Minister Tomas Borge, the head of the secret police, said that, even if Chamorro won, the police and the army would refuse to obey "the absurd orders" of the new government.

Ominously, Ortega, told the Sandinista faithful after the election that "We will continue governing from below."

He announced that they will use the 1987 constitution to protect their hold on the army and the rest of the bureaucracy. That constitution establishes the army as part of the Sandinista party, with virtually every officer a member of the Sandinista front.

And while Humberto Ortega, the brother of the Sandinista president, may have to resign his post of defense minister, it appears that he intends to retain his post as commander-in-chief, a potentially more important position.

Finally, the Sandinistas will use the constitutional clause that protects civil servants to ensure that members of the Sandinista party retain their stranglehold over the government bureaucracy.

An early indication that the Sandinistas do not intend a transfer in real power was Moscow's announcement immediately after the election that Soviet aid would continue to flow to Nicaragua. Since the Kremlin is not in the habit of supporting democratic governments, it appears the Soviets hope to preserve Nicaragua as a Communist beachhead.

Moscow has invested a great deal in the Sandinistas already, with the most recent aid in the form of Soviet surface-to-air missiles and more MI-17 helicopters arriving earlier this year.

It should be remembered that, even with the changes in Eastern Europe, the KGB continues to work with the intelligencc services of those countries and has coached them on how to survive this period of transition. Similarly, we can assume that Moscow still has a strategic interest in the Sandinistas' survival.

Yet another sign that the Sandinistas are loath to change their ways is their continued support for regional insurgencies. According to Salvadoran government sources, since the elections, two unidentified aircraft originating in Nicaragua were monitored entering Salvadoran airspace, presumably carrying arms or personnel for the FMLN guerrillas. In addition, both U.S. and Salvadoran sources have indicated that the Sandinistas have placed a high priority on resupplying the FMLN before Chamorro is inaugurated on April 25.

Thus, the Bush Administration should not agree to Contra demobilization until the army and secret police are disbanded, and all security advisers from the Soviet bloc and Cuba are sent home. To do otherwise would jeopardize the fruits of Chamorro's electoral victory and the sacrifices of the freedom fighters on the battlefield.

YVONNE DESROSIERS RETIRES AFTER 28 YEARS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. STUDDS. Mr. Speaker, on Sunday, March 11, 1990 the residents of Acushnet, MA—a town which I am privileged to represent in the Congress—will pay tribute to Mrs. Yvonne Desrosiers, who is retiring after 28 years of public service, chronicled in the following article from yesterday's New Bedford Standard Times. Mrs. Desrosiers has served the people of Acushnet with dedication and distinction. Her warm smile and friendly manner will be missed by all of us who called upon her over the years. On behalf of her family, friends, and neighbors, I wish to extend to Mrs. Desrosiers my warmest congratulations and best wishes for an enjoyable retirement.

[From the Standard-Times, Mar. 5, 1990]

ACUSHNET TREASURER, CLERK, COLLECTOR STEPS DOWN AFTER 15 YEARS

(By Pedro Parelra)

ACUSHNET.—Public service can introduce a person to the peculiarities of life, and Yvonne B. Desrosiers knows this all too well.

About eight years ago, Mrs. Desrosiers, 65 who serves as town clerk, treasurer and collector, began receiving letters from a man who wanted his birth record deleted. Mrs. Desrosiers was puzzled.

"Illegal New York and illegal Massachusetts are illegally detaining me." read one letter. "I am neither masculine nor feminine, Improper notice of birth," read another. Each came with three one-dollar bills, presumably to pay Mrs. Desrosiers for her service.

"But this fellow never gave us a return address," she recalled. She consulted a physician who said the man needed help, she said.

"One day, lo and behold, who comes in but that man," Mrs. Desrosiers recalled, "his head was all shaved. He had this kind of shirt that looked as if it was on his back for I don't know how long."

She managed to persuade the man to leave, telling him she had no authority to delete his birth record. "It just scared me."

This anecdote is not the fondest memory Mrs. Desrosiers will take from Town Hall when she retires in April. But it certainly rates as the most peculiar, she said.

Mrs. Desrosiers has kept the letters and the dollar bills among other records in a cabinet in her office. And she still doesn't know what to do with them.

She does, however, know that she will miss her Town Hall office and colleagues when her successor takes over in the spring.

"My family says I'm a workaholic, and I suppose when it comes to that they're right," said Mrs. Desrosiers, who estimates

she works about 50 hours a week but gets paid for 40. "It never bothered me. Every morning I get up rearing to go again."

Her love for numbers and people have fueled her. "I love numbers. That was my first priority."

Serving the public also gave the Acushnet native a thrill, especially since "people are very nice in Acushnet."

Mrs. Desrosiers started working in Town Hall as a clerk in 1950, two years before getting married. After her son Ronald was born in 1954, she worked part-time for about three years, then she gave birth to her second son, Michael. She did not work again until 1969, when she became assistant town clerk.

"I'm not sorry that I did stay home those 12 years," she said. "That is what I wanted to do, and I did it."

At first she wondered if leaving her three boys (Dennis was born in 1959) in her Slocum Street home with an after-school baby sitter would work. It did.

In 1975 when her predecessor retired, Mrs. Desrosiers was elected as town clerk/treasurer/collector. She has since been re-elected every three years. "Now it's the end of the journey, I imagine."

Although she is "not the type to call it quits," Mrs. Desrosiers last summer began feeling tired and entertained the notion of retiring. Her husband, Leo, retired three years ago and she wants to spend time with him, she said.

Mrs. Desrosiers will lend a hand to a Town Hall friend if needed after she retires, but she has no plans to get officially involved at least for a year. Then she will consider serving on a town committee, she said.

Mrs. Desrosier, who plans to travel the West Coast and Canada this year, is excited about retiring, but has some concerns.

She worries about whether town officials will come up with a local solution for the state's fiscal problems. Gov. Michael S. Dukakis has threatened to withhold local aid payments in June, which would mean a loss of more than $1 million to the town.

She also worries that her successor will have a hard time with the triple position, which entails more and more tasks as the town grows.

Not only does Mrs. Desrosiers process property and excise tax payments, but also issues birth and marriage certificates and does the paperwork for town meetings and elections.

"She's been wonderful, as far as I'm concerned," said Selectman John Sylvia. For the last several weeks, Mr. Sylvia has been preparing a farewell party for Mrs. Desrosiers. The $20-a-ticket party is set to begin at noon March 11 at Century House.

"She puts in about 10, 12 hours a day, sometimes more. As far as I'm concerned, she's aces."

Mr. Sylvia said he doesn't know whether her successor will be able to perform the three jobs, but noted that by holding the triple position Mrs. Desrosiers has saved the town money. Three people holding the jobs would probably cost about $100,000, whereas Mrs. Desrosiers earns about $35,000.

"Money was never an objective," said Mrs. Desrosiers.

But she said she always wanted to work for a municipality, even if it meant putting up with bizarre situations, such as that with the man who wanted his birth date deleted. Mrs. Desrosiers recalled that the last few letters she received from him came from Colorado.

"I was never so glad," she said, adding she has not heard from him in a long time.

HUMAN RIGHTS IN INDIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mrs. MORELLA. Mr. Speaker, many of us were heartened when newly elected Indian Prime Minister V.P. Singh stated his intentions to improve the human rights situation in his country, and especially in the Punjab, where more than 5 years of religious violence has cost tens of thousands of lives. And yet human rights violations persist, and perhaps have even increased, since Mr. Singh took office.

I would like to share with Members excerpts from a letter which I recently received from my constituent, Gurmit Singh Aulakh. Dr. Aulakh is the president of the Council of Khalistan, an organization dedicated to protecting and promoting Sikh human rights. I think that Members will find his perspective of interest:

COUNCIL OF KHALISTAN

Washington, DC, February 5, 1990.

Hon. CONSTANCE A. MORELLA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MORELLA: No one can deny the unprecedented reforms arising out of Eastern Europe, the irrepressible yearning for freedom has finally overcome the repressive chains of totalitarianism. As a Sikh-American, I can truly appreciate that irrepressible yearning for freedom because my people in the Punjab are still bound by the repressive chains of India's totalitarianism.

Although India has undergone the election of a new government, under V.P. Singh, the new regime's policies continue India's tradition of persecuting minorities. Although in power for only a few months, mass killing, political assassinations, press bans and war mongering have become the hallmark of this coalition government.

On December 28, 1989, the Honorable Jagdev Singh Khudian, a newly elected Sikh Nationalist Member of Parliament, was kidnapped. Five hours after the abduction, Indian authorities claimed that Khudian had committed suicide. Five days later, his body was found in a canal, however, an autopsy revealed that he had been dead for only 20 hours. The Government had killed Khudian on the eve of a public declaration he was going to make in support of Khalistan, the name of the independent state in our homeland, Punjab, which Sikhs declared independent in 1987.

On January 24, 1990, another Sikh leader was killed by Indian secret police. Harminder Singh Sandhu, leader of the All India Sikh Student Federation, was gunned down in his Amritsar apartment. Like Khudian, Sandhu publicly endorsed Sikh aspirations for a free and sovereign Punjab.

These individuals were respected and beloved leaders of the Sikh nation, they espoused the same view that the entire Sikh nation espouses—the fundamental right of people to be free. Unfortunately, to the Indian Government, the desire to be free is also punishable by death. Since 1984, over 80,000 Sikh men, women and children have died.

India, long touted as the "world's largest democracy", has so far managed to hide the truth of its oppression from the eyes of the world. Does the world's largest democracy kick out foreign journalists? Does the world's largest democracy deny entry to inernational human rights groups like Amnesty International? Does the world's largest democracy kill tens of thousands of its own citizens just because of their political and religious beliefs?

India must be held accountable for its actions * * * America believes that basic human rights, the right to be free and to speak out without fear of persecution, transcends nationalism or economic interest.

Sikhs have suffered greatly in recent years, but the Sikh nation recognizes that only we can free ourselves. So many of our people have been killed, tortured, imprisoned and raped by Indian security forces that fear has become our master. If America, a symbol of freedom for countless nationalities, were to convey its moral support for our struggle—our fear would be replaced by invigoration. . . .

With kindest regards, I am

Sincerely yours,

Dr. GURMIT S. AULAKH,
President, Council of Khalistan.

MEMORIALS FOR JOSEPH TRIPPE NALL

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LANCASTER. Mr. Speaker, I stand in the Halls of Congress to call to the attention of my colleagues, memorials presented in honor of a respected public official, Mr. Joseph Trippe Nall, member of the National Transportation Safety Board, a citizen of my congressional district, who was killed in a plane crash in South America while serving the interests of his country. The memorials presented by his colleagues on the National Transportation Safety Board follows:

REMARKS OF ACTING CHAIRMAN JAMES L. KOLSTAD

We are here today to mourn the loss of a very special person and a respected member of the NTSB family.

But Joe Nall was much more than that. He was a father, a pastor, a pilot, a community leader, and safety advocate. Most of all he was a close friend.

Upon his arrival in 1986, Joe quickly embraced the NTSB team. He took the time to show an interest in staff activities and their points of view as well as their personal well being. All of us appreciated Joe's great optimism.

He always saw the best in every person and in every situation. Joe Nall did not speak in negative terms. He brought to the Safety Board an infectious enthusiasm for everything he undertook, from flying to golf to presenting his positions in Board meetings.

I saw this exuberance for living in a special way when I spent New Year's Eve with Joe during my first year at the Board. We went to dinner at a restaurant here in Washington and shortly after midnight Joe went to each table in the restaurant and personally wished every patron a Happy New Year.

Combined with these qualities was Joe's compassion for his fellow man. One example of this is how giving Joe was of his time to help other people. Joe spent Tuesday

nights right here at Riverside Baptist Church helping underprivileged kids.

He was an inspiration to many of the staff and I personally found him to be a source of strength and a valued adviser.

Joe's contacts with Government and industry were worldwide as evidenced by the many messages of condolence the Board is continuing to receive. We sincerely appreciate these expressions of sympathy.

In closing, I want to leave you—as Joe always did—with a positive thought. As tragic as his death is to us all, we should celebrate his life by emulating his endless capacity for caring and for making people feel good about themselves and their contributions.

If the true measure of a man's worth is whether the world is a better place for his having been here, Joe has set a new, higher standard.

REMARKS BY JIM BURNETT

There are four characteristics of Joe Nall which I think must be mentioned, even repeated today, since all have previously been mentioned and no doubt will be again.

First, was Joe's sense of compassion expressed not only in his personal life, but also in his work. He showed deep compassion not only for the victims of accidents, but for all those whose lives were affected by the Board's work.

Second, was his wit. Since laughter is often untender, the combination of great humor with deep compassion is rare and beautiful. Joe's humor was like a fine champagne—much sparkle, no bite.

Third, and most important, was Joe's faith, which sustained him through personal crisis and was sustained itself to blossom again in his work here at Riverside Baptist Church—an abiding faith which we Christians talk about perhaps more than we witness.

Fourth, and closest to home for those of us at the Safety Board, was the joy and pride which Joe took in his work and, more importantly, the joy and pride which he took in the people with whom he worked. He gave us reason to be proud of him and it is for us, this day, to take joy in the opportunity we had to work with Joe Nall.

REMARKS OF MEMBER JOHN K. LAUBER

Joe Nall was a respected colleague and a good friend of all of us here today, and of many others around the world who could not join us as we pay tribute to his memory.

Joe was a colleague in the fullest sense of that word. He was genuinely interested in the views and ideas of not only his fellow board members, but also those of staff. He would often call to inquire about our views of this matter or that, and what our views might be on various alternatives. He often sought to achieve compromise in the interest of board unanimity, but never at the expense of compromising his principles.

Joe was a friend in many different ways. First, he was a good friend of the Board. He loved the Board and being a part of it. He was very proud of its accomplishments, of its mission, and of its staff. Joe devoted a great deal of his time to the conduct of his own personal campaign to increase awareness of and support for the Board on Capitol Hill and elsewhere. He made many contributions to the Board, and reveled in it's successes.

Second, Joe was a friend of aviation. Anyone who knew Joe for longer than 30 seconds knew of his great love for aviators and anything that flies or even looks as though it might fly. He would give out great whoops of joy when flying a simulator, or have an ear-to-ear grin while recounting his latest aeronautical adventure; he loved things such as flying a taildragger to the Experimental Aircraft Association fly-in at Oshgosh, Wisconsin. Joe strongly believed that the aviation system exists for the benefit of all, and made many contributions to improving flight safety.

But Joe didn't limit his enthusiasm to aviation. He was excited about and interested in all modes of transportation, and frequently made lifelong friends by riding in the cockpit jumpseat, or in the cab of a railroad locomotive, or on the bridge of a ship—his enthusiasm and exuberance made a great impression on people he met.

Let me share a story with you which illustrates this characteristic of Joe. Polly Anderson-Lamberth from Congressman Lancaster's office rode the train to Smithfield, NC last weekend to attend Joe's funeral service. Enroute, she struck up a conversation with the conductor on the train, and informed him that she was enroute to Smithfield to attend a funeral. The conductor indicated that he had met a fellow from Smithfield once, and they soon realized that they were talking about the same person: Joe Nall. Shortly after his appointment to the Board, Joe travelled to Washington on the train. During the trip, Joe approached the conductor, introduced himself, and said that while he knew a fair amount about airplanes, he didn't know much about trains, and asked the conductor if he could spare some time. For the next couple of hours, Joe learned about railroading, and his enthusiasm and interest made a lasting impression on the conductor. This was typical of Joe—one encounter was likely to lead to a long-term friendship with him.

Finally, Joe was a friend of people. He loved everybody he dealt with. He knew the name of every staff member at the Board, and I think he knew the names of husbands and wives and children as well. It often took Joe a long time to make it from one end of the building to the other—you could hear him coming down the hall: "Hi, how are you? How's the husband? How's the wife? How are the kids?" He had to talk to everybody he met on the way, and he genuinely cared about all of them—he loved all of us.

Joe also cared about people who had business at the Board. Due process was not an empty theoretical concept to Joe, as he would often remind us whenever we started to encroach upon that sacred shrine.

Joe Nall was a genuinely good guy in a world which needs all the good guys it can get. We will long feel his loss, but we will also long benefit from his many personal and professional contributions.

REMARKS FROM DR. LEE V. DICKINSON, MEMBER NATIONAL TRANSPORTATION SAFETY BOARD

We are here this morning to pay tribute to a good friend and colleague—Joe Nall. As I look over the church overfilled with Joe's friends, as the church was in Smithfield, North Carolina for his funeral on Saturday, I realize how many lives Joe had touched. Each of us has a story to tell about him.

Joe was a good person, an honest man, a sincere individual and ever an optimist. He always found goodness, no matter how bad the situation. When many of us would have given up, Joe had the ability to rise above it all and bring out the best.

He loved his work and was good at it. And he was enthusiastic about everything he did. He cared a great deal about aviation and worked hard to improve safety. He was especially concerned about the general aviation pilot. Joe and I often joked about how we had the best jobs in Washington—being able to work with dedicated individuals, make a mark on the transportation system, and to be paid for doing it. What a treat!

I would like to relate a personal story about Joe. On the day of my swearing in I had some family and friends back to my office after the ceremony. My cantankerous nine year old niece had had her fill of adults for the day, was bored stiff, and wanted to go home. She noticed a model of the space shuttle on my desk and started playing with it. In walked Joe Nall and within minutes I noticed her eyes this big—Joe was explaining to her about flaps and slats, ailerons, lift and drag, in words only a nine year old could understand. She was completely captivated by him.

This was one of Joe's greatest gifts—his ability to communicate with children and one for which he will be sorely missed.

I know in the future someone will take Joe's seat on the Board, but I also know that no one will ever replace him. Good-bye Joe, we'll miss you.

THE IMPORTANCE OF CARTER G. WOODSON AND MOSES LEROY AFRICAN-AMERICAN LEADERS IN HISTORY

HON. CRAIG A. WASHINGTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. WASHINGTON. Mr. Speaker, the importance of Carter Goodson Woodson to the fabric that makes up the quilt of American history has been his pioneering effort and achievement in bringing to light the many contributions that African-Americans have made and continue to make to this great Nation. Dr. Woodson, the son of former slaves, overcame the hurdles of racism and ignorance to earn B.A. and M.A. degrees from the University of Chicago and a Ph.D. degree from Harvard University.

Dedicating himself to the task of informing not only his fellow African-Americans, but Americans in general about the many achievements of his race, Dr. Woodson founded the Association for the Study of Negro Life and History, which publishes the Journal of Negro History. He later became president of Associated Publishers, Inc., a company established to publish and circulate books about African-Americans that other publishers would not issue. A gifted writer himself, Dr. Woodson wrote "The Education of the Negro Prior to 1861," "A Century of Negro Migration," and "The Negro in Our History," a book which became the standard text for African-American history for many years. Dr. Woodson also taught at the elementary and high school levels, and served as dean of the School of Liberal Arts and Sciences at Howard University.

Dr. Woodson will probably best be remembered for establishing what is now known as African-American History Month, which focuses the attention of our Nation on the achievements of African-Americans. Dr.

Woodson and the historians who follow in his footsteps have lifted the cloak of ignorance about the past of African-Americans—not only for African-Americans, but for all Americans.

The life of Moses LeRoy, who resided in the 18th District of Texas for many years, provides an excellent example of the importance of heeding Dr. Woodson's call to preserve and celebrate our ethnicity. A courageous leader in the labor and civil rights movements, Mr. LeRoy was instrumental in bringing meaningful social change to Texas. The account of Mr. LeRoy's life which follows is drawn from a variety of sources: the recollections of his widow, Mrs. Erma DeLoney LeRoy; from newspaper stories and from an oral history interview with Mr. LeRoy conducted by Dr. Chandler Davidson of Houston's Rice University.

Moses LeRoy was born on December 9, 1897 in Abbeville, LA, and was educated at the Howe Institute, a small, Baptist-supported boarding school in New Iberia. He came to Houston at an early age and found work as a ditchdigger, digging many of the ditches in the Montrose and Allandale areas of Houston. He also worked as a taxi driver and as a chauffeur for a well-to-do family.

As a young man, Mr. LeRoy witnesses the explosion of racial tensions in Houston's infamous 1917 race riot, which was fueled by racial discrimination and police brutality and involved many of the African-American soldiers stationed at nearby Camp Logan.

In 1920 he went to work in the Southern Pacific Railroad shops, which exposed him to the unfair and discriminatory labor practices used by the railroads in their dealings with African-Americans. Through experiences such as a bitter railroad strike in 1922, he observed what he came to view as the "economic roots of segregation" and saw first hand how industrialists played off African-Americans against whites.

Mr. LeRoy joined the Brotherhood of Railway and Steamship Clerks—which later became the Brotherhood of Railway Workers and Airline Clerks—in the early 1930's, at a time when the organization only gave African-Americans auxiliary memberships. Over the years, he fought at union conventions to gain full membership for African-Americans, and achieved partial success in 1947, when the union granted them full membership, but created segregated lodges—which were later successfully integrated.

Persevering, Mr. LeRoy rose through the ranks, becoming president of Local 1534 in 1965. He continued to crusade for better jobs for African-American railroad men and, during the 1960s filed a discrimination suit against the Southern Pacific railroad and his own union. The suit challenged the system of job classifications which kept African-Americans out of white-collar positions, and Mr. LeRoy's victory profoundly changed the railroads.

Mr. LeRoy was a Democrat for most of his life, except for a brief period during the 1948 elections when he left the party as a result of what he saw as its inaction on racial equality issues. Galvanized by their cry of "Down with segregation! Down with racism!," he joined the Progressive Party effort to elect Henry Wallace, serving as chairman of the Progressive organization in Houston.

Up until 1944, the Democratic Party in Texas held all-white primary elections from which African-Americans were excluded. Although African-Americans were allowed to vote in the general election, in a one-party State like Texas, their exclusion from the primaries effectively disenfranchised them. As a result, Mr. LeRoy and his allies made several attempts to break into the Democratic Party.

These efforts bore fruit in 1944 when the U.S. Supreme Court decision in Smith versus Allright abolished the all-white primary, an event which allowed African-Americans in Texas a chance to participate in the political process. Mr. LeRoy was actively involved in the case—as he told Prof. Chandler Davidson of Rice University in an oral history interview, "I wasn't on the firing line all the time but I helped to pass the ammunition."

Following this victory, he vigorously participated in State and local politics. In 1946 he unsuccessfully sought election as a precinct judge, and his wife, Erma DeLoney LeRoy, ran for the State legislature in 1948. Although she was defeated, she did carry several precincts. According to Mr. LeRoy, it was the first time in the modern era an African-American ran for the Texas Legislature.

In the decades following the Second World War, Mr. LeRoy fought in the vanguard of the struggle for civil rights. In 1947, he marched on the U.S. Capitol with A. Phillip Randolph and leaders from 37 other States to demand the establishment of a fair employment practice commission. In 1950, during the McCarthy era, he refused to testify at a Houston deportation hearing for a couple whom the government was trying to deport because they were Communists. In 1966, he joined striking Starr County farmworkers on their 400-mile march from the Rio Grande Valley to the Texas State Capital in Austin.

Mr. LeRoy also served as a charter member of the Harris County Council or Organizations, which helped build greater awareness among African-Americans of the need for social change and helped build the coalition in Houston which brought that change about. During the 1970's, he served as the chairman of Houston's Model Cities Residents Commission, where he fought local efforts to slash Model Cities funding, as well as an attempt by then-Mayor Louie Welch to fire the program's acting director, a political opponent of the mayor. In the 1980's, he convinced the Houston City Council to rename South Park Street after Dr. Martin Luther King.

Perhaps, Mr. LeRoy's most significant contribution to the citizens of Houston, however, was the lawsuit he filed in 1973 against the system of at-large city council elections in use at the time, a system he felt was unresponsive. The Justice Department backed his efforts, and Houston voters eventually approved the current system in which nine council members are elected from specific districts, with five elected at-large. The new system of elections fundamentally changed the political structure of Houston.

In recognition of his many achievements, Mr. LeRoy received numerous awards, including an honorary fellowship from the John F. Kennedy Library Foundation. A Houston city park and a day care center bear his name. In 1988 a fund in honor of Erma and Moses LeRoy was established in the department of sociology at Rice University. On top of his community service as a labor and civil rights leader, he somehow found time to serve as a bank director, as a board member and life member of the NAACP, and as a life member of the South Central YMCA. He was also a 33d-degree Mason and a member of the King James Lodge No. 23, A.F.&A.M. of Houston for 40 years.

Mr. LeRoy married the former Erma DeLoney of Fulshear, TX, on December 16, 1938. He was an associated member and student of Unity Church of Christianity and a member and supporter of University Christian Church, He died in Houston on February 10, 1990, at the age of 92. He is survived by his wife, Mrs. Erma DeLoney LeRoy; daughter, Mrs. Carol Wilkins of Houston; grandson, Rayfield Wilkins of Houston; granddaughter, Carolyn Fountenberry of Belmont, CA; great-grandson, Ronald David Fountenberry of Belmont, CA; cousins, Mrs. Byford Baker of Greensboro, NC; Mrs. Johnie V. Caldwell of Milwaukee, WI; Mrs. Mary Sammuels, of Gary, IN; and a host of other relatives.

Thanks to Dr. Carter G. Woodson, the contributions, past and present, of African-Americans have been indelibly enshrined in the history of our country. Thanks to Mr. Moses LeRoy, African-Americans working on our Nation's railroads are free from the arbitrary barriers of discrimination, and the citizens of the city of Houston and the State of Texas—whatever the color of their skin—enjoy the full measure of their civil rights guaranteed by the U.S. Constitution.

THE 25TH ANNIVERSARY OF THE SERVICE CORPS OF RETIRED EXECUTIVES ASSOCIATION [SCORE]

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SISISKY. Mr. Speaker, this year marks the 25th anniversary of the Service Corps of Retired Executives Association [SCORE]. I rise today to pay tribute to this organization and to congratulate one very special man who has helped to make SCORE an invaluable resource for American small business. I am speaking of Walter H. Channing, the president emeritus of the SCORE association. In recognition of his unselfish contributions to the organization, SCORE is saluting Walter Channing this year at its annual spring board meeting.

Mr. Speaker, this is a worthy tribute and I know that all of Congress joins with me to congratulate Walter on this well deserved and timely recognition.

SCORE was founded in 1964 to provide new and struggling small businesses with the kind of specialized help that only come from seasoned experts. The SCORE program is comprised of approximately 13,000 men and women business executives who voluntarily commit their time to share their management and technical expertise with present and prospective owners and managers of small busi-

nesses. The collective experience of these volunteers spans the full range of American enterprise, and their willingness to help exemplifies the best of the American volunteer spirit.

Men like Walter Channing exemplify that spirit. In 1964 he joined with other former executives to form SCORE. Walter Channing dedicated his time and great energy to encouraging America's business executives to share their experiences and unique perspectives on starting and operating successful businesses with perspective business owners. As a result, SCORE is now an invaluable resource to thousands of businesses across the country.

Every small business that has survived and prospered after taking advantage of the in-depth business counseling and training provided by SCORE volunteers owes a debt of gratitude to the efforts of people like Walter Channing.

Mr. Speaker, Walter Channing began his career as a merchandise manager at a major Detroit department store and also served as a marketing and retail distribution consultant with the Organization for Economic Cooperation and Development in Paris, France. Mr. Channing was also extremely active in a wide variety of professional organizations. He has served as chairman and a member of the board of directors of a division of the National Retail Merchants Association, as well as the Michigan Retail Merchants Association. Mr. Channing has also been active with the Detroit Chamber of Commerce, the International Association of Department Stores and the International Association of Town Planning and Distribution. He even served as the honorary president of the New Serres Chamber of Commerce.

Mr. Channing dedicated the same limitless energy that he brought to his professional career to his efforts on behalf of SCORE. He serves as the chairman of the SCORE legislative affairs committee, he is a former president of the National SCORE Council and was awarded the Presidential SCORE Citation in 1970.

Mr. Channing's dedicated service to his profession and to his country is an inspiration to us all.

AN INVASION OF ALIENS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, as we approach the 21st century one of mankind's greatest challenges, it seems to me, is to clean up the mess we have made of our continent in the 20th century.

Our explosion of technology, transportation, agriculture, communications and other sectors in this century has phenomenally improved our lives. In the process, we have also fouled our nest. We are a nation on the move, dragging our errors in ecological wisdom in our wake.

We have, fortunately, focused our attentions recently on the degradation of our air, for example, and on the messy business of transporting oil across the oceans. Our efforts to clean up the air and avoid further oilspills are vitally important to our future.

In rural America, farmers and ranchers have been fighting an entrenched gang of environmental invaders of another sort. The names of these interlopers are not even recognized by most people in urban America. They are called by such names as leafy spurge and spotted knapweed, and Canadian thistle. As a group, they are known as noxious weeds.

Noxious weeds are not the acute threat to health posed by miles of oil slick or an atmosphere laden with sulphur dioxide. Noxious weeds do, however, cost this Nation billions of dollars each year in food production, replace pristine natural grasslands with landscapes of trashy plants that cattle, deer, or other wildlife cannot eat. Also, most of the weeds are less protective to fragile soil than are grasses, so that the advance of noxious weeds can also leave topsoil more vulnerable to erosion.

The spread of noxious weeds across this Nation is a kind of fractured Johnny Appleseed story. The seeds for these weeds arrived from Europe, Asia, Africa, and other places, hidden among the seeds for crops to be planted in the New World. They were spread across the continent by cattle drives or by birds or other wildlife. They were spread within shipments of hay across State lines, or by grain harvesting crews as they moved between Texas and the Canadian Provinces with their trucks and combines.

Unfortunately, no one told the ecologies of the Midwest, the Great Plains, or the Rocky Mountains a thousand years ago to prepare for an invasion of alien plants. Nature has little check on these plants. As a result, they spread like prairie fire, whipped along by their pernicious dominance in the ecosystems they invade.

The noxious weeds infest cropland, rangeland, forests, and parks. Where they have invaded fields, they cost U.S. farmers about $20 billion annually in crop production. Where they have invaded rangeland, wildlife, and wilderness areas, they have choked out native grasses that have survived for hundreds of years, replacing the grasses with plants that are mostly unpalatable to cattle, deer or most any animal except, in some cases, goats.

The North Dakota Department of Agriculture reports nearly a million acres of our State's fields and grasslands are infested with a single type of noxious weed, leafy spurge. In Montana, noxious weeds have taken over 9 million acres. From the Pacific Northwest to Texas, the aggressive alien weeds take over hundreds of thousands of new acres each year.

The battle against noxious weeds is decades old. Farmers, ranchers, State agriculture departments, local weed control boards, and many State and Federal agencies that own or manage land, have all struggled against the advancing tide of alien weeds.

This is a battle that mankind is not destined to win. We are not going to eradicate noxious weeds. We must, however, learn better to live with the troublesome plants and to control their advances across our ranges, fields, and parks.

The control of noxious weeds is going to require better cooperation among private landowners, local and State weed control agencies, and Federal land managers. We have learned that the noxious weeds do not much respect the simplistic weapon we call herbicides.

A U.S. Fish and Wildlife official in my home State, for example, related his agency's effort to control leafy spurge by dousing an invasion of the weed with a strong application of herbicide. The pesticides burned the spurge right down to the ground. The next year, he said, the same weeds had grown back from their roots and were advancing across more acres of native grassland.

I have introduced a bill, H.R. 4183, to improve the coordination of noxious weed control. The bill, quite simply, requires Federal agencies that own or control land to participate with local and State weed control agencies in noxious weed control plans.

Such cooperation is not a new idea. In several instances, Federal and State agencies have formed agreements on control of noxious weeds. My bill would extend this kind of cooperation so that any local or State government that has begun its own noxious weed control program can expect participation by any Federal agency that has land within that State or local jurisdiction.

My bill is not a prescription for pesticide spraying programs. On the contrary, it requires consideration of an interdisciplinary approach. That is, participants in weed control programs under this act must consider all methods of weed control, including cultural farming practices and the selection of natural or biological control methods. In some instances, for example, an interdisciplinary plan may mean sheep, which prefer broadleaf plants, would be grazed on land infested with certain kids of noxious weeds.

The future beauty of America's natural preserves, the survival of our grasslands, and the profitability of our farms, are all going to depend upon some new approaches to noxious weed control, and upon better cooperation among all who own or control infested lands. My bill will move us in that direction.

I ask that my bill be printed at the end of my statement.

H.R. 4183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Undesirable Plant Management Act of 1990".

SEC. 2. AMENDMENT OF 1974 ACT.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 115. MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS.

"(a) DUTIES OF AGENCIES.—Each Federal Agency shall—

"(1) designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate an undesirable plants management program for control of undesirable plants on Federal lands under the agency's jurisdiction;

"(2) establish and adequately fund an undesirable plants management program through the agency's budgetary process;

"(3) complete and implement cooperative agreements with State agencies regarding the management of undesirable plant species on Federal lands under the agency's jurisdiction; and

"(4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.

"(b) ENVIRONMENTAL IMPACT STATEMENTS.—In the event an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 to implement plant control agreements, Federal Agencies shall complete such assessments or statements within 1 year after the requirement for such assessment or statement is ascertained.

"(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

"(1) IN GENERAL.—A Federal Agency shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

"(2) CONTENTS OF PLAN.—A cooperative agreement entered into pursuant to paragraph (1) shall—

"(A) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;

"(B) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and

"(C) detail the means of implementing the integrated management system, define the duties of the Federal Agency and the State agency in prosecuting that method and establish a timeframe for the initiation and completion of the tasks specified in the integrated management system.

"(d) EXCEPTION.—This section does not require a Federal Agency to carry out programs on Federal lands if there are no such programs being implemented on State or private lands.

"(e) DEFINITIONS.—As used in this section:

"(1) COOPERATIVE AGREEMENT.—The term 'Cooperative Agreement' means a written agreement between a Federal agency and a State agency entered into pursuant to this section.

"(2) FEDERAL AGENCY.—The term 'Federal Agency' means a department, agency, or bureau of the Federal Government responsible for administering or managing Federal lands under its jurisdiction.

"(3) FEDERAL LANDS.—The term 'Federal lands' means lands managed by or under the jurisdiction of the Federal Government.

"(4) INTERGRATED MANAGEMENT SYSTEM.—The term 'integrated management systems' means a system for the planning and implementation of a program, using an interdisciplinary approach, to select a method for containing or controlling an undesirable plant species or group of species using all available methods, including—

"(A) education,

"(B) preventive measures;

"(C) physical or mechanical methods;

"(D) biological agents;

"(E) herbicide methods;

"(F) cultural methods; and

"(G) general land management practices such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

"(5) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, which—

"(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

"(B) includes consideration of—

"(i) the most efficient and effective method of containing or controlling the undesirable plant species;

"(ii) scientific evidence and current technology;

"(iii) the physiology and habitat of a plant species; and

"(iv) the economic, social, and ecological consequences of implementing the program.

"(6) STATE AGENCIES.—The term 'State agency' means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

"(7) UNDESIRABLE PLANT SPECIES.—the term 'undesirable plants' means plant species that are classified as undesirable, noxious, exotic, injurious, or poisonous, pursuant to State of Federal law. Designation of undesirable plants under this section is limited by the Endangered Species Act, and shall not include plants indigenous to an area where control measures are to be taken under this section.

"(f) DIRECTION TO SECRETARY.—The Secretary of Agriculture shall exercise the authority granted in this Act to control the spread of undesirable plants as a result of transporting seeds or commodities to or from Federal lands.".

MOROCCO AS A NEW ECONOMIC DRAGON

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. MOODY. Mr. Speaker, I recently returned from a visit to Morocco, and would like to share with my colleagues what I learned about the exciting economic developments that are taking place over there. I would also like to include a translation of an article from Le Monde, which describes Morocco as a new economic "dragon," and to bring to the attention of American businesses the fact that, unless they act soon, they may be beaten out by European investors.

Since 1983, Morocco has implemented a series of important economic reforms in cooperation with the International Monetary Fund and the World Bank. The Government devalued the currency, the Moroccan dirham, by about 25 percent; it has made serious progress toward dismantling protective trade barriers, significantly reducing tariffs on imports and simplifying customs procedures; and it has decontrolled most prices, reducing both producer and consumer subsidies. As a result of the Government's diligent adherence to the recommendations of these two institutions, Morocco has made great strides toward opening and liberalizing its economy and has received high praise for the results of its economic reform program.

These results have included a strong economic growth rate over the period 1986–88, a dramatic reduction of the Government's budget deficit, and an achievement of a surplus in the current account in 1987 for the first time in 13 years. The success of the economic reform program has further strengthened the Government's resolve to continue to liberalize the economy.

The Government has also begun sending strong signals to foreign investors—including Americans—that it will make special efforts to welcome private investment in Morocco, and has taken steps to improve the investment climate. In an open letter to the Prime Minister, King Hassan II instructed the Government administration to reduce bureaucratic obstacles to the approval of investment proposals, and such instructions have the force of law in Morocco. The "Moroccanization" laws that required majority Moroccan ownership of private enterprises in strategic economic sectors have been abolished.

These economic reforms have enhanced the natural wealth and potential of Morocco that is most striking to the visitor. There is a strong agricultural sector that could become even stronger with American technology and know-how, and which could also provide the basis for a wide variety of agro-industries. And as the article from Le Monde points out, Morocco is strategically located to become a low-cost industrial base for the European Community, once the union has equalized wages throughout the union.

I hope that my colleagues will take note of the political courage evidenced in these dramatic economic reforms, and I hope that American businesses will act—as the Europeans are—to take advantage of the opportunities that the reforms are opening up. I cannot think of a better way at this time to enhance the longstanding friendship between our two countries.

MOROCCO, A NEW DRAGON AT THE GATES OF EUROPE [1]

CASABLANCA.—Situated less than three hours by plane from every decision-making center of Europe, Morocco is being touted as the new economic "dragon"—a "dragon" that is not yet fully appreciated, is less fashionable than the countries of Eastern Europe, and, until now, has been more well-known for its foreign debt, its beaches, its oranges, and its immigrant workers than for its economic dynamism.

Indeed, arriving at Casablanca today is a veritable shock. In the airport, foreign investors with briefcase in hand—French, Italian, German—are virtually shoulder to shoulder. Today, its a full delegation of shippers from Nantes; yesterday, an official mission of the French National Council of Businessmen (CNPF); tomorrow, a group of cotton millers * * * All are intoxicated by Morocco's growth rate and by the advantages of a country where the salaries are eight to ten times lower than those on the continent (the guaranteed minimum wage is about $0.60 per hour as compared to $5.20 in France [2] and where the costs of benefits is negligible. Morocco is a country economically restablized and restructured, that has managed to maintain political and social

[1] Translation of an article written by Veronique Maurus for Le Monde, November 4, 1989.

[2] $1 equal approximately 8 Moroccan Dirhams.

stability in the face of draconian austerity measures.

A HISTORIC OPPORTUNITY

The luxury hotels are full, the industrial zones are bursting. "Before it was we who sought foreign partners. Now it is they who are coming to us," asserts Fouad Filali, the young President of ONA, the largest Moroccan private enterprise. Some come to prospect, others to subcontract. Companies who have already established a presence, such as Thompson, CGE (France's General Electricity Company), Astral, etc., are expanding operations as fast as they can. And those that left at the beginning of the 1980s, the blackest hour of Morocco's economic crisis, are now returning.

The source of all this activitiy is the approach of the single European market in 1993. "A united Europe will require a cheap industrial base. Spain, Portugal and Greece will lose part of their comparative advantage. This creates a historic opportunity for Morocco," explains Mr. Akalay, director of the Moroccan Savings and Credit Company. This belief is echoed throughout the government administration as well as among banks and industries. From the smallest textile workshop to the largest conglomerates, all are striving towards the same objective: prepare for unified Europe. And to do so, Morocco is opening its borders, enhancing competition, initiative, subcontracting, and more.

"Hong Kong began this way," declares Saad Kettani, a young entrepreneur with all the charms of a Moroccan Peter O'Toole, who runs the second largest Moroccan company. It is a conglomerate of ten thousand employees, and is involved in textiles, banks and real estate. Launched thirty years ago by Kettani's father, the company was aided by protectionism and Moroccanization, but today is taking full advantage of the economic opening, exporting its embroidered fabrics all the way to South Korea!

It is a bet made with hope and yet without false illusions. "An atmosphere of confidence and recovery reigns, but there is still much work to be done," Mr. Benani Smires, the businessman who heads the Moroccan Association of Businessmen, asserts gravely. "We have a fragile economy, we are a developing country, and our success is not a foregone conclusion."

In 1989, for example, it took merely the coincidence between a significant drop in phosphate sales (India chose to purchase its fertilizer elsewhere), a slightly inferior agricultural harvest, and modest increase in interest rates, to drive the trade deficit back up and cut the growth rate in half. This was a considerable setback, which demonstrates the extreme fragility of Morocco's economic recovery and the significant constraints against which Morocco continues to struggle.

These constraints can be summed up with three concepts: debt, demography, and food import dependency. Although foreign investment has flowed in, it does not even begin to make up for the capital lost in debt service.[3] Remaining prudent with regard to further borrowing ("We now actually refuse loans," the Foreign Exchange Office insists), Morocco currently pays to its creditors, good year or bad, between $600 and $700 million more than it receives in new loans or investments. "Each year, we transfer abroad the equivalent of 3 to 4 percent of our GNP: this is an enormous handicap," explains Mr. Abouyoub, Director of Foreign Trade.

This handicap has been aggravated by Morocco's galloping population growth rate (2.6 percent per year), which imposes a heavy burden of public expenditures (health, education, food subsidies) and slows the progress towards economic stabilization—especially with regard to employment. Despite the fact that the industrial sector created 600,000 jobs last year, official unemployment statistics remain at 14.3 percent (compared to 15.5 percent at the end of 1986). The greatest impact is felt by the young university students, who graduate each year from an educational system put in place after independence. "A courier for a bank must have at least a baccalaureat plus two years of schooling; a policeman a college degree," notes a disillusioned young Moroccan.

Although the industrial sector is showing progress (including a 35 percent increase in new enterprise creation; a 25 percent increase in investment; 10 percent growth in employment, etc.), this progress cannot compensate for the sluggish agricultural sector. Agriculture still supports more than half the population, while it produces only one-sixth of GNP. Agriculture remains vulnerable, with a shortage of irrigated land (barely one-eight of the cultivable land), and production varies dramatically from one year to the next according to the vagaries of the climactic cycles that originate in the Azores. Moreover, in spite of enormous efforts, agriculture remains structurally inadequate. The cost each year to import grains, the staple food of the population is almost without exception over 20 percent greater than revenues from the export of citrus and early fruits and vegetables. A frightening trap.

"With a population growth rate of 2.6 percent per year, fixed social expenditures, and payments on our debt equivalent to 3 percent of GNP, we will need an economic growth rate of at least 6 to 7 percent per year simply to sustain current revenues," explains a spokesman from the Ministry of Finance. "For this we need investment. But with what resources? We cannot allow ourselves to get even further into debt . . ."

That solution? A call for private capital, which, while it has been abundant in the Kingdom has, until now, never been more attracted to real estate speculation than to industry. "The challenge? To liberate private initiative," explains Mohammed Sagou, Cabinet Director for the Minister of Finance. "We will have to create economic growth in order to be able to pay our debt."

COMPELLED LIBERALIZATION

There is a new language. The time is far away that Morocco, intoxicated as were all developing countries by the flow of petrodollars, borrowed itself to the hilt in order to pay for grandiose infrastructure and development projects, such as roads, dams, phosphate mines, sugar industries, and cement factories. Since the beginning of the 1980s, the debt crisis has compelled the country—brought to its knees by three years of drought—to negotiate with the IMF for a rescheduling of its debt. That crisis is still felt sharply.

Since 1983, the Kingdom has turned a page. Aided, somewhat paradoxically, by the conflict in the Sahara, which helped reinforce social cohesion and enabled the regime to impose austerity measures without creating social upheaval, the Government has completely reversed its policies.

The "structural adjustment" program imposed by the IMF led to a 40 percent devaluation of the dirham, a freeze on public expenditures which has brought the budget deficit from 13 down to 4 percent of GNP, and almost negligible growth in per capita income between 1981 and 1985. Simultaneously, Morocco implemented a series of fundamental reforms that can be summarized in one word: liberalization.

A true economic revolution has taken place almost unnoticed. Aided by a coincidence of favorable conditions (a fall in interest rates, oil prices, and the rate of the dollar; good harvests; and an improvement in the phosphate markets) the reforms brought unexpectedly positive results in 1987 and 1988. For the first time since 1974, Morocco succeeded in balancing its output and needs—so well, in fact, that the current account balance registered a surplus of 2.9 billion dirhams and the Kingdom was able to accumulate some foreign exchange reserves.

The results have been encouraging and, despite a decline in performance in 1989, show that the kingdom is on the right path. All observers agree that the momentum for development exists, and the potential is there as well. Tourism, a source of foreign exchange, remains still largely unexploited, as does the nascent fish processing industry—a sector which has the potential to contribute $1 billion in foreign exchange earnings to the country (four times what it currently contributes). Agriculture, assert experts at the Ministry of Plan, produces less than one third of its potential, and if modernization is pursued, Morocco could reach self-sufficiency in food production within five to seven years.

As for industry, its strength lies in the innumerable small and medium enterprises (of which a good one-third are in the informal sector). Until recently concentrated in textiles, leather goods, construction, and agroindustry, this sector has begun a restructuring, with the goal of breaking into such key areas as electronics and communications. "I remain optimistic that the worst is behind us. The policy of sectoral and geographic diversification that we have undertaken has begun to bear fruit," asserts the Director of the Foreign Exchange Office. "We are exporting flowers all the way to Canada. That was unthinkable just five years ago!"

[3] In 1988, Morocco paid some 14.8 billion dirhams in debt service, of which 8.2 billion were for interest payments: the equivalent of one third of Morocco's foreign exchange earnings.

MOMENT OF TRUTH IN NICARAGUA AND EL SALVADOR

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. CROCKETT. Mr. Speaker, the executive committee of the Inter-American Dialogue—a prestigious group of 70 North and South American leaders cochaired by Ambassador Sol Linowitz and former Costa Rican President Daniel Oduber—recently issued a timely statement on Nicaragua and El Salvador.

The statement was released 2 days before the Nicaraguan election. Yet the validity of the statement's recommendations are unaffected by the outcome of the election. The Dialogue recommends that the United States: "promptly

reestablish normal diplomatic relations with Nicaragua", henceforth use Contra aid solely to support Contra repatriation or resettlement, lift its trade embargo of Nicaragua, and "join other governments in considering concrete proposals for aiding Nicaragua's economy." I hope my collegaues will support these sound recommendations.

The Dialogue reaffirms its view that "El Salvador's war can only be ended through negotiations, involving real compromises on all sides," and goes on to enumerate five general principles that should guide the negotiations. This statement is particularly timely and important, because the outcome of the Nicaraguan election creates both a danger and an opportunity for El Salvador. The danger is that the United States and Salvadoran Governments will make the mistake of thinking that the outcome makes a quick victory over the Salvadoran guerrillas possible. The opportunity is that those Governments will realize that the outcome makes a negotiated settlement for reachable. If the former view prevails, El Salvador will be condemned to many more years of war. It is helpful to be reminded that negotiations are the only way out for El Salvador.

I include the statement of the Inter-American Dialogue's executive committee at this point for the information of my colleagues:

MOMENT OF TRUTH IN NICARAGUA AND EL SALVADOR

After more than a decade of armed conflict, the prospects for resolving Central America's wars may be more promising today than at any time in years. In Nicaragua, next Sunday's elections could at long last lay the groundwork for national reconciliation and reconstruction. In El Salvador, a military stalemate that denies victory to either side may now open the way for negotiations and a compromise political settlement. But these opportunities may be fleeting. If the moment is not seized, Central America could be condemned to a renewed cycle of violence for years to come.

NICARAGUA

In less than 48 hours, the people of Nicaragua will go to the polls for the most important vote in their country's history.

Repeated elections during the long Somoza family dynasty were a sham, giving Nicaraguans no real say in choosing their leadership or in the substance of policy. The 1984 vote organized by the Sandinista government also failed to provide Nicaraguans with a real choice, for the leading opposition candidate withdrew from the race, charging that conditions for the vote were unfair.

Sunday's balloting does present Nicaraguans with a clear decision—between a new mandate for President Daniel Ortega and the Sandinista party on the one hand or the election of an opposition movement led by Violeta Barrios de Chamorro, widow of the Nicaraguan publisher who once personified opposition to the Somoza dictatorship on the other.

Nicaraguans from across the political spectrum have actively participated in the campaign. Almost 90 percent of the eligible voters have registered, and a high turn-out is expected on February 25. Many voters will be casting a ballot for only the first or second time in their lives.

Preparations for the vote have been closely monitored by several international missions, including those of the United Nations, headed by Elliot Richardson; the Organization of American States; the European Parliament; and the Council of Freely-Elected Heads of Government, chaired by former President Jimmy Carter. By most accounts, the campaign appears to have been reasonably free and fair, particularly during the final crucial weeks. Both sides have had considerable opportunity to put their views before the electorate, although the Sandinista party has clearly benefited from its incumbency and there have been sporadic episodes of violence and harassment. Considering that Nicaragua has suffered years of civil war and is still subject to periodic attacks from Contra forces, it is noteworthy that generally positive electoral conditions have been established.

Barring unforeseen, last-minute developments, the vote is expected to be orderly and largely free of intimidation. The participation of so many seasoned election observers should help to assure a fair election and confer broad legitimacy on the government selected.

Whoever wins the vote will face monumental challenges. Nicaragua's economy is in shambles: real per capita income is no higher than it was in the 1950s; open unemployment is at 20 per cent; agricultural production has dropped; and Nicaraguans are emigrating in large numbers. Nicaragua has made progress in slowing inflation, but prices are still rising at more than 20 percent a month. It is estimated that some twenty years of sustained growth will be needed to restore real per capita income to the level it reached before the 1979 revolution. That kind of steady growth will require both internal cooperation and international support.

Within Nicaragua, it will be crucial that the elected government accept its mandate with magnanimity, and that the losers respect the verdict of the majority and desist from after-the-fact attempts to discredit the electoral process. The willingness of the new government and the opposition to work together would send a powerful signal, within Nicaragua and abroad, that a new and hopeful chapter in the country's history is about to begin.

It is likewise imperative that the international community abide by the judgment of the Nicaraguan people. Assuming that Nicaragua completes a broadly acceptable electoral process, we would urge the United States and other governments to recognize and reinforce this welcome achievement by according respect to the elected government.

Specifically, we urge four concrete steps following a free and fair election:

The United States Government should promptly reestablish normal diplomatic relations with Nicaragua by accrediting a new ambassador to Managua.

The U.S. Administration and Congress should, in accord with the Central American Peace Accords, make resources available to the Contras solely for the purpose of facilitating their repatriation or resettlement. A concrete plan for repatriation and resettlement should be speedily formulated, and all U.S. and other international aid to the Contras should henceforth be channeled through the International Support and Verification Commission, as the Central American Presidents agreed last December.

The United States should lift its trade embargo and establish normal commercial relations with Nicaragua—providing Nicaragua adheres to the agreement among Central America's presidents not to provide military or logistical support for insurgent movements.

As the elected government of Nicaragua prepares plans for the country's reconstruction, it should have access to multilateral economic assistance as recommended by the International Commission for Central American Recovery and Development. The government of the United States should join other governments in considering concrete proposals for aiding Nicaragua's economy.

The subsequent evolution of relations between the government of Nicaragua and that of the United States and others in the Hemisphere should and will to a very large extent be determined by the performance of Nicaragua's newly elected government.

EL SALVADOR

El Salvador is still racked by a prolonged and brutal civil war. What progress has been made in enlarging the space for political competition was set back in recent months by renewed polarization and intensified violence. Last November's offensive by the FMLN guerrillas and the bloodshed that ensued, including the murder by military officers of six Jesuit priests who had championed reconciliation, starkly underlined the country's agony. The war has become even more violent; the country's economy continues to decline; social reforms are stymied; and gross violations of human rights continue to be perpetrated by the right-wing death squads.

The fact is that neither the army nor the guerrillas can hope to achieve a military victory; nor can the guerrillas expect that a mass insurrection will catapult them into power. Most Salvadorans yearn for peace and will not join the armed struggle on either side. It has also become clear that the government cannot control the armed forces, and that as long as the war persists the authority of civilian leaders will remain weak.

El Salvador's war can only be ended through negotiations, involving real compromises on all sides. El Salvador has two paths—many more years of conflict or a negotiated peace that satisfies neither side fully, but that each can accept as preferable to war without end.

Meaningful negotiations have been impossible thus far because each side has, in effect, demanded the other's surrender. In recent months, however, both the guerrillas and the government have made potentially significant shifts in their negotiating positions. The FMLN has dropped its demands for an immediate share of power, for the merging of the army with its guerrilla force, and for a new constitution. The FMLN now says that it is prepared to compete in elections. For its part, the government of El Salvador has expressed, for the first time, a willingness to consider mediation by outside parties. Many supporters of the Cristiani government seem increasingly convinced that a political settlement represents the only chance to salvage the country's economy.

The will to seek a political solution within El Salvador must be reinforced by strong supportive efforts of the United States and other countries. The legacies of bitterness and mistrust will not be easily overcome, and there are many who will actively resist the compromises needed for successful negotiations.

The United States cannot orchestrate a settlement in El Salvador. What the United States can do, is, first, to declare its commitment to a negotiated solution and reformulate its aid to El Salvador in ways that will

convey that commitment to all parties. Such reformulation should be accompanied by a U.S. pledge to assist the government should the guerrillas resume their attacks. The United States should also work to mobilize other outside actors—Latin American and European governments, international organizations, and the Catholic Church—to become engaged in the diplomatic process.

The content of a peace settlement in El Salvador cannot be specified in detail at the outset of the negotiations. What is needed is for both sides to come to the table and stay there; the bases for an agreement can emerge only in the course of the negotiations themselves, perhaps with the help of a third-party mediator.

Both sides should consider at the outset endorsing five general principles to guide and facilitate their negotiations.

1. The FMLN must renounce sabotage and assassination and pledge not to attempt to seize power by force or subterfuge. For its part, the government of El Salvador must exert every effort to disband the death squads and bring an end to violations of human rights.

2. The FMLN must indicate its willingness to disarm and compete for power peacefully in the political arena as soon as the ground rules of electoral competition are agreed. The government must make it clear that it will and can guarantee the personal security of former guerrilla fighters who agree to take part in peaceful political activity.

3. The armed forces of El Salvador must be reduced in size and effectively subordinated to civil authority. Officers responsible for gross and systematic violations of human rights must be removed from command positions.

4. A negotiated settlement must include provisions to reform the judicial and electoral systems so as to win broad public acceptance.

5. The parties must agree to proceed in a staged manner with progress measured in small steps. As this step-by-step progress takes place, careful and independent monitoring by an international observer group may be necessary. Both sides should specify early in the negotiations their willingness to cooperate with such a group, and plans to organize it should then begin at once.

Each step along a path to peace in El Salvador will be difficult, and there will surely be setbacks along the way. Yet a beginning must be made if El Salvador is to emerge from its long nightmare. In a new decade, with regional conflicts being settled in many corners of the world and with civil war in Nicaragua so close to resolution, the time has come for all parties to strive for peace in El Salvador.

TESTIMONY OF DR. JAMES J. RENIER, CHAIRMAN AND CHIEF EXECUTIVE OFFICER OF HONEYWELL CORPORATION, IN SUPPORT OF HEAD START

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. KILDEE. Mr. Speaker, as chairman of the Subcommittee on Human Resources, I have had the opportunity to hear testimony from many exceptional individuals. Occasionally, however, a particular witness stands out for special attention. Such is the case with Dr. James J. Renier, chairman and chief executive officer of Honeywell, Inc.

Dr. Renier testified before the Sucommittee on Human Resources on March 2, 1989, in support of the reauthorization of the Head Start Program. His testimony addresses, from a business perspective, the critical importance of Head Start not only for the children and families being served, but for our Nation as a whole. Dr. Renier's perspective on the importance of ensuring the quality of services being provided is particularly informative. I commend Dr. Renier's testimony to my colleagues' attention.

TESTIMONY OF JAMES J. RENIER, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, HONEYWELL, INC.

Mr. Chairman: I am pleased to have the opportunity today to comment on the reauthorization of Head Start. Because 1990 is Head Start's silver anniversary, I can think of no better time to assess what the program has accomplished in its first 25 years and explore how it can be strengthened and improved to meet the changing needs of a growing population of poor children.

I will be commenting on this issue both as Chairman and Chief Executive Officer of Honeywell, Inc., and as a trustee of the Committee for Economic Development (CED) and chairman of its Subcommittee on Education and Child Development. My remarks will also stem from my special vantage point as chairman of a unique community-wide project in Minneapolis, called "Success by 6", which is focusing public and private sector resources on improving the early development and school readiness of our city's youngest children.

CED is a national organization of 250 business leaders and university presidents who are deeply concerned with the long-term strength and stability of the U.S. economy. Over eight years ago, CED identified education as a key—if not the key—investment strategy for improving the nation's productivity and competitiveness. We produced two reports, Investing in Our Children and Children in Need, which together outlined a comprehensive and coordinated strategy for improving the way our nation's children are prepared to succeed in school and in life.

I would like to submit copies of these two reports into the RECORD.

The trustees of CED believe that developing more productive human resources is the single most important long-range issue our nation must grapple with in order to regain and sustain its national competitiveness. All the technology and natural resources at our disposal will count for little without the human intelligence and imagination to put them to work.

But when we look at the new generation growing up, we're worried. Up to half of the children now coming through the public education system will not develop the learning skills essential to contribute to our economic system and participate in its benefits.

Much of this failure occurs among the nation's poorest children. The facts are distressing:

One of every five children under the age of 18 and one in every four children under the age of six lives in poverty.

Children are seven times more likely to be poor than those over the age of 65.

Both Black and Hispanic children are nearly three times as likely as white children to live in proverty.

Over half of all Black children and one-third of Hispanic children live with a mother who has never married. And the dropout rate for children of single parents is twice as high as for those in households with two parents.

Fewer than 50 percent of teenage mothers graduate from High School. At the same time, fifty percent of all welfare expenditures go to families in which the mother began her parenting as a teenager.

These statistics reveal a horrible waste of human potential that if left unchecked will undermine our nation's economy and rend our society. If we are to remain competitive and continue to enjoy a reasonable standard of living, we must tap the talents of *all* our people.

The members of this committee must face the issue as representatives of every segment of their constituencies, seeking answers that benefit all Americans. And I hope I am able to see this subject, not just as a businessman, but with a broader social perspective. But I believe I can contribute best in the area I know best, the business frame of reference.

My company, Honeywell, is an international control company. We design, manufacture and market products, systems and services for homes and buildings, business and industry, space and aviation. We closed 1989 with worldwide sales of $6.059 billion for continuing operations and 65,300 employees. Like every company in America, we have to perform well in an increasingly competitive global economy driven by rapid technological advances.

Performance depends on our ability to find, hire and retain new workers who are not only verbally and mathematically literate—with analytical ability and disciplined work habits—but who are also able to learn, and learn quickly enough to keep up with technology. For this reason, my company agrees with the Committee for Economic Development that the educational shortfall in the work force is more than a seriours problem—it is an imminent business crisis.

Consider a simple business fact of life. The Department of Labor tells us that the median education required in industry today is 12.8 years of schooling. Thus, on the average, not even a complete high school education is quite up to the job. Moreover, 10 years from now, the median requirement will have risen to 13.5 years.

Question: How can we expect to maintain a strong and competitive industrial system when the figures for educational requirements are going up and the figures for attainment are going down?

About 25 percent of American kids drop out of high school before graduating—and in some urban areas, as many as 50 percent. We're losing a million graduates a year. And another 700,000 who do graduate, are functionally illiterate.

The consequences of deteriorating education are tangible and visible. Gary Becker, Professor of Economics and Sociology at the University of Chicago, has pointed out that "real wages of young high school graduates have declined more than 10 percent since 1975, and wages of dropouts have plummeted even more, indicating that not only dropouts but also many graduates are ill-prepared for work in modern economies."

In a recent issue, Business Week magazine wrote: "Without an educated citizenry American business is in deep trouble. It is in trouble because it will have difficulty finding creative and entrepreneurial employees. It will have no customers. Without an educated workforce, business cannot compete."

In Japan, the drop out rate is six percent and literacy is virtually universal. We cannot long compete against Japan—and the other highly-educated Asians and Europeans—if our workforce is not prepared to compete.

A couple of years ago, a mid-sized manufacturing company in Florida estimated they could save $6000 per year per employee, if all their employees were masters of basic reading and math skills. Our ability to compete would soar if every American worker could improve his or her productivity by $6000.

America spent over 300 years building a great educational system. By the time this century opened, we had the best educated workers in the world. They have been able to take new technologies and out-produce the rest of the world—even when the technologies were developed by others. But soon other countries may out-produce us because today they are out-educating us.

American school kids at the age of 10 were shown in recent international research to rank seventh out of 15 countries in scientific knowledge. By the age of 15, they ranked 15th.

America had the lowest number of biology students of the countries surveyed—and our top students had the lowest achievement level.

In chemistry only one other country scored as low as the U.S. And in physics, the top percentile of American students ranked 10th among the nations studied.

In mathematics, American 13-year-olds came in last. And according to one report, they were far more content with their performance than those who ranked first, South Korean students.

To business people, these figures are alarming, and they should concern all Americans, because the industrial process—using our heads to turn raw materials into real wealth—provides our high standard of living. (We used to say it was the highest in the world. But now, depending on how you measure a standard of living, some countries have overtaken us.)

By standard of living, I don't mean just the cars and houses we own, or the foods available and the medical attention we receive. Our industrial strength also enables us to help others when they are victimized by aggressive force or when disaster strikes. Our health has made it possible to defend freedom in time of war and export democracy in peace. America's wealth helped rebuild industry in Europe and Asia following World War II.

For business, it is not just a bottom-line issue. Business people are human, too. We like to see the children of company employees grow up healthy and successful. We want the neighborhoods of our plants to be safe and pleasant. We want the communities where we live and work to be fiscally sound, progressive and able to care for their citizens. In this respect, business people are no different from their friends in government and the professions.

And on this issue, business has to turn away from the bottom line. We are sometimes accused of putting all our emphasis on the short-term—next quarter's profits and this year's gains over last year. But on this issue we have to look years ahead, because that's when the benefits of education will pay off.

CED's work clearly demonstrates what we must do to ensure that the next generation will be better prepared—not only for the workforce but as citizens, voters and parents.

First, we must intervene as early as possible in the lives of disadvantaged children in order to prevent failure before it happens. Intervention is the key to ensuring that every child is born healthy and receives adequate physical, emotional and intellectual nurturing in his early years so that he will arrive at school eager and able to learn.

Then we must sustain that intervention to keep early successes from being overtaken by the proverty, crime and chaos in their lives.

Finally, we must restructure our public education system so that it delivers quality education for all children and not just for the privileged few.

CED's research shows Head Start has been, and can continue to be, one of the most important weapons in this war against proverty and ignorance. Our goal is the full funding necessary to provide Head Start pre-kindergarten education for all eligible 3-, 4-, and 5-year-olds.

High quality preschool programs have been shown to save society burdensome future costs of a wide variety of social programs. Every $1 invested in such preschool programs can save up to $6 by reducing the costs associated with remedial education, welfare, crime, emergency health care, and teen pregnancy.

By way of contrast, each year we delay breaking the cycle of failure, society must spend $16.6 billion on the children of teenagers who cannot support their families. Every class of dropouts—700,000 every year—costs society $240 billion during their lifetimes in the form of wages not earned and taxes not paid. Every year that a child must repeat a grade costs $4,000, and by the ninth grade, approximately 50 percent of the students have flunked at least one grade.

We are pleased to see that the principle of early intervention to promote school readiness is now receiving the support it needs and deserves from the highest levels of our political leadership—President Bush and the nation's governors. Specifically, we are delighted that the National Governors Association, in their elaboration on the National Education Goals submitted to the nation in January by President Bush, have singled out as objectives that "all disadvantaged children. . . will have access to high quality and developmentally appropriate preschool programs" and that "children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies."

The $500 million increase for Head Start proposed by President Bush for fiscal year 1991 is a critically important expression of this leadership.

Nevertheless, we are concerned that the funds will be earmarked only to create additional half-day program slots exclusively for 4-year-olds and that none of these funds will be allowed to be spent on upgrading salaries, strengthening training, or improving facilities.

Using proposed funding increases this way will not accomplish the results our society—or these children—need. The positive outcomes of such programs as the Perry Preschool Project and the Harlem Head Start Study derived from the intensity, comprehensiveness, and highly trained staff they provided.

Unfortunately, not every Head Start program currently lives up to these high standards. Head Start has not always had the resources necessary to assure quality, explaining why program graduates do not fare as well over the long term as they otherwise might. It is imperative, therefore, that as you rewrite the authorizing legislation on Head Start, you earmark funds and designate strategies that will strengthen and improve the quality of the overall Head Start program.

What should these improvements entail? Children in Need argues that in addition to a head start on their education, disadvantaged children and their parents are desperately in need of a whole range of ancillary supports, such as general and mental health and social services; full-day child care for working parents or parents still in school; opportunities for continued education and training for parents not yet in the work force; and parenting education for these parents—many of whom are often children themselves, dependent, and alone.

The beauty of the Head Start program is that when it is operating at its best it draws on community resources to provide this intensive and comprehensive array of health and human services, meeting the needs of both the child and its family.

Nevertheless, a combination of lack of adequate resources, legislative and regulatory constraints, and poor integration with preschool programs at the state and local level have often combined to prevent Head Start from living up to its initial promise.

Evidence suggests that the target population for Head Start is becoming more entrenched in poverty and that the cycle of poverty for this group is becoming harder to break. The poverty rate for children has increased by 31 percent in the last eight years, and young families in poverty are more tightly entwined in their circumstances. Poverty among children in young families—those headed by someone under 30—was 35 percent in 1987—a 72 percent rise since 1973. There is also an alarming growth in the number of physically, emotionally, and mentally damaged children among poverty-level families. In some inner-city hospitals, as many as 50 percent of all babies are being born addicted to crack or cocaine or affected by fetal alcohol syndrome. The doctors tell us that these babies do not get better as they get older.

In my view, these changing circumstances argue for broadening, not narrowing, the population group Head Start reaches. All by itself, one year of preschool is not going to instill children, buffeted and battered by the culture of poverty, with the middle class values and drive needed to help them compete successfully in school. At a minimum, we have to ensure that every child from 3 to school age who is eligible by poverty guidelines and who is not already in kindergarten, has the opportunity to participate.

Longer range, we should also be looking at the need to expand the Head Start model to children from zero to three, so that we can intervene and improve their chances for a productive life as early as possible.

Another priority area for improvement is in the compensation and training of Head Start teachers and other staff. A number of studies, including the recent National Child Care Staffing Study, have demonstrated that the most critical factors in the success of preschool programs are the compensation

and training of staff. Without a stable and well-trained staff, Head Start programs cannot adequately deliver the services that are a hallmark of the program: Intensive parental involvement, integration of health and human services, safe and nurturing surroundings, and a substantive and developmentally appropriate educational curriculum. Under current funding levels and guidelines, the compensation level of Head Start teachers is unconscionably low, and the employee benefits, such as health insurance and pensions, that most of us in business take for granted are largely nonexistent.

Head Start can also be a useful program for helping parents make the transition from welfare dependency to full-time work that pays a living wage for supporting the family. To do this, Head Start needs to be able to provide more full-day services that correspond to working hours or school hours of parents. If there were more flexibility in program design and funding at the state and local level, Head Start programs could be usefully connected into child care services under the Family Support Act to help parents who are trying to get off welfare.

Further, as parents start to make the transition into self-sufficiency and their salaries rise above the poverty level, they should not be penalized by having their children become automatically ineligible for Head Start. Such families in transition still need extensive support services to help them stabilize.

The program also needs greater flexibility in order to function more effectively. One of the hallmarks of Head Start is the ability of the individual programs to configure their services to meet local community needs. But to do this, funding needs to be both adequate and flexible to allow the federal Head Start program to work in conjunction with state and local preschool, child care, and other early intervention programs.

The Head Start model is very sound. It is a federal program with a long history. Because of the critical need for early intervention strategies, state and local governments are jumping into the early childhood arena and developing programs of their own. Some of them are taking the comprehensive model of Head Start as the starting point for their program design; but many others are using only the bare minimum and creating programs that do not meet the needs of multi-problem children and families in poverty. The federal government, which has a historic responsibility to ensure educational equity for disadvantaged children, should provide incentives for states and localities to use the comprehensive model of Head Start, work with the local Head Start programs in their area, and where appropriate, expand services to at-risk children by supplementing Head Start funding.

CED will be looking at the issue of comprehensive and coordinated prevention strategies for at-risk children in its new project on education and child development, which I chair. The ideas I have shared with you are some of the preliminary thoughts on improving the Head Start program based on work we have already completed. Needless to say, we will have more specific recommendations to make on the need for comprehensive and coordinated prevention and intervention strategies when our new policy report is released next year.

I would like to conclude with one final thought. The business leaders and educators who serve on CED's board of trustees believe that it is more important than ever to act on the knowledge that our children are our future. If we fail to nurture and educate *all* of our children, we will be closing the doors of opportunity to a growing number of young people and excluding them from the mainstream of American life. The cost of failure is enormous, for a stake is the survival of our free-enterprise economy, our democratic system, and the American Dream itself.

HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 1990*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We offer our appreciation, O God, that the dark of night is ending for so many people in so many places. Continue, we pray, to show us the freedoms that honor Your creation and may our response to that freedom be that of a great thanksgiving for the gifts of this new life and hope. With praise and gratitude we offer this our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. HOUGHTON] please come forward and lead the House in the Pledge of Allegiance?

Mr. HOUGHTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that during the joint meeting to receive the Honorable Giulio Andreotti, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, February 27, 1990, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1057

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY GIULIO ANDREOTTI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE ITALIAN REPUBLIC

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort his Excellency, Giulio Andreotti, into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Florida [Mr. FASCELL];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Illinois [Mr. ANNUNZIO];

The gentleman from Illinois [Mr. RUSSO];

The gentleman from California [Mr. PANETTA];

The gentleman from California [Mr. FAZIO];

The gentlewoman from California [Ms. PELOSI];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Michigan [Mr. BROOMFIELD];

The gentleman from California [Mr. LEWIS];

The gentleman from Massachusetts [Mr. CONTE];

The gentleman from New Jersey [Mr. RINALDO];

The gentleman from California [Mr. LAGOMARSINO];

The gentlewoman from New Jersey [Mrs. ROUKEMA];

The gentleman from New Jersey [Mr. GALLO]; and

The gentlewoman from Maryland [Mrs. MORELLA].

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the Council of Ministers of the Italian Republic, Giulio Andreotti, into the Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from California [Mr. CRANSTON];

The Senator from Vermont [Mr. LEAHY];

The Senator from Rhode Island [Mr. PELL];

The Senator from Arizona [Mr. DECONCINI];

The Senator from Illinois [Mr. SIMON];

The Senator from Kansas [Mr. DOLE];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from New Mexico [Mr. DOMENICI];

The Senator from Indiana [Mr. LUGAR]; and

The Senator from New York [Mr. D'AMATO].

The Doorkeeper announced the Ambassadors, Ministers, and charges d'affaires of foreign governments.

The Ambassadors, Ministers, and charge d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 4 minutes a.m., the Doorkeeper announced the President of the Council of Ministers of the Italian Republic, escorted by committee of Senators and Representatives entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you the honorable, Giulio Andreotti, President of the Council of Ministers of the Italian Republic.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY GIULIO ANDREOTTI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE ITALIAN REPUBLIC

(The following address was delivered in Italian, with a simultaneous translation in English.)

President ANDREOTTI. Mr. President, Mr. Speaker, Members of the Congress, the honor of speaking before the representatives of this Nation gives me and the country I represent great satisfaction and pride.

My mind turns, first, to the distant September 1951, when Alcide De Gasperi, Premier and Foreign Minister of Italy, a country then on the way toward moral and material reconstruction after the tragedy of the war, received in this very Chamber a warm welcome.

What I feel before this Congress is respect for the history of the great Nation you represent and for how generations of Americans have held fast, even in the most difficult of moments, to the principles of democracy and freedom enshrined in the Declaration of Independence of 1776. They were the same principles which were soon to find a solemn expression in Europe.

There are, between the old and new continents, streams of affinity, of active solidarity, of shared interests, not only material ones.

But there is something more to this natural partnership: the United States, by signing the Helsinki accords, has accepted to contribute permanently to the security and the development of cooperation in Europe, becoming together with Canada, because of the CSCE process, an integral part of the European Continent.

We have traveled together a long road in the framework of NATO, which was created as a defensive alliance, but it was above all an association of free nations.

Yesterday as today, freedom, justice and the vitality of our societies are our most precious heritage, to be defended against poverty and unemployment, but also from the deterioration of the environment and drug abuse.

Thomas Jefferson said he preferred the dreams of the future to the history of the past. What I am feeling toward you at this very moment is trust: trust that the American people of whom you are the worthy representatives will be able to interpret the needs and requirements of mankind at the moment when it is looking hopefully toward the third millennium.

Today the wind of freedom and democracy is blowing strongly in the East. How could this happen? Because we have proven that democratic nations could remain united, could achieve increasing economic and social development without sacrificing democracy, could demonstrate concrete solidarity toward developing countries, could adopt a foreign policy as balanced and fair as it is steadfast to the values which inspired it.

If we now consider what is taking place in the East and the integration of Europe, it is important that we not look back at the past, but forward in order to gauge how far behind we may be with respect to today's needs, as well as to those of a challenging future, when proper and timely choices will be necessary.

We want to continue building a Europe that is open to the world, not a fortress Europe as some mistakenly fear, but a Europe that is available, ever ready to cooperate in a spirit of true partnership with the United States, whose military presence in Europe must remain and must continue to work for all, as in the past, as a guarantee of stability and balance. Moreover, we want this new Europe that is being built to develop new and increasingly close and effective forms of linkage with this essential partner nation, the United States of America.

We cannot ignore the importance of an integration process intended to ensure strong and fundamental political stability for Europe. In this framework the reunification of Germany finds decisive support in the solidarity of its community partners, just as it has an essential anchorage in NATO and a secure guarantee in the larger assembly of the 35 Helsinki Conference nations.

The real issue today is how can we encourage change in the East without provoking repercussions that would stop its impetus. It seems to me that a concerted action of Western countries is more necessary than ever before.

The attempt to include the Soviet Union in a design of international stability has failed twice in the past, at least in part: The first time when Roosevelt proposed the creation of a new international order around the United Nations, and more recently when President Nixon attempted to stimulate the Soviet Union's interest in world stability through a generous trade program and through controlling the arms race.

Today, for the third time in 45 years, we face the same problem, with the difference, however, that a reformist plan is underway in the Soviet Union which we have an obligation as well as an interest in encouraging.

A new deal with the East should first of all include a drastic reduction of arms, especially conventional weapons which threaten us Europeans in terms of proximity and continuity.

However, nothing could better safeguard Western interests than the success of democracy in the East. We understand your sensitivity on this point since America is itself a creation of human rights rather than vice versa. It was Aldo Moro who at Helsinki led the battle on behalf of Italy and the European Community to remove the visible and invisible barriers blocking dialog among people in Europe. It was no easy battle, nor was it won once and for all, as is always the case in struggles for freedom. Upon signing the Final Act Moro stated: "The Final Act is not a notary's document which only focuses on the present situation. In taking note of the existing territorial aspects and the fundamental prospects of cooperation it wants above all to be a bridge to the future."

Today we continue to work on building that bridge, without fearing the new, without shirking a political challenge which can sometimes appear more difficult than a military threat.

In effect, the example was set by the United States, that is by a democracy supported by principles coming from below, and which was born together with the popular myth of the frontier, opening itself to and welcoming other peoples.

My thoughts go out to my many fellow countrymen who ever since the end of the last century have been generously welcomed by this country. They have contributed with their industriousness, talents, and human qualities to the growth of this Nation.

We have proudly seen so many Americans of Italian origin become Members of this Congress. Many of them are still here with us. Others no longer sit in this Chamber. Permit me to mention, out of all of these, John Pastore and Peter Rodino, with whom I have had ties of great friendship.

Now I wish to refer to the new frontiers of a better quality of life, of overcoming the divisions between North and South, of the protection of the environment, of a fairer distribution of resources and of new conquests of science for the benefit of mankind. I also refer to the new frontiers where coexistence will restore freedom from basic needs to all men and will grant them the dignity of being true masters of their own fate.

These goals require tools capable of mobilizing all existing resources.

This is why the United Nations must remain a privileged forum of expression. It is necessary and the time is ripe to reestablish within the United Nations an authentic spirit of solidarity like the one which animated the promoters of the San Francisco Charter, when the ashes of the war had not yet cooled down.

It will certainly be necessary to produce new rules, new codes of behavior, and new understandings to tackle the existing emergencies and prevent new ones from arising.

In this framework, it will probably be wise to review the decisionmaking mechanisms so that the United Nations' action can be more effective and timely when tackling the challenges of the third millennium. It will also be useful to strengthen the role of the International Court of Justice as a natural forum for finding a peaceful solution to disputes amongst countries.

But it is only through sharing intentions, through adhering to disciplines which are not imposed but voluntarily

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accepted, through a new concept of coexistence with others that it will be possible to conceive and build a better and fairer world. It should be a world of justice, of that justice which, as Harry Truman stated in his inaugural speech at the San Francisco conference, "remains the greatest power on earth—the only extraordinary power to which we are willing to submit."

I want my words to be ones of hope and trust. At a historic juncture offering so many causes for prudent optimism I think it is essential to continue our work, as we have in the past, and to strengthen the commitments of mutual solidarity. I would like to conclude by recalling what Abraham Lincoln said when contemplating the enlargement of the Capitol dome: "If people see that work on the Capitol goes on, it is a sign we intend that the Union go on."

[Applause, the Members rising.]

At 11 o'clock and 30 minutes a.m. the President of the Council of Ministers of the Italian Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order.

The Ambassadors, Ministers, and chargé d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 33 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

□ 1221

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 21 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

TRICKLED ON

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, during the 1980's the Donald Trumps of the world got richer, and the average American got trickled on. There is no other way to describe the tax policies of the Reagan-Bush administrations.

Capital gains tax cuts for the rich; tax increases for everyone else. Most of the Reagan-Bush tax cuts were showered on the wealthiest minority of taxpayers, while the vast majority of Americans, saw their taxes go up. Bush is lobbying to cut capital gains taxes again.

Second, in George Bush's new budget he proposes to raise $28 billion in new taxes and fees—on everything from telephones to Medicare. Bush's motto is if it moves, tax it. If it doesn't move, charge a fee.

Third, in this morning's newspapers we read he plans on shoving more of the Federal share of road projects off on the States. Meanwhile, he continues to hoard the money in the highway trust fund in order to mask the size of the deficit.

Finally, payroll taxes on employees and employers continue to rise, while the Social Security trust fund is looted to pay Federal bills. The American taxpayers are being trickled on, and the man at the sprinkler is George Bush.

PRESIDENT BUSH TOO CAUTIOUS FOR LIBERAL DEMOCRATS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the Democratic majority leader said yesterday, "The United States is failing to capitalize on the sweeping changes in Eastern Europe" because of what he called President Bush's timid, unimaginative leadership.

By liberal democratic standards, President Bush is too cautious. Liberal Democrats gave America the Bay of Pigs disaster in Cuba. President Bush is too cautious for that.

Liberal Democrats gave America the catastrophe of the Vietnam war. President Bush is too cautious for that.

Liberal Democrats gave America the Iranian hostage crisis and the Desert One tragedy. President Bush is too cautious for that.

This afternoon I have a 1-hour special order on the choice between liberal democratic foreign policy disasters and the common sense approach of President Bush, which in Nicaragua and Eastern Europe and around the world is helping people achieve freedom. I urge my Democratic colleagues to join me for a dialog on whose foreign policy has been more effective over the last generation.

UNITED STATES SHOULD DO MORE THAN JUST SLEEPWALK THROUGH GREAT CHANGES OF TODAY

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am very amused by the previous comments attacking the very fine speech by the majority leader yesterday. The majority leader seems to have the quaint idea that the United States ought to do more than sleepwalk through some of the greatest changes that have occurred in the world in the past 45 years.

The gentleman from Missouri [Mr. GEPHARDT], for instance, has proposed that the United States ought to consider providing food assistance to the Soviet Union if they need it to get through a serious winter, if that will help continue Soviet reform and if the Soviet Union asks for it. What is wrong with that? That is consistent with the suggestions made by President Havel just 2 weeks ago when he addressed this Congress and said that the best way for the United States to help promote freedom in Eastern Europe was to help the Soviets continue their process of reform.

I would also like to point out the administration itself is now negotiating with our European allies to establish an East European bank upon which the Soviet Union itself could draw.

I think the comments of the gentleman from Missouri [Mr. GEPHARDT] are perfectly consistent with the administration's position on that.

I would simply suggest that what the gentleman from Missouri [Mr. GEPHARDT] was saying yesterday is that when we have a national earthquake and the Republican floor leader in the Senate suggested that we provide some aid to Armenia, we did it.

Today we have had a political earthquake which requires us to make the same kind of response in Eastern Europe.

I am glad that the gentleman from Missouri [Mr. GEPHARDT] is aware of the need to do that, even if the White House is not.

EDUCATIONAL EXCELLENCE IN AMERICA

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, at a time when the President, when the Governors, when the State legislatures across this land and, yes, when the U.S. Senate are all committed and taking the necessary steps to take this Nation to educational excellence, I regret to inform the House that here the Democratic majority on the Education and Labor Committee this morning moved on a partisan line vote simply to postpone further consideration of the President's Education in Excellence Act. For 8 years people have criticized the last administration for not doing enough for education. Now we have a President who 1 year ago said to this Congress that this piece of legislation which lays out the basic steps for improving educational excellence and getting this Nation on the road to educational reform, such things as awards for merit schools, such things as alternative certification so we can bring the computer programmers into the classroom and teach the students, such things as historically black college endowment funds, such things as providing grants and scholarships to the best math and science students we have, and on a party-line vote because it was proposed by the President, the Democrats on the Education and Labor Committee today said, "We will not consider this legislation at this time."

PRESIDENT HAS BEEN AN AMBASSADOR TO CHINA, BUT NOT TO EUROPEAN COUNTRIES

(Mr. GEJDENSON asked and was given permission to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I think our problem is that the President has been an ambassador to China and never got to be an ambassador to any of the Europe countries. With the butchers of Beijing just having finished their executions, the President sends off his top aides to China to find out how we can help the Chinese Government, those octogenarians who are oppressing their own people, stay in power; but the President wants to be cautious when it comes to Poland and Hungary and Czechoslovakia. The Czechoslovakians ravaged by the Nazis in World War II, taken by the Soviet Union, stripped of much of their industrial bases, fought back and has freedom, and we ought to provide a little incentive and help from American industry to be competitive in Eastern Europe.

There is an economic opportunity here for American industries. There is an economic opportunity that we are about to lose to the Germans and Japanese.

We can go so slow that we will be able maybe to get the crumbs in Eastern Europe; we are not going to have a chance to help American industry.

The Bush administration has already subsidized sales to the Soviet Union for grain. What it does, it helps American farmers compete with Western European farmers.

When it comes to telecommunications and computers, the Japanese have a tied-A program that is 34 times the size of ours, if you compare the countries for size. The Canadians have a four times program, a program four times the size of ours. The majority leader recognizes that the greatest threat to this country today is economic. We are losing the trade war and we are about to lose the best market in the world because this administration thinks the only place it can do business is in China.

□ 1230

SOVIET UNION NOT A POOR COUNTRY

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, time and time again, experts remind us that the Soviet Union is not a poor country—it is a poorly managed country with enormous resources.

I was amazed to learn that the majority leader of this House is critical of the President for not supplying high-technology exports and economic aid to the Soviet Union.

Now, we all appreciate a little corrective criticism from time to time, but this President cannot be charged with "lack of leadership."

It was President Bush who went to Poland and Hungary months ago to offer assistance and moral support.

It was President Bush who met with Gorbachev in Malta. And following the summit, it was President Bush who began lifting trade barriers. He granted the changing Soviet Union most-favored-nation status.

Mr. Speaker, President Bush seized the day many months ago.

If Members of this body want to send high-level technology and United States hard currency to the Soviet Union when it remains unclear if Gorbachev will survive the month then they will have to answer to the American people.

MAJORITY LEADER'S SPEECH SHOULD BE HEEDED BY ALL

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute).

Mr. EDWARDS of California. Mr. Speaker, yesterday I was privileged to hear Majority Leader DICK GEPHARDT's eloquent speech before the Center for National Policy. I hope his important message is read by all Americans.

Mr. GEPHARDT said that President Bush's military budget seemed as though it had been written by someone who had not read a newspaper in a year.

Why at this time when the cold war is over does Mr. Bush ask for a military budget $6 billion more than last year?

Why a 23-percent increase in star wars, a 65-percent increase for the MX missile.

Why does the President refuse to liberalize high-technology trade to Russia?

Mr. Speaker, I applaud Mr. GEPHARDT's leadership and vision on this issue. His message should be listened to by all.

MEMBERS INVITED TO TRIBUTE TO JOSE NAPOLEON DUARTE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as we sit here debating this speech that was made by the majority leader yesterday about leadership or lack of it, I think it is very important for us to realize that amidst the euphoria that took place at the February 25 election in Nicaragua, that many of us have forgotten the fact that the great leader in the neighboring El Salvador, Jose Napoleon Durate, passed on.

This afternoon at the end of legislative business, I have requested 1 hour, and I would like to invite our colleagues to join in talking about this brave and courageous leader who certainly was one of those who forged the way for the tremendous changes which we are seeing in Eastern Europe and other parts of the world. I hope that as many Members as possible will join us this afternoon.

"WHAT IS WRONG WITH THIS PICTURE?"

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, as children we used to look at books, comic books, and so on, and play a game of "What is wrong with this picture?"

Members may recall something would be there that we had to identify that would be out of sync. I would like to ask my colleagues today, in this picture, what is wrong with the picture, when on a $1,000 raise, an investment banker with a $200,000 annual salary would pay an additional $280 in taxes, while an auto mechanic with a $27,000 salary would pay on a $1,000 raise $?65.50 more in taxes? What is wrong when the richest Americans are paying a tax at only a fraction of what working middle-class Americans pay?

The administration has failed in its tax policies. After a decade of Republican deception about taxes, the truth is finally out. The richest Americans, the top 20 percent of the wage earners in this country, have received a tax cut of 5.5 percent, while the rest of America has paid increased taxes and pays increased taxes of 5.5 percent as a result of the administration's policies.

It is time that we in this Congress applied some fairness to the Tax Code, recognized working Americans have been carrying the load, and enact some legislation that recognizes their contribution as well as the wealthiest.

FAMILY AND MEDICAL LEAVE BILL

(Mrs. ROUKEMA asked and was given permission to address the House 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, there has been an inexplicable resistance to the family and medical leave bill.

When asked, opponents of the bill give explanations that make no sense in this day and age, like: "I oppose mandates."

Does that mean they oppose child labor laws? Occupational health and safety laws? Social Security? That is a mandate. Mine safety? The minimum wage? Job-training programs, with all the restrictions they contain? Do they oppose all laws?

Clearly, minimum standards affecting working people are well established. Indeed, it can be said that every single law enacted by the U.S. Congress is a mandate of one kind or another, from clean air to the S&L bailout, from ethics reform to foreign aid.

Some opponents shrug their shoulders and imply there is no need for family and medical leave.

Someone commented that the opponents have a "yuppie mentality." Well, I do not know about that. But it got me thinking: Do they have no hearts or no heads?

I am not the wizard of oz, I cannot give tin men hearts or straw men brains.

But I will try to persuade those who misunderstand the issue or who have not yet focused on the issue.

Tomorrow, I will tell you about the New Jersey experience, where a bipartisan effort in the legislature produced a comprehensive family leave law that was enthusiastically signed into law by a Repubican Governor in January of this year.

Stay tuned.

INTRODUCTION OF THE AGRICULTURAL FLEXIBILITY ACT OF 1990

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, yesterday 15 of my colleagues joined me in introducing the Agricultural Flexibility Act of 1990.

Mr. Speaker, this legislation is much more responsive to the needs of American agriculture than the recent legislation proposed by the administration. It consists of four components. First, it updates agriculture yields to reflect realistically what farmers are making today on their individual farms. It allows farmers to build base in 3 years instead of 5 years. It eliminates cross-compliance, the provision that the administration has insisted upon having in prior years that prohibits farmers from planting other crops and responding to market demand. Finally, Mr. Speaker, our legislation allows the farmer to move 10 percent of his tillable acreage into any crop in response to market demands.

The bill provides flexibility while protecting the integrity of our individual agricultural commodities, and I look forward to making it an integral part of the 1990 farm bill.

TO REPEAL THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986 AND STUDY THE ACTUAL HEALTH HAZARDS OF ASBESTOS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to speak to the specifics of a bill I introduced today in the hopes of helping our Nation's school children, school districts and scientists to deal intelligently with the potential problems of asbestos.

Congress reacted in the mid-1980's to a poorly researched scare regarding the extent to which asbestos is a health hazard. Recent and comprehensive studies are telling us a different story.

Meanwhile, until more studies are completed—as this bill authorizes—our Nation's school children are being displaced from their schools while school districts and taxpayers pay for costly cleanups. And we do not know conclusively that those cleanups are necessary.

This according to recent scientific analyses: "Clearly the asbestos panic in the U.S. must be curtailed." In perspective, damage from exposure to asbestos in schools are estimated at .005 per million. EPA estimates the cost of the Asbestos Hazard Act at over $52 billion. Realistic estimates are as high as $150 billion.

And, as a sad note to the asbestos scare, there is evidence that the *Challenger* tragedy was caused by what has been termed asbestos paranoia. That fiery crash, according to some, could have been prevented if asbestos-based putty were used on the rocket boosters as a fire retardant.

If we throw our efforts behind trying to find out facts so that we can apply an effective cost benefit ratio to public health protection, instead of mandating measures that may not even be necessary, then we will be truly legislating.

I urge consideration of this bill.

□ 1240

WHERE IS THE LEADERSHIP FOR THE FUTURE OF OUR COUNTRY?

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, our Nation's history has been characterized by generations that felt an obligation to adopt progresssive policies.

Sadly, it seems those traditional commitments have been forgotten today. Rather than controlling our own destiny by preparing for the new century, we are watching foreign investors buy up America.

The administration budget we have before us does nothing to reverse that trend—less for transportation, less for education, less for natural resource protection, and less for the children of this Nation. One child in three is not being immunized properly.

That list goes on and on. The point is: as we enter the final decade of the 20th century, we are faced with paying the bills for the decade of the eighties, as decade that saw our national debt triple and that saw our trade deficit make us a debtor nation.

As the most earth-shaking political developments in 50 years—some say in all of human history—unfold, where is the leadership with a vision for the future of our country—a leadership that continues the unselfish tradition of progressive policies for the future of this country and this world?

STEMMING THE TIDE OF DRUGS

(Mr. GEKAS asked and was given permission to address the House for 1 minute.)

Mr. GEKAS. Mr. Speaker, the Congress of the United States declared war on drugs and on the drug dealers by the enactment of the Drug Abuse Act of 1988. Since that time we have been adding salvos to this declaration of war by various means, by providing more money according to the President's proposal for law enforcement, including the death penalty for drug dealers who insist on killing in the furtherance of their enterprises, money for other law enforcement measures, money for education of our young people and others who become victims of the scourge, and for rehabilitation for those who have already succumbed to the ravages of drugs.

Today we have taken another giant step in the introduction of legislation to beef up the salary scales of our soldiers in the field, the law enforcement agents who deal directly with the drug problem. This is just another way of saying to the American people that we are going to abide by your wishes to do something about the drug problem, to make sure that our young people will know enough to not only say no, as they are saying, but that their Congress and the other law enforcement people of the country are behind them in their effort to stem the tide of drugs.

AMERICANS ARE PAYING MORE AND GETTING LESS

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, it's no wonder President Bush wants America to read his lips. Otherwise we might read the bottom line of what his policies—and those of his predecessor—have done to working families over the past 10 years.

Over the last decade, tax rates for the very wealthy were cut in half. Working families got a 5.5-percent tax increase.

Today, if an Iowa school teacher got a $1,000 raise, and a Drexel Burnham junk-bond executive got an extra $1,000 tacked onto his multimillion dollar bonus as the company was crashing, it's the school teacher who pays a higher percentage of that additional $1,000 in taxes.

At the same time, programs which serve working Americans have been consistently and deeply cut.

Today we invest from 20 to 70 percent less in roads, housing, jobs and employment training, economic development, and energy conservation than we did in 1980. We spend more in 2 years on weapons research and development at the Pentagon than we have invested in the past 100 years on biomedical research.

Simply put, after 10 years of Republican control of the White House, working Americans are paying much more for their Federal Government and getting much less.

MISSOURI STATE SENATOR RICHARD M. WEBSTER

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, funeral services will be held this afternoon on the campus of Missouri Southern State College in Joplin, MO, for State Senator Richard M. Webster.

Senator Webster, a longtime friend, was an outstanding member of the Missouri Legislature having served three terms in the house, presiding as speaker in 1954. He was elected to the State senate in 1962 where he served with distinction until his untimely death.

I offer my sincere regrets and condolences to his wife Janet and his two sons Richard, Jr. and William L. who is Missouri's attorney general and to all the other family members.

Dick Webster was an able, dedicated public servant. His work in behalf of our State will be sorely missed.

PRESENT TAX RATES UNFAIR

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, in 1986 the Congress, with the strong urging of the Republican majority in the Senate and the President of the United States, adopted the so-called Tax Simplification and Reform Act.

Well, the third year returns are flooding in and it is pretty clear, it was not simplification and it was not reform. For the first time in history we have set an explicit tax rate, not one with loopholes which we know the rich have always had, but we have given them an explicit tax rate lower than that paid by many middle income two-earner families. There is a 15-percent bracket, 28 percent bracket, 33 percent bracket for many middle income Americans. But when you earn over $200,000 a year you drop back down to 28 percent.

A family of four with two earners, a husband and wife in the work force, can pay a marginal tax rate as high as 41 percent when you add in Social Security taxes. How about Michael Milken, the $500 million a year junk bond king? He pays at the rate of 28 percent. Is that equity? Is that progressive? No.

What is the President's answer? To heap insult onto injury and give another tax break targeted at the richest of the rich with his capital gains plan and ask middle class working Americans to pay again. No, Mr. President. No.

SUSTAIN PRESIDENT'S EASTERN AIRLINES VETO

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I would like to quote from the Houston Chronicle editorial of this morning.

The floor of Congress is no place to resolve labor disputes.

Congress should let stand President Bush's veto of a bill that would create a commission to investigate the struggle between unions and Eastern Airlines.

If Congress were to override the veto, the process of resolving Eastern's labor problems would be prolonged unnecessarily. Previous federal investigations and mediations have not resolved the dispute. Instead, collective bargaining has been impeded while the unions seek advantage through political channels.

Samuel K. Skinner, Secretary of the Department of Transportation, said, "Governmental intervention in this dispute is simply not justified." He said there is no transportation emergency as a result of the strike against Eastern, nor has there been a threat to aviation safety. Skinner said the dispute should be resolved in the courts.

The court-appointed examiner, David Shapiro, said creation of a forum outside the judicial process would create uncertainty. He said authorizing a commission would have disastrous effect on efforts to reinvigorate Eastern Airlines.

Congress has enough to do without trying to write labor contracts between unions and private enterprise. President Bush's veto should be sustained.

IT IS 45 DAYS TO EARTH DAY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in January I stood in the well and indicated to my colleagues that we began the countdown to Earth Day. April 22, 1990, is the 20th anniversary of Earth Day. We now have 45 days to go, Mr. Speaker, and we have a lot to do. We have to pass a good, solid Clean Air Act that cleans and protects America's environment.

We need, and I would ask my colleagues for support in adopting, a reso-

lution to call a White House conference on solid waste management and reduction.

I would also ask Members to look carefully at the tax incentives and other kinds of encouragement for the use of recycled fibers and the use of recycled material generally so we can help reduce the amount of solid waste in America.

To that extent, Mr. Speaker, I am proud of the work done back home in my district in the city of Louisville and the county of Jefferson.

Mayor Abramson, County Judge/Executive Armstrong, Deputy Mayor Joan Riehm, the city and county managers of our solid waste and environmental activities, Mr. Davidson and Ms. Waldrop, for the excellent work they are doing. I am proud of what they are doing.

I would say again we have but 45 days until the 20th anniversary of Earth Day. We have a lot of things important to the environment to do by that day.

PRESIDENT'S EDUCATIONAL EXCELLENCE ACT: WRONG PARTY, TOO POPULAR A PRESIDENT

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, for 1 year the President's Educational Excellence Act has languished in the Subcommittee on Elementary, Secondary, and Vocational Education, of which I am a member. This morning the subcommittee summarily voted to postpone consideration of the bill.

□ 1250

Mr. Speaker, no one on the subcommittee did not support the initiative, which included, for instance, a $250 million grant program for public and private schools serving educationally disadvantaged children. When those schools made substantial progress in raising their educational achievement, they would receive good grants. Rather, the objections of the majority, with the notable exception of the gentleman from California, Mr. HAWKINS, chairman of the committee, was that the bill, though good, was not good enough. They said it had doo-dads and window dressing.

The revealing reference though was that the President would pick up ill-deserved 30-second sound bites on the TV if the bill passed.

Mr. Speaker, the only reason the President's Educational Excellence Act did not pass out of the Elementary and Secondary Education Subcommittee this morning was a political one. Wrong party; too popular a President.

After witnessing this spectacle this morning, Mr. Speaker, I realize anew why people in this country have such sour thoughts about the Congress as a body.

EASTERN AIRLINES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1986 Eastern Airlines threw 10,000 American workers out on the street. But who cares: The American taxpayers will pick up the cost.

The boss of Eastern Airlines is Frank Lorenzo. Members should remember that name. He is the guy that wrecked Texas Air, and everybody around here is saying wait a minute, Frank Lorenzo and deregulation were absolutely necessary. I say if deregulation was so great, how come the airlines cannot find our luggage?

Deregulation gave us chapter 11, chapter 13, chapter 7, and chapter Lorenzo, and every chapter made a book that was bad for American history.

When Members vote today, just think of one thing: Would you want Frank Lorenzo doing repairs and maintenance on Air Force One? The American workers want us to say no to Lorenzo, so let us vote to override that veto today. Let's give a vote to our American workers.

EASTERN AIRLINES

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, as the preceding gentleman just indicated, we will a little later today be debating the question of whether or not to override the President's veto of the bill creating a Commission to look into the Eastern situation. I just want to make sure that this debate is going to be on the facts and not on speculation.

This morning on the radio coming in here I heard a high official of the International Association of Machinists say that the examiner in bankruptcy had found Eastern Airlines guilty of illegally diverting Eastern assets, but at the same time the examiner had found that Mr. Lorenzo was going to be let off the hook, and said that the reason we need the Commission was to look into what looked a little fishy. I just want to stress that the examiner found no such thing, that that is not accurate. In a letter he has written to the gentleman from Illinois [Mr. MICHEL] and the gentleman from Washington [Mr. FOLEY] he said:

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail.

So I think we are going to have spirited and lively debate this afternoon. I just hope we can keep it to the facts.

PRESERVING OUR WETLANDS

(Mr. HAYES of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Louisiana, Mr. Speaker, on the day that Jack Kennedy died, my father and I were hunting in a marsh in Vermillion Parish, LA, that no longer exists. During just the time that we have been listening to these 1-minute speeches, over 40 acres of the Nation's wetlands have been lost.

The extraordinarily rapid rate of over one-half million acres a year must be reversed in order to maintain the economic stability of much of not only the gulf coast of the State I represent, Louisiana, but the eastern shore of Maryland and the coast of California. Three-quarters of those lands are in the hands of private citizens.

At a time of budget constraints and the realities of the way to stretch a dollar, the proposal which I am introducing today allows those wetland owners, who know more about their property than any Federal agency ever will, to make improvements thereon with the proper authorization, permitting safe environmental practices, and receive a tax credit for 75 percent of that cost. It would result in reversal of a trend that must be reversed in order to protect what is in my area the largest wetlands in the world, and what is for America more than a natural resource of beauty and wonder, but an economic heartbeat.

In that vein, I appreciate my colleagues on both sides of the aisle who have joined me as cosponsors, and I look forward to the committee action and hearings which I hope result in a positive step in the right direction for the Nation's wetlands.

CAMPAIGN FINANCE REFORM

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, yesterday I introduced a bill which should contribute to the debate over congressional campaign finance reform. The bill requires the FEC to make a matching payment, paid for by a checkoff on Federal income tax returns, for each contribution of up to $1,000 to a congressional campaign from individuals who live in the contested district.

No PAC or other group donation would be eligible for the matching funds.

This would increase the influence of constituent donations, and at the same

time make it more attractive for candidates to raise funds within their own districts.

This bill contributes to congressional efforts to reform campaign financing.

We are moving in the direction of eliminating PAC's altogether, and I hope this bill will help facilitate that process.

GLOBAL ELEMENTARY EDUCATION ACT OF 1990

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANGMEISTER. Mr. Speaker, I am sure you and many other of our colleagues had the opportunity to travel abroad this past session. Unless my experiences were unique, the majority of foreign officials and business leaders I encountered not only spoke English, but also displayed an impressive understanding of our culture and economy.

By our not bothering to learn about the language, culture, and geography of our major trading partners, we are losing our ability to compete in a global society. Over 80 percent of our goods currently face international competition and four out of five new jobs are created as a result of foreign trade. It's no surprise that many American firms are now hiring language-competent graduates from abroad. It is a surprise that one in seven American adults could not locate the United States on a world map.

Let's face it—we can no longer afford a generation of citizens uneducated and uninterested in the world outside the United States. If we want to remain a player, we have to adapt to the new rules. I rise today to introduce the Global Elementary Education Act of 1990. This legislation gives matching grants to States to train and retrain elementary school teachers in the areas of foreign language and culture, geography, and international studies.

Let us not make the nineties a decade of missed opportunities. Please join me in honoring "National Foreign Language Week" By cosponsoring the Global Elementary Education Act of 1990.

BLACK HATS IN THE EASTERN AIRLINES STRIKE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, later on today we will begin considering legislation with regard to the Eastern Airlines strike, and there has been an indication here on the floor today that there is only one black hat in this whole process, and that is Frank Lorenzo. I would agree that he wears a black hat, but there are some other black hats, in fact, plenty of them to go around.

For example, we have in the International Association of Machinists who the New York Times has called one of the most militant and left leaning unions in the Nation.

According to Marshal Ingwerson, staff writer for the Christian Science Monitor:

> The machinists hope to emerge from this strike with either full employee ownership of Eastern, or part ownership with a financial partner.

How do they intend to go about it? According to Charles Bryan, president of the eastern district of that union, he says, "We are in the midst of an all-out war on the employees of Eastern Airlines and their families."

How do they conduct that war? Let me tell my colleagues a few things. "Union strikers have deliberately harassed, threatened, intimidated, and assaulted Eastern employees and Eastern passengers. They have jammed radio communications between Eastern flights at the control tower of at least one major airport. They have sent bomb threats, made threats of arson, and threatened lives of working employees and their children," just the kind of people we would want to give an advantage to.

The special interest advantage that the Democrats would like to give to this union I think is disgusting.

□ 1300

TAXATION WITHOUT REPRESENTATION IS TYRANNY

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, "taxation without representation is tyranny," said our great American Revolutionary James Otis in 1763. It was true then, and it is true today.

Mr. Speaker, it is clear to me that the working family is not represented in the White House from whence come various tax proposals which weigh heaviest on the working family. A decade of Republican tax cuts have actually resulted in increases for everyone but the wealthiest few. There was a 5.5-percent tax cut for the richest fifth, and to be sure, to be equitable, a 5.5-percent increase for everyone else. I ask you, is this not an egregious wrong?

If you earn $200,000 a year and get a $1,000 raise, you pay $280 in additional taxes. If you earn $27,000 a year and get a $1,000 raise, you pay $365.50 in additional taxes. I ask you, Mr. President, is this fair?

I can only conclude that this is but a continuing effect of "taxation without representation," in the White House for the working family. The last time this happened during the formative years of our country, we had a revolution.

NATIONAL CAPITAL CIVIL RIGHTS RESTORATION ACT OF 1990

(Mr. PARRIS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, yesterday I introduced the National Capital Civil Rights Restoration Act, which represents the only practical and constitutional means of restoring to the citizens of our Nation's Capital full voting representation in the Congress. That proposal is a reasonable compromise between the repeal of home rule on the one hand and the adoption of D.C. statehood on the other.

Well, since then we have now heard from, among others, the Reverend Jesse Jackson, who has dismissed it in a typical knee-jerk rhetorical reaction. Apparently Jesse Jackson is willing to sacrifice the opportunity for D.C. residents to obtain full voting rights and end taxation without representation once and for all, in the interests of his own personal political ambitions. That may be good for Reverend Jackson, but it is an enormous price to pay for the people of this Nation's Capital.

THE CHINESE IDEOLOGY CAMPAIGN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today Beijing Mayor Chen indicated that authorities are prepared to crush any new protests to commemorate last year's democracy movement demonstration. After defending last June's crackdown, Chen said authorities absolutely will not allow any repetition of last year's uprising. He refused to discuss security measures at his press conference but said, "Maybe we have increased the number of police and maybe not—but we have improved the quality."

In addition, Beijing has embarked on the most expensive propaganda campaign of a decade. The aim: To purge the country of disloyalty to the Communist regime. While the "Lei Feng" campaign purports to be directing its efforts toward the future good of China, the regime forces university students to reeducate themselves in work camps. In the last 3 weeks, 12 students at Beijing University have committed suicide. They apparently did not share the regime's vision of the future.

Mr. Speaker, in light of these developments and the State Department's

horrifying human rights report which was released at the end of February, I am very disappointed to inform the Congress that as of Friday the President had not yet published in the Federal Register the regulations which are necessary to protect Chinese students in America. Any regulation issued by the President must be published in the Federal Register in order to take effect.

So much for the much-touted administrative directive.

DON'T BLAME THE BUBBLE ON THE PRESIDENT

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, there have been a number of speakers in this well this afternoon speaking on the subject of taxation. The burden of their message has been that people of lower incomes are being penalized by the Tax Reform Act of 1986 because of a phenomenon known as the bubble. Because of the bubble, very rich people pay the marginal rate of 28 percent and people who are less rich pay at a marginal rate of 33 percent.

The fact is, however, that laying the blame at the White House is putting it in the wrong corner. The President, then-President Reagan, suggested tax reform with a three-step income tax that was progressive with income.

The people who put the bubble in were the other body. The people who ratified it, and voted for it, were the Members of this House. And, the party of the complainants, the Democrats, voted for the Tax Reform Act, about which they now complain, in larger proportions than did Republicans.

So do not try to blame this President. He did not do it. Do not blame the Republicans. They couldn't pass tax reform by themselves. Those of you who voted for it can take all the credit you want for the bubble.

NEW TAXES TO PAY FOR THE MULTIBILLION-DOLLAR ACID RAIN BILL

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, "Read my lips, no new taxes." I think that is a famous line that many people remember hearing on television.

Well, President Bush is now ready to rake us over the coals, so to speak, with new taxes, many new taxes to pay for the multibillion-dollar acid rain bill.

No new taxes? Come on, George, there is no free lunch. Big taxes are going to be paid, and tens of thousands of jobs are going to be lost in the coal-producing and power-producing States.

Give us a break, George; we are paying for your sick savings and loans. Now we need your help.

COMMENDING DARLINGTON COUNTY COMMISSION ON AGING/SENIOR CITIZEN CENTER

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I rise today to commend the Darlington County Commission on Aging on their outstanding senior citizens center.

Several years ago, I stood on the front porch of an old house in Darlington overrun with poison ivy and very much in need of repairs. That house was to become this community's senior citizens center.

Through the efforts of every segment of the community, we were able to obtain a block grant for the funding of the restoration of this beautiful senior citizen center that opened its doors last October.

I am very pleased to have been a part of this community effort. Partnership in Action truly made this dream a reality for the people of Darlington.

RESIGNATION AS MEMBER AND ELECTION OF MEMBER OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore (Mr. SANGMEISTER) laid before the House the following resignation as a member of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Due to my recent appointment to the Committee on Armed Services, I hereby resign my seat from the Committee on Science, Space, and Technology effective today.

Sincerely yours,

ROBERT C. SMITH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 352) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That Representative Rhodes of Arizona be and is hereby elected to the Committee on Science, Space, and Technology.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING ORDER OF REPUBLICAN MEMBERSHIP ON COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 353) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 353

Resolved, That the order of Republican membership on the House Public Works and Transportation Committee shall be as follows: Mr. Hammerschmidt of Arkansas; Mr. Shuster of Pennsylvania; Mr. Stangeland of Minnesota; Mr. Clinger of Pennsylvania; Mr. McEwen of Ohio; Mr. Petri of Wisconsin; Mr. Packard of California; Mr. Boehlert of New York; Mr. Lightfoot of Iowa; Mr. Hastert of Illinois; Mr. Inhofe of Oklahoma; Mr. Ballenger of North Carolina; Mr. Upton of Michigan; Mr. Emerson of Missouri; Mr. Grant of Florida; Mr. Craig of Idaho; Mr. Duncan of Tennessee; Mr. Hancock of Missouri; and Mr. Cox of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING EASTERN AIRLINES LABOR DISPUTES EMERGENCY BOARD—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-116)

Mr. ANDERSON. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ANDERSON moves to discharge the Committee on Public Works and Transportation from further consideration of the veto message on the bill (H.R. 1231) to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, and for other purposes.

(For veto message, see proceedings of the House of November 21, 1989, at page H9625.)

The SPEAKER pro tempore. The gentleman from California [Mr. ANDERSON] is recognized for 1 hour.

□ 1310

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to discharge the Committee on Public Works and Transportation from further consideration of the veto message on H.R. 1231. Time is of the essence. The survival of Eastern Airlines is in doubt and this legislation can help facilitate an essential precondition to Eastern's survival; settlement of its longstanding labor disputes. The House should have an opportunity to

vote on this issue before it is too late. We cannot afford the delay which would result from further consideration of the bill by the Committee on Public Works and Transportation.

Eastern lost $850 million last year and cannot survive much longer unless there is a dramatic turnaround. Resolving Eastern's longstanding labor disputes is the key to Eastern's financial revival. Until the labor disputes are resolved, Eastern's management and its employees will be preoccupied and will not be able to carry out the extraordinary efforts which will be needed to win passengers back to Eastern. Moreover, so long as there are picket lines at Eastern many members of the public will be unwilling to patronize the carrier because of sympathy with the striking employees and because of concerns that Eastern may not survive and could leave passengers who have made advance payments holding the bag.

In view of the long history of mistrust between Eastern and its employees, the labor disputes are not likely to be resolved through normal collective bargaining. The best hope of reaching a solution is that provided by H.R. 1231; an objective commission, appointed by bipartisan congressional leadership, which would make recommendations which Eastern and its employees could then accept. H.R. 1231 represents the last hope for restoring Eastern to the major competitor it once was.

I urge my colleagues to support the motion to discharge so we can proceed with consideration of overriding the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I will more fully explain later, I oppose this attempt to override the President's veto of H.R. 1231.

I oppose this bill because I do not believe it can contribute to the resolution of the dispute between labor and management at Eastern. Indeed, it will probably increase the parties unwillingness to bargain in the hopes that a congressional commission will rescue them. Moreover, this bill will cause uncertainty and adverse publicity for Eastern that could ruin that airline's efforts toward recovery.

Although I oppose the underlying bill, I will not oppose this motion to discharge our committee. I hope that we can lay this controversy to rest as soon as possible.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from California [Mr. ANDERSON].

The motion was agreed to.

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 1231) to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective-bargaining units, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from California [Mr. ANDERSON] is recognized for 1 hour.

Mr. ANDERSON. Mr. Speaker, for the purposes of general debate only, I yield 30 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], pending which I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of overriding the veto.

I would first observe that this legislation would not have been necessary if the President had followed well-established precedent and accepted the March 1989 recommendation of the National Mediation Board that the President appoint an emergency board to investigate the dispute between Eastern and its machinists. The National Mediation Board had recommended creation of an emergency board in 34 previous airline labor disputes. In every case, these recommendations were accepted and five different Presidents appointed emergency boards. The Eastern case represents the first time a President has refused to accept a National Mediation Board recommendation for an emergency board in an airline labor dispute. I am convinced that if the President had accepted the National Mediation Board's recommendation, Eastern's labor disputes would have been settled long ago and the tragic events of the past year would not have occurred.

The failure to resolve the labor disputes has been disastrous for Eastern and its employees. Shortly after the strike, Eastern went into chapter II bankruptcy. Eastern has continued to operate, but in order to survive it has had to sell more than a billion dollars of its most valuable assets. About 18,000 of the workers who were employed by Eastern before the strike are now either on strike or on furlough.

The survival of even a reduced-sized Eastern is now in doubt. Eastern has not been able to attract enough passengers to make its post-strike operations profitable. In 1989 Eastern's losses were a record $850 million. Unless there is a dramatic turnaround, Eastern cannot survive much longer.

It is widely recognized that a key to Eastern's survival is the satisfactory resolution of its labor disputes. This was recognized by Eastern's unsecured creditors in the bankruptcy proceeding who made it a condition of their agreement to Eastern's reorganization plan that Eastern reach a satisfactory agreement with its pilots and its flight attendants. Unless labor peace can be restored, the public is going to continue to stay away from Eastern because of sympathy with striking employees, because of questions related to Eastern's newly hired pilots and mechanics, and because of the public's concern that Eastern may have to be liquidated and passengers who have made advance payments for tickets could be left holding the bag.

Labor peace is unlikely to be restored through the normal workings of collective bargaining. There is a long history of mistrust between the Frank Lorenzo management and Eastern's employees. These feelings will be intensified by the recent findings by the examiner in Eastern's bankruptcy case that there was a basis for claims that Frank Lorenzo's companies had improperly diverted as much as $400 million in assets from Eastern in the period before Eastern's bankruptcy. The examiner noted that a senior member of the Lorenzo team had stated in June 1988 that the basic plan was that Continental would "cherry pick the core parts of the Eastern system and become in effect the substitute carrier." Quite an incredible admission.

This diversion of Eastern's assets will make it even more difficult to develop the atmosphere of trust needed for collective bargaining. In these unfortunate circumstances, the best hope that Eastern's labor disputes can be resolved is for an impartial third party to make recommendations which both sides can accept. This process would be set in motion by H.R. 1231, which provides for the appointment of a four-member Commission by bipartisan congressional leadership to make recommendations for resolving Eastern's labor disputes.

It was argued in the President's veto message, and I expect it to be repeated on the floor today, that this bill would interfere with Eastern's bankruptcy proceedings. I can assure my colleagues that this would not be the case. The recommendations of the Commission appointed under H.R. 1231 would not be binding on either the bankruptcy court or the parties to the dispute. On the other hand, the work of the Commission could help facilitate Eastern's emergence from bankruptcy by giving both management and labor objective recommenda-

tions which they could accept. If this occurs, Eastern may be able to survive and revive itself as a major carrier.

In sum, the time for saving Eastern is growing short. H.R. 1231 represents our last, best hope of resolving the labor disputes at Eastern airlines and reviving the carrier.

I strongly urge my colleagues to join with me in voting to override the President's veto.

□ 1320

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the veto of H.R. 1231 and urge this body to sustain the President's action.

As you know, the labor dispute at Eastern has been going on for a long time. The National Mediation Board [NMB] tried for more than a year to resolve the dispute but without success. However, this bill would give a commission only 45 days to recommend a solution. I do not believe that a commission can accomplish in 45 days what the professional mediators at the NMB were unable to accomplish in more than a year.

In addition to the Mediation Board's actions, the situation at Eastern has also been thoroughly investigated by the Department of Transportation, the Federal Aviation Administration, various congressional committees, and the bankruptcy court.

Just last week, the special bankruptcy court examiner completed a 7-month investigation of Eastern. This investigation responded fully to the many union allegations against Texas Air.

It should now be clear that the situation at Eastern has been thoroughly investigated and mediated. Nothing would be gained by creating another commission.

Not only would nothing be gained, but more importantly, passage of this bill could actually have an adverse impact on the survival of Eastern Airlines.

Eastern is already in a very precarious situation. Each time we pass a bill like this we send out negative signals to the traveling public about the situation at Eastern. This causes the airline's traffic to drop, revenue to decrease, and makes it that much more difficult for Eastern to emerge from bankruptcy.

Both the special bankruptcy court examiner and the Secretary of Transportation have stated that passage of this bill over the President's veto would hurt Eastern's chances for survival. The bankruptcy court examiner stated that creating the Commission called for by this bill could "so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable." Likewise, the Secretary expressed concern that this bill "would hinder saving Eastern Airlines and the jobs of its employees."

Furthermore, if we pass this bill, that will not be the end of it. You can be sure that the unions will be back in a few weeks asking us to mandate the recommendations of the Commission. That will just further exacerbate the situation at Eastern and drive the airline deeper into a financial hole.

For the sake of continued competition in the airline industry, the 20,000 people now employed by Eastern, and the 12,000 Eastern retirees, Congress should get out of the way and give the airline a chance to make it on its own. We should stop catering to those who are so vindictive that they would prefer to see the airline go down the drain rather than continue under current management.

I urge my colleagues to be honest with the former Eastern employees and admit to them that this bill will not solve their labor dispute. We must stop giving them false hopes of legislative salvation. It is time to lay this matter to rest by voting no and sustaining the President's veto. Only then, will both sides finally have the incentive to sit down and work out this dispute themselves.

Mr. ANDERSON. Mr. Speaker, for general debate purposes, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the chairman of the Subcommittee on Aviation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am really puzzled as to what Eastern Airlines, the White House, or the Department of Transportation has to fear from this nonbinding piece of legislation. I could understand their opposition to the original bill that we reported out of committee and which this House passed because that bill had real bullets. We were shooting with real effect.

The result of that legislation, had it been signed and enacted into law or had the President's veto been overridden and had it become law, would have been the ultimate irony because it would have meant that the striking pilots, machinists, and flight attendants would have had to go back to work for Frank Lorenzo. And on the ultimate resolution, within less than 3 weeks of the decision of the fact-finding board, if the parties had not accepted the results, I am certain that Congress would have taken them up, as we did just 2 years ago on a railroad dispute, and enacted it into law, and that would again have meant they would be going back to work under Frank Lorenzo, but under much better terms and conditions, and undoubtedly we would have saved a major competitor in the airline industry in America. We would have prevented the piecemeal dismantling of this one proud great air carrier. We would have benefited the traveling public.

But today we are faced with the rather modest proposition, to say the least, of a fact-finding commission balanced bipartisanly, two for two, with no partisan result from it, to just go in and find the facts and make recommendations for instituting a useful beneficial public policy for the future. And this would be nonbinding upon the President, upon the Department of Transportation, upon the Congress and upon Eastern Airlines.

What has anyone to fear from that? I suggest the only ones who have anything to fear from this bill are those who fear the truth and the facts.

Mr. Speaker, that is shameful. We ought to override the President's veto and at least give an opportunity for truth to be set before the American public.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I will vote to override the President's veto, but I must confess that I have a feeling of deep sadness about the entire Eastern Airlines situation.

We have seen a great airline crippled, the airline that Eddie Rickenbacker made famous. We have seen families ground up between the machinists and management. We have seen both Charlie Bryant and Frank Lorenzo act in ways which were destructive of human beings, of young people who had hoped to go to college on money their parents had lost, of families many of whom had to sell their homes. It is truly a tragedy, and there is more than enough guilt to go around.

I would simply ask every Member to look at three goals as they decide how to vote today: To look at general policy, to look at the question of justice, and to look at how we can keep Eastern Airlines alive. I would urge the Members to look carefully beyond the letter the examiner sent with the examiner's report. This is the report, and I am going to put it on the desk over here so any Member who wants to can look at it for a few minutes. It is an extraordinarily revealing document. It does indicate that $280 million was transferred to Texas Air in a situation which can at best be called questionable and at worst clearly indicating a willingness to loot Eastern Airlines on behalf of Frank Lorenzo.

I urge each of the Members to look at the facts, to weigh the balance of general policy, of justice for the workers, the pensioners, the stockholders, and the flying public, and also to consider the question of keeping the air-

line alive. There are thousands of jobs at stake in this situation, but there is also a question of national policy and of the right of people to expect their Government to look into situations such as this.

As for me, I have studied Eastern Airlines for 17 years, and I believe the Commission is more than justified, I have studied Frank Lorenzo for the last 6 years and I believe the Commission is more than justified, but in addition, I would urge the Commission not just to investigate the narrow parts of this case but also to investigate those cases of union violence. I want to know whether the safety of any passengers was endangered and whether Congress should step in with any legislative remedies for that situation as well.

□ 1330

So, Mr. Speaker, on balance, for a variety of reasons, I think a vote to override can be justified and is justified, and I would urge my colleagues to look at the entire report of the examiner.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, we have had some good lessons lately in the invisible hand theory of economics. Deregulate, laissez faire, hands off, caveat emptor. Things will take care of themselves. Well, we all just voted $150 billion to bail out the savings and loan industry under that theory, and now the President wants us to apply a good dose of laissez faire to the airline industry. His theory is, "Let's take the biggest pirate in the industry, let's take management that has never profitably run an airline, let's take people that have caused two major bankruptcies in this industry, that have deprived thousands of people of their jobs, their health benefits, consumers of airline tickets; let's leave them alone because they're in the good hands of the bankruptcy courts."

Meanwhile, Mr. Speaker, in the Bankruptcy Court the examiner has just completed an exhaustive study for which his law firm charged over $4 million and has determined that in 12 out of 15 cases of corporate malfeasance that were charged, in 12 out of 15 charges of milking, stripping, bilking, siphoning, stealing funds and equipment from Eastern Airlines; in 12 out of 15 instances there are grounds to believe that Frank Lorenzo and his corporate team acted improperly.

Mr. Speaker, what is the bankruptcy examiner's solution to all of this? You guessed it. The same as George Bush's—the invisible hand. The examiner suggests, "Let them pay back a little over half of what they stole, and we'll put them in the cockpit again."

Mr. Speaker, we might as well go to the Post Office, and rip down all the posters on the wall of the bank robbers, and send them each a note and say, "If you'll pay back half of what you stole, we'll make you president of the bank."

There are a flurry of letters going around today from the examiner and the administration that suggest that this really is not a matter for Congress because it is in the courts and that it is not appropriate for our branch of Government. Mr. Speaker, one should ask, "Who put this matter in the courts to begin with? Who chose the courts to handle the matter? Who would rather have the courts handle this matter than the Congress? Was it a district attorney? Was it a grand jury? Was there an attorney general somewhere?"

No, Mr. Speaker, it was the very people who perpetrated the fraud to begin with who chose the forum that their wrongdoings should be judged in. The very people who committed the 12 acts of impropriety that milked Eastern Airlines dry and caused it to be bankrupt now supposedly have the power to deprive us of jurisdiction because they chose the Bankruptcy Court to hear their case.

It is patently preposterous to suggest that the Congress of the United States should be afraid to assert jurisdiction because the perpetrators of wrongdoing chose a different branch of government to help them out of their dilemma.

Mr. Speaker, do we want the invisible hand to destroy the airline industry as it has the savings and loan and other industries in this country? I say we do not. I say that it is time to override this veto and get on with the difficult task of helping put this airline together again, and, more important, of preventing this type of tragedy from happening in the future.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Speaker, I acknowledge the temptations before us today, the temptation to side with the genuine frustrations of labor, a temptation to enjoy the luxury of taking on Lorenzo when few would differ with whatever was said.

However, Mr. Speaker, I rise to remind my colleagues that along with the judiciary we are coequal branches of the Federal Government.

Is not the legislation before us unwarranted legislative interference with the judicial process? I submit that is our question, and, my colleagues, article I, section 8 of the Constitution requires uniform bankruptcy laws.

Mr. Speaker, this means obviously that we can legislate prospectively within this constraint. It is another matter for Congress to step in an ongoing bankruptcy case. The courts should be permitted to act unfettered by congressional interference.

The U.S. trustee acted after the Bankruptcy Court ordered the appointment of an examiner. By law an examiner must be distinterested and appointed only after consulation with the interested parties.

The judgment of Examiner Shapiro is that H.R. 1231 can do no good, but it will do a great deal of harm. Mr. Speaker, colleagues, the recommendations of the examiner deserve great credence. The examiner claims the creation of an additional forum outside the judicial process would make Eastern's continued viability untenable.

Certainly our interest is for a successful reorganization. Employees, retirees, the public should be our concern, and, Mr. Speaker, this can best be realized by upholding the President's veto.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. Boehlert].

Mr. BOEHLERT. Mr. Speaker, more than one year has passed since the International Association of Machinists and Aerospace Workers began its strike against Eastern Air Lines and nothing has changed. The machinists, pilots and flight attendants all have been unable to negotiate new collective-bargaining agreements with Eastern. Secretary Skinner testified before the subcommittee that Frank Lorenzo has mislead him into believing that the strike would be short and painless because the pilots would cross the picket lines of the IAM. He was in error. Instead the battle continues with no end in sight and the future of Eastern remains in serious doubt.

The traveling public has understandably refused to support a carrier that is both bankrupt and at war with its employees. Moreover, Eastern's most recent financial results provide no evidence of a revival but clearly demonstrate further and possibly irreversible deterioration of this airline. In 1989 Eastern lost over $850 million and in the fourth quarter alone suffered more than a quarter of a billion dollar loss.

Only last week the examiner, David I. Shapiro, appointed by the bankruptcy court at Eastern's request to investigate prepetition transactions between Eastern and Texas Air and its other affiliates said, in effect, that 13 out of 15 transactions being reviewed constituted fraudulent conveyances. In each transaction Shapiro determined that Texas Air had stripped Eastern of an asset for which it paid less than fair consideration. These transactions include Texas Air's acquisition of Eastern itself in 1986 as well as Lorenzo's purchase of the airline's computer reservations system, System One. Based

upon the System One deal alone Shapiro decided that Texas Air should pay Eastern as much as $250 million. He concluded that the amount Lorenzo owed Eastern for all 13 fradulent conveyances totaled more than $400 million. However, in order to escape further judicial scrutiny Texas Air has agreed to pay Eastern $280 million, of which only $107 million will be in hard cash. The remaining amount consists primarily of reductions in prices paid by Eastern to Texas Air. Eastern, of course, will only realize the benefits of these cost adjustments if it is, in fact, operating during the next several years.

Although Texas Air ostensibly agreed to pay Eastern this paltry and possibly ephemeral sum it refused to agree to any mechanism that would protect the airline against future wrongdoing. Mr. Lorenzo thereby has free rein to resume his inter-corporate shenanigans including the upstreaming of cash and other assets from Eastern to Texas Air and Continental.

While Mr. Shapiro may rely upon this settlement agreement to oppose H.R. 1231 he, for whatever reasons has chosen to ignore both his own findings and Mr. Lorenzo's habit of renegotiating what has already been agreed to. First, the examiner cites in his summary that because of the "continuing danger of conflicts of interests" a monitoring system such as an independent Eastern board of directors should be established over which the bankruptcy court would have oversight jurisdiction. It is these conflicts that create the now desperate need for the critical assistance H.R. 1231 would bring to the resolution of this dispute.

Second, the Eastern Air Lines Unsecured Creditors Committee and now the examiner have been forced to realize that agreements with Mr. Lorenzo are at best short-lived. From the commencement of the bankruptcy case Eastern promised the committee and repeatedly represented to the Court that it would pay unsecured creditors 100 percent of their claims. That commitment has now vanished and in its place is an offer to pay only 50 percent of these claims. Many creditors have grave doubts that Eastern will ultimately be able to even pay this amount. Only one day after Shapiro filed with the Bankruptcy Court a settlement agreement with Texas Air concerning the fraudulent conveyance claims Texas Air announced that it had been "sand-bagged" and that this agreement had absolutely nothing to do with the examiner's findings. Once again Mr. Lorenzo was "slip sliding away" from an agreement. The blue ribbon panel will help ensure that once a resolution of this dispute is achieved it is permanent and not transitory.

This airline is at a crossroads. Members of Congress have a choice as to which direction Eastern will take—either sit by and watch this once proud and valuable national resource disappear into thin air; or we can act, as we must, to save Eastern Air Lines now. The intervention of the Secretary of Labor in the coal fields was necessary to successfully bring industrial peace to the Pittston Co. and the coal industry. H.R. 1231 offers the last best hope that labor peace will be restored to Eastern and the airline industry. Only then will this airline once again enjoy the confidence of the traveling public. This legislation can take Eastern out of a tailspin and put it back on a flight path that ensures its revitalization.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support for the motion to override the President's veto of H.R. 1232, a bill which would establish a commission to help resolve the labor dispute between Eastern Airlines and its employees.

Eastern's employees watched helplessly as Eastern's parent company, Texas Air, vectored Eastern into bankruptcy and then continued to operate the airline during a strike supported by all of Eastern's unions.

Today, 18,000 Eastern employees are still out of work. It has been a painful year for them, and for airline passengers in the United States as a result of Texas Air's actions.

Today, it also appears that Texas Air may well be using the shield of the bankruptcy process to disassemble Eastern Airlines by liquidating its most valuable assets, such as the routes to Central and South America.

Mr. Speaker, Eastern Airlines has become a toy for corporate raiders to do with what they will. But for Eastern employees, the airline is their lives.

There was a time when Eastern Airlines represented jobs in the labor force, competition in the airline industry, and commerce in their cities.

Now, the world watches as Eastern continues to sink in a flurry of paper transactions. Today, its resources are depleted, its creditors have been left hanging, and its work force has an increasingly uncertain future.

Mr. Speaker, the establishment of a commission to resolve the Eastern labor dispute may be the only answer left at this late hour. A commission will not interfere with the bankruptcy process, and it could help save thousands of jobs.

I urge my colleagues to support the motion to override the President's veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. MCEWEN], a distinguished member of our committee.

MCEWEN. Mr. Speaker, I thank the gentleman for yielding this time. I do not think I will need the 5 minutes, but I think it is appropriate for us to begin with just a moment of history as to how we got to where we are today.

First of all, I would like to remind all of you that there was an election in 1989 for the head of the union in Miami in which the outgoing president of the local said:

> The President of Eastern Airlines, Mr. Borman, did the most for Eastern Airlines in the 31 years that I have had an employee-employer relationship.

That was in 1980.

The following week later when the new president came on board, the new president, who is there to this day, said:

> Eastern Airlines has resorted to illegal gangsterism in the labor relations policy. The gestapo tactics of Martin Ludwig Borman and his Nazi torched earth policy will not work for him or against this union leadership.

That was the immediate approach that the new machinists' president took upon assuming the control of the union in 1980.

Well, as you know, deregulation hit. Cut rate fares took place. 1981 was the PATCO controllers' strike in which flights were canceled, many of them.

In 1982, Eastern lost a lot of money. Seventy-five percent of all the fares had to be discounted.

As a result of other airlines doing what was necessary to survive, the pilots' union, the transport workers' union of the stewardesses, those who were nonunion, all agreed to do what was necessary to allow that company to survive. The pilots sacrificed. The flight attendants sacrificed. The nonunion workers sacrificed, but the machinists, headed by Mr. Charlie Bryan here, refused to cooperate. So all of them said to Mr. Borman, he said, "Let's do what is necessary. If they want to go to a strike, we will support you," So that was the way the situation was set, until the bankers called Mr. Borman and said. "If you go to a strike in this difficult time of recession in 1982 with the fares and all the rest, we will pull your loan."

So the President of Eastern Airlines signed an agreement with the machinists, while everybody else was sacrificing, signed an agreement in 1982 for a 32-percent increase for the machinists.

Well, of course, that just sets choas throughout the work force. In 1984 and 1985 they continued to have problems. In 1986 they went down to the same situation again. It was make or break.

Once again, they sat down at the table and the pilots did what was necessary for the company to survive. The flight attendants agreed to do the same thing; also those who were nonunion, but the machinists refused to cooperate again.

Well, the president of the company had been talking with the international president of the machinists, and Mr. Wimpsinger, the international president, said to Mr. Borman:

Look, your agreement is not with Charlie Bryan at 100. Your agreement is with the international union. When the time comes for Eastern to survive, you call me and we will do a deal that will allow Eastern to survive.

So it came down to the weekend. They were negotiating all hours of the night. It was now 2 o'clock in the morning. Charlie Bryan refused to agree. Everyone else was at the table saying that the company can survive. They break. They call Mr. Wimpsinger who refused to take the call. He puts the No. 2 man, Mr. Peterpaul, on the phone. Peterpaul talks to Bryan. They all wait for the verdict.

Bryan walks back into the boardroom. He says:

Can't trust any of you. I'm not going to agree. We shouldn't sign. We are not going to make any concessions.

And in fact they sold the company to Lorenzo. With that, the Eastern Airlines that I used to work for, that great proud company, virtually ceased to exist. They had what they wanted. Charlie Bryan went out to the press conference and said:

Now finally we have got somebody who can run the company. We have somebody who knows how to run airlines. Instead of having astronauts, we have people who can run airlines. We have got Frank Lorenzo.

That was the person he wanted.

Then they continued their game. They continued to try to financially survive, selling assets and doing all the rest that we have seen.

For those of us who love Eastern and care about Eastern and for the families who have lost years and years of input and were there for their retirement and sacrificed for the company in hard times in the hope that Eastern would continue to survive, have seen it bounce back and forth like a hot potato between these two who are now in management and in labor.

Now having virtually destroyed the great company that once was, who do they turn to as a last resort? They want the Congress of the United States to pull the fat out of the fire.

Well, I wish it had not come to this. I would give anything in my heart if it had not come to this, but let me tell you this. This is not George Bush's fault. It is not the responsibility of the President to clean it up. For those who brought it to this place and pursued it to this moment and wanted to get here, this is where you wanted to be, and now you can solve it, and do not ask the Congressman from Louisiana, Idaho and Iowa, to make their decisions for you.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I have heard some interesting debate in an attempt to reconstrue constitutional construction to say that the hands of Congress are tied in this issue.

Another interesting historical recollection which leaves out the role of Mr. Lorenzo in destroying what was a viable airline when he did take it over, whatever led to that takeover, and today we are confronted with a difficult decision.

The debate this afternoon is not about labor management relations, however. It is about corporate recklessness and the ability of one man to carry out a personal vendetta against Eastern's unions and destroy a great airline built by thousands of Americans.

□ 1350

What we are talking about is not whether the Federal Government is getting involved in the collective-bargaining process. We are involved in the collective-bargaining process. It is about the failure of Federal agencies, the courts, and the Congress to protect the basic rights of Eastern employees and the interests of the traveling public.

Our Nation's bankruptcy laws were not intended to provide a shield for corporate terrorists and flimflam persons. They were not intended to be manipulated as part of a cynical corporate blueprint to cannibalize Eastern and break its unions.

The bankruptcy court is protecting the interests of Mr. Lorenzo and his creditors. But who is looking out for the workers and the traveling public? That is our job.

The ostensibly neutral court-appointed examiner certainly is not. He is too busy lobbying Congress against this measure. He might lose his next $4 million in commission.

The President says he vetoed the bill because he did not want the Federal Government intervening in a labor dispute. If that is his position, let us be consistent. Why did Labor Secretary Dole go and intervene in the coal miners' strike against the Pittston Co.?

This legislation would establish a blue-ribbon commission to look into the causes of the strike at Eastern and look at ways to resolve it and look at the greater issues of deregulation, safety, and the future of the airline industry in America, nothing more.

I would ask my colleagues on the other side of the aisle: What is so frightening about that? What is the harm in having a bipartisan factfinding third party look into the issue objectively?

The original bill would have required back to work under the National Emergency Board. The President ignored the recommendations of the Mediation Board. We did not have an emergency board. Our original legislation did not pass.

This legislation simply asks that we set up a factfinding panel. To do nothing here smacks of Government indifference at its worst.

Overriding the President's veto, it will not be the silver bullet. It will not resuscitate an airline that has been bled nearly to death by Mr. Lorenzo, but at a time when the airline industry is becoming increasingly consolidated and few large carriers are able to dominate the market, we cannot sit on our hands and watch one go down to just dissolution.

Eastern is not going to survive as long as the labor dispute continues. The public is not going to book flights on Eastern if they are worried about whether the airline is going to be in business in 3 weeks.

This measure provides our last hope of restoring Eastern as a competitive airline. I hope we are not too late.

I urge my colleagues to vote aye.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], a distinguished member of our committee.

Mr. SHUSTER. Mr. Speaker, I rise in support of the President today.

I can understand why some of my colleagues on the other side have an uncontrollable urge to bash the President. Frankly, I am a bit surprised that they seem to have this same urge to bash Secretary Skinner, because over the past several months my colleagues on both sides of the aisle who have been involved in transportation issues have spoken only in glowing terms about Secretary Skinner, and indicate that they consider him one of the most outstanding Secretaries ever to serve in that position.

As we know, Secretary Skinner has implored this body to support the President on this issue and has said that it will be the final nail in the coffin of Eastern Airlines if we use this delaying tactic which we have before us today. So I am a bit surprised at that position.

But there is one person, one person deeply involved, who is not political, whom nobody can say he is trying to bash the President or he is trying to support the President, because he happens to be a Republican, and that person is the bankruptcy examiner appointed by the court. Mr. Shapiro, the man who has been immersed in this issue, who does not have a political

agenda, hidden or otherwise, has said and has advised us that:

Having spent the last 11 months as the court-appointed examiner in this bankruptcy, I can only urge that you not create a blue-ribbon panel. We are on the verge of resuscitating Eastern, and in my view a blue-ribbon panel will be disastrous to that effort to say nothing to duplicating the efforts.

And he goes on to say that he asks the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. He says:

I ask the Congress to act out of concern for the employees, the retirees, and the members of the general public who depend on the future existence of Eastern.

Mr. Speaker, let us set aside partisan politics. Let us support the President.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I urge my colleagues to override this veto. The President says there has been no transportation emergency as a result of this dispute. But he doesn't have to fly on an airline on the verge of collapse like the rest of America. He does not have to hear the horror stories of flight schedules gone haywire, or deal with the chaos of families and communities disrupted by the strike, or worry about the effects on passenger safety. If I had Air Force One, maybe I would not worry either.

The Government has an obligation to protect consumers and to protect the public safety. It also has an obligation to protect the rights of workers. There is precedent for intervening in labor disputes of this kind. The National Mediation Board recommended to the President that he intervene with an emergency board. But he chose not to.

This is not simply a private labor dispute. When the Frank Lorenzos of the world set out to systematically destroy unions and airlines in order to plunder their assets, it concerns all of us. Transportation is not a private or parochial concern. It is a vital part of our country's economy and crucial to the running of a country. I urge the President to rise above his partisan interests and protect the national interest and the public interest.

Mr. Speaker, last fall the leader of one of the world's greatest labor unions addressed this Congress. When he spoke here, Lech Walesa said that America had always given him hope and that he and the members of Solidarity had always looked to us for inspiration and support and as an example of a country that treats its workers fairly and with respect.

I hope they are not looking now. I hope they are not seeing how our Government, the Government that is supposed to be the beacon of opportunity and hope for the world, how our Government is just turning its back on the working men and women of this country.

What the management of Eastern Airlines has done is an injustice to every working American and I urge my colleagues to send that message to the President by overriding this veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise in strong support of the President's veto of H.R. 1231, a bill to establish a Commission to investigate and make recommendations regarding the settlement of the labor dispute between Eastern Airlines and its collective bargaining units.

Quite frankly, I believe that H.R. 1231, the Eastern Airlines bill, is simply another attack on Texas Air Corp., and on its employees, many of which I represent. It is obvious to me that many Members of this body do not like the business practices of Frank Lorenzo. However, I don't think I nor any of my colleagues were elected to this body to carry out personal vendettas through legislation.

If Frank Lorenzo has broken any laws, he should be prosecuted like any other businessman who shuns our laws. But, carving out special laws just because we do not approve of the business practices of one individual is bad legislating—it's just plain wrong.

Time after time, I hear Frank Lorenzo and Texas Air Corp. being blamed for the loss of jobs in the airline industry. I am no apologist for Frank Lorenzo, but I represent thousands of Continental employees who feel that they have jobs because Texas Air Corp. saved Continental from total financial collapse.

Continental filed bankruptcy with less than $40 million in the bank. Restructuring was painful for many employees. I do not deny that. But, Continental emerged from bankruptcy 50 percent bigger than it had been prior to chapter 11, operating 147 aircraft versus 105 in 1983 and with 81 percent more seat capacity. Today there are 34,000 Continental employees—10,000 of them in the Houston area.

People Express was on the brink of bankruptcy when Continental purchased it in 1986. Had Continental not acquired and rebuilt People, thousands would have been without jobs and northern New Jersey would have been virtually without air service. Let us review the facts relative to Eastern.

Similarly, Eastern Airlines was on the brink of bankruptcy when Texas Air purchased it. Over the last decade Eastern had lost approximately $1.5 billion. It is unfortunate that Eastern and its machinists union could not resolve their disputes and that the ensuing strike drove an already financially weak Eastern to bankruptcy. But, since its chapter 11 filing, Eastern has been growing steadily stronger. It currently has 800 daily flights and nearly 20,000 employees. By next spring Eastern is projected to have 1,000 daily flights, virtually the same number as before the strike. Eastern has met and exceeded all FAA regulations and continues to work very closely with the FAA to ensure that all of its operations are the safest possible.

The future of Eastern is now properly within the jurisdiction of the bankruptcy court. Even the bankruptcy court examiner, David Shapiro, appointed to protect the interests of the airlines creditors, its employees, and the general public, has urged Congress not to override the President's veto. He warns that enactment of this legislation would reverse the progress that has taken place and make it impossible for the parties to negotiate.

For 15 years Eastern has struggled in the face of seemingly insurmountable obstacles. For the first time in many years, the potential exists for a healthy, competitive airline without the crushing debt that hindered it for so long. The future of Eastern Airlines is where it should be, in the hands of the U.S. judicial system and in the hands of nearly 20,000 dedicated employees.

I urge my colleagues to sustain the President's veto of H.R. 1231.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I urge my colleagues to support the President on this veto override.

There are two very good reasons why Members should vote against overriding the President's veto. First, H.R. 1231 forces the President to intrude into private collective-bargaining negotiations that are now under the jurisdiction of a Federal bankruptcy judge and, second, H.R. 1231 represents a classic example of unnecessary duplication and Government waste.

When no transportation emergency exists, as it does not now, the President and the Congress have no role to play in labor disputes, even long and bitter disputes like the one taking place at Eastern Airlines.

No transportation emergency exists, and no commission or investigatory board is called for in this situation. The Congress should therefore respect the President's decision and sustain his veto, because anything less would establish another bad precedent of increased Government interference.

□ 1400

Since H.R. 1231 was introduced over a year ago, Eastern Airlines has filed for bankruptcy and is now under the jurisdiction of a bankruptcy court. Let

me repeat again what the judge overseeing that case recently said:

We are on the verge of resuscitating Eastern, and in my view, a blue ribbon panel will be disastrous to that effort.

It is not only wrong to interfere in this labor dispute, it is a waste of money and it poses a real danger to the recovery of Eastern Airlines. Why is it a waste of taxpayer dollars? Because the bankruptcy court, the Department of Transportation, the National Mediation Board have already done thorough reviews of the Eastern Airlines dispute, and another study is not needed.

This is not a labor versus management issue, it is a good government versus bad government issue. I urge my colleagues to support the President.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, this is all about a battle, and let me tell Members what the battle is. Mr. Charles Bryan, president of the International Association of Machinists, Eastern District, put it this way in what he wrote in a bulletin back in 1986. He said:

We are in the midst of an all-out war on the employees of Eastern Airlines and their families.

Well, today we are fighting one more chapter in that all-out war. The battle is right here on the House floor. But let us think about what has happened in that battle up until now.

The testimony by the examiner before the bankruptcy judge, Mr. Shapiro, recently tells us something about that. I want to quote from what Mr. Shapiro said in that court.

He said:

The fact is that in terms of efforts to settle the strike and to bring the pilots, machinists, and flight attendants back to work, the unions blew it.

That is what the report says:

They blew it, and now they want to come into court and insist on a trustee. Their people are on the street and they want to put 17,000 more people on the street because they blew it. They also want to blow the retirement benefits for some of their own members, 12,000 retirees, because if this company goes down what will be gone are 17,000 more people, and what will be gone are the retirement benefits of 12,000 people, many of whom are members of ALPA.

That is where the battle has been fought thus far. Let me tell you about some of the tactics that have been used in that battle up until now. According to the court that examined the illegal union activities in the course of this strike, here is some of what happened.

The unions have intentionally shouted threats to Eastern passengers about their safety, including some children that they went up to and said, "If you keep flying Eastern, you are going to die." They have defecated and urinated on curbside check-in desks, throwing eggs on the baggage service area, putting glue on locks, and placing garbage on the curbside conveyor system. They have thrown rocks and ball bearings into maintenance facilities and they have broken into cars and broken bus windows.

This is a strike which has used ugly tactics up until now. We ought not reward it on this floor today.

Mr. ANDERSON. Mr. Speaker, I yield all my remaining time to the gentleman from Minnesota [Mr. OBERSTAR].

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 4 minutes to the distinguished ranking member of the Subcommittee on Aviation, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, the exercise that we are involved in here this afternoon is a classic case of doing the wrong thing at the wrong time and for essentially the wrong reasons. I think it has become clear in the course of this debate if we really want to put Eastern out of business, and it is very likely if this Commission passes that is what will happen, then we would vote to override the President's veto.

But make no mistake about it. There are people who want to put Eastern out of business, who see that as the ultimate result of this protracted labor-management dispute.

Quoting from a high official in the International Association of Machinists, he said a year ago:

IAM is at war with Eastern, and will continue fighting even if the battle ultimately results in the collapse of the company.

So this is being presented, ladies and gentlemen, as perhaps if you vote to sustain the President, as being antilabor. I would suggest to Members that exactly the reverse is true.

David Shapiro has been quoted here extensively. He said in his report that the appointment of this Commission would likely put 17,000 men and women out of work that are presently working for Eastern. It would jeopardize the pensions of 12,000 other individuals who have retired from Eastern, many of whom are union members.

It would also, I think, put at risk other airlines. Continental Airlines would perhaps be called upon to satisfy the pension requirements of the Eastern employees.

This Commission is supposed to encourage competition in the airline industry. It has exactly the opposite effect. It has the very real risk that you are going to put two airlines out of business.

Mr. Speaker, this is a very sad story. This whole episode has been a very sad story. I think there are no heroes, and there are plenty of villains. Two of those have been mentioned here today.

Clearly Frank Lorenzo, his managment style is something we can all abhor and find fault with. By the same token, Charlie Bryan in his intransigence has also been definitely a contributor to this disaster. They are both hard-nosed, intransigent, inflexible people, and they share a lot of the blame for bringing us to the sad state of deterioration of Eastern Airlines.

But then there is the Congress. I think we also have to share a part of the blame here, because we have raised expectations, false expectations, that somehow we are going to come in riding in like the U.S. cavalry and save the situation.

That, Mr. Speaker, tended to defer any negotiations. There was no pressure on either labor or management to negotiate. So there is plenty of blame to go around.

The question now is, Can we make ourselves feel better, feel happier, if we override the President's veto? Well, perhaps we might feel a little better as a result of that. But Members have to ask themselves, will this Commission work? I think the answer to that is clearly no.

Consider what the Commission is required to do. They are required to make findings of fact and recommendations for settling this dispute. That is No. 1.

No. 2, they are expected to make policy recommendations to Congress and to the Department of Transportation concerning, first, the powers of the Secretary to intervene in labor-management's disputes, to ensure competition and survival.

Second, to make recommendations concerning the protection of employee bargaining rights in bankruptcy proceedings. And they are to do all this in 45 days.

You have heard here today the statement that the National Mediation Board had considered this thing for 500 days and was unable to resolve it. We have had the issue here in Congress with us, we have had it in the Department of Transportation, and the bankruptcy court has been wrestling with this thing for 7 months.

But this Commission, which by the way is only four members and therefore an invitation to deadlock, this Commission is supposed to resolve the whole thing in 45 days.

Mr. Speaker, it is ludicrous to think this issue can be resolved in that rapid a period of time. So, Mr. Speaker, I

would just urge Members to heed the words of the examiner who said:

I ask the Congress to act out of concern for the employees, the retirees and the members of the general public, who depend on the future existence of Eastern.

Defeat this motion and we will ensure I think the future of Eastern.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I rise today in support of the veto override of H.R. 1231. I rise today in the public's best interest and in the interest of labor-management relations across this Nation.

The progress of events throughout this whole Eastern Airlines ordeal has been pitiful at best. I am truly saddened that the President was unable to take the appropriate action so that so many Eastern Airline workers and staff would not have had to suffer as they did. I am additionally saddened by the foot-dragging approach taken by our own Labor Department after months and months of complaints.

Today, we must override the President's veto because Frank Lorenzo and his pals, in taking over Eastern, obviously intended only to exploit the workers and the company. The bottom line is that in hopes of a fair and just resolution we must vote to override.

We are faced with severe problems in labor-management relations. Workers, such as the Greyhound drivers, are suffering even today. It is my hope that these union-busting efforts adopted and utilized throughout the Reagan administration will not be perpetuated in the Bush administration.

I encourage my colleagues to vote in support of the veto override.

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Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of efforts to override the President's veto of H.R. 1231, legislation which would set up a bipartisan Commission to investigate and make recommendations on the labor dispute between Eastern Airlines and its unions.

Unlike the original version of H.R. 1231 which came before the House last year, this measure does not call for the President to declare that a national transportation emergency has occurred—one of the major stumbling blocks to my supporting the original bill.

Clearly such a transportation emergency has not happened. Other carriers have stepped in to fill the voids left by Eastern cutbacks, and the American public as a whole has not been too terribly inconvenienced by the matter although airlines in general are leaving much to be desired these days in the way of public service and accountability.

On the other hand, I am greatly troubled by many aspects of the Eastern situation—including recent reports that Frank Lorenzo had been siphoning assets back and forth between the many corners of his airline empire. Seems to me these types of actions are performed more for the benefit of the corporate bigshots—certainly not for the workers with vested interest in their pension plans or for the little stockholders.

The other day I spoke on the House floor about the Wild West attitude of some of these corporate executives—like those of Drexel, Burnham, Lambert—who apparently walked away with $350 million in bonuses "just one step ahead of the posse" and less than 2 months before taking their own company into bankruptcy.

Something is rotten in corporate America, Mr. Speaker, when these activities are allowed to go forward with apparent impunity while the workers—in the case of Eastern Airlines, the thousands of unemployed strikers—are left out in the cold.

In this regard, the bipartisan Commission's investigation into the Eastern situation could have ramifications far beyond the Eastern situation alone. I urge my colleagues to join me in supporting the override of the President's veto of H.R. 1231.

Mr. ROBERTS. Mr. Speaker, I urge my colleagues to support the President's veto. This whole business of having the government intervene in labor-management disputes is troubling. There are well-established procedures for resolving such disputes and those were followed, albeit unsuccessfully, as Eastern's restructuring attempts unfolded. While we are sympathetic to the plight of Eastern's employees, this bill is not the solution.

The President was correct in his veto message that this legislation "would significantly disrupt chances for an orderly reorganization of Eastern by the court." By establishing a commission to study this dispute, issue findings of fact and make recommendations for settlement, this bill would have not only been dangerous but probably unconstitutional as well.

Mr. Speaker, I note another aspect of the Eastern situation that has come to light in recent days—the report of the bankruptcy examiner that is highly critical of the numerous transactions between Eastern, Texas Air, and Continental. These allegedly improper asset transfers are significant. The examiner found that they ranged from $285 to $403 million.

Now, I don't believe Congress should make determinations on the magnitude of improper asset diversions any more than we should appoint fact-finding blue ribbon commissions. However, I do want this Congress to be on notice that an administrative law judge at the Department of Transportation has recently recommended that Eastern's sister carrier, Continental, be selected to receive very valuable international route authority between the United States and Japan. Let me restate: At the same time this system of related air carriers is accused of improperly transferring assets, it stands ready to receive very valuable route authority from the U.S. Government. Continental's figures show that award could mean $37.6 million in new profits for the Texas Air group.

While I am not fully aware of all considerations involving international route proceedings at the Department of Transportation, I do know that it makes no sense to give a major asset away to Continental Airlines in an environment where there is even a question about improper transfers of assets from Eastern, especially when solid air carriers are competing for the same route.

Mr. Speaker, I urge support of the President on this veto override. But I also think notice should be served that it makes no sense for the Department of Transportation to award valuable route authority to one of the Texas Air group of companies at this time.

Mr. WEISS. Mr. Speaker, I rise in support of overriding President Bush's veto of H.R. 1231. In overriding President Bush's veto of H.R. 1231, Congress will be taking steps that would reap both immediate and long term benefits. H.R. 1231 has the potential to solve, in the near future, Eastern's current labor dispute and restore Eastern to the status of a viable major airline competitor. In light of the current atmosphere of mutual distrust that has developed between Eastern and its employee representatives, it is unlikely that new labor agreements can be reached through the normal collective bargaining process. This bill is the only hope for a fair and responsible resolution to this unfortunate labor dispute.

In addition to its immediate consequences, H.R. 1321 will lay the groundwork for solving and preventing future debacles in the airline industry. The blue ribbon commission established by this legislation will consider general issues that have arisen out of Eastern's labor dispute. It will make policy recommendations to Congress and the Secretary of Transportation concerning the powers of the Secretary to intervene on behalf of the public interest to maintain competitiveness in the airline industry and the inadequacy of protection of employee collective bargaining rights in bankruptcy proceedings involving air carriers.

President Bush claims that he is neutral in this labor dispute. The Department of Defense, however, with certification from the Department of Labor, has recently granted a military courier service contract in the amount of $120 million to Lorenzo and Eastern. I do not perceive the administration's awarding of a military contract to a strikebound carrier as an act of neutrality. Rather, I see it as direct Government intervention on the side of the employer.

Last week, the bankruptcy court examiner filed a voluminous report based on his 6-month investigation of Texas Air-Eastern prebankruptcy transactions. This report states that Frank Lorenzo's Texas Air holding company had drained up to $400 million from Eastern Airlines by underpaying the airline for key assets, such as its reservation system and airport gates, and by overcharging for services, aircraft, and other transactions. The

report demonstrates the validity of Eastern employees' fears: Loranzo plans to rape Eastern of all its valuables and abandon the leftovers, including the unions.

I urge my colleagues to override the veto of H.R. 1231. Congress must help bring an end to Frank Lorenzo's misuse of the bankruptcy laws as a weapon against Eastern's employees. Overriding the veto will signal clearly Congress' disapproval of actions that violate responsible labor practices in the United States. Mr. Speaker, the record is clear. Mr. Lorenzo has no interest in the economic security of his employees. Congress must stand with the employees of Eastern Airlines in their quest to secure a fair, decent, and balanced collective bargaining agreement.

Mr. COSTELLO. Mr. Speaker, over the past several months, we have watched the management of Eastern Airlines use the chapter 11 Bankruptcy Code to jeopardize the companies unions and undermine the collective bargaining process.

We have seen the devastating effect that this has taken on the lives of thousands of Eastern Airline employees and their families—all because chairman Frank Lorenzo refused to engage in honest bargaining with the machinist union.

It is of utmost importance that we join together today in a bipartisan effort to override the President's veto of H.R. 1231, which would require the president to establish an emergency panel to investigate and help find a resolution to the Eastern Airline labor dispute.

Clearly, it is in the public's best interest to resolve this controversy, not only for economic reasons, but for passenger safety as well. Eastern Airline was our nation's sixth largest airline. We must end this dispute and return Eastern Airline as a major competitor in our Nation's airline industry. I am calling on my colleagues today to join me in overriding the President's veto of H.R. 1234.

Mr. BRENNAN. Mr. Speaker, I urge my colleagues to join me in support of overriding the President's veto of H.R. 1231, and direct bipartisan leadership to appoint a four-person commission to review the Eastern Airlines labor dispute.

Last week, a bankruptcy court examiner reported that Frank Lorenzo's holding company, Texas Air Corp., had unfairly drained $403 million in assets from Eastern Airlines. Lorenzo has sold Eastern assets at below market value to his own Continental Airlines and has refused to bargain in good faith with striking workers, hiring replacements for a foundering Eastern.

Confidence in Eastern by the traveling public is dwindling. Striking Eastern employees and union members all over the country are losing faith in our Nation's management-biased system of labor relations that has been inspired by the last decade's prevalent disregard by management of the rights of working men and women. The disenchantment of working men and women has been compounded by the reluctance of their elected officials to get involved.

The political and economic climate of the 1980's encouraged a new aggressiveness on the part of employers who chose to simply ignore good-faith bargaining with striking workers in favor of hiring replacements in dispute after dispute.

An override of the President's veto would send a clear signal that this Congress is concerned about the labor rights of working men and women. A bipartisan commission established to review the Eastern dispute would not only help to bring an end to this agonizing year-long strike, it would help to define the adequacy of protection given to employee collective bargaining in airline bankruptcy procedures.

An override of the President's veto would give both sides of this dispute objective recommendations from which they can resolve their differences. Also, in a much broader sense, it will set the tone for future labor relations in the airline industry and in the Nation as a whole.

Mr. OWENS of New York. Mr. Speaker, I rise in favor of overriding the President's veto of H.R. 1231, the bill which would establish a commission to investigate the ongoing dispute between Frank Lorenzo and the workers of Eastern Airlines.

For reasons, I cannot begin to fathom, our kinder and gentler President wants to help Frank Lorenzo squander the resources of the once strong Eastern Airlines. This is beginning to be a trend for this administration, this habit of sitting back and watching while some rich and corrupt miscreants rape and pillage a company, such as a savings and loan institution, and then using our tax dollars to bail them out of their financial crisis. We are financing the savings and loan debacle after watching it grow to astronomical proportions over the course of several years. The administration is now prepared to sit back and watch Eastern Airlines get taken through the bankruptcy courts when we ought to have put a stop to Frank Lorenzo's corruption 2 years ago when he put his plan to break both Eastern and its unions into action.

Last week during Eastern's bankruptcy proceedings, a court-appointed bankruptcy examiner found that Frank Lorenzo had cheated Eastern Airlines out of millions of dollars for properties transferred from Eastern to his airline holding company, Texas Air. The list of transgressions the report cites is lengthy, faulting 12 of 15 transactions made transferring Eastern assets to Continental Airlines as well as having Eastern pay for its own acquisition by Texas Air.

In addition to Frank Lorenzo's siphoning off of Eastern's assets, and probably because of it, he insisted that Eastern workers accept major concessions during negotiations for their new contract including taking significant pay cuts, accepting changes in workplace rules, and allowing some work to be contracted out. Last week's report vindicates Eastern workers who have now been striking for 1 year because they assert that Frank Lorenzo has been gutting the airline of its most valuable assets. Thanks to Frank Lorenzo these workers have lost their livelihood, their homes, and had their standard of living drastically reduced during this yearlong struggle to save their airline.

We are not doing anything radical with this bill. We are not mandating change or dictating policy. In essence, this bill is a mere shadow of the original measure that we passed in this Chamber 1 year ago next week. This bill has lost its teeth. The decisions made by the commission will not be binding on either side. Passage of this bill alone will not resolve this dispute. Yet, the administration still objects to it.

Mr. Speaker, only weeks ago we were all assembled in this Chamber to honor the great Polish Solidarity union leader Lech Walesa. At that time we all praised the union's movement in Poland and credited that movement with providing the strength to bring down the Communist government in that country and further the people's goal to create a freer society.

Why does this administration speak with two messages to unions? Why does the administration hail the unions in Poland and assail the unions in the United States?

The responsibility to correct this inequity now rests squarely on our shoulders and we must rise to meet the challenge.

By passing this bill, we will not require change, but show our support for an equitable examination of and support for a fair solution to the Eastern labor dispute. We will simply give the union and workers of Eastern Airlines the same support we gave the union and workers of Eastern Europe, and hopefully aid them in their struggle to save their jobs, earn a decent living, and provide for themselves and their families with dignity.

We should vote overwhelmingly to override the President's veto of H.R. 1231.

Mrs. COLLINS. Mr. Speaker, I rise in support of overriding the President's veto of H.R. 1231, the Eastern Airlines Commission bill. The bill would establish a four-member Commission, appointed by the leaders in Congress of both parties, to investigate the labor disputes between Eastern Airlines and its three unions—IAM, ALPA, and TWU—and to make nonbinding recommendations for settlement. It would also examine several related public policy issues, such as competitiveness, and make recommendations to Congress and appropriate executive agencies regarding those issues.

Mr. Speaker, I support this legislation because I am convinced it is necessary. My Subcommittee on Government Activities and Transportation held a series of oversight hearings in 1987 on maintenance at Eastern Airlines, and what we learned was shocking.

Apparently, corporate cost-cutting and a cavalier attitude toward safety of the flying public impacted Eastern's maintenance practices to such a degree that literally hundreds of alleged maintenance violations were uncovered by the FAA. Eastern was fined and ultimately agreed to a $9.5 million payment, the largest penalty ever collected by the FAA.

In 1988 my subcommittee called hearings to examine a plan by Texas Air Corp., Eastern's parent company, to subcontract Eastern's flight and maintenance operations to a little-known cargo carrier based in Raleigh, NC, known as Orion Air. That effort by Texas Air was an attempt to keep Eastern flying in the event that Eastern pilots decided to follow the machinists and go on strike.

Essentially, Texas Air was creating a scab airline with replacements that were virtually unknown. On its face, that move by Eastern and its parent company, Texas Air Corp., raised several safety and consumer concerns.

One concern was whether Orion could recruit and adequately train and supervise the pilots, flight attendants and mechanics that it needed to safely operate Eastern's airplanes. Another concern was whether it was acceptable for Eastern to lease aircraft to Orion which in turn relied heavily on a series of third parties for training and maintenance. Finally, there was a question of whether it was inherently deceptive to the public for Eastern to hand over passengers who booked flights on Eastern to Orion, with no real advance notice. Fortunately, the courts saw this subterfuge for what it was and abrogated Eastern's agreement with Orion.

The crisis at Eastern today exists for many complex reasons. Labor/management relations have been strained and confrontational for many years. The animosity and bitterness between Texas Air chairman Frank Lorenzo and Eastern's unions is well known.

It is also no secret that over the last couple of years Eastern has been taken apart piece by piece. Last year the airline lost $850 million, and it appears that Frank Lorenzo continues to use the bankruptcy process to dismantle Eastern by selling its most valuable assets, including the Eastern shuttle, the computer reservation system and Eastern's lucrative Latin American routes.

It has now been a year since the machinists union struck Eastern Airlines, and the pilots and flight attendants withheld their services in support. A resolution of this dispute does not appear to be in sight. Unless Eastern's labor disputes can be resolved and labor peace restored, it is unlikely that the flying public will regain confidence in Eastern and that the airline will be able to rebuild its operation to anything approaching its former size.

What concerns me is that this will not only hurt Eastern's employees, but also the cities and communities it serves and the traveling public, which cannot afford to lose another competitor.

While I am not one to advocate congressional intervention in labor/management disputes, it is clear to me that, in this particular instance, a referee is needed. The proposed blue-ribbon Commission that is the subject of this vetoed bill would examine the conditions and circumstances that led to the crisis at Eastern Airlines and make recommendations that could lead to a settlement of its labor disputes and restore Eastern to the status of a viable major airline competitor. The Commission would also consider other issues that have arisen out of the dispute and make policy recommendations to Congress and the Secretary of Transportation concerning: First, the powers of the Secretary to intervene on behalf of the public interest to maintain competitiveness in the airline industry; and second, the adequacy of protection of employee collective-bargaining rights in bankruptcy proceedings involving air carriers.

These matters are indeed worthy of scrutiny by an impartial panel of respected citizens. It is difficult to envision how such a review could in any way adversely affect Eastern's condition as critics of this legislation have argued. Rather, if anything, it should help our decisionmakers to learn from this tragic episode so that steps can be taken to avoid such calamities in the future. I urge my colleagues to vote for an override of the veto of H.R. 1231.

Mr. RICHARDSON. Mr. Speaker, I rise today to express my strong support for the veto override of H.R. 1231.

I feel that the President was wrong in vetoing this legislation. Additionally, I believe it is imperative that a Commission be established to investigate and report on the continuing dispute between Eastern Airlines and its employees.

In the atmosphere of mutual distrust which has developed between Eastern and its employees, it is unlikely that new labor agreements can be reached through the normal collective-bargaining process. In these unfortunate circumstances, the best hope for resolving Eastern's labor disputes is to have an impartial third party make recommendations which both sides could accept.

The return of Eastern Airlines to full and normal operations is vital to our national interest, particularly in regard to passenger safety and the economic welfare of its employees and their communities.

Mr. Speaker, I urge my colleagues to join me in supporting an override to the President's veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield all of my remaining time to the distinguished gentleman from Illinois [Mr. MICHEL] the minority leader.

Mr. MICHEL asked and was given permission to revise and extend his remarks and include extraneous material.)

The SPEAKER pro tempore (Mr. BARNARD). The gentleman from Illinois [Mr. MICHEL] is recognized for 3 minutes.

Mr. MICHEL. Mr. Speaker, I rise in opposition to the motion to override President Bush's veto of this measure.

The key in this debate is "bankrupt." It describes the current position of Eastern Airlines, but it also vividly describes the bizarre idea that we are going to solve Eastern's problems through a commission.

Forming a commission is usually a sign in this House that we want desperately to do something, but we just do not know how and what to do.

The future of Eastern is currently and quite properly within the jurisdiction of the bankruptcy court where the most sensitive and delicate proceedings are being undertaken.

The proponents of this legislation ask us to ignore the court and seek to duplicate its effort exactly at a time when we should show restraint and let the court do its work. We are asked to believe, as has been alluded to, that in 45 days a commission can solve a complex problem that the National Mediation Board could not solve in 500 days of sustained effort. Anyone who would believe that would believe anything.

Is there a national emergency which might justify congressional intrusion into a labor dispute? Why, of course not. No emergency exists. It has been months since the President's veto. If the majority leadership thought an emergency existed, why did they wait so long to bring the veto to the floor, I would ask quite frankly?

So irresponsible is this course of action that David Shapiro, the court-appointed examiner in the Eastern Airlines bankruptcy, has written to me and to the Speaker, and of course I will include his letter at the conclusion of my remarks. He persuasively and in detail makes the case against creation of a commission.

In over 34 years in the Congress I have never heard of, let alone received, such a request from an examiner.

The court has powers to help the people involved, but a commission would have no such powers. H.R. 1231 sets up expectations of future congressional action precisely at a time when all parties should be committed to the court's approach. Why hold out false hope to those who have already been hurt so much?

In his letter to me, Mr. Shapiro refers to those whose interests are represented in the court proceedings. The number and variety of people whose interests and in some cases whose fate is now in the hands of the court are the creditors, preferred shareholders, employees, retirees, and yes, elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Airlines.

If, through creation of a commission, we give any one of those groups false hope for a solution outside the judicial process, we will have committed a grave injustice to every one of them concerned.

When I think of the damage that would be done to so many by such a measure, I am reminded of the words of the great old song: "Fools Rush in Where Angels Fear To Tread."

Let us not act like fools by stampeding into a judicial process that will be disruptive and distorted by our clumsy, ineffective action. Let us allow the court to do justice impartially, unimpeded by what could be our ham-handed interference. Let us help the court fairly meet the varying and complex needs of so many different people.

Certainly I would urge Members to vote no on the motion to override the President's veto of this legislation.

The letter referred to follows:

DICKSTEIN, SHAPIRO & MORIN,
Washington, DC, March 5, 1990.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. MICHEL: You have before you the question of overriding President Bush's veto of H.R. 1231, the proposed blue ribbon investigation of Eastern Air Lines. Having spent the last eleven months as the court-appointed Examiner in the Eastern Airlines' bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my

view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

When I was appointed Examiner, I was given a broad mandate to protect the public with regard to the Eastern reorganization. I wish to emphasize that I do not represent Texas Air or Mr. Lorenzo any more than I represent Mr. Copeland or ALPA. I have one constituency and that is the many interests that intersect in Judge Lifland's Court: creditors, preferred shareholders, employees, retirees, and elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Air Lines.

There are a number of reasons why H.R. 1231 is bad legislation.

(1) As my report (Vol. 1, pp. 40-48) shows: the unions have been willing to face up to the reality of hard collective bargaining in the hope that some outside body would rescue them. First, it was Ueberroth, then it was Ritchie, then it was H.R. 1231. When the Examiner urged the pilots to go back to work to maintain their jobs and seniority and continue to negotiate from the inside, he was accused of a "sell-out" to Lorenzo. When Jack Bavis, Chairman of the Eastern Pilots' Master Executive Council came to the conclusion that the only way to save the pilots' jobs was to return to work, he was removed from office and brought up on charges. (The charges were later dropped). It was only after H.R. 1231 was vetoed that the pilots and management got back to the bargaining table. Based on reports currently available to me, the negotiations have been inching along toward agreement. H.R. 1231 would reverse this process, create a further straw for the unions to clutch at, and make it impossible for the parties to settle.

(2) The Examiner's team (15 lawyers and a large support staff) spent more than six months looking at the various asset transfers; no Commission can do this job in 45 days.

(3) H.R. 1231 undermines the doctrine of separation of powers. The transactions which the panel would examine are *sub judice* in every respect; the panel would cover precisely the same ground. The Bankruptcy Court and the Examiner are objectively and fairly discharging their statutory obligations. It would therefore be an unwarranted legislative interference with the judicial process for the panel envisioned by H.R. 1231 to proceed as proposed.

(4) The creation of a second forum outside the judicial process to resolve Eastern's future creates uncertainty for an enterprise that no longer has the ability to withstand such shocks; it could therefore so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable. This would result in the loss of jobs held by Eastern's present employees, some 17,000 people; destroy the pensions and health and medical benefits of its retired employees, some 12,000 people (mostly union members); and deprive the travelling public of yet another air carrier.

I am equally concerned that my report to the Court of last week has been misinterpreted in the press. Lest this report be improperly referred to in the forthcoming debate, I want to make sure that certain facts are clear.

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail in any such litigation. My report stated that any legal action seeking recovery would have to plough new legal ground.

In short, as I stated in Court last Thursday, I did not find on the merits against Eastern, Continental or Texas Air. On the contrary, I issued the report contemporaneous with a settlement with Texas Air in an attempt to demonstrate that the settlement was fair, reasonable and adequate and in the best interests of Eastern. I further told the Court, "Maybe Texas Air and Continental would have won all twelve of the disputed issues, maybe six, maybe three, maybe none." Any legal judgment of wrongdoing by Eastern, Continental or Texas Air would have taken years of litigation with uncertain likelihood of success.

Another fact that should be firmly before the Congress involves the settlement with Texas Air. The settlement is not an admission of liability by Texas Air. Rather, it is an agreement between Texas Air and the Examiner as to what is needed to assure the economic viability of Eastern Air Lines. I frankly do not believe we could have gotten anywhere near the settlement, and its clear benefit to Eastern, unless Texas Air was committed to see Eastern through to a return to economic health. I therefore believe that that agreement demonstrates Texas Air's commitment to the future of Eastern.

Finally, whatever merit there is to the claims of "conflict of interest" and "self-dealing", the examiner has proposed that Eastern's reorganization plan contain provisions (such as, for example, a special independent committee of outside directors) for monitoring all intercorporate transactions between Eastern and Texas Air and its affiliates which are outside the regular course of business and have a value in excess of $500,000. Accordingly, whatever concerns that continue to exist on this score will be dealt with in the Bankruptcy Court when it comes time for the Court to consider whether or not it should approve Eastern's plan of reorganization.

I do not believe that H.R. 1231 can do any good; it will, instead, do a great deal of harm. The bitterness between management and the unions should not be allowed to determine Eastern's fate. I therefore ask the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. I ask the Congress to act out of concern for the employees, retirees and members of the general public who depend on the future existence of Eastern. I ask the Congress not to enact H.R. 1231.

Sincerely,

DAVID I. SHAPIRO,
Examiner.

Mr. OBERSTAR. Mr. Speaker, I yield myself my remaining 6 minutes.

Mr. Speaker, first of all I think it is important to get the facts straight on what we are voting on.

A commission, a nonbinding commission. That is a commission whose recommendations are not obligatory on the President, the Secretary of Transportation, or the Congress. A commission which is bipartisan, which is to look into the dispute between Eastern Airlines and its employee unions, to make findings of fact on the dispute, to make recommendations on how to prevent or avoid such disputes in the future, to make recommendations on the powers of the Secretary of Transportation to intervene in the public interest to maintain competitiveness in the airline industry, a useful review under any set of circumstances, particularly useful here, now in this period of the era of deregulation.

Who could be afraid of it? We have heard that disastrous results will come from this commission. It is like a popgun being aimed at a wolf. I have never heard anything so silly in my life, that this little commission that is going to make recommendations about the dispute between Eastern and its unions could bring disaster about.

A year ago, almost a year ago to the date when we were on the floor of this House debating a real bill to do something real about this dispute, something that would have had effective results, that would have put the unions back to work and kept Eastern in competition, we heard: "Don't pass this bill. Heavens, it will cost the airline $1 million a day."

We would have done them a big favor if we had passed that bill, because on their own, under the protection of the bankruptcy court, Eastern has lost over $850 million. They have done twice as good as the objectors predicted would have resulted had we passed that legislation. They said "$1 million," and they have lost over $2 million a day on their own, under protection of the bankruptcy court. That is a pretty sad state of affairs as far as I can see it.

As for the constitutional arguments, a simple study commission does not interfere with anybody's constitutional powers. Let us go back to the bill this House approved a year ago and the report of the American Law Division of the Library of Congress which concluded, after examining the constitutional questions raised about that legislation:

> It cannot be persuasively argued that Eastern's filing under chapter 11 exempts it from continuing compliance with the Federal labor laws, or that compliance with those laws constitutes the taking of private property without compensation. . . we conclude that the subject legislation appears constitutionally sound.

Goodness, then this one surely is.

I must say, in all fairness, it has been a very, very respectful debate, and I must say that there has been, in contrast to the statements issued earlier, no secretary bashing. To disagree with the opinion of the Secretary of Transportation is not to bash him. We will have disagreements, and we have done so respectfully this afternoon.

But I did like my colleague from Pennsylvania's reference to the Congress coming in as the cavalry to resolve this dispute. I was hoping we would, and we did a year ago. We rode

into this Chamber, and by an impressive vote passed the bill that would have done something good and effective about this dispute. The trouble is, the cavalry ran into "Little Big Horn" down the corridor here in the other body, and out of that ambush came this modest, modest, greatly scaled down, poor image of itself bill that everyone says now, heavens, if we pass this bill, Eastern Airlines goes down in flames, and we have lost this great competitor in the airline industry. That reminds me of all of the Chicken Littles in the world gathered in one room complaining about a piece of the sky falling.

We have nothing to fear from a little bit of truth and a little bit of fact, and that is all we are asking for. Override the President's veto. Give a fair, impartial commission an opportunity to look at the facts, make some recommendations, no obligation on the President or the Secretary to do anything about it, no obligation on the Congress to do anything about it.

□ 1420

Maybe we will. Maybe hearings will be held on their recommendations and their findings. That is an issue for another day.

That issue will be decided on the merits of whatever this Board recommends to the public, to the President, to the Secretary and to the Congress.

All this debate is about one last measure of dignity and self-respect for the workers at Eastern Airlines who walked off their job in protection of their economic rights.

Let us override the President's veto.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the motion to override the President's veto of H.R. 1231, to establish an emergency board to investigate and report the dispute between Eastern Airlines and its collective bargaining units.

It is important to remember that this bill was first passed at the recommendation of a National Mediation Board. The Mediation Board has advised the Chief Executive to appoint an emergency board 34 times this century; this is the first time a president has refused to comply with the Board's request.

Texas Air, Eastern's parent company, has a history of troubled labor relations. Following the acquisition of Continental Airlines, the company filed for bankruptcy and unilaterally terminated all union contracts. Since Frank Lorenzo took control of Eastern nearly $900 million in assets have been sold off. A bankruptcy examiner has concluded that Texas Air has unfairly drained as much as $400 million from Eastern Airlines during this dispute.

The mounting frustration and increased hostility at the airline make a successful resolution to the labor dispute virtually impossible. The proposed Commission's recommendations would not be binding to either Eastern or the unions or interfere with the ongoing bankruptcy proceedings.

The Commission is also needed to examine and make policy recommendations concerning the Federal authority to intervene in airline mergers, acquisitions and bankruptcies which threaten airline competitiveness. As the airline industry continues to consolidate at the expense of competitiveness, it is absolutely vital that these broader issues be examined in order to protect the public interest.

In the interest of fairness and workers rights, this issue deserves a nonpartisan assessment by a presidential emergency board. I urge my colleagues to join me in supporting the override of the President's veto of this important legislation. Thank you.

Mrs. LLOYD. Mr. Speaker, I rise in support of the motion to override the Presidential veto of H.R. 1231— to establish a four-member bipartisan commission to be appointed by Congress that would investigate and make recommendations to resolve the labor disputes between Eastern Airlines and its three unions.

I am disappointed that the President vetoed this timely and important legislation and I believe it is imperative that the House vote today to override. If President Bush had signed H.R. 1231 on November 21, 1989, instead of presenting his veto message, the investigation called for by the bill could now be complete and the recommendations made. Instead, Eastern Airlines 18,000 employees and their surrounding communities are suffering the ill effects of a protracted strike and the cities Eastern serves, and the traveling public, are in danger of loosing still another major air carrier.

The administration has repeatedly stated that their objections to this bill center on their policy against intervening in the collective bargaining process. However, I maintain that the recent action by Labor Secretary Elizabeth Dole in the United Mine Workers strike against Pittson Co., is a strong example of why this legislation is warranted. The Secretary of Labor took full credit for her recent role in helping to negotiate a settlement in the coal workers dispute and I believe that the employees of Eastern Airlines deserve no less consideration by the administration.

The future of Eastern Airlines must remain an issue of concern to all of us. It is imperative that we bear in mind that Eastern was the sixth largest carrier in the United States handling more than 36 million passengers in 1988. Failure to end this dispute and restore Eastern as a major carrier would drastically undermine the competitiveness of our Nation's airline industry. An override of the President's veto of H.R. 1231 and the formation of a blue-ribbon panel to identify the cause of the disputes will help put Eastern back on its feet and restore it as a viable competitor.

I urge my colleagues to join with me in voting to override the Presidential veto of H.R. 1231.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARNARD). The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device and there were—yeas 261, nays 160, answered "present" 1, not voting 9, as follows:

[Roll No. 22]

YEAS—261

Ackerman	Geren	Nowak
Akaka	Gibbons	Oakar
Alexander	Gilman	Oberstar
Anderson	Gingrich	Obey
Andrews	Glickman	Olin
Annunzio	Gonzalez	Ortiz
Anthony	Gordon	Owens (NY)
Applegate	Gray	Owens (UT)
Aspin	Guarini	Pallone
Atkins	Hall (OH)	Panetta
AuCoin	Hamilton	Parris
Barnard	Harris	Patterson
Bates	Hatcher	Payne (NJ)
Beilenson	Hawkins	Payne (VA)
Bennett	Hayes (IL)	Pease
Berman	Hefner	Pelosi
Bevill	Hertel	Penny
Bilbray	Hoagland	Perkins
Boehlert	Hochbrueckner	Pickett
Boggs	Horton	Porter
Bonior	Hoyer	Poshard
Borski	Hubbard	Price
Bosco	Hughes	Rahall
Boucher	Hutto	Rangel
Boxer	Jacobs	Richardson
Brennan	Jenkins	Ridge
Browder	Johnson (CT)	Rinaldo
Brown (CA)	Johnson (SD)	Robinson
Bruce	Johnston	Roe
Bryant	Jones (GA)	Rose
Bustamante	Jones (NC)	Rostenkowski
Campbell (CO)	Jontz	Roukema
Cardin	Kanjorski	Rowland (CT)
Carper	Kaptur	Rowland (GA)
Carr	Kastenmeier	Roybal
Chapman	Kennedy	Russo
Clarke	Kennelly	Sabo
Clement	Kildee	Sangmeister
Coleman (MO)	Kleczka	Sarpalius
Coleman (TX)	Kolter	Savage
Collins	Kostmayer	Sawyer
Condit	LaFalce	Saxton
Conte	Lancaster	Scheuer
Cooper	Lantos	Schneider
Costello	Laughlin	Schroeder
Coyne	Lehman (CA)	Schumer
Crockett	Levin (MI)	Sharp
Darden	Levine (CA)	Sikorski
Davis	Lewis (GA)	Sisisky
de la Garza	Lipinski	Skaggs
DeFazio	Lloyd	Skelton
Dellums	Long	Slattery
Derrick	Lowey (NY)	Slaughter (NY)
Dicks	Luken, Thomas	Smith (FL)
Dingell	Machtley	Smith (IA)
Dixon	Manton	Smith (NJ)
Donnelly	Markey	Solarz
Dorgan (ND)	Martinez	Spratt
Downey	Matsui	Staggers
Durbin	Mavroules	Stallings
Dwyer	Mazzoli	Stark
Dymally	McCloskey	Stokes
Dyson	McCurdy	Studds
Early	McDade	Swift
Eckart	McDermott	Synar
Edwards (CA)	McGrath	Tallon
Engel	McHugh	Tanner
English	McMillen (MD)	Taylor
Erdreich	McNulty	Thomas (GA)
Espy	Mfume	Torres
Evans	Miller (CA)	Torricelli
Fascell	Mineta	Towns
Fazio	Moakley	Traficant
Feighan	Mollohan	Traxler
Flake	Moody	Udall
Flippo	Morrison (CT)	Unsoeld
Foglietta	Mrazek	Vento
Ford (MI)	Murphy	Visclosky
Frank	Murtha	Volkmer
Frost	Nagle	Walgren
Gaydos	Natcher	Walsh
Gejdenson	Neal (MA)	Washington
Gephardt	Nelson	Watkins

Waxman	Whittaker	Wolpe
Weiss	Whitten	Wyden
Weldon	Williams	Yatron
Wheat	Wise	Young (AK)

NAYS—160

Archer	Hastert	Quillen
Armey	Hefley	Ravenel
Baker	Henry	Ray
Ballenger	Herger	Regula
Bartlett	Hiler	Rhodes
Barton	Holloway	Ritter
Bateman	Hopkins	Roberts
Bentley	Houghton	Rogers
Bereuter	Huckaby	Rohrabacher
Bilirakis	Hunter	Ros-Lehtinen
Bliley	Hyde	Roth
Broomfield	Inhofe	Saiki
Brown (CO)	Ireland	Schaefer
Buechner	James	Schiff
Bunning	Kasich	Schuette
Burton	Kolbe	Schulze
Byron	Kyl	Sensenbrenner
Callahan	Lagomarsino	Shaw
Chandler	Leach (IA)	Shays
Clinger	Leath (TX)	Shumway
Coble	Lehman (FL)	Shuster
Combest	Lent	Skeen
Coughlin	Lewis (CA)	Slaughter (VA)
Courter	Lewis (FL)	Smith (NE)
Cox	Lightfoot	Smith (TX)
Crane	Livingston	Smith (VT)
Dannemeyer	Lowery (CA)	Smith, Denny (OR)
DeLay	Lukens, Donald	Smith, Robert (NH)
DeWine	Madigan	Smith, Robert (OR)
Dickinson	Marlenee	Snowe
Dornan (CA)	Martin (IL)	Spence
Douglas	Martin (NY)	Stangeland
Dreier	McCandless	Stearns
Duncan	McCollum	Stenholm
Edwards (OK)	McCrery	Stump
Emerson	McEwen	Sundquist
Fawell	McMillan (NC)	Tauke
Fields	Meyers	Tauzin
Fish	Michel	Thomas (CA)
Frenzel	Miller (OH)	Thomas (WY)
Gallegly	Miller (WA)	Upton
Gallo	Montgomery	Valentine
Gekas	Moorhead	Vander Jagt
Gillmor	Morella	Vucanovich
Goodling	Morrison (WA)	Walker
Goss	Myers	Weber
Gradison	Nielson	Wilson
Grandy	Oxley	Wolf
Grant	Packard	Wylie
Green	Parker	Young (FL)
Gunderson	Pashayan	
Hall (TX)	Paxon	
Hammerschmidt	Petri	
Hancock	Pickle	
Hansen	Pursell	

ANSWERED "PRESENT"—1

Campbell (CA)

NOT VOTING—9

Brooks	Craig	Neal (NC)
Clay	Ford (TN)	Solomon
Conyers	Hayes (LA)	Yates

□ 1445

The Clerk announced the following pair:

On this vote:

Mr. Yates and Mr. Ford of Tennessee for, with Mr. Craig against.

Mr. THOMAS of Wyoming changed his vote from "yea" to "nay."

Mr. PORTER changed his vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill are referred to the Committee on Public Works and Transportation.

The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, I came to the House floor and voted to override President Bush's veto of H.R. 1231, to establish an Eastern Airlines Labor Disputes Emergency Board. However, for some reason my vote was not electronically recorded. I wish to make it clear that I did vote to override the President's veto.

I ask unanimous consent that this explanation be inserted immediately after the recorded vote on H.R. 1231 in the permanent CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXPLANATION OF PROCEDURE FOR OFFERING AMENDMENTS TO H.R. 3581, RURAL ECONOMIC DEVELOPMENT ACT OF 1989

(Mr FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I would like to inform Members that the Committee on Agriculture has requested a rule that would require amendments be printed in the CONGRESSIONAL RECORD prior to the consideration of H.R. 3581, the Rural Economic Development Act of 1989. It is anticipated that the House will proceed to the consideration of the bill on Wednesday, March 14, 1990. Therefore, to fully protect their rights Members should have their amendments printed in the CONGRESSIONAL RECORD not later than Tuesday, March 13, 1990. This should allow Members ample time to prepare and file their amendments.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this 1 minute in order that I might inquire of the distinguished majority leader concerning the program for the balance of the day and the week, and also what the prognostications are for the following week.

Mr. Speaker, I am happy to yield to my distinguished friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the business of the day is finished. On tomorrow, Thursday, March 8, the House will meet at 11, but there will not be legislative business.

On Friday, March 9, the House will not be in session.

Next week, on Monday, March 12, the House will meet at noon. No legislative business is scheduled.

On Tuesday, March 13, the House will meet at noon and will proceed to consider two bills under suspension of the rules:

H.R. 2843, to establish Kino Missions National Monument in the State of Arizona; and

H.R. 1347, Panama Canal Act Amendments of 1990.

On Wednesday, March 14, and Thursday, March 15, the House will meet at noon on Wednesday and at 11 a.m. on Thursday. Members should be advised that the official photograph will be taken immediately after the House convenes at noon on Wednesday. We will then be taking up, on both days, H.R. 3581, the Rural Economic Development Act, subject to a rule.

On Friday, March 16, the House will not be in session.

Mr. MICHEL. Mr. Speaker, I might emphasize the point that was made by the gentleman from Texas [Mr. FROST] with respect to the rule on Rural Economic Development, that any amendments that Members want to have considered will have to be printed in the RECORD by the close of business on Tuesday; is that not correct?

Mr. GEPHARDT. The gentleman is correct.

Mr. MICHEL. Mr. Speaker, that is the extent of any questions I have to ask, but I have one other thing: Later on in the month, on March 27, I believe, we will observe the Eisenhower Centennial Celebration, and it is my understanding that there has at least been tentative approval for a joint meeting that we might have on that date to commemorate the centennial of former President Eisenhower.

Mr. GEPHARDT. Yes, Mr. Speaker; we will work with the gentleman and with other Members on that arrangement.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

I have no further questions, and I yield back the balance of my time.

□ 1450

ADJOURNMENT FROM THURSDAY, MARCH 8, 1990, TO MONDAY, MARCH 12, 1990

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 8, 1990, it adjourn to meet at noon on Monday, March 12, 1990.

The SPEAKER pro tempore (Mrs. PATTERSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MARCH 14, 1990

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, March 13, 1990, it adjourn to meet at noon on Wednesday, March 14, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON OPERATION OF SECTION 232 OF THE TRADE EXPANSION ACT OF 1962—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

Pursuant to the provisions of section 232(e)(2) of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862(d)(2)), I transmit herewith the report on the operation of section 232 of the act during fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1990.*

COMMEMORATING THE CENTENNIAL OF THE CREATION OF YOSEMITE NATIONAL PARK

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 398) to commemorate the centennial of the creation by Congress of Yosemite National Park, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HORTON. Madam Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER] for an explanation of House Joint Resolution 398.

Mr. SAWYER. Madam Speaker, I would like to take this opportunity to commend the sponsor of this legislation, the gentleman from California [Mr. LEHMAN], for this effort to recognize the creation of Yosemite National Park with a grant in 1864, and, since that time, the work that has been done in creating a pioneering park management within Yosemite National Park. It was established for purposes of preservation of the resources that contribute to its uniqueness and its attractiveness, and, whereas the Congress recognized the importance of this undertaking, I think it is important that we share that recognition today and use this occasion to commemorate its centennial.

Mr. HORTON. Madam Speaker, further reserving the right to object, I also want to acknowledge the fact that the gentleman from California [Mr. LAGOMARSINO] is a cosponsor of this legislation. I support the legislation and urge its adoption.

Mr. LEHMAN of California. Mr. Speaker, I rise today in support of House Joint Resolution 398, a bill to commemorate the centennial of the creation by Congress of Yosemite National Park. I urge all of my colleagues to join me in support of this resolution.

I have the great honor to represent Yosemite National Park—a premier national park and World Heritage Site. Last year, I introduced this legislation to help celebrate President Benjamin Harrison's decision, on October 1, 1890, to sign into law an act that set aside "reserved forest lands" surrounding Yosemite Valley. It is this date which has been formally recognized as the establishment of Yosemite as a national park for all the people of the United States.

In addition to commemorating the creation of the park, my legislation also pays tribute to what I believe is the finest national park in America. Covering over 1,200 square miles, Yosemite National Park lies in the Sierra Nevada mountains in Central California with the San Joaquin Valley to the west and the Great Basin to the east. Yosemite contains the headwaters of the Tuolumne and Merced Rivers and is known worldwide for such landmarks as Half Dome, Bridalveil Fall, El Capitan and, of course, Yosemite Valley itself.

Yosemite's history and its geography are stories of the American people and our relationship to the landscape. As Yosemite's 100th birthday approaches, it is time to reread these stories of our past so that we can apply their lessons to our future.

John Muir came to Yosemite in the 1860's and was among the first to recognize that Yosemite Valley was a product of glacier movement. He described glaciers as nature's landscape architects, saying: "Here are the roots of all the life of the valleys, and here more simply than elsewhere is the eternal flux of Nature manifested. Ice changing to water, lakes to meadows, and mountains to plains." Muir noted: "God's glacial mills grind slowly, but they have been kept in motion long enough in California to grind sufficient soil for a glorious abundance of life * * *."

Historians say that Native Americans first inhabited the magnificent landscape of Yosemite and the Sierra about 3,000 years ago. Ancestors of the Sierra Miwok, known as the Ahwahneechee or Yosemite Indians, entered higher elevations of the Sierra from the Central Valley of California. Non-Indian adventurers did not arrive until 1833 when, it is believed, the famous Joseph Walker party skirted the cliffs of Yosemite Valley in search of new fur-trapping territory. In 1851 Major James D. Savage led the Mariposa Battalion into Yosemite Valley in pursuit of Indians.

The first tourists came to Yosemite in 1855 with a party organized by James M. Hutchings, who was the publisher of California Magazine. Hutchings' visit marked the beginning of Yosemite as an attraction for nature lovers and tourists. One of those early visitors to Yosmite was Horace Greeley, who wrote: "I know no single wonder of Nature on Earth which can claim a superiority over Yosemite." Landscape painters such as Albert Bierstadt and Thomas Moran lent their talents to idealized portraits of Yosemite and photographers such as C.C. Weed and Carleton Watkins exhibited their Yosemite works in New York galleries. It was only a matter of time until both protection and promotion of Yosemite became a cause of California and for the Nation.

Although Yosemite's official birthday is October 1, 1890, when Congress designated the region surrounding Yosemite Valley as a reserve, in a symbolic sense Yosemite is the first and oldest national park in the world. In 1864, a businessman wrote California Senator John Conness to request that he introduce a bill to preserve Yosemite Valley and the Mariposa Grove of Giant Sequoias—"to prevent occupation and especially to preserve the trees in the Valley from destruction." On June 30, 1864 President Abraham Lincoln signed into law the first scenic reservation in America for public enjoyment, which came to be known as the Yosemite grant. The Federal Government granted Yosemite Valley and the Mariposa Big Trees, covering 60 square miles, to the State of California to preserve the area's outstanding scenic qualities. This first set-aside of land at Yosemite by the U.S. Government was the birth of the national park system idea and the birth of State park systems throughout America.

California administration of Yosemite Valley and the Mariposa Big Trees continued until 1905–06 when California relinquished its ownership and President Theodore Roosevelt signed a Federal law accepting the return of the Yosemite grant. The Yosemite grant was thus combined with the 1890 backcountry Federal forest reserve to constitute Yosemite National Park.

The years when Yosemite Valley and the Mariposa Grove were administered by California State commissioners were controversial ones. Yosemite Valley was a laboratory for the development of park management and conservation practices, and the results were often mixed. Frederick Law Olmsted was the first chairman, of the Board of Yosemite Commissioners, and in 1866 the California legislature appropriated the sum of $2000 for the management of the Yosemite grant. In the decade preceding the grant, total visitation to Yosemite Valley barely exceeded 600 persons for the entire period. Ten years after the Yo-

semite grant, visitation rose to 2,700 persons annually.

Complaints about Yosemite management were numerous, and reading about them more than a hundred years later gives one a very strong sense of deja vu. Access to and within the park was a serious problem, as were visitor accommodations. In order to generate revenue for visitor services and park improvements, lands and buildings were leased to private individuals. Yosemite's manager, known as the Guardian, was accused of favoritism in granting privileges and leases at Yosemite. River courses were changed and meadows were drained to allow cultivation in Yosemite valley. Magnificent trees were cut to improve vistas and portions of the valley floor were fenced with barbed wire. Enormous controversy arose over the Yosemite Commission's efforts to divest the valley floor of settlers. Hotel proprietors were accused of pooling to boost rates.

Objections were voiced to the Yosemite Commission's park expansion proposal by individuals who feared State control of future central California water sources because of domination on the Yosemite board by southern California and San Francisco interests. John Muir came to Yosemite Valley during the State grant years and condemned the commercialism in Yosemite Valley—from fenced pastures to damage by sheep and lumbermen.

Eventually discontent with California's administration of the Yosemite Grant led to creation of the U.S. Forest Reserve surrounding Yosemite Valley, and for 16 years dual management coexisted. Yosemite Valley and the Mariposa Grove became a park within a park, with the valley and grove administered by State commissioners and the backcountry administered by the U.S. Army.

On October 1, 1990, we will celebrate the official creation of Yosemite National Park. We will acknowledge that the last 100 years of park administration have not been perfect and that most of today's problems have ancestors dating from the 19th century.

Over the course of the last 100 years at Yosemite, the size of Yosemite has diminished to accommodate mining and timber potential and to eliminate most private inholdings. Management policies at Yosemite have fluctuated—trying to walk the precarious tightrope between visitor use and preservation of the natural environment. In 1907, a bold U.S. Army major at Yosemite received permission from the Secretary of the Interior to ban automobiles from the park. Today, with annual visitation exceeding 3 million people, automobiles probably represent the single biggest threat to Yosemite National Park.

In 1913, the U.S. Congress enacted the Raker Act which allowed the construction of O'Shaughnessy Dam and the massive Hetch Hetchy hydroelectric system within the park. In 1988, Congress enacted new legislation to prohibit any expansion of the Hetch Hetchy reservoirs in Yosemite. Today Yosemite's prime concessioner is criticized for contributing to the urbanization of the park. At various times in the past, Yosemite embraced such anomalies as a petting zoo, a dance hall, a race track for Indian Field Days and a firefall from Glacier Point during evening park programs.

Through all the variations of State and Federal, military and civilian management, Yosemite National Park has survived the 19th and 20th centuries and has given millions of American families countless hours of enjoyment. The park's interpretive services, its museum and its education programs have served as models for all of our national parks. Yosemite was said to be the favorite park of Stephen Mather, the first Director of the National Park Service, who set about making Yosemite the showplace of the National Park Service.

Americans have much to celebrate during Yosemite's centennial; as we approach the 21st century at Yosemite, we have even more to contemplate. The challenge of natural preservation in concert with public use at Yosemite have existed from the very beginning. In the late 1920's and 1930's, Yosemite Park Superintendent Charles Goff Thomson summed up these challenges very well. Thomson described it as reconciling two conflicting objectives * * * "First, the National Park Service is controlled by an earnest determination to preserve the parks for posterity * * *" "Our second responsibility," Thomson said, * * * "is to make Yosemite as useful as possible to the people of this generation * * *".

I urge my colleagues to join with me in commemoration of Yosemite National Park and our National Park Service whose very roots lie in this grand Sierra Nevada landscape.

Mr. HORTON. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 398

Whereas the first application of a park concept originated in Yosemite with the grant of 1864 (Federal land given to California for preservation) and since that time the park has played an important role in pioneering park management concepts;

Whereas Yosemite National Park was established for the purpose of preservation of the resources that contribute to its uniqueness and attractiveness;

Whereas the United States Congress recognized the importance of preserving this great park for future public enjoyment when it established Yosemite National Park;

Whereas Yosemite National Park is a showcase of spectacular geological features, including the greatest concentration of granite domes in the world and the largest exposed granite monolith in the world;

Whereas Yosemite National Park possesses outstanding recreational values and supreme scenic attractions, including alpine and subalpine wilderness, three groves of giant sequoia trees and thundering waterfalls that are among the world's highest;

Whereas Yosemite was the birthplace of the idea of the Sierra Club;

Whereas Yosemite plays an important role in wildlife preservation and preserving biological diversity;

Whereas Yosemite is a world heritage site which has made a significant contribution to California's cultural heritage, to the national park movement, and to Yosemite's 4,000 years of cultural heritage by Native Americans;

Whereas Yosemite provides solitude and inspiration and serves as an outdoor classroom for environmental education;

Whereas each year Yosemite National Park welcomes millions of people from around the world; and

Whereas Yosemite National Park was established on October 1, 1890, and is the Nation's third oldest national park: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes and commemorates the centennial of Yosemite National Park, created by Congress in 1890. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the centennial with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRIET TUBMAN DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 257) to designate March 10, 1990, as "Harriet Tubman Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HORTON. Madam Speaker, reserving the right to object, I will not object, but I will yield to the gentleman from Delaware [Mr. CARPER]. However, Madam Speaker, before I yield to him, I would like to say that Harriet Tubman owned a home in Auburn, NY, which is in my district.

Harriet Tubman is highly regarded in upstate New York, especially with regard to the Women's Rights Historic Park which is located in Seneca Falls and is not too far away from Albany, NY.

Madam Speaker, I yield to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Madam Speaker, my colleagues, I appreciate very much what the gentleman from New York [Mr. HORTON] has said, and I found in the last several weeks, as I have sought to enlist cosponsors of this resolution, that Harriet Tubman was not just a woman, a former slave born in Bucktown, MD, who made an impression and left an impact on that State, and not just a former slave who lived a few years and left an impact of some significance in my State of Delaware, not just a woman who left an imprint in the State of New York where she died in the year 1913, not just a woman who left an imprint in Massachusetts where there are buildings and memorials to her, not just a woman

who left her imprint in the 20 States that have honored her by making this March 10 Harriet Tubman Day, but she has literally emblazed her name in the history books of our country.

Madam Speaker, I think all of us, all of us in this body, would like to think that we might somehow leave a legacy so that 50, or 100 or 150 years from now, when we are no longer on this earth, people still remember us for what we have done.

If there is someone from my part of the country that I would want us to remember, it is Harriet Tubman, a woman born in 1820 in a State neighboring ours, the Eastern Shore of Maryland, a woman who was born into slavery, but later became a conductor on the underground railroad that led to the freedom of hundreds of people enslaved in this country in the 19th century. She became a conductor and led nearly 20 trains as a conductor. She led slaves to their freedom prior to the Civil War. She became an eloquent and effective spokesperson on behalf of the movement to abolish slavery. In the Civil War she served as a soldier. She served as a spy. She served as a nurse, a scout, a cook and, as a leader, in working with newly free slaves. After the war she lived for another 50, almost 60, years, and in those years she continued to fight for basic human dignity, for the rights of all of us, for the opportunity that our Constitution requires.

Madam Speaker, Harriet Tubman is a lady that we are going to remember on March 10. We will remember her in my State of Delaware. We will remember her in the States where there are high schools named after her, elementary schools named after her, junior high schools named after her, colleges named after her, where there are statues, and where there are not, and wherever there are people who today enjoy their freedom regardless of the color of their skin. They and we owe a special debt of gratitude to Harriet Tubman whose memory we commemorate with this resolution, and to each of the 218 Members who have joined me as cosponsors, I would like to say to each of them, Democrats and Republicans, men and women, black and white, "Thank you very much."

Mr. HORTON. Madam Speaker, I am in support of House Joint Resolution 479, and I join with the gentleman from Delaware [Mr. CARPER] in urging its adoption.

Madame Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 257

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around the year 1820;

Whereas she escaped slavery in 1849 and became a "conductor" on the Underground Railroad.

Whereas she undertook a reported nineteen trips as a conductor, endeavoring despite great hardship and great danger to lead hundreds of slaves to freedom;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas she served in the Civil War as a soldier, spy, nurse, scout, and cook, and as a leader in working with newly freed slaves;

Whereas after the war, she continued to fight for human dignity, human rights, opportunity, and justice; and

Whereas Harriet Tubman—whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom—died at her home in Auburn, New York, on March 10, 1913: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 10, 1990 be designated as "Harriet Tubman Day," to be observed by the people of the United States with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1500

DEAF AWARENESS WEEK

Mr. SAWYER. Madame Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 227) to designate March 11 through March 17, 1990, as "Deaf Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mrs. PATTERSON). Is there objection to the request of the gentleman from Ohio?

Mr. HORTON. Reserving the right to object, Madam Speaker, and I do not object, I support the legislation, and I would like to simply state that the minority has no objection to the legislation now being considered and I would urge its adoption.

Madame Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 227

Whereas during the second week of March 1988, a revolutionary sequence of historic social events evolved on the campus of Gallaudet University, the only university in the Nation which teaches exclusively deaf and hard of hearing students;

Whereas the events which occurred at Gallaudet University in the Spring of 1988 had great significance to all Americans, especially those who are deaf or hard of hearing;

Whereas the week long social protest at Gallaudet University awakened the people of nations around the world to the fact that deaf and hard of hearing individuals are able to achieve at the same level as others and need to be recognized as individuals with unique abilities and qualities; and

Whereas the week long social protest at Gallaudet University served to educate and sensitize the American people concerning the hopes and dreams of the twenty-four million Americans who are deaf or hard of hearing. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 11 through March 17, 1990, is designated as "Deaf Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week by remembering the significance of the historic social movement, which began in March 1988 at Gallaudet University, through appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on House Joint Resolution 398, Senate Joint Resolution 257, and Senate Joint Resolution 227, the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. FRANK. Madam Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include extraneous material on H.R. 1231, the bill which was considered earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUSING PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Madam Speaker, when we passed the bill last year at the request of the administration dealing with the crisis that resulted from the failure of some of these savings and

loans, we included amendments, and I see the chairman of the Banking Committee here who very much took the lead in this, to try to help people of low- and moderate-income who needed housing. We believed that we had a rare opportunity here to show the Government's acquisition of a housing stock as a result of these financial troubles could be used in an efficient manner to provide housing for people who very much needed it. One of the things we did specifically was to take an idea that the Secretary of Housing, our former colleague, Mr. Kemp had pushed, and include specific provisions for home ownership for low-income people; that is, we said let us take the inventory that the Federal Government now owns, and in some cases where the housing is inexpensive, let us make a special effort to make it available to low-income people.

Sadly, this administration has been fighting that provision almost from the day we announced it. They fought our efforts to make it a part of the bill, and sadly, even more so, they have not given up the fight.

As we meet today, the administration continues to resist implementation of that program. The Department of Housing and Urban Development, which we in the Congress put on to the board that runs this program, has been doing well, but the Treasury has been resistant in an extraordinary degree.

It has reached the point, Madam Speaker, where the League of Cities of the United States, a representative broad-based organization representing the municipalities of this country, at their meeting this week voted a specific resolution asking this Congress to cease any further cooperation with the Resolution Trust Corporation, the entity in charge of the savings and loan crisis, until they begin to administer in good faith this housing program. In other words, the administration stands in what seems to me the unenviable position morally of having asked us to provide the funds to deal with the savings and loan bailout and turning around and refusing to implement reasonable provisions adopted by a bipartisan vote to help low- and moderate-income people. When the League of Cities takes the position that we have gone beyond simple differences of opinion, but we have reached the point of absolute noncooperation, and they ask us, and they are a very responsible organization, when they ask us in effect to stop the RTC from functioning until they begin to carry out the program, I hope people will take notice.

There is a broader point here as well. When we originally put through that amendment, we were told by the administration it was too rigid and they asked for more flexibility. Tragically, they are using that flexibility, not in good faith, but to frustrate the program.

An administration which asks for discretion and then abuses that discretion so that you get organizations like the League of Cities or the National Council of State Housing Authorities complaining very angrily about that, that is going to make many of us much more unwilling to grant discretion in the future.

We are only asking this administration to follow the lead of their own Housing and Urban Development Department, which is the most responsive to the housing crisis. and take advantage of this fact that we have a great deal of housing and make it available.

I commend the League of Cities for their diligence. I admire their willingness to take this kind of a tough position, and I hope the administration will understand the justice of the position of the League of Cities and will abandon this effort to undermine this important provision.

Madam Speaker, I append to my remarks today the specific language and the wording of that resolution, as follows:

Eighth, we urge Congress to reject any increased borrowing or spending for the savings and loan bailout, for working capital or any other purpose, unless and until the Federal Government works directly with cities and States to meet the affordable housing and community reinvestment goals and objectives set out in the law.

TRIBUTE TO ALDERMAN VITO MARZULLO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to pay tribute to the Honorable Vito Marzullo, former alderman in the Chicago City Council, who died at age 92, on Monday, March 5, after a long and distinguished career in public service to the people of the city of Chicago and the State of Illinois.

Vito and I were very good friends, and I shall always cherish his advice, his political judgment, and his sense of humor. He will be sorely missed by all of the people in the city of Chicago, especially by the Italian-American community, which he so tirelessly served.

Vito Marzullo was born in Senerchia, Italy, on September 10, 1897, and as a young boy moved with his family to the West Side of Chicago in May 1910. He lived all of his life in this neighborhood, which he dearly loved, and dedicated his life to public service for his community.

Beginning his political career as a precinct captain in 1920, he also worked as a clerk in the county treasurer's office, as a section foreman in the city's street department, and as a municipal court deputy bailiff. He also served as a representative in the Illinois General Assembly from 1940 through 1954.

Vito Marzullo, however, will best be remembered for his dedicated service as alderman and as committeeman for the people of the 25th ward in Chicago. He served as ward committeeman from 1956 until 1984, and as alderman from 1953 until his retirement in 1986. His power in the Chicago City Council was legendary, and he was highly respected by both Democrats and Republicans for his knowledge of the neighborhoods which he represented, and his unshakable desire to improve the lives of its residents.

Vito Marzullo contributed greatly to the rich and diverse history of the politics of the city of Chicago, and his death is a tremendous loss to the people who knew him, and the people whom he served.

Mr. Speaker, Mrs. Annunzio and I extend our deepest sympathy to his wife, Letizia, his sons, William and Robert, his four daughters, Helen Dimperio, Adeline Maiorano, Ann De Maria, and Eleanor Masciola, and the other members of his family who survive him.

VACATION OF SPECIAL ORDER AND GRANTING OF NEW SPECIAL ORDER

Mrs. BENTLEY. Madam Speaker, I ask unanimous consent to withdraw my request for a 60-minute special order today and replace it with one for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

TIME TO REVIEW PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, recent statistics show that there are more black males in prison than there are in college.

These figures are alarming.

I cannot offer reasons, but I would like to say that, a couple of years ago, officials at Morgan State University, a school in Baltimore with a high minority enrollment, asked me to help them obtain funding from the dpartment of eucation. The money would have been used for upgrading the dorms.

I went in the dorms: they were a disgrace. I was appalled. In fact when I described them to business people and others, they could not believe the horrible description.

But, at that time, Federal funding was unavailable.

The State of Maryland will soon be aiding Morgan, but the students couldn't wait and, yesterday, they took over Morgan's administration building because of living conditions—including rats as roommates.

I invite the Secretary of Education and the director of the Bureau of Prisons to go to Allenwood Prison, and then, come to Morgan State.

I find it inexcusable that living conditions at a Federal prison should be better than those at a school for higher learning.

Funding needs to be spent in education and in training our work force. Only a nation that reads, thinks, and knows how to compute will be able to compete in the technological 21st century.

□ 1510

FOREIGN POLICY: TIMIDITY AND VISION

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Madam Speaker, I want to talk today about foreign policy, timidiy and vision, and I was impressed, as I announced in my 1-minute earlier, with the daring of the Democratic majority leader in the House in charging yesterday that the United States is failing to capitalize on the sweeping changes in Eastern Europe because of what he called President Bush's timid, unimaginative leadership.

I wanted to propose three things. The first, that the Democratic Party's record in foreign policy over the last quarter century is hardly the sort of base from which to propose somebody else's needs to be more bold and more risk-taking. The second is that in fact President Bush has been doing rather well, if we measure by results, and, third, that we are in fact, as Jim Pinkerton said in his speech to the World Future Society, in the process of developing a new paradigm.

I encourage any of my colleagues, Democrat or Republican, who would like to share some of this time during this hour, because after I get through a few minutes of outlining this, I will be glad to open it up for anyone to debate.

It is interesting to note that while apparently the Democratic majority leader was proposing United States aid to the Soviet Union, that not even all the Democrats agree. Let me quote from this morning's Washington Post:

"Not only have the Soviets not requested U.S. aid," observed Senator Bradley, Democrat of New Jersey, "any assistance would be wasted absent fundamental reform of the Soviet economy. Unless they reform the economy, any economic aid is going down a rathole," Bradley said.

I think that is fascinating at two levels. First of all, I know that many people in the Democratic Party believe in giving away money whenever possible, but I think to suggest that giving money to the Soviet Union before they ask for it is a bit too premature.

I think Senator BRADLEY put his finger on what should be one of the key tests to examining how we help Eastern Europe. If Communist dictatorships, as they democratize, insist on keeping socialism, insist on keeping bureaucracies, insist on blocking the emergence of the fundamental principles of sound economy, then, in fact, they are not going to work. The reality is that there are principles which make for economic growth, and that private property, free markets, incentives, encouraging take-home pay, keeping taxes low, encouraging saving and investing, being part of the world market, having a sound dollar or sound currency are very, very important, that they cannot get economic growth without following the basic principles.

In fact, ironically, those Third World countries which have listened to the advocates of the bureaucratic welfare state and listened to the advocates of the values of the left have essentially not done very well. They have often done very, very badly in economic growth.

Those Third World countries, Singapore, Hong Kong, Taiwan, and South Korea being the finest examples in terms of economic growth, who have followed the basic principles of encouraging private property, encouraging private investment, encouraging competition in the world market; those countries have, in fact, had dramatic growth.

The fascinating suggestion that we should somehow prop up Communist bureaucracies is interesting, and I assume that it was meant seriously. But I do not see how it works.

Gorbachev's primary problem is how to find the moral courage to shift to private property. The fact is that while there are a tremendous number of paper rubles in the Soviet Union, there is nothing to buy, and if the Soviet Government were to offer to sell housing to the people so they owned their own housing, if the Soviet Government were prepared to sell farms to the farmers so they could own their farms, if the Soviet Government was prepared to sell factories and offices so people could own the means of production, they would absorb most of the ruble overhang by having people invest it and then they would not have a risk of inflation. Until Gorbachev and the Soviets are prepared to establish the rule of law in private property and free markets, to set up a tax system which encourages the right kind of investment, no amount of American foreign aid would help.

But there is a second factor. Not only would it be, as Senator BRADLEY said, throwing economic aid down a rathole to send economic aid to the Soviet Union, as the Democratic majority leader suggested, but in addition, propping up Communist bureaucracies in Eastern Europe is the worst possible strategy if we believe in democracy and if we truly want to help people.

The fact is that the Democratic majority leader in his speech on page 2 talked about 1848. I used to teach history, and I think 1848 is a very important year. If we look at it, he said:

It is absolutely essential that we be guided by the constellation of democratic values. 1848 was called the springtime of nations.

For those of us who studied history, that is a very revealing concept, because in fact 1848 was a period of popular movement toward democracy. It was repressed in Hungary by the Russians, by the Czar. It was repressed in Germany and led ultimately to the founding of the Prussian Empire, and it was in many ways the democratic revolution that failed.

I recently heard Henry Kissinger, a historian and political scientist, talk about the danger of 1990 becoming another 1848, and he meant it not in the positive sense of the Democratic majority leader. He meant it instead as a warning in the sense that if we are not very careful, the Communist bureaucracies in Poland, Hungary, Czechoslovakia, the Soviet Union will retain the power to crush the democracies and, in fact, while there has been political power transferred so that we now have a playright who is President of Czechoslovakia, Mr. Havel, he does not necessarily control all the bureaucracy. The very same Communist bureaucrats who were in office 10 years ago, 15 years ago are still in office in most of these countries, and for us to decide to send the taxpayers' money to prop up a Communist bureaucracy, that is, government-to-government aid, could well be, in fact, exactly the wrong policy.

What we should be saying to these countries is, "We want to encourage you to get involved in the world market. We want to encourage you to set up private property. We want to encourage you to set up a tax system which, by the way, would include a very low capital gains tax rate." If these various countries decide they want economic growth, they will probably end up with a lower capital gains tax than the United States has. And so I think the principles matter.

Let me say two other quick things. Second, I found it fascinating that a Democratic Party leader would decide to compete with George Bush on foreign policy, would decide to suggest that President Bush was somehow being too timid or was lacking vision. My memory of the modern Democratic Party is of a foreign policy that verges on being destructive.

I think if we look at the Bay of Pigs in the early 1960's under a Democratic President, if we look at the Vietnam war in the late 1960's under a Democratic President, if we look at the Ira-

nian hostage crisis, the Soviet invasion of Afghanistan, and the collapse of Nicaragua into a Communist dictatorship under a Democratic President, it does, indeed, take a certain amount of chutzpah for a Democratic leader to jump up and suggest that we should take more risks, because it seems to me that President Bush has been remarkably successful in helping Nicaragua become free, in helping Panama become free, Eastern Europe become free, without, in fact, taking radical risks which are not necessary.

Mr. FROST. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Texas.

Mr. FROST. Madam Speaker, the gentleman has discussed things in his usual interesting style, and I would only ask the gentleman, without going into a debate on the question of what happens in the Soviet Union, because that is, of course, a debatable matter at this point, but I am troubled by what he is saying about Eastern Europe. It sounds like the gentleman would just abandon Eastern Europe, would just say that we have these new democratic movements and let them just fail, let us not try and help them at all. That certainly is not where the American public is.

The American public is very proud, proud of what has happened in Poland, and that was clear when Lech Walesa came and addressed this Congress and went to Chicago and went to some of the other major cities in this country. The American public was very proud when President Havel came and he gave a most impressive speech to this Congress.

I cannot believe that I am hearing what this gentleman is saying, that he would just abandon these countries and let these fledgling democracies fail by being so timid that we would not offer them some help.

We all understand that we have budgetary problems in this country. No one is suggesting there should be a blank check. But there is some opportunity, there is some opportunity to play a very direct and constructive role to help the first possibility for democracy in those countries in over 40 years.

□ 1520

I can't think anything could be worse for the world than for us to stand idly by and let those countries revert, revert back to a totalitarian system. I am just surprised that the gentleman from Georgia [Mr. GINGRICH] would say that there is no role for us to play in Eastern Europe.

Mr. GINGRICH. If I may reclaim my time, let me just say first of all to my friend, the gentleman from Texas [Mr. FROST], that I do not believe in America that the only way we can help democracies emerge is by maximizing government aid.

Mr. FROST. It is not a question of maximizing. The gentleman is saying we should not provide aid.

Mr. GINGRICH. If I may just make this one point, let me talk about the comment of the gentleman from Texas. I do not think the gentleman understands.

Mr. FROST. I heard the words.

Mr. GINGRICH. The gentleman from Missouri [Mr. GEPHARDT], the Democratic majority leader, said yesterday, talking to the American people, "The reason they oppose increased investment in democracy in that region," meaning East Germany, and that is just not true. The American people want investment in Eastern Europe. They like joint ventures. They like private business. They like private contributions, private charities. They are even willing to have, as President Bush has suggested, some limited aid to those countries such as Poland, Hungary, and Czechoslovakia, that are making the transition.

I think where the American people draw the line is in two places: first I suspect they were as surprised as we were to have the Democratic majority leader suggest that we send aid to the Soviet Union. I do not think the American people are ready to send foreign aid to the Soviet Union, despite some Democrats. I thought that was a little bit bold.

Second, I think that most Americans do not regard the primary way of America functioning as government aid.

Madam Speaker, let me yield to the gentleman from California [Mr. DREIER], and then I will come back to the Democratic side.

Mr. DREIER of California. Madam Speaker, I thank my friend for yielding. I would like to congratulate him for taking out this time to talk about that very interesting speech which a number of Members have read about.

I think it is very clear that the American people do have a tremendous interest in providing assistance to those who are emerging from this totalitarianism which they have suffered from for literally decades in many cases.

I think many of us in the last several weeks and months have had the opportunity to visit Eastern Europe. One of the things I found from being over there in January, that for starters they do not have either the infrastructure or the communications network to absorb large amounts of cash.

I think that if we are going to get to a position where we are going to try to provide some kind of encouragement, it should be through innovative, creative ways, rather than simply the standard solution offered by many of our friends in this House, that of throwing more and more money at the problem.

Let me throw out a couple of what I think to be creativ ways in which we can address it. Sitting up in my office right now I have a young person called Slawek Gorecki who was nearly arrested on December 13, 1981, when as a member of the Solidarity movement he had to flee due to the fact that Soviet tanks were rolling into Warsaw.

There are now about 14 other interns or fellows who have come from Eastern Europe to the United States to learn about our form of government here. Some have argued that after 3 months of working on Capitol Hill, they may want to go back to Communist totalitarianism.

But I do believe in fact that there is going to be a clear benefit accrued to these people, as we look at a creative way to address the issue that the gentleman from Georgia addresses.

I also think that we have a number of government programs which could be utilized. One example is the Small Business Administration.

Now, I have not been a champion of the Small Business Administration in this House throughout the past decade because I have been concerned about the fact that it creates a subsidized competitive advantage over small businesses that have had to rely on the private marketplace for their sources of credit.

But I will tell you that there are a number of aspects of the Small Business Administration which could truly help those trying to emerge to this democratic form of government in Eastern Europe.

The Service Corps of Retired Executives, the SCORE program, is one example.

People whom I met with in Hungary, Poland, Czechoslovakia, and East Germany said yes, they would like this kind of expertise from the United States in that area.

I think the Peace Corps is another example of an area where we could see a tremendous involvement by the United States. But the simple solution of saying that there is no leadership by the President of the United States is absolute baloney. I think that we have got to recognize he is championing, along with a number of people in this House, these kinds of recommendations.

I thank the gentleman for yielding.

Mr. GINGRICH. Madam Speaker, reclaiming my time, tomorrow it will be 1,000 days since Ronald Reagan stood at the Berlin Wall. He said several things. He said freedom itself is transforming the globe. He said, and this is the point we are trying to make about the difference between the values of the left and the rest of us in terms of how you would help Eastern Europe. He said:

In West Germany and here in Berlin, there took place an economic miracle, the Wirtschaftswunder. Adenauer, Erhardt, Reuter, and other leaders understood the practical importance of liberty. That just as truth can flourish only when the journalist is given freedom of speech, so prosperity can come about only when the farmer and businessman enjoy economic freedom. The German leaders reduced tariffs, expanded free trade, lowered taxes. From 1950 to 1960 alone, the standard of living in West Germany and Berlin doubled. Where four decades ago there was rubble, today in West Berlin there is the greatest industrial output of any city in Germany.

My point is when a Hungary or a Poland or an Estonia or a Latvia makes a commitment to their version of the Wirtschaftswunder and you have a free market, a stable currency, private property, then I think we can say they have made the transition.

But to give them aid, to suggest as the Democratic majority leader did, that we should send aid to the Soviet Union before it has made that kind of transition, I think would be very, very destructive.

Madam Speaker, I yield to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Madam Speaker, I thank the gentleman from Georgia. I think that as this extraordinary process of the democratization of Eastern Europe unfolds, that it is inevitable that the parties will debate whose policy brought it about, and there are liable to be differences and that ultimately these differences will probably not be resolved here on the floor, but by the judgment of history.

It troubles me somewhat when I hear the gentleman from Georgia [Mr. GINGRICH] characterizing the speech of the majority leader, that he reads the Washington Post and my friend BILL BRADLEY'S comments about what DICK had to say, that nowhere is there a discussion of what in fact the majority leader did say.

I am sure the gentleman has read the majority leader's speech, and maybe the gentleman can find in the speech for me and quote to us all the specific passages where the majority leader talks about providing more aid.

The majority leader talks about proposing a food for freedom program. He talks about the lessons that President Havel, who spoke in this Chamber very eloquently, someone who has tasted very bitterly the jack boot of Soviet oppression, suggests to the Congress that we help the Soviet Union.

The majority leader, as far as I can determine from his speech, has been talking about things that are not all that different than what the President has suggested, but rather that we be more imaginative and possibly expedite the process.

If the gentleman would continue to yield, and I appreciate his indulgence, the majority leader says on this point:

I must say that President Bush has been right as far as he has gone. He has lent important political and moral support to the process of reform in the Soviet Union. I would like to enlist American farmers and business people to make more substantive investments as well. Anyone who has seen the lines outside McDonald's in Moscow knows the Soviets would appreciate American food and American goods, and American farmers and workers would appreciate the markets. We should waive trade restrictions such as Jackson-Vanik and the Stevenson amendment, relax restrictions on high tech exports, and encourage private investment in the Soviet Union. We provide Export-Import Bank loans and OPEC assistance to China. Why not the Soviet Union?

Let me end, and again thank the gentleman from Georgia for his indulgence, let me ask the gentleman if we provide this assistance to the People's Republic of China, might it not be appropriate to provide it to the Soviet Union as well? Does waiving Jackson-Vanik or repeal of the Stevenson amendment make sense to the gentleman? If it does not, I would like to hear the gentleman's reasons.

Mr. GINGRICH. Madam Speaker, reclaiming my time, let me first just say a couple things. The gentleman from New York [Mr. DOWNEY] made the comment that it is troublesome to talk about whose party brought us to this point. But I think this goes to the heart of why I philosophically disagree with the Democratic majority leader's speech, because it goes to the core of interpreting reality and what drives the world.

Now, my colleague from New York went to the Krasnoyarsk radar site. As I remember, the gentleman came back and reported it was not used, it was not designed to be an antiballistic missile radar.

My understanding is that the Soviet foreign minister has now said yes, it was. It was explicitly designed to be precisely what the gentleman reported it was not.

Now, what lesson has the gentleman learned about interpreting foreign policy and defense reality from the fact that apparently the Soviets were doing and have now admitted that they were doing precisely what the gentleman told the Congress they were not doing?

□ 1530

Mr. DOWNEY. Is the gentleman answering the question I put to him about the Soviet Union?

Mr. GINGRICH. We are talking about——

Mr. DOWNEY. And the waiver of Jackson-Vanik or is the gentleman simply going to answer a question by asking another?

Mr. GINGRICH. I am going to get to Jackson-Vanik, but first I am responding in sequence.

Mr. DOWNEY. Why does not the gentleman get to that, and then I will answer his question.

Mr. GINGRICH. I am responding in sequence to three or four different things the gentleman said in his statement.

Mr. DOWNEY. I asked the gentleman a simple question.

Mr. GINGRICH. The first thing the gentleman said in his statement was it troubled him some to get involved in the debate about whose party brought the changes about. But that is at the core of this debate.

We believe that left wing values and left wing delusions about how the world works are, in fact, destructive. We are in favor of being careful and cautious because we think the world is dangerous.

This is a long-term debate that has been going on for at least 25 years in this country, almost 30 years now, and so I start by saying, and I was using a very specific example that related very directly to the Soviet Union and to foreign policy and suggesting that some of our friends in the Democratic Party wandered off to the Soviet Union, they visited a specific site, the Krasnoyarsk radar, they reported it was, in fact, not part of an antiballistic missile system. They have since been educated by the Soviets, because it was the Soviet Foreign Minister who said flatly, "Yes, we were, in fact, breaking the ABM Treaty, and we were, in fact, doing exactly what the Democrats misunderstood."

My question for the gentleman is simple. Since it is now explicitly clear that you were wrong in interpreting the Soviet Union in the 1980's, have you learned a lesson from that that makes you a little more cautious; and then I will go on and talk about Jackson-Vanik.

Mr. DOWNEY. Let me say one of the tragic lessons that I am learning in attempting to have a serious discussion with the gentleman is that he is not interested in a serious discussion. He is interested in almost attempting to provide ad hominem to policy matters. I am happy to talk about Krasnoyarsk, I am happy to talk about the position that the gentleman and many on the right have espoused over the years that more arms brought us more security, that totalitarian systems were incapable of change and reform, and on those matters the gentleman has been completely wrong on the values that he has espoused and the views. The gentleman wants an answer, and I will provide him an answer. The values that the gentleman has espoused and the others who are standing here is that if we built more weapons, if we forced the Soviets to their knees, inevitably they will reform. None of that has proven to be true, and in fact, it has not worked.

Mr. GINGRICH. I control the time.

Mr. DOWNEY. Let me finish the point. In Time magazine, the gentleman who was a Soviet agent in the British Intelligence Agency, trying to

be a double agent, who had defected to the United States, was asked a question if he had ever provided anything of use to the Soviet Union or to the West about our relationship, and he answered very interestingly. He said that he was able to explain to the West the enormous fears that the Soviet leadership had about SDI, that he believed, Brezhnev and company, that SDI was a first strike weapon, and that many of the policies and many of our relationships with the Soviet Union were being determined by what we thought to be items in our security interest but that the Soviets believed to be first strike weapons.

This level of misunderstanding has existed for some time. My interest in going to the Krasnoyarsk radar, and what I saw there, and what I said I still stand by, was my firm belief that the world is a safer place without first strike weapons, that the world would have been a much safer place, and is a safer place without the idea of a strategic defense.

Let me finish my point.

The gentleman has always maintained the view, has he not, that SDI was of enormous value, that it provided us defense, and that it was a useful bargaining tool. I have felt none of those things, and I am relieved to know today that the process of peace has been furthered by my party making sure that we did not waste billions of taxpayer dollars on a plan that would have not provided security, and would have delayed the process of any sort of understanding.

So to the extent that I played a role in Krasnoyarsk, I am happy to have played it.

Mr. GINGRICH. I control the time, and I want to come back. I want to ask the gentleman from New York one more round, and then I will talk about Jackson-Vanik, and then I will yield to the gentleman from California, and then come back to Texas.

I am absolutely fascinated, and the gentleman is sort of making my point. The Soviet Foreign Minister announces that the interpretation of the Democratic Party's liberals about the Krasnoyarsk radar is explicitly wrong, that is factually wrong, that they were doing precisely what you told us they were not doing. The gentleman's answer to that is to go off on a long summary about how glad he is we are not threatening the Soviets. I mean I just have to ask a question.

Mr. DOWNEY. I am quite happy, I am quite happy to make the point that threatening the Soviet with annihilation is not in the United States interest, nor has it been in our interest to ever threaten them with annihilation, nor they us.

Mr. GINGRICH. So the gentleman opposes deterrence? That is the essence of deterrence since 1956.

Mr. DOWNEY. No, I did not say that. What I said, and the gentleman mischaracterizes not only history but the few questions I have asked him. The gentleman is not seriously debating.

Mr. GINGRICH. I reclaim my time because I want to stay on this for a second. The essence of American deterrence policy under Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, and Bush has been to deter nuclear war by convincing the Soviets that they would be faced with, to use the gentleman's word, annihilation. That is the bipartisan foreign policy of every realistic President in both parties.

Mr. DOWNEY. With the exception of the gentleman's hero, Mr. Reagan, who decided to change that policy to one of strategic defense.

The points that I made to the gentleman, which obviously he missed, is that in our attempt to do what we felt was security for us, and has been security for us for 40 years of the postwar period, has not been interpreted by the other side as security for them, and we have in turn at some times looked at what the other side has said. Does the gentleman want an answer?

Mr. GINGRICH. Go ahead. I yield to the gentleman.

Mr. DOWNEY. And we have looked at what the activities of the other side have been and said, "You see, the Soviets are doing this, they are building SS-18's, they are providing for mobility, and all of these items are indications of the Soviets' desire to launch a first strike against us," when all along the Soviets had the same sense about what we were doing.

Go ahead.

Mr. GINGRICH. No, I yield to the gentleman. Go ahead.

Mr. DOWNEY. The gentleman has said before that we are here today to talk about the majority leader's speech. The gentleman has not yet answered the point that the majority leader of the House of Representatives is talking about expanded trade. He prefers to mischaracterize what the majority leader has said and call it aid, and then in an honest attempt at dialog, talk about Krasnoyarsk. Let me answer one last time about Krasnoyarsk if I can.

The gentleman from Michigan [Mr. CARR], myself, and the gentleman from Wisconsin [Mr. MOODY], went there. We saw a facility that we said was a violation, if it was turned on. The Soviet Foreign Minister said it was a violation in its inception.

As far as I am concerned, that ends the debate. I was not wrong. He interpreted differently the very substance of the ABM Treaty. That is his right to do it.

Mr. GINGRICH. He, the Soviet Foreign Minister?

Mr. DOWNEY. Mr. Shevardnaze interpreted differently. There is nothing wrong with that. That is his interpretation. There are many others.

In conversations I have had subsequently with other Soviets, there was an internal debate in the Soviet Union about that, as there is in the United States. I am delighted that after my visit to Krasnoyarsk that the Russians shut it down because of the comments we made about it and the information that we brought to light inside the Soviet Union about the nature of the radar. Not only was the trip constructive internally in the Soviet Union, but it began a debate in our country about what was in our interest.

The gentleman prefers to draw cosmic conclusions about the last 25 years of misinterpretation of history. I am sorry that he has done that. It is not my intention to debate ethereal concepts which the gentleman seems to be well rounded in, but rather the reality of the majority leader's speech, which happens to deal specifically with programs that the President has proposed that he would like to take further. I come back to that point.

Is the gentleman opposed to the waiver of Jackson-Vanik? Is the gentleman opposed to the Stevenson amendment? Is the gentleman opposed to the fact that we need to provide more in the way of investment so that democratization and market capitalism comes more quickly to the Soviet Union?

Mr. GINGRICH. Let me say first of all that I find it fascinating that on a matter of fact the gentleman can suggest that he disagrees with the Soviet Foreign Minister on a topic which the Soviet Foreign Minister has stated that he was explicitly wrong about Soviet behavior on, and that he can decide now whether it was or was not correct as to what the Soviet Foreign Minister represented as fact.

Mr. DOWNEY. That is not what I said. I said the elements of the ABM Treaty are subject to interpretation.

Mr. GINGRICH. So in effect the summary is that you have learned nothing from Mr. Shevardnaze's suggestion that you were wrong in your analysis of what the Soviets were doing and what he was doing in his government?

□ 1540

It seems to me he would know whether or not they were intending in their government to violate the treaty. But let me ask——

Mr. DOWNEY. If the gentleman would like to know a little bit more about the Krasnoyarsk radar, and I do not know that there is anything else I can tell the gentleman since he seems to have made up his mind about this fact—an interesting position, I might add, for a historian—the fact is that

the Soviets in attempting to build the Krasnoyarsk radar internally were never quite aware of the political structure of how far the military had gone.

In fact, when the military decided to make the civilian portion of that government aware of the placement of the radar, it was at the same time that President Reagan made his ill-fated March 15 speech on SDI. And it was the SDI debate that propelled the Krasnoyarsk radar to the point that it ultimately was stopped after our meeting.

I would point out to the gentleman those tend to be facts. The gentleman can misinterpret them however he wants.

Mr. GINGRICH. I just want to ask a factual question because I lost the timing here. It is the American SDI debate which propelled the Russians to build Krasnoyarsk?

Mr. DOWNEY. No.

Mr. GINGRICH. And that is why——

Mr. DOWNEY. It was at the time that Soviet political people who internally wanted to oppose the radar were not in a position to do so as actively, because in our country it appeared, after the President said that he was happy, and Mr. Weinberger confirmed this, to break out of the ABM Treaty, that it was very difficult to carry that debate forward inside the Soviet Union. Those are the facts.

Let me come back to the point: Is the gentleman opposed to the waiver of Jackson-Vanik? Is the gentleman opposed to the elimination of the Stevenson amendment? It has taken us only 20 minutes to hear the gentleman's answer.

Mr. GINGRICH. I will answer that in a second, and then I will come back to the gentleman from California [Mr. HUNTER] on the SDI argument because he is an expert.

On Jackson-Vanik I would go very slowly until the Soviet Union agreed to direct flights between the Soviet Union and Israel because it is very, very important for long-term reasons to encourage the Soviet Union to open up direct flights so that the second exodus of those Jews who wish to leave the Soviet Union can go directly to Israel.

I would say to my friend from New York, would he favor that we go slowly until the Soviet Union agrees to have direct flights to Israel?

Mr. DOWNEY. No, I do not; I favor the repeal of Jackson-Vanik.

Mr. GINGRICH. Under any circumstances?

Mr. DOWNEY. And the sooner it is done the better, and I will tell you why.

Mr. GINGRICH. All right.

Mr. DOWNEY. Because I believe it is in the United States interest for the Soviet Union to move toward a market economy. I believe that conditioning, in this instance, trade on other questions makes very little sense. I happen to believe, quite fundamentally, that putting goods on the shelves of the Soviet citizens or for the citizens of the Soviet Union is more likely to provide stability inside the Soviet Union. I do not understand why the gentleman would want to wait months, possibly years, for negotiations between other countries to determine what American foreign policy should be.

Mr. GINGRICH. Well, if you remember, Jackson-Vanik was specifically a function of encouraging the Soviet Union in its relationship to its Jewish citizens.

Mr. DOWNEY. That is right; its 76,000 Jewish citizens who have left in the last year. It used to be that the gentleman used to tell us that actions speak louder than words.

Now apparently he is prepared to pin all of his hopes on words as opposed to actions. I prefer actions to words.

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I have to take strong issue with a number of the proposals that Mr. GEPHARDT made in the particular speech. I am looking at the Washington Post——

Mr. DOWNEY. Why does not the gentleman look at the speech? Why does not the gentleman look at the speech?

Mr. HUNTER. Let me just look at these words because the gentleman repeated these words.

Mr. DOWNEY. I have a better idea. I will make a copy of the speech.

Mr. HUNTER. I asked the gentleman to yield to me so that I can respond.

Mr. DOWNEY. I do not blame the gentleman. He can read what he wants to read.

Mr. GINGRICH. We gave the gentleman from New York plenty of time. I say to the gentleman from New York, "Don't be petulant. We gave you plenty of time."

The SPEAKER pro tempore (Mrs. PATTERSON). The gentleman from Georgia [Mr. GINGRICH] had yielded to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Let me quote the term used by the gentleman from New York and he can tell us if that is really part of the speech or if he was putting us on when he repeated it on the House floor.

He stated that Mr. GEPHARDT proposed sending food aid to the Soviet Union, waiving a variety of trade restrictions, including those on high-technology exports.

I have a great problem with that. I think many of the American people do.

And one particular problem with respect to the majority leader is this: A number of us opposed sending certain high technology, for example, the FSX, to Japan, an ally of the United States, for a number of reasons.

It seemed very unusual to me that the majority leader would discourage this transfer of FSX technology to an ally, and yet encourage the transfer of high-technology exports to the Soviet Union. I think that is a grave mistake. I think there is going to be a rush by Western businessmen to sell high technology to the Soviet Union, and I think it is in our interests to not allow that to happen.

Just one word about Krasnoyarsk: Apparently what the gentleman should have told us when he came back—maybe I misread his words when he came back from Krasnoyarsk—I thought he said in his opinion it was not a violation of ABM.

Mr. DOWNEY. Until it was torn down.

Mr. HUNTER. Well, let me finish my sentence, and he can answer.

Maybe what he should have said was in his opinion it was not a violation of ABM, however the Soviets might think that they are violating ABM but in his opinion they are erroneous.

I think that is a great argument for allowing the executive branch of this Government to negotiate with respect to arms control rather than Members of the House of Representatives or the other body.

Second, if you take—I think the gentleman should read the speech of his own chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN]. His leading speech, I believe, when Secretary Cheney addressed the full committee; that speech, to paraphrase, and I would hope that he gets this, Chairman ASPIN said essentially in the 1980's we did build weapons and basically build the Soviet Union into the realization that they could not win the arms race. Everybody, including Mother Teresa, basically agrees with the proposition that American strength drew the Soviet Union to the table and showed them that the military option was not a viable option and brought them to the bargaining table.

I think very clearly this debate between Mr. GINGRICH and the gentleman from New York points out the basic difference between our parties. The gentleman is a thoughtful individual, but in this case his base facts are wrong and I think that his instincts are wrong. And I think that is the basic difference between the parties.

I think if you carried the gentleman's language further, you can say

that Daniel Ortega voluntarily would have had a democratic election in Nicaragua with no pressure whatsoever from any outside group, including the other Central American governments, or without any leveraging, including the Contras. And further, he would say that if we had told the Soviet Union that the invasion, their invasion of Afghanistan, was OK, somehow there would be a debate between the military sector in the Soviet Union and the civilian leadership of the Soviet Union and if we did not complain about it they would voluntarily remove themselves from the Soviet Union.

I do not think that that line of thinking is realistic. I think that he outlined in his interchange very clearly the difference between our parties.

Mr. GINGRICH. Let me ask a question before I yield, let me ask a question, because on page 7 of the Democratic majority leader's speech he says:

I propose a food-for-freedom program that will share the strength of America's agricultural abundance with the Eastern European and Soviet people. There is no doubt that private ownership of farmland and the hard work of our family farmers are the keys to America's success in agriculture. But while Eastern Europe and the Soviet Union are moving in that direction, it is in our interest to help sustain them on that journey.

Now there are two parts to this, and I think this is precisely a suggestion of aid to the Soviet Union. First, since we already, under President Bush, sell the Soviets grain at a subsidized rate, I am presuming—and maybe we and the Washington Post and everyone else, including Senator BRADLEY, misunderstood—I am presuming that the Food-for-Freedom Program is in fact a Government aid program.

Now, do any of the three Democrats know, is the idea that the Democratic majority leader suggested of a Food-for-Freedom Program one that would take the American——

Mr. SMITH of Florida. If the gentleman would yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. SMITH of Florida. It would be just as easy for us to interpret this Food-for-Freedom Program as a program that would share agricultural technology because reading that paragraph one could get the impression that we should share with the Soviets the knowledge of how our farms operate and the ways that our farmers grow so much more food per plot of land than they do. There is nothing in here which necessarily dictates the conclusion that this is a food foreign aid program, and the gentleman could postulate all he wants.

□ 1550

Mr. GINGRICH. Let me ask my colleague, the gentleman from Florida [Mr. SMITH]. Then, since presumably the Democratic majority leader's press talk with Mr. Kenworthy who says "Gephardt called for direct U.S. economic aid to the Soviet Union"—is the gentleman suggesting that the Democractic majority leader's speech is so vague as to be unknowable or that, in fact, the Washington Post explicitly miscovered it?

Mr. SMITH of Florida. The gentleman is obviously aware that the interpretation of the Washington Post article, like any other newspaper in the country, does not define the reality of a speech given by the majority leader or of the gentleman in the well.

Now, it is very obvious that there is economic capability in this country to help the Soviets along the journey toward democratization, which is what the majority leader is talking about. We have in the past, going back just in recent history, 1948 and the Marshall plan, we had an economic package for our vanquished enemies, not an enemy, which we did not engage in war, but a vanquished enemy—set of enemies. That was done not only to rebuild those countries for humanitarian purposes, as the gentleman, as a historian, understands this very well, I believe, but done to expand the economic capability of the United States, because for 40 years or more thereafter we had developed a market in which we sold the bulk of the goods produced by this country.

What we made was an investment for the United States and the future of those countries, in order to be able to employ Americans, to build American plants, to build American products, to sell in those countries.

After all, the gentleman is aware, what did we do? Japan didn't buy much from the United States for 20 years, the Far East did not buy much for 20 years. In reality, this is what we are talking about. This is a market of 300 million or more people.

Mr. GINGRICH. I am all for the market.

Before I yield to the gentleman from California [Mr. DREIER] let me ask this for a second: We have at least four Democrats on the floor now, and I am sure others are watching. It would be helpful if a Member were to find out, in the next 20 minutes during the time I have left, if the Food-for-Freedom Program is simply the sale of food and technology. In this case, frankly, President Bush is already doing it. Or if, in fact, it was as the Washington Post seemed to think, a proposal for "direct U.S. economic aid to the Soviet Union." If one of our Democrat friends wants to call about that.

Mr. TORRICELLI. If the gentleman will yield, I think that the best way to settle the interpretation of the speech is perhaps to point out that the gentleman is suffering from the same failure of, indeed, the administration; that in looking at the opportunities and problems, today, in relation with the Soviet Union, he is very much looking at the trees and not the larger forest.

Is Mr. GEPHARDT talking about food aid that would involve a degree of subsidy? Is it credit, is it loans? That is not, Mr. GINGRICH, the principal issue. The issue that Mr. GEPHARDT is bringing to light is this: That the balance of power in the Soviet Union, whether she returns to being the threat of recent years or whether there, indeed, is a chance for real and lasting reform, is in the balance. Mr. GEPHARDT's point is simply this: That reform needs to be rewarded; that the people of the Soviet Union should recognize that the degree to which—is the gentleman interested in my answer? Is there a chance here for a geniune dialog? I would like to have a dialog.

Mr. DREIER of California. I would say that this is the most genuine dialog going on in quite a while.

Mr. GINGRICH. Go ahead.

Mr. TORRICELLI. Mr. GEHPARDT's point is that the electorate of the Soviet Union should recognize to the degree and the extent that there is reform, that the quality of life in the Soviet Union is changing, and to the degree that the demands of the United States are being met, the quality of life of the Soviet Union is rising.

Mr. GEPHARDT has recognized, as presumably the Bush administration has not, that we do not have endless time here. If 6 months, or a year, or 2 years passes and the quality of the Soviet life further deteriorates, despite political change, then we have no reason to believe that this reform is going to be endless. That is the point Mr. GEPHARDT has addressed, and that is what I think Members should address themselves to.

Mr. GINGRICH. I want to yield to the gentleman from Pennsylvania, but my question is, In order to facilitate change the gentleman just described, is the gentleman in favor of giving foreign aid to the Soviet Union?

Mr. TORRICELLI. I do not believe that Mr. GEPHARDT envisons, nor would I, that the American taxpayer subsidize foreign aid to the Soviet Union, but rather——

Mr. GINGRICH. What is he talking about?

Mr. TORRICELLI. Let me answer the question. This return to the point that was so eloquently, I believe to be fair, distorted by the gentleman from California. What we have talked about and said is like all of our NATO allies, indeed, like most or half of the Bush administration, allowing technology sales like aircraft technology sales, as the gentleman pointed out. He knows no one intends that, but rather like our allies. To allow instead a kind of OPEC guarantee.

Mr. SMITH of Florida. Before the gentleman yields, I would like to speak.

Mr. GINGRICH. Let me yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I want to thank the gentleman for yielding.

It is fascinating that the largest point evidently made by the majority leader is that the President lacks leadership. Now we find the leadership being provided by the majority leader in a speech so vague that no one understands what he meant, and that everybody who stands up has their own interpretation of the speech, a speech that is supposedly providing leadership.

I suppose the next thing we will find out is that when he talked of exporting high technology, what he meant was Nintendo games, and he did not really mean anything of substance. If this is not as it was interpreted by the stories in the newspapers, I did not hear the majority leader repudiate the newspapers who interpreted his remarks as intending U.S. taxpayer aid to the Soviet Union; but now I hear a series of Democrats come to the floor to all of a sudden have an interpretation which is different.

This speech, then, is so vague that anything that any person wants to say it said, it says.

Mr. GINGRICH. Give me 30 seconds.

First of all, apparently earlier today, the gentleman from Massachusetts [Mr. EARLY], a Democrat, also misunderstood the majority leader because he asked Secretary Baker if the administration was going to propose aid to the Soviet Union, and Secretary Baker said, No. 1, the majority leader made the statement; No. 2, the Soviets have not asked for aid; and No. 3, the administration does not plan to.

I yield briefly to the gentleman from Florida [Mr. SMITH].

Mr. HUNTER. Let me answer the gentleman who said I distorted the majority leader's statement, implying high technology could include high technologies like aerospace, and it possibly meant something else.

I am not for giving high technology to the Soviet Union, who in the past have used high technology which was to be used in the private sector like technology that was to be used on bearings that are now used on nuclear systems aimed at the United States, under the guise of domestic applied technology, and applied to the military sector. The military sector in the strategic area of the Soviet Union is going full bore. The R&D is full bore. I think it is fair to the gentleman from Georgia to ask the question, "Do you agree with the idea of selling high technology to the Soviet Union?"

Mr. TORRICELLI. Would the gentleman pose the question to me? The gentleman raised a question.

Mr. SMITH of Florida. I pose a question, because this is an interesting kind of debate. Does the gentleman believe that the Bush program for selling subsidized wheat to the Soviet Union is not an economic benefit program?

Mr. GINGRICH. It is a benefit program.

Mr. SMITH of Florida. Why is the gentleman spending all of this time attempting to beat over the head of the majority leader for proposing what may be as innocuous a program as subsidized grain sale?

Mr. GINGRICH. Let me explain. We have here, and I do have the speech. I read it yesterday afternoon, and was amazed by it. We have 10 pages of a call for a bold visionary, dynamic, risk-taking, opening for the Soviet Union in Eastern Europe.

Now it turns out, now that we are beginning to understand, that maybe your leader was talking about a little more grain than Bush is already selling, a little more technology than Bush is selling.

Mr. SMITH of Florida. The gentleman is engaging in the politics of pettiness.

May I point out to the gentleman that there is a great deal more in that speech than the one called for in the Food for Freedom Program, and there is more in it than high technology. There is a significant overall approach, including significantly more than cultural exchanges, student exchanges, exchanges of agriculture technology. There is a much broader range.

Mr. GINGRICH. Let me read another example of why some Members are confused. Proposing on page 8:

> A union of nations for international trade and economic development [UNITED] might be a means for giving structure to such cooperation. UNITED would bring together on a regular basis the leaders of the major trading democracies—the nations of the European Community——

Mr. SMITH of Florida. That is not the Soviet Union.

Mr. GINGRICH. Let me finish my point, because I will have a different question than the one we are planning for the members of the nations. "European Community, the United States, Canada, Japan, and Australia."

Madam Speaker, he then goes on with this sentence, which I for the life of me cannot understand, because I do not understand what he is talking about; I do not understand how his English works here. This is on page 9:

> UNITED would not be a new bureaucracy but rather a new approach.

Then, having watched Brussels, for example, and the European Common Market, I would ask a question. Now, his term is "giving structure to such cooperation."

By definition, UNITED is going to end up hiring at least hundreds and maybe thousands of people. They will be called civil servants by those who love them and bureaucrats by those who hate them. I would ask, what is he talking about?

Mr. TORRICELLI. Madam Speaker, will the gentleman yield?

Mr. SMITH of Florida. Madam Speaker, will the gentleman yield to me?

Mr. TORRICELLI. Madam Speaker, is the gentleman just raising questions, or are we going to be able to answer them?

Mr. GINGRICH. I have yielded almost half my time. Go ahead. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Madam Speaker, the point the gentleman is making is a point that many people in this country and in Western European nations, allied NATO countries, have raised since the very, very unique and significant events in Eastern Europe and the Soviet Union. What will be the future of NATO, and what will be our reference point vis-a-vis NATO when Europe 1992 comes into play?

Many of us believe that there is a significant role for NATO to play but in a changed structure.

Mr. GINGRICH. Sure.

Mr. SMITH of Florida. This is what the majority leader is talking about. You may not need to hire a whole new bureaucracy.

Mr. GINGRICH. Let me make my point. We are not somehow using the same language. I do not object to this concept.

Mr. SMITH of Florida. I think we are using the same language.

Mr. GINGRICH. Wait. I do not object to the concept of UNITED. UNITED may be a wonderful idea. I might even vote for it. But when a politician says to us, having defined a multinational group as a structure, that it will not be a new bureaucracy, I would ask, what will it be? Will it be a large koala bear, or will it be nine kangaroos?

Mr. SMITH of Florida. Oh, come on. The gentleman is really not doing justice to his own argument.

Mr. GINGRICH. Of course it will be a bureaucracy, but it may be a useful bureaucracy.

Mr. SMITH of Florida. But it may change an existing bureaucracy into one that will meet the test of what is necessary for the 1990's and beyond.

Mr. GINGRICH. Or it may be an old bureaucracy transformed.

Mr. SMITH of Florida. Perhaps it will be.

Mr. TORRICELLI. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I do not understand the speech. Listen, I sympathize

with the majority leader's problems. Sometimes when one leaps to boldness, one may land in the Bay of Pigs, or just in more confusion.

Mr. TORRICELLI. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my colleague, the gentleman from New Jersey.

Mr. TORRICELLI. Madam Speaker, I want to only make several comments to my colleagues. That is all I want to do because, frankly, I believe given the extraordinary times in which we live, the intellectual level of this analysis does not do the House justice. We have the gentleman from California who believes that we are wrong because some are advocating changes in the sale of technology to Eastern European states, that we are selling out aerospace secrets, despite the fact that the State Department, the Commerce Department, and all our NATO Allies have the same view. And the gentleman in the well believes that somehow we are socializing international trade and creating a bureaucracy because the majority leader believes, as I believe and as any economic analyst would believe today, that there is a need to coordinate international trade and investment policies.

So it is no wonder that the Bush administration is failing to either be visionary or bold, indeed even to propose any advances or new policies in the wake of these dramatic developments. His hands and his feet are hog-tied to the right wing of his own party that fails to see beyond the horizon.

Let me suggest finally to the gentleman from Georgia how deeply offended I am that at this time of victory in the cold war that indeed anyone would come to the well of this House and claim that the victory of the cold war and the collapse of communism, this triumph in this moment of American history, is due to any extreme ideology of the United States, any political party, or any partisan leadership. This is a moment when after 40 years of American history we have come to triumph.

My party does not need to be lectured about what was required to win the cold war. We have been here from the birth of NATO to drawing the line in Korea, to leadership in Vietnam, to drawing the line in Afghanistan, to increasing military spending to reverse the decline of the 1950's and to reverse it again in the last year of the Carter administration.

My party does not need any lectures about winning the cold war. We were there when the line was drawn, and we have been here to pass the biggest defense budgets in history when it came to victory.

Mr. GINGRICH. Madam Speaker, let me reclaim my time.

Mr. TORRICELLI. Madam Speaker, I believe our American soliders who died and our taxpayers would be offended by the gentleman's argument.

Mr. GINGRICH. Madam Speaker, Let me reclaim my time.

Mr. TORRICELLI. Madam Speaker——

Mr. GINGRICH. Regular order.

The SPEAKER pro tempore (Mrs. PATTERSON). The gentleman from Georgia [Mr. GINGRICH] controls the time.

Mr. GINGRICH. This is not the Senate, and the gentleman cannot filibuster.

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. GINGRICH. Madam Speaker, the fact is, I say to the gentleman from New Jersey, that when your leader attacks the President personally, when your leader talks over and over about timidity and lack of vision, it is a little much for you to come to the floor and suggest that somehow it is inappropriate for us to talk about personalities.

Mr. SMITH of Florida. This is not an attack personally——

The SPEAKER pro tempore. The gentleman from Georgia controls the time.

Mr. GINGRICH. Madam Speaker, let me yield first to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Madam Speaker, I thank my friend, the gentleman from Georgia for yielding.

Before I go ahead with my point, I would like to say that as soon as this special order is completed, I am going to be addressing an issue on which every one of us agree, and that is memoralizing Jose Napolean Duarte, who has not been mentioned on the floor of this House since he passed away. I am sure the distinguished chairman of the Subcommittee on Foreign Operations will join us in that.

Since we are analyzing the speech of the majority leader, I would like to briefly point to the State of the Union Message which was just handed to me. There has been this misperception that it seems that our part and our President want to do absolutely nothing to address the concerns of these emerging democracies and the Soviet Union.

I went through a litany just a few minutes ago of creative ways in which I believe we can address them. Many of them were echoed by my friend, the gentleman from Florida. But let me just quote, since we are focusing for this entire time on the speech of the majority leader, the words of the President of the United States in his State of the Union Message. He said this:

> It is time to offer our hand to the emerging democracies of Eastern Europe so that continent, for too long a continent divided, can see a future whole and free.

He went on to say this:

> We are in a period of great transition, great hope, and with great uncertainty. We recognize that the Soviet threat in Europe is diminishing, but we see little change in Soviet strategic modernization.

That issue alone gets right to the question of technology transfer which my friend, the gentleman from San Diego, mentioned, and I think nearly all of us are recognizing the fact that we are seeing a dramatic increase in intelligence operations in both the Soviet Union and in the United States. And I think in light of that, for us to move in the direction of massive technology transfer, which has been discussed very clearly by our friend, the gentleman from San Diego, CA, is unwise, for in the Soviet Union their goal is first for defense and then for commercial use, as opposed to the way it is in the United States. I think we have got to be very vigilant in addressing that subject.

Mr. GINGRICH. Madam Speaker, let me just put one thing in the RECORD.

Tomorrow will be 1,000 days since Ronald Reagan stood in front of the Berlin Wall. He said at that time:

> Are these the beginning of profound changes in the Soviet State, or are they token gestures intended to raise false hopes in the West or to strengthen the Soviet system without changing it? We welcome change and openness, for we believe freedom and security go together, and the advance of human liberty can only strengthen the cause of world peace. There is one sign the Soviets can make that will advance dramatically the cause of freedom and peace. General Secretary Gorbachev, if you seek peace, if you seek the prosperity of the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down that wall.

That was 1,000 days ago tomorrow.

My point is simple, and I know that my friends on the left do not like to hear it. The fact is that under George Bush, whether it is Panama or Nicaragua, whether it is Berlin, Hungary, Czechoslovakia, Lithuania, Estonia, Latvia, and the rest of the Soviet Empire, we have been making remarkable progress. We have not done it the way they would like to do it; we have not done it the way they would like to give us credit for. But the fact is that Secretary Baker and Secretary Cheney and President Bush have been working very systematically to create an environment in which in fact we have had a far greater chance to create democracy and free markets.

Madam Speaker, I simply would close by saying to my colleagues in the Democratic Party: "If you think I exaggerate about the majority's personal assault on the President, read pages 3 and 4 of his speech. Read the kind of language that is in there, because to me it does seem to be inappropriate."

□ 1610

IN DEFENSE OF THE MAJORITY LEADER'S SPEECH

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Madam Speaker, I am, frankly, not quite sure where to start because, when I took the time for this special order, I had assumed that I would have time for an orderly, rational, nonrabid discussion of foreign and economic policy.

Madam Speaker, I happen to have been present when the majority leader, the gentleman from Missouri [Mr. GEPHARDT], gave the speech which has been often referred to and often misinterpreted on the floor today, and I have to tell my colleagues that I think it is one of the best speeches I have ever heard. I think that the majority leader in a very statesmanlike way tried to lay out for the country what our policy would look like if we were not sleepwalking our way through the most dramatic changes that have occurred in the world in the last generation and a half.

In addition, Madam Speaker, I would suggest that the very modest proposals which the gentleman from Missouri [Mr. GEPHARDT], the majority leader, laid out yesterday in fact probably do not even go as far as this country will wind up going in the next 10 years.

Mr. HUNTER. Madam Speaker, will the gentleman yield?

Mr. OBEY. Madam Speaker, I will be happy to yield when I finish. I will not yield now. The gentleman from California [Mr. HUNTER] has had an hour. I am going to take my time to say what I want, and not until I finish will I yield to him, and I ask the Speaker to——

Mr. HUNTER. Madam Speaker, I would like to know if it is worthwhile staying here.

Mr. OBEY. Madam Speaker, I will not yield for any purpose until I am finished.

Mr. HUNTER. I think that is clear.

Mr. OBEY. Madam Speaker, the gentleman from California [Mr. HUNTER] has had his time. I am going to have mine.

Now, as I was saying, one of the techniques of our friends on the radical right, as anyone who had ever shared a television show with them knows, is to have constant interruptions so that we cannot make our point. It is called politics. I call it something else. However, Madam Speaker, I am not going to be disturbed by it today.

The fact is that I think, if we are serious about providing true help to emerging democracies throughout the world and if we are serious about promoting economic reform and political reform in the Soviet Union, we will not listen to the voices we have heard here for the past hour. We will instead listen to voices such as Mr. Havel, the new President of Czechoslovakia, who suggested that before we can create a new world that we first have to discard old habits, and he suggested that, if we want to help Eastern Europe, the most important thing for us to do is to help move along the process of political and economic reform in the Soviet Union. Madam Speaker, I fully subscribe to that view.

Now the gentleman from Missouri [Mr. GEPHARDT] engaged in a spirited critique of the Bush administration's response to the events in Eastern Europe and other places around the world, and he suggested that it was rather tepid, to say the least. I agree with that judgment.

However, Madam Speaker, what distinguishes the comments of the gentleman from Missouri [Mr. GEPHARDT] yesterday from the comments we have heard here today is that Mr. GEPHARDT chose to elevate the debate rather than to, in my judgment, debase it, as all too many voices all too frequently do on this floor, and I think that, when one engages in that kind of a discussion, when one chooses to engage in rather quick attacks on the commitment of a person with whom one disagrees, I think that in the process of doing that you say more about yourself than you say about the other fellow.

So, Madam Speaker, I am willing to let people be the judge of the comments we have heard for the last hour, and I would like, if I can, to try to elevate the discussion a bit again and talk about what I think the gentleman from Missouri [Mr. GEPHARDT] was trying to say yesterday and what he did say very well.

To do that, Madam Speaker, I think I ought to refer to what I understand were the opening comments in the previous hour when it was suggested that somehow the Democratic policies of the last 25 years were policies of weakness. Well, let me suggest that I come from the State of Wisconsin, and we used to have a Senator there by the name of Joe McCarthy. Joe McCarthy used somewhat different words. He used to call it 20 years of treason. That was just as much nonsense then as the comments about Democratic weakness represents nonsense to me today in my view.

I would like to just for a moment repeat for the benefit of anyone here the history of the Democratic policies with respect to the rest of the world. In my view we are celebrating the greatest change in world events, the greatest lurch toward freedom that we have had in the life of anybody in this room, and we are celebrating this today because of the policies instituted by a Democratic President, Harry Truman, who is now much revered by a gentleman on that side of the aisle even though they vilified him when he was in office. We had policies put in place by Harry Truman which began the 45-year sustained policies that resulted in the openings for freedom that we see today, and those policies were followed and enlarged upon on a bipartisan basis by Republican and Democratic Presidents for the last generation—more than a generation.

If my colleagues take a look at what Harry Truman proposed, what I find interesting is that our friends on the radical right will make a bow to Harry Truman now and then, even as they savaged the very policies that he stood for. Harry Truman, for instance, began the Marshall plan. Can my colleagues see what would happen on that side of the aisle today if we had a President propose an initiative as large as the Marshall plan? There would be blood all over this floor from people crying about that from here to the nearest television camera. It was Harry Truman who proposed the framework of NATO and got this country to accept it and the generation-long, extraordinary sacrifice that that required of the American people. It was Harry Truman who saw to it that we put together the treaty with Japan which built Japan as a democracy because they had never known it, and it sent them on the way toward being a participant in the world order, in a stable world order, a tremendous achievement.

It was Harry Truman, I would point out to the gentlemen who just spoke, who suggested that the Soviet Union ought to be a member of the international financial institutions, and in fact Harry Truman, for those who have any memory, proposed that the United States even offer assistance to the Soviet Union so that we could together march down the road to a new world order. It was Joe Stalin who was afraid of American ideas, who was afraid of the penetration of western capital behind the Iron Curtain. It was Joe Stalin who stopped it. That was who it was.

What the gentleman from Missouri [Mr. GEPHARDT] is suggesting in his speech is that we pick up in a very modest way the suggestion that Harry Truman made when he was trying to put the world together rather than tear the country apart. That is what Harry Truman was recommending, and, if the gentlemen are going to coopt Harry Truman as one of their heroes, then why do they not swallow him all the way?

Madam Speaker, I would also point out that after Harry Truman came Jack Kennedy. Indeed Jack Kennedy made a mistake. He had the Bay of

Pigs. However, unlike many other politicians I know, Jack Kennedy was man enough to admit his mistake, man enough to admit his errors, and he learned from them, unlike an awful lot of politicians I know.

□ 1620

He put together a little operation called the Cuban Missile Crisis, which led to the withdrawal of Soviet missiles from Cuba without a shot being fired, not a bad week's work.

It was also Jack Kennedy who produced the partial test ban treaty, who tried to protect the world from the dangers of routine nuclear radiation around the world. That is a tremendous achievement.

Or if you want to take the Middle East, we have the much maligned Jimmy Carter, who I think in the years after his Presidency has demonstrated that he, better than any other occupant, knows how to bring honor to the office by continuing to do service, rather than using the prestige of the Presidency to see how much dough he can rake in, whether it is from Japan or anybody else with a willing checkbook. When you take a look at what President Carter produced, President Carter was the fellow who happened to produce the only major progress in the last 15 years in the Middle East. It was President Carter who personally negotiated the Camp David Agreement which saw to it that you could never have or that you would not have a repetition of war in the Middle East, because he made peace between Egypt and Israel. That was crucial, and that is what this administration is now trying to build upon and I congratulate them for it.

If you want to talk about weakness, what do you think of a policy that leaves 250 marines in Lebanon like sitting ducks where they could not leave and they could not shoot and they wound up getting wiped out by a terrorist attack? That did not happen under a Democratic President. That happened under a different kind of a President. I do not blame President Reagan for that, because anybody can make policy judgments that lead to bad conclusions, but the fact is that that was a serious mistake, and as far as I recall that did not happen on the Democratic watch.

It also was not a Democratic President who engaged in the under-the-table arms sales to Mr. Khomeini. That was a fellow by the name of Reagan, at least it was an administration called Reagan, that engaged in that kind of conduct.

So if we are going to start shooting at each other over past mistakes, we have plenty of bullets in our gun, too, fellows. It seems to me that not very much is serving by doing that.

What the gentleman from Missouri [Mr. GEPHARDT] was trying to do was simply to point out that there were a lot of things that were being neglected in the Bush administration's pursuit of policy with respect to the Soviet Union and Eastern Europe.

I would also point out, for instance, that one of the previous Republican speakers made much ado about the fact that the gentleman from Missouri [Mr. GEPHARDT] was talking about some assistance to the U.S.S.R. Well, I have a fiscal 1990 economic and military assistance chart here and if you look down the list of countries receiving aid, do you know what I find? The U.S.S.R., the Soviet Union, 5 million bucks. Now, they got that money because the leading Republican in the United States Senate, a fine Senator, suggested that we ought to provide $5 million in assistance to the Soviet Union to respond to the damage in Armenia because of the earthquake.

The thrust of the speech of the gentleman from Missouri [Mr. GEPHARDT] yesterday was simply that if we can provide some minimal assistance to the Soviet Union because of a physical earthquake, that we ought to be able to do a little bit better than we are doing in providing assistance to Eastern Europe and providing assistance to those forces in the Soviet Union who are trying to bring about the largest political earthquake in our lifetime. I would suggest that if we do not do that, we are a little bit silly and a little bit blind.

Mr. DOWNEY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. Madam Speaker, first of all, I want to congratulate the gentleman particularly on the lucid statement he has made. I do not come here very often, and I was distressed at the type of debate that I think the gentleman has accurately characterized that we had in the previous hour. It was not a desire to seek the truth. It was a desire, rather, to make political points, to divide as opposed to bring together people of reason on the question of what should our foreign and economic policy be.

Much was made of the majority leader's point about foreign aid, and in particular the food for progress provision. If the gentleman will indulge me for a minute, I just want to make sure for those who are still listening that there is some understanding, since the gentleman from Wisconsin has suggested that the gentleman from Missouri [Mr. GEPHARDT] has added a new wrinkle to the debate, but it is not a bold proposal. It is not the Marshall plan of Harry Truman. The Food for Progress provision that the gentleman from Missouri [Mr. GEPHARDT] seeks to expand to Eastern Europe and the Soviet Union was included in the 1985 Farm Act by the Reagan administration, and under this plan the President can give food and aid to any country that he declares is reforming its agricultural policies in the direction of private enterprise, free markets for distribution and economic freedom. The reforms do not have to be already adopted, but the country does have to be committed to the process.

So the rhetorical question was asked, and never answered, "Well, you know, you are for another big foreign aid program." As the gentleman knows, there is no finer authority in the House than the gentleman in the well, that we do not have the money to give, but we do have the expertise to lend. There are certain things that we can do, and this particular foreign aid process was conditioned on the Soviet Union and Eastern Europe doing things that are in their interest and things we want them to do to begin with.

Let me make just one last point, and I appreciate the gentleman yielding further. In a way, this is a debate about two visions of reality, the vision that suggests that they have learned nothing from history, that somehow the Soviet Union continues to be an evil empire, or an evil empire that is the process of reform, but that we should play no process in that reform. As Mr. Havel said to us when he was here, that would be a mistake, that it is in the interest of Eastern Europe furthering the process of democratization there, and in the interest of the United States to push the Soviet Union further and faster.

I often hear people say, "Well, you know, we could be wrong here. I mean, Gorbachev, something could happen, someone can replace Gorbachev. We could have a right wing alternative. We need to stand ready." No one is suggesting that we should not stand ready, but why would we want to do anything that would encourage a more bellicose Soviet leader? Why would it not be in the interest of the United States to see Gorbachev succeed, to see food on the tables and on the shelves in Moscow, business opportunities for American and Soviet citizens alike.

The gentleman talked about earthquakes. He correctly pointed out two of them, one where we saw the greatest capacity of American generosity to respond when they had the earthquake in Armenia. Now as the gentleman has pointed out, there is an earthquake of epic proportions.

I would only say I would like to live in a era where we look back at the 1990's and the twilight years of the 20th century and say that we lived in the age of Gorbachev and Bush, where there was finally a recognition that the world had changed, that the threat of force, that the use of force was unacceptable as a means of dispute resolution.

What the majority leader is saying that if we do not change quickly, if we do not recognize our responsibilities, the American role will be a footnote to history, not a chapter, not a page. It seems to me he has done us an enormous service by making the speech and getting us thinking.

Unhappily in the last hour we engaged in a polemic exercise that did not quite border on name calling, but was a very unnutritious fare to those people who want something more to eat, and I thank the gentleman for offering us a meal and not a very cold snack.

Mr. OBEY. Madam Speaker, I thank the gentleman. I know it is unusual to expect that we will hear thoughtful statements on special orders. I am happy to see that the gentleman has provided one.

Mr. MOODY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to my colleague, the gentleman from Wisconsin.

Mr. MOODY. Madam Speaker, I thank the gentleman for yielding to me.

I wanted to make several points. I was not here for the earlier part of the hour with the gentleman from Georgia [Mr. GINGRICH], but I think the gentleman from Georiga truly insulted and deeply offended me from what I did hear by attempting once again to label the loyal opposition to the Bush administration, the congressional Democrats, as disloyal. The gentleman has made this a practice of his trade, and I personally was deeply offended.

Since the Joseph McCarthy days, certain parties in the Republican Party have tried to gain public advantage by impugning the loyalty of the Democrats. As I think the gentleman from New Jersey [Mr. TORRICELLI] pointed out, it was the Democrats who were the architects of the whole policy of containment that started the cold war to contain the Soviet threat from Truman on through Kennedy and others.

For the gentleman from Georgia [Mr. GINGRICH] to try to characterize the Democratic Party as somehow weak on communism does a disservice to this House. I call it political pollution, and I found it deeply insulting.

It was not the Democratic administration but it was the Republican administration that shipped arms to Khomeini. It was the Republican administration that supported subsidizing grain sales to the Soviet Union, and money is fungible, so that releases money for other purposes. It was the Reagan administration that supported shipping arms to China, low-grade military technology though it was, but it was still military technology.

I want to just add one final word on the question of Krasnoyarsk, since I was there, and since the report that we produced was so distorted in its characterization by the gentleman from Georgia [Mr. GINGRICH].

We pointed out that there were three purposes to which that facility could be put. Two of them were illegal. If it was a battle management station, we pointed out that would be in violation of the ABM Treaty. If it was an early warning system, that would be a violation, since it was not on the periphery. However, if it was a space tracking system, it would not be illegal. That is a loophole, and that continues to be a loophole, in the ABM Treaty. That is not a violation. It was not possible for us, visiting it, to tell which of those three purposes it would be put to in the future, since the electronic gear that would be necessary to make that decision was not yet installed. All we pointed out was that if it were of the first two, it would be illegal, and the third it would not. We could not now tell, and that is what we stressed. We could not read the minds of the Soviet officials.

We could not know that they were actually intending. We could only look at the physical evidence that was available to us. We made that very plain.

For the Soviets now to later come out and say, "We all along intended it to be a violation," fine, I am glad they came clean, but that is not inconsistent with our report. We could not read their minds.

We said that if it was of the two of the three systems, it would be illegal, but the loophole existed in the treaty that would not make it illegal if they, in fact, went to a space tracking system.

My own view, from talking to Soviet officials, is that they decided to gain the maximum political mileage out of it by saying, "OK, it was a violation." That is all the more reason why we have to reaffirm support for the ABM Treaty.

They used this as a way, in their own self-interest, to lock us in on an ABM Treaty by locking themselves in on an ABM Treaty. I see their point of view.

Our report is not a case of being misled. It was a case of laying out the physical facts as we saw them.

Mr. DOWNEY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. Madam Speaker, let me just edify the gentleman and the Chamber on this one other point, and any people who may be listening and interested in this somewhat obscure but still important matter, when I asked Soviet officials after Shevardnadze made this point, I asked them why did he decide to say what he did and how he said it. The answer came back to me that, of course, there was ambiguity about the radar, but that Shevardnadze was anxious to sock it to the Soviet military, and that there is still ambiguity, as the gentleman pointed out, in the ABM Treaty.

Our friends on the far right see cosmic significance in the fact that we came there and came back from there and made certain comments, and that the Soviet Foreign Secretary made other comments.

What I find most amazing is their willingness to vest in the Soviet Foreign Secretary, someone for whom they have historically not placed any credence, the fact that now we see the final word.

Mr. MOODY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Wisconsin.

Mr. MOODY. Madam Speaker, I think it is they who are being duped by allowing the Soviets to make self-serving statements as they did, that they suddenly believed the self-serving statements when they do not believe our report which said it could be any one of three options, and the Soviets would be in violation of the exercise of the first two. So this is the report.

It would be well for the minority whip to actually read the board report before he characterizes it so mistakenly as he did on the floor of the House.

Mr. DOWNEY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. Madam Speaker, the Soviets, after we left and we talked about the terrible way the station was built, internally after our visit, were embarrassed by what we said about the station, and decided not to continue work on the radar station, and have ultimately decided to not go ahead with that.

It seems to me that in the broad sweep of history as opposed to its pop interpretation, which it is heir to by the right these days, I think our visit would stand the test of time as having not only been constructive in furthering the debate, but by moving the process on ahead, and that it has been constructive to both sides.

Mr. MOODY. If the gentleman will yield further, it stimulated a debate inside the Soviet Union which has led to the final agreement to tear it down. Our visit also pointed out that there is a loophole in the ABM Treaty which someday should be plugged.

Mr. SCHEUER. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. SCHEUER. Madam Speaker, I thank the gentleman from Wisconsin, and I congratulate him for bringing a breath of fresh air into this whole debate on foreign aid. I served with him not on the Committee on Appropriations where he leads the distinguished subcommittee on foreign aid,

but on the Joint Economic Committee, and the gentleman from Wisconsin is surely one of the most brilliant economic minds and thoughtful economic analysts. I congratulate him on the sanity he has shown and also on a bit of compassion, too.

Our House can afford to be both of those things.

I came over here as I observed that really unedifying, degrading, demeaning repartee centered around our colleague from Georgia. That was not this House at our best. I was not proud to be a Member of this House during those minutes that the minority whip held forth.

So I want to congratulate the gentleman from some facts and also for some heart, and I think we should stand for both of those.

I want to just make two points relevant to his analysis of what the foreign aid potential is now. First, right after World War II, at the time of the Marshall Plan, we were contributing 3.2 percent of our GNP for foreign aid. Today we contribute 0.3 percent, less than one-tenth of that. That is a decision of our own making. That is a decision of the executive branch.

The fact is we have a $5 trillion economy, and we can do with it as we will. If we decide we are not going to spend it here in foreign aid, then there is the whole question of alternatives.

The Joint Economic Committee heard testimony from Herb Stein, a conservative Republican economist who was President Nixon's Chairman of the President's Council of Economic Advisers, and he testified to us we can do what we want to do with $5 trillion economy. Nobody is limiting us but ourselves. So we can do far better, a multiple, many multiples of what we are doing now. The second point, there seems to be an emerging consensus which has escaped this administration that we really can crank down the military apparatus very substantially. One of the first evidence that we have had from military professionals was former Secretary of Defense Robert McNamara, who testified a number of months ago that he thought that we could reduce the military budget by half over a 10-year period, by the end of the decade of the 1990's.

Then in the last week we have seen Mr. William Webster, head of our CIA, say that the Soviet Union has really progressed away from an offensive posture toward a defensive posture, and that in Mr. Webster's opinion, and I think I am quoting him accurately, it is highly unlikely at this time that that is reversible; even if Mr. Gorbachev were to be replaced, that irreversible trends have been set in motion in the Soviet Union.

The Secretary of Defense, a former colleagues of ours in this House, Mr. Cheney, took great umbrage at Mr. Webster's tesimony, and he said it undermined the credibility of Mr. Cheney and President Bush, as, indeed, it did. He implied that Mr. Webster was not being a loyal member of the team by 'fessing up' and giving America his honest appraisal of whether we could afford to commence a significant winding down of our military budget.

□ 1640

I think that is degrading. I think Mr. Webster has an obligation to provide the President and the Secretary of Defense and the American people with his best judgment, and he did that. He said these forces seem virtually irreversible, and we can probably count on that, if we keep our powder dry.

Now, just today Gen. Andrew Goodpaster, who has been deeply involved in strategic planning for over a generation, testified before a luncheon of members of the House and Senate that he thinks we can, and I will use his phrase, "We can put our military budget on a downward glide," on a downward glide, "and that over the next five years we can cut our military budget in half." In other words, he shrank the timeframe that Secretary McNamara suggested by half.

Mr. OBEY. Madam Speaker, if I may reclaim my time, does the gentleman think he might be described as being weak or soft on communism?

Mr. SCHEUER. I would think not. He is a highly thoughtful, highly intellectual member of the armed services, a leader of the armed services over a period of a generation.

Mr. OBEY. Is the gentleman suggesting that the only people who might be attacked by some Members of this aisle for being "soft on Communists" would be people who happen to be Democratic politicians?

Mr. SCHEUER. Well, there is a great deal of evidence to justify that. What I am trying to suggest is tough security-minded professionals have testified that we can make deep and lasting cuts in our defense budget. Mr. McNamara suggested cutting it by half over a decade. Mr. Webster fortified that position, that he thinks the changes are virtually irreversible in the Soviet Union. Today, an hour ago, General Goodpaster said we can cut it by half in 5 years.

I think that should give the gentleman from Wisconsin [Mr. OBEY] heart, and give all Members heart, that we can produce a significant peace dividend and we can do it reasonably quickly, without jeopardizing American security.

Mr. OBEY. Madam Speaker, I thank the gentleman from New York [Mr. SCHEUER] for his contribution. I think that brings us back again to something that Majority Leader GEPHARDT said in his speech yesterday, because what was selectively left out in some of the comments we heard today was the fact that the majority leader indicated we did not necessarily have to spend large amounts or larger amounts of foreign assistance. The gentleman said what we did have to do was spend our foreign aid smarter.

I would simply point out that I do not think it is an especially alert or appropriate reaction to the changes we have seen in the world when the administration sends us a foreign aid bill which after the collapse of the Soviet empire and the collapse of the Warsaw Pact, suggests that our principal response to that in the aid area ought to be to increase military aid by $370 million over last year, and to take the last remaining military loans which we provide on a loan basis and simply say okay, in one last swoosh of generosity, we are going to convert these last remaining $400 million in loans to grants.

That means that in the teeth of everything that has happened in the Soviet Union and Eastern Europe, the administration's response is to greatly increase the purchasing power for military aid rather than economic aid. It seems to me that that is a flat Earth approach to what is happening in the world.

Mr. SMITH of Florida. Madam Speaker, would the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Madam Speaker, I thank the gentleman for yielding. I certainly appreciate his taking this time out so we can discuss this issue on a rational basis, which unfortunately was not particularly available during the last hour of debate.

The interesting thing about this administration is its varied approach to the answers that we have all been searching for in terms of the changed realities.

While the gentleman from Wisconsin [Mr. OBEY] has just documented and the gentleman from New York [Mr. SCHEUER] just documented these significant statements by members of the administration and members of previous administrations, both Republican and Democratic, with reference to how they see the military spending aspect, we are now faced with a unique situation made by the White House.

Mr. Darman is now proposing for the President, and, of course, it is the ultimate priority of the President to do, he is on his own, a reprogramming of dollars in order to save military personnel that would have to be cut under the Gramm-Rudman proposal from the sequestration which went into effect.

When sequestration started the President could have exempted these personnel from those cuts, but he chose not to do that. Now, in the face of a significantly diminished threat, in

the face of his own calculations that we can reduce our troops in NATO, in Western European nations, down to 220,000 from the almost 300,000 level we have, he is now trying to utilize money which should have been cut before for other programs to put onto personnel, to save that cost structure. Not to save money, but to save the cost structure of the DOD. So that nobody can look and say, "This money can be saved," he wants to perpetuate the higher numbers wherever he can justify the spending of those military dollars, this in the face of an enormously diminished threat from the East, as documented by almost everyone that has any knowledge of the circumstances.

They refuse to move away from this previous set of circumstances. It is interesting because it is a traditional Reagan view. It is a traditional conservative view that somehow yesterday was better than today, when the reality is today is so much better than yesterday, and, as the gentleman from Wisconsin [Mr. OBEY] indicated when he started his hour, if we play our cards right and if we lead, not follow, and if we shape the future, not only react to it, we can make tomorrow even better than the possibilities that loom large today. But somehow the administration and the President are failing to do that.

Mr. OBEY. Madam Speaker, let me simply say that I think the gentleman's comments again bring us back to the speech of the gentleman from Missouri [Mr. GEPHARDT], because one thing that the gentleman from Missouri said yesterday was this. He said:

> America must once again assert itself as a leader. To do that we must change the way we think about national strength and arm ourselves for the economic competition already underway. America must begin by helping to shape the change in Europe or we will surely be a victim of it. To that end there is much that we can do right away.

I think what the gentleman from Missouri [Mr. GEPHARDT] was trying to point out is that if we really want an America which is strong enough to lead the world in the nineties and the remainder of this century and into the 21st century, we had better make some very large changes.

We have heard people talk about a Japanese decade. Now with the events in Europe, with the emerging of the European trade community in Europe, 1992, we hear talk now about a European decade and a European century.

It seems to me we would like to have the decade of the nineties be an American decade. We would like to have America enter the 21st century still in a position to lead the world through both example and through economic and political and military strength.

I think what the gentleman from Missouri [Mr. GEPHARDT] was trying to point out is best reflected on this chart. The Bush administration response to the changes in the world has been to come to the Congress and say:

> You know what we need more than anything, boys and girls? We need another $5 billion in military spending.

Mr. SMITH of Florida. If the gentleman would yield, they have said they are cutting military spending. Would the gentleman explain how they are in fact increasing military spending?

Mr. OBEY. The fact is they are cutting from their wish level that they expected to have next year. They are not cutting from the existing spending level.

I want to get back to the investment portion of the budget. If we want to be in a strong position, and with all due respect I do not need any lectures on the strength of our defense, of our own values, from anyone who thinks that it is appropriate for the Bush administration to support the renewal of contacts with and the renewal of aid to China after the slaughter in Tiananmen Square.

□ 1650

With all due respect, I need no lectures from people about commitment to our values and the projection of our values in the teeth of that kind of policy aberration.

Mr. COLEMAN of Texas. Will the gentleman yield on that point?

Mr. OBEY. Sure, I will yield to the gentleman from Texas, but I want to get to the investment before my time is up.

Mr. COLEMAN of Texas. Let me quickly point out to the gentleman, if I might, and to our colleagues and those who might be listening, there are a number of Members who had the opportunity to listen, perhaps not here on the floor, but in our offices, to some of the diatribe from the minority whip about the statements made by our majority leader. The statements that he attributed to the majority leader are to me surprising to say the least. He suggested that these were personal attacks on the President.

To suggest that America's lack of leadership, as the majority leader put it, and I quote: "in its most crucial moment of this half century is due in large measure to the fact that our President is not providing the direction we need," to suggest that that is a personal attack on our President I think is made all the more astounding by the fact that the only people, by the way, in the world who do not recognize the changes about, that indeed the cold war may have been won, is a group led by the rightwing fringe, those who get up here and say, "Oh well, this is a personal attack upon the President, and therefore it must be bad."

Obviously I was directed by the minority whip to read pages 3 and 4, and I brought them to the floor to reread them. I do not find anything personal or attacking about it. I think it is perfectly legitimate under our Constitution to say that the ship of state is rudderless and that we are without a leader when it comes to leading on these issues.

So I would just say to the gentleman in the well for him to be concerned at all about being lectured is misplaced, because the lecture certainly has not been taken seriously by anybody that I know, within the hearing of my voice, at any rate.

Mr. OBEY. I think the gentleman.

What I would like to say is what I think is at issue here is not Mr. GEPHARDT's speech, even though it was a very fine speech. What is at issue here is the subject of Mr. GEPHARDT's speech, which is the adequacy of the American response to changes in the world. I would suggest that that response so far has been limp-wristed at best, and I especially think that with respect to making the investments needed to assure the American capacity for leadership in the next decade, and in the next century, we have a very big problem on our hands because of the systematic disinvestment which has occurred in the things that made America strong over the last decade. I would like to lay out what I mean by that.

If we take a look at the Federal budget as it existed in 1980 versus the Federal budget as it exists today, we will see that for programs for the elderly, the disabled, for the nonelderly poor, for economic stability; that is, unemployment compensation, commodity credit programs, things like that, general government operations, we will see that from 1980 through today we have stayed just about the same. We spent about 52 cents a year out of every dollar in 1980 for those programs and we spend about 53 cents our of every dollar for those programs today.

What are the two biggest increases? There is a big increase in interest. In 1980, before the Reagan administration, we spent 9 cents out of every budget dollar on interest. Today we are spending 15 cents out of every budget dollar on interest.

Has that strengthened the posture of the country in the trading world that we face? Has it strengthened our posture financially or economically? I suggest it has weakened it.

The interest that we have paid has increased primarily for two reasons. No. 1, because we gave large tax cuts to some very high income people to the point where today they are paying, the richest 1 percent of people in this country are paying billions and billions of dollars less into the Treasury than they would be paying on the incomes they are earning today if we had not adjusted those rates for those

making over $100,000 below those that they were paying in 1980.

Second, we have had a very large increase in military spending, about a 50-percent increase in real dollar terms, about $100 billion.

But what has been clobbered, what has been clobbered is the investment portion of the budget, what we invest in kids by way of education, what we invest in health by way of medical research on everything from cancer to heart disease to Alzheimer's, what has been invested in community infrastructure for the highways, the sewage treatment plants, the transit systems that are needed in order to make a community a functioning, profitable place where business can make a good profit and workers can make a good living. That has been cut from about 17 cents out of every budget dollar to about 9 cents today. That is a 40-percent reduction in terms of share of the budget. It is a 30-percent reduction in terms of the value of the purchasing power of the dollars going into those programs, and that means that we are systematically weakening America's ability to fight on the one battleground that is going to count in the 1990's, on the economic battleground, because as has been said so many times, the new battleground is not the military battlefield. The new battleground for America is the classroom, it is the trade front, and if we do not have the best prepared workers, the best trained workers, the largest amount of capital per worker in our modern plants, if we do not have that we are going to be a lot lower than first on the trading scale and a lot lower than first on the economic power scale.

The Soviet Union learned the hard way that you cannot protect military power or political power over a long period of time unless you have the economic power to back it up. And if we are not careful, what Mr. GEPHARDT was trying to point out is that if we are not careful we are going to wind up with the true winners on the economic front of the cold war being the Germans and the Japanese. That is what Mr. GEPHARDT is talking about.

Mr. COLEMAN of Texas. If the gentleman will yield, I think that is the point exactly to be made and to be taken from the entire context of the speech. In fact, if the minority whip and other rightwing fringe Members of this body want to stand up here and pick sentences out, we will pick the sentences out. I am not offended by any of the sentences that were delivered by our majority leader.

The President's lack of vision, for example, is a phrase that was used by our majority leader. I am a little tired of everybody saying the President is not at fault here when something goes wrong in this country, it is the Congress' fault. When America elects its intellectual and moral leader of this Nation, the President of the United States, then I think it is high time for that intellectual and moral leader to stand up and be counted. What is this President going to say and do when we have the first emergency energy crisis in 1990 or 1991? Is he going to just blame Congress, or is he going to say, "Well, I probably should have been a leader."

Mr. OBEY. I would make a point about the President's budget on energy. Today in the Federal budget we are spending 60 percent less than we were providing in 1980 in real dollar terms.

Mr. COLEMAN of Texas. It is exactly what he is going to do, and then he is going to blame Congress.

Mr. OBEY. And if we take the President's new budget, as we know he presents that for only 1 year but he projects the budget out 5 years, and if we take a look at his 5-year projections for energy, we will see that the effective level of those programs will be taken down another 20 percent. How does that kind of a budget strengthen us on the energy front?

Mr. COLEMAN of Texas. Let me continue to point out what the President will do after a crisis is here. They will say it was Congress' fault, and they should have done something. I continue to repeat over and over to as many people as will listen that 535 legislators are in a very difficult position to be able to lead an entire Nation. That is what we elect the President of the United States for. The President of the United States has at his disposal all of the agencies, all of the so-called bureaucracy that seems to scare and alarm most people in this country, all of that is at his disposal to use for the benefit of leading this Nation.

To suggest that the leadership that was shown in changing of those budget priorities during the decade of Ronald Reagan has been great, I suggest, as did our majority leader, has shown a strict lack of vision, one that calls into question the President and former Vice President's ability to lead this Nation in the 1990's.

□ 1700

And I do not think it is wrong for our majority leader to ask where is the President of the United States in these changing times?

Mr. OBEY. Let me simply point out that if you are going to have some idea of where you are going to go, you first need to know where you are. The fact is if we do not understand that we are at a point in the development of our own national strength, where we are precariously close to giving away world economic leadership, then we had all better take a look at budgets again.

I think that Mr. GEPHARDT's speech yesterday was an attempt to provide the leadership from the congressional end of Pennsylvania Avenue, what the gentleman is suggesting is often so difficult to provide. It is true that we have a very difficult time with 535 individuals representing a great many different kinds of districts, it is very true, to provide the major leadership in the country from Capitol Hill.

Nonetheless we have an obligation to try.

That is what Mr. GEPHARDT was trying to do.

But to place things again in their proper context, what people have to understand about budgets, for instance, is that no Congress since the end of World War II has ever changed any President's budget by more than about 2 percent. And that is why, if we are really to have changes in this situation so we can again rebuild our domestic investments so that we are strong enough to provide on a continuing basis economic and political and military leadership in the world, we simply have to have a much more dramatic change in budget priorities than we are getting out of the Bush White House.

With respect to foreign aid, what I believe that means is while we should not be looking for ways to greatly increase the overall foreign aid budget, we should certainly be looking for ways to change it, to modernize it, to put the money where it will do the most good. That, certainly in this day and age, given all that has happened in the world, does not mean we ought to provide large increases in military assistance as President Bush is asking us to do.

Mr. COLEMAN of Texas. There is one other thing that needs to be done with respect to that budget and those foreign aid requests by this President. Not one time has this President told us where in the world we are going to get the money to pay for it.

I am a little tired, as one member of the Committee on Appropriations, who also lives, as do all Members and as do all agencies and all people in this Nation, under the constraints and the restraints of the amount of money that we are allocated under the Budget Act for each of our subcommittees to spend on this Nation, whether it is for national defense, feeding program for women, infants and children, or whether it is for foreign interests that we believe are in the best interests of America.

It seems to me only appropriate we all should suggest to this President that leadership is not some trite remark, some off-the-cuff statement about "read my lips" or "a thousand points of light." It seems to me somebody is going to need to stand up in the White House someday and tell us where the money is coming from. I thank the gentleman for yielding.

Mr. OBEY. I thank the gentleman. I think that the record indicates that the Democratic Party in this House has cooperated to a very great degree with the Bush White House. I think we have cooperated on a number of domestic initiatives. I think we certainly cooperated fully in the bipartisan effort to try to bring a peaceful resolution at long last to Central America, and I think we have established a rather good working relationship with the Bush administration.

But I do find amusing the tone that emerges from the other side of the aisle every time someone has the temerity to suggest that somehow perhaps the judgments being made by the White House are not exactly what ought to be produced in an era of change which is this dramatic and important.

I think Mr. GEPHARDT was simply trying to lay out the fact that if we do not have a budget which is sufficiently changed to reflect the changes in the world, then we are simply wasting money and we are missing a tremendous opportunity to strengthen America when instead we appear to be weakening.

JOSE NAPOLEON DUARTE, THE STATESMAN

Mr. OBEY. Let me also just make one additional point here. One of the members of the minority indicated that he wanted to have a special order devoted to Mr. Duarte. I regret that I cannot stay around for that. But as one Member of the House who has fundamentally disagreed with the Reagan policy in Central America and as one Member who has grave doubts about the ability of the existing Salvadoran Government to in fact bring about the reforms that are necessary to justify our continuing aid, let me nonetheless, having said that, simply say that I too regret President Duarte's passing.

I think President Duarte was a statesman. I think he had an almost impossible job. I think he tried, under extremely difficult circumstances, to lead his society into a modern age where you simply do not respond to political disagreements by taking out your opposition literally, as unfortunately is the case in Salvadoran society all too often.

I also have a great deal of respect for his successor, Mr. Cristiani. But I think we would do Mr. Duarte no favor even posthumously if we neglect to focus on the need for a fundamental reevaluation of Salvadoran policy so that we can determine why it is that, after almost $4 billion and almost 12 years of fighting, that the rebels in El Salvador still have the military capability to wade into the nation's capital and do incredible damage.

Why it is that we still have not been able to get the military to reform? Why is it that the court system down there is a joke which would offend the sense of fairness of any American who witnessed it? What are the elements of our own policies which need to be changed in order to accomplish the kind of change that is necessary in El Salvador in order for us to be able to go to the taxpayers and say, "Your money is being spent for a productive purpose"?

It seems to me the greatest honor we could do to a fine statesman, Mr. Duarte, is for us to engage in a fundamental review of policy before it is too late to have much effect, so that in fact we can bring about the changes in El Salvador that can lead to a negotiated settlement and can lead to a decent opportunity for a decent and safe life for all of that country's population, not just the economic elite which has dominated that country for so many years and brought about the conditions which have made it fertile territory for a revolutionary which otherwise would never have occurred in the first place.

UPDATE ON THE WAR ON DRUGS

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, one of the most important issues facing the American people today is the war on drugs. My question to my colleagues tonight and all of my friends who are paying attention is: Are we really in a war against drugs? And if so, do we really want to win it?

There are a lot of people who believe that the war on drugs that is currently undertaken is going to be an all-out effort. But I submit to you that there is reason for doubt about that, and I want to tell you why.

I recently went to Lima, Peru, and from there I flew into what is called the Upper Huallaga Valley, a valley which is about 200 miles long by 25 to 30 miles wide.

In this valley in Peru the campesinos, the small farmers there, produce two-thirds, 65 percent or so of the world's coca leaf.

Now, the coca leaf is the ingredient that makes cocaine and crack, which is destroying the minds and bodies and lives of American youth. Two-thirds of it comes out of this one valley. We know exactly where it is being produced.

Now, the President has a program that is going to be dealing with the drug problem. The President's program—and I am a very strong supporter of George Bush and I have the highest regard for him in what he is trying to accomplish and I think he is doing a great job as do most Americans—but the President's approach essentially revolves around three points. The first point is that we are going to educate the people, the young people of the United States, about the dangers of drugs and we are going to try to convince them that they should not use it. If we cut the demand, the argument goes, if you cut the demand, then there will not be the consumption and there will not be the production and you will not have that problem that we have in bringing this stuff across our borders.

□ 1710

Mr. DREIER of California. Mr. Speaker, I know the gentleman has very important points he wants to make, but I thought I would touch on the issue of demand.

Throughout the past decade I had the opportunity to go to the United States-Mexican Parliamentary Conference, and one of the things that many of these other governments like to say to Members, and my friend, the gentleman from Texas [Mr. COLEMAN] participated on a number of occasions, is the issue of demand. I think that we really cannot underscore that enough, because they will so often say, "To you all in the United States, if you don't have a market for it, you all are providing. There is no reason in the world that we would be supplying."

I think that that cannot be underscored enough. I think it is very important for Members to realize that we in the United States are the ones creating the market for this. That is why the first point that the gentleman is making of the three points that the President has, and the very important fourth point that the gentleman will make, needs to be pointed out to the American people.

I thank the gentleman very much for taking this time out to focus on an important issue.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for his comments, and hope he will have more comments as I proceed.

The first point is that we have to do something about cutting the demand in this country. The second thing the President is trying to accomplish is interdiction. In December of this last year, we interdicted in New York, California, and Texas, 42 metric tons of cocaine, 42 metric tons, and it did not even make a dent in the street price. But our DEA agents and our Customs agents did a great service for this country by interdicting these drugs.

However, the drug experts in this country have said we are only getting 300 metric tons of cocaine in a year, but we interdicted 42 metic tons in one month, and it did not make a dent in the street price. Therefore, I believe we are probably getting a lot more than 300 metric tons into the United

States each year, probably like 2 or 3 times that amount. Otherwise, the price of cocaine would have gone up when the huge busts took place. Interdiction is very important, and we need to do what is necessary to help those people who are in the Upper Huallaga Valley now. Our drug enforcement agents who are risking their lives working on the problem, our DEA agents in Miami, California, and Texas and all across this country, who are risking their lives.

Likewise, we need to do what is necessary to help expand the operations of our customs agents, and give them the tools that are necessary to interdict the drugs that are coming through our ports and our airports. They need more x ray equipment and so forth to deal with this problem. I have talked to a number of them about this. We also need to do more in helping our Coast Guard. Therefore, interdiction is a very important part of the overall war against drugs.

The first thing is education, and cutting demand. The second thing is interdiction. The third thing is imposing severe penalties on the pushers. That should be up to and including the death penalty for major drug pushers, those dealing in large quantities of cocaine, PCP, heroin, other drugs, opium. Those people who are dealing, the major dealers, should be subject to the death penalty. I support the President's efforts to expand our laws in this country to be more effective, and penalize more, those who are caught dealing in drugs, particularly those major drug dealers.

However, the one thing that is not being discussed, and that is the main focus of my special order tonight, is eradication. Now, when I was in the Upper Huallaga Valley, I had an opportunity to fly to a place where they did an experimental program using a herbicide called Tebuthiuron. Tebuthiuron is very, very effective in killing coca plants. It will kill 95 or 96 percent of the coca leaf which it comes in contact with. This program that they tried, this very small program down there, showed just how effective it was.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield on that?

Mr. BURTON of Indiana. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding. I have just had a discussion a few moments ago about the effect that Tebuthiuron has. We in California now are going through a very controversial Malathion spraying which deals with the Mediterranean fruit fly, something we have dealt with for over a decade in California. Former Gov. Jerry Brown out there was the one who was first responsible for launching the spraying efforts.

There is a real upheaval, and I have to underscore the fact that I am very concerned about the effect that Malathion has. It ruined one of my cars before I came back here. When I see the kind of effect that Malathion has on automobiles, I cannot help but wonder what it does to a young person, or anyone's lungs, or anything else. Therefore, I guess I would like to ask the gentleman if the effectiveness of Tebuthiuron is that great in eradicating the coca leaf, what effect will it have on what our colleague, the gentleman from California [Mr. CAMPBELL] has been working on, which is crop substitute and incentives for the countries to substitute other crops. Also, the environmental effect that it might have. Those are the two questions I would have for the gentleman from Indiana.

Mr. BURTON of Indiana. I am very glad the gentleman asked those two questions. I thank the gentleman for being so concerned about that issue.

The environmental issue is an issue that will be raised. Tebuthiuron is something that would be put on the crops in the form of small pellets. These pellets are environmentally safe, as respects other forms of plant life such as trees, grass, and other plants which would not be damaged. Only small, bushy plants like those that we would have in the coca leaf family. Now, the Tebuthiuron is put on in very small amounts. Just 3 pounds per acre will eradicate about 95 to 97 percent of the coca leaf, and two-thirds are grown in this valley. That is the first thing.

The second thing is that it will not hurt human beings. While I was in the Upper Huallaga Valley, the gentleman that flew me out there, along with all the people carrying machine guns to protect us, he took a stalk of sugar cane from the experimental project, and he ate part of that sugar cane. He took a stalk of sugar cane that was growing there and cut some of it off, and ate it to show that there was no damage to the products, or that it would be damaging to human beings that might consume products coming out of the area.

Mr. DREIER of California. Was it the great patriot Bruce Hazelwood who ate the sugar cane? He has survived a lot, having been in Special Forces in Vietnam.

Mr. BURTON of Indiana. It was not our good friend Bruce Hazelwood or Andy Messing with us on the trip, but a fellow who would probably not wish to be mentioned because he is with the government.

However, it will not hurt human beings.

Now, let us talk about the environment. For instance, the lungs of the world are in the Upper Amazon Valley, the great rain forests, and we heard about how they are being cut down. In the Upper Huallaga Valley in Peru and other parts of Peru and in Bolivia, they are cutting down, literally, hundreds of thousands of acres of trees and letting them rot on the ground or burning them to make way for new coca leaf planting. Those trees, I submit to my colleagues, cutting down the trees is a much greater risk to the environment than the small amount of Tebuthiuron that will be dropped to kill the coca leaf. In addition to that, all the tributaries that lead into the Amazon River, one of the greatest rivers in the world that comes out of Peru and Bolivia and Colombia and that area, all of those tributaries are being saturated with millions of gallons of chemicals that are used to process the coca leaf. They are dumping that into rivers, killing the fish, killing the wildlife that drinks out of the rivers, and destroying all the things, all the vegetation growing along the tributaries that lead into the Amazon.

Therefore, when Members talk about environment, Tebuthiuron will have a minimal effect on the environment down there, but it will have a great impact on cleaning up the environment because if those countries that are allowing coca leaves to be produced, now we will come in and eradicate them, they will not cut down the trees because it will not be necessary. I think it will be an environmentally positive thing for us in dealing with the coca leaf production, by dropping Tebuthiuron on these plants and in that valley and elsewhere.

Now we can find out through our spy satellites, which are all around the world now, exactly where large quantities of coca leaf are being grown. There is no question we we can find out where it is. We already know where two-thirds of the world's coca leaf is being grown, and that is the Upper Huallaga Valley. The president of that country, Mr. Garcia, met with President Bush in Cartagena, along with the President of Bolivia and the President of Columbia. They talked about an agreement that would deal with the coca problem. We are going to be appropriating, at least it was suggested to Members by Mr. Bennett, our drug chief, about last week, that we were asked on the Committee on Foreign Affairs to authorize $708 million to be appropriated for DEA support, for support for the Peruvian military and the Bolivian military and the Colombian military and for other purposes, to help interdict and stop the production of cocaine in those countries.

□ 1720

But President Garcia has said publicly in speeches before the people

who are producing the coca leaf down there that he will do nothing to stop coca leaf production. The fellow who is running for President and who is the likely successor to Mr. Garcia, I have been told, has said in speeches that he wants to decriminalize or legalize coca leaf and cocaine use in Peru. He has talked about that in speeches. That does not sound like people who are committed to the eradication of the problem of cocaine in those countries, let alone the problem of the cocaine that is getting into the United States in large quantities.

So I submit to our administration and to our President that the only way we are going to get cocaine stopped is to do the three things the administration is talking about and also the fourth thing, and that is the eradication of the product at its source. We will never in my opinion win the war against drugs until we have as part of our program the eradication of the drugs at their source. That means going in and using tebuthiuron, or whatever herbicide is necessary, to stop the production of those products at their source.

Now, how do we do that? This is the part that gets real sticky, and this is the part that is going to receive a lot of criticism from my friends and colleagues, and that is that we have to tell the Presidents of those countries at some point in the future that we are coming in with aircraft to fly over those areas and drop these herbicides in large quantities on these coca fields so we can kill it. It would take about 5 days to 6 days with our planes flying up and down the upper Huallaga Valley to drop enough herbicides to kill 97 percent of the production in that country.

Now, if we were to do that, the first thing the President of that country would say is: "My gosh, that is an invasion of our territory. That is a violation of our sovereignty."

Mr. DREIER of California. Madam Speaker, will the gentleman yield on that point?

Mr. BURTON of Indiana. I am probably going to cover what the gentleman is going to ask, but go ahead.

Mr. DREIER of California. I just wanted to say this: The only reason I jumped back up is that I wanted to ask, why in the world do we have to say that we are going to do it? Why do we have to say that we are going to launch it? Why can we not just propose it at a summit like the one we had at Cartagena, where Garcia and Paz Zamora and Barco met with President Bush in a coodinated joint effort? That is just one of the things we have done in trying to deal with the situation in Mexico.

In the past we have had joint efforts along with the Government of Mexico, and I would hope very much that Bolivia, Peru, and Colombia would join with us, rather than just having us say we are going to fly in. I say that because they obviously want to see this brought to an end, based on the efforts that President Barco and others have seen in their countries.

Mr. BURTON of Indiana. I am not so sure that the other leaders down there have the same dedication to the elimination of the problem as President Barco has. I think President Barco is to be commended for what he has done in Colombia. I think it is a political problem, and I also think there is a modicum or maybe a large amount of corruption in those governments because there is so much money involved.

There are 200,000 campesinos in Peru and I do not know how many in Bolivia, probably 50,000 or 60,000, that are planting or growing coca leaf. So there are perhaps 200,000 people who have a voice in government there who are concerned about losing their income that is being derived from coca leaf production.

In addition to that, there is probably another million people who are dealing in manufacturing coca paste and producing actual cocaine to send to the United States. There are probably 4 or 5 times as many of those as there are actual coca farmers. I am not concerned about that million, but I think that those politicians probably are down there, and I think they are also extremely concerned about those small campesinos or farmers who are planting the coca leaf.

So here is what I think should be done, and I say to the President, "Mr. President, if you are paying attention to this special order tonight, I hope you will at least take under advisement what I am going to be saying and also what you will be reading in the papers in the weeks to come because I am going to be sending these as op-ed pieces to many of the publications across this country, hoping they will print them, because I think it is something that needs to be discussed at the very least."

The idea is that at 6 a.m. in the morning our President calls the President of Peru or Bolivia—probably it would be Peru first—and he says, "Mr. President, first of all, I apologize for waking you at such an early hour, and, second, I want to tell you that we are committed in the United States to winning the war on drugs, and toward that end we have decided the only way to stop the cocaine from coming into the United States in large quantities is to eradicate it. So we are flying up and down the Haullage Valley, starting at this time, and dropping the herbicides—it might be tebuthiuron, it might be something else—in quantities large enough to eradicate that coca leaf."

The first thing that president is going to say, whether it is Garcia or his successor, is: "Oh, my gosh, you can't do that. You are violating our territorial boundaries."

And we should say at that time, through our President, "We understand you are going to be upset about that. We fully expect you to take this to the U.N., we would not expect you to do otherwise, but we are in a war against drugs and hundreds of thousands of our young people are dying or being ruined for life because of that cocaine, no less than if you were making bombs in that valley and bringing them into our country and blowing up people. So since we are in a war against drugs, we are not attacking any of your population, but we are attacking that crop. We know that you have a political problem, and we know you are going to have an economic problem, and because of that we are going to help each one of those campesinos who are not going to be able to make a living off coca for the next 18 months or year or 2 years by giving them a stipend which will be fairly close to what they were making off the coca leaf."

So that takes away the economic argument, and it will save us millions and millions, perhaps hundreds of miliosn of dollars, by doing it that way instead of trying other approaches which are being talked about and which are actually being implemented right now.

Now, when they go to the U.N. and start complaining about that, then I think our ambassador to the U.N. has to say the things we have talked about tonight, and that is that "we know we are going up against drugs, and we know we can interdict, we can educate, we can help put people in jail who are dealing with drugs, but until we stop the product from being made and produced, we are never going to win the battle; the war will go on and on, and hundreds of thousands of young people, maybe millions, will ultimately suffer, and many will die."

So the bottom line in my view is that the President has to be willing to do what is absolutely necessary to win the war on drugs. We got a lot of heat from going into Panama, but it was the right thing to do. We got a lot of heat for going into Grenada, but it was the right thing to do. I submit that until and unless we can get the presidents of those countries to go along with an eradication program, we have no choice but to take the war to the cocaine producers in those valleys and eradicate those things as quickly as possible, because if we do not, they are going to be turned from coca leaf into coca paste and into cocaine and crack, and it is going to be killing America youth.

Now, people may say, "Congressman BURTON, you are on the Foreign Affairs Committee and you are one of

those guys who are supposed to deal in a diplomatic way with members of foreign governments. Won't this cause a hue and cry across the world?"

Of course it is going to cause a hue and cry against our action, but my answer is this: I hate to offend foreign leaders, but if it comes to a choice between offending foreign leaders by going across their property and their land and spraying those crops with tebuthiuron, or whatever kind of herbicide we are talking about, to kill the coca leaf, if it comes to a choice between doing that and seeing hundreds of thousands of young Americans die or be ruined for life because of that product that is coming into this country, there is no choice to be made.

We as a Congress or as a people are supposed to defend the lives and the liberties of the people of this country, and people are dying because that coca leaf is being grown and produced, and it is being produced right now. We know exactly where it is being grown, and we are not doing anything about it but trying to interdict it, and that will not work. That will not get the job done. We will never win the war against drugs until we go to the source and eradicate the product before it becomes cocaine, or whatever ultimately the drug is going to be.

So I say to my colleagues tonight that I hope they will take this under advisement, and I say to our President tonight: "Mr. President, I hope you will take these thoughts under advisement, and I hope you will ultimately come to the conclusion that either we get those presidents and those leaders of those other countries to go along with an eradication program that will work or we will do it ourselves, because we will never win the war against drugs until we do."

A TRIBUTE TO THE LATE JOSE NAPOLEAN DUARTE

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Madam Speaker, over the past several months we have witnessed some incredible changes in the world. Needless to say, what I have just said is an understatement.

We have also seen some great leaders play dynamic roles in those changes. We have seen Lech Walesa, Ronald Reagan, and Vaclav Havel, both of whom have stood right behind us in the last several months, and there have been a number of other leaders who have stood here and said great things. There have also been some who have not had the chance to stand here. When I think about the descriptions of what we have seen happen in the last several months, I cannot help but think of a statement that was made right here on October 18 of last year by the President of South Korea, who really described the changes that we have seen in the most incredible way.

We all know, Madam Speaker, that Roh Tae Woo is not an English-speaking person, but out of respect for us he spoke to us in English, and he said this:

"The forces of freedom and liberty are eroding the foundations of closed societies, and the efficiency of the market economy and the benefits of an open society have become undeniable."

□ 1730

Madam Speaker, these universal ideals, symbolized by the United States of America, have begun to undermine the fortresses of repression. That statement was given right here, Madam Speaker, by President Roh Tae Woo, and it to me describes the goals that were established by one of the great world leaders who just 2 weeks ago passed away, and I am referring, of course, to President Jose Napoleon Duarte who served as President of El Salvador.

El Salvador, as we all know, is an issue which has been hotly debated on the floor of this Congress for years, and years and years. Like the issue of Nicaragua, it, just when I came here in 1980, actually January 1981, was one of the issues that was being discussed because we of course saw the tragic murder of the nuns which took place in 1980. We also saw over that decade and those several years in early 1980 tremendous problems, horrible death squad activities which saw up to a thousand people a month murdered in El Salvador.

Madam Speaker, through that struggle we saw a person who had been a political leader in that country for years, had been forced into exile by a military government, emerge and become truly a great leader, one who struggled for peace, was himself a victim of the Farabundo Marti National Liberation Front when his daughter was tragically, tragically kidnapped by the FMLN. Many of his close friends and allies were brutally murdered by the FMLN, and yet his resolve never waned. He stayed tough, and he was able to live to see what he wanted to live to see, and that was the transition from one democraticly elected government to another, which was the first time in the history of El Salvador that that actually took place.

In addition, Madam Speaker, I think it is very, very important for us to recognize how grateful we are that Jose Napoleon Duarte, who according to many physicians was going to be dead long before that transition took place, did in fact live to see it, and I will never forget on June 1 of last year, when I had the privilege of going along with Senator LUGAR, the distinguished colleague of the gentleman from Indiana [Mr. BURTON] to represent President Bush at the inauguration of Alfredo Cristiani, and while there were many domestic political struggles that existed between the Christian Democrats and the Arena Party in El Salvador, at that huge stadium on January 1 there was not a dry eye in the stadium when we saw Jose Napoleon Duarte embrace his successor, President Alfredo Cristiani.

Madam Speaker, when we look at the life of Jose Napoleon Duarte, it is one which certainly is a very full one. He was born in 1925. His family had been very politically active over the years. He was educated right here in the United States in a place called Notre Dame University. I know the gentleman from Indiana [Mr. BURTON], my friend, is familiar with that institution. He served as mayor of San Salvador during the 1960's. He was founder of the Salvadoran Boy Scout program. He founded the Salvadoran Anti-Tuberculosis League and managed the Salvadoran Red Cross for a number of years. He appeared well on his way to serving as president in 1972, before Salvadoran soldiers halted the vote and actually imprisoned Mr. Duarte, during which time he was tortured and was left, as all of us have seen on many occasions, with severe scars on his face.

Finally, as I said a few moments ago, Jose Napoleon Duarte was driven out of the country. He returned in 1979 to a nation that was clearly beset by violence. He was able to come through a civilian military junta to the presidency in 1980, and ultimately in 1984, after a long struggle he was able to become elected president of the country.

Madam Speaker, in the face of seemingly insurmountable odds Jose Napoleon Duarte laid the foundations for continued political pluralism in a dramatic reduction of death squad activity.

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield?

Mr. DREIER of California. I would be happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I hate to interrupt the train of thought of the gentleman from California [Mr. DREIER] because I know that he has a very detailed history of Napoleon Duarte.

I think President Duarte was probably one of the great leaders of our time in Central America because he was able to get the people all together and headed in the right direction during his tenure in office, and had it not been for the herculean efforts of Duarte, there would not have been the free elections that took place just last

year when Cristiani was elected president.

So, Madam Speaker, I think that although we may have had some philosophical differences with Mr. Duarte, he was a Social Democrat, and not as conservative as many Members of the Congress would have liked.

We have to say unequivocally that he brought democracy to that country, and he carried out his tenure in office in a very fine manner, and had it not been for his conducting himself the way he did in office, we probably would not see democracy flourishing in El Salvador today.

Granted, there are still a lot of problems, but I would say that country and the entire world, particularly our hemisphere, owes Napoleon Duarte a tremendous thank you.

Mr. DREIER of California. Madam Speaker, the gentleman from Indiana [Mr. BURTON] is absolutely right, and I thank him for his fine contribution.

Madam Speaker, when one looks at the kind of reception that President Duarte got when he came to this country, we provided ovations to him, my colleagues will recall, and shortly after he was elected President, when he came, I remember the Committee on Foreign Affairs room, and he gave a very stirring address to us.

When my colleagues think about the fact, as the gentleman from Indiana [Mr. BURTON] points out very well, of moving on the road toward pluralism, openness and democracy was really the goal that he had. And of course he desperately wanted to insure that the three goals of the people of El Salvador and people throughout the world were implemented, those goals being peace, stability, and economic recovery, and I think that the work that President Duarte did very clearly moved us along the road in doing that.

For example, Madam Speaker, in 1984 he was able to successfully perceive with conviction those individuals who were responsible for the tragic murder of those nuns, which was a situation which really caused, as we know, a stir throughout the world——

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield just for a second on that point?

Mr. DREIER of California. I would yield further to my friend.

Mr. BURTON of Indiana. For those of our colleagues who may be paying attention to this, that was no easy task because the military has been extremely strong on El Salvador and a lot of the Central American countries, and for a president to take to task people who violated the law and committed these kinds of atrocities is a real show of strength in a man's character, and he risked his life, and he risked his presidency to a degree by doing that, and he really was a giant of a man.

Mr. DREIER of California. We all know with the action of the FMLN in kidnapping his daughter that he certainly was very personally drawn into this, and it is a very tragic irony that now President Cristiani is faced with the challenge of dealing with the murder of those Jesuits who last November 16 were tragically killed at the Central American University, and there of course have been dramatic improvements, and we have to recognize that.

As I was saying a few moments ago, a thousand people a month died from those tragic death squad activities. Last year the number of deaths was tragically 200. It was 200 in that year, and had it not been for the strong efforts of President Jose Napoleon Duarte, there is no doubt in my mind whatsoever that we would not have seen the kind of improvement which we have.

Then of course, Madam Speaker, we can shift to neighboring Nicaragua and the fact that the Gulf of Fonseca has been used as a route through which Soviet bloc weapons have come in to destabilize the Government of El Salvador, and President Duarte tragically died just before we saw that free and fair election take place in Nicaragua.

□ 1740

I am convinced that will be the beginning of the FMLN Communist guerrillas.

Mr. BURTON of Indiana. Well, if the gentleman will yield further, we all hope so. I would just like to say that Jose Napoleon Duarte, a graduate of Notre Dame and the University of Indiana, may have known about the outcome of that election after all. He may after his passing, having made it to heaven, see that democracy is flourishing not only in El Salvador, but will flourish in Nicaragua as well. If democracy changes the makeup of the Communist Sandinista military in Nicaragua, I think the gentleman in the well is absolutely correct in that the FMLN's days are numbered, because they will not be getting those supplies that they received before.

Mr. DREIER of California. Madam Speaker, I thank my friend for his comments.

I am not going to go through the litany because we have heard time and time again of the tragic deaths of government leaders and other officials, mayors, judges, which the FLMN is responsible for in El Salvador, these brutal murders.

We have, of course, constantly seen on the news the tragic news of Father Ignacio Ellacuria and the five other Jesuits and their housekeeper and daughter. I was along with the Moakley task force investigating this just a few weeks ago in El Salvador, but I think it is important to underscore the fact that there have been literally dozens and dozens of top government leaders, the attorney general, who have been brutally murdered by the FLMN.

President Duarte and now President Cristiani are standing up against that. Again it was President Duarte who clearly laid the groundwork.

I am pleased that President Duarte has been recognized in the United States as a clear leader. It is not often that I quote, I think it is the New York Times editorial on President Duarte. This was about a year and a half ago, talking about his illness that had taken place and the kind of leadership that he had offered. They said:

> But he has been that most valuable and admirable of politicians, a serious and decent person who chose to devote himself over the decades to the seemingly impossible mission of moving from his religious faith to the building of democracy in just about the most inhospitable circumstances imaginable. For his efforts he has suffered grievous personal and family injury at the hands of right and left alike. Yet he has persisted in dutifully advancing the civilizing democratic element in a political landscape dominated by barbarities. He has sought to create the institutions of a modern, self-governing society in a place where caprice and violence otherwise hold sway. Against immense odds he has struggled to create a center and make it hold.

I think that very clearly outlines the struggle that he was up against and how effectively he dealt with it.

Madam Speaker, I am happy to yield further to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I just want to end my participation in this special order by saying that I think that newspaper article says it very, very well. Napoleon Duarte was a great man, a great leader, and he will be missed.

I thank my colleague, the gentleman from California, for taking this special order.

Mr. DREIER of California. I thank my friend for his contribution.

There are a few other quotes, Madam Speaker, that I would like to enter into the RECORD.

Madam Speaker, I would like to continue briefly by quoting the former U.S. Ambassador to Venezuela under President Carter, who said, "The key figure in Salvadoran politics in the last decade was President Duarte." He lauded him by saying that he was trying to build a shield against the insurgency, but behind it to produce reform, which if you think about it is an incredible challenge he was up against, to produce a shield from that insurgency and behind that shield to produce the kind of reform which we are now seeing and, of course, that transition which we saw take place last year was evidence of.

Another former Carter Ambassador to El Salvador commented, "He stood

for reform, negotiation, and an end to the savagery of the armed forces."

President Oscar Arias of Costa Rica, who has been in the news certainly a great deal, described President Duarte as a man of peace who has left us. He fought for democracy like no one else.

One of his closest friends remarked,

He will be remembered as having begun a process, for having created a tendency toward democracy, despite serious mistakes. He believes in democracy and tried to create one in extremely difficult circumstances.

Now, if you look at a number of the other statements that have come out, I remember this one back in 1985 when Time magazine said:

Basketball may have been Duarte's game in college, but now he played high wire artist, poised between his country' extreme right and radical left.

Well, Madam Speaker, as we proceed to look at the legacy of President Duarte and the challenges which now are left with President Cristiani and others, tremendous gains have been made, but much remains to be done. We know that last November, tragically following months of peaceful negotiations, launched by the FLMN, a massive urban assault took place, beginning on November 11, just 2 days after the Berlin Wall went down. It is very unfortunate to see the way the FLMN had operated, not only throughout the years of President Duarte's life, but the way they have continued in recent months with this assault.

What they have done, Madam Speaker, is that when they have been losing on the battlefield, shifted to the negotiation table, and once they have spent a great deal of time at the negotiating table, they have been able to regroup and launch things like the November 11 assault on El Salvador.

I think President Duarte was one who recognized the necessity to be very vigilant. Seventeen times President Duarte attempted to negotiate with the FLMN, and yet virtually every time the negotiating process was going on, the FLMN was planning another major military assault against the people and the duly elected Government of El Salvador. Unfortunately, we see it today.

Madam Speaker, I continue to be optimistic. I am optimistic that the life of President Jose Napoleon Duarte was one which paved the way for peace, stability and economic recovery in El Salvador. It is not going to happen overnight. In fact, President Duarte in his inaugural address, warned against great expectations.

He said:

Are we going to arrive at perfection? It is a satisfying thought, but I think not. We are human.

Well, it is obvious that President Duarte did not see El Salvador arrive at perfection, but he certainly can be very proud, as can members of his family and all of his supporters for the fact that he did lay the groundwork for the kind of peace and stability which I hope and pray the Cristiani government will be able to enjoy in the next several years to come. There are many challenges which lie ahead. I believe one of the most important things that we can do in the name of President Jose Napoleon Duarte is to have a consistent United States policy toward El Salvador. A consistent policy is essential. There are many people who have called for an immediate end to any kind of aid to that duly elected government. I think it would be a real mistake for us to do that now, because improvement has been made, as I pointed out, with that reduction from a thousand a month death squad activities to 200 last year. Again, not perfection, but certainly improvement, and it is absolutely essential that we have a consistent policy, and if for no other reason, Madam Speaker, we should have that consistent policy from the United States Government in the name of one of El Salvador and the world's most courageous heroes, Jose Napoleon Duarte.

Mr. GILMAN. Mr. Speaker, I rise to express my profound sadness upon the death of Jose Napoleon Duarte, former President of the Republic of El Salvador.

President Duarte was educated in the United States, at the University of Notre Dame, and remained a devoted friend of this Nation throughout his distinguished career. President Duarte was a beacon of democracy in his beleagured nation, and we here in Washington recognized his commitment. In fact, the affection and esteem the United States Government held for President Duarte endured long after his electoral popularity in Nicaragua began to dwindle.

Throughout his tenure as President, and even after his defeat in a reelection bid, Jose Napoleon Duarte was an outspoken advocate of democratic reform in El Salvador. Mr. Duarte was an adroit politician, adept at walking the tightrope of political conciliation. He diligently worked investigating the myriad allegations of human rights abuses in Nicaragua, and he did his very best to get the Nicaraguan business community to pledge its capital and skills to make life better for his fellow countrymen.

In a nation torn by violence, suffering and poverty, Mr. Duarte's leadership provided a ray of light. He will be missed by those of us who knew him, and we express our deepest sympathies to his family.

Mr. BROOMFIELD. Mr. Speaker, I would like to join my colleagues as they rise one by one to honor a man who fought courageously and with infinite tenacity not only in his battle against a tragic illness but also in his steadfast commitment to bring a better life to the people of El Salvador.

President Jose Napoleon Duarte was universally respected and admired by his friends and by his adversaries for his tireless efforts and visionary leadership to foster peace, democracy, and stability both in his nation and throughout the Western Hemisphere. As the first democratically elected President in El Salvador in more than 50 years, his struggle to bring his country from chaos and despotism to democracy was an inspiration to all Americans.

As we in the Congress take leave one last time of our faithful and noble ally, I hope each of us will do all we can to bring about a lasting monument to Jose Napoleon Duarte: the establishment of peace and democracy in El Salvador. We can do no less to honor this man.

GENERAL LEAVE

Mr. DREIER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mrs. PATTERSON). Is there objection to the request of the gentleman from California?

There was no objection.

PROCESS IN THE 101ST CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Madam Speaker, I would like to take about 30 of my 60 minutes to just talk about process in the present session of the 101st Congress. I am greatly disturbed about the way some things are being orchestrated. The process will determine in many cases the results and the results I think will be bad results because of an unusual process.

□ 1750

I would like to take just three bills that I think are very important and express my concern about the way they are being moved in this House. The Americans with Disabilities Act I am greatly concerned about. That is an act we started in 1987, I think, and continued in 1988, and in 1989 there was a great renegotiation that took place. That is the Tony Coelho bill. Tony Coelho was a sponsor, and he led the negotiations. The Senate, the House, the president agreed, a bill was passed in the Senate in 1989 fairly early in the session, and then it was referred to four committees in the House.

The Americans With Disabilities Act is a very important bill. It affects the civil rights of 43 million Americans. I think that nothing is more important than completing the civil rights agenda and guaranteeing to these 43 million Americans their civil rights in order to enable them to become more productive citizens.

I think also that the second bill that concerns me is very important also,

H.R. 3, the child care bill, which went through a process of 3 years of negotiations and hearing in the Committee on Education and Labor. We had numerous hearings. We had negotiations with numerous groups about problems related to the bill, and there was a consensus finally reached. The bill passed from the subcommittee. It passed out of the committee into the House. It passed on the floor of the House. But in the conference process, the bill was killed last year.

We see no signs of that bill now in the pipeline except in strange comments that are being produced sometimes by constituents of mine. I was shocked to have some constituents of mine come to my office to talk about the child care bill, and they reported to me that there were certain Congressmen who informed them that some Congressmen had gone to the White House and met with White House operatives, and a deal had been made about the child care bill, and the only bill that had any chance of passing and not being vetoed by the President was the bill based on the deal that they had made. But I have not seen the deal bill. I have not seen the results of this behind-the-scenes deal which had no hearings, no negotiations that I know of other than the supposed White House deal. So I am concerned about that.

I am concerned also about H.R. 1675, which might be called the President's initiative to promote excellence in education. This morning the Elementary and Secondary Schools Subcommittee voted to postpone the markup for this President's initiative to promote excellence in education, the bill H.R. 1675. I am very concerned about why that bill was rushed to us, and there is a push to get that bill acted upon in a House which is not concerned about the child care bill, and takes so much time to draft, in a House of Representatives that seems not to be concerned about the movement of the Americans With Disabilities Act. I am very concerned about that one, and every day that goes by, things get more complicated.

Here is a bill the President agreed upon from the very beginning, and it had White House support, the Senate passed it by a wide margin, the Committee on Education and Labor voted it out last November. Why is the Americans With Disabilities Act being dragged slowly through the House, while at the same time H.R. 1675, the President's initiative to promote excellence, is being rushed?

We have serious doubts about the results that will be achieved. We know there will be no positive results if this particular President's initiative to promote excellence is rushed. We would like more time to take a closer look at it.

I am concerned, and to go back in more detail and talk about the Americans With Disabilities Act, I think it is important for Members of the House as well as the American people in general to understand that it was very much supported by the President. President Bush started in 1988, and I quoting the President, "I am going to do whatever it takes to make sure the disabled are included in the mainstream. They are not going to be left out anymore." The President supported the bill, which passed the Senate by a vote of 76 to 8, 76 in favor, in September 1989.

Unfortunately, following the raft of favorable publicity the White House received for its positive stand on the bill following Senate passage, the administration has been notably inactive after they got the publicity and the credit, and everybody was applauding including myself. I applauded the President for his positive action, and suddenly the administration has become notably inactive to round up House Republicans to support the legislation.

Yesterday as ADA was being marked up in the House subcommittee, another strange thing happened. The Subcommittee on Surface Transportation, and as I said before, four different committees have jurisdiction over the bill, and the only one that has passed it in the House so far is the Committee on Education and Labor following the leadership of my Subcommittee on Select Education, but yesterday as ADA was being marked up in the House Subcommittee on Surface Transportation, a rumor began to circulate that the administration was no longer in favor of the bill. It was brought to my attention by some alarmed members of the community of people with disabilities. The leadership there were quite upset by the fact that as a result of this dragging in the House, these kinds of complications had begun to develop, and suddenly the President and the administration had indicated they were no longer interested in the bill. That was the rumor. I do not know at this point how true that rumor was.

There are some counterrumors saying that is not so, but the White House has not made a statement recently on where it stands on the bill.

It is true that the House of Representatives and the committees that are now controlling the bill are under the jurisdiction of Democrats. I am baffled as to why Democrats take so long in moving a bill which the community of people with disabilities, those who are most affected, both Democrats and Republicans have agreed is an excellent bill, and they have agreed it is a practical bill, and it is not everything they wanted, but they agreed it is a bill they can live with and would be enthusiastic about if only we would go on to pass it. They have applauded the President. They have applauded the Senate. But the Democratic-controlled House of Representatives is dragging its feet.

As a result, we have these rumors beginning to circulate and new complications develop. It would help if the White House would tell us where it stands on the act, and it would help the process certainly, and it would help the process if the Democratic leadership would tell us where it stands, and beyond telling us where it stands, use its muscle to move the bill.

We would like to see the Americans with Disabilities Act passed.

Unfortunately yesterday I am told by members of the disability community, and I have not had a chance to analyze it very closely, but they say that members of the Committee on Public Works passed an amendment which seemed to water down one of the provisions in the act. I will investigate that further. I find it very strange that any subcommittee or committee of Democrats would be watering down a civil rights bill for people with disabilities which has already been approved and passed overwhelmingly by the Senate and very much endorsed, at least one time, by the President. This legislation represents a strong effort on the part of the U.S. Government to expand the parameters of our own democracy, as I said before, by including 43 million citizens into the American mainstream. It is long overdue and will benefit our entire Nation.

Americans all across the land are cheering on the heroic efforts of nations all over the world who are aggressively asserting the democratic ideals our country stands for, and these other nations are changing their entire structure of their governments in ways considered unimaginable even a year ago.

Americans with disabilities who want to participate fully in American life are wondering, if the forces for democracy and participation can prevail in Eastern and Central Europe against formidable obstacles, why cannot our great Nation pass this legislation so rooted in our democratic ethos and ideals and pass the legislation without devastating weakening amendments, why the forces for freedom are winning victories around the world, but they are struggling to have their message acted on in the freedom and opportunity-loving United States?

This legislation represents a concrete opportunity for America to reassert world leadership in the promotion of freedom and opportunity and the establishment of human rights for a severely disadvantaged minority. They have a large minority. It is 43 million people. They spread across the whole United States. They are in every congressional district.

□ 1800

The Canadian Parliament is sending a delegation to Washington later this month to learn more about what the United States is doing in establishing civil rights for people with disabilities. That is ironic, is it not?

Will the President lift a finger to get this legislation passed in a worthy and effective form, or will he continue to be distracted by whatever the White House's issue of the week happens to be?

Will the White House lead on this issue or will it continue to drift? I think the disabled community knows the difference between rhetorical commitment and a real commitment to their civil rights. They want to know where the President stands and what is the true depth of his commitment on the most important piece of legislation affecting them that the Federal Government has ever considered.

They have little regard for Republican Members of Congress who posture by offering amendments to strengthen the bill in committee that they know will not pass, and which they unalterably oppose behind closed doors.

People with disabilities are tired of being told in their districts or in letters that their Representative cosponsors a bill even as he or she gives the big wink to efforts to weaken its transportation provisions, and transportation is a particular problem.

The White House chooses to roll the dice and risk losing the credibility and good will it has created with Americans with disabilities.

I call upon my colleagues in the House to take a firm stand against the White House's shenanigans, to assert our commitment to freedom, opportunity, and full civil rights protection for Americans with disabilities, and a strong America that such an act will bring about.

No reason has been given for the White House's vacillation. The bill that will ultimately go to the House floor will likely be a weaker bill than the Senate-passed version which he endorsed.

I am blaming the President, but, of course, I imply and I will state straight out the President obviously has to manipulate some Democrats in order to accomplish this as the bill is now before the Democratic-controlled House.

The bill that will ultimately go to the House floor we do not want to be weaker than the bill the Senate has passed already. If the President continues to waiver, to sit on the sidelines as this great crusade for human freedom reaches its crucial moment, I say to my colleagues let us go ahead. Let us seize the initiative as Democrats and pass the bill without his support, and resoundingly override a veto if it comes to that. But I do not think it will come to that, because basically the bill does have bipartisan support. There are great pressure groups mounting, certainly in the area of people who are in the transportation business, that have begun to confuse the issue and begun to make some people stray, but basically it is a strongly supported bipartisan bill.

We have a historic opportunity, but I hope that we do not let a messy process, a wavering by Democrats, a baffling reluctance to go ahead and do what is right. Let us do what is right for the people with disabilities in America and pass this bill out of the House.

In the same vein I would urge that H.R. 3, the child care bill, or a bill very similar to the child care bill which passed the House last fall, that that bill go forward and be considered the only legitimate child care bill, the only bill with real credibility, the only bill with great substance, the only bill that has had the benefit of the debate and the negotiations and the consensus process with various groups.

H.R. 3, the child care bill, should have the support of the leadership in this House. It should have the support of every Member of Congress. No substitute that has been offered has been taken through the same process.

If we have alternatives that are being offered seriously, then I urge those people who have those alternatives to come forward, to hold hearings on their bills, to give us a chance to take a close look at it, and not to send pronouncements down from their committees or subcommittees that they have gone to the White House and they have made a deal and that that is the only thing that is going to happen.

The whole process of dealmaking I strongly protest. Of course, there are good deals and bad deals, but when deals are made without the benefit of the democratic process, of the Legislature which has already held hearings, negotiations, and so forth, you make deals after you have gone through that process, deals are made ahead of time leapfrogging over the process, and those can only be bad deals.

Whereas some people pride themselves on being able to go to the White House and make those kinds of deals, I would caution certainly the members of the Democratic Party from participating too often in those kinds of deals for sanctioning. If our party leadership, our caucus, sanctions dealmaking, then what are we doing? The end of the two-party system is at hand. Because always instead of supporting a party position and giving the people of America the benefit of seeing the position of both parties and hearing a debate and making up their minds about which one is right, we will only have one party, and that is the party which controls the White House.

The party which controls the White House has a great deal of leverage. We will have numerous other little caucuses and groups that decide they want to make their deals. As soon as they have some leverage, something to make a deal with, they will go and make a deal.

I want to caution the Democratic leadership and the American people in general that we will be moving in the wrong direction, toward a one-party system, while the rest of the world is moving toward multiparty systems. Even the Soviet Union. Even Mr. Gorbachev concedes in theory it will be a good idea to have a multiparty system.

In the meantime we have the appearance of a two-party system while dealmaking behind the scenes cuts down the effectiveness and significance of our second party. I do not want to be a member of a second party.

I would caution people who believe in dealmaking to stop and think about the fact that every group has the possibility of a deal. When dealmaking becomes the norm instead of the exception, we can all go and make some deal, which may very much destroy the fabric of the party that is not in the White House.

So dealmakers, beware. What you have done on H.R. 3 I hope will not prevail. I certainly hope that the members of Congress will look at H.R. 3 as the only legitimate, credible child care bill and go forward to take action on that bill.

Finally I would like to comment on H.R. 1675, the Presidential initiatives to promote excellence in education.

Just the opposite has happened. The President, there is a big push from somewhere to act and act immediately on H.R. 1675. Some people argue that, well, it is not an unusual push. The drive to get immediate passage on this bill is not unusual because the President did introduce it a year ago. A whole year has gone by. You should have seen it, you should have discussed it, and should be ready to act upon it.

We voted to postpone action on this this morning in the Subcommittee on Elementary and Secondary Education of the Committee on Education and Labor. We voted to postpone it because we said we want more time to accomplish the following. We think it is very important that the bill is a year old. In that respect it is somewhat obsolete because developments related to education have been moving so rapidly and there are so many different entities involved that we need to stop and see what is the impact of those entities on the proposals that have been made in H.R. 1675 by the President. What is the impact of the process that the President himself has set in motion?

The President called a conference of Governors. Now those Governors have come back with a set of goals. The President has endorsed that set of goals that the Governors came back with.

Now, where in this bill are those goals addressed? Why can we not have a new initiative by the President, a revision at least of his old initiative, to reflect the fact that the Governors adopted certain goals?

In addition to the goals the Governors adopted, there are other people who are very concerned about education and have spent a great deal of time in analyzing the problem and coming forward with some proposals. Those other people who want to propose goals and who want to be in on this starting process of revamping the American education system, their proposals for goals should also be considered.

I certainly would like the process of the subcommittee which I head, the Subcommittee on Select Education, to be considered as we move toward prioritizing a first initiatives bill. This is going to be the first step the President takes in what I assume will be a series of steps which will result in the revamping of education in America.

Now, my subcommittee put out a report in September 1988 which was entitled "Preliminary Staff Report on Educational Research, Development, and Dissemination: Reclaiming a Vision of the Federal Role for the 1990's and Beyond."

I would like to, in addition to the goals of the Governors, have the goals that we set forth in our report be considered.

On page 9 of that report we set forth some goals which we say should be realized by the year 2000. I will read a few of those goals.

By the year 2000 we said we should fully implement early childhood programs to cover all eligible children.

I think the President is on the same wavelength as we are on that one, because he at least in his new initiatives with respect to the budget for education has proposed an increase in the amount of money for early childhood programs via Head Start.

An increase in money for Head Start moves us a few inches forward. If only he would adopt our full goal and say that we want to fully implement early childhood programs so that every child that is eligible, who meets eligibility requirements in terms of poverty, background, et cetera, that every child will be considered by Head Start in the next 5 years. He has appropriated some additional dollars. More children can be covered if we pass the President's budget, as we will, with respect to Head Start.

We would like to go forward and have a commitment made to increase that every year until every child who is eligible is covered.

□ 1810

We have another goal. We said we think we should achieve a 90-percent graduation rate for high school. We are quite happy that it seems somebody in the President's entourage read our report and at least agreed with that one exactly, because that is what the President proposes, to achieve by the year 2000, a 90-percent graduation rate for our high schools, to have 90 percent of our youngsters in our schools graduating. So we applaud that particular goal.

However, we also said we would like to see the introduction of Oriental and Slavic language studies into every high school in America. We think in order to get the advantage, in order to be able to deal with our competitors throughout the world, our students and our next generation needs to speak more languages. Whereas French, Spanish, and certain basic European languages are widely taught, there are very few classes across the country teaching Oriental and Slavic language, particularly Oriental languages since we are immediately, every day facing the intense competition from Japan.

One reason that Japan succeeds so well in their competition is that a large number of the Japanese businessmen and their technicians underneath them, the people in the advertising world speak English, and anybody who has ever studied languages knows that when you study them you do not just study words, but you study the background of the people, and the nuances of the languages. There are a lot of things that languages tell us about people, and when we know those things, we can prepare advertisements, and we can deal with catalogs, and we can do a number of things with the process of selling products when we know the language, many more things than we can if we do not know. For the American businessman going to Japan, what they have to do is hire some Japanese to deal with doing their advertising and a number of other things that cannot be done unless you know the language. They lose the advantage right away.

So the introduction of Oriental and Slavic languages, that is a moderate goal. We just say introduce them, have at least the alternative presented to students who want to take Oriental and Slavic languages in every high school in America by the year 2000. We think that goal is as important as any goal that has been enunciated here.

We would also like to see the doubling of the number of minority graduates who come out of college and enter the teaching profession. We would like to see, instead of the trend now where fewer and fewer minorities, Latinos and African-Americans, fewer and fewer go into teaching every year, so there is a declining curve where we have fewer, now many fewer than we had 10 years ago, and the rate is decreasing, we think it is very important if we are going to deal with the other problems that are enunciated to have more African-American and Latinos and other minority teachers, so we must consider this goal also.

We would like to see by the year 2000 achievement of a 90-percent grade level reading rate for all ninth graders, and have a national test to determine what is the best reading level for ninth graders right across the country.

In the next 10 years following the year 2000, between 1999 and 2009, we set another set of goals. Increase by 50 percent the number of students who are entering into and graduating from college. We need to have more people who have college educations, who are able to take on the difficulties of our complex society and deal with the kinds of jobs that will be available in the year 2000 and beyond.

We also call for the improvement of the ratings of the performance of American students in international math and science comparisons. Here the President has gotten ahead of us. The President in his State of the Union Message called for making America No. 1 in math and science by the year 2000. I applaud the President. I join him in waving the flag. Here is one place where all Americans can get on board and say together we are going to try to achieve that goal. It would have a great impact and greatly improve our society if we could go with the President and by the year 2000 try to be No. 1 in math and science throughout the world.

Now, what does that mean? That means that there has to be a commitment immediately by the President to the training of more math and science teachers. In order to do that you are going to have to offer scholarships and fellowships, and approach our universities and our colleges and deal with the fact that there are so few people who are now involved in the teaching of math and science. You cannot achieve the goal without more teachers immediately.

But we applaud that, and I would like to join the President and say that is a very good fighting call, and all Americans should get behind us in trying to become No. 1 in math and science by the year 2000.

That does not mean that I do not think we should be No. 1 in language competence, in foreign languages, or No. 1 in terms of creative products like poetry and drama and plays. Czechoslovakia now has a playwright as President, and that is a great goal for

us one day to shoot for, to have a playwright or a novelist. I do not think those particular pursuits will be neglected because we are focusing on the math and science. I think some resources may be freed up if the Federal Government got more involved in math and science education and produced more of the resources for the math and science program. Localities and States would then have more money for some of these other things in these other areas, although sooner or later we need to have an across-the-board commitment by the Federal Government to help educate people in every area.

Another goal that we had was that we wanted to ensure 100 percent computer literacy for all high school graduates by the year 2009. We wanted to introduce individualized educational programs in all elementary and secondary schools, and achieve a 90-percent national adult literacy rate by the year 2000. Again, the President has said that he wants to have a 100-percent literacy rate, and I applaud the President on that goal, and I think we ought to go forward to do whatever is necessary to reach that goal. We agree with him and I am glad he went beyond us.

The key question that should be asked in the case of these goals and in the case of the goals that have been set by the Governors' Council is what activities will we undertake to facilitate the achievement of these goals. The President this year in H.R. 1675 should be asking and answering that question in terms of phase I. We should approach the redevelopment and revamping of our educational system in America the same way we approach the establishment of a first-rate defense system, or the same way we approach the problem of putting a man on the moon. It takes a massive effort, guided and coordinated by the Federal Government in this case, and most of the money and resources come from the State and local levels, but more money and resources and guidance should come from the Federal Govenment.

At present our Government is undertaking these responsibilities for only 6 percent of the total expenditures for education. In other words, we estimate that last year about $360 billion totally in this country was spent on education, higher education, kindergarten, all of it, everything related to education, and of that $360 billion only 6 percent was financed and paid for, funded by the Federal Government.

Six percent is where we were last year. At the beginning of the Reagan administration we were paying about 8 percent of the total education budget. We have gone down at a time when education has obviously become critical to all of us, and we obviously see that our system is in trouble. So we should move from 6 percent toward 25 percent by the year 2000. That 25 percent is still only a small part of the total expenditure. We should move from 6 percent to 25 percent in terms of funding for education-related matters, and we should also move in terms of decisionmaking.

I do not want central control or Federal control of education, but if the Federal Government is involved in helping to make decisions, and guiding the process, and setting standards, just 25 percent of the total decisionmaking is Federal decisionmaking, that does not ruin the local and State control. Local and State entities would still have 75 percent of the control.

So we should talk about those kinds of goals and where we should move in that direction.

In order to achieve most of these goals we need a firmly established, well-working research and development system. Just as the Defense Department spends a large part of its budget on research and development and would not be a first rate defense apparatus if it did not spend a great deal of money on research and development, we have to spend a great deal of our budget on research and development. Any large corporation or enterprise, Xerox, IBM, they all spend a minimum of 1 percent of their total budget on research and development, and our Federal Government is spending only about $100 million on research and development, whereas 1 percent of the total budget, $360 billion, would be close to $3 billion. Maybe the Federal Government should not undertake spending all of the money. Private enterprise could do some educational research and development as well, and the military should make a contribution since it is doing research and development. The products that it produces should be transferrd to the civilian sector so that we can have the benefits of the military research and development on education. They do research and development on education also. But we are far from the goal of 1 percent.

The Governors' goals have all been stated in very general terms. All children in America will start school ready to learn. That is one of the Governor's goals. The Governors have said, as part of the explanation of these goals, that parents will have access to the training and support they need in order to prepare children to start school ready to learn.

That is a tall order.

□ 1820

We would like to see how that is going to be accomplished. We would like H.R. 1675 to tell us what the first step is in carrying out that goal, having parents have access to training and support. What is the first step, Mr. President?

They also said all children should go to school, they should receive good nutrition and their health care needs would be met through an enhanced health care system.

What is your first step, Mr. President, in moving on that goal?

Women, infants and children's program is serving only half of the eligible women, infants and children; only half are getting any help through our present program.

Are you saying that you are going to provide another $2 billion so that all women who are eligible for the women, infants and children's program will receive services in order to reach this educational goal? I hope that is what you are saying. But I think it ought to be stated in H.R. 1675. What is the first step toward the achievement of that goal?

As I have said before, they have stated high school graduations will increase by 90 percent. What are you going to do in order to do that? The biggest problem is with the minority youngsters, African Americans, Latinos; how are we going to take steps to intervene into the culture, into the neighborhood, and come to grips with the other problems they are facing which prevent children from learning in school? What is your first step, Mr. President? Tell us in H.R. 1675.

They said U.S. students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter, including English, mathematics, science, history, and every school would insure that all students are prepared for citizenship and further learning in productive employment.

How will you take the first step to guarantee that, Mr. President?

Every adult American would be literate? What is your first step? In H.R. 1675 we would like more dialog.

We turned down the bill today—we did not turn it down, we postponed action on the bill today because the process is backwards. You are being presented with a fait accompli without much discussion. We are being presented with a bill written a year ago before the Governors had proposed their goals. We are given a bill which does not consider goals that have been offered by many other bodies, including a subcommittee of the Congress which is very much concerned and who have spent a great deal of time on this issue.

We would like to have the processes of the House to get back to a greater degree of professionalism, we would like to have the time-honored process to produce good legislation, that that be allowed to take place. Let us have maximum debate discussion, let us have a minimum of deals made at the White House.

Let us go forward and be serious about issues that have a great impact on the majority of the American people. Let us be serious about passing the Americans with Disabilities Act. Let us do that and do it rapidly.

Let us be serious about a first-rate credible child care bill which really does something for children and not allows us to go back home and just say that we have passed a bill.

There are some people who are willing to pass anything so long as they can say, "We took care of child health care." That is a betrayal of the children of America.

Finally, on education, which is on everybody's mind, the President wants to be the education President. We stated we wanted to be the education Congress.

Let us make sure that our first steps, our first initiatives are linked up with other things that are going to be done. Let us have a clear master plan as to where each step that we take each year will lead us by the year 2000.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for March 6 and March 7, on account of personal business matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on March 8, March 13, March 14, and March 15.

Mrs. BENTLEY, for 60 minutes, on March 8.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 30 minutes, today.

Mr. OLIN, for 60 minutes, on April 4.

(The following Member (at the request of Mr. OBEY) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes each, on March 12 and 15.

(The following Member (at the request of Mr. OWENS of New York) to revise and extend his remarks and include extraneous material:)

Mr. OWENS of Utah, for 60 minutes, on March 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. LENT.
Mr. DICKINSON.
Mr. CAMPBELL of California.
Mr. BEREUTER in three instances.
Mr. SKEEN.
Mr. GREEN in two instances.
Mr. GOODLING.
Mr. ROBERTS.
Mr. GILMAN.
Mr. GEKAS.
Mr. DORNAN of California.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. YATRON.
Mr. COLEMAN of Texas.
Mr. FASCELL.
Mr. RANGEL.
Mr. HAMILTON.
Mr. MRAZEK.
Mr. KOSTMAYER.
Mr. PEASE.
Mr. WISE.
Mr. ROYBAL.
Mr. HOCHBRUECKNER.
Mr. WEISS.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1430. An act to enhance national and community service, and for other purposes; to the Committee on Education and Labor.

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer; to the Committee on Armed Services.

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX, and

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms.

ADJOURNMENT

Mr. OWENS of New York. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, March 8, 1990, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1989, as well as reports of the delegations to the North Atlantic Assembly, in connection with foreign travel pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mr. Bert R. Pena	11/4	11/9	Hong Kong	8,200.50	1,050.00						1,050.00
	11/9	11/10	Japan		195.00						195.00
Commercial transportation							2,673.00				2,673.00
Mr. John Hogan	11/14	11/12	Hong Kong	8,200.50	1,050.00						1,050.00
Commercial transportation							2,339.00				2,339.00
Other expenditures:											
Embassy personnel						455.92	58.35				58.35
Representation									77.50		77.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					2,295.00		5,070.35		77.50		7,442.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Feb. 12, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Murtha	10/7	10/9	Panama		66.67		1,535.00				1,601.67
Hon. John Murtha	12/15	12/16	United States		75.00						75.00
	12/16	12/16	El Salvador		89.00		1,535.00				1,624.00
Hon. John Murtha	12/28	12/29	Panama				1,535.00				1,535.00
Hon. John Porter	11/30	12/3	Taiwan		777.00						777.00
	12/3	12/6	Hong Kong		630.00						630.00
Commercial transportation							4,593.00				4,593.00
Hon. Carl Pursell	11/25	12/3	Japan		1,800.00						1,800.00
Commercial transportation							2,715.00				2,715.00
Delacroix Davis	12/6	12/9	United States		500.00						500.00
	12/9	12/14	New Zealand		636.00						636.00
	12/14	12/17	Antarctica								
	12/18	12/18	New Zealand		159.00						159.00
	12/19	12/21	United States		255.00						255.00
Commercial transportation							5,388.31				5,388.31
Robert V. Davis	12/4	12/5	Panama		360.00						360.00
	12/5	12/7	Colombia		290.00						290.00
Military transportation											
Richard E. Efford	11/27	11/27	Netherlands		164.00						164.00
	11/28	12/4	France		1,288.00		118.00				1,406.00
	12/5	12/5	Italy		179.00						179.00
	12/6	12/12	England		1,373.00		76.80				1,449.80
Commercial transportation							2,135.40				2,135.40
Henry E. Moore	11/27	12/8	Germany		836.00		45.00				881.00
Commercial transportation							4,379.00				4,379.00
Terry R. Peel	12/10	12/12	U.S.S.R		544.00				18.00		562.00
	12/12	12/13	Italy		208.00						208.00
	12/13	12/18	Israel		830.00				12.00		842.00
	12/18	12/19	United Kingdom		217.00				108.00		325.00
Commercial transportation							5,559.00				5,559.00
John G. Plashal	10/7	10/8	Panama		66.67		1,535.00				1,601.67
John G. Plashal	12/15	12/16	United States		75.00						75.00
	12/16	12/16	El Salvador		89.00		1,535.00				1,624.00
John G. Plashal	12/28	12/29	Panama				1,535.00				1,535.00
Donald E. Richbourg	10/7	10/8	Panama		66.67		1,535.00				1,601.67
Donald E. Richbourg	12/28	12/29	Panama				1,535.00				1,535.00
Paul E. Thomson	12/4	12/9	United States		571.50		144.86				716.36
	12/10	12/14	New Zealand		636.00		344.00				980.00
	12/14	12/18	Antarctica								
	12/18	12/18	New Zealand		159.00						159.00
	12/19	12/21	United States		255.00						255.00
Commercial transportation							3,516.73				3,516.73
Committee total					13,195.51		41,295.10		138.00		54,628.61
Appropriations, surveys and investigations staff:											
Fred Brugger	12/4	12/7	Colombia		307.00		1,589.59		63.00		1,959.59
Carroll L. Hauver	10/25	10/28	Argentina		371.00		3,553.00		273.94		4,197.94
	10/29	11/1	Peru		343.00						343.00
	11/1	11/3	Mexico		229.50						229.50
	12/3	12/5	Panama		190.00				38.40		228.40
	12/5	12/7	Colombia		221.00						221.00
William P. Haynes	10/23	10/25	Ecuador		231.25		3,411.00		59.48		3,701.73
	10/26	11/1	Brazil		656.50						656.50
	11/1	11/4	Bolivia		231.00						231.00
Henry P. McDonald	10/25	10/29	Argentia		371.00		3,553.00		277.24		4,201.24
	10/29	11/1	Peru		343.00						343.00
	11/1	11/3	Mexico		229.50						229.50
	12/3	12/5	Panama		190.00				25.92		215.92
	12/5	12/7	Colombia		221.00						221.00
Robert H. Pearre	10/23	10/25	Ecuador		231.25		3,411.00		56.12		3,698.37
	10/26	11/1	Brazil		656.50						656.50
	11/1	11/4	Bolivia		231.00						231.00
Robert J. Reitwiesner	10/23	10/26	Ecuador		231.25				51.27		282.52
	10/26	11/1	Brazil		580.75						580.75
R.W. Vandergrift	10/25	10/29	Argentia		396.00		3,659.00		372.10		4,427.10
	10/29	11/1	Peru		343.00						343.00
	11/1	11/2	Mexico		153.00						153.00
	12/3	12/5	Panama		190.00				26.20		216.20
	12/5	12/7	Colombia		221.00						221.00
Committee total					7,368.50		19,176.59		243.67		27,788.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Feb. 5, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative A. Hawkins	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Representative C. Hayes	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Carole Stringer	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Andrew Hartman	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Barbara Dandridge	12/14	12/17	Japan		931.00		4,102.23				5,633.23
	12/18	12/21	Korea		600.00						
Committee total					7,655.00		21,502.75				29,157.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GUS HAWKINS, Chairman, Feb. 6, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Barrett	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
David Nelson	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
Stephen Sims	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
John Shelk	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
Peter Stockton	10/31	11/02	Hong Kong		630.00						630.00
Commercial airfare							1,851.00				1,851.00
Bruce Chafin	10/31	11/02	Hong Kong		630.00						630.00
Commercial airfare							1,851.00				1,851.00
John Hamhel	10/31	11/02	Hong Kong		630.00						630.00
Commercial airfare							1,851.00				1,851.00
David Finnegan	11/15	11/18	Switzerland		398.00						398.00
Commercial airfare							2,417.00				2,417.00
Teresa Gorman	11/15	11/18	Switzerland		398.00						398.00
Commercial airfare							2,417.00				2,417.00
Tim Westmoreland	11/10	11/16	Italy		416.00						416.00
Commercial airfare							981.00				981.00
Joe Barton MC [3]	11/12	11/14	Switzerland								
Commercial airfare							1,337.00				1,337.00
Codel Expenses:											
Yugoslavia									12,294.84		12,294.84
Venice									1,189.49		1,189.49
Committee total					16,834.00		34,301.00		13,484.33		64,619.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem will be filed on supplemental report.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Warner Session	11/7	11/8	France	1,266.54	202.00					1266.54	202.00
	11/8	11/14	West Germany	1,503.89	816.00		860.79				1,676.79
Kenneth Salaets	11/7	11/8	France	1,266.54	202.00					1266.54	202.00
	11/8	11/14	West Germany	1,503.89	816.00		860.79				1,676.79
Hon. Steven Schiff	11/9	11/10	Panama		206.00		[3] 5,963.48				6,169.48
	11/10	11/12	Nicaragua								
Peter Barash	12/13	12/17	France	4,999.28	836.00		2,667.27				3,503.27
	12/17	12/19	Belgium	14,880	400.00		259.84				659.84

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/19	12/22	Spain	113,730	1,020.00					113,730	1,020.00
Theodore Jacobs	12/13	12/17	France	4,999.28	836.00		2,667.27				3,503.27
	12/17	12/19	Belgium	14,880	400.00		259.84				659.84
	12/19	12/22	Spain	113,730	1,020.00					113,730	1,020.00
Peter Vroom	12/13	12/17	France	4,999.28	836.00		2,667.27				3,503.27
	12/17	12/19	Beglium	14,880	400.00		259.84				659.84
	12/19	12/22	Spain	113,730	1,020.00					113,730	1,020.00
Donald Upson	12/13	12/17	France	4,999.28	836.00						3,503.27
	12/17	12/19	Beglium	14,880	400.00		259.84				659.84
Committee total					10,246.00		19,393.50				29,639.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft per person.

JOHN CONYERS, Jr., Chairman, Jan. 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Chuck Douglas	12/1	12/2	Panama		66.00						66.00
	12/2	12/3	Honduras		70.00						70.00
Military transportation							1,667.33				1,667.33
Nora Engel	12/9	12/17	Italy		1,664.00						1,664.00
Commercial transportation							775.00				775.00
Mary McGillis	12/11	12/17	Italy		1,248.00						1,248.00
Commercial transportation							775.00				775.00
Cordia Strom	12/11	12/17	Italy		1,248.00						1,248.00
Commercial transportation							767.00				767.00
Hayden Gregory	12/13	12/15	Colombia		198.00				56.80		254.80
Military transportation							1,789.29				1,789.29
Hon. Don Edwards	12/16	12/19	Czechoslovakia		588.00						588.00
	12/19	12/22	Hungary		522.00						522.00
	12/22	12/23	Austria								
Commercial transportation							2,722.82				2,722.82
Committee total					5,604.00		8,496.44		56.80		14,157.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	10/27	10/28	Panama		306.00						306.00
	10/28	10/29	Nicaragua								
	10/29	10/30	El Salvador		127.00		[3] 2,759.13				2,886.13
Committee total					433.00		2,759.13				3,192.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transport.

GLENN M. ANDERSON, Chairman, Jan. 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION TO THE NETHERLANDS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 17, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Brooks	4/14/89	4/17/89	Netherlands		492.00						
Military transportation							5,587.40				6,079.40
Hon. Charles Rose	4/14/89	4/17/89	Netherlands		492.00						
Military transportation							5,587.40				6,079.40
Peter Abbruzzese	4/14/89	4/17/89	Netherlands		492.00						
Military transportation							5,587.40				6,079.40
Arch W. Roberts	4/14/89	4/17/89	Netherlands		494.00						
Military transportation							5,587.40				6,079.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION TO THE NETHERLANDS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 17, 1989—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					1,968.00		22,349.60				24,317.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, June 27, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION TO ROME, ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 10, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dante B. Fascell	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Charles Rose	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Jack Brooks	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Ron Dellums	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Larry Smith	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Cardiss Collins	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Sam Gibbons	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Gerald Solomon	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. J. Alex McMillan	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Doug Bereuter	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Tom Bliley	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Sherwood Boehlert	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Jan Meyers	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. Marge Roukema	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Hon. John J. Brady	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Peter Abburzzese	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Nancy Shuba Mims	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Dara Schlieker	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Sharon Matts	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Ronald Lasch	10/6	10/10	Italy		1,015.00		4,873.22				5,888.22
Military transportation											
Josephine Weber	10/5	10/10	Italy		1,015.00		1,378.00				
Commercial transportation							2,436.61				4,829.61
Military transportation											
Arch W. Roberts	10/7	10/10	Italy		812.00		2,436.61				3,248.61
Military transportation											
Robert M. Jenkins	10/6	10/9	Italy		1,015.00		1,361.89				
Commercial transportation							2,436.61				4,813.50
Military transportation											
Stephen E. Biegun	10/6	10/9	Italy		812.00		1,378.00				
Commercial transportation							2,436.61				4,626.61
Military transportation											
Committee total					23,954.00		111,328.73				135,282.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the speaker's table and referred as follows:

2656. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Japan for defense articles (transmittal No. 90-26), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2657. A letter from the Secretary of Defense, transmitting the 1990 joint military

net assessment, pursuant to 1o U.S.C. 113(j); to the Committee on Armed Services.

2658. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Japan for defense articles and services (Transmittal No. 90-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign affairs, March 7, 1990.

2659. A letter from the Acting Federal Inspector, Alaska Natural gas Transportation System, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2660. A letter from the Chairman, Federal Election Commission, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2661. A letter from the Chairman, International Trade Commission, transmitting a copy of the annual report in compliance with the government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2662. A letter from the Archivist, National Archives, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2663. A letter from the Chairman, National Endowment for the Arts, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2664. A letter from the Executive Director, National Mediation Board, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2665. A letter from the Secretary of Health and Human Services, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2666. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2667. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2668. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2669. A letter from the Marshal of the Supreme Court of the United States, transmitting the annual report on the cost of the protective function provided by the Supreme Court Police, to Justices, official guests, and employees of the Court, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary, March 7, 1990.

2670. A letter from the Chairman, Cultural Property Advisory Committee, transmitting a report of its findings and recommendations to the November 1989 request of the Government of Guatemala for emergency United States import restrictions of archaeological material from the Peten region, pursuant to 19 U.S.C. 2605(f)(6); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3581. A bill entitled the "Rural Economic Development Act of 1989"; with amendments (Rept. 101-415). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. LENT, Mr. HUBBARD, Mr. DAVIS, and Mr. TAUZIN):

H.R. 4205. A bill to authorize appropriations for fiscal year 1991 for the Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ACKERMAN (for himself, Mrs. BENTLEY, Mr. BEREUTER, Mr. BEVILL, Mr. BOUCHER, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. ECKART, Mr. ESPY, Mr. FAZIO, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FROST, Mr. GIBBONS, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. KLECZKA, Mr. LAFALCE, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MCNULTY, Mr. NEAL of North Carolina, Ms. PELOSI, Mr. PURSELL, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. SANGMEISTER, Mr. SAVAGE, Mr. SHAW, Mr. SMITH of Vermont, Mr. STUDDS, Mr. WALSH, Mr. WAXMAN, and Mr. WHEAT):

H.R. 4206. A bill to express the sense of the Congress regarding a national agenda for extending and improving language instruction in the elementary schools of the Nation; to the Committee on Education and Labor.

By Mr. COLEMAN of Texas:

H.R. 4207. A bill to provide for a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. CROCKETT (for himself, Mr. SYNAR, Mr. BERMAN, Mr. DELLUMS, Mr. DE LUGO, Mr. OWENS of New York, Mr. CONYERS, Mr. GEKAS, Mr. FASCELL, Mr. BLAZ, Mr. LEWIS of California, Mr. HAYES of Illinois, Mr. STOKES, Mr. GRAY, Mr. SENSENBRENNER, Mr. FISH, Mr. SANGMEISTER, Mr. HUGHES, Mr. FORD of Tennessee, Mr. FAUNTROY, Mr. MOORHEAD, Mr. JENKINS, Mr. HARRIS, Ms. PELOSI, Mr. HAWKINS, Mr. RANGEL, Mr. MFUME, Mr. Flake, Mrs. COLLINS, and Mr. TOWNS):

H.R. 4208. A bill to amend title 28, United States Code, to allow judges who are at least 62 years of age to retire if they have served for at least 25 years; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on income derived from publishing newspapers which do not use recycled newsprint; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. CONTE, Mr. OWENS of Utah, Mr. STUDDS, Mr. HERTEL, Mr. SCHAEFER, and Mr. ECKART):

H.R. 4210. A bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries; Science, Space, and Technology; Energy and Commerce; and Public Works and Transportation.

By Mr. GREEN:

H.R. 4211. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to administrative proceedings applicable to claims of discrimination in Federal employment; to the Committee on Education and Labor.

By Mr. HAYES of Louisiana:

H.R. 4212. A bill to amend the Internal Revenue Code of 1986 to allow a credit for expenditures for conservation measures to protect wetlands of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. LEHMAN of California (for himself, Ms. KAPTUR, Ms. PELOSI, Mr. PRICE, and Mr. SCHUMER):

H.R. 4213. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NOWAK (for himself, Mr. HORTON, Mr. GILLMOR, Mr. MOODY, Mr. OBERSTAR, Mr. DEWINE, Ms. KAPTUR, Mr. PEASE, Mr. RIDGE, Mr. DAVIS, Mr. SIKORSKI, Mr. REGULA, Mr. SCHUETTE, Mr. UPTON, and Mr. ECKART):

H.R. 4214. A bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, and other nonindigenous aquatic nuisance species; to the Committee on Merchant Marine and Fisheries.

By Mrs. PATTERSON:

H.R. 4215. A bill to suspend temporarily the duty on P-Tolualdehyde (p-Tal); to the Committee on Ways and Means.

By Mr. RUSSO (for himself and Mr. SCHUMER):

H.R. 4216. A bill to require the Export-Import Bank of the United States to supplement the financing of United States exports to Eastern European countries with emerging market economies until the developed countries agree to eliminate the use of tied aid and partially untied aid credits for commerical purposes with respect to such Eastern European countries; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHIFF:

H.R. 4217. A bill to authorize the National Aeronautics and Space Administration to purchase approximately 8 acres of land at the Fort Sumner Municipal Airport, De

Baca County, NM; to the Committee on Science, Space, and Technology.

By Mrs. SMITH of Nebraska:

H.R. 4218. A bill to direct the Secretary of Agriculture to establish an environmental reserve program for erodible cropland, pastureland, and converted wetlands, and for other purposes; to the Committee on Agriculture.

By Mr. SYNAR (for himself, Mr. PANETTA, and Mr. Glickman):

H.R. 4219. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such act governing exported pesticides, and for other purposes; jointly, to the Committees on Agriculture, Energy and Commerce, and Foreign Affairs.

By Mr. THOMAS of Wyoming:

H.R. 4220. A bill to repeal the Asbestos Hazard Emergency Response Act of 1986 and amendments made by such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WISE (for himself and Mr. MCCANDLESS):

H.R. 4221. A bill to require the Director of National Drug Control Policy to establish procedures to allow State and local governments to buy weapons and other equipment in conjunction with the Federal Government for purposes of drug enforcement; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. DWYER of New Jersey (for himself, Mr. HORTON, Mr. JENKINS, Mr. CARDIN, Mr. DARDEN, Mr. KENNEDY, and Mrs. UNSOELD):

H.J. Res. 507. Joint resolution designating August 20 through 26, 1990, as "National Headache and Jaw Joint Disorders Week"; to the Committee on Post Office and Civil Service.

By Mr. SKEEN (for himself, Mr. MILLER of California, Mr. VENTO, Mr. CONTE, Mr. FLIPPO, Mr. RHODES, Mr. FUSTER, Mr. BLILEY, Mr. TOWNS, Mrs. BENTLEY, Mr. AKAKA, Mr. BEILENSON, Mr. ROE, Mr. SPENCE, Mr. THOMAS A. LUKEN, Mr. HORTON, Mr. RICHARDSON, Mr. BUNNING, Ms. KAPTUR, Mr. GREEN, Mr. FROST, Mr. NEAL of North Carolina, Mr. VALENTINE, Mr. NIELSON of Utah, Mr. SCHIFF, Mr. WEBER, Mr. BUSTAMANTE, Mrs. VUCANOVICH, Mr. WILSON, Mr. YOUNG of Alaska, Mr. SAXTON, Mr. BLAZ, Mr. QUILLEN, Mr. PARRIS, Mr. MCDADE, Mr. LAGOMARSINO, Mr. THOMAS of Wyoming, Mr. CRANE, Mr. ROBERT F. SMITH, Mr. STANGELAND, Mr. MURPHY, Mrs. UNSOELD, Mr. HANSEN, Mr. SHARP, Mr. GALLEGLY, and Mr. DENNY SMITH):

H.J. Res. 508. Joint resolution designating May 1990 as "Take Pride in America Month"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H. Con. Res. 283. Concurrent resolution expressing the sense of the Congress that the amounts for national defense included in the budget of the United States Government for fiscal year 1991 should be reduced by 10 percent and the funds from the reduction should be allocated to reduce the deficit and to support certain other programs; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs; and Foreign Affairs.

By Mr. MICHEL:

H. Res. 352. Resolution designating membership on certain standing committees of the House; considered and agreed to.

H. Res. 353. Resolution establishing the order of Republican membership on the Public Works and Transportation Committee; considered and agreed to.

By Mr. WEISS (for himself, Mr. PAYNE of New Jersey, Mr. WOLPE, Mr. BURTON of Indiana, Mr. GRAY, Mr. CROCKETT, Mr. DREIER of California, Mr. MCHUGH, Mr. MRAZEK, Mr. DYMALLY, Mr. BEILENSON, Mr. DONALD E. LUKENS, Mr. STUDDS, Mr. BERMAN, Mr. MCCLOSKEY, Mr. GEJDENSON, Mr. HOUGHTON, Mr. MORRISON of Connecticut, Ms. PELOSI, Mr. FUSTER, Mr. BOSCO, Mr. LEVINE of California, Mr. FEIGHAN, Mr. RANGEL, Mr. HAYES of Illinois, Mr. WASHINGTON, Mr. TOWNS, Mr. SMITH of Florida, Mr. MFUME, Mr. ACKERMAN, Mr. DELLUMS, Mr. HALL of Ohio, Mr. FRANK, Mr. OWENS of Utah, Mr. COLLINS, Mr. WYDEN, Mr. PENNY, Mr. KENNEDY, Mr. BOEHLERT, and Mr. FAUNTROY):

H. Res. 354. Resolution expressing the sense of the House of Representatives regarding United States military assistance for the Republic of Liberia and human rights abuses in Liberia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

322. The Speaker presented a memorial of the Legislature of the State of South Carolina, relative to the increase of Federal income tax exemption for dependent children; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. SCHIFF.

H.R. 101: Mr. MOODY.

H.R. 283: Mr. GEREN and Mr. PURSELL.

H.R. 446: Mr. SPENCE, Mrs. VUCANOVICH, and Mr. BURTON of Indiana.

H.R. 467: Mr. FUSTER and Mr. FORD of Tennessee.

H.R. 857: Mr. ATKINS and Mr. YATES.

H.R. 860: Mr. OWENS of Utah and Mr. RITTER.

H.R. 884: Ms. OAKAR.

H.R. 1069: Mr. FISH.

H.R. 1136: Mr. BEREUTER and Mr. SMITH of New Jersey.

H.R. 1142: Mr. CARPER and Mr. SAXTON.

H.R. 1287: Mr. MCDADE, Mr. MILLER of Washington, and Mr. MARLENEE.

H.R. 1383: Mr. HUGHES and Mr. PERKINS.

H.R. 1457: Mr. NIELSON of Utah and Mr. MOODY.

H.R. 1463: Mr. ROYBAL, Mr. FLAKE, and Mr. MILLER of California.

H.R. 1476: Mr. WALGREN.

H.R. 2351: Mr. HATCHER, Ms. SLAUGHTER of New York, Mr. DELLUMS, Mr. YATES, Mr. LEWIS of California, Mr. DARDEN, Mr. HOLLOWAY, and Mrs. LLOYD.

H.R. 2460: Mr. SHAW, Mr. FIELDS, and Mr. MORRISON of Washington.

H.R. 2546: Mr. MCDERMOTT, Mr. DICKS, Mrs. UNSOELD, and Mr. CHANDLER.

H.R. 2584: Mr. NEAL of Massachusetts, Mr. OWENS of Utah, Mr. CONDIT, Mr. LEWIS of Georgia, Mr. BALLENGER, Mr. WILSON, Mr. SAXTON, Mr. GEJDENSON, and Mr. DEWINE.

H.R. 2881: Mr. BATEMAN.

H.R. 3123: Mr. DELLUMS, Mr. BROWDER, Mr. DARDEN, Mr. SCHIFF, Mr. CAMPBELL of Colorado, and Ms. LONG.

H.R. 3267: Mr. DONNELLY and Mr. OXLEY.

H.R. 3346: Mr. MCEWEN, Mr. FALEOMAVAEGA, and Mr. WALSH.

H.R. 3464: Mr. TAUZIN.

H.R. 3471: Mr. WALGREN.

H.R. 3500: Mrs. MEYERS of Kansas and Mr. SKELTON.

H.R. 3509: Mr. CALLAHAN and Mr. SKELTON.

H.R. 3581: Mr. MCEWEN, Mr. WOLPE, Mr. UDALL, and Mr. HALL of Texas.

H.R. 3595: Mr. LENT, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. PETRI, Mr. WILSON, and Mr. WHITTAKER.

H.R. 3604: Mr. QUILLEN, Mr. DONALD E. LUKENS, Mr. MCGRATH, Mr. FIELDS, Mr. HANCOCK, Mr. BALLENGER, and Mr. RAVENEL.

H.R. 3615: Mr. ROE, Mr. WISE, Mr. LEWIS of Georgia, and Mr. OWENS of Utah.

H.R. 3643: Mr. UPTON.

H.R. 3664: Mr. WATKINS.

H.R. 3693: Mr. HUGHES, Mr. DWYER of New Jersey, Mr. FRANK, Mr. ENGEL, Mr. FISH, and Mr. COURTER.

H.R. 3701: Mr. FASCELL, Mr. FUSTER, Mr. KLECZKA, Mr. BLILEY, Mr. ENGLISH, Mr. CONTE, Mr. DWYER of New Jersey, Mr. DYSON, Mr. BRUCE, Mr. PALLONE, Mr. BUSTAMANTE, Mr. WALGREN, Ms. SCHNEIDER, Mrs. BOGGS, Mr. KOSTMAYER, Mrs. BENTLEY, Mr. SABO, Mr. SKAGGS, Mr. SPENCE, Mr. MARTINEZ, Mr. BEREUTER, Mr. WALSH, Mr. SMITH of New Hampshire, Mr. JAMES, Mr. COSTELLO, Mr. YATES, Mr. GORDON, and Mr. COMBEST.

H.R. 3732: Mr. WOLPE, Mr. BILBRAY, Mr. PURSELL, Mr. IRELAND, Mr. GUNDERSON, Mr. DERRICK, Mr. ARMEY, and Mr. HATCHER.

H.R. 3740: Mr. LANCASTER, Mr. JAMES, and Mr. ECKART.

H.R. 3798: Mr. ARCHER, Mr. IRELAND, and Mr. THOMAS of Wyoming.

H.R. 3806: Mr. STENHOLM, Mr. ECKART, and Mr. CONDIT.

H.R. 3850: Mr. RANGEL, Mr. HERTEL, Mr. FAZIO, and Mr. ROYBAL.

H.R. 3859: Mr. WILSON and Mr. HARRIS.

H.R. 3866: Mr. LEWIS of Georgia and Mr. FALEOMAVAEGA.

H.R. 3899: Mr. CRAIG, Mr. FAZIO, Mr. ROWLAND of Connecticut, Mr. DURBIN, Ms. PELOSI, Mr. MURTHA, Mr. PAYNE of Virginia, Mr. JOHNSTON of Florida, Mr. NAGLE, Mr. MARKEY, Mr. SCHIFF, Mr. SAWYER, Mr. AKAKA, Mr. ROSE, Mr. KILDEE, Mr. CHAPMAN, and Mr. SLATTERY.

H.R. 3907: Mr. BUECHNER.

H.R. 3929: Mr. GEJDENSEN, Mrs. BOXER, Ms. KAPTUR, Ms. LONG, Mr. ANNUNZIO, Mr. MARTINEZ, and Mr. EDWARDS of California.

H.R. 3937: Mr. SCHAEFER, Mr. BATES, and Mr. SHUMWAY.

H.R. 3948: Mr. RAVENEL, Mr. MONTGOMERY, Mr. SISISKY, Mr. LEATH of Texas, Mr. ALEXANDER, Mr. LIPINSKI, Mr. BRYANT, Mr. CHAPMAN, Mr. FAUNTROY, Mr. RANGEL, Mr. MRAZEK, Mr. BATES, Mr. MCGRATH, Mr. DEFAZIO, Mr. DARDEN, Mr. STARK, Mr. MORRISON of Connecticut, Mr. KANJORSKI, Mr. BUSTAMANTE, and Mr. OWENS of New York.

H.R. 3988: Mr. FASCELL and Mr. RANGEL.

H.R. 3994: Mrs. MEYERS of Kansas, Mr. GILLMOR, and Mr. UPTON.

H.R. 4025: Mr. HAYES of Illinois, Mr. HOAGLAND, Mr. DEFAZIO, Mrs. COLLINS, Mr. LEWIS of Florida, Mr. PACKARD, Mr. BILBRAY, and Mr. MILLER of Washington.

H.R. 4026: Mr. FUSTER, Mr. DAVIS, Mr. CHAPMAN, Mr. WALSH, Mr. OWENS of Utah, and Mrs. MEYERS of Kansas.

H.R. 4053: Mr. UDALL and Mr. MCCLOSKEY.

H.R. 4060: Mr. JONTZ, Mr. MARTINEZ, Mr. CHAPMAN, Mr. MCCLOSKEY, Mr. HAYES of Louisiana, Mr. HUGHES, and Mr. BILBRAY.

H.R. 4064: Mr. MORRISON of Connecticut, Mr. FUSTER, Mr. RANGEL, Mr. TOWNS, Mr. HUNTER, and Mr. HAWKINS.

H.R. 4109: Mr. MYERS of Indiana, Mr. TOWNS, Mr. REGULA, Mr. COMBEST, Mr. MCGRATH, and Mrs. JOHNSON of Connecticut.

H.R. 4138: Mr. BURTON of Indiana.

H.J. Res. 127. Mr. GEKAS.

H.J. Res. 248: Mr. DORGAN of North Dakota and Mr. FUSTER.

H.J. Res. 364: Mr. BEVILL, Mr. BILBRAY, Mr. BUECHNER, Mr. EMERSON, Mr. EVANS, Mr. FRENZEL, Mr. GEREN, Mr. MCMILLEN of Maryland, Mr. MFUME, Mrs. MORELLA, Mr. SCHAEFER, and Mr. TORRICELLI.

H.J. Res. 451: Mr. MAZZOLI, Mr. SIKORSKI, Mr. THOMAS A. LUKEN, Mr. TOWNS, Mr. MCGRATH, Mr. GEREN, Mr. LEWIS of Georgia, Mr. FAZIO, Mr. NEAL of North Carolina, Mr. FROST, and Mr. LANCASTER.

H.J. Res. 452: Mr. CAMPBELL of Colorado, Mr. BRUCE, Ms. SLAUGHTER of New York, Mr. WALGREN, Mr. RIDGE, and Mr. MCNULTY.

H.J. Res. 469: Mr. BORSKI, Mr. FOGLIETTA, Mr. GEKAS, Mr. KILDEE, Ms. OAKAR, Mr. RITTER, and Mr. SHUSTER.

H.J. Res. 473: Mr. WHEAT, Mr. PALLONE, Mr. LAGOMARSINO, Mr. ANTHONY, Mr. QUILLEN, Mr. HASTERT, Mr. STAGGERS, Mr. MCHUGH, Mr. CONYERS, Mr. DICKS, Mr. ATKINS, Mr. DELLUMS, Mr. FORD of Michigan, Mr. THOMAS of Georgia, Mr. MCDERMOTT, Mr. PURSELL, Mr. DE LUGO, Mr. GRANDY, Mr. LEWIS of Florida, Mr. HORTON, Mr. LIPINSKI, Mr. HUTTO, Mr. LEVIN of Michigan, Mr. OWENS of Utah, Ms. SNOWE, Mrs. MEYERS of Kansas, Mr. MARKEY, Mr. HYDE, Mr. MCCOLLUM, Mr. VANDER JAGT, Mr. CONDIT, Mr. TRAFICANT, Mr. LANCASTER, Mr. BUECHNER, Mr. CARR, Mr. ROYBAL, Mr. HOCHBRUECKNER, Mr. TAUKE, Mr. DINGELL, Mr. COSTELLO, Mr. COYNE, Mr. CARDIN, Mr. AUCOIN, Mr. APPLEGATE, Mr. DOWNEY, Mr. SMITH of Iowa, Mr. WELDON, Mr. HOYER, Ms. OAKAR, Mr. BATEMAN, and Mr. HANSEN.

H.J. Res. 475: Mr. DIXON, Mr. WALGREN, Mr. ENGEL, Mr. MORRISON of Washington, Mr. PRICE, Mr. WOLPE, Mr. SAWYER, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. FLAKE, Mr. GUARINI, Mr. MATSUI, Mr. SAVAGE, Mr. CLAY, Mr. TRAFICANT, Mr. MRAZEK, Mr. JONES of North Carolina, Mr. STOKES, Mr. LEWIS of Georgia, Mr. DYMALLY, Mr. GEJDENSON, Mr. ANDERSON, Mr. PANETTA, Mr. RITTER, Mr. MACHTLEY, Mr. MILLER of Washington, Mr. MCGRATH, Mr. JONES of Georgia, Mr. SABO, Mr. WILSON, Mr. PAYNE of New Jersey, Mr. WEISS, Mr. GONZALEZ, Mr. BOSCO, and Mr. LANCASTER.

H.J. Res. 479: Mr. BROWDER, Mrs. JOHNSON of Connecticut, Mr. HEFNER, Mr. JONES of Georgia, Mr. THOMAS A. LUKEN, Mr. LIPINSKI, Mr. MURPHY, Mr. PALLONE, Mr. WYLIE, Mr. HOYER, Mr. SANGMEISTER, Mr. LEHMAN of Florida, Mr. FALEOMAVAEGA, Mrs. COLLINS, Mrs. SAIKI, Mr. WHITTAKER, Mrs. BOGGS, Mr. STENHOLM, Mr. FASCELL, Mr. TAUZIN, Mr. CHAPMAN, Mr. HUCKABY, Mr. PERKINS, Mr. SISISKY, Mrs. LLOYD, Mr. MICHEL, Mr. PARRIS, Mr. APPLEGATE, Mr. MILLER of Washington, Mr. HENRY, Mr. YOUNG of Florida, Mr. CLEMENT, Mr. DWYER of New Jersey, Mr. OXLEY, Mr. DEWINE, Mr. BEILENSON, Mr. REGULA, Mr. BROWN of Colorado, Mr. BROWN of California, Mr. GALLEGLY, Mr. DREIER of California, Mr. DELAY, Mr. LENT, Mr. SAWYER, Mr. BARNARD, Mr. ROWLAND of Georgia, Mr. RIDGE, Mr. GEKAS, Mr. MONTGOMERY, Mr. GALLO, Mr. CONTE, Mr. PARKER, Mr. CONYERS, Mr. HAMMERSCHMIDT, Mr. CLINGER, Mr. THOMAS of Wyoming, Mr. FAWELL, Mr. TRAFICANT, Mr. RAHALL, Mr. OBERSTAR, Mr. GILMAN, Mr. COOPER, Mr. SAXTON, and Mr. ROSE.

H.J. Res. 480: Mr. BILBRAY, Mr. BUSTAMANTE, Mr. DEFAZIO, Mr. FUSTER, Mr. GORDON, Mr. HORTON, Mr. JACOBS, Mr. MANTON, Mr. MAZZOLI, Mr. MCNULTY, Mrs. MORELLA, Mr. NEAL of North Carolina, Mr. OBERSTAR, Ms. PELOSI, Mr. ROE, Mr. SKELTON, Mr. TRAXLER, Mr. WALSH, Mrs. BOXER, Mr. DARDEN, Mr. DURBIN, Mr. GONZALEZ, Mr. GRAY, Mr. HUGHES, Mr. LEVIN of Michigan, Mrs. MARTIN of Illinois, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MRAZEK, Ms. OAKAR, Mrs. PATTERSON, Mr. RICHARDSON, Mr. ROWLAND of Connecticut, Ms. SLAUGHTER of New York, and Mrs. UNSOELD.

H. Con. Res. 130: Ms. SLAUGHTER of New York.

H. Con. Res. 140: Mr. GRANDY.

H. Con. Res. 232: Mr. GOSS.

H. Con. Res. 249: Mr. DWYER of New Jersey, Mr. TOWNS, Mr. WILLIAMS, Mr. BUSTAMANTE, Mr. GEJDENSON, Mr. MURTHA, Mr. AKAKA, Mr. PERKINS, Mr. RAHALL, Mr. HERTEL, Mr. COLEMAN of Texas, Mr. VOLKMER, Mr. STAGGERS, Mr. KLECZKA, Mr. RICHARDSON, Mr. WYDEN, Ms. KAPTUR, Mr. DYSON, Mr. KANJORSKI, Mr. MURPHY, Mr. ROWLAND of Connecticut, Mrs. LOWEY of New York, Mr. ALEXANDER, Mr. FRANK, and Mr. KOLTER.

H. Con. Res. 268: Mrs. KENNELLY and Mr. TOWNS.

H. Con. Res. 269: Mr. PALLONE, Mr. DYMALLY, Mr. BATES, Mr. MOODY, Mr. ROGERS, Mr. BRYANT, Mrs. COLLINS, and Mr. TOWNS.

H. Con. Res. 270: Mr. DE LUGO, Mr. UDALL, Mr. FRANK, Mr. TRAFICANT, Mr. FOGLIETTA, Mr. NEAL of North Carolina, Mr. MARKEY, Mr. MAVROULES, Mr. DAVIS, Mr. EDWARDS of California, Mr. KLECZKA, Mr. BENNETT, Mr. COYNE, Mr. DEFAZIO, Mr. DONNELLY, Mr. THOMAS A. LUKEN, Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. WILLIAMS, Mr. MCDERMOTT, Mr. VENTO, Mrs. BOXER, Mr. MAZZOLI, Mr. JONTZ, Mr. MINETA, Mr. WALSH, Mr. PALLONE, Mr. YATES, Mr. LANTOS, Mr. GILMAN, Mr. SCHUMER, Mr. FROST, and Mr. SKELTON.

H. Con. Res. 271: Mr. NOWAK, Mr. CROCKETT, and Mr. NATCHER.

H. Con. Res. 273: Mr. DELLUMS, Mrs. JOHNSON of Connecticut, Mr. MCHUGH, Mr. LANTOS, Mr. BUSTAMANTE, Mr. WYDEN, Mr. GLICKMAN, Mr. CONTE, Mr. HERTEL, Mrs. COLLINS, Mr. SCHEUER, Mr. ROWLAND of Connecticut, and Mr. MCDERMOTT.

H. Con. Res. 281: Mr. FRANK, Mr. BORSKI, Mr. DELLUMS, Mr. GORDON, and Mr. OLIN.

H. Res. 312: Mr. PORTER, Mr. FUSTER, Mr. PENNY, Mr. MCNULTY, Mr. SIKORSKI, Mr. MILLER of Washington, Mr. TOWNS, Mr. BILBRAY, Mr. SCHEUER, Mr. BOSCO, Mr. HALL of Ohio, Mr. PEASE, Mr. TORRES, Ms. PELOSI, Ms. SCHNEIDER, and Mrs. BENTLEY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. BOEHLERT:

—Page 52, after line 10, insert the following:

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

Redesignate succeeding sections accordingly.

SENATE—*Wednesday, March 7, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia.

The PRESIDING OFFICER. The prayer this morning will be offered by the Reverend John E. Stait, assistant to the Chaplain.

PRAYER

The Reverend John E. Stait, assistant to the Chaplain, offered the following prayer:

Let us pray:

Lord, I pray that we would apply the charge from Moses when he said:

Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people.—Deuteronomy 4:5-6.

Lord at this time in history, when so many nations are looking to us and even to this body for wisdom and understanding in organizing and leading their people into freedom, help us in this awesome stewardship. Help us to communicate true righteousness and justice in the midst of the tension of conflicting rights. May Thy will be done, on Earth as it is in Heaven.

We pray this in the name of the original, Lawgiver and Judge. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 1990.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader, Senator PRYOR, is recognized.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, following the time for the two leaders this morning, there will be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 9:30 a.m., the Senate will resume consideration of the clean air bill. Debate will continue on the clean air bill until 10:40 this morning, when the Senate will recess so that Members of the Senate can join our colleagues from the House of Representatives in the House Chamber to hear an address by the Prime Minister of Italy.

The Senate will be in recess subject to the call of the Chair during the address of the Italian Prime Minister. The majority leader has announced that the Senate will resume consideration of the Clean Air Act today at approximately 12 noon.

RESERVATION OF LEADER TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If the Senator will suspend for one moment, under the previous order we will now have a period for morning business not to extend beyond the hour of 9:30 this morning, with Senators permitted to speak therein up to 5 minutes.

The Senator from Maine [Mr. COHEN] is recognized.

THE HEALTH CARE FINANCING ADMINISTRATION'S DELAY IN IMPLEMENTING THE CLINICAL LABORATORY IMPROVEMENT ACT OF 1988

Mr. COHEN. Mr. President, I am rising this morning to discuss a very serious case of a delay by a Federal agency in implementing the will of Congress. It could have very harmful effects upon the health care of many, many Americans.

In 1988, Congress passed the comprehensive legislation to reform the Federal regulation of laboratories which perform medical tests. This legislation was called the Clinical Laboratory Improvement Act of 1988, the so-called CLIA 1988 law. It was passed in response to some disturbing revelations in the press and congressional hearings concerning the practices followed by some labs performing laboratory tests that are critical to the early detection and treatment of diseases.

As my colleagues may recall, there were many exposes on the level of accuracy or, I should say, inaccuracy of some common tests that are widely performed in this United States. Serious concerns were raised about labs that read Pap smear, for example, a test that is critical for the early detection of cervical cancer in women. That is a disease that spreads rapidly. It accounts for nearly 7,000 deaths annually in this country.

Investigation revealed that practices such as piecemeal pay for reading of Pap smears, average workloads exceeding two or three times the maximum limits recommended by professional societies, lab workers analyzing slides with little or no supervision, and labs not rejecting inadequate Pap smear samples from doctors for fear of losing business are severely jeopardizing the accuracy of the Pap smears. They are contributing to a nationwide "false negative" rate of nearly 20 to as high as 40 percent in Pap smears today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We have heard some rather tragic examples of consequences to people as a result of these inaccurate tests conducted in laboratories. We had one case, for example, of a young mother who diligently went to her doctor for routine Pap smears only to end up dying from cervical cancer because the laboratory had misread her final 3 years of Pap testing. It could have saved her life.

We had the case of a 65-year-old man from Virginia who faced the prospect of being on kidney dialysis for a lifetime because of the results of four lab tests, four lab tests that led to numerous doctor's visits, more tests, unexpected medical bills and months of fear and anguish, all of which, it turned out, were unnecessary, because the lab tests were wrong.

Investigations conducted by myself, Senator LEVIN, the Oversight Committee, as well as those conducted by Senators ADAMS and MIKULSKI, reveal that we have major problems in Federal legislation of clinical laboratories. While the Federal Government has had lab regulation law on the books for over 20 years, the law is seriously flawed and does not even cover thousands of laboratories, such as those located in physicians' offices. These offices perform the bulk of testing that is conducted in this country today.

We also found that the agency responsible for regulating clinical laboratories, the Health Care Financing Administration, has a very poor record indeed. The agency has ignored problems over the years that have existed in this regulatory program, and they frequently promise action only to take delay after delay after delay.

Mr. President, in 1988 we took swift action in response to the revelations of inadequacies of testing in the industry. CLIA 1988 included a number of important provisions dealing with the establishment and enforcement of quality standards in labs performing medical tests.

The legislation for the first time would regulate laboratories based on the type of tests performed rather than where performed.

The law also mandated specific standards that must be met by labs screening Pap smears, such as workload limitations for individuals who screen these smears, other quality control provisions that have to be followed, and established proficiency test programs to monitor how well the labs were doing and then measuring improvements in laboratory testing.

But, despite all of this, most of the provisions of the new law simply have not even been implemented. HCFA, the Health Care Financing Administration, has missed its deadline as it has missed its deadlines in the past. And so today we do not even have any proposed regulations to implement a law which Congress has passed.

Undoubtedly, there are complexities that have to be considered in the proposing of these regulations. They are difficult. Nonetheless, it seems to me there has not been a fundamental change in attitude on the part of the agency that is charged with overseeing these regulations.

The Senate Labor and Human Resources Committee and the Senate Governmental Affairs Oversight Committee are going to have a joint hearing on Friday of this week. We intend to find out what it is that is delaying HCFA from taking action that is absolutely imperative.

Every day there is delay, thousands of people are subject to risk, greater and greater risk. Because many of these labs are simply not subject to regulation. They still have unsupervised personnel. They still have inadequately trained personnel. And nothing is being done about it at the Federal level.

I notice in Time magazine of this week, there is, on page 79, a small item captioned "Unbelievable Blood Tests." This particular article deals with laboratory reports that are misleading or "downright mistaken."

It points out that there has been some rather sloppy screening, particularly in the field of reading cholesterol levels. They found errors, on a percentage basis, when a patient's finger was improperly milked to obtain blood—they found a 58-percent error problem. Staff did not change gloves with each new patient, 50 percent. Staff did not wear gloves, 35 percent. Work area was dirty, 11 percent. At the bottom of the article it says:

So anyone troubled by the results of a cholesterol test or other blood exam might be smart to follow the age-old advice applying to medicine in general: get a second opinion.

Mr. President, I ask unanimous consent that the article from March 12, 1990, Time magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time magazine, Mar. 12, 1990]

UNBELIEVABLE BLOOD TESTS: LABORATORY REPORTS ARE OFTEN MISLEADING OR DOWNRIGHT MISTAKEN

(By Andrew Purvis)

Medical testing centers have plenty of business these days—perhaps more than they can properly handle. Prompted by fears of everything from AIDS and Lyme disease to high cholesterol, record numbers of people are lining up to give a blood sample and get back the good news, or bad. Too frequently, though, the news is just plain wrong. Several recent studies have revealed disturbing sloppiness or simple error in the way some blood tests are conducted and interpreted.

Among the worst offenders are public cholesterol-screening programs. Such centers, already a familiar sight in supermarkets and shopping malls in some parts of the U.S. may become even more common in the wake of a Government report issued last week. The report recommended a low-fat, low-cholesterol diet for everyone, not just those at risk for heart disease.

In a study of four public cholesterol-screening programs, published last week in the *Journal of the American Medical Association*, researchers found that only one produced accurate results consistently. The worst program was off the mark in almost 25% of the tests. A recent survey by the Department of Health and Human Services of such mass operations found that the "technicians" conducting the tests often had little or no training. More than half the people screened at 71 sites had their fingers squeezed, or "milked," to draw blood. This is known to dilute the blood with other fluids and produce an artificially low cholesterol reading. Says HHS inspector general Richard Kusserow: "Sometimes these operations looked more like a sideshow at a carnival." When blood is drawn in a medical setting by trained personnel, such error is less likely.

Lyme-disease tests can be inaccurate, even if carried out by experienced professionals. In a study reported in *J.A.M.A.*, blood from the same 101 people was taken to three testing centers. One lab found 23 cases of Lyme, but the second discovered 31 cases, and the third came up with 43. The main problem is a failure to standardize Lyme tests from lab to lab.

Tests for AIDS are more accurate, but problems have arisen in reporting the results. In a study of 13 labs in the Western U.S., researchers discovered that written test results often contained misleading information. Several lab forms incorrectly stated that a positive result meant only that one had been "exposed" to the virus. In fact, it means that one is infected. The authors of the report said such imprecision could confuse doctors, particularly those having little experience with AIDS.

Sloppy Screening—A U.S. study of public cholesterol testing found widespread unacceptable procedures

Problem:	Percent [1]
Patient's finger was improperly "milked" to obtain blood	58
Staff did not change gloves with each new patient	50
Staff did not wear gloves	35
Work area was dirty	11

[1] Percent of people citing problems.

Stricter U.S. regulations on laboratory procedures are scheduled to go into effect this year, and the Government will increase the number of labs being inspected nationwide from 12,000 to 300,000. But the task is enormous, and many labs may still escape the enhanced surveillance. So anyone troubled by the results of a cholesterol test or other blood exam might be smart to follow that age-old advice applying to medicine in general: get a second opinion.

Mr. COHEN. Mr. President, getting a second opinion will not be sufficient if we do not change the way in which the laboratories are conducting their business. If we do not change the standards by which people, who are well qualified, conduct these tests, it will not make much difference to get a second opinion. As I have indicated before, this can pose a life-threatening hazard to the health of thousands and thousands of Americans.

So, I hope HCFA will come forward on Friday and explain to the commit-

tee exactly what the delay has been in proposing these new regulations. I hope my colleagues will try to follow the results of that hearing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COHEN. Mr. President, on behalf of Senator KASTEN, I ask unanimous consent to add Pat Rich to the list of the staff granted access to the Senate floor during the consideration of the pending legislation on March 7 and 8, 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARBITRATE THE BASEBALL STRIKE

Mr. FOWLER. Mr. President, I rise with some hesitancy, but we are in morning business and the serious business of the Nation will not begin for the next 5 minutes. It is not possible, I know, to arise on this floor as a U.S. Senator and speak only as a citizen. But I am going to try.

Mr. President, I am a baseball fan, and like so many fans across these United States I am very upset that our national pastime is being threatened because the owners and the players cannot agree to compromise their differences and play ball. In every disagreement over money, it is often forgotten who pays the bills to see the game and who buys the products that advertise the game—in short, those billion dollar television contracts that have made the game so profitable to owners and players alike are financed by us fans, the ultimate consumers. Surely the dedication of the fans is more to be cherished—and protected—than the minor differences now threatening the baseball season.

The other night when we were supposed to be doing the serious business of the Nation, we had a resolution offered in good faith by two of my colleagues calling on both sides to settle the strike. I voted against that resolution because I do not believe it is the business of the Senate to be expressing itself on private matters when so much of the people's business remains undone. This remains my opinion.

But as a fan, I have a simple suggestion, proposed as a citizen, not a Senator: Submit the differences between owners and players to binding arbitration. Maybe then the game would start on time, on April 2, and end this silliness of not being able to reach an agreement. Maybe then those of us who love the game and support the game and enable the game to be played and enable the profits to be made and enable the players to be paid so handsomely would be rescued and our dedication rekindled.

News reports inform us that everything has been agreed upon except the year a player can go to arbitration. The players want arbitration of their salary disputes after 2 years in the major leagues. The owners want to wait for 3 years. Every news report says this is the only matter of difference.

If this is the case—and even if there are other differences—why don't the owners and the players agree to use the system that they have agreed upon to settle other disputes, namely the arbitration process itself, to settle this dispute. Would this not make sense? Is this too reasonable? Is it too exaggerated a hope of all of us who love the game that both sides might submit their disagreements to arbitration and agree to abide by the decision?

In this dispute I have no interest in who is going to win. All I care about is who is going to lose if they do not settle. For what will be lost is more than money in Florida and Arizona at spring training. More than profits and performance. Lost will be faith in reasonable men to settle something in which so many people, especially our young people, have invested their own faith.

Baseball is a game representing tradition, aptitude, character—and even excellence—when played at its best.

It is a game of individual responsibility and individual accountability. Either you hit the ball or you miss it. Either you catch the ball or you drop it. It is a game where accountability and responsibility can be judged by all who play it and all who watch it.

What is on the line right now, if there is not an agreement, is a loss of faith in the accountability of the owners and players to make a decision in the best interest of the game itself—over and above their private interests. And that is the faith that so many Americans have put in baseball because they love it, and because they expect the best from those responsible for maintaining excellence on the field and in the owners' boxes.

This is the accountability that the owners and the players owe to us, the fans, who support them all.

I trust an agreement will be reached today or tomorrow. But if not, why not go to arbitration and abide by the decision? That way, there will be no losers, and the winners will be the baseball fans of America.

I thank the President and yield the floor.

THE 38TH ANNUAL NATIONAL PRAYER BREAKFAST

Mr. GRASSLEY. Mr. President, on February 1, 1990, it was my privilege to serve as the chairman for the 38th Annual National Prayer Breakfast. Nearly 4,000 people from all walks of life were in attendance.

They came from all 50 States—and from over 140 foreign nations—to join together in this unique event.

This year, we were honored to have among those in attendance four foreign heads of State, in addition to our own President, Vice President, Secretary of State, and many Members of the House, Senate, Cabinet and diplomatic corps.

It is truly miraculous that such a large and diverse group would gather from literally all over the world for one purpose: To acknowledge God's leadership in their lives and in our national life, proof that we truly are "one nation under God."

There were many volunteers from all across this country who worked tirelessly behind the scenes for months to make this event a reality. To them, I say thank you and God bless you for your efforts.

I would also like to thank the Members of the House and Senate prayer groups for allowing me the wonderful experience of chairing this event, and thank you as well to the Members who served on this year's prayer breakfast committee.

I found the program particularly meaningful, and many who attended have since expressed to me how it touched them as well.

Mr. President, so that those who were not able to attend can benefit from the inspiring words that were spoken, I ask that the program and transcript from the 38th Annual National Prayer Breakfast be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PRAYER BREAKFAST, FEBRUARY 1, 1990, WASHINGTON, DC

The Lord is my shepherd, I shall not be in want
He makes me lie down in green pastures,
He leads me beside quiet waters,
He restores my soul.
He guides me in path of righteousness for his name's sake.

Even though I walk through the valley of the shadow of death,
I will fear no evil, for You are with me;
Your rod and Your staff, they comfort me.
You prepare a table before me in the presence of my enemies.
You anoint my head with oil; my cup overflows.
Surely goodness and love will follow me all the days of my life, and I will dwell in the house of the Lord forever.—PSALM 23

Chairman: The Honorable Charles E. Grassley, U.S. Senator, Iowa.

Pre-Breakfast Prayer: The Honorable William L. Armstrong, U.S. Senator, Colorado.

Opening Song: U.S. Air Force Academy Choir, Dr. Joseph Galema, Director.

Opening Prayer: The Honorable Ike Skelton, U.S. Representative, Missouri.

Response to Prayer: Mrs. Ardyth Shapiro, Cantor; Mr. Burnett Thompson III, Accompanist.

BREAKFAST

Welcome: The Honorable Charles E. Grassely.

Remarks—U.S. House of Representatives: The Honorable Liz Patterson, U.S. Representative, South Carolina.

Old Testament Reading: Miss Debbye Turner, Miss America, 1990.

Special Introduction: Dr. Billy Graham.

Solo: Mr. George Beverly Shea; Mr. Kurt Kaiser, Accompanist.

New Testament Reading: The Vice-President of the United States.

Remarks—United States Senate: The Honorable Sam Nunn, U.S. Senator, Georgia.

Prayer for National Leaders: General Alfred M. Gray, Commandant, U.S. Marine Corps.

Message: The Honorable James Baker, Secretary of State.

THE PRESIDENT OF THE UNITED STATES

Group Song: The Honorable John Ashcroft, Governor of Missouri.

Closing Prayer: Mr. Richard G. Capen, Jr., Vice-Chairman, Knight-Ridder Inc.

Closing Song: U.S. Airforce Academy Choir.

(Audience, please remain in place until The President and Mrs. Bush have departed.)

PROCEEDINGS

Senator ARMSTRONG: My colleague, Senator Grassley, who is the Chairman of this morning's breakfast, asked me to come out and see if the public address system was working, ask everybody to please find their places, and then he invited me to say a word of prayer.

Shall we all bow our heads?

Holy Father, we come before you this morning rejoicing. We're enthusiastic and have a great sense of destiny about what is to occur here this morning. Lord, we come here from diverse backgrounds from many countries of the world, men and women of different faiths, but gathering here today in the spirit and name of Jesus Christ, acknowledging across differences of doctrine and religion and church and background and economy and geography and politics, our dependence upon you.

Lord, we say a special thanks for all of the people who have made this event possible, who have been praying for it, who have made the physical arrangements, who have come many miles to take part in this event. We ask a special blessing for all of them, and for those who will be here at the head table in just a few minutes, and that you will bless those who will speak, and speak to those who are here to listen.

Father, we acknowledge, with great appreciation, the marvelous privilege of this event. In Christ's name, Amen.

Ladies and gentlemen, please be seated. Enjoy your breakfast. The President and the head table guests will be here shortly.

(Pause.)

VOICE:

The President of the United States and Mrs. Bush, accompanied by the Vice President and Mrs. Quayle.

(Applause.)

VOICE: Please be seated.

Senator GRASSLEY: Good morning, ladies and gentleman. I'm Senator Chuck Grassley from the State of Iowa, and as Chairman of the Congressional Committee, I want to welcome all of you to the 38th Annual National Prayer Breakfast.

First, I would like to thank my friend and colleague, Senator Bill Armstrong, from Colorado, for offering the beautiful prebreakfast prayer. Senator Armstrong, we're sorry that you will be retiring from the Senate this year, voluntarily, that is. You'll be missed, and especially by those of us who have been so active with you in the Senate Breakfast Group.

And I'd like to invite all of you who are present today to please help me applaud once again the fine song that we just heard from the U.S. Air Force Academy Choir, under the direction of Dr. Joseph Galema.

(Applause.)

Senator GRASSLEY: I would now ask you to please remain seated while Congressman Ike Skelton of Missouri, who serves as the dedicated Chairman of the House Breakfast Group, offers our opening prayer. His prayer will be followed by a response to prayer by Mrs. Ardyth Shapiro of Portland, Oregon. Mrs. Shapiro is a cantor from a long line of cantors, and the ancient prayer she sings for us today dates back thousands of years. She will be accompanied by Burnett Thompson III.

Congressman Skelton and Mrs. Shapiro.

Congressman SKELTON: Shall we pray?

Oh, Lord, as we come together on this new day, we offer our grateful thanks for the special privilege of meeting for prayer and fellowship. We offer to You, oh, gracious God, our thanksgivings for praise that we can pray as a free people and we can join with our friends from so many nations of the world, that we can meet and enjoy the freedoms and liberties that are Your gift to us. As we come from different lands and languages, from various cultures and backgrounds, we earnestly pray that You can bind us together, oh, God, with the power of Your redeeming love.

We know, oh, God, that you have created us in your own image with all the possibilities of service and friendship, one with another. May Your Spirit of reconciliation so touch each person here that we will show forth in our lives the majesty and the power and the glory of Your eternal love. And may Your peace, that passes all human understanding, be with us now and ever more.

God bless this food to our use and us to Your faithful service.

In your name we pray, Amen.

Mrs. SHAPIRO: The Lord, the Lord God is merciful and gracious, long-suffering and abundant in goodness and ever true.

(Singing.)

(Applause.)

Senator GRASSLEY: Congressman Skelton, Mrs. Shapiro, thank you very much for that moving prayer and response. Please enjoy your meal, now.

(Pause.)

(Breakfast.)

Senator GRASSLEY: Ladies and gentleman, before we start the program, I would like to introduce people at the head table who do not appear in your program.

First of all, on my right, we have a lady who, in the past year, has truly come to be loved by people across our nation. Our First Lady, Mrs. Bush.

(Applause.) (Standing Ovation)

Senator GRASSLEY: Thank you very much, Barbara Bush.

And on my left, we have the lovely and gracious wife of our Vice President, Marilyn Quayle.

(Applause.)

Senator GRASSLEY: Now, I would ask you to withhold your applause until I finish introducing the rest of our head table guests.

First, my wife, Barbara Grassley. Susan Baker, the wife of our Secretary of State. Dwight Patterson, the husband of Congresswoman Liz Patterson; Joan Capen, wife of Richard Capen, Jr. On my left, we have Colleen Nunn, wife of Senator Sam Nunn; Ruth Graham, wife of Dr. Billy Graham. Susan Skelton, wife of Congressman Ike Skelton, and Karlene Shea, wife of George Beverly Shea.

I would ask that you give all these people a round of applause.

(Applause.)

Senator GRASSLEY: I welcome you all here for a second time. It's a wonderful occasion we have once a year. Mr. President, distinguished guests, distinguished heads of state that we have with us, colleagues and friends.

We are pleased that you have been able to join us for our 38th Annual National Prayer Breakfast. It is my pleasure this year to chair this unique gathering in the spirit of friendship, in the spirit of brotherhood and in the Spirit of Jesus Christ.

As some of you know, the National Prayer Breakfast draws its inspiration from the weekly prayer breakfasts in the Senate and the House of Representatives. In our small groups, we come together in the Lord to share our lives and faith in a very common fellowship. In this way, we are similar of course to the countless groups throughout the nation and around the world, all meeting in friendship in the Lord. And in a very real sense, today, we meet as representatives of others too numerous to count. In these small fellowships, we are discovering friends with whom we can be vulnerable. We therefore learn that it isn't weakness to acknowledge our needs, to confess our failures, and to admit to the loneliness which accompanies leadership.

In sharing our weaknesses and our strengths with each other, God gives us the resources that we need to meet our often burdensome responsibilities. We meet at a time when our fast moving world often seems confused and contradictory. Though we are steadfast in our fidelity to the values of personal freedom, justice, human progress, and peace, we realize, also, there is a powerful counterforce, contempt for human life and dignity, dishonesty and corruption, alienation and escapism. Yet, we have found through these groups that, as we meet together, there is a healing reconciliation that takes place. Men and women of different convictions and also from different religious and cultural backgrounds can join together in friendship that allows them to move to a higher level of acceptance of each other.

Yes, it is not always easy, but we have found, we are able to disagree and still remain joined in the greater cause of love for God and for one another.

In concluding my welcoming remarks, I would like to pay a special tribute to our foreign heads of state, present. The Honorable Daniel arap Moi, President of the Country of Kenya; Major Pierre Buyoya, President of Burundi, His Excellency Hussain Mohammad Ershad, President of Bangladesh, and the Honorable Alfredo Cristiani, President of El Salvador.

(Applause.)

Senator GRASSLEY: To these international friends, but also to all in the international community, you honor us with your presence, and we welcome you.

At this time, it's my pleasure to present Congresswoman Liz Patterson from the great State of South Carolina whose outstanding career has included the Peace Corps and Vista, in addition to her current service in the U.S. House of Representatives. Mrs. Patterson will offer remarks on behalf of the House Prayer Group.

Mrs. Patterson.

(Applause.)

Mrs. PATTERSON: Mr. President, Mrs. Bush, distinguished guests, ladies and gentlemen.

Our Bible teaches us that we can learn from our children. Well, I must tell you today that I have truly learned something from my children. As I stand here this morning and look out on this gathering, I think of my 15-year-old son and a word that he uses so often, awesome, man, awesome.

My task and my honor, today, is to share with you a little about the breakfast group in the House of Representatives. You know, Congress is often accused of being one of the most exclusive clubs or gatherings in the world. Only 435 members, 27 women. But our breakfast group that meets each Thursday that we're in session, is an example not of exclusiveness but of inclusiveness. The door of the prayer breakfast is open to all members and former members. We are all included and invited. Congressman Bob Stump and Chairman Sunny Montgomery see to that.

While we're together at breakfast, there is no exclusiveness. We are all alike in God's eyes. As the scripture says in Galatians, in God's eyes there is neither Jew nor Greek, slave nor free, male nor female, but we are all one. During the meal, we forget party preference. We forget about pending legislation that may divide us. And we share similarities. The hardships we place on our spouses, the troubles of bringing up teenagers, the birth of a new child or a grandchild, the sickness or death of a loved one, and, yes, the pride and victory of our home state football team. Then we sing a song and a member shares with us whatever they wish to share so that we can get to know that member better.

Our breakfast group is truly an example of God's love and teaching, as is this gathering today. Our prayers are heard by Our Father, whether we are male or female, no matter the color of our skin, or the language we speak. Theologian Henri Nouwen says, a person who prays is a person standing with their hands open to the world. They learn that God will show Himself in the people that they meet and in the situations that they run into. Prayer creates that openness, that inclusiveness where God can give Himself to man. That's why our weekly prayer breakfast in the House, that's what they're all about; not exclusiveness but inclusiveness open to God and man.

At this time, I'd like to ask all the members of the House of Representatives and the members of our prayer breakfasts, the former members as well, to stand and join me in greeting those of you in attendance and saying to you, God Bless you and God Bless America.

(Applause.)

Senator GRASSLEY: Thank you very much, Mrs. Patterson.

To present our reading from the Old Testament, I would like to introduce to you someone who, in the last several months, has come to be known to the public as much for her intelligence and spiritual walk as she has for her beauty.

Ladies and gentlemen, Miss America of 1990, Debbye Turner.

Miss TURNER: President Bush, Mrs. Bush, and distinguished guests.

It is wonderful, I have found by experience, to know the breadth and the depth and the width of God's love personally in my life, and to know just how great He is. And it's sad that there are those who don't know that love.

So this morning, I would like to share with you a proclamation of God's greatness that comes from Psalm 145.

It says: "I will extol You my God, oh King, and I will bless Your name forever and ever. Everyday I will bless You and I will praise Your name forever and ever. Great is the Lord and greatly to be praised, and His greatness is unsearchable. One generation shall praise Your works to another and shall declare Your mighty acts. I will meditate on the glorious splendor of Your majesty and on Your wondrous works. Men shall speak of the might of Your awesome acts and I will declare Your greatness. They shall utter the memory of Your great goodness and shall sing of Your righteousness. The Lord is gracious and full of compassion, slow to anger and great in mercy. The Lord is good to all and His tender mercies are over all His works. All Your works shall priase You, Oh, Lord, and Your saints shall bless You. They shall speak of the glory of Your kingdom and talk of Your power. To make known to the sons of men His mighty acts and the glorious majesty of His kingdom. Your Kingdom is an everlasting Kingdom and Your dominion endures throughout all generations. The Lord upholds all who fall and raises up all those who are bowed down. The eyes of all look expectantly to You. And You give them their food in due season. You open your hand and satisfy the desire of every living thing. The Lord is righteous in all His ways, gracious in all His works. The Lord is near to all who call upon Him, to all who call upon Him in truth. He will fulfill the desire of those who fear Him; He also will hear their cry and save them. The Lord preserves all who love Him but all the wicked He will destroy. My mouth shall speak the praise of the Lord and all flesh shall bless His holy name, forever and ever."

(Applause.)

Senator GRASSLEY: Thank you very much, Miss Turner.

I'd now like to present a true friend of the National Prayer Breakfast. In fact, our next guest was here with President Eisenhower at the very beginning of this movement. This morning, he joins us to present brief remarks and a special introduction of our soloist.

Ladies and gentlemen, Dr. Billy Graham.

(Applause.)

Dr. GRAHAM: Thank you, Senator Grassley, President and Mrs. Bush, Vice President and Mrs. Quayle, Secretary of State Baker and Mrs. Baker, and distinguished guests.

Yes, I suppose I'm the oldest man here.

(Laughter.)

If Senator Strom Thurmond wasn't here, I might claim that distinction because we were both at that first prayer breakfast where we only had maybe 135 or 140 people with President Eisenhower. And it's been my privilege to be here every year except two. I was one time in Korea and another time in Vietnam, speaking to the troops at Christmas.

Habakkuk, the great Old Testament prophet asked three times of God, why violence and injustice and wars were taking place in his world. He said, the law was paralyzed. He said, justice never prevails. He said, justice is perverted. And God answered him and said this: For I am going to do something in your days that you would not believe, even if you were told it.

When we met here a year ago, no one would have believed what has happened in one year. We heard last night from President Bush all the tremendous changes that have taken place in just one year that we could not dare believe, and we realize that back behind it all is the power of a Sovereign God. Jesus once warned that the wheat and the tares would grow together. He didn't say that they would stand still, he said they would grow. Good would get better, evil would get worse at the same time. And today, we're witnessing the Sovereign Lord shaking the earth, as Hebrews 12:26 predicted. The writer to Hebrews said, we are receiving a kingdom that cannot be shaken. Let us be thankful and so worship God with reverence and awe. Today, we've come to worship God and to pray. And in the midst of our prayers, let's not forget to thank God for the tremendous blessings He's poured out on our great country.

One of the great events of my life took place 46 years ago when I met a singer who was well-known in Chicago and throughout the midwest. He had a radio program on the American Broadcasting Company. We became wonderful friends and have been together ever since. Along with Cliff Barrows, the two of them have been with me since the beginning of my ministry, and we've traveled the world together. He is affectionately known as "Bev." His full name is George Beverly Shea, and he's 81 years of age, and he sings better now than he did when he came with me in the beginning. People used to come to hear me preach so they could be there to hear him sing. And they'd have in big type, GEORGE BEVERLY SHEA, and then in little small type, Billy Graham will preach.

(Laughter.)

And so Bev Shea is going to come and sing for us. He's just recovering from an operation. And today is his 81st birthday.

(Applause.)

(Mr. Shea sings.)

(Applause.)

Senator GRASSLEY: Thank you, Dr. Graham, for your fine words. And, Mr. Shea, thank you very much for your message in song.

To present our reading from the New Testament is a former colleague of those of us in the Senate. He was elected to the United States Senate when I was elected to the Senate in 1980. He earned my respect and the respect of his colleagues during his service for eight years in the United States Senate before being asked, by the President of the United States, to be the Vice President of the United States.

Today, I present him to you as an outstanding public servant, the Vice President

of the United States, ladies and gentlemen, the Honorable Dan Quayle.

Vice President QUAYLE: Thank you, Senator Grassley, President Bush, Mrs. Bush, Marilyn and members of the head table, ladies and gentlemen, and a special greeting to the 800 individuals that are in the room next door that could not get in here.

The letter of James, Chapter 1, versus 19 through 27.

"Know this, my beloved brethren. Let every man be quick to hear, slow to speak, slow to anger, for the anger of man does not work the righteousness of God. Therefore, put away all filthiness and rank growth of wickedness, and receive with meekness, the implanted word which is able to save your souls. But be doers of the word and not hearers only, deceiving yourselves, for if anyone is a hearer of the word and not a doer, he is like a man who observes his natural face in a mirror for he observes himself and goes away and at once forgets what he was like. But he who looks into the perfect law, the law of liberty, and perseveres, being no hearer that forgets but a doer that acts, he shall be blessed in his doings. If anyone thinks he is religious and does not bridle his tongue but deceives his heart, this man's religion is vain. Religion that is pure and undefiled before God and the Father is this: To visit orphans and widows in their affliction and to keep oneself unstained from the world."

(Applause.)

Senator GRASSLEY: Thank you, Mr. Vice President, not only for the message this morning, but those of us that were at the international luncheon, yesterday, heard a wonderful message from the Vice President, as well. So we thank you for your participation in many ways in this gathering over these last few days.

Now, to offer remarks on behalf of the United States Senate Breakfast Group, an esteemed and very respected colleague of mine who's in his 18th year of service in the Senate, and also Chairman of the powerful Armed Services Committee, I would like to introduce to you the Honorable Sam Nunn from the State of Georgia.

Senator NUNN: Thank you, Chuck, Mr. President, Mrs. Bush, Mr. Vice President, Mrs. Quayle, distinguished guests, ladies and gentlemen.

One evening after a very hectic and busy day in a large city, Mr. Jones, a businessman, rushed to catch the commuter train which would take him back to his suburban home. In the station, as he was passing through, he noticed Johnny, a small, poorly-clothed crippled boy selling apples at a small stand. Another man obviously in a great rush to catch the train accidentally knocked the little boy from the stand and all of his apples went scattering around the floor of the train station. The man who caused this accident muttered a meaningless type apology, glanced over his shoulder and went on aboard the train before it left. Mr. Jones was also in a great hurry. He quickly passed by, but as he was about to board the train, he had a second thought, and he returned to the scene. He stooped over to help the little boy recover the apples and, as he was doing so, he suddenly realized that the little fellow was not only crippled, he was also blind, as he desperately and helplessly groped about the floor to try to recover the apples.

Mr. Jones took a little time from his busy schedule to recover all the apples. He missed his train but he brushed off each and every apple and he re-erected the stand and he put them all back on the stand. And just as he was about to leave, he turned to the little boy and he handed him a crisp ten dollar bill. As he was about to get on the train, he felt someone suddenly turn him around and he saw the little boy, who grabbed him by the coat, and said to him with large tears in the eyes that could not see, Mister are you Jesus? No, Johnny, Mr. Jones was not Jesus, but he did act in the Spirit of Jesus and in the spirit of brotherhood.

In this Spirit, each Wednesday, ten to 25 Senators of different political persuasions, vastly different philosophies, different religious beliefs, meet, not because we're saints but just the opposite, because we're sinners. We remind ourselves frequently in these meetings that we who would be leaders must first be servants. That we who have large egos and great ambition should remember that the Kingdom of Heaven is promised to those who are humble and are poor in spirit. That we who depend on publicity as our daily bread should remember that when we do a secret kindness, Our Father, who knows all secrets, will reward us. That we who vigorously compete in the arena of politics and government remember that we're commanded to love our enemies and even to pray for those who persecute us. And, finally, each Wednesday morning, we try our best to remember what we must never forget. And that is that an election is not required to call us home and that the final judgment of our tenure on earth will not be decided by a majority vote.

In this spirit, our Senate group welcomes each of you here this morning.

Thank you.

(Applause.)

Senator GRASSLEY. As always, Senator Nunn has a very good and inspiring message. Thank you very much, Senator.

Representing our Armed Services, today, we're pleased and very honored to have with us the 29th Commandant of the U.S. Marine Crops, General A.M. Gray, who will offer the prayer for national leaders.

General Gray.

(Applause.)

General GRAY. Please join us in prayer. Almighty God, creator of all life, ruler of all nations, and giver of every good and perfect gift. We come to You today, grateful for the blessings of life, liberty and prosperity. With reverence, we ask for Your grace and mercy upon all men and women in positions of influence. Bless them with the strength to persevere in difficult times and the wisdom to look to You for guidance and truth. Oh, Lord of history, you gave us President Bush, our Commander-in-Chief. His resolve to lead the world in peace gives us confidence, knowing this is Your will. Support and guide him as he makes the decisions which affect the lives of everyone throughout our world.

Almighty God, you gave us Vice President Quayle. His work in bringing the messages of liberty and hope to others reveals his dedication to the high principles of truth, honesty and dignity. You gave us the Congress. They stand in a long line as succesors of that sacred trust, laid as a holy foundation by our forbearers to ensure that our laws are moral and ethical, based on righteousness. Bless them throughout this session as they work for the common good of our nation.

You gave us the Justices, who serve on the Supreme Court. Grant them understanding as they weigh the cases and issues brought by the people of our nation. Help us to accept and respect their decisions as we continue to define our democracy.

You gave us military leaders. Fill us with courage when we are called to defend the blessings of liberty. May our minds and wills always be conscious of Your presence and Your concern for the dignity of life as we perform our patriotic duties. Keep us forever mindful that we have been entrusted with the lives of our finest young people, those magnificent young men and women that we call soldiers, sailors, airmen, coast guardsmen, and marines. May we never forget our responsibilities to them, to their families, to our nations and to freedom.

You have blessed us with leaders in our business, industrial and civic communities. Grant them creative energy as they set the trends of this decade. Fill them with good faith and a willingness to follow the spirit of God in making people their highest priority.

You raise up leaders for every nation. Bestow on them the desire and will for peace. May they always recognize that You set the boundaries of nations, and that You are the source of all authority and power. Lead them to the right decisions for the benefit of all mankind. For all presidents, premiers, kings, queens, prime ministers, sovereigns, and heads of state, help us to be faithful in support of one another as we work for justice and the common good and for peace itself.

Senator GRASSLEY. Thank you, General Gray. The members of our National Prayer Breakfast committee are especially honored that our keynote speaker today has agreed to join us. Jim Baker has served our nation with honor and distinction for many years and in many different positions. He's been in the inner circle of at least three different Presidents of the United States. He is now the one person most responsible for our diplomatic and international policy. He's our chief ambassador for peace and freedom with all the other nations of the world.

So ladies and gentlemen, I hope you know that it is with great pleasure, for myself as well as the Committee, to have the pleasure of presenting to you this outstanding individual and dedicated leader, our Secretary of State, the Honorable James Baker.

(Applause.)

Secretary BAKER. Thank you very much. Thank you Senator Grassley, Mr. President, Barbara, Mr. Vice President, Marilyn, distinguished visitors, ladies and gentlemen.

This is a unique morning. Today, heads of State from three continents, and citizens from approximately 130 nations of the world are meeting here in the Spirit of Jesus Christ to pray together, to talk together and to seek to know each other better. I know that all of us hope that by meeting in this way, we can help foster and develop increasing bonds of friendship throughout the world.

Frankly, I'd be less than honest if I didn't tell you that when I was asked to speak today, I was hesitant. That hesitation came from the fact that after nine years here in Washington in three public service jobs, I feel far more comfortable talking about the policy process, the political process, or any number of other topics. For me to discuss a personal journey of faith is a new experience. But here I am. And I want to talk to you today about faith, I want to talk to you about friendship, and I'd like to say a word about our collective responsibilities as leaders.

I'll do that briefly, although being brief reminds me of a story that I first heard 20 years ago when it was told by the man who

is now President of the United States. And it has to do with a little girl that went to church on Sunday morning with her grandmother. Her grandmother had a very long-winded preacher who never gave a sermon that lasted less than an hour and a half. And as they sat there in church that Sunday morning and the sermon droned on and on, the little girl got very restless and she looked out about her. And there, extending from both walls of the church all the way down to the altar were those American flags. underneath each flag, there was a little gold plaque. The sermon drones on and on, and finally the little girl can't stand it any longer. She turns to her grandmother, and she says, "Grandma, what are those flags up there for?" And her grandmother says, "Why, Sarah, those flags commemorate those who died in service." The little girl said, "Oh, the 9:00 o'clock service or the 11:00 o'clock service?"

And I'm going to try very hard not to lose you in my part of this service this morning.

I am up here, though, because I really do believe that those of us who are put in positions of public trust, really shouldn't be hesitant to speak about spiritual values. In fact, I happen to believe that spiritual values are important in the pursuit of world peace.

Pope Paul VI once said at the United Nations, "The problems of the world are so great that perhaps the leaders of the world will have to learn to pray together."

It was in that very spirit, I think, that President Eisenhower, 38 years ago, began all of this with a very few members of the Senate and House of Representatives, to see if it was possible for America's leaders to pray together, both privately and in this kind of assembly. President Eisenhower had a strong conviction that we need to build deeper and longer lasting relationships on a basis other than just economic or political. I think he would be excited to see the reality that his vision has become if he could see all of us here this morning.

I spoke a moment ago about a personal journey of faith. And those of you who know me best, certainly know that I don't feel like an expert on this subject. Like many of you, I am just one person genuinely struggling to put faith into practice in my life. But over these last several years in Washington, I think I have gained some valuable insight into that process. There are many people who believe that living in this city makes developing one's personal faith a lot more difficult. But for me, living in this centrifuge of power and politics has encouraged, and I might even say, has demanded spiritual growth. Power, of course, as we all know, can be intoxicating; it can be addictive, and few doubt the truth of Lord Acton's words that "power tends to corrupt and absolute power corrupts absolutely."

Over these last nine years, I have had opportunities to participate in the exercises of more power than I would ever have imagined. I have felt the weight of responsibility that brings, and I have to admit to you, as well, that I have felt the temptations that are attendant to it. From this perspective, I've seen the reality that people from every level and from every station in life desire affirmation, they desire recognition and they desire fulfillment. Some people go to extraordinary lengths to obtain these elusive goals.

I found early on that having a position of power really doesn't bring the fulfillment that many people think it does. Of course, it does bring excitement. It brings a sense of satisfaction when things go well, disappointment when they don't, and it brings invitations to some of the most exclusive gathering in the world. For someone who likes to go to bed at 9:30, that is not necessarily a plus. But it also brings a complicated lifestyle with an exhausting schedule, innumerable headaches and lots of conflict. Most importantly, having a position of power does not bring inner security or fulfillment. That comes only, I think, by developing a personal relationship with God which, for me, is personified by Jesus Christ. Inner security or real fulfillment comes by faith. It doesn't come by wielding power in the town where power is king.

As those of you who believe, know only too well, faith more often than not, doesn't come easily. It takes a lot of work. When I look back on my own journey of faith, I can see that real growth began when I started reading God's word. Romans 10:17 in the New Testament says, "Faith comes by hearing and hearing by the word of God." The Scriptures I read also teach me that God loves me, and he accepts me as I am. He loves me as I struggle, He loves me even as I fail to become the man He wants me to be.

Once upon a time, I honestly felt that I had to earn God's love. But now I know that the Bible tells us that it is faith and it is not works or accomplishments that make us acceptable in God's sight.

In 1986, I met with a group of diplomats who were gathered here for this National Prayer Breakfast. One of them asked me during the course of that meeting, what was the most important thing I'd learned since being in Washington. And I replied that it was the fact that temporal power is fleeting.

I told him about an experience that I had early one morning a few years ago, when I was the White House Chief of Staff. As my driver turned the car into the northwest gate, I looked down Pennsylvania Avenue and noticed a man walking alone. He was someone many of you would have recognized—the Chief of Staff in a prior administration. There he was alone—no reporters, no security, no adoring public, no trappings of power—just one solitary man alone with his thoughts. And that mental picture continually serves to remind me of the impermanence of power and the impermanence of place. That man had it all—but he had it all only for a time. And that really, to me, put my life in perspective.

I ask the question occasionally, "When I leave Washington, what's going to remain?" One thing I know for sure—the people who wouldn't return my telephone calls before I came to Washington, aren't going to return them after I leave.

The fleeting aspects of power, I think, cause us to understand the importance of lasting personal relationships and friendships. Ralph Waldo Emerson said, "God evidently does not intend all of us to be rich, or be powerful or great, but He intends us all to be friends." The Scriptures, both Old and New, affirm this reality by speaking about our relationships to God and our relationships to each other. The first and greatest commandment is to love the Lord your God with all your heart, with all your soul, all your strength and all your mind and the second is to love others as yourself. And we know, too, that Jesus said, "I do not call you servants, I call you friends."

These ancient thoughts on personal relationships, and friendships, are often not taken seriously enough in our very busy modern lives. In all candor, I used to think that if you were strong, you didn't need anyone. Too often, independence and self-reliance, are said to be the path to success. And to many, being successful means never admitting that you have any hurts or problems. But the truth of the matter is, as I am sure practically all of us would admit, we really do need one another if we're going to make it through this life in both our private and public capacities.

I remember particularly a situation a few years ago when I was really struggling with a particular problem. No matter how hard I tried, I couldn't figure it out. But I found strength in being able to talk it over and to pray about it with my wife, Susan. And as we did, the truth from the Book of Proverbs finally crystallized our thinking. "Trust in the Lord with all your heart, lean not unto your own understanding, in all your ways, acknowledge Him and He will direct your path." Susan helped me to see that I needed to stop trying to play God and really turn the matter over to Him. Without this kind of partnership, I'm quite convinced I never would have resolved that problem.

For several years, I've been meeting each week with a small group of men for fellowship. These are all very normal guys who just happen to hold positions of power and influence in Washington. Members of our group come from both of the nation's political parties, and they come from several religious traditions. None of us expresses himself in religious jargon. More typically, our language is pretty earthy. But in our own way, we are pursuing faith through friendship. We've grown to trust each other. We talk pretty openly about our problems—personal problems. I don't just mean problems we have with items on the national agenda. We support each other in our efforts to live a life of faith in a very complex and challenging environment.

There are, of course, many times when all of us need something extra from our faith and from our friendships. I remember my mother telling me, when I was young, how she used to repeat the 91st Psalm every day when my Dad was a captain in the infantry in Europe in World War I: "A thousand shall fall beside thee, and ten thousand at thy right hand; but it shall not come nigh thee." My mother who taught me so many of the values that give me strength today, drew much comfort from these words. And in hearing her say them, so did I. She happens to be still saying them as her 96th birthday approaches!

I also remember how important friendships were during my first wife's illness. How important, for instance, that friends were there with me at her bedside during the last days. Two of these friends are very prominent today and both of them are here with us at the head table this morning. I remember how important that friends were there for our four little boys who were heartbroken, who were scared, and who were very, very confused. How important friendships were to the task that Susan and I faced several years later of putting two families together at a difficult time in the lives of seven children. And if any of you ever had three seventh graders at one time, you'll understand what I mean!

I remember how important friendships were and are to the need for support on a journey through public service. And I finally remember how important friendships were and are to the process of developing and maintaining my faith. So when I think back over the hills and valleys of my life, the consistent theme is the one in the 91st Psalm—"I will say unto the Lord, Thou art

my hope and my stronghold; my God, in Thee will I trust." Faith and friendship are very important also I think in building a community of nations. And as leaders, I think we share certain spiritual responsibilities.

Daniel Webster has said, "If we work upon marble, it will perish. If we work upon brass, time will efface it. If we rear temples, they will crumble to dust. But, if we work upon men's immortal minds, if we imbue them with high principles, with the just awe of God, with love of their fellowmen, we engrave on those tablets something which no time can efface and which will brighten and brighten to eternity."

We are all struck by the changes taking place in the Soviet Union and Eastern Europe. They are not all political or economic. In September of last year, I met with Eduard Shevardnadze in Wyoming. We had a very productive couple of days, and on the last evening exchanged gifts. I gave him a pair of cowboy boots—in keeping with the Western motif of Jackson Hole. But I received from him a far more profound and meaningful gift—an enamel picture of Jesus teaching the people. In giving me this picture he said—only half joking—"You see, even we Communists are changing our world view."

Could it be that a major meaning of the revolution going on in Eastern Europe is the resurgence or rebirth of faith? What we seem to be seeing is the reaffirmation of the individual as a person worthy in his or her own right, with freedom to choose and the responsibility that goes along with those choices.

Vaclav Havel, the new president of Czechoslovakia, recently told his countrymen that "the most important problem they were facing was a decayed moral environment, devoid of belief, consideration, compassion, humility and forgiveness." These values, of course, are crucial to democracy. And it is no accident, I think, that churches in Eastern Europe have played such an important part in the political change that's taking place there. Despite oppression, the people of God maintained their integrity as custodians of the faith.

I think that there is a moral and a spiritual lesson for the United States in these events. We need to listen a bit more, perhaps, to those who are observing us. Lech Walesa made the observation that "Americans were drifting away from spiritual values as they become richer." He said that "sooner or later we will have to go back to our fundamental values, back to God, the truth, the truth which is in God." And then he made a most interesting statement, "We look to America," he said, "and we expect from you a spiritual richness to meet the aspirations of the 20th century."

And so, ladies and gentlemen, as we hail the resurgence of faith and around the world, in America, we must be mindful of our own responsibilities regarding faith. The United States, as a great political experiment was and continues to be a great spiritual experiment as well. Every person who enjoys freedom, regardless of where they are in the world, has the responsibility to improve the society which assures them freedom.

One way to carry out this responsibility, I think, is to pray together as we are doing here this morning. Prayer by itself is a reaffirmation of that freedom and that responsibility, whether that prayer is private or whether that prayer is communal. It is an act of free men and women who believe that their relationship to God is fundamental to preserving those freedoms.

The Bible tells us, "Where the spirit of the Lord is, there is liberty." So, my friends, I believe that as leaders, we can build relationships around the world that are rooted in trust and in love and in understanding. And I believe that we can go beyond rhetoric to discover concrete ways to express this reality, particularly in light of the Psalmist's profound observation that "righteousness exalts a nation and sin is a reproach to any people."

As we join together in prayer this morning, let us all be thankful for recently rekindled hopes of freedom in many, many countries around the world, let us be thankful for our friendships. And let us pray for the strength to meet our collective responsibilities as leaders by doing what we can to make our world a freer, a better and a more peaceful place.

Thank you, God bless you, and God bless the people of all the nations of the world.

(Applause.)

Senator GRASSLEY: Thank you, Secretary Baker, for that outstanding message.

I think he emphasizes one of the most important points that we all need to be reminded of, the importance of family and friends in public life in Washington, DC.

One year ago, when we met here for this annual event, we stood at that time on the threshold of a new administration. None of us would have dared envision the political changes that we've seen happen and that we've all talked about glowingly this morning, all the political changes of 1989. None of us would have anticipated these happening to our world.

Throughout this last year, this year of change, the President of the United States has provided strong, decisive and moral leadership for which we are all grateful, and I say especially for his emphasis upon family. Ladies and gentlemen, I present to you the President of the United States.

(Applause.)

President BUSH: Thank you ladies and gentlemen, thank you all. Thank you very much. Vice President and Mrs. Quayle, and Chuck Grassley, Sam Nunn, my dear friends Billy Graham and Ruth. Jim Baker, that was a very inspiring testament of faith. I also want to salute our very special guests who've traveled far to join us in a prayer for peace and understanding. President Moi of Kenya, President Ershad of Bangladesh. President Buyoya, the marvelous head of Burundi. President Cristiani, a longtime friend. The Prime Minister Kisekka. And I just express for all of us a very hearty welcome, and to President Ershad, a happy birthday greeting to go with Bev Shea's.

(Applause.)

President BUSH: We're delighted you're here. And I want to thank Bev Shea; and, Billy, it'll probably read: Prayer Breakfast, Bev Shea; Supporting Cast: Secretary of State, Billy Graham.

(Laughter.)

President BUSH: A lot of presidents out here. Senators and Congressmen. He was magnificent.

(Laughter.)

President BUSH: Magnificent music.

It's often said, in my line of work, that a candidate or a proposal hasn't got a prayer. Well, I'm pleased to be with an audience whom that will never be said.

(Laughter.)

President BUSH: And this breakfast is the result of years of quiet diplomacy—I wouldn't say secret diplomacy—quiet diplomacy by an ambassador of faith, Doug Coe. And I salute him.

(Applause.)

President BUSH: And I was moved once again by what Sam and Liz told us of members and staffers on the Hill who like to regularly meet to share a few quiet moments of prayer and Bible reading. The values that spring from our faith certainly tell us a lot about our country. And consider that for more than two centuries, Americans have endorsed, and properly so, the separation of church and state. But we've also shown how both religion and government can strengthen a society.

After all, our Founding Father's documents begin with these words: All men are endowed by their Creator with certain inalienable rights. And Americans are religious people, but a truly religious nation is a tolerant nation. We cherish dissent, we cherish the fact that we have many, many faiths. And we protect even the right to disbelieve.

A truly religious nation is also a giving nation. A close friend of mine sent me a poem recently which eloquently embodies this spirit of giving.

"I sought my soul but my soul I could not see;

I sought my God but my God eluded me;

I sought my brother and found all three."

Thousands of Americans are finding their soul, finding their God, by reaching out to their brothers and sisters in need. You've heard me talk about A Thousand Points of Light across the country. Americans are working through their places of worship, through community programs, or on their own to help the hungry and the homeless, to teach the unskilled, to bring the words of men and the word of God to those who cannot even read.

And so I believe that his democracy of ours is once again proving, as it has throughout our history, that when people are free, they use that freedom to serve the greater good and, indeed, a higher truth. As freedom blossoms in Eastern Europe—and Jim was talking eloquently about that—I'm convinced that the 1990s will be the decade of the rebirth that he so beautifully spoke about. A rebirth of faith and hope.

And one example, I met this week with Father Calciu, a Romanian Orthodox minister. Father Calciu has spent 21 of his 64 years in jail. A third of his entire life in prison. And in fact, it was while in prison for opposing the government that he found God. And once released, he risked his freedom by preaching a series of lenten sermons. And for that, he was imprisoned again and tortured beyond belief.

And yet, Father Calciu had faith and he refused to break. He was sentenced to death. And as he stood in the corner of the prison yard, praying for his wife and son, awaiting death, it was then that something remarkable occurred. His two executioners called to him and, surely, he thought, well, this was the end. But instead they said, "Father,"—and that was the first time they had called him that—"we have decided not to kill you." And three weeks later he received permission to celebrate the Divine Liturgy, and when he did, he saw these same two guys—the same two guards—approach, and to his astonishment, his would-be executioners got on their knees and joined him in prayer. This is one man's story—a humble priest.

And today, the times are on the side of peace because more and more brave men and women are on the side of God. And so

that is the end of these few words. That is my prayer, that we will continue to recognize the power of faith.

Thank you all and God bless you.

(Applause.) (Ovation.)

Senator GRASSLEY: Thank you very much, Mr. President, not only for that message but for your continued leadership.

I now welcome to the podium a great man and friend of the prayer breakfast movement. His leadership capabilities as the Governor of the fine State of Missouri are well known. So today we have asked him to use those leadership capabilities to lead us in song. Ladies and gentlemen, the Honorable John Ashcroft.

Governor ASHCROFT: Thank you, Senator Grassley, President and Mrs. Bush, friends, would you please stand as we lift our voices together in an opportunity to share in a great hymn of faith, praise and thanksgiving. You have in your program the words to Amazing Grace.

(Singing)

AMAZING GRACE

"Amazing grace, how sweet the sound
That saved a wretch like me!
I once was lost, but now am found,
Was blind, but now I see.

Through many dangers, toils, and snares,
I have already come:
Tis grace has brought me safe thus far,
And grace will lead me home.

When we've been there ten thousand years,
Bright shining as the sun,
We've no less days to sing God's praise
Than when we first begun."—JOHN NEWTON.

Governor ASHCROFT: Please remain standing.

Senator GRASSLEY: Thank you very much, Governor. I'd like to now invite to the podium an outstanding leader from the world of business, Mr. Richard G. Capen, the distinguished Vice Chairman of the Knight-Ridder organization, for our closing prayer.

Mr. CAPEN: Mr. President, Mrs. Bush, Mr. Vice President, Mrs. Quayle, Secretary Baker, ladies and gentlemen, in the tradition of many of our homes and in honor of the Lord, I would ask that as we have our closing prayer, that we all join hands around our table in the recognition of our diversity and our dependence upon the Lord. Let us pray.

Our Father, the most powerful message of this morning's program is the simple reality that hundreds of the nation's most respected leaders have gathered here in the name of our Lord and Savior, Jesus Christ. We thank You for the incredible blessings of this day. May we never take the miracle of life for granted. We also thank You for the privilege of being leaders, knowing that as we lead we are first and foremost Your servants. Some here, oh, Lord, command armies; others manage huge corporations; some make our laws; others interpret them. One serves You, Father, as the ultimate leader of the free world. Some heal, some inspire with music, some raise children, others teach, still others communicate your message in a secular world. One here today has crusaded for more than a half century celebrating Your Name all around the globe. Many here are blessed with incredible talent and enormous influence, yet each is here humbly to express absolute dependence on You. Together, we present the mosaic of Your creation.

This morning we gratefully acknowledge the privilege we have to serve others in Your Name. We live in a diverse and far too often divided world. It is Your will and our duty to help tear down those walls that separate us, and so it is that we seek to build bridges of understanding in all that we do. Each day, You challenge us to move within a world of believers and non-believers, cynics and doubters and those who aimlessly drift through life with no spiritual anchor at all. It is in those circumstances that we have especially powerful leadership opportunities to be Your emissaries, reflecting the comfort and peace that come through Your promise of everlasting life.

We ask for the courage to stand for those who cannot stand up for themselves, and we ask for the strength to reach out to others in need. This year, as others have said, we must accept special responsibilities to give support to those whose beliefs have been suppressed for most of a lifetime. For the first time in a generation, millions in Eastern Europe are free to pray, to worship, and still they need our tangible help. And we must not let them down.

This morning, we offer special prayers for the President and Mrs. Bush. At a time when family life is disintegrating, the Bush's have provided uplifting personal testimony as a loving family driven by a strong faith in the Lord. The President and Mrs. Bush have given a lifetime of unselfish service to others and have done so with inspiration and integrity. We thank you, Lord, for their example as Your special servants. As the President said last night, our anchor has always been faith and family.

And finally, oh, Lord, as we conclude this powerful program of prayer, we take comfort in Your Apostle Paul's advice to Timothy; be sure to use the abilities God has given you, put these abilities to work, throw yourself into your tasks so everyone may notice improvement and progress, keep a close watch on all you do and think, stay true to what is right, and God will bless you and use you to help others.

Yes, Lord, please use us to help others. We are Your humble servants, and to You, we say, I am here, I will go, please send me. And we ask all these things in the name of our Savior and Your Son, Jesus Christ. Amen.

(Whereupon, the meeting was concluded.)

THE LAST FLIGHT OF THE SR-71

Mr. GLENN. Mr. President, I rise to note a sad landmark in aviation history. Yesterday, the SR-71 reconnaissance plane, the fastest and highest-flying U.S. aircraft was retired after making a record-setting 68 minute flight from California to Dulles Airport here in Washington, DC, where it was turned over to the Smithsonian Institution's Air and Space Museum.

As a member of both the Senate Select Committee on Intelligence as well as the Senate Armed Services Committee, I am deeply concerned about last year's decision to terminate this proven, outstanding reconnaissance asset.

Last year's DOD authorization conference report stated that "while the conferees believe there is substantial inherent military value in the SR-71 fleet, it is clear that the Department [of Defense] has no intention of operating the aircraft to achieve or exploit that potential. The high cost of continued operation of an asset so ill used by the Department cannot be justified."

While it is undoubtedly true that the SR-71 fleet was not being utilized to its fullest potential, I believe that this shortcoming could have easily been redressed by the Department of Defense and by no means warranted program termination. In view of the high costs of other Air Force programs, the costs of this program and its benefits were both affordable and reasonable.

Mr. President, the SR-71 is a proven reconnaissance asset that brought a truly unique capability to America's intelligence community. The SR-71 is a high altitude, high speed, long range airborne reconnaissance platform that has served our Nation well since it first flew in the mid-1960's. The SR-71 provides coverage on demand with little or no warning to the reconnaissance target—it is a highly flexible system.

Because it is the world's fastest and highest flying aircraft, the SR-71 is able to penetrate hostile territory with comparatively little vulnerability to attack unlike other reconnaissance platforms. This makes it particularly useful in crisis situations such as the Persian Gulf. While opponents of the SR-71 have argued that national technical means are capable of performing the same mission, these systems are far less flexible and survivable than the SR-71.

It is interesting to note that for some years now, the DOD has been making the case that the United States needs an antisatellite [or Asat) capability, in large part due to the threat posed to our satellites by the Soviets. Should the United States go forward with the deployment of an Asat system, it would seem likely that the Soviets would end their moratorium on testing and advance their Asat program. Given the increased threat such a superpower Asat race would pose to our already vulnerable satellites, it would seem the height of folly to cancel the only truly survivable air-breathing reconnaissance platform in our inventory—the SR-71.

In retiring the SR-71, the United States has essentially removed itself from the strategic aerial reconnaissance business. Intelligence systems such as the SR-71 are the eyes and ears for our Nation's defense and are therefore true force-multipliers. I am convinced that the United States will be placed at a serious disadvantage in future crisis situations by the termination of the SR-71.

I think that few Members of the Congress and certainly few in the public truly realize the magnitude of the decision to terminate the SR-71. In part, this is due to the fact that the vast majority of our Nation's intelli-

gence capabilities such as the SR-71 cannot be fully discussed in public, if at all. Because these programs are classified, few Members of Congress are even aware of many of these systems unless the Member serves on one of the committees that conducts oversight of these programs.

Also, because they are classified, intelligence systems have virtually no public constituency. In increasingly constrained budget environments, it is simply a fact of life that systems and programs that bring highly visible benefits to constituents are far more likely to survive the budget cutters' ax than valuable intelligence programs such as the SR-71.

The retirement of the SR-71 highlights another problem our Nation will confront in the years to come. With the revolutionary changes taking place in the Communist bloc, the prospects for reaching sweeping and truly meaningful arms control agreements with the Soviet Union are better than they have ever been since World War II.

Indeed, it seems likely that this year, we will reach a sweeping array of arms control agreements with the Soviets—verification protocols of the TTBT and PNET Nuclear Testing Treaties, Start, CFE, a bilateral agreement on chemical weapons, and an "open skies" agreement.

While I am second to no one in my enthusiasm at this prospect, we must be aware that these agreements will necessarily be very complex and therefore very difficult to adequately monitor. Enormously expensive intelligence systems that enable us to adequately monitor Soviet compliance with these complex agreements constitute the hidden cost of arms control. If these essential intelligence systems are sacrificed like the SR-71 to narrow budgetary considerations, our ability to adequately monitor these agreements will be placed at risk—endangering our Nation's security as well as the public's consensus behind the arms control process.

Mr. President, the termination of the SR-71 was a grave mistake and could place our Nation at a serious disadvantage in the event of a future crisis. Yesterday's historic transcontinental flight was a sad memorial to our shortsighted policy in strategic aerial reconnaissance.

TERRY ANDERSON

SPECULATION GROWS THAT 1990 TO BE LAST YEAR OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,817th day that Terry Anderson has been held in captivity in Beirut.

I would also like to mention that still more reports on the hostage situation are coming out of the Middle East. Today's Washington Post notes that the Tehran Times said yesterday that 1990 would be the last year of captivity for the hostages. Last week, that same paper, usually considered a mouthpiece for Iranian President Rafsanjani, called for the unconditional release of the hostages.

I ask unanimous consent that today's Washington Post article be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 7, 1990]

PAPER: HOSTAGES WILL BE FREED

NICOSIA, CYPRUS, March 6.—A Tehran newspaper close to Iran's president said today that 1990 will be the last year of captivity for the 18 Western hostages in Lebanon.

In a separate editorial, the English-language Tehran Times said Syrian President Hafez Assad would visit Tehran soon, after an expected trip by his foreign minister, Farouk Charaa.

Syria is the main power broker in Lebanon, with 40,000 troops there. Pro-Iranian Moslem fundamentalists in Lebanon are believed to hold the hostages, including eight Americans.

Both editorials in the government newspaper were excerpted by the official Islamic Republic News Agency, monitored in Nicosia.

The Tehran Times said the hostages should go free without preconditions. In the past, the paper has reflected the thinking of President Ali Akbar Hashemi Rafsanjani.

"Our own assessment indicates that this thorny issue can be sorted out in the near future in a sincere spirit by sincere people," it said, adding, "1990 can and will be the last year of the captivity of these hostages."

CLOSING OF ELITE RESTAURANT

Mr. HEFLIN. Mr. President, it was with great sadness that I learned of the closing of the Elite restaurant in Montgomery, AL. As a man who appreciates good service and good company almost as much as I appreciate fine food, the Elite will leave a space in my heart which will be impossible to fill.

Many people may be under the impression that the Alabama State Capitol is at the end of Dexter Avenue in Montgomery. However, anyone active in politics knew that on any given day Alabama was likely to be governed from Montgomery Street, as the movers and shakers tucked away fine crabmeat in the Elite's booths and charted the future of the State.

To someone who was not there to see it, it is almost impossible to convey the huge effect the Elite had on the social fabric of Montgomery. It was more than the meeting place of the city; it was also the commercial command center, the art and literary salon, the gossip and rumor clearing house and the highbrow think tank. That it was able to satisfy such a diverse group of people for so long is a tribute to the superb management, true hospitality and fine kitchen of the Xides family.

The story of the Elite is the story of immigrant success in America. The Xides family came to this country in 1907 from the mountains of Greece with no advantages except intelligence and determination. In 1911, Pete Xides started working at the Elite. By 1925, he owned the place. Over the course of the next half-century he and his son, Ed, made the Elite the place to see and be seen in Montgomery.

It saddens me greatly that the evolution of a city could cause the demise of such a monumental part of the city's culture. It seems a too-steep price to pay to progress. However, I am sure that, should he care to begin anew, Ed Xides' determination and intelligence (not to mention his recipe book) will ensure that Mongtomery flocks to him. I know I will.

HOORAY FOR JACKSON ELEMENTARY

Mr. HATCH. Mr. President, I rise to applaud a wonderful example of President Bush's Thousand Points of Light initiative. My home State, thanks to the ingenious efforts of a group of students at Jackson Elementary in Salt Lake City, UT, has created a statewide tree-planting program.

These motivated youngsters at the school's Extended Learning Program, their teacher, Mrs. Barbara Lewis, and their principal, Mr. Peter Gallegos, have tirelessly worked to see this program enacted. The initiative started at the State level; and, very simple, it was not likely to pass in this time of severe budget constraint. My colleagues in the Senate know all too well that worthy projects sometimes suffer for want of funds. But in the true spirit of American democracy, the students and their advisers took their case to the State capital. Can you imagine it? A league of little Mr. Smiths armed with facts and information, ready to do battle in a worthy cause. They informed, they bargained, they argued, and perhaps they even did a little bit of arm-twisting. And, Mr. President, they won. Currently, the Utah State Senate is preparing to debate the tree-planting bill that passed in the Utah House of Representatives. Given the tenacity of the bill's originators, I think it stands a very good chance of success. I hope eventually to see a national tree-planting program, and I intend to propose legislation to that end every soon.

Mr. President, the service that these young people have done for themselves, their community, their State, and their country is inestimable. Each new tree planted will in 50 years have contributed more than $50,000 worth of pollution control; each new tree planted will recycle thousands of gal-

lons of water; and each new tree planted will help to prevent soil erosion. Perhaps most important, however, each new tree planted adds new beauty and wonder to this beautiful planet. We are all enriched when our world is made more beautiful. I am proud today to voice my praise for the students of Jackson Elementary; and, let me just say that anyone who believes that people no longer care has never met these pupils; anyone who believes that good deeds no longer exist has never met these students; and, anyone who believes that American's future is bleak has never met these young people.

Thank you, Jackson Elementary.

PRIVILEGE OF THE FLOOR

Mr. HEINZ. Mr. President, on behalf of Senator KASTEN, I ask unanimous consent that Jeff Hardison, an interpreter from Gallaudet University, have access to the Senate floor during morning business on March 8, 1990, to interpret floor statements for "Deaf Awareness Week."

The PRESIDING. Without objection, it is so ordered.

FEDERAL FISH INSPECTION LEGISLATION

Mr. MITCHELL. Mr. President, on March 1, 1990, shortly after the announcement of the Clean Air Agreement, I joined Senators HOLLINGS, STEVENS, and KERRY in introducing S. 2228, a bill to establish a mandatory Federal Fish Inspection Program.

Federal fish inspection may not seem as important to some people as clean air, child care, campaign finance reform, or other issues currently before the 101st Congress—but it is vitally important to the thousands of Americans who make their living from the sea, and to the health and safety of millions of Americans who eat fish and seafood.

Just 1 day before the introduction of S. 2228, National Sea Products, Inc. announced that it will close a fish processing plant in Rockland, ME, on April 30, 1990, resulting in the loss of approximately 200 jobs in one of Maine's rural, coastal counties.

National Sea Products declared:

> A decrease in the U.S. market for processed seafood has led to a highly competitive marketplace and overcapacity in the industry. * * * The closure of the Rockland plant allows NSP to consolidate its secondary processing of groundfish at its more modern Portsmouth, New Hampshire plant (currently operating at less than 60 per cent capacity).

Over the last year, fish consumption in the U.S. market has declined 15 percent—at least in part because of decreased consumer confidence in the quality of the fish we eat. The waters of the Gulf of Maine are very clean, and Maine seafood maintains its reputation for quality and wholesomeness. However, Maine fishermen recognize—and the closing of the Rockland National Sea Products plant unfortunately dramatizes—the fact that whatever affects the stocks or quality of fish, and whatever affects the confidence of consumers in the seafood market, ultimately affects the livelihoods of all Maine fishermen and workers in related industries.

It is for this reason that with the encouragement of the Maine Sardine Council, the Associated Fisheries of Maine, and the Maine Fishermen's Cooperative Association, I first became involved with the issue of Federal fish inspection. On June 22, 1989, along with Senator COCHRAN of Mississippi, I introduced S. 1245 in the Senate. The bill currently has 28 cosponsors including Senator LEAHY, chairman of the Senate Committee on Agriculture.

It is for this reason also that I have joined with Senator HOLLINGS as an original cosponsor of S. 2228. Senator HOLLINGS of course is the chairman of the Senate Commerce Committee.

I have special respect for Senator HOLLINGS' and Senator STEVENS' leadership and expertise in issues of importance to the fishing industry. Together, they played an instrumental role in the enactment of my lobster bill last year—a fact that was recognized and appreciated by lobstermen throughout Maine and the rest of New England. Their leadership is therefore especially important in the effort to achieve sound, sensible Federal fish inspection legislation. Senator LEAHY and I are committed to working with them in that effort.

In light of the importance of the fish inspection issue, I want to comment on several points which, because of the coincidence of the clean air announcement, I believe that I may not have adequately expressed at the time that S. 2228 was introduced.

There presently are three bills in the Senate, and six bills in the House of Representatives dealing with Federal fish inspection. The number of bills and differences among some of them may make for some confusion, but it is important to realize that the issue is being approached with a spirit of bipartisan cooperation, and I believe, with increasing consensus.

When I introduced my own bill, S. 1245, 8 months ago, I expressly stated my view that it should serve "primarily as a foundation for further discussion and development of detailed provisions." S. 1245 was intended as a starting point around which to build consensus. To a large degree, that goal has been achieved. S. 1245 has been cosponsored by 28 Senators, including several members from each of the Senate Committees on Agriculture, Commerce, and Labor, all of which have interests on different aspects of the overall issue.

The real task now is to develop the details for final legislation. On November 21, 1989, Senator LEAHY introduced the second Senate bill, S. 1983, which was followed by the introduction of S. 2228 by Senator HOLLINGS on March 2, 1990. Between those bill introductions, during the period from January 25, to February 9, 1990, my staff convened a series of informal seminar and discussion sessions on fish inspection issues, in which representatives of all three committees and other offices participated. The prospect of additional bills being introduced was both anticipated and welcomed as a means of helping to refine various issues.

In this context, the introduction of S. 1983 and S. 2228 should be viewed a logical progression—and expansion—from S. 1245 in the legislative process. Each bill helps to define issues for further discussion, as we proceed to draft final legislation. There are many issues that need to be resolved, but the sponsors of the bills are committed to working together in that effort.

To the degree that the Senate now may be moving beyond the initial outline presented by S. 1245, I want to acknowledge several specific contributions made by Senator HOLLINGS' S. 2228 and Senator LEAHY's S. 1983.

S. 2228 proposes detailed, oftentimes technical definitions that will be important for the final legislation. It particularly includes a definition of contaminants, including chemical, microbiological organisms and parasites, and naturally occuring toxins, that were not fully reflected in S. 1245.

S. 2228 reflects a phased and prioritized schedule for implementation of a mandatory Federal Fish Inspection Program. It also envisions a program of continuing research, identification of priorities, development of standards, and reports to Congress. This gradual, ongoing approach is important both to ensure a wise investment of scarce Federal resources and to minimize any disruption within Federal agencies or within the commercial fishing industry.

S. 2228 proposes a consistency for Federal regulations with guidelines occurring under the National Shellfish Sanitation Program [NSSP] and the Interstate Shellfish Sanitation Conference [ISSC]. I believe that this is the first time that the NSSP and ISSC have been specifically referenced in any of the bills that have been introduced. The NSSP/ISSC role is important.

S. 2228 for the first time proposes a Shellfish Indicator Research Program as part of the overall Federal Fish Inspection Program. It also provides the greatest detail of any bill for discussion of water monitoring.

S. 2228 proposes an inspection program based on the hazardous analysis

critical control point [HACCP] method. This is consistent with S. 1245. However, it also goes beyond S. 1245 by providing more detailed guidance for determining inspection frequency. This includes basing the inspection program on the model seafood surveillance project already conducted by the National Marine Fisheries Service, as well as taking into consideration the special characteristics of fish and other factors.

S. 2228 proposes specific exemptions and exclusions which for the first time establish a line of demarcation in application of the program. Inspection resources must be concentrated on those points where the public health risk is greatest. S. 2228's proposed coverage of fishing vessels is limited in a manner that is consistent with HACCP methodology and a wise allocation of scarce Federal resources.

The latter two points are particularly important. Principles of equity and effectiveness clearly must apply for all food inspection; however, I believe that final legislation must recognize differences between the meat and poultry industries and the fishing industry. Continuous inspection is inappropriate for the fishing industry, and S. 2228 makes this distinction.

At the same time, to the degree that less than continuous inspection is used, appropriate safeguards will be necessary to adequately protect the public health. In this regard, S. 2228 contains provisions similar to some of those in Senator LEAHY's bill, S. 1983, which will be important in the development of details for final legislation.

S. 1983 and S. 2228 both provide for random and unannounced inspections.

Both bills would have inspection frequency depend on special characteristics of fish products, including the probability of susceptability to contamination.

Both bills would have inspection frequency depend on the volume, nature, or complexity of processing operations.

Both bills would have inspection frequency depend on an establishment or vessel's history of compliance with regulations under the legislation.

Both bills include recordkeeping provisions.

In addition, S. 1983 contains a whistle-blowing provision that would protect fishing industry workers against any employer discrimination for insisting that regulatory requirements be fulfilled.

All of these provisions go beyond S. 1245, and provide the kind of detail that will need to be reflected in the final legislation. We also still should consider other provisions. For example, the occupational health and safety record of an establishment may be relevant for determining frequency of inspections.

S. 2228 and S. 1983 also reflect significant emphasis on State assistance and cooperation, consistent with the provisions of S. 1245. In addition, S. 2228 and S. 1983 provide for stricter, equivalent application of domestic standards to imported fish products—which is consistent with my own intentions for such legislation. I also believe that the capacity for overseas certification and inspection should be included in the final legislation.

Among the various bills that have been introduced, the most prominent differences are in the choice of agency roles and jurisdiction. The Department of Agriculture [USDA]; the Department of Commerce's National Oceanic and Atmospheric Administration [NOAA], which includes the National Marine Fisheries Service [NMFS]; and the Department of Health and Human Services' Food and Drug Administration [FDA] all have been proposed as candidates for a comprehensive, mandatory fish inspection program.

S. 1245 reflects my personal preference for USDA. Senator HOLLINGS bill reflects his preference for NOAA. I therefore want to emphasize the significance of my cosponsorship of Senator HOLLINGS' S. 2228 and his cosponsorship of S. 1245. We are committed to working together to achieve a sound, sensible Federal Fish Inspection Program, and there is flexibility in our respective positions. The importance of such a program to the public health concerns and the commercial fishing industry is paramount. Jurisdictional issues should not prevent enactment of legislation that truly serves the public interest.

Senator LEAHY's S. 1983 specifically provides for distinct roles for USDA, FDA, and NOAA in an overall fish inspection program. S. 1245 specifically envisioned the need for interagency cooperation, and I support the concept of drawing on the strengths of existing agencies.

USDA, FDA, and NMFS all have come under criticism for inadequacies in current programs. I personally have been critical of NMFS in its fisheries research, management, and enforcement efforts. However, I strongly support NOAA's programs in many areas, and support improvements for NMFS in areas such as stock assessment, fishery biology and ecology, and data analysis and management. Federal fish inspection legislation should be viewed as an opportunity for improving upon existing programs—regardless of which agency is under consideration.

At the time I introduced S. 1245, I indicated my desire for a starting point for discussions. With the introduction of additional bills, I believe that the momentum for consensus has increased. I do not wish to minimize the work that still needs to be completed, but I am confident that we are ready to begin preparation of final legislation for action by the Senate later in the session.

THE EASTERN AIRLINES VETO OVERRIDE VOTE

Mr. KENNEDY. Mr. President, I regret that the House of Representatives has failed to override President Bush's veto of the Eastern Airlines bill.

This legislation was necessary a year ago, and it is long overdue today. It would provide what this yearlong dispute has lacked from day one: A fair means to achieve a satisfactory and prompt resolution of this disruptive and deeply disturbing labor dispute.

But President Bush did not agree. In February 1989, he became the first President in history to ignore an official recommendation by the National Mediation Board to create an emergency factfinding board in such a situation.

And for the rest of 1989, President Bush and his antiworker allies in Congress fought tooth and nail to stop the House and Senate from doing the right thing and creating a neutral factfinding panel by legislation.

Just last week, the court-appointed examiner in the Eastern Airlines bankruptcy case issued a report in which he found substantial support for the Eastern unions' longstanding contention that Frank Lorenzo acquired Eastern Airlines with the express intention of stripping that airline of its best assets, to the benefit of his nonunion carrier, Continental Airlines, and to the detriment of thousands of Eastern employees and their families, as well as the flying public. The examiner also went on to concede that his own efforts to resolve this bitter labor dispute have been entirely unsuccessful.

In view of these developments, it is now, even more apparent that the best—and perhaps the only—hope for an equitable settlement of this strike lies in the appointment of the blue-ribbon panel that this legislation would have created: A panel of disinterested experts to investigate the underlying causes of the dispute and make recommendations for its prompt resolution. Yet, incomprehensively, the White House continues to bow to pressure from Frank Lorenzo and his allies to prevent the facts of this dispute from being aired in a sensible way.

The American people, the traveling public, and the thousands of Eastern families want this dispute settled. And so does a clear majority of Congress. But because Frank Lorenzo does not want the parties of the parties or the public to hear the conclusions and recommendations of a neutral body, the White House has broken all known

precedent and refused to allow such a body to be created.

This strike has gone on for too long. The time tested and proven method of seeking neutral recommendations to help reach a settlement has been denied.

This is no position for a President and his administration to take, if they care about issues like fairness, decency, and dignity for working Americans and their families.

I regret the failure of the House to override President Bush's unwise and unfortunate veto. In addition, I regret the intervention of Mr. Shapiro, the court-appointed examiner, in this congressional debate. Mr. Shapiro objects to the intervention of Congress in this dispute. The real problem is that there has been too much intervention by the court-appointed examiner and too little intervention by Congress and the administration in this long unnecessary strike. I intend to work with other Members of the Congress and, I hope, with the administration to explore appropriate possibilities for additional legislation that continues to be so obviously needed.

IN HONOR OF JOE ROBBIE

Mr. DASCHLE. Mr. President, one of South Dakotas most remarkable citizens passed away recently, and he will be missed by many throughout the State and the Nation. Joe Robbie was a great man and a great South Dakotan who never failed to ask what he could do to help his State.

At 73, Robbie leaves behind a host of friends and admirers who will tell you that though the owner of the Miami Dolphins football team lived in Florida, he always considered South Dakota home.

Born in 1916, Robbie grew up in Roberts County, SD, and began his political career as a State legislator from Mitchell in the 1940's. He served as chairman of the State Democratic Party and ran an unsuccessful bid for Governor in 1950. Nationally renowned as the founder and owner of the Miami Dolphins football team, South Dakota remembers Robbie as a giving native son who helped raise money for projects such as the Dakota Dome at the University of South Dakota, scholarships for American Indian students and as an active supporter of the State Democratic Party.

"My background in South Dakota included the Great Depression, the grasshopper plague, the drought and dust storms," Robbie was once quoted as saying. "I have observed that South Dakotans are uniquely prepared to use their full potential, and the education system enables them to compete with anyone."

Joe Robbie was a civic leader who, throughout the course of his life, reaffirmed in myriad ways his dedication to hard work, good government, education, and philanthropy. He will always be remembered as an example of one unafraid to put everything on the line to achieve greatness for his beliefs, his team or his State.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order, morning business is now closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell Amendment No. 1293, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that during the statement I will make that Barry Zalcman be entitled privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Thank you, Mr. President. As we begin this session on S. 1630, the Clean Air Act amendments, I advocate that there are certain elements of the bill that require additional scrutiny, but I am not alone in this assessment.

In the last month, many of us were aware of extraordinary discussions that took place with the administration. At this stage, Mr. President, it appears that we have a choice to make.

We can focus on the criticism that will be lavished by those representing the extremes in the debate; that is, that the Senate gave up too much or that the administration gave in too easily; or we can focus on the accomplishments of this marathon ngotiating, and that is, that reasonable people can find common ground.

Throughout this dialog, the participants place the health of the American public first. It is now time that we got on with this process. I do not think we can leave any longer the health of the so-called patient in jeopardy as the so-called practitioners debate the cure.

I think it is important to appreciate that there was more flexibility on the part of the administration and the Senate than when this debate began. I think we need, during this stage of the debate, to retain this flexibility. Therefore, Mr. President, I think we should look at this agreement as a first accomplishment, not a final fulfillment.

We are especially, all of us in this body, no matter the party, indebted to Majority Leader MITCHELL for his courage and his approach to breaking this logjam and for his intimate involvement in the process. Mr. President, if there ever was a time when this experience as a judge came into the forefront, it was during his arbitration, his judicious approach to working out something on this clean air bill. As we all know, it is something extremely important to him because the Northeast has been hit extremely hard by pollution, and that is where the acid rain is most pronounced.

So, I think this whole body, without exception, congratulates and applauds the majority leader for his great leadership in allowing us to be at this point in this landmark legislation.

With Senators DOLE, BAUCUS, and CHAFEE, the commitment of so many other Senators and their staffs, and I might even add Roger Porter, of the administration and his team, we are here today one step closer to resolution of this extremely important legislation.

This is not a perfect bill, but it will be improved. It is not the bill that I want, but it is a bill that we should be happy to work with. Because of this effort we are here today and able to talk about a bill that we think can pass. The quality of our air resources nationwide is not nearly as good as we want it to be, but it, too, will be improved.

The President's original clean air bill was estimated to cost about $20 billion per year. Estimates of the cost of this clean air bill, the one that is before us today, are not significantly more, since a condition for the compromise was that an increase would be no more than 10 percent over the President's original $20 billion-per-year cost.

It is interesting to note, Mr. President, that estimates of the health costs associated with human exposure to air pollution reported by the American Lung Association is about $100 billion a year. I repeat that. Estimates of the health costs associated with human exposure to air pollution reported by the American Lung Association is about $100 billion a year. That does not account for the erosion of environmental quality that is taking place every place in our country.

If my math is right, and I believe it is, we are willing, as a people, to pay five times as much for dirty air as we are for clean air. So, clearly, the time is upon us for a strong clean air bill. No one is against clean air. We know that. But we must first pass this bill if we want to get any cleaner air.

More than 20 years ago, in 1969, I introduced in the Nevada State Legislature, when I was a freshman assemblyman, a bill to clean the air in the State of Nevada. This was the first air pollution bill in the history of the State of Nevada.

Since then, Nevada has become known as the quality-of-life State. The quality of life in Nevada has become an attraction. Today, Nevada boasts the highest population growth rate in the United States, but this, Mr. President, has come at a price: Our two largest metropolitan areas are among those in nonattainment.

Title I of this bill before the body focuses on the maintenance and attainment of ambient air quality standards. This has special significance for lots of cities, lots of metropolitan areas, but it has special significance for Reno and Las Vegas, NV, because both of these fine cities have been covered by an EPA-approved State implementation plan.

The Environmental Protection Agency's approval of State implementation plans and their failure to track progress toward attainment of air quality standards has led us to where we are today.

In fact, some areas achieved attainment only to find they could not maintain it. We need to provide clear guidance so that State and local officials can develop effective plans to achieve and to maintain healthful levels of air quality. Mr. President, local efforts, like ordinances on wood-burning stoves, can only do so much. They cannot do it all.

The degradation of air quality because of transportation and congestion is real. It is not imagined. They pose a threat to our quality of life all over this country.

Our State and local leaders nationwide are attempting to deal with the transportation problems that plague us all over the country. Mr. President, State and local leaders in Nevada are attempting to deal with transportation problems that plague us now. But we are not waiting for this bill to address our problems in Nevada. This bill should not hamper, however, those State and local organizations that are aggressively pursuing effective transporation planning to solve their transportation and traffic problems.

Just last month I sponsored a transportation summit in southern Nevada, the Greater Las Vegas area, and soon will hold a similar gathering in the northern part of the State, in the Reno, NV area to face those problems. And I think we faced them in southern Nevada head on.

Easing traffic congestion will relieve emissions, but we need help in reducing air pollution from automobiles generally, and specifically in Nevada. It cannot be accomplished by more effective plans, fleet conversions, and cleaner fuels alone. There needs to be more. We need, Mr. President, American know-how and innovation to be put into the production of cleaner automobiles.

What are we willing to give to improve the quality of life for Americans with respiratory problems? The next question we must ask is what are we willing to give to improve the quality of air that our children breathe?

Think about this estimate reported by the University of California at Davis. There are more deaths annually linked to pollution from the automobile than to automobile accidents.

This is a stark reality.

Title II of this bill focuses on emissions from mobile sources. I have stated repeatedly that it is absolutely essential that we move aggresively to deal with the air quality problems posed by the American automobile. We cannot view the auto industry as a culprit in this process. I am confident and hopeful that the American automobile industry will rise to the occasion and they must.

Mr. President, if we cherish our independence, and I know we do, our ability to go any place at any time, we need to find ways to minimize the impact on the health of the public and to protect the environment.

We need to look as individuals within ourselves and as a people to ask, are we willing to sacrifice for clean air? It is a simple question. Are we capable of modifying our lifestyle subtly today or must we move radically tomorrow?

After the 1977 Clean Air Act amendments were enacted, the National Commission on Air Quality reported, in 1981, that nearly all areas would be in attainment. This did not come to pass. Over 100 areas in our Nation are not in attainment for ozone, the kind that is involved in the production of smog.

Automobiles already on the road today will not be getting any cleaner on their own. We need technological improvements to solve this problem. Technological advances made during the 1980's that reduced emissions have been overcome by an increase in automobile production. We lowered the emission standards, we produced more automobiles, and more people drive. We are not gaining.

But our attitude has changed since 1981. Today I believe we are willing to make the sacrifices for a cleaner tomorrow. We must listen to the folks back home because; just listen to what they are saying: Fifty-six percent support stricter regulations, even if it raises the cost of consumer products; Sixty-seven percent of the folks back home support stricter emission controls, even if it raises the price by even $400 on a new car or truck. The folks back home support, to the tune of 68 percent, stricter regulations, even if it raises the cost of utilities. The folks back home, 81 percent of them, support stricter regulations even if it raises the "T" word, taxes.

Mr. President, 84 percent of the folks back home would accept a reduced standard of living with much less risk to human health compared to a higher standard of living with greater health risks.

So if we listen to the folks back home, this legislation should be hurtling down the railroad tracks.

It is interesting to note that there is a process issue involving this clean air debate regarding an amendment proposed to be brought up later. I have received hundreds of cards in my office wherein residents are complaining or they were requested to complain using form cards and letters. But large numbers of these people have crossed out what is on the card and said "Senator REID, we want clean air." They do not understand all the technicalities. All they know is they want clean air. The folks back home are telling us, Mr. President, and our Congress, to do what we can do to clean up the air because we know it needs to be cleaned up.

This legislation before us today, is comprehensive. Title III of this bill focuses on air toxics—those pollutants that may present a threat of adverse human health. This provision will set standards which provide an "ample margin of safety" to protect public health. Most of the hazardous emissions are attributable to major manufacturing facilities.

At some future time we will be able to look toward pollution prevention as a way to limit emissions. We need to do more work to clean up the process at the front end. For now, we must reduce hazardous and toxic emissions at the back end of this process through the use of cost-effective pollution control technologies.

Mr. President, today the Environmental Protection Agency has regulations governing only seven chemicals considered hazardous. When enacted, this bill will cover more than 25 times that amount, nearly 200 chemicals. I might say, Mr. President, it is about time.

Part of my assignment here in the Senate includes chairing one of the Environment and Public Works subcommittees. We have held a number of hearings on chemicals in the workplace. Agricultural chemicals, as the Presiding Officer today recognizes, on farms across America that are now causing concern. We have learned a number of things about them—the use of chemicals throughout our society. We have learned that there are about 65,000 of them, and just a few of them have been tested.

The American public should know that this bill certainly does not solve

all, nor will it cure all, but it makes a quantum leap from 7 regulated hazardous chemicals to nearly 200 for which regulations will be promulgated. It is about time.

Mr. President, I am also pleased with the provisions for establishing early warning systems, and hazard assessments for leak detection and accident mitigation. We have had recently, in the State of Nevada, a tremendous tragedy. This tragedy involved the explosion of a plant which killed a number of people, injured hundreds of others, and did millions of dollars in damage to thousands of homes.

With a better early warning system for leak detection, with better hazardous assessments available, we could have prevented that accident, and many other accidents. This legislation will allow us to do a better job in detecting these types of situations. This provision of this legislation is another step to improve the community awareness of risks posed by chemical manufacturing facilities. This type of incident was thrust upon the State of Nevada; it need not happen elsewhere.

Mr. President, as with most Western States, we have made major strides since the 1977 amendments to reduce emissions at our power generating facilities. During the eighties, we bore the increased costs for cleaning up these facilities. Those who are environmentally responsible should not be penalized for their efforts. Having survived difficult economic time ourselves in the West, we clearly understand the potential hardships that our friends in other regions may face as a result of this legislation.

Title IV, the acid rain provisions, I think, sets a standard that we should all be proud of. A real 10-million-ton-per-year sulfur dioxide emission reduction. This will go a long way to improve the fragile ecosystems that suffer today, and have suffered for decades.

The balance and schedule for improvement in this legislation is reasonable, and is regionally equitable. It recognizes and encourages early cleanup.

We must be cautious in considering future development. The market scheme developed as a result of this compromise will provide some Western States with an abundance of allowances. We must be careful that we do not allow significant increases in sulfur dioxides and oxides of nitrogen to lead to a significant deterioration of the magnificent vistas that exist in the West.

I see my good friend who represents a sister State in the Chamber today. Even though the Grand Canyon is in the State of Arizona, we in Nevada are very proud of the Grand Canyon, because we feel it is part ours, and we feel that we have an obligation not only to the State of Arizona, the State of Nevada, but the entire country, to do what we can to make sure that not only do we recognize that the Grand Canyon is there, but that you can see it when you visit it. So we have to do something to make sure that the magnificent vistas that are in the West, remain magnificent, and certainly this legislation will help us in that regard.

Mr. President, I and some of my western colleagues believe that the prevention of acid rain and visibility impairment in our National Parks need to be considered in tandem, not separately. There will be an amendment offered at the appropriate time to take this into consideration.

We must not allow the breathtaking views of the West, a true national treasure, to be lost in the haze. We need to preserve the magnificent views that are occurring less and less frequently. We need to protect those good visibility days and to enhance the visibility on those poor visbility days.

Mr. President, I can remember, as a member of the other body, traveling to Nevada with the chairman of the Public Lands Subcommittee at the time, John Seiberling from Ohio. He had traveled throughout the world and the United States. He had been involved in legislation that created wilderness areas all over this country. The purpose of the trip to Nevada with John Seiberling, BUDDY DARDEN, PETER KOSTMAYER, and others, was to look at the areas that had been set aside for wilderness designation.

John Seiberling, who initially acknowledged that he was not impressed with Nevada, changed his opinion during the visit. When we got to some of those mountain peaks and he looked out over the vistas, where he could see for over 100 miles, he acknowledged that Nevada was certainly among the most beautiful places he had ever seen in his life. When we finished our wilderness tour in the Washoe Valley underneath the great Sierra Navada Mountains, John Seiberling said, "I have never seen a more beautiful place than Nevada."

One of the reasons he was so impressed with Nevada was obvious on a clear day you can see forever. In Nevada we have a lot of clear days, and we want to make sure in the future, that we, in Nevada and the rest of the West, have an abundance of clear days where you can see forever.

Mr. President, setting aside the localized urban air pollution problems from the automobile, Nevada, as I have indicated, represents the clean air corridor for the Grand Canyon National Park. When the wind blows from central Nevada, the visibility in Grand Canyon is at its best. Our Nation's newest national park, the Great Basin National Park, lies in an area of Nevada where the air is currently pristine. We need to protect it and all of our national parks.

Population growth and economic development demand services that will have an impact on the environment, but we must be careful that future increases in emissions do not lead to a significant deterioration of our beautiful landscape.

Proper siting of major facilities and advanced air pollution control technology will provide the crucial balance between environmental protection and economic development. We need both. We need environmental protection, and we need economic development to sustain a vibrant quality of life in Nevada and our neighboring States, because, Mr. President, we are all in this together.

The last portion of this bill, title VII, includes measures that deal with the emerging appreciation of the planet on which we live. I have previously spoken about local issues and national issues, but title VII deals with more than that. It deals with the recognition that we all live on one planet, and what we do to foul the environment in one place affects another place on this planet. For example, the thin ozone blanket that protects us from the harmful effects of the Sun's ultraviolet radiation has been depleted as a result of man's activities. Other activities involved in the combustion of fossil fuels contribute to a changing global climate at a pace that should trouble each of us.

This portion of the bill focuses on the curtailment and use of a number of chlorofluorocarbons that are known to deplete high altitude ozone. The United States is a party to the Montreal Protocol on Substances That Deplete the Ozone Layer. The Montreal protocol provides the framework for all nations of the world to protect the Earth's ozone shield.

This provision in this legislation establishes the United States as a leader, by example, for the world to follow. Unfortunately, it may handicap our industries—at least this is what some say—should no other nations follow curtailment on a similar schedule. I tend to agree.

I think it also indicates that we should pass this legislation, and then we as a nation should become very aggressive in making sure that all nations follow the Montreal protocol. We and our worldwide friends need to find the appropriate forum to focus on these international issues and to come to an agreement at the international level.

The other provisions of this bill deal with permitting and enforcement. Without a vigorous and evenhanded approach on ensuring compliance with the law that we are going to pass, and expedited action to deal with the violations, the bill really has no teeth. It reminds me of campaign reform. Our campaign laws are not very good now;

the FEC was given no authority to enforce them. We can pass the greatest bill in the world, but if we do not have the ability to enforce that law, Mr. President, the bill is meaningless.

We need a vigorous and even-handed approach to ensure compliance with the law and expedite actions to deal with violations. This has been considered a weakness in the existing law that requires long overdue attention.

Mr. President, this opportunity to restore and protect our precious environment must not be squandered. We have come far. Let us be realistic in our expectations and work to get this important job done by passing this clean air bill, which will advance civilization and society a great deal.

In closing, Mr. President, as a member of the Environment and Public Works Committee, I want to express my appreciation to the majority leader again for a superb effort to get this bill to the floor in its current shape.

Before giving up the floor, I want to acknowledge the work done by the Senator from Montana. The senior Senator from Montana has worked literally night and day on this bill. Now his responsibility has increased enormously, to marshal this bill through the Senate. I publicly commend and congratulate the senior Senator from Montana for the work he has done. It has been exemplary and I have been proud to work with him on this legislation.

This is a bipartisan effort. Senator CHAFEE, as he so often does, has done an outstanding job in a bipartisan manner to advance this legislation that is important to this Nation. I also congratulate and applaud Senator CHAFEE of Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1306 TO AMENDMENT NO. 1293

(Purpose: To amend title VII to provide for consultation with other Federal agencies in developing a safe alternatives policy)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1306.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 547, line 20, insert "in consultation and coordination with interested members of the public and the heads of relevant Federal agencies and departments," immediately before "recommend";

On page 547, line 25, insert "and, where appropriate, seek to maximize the use of Federal research facilities and resources to assist users of substances covered by this title in identifying and developing alternatives to the use of such substances as refrigerants, solvents, fire retardants, foam blowing agents, and other commercial applications" immediately after "alternatives";

On page 548, line 1, insert "in consultation and coordination with the Secretary of Defense and the heads of other relevant Federal agencies and departments, including the General Services Administration," immediately before "examine";

On page 548, line 5, strike "and";

On page 548, line 11, strike the period and insert in lieu thereof "; and

"'(4) maintain a public clearinghouse of alternative chemicals, product substitutes and alternative manufacturing processes that are available for products and manufacturing processes which use chemicals covered under this title.".

Mr. McCAIN. Mr. President, before I address the amendment, I wish to thank my friend from Nevada for his commitment to the Grand Canyon, as well as the other great natural beauties of this country, especially the Grand Canyon.

I note with interest and with some dismay that the bulk of the air tours that fly over the Grand Canyon are based in Las Vegas instead of Phoenix, AZ. I am doing everything I can to rectify that situation.

In fact, my friend from Nevada may be interested to know that on a recent trip I took to Japan, a number of Japanese visitors told me that they believe that the Grand Canyon resided in the State of Nevada rather than Arizona, which causes me frankly no end of consternation, but I also have to attribute part of that to the entrepreneurship and the business enterprise instincts and, indeed, the appreciation of the Grand Canyon by the good people In Nevada.

Mr. REID. Mr. President, will the Senator yield?

Mr. McCAIN. I yield.

Mr. REID. Maybe it is an admission I should have made earlier. It does exist in Arizona.

Mr. McCAIN. I thank my friend from Nevada. Believe me, we, in Arizona, are doing everything we can to make sure that the correct geographic location of this wonder is fully known.

Again, I sincerely commend my friend from Nevada for his preserving that great natural treasure not only for present but future generations and not for just Americans. It might be interesting to know, Mr. President, that about two-thirds to three-quarters of the visitors to the Grand Canyon are from Europe and/or Asian nations.

Mr. President, I would like to thank the distinguished chairman, Senator BURDICK; the ranking member, Senator CHAFEE; and the subcommittee chairman, Senator BAUCUS, for their tireless commitment to ensuring clean and healthy air for all Americans. The Senate's consideration of the Clean Air Act Amendments is due in great part to their hard work and devotion.

Mr. President, I may disagree from time to time with both of my colleagues, Senator BAUCUS and Senator CHAFEE, but I think that every Member of this body would agree we would not be considering this legislation under the present environment of a compromise agreement if it had not been for their hard and dedicated work. Frankly I know I reflect the views of millions of Americans when I express our appreciation to both of them.

The pending legislation not only seeks to address our domestic air quality problems, but it also deals with an issue of enormous international concern—depletion of the stratospheric ozone layer.

The ozone layer, of course, shields the Earth from dangerous ultraviolet radiation. Scientists have linked loss of ozone in the stratosphere to manmade industrial chemicals known as chlorofluorocarbons, or, CFC's. Continued loss of ozone will expose the Earth to increasing levels of ultraviolet radiation which portends a number of harmful consequences to human health and the well-being of the global environment. CFC's are also potent greenhouse gases. While an international agreement calls for halving CFC production by the year 2000 there seems to be little doubt in the scientific community that we must phase out use of CFC's both at home and abroad.

As my friend from Rhode Island knows, achieving such a phaseout will be no easy task. CFC's are used pervasively throughout the world and perform a number of important functions. We do not yet have safe substitutes for many of those uses. Clearly, the development of and transition to safe CFC alternatives, including, to the extent possible, technologies and processes that do not rely on CFC's or other chemicals is crucial, both environmentally and commercially. And the effort to do so must be of the highest national priority.

Included in the pending legislation is a provision to bolster the effort to find alternatives to the use of CFC's which I believe was modeled after legislation I introduced in the 100th and 101st Congress.

I ask my friend from Rhode Island if that is correct.

Mr. CHAFEE. First, Mr. President, I would like to thank the distinguished Senator from Arizona for his kind comments on the work that we have done particularly in this subcommittee chaired by the distinguished Senator from Montana for the work done in this legislation.

Second, I wish to say the Senator is absolutely correct, and, furthermore, we appreciate the leadership that he

has given and the foresight that he has shown in promoting the research and development of alternative technologies and processes that do not rely on CFC's. He is right on the mark.

The rapid development and transition to CFC alternatives is critical to protecting the ozone layer and avoiding unwanted and unexpected economic and industrial impacts.

Mr. McCAIN. Mr. President, I thank my friend.

My amendment simply provides for several modifications to the CFC alternatives policy in title VII. I believe those changes are acceptable to the leadership; is that correct?

Mr. CHAFEE. That is correct. We have reviewed the amendment, and it is acceptable, certainly, on this side. It is my understanding it is acceptable on the other side, likewise.

Once again, I thank the Senator for his contribution in this effort.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, the majority side has reviewed the amendment. It is a good amendment. I compliment the Senator. Many industries are looking strongly for development of safe substitutes for CFC's.

It is imperative that we develop substitutes as quickly as possible. I believe the substitutes are being developed, but certainly the efforts suggested by the Senator from Arizona will go a longer way to assure that we will develop those substitutes even more quickly. It is a good amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. Mr. President, I thank both my friends from Montana and from Rhode Island.

I would like to summarize the provision, Mr. President, and take a few more minutes if I might.

As I stated earlier, CFC's pose a serious environmental hazard. At the same time they also perform a number of vital industrial and commercial functions. They are used to refrigerate food, cool and insulate buildings, clean computer chips, and for a host of other important purposes. This Nation, alone, has almost 130 billion dollars' worth of capital equipment which use CFC's.

As you can imagine, this issue particularly affects my home State of Arizona where we depend so heavily on air-conditioning and refrigeration. Yet, by depleting the ozone layer, the continued use of CFC refrigerants, which make those luxuries possible, will subject us to greater amounts of ultraviolet radiation.

Increased ultraviolet radiation means a higher incidence of skin cancer—a particularly frightening thought for those of us in the desert Southwest and throughout the Sun Belt.

The private sector will no doubt lead the way in the effort to find replacement chemicals and alternative technologies that eliminate the need for CFC's. The environmental and commerical gravity of this situation, however, requires the Federal Government to be a full and committed partner in that effort. In testimony before the Senate Commerce Committee, the CFC user and producer industries have reiterated the industry's desire and need for the help of governmental scientific resources and expertise.

The pending amendment, Mr. President, will help ensure that our national resources are fully engaged to help meet this vital environmental, scientific, and commercial challenge.

First, the legislation directs the Administrator of the Environmental Protection Agency to coordinate with the industrial sector, as well as other interest groups, including the environmental community, and the relevant Federal agencies to develop and recommend research initiatives on substitute chemicals and alternative technologies that can replace CFC's.

Participating agencies might include the Departments of Commerce, Energy, Defense, Agriculture, and NASA. Each of these departments has research facilities, expertise, and other resources which could be employed in the effort. Furthermore, the amendment instructs the administrator and cooperating agencies to seek maximum use of those resources. Mr. President, this amendment will make sure not only that we are using our national resources to the fullest extent but that our efforts will be coordinated, well-directed, and purposeful.

I note that title 7 includes a grant program to fund CFC substitute research and development in the private sector. I would hope that given the importance of this issue to the environment and the national economy that we will be able to provide this program with meaningful financial support, perhaps by tapping moneys from the CFC tax imposed last year for that purpose.

Second, Mr. President, the legislation directs the Administrator to identify governmental use of ozone depleting products and substances, and to recommend Federal procurement initiatives to make the transition to substitutes as quickly as possible. Government can lead and facilitate transition from CFC's throughout our economy by employing alternative products and technologies where we can as rapidly as possible.

Third, Mr. President, the Administrator is directed to identify opportunities for intergovernmental, international, and commercial technology transfers relating to alternative chemicals, processes, and technologies that eliminate the need for CFC's. The community of nations is confronted by a common problem, and to overcome it we must act cooperatively. By sharing research and technology with innovators at home and abroad we will increase opportunity for advancement and scientific breakthrough. Failure to engender this cooperative spirit on an international level could have serious consequences.

Without the potential for safe substitutes, frustrated developing nations anxious to improve their standard of living with refrigeration and air conditioning might abandon global efforts to protect the ozone layer and commit themselves to CFC production. We, of course, cannot allow that to happen.

Finally, Mr. President, this amendment directs the Administrator of the Environmental Protection Agency to establish a national clearinghouse of information on CFC substitute chemicals, alternative products, and technologies. The clearinghouse will serve as a valuable resource center for private citizens, industry, government, and the family of nations. Increased awareness of available CFC substitutes will facilitate a smoother and faster transition—one that will benefit the environment and the economy.

Mr. President, I would like to conclude by especially thanking the chairman of the Commerce Committee, Senator HOLLINGS, and the ranking member, Senator DANFORTH, for their help in gaining approval of a similar initiative I introduced in the Commerce Committee last year and was incorporated in S. 169—the Global Change Research Act. I very much appreciate their assistance and support in this cause. And again my thanks to Senators BURDICK, BAUCUS, and CHAFEE for incorporating my original proposal in the pending legislation, and for their assistance with this amendment, without which this amendment would not have been possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to amendment No. 1306 to the substitute amendment No. 1293 proposed by the Senator from Maine.

The amendment (No. 1306) was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1307 TO AMENDMENT NO. 1293

(Purpose: to amend title 7 to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. HOLLINGS, and Mr. CHAFEE, proposes an amendment numbered 1307.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 527, following line 15, insert the following new paragraph and renumber the subsequent paragraph accordingly:

"'(2) EXCEPTION FOR AVIATION SAFETY.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, may authorize the production or importation of limited quantities of halon-1211, halon-1301 and halon-2402 solely for purposes of aviation safety if the Administrator of the Federal Aviation Administration, in consultation with the Administrator, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation safety purposes.".

On page 528, line 4, strike "and (2)" and insert in lieu thereof ", (2) and (3)".

Mr. BAUCUS. Mr. President, I offer this amendment on behalf of myself, Senator HOLLINGS, and Senator CHAFEE.

This amendment modifies new section 505(d), as added by title VII, by adding a new paragraph concerning the production of halons to be used solely for purposes of aviation safety.

It authorizes the Administrator of the Environmental Protection Agency, in consultation with the Administrator of the Federal Aviation Administration, to authorize limited production of halons after the year 2000 for certain, specified purposes, namely aviation safety. Any halons authorized to be produced by the Administrator under the amendment shall be limited with respect to both amount of such production and the subsequent use of the halons produced.

As with the medical purposes exception set forth in paragraph (1) of this subsection, a precondition to the exercise of this authority is a determination, after notice and an opportunity for public comment, that no safe and effective substitute has been developed—either prior to or since enactment of this legislation—and that the exercise of this authority is necessary for aviation safety purposes.

Based upon reports from domestic producers of halons, it is not anticipated that there will be any need to exercise the authority provided in this amendment. That is because significant progress has been undertaken in the development of safe and effective substitutes already.

As noted in the August 11, 1989, final report of the halons-technical options committee convened by the United Nations environment program as part of the Montreal protocol assessment technology review, however, there is a possibility that some limited uses of halons will require a small amount of production for approximately 5 years beyond the year 2000. This amendment will authorize the Administrator, subject to the terms of the Montreal protocol as such terms may be modified, to authorize production of limited quantities of halons solely for aviation safety purposes.

Mr. President, I think this amendment is properly drawn. It recognizes a potential problem. It sets forth the appropriate precondition that a determination must first be found by the Administrator that there are no substitutes. I urge adoption of the amendment.

Mr. CHAFEE. Mr. President, I join in this amendment. As was noted earlier, it is very narrowly drawn. It provides that halons can be used for air safety under the conditions that no safe substitutes are available. And it sets up a procedure for research, as to whether, indeed, there are safe substitutes.

So it is not a great big loophole. It is a very narrowly defined area where these halons can be used.

I think it is a good amendment. It makes sense, and I urge its adoption.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to amendment 1307, offered by the Senator from Montana.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRODUCTION OF DOCUMENTS

Mr. BAUCUS. Mr. President, on behalf of the majority leader and also on behalf of the Republican leader, I send a following resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 260) to authorize the production of documents in the case of the *United States* v. *Poindexter*, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the defense in the trial of the pending criminal charges against John Poindexter is seeking material from the Senate that it believes may be relevant to the trial of this case. Documents are being sought from several members and the Select Committee on Intelligence. The matters for which information is being requested relate to several briefings that Mr. Poindexter, as well as other officials of the executive branch, gave to the Congress in November 1986 concerning the revelation that the United States had sold arms to Iran. Three of the counts on which Mr. Poindexter is standing trial include allegations that Mr. Poindexter deliberately made a false statement to the Select Committee on Intelligence in one of these briefings, held on November 21, 1986.

It is not certain at this time whether each of the individuals from whom material is being sought has any relevant documents in his possession. However, three of the charges against Mr. Poindexter relate directly to Mr. Poindexter's communications to Members of the Senate, and it is appropriate that the Senate ensure that any documents that may be needed from the Senate are available.

Mr. BAUCUS. Mr. President, as I mentioned, this has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 260

Whereas, in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the defendant has caused subpoenas to be served on Senator Robert C. Byrd, Senator Robert Dole, Senator Richard G. Lugar, Senator Ted Stevens, Senator Strom Thurmond, and the records custodian of the Select Committee on Intelligence;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senators Byrd, Dole, Lugar, Stevens, and Thurmond and the Select Committee on Intelligence are authorized to provide in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01 (D.D.C.), any documents within their possession that may be responsive to the subpoenas, except concerning matters for which a privilege should be asserted.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNITED STATES-CANADIAN HARMONIZED MEAT AND POULTRY STANDARDS

Mr. GRASSLEY. Mr. President, the signing of the free trade agreement between the United States and Canada was a major milestone in the United States relations with our neighbor to the north.

The agreement introduced a new era for expanded trading opportunities that can benefit both countries. The United States agricultural sector is among those segments of our country that stand to gain from free and fair trade with Canada.

The U.S. Department of Agriculture has already taken steps to comply with the spirit of the free trade agreement, which went into effect in January 1989.

On February 26 of this year, Secretary of Agriculture Clayton Yeutter made a joint announcement with Canada's Minister of Agriculture, Donald Mazankowski, to begin a 1-year trial period of harmonized meat and poultry inspection standards. During the experimental period, meat and poultry products inspected by either government will move freely between the two countries.

The United States and Canada will continue to approve labels for imported products based upon each country's own product standards.

The experimental period will undoubtedly succeed in opening doors to trade. Therefore, we must use this period to closely monitor the effects of any new regulations. The free trade agreement must be a fair trade agreement.

All new regulations must ensure that we sustain the high quality of products offered to consumers as well as establish a level playing field for trade between the two countries.

The new meat and poultry inspection program must take into consideration two issues that may unfairly tip the balance of trade.

First, Canada allows the use of two drugs, dimetridazole and ipranidazole, to treat livestock and poultry diseases. On the other hand, our Food and Drug Administration has not approved these products for use in this country because it is believed they may cause cancer. We cannot allow new regulations, made in the name of free trade, to establish a double standard by permitting meat or poultry treated with such drugs to enter this country.

The well-being of consumers must be our highest priority.

Second, harmonization of food inspection standards with Canada sends them a signal that we are willing to accept their business practices, just as Iowa and Illinois do when they conduct interstate commerce. In reality, Canada has different support programs than the United States, and these differences must be accounted for in our trade negotiations.

In particular, Canada's pork subsidies create an unfair playing field with the United States pork industry. Canadian producers have received an average of more than $17 per hog in Federal and provincial pork subsidies during the last 18 month period. Meanwhile, the U.S. producer received no such benefit. In response to these tremendous trade distorting subsidies, the United States placed a countervailing duty on Canadian live hogs in 1985 and another duty on Canadian fresh, frozen, and chilled pork in 1989.

We have reason to be concerned that harmonized inspection standards with Canada might make it even more economically viable for Canadian packers to absorb the costs of the current United States duty on subsidized Canadian pork products. The U.S. pork industry is not protectionistic. Yet, we need to be cautious not to allow relaxed meat inspection standards to give Canada further incentive to target the United States with subsidized products.

It is important to note that Canada currently sends 93 pounds of their subsidized pork products into the United States for every 1 pound of unsubsidized United States product entering Canada.

The 30-day quarantine on United States hogs entering Canada is another example of the unbalanced trade requirements Canada has with the United States.

Despite the free-trade agreement, Canada has maintained this quarantine while we do not place such a restriction on their live animals.

These two issues, use of unapproved drugs and unilateral subsidies, are significant points which must be continuously monitored during the coming months and, even, years as we fine tune the free trade agreement with Canada.

A successful United States-Canada Free-Trade Agreement not only offers us improved relations with one country—it can serve as a model for future agreements with other trading partners. To achieve the desired long-term success, we should make sure that our Government utilizes upcoming trade discussions to eliminate the problems of accepting meat treated with unapproved drugs as well as one-sided pork subsidies and health quarantines.

Such precautions will help ensure free and fair trade for both the United States and Canada for many years to come.

Mr. President, this matter has been and is, currently, of great importance to me. In fact, from February 22 to 26, 1990, during the 31st meeting of the Canada-United States interparlimentary group I had an opportunity to discuss these and other issues with my Canadian counterparts.

I urge my colleagues to continue to monitor the progress of our free trade agreement with Canada.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the hour of 10:41 having arrived, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 10:41 a.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 12:01 p.m. when called to order by the Presiding Officer [Mr. SHELBY].

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Thank you, Mr. President.

LIBYAN CHEMICAL ARMS PRODUCTION

Mr. LIEBERMAN. Mr. President, this morning's news brings some alarming information which confirms the statements that so many here in the Congress and outside made about the fact that, while tensions are being reduced between the great powers, namely the United States and the Soviet Union, the world can and will remain in many respects a dangerous place. The greatest threat to American security and world peace in the years ahead may well not come from our traditional enemies including the Soviet Union but may come from unstable Third World nations and terrorists.

This morning's news tells us that United States intelligence has concluded that Libya has renewed production of chemical weapons at at least one

plant in its country which previously had told the world it was involved simply in the production of pharmaceutical products. Mr. President, the United States intelligence suggests that Libya may have produced as much as 30 tons of mustard gas last year, and appears to be moving toward full-scale production at the current time.

We know that the Libyans already have used poison gas against Chad in 1987. So their seriousness goes well beyond just experimentation. They reportedly today have enough gas for 150 bombs. That is bad news for the rest of the world.

Mr. President, chemical weapons in the hands of the Libyans or any other radical Third World States pose significant threats to the United States interests and world peace. These countries can put these weapons on ballistic missiles that are capable of flying hundreds, and in some cases thousands, of miles. While these missiles are generally incapable of pinpointing precise military targets they can hit large urban areas as we saw in the Iran-Iraq War with tragic consequences. And what if these weapons fall into the hands of terrorists? They can be used by small terrorist groups in large urban areas.

We have seen an inadvertent use of chemicals—a release of chemicals in the Bhopal disaster in India in which thousands were killed or maimed. One can only imagine similar destruction if chemical weapons were intentionally released by terrorists in heavily populated areas.

A few months ago I sat as a member of the Governmental Affairs Committee at a hearing considering this problem, and was struck by the ease with which these weapons of death can be used. As one witness suggested to us, simply by putting a device capable of releasing chemical poisons inside the air conditioning unit of a large skyscraper could cause a tragedy of extreme consequences, and substantial loss of life.

These challenges that we face are a call in my opinion for purposeful action, and not for despair. There are a number of important steps that can be taken.

First, we should again make known our position that Libya's continued development of chemical weapons is simply unacceptable. The United States should pursue diplomatic pressure along with its allies to bring this current program of production by the Libyans of chemical weapons to an end. But military options should not be ruled out if diplomatic pressure fails. There is no reason why Qadhafi's recklessness should be tolerated.

Mr. President, President Reagan ordered an air strike on the Libyans just a few years ago to respond to their continued sponsorship of world terrorism. I think it is important for us to make clear, if all else fails, to the Libyans and other unstable Third World countries that we will not be hesitant to use our force to protect our security and world peace in the future just as we have in the past.

Second, we should continue to focus on other nations to strengthen prohibitions on the export of chemical weapons and ballistic missile technology. This is something that should begin with our allies, and indeed with our own country. Penalties for companies and individuals involved in this dangerous commerce should be much tougher than they are today. We should go beyond our allies and reach out to the Soviets, Latin Americans, and even the Chinese, and ask them to join with us and our Western allies for regular consultations on the threat posed by the spread of technology that allows Third World countries to develop chemical weapons and the ballistic missile technology that can deliver them.

In short, the governments of the developed world must control the indifference and greed that have allowed our entrepreneurs to contribute to chemical, ballistic, and even nuclear weapons proliferation in the world.

Third, we should explore the feasiblility of worldwide ban on chemical weapons. I do not say this without an understanding about the legitimate concerns of its possibility, and particularly the prospects for verification of such a ban. But if the industrial democracies can bring enough pressure to bear on Third World countries that produce chemical weapons, adequate verification measures might be able to be devised. It certainly would be in the United States interest to make that happen.

Fourth, there is a lesson here again as we consider how we should react to the change in circumstances in Eastern Europe, and what effect it will have on our military strength. It is clear that as we begin to think about reducing the need for preparedness in defense against the Soviet threat we have to increase our ability to protect ourselves from Third World threats.

Our attack on those Libyan targets in 1986 was successful, and I think it taught us some important lessons. One is that probably the best way to project power into the Third World is with our aircraft carriers. So cutting back on our existing fleet of aircraft carriers is something that should be done after only the most serious consideration, and in my opinion, as a distant and last step toward reducing our military budget.

Another lession that was learned from that experience was the importance that the use of sophisticated cruise missiles can play in striking at Third World targets without endangering our pilots or subjecting them, if captured, to becoming hostages.

Mr. President, in surveying current developments in the world today, there are many reasons for being hopeful. I do not mean to be gloomy this morning. I only mean to be realistic. Freedom has come to much of Eastern Europe, and major reforms are taking place in the Soviet Union. The Soviet threat is clearly on a dramatic decline. Serious challenges posed by chemical, ballistic and even nuclear weapons from unstable and radical Third World States remind us that there still will be strife in our world. Through we are optimistic about the changes in the Soviet bloc, the world remains a dangerous place. That is why we in America must maintain our effective military strength and be prepared to use it if necessary.

Thank you, Mr. President. I yield the floor.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate resumed consideration of the bill.

Mr. BAUCUS addresed the Chair.

The PRESIDING OFFICER. Senator from Montana.

Mr. BAUCUS. Mr. President, I remind Senators that we are on the Clean Air Act. That is the pending legislation. The majority leader announced last night that this will be a late night; that is, even though there will be a temporary recess this evening around 8 o'clock, it will in fact be temporary. That is, the Senate will reconvene this evening and work late this evening, so that we can pass this bill this week.

Now, Senators should know that the more we work on amendments during the daylight hours, the less we will have to work on amendments during the nighttime hours.

It is now 12:10. We are, as managers of the bill, waiting for amendments to come to the floor so we can accept some amendments and debate some and dispose of amendments during the daylight hours, so as to minimize the probability of dealing with amendments during the late night hours.

The PRESIDING OFFICER. The pending question is amendment No. 1307 offered by the distinguished Senator from Montana [Mr. BAUCUS] to the Mitchell-Dole substitute.

Mr. BAUCUS. Mr. President, that is the pending amendment. I thank the Chair and again remind Senators to come to the floor so they can offer their amendments. It is only 12 o'clock during the day. We have a long day ahead of us. Senators and their staffs can now take advantage of this opportunity to write their amendments, their statements, bring their amend-

ments to the floor, because now is a good opportunity.

I have some experience, Mr. President, with several other bills that have been before the Senate in past years, and it is my experience, and I think it is an experience that will be confirmed by other Senators, that the later we get toward final passage of a bill, the greater the difficulty in getting amendments passed. Senators who have amendments should realize and remember that now is the time to bring up their amendments, and there is a greater probability to have them considered and to have them passed.

This clean air bill is such a big bill, similar to major tax legislation we bring up before the Senate on occasion; that is, when a major tax bill is before the Senate, the closer we get to final adoption of a major tax bill, the much more difficult it is to find either the time or the opportunity to even consider amendments, to take them up; and obviously the Senate is more and more disposed against those amendments the closer we are to passage of the bill.

Senators should take advantage of this opportunity. The opportunity is now, this afternoon. We are not deluged with a slew of amendments. I strongly urge Senators to come to the floor now and take advantage of the opportunity and bring their amendments to the Senate floor so they can be disposed of.

Mr. LEAHY. Mr. President, parliamentary inquiry.

If Senators are not involved in debate, and the Senate is not in a quorum call, what would be the regular order?

The PRESIDING OFFICER. The regular order of the Senate is the pending question on amendment 1307 that the Chair announced, offered by the distinguished Senator from Montana to the Mitchell-Dole substitute. That is the pending business.

Mr. LEAHY. If there was no debate going on, if there was no quorum call in place, then the regular order would be for the Chair to call for a vote on that amendment, would it not?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Upon the disposition of that amendment, if there were no other amendments pending, if there is no debate taking place and there is no quorum call, then would not the regular order then be to go to third reading?

The PRESIDING OFFICER. The question at that time would then be on the Mitchell-Dole substitute, as amended.

Mr. LEAHY. At that point, the regular order would be to go to vote on that, assuming no debate and no quorum call?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Then upon disposition of that, what would be the regular order, again assuming no quorum call and no debate?

The PRESIDING OFFICER. Third reading and final passage.

Mr. LEAHY. Mr. President, I think that might be the way out of the whole thing. We can wrap it up by 3 o'clock this afternoon, just go ahead and vote on it. I realize that is not necessarily the ways things happen around here, but I would suggest that if we really want to get this done, we ought to tell Senators if they are not interested in bringing their amendments to the floor, we ought to go forward with the regular order.

In the meantime, with that novel idea, albeit tucked away in the Jefferson manual, so it sticks in everybody's mind, I will proceed under the Pastore rule. This being the day that the Prime Minister of Italy has addressed a joint meeting of Congress, the Pastore rule comes to mind.

I will chat with the Senate in a few minutes. It really will be a few minutes. So I say to anybody going off to lunch instead of bringing an amendment to the floor, I will not take more than 5 or 6 minutes.

The PRESIDING OFFICER. I remind the Senator that the pending question is on the Baucus amendment.

Mr. LEAHY. I think it is an interesting amendment, Mr. President, and to keep germane, I know these issues on clean air were discussed even yesterday in a number of our town meetings in Vermont. My good friend and distinguished colleague from Vermont [Mr. JEFFORDS] is on the floor. He was at a town meeting in Vermont yesterday doing his civic duty. Unfortunately, I was able to be present at my town meeting and voted by absentee ballot. One issue discussed was clean air which the Senate will debate today. But another topic discussed was the defense budget.

REINVESTING IN AMERICA

Mr. President, 8 years ago I came to the floor to announce that an overwhelming majority of Vermont town meetings had approved resolutions calling for a freeze on nuclear weapons, production and deployment. That vote sent a resounding message to the rest of the country and launched the nuclear freeze movement. It made a lot of people who had not talked about arms control start talking about that important issue. Vermont has been called cautious, conservative, Republican and stately. Vermonters think things through very carefully and clearly. They became concerned about the nuclear arms race, and the rest of the country, the President, and Members of Congress listened.

I mention the nuclear freeze vote because yesterday, Vermonters voted on a resolution that I believe sends another powerful message to all Americans. At town meetings throughout the State, Vermonters voted to urge a reduction in military spending by 5 percent, every year until the end of this century. According to early returns, 110 towns approved the resolution. Only 10 communities rejected this proposal. Mr. President, I know these communities are made up of very hard working and serious men and women who take very seriously the issues brought before them in town meetings.

They debate issues not on partisan differences but on the concerns of the community. They speak to the conscience of our State and I think our State now has spoken to the conscience of our Nation.

Mr. President, the defense budget submitted to the Congress is an anachronistic document in times of sweeping change. Look at the remarkable events of 1989. But despite those remarkable events, next year's defense budget calls for a $7 billion increase; not a decrease, but an increase. In fact, the request is nearly $70 billion more than the historical peacetime average.

I believe that Vermont is once again leading the Nation on a crucial national issue. National security means much more than simply our military might. Our security depends on how we spend our limited resources to promote a strong economic and moral base that will properly feed, educate and care for our people.

Over the past 9 years Americans have paid a high price for the largest peactime military buildup. I am confident we can begin realigning our priorities without endangering our national security.

Vermonters have spoken loudly. The sane/freeze workers who worked tirelessly to place this resolution on the ballot at town meetings throughout the State should be proud of their efforts.

Mr. President, I ask unanimous consent at the end of these remarks to print a copy of the resolution in the RECORD, along with a list of towns that approved this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, as a people, we must ask ourselves just what makes us great. Certainly we are dedicated to freedom, especially the freedoms in our first amendment, the freedom of speech and with it the freedom of dissent, our freedom of religion and the freedom not to practice a religion. We can be proud of the diversity that comes out of the first amendment. Diversity guarantees a democracy.

We can also be proud of how we expanded the geographic and intellectual frontiers of our country. After a great and devastating Civil War, par-

ticipation in two world wars, and Presidential assassinations, the United States came out even stronger than before. Our Marshall plan will go down in history, as one of the most generous acts of any nation in history.

I make the comments, Mr. President, because we have as a people always had the idea that we would turn over a better nation to the generation after us. I know my own grandfathers, both of whom were stonecutters in Vermont, assumed their next generation would have a better life.

I could not help think about this today, for example, when the Prime Minister of Italy was speaking here, and I thought of my grandfather who came over and brought his family from Italy to be a stonecutter in Vermont. He educated his children, including my mother, and encouraged them to seek a better life. They, like my mother and my father, both started a small business in Montpelier, VT, and encouraged their children to become even better educated and to seek an even better life.

This was a tradition. This was the tradition in our country, a tradition followed by all of us.

I look at my distinguished colleague and good friend, Senator JEFFORDS on the floor here and I think of his father, a distinguished justice of the Vermont Supreme Court. I also remember his mother's dedication to education. I think both of us have worked hard to improve our country for the next generation.

But I worry, Mr. President, that in this country, with our sights on the power of the United States being only its power as a military might, that we forget the power of ideals and intellectual achievements. We need to provide a better life for the next generation by giving back to this country more than we take out.

That is why I hope, Mr. President, that as peace seems to be moving throughout the world, we will now redirect our efforts to make us grow as a nation. We may see the European Community joining eventually with Eastern Europe to become an even more competitive economic power. We see Japan and the Pacific basin possibly doing the same. More and more, the United States stands out like a poor cousin wondering where to go next. When Poland threw off the yoke of communism and moved toward becoming a democratic country, the initial effort of the United States was to offer a small amount of assistance. Fortunately, Congress took a little bit more sensible approach and with the eventual help of the administration increased that aid.

But it is not just dollars alone. It also requires sacrifice on our part. It appears that we do not want to teach languages any more in our schools. We do not require science, math, or even set a standard threshold for somebody who has a high school diploma in this country, to say nothing about a college degree. And we wonder why these other countries may outstrip us.

Mr. President, now is the time, and I would hope that we would redirect our efforts to going to what has made this country great. As we go into the next century we can slip away from being one of the first world nations, and away from being the leader of the free world. Or we can take internal steps, steps that require sacrifice and steps that will require dedication on the part of each of us to leave a better country to the next generation of Americans. We should take steps that will allow us to use our common and shared ideals of democracy to be able to demonstrate to the world how they work and encourage the rest of the world to follow them.

I have spoken much longer than I intended to.

EXHIBIT 1

Article: Shall the voters of the town of advise their state legislators to send the following resolution to Vermont's Senators, Congressmen, and the President of the United States:

"As Vermonters concerned about the well-being of our communities, nation, and planet, we call on our leaders in Washington to work and vote for new national budget priorities in the 1990's. Specifically, we urge Congress and the President to:

(1) Reduce military spending by at least 5 percent per year.—Such reductions would be carried out in conjunction with mutual, verifiable treaties with the Soviet Union to cut nuclear and conventional forces and to halt the development of new weapons systems on earth and in space, and with sufficient planning to convert defense production plants to civilian uses.

(2) Redirect the federal tax dollars saved toward education, environmental protection, housing, drug prevention and treatment, health care and research, farming, elderly care and youth services, job development and training, federal deficit reduction, and other local, national, and global needs."

VERMONT TOWNS VOTING IN FAVOR OF THE DEFENSE SPENDING RESOLUTION

ADDISON COUNTY

Cornwall, Goshen, Granville, Hancock, Lincoln, Middlebury, Monkton, Orwell, Ripton, Bridport, Salisbury, Waltham, Weybridge.

BENNINGTON COUNTY

Arlington, Bennington, Landgrove, Peru, Readsboro, Sandgate, Shaftsbury.

CALEDONIA COUNTY

Newark, Stannard, Wa:den, Hardwick, Lyndon, Sutton.

CHITTENDEN COUNTY

Burlington, Charlotte, Colchester, Hinesburg, Westford, Williston, Bolton, Huntington.

ESSEX COUNTY

Granby.

FRANKLIN COUNTY

Fairfield, Fletcher, Franklin, Sheldon.

GRAND ISLE COUNTY

South Hero.

LAMOILLE COUNTY

Belvidere, Eden, Morrisville, Stowe, Waterville.

ORANGE COUNTY

Bradford, Chelsea, Randolph, Strafford, Thetford, Washington.

ORLEANS COUNTY

Brownington, Greensboro, Holland, Lowell, Morgan, Westfield.

RUTLAND COUNTY

Chittendon, Ira, Mendon, Middletown Springs, Mount Holly, Poultney, Rutland City, Shrewsbury, Tinmouth, West Rutland, West Haven.

WASHINGTON COUNTY

Barre City, Cabot, Calais, Duxbury, East Montpelier, Montpelier, Moretown, Plainfield, Roxbury, Warren Woodbury, Middlesex.

WINDAM COUNTY

Athens, Brattleboro, Dummerston, Grafton, Guilford, Halifax, Jamaica, Marlboro, Newfane, Putney, Rockingham, Stratton, Townsend, Wardsboro, Windham, Whitingham, Westminister, Wilmington.

WINDSOR

Andover, Bridgewater, Cavendish, Plymouth, Pomfret, Rochester, Springfield, Stockbridge, Weathersfield, Windsor, Hartford, Woodstock.

Mr. JEFFORDS. Mr. President, will the Senator yield?

Mr. LEAHY. I yield to my friend from Vermont.

Mr. JEFFORDS. Mr. President, I commend my colleague from Vermont for a very fine statement, especially relative to the traditions of Vermont town meeting day. I was able to attend my own town meeting yesterday only briefly because I had to be back here for my responsibilities here. But the beauty of the dialog that goes on and the discussion of issues all from whether or not the roads properly are maintained or what we should be doing in the world to be able to help make the world a better place is a dramatic demonstration of democracy in its finest.

I agree with the statements and I certainly always take heed from the comments that come from the town meeting days, and we are very pleased to see the results of the efforts of those who want to promote a view of the world which is certainly one which will make us all more proud than perhaps we are right now.

I commend the Senator for his statement and certainly appreciate the remarks about my family and this Senator knows about the tremendous contributions the Senator's family has made.

The Irish-Italian connection, which is a little bit unusual one for Vermont, nevertheless demonstrates the beauty of Vermont and the ability of all our citizens to get along and live in beauty and style that the Nation should look to for a model.

I thank the Senator for his comments.

Mr. LEAHY. I thank my good friend from Vermont and, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are on the Clean Air Act.

The PRESIDING OFFICER. That is the pending business before the Senate. It is an amendment offered by the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, the managers of the bill are anxiously awaiting amendments. The Senator from Vermont, the acting manager on the Republican side, and myself on the majority side, are anxiously looking forward to amendments.

Again I remind Senators that the amendments that are not brought up during the day will necessarily have to be brought up during the night. I assume most Senators would rather most amendments be disposed of during the daytime than nighttime. The majority leader stated often that he plans to stay on this bill late evenings this week and, in addition, Friday night and into Saturday if necessary to complete action on this bill.

I know it is human nature to procrastinate and human nature to wait until the final hour, but I say to my colleagues, Mr. President, that I believe that the Senate will be more kindly disposed to amendments and more easily take amendments the earlier they are offered. The converse of that is the longer we wait, the closer we are to final passage of the bill, the more difficult it will be for the Senators to take amendments.

Mr. JEFFORDS. If the Senator will yield, as I mentioned to him earlier, I understand there are three racing to the floor. I want to alert those who have amendments pending, supposedly racing to the floor, one or the other ought to hurry because they will have the opportunity to proceed. But at this moment we do not see anyone knocking on the door. I am hopeful we will have someone shortly, which is my understanding.

The Senator is quite correct; it is the time to act if you want something done in a more responsible manner than sometimes occurs as we move toward the end of the bill. Let us hope we will see someone pounding on the door momentarily.

Mr. BAUCUS. Mr. President, I see the Senator from North Carolina has won the race. The Senator from North Carolina is here and we are very honored that he is here and, Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 1309 TO AMENDMENT NO. 1293

(Purpose: To enhance air quality by encouraging early reductions of toxic air pollutant emissions, and for other purposes)

Mr. SANFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina [Mr. SANFORD], for himself, Mr. KOHL, Mr. KASTEN, Mr. BREAUX, Mr. GRASSLEY, and Mr. HELMS, proposes an amendment numbered 1309 to amendment No. 1293.

Mr. SANFORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 279 beginning on line 13 strike "Federal, State, or local" and insert in lieu thereof "Federal".

On page 278 beginning at line 11 strike "from the source on or before December 31, 1992" and insert in lieu thereof:

"which are listed in subsection (e)(1)(A) from the source on or before the date three years after the date of enactment of this paragraph and has achieved a voluntary reduction of 90 per centum or more in emissions of all other hazardous air pollutants (95 per centum or more in the case of pollutants which are particulates) from the source on or before the date four years after the date of enactment of this paragraph.".

On page 280 line 15 insert "or which requires a substantial capital investment (as determined by the Administrator) by the source" after 'by the source'.

Mr. SANFORD. Mr. President, I am offering an amendment, along with Senators KOHL, KASTEN, BREAUX, and GRASSLEY, which will encourage sources of toxic air pollutants to reduce emissions before they are required to do so by law. Our amendment is designed to encourage innovation; to give sources a way to comply with several different requirements at the same time; and, most of all, to provide incentives for voluntary reductions so that emissions of dangerous air pollutants are reduced as quickly as possible.

The Clean Air Act has contained provisions for the control of hazardous air pollutants since 1970. Unfortunately, progress in reducing emissions of such pollutants has been extremely slow, to put it mildly. There are literally hundreds of substances emitted into the air which are believed to pose risks to human health and the environment, but the Environmental Protection Agency has regulated just 8 of these pollutants over the last 20 years. This is simply inexcusable, and we will have to do a far better job in this area.

Mr. President, our dismal record in regulating toxic air pollutants can only be partially attributed to EPA. Part of the problem has been that existing law makes it difficult for EPA to regulate a substance, and virtually guarantees that any regulatory action will wind up in court for a long time. It is always better when the resources of both industry and environmental groups are spent to actually benefit the environment, and not the lawyers. I am very pleased that S. 1330 contains an air toxics title that will redirect action towards speedy emission reductions.

I would like to congratulate my distinguished colleagues from Minnesota and New Jersey, Senators DURENBERGER and LAUTENBERG, for their longstanding interest in this problem and their hard work on the air toxics provisions of S. 1630. Title III of S. 1630 establishes a program to control emissions of at least 191 substances which are known to be of concern with respect to health and the environment. Beginning 2 years after enactment, and ending 10 years after enactment, EPA will set standards for sources emitting these pollutants based on maximum achievable control technology. These standards are expected to reduce such emissions by 90 percent or more.

Regulations will be issued on a source-by-source basis, rather than pollutant-by-pollutant, which should lead to efficient regulation and easier compliance. The EPA will also be starting with those sources posing the most risk, and moving down the list towards lower-risk sources, so that risks are reduced as rapidly as possible. After the MACT standards have been issued, there will be a second round of health-based controls required to address residual risks to people living near facilities. This is an excellent approach to the problem, and I applaud the authors of this title for coming up with this approach.

However, Mr. President, there is one aspect of title III which Senators KASTEN, KOHL, and I, along with others believe can be improved. EPA will be given an ambitious schedule for regulating hundreds of source categories and subcategories over the next 10 years. But there are many sources that are willing and able to make reductions earlier. A number of responsible companies are already implementing programs to reduce toxic emissions by 90 percent or more. This kind of behavior ought to be encouraged. When companies, rather than fight requirments in court or wait until the last minute to comply, are actually ahead of the regulators, we ought to reward them, or at least make sure they are not penalized.

S. 1630, as reported, would allow sources achieving a verifiable reduction of 90-percent or more of toxic emissions before the end of 1992 to be exempted from MACT standards. Since MACT, on average, should require approximately a 90 percent reduction anyway, and since all sources will have to meet residual risk stand-

ards later anyway, this provision will generally benefit companies more by providing certainty than by providing a less stringent emissions target. And since compliance with MACT will not be required for 5 to 13 years, depending on the source, reductions occurring a number of years early clearly provide enormous environmental benefits.

Mr. President, it is not easy to find an amendment that provides substantial benefits to the environment while reducing compliance costs at the same time. This amendment will do just that.

While there are many sources that can make substantial voluntary reductions, there are several categories of sources that would be unable to take advantage of the voluntary reductions provision in S. 1630, and thus would be inadvertently encouraged to delay emission reductions. The first category consists of those sources subject to State or local requirements that cannot be credited under S. 1630, thus making it mathematically impossible for such sources to achieve a creditable 90 percent reduction—since they would literally have to reduce emissions well below zero to do so. The second category consists of sources that are willing and able to make reductions of 90 percent or more, but simply cannot design and implement such systems by 1992.

The third category consists of sources which may be able to reduce emissions by 90 percent in time, but will be inadvertently discouraged from doing so since they could wait as long as 11 extra years—thus greatly discounting present-value costs and reducing investment risk—and might have to meet a standard less stringent than 90 percent anyway. The final category consists of sources that can make some reductions, but do not know how to get to 90 percent. Since it is difficult to design meaningful incentives for the latter group, and any incentives for this group would probably not result in substantial environmental benefits, we do not propose to address the fourth category.

To encourage early reductions from sources in the first three categories I have outlined, our amendment would do the following:

First, allow reductions mandated by State and local governments to be creditable. Senators BOB KASTEN and HERB KOLL have worked very hard on this issue, and they deserve particular recognition for this portion of the amendment. Senators KOLL and KASTEN are the authors of this provision. The provision is important for several reasons. Many States and some local authorities are well ahead of the Federal Government in regulating air toxics. North Carolina is implementing an exemplary air toxics program, and Wisconsin and other States have done an excellent job in this regard. If we do not credit reductions resulting from State and local programs, we will discourage other States and local authorities from following the examples of North Carolina and Wisconsin.

We would also be inadvertently penalizing sources located in areas subject to State and local requirements, by making it mathematically impossible for them to get credit for early reductions. That would encourage sources to stop reducing and wait until further reductions were forced by MACT standards. To the extent that State and local requirements require reductions of less than 90 percent, we would be discouraging sources from making further reductions that would get them to the 90-percent level or beyond.

I would also point out that some sources may be subject to RACT requirements under title I one year; a State or local requirement a couple of years later, and a MACT requirement a couple of years after that. Since these standards are yet to be issued for many sources, companies face several moving targets and might have to invest heavily in controls several times. Our amendment would allow such sources to leapfrog all three requirements with one investment if they choose to do so—thus achieving the same reduction at a far lower cost, and benefiting the environment by doing so years before MACT is required.

Second, to address the problems faced by sources who can reduce by 90 percent or more, but cannot do so by 1992, our amendment would do the following: sources emitting any of the 13 most hazardous substances listed in section 112(e) of the Clean Air Act, as amended by S. 1630, would have until the end of 1993 to reduce emissions of those specific substances by 90 percent or more, and until the end of 1994 to reduce emissions of all hazardous air pollutants listed under section 112 by 90 percent or more. This would increase the number of sources that would be able to make early reductions, and would result in reductions of 90 percent or more of the most hazardous pollutants at least 2 years earlier than required for such sources, while other toxics would be reduced at least 1 year earlier than required.

Sources required by S. 1630 to meet MACT standards between 1996 and 2003 will have until the end of 1994 to make creditable early reductions. This should give most sources enough time to plan, design, and implement reductions of 90 percent or more in toxic air pollutants.

This provision will also encourage early reductions for sources in the third category I mentioned earlier, namely, those who know how to get a creditable reduction on time but will have a financial incentive to wait for regulation under MACT. By allowing up to 2 extra years for creditable early reductions, sources will have more time to evaluate emerging technologies and plan and implement control systems, thus minimizing investment risks. The extra 2 years will also lower the net present value of investments in emission-reducing programs.

Frankly, especially for those sources which will not be subject to MACT standards until 2003, I think it would make sense to allow another year or two beyond 1994 for creditable early reductions. If we did so, such sources would still have to make creditable reductions 7 or 8 years before MACT would be required. Those sources which will be regulated last for MACT typically have had little guidance from EPA on control technologies, and more time for creditable reductions for such sources might result in ultimately getting far more reductions at a far earlier time. However, the goal is clearly to maximize environmental benefits, and some concerns may be appropriate about extending these dates out too far.

Senators DURENBERGER and LAUTENBERG and I will continue to look into this issue, and should evidence favor further changes, I hope we will be able to revisit this matter in conference.

Finally, our amendment would make a minor change in the recovery window established on pages 350 and 351 of S. 1630 as reported. These provisions, for equity purposes, provide that a source which has installed RACT, BACT, or LAER, or has made a voluntary reduction of 90 percent or more, will have 5 years after completing such installation or reduction before they will have to meet MACT standards. The provision is designed to ensure a reasonable period of time for sources to recover investments in controls before new controls are required.

S. 1630, as reported, would apply the recovery window with respect to RACT installation only if RACT required a reduction of 80 percent or more. The intent of this provision, quite properly, was to ensure that sources for whom RACT was relatively easy and inexpensive would not be granted additional time for MACT compliance. However, since it is possible that some sources might achieve a reduction of, for example, 75 percent under RACT at a very high cost, while other sources might reduce emissions 85 percent under RACT at relatively low cost, our amendment adds a clarification to the definition of RACT with respect to the recovery window. The provision would allow the Administrator to grant the window to sources that had installed RACT achieving a reduction of less than 80 percent if, and only if, in the Administrator's judgment, RACT had resulted in a substantial expenditure. This clarification would appear to be consistent

with the committee's intent in providing the recovery window.

Mr. President, I do not believe this amendment should be controversial, and I urge my colleagues to support it. The amendment will provide environmental benefits and allow for reduced compliance costs.

Mr. KASTEN. Mr. President, this amendment allows reductions in the emission of airborne toxics under State or local regulations to be eligible for credits for the Federal voluntary reduction program. This amendment is unique in that it is good both for the environment and business.

First, this amendment removes the penalties for States acting on their own to address the key environmental problem of airborne toxics. Without this amendment, States would be discouraged from acting on their own to control these toxics. What we should be doing is seeking the fastest possible reduction in the emission of materials that threaten public health or the environment. With this amendment, the voluntary reduction program will now do exactly that.

Numerous States have already acted on their own to control air toxics. Other States are considering similar legislation. If reductions made under those programs were not eligible for the Federal voluntary credits States would have been discouraged from acting on their own. We would have had a "reward the bad guys" situation where States that were reluctant to pursue cleanup would have received the most favorable treatment under Federal law. Furthermore, we would have likely seen industry playing one State off of another in shopping for more favorable treatment under the Federal law.

The likely situation, however, is that States would simply repeal their air toxic laws. That means that laws already on the books controlling air toxics would have been repealed. The result would have been an actual increase in the emission of toxics.

The bill is good for industry because it protects flexibility in selecting how to voluntarily reduce air toxics. Without this amendment, industry could likely be required to comply with incompatible regulatory programs. A State may require a specific type of emission control that would have prevented a further voluntary reduction of emissions to comply with the Federal law.

This is an important step in protecting our environment and moving closer to adopting a tough but workable clean air bill.

Throughout this process I have worked closely with Senator KOHL. We are united in offering this amendment.

I would like to also compliment the committee members and their staff for working with us to craft this amendment. With this amendment we have created a win win situation.

Mr. KOHL. Mr. President, I am pleased to be a cosponsor of this very critical amendment, and I am especially pleased that the sponsors of S. 1630 have agreed to support this amendment. I have spoken with the Senator from New Jersey [Mr. LAUTENBERG], sponsor of the original air toxics title in S. 1630, and he was very responsive to the concerns I raised on behalf of my constituents in Wisconsin. Senators BAUCUS, MITCHELL, and DURENBERGER have been equally accommodating. Finally, Senators SANFORD and KASTEN deserve a great deal of credit for their work on behalf of this amendment. I believe that the amendment corrects a serious inequity which exists in the original bill, and I appreciate the willingness of my colleagues to help resolve the problem.

As we all know, the air toxics section of the clean air bill pending before the Senate would require businesses and industries which emit significant amounts of airborne toxics to install MACT, or maximum achievable control technology, to reduce their emissions. These hazardous toxic substances have long posed a serious public health threat to millions of Americans and have been found to accumulate in the Great Lakes—poisoning our fish and wildlife populations. Controlling the Nation's toxic emissions is no longer a luxury we cannot afford; it is a necessity we can no longer afford to do without. This bill will vastly reduce the amount of toxics released into our air.

In addition, the bill commendably recognizes the benefits to be gained by encouraging and rewarding companies who invest in control technologies in order to achieve early emissions reductions, in advance of the requirements to be imposed by this legislation. The bill exempts from the MACT regulations any company which can prove—with actual data—that it has voluntarily reduced its overall toxic emissions by 90 percent between the years 1985 and 1992. These early reductions would result in substantially cleaner air for many communities across the country—sooner rather than later.

In addition to the immediate public health benefits to be gained by encouraging early reductions in toxic emissions, the exemption for voluntary reduction is justifiable for another important reason: it is fair and equitable. The exemption rewards companies that took the initiative to reduce their toxic emissions in the aftermath of the tragic Bhopal incident. By rewarding good behavior, we will encourage companies to be proactive in the future with regard to environmental protection.

By the same token, our Federal laws should reward States which have taken the initiative to enact tough environmental statutes and regulations. Unfortunately, this bill had the unintended effect of punishing States which have taken action to reduce toxic emissions. The amendment which we are offering today is intended to correct this inequity.

The State of Wisconsin recently adopted regulations which require companies in my State to control their toxic emissions. The State is to be commended for moving ahead of the Nation on toxic controls. However, because emissions reductions achieved by Wisconsin companies would be made pursuant to State regulations, they would not have been considered voluntary under the original bill. In other words, the legislation would have unfairly discriminated against companies that happened to be located in States which have enacted laws or regulations to control toxic emissions, including Wisconsin. I don't think that would be fair, and that's why I proposed the amendment which we are adopting today.

Clearly, if we want to encourage States to act on their own, ahead of the Federal Government, to protect the environment and the health and safety of their citizens, then we must reward such good behavior. If this amendment had not been adopted, companies in Wisconsin which have made voluntary reductions in toxics emissions since 1985, and companies which will make reductions pursuant to the new State regulations, would have been unable to qualify for the MACT exemption. Such a scenario would surely have sent the wrong signal to States, telling them they're better off to wait around for the Federal Government to take action. That's not the signal I think we should be sending, and that's why the amendment we are adopting today is so important.

I appreciate the support of my colleagues in adopting this amendment to S. 1630, and I look forward to continuing to work with my colleagues on other provisions of this bill which could be improved in order to reward, rather than punish, States which take responsible steps toward protecting the environment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, we have seen the amendment offered by the Senator from North Carolina and accept the amendment.

Essentially, it more easily allows technologies and companies to meet the voluntary reduction provisions in the bill so as to avoid the imposition of other standards; that is, if these technologies and these companies meet the percentage reduction requirements voluntarily, as provided for in the Senator's amendment, then they would

qualify as having made the requisite reduction.

I think it is a good amendment.

Mr. JEFFORDS. Mr. President, I have reviewed the amendment and believe that it will make an excellent addition to the bill. I commend the Senator for offering it here.

I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1309) was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado.

AMENDMENTS NOS. 1310, 1311, 1312, AND 1313 TO AMENDMENT NO. 1293

Mr. WIRTH. Mr. President, Senator ARMSTRONG and I have four amendments which we would like to offer, en bloc, which I send to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself and Mr. ARMSTRONG proposes amendments numbered 1310 through 1313, en bloc.

Mr. WIRTH. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 1310

On page 210, add a new subsection 213(c), as follows:

(c) IN-USE TESTING AT HIGH-ALTITUDE.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(6) The Administrator shall at all times maintain at least one testing center which shall be located at a site that represents high-altitude conditions to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class of vehicle and engine to which regulations under section 202 apply conforms to the emission standards of such regulations. The Administrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes of categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purpose of this paragraph, the term "high-altitude conditions" refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act. Preference shall be given to existing in-use vehicle emission testing and research centers located at high-altitude conditions."

AMENDMENT No. 1311

On page 201, add a new subsection 208, as follows:

(c) RESEARCH ON HEAVY-DUTY VEHICLES.—Section 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) The Administrator, in cooperation with the Secretary of Energy and the Administrator of the Urban Mass Transportation Administration, and such other agencies as the Administrator deems appropriate, shall establish a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and nonroad engines and vehicles, which shall be located at a high-altitude site that represents high-altitude conditions. In establishing and funding such a center, the Administrator shall give preference to proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section."

AMENDMENT No. 1312

On page 135, add a new subsection 113(c), as follows:

(c) Section 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) CENTER FOR RESEARCH ON ENVIRONMENTAL LUNG DISEASE.—The Secretary of Health and Human Services shall establish a National Research Center for Environmental Lung Disease for the purpose of conducting research, disseminating information, and developing new methods of diagnosis and treatment of respiratory illnesses caused by air pollution and other environmental factors. For the purpsoes of this subsection, the Secretary of Health and Human Services is authorized to provide up to $15 million in assistance to a qualified medical center to develop, construct, and acquire materials, facilities and equipment necessary for those purposes: *Provided*, That such assistance shall comprise no more than 50 percent of the total costs of such project."

AMENDMENT No. 1313

On page 146, add a new subsection 174(d), after line 5, as follows:

"(1) The head of each Federal agency shall, in consultation with local health or air pollution control authorities within a nonattainment area, determine whether the implementation of an alternative work schedule plan for such agency in accordance with the provisions of paragraph (2) will reduce air pollution within such nonattainment area.

(2) If there is a determination under paragraph (1) that an alternative work schedule plan would reduce air pollution within a nonattainment area without jeopardizing the mission of the agency or hindering its service to the public, such head of the agency shall—

(1) implement an alternative work schedule plan in accordance with the provisions of subchapter II of chapter 61 of title 5, United States Code, for employees of such agency within such area; and

(2) to the greatest degree practicable, include employees within such area performing services pursuant to a contract with such agency in a similar alternative work schedule to coordinate and maximize the reduction of such air pollution."

Mr. WIRTH. Mr. President, over the last 3 years since I have been in the U.S. Senate, I have had the privilege and great pleasure of working with the distinguished senior Senator from Colorado [Mr. ARMSTRONG]. We both share the goal of doing everything we can to clean up the ubiquitous and dangerous brown cloud in the Denver metropolitan area. We believe steps that can be made to the brown cloud in Denver will be extremely relevant to the air pollution problems in the Rocky Mountain area.

There are 144 counties at high altitude in which we have very distinct problems of automobiles that burn much less efficiently at high altitude, thereby creating dangerous problems of the emissions of carbon monoxide. Denver's and Phoenix's and other Rocky Mountain cities' No. 1 air pollution problem relates to carbon monoxide.

The four amendments which the distinguished senior Senator from Colorado and I are offering are: First, to continue the in-use high-altitude testing which EPA used to do, which the distinguished senior Senator and I were able to get funding for last year and which must continue to assure that automobiles perform efficiently at high altitude; second, that there be testing of heavy-duty engines; third, that there be significant research done on the lung disease ramifications of carbon monoxide at high altitude; and fourth, that there be a flextime proposal developed so that we can assure there is less driving without interfering with the work patterns of people in Denver and elsewhere.

I will have a longer statement, Mr. President. But having offered the amendments, I would like to defer and yield to the distinguished senior Senator. I would like to have him make an overall descriptive statement of the amendments we are offering.

The PRESIDING OFFICER. The senior Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I am pleased to join with my colleague, Senator WIRTH, in presenting this group of four amendments which are properly part of a national air pollution bill but which, in fact, are of particular interest to the area we represent. It is not just Colorado but high-

altitude regions of the mountainous West.

These amendments, as Senator WIRTH has described them, are really of momentous concern in our part of the country because, frankly, the air pollution problems that are experienced by sea level communities are quite different than those at high altitudes.

The first amendment which Senator WIRTH and I bring before our colleagues concerns in-use vehicle testing at high altitude. At the present time, I believe there are four such high-altitude in-use vehicle testing emissions centers. There are two operated by automobile companies, one that is a private lab and one operated by the Colorado Department of Health.

My concern, and I believe that Senator WIRTH shares this concern, is that with scarce Federal resources, that we continue to use whatever money is available for this kind of in-use testing for actual testing, not for the construction of any additional laboratories or testing facilities.

At the present time, EPA is using the high-altitude test center operated by the Colorado Department of Health for a 2-year study of 200 cars. Started more than a year ago, the $300,000 2-year contract is underway pursuant to section 206, enforcement and recall testing. What we are saying in this amendment, Mr. President, is that we want to continue this kind of testing and to give recognition that this is a special concern of people in the area we represent.

Mr. President, about 20 percent of the U.S. population, or approximately 48 million people, have chronic respiratory problems such as asthma, emphysema, chronic bronchitis, and black lung. Lung diseases are, as we all know, a major cause of disability and death among adults and children. It is estimated lung diseases cost our economy $32 billion each year in direct health care and lost productivity.

Mr. President, again, the issues which arise with respect to the health of persons at high altitude who are exposed to air pollution are quite different than those of sea level or lower level communities.

So the amendment which we are suggesting is to authorize the establishment of the national research center for environmental lung disease for the purpose of conducting research, disseminating information, and developing new methods of diagnosis and treatment of respiratory ilnesses caused by air pollution and treatment of respiratory illnesses caused by air pollution and other environmental factors.

Again, our interest is that we want to be sure that the high-altitude concerns of which sometimes in the past have gotten short shrift will be adequately looked into. It is an obvious and urgent need in places like Colorado, Montana, Idaho, Wyoming, Utah, Arizona, New Mexico—places where the combination of occasionally severe pollution and high altitude create a unique health problem.

Mr. President, may I also point out, though it is not specified in the amendment, that in Colorado, we have a unique capability to help with this task. We have in our community in the Denver metropolitan area the National Jewish Center for Immunology and Respiratory Medicine, which is the foremost medical center in the world for the study and treatment of lung diseases and disorders in the immune system. So we have within our community scientists and health care professionals who know a lot about this issue and who are in a position to be helpful in the establishment of this kind of high-altitude center.

Mr. President, the third issue which Senator WIRTH and I bring before the Senate today which has to do with research on heavy-duty vehicles, these huge vehicles which increasingly carry a great proportion of the commerce of our country.

The pollution problem presented by these vehicles, by the huge trucks and buses, is not only a source of great concern from a health standpoint, it is very visible and, indeed, an extraordinary part of the pollution problem, perhaps in all parts of the country, but especially at high altitudes.

According to the 1987-88 Metro Denver cloud study, such vehicles contribute an estimated 25 percent of the high-altitude winter pollutions. At the present time, if we wanted to run a large engine emissions test, we would either have to go to Canada or we would have to go to the east or west coast. Obviously, it is pretty hard to test high-altitude conditions if you have to go to the coast to do it.

So, again, Colorado, Wyoming, Utah, Arizona, Texas, and New Mexico would benefit from advances in engines and fuels created by our proposed center for research on heavy-duty vehicles at high altitude.

Mr. President, the final matter which is addressed in the amendments which Senator WIRTH has proposed and I am pleased to cosponsor, has to do with flextime for Federal employees. In 1979, Federal agencies in Denver experimented with flexible work hours to determine their effect on pollution. They determined:

> Considering both the air quality and energy objective, the Denver experiment must be considered a full and significant success in helping to reduce emissions during rush hours.

Colorado has 50,000 Federal employees, most of whom are concentrated in the Denver metro area. Our proposal embodied in one of the four amendments we present is a provision to allow Federal agencies and contractors to institute flexible work hours in a manner which is helpful in the air pollution problem, as part of an overall clean air strategy, and to do so in a way that the public work will not be harmed.

Mr. President, I have nothing further to add other than to thank my colleague for his leadership on this matter and to urge my other colleagues to join us in approving these amendments.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER (Mr. INOUYE). The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Chair.

To recap, if I might, the distinguished senior Senator from Colorado has described these amendments very ably. First of all, on the high-altitude testing program, up until 1981 we had a center in the Rocky Mountain region working to understand better emissions control in the thin air where automobiles burn their fuel much less cleanly. That center was closed down in 1981 and 1982 and was reopened in 1989 with the help of an EPA grant, and the purpose of this amendment is to require the EPA to keep that center running.

That center is up and going right now. In fact, just this week I took my almost new Jeep out to the center to compare the Jeep's emissions from natural gas and gasoline. I have had the Jeep converted so that it runs on natural gas as well as on the conventional gasoline source just to see, Mr. President, how cleanly or more dirty the two different fuels run.

We tested the Jeep very extensively, and my colleagues should know that the emissions of carbon monoxide were 19.8 grams per mile for almost a new Jeep, but as soon as we shifted to the natural gas, an alternative fuel, the emissions dropped dramatically to 0.8 grams per mile. It was almost a 95-percent reduction, Mr. President, in emissions running on natural gas versus running on the traditional source of gasoline.

What does that tell us? It tells us that if we are going to be concerned about air pollution in our cities, if we are going to be concerned about such emission problems as carbon monoxide, what we ought to be doing is looking at alternative fuels.

Later this week I will be offering an amendment that focuses very significantly on giving us the opportunity to move aggressively toward alternative fuels. Natural gas is one that would be very good, alcohol fuel is another, methanol a third. The opportunities are there for us to have much, much cleaner automobiles, but we cannot do so unless we in the Senate develop in this legislation the kind of incentive program to create not only a market

for alternative fuel automobiles but a distribution system as well.

Again, I bring this up, Mr. President, just to note the dramatic difference between emissions and the cleanliness of those emissions when running on traditional gasoline versus running on natural gas.

This is a very important center which does this particular work in Colorado. We have had to make sure that automobiles complied throughout the history of their running on our roads. Now there is only a 50,000 mile warranty for emission control devices. We ought to raise that to 100,000 miles so that we are sure automobiles run cleanly for their full lifetime. It does no good if they run cleanly just when you buy them and then get dirtier and dirtier and dirtier and do not maintain compliance. Cars are on the road about 100,000 miles and they ought to be clean for that 100,000 miles. Otherwise, what we are doing here really is not going to make any difference. Another of the amendments I am going to be focusing on is the need for us to have emission control devices that are guaranteed to work for 100,000 miles.

Senator ARMSTRONG described very well the second of our amendments requiring the EPA to do a great deal more research on heavy-duty vehicles such as buses, trucks, and construction equipment. As we all now understand, the high-altitude emission problems are a special problem in that we have to not only understand what happens with automobiles and light-duty trucks but what happens with heavier vehicles. That is the purpose of our second amendment.

The third amendment focuses on the health impacts, and the fourth amendment focuses on flextime. They were also well described by Senator ARMSTRONG.

I close by saying that Senator ARMSTRONG and I have worked throughout with a variety of constituencies. We had a lot of suggestions sent to us by constituent groups from all over the State of Colorado for problems that are unique to high altitude and these four came to the surface and seemed to us to be the four most important ones. I hope, Mr. President, we can get the managers of the bill to agree with these amendments and that our colleagues will accept the amendments as well.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, these amendments give me some problems. It may be that we can work them out or discuss them through, but let me discuss some of them.

First of all, let us start with the amendment dealing with the Center for Research on Environmental Lung Disease. I would like to ask a couple of questions.

First, of course, this falls under the Labor and Human Resources Committee since it deals with the Secretary of the Department of Health and Human Services. So that is not an area over which this committee handling this legislation has jurisdiction.

But I would like to ask either Senator from Colorado, what is the current situation? In other words, the Senators indicated there currently is one testing center for high-altitude conditions, and as I understand it is in Denver or thereabouts, or close thereto.

Mr. ARMSTRONG. If the Senator will yield, I think there may be some confusion. Was the Senator inquiring about the National Research Center for Environmental Lung Disease?

Mr. CHAFEE. That is right. The first amendment, if I have these in correct order, asks for a testing center which as I understand already exists. But now I would like to switch gears and ask if the same is true about this National Research Center for Environmental Lung Disease. Does one exist now?

Mr. ARMSTRONG. No. Mr. President, if the Senator will yield, I think we can clear that up very quickly. The first amendment does in fact direct that the administrator will maintain at least one testing center at high altitudes. That exists. That is an ongoing program and the reason why——

Mr. CHAFEE. Could I interrupt one moment here? Just for the sake of our discussions, can we get these amendments in order and see if we all agree?

Mr. ARMSTRONG. For the purposes of identification, let us call in-use testing at high altitude No. 1.

Mr. CHAFEE. That is No. 1.

Mr. ARMSTRONG. Let us call the Center for Research on Environmental Lung Disease No. 2. Let us call the heavy-duty vehicles No. 3. And let us call flextime No. 4. That is the order in which my colleague, Mr. WIRTH, presented them and so I assume that would be agreeable to him.

But with that word of identification, I think the answer to the Senator's question is very simple. The high-altitude testing of vehicles is taking place. You might ask, well, then, why is it important to Senator WIRTH and I, and to our colleagues from other high-altitude States, to specify that that will continue. The reason is because historically we have really had to fight hard to get that kind of in-use testing. We have it. It is ongoing. To whatever extent there is money available for this, we want to be sure it is expended to test vehicles and not to construct another testing center, and sure as thunder not to construct something at a low altitude because there is a lot of ongoing low-altitude testing. But vehicles behave very differently at high altitudes.

I think my colleague wants to add to that.

Mr. WIRTH. Will the Senator yield? There was during the 1970's a high-altitude testing center managed by EPA, and that operated in Denver. With the rush to deregulation in 1981, that was eliminated from the budget and there was no longer any testing of emission control devices at high altitude even though we know that automobiles perform very differently at high altitude than they do at ground level. So consequently we lived for most of the decade of the 1980's with no high-altitude testing at all.

The Colorado Department of Health on its own set up a high-altitude testing center. The testing center is not an EPA center. It is a Colorado Department of Health testing center. To assist in the reestablishment of that center, Senator ARMSTRONG and I went to the EPA last year and persuaded them to contribute $300,000 to the Colorado Department of Health operation.

This is now being run by State taxpayer money to test vehicles trying to get them to meet Federal standards. It does not seem to us quite fair that these standards—we have always had this testing or had had before 1981. Then the EPA drops out. The automobile ought to be tested to meet Federal standards, and they ought to be tested by the EPA, and the funding for that kind of testing ought to, in my opinion, since we are looking at Federal standards and tests, be done by the EPA.

The purpose of this is to say to EPA, "Run this testing center the way you used to in the 1970's. The Colorado taxpayers set up the center, bought the equipment, we have it going. EPA, now do what you used to do." That is the purpose of amendment No. 1.

Mr. CHAFEE. I am not yielding. I am not agreeing necessarily, but my particular questions were directed to what we have called amendment No. 2. What the Senators are saying here, and my question first was, does this national research center for environmental lung disease currently exist anywhere?

Mr. WIRTH. No.

Mr. ARMSTRONG. That is the problem. Incredible though it might seem at this point in the life of our country, there is not any place we know where this kind of center exists to study the effects of the environmental pollution at high altitudes. Again, especially those of us who are very familiar with the problem of lung diseases that are caused by or aggravated by the unique pollution circumstances that we experience in places like Albuquerque, Salt Lake, and so on, when it was first pointed out to me

that nothing like this existed, I found that quite remarkable. In fact, I was inclined to disbelieve it. But, to the best of my knowledge, that is true.

So what we are saying in this amendment is there is authorized, though not, of course, appropriated, up to $15 million for that purpose with the understanding that whatever money is, in fact, ultimately appropriated, it would not exceed half the actual cost of it. The local resources would be required to provide the other half.

Mr. CHAFEE. I point out that, as I read this amendment, unless you have other parts to it that are not here, it says nothing about high altitude. If that is your objective, perhaps——

Mr. WIRTH. It does not have to. There are also no centers in the country overall for the study of environmental lung disease overall. This would be established, we would hope, at high altitude. There is a very distinguished center in Denver now, but we did not think it was appropriate to name one, and that is not in the spirit of what we are doing. But, if this center were to be established, I assume there are a variety of facilities around the country that would want to compete for that.

We currently do not have in the United States a center for the study of the impacts of the environment, clean air, toxic air pollutants, and so on on lung disease at all. That is the purpose of this, to make the mix between what we are doing here on the Clean Air Act and understand what the health impacts are. Presumably one of the major concerns that we have is the health impacts of air pollution.

Mr. CHAFEE. That is right. As I mentioned when I opened my remarks, this does not fall under the jurisdiction of the particular committee which is managing this legislation. Have either of the distinguished Senators had any conversations with those from the Labor and Human Resources Committee regarding this amendment?

Mr. WIRTH. All of these amendments, if I might respond, have been discussed at one point or another with the Environment Committee. We had attempted to get this legislation focused on by Health and Human Services by either an appropriation way and authorization way and have not been successful in doing so. The impact of air pollution on human health is very significant.

What Senator ARMSTRONG and I would like to do is force the issue. It has been discussed and gone around and around. We do not seem to be getting anywhere. Senator ARMSTRONG said this seems to be a good vehicle for taking it on.

Mr. CHAFEE. If we could move to amendment No. 3, would this be different from the site or the center of the laboratory that the Senators are discussing in amendment No. 1?

Mr. WIRTH. Amendment No. 1 focuses on automobiles and light-duty trucks, they having the same engines, although the standards, for some reason, are different for light-duty trucks. It is the same engine. That is what the first center is for, to focus entirely on those light-duty trucks. This is looking, as the amendment points out, at buses, heavy-duty trucks, nonroad vehicles, construction vehicles, and so on. Again, the performance of these vehicles at high altitudes is significantly different. The characteristics, as outlined in the amendment of what the problems are and what might be done in looking at alternative fuels, is the purpose of this amendment.

Mr. CHAFEE. That is No. 1, is it?

Mr. WIRTH. That is No. 3, the heavy-duty vehicles.

Mr. CHAFEE. My question is, would the Senators envision the actions that they anticipate taking place under amendment No. 3 occurring at the same site, with the same facilities, obviously some changes because under No. 3 it deals with heavy-duty trucks—would the Senators envision those actions being incorporated in the same site as under amendment No. 1?

Mr. WIRTH. Probably not, these being two very different kinds of vehicles and different technologies.

Mr. CHAFEE. Here is where the problem arises for me under amendment No. 3. What we are saying to EPA is we are telling them—the word you use is "shall," not "may" or "is urged to," You say "shall." It is a dictate. "Shall establish a research and technology assessment devoted to these matters of heavy duty engines and fuels for uses in buses" and so forth. At the same time, it does not provide any money for EPA to do this. There is no language dealing with the appropriations. So, therefore, the only way to interpret this is that EPA is to take this out of their current operating funds.

I find that difficult where we are leaving all kinds of requirements on EPA in this whole act, this lengthy act of the clean air amendments that we are dealing with. EPA has all kinds of challenges they are currently trying to fact. It may well be that they could finance this. I doubt it. I can well anticipate what their answer is. "We are glad to do this if you give us some money to do it."

Mr. ARMSTRONG. The bill itself, as I understand it, contemplates very substantial increases in funding for the EPA. In fact, one of the cirticisms of the bill from some quarters is exactly that there will a dramatic increase in EPA spending.

I want to elaborate a little on what my colleague, Senator WIRTH, has said. He is correct in saying that this testing would not, in all probability, occur at the same site as the other vehicle testing, but that is not something we prejudge in this amendment. It would be a decision which would be made by the Administrator and by others of his staff based on the circumstances that they found. We do not say it shall be at the same site; we do not say it will not be.

I think Senator WIRTH was simply expressing his opinion, which is the same as mine, but it is not something actually required by the amendment.

Mr. WIRTH. I might also add, if the distinguished Senator from Rhode Island might yield on this issue, we are in a situation in which the whole issue of high altitude emissions has been neglected for a decade. EPA cut down all of its testing, all of its concerns for the fact that we have every different kinds of problems.

I might add that overall in the bill, that issue has also, unhappily, been neglected, but we will have other amendments to try to come back and deal with that. The testing center was closed down in 1981–82. The State of Colorado with its own money for automobiles established it again in 1989. I think that is an obligation that the EPA has.

I think also, as we say in here, the EPA has an obligation in areas which are—we have 144 countries, and the most urbanized population in the country in terms of the percentage of people living there, and understand what the impacts of automobiles and trucks are, and what we can do about changing the way in which heavy duty engines and fuels operate at high altitudes.

The heavy engine issue is a very different one from the automobile issue. What we have said in this amendment is we will try to cut the costs as much as possible, to look at cost sharing and recovery costs through utilization of such a heavy-duty facility. We believe in this sort of thing there is a lot of interest in the people who run garbage trucks, people running buses and heavy equipment, to cooperate in attempting to clean up our air. But we cannot do it unless there is some kind of a Federal commitment to help us go ahead and do that. That Federal commitment has been lagging for more than a decade, and we would like to try to restore that commitment and thought that the Clean Air Act was the vehicle on which to do it.

Mr. ARMSTRONG. Mr. President, I am not trying to add the last word, but one thing occurred to me. We are not only addressing here 5 percent of the brown cloud problem in Denver, for example, that is attributable to diesel; we are addressing also a very serious problem of public morale.

Senator WIRTH and I and others have gone home and said, look, we

have to have a clean air campaign, we have to curtail backyard burning, and you have to stop using your fireplaces, and you have to spend more money to sweep your streets and have an oxygenated fuel program. I have been frank to tell my people at home, if it takes real sacrifice and cost and inconvenience to clean up the air in our area, we ought to do it. It is the right thing to do.

Having made that sacrifice, when you are driving to town someday, you find yourself behind a diesel truck or bus that is belching out a huge cloud of black smoke, and it is hard to maintain the kind of civic awareness and public-spirited morale that it takes to sacrifice for clean air, when you see that nothing or very little is being done about these diesel vehicles. I am not blaming the owner-operators of these vehicles, but I think it is obvious this is an area where we have lagged.

To the extent we are tightening up on diesel in this bill, it is a good thing. But, very clearly, we have to have some way to test and improve the performance of diesel and their fuels at high altitudes. That is an urgent priority for the people we represent. I stress, it is not just Senator WIRTH and me, it is anybody who has a high altitude vehicle problem. And, as he pointed out, that is a large and significant part of this country. We think this is a very, very important issue that needs to be addressed in this bill.

Mr. CHAFEE. Let me move to amendment 4. Again, this is not under the jurisdiction of this committee. It is a Governmental Affairs matter. I point that out, and I notice the chairman of the Governmental Affairs Committee is here and, possibly, he will have some comments upon that later.

My purpose is to outline to you the concerns I have on amendment 1. That really does not bother me much. On amendment 4, I think it makes some sense. Now, whether the Governmental Affairs Committee wishes to comment on that, that is up to them.

On amendment 2, I am a little reluctant to plunge into mandating the Secretary of HHS to establish a national research center for environmental lung disease, because I am not totally certain of just how the EPA, for example, makes their current evaluations of whether an area is in attainment, for example. After all, the EPA is deeply in this, and they have some method of reaching the standards that they have set for moderate, severe, serious, extreme areas. However, I must say that it is made a little more attractive by the fact that you say that the locals have to share 50 percent. I always like to see language like that.

Number 3, however, does give me difficulty. Repeating, you are mandating the EPA to do something they are currently not doing, providing extra money. Yes, there is extra money provided in this, and methods of raising it under this legislation, but this legislation that we are dealing with, the Clean Air Act, is loaded with additional duties levied upon the whole permit system, for example, that is levied upon the EPA.

So they are going to be stretched to do what they are required to do under the existing funds and whatever additional moneys they get out of this, the fees that are incorporated in this legislation. But to say on top of it, with no new funding, with no provision for appropriations, adequate appropriations, to meet the requirement, and you are levying a requirement on them to establish this research and technology assessment center, I think you should do as you have done under, I believe, amendment 2 where you say such funds as authorized—well, you set an exact figure, $15 million is authorized.

So those would be my problems. I am not trying to cut off discussion. I know that the floor manager of this legislation has to be out, and he will be back shortly. So I will ask for a quorum call when you folks are finished discussing this.

The PRESIDING OFFICER. Is there further discussion?

Mr. WIRTH. Mr. President, I have one final comment on heavy-duty trucks on item No. 3. I do not know who is going to pay for it. The EPA and the Federal Government neglected to pay for the testing of automobiles and light-duty trucks for a decade. I do not think that ought to continue, and that is the purpose of amendment No. 1.

There has been no examination of what happens with heavy-duty trucks and buses and so on, as Senator ARMSTRONG was describing. We think that is a very significant problem for the brown cloud and air pollution in Denver and Phoenix and Albuquerque and so on, and we ought to be taking steps to clean that up as well.

I think the EPA has an obligation. I just do not think it is fair for the Federal Government to be paying for testing and operations for everybody in low altitudes, but those of us in high altitude get left without that kind of support. That is what Nos. 1 and 3 are all about, to try to get the assistance to look at this from the EPA, just as the EPA does this kind of work for vehicles at sea level.

Mr. ARMSTRONG. Mr. President, I do not want to interrupt the Senator's train of thought if he is going to continue, but if he is going to change the subject, I also want to respond to my friend from Rhode Island about amendment No. 3.

Mr. WIRTH. I yield.

Mr. ARMSTRONG. Mr. President, I hope we can satisfy the Senator from Rhode Island, the distinguished Republican manager on this bill, and I think we can. Because, first of all, may I say to my friend from Rhode Island, I agree with Senator WIRTH. We are talking about maybe $3 million. And, second, the amendment specifies, in establishing funding such a center, "The Administrator shall give preference to the proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section."

The amendment does not say this is going to happen in Colorado. If it does, I can tell you that the Colorado School of Mines is already spearheading this kind of a project, and we think we have half the money raised already. So it is not a case where we are talking about a huge expenditure. We are talking about something which local people are very much interested in. The school of mines is already working with Denver's regional State government public service company in Colorado and Cyprus Minerals.

Denver RTD is making an in-kind contribution of space. We are not talking about a lot of money, and we are certainly not talking about doing something in a local area where there is not enough interest to do something themselves. The amendment does not say it will be in Colorado, but as you can tell, our people are concerned enough about is as a problem in high-altitude areas that we are working on it, and we will have a persuasive, and we hope ultimately conclusive, presentation on this issue to make to the EPA.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. If agreeable with the sponsors of the amendment, we can set it aside for a few minutes. I know the distinguished Senator from Tennessee has a few short remarks, not on this amendment, and then we will get back to this.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Tennessee is recognized.

Mr. GORE. Mr. President, the ranking member of the subcommittee had indicated that he wished a little time to try and work out this amendment and, rather than going into a quorum call, I thought it might be an occasion for me to make some remarks that I had intended to make earlier in the consideration of this bill.

Mr. President, I rise in favor of clean air and the objectives of this legislation. Our constituents and our children deserve nothing less. I wish to compliment those who have crafted this compromise legislation. I do not think it goes far enough. I will be offering some amendments which I will describe in a moment, and which I will offer at a point somewhat later in the proceedings, perhaps later today, or by tomorrow.

But on this occasion, I want to make a few general comments during this lull in the consideration of amendments about the overall bill.

Mr. President, we live in a time of great turmoil, great change, and great opportunity. All over the world, nations are rushing toward democracy, people are demanding and winning basic human rights and freedoms. As this great rush toward democracy occurs, people of the world are recognizing the global environmental crisis which all nations face and to which all nations must respond.

Indeed, within the Communist world the single most potent source of dissent and protest has been concern about the destruction of the environment. The groups which have been most effective in organizing against the Communist governments have often been groups which were originally formed to protest unwise actions which destroyed the air, destroyed the water, and polluted the land.

In many cities of Eastern Europe, the term "air quality" is an oxymoron. In countries like Poland, Czechoslovakia, and East Germany, the combustion of brown coal has led to environmental damage on a scale unprecedented anywhere else on Earth.

In the Thrid World, where the desperate battle to improve the quality of life is waged every hour of every day, clean air, clean water, and most other basic human needs are simply out of reach.

Mr. President, since the passage in our country of the first Clean Air Act amendments in 1970, urban air quality has improved in many respects; sulfur dioxide and particulate concentrations have declined in most cities. The United States can take credit for having reduced airborne lead concentrations. Lead poisoning has the insidious effect of lowering children's mental acuity. In reducing lead, we have accomplished a major step toward safeguarding our future.

Mr. President, I had an experience a little over a year ago that impressed me greatly about the effect of the 1970 Clean Air Amendments. I visited Antarctica and went to a site high in the trans-Antarctic mountains where a team of scientists were digging down into the glaciers and measuring the tiny air bubbles that were trapped in each annual layer of ice. Those ice cores tell an interesting story, but just one part of the story is relevant on this occasion.

The scientist pointed to this ice core and said, "Right here is where the Congress of the United States passed the Clean Air Act Amendments in 1970." The concentration of polluting chemicals in the air near the South Pole was profoundly changed just by the passage of those amendments in 1970.

He went along the ice core further and said, "Here in the 1980's is where everything gets a lot worse."

We have had many improvements in the United States since those first amendments, but we do still have a lot of work to do. Twenty years after the first Clean Air Act amendments, more than 100 cities are still polluted with unhealthy concentrations of ground-level ozone and carbon monoxide. Concern over health impacts grows with every study released, and children playing outside in the summertime are among those most at risk.

There is work to be done in controlling acid rain, a problem not even recognized when the 1970 amendments were passed. And we have just started to grapple with controlling the chemical soup of hundreds of toxic emissions that threaten our Nation's health.

These problems will not go away by themselves, and wishing for a solution will not work, either. We need a strong commitment for the sake of our children and a strong commitment of money and time and American ingenuity in order to solve the problem.

We need to develop new control methods for a myriad of small sources of hydrocarbon emissions, because together with motor vehicles these small sources contribute the lion's share of hydrocarbon emissions. As we know, they combine with nitrogen oxide emissions to form ground-level ozone, or what we call smog.

To cut down on smog, we need tighter tailpipe emissions standards for hydrocarbons and nitrogen oxides. We also need to explore the possibilities of using cleaner fuels, but without naively assuming they are an environmental panacea. And, ultimately, for a long list of reasons, we need to find alternatives to our collective habit of driving alone.

When you think about it in a historical context it really does not make a lot of sense for each of us to take 4,000 to 5,000 pounds of metal with us wherever we go. We need to take a long-term look at the environmental impacts of how we structure our cities, and put air-quality impacts up front as a consideration in transportation and urban planning.

I am confident that Congress recognizes these challenges, and sincerely hope we are prepared to take bold steps to clean up our environment because the American people demand action on this issue.

Mr. President, of all the nations on this fragile planet, the United States is the one best able to demonstrate to the world what we mean by environmental protection and stewardship of the Earth. In most of its provisions, the legislation before us challenges this Nation and all of us as policymakers to face our responsibilities to the citizens of this country, and to our children, to ensure that the air they breathe is safe and that the forests and streams will be protected from the destruction wreaked by acid rain and ground-level ozone. And it will demonstrate to nations around the world, where there are calls for international cooperation to protect the environment, that Americans are prepared to share in meeting our common challenges.

I commend the majority leader, Senator MITCHELL, and the Environment and Public Works Committee, particularly Senator BAUCUS and Senator CHAFEE, for their long and hard work in bringing the Clean Air Act amendments before us.

The achievement of this package is a compliment to the Senate and its ability to work out compromises. As I have said before, I have some problems with it, and I will get to those just now.

But I do want to compliment those who have brought this package before us. Ideally, we would have strong, visionary, bold leadership from the White House in pushing us to face up to these problems. In the absence of that kind of leadership, it is remarkable that such a commendable result has been brought before us.

But I am deeply concerned about several of the bill's provisions. While it is now incumbent upon us to go forward in our efforts to protect the environment, and as I have said, the bill before us does move forward in many ways, in some ways, Mr. President, this bill actually retreats from current law requirements in several respects.

For example, it is in my opinion unacceptable that the bill endorses a risk assessment standard that excludes those facing the most severe risk from toxic air pollutants. We are told that the "actual man" standard better comports with reality. But, the health hazards faced by children and the elderly are not fictitious—in that respect, the acutal man standard is fictitious, and more fictitious than the standard that is currently used. These groups, children and the elderly who stay home, deserve clean and healthy air every bit as much as those who spend most of their time away from home.

The second point which I believe represents an unacceptable retreat from current law is the provision that permits manufacturers of toxic chemicals to comply with this bill not by reducing the emissions of toxic chemicals, but by so-called mitigation measures, including buying up the homes, the businesses, the communities surrounding their plants and then creating a dead zone in those areas and pretending that the problem has been solved.

I think that is a mistake, and a very serious mistake. These companies may be responsible for one or more cancer deaths in 10,000, and yet the bill

allows them to continue their lethal activities. This is a return to the "tall smoke stack" days of pollution control when we told people, in effect, not to worry about stopping pollution; just pump it into someone else's backyard. This is a also a charter for companies to create "dead-zone" areas, hostile to life, uninhabitable by human beings.

Mr. President, if this is the result we have to tolerate, then I think the price of this provision is just too high.

The bill before us also retreats from a progressive provision in the original committee bill that would reduce carbon dioxide emissions. Carbon dioxide is responsible for nearly half of the greenhouse effect, and the United States, together with several other industrialized countries, is responsible for nearly half of all carbon dioxide emissions. Recently, many of America's Nobel laureates and 700 members of the National Academy of Sciences warned that global warming could be "the most serious environmental threat of the 21st century."

Motor vehicles are the largest single source of carbon dioxide emissions, and it is to motor vehicles that we must look in order to stem further growth in CO_2 emissions.

We put more CO_2 in the atmosphere from cars and trucks than any other nation does from all emissions. Technological initiatives that reduce tailpipe emissions and improve vehicle fuel efficiency must be explored. But, if the number of vehicles on the road and the number of vehicle miles traveled increase as projected, progress we make by adopting technological fixes may be overwhelmed. The simple fact is that we must make some basic changes in our transportation habits. In planning our communities, in developing our cities, and dealing with the way we structure our civilization, we must be mindful of the contribution cars make to the greenhouse effect and we must reduce, to the maximum extent possible, the necessity for single-passenger automobile travel.

Several of the nonattainment provisions are also problematic. Relieving the Federal Government of its ultimate responsibility to ensure the quality of our air, and telling States that they need go only so far in cleaning up the environment—less far, in fact, than many States have already gone—the bill creates a glaring void: If not the Federal Government; if not the States—who will go the extra mile to ensure that the far-reaching enviromental initiatives that we so desperately need, will actually go forward?

Mr. President, I commend the committee for recognizing that action is necessary to eliminate the production and use of chlorofluorocarbons, the substances that are destroying our delicate stratospheric ozone layer. The amendments go a long way in calling for a phaseout of the worse ozone-depleting substances.

And I want to especially commend the Senator from Rhode Island [Mr. CHAFEE] on this matter.

Again, however, this is a point where I do not think the bill goes nearly far enough. As is dramatically illustrated by the hole burned in the ozone layer over Antarctica, the problem we face is so serious that it will not be sufficient to simply phase out chlorofluorocarbons 10 years from now.

Another family of substances called hydrochlorofluorocarbons are now being promoted as the substitute for CFC's. As a transition step, they have a role to play. However, they deliver destructive chlorine atoms into the stratosphere just as CFC's do, and they must also be phased out—not according to the same timetable as CFC's—but they must be phased out.

One reason why: If we just phase out CFC's and allow the continued emission and production of HCFC's and substances like carbon tetrachloride, concentrations of chlorine atoms in the stratosphere will double during the next century. It is the concentrations at their current levels that burned this hole in the ozone layer and created the problems that we are attempting to deal with in the global environment, so allowing chlorine concentrations to double really does not make sense. We should, in other words, phase out the HCFC's as well.

Mr. President, the challenges of the global environment remind me of another global challenge that we have faced over the last decades; the threat of nuclear destruction. About 10 years ago, I asked a group of students in Tennessee if they expected nuclear war in their lifetimes. Nearly every student raised a hand. When I asked the students if they believed there was much we could do to change that outcome, only two or three hands went up.

That day, I saw the verdict of a generation which, like my own, had never known a world without the threat of nuclear war. I realized that whatever else we do, we must somehow reverse that verdict—and enable the next generation to face a future with hope, not despair.

During the past decade, we have made great strides in addressing those fears of nuclear war. The cold war is not over, but around the world, democracy is advancing and communism is in retreat. Both superpowers appear to recognize the need for arms control as a matter of economic as well as physical survival.

But now, new clouds of a different sort are forming on the horizon. If you asked a group of schoolchildren what frightens them today, most of them would probably talk about the environment. This new challenge is in some ways more daunting than any clash between nations, or weapons, or ideologies. It is the most fundamental conflict of all, between humankind and nature.

As we begin the last decade of the century, we are suddenly entering into a brandnew relationship with planet Earth. We are destroying forest land at the rate of one acre per second; we are poisoning our rivers, lakes, groundwater, and oceans; we are filling the atmosphere with gaseous wastes that are warming the earth's temperature and threatening changes to the climate system in the next century as large as those which accompanied the ice ages over hundreds of thousands of years. An enormous hole is opening in the stratospheric ozone layer. Living species are dying at an unprecedented rate, one thousand times faster than at any time in the last 65 million years. We are changing—in some ways irrevocably—the world that sustains life as we know it and threatening its ability to provide that substance.

Why don't we react to this crisis? Is it that hard to see?

When you consider the relationship of the human species to the planet Earth, not much change is visible in a single year, in a single nation. But when you look at the entire pattern of that relationship in every nation from the beginning of the 20th century until today, the contrast is stark.

From Christopher Columbus to the outbreak of World War I, in roughly 420 years, world population tripled, to 1.6 billion people. In the last 75 years it has tripled again, to 5.2 billion people. We are told that in the next 75 years, it will double and perhaps even triple once more. Nearly every index of the impact of modern industrial society follows the same pattern of sudden, unprecedented acceleration.

Last year we consumed 60 times more electricity than we did 75 years ago, and back then, we used 40 billion kilowatts hours. U.S. production of synthetic organic chemicals has gone from almost nothing to 225 billion pounds per year—half a ton for every American. Since World War I, the world's fossil fuel use has increased ten times over, and with it, carbon dioxide has flooded the Earth's atmosphere. Other greenhouse gases have soared upward at similar rates in the past 75 years: U.S. nitrogen oxide emissions by 800 percent; methane concentrations have nearly doubled; and the world's emissions of chlorofluorocarbons have increased by 80 times since World War II, and are still doubling every decade, posing a deadly threat to the earth's protective ozone shield.

These dramatic changes are taking place not only because the human population is surging and our standard of living has increased. They are happening because we tolerate selfde-

structive behavior and environmental vandalism on a global scale.

In the past, the price we would have to pay for our actions has always seemed impossibly remote. Only now are we beginning to see, in Ivan Ilych's phrase, "the shadow our future throws."

Whether we look forward in hopes of glimpsing what the future holds or gaze backward at the events that have dominated the world in this century, we see something that resembles one of those artist's depictions of relativity theory, with time and space curved like a checkerboard grid. Our political awareness of the world is shaped and bent by events. Vast calamities such as the world wars exert a powerful gravitational pull on every idea we have about the world around us. And just as in Einstein's theory, future events can exert the same gravitational pull on our thinking as events in the past. The political will to slow down the nuclear arms race came from the feeling that we were being pulled toward a future we had never seen but didn't want. Now, as we are being drawn toward the brink of ecological collapse, we must be willing to consider ecological action.

At last, we are beginning to realize that our security is no longer just an issue of peace or war. We have, in the course of a single lifetime, managed to grasp the levers of our own destruction: First, in the form of nuclear weapons; and second, in the form of the industrial destruction of the biosphere, now moving forward at geometric rates of increase. The emerging environmental threat, especially global warming and its consequences, also must be regarded as a genuine security threat. Let's face it: The strategic defense initiative can't assure our survival in the 21st century. A strategic environment initiative might.

I am not a fan of the strategic defense initiative, but one doesn't have to be an admirer to recognize that it drew together facilities and resources and attracted a generous share of the Government's budget for research and development. We need to approach the technological challenge of environmental protection and economic growth with at least the same intensity—and with comparable levels of funding.

The cooperation of Third World nations is crucial to controlling problems as vast as global warning. Their share of greenhouse gas emissions from fossil fuels could grow from about 20 percent today to as much as 60 percent by 2050. We need to promote environmentally sustainable development by identifying and spreading new technologies to developing countries, where 95 percent of world population growth will take place during the next century.

Here in the United States, we must modernize the technologies and practices in every economic sector, from more fuel-efficient cars and energy-efficient appliances to manufacturing that relies on recycled material, to a second green revolution requiring fewer fertilizers and pesticides. The emerging consensus for environmental protection is opening the door to solutions once considered politically impossible.

It will not be enough, however, to change our laws, policies, and programs. We must also change the way we think about ourselves, our children, and our future. We must now create a new pattern of thinking in which we once again see ourselves as a part of the ecological system in which we live. We have lost, so to speak, our eco-librium.

Mr. President, we have a long way to go in order to regain our eco-librium. The Clean Air Act is a vehicle for us to take essential steps forward. We must be vigilant however, that in our eagerness to move forward, we do not endorse measures that are actually environmentally regressive. I look forward to the opportunity to examine and discuss the critical initiatives the committee has introduced for our consideration.

Mr. President, I will have amendments later today or tomorrow on each of the matters that I have discussed here. Mr. President, at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the pending amendments are the amendments offered by Senator WIRTH and Senator ARMSTRONG, from Colorado.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the Wirth-Armstrong amendments?

Mr. WIRTH. Mr. President, the Senator from Rhode Island and I were just trying to work on some language on this. Maybe if it is appropriate, if it would be all right with the managers of the bill, maybe we could have a little time to do this. I know Senator GLENN has an amendment that he wants to bring up. Maybe we could set this aside and go to Senator GLENN's amendment and see if we could work out the language on this. Would that be all right?

Mr. BAUCUS. Mr. President, the amendments offered by the Senators from Colorado are interesting. There are some questions, though, dealing with these amendments that we have yet to work out. I think there is a chance we can work them out. It will take, though, I think, a few minutes, not on the Senate floor, to work them out.

Mr. President, I suggest to the Senator from Colorado that we move to other matters so that we can try to work out some of the problems.

Mr. WIRTH. If the distinguished manager will yield, I was just going to suggest that. The Senator from Rhode Island and I were working on some language. Why do we not just for the moment set these amendments aside. If we might do that by unanimous consent, we will have time to work on them, and then the manager, I know, is very eager to move the bill, as am I, and we could go on to other business.

Mr. BAUCUS. Mr. President, I think that is a good idea. I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. The Chair asks the Senator from Montana, would that include the so-called Baucus amendment, that both be set aside?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. With that understanding, without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 1314 TO AMENDMENT NO. 1293

(Purpose: To direct the EPA to perform an economic impact analysis of the Clean Air Act)

Mr. MOYNIHAN. Mr. President, in just a moment, with the kind consent of the distinguished manager of the legislation and his colleague on the other side of the aisle, I would like to offer for myself, for Mr. MITCHELL, and for Mr. DOLE, an amendment which simply provides that, as an aspect of the clean air problem, over the years to come for an indefinite period, subject to later review and judgment by the Executive and the Congress, that we will regularly, on a biennial basis, prepare an economic impact statement which estimates the costs and the benefits of the measures that we are now putting into statute.

Mr. President, the bill before us very specifically provides for this kind of analysis with respect to the acid rain provisions. Specifically, it provides that the National Acid Precipitation Assessment Program established by the Acid Precipitation Act of 1980, a

10-year program now just about concluded, will continue and we will have longitudinal studies of what we are dealing with, what we have been able to do, how much it has cost.

This, as I have said, is in the bill before us. The amendment I offer on behalf of the majority leader, the Republican leader, and myself simply extends that pattern to the other sections of the bill.

I would like to make the point for the record that the Administrator of the EPA is given this responsibility. In the section on acid rain it is given to NAPAP. But the chairman of the Interagency Task force of NAPAP is the Administrator of EPA. So we do in fact locate in the Administrator the benefit/cost analysis responsibility for all titles of the Clean Air Act.

A further point, Mr. President—I do not want to belabor this—I want to make clear to the Senate, and we will want this to be understood in the executive branch and in the other body, that this measure contemplates a mode of analysis on a scale never quite performed before, requiring methodologies that have not been developed. They have been begun, but are in no way perfected. The scale of this effort will be singular. And we do not expect that it will be something we have mastered in the first biennial round.

It will take us a decade. It could well take us a generation. We mean to be around, worrying about such matters for a long while. We are enacting legislation that reaches well into the next century, and we are going to assess the benefits and the costs of it and we are going to learn something.

One last point, Mr. President, which I made in the opening days of debate on the bill, which is simply to say that environmentalism is nothing if it is not an ethic of responsibility. In that context, our first responsibility has to be to the facts. We must be prepared to learn things we do not know, to find out things we do not necessarily like, to be surprised; to welcome good news as well as bad, to have interpretations confirmed or disconfirmed. This is the methodology of quantitative analysis. It is well advanced in some respects, only just begun in others.

We, in this amendment, do something of large consequence. I hope a generation from now American environmentalists will look back and say it was in the Clean Air Act of 1990 and the provisions of the benefit/cost analysis that we first began the careful quantification and tracking of the impact of our efforts on the environment in the largest sense of the word, extending, of course, to the economic environment as well as to the physical one.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. MITCHELL and Mr. DOLE, proposes an amendment numbered 1314 to amendment No. 1293.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 512 of Amendment No. 1293, at the beginning of line 5, insert the following, and renumber succeeding sections accordingly:

SEC. 611. Section 312 of the Clean Air Act is amended to read as follows:

"SEC. 312. ECONOMIC IMPACT ANALYSES.

"(a) The Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis (as established under subsection (f) of this section), shall conduct a comprehensive analysis of the impact of the Act on the public health, economy, and environment of the United States. In performing such analysis, the Administrator should consider the costs, benefits and other effects associated with compliance with each standard issued for—

"(1) a criteria air pollutant subject to a standard issued under section 109;

"(2) a hazardous air pollutant listed under section 112, including any technology-based standard and any risk-based standard for such pollutant;

"(3) emissions from mobile sources regulated under title II of this Act;

"(4) a limitation under title IV of this Act for emissions of sulfur dioxide or nitrogen oxides;

"(5) a limitation under title V of this Act on the production of any ozone-depleting substance;

"(6) any other section of this Act.

"(b) In describing the benefits of a standard described in subsection (a), the Administrator shall consider all of the economic, public health and environmental benefits of efforts to comply with such standard. In any case where numerical values are assigned to such benefits, a default assumption of zero value shall not be assigned to such benefits unless supported by specific data.

"(c) In describing the costs of a standard described in subsection (a), the Administrator shall consider the effects of such standard on employment, productivity, cost of living, economic growth, and the overall economy of the United States.

"(d)(1) Not later than 12 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis, shall submit a report to the Congress that summarizes the results of the analysis described in subsection (a), which reports—

"(A) all costs incurred previous to the date of enactment of the Clean Air Act Amendments of 1989 in the effort to comply with such standards; and

"(B) all benefits that have accured to the United States as a result of such expenditures.

"(e) Not later than 24 months after the date of enactment of the Clean Air Act Amendments of 1989, and every 24 months thereafter, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council and Clean Air Compliance Analysis, shall submit a report to the Congress that updates the report issued pursuant to subsection (d), and which in addition makes projections into the future regarding expected costs, benefits and other effects of compliance with standards pursuant to this Act as listed in subsection (a).

"(f) Not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce and the Secretary of Labor, shall appoint an Advisory Council on Clean Air Compliance Analysis of not less than 9 members (hereafter in this section referred to as the 'Council'.) In appointing such members, the Administrator shall appoint recognized experts in the fields of the health and environmental effects of air pollution, economic analysis, environmental sciences, and such other fields that the Administrator determines to be appropriate.

"(g) The Council shall—

"(1) review the data to be used for any analysis required under this section and make recommendations to the Administrator on the use of such data;

"(2) review the methodology used to analyze such data and make recommendations to the Administrator on the use of such methodology; and

"(3) prior to the issuance of a report required under by subsection (d) or (e), review the findings of such report, and make recommendations to the Administrator concerning the validity and utility of such findings.".

Mr. MOYNIHAN. Mr. President, as I said, I do not wish to extend the discussion of the matter. I believe the amendment is acceptable to the distinguished managers of the legislation.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from New York has offered an amendment which is not covered by the scope of the agreement of the leadership and the core group of Senators which reached agreement with the administration. So the group as a whole takes no position on this amendment, as a group.

The Senator from New York has very often, and with great aid to the Senate, been concerned with cost benefit analysis and concerned with the cost of legislation. It is a very valuable contribution the Senator from New York has made. I personally compliment the Senator on the many times he has spoken to this issue.

I think the amendment is one we can accept. I ask the Senator, though, if he would be willing to modify his amendment so as to provide that EPA should be required to reassess how benefits are measured to be sure that damage to human health and the environment are accurately measured and taken into account? The point being, the standard cost benefit analysis tends to place more emphasis on the costs and not enough on the benefits,

particularly when human health is concerned and when the environment is concerned.

I ask the Senator if, at the appropriate place—which would have to be worked out—he would consent to that modification?

Mr. MOYNIHAN. Mr. President, I would most happily accept the change in language, the addition. This does not take anything from me.

I ask my friend, we are simply adding to the scope of the inquiries we now put in place? When my colleague talks about costs, he also talks about benefits. Learning to quantify benefits is a much more challenging exercise than to quantify costs.

What is the unit of measurement of benefit? Well, there are some. We know when we are better off or when we are worse off, in terms of air quality.

What is the unit there? That is a good subject. You ask yourself the question. You already know more of the kind of thing you are trying to learn.

Cutting in half the emissions of the sulfur oxides will, among other things, certainly have a very pronounced impact on visibility. There are common vistas in the country where one will see twice as far as one had previously done. That is a benefit. It is a benefit if you live in the Rocky Mountains, but how does one measure it? Good question and not to be answered by the beginning of the next fiscal year. If you do not have 10 years for a problem like this, do not go near it.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Please send the modification to the desk.

Mr. MOYNIHAN. Mr. President, I do not know I have the language in front of me. I believe the Senator from Montana has that language.

If the Senator from Montana will allow me in order to assure, the language will now read,

Environmental Protection Agency should be required to reassess how benefits are measured in order to assure that damage to human health and the environment are more accurately measured and taken into account.

This to be inserted as an additional sentence of subsection (b) of the amendment.

Will the distinguished manager mind if instead of the word "reassess," we simply say "assess," as I am not sure this work has been done?

Mr. BAUCUS. Mr. President, the Senator from Montana would be most grateful for that improvement in the language. That will be fine.

AMENDMENT NO. 1314, AS MODIFIED

Mr. MOYNIHAN. I think it would be nice to find where are these assessments to be assessed.

I send a revision of the language to the amendment to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has sent the modification to the desk, and his amendment has been so modified.

The modification is as follows:

On page 3, at the end of subsection (b), add the following new sentence: "EPA should be required to assess how benefits are measured in order to assure that damage to human health and the environment are more accurately measured and taken into account.".

Mr. BAUCUS. Mr. President, with those changes, we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1314), as modified, was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1315 TO AMENDMENT NO. 1293

(Purpose: To direct the EPA to participate in an interagency task force on magnetic levitation technology)

Mr. MOYNIHAN. Mr. President, I have two small amendments that have been agreed to, as is my understanding. I will proceed with them directly.

The first amendment simply requires that the Administrator of the Environmental Protection Agency coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetic levitation systems for use along the interstate highway rights of way and other appropriate rights of way.

Mr. President, the purpose of this amendment is simply this: The administration has proposed that we begin some development in the area of magnetic levitation. It is very clear that if we are to do this, if we were to succeed in this area, we would be having a large impact on the environment, on air quality, by lessening the use of automobiles and the release of automobile exhausts along highways, particularly in cities. There is a coordinating group being established for this work, and this would simply add the Administrator of the EPA into the circle.

I send the amendment to the desk.

The PRESIDING OFFICER (Mr. ADAMS). The pending amendment is amendment No. 1307.

Mr. MOYNIHAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, the pending amendment is set aside for consideration of the amendment of the Senator from New York.

Mr. MOYNIHAN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York, [Mr. MOYNIHAN], for himself and Mr. REID, proposes an amendment numbered 1315.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert where appropriate in title VI of the bill:

"SEC. . EPA PARTICIPATION IN INTERAGENCY GROUP ON MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency (or the designee thereof) shall coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetic levitation systems for use along the interstate highway rights-of-way and other appropriate rights-of-way. The Administrator of the Environmental Protection Agency (or the designee thereof) shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later that 12 months after the date of enactment of this Act, and every 12 months thereafter.".

Mr. MOYNIHAN. Mr. President, I believe the amendment has been explained. I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I hope those Senators who have amendments they think are noncontroversial will show them to us now.

In this particular amendment, I understand one of the staff did have an opportunity to look at it.

Let me just say this. There is one modification I ask if the Senator will be willing to accept. That is the last clause of his amendment. He asks for a report in 12 months, and that is all right, but then he follows up with "and every 12 months thereafter." the problem we have gotten into in this Government, and this is not restricted to the Environment Committee, are the levies made upon the EPA, and it is all through the Government. We

say submit a report, and then submit a report every 6 months or every year. These departments or agencies are just laidened with reports that require a considerable number of man-hours.

What I will ask—I have no objections to the amendment and it certainly reaches far afield from clean air, but so be it—if the Senator will be willing to modify, to drop those last five words, then that will be acceptable to me.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Rhode Island has made a wholly pertinent and perspicacious point. There are too many reports required, and when these reports multiply, their quality inevitably declines. It is necessary to have some periodicity in most of these things. We would like to hear from them when they have something they think we need to know and they have learned something of importance.

I wonder if the Senator from Rhode Island will agree with the language that "shall report to the Congress and the President on such activity not later than 12 months after the date of enactment and periodically thereafter," the periodically can be decided—if you want to take that out, we can take that out.

Mr. CHAFEE. Mr. President, my suggestion is this. The distinguished Senator from New York is a very senior member of the Environment Committee. Unquestionably, the committee would agree at any time he wished to require a report from the EPA on magnetic levitation. That is no problem, as far as any of us are concerned, or have them in for an oversight hearing.

I find it more acceptable if we just drop those last five words.

Mr. MOYNIHAN. Mr. President, I would like to amend the language at the desk to drop the last five words.

The PRESIDING OFFICER. The yeas and nays have not been ordered so the Senator is entitled to modify his amendment if he wishes to do so.

Mr. MOYNIHAN. I would like to modify the amendment accordingly.

The PRESIDING OFFICER. Will the Senator state the modification.

Mr. MOYNIHAN. To drop the last five words; "and every 12 months thereafter."

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Insert where appropriate in title VI of the bill:

"SEC. . EPA PARTICIPATION IN INTERAGENCY GROUP ON MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency (or the designee thereof) shall coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetic levitation systems for use along the interstate highway rights-of-way and other appropriate rights-of-way. The Administrator of the Environmental Protection Agency (or the designee thereof) shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later that 12 months after the date of enactment of this act.

Mr. MOYNIHAN. Mr. President, I apologize for not having first stated that I offer this amendment for myself and Mr. REID, the Senator from Nevada.

The PRESIDING OFFICER. That will be so noted.

Mr. MOYNIHAN. Mr. President, while I have the attention of the Senator from Rhode Island, may I say that we pursue this matter very much out of a sense that we are going to have to find alternatives to automotive transportation if we are going to get western clean air in the eastern corridor, for example. He has heard testimony before the Environment and Public Works Committee that the present estimates are that by the year 2020, unless there are alternative modes, it will require 44 lanes of interstate highway to move traffic from Miami to Orlando. We are not going to get there at this pace. So, Mr. President, I urge adoption of the amendment.

Mr. BAUCUS. Mr. President, this is the first opportunity that I and the majority have had to see this amendment. I am informed that there are two Senators who wish to speak on the subject who are not present.

They are Senator HOLLINGS and Senator EXON. They have an interest in this matter, and they do say they want to come to the floor and speak. We have other amendments to consider, so I would ask the Senator from New York, if he is willing, to withdraw his amendment. I have no objection to the amendment. He can withdraw his amendment pending other amendments. We can bring it back at the appropriate time.

Mr. MOYNIHAN. Mr. President, in accordance with the request of the Senator from Montana, I am happy to withdraw the amendment. Perhaps the time we can return to it would be when the Senators who wish to speak to it are here.

Mr. BAUCUS. I appreciate that very much.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 1315) was withdrawn.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

AMENDMENT NO. 1302

(Purpose: To delete certain provisions relating to NRC-Licensed Facilities)

Mr. GLENN. Mr. President, I would call up amendment 1302.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, and Mr. HEINZ, proposes an amendment numbered 1302:

Commencing with line 11 on page 319 of the amendment no. 1293, strike out all through line 2 on page 320.

Mr. GLENN. Mr. President, I rise on this occasion to offer the amendment cosponsored by my distinguished colleague from Pennsylvania [Mr. HEINZ].

Mr. President, our amendment strikes section 303 of the Clean Air Act which has been reported from the Environment and Public Works Committee and is contained in the substitute bill.

This provision removes the existing authority of the Environmental Protection Agency and the States from regulating radioactive emissions at Nuclear Regulatory Commission facilities by making the NRC the sole regulator under the Atomic Energy Act. That is the provision that is in the substitute now and that is the provision that I would propose to strike.

Our amendment does nothing to change the existing law or regulations and simply maintains the status quo. Section 303, however, represents a significant change in environmental policy which requires further discussion and debate. I feel the Clean Air Act is not the proper place to decide the very complicated structural role of States in national policy. We are making major changes in processes worked out over long periods of time and we are making those changes with little or no debate. An issue of this magnitude and importance cannot be decided upon without careful deliberation by the Congress and by the administration.

This concern is underscored by 3 letters, 2 from 20 of our States attorneys general. The most recent letter to my distinguished colleagues from Wyoming and Louisiana, which was sent yesterday, finds that State authority would be adversely impacted not only under the Clean Air Act but also under the Superfund law.

We have three letters that I will ask unanimous consent to have printed in the RECORD. One is a letter from the attorneys general; the second letter is a letter of reply to that first letter from Senators BREAUX and SIMPSON; and the third letter is a letter from the attorneys general again, responding to that reply to their first letter. I ask unanimous consent those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, January 31, 1990.

Re S. 1630; Concerning Radionuclides Amendment.

Hon. GEORGE MITCHELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MITCHELL: This letter, delivered to you on behalf of the undersigned State Attorneys General, is to urge deletion of a provision of S. 1630 which, if passed into law, will prohibit regulation of certain radioactive air emissions by the United States Environmental Protection Agency (EPA) and severely limit State authority to adopt similar regulations. As indicated by your comments in the Committee Report of S. 1630, you hold similar concerns with respect to the effect of this provision.

In the Clean Air Act of 1977, Congress directed the EPA under Section 122 to consider regulation of radioactive air emissions from all sources including those regulated or licensed by the Nuclear Regulatory Commission (NRC). Last year, in response to a court order, the EPA promulgated regulations under Section 112 of the Act to control radionuclide emissions as a hazardous air pollutant. The Act called for coordination of efforts between the EPA and the NRC in the regulation of these emissions.

In November, as the Senate Environment and Public Works Committee was considering amendments to the Clean Air Act, an amendment to S. 1630 was offered by Senator Alan Simpson and passed by voice vote. That amendment proposes to exempt radioactive air emissions associated with sources regulated or licensed by the NRC or an NRC "agreement State" from any EPA regulations, including recently promulgated radionuclide standards, in favor of exclusive regulation by the NRC pursuant to the Atomic Energy Act. The amendment was presented purportedly to avoid dual regulation by the EPA and the NRC. The actual effect of the amendment, however, is quite different.

First, if this amendment is left intact, air emissions from radioactive materials under NRC jurisdiction will no longer be subject to EPA regulations for radionuclides. Specifically, these sources will be limited only by the NRC's radionuclide emmissions standard which can be 50 times less stringent than EPA's newly promulgated standard.

Second, by transferring all authority over these emission sources to the NRC, the States will be preempted from establishing their own more stringent standards for radioactive air emissions. Under Section 116 of the Clean Air Act, State authoritly to adopt stricter air emission standards clearly has been retained. There is no similar provision in the Atomic Energy Act. That Act has been found by the United States Supreme Court to preempt State regulation of radiation hazards. Therefore, the amendment in question would effectively prevent the States from exercising any control over harmful radioactive air emissions from sources regulated by the NRC.

Finally, this amendment may have an adverse effect on the cleanup of radioactive contaminaton pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (the Superfund Act). The Superfund Act provides a mechanism for the cleanup of all pollutants classified as "hazardous substances." Section 101(14) of the Act includes, within the definition of "hazardous substances," any hazardous air pollutant regulated under Section 112 of the Clean Air Act. The amendment will eliminate radioactive emissions produced by NRC regulated sources from the definition of hazardous air pollutants in the Clean Air Act and thus remove from the scope of the Superfund Act any radioactive air, soil or water contamination caused by these sources.

As you can see, the amendment, by removing both EPA and State authority to regulate significant radioactive air pollution, would be an unfortunate development. We encourage action on the floor of the Senate to delete this amendment.

Thank you for your continuing efforts to assure that our environment remains safe for future generations.

Respectfully,

Robert Abrams, Attorney General of New York; John K. Van de Kamp, Attorney General of California; Duane Woodward, Attorney General of Colorado; Clarine Nardi Riddle, Attorney General of Connecticut; Jim Jones, Attorney General of Idaho; William J. Guste, Jr., Attorney General of Louisiana; James M. Shannon, Attorney General of Massachusetts; Frank J. Kelley, Attorney General of Michigan; Hubert H. Humphrey III, Attorney General of Minnesota; Robert M. Spire, Attorney General of Nebraska.

James E. Tierney, Attorney General of Maine; Brian McKay, Attorney General of Nevada; Anthony J. Celebrezze, Jr., Attorney General of Ohio; David Frohnmayer, Attorney General of Oregon; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Charles W. Burson, Attorney General and Reporter of Tennessee; Jim Mattox, Attorney General of Texas; Jeffrey L. Amestoy, Attorney General of Vermont; Kenneth O. Eikenberry, Attorney General of Washington; Donald J. Hanaway, Attorney General of Wisconsin.

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, February 20, 1990.

Re Regulation of Radionuclides under the Clean Air Act.

Hon. ROBERT ABRAMS,
Attorney General, State of New York, Department of Law, New York, NY.

DEAR ATTORNEY GENERAL ABRAMS: We were most disturbed to obtain copies of a widely-distributed letter from yourself and a number of other Attorneys General to Senator Mitchell regarding the provision in S. 1630, the Clean Air Act Amendments of 1989, which would eliminate the dual regulation of radionuclides under both the Atomic Energy Act and the Clean Air Act. The letter contains several errors regarding the effect of this provision, and we would like to take the opportunity to clear up some of the confusion which obviously has arisen.

First, your letter asserts that the amendment will "prohibit regulation of certain radioactive air emissions by the United States Environmental Protection Agency (EPA)," and that it proposes to "exempt radioactive air emissions . . . from any EPA regulations . . . in favor of exclusive regulation by the NRC [Nuclear Regulatory Commission] pursuant to the Atomic Energy Act." The letter makes similar assertions elsewhere. These assertions are incorrect.

Although the radionuclides provision does eliminate the EPA's duplicative authority under the Clean Air Act to promulgate emission standards for NRC licensees, it does not in any way alter or affect the EPA's basic role under the Atomic Energy Act to establish generally applicable environmental standards for the release of radionuclides from NRC-licensed facilities. As the Committee report on the bill states, the EPA retains all of its present Atomic Energy Act authority to establish enforceable standards for NRC-licensed facilities.

Second, the letter erroneously states that NRC-licensed "sources [of air emissions of radioactive materials] will be limited only by the NRC's radionuclide emissions standard which can be 50 times less stringent than EPA's newly promulgated standard." To the contrary, EPA has stated that its new standard was promulgated at the 10 millirem level because that was the standard which was already being met by all NRC licensees regulated under the Atomic Energy Act and was the standard which EPA determined to be adequate to protect the public health with an ample margin of safety. Thus, the provision in the Committee bill will not result in any reduction whatsoever in any safety standards.

Third, your letter incorrectly asserts that the amendment would "effectively prevent the States from exercising any control over harmful radioactive emissions from sources regulated by NRC." This assertion simply ignores the fact that the amendment preserves the important and significant authority of the states to enter into agreements with the NRC to assume regulatory authority for many materials licensees. The states will also retain their traditional authority to regulate the economic aspects of nuclear power operation.

The EPA and the NRC consistently have stated that the regulatory structure under the Atomic Energy Act—whereby EPA sets the standards and the NRC enforces those standards for NRC licensees—is adequately protecting the public health and safety. Nonetheless, as the EPA stated in its recent radionuclide rulemaking, "[w]hile the level of health protection achieved under the NRC standard is generally comparable to that required by EPA's rule, the two standards are very different in form, and the means of demonstrating compliance with each standard impose significantly different regulatory requirements."

In the absence of any ascertainable benefits to public health from additional regulation under the Clean Air Act, the Committee on Environment and Public Works, the EPA, and the NRC see no need to impose another set of costly regulatory requirements upon American industry, the medical community, and the consumer. The Committee and both agencies support elimination of duplicative regulation under the Clean Air Act.

Moreover, the actions of the states themselves appear to support the position that the Atomic Energy Act standards for NRC licensees are adequate. No state including your State of New York, has issued a more stringent standard for radionuclides under its existing Clean Air Act authority. If the State of New York believed that the federal regulations were not adequately protecting the public from radioactive air emissions, and that more stringent regulation under the Clean Air Act is imperative for health and safety reasons, it is unclear as to why

New York has failed to take such action under its Clean Air Act authority to remove such a perceived threat to the safety of its citizens.

And finally, there is no intent to alter any provisions under the Superfund law regarding the cleanup of radioactive contamination. It is disturbing to hear the "call for action" on the Senate floor regarding a concern that could have been addressed by communication with us, the sponsors of the amendment. However, no attempts were made to contact us on this or any other issue.

We regret that you have chosen to "encourage action on the floor of the Senate" to "delete" a provision which does not do much of which you assert, and which could have been subject to further negotiation with us. Unfortunately, the inaccuracies and misstatements in your letter have only made the resolution of any of your concerns, and of ours, much more difficult.

With best personal regards,

JOHN B. BREAUX,
Chairman.
ALAN K. SIMPSON,
Ranking Minority Member,
Subcommittee on Nuclear Regulation.

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, March 6, 1990.

Hon. JOHN B. BREAUX,
U.S. Senate, Senate Hart Office Building, Washington, DC.
Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATORS: This letter on behalf of the undersigned state Attorneys General responds to your February 20 letter regarding the provision in S. 1630 which would transfer regulation of radionuclides from the Environmental Protection Agency (EPA) to the Nuclear Regulatory Commission (NRC) for facilities licensed by the NRC and NRC "agreement" states. We respectfully disagree with your characterization of our views as "inaccuracies and misstatements," and welcome this opportunity to restate our concerns.

First, your letter asserts that we were incorrect in stating that the amendment would prohibit EPA regulation of certain radioactive air emissions because the EPA would retain all of its authority under the Atomic Energy Act (AEA). However, EPA has no express statutory authority under the AEA to regulate radionuclide emissions. As set forth in the statute, EPA's role is to advise the NRC in setting certain standards for radionuclides. Under the AEA, the EPA has no indepdendent authority to enforce such standards. 42 U.S.C. § 2021(h).

On October 6, 1970, President Nixon, in his Reorganization Plan No. 3 (35 Fed. Reg. 15623), transferred from NRC (formerly the Atomic Energy Commission) to EPA authority under the AEA to establish "generally applicable envirоinmental standards for the protection of the general environment from radioactive material." In 1977, EPA exercised this authority in 40 CFR Part 190 ("Environmental Radiation Protection Standards for Nuclear Power Operations"), which applies to radiation doses received by members of the public in the general environment. Since the Reorganization Plan gave EPA no enforcement authority with respect to these standards, EPA did not set up a mechanism through which compliance in terms of source-by-source emissions could be monitored. Instead, to enforce these standards, the NRC in 1981 amended its regulations [46 Fed. Reg. 18526] to require licensees to submit reports to the NRC within 30 days of discovering that the 40 CFR Part 190 limits may have been exceeded. See 10 CFR §§ 20.405 (c), (d) and (e).

Under Section 112 of the Clean Air Act (CAA), EPA's authority is more extensive than under the AEA. 42 U.S.C. § 7412. Section 112 mandates that EPA promulgate emissions standards for hazardous air pollutants which shall provide "an ample margin of safety to protect the public health." See 42 U.S.C. § 7412(b)(1)(B) and *National Resources Defense Council* v. *EPA*, 824 F.2d 1146 (D.C. Cir. 1987). EPA's newly promulgated radionuclides standards set out a comprehensive program to limit and monitor emissions from individual radionuclide sources. EPA also has full authority under the CAA to enforce compliance with these new standards. 42 U.S.C. §§ 7413, 7414. Thus, EPA's authority under the CAA cannot be compared to that under the AEA.

Second, your assertion that we were incorrect in stating that NRC standards can be as much as 50 times less stringent than EPA's standard also does not withstand scrutiny. The EPA standard adopted under the CAA is 10 millirems per year. 54 Fed. Reg. 51654 (1989). This limit applies to DOE facilities, non-DOE federal facilities, uranium fuel cycle facilities, and NRC licensed facilities, among others. Under the AEA, the NRC has established a standard of 500 millirems per year (50 times the EPA standard) that applies to some 6,000 NRC licensees. 10 CFR § 20.105(a). A more stringent AEA standard of 25 millirems per year (two and one-half times the ERA standard under the CAA) applies at 140 uranium fuel cycle facilities. 10 CFR § 20.105(c).

Third, you argue that we were incorrect in stating the amendment would effectively prevent states from exercising any control over NRC regulated sources. You mention the significance of the authority granted to "agreement" states. Agreements between the NRC and the states under 42 U.S. § 2021 are limited to certain facilities. For example, regulation of nuclear power plants are exempted from such agreements and remain under the sole purview of the NRC. More importantly, NRC guidelines require "agreement" states to have standards "essentially identical" to NRC standards. 52 Fed. Reg. 21135. Finally, there are only 29 states that have agreements with the NRC. United States Supreme Court precedent is sufficiently clear that, absent the CAA authority the amendment would eliminate, non-agreement states and agreement states acting outside their agreements could face complete preemption in any attempt to adopt standards for radionuclides which are more stringent than those established under the AEA. Therefore, we continue to believe that the amendment would severely limit the ability of states to adopt more stringent standards for radionuclides and would limit all states' authority under the CAA to regulate independently of the NRC.

Your letter also suggests that the states' authority under the CAA to regulate air emissions of radionuclides is superfluous, because no state has enacted a standard more stringent than EPA's. Washington State has enacted a radionuclide standard that is slightly more stringent than the EPA standard. Other states, including Colorado and Massachusetts, are presently considering adopting air emission standards for radionuclides.

Even if no state had yet exercised its authority under the CAA, there is no justification for removing that authority. As we who have long been involved in environmental protection know, the regulation of air pollution is an evolving process. When new significant problems are identified, the states must be free to react to protect their citizens—as they have in the past. Now is not the time to restrict the ability of the states to respond to these concerns. Just recently, for example, a National Academy of Sciences report showed that the carcinogenicity of low-level radiation is three-to-four times higher than previously estimated.

Finally, with respect to the effect of the amendment on the Superfund law, the problem remains despite good intentions. The amendment prevents radioactive air emissions from NRC regulated facilities from being classified as a "hazardous substance" and may directly impact the ability of the state and federal government from pursuing the cleanup of radioactive contamination. 42 U.S.C § 9601(14). Had there been hearings on this important change in law, state officials would have so informed the Committee.

While the goal of eliminating dual regulation of radionuclides under both the Atomic Energy Act and the Clean Air Act may be appropriate in some cases, it should not be accomplished at the expense of the states. We agree with Majority Leader Mitchell's concerns as expressed in the Committee Report that "now is not the time to make such a change." The authority of the states to protect the health and welfare of their citizens by adopting standards for radioactive air emissions which go beyond those of the federal government must be preserved.

We stand ready to testify on these matters which are of vital concern to the states, should hearings be held. Environmental protection and the state-federal enforcement partnership are extremely important. Our staff attorney working group has been in contact with Dan Berkowitz of your staff and we will work with you toward resolving these concerns, if you believe this would be productive. Please feel free to call on us or our staff in Washington, D.C.

Respectively,

Robert Abrams, Attorney General of New York; John K. Van de Kamp, Attorney General of California; Duane Woodward, Attorney General of Colorado; Clarine Nardi Riddle, Attorney General of Connecticut; Jim Jones, Attorney General of Idaho; Neil F. Hartigan, Attorney General of Illinois; William J. Guste, Jr., Attorney General of Louisiana; James M. Shannon, Attorney General of Massachusetts; Frank J. Kelley, Attorney General of Michigan; Hubert H. Humphrey III, Attorney General of Minnesota; Mike Moore, Attorney General of Mississippi; James E. Tierney, Attorney General of Maine; Robert M. Spire, Attorney General of Nebraska; Brian McKay, Attorney General of Nevada; Anthony J. Celebrezze, Jr., Attorney General of Ohio; Robert H. Henry, Attorney General of Oklahoma; Dave Frohnmayer, Attorney General of Oregon; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Jim Mattox, Attorney General of Texas; Jeffrey L. Amestoy, Attorney General of Vermont; Kenneth O. Eikenberry, Attorney General of Washington; Donald J. Hanaway, Attorney General of Wisconsin.

Mr. GLENN. Mr. President, we cannot ignore the fact the States have responsibly exercised their Clean Air Act authority, and there is no evidence to suggest the States will abuse this authority in the future. The States have had this authorty for 13 years and have not abused it.

By eliminating State and EPA authority further, we could weaken the basic structure of national environmental policies by allowing very compartmentalized regulation. EPA Clean Air Act standards under the current law are definitely more protective. They are not excessive but they are more protective at a time when the experts say that radiation cancer risks are higher.

The Atomic Energy Act does not provide the EPA with adequate enforcement capabilities and is preemptive of States. This has allowed the NRC to maintain a system of double standards, where the vast majority of NRC licensees fall under a 30-year-old public radiation exposure limit which is 50 times higher—I repeat that—50 times higher than under the Clean Air Act.

Also, the EPA has demonstrated that its Clean Air Act standards do not impose a significant economic or time-consuming burden on NRC facilities. The EPA has gone so far as to conduct field trials with small licensees. Those trials have found that the burden of dual paperwork—which has been one of the reasons given for why this change was going to be made—is something which can be easily remedied without having to resort to the drastic measure of severing longstanding regulatory authorities.

Finally, the existing authority of EPA and the States under the Clean Air Act provides an important safeguard to assure that NRC is doing its job. Without such a safeguard, we will return to a compartmentalized system of regulation that is in conflict with the comprehensive approach embodied in the Clean Air Act.

The external safeguards inherent in the existing Clean Air Act are not only in the NRC's interest but they are in the national interest. Let us take up these issues one at a time.

First, the Clean Air Act is not the proper place to decide the structural role of the States rights in national environmental policies. Let us address that. The stated intent of the Simpson-Breaux language in section 303, is to reduce the burden of dual regulation. Unfortunately, its effect is far-reaching, and seriously limits the existing powers of States.

One of the basic elements upon which Federal environmental laws are based is that States are brought into the regulatory process as additional authorities, and that was done in law.

As a supporter of a strong Federal role in the regulation of nuclear facilities, I am disturbed over the impact that section 303 will have on national environmental protection policies.

This concern is not mine alone. It is underscored by attorneys general, and environmental officials from over 20 States who have expressed their strong opposition to section 303. According to Attorney General Tony Celebreeze of my home State of Ohio, section 303 will not only adversely impact regulation under the Clean Air Act, but also may harm the ability of States to enforce the Superfund law at NRC facilities.

Apparently, radionuclides identified in the Clean Air Act are also referenced in the regulation of dump sites under the Superfund law.

At issue here is a basic difference between a compartmentalized approach to regulation by the NRC under the Atomic Energy Act and a comprehensive approach embodied in the 1977 Clean Air Act amendments.

The difference between the two approaches is quite significant. While the NRC is only concerned about regulating its licensees, the States and the EPA must be responsible for the cumulative impact of radiation exposure from all sources combined, not just alone those normally regulated by the NRC. That is an important fact here.

By eliminating the NRC from regulation, the EPA and States are denied the opportunity to assure a comprehensive form of health protection. It is clear to me that the current debate over the Senate Clean Air Act legislation is not the proper time and place to decide the structural role of States rights in national environmental protection policies. This issue deserves further hearings and deliberation by the Congress and the administration.

Perhaps the most appropriate place to address the role of States and EPA in regulating radioactive emissions from NRC facilities is in a piece of legislation that will shortly be before us. That is in title V of S. 2006, the Department of the Environment Act, which I and my colleagues have introduced and which President Bush fully supports.

This title of that particular bill creates a Commission on Improving Environmental Protection, chosen by the President, to examine and make recommendations on integrating Federal environmental laws and other authorities to improve the ability of the United States to protect the environment.

When we were putting that legislation together, Mr. President, we looked into some of the overlaps in Federal environmental law. The further we got into it the more complex it became. There are rules and regulations in every department and agency of government almost without exception that have something to do with the EPA and with environmental standards. Just an example, if you take a pesticide, it has to pass muster with FDA, Commerce has to consider whether we are going to ship it abroad; Agriculture has to decide what the environmental impact will be on agriculture; Interior looks at it from the forest and wildlife standpoint; and each one of these different entities interprets these things, and has its own particular set of rules.

When we proceeded to examine some of these things we noted how complex they are. Radiation and radionuclides is one of the areas in which there are multiple and overlapping laws. Rather than try to deal with all of these areas, which would be beyond the scope or the possibility of a committee dealing with it in its entirety, what we do in S. 2006, the Department of the Environment Act, is to establish a Commission on Improving Environmental Protection, as it is called, which will specifically examine all of these overlapping laws, and make recommendations on integrating Federal environmental law to improve the ability to protect the environment.

Mr. President, I think that is the place where this should be looked at. Otherwise, if we are to just take each overlap in itself and try to correct them here on the floor as part of this Clean Air Act, we will be here well into next year.

The issue of States rights and environmental protection itself deserves a full-scale and careful assessment before structural changes such as embodied in section 303 of the Senate Clean Air Act legislation are decided upon.

We also believe States have responsibly exercised their Clean Air Act authority. It has been said in defense of section 303 that no State has exercised its authority under the Clean Air Act to impose any emission standards for NRC licensees which are more stringent, and thus section 303 will not weaken in any way any existing State protections for the public health and safety.

Unfortunately, this claim does not fit the facts. There are at least three States that have exercised Clean Air Act authority: Illinois, Mississippi, and Washington. Washington State has set a Clean Air Act standard which is slightly more stringent for radiation exposure to the thyroid. At least five more States are in the process of developing Clean Air Act standards for radionuclides.

In other words, what has happened is that the States must address the total radiation problem, whether it comes from pharmaceutical plants, whether it comes from radiation used in the manufacturing, or from whatever source. They have to look at the total picture. NRC does not.

Moreover, section 303 will indeed weaken the role of States by the preemptive and exclusionary provisions of the Atomic Energy Act. For example, States are allowed to regulate emissions from NRC facilities under an official agreement with the NRC. This agreement, however, excludes reactors from State regulation. Since the States were given the authority to set stricter than Federal radiation emissions in 1977, there is not one example where this authority has been abused nor are there any examples where States have abused their authority at nuclear facilities under any other Federal environmental statutes.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. GLENN. I would rather complete my statement. Then I will yield for questions.

Some claim that by keeping existing authority of States under the Clean Air Act, States could block the siting and licensing of nuclear facilities. In order to do this, however, the States might also have to sharply curtail other existing activities such as the use of radioisotopes for use in medicine, research, and pharmaceutical plants. I find it hard to believe that a State would engage in this kind of abuse at the expense of other important and valuable nuclear applications, and business and jobs.

The States have had this authority for some 13 years now. We have seen no evidence that this authority has been or will be abused. We do not believe there is any.

The third area to address: EPA standards for radionuclides are some protective at a time when the experts say radiation cancer risks are higher. Proponents of section 303 have claimed that this provision will not result in any reduction whatsoever in any safety standard. This is because the Atomic Energy Act is supposed to provide ample authority for the EPA to set regulations. Again, this statement does not square with the facts.

The EPA indeed does have a role to help establish radiation protection standards under the Atomic Energy Act. However, EPA's role under the Atomic Energy Act is advisory, not mandatory.

EPA, when it was created by an Executive order in 1970, took over the function of the Federal Radiation Council. The FRC was established in 1960 to provide general radiation criteria and guidance for Federal agencies.

Unlike the Clean Air Act, these standards are not enforceable by the EPA under the Atomic Energy Act. However, when EPA took over the FRC's function and tried to impose more stringent radiation exposure limits on major sources in the early 1970's, it became subject to a crippling directive from OMB, an interagency agreement which excluded Federal nuclear and non-reactor-related facilities.

After that point, EPA's budget for the Office of Radiation Programs experienced steady cuts and key functions were eliminated. The lack of real clout of the EPA under the Atomic Energy Act is most apparent in the fact that the NRC has been allowed to maintain a set of double standards.

While the NRC established an EPA-based standard for its 140 uranium fuel-cycle facilities of 25 millirem per year, some 6,000 NRC byproduct, sources, and special nuclear material facilities operate under a public exposure limit set in 1960, which is 20 times higher.

Under the existing statutory authority of the 1977 Clean Air Act, EPA has set an overall public radiation exposure limit of 10 millirem per year for NRC facilities and all other radiation sources. This is 50 times more protective than the limits set for the preponderance of NRC licensees.

Now that the NRC is facing a legally binding standard which, in effect, requires NRC facilities to be part of a comprehensive regulatory program that includes all radionuclide emitters, there is an effort to return to the exclusionary days of the past.

This is hardly the time to return to a more lax system of radiological protection, particularly since the current scientific evidence suggests that human risks of dying from radiation-induced cancer are greater than assumed.

This finding was made by the National Academy of Sciences Advisory Committee on the Biological Effects of Ionizing Radiation, the so-called BEIR Committee, BEIR V.

According to the BEIR V report, radiation can cause fatal cancers to take place at exposure levels three to four times lower than officially assumed.

I am concerned that if EPA and State authorities are removed under the Clean Air Act, NRC may not act on the BEIR recommendations in a timely fashion.

For example, in 1977, the International Commission on Radiological Protection [ICRP], issued major new recommendations for occupational standards. While the EPA and the Department of Energy have adopted the ICRP's recommendations, the NRC has yet to do so.

It has been 13 years since EPA first proposed criteria for off-site contamination of plutonium in soil. This proposal has been opposed by NRC and DOE because it is believed to be too stringent. This important standard languishes in bureaucratic purgatory because of EPA's lack of enforcement authority under the Atomic Energy Act.

The fourth area to consider: The Clean Air Act standards do not pose a significant burden for NRC licensees. Since the Clean Air Act standard for radionuclide emissions was promulgated a few months ago, there has been no evidence that these standards will impose a significant burden.

Moveover, EPA has met the basic conditions required by the Office of Management and Budget with respect to the economic impacts of its regulation. This finding is contained in the preamble to the standard in the Federal Register of December 15, 1989, vol. 54, No. 240.

According to the EPA:

> The regulations do not significantly increase prices or production costs * * * the regulations do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets.

As to the effect of the EPA rule on small licensees such as hospitals and research labs, EPA has certified in the same Federal Register notice that:

> This rule will not have a significant economic impact on a substantial number of small entities.

In this regard, too, EPA went so far as to conduct a series of actual field trials with small NRC licensses to determine the impact of their compliance system, and according to this study, dated February 13, 1990, No. 68 F90170, an initial setup time required 8 to 16 additional hours, and yearly compliance of EPA standards would require 2 to 6 additional hours.

So this study very clearly demonstrates that the EPA Clean Air Act standard will not pose a major problem for small licensees.

The fifth area: The EPA and States provide an important safeguard if the NRC is not doing its job. The authority of EPA and the States to regulate radioactive emissions at NRC facilities provides a very important safeguard. If the NRC is not doing its job, then EPA and States will act to assure that the public health is protected.

In their letter sent yesterday, the Attorneys General have succinctly made this very point.

> Even if no State had yet exercised its authority under the Clean Air Act, there is no justification for removing that authority * * * When new significant problems are identified, the States must be free to react to protect their citizens—as they have in the past.

The need for external regulatory safeguards is not only in the NRC's interest; it is in the national interest. And we should not be altering this basic feature of the existing Clean Air Act. While we may not find that NRC is deficient in its regulation at this time, accidents do happen, mistakes are made, and rules are broken.

Mr. President, I add that when this bill was reported out of committee, our distinguished majority leader, Senator MITCHELL, submitted, along with the submission from the committee to the Senate floor, his additional

views. He commented that he favors the bill, that the committee labored long and hard on it; the committee bill is long and comprehensive. He listed days of hearings and markups since 1980. The full record reflects the decision of the committee members to do certain things, and he talks about health-care costs.

Then he comes to the issue I would like to address here. I wish to read this into the RECORD, because I think his remarks should carry some weight in this Chamber. He says as follows, with regard to this particular section 303:

There is one issue on which I must express my concern. During committee markup, an amendment to the radionuclide section of the air toxics title was offered and accepted. The authors of that provision state they intended only to avoid dual regulation of the same sources of radionuclides by the Environmental Protection Agency and the Nuclear Regulatory Commission. Both EPA and NRC supported this change.

However, one consequence of this change may have been to preempt States from exercising the jurisdiction they had under the Clean Air Act to adopt radionuclide standards that are more protective than those required by the Federal Government. This is because EPA's authority to regulate radionuclides under the Clean Air Act was eliminated.

The Clean Air Act is not preemptive in this regard, as the legislative history clearly demonstrates. Due to the amendment adopted during the committee markup, EPA only has authority to regulate radionuclides under the Atomic Energy Act. Unfortunately, that act is preemptive.

The effect of this change does not preempt States from establishing their own standards for radionuclide emissions. Now is not the time to make such a change. For example, it was reported on December 20, 1989, that a panel of the National Research Council concluded that the risks for low levels of radiation exposure may be 3 to 14 times greater than previously estimated. If the panel's analysis is correct, then cancer deaths from the Chernobyl nuclear explosion in the Soviet Union in 1986 would produce 70,000 cancer deaths rather than the 17,400 previously estimated. Members of the research panel indicated that this new data may cause Government standards for radiation exposure to be tightened.

If the Federal Government fails to take this step, I do not believe that States should be barred from adopting standards that they believe are needed to protect the public health. My position on preemption has been clear and consistent. I do not believe that the Federal Government should deny States the authority to protect the public health and the environment beyond the level of protection required by the Federal Government.

(Signed) GEORGE J. MITCHELL.

Mr. President, as Senator MITCHELL said in those additional views, the effect of this change is to preempt States from establishing their own standards for radionuclide emissions. Why is that important? Only the States have the monitoring of all the hundreds, indeed, in some places maybe thousands, of emitting sources that do not necessarily all come under some sort of Federal law, or they apply under various overlaps of Federal law. And that is why I do not want to see this authority changed at this time. I do not say that it should not be changed ever. What we have provided is new legislation that will establish a Department of Environment, which will be on the Senate floor before too long, to look into all these various overlaps wherever they are and not try to pick up radionuclides here and somewhere else but take it up all at one time where we can do it all on a rational basis.

To summarize, the Clean Air Act, I feel, is not the proper place to decide the structural role of States and national environmental policies. States have responsibily exercised their Clean Air Act authority, and there is no reason to expect they will not do so in the future. The EPA Clean Air Act standards are prospective at a time when the supporters say radiation cancer risks are higher. The Clean Air Act radionuclide standards do not pose a significant burden for NRC licenses, and the EPA and States provide an essential safeguard if the NRC is not doing its job.

So Mr. President, I propose that we take this matter up when we have the EPA elevation bill before us and assign this as one of those tasks of that title V commission. For those reasons, Mr. President, I urge support for this amendment striking section 303.

Several Senators addressed the Chair.

Mr. HEINZ. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. GLENN. I yield to the Senator.

Mr. HEINZ. Mr. President, I ask that the Senator yield without losing his right to the floor for not more than 5 or 6 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Did the Senator yield the floor?

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. GLENN. I yield for a question.

Mr. HEINZ. I propound a slightly lengthy question, but it is this: The amendment the Senator offers, as I understand it, deletes section 303. It is the Glenn-Heinz amendment, is that not correct?

Mr. GLENN. That is correct.

Mr. HEINZ. Mr. President, I just want to bring to the attention of our colleagues the fact that Pennsylvania, particularly Parks Township, was the first community—and I am going to ask the question of my colleague, so this is pertinent but I have to give him some background—Parks Township, PA, was the very first community in the country to set a threshold lower than the Federal radioactive emissions standards under the authority of the 1977 amendments to the Clean Air Act. It was Parks Township officials who acted at the insistence of local residents who were concerned about a proposal to operate a commercial radioactive waste incinerator in the Kiski River Valley. The Kiski River Valley is up the Allegheny River, about 10 or 15 miles from my home, and I know it well. It is a very narrow valley. In fact, today I doubt that you could locate any incinerator, let alone a radioactive waste incinerator in this little valley. The sides are too steep. It is too narrow. There are too many people living at the bottom of it. It traps emissions in the valley.

My question is: Were the Glenn-Heinz amendment not to prevail to strike section 303, is my understanding correct that the residents of this valley would have lacked the legal authority, acting through their elected representatives on the board of commissioners of Parks Township, to prevent something that somebody sitting at the NRC in Washington who had never been through the Greater Pittsburgh Airport, let alone the Kiski River Valley, would say, "that is fine, let them have that radioactive incinerator up in Parks Township; we know what is good for the people up there even if we have not been there." Is the Senator from Pennsylvania correct?

Mr. GLENN. The Senator is correct.

Mr. HEINZ. Mr. President, will the Senator yield for another question?

Mr. GLENN. I yield for another question without losing my right to the floor.

Mr. HEINZ. Mr. President, as I understand the issue, if we leave section 303 in the bill, there are a lot of people who will be unable to make their case; and, if they make a good case, make it stick. It is not just the local government officials who will be without any say in what happens in their township, it will also be the State officials in my Commonwealth of Pennsylvania or the State of Ohio or any other of the 50 States or the Environmental Protection Agency. None of those, as I understand it, would be able to have a legal say. Is my interpretation, I ask the Senator from Ohio, correct?

Mr. GLENN. That is correct. Let me just add this: I am not saying that these overlapping jurisdictions should not be looked at and should not be changed. The EPA rules and regulations, through the various Departments and agencies of the Government, are replete with overlaps. The radionuclide issue just happens to be one of them. What we found in looking into the EPA elevation bill in the Governmental Affairs Committee was there were so many overlaps in EPA rules and regulations from one Department or agency of Government to another we could not begin to cope with them, we could not even define all of them.

To take care of this and trying to address the straightening out of Federal environmental law in a more rational way, we proposed the title V commission, which is going to have to get into this area and study it. The Commission will include experts in these areas. They can give us advice on where the regulations should come from. Should NRC have a greater role? I do not rule that out. But that should be up to them to look at and decide. Should EPA have a greater role? I do not eliminate that. Should some new entity have a role? I do not eliminate that. Let them give us a recommendation on what they think is the best way to study and address all the other environmental overlaps we have across the length and breadth of Government at the same time. Take care of that on a study basis, not just arrive at a single vote here on the Senate floor.

Mr. HEINZ. Will the Senator yield for a further question without losing his right to the floor?

Mr. GLENN. I yield without losing my right to the floor.

Mr. HEINZ. I wish to ask if I am correct in following: It is this Senator's understanding that the National Academy of Sciences' National Research Council—by the way, the National Academy of Sciences and its research council is the most prestigious scientific body in fact-finding that we have in this country or, to the best of this Senator's knowledge, that there is any place in the world. We submit all the really tough scientific issues to the National Academy of Sciences. Is the Senator from Pennsylvania correct that, with respect to the biological effects of ionizing radiation, the National Academy of Sciences has reported in their BEIR V study that, first, the cancer hazard from low levels of exposure is three to four or maybe up to 14 times greater than previously believed; second, that the human embryo and fetus are far more sensitive to low-dose radiation than was thought, and, third, there is no safe level of radiation exposure. Is the Senator correct in his understanding of the BEIR V study?

Mr. GLENN. That is correct. That is what the BEIR V study said, and that is one of the concerns here, that NRC in the past has had a history of not setting as tight standards as others have. That is one of the reasons why we thought the separate study commission should look at this before we take final action on this.

Mr. HEINZ. If the Senator will yield further, I know that the jurisdiction of the Senator's committee, the Governmental Affairs Committee, includes oversight of the NRC. I know the Senator from Ohio has had a long, active, and very substantial and distinguished interest in these issues. Is my understanding correct that, although we have had the BEIR V study for a period of time, does any Senator have any knowledge of whether the NRC or the Department of Energy up to this point has given official notification or a positive, clear indication of their intent to revise the current radiation standards to reflect a greater need for more stringent protection of workers and the public that the BEIR V report findings now indicate?

Mr. GLENN. I could not give that indication.

Mr. HEINZ. Mr. President, I thank the Senator for yielding.

I just want to observe, if my colleagues will let me, that I strongly support this amendment. I am an original cosponsor of it. I join with the Clean Air Coalition, the National Governors Association, the National Association of Attorneys General and, I would hope, the vast majority of my colleagues, in support of the deletion of section 303 of the Mitchell-Dole substitute and the restoration of a State's authority to act as a full partner in ensuring that the health of its citizens if fully protected under the law.

Mr. GLENN. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Ohio still has the floor.

Mr. GLENN. I'll yield the floor very shortly.

Mr. President, I ask unanimous consent that Senator HUMPHREY and Senator WIRTH be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, it is not my intent to hold the floor. There were questions asked. I will yield the floor. I know other people wish to make their speeches.

Mr. President, I ask unanimous consent that Senator KERREY and Senator EXON be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, this seemingly benign amendment is nothing less than a State veto of nuclear waste repositories as well as a State veto of any nuclear facilities, including nuclear powerplants.

Let me explain why that is so, Mr. President. I submit to you that that is very clear under the language here. Second, it is also very clear that that power will be exercised. Third, it is very clear that that power is sought already this very day to be exercised by Nevada, which is strenuously resisting the location of a waste respository as we thought was required by Federal law.

Mr. President, the present law says that nothing in this act shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any standards or limitation respecting emission of air pollutants or, two, any requirement respecting control or abatement of air pollutants.

The key words here, Mr. President, in the present law are you cannot preclude or deny the right of a State or political subdivision. Bullfrog County in Nevada, you will remember was that artificially created county in Nevada, created for the sole purpose of getting around the Nuclear Waste Policy Act to enforce any standard or limitation respecting air polluants—any standard or requirement.

The words of the present law are very far-reaching. They have no limitation. They have no restriction at all.

Then you have to go to another section of the law, which is section 302(g), to go to the definition of air pollutant, which means: "Any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive—including source material, special nuclear material, and byproduct material."

So the two provisions read together of the present law say that a State may exercise its power to prevent or limit in any way, without any limitation, any radioactive emissions. It sounds very benign and the intent, of course, of the present law was to allow a State, where it wanted to establish stronger limitations, to be able to regulate this.

In point of fact, States have not exercised this. And why? Because, Mr. President, the timing of this amendment today is caused by the fact that States have just woken up to the fact that this is in the law. That is what it is all about. They just found out that this is so and several States want to exercise this power.

Now why do I talk about Nevada? Because Nevada in a Federal act was designated as the place at which we would characterize a waste repository and if that Yucca Mountain site was found to be suitable, that that is where it would be put.

The first thing you have to do is characterize. My colleagues will recall from the previous debate on the Nuclear Waste Policy Act that "characterization" means the digging of a shaft, among other things.

Interestingly, Mr. President, the State of Nevada has sought to exercise what they call a veto over the location of a nuclear waste site. The law provides that there is, in fact, a procedure for a veto after characterization. Nevertheless, Nevada does not want to characterize and therefore they exercised what they call their veto in advance of the characterization. And in pursuance of this policy of veto, they are issuing no permits at all in the State of Nevada to allow the Department of Energy to get in to characterize the site.

They say our site is not safe, but we do not want you to go test it and characterize it to find out whether it is safe or not because we have already decided that, so says, the State of Nevada.

In the meantime, the Secretary of Energy has sued the State of Nevada, in effect citing the provisions of the Nuclear Waste Policy Act to the effect that this is a preemption and that Federal law governs and that the State of Nevada is in effect acting beyond the powers given them under the law by refusing to issue permits which the law really provides for.

As a matter of fact, Nevada has not sought to exercise this power under the law. Why? Because I do not think they know about it.

We can be sure, if this Glenn amendment is adopted, that the Nevada Legislature will adopt a law that says: In any case where a nuclear waste repository is sought to be enacted in a State, you shall have a superdome or something else located over it, with gold plated fixtures on it, making it otherwise impossible to locate the nuclear waste repository in the State.

Mr. President, I get credit for putting the nuclear waste repository in Nevada. That was not the Johnston amendment. The Johnston amendment simply said you characterize what the law provided for at that time, the three sites which had been selected—not by me but by the Secretary of Energy acting pursuant to the law. And the House added this other amendment.

I say that simply to defend myself against the charge that I am trying to do something to Nevada.

Whatever is done to Nevada, the Congress has done to Nevada. Nevertheless, Mr. President, it has been done. The Congress has selected Nevada. And this waste has to go somewhere.

If we want to repeal that law and subject all the other States to a new system where we can put the nuclear waste repository in their States, or not put it anywhere and therefore put it where the 110 nuclear powerplants presently are operating in some 36 States, then enact this amendment. What I mean is, Mr. President, if we have no place to put it we have to keep it onsite, and that means we either have to expand or if there is no room in the present place to put the nuclear waste in the 36 States, then we must—may we have order, Mr. President?

The PRESIDING OFFICER (Mr. REID). The Senate will be in order.

Mr. JOHNSTON. If there is no room to expand or retrack, as we say, then we have to shut the plant down.

If you are antinuclear you say that is OK, shut these nuclear plants down. Well, you have to buy your power from somewhere. If you cannot buy it from somewhere, then you have to have blackouts or brownouts.

Mr. President, the scenario I am painting is not an extreme one. That is what is happening right now.

Mr. President, on my time, I wonder if the Senator from Ohio would answer a question or two?

Mr. McCLURE. Would the Senator yield for a unanimous-consent request before that?

Mr. JOHNSTON. Certainly.

PRIVILEGE OF THE FLOOR

Mr. McCLURE. Mr. President, I ask unanimous consent that Janice Dunn Lee, on my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I wonder if my friend from Ohio, first of all, is aware of what the State of Nevada is doing in first seeking to assert a veto and, second, in aid of that assertion of a veto, in failing to grant any permits to permit characterization of the site at Yucca Mountain, NV.

Mr. GLENN. I am familiar with it. Also, in response to my good friend from Louisiana, their objection, so far as I understand it, rests on their rights under the Nuclear Waste Policy Act. It has not been under anything like this, as he indicated. They have not issued a cleaner standard that would prevent the siting yet. If they did, however, I submit, if it was to mean anything it would have to be so tight that it might prevent radiation therapy in hospitals. It might prevent any nuclear research. It might prevent any other of these sources from which a few millirems could damage any particular person.

The standards would have to be that tight. And they cannot apply it just to Yucca Mountain. They cannot apply just to a particular nuclear waste site. They would have to apply statewide to all emitters above that certain very tiny level within their borders, if it was to come under EPA. And I think it is highly unlikely they would do that.

What they have been arguing so far is authority which falls under the Nuclear Waste Policy Act as I understand it.

Mr. JOHNSTON. The Senator is correct. They are making their assertion both under the Nuclear Waste Policy Act, as a veto, and under their existing rights under air pollution. They have not sought to invoke this provision.

The Senator says if they sought to invoke this provision that they would have to do so generally across the State. But if we look at section 116 of the act it speaks of the power of the State or any political subdivision to adopt or enforce any standard or limitation, any requirement respecting control or abatement of air pollution.

That does not say any standard or any limitation of general applicability across the whole State; or that is applicable to medical as well as nuclear waste repositories. To the contrary, I submit to my colleagues, it is just as clear as the noonday Sun on a cloudless day that any means any. "Any requirement" or "any standard" or "any limitation," that is what the law says. And it is perfectly clear that the State of Nevada has indicated a right to exercise whatever it can get its hands on.

It reminds me of a story, Mr. President, that my colleague, Russell Long, used to tell about his Uncle Earl.

He said he once had a debate where the question was: Resolved that ethics should be used in politics.

He said he went to his Uncle Earl and he said, Uncle Earl, am I correct? What do you think about that in my debate coming up?

He said Uncle Earl asked him, are you on the affirmative or on the negative on that question?

He said, Uncle Earl, I am on the affirmative.

Well, the answer is: Yes, you ought to use anything you can get your hands on.

Mr. President, we love our colleagues, especially the one sitting in the Chair and the one here on the floor, our two great Nevadans who are in this Senate. But our friends from Nevada have made it perfectly clear they are going to use anything they can get their hands on under the law to stop this nuclear waste repository. Mr. President, if we adopt the Glenn amendment we give them that power and we say that the 36 States that now have the nuclear waste become, not temporary repositories as they are now, but permanent repositories. That costs a lot more money. It is a lot less safe. It is a lot less sound as national policy.

Beyond that, Mr. President, it is perfectly clear as well that this would authorize any State or any local subdivision or county or township to adopt any standard that would shut down existing nuclear plants.

We may think it is a good idea to shut down Shoreham or to shut down Seabrook or others. I hear of others. I understand the Pilgrim plant, in Massachusetts, is also at risk. There may be many others around the country.

Maybe that is good policy. But it is very clear that that would grant this authority. Moreover, Mr. President, in the event we do get serious about the greenhouse effect in this country, and I hope we do, one of the clear solutions to the greenhouse effect is nuclear power. Our friends in the environmental community are coming around, many of them already, to that conclusion, that we are going to have to have some nuclear power.

It is not just that some State may adopt a standard which is too strict. It is that no company, not one, would ever risk its money to put in a nuclear

powerplant where they knew that the next election could bring in a new legislature or new town council or new county government which could change the law and shut them down.

The reason we have preempted in favor of the NRC on nuclear matters, both as to licensing and enforcement and the setting of standards for the most part, is so we would have a clear national standard.

Mr. President, there is not an inkling or suggestion of an argument that the NRC is adopting rules that are not stringent enough.

Indeed, I am personally not aware of any State that has adopted more stringent rules. There are three States that I am aware of that have adopted the NRC rules as their own rules.

My friend from Ohio, the author of this amendment, has not suggested that the NRC's standards are not strict enough or that they are allowing vast violations of those standards. Rather, it is like they are saying the States have always done it responsibly, so, therefore, they will not in the future.

Mr. President, the fact of the matter is the States have just found out about it, and you can be sure they will exercise this authority. It is a fundamental departure from present practice, perhaps not from present law, but from present practice. It means a veto of our Nuclear Waste Policy Act, giving that veto not only to States but to local communities, and it also means a preemption of national policy when it comes to nuclear matter in favor of States and localities. I hope that such a fundametal and, I think, deleterious change in policy will not be allowed as part of this act.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will respond briefly to the Senator from Louisiana. This can be tried in the courts, township, a county, whatever, as to whether they could set their own standards. I ask this question: Does the Senator agree that the standard would apply to all the nuclear activities in whatever area that political entity is? That is what I understand the law says.

Mr. JOHNSTON. I think not.

Mr. GLENN. It says they set a standard for their political entity, whatever it is.

Mr. JOHNSTON. Mr. President, it does not say that at all. It says nothing shall require the right of a State or political subdivision thereof to adopt or enforce any standard or limitation responding emissions of air pollutants. It does not say any standard that is applicable statewide.

Mr. GLENN. But the standard would apply to that political unit, whatever, it was. It has to.

Mr. JOHNSTON. No, it does not. Right now we have the rights of States to adopt speeding limitations. Some roads are 65, some are 55, some are 35.

Mr. GLENN. That is right. But you do not say in the speeding limitations Chevys can go 40, Cadillacs 32, on down the road.

Mr. JOHNSTON. Yes, you can. Trucks can go at certain speeds.

Mr. GLENN. I submit, Mr. President, that there has never been a single case where this authority of the States has been abused to even approaching the extent that the Senator from Louisiana indicates.

I also say that the NRC, which he referred to as having set adequate standards and that nobody has ever gone out from under those standards, that is not true. Washington, Illinois, and Mississippi, all three, have said we have enough concern in our States because we have emitters here. They have set their own standards and with good reason. That is the kind of protection for the people of this country and the individual States we are trying to preserve.

Mr. JOHNSTON. May I ask the Senator if the interpretation of the law is as I think it very plainly is; that is, the right of a State or local subdivision to set a standard, would he agree that this would not be bad policy?

Mr. GLENN. Say that again?

Mr. JOHNSTON. If a State has the power, which I claim it very clearly does under his amendment, that is readopting present law, to set any standard, in effect, to veto a nuclear waste repository or to stop a nuclear plant, would he not agree that his amendment would, therefore, under that interpretation, be a bad policy?

Mr. GLENN. No; I do not agree with that at all because what I am proposing is we keep existing law pure and simple; that there be no change; that current law as is not be altered; that the current law we have across Government now not be altered as section 303 alters it. I say "if it ain't broke, don't fix it." We have been getting along fine.

Where they have a particular concern, they have set their own standards. That has suited them fine. What section 303 does is upset all that and try to change existing law that has been developed over decades.

As far as I understand, we did not have hearings on this in the full committee. It was brought up, it was passed, there was not even a record vote on it out of committee. I do not see what the rush is to change existing law when there is no big major problem there.

Mr. JOHNSTON. My point is, I say the law very plainly would give you a right to veto.

Will the Senator yield for a further question?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. I yield the floor.

Mr. JOHNSTON. Will the Senator yield for one question?

Mr. GLENN. Sure.

The PRESIDING OFFICER. The Senator from Ohio has yielded the floor.

Mr. GLENN. I yield the floor to the Senator from Louisiana.

Mr. JOHNSTON. I thank the Senator for yielding. This will be my final question. It is my claim this does give the right of veto of the nuclear waste repository as well as nuclear plants. The Senator says he does not agree with that interpretation.

Does the Senator, therefore, think that States ought to have the power to veto the nuclear waste repository or nuclear plants within their jurisdiction?

Mr. GLENN. That goes beyond anything that is being considered here. I have consistently said there should not be that kind of veto power; that the Federal Government retains that as a Federal authority. I have said that for many, many years. I do not think we can give that up. I think that will not be the case here. It has not been the case in the past.

Current law should not be altered to the extent that section 303 alters it without many hearings, without hearing the people involved, without considering this in great depth. And in any case it should not be done on this bill.

What we have proposed is that in the Presidential commission that will be part of the legislation that will be before us shortly on EPA, which I mentioned earlier, that that is the place to consider this, along with myriad of other overlaps of authority that occur all across the length and breadth of EPA rules, regulations, and law, through all departments of Government.

Why take up and change right now in the Clean Air Act, when we do not have to, one specific rifle shot where there may be some overlap? That is specifically what we are doing. There are many, many areas that should be considered if we are going to straighten out, correct, and simplify environmental law.

Mr. BREAUX. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Ohio yielded to the Senator from Louisiana for a question. The Senator from Ohio has yielded the floor.

Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield to my colleague.

Mr. BREAUX. I have a brief question and observation to the Senator from Ohio. During the subcommittee's consideration of the bill we clearly had plenty, ample, detailed discussions. We have a written record on it. It was submitted to the full committee. It was debated in the full committee. It was adopted in the full committee by a unanimous vote.

I want the record to be very clear that there was ample discussion, debate, a written record submitted to the full committee and a unanimous vote in the full committee. I think the record should show that.

Mr. GLENN. Perhaps I was ill-advised on that. If I was, I am sorry for making that statement.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I am standing, but I do not want to intrude on my friend from Nebraska. I just have 10 minutes of material. Was I standing before the Senator?

The PRESIDING OFFICER. The Senator from Nebraska was standing first. The recognition, though, is sought by the Senator from Wyoming.

Mr. SIMPSON. I yield to my friend from Nebraska. If he was standing before I was, he deserves the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I will be pleased to listen to 10 minutes of the Senator's presentation and seek recognition afterward.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank Senator KERREY. We are engaged in what we do best sometimes, and that is a good discussion of a tough issue.

I think Senator JOHNSTON has really expressed it very well. He just laid it out, right off the bat as to what this does.

Senators GLENN and HEINZ have offered this amendment which strikes a provision which Senator BREAUX and I offered when the clean air bill was being considered before the entire Committee on Environment and Public Works during markup. The provision eliminates the dual regulation of radionuclides. Those are radioactive emissions. They are not as sinister as one would imagine. The words "radionuclides," "radioactive" send shivers through certain sectors of the society.

At this present moment on a beautiful sunny day in the city of Washington there is more radioactive being emitted from the granite on the side of the Dirksen Building than you are ever going to find anywhere in this Nation.

Sometimes the EPA chooses to go below background when they do their work. They are totally, unbelievably unrealistic. The job of controlling radionuclides, and radiation, and the public health and safety in regards to the nuclear industry is with the Nuclear Regulatory Commission. We gave them that duty, and it is theirs. Their sole function is to protect the public health and safety. That is the purpose of that agency.

Than along came the EPA with a long pattern of wanting to get into the regulatory process. The only reason they want to get in it is because every time they get in they make it more stringent, more appalling, and more antinuclear. And it doesn't matter which administration is involved. Bill Ruckelshaus, or Lee Thomas would tell you the same thing. I am sure we will also have William Reilly telling us how the EPA deals with the issues of risk assessment.

When it comes to anything with the words "nuclear" or "radioactive" or anything at all connected with that particular activity, the EPA seems to have some type of glandular response which does not reflect any degree of thoughtful proceeding.

There was a person there who was sacked several years ago—I believe that is the correct English phrase. He was so extraordinarily zealous in what he wanted to do to the nuclear industry that they finally just said, "You have lost all objectivity and know nothing except that you do not like nuclear energy." I always like to ask that of people as we get into these tough issues: Do you like nuclear energy? If you do not, then let's deal with that up front.

It is not directed at any of the participants in this debate. There is no more thoughtful man in this place than Senator JOHN GLENN of Ohio. He has led us through some stirring debates on nonproliferation. I can remember his remarks in those areas. This is part of his task, part of his jurisdictional activity.

But we are losing a couple of things in this process. Remember that this has nothing at all to do with Department of Defense facilities. Nothing. It only has to do with facilities licensed by the Nuclear Regulatory Commission. Under the current law, radionuclides are regulated under the Atomic Energy Act and the Clean Air Act. These regulated industries are subjected to two sets of regulations, two sets of compliance methods, two sets of inspections. The dual regulation is a waste of time and money for both the regulated entities and for the regulating agencies. It is that simple.

Both the NRC and the EPA have concluded that dual regulation of radionuclides emitted from, again, NRC-licensed facilities does not afford any added protection of the public health. They both have said that.

Indeed, when the EPA recently issued its emission standards under the Clean Air Act, it set them at levels which were already achieved by the NRC-licensed facilities in accordance with the Atomic Energy Act. The primary argument used in opposition to the dual regulation amendment is that by removing radionuclides emitted from the NRC-licensed facilities from coverage under the Clean Air Act it would also limit the authority of the States under the Clean Air Act to regulate radionuclide emissions more stringently than the Federal Government. But please note that the States have had their Clean Air Act authority to issue more stringent radionuclide standards since 1977 and have not done so. They must agree that the current Atomic Energy Act standards are quite sufficient, thank you, to protect the public health and safety.

Certain aspects of the Clean Water Act and the Solid Waste Disposal Act are relevant to this issue. I shall leave that portion of this discussion to Senator BEAUX.

But our amendment in this committee bill continues this same Federal-State relationship that we have in those pieces of legislation.

Permitting the States to regulate radionuclide emissions will have a very significant impact on the future use of nuclear power. Do not miss that. I think we need nuclear power. It is a very clean and safe energy source. I am not an apologist for the industry. In fact, my rating for the industry is 60 percent, so I must be doing something right. I do not like to be a 100 percent in any category. One-hundred percenters always spook me.

I think we need that option, and when we finish the Clean Air Act debate we are going to find that we will float back to the option of nuclear power and natural gas and different kinds of coal, including low-sulfur coal. That is what is going to happen. We cannot go anywhere else. But I do not think we should be discouraging the use of nuclear energy. We should encourage it as an option and an alternative.

Allowing the States to regulate radionuclide emissions more stringently will not serve that goal. It will allow States to limit releases to extremely low levels, perhaps requiring the shutdown of operating plants. The States will also be able to prevent the siting of various nuclear facilities within their borders—do not think that will happen—a prospect which also would affect the ability to build and operate low-level waste facilities or high-level waste repositories.

We have been through this before. Senator BREAUX is doing a marvelously capable job of chairing the Nuclear Regulation Subcommittee of this Senate. I am somewhat a judge of that because I did that once, when we were in power that is, and Senator Gary Hart chaired that subcommittee

during the Three Mile Island incident. He did a very credible job of filing what I think is one of the finest reports on that incident. But we all know what happens. You have to step up to the plate and say that you either like nuclear power or you do not.

But if you allow this dual regulation to continue under present law, you have given a tool which will be used or misused, depending on your point of view. That happened with regard to emergency legislation. And that is not what we had in mind when we did emergency planning legislation.

I conclude by saying that nuclear powerplants are not the only facilities affected by dual regulation. Hospitals in your State and clinics using nuclear medicine, the radio pharmaceutical industry are affected. Those are also NRC-licensed facilities. Dual regulation is terribly expensive for them and it offers no additional protection whatsoever for the public health.

This is an issue which will affect the future use of nuclear power and it will affect hospitals, clinics, and the industry. The vote on this amendment should reflect that.

The State authority question is really a question of how much authority the States should have over the regulation of nuclear power. Congress passed the Atomic Energy Act and gave the Nuclear Regulatory Commission the sole authority over the regulation of radiological health and safety in order to remain a single, comprehensive regulatory scheme. I believe this scheme should be maintained in order to assure the future use of nuclear power in this country.

I would submit a list, if I may, Mr. President, of institutions and organizations that oppose the Glenn-Heinz amendment, a remarkable list, such as the National Institutes of Health, an NRC licensee—remember what we are doing here—the Association of American Medical Colleges, the Society of Nuclear Medicine, the American College of Nuclear Physicians, the Environmental Protection Agency—interesting—the Nuclear Regulatory Commission, the Department of Health and Human Services, the American Nuclear Energy Council, the Edison Electric Institute, the Conference of Radiation Control Program Directors, the California Radioactive Materials Management Forum, the Nuclear Management and Resources Council, the Department of Energy, the American Mining Congress, the Uranium Producers of America, Scientists and Engineers for Secure Energy, the Association of American Universities, and the National Association of State Universities and Land Grant Colleges, all of them relying on some form of NRC-regulated material under this particular legislation.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, it seems to me that the issue here is centered on the question of trust, and the question really becomes who do you trust? I trust the Senator from Wyoming. I always enjoy listening to him. When he tells me something is true, I trust him.

I trust the Senator from Louisiana. When he tells me something about energy, what he believes is right and wrong, I trust him.

But I do not trust the Nuclear Regulatory Commission. Nor, by the way, do I trust the Department of Energy. You can say I am unreasonable. You can say I have reached that conclusion without giving it enough thought. Perhaps I have not been as fair as I should have been.

But when I was Governor in 1984 and 1985, we had a little arrangement with the Department of Energy. And the Governors of this Nation were asking the Department of Energy to answer this question: "When you transport high-level nuclear waste across our country, will you give us advance notification?" The Department of Energy said, "No; we cannot." We said, "Why?" They said, "We are afraid of terrorists. The terrorists might get wind of where we are going to transport this nuclear waste. If they get wind, maybe they would bomb one of these trains. So we cannot tell you."

We thought that was an unreasonable answer. So we pressed the Department of Energy, and they agreed to notify every one of the Governors when they were going to transport and the route of the transportation, because the people of our State were concerned about the possibility of an accident—not an unreasonable concern, in my judgment. The people were concerned about the possibility of an accident.

But the Department of Energy transported nuclear wastes, or attempted to cross the State of Nebraska without notifying me. They lied to me on that occasion. They lied to me on many other occasions. As a consequence of that, I do not trust them any longer.

In addition to that, it should be pointed out that the United States of America has attempted to address this question of nuclear waste in a variety of different ways. One of the ways we have attempted to address it is with the development of things called compacts, State compacts.

The States were asked, "Will you step into the breach here? We have three low-level sites being operated by the Department of Energy, and you three States do not want to operate them anymore. Will the States step into the breach and develop compacts? These compacts then will handle the storage of low-level nuclear waste," and the States, in the late 1970's, said yes, they would.

They developed some specific legislation to cooperate with the Congress. It was passed in 1980. It was developed a bit further. I was presented within weeks after taking office in Nebraska with the choice of whether or not to sign the contract taking Nebraska into this compact that includes five States.

I say with all due respect, it also includes the State of Louisiana. I support the compact. In addition to that, Nebraska eventually was sited as one of the repositories. I support that siting. I have not opposed the nuclear industry, nor have I opposed any of the people that are on the lists just presented to you by the distinguished Senator from Wyoming.

I support a reasonable effort to regulate, but we were told by the Federal Government that the Department of Environmental Control in our State could regulate this site. That was the deal.

Now we are being told that, well, maybe the State of Nebraska is going to violate it. Maybe we will have standards that are too excessive. We sold it. The politicians like myself went on the line and sold it to the people there, and said, "We are going to have control of this. We can regulate and set whatever standards we want to."

Now that is going to be taken away from us. Those of us who put ourselves on the line and said we wanted to do the responsible thing are going to be facing the people of our State, and they are going to be asking us again, "Why should we trust the Federal Government again? Why should we stay in this compact now? Where we do not have the right to set a standard? Why should we trust the Nuclear Regulatory Commission and Senator KERREY? Why should we trust the Department of Energy, Senator KERREY?"

And I must tell you, Mr. President, I will not be able to give them any answer at all.

We went into the compact. I support the compact. I believe it is responsible for us to participate in a solution as to where the waste is going to go. I have not said, "It is not going to go in my backyard," and all of you who have dealt with the nuclear waste issue know how dificult it can be.

But I did it because I believed the Department of Environmental Control in any State could make good decisions because the people were there. Now this legislation is going to take away that right. This amendment that the distinguished Senator from Ohio has put together gives us the opportunity to preserve trust so that the people will trust their government on something that is exceedingly impor-

tant, and on which it is exceedingly difficult to maintain trust.

I urge my colleagues to look calmly at this amendment and see that it preserves not only the status quo but agreements, agreements that I believe are important to maintain, if we are to maintain the trust of the people.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Thank you very much, Mr. President.

Earlier during the course of the debate, the distinguished senior Senator from Louisiana, in defending the retention of section 303 of the bill, made an extensive record and reference to the proposed nuclear waste dump at Yucca Mountain. I would not want any of my colleagues to have the impression of this as an issue which is Nevada versus the rest of the country, or that this issue affects only Nevada.

The distinguished Senator knows how I feel. I have shared with him privately my views on the high-level nuclear waste dump that has been proposed for our State. He knows publicly how I feel about that. We have, suffice it to say, an honest difference of opinion.

I am delighted to engage in debate on the floor of the U.S. Senate or any other place in the world to discuss the position that Nevada has taken with respect to that.

But the point that I seek to make now is that now is not the time, nor is the vehicle that we are discussing today, the Clean Air Act, the place to do so.

In point of fact, this proposed section 303, if it is retained in the law, would apply to some 6,000 licensees, and not just those who have a concern, as I have shared with you, in Nevada.

Moreover, Mr. President, I think it is important as we look at the issue of federalism, to note how frequently I have heard since coming to this Chamber as a very new Member, the passionate speeches that have been launched by Members on both sides of the political aisle about we ought not to preempt the States; that we ought not, without very good and persuasive and compelling evidence, to in effect deprive the States of their ability to regulate.

Mr. President, I cannot think of a more important public policy function, one that all of us recognize, and that is the ability of the State to regulate, to protect, and to provide for the health and safety of its citizens.

The effect of section 303 would be to preempt the State in its entirety—all States, not just Nevada—and by so doing, give an exclusive jurisdictional province to one agency of the Federal Government that, in the opinion of this Senator, has not distinguished itself in regulating such matters.

Mr. President, I urge my colleagues to listen to the attorneys general—and I speak as one who had the honor of representing my State in that capacity, and as a former Governor—when the States implore the Congress. Do not deprive us of an authority under the law which we have had and will continue to have if the amendment that is offered by my two distinguished colleagues, Senators GLENN and HEINZ, is approved today.

There is no evidence that they have abused that power. There is nothing in the record that would suggest that we ought to take that away from them.

I would invite the attention of my good friends, both our Senate colleagues from Louisiana, who join us on the floor for debate, that some 20 members of the National Association of Attorneys General, in a communication to the Honorable JOHN BREAUX and the Honorable ALAN SIMPSON, dated March 6, 1990, asked the Members of the Senate to refrain from taking from them that authority.

I would note that there is nothing in this list of attorneys general that would indicate that there is a regional or sectional bias, that there is a partisan bent, because it involves attorneys general of both political persuasions and from every region of the country.

Mr. President, I ask unanimous consent that the letter dated March 6, 1990, to the Honorable JOHN. B. BREAUX and the Honorable ALAN K. SIMPSON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, March 6, 1990.

Hon. JOHN B. BREAUX,
U.S. Senate, Washington, DC.
Hon. ALAN K. SIMPSON,
U.S. Senate, Washington, DC.

DEAR SENATORS: This letter on behalf of the undersigned state Attorneys General responds to your February 20 letter regarding the provision in S. 1630 which would transfer regulation of radionuclides from the Environmental Protection Agency (EPA) to the Nuclear Regulatory Commission (NRC) for facilities licensed by the NRC and NRC "agreement" states. We respectfully disagree with your characterization of our views as "inaccuracies and misstatements," and welcome this opportunity to restate our concerns.

First, your letter asserts that we were incorrect in stating that the amendment would prohibit EPA regulation of certain radioactive air emissions because the EPA would retain all of its authority under the Atomic Energy Act (AEA). However, EPA has no express statutory authority under the AEA to regulate radionuclide emissions. As set forth in the statute, EPA's role is to advise the NRC in setting certain standards for radionuclides. Under the AEA, the EPA has no independent authority to enforce such standards. 42 U.S.C. § 2021(h).

On October 6, 1970, President Nixon, in his Reorganization Plan No. 3 (35 Fed. Reg. 15623), transferred from NRC (formerly the Atomic Energy Commission) to EPA authority under the AEA to establish "generally applicable environmental standards for the protection of the general environment from radioactive material." In 1977, EPA exercised this authority in 40 CFR Part 190 ("Environmental Radiation Protection Standards for Nuclear Power Operations"), which applies to radiation doses received by members of the public in the general environment. Since the Reorganization Plan gave EPA no enforcement authority with respect to these standards, EPA did not set up a mechanism through which compliance in terms of source-by-source emissions could be monitored. Instead, to enforce these standards, the NRC in 1981 amended its regulations [46 Fed. Reg. 18526] to require licensees to submit reports to the NRC within 30 days of discovering that the 40 CFR part 190 limits may have been exceeded. See 10 CFR §§ 20.405 (c), (d) and (e).

Under section 112 of the Clean Air Act (CAA), EPA's authority is more extensive than under the AEA. 42 U.S.C. § 7412. Section 112 mandates that EPA promulgate emissions standards for hazardous air pollutants which shall provide "an ample margin of safety to protect the public health." See 42 U.S.C. § 7412(b)(1)(B) and *National Resources Defense Council* v. *EPA*, 824 F.2d 1146 (D.C. Cir. 1987). EPA's newly promulgated radionuclides standards out a comprehensive program to limit and monitor emissions from individual radionuclide sources. EPA also has full authority under the CAA to enforce compliance with these new standards. 42 U.S.C. §§ 7413, 7414. Thus, EPA's authority under the CAA cannot be compared to that under the AEA.

Second, your assertion that we were incorrect in stating that NRC standards can be as much as 50 times less stringent than EPA's standard also does not withstand scrutiny. The EPA standard adopted under the CAA is 10 millirems per year. 54 Fed. Reg. 51654 (1989). This limit applies to DOE facilities, non-DOE federal facilities, uranium fuel cycle facilities, and NRC licensed facilities, among others. Under the AEA, the NRC has established a standard of 500 millirems per year (50 times the EPA standard) that applies to some 6,000 NRC licensees. 10 CFR § 20.105(a). A more stringent AEA standard of 25 millirems per year (two and one-half times the EPA standard under the CAA) applies at 140 uranium fuel cycle facilities. 10 CFR § 20.105(c).

Third, you argue that we were incorrect in stating the amendment would effectively prevent states from exercising any control over NRC regulated sources. You mention the significance of the authority granted to "agreement" states. Agreements between the NRC and the states under 42 U.S. § 2021 are limited to certain facilities. For example, regulation of nuclear power plants are exempted from such agreements and remain under the sole purview of the NRC. More importantly, NRC guidelines require "agreement" states to have standards "essentially identical" to NRC standards. 52 Fed. Reg. 21135. Finally, there are only 29 states that have agreements with the NRC. United States Supreme Court precedent is sufficiently clear that, absent the CAA authority the amendment would eliminate, non-agreement states and agreement states acting outside their agreements could face complete preemption in any attempt to adopt standards for radionuclides which are more stringent than those established under the AEA. Therefore, we continue to believe that

the amendment would severely limit the ability of states to adopt more stringent standards for radionuclides and would limit all states' authority under the CAA to regulate independently of the NRC.

Your letter also suggests that the states' authority under the CAA to regulate air emissions of radionuclides is superfluous, because no state has enacted a standard more stringent than EPA's. Washington State has enacted a radionuclide standard that is slightly more stringent than the EPA standard. Other states, including Colorado and Massachusetts, are presently considering adopting air emission standards for radionuclides.

Even if no state had yet exercised its authority under the CAA, there is no justification for removing that authority. As we who have long been involved in environmental protection know, the regulation of air pollution is an evolving process. When new significant problems are identified, the states must be free to react to protect their citizens—as they have in the past. Now is not the time to restrict the ability of the states to respond to these concerns. Just recently, for example, a National Academy of Sciences report showed that the carcinogenicity of low-level radiation is three-to-four times higher than previously estimated.

Finally, with respect to the effect of the amendment on the Superfund law, the problem remains despite good intentions. The amendment prevents radioactive air emissions from NRC regulated facilities from being classified as a "hazardous substance" and may directly impact the ability of the state and federal government from pursuing the cleanup of radioactive contamination. 42 U.S.C. § 9601(14). Had there been hearings on this important change in law, state officials would have so informed the Committee.

While the goal of eliminating dual regulation of radionuclides under both the Atomic Energy Act and the Clean Air Act may be appropriate in some cases, it should not be accomplished at the expense of the states. We agree with Majority Leader Mitchell's concerns as expressed in the Committee Report that "now is not the time to make such a change." The authority of the states to protect the health and welfare of their citizens by adopting standards for radioactive air emissions which go beyond those of the federal government must be preserved.

We stand ready to testify on these matters which are of vital concern to the states, should hearings be held. Environmental protection and the state-federal enforcement partnership are extremely important. Our staff attorney working group has been in contact with Dan Berkowitz of your staff and we will work with you toward resolving these concerns, if you believe this would be productive. Please feel free to call on us or our staff in Washington, D.C.

Respectfully,

Robert Abrams, Attorney General of New York; John L. Van de Kamp, Attorney General of California; Duane Woodward, Attorney General of Colorado; Clarine Nardi Riddle, Attorney General of Connecticut; Jim Jones, Attorney General of Idaho; Neil F. Hartigan, Attorney General of Illinois; William J. Guste, Jr., Attorney General of Louisiana; James M. Shannon, Attorney General of Massachusetts; Frank J. Kelly, Attorney General of Michigan; Hubert H. Humphrey, III, Attorney General of Minnesota; Mike Moore, Attorney General of Mississippi; James E. Tierney, Attorney General of Maine; Robert M. Spire, Attorney General of Nebraska; Brian McKay, Attorney General of Nevada; Anthony J. Celebrezze, Jr., Attorney General of Ohio; Robert H. Henry, Attorney General of Oklahoma; Dave Frohnmayer, Attorney General of Oregon; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Jim Mattox, Attorney General of Texas; Jeffrey L. Amestoy, Attorney General of Vermont; Kenneth O. Eikenberry, Attorney General of Washington; Donald J. Hanaway, Attorney General of Wisconsin.

Mr. BRYAN. Mr. President, noting on the committee report, one of the points made that I thought was particularly compelling was the comment that our distinguished majority leader made in his additional views. I invite the attention of my colleagues to page 405. With respect to the risks from low-level radiation, he made the comment, attributed in part to a concern raised by the National Academy of Science:

Now is not the time to make such a change. For example, it was reported on December 20, 1989, that a panel of the National Research Council concluded that the risk from low-level radiation exposure may be 3 to 14 times greater than previously estimated. If the panel's analysis is correct.

He went on to say:

Then cancer deaths from the Chernobyl nuclear explosion in the Soviet Union in 1986 would produce 70,000 cancer deaths, rather than the 17,400 previously estimated.

Mr. President, my entreaty would be, let us not make a change in a regulatory structure that has worked well. Let us not make a change and deprive the States of their ability to perform and discharge their responsibilities to the citizens of their respective States, when the record is totally devoid of any efforts that they have abused that authority and that there is in fact some compelling need to make a change.

The fact that a long list of very distinguished organizations and institutions prefer less oversight, less supervision, less regulatory review, in my judgment, is not such an argument that leads to the conclusion that we ought to deprive and strip the States of that regulatory authority. I thank the Chair.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Let me see if I can try to make a little sense out of the situation that we presently find ourselves in. Indeed, it is a very complicated situation. For those who may not be members of the committee, who have not heard the testimony and the debate and the discussion among the members, let me first start off by saying that it is my intention at an appropriate time to move to table the Glenn-Heinz amendment.

Let me also list for the RECORD those groups and organizations who have looked at this question from the outside, with a degree of expertise that I think none of us in this Chamber possess, and have suggested that we do not need the Glenn-Heinz amendment, that it is inappropriate and that the current language in the bill is in fact sufficient to protect human health and safety in this area.

Would the National Institutes of Health be supporting something that is not good for the health of the American citizens? Of course not. They support the current language of the bill. The Association of American Medical Colleges are completely satisfied with the current language that is contained in the bill. They do not support any changes to current law, as advocated by the amendment of the Senator from Ohio. We have had Member after Member talk about how the Environmental Protection Agency should be involved in setting these standards. EPA, in fact, is involved under the committee bill, and EPA in fact supports the language of the committee bill, and EPA in fact objects and opposes the Glenn-Heinz amendment.

The Conference of Radiation Control Program Directors—that is a long title, but it is an organization representing the chief persons in each of the 50 States who is in charge of regulating nuclear radiation in their particular States—has sent us a letter saying they oppose the Glenn-Heinz amendment. My colleague from Nevada pointed to 20 State attorneys general that support the Glenn amendment. We did not hear from the other 30. They may not.

The fact is that attorneys general do not regulate the radionuclide emissions in their States. But the people who do, the Conference of Radiation Control Program Directors in 50 States, have sent the committee a letter saying that they support the proposal in the committee bill. These are the people who on a day-to-day basis are in charge of regulating the emissions in the 50 States. These people have looked at existing regulations under the Atomic Energy Act and have said it makes sense as far as they are concerned. The Department of Energy also supports the bill. Again, the Association of American Medical Colleges does.

So the support for what the committee has done is extensive. Medical doctors, State regulators, EPA, and, in addition, the Department of Energy support the committee position. When you say radionuclides, my goodness, everybody says that needs to be regulated. I agree that they need to be regulated, but the simple fact is that the Atomic Energy Act, which is current law, is preserved and protected by the committee bill, and will continue to be used to regulate nuclear materials. How does it do it? The Atomic Energy

Act, together with Reorganization Plan No. 3, says that the Environmental Protection Agency should set standards regulating radionuclide emissions. That is how it is being done, how it should be done.

The problem occurs because there is another Federal statute, the Clean Air Act, that requires the EPA to regulate hazardous pollutants, and hazardous pollutants is defined to include radionuclides. So we have two statutes regulating the same thing. The Clean Air Act says EPA shall regulate hazardous air pollutants and that a State can pass any standard as long as it is not less stringent than the Federal standard. The problem of two statutes regulating the same thing is the problem that the committee has tried to address in the legislation before the body at this point.

There are some who feel that we should have the States regulate radioactive materials too. If you believe that, you should be for the Glenn amendment. There is no question about that. But can you imagine the havoc and the chaos that we would have in the nuclear industry in this country if, instead of having one Federal standard, we have 50 different standards, with each State trying to outdo the other States, to make sure that their State will not have a high-level waste repository or a nuclear powerplant in their State. That is the problem we are trying to avoid. And some have said, "Well, they have never abused that right before." That is not quite correct.

In Pennsylvania, a local community, which the Senator from Pennsylvania referred to, enacted an emission standard for radionuclides which was so strict that no one under any circumstances could ever meet it. It is clear what they were trying to do. They were trying to prevent a low-level waste reduction facility from being located within their jurisdiction. Now, I understand that. I appreciate what they were trying to do, from a local standard. However, that is not good policy from a Federal perspective. Federal policy for a federally licensed facility should be made by the agencies that are in charge of health standards, and that, in this case, are the Environmental Protection Agency and the Nuclear Regulatory Commission.

How big is the problem we are talking about? If you look at the chart, the first one we have up here talks about the sources of radiation that we all are exposed to in this country, and 82 percent of it comes from natural sources; medical sources contribute about 11 percent. If you look down at the bottom of the chart, the nuclear fuel cycle contributes one-tenth of 1 percent of the total amount of radiation that we are exposed to in this country.

Here we are talking about how clean we are trying to make the utilities in this country. If you look at the overall sources of radiation on this chart, the annual doses of radiation, the total natural background radiation is 300 millirems. From breathing we get 200 millirems. From cosmic radiation from outer space we get 55 millirems. The human body itself contributes 40 millrems.

For the nuclear industry, the NRC annual limit on nuclear powerplants is 5 millirems, much less than we get from natural sources or from outer space. In 1 year living in Denver you get 50 millirems. Because of the elevation of the city of Denver, being closer to the Sun, et cetera, you get 50 millirems living in Denver. The NRC standard is 5 millirems.

Let us see the next chart. The next chart tries to show the emissions of the things that this bill is trying to clear up. We are trying to clear up sulfur dioxide in the air. That is what this clean air bill is about, trying to reduce sulfur dioxide and nitrous oxides in the air. That is what this bill is about.

We are trying, at the same time, to use energy that is clean. Look at the comparison. A typical 1,000-megawatt coal-fired powerplant produces about 70,000 tons of sulfur dioxide per year. The same amount of electricity generated from oil produces about 30,000 tons of sulfur dioxide per year. Look where nuclear is almost zero. Looking at the figures on nitrogen dioxide, look how little nuclear energy facilities are producing—almost zero.

If you look at the carbon dioxide emissions from coal-fired plants or natural gas plants or residual oil plants or wood, look how much we get in the air as compared to what comes from a nuclear plant. You can barely see the emissions from the nuclear powerplant on this chart because they are so small. Therefore, in this country we should be encouraging the use of nuclear energy, which is cleaner for the air.

The next chart compares the airborne emissions from various types of powerplants. These are the particulates that the plants emit. Look what coal is emitting on the chart on the left, 120 tons of particulates a year. In comparison, nuclear produces almost zero. The charts are consistent throughout for all types of emissions. They clearly show how clean a nuclear plant is in comparison to the other sources of electricity.

The point is that this amendment of the Senator would let 50 States regulate nuclear emissions any way they want. And instead of having one standard for a nuclear powerplant you may have 50. And you are not going to have any built if you have 50 different sets of standards.

The next chart shows what France has done when they increased their use of nuclear power. The first chart at the top is showing the amount of energy generated from nuclear; the blue representing how much is being produced from nuclear plants compared to total electricity needs.

The bottom chart shows how much carbon dioxide is emitted in France because of their greater reliance on nuclear power. There have been dramatic reductions in sulfur dioxide and dramatic reductions in carbon dioxide because they have been able to do what this country should be doing to clean up the atmosphere.

My final point is that the committee product is entirely consistent with what we have done in other statutes. This committee has produced a clean water bill and the clean water bill says that States can adopt more stringent standards, except when you are dealing with radioactive materials. Then the Atomic Energy Act will govern. The Clean Water Act is a product of the leadership of Senators CHAFEE, BAUCUS, and MITCHELL.

The Resource Conservation and Recovery Act, which is part of the Solid Waste Disposal Act says that the States can adopt more stringent standards to deal with solid waste, except when we are dealing with radioactive material, and then the Federal standard governs.

So what we have done in the committee bill, which was adopted unanimously, is to put those sets of principles into this clean air bill, to say that EPA will set the standard, the Nuclear Regulatory Commission will enforce the standard, but it has to be a Federal standard. You cannot have 50 different sets of rules governing nuclear powerplants and all the nuclear activity in this country.

The Glenn amendment would completely turn around those Federal principles, and it is one that should be rejected.

I yield the floor because I know my chairman wants to speak.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we have been on this amendment for 1 hour and 40 minutes. I think that the issues are fairly well flushed out. I do not want to in any way restrict the opportunity of other Senators to speak. I know the Senator from Idaho has not yet spoken on the amendment. The Senator from Rhode Island has not yet spoken. Other Senators may wish to speak again. I am wondering if we could get a consent agreement to vote by a certain time on this amendment. We started debating this amendment at 2:15. It is now practically 4 o'clock. May I suggest that perhaps the vote will occur at, say, 4:15, with the time equally divided.

The PRESIDING OFFICER. Did the Senator propound a unanimous-consent request?

Mr. McCLURE. Mr. President, reserving the right to object, and I shall object, first of all, I think that is probably too restrictive up front. I think a number here need more than that time.

Second, I am advised there are others who wish to be consulted prior to any unanimous consent. So I would suggest we at least give them some notice a unanimous consent may be sought and therein seek the response.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I will not at this moment seek a unanimous-consent request, but I am now advising Senators who wish to speak on this issue to come to the floor because it is my intention to bring this debate to a close as soon as reasonably possible. I do not plan to speak at length on the amendment.

This amendment, offered by the Senator from Ohio, is an amendment which strikes a provision of S. 1630 that was not considered and not debated among the core group of Senators and the administration that dealt with this bill. Therefore, this amendment, because it is not contained in the scope of that agreement, is an amendment that is outside of that agreement, meaning Senators who were part of that agreement are free to vote in any way they wish with respect to this particular amendment.

I, as chairman of the subcommittee that considered and reported S. 1630, frankly do not favor the amendment offered by the Senator from Ohio. As Senators have already stated, the EPA itself does not seek regulation of radionuclides. EPA itself believes the NRC is doing an adequate job.

In addition, the National Institutes of Health and the National Council of Radiation Protection also agree that it would be inappropriate for both the EPA and NRC to regulate the nuclides under the Clean Air Act. That is not to say that the Federal Government should not preempt the disposition of nuclear waste. That is an entirely separate issue. The amendment of the Senator from Ohio deals only with the regulation of radionuclides.

I opposed the amendment. I know of no other Senators who wish to speak on it. I yield the floor at this time, but again urge Senators who wish to speak on this amendment to quickly come to the floor so they can speak. We have been on this amendment 1 hour and 45 minutes. The issues have been aired. The Senators know the arguments on both sides.

I, shortly, Mr. President, will be seeking a consent agreement to limit time on this amendment.

The PRESIDING OFFICER. Who seeks recognition?

The minority leader is recognized.

Mr. DOLE. Mr. President, I know there are going to be a number of amendments, probably another hundred before we finish this bill sometime next month. Someone said if we just stay all night tomorrow night we will be finished. That is not going to happen. We are not going to finish the bill this week.

Mr. President, one of the most strongly held beliefs of American citizens is coming true today. Most Americans feel there is too much overlap, too many bureaucrats, and too little coordination within the Federal Government.

In response, we are considering an amendment to require more overlap, more bureaucrats and less coordination. Unfortunately, it will not bring any benefit.

The amendment will lead to the regulation of radioactive material by two agencies, the Nuclear Regulatory Commission and the Environmental Protection Agency. This duplication is totally unnecessary and unwarranted, since the current system for radionuclides under the Atomic Energy Act is more than adequate to protect the public health and safety.

Under the Atomic Energy Act, EPA sets generally applicable environmental standards for the release of radioactive materials, and NRC then enforces these standards at all of its licensed facilities. In view of the agreement by all of the relevant regulatory bodies that this system is adequately and safely protecting the public, there is no need for any additional regulation under the Clean Air Act.

Because of the effectiveness of the Atomic Energy Act, EPA consistently declined to impose any additional controls on NRC licensees pursuant to EPA's existing Clean Air Act authority. EPA has stated that a Clean Air Act standard:

> Would be duplicative and would not offer any additional public health protection" and that:
>
> Emissions * * * are already so low that public health and safety is already protected with an ample margin of safety.

Also troubling is a statement from EPA to Chairman BURDICK of the Environment Committee:

> The administration was advised by many facilities currently regulated by the NRC, including research and testing reactors, medical facilities, and the National Institutes of Health, that regulatory schemes that involve unnecessary duplication of compliance and implementation needlessly raise costs and divert resources from needed research and other activities. This could adversely affect patient care at some facilities.

This statement is from the very agency to which the amendment would grant the additional, duplicative authority. EPA does not support the amendment, they do not need it and neither does public health and safety.

The distinguished Senator from Ohio, the sponsor of the amendment, stated the amendment is needed to keep a check on the Nuclear Regulatory Commission—kind of one executive branch agency spying on another.

I am not certain where we went wrong but I thought Congress had some oversight responsibilities. We had all the authority we needed. It would seem to me it would be almost a confession on the part of Congress that we cannot do it; we have to have somebody else check on somebody else.

In addition, we have all the inspectors general that have been created in the executive branch departments and agencies, including in the NRC. It would seem to me that there is a lot of confidence in the inspector general system and this could certainly be an area again where Congress could make certain that the inspectors general were zeroed in on this particular area, because it is a matter of concern, as was pointed out by the Senator from Ohio.

Finally, let me say I have been convinced by some who have been working on this matter for some time that the amendment is not necessary. It is opposed by every Government agency involved. It would simply give critics of the Federal Government another reason to shake their heads. We just have too much bureaucracy, too many regulations, too much overlap, too much duplication. We are seeing that in the S&L crisis, in the USDA, Department of Agriculture. Everywhere we go we have too much Government, too many regulators trying to regulate each other.

Mr. President, I oppose the amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio. I just wanted to make a couple of points, and then if I might ask a question of the distinguished sponsor of the amendment.

First of all, on the issue of standards and the relationship of the NRC to EPA, there have been some allegations made that it really did not make any difference, or that EPA standards would be about the same as NRC's or that EPA did not see much difference here.

I wrote to the EPA on the 31st of January this year and asked them if they would give me their response to the NRC standards. They wrote back a very thorough letter. It is an 8-page, single-spaced response, Mr. President, to a series of questions.

Mr. President, I ask unanimous consent to have that printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 6, 1990.

Hon. TIMOTHY E. WIRTH,
U.S. Senate, Washington, DC.

DEAR SENATOR WIRTH: I am pleased to be able to assist you by providing answers to the questions that were enclosed with your letter of January 31, 1990. Our answers are enclosed with this letter. I hope that this information will be helpful to you and other Senate members as you debate Clean Air Act legislation this week.

It is my understanding that you have asked the Nuclear Regulatory Commission (NRC) a similar set of questions. We have answered your questions about NRC requirements to the best of our understanding. Obviously, the NRC can provide you with more detailed explanations.

I have also enclosed for your information a copy of "A Guide for Determining Compliance with the Clean Air Act Standards for Radionuclide Emissions for NRC-Licensed and Non-DOE Federal Facilities," and the computer program "COMPLY". We believe that this system for demonstrating compliance with radionuclide air emission standards is very simple and easy to apply and is an effective approach for a large number of small users.

If you need additional information on this subject, please do not hesitate to call on me again.

Sincerely yours,

RICHARD J. GUIMOND,
Director, Office of Radiation Programs (ANR-458).

EPA RESPONSES TO QUESTIONS FOM SENATOR WIRTH REGARDING THE REGULATION OF RADIOACTIVE EMISSIONS FROM NRC LICENSEES

1. List the types of facilities that would be affected by nullifying the radionuclide emission standards (NESHAP) issued by EPA on November 1, 1989.

Response: EPA's radionuclide air emission standards for NRC licensees cover both the uranium cycle and facilities handling by-product, source, and special nuclear materials. The uranium fuel cycle includes uranium mills, uranium hexafluroide conversion facilities, light-water reactor fuel fabricators, light-water power reactors, and fuel reprocessing plants. There are about 10 facilities in the uranium fuel cycle. Facilities handling by-product, source, and special nuclear materials include hospitals, radiopharmaceutical manufacturers, research laboratories, sealed source manufacturers, and low-level waste incinerators. There are approximately 6,000 facilities handling by-product, source, and special nuclear materials that would be affected.

2. (a) What dose limit for members of the public does the EPA NESHAP standards set for the NRC licensees?

Response: EPA limits radionuclide emissions, including iodine, to those amounts that would cause any member of the public to receive an effective dose equivalent of 10 mrem per year from all pathways combined. Emissions of iodine are limited to those amounts that would any member of the public to receive an effective dose equivalent of 3 mrem per year from all pathways.

(b) How does this compare to NRC Atomic Energy Act requirements for NRC licensees?

Response: NRC limits doses to the public from by-product, source, and special nuclear materials to 500 mrem per year to the whole body, blood forming organs and gonads; 3,000 mrem per year to the bone and thyroid; and 1,500 mrem per year to other organs although this limit is implied and not explicit (10 CFR 20). These limits apply to air releases; the same limits apply to liquid releases separately. There is no provision for summation of external and internal doses and the food pathway is excluded. NRC further restricts doses from facilities in the uranium fuel cycle to those established by the EPA under its Atomic Energy Act authority. These standards (40 CFR 190) restrict doses to members of the general public from radionuclides released to the air or water to 25 mrem per year to the whole body or to any organ except the thyroid, which is limited to 75 mrem per year. These same standards apply to any facility licensed by NRC for the disposal of low-level radioactive waste.

The NRC regulations state that the licensees should make every reasonable effort to maintain radiation exposures and releases of radioactive materials as low as is reasonably achievable (ALARA). ALARA requirements have been expressed as a design goal of 5 mrem/year for nuclear power reactors but have not been quantified for other licensees.

The NRC has proposed changing the limit for dose to the public to an effective dose equivalent of 100 mrem per year for any licensee, divided between air emissions and liquid effluents. The proposed limit for all sources is 500 mrem/year. The final rule is currently undergoing internal NRC review.

3. (a) Describe the process used by EPA in arriving at the NESHAP dose limit for NRC licensees.

Response: Under Section 112 of the Clean Air Act, as interpreted by the U.S. Court of Appeals for the District of Columbia, the EPA utilizes a two-step process. In the first step, EPA must establish a safe level without consideration of costs and technological feasibility. In the second step, the Agency considers costs and technological feasibility and determines a level for the standard that provides an ample margin of safety. This level may not be less stringent than the safe level. [The Agency had decided that a maximum lifetime risk of approximately 1 in 10,000 represents a safe level. For NRCX licensees, this corresponds to an effective dose equivalent limit of 10 mrem per year.] In addition, the Agency limited the effective dose equivalent from iodine to 3 mrem per year because exposure to radioactive iodine results in a high percentage of non-fatal cancers. In estimating the risk from NRC licensees, EPA considered the most current information about the risks of exposure of radiation, which in mid-1989 included new reports on the latest assessment of Japanese atomic bomb survivors.

(b) Describe the process used by NRC in arriving at air emissions dose limits for NRC licensees.

Response: NRC has established a set of radionuclide-specific air concentration limits corresponding to a dose of 500 mrem/y for NRC licensees; there is a more restrictive limit of 25 mrem/y for nuclear fuel cycle facilities. The NRC regulations also state its licensees should make every reasonable effort to keep emissions "as low as reasonably achievable" (ALARA). ALARA has been quantified for nuclear power facilities as a design goal of 5 mrem per year; other NRC licensees have no similar requirement. The value of 500 mrem per year and the ALARA requirement are reflections of recommendations made in the late 1950s and early 1960s by international and national radiation protection advisory bodies, specifically, the International Commission on Radiation Protection (ICRP), the National Council on Radiation Protection and Measurements (NCRP), and the Federal Radiation Council (FRC). This guidance was based in part on the notion that 500 mrem/y was not greatly in excess of the natural radiation background of about 100 mrem/y and that the risks, as they were known at the time, were in appropriate balance with the benefits judged likely from the uses of radioactive materials.

For nuclear power reactors, the NRC adopted a standard that EPA established using its Atomic Energy Act authorities (40 CFR Part 190).

4. (a) Describe the EPA's NESHAP monitoring requirements for NRC licensees.

LICENSEES OTHER THAN NUCLEAR POWER REACTORS AND FUEL PROCESSING PLANTS

Response: EPA regulations allow NRC licensees a choice of methods for demonstrating compliance (see also the response to Question 6). For those facilities which elect to demonstrate compliance by measuring their emissions, measurements must be made at all release points which have a potential to discharge radionuclides into the air in quantities which could cause an effective dose equivalent in excess of 1% of the standard. All radionuclides which could contribute greater than 10% of the potential effective dose equivalent for a release point must be measured. Potential to discharge is based on the discharge of the uncontrolled effluent stream into the air.

NUCLEAR POWER REACTORS AND FUEL PROCESSING PLANTS

Response: Nuclear power reactors may determine their radionuclide emissions in conformance with the effluent technical specifications contained in their operating license issued by the NRC, or may use EPA's methods described above for licensees. Fuel processing and fabrication plants and uranium hexafloride plants may determine their emissions in conformance with the NRC's Regulation Guide 4.16 (December 1985), or may use EPA's methods described above for licensees. Uranium mills may determine their emissions in conformance with the NRC's Regulation Guide 4.14 (April 1980), or use EPA's methods described above for licensees.

4. (b) How does this compare to the NRC air emissions monitoring requirements for NRC licensees.

Response: It is our understanding that NRC determines whether to require monitoring of offsite releases on a case-by-case basis at the time a facility applies for a license. If monitoring is to be required, the specific requirements are incorporated into the license. In general, power reactors have monitoring requirements but most of the 6000 (approximately) material licensees do not.

5. (a) Describe the EPA's NESHAP recordkeeping and reporting requirements for NRC licensees.

Response: The owner or operator of any facility must maintain onsite for 5 years records documenting the input parameters and procedures used to determine the dose calculation. An annual report must be submitted to EPA covering the emissions of a calendar year by March 31 of the following year. A facility that emits radionuclides in an amount less than 10% of the standard is exempt from this reporting requirement. Facilities need to reevaluate each year to

determine whether they qualify for this exemption. If a facility is not in compliance with the emission limits of the standard in the calendar year covered by the report, the facility must then report to the Administrator on a monthly basis until the Administrator determines it is no longer necessary.

(b) How does this compare to the NRC air emissions recordkeeping and reporting requirements?

LICENSEES OTHER THAN NUCLEAR POWER REACTORS

Response: If monitoring is required, the licensee must maintain records showing the results. These records must be maintained for two years except for certain records which must be maintained until the Commission authorizes their disposition. There is no requirement for an annual report. For a very few of the largest licensees, the effluent source terms must be reported to the NRC on a quarterly or semiannual basis. If concentrations of effluents in an unrestricted area exceed the limits detailed in 10 CFR Part 20 or the license by a factor of 10, the licensee must report the occurrence to NRC within 30 days. For releases of large magnitude (500 times the limits of Appendix B, Table II, 10 CFR Part 20), notification must occur within 24 hours, or in cases 5000 times the limits of Appendix B, Table II, 10 CFR Part 20, immediately.

NUCLEAR POWER REACTORS

Response: These facilities are required to demonstrate and report annually their compliance with 40 CFR Part 190. In addition, they must document their compliance with the effluent limits in their technical specifications. If concentrations of effluents in an unrestricted area exceed the limits detailed in 10 CFR Part 20, or their license by a factor of 10, the licensee must report the occurrence to NRC within 30 days. For releases of large magnitude (500 times the limits of Appendix B, Table II, 10 CFR Part 20), notification must occur within 24 hours, or in cases 5000 times the limits of Appendix B, Table II, 10 CFR Part 20, immediately.

6. (a) Describe the EPA's NESHAP compliance requirements and procedures for NRC licensees.

Response: The EPA has developed compliance procedures that require that licensees calculate doses to members of the public based on the most appropriate scientific models available. The compliance procedures are tiered to reduce the burden on the regulated community. The approach begins with a simple method that uses assumptions that could overestimate the dose. If a facility is shown to be in compliance at this level, no further action is required; if not, the next level is considered. The methods become progressively more realistic and require more input data at succeeding levels. The methods are based on screening models developed by the National Council for Radiation Protection and Measurements. Licensees could do the calculations either by hand or with a user-friendly computer program called COMPLY that the Agency is supplying to assist the regulated community.

(b) How does this compare to the NRC air emissions compliance requirements and procedures?

Response: In general, the NRC determines compliance by making an on-site inspection of a facility and its records. Facilities in the uranium fuel cycle are required to calculate doses annually. The overwhelming number of facilities (6,000) handling by-product, source, and special nuclear material compare calculated or measured radionuclide air concentrations in the stack to Maximum Permissible Concentrations (MPCs) corresponding to 500 mrem per year. The MPCs consider the dose from inhalation but do not consider doses from ingestion of contaminated food, or direct radiation from material suspended in air or deposited on the ground. Although the NRC has a regulation that states that licensees handling by-product, source, and special nuclear materials should make every reasonable effort to maintain radiation exposure and releases of radioactive materials in effluents to unrestricted areas as low as reasonably achievable (ALARA), it appears that the implementation of this policy focuses almost exclusively on occupational exposure.

7. Has EPA found any NRC licensees that exceed the NESHAP air emissions standards?

Response: Currently, NRC licensees are not generally required to calculate doses to the public so that the EPA does not have a systematic means to identify facilities causing doses in excess of its standard. The compliance procedures developed by EPA are designed to identify those circumstances where radiation exposure in excess of the standard results from either high emissions, close proximity to the points of release, or the effects of buildings on air flow in the vicinity. In short, these compliance procedures are designed to characterize doses caused by NRC licensees and identify circumstances where the NESHAP air emission standards are exceeded. While there could be facilities with emissions in excess of the EPA standards due to these facilities not having installed readily available control technology, specific facilities have not, to date, been identified.

8. (a) What standards would govern air emissions from NRC licensees if the EPA NESHAP standards for NRC licensees were nullified?

Response: Limits imposed by 10 CFR Part 20 would apply to facilities using by-product, source and special nuclear materials. EPA standards established by 40 CFR 190 and adopted by NRC would apply to the uranium fuel cycle. (See, also, response to question 2(b)).

(b) How do these NRC standards compare to the EPA NESHAP air emission standards?

Response: NRC's dose limit for their licensees is 50 times higher than the EPA NESHAP dose limit; 500 mrem/y compared to 10 mrem/y. For the special case of uranium fuel cycle facilities, NRC's dose limit derived from a previous EPA standard is 2.5 times higher than the EPA NESHAP dose limit, 25 mrem/y compared to 10 mrem/y. These comparisons are not exact due to the technical difference between an effective dose equivalent and a whole body dose, but are very close approximations when the radiation exposure is to all organs of the body equally.

EPA's rule limits emissions from a site regardless of the number of facilities on the site; this places a cap on the total emissions from the site. NRC rules limit emissions from the individual facilities on the site; thus, no cap is placed on the total emissions from the site.

We note that NRC requires all its licensees to hold their emissions to as low as reasonably achievable below these limits. This "ALARA" concept has been qualified for nuclear power reactors only where the design goal is 5 mrem/y; for other types of licensees there are no qualified goals or limits.

9. (a) What is the emission standard for radon at uranium milling facilities under the EPA NESHAP?

Response: Operating Mill Tailings. Radon-222 emissions to the ambient air shall not exceed 20 pCi per square meter per second. No new tailings impoundment can be constructed unless it meets one of the following work practices: (1) Phased disposal in lined impoundments that are no more than 40 acres in area, or (2) Continuous disposal with no more than 10 acres uncovered at any time. The addition of water to the impoundment to reduce radon emissions is not permitted unless the impoundment has an impervious liner.

Disposal of Uranium Mill Tailings Radon-222 emissions to the ambient air shall not exceed 20 pCi per square meter per second. Once a tailings pile ceases to be operational it must be disposed of and brought into compliance with the rule within 2 years. Compliance must be confirmed by measurement.

(b) What is the standard for radon emissions at uranium milling facilities under the NRC Atomic Energy Act standards?

Response: Operating Mill Tailings. There is no standard for radon emissions at uranium milling facilities under the NRC Atomic Energy Act standard, however 40 CFR 192 requires facilities to use ALARA to control emissions.

Response: Disposal of Uranium Mill Tailings. After disposal, radon emissions to the ambient air shall not exceed 20 pCi per square meter per second. Under this Atomic Energy Act standard (established by EPA and adopted by NRC), this is a design goal, and NRC reviews the designs to determine if the goal is met. There is no requirement for verification by a measurement. There is no time limitation for disposal following shutdown of the impoundment.

10. How does the 10 mrem effective dose equivalent limit under NESHAP compare to the 500 mrem whole-body dose limit under NRC 10CFR20 in terms of maximum individual risk?

Response: The 10 mrem/y effective dose equivalent limit established under the EPA NESHAP is approximately equivalent to a 3 in 10,000 individual lifetime risk of fatal cancer. The risk can range from three times higher to one third of this risk due to uncertainties in health effects data. For exposure to radioiodine, there is a risk of non-fatal thyroid cancer about ten times the risk of fatal cancer. This dose limit applies to exposure from inhalation, ingestion, immersion and ground deposition of airborne radionuclides. These risk estimates are based on the best scientific information available at the time the standard was issued and have been favorably reviewed by a special radiation subcommittee of EPA's Science Advisory Board. A recent report by the National Academy of Science Committee on the Biological Effects of Ionizing Radiation (BEIR V) indicates that the risk conversion used by EPA could be too low by a factor of two. However, the report also points out that at dose rates such as those received by the public from an NRC licensee, the EPA risk estimate may be only very slightly low.

The 500 mrem/y limit under 10 CFR 20, if it were an effective dose equivalent, is approximately equivalent to a 1.4 in 100 individual lifetime risk of fatal cancer. This limit is implemented by specific limits on individual radionuclides, which were derived using scientific methodology and a system of dose limitation established in the 1950s. As a result, the risk may be higher because

this methodology considers only the direct inhalation pathway. NRC is currently conducting a rulemaking to update this regulation and incorporate more recent scientific information.

11. Please translate all above figures into maximum individual risk terms.

Response: The risk figures given in response to question 10 are all maximum individual risks. The calculation is based on the assumption of continuous exposure for a 70-year lifetime.

Mr. WIRTH. This response from EPA is very interesting. EPA notes here, I ask them how do these NRC standards compare to the EPA air emission standards. The reply from EPA says that NRC's dose limit for their licensees is 50 times higher than the EPA dose limit. This is not a small margin of difference. This is a very significant one. They, in great detail, point out how EPA standards would be significantly stronger. I think the differences are more than the margins that have been discussed here.

So we have this very thorough response, Mr. President, from the EPA. Granted, this is not the political side of EPA. This is the technical staff side of EPA and there might be some difference between the responses from the political side and the staff side.

Second, this issue, Mr. President, raises the question which we have grappled with all the time that I have been in the Congress, in the House and now here, about whether or not States are going to be allowed to set their own standards that are higher. Now we in the State of Colorado have for a long time prided ourselves on having stronger standards. We have prided ourselves on having standards that were generally above those that were required by the Federal Government. That has been something that we have battled for and worked very hard to be able to maintain.

We might remember some years ago the fight over the Energy Mobilization Board. The distinguished Senator from Ohio was involved in that. It was an attempt to develop the right of the Federal Government to wave all kinds of standards at the State level and not allow us at the State level to set higher standards if we wanted to. We were ultimately able to win on that. We were ultimately able to say that if a State wants to set higher standards they should be able to do so.

It seems to me that is one of the issues here. That is the one I find myself most concerned about. My State of Colorado may or may not want to move in here in a more aggressive way, but if they do they certainly ought to have the right to do so.

We have a list of sites that would be impacted in this situation, Mr. President. We have nine former nuclear processing plants that are being cleaned up right now. Against what standards are they going to be cleaned up? That is going to be very important to those communities. So on the standards issue, EPA is telling us significantly stronger standards.

Second, States should be able to set tighter standards. I think they should be able to.

The third issue I would like to address to Senator GLENN is one I find very troubling. In the earlier debate maybe he handled this. The argument was made that if the Glenn amendment passes, this would allow States to shut down all nuclear facilities there or we would get right into the not-in-my-backyard syndrome, and so on.

As I read the Senator's amendment, if a State were to do that with a nuclear repository, or nuclear power plant, or nuclear defense facility, that State would also have to shut down all of its nuclear research capabilities, health research capabilities as related to nuclear, and so on. I cannot imagine that a State would want to do that.

I yield to the Senator. Maybe he could respond once again to that question, which is, I think, a very legitimate and, for many people, a troubling one.

Mr. GLENN. The Senator is correct. I had a discussion with the distinguished senior Senator from Louisiana, Senator JOHNSTON, in that regard when he read from the law that this would permit political entities within a State to make their own judgments as to what they wished to regulate.

But I understood and I believe any careful reading of the law will indicate that that standard, if it was set low enough to prohibit something like a nuclear waste repository, would also have to apply to research, the medical facilities, radiation used in hospitals, to all the other things. It would be a standard that would apply across the board. We have never had a case where States did that.

I think there is a lot of misinterpretation here that we are trying to change something. It is quite the opposite. What my amendment does is keep things the way they are, which has been working, until we can have more time to have a commission look at this and see whether it is going to make a drastic change or not.

So the Senator is absolutely correct. As far as I understood, it would apply to whatever the level set was. The standard would apply to all the functions in that political entity.

Mr. BREAUX. Will the Senator yield?

Mr. WIRTH. I am happy to yield. I think this is a troublesome question.

Mr. BREAUX. I would say its a very legitimate point. But the answer is incorrect from the Senator from Ohio. EPA right now, in regulating radionuclides, does it source category by source category by source category just like we do in the clean air bill for air toxics. In other words, every single source category has a different standard. There is one standard for nuclear waste facilities, another standard for nuclear power plants, and another standard for underground mines. They have a standard for every different type of source and it could be a different standard. In fact, it is a different standard and therefore if a State would want to exempt out one type of facility within their State, they could set the standard at zero and still not affect any other nuclear activity within that State's borders.

Mr. GLENN. If the Senator will yield, we are talking about under the Clean Air Act on this.

Mr. WIRTH. I am happy to yield.

Mr. GLENN. Is the Senator not talking about the Atomic Energy Act? We have different standards.

Mr. BREAUX. This is under the Clean Air Act and there are different standards for every source category. It would be foolish to have the same standard for all the types of sources. Each type of source has a different problem so each type of source has a different standard. So that is the real concern people are worried about.

Mr. WIRTH. We all interpret back and forth from various tables. But the point made by the Senator from Louisiana would then suggest—and I might ask the Senator from Louisiana if this is true—does that mean that a State could go in and regulate its nuclear health industry with one set of standards and its nuclear repository waste site with a second set of standards and a nuclear powerplant with a third and a nuclear weapons facility with a fourth? We could have four different sets of standards on a State-by-State basis?

Mr. BREAUX. I would respond to the Senator from Colorado not only can they do that, that is exactly what the EPA already does under the Clean Air Act, and the states can do the same, and some have done it, too. Every type of source is to be identified, the problem areas, and every type of source then has a different standard. That is the current law. And that is the problem that we are so concerned about, that a State may single out one particular nuclear powerplant or waste facility for prohibitively stringent regulation and leave everything else unaffected. It, in effect, gives every State a veto of anything they do not want, even though it may be in the national energy interests of this country.

Mr. WIRTH. I might ask the distinguished Senator from Ohio, I hate to keep going back and forth here but it seems to me this is the real nubbin. If it is, this may be the central point of the whole section that was introduced by the Senator from Wyoming, the not-in-my-backyard syndrome.

What the Senator from Louisiana is telling us is that we would be able to,

site by site, facility by facility, set a different standard so therefore every State could say anything related to nuclear waste cannot be in my State. Is that correct? So, therefore, all 50 States are going to say "not in our State," probably. I do not know any State that is going to volunteer to say, "Hey, put your nuclear waste in my State." Everybody says "not in my State," and what do we do? There must be an answer to this.

What is the current practice under this? If we are just sticking with current law, I might ask the distinguished Senator from Ohio, just sticking with current law under this, what is the current law? How does the current law allow us to get around this problem?

Mr. GLENN. Under current law, States have not exercised that kind of a right of full preemption. There has never been a case like that brought up by the distinguished senior Senator from Louisiana where States have used this to preempt anything whatsoever; for example, to prevent a nuclear repository from being established in their State.

Mr. BREAUX. Will the Senator yield? I will respond to that.

Mr. WIRTH. I will be happy to yield.

Mr. BREAUX. That point is they just found out they have a right to do it. We want to be quite frank about the situation.

Mr. WIRTH. When did they find out? Right now?

Mr. BREAUX. During the consideration of our legislation, all of a sudden a light goes off, and they say "We have authority to regulate air emissions under this act."

In the Pennsylvania case that Senator HEINZ cited earlier, a township enacted a standard so strict that the low-level waste compacting facility could not possibly ever exist, contrary to what the Nuclear Regulatory Commission set as a legitimate standard.

So they are now just figuring out they have the right to do that; what would be, in effect, giving them a veto.

Mr. GLENN. If the Senator will yield?

Mr. WIRTH. I will be happy to yield.

Mr. GLENN. I think if that had been the intent of the States, they would hardly have sat around since 1977. That is when the law went into effect. If there had been an intent to really preempt the activities and have the States acting irresponsibly, they would have done it before now because the law has been there for the last 13 years.

Mr. SIMPSON. Mr. President, may I respond to the Senator from Colorado?

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Wyoming is recognized.

Mr. WIRTH. I would be happy to yield to the distinguished Senator from Wyoming.

Mr. SIMPSON. Mr. President, I can only tell the Chair as sponsor of the original proposal which Senator GLENN is trying to remove, there is nothing sinister in what I was up to, trying to do something for my State which is some kind of an activity that has not been observable. I will tell my colleagues why I offered the amendment. It is to keep the EPA from knocking off nuclear power, because EPA does not like nuclear power.

The Administrator does, and Bill Ruckelshaus did and Lee Thomas did and so does William Reilly.

But there is a little undercurrent, about three layers wide, at the EPA that do not want anything to do with nuclear power. So they have demanded and cajoled and worked their way into the woodwork to get into where the NRC is the only one that should have anything to do with it. They have done that with many things, and Senator GLENN will be addressing that.

This is what happens to the EPA. There are a bunch of people in the agency who are so consumed with risk assessment and Twilight Zone stuff that they would knock off half of America. That is what I was doing at the committee markup. That is the sole purpose of what I was doing. The NRC has a duty and that duty is to protect the public health and safety. The EPA has its mission. And the networking that goes out from underneath in that bureaucracy to reach into everything—commerce, industry, trees, agriculture, pesticides—is going to be a problem for us on some separate date. But that is exactly what I was doing. There was no other reason for it.

Mr. WIRTH. I thank the distinguished Senator from Wyoming.

I will yield in just a minute, Mr. President.

I find myself in this, just a little bit confused at this point. I think there are very legitimate concerns that exist about developing a standard if, in fact, we are doing so. It allows every State to say, "Not in my backyard. We are not going to do anything."

That is a legitimate set of concerns.

But, on the other hand, I am not sure that that is, in fact, what is going on in the existing statute. I am not sure about that. It seems to me what I know at this point is that the standards of EPA are stronger, and I like that. It allows my State to make decisions. And I like that. But I do not know if Senator GLENN's committee is going to be looking at this jurisdictional issue and what, in fact, these standards really do. I would like to have a sense if the Glenn amendment is adopted and we strike this section from the bill, in fact there will be an examination of this to really clear this up? Maybe we have cleared it up on the floor, but I certainly do not think we have at all.

Mr. GLENN. If I might respond, if I am successful with this amendment, what would happen to that, as we go ahead and elevate the EPA to Cabinet status, we provide in that legislation for a Presidential commission to look at this and the other areas of overlap. We found, when we got into this in committee, under environmental law, there were so many interpretations, so many rules, so many regulations in Commerce, and Interior, and Agriculture and all across the board, it was very, very confusing to where business people, and those people who are working in the nuclear field, have difficulty even keeping up with how many different rules and regulations from different departments they would have to comply with.

What we provide, rather than trying to work all of those out here, is for a Presidential commission to try to bring more sense out of environmental law. That was what we provided, for a commission that would take this, among many other things, and bring back to us, we hope, an omnibus correction for environmental law that would straighten out all these lines of jurisdiction. The regulation of Radionuclides would be one area they would address.

What this summarizes to, really, is that right now NRC has prime cognizance over nuclear fuel, those facilities, the licensing of nuclear plants, radio isotopes for medicine, for research and industrial uses.

The States, then, have normally worked with the DOE facilities, mixed wastes, things like phosphogypsum mines where there is some radiation involved. And they have also been able—since these facilities provided some radiation in their States—to say if we have a facility that also is under NRC, but our total radiation because of these other things we have in our States we can control—if that radiation level is sufficiently high, we want to be able to say: OK, there should be some control over those things that are normally controlled by NRC. And that is all this is.

What 303 does is knock that out completely. I say the existing law has worked well. It has not been abused. I think we should give it the longer term consideration that this Presidential commission will give it before we just rush to judgment in this one limited rifle-shot.

Mr. WIRTH. I thank the distinguished Senator from Ohio. I am going to vote for the amendment of the Senator but I remain concerned about this and hope maybe we could get to a resolution of this more rapidly than just in a long-term Presidential commission and a whole fabric of law.

This is very important, as we know, to every one of us in our States. It seems to me if this passes, we have an obligation on the Government Operations Committee and probably on the Energy Committee together to really take a look at this very rapidly.

I thank the distinguished Senator. I thank all my colleagues for their responses. This is a very troubling issue.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I am strongly opposed to the amendment offered by Senator GLENN to strike section 303 of S. 1630 and allow State and local governments to set their own health and safety standards. I believe Senator GLENN's amendment has a potential to increase the regulatory burden on Nuclear Regulatory Commission licensees, particularly those in the public health care field.

Furthermore, it could have damaging consequences to the future of nuclear power in this country. Senator GLENN's amendment in essence would permit States to set standards more stringent than currently imposed by the Federal Government.

There has been a lot of confusion and misunderstanding spawned by this debate, and I would like to take just a moment or two to try and set the record straight concerning the provision contained in section 303 of the substitute amendment presented by the distinguished Republican and Democratic leaders, among others.

Section 303 of the substitute, like section 303 of the bill reported from the Committee on Environment and Public Works, simply provides for the continued regulation of radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act, as opposed to both the Atomic Energy Act and the Clean Air Act.

A number of my colleagues might wonder what, exactly, is a radionuclide. Simply put, a radionuclide is a type of atom that spontaneously undergoes radioactive decay. Radionuclides are emitted from a number of sources, both natural and as a result of industrial, manufacturing and other activities.

Mr. President, I ask unanimous consent to put in the RECORD a chart, prepared by the National Council on Radiation Protection, NCRP, that identifies the various sources of exposure to radionuclides for the average American.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SOURCES OF IONIZING RADIATION EXPOSURE: AVERAGE ANNUAL EFFECTIVE DOSE EQUIVALENT (H_E) IN THE U.S. POPULATION

	H_E in millisievert [1] per year (rounded totals)	Percent
Total	3.6	100
National sources	3.0	83
Radon	2	
Other	1	
Cosmic	.27	
Cosmogenic	.01	
Terrestrial	.28	
In the body	.39	
Occupational [2]	.009	.2
Nuclear fuel cycle	.005	.02
Consumer products [2]	.09	2
Miscellaneous environmental sources [2]	.006	.02
Medical	.5	15
Diagnostic x rays	.39	
Nuclear medicine	.14	

[1] 1 millisievert = 100 millirem.

[2] Estimated number of people exposed: Occupational, 0.9 million; consumer products, 120 million; miscellaneous env. sources, 25 million.

Source: 1987 National Council on Radiation Protection Report No. 93.

Mr. McCLURE. Mr. President, to summarize what I think is a key point learned from this chart, for the benefit of my colleagues, is the fact that the average American is exposed to 360 millirem of radiation each year. Of that amount, 300 millirem is from natural sources such as the sun above us and the ground that we walk on. Thus only 60 millirem of the average American's exposure is from manmade sources, ranging from the remaining fallout from atmospheric testing of nuclear weapons, to medical x rays, diagnostic and treatment applications of what are known as radiopharmaceuticals, to the various uses of uranium in what is known as the uranium fuel cycle. Importantly, the entire uranium fuel cycle contributes .02 percent, that is two one-hundreds of 1 percent, of the average Americans exposure to radionuclides.

Mr. President, in recognition of that fact that radionuclide emissions from NRC-licensed facilities have been adequately regulated for over 30 years pursuant to the Atomic Energy Act, the committee unanimously adopted an amendment offered by Senator SIMPSON, and supported by the EPA, NRC, Department of Energy and the Department of Health and Human Services, that redefined the term "air pollutant" in pertinent sections of the Clean Air Act to exclude radionuclide emissions from NRC licensed sources.

With respect to such emissions, and as a preliminary matter, it is important to recognize that the Atomic Energy Act allows the NRC to only issue licenses to those facilities that it determines are capable of operating in a manner that provides reasonable assurances of protecting human health and safety. Cost may not be considered in the development of the regulations implementing this statutory mandate.

In fact, the first regulations restricting emission from such facilities were issued by the Atomic Energy Commission, the predecessor to the NRC, in 1957. Since that time, the regulations have been updated to account for advances in the understanding of the health impacts of exposure to low-levels of ionizing radiation, and to ensure that powerplant emissions are kept as low as reasonably achievable, ALARA. The so-called ALARA principle is internationally recognized as the proper approach to radiation protection standard setting and is embodied in the NRC's regulations as a second phase of radiation protection, after the application of minimum design technology requirements, noted below.

Currently, the International Council on Radiation Protection, and in the United States, the National Council on Radiation Protection, have determined that an individual should not be annually exposed to more than 100 millirem of radiation, above natural background levels.

The EPA, which was given the authority to adopt general environmental standards for radiation protection—under the authority of the Atomic Energy Act—pursuant to Reorganization Plan No. 3 of 1970, which created the agency, promulgated regulations in 1974-77 (40 CFR part 190) requiring the entire uranium fuel cycle, from the milling of uranium, to enrichment, to fuel fabrication, to the burning of fuel in reactors, to keep the exposure rate of the public to radionuclide emission to no more than 25 millirem annually.

The NRC, in turn, updated its emission regulations in 1975 when it promulgated appendix I to its past 50 regulations, which established design criteria for light water reactors. Those design requirements specify that such facilities must emit no more than 5 millirem through either air or water pathways. These design requirements are incorporated as technical specifications in each reactors operating license.

Importantly, the analysis of risk, based upon actual data gathering, indicates that emissions from this Nation's reactors are well below 1 millirem, representing less than a 1 in a million lifetime cancer risk, one of the goals of the so-called residual risk regulations for carcinogens set forth in S. 1630.

Indeed, the EPA, in its recently promulgated rulemaking establishing various national emission standards for hazardous air pollutants for radionuclides, concludes that current emissions for all NRC licensees result in an estimated incidence of between 0.1 and 0.16 fatal cancers per year and that approximately 99 percent of that risk is borne by people whose individual risk is less than 1 in million.

While the EPA determined it was bound to issue a final radionuclide

rule, promulgating a NESHAP for all radionuclide sources, due to a consent agreement, the fact that the agency was proposing a NESHAP for NRC licensees containing emission rates greater than the emission rates such licensees are required to design their facilities to meet did not go unnoticed by the EPA or the NRC. In fact, the EPA noted in its rulemaking that while it was issuing such regulations, it was simultaneously granting an NRC motion for reconsideration of the regulation as it pertained to NRC licensees and was staying the effective date of that part of the rule. Additional comment were invited and further regulatory action is anticipated.

It should be noted that the amendment adopted by the Environment Committee in no way reduces or removes the current regulatory authority of the NRC or the EPA under the Atomic Energy Act for NRC licensed facilities, regulatory authority that is being exercised in a manner that the EPA has determined provides protection to public health with an ample margin of safety. The amendment also does not affect the ability of the EPA to promulgate clean air NESHAP's for radionuclides emitted by DOE facilities or other radionuclide sources.

In addition, I see no real benefit in Senator GLENN's amendment in terms of better protection of public health and safety. In fact, I believe his amendment would create an atmosphere of confusion to the regulated hospitals, universities, research centers, and nuclear facility operators in our country.

The Glenn amendment would further impede progress in the development of standardized advanced reactor designs because it provides the basis for multiple regulators. This only helps to defeat the concept of standardization for which we are striving.

We cannot afford to permit a situation where there are 50 State standards for the regulation of radionuclides. Under current law, radionuclides are regulated under both the Atomic Energy Act and the Clean Air Act.

Section 303 of the Clean Air Act would exclude radioactive materials regulated by the NRC from the definition of air pollutants. This would ensure that radionuclide emissions from the NRC-licensed facilities are regulated solely under the Atomic Energy Act.

I believe this provision is necessary because it would eliminate dual regulation and the associated high costs for both regulated entities and the regulating agencies. These costs are not justified by any increase in public health benefits.

I ask my colleagues to consider section 303 as drafted by the Senate Environment and Public Works Committee which would eliminate the unnecessary burden of dual regulation and might possibly restore some stability for the safe use of nuclear power and materials.

Mr. President, I want to add only to get some sense of perspective that the NRC annual limit on emissions from a nuclear power reactor is 5 millirems. A round trip by air from the District of Columbia to California would increase exposure by 7 millirems. The increased annual dose from living in Denver alone due to altitude is 50 millirems.

There is no reason for us to extend the regulation far beyond the current level of regulation. As a matter of fact, I might say to my friend from Ohio that if there were any way to apply these standards to space flights, his colleagues would not have been in orbit, and perhaps he would have never made it here. I cannot say that that is the only reason he is here, and I do not mean to indicate that at all, but we are getting to the point of regulating to such extremes that it has no relationship to the other standards by which we regulate human activity.

The facts are clear. The current regulatory approach under the Atomic Energy Act involving both the EPA and the NRC adequately protects the public.

I urge my colleagues to oppose the amendment and support the position of the committee in protecting section 303 of the substitute amendment.

Mr. President, I ask unanimous consent that a letter from Robert E. Grady, Associate Director for Natural Resources, Energy, and Science of the Office of Management and Budget, directed to the Honorable ALAN K. SIMPSON, dated today, and a copy of a letter directed to the Honorable HENRY A. WAXMAN, chairman of the Subcommittee on Health and Environment of the House of Representatives, also dated today, supporting the action of the Environment and Public Works Committee on this section, and in opposition to the Glenn amendment, be made a part of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 7, 1990.

Hon. ALAN K. SIMPSON,
House of Representatives,
Washington, DC.

DEAR SENATOR SIMPSON: Director Darman has asked me to respond to your letter of January 1990, concerning the dual regulation of radionuclides under the Atomic Energy Act and the Clean Air Act. The Administration strongly supports your amendment to eliminate this duplicative authority.

In response to your suggestion, I am sending letters to Congressmen Dingell and Waxman (see enclosures) urging their support for including your amendment in the House's Comprehensive Clean Air bill.

Your assistance in resolving the dual regulation issue is greatly appreciated. We look forward to working with you in the coming months on Clean Air issues and hope you will continue to share your thoughts with us.

Sincerely,

ROBERT E. GRADY,
Associate Director for Natural Resources, Energy and Science.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 7, 1990.

Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to request your assistance in correcting a jurisdictional problem between the Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA). Under the Atomic Energy Act (AEA), the NRC has established a comprehensive program to limit emission of radionuclides from NRC-licensed facilities. Over 6,000 facilities have been licensed by the NRC, including research and test reactors, hospitals, clinics, the radiopharmaceutical industry, low-level nuclear waste disposal facilities, and other industrial and research facilities.

Last December, under a court imposed deadline, EPA promulgated regulations to limit emissions of radionuclides from several categories of sources, including NRC-licensed facilities. During the rulemaking process, the NRC questioned whether regulation of its licensees under the Clean Air Act (CAA) provided any additional public health benefits. EPA has expressed similar concerns as a part of its own determination at earlier stages in this rulemaking.

The record "does not support the conclusion that regulation of [NRC-licensed] . . . facilities is necessary to protect public health with an ample margin of safety." (49 FR 43912)

Nevertheless, as a result of an earlier court interpretation of the CAA, EPA determined that it must include NRC licensees in the final regulations. EPA stayed the effective date of the regulations on NRC licensees for three months, however, in order to reconsider the regulations pursuant to the NRC's comments.

During the last session of Congress, Senator Alan Simpson offered an amendment to the CAA amendments to eliminate the duplicative regulatory authority. His proposal made it clear that radionuclide emissions from NRC-licensed facilities would be regulated solely under the Atomic Energy Act. Emissions from facilities that are not licensed by the NRC would continue to be regulated under the CAA. Both the NRC and EFA supported the Simpson amendment (see enclosed letters) which unanimously passed the full Committee. The CAA amendments considered by the House did not, however, include a provision to deal with the dual regulation of radionuclides.

As you continue your deliberations on the CAA, I urge you to consider Senator Simpson's amendment to eliminate the problem of dual regulation of radionuclides. Duplicative regulation in expensive—not only for the regulated entities that must comply with two separate sets of monitoring, recordkeeping, and reporting requirements, but also for the regulating agencies. If regulation were to continue under both the AEA and the CAA. EPA would have to reallocate substantial resources that could otherwise be devoted to other programs. We believe that the existing dual regulation of licensees serves no useful purpose.

Your assistance in addressing this issue would be greatly appreciated.

Sincerely,

ROBERT E. GRADY,
Associate Director for Natural Resources, Energy and Science.

Mr. CHAFEE. Mr. President, this is clearly a difficult vote for many Members of the Senate. I personally have not favored nuclear power in the past, but I must say, as I look at the other sources of energy and reflect on the deep concern I have for the greenhouse effect, more and more I tend to think about nuclear power as possibly being a way to produce the energy that America is going to demand, regardless of the greenhouse effect, and yet not contribute to the greenhouse effect.

If you look at each of the other sources of power, you can see that each of them is antienvironmental. For example, gas. Now, gas we look at as a nice, clean fuel, but gas is certainly finite in its existence on the Earth, the amount that is available.

Second, the burning of gas produces methane which, as we all know, is a greenhouse gas itself.

What about coal? I think the downside of coal is well recognized. When you burn coal, you create SO_2, sulfur dioxide. We know the effect of sulfur dioxide on acid rain. One of the major features of this bill we are dealing with, S. 1630, is to do something about the acid rain created from the sulfur dioxide created by the burning of coal. Also, of course, sulfur dioxide contributes to global warming.

We look at hydropower. Well, there is a nice, clean source of energy. The trouble is we do not have great rushing streams dropping 200 and 300 feet, or surging rivers that can produce hydropower all over the country and all over the world.

I had the experience recently of being in Brazil, in the Amazonian region of Brazil, where they tried to create hydropower, and the result was a catastrophe. They had to flood some 300 or 400 square miles of jungle in order to create the area to provide for a limited amount of hydropower, so each of these has a downside. Nuclear power thus rises in importance.

Now, it is clear that some are opposed to nuclear power, and that is understandable. I have some in my own family who feel that way. It is clear that some will use the State authority, unrelated to safety or unrelated to costs, either to close existing nuclear plants or to prevent their construction. We have seen this.

We have seen where the States or the authorities in the States or neighboring States have refused to submit evacuation plans. It is not that they have submitted evacuation plans that did not measure up. They just plain would not submit evacuation plans, period, and thus the construction of a nuclear plant or the necessary approval to move forward was not granted.

I call the attention of my colleagues to a point that I think is a very valid one that has been made, and that is that the States, under the amendment of Senator GLENN, would be able to prevent the opening of nuclear waste disposal sites by setting standards that are impossible to meet.

Now, some say, "Well, that has not been done," but it is possible to use it. I think we have to anticipate that. I must say, as the Nuclear Regulatory Commission has been given greater authority, for instance, to make up its own evacuation plans, I think you are going to find those who are opposed to nuclear power using other steps, undiscovered steps, to prevent the opening of the plants.

I also remind Senators that EPA sets the standards for radionuclides, based on public health and safety. This is done under the Atomic Energy Act. The EPA can make these more stringent, if required, and step right up to the mark if that is necessary.

Now, one of the threads that has run through the debate today, it seems to me, is a deep suspicion, and indeed disapproval, lack of confidence, in the Nuclear Regulatory Commission. I can understand that. But it seems to me the solution is not to go another route but to say, look, we have the power to correct the deficiencies in the Nuclear Regulatory Commission; either revise its powers or revise the way its members are selected. Let us bite the bullet and do what is necessary, not just say, well, it is not what we like, and therefore we will set up another type of agency or move to another type of agency.

Mr. President, it is for those reasons I oppose the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SANFORD. Mr. President, I rise today in support of Senator GLENN and Senator HEINZ' amendment to S. 1630, which would preserve the existing rights of the Environmental Protection Agency and States to regulate radionuclide emissions at Nuclear Regulatory Commission facilities.

In 1977, the Congress explicitly gave the States authority over radionuclide emissions in the current Clean Air Act. Because of the States and the EPA's oversight, tremendous gains were made in the protection of the public from radioactive air emissions.

Mr. President, while I am sympathetic to the burdens caused by dual regulation, the solution to the problem is not to sever the authority of the agencies that have been successfully guarding the health of the public. Section 303 of S. 1630 would reverse this congressional action and return us to a time of less protection.

I would draw the attention of my colleagues to the recent National Academy of Sciences report that low-dose radiation is three to four times more deadly than previously believed. This is not the time to reduce regulation in the name of economic efficiency.

Mr. President, Senator GLENN and Senator HEINZ' amendment to S. 1630 would preserve and emphasize the rights of the States to protect their citizens from radionuclide emissions. I call upon my colleagues to approve of this amendment in order to assure the public that the radionuclide emissions standards set will be at the strictest achievable level.

Mr. LAUTENBERG. Mr. President, I support the Glenn amendment. The amendment is necessary both to assure the proper regulation of radionuclide emissions and the integrity of applicable State laws.

The measure we are considering would eliminate the authority of States and EPA to regulate radioactive emissions at NRC facilities. It would leave regulation of these emissions to the NRC pursuant to the Atomic Energy Act.

But the Atomic Energy Act standards for NRC facilities are less protective than Clean Air Act standards. EPA's standard under the Clean Air Act currently limits emissions of hazardous radioactive air pollutants to 10 millirems per year to the most exposed individual.

The Atomic Energy Act has two relevant standards. Its standard for uranium fuel cycle facilities, which applies to 140 facilities, is 25 millirems. That is more than twice as high as the Clean Air Act standard.

And the Atomic Energy Act standard for the vast majority of NRC licensees, some 6,000 of them, is even higher. This other standard is 500 millirems of exposure per year. That is 50 times higher than the Clean Air Act standard. This less protective standard would mean a risk of 140 excess fatal cancers per 10,000 people.

After committee action, the National Academy of Sciences, issued a report which concluded that the risks of radionuclides were greater than previously believed.

In addition, the bill before us would preempt State regulation of radionuclide emissions. That is why 20 State attorneys general oppose the provision as drafted. The provision preempts States from establishing their own more stringent standards for radioactive air emissions.

The attorneys general have raised an additional concern that the provision may impede the scope of Superfund cleanups. Superfund cleanups apply to so-called hazardous substances. This term is defined to include any hazardous air pollutant reg-

ulated under the Clean Air Act's toxics provision. So if we preclude regulation of radionuclides under the Clean Air Act, we may limit Superfund's ability to address contamination of this kind.

The provision in the bill would weaken current law. But the original idea of S. 1630 was to improve and strengthen the law.

Mr. President, I would say to my colleagues that the vote on the Glenn amendment comes down to a simple idea. If you want to protect the environment, you will join me in supporting the Glenn amendment.

Mr. ADAMS. Mr. President, I rise in support of the amendment of the Senator from Ohio concerning the regulation of radioactive air pollutants. The Senator's amendment is a simple one, but one of significant importance to my State and to every other State that has nuclear facilities.

The amendment would strike from the bill a provision, the so-called Simpson-Breaux provision, which undermines existing law. As letters from 22 State attorneys general eloquently argue, the Simpson-Breaux provision would not only preclude direct regulation of commercial nuclear facilities by the U.S. Environmental Protection Agency, but it would simultaneously prevent States from exercising their existing authority under the Clean Air Act to do likewise.

In short, the Breaux-Simpson provision would return the regulation of commercial nuclear facilities to the bad old days, when the only regulation of commercial nuclear facilities was under the Atomic Energy Act and when the Atomic Energy Commission and the Nuclear Regulatory Commission defined what the standards would be.

I have great respect for the Senator from Wyoming and the Senator from Louisiana, but on this issue they are just flat wrong. They have raised what is basically a red-herring argument concerning the fact that under existing law, commercial nuclear facilities would be regulated by both EPA and NRC. Yet, they argue, in response to critics of their provision, that EPA would continue to have some regulatory role even under their provision. So, Mr. President, what their provision really seeks to do is not to prevent all EPA regulation, but to prevent effective, hard—hitting regulation by EPA and the States.

As we have seen repeatedly in the nuclear industry, both civilian and defense, the industry's failures are the result of too little regulation, not too much. Accidents at Browns Ferry and Three Mile Island did not occur because of too much regulation. The simple fact of the matter is that the nuclear industry cannot withstand the effect of another accident nor can it proceed unless citizens and their State and local officials have confidence in the regulatory system. The Simpson-Breaux provision would do precisely the wrong thing with regard to reestablishing public credibility for the nuclear industry by once again cutting out the very State and local officials whose support the industry needs and instead reimpose Federal preemption.

The Simpson-Breaux provision is not in the public's interest. It is not in the States' interest. And it is not even in the nuclear industry's interest. It should be striken from the bill. And I urge my colleagues to support the amendment of the Senator from Ohio which would do precisely that.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter in support of Senator GLENN's amendment signed by Ms. Christine Gregoire, director of the Washington Department of Ecology; Ms. Kristine Gebbie, secretary of the Washington Department of Health; Mr. David Yaden director of the Oregon Department of Energy; Mr. Fred Hansen, director of the Oregon Department of Environmental Quality; and Dr. Michael Skeels, administrator of Health Division, of the Oregon Department of Human Resources.

And I yield back my time to the Senator from Ohio and commend him for his leadership on this important issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WASHINGTON,
STATE OF OREGON,
February 27, 1990.

Hon. BROCK ADAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR ADAMS: The purpose of this letter is to voice our concern over several amendments to the Clean Air Act proposed in S. 1630. The purported purpose of the amendments offered by Senator Alan Simpson is to eliminate dual regulation of certain radioactive air emissions by the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC). If enacted, however, the amendments would result in less stringent emission standards and would severely diminish the ability of states to regulate radioactive air emissions.

Currently, radioactive air emissions from sources licensed by NRC or an NRC "agreement State" are subject to regulation under both the Clean Air Act and the Atomic Energy Act. Radioactive emission standards issued by EPA pursuant to Section 122 of the Clean Air Act are generally more stringent than those promulgated by NRC under the Atomic Energy Act. In addition, Section 116 of the Clean Air Act specifically allows states to establish even more stringent emission standards. The Atomic Energy Act, however, contains no similar provision. In fact, the U.S. Supreme Court has held that the Atomic Energy Act preempts state authority to independently regulate radiation hazards.

If S. 1630 is enacted as currently written, these important provisions of the Clean Air Act will no longer apply to radioactive emissions from NRC-licensed or regulated sites. These emissions would be subject only to NRC standards which for some sources allow levels 50 times greater than EPA standards. Moreover, the states would be effectively prevented from establishing and enforcing stricter standards for NRC-licensed facilities.

The implications for Oregon and Washington are potentially quite serious. Washington has established its own regulatory program and has adopted radioactive air emission standards pursuant to the Clean Air Act provisions. The applicability of this regulatory program to NRC-licensed sources could be invalidated by the proposed amendments. The state's regulatory oversight of the Hanford cleanup would also be diminished if it is determined that NRC licensing is required for key cleanup facilities such as the grout vaults and the vitrification plant canister storage facility.

While Oregon has not established its own regulatory program for radioactive air emissions under the Clean Air Act, it would be precluded from doing so for NRC-licensed and regulated sources by the proposed amendments.

In essence, the Simpson amendments could revoke much of the authority and flexibility the states now have to ensure that radioactive air emissions do not jeopardize the public health and safety. This loss is simply not acceptable, nor is it responsible given the public's concern over the safety of the nation's nuclear facilities.

Finally, we are also very concerned over the broader implications posed by the Simpson amendments. Other key federal environmental laws, including the Resource Conservation and Recovery Act (RCRA), contain provisions which allow the states to establish and enforce more stringent environmental controls. Enactment of the Simpson amendments could set a precedent for the elimination of these provisions and with it a state's ability ensure a safe and healthy environment for its citizens.

It is for these reasons that we urge you to support any floor action which would delete the Simpson amendments from S. 1630.

Sincerely,

Chris, Gregoire, Director, Washington Department of Ecology; Kristine Gebbie, Secretary, Washington Department of Health; David Yaden, Director, Oregon Department of Energy; Fred Hansen, Director, Oregon Department of Environmental Quality; Dr. Michael Skeels, Administrator, Health Division, Oregon Department of Human Resources.

Mr. LIEBERMAN. Mr. President, I rise in support of the amendment offered by Senators GLENN and HEINZ. The basis of my support is that stated by the majority leader in his additional views submitted as part of the committee report. Under the language as now written, States will be preempted from adopting radionuclide standards that are more protective than those required by the Federal Government. The States' ability to set stricter standards is derived from EPA's ability to regulate radionuclides under the Clean Air Act which in addition to giving EPA regulatory authority, reserves the rights of the States to set stricter standards.

Under the language of S. 1630, EPA will only have the authority to regulate radionuclides for facilities licensed by the Nuclear Regulatory

Commission under the Atomic Energy Act.

Unfortunately, the Atomic Energy Act, unlike the Clean Air Act, is preemptive and would prevent States from setting stricter standards.

Accordingly to a group of 22 attorneys general, including the Connecticut AG, States with agreements with the Nuclear Regulatory Commission can exercise some authority over certain limited facilities. But these States do not have the ability to set stricter standards, but only standards which are essentially identical to the NRC standards. Moreover, according to the attorneys general, only 29 States have agreements with the NRC. Those States without agreements have no ability to set any standards for NRC licensed facilities.

The basic principle embodied in the Federal environmental laws enacted in the last 20 years is that the States will not be preempted from enacting stricter laws.

During the Reagan years of drastic cutbacks in Federal spending for environmental protection, the importance of this basic principle became clear. States did not follow the lead of the Federal Government in reducing the protection of the public from environmental hazards, but took, bold new steps forward.

Examples of tough new States environmental controls in the absence of Federal leadership include:

States passed 125 laws last year concerning product and container recycling (Connecticut newspaper law is groundbreaking);

Twenty-two States have comprehensive ground water protection programs some of which include tough regulations on pesticides;

A number of States, including Connecticut, have ventured into the international arena by adopting controls on the use of chlorofluorocarbons which deplete the ozone layer.

Perhaps most importantly, the Northeast States this year acted under the Clean Air Act to impose tougher automobile tailpipe emissions than those required nationally. The bill being considered now requires the adoption of these standards nationwide and I believe that the leadership role of the Northeast States was a major factor in shaping the debate on the Clean Air Act this year.

I agree with the statement of the Attorneys General that:

> As we who have been involved in environmental protection know, the regulation of air pollution is an evolving process. When new significant problems are identified, the States must be free to react to protect their citizens—as they have in the past.

Finally, I am concerned about the statements of the attorneys general that the bill as now written would effect both EPA's and the States' abilities to clean up radioactive contamination at hazardous waste sites under Superfund.

When the portion of this bill at issue was discussed at the markup of the Senate Environment Committee, I specifically raised the question of whether or not Superfund authority was impacted. The answer I received was no.

Nevertheless the confusion about this issue by 22 of the country's top law enforcers remains particularly troubling to me.

That is why I urge adoption of this amendment in order to preserve the authority of the States to protect the health and welfare of their citizens by adopting standards for radioactive air emissions which go beyond those of the Federal Government should be preserved.

Mr. REID. Mr. President, I rise to express my support for the Glenn-Heinz second-degree amendment to the committee amendment to S. 1630, the Clean Air Act Amendments. The Glenn-Heinz amendment would strike provisions in the bill relating to the regulation of radioactive air pollutants.

The committee amendment to S. 1630 calls for radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission to be regulated only by the Nuclear Regulatory Commission. The provision would have no impact on those facilities regulated by the Environmental Protection Agency under the Clean Air Act.

The EPA's basic role under the Atomic Energy Act to establish generally applicable environmental standards for the release of radionuclides from NRC-licensed facilities is not affected under the committee bill. What it does do is eliminate EPA's duplicative authority under the Clean Air Act to promulgate emissions standards for NRC licensees. Dual regulation of these facilities is reported to be costly and of no increased benefit to the health and safety of the public—a position supported by the Environmental Protection Agency.

In fact, Mr. President, with little debate and fanfare, the Environment and Public Works Committee unanimously adopted this provision, offered as an amendment by Senators SIMPSON and BREAUX, during markup last November.

Since then, concerns have been expressed that the provision would weaken regulation of radioactive air pollutants. Questions have also been raised about State and local authority to deal with radionuclide emissions should the bill's provisions remain intact.

Unfortunately, uncertainty and confusion still exist about the effect of the Simpson-Breaux amendment on the regulation of radionuclide emissions. Until these questions are resolved satisfactorily, I urge my colleagues to support the Glenn-Heinz amendment.

Mr. BREAUX. Mr. President, I think we have had an excellent debate on this measure, and I think everybody who wants to be heard has been heard.

I would make just one quick comment to try to clear up the record. The distinguished junior Senator from Nebraska expressed his State's concern earlier about low-level waste repositories. The State of Nebraska is an agreement State with the Nuclear Regulatory Commission and has a special relation, and that special relation allows a State that has an agreement with the NRC to have licensing and regulatory authority over a low-level waste facility located within their State.

Nothing we do in this bill would affect the ability of an agreement State in dealing with low-level waste facilities located within their State.

With that, Mr. President, I am in opposition to the Glenn amendment and would move to table——

Mr. BAUCUS. Will the Senator withhold his tabling motion.

Mr. BREAUX. Certainly.

Mr. BAUCUS. We have to give notice to some Senators. Perhaps the Senator from Wyoming has a statement or two to make in opposition to the amendment before the Senator from Louisiana moves to table the amendment.

Mr. SIMPSON. Yes. I appreciate that.

I ask unanimous consent, Mr. President, that a letter from Mr. Richard J. Guimond, Director of the Office of Radiation Programs of the EPA, which I think will clarify what Senator WIRTH was saying, be printed in the RECORD. He and I have visited.

We are in a unique and curious situation, but nevertheless this letter is clear. It says:

> Consequently, the level of protection required by the Clean Air Act rules are generally being achieved within the regulatory framework of the NRC.

That is what we have been saying. I thank the Chair.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 7, 1990.

Hon. ALAN K. SIMPSON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMPSON: I am writing in response to Lucinda Swartz's February 20, 1990 letter to Mr. William G. Rosenberg, Assistant Administrator for Air and Radiation.

My letter to Senator Wirth was designed to respond to the specific technical questions he asked. I tried to be as responsive and accurate as possible. However, I gather from Ms. Swartz's letter that some clarification is warranted.

The first issue that I would like to address is the stringency of EPA and Nuclear Regulatory Commission (NRC) rules. I believe that most people involved with radiation protection will agree that generally the

emission limits promulgated by EPA under Section 112 of the Clean Air Act on October 31, 1989, for the category of NRC licensees are more restrictive than the NRC's current emission limits for those licensees. However, the NRC also advises its licensees to make reansonable efforts to maintain releases of radioactive effluents to unrestricted areas as low as reasonably achievable (ALARA). For most licensees, following this recommendation results in emissions of radionuclides that are 25 to 100 times lower than the NRC emission limits. In the case of power reactors, the NRC requires that radionuclide emissions be kept to levels that are ALARA by establishing quantitative objectives. Licensees implementing the ALARA recommendations will generally achieve emission levels comparable to EPA's standards for hazardous air pollutants.

The second issue is whether the EPA rules provide any additional protection of public health beyond those afforded by NRC's rules. The NRC licensee category of facilities has been difficult to characterize because there is very little emission data available from either NRC or the facilities themselves for most of the 6,000 facilities within the category. Nonetheless, EPA used available information to define "model" facilities and estimated the maximum individual risk for these facilities at their current level of emissions. We concluded that the maximum individual risk for fatal cancer might be about 1.6×10^{-4} and about 1.2×10^{-3} for nonfatal cancer. The Agency concluded that regulating this category of facilities with a dose limit of 10 mrem/y would insure that emissions would not increase and thus protect the public health with an ample margin of safety. At this time, EPA or NRC does not know how many, if any, licensees have emissions greater than this level. We do not anticipate that it is more than a small percentage of the total number of facilities in the category.

Consequently, the level of protection required by the Clean Air Act rules are generally being achieved within the regulatory framework of the NRC. As you know, in 1984, EPA chose not to regulate this category of facilities but was compelled to regulate them by court order. In the October 1989 rulemaking, EPA agreed to grant a petition for reconsideration of the NRC licensee category. In support of this action and recognizing the concerns expressed by NRC associated with dual regulation of these types of facilities, EPA quoted from a previous statement in its Federal Register notice of February 6, 1985 (50 Federal Register 5190). In that notice, EPA stated that: "EPA continues to believe existing emissions from these sources are already so low that the public health is already protected with an ample margin of safety."

I hope that this helps clarify the Agency's position on this matter.

Sincerely yours,

RICHARD J. GUIMOND,
Director, Office of
Radiation Programs (ANR-458).

Mr. GLENN. Mr. President, just a brief statement in summary. It comes down to whether we believe the States should be shut out from issuing standards where they have enough concern that they wish to set standards because of all of the differing sources within a particular State. I feel that in my own State of Ohio that gives us a particular problem. We can set those standards. We have not abused that. Other States have not abused it. There has not been a single State where States have abused that right.

All these strawmen and boogeymen are set up to indicate that somehow the States are going to automatically, now, if we do not permit this change in law to go through, suddenly start misusing this. The States have DOE facilities, they have mixed waste, and they have phosphogypsum mines, among other things. Where they have these facilities and radiation levels have gone up to the point where they want some control over the NRC-controlled facilities to make sure they do not exceed a certain cap that would be dangerous for their people, that is what this is about. This is about whether they have the right to protect their own people, and whether they can give a second opinion in this particular case.

In listening to some of the earlier debate, one would think that we need to change current law in order to license a nuclear plant. We do not. There are over 100 operating licensed nuclear powerplants in this country, all of which are licensed, operating under current law, and that still allows the State to have a second opinion. That has not been abused. It is not my amendment that changes the law. My amendment, to make it very, very clear, would retain current law, which is working.

Will there come a time when we want to centralize some of these regulations? There may be. But let us do that after sufficient study with the Presidential commission that I brought up earlier.

So it is not my amendment that would change the current law or the current situation under which our nuclear industry has produced more than 100 plants. The change would be the Simpson-Breaux amendment that changes current law.

So we wish to retain the States' rights on this. It would be a vote for me, and a vote against the tabling motion that I understand will be brought up.

I would add one other thing: I read into the RECORD earlier the statement in the committee report that the majority leader made as a member of that committee before it was voted out in which he did not favor this section 303. We also have, I would note, the letter, a very good letter, outlining the States' views on this, signed by 20 attorneys general. It is the attorneys general from New York, California, Colorado, Connecticut, Idaho, Illinois, Louisiana—I tell my good friend from Louisiana, William J. Guste, Jr., attorney general from Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Maine, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Washington, and Wisconsin—all of those attorneys general have indicated their strong desire that this section 303 not go into law. They support my efforts to retain current law, which is what I do.

So with that, unless there are others, I would be prepared to move to a vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. GLENN. I ask the yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There again is not a sufficient second.

Mr. BREAUX. Mr. President, parliamentary inquiry: We have had a good debate. I think it is now time to vote. I thereby move to table the Glenn amendment.

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Ohio [METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [PACKWOOD] is necessarily absent.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—36

Armstrong	Dole	McCain
Baucus	Ford	McClure
Bingaman	Garn	McConnell
Bond	Grassley	Murkowski
Boren	Hatch	Nickles
Breaux	Heflin	Shelby
Burdick	Helms	Simpson
Burns	Hollings	Stevens
Chafee	Inouye	Symms
Cochran	Johnston	Thurmond
Danforth	Lott	Wallop
DeConcini	Lugar	Warner

NAYS—61

Adams	Dodd	Kassebaum
Bentsen	Domenici	Kasten
Biden	Durenberger	Kennedy
Boschwitz	Exon	Kerrey
Bradley	Fowler	Kerry
Bryan	Glenn	Kohl
Bumpers	Gore	Lautenberg
Byrd	Gorton	Leahy
Coats	Graham	Levin
Cohen	Gramm	Lieberman
Conrad	Harkin	Mack
Cranston	Hatfield	Mikulski
D'Amato	Heinz	Mitchell
Daschle	Humphrey	Moynihan
Dixon	Jeffords	Nunn

Pell	Rockefeller	Simon
Pressler	Roth	Specter
Pryor	Rudman	Wilson
Reid	Sanford	Wirth
Riegle	Sarbanes	
Robb	Sasser	

NOT VOTING—3

Matsunaga	Metzenbaum	Packwood

So the motion to lay on the table amendment No. 1302 was rejected.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Ohio and Pennsylvania.

The amendment (No. 1302) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I rise in support of many of the provisions of the compromise Clean Air Act bill and to explain my reservations about certain other aspects.

I strongly commend the majority leader, Chairman BAUCUS, and Senator CHAFEE for their strong advocacy and perseverance during the past month of negotiations. In the face of unrelenting administration opposition to the Environment and Public Works Committee's strong bill, which blocked cloture and, therefore, action on that bill, they successfully persevered night after long night and broke up the logjam that has blocked progress on clean air for over a decade. I deeply respect the leadership of Senator DURENBERGER, as well as Senator LAUTENBERG, particularly in the field of air toxics, and the major contribution of Senator JEFFORDS in crafting the alternative fuels provisions. I also want to compliment the committee's exceptionally talented and dedicated majority and minority staffs, whose long hours and hard work exemplify the best in public service. They have unfailingly provided me with sound assistance and counsel as this bill was prepared, for which I am in their debt.

The compromise bill that has emerged is a good one. For the first time in a dozen years, it creates new restrictions on the pollution that continues to degrade our air, our world, and our health.

The testimony heard by the Environment and Public Works Committee demonstrates that we are paying a high price for pollution.

The Nation's leading health experts—from the American Lung Association and the Academy of Pediatrics to the American Public Health Association—all testified before Congress that the Nation faces nothing less than a public health crisis because of air pollution.

Today, 150 million Americans are living in areas which fail to meet Federal health standards. Research conducted at Harvard University indicates that air pollution may be a contributing factor in 1 out of every 20 deaths in the United States. The past president of the American Public Health Association concluded that acid rain alone causes up to 50,000 premature deaths each year.

Air pollution costs Americans billions of dollars each year because of its effect on land and water and, most important, our health.

To begin to address these health problems in a comprehensive manner, the bill includes bold new steps that address such diverse problems as acid rain, chlorofluorocarbon emissions, urban smog, toxic air pollutants, catastrophic chemical accidents, and municipal incinerators.

It also establishes, for the first time, a Northeast Transport Commission, which is particularly important to my home State of Connecticut. The Connecticut Department of Environmental Protection has concluded that, even if all the industry in the State were shut down and all of the cars in the State were stopped, the State still would not comply with the nationally established ozone standard. The reason is that ozone traveling from areas upwind of Connecticut affects the quality of our air in Connecticut.

The need to control pollution traveling from one State to another is a matter of basic fairness which can only be addressed by Congress in the Clean Air Act because an individual State will find it difficult to take measures requiring controls on its industries and its citizens when the benefit is for a neighboring State.

The compromise bill adopts all the provisions of S. 1630, the committee bill, in this important area, with only one exception regarding the size of gasoline stations which must implement stage II. This means that all areas within the transport region will be required to put controls on specified sources of ozone pollution. The Commission also will have the authority to recommend to EPA additional regional controls; EPA can only disapprove these controls if they are not necessary to bring any area of the region into attainment by the dates in the bill.

The creation of a regional air quality commission is an important and creative part of the bill. It recognizes the fact that you cannot put a bubble over an individual State. It puts some responsibility on the States to be good neighbors, but it does so with a degree of reason and sensibility. I am pleased that this provision remained virtually intact through the negotiation process and I hope it will remain so as it makes its way through this Chamber, through the House, and to the President's desk.

Another important part of the bill is its recognition that, for some parts of the country, it may become necessary to implement transportation measures which would reduce reliance on the automobile, to enable these areas to achieve compliance with the ozone and carbon monoxide health standards.

The GAO predicts that urban congestion levels will increase nearly 300 percent during the next 20 years unless we take steps to change our ways.

The bill requires that transportation planning decisions must be evaluated in relation to their impact on air quality, a connection that is critically important if we are to control motor vehicle emissions in the years ahead. State and local air pollution control managers agree. In testimony before the Environment Committee, their representatives said:

> Significant reductions in vehicle miles traveled are sorely needed in many ozone and carbon monoxide areas. Unless transportation projects are evaluated based upon their ability to assist in attaining and maintaining the standards, adequate reductions will be difficult, if not impossible, to achieve.

Even a modest improvement in transportation control measures could have a dramatic impact because, at present, more than 80 percent of our population commutes to work in automobiles. If the average commuter passenger load were increased by just 1 person, we would save 33 million gallons of gasoline each day, with a commensurate reduction in pollution.

This legislation would require EPA to provide guidance to States and localities on the benefits that can be achieved from transportation alternatives. It would also encourage severely polluted regions to adopt transportation controls, though the decision as to what controls to implement would be left up to the States.

The inclusion of this provision enjoys the support of the Clean Air Working Group, made up of 2,000 small and large businesses, as well as State and local air pollution authorities and environmental groups.

I am also pleased that in one important area—clean fuels—the compromise bill is stronger than the legislation reported by the Senate Environment Committee.

One of the most significant outcomes of the year of hearings on the clean air bill before the Environment Committee was the recognition that the Clean Air Act must not only require the automobile manufacturers to continue to clean up cars, but that the fuel suppliers produce a cleaner fuel. In ARCO's testimony before the committee, it became clear that even a

small cleanup of gasoline could produce significant air quality benefits. This bill requires the manufacturers of fuels to take some significant steps forward in developing cleaner fuels.

The legislation also recognizes that the State of California is far ahead of the rest of the country in developing a program to utilize fuels that may be even cleaner than reformulated gasoline. Other States will be able to take advantage of California's experiences by crafting programs that would follow California's model.

In the area of acid rain, the compromise bill assures a 10 million ton reduction of sulfur dioxide and achieves the same level of NO_x reductions as S. 1630. It preserves the cap on future emissions of sulfur dioxide, which was a critical element of the bill reported by the Committee.

The toxic air pollutants portion of the bill contains new important authority to prevent, detect, and respond to accidental releases of chemicals. It creates an independent Chemical Safety Board, modeled after the National Transportation Safety Board to investigate catastrophic accidents and make recommendations to EPA to reduce the risk of accidents in the future. The NHTSB has made a dramatic difference in the operation in the safety of transportation in America, and I believe the independent Chemical Safety Board can produce the same results.

My decision not to cosponsor the bipartisan clean air agreement was not made casually, and it was not made easily. Up until the final night of negotiations on smog issues, I was planning to support an agreement. There are many strong provisions in this bill, but there are many provisions that still need to be made stronger to achieve the air pollution reductions that are necessary to protect the public health.

I could not sign this agreement thereby obligating myself to oppose all amendments to it and still feel that I was adequately representing my constituents in Connecticut who now are forced to breathe some of the dirtiest air in America.

In particular, I am concerned about the compromise on smog reduction, both with respect to stationary sources and mobile sources, including the abandonment of a guaranteed second round of tailpipe standards to control automobile emissions.

In a general sense, the problem with these compromises is that they take away the certainty of controls which the States need to achieve attainment with the air quality standards. The bill reduces the number and extent of mandatory Federal controls which will be put in place to control the emissions contributing to ozone formation and leaves many of the very tough regulatory decisions to the States. At the same time, the compromise modifies the requirement in current law that if the States do not do their job and control emissions, the Federal Government will intervene and make sure that the public health is protected.

As a result, I believe the compromise emerges as a very good bill for the next 5 years. But it means that we will have to revisit some key issues later this decade to get the kind of law we need to carry us into the next century, and history tells us that this is not a law that Congress chooses to reconsider very often. The last substantial amendments were adopted in 1977, more than 12 years ago.

The compromise on the second round of tailpipe standards significantly increases the likelihood that large areas of the country may never achieve the standard.

On February 27, the National Governor's Association amended its policy on automotive emissions to call for a second phase of auto emissions by the year 2003.

The Governors have reached this conclusion after studying the track record of the last 20 years, a record which demonstrates that every prediction about when areas will attain the standard has been wildly optimistic.

The abandonment of a guaranteed second round is particularly significant in light of another provision of the compromise bill relating to the first round of tailpipe controls.

The committee bill required that cars meet the new tailpipe standards for the full life of the car or, in other words, for the full time period that the average car is actually driven on the road, which is 100,000 miles. This provision is critical because the EPA data demonstrates that there is substantial deterioration in emission controls after 50,000 miles, resulting in greater air pollution.

I support the recommendations of the National Governor's Association and urge that other Members review the Association's statement of policy as the debate on S. 1630 continues. The views of those who must eventually implement the act should be a critical part of the debate.

Finally, I am also concerned about the elimination of the carbon dioxide standard from the committee bill, with no substitute provision.

The Clean Air Act provides Congress with the opportunity to act swiftly to curb one of the major causes of global warming. Carbon dioxide accounts for almost 50 percent of the gases that contribute to global warming. Transportation produces almost one-third of all carbon dioxide emissions. The United States generated more carbon dioxide from motor vehicles alone than any other country produces from all sources.

Some will argue during the course of this debate that we should wait for a comprehensive global warming bill which will address carbon dioxide emissions from all sources before acting to curb carbon dioxide from any one source.

But 49 Nobel Laureates and 700 members of the National Academy of Sciences have called on us to act on global warming as soon as possible. We know that carbon dioxide from cars is a major part of the problem. There is no need to wait.

Mr. President, in the Clean Air Act of 1970, Congress resolved that all Americans would breathe healthy air within a decade. That goal was not achieved. In the years since the Clean Air Act was amended—back in 1977—the air has become dirtier and more dangerous. Our uphill climb against the ravages of pollution has turned into a downhill fall, and only now are we recognizing the real impact of our failure to act.

I hope the Clean Air Act of 1990 that will be signed by the President will provide all the tools necessary to ensure that the promise of cleaner air which we are holding out to all Americans will be a promise that can be kept.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I could have the attention of Senators, we are attempting to identify the remaining amendments for consideration. I ask all Senators to please notify their respective managers or staff if they have an amendment that they intend to offer and the subject matter of it.

On the Democratic side, staff has canvassed Senators and as of this time it appears that there will be fewer than 10 amendments which will be controverted and require rollcall votes.

There are a number of other amendments that I believe will be acceptable to the managers. Several have already been accepted. I ask if the distinguished manager on the Republican side would attempt to solicit from Republican Senators identification of those amendments that are intended to be offered, attempt to make some determination whether they are likely to be accepted or whether they will be controverted and require rollcall votes.

There have been a great deal of discussions about large numbers of amendments, but as has so often happened before I believe it at least possible that the actual number which will require rollcall votes may be less than anticipated.

In any event, we are going to proceed this evening. I again invite Senators who have indicated they wish to offer amendments to do so. Hours saved this evening will be hours that we do not have to be in session on

Friday or Saturday to consider this bill. I know of no purpose that is served by delaying.

I recognize and acknowledge that for some Senators some of their amendments are dependent upon the substance of the compromise and, therefore, they were not aware of that until Monday and are in the process of drafting and proceeding to solicit support. But I believe that we can move forward with dispatch if Senators will come forward with their amendments. As we have just seen, there was a very vigorous and informative debate on this previous amendment. It is our intention to continue to press forward this evening, tonight, and in a long session tomorrow.

Mr. ARMSTONG. Will the leader yield a moment?

Mr. MITCHELL. Certainly.

Mr. ARMSTRONG. Mr. President, the only amendment which I intend to offer has already been offered. I may not have an ax to grind but I think the majority leader may have overlooked one aspect of this and it is terribly important for some of us who are not members of the committee and were not a part of the drafting group; that is that this document, which is nearly 600 pages long, has just become available. I do not know what other Senators are doing but as soon as it became available, I sent it out in a yellow bag to 15 to 20 people in Colorado whose advice I need to understand what it is and whether or not there are amendments that are important to my State.

We just cannot in my office—though I have a staffer who has worked full time on this issue for 6 months—we simply cannot evaluate this properly without the advice of the Colorado Health Department, several of the universities, public service companies, and some other people who know a lot more about this issue than I do. I would judge that other Senators are in the same boat.

I am hopeful I will not have any amendments to offer. I think the leader will recall I am one of those who has been urging early and prompt action on an air pollution bill. Far from trying to delay, I am eager to go forward.

But if the notion is somehow we are going to finish this bill this week, I hope the majority leader would think again about that because that simply does not leave time enough for the participation of people outside this Chamber upon whose advice a good decision depends.

So if what the majority leader is hinting is that we are going to finish it Friday or finish it Saturday, I beg the majority leader not to push that because the result would be to cut out of process people who have been following closely, who are experts, who know about it, whose advice we need. I do not say that as one who opposes the bill or is trying to delay it. I am not. I am for it, and I am for a strong bill.

Mr. MITCHELL. I appreciate the Senator's concern. I would point out first that a detailed summary of the bill was made available last Thursday. The bill itself was available in Xerox form on Monday and that document you have there was available yesterday noon. So it has not just been made available.

Mr. ARMSTRONG. I do not mean to be argumentative, but that is what I meant when I said it was just available. I mean that this bill, which has been under development for 10 years and which was the subject of very active negotiations around the clock, into the wee hours of the morning for some weeks, has become available within the last couple of days.

The summary which was available last Thursday was portrayed to me as not authoritative even last Thursday. The first that we actually saw of the bill was on Monday and I say that as one who has had one staffer following very, very closely fighting for access to the drafting sessions.

I think the leader needs to understand that there are those of us who are not trying to drag our feet but who really are hopeful we will have a chance to evaluate and understand this bill and perhaps to offer amendments. I do not know that I am offering any. But it is important to our people and the people we represent that we have a chance to understand it.

And in the end, may I say to the leader—and I know that you have been trying to bring this to the floor for a couple of years and I have been one of those who publicly and privately have encouraged you to do so and cheered you on—another few days will not make a difference. But the general response of the country will make a huge difference if this is rammed down our throats and there is an error or oversight or something that we should have known. A few more days at this point will make little difference on the downside but could have a big upside potential, in my opinion.

Mr. MITCHELL. I appreciate the Senator's concern, of course, and will, as always, be mindful of his concern.

I would merely note, first off, that nobody had to fight to gain access to the drafting negotiation session. Every Senator was publicly repeatedly invited to come in and participate. Over half the Senators did. Every staff member had complete access to the meeting.

Did you have a staff member who was excluded?

Mr. STEVENS. Yes.

Mr. MITCHELL. That was contrary to the instructions I issued.

Mr. ARMSTRONG. If the leader would yield?

Mr. MITCHELL. Certainly.

Mr. ARMSTRONG. I am not saying—and I do not think the Senator from Alaska is saying—they were excluded as a matter of policy, just the physical problem of access to the room.

Mr. STEVENS. Right.

Mr. ARMSTRONG. In some of the sessions there was room and in a lot of sessions there was not. But in a very complicated process, the reality was it was done by a handful of people and not by the broad membership of the Senate, which I do not criticize. What I am saying is, it makes it difficult, even for our own experts, to make sure what is going to. We need a little time to understand it in order to act responsibly.

Mr. MITCHELL. I feel that given the long history of this, given the lengthy debate that has preceded it, given the 2 months that followed the committee's reporting of the bill, given the opportunity that we had to discuss this since it has been on the floor since January 23, given the fact that negotiations were open to every Senator—and I am just learning for the first time that any staff member did not have access and I regret that; it is something I was not aware of until this moment—and given the importance of the issue, I do intend to press forward.

Now I understand the point the Senator has made, but he also understands the point that we have a recess coming up. And if a recess occurs, I have heard many majority leaders before me—Republican and Democratic—talk about how amendments seem to sprout with the passage of time. I think that—and I believe the Senator from Colorado would agree with me—continuation of this over the recess will not result in just a few days' more delay but could result in a very large number of amendments, very lengthy delay, and possibly defeat of the bill.

Mr. STEVENS. Will the majority leader yield to me?

Mr. MITCHELL. Could I just complete this sentence, and then I will yield.

And that is a prospect which I am determined to avoid.

Yes, certainly, I yield to my friend, the Senator from Alaska.

Mr. STEVENS. Mr. President, I want to state to the leader I understand what he is trying to do—and I have heard prior majority leaders try to do it, too. But in this instance, this Senator expressed rather vociferously the problem that I had in getting a staff member into this meeting in the past until Friday.

Last Thursday, I raised the question very pointedly about access for staff members of nonmembers of the committee. Since Friday, we have had

access, and we learned a great deal more about the bill.

I have mailed this bill to Alaska as of yesterday. I do not believe that it is possible to get a reaction back from some of the people that I rely on by Friday.

Now I have one amendment that is coming now that I have heard in my State, and I am prepared to offer it. I hope it is understood and I hope it is agreed to. The Senator is right that the passage of time will breed amendments, but those amendments will come from people who finally learn what is in the bill.

We had one bill from the President, we had one bill from the committee, and then we had a Stealth bill, this bill that was from the committee staff that we all heard about but I myself did not know anything about it until Thursday when I saw the summary, and then we had the meeting.

Since that time, a very competent young attorney on my staff who has been working on it eliminated a lot of problem. But we have still some problems, Mr. President. We are attempting to have those problems explored by people who have the knowledge of them at home and to tell us how this bill affects them. And that bill is probably not in Alaska yet.

Mr. MITCHELL. Well, I encourage the Senator to continue his consultation and we are proceeding with the bill.

I just checked with Senator BAUCUS who chaired the negotiating session and the chief staff person in charge. Neither of them had been previously aware that any staff member had been excluded from the negotiating session. They, like I, are learning it for the first time. It is regrettable. I wish it had been brought to my or our attention at an earlier time. I am certain that accommodations would have been made. But we have to complete this bill. This bill has been on the Senate floor since January 23.

The committee bill was reported in November. I cannot remember, in the 10 years that I have been in the Senate, a bill in which there has been more notice, in which there has been more opportunity for debate, in which there has been more opportunity for checking and examination.

There just comes a point when we have to act.

I can think, just thinking quickly, of numerous occasions in which major, sweeping legislation has been represented on the floor of the Senate with far less notice, far less opportunity for consideration, far less opportunity for deliberation.

I will check the record to see what level of protest was made at that time with respect to that legislation.

But I can simply repeat, we want to complete action on this bill. If Senators have amendments, and many have said they have—we have a problem here—and I accept what my good friend from Alaska says in complete good faith; he wants to check it out before deciding whether he wants to offer an amendment. But we have plenty of Senators who have said they want to offer amendments, who have indicated they are going to offer amendments, but who will not come forward and offer the amendments.

That is not the result of checking anything. That is not the result of consultation. They have already determined that they want to offer amendments. They have already identified the subject matter of the amendments. But we cannot get them to come forward.

My question is, are we going to proceed or are we not going to proceed? And for me the answer is we are going to proceed. We want to complete action on this bill. And I intend we stay here and just keep at it and move forward and make progress as we can.

So I repeat: I encourage all Senators to come forward with their amendments, to engage in whatever consultation they wish to engage in.

Mr. STEVENS. Mr. President, will the Senator yield further?

Mr. MITCHELL. Certainly.

Mr. STEVENS. Again, I have great respect for my friend the majority leader and what he is trying to do, and I have an amendment. As I said, I am prepared to offer it. I was a cosponsor of the President's bill. I submitted that bill to several agencies and organizations in my State. And we discussed that.

We have not seen this draft until Monday. So when the Senator says this bill has been before the Senate for a long time, I have to correct him. I would be happy to compare this bill to either the Senate bill or the President's bill and list the number of changes in it that have never been seen by the local governments in my State. And they are the ones who are affected in my State.

We have clean air and we want to keep it. We are not one of those who are in the area that has already had polluted air. But we also are a developing area and we cannot be circumscribed by legislation which is intended to circumscribe the areas where they have already polluted their air. We are trying very carefully to make sure we keep our clean air but keep our right to a future, too. But that means to me I am going to listen to those people from the municipalities and boroughs in my State, as well as State government.

I say this respectfully. I have a staff member. I will be happy to send him to you. He has tried to get into that meeting. He has worked on the environment for me for several years. I think he is one of the most talented environmental lawyers in the city. I listen to him and my State listens to him. And he, to my knowledge, did not have access to this until last Friday and Saturday and Sunday.

I really think, Mr. Leader, we ought to be given some time. There will be a lot less amendments and a lot less time spent on this bill if we even go on to something else and let us hear from the people in our States and attack this when we get back, because I cannot hear on this from them until Friday.

Mr. MITCHELL. If we delay this further and there will be fewer amendments, it will be the first time in the modern history of the Senate that that happened. Can the Senator cite for me any experience where delaying the bill has produced fewer amendments? The experience I have seen is that delays cause more amendments and you get more and more amendments.

I appreciate the Senator's concerns. He is fortunate to live in one of the most beautiful States in the Union with the cleanest air in the country. But half of the American population now lives in areas where the air does not meet the Federal health standards. Half the American people. They want action on clean air legislation. They have had delays for 13 years. They have had consideration for 13 years, the people of Denver, the people of Phoenix, the people of Los Angeles and Houston.

I happen to come from a State that, I might say, is similar to that of the Senator from Alaska. It is a beautiful State with relatively clean air. But I think our objective ought to be, deal with the problem that confronts and afflicts over 100 million Americans. The way to do that is to get action on this bill, to press forward, vote.

If any Senator has an amendment, bring the amendment up, let us have a debate on it, let us discuss it. That is what we are here for. And let us vote on it and dispose of this bill and let us do that which we are supposed to do here, and that is legislate on behalf of the American people.

I must say I am very mindful of the concerns raised by the Senators from Colorado and Alaska. I am aware of the considerations that they raised, and I hope very much, although it may be inconvenient or difficult, that they can get reaction, perhaps sooner than would otherwise be the case, and have that kind of analysis.

I might say the differences between the compromise and S. 1630 were identified in the document that was available Monday by virtue of their different type on preparation. So a glance at the document Monday would have readily identified for anyone, by the difference in the manner of presentation, what was new material and what was not previously in the legislation.

I recognize that is still not a lot of time. The fact of the matter is, that was available.

Mr. ARMSTRONG addressed the Chair.

Mr. STEVENS. If I may complete here, Mr. Leader, Mr. President, this bill is all new from page 158, as far as the bill originally introduced. That first 157 pages is crossed out. It is new from there on.

As far as having the text of the bill to send to the people who are affected by it, we did not have this until yesterday.

I had a mimeographed sheet. I could not send that out until yesterday.

I am not saying the Senator is wrong.

I want a clean air bill. I am a sponsor of the bill. But I do think our people are entitled to see what we are acting on, in this instance.

Mr. MITCHELL. I merely want to repeat, and I think everyone has said what they want to say, the document that was presented on Monday identified by the different type presentation the material that was different from that of the Senate bill. It only adds a day to it. And the points being made by the Senators remain valid and I accept them as such. I merely want to restate my intention to proceed.

I thank my colleagues. I will now yield the floor and yield to the manager of the bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 2248 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR URGENT ACTION ON PROLIFERATION LEGISLATION

Mr. McCAIN. Mr. President, today's newspapers provide yet another warning about the dangers of proliferation. They indicate that Libya's chemical warfare plant is now operational and that it is already producing stocks of poison gas. I hardly need point out the risks that these developments pose to Libya's neighbors, to our friends in the region, or to our own forces and interests.

What Libya is doing, however, is only part of a much broader process of proliferation. A combination of events like the Indian explosion of a nuclear device, Soviet use of chemical weapons, Iraqi and Iranian use of chemical weapons, North Korean acquisition of nuclear weapons production facilities, and Afghan use of long-range missiles has triggered a process of quiet proliferation that is affecting every part of the developing world.

Virtually every developing nation with significant industrial or technical capability, and which is involved in a major regional conflict, is now examining its options to acquire nuclear, chemical, or biological weapons. The same is true of the acquisition of long-range missiles, and most such nations already have long-range strike aircraft.

If one looks only at the proliferation of long-range missiles, a recent analysis by Jacqueline Smith and Leonard Spector of the Carnegie Endowment found 34 major events during the course of 1989 in which a developing nation became involved in some kind of controversy over proliferation.

Mr. President, I ask unanimous consent the analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

MISSILE PROLIFERATION IN THE THIRD WORLD MAJOR EVENTS OF 1989

Country, date, and development	Specifications
Afghanistan [1]—February–June 1989: Receipt of 500 SCUD–Bs from the USSR, and use of 300+ in combat.	180-mi. range, 1700 lb. payload.
Argentina [2]—Mar. 3, 1989: Unconfirmed report of Condor II test firing in Patagonia.	500–600 mi. range (Test: 315 mi.); 990 lb. payload.
Brazil [3]—Apr. 28, 1989: Successful test launch of SONDA IV rocket	600 mi.
Brazil [4]—April 1989: Announced cooperative venture with the PRC to produce and market launch vehicles (Chinese Long March 2 and Brazilian VLS), launch facilities and services, and satellite-related equipment to Third World countries.	N/A.
Brazil [5]—May 18, 1989: Test launch of prototype satellite launching vehicle (VLS–2).	Will be capable of launching 350 lb. satellite into 410 mi. orbit.
China [6]—April 1989: Announced cooperative venture with Brazil. (See Brazil entry for same date).	N/A.
China [7]—Dec. 11, 1989: Aside from CSS–2 sale to Saudi Arabia, government states "China has never sold nor is it planning to sell missiles to any Middle Eastern country," reaffirming pledge to U.S. not to sell M–9s to Syria or Iran.	N/A.
Egypt [8]—September 1989: Withdrew from Condor II programme	N/A.
India [9]—May 22, 1989: Successful test launch of Agni IRBM	1,560 mi. range (Test: 625 mi.); 1 ton payload.
India [10]—May 29, 1989: Official asserts government is considering ICBM development.	4,375–5,000 mi. range.
India [11]—May–June 1989: Officials indicate likely decision to integrate ballistic missiles into Indian defense strategy.	N/A.
India [12]—September 1989: Official states Army has placed orders for Prithvi	94 mi.
India [13]—Sept. 27, 1989: Second test of Prithvi SSM	94 mi.
India [14]—October 1989: Successful test of first stage of four-stage Polar Satellite Launch Vehicle (PSLV).	PSLV will lift satellites 420–600 mi. into polar orbit; rocket motor was 20 m. long, 2.8 m. in diameter, and was propelled by 128 tons of solid fuel.
India [15]—November 1989: Article details essential role of Western technology, transferred to India since 1963, in Agni missile program.	N/A.
Iran [16]—Apr. 17, 1989: Unconfirmed claim to have produced a new SSM, but may be a modified FROG or SCUD.	125 mi. range.

MISSILE PROLIFERATION IN THE THIRD WORLD MAJOR EVENTS OF 1989—Continued

Country, date, and development	Specifications
Iran [17]—Sept. 18, 1989: Report of discussions with PRC to produce M–9s jointly.	185–280 mi. range.
Iraq [18]—March—April 1989: Press accounts describe extensive FRG transfers to Iraq and missile-related technology and equipment in the 1980s.	
Iraq [19]—Dec. 5, 1989: Launch of al-Abid 3-stage rocket	<1,500 mi 20, liquid-fueled, 3 stages, 48 tons.
Iraq [21]—Dec.7, 1989: Iraq announces development of two different SSMs, one called Temmuz 1 [22].	1,250 mi.
Iraq [23]—Dec. 14, 1989: Government announces SSM Launch	1,250 mi.
Israel [24]—June 1989: Report that MAR–350 SSM could be complete by the end of 1989; intended for sale to IDF as well as for export.	56 mi. range; 735 lb. payload.
Israel [25]—Sept. 14, 1989: USSR asserts that Israel conducted SSM Launch. Could be test of Jericho Follow-on or failed Launch of Ofeq-2 satellite from Shavit II Launcher.	Missile flew 810 mi.
Israel [26]—Oct. 25 and 26, 1989: Extensive missile collaboration with South Africa reported.	N/A.
Israel [27]—mid-1989: U.S. government documents confirm Israel developing Jericho Follow-ons, and has deployed Jericho I with nuclear warhead.	Jericho I: 400 mi. Follow-ons: 900 mi.
Libya [28]—Oct. 10, 1989: AL-Faith ballistic missile reportedly under development with assistance of FRG technicians.	300–450 mi.
N. Korea [29]—Feb. 22, 1989: Indigenous ability to produce SCUD-Bs confirmed by U.S. government.	190 mi.
N. Korea [30]—Late 1989: Possible deployment of improved SCUD	280–375 mi.
Pakistan [31]—Feb. 11, 1989: Announced test firing of HATF–1 SSM	50 mi.
Pakistan [32]—Feb. 11, 1989: Announced test firing of HATF–2 SSM	185 mi.
Pakistan [33]—Oct. 14, 1989: Announcement of new missile development program	375 mi.
Romania [34]—May 8, 1989: Press allegation that plant to produce intermediate-range missiles is under construction and is based on plans of similar plants in Egypt and Iraq, drawn up with assistance of FRG firms.	N/A.
S. Africa [35]—July 5, 1989: Test Launch of "test booster rocket," possibly a Jerico Follow-on, or Aniston, developed jointly with Israel.	935 mi.
Syria [36]—August 1989: Reported purchase of undisclosed number of M–9 SSMs from China (although such missile sales were later denied by the PRC).	185–375 mi.

[1] David Ottaway, "Kabul Forces Gain Combat Edge," Washington Post, June 27, 1989.

[2] "Missile Project with Egypt Reportedly Cancelled," Noticias Argentinas, 1405 GMT, April 4, 1989, translated in JPRS–TND, April 25, 1989, p. 10.

[3] "Sonda-IV Rocket Successfully Launched on 28 April," Brasilia Radio Nacional da Amazonia Network, 1000 GMT, April 29, 1989, translated in JPRS–TND, May 23, 1989, p. 13; Judith Perera, "The Missile Race Hots Up," South, August 1989, p. 102. Libya is reportedly interested in acquiring the Brazilian SONDA.

[4] Ivo Dawnay, "Brazil and China to Sell Satellite Services," Financial Times, April 25, 1989; Edward Kokum, "Brazil, China Form Space Launch Venture,"Aviation Week & Space Technology, May 29, 1989, p. 35.

[5] "Satellite Prototype Vehicle Launched," Brasilia Domestic Service, 2200 GMT, May 18, 1989, translated in FBIS–LAT, May 19, 1989, p. 61; Edward Kokum, op. cit.

[6] Ivo Dawnay, op. cit.; Edward Kokum, op. cit.

[7] Don Oberdorfer and David Hoffman, "Scowcroft Warned China of New Hill Sanctions," Washington Post, December 15, 1989; "Bush Bid to Fix Beijing Ties Strains Those with Hill," Congressional Quarterly, December 16, 1989, pp. 3434–3436. The Chinese denial of missile sales echoed earlier assurances provided to the U.S. in March 1989 that China would cease exports of ballistic missiles. See Janne E. Nolan, "Ballistic Missiles in the Third World—The Limits of Nonproliferation," Arms Control Today, November 1989, pp. 9–14.

[8] Egypt Withdrew From the Program in Mid-1989. See "Egypt Has Pulled Out of Condor Programme," Jane's Defense Weekly, September 30, 1989, p. 630.

[9] Pushpindar Singh, "India's Agni Success Poses New Problems," Jane's Defense Weekly, June 3, 1989, p. 1052; "Missile Project With Egypt Reportedly Cancelled," Noticias Argentinas, 1405 GMT, April 4, 1989, translated in JPRS–TND, April 25, 1989, p. 10; Gary Milhollin, "India's Missiles—With a Little Help from Our Friends," The Bulletin of Atomic Scientists, November 1989, pp. 31–35; Dilip Bobb, "Chariot of Fire," India Today, June 11, 1989.

[10] "India Proposes Building of ICBM," Defense & Foreign Affairs Weekly, June 5–11, 1989, p. 1.

[11] "Defense Minister Says 'Agni' Can Carry Warheads," Delhi Domestic Service, 0240 GMT, May 26, 1989, printed in FBIS–NES, May 26, 1989, p. 35.

[12] "Defense Ministry Adviser on 'Prithvi' Test Firing," Delhi Doordarshan Television Network, 1600 GMT, September 27, 1989, printed in JPRS–TND, October 26, 1989, pp. 32–33.

[13] "Surface-to-Surface Missile Prithvi Fired," News India, October 6, 1989.

[14] "Commentary on Satellite Launch Vehicle Booster," General Overseas Service, 1010 GMT, October 25, 1989, FBIS–NES, October 27, 1989, p. 45.

[15] Gary Milhollin, op. cit.

[16] "Defense Industries Manufacture New Missile," IRNA, 1535 GMT, April 17, 1989, reprinted in FBIS–NES, May 5, 1989, p. 20.

[17] "Missile Production with PRC Discussed," Al-Ittihad, September 19, 1989, translated in FBIS–NES, September 20, 1989, p. 56.

[18] "Bonn Initiated Trade Investigation, Iraqi Link," Hamburg DPA, 1413 GMT, April 3, 1989, translated in JPRS–TND, April 10, 1989, pp. 32–33; "Firms Involved in Iraq Missile Production," Der Spiegel, March 27, 1989, p. 170–173, translated in JPRS–TND, April 10, 1989, pp. 33–34; "Missile Technology for Iraq Reported," Stern, April 6, 1989, pp. 214–217, translated in JPRS–TND, April 27, 1989, pp. 2–4; Alan George and Herbert Langsner, "Rocket Merry-Go-Round," Profil, March 20, 1989, pp. 35–38, translated in JPRS–TND, May 5, 1989, pp. 31–34; Hergert Langsner and Alan George, "Death Through DOT," Profil, April 24, 1989, pp. 38–42, translated in JPRS–TND, May 5, 1989, pp. 34–36; Herbert Langsner and Alan George, ". . . And Tomorrow the Entire World," Profil, May 8, 1989, pp. 29–31, translated in JPRS–TND, May 23, 1989, pp. 39–42; "The Same Plant is Under Construction in Romania," Der Spiegel, translated in JPRS–TND, May 23, 1989, pp. 42–44.

[19] "The Iraqi Government . . .," Aviation Week and Space Technology, December 11, 1989, p. 31. The Bush Administration expressed early skepticism at the claim, believing the test may have consisted only of ground tests of rocket engines, possibly from previously acquired SCUDs. See Michael R. Gordon, "Iraqis Announce Test of a Rocket," New York Times, December 8, 1989. However, Administration officials later confirmed that the rocket itself had been tested. See Caryle Murphy and David B. Ottaway, "Iraq Has Tested Satellite Rocket, U.S. Confirms," Washington Post, December 9, 1989.

[20] Robert Hunter of Georgetown University's Center for Strategic and international Studies stated that the Iraqi rocket likely could not exceed this range, based on its specifications. Hunter was cited in "Iraqi Missile May Have Intercontinental Capability," Defense Daily, December 12, 1989, p. 381.

[21] "2000-km Range Missiles produced," Baghdad Voice of the Masses, 1230 GMT, December 7, 1989, translated in FBIS–NES, December 8, 1989, p. 23; "Broadcasts Rocket Launch Test," Baghdad INA, 1745 GMT, December 7, 1989, translated in ibid., p. 24.

[22] There is some speculation that the Tammuz I may actually be the Condor II. See "Launch of Iraqi Space Rocket Fuels Fears in Israel," Financial Times, December 20, 1989.

[23] "Iraq Reports Second Long-Range Missile Test," Defense Daily, December 15, 1989, p. 408.

[24] Terry Gander, "IAI Short-Range SSM Near Completion," June 10, 1989, p. 1135.

[25] "Concern Expressed Over Israeli Missile Test," TASS International Service, 1216 GMT, September 15, 1989, translated in JPRS–TND, October 26, 1989, pp. 40–41; David B. Ottaway, "Israel Reported to Test Controversial Missile" Washington Post, September 16, 1989; Tony Banks, "Soviets Claim Israel Has Launched Ballistic Missile," Jane's Defense Weekly, September 23, 1989, p. 549.

[26] Fred Francis, NBC Nightly News, October 25 and 26, 1989.

[27] Defense Intelligence Agency, Surface-to-Surface Missile Systems Handbook—Free World (U), July 1989, (excerpt released to the Natural Resources Defense Council through the Freedom of Information Act); The United States Arms Control and Disarmament Agency, World Military Expenditures and Arms Transfers 1988, June 1989.

[28] "Libya Making ICBMs with West German Aid," Washington Times, October 9, 1989.

[29] Statement of Rear Admiral Thomas A. Brooks, U.S. Navy, Director of Naval Intelligence, before the Seapower, Strategic and Critical Materials Subcommittee of the House Armed Services Committee, February 22, 1989.

[30] Joseph S. Bermudez, Jr. and W. Seth Carus, "The North Korean 'Scud B' Programme, Jane's Soviet Intelligence Review, April 1989, pp. 177–181.

[31] ee. "Surface-to-Surface Missiles Successfully Tested," Islamabad Domestic Service, 1500 GMT, February 11, 1989, translated in JPRS–Tnd, March 20, 1989, p. 23.

[32] Ibid.

[33] Mushahid Hussein, "Pakistan 'Responding to Change,'" Jane's Defense Weekly, October 14, 1989, p. 779.

[34] "The Same Plant is Under Construction in Romania," op, cit..

[35] "South African Missile Test," Jane's Defense Weekly, July 15, 1989, p. 59; "Booster Rocker Launched at Overberg Test Range," Johannesburg Domestic Service, 1600 GMT, July 5, 1989, FBIS–AFR, July 10, 1989, p. 16; Adam Pertman, "Israel, S. Africa Reportedly Trade Top Weapons Aid," Boston Globe, October 27, 1989.

[36] "Syria Signs for Chinese M–9 Missiles," Defense & Foreign Affairs Weekly, August 14–20, 1989, p. 2. A later account claimed that China was preparing to transfer the missiles to Syria by the summer of 1990. See Peter Almond, "Hill, DoD Target Missile Exports," Washington Times, November 22, 1989.

Mr. McCAIN. Mr. President, this analysis, however, only covers public events and controversies. It can only touch on the more open efforts of various nations to acquire improved delivery capabilities of a kind that are only meaningful when they deliver weapons of mass destruction. It ignores aircraft, and it ignores growing evidence that even terrorist movements are examining such weapons.

A similar chronology that dealt with biological, chemical, and nuclear weapons would have to be heavily classified. Even then it would present major problems. Biological weapons facilities, for example, are extremely hard to separate from normal research facilities and very hard to detect. There is no clear difference between defensive and offensive research. Similarly, it is very difficult to detect the first stages of a production facility for chemical weapons, and is even more difficult to detect research and design efforts.

The proliferation of nuclear weapons is generally more visible, but many nations have already acquired considerable stocks of uranium ore or processed uranium. Centrifuge and laser isotope separation technology are improving, and becoming more widely available. Many countries now have the technical capability to produce plutonium in ways that conventional reactor inspections might well not detect. Further, as other nations acquire chemical and biological weapons, the temptation to covertly acquire a few dirty or inefficient nuclear weapons steadily increases.

We also should be aware that the cuts in Western and Soviet bloc defense spending, and the economic problems of nations like the People's Republic of China, are creating a major new incentive to sell the technology or weapons used to make and deliver weapons of mass destruction.

Seller nations have dealt very differently with this temptation. In fairness to our British allies, they have led the West in trying to block this proliferation in spite of the fact that their defense and high-technology industries face at least as many economic problems as our own. In fairness to the Soviet Union, its officials seem increasingly aware of the growing threat proliferation poses to Soviet and world security.

The fact remains, however, that far too many other seller states are not making the proper effort to control the sale of proliferation, and are not showing the proper urgency in enforcing current laws and agreements. In some countries, the law is grinding so slowly and so selectively that one questions the sincerity of its enforcement. In others, aerospace exports seem to have a higher priority than the prevention of genocide.

Proliferation and seller alike seem to be content with a situation where most of today's treaties have limits and exemptions that do little more than sweep the problem under the rug. The fact is, however, that the Missile Technology Control Regime has limited coverage, and uncertain compliance by at least one of its signators. It now may provide an illusion of arms control that is more dangerous than an open admission that far more needs to be done. The same is true of the treaties and agreements dealing with biological, chemical, and nuclear proliferation.

It is easy to focus on Libya, as a bad proliferator. I suggest, however, that there are no good proliferators and no good merchants of mass destruction. Proliferation is an interactive process that occurs on a global, and not simply a regional, basis. Every action by any nation encourages actions by others.

No one can claim that Libya and India are alike in their proliferation, or that the People's Republic of China and the United States are alike in the way they treat the sale of weapons and technology. All of us, however, are contributing to the process.

This is why I wish to remind my colleagues that this body is contributing to the process as well. We have good legislation pending to improve the control of chemical weapons. We have good legislation to improve the control of long-range missiles. We have had hearings which have highlighted the need to improve our control of biological weapons, and we have at least touched upon the need to reexamine the adequacy of our control of nuclear proliferation.

It is time, Mr. President, we moved this legislation forward. It is time we stopped sheltering behind jurisdictional debates and waiting for conventional diplomacy. The real message of today's news about Libya is that we need to act now, not wait until we have to see the corpses of more women and children on the evening news.

AMENDMENT NO. 1317 TO AMENDMENT NO. 1293

Mr. STEVENS. Mr. President, I have an amendment at the desk. I ask unanimous consent the pending amendment be set aside temporarily so that I may present this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska, [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1317.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II add the following new section:

SEC. 222. FEDERAL COMPLIANCE.

Sec. 222. (a) GENERAL COMPLIANCE.—Section 118 of the Clean Air Act is amended by inserting "General Compliance.—" after "Sec. 118. (a)".

(b) SPECIFIC COMPLIANCE.—Section 118 is further amended by adding at the end thereof the following new subsections:

"(c) IMPLEMENTATION PLAN PROVISIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of any implementation plan submitted by a State and approved by the Administrator as provided in section 110(a) and part D.

"(d) EMISSION INVENTORIES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall submit all relevant and requested information regarding air pollutant emissions as expeditiously as possible following a request for such information from an appropriate Federal, State, or local agency.

"(e) GOVERNMENT VEHICLES.—Each department, agency, and instrumentality of execu-

tive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of a valid inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g) except for such vehicles that are considered military tactical vehicles.

"(f) VEHICLES OPERATED ON FEDERAL INSTALLATIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government having jurisdiction over any property or facility shall require all owners of nonfederally owned motor vehicles which operate on the property or facility to furnish proof of compliance with the requirements of any vehicle imspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g). The installation shall use one of the following methods to establish proof of compliance—

"(1) presentation by the vehicle owner of a valid certificate of compliance from the vehicle inspection and maintenance program;

"(2) presentation by the vehicle owner of proof of vehicle registration within the geographic area covered by the vehicle inspection and maintenance program (except for any program whose enforcement mechanism is not through the denial of vehicle registration);

"(3) another method approved by the vehicle inspection and maintenance program administrator."

Mr. STEVENS. I have just been informed, although I am a cosponsor of the bill, that my name is not on this bill as a cosponsor. I desire to be a cosponsor. I ask unanimous consent that I may be listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. My amendment deals with a problem of Federal facilities' compliance with the clean air bill. Several cities throughout our Nation are not attaining air quality standards. Unfortunately, two of those cities are in my State. They have large military installations or other Federal facilities adjacent to them or nearby. I find that, although on-base or on-Federal facility sources contribute to air pollution and air pollution problems in local areas, they are not subject to the same regulation as exists in the civilian areas, the non-Federal areas. My amendment will require facilities and agencies of the Federal Government to comply with the implementation plan provisions that exist in an area. In addition, this amendment will require Government vehicles and vehicles operated on Federal installations to comply with local vehicle inspection and maintenance programs.

I might say parenthetically, Mr. President, that we have worked out such an arrangement informally in one area of my State, and it has worked very satisfactorily.

My amendment speaks of the Federal agencies in the sense that they should set an example for the other agencies in their area. They should comply with Federal law as well or better than any of the non-Federal entities, in my judgment. I think Federal agencies contribute their share of air pollution, and certainly they ought to be part of the solution if we are going to really mandate health standards through clean air controls for our Nation.

This Federal compliance will mean a great deal to the people who live in and around these Federal installations, and, in my judgment, it makes common sense to enact an amendment such as this. The amendment recognizes that pollution problems are not affected by Federal property lines and that part of the solution comes from the Federal facilities themselves.

This amendment does specifically require that each Department, agency, or instrumentality of the executive, legislative, or judicial branches of the Federal Government comply with the provisions of this bill in the specific areas of implementation plan provisions, emission inventories, Government vehicles, and vehicles operated on Federal installations. I think it will eliminate any controversy that might come about by virtue of failure to be specific in this regard. I have discussed this, I believe at least my staff has, with the managers of the bill and their staffs. I hope it will be acceptable. As I said, I think it makes common sense.

Mr. CHAFEE. Mr. President, this is a good amendment. Frankly, I would like to be a cosponsor, if that would be satisfactory with the author of the amendment.

He has outlined it very clearly. Government facilities should obey the laws we have set down for the rest of the country.

There is just one minor misprint I think. If the Senator will look at (f), the last word in the fourth line of (f), is that "of" or "or"?

Mr. STEVENS. It is "or". It is a typographical error. I ask unanimous consent that it be changed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title II add the following new section:

"SEC. 222. FEDERAL COMPLIANCE.

SEC. 222. (a) GENERAL COMPLIANCE.—Section 118 of the Clean Air Act is amended by inserting "GENERAL COMPLIANCE.—" after "SEC. 118. (a)".

(b) SPECIFIC COMPLIANCE.—Section 118 is further amended by adding at the end thereof the following new subsections:

"(c) IMPLEMENTATION PLAN PROVISIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of any implementation plan submitted by a State and approved by the Administrator as provided in section 110(a) and part D.

"(d) EMISSION INVENTORIES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall submit all relevant and requested information regarding air pollutant emissions as expeditiously as possible following a request for such information from an appropriate Federal, State, or local agency.

"(e) GOVERNMENT VEHICLES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of a valid inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g) except for such vehicles that are considered military tactical vehicles.

"(f) VEHICLES OPERATED ON FEDERAL INSTALLATIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government having jurisidiction over any property or facility shall require all owners of nonfederally owned motor vehicles which operate on the property or facility to furnish proof of compliance with the requirements of any vehicle inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g). The installation shall use one of the following methods to establish proof of compliance—

"(1) presentation by the vehicle owner of a valid certificate of compliance from the vehicle inspection and maintenance program;

"(2) presentation by the vehicle owner of proof of vehicle registration within the geographic area covered by the vehicle inspection and maintenance program (except for any program whose enforcement mechanism is not through the denial of vehicle registration);

"(3) another method approved by the vehicle inspection and maintenance program administrator."

Mr. STEVENS. I thank the Senator from Rhode Island. I am pleased to have him cosponsor this amendment. He has such installations in his State also.

Mr. CHAFEE. Unfortunately, we do not. We were pretty well cleaned out in 1970.

Mr. STEVENS. They are in Massachusetts then.

Mr. CHAFEE. Not really. Military installations have left my area, I regret to say, although we have some schools in Newport which we are trying to keep, and any mercy that the Senator from Alaska might show us as regards those remaining few facilities we would appreciate. I thank the Chair.

Mr. BAUCUS. Mr. President, the majority side is prepared to accept the amendment. It is somewhat coincidental that the Senator from Alaska would offer this amendment. When I was home in Montana over the last weekend someone walked up to me and asked me whether Federal facilities—they are people who drive on Federal installations—were covered or not, and I thought: I am not sure whether or not they are.

Under this bill they should be. I am glad the Senator from Alaska has come forth with this amendment.

Mr. STEVENS. If the Senator will yield, I raised this question at the meeting last Thursday which I previously discussed with the majority

leader, and my inquiry led to a reply from almost everyone present that they did not know. So we examined it, and our conclusion was we were not sure either. This just makes certain that the Federal facilities adjacent to cities comply with the provisions that apply to the cities.

I urge adoption of the amendment.

Mr. CHAFEE. I might just add that this amendment, frankly, would be even tougher than the existing law because it would encompass all vehicles that come onto the base, not just those registered in the State. Under the State implementation plans, the only way you can catch a vehicle is through its registration or requiring it once a year to have inspection and maintenance. So this is a good, tough provision.

Mr. STEVENS. Mr. President, I thank the Senator from Rhode Island. As I said, our two major cities are in noncompliance because of carbon monoxide. I really think this is one of the ways to deal with it, to make all the vehicles in the area subject to the same rules, regulations, and laws.

I do ask adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska, as modified.

The amendment (No. 1317), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Senators.

Mr. CHAFEE. I thank the Senator.

Mr. President, while the Senator from Alaska is on the floor, does he have other amendments or do other Senators present have other amendments they know about? It would really be of great assistance to us to know, as we try to compile our list.

Mr. STEVENS. Mr. President, if the Senator has made the inquiry of me, I do have other amendments that we are studying now to see how they were affected by this latest draft, and I will be pleased to report that to the managers of the bill as soon as I get the reply from Alaska, but I do not have any amendments to offer at this time.

Mr. CHAFEE. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is about 5 minutes after 6 o'clock. There are no amendments pending. The Senate is open to do business. The majority leader stated very clearly that he intends to work late evenings on the Clean Air Act, work late tonight, work late tomorrow night, work late Friday and into Saturday, if necessary, to complete action on this bill. We are going to take a recess this evening about 8 o'clock, but up until 8 o'clock there is a good opportunity now for Senators to offer amendments, because there is no amendment pending at the moment. After the hour recess from 8 until 9 o'clock the majority leader indicated he intends to recovene the Senate, and we will work on amendments later on into the evening.

It is my experience, Mr. President, that the more Senators delay in offering amendments, the more resistance builds up in the Senate to accepting amendments. So Senators who are delaying, waiting for the perfect moment, the perfect opportunity in which to offer their amendments, should also remember that the longer they delay, the more likely two events will occur: First, we will be working later in the evening; and second, the Senate probably will be less inclined to accept the amendments.

Again, it is an opportune time for Senators to come to the floor to offer amendments. The Senate would be much more predisposed to accepting those amendments at this time. If Senators or staff are watching the proceedings on the floor, I say to the Senators and to their staff that now is the time to come with your amendments, the opportune time.

I urge Senators to do so, because it very well may be that later on, tomorrow night, Friday night, there will be such a traffic jam in offering amendments that it will be difficult for the Senate to take all the amendments. I strongly urge Senators to come to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator BOND be added as a cosponsor to the amendment No. 1293, which is the amendment we are working upon now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded the call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1294 TO AMENDMENT NO. 1293

Mr. KERREY. Mr. President, I have at the desk already amendment No. 1294. I ask that it be read at this time.

The PRESIDING OFFICER. The Chair will inquire whether the Senator wishes to proceed with the amendment at this time.

Mr. KERREY. I ask unanimous consent to proceed with this amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. EXON, Mr. HARKIN, Mr. DOLE, Mr. DIXON, and Mr. DASCHLE, proposes an amendment numbered 1294 to amendment No. 1293.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 322, line 23, after facility, insert the following:

The Administrator is authorized to establish a greater threshold quantity for, or to exempt entirely, any substance that is a nutrient used in agriculture when held by a farmer.

Mr. KERREY. Mr. President, the amendment that I am offering has been developed by the senior Senator from Nebraska, Senator EXON, and myself, as well as Senator DASCHLE and Senator HARKIN participated in it. They are all listed as cosponsors. Senator DOLE and Senator DIXON have asked that they be listed as cosponsors as well. I ask unanimous consent that they be listed that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, this amendment is one that is directed at a rather small but one that will be rather significant to the individual farmer problem relating again to anhydrous ammonia. This is in reference to the air toxic accident prevention section that requires as to anhydrous ammonia that is being held in excess of 500 pounds that the handler of that product file a biennial report as a consequence.

What this amendment does is simply gives the Administrator of the Environmental Protection Agency the authority. It does not make it mandatory, does not require it but gives the Administrator of the Environmental Protection Agency the authority to waive that administrative requirement for people who are involved in the production of agriculture. The cost of fill-

ing these forms out for that small producer is estimated to be about $5,000 a year.

I want to make it clear that the intent of this amendment is not to exempt extemely large operators who would have on their premise the anhydrous ammonia that is in large quantities a rather substantial toxic. The intent of the amendment is to give the Administrator the authority in the instance of the small producer that might bring 4,000 pounds of anhydrous ammonia on the property to give that individual producer the opportunity to be exempted from what would be, I think, rather unnecessarily costly requirements of that toxic accident prevention section.

I appreciate the managers of the bill permitting me to offer this amendment and would at this time ask that it be adopted.

If there are questions, I would be glad to answer them as well.

Mr. CHAFEE. Mr. President, did the Senator from Nebraska add Senator DOLE as a cosponsor?

Mr. KERREY. That is correct.

Mr. CHAFEE. Mr. President, the only question we had on this amendment which we think is a good amendment deals with the definition of "farmer." I think the Senator from Nebraska has clarified that. What he is thinking of is the family farmer where a large truck pulls up how often? Not very often.

Mr. KERREY. Several times a year.

Mr. CHAFEE. With a load of ammonia that is used as a fertilizer and he is not thinking of a great agribusiness situation where they have on the farm a whole series of storage tanks where they put this ammonia and subsequently seek exemption that is provided or can be provided by the Administrator.

Mr. KERREY. That is correct. We do not intend to ask the EPA Administrator to exempt operations that are essentially in the business themselves of either wholesaling or handling anhydrous ammonia. The object is to give the EPA Administrator the authority to exempt that operator that will once, twice, three times a year have large weights of anhydrous ammonia brought on the property.

Mr. President, I ask unanimous consent to revise the consent I had earlier so that my amendment is in order to amendment No. 1293.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further discussion of the amendment?

Mr. BAUCUS. Mr. President, we are prepared on this side to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1294) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I want to share the concerns expressed by the managers and by the majority leader about getting amendments over here. I know the frustration when you are trying to complete action on a bill and you cannot get people to show up on either side. I must say, I was not aware we were going to stay here all weekend until I saw the adjournment resolution. Nobody indicated to me that was even a possibility. I know a number of people who were not planning on that.

But, having said that, it is also my understanding that a number of amendments are sort of waiting clearance. I will just list some of the amendments that I have: another ammonia amendment on accidental release in the air toxic section, ammonia dealing with nurse tanks in the air toxic section, exemptions for farmer particulates, stripper well exemptions from area source regulations, impact studies on small communities, and process changes which can result in exemption from MACT in the air toxic section.

It is my understanding that since these are in the clearance process, it has been suggested at least on the stripper well, for example, that we not offer the amendment. They are trying to work it out. Maybe that will be done more quickly. If that is not the case, I would be happy to start offering the amendments that I have, because somebody has to offer amendments.

But if they are trying to work out the amendments to the satisfaction of both the managers and the person who might offer the amendment, as we have just done with the Senator from Nebraska, then maybe it would be counterproductive to just start offering amendments. So I just seek advice from the managers whether we ought to try to clear these amendments—I guess they are in a clearance process of some kind now—or whether we should just start offering the amendments.

Mr. CHAFEE. Mr. President, on the particular amendments that the distinguished Republican leader has, we are working on those, and there is a possibility we can work something out. First of all, we like the sentiment that somebody is ready to offer an amendment. So it goes a little bit against my grain to say, well, do not offer them. But in this particular case, I hope that we can work something out.

Mr. DOLE. It is my understanding also that the Senator from Minnesota has an amendment on small business. Again, it is another one you are trying to work out. I understand he is prepared to come to the floor. So I just want to make certain the managers understand we do have people who are willing to offer amendments but if, in fact, it is possible to work some of them out, maybe it is best we do not start flopping them down here.

Mr. BAUCUS. Mr. President, if the Senator will yield, I think it would be most helpful if we could get a list of the amendments that Senators have. We have asked on our side for Senators to come to the managers with their amendments. We could start getting an orderly process here of amendments that are going to be contested or not contested and which ones we can work on clearing or not clearing. At least, if we get a list of amendments, we could get a process of order established here. It would be very helpful if we could do the same on both sides, frankly.

Mr. DOLE. I share that view. I would be pleased to put out a hotline right now for Members who have amendments, if they could give us a brief description. Maybe we can at least have a list so there will be no other amendments.

Mr. BAUCUS. I very much endorse that suggestion. If both sides could put out hotlines now so we could get a list of possible amendments identified as to the Senator and the subject matter of the amendments, it will go a long way toward getting an organized process here established.

Mr. DOLE. I think most Senators are still around because of the dinner later on this evening. Maybe if we do that immediately we would have some idea maybe by 7:30 or 8 o'clock or when we return afterwards. So we will do that on this side if there is no objection from the managers.

Mr. CHAFEE. That is fine.

Mr. DOLE. We will go ahead and ask Senators who have amendments to give us a list. I am sure there are other Members who have amendments that I have just referred to, some on both sides, because we are working with Republicans and Democrats.

So I urge my colleagues or their staffs who may be listening to cooperate with the managers and the leadership and let us have the amendments that you are contemplating. Some may not be offered, as is always the case. But if you are just thinking about an amendment, let us have a brief de-

scription of it so that we can put it into the mix and the managers and members of their staffs and the administration can start going through these amendments. Some may be cleared. Some could be adopted in a few minutes or a few seconds. So we will do that immediately and we will get back to the managers hopefully by 7:30 or 8 o'clock with a pretty good number of amendments that are going to be offered.

We may find that maybe there are not 100 amendments. Somebody has been telling me maybe 100 amendments. I think the Senator from Rhode Island thinks it is closer to 20 or 30 or 40, many of which might be taken.

I certainly want to cooperate with the managers. I know they have been working long and hard and have done an outstanding job. I want to cooperate with the majority leader. At the same time, if we know what the amendments are, we can give people the appropriate time and notice of time when they will be taken up and get back to the managers quickly.

Mr. BAUCUS. I think that is a very helpful suggestion.

I might make a couple of suggestions in addition. No. 1, when Senators come forth indicating they have amendments and the nature of the amendments, it would be even more helpful if they could come forth with a copy of the amendment. Because, as the Senator knows better than this Senator, when the manager of the bill is presented for the first time with an amendment it takes some time to understand the amendment, to see what problems there may or may not be. On the other hand, in the alternative, if we have copies of the amendment earlier, we can speed up the process much more quickly.

I very much urge Senators to bring a copy of the amendment at the same time they are indicating they are going to offer an amendment. That would make it easier for us to know whether or not we can process the amendment or clear the amendment.

Mr. DOLE. That is a good suggestion. It may not be in that form yet. Some may just be an idea a Senator has or someone on the staff may have. I think, as the Senator from Colorado pointed out, there may be others still going through the bill itself to see how they can appropriately draft the amendment. But it is a good suggestion.

Mr. BAUCUS. Further, Mr. President, if the Senator will yield, I might suggest if Senators, including the Senator from Kansas, have any amendments they wish to offer at this time while we are waiting for the list to be put together, time is burning up. We might as well use it by disposing of amendments in that way, as well.

Mr. DOLE. I will be happy to do that. I may have one on stripper wells. I will contact my staff now. I think it is being worked out. I do not want to prejudice either side by offering it and getting locked in, in some debate.

As I understand it, many of these amendments were submitted. I do not know who has them. My staff tells me these were submitted and they are awaiting clearance. There is some process they are going through. It takes a while because there are probably a lot of amendments floating around. But let me check with my staff immediately. We have not given them to the other side.

Mr. BAUCUS. If the Senator will yield, that would be helpful. I checked with staff on my side, and so far they are unaware of any. It would be helpful if we can get them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is now 6:30. I renew my plea to Senators to come to the floor and offer their amendments.

We have a good hour and a half at this time within which to consider amendments. It is an open opportunity, an opportunity which may not ever again exist in the next couple of days.

I urge Senators to come to the floor and take advantage of it because now is the time, if Senators have amendments, to offer them, bring them to the floor so we can dispose of them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1318 TO AMENDMENT NO. 1293

(Purpose: To exempt nurse tanks used for transporting anhydrous ammonia used exclusively for agricultural purposes from emissions standards)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. SYMMS, proposes an amendment numbered 1318.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 318, end of line 24, insert the following new paragraph:

"( ) Any emissions standards established pursuant to this section for a category or subcategory of sources of emissions of ammonia shall not apply to a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes, as described in the regulations under 49 CFR 173.315(m), as in effect on the date immediately preceding the date of the enactment of the Clean Air Act Amendments of 1989.

Mr. DOLE. Mr. President, what this amendment does is exempt nurse tanks used for transporting anhydrous ammonia for agriculture purposes from emissions standards. I discussed this amendment with the distinguished managers of the bill, Senator BAUCUS and Senator CHAFEE. I think the amendment has been cleared on each side. We thank the staff for suggesting some changes to the appropriate section.

Nurse tanks are little tanks that are pulled out in the field in farm areas. I know of no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I am prepared to accept this amendment. As the Senator from Kansas says, it applies only to nurse tanks for transporting anhydrous ammonia for agriculture purposes. I think it is a good amendment.

Mr. CHAFEE. Mr. President, I agree, it is a good amendment. I congratulate the distinguished Republican leader for his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1318) was agreed to.

Mr. DOLE. I want to set an example for other Senators. If Senators have amendments, bring them over here. One might get it adopted.

Mr. CHAFEE. Never can tell.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1319 TO AMENDMENT NO. 1293

(Purpose: To require the use of oxygenated fuels within carbon monoxide non-attainment areas)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1319.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 216, strike all after "be" on line 11 through line 23, and insert in lieu thereof:

"2.7 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That, such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 2.7 per centum or greater."

Mr. MITCHELL. Mr. President, will the Senator yield for just a moment for a unanimous-consent request?

Mr. LAUTENBERG. I am happy to yield.

Mr. MITCHELL. Mr. President, first I ask unanimous consent that any remarks I make be placed in the RECORD so as not to interrupt the remarks of the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess from 7:30 p.m. until 9:30 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, there will be no rollcall votes prior to 9:30. It is my expectation that debate on this amendment will continue from now until 7:30, and then when we return.

As all Senators know, the dinner sponsored by the Senate wives will be this evening. I hope all Senators will attend, and I encourage them to do so. This 2-hour period will permit Senators to attend the reception and the dinner.

Senators should be aware that at 9:30 the Senate will return to session, and we will return to consideration of the pending amendment of the Senator from New Jersey in the hopes we can complete action on this and possibly other matters this evening.

I thank my colleague for his courtesy, and I thank all Senators.

Mr. LAUTENBERG. Will the majority leader yield for a question. Was 7:30 the cutoff time or was the majority leader suggesting that at the end of the statement we are going to cut off?

Mr. MITCHELL. It is 7:30. It is my intention that the debate will continue on this until 7:30 to complete as much debate as possible prior to the dinner. Then anticipating there will be some further debate thereafter, I hope there will be a vote at 9:30 or as soon thereafter as all Senators have the opportunity to be heard on this amendment who wish to be heard.

Mr. LAUTENBERG. I thank the majority leader.

Mr. LAUTENBERG. Mr. President, this amendment is obviously going to create a fair amount of interest, I believe. So I want to make clear at the outset this amendment was not negotiated when the Environment Committee members were meeting with others to structure the compromise that is presently before the Senate. Therefore, it is certainly not off limits in terms of its consideration even for those who agree to cosponsor the compromise that we have on the table.

Senators should feel free to decide this issue on its merits, without feeling bound to support the underlying amendment.

Throughout this country, there are a number of areas that have carbon monoxide levels exceeding Federal standards. This is mostly a wintertime problem, and one way of reducing these levels is to use fuels containing oxygen during those winter months. The idea is a simple one. By using an oxygenated fuel, the engine runs "cleaner," producing less carbon monoxide.

Today, there are only a few oxygenated fuels that are used commercially. There is gasohol, which is a combination of gasoline and ethanol, derived mostly from corn. Another is MTBE. That is a mixture of gasoline and a methanol derivative. Another ethanol-based fuel, ETBE, is not currently produced commercially but is expected to come into use shortly.

These fuels can play a role in reducing carbon monoxide levels. But the question is, should we, as a Federal initiative, provide an advantage to one of these fuels over another? I do not think so. So my amendment would set an oxygen content level of 2.7 percent for fuels within carbon monoxide nonattainment areas.

This would allow for open and free competition among the various fuels and provide State and local officials with the flexibility to decide what fuels they need in their areas. It also would help to keep us from going too far in addressing one problem so as to create another.

The provision that is in the substitute, the compromise that is before the Senate, does not meet those tests. By setting an oxygen content level at 3.1 percent, which it does, it would provide a mandate for greatly increased use of one particular fuel, called gasohol. It takes away flexibility from State and local officials, and it could, inadvertently, cause problems that none of us want to see.

Mr. President, I want to point out to my colleagues that this is not just the view of this Senator. It is the view of the State and Territorial Air Pollution Program Administrators, commonly known as STAPPA, those officials charged with implementing clean air programs in the States.

These are the same people who are concerned that this bill does not go far enough to protect the environment. They do not have an ax to grind. They are not representing farm interests or big oil interests or highway interests. They represent, for example, environmental interests, regardless of the State they represent.

Let me tell you what they say about the provision that is currently in the bill. I quote from a letter to me from STAPPA referring to the 3.1 percent oxygen program:

STAPPA and ALAPCO the Association of Local Air Pollution Control Officials are concerned with the possibility of other environmental effects that may occur from this program. For example, it is expected that nitrogen oxide emissions will increase as a result of a higher oxygen content. Moreover, it is also possible that gasohol could contain higher aromatics and therefore air toxics than alternative fuels such as MTBE.

I quote further from that letter:

Our associations have recommended an oxygenated fuels strategy specifying that all carbon monoxide nonattainment areas should be required to have an oxygenated fuels program in place during the carbon monoxide season.

They go on to say:

We have recommended that all nonattainment areas be required to implement an oxygenated fuels program with a minimum oxygen content of 2.7 percent, with the exception of marginal areas (2 percent).

They continue on:

STAPPA and ALAPCO selected an oxygen content of 2.7 percent, rather than a 3.1 percent, for one principal reason.

They say:

We believe it is critically important that any alternative fuels program be "fuel neutral." This would provide State and local governments with the ability to select from a variety of fuels—not just gasohol—to address problems (e.g., carbon monoxide and ozone) unique to their jurisdictions. If the oxygen content is established at 2.7 percent, all fuels would have equal opportunity to compete in the marketplace.

It gives the consumer options.

Mr. President, that is what this amendment would do. It would, to be sure, greatly boost the markets for all oxygenated fuels. It would do so without bias toward any one fuel, and most importantly, as STAPPA noted, it would allow localities to use the fuels that best meet their particular needs.

It is clear that the use of oxygenated fuels can reduce carbon monoxide, and these fuels should be used. We are all in agreement on that point. But we should not dictate which of these fuels must be used. The administration's proposal did not dictate which particular fuel should be used. The House bill does not favor one beneficial fuel over another. Unfortunately, the Senate bill does just that. The 3.1-percent requirement in the bill is arbitrary. It is not clear that it is needed or even desirable. There are some concerns that it would actually do environmental harm.

Gasohol is the only viable fuel that exceeds the 3.1-percent oxygen content, so by requiring an average fuel oxygen content of 3.1, the bill now perforce mandates a greatly increased use of gasohol. But while gasohol reduces carbon monoxide, it also is more volatile than other fuels. That subject cannot be debated. It requires a waiver of vapor pressure standards to be sold and to be used, and with that increased volatility comes a different set of problems. Some areas would not want to use it because of the possible contributions to ozone nonattainment problems.

As I have noted, oxygenated fuels reduce carbon monoxide levels. The reduction in carbon monoxide is, to a point, related to the amount of oxygen contained in the fuels. But 80 percent of the carbon monoxide reduction comes at a level of 2 percent. That is not a matter of dispute either. Above 2 percent the reductions in carbon monoxide level off. There is not a linear relationship. In fact, some studies have shown that other fuels at 2.0 percent oxygen can provide the same reduction in carbon monoxide as gasohol at 3.7 percent.

Critics of this amendment will contend that the relationship between fuel oxygen content and carbon monoxide reduction is in fact linear, but that just cannot be. If it is a straight line, using that logic, then a 1-percent oxygen content would get us 40 percent of the possible carbon monoxide reductions. At 2 percent oxygen, then we would have an 80-percent reduction. At 3 percent we would achieve more reductions than 100 percent which is arithmetically and physically impossible. You do not have to be a mathematician to see that those numbers just do not add up.

So, Mr. President, what we have is a lot of questions. Does a higher mandated oxygen content really achieve the purported results? The answer clearly is no.

Might it actually worsen other problems such as urban ozone levels? As noted by the State environmental officials, the answer is clearly yes.

So why should a bill mandate the use of gasohol and largely preclude the use of alternatives? It is because this provision is not really designed to protect the environment. It is designed to boost the gasohol industry. A 3.1-percent requirement provides a boost to an already subsidized fuel, gasohol, without any real assurances of environmental benefit. It cannot be disputed that it is a mandate for greatly increased use of gasohol.

If you are a supporter of the gasohol industry, it is easy to see why you try to give it a boost. This is an industry that, according to the Department of Agriculture, "cannot be justified on economic grounds." Without the massive Government subsidies, this industry would not exist. So why not force this industry to stay in existence by telling States that they have to use gasohol. Why not?

Because it simply does not make sense. It does not make sense environmentally, and it really does not make sense from a farm policy perspective. It does not make sense to continue to pump Federal subsidies into the industry, especially if we are also mandating its use, and it does not make sense when we look at the experience of areas that already have an oxygenated fuels programs.

In August 1989 the USDA—Department of Agriculture—put out a publication entitled "Ethanol's Role In Clean Air." In that document USDA notes that four States have oxygenated fuels programs in place: Arizona, Colorado, Nevada, and New Mexico. In those States, according to the USDA, 90 percent of the oxygenated fuels have gone to MTBE, not gasohol.

But the provision now in the bill would undo that. It would force the areas that already have oxygenated fuels programs to scrap them and switch to gasohol, not for the sake of the environment, but for the sake of the gasohol industry. This mandate would come on top of the subsidies the industry also receives. Let us look at some of those subsidies.

Gasohol is exempted from 6 cents of the 9-cent highway trust fund tax. As my colleagues know, that trust fund is used to pay for road improvements all over this country. It is used to help develop and improve public transportation. It is the single largest source of funds to meet our infrastructure needs. But through the gasohol exemption, the trust fund is being shortchanged. Over the last decade the exemption has cost us, the American public, over $2.5 billion in revenues.

When we think of unmet infrastructure needs facing us: needs like decaying roads, bridges collapsing, not enough buses to move our urban citizens from home to work. When we think of those needs, that $2.5 billion looms awfully large. But with the provision now in the substitute, that would not be the end of it.

Section 217 would cost as much as $1 billion each year in lost transportation funds. When that is coupled with various States gas tax exemptions, the impact would be nothing short of devastating.

The transportation needs we face are staggering, and we cannot afford to ignore them. If we do, we threaten the future of State and local economies that are absolutely dependent on the ability to move people and goods.

Look at what we face all around this country. We are choking on traffic congestion, in rural areas as well as urban. A recent GAO study concluded that metropolitan congestion throughout this country will triple over the next 15 years unless we do something, and do it soon.

A report by the Council on Public Works Improvements a few years ago called for a doubling in infrastructure spending. Many believe that spending on surface transportation must grow by at least 50 percent to over $20 billion annually just to meet needs. But if we do not amend this section, the money is not going to be there. And don't be fooled by an argument that you may hear that gasohol production saves farm subsidy funds and therefore has a positive budgetary impact.

Highway trust funds are dedicated. They cannot be spent for any other purpose, and general revenues are not used to make up for lost trust fund revenues. So when we lose transportation revenues because of the gasohol exemption, that money is gone. It will not be around to spend on important transportation projects, projects for which virtually every Senator here seeks support annually. On this score the provision in the substitute is counterproductive.

One of the goals of this bill is to reduce auto emissions by reducing the amount of miles driven. A principal way to do that is to get people to take mass transit. But unless it is amended the provision that is in the bill would hurt our efforts to make transit a feasible alternative for commuters. In an effort to further subsidize the gasohol industry, we would be taking away resources necessary to make public transportation a real option.

One thing is clear. Unless you can make transit reliable, affordable, and efficient, people will continue to drive. Improving transit is going to cost money. But his provision is going to take that money away.

That could mean that people will be forced to stay in their cars, often one person per car, no matter what penalties might be in place. That means more unmet clean air goals.

Let me quickly touch on another area. That is the question of domestic production. Some will contend that we should subsidize gasohol, or mandate its use, or both, because it is a domestic industry. Well, let us not shut the door on other domestic industries.

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Right now about half of the MTBE produced in this country comes from the states of Louisiana and Texas. In the future, more can come from domestic sources.

Let us keep in mind that whatever we do here is going to be the law of the land for some time. We are not going to be reauthorizing the Clean Air Act each year. But the bill would largely limit long-term prospects for the development of alternative fuels industries.

Ethanol may prove, in the long run, to be a major source of fuel. But it is not the only one. For instance, given a level playing field, methanol may become a major U.S. product using domestic resources. But not if this provision is not amended. There will be no way an unsubsidized domestic industry could compete with a heavily subsidized industry that also has a large mandated market share.

So, aside from everything else, the bill as it stands could severely limit the development of domestic alternative fuels industries. That is not what we should be doing here. We are not here to set farm policy. We are not here to set tax policy. We are not here to promote one domestic industry over another. We are here to put together an environmental policy that will best help us meet our clean air goals.

This amendment would help us do just that. It would require the use of oxygenated fuels, but in a fuel neutral manner. It would not tell a community it would have to use this particular fuel or that particular fuel. It would simply allow market forces and local needs to determine which is most appropriate.

Mr. President, I want to again make it clear for my colleagues: although this exygenated fuels provision is contained in the substitute, Senators should know that it was not discussed in the meetings with the administration, and, therefore, any suggestion that this might be a deal-buster is simply wrong. Its adoption would not upset the agreements that were reached on the bill as a whole.

Mr. President, I close with a request for my colleagues to support this amendment. I think is is crucial to the objectives that we have outlined in the clean air bill and at the same time preserves a fuel neutrality that is incumbent upon us, not to favor one opportunity over another.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I rise in strong opposition to the amendment offered by my friend, the Senator from New Jersey. I do consider him a good friend, and I know the amount of time and effort he put into this bill. I know his motivation is sincere, but I must also say that this amendment undermines the concept so carefully constructed in this piece of legislation of balancing alternative fuels and maximizing pollution reduction.

I rise today just to lay out, in as brief a way as I can, some of the rebuttals to the remarks made by the distinguished Senator from New Jersey.

The first issue with which I take issue is the claim that the 3.1 percent oxygenated fuel standard contained in S. 1630 is not sound policy, and that it ought to be eliminated. The fact is that this particular provision of the bill has received the scrutiny and widespread acceptance of the Subcommittee on Environmental Protection the full Committee on the Environment and Public Works, and the negotiators in the pending compromise.

Every one of the groups involved in this processs looked at this provision and came to the conclusion that I have come to; that the 3.1 oxygen standard does provide balance, and it provides an opportunity to look at MTBE and ETBE and ethanol and all the other alternatives. The provision recognizes that mobile source pollution for motor fuels accounts for more than half of the country's growing air pollution problems, and it offers cities the best available option to reduce dangerous levels of carbon monoxide pollution.

Mr. President, frankly, I am concerned those supporting the Lautenberg amendment have distorted the true effect of the 3.1 percent standard. I want to clarify some of the misunderstandings that may exist regarding the importance of maintaining the 3.1 percent standard.

It is important to keep in perspective what the bill's 3.1 percent oxygenated fuel provision would do, and what its impact on air pollution would be. The provision calls for the use of 3.1 percent oxygenated fuel standards in the Nation's 44 carbon monoxide nonattainment areas during the winter months only.

We are not talking about the summer. We are only talking about the winter months when carbon monoxide problems are most acute. That needs to be understood. The committee provision establishes an oxygen credits trading program that assures that the oxygenated fuels standard will be fuel-neutral. We are not favoring one fuel over another. We are saying to the ethanol and methanol producers, and MTBE and ETBE producers, come up with the best formula that you can to meet our urban air quality needs. Very simply, the 3.1 percent oxygen standard assures that the most carbon monoxide reduction possible is attained.

Let us examine for a moment some of the opponents' claims with regard to the carbon monoxide standard. The opponents' 3.1 standard is an ethanol mandate and discriminates against MTBE and other fuels. Nothing could be further from the truth. The 3.1 standard is not an ethanol mandate. There are six EPA-approved oxygenates in addition to the blended ethanol that can meet the 3.1 standard right now. There are others that will soon be approved at that level.

Oxygen credits trading allows higher oxygen fuel, such as gasohol at 3.5 percent, to be averaged with lower percentage oxygenates to achieve the 3.1 percent standard. Under the 3.1 percent standard—and this is a very important point—the MTBE market is expected to expand by more than 20 percent every year for the next 5 years. Let me repeat that. Under this bill, the 3.1 percent standard, the MTBE market is expected to expand by more than 20 percent every year for the next 5 years. Because the 3.1 standard allows averaging, MTBE is going to be a major, if not "the" major beneficiary of the standard. It has been estimated that ethanol will account for only 30 percent of the market in fulfilling the oxygen requirement. The remaining 70 percent will be made up by a variety of other fuels.

The opponents of 3.1 say there is no clean air difference between 3.1 and 2.7 percent oxygen. Mr. President, that is not true. That is just not true. Reducing the 3.1 standard to 2.7 will mean 400,000 tons more carbon monoxide emitted from tailpipes every year—400,000 tons.

EPA has shown that there is a linear relationship between oxygen content and carbon monoxide reduction. Simply, the more oxygen there is in the fuel, the less carbon monoxide released into the atmosphere. That linear relationship is why we put that provision in the compromise and why it is so important that it stay there.

The opponents of the 3.1 standard warn that such a standard will increase ground level ozone. Just the reverse is true. A 3.1 standard will reduce, not increase, the ground level ozone. First, the CO oxygen standard is seasonal. It is used in the winter months only, when the carbon monoxide pollution is most acute. It will not be in effect during the summer months when ozone pollution is the problem.

Second, vapor pressure is not the only cause of ground level ozone. Gasoline components, including xylene and olefins, which are added to gasoline to boost octane, also cause ozone formation. Ethanol replaces the need for these components to achieve octane. Therefore, at worst, there is a net neutral effect on ozone by requiring the 3.1 percent oxygen standard.

This is a very important issue and everyone has to understand that we are talking about carbon monoxide on one side and ozone on the other. We

will look at and consider other oxygen levels for ozone nonattainment areas in future debates about reformulated gasolines, but tonight we are only debating carbon monoxide nonattainment areas.

Tonight we debate how we can best attain the most accurate standard, efficient standard, for oxygenated fuels and carbon monoxide reduction. The 3.1-percent oxygen standard does that.

Mr. President, the Lautenberg amendment is really a wolf in sheep's clothing. It purports to reduce an alleged bias in favor of ethanol and to maintain a maximum carbon monoxide reduction effort. In reality, by reducing the oxygen standard and deleting oxygen averaging, it is an overt attempt to exclude splash blended ethanol from carbon monoxide nonattainment areas.

The effect of the amendment will be to undermine the Clean Air Act's ability to reduce carbon monoxide pollution and exclude ethanol from the oxygenate market in favor of MTBE, which is manufactured from methanol produced from natural gas.

The 3.1-percent oxygen standard contained in S. 1630, and endorsed by the administration, would maximize the carbon monoxide reduction under the bill and contribute to U.S. energy security by assuring a place for domestically produced ethanol, along with MTBE, in the effort to clean up our air.

It is very important that we understand that. That is the whole essence behind this compromise, this agreement. We want MTBE. I have come to the floor on numerous occasions in the past advocating a balanced approach in our policy toward MTBE, toward ETBE, toward ethanol and methanol, in order to give us an opportunity to to use these fuels in those areas where they can do the most good. This balance is essential.

Let me touch on one other issue that I know is important to many Members; and that is the effect of the ethanol excise tax exemption on the Highway Trust Fund. First of all, it should be understood that we have more than $10 billion of unobligated funds in the trust fund today. Second, it should be understood that ethanol is not the only thing that has been a source of reduction to the trust fund balance. We use trust fund expenditures today for mass transit and there is a good reason for that. We ought to build mass transit. We ought to have a mass transit system in the country. I know in New Jersey mass transit is important and it should be across the country. I support it and will continue to do that.

As mass transit is important in New Jersey, New York, California, Colorado, and elsehwere, it is important that we have an ethanol tax credit to give the industry a chance, to give them an opportunity to show their stuff as we try to meet the clean air needs in this bill. That is what we are talking about here. We are simply asking those who are just as desirous of clean air as we are, just as desirous of meeting the opportunities that this bill presents, just as desirous to look at all the other options as we are, to consider what a great opportunity the ethanol industry can bring to this bill and the goals set out here.

That is what we are talking about. If you want to use every option, if you want to ensure we give all alternative fuels some balance, if you want to make sure we use the very best product and the best situation, then you are going to defeat the Lautenberg amendment and stay with the committee bill.

I yield the floor.

Mr. LAUTENBERG. Will the Senator yield before he steps down just for a question?

Mr. DASCHLE. I yield.

Mr. LAUTENBERG. I do not know whether the Senator is aware of the decision by Treasury that ETBE would now be getting its exemption and would have once the regulations are finally published an opportunity for the reformulators to get a credit to make ethanol or ETBE a competitive product on the marketplace which otherwise it is not.

Mr. DASCHLE. We had a lot to do with that. I appreciate the Senator's comment in that regard. This has been a long battle and certainly my colleagues on the floor have been very instrumental in ensuring that we win that battle.

I applaud the Treasury for their courage and willingness at long last to come to the conclusion that many of us came to a long time ago. ETBE is an extremely exciting new fuel with great potential. As I have stated before, I want ETBE and ethanol and MTBE and other fuels to play a role in achieving a variety of national objectives.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will speak in the few minutes I think we have remaining now and probably be back at 9 or 9:30 in opposition to the amendment from my colleague, the Senator from New Jersey. The two of us have had this before in the Environment and Public Works Committee.

I think we are fairly familiar with the arguments. But I think it is pretty important that the purpose for oxygenated fuels being part of the clean air package be repeated. I think the Senator from South Dakota had made an excellent argument that this is not an ethanol or a farmer issue. This is a clean air issue. It really is something that all of us who have worked so hard to bring the clear air bill to the floor ought to be able to agree on.

The Senator from South Dakota pointed out, and I intend to in the course of this statement, this is not an anti-ETBE amendment since there are six fuels that meet the 3.1-percent standard, most of which are methanol-based fuels. Nor is it simply a proethanol amendment, although, as I will note, probably from those of us who are on the floor now and may be on the floor tomorrow to speak for it, those who have been dealing with ethanol and alternative fuels, particularly since 1979 and the energy crisis, are probably more familiar because we come from agricultural States with the values of ethanol and ethanol blends than maybe some of the rest of our colleagues.

But because the Senator from New Jersey and I have spent so much time on all parts of the clean air bill, I want to make clear that I do not think the two of us differ on the need to meet the standards for clean air in the 44—or whatever it is—nonattainment areas. We spent a lot of time in the last 4 weeks in negotiating how best to meet that standard. We spent a lot of time of talking about reformulated fuels. We spent a lot of time talking about mandates and nonmandates and about technology and missions control and a variety of these issues.

This is one of those issues in which people can differ and, as I have differed all along with the Senate from New Jersey, I differ even more strongly with him today on the issue of how important oxygenated fuels are and how important the 3.1 percent or even more, if were doing more, is to the nonattainment strategy. Oxygenated fuels are, as I indicated, a very key part of the strategy to get cleaner air. They are the most effective strategy that we know of to reduce carbon monoxide pollution and that is particularly true of the 44 nonattainment areas.

Carbon monoxide has negative effects for fetal development. It causes higher risks of heart failure for those with heart and circulatory disease. There is recent evidence that current health standards are not tough enough to protect public health from the effects of this pollutant.

Most carbon monoxide pollution comes from motor vehicles. Ninety percent of the carbon monoxide pollution in most cities comes from the tailpipes of cars and trucks.

Many of the cities in the West with the worst carbon monoxide problems have taken the lead in the Nation on this issue and they have demonstrated time and again that significant carbon monoxide reductions can be achieved by using oxygenated fuels.

The city of Denver, as we know, has reduced its carbon monoxide pollution

by 9 percent in the very first year of their oxygenated fuels program. Last year the city of Denver recorded a 12-percent reduction.

Carbon monoxide is a product of poor combustion. When the engine is cold or poorly tuned, the fuel burns only partially and carbon monoxide is produced. Adding oxygen to the fuel improves combustion. Some materials like the alcohols, methanol, and ethanol, have more oxygen atoms in chemical makeup than does gasoline. Adding these materials to gasoline increases oxygen content, improves combustion and reduces carbon monoxide pollution.

Over 500 cars have been tested by EPA, by the State of Colorado, and even by various oil companies, and it is clear from these tests that using oxygenated fuels substantially reduces urban pollution, especially carbon monoxide emissions from the older cars in the fleet.

S. 1630 contains a provision which requires that oxygenated fuels be used in all carbon monoxide nonattainment areas. The requirement only applies, as the Senator from South Dakota indicated, during the 6 winter months when cold engines make carbon monoxide pollution especially troublesome. In addition, the bill includes a trading program which allows fuels with less than 3.1 percent oxygen to be sold, if it is offset by other fuels sold in the nonattainment area which have a higher oxygen content.

I suspect that is the little trick we learned from the trading allowance business in the President's acid rain bill. But it is not a trick. I mean it is designed to work.

There has been a great deal of lobbying on this particular provision over the last few weeks, and I am sorry to say that much of what has been said about the oxygen fuels provision just is not ture.

First, it is not true that this provision is a gasohol mandate, as stated by our colleague from New Jersey. As has been indicated before, there are six fuel additives which can meet the 3.1-percent level. None of them use ethanol. They are all methanol fuels, and they are made by the same people who have been going around calling this an ethanol or gasohol mandate.

The legislation also includes, or it allows, as I said, trading of excess oxygen credits. Use of methanol or any of the methanol additives which exceed 2.1 percent would generate excess credits which could be traded to offset the use of additives with less than 3.1 percent oxygen.

Finally, it is important to note that none of these percentages is fixed in law or regulation. The principal competing additives are ethanol and MTBE, a chemical made from methanol. A fuel which is 10 percent ethanol and 90 percent gasoline has 3.1 percent oxygen.

A fuel which is 15 percent MTBE and 85 percent gasoline has 2.7 percent oxygen. But there is no reason that the MTBE component must be held at the 2.7-percent level. A fuel with more MTBE would have more oxygen. So it is possible to get 3.1 perent with MTBE.

And EPA officials have said that they expect MTBE makers to seek a new waiver to allow them to reach that level if this amendment is adopted.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to modify a word that was left out of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The amendment is modified appropriately.

The amendment, as modified, is as follows:

On page 216, strike all after "be" on line 11 through line 23, and insert in lieu thereof:

"2.7 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 2.7 per centum or greater."

RECESS UNTIL 9:30 P.M.

The PRESIDING OFFICER. The hour of 7:30 having arrived, under the previous agreement, the Senate has agreed to stand in recess until the hour of 9:30. Consequently, the Chair would order that the Senate operate under the previous agreement and stand in recess until 9:30.

Thereupon, the Senate at 7:30 p.m., recessed until 9:35 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1319, AS MODIFIED

Mr. DURENBERGER. Mr. President, I rise to speak in opposition to the amendment by the Senator from New Jersey [Mr. LAUTENBERG] which would take from the bill before us, and also from the long compromise that we worked on to take care of the nonattainment section of this bill, one of the very important compromises that have been worked out and one of the very important sections that relates to oxygenated fuels.

I remind my colleagues that these are the fuel additives which are particularly important in the approximately 44 nonattainment areas of our country. They are the fuels which are important in reducing carbon monoxide in the 6 months of winter in these nonattainment areas.

As I indicated earlier, the lobbying effort that has gone on between the time that this particular amendment was defeated originally in the committee in November and today, the lobbying effort has concentrated on several what I would characterize as inaccuracies with regard to oxygenated fuels, the first being that this is an ethanol mandate, in effect, and only ethanol fuels would qualify at the 3.1-percent oxygen level. That is not true. There are six other fuels, all of them made from ethanol, that would qualify.

The second inaccuracy that is prevalent in this lobbying campaign is that most of the environmental benefit from the oxygenated fuels is achieved with 2 percent, rather than the 3.1-percent standard set in the bill. According to this campaign, not much air quality improvement comes from moving up to 3.7 percent, as can be accomplished with ethanol.

And, Mr. President, let me say that is just not true. EPA has looked at this question on two occasions. The second time that it looked at it, they used oil company data, and on both occasions EPA determined that the relationship between oxygen increases and carbon monoxide decreases is, as has been said here on the floor before, a linear relationship. The more oxygen in the fuel, the better. Twice as much is twice as good.

The third falsehood being spread about the provision is that it makes the ozone problem worse. Ozone pollution, or smog, is a difficult clean air problem, but the oxygenated fuel provision in the bill will not make it worse. Ozone is formed in the atmosphere on warm, sunny days. Carbon monoxide pollution is strictly a wintertime problem, and the oxygenated fuels requirement in the bill only applies in the 6 winter months. So no impact on ozone levels will result.

The fourth argument being made against the provision is that it will be highly expensive and deplete the highway trust fund. Ethanol has been granted a 6-cents-per-gallon exemption from the highway excise tax, and the purpose of the exemption granted during the energy crisis of 1979 was to encourage the production of domestic fuel sources.

Ethanol is making a substantial contribution to reducing oil imports. It turns out that ethanol also has a substantial environmental benefit.

That is the reason we are requiring it in carbon monoxide nonattainment areas. Thirty-three million Americans live in CO nonattainment cities, 12 percent of the population. If they buy the average amount of fuel, that will be 12 percent of gasoline demand. But we only require use of oxygenated fuels during the winter months. That means 6 percent of the fuel will be oxygenated because of this provision. Because of the trading provision in the bill, only a portion of the oxygenated fuel will be ethanol based. The rest will be MTBE.

So we are talking about 2 percent of the fuel being gasohol because of this requirement. That, Mr. President, is a loss of about $160 million to the highway trust fund each year.

We need to put that number in perspective. There is a loss of $160 million to the trust fund from this provision. The trust fund earns more than $1 billion each year in interest on funds that have not been spent. So there is no shortage of highway dollars available.

Currently 8 percent of the fuel sold in the United States is gasohol, four times more than would be required under the bill. That 8 percent costs the trust fund $450 million. GAO looked at the subsidy and concluded it was a winner from a budgetary perspective.

The ethanol used in fuel saves agricultural subsidies as well. I think this is a net budget winner, and, as we have already said, it is also a clean air winner as well.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment should not take terribly long. However, there is an intervening matter I would like to take care of, if I could, at this point, and that is very quickly dispensed with, an amendment which the committee will accept, an amendment offered by the Senator from Hawaii [Mr. INOUYE].

I, therefore, ask unanimous consent that the pending amendment be temporarily laid aside so that we might consider the amendment by the Senator from Hawaii.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I inquire of the Senator from Montana, will the amendment be set aside for this one amendment and then return right back?

Mr. BAUCUS. The Senator is correct.

Mr. PRESSLER. Reserving the right to object, I inquire as to the status of the Lautenberg amendment.

Mr. BAUCUS. As soon as we dispose of the amendment of the Senator from Hawaii, we are back on the Lautenberg amendment.

Mr. PRESSLER. Does this involve a time agreement or anything of that sort?

Mr. BAUCUS. The Inouye amendment will take maybe 1 minute, and then we go back to the Lautenberg amendment. There is no time limit on the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The request of the Senator from Montana is agreed to. The Lautenberg amendment is temporarily set aside.

The Senator may proceed.

The Senator from Hawaii.

AMENDMENT NO. 1322 TO AMENDMENT NO. 1293

Mr. INOUYE. Madam President, I ask that my amendment be called up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the Inouye amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, Mr. STEVENS, Mr. MURKOWSKI, and Mr. MATSUNAGA, proposes an amendment numbered 1322.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 212 after line 15:

At the end of section 213, or the appropriate section of the bill relating to Fuel Volatility, strike the closing quotation marks and period and insert:

"(5) The provisions of this subsection shall apply only to the 48 contiguous States and the District of Columbia.".

Mr. INOUYE. Madam President, the amendment that I am proposing, together with Senators STEVENS, MURKOWSKI, and MATSUNAGA, limits applicability of fuel volatility standards—section 214—to the 48 contiguous States and the District of Columbia. This exclusion for Alaska, Hawaii, and the U.S. territories and Commonwealths is entirely appropriate and we support its inclusion in the bill.

With respect to the fuel volatility standards of section 214, I point out that the EPA has exempted Alaska, Hawaii, and the U.S. territories and Commonwealths from standards that were established in its final rule on gasoline volatility (54 Federal Register 11868, March 22, 1989). Due to geography and other unique considerations, the EPA recognized the inappropriateness of applying such controls to these areas.

A chief purpose for setting a national standard for volatility is to prevent motorists from traveling across State lines to get a more desirable gasoline mix and price. This objective is not relevant for Alaska, Hawaii, and the U.S. territories and Commonwealths.

Furthermore, Madam President, these areas have not experienced any problems as a consequence of volatility. In the case of Hawaii and the U.S. territories, isolation from the mainland and steady trade winds which prevent the accumulation of volatile organic compounds render the standards unnecessary. With respect to Alaska, summertime volatility standards are not needed due to the State's much cooler and shorter summers, and the absence of any problems with nonattainment.

The March 22, 1989 regulations will serve as the foundation for implementing the summertime standards embodied in section 214. Despite the EPA's recent regulations addressing this subject, section 214 fails to adopt the geographic standard embodied in these regulations and used elsewhere in the bill.

Madam President, I urge my colleagues to adopt the language contained in this amendment.

Madam President, I am pleased to advise my colleagues that this amendment has been cleared by the floor managers. In March of last year, EPA exempted Hawaii, Alaska, and American territories from the standards established in the final rule on gasoline volatility. However, section 214 of this bill fails to adopt this standard embodied in the regulations, and this amendment would cure that.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Montana.

Mr. BAUCUS. Madam President, the Senator is correct. We examined the amendment and are prepared to accept it.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, this is an amendment important to Alaska and both those Senators are cosponsors of this amendment and support it. It is important to that area and that State.

The PRESIDING OFFICER. Is there further debate on the Inouye amendment?

The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1322) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1319, AS MODIFIED

The PRESIDING OFFICER. The business now pending before the Senate is the Lautenberg amendment.

The Senator from Illinois.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana. It would help the Presiding Officer if Senators not speaking would sit down. It is difficult to see who seeks recognition.

Mr. BAUCUS. I thank the Senators for their indulgence from the temporary delay in debating the Lautenberg amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, the Lautenberg amendment would reduce the oxygen content requirement for fuel sold in carbon monoxide nonattainment areas. I am concerned that this amendment will weaken a very important standard for eliminating carbon monoxide pollution.

The Environmental Protection Agency has determined that the oxygen content in gasoline is the most efficient and cost effective means of reducing carbon monoxide. The pending bill requires a 3.1-percent oxygen standard. The Lautenberg amendment proposes to reduce the oxygen level in fuel by 13 percent. I think that weakening of the oxygen standard would be a great mistake at a time when 44 areas of our country are not meeting Federal standards for carbon monoxide.

I have heard my friend from New Jersey, for whom I have the highest regard, make several statements with which I must respectively disagree. The 3.1-percent standard in the bill is not an ethanol mandate, nor will it result in an enormous drain on the Highway Trust Fund.

Ethanol is not the only fuel that can meet the 3.1-percent standard. There are at least six oxygenates available today which can meet this standard, including methanol ethers, oxinol, arconol, the DuPont waiver, abconol, and octimix. In fact, the 3.1 percent standard is expected to help methyl tertiary butyl ether [MTBE] increase its market share 20 percent every year for 5 years. Furthermore, the bill establishes an oxygen credit trading program which will allow a full range of fuels to compete in the marketplace. It is simply not correct to say, therefore, that this bill mandates the use of ethanol.

It is equally incorrect to say that the bill's oxygenate standard will cost the Federal Government a billion dollars, as I have heard some claim. In fact, the General Accounting Office has just recently issued a report, perspectives on potential agricultural and budgetary impacts from an increased use of ethanol fuels, which concludes that the federal alcohol fuel tax incentive program saves money by reducing the costs of farm programs, and by increasing rural income. Although alcohol fuels do diminish, somewhat, the Federal highway trust fund, the GAO reports that the Federal Government realizes a net savings of between $460 and $587 million annually. The Highway Trust Fund enjoys a growing unobligated surplus that already amounts to over $10 billion. I believe that with the trust fund already in good shape, our concern over costs should focus on the bigger picture of how alcohol fuels improve our farm economy and reduce the Federal deficit.

From a fledgling endeavor, the ethanol industry has grown to a domestic fuel industry that produced and marketed over 840 million gallons of fuel in 1988. In the process, the ethanol industry has created a cash market for some 340 million bushels of grain, thereby lowering Federal Farm Program costs by $700 million. At the same time, this domestic industry has helped to reduce oil imports by nearly 40 million barrels.

Current predictions suggest that the use of ethanol blends will reduce motor vehicle emission of carbon monoxide approximately 25 to 30 percent. Indeed, because the oxygen content of an ethanol blend is almost twice that of other oxygenated fuels, its ability to reduce carbon monoxide levels is greater than any alternative oxygenated fuel. I think it would be unwise, therefore, for the Senate to now pass an amendment that would discourage the use of ethanol.

Madam President, it is time that we recognize the importance of ethanol in solving our smog and air toxics problem. It is good for our air; it is good for our farmers; it is good for reducing our dependency on foreign oil. Ethanol is a profoundly good idea, and we should not do anything that discourages the use of it. Rather, we should continue to pursue means to encourage the use of home-grown fuels that increase our energy security, clean up our environment, save the Government money, and help the American farmer. How many things that this body deals with can we say all of that about?

Let me finally say, as my friend, PAUL SIMON, and I have said in our letter to each of our colleagues, that we agree with our friend, the Senator from New Jersey, that the goal of the oxygenated fuels provisions should be to enhance the condition of our environment, and not to promote or mandate the use of any particular fuel. The pending bill is fuel neutral, and it will accomplish precisely what the Senator from New Jersey has stated is desirable. It is the pending amendment that will result in the favoring of certain less environmental fuels.

I encourage my colleagues to oppose the pending amendment to weaken the carbon monoxide reduction standard in the clean air reauthorization bill.

I thank the Chair and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Thank you, Madam President.

I rise in opposition to this amendment because I think it will severely hurt the chances for what we know as gasohol or ethanol fuels made from grain, and to clean up our environment. I think it will substantially hurt progress.

The oxygenated fuels program adopted by the Committee on Environment and Public Works and ratified by the Group of 15 Negotiators recognizes the fact that mobile source pollution from motor fuels account for more than half of this country's growing air pollution problem and offers a sensible, evenhanded solution. Specifically, the oxy-fuel program establishes:

A requirement for all carbon monoxide non-attainment areas to provide fuel with an oxygen content standard of 3.1 percent to assure the most CO reduction possible;

A system allowing the exchange of marketable oxygen credits which would provide for a mix of fuels in the market and maximum flexibility;

EPA has determined the environmental benefit of oxygenated fuel use is directly related to the amount of oxygen in the fuel. The higher the oxygen percentage content, the more effective the oxygenated fuels program would be in reducing CO emissions. Because of this linear relationship between oxygen content and CO reduction, reducing the 3.1 to 2.7 percent would result in an annual net loss of CO emissions of approximately 423,000 tons—almost half a million tons of carbon monoxide emissions reduction potential lost.

By establishing an oxygen credits trading program similar to the lead credits which worked effectively in the early eighties, S. 1630 sets out an environmental standard which is "fuel neutral". In addition, the 3.1-percent standard encourages all oxygenates to seek new EPA fuel waivers which will allow them to meet the new oxygen standard without requiring oxygen credits. Thus, all fuels will be able to compete in the marketplace while meeting an environmentally sound fuel performance standard.

There are two principle oxygenates in the market today, ethanol with an oxygen content of 3.5 percent and MTBE (methyl tertiary butyl ether) which contains 2.7 percent oxygen. Ethanol is produced from renewable, domestically-produced agricultural feedstocks; and MTBE is manufactured almost exclusively from methanol produced from imported natural gas. A 3.1 percent oxygen standard would assure that domestically-pro-

duced ethanol will be able to compete in the oxygenate market, thus contributing to both U.S. energy and environmental security.

While the increased use of ethanol for environmental reasons will reduce moneys collected for the Highway Trust Fund (which currently enjoys a $14 billion surplus), the U.S. Treasury will actually realize a net savings as a result of the Oxygenated Fuels Program. A study released this month by the GAO concluded that the Federal alcohol fuel tax incentive program saves the government moneys in reduced farm program costs and increased rural income. Taking reduced Highway Trust Fund revenues into account, the GAO reported that the Federal Government would realize a net savings of between $460 million and $587 million annually. Over the 8-year period studied by GAO, the Government would save between $3.7 billion and $4.7 billion.

The 3.1 percent oxygen standard is a critical component of this compromise agreement. It provides the best option available for cities to reduce dangerous levels of CO pollution. I urge my colleagues to support the oxygenated fuels program approved by the Subcommittee on Environmental Protection, the full Environmental and Public Works Committee and the negotiators that put this compromise agreement together and vote to defeat the Lautenberg weakening amendment.

In short, Madam President, it is my strongest feeling that some areas of gasohol and ethanol use would be severely hurt by this amendment. I have been to Brazil and seen them use ethanol and gasohol, and it can work—fuel from grain. We have a surplus of grain in this country. It cleans up our environment. It will help our country. This amendment for some reason flies in the face of that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, in order to save some time, if I could have the attention of my colleagues for 2 minutes—and please advise me when it is up—I think I can say what I want to say in that time.

Madam President, I do not stand here telling you that I do not have a parochial interest in this piece of legislation as far as Nebraska is concerned. Fifteen to 16 years ago in Nebraska, we established, while I was Governor, the first gasohol commission.

I warn all that if I do not have their attention I will talk longer, Madam President. Madam President, if I cannot get the attention of all the members of the staff and all the Senators on the floor I will talk longer.

The PRESIDING OFFICER. The Senate will be in order.

Mr. EXON. I thank the Chair.

I happen to know something about ethanol, what it can and cannot do. Certainly if this amendment becomes a part of the law, it would have disastrous effects on ethanol. At the same time, I wholeheartedly support the statements made by some of my colleagues that there are many other kinds of fuel, other than ethanol, that are qualified. Some seem to think otherwise.

Madam President, let me say this: methanol is a cheap substitute. Methanol, of all of the additives of fuel, is the greatest carbon monoxide producer of all.

So despite the fact that I have a parochial interest in it, as do my farmers, I simply say that if we pass the amendment offered by the Senator from New Jersey, we are going to go a long way to open up all kinds of amendments to this bill that we have worked very hard on. In that respect, this could be a killer amendment. I hope that the Senate will vote down the amendment offered by the Senator from New Jersey.

I yield the floor.

Several Senators addressed Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Iowa.

Mr HARKIN. Mr. President, I, too, would like to join so many other of my colleagues in opposing the amendment. First of all, I would like to compliment my colleague and dear friend from New Jersey, Senator LAUTENBERG. He has been a leader for many years on environmental issues. There should be no doubt in anybody's mind. In his very deep and abiding concern for the environment and his leadership in this area, he has been for a long time, and remains, a stalwart, strong supporter of having a clean environment in this country.

On this one issue, though, regarding the oxygenated level of fuels, I must oppose his amendment to reduce the required oxygen content in gasoline sold in carbon monoxide nonattainment areas.

Frankly, I am surprised that this amendment would come on the floor since all of the available data and information I have shows that it would actually increase air pollution, while, as I have had said, the Senator from New Jersey has worked so diligently and so hard and so long to improve the environment all over the country.

The committee bill, as we know, sets this oxygen level at 3.1 percent by weight for carbon monoxide in nonattainment areas in the winter months. This oxygen level substantially reduced carbon monoxide. We also know the proposed amendment would cut the required oxygen level to 2.7 percent thereby increasing the amount of carbon monoxide escaping into the atmosphere by 400,000 tons per year.

The EPA has repeatedly testified that carbon monoxide is reduced linearly with increasing oxygen content in this range between 2.7 and 3.1-percent oxygen level. The higher the percentage of oxygen, the cleaner the air.

If I could have the attention of my friend from New Jersey, I just point out, I know he spoke earlier about this not being linear if we look at the entire curve. But if we look at the range between 2.7 and 3.1 percent, the curve is linear. It may not be over the whole range of the curve, but in that range from 2.7 to 3.1 percent, I believe we would find it is really linear.

And that is important and I will get to that in just a moment.

Richard Wilson, Director of EPA's Office of Mobile Sources wrote last year:

> Our research shows that substantial air quality benefits can be achieved through the use of oxygenated fuels and that these benefits increase linearly with increased oxygen content. Therefore, the higher the level of oxygen you set, the greater the clean air benefit.

There have been some claims that too much oxygen causes more ozone, the prime constituent of urban smog.

Some worry that adding ethanol increases the volatility of gasoline. This may be true. But adding ethanol displaces gasoline that is more photo-reactive, more prone to forming ozone in the sunlight. And, since carbon monoxide is also a precursor to ozone, and since extra oxygen reduces carbon monoxide, then adding oxygen can reduce ozone. The net result is that ethanol-blended gasoline is equal to or better than regular gasoline in terms of ozone formation.

EPA has repeatedly testified that blending ethanol with regular gasoline has no net impact on ozone. I will repeat that. Blending ethanol with regular gasoline has no net impact on ozone.

Furthermore, by reformulating gasoline at the refinery, reducing the volatility, pulling out some of the aromatics, adding ethanol can result in a much cleaner fuel in terms of both carbon monoxide and ozone.

Systems Application, Inc. has analyzed various gasoline mixtures, and supports this result. For example, if regular 87-octane gasoline with 10 psi Reid vapor pressure is given a rating of 1 in terms of ozone-forming capacity, then a 91 octane, 9 psi gasoline, splash blended with 10 percent ethanol, would have an oxone forming rating of 0.79. That is, ethanol-blended gasoline would form 21 percent less ozone than regular gasoline.

I would also like to note, because I think there have been either some misinterpretations or statements made on the Senate floor that really do not track what the requirements are, the 3.1 percent requirement applies only in the winter months, from October 1

to March 31, when the carbon monoxide pollution is dominant. Ozone formation typically peaks in the hot summer months, so increased volatility during the winter should not be detrimental in terms of ozone.

Finally, this 3.1-percent requirement could be achieved by blending ETBA, as the Senator pointed out, ethyl tertiary butyl ether, which actually reduces the volatility of gasoline. Adding enough ETBA reach 3.5-percent oxygen so we reach the 3.1-percent average by weight, would reduce the Reid vapor pressure by almost 1 psi. Thus using ETBE would both reduce volatility and reduce toxic and ozone-forming components in gasoline.

But let us say we take the worst case approach. Let us say that new information down the road reveals that this information is not always correct, that perhaps there may be some examples of some situations where this does not quite work that way, some unusual condition where a city might experience more ozone when oxygen is added to gasoline. If that is the case, the committee bill and the current compromise included an escape clause: The EPA may waive the oxygenated fuel requirement in any area if it interferes with meeting air quality standards.

So there is really no need for this amendment cutting oxygen levels to 2.7 percent, even if all available scientific information proves incorrect in future years.

Last, let me mention the point about ethanol and the highway trust fund. Gasohol, this 10 percent blend of ethanol and gasoline, is now exempted from 6 cents of the 9 cent Federal excise tax for motor vehicles. To the extent gasohol is used to satisfy the requirement of the 3.1-percent oxygen, the highway trust fund will receive less money. There are again, as other Senators have said, six other allowed fuel additives that do not reduce the income to the highway trust fund, including gasoline blends with less than 10-percent ethanol.

One oil company already is blending 8 percent ethanol to produce oxygenated fuel, and they are claiming the blender's tax credit instead of the excise tax waiver, which would not apply because it is only 8 percent and not 10 percent.

The Federal Government under this formula receives less money but the highway trust funds are not affected. Furthermore, in the very unlikely event that ethanol was used exclusively to meet the 3.1-percent level, the General Accounting Office analysis showed that increased sales of ethanol would reduce farm support programs by $900 million to $1.4 billion a year, more than enough to offset the projected reductions to the highway trust fund of between $440 to $813 million.

Over the 8-year period of this study the GAO projected a net savings to the Federal Government of between $3.7 and $4.7 billion.

So, in summary, decreasing the winter oxygen level in cabon monoxide nonattainment areas from 3.1 percent to 2.7 percent as proposed by this amendment would, No. 1, increase cabon monoxide pollution by over 400,000 tons a year; two, it would also increase in many of those areas the ozone level; three, it would cost more money; and last, it would not save us any money from the reduced savings that we would get by using the 3.1-percent level in the reduction in the farm price support programs.

The 3.1-percent average oxygen content must be left as a part of this bill, and to the degree that ethanol was used as a part of the mix, the Federal Government would save up to several hundred million dollars each year. So any way we look at it, the 3.1-percent oxygenated level is in the best interests of the entire Nation and in the best interests of the Clean Air Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have great respect for the Senator from New Jersey. As a matter of fact, I was on a call-in radio program in my State a couple of weeks ago and they asked who are the potential Democratic candidates in 1992. I said if FRANK LAUTENBERG were from some State other than New Jersey, where his colleague is receiving so much attention, FRANK LAUTENBERG would be one of those being mentioned. He would make a superb President of the United States.

But even someone who would make a superb President of the United States can be wrong. In the terms of the old child's story, when he is good he is very, very good but when he is wrong he is very, very wrong. And this time, he is very, very wrong. I will just take 3 minutes, Mr. President, to outline why.

Air quality? No question we are better off with a 3.1. We are talking about 423,000 tons of carbon monoxide emissions. Not 423,000 pounds, 423,000 tons, according to the EPA.

We are talking about the potential harm to the ozone. There is no question in terms of air quality, the Lautenberg amendment ought to be defeated.

In terms of revenue, the GAO says that this amendment would cost us between $460 million and $577 million a year. Revenue: No question. Dependencey on foreign oil: This increases it. Clearly, that is not a direction we want to go.

Farmers: It is no accident that the people who are speaking on this issue are people from farm States because farmers are going to benefit by keeping the proposal as it is and not accepting the Lautenberg amendment.

What can be said on the other side? Only one thing, and that is, the highway trust fund will be hurt, and I regret that, but we have substantial reserves in the highway trust fund. If my friend from New Jersey comes up with, he says, a loss of $1 billion, that assumes a 100-percent shift to the alternative fuels, I think at the most it will probably be a 25-percent shift. But even if it is a 100-percent shift, that is $1 billion. That is less than 1 cent from a gasoline tax increase.

If he wants to amend this bill or any other bill for a 1-cent increase in the gasoline tax, let us do it, but let us not pass this amendment that is going to hurt air quality; it is going to hurt revenue; it is going to increase our dependence on foreign oil, and it is going to hurt American farmers. I hope we defeat this amendment resoundingly.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, one of the most innovative portions of the President's clean air proposal and the bipartisan substitute is that dealing with alternative fuels. This section of the bill includes provisions to increase the oxygen content of gasoline so that it burns more cleanly. Ethanol provides us with the highest oxygen content feasible today, and I support the 3.1-percent oxygen content requirement for fuel used in carbon monoxide nonattainment areas, a figure carefully arrived at by the Environment Committee.

According to the author of the pending amendment, an oxygen content of 3.1 percent rather than 2.7 percent provides little, if any, additional environmental protection. However, such a statement flies in the face of the available data. According to the Environmental Protection Agency, there is a linear relationship between an increase in the percentage of oxygen in gasoline and the reduction of carbon monoxide emissions. As a matter of fact, the 3.1-percent figure would provide a 15-percent greater reduction in carbon monoxide emissions than would the 2.7-percent figure. This would result in 450,000 fewer tons of carbon monoxide emissions annually in the United States than would be the case under Senator LAUTENBERG's amendment. These are benefits that cannot be ignored.

And those are just the environmental benefits. The 3.1-percent figure provides economic benefits as well. My friend, the Senator from New Jersey claims that the 3.1-percent figure, because it would require increased use of ethanol, which receives a 6 cent per gallon of gas tax credit, would lead to reductions in Federal highway trust

fund revenues. However, the $500 million in expected losses to the trust fund would be more than made up for by reductions in agricultural program payments to farmers, according to the U.S. General Accounting Office.

Ethanol use is expected to double in response to this bill. This would greatly increase the demand for American agricultural products. A bushel of corn can produce 2.5 gallons of ethanol, and under the bipartisan substitute, there would be demand for at least 400 million more bushels of corn and other agricultural products annually.

According to the GAO, reductions in Federal outlays from farm support programs would be $900 million under their lowest use scenario for ethanol use. Even after the additional revenues lost to the highway trust fund, this would lead to a government savings of over $400 million annually. And under the high ethanol use scenario, Federal farm program outlays would be reduced by an astounding $1.4 billion annually, leading to an annual average savings of $600 to $900 million. In addition, the GAO reports that the high-use scenario is more likely to occur, especially if the Congress extends the ethanol tax credit.

With a 3.1-percent oxygen requirement, close to half of the fuel used in carbon monoxide nonattainment areas would be ethanol blended. The other half would be MTBE-blended gasoline. Under Senator LAUTENBERG's amendment, much less ethanol would be used. Several Western States trying to reduce carbon monoxide pollution have instituted oxygenated fuel programs requiring from 1.5- to 2.7-percent oxygen. In these States, only about 10 percent of the fuel is ethanol blended. The rest is MTBE blended. Similar results should be expected under Senator LAUTENBERG's amendment.

And I add that MTBE is derived from methanol, a product which is almost always imported. We want to reduce our dependency on foreign fuels, not increase it, as this amendment proposal would do.

Finally, in addition to improving air quality, increasing the demand for farm products, reducing Federal farm payments, and decreasing our dependence on foreign oil imports, increasing ethanol use would help combat global warming. According to the Congressional Research Service, ethanol yields 24 percent as much carbon dioxide, the most abundant greenhouse gas, as does normal gasoline. I have been very active on the global warming issue, and I think that requiring a high oxygen content would be a great step toward combating this monumental threat facing our Earth.

The arguments for ethanol speak for themselves. I support the oxygen content requirements as they currently stand, and I am very opposed to the pending amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, proponents of this amendment argue that without this change, $1 billion from the highway trust fund will be lost because only ethanol can meet the 3.1-percent requirement, and ethanol blends are exempt from 6 of the 9 cent Federal gas tax.

This estimate is entirely unrealistic, because it is based on a faulty premise that only ethanol can and will be used to meet the 3.1-percent requirement.

Most likely, ethanol's share of this oxygenated market will be around 30 percent—a far cry from 100 percent. That is based upon the ethanol blend sales in areas such as Colorado, Arizona—areas already with oxygenated fuels programs.

If, indeed, ethanol achieves a 30-percent share, the impact on the highway trust fund would be about $250 million.

Not for 1 minute would I suggest I am not concerned about the condition of our highway infrastructure, nor would I minimize the importance of the moneys in the highway trust fund.

But let us put a couple things in perspective. Back in 1982, Congress agreed with the Mass transit.

Interests to allow them to receive 1 penny out of the 9 cent gas tax.

Here we have what we call a user fee, that is only supppose to be used for our highway system, and all of a sudden transit is getting a large portion.

And do you remember why? It was argued that this money was needed to improve mass transit so that air pollution would be reduced.

Since then, mass transit has taken $9.1 billion out of the highway gas tax moneys. It is averaging $1.3 billion per year.

And yet now we hear arguments that ethanol should be cut out of this oxygenated market because it might reduce the amount of money going into the trust fund.

Now if you take into consideration the Federal Government moneys as a whole, it is very important to understand that the General Accounting Office just recently reported that the more ethanol we use, the more the Government saves. This is because of savings resulting from reduced spending on farm programs and increased rural income. GAO estimated that the Federal Government actually enjoys a net savings of anywhere from $460 million to $567 million per year.

So what is lost to the highway trust fund, is more than gained in other Federal savings elsewhere.

Another important point to remember is that the highway trust fund has an unobligated cash balance of about $10 billion. And this grows at a rate of about $300 million per year.

So it is clear that the answer to our highway infrastructure problem lies not with the Clean Air Act, not by passing a weakening amendment that not only will reduce our clean air efforts, but also will effectively undermine a major market for American farmers.

Frankly, it seems ironic that we are about to pass a bill that could cost American businesses and consumers anywhere from $20 to $105 billion in the name of clean air, yet oppose a provision such as the 3.1 percent oxygenated requirement that GAO studies suggest will actually save the Government money.

Mr. President, it is also inaccurate to suggest that a 3.1-percent oxygenated standard consitutes an ethanol mandate. As I said earlier, our most optimistic estimates would be about a 30-precent market share for ethanol.

That's because there are a large number of alternative fuels competing with ethanol. For instance,

Octamix, which is 5 percent methanol combined with other alcohol cosolvents would provide 3.7 percent oxygen;

Dupont waiver, which is 5 percent methanol and 2.5 percent ethanol provides 3.7 percent oxygen;

Methanol with MTBE, with 2 percent methyl tertiary butyl ether and up to 5 percent-by-volume methanol and a minimum 2.5 percent by volume cosolvent alcohols would also provide 3.7 percent oxygen;

Arconol, which is tertiary butyl alcohol, can provide 3.7 percent oxygen when utilized at 16 percent volume; and

Oxynol 50, which is 4.75 percent methanol and 4.75 percent tertiary butyl alcohol can provide 3.5 percent oxygen.

These alternative fuel additives represent just a partial list of those available to compete for this market.

It is just absolutely not the case that a 3.1-percent requirement constitutes an ethanol mandate.

Moreover, if anything, by dropping the standard down to 2.7 percent, we will actualy be cutting ethanol and American farmers out of a major market.

So who will really gain by changing from 3.1 to 2.7 percent? The answer is obvious! Big oil!! Big oil will gain because those companies control the methanol and MTBE. The Big oil companies make up much of the membership of the so-called consumers for competitive fuels which supports this amendment. Big consumers like Shell, Mobil, Exxon, Phillips, Amoco, Chevron, just to name a few.

The debate over this amendment, therefore, really boils down to this: If

you want to help big oil maintain its lock on our fuel supply and if you want to weaken the Clean Air Act, then vote to reduce the 3.1-percent requirement down to 2.7 percent.

On the other hand, if you want to improve our air, and provide the Federal Government with some net savings, then vote to retain the 3.1-percent requirement. Because with 3.1, you are going to encourage the use of ethanol—a proven pollution fighter produced by American farmers, not big oil.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, earlier this evening the majority leader at a social function suggested that this Senator might be responsible for keeping the troops here. He addressed it to the spouses of the Members and ginned up what I would call some hostile forces. I would ask the majority leader, who is not here, or the manager instead, if he would like to carry this debate over until tomorrow and permit the spouses to have an evening at home after a lot of hard work. Perhaps we ought to end the debate now and have the vote on tomorrow. While waiting for a response to that, Mr. President, there are a couple of things I would like to clear up.

We have heard some very complimentary things. I have been flattered to tears by my colleagues who know that I am always on the side of a cleaner environment, and then they proceed to decimate the proposition that I put forward.

Mr. President, I have so many friends on the floor with whom I share common objectives, common legislative agendas, who suddenly accuse me of supporting companies like Exxon, Arco, Mobil, Texaco. They should have seen where those companies were when I was running in 1988. Then I have been tough on the oil industry, pursuing them from Alaska to Staten Island, from the south to the north, because of the problems that have been created by mishandling of hazardous cargo, et cetera. I am not fronting for anybody except the American consumer and a clean environment.

I have no problems using ethanol as a fuel. The problem I and those who want to pass this amendment have is that this is clearly so skewed toward gasohol. Having come from the corporate world, I believe that open and free competition is the way to go. But those here opposing me, who say they are so concerned about the environment believe we can accomplish the mission by effectively narrowing the options to one.

There are a couple of things I want to clear up. First, this amendment would, in no way, reduce the environmental goals of this bill. The areas in carbon monoxide nonattainment would still have to come into attainment, and on the same schedule. None of that is changed. And lest my colleagues be given the impression that this amendment is not an environmental additive, let me again point out who supports a 2.7 percent oxygen standard, as contained in my amendment.

As I mentioned earlier, the State and Territorial Air Pollution Program Administrators, many from States represented on the floor tonight, the people who are out there implementing the clean air programs, support this amendment. They are the ones who have to make sure their States or cities meet the carbon monoxide standard. They are the same people who have criticized this bill as not going far enough to clean up our air. Their commitment to clean air is unchallenged. They are not out there to sell agricultural products, even though in many cases they represent agricultural States. They are not out there to give anybody a market advantage. Their only mission is clean air, and they are challenging the condition that we have in the bill.

The California Air Resources Board, the South Coast Air Quality Management District of California, and the California Energy Commission all support this amendment. They support it for one reason: it makes sense environmentally.

Now to the second point. Mr. President, the impression was given in early debate that the oxygenated fuels provision was part of the agreement reached with the administration and that amending it would somehow or other unravel this deal. There was no negotiating on this point. I tried several times to bring it up and, in deference to my distinguished colleagues who were trying to manage a compromise, we left the subject undiscussed, leaving the discussion to take place, as it is now, on the floor of the Senate.

The provision is not a product of compromise negotiations. It is a product of the Environment Committee. Yes, it was adopted in Committee by a close vote of 9 to 7. But, it was not discussed in the black hole back here were sitting, trying to arrive at a compromise. I tried to raise it, but it was not discussed.

Let us be clear about the administration's position which was incorrectly stated several times. The administration—and the times are few and far between that I defend the administration—has not endorsed 3.1 percent. In fact, in this bill, the administration was silent on the question of a specific oxygen level for fuel.

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from New Jersey has the floor. The Senate will be in order.

Mr. LAUTENBERG. I will yield for a question.

Mr. SYMMS. I thank the Senator for yielding. I might say that Senator LAUTENBERG in the committee—if we could just have a little bit of order. I will try to be brief.

Just so Senators will know what happened, in the committee I cast the deciding vote against the amendment of the Senator from New Jersey resulting in the provision now in the bill. At that time I said to Senator LAUTENBERG that the Secretary of the Treasury, Mr. Brady, had assured me that he would grant the credit for ETBE, if I would support the Senator from New Jersey's position on the floor.

If I may ask Senator LAUTENBERG, Mr. President, did not the Treasury give that credit just today?

Mr. LAUTENBERG. Yes, they did, and they promised it would be in the Federal Register in the very near future. There will be a credit for the formulators, for the refineries that make this material and it will come out of the general Treasury and not out of the trust fund, which has no way of being replenished.

Mr. SYMMS. I believe that ETBE is a much better way to support and sustain a productive ethanol industry, with that support coming out of the general fund in the form of an ETBE tax credit and not to siphon money out of the Highway Trust Fund. Consequently, Mr. President, I believe that ETBE is far better for American farmers and American ethanol in the long term. And, even though I consider myself one of the Senate's staunchest ethanol advocates, in order to be consistent with my commitment to Secretary Brady, I will support the Senator from New Jersey.

Mr. LAUTENBERG. I appreciate the question and the support of the Senator from Idaho.

Mr. President, my colleagues say that as many as six other fuels exist that can meet the 3.1-percent average. Technically, one might say that, but practically speaking that is not the case. A number of fuels have, over time, been developed, but because they cannot be produced economically, or because of technical problems, they are not being used today. The only viable fuel that can be used today that exceeds the 3.1-percent average is gasohol.

Statements have also been made that somehow or other a 3.1-percent average is more fuel neutral than a 2.7-percent average. That does not make sense. Look at ETBE, which has been discussed many times. That only has a 2-percent oxygen factor. The

math is simple. If you want to use ETBE at 2 percent and have to meet an average of 3.1 percent, you have to use an awful lot of fuel exceeding 3.1 percent.

And what is that fuel? Gasohol. If there is an average of 3.1 percent, any fuel below that level would have to be offset by using a certain amount of fuel above the average.

So this is the situation. Someone marketing a fuel at 2.5 or 2.7 percent wants to sell their fuel within a nonattainment area. How do they do it? They have to buy oxygen credits from someone selling gasohol. So gasohol once again is the winner. Farmers get support to raise corn; agribusiness gets $500 million in annual subsidies to turn it into ethanol for gasohol.

Anyone wanting to sell fuel at less than 3.1 percent oxygen has to buy the right to do so from the gasohol industry. It is a nice deal, but not one we should be putting together here tonight.

Then the question of the Highway Trust Fund was raised. Let me point out again, whether it is $1 billion or whether it is $500 or $300 million, that is money that is lost forever from the highway trust fund. It is not money that we will ever see again. It is money that we will never have to meet our infrastructure needs. And those needs are staggering.

It has been said that there is a $10 billion surplus in the trust fund. It is not so. That money is all accounted for. We have $30 billion in commitments right now, and we need that money to pay the bills as they come due.

So let me summarize. This amendment by no measure represents a deal buster. It is supported by State and local environmental officials. It is more fuel neutral than the 3.1-percent standard now contained in the bill. The result is lost highway trust funds, as much as $1 billion a year, money that won't be made up for by any savings that there may be in any farm subsidy program reduction.

Mr. President, there will be more to this debate. But I hope my colleagues are not going to be misled by any misperceptions about what this amendment really does.

Mr. DOLE. Mr. President, I want to commend the Senator from New Jersey and chairman of the Transportation Appropriations Subcommittee, Senator LAUTENBERG, for his many efforts to protect the integrity of the highway trust fund.

As with other trust funds, the money is dedicated to a specific purpose, and we must remain vigilant against efforts to transfer these precious Federal resources to other programs.

And I will continue to join the Senator from New Jersey in these goals. The record reflects the strong support of the highway trust fund, dedicated to constructing and maintaining our Federal highway system, not just by the senior Senator from Kansas, but also by the former Secretary of Transportation Elizabeth Dole.

So protecting the trust fund runs deep; it's a family matter. I take a back seat to no one in wanting a strong and viable highway trust fund. I am not aware if any of my colleagues have supported my statement of having no objection to increasing the Federal fuel excise tax, if and only if it is dedicated to constructing and maintaining our most important infrastructure—the Federal Highway System.

But I part company with my colleague from New Jersey on this amendment. Quite frankly, I believe it is misplaced and misrepresents the facts.

First, excise taxes are imposed by the Committee on Finance, not the Committee on Environment and Public Works. If the Senator from New Jersey has some problem with the Tax Code, I am certain he would be afforded an opportunity to testify at the committee's next hearing.

Second, the real problem is the $10 billion surplus in the trust fund—a surplus we cannot spend, due to an accounting procedure. This procedure limits what the Appropriations Committee is able to spend on highways to about $12 billion per year, which does shortchange the taxpaying American motorist. I would welcome the Senator's assistance in changing this procedure, so the money sent to Washington by the public to build and maintain highways and bridges can be spent to build highways and bridges. But this is a Budget Committee item, not something under the jurisdiction of the Committee on Environment and Public Works.

I know the Senator is a member of the Budget Committee, so maybe he could expend some effort there on our joint effort to defend and promote the highway trust fund.

LAUTENBERG AMENDMENT

But instead, we are presented with an amendment to the clean air bill that is being represented as some kind of salvation from a raid on the trust fund, as if someone were trying to pick the lock on the safe in the middle of the night and steal money from highway contractors. Nothing could be farther from the truth.

The amendment is an antienvironmental, big oil bailout, and I am surprised anyone would think it should be given serious consideration to a bill which is supposed to help our environment.

Forty-four cities in the United States are currently out of attainment for carbon monoxide. To bring those cities into compliance at the earliest possible date, the committee established an average oxygen content level of 3.1 percent above regular gasoline. It is estimated that as many as one-third of these cities could quickly come into attainment for carbon monoxide simply by requiring a 3.1 percent oxygenate level in motor gasoline, with no other costly and onerous measures being required.

The Senator from New Jersey argues that we should mandate methanol, but fails to mention three important points—all of this methanol will be imported, methanol is far more toxic than gasoline, and burning methanol produces formaldehyde—yet another toxic pollutant. I just cannot understand why we want to mandate an increase in new toxic chemicals in a clean air bill.

Make no mistake, this is a big oil amendment. The major international oil companies control foreign natural gas reservoirs, and they are looking for a market—your gas tank and the gas tanks of your constituents. By voting for the Lautenberg amendment, you will be closing an opportunity for a clean-burning, domestically produced product from our motor fuels market, leaving nothing to compete against oil company-owned feedstocks. If you vote for this amendment, do not complain about high gasoline prices, because you voted against competition.

In 1989, the United States spent $49.62 billion on imported oil, compared with a trade deficit of $108.58 billion. Imported fuels accounted for over 45 percent of the total trade deficit, and the Lautenberg amendment would increase it.

As I indicated earlier, the methanol mandated by the Lautenberg amendment will be imported—in tankers, the same tankers that, unfortunately, sometimes find the rocks close to our shores. Do we really want all that highly toxic methanol floating off our beaches? Why, when we continue to give lip service to American competitiveness, do we mandate that foreign products are the only ones which can be burned in our automobiles?

Simply put, the Lautenberg "methanol mandate" is bad for the environment and bad for America. We should accept the committee's recommendation on oxygenated fuels, allowing clean-burning, domestically produced ethanol to play a role in our environmental cleanup.

Mr. WIRTH. Mr. President, this amendment raises very difficult questions for those of us who were supporters of oxygenated fuels long before we had much experience with their use. As a Member of the House of Representatives, and now as a Member of this body, I have consistently urged that we expand the use of oxygenated fuels to combat air pollution in our Nation's cities. Time has proved us right—oxy fuels are an in-

valuable tool for reducing air pollution.

I represent a State that was a pioneer in promoting the use of oxygenated fuels as part of the effort to reduce air pollution in cities along the front range of the Rocky Mountains. In fact, Colorado was one of the first States in the Nation to mandate the use of oxygenated fuels as part of a comprehensive strategy for reducing air pollution.

That program has been far more successful than even the strongest supporters of oxy fuels had hoped for. But since Colorado was at the leading edge of this work and there was some uncertainty about how this new program would work, the State air quality commission thought the oxy fuels program should be phased in. They reasoned that this very careful approach would help drivers adjust to new fuels, and would give gasoline stations a chance to accommodate a new fuel mixture.

That is why, during the winter of 1987-88, gasoline sold in a number of cities along the range only had to contain 1.5 percent oxygen. Then, during the next 2 years, gasoline sold during the 4 winter months had to contain 2 percent oxygen.

Mr. President, as many of us had hoped, the adjustment to oxy fuels has been virtually painless. Last year, 1.8 million vehicles in Colorado traveled more than 4.8 billion miles using oxy fuels, and those vehicles consumed more than 350 million gallons of oxygenated fuels. In the process, Colorado health officials have recorded a 12 to 13 percent reduction in carbon monoxide pollution levels.

Based on those statistics, Colorado's air quality control division is going to recommend in the next few days that the oxy fuels program be expanded to require the use of gasoline that contains at least 2.7 percent oxygen. The State's experts predict that this will help reduce air pollution by 15 percent.

In the last few years, we have proved that oxy fuels—ethanol, MTBE, and ETBE—can significantly help reduce air pollution. And oxy fuels make good sense for other reasons as well.

For example, in 1988 the domestic ethanol industry produced and sold more than 85 million gallons of ethanol. That represents a market for 340 million bushels of grain, and helped reduce farm program costs by $700 million. Ethanol is an energy source we produce right here in the U.S., and that helps cut down our trade deficit and enhances the Nation's energy security.

MTBE has also been a stunning success in the market. And like ethanol, it helps reduce our trade deficit and makes us more energy secure.

And as I said, Mr. President, I have been a strong supporter of these fuels.

When EPA was deciding whether to let oil companies sell MTBE as an oxy fuel, I supported those efforts. When President Reagan proposed to end the tax exemption for alcohol fuels, I opposed those measures. And I supported the ETBE manufacturers when they were trying to convince the Treasury Department to give ETBE a tax exemption.

That is why my decision on this amendment was a very close call.

But ultimately, after very careful thought, I concluded that on balance we should stick with a maximum oxygen content of 2.7 percent. What finally convinced me is the logic that the State's experts used when they were trying to decide whether they should recommend expanding Colorado's program to 2.7 percent or 3.1 percent.

Going into the debate, these experts emphasized that most of the pollution reduction from oxy fuels comes at the lower end of the scale. In other words, we get about 80 percent of the total pollution reduction from fuels that contain only 2 percent oxygen. By increasing the oxygen content to 2.7 percent, we can get another 10 percent in pollution reductions.

This means that with a 2.7 percent oxygen requirement, we will be getting about 90 percent of the pollution reduction we can get using oxygenated fuels. Of course, we could get a small additional reduction by increasing the oxygen content to 3.1 percent, but we would also pay a price for that.

The price is that under the existing regulations, MTBE can not be blended to get more than a 2.7-percent oxygen content. So a requirement that oxy fuels contain at least 3.1 percent oxygen would significantly reduce the market opportunities for MTBE.

What does that mean? One of the most important things we have learned from Colorado's experience with oxy fuels is that consumers want to be able to choose which oxy fuel they are putting into their car's gasoline tank. Some people prefer ethanol. Others prefer MTBE blends. But people want to have that choice, and they will resist a program that reduces their choices.

Another problem that the experts pointed out to me is that as you remove one oxy fuel from the market, you reduce competition. And that competition among fuels is very important for keeping the price of fuels as low as possible for consumers.

There are two more points I want to make, Mr. President. As I understand it, the amendment offered by the Senator from New Jersey would not set this issue in concrete. It would require that oxygenated fuels sold in these nonattainment areas contain 2.7 percent oxygen. If, a few years down the road it makes sense for a State, or a city like Denver, to set a higher minimum oxygen content, that possibility always exists. All we are saying with this amendment is that we don't want to set a national minimum oxygen content of 3.1 percent.

And finally, Mr. President, I want to emphasize for my colleagues who are opposing this amendment that in the next day or two I intend to offer a comprehensive amendment on the floor that will significantly broaden the market for ethanol and ETBE. That amendment will require the use of reformulated gasoline in all serious ozone nonattainment areas—and as you know, reformulated gasoline can be produced from ethanol and ETBE.

Does that make my decision easy, Mr. President? Not at all. As I said, this has been a very close call for me. But on balance, I think the amendment should be approved, since it is important to maintain a healthy competition among these fuels, and to make sure that consumers have a choice of fuels.

MYTHS AND FACTS ABOUT OXYGENATED FUELS

Mr. BAUCUS. Mr. President, I oppose the amendment that the distinguished Senator from New Jersey has offered.

We are both in agreement that oxygenated fuels offer us the means to reduce carbon monoxide. And we all know carbon monoxide is a serious urban air quality problem; 44 cities fail to meet Federal air quality standards for carbon monoxide; 90 percent of the carbon monoxide emissions are produced by motor vehicles.

Luckily, fuels with additives containing oxygen can reduce carbon monoxide emissions. The extra oxygen facilitates complete combustion, reducing the amount of CO that is produced. Denver has implemented an oxygenated fuels program and has realized a 12 percent reduction in carbon monoxide pollution as a result. A reduction of 20 percent is feasible.

S. 1630 requires that fuels sold in the winter months in carbon monoxide nonattainment areas contain an average of 3.1 percent oxygen. It allows the trading of oxygen credits among fuel suppliers.

These provisions requiring a 3.1-oxygenated fuels level, in my opinion, have been criticized unfairly. Here is what some of the critics are saying.

Myth: A 3.1-percent oxygen requirement mandates the use of ethanol—gasohol—as the oxygenated fuel.

Fact: Several other additives could and would be sold even under a 3.1-percent mandate.

In addition to ethanol, EPA has approved four other additives which give the finished fuel an oxygen content greater than 3.1 percent. They are tertiary butyl alcohol, Oxinol, the DuPont Waiver, and Octamix.

Moreover, the bill also allows trading of excess oxygen credits. Use of

ethanol or any of the above additives would generate excess oxygen credits. These credits could be traded to a marketer using an additive with less than 3.1 percent oxygen to make up the shortfall.

It is likely that the makers of other additives—MTBE and ETBE—which don't currently have waivers reaching a 3.1-percent oxygen level would seek applications. EPA officials have indicated that they would expect an application for an MTBE waiver at 3.1 percent and they can see no reason to disapprove it. An ETBE waiver at 3.1 percent is already being prepared.

Myth: Most of the environmental benefit from oxygenated fuels is realized with just 2 percent oxygen.

Fact: The relationship between oxygen content and carbon monoxide emissions reductions is linear; the more oxygen the better.

EPA has looked at this question on two occasions, the second time using data collected by the oil industry. On both occasions EPA concluded that the relationship between oxygen content and carbon monoxide emissions reductions is linear. Each additional increment of oxygen achieves the same reduction in carbon monoxide emissions reductions.

Myth: Now that a tax credit for the ethanol used in ETBE has been approved, an oxygen requirement of 3.1 percent is not needed.

Fact: Even with the tax credit, ETBE cannot compete with methanol additives at current prices.

Prices for the feedstocks from which these additives are made fluctuate over a broad range. ETBE, even with the blenders credit, would have been price competitive with MTBE in only 3 months over the last 5 years.

Myth: Oxygenated fuels make the ozone problem worse.

Fact: The oxygenated mandate only applies during the 6 winter months when ozone pollution is not a concern.

Ozone forms on hot summer days. The worst carbon monoxide problems occur on cold winter days because cold engines do not burn fuel well in cold temperatures. The bill only requires oxygenated fuels during the winter months. And the bill also includes a waiver provision allowing areas to opt out of the requirement, if they believe that oxygenated fuels would make another air pollution problem worse.

Myth: The oxygenated fuel requirement will bankrupt the highway trust fund.

Fact: The cost to the trust fund is likely to be less than $200 million per year.

Each gallon of gasohol—10 percent ethanol and 90 percent gasoline—is exempt from 6 cents of the highway excise tax. To the extent that gasohol is used to fulfill the oxygen requirement, revenue to the highway trust fund will decrease.

However, because of the trading provision gasohol would likely be only 40 percent of the fuel sold; 60 percent would be MTBE. At a loss of 6 cents per gallon, the cost to the trust fund would be $160 million per year.

This estimate likely overstates the impact on the trust fund. Eight percent of all fuel sold in the United States currently is gasohol and much of that is sold in cities with CO nonattainment problems. In those cities the oxygenate mandate would not increase the impact on the trust fund.

The cost to the trust fund from current gasohol sales is $450 million per year. GAO estimates, however, that the U.S. Government actually saves $600 million in agricultural subsidies as the result of the current tax credit—it has a net budget benefit.

Myth: No environmental benefit is realized by using oxygenated fuels in new cars.

Fact: Tests run by ARCO indicate that oxygenated fuels are more effective at reducing carbon monoxide emissions in new cars.

ARCO has developed a reformulated gasoline which it calls EC-1. EC-1 contains 1 percent oxygen provided by an MTBE additive. ARCO tested this gasoline both in precatalyst automobiles and in new automobiles. The ARCO test showed larger carbon monoxide emissions reductions from the new vehicles than from automobiles which had no catalysts or oxygen sensors at all.

Mr. President, as you can see, many myths about a 3.1 oxygenated fuel standard have surfaced. They are only myths.

The 3.1 oxygenated fuels standard in the bill offers a means for significantly reducing carbon monoxide levels. And it does it in a way that is fair to the consumer. I urge my colleagues to table the amendment offered by the distinguished Senator from New Jersey.

Mr. SIMPSON. Mr. President, I find myself in disagreement with my fine leader and some of my farm State colleagues on this one. I would like to see all types of oxygenates used to reduce carbon monoxide and other pollutants—for I believe they are useful fuel additives and are very necessary in nonattainment areas.

We often react to issues based on parochial concerns. Here is such a case. I find that I must support the amendment offered by my able colleague, the Senator from New Jersey. There are many small refiners in my State that produce MTBE or methyl tertiary butyl ether and a major corporation has just announced they are planning to build a new MTBE plant in my State and that they will be making MTBE from natural gas. Then we also have the potential to make methanol from coal and natural gas and we have great reserves of those products in my State. I also have farmers to represent and they would like to produce ethanol as well, but not on the same scale as the MTBE producers.

So, I do support the amendment to change the oxygenate number to 2.7. This is assuredly a tough issue, but I must support my State on this one.

Mr. BAUCUS. Mr. President, I do not see any other Senators wishing to speak on this amendment. The Senator from New Jersey is correct. This subject is not covered in the negotiations on the clean air bill. Many subjects were, but the oxygenated fuels provision was not covered in negotiations.

On the other hand, Mr. President——

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana.

Mr. BAUCUS. I thank the Chair.

On the other hand, Mr. President, this question was fully debated in the Environment and Public Works Committee. When this issue came up, there was a wide array of witnesses. Some witnesses felt that oxygenation content should be 2.7 percent. The middle range is about 3.1 percent.

Other witnesses felt that the oxygen content should be as high as 3.7 percent. The committee decided on the middle position, 3.1 percent.

In addition, this provision makes sense in cold, high-altitude parts of the country. It helps reduce carbon monoxide. It is very much needed.

Most of the nonattainment areas in the country are cold altitudes, cold elevations in this country. This provision helps those areas reach attainment, to lower their carbon monoxide.

Finally, there are other oxygenated fuels that are available that can meet the 3.1 percent. Again, this was fully debated in the committee. The committee took the middle position.

Mr. President, accordingly, as I see no other Senators wishing to speak, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table the amendment of the Senator from New Jersey.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Michigan [Mr. RIEGLE] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—53

Baucus	Glenn	McConnell
Bond	Gore	Metzenbaum
Boschwitz	Gorton	Mikulski
Bumpers	Grassley	Murkowski
Burdick	Harkin	Nunn
Burns	Hatfield	Pell
Chafee	Helms	Pressler
Coats	Hollings	Reid
Conrad	Jeffords	Robb
Danforth	Kassebaum	Rudman
Daschle	Kasten	Sanford
DeConcini	Kerrey	Sasser
Dixon	Kohl	Shelby
Dole	Leahy	Simon
Durenberger	Levin	Stevens
Exon	Lugar	Thurmond
Ford	McCain	Warner
Fowler	McClure	

NAYS—43

Adams	Domenici	Mack
Armstrong	Garn	Mitchell
Bentsen	Graham	Moynihan
Biden	Gramm	Nickles
Bingaman	Hatch	Rockefeller
Boren	Heflin	Roth
Bradley	Heinz	Sarbanes
Breaux	Humphrey	Simpson
Bryan	Inouye	Specter
Byrd	Johnston	Symms
Cochran	Kennedy	Wallop
Cohen	Kerry	Wilson
Cranston	Lautenberg	Wirth
D'Amato	Lieberman	
Dodd	Lott	

NOT VOTING—4

Matsunaga	Pryor
Packwood	Riegle

So the motion to lay on the table amendment No. 1319, as modified, was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1323 TO AMENDMENT NO. 1293

(Purpose: To modify language calling for mandatory consideration of transportation control measures in developing State Implementation Plans to selection of those measures which would be most effective to deal with specific regional or local air quality problems)

Mr. MOYNIHAN. Mr. President, I should like to propose an amendment which will be offered for myself and the Senator from Nevada [Mr. REID].

And therefore, Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself and Mr. REID, proposes amendment numbered 1323 to amendment No. 1293.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 14, line 15 after "Secretary of Transportation," insert "and after providing public notice and opportunity for comment,".

Page 16, line 24 strike "and".

Page 17, line 3 after "conditions" insert "; and "(xv) employer-sponsored programs to permit flexible work schedules".

Page 50, line 8 after "downtown" insert "other commercial, and residential" and after "avoid" insert "increasing or".

Page 76, line 16 after "demonstration." insert "In considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them.".

Page 78, line 19 through page 79, line 2 strike entirely and replace with "The State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards."

Page 79, line 2 after "standard;" insert "in considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them;"

Page 111, line 6-18 strike entirely after "MEASURES.—" and replace with "In revisions submitted pursuant to section 188(g) for any serious nonattainment area, the State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards. In considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them."

Mr. MOYNIHAN. Mr. President, I hope this statement can serve as a brief explanation of the provisions of this amendment and how they relate to the bill before us.

The EPA is currently required by the Clean Air Act to provide guidance to the states on the reductions in emissions of carbon monoxide and volatile organic compounds to be gained from changes in local transportation policy. These documents have not been updated by the EPA since 1978, and cities trying to improve air quality by managing traffic have had little federal help.

And so, quite sensibly, the bill reported by the committee directed the EPA to update these guidance documents. A list of some of the measures EPA should look at is contained in section 108(f) of the Mitchell/Dole substitute bill. This list is taken verbatim from S. 1630 as reported by the Committee on Environment and Public Works. It includes everything from bicycle lanes to improved public transit to tolls on certain roads or bridges.

This is, however, not all the bill did. In the Mitchell/Dole substitute (on page 76 and again of page 111), there is a requirement attached to the 14 measures listed in section 108(f) needing some clarification. The language on page 111, which addresses emissions of carbon monoxide, reads as follows:

Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious non-attainment area shall contain a commitment to implement as expeditiously as possible each of the transportation control measures specified in section 108(f) or a statement of the reasons for not including such measure in such revisions and an identification of other measures which will be taken in the area to obtain carbon monoxide emissions reductions equal to or greater than those that would have been achieved by implementation of such measure or measures, or reasons why such reduction is not necessary to meet the requirements of section 188(g)(3) or to attain a national ambient air quality standard.

Similar language appears on page 76 to address the use of these measures in ozone nonattainment areas.

Mr. President, my objection to this language results from its presumption that each and every one of the measures listed is somehow necessary and appropriate. Clearly some of these should be adopted, but others perhaps not. The judgment of what is appropriate for any city and what is not should remain with those who must implement these programs and live with the consequences of their decisions—local officials.

It may be that "transportation management plans for shopping centers" are sensible in Los Angeles. In New York City, "programs to control extended idling of vehicles" might be a higher priority. Be this as it may, we in the Congress should not take it upon ourselves to decide such questions. There is no way for us to know what to do in each and every nonattainment area, and we should not pretend otherwise.

This amendment would replace the language quoted above with the following:

In revisions submitted pursuant to section 188(g) for any serious nonattainment area, the State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with national ambient air quality standards. In considering such measures, the State should ensure adequate access to downtown and other commercial and residential areas, and should avoid measures that relocate emissions and congestion rather than reducing them.

The amendment is very simple in this regard—all measures should be considered; none is mandatory.

In addition to these changes, the amendment would allow for public comment on the guidance prepared by the EPA regarding the measures listed in section 108(f). The amendment also adds one measure to the list of measures to be considered: "employer-sponsored programs to permit flexible work schedules."

Mr. President, I hope this amendment can be accepted by the Senate.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this side has examined the amendment offered by the Senator from New York. Essentially it allows a State or area which is not in containment to more flexibly reach its goal. That is each of the various 14 or so transportation controlled measures that are enumerated in the bill would not have to be implemented. Rather the city could implement any one of those that seem most appropriate for that city so long as it still reached its goal of reaching attainment by the prescribed dates set forth in the statute. The goal of flexibility and final attainment are contained in the amendment.

I think the amendment is entirely appropriate, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 1323) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 1324 TO AMENDMENT NO. 1293

(Purpose: To provide exemptions for the production of oil from a stripper well property and for the production of stripper well natural gas)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. NICKLES, proposes an amendment numbered 1324.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following new title:

TITLE —MISCELLANEOUS EXEMPTIONS

EXEMPTIONS FOR STRIPPER WELLS

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title I of the Clean Air Act Amendments of 1989 relating to the regulation of areas designated under section 107 of the Clean Air Act, other than areas designated as severe or extreme pursuant to such section or part D of such title and the amendments made by such provisions, shall not apply with respect to the production of and equipment used in the exploration, production, development, storage or processing of—

(1) oil from a stripper well property, within the meaning of the June 1979 energy regulations (within the meaning of section 4996(b)(7) of the Internal Revenue Code of 1986, as in effect before the repeal of such section); and

(2) stripper well natural gas, as defined in section 108(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3318(b)).

Mr. DOLE. Mr. President, 20 percent of the Nation's oil and gas is produced from stripper wells. Right now, over 50 percent of the Nation's oil supply is imported—near the dangerous levels that we experienced when the OPEC oil embargo occurred in 1974.

This amendment would help keep marginally producing wells—those wells that produce less than 10 barrels of oil per day—in production instead of being capped and abandoned.

The oil and gas industry in Kansas is second only to agriculture. Nearly all of the production in Kansas is from stripper wells. It is important that we maintain a viable, healthy oil and gas industry.

It has been estimated that several thousand jobs and millions of dollars in royalty and tax revenue would be lost if the bill where to be enacted as is. It is important to my State of Kansas and the Nation as a whole that we adopt this amendment.

It is my understanding that this amendment has been agreed to.

Mr. BAUCUS. Mr. President, I think that is correct but we are still looking for a copy of the amendment to completely verify that this is exactly the same amendment.

Mr. DOLE. Mr. President, I ask unanimous consent to add the distinguished Senator from Oklahoma [Mr. BOREN] as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is my understanding that the amendment now has been cleared on both sides.

The amendment is to provide exemptions for the production of oil from stripper well property and for the production of stripper well natural gas.

Mr. BAUCUS. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1324) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1325 TO AMENDMENT NO. 1293

(Purpose: To require the appropriate use of codes developed by professional organizations for accident prevention)

Mr. DOLE. Mr. President, I send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1325 to amendment No. 1293.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 399, line 20, after the period, insert the following new sentence:

"If the Administrator determines that the use of a code that prescribes safety standards for equipment design, procedures, and systems developed by a professional organization or entity (including the American National Standards Institute and the American Society of Mechanical Engineers) is appropriate, the Administrator shall require the use of such code.".

Mr. DOLE. Mr. President, let me indicate first of all that this amendment has been cleared on both sides. Let me explain it very quickly.

Mr. President, throughout the implementation process, many American companies and plants will be modifying and improving their processes and designs so as to improve safety. However, a small, but important provisions is missing from the bill that will ensure these equipment changes are done in an orderly and cost effective way.

Under the current language in the bill, it is possible that the administrator could require any safety standard at all without regard to cost or difficulty to install. This amendment simply says that if the administrator determines that the use of a professional code that prescribes safety standards is appropriate, like the American standards institute and the American society of professional engineers, then the Administrator shall require the use of that code.

This amendment promotes uniformity in design for safety equipment. It will allow these plants who install this equipment to know the rules in advance and save money in the process.

Mr. BAUCUS. Mr. President, we have examined the amendment and the amendment states exactly what the Senator from Kansas said. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1325) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1326 TO AMENDMENT NO. 1293

(Purpose: To make technical changes in the definition of an accidental release)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1326.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 321, line 4, after the period, insert the following new sentence: "Such term shall not include a release from a vent or relief valve, or a release that results from a disturbance in a process (commonly referred to as a 'process upset') that is planned and designed to prevent catastrophic events.".

Mr. DOLE. Mr. President, this amendment deals with ammonia accidental release. A key provision was left unaddressed in the agreement with regard to provisions affecting fertilizer producers, particularly in my State of Kansas.

When fertilizer is produced from anhydrous ammonia, certain process emissions, or process venting, occurs. This is a necessary part of the production process because it prevents explosions at the plant.

This amendment would ensure that under the control provisions for accidental release, these process venting procedures will not be included under the definition of accidental release.

America's farmers need fertilizer. Several aspects of the bill have been addressed and improved that will help keep America's farmers in the field and in business.

Mr. President, I believe this amendment has been cleared on both sides.

Mr. BAUCUS. Mr. President, the amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1326) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WIRTH-ARMSTRONG AMENDMENTS 1310, 1311, 1312, AND 1313

Mr. WIRTH. Mr. President, air pollution is a problem that respects no boundaries, and which affects millions of Americans across the country. But air pollution causes special problems in high altitude communities in the Western States. For example, since the air in the mile-high city of Denver—or Salt Lake City, or Reno—has 16 percent less oxygen than the air at sea level, fossil fuel combustion is not very efficient.

As a result, air quality experts in Colorado and other States have long suspected that cars and trucks emit much more pollution when they are driven on Denver's streets, or in Boulder or Colorado Springs, than they do when they are driven in cities like Washington, DC. In fact, one expert estimated that if cars driven at high altitude operated as clean as cars driven at sea level, Denver would already be in compliance with the carbon monoxide pollution standard.

But one of our problems at high altitude sites is that we just do not have the scientific data we need to determine whether cars are failing to meet clean air standards when they are operated at high elevations—and to get those cars cleaned up if the problem is as bad as we suspect.

Two years ago, Senator ARMSTRONG and I worked together to provide EPA with the funds they needed to develop and operate a high altitude testing center in cooperation with the Colorado Department of Health. That center is now up and running. In fact, just this Monday I took my Jeep out to the center to compare emissions from the Jeep when it was running on gasoline, and when it was running on compressed natural gas—which I had installed a few weeks ago.

Just as an aside, when the Jeep was running on gasoline, the carbon monoxide emissions were 19.8 grams per mile. But as soon as we shifted to natural gas, the emissions dropped dramatically—to 0.8 grams per mile.

Mr. President, we need this kind of facility in the West to ensure that cars and trucks continue to comply with emission standards while in actual use at high-altitude conditions. This work was discontinued by EPA at one point, but was recently resumed to ensure vehicle compliance testing reflected high-altitude conditions.

This testing is important because current law requires vehicle models to maintain substantial compliance over 5 years, or 50,000 miles. If they do not, the vehicle model is subject to recall by the manufacturer. If we wish to have an effective monitoring and testing program to ensure compliance with the standards we establish, then we should maintain testing procedures under the actual conditions that vehicles are used.

Mr. President, continuation of this work is important to Western cities, and I urge the Senate to support this first amendment to maintain a high-altitude testing center for cars and light trucks.

Beyond in-use testing of cars and trucks at high altitudes, the Environmental Protection Agency needs to be doing a great deal more research on heavy-duty vehicles, such as buses, trucks, and construction equipment.

While there are heavy-duty engine and vehicle emissions testing facilities at low-altitude, there are none in the United States at high-altitude. Technically, it is not feasible at this time to extrapolate emissions data from low-altitudes to high-altitudes; therefore, a new testing facility is required for compliance measurements.

Mr. President, the second amendment establishes a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and non-road engines and vehicles under high-altitude conditions.

High-altitude metropolitan areas in the Western United States have unique and frequently severe air pollution problems. For example, according to the 1987-88 Metro Denver brown cloud study, a large fraction of Denver's visible air pollution in the winter comes from mobile sources. Scientific investigations have further shown how high-altitude conditions of lower air density, lower humidity, and more intense ultraviolet radiation levels can lead to a degradation of ambient air quality. Up to 25 percent of this high-altitude pollution is caused by diesel-powered vehicles.

Without a high-altitude emissions testing facility capable of testing heavy-duty vehicles, we lack the ability to test new emission control devices, such as particulate traps, and catalytic converters, and to test alternative fuels, such as methanol and compressed natural gas, under high-altitude conditions.

In the interest of efficiency for establishing and funding such a center, the amendment requires that preference be given to proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for

the purposes of this section of the Clean Air Act.

In addition, Mr. President, with millions of Americans exposed to dirty air, there is a clear need not only to prevent further deterioration of air quality, but also to find the most effective ways to combat and cure the diseases caused by air pollution.

Chronic lung disease is the fastest rising among the leading causes of death in the United States—taking thousands of lives and costing billions of dollars each year. I strongly believe that this is a good amendment to the Clean Air Act because we now need to take the steps necessary to provide for proper research facilities and equipment to learn the effects of the environment on lung disease.

A new research center would facilitate and speed up the discovery and dissemination of break throughs in the diagnosis and treatment of lung diseases through both traditional medical research as well as sophisticated environmental studies. The center would be able to explore a variety of questions: Why do particular pollutants affect only certain groups of people? What levels of exposure to specific pollutants or combinations of pollutants do the most damage to the human respiratory system? What are the long-term health effects of chronic exposure to different levels of air pollution? Who are the most vulnerable to air pollution and how do they react to it? Answers to these questions can dramatically better the health of millions of Americans.

By establishing this research center—the first of its kind in the United States—we can also make great headway in learning how to prevent some lung disease. I have no doubt that old addage, "an ounce of prevention is worth a pound of cure", and thus an ounce of prevention that will well serve us all.

The third amendment that Senator ARMSTRONG and I are offering would establish this kind of vitally needed research facility

Finally, Mr. President, our final amendment addresses the use of alternative work schedules in nonattainment areas.

Commuter traffic is a major contributor to urban air quality problems. In nonattainment areas with a substantial number of Federal facilities, the use of work-scheduling techniques such as "flex-time" could provide for a "staggering" of employees work schedules that effectively reduces the commuter traffic load during the normal workweek. This amendment requires Federal agencies and local health or air pollution authorities to review whether the implementation of flex-time would reduce air pollution within a nonattainment area without jeopardizing the agency's mission or service to the public, and to implement such a work schedule if it would result in an improvement in air quality.

AMENDMENT NO. 1302

Mr. BURDICK. Mr. President, I support the committee's provision to eliminate dual regulation of radionuclides—which are radioactive particles. There is no reason to impose dual regulation on radionuclides on the Clean Air Act.

Radionuclides are already adequately regulated under the Atomic Energy Act. Both the EPA and the NRC believe radionuclides are adequately and safely regulated. The NRC and EPA support the elimination of dual regulation.

The committee supports elimination of dual regulation. Mr. President, I urge my colleagues to support the committee position and vote against the amendment.

Mr. DOLE. I thank the Senator from Montana, Senator BAUCUS.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. The Senator is recognized.

REMEMBERING LOYAL DOORKEEPER WILLIAM DIETRICH

Mr. DOLE. Mr. President, it was with great sadness that we all heard of the recent passing of an outstanding Senate employee, William Dietrich.

Serving as a doorkeeper in this Chamber for 7 years, Bill Dietrich epitomized the dedication, sacrifice and loyalty that are the hallmark of so many public servants. I have served in this body for more than 21 years, but it does not take long to realize how important hard-working people such as Bill Dietrich are to the functioning of the U.S. Senate.

He was always attentive, pleasant and courteous.

We will miss this good man and the valuable contributions he made to this institution. I know I am joined by my Senate colleagues in sending to Bill's family our warmest sympathies.

HELEN SEWELL, HOUSE REPUBLICAN CLOAKROOM LEGEND: A DEDICATED AND GRACIOUS LADY

Mr. DOLE. Mr. President, those of us who served in the House of Representatives, particularly on this side of the aisle, know that there are many wonderful people serving both Republicans and Democrats in our Capitol Hill family, but none finer than Helen Sewell, the House Republican snack bar manager.

For almost half a century Helen has been delighting members with her excellent food, friendly service and good nature. She is a one-of-a-kind personality who has earned the title "living legend."

In fact, no one can even imagine the House of Representatives without her. No doubt about it, her popularity extends to both sides of the aisle.

I first met Helen as a freshman Congressman in 1961. As I recall, it was an ice cream bar that started our long-time friendship. It was one of the best investments I have ever made.

Mr. President, the Philadelphia Inquirer recently published an excellent profile of Helen Sewell. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 4, 1990]

COMING TO THE AID OF HER PARTY—GOP CLOAKROOM WORKER WATCHES OVER LAWMAKERS

(By Alexis Moore)

WASHINGTON.—If Helen Sewell has her way, the Republican fat cats have had their day. Sewell, you see, has put the GOP's heavyweight politicians, from House Minority Whip Newt Gingrich down, on a diet—literally.

Sewell is the House GOP's cloakroom attendant, and thus dictates in large measure what feeds the body politic. From her compact space in the cloakroom, she sells the candy sandwiches, stews and ice cream that the 175 House Republicans snatch as they dash from roll call votes to committee meetings to photo opportunities.

"I used to serve pies, too, three or four a day I'd sell, but I stopped. I put them all on a diet," said Sewell, a short, stylish lady who firmly prefers that appellation. "Sometimes their wives call me and say, don't let so-and-so eat four times a day, and I do. I always tell [the members], "You're my family, too."

"Most of them stick with tuna and cottage cheese, they go crazy for cottage cheese, and drink coffee and buttermilk. But they love those Klondike bars. They can't stay away from those."

ADMIRABLE LOYALTY

For decades, Sewell has lavished that kind of almost-kin caring on the Republican members of Congress, mixing an almost-inhuman discretion and a spirited manner with stamina that keeps her at her post as long as her members are at theirs.

She has received, including the 1983 John W. McCormick Award of Excellence given to congressional workers. In December President Bush honored Sewell and four other long-time workers with sterling silver key chains, photographs and a tour of his office and private quarters.

She knew Presidents Bush, Ford and "Nixon, poor Nixon," when they were members of the House. Later they remembered her when they came to address joint ses-

sions of Congress. All three invited her to the White House. "Ford loved cottage cheese. Nixon and Bush had milk and whatever sandwiches I fixed. The only one who didn't come [to] the cloakroom was Reagan," she said. Former President Reagan never served in Congress.

She has known every speaker of the House, dozens of Senators and hundreds of congressmen of both parties, some as fuzzy-cheeked adolescents. "A lot of the Democrats were congressional pages, so I got to know them that way."

Members of both parties, Capitol Hill staffers and co-workers praise Sewell for her dedication to her job. Tim Harroun, who supervises the cloakroom's phones, has worked with her for 17 years. Sewell "is kind of unique. You can't find people today to put in the kind of hours that she does," he said.

IN HER FATHER'S FOOTSTEPS

For Sewell, it's a matter of family tradition. For 75 years her family has worked in the cloakroom, creating the business "out of boredom," she said. When her father, Benjamin Franklin Jones, was brought to Washington from Lovejoy, Ill., by his congressman, he took coats and hats alone. But the hours hung heavy, so he brought in a coffee pot and gradually expanded to selling homemade sandwiches, soups and candies.

After high school she began working full time with her father. After his death 35 years ago, she carried on at the GOP's request. Some years ago, the Democrats tried to hire her to run both cloakrooms, but the Republicans balked.

While she protests that she gets along with all her members equally, when pressed, she named some favorites: Sen. Bob Dole—"He's my buddy"—Reps. Silvio O. Conte of New York and Bob Dornan of California, Housing and Urban Development Secretary Jack F. Kemp and former Defense Secretary Melvin Laird.

Once divorced, once widowed, Sewell has two daughters, a son, "umpteen" grandchildren and a 5-month great-grandson. She loves to travel, especially to New York and Atlantic City, but she refuses to fly. "One day, I'd just love to take a cruise, if I can take the time off," she said wistfully.

Her House duties have provided free entertainment and thrilling moments. The single most dramatic moment Sewell remembers was the March 1, 1954, shooting on the floor of the House, when five members were wounded by gunfire from Puerto Rican nationalists seeking Puerto Rican Independence. Spectators, reporters and Capitol Hill police rushed a spectator's gallery and seized four suspects, who were later sentenced to prison terms ranging from 25 years to 75 years each.

That day, Sewell recalled, she knew nothing until a bleeding Leslie Arends, then House speaker, burst through the doors and shouted: "'Get down, get down.' I said 'What for?' and then I heard the shots. I jumped on the floor behind my space and just listened to all the shouting."

Sewell said she has a photograph of Congress, signed by each in commemoration of the event.

Of course, most days are not so dramatic.

On heavy workdays, she and the rest of the cloakroom staff labor 10, 12 hours, mostly on their feet, coping with weary members' needs. And on days of important votes, Sewell sees a solemn tense group. "I never need to ask, I can see it in their faces."

An integral part of her job is discretion about what she sees and hears, but she is firm in saying she has never witnessed a fistfight, a nasty argument or inebriated members. "Now years ago, on adjournment nights," the older members would gather in the well at the podium and be sort of boisterous and sing into the microphones, and some say they were tipsy. But I think they were just elated."

The closest thing to a business philosophy Helen Sewell admits to is her father's motto: "Always make the sandwiches heavy because the members enjoy them that way."

The closest thing to a criticism Helen Sewell will utter about her members—and then only when pressed—is: "The Democrats are better tippers."

MISSOURI SENATE'S SENIOR MEMBER DIES AFTER 40 YEARS OF SERVICE

Mr. BOND. Mr. President, I rise today in tribute to Richard Webster, Missouri's senior statesman, whose passing saddens our citizens.

State Senator Richard Webster began his tenure in the State House of Representatives in 1948. Only 5 years later, at 31, his peers chose him to serve as Speaker of the House. Dick was elected to the State Senate in 1962 and remained until his untimely passing just a few days ago, exerting his unique brand of political influence.

When I spoke with him, only days before his surgery, he explained he had timed his hospitalization to allow him to return for the crucial last weeks of the Senate session. He left his office with his bills filed, floor handlers assigned, and his reelection filing completed. But those of us who knew Dick Webster would have expected no less.

Dick Webster was an invaluable ally and a formidable foe. His personal character and political philosophy shaped four decades of Missouri government. The most tenacious of debaters, his mastery of Missouri Senate procedure and history was unchallenged.

My 8 years as Governor were marked by close partnerships and equally intense differences with Dick Webster. My time as a legislator has brought an even deeper appreciation of the skill he forged from so many years of devoted service to his State.

Dick Webster was a great admirer of Lincoln, and loved to pepper his speeches with references to that President. I am reminded of Lincoln's words when I reflect upon Dick's service: "If you once forefeit the confidence of your fellow citizens, you can never regain their respect and esteem."

Dick Webster was an honorable man and able legislator who never forfeited the confidence of his fellow Missourians. Senator, we will miss you.

TRIBUTE TO IRVENA WHATLEY

Mr. THURMOND. Mr. President, it is with great sadness that I rise today to pay tribute to Mrs. Irvena Whatley, a dedicated and loyal member of my staff, who passed away on Tuesday, February 13, 1990. She will long be remembered as a kind and gentle woman, and her death represents a great loss to my staff and a very personal loss to my family and me.

Mr. Whatley was a lifelong resident of North Augusta, SC, which is located in my home county of Aiken. I first met her over 50 years ago when she married a cousin of mine, Robert Frank Whatley. Upon the dissolution of the marriage, she worked long and hard to raise four children by herself, which was a very difficult task in those days. Today, those children have children of their own and they are all God-fearing Christians, each a success in his or her own right. Perhaps not a greater compliment could be paid nor a better legacy could be left than for a mother to instill in her children love for their country, and respect and loyalty for their family and community. This she certainly accomplished.

Twenty-one years ago, when Mrs. Whatley joined my staff, she was the only full-time employee in my State office in Aiken. She assisted thousands of constituents over the years, taking a personal interest in each case. She would listen to the woes of those seeking assistance through my office, allaying their fears and putting their minds at ease, never letting on that her own burden may have included a sick grandchild, a disabled friend who needed groceries, or a shut-in church member who just needed a visitor.

She had a heart of gold and went above and beyond the call of duty on many occasions. The service she rendered to the people of South Carolina was faithful and diligent. She was willing and caring and compassionate, and she was a friend not only to me, but also to my brothers and sisters and their children, and to Nancy's parents as well. We already miss her very much.

Nancy and our children join me in extending our most sincere condolences to her fine family: Her sons, Robert Whatley and Tim Whatley; her daughters, Mrs. M.E. (Liz) Cox and Mrs. Lovelia (Sis) Reese; her brothers, Albert Doolittle and Billy Sheppard; her eight grandchildren; and her great-granddaughter.

THANKS TO TRUDY COXE FOR A JOB WELL DONE

Mr. PELL. Mr. President, I would like to share with my colleagues and the Nation the inspiring example set by Trudy Coxe, who will be leaving her job next week as executive director of Rhode Island's Save the Bay.

I know Trudy both through my position as a trustee of Save the Bay and through my work here, in the Senate, as we have helped at the Federal level to clean up, preserve, and protect Narragansett Bay.

During the past decade Save the Bay has grown and prospered and, under Trudy's stewardship, has become one of the most effective advocates of environmental protection in New England.

Trudy Coxe joined Save the Bay in 1976 as a volunteer—one of those "thousand points of light" long before that phrase was coined, became a staff member in 1977, assistant director in 1978, and executive director in 1979.

Save the Bay had a three-person staff and an annual budget of about $60,000 in 1979. This year, Save the Bay has 25 staff members, 8 interns, about 700 volunteers, and an annual budget of about $1 million.

That is no small accomplishment and, as Trudy will be the first to say, it was the result of many dedicated and generous people who gave freely of their time, skills, and money to Save the Bay.

When she leaves next week, I hope Trudy will remember the environmental victories she has won through Save the Bay will continue to benefit our magnificent Narragansett Bay and all of us who love it. We owe Trudy congratulations and thanks for a job well done.

As it enters its 20th year, Save the Bay has an impressive record of accomplishments during the past 19 years. I ask unanimous consent that a summary of those accomplishments be printed here in the CONGRESSIONAL RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NINETEEN YEARS OF VICTORY

In 1970, two small groups, the Narragansett Bay Homeowners Association and Save Our Community, united to fight a proposed oil refinery in Tiverton, Rhode Island. The result was the defeat of the proposal and the birth of Save The Bay, an environmental organization committed to protecting and preserving Rhode Island's greatest natural resource, Narragansett Bay. Since this auspicious beginning, Save The Bay has grown over the years to become the largest environmental group in southern New England, 12,000 members strong. Through advocacy, litigation, research and education, Save The Bay has been instrumental in improving the quality of Rhode Island's water and land.

WATER QUALITY

Save The Bay—

Has worked since its inception to pass local bond issues needed to improve treatment plants in Newport, Jamestown, Warwick and Blackstone Valley.

Advocated and participated in the formation of the state's Coastal Resources Management program. (1972).

Was instrumental in the passage of an $87 million "Bay Bond" to upgrade the Providence sewage treatment plant, rated the second worst polluter in the entire New England region. As a result, the Narragansett Bay Commission was formed. (1979-1980).

Initiated an award winning rating system for area treatment plants, "The Good, the Bad and the Ugly." The ratings have helped to promote the repair, rehabilitation and upgrade of plants. (1981-1989).

Worked to bring toxic discharge from the Ciba-Geigy chemical company under control. (1983).

Led a citizen action campaign for the approval of a $35 million R.I. Clean Water Act bond issue. (1986).

Initiated private lawsuits against selected industrial toxic waste dischargers to force compliance with regulations. (1986-1988).

Published comprehensive evaluations of pretreatment programs in Rhode Island. (1986 and 1989).

Was chosen by the United States Environmental Protection Agency to host the national conference for coastal activists, "Saving Our Bays, Sounds and Great Lakes." (1987).

Authored and worked to pass into law the R.I. Environmental Trust Fund, a revolving loan fund designed to finance the state's sewage treatment plant improvements into the 21st century. (1988).

Is currently working to restore Rhode Island rivers and the Upper Bay to their past glory as clean, recreational waterways.

LAND USE

Save The Bay—

Defended the Bay from a proposed nuclear power plant at Rome Point. (1972).

Defeated a proposal for a liquified natural gas plant on Prudence Island. The Island is now part of the state park system. (1977).

Saved Fort Wetherill and Beavertail from being auctioned off to the highest bidder. (1984).

Worked to pass a $65 million open space preservation bill. (1986).

Was instrumental in the passage of the Comprehensive Planning Bill, an act that makes Rhode Island a model for the country in planning. (1988).

Worked in conjunction with various organizations to preserve historic public access to the shore at Black Point. (1988).

Has focused attention on the need to reduce non-point pollution.

WASTE REDUCTION

Save The Bay—

Has lobbied for consistent and stricter limits for conventional and toxic pollutants throughout its history.

Successfully promoted a bill creating mandatory, statewide recycling, the first in the United States. (1986).

Conducted public workshops on pretreatment, water conservation and the reduction of solid waste.

EDUCATION

Save The Bay—

Has published various reports including "Life, Liberty and the Pursuit of Energy," *Where the Land Meets the Water*, and a bimonthly newspaper. (1970-1989).

Conducts forums and workshops on a variety of subjects including energy, land planning and toxic waste. (1970-1989).

Sponsors annual statewide Land Use Conferences. (1986-89).

Established "Explore the Bay," an on-the-water education program for fifth and sixth grade students and their teachers. (1987-present).

Initiated a Junior Membership program and newsletter for young people interested in Narragansett Bay. (1988-present).

Created a Narragansett Bay unit for Providence elementary schools. (1988).

Opened the Teacher Resource Library, a collection of marine and aquatic curriculum resources for Rhode Island teachers. (1989).

Conducts Teacher Workshops on Bay ecology for Rhode Island schools and as a cooperative program with Rhode Island's other environmental agencies.

Hosts "Bay Briefings," a monthly lecture series for the general public.

EUROPEAN DEVELOPMENT BANK

Mr. KASTEN. Mr. President, I rise today to express my deep reservations about the proposed creation of a new multilateral development bank for the emerging democracies in Eastern Europe. Spearheaded by the French Government, this European Development Bank would have $12 billion of capital stock with which to rebuild the Eastern European economies that have been ravaged by four decades of Marxist-socialist economic policies.

In his remarks before the Budget Committee last week, Secretary of State Baker said—and I quote—"The Europeans very badly want us to participate in this institution. They want U.S. participation in this institution, and they want U.S. leadership on issues that come up from time to time."

It looks like we're about to give the Europeans what they want. Under the proposed charter of this bank, the United States has been asked to contribute one of the largest shares of the bank's capital—while the Europeans would control the lending policies. The administration has not taken a formal position regarding U.S. membership, but it is my understanding that serious negotiations are well underway among the possible members—and that a preliminary agreement may be announced as soon as March 11.

This proposal raises many troubling questions, and I think these questions must be addressed before we agree to participate. Frankly, there are elements of the plan that I find disturbing from the standpoint of United States interests—and also of the interests of the peoples of Eastern Europe.

First of all, I understand that the Soviet Union will contribute to the bank's capital—but may also be eligible to borrow from the bank. If true, this would be an inappropriate use of Western funds. It is the crisis of Communist economics that made Soviet liberalization possible—and the West should not be subsidizing that failed system.

What do the Soviets have to offer this bank? They don't have hard currency. They have no experience in promoting private sector growth. Necessary price reforms have already been

set back in the Soviet Union, and massive Western lending would only lead to further delays.

Second, the purchase of the shares of capital stock in the bank would be denominated in the form of floating nonfixed units of account, which would mean an open-ended U.S. liability for paid-in and callable capital. Given our current budget situation, an open-ended appropriation just doesn't make sense.

Another major source of concern I have about this bank is that it will be dominated politically by governments who are indifferent—if not hostile—to free-market economics. Generally speaking, Western Europeans are not disciples of American-style capitalism. The French, in particular, favor central planning over free markets, and they favor redistribution over economic growth. Therefore, a European-led development bank will tend to promote this brand of socialist economics. And in fact, the bank proposal envisions that over a third of the bank's loans will go to public sector entities.

This so-called market socialism approach is nothing but centralized planning with an Adam Smith face. We should no longer be debating the merits of socialism versus capitalism—simply because the whole world has already rendered its verdict. It's the clearest lesson of the historic events of 1989: Freedom works—political freedom, economic freedom, social freedom. Capitalism is the only way to expand opportunities, create wealth, and raise living standards for all people.

The Eastern Europeans have had first-hand experience with Communist/socialist economics—and they rejected it the minute they got the chance.

Eastern Europe is searching for something new. The London Economist notes that they are "falling over themselves to hear the true free-market gospel" from American free-market economists.

In his recent visit to several Eastern European countries, our former colleague Senator Bill Brock noted that "no one asked for the infusion of billions of U.S. dollars. The common fear is that large international loans would only be used to sustain inefficient and noncompetitive state-owned enterprises, perpetuating the problem rather than solving it." Moreover, excessive lending may reduce the incentive for these new governments to take the market-oriented steps that are necessary to making their economies more productive and prosperous.

The United States should recall the proud heritage of the Marshall plan. We provided the procapitalist leadership that rebuilt Europe after the nightmare of Nazi Germany; let us show the same leadership in rescuing Europe from the nightmare of Communist economics. A strong free market economy is the only secure base upon which a prosperous and just society can be built. Before the United States contributes to this European Development Bank, we must insist on the following commitments from the Europeans:

First, all loans should be conditioned on market-oriented economic reforms—reduced tax rates, privatization of state run industries, reduced regulations, a free market in the setting of wages and prices, reduced restrictions on foreign capital, and protection for private property rights.

Second, we should limit most of the lending to the private sector. The Europeans argue that there is very little private sector activity. That's true, but only because state-run industries are crowding out private sector activity. Some government-to-government lending will be necessary for improving infrastructure like roads and bridges—the bank should avoid the kind of infrastructure loans that have proven to be a disaster in Latin, America, like environmentally disastrous hydroelectric plants and superhighways through rainforests.

We need to promote private-sector entities, not government-owned or quasi-private enterprises. That kind of investment only breeds corruption and thievery—and I think the peoples of Eastern Europe have already had enough of that kind of government interference.

Third, in the short-term, assistance should focus on easing the transition between socialism and capitalism by providing for basic human needs like health care, food, and shelter until the restored economies can take up the slack. This commitment to a social safety net will help improve the political climate for capitalist reform in Eastern Europe.

If the Europeans balk at these essential preconditions, we ought to remember that it's our ball, and we can go home with it—or carry it to Eastern Europe ourselves. The United States can just as easily provide leadership and help Eastern Europe without the bank; we can do it through bilateral relationships.

We could provide a tax incentive for United States businesses investing in Eastern Europe by reforming United States foreign tax laws and regulations. We could issue tax-exempt bonds to private United States individuals of Eastern European descent to finance small business startups. We could establish a venture capital fund to leverage U.S. private sector funds. We could provide OPIC loan guarantees for direct investment.

Mr. President, those are just some things we could do. But there is one thing, at all costs, that we must not do—and that is waste American money on antifree market economic policies that we know, and their experience has proven, are a prescription for continued Eastern European hardship.

The bottom line is this. America should be helping Eastern Europe join the First World. What some of the Europeans are proposing would instead demote Eastern Europe to the Third World.

So our generation—even more than the generation that fought World War II—will decide the future of Europe. Upward to freedom and prosperity, or downward to poverty and stagnation?

Let's look at this question much more seriously before we rush to endorse measures all Europeans will come to regret.

BIRTHDAY ANNIVERSARY OF JENNINGS RANDOLPH

Mr. HEINZ. Mr. President, I rise today to bring to the Senate's attention a significant milestone in the life of one of our colleagues. Jennings Randolph, who has served the people of West Virginia and this Nation so well throughout his distinguished public career, celebrates his 88th birthday on the 8th of March.

Mr. President, from time to time it is important to pause a moment in our work in order to reflect on how each of us ought to be doing our work as a U.S. Senator. There is no better role model of what a Senator should be than Jennings Randolph. Each of his days in this body was a lesson in the finer points of public service and Senate decorum.

I met Jennings when he befriended me as a young junior Senator in 1977. He stood in loco parentis to me and I could not have asked for a better tutor, mentor, and counselor.

For those of us who had the great good fortune to serve with Jennings, our memories are filled with instances of his kindness, courtesy, and unfailing good humor. His courtly manner did nothing but enhance his enviable record as an effective, visionary legislator.

His native State and my own home corner of Pennsylvania share common strengths—proud histories, productive people, and a deeply engrained sense of community.

For West Virginia, he was a tireless worker and his efforts contributed enormously to its economic development. I know because I was his neighbor. We worked closely together on the Senate steel and coal caucuses to ensure the viability of those industries so important to our States.

And, because Jennings was a good neighbor, he contributed enormously to the revitalization of my hometown of Pittsburgh, particularly through his active leadership with the Benedum Foundation which has played a critical role in Pittsburgh's renaissance.

Jennings is not only a Senator's Senator, he is a spirited internationalist who believes strongly in programs which project America's creative voluntarism for solving problems. That belief is reflected in his public service.

Jennings' public service spanned over five decades, beginning with his election to the U.S. House of Representatives where he served from 1933 to 1947. He was elected to the Senate in 1958, winning successive terms until he decided to retire in 1984. His record is nothing short of astonishing. He helped write some of the most significant legislation of this century: the 26th amendment to the Constitution—giving 18-year-olds the right to vote; the Solid Waste Disposal Act; the Appalachian Regional Development Act; the Economic Development Act; the first Black Lung Program; the Coal Mine Health and Safety Act; the Occupational Health and Safety Act, and many, many others.

Jennings is currently residing with his son in St. Louis, MO, and remains an active, interested participant in public policy development as chairman emeritus of the Agri-Energy Roundtable [AER].

A journalist by training, he knows the critical importance of clear, person-to-person communication and precise use of the written word. Recently, Jennings wrote a report for the members of the AER which may be of interest to Senators. I ask unanimous consent to include a copy of the report in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Jennings helped found AER in 1980. It is a coalition of public and private sector leaders from both industrialized and developing nations. Its mission is to encourage progress on the interrelationships between agriculture and energy in economic development. Jennings' leadership has earned AER international recognition, including United Nations accreditation.

The AER represents a practical example of President Bush's "thousand points of light." By bringing people together through a voluntary business/trade association program, the AER is facilitating real progress on international efforts to improve agriculture and energy use: the keys to economic development in every nation.

Mr. President, I would just conclude with this observation. Jennings Randolph exemplifies all that is best about this country. During his career, he has been a pioneer in aviation and transportation, a conservationist and environmentalist, and, above all, an ardent advocate for the average citizen. Despite the heights he has reached, Jennings has never forgotten the common sense he learned on Main Street, Salem, WV, his hometown.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AGRI-ENERGY ROUNDTABLE, INC.,
Washington, DC, January 31, 1990.

To: Members of the Board of Directors, Committee of Honor, Advisory Committee, and Coordinator Network.

Fm: Jennings Randolph, Chairman.

Re the first decade of Agri-Energy Roundtable: Positioned for the '90s.

GENTLEMEN: Agri-Energy Roundtable (AER) celebrated its tenth annual meeting, October 8–11 in Vienna—by all accounts our most successful conference ever! As we enter a second decade, AER is poised to achieve dynamic progress and we would welcome your participation and suggestions on a range of options and challenges facing the association. At the same time, AER could benefit from a brief review of the last ten years—our achievements, the successes and failures—as a foundation upon which to build and move forward. Our track record is one of growth and accomplishment, and I have been privileged to work with Nick Hollis since AER's beginning.

Ten years ago, in early 1980, AER was launched in a conference designed to convene U.S. agribusiness executives and their counterparts from the agricultural sectors of oil-producing countries. The AER concept embodied in the conference theme was re-cast into the constitution and bylaws of a non-profit corporation on March 10, 1980. Once the legal mechanism was established, AER began receiving corporate financial support (the first contribution was received from Chief E.O. Ashamu of Nigeria for $2,000).

As petroleum and agricultural commodity prices plummeted in the early '80s and Third World debt increased, the central thread of dialogue between these sectors in major producing countries gave way to a broader, more generalized interaction on world agro-industrial trade and development issues. Finance also became a regularly featured subject in AER conferences, and even sprouted its own subgroup on non-conventional finance based in London. The agricultural situation among energy surplus countries continued to stagnate (with the major exception of Saudi Arabia and a few Gulf states which devoted considerable resources to developing their agro-food base) and oil companies, which had earlier shown much interest in developing community and national agricultural projects in cooperation with energy producing states, lost interest in these activities as petroleum prices plunged. Development itself was threatened by the colossal debt burden which saddled many Third World economies.

This adverse economic situation in both agicultural and energy sectors also acted as a powerful dampener to AER's continuing drive to recruit corporate contributor and sponsor support. By late 1987, AER's financial support came entirely from agribusiness companies, foundations, U.N. agencies, U.S. bilateral development agencies, and conference/publication receipts.

Despite these setbacks, AER continued to move ahead with a growing momentum of conference successes coupled with well publicized trade missions invited by Saudi Arabia, Thailand, the People's Republic of China, Nigeria, and more recently, the Philippines, India, the United Arab Emirates and Hungary. Publications, newletters and special reports on these activities helped accelerate awareness of agro-industrial investment and trade opportunities in these countries and, more significantly, local agro-entrepreneurs utilized AER as a model in forming indigenously-supported "sister associations" to be linked with our growing international information network.

Over the last two years this AER "sister association" movement has gathered momentum and now stands as one of our most exciting opportunities, validating the entire investment in building an association foundation accomplished in the early years. This association/networking program has gained strength from a growing recognition worldwide that private agro-enterprise can participate effectively in national, regional, and international activities to strengthen food security. This can be particularly illustrated in the delicate area of "privatization" and so-called "structural adjustment" wherein the implementing agent, the private sector, could be more involved and better organized to provide necessary feedback and realistic, practical ideas on the feasibility of government or international agency prescribed schemes. The "sister association" activity is particularly strong in Africa where several have been established (eg. Kenya, Uganda, Nigeria, The Gambia).

Since late 1987 AER has also been working closely with a domestic, U.S.-based association, The Agribusiness Council (ABC), which petitioned to form an alliance with the AER as a U.S. chapter. Today, largely through AER staff support, grants, and shared activities, The Agribusiness Council is regaining its independent membership base and economic health. A special conference was held under the auspices of the ABC in St. Louis (October 1988) and another on high technology in agriculture is planned for June 1990. There is still much to be accomplished in this process and the rebuilding pace for ABC has been deliberate. Yet, AER remains committed to assisting the ABC, along with all other indigenously supported national agribusiness activities which would derive benefit from linking to the international AER network.[1] We are also determined to preserve and develop AER's international character—and all above mentioned activities are considered in that context.

LOOKING AHEAD TO THE 1990S

Whatever one thinks of the world's agro-food situation as we enter this century's last decade, no one discounts the heavy premium information and new market contracts will have for success in the globalization of agribusiness. AER is uniquely positioned with our expanding network to assist our supporters and strengthen a general resolve for freer trade/development on the international level. AER's non-governmental accreditation with the United Nations allows the Association access to important meetings wherein AER commentary on behalf of private enterprise can capture the attention of governments and international agencies alike.

In the coming decade, AER will be devoting increased resources to strengthening our communication services, particularly between the "sister associations." We will be increasing the number of regional and specialized conferences/workshops, consistent with our association develoment objectives. We will also be regularizing membership services and financial requirements for contributors/sponsors. Following recommendations at the October 8, 1989 board meeting, the Executive Director and the AER General Counsel have drafted revisions in the Association bylaws which should facilitate our revenue generating capabilities via membership dues. (These materials will be circulated shortly to board Members.)

Recognizing the breathtaking change which have unfolded in eastern Europe and the Soviet Union in recent months, AER will be following-up vigorously to offer these countries the benefits of participation in the network, and hopefully, we will see the formation of indigenous AER programs as a result. Already we are planning for a mission to Poland, and we may possibly organize a larger event in eastern Europe for later this year (1990). Our highly successful mission to Budapest, Hungary (October 11-13) led by senior director, Gustavo de los Reyes, has inspired many positive follow-on options there as well.

ASSOCIATION COMMITMENT

As we plan for an aggressive utilization of AER's network and growing association recognition around the world, we will be calling on you, our directors and advisors, to commit yourselves to assisting more regularly in this effort. We will ask each board member to "give or get" financial support for AER commensurate with the potential benefits the Association can provide. We will ask you to assess your commitment to the Association's objectives and your own balance of "mercenary and missionary" involvement. No voluntary association can flourish without the requisite blend of these diverse motivating spirits. This is particularly important as AER seeks to realize loftier aims in the international arena of agricultural trade and development. We have accomplished much, but there are many challenges ahead.

As specific country "sister associations" become more active, our opportunities will increase for more concrete, project-oriented activities beyond the current clearinghouse and publication scope. We must recognize that this "sister association" network will not be a panacea for all of AER's development problems. The process will be fraught with "growing pains" brought on by independent 'sister groups' seeking much and giving little to the parent AER. Even effective non-profit networks have limitations since, as interrelated groups, they will have a wide range of management structures and methods of operation. Yet, at the center of the AER hub are relationships among members which have evolved more formalized linkages over the years, and alliances and joint ventures are a key component of the envisaged action follow-up. Furthermore, each sister AER will succeed to the extent it can enhance its agro-industry supporters' positive participation in a particular national development. All of us have benefitted from our working and coming together on this challenging association project—and if we continue to work together and communicate, our future into the '90s will be bright indeed.

In 1987 during our 8th annual International Agriculture Forum in Geneva, I quoted one of my favorite passages from Alfred Lord Tennyson which inspires my belief in AER and all other noble efforts to strengthen international economic peacekeeping. It is fitting, as we step into the next great decade (my tenth!!), that I close this report with following words:

" . . . When the centuries behind me like a fruitful land reposed, When I clung to all the present for the promise that it closed;

"When I dipt into the future far as human eye could see; Saw the Vision of the world, and all the wonder that would be.

"Saw the heavens fill with commerce, argosies of magic sails, Pilots of the purple twilight, dropping down with costly bales,

"Heard the heavens fill with shouting, and there rain'd a ghastly dew, From the nations' airy navies grappling in the central blue,

"Far along the world-wide whisper of the south-wind rushing warm, With the standards of the peoples plunging thro' the yonder storm;

"Till the war-drum throbb'd no longer, and the battle flags were furl'd In the Parliament of man, the Federation of the world . . ."

God bless each of you! May you and your families have prosperity and peace in the coming decade. Let us pledge to give our heartfelt thanks and continuing support to our indefatigable, most dedicated executive director, Nick Hollis, as he steers the Roundtable into the '90s.

Truly,

AGRI-ENERGY ROUNDTABLE,
JENNINGS RANDOLPH,
Chairman.

[1] In the true spirit of multilateral exchange, I encourage you to nominate interested colleagues for participation in the development of the sequel "agro-industrial revolution" conference being hosted by U.S. Agribusiness Council in Washington, DC (June 24-27, 1990). With the support and cooperation of several federal agencies, (AID, USDA, EPA, DOE), major universities, companies, associations and state governments/groups, the planning committee is receiving AER input in developing the international aspects of the conference's broad-gauged ag research/education and commercialization agenda which encompasses issues crucial in this season of debate over the U.S. Farm Bill.

Please forward your nominations, agenda ideas or requests for a conference outline to AER. Additional materials will be available shortly and we look forward to working with you to assist your delegation's participation in the upcoming Council conference.

Note.—A more detailed chronology highlighting AER's first ten years of achievement is available for sponsor/contributors upon request from The Secretariat.

SENATOR RUDMAN LAYS IT ON THE LINE—ELOQUENTLY

Mr. HELMS. Mr. President, the distinguished Senator from New Hampshire [Mr. RUDMAN] is as articulate as any Senator who has served in this body during the nearly 18 years I have been here. You never have to wonder where he stands, and I like that.

It was with particular interest that I read an op-ed piece penned by Senator RUDMAN and published March 2 in the fine New Hampshire newspaper, the Manchester Union Leader. I commend it to the attention of all Senators, many of whom will no doubt say amen to what Senator RUDMAN has written. I certainly do.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID TO CONTRAS WORKED: ACTIVISTS FOR ORTEGA HAD IT WRONG FROM START

(By Senator Warren B. Rudman)

It is ironic that Sandinista-controlled state television, to reduce turnout at Violetta Chamorro's rally in Managua just before election day, chose to air a repeat of the Buster Douglas-Mike Tyson fight.

More amusing, however, are the comments coming from left-wing apologists for the Sandinistas like the New Hampshire Central American Network and Witness for Peace, who press on with their now-discredited attempts to proselytize the Sandinista system of beliefs in the face of overwhelming rejection by the Nicaraguan people. From the start, they've had it all wrong.

They say they're disappointed with the results of the election, that it's a real shock to them, and that absent U.S. aggression and an economic embargo the Sandinistas would have won. The Sandinistas would have won all right, but there never would have been an election. The devotion of these activists to doctrine blocks any admission that without continued pressure from the Contras, the Ortega gang would never have held free and fair elections in the first place. The brave Contra rebels who died in the Nicaraguan jungle did far more to bring peace and freedom to the people of Nicaragua than U.S. protesters who have continually degraded U.S. policy while pronouncing their solidarity with the Sandinista Marxists.

I consistently voted for aid to the Contras because I believed that it was the only way to bring peace and democracy to Nicaragua. Absent pressure from the Contras, the Sandinistas would have never participated in the Arias peace plan and the February 1989 peace accord that laid the groundwork for these elections.

We should not lose sight of the off-the-record comments made by Commandante Bayardo Arce, who referred to 1984's rigged charade of an election as a "nuisance" and that "if it were not for the state of war enforced on us . . . elections would be absolutely inappropriate."

Yet, these misguided U.S. activists continue to defend the brutal tacics of the Sandinista regime. They see Daniel Ortega and his cronies as agrarian reformers struggling to establish a socialist society. They ignore the Sandinista betrayal of the 1979 revolution and its promise of civil liberties, a mixed economy, and political pluralism. They forget that the Sandinistas moved quickly to consolidate power and institute one-party authoritarian rule. They muzzled a free press, so-opted independent labor unions, suppressed their partners in the revolution, and violated their promises of civil rights and democratic pluralism to the Nicaraguan people and the Organization of American States. This Communist cabal exported violence to neighboring democracies and jailed political opponents ultimately 7,000 political prisoners). They terrorized the Cathlic Church, built a strong military/secret police machine, and tyrannized the Miskito Indians. All this occurred before the Contras ever existed; armed resistance by Nicaraguans to their government was a response to those outrages.

We could have tolerated Communist economics in Nicaragua, despite its inferiority to capitalism as evidenced by Eastern Europe's determination to jettison the system. But it was clear in the early 1980s that a failure to support the challenge to the Sandinista dictatorship would have insured the consolidation of an aggressive, highly-militarized Communist regime in Nicaragua determined to export their brand of police-state repression to neighboring countries. The only guarantee against that future was a democratic Nicaragua; and the only way to achieve democracy was to force Ortega to swallow free elections. Why does the New Hampshire Central American Network have such a hard time understanding this?

Four years ago I wrote President Reagan urging a restructuring of our Nicaraguan

policy, combining aggressive diplomacy, a unified democratic opposition to the Sandinistas and continued support for the Contras. That approach has paid off in the face of difficult odds.

As recently as Dec. 10 a band of machete-wielding Sandinista "turbas" attacked a crowd of United Nicaraguan Opposition (UNO) supporters in the town of Masatepe, South of Managua. International observes at the scene felt lucky to excape with their lives. The Sandinistas monopolized radio and television, censoring the news and preventing fair UNO access to the media. They restricted voter registration to four days and prohibited absentee voting to hold down opposition turnout. That Mrs. Chamorro was still able to get 55 percent of the vote is a testament to the depth of opposition to the Sandinistas.

Now, many of the same groups that went to bat for Ortega are zeroing in on El Salvador, cozying up the Marxist Farabundo Marti National Liberation guerrillas who have received arms from the Sandinistas and are using them to try to overthrow the democratically-elected government of President Alfredo Cristiani. They decry the horrible murder of six priests by right-wing death squads but ignore the FMLN's complicity in the murders of nine mayors, a regional governor, the attorney general, a conservative priest, journalists, FMLN defectors and the former chief justice of the El Salvador Supreme Court. They don't like Cristiani because he is a conservative, and ignore the fact that he was fairly elected by the people. The FMLN, rather than participate in the election, tried to sabotage it. They want the FMLN to get by force of arms what they cannot win at the ballot box. These groups were strong on Nicaragua; they're in for a repeat in El Salvador.

The time for fighting in Nicaragua is over. The time for healing and reconstruction has begun.

But we cannot blithely assume the Sandinistas will willingly surrender power. The victorious UNO coalition could be fractious and the Sandinistas will remain a formidable opposition force. Indeed, 24 hours after the election it appeared the Sandinistas were reluctant to lossen their grip on the military or the police. The Sandinistas must do what we take for granted in this country—respect the results of the election and give up power, especially control of the army and police.

Once President Chamorro takes over, the U.S. should immediately lift the U.S. trade embargo, end other economic sanctions, and develop a recovery aid package. Assistance to Nicaragua should be structured to enhance development of a free market economy. The United States should help offset the damage done by bankrupt Marxist economics and years of warfare, warfare caused by Sandinista repression of civil liberties, not by those who resisted the repression.

As we move into what we all hope is a new era of peace in Nicaragua, it is clear that the desire for freedom and liberty in Nicaragua, although stifled, never died. It is also clear that the one-sided blindness of the New Hampshire Central American Network. Witness for Peace and others nearly torpedoed a successful policy that has served as the best hope for freedom and democracy in Nicaragua.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages form the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON OPERATION OF SECTION 232 OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to the provisions of section 232(e)(2) of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862(d)(2)), I transmit herewith the report on the operation of section 232 of the act during fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1990.*

MESSAGES FROM THE HOUSE

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1109. An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System;

H.R. 1159. An act to amend the National Trails System Act to designating the Juan Bautista de Anza National Historic Trail, and for other purposes; and

H.R. 1243. An act to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research.

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 1231) to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was; Resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILLS SIGNED

At 3:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, Texas; and

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 6:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4077. An act to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such delinquent loans, including limiting the write-down of such loans; and for other purposes; and

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1109. An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as componenets of the National Trails System; to the Committee on Energy and Natural Resources.

H.R. 1159. An act to amend the National Trails System Act to designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1243. An act to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research; to the Committee on Commerce, Science, and Transportation.

H.R. 4077. An act to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such deliquent loans, including limiting the write-down of such loans; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following bills, which were placed on the calendar:

S. 88. A bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 1760. A bill to amend Title 28, United States Code, to provide special habeas corpus procedures in capital cases.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. FOWLER) announced that on today, March 7, 1990, he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated;

POM-417. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

"JOINT RESOLUTION No. 25

"Whereas the Resurrection Creek Road provides access to the trailhead of the Resurrection Pass Trail; and

"Whereas the Resurrection Pass Trail traverses the Chugach National Forest between Hope and Cooper Landing and is maintained by the United States Forest Service; and

"Whereas the Resurrection Creek Road is receiving ever increasing volumes of traffic due to increased use of the Resurrection Pass Trail by tourists and recreationists; and

"Whereas the last portion of the Resurrection Creek Road is passable by only one lane of traffic; and

"Whereas the increased use of the Resurrection Creek Road by tourists and recreational users has generated a need to upgrade portions of the road to meet appropriate engineering and safety standards; and be it

"Resolved by the Alaska State Legislature, That the United States Forest Service is respectfully requested to upgrade that portion of Resurrection Creek Road that provides access to the Resurrection Pass Trail; and be it further

"Resolved, That the Alaska State Legislature supports the efforts of the Alaska delegation in Congress to obtain funds for the United States Forest Service budget for upgrading the Resurrection Creek Road.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice President of the United States and President of the U.S. Senate; to the Honorable Clayton Yeutter, Secretary of Agricutlure; to the Honorable F. Dale Robertson, Chief of the U.S. Forest Service; to the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; to the Honorable Robert C. Byrd, Chairman of the Subcommittee on Interior and Related Agencies of the U.S. Senate Committee on Appropriations; to the Honorable Sydney R. Yates, Chairman of the Subcommittee on Interior and Related Agencies of the U.S. House of Representatives Committee on Appropriations; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-418. A joint resolution adopted by the Legislature of the State of Alaska; to the Select Committee on Indian Affairs:

"JOINT RESOLUTION

"Whereas Alaska Natives were the first residents of the state and today represent a significant percentage of the residents of the state, particularly residents who live in rural villages; and

"Whereas since 1867 Alaska Natives have had a special relationship with the federal government and since 1959 have had an important relationship with the state; and

"Whereas in 1971 the state participated in the settlement of Native land claims and since that time has worked closely with the federal government and Native organizations to develop and implement federal and state policies intended to improve the health, social, and economic status of Alaska Natives; and

"Whereas several recently published articles and reports have documented a growing social and economic crisis in the lives of many Alaska Natives, particularly Alaska Natives who live in rural villages, and presented disturbing statistics that attest to growing health and social problems, lack of economic opportunity, and widespread educational failure in the Native community; and

"Whereas since 1969, when the Federal Field Committee for Development Planning issued its report "Alaska Natives and the Land," there has been no comprehensive review of federal and state policies and programs that affect Alaska Natives, their implementation, or the extent to which they have improved the health, social, and economic status of Alaska Natives; and

"Whereas Alaska Natives have expressed to the Congress and the state a critical need to review the current status of Alaska Natives and to forge a renewed partnership among the federal and state governments and Alaska Natives, with the goal of providing new opportunities, making governmental programs more effective, and building a healthy, productive, and self-reliant rural Alaska; and

"Whereas, in response to this expressed need, the United States Congress is considering the establishment of a Joint Commission on the Status of Alaska Natives, the membership of which will include federal and state officials and Alaska Natives; and

"Whereas the purpose of the commission will be to conduct a comprehensive review of federal and state policies affecting Alaska Natives, the implementation of those policies, and the current health, social, and economic status of Alaska Natives; and be it

"Resolved, That the Alaska State Legislature strongly supports the establishment of the Joint Commission on the Status of Alaska Natives by the Congress and commits the State of Alaska to actively participate on the commission and in its work.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable Morris K. Udall, Chair, House Interior and Insular Affairs Committee; the Honorable J. Bennett Johnston, Chair, Senate Energy and Natural Resources Committee; the Honorable Daniel Inouye, Chair, Senate Select Committee on Indian Affairs; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-419. A resolution adopted by American Legion Post 459, Grand Rapids, Michigan, favoring a constitutional amendment specifying that Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL, (for himself and Mr. DECONCINI):

S. 2242. A bill to amend provisions of title 28, United States Code, relating to judicial discipline; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 2243. A bill to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. HEINZ, Mr. LEVIN, Mr. KOHL, Mr. SPECTER, Mr. MOYNIHAN, Mr. KASTEN, Mr. DIXON, Mr. D'AMATO, and Mr. METZENBAUM):

S. 2244. A bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself, Mr. GORTON, Mr. WILSON, Mr. THURMOND, Mr. LOTT, Mr. HELMS, Mr. MACK, Mr. BURNS, Mr. HATCH, Mr. KASTEN, Mr. MCCAIN, Mr. NICKLES, Mr. COATS, Mr. MCCLURE, Mr. D'AMATO, Mr. MCCONNELL, and Mr. SYMMS):

S. 2245. A bill to provide swift and certain punishment for criminals in order to deter violent crime and rid America of illegal drug use; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. MATSUNAGA, Mr. DURENBERGER, and Mr. MOYNIHAN):

S. 2246. A bill to amend title XVIII of the Social Security Act to provide improved Medicare home health benefits, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 2247. A bill to establish the Florida Keys National Marine Sanctuary in the State of Florida and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WALLOP (for himself, Mr. SIMPSON, and Mr. SYMMS):

S. 2248. A bill to repeal the Asbestos Hazard Emergency Response Act of 1986 and amendments made by such act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 2249. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate and to increase equally the hospital insurance tax rate; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. JOHNSTON, Mr. BIDEN, Mr. WILSON, Mr. CRANSTON, Mr. COATS, and Mr. BOSCHWITZ):

S. 2250. A bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOSCHWITZ:

S. 2251. To establish a price support program for the 1991 through 1997 crops of certain agricultural commodities that provides producers with planting flexibility, income support, and stability, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for Mr. MITCHELL) (for himself and Mr. DOLE):

S. Res. 260. Resolution to authorize the production of documents in the case of *United States* v. *Poindexter, et al.* (D.D.C.); considered and agreed to.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. Res. 261. Resolution to honor the dedicated service of Will Hill Tankersley to the people of this Nation; to the Committee on Armed Services.

By Mr. HELMS:

S. Res. 262. Resolution congratulating the Pro-Independence Opposition in Lithuania for their victory in the February 24, 1990 elections; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. SIMON, and Mr. PELL):

S. Con. Res. 101. Concurrent resolution expressing the sense of the Senate concerning negotiations for a peace settlement in Cambodia; to the Committee on Foreign Relations.

By Mr. DIXON (for himself and Mr. SIMON):

S. Con. Res. 102. Concurrent resolution expressing the sense of the Congress regarding the existing borders between Germany and Poland; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. DECONCINI):

S. 2242. A bill to amend provisions of title 28, United States Code, relating to judicial discipline; to the Committee on the Judiciary.

JUDICIAL DISCIPLINE REFORM ACT

Mr. KOHL. Mr. President, last month we celebrated the bicentennial of the first session of the Supreme Court. In doing so, we also paid tribute to the structure of the Federal courts established under article III of the Constitution. Our Federal courts, and the judges who preside over them, play an essential role in the constitutional system of checks and balances.

To ensure judicial independence, the framers granted life tenure to Federal judges. But the framers also provided that judges guilty of "Treason, Bribery, or other high Crimes and Misdemeanors" could be removed from the Federal bench by impeachment.

Currently, we have an effective system to investigate and, if necessary, discipline judges for ethical and criminal breaches. In part, this results from the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. But 10 years' experience suggests a few changes would make the existing system far more efficient. Today, I am introducing the Judicial Discipline Reform Act of 1990 to make these improvements.

My bill is virtually identical to title I of H.R. 1620, introduced in the House by my colleague from Wisconsin, BOB KASTENMEIER. Among the most important changes it proposes are to: Allow the Judicial Conference to dispense with a duplicative investigation after a judge's final conviction of a felony; enable the chief judge of a council to identify a disciplinary complaint under certain circumstances; and allow judges to recover reasonable attorneys' fees when charges against them are dismissed.

These modifications—as well as other technical changes that the bill would make—would not undermine the independence of the judiciary. Rather, they simply would give the court system better tools to keep its own house in order, and ensure swift and equitable investigations of lapses by members of the Federal bench.

Mr. President, I want to thank DENNIS DECONCINI, who played a crucial role in the enactment of the 1980 judicial discipline legislation, for cosponsoring this measure. I urge my colleagues in the Senate to support the Judicial Discipline Reform Act of 1990, and I look forward to its speedy enactment.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Discipline Reform Act of 1990".

SEC. 2. AMENDMENTS TO JUDICIAL COUNCILS REFORM AND JUDICIAL CONDUCT AND DISABILITY ACT OF 1980.

(a) IDENTIFICATION OF COMPLAINTS BY CHIEF JUDGE.—Paragraph (1) of section 372(c) of title 28, United States Code, is amended by adding at the end the following: "In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this subsection and thereby dispense with filing of a written complaint.".

(b) MEMBERSHIP OF SPECIAL INVESTIGATIVE COMMITTEES.—Paragraph (4) of section 372(c) of such title is amended by adding at the end the following: "A judge appointed to a special committee under this paragraph may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his term as chief judge terminates under subsection (a)(3) or (c) of section 45 of this title. If a judge appointed to a committee under this paragraph dies, or retires from office under section 371(a) of this title, while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.".

(c) PUBLIC AVAILABILITY OF IMPEACHMENT RECOMMENDATION.—(1) Paragraph (8) of section 372(c) of such title is amended by adding at the end the following sentence: "Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House shall make available to the public the determination and any reasons for the determination.".

(2) Paragraph (14) of such section is amended—

(A) by striking out "All" and inserting in lieu thereof "Except as provided in paragraph (8), all";

(B) by striking out "unless" and inserting in lieu thereof "except to the extent that";

(C) in subparagraph (B) by inserting "such disclosure is" before "authorized";

(D) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C) respectively; and

(E) by inserting the following new subparagraph (A) immediately before subparagraph (B) (as so redesignated):

"(A) the judicial council of the circuit in its discretion releases a copy of a report of a special investigative committee to the complainant whose complaint initiated the report and to the judge or magistrate whose conduct is the subject of the complaint;"

(d) IMPEACHMENT RECOMMENDATIONS WITH RESPECT TO CONVICTED JUDGES.—Section 372(c) of such title is further amended—

(1) in paragraph (8) by inserting "(A)" after "(8)"; and

(2) by inserting after such paragraph the following:

"(B) If a judge or magistrate has been convicted of a felony and all direct appeals from the conviction have been made and finally acted upon, or the time for filing such appeals has passed and no appeals have been filed, the Judicial Conference may, by majority vote and without referral or certification under paragraph (7), transmit to the House of Representatives a determination that consideration of impeachment may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary.".

(e) RULES BY JUDICIAL CONFERENCE AND JUDICIAL COUNCILS.—Paragraph (11) of section 372(c) of such title is amended by adding at the end the following: "No rule promulgated under this subsection may limit the period of time within which a person may file a complaint under this subsection.".

(f) DISMISSAL OF COMPLAINTS.—Paragraph (6) of section 372(c) of such title is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) may dismiss the complaint; and".

(g) REIMBURSEMENT FOR EXPENSES AND ATTORNEYS' FEES.—Section 372(c) of such title is further amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18); and

(2) by inserting after paragraph (15) the following new paragraph:

"(16) Upon the request of a judge or magistrate whose conduct is the subject of a complaint under this subsection, the judicial council may, if the complaint has been finally dismissed under paragraph (6)(C), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge or magistrate during the investigation which would not have been incurred but for the requirements of this subsection.".

(h) TECHNICAL CORRECTIONS.—(1) Paragraph (7)(B) of section 372(c) of such title is amended—

(A) by striking out "has engaged in conduct" and inserting in lieu thereof "may have engaged in conduct"; and

(B) in clause (i) by striking out "article I;; and inserting in lieu thereof "article II".

(2) Paragraph (14)(B) of such section is amended by striking out "subject to the complaint" and inserting in lieu thereof "subject of the complaint".

SEC. 3. CONTEMPT POWER FOR CIRCUIT COUNCILS.

Section 332(d)(2) of title 28, United States Code, is amended by adding at the end the following: "In the case of failure to comply with an order made under this subsection (other than a subpoena issued under section 372(c) of this title), a judicial council or a special committee appointed under section 372(c)(4) of this title may institute a contempt proceeding in any district court in which the judicial officer or employee of the circuit who fails to comply with the order made under this subsection shall be ordered to show cause before the court why he or she should not be held in contempt of court.".

SEC. 4. AMENDMENT TO OATH OF JUSTICES AND JUDGES.

Section 453 of title 28, United States Code, is amended by striking out "to the best of my abilities and understanding, agreeably".

SEC. 5. AMENDMENT TO ETHICS IN GOVERNMENT ACT.

Section 304(b) of the Ethics in Government Act of 1978 (28 U.S.C. App. 304(b)) is amended by adding at the end the following: "Whenever the Committee refers a name to the Attorney General under this subsection, the Committee also shall notify the judicial council of the circuit in which the named individual serves of the referral.".

SEC. 6. ADVISORY COMMITTEES FOR JUDICIAL DISCIPLINE RULES.

Section 2077(b) of title 28, United States Code, is amended by inserting before the period at the end of the first sentence the following: "and, in the case of an advisory committee appointed by a court of appeals, of the rules of the judicial council of the circuit".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect 90 days after the date of the enactment of this Act.

By Mr. GLENN (for himself, Mr. HEINZ, Mr. LEVIN, Mr. KOHL, Mr. SPECTER, Mr. MOYNIHAN, Mr. KASTEN, Mr. DIXON, Mr. D'AMATO, and Mr. METZENBAUM):

S. 2244. A bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, an other nonindigenous aquatic nuisance species; to the Committee on Environment and Public Works.

NON-INDIGENOUS AQUATIC NUISANCE ACT

● Mr. GLENN. Mr. President, one if by land, two if by sea. There are two lights shining over American waters today. The United States has been and continues to be invaded by organisms entering our waters from the sea. Every day ships entering U.S. waters bring along a multitude of stowaways hidden in the ballast waters that are so essential to their stability at sea. These organisms are released during deballasting. Most of them are not able to survive, but a few—a dangerous few—are able to survive, multiply, and adapt to the waters of the new world. It is these few hardy survivors which are threatening our environment and disrupting our industries.

The most recent invader is the zebra mussel now infesting the Great Lakes. This tiny clam was a ballast water stowaway that jumped ship in Lake St. Clair and was first discovered there in 1987. Within two short years, the zebra mussel spread downstream through Lake Erie and into Lake Ontario. This organism has also been introduced upstream in Green Bay.

Just this past December, the citizens of Monroe, MI, were without water due to a combination of weather conditions and the presence of zebra mussels in the water inlet pipes. Last fall, a charter boat captain experiencing a loss of power put his boat in dry dock to pull the engine. The entire hull was encrusted with zebra mussels. The drag created by these organisms had caused the slower running speed of the boat. Furthermore, within Lake Erie, the number of microscopic organisms which are food sport and commercial fish and the zebra mussels has been dropping.

The zebra mussel is estimated to cost the Great Lakes alone $500 million per year over the next 10 years. This includes cleanup, redesigning water inlets, and losses incurred by the recreational industry in the lakes. As this organism spreads throughout North America, these costs will be multiplied. Every municipality that draws water from a lake or river for a water purification plant will have to fight the battle with zebra mussels. The way things are today, they would have to fight it alone.

The Great Lakes are not alone in the battle against aquatic nuisance species. The waters of our northeastern coast have been invaded by a Japanese seaweed which is a threat to the ecology of the shelfish of the sea. A threat to the survival of shelfish is a threat to the industry of the area and to the economic survival of those dependent upon such species for their livelihood.

Nor are our Western States exempted from these aquatic invasions. San Francisco Bay is faced with several such species, the yellow fin goby, the asiatic clam and the oriental shrimp. Each of these organisms has impacted the fisheries of the bay.

Mr. President, it is time for action and that is why I am today introducing "the Non-Indigenous Aquatic Nuisance Act of 1990." Passage of this bill will accomplish two goals. First it will stop the influx of nonindigenous species through ballast water management practices instituted and enforced by the Coast Guard. And second it will create regional commissions in areas afflicted with aquatic nuisance species to coordinate research, control and education efforts and provide funding for those efforts.

Title I of this act requires the U.S. Coast Guard to promulgate ballast water management regulations. The ballast water of one ship is sufficient to introduce a new organism into U.S. waters. This bill recognizes the need to guarantee a captain's right to ensure the safety of his vessel, particularly during high seas ballast water exchange. Enforcement mechanisms and compliance monitoring are also addressed.

Other organisms known to be harmful could be transported in ballast water. These include the fresh water sting ray, the piranha and a parasitic catfish which posses a threat to human health. Other organisms which

are not harmful in their native environment can cause serious problems when transported elsewhere. Such organisms cannot be identified until after it is too late and they are already wrecking havoc. As the changing world allows more trade with more ports, the risks increase. We must shore up our defenses and close our doors to these unwelcome organisms.

Title II of this act establishes a national cooperative action group to organize and coordinate regional commissions as needed to oversee and advise regional activities related to a aquatic nuisance species.

The regional commissions, composed of Federal, regional, State, local and industrial interests, are to identify priorities and recommended strategies tailored to the region. This regional coordination will alleviate the burden on State and local agencies and prevent unnecessary duplication of research efforts.

Research on the zebra mussel is desperately needed in order to understand the enemy we face. We must learn its basic biology, and how it will affect the ecology of our fresh waters. Many native species within the Great Lakes are already threatened or endangered. We need to protect the rich biodiversity of waters. Furthermore, we need to research environmentally safe methods for cleaning these organisms out of our pipelines and waterways. Perhaps research will even show us the way to eliminate zebra mussels from our environment entirely. Title II requires that lists be kept on control methods and cleanup procedures that are in use. These lists will be available to raw water users.

The Non-Indigenous Aquatic Nuisance Act of 1990 establishes a regional commission within the Great Lakes immediately in order to check the spread of the zebra mussel. The situation is urgent. What we learn in the Great lakes will be of use to the rest of the country as its organism spreads. The powerplants currently struggling with retrofitting inlet pipes will be able to advise inland plants as the zebra mussel approaches.

Other provisions of the Non-Indigenous Aquatic Nuisance Act include educational programs to inform the public and raw water users about control of * * *.

The zebra mussel, if unchecked, will continue to spread throughout the Great Lakes and eventually inhabit two-thirds of the fresh water in the United States. Power, water and industrial plants deep in the interior of the country will have to undergo major renovations in water inlet facilities. Ultimately, consumers will have to absorb the costs of expensive pipeline cleanups. Sport fishing and tourism along our fresh water lakes and rivers will decline as the fish populations diminish and the sharp shells pile up our beaches.

The zebra mussels, and other such nonindigenous species will still be here and their effect will still be felt long after the residue of the largest oilspill has faded from memory. We must respond to this crisis. This bill offers a solution. We must provide help before it is too late.●

● Mr. LEVIN. Mr. President, I join with my Great Lakes colleagues today in introducing a bill which we hope will stop the spread of the zebra mussel and eventually eliminate it from U.S. waters.

The zebra mussel first invaded the Great Lakes 3 years ago when a European tanker flushed its ballast water into Lake St. Clair. The mussels have since spread down the length of the Detroit River and into Lake Erie at 160 miles per year. Experts think they could eventually infest the waters of the entire country.

Michigan has a lot to lose if this infestation continues. The billions of dollars invested in our water supplies, harbors, and sportsfishing industry are in peril.

Zebra mussels threaten our water supplies by quickly and repeatedly infesting water intake pipes. Last year, the city of Monroe, MI, had to ration water for several days because the mussels had clogged its drinking water intakes. Over 50 other major municipal intake pipes in Michigan, not to mention industry users, are at risk from this same type of fouling. Zebra mussels also attach themselves in masses to ships, marinas, and ports, requiring costly removal. They threaten the Great Lakes $4 billion sportsfish industry by robbing the fish and other acquatic species of key food sources like algae and plankton.

The battle to stop the zebra mussel will not be an easy one and is likely to run into significant dollars. Effective water intake filters, for example, could cost $50 million apiece. Projected damage estimates from zebra mussel infestations in the Great Lakes alone already range as high as $500 million.

The bill we are introducing today is the first step in combating the problem. To prevent further infestations by the zebra mussel and other alien species, the bill requires the establishment of a ballast water control program to prevent foreign ships from dumping possibly tainted ballast water into U.S. waters. The bill also establishes mechanisms to bring the coordinated resources of a host of Federal, State, and local agencies to bear on zebra mussel problems. Using these combined resources, a locally based Great Lakes commission will begin the search for environmentally sound, cost effective methods to confine and eradicate the zebra mussel. We don't know the nature of these control methods yet—that's part of the problem—but this bill will get the Federal, State, and local groups working together to develop a battle plan. Recommendations for action are due 180 days after enactment, and annually thereafter, so we can begin to take the steps needed to combat this threat.

For years, the sea lamprey has represented the damage that an alien species can do to the Great Lakes if we're not vigilant. The evidence so far indicates that the zebra mussel could even more quickly and quietly devastate the Great Lakes ecosystem. We need to act now.●

● Mr. HEINZ. Mr. President, I am pleased to be the principal cosponsor of legislation Senator GLENN is introducing today, the Non-Indigenous Aquatic Nuisance Act of 1990. Congressman HENRY NOWAK is introducing a companion bill in the House of Representatives.

The immediate purpose of the bill is to combat the spread of zebra mussels through the Great Lakes. But our concern is not merely parochial. Zebra mussels could travel through the Erie Canal into the Hudson River and New York's Finger Lakes. They could move into the upper Great Lakes. Once established in Lake Michigan, they could enter the Mississippi River drainage system through the Chicago Canal and the Chicago, Des Plaines, and Illinois Rivers. My hometown of Pittsburgh could become "mussel-bound" via the Ohio, Allegheny, and Monongahela Rivers. In short, they threaten much of the fresh water in this country.

While concern over zebra mussel infestation prompted the drafting of this bill, our legislation has a larger purpose. It is designed to prevent and control the introduction of all nonindigenous aquatic species, not just the zebra mussel.

The principal mechanism for accomplishing this task is to regulate the ballast water exchange of oceangoing vessels. such exchanges, currently conducted in port, provide the principal vetor for the introduction of nonindigenous aquatic species into U.S. waters. Accordingly, the bill directs the U.S. Coast Guard to promulgate and enforce regulations requiring "high seas" ballast exchanges.

The need for our legislation becomes apparent if one examines the environmental and economic impacts that the tiny zebra mussel alone will have on the Great Lakes.

The zebra mussel—Dreissena polymorpha—is a small, 1-inch mollusk, sonamed because of characteristic brown and white stripes. Its original habitats were the Black and Caspian Seas between Asia and Europe. About 200 years ago, it began spreading through Europe via canals. In less than a century, it reached the British Isles. One hundred years ago, zebra mussel infes-

tation caused water supply problems in Hamburg and Rotterdam. In 1895, Berlin's waterworks were closed for 27 days because thousands of dying mussels fouled the supply.

Experts believe the zebra mussel reached the United States aboard a European freighter in the summer of 1986. Zebra mussel larvae were discharged along with ballast water into Lake St. Clair or the St. Clair River. Adult mussels were discovered in the western basin of Lake Erie in July 1988. They now infest Lakes Erie and Ontario and have clogged water intakes for Erie, Cleveland, Toledo, and Monroe, MI.

Ballast water exchange is not the zebra mussel's only transportation vector. They attach themselves to the hulls of ships like barnacles and can survive out of water for up to 2 weeks. Larvae can travel 50 miles a day downstream, carried by water currents. They can be transported by waterfowl and other wildlife.

Zebra mussels are prolific filter feeders, filtering up to one quart of water daily. Consequently, there is concern they may bioaccumulate toxins. They do not appear to be fit for human consumption although some diving ducks and muskrats feed on them. And some species of fish, such as sturgeon, and eels feed on the larvae.

Zebra mussels feed on phytoplankton, microscopic floating plants that form the bottom of the Great Lakes' food chain. Zooplankton feed on phytoplankton. Small fish feed on zooplankton. Commercially valuable large fish such as the walleye, smallmouth bass, and yellow perch, in turn, feed on the smaller fish. So the zebra mussel, by reducing the supply of phytoplankton, disrupts the entire aquatic food chain.

Also of concern is the zebra mussel's tendency to congregate on fish spawning grounds. As many as 30,000 mussels per square meter have been found on walleye spawning reefs. Fisheries scientists are uncertain about the impact infestation has on the survivability of spawned walleye eggs. It can only be adverse. U.S. Fish and Wildlife Service experts estimate that zebra mussels could cause $2.0 billion in damages to the commercial fisheries solely on Lake Erie over the next decade.

Where extremely abundant, zebra mussels may reduce dissolved oxygen in surrounding waters, thus increasing general stress to other aquatic species. They discharge a pseudofeces that acidifies lake bottoms. They may attach themselves to waterfowl or fish. And they foul the vegetation upon which waterfowl and fish feed.

Environmental harm is compounded by economic harm. And potential economic harm is not confined to commercial fisheries and the sport fishing and tourism industries. Zebra mussels are as prolific at breeding as they are at feeding. A single female will lay up to 40,000 eggs each season. And once the mussels grow to maturity, they attach themselves to virtually anything, including each other. Consequently, zebra mussels can colonize along the interior surfaces of water intake pipes, severely restricting pipe diameter and flow capacity.

In Monroe, MI, for instance, a water purification plant had to close for several days because of restricted flow. A Detroit Edison powerplant, also in Monroe, had to suspend use of one pipe, thereby reducing plant output by 25 percent. Ontario water treatment plants have reported a 20 percent reduction in water flow due to zebra mussels. A 2½-mile-long intake pipe at a water filtration plant near Port Stanley, ON, is clogged with an estimated 30 tons of zebra mussels. Ohio Environmental Protection Agency [EPA] officials report that mussels were discovered in one-half of the water intakes of 31 surveyed public water systems.

Some Sea Grant experts and the Great Lakes Fishery Commission estimate economic damages to the Great Lakes at $500 million annually over the next decade. One utility estimates that mechanical mussel removal will cost it $50 million to $100 million a year.

And so the zebra mussel story goes. It is a story that can be repeated with any number of intruder species, anywhere in the United States. The zebra mussel is just one of many nonindigenous aquatic nuisances plaguing America's lakes, rivers, ports, and coastlines. Those of us from the Great Lakes are well aware of the destructive capabilities of the sea lamprey, which entered the Lakes through the Erie Canal at the turn of the century. They nearly wiped out commercial fishing on the Lakes in the 1940's and 1950's. Last year, we had to secure additional appropriations to combat a resurgent population.

Other exotic intruders include the Red Tide and the River Ruffe. Exotic diseases—again, in ballast water—threaten fish populations in Alaska and the Pacific Northwest. A Japanese seaweed threatens the commercial shellfish industry along the northeast coast. And a variety of exotic shellfish, in turn, threaten San Francisco Bay. Once established, these nonindigenous intruders upset the ecology, cause economic damage, and prove difficult to eradicate. Typically, the unintended host ecosystem has no natural predators or other control mechanisms.

Mr. President, it is interesting to note that the U.S. Department of Agriculture's Animal and Plant Health Inspection Service [APHIS] has an annual budget of some $350 million. APHIS personnel have mobilized helicopters to combat pests like the Africanized "killer" bee and the Mediterranean fruit fly. But we seem defenseless against aquatic intruders. Put a little more colloquially, it seems we have an enormous air force, but not much of a navy. Our bill is designed to rectify this imbalance.

As mentioned above, the bill would require the U.S. Coast Guard to promulgate regulations mandating high seas—beyond 200 miles—ballast water exchange. The bill also would establish a national cooperative action group, consisting of the Secretaries of Commerce and Interior. The cooperative group, in turn, would establish regional commissions as needed to oversee and coordinate activity to address specific invader species. The bill mandates that one such commission be established in the Great Lakes.

The bill authorizes NOAA and the U.S. Fish and Wildlife Service to conduct research on the basic biology, environmental and economic impacts, and control methods relating to specific intruders. It authorizes the Marine Advisory Service of NOAA's Sea Grant Program to implement public information and education measures.

The bill authorizes $4 million annually for 5 years for Great Lakes programs, including: $1 million annually for research at the Great Lakes Environmental Research Laboratory [GLERL] and other NOAA facilities; $750,000 annually for U.S. Fish and Wildlife Service research activities; $1.65 million annually for competitive university research grants; $500,000 annually for Sea Grant college programs; and $200,000 annually for administrative services rendered by the Great Lakes Commission and the Great Lakes Fishery Commission.

The bill authorizes $4 million annually for national programs, including: $3 million annually for U.S. Coast Guard regulatory activities; $500,000 annually for the Marine Advisory Service education and extension efforts; and $500,000 annually for U.S. Fish and Wildlife Service monitoring activities.

This bill can provide the model for action against a variety of intruder species across the Nation. I urge my colleagues to support it.●

Mr. SPECTER. Mr. President, today I join Senator GLENN as an original cosponsor in introducing the Non-Indigenous Aquatic Nuisance Act of 1990. Through research, education, and control measures, this legislation would address the economic and ecological threat posed by foreign aquatic organisms transplanted to the United States.

The most extreme example of the problem posed by these aquatic organisms is the zebra mussel, a creature which can be found in my home State, Pennsylvania. This creature was first discovered in 1988 in Lake Saint Clair,

located between Lakes Huron and Erie. Reports indicate that in only 2 years, the mussel spread over a 10,000 square-mile area, infesting the Lake Erie shoreline from Detroit to Buffalo. I am advised that the zebra mussel is able to produce 30,000 offspring in a single season. Experts anticipate that this creature will spread to the Mississippi, Ohio, and Hudson River basins, and within 10 years is likely to be found in two-thirds of the United States.

The rapidly reproducing zebra mussel, though only the size of a quarter, is already causing problems which far exceed its size. Because the mussels are able to grow on nearly any surface, including each other, they are able to block water intake pipes that are several meters in diameter. The resulting blockages pose a serious threat to industry and municipal water supplies. In Ontario, expansion of a housing development came to a halt because zebra mussels in the water system had cut the water supply in half. The city of Buffalo has proposed a 15-percent increase in water rates to provide funds to deal with the mussel. Company officials at a Detroit Edison plant in Munroe, MI, estimate the cost of removing the creatures from their water intake system at $100,000 per treatment. Not only do zebra mussels threaten water supplies by blocking water pipes, but they often die in the pipes in large numbers, giving the water a putrid odor and taste and rendering it undrinkable.

The zebra mussel poses further economic problems for the tourism and fishing industries. Given the concentrations in which the mussel is found—up to 700,000 per square meter in Lake Erie—officials at the Presque Isle State Park in Erie, PA, fear the possible negative impact of sharp shells littering the beach, as well as obnoxious smells from decomposing mussels. I ask unanimous consent that a letter from the Presque Isle State Park Advisory Committee be included in the RECORD at the conclusion of my statement.

Experts fear that the prolific zebra mussel could endanger fish populations by competing with newly spawned fish for nutrients essential to their development. The fishing industry in Lake Erie generates $600 million annually, and according to the U.S. Fish and Wildlife Service, the zebra mussel may cost the industry a third of that each year, or $2 billion over the next decade.

Projections of the economic damage caused by the zebra mussel are $500 million each year in Lake Erie alone and $3 to $4 billion for all areas impacted by the mussels in the next 10 years.

Although it is the zebra mussel problem that compels us to act in this area, the Non-Indigenous Aquatic Nuisance Act would provide a legislative mechanism to deal with similar situations. In the past, the Great Lakes have been invaded by foreign organisms, such as the lamprey eel. None, however, has proven as serious a threat as the zebra mussel. Other areas of the country also are troubled by nonindigenous organisms—shellfish off the northeast coast face the threat of a Japanese seaweed and the ecology of the San Francisco Bay may be significantly disturbed by foreign fish and shellfish.

This legislation would prevent the importation of such nuisances by requiring the Coast Guard to enforce ballast exchange on the high seas. In addition, the bill would aid State and local officials in coping with the zebra mussel and other such threats by promoting research, education, and control of these organisms.

Mr. President, this legislation represents a sound and sensible approach to a growing problem that threatens not only the Great Lakes region but large portions of the rest of the country as well. It is important that we act now so that Pennsylvania and the Nation may be spared the cost of dealing with the potential catastrophe we face if the zebra mussel problem is not abated. Accordingly, I urge my colleagues to join me in supporting this important legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESQUE ISLE STATE PARK
ADVISORY COMMITTEE,
March 3, 1990.

HON. ARLEN SPECTER,
U.S. Senate, Federal Office Building, Erie, PA.

DEAR SENATOR SPECTER: The introduction of *Dreissena polymorpha* (zebra mussel) into the Great Lakes Basin may produce a major threat to municipal and industrial water intake facilities, recreational boating, and may seriously impact on the beaches of Presque Isle State Park. As member of both the Erie Harbor Improvement Council and the Presque Isle State Park Advisory Committee I am deeply concerned about the impact this introduced exotic species may have on Pennsylvania's coastal zone.

There is no doubt that the mussel was introduced into the Great Lakes from ships originating in freshwater ports of northern Europe. The mussel is contained in freshwater ballast which is discharged into freshwater ports of the Great Lakes.

Dreissena was first confirmed in Lake St. Clair in July 1988. The age of the mussels observed indicate introduction into the Great Lakes sometime in 1986. Since that time the zebra mussel has dispersed into Lake Michigan and into Lake Erie as far as Buffalo, New York. The mussel is expected to move into the Niagara River by the summer of 1990. One can expect that the mussel will also disperse into every freshwater system in the Commonwealth as it is easily transported by small boats trailered from place to place and by waterfowl.

In the Erie area, several direct observations make it very apparent that we are not to be spared the effects of this dispersion. As early as last summer the mussel was found attached to marker bouys at Presque Isle and on driftwood found along the shoreline. A week ago a car was pulled from Presque Isle Bay covered with zebra mussels. Examination of the water intakes for the City of Erie's water system has revealed the presence of the mussel. These intakes are in the lake less than a mile off Presque Isle's beaches. International Paper Company in Erie has also observed the mussel on their intakes.

There is an expected biological impact on Lake Erie and Presque Isle Bay. The mussel is expected to occupy an ecological niche now filled by molluscs that have no particular bad habits. Since the zebra mussel is an exotic it is not part of any prey predator relationship in these waters, although one may develop. Because of its high biological potential the mussel is expected to displace the existing species. In addition, the mussel will interfere with the food chain of our more prized commercial and game fish species. Lastly, molluscs are important vectors of parasites in waterfowl, fish, and humans.

The major immediate impact will be on raw water intakes and on Presque Isle's beaches. In addition, biofouling of boats and marina facilities is expected to produce severe economic hardships. Intake structures provide an ideal habitat for the mussel. The structures provide a place for the mussel to affix and the constant flow of water into the intake brings a continuous flow of food. One Great Lakes utility has reported colony densities of 250,000 per square meter on intake cribs. Aside from the obvious threat of shutting off the community's water supply the mussel also taints the water with an obnoxious odor.

Dreissena finds rock cobble an ideal habitat. "Recreational use of beaches in infested areas may also be impacted by colonization of shallow nearshore areas and by littering of the beach by shells washed up by submerged colonies (bathers on some beaches of Lakes St. Clair and Erie are already reported to be wearing footgear to prevent cuts from the shells). Obnoxious smells from the decomposition of mussels can also detract from shoreline recreational activities" (O'Neill, 1989). The construction of fifty-eight rubblemound breakwaters at Presque Isle provide an idealized habitat for *Dreissena polymorpha.* The mussel cannot be a problem to the beaches if there is nothing for them to affix to. The mussel cannot fix to a sandy bottom.

As a member of both the Erie Harbor Improvement Council and the Presque Isle State Park Advisory Committee I urge you to support legislation that will provide for the following:

An end to the introduction of any exotic species into the Great Lakes Basin. We have had problems enough with Lamprey Eel, Alewife, River Ruffe and now Zebra Mussel;

Restrictions on the discharge of ballast waters from foreign ports;

Assistance to the communities of the basin in combating the threat of zebra mussels to their economies and to their water systems;

Assistance to support studies to examine control alternatives; and

Identification of either the Fish and Wildlife Service (Department of the Interior) or the Environmental Protection Agency as the lead agency to assist the States in dealing with the problem of zebra mussel infestation.

The threat is real and immediate to the Erie shoreline. As the mussel disperses into the lakes and streams of the Common-

wealth any community, large or small, with fresh water intakes, will bear the economic hardship of controlling this pest. Much is at stake. I know you appreciate the extent of the problem and will do whatever is necessary to assist in ameliorating this problem. If I can be of any assistance by way of providing additional information please do not hesitate to ask.

Sincerely,

PAUL D. KNUTH,
Chairman.

Reference cited: O'Neill, Charles R., 1989. *Dreissena polymorpha; An Unwelcome New Great Lakes Invader,* New York Seagrant Fact Sheet 11-1989. Seagrant Cooperative Extension. Cornell University.

● Mr. DIXON. Mr. President, I am pleased to join my distinguished colleague and warm friend from Ohio, Senator GLENN, as a sponsor of the Non-Indigenous Aquatic Nuisance Act of 1990. This legislation is designed to coordinate research, education, and control of aquatic nuisance species, and to prevent the spread of these species in our lakes and rivers.

The zebra mussel, a tiny clam, has already entered the Great Lakes. Since their accidental introduction by ships emptying infested ballast water from Europe in 1988, they have caused serious economic and environmental damage to the Great Lakes region. The zebra mussels have clogged water inlet pipes for powerplants, water treatment plants, and factories. Zebra mussels disrupt the natural food chain reducing the fish population for the commercial fishing industry and sport fishermen. If it is not contained, the costs to the tourist industry will be great. If left unchecked, the zebra mussel will spread down the Mississippi and its tributaries, eventually affecting two-thirds of the inland waters in the United States. This is a national problem, not just a Great Lakes problem. During the next decade, the U.S. Fish and Wildlife Service estimates zebra mussels will cause an estimated 5 billion dollars' worth of damage in the Great Lakes alone.

The bill establishes a national cooperative action group under the jurisdiction of the Department of Commerce and Department of the Interior. The group would establish regional commissions that would coordinate the activities of Federal, State, and local government agencies and the private sector in the most effective manner possible. A commission will be dedicated to the zebra mussel problem.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.●

Mr. KOHL. Mr. President, I am pleased to join with several of my colleagues in introducing the Non-Indigenous Aquatic Nuisance Act of 1990, which will help to prevent the spread of the zebra mussel and other exotic species throughout the Great Lakes and beyond. The invasion of zebra mussels in this country has only just begun, and threatens every lake, river, and stream in the United States.

Zebra mussels entered the Great Lakes in the late 1980's, probably transported by ballast water from foreign ships. In a few short years, this organism has spread throughout Lake Erie and into Lake Ontario. It is expected to inhabit all of the Great Lakes within the next couple of years. I am hopeful that this legislation will help to slow the spread, so that cities along Wisconsin's Lake Michigan shoreline will be spared some of the terrible consequences already afflicting our neighbors to the east.

Zebra mussels can cause severe economic hardship on shoreline areas in several ways. First, because their numbers multiply so rapidly, they can quickly block water intake pipes used by municipalities and businesses, jeopardizing drinking water and industrial water supplies. Second, because of the grave damage they inflict on native fish and aquatic species, commercial fishing industries may see their business devastated. Finally, tourism industries in coastal and lakeside communities could be dampened by the loss of recreational fishing opportunities.

The Non-Indigenous Aquatic Nuisance Act of 1990 will help us to prevent the spread of the zebra mussel before it becomes a threat to every state in the country, carried by boats and bait buckets from port to port, and from inland lake to inland stream. We have been warned that the species could infect two-thirds of all inland waters in the Nation.

The bill provides authorization for educational programs to teach commercial and recreational users of contaminated water to identify zebra mussels and to prevent the further spread of the species. The tracking and monitoring provisions of the bill will allow early warning of communities that may need to take precautions prior to infestation. Communities in Wisconsin, for example, might be able to prevent some of the consequences which have already affected areas like Monroe, MI, which was left without water for several days last December.

Provisions in the bill regulating ballast water management will help prevent new unintentional introductions of nonindigenous organisms. These regulations will complement the Voluntary Ballast exchange regulations that Canada currently has in place. We need to act binationally with Canada to prevent the further spread of organisms like the zebra mussel and red tide, and this bill accomodates such international cooperation.

In sum, this is an important bill—not just for the Great Lakes States—but for every State in the country. I urge my colleagues to support the amendment.

By Mr. BRADLEY (for himself, Mr. MATSUNAGA, Mr. DURENBERGER, and Mr. MOYNIHAN):

S. 2246. A bill to amend title XVIII of the Social Security Act to provide improved Medicare home health benefits, and for other purposes; to the Committee on Finance.

MEDICARE HOME BENEFITS IMPROVEMENT ACT

● Mr. BRADLEY. Mr. President, I rise today to introduce the Medicare Home Benefits Improvement Act of 1990. This legislation will provide some important benefits to older Americans. It will enable those among the dependent elderly and disabled to obtain needed care in the comfort and the dignity of their homes. This bill clarifies eligibility requirements and expands coverage for home health care; it permits up to 80 hours of coverage per year for in-home respite care for chronically dependent individuals; it eliminates the 210-day limit for hospice care coverage; and it allows beneficiaries to receive needed intravenous drug therapy in the home setting when it is safe to administer the treatment at home instead of in a hospital.

Mr. President, these special protections were lost last year in the rush to repeal the Medicare Catastrophic Coverage Act. I believe that loss was both gravely shortsighted and unwise.

Mr. President, an estimated 1½ million people currently are cared for in nursing homes. Yet it is only 20 percent of the elderly who need long-term care services. The remainder continue to live in their communities and depend on a network of both formal and informal caregivers. As our population ages and a greater proportion of our people live long enough to confront dependency, adequate home based support for caregivers will mean the difference between forced institutionalization and living with one's family.

The burdens on those who provide informal long-term care, both financial and emotional, are tremendous. One-third of family caregivers are over the age of 65 themselves. Respite care is the provision of a little relief to family caregivers who are spending their lives caring for their chronically ill spouses or parents. Often, that family member is the only thing preventing the chronically ill person, who is living at home, from entering a nursing home.

A model program in New Jersey recently permitted a week of care for a 103-year-old woman so her 82-year-old daughter could attend the granddaughter's wedding in California. In another instance, interim care was provided for an Alzheimer's patient when her husband was hospitalized for surgery. The respite care benefit provides family support of 80 hours a year to help the caregiver in the home. This is a limited benefit that

will give caregivers in perhaps 75,000 to 100,000 families some respite from the burdens of caring for their loved ones with chronic illness. This benefit will only be available after $1,780 in the first year in out-of-pocket health expenses have been expended by the beneficiary. It will be subject to a 20-percent copayment. This is no runaway benefit that will cost several hundred billion dollars a year. But it may mean the difference between a family's ability to keep a member at home and giving up for a nursing home.

The expanded Home Health Care benefits proposed in this bill may also provide the margin of care necessary to keep beneficiaries in the home setting. The bill will clarify eligibility for this benefit by clearly defining intermittent care. It will also nearly double the number of days of skilled home health care covered for the sickest elderly, those who require skilled home care for up to 7 days per week. It will increase the number of days from 2 to 3 weeks under current law to 38 days of coverage. For many beneficiaries, the comfort and support of skilled personnel who come to the home to provide care, can mean the difference between recovering and receiving rehabilitation at home or going to a skilled nursing facility.

The Medicare hospice benefit provides those dying from a terminal illness resources to ensure optimal comfort and quality of life for both beneficiaries and their families. Much of hospice care is provided in the home setting. After a beneficiary qualifies, Medicare currently covers only 210 days of hospice care. With the advent of new technologies and life-sustaining drugs, it is not uncommon for terminally ill patients to live beyond the 210-day limit. For the beneficiary who survives longer than 210 days, Medicare leaves the patient the responsibility for the remaining costs of his or her care. For a small expenditure of $1 million per year according to the Congressional Budget Office, we can continue this humane level of support to a dying human being.

Finally, some illnesses require the administration of intravenous drugs such as antibiotics. Frequently, that means many days of hospitalization to administer required daily doses of these drugs. When a doctor determines that it is safe to administer those intravenous drugs at home, this bill provides for payment of these services in the home setting. Mr. President, despite the costs that this provision will incur for Medicare, in the long run, shortened hospital stays may make this benefit cost effective. This is why the Prospective Payment Assessment Commission is directed in this legislation to study the financial impact of this provision on the costs of caring for these conditions in the hospital setting.

Mr. President, this legislation will not increase the Federal budget deficit. Given our enormous budget deficit, we must ask the beneficiaries to pay for these services. But I feel that these home benefits are so important to provide that I am proposing a small increase in part B premiums in order to pay for the benefits. In the first year, this will mean a 55-cent-per-month increase in the premiums. In the fifth year, the premium will have increased by $1.57 per month.

Richard Margolis, in his new book, "Risking Old Age in America" sums up the situation quite well: "The struggle to fend off dependency is nearly always waged behind closed doors, in the privacy of one's home and in the teeth of one's panic. The public does not bear witness; neither, in most instances, does it bear any part of the home-care burden." Mr. President, it is time for us to begin to shoulder some of that burden.

I ask unanimous consent that the text of the bill, and the summary of the legislation appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Home Benefits Improvement Act of 1990".

SEC. 2. IN-HOME RESPITE CARE FOR CERTAIN CHRONICALLY DEPENDENT INDIVIDUALS.

(a) IN GENERAL.—Section 1832(a) of the Social Security Act (42 U.S.C. 1395k(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "(A)", and

(B) by inserting before the semicolon at the end the following: ", and (ii) in-home respite care for up to 80 hours in any period described in section 1861(jj)(4), but not to exceed 80 hours in any calendar year"; and

(2) by adding at the end the following new sentence: "In the case of in-home respite care (described in paragraph (2)(A)(ii)) provided on any day, such care provided for 3 hours or less on the day shall be counted (for purposes of the limitation in such paragraph) as 3 hours of such care.".

(b) IN-HOME RESPITE CARE FOR CHRONICALLY DEPENDENT INDIVIDUAL DEFINED.—Section 1861 of such Act (42 U.S.C. 1395x), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended by inserting after subsection (ii) the following new subsection:

"(jj)(1) The term "in-home respite care' means the following items and services furnished, under the supervision of a registered professional nurse, to a chronically dependent individual (as defined in paragraph (2)) during the period described in paragraph (4) by a home health agency or by others under arrangements with them made by such agency in a place of residence used as such individual's home:

"(A) Service of a homemaker/home health aide (who has successfully completed a training program approved by the Secretary).

"(B) Personal care services.

"(C) Nursing care provided by a licensed professional nurse.

"(2) The term 'chronically dependent individual' means an individual who—

"(A) is dependent on a daily basis on a primary caregiver who is living with the individual and is assisting the individual without monetary compensation in the performance of at least 2 of the activities of daily living (described in paragraph (3)), and

"(B) without such assistance could not perform such activities of daily living.

"(3) The 'activities of daily living', referred to in paragraph (2), are as follows:

"(i) Eating.

"(ii) Bathing.

"(iii) Dressing.

"(iv) Toileting.

"(v) Transferring in and out of a bed or in and out of a chair.

"(4)(A) The period described in this paragraph begins on the date that the Secretary determines that a chronically dependent individual has incurred out-of-pocket part B cost sharing (as defined in paragraph (5)(A)) in an amount equal to the part B limit (as determined under paragraph (5)(B)) for the calendar year in which such date occurs.

"(B) In the case of an individual who qualifies under subparagraph (A), if the hour limitation for the calendar year applies, the period described in subparagraph (A) shall begin on the first day of the succeeding calendar year.

"(5) For purposes of this subsection—

"(A) The term 'out-of-pocket part B cost sharing' means, with respect to an individual covered under part B, the amount of expenses that the individual incurs that is attributable to—

"(i) the deductions established under section 1833(b), and

"(ii) the difference between the payment amount provided under part B and the payment amount that would be provided under part B if '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, each place either appears in sections 1833(a), 1833(i)(2), 1834(c)(1)(C), 1835(b)(2), 1866(a)(2)(A), 1881(b)(2), and 1881(b)(3).

"(B)(i) The part B limit for 1991 is $1,780. The part B limit for any succeeding year shall be such an amount (rounded to the nearest multiple of $1) as the Secretary estimates, for that succeeding year, will reflect a level of out-of-pocket part B expenses that only 5.5 percent of the average number of individuals enrolled under part B (other than individuals enrolled with an eligible organization under section 1876 or an organization described in section 1833(a)(1)(A)) will equal or exceed in that succeeding year.

"(ii) Not later than September 1 of each year (beginning with 1991), the Secretary shall promulgate the part B limit under this subparagraph for the succeeding year.".

(c) PAYMENTS.—Section 1833(a) of such Act (42 U.S.C. 13951(a)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in paragraph (2), by inserting "(A)(ii)," after "subparagraphs" the first place it appears,

(2) in paragraph (3), by striking "(D)" and inserting "(A)(ii), (D),", and

(3) by adding at the end the following: "Payments for in-home respite care for chronically dependent individuals shall be paid on the basis of an hour of such care provided. In applying paragraph (2) in the case of an organization receiving payment under subparagraph (A) of paragraph (1) or under a reasonable cost reimbursement contract under section 1876 and providing coverage of in-home respite care, the Secretary shall provide for an appropriate adjustment in the amount of payments otherwise made to reflect the aggregate increase in payments that would otherwise be made with respect to enrollees in the organization if payments were made other than under such clause or such a contract if payments were to be made on an individual-by-individual basis.

(d) CERTIFICATION.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of in-home respite care provided during a period described in section 1861(jj)(4), the individual was a chronically dependent individual during the 3-month period immediately preceding the beginning of the period described in such section."

(e) STANDARDS FOR UTILIZATION.—

(1) Section 1862(a) of such Act (42 U.S.C. 1395y(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "and" at the end,

(ii) in subparagraph (E), by striking the semicolon at the end and inserting ", and", and

(iii) by adding at the end the following new subparagraph:

"(F) in the case of in-home respite care, which is not reasonable and necessary to assure the health and condition of the individual is maintained in the individual's non-institutional residence;"; and

(B) in paragraph (6), by inserting "and except, in the case of in-home respite care, as is otherwise permitted under paragraph (1)(F)" after "paragraph (1)(C)".

(2) The Secretary of Health and Human Services shall take appropriate efforts to assure the quality, and provide for appropriate utilization of, in-home respite care under the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1991.

SEC. 3. EXTENDING HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new sentence:

"For purposes of paragraph (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided or needed on an 'intermittent' basis if they are provided or needed less than 7 days each week and, in the case they are provided or needed for 7 days each week, if they are provided or needed for a period of up to 38 consecutive days.".

(b) PAYMENT UNDER PART B.—Section 1833(d) of the Social Security Act (42 U.S.C. 13951(d)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) by striking "(d) No payment" and inserting "(d)(1) Except as provided in paragraph (2), no payment"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of home health services furnished to an individual enrolled under this part for which payment is made only as a result of the application of the last sentence of section 1861(m), payment shall be made under this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished in cases of initial periods of home health services beginning on or after January 1, 1991.

SEC. 4. EXPANSION OF HOSPICE BENEFIT.

(a) IN GENERAL.—Section 1812 of the Social Security Act (42 U.S.C. 1395d), as restored by section 101(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (a)(4), by striking "90 days each" and all that follows through "with respect to" and inserting the following: "90 days each, a subsequent period of 30 days, and a subsequent extension period with respect to"; and

(2) in subsection (d)—

(A) in paragraph (1), by stiking "90 days each" and all that follows through "lifetime" and inserting the following: "90 days each, a subsequent period of 30 days, and a subsequent extension period during the individual's lifetime", and

(B) in paragraph (2)(B), by striking "a 90- or 30-day period," and inserting "a 90- or 30-day period or a subsequent extension period,".

(b) CONFORMING AMENDMENT.—Section 1814(a)(7)(A) of such Act (42 U.S.C. 1395f(a)(7)(A)), as restored by section 101(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is mended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following new clause:

"(iii) in a subsequent extension period, the medical director or physician described in clause (i)(II) recertifies at the beginning of the period that the individual is terminally ill;".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care and services furnished on or after January 1, 1991.

SEC. 5. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES.

(a) IN GENERAL.—Section 1832(a)(2)(A) (42 U.S.C. 1395k(a)(2)(A)) as amended by section 2(a)(1) of this Act, is further amended—

(1) by striking ", and (ii)" and inserting ", (ii)"; and

(2) by striking "calendar year" and inserting ", calendar year, and (iii) home intravenous drug therapy services".

(b) HOME INTRAVENOUS DRUG THERAPY SERVICES DEFINED.—Section 1861 (42 U.S.C. 1395x) as amended by section (2)(b) of this Act, is further amended by adding at the end the following new subsection:

"(kk)(1) The term 'home intravenous drug therapy services' means the items and services described in paragraph (2) furnished to an individual who is under the care of a physician—

"(A) in a place of residence used as such individual's home;

"(B) by a qualified home intravenous drug therapy provider (as defined in paragraph (4)) or by others under arrangements with them made by such provider; and

"(C) under a plan established and periodically reviewed by a physician.

"(2) The items and services described in this paragraph are such nursing, pharmacy, and related services (including medical supplies, intravenous fluids, delivery, and equipment) as are necessary to conduct safely and effectively an intravenously administered drug regimen through use of a covered home intravenous drug.

"(3)(A) The term 'covered home intravenous drug' means a drug dispensed to an individual that—

"(i) is an antibiotic drug and Secretary has not determined, for the specific drug or for the indication to which it is applied, that the drug cannot be administered safely and effectively in a home setting, or,

"(ii) is not an antibiotic drug and the Secretary has determined, for the specific drug and indication for which the drug is being applied, that the drug can generally be administered safely and effectively in a home setting.

"(B) Not later than January 1, 1991 (and periodically thereafter), the Secretary shall publish a list of the drugs that are covered home intravenous drugs with respect to which home intravenous drug therapy may be provided under this title.

"(4) The term 'qualified home intravenous drug therapy provider' means any entity that the Secretary determines meets the following requirements:

"(i) The entity is capable of providing or arranging for the items and services described in paragraph (2) and covered home intravenous drugs.

"(ii) The entity maintains clinical records on all patients.

"(iii) The entity adheres to written protocols and policies with respect to the provision of items and services.

"(iv) The entity makes services available (as needed) 7 days a week on a 24-hour basis.

"(v) The entity coordinates all services with the patient's physician.

"(vi) The entity conducts a quality assessment and assurance program, including drug regimen review and coordination of patient care.

"(vii) The entity assures that only trained personnel provide covered home intravenous drugs (and any other service for which training is required to safely provide the service).

"(viii) The entity assumes responsibility for the quality of services provided by others under arrangements with the agency or entity.

"(ix) In the case of an entity in any State in which State or applicable law provides for the licensing of entities of this nature, (I) is licensed pursuant to such law, or (II) is approved, by the agency of such State or locality responsible for licensing entities of this nature, as meeting the standards established for such licensing.

"(x) The entity meets such other requirements as the Secretary may determine are necessary to assure the safe and effective provision of home intravenous drug therapy

services and the efficient administration of the home intravenous drug therapy benefit.".

(c) PAYMENT.—

(1) IN GENERAL.—Part B of such Act, as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in subsection (a)(2)(B) of section 1833 (42 U.S.C. 13951), by striking "or (E)" and inserting "(E), or (F)";

(B) in subsection (a)(2)(D) of such section, by striking "and" at the end;

(C) in subsection (a)(2)(E) of such section, by striking the semicolon and inserting "; and";

(D) by inserting after subsection (a)(2)(E) of such section the following new subparagraph:

"(F) with respect to home intravenous drug therapy services, the amounts described in section 1834(d)(1);"

(E) in subsection (b) of such section, by striking "services, (3)" and inserting "services and home intravenous drug therapy services, (3)"; and

(F) by adding at the end of section 1834, the following new subsection:

"(c) HOME INTRAVENOUS DRUG THERAPY SERVICES.—

"(1) IN GENERAL.—With respect to home intravenous drug therapy services, subject to paragraph (3), payment under this part shall be made in an amount equal to the lesser of the actual charges for such services or the fee schedule established under paragraph (2).

"(2) ESTABLISHMENT OF FEE SCHEDULE.—The Secretary shall establish by regulation before the beginning of calendar year 1991 and each succeeding calendar year a fee schedule for home intravenous drug therapy services for which payment is made under this part. A fee schedule established under this subsection shall be on a per diem basis.

"(3) LIMITATION ON ACCEPTANCE OF, AND PAYMENTS FOR, CERTAIN REFERRALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a home intravenous drug therapy provider may not provide home intravenous drug therapy services under this part to an individual if the individual's referring physician (as defined in subparagraph (D)), or an immediate family member of the physician—

"(i) has an ownership interest in the provider, or

"(ii) receives compensation from the provider.

"(B) EXCEPTIONS.—

"(i) Subparagraph (A)(i) shall not apply—

"(I) if the ownership interest is the ownership of stock which is traded over a publicly-regulated exchange and was purchased on terms generally available to the public, or

"(II) if the provider is a sole home intravenous drug therapy provider (as defined by the Secretary) in a rural area.

"(ii) Subparagraph (A)(ii) shall not apply if the compensation is reasonably related to items or services actually provided by the physician and does not vary in proportion to the number of referrals made by the referring physician, but such exemption shall not apply to compensation provided for direct patient care services.

"(iii) Subparagraph (A) shall not be construed to apply to a referring physician whose only ownership or financial relationship with the provider is as an uncompensated officer or director of the provider.

"(iv) Subparagraph (A) also shall not apply in such cases, established by the Secretary in regulations, in which the nature of the ownership or compensation does not pose a substantial risk of program abuse.

"(C) SANCTIONS.—

"(i) DENIAL OF PAYMENT.—No payment may be made under this part for home intravenous drug therapy services which are provided in violation of subparagraph (A).

"(ii) CIVIL MONEY PENALTY FOR IMPROPER CLAIMS.—Any person (including a home intravenous drug therapy provider or physician) that presents or causes to be presented a claim for an item or service that such person knows or should know is for an item or servce for which payment may not be made under subparagraph (A) shall be subject to a civil money penalty of not more than $15,000 for each such item or service. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(D) DEFERRING PHYSICIAN DEFINED.— In this paragraph, the term 'referring physician' means, with respect to providing home intravenous drug therapy services to an individual, a physician who—

"(i) prescribed the covered home intravenous drug for which the services are to be provided, or

"(ii) established the plan of care for such services.".

(2) PROPAC STUDY.—The Prospective Payment Assessment Commission shall conduct a study, and make recommendations to Congress and the Secretary of Health and Human Services by not later than March 1, 1992, concerning appropriate adjustment to the payment amounts provided under section 1886(d) of the Social Security Act for inpatient hospital services to account for reduced costs to hospitals resulting from the amendments made by this section.

(3) INSPECTOR GENERAL REPORT ON POTENTIALLY ABUSIVE OWNERSHIP OR COMPENSATION ARRANGEMENTS.—The Inspector General of the Department of Health and Human Services shall study and report to Congress, by not later than May 1, 1991, concerning—

(A) physician ownership of, or compensation from, an entity providing items or services to which the physician makes referrals and for which payment may be made under the medicare program;

(B) the range of such arrangements and the means by which they are marketed to physicians;

(C) the potential of such ownership or compensation to influence the decision of a physician regarding referrals and to lead to inappropriate utilization of such items and services; and

(D) the practical difficulties involved in enforcement actions against such ownership and compensation arrangements that violate current anti-kickback provisions.

Such report shall include such recommendations as may be appropriate to strengthen current law provisions to prevent program abuse.

(d) CERTIFICATION.—

(1) IN GENERAL.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) as amended by section 2(d) of this Act, is further amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) in the case of home intravenous drug therapy services, (i) such services are or were required because the individual needed such services or the administration of a covered home intravenous drug, (ii) a plan for furnishing such services have been established and is reviewed periodically by a physician, (iii) such services are or were furnished while the individual is or was under the care of a physician, (iv), such services are administered in a place of residence used as such individual's home, and (v) with respect to such services initiated before January 1, 1993, such services have been reviewed and approved by a utilization and peer review organization under section 1154(a)(16) before the date such services were initiated (or, in the case of services first initiated on an outpatient basis, within 1 working day (except in exceptional circumstances) of the date of initiation of the services).".

(2) PRO PRIOR APPROVAL REQUIRED.—Section 1154(a) of such Act (42 U.S.C. 1320c-3(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new paragraph:

"(16) The organization shall perform the review described in paragraph (1) with respect to home intravenous drug therapy services (as defined in section 1861(kk)(1)) initiated before January 1, 1993, within 1 working day of the date of the organization's receipt of a request for such review. The Secretary shall establish criteria to be used by such an organization in conducting reviews with respect to the appropriateness of home intravenous drug therapy services under this paragraph.".

(e) CERTIFICATION OF HOME INTRAVENOUS DRUG THERAPY PROVIDERS; INTERMEDIATE SANCTIONS FOR NONCOMPLIANCE.—

(1) TREATMENT AS PROVIDER OF SERVICES.—Section 1861(u) of such Act (42 U.S.C. 1395x(u)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "home intravenous drug therapy provider," after "hospice program,".

(2) CONSULTATION WITH STATE AGENCIES AND OTHER ORGANIZATIONS.—Section 1863 of such Act (42 U.S.C. 1395z), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by striking "and (dd)(2); and inserting "(dd)(2), and (kk)(4)".

(3) USE OF STATE AGENCIES IN DETERMINING COMPLIANCE.—Section 1864(a) of such Act (42 U.S.C. 1395aa(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the first sentence, by inserting "or a home intravenous drug therapy provider," after "hospice program", and

(B) in the second sentence, by striking "or hospice program" and inserting "hospice program, or home intravenous drug therapy provider".

(4) APPLICATON OF INTERMEDIATE SANCTIONS.—Section 1846 of such Act (42 U.S.C. 1395w-2), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the heading, by adding "AND FOR QUALIFIED HOME INTRAVENOUS DRUG THERAPY PROVIDERS" at the end;

(B) in subsection (a), by inserting "or that a qualified home intravenous drug therapy provider that is certified for participation under this title no longer substantially meets the requirements of section 1861(kk)(4)" after "under this part"; and

(C) in subsection (b)(2)(A)(iv) by inserting or home intravenous drug therapy services" after "clinical diagnostic laboratory tests".

(f) USE OF REGIONAL INTERMEDIARIES IN ADMINISTRATION OF BENEFIT.—Section 1816 of such Act (42 U.S.C. 1395h), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end thereof the following new subsection:

"(k) With respect to carrying out functions relating to payment for home intravenous drug therapy services and covered home intravenous drugs, the Secretary may enter into contracts with agencies or organizations under this section to perform such functions on a regional basis.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1991.

SEC. 6. FINANCING THROUGH INCREASE IN MEDICARE PART B PREMIUM.

(a) INCREASE IN PREMIUM.—Section 1839 of the Social Security Act (42 U.S.C. 1395r), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new subsection:

"(g)(1) Except as provided in subsection (f), the monthly premium for each individual enrolled under this part otherwise determined, without regard to this subsection, shall be increased (for months occuring in 1991 through 1995) by the following additional premium or (for months after December 1995) by such an additional premium determined in accordance with paragraph (2):

"(A) For months in 1991, $.55.

"(B) For months in 1992, $.95.

"(C) For months in 1993, $1.08.

"(D) For months in 1994, $1.29.

"(E) For months in 1995, $1.57.

"(2)(A) The Secretary shall, during September of 1995 and of each year thereafter, determine and promulgate the additional premium under this subsection for months in the succeeding year. Such premium amount shall be equal to the amount the Secretary estimates to be necessary so that the aggregate amount of premiums collected under this subsection for months in the year will equal the total of the benefits and administrative costs which the Secretary estimates will be payable in such year from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund that are attributable to the amendments made by the Medicare Home Benefits Improvement Act of 1990. In calculating such additional premium, the Secretary shall include an appropriate amount for a contingency margin, and shall adjust such premium to take into account the amounts by which the additional premiums established under this subsection with respect to months in any year are greater or less than the amounts required to pay for benefits paid and such administrative costs incurred in such year that are attributable to the Medicare Home Benefits Improvement Act of 1990.

"(B) If any premium increase for a month under this paragraph is not a multiple of 10 cents, the Secretary shall round the increase to the nearest multiple of 10 cents.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1839 of such Act (42 U.S.C. 1395r), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the second sentence of subsections (a)(1) and (a)(4), by inserting "(other than costs relating to the amendments made by the Medicare Home Benefits Improvement Act of 1990)" before the period;

(B) in subsection (a)(2), by striking "and (e)" and inserting ", (e), and (g)";

(C) in subsection (a)(3), by striking "subsection (e)" and inserting "subsections (e) and (g)";

(D) in subsection (b), by striking "determined under subsection (a) or (e)" and inserting "otherwise determined under this section (without regard to subsections (f) and (g))"; and

(E) in subsection (e)(1), by inserting "except as provided in subsection (g)," after "subsection (a)".

(2) Section 1844(a) of such Act (42 U.S.C. 1395w(a)), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following:

"In computing the amount of aggregate premiums and premiums per enrollee under paragraph (1), there shall not be taken into account premiums attributable to section 1839(g).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to monthly premiums for months beginning with January 1991.

SUMMARY OF THE MEDICARE HOME BENEFITS IMPROVEMENT ACT OF 1990

1. *Home Health.*—The expansion and clarification of the Medicare home health benefit in this bill is an important step towards simplifying and providing a meaningful limited home health benefit. Current law limits the scope and accessibility of Medicare home health coverage by both specifying strict eligibility requirements and by allowing inconsistency in the interpretation of the definition of intermittent care. This legislation clarifies the definition of intermittent care to those individuals needing skilled home health care for up to six days per week. In addition, for those beneficiaries that need skilled home care for seven days per week, the legislation provides coverage for thirty-eight consecutive days. This is an increase from up to the current 2-3 week limit.

2. *Respite Care.*—This provision would reestablish a home care benefit of 80 hours of coverage a year to care for chronically dependent individuals. Home care would be defined as including services of a homemaker/home health aide, personal care services and nursing services provided under the supervision of a licensed nurse. The threshold for this benefit in 1991 is $1,780 and subsequently will be established by the Secretary based on total out of pocket expenses incurred by individuals enrolled in Part B. The benefit will be subject to a 20 percent co-pay.

3. *Hospice Care.*—The hospice care 210 day limit would be eliminated.

4. *Home Intravenous Drug Coverage.*—This provision will provide physician ordered intravenous drug therapy services to a beneficiary in the home setting through qualified home intravenous drug therapy providers. Payment will be provided through a fee schedule to be set up by the Secretary.

This legislation will be financed through a part B premium increase for Medicare beneficiaries enrolled in the program. The total cost for the Medicare Home Benefits expansions will be $2.153 Billion over five years. This is a $.55 per month increase in part B premium in the first year, rising to $1.57 per month in year five.

Monthly Part B premium increases:

1991	$0.55
1992	.95
1993	1.08
1994	1.29
1995	1.57●

By Mr. GRAHAM:

S. 2247. A bill to establish the Florida Keys National Marine Sanctuary in the State of Florida, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FLORIDA KEYS NATIONAL MARINE SANCTUARY AND PROTECTION ACT

● Mr. GRAHAM. Mr. President, the living coral reef tract off the coast of the Florida Keys is one of the most diverse marine ecosystems in the world. The coral reef draws over 1 million visitors a year.

Unfortunately, the reef is extremely fragile and very susceptible to damage. Three separate freighter groundings last October and November destroyed over 5,000 square meters of reef.

Although public attention has focused on these freighter incidents, the numerous groundings of small and medium-size vessels is also posing great risk to the reef. Official data on groundings is only available in the Key Largo and the Looe Key National Marine Sanctuaries. Since 1980 there have been 196 reported vessel groundings inside these two sanctuaries which significantly damaged the reef.

Mr. President, a comprehensive management strategy is needed to protect this valuable commercial, recreational and ecological resource. My colleague from south Florida, Congressman DANTE FASCELL, suggested last session that this area be designated for protection under the National Marine Sanctuary Program.

The legislation I am introducing today complements Congressman FASCELL's bill and addresses additional concerns that have been raised since introduction of his legislation.

The Florida Keys Marine Sanctuary and Protection Act sets forth guidelines for the development of a management plan for the designated sanctuary. Central to the plan is extensive input from local citizens who are most familiar with the reef and the type of protection necessary.

Development of a management strategy would include a determination of uses compatible with the goal of protecting the reef.

The bill designates a sanctuary boundary running from Biscayne National Park in the north Keys area south to the Fort Jefferson National Monument and seaward to the 600-foot isobath.

The management plan would also prohibit mining, mineral extraction or hydrocarbon exploration, development or production within the sanctuary; identify existing or potential sources of damage or disturbance to sanctuary resources both inside and outside of

the sanctuary boundary; and promote education about coral reef conservation and navigational safety.

Mr. President, let me also note that the Coast Guard is planning a proposal for submission to the International Maritime Organization to designate "areas to be avoided" by commercial vessels. I strongly support this effort as a critical component of our effort to protect the fragile reef. The Coast Guard's plan will augment the protection afforded in this legislation.

In conclusion, I view this legislation as a starting-point for discussion in the Senate. I look forward to working with all interested parties in developing a sound policy for protecting this commercial, recreational and environmental treasure.

There is broad support for this legislation from both commercial users, recreational users, and environmentalists. I ask unanimous consent that the text of the bill and letters of support be included following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Florida Keys National Marine Sanctuary and Protection Act".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The Florida Keys extend approximately 220 miles southwest from the southern tip of the Florida peninsula.

(2) Adjacent to the Florida Keys land mass are located spectacular, unique, and nationally significant marine environments, including tropical fisheries, seagrass meadows, mangrove islands, and extensive living coral reefs.

(3) These unique marine environments support rich biological communities possessing extensive conservation, recreational, commercial, ecological, historical, research, educational, and esthetic values which give this area special national significance.

(4) These environments are the marine equivalent of tropical rain forests in that they support high levels of biological diversity, are fragile and easily susceptible to damage from human activities, and possess high value to human beings if properly conserved.

(5) These marine environments are subject to damage and loss of their biological integrity from a variety of onshore and offshore sources of disturbance.

(6) Vessel groundings along the reefs of the Florida Keys represent one of many serious threats to the continued vitality of the marine environments of the Florida Keys which must be addressed in order to protect their values.

(7) Action is necessary to provide comprehensive protection for these marine environments by establishing a Florida Keys National Marine Sanctuary, by restricting commercial vessel traffic within such Sanctuary, and by requiring promulgation of a management plan and regulations to assure that all allowed uses are compatible with the purposes for which such Sanctuary was established.

(8) The agencies of the United States must cooperate fully to achieve the necessary protection of Sanctuary resources.

SEC. 3. POLICY AND PURPOSE.

(a) POLICY.—It is the policy of this Act to protect the fisheries, wildlife, coral reefs, and other aspects of the Florida Keys marine environments.

(b) PURPOSE.—The purpose of this Act is to protect the nationally significant natural resources of the area described in section 5(b), to educate and interpret for the public regarding the Florida Keys marine environment, and to manage such human uses of the Florida Keys Reef Tract and adjacent waters as may be determined by the Secretary to be compatible with this Act.

SEC. 4. DEFINITIONS.

As used in this Act, the term—

(1) "adverse effect" means any factor, force, or action that would independently or cumulatively damage, diminish, degrade, impair, destroy, or otherwise harm—

(A) any natural resource of the Sanctuary; or

(B) any of those qualities, values, or purposes for which the Sanctuary is designated.

(2) "comprehensive management plan" means the plan developed pursuant to section 7 to ensure the proper management of compatible uses in the Sanctuary and the protection of Sanctuary resources in perpetuity.

(3) "Federal undertaking" means (A) any Federal, federally assisted, or federally licensed action, activity, or program or (B) the Federal approval, sanction, assistance, or support of any non-Federal action, activity, or program.

(4) "Sanctuary" means the Florida Keys National Marine Sanctuary established and designated under section 5.

(5) "Secretary" means the Secretary of Commerce.

SEC. 5. SANCTUARY DESIGNATION.

(a) ESTABLISHMENT AND DESIGNATION.—The area described in subsection (b) is hereby established and designated, subject to subsection (c), as the Florida Keys National Marine Sanctuary, for administration in accordance with this Act and the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(b) AREA INCLUDED.—The area referred to in subsection (a) consists of all submerged lands and waters within the seaward boundary of the territorial sea of the United States located—

(1) in a general southerly direction from the Florida Keys to a seaward extent of the 600-foot isobath; and

(2) between the northeastern-most boundary of Biscayne National Park and the western-most boundary of Fort Jefferson National Monument.

(c) AREAS IN BOUNDARIES OF STATE OF FLORIDA.—The designation under subsection (a) shall not take effect with respect to an area located within the seaward boundary of the State of Florida if not later than 90 days after the date of enactment of this Act, the Governor of the State of Florida notifies the Secretary in writing that the designation of that area is unacceptable. Not later than 30 days after receiving such a notification, the Secretary shall publish and transmit to the Congress the boundaries of the Sanctuary, as modified in accordance with the notification.

(d) BOUNDARY EXTENSIONS.—Subsequent to a boundary review conducted pursuant to section 7(a)7, the Secretary may make such minor extensions to the boundaries of the Sanctuary as necessary to properly protect Sanctuary resources.

SEC. 6. PROHIBITION ON CERTAIN USES.

(a) COMMERCIAL VESSEL TRAFFIC.—

(1) IN GENERAL.—No person shall operate within the boundary of the Sanctuary a vessel which is used in the trade of carrying cargo or in the trade of servicing offshore installations.

(2) LIMITATION.—This subsection does not prohibit operation of a vessel—

(A) in a channel federally maintained or marked; or

(B) in accordance with regulations promulgated under paragraph (3).

(3) REGULATIONS.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the United States Corps of Engineers, the Governor of the State of Florida, and appropriate local government representatives, may include regulations in the management plan for the Sanctuary that would allow the operation of certain types of vessels engaged in a trade described in paragraph (1), in that portion of the Sanctuary seaward of the 300-foot contour; except that such regulations shall include—

(A) a requirement that the Secretary issue a finding that any vessel allowed to operate under this subsection would not pose a threat to Sanctuary resources when operated in accordance with such regulations; and

(B) other provisions necessary to prevent vessel groundings within the Sanctuary.

(b) MINERAL AND HYDROCARBON EXPLORATION AND DEVELOPMENT.—No mining, mineral extraction, or hydrocarbon exploration, development, or production shall be permitted within the boundary of the Sanctuary.

(b) OTHER USES.—The Secretary shall prohibit such other uses or classes of uses as may be determined to be incompatible with the purposes for which the Sanctuary is established. Such determination shall be made in accordance with development of a comprehensive management plan and regulations pursuant to section 7(a)(1) of this Act.

SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—The Secretary, in consultation with State and local government authorities, shall prepare a comprehensive management plan and implementing regulations to assure the protection of the marine environments within the Sanctuary in perpetuity. The Secretary shall complete such comprehensive management plan and final regulations for the Sanctuary not later than 30 months after the date of enactment of this Act. In developing the plan and regulations, the Secretary shall generally follow the procedures specified in section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434), including those provisions requiring extensive public participation, opportunities for public comment, and congressional review. Such comprehensive management plan shall include, but not be limited to, the following:

(1) A determination of which uses, or classes of uses, are incompatible with the purposes for which the Sanctuary is established and should be prohibited in accordance with section 6.

(2) A management strategy for compatible uses, including consideration of temporal and geographical zoning, to ensure protection of Sanctuary resources.

(3) The identification of existing or potential sources of damage or distrubance to

Sanctuary resources, within or outside the Sanctuary boundary.

(4) Strategies to prevent or mitigate existing or potential sources of damage or disturbance to Sanctuary resources, particularly including strategies to ensure protection of water quality.

(5) The identification of needs for futher research, and the establishment of a long-term ecological monitoring program.

(6) The identification of funding needed to fully implement the plan's provisions.

(7) The identification of any need for minor modifications to the Sanctuary boundary, pursuant to section 5(d), as may be necessary to properly protect and enhance the nationally significant resources of the area.

(8) A mechanism to ensure coordination and cooperation between Sanctuary managers and managers of State and Federal lands and waters within or in the vicinity of the Sanctuary.

(9) A strategy to promote education, among users of the Sanctuary, about coral reef conservation and navigational safety.

(10) A procedure for incorporation of the existing Looe Key and Key Largo National Marine Sanctuaries into the Florida Keys National Marine Sanctuary to assure their protection and management in accordance with provisions of this Act.

(b) PROMULGATION OF IMPLEMENTING REGULATIONS.—The Secretary shall promulgate such rules and regulations as may be necessary to implement provisions of the comprehensive management plan.

(c) PUBLIC PARTICIPATION.—The Secretary shall provide for participation by the general public in development of the comprehensive management plan.

SEC. 8. FEDERAL PROGRAM REVIEW.

(a) POLICY.—No Federal undertaking may adversely affect the Sanctuary unless the head of the Federal agency having jurisdiction over the undertaking shall determine that—

(1) there are no prudent and feasible alternatives to the undertaking, including the alternative of not proceeding with the undertaking;

(2) the undertaking includes all possible planning and actions to minimize adverse effects, and assurances that activities necessary to so minimize adverse effects will be funded and carried out; and

(3) the public benefits of the undertaking justify its approval despite the adverse effects to Sanctuary resources.

(b) PROCEDURES.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—Prior to the approval of any Federal undertaking that may result in an adverse effect upon the Sanctuary, the head of the Federal agency having jurisdiction over the undertaking shall—

(A) promptly notify the Secretary, appropriate State and local government officials, and interested members of the public when the agency is planning the undertaking or the undertaking is before the agency, or when preparing an environmental assessment or evaluation or environmental impact statement pursuant to the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.); and

(B) provide the Secretary reasonable opportunity to comment on the undertaking and findings made pursuant to subsection (a).

(2) When the Secretary, not having received notice under paragraph (1), is informed of a planned Federal undertaking, and of reasonable grounds to justify further inquiry into the possibility of a resulting adverse effect, the Secretary shall notify the head of the Federal agency having jurisdiction over the undertaking, describing the grounds of inquiry. The head of the agency, prior to any other action in pursuit of the undertaking, shall respond with the notice required in paragraph (1) or with his or her report demonstrating that the undertaking will not result in an adverse effect. Upon receipt of such report, the Secretary may accept the determination of the agency head or may require the agency head to issue the notice and afford the opportunity for hearing or comment provided by subsection (b)(1) or other law.

(c) EXEMPTIONS FOR NATIONAL SECURITY AND DISASTERS.—The provisions of this section shall not apply to any undertaking—

(1) where the head of a Federal agency determines that the undertaking is necessary for reasons of national security; or

(2) in immediate preparation for or response to a disaster and where the head of the agency determines that the undertaking is necessary to reduce the potential loss of human life, or involves an emergency situation which does not allow compliance with this section.

SEC. 9. PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES AND DAMAGES.—Any person subject to the jurisdiction of the Untied States who violates this Act is subject to civil penalties and liability for damages under sections 307 and 312 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437 and 1443), and any vessel used for such a violation is subject to seizure and forfeiture under such sections.

(b) ENFORCEMENT.—The Secretary may enforce this Act under sections 307 and 312 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437 and 1443).

SEC. 10.

Such sums as may be necessary are authorized for appropriation under the provisions of this Act.

THE WILDERNESS SOCIETY,
Washington, DC, March 7, 1990.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: It is with great pleasure and enthusiasm that I express The Wilderness Society's support for the "Florida Keys National Marine Sanctuary and Protection Act." This legislation charts a course toward real protection for the Florida Keys coral reef resource, by proclaiming its national significance, by requiring its consideration in the context of the large Florida Keys system, and by acknowledging that potential sources of damage are abundant and diverse.

To ensure the viability of this magnificent coral reef system, a comprehensive and cooperative effort will be required, crafted carefully among all levels of government, and among the many interest groups concerned with reef protection. Your legislation mandates such a cooperative and comprehensive approach and establishes appropriately high standards of protection. Indeed, in this regard, your legislation may well become a model for future marine designations elsewhere in the United States.

Thank you for your leadership and for this important conservation initiative. You may count on our active support, including that of our Florida Keys office, to secure passage of the legislation, and to ensure its timely and effective implementation once the bill becomes law.

Sincerely,

GEORGE F. FRAMPTON, Jr.,
President.

CENTER FOR MARINE CONSERVATION,
Washington, DC, March 7, 1990.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The Center for Marine Conservation commends you for introducing The Florida Keys National Marine Sanctuary and Protection Act. This innovative piece of legislation will provide the permanent, comprehensive protection that this world-class ecosystem deserves and desperately requires. The bill fully exploits the unique ability of the national marine sanctuary program to provide such protection from the various threats facing this outstanding national resource.

We are truly pleased that your initiative will expand the benefits of the sanctuary program from the two existing national marine sanctuaries off Key Largo and Looe Key to the rest of Florida reef tract. The mooring buoy program and other measures at the sanctuaries have made the reefs within the sanctuaries like islands of life. As divers and others can attest, the abundance and diversity of reef fish at Looe Key is a thing of the past throughout much of the rest of the Florida reef tract.

It is time not to just protect but to restore this national treasure. The Florida Keys National Marine Sanctuary and Protection Act offers a mechanism for ensuring that present and future generations of Americans enjoy these extraordinary natural areas.

The Center for Marine Conservation is committed to working with you in securing passage of The Florida Keys National Marine Sanctuary and Protection Act and to insuring the health, productivity, and diversity of the Florida reef tract.

Sincerely,

ROGER E. MCMANUS,
President.

THE NATURE CONSERVANCY,
Arlington, VA, March 7, 1990.

Hon. BOB GRAHAM,
U.S. Senator, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of The Nature Conservancy, I am writing to endorse the Florida Keys National Marine Sanctuary legislation which you are introducing.

The Nature Conservancy is an international, non-profit conservation organization dedicated to the global preservation of natural diversity. Coral reefs are one of the most diverse ecosystems in the world, and are second only to tropical rain forests in the number of plant and animals species that they support. The Nature Conservancy is committed to the conservation of the globally significant coral reefs of the Florida Keys in a manner which demonstrates that the protection of renewable, living resources can be achieved in balance with reasonable human use and enjoyment of those resources.

I commend you for your leadership and vision in introducing this legislation. It is at the vanguard of the conservation effort, and recognize the multiple values of this unique resource. Please accept this endorsement of your legislation together with the commitment of our entire organization to offer

whatever support we can provide during the legislative process.

Again, thank you for your leadership in this matter.

Sincerely yours,

MARK L. ROBERTSON,
Project Director, Florida Keys Protection Project.

FLORIDA ASSOCIATION OF DIVE OPERATORS,
Key Largo, FL, March 6, 1990.

Hon. BOB GRAHAM,
Washington, DC.

Re Marine Sanctuary Bill.

DEAR SENATOR GRAHAM: The Florida Association of Dive Operators represents the Scuba and Snorkel industry in Florida. It is of utmost importance that we protect the only living coral reef in the United States. FADO nominated the Florida Keys as a Marine Sanctuary as the first step in preserving this unique ecosystem.

The introduction of your bill is supported and endorsed by the Florida Association of Dive Operators. Your attention to the needs and concerns of the commercial and public segments is to be commended. In order to achieve a proper management plan, public input is vital.

The Florida Association of Dive Operators looks forward to working with you in preserving our coral reefs and addressing the concerns of our industry and community.

Sincerely,

ROBERT W. HOLSTON,
Chairman,
Board of Directors, FADO.●

By Mr. WALLOP (for himself, Mr. SIMPSON, and Mr. SYMMS):

S. 2248. A bill to repeal the Asbestos Hazard Emergency Response Act of 1986 and amendments made by such act, and for other purposes; to the Committee on Environment and Public Works.

REPEAL OF ASBESTOS HAZARD EMERGENCY RESPONSE ACT

Mr. WALLOP. Mr. President, I find that statement interesting. A summary is not good enough for people to bet their State's future on, and I am sure the majority leader understands that, because the Senate has, the Congress, indeed, has a responsibility to legislate. But it does not always have the ability to legislate wisely. Too often, Mr. President, we are a reactive body, passing legislation in haste when we are confronted with a crisis or with the perception of a crisis. And here is one of those elegant times.

We act without knowledge, without reflection, and it is a poor standard, a terrible example for what we smugly proclaim to be the world's greatest deliberative body.

Mr. President, as the students, the faculty, and parents of Casper, WY, Kelly Walsh High School well known, our faults as a legislative body can have costly and disruptive impact on their lives. Fortunately, Congress can undo its mistakes, once it is willing to admit them. That is the purpose of the legislation I am introducing today with my colleague from Wyoming, Senator SIMPSON, which may become an amendment to this Clean Air Act.

Just last month I was down here on the Senate floor discussing the Federal regulations pertaining to asbestos removal in public schools. Today I wish to attempt to insert some degree of reality into those Federal statutes.

Many colleagues will remember Congress passed several bills in the mid-1980's responding to a questionable asbestos problem. One statute requires the removal of asbestos utilized as a construction material in public schools. Another establishes a Federal grant and loan program for local schools faced with an asbestos removal project.

Back in 1984 and 1986, when these laws were enacted, the public had a valid fear about the health hazards of asbestos and their concerns were precipitated by the development of lung disease among former World War II shipyard workers. The political climate dictated action, and so we acted. No attempt was made to determine the health risks of the form of asbestos used in school construction.

Through political overreaction we have created a very distressing situation throughout America, and the Kelly Walsh High School in particular. The school is in the midst of a $4 million asbestos removal program. Students are forced to share Casper's only other high school temporarily renamed Casper High School in order to continue their education. The net result will most likely be an atmosphere in the school no less healthy than it was last year. So I stand here today knowing I am as responsible for this situation as any other Senator who voted for that legislation.

Scientific research, which we should have had in hand, has now caught up. And we have an opportunity to correct what was an egregious mistake. I previously described for my colleagues an article in this January's issue of Science magazine which dissects the issue of health hazard of asbestos. The study explained that there are two forms of asbestos and the health risks are vastly different. The research indicates that one form causes lung disease and the other form does not.

This assessment study was complemented by another which was conducted by a Royal Commission for the Minister for Labour of Canada which concluded:

> We have found no evidence that disease afflicts individuals who breathe asbestos in outdoor air or inhale it as occupants of asbestos-containing buildings.

Both studies clearly rebuke our headlong rush to remove asbestos. It is a point about where we are going today.

But the EPA's National Research Council has its own study which generally declares that asbestos fibers in the air pose a health risk to humans. Why would there be a difference of opinion? In part, it reflects inadequate research by the EPA council which assumes that all forms of asbestos have the same health impact. As the Royal Commission and the Science article point out, the risks do differ.

EPA recently announced that 95 percent of the school districts nationwide have complied with the requirements of the law. The problem is that even Kelly Walsh High School met initial requirements—the air samples taken in the building indicated that there was no problem. But ultrasensitive measuring equipment was brought in last summer, and suddenly Kelly Walsh flunked the test. This occurred several days before the beginning of the school year and Kelly Walsh was ordered closed.

Fortunately, we have an able school principal in Joe Simpson, and he put together a program to ensure the education of his students. But, I wonder how many other Wyoming schools—and schools all across the country—will flunk the more sophisticated air tests?

We have the EPA's own study, which now denies any valid increased health risk to airborne asbestos. If you lived in the school full time for 73 years, you would have three chances in a million of dying from asbestos-caused lung disease than if you were held those 73 years in a bottle.

A student driving to school is 1,500 times more likely to get killed as a teenager than he or she is by lung disease.

The legislation I am offering today would repeal the 1986 asbestos removal law and also require EPA to undertake a risk assessment of the two forms of asbestos, and to submit recommendations to Congress on how to respond to the risk posed by each form. I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD, as well as an article on the subject by columnist Warren Brookes, which appeared in yesterday's Washington Times, as well as two articles on this matter at the conclusion of any remarks.

Mr. President, what we are doing with the Clean Air Act S. 1630, is no lighthearted matter. There is a political need to act.

But there is a political responsibility, as well as a political need to act. What the Senator from Alaska and the Senator from Colorado and the Senator from Idaho and others have said is that we need to make certain that what we do has a positive healthful effect and is not just satisfying some scientific capability that we have developed to measure without demonstrating a corresponding environmental hazard or health hazard.

Too much of this bill, including the study on cow flatulence that is still contained in here, is a shortsighted, political reaction to a very real political, environmental, and scientific need. What we need to do is respond to that which is demonstrated, and not that which is orchestrated.

I yield the floor.

Mr. SYMMS. Will the Senator yield? I just ask the Senator, Is he in the market for cosponsors on the bill?

Mr. WALLOP. I am, indeed.

Mr. SYMMS. I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, let me add, the State superintendent of schools in my State, the president of the Idaho School Board Association, has discussed this issue with me on numerous occasions.

This is a problem that I would think every Senator has. I want to compliment the Senator and his colleague for offering it. I hope he does offer it as an amendment to the Clean Air Act Amendments, S. 1630, so we can give some relief and common sense to those people who have the responsibility to educate our children in what they consider to be a safe environment.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I be listed as a cosponsor of the bill.

Mr. WALLOP. Mr. President, the Senator is an original cosponsor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEALS.

The Asbestos Hazard Emergency Response Act of 1986, and title II of the Toxic Substances Control Act, as added by the Asbestos Hazard Emergency Response Act of 1986, are repealed.

SEC. 2. STUDY.

(a) Within the 18-month period following the date of the enactment of this Act, the Administrator of the Evironmental Protection Agency shall carry out a study of the health hazards of the two forms of asbestos, serpentine and amphibole fibers.

(b) On or before the expiration of such 18-month period, the Administrator shall report to the Congress the results of such study, including the health risk associated with such forms of asbestos, together with the recommendations, if any, of the Administrator.

EPA'S ASBESTOS DISASTER

(By Warren Brookes)

Last week's TV movie failed to mention that when the Challenger plunged to its fiery death in 1986, it may well have been a victim of the asbestos witch hunt by the Environmental Protection Agency, now costing state and local taxpayers more than $9 billion a year.

That witch hunt forced the withdrawal of an asbestos-based putty used on all solid-rocket boosters with complete safety for 15 years. The putty was an off-the-shelf product manufactured by Fuller O'Brien Paint Company of San Francisco. It was selected by Morton Thiokol and NASA because of its ability to hold a seal against the superheated gases of missile launches.

After threats of lawsuits drove the product off the market, NASA and Thiokol attempted to replicate it from other sources. But as a NASA 1985 report said, "The first 12 flights [after the putty changed] had four occurrences of O-ring erosion."

NASA engineers warned in 1985 that "the prime suspects . . . include the use of a new type of putty. The putty formerly in use was removed from the market by the Environmental Protection Agency because it contained asbestos . . . " It correctly predicted possible launch disaster from seal failure.

Last November, the National Research Council panel on redesign of the space shuttle booster agreed that one of the major problems with the O-ring joints was "the inability of the [new] putty . . . reliably to effect a pressure seal."

As Malcolm Ross of the U.S. Geological Survey, one of the world's experts on asbestos, told us, "There is no doubt in my mind that the Challenger disaster was caused by asbestos paranoia."

Yet, there is widespread scientific consensus that while asbestos still represents a significant but controllable hazard to workers, the short-fiber chrysotile asbestos most commom in buildings and schools has always been an insignificant risk to the general public. Removing it is far riskier than any health benefits.

That was the explicit conclusion of a 1988 international symposium of scientists from the United States, Canada and Europe at Harvard University, published in a peer-reviewed paper in Science magazine on Jan. 19.

The authors of that paper, led by Dr. B.T. Bossman of the University of Vermont, concluded, "Available data does not support the concept that low-level exposure to asbestos is a health hazard in buildings and schools."

This is not new. In 1985, Sir Richard Doll, Oxford's world-renowned cancer researcher, concluded that "asbestos in buildings is responsible for approximately one death per year in the whole of Britain." That would translate into five in the United States.

In 1984, a three-volume Canadian Royal Commission report concluded, "Asbestos in building air will almost never pose a health hazard to building accupants." The same year, the New Jersey State Asbestos Policy Committee agreed with the Canadian report, telling the governor, "There are no documented cases of lung cancer associated with low-level asbestos exposure over a lifetime."

What is disgusting is that the EPA was repeatedly told all of this by Mr. Ross in 1978, 1979 and then 1984 when he briefed then-EPA Administrator William Ruckelshaus on the Canadian and British findings, only to have his advice dismissed.

Instead, in 1987, Congress passed and President Reagan signed a bill called the Asbestos Hazard Emergency Response Act that directs the EPA to inspect and remedy where necessary some 733,000 public and commercial buildings, containing asbestos, a bill authored by Rep. James Florio, now governor of New Jersey.

While the EPA estimates the cost of the Asbestos Hazard Emergency Response Act at over $52 billion, the Science article says, "Because of uncertainties regarding the amount of asbestos and its condition in these buildings, estimates for removal are now as high as $100 billion to $150 billion."

How did this legislative atrocity happen? The answer lies in the EPA's basic commitment to risk models rather than reality. Those models deliberately hype risks by extrapolating them from high-dose experience with workers or laboratory animals to very low-dose exposures in the general population.

As the Science magazine article says, "That is a hypothesis which is open to question," since the basic rule of toxicology is the dose makes the poison. Epidemiological studies of populations exposed to asbestos in buildings for decades show *no* evidence of risk.

Even so, the EPA risk extrapolations themselves "show that risks of asbestos related total deaths (both lung cancers and mesotheliomas) due to exposure in schools are magnitudes *lower* than commonplace risks in modern-day society." Whooping-cough vaccinations are up to 1,200 times riskier. (See Table.)

Said Science: "Clearly the asbestos panic in the United States must be curtailed, especially because unwarranted and poorly controlled asbestos abatement results in unnecessary risks to young removal workers who may develop asbestos-related cancers in later decades."

This means billions spent unwisely, a space-shuttle disaster caused, not to mention unnecessary harm to asbestos-removal workers. But that is getting to be routine for the EPA.

The asbestos risk in perspective

Cause:	*Deaths per millions*
Asbestos exposure in schools	0.005–0.093
Whooping-cough vaccinations	1–6
High school football	10
Drowning (age 5–14)	27
Motor-vehicle accident (Pedestrian—ages 5–14)	32
Home accidents (ages 1–14)	60
Long-term smoking	1,200

Source: Science magazine, Jan. 19, 1990, page 299.

U.S. SENATE,

Washington, DC, February 23, 1990.

Hon. WILLIAM REILLY,

Administrator, Environmental Protection Agency, Washington, DC.

DEAR BILL: Last week, I visited Kelly-Walsh High School in Casper, Wyoming. Usually, when I go to a Wyoming High School, it is to address students studying the American political system. This visit was different. The classrooms were empty, and the only sound was made by a work crew cleaning up the asbestos contamination that had spread to additional parts of the school as the result of earlier "clean up" activities.

Where were the students? My visit occurred late in the morning, so the Kelly-Walsh students were at home. Their school day did not begin until early in the afternoon, because they are sharing classroom facilities with Casper's other high school. A double-track program is underway, with the school running from 7:00 am to 7:00 pm. With so much attention being given to excellence in education today, the students of Casper have one of the toughest challenges to excelling in school. The students from

Kelly-Walsh and from Natrona County High will spend the entire school year with this disruptive schedule. The Kelly-Walsh senior class, the Wyoming Centennial class, will not graduate from their school.

This dismal situation would be bearable if the asbestos clean-up project, mandated by federal law, was worth the effort and cost. However, recent scientific research calls into doubt the health risk of the type of asbestos used in public school construction material. But, there is no exemption from the program. The schools can apply for loan and grant assistance from EPA to meet the $4 million in removal costs. Recently, the Natrona County School District No. 1 has applied for grant assistance. The application is currently pending at EPA.

The applicants are concerned that the school district will not meet one guideline set by EPA for grantees, regarding per capita income. This arbitrary requirement does not fit the method by which we determine school funding in Wyoming. I would request that this item be waived on an emergency basis in order that the application for Kelly-Walsh High School can receive a full review.

In addition, I am introducing legislation to repeal the Asbestos Hazard Emergency Response Act, and to require a review of the health effects of the two forms of asbestos to ensure that federal health standards are appropriate. I would appreciate your comments and support regarding this legislation.

Sincerely,

MALCOLM WALLOP,
U.S. Senator.

NC SCHOOLS' CASH CUSHION FACES DROP BY TWO-THIRDS, OFFICIALS SAY

(By Tom Rea)

CASPER.—Projections for the current year show that the Natrona County School District, faced with higher salary costs and with asbestos cleanup at Kelly Walsh High School, will probably spend its cash balances down by nearly two-thirds, district officials say.

Officials expect to end the current fiscal year with a general-fund balance of only about $2.6 million, compared to about $7.6 million last July 1, or a drop of 66 percent, according to figures provided by Business Manager Harold Whitefoot.

The balance has served as a financial cushion for the district, which uses its general fund to pay the great majority of its expenses.

"We're not spending them down on purpose," School Board Chairman Steve Kinner said of the balances in a recent interview. But he added the drop did not come "by mistake" either.

More than half of the drop—about $3.4 million—is due to higher pay for teachers, administrators and support personnel, officials say.

"The raises were done with forethought, are overdue, and do not represent any real change in plans," Kinner said.

"I do think it is worth spending balances down to give teachers a raise," Kinner said. "Surely they're deserving."

The school district also maintains millions of dollars in accounts outside its general fund, money which Whitefoot says cannot be spent on emergencies or general operations.

Figures provided by Whitefoot also show that general-fund balances swing widely during the school year. During fiscal year 1989, which ended June 30, 1989, general-fund balances ranged from a low of $6.4 million to a high of $14.2 million, and averaged about $10.6 million.

Because employees may choose to take their summer pay in a lump at the beginning of the summer, June payroll expenses are about twice the size of those of regular school-year months. As a result, the general fund balance reaches its low point at the end of the fiscal year, district figures show.

The projected drop in the balances is primarily attributable to salaries and asbestos cleanup, Whitefoot and his deputy Richard Cruickshank said in a recent interview.

About $975,000 of that $3.4 million more for salaries stems from recently reinstituted steps on the pay scale for teachers' experience and continuing pay steps for teachers who accumulate further academic credits, according to Fred Pierce, assistant superintendent for support services.

Another $1.4 million is for one-time, $900 bonuses for all district employees, $495,000 for raises in the base pay, $79,000 for increases for administrators, and $329,000 for 15½ new employees, Pierce said.

Asbestos cleanup is the second major cause for the drop in the balances. Officials have said they could afford to spend up to $1.9 million of the roughly $4 million that asbestos cleanup and related remodeling at Kelly Walsh High School are expected to cost.

The school board has not yet decided how it will pay for the additional $2 million of the cleanup costs. It has sued contractors it claims are responsible, and a bill has been filed at the Legislature which would allow the district to borrow up to $3 million from the state at no interest.

Whitefoot's figures show that even without the unlooked-for asbestos expenses, general fund balances would have been down by about 46 percent by June 30.

Figures Whitefoot provided the school board last fall show that general fund cash balances have been rising in recent years from a low of $3.2 million in 1984–85 to last year's $7.6 million.

But besides its general fund balances, the district also carried slightly more than $5 million in other accounts into the current fiscal year, $4.4 million into fiscal year 1988, $3.8 million into FY 87, $3.3 million into FY 86, and $6.1 million into FY 85, according to Whitefoot's figures.

The non-general fund balances were higher in FY 85 because the district was then holding money to finish paying for Centennial Junior High and other construction projects, Whitefoot said Friday.

The non-general funds are divided among accounts for early retirement, capital construction, capital facilities, bond construction, and health insurance.

The largest of those is the early retirement fund, with about $2.8 million as of July 1 of last year. Annual infusions from the general fund have allowed the retirement fund to grow steadily in the last five years, though it is now at the point where it will begin leveling off, Whitefoot said.

Because early retirement payments are paid out to teachers over a five-year stretch, no more than a fifth of that amount would ever have to be spent at one time.

SCHOOL REPAIRS TO COST ESTIMATED $83 MILLION

(By Bill Lazarus)

CASPER.—Wyoming schools estimate they need a total of $83 million to $100 million to take care of repairs which have been deferred and to deal with problems stemming from asbestos, radon, and lead in drinking water, according to State Supt. of Public Instruction Lynn Simons.

Those costs, she said, overwhelmingly involve maintenance and repairs rather than elimination of hazardous materials. Simons added the needed repairs have been mounting up especially rapidly since 1987, when $11 million per year for such matters was cut from the budget.

These and other matters were discussed Saturday at the Wyoming Education Coalition conference in Casper for educators from around the state.

One of the themes of the conference, Simons said in an interview, was that Wyoming schools have been facing a problematic combination of falling revenues and rising expectations.

Teacher Charlotte Levendosky spoke on behalf of the Board of Education about new standards on accounting for student performance and helping students at risk of dropping out of school, Simons said.

New programs on drug and alcohol abuse, AIDS, and health education also need to be continued and developed, she added.

But several participants noted "they have been tightening their belts for the last three to four years, and now they are down to program." In other words, she explained, any further budget cuts, or flat budgets in the face of inflation, will directly affect classrooms.

Schools, Simons said, now are looking to reduction of expenses by increasing cutting the number of classes in higher grades, or increasing the number of children per classroom, which now stand at the lower to mid-20s.

In other states, she added, classrooms often have 30 to 40 kids in the elementary classrooms. But Simons said she does not believe Wyomingites are ready for such crowding.

"Our parents value the time and attention their students get when teachers don't have that many students," she asserted.

Mr. SIMPSON. Mr. President, I would just echo my fine friend MALCOLM WALLOP's remarks about asbestos in schools. EPA and some of those old interest groups got us all stirred up about asbestos several year ago and now we are finding out that it is not as serious a health threat as we had previously thought. In the meantime, we enacted legislation that is far reaching and we have forced public schools to begin asbestos removal and cleanups. In doing this we have turned the program into a type of nightmare where we are now releasing more asbestos into the air because of removals and cleanup actions than would have been released if we had just left the stuff alone.

We provided some limited funding for schools and then we find that EPA is not releasing the funding for those schools that really need it and the overall program is not working very well. EPA has done a poor job in administering the program and in disbursing the Federal funds to the school districts. Bill Riley is doing a very credible job. The agency is not.

We have a very serious problem at a high school in Casper, WY where the

school system went in—in good faith—and started searching for asbestos and found more and more sources of it and this resulted in asbestos being released around the building and the school has now been closed for almost a year now and it has disrupted the entire community of Casper, WY. EPA has been reluctant to provide assistance and that has been so very vexing to us in the Wyoming congressional delegation.

We need to do something about this problem and Senator WALLOP's legislation will go a long way in helping to resolve some of the situations we have seen. By repealing the program and directing EPA to conduct a study on the actual health threats posed by asbestos we can begin to more realistically deal with the problem that was certainly very much overstated to us all in the first place. I support this legislation and I trust my colleagues will too.

By Mr. DURENBERGER:

S. 2249. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate and to increase equally the hospital insurance tax rate; to the Committee on Finance.

REDUCTION IN OASDI TAX RATE

● Mr. DURENBERGER. Mr. President, I rise to introduce legislation that will ensure the fiscal integrity and financial soundness of the hospital insurance (Medicare) trust fund by incrementally reallocating the composition of the Social Security and Hospital Insurance payroll tax. If this measure is adopted, the Medicare trust fund will be solvent for the next 25 years, and the Social Security trust fund will remain in strong actuarial balance far into the future.

Mr. President, at the beginning of this year, our distinguished colleague from New York, Senator MOYNIHAN, elevated the level of debate about the future retirement needs of our children when he introduced legislation that would reduce the payroll tax and return Social Security to a pay-as-you-go system. Although I have not supported the Senator's bill, I welcome his proposal because it has given us the opportunity to reexamine the philosophical underpinnings of the 1983 Social Security compromise and to focus on the broader issue of redefining income security for the elderly.

Along those lines, I would note that the Social Security check that comes in the mail promptly every month represents but one pillar of the Government's commitment to retirement income security. There is another pillar basic to retirement security—and that is the freedom from the fear that a retiree won't be able to be treated by a hospital for a serious illness because he or she lacks health insurance. When we adopted Medicare in 1965 we ended that fear.

Mr. President, the Medicare hospital insurance trust fund is in real trouble. Budget Director Richard Darman estimates the unfunded liabilities in the HI Program at more than $250 billion. And the financial crisis facing the HI Program is not decades away, but just a few short years away—conceivably beginning as early as 1994 or as late as 1999. But, whichever date is selected, nearly everyone agrees that the Medicare hospital insurance "trust fund" will be bankrupt within 15 years—before a single member of the baby boom enters retirement.

In the 1988 annual report of the board of trustees of the Federal hospital insurance trust fund, the trustees—who include the Secretaries of Treasury, Labor, and Health and Human Services—took special note of the financial crisis facing Medicare and "urged" Congress to "take early remedial measures to bring future HI Program costs and financing into balance." The legislation I am introducing today responds directly to the trustees' recommendations.

Under this legislation, the 7.65-percent payroll tax paid by employers and employees would neither be increased nor decreased. Instead, beginning in the year 2000, the old age survivors and disability insurance [OASDI] portion of the payroll tax would be reduced from 6.20 percent to 5.90 percent. The 0.30 percent reduction in the employer/employee share of the OASDI tax would then be reallocated to the HI portion of the tax, with the result that the HI tax would rise from 1.45 percent to 1.75 percent. A further 0.25-percent reduction in the OASDI tax would occur in 2007 with a concomitant increase in the HI portion of the tax. Thus by the year 2007, the OASDI portion of the payroll tax paid by employers and employees would be 5.65 percent, and the HI portion would be 2 percent.

Mr. President, I want to emphasize that this small shift in the payroll tax will not endanger the Social Security trust fund. In fact, these tax rates were arrived at after consultation with the professional actuaries at the Social Security Administration and the Health Care Financing Administration who advised that these rates would provide safe reserve margins for both the OASDI and the Medicare hospital insurance trust funds.

According to actuarial estimates, if this legislation is adopted, by the year 2015 there will be a more than 4-year contingency reserve margin available for paying Social Security benefits. And the Medicare hospital insurance trust fund will always have a cushion of at least 6 months of benefit payments. If we do nothing, we would probably have a slightly larger—5-year—Social Security reserve available in 2015, but we will assuredly have a bankrupt Medicare trust fund. That is just not acceptable.

I would urge my colleagues to join me in this effort to assure the workers who are today paying Medicare taxes that Medicare will be able to provide comparable, and affordable, benefits when they retire.●

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. JOHNSTON, Mr. BIDEN, Mr. WILSON, Mr. CRANSTON, Mr. COATS, and Mr. BOSCHWITZ):

S. 2250. A bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL LAW ENFORCEMENT PAY REFORM ACT

● Mr. DECONCINI. Mr. President, I rise today to introduce legislation along with my distinguished colleagues—Senator D'AMATO, Senator JOHNSTON, Senator BIDEN, Senator WILSON, Senator CRANSTON, Senator COATS, and Senator BOSCHWITZ—which will address the longstanding problems of recruitment and retention faced by the Federal law enforcement agencies of this Nation. At this time in our Nation's history, it is critical that our law enforcement agencies be staffed with the most qualified, well-trained, and dedicated men and women we can attract. Their profession requires great personal sacrifices. Mr. President, we speak of a war on drugs in this country, yet we treat the courageous individuals who serve on the front lines like second class citizens. It is incumbent upon us to create the conditions that will continue to allow the Federal Government to attract the most qualified candidates to the law enforcement profession.

In 1987, I met with representatives of the Association of Federal Investigators to discuss the problems of law enforcement pay and related issues. AFI's concerns, later echoed by many others, brought me to introduce the Comprehensive Federal Law Enforcement Improvements Act of 1987 which included the establishment of the National Advisory Commission on Law Enforcement. The provision establishing the Commission was later passed as part of the Anti-Drug Abuse Act of 1988 (Public Law 100-690). This Commission, under the chairmanship of Comptroller General Charles A. Bowsher, has just completed an exhaustive study on the problems encountered by Federal agencies in recruiting and retaining highly qualified Federal law enforcement officers. I commend the chairman, the Commissioners and the hardworking staff on their dedication to this project. The Commission report verified many of the suspected problems and brought to light several others.

The bill I am introducing today embodies many of the recommendations made by the National Advisory Commission on Law Enforcement which, when enacted, will go a long way to correct the problems of recruitment and retention. We place great demands on the Federal law enforcement officer including extended workdays, frequent travel, directed transfers, dangerous assignments, erratic work schedules, and routine family separations—to name just a few.

The decision of many excellent law enforcement candidates to choose careers with local or State agencies over the Federal agencies is easy to understand when they can avoid travel, when they can avoid relocating their families periodically, and when they can begin work with a higher entry level salary. In fact, over 50 percent of Federal law enforcement officers are located in cities where starting pay for local law enforcement officers is $5,000 to $9,000 above their own pay.

Faced with this competition, Federal law enforcement agencies are finding it increasingly difficult to attract candidates. Not only is this lack of competitive edge affecting recruitment, but it is also creating severe retention problems at several agencies. For example, the Commission found that the U.S. Border Patrol loses approximately 40 percent of its entry level employees in the first year and the Bureau of Prisons loses 30 percent. When a trained law enforcement officer jumps to a State or local agency, we have lost talent and a costly investment.

This bill will serve to make Federal law enforcement agencies competitive with their State and local counterparts by raising the entry level salaries to parity with State and local officers. The bill will also make some necessary adjustments in pay for those Federal officers in unique high cost-of-living areas. Staffing and retention in certain parts of the country has become critical where extremely high cost of living has adversely impacted on the quality of life of a Federal officer's family. This legislation allows for payments of one-time housing bonuses up to $20,000 to Federal law enforcement officers transferred to geographic areas with unusually high cost housing markets.

This legislation addresses and corrects some inequities that currently exist among Federal law enforcement agencies by providing bonuses for all Federal officers who are required to have foreign language proficiency in the normal course of their duties. It also provides for the payment of night differential and Sunday pay for officers currently denied those payments.

In order to retain highly trained, experienced Federal officers, this bill will extend by 2 years the mandatory retirement age to 57 years of age for Federal law enforcement officers. At the same time, it will provide agency heads with the authority to pay retention bonuses to keep certain critical employees who qualify for retirement and would otherwise leave Federal service to join the private sector.

The annual cost of this legislation is approximately $200 million. Although this is a great deal of money, when you consider that these brave men and women risk their lives daily to protect the citizens of our country, it is money well invested.

Mr. President, I ask unanimous consent that the entire text of the bill be printed in the RECORD and I respectfully request that my colleagues join me in cosponsorship of this bill.

Mr. President, we have asked this Nation's Federal law enforcement agencies to seek out and bring to justice the career criminals that injure, kill, and steal from the citizens of this Nation. It is important that the men and women serving as Federal law enforcement officers are compensated fairly for the difficult and dangerous mission that they must perform.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Pay Reform Act of 1990".

SEC. 2. PAY FOR LAW ENFORCEMENT OFFICERS.

(a) AMENDMENTS.—

(1) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

"§ 5376. Pay for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) with respect to whom the provisions of subchapter III of chapter 53 apply (or would apply, but for this section).

"(b) Except as otherwise provided in subsection (c)—

"(1) effective for pay periods beginning on or after October 1, 1990, and until otherwise provided for under this subsection—

"(A) the minimum rate of basic pay for a law enforcement officer whose position is classified at a grade above GS-2 and below GS-11 shall be determined in accordance with the following table:

"If classified at the following grade:	The minimum rate of basic pay shall be the rate payable for the following step of that grade (determined using the rates of basic pay in effect as of September 30, 1990):
GS-3	step 10;
GS-4	step 10;
GS-5	step 10;
GS-6	step 8;
GS-7	step 6;
GS-8	step 6;
GS-9	step 4;
GS-10	step 3; and

"(B) the rate for each step above the minimum rate for each grade under subparagraph (A) shall, for any law enforcement officer, be the rate prescribed by the Office of Personnel Management, taking into consideration the minimum rates set forth in subparagraph (A) and the need to provide for appropriate pay relationships within and between grades;

"(2) in order to ensure the continued competitiveness of the rates of pay established under this subsection—

"(A) the Office of Personnel Management shall prescribe regulations under which the Office shall—

"(i) compare rates paid to law enforcement officers under this subsection with the rates generally being paid to individuals performing the same levels of work for State and local governments (determined on a nationwide basis); and

"(ii) determine whether an increase should be made under this paragraph as of the next opportunity allowable under subparagraph (B) and, if so, the size of that increase; and

"(B) whenever the Office makes an affirmative determination under the provisions of subparagraph (A)(ii), provide for any pay increase determined under those provisions to be appropriate, effective beginning with the first applicable pay period beginning on or after October 1, 1993, or October 1 of any third year thereafter (whichever occurs next);

"(3) effective at the beginning of the first applicable pay period beginning on or after the first day of the month in which an adjustment takes effect under section 5305 in the rates of pay under the General Schedule, the rates of pay in effect under this subsection shall be adjusted by the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule; and

"(4) the Office shall prescribe such regulations as may be necessary for the coordination of paragraphs (2) and (3).

"(c)(1) The purpose of this subsection is to establish a pay-adjustment mechanism for law enforcement officers which takes into account the fact—

"(A) that the cost of living in certain parts of the United States is appreciably higher than in others; and

"(B) that the Government's success in recruiting and retaining the best-qualified individuals to serve as law enforcement officers, particularly in areas having higher living costs, will in large part depend on its ability to keep rates of pay at levels that are competitive with those offered by State and local governments.

"(2) To carry out the purpose of this subsection, the Office of Personnel Management shall prescribe regulations which shall provide for the following:

"(A) The establishment of an appropriate number of geographic regions (established using consolidated metropolitan statistical areas, as defined by the Office of Management and Budget) with respect to which pay comparisons shall be made, special pay rates for law enforcement officers may be established or adjusted, and the provisions of this subseciton shall otherwise be carried out.

"(B)(i) Procedures for identifying those regions for which higher pay rates are needed, as identified under clause (ii).

"(ii) A region shall be considered to satisfy the requirements for higher pay rates if, using the average of—

"(I) a value (determined by the Office, and expressed as a percentage) representing that region's relative cost of living, as compared with the cost of living in the United States as a whole, and

"(II) a value (determined by the Office, and expressed as a percentage) representing the relative size of the average salary for State and local law enforcement officers within that region (expressed as a single weighted average salary), as compared with the average salary for State and local law enforcement officers in the United States as a whole (expressed as a single weighted average salary),

such region is determined to be at least 5 percent above the national average (which, for purposes of this clause, shall be deemed to be equal to 100 percent).

"(C) Procedures under which higher rates of pay for law enforcement officers within a particular region shall be established or adjusted under this subsection.

"(3)(A) A rate of basic pay payable to a law enforcement officer under this subsection may not be less than the rate to which such officer would otherwise be entitled if this subsection had not been enacted.

"(B) A rate of basic pay payable to a law enforcement officer under this subsection, based on such officer's serving in a particular region, shall cease to apply if such officer is transferred or reassigned to a place outside of such region.

"(4) The first rates of pay established under this subsection shall be effective for pay periods beginning on or after April 1, 1991, and, notwithstanding any other provision of this subsection, shall be based on pay data compiled by the National Advisory Commission on Law Enforcement, as contained in its report under section 6160(h) of the Anti-Drug Abuse Act of 1988. Subsequent adjustments under this subsection may be made, effective for applicable pay periods beginning on or after October 1, 1993, and October 1 of any third year thereafter, subject to the preceding paragraphs of this subsection.

"(d)(1) The Bureau of Labor Statistics shall conduct such pay surveys as may be necessary in order to compile any data (relating to rates of pay being paid by State or local governments) which may be necessary to carry out this section. To the extent practicable, data so compiled shall reflect rates of pay in effect as of January 1, 1993, and January 1 of every third year thereafter.

"(2) Except as otherwise expressly provided for in this section, any comparisons or determinations under this section shall, to the extent that they involve rates of pay or other data relating to State or local government, be based solely on data compiled under this subsection.

"(e)(1) If higher rates of basic pay under subsection (c) are in effect for any law enforcement officers within a geographic region (as established under subsection (c)(2)(A)), the head of the agency concerned (or designee thereof) may, with respect to any employees described in paragraph (2), provide for such higher rates of basic pay as the agency head (or designee) considers appropriate.

'(2) Authority under this subsection may be exercised with respect to any employees of the agency who—

"(A) are assigned to the same organizational unit or component, and the same geographic region (as established under subsection (c)(2)(A)), as the law enforcement officers receiving the higher rates of basic pay; and

"(B) perform services ancillary to or in support of those performed by law enforcement officers within that unit or component.

"(3) the head of each agency (or designee thereof) shall prescribe such regulations as may be necessary to carry this subsection out within such agency.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Pay for law enforcement officers."

(b) SAME BENEFITS FOR OTHER LAW ENFORCEMENT OFFICERS.—The Secretary of the Treasury, the Secretary of the Interior, the Secretary of State, the Postmaster General, and the Director of the Administrative Office of the U.S. Courts, shall prescribe regulations under which the purposes of the amendments made by subsection (a) shall be carried out with respect to members of the United States Secret Service Uniformed Division, the United States Park Police, the Diplomatic Security Service, Postal Inspectors, and the Probation & Pretrial Service officers, respectively (and support personnel).

(c) REPORT TO CONGRESS.—Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan.

SEC. 3. RETENTION ALLOWANCES.

(a) IN GENERAL.—Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end the following:

"§ 5949. Retention allowances for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means—

"(1) any law enforcement officer within the meaning of section 5376(a); and

"(2) any member of the United States Secret Service Uniformed Division, or the United States Park Police.

"(b)(1) Notwithstanding any other provision of law, and in order to retain highly qualified law enforcement officers who possess special skills or experience or whose continued services are particularly important due to factors associated with the geographic area to which they are assigned, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a law enforcement officer.

"(2) Under any such agreement, the law enforcement officer shall agree to complete a specified period of service in such agency in return for an allowance, for the duration of such agreement, in an amount determined by the agency head and specified in the agreement, but not to exceed $10,000 per year.

"(c) In order to be eligible for an allowance under this section, a law enforcement officer must then satisfy the age and service requirements under section 8336 or 8412, as the case may be, for entitlement to an annuity.

"(d) Any agreement entered into by a law enforcement officer under this section shall be for a period of 1 year of service in the agency involved unless the officer requests an agreement for a longer period of service.

"(e) Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the law enforcement officer, in the event that such officer voluntarily, or because of misconduct, fails to complete at least 1 year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the officer.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the law enforcement office may elect to terminate such agreement, and the amounts, if any, required to be refunded by the law enforcement officer for each reason for termination.

"(g)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, 84, or 87, or other benefits related to basic pay.

"(2) Any allowance under this section for a law enforcement officer shall be paid in the same manner and at the same time as the officer's basic pay is paid.

"(h) An agency head may delegate, in whole or in part, any functions vested in such agency head under this section."

(b) TABLE OF SECTIONS.—The table of sections for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5948 the following:

"5949. Retention allowances for law enforcement officers."

SEC. 4. RELOCATION PAYMENTS.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

"5724d. Relocation payments for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"(b) Under such regulations as the head of an agency (or designee thereof) may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to such agency for administrative expenses are available for payments under this section.

"(c) Payments under this section—

"(1) may be paid to any law enforcement officer within the agency who is transferred or reassigned, in the interest of the Government, to an area or region (not within a foreign country) having higher than average housing costs (as determined under the regulations); and

"(2) may not be made to a law enforcement officer if, or to the extent that, such payment would cause the total amount paid to such officer under this section to exceed $20,000 (including, in the case of any individual who is married to another law enforcement officer, any amounts paid under this section to the spouse).

"(d) An agency may make a payment under this section only after the law enforcement officer selected agrees in writing to remain a law enforcement officer for a period of time (not to exceed 3 years) specified in the agreement, unless separated for reasons beyond the officer's control which are acceptable to the agency. If the individ-

ual violates the agreement, any money paid to the individual under the agreement is recoverable from the individual as a debt due to the United States."

(b) TABLE OF SECTIONS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

"5724d. Relocation payments for law enforcement officer."

SEC. 5. OTHER AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) MINIMUM RATE FOR NEW APPOINTMENTS.—

(1) IN GENERAL.—Section 5333 of title 5, United States Code, is amended by adding at the end the following:

"(c) In applying subsection (a) with respect to a law enforcement officer (within the meaning of section 5376(a)), the reference in such subsection to 'GS-11' shall be deemed to read 'GS-3'."

"(2) OTHER OFFICERS.—The Secretary of the Treasury, the Secretary of the Interior, the Secretary of State, the Postmaster General, and the Director of the Administration office of the U.S. Courts, shall prescribe regulations under which the purpose of the amendment made by paragraph (1) shall be carried out with respect to members of the United States Secret Service Uniformed Division, the United States Park Police, the Diplomatic Security Service, Postal Inspectors, and the Probation & Pretrial Service Officers, respectively.

"(b) INCENTIVE BONUS FOR FOREIGN LANGUAGE CAPABILITIES.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"§ 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"4522. General provision

"An award under this subchapter is in addition to the basic pay of the recipient.

"4523. Award authority

"(a) An agency may pay a cash award, up to 25 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more languages (other than English) in the performance of official duties.

"(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsection shall include—

"(1) procedures under which foreign language proficiency shall be ascertained;

"(2) criteria for the selection of individuals for recognition under this section; and

"(3) any other provisions which may be necessary to carry out the purposes of this subchapter."

(2) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"4521. Definition.

"4522. General provision.

"4523. Award authority."

(c) AGE FOR MANDATORY RETIREMENT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(b) of title 5, United States Code is amended—

(A) in the first sentence, by striking "law enforcement officer or a"; and

(B) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8336(c) of this title shall be separated from the service on the last day of the month in which he becomes 57 years of age or completes 20 years of service if then over that age."

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(b) of title 5, United States Code is amended—

(A) in the first sentence, by striking "law enforcement officer or" each place it appears; and

(B) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8412(d) shall be separated form the service on the last day of the month in which that law enforcement officer becomes 57 years of age or completes 20 years of service if then over that age."

(d) OVERTIME RATES.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding paragraphs (1) and (2) of this subsection, for an employee who is a law enforcement officer (within the meaning of section 5949(a) of this title), the overtime hourly rate of pay is an amount equal to 1½ times the hourly rate of basic pay of the employee, and all that amount is premium pay."

(e) LIMITATION ON PREMIUM PAY.—Section 5547 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) The provisions of subsection (a) shall not apply to the pay of a law enforcement officer for any pay period in which such officer is required to perform overtime under section 5542(a) or administratively uncontrollable overtime under section 5545(c)(2).

"(2) Notwithstanding the provisions of paragraph (1), no law enforcement officer may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the scheduled rate of pay for level V of the Executive Schedule.

"(3) For purposes of this subsection, the term 'law enforcement officer' has the same meaning as under section 5949(a)."

"(f) DEFINITIONAL AMENDMENT.—Section 5541(2)(iv) of title 5, United States Code, is amended to read as follows:

"(iv) a member of—

"(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

"(II) the United States Park Police or the United States Secret Service, Uniformed Division, other than for purposes of sections 5545(a) and 5546;".●

Mr. COATS. Mr. President, if we are to win the wars on drugs and crime in America, we must provide the necessary support for those who are fighting on the front lines of the conflict. We simply cannot afford underpaid or demoralized law enforcement. And we also cannot afford to lose our best trained crime fighters to early retirement or to jobs elsewhere. The FBI, the Drug Enforcement Administration, the U.S. Customs, the Border Patrol, the Bureau of Prisons, and other Federal law enforcement agencies cannot do their job effectively, and cannot stop drug traffickers and arrest other criminals, if their agents are not adequately compensated or sufficiently motivated. These men and women must be rewarded for doing the very best they can under difficult and dangerous working conditions.

As a member of the National Advisory Commission on Law Enforcement, I have been made keenly aware of the problems facing Federal law enforcement as a consequence of inequities in pay and benefits. During this past year the Commission has examined the methods and rates of compensation of Federal law enforcement officers, including salary, overtime pay, retirement policies, and other benefits. We compared this information in representative areas around the country, and finally we considered and recommended changes in Federal pay practices. Recently the NACLE issued its findings and published its recommendations.

The Commission's major suggestion are contained in the Federal law enforcement pay reform bill introduced today in both the House and the Senate. I am pleased to cosponsor this legislation which, in my opinion, will significantly strengthen the Nation's ability to wage its war on drugs and crime by providing a remedy to serious problems of pay and benefits, morale, recruitment and retention which have afflicted our Federal law enforcement agencies.

Specifically this bill will make the following reforms:

First. It will increase starting salaries for entry level positions for Federal law enforcement officers, effective October 1, 1990. Adjustments will be made on a sliding scale, with larger percentage increases at the lower levels. In order to ensure that Federal pay rates remain competitive, the Bureau of Labor Statistics must survey State and local law enforcement salaries and the Office of Personnel Management must readjust starting salaries every 3 years, based on any changes in State and local compensation for comparable positions.

Second. It will provide locality pay for certain high cost-of-living cities, effective April 1, 1991. Such locality rates will be based on the average of a cost-of-living index and an index that measures State and local law enforcement salaries. The NACLE has determined that 11 different metropolitan areas will be entitled to locality pay differentials ranging from 25 to 5 percent. I note that Indianapolis is not one of the cities affected due to the welcome fact that it is below average in living costs.

Third. It will provide retention allowances. The bill would allow agencies to pay up to a $10,000 per year bonus to law enforcement officers who

are eligible for retirement but who possess special skills or whose continued services are particularly important due to factors associated with the geographic area to which they are assigned.

Fourth. It will provide relocation allowances. The bill specifies that Federal law enforcement officers transferred to areas having higher than average housing costs will be eligible for one-time housing bonuses, up to a career total of $20,000, provided the agent promises to remain in Federal law enforcement for 3 years.

Fifth. It lowers the threshold for advanced in-hire—appointments above the minimum rate—from the current GS-11 to GS-3. This change will enable agencies to offer higher rates to attract exceptionally well-qualified entry-level candidates.

Sixth. It will provide for foreign language bonuses, up to 25 percent of basic pay, to officers who possess and make substantial use of a foreign language proficiency in the performance of official duties. This authority, which has existed for the FBI and DEA, will now be extended to all Federal law enforcement agencies.

Seventh. It will raise the mandatory retirement age for Federal law enforcement officers from 55 to 57. This change will allow agencies to retain many of their most qualified agents and should produce substantial savings in time.

Eighth. It will change overtime provisions so that law enforcement officers will be paid 1½ times their actual hourly rate for overtime work. Last year I was pleased to cosponsor legislation which increased AUO pay for FBI, DEA, and other agents who routinely log substantial amounts of irregular, unscheduled overtime. An NACLE survey found that most State and local law enforcement personnel were treated more equitably, receiving higher premium pay for overtime duty. Ninety percent of State and local organizations provide overtime pay, and of those that do, 74 percent pay time and a half for all overtime hours worked. This important change will bring Federal law enforcement personnel in line with State and local officers.

Ninth. Finally, this bill requires OPM to develop and report to Congress by January 1, 1993, a design for a separate pay and classification system for Federal law enforcement.

Mr. President, the current system of compensation has led to a substantial erosion in real pay and benefits among Federal law enforcement officers and their families, creating a serious morale problem in many agencies. The FBI, in particular, is facing a severe shortage of trained personnel as a consequence of planned retirement among their most experienced agents. The U.S. Border Patrol is losing about 40 percent of its entry level employees in the first year; the Bureau of Prisons has a 30-percent attrition rate. Clearly, Federal law enforcement is no longer competitive in recruiting or retaining qualified personnel.

The estimated $150 to $200 million price tag to fund the provisions in this Federal law enforcement compensation package is worth every dollar if we are able to stop the decline in trained manpower and morale in the ranks of our dedicated Federal law enforcement forces. The price of ridding our communities of major crime and protecting our families and neighborhoods from illegal drugs and violent crime is not too high. We cannot ask law enforcement personnel to put themselves on the line for us and our families, risking their own lives for our safety, and then fail to compensate them adequately and competitively for their sacrifice.

Mr. President, I strongly urge speedy action by Congress to enact these reforms.

By Mr. BOSCHWITZ:

S. 2251. A bill to establish a price support program for the 1991 through 1997 crops of certain agricultural commodities that provides producers with planting flexibility, income support, and stability, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM FLEXIBILITY ACT

Mr. BOSCHWITZ. Mr. President, in two earlier statements before this body, I outlined the direction I believe U.S. farm policy should take into the 21st century. Today, I am introducing the Farm Flexibility Act of 1990.

This bill is the result of gathering input from farmers, farm organizations, and national agricultural leaders. In 1988 and 1989, I held meetings in nearly every 1 of Minnesota's 87 counties. It is a grueling task to visit that number of counties between sessions of the Senate, but it has resulted in legislation crafted in response to grassroots concerns.

The breathtaking events in Eastern Europe, and most recently in Nicaragua, are a stunning testimony to the American political and economic model. This farm bill gives us the opportunity to reaffirm our commitment to democracy and free markets.

The 1985 farm bill was crafted to deal with three towering problems in agriculture: huge, price depressing grain stockpiles, continuing loss of world markets for U.S. farm products, and very low farm income. Senator BILL BRADLEY and I asked the General Accounting Office to examine how the 1985 legislation had worked in those three areas. In a report issued last year, they reported that it had worked pretty well. Farm income had recovered, our share of international grain trade had increased, and the price depressing grain stocks had been substantially reduced. That report supports my feeling that the 1985 farm bill has worked pretty well, with one important exception.

Mr. President, the single largest problem with the 1985 farm bill was its lack of flexibility. Because of the way the farm programs are structured, farmers are virtually compelled to depend on Washington to make their planting decisions for them. A clear example of this problem is illustrated in the relationship between corn and soybeans.

In recent years, particularly 1987 and 1988, soybean prices in the spring were quite high. The marketplace was telling farmers that it needed more soybeans. However, farmers were prevented from shifting acreage from corn to soybeans by the farm program for corn. If a farmer chose to plant a few more acres of soybeans on acreage assigned to his corn base, he would lose the income support of the corn target price in addition to a reduction in corn base upon which future income support would be calculated. This was a classic case of how the market signal to plant soybeans was overridden by the farm program penalty of losing the benefits of the Government program.

As a result of my meetings with farmers, farm groups, and agricultural policy experts, it was clear that flexibility should be at the center of the 1990 farm bill debate. Last December, I spent considerable time with Secretary Yeutter discussing the direction of future farm policy. I'm pleased to see that in many respects, as reflected by the administration's proposal, we are in close agreement. Most importantly, we agree that farmers should have flexibility to respond to market signals without jeopardizing income supports. There are, however, several areas of my legislation that differ from the administration's package, and I'd like to highlight them.

TARGET PRICES

While the administration's budget freezes target prices for 1991, their farm bill proposal does not include a target price recommendation. My bill mandates that target prices cannot fall below 1990 levels, which are $2.75 per bushel for corn, $4 per bushel for wheat, $0.729 per pound for cotton and $10.71 per hundred weight for rice.

HARVEST LOAN

The Commodity Loan Program originated to give farmers an opportunity to obtain cash to pay their bills by borrowing against their crop. Farmers could obtain a nonrecourse loan. When the loan came due, they could either repay the loan with interest, or simply give the crop to the Government. Thus, farmers were not forced to sell crops during the traditionally

low price period at harvest time, but could wait until prices improved in the months after harvest. With the lower loan rates of recent years, farmers have complained that to get the needed cash, they have had to lock up nearly all of their crop under loan, leaving them with little free stocks to sell.

My bill establishes a recourse loan, which I call a harvest loan, at a level 25 percent higher than the present nonrecourse loan. The difference is that the harvest loan must be repaid in full, plus interest, rather than the option that farmers have at the lower loan rate to either repay the loan and accrued interest, or give the grain or commodity to the Government in return for forgiveness on the loan. The recourse nature of the harvest loan will prevent it from becoming the price floor that nonrecourse loans became in the mid-1980's. Nonrecourse loan rates too high relative to world prices contributed to our loss of world market share. Consistent with the concept of flexibility, farmers would have the option of either using the recourse loan, or staying with the traditional nonrecourse loan.

"GUARANTEED" DEFICIENCY PAYMENT

Currently, farmers receive an advance payment of part of what the USDA estimates the total deficiency payment to be. They receive the rest of the deficiency payment over the course of the marketing year when the final calculations of average market price are made. This can lead to considerable uncertainty in a farmer's cash flow, and, as happened in 1988, the Government may ask to be repaid. That occurred because the advance payment turned out to be too high when the 1988 drought caused crop prices to be higher than originally projected. As a result, total deficiency payments to farmers were reduced.

I propose to allow farmers to lock in their deficiency payment at the time they sign up for the farm program. While the farmer would give up the potential for a higher payment if crop prices are lower than anticipated, he would also be protected from having to repay the deficiency payment if prices were higher. This provision will allow those farmers needing a better idea of their cash flow a tool to achieve it.

GRADUATED OILSEED PAYMENTS

A graduated oilseed payment will be paid on the oilseed base. This will provide income support for all oilseeds included in the oilseed base—not just soybeans. For every cent that the average soybean price for the marketing year is below $5.02 per bushel but above $4.50 per bushel, farmers will receive a 30-cent-per-acre payment. In the event that the average soybean price is below $4.50 per bushel, a payment equal to the amount the soybean price is below $4.50 times the average county soybean yield from 1985 to 1989 will be made.

ACREAGE REDUCTION

My proposal does not include unpaid Acreage Reduction Programs [ARP's], which are in the administration proposal. Past history has shown that the ARP winds up including the very poorest land in the set-aside. In many cases, this is land that probably wouldn't have been planted anyway. My proposal gives the Secretary the authority to institute a paid land diversion of 1 to 5 years. A multiple-year diversion program will be more sound from a conservation and environmental standpoint.

THE 7-YEAR FARM BILL

It is important that farmers have a farm policy that is stable and consistent. We succeeded in 1985 in getting a 5-year farm bill. My bill is a 7-year bill, which will reduce the conflicting signals that farmers may receive with more frquent rewriting of farm policy.

Mr. President, a couple of areas are not included in my bill. My bill does not address crop insurance. The answer to this difficult problem is not clear. The administration proposal to eliminate Federal Crop Insurance has not been well received in my State, where over 63 percent of the eligible acreage is covered with crop insurance.

The second major area that I have not addressed is dairy. Our current program, which originated over 50 years ago does not sufficiently take into account current technology in milk processing, storage, and transportation. The milk marketing order system is badly in need of repair. Secretary Yeutter, as U.S. Trade Representative, was a leader in the drive to remove trade barriers internationally. Milk marketing orders have served as domestic trade barriers. I've had several meetings with Secretary Yeutter on this issue, and am encouraged that he understands the concerns of the dairy farmers in my area of the United States. I'm looking forward to being an active participant in the dairy debate.

Mr. President, I'd like to outline the remaining highlights of my farm bill.

FARM ACREAGE BASE

A farm acreage base [FAB] will be created for each farm. It will be the sum of the crop acreage bases for wheat, feed grains, extra long staple cotton, upland cotton, and rice as well as a newly created oilseed base. Any combination of program crops and oilseeds will be allowed on a farm provided the acreage planted to these crops does not exceed the FAB.

CROP ACREAGE BASES AND PROGRAM YIELDS

The 1990 crop acreage bases and program yields for a farm will be used for determining deficiency payments for the duration of this bill.

OILSEED BASE

The oilseed base will be based on the average acreage planted to soybeans, sunflower seeds, flax, safflower and rapeseed (including canola) during 1985 through 1989.

DEFICIENCY PAYMENTS

Deficiency payments will be paid on the crop acreage bases regardless of the acreage planted to program crops provided the total acreage planted to program crops and oilseeds does not exceed the FAB. The payment rate will be determined the same as it is now. That is, the amount by which the target price exceeds the higher of the nonrecourse loan rate or the average market price. Since there will be no ARP's, 100 percent of the base acreage will be eligible for deficiency payments. As noted earlier, farmers will also have the option to locking in the estimated deficiency payment rate.

LOAN RATES

Loan rate determinations will be harmonized across all program crops. The basic loan rate will be 75 to 85 percent of the past 5 years' prices excluding the high and low years. The basic loan rate may not be reduced by more than 5 percent per year. The Findley loan rate will not be less than 80 percent of the basic loan rate. A harvest loan (the recourse loan I described earlier) will be made at the basic loan rate, while the regular nonrecourse loan will be made at the Findley loan rate. The harvest loan may not be forfeited to the CCC.

MARKETING LOANS

Mandatory marketing loans will remain for cotton and rice. Marketing loan authority is retained for feed grains, wheat and soybeans.

PAYMENT LIMITATIONS

The current $50,000-$250,000 payment limitation will continue unchanged.

NONPROGRAM CROPS

Nonprogram crops may be grown on the FAB provided that deficiency payments are forfeited on an acre for acre basis prorated according to the crop bases in the FAB.

CONSERVING CROPS

Conserving crops, such as clover or alfalfa, may be planted on the FAB without losing program payments provided the crop is not harvested.

STOCKS POLICIES

A more flexible stocks policy will be implemented. The CCC will not have to rely as heavily on generic certificates to release CCC stocks. Farmers will be free to move grain out of the farmer-owned reserve [FOR]. As mentioned before, farmers will have the option of a harvest loan at a higher rate or the normal nonrecourse loan.

Farmers will also be paid the same storage rate under the farmer-owned reserve as commercial warehouses. The food security wheat reserve will

be continued to guarantee food aid shipments.

CONSERVATION

Conservation compliance, sodbuster and swampbuster provisions will continue to apply for the duration of this bill. The CRP will remain open for enrollment though 1995 for up to 45 million acres. Lands eligible for CRP will be expanded to include wetlands, shelterbelts and windbreaks regardless of the soil erosion classification. Incentives are provided for planting hardwood trees on the CRP. The Secretary is directed to consider benefits to wildlife when accepting bids for the CRP and paid land diversion.

Mr. President, this bill is a declaration of agricultural perestroika. It is based on the belief that agriculture cannot be truly competitive and prosperous unless we produce. This bill takes advantage of the progress made by the 1985 farm bill and seeks to improve upon it. Having a flexible farm program that returns economic decisionmaking to the farm level is essential for prosperity and growth for America in general, and American agriculture in particular, now and in the 21st century.

Mr. President, I ask unanimous consent that an outline of the bill be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

THE FARM FLEXIBILITY ACT OF 1990 AT A GLANCE

The goal of the Farm Flexibility Act is to provide farmers with the same income protection they were afforded under the Food Security Act of 1985 and incorporate constructive elements of flexibility to make planting and stockholding decisions according to market signals. This will allow farmers to improve the efficiency and productivity of their farms.

The Farm Flexibility Act will provide the American farmer with the income support and planting flexibility to compete with our foreign competitors and increase our export share in an expanding world market. At the same time, commodity programs will be reformed so that environmentally sound farming practices will no longer be discouraged.

FEATURES OF THE FARM FLEXIBILITY ACT

(1) *Farm Acreage Base.*—A Farm Acreage Base (FAB) will be created for each farm. It will be the sum of the crop acreage bases for wheat, feed grains, extra long staple cotton, upland cotton, and rice as well as a newly created oilseed base. Any combination of program crops and oilseeds will be allowed on a farm provided the acreage planted to these crops does not exceed the FAB.

(2) *Crop Acreage Bases and Program Yields.*—The 1990 crop acreage bases and program yields for a farm will be used for determining deficiency payments for the duration of this bill.

(3) *Oilseed Base.*—The oilseed base will be based on the average acreage planted to soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola) during 1985 through 1989.

(4) *Deficiency Payments.*—Deficiency payments will be paid on the 1990 crop acreage bases regardless of the acreage planted to program crops provided the total acreage planted to program crops and oilseeds does not exceed the FAB. The payment rate will be determined same as it is now—the amount by which the target price exceeds the higher of the nonrecourse loan rate or the average market price. 100% of the base acreage will be eligible for deficiency payments because there will be no unpaid Acreage Reduction Programs.

(5) *Estimated Deficiency Payments.*—Farmers will have the option of locking in the estimated deficiency payment rate during signup as their actual earned deficiency payment rate.

(6) *Graduated Oilseed Payments.*—A graduated oilseed payment will be paid on the oilseed base. This will provide income support for all oilseeds included in the oilseed base—not just soybeans. For every cent that the average soybean price for the marketing year is below $5.02 per bushel but above $4.50 per bushel, farmers will receive a 30 cent per acre payment. In the event the average soybean price is below $4.50 per bushel, a payment equal to the amount the soybean price is below $4.50 times the average county soybean yield from 1985 to 1989.

(7) *Target Prices.*—Target prices will not be less than 1990 levels.

Crop	Minimum target price
Corn (per bushel)	$2.75
Wheat (per bushel)	4.00
Cotton (per pound)	0.729
Rice (Per hundredweight)	10.71

(8) *Loan Rates.*—Loan rate determinations will be the same for all program crops.

Basic Loan Rate: 75-85% of the past 5 years' price excluding the high and the low years; may not be reduced by more than 5% per year; Harvest Loans, which cannot be forfeited to the CCC, will be available at this rate for program crops; and nonrecourse loans will be available at this rate for soybeans.

Findley Loan Rate: At least 80% of the basic loan rate; and nonrecourse loans will be available at this rate for program crops.

(9) *Marketing Loans.*—Mandatory marketing loans will remain for cotton and rice. Marketing loan authority is retained for feed grains, wheat, and soybeans.

(10) *Nonprogram Corps.*—Nonprogram crops may be grown on the FAB provided program payments are forfeited on an acre for acre basis prorated according to the bases in the FAB.

(11) *Conserving Crops.*—Conserving crops, such as clover or alfalfa, may be planted on the FAB provided the crop is not harvested.

(12) Payment Limitations.—The current $50,000/$250,000 payment limitation will continue.

(13) Length of Bill.—This is a 7-year farm bill.

(14) Stocks Policy.—Farmer-Owned Reserve

Farmers will be paid the same storage rates as the CCC pays commercial warehouses.

Release triggers are eliminated which gives control of the grain back to the farmer.

Storage payments are paid as long as prices are below 150% of the nonrecourse loan rate.

Contracts will be up 18 months in length.

Food Security Wheat Reserve

A 4 million metric ton wheat reserve is retained for purposes of guaranteeing food aid shipments.

CCC Resale Levels

The CCC may not sell any of its stocks of agricultural commodities at the lower of 115% of the support price or 115% of the loan repayment level.

(15) Land Diversion.—There will be no unpaid acreage reduction programs (ARPs). A multiple year paid land diversion (PLD) is authorized that is targeted to environmental concerns with consideration for soil and water conservation and wildlife benefits. Enrollment in the PLD will be on a bid basis. The acreage enrolled in the conservation reserve program (CRP) and the PLD may not exceed 50 million acres.

(16) Conservation.—Conservation compliance, sodbuster, and swampbuster will continue to apply for the duration of this bill.

The ability to rotate crops without loss of deficiency payments or base acres will enable farmers to farm in an environmentally sound manner and allow farmers to reduce the cost of conservation compliance.

The elimination of unpaid acreage reduction programs will no longer force farmers to cover their fixed costs over fewer acres by farming more intensively on their permitted acres. Less intensive farming practices will have a favorable impact on the environment and the farmer's bottom line.

Flexibility will allow farmers to make production decisions according to market prices instead of target prices. This will encourage lower chemical and fertilizer use and thus reduce the potential for surface and ground water contamination.

(16) *Conservation Reserve Program.*—The CRP will remain open for enrollment up to 45 million acres. Lands eligible for the CRP will be expanded to include:

Cropped wetlands and surrounding uplands.

Shelterbelts and windbreaks regardless of the soil erosion classification.

Lands that pose an on-farm or off-farm threats.

The Secretary is directed to consider benefits to wildlife when accepting bids for the CRP.

Planting of hardwood trees on the CRP is encouraged through:

Eligibility for 15-year contracts.

50 percent cost-share for the establishment, and maintenance of new hardwood tree plantings.

Conversion of existing contracts that are planted to grass to contracts that allow for hardwood tree plantings.

The Secretary is asked to conduct a study to determine the appropriate action regarding expiring CRP contracts that allows such land to be utilized according to its highest sustainable use.

ADDITIONAL COSPONSORS

S. 176

At the request of Mr. HEINZ, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. GARN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 176, a bill to amend the Foreign Agents Registration Act of 1938 to strengthen the registration and enforcement requirements of that act.

S. 1245

At the request of Mr. MITCHELL, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Massachusetts [Mr. KERRY], were added as cosponsors of S. 1245, a bill to amend the Federal Meat Inspection Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 1664

At the request of Mr. HEINZ, the name of the Senator from West Virginia [Mr. BYRD], was added as a cosponsor of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1853

At the request of Mr. CHAFEE, the names of the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. SIMON], and the Senator from South Dakota [Mr. DASCHLE], were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1860

At the request of Mr. BOREN, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1860, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 1872

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1872, a bill to amend title II of the Social Security Act to provide for improvements in widow's and widower's insurance benefits.

S. 2090

At the request of Mr. GLENN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 2090, a bill to amend the Internal Revenue Code of 1986 to make changes to the earned income tax credit overseas and to clarify and improve current law.

S. 2104

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2104, a bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

S. 2130

At the request of Mr. WIRTH, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2130, a bill to regulate the dumping of waste by the Rail Passenger Service Corporation.

S. 2152

At the request of Mr. MCCONNELL, the names of the Senator from Montana [Mr. BURNS] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 2152, a bill to provide for international negotiations to achieve agreement on regulation of certain precursor and essential chemicals critical to the manufacture and trafficking of illicit narcotics.

S. 2197

At the request of Mr. HARKIN, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Washington [Mr. ADAMS], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2197, a bill to lift trade and other economic sanctions imposed on Nicaragua by the President in 1985.

S. 2214

At the request of Mr. PACKWOOD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2214, a bill to provide incentives to health care providers serving rural areas, to eliminate the medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes.

S. 2216

At the request of Mr. COATS, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2216, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses.

S. 2228

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2228, a bill to develop a comprehensive program to ensure the wholesomeness of fish products intended for human consumption and sold in interstate commerce, and for other purposes.

S. 2229

At the request of Mr. DODD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

SENATE JOINT RESOLUTION 231

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from West Virginia [Mr. BYRD], the Senator from Wisconsin [Mr. KASTEN], the Senator from Florida [Mr. GRAHAM], the Senator from Maine [Mr. MITCHELL], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 265

At the request of Mr. DODD, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 269

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mr. WILSON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. DECONCINI], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. DeConcini, his name was added as a cosponsor of

Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

SENATE RESOLUTION 239

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire.

SENATE RESOLUTION 245

At the request of Mr. LUGAR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 245, a resolution designating National Employee Health and Fitness Day.

AMENDMENT NO. 1293

At the request of Mr. MITCHELL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of amendment No. 1293 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

AMENDMENT NO. 1294

At the request of Mr. KERREY, the names of the Senator from Kansas [Mr. DOLE], the Senator from Illinois [Mr. DIXON], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of amendment No. 1294 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

AMENDMENT NO. 1302

At the request of Mr. GLENN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Colorado [Mr. WIRTH], the Senator from Nebraska [Mr. KERREY], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of amendment No. 1302 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 101—RELATIVE TO NEGOTIATIONS FOR A PEACE SETTLEMENT IN CAMBODIA

Mr. CRANSTON (for himself, Mr. SIMON, and Mr. PELL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 101

Whereas prior efforts to achieve a comprehensive settlement of the Cambodian conflict have yet to result in an agreement acceptable to all parties concerned;

Whereas the key obstacle to an agreement has been the issue of the interim political arrangements to be established in Cambodia between the commencement of a cease-fire and the emergence of a new government elected by the Cambodian people;

Whereas the withdrawal of Vietnamese combat forces from Cambodia, although strongly supported by the United States and the entire international community, nevertheless increases the prospects for increased fighting among the four Cambodian factions and raises the specter of full-scale civil war and a return to power by the Khmer Rouge;

Whereas in view of the Khmer Rouge's genocidal rule from 1975 to 1978, its return to power would constitute not only a mortal threat to the Cambodian nation but also a moral challenge to the internatioal community;

Whereas and delay in holding elections only benefits the Khmer Rouge in giving them more time to improve their political and military position throughout the country;

Whereas the United States, along with the members states of the Association of South East Asian Nations (ASEAN) and others, has the following policy objectives concerning Cambodia; verification of a complete withdrawal of Vietnamese forces, the establishment of a process for free and fair elections to ensure self-determination for the Cambodian people, and prevention of the Khmer Rouge from returning to power;

Whereas representatives of the Permanent Members of the United Nations Security Council met in Paris on January 15-16, 1990, and endorsed an enhanced United Nations role in resolving the Cambodian conflict;

Whereas a mutually acceptable settlement for Cambodia will be impossible unless the principal external powers encourage those Cambodian factions which they have supported to accept it: Now, therefore, be it

Resolved, That it is the sense of the Congress that—

(1) the proposal of the Coalition Government of Democratic Kampuchea for a quadripartite interim government is not an acceptable basis for negotiations because it would legitimize the Khmer Rouge and give it the opportunity to immoblize and subvert the interim government;

(2) the proposal for an enhanced United Nations role in Cambodia that would lead to free and fair elections this year is the most feasible way to achieve settlement of the conflict compatible with the best interests of the Cambodian people;

(3) outside observers or organizations should be mobilized to supervise the elections and could substitute for United Nations supervision in the possible event that the United Nations is unable to play a role in the electoral process;

(4) the Administration should begin discussions as soon as possible with the government of the State of Cambodia to encourage the holding of internationally supervised free and fair elections and to help resolve differences among the factions;

(5) the Administration should request that multilateral aid organizations begin planning for Cambodia's reconstruction and development; and

(6) the Administration should encourage the People's Republic of China to cease all its weapons exports to the genocidal Khmer Rouge whose continued military actions are the most serious impediment to a peace settlement.

Mr. CRANSTON. Mr. President, the news that the peace talks in Jakarta ended last week without agreement makes it even more imperative than before that the administration change its ineffective Cambodia policy. The Bush administration continues to support a policy which precludes talking directly to the one side that has demonstrated the most flexibility in the talks, the government in Phnom Penh, and it sidesteps the issue of the Chinese role as principal supplier and supporter of the genocidal Khmer Rouge.

This policy must be changed immediately if more bloodshed is to be avoided. Today I am submitting a concurrent resolution which sets forth a policy that I believe can help end the deadlock on this intractible issue. The concurrent resolution includes the following measures:

First. The administration must begin to discuss the issues directly with the Hun Sen government. Talks do not confer diplomatic relations or imply acceptance of the government as legitimate. They simply afford a realistic means to approach the problems at hand. We cannot expect to be well informed or to wield substantial influence in Cambodia or anywhere in Southeast Asia if we cannot bring ourselves to talk to the players. The Bush administration did not recognize the Ortega government in Nicaragua as legitimate, yet this did not preclude direct communication.

Second. Elections must be held this year. Any delay in holding elections merely benefits the Khmer Rouge. Pol Pot has indicated that, if he had 2 years with which to intimidate the countryside, he could dominate an election. The earlier the elections are held, the less likely the chance for the Khmer Rouge to play any role whatsoever in the governing of Cambodia.

Third. The United States must support the United Nations role in organizing and supervising elections. If the direct participation of the U.N. is not possible, for example because of a veto by China, we should call for private citizens or organizations—like the Carter Center—to play that role, as they did in Nicaragua. I believe that the Hun Sen government is willing to allow the United Nations to sponsor such elections and will cooperate with international monitoring groups. We should fully explore this option. And we should press Prince Sihanouk to accept it as well.

Fourth. We must condemn the Chinese support for the Khmer Rouge, and I urge the administration to forcefully press the Chinese to withdraw their support for the Khmer Rouge. The United States has tiptoed around Chinese policy objectives for far too long.

Fifth. We must send an international group of experts, such as a team from the World Bank, to Cambodia to assess the prospects of reconstruction after a resolution is reached. It is imperative that Cambodia move quickly toward reintegration with the world both politically and economically if its people are to enjoy the benefits of democracy.

If we ever hope to achieve a solution to this tragic Cambodian conflict we must pursue the course outlined above. Our objectives must be to achieve a freely elected Cambodian Government that can lead Cambodia toward a peaceful and prosperous future. For too long our policies have been at odds with these objectives. It is high time they changed.

SENATE CONCURRENT RESOLUTION 102—APPLAUDING THE DECISION OF WEST GERMAN CHANCELLOR KOHL RELATIVE TO THE GERMAN-POLISH BORDER

Mr. DIXON (for himself and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES.

Whereas inviolability of existing borders is a cornerstone of peace, stability and security in Europe and the world, and

Whereas all 35 signatories of the Helsinki Final Act recognized the existing borders in Europe by pledging the inviolability of frontiers and the territorial integrity of all states in Europe, and

Whereas separate treaties concluded between Poland and both German states, as well as between the Federal Republic of Germany and the Soviet Union, made the borders of Germany with Poland and with the Soviet Union inviolable and final without any reservations, and

Whereas West German Chancellor Helmut Kohl has stated that the Polish people "should know that their right to live in secure borders will not be thrown into question by territorial claims from us Germans, either now or in the future," and

Whereas Chancellor Kohl's statement is a welcome step in the peaceful process toward German reunification, and

Whereas Chancellor Kohl will ask his parliament to declare that a reunited Germany will sign a treaty recognizing present German-Polish borders as unalterable, and

Whereas the right of the German people to self-determination and reunification has been universally recognized and accepted: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that Chancellor Kohl's statements assuring the Polish-German borders as final should be applauded; and be it further

Resolved, That swift action be taken by the West German parliament to adopt the resolution offered by Chancellor Kohl relating to the German-Polish border question; and be it further

Resolved, That Poland and others should participate with the other powers when its legitimate security concerns are affected during the talks on the reunification of Germany; and be it further

Resolved, That in the talks on German reunification, as well as on all other relevant occasions, the United States Government should continue to express its position that it supports West German Chancellor Kohl's efforts to unequivocally commit to the existing boundaries between Germany and Poland which are enshrined in the already existing treaties as well as the Helsinki Final Act: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is in the vital interests of preserving peace, stability and security in Europe for the concerned states to abide by the provisions of the binding unilateral treaties, the principles of the Helsinki Final Act, as well as pending parliamentary resolutions, which taken together assure the existing borders between Germany and Poland as final.

Mr. DIXON. Mr. President, I rise today to submit a concurrent resolution which recognizes and applauds the statements of West German Chancellor Kohl yesterday affirming present German-Polish borders as secure, and further expresses the sense of the Congress that Poland and other neighbors of both West and East Germany be consulted before and during upcoming reunification talks.

I am proud to be joined on this concurrent resolution by my distinguished colleague and warm friend, PAUL SIMON from Illinois.

The Poles have genuine concern regarding German intentions for the land east of the Oder-Neisse Rivers, and Germany as well as the four Allied Powers must be sensitive to the Poles legitimate anxieties. That territory, which had been Germany's prior to World War II, today constitutes almost one-third of present-day Poland. Their fears about German intentions, rooted in Polish history, have been mitigated by Chancellor Kohl's timely statement yesterday declaring the right of Poles "to live in secure borders" which "will not now or in the future be questioned by us Germans."

I anxiously await concrete steps to make words into deeds. The Poles have been the victim in the past of hollow words and assurances. Chancellor Kohl has done the right thing by introducing a parliamentary resolution which says that a united Germany should sign a treaty with Poland recognizing present borders as unalterable.

Both the Federal Republic of Germany, and the German Democratic Republic, have declared in separate agreements with Poland, that the Polish-German borders are final. However, neither agreement is legally binding should there be a united Germany.

Therefore, the parliamentary resolution should be adopted as soon as possible.

Poland has all too often in the course of her history been invaded, run over, and controlled by others. At this time when Poland is beginning to find her own voice, and move in her own direction politically and economically, it is vital that she know with certainty that her neighbors not have designs on her territory.

In addition, Poland must be able to participate in discussions affecting her security. The Czechs certainly have a concern about a unified Germany, as well as a good many of our other European allies. Italian Prime Minister Andreotti, today discussed the issue of Atlantic allied participation and consultation on the question of German reunification. His call is a reasonable request. As all of Europe will be significantly impacted by a unified Germany, all should have some input into the discussion.

We have heard a great deal about the two-plus-four talks for a united Germany. Clearly, there are other countries, who, locked out of past discussions affecting their security, do not want history to repeat itself. Those other countries certainly have legitimate concerns that deserve to be aired and considered fully. One might call such an idea of greater inclusion a two-plus-four-plus-eight proposal. In addition to the two Germanys, and the four Allied Powers, a consultative group of other European countries, such as Poland, Czechoslovakia, Italy, the Benelux countries and others would have sufficient opportunity to contribute and participate in the upcoming discussions. Certainly countries such as Poland and Czechoslovakia, who have suffered as a result of past negotiations and agreements dealing with Central Europe have a special sense of urgency about the upcoming talks on German reunification and who should be at the table. They deserve to have their voices heard and their concerns fully addressed. Without such participation and cooperation between the two Germanys and her neighbors, the peaceful, inevitable transition to a united Germany, the dream of Germans everywhere, could be unnecessarily more difficult.

History has been unkind to the nations of Central Europe; Poland in particular, and we, as the motivating force behind an inclusive process toward reunification, can take steps now to prevent repeating it.

SENATE RESOLUTION 260—AUTHORIZING THE PRODUCTION OF CERTAIN DOCUMENTS

Mr. BAUCUS (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 260

Whereas in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the defendant has caused subpoenas to be served on Senator

Robert C. Byrd, Senator Robert Dole, Senator Richard G. Lugar, Senator Ted Stevens, Senator Strom Thurmond, and the records custodian of the Select Committee on Intelligence;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senators Byrd, Dole, Lugar, Stevens, and Thurmond and the Select Committee on Intelligence are authorized to provide in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01 (D.D.C.), any documents within their possession that may be responsive to the subpoenas, except concerning matters for which a privilege should be asserted.

SENATE RESOLUTION 261—HONORING THE CONTRIBUTIONS OF WILL HILL TANKERSLEY TO THE NATION

Mr. HEFLIN (for himself and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 261

Whereas for the past 4 years Will Hill Tankersley has served with distinction as the Chairman of the Reserve Forces Policy Board in the Office of the Secretary of Defense;

Whereas the contributions of Will Hill Tankersley to the preparedness and integration of the Reserve Forces of this Nation merit recognition;

Whereas Will Hill Tankersley has had a life-long commitment to the defense of this Nation;

Whereas Will Hill Tankersley a graduate of West Point, served for 8 years in active duty in the United States Army;

Whereas such active duty included 6 campaigns in Korea during the Korean War as a decorated member of the combat infantry, and service as a ranger and a master parachutist;

Whereas upon completing active duty in the United States Army, Will Hill Tankersley continued a military career in the United States Army Reserve;

Whereas the final assignment of Will Hill Tankersley was as commander of the 87th United States Army Maneuver Area Command in the State of Alabama;

Whereas Will Hill Tankersley retired from the United States Army Reserve as major general;

Whereas Will Hill Tankersley has distinguished himself as one of the most knowledgable authorities concerning the Reserve Forces of this Nation;

Whereas the service of Will Hill Tankersley has brought credit to the State of Alabama and to this Nation:

Whereas the people of this Nation owe a debt of gratitude to Will Hill Tankersley for selfless service and devotion to the principles and ideals of democracy that such people hold dear; Now, therefore, be it

Resolved, That the Senate commends Will Hill Tankersley for the devoted service he has given to the people of this Nation in making significant contributions to national security, and, most recently in serving as the Chairman of the Reserve Forces Policy Board.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Will Hill Tankersley.

SENATE RESOLUTION 262—CONGRATULATING THE PROINDEPENDENCE OPPOSITION IN LITHUANIA

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 262

Whereas the victory of pro-independence candidates is an overwhelming defeat of Communism in Soviet-occupied Lithuania and the victory of democracy and political pluralism;

Whereas the February 24 elections, held under the spectre of the occupation Red Army, indicate that the Lithuanian people hope to use peaceful means to achieve political pluralism, democracy and independence;

Whereas beginning in 1988, the Lithuanian people began to organize broad-based and popularly supported demonstrations and political organizations which have shown the free world that the Lithuanian people want the right to self-determination and freedom;

Whereas the Sajudis popular movement of opposition, worked as an umbrella organization alongside other opposition parties and groups such as the Christian Democrats, the Social Democrats, the Lithuanian Democratic Party, the Greens, the Lithuanian Freedom League and the Helsinki Group;

Whereas the aforementioned parties and groups fully support the removal of Soviet troops, a free market economy and an independent and neutral democratic Lithuanian state;

Whereas the opposition has successfully struggled for the legalization of the Lithuanian national flag, the Lithuanian national language, and the restoration of the rights of the Catholic Church in Lithuania;

Whereas on February 16, 1990, the 72nd anniversary of the foundation of Lithuania's Independence, the Lithuanian people could not celebrate but instead commemorated the day as a tragic reminder of the independence stolen by Stalin and Hitler in 1940;

Whereas from February 16, 1918 to June 12, 1940, Lithuania was a peaceful, Western, parliamentary democracy whose sovereign independence and territorial integrity was formally accepted by the Soviet Union through peace treaties signed by Lenin in 1920 and 1921;

Whereas the Lithuanian people are committed to realizing Soviet renunciation of the illegal consequences of the Hitler-Stalin Non-Aggression Pact of 1939, the removal of 300,000 Soviet troops in Lithuania and the dismantling of Soviet military installations in Lithuania;

Whereas the United States has never recognized the illegal incorporation of the Baltic States into Soviet Union; and through the non-recognition policy has pledged its support for independence;

Whereas for fifty years the people of Lithuania, Latvia and Estonia have suffered a mass population loss due to deportations, murders, imprisonment and torture as well as a severe degradation of their environment as they remain hostage to Stalin's dark legacy, despite the Soviet Union's pledge of de-Stalinization;

Whereas for fifty years the rich culture of the ancient Lithuanian land has been preserved through the daily courage of the Lithuanian people and through the work of patriots in underground political and religious organizations who have never wavered in their fight against foreign domination despite persecution and imprisonment;

Whereas the Soviet KGB continues its terroristic and repressive activities in Lithuania on a daily basis and before the election increased its use of threats, intimidation, blackmail, and other activities such as the control of access to the media to subvert the democratic election;

Whereas the Central Committee of the Soviet Union has recently introduced legislation which would allow Moscow to take over the governments of the Baltic States by declaring a state of emergency: Now therefore, be it

Resolved, That, the Senate congratulates the people of Lithuania on the event of the first democratic elections since their illegal annexation into the Soviet Union;

The Senate congratulates and supports the newly emerging multiparty democracy in Lithuania which reflects the Western culture of the Lithuanian people.

The Senate fully supports the commitment of the Lithuanian people to pluralism, democracy and independence as demonstrated in the elections of February 24, 1990;

In realization of the goals of the United States non-recognition policy, the Senate supports the actions of the Lithuanian people as they move to restore their national independence and condemns the use of military force and economic coercion by the Soviet Union that denies the Lithuanian people their right to national self-determination and freedom;

The Senate condemns the terrorist activity of the KGB and the secret police apparatus which subverts the democratic process in Lithuania;

The Senate condemns the recent introduction of legislation in the Supreme Soviet which calls for the central government of Moscow to take over the newly elected government in Lithuania and nullify its decisions by imposing a state of emergency.

Mr. HELMS. Mr. President, I send to the desk a resolution and I ask that it be appropriately referred.

The resolution congratulates the proindependence opposition in Lithuania after their overwhelming victory over communism in the February 24, 1990 Lithuanian elections. The adoption of this resolution will convey to the Baltic people and to the world that the United States stands strongly behind democracy and freedom from human bondage in all of Europe.

After World War II, when the United States adopted a policy of nonrecognition of the illegal incorporation of the Baltic States into the Soviet Union, our Government made a commitment to support the people of Lithuania, Latvia, and Estonia in their struggle against Communist domination. This resolution simply reaffirms

this pledge made to the people of Lithuania 45 years ago as they continue to struggle for democracy, freedom, and independence from the Soviet Union.

My resolution congratulates the Lithuanian people on the event of the first democratic election since their forced incorporation into the Soviet Union. This resolution states that the United States supports the commitment of the Lithuanian people to multiparty democracy and independence as demonstrated in the elections of February 24, 1990.

In addition, the resolution condemns terrorist activities of the KGB in subverting the democratic process in Lithuania and condemns the recent introduction of legislation in the Supreme Soviet which calls for Moscow to take over the newly elected government in Lithuania and to nullify its decisions by imposing a state of emergency.

Mr. President, in 1940 the Soviet Union illegally occupied the independent and democratic state of Lithuania. Since the military occupation 50 years ago, the Soviet Union has equally been trying to occupy the hearts and the minds of the Lithuanian people—but they have failed dismally. The Lithuanian spirit against foreign domination and for freedom and Western ideals has rejected the ideals of communism in their ancient and proud land.

The defeat of communism and the reemergence of democracy in Lithuania is one of many steps which must be taken by the Lithuanian people in order to regain the independence stolen by Stalin and Hitler through a secret protocol to the Nazi-Soviet Nazi-Aggression Pact of 1939. While taking the steps toward independence, the Baltic people look for the support of the United States. At this crucial time, the United States should express support of the Baltic people and not give them reason to believe that the United States is backing off of its pledge to see their freedom reinstated.

On February 24, the Lithuanian people showed the world that they reject communism and its false promises. For the first time since communism was forcibly imposed in Lithuania in 1940, the Lithuanian people were able to go to the polls to elect the representatives to Parliament from a multiparty ballot. The people chose candidates who support their national aspirations for freedom and democracy and they defeated candidates who rejected self-determination and independence for Lithuania.

Lithuanian voters were given the chance to choose between several candidates and several newly emerging political parties. The umbrella Sajudis group was joined by other political groups, some of which have been instrumental for decades in the struggle against communism. For the legislative elections, Sajudis approved candidates who support the removal of Soviet troops, a free market economy, and an independent and neutral democratic Lithuanian state.

Although the elections appear to have taken place without interference from Moscow, closer inspection shows that Moscow did all it could to prevent the defeat of communism in Lithuania, including the use of the KGB security apparatus. Threats, intimidation, and blackmail have been reported by proindependence leaders in Lithuania However, these tactics were unable to subvert the democratic election.

The hardline Communists in Lithuania who still seek to remain under the control of Moscow were the big losers. The Moscow-loyal Communists received only seven seats. The candidates supported by Sajudis and members of independent political parties succeeded overwhelmingly; 90 of the 116 seats already decided belong to candidates backed by Sajudis. The Lithuanian Communist Party, which officially broke from Moscow in December, has declared its commitment to Lithuanian independence. Because of this reversal, the Lithuanian Communists received 31 seats. However, despite the success of several Communists the days of communism are clearly numbered in Lithuania.

Although runoff elections are still taking place, 116 out of the 141 seats have been decided. This is enough for the Lithuanian Parliament to hold its first session, which is planned for this weekend. The Lithuanians want to establish the Parliament firmly before Gorbachev and the Supreme Soviet in Moscow increase their powers over the Baltic States.

The Communists clearly lost in Lithuania but the party has not accepted its loss. In reaction to its defeat, just 2 days after the democratic elections, the Central Committee in Moscow introduced legislation which would give Moscow a legal excuse to take over the Government of Lithuania by declaring a state of emergency. In effect, Moscow could override any measure undertaken in the new Lithuanian Parliament that Moscow did not approve of. In addition, the Soviet Congress of People's Deputies plans to give Mikhail Gorbachev further powers next week.

Proindependence groups are very worried about Moscow's complete disregard for Lithuania's own elected Parliament and predisposition to take actions which water down democratic gains in the Baltic States. It has been reported that troops which are being withdrawn in Eastern Europe are currently restationed in the Baltic States. The use of such draconian measures are intended to crush the movement for independence and democracy in the Baltic.

Therefore, for the first order of business in the newly elected Parliament, the opposition may initiate legislation declaring the restoration of Lithuania's full independence. In addition, the new Parliament could address legislation concerning a convertible Lithuanian currency, further control over its sovereign resources, the issue of conscription of Lithuanian young men into the Red army, and the withdrawal of Soviet troops and military installations.

Mr. President, on February 24 the Lithuanian people did not want to have to vote for representatives to the Lithuanian Supreme Soviet. Instead, they would have much preferred to elect their own representatives in their own national institutions in an independent state. However, as an occupied state they had no choice but to use the Communist institutions forced upon them, providing again their commitment to independence through peaceful means. The Lithuanians will use these Soviet installed institutions until they form their own independent state.

The organization and the execution of the elections show that after 50 years of Communist domination, the Lithuanian people are courageously working to bring back the multiparty democratic system that Lithuania once enjoyed.

Over the last 2 years, political parties which had operated underground resurfaced and new parties have been formed. The opposition parties now includes the Christian Democrats, the Social Democrats, the Lithuanian Democratic Party, and the Greens as well as groups such as the Lithuanian Freedom League and the Helsinki Watch.

Several prominent leaders of newly resurrected political parties and organizations visited Washington last year to observe firsthand democracy and political pluralism in this free land. Leaders of the Christian Democrats, the Lithuanian Democratic Party, the Greens, and Sajudis visited the United States. The leaders of these new parties are courageous individuals who have dedicated, in some cases, an incredible part of their life to the patriotic cause of the Lithuanian opposition.

The leader of the Lithuanian League, Antanas Terleckas, spent 8 years in labor camps for advocating outright independence for Lithuania. The Lithuanian Freedom League is the oldest organized opposition party which emerged from the underground only 2 years ago.

Viktoras Petkus the founder of the Helsinki Monitoring Group and leader of the Christian Democratic Party, a prewar party, has spent 18 years in labor camps. Petkus was only released in 1988. Terleckas and Petkus were accompanied by Jonas Mugevicius, a representative of the Lithuanian Demo-

cratic Party. Vytautas Landsbergis, the leader of Sajudis has also visited the United States to spread the cause for freedom in the Baltic.

Together, these leaders represent not only opposition to Soviet rule in Lithuania but the beginnings of a strong, democratic, multiparty system in an independent Lithuania. However, these courageous leaders face the possibility of outside interference from Moscow on a daily basis.

The Lithuanians will fight to reinstate the democratic process that naturally follows their past success with democracy as an independent state. Despite the fact that their land still remains under Red army occupation, the Lithuanian people will not be threatened into submission. Since 1940 they have undergone deportations, political and religious perspection and russification. Not once have they given up the fight to regain their stolen independence.

For 50 years they have watched their rich and fertile Baltic land plundered and environmentally destroyed. A military presence of about 300,000 and nuclear weapon installations today remain in their sovereign territory. Baltic boys are conscripted in the Soviet army and sent to die in wars not of their making. There is very little that can be said to a Lithuanian about communism's devastation that they have not already experienced.

Therefore, the people should have their independence. For 50 years the Lithuanian people have waited patiently for their day of reckoning. Years after the war's end they still experience, on a daily basis, its criminal effects. In 1990, the Baltic people have already proved that they want to begin to live again as free nation states. They want to undo the devastating effects of the communist ideology and practice on their land such as environmental pollution, ineffective resource management, and economic mismanagement.

For all these reasons, the Baltic people will not be assuaged by vague promises of secession or piecemeal compromises which keep them within the Soviet empire. When visiting Lithuania in January, Secretary General Mikhail Gorbachev announced a plan that would allow for the eventual secession of the republics from the Soviet Union. However, acceptance of the secession plan would require Baltic States to admit that they willingly joined the Soviet Union, something they never did. The secession plan is nothing more than a desperate attempt by Moscow to postpone the inevitable independence of the Baltic nations.

Secretary General Gorbachev should let the Baltic States of Lithuania, Latvia, and Estonia go free, allowing him to concentrate on the economic problems of the Soviet empire closer to home. As citizens of Lithuania, Latvia, and Estonia, the Baltic people would not be a threat to the Soviet Union. As peaceful neighbors committed to the free market and Western ideals the Baltic States would be an asset. At this time, the United States should unwaverably support the Baltic people as they courageously move toward self-determination, freedom, and national independence.

I congratulate the Lithuanian people on the event of their first democratic elections and extend my support to the courageous opposition and the Lithuanian-American organizations working with them as they travel down the arduous road, one which they will never abandon, to independence.

Mr. President I ask unanimous consent that the article entitled "Lithuania Emergent," from the Washington Post on February 23 be printed in the RECORD

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1990]

(By Rowland Evans and Robert Novak)

LITHUANIA EMERGENT

VILNIUS, LITHUANIA.—The consensus on Mikhail Gorbachev in the first Soviet republic expected to declare independence is: "He will be overthrown later this year."

That prediction was made to us by Romauldas Ozalas, a key member of Lithuania's "new" Communist Party Politburo. Along with other party leaders, Ozalas for many months has observed Gorbachev up close here and in Moscow, measuring weakness and strength. His verdict had the clinical texture of a diagnosis stripped of the emotion so prevalant in the West, where Gorbachev's salvation is considered transcendent.

Ozalas and his compatriots know their lives are at stake. If Moscow should strike against them with force, they will feed the buzzards. But as Algirdas Brazanskas, Communist Party first secretary and Politburo boss, told us: "We have passed the threshold, and there is no way back."

What distinguishes these daring men and women from Western leaders is their stark interpretation of tumultuous recent events. They know the climate from the Byzantine recesses of the Kremlin on out to Tadjikistan and Moldavia, extremities of Gorbachev's seething domain.

There is no room for sentiment here when measuring the true condition of Soviet power. Gorbachev is seen as a collapsing leader, clever enough to have persuaded the West to negotiate an end of the Cold War on equal terms—even though the West holds the cards.

"You must understand," Bronius Genzelis told us over lunch in his Vilnius apartment, "Gorbachev is playing with the West like a cat plays with a mouse." Genzelis is a member of the Congress of People's Deputies, Gorbachev's new super-parliament in Moscow. He has been a Communist Party member for 38 years after being forced to join to take graduate training as an economist.

He now commands the team of economists drafting complex plans that must be ready for the day—possibly in early summer—when Lithuania reasserts the independence stolen from it by Joseph Stalin in 1940 after making his infamous deal with Adolf Hitler.

"The Western image that Gorbachev is democratic is not correct," Genzelis said. "He is a realist who saw the precipice" of decay and destruction in the Soviet system and then sought out the West "to avoid an explosion in his own country." This Lithuanian believes that while Gorbachev talks decentralization, his true goal is a tightening of central control and management, which he plans to put into his own hands as president of a new authoritarian government.

Vytautus Lansbergis, who heads the Sajudis independence movement, told us, "The Western powers do not fully realize that the Soviet Union has not won the Third World War, the unarmed war" for economic power." They [the Soviets] have, to the contrary, collapsed. But they are talking terms of peace as if they had won. The West talks to Gorbachev as an equal."

None of these leaders believes that Gorbachev's changes go beyond normal ambitions to extend the life of empire and his own power. In Kaunas, a two-hour drive west of here, Sajudis leaders running tomorrow's election for Lithuania's Supreme Soviet were equally skeptical.

Over lunch in the Metropole Hotel (a meal superior to any sold in Moscow), a youthful Sajudis activist told us that an estimated 20,000 KGB agents in Lithuania "are doing everything they can to block and stop our movement." He accused them of blackmailing, turning workers against intellectuals, holding up supplies for factories, breaking contracts signed by "the Center" (that means Moscow) and plotting subversion.

Will that prevent independence? No, he said. It is a reflection of growing chaos in Moscow, not yet established Kremlin policy. "This disorder shows us that the Soviet Union will not survive two more years without civil war," he added.

And Mikhail Gorbachev? He did not know, this fighter for independence said, adding quietly; "We do not love him as you do."

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

McCAIN AMENDMENT NO. 1306

Mr. McCAIN proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 547, line 20, insert "in consultation and coordination with interested members of the public and the heads of relevant Federal agencies and departments," immediately before "recommend"

On page 547, line 25, insert "and, where appropriate, seek to maximize the use of Federal research facilities and resources to assist users of substances covered by this title in identifying and developing alternatives to the use of such substances as refrigerants, solvents, fire retardants, foam blow-

ing agents, and other commercial applications" immediately after "alternatives";

On page 548, line 1, insert "in consultation and coordination with the Secretary of Defense and the heads of other relevant Federal agencies and departments, including the General Services Administration," immediately before "examine";

On page 548, line 5, strike "and";

On page 548, line 11, strike the period and insert in lieu thereof "; and

" '(4) maintain a public clearinghouse of alternative chemicals, product substitutes and alternative manufacturing processes that are available for products and manufacturing processes which use chemicals covered under this title.".

BAUCUS (AND OTHERS) AMENDMENT NO. 1307

Mr. BAUCUS (for himself, Mr. HOLLINGS, and Mr. CHAFEE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 527, following line 15, insert the following new paragraph and renumber the subsequent paragraph accordingly:

"'(2) EXCEPTION FOR AVIATION SAFETY.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, may authorize the production or importation of limited quantities of halon-1211, halon-1301 and halon-2402 solely for purposes of aviation safety if the Administrator of the Federal Aviation Administration, in consultation with the Administrator, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation safety purposes.".

On page 528, line 4, strike "and (2)" and insert in lieu thereof ", (2) and (3)".

ADAMS (AND OTHERS) AMENDMENT NO. 1308

(Ordered to lie on the table.)

Mr. ADAMS (for himself, Mr. WIRTH, and Mr. REID) submitted an amendment intended to be proposed by them to the bill S. 1630, supra, as follows:

At an appropriate place in the bill insert:

SEC. . REGIONAL HAZE IMPAIRING VISIBILITY IN CLASS I AREAS.

(a) DEFINITION.—Section 169A(g) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and" and by adding the following at the end thereof:

"(8) the term 'regional haze' means widespread regionally homogeneous haze resulting from manmade air pollution."

(b) ADDITIONAL REQUIREMENTS.—Section 169A of the Clean Air Act is amended by redesignating subsection (g) as subsection (j), and adding the following after subsection (f):

"(g) REGIONAL HAZE IMPAIRING VISIBILITY IN CLASS I AREAS.—

(1) EPA RULES.—(A) Not later than 2 years after the date of enactment of this subsection, the administrator shall propose rules, and within 3 years after such date of enactment, promulgate final rules, amending the regulations under subsection (a)(4) to assure that the requirements of this section are met with regard to regional haze.

"(B) REASONABLE PROGRESS.—The Rules under paragraph (A) shall establish criteria and procedures for determining whether reasonable progress is being made in accordance with this section. The criteria shall include a method for determining baseline visibility in each Class I area (or for Class I areas in close proximity within the same state), and for determining whether reasonable progress is being achieved. In adopting such criteria, the Administrator shall consider both annual average visibility and shorter periods that may reflect seasonal patterns or severe visibility impairment episodes."

"(2) STATE PLAN REVISIONS.—The amendments under paragraph (1) shall require that revisions of the implementation plans under subsection (b) be submitted to the Administrator within one year after promulgation of such amendments. Such plan revisions shall comply with the requirements of this section.

"(3) REGIONAL COMMISSIONS.—Any two or more States may establish interstate commissions (which may be funded in the same manner as the commissions established under section 106) to recommend to the Governors State plan provisions to carry out the requirements of this section. In making such recommendations, such commissions shall consult with the appropriate regional administrators of the Environmental Protection Agency and the Federal land managers.

"(4) REVIEW AND APPROVAL.—The Administrator shall review each State plan revision submitted under this part and determine if the revised plan meets the requirements of this part. If the revised plan meets the requirements of this part the Administrator shall approve the plan revision. If the plan revision fails to meet such requirements, the Administrator shall disapprove the plan and so notify the State. If no plan revision is approved within 24 months after the date on which it is required to be submitted to the Administrator, the Administrator shall (on that date) promulgate a plan revision for such State which complies with the requirements of this part.

"(5) STATUTORY REQUIREMENTS.—If the Administrator fails to promulgate regulations under this subsection within 3 years after enactment of this subsection, each stationary source of sulfur dioxide emissions which (A) is located within 200 miles of any mandatory Class I area referred to in subsection (a)(2), (B) emits more than 2,500 tons of sulfur dioxide annually, and (C) is not required to reduce sulfur dioxide emissions under title V of this Act shall (within 6 years after enactment of this subsection) achieve such emission reductions as may be obtained through the adoption of reasonably available control technology for the control of sulfur dioxide emissions. The level of such emissions reduction shall be the same level as required pursuant to new source performance standard under section 111 for any source to which a standard under that section would apply if the source were a new source within the meaning of that section unless the Administrator determines such level is not reasonably achievable. For purposes of applying the 2,500 ton limit specified in subparagraph (B), all emissions from sources located in a contiguous area and under common control shall be taken into account. For purposes of enforcement, any violation of this paragraph shall be treated as a violation of a permit under this part.

"(h) REVIEW OF PROGRESS TOWARD NATIONAL GOAL.—(1) The Administrator, in consultation with the Federal Land Manager for each mandatory Federal class I area referred to in subsection (a)(2), shall periodically review the status of visibility impairment in such areas and determine whether reasonable progress toward the national goal set forth in subsection (a) is being achieved.

"(2) Whenever the Administrator determines that reasonable progress toward the national goal set forth in subsection (a) is not being achieved, the Administrator shall require such revisions of the applicable implementation plan or plans for such area as are necessary to make reasonable progress toward such national goal. The Administrator shall require that such plan revisions be submitted within one year after making any such determination. The first review under this subsection shall be completed 6 years after the date required for promulgation of the regulations required by subsection (g), and subsequent reviews shall be completed at 5-year intervals thereafter. The Administrator shall not require plan revisions in any State if he determines that such State has adopted all measures that can feasibly be implemented. The determinations made by the Administrator under this subsection shall be after notice and an opportunity for public comment.

"(3) At a minimum, for any class I area to which this section applies, reasonable progress toward the national goal set forth in subsection (a) shall include each of the following:

"(A) Preservation of the frequency of days in which the visibility in the area is least impaired by manmade air pollution.

"(B) Over each review period, there shall be a perceptible improvement in average visibility in the area for the typical observer, as compared to the average visibility in the area for the typical observer during the prior review period.

"(C) Over each review period, there shall be a perceptible improvement in visibility in the area for the typical observer during the times of worst visibility attributable to manmade air pollution, as compared to the times of worst visibility attributable to manmade air pollution during the prior review period.

"(i) RELATIONSHIP OF OTHER PROVISIONS.—In promulgating regulations and amendments to regulations under this section, the Administrator shall take into account the reductions in air pollution obtained pursuant to other provisions of this Act, including the reductions obtained under title V. The requirements of this section shall not affect the number of allowances which may be allocated or issued to any unit or source under title V.".

(c) DETERMINATIONS UNDER SECTION 169A(b).—Section 169A(b) of the Clean Air Act is amended by adding the following at the end thereof: "The State (or the Administrator as the case may be) shall make the determinations under paragraph (2)(A) within 3 years after the enactment of this sentence for stationary sources within 100 miles of any class I area referred to in subsection (a)(2) which emit or have the potential to emit 10,000 tons or more of sulfur dioxide per year. (For purposes of applying the preceding sentence, a stationary source includes any group of stationary sources of sulfur dioxide emissions located within a contiguous area and under common control.) The Administrator shall, within 1 year after the enactment of this sentence and in

consultation with the Federal land managers, publish guidelines regarding the manner in which the determinations under paragraph (2)(A) shall be made.".

(d) NONVISIBILITY IMPACTS.—Section 169A(g) of the Clean Air Act is amended by striking "nonair quality" in each place it appears in paragraph (1) and (2).

SEC. . CLASS I AND II AREAS.

(a) CLASS I AND II AREAS.—Section 164(a)(1) of the Clean Air Act is amended by adding after "seashore" the words "or national historical park, regardless of the date on which established".

(b) NATIONAL PARK AND WILDERNESS AREAS.—Section 164 (a)(2) of the Clean Air Act is amended by striking out "ten thousand acres in size" and inserting "5,000 acres in size (in the case of a national wilderness area) or 6,000 acres in size (in the case of a national park)".

(c) EXPANDED CLASS I AREA BOUNDARIES.—Section 162(a) of the Clean Air Act is amended by inserting after "Amendments of 1977" the phrase "(including any lands added to such parks or wilderness areas after enactment of the Clean Air Act Amendments of 1977)"

(d) PUBLIC HEARINGS.—Section 164 (b)(1)(A) of the Clean Air Act is amended by inserting in the first sentence after "redesignated" the phrase "(or as near as practicable to such area in the case of a wilderness area)".

(e) ADVERSE IMPACTS ON AIR QUALITY-RELATED VALUES.—Section 165(d)(2)(C) of the Clean Air Act is amended by striking out clause (ii), by inserting "or air quality-related values" after "air quality" and by adding the following before the period at the end of clause (i) "or have an adverse impact on the air quality-related values (including visibility) of such lands".

(f) NOTICE TO FEDERAL LAND MANAGERS.—Section 165(d)(2)(A) of the Clean Air Act is amended to read as follows: "(A) At the same time as the State transmits a copy of a permit application and notice under paragraph (1) to the Administrator, the State shall also provide a copy thereof to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within a class I area, or an area described in paragraph (1) or (2) of section 164(a), which may be affected by emissions from the proposed facility. The Administrator shall require applications submitted under paragraph (1) to contain sufficient information to enable the Federal Land Manager of such Federal lands to determine the effects of such facility on the air quality related values (including visibility) of such Federal lands. The permitting authority shall consult with the Federal Land Manager for each such area to determine if the application is complete.".

(g) POLLUTANTS COVERED.—Section 165(d)(2)(C)(i) of the Clean Air Act is amended by striking out "particulate matter and sulfur dioxide" and inserting "any air pollutant regulated under the act."

(h) AREAS DESCRIBED IN SECTION 164(a) (1) OR (2).—(1) Section 165(d)(2)(D)(i) of the Clean Air Act is amended by striking out ", in the case of Federal mandatory class I areas,".

(2) Section 165(d)(2) (B) and (D) of such Act are each amended by inserting ", or an area described in paragraph (1) or (2) of section 164(a)," after "class I area" in each place such phrase appears.

(3) Section 165(d)(2)(C)(i) of such Act is amended by inserting ", or an area described in paragraph (1) or (2) of section 164(a)," after "class I area" in the first place such phrase appears.

(4) Section 165(d)(2)(C)(iii) of such Act is amended by inserting ", or areas described in paragraph (1) or (2) of section 164(a), as the case may be," after "class I areas".

(5) Section 165(d)(2)(C)(i) of such Act is amended by striking out "for a class I area" and inserting "applicable to the area under section 163 or 166".

(i) POSTCONSTRUCTION MONITORING.—Section 165(a)(7) of the Clean Air Act is amended by adding the following before the "; and" the phrase "and on resources at risk in class I areas, including visibility, which may be affected by emissions from the proposed facility".

(j) ADVERSE IMPACTS.—Section 165(d)(2)(C) of the Clean Air Act is amended by adding the following at the end thereof:

"(v) In determining under this subparagraph or subparagraph (B) whether emissions from a facility will have an adverse impact on air quality-related values (including visibility), allowable emissions from other existing and permitted sources shall also be taken into account."

(k) PRECONSTRUCTION MONITORING.—The first sentence of section 165(e)(2) of the Clean Air Act is amended by inserting the following before the period at the end thereof: "and to determine the effect emissions from such facility may have on resources at risk in class I areas, including visibility, which may be affected by emissions from the proposed facility".

(l) IDENTIFICATION OF POTENTIAL ADVERSE IMPACTS.—Section 165(d)(2)(B) of the Clean Air Act is amended by adding the following at the end thereof: "The Federal land manager charged with the direct responsibility for management of such lands may, by rule, identify the air quality related values of such lands and the potential adverse impacts on such values which a new or modified major emitting facility may cause or contribute to. Prior to identification of an air quality related value by rule, the Federal land manager may identify such values and adverse impacts on a case by case basis."

(m) SAVINGS PROVISIONS.—Section 310(a) of the Clean Air Act is amended by adding the following at the end thereof: "Nothing in this act shall be construed to limit any remedy otherwise available to the United States under any other authority of law (including common law) for injury or damages to property or facilities of the United States."

SANFORD (AND OTHERS) AMENDMENT NO. 1309

Mr. SANFORD (for himself, Mr. KOHL, Mr. KASTEN, Mr. BREAUX, Mr. GRASSLEY, and Mr. HELMS) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 279 beginning on line 13 strike "Federal, State, or local" and insert in lieu thereof "Federal".

On page 278 beginning at line 11 strike "from the source on or before December 31, 1992" and insert in lieu thereof: "which are listed in subsection (e)(1)(A) from the source on or before the date three years after the date of enactment of this paragraph and has achieved a voluntary reduction of 90 per centum or more in emissions of all other hazardous air pollutants (95 per centum or more in the case of pollutants which are particulates) from the source on or before the date four years after the date of enactment of this paragraph.".

On page 280 line 15 insert "or which requires a substantial capital investment (as determined by the Administrator) by the source" after "by the source".

WIRTH (AND ARMSTRONG) AMENDMENTS NOS. 1310 THROUGH 1313

Mr. WIRTH (for himself and Mr. ARMSTRONG) proposed four amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT NO. 1310

On page 210, add a new subsection 213(c), as follows:

(c) IN-USE TESTING AT HIGH-ALTITUDE.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(6) The Administrator shall at all times maintain at least one testing center which shall be located at a site that represents high-altitude conditions to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class of vehicle and engine to which regulations under section 202 apply conforms to the emission standards of such regulations. The Administrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes or categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purposes of this paragraph, the term "high-altitude conditions" refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act. Preference shall be given to existing in-use vehicle emission testing and research centers located at high-altitude conditions."

AMENDMENT NO. 1311

On page 201, add a new subsection 208, as follows:

(c) RESEARCH ON HEAVY-DUTY VEHICLES.—Secton 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) The Administrator, in cooperation with the Secretary of Energy and the Administrator of the Urban Mass Transportation Administration, and such other agencies as the Administrator deems appropriate, shall establish a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and nonroad engines and vehicles, which shall be located at a high-altitude site that represents high-altitude conditions. In establishing and funding such a center, the Administrator shall give preference to proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section."

AMENDMENT No. 1312

On page 135, add a new subsection 113(c), as follows:

(c) Section 103 of the Clean Air Act is amended by adding at the end thereof the followng new subsection:

"( ) CENTER FOR RESEARCH ON ENVIRONMENTAL LUNG DISEASE.—The Secretary of Health and Human Services shall establish a National Research Center for Environmental Lung Disease for the purpose of conducting research, disseminating information, and developing new methods of diagnosis and treatment of respiratory illnesses caused by pollution and other environmental factors. For the purposes of this subsection, the Secretary of Health and Human Services is authorized to provide up to $15 million in assistance to a qualified medical center to develop, construct, and acquire materials, facilities and equipment necessary for those purposes: Provided, that such assistance shall comprise no more than 50 per cent of the total costs of such project.

AMENDMENT No. 1313

On page 146, add a new subsection 174(d), after line 5, as follows:

"(1) The head of each Federal agency shall, in consultation with local health or air pollution control authorities within a nonattainment area, determine whether the implementation of an alternative work schedule plan for such agency in accordance with the provisions of paragraph (2) will reduce air pollution within such nonattainment area.

(2) If there is a determination under paragraph (1) that an alternative work schedule plan would reduce air pollution within a nonattainment area without jeopardizing the mission of the agency or hindering its service to the public, such head of the agency shall—

(1) implement an alternative work schedule plan in accordance with the provisions of subchapter II of Chapter 61 of title 5, United States Code, for employees of such agency within such area; and

(2) to the greatest degree practicable, include employees within such area performing services pursuant to a contract with such agency in a similar alternative work schedule to coordinate and maximize the reduction of such air pollution."

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1314

Mr. MOYNIHAN (for himself, Mr. MITCHELL, and Mr. DOLE) proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 512 of amendment No. 1293, at the beginning of line 5, insert the following, and renumber succeeding sections accordingly:

SEC. 611. Section 312 of the Clean Air Act is amended to read as follows:

"SEC. 312. ECONOMIC IMPACT ANALYSES.

"(a) The Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis (as established under subsection (f) of this section), shall conduct a comprehensive analysis of the impact of the Act on the public health, economy, and environment of the United States. In performing such analysis, the Administrator should consider the costs, benefits and other effects associated with compliance with each standard issued for—

"(1) a criteria air pollutant subject to a standard issued under section 109;

"(2) a hazardous air pollutant listed under section 112, including any technology-based standard and any risk-based standard for such pollutant;

"(3) emissions from mobile sources regulated under title II of this Act;

"(4) a limitation under title IV of this Act for emissions of sulfur dioxide or nitrogen oxides;

"(5) a limitation under title V of this Act on the production of any ozone-depleting substance; and

"(6) any other section of this Act.

"(b) In describing the benefits of a standard described in subsection (a), the Administrator shall consider all of the economic, public health and environmental benefits of efforts to comply with such standard. In any case where numerical values are assigned to such benefits, a default assumption of zero value shall not be assigned to such benefits unless supported by specific data. "EPA should be required to assess how benefits are measured in order to assume that damage to human health and the environment are more accurately measured and taken into account."

"(c) In describing the costs of a standard described in subsection (a), the Administrator shall consider the effects of such standard on employment, productivity, cost of living, economic growth, and the overall economy of the United States.

"(d)(1) Not later than 12 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis, shall submit a report to the Congress that summarizes the results of the analysis described in subsection (a), which reports—

"(A) all costs incurred previous to the date of enactment of the Clean Air Act Amendments of 1989 in the effort to comply with such standards; and

"(B) all benefits that have accrued to the United States as a result of such expenditures.

"(e) Not later than 24 months after the date of enactment of the Clean Air Act Amendments of 1989, and every 24 months thereafter, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis, shall submit a report to the Congress that updates the report issued pursuant to subsection (d), and which in addition makes projections into the future regarding expected costs, benefits and other effects of compliance with standards pursuant to this Act as listed in subsection (a).

"(f) Not later 6 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce and the Secretary of Labor, shall appoint and Advisory Council on Clean Air Compliance Analysis of not less than 9 members (hereafter in this section referred to as the 'Council'.) In appointing such members, the Administrator shall appoint recognized experts in the fields of the health and environmental effects in the fields of the health and environmental effects of air pollution, economic analysis, environmental sciences, and such other fields that the Administrator determines to be appropriate.

"(g) The Council shall—

"(1) review the data to be used for any analysis required under this section and make recommendations to the Administrator on the use of such data;

"(2) review the methodology used to analyze such data and make recommendations to the Administrator on the use of such methodology; and

"(3) prior to the issuance of a report required under by subsection (d) or (e), review the findings of such report, and make recommendations to the Administrator concerning the validity and utility of such findings.".

MOYNIHAN (AND REID) AMENDMENT NO. 1315

Mr. MOYNIHAN (for himself and Mr. REID) proposed an amendment, which was subsequently modified, to amendments No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Insert where appropriate in Title VI of the bill:

"SEC. . EPA PARTICIPATION IN THE INTERAGENCY GROUP ON MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency (or the designee thereof) shall coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetc levitation systems for use along the interstate highway right-of-way and other appropriate rights-of-way. The Administrator of the Environmental Protection Agency (or the designee thereof) shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later that 12 months after the date of enactment of this act.

CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH

SPECTER AMENDMENT NO. 1316

(Ordered referred to the Committee on the Judiciary.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (S. 1972) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL OVERSIGHT OF FEDERAL LAW ENFORCEMENT EFFORTS.

Subdivision (e)(3)(C) of rule 6 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "or" at the end of clause (iii);

(2) striking the peroid at the end of clause (iv) and inserting "; or";

(3) adding after clause (iv) the following:

"(v) with respect to closed cases and when permitted by a court, to members of the Senate and House Judiciary Committees, or their designees, upon a showing that the matters occurring before the grand jury are directly related to congressional oversight of Federal law enforcement efforts."; and

(4) adding at the end thereof the following: "For purposes of clause (v), a case is closed when, in a case in which an indictment is returned by a grand jury, the defendant is convicted by either a trial or a plea and has no direct appeals remaining or is acquitted. In a case in which a grand jury has not returned an indictment, the case is closed under clause (v) once the statute of limitations has run out on the most serious crime for which the grand jury could indict or the prosecutor has announced that all grand jury proceedings have been concluded or has declined to prosecute anyone.".

CLEAN AIR ACT AMENDMENTS

STEVENS (AND OTHERS) AMENDMENT NO. 1317

Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. CHAFEE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of title II add the following new section:

"SEC. 222. FEDERAL COMPLIANCE.

SEC. 222. (a) GENERAL COMPLIANCE.—Section 118 of the Clean Air Act is amended by inserting "GENERAL COMPLIANCE.—" after "SEC. 118.(a)".

(b) SPECIFIC COMPLIANCE.—Section 118 is further amended by adding at the end thereof the following new subsections:

"(c) IMPLEMENTATION PLAN PROVISIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of any implementation plan submitted by a State and approved by the Administrator as provided in section 110(a) and part D.

"(d) EMISSION INVENTORIES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall submit all relevant and requested information regarding air pollutant emissions as expeditiously as possible following a request for such information from an appropriate Federal, State, or local agency.

"(e) GOVERNMENT VEHICLES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal Government shall comply with all applicable provisions of a valid inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g) except for such vehicles that are considered military tactical vehicles.

"(f) VEHICLES OPERATED ON FEDERAL INSTALLATIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal Government having jurisdiction over any property or facility shall require all owners of nonfederally owned motor vehicles which operate on the property or facility to furnish proof of compliance with the requirements of any vehicle inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g). The installation shall use one of the following methods to establish proof of compliance—

"(1) presentation by the vehicle owner of a valid certificate of compliance from the vehicle inspection and maintenance program;

"(2) presentation by the vehicle owner of proof of vehicle registration within the geographic area covered by the vehicle inspection and maintenance program (except for any program whose enforcement mechanism is not through the denial of vehicle registration);

"(3) another method approved by the vehicle inspection and maintenance program administrator."

DOLE (AND SYMMS) AMENDMENT NO. 1318

Mr. DOLE (for himself and Mr. SYMMS) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 318, end of line 24, insert the following new paragraph:

"( ) Any emissions standards established pursuant to this section for a category or subcategory of sources of emissions of ammonia shall not apply to a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes, as described in the regulations under 49 CFR 173.315(m), as in effect on the date immediately preceeding the date of the enactment of the Clean Air Act Amendments of 1989.

LAUTENBERG AMENDMENT NO. 1319

Mr. LAUTENBERG proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 216, strike all after "be" on line 11 through line 23, and insert in lieu thereof:

"2.7 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: Provided, That, such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 2.7 per centum or greater."

GRAND ISLAND NATIONAL RECREATION AREA

RIEGLE AMENDMENT NO. 1320

(Ordered to lie on the table.)

Mr. RIEGLE submitted an amendment intended to be proposed by him to the bill (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes, as follows:

On page 5, line 23, insert ", stepchildren," after "children".

On page 7, lines 10 and 11, strike "the date of enactment of this Act" and insert "January 1, 1990".

On page 8, line 14, strike "historically consistent" and insert "architecturally compatible".

On page 9, line 11 insert "stepchildren," after "adopted),".

CLEAN AIR ACT AMENDMENTS

GORTON (AND OTHERS) AMENDMENT NO. 1321

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. DIXON, Mr. BOSCHWITZ, Mr. LOTT, Mr. SPECTER, Mr. MCCONNELL, and Mr. COHEN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end, add the following new section:

SEC. . ACTIONS TO ENCOURAGE GLOBAL ENVIRONMENTAL PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Global Clean Air Incentive Act".

(b) FINDINGS.—The Senate finds that—

(1) global air pollution has adverse health effects on United States citizens;

(2) businesses in the United States are disadvantaged in international markets due to the costs of reducing air polluting emissions, resulting in the potential loss of jobs for working Americans;

(3) air pollution released anywhere adversely affects the Earth's environment;

(4) foreign polluters, which are not required to pay pollution control costs comparable to those paid by businesses in the United States, should not be allowed to undersell United States businesses on comparable products as a result of savings made by not incurring pollution control costs;

(5) an import fee will reduce the incentive for domestic businesses to eliminate domestic jobs by siting business facilities in foreign countries;

(6) an import fee will equalize international competition and prevent unfair competitive advantage being gained by air polluting foreign industries that are not required to meet air pollution standards comparable to the Clean Air Act;

(7) an import fee will insure that the prices of foreign goods produced by air polluting industrial processes reflects the same costs incurred by domestic businesses meeting air quality standards under the Clean Air Act;

(8) the United States has an obligation to provide global leadership to promote pollution control while at the same time continuing its economic and political leadership; and

(9) the legislation proposed in subsection (d) will enhance global environmental protection by providing an equitable mechanism through which all countries can pay pollution control costs while maintaining economic competitiveness.

(c) REQUEST.—In recognition of the prerogative of the House of Representatives under the Constitution to originate bills raising revenue, the Senate most respectfully requests that the House of Representatives amend this Act to include the provisions described in subsection (d).

(d) REQUESTED PROVISIONS.—The provisions referred to in subsection (c) are provisions that would—

(1) require the Secretary of Commerce to implement on January 1, 1992, a schedule of fees which would be—

(A) imposed on any product imported into the United States that has been subject to processing, or manufactured from a process, which does not comply with the air quality standards prescribed under the Clean Air Act, and

(B) in an amount (adjusted annually), according to industry groupings, equal to the differential between the cost incurred by businesses located in the United States in meeting such air quality standards and any expenditures made by foreign businesses to reduce air polluting emissions; and

(2) make the revenues derived from any of such fees available to fund programs that enhance the export of products of the United States, the costs of which are increased by the Clean Air Act.

(e) NEGOTIATIONS.—The United States Trade Representative shall take steps to initiate for negotiations an amendment to the General Agreement on Tariffs and Trade that would allow any country to impose additional duties on the importation of products of any foreign country that does not comply with air quality standards comparable to those prescribed under the Clean Air Act.

● Mr. GORTON. Mr. President, this clean air bill is intended to protect the health of all Americans and improve the environment here and across the globe. As we consider this bill we must remember that there is no environmental medium not earth, not even water, as transient, as "global" in nature as air. Air circles the globe in just a few short weeks. So our efforts here to propound this new standard for environmental responsibility are of global importance.

Just as our actions here have important ramifications for the global environment, so too do our actions have important ramifications for the global economy. The workers of industrial America, and yes, even corporate managers, share our desire for a cleaner Earth. But they know firsthand that our economy today is as global as the air itself, as interdependent as the ecosystems of Mother Earth. Thus, this bill as drafted presents American workers and corporate managers with a terrible dilemma—either remain in the United States and suffer losses in the international marketplace, or, move the business overseas, continue to pollute and replace Americans with foreign workers. That dilemma is the reason that American businesses, on whom it will fall most heavily to meet these new standards ask us: can we meet these standards and also remain competitive with our international counterparts not subject to these standards?

With all of our efforts to improve the environment, if by our efforts we drive up costs to U.S. businesses we may drive those same businesses to locate in other countries where the costs of pollution control measures do not equal our own. If we drive our polluting industries to other countries we have done nothing to improve the global environment and have only harmed our economic future.

I believe, Mr. President, that the amendment I am introducing is a solution to this problem. We can pass a strong Clean Air Act that will promote global environmental protection without making American businesses less competitive in the international marketplace. That is why I offer this amendment.

The first half of this proposal is a sense of the Senate amendment calling for the imposition of import fees on all imported goods made from a process that does not meet pollution control standards equal to those found in our Clean Air Act. The fee imposed will equal the difference between the costs born by U.S. businesses in complying with the Clean Air Act and any expenditures made by foreign producers to reduce air pollution. The amendment here is sense of the Senate because I recognize the constitutional authority of the House of Representatives to initiate revenue measures.

The amendment also directs that the U.S. Trade Representative negotiate a GATT amendment allowing any country to impose duties on another country's goods that do not comply with comparable clean air standards.

Without this amendment foreign polluters selling products here will not be required by pay pollution control costs comparable to those paid by American businesses. Without this amendment, foreign polluters will undersell our businesses on comparable products as a result of savings made by not incurring pollution control costs. Without this amendment the global environment will continue to be polluted by unregulated foreign businesses.

With this amendment we can reduce economic damage to American business and American industrial workers as our Nation works to achieve cleaner air. We should not punish American business while we let the foreign polluters off scott-free. An import fee, levied against foreign polluters, will ensure that the prices of imported goods produced by air polluting industrial processes reflect the same costs incurred by domestic businesses meeting clean air standards. With this amendment we can protect the global environment by eliminating any incentive for United States and foreign businesses to continue to pollute the Earth's air.

This amendment takes a long first step toward establishing global clean air standards. Industrial air pollution released anywhere affects people everywhere. Air pollution does not respect national borders. The greenhouse effect and global warming will get worse if significant reductions in polluting emissions are not made across the globe. It is irrelevant to the global environment whether pollution is released in the United States or in a foreign country. Passage of the Clean Air Act, without this amendment will not protect the health of American citizens. We must provide incentives to all industry, both here and abroad, to reduce air pollution. This amendment provides that incentive.

The President has made it clear, and I agree, that the United States has obligation to provide global leadership to promote pollution control in addition to continuing our economic and political leadership. This legislation enhances global environmental protection by providing an equitable mechanism through which all countries can pay pollution control costs while maintaining economic competitiveness.

There will be critics of this proposal. Free trade theorists argue against any import restrictions. As a general principle I support free trade and free markets. President Bush however has expressed his support for trade that is both free and fair. Again, I agree.

Let's consider free and fair trade. All people, from all countries, breathe the same air. All people are hurt by polluted air. All people, from all countries will benefit from the passage of our Clean Air Act.

With this in mind, is it fair that only our businesses and our workers pay for the global benefit of making the air cleaner? Does free trade theory require that U.S. companies choose between moving to foreign countries or staying here and raising the price of U.S. produced goods with the result that foreign polluters to avoid those costs in their products, and thus have a competitive advantage over regulated U.S. companies? With this amendment, all Senators must decide whether free trade theory is more important than economic fairness, the health of our citizens and global environmental protection.

This amendment will promote fair trade, protect the environment and the health of Americans. That is why it is endorsed by the environmental groups concerned with this bill. I believe that these are worthy goals. I hope that all Senators will support this amendment.●

INOUYE AMENDMENT NO. 1322

Mr. INOUYE (for himself, Mr. STEVENS, Mr. MURKOWSKI, and Mr. MATSUNAGA) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 212 after line 15;

At the end of section 213, or the appropriate section of the bill relating to Fuel Vola-

tility, strike the closing quotation marks and period and insert:

"(5) The provisions of this subsection shall apply only to the 48 contiguous States and the District of Columbia."

MOYNIHAN (AND REID) AMENDMENT NO. 1323

Mr. MOYNIHAN (for himself and Mr. REID) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Page 14, line 15 after "Secretary of Transportation," insert "and after providing public notice and opportunity for comment,".

Page 16, line 24 strike "and".

Page 17, line 3 after "conditions" insert "; and "(xv) employer-sponsored programs to permit flexible work schedules".

Page 50, line 8 after "downtown" insert "other commercial, and residential" and after "avoid" insert "increasing or".

Page 76, line 16 after "demonstration." insert "In considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them.".

Page 78, line 19 through page 79, line 2 strike entirely and replace with "The State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards."

Page 79, line 2 after "standard;" insert "in considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them;"

Page 111, line 6-18 strike entirely after "MEASURES.—" and replace with "In revisions submitted pursuant to section 188(g) for any serious nonattainment area, the State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards. In considering such measures, the State should ensure adequate access to downtown, other commerical, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them."

DOLE (AND OTHERS) AMENDMENT NO. 1324

Mr. DOLE (for himself, Mr. NICKLES, and Mr. BOREN) an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of the amendment, add the following new title:

TITLE —MISCELLANEOUS EXEMPTIONS

EXEMPTIONS FOR STRIPPER WELLS

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title I of the Clean Air Act Amendments of 1989 relating to the regulation of areas designated under section 107 of the Clean Air Act, other than areas designated as severe or extreme pursuant to such section or part D of such title and the amendments made by such provisions, shall not apply with respect to the production of and equipment used in the exploration, production, development, storage or processing of—

(1) oil from a stripper well property, within the meaning of the June 1979 energy regulations (within the meaning of section 4996(b)(7) of the Internal Revenue Code of 1986, as in effect before the repeal of such section); and

(2) stripper well natural gas, as defined in section 108(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3318(b)).

DOLE AMENDMENT NOS. 1325 AND 1326

Mr. DOLE proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT NO. 1325

On page 399, line 20, after the period, insert the following new sentence:

"If the Administrator determines that the use of a code that prescribes safety standards for equipment design, procedures, and systems developed by a professional organization or entity (including the American National Standards Institute and the American Society of Mechanical Engineers) is appropriate, the Administrator shall require the use of such code.".

AMENDMENT NO. 1326

On page 321, line 4, after the period, insert the following new sentence: "Such term shall not include a release from a vent or relief valve, or a release that results from a disturbance in a process (commonly referred to as a 'process upset') that is planned and designed to prevent catastrophic events.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The first hearing will be held on March 28, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on the following measures currently pending in the subcommittee. The measures are:

S. 456 and H.R. 1109, on the provisions of the bill designating the California National Historic Trail as a component of the National Trails System;

S. 465 and H.R. 1159, to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; and

S. 1756, to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine;

S. 1864 and H.R. 76, to amend the Wild and Scenic Rivers Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the wild and scenic rivers system;

S. 2059, to establish the Weir Farm National Historic Site in the State of Connecticut; and

S. 2208, to provide for the issuance of a 7-day admission permit for the Grand Circle Adventure comprising 7 national parks in Utah, Colorado, and Arizona.

The second hearing will be held on April 5, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on S. 2117 and H.R. 2570, to designate certain lands as wilderness in the State of Arizona.

The hearings will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC. Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding these hearings, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 7, 1990, at 8:30 a.m. for a hearing on the Civil Rights Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 7, at 2 p.m. to hold a hearing on the status of arms control negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 7, at 9 a.m. to hold a hearing in preparation for the 1990 farm bill as it relates to dairy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 7, at 9:30 a.m. to hold a hearing on the future of NATO military strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee be authorized to meet in open session on Wednesday, March 7, 1990, at 9:30 a.m. to receive testimony on the operation and maintenance programs, including the impact of the defense management report on logistics programs, in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet in open session on Wednesday, March 7, 1990, at 2 p.m. to receive testimony on operational requirements and military strategies for strategic forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the International Finance and Monetary Policy Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, March 7, 1990, at 10 a.m. to hold oversight hearings on the reauthorization of the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 7, 1990, at 2:30 p.m., to hold a hearing on the nomination of John R. Dunne, to be Assistant Attorney General for the Civil Rights Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, Wednesday, March 7, 1990, 9:30 a.m. for a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIRED U.S. AIR FORCE COL. FREDERICK O. RUDESILL

● Mr. HEINZ. Mr. President, I rise today to recognize retired Air Force Col. Frederick O. Rudesill, whose dedication and devotion to the U.S. armed services, is in the highest American traditions of service to our country.

Although Colonel Rudesill is a humble man, the true measure of his character, courage, and sense of duty can be found in the respect, affection, and high esteem he has earned from those who served with him.

Frederick Rudesill served in the Headquarters Special Troops at the Army War College at Carlisle, PA, then under the command of Lt. Gen. Leslie J. McNair—as many of my colleagues are aware, this institution now bears his name. Then Major Rudesill became the adjutant to the post commander. A capacity in which he was charged with the daily operation of the base.

As a testament to his achievements and accomplishments at the Army War College, Frederick Rudesill was transformed "in grade" to the Army Air Force, where he served as the administrative assistant to a general in the Air Service Command at Patterson Field. Shortly thereafter, Major Rudesill was promoted to the rank of colonel and given a combat command with the 559th Air Services Group on Okinawa. Through his energy and outstanding leadership, the 559th was shaped into an exceptionally well-disciplined and effective outfit. Under his command and direction, the 559th provided service and support to B-29 bomber squadrons at Okinawa that were vital to the successful conduct of that phase of allied operations in the Pacific.

Mr. President, I am pleased to have been asked to recognize this outstanding American. Col. Frederick Rudesill was a soldier's soldier—dedicated, determined, intelligent, and courageous. I ask that my distinguished colleagues join me in recognizing his many achievements and accomplishments, and in thanking him for his many years of selfless service to God and country.●

FEDERAL LAW ENFORCEMENT COMPENSATION

● Mr. BOSCHWITZ. Mr. President, today I am pleased to be an original cosponsor of Senator DECONCINI's Federal law enforcement compensation bill.

As a commissioner on the National Advisory Commission on Law Enforcement, I have learned of the recruitment and retention problems of Federal law enforcement agencies. The legislation introduced responds to many of the recommendations of the Commission. It was determined the major recruitment and retention problem facing Federal law enforcement is competing with State and local agencies that pay their law enforcement officers more money. The legislation introduced today addresses this problem.

This bill, Mr. President, will establish a special salary scale for law enforcement officers to compete with the salaries of State and local law enforcement officers. This will include the city of Minneapolis which I am proud to represent. The bill will also establish a locality pay differential in areas of high cost of living; it will provide a one-time relocation bonus; it will provide a bonus to Federal officers with proficiency in a foreign language; and it will increase the age of retirement from 55 to 57.

This legislation is not without cost. It is estimated the cost will be around $150 to $200 million per year. However, when these law enforcement officers are risking their lives to fight a war on drugs, we must be willing to compensate them adequately.

Once again, I am pleased to be an original cosponsor of Senator DECONCINI's bill, and I encourage my colleagues to support it.●

EASTERN OVERRIDE FAILURE

● Mr. METZENBAUM. Mr. President, this is a sad day for America's working men and women. Earlier today, by a 261-to-160 vote, the House of Representatives failed to achieve the two-thirds majority necessary to override President Bush's veto of the bill to create a bipartisan, blue-ribbon Commission to investigate the labor dispute at Eastern Airlines.

The Senate will not have the chance to override the veto. Let me be clear. I think the President made a terrible mistake when he vetoed this bill. I am confident that an overwhelming majorty of Senators would have joined me to override this unfortunate veto.

The people and communities that depended on Eastern—the thousands of workers, creditors, travelers, cities, and towns—are entitled to a factfinding investigation by a neutral panel. That is all this bill called for.

President Bush vetoed it nonetheless. I do not understand what the President is afraid of. The commission proposed in the bill had no power to settle the dispute. It had no power to order a return to the status quo. It only had the power to investigate and recommend—the power to shine a little sunlight on this shadowy situation.

President Bush's veto cannot be squared with this administration's pious pronouncements about the trade union movement. The President has eagerly embraced labor unions in Eastern Europe, and has received Lech Walesa at the White House as a hero. But, for more than a year, he has repeatedly and callously turned his back on thousands of workers and their families here at home.

These loyal, hard-working employees of Eastern Airlines have fought to save their airline from grossly incompetent managers, led by the notorious Frank Lorenzo. Mr. Lorenzo may be an expert in shifting assets among a maze of subsidiaries or in manipulating the bankruptcy laws of this country, but he does not have a clue as to how to run an airline.

Mr. Lorenzo bought once-proud Eastern Airlines and proceeded to pilot it into a tailspin. He pillaged the company's assets for the benefit of his holding company. He alienated his work force. He drove away hordes of customers who were fed up with his poor service. He had creditors baying at his heels before he retreated to his favorite playing field: The debtor-friendly confines of the bankruptcy court.

Even within those friendly confines, Mr. Lorenzo and his cadre of hired guns were unable to hide their incompetence. Every week we were treated to a new prediction on how the new Eastern would emerge, like the Phoenix, from the ashes of bankruptcy. There was a plan for a small-scale airline that would pay off all creditors in full. That scenario bought Mr. Lorenzo some time, until the creditors realized it was totally unrealistic. Then there was talk of a more expanded Eastern.

But talk is cheap. The new Eastern is a mere shell of its former self. There has been a veritable fire sale of assets to try to raise cash to keep the airline flying.

The sale of Eastern's assets is nothing new. That has been Mr. Lorenzo's standard operating procedure since he bought the airline in 1986.

As the special bankruptcy examiner, David Shapiro, concluded, there was "no clear evidence that the acquisition (of Eastern) by Texas Air was anything other than harmful to Eastern economically." Mr. Shapiro found that Mr. Lorenzo and his managers "entertained the notion to cherry pick Eastern assets to the benefit of Continental," Mr. Lorenzo's nonunion airline.

One glaring example of this practice was the sale of Eastern's valuable computer reservation system to Mr. Lorenzo's holding company. Mr. Lorenzo paid Eastern $100 million and just recently sold 50 percent of that same system for $250 million.

Because of such egregious self-dealing, Texas Air was forced to return nearly $300 million to Eastern. A neutral, bipartisan panel could have—and should have—examined these deals.

I am aware that Mr. Shapiro opposes creation of the blue-ribbon Commission. He claims that the bankruptcy court is on the verge of resuscitating Eastern. I am not as confident as Mr. Shapiro about the prospects for a new Eastern. Nonetheless, a neutral fact-finding panel would not have disrupted the bankruptcy court's proceeding.

We must salvage something from this Eastern debacle. It represents yet another troubling example of the glaring inequities in Federal labor law. Since President Reagan declared war on organized labor when he broke the air traffic controllers' union, employers have exploited the law to crush working people.

George Bush, in his unprecedented refusal to appoint a mediation board and in his rejection of the blue-ribbon Commission, has dealt another body blow to the trade union movement. In the aftermath of the PATCO debacle and the Eastern fiasco, it is painfully apparent that current Federal labor law is grossly unfair.

Workers have the right to strike, but employers can negate that right because they can hire permanent replacements. Since 1981, tens of thousands of workers have been permanently replaced during lawful strikes. The latest example is the strike at Greyhound. The company, following the ruthless practice made popular by President Reagan, has announced that it has hired 700 permanent replacements just 4 days into the strike.

Hiring permanent replacements is wrong. It is inconsistent with the central role given to the right to strike under our National Labor Relations Act. Employers should be allowed to continue operations during a strike, but they should not be allowed to rely on permanent replacements.

That is why I introduced S. 2112 to ban the hiring of permanment replacements. The bill cosponsored by Senators KENNEDY, SIMON, and MIKULSKI, will restore balance and fairness to Federal labor law.

The tragedy of Eastern Airlines should never happen again. The lesson to be learned from that dispute is that we need to change the law so that workers will be able to defend themselves from union busting employers.

I urge my colleagues to support this legislation.●

THE FARM FLEXIBILITY ACT OF 1990

● Mr. BOSCHWITZ. Mr. President, in two earlier statements before this body, I outlined the direction I believe U.S. farm policy should take into the 21st century. Today, I am introducing the Farm Flexibility Act of 1990.

This bill is the result of gathering input from farmers, farm organizations, and national agricultural leaders. In 1988 and 1989, I held meetings in nearly every one of Minnesota's 87 counties. It is a grueling task to visit that number of counties between sessions of the Senate, but it has resulted in legislation crafted in response to grassroots concerns.

The breathtaking events in Eastern Europe, and most recently in Nicaragua, are a stunning testimony to the American political and economic model. This farm bill gives us the opportunity to reaffirm our commitment to democracy and free markets.

The 1985 farm bill was crafted to deal with three towering problems in agriculture: huge, price depressing grain stockpiles, continuing loss of world markets for U.S farm products, and very low farm income. Senator BILL BRADLEY and I asked the General Accounting Office to examine how the 1985 legislation had worked in those three areas. In a report issued last year, they reported that it had worked pretty well. Farm income had recovered, our share of international grain trade had increased, and the price depressing grain stocks had been substantially reduced. That report supports my feeling that the 1985 farm bill has worked pretty well, with one important exception.

Mr. President, the single largest problem with the 1985 farm bill was its lack of flexibility. Because of the way the farm programs are structured, farmers are virtually compelled to depend on Washington to make their planting decisions for them. A clear example of this problem is illustrated in the relationship between corn and soybeans.

In recent years, particularly 1987 and 1988, soybean prices in the spring were quite high. The marketplace was telling farmers that it needed more soybeans. However, farmers were prevented from shifting acreage from corn to soybeans by the farm program for corn. If a farmer chose to plant a few more acres of soybeans on acreage assigned to his corn base, he would lose the income support of the corn target price in addition to a reduction in corn base upon which future income support would be calculated. This was a classic case of how the market signal to plant soybeans was overridden by the farm program penalty of losing the benefits of the Government program.

As a result of my meetings with farmers, farm groups, and agricultural policy experts, it was clear that flexibility should be at the center of the 1990 farm bill debate. Last December, I spent considerable time with Secretary Yeutter discussing the direction of future farm policy. I am pleased to see that in many respects, as reflected

by the administration's proposal, we are in close agreement. Most importantly, we agree that farmers should have flexibility to respond to market signals without jeopardizing income supports. There are, however, several areas of my legislation that differ from the administration's package, and I would like to highlight them.

TARGET PRICES

While the administration's budget freezes target prices for 1991, their farm bill proposal does not include a target price recommendation. My bill mandates that target prices cannot fall below 1990 levels, which are $2.75 a bushel for corn, $4 a bushel for wheat, $0.729 a pound for cotton, and $10.71 a hundredweight for rice.

HARVEST LOAN

The commodity loan program originated to give farmers an opportunity to obtain cash to pay their bills by borrowing against their crop. Farmers could obtain a nonrecourse loan. When the loan came due, they could either repay the loan with interest, or simply give the crop to the Government. Thus, farmers were not forced to sell crops during the traditionally low price period at harvest time, but could wait until prices improved in the months after harvest. With the lower loan rates of recent years, farmers have complained that to get the needed cash, they have had to "lock up" nearly all of their crop under loan, leaving them with little "free stocks" to sell.

My bill establishes a recourse loan, which I call a harvest loan, at a level 25 percent higher than the present nonrecourse loan. The difference is that the harvest loan must be repaid in full, plus interest, rather than the option that farmers have at the lower loan rate to either repay the loan and accrued interest, or give the grain or commodity to the Government in return for forgiveness on the loan. The recourse nature of the harvest loan will prevent it from becoming the "price floor" that nonrecourse loans became in the mideighties. Nonrecourse loan rates too high relative to world prices contributed to our loss of world market share. Consistent with the concept of flexibility, farmers would have the option of either using the recourse loan, or staying with the traditional nonrecourse loan.

"GUARANTEED" DEFICIENCY PAYMENT

Currently, farmers receive an advance payment of part of what the USDA estimates the total deficiency payment to be. They receive the rest of the deficiency payment over the course of the marketing year when the final calculations of average market price are made. This can lead to considerable uncertainty in a farmer's cash flow, and, as happened in 1988, the Government may ask to be repaid. That occurred because the advance payment turned out to be too high when the 1988 drought caused crop prices to be higher than originally projected. As a result, total deficiency payments to farmers were reduced.

I propose to allow farmers to "lock in" their deficiency payment at the time they sign up for the farm program. While the farmer would give up the potential for a higher payment if crop prices are lower than anticipated, he would also be protected from having to repay the deficiency payment if prices were higher. This provision will allow those farmers needing a better idea of their cash flow a tool to achieve it.

GRADUATED OILSEED PAYMENTS

A graduated oilseed payment will be paid on the oilseed base. This will provide income support for all oilseeds included in the oilseed base—not just soybeans. For every cent that the average soybean price for the marketing year is below $5.02 per bushel but above $4.50 per bushel, farmers will receive a 30 cent per acre payment. In the event that the average soybean price is below $4.50 per bushel, a payment equal to the amount the soybean price is below $4.50 times the average county soybean yield from 1985 to 1989 will be made.

ACREAGE REDUCTION

My proposal does not include unpaid Acreage Reduction Programs [ARP's], which are in the administration proposal. Past history has shown that the ARP winds up including the very poorest land in the set-aside. In many cases, this is land that probably would not have been planted anyway. My proposal gives the Secretary the authority to institute a paid land diversion of 1 to 5 years. A multiple-year diversion program will be more sound from a conservation and environmental standpoint.

SEVEN-YEAR FARM BILL

It is important that farmers have a farm policy that is stable and consistent. We succeeded in 1985 in getting a 5-year farm bill. My bill is a 7-year bill, which will reduce the conflicting signals that farmers may receive with more frequent rewriting of farm policy.

Mr. President, a couple of areas are not included in my bill. My bill does not address crop insurance. The answer to this difficult problem is not clear. The administration proposal to eliminate Federal crop insurance has not been well received in my State, where over 63 percent of the eligible acreage is covered with crop insurance.

The second major area that I have not addressed is dairy. Our current program, which originated over 50 years ago does not sufficiently take into account current technology in milk processing, storage, and transportation. The milk marketing order system is badly in need of repair. Secretary Yeutter, as U.S. Trade Representative, was a leader in the drive to remove trade barriers internationally. Milk marketing orders have served as domestic trade barriers. I have had several meetings with Secretary Yeutter on this issue, and am encouraged that he understands the concerns of the dairy farmers in my area of the United States. I am looking forward to being an active participant in the dairy debate.

Mr. President, I would like to outline the remaining highlights of my farm bill.

FARM ACREAGE BASE

A farm acreage base [FAB] will be created for each farm. It will be the sum of the crop acreage bases for wheat, feed grains, extra long staple cotton, upland cotton, and rice as well as a newly created oilseed base. Any combination of program crops and oilseeds will be allowed on a farm provided the acreage planted to these crops does not exceed the FAB.

CROP ACREAGE BASES AND PROGRAM YIELDS

The 1990 crop acreage bases and program yields for a farm will be used for determining deficiency payments for the duration of this bill.

OILSEED BASE

The oilseed base will be based on the average acreage planted to soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola) during 1985 through 1989.

DEFICIENCY PAYMENTS

Deficiency payments will be paid on the crop acreage bases regardless of the acreage planted to program crops provided the total acreage planted to program crops and oilseeds does not exceed the FAB. The payment rate will be determined the same as it is now. That is, the amount by which the target price exceeds the higher of the nonrecourse loan rate or the average market prices. Since there will be no ARP's, 100 percent of the base acreage will be eligible for deficiency payments. As noted earlier, farmers will also have the option of locking in the estimated deficiency payment rate.

LOAN RATES

Loan rate determinations will be harmonized across all program crops. The basic loan rate will be 75 to 85 percent of the past 5 years' prices excluding the high and low years. The basic loan rate may not be reduced by more than 5 percent per year. The Findley loan rate will not be less than 80 percent of the basic loan rate. A harvest loan—the recourse loan I described earlier—will be made at the basic loan rate, while the regular nonrecourse loan will be made at the Findley loan rate. The harvest loan may not be forfeited to the CCC.

MARKETING LOANS

Mandatory marketing loans will remain for cotton and rice. Marketing

loan authority is retained for feed grains, wheat and soybeans.

PAYMENT LIMITATIONS

The current $50,000/$250,000 payment limitation will continue unchanged.

NONPROGRAM CROPS

Nonprogram crops may be grown on the FAB provided that deficiency payments are forfeited on an acre-for-acre basis prorated according to the crop bases in the FAB.

CONSERVING CROPS

Conserving crops, such as clover or alfalfa, may be planted on the FAB without losing program payments provided the crop is not harvested.

STOCKS POLICIES

A more flexible stocks policy will be implemented. The CCC will not have to rely as heavily on generic certificates to release CCC stocks. Farmers will be free to move grain out of the Farmer-Owned Reserve [FOR]. As mentioned before, farmers will have the option of a harvest loan at a higher rate or the normal nonrecourse loan.

Farmers will also be paid the same storage rate under the Farmer-Owned Reserve as commercial warehouses. The Food Security Wheat Reserve will be continued to guarantee food aid shipments.

CONSERVATION

Conservation compliance, sodbuster and swampbuster provisions will continue to apply for the duration of this bill. The CRP will remain open for enrollment through 1995 for up to 45 million acres. Lands eligible for CRP will be expanded to include wetlands, shelterbelts, and windbreaks regardless of the soil erosion classification. Incentives are provided for planting hardwood trees on the CRP. The Secretary is directed to consider benefits to wildlife when accepting bids for the CRP and Paid Land Diversion.

Mr. President, this bill is a declaration of "agricultural perestroika." It is based on the belief that agriculture cannot be truly competitive and prosperous unless we produce. This bill takes advantage of the progress made by the 1985 farm bill and seeks to improve upon it. Having a flexible farm program that returns economic decisionmaking to the farm level is essential for prosperity and growth for America in general and American agriculture in particular now and in the 21st century.●

VERMONTERS SEND WASHINGTON SOME ADVICE

● Mr. JEFFORDS. Mr. President, yesterday was Town Meeting Day in my State of Vermont. We are one of the few States in the Union that have kept alive the tradition of true, participatory, grassroots democracy. On the first Tuesday in March, Vermonters gather in their town halls, schools, and civic centers to debate the concerns of local government. On occasion, questions of national and even international policy are taken up by the voters.

This year, almost 150 towns, well over half of Vermont's towns, considered a nonbinding resolution calling upon Washington to reduce military spending by at least 5 percent each year during the 1990's. The resolution urges that these reductions "be carried out in conjunction with mutual, verifiable treaties with the Soviet Union to cut nuclear and conventional forces, and with sufficient planning to convert defense production plants to civilian uses." Vermonters supporting the resolution recommend that the moneys saved be redirected to "education, environmental protection, housing, drug prevention and treatment, health care and research, farming, elderly care and youth services, job development and training, Federal deficit reduction, and other local, national, and global needs."

One hundred and four towns passed this resolution. Three more towns approved the resolution with the stipulation that all funds saved go to reduce the Federal deficit. Eleven towns decided to table the resolution and only 10 towns voted it down. We have yet to receive results from another 13 towns.

Mr. President, this is a strong message from Vermonters. Just as Vermont towns jump-started the Nation in March 1982 with passage of a nuclear freeze resolution, Vermonters yesterday sent the clear signal to Washington that they want action. They want to see a tangible reaction to the sweeping changes around the globe. And they want to see a shift in our national priorities away from military spending and toward social programs, human needs, and deficit reduction. Vermonters realize that national strength is not just the result of a strong military, but also reflects the condition of our educational system, the health of our citizens, and stability of our economy.

It is imperative that we seize this moment of international opportunity and realize its potential for domestic growth. I commend the citizens of Vermont for their consideration of these critical national issues. And I assure them that I have heard their voices. I urge all my colleagues to consider the advice of this vanguard as Congress struggles to formulate next year's budget.●

THE HEALTH INSURANCE COUNSELING AND ASSISTANCE ACT OF 1990

● Mr. DOMENICI. Mr. President, I rise today to cosponsor S. 2189, the Health Insurance Counseling and Assistance Act of 1990, which was introduced by my good friend, the chairman of the Aging Committee, Mr. PRYOR. I am very pleased to cosponsor this bill that will help States establish counseling and assistance programs for Medicare recipients who need health insurance information, and help with obtaining appropriate health care coverage.

Over the past few years a number of problems with our health insurance systems have combined to generate confusion and anger among older Americans. Health care costs continue to grow at an alarming rate, and many people are seeing that fact reflected in the skyrocketing health insurance premiums they face.

In addition, with recent changes in the Medicare law, particularly with the repeal of the catastrophic law, supplemental insurance policies designed to cover services that Medicare does not—so-called Medigap policies—are going through tremendous changes.

Combining the repeal of catastrophic with already rising health care costs, we see many older Americans being forced to face new and unpleasant choices about how to assure they have adequate coverage. Medigap insurance policies, and the laws effecting them, are very complex and so many older Americans are understandably confused and frustrated.

Unfortunately, this is also a time when many older Americans are vulnerable to fraudulent or deceptive sales tactics by unscrupulous insurance salesmen. This morning in a Special Committee on Aging hearing we heard testimony from several witnesses on how this problem seems to be growing.

One of those who testified is a former Medigap salesman and now a convicted felon, who described to us how he used scare tactics and deception to sell millions of dollars worth of unnecessary coverage. He estimated that 80 percent of the coverage he sold to older Americans was unnecessary.

Mr. President, this is a tremendous problem across the country, and we need to find ways to help older Americans understand just what coverage they now have under Medicare, and how to evaluate private coverage options. The legislation I am cosponsoring today will move us in a positive direction, and I am pleased to support it.

This bill would establish a program of grants to the States to provide counseling and assistance to older Americans regarding their health care coverage, and establish a national resource center pertaining to health insurance counseling projects throughout the country.

I would also like to mention, Mr. President, that in at least some States, a good deal of counseling is already being done. In my State, our New

Mexico State Agency on Aging has been working actively for the past 3 years throughout the State to counsel older New Mexicans on the various law changes, how to evaluate Medigap insurance policies, and how to deal with a wide range of health coverage questions.

Funded partially through the Older Americans Act, the "Health Insurance and Benefit Assistance Corps [HIBAC]" has trained over 170 volunteers in 23 counseling sites across New Mexico. One of the most active sites, in rural Las Cruces, has nearly 40 volunteers working to help seniors.

I understand that there are relatively few programs like this serving predominantly rural States nationwide. I believe the experiences we have had in New Mexico can provide useful contributions to the development of this legislation, and I look forward to working with the bill's other sponsors and the committee on this.●

MEASURES PLACED ON CALENDAR—S. 88 AND S. 1760

Mr. BAUCUS. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 88 and S. 1760, and that the bills be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 464, 471, 473, 474, en bloc; that the amendments, where appropriate, be agreed to; that the concurrent resolutions be agreed to; that the bills and joint resolutions be deemed read a third time and passed; that the motion to reconsider the passage of these bills and resolutions be laid upon the table; that the amendment to the preamble, where appropriate, be agreed to; that the preambles, where appropriate, be agreed to; that the title amendment, where appropriate, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD, and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAL TO GEORGE MASON

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 464, S. 1543, a bill to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1543) to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration, with an amendment on page 1, line 4, strike "Colonial Dames at", and insert "Board of Regents of".

Mr. ROBB. Mr. President, I rise today to urge the passage of S. 1543, a bill I have sponsored to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason on Federal land in the District of Columbia.

It is fitting that on the eve of the 200th anniversary of the ratification of the Bill of Rights, the Congress should move to memorialize George Mason, statesman, Virginian, Founding Father, and author of the Virginia Declaration of Rights, upon which our Nation's Bill of Rights is modeled.

In hearings before the Committee on Rules and Administration, Mason's important contribution to this country, and to the rights of human beings, was demonstrated, time and time again.

George Mason of Gunston Hall was the father of Virginia's constitution of 1776. Deeply concerned about what kind of government, or governments, might spring up after the revolution from British rule, Mason insisted that Virginia's constitution contain protection for the ordinary citizen. This "Declaration of Rights" was a restatement of many of the basic principles of the Magna Carta, to which Mason added a strong dose of the Lockean idea that a majority of the people have the right to alter or abolish an existing form of government.

Mason wrote in Virginia's Declaration of Rights: "Government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety."

The Virginia Declaration of Rights proved influential far beyond Virginia's borders. Not only was it the model for the nation's Bill of Rights and statements of rights in other states, it inspired France's Declaration of the Rights of Man.

Mason's role in the Constitutional Convention in Philadelphia is often overlooked in light of the outstanding contributions of Hamilton and Madison. But Mason was a constant voice in the debates in favor of a national Bill of Rights. He returned to Gunston Hall disappointed, having refused, along with fellow Virginian Patrick Henry, to sign the document because it lacked a Bill of Rights.

Mason was, of course, vindicated in the very first Congress with the passage of the Bill of Rights. He retired to his beloved farm at Gunston Hall, taking little part in national affairs thereafter, but with his place in his nation's chronicles secure because of his efforts at Philadelphia.

In testimony before the Rules Committee, Mary Lee Allen, assistant director of Gunston Hall, summed up Mason's contribution. "Mason's fight for individual rights was not for personal aggrandizement or political gain. He shunned public life and took on its burdens for one reason—to ensure his freedom and the freedom of those who came after him."

A monument, built with non-Federal funds, and sponsored by the Board of Regents of Gunston Hall, a private, historical society, will help to educate our youth on the important contributions Mason made.

In closing, I want to thank the chairman and ranking member of the Rules Committee for moving so quickly on this bill, and to thank Virginia State Senator Joseph Gartlan, Jr. who led the effort to win support for a memorial at the State level, and whose valuable testimony before the Senate Rules Committee was important to gaining committee approval. I am pleased that the committee reported the bill last week, favorably and unanimously, and I hope there will be no objection to passage of the bill by the full Senate.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1543) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1543), as amended, was passed, as follows:

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Board of Regents of Gunston Hall is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor George Mason.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance wth the

Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2 PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment of the memorial.

The title was amended so as to read "A bill to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia".

NASA AND THE INTERNATIONAL SPACE YEAR

The Senate proceeded to consider the joint resolution (S.J. Res. 75) relating to NASA and the International Space Year, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and insert new language.

The amendment was agreed to.

The joint resolution, as amended was ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, as amended, and the preamble, as amended, are as follows:

S.J. RES. 75

Whereas in 1985 Congress proposed an International Space Year (ISY) for 1992, commemorating the 500th anniversary of Columbus' voyage to the New World and the 35th anniversary of the International Geophysical Year that ushered in the space age;

Whereas Congress also requested the President to endorse the ISY and to initiate interagency and international discussions for an ISY;

Whereas in 1986 President Reagan endorsed the ISY and reported to Congress that NASA had found worldwide support for an ISY in 1992, consisting of space activities coordinated on a global basis, and the President directed NASA to move the concept forward internationally and to lead an interagency effort for domestic activities;

Whereas NASA has exercised admirable leadership, through the Office of Space Science and Applications and the Division of International Relations, in establishing the Space Agency Forum on ISY (SAFISY) to coordinate ISY planning, with a current worldwide membership of 25 national space agencies or equivalent bodies;

Whereas SAFISY planning is accelerating, with particular emphasis on coordinating current and planned space agency activities so as to improve efficiency and maximize scientific and economic return on space investments; and

Whereas the ISY also is generating numerous educational activities, including classroom activities, films, television programs, that will greatly improve public understanding of the significance and potential of the space age: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should—

(1) reaffirm support for the ISY and invite foreign leaders to do the same;

(2) support the World Space Congress, to be convened in 1992, in its efforts to encourage cooperative space activities among nations in space science, space exploration, and the application of space technology;

(3) invite the American public to develop ISY activities that foster the global perspective of the ISY;

(4) direct NASA to continue to develop ISY activities through SAFISY, with a primary emphasis on Mission of Planet Earth, but also with a strong emphasis on the other space sciences, human exploration, education, and developing nations applications;

(5) send a message of support for the categories of activities listed in item (4) to the Space Agency Forum on ISY meeting in Kyoto, Japan, in May 1990; and

(6) report to Congress at the earliest practicable date, but no later than June 1, 1990, on the steps taken to carry out items (1) through (5) above, including a list of all current and planned NASA initiatives in each of the categories mentioned in item (4).

COMMEMORATION OF TREATY OF AMITY AND COMMERCE OF 1833 BETWEEN THE UNITED STATES AND THAILAND

The concurrent resolution (S. Con. Res. 92) to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 92

Whereas the Treaty of Amity and Commerce signed on March 20, 1833, between Thailand and the United States was the first treaty between the United States and an Asian nation and was the genesis of a long and friendly relationship between Thailand and the United States;

Whereas Thailand has been a beacon of independence, a friend of freedom, and a support to the United States through the years of adversity and prosperity for both countries;

Whereas Thailand continues to be a friend to the United States and strives to lead Southeast Asia to a new measure of economic liberty and accomplishment; and

Whereas the United States reaffirms its commitment to conduct relations with Thailand in a manner consistent with the spirit and letter of the Treaty of Amity and Commerce, to promote the friendly relations and good will traditionally existing between the United States and Thailand, and to encourage mutually beneficial trade and closer economic and cultural cooperation between their peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and commemorates the one hundred fifty-seventh anniversary of the conduct of offficial relations between Thailand and the United States.

ANTI-SEMITISM IN THE SOVIET UNION

The concurrent resolution (S. Con. Res. 97) expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 97

Whereas the emergence of popular anti-semitism in the Soviet Union is of great concern to the United States;

Whereas the more than 2,000,000 Soviet Jews constitute the third largest Jewish community in the world;

Whereas throughout the Soviet Union, anti-semitic sentiment, including demonstrations by Pamyat, a nationalist anti-semitic organization, statements by electoral candidates, threatening phone calls and letters, and harrassment of Jews, is becoming commonplace in certain Soviet cities;

Whereas on January 18, 1990, a Moscow writers' meeting was disrupted by a group of individuals shouting anti-semitic statements;

Whereas many Soviet Jews live in fear of violence, intimidation, and harrassment;

Whereas the Anti-Defamation League conducted an 11-day investigation into anti-semitism in the Soviet Union, and has concluded that the situation poses a serious threat to the Soviet Jewish community; and

Whereas The Soviet Government has not responded forcefully to the rise in popular anti-semitism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President of the United States should urge President Gorbachev of the Soviet Union to—

(1) publicly condemn the emergence of popular anti-semitism in the Soviet Union; and

(2) take whatever measures are necessary to protect Soviet Jews from acts of harrassment and violence.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nomination:

Calendar No. 637, Robert William Farrand, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu;

Calendar No. 638, J. Steven Rhodes, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe;

Calendar No. 639, David C. Fields, to be Director of the Office of Foreign Missions;

Calendar No. 640, Susan J. Koch, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Calendar No. 641, Bradley Gordon, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Calendar No. 642, Michael L. Moodie, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Calendar No. 643, Larry K. Mellinger, to be United States Executive Director of the Inter-American Development Bank;

Calendar No. 644, Hilary P. Cleveland, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; and

Calendar No. 645, Ronald W. Roskens, to be Administrator of the Agency for International Development, and

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, in bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

Mr. DOLE. Mr. President, if I might suggest, I think that also should include all nominations on the Secretary's desk in the Foreign Service.

Mr. BAUCUS. The Senator is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Robert William Farrand, of Virginia, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

J. Steven Rhodes, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

David C. Fields, of California, a career member of the Senior Foreign Service, class of minister-counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Susan Jane Koch, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Bradley Gordon, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Michael Lorne Moodie, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

INTER-AMERICAN DEVELOPMENT BANK

Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of three years, vice Jose Manuel Casanova, resigned, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Ronald William Roskens, of Nebraska, to be Administrator of the Agency for International Development.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Rolland E. Anderson, Jr., and ending Mattie R. Sharpless, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1990.

Foreign Service nominations beginning John M. Baker, and ending Thomass Stephan Pabst, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1990.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MARCH 8, 1990

RECESS UNTIL 9 A.M.; MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, March 8, 1990, and that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. BAUCUS. Mr. President, on tomorrow, the Senate will resume consideration of the clean air bill at 9:30 a.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished Republican leader has no further business, and I see no other Senator seeking recognition, I ask unanimous consent that the Senate stand in recess until 9 a.m., Thursday, March 8.

There being no objection, the Senate, at 11:12 p.m., recessed until Thursday, March 8, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 1990:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JO ANNE B. BARNHART, OF DELAWARE, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES (NEW POSITION).

CORPORATION FOR PUBLIC BROADCASTING

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR TERMS EXPIRING MARCH 1, 1994:

HENRY J. CAUTHEN, OF SOUTH CAROLINA, VICE HOWARD D. GUTIN.

LLOYD KAISER, OF PENNSYLVANIA (REAPPOINTMENT).

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1990:

DEPARTMENT OF STATE

ROBERT WILLIAM FARRAND, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

J. STEVEN RHODES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ZIMBABWE.

DAVID C. FIELDS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SUSAN JANE KOCH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

BRADLEY GORDON, OF VIRGINIA, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

MICHAEL LORNE MOODIE, OF MARYLAND, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

INTER-AMERICAN DEVELOPMENT BANK

LARRY K. MELLINGER, OF CALIFORNIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

HILARY PATERSON CLEVELAND, OF NEW HAMPSHIRE, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

RONALD WILLIAM ROSKENS, OF NEBRASKA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROLLAND E. ANDERSON, JR., AND ENDING MATTIE R. SHARPLESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 1990.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN M. BAKER, AND ENDING THOMAS STEPHAN PABST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 1990.

39-059 O-91-24 (Pt. 3)

EXTENSIONS OF REMARKS

LEGISLATION TO CONTROL THE INFESTATION OF THE WATERS OF THE UNITED STATES BY THE ZEBRA MUSSEL

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DAVIS. Mr. Speaker, today I join my colleague, Congressman NOWAK of New York, in the introduction of legislation that will lead to control the infestation of the waters of the United States by the zebra mussel.

The zebra mussel, a tiny aquatic animal, is causing tremendous problems in the lower Great Lakes. The thumb-nail sized vermin originated in the Caspian and Black Seas. It entered the Great Lakes when freighters from Europe emptied their infested ballast waters in Lake St. Clair.

Since 1986, the exotic species has spread through the Detroit River, Lake Erie, and Lake Ontario. It probably won't be long before the zebra mussel shows up in Lakes Michigan, Huron, and Superior.

The creatures multiply at an alarming rate; a single female zebra mussel can spawn about 40,000 offspring. They attach themselves to anything solid: boats, piers, rocks, and pipes serving municipal water and sewer systems. Last summer Monroe, MI, came within hours of losing its water supply because millions of mussels clogged the city's 10-mile-long intake pipe.

Also at risk are Great Lakes fish populations because the mussel consumes huge amount of plankton and algae—the first links in the lakes' food chain. Depriving local species of food threatens the region's $2 billion commercial fishing industry, not to mention the billions of tourism dollars generated through sport fishing.

So far, researchers have not devised a method to eradicate the zebra mussel that is both safe and effective. I'm hopeful this bill will do just that.

Last year, President Bush signed into law my bill to control the discharge of ballast water into the Great Lakes. The Coast Guard has the authority to control the importation of harmful species via vessels. However, what may be needed is a requirement forcing oceangoing vessels to dump their potentially contaminated ballast water before they enter the St. Lawrence Seaway and take on cleaner water so that any viable exotic species are not introduced into the Great Lakes. The Coast Guard will be reporting to the Congress in June on their suggestions for controlling the importation of alien species by vessels.

The measures offered by the Coast Guard will help us to prevent future episodes such as the zebra mussel, river ruffe, and alewife. But now we must concentrate on how to eradicate this existing problem before the effect on local water supplies and fish populations gets worse.

Congressman NOWAK's "Nonindigenous Aquatic Nuisance Act of 1990" looks toward solving this problem for the Great Lakes as well as other infested U.S. waters. Mr. NOWAK mandates Coast Guard regulations directing mid-ocean ballast water exchange or other measures to control infestation of U.S. waters with unwelcome visitors. Violations of these requirements will result in a $25,000 penalty. In addition, this bill establishes groups to coordinate research on aquatic nuisance species, including a Great Lakes Regional Commission. The Nowak bill also declares the zebra mussel an injurious species under title 18 of the United States Code, which should further discourage interstate transport of this menace. Finally, the bill authorizes almost $8 million to implement the outlined programs.

As a cosponsor of this bill, I agree with its underlying concepts: First, that exotic aquatic species are wreaking havoc on our waters, including the Great Lakes; second, that action will be necessary by the Coast Guard to stop further importation of harmful aquatic organisms into U.S. waters; and third, that additional research is needed to develop ways to control existing exotic species infestation. As ranking member of the House Merchant Marine and Fisheries Committee, I have pledged to Congressman NOWAK that I will work with Congressman DENNIS HERTEL, chairman of the Subcommittee on Oceanography and Great Lakes, to work toward the goals of the Nonindigenous Aquatic Nuisance Act. For example, Mr. HERTEL and I will be offering an amendment to the National Oceanic and Atmospheric Administration authorization bill for fiscal year 1991 which earmarks $3 million for zebra mussel control research as part of the National Sea Grant College Program.

I urge my colleagues in the House—especially those representing Great Lakes districts—to support measures to eliminate this scourge from our waters.

THE CLICKS BEGIN RETIREMENT

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. TANNER. Mr. Speaker, Alfred and Winfred Click ended an era recently when they closed the store they operated with their wives and families for 56 years in Tipton County, TN. The Click family stores were fixtures in the Idaville and Dunlap communities.

For many years, they provided the necessities for rural families from hoop cheese to shoes and yard goods. They started their operation in 1933 before electricity came to their community when vinegar was bought by the barrel and fresh bread was available only on the weekends.

Over the years, of course, modern conveniences such as prepackaged goods and processed foods were incorporated into the stores' inventories, but it was the personal service and the heartfelt caring for their neighbors that kept people coming back to Click's Store.

I want to extend to the entire Click family my sincere hope for a happy and healthy retirement. I would also like to request that the attached newspaper article be inserted in the RECORD as a tribute to a family that serves as a sterling example of the hardy, honest, and sincere people whose efforts were so essential to the success of our great country.

[From the Covington Leader, Feb. 7, 1990]

THE CLICKS BEGIN RETIREMENT

Click Brother Grocery at the corner of Idaville-Beaver Road and Dunlap Road is now only a memory. Alfred Click and his twin brother, Winfred, closed the store in December, following 56 years of operation!

The business was begun in 1933, the same year Alfred and Katherine were married. The first building, across the road from the present structure, was a small, frame building, reminiscent of the "old West" construction.

"We started the business on a shoestring," smiled Mr. Click. "We had $400. We bought the store license and went to Memphis to Davis Mize Company to buy our merchandise."

"We bought vinegar in a barrel," added Mrs. Click. "It had a pump attached so we could measure a quart or gallon for the customer. Sugar, coffee, beans and rice also came in 50 and 100 pound quantities and were weighed for the customer."

During these early days, there was no electricity. Therefore, there was no milk in a country store. Bread could be bought only on the weekends.

Packaging, as well as price, has certainly changed. Mr. Click remembers that sugar sold for 10 cents a pound; 100 pounds of navy beans for $2.75; 196 pounds of flour in a wooden barrel for under $5; and kerosene for 10 cents a gallon. Sack tobacco was five and 10 cents and candy, with no wrappers, less than one cent. Candy bars and cokes, with no deposit, were five cents each.

"From the porch of the old store," continued Mr. Click, "I have seen as many as 400 rabbits hanging. People from the community would kill the rabbits. We would buy them and resell them to a man who would come by, dress them and take them to the curb market in Memphis."

"We also bought eggs from our customers for 10 to 15 cents a dozen," remarked Mrs. Click.

The Clicks were also livestock dealers and raised their own beef for the store after electricity was installed in 1937. These were the days before the government required that the beef be inspected and a USDA stamp placed on the product.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NEW BUILDING

A large, modern building was built across the road at the present location in 1949. However, two years later, the building burned. That same year the Click Brothers bought the J.H. Barrett store at Idaville and named it Click Brothers No. 2. Winfred began operation of this store and they also rebuilt the original store, which Alfred and Katherine continued to run.

A spacious, brick building was erected and still exists today. The large plate glass windows allow a view of the entire intersection, along with the covered gasoline pumps. The wooden floors, shelves and glass-enclosed counters lend a warm atmosphere. A large assortment of meats and sandwich materials were displayed in the large meat cooler, across the back of the store.

"An area in the back was also the gathering place for many of the neighbors to visit and 'shoot the breeze'," related Mr. Click. "This is the main thing I will miss about retiring."

Another "fixture" of the store is their dog, "Black Jack", which the Clicks call the store dog.

FAMILY

Mr. and Mrs. Click have three children and all have assisted in the store. Terry Click has run the store for the last few years. Another son, Wayne Click, operates a car lot across the street. Their daughter, Carolyn Ramage, has recently moved back to the community. Their grandchildren are Keith, Steve and Kathy Ammons, Stacy Fee and Michael Click. Their great-grandchildren are Kirby Ann Powell and Kala Elizabeth McCrosky.

"We have had numerous clerks working through the years," mentioned Mrs. Click. "Among these have been Sam Fee and his brothers, Aubrey Driver, Lawrence Dungy, Jerry Vaughn, Lee Nelson, Alton McHarry, Gerald McDaniel and Ed Hampton, who is presently renting the store. He decided he liked the job well enough go into business for himself."

MEMORIES

In earlier years, many of their customers were farmers. The Clicks would allow them to buy groceries on credit till their crops came in in the fall.

The farmers would also bring their workers to the store on the way to the fields and sometimes back at lunch time to buy their lunches and the big soft drinks. Bologna, hoop cheese and crackers were the most popular lunch items.

The store hours were also quite long, beginning at 6 a.m. and closing at 9 or 10 at night.

"The children who lived at Dunlap Orphanage, across the street, truly brought us the most pleasure," smiled Mrs. Click. "Approximately 60 children would come every Friday to spend their allowance. Only 10 or 12 were allowed to shop at one time. They usually bought candy and soft drinks."

"The orphanage closed a number of years ago," remarked Mr. Click. "The residents return yearly for reunions and they also come in the store and visit with us and tell of their fond memories of shopping at our store and growing up at the orphanage."

In addition to groceries, the Clicks sold hardware, mule equipment, wagons, cultivators, auto tires, batteries, blankets, towels, shoes, yard goods and thread. It was like "going to town."

In all these 56 years of operation, they have had only three break-ins and never a hold-up. They are very grateful for this.

The Clicks are quite unique and are among the fortunate few. They have been able to stay right on their land, operate a business and provide for their livelihood. They live on a farm within sight of the store, which is built on land, originally part of the farm. Mr. Click has also traded livestock for many years.

OTHER INTERESTS

They are members of the Sharon Associate Reformed Presbyterian Church, which is also located across the road from the store. Mr. Click serves as a deacon, officer and former Sunday School teacher.

He has served on the Tipton County Quarterly Court, now known as Tipton County Legislative Commission, for 30 years. he also served on the board of directors of the Tipton County Hospital from 1960 till it was purchased by the Baptist Memorial Hospital.

Other areas of service are the Dunlap Orphanage Board and Tipton County Farm Bureau board of directors.

When the bowling alley was opened in the present location of The Covington Leader, Mr. and Mrs. Click bowled on a league.

He is a mason and shriner in Tipton Lodge 226 and a member of the Scottish Rite. Mrs. Click is a former member of the Eastern Star.

The Clicks have led such busy lives and the retirement years will probably continue to be quite busy. They plan to do some extra work at home and take short trips.

Horses have been a particular interest of Mr. Click and they have been attending the Shelbyville Walking Horse Show for the past 25 years. They plan to continue these outings.

The Clicks will certainly be missed at the store by their neighbors and customers. They have rendered such a service, not only to their community, but to the entire county. Such stable, willing leaders and business people have helped make our county such a great place to call home.

We are confident that their retirement years will find them making continuing contributions and fulfilling many happy adventures.

THE HEALTH OF FHA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GREEN. Mr. Speaker, last year, during debate on the conference report accompanying H.R. 2916, appropriations for veterans, housing, and independent agencies, there was spirited debate over the health of the Federal Housing Administration loan fund.

I know the Members will be pleased to learn that recent reports indicate the FHA fund is on the mend. According to the Housing Affairs Letter of December 15, 1989, all figures indicate a return to fiscal health in fiscal year 1989. Moreover, the early returns for fiscal year 1990 show continuing improvement as well.

The FHA is a great resource for first-time homeowners, an endangered species in recent years, and news of the improving health of the FHA fund could not come at a better time. I commend this excerpt from the Housing Affairs Letter to all my colleagues.

[From the Housing Affairs Letter, Dec. 15, 1989]

FHA HOME FUND SHOWS SIGNS OF MENDING

The past year has been a season of discontent for FHA, with disclosure of a $4.2 billion loss in fiscal 1988, abuses by closing agents and multifamily coinsurers, and defaults by major coinsurance companies.

But latest figures indicate the Mutual Mortgage Insurance Fund, FHA's largest and supposedly self-sustaining fund, may be on the mend.

Number of claims paid, defaults, and foreclosures all declined during the 1989 fiscal year ended Sept. 30. Early returns for fiscal 1990 show improvement too.

Claims paid are down 5% in fiscal 1989 to 90,927. During first 2 months of fiscal 1990 claims paid are 5% lower at 13,989 than same period in fiscal 1989.

An analyst with the Mortgage Bankers Ass'n tells HAL that claim payments will likely fall further as economic conditions in Oil Patch states improve and the HUD administrative changes take hold.

HUD reform bill passed by Congress (HAL 12/1p1) tightens monitoring and lending procedures and eliminates single-family loans to private investors.

An improvement is almost certain because of accounting methods. The devastating audit results for fiscal 1988 included conservative amounts of reserves to cover future losses while HUD previously laid aside smaller amounts for current losses only. This represents a one-time reduction in reserves, not a recurring expense.

Another plus for FHA is that it insures fewer loans in California, New England and New York-New Jersey, where the economy is slowing and mortgage insurance claims can be expected to increase.

Default rate has plummeted from over 4% in fiscal 1988 to just over 2% in fiscal 1989, the lowest in 4 years. This remains higher than the 1.5% rate experienced during most of the 1970s, however.

Default rates have improved most in states that have gone through long regional recessions and appear to be recovering. In HUD's Denver region, the rate is down to 3% in September 1989 from 8% in September 1988. In the Fort Worth region, the rate falls to 3% from 7%.

In the Midwest, which suffered an agricultural recession during the 1980s, defaults reported by the Chicago regional office fall to 2% from 5%.

Foreclosures show a similar pattern, slipping to .8% at the end of fiscal 1989 from 1.3% at the end of fiscal 1988.

A sign of better times in the Southwest—real estate foreclosures in Harris County, home to Houston, Texas, will reach 13,000 this year, lowest yearly total since 1984, a foreclosure reporting service says. Foreclosures peaked at 31,000 in 1987.

One stubborn problem remains for FHA, that of selling properties gained after foreclosure. FHA Commissioner Fitts explores new methods of selling real-estate-owned properties and expediting sales to non-profit groups aiding homeless and low-income households.

Meantime, HUD inventory increases by 3,800 units during fiscal 1989 to 47,798 single-family units as the agency acquired about 83,000 homes but only sold 79,000. Acquisitions were down about 3% while sales stayed about the same as fiscal 1988.

Inventory reported by regional offices at the end of September—Boston, 16; New York, 415; Washington, 1,807; Atlanta,

6,235; Chicago, 4,799; Ft. Worth, 17,753; Kansas City, 1,137; Denver, 9,719; Los Angeles, 3,766; and Seattle, 2,151.

Sales are hampered by glutted real estate markets in some areas and resistance by local realty agents and homebuilders to aggressive marketing tactics, especially in Denver, Houston and New Orleans.

Marketing efforts will be restrained further in 1989 as newly formed Resolution Trust Corp. tries to sell properties held by insolvent thrift institutions. But with lower defaults/foreclosures, it's likely HUD will make some progress in whittling inventory, housing analysts say.

HIGHER EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 7, 1990, into the CONGRESSIONAL RECORD:

HIGHER EDUCATION

With its extraordinary richness and variety, America's system of higher education is one of our nation's most important resources. Continued federal support will be an important factor in keeping our colleges and universities the envy of the world.

Important National Role of Higher Education: Higher education is a large part of the answer for several important challenges confronting America—from helping ensure that our democracy has an informed, reflective citizenry, to providing the knowledge needed to address national problems, such as poverty environmental pollution, and inadequate health care. Education is the long-term, if not the immediate, answer to many of our nation's most serious problems.

Higher education is especially important in helping America meet the economic challenge we face in the 1990s and beyond. At a time when our economic competition is strengthening, only an estimated 10% of new workers have the skills required by three-fourths of the jobs expected to be available between now and the year 2000. For America to be competitive, we will have to become more productive, and that means paying more attention to education.

Meeting the Needs of Higher Education: The federal role in higher education has traditionally had three components: guaranteeing equal educational opportunity, supporting research, and helping upgrade educational facilities. Almost two-thirds of federal higher education money goes for student aid (especially for lower-income students); about one-third pays for research; and a small portion goes to meet school operational and instructional costs. For 1991, President Bush has proposed $10.5 billion basically keeping programs up with inflation.

Despite the large share of federal education dollars going for student aid, I am concerned that our efforts are still inadequate. Since 1980, tuition has outpaced inflation by more than 35%, while federal assistance has increased only 3% over inflation. Especially troublesome has been the shift in federal aid from grants to loans; students graduating in 1991 will average more than $11,000 in education debts. A number of proposals to expand assistance are under review, including payments for national service, family savings accounts, and debt forgiveness to students who pursue certain careers, such as teaching or social service.

A troubling trend in federally funded research at colleges and universities has been the shift in emphasis from civilian to military research. Throughout the 1970s, federal funding for research and development was evenly split between civilian and military. Today defense R&D outstrips civilian funding by almost three-to-one. One result of the "peace dividend" is a likely shift toward more civilian-oriented research aimed at boosting our economic competitiveness.

The Congress is giving increased attention to the problem of deteriorating and outdated research facilities and physical plant. More than ⅓ of college and university research facilities require significant repair or renovation. With endowments for large universities at record levels, the Congress is interested in targeting more funds towards smaller institutions.

Budgetary Roadblocks: Many of the proposals for improving federal support for higher education take money. And that will not be easy. In the first place, education faces increasingly tough competition for scarce federal resources. The Gramm-Rudman deficit reduction law requires that we eliminate by 1993 our projected deficit, currently $138 billion. So just holding the line on many important spending programs will be difficult. Moreover, not everyone in the Congress agrees with current federal priorities in education, with the heavy emphasis on higher education. Some stress the need to upgrade elementary and secondary education. Others argue that scarce federal dollars would be better spent expanding Head Start and early education programs. They say the education battle is lost by the time many students enter first grade.

Many people believe that there will be an enormous peace dividend available to boost higher education funding, resulting from the reduced tensions with the Soviet Union. My sense is that a significant peace dividend is some years off. It will take time to scale back our global commitments and to make cutbacks in a fair and efficient manner. Moreover, there will be competing calls for the use of any peace dividend. In recent years, there have been many unmet national and international needs.

Negative Perceptions About Higher Education: Another obstacle to expanding federal support for higher education is the growing public perception that higher education is aloof and is not as efficient and accountable as it should be. Several developments have led to this: First, schools have sharply increased tuition in recent years, far beyond what was needed to keep up with inflation. Many people feel that schools will charge whatever they can as long as they keep getting applicants. I am bothered by the effect that the tuition increases have on access to higher education. Second, taxpayers have shouldered enormous costs from student loan defaults. Defaults account for 37% of federal student loan costs; at more than 500 schools the default rate exceeds 50%. That makes it difficult to defend the current student aid program, much less significantly expand it. Third, there is limited accountability for how much students are actually learning. We now even read of consumer-fraud suits being filed by college graduates who feel they were not provided an adequate education. Other concerns are alcohol and drugs on campus, and the very low graduation rates of athletes at many major universities.

The negative perceptions about higher education make expanding federal assistance all the more difficult. School leaders recognize these problems, and are making progress in providing a well-balanced educational experience, expanding assessment of what students are learning, and setting the proper tone for student conduct.

America needs to invest in its system of higher education to help keep it the very best in the world. Bringing that about will take strong efforts both by the schools and by the Congress.

TRIBUTE TO AMBASSADOR TERENCE A. TODMAN, SR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. RANGEL. Mr. Speaker, I rise on behalf of my fellow members of the Congressional Black Caucus to pay special tribute to Ambassador Terence A. Todman, Sr. For my brothers and sisters of the caucus, I embrace him as a friend and salute him as a shining beacon of light and good sense in faraway places. And we thank him, not only for his wise diplomacy on behalf of our Nation, but for his caring leadership at home for those who have sought a champion and a way into the diplomatic corps. With these virtues and his devotion to his family, he has proven himself a model of a man. So for me, it is an honor accepted most humbly, for my simple words can only weakly reflect the grand achievements of Terence Todman's remarkable career.

Confirmed last summer as U.S. Ambassador to Argentina, Mr. Todman is a former envoy to Denmark, Spain, Chad, Guinea, and Costa Rica, and holds the singular distinction as the only American Ambassador to have served in six countries. In recognition of a lifetime of exemplary service, he was designated by President George Bush last year to hold the personal diplomatic rank of Career Ambassador, the most lofty in the diplomatic corps, reserved for no more than five American Ambassadors at any one time. In the hierarchy of diplomats, he ranks no less than a five-star general.

He has spent almost 40 years building that career which we honor today as a monument of achievement. Without rancor or bombast, he has deftly negotiated the perilous courses of domestic and world politics to serve our Nation while constructing bridges of understanding and good will toward our foreign neighbors.

So it was on his second ambassadorial assignment in Guinea, where President Sekou Toure, frustrated and angered by the rigors of dealings with the U.S. bureaucracy, persisted in public attacks against the United States. Ambassador Todman, upon his arrival at his new post took the matter squarely in hand by dealing with President Toure directly and forthrightly. I quote Ambassador Todman from an article in Ebony magazine:

"I moved into that situation of really great tension and managed to establish communications and trust with Sekou Toure. He knew

that I wouldn't lie to him. I said, 'Look, I'll make a pledge to you. Don't go on the air with things that make you look smaller and take away from your stature. If you hear that we have done anything, call me day or night, and if I have an answer I will give it to you. If I don't have an answer, give me 24 hours and I'll get one for you and I will tell you the truth.' That put an end to the public attacks."

The wisdom exhibited during tough assignments in Africa, in Guinea and earlier in the Republic of Chad, where he held his first ambassadorial post in 1966, were products of nearly 15 years in the Foreign Service. Ambassador Todman began his diplomatic career in 1952 as the India-Ceylon-Nepal desk officer in the Bureau of Near Eastern and South Eastern Affairs. He also served with the United Nations Secretariat, as an international relations officer; adviser to various United States delegations to the United Nations. He also served in staff positions in New Delhi, Beirut and Tunis. He was chargé d'affaires in Togo and country director for Kenya, Tanzania, Uganda, and the Seychelles.

During his travels, Ambassador Todman, for whom "languages come as easily as walking," according to a friend, became fluent in Spanish, French, Russian, and Arabic. Spain's King Juan Carlos once remarked to him that he was glad the ambassador spoke the language so that they never needed an interpreter present and thus, in conversations between them, there were no witnesses.

Ambassador Todman's facility with languages, of course, was not the only attribute that led to his trailblazing assignments, as the first Black American Ambassador to a Latin American country, to Costa Rica in 1975. Later in 1978, he was appointed by President Carter to Spain, becoming the first black Ambassador to a class-1 embassy.

His attitude toward the host country reflected a spirit of respect for the host populace. He spoke of his Costa Rica assignment to the Miami Herald:

"I think it's important to let the Costa Ricans know that we are interested and that it's important to be in touch with the people, not only in government but others," the Ambassador said.

Among Ambassador Todman's finest achievements, accomplished during a stint as Assistant Secretary of State for Latin American Affairs, were his roles in negotiating the Panama Canal Treaty and helping to arrange the establishment of the U.S. Interest Section in Havana. He also helped negotiate the Maritime Boundary and Fisheries Agreements with Cuba.

Ambassador Terence Todman was born on March 13, 1926, in St. Thomas, Virgin Islands, and raised along with 13 brothers and sisters by his mother Rachel Callwood, who is 91. His four children are successful in their own right. The oldest, Terence, Jr., is a corporate lawyer in New York City; Patricia Ann, an assistant professor and clinical psychologist at the University of the Virgin Islands; Kathryne, the mother of four children and formerly a banker, lives in Puerto Rico; Michael is corporate controller for a computer company and resides in Belgium. He is married to the former Doris Weston.

Ambassador Todman is the recipient of numerous awards, including the Presidential Distinguished Service and Meritorious Service Awards, the National Public Service Award and the State Department's Superior Service Honor Award. He has also been decorated by the governments of Denmark, Spain, Chad, and the Virgin Islands. He received his B.A. from Inter-American University in Puerto Rico and M.A. from Syracuse University.

In the midst of all his achievements, Ambassador Todman has always kept in mind the task of providing the opportunities for others to follow in his footsteps. With a particular eye to opening the doors to foreign service racial minorities and to women, he has served on various committees and shown personal encouragement and leadership to newcomers.

Whenever he departs the diplomatic corps, Terence Todman will leave behind a legacy of great achievements as well as a generation of new diplomats to follow in his very large footsteps.

CHANGE IN CENTRAL EUROPE CAUSES THE UNITED STATES TO RETHINK ITS FOREIGN POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BEREUTER. Mr. Speaker, change is occurring in central Europe at the breathtaking pace. Nations such as Czechoslovakia, Hungary, East Germany, and Poland are in the process of casting off their old totalitarian systems and embracing democracy and a free market economy.

While this is a time of great hope, there are also enormous risks. There is an ever present risk that the newly democratic nations will turn to xenophobic nationalism, or will begin to make territorial demands upon its neighbors. Likewise, there is a danger that the Central European nations will be unable to make the transition to a free market economy, and will continue their downward economic spiral. A fundamental challenge of United States foreign policy will be to ensure that the democratization movement flourishes in Central Europe.

In recent days a pair of insightful articles have appeared in Nebraska newspapers. In the March 2 edition of the Omaha World-Herald, an editorial entitled "Long Memories in Europe" examines the risks of stability that are caused by possible German territorial demands on Poland. In the Lincoln Journal of the same day, an editorial entitled "Use Old, Not New, Marshall Plan in Coming to Aid of East Europe" provides sensible reminders regarding the role of the United States in an assistance package. These editorials make a useful contribution to the current debate on circumstances and events in Central Europe, and I would request they be inserted in the RECORD.

[From the Omaha (NE) World-Herald, Mar. 2, 1990]

LONG MEMORIES IN EUROPE

West German officials could eliminate an unnecessary concern by making it clear they have no intention of trying to take back former German territory that is now part of Poland. Unfortunately, the Bonn government has appeared to keep its options open in recent days.

Poles are understandably concerned when West German Chancellor Helmut Kohl takes the position, as he did in Washington recently, that the border question is still open. He said that he will not try to regain the lost territory but added that the "question will be settled definitely by a freely elected, all German government."

German reunification could bring peace and stability to Central Europe. But not if it becomes an excuse for the nations of Europe to resume territorial squabbles that have been going on since the Middle Ages.

Polish Prime Minister Tadeusz Mazowiecki has urged that Poland's current border along the Oder and Neisse Rivers be made permanent. A united Germany, he says, should formally relinquish any claim to prewar German territory that is now under Polish control.

About one-third of Poland consists of territory that belonged to Germany before World War II. Poland was given that land as partial compensation for an even larger area of Polish territory that was annexed by the Soviet Union.

Some people might consider Mazowiecki's concerns overstated. West Germany is a multiparty democracy, a member of NATO and a successful partner in the European Economic Community. It has displayed no territorial ambitions.

But Europeans have long memories, and the history of German expansionism hasn't been easy for the victims of that expansionism to forget.

President Bush has wisely taken the position that the current border should be maintained. He said the United States is committed to that position as part of the 1975 Helsinki Final Act agreement. It would be well if Chancellor Kohl were just as straightforward. German voters shouldn't be encouraged to think that gobbling up a large chunk of Poland is an option.

[From the Lincoln (NE) Journal, Mar. 2, 1990]

USE OLD, NOT NEW, MARSHALL PLAN IN COMING TO AID OF EAST EUROPE

Eastern Europe doesn't need a new Marshall Plan. The old one will do very well. So say two former members of the U.S. House.

An interesting historical point is raised by Henry Reuss, who represented a Wisconsin district for almost 30 years, and Henry P. Smith III, who served from New York from 1965 to 1975. Both have additional credentials: Reuss was deputy general counsel of the Marshall Plan in 1949, and Smith is chairman of the board of the Association to Unite the Democracies.

Many citizens have forgotten, or never knew, that the Marshall Plan of 1948, through which U.S. aid helped to rebuild Europe after World War II, was intended to assist Eastern Europe as well as Western, and even the Soviet Union.

George C. Marshall, secretary of state for whom the plan was named, said at the historic Harvard speech in which he announced it: "Our policy is not directed

against any country or doctrine but against hunger, poverty, desperation and chaos."

Intending to participate, Poland and Czechoslovakia sent delegates to a Paris meeting, but Soviet dictator Josef Stalin ordered them home.

Writing in the Christian Science Monitor, Reuss and Smith propose the original plan be reauthorized by Congress and a new appropriation made. This time, they suggest, Germany (West) and Japan are in a position to lend a hand with finances.

Indeed, some of the institutions created by the 1948 Marshall Plan survive. The Organization for European Economic Cooperation has evolved into the Organization for Economic Cooperation and Development, and paved the way for the European Free Trade Association and the European Community. Eastern European countries should be invited to join these organizations, the two former congressmen say.

If Congress and President Bush are sincere about helping the emerging democracies of Eastern Europe, they would do well to consider the approach suggested by Reuss and Smith. That would meet today's needs and, as the pair point out, fulfill the commitment made 42 years ago.

ESSAY BY JENNIFER ROSE MULLER OF ROSLYN HIGH SCHOOL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MRAZEK. Mr. Speaker, I rise today in recognition to Jennifer Muller, of Roslyn, NY. She recently won first place in the Voice of Democracy competition sponsored by VFW Post 5253 of Albertson.

The Voice of Democracy competition is an outstanding program that encourages our young people to express their thoughts and feelings about the meaning of democracy in essay form. This year's program, which was the 43d annual competition conducted by Post 5253, was conducted under the leadership of Voice of Democracy Chairman Vincent Oesterle, Cochairperson Rhoda Zwicker, Commander John Devane, and Post President Lorraine Oltedal.

Subsequent to winning the Albertson Post's competition, Jennifer went on to win the Nassau County and New York State competitions. She recently participated in the national competition held in Washington, DC.

Mr. Speaker, for the benefit of my colleagues, I insert Jennifer Muller's insightful and eloquent essay into the record:

ESSAY BY JENNIFER ROSE MULLER OF ROSLYN HIGH SCHOOL

My grandfather used to tell me "Home is the place where you hang your heart." I would add, "Home is also a place, where you can take off your shoes, recline and be yourself." Although in order to maintain your home, you may have to do a few chores, it is always worthwhile because home is a place where you can speak your mind and be comfortable * * *. I can sincerely say that America is my home.

Although it is a cliche to say that America is the land of purple mountains and amber waves of grain, She is more than her scenery. America is about her people. Real people. Walking down the street of the city, what do you see? People. Dark people or light people * * * a Jewish person entering a Chinese restaurant, a barebacked construction worker lifting a cinder block, an Indian man dancing the tarantella, and a woman at a podium speaking out for the rights of AIDS patients. All under the collective title of Americans. Not people hindered by injustice or oppression, but rather people protected by the Bill of Rights and joined together by the bond of their citizenship and this citizenship guarantees many things.

Only in America could a citizen write a letter to the President saying anything he believed and expect a response in return. Only in America are the people governing and the people being governed one and the same. Only in America could I run into the streets with a burning flag denouncing her name without fear of retribution * * * Only in America.

This seems especially amazing when we compare these actions with those of the Russian author Solzhenitsyn, who in February of 1945 wrote a letter to a friend in which he made a reference of the "whiskered one" or Joseph Stalin and made a derogatory comment about the war. The letter fell into the wrong hands. Solzhenitsyn was sentenced to 8 years in a labor camp on the outskirts of Moscow. He didn't even come close to burning the Russian flag.

Thus, America is a great paradox. While She seems to potentially contain the seeds of her own destruction through her tolerance of criticism, She never falters. Rather, with each blow from the people She is tested, sometimes reformed, and always made stronger.

Early American protester Henry David Thoreau is a great example of a man whose protests had a tremendous impact. He fought slavery and the war with Mexico by passive resistance. His essay entitled "Civil Disobedience" was an inspiration to many including Martin Luther King, Jr.

King was an ordinary American citizen who proved to be not so ordinary when he led thousands in protest against American policies of segregation and inequality. His protests led to progress. Today we have the first black mayor of New York and the first black governor of Virginia.

Compare that with the other nations of today where religious and racial inequality still burn strong. Such nations such as South Africa and their policies of apartheid, Russian discrimination against the Jews, and in Czechoslovakia where last April thousands of Roman Catholics rioted for religious toleration. Many were killed at the fangs of dogs and greater than 200 were arrested. There are no Martin Luther King, Jr.'s to lead the people of these nations and to speak out for them. Especially when speaking out in itself is a crime.

But in America, you don't have to be a Martin Luther King, Jr. or a Caesar Chavez to have an effect. Just last week, I joined hands with other Americans to protest Japan's actions because they recently violated an international pact to stop whaling. I signed petitions and wrote a letter to President Bush asking him to put the pressure on Japan to stop the slaughter. In what other nation could I voice my opinion so loudly and so directly? Perhaps I might have an effect on American foreign policy. On November 24, I will take part in an antifur march. My voice will be heard!

But many other nations, whether they are tyrannical or oppressive, rape their people by telling them where to live, what occupation to be, or what to think. They rape their people not only because they violate the people's freedom to choose but because they make even the most moral acts immoral by forcing the people to take part in them in the same way that making love becomes rape when it is forced.

I am proud of America because She allows me to be who I am. She allows me to speak out for what I believe in: whether it is whales, abortion or getting a traffic light installed at the end of my street. My pride in America stems from her strength of diversity in opinion, nationality, and her allowing for freedom of choice.

My grandfather was indeed a wise man. Home is the place where you hang your heart and mine is hanging in the United States on a hook that allows for conflict, diversity, and openness.

INTRODUCTION OF LEGISLATION TO ENCOURAGE NEWSPAPERS TO USE RECYCLED NEWSPRINT

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DONNELLY. Mr. Speaker, as a nation, we generated about 160 million tons of solid waste last year and this deluge of garbage is growing steadily. At the current rate of increase, the Environmental Protection Agency [EPA] projects that in the year 2000, we will generate 190 million tons. Our municipal landfills are filled beyond capacity. We must create ways to manage our waste safely and sensibly. To address this expanding capacity gap we must institute effective programs that make sound environmental and economic sense.

Recycling is one of the most effective means of handling our municipal waste. Over 8 million tons of newsprint are thrown away each year. Newsprint has become the largest identifiable item in our landfills today. Discarded newspapers reduce our landfill capacity by 30 million cubic feet a year. The newspaper industry's reluctance to utilize recycled newsprint is an issue that must be addressed. Communities throughout the country have become active in efforts to recycle newsprint, yet some of the Nation's largest newspapers won't do their share. Today, I am introducing legislation to impose an excise tax on newspapers which fail to utilize recycled newsprint by 1995.

Many of the factors that contribute to our municipal solid waste problem vary due to the individual needs and characteristics of a particular region. There are, however, aspects of the solid waste dilemma that can be addressed on a national level. Recycling newsprint is an essential and practical step in addressing an irresponsible and ultimately destructive trend. I urge my colleagues to join me in seeing that the industry which generates the materials that saturate the Nation's solid waste stream actively participate in recovery efforts.

TECHNICAL DESCRIPTION OF LEGISLATION IMPOSING ADDITIONAL TAX ON NEWSPAPERS NOT USING RECYCLED NEWSPRINT

PRESENT LAW

The taxable income derived from the trade or business of publishing a newspaper is subject to Federal income tax in the same manner as tax is imposed on the taxable income derived from any other trade or business. No additional tax is imposed on the income derived from the trade or business of publishing a newspaper if such newspaper does not consist partially of recycled newsprint.

EXPLANATION OF PROVISION

Under the bill, a tax (in addition to any other taxes imposed under the Internal Revenue Code) equal to 5% of the "disqualified newspaper income" is imposed.

Disqualified newspaper income defined

Under the bill, the term "disqualified newspaper income" means gross income received or accrued by any taxpayer in connection with the trade or business of publishing a newspaper if less than 50% of the newsprint used by the newspaper is recycled newsprint. Thus, to avoid the tax, 50% or more of the newsprint used by the newspaper would have to be recycled. The intent of the legislation is that gross income is used in the sense it is used in section 61 of the Internal Revenue Code (i.e., gross income means "all income, from whatever source derived").

The tax is imposed only on the gross income derived in connection with publishing a major newspaper. Under the bill, a "major newspaper" is one that is published at least five days per week, or one that sells an average of 50,000 copies per publication.

Definition of recycled newsprint

The legislation defines "recycled newsprint" at least 50% of the paper content of which consists of paper which has been scrapped or collected as an element of solid waste and has been recovered and reprocessed into a new raw material for use in the manufacturing of new paper. The term does not include waste materials generated by the newsprint manufacturing process and reused as part of that process.

Coordination with other Internal Revenue code provisions

No credits would be allowed against the additional tax. For purposes of the alternative minimum tax, the provision is not treated as a tax.

EFFECTIVE DATE

The legislation is effective for taxable years beginning after December 31, 1995.

THE ANTARCTIC ENVIRONMENTAL PROTECTION, CLEAN-UP, AND LIABILITY ACT OF 1990

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing the Antarctic Environmental Protection, Clean-up and Liability Act of 1990, legislation intended to provide further environmental protection for the Antarctic Continent, its marine environment, and the living marine resources that inhabit that environment. This bill is complementary to the bill Congressmen CONTE, OWENS, and I introduced on February 7, 1990, the Antarctic Protection and Conservation Act of 1990 (H.R. 3977). I am pleased that Congressmen CONTE, OWENS, STUDDS, HERTEL, SCHAEFER, and ECKART have joined me in sponsoring this legislation.

H.R. 3977 addressed the important questions of whether U.S. citizens should conduct mining activities in Antarctica, whether tourism that might harm wildlife and ongoing scientific experiments requires additional regulation, and whether fishery management plans need to be developed to prevent overfishing. To complement that bill, the bill I introduce today addresses the equally important questions of proper waste disposal, preventing marine pollution, and the need for better environmental monitoring.

The presence in Antarctica of United States and other nations' research stations, as well as tourist expeditions, has not been without its adverse environmental effects. Although most of the effects may have been unintended, nonetheless they have occurred. The effects include the operation of an open solid waste dump at the U.S. base at McMurdo; open burning of refuse; the placement of solid waste on ice floes, left to sink in the summer thaw; as well as the damage caused to scientific experiments by the oilspill from the Argentine vessel, *Bahia Paraiso.*

Given the size of the U.S. operation in Antarctica, it is not surprising that Antarctica has not remained unaffected. The United States alone operates three major stations in Antarctica: McMurdo Station on Ross Island, Palmer Station on the Antarctic Peninsula, and the Amundsen-Scott Station at the South Pole. The effects of this presence on the Antarctic environment have been well documented in several recent reports, including the 1985 report of the Scientific Committee on Antarctic Research [SCAR], entitled "Man's Impact on the Antarctic Environment," the 1988 report by the Environmental Defense Fund, entitled "On Thin Ice: The Failure of the National Science Foundation to Protect Antarctica," and, have been generally acknowledged by the lead agency for the U.S. Antarctic Program, the National Science Foundation [NSF], in a recent report to the Director from the NSF general counsel, entitled "A National Science Foundation Strategy for Compliance with Environmental Laws in Antarctica." the NSF general counsel's report describes the difficulties of environmental compliance in Antarctica, which it attributes, in part, to the conclusion that several major U.S. environmental laws, such as the National Environmental Policy Act [NEPA], the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act [RCRA], do not apply in Antarctica. The report concludes with a plan of action for bringing U.S. practices into compliance with environmental standards applicable to similar activities in the United States. My bill gives NSF the authority it needs to implement that plan of action.

At the same time that NSF was concluding that it had failed to take adequate environmental measures to clean up and preserve Antarctica, the Antarctic Treaty Parties were reaching a similar conclusion. Spurred on by the SCAR report and recommendations for how to manage waste in Antarctica, at the 15th consultative meeting in October 1989, the Antarctic Treaty Parties agreed to a series of recommendations on waste disposal, marine pollution, and environmental monitoring, among other measures. To its credit, the United States initiated most of these recommendations. However, there is no reason why the United States should not be one of the first nations to implement these recommendations, which otherwise do not become binding until they are officially approved by all Antarctic Treaty contracting parties.

In the United States, measures agreed to by the Antarctic Treaty Parties are enforceable primarily through the Antarctic Conservation Act (16 U.S.C. 2401 et seq.). The bill I am introducing today incorporates into the Antarctic Conservation Act the recommendations on waste disposal, marine pollution, and environmental monitoring agreed to at the XV Antarctic Treaty consultative meeting. This will ensure that the recommendations are fully enforceable in U.S. law. To highlight some of the waste disposal requirements, my bill requires:

First, the Director of NSF, with the advice and assistance of the Adminstrator of the Environmental Protection Agency, to develop and implement a waste management plan for Antarctica;

Second, designation of a senior-level waste management official for the U.S. Antarctic Program;

Third, training programs in waste disposal for U.S. scientists and other citizens going to Antarctica;

Fourth, open burning of wastes to be phased out and prohibited after December 31, 1991;

Fifth, the phaseout and closure of landfills at U.S. coastal stations by December 31, 1992;

Sixth, at least primary treatment before sewage can be discharged into the ocean;

Seventh, landfills to be managed in accordance with U.S. environmental standards;

Eighth, the cleanup and removal of radioactive materials, electrical batteries, abandoned fuel drums, and wastes containing high levels of heavy metals; and

Ninth, the removal of all plastic wastes from Antarctica, unless they are incinerated in equipment which reduces all harmful emissions.

The legislation also directs the Coast Guard to issue regulations requiring that all vessels engaged in or supporting U.S. activities in Antarctica contain compacting, storage, and incineration facilities to reduce the amount of waste brought to and disposed of in Antarctica. These regulations will be enforced by prohibiting any U.S. citizen going to Antarctica from contracting with or otherwise employing a vessel that does not carry the required waste handling facilities and equipment.

When the Argentine supply and tourist ship *Bahia Paraiso* ran aground off Palmer Station in January 1989, spilling over 170,000 gallons of fuel, it proved that Antarctica is not immune from the worst of man's environmental disasters. The Antarctic Environmental Protection, Clean-up, and Liability Act prohibits any owner, operator, or individual of a vessel engaged in or supporting U.S. activities in Ant-

arctica from intentionally discharging oil into the marine environment. The Coast Guard is charged with ensuring, compatible with the safe operation of the vessel, that vessels going to Antarctica on behalf of the United States have contingency plans and the equipment to prevent and respond to an oilspill. In the event of a spill that damages natural resources and specially protected areas, the owner/operator will be liable for the removal of the oil and, if feasible, the restoration of those resources and protected areas. In the event that restoration is not feasible, the responsible party will be liable for a civil penalty in an amount up to $1 million. Any money recovered by the United States will be deposited in a special fund to be used solely for the purpose of designating and managing specially protected areas in Antarctica.

Although I recognize that the best way to protect Antarctica from oilspills and to ensure restoration of damaged resources is through an international liability regime applicable to Antarctica, I believe that the United States must act responsibly by setting an example for a future international liability regime until the regime can be put in place. I hope that the special meeting of the Antarctic Treaty Parties, scheduled for later this year in Chile, will begin to address the important question of liability for damages caused by oilspills and other untoward accidents.

The legislation directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce—the Administrator of the National Oceanic and Atmospheric Administration, NOAA—to develop, after notice and public comment, a long-term environmental monitoring program for Antarctica. The program will monitor global environmental change, the effects of U.S. bases on the Antarctic environment, the effects of tourism, and the environmental effects of U.S. research programs. Given NOAA's role in monitoring global environmental change, including the ozone hole over Antarctica, it is appropriate that it be assigned to carry out a long-term environmental monitoring program for U.S. activities in Antarctica. The fact that the monitoring program is done by an agency like NOAA with its scientific expertise and reputation should give the public more confidence that U.S. activities in Antarctica are not harming the environment.

The bill also implements the recommendations of SCAR and the Antarctic Treaty Parties that additional types of specially protected areas should be designated in Antarctica. These areas include sites of outstanding scientific or ecological interest, sites of outstanding scenic or wilderness value, and sites that contain a representative example of a major geologic, glaciologic, or geomorphic feature. In addition, the bill recognizes the need to designate multiple use planning areas in which various activities need to be coordinated.

The bill amends the Antarctic Conservation Act by establishing specific deadlines by which the Director of NSF, with the advice and assistance of the Administrator of EPA, must issue pollutant designation and discharge regulations. As the NSF general counsel's report points out, the pollutant designation provision in the ACA is not discretionary but has not been implemented by the Director. The bill recognizes this fact by imposing deadlines on the issuance of these regulations. To ensure that these regulations and other requirements of the ACA, as amended by the Antarctic Environmental Protection, Clean-up, and Liability Act, are fully implemented, I am proposing adding a citizens suit provision to the Antarctic Conservation Act.

Lastly, and similar to a provision in H.R. 3977, my bill requires the application of the National Environmental Policy Act, or NEPA, to the activities of all Federal agencies conducting or supporting activities in Antarctica, including NSF and the State Department. This amendment is necessary to ensure that one of the United States' key environmental laws applies to the U.S. program in Antarctica. This amendment will enable the public to review and comment on major U.S. projects in Antarctica and their environmental effects before they occur. Relatedly, the bill specifically requires the Secretary of State, in consultation with other interested agencies, to prepare an environmental impact statement on the Convention on the Regulation of Antarctic Mineral Resource Activities before submitting the convention to the Senate for ratification. The EIS should address alternative regimes that also will provide environmental protection for Antarctica.

With the enactment of H.R. 3977 and the Antarctic Environmental Protection, Clean-up, and Liability Act of 1990, the United States can provide a greater level of environmental protection for Antarctica. The United States also can provide a vision to the rest of the world for how Antarctica should be treated. I urge my colleagues to join the sponsors of this bill to provide this vision.

Following is a detailed section-by-section analysis of the Antarctic Environmental Protection, Clean-up, and Liability Act of 1990:

ANTARCTIC ENVIRONMENTAL PROTECTION, CLEANUP, AND LIABILITY ACT: SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. The short title of the act is the Antarctic Environmental Protection, Clean-up, and Liability Act of 1990.

Sec. 2. Findings and Purpose. This section contains the findings and purposes for the Act, which include the finding that existing U.S. laws and institutions have not provided adequate protection for the Antarctic environment. The purpose of this Act is to provide additional environmental protection for Antarctica.

Sec. 3. Definitions. This section adds new definitions to the Antarctic Conservation Act of 1978, including "Administrator," "Under Secretary," "vessel engaged in or supporting United States activities in Antarctica," and "waste."

Sec. 4. Waste Disposal. This section adds a new section 14 to the Antarctic Conservation Act on waste disposal.

The Director of the National Science Foundation (NSF), in accordance with the advice and assistance of the Administrator of the Environmental Protection Agency (EPA), must prepare and annually update a waste management plan for Antarctica. The plan must include, among other items, a schedule for cleaning up U.S. existing waste disposal sites and abandoned work sites. NSF must designate a senior-level waste management official to implement the plan.

The Director, with the advice and assistance of EPA, is to issue regulations prescribing waste management practices for U.S. activities in Antarctica. One practice requires that all open burning of wastes be phased out and prohibited after December 31, 1991. Another practice requires that landfills at coastal U.S. facilities be phased out and prohibited after December 31, 1991.

The Director must carry out a long-term program for the removal of wastes from Antarctica as a result of U.S. activities. Radioactive materials, batteries, abandoned fuel drums, chemical wastes, and wastes containing high levels of metals must be collected and removed from Antarctica for proper disposal in accordance with applicable U.S. environmental laws. All plastic wastes have to be removed from Antarctica unless they are incinerated in equipment that neutralizes all harmful air emissions.

The Coast Guard is directed to issue regulations requiring all vessels engaged in or supporting U.S. activities in Antarctica to incorporate compacting, storage, and incineration facilities to properly dispose of waste. Incineration must reduce harmful emissions and, in the case of plastics, conform with regulations issued by the Coast Guard pursuant to Annex V of the MARPOL Convention.

Sec. 5. Marine Polluton. This section addresses the issue of marine pollution in Antarctica.

The section amends section 4 of the Antarctic Conservation Act by making it unlawful to discharge oil or plastic into the marine environment. Food wastes, other garbage, and sewage is prohibited from being discharged within 12 nautical miles of the closest land or ice shelf.

A new section 15 is added to the Antarctic Conservation Act pertaining to marine pollution prevention and liability. Vessels engaged in or supporting U.S. activities in Antarctica are required to comply with several international conventions concerning marine pollution and vessel safety, including the London Dumping Convention, MARPOL, SOLAS, and the Load Lines Convention. Government vessels operating in non-commercial service must comply with these conventions when operating in Antarctica either in accordance with the requirements of U.S. law applicable to their activities in U.S. waters or, at the least, by adopting appropriate measures.

The Coast Guard must issue regulations requiring vessels engaged in or supporting U.S. Antarctic activities, including tourist expeditions, to have contingency plans and equipment to prevent and respond to oil spills.

The owner, operator, or individual in charge of a vessel engaged in or supporting U.S. Antarctic activities is liable for the removal of oil spilled in Antarctica and the restoration of damages to natural resources, if restoration is feasible. In the event that restoration is not feasible, the person will be liable for the payment of a civil penalty in an amount not exceeding $1 million. Monies recovered from the assessment of the civil penalty will be used by the United States to manage specially protected areas or sites of special scientific interest.

This section also requires the President to direct the Secretary of State, in consultation with the Coast Guard, to take steps within the International Maritime Organization to designate the waters surrounding Antarctica as a special area under Annexes I and V of MARPOL.

Sec. 6. Environmental Monitoring. This section adds a new section 16 to the Antarctic Conservation Act on environmental monitoring. The Under Secretary of Commerce

for Oceans and Atmosphere (the Administrator of the National Oceanic and Atmospheric Administration) is authorized to develop and implement a long-term environmental monitoring program for Antarctica. The program includes the detection and monitoring of global environmental change and monitoring the effects of waste disposal, bases, and scientific programs on the Antarctic environment.

Sec. 7. Specially Protected Areas. This section amends section 6 of the Antarctic Conservation Act to recognize three new types of special areas that may be designated under the Antarctic Treaty and Agreed Measures. There are two new types of specially protected areas, one for sites of outstanding scientific or ecological interest and one for outstanding scenic, wilderness or geographic value. In addition, multiple use planning areas may be designated.

Sec. 8. Designation of Pollutants and Regulation of Discharges. This section adds a new section 17 to the Antarctic Conservation Act on regulation of pollutants. The section establishes specific deadlines by which the Director of NSF, with the advice and assistance of the Administrator of EPA, must issue regulations designating pollutants that would be harmful if introduced into Antarctica and regulations governing the issuance of permits to regulate the discharge of designated pollutants.

Sec. 9. National Environmental Policy Act of 1969. This section adds a new section 18 to the Act pertaining to the application of NEPA to the U.S. Antarctic Program. It specifically makes NEPA applicable to the activities of all agencies of the Federal Government operating in Antarctica, including NSF and the State Department, and requires the Secretary of State, in consultation with other interested agencies, to prepare an environmental impact statement on the Convention on the Regulation of Antarctic Mineral Activities before submitting the Convention to the Senate for its advice and consent.

Sec. 10. Citizen Suits. This section adds a new section 19 to the Act providing authority for citizen suits. The provision grants interested citizens a right of action in U.S. federal court to challenge the failure of NSF and other responsible officials to carry out duties imposed under the Antarctic Conservation Act, as amended by this Act, and to sue other individuals who are alleged to have violated the Act, or a permit or regulation issued under the Act.

Sec. 11. Authorization of Appropriations. This section authorizes in FY 1991 $10M to NSF, $5M to NOAA, and $5M to the Coast Guard to implement the Act, and such sums as may be necessary for FY 1992 and FY 1993.

ENHANCING FEDERAL EMPLOYEES' RIGHTS UNDER ADEA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GREEN of New York. Mr. Speaker, today I rise to introduce legislation which would amend the Age Discrimination in Employment Act of 1967 [ADEA] with respect to administrative proceedings applicable to claims of discrimination in Federal employment. My legislation seeks to provide Federal employees who allege age discrimination the same procedures and remedies as those afforded Federal employees alleging other forms of discrimination.

Since 1974, when the Age Discrimination in Employment Act was amended to include Federal employees, the Equal Employment Opportunity Commission [EEOC] and the courts have reached disparate conclusions on the rights of Federal employees who file age discrimination complaints. Overall, Federal employees have been afforded fewer rights and remedies.

Currently, Federal employees who allege age discrimination and choose the administrative adjudication process are not entitled to attorneys' fees and costs at the administrative level, even though Federal employees with other types of discrimination complaints are entitled to such fees and costs. The courts have held that fees and costs may not be awarded to Federal employees who prevail at the administrative level [*Kennedy* v. *Whitehurst*, 690 F.2d 951, (DC Cir. 1982)] and [*Palmer* v. *General Services Administration*, 787 F.2d 300, (8th Cir. 1986)]. The Comptroller General has also issued a decision that "sufficient statutory authority does not exist which would allow the agency (EEOC) to award attorney fees at the administrative level." [B-215672] Accordingly, a settlement agreement in which the agency awards attorney fees at the administrative level is prohibited. The legislation that I offer today would eliminate this inconsistency by making it clear that attorney fees and costs could be awarded at the administrative level to a Federal employee alleging age discrimination.

In addition to the attorney fees issue, there are conflicting decisions as to whether the statute of limitations is tolled when a Federal employee alleging age discrimination files a complaint with the EEOC or whether a Federal employee must file a civil action to preserve his or her rights. [*Purtill* v. *Harris*, 658 F.2d 134, (3rd Cir. 1981), cert. denied, 462 U.S. 1131, (1983)] The court in Purtill held that, if a complainant chooses the option of filing a complaint with the EEOC, then that individual may not file a civil action until the EEOC takes final action on the complaint.

Unless the EEOC takes final action before the statute of limitations expires, the complainant, by having elected to pursue an administrative remedy, would foreclose any opportunity to sue. My legislation seeks to remedy that problem by allowing Federal employees who file timely complaints with the Commission the ability to commence a civil action 180 days after filing such a complaint. This option would expire 30 days after final action on such a complaint is taken by the Commission.

In closing, I should like to take this opportunity to commend the American Bar Association for adopting a resolution in support of the proposed changes to the ADEA. I should also like to encourage my colleagues to cosponsor this important initiative. After all, I do not believe that it was or is the intention of Congress to treat Federal employees alleging age discrimination any differently from Federal employees alleging other forms of discrimination. Adoption of this legislation will ensure fairness and equity to all Federal employees fighting age discrimination.

SPEECH BY HIS EMINENCE KIRIYAMA SEIYU, KANCHO OF THE AGON-SHU BUDDHISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. RANGEL. Mr. Speaker, I ask permission to read into the RECORD a speech recently made by Kiriyama Seiyu, the Kancho (archbishop), the leader of the 350,000 member Agon-Shu Sect of Japanese Buddhism. The speech was delivered at a reception given in the Kancho's honor at the Riverside Church in New York hosted by: the Right Reverend Calvin O. Butts, pastor of the Abyssinian Baptist Church in New York City; the Right Reverend Edward Earl Johnson, pastor of the Mount Moriah Baptist Church in New York City; the Right Reverend Calvin G. McKinney, presiding elder, New York Conference, African Methodist Episcopal Zion Church in New York City; the Right Reverend, Elder Normal N. Quick, pastor of the Childs Memorial Church, Church of God in Christ in New York City; the Right Reverend Preston R. Washington, pastor of the Memorial Baptist Church, in New York City; the Right Reverend Frederick Boyd Williams, pastor of the Church of the Intercession, Episcopal Church, in New York City; and the Right Reverend Doctor Wyatt Tee Walker, pastor of the Canaan Baptist Church, in New York City. The host pastor was the Right Reverend Dr. James Forbes of the Riverside Church, Episcopal Church, in New York City. His Eminence, Kiriyama Kancho said:

Dr. Forbes, Dr. Walker and all of the hosts and guests here tonight, I thank you for permitting me to meet with you, to exchange ideas with you and to learn from you.

There are four angels of death stalking your land, my land, indeed, the entire Earth. We must unite to stop them or our world will perish.

The first is drug abuse. Although this problem appears to be more prevalent in your country at this time, its ugly manifestations are beginning to be felt in Japan and in almost every nation of the world. I know that everyone in this room has seen and been shocked and dismayed by the human devastation wrecked by substances abuse in its varied and malevolent forms. This is an international evil and must be dealt with internationally.

The second angel of death is homelessness. Much has been written about this problem as it exists in the United States. Some of my countrymen seem to think that it will not come to our shores. I'm afraid they are wrong. We are a small, population-dense country. As the distance between the rich and the poor widens, I'm terribly afraid that homelessness will become an unwelcome guest at our table.

The third problem is poverty. In this productive, technologically-advanced world, no human being should be without food, clothing and housing. As the spiritual leaders of this community, I'm sure that you agree with me that it is the obligation of our developed nations not only to eliminate poverty at home, but to assume the responsibility for our desperately impoverished brothers

and sisters in the less developed areas of the world.

This is a huge task but I firmly believe that it can be accomplished by a consortium of governments, which are not doing enough, of the private business sector, which is not doing enough, and by the spiritual and cultural leaders of all countries. And yes, unfortunately we are not doing enough either.

The fourth angel of death that stalks our cities, our oceans, our countrysides, and our very atmosphere is environmental destruction. In no area is the need for international cooperation more obvious. No one nation, no single group of nations can solve the problem of the destruction of the planet earth. To paraphrase one of the great founders of your country: "Gentlemen, and Ladies, we must act together or, most assuredly, we shall perish together."

You in the United States have been discussing these problems at great length. As I said, I came here to learn, to study, to find solutions. But talk, an exchange of ideas is not enough. As an indication of my concern, I am establishing a foundation and supplying it with initial funding to make some small contribution toward stopping the angels of death. I will meet with concerned people in your country and mine and all over the world and urge them to contribute to this foundation.

We will establish a Board of Directors of well-respected and qualified people to direct the earnings of this foundation into existing, efficient, well-managed anti-poverty, anti-drug, housing development and environmental protection projects in the United States, for a start. I will exercise no control over the activities of this foundation.

You may say that an initial million or so dollars is "a drop in the bucket." I will answer with the old proverb: "A trip around the world starts with a single step".

I am, I think, a quiet and peaceful man, but I am angered by the four angels of death. I will fight them with every means at my disposal. You, I know, are all engaged in this battle at this very moment. Let us join forces—all of us—men and women of good will all over the world.

Together we can achieve victory.

OMAHA WORLD HERALD NOTES A RUN OF ACHIEVEMENTS FOR U.S. FOREIGN POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BEREUTER. Mr. Speaker, last week's election in Nicaragua was a dramatic and stirring reaffirmation of the democratic process. Voter participation was overwhelming—the final results are likely to show that more than 90 percent of registered voters did in fact vote. The election of Mrs. Chamorro holds the promise of peace after more than a decade of strife and conflict.

The electoral victory of the democratic opposition in Nicaragua comes at the same time that remarkable changes are taking place in Panama, in central Europe, in the Soviet Union, in Afghanistan, in Chile, in South Africa, in Namibia, and in many other locations worldwide. In short, there has been an unprecedented level of positive change in recent months.

Mr. Speaker, a March 1, 1990, editorial in the Omaha World Herald notes with approval the important role that the United States has had in effecting these changes. According to the World Herald: "Each of these changes has been the goal—and the consequence—of American foreign policy. At considerable cost and, at times, loss of life, Americans have responded with firmness to tyrants and extremists over the years, providing a polestar by which downtrodden and oppressed nations could chart a course toward freedom."

Mr. Speaker, I would commend to my colleagues this insightful essay, and ask that it be inserted in the RECORD.

[From the Omaha World Herald, Mar. 1, 1990]

A RUN OF ACHIEVEMENTS FOR U.S. FOREIGN POLICY

Sometimes it takes a dramatic event elsewhere in the world to remind Americans of how much good their country is doing in the foreign policy arena. Recent months have provided no shortage of such events.

Panamanians danced in the streets to celebrate their liberation from the Noriega dictatorship. Nicaraguans stood in line for hours to exercise the right to vote out a government that had failed to keep its promises. Czechs, Poles, Hungarians and East Germans stepped forward, as communism collapsed around them, to build a new order based on liberty and human rights.

A few months earlier, Soviet troops retreated from Afghanistan. North Korea, apparently beginning to realize that it would never reunite with South Korea by force, began exploring a more realistic relationship with the south. Iran and Iraq ended their tragic war.

Each of these results was a goal—and a consequence—of American foreign policy. At considerable cost and, at times, loss of life, Americans have responded with firmness to tyrants and extremists over the years, providing a polestar by which downtrodden and oppressed nations could chart a course toward freedom.

Vaclav Havel, the playwright-president of Czechoslovakia, alluded to that U.S. role during his recent speech to Congress. He said the best thing America could do for his country would be to help the Soviet Union build a democracy.

Then he gave his American hosts a quick lesson in history: "Twice in this century," he said, "the world has been threatened by catastrophe. Twice this catastrophe was born in Europe, and twice you Americans along with others were called upon to save Europe, the whole world and yourselves."

His explanation of the Cold War was clear and descriptive. Speaking of the origins of the Cold War, he said: "Europe became the point of friction between these two powers, and thus it turned into a single enormous arsenal divided into two parts. In this process, one half of the arsenal became part of that nightmarish power, while the other, the free part, bordering on the ocean and having no wish to be driven into it, was compelled, together with you, to build a complicated security system to which we probably owe the fact that we still exist."

Havel, like others who are leading the quest for freedom elsewhere in the world, admires the heroes of American freedom.

Havel said: "When Thomas Jefferson wrote that governments are instituted among men deriving their just powers from the consent of the governed, it was a simple and important act of the human spirit. What gave meaning to that act, however, was the fact that the author backed it up with his life. It was not just his words; it was his deed as well."

Governments don't have an awards ceremony to recognize excellence in foreign policy. But Americans are rewarded just the same, each time someone else in the world becomes a little freer as a result of the example that Americans have set.

INTRODUCTION OF CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. LEHMAN of California. Mr. Speaker, today, along with my colleagues, Ms. KAPTUR of Ohio, Mr. PRICE of North Carolina, Mr. SCHUMER of New York, and Ms. PELOSI of California, I am introducing the Consumer Credit Protection Amendments of 1990.

This bill is the product of extensive review of the Federal law governing the relationship between consumers and consumer reporting agencies. That law, the Fair Credit Reporting Act, was written 20 years ago when today's information gathering and technology sharing was barely imaginable. In 20 years, the act has been amended only once.

Central to the review we made of the Fair Credit Reporting Act was determining whether the law has effectively ensured the confidentiality, accuracy, relevancy, and proper use of consumer reports, as was intended by the 91st Congress that enacted the law. In order to answer that question, the subcommittee I chair, the Subcommittee on Consumer Affairs and Coinage, held a lengthy hearing last September. We received testimony from representatives of every group with an interest in this issue, including consumers, the reporting industry, users of reports, and both the Chairman of the Federal Trade Commission and the Special Adviser to the President on Consumer Affairs.

Many problems with the Fair Credit Reporting Act were raised by the witnesses at our hearing and many suggestions were made for changes to the law. We heard a lot about the lack of consumer knowledge of both the law and the reporting system. We heard that consumers are unaware that credit information they think of as confidential is used to place them on lists sold to persons with whom they have never dealt. We heard about inaccuracies in consumer reports. No one suggested we do away with the act; instead, the issue was how much do we need to change the law to ensure its effective operation in today's world.

My conclusion from the hearing was that the Fair Credit Reporting Act needs some real attention. The bill we introduce today, the Consumer Credit Protection Amendments of 1990, is a comprehensive bill designed to address a range of issues. Title I would amend the Fair Credit Reporting Act in a number of ways. Title II incorporates H.R. 56, the Credit Repair Organizations Act, introduced by the former chairman of the Subcommittee on Con-

sumer Affairs and Coinage, Mr. ANNUNZIO of Illinois.

To very briefly summarize, title I of our bill would give consumers greater awareness of how reporting agencies get information and who may be allowed to access that information once it is in agency files. The bill would ensure that consumers are better informed as to their rights under the Federal law and how to exercise those rights. Consumer's control over how information about them is used would be increased by the bill's requirement that consumers be given an opportunity to register lack of consent to furnishing information for solicitation purposes. And consumers would have the right to one free copy of their report annually. Additional requirements would be imposed on reporting agencies, users of reports, and persons who furnish consumer information to reporting agencies so that the purposes of the original law could be better met. Title II of the bill would place certain restrictions on credit repair clinics and would require them to disclose basic information to consumers about the cost and nature of their services.

Mr. Speaker, in 1977, the Privacy Protection Study Commission concluded in its final report that we live in an information society and that while Americans cherish their privacy, they are willing to reveal information when they can see a clear benefit to be gained. An example of one such benefit is access to credit opportunities. Nevertheless, while some diminishment of control over private information may be the price we pay for living in a society with numerous credit opportunities available to us, this must never mean that we give up all expectation of privacy. I hope that the bill we introduce today will go a long way to returning control to the hands of consumers and thus protecting the privacy of every one of us.

Following is a section-by-section analysis of the bill:

"CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990"

The bill is divided into two titles. Title I is the amendments to the Fair Credit Reporting Act (FCRA). Title II incorporates H.R. 56, the Credit Repair Organizations Act, in its entirety.

SECTION BY SECTION SUMMARY

SECTION 1. SHORT TITLE. "CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990."

TITLE I—FAIR CREDIT REPORTING AMENDMENTS

SEC. 101. DEFINITION OF ADVERSE ACTION.

Adds definition of "adverse action" to serve as trigger for the notice a user of a consumer report must give a consumer when a report is used as the basis for a decision negatively impacting the consumer as required under section 615 of the FCRA. The definition incorporates by reference the definition of adverse action used in the Equal Credit Opportunity Act along with all the triggering instances already in the FCRA. In addition, the definition covers any other action negatively impacting the consumer that is based on a consumer report.

SEC. 102. AMENDMENTS RELATING TO PERMISSIBLE PURPOSES OF CONSUMER REPORTS.

Clarifies that a consumer report may not be used for any purpose beyond the single permissible purpose for which the report was initially requested. Also clarifies that use of a consumer report in connection with a rental or check cashing application is covered by the FCRA.

Prohibits reporting agencies from providing information from a consumer's file in connection with a credit or business transaction not initiated by the consumer unless either the consumer directly authorizes providing the report or two requirements are met: first, the consumer must already have had notice that information may be used in connection with transactions the consumer has not initiated; second, the consumer must have had an opportunity to register lack of consent to such use and failed to so register.

SEC. 103. AMENDMENTS RELATING TO OBSOLETE INFORMATION.

Creates an exception to the rule on reporting of consumer bankruptcies so that chapter 13 bankruptcies would be reportable for only 7 years.

Modifies current rule on reporting of negative information so that shorter periods would apply for overdue payments information.

Eliminates current exceptions to obsolete information rules for reports in connection with credit, insurance, or employment over certain dollars amounts.

SEC. 104. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

Prohibits reporting agencies from barring users of consumer reports from disclosing the contents of a report to the consumer.

Requires reporting agencies to maintain detailed records of procedures they follow to meet the law's requirement of maximum possible accuracy and to make such records available upon request.

Requires reporting agencies to maintain detailed records of purposes certified by users in requesting reports and to make such records available upon request.

Requires reporting agencies to make available, upon request, certain specified information about the agency itself such as any toll-free telephone number and all places where the agency does business.

SEC. 105. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

Requires the reporting agency to make the disclosure of the consumer report to the consumer in writing.

Deletes the current provision that only the nature and substance of information on file about the consumer need be furnished to the consumer and requires instead that all information in the file be furnished.

Expands the current requirement that the consumer be told of any recipients of the report so that the consumer will also be given specified identifying information about such recipients.

Adds a requirement that every time a consumer receives any disclosure mandated by the FCRA the consumer must also be given a written summary of consumer rights and remedies guaranteed by the FCRA.

SEC. 106. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

Amends current requirement that a reinvestigation of disputed report information take place within a reasonable time by imposing a time limit of thirty days on reinvestigations. A reinvestigation may take longer than thirty days if certain requirements are met by the reporting agency.

Requires reporting agencies to maintain detailed records of procedures followed in reinvestigations and to make such records available upon request.

Adds requirement that a reporting agency that refuses to reinvestigate because it finds the consumer's dispute to be frivolous or irrelevant must send the consumer written notice that includes various specified information.

Adds requirement that upon completion of a reinvestigation the reporting agency must send the consumer written notice that includes various specified information.

Modifies current law so that a reporting agency would be required to include a consumer's statement of dispute in reports subsequent to reinvestigation.

Expands group of recipients of reports to whom the consumer may request the reporting agency to send notice after a reinvestigation from those who received the report in the six months prior to the reinvestigation to those who received it in the prior year.

SEC. 107. AMENDMENTS RELATING TO CHARGES.

Inserts limit of eight dollars on amount that a reporting agency may charge a consumer for a copy of their report.

Adds provision that gives consumers the right to receive one free copy of their report annually.

Prohibits reporting agencies from imposing charges on consumers for any reason other than supplying consumer reports not already required to be provided without charge.

SEC. 108. AMENDMENTS RELATING TO PUBLIC RECORD INFORMATION.

Requires reporting agencies to specify the source and the date public record information was initially reported whenever the agency includes such information in a report.

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

Increases number of situations that trigger the required notice from a user of a report to a consumer when a report was used in taking action negatively impacting the consumer. (See discussion under section 101.)

Expands required contents of the notice the user sends to the consumer to include notice of the consumer's right to request reasons for the adverse action, the names and addresses of the three largest consumer reporting agencies, and a summary of consumer rights and remedies under the FCRA.

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

Adds persons who furnish information to a reporting agency to the list of persons covered by the present civil liability provisions for both willful and negligent noncompliance.

SEC. 111. AMENDMENTS RELATING TO ADMINISTRATIVE ENFORCEMENT.

Increases power of Federal Trade Commission (FTC) to enforce the FCRA with civil penalties.

Grants authority to the FTC to promulgate regulations implementing the FCRA.

Requires the FTC to submit an annual report to Congress containing certain specified information such as number of consumer complaints received.

SEC. 112. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

Creates new section with requirements for persons who furnish information to consumer reporting agencies. First, such persons must provide a disclosure to consumers

before furnishing any information about the consumers to any reporting agencies. Second, persons who furnish information to reporting agencies must follow reasonable procedures to ensure maximum possible accuracy of such information. Detailed records of such procedures must be maintained and made available upon request.

SEC. 113. EFFECTIVE DATE.

Sets effective date for 180 days after enactment.

TITLE II—CREDIT REPAIR ORGANIZATIONS ACT

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Creates a new title IV to the Consumer Credit Protection Act entitled "Credit Repair Organizations."

Section 401. Short title. "Credit Repair Organizations Act."

Section 402. Findings and purpose.

Finds that certain companies that offer to help consumers repair their credit ratings prey on consumers who can least afford it.

Establishes that the purpose of the act is to provide consumers with the information necessary to make informed buying decisions regarding services provided by credit repair organizations and to protect consumers from unfair practices in the sale and promotion of such services.

Section 403. Definitions.

Defines several terms used in the Act. Defines "credit repair organizations" as any persons who offer to help consumers improve their credit histories or ratings or obtain consumer credit. (Excludes from the definition non-profit consumer credit counseling services, financial institutions, real estate brokers, attorneys, securities dealers, consumer reporting agencies, and debt collectors.)

Section 404. Prohibited practices by credit repair organizations.

Prohibits credit repair organizations from requiring payment in advance for their services unless they have posted a $50,000 surety bond. Prohibits credit repair organizations from making misleading statements about the services they provide and from charging consumers for referrals to creditors who will offer credit on the same terms available to the general public. Prohibits credit repair organizations from counseling consumers to make misleading statements to credit bureaus and creditors.

Section 405. Disclosures.

Requires credit repair organizations to disclose to consumers their rights under the FCRA and to provide detailed descriptions of the services they will perform, the total cost, and the consumer's right to proceed against any surety bond.

Section 406. Credit repair organizations contracts.

Mandates that any contract for credit repair services include the terms and conditions of payment, a full description of the services to be performed, the time of performance, the name and address of the credit repair organization, and notice that the consumer has three business days to cancel the contract and obtain a full refund.

Section 407. Right to cancel contract.

Gives consumers the right to cancel any contract with a credit repair organization in the three business days following the signing of the contract. Requires credit repair organizations to give consumers notice of this right and a form for canceling the contract.

Section 408. Noncompliance with this title.

Declares as void and unenforceable any waiver by a consumer of rights provided under this Act. States that any contract that does not comply with the Act will be in violation of this Act.

Section 409. Civil liability.

Gives consumers the right to sue credit repair organizations for actual damages, additional statutory damages the court may allow, and attorneys fees, and permits both individual and class actions.

Section 410. Jurisdiction of courts; limitation of actions.

Allows suits for violations of the Act to be brought in any Federal or State court within two years of the date of violation or two years after the consumer's discovery of the violations if the defendant had concealed the violation.

Section 411. Administrative enforcement.

Empowers the FTC to administratively enforce the Act.

Section 412. Relation to State law.

Preempts State laws only to the extent that they are inconsistent with the Act.

SEC. 202. EFFECTIVE DATE.

Sets the effective date for 90 days after enactment.

REV. LUIS OLIVARES, C.M.F., RECOGNITION FOR OUTSTANDING COMMUNITY LEADERSHIP

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. ROYBAL. Mr. Speaker, it is truly a privilege to take this opportunity to join in honoring the outstanding leadership of my good friend, the Reverend Luis Olivares, C.M.F., of Los Angeles, pastor of Our Lady Queen of Angels Church, commonly known as La Placita.

On Saturday, May 10, 1990, Father Olivares will be guest of honor, and actor Edward J. Olmos a special guest, at the First Annual Leadership Recognition Dinner to be held in Los Angeles.

For over 14 years, Father Olivares, a cofounder of the United Neighborhoods Organization, has assumed responsibility to lead its member families and congregations in the fight for better schools, a bright future for recent immigrants, affordable housing, adequate health, an end to gang violence, and the drug menace. In the last 2 years, Father Olivares' leadership has proven victorious in the struggle to raise the minimum wage in California, and to ban military-style, semiautomatic assault rifles—the so-called weapons of war.

For 1990 and beyond, Father Olivares and his coworkers will continue the battle to recapture our great metropolitan areas by aggressively acting on their urban agenda: Break ground on 600-plus "Nehemiah homes" in Los Angeles County; develop and initiate a comprehensive strategy to make our schools work; and turn the tide against graffiti, gang violence, and escalating drug use.

Father Olivares became an activist almost by accident, when acting as supervisor for a seminarian who asked to work in the grape boycott with the farmworkers. He met Cesar Chavez and came in close and continuous contact with the farmworkers themselves. The enthusiasm and determination of the farmworker struggle, the liturgical celebrations at the union conventions, weddings, baptisms, but especially the burial of their martyrs was the rich soil that nurtured the seed of social justice planted in his soul.

Over the years, Father Olivares has had a major impact on issues affecting east Los Angeles. To list but a few: Car insurance rates, housing reinvestment in the community by corporations doing business there, reduction in gang violence, quality education, public transportation, higher minimum wage, and rights of immigrants.

La Placita Church has always been a place of refuge for those in need, both spiritual and material. The social office extends services of emergency housing, food, transportation, rent subsidy, and many others to the hundreds that pass through its doors each day. Every night, 200 or more men are allowed to come out of the cold and sleep in the church hall. As means allow, these men at times are given food, clothing, and job opportunities. The influx of those needing refuge dramatically increased since 1982, when the violence in Central America forced ever increasing numbers to flee their homeland. In response, Father Olivares collaborated in establishing a Central American pastoral center called the Centro Pastoral Rutilio Grande at La Placita. Then, on December 12, 1985, La Placita was declared public sanctuary for Central American refugees. This was the first Roman Catholic Church in Los Angeles to do so, thus joining more than 40 sanctuary churches across the United States.

In 1987, sanctuary was extended to include those undocumented aliens who could not qualify for amnesty under the provisions of the Immigration Reform and Control Act of 1986. At the same time, Father Olivares joined a group of religious men and women in a declaration of noncompliance on that section of the law which requires employers to fill out verification of permit to work, the I–9 form, for all those hired after November 6, 1986.

Today, Father Olivares serves as president of the board of the National Center for Immigrants Rights, Inc., chairman of the Coalition for Humane Immigration Rights in Los Angeles, treasurer of the Central American Refugee Center of Los Angeles, member of the Going Home Campaign Steering Committee an interfaith group in support of Salvadoran refugees returning to El Salvador from exile—member of the advisory board of the Southern California Inter-Faith Task Force on Central America, and cochair of Coalition '88 with Rabbi Sue Levi Elwell and the Reverend James Lawson, Jr.

In summary, Mr. Speaker, it is a distinct privilege for me to join with his many friends and coworkers, to honor the outstanding leadership of this great and good man, Father Luis Olivares.

TAKE PRIDE IN AMERICA

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. SKEEN. Mr. Speaker, today I am introducing a joint resolution designating May 1990 as "Take Pride in America Month." I thank the gentleman from California [Mr. MILLER] for his help and support in sponsoring this joint resolution.

Americans have been blessed with a beautiful, abundant land and a rich cultural heritage as well. If future generations are to share in these blessings, we must take an active role in preserving them.

The Take Pride in America campaign is a partnership of public and private organizations committed to ensuring the wise use of the resources that belong to all Americans. Take Pride seeks to promote stewardship of our public lands, artifacts, and historical monuments.

In every State, people are involved in a broad spectrum of grassroots activities including outdoor stewardship and self-policing programs; archeological resource protection awareness efforts; and "watch" programs or hotlines to report vandalism, wildlife poaching, theft, and other destructive activity. Others help care for parks, highways, trails, shorelines, campsites and playgrounds through cleanup, maintenance, and general assistance when needed.

Mr. Speaker, a similar resolution passed this distinguished body in 1988. Once again, I think it's important for Congress to reaffirm our support of the Take Pride Program by declaring this May as "Take Pride in America Month."

Mr. Speaker, I insert a copy of this resolution in the RECORD.

JOINT RESOLUTION—DESIGNATING MAY 1990 AS "TAKE PRIDE IN AMERICA MONTH"

Whereas the United States is blessed with outstanding natural and cultural resources;

Whereas the United States is blessed with tremendous resources, including citizens with a unique volunteer spirit rooted in the Nation's frontier tradition;

Whereas the Nation's recreational and cultural resources contribute to the economic and social well-being of the Nation;

Whereas the future of the Nation's great historial monuments and natural wonders and public lands depends upon the commitment of the American people to their preservation;

Whereas the Take Pride in America Campaign is a partnership of Federal agencies, States, and numerous public and private organizations committed to the wise use of our natural and cultural resources;

Whereas Take Pride in America Month will focus attention on the stewardship of public lands by concerned citizens and citizen groups around the Nation; and

Whereas "Take Pride in America: You Can Make a World of Difference" will become the theme for Take Pride in America Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "Take Pride in America Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

HUMAN RIGHTS IN LIBERIA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. WEISS. Mr. Speaker, on December 24, 1989, a group of rebel insurgents entered Liberia's eastern province of Nimba in an attempt to overthrow the government led by President Samuel K. Doe. Regular infantry and Liberian security forces were dispatched to counter the insurgency, and as a result of continued fighting, hundreds of innocent Liberian civilians and government officials have been slain.

According to media reports and international human rights groups, more than 200 civilians—primarily members of the Mano and Gio ethnic groups in Nimba County—have been killed by Liberian troops during the counterinsurgency campaign. Many of these killings reportedly occurred without regard for the distinction between combatants and noncombatants.

The victims of this tragic conflict are not limited to the hundreds who have been killed during the recent fighting. According to the United Nations High Commission for Refugees and other relief agencies, more than 140,000 Liberians have been forced to leave their homes in Nimba County and have fled to the neighboring Republics of Cote d'Ivoire and Guinea. These refugees are in desperate need of relief.

The Congress and previous administrations have often expressed concerns about the lack of regard for internationally recognized human rights in Liberia. Just last week, in its annual Country Reports on Human Rights Practices, the Bush administration also charged the Liberian Government with extensive human rights violations. As a result of Liberia's persistent lack of progress in protecting basic human rights and its failure to implement needed economic reforms, United States assistance has sharply declined in recent years.

Today, Congressman DON PAYNE and I are introducing a resolution condemning the recent violence in Liberia and calling on President Bush to suspend all United States military assistance until these human rights conditions have improved.

Currently, United States military aid to Liberia is being withheld as a result of the Doe government's failure to repay its loans to the United States. Our resolution would add human rights conditions to these already existing economic restrictions. The resolution would also prohibit United States military advisers from accompanying Liberian troops in fighting the counterinsurgency campaign.

The resolution further urges President Doe to conduct an impartial inquiry into human rights abuses in Nimba County and to prosecute those individuals, including members of the Liberian armed forces, who have been accused of these crimes.

Finally, the resolution calls on President Bush to support the efforts of the United Nations Commissioner for Refugees and other international and private voluntary organizations to meet the urgent needs of Liberian refugees in neighboring countries and to facilitate safe passage back to their homes.

This bipartisan resolution is cosponsored by the chairman and ranking minority member of the Subcommittee on Africa, Mr. WOLPE and Mr. BURTON, and also enjoys the support of the chairman of the Congressional Black Caucus, Mr. DELLUMS, and the chairman of the Select Committee on Hunger, Mr. TONY HALL.

Mr. Speaker, recent events in Liberia require that Congress take immediate steps to convey our continuing concerns about that nation's human rights conditions. I urge my colleagues to join in cosponsoring this resolution to send a clear message both to the Bush administration and to the Liberian Government.

The text of the resolution follows:

H. RES. 354

Whereas the Republic of Liberia and the United States are bound by ties of mutual respect and friendship;

Whereas in recognition of this special relationship, the United States has provided Liberia with substantial economic and military assistance;

Whereas the Congress and the administration have repeatedly expressed concern about human rights abuses in Liberia;

Whereas United States assistance to Liberia has declined in recent years as a result of the Government of Liberia's persistent lack of progress in the protection of internationally recognized human rights and in the implementation of needed economic reforms;

Whereas on or about December 24, 1989, a group of insurgents opposed to the government of President Samuel Doe entered the eastern county of Nimba and killed a number of Liberian officials and unarmed civilians;

Whereas Liberian troops and provincial security forces were dispatched to Nimba County to counter the insurgency and indiscriminately killed Liberian civilians without regard to the distinction between combatants and noncombatants;

Whereas media reports and international human rights organizations have estimated that at least 200 persons, primarily members of the Mano and Gio ethnic groups, have been killed by troops of the Government of Liberia during the counterinsurgency campaign; and

Whereas according to the estimates of the United Nations High Commission for Refugees and other relief organizations, more than 140,000 Liberians have been forced to flee their homes in Nimba County into the Republic of Cote d'Ivoire and the Republic of Guinea as a result of the recent fighting: Now, therefore, be it.

Resolved, That—

(1) the House of Representatives condemns the recent violence against unarmed civilians (particularly members of the Mano and Gio groups who have been singled out on the basis of their ethnicity) in Nimba County, Liberia, and calls on all parties to the conflict to comply with Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War which establishes the right of noncombat-

ants to humane treatment in the case of armed conflict; and

(2) it is the sense of the House of Representatives that—

(A) the President should convey to the Government of Liberia the concerns of the United States about human rights abuses in Liberia since 1980, especially the recent killing of unarmed civilians by Liberian Government troops;

(B) the President should urge the Government of Liberia to quickly resolve the conflict in a manner which permits the thousands of Liberian refugees to return to their homes;

(C) the President should provide all necessary support to efforts by the United Nations High Commissioner for Refugees and other relevant international and private voluntary organizations to meet the urgent humanitarian needs of Liberian refugees in neighboring countries;

(D) the President should not permit any United States military advisors to accompany Liberian troops in fighting the insurgency in Nimba County;

(E) the President should consider recent events in Nimba County in making the assessment, related to human rights in Liberia, required by section 549 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990;

(F) in the event that the suspension of foreign assistance to the Republic of Liberia is no longer required by those provisions of law which restrict foreign assistance to countries which are in default on foreign assistance loans (commonly known as the Brooke amendment), the President should not resume military assistance to the Republic of Liberia until the Government of Liberia has—

(i) ended the indiscriminate killing of civilians by Liberian troops in Nimba County;

(ii) instituted a fair and impartial inquiry into human rights abuses in Nimba County and allowed credible international human rights organizations complete access to the affected regions;

(iii) taken steps to investigate and prosecute those individuals, including members of the Liberian armed forces, guilty of human rights abuses; and

(iv) made substantial progress in promoting the safe return of refugees to Nimba County; and

(G) the Government of Liberia should honor its commitment to hold scheduled elections in 1991 and ensure circumstances in Liberia that are conducive to a free and fair election process.

HUMAN RIGHTS IN LIBERIA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, since the overthrow of William Tolbert's administration in 1980, the government of Samuel K. Doe has held a tight grip over the lives of the Liberian people. Following the coup d'etat, Doe's junta suspended his predecessor's constitution and imposed martial law. The Doe government had pledged to restore a civilian government and impose democratic elections by 1985, but to date his regime has not yielded even these fundamental rights.

On December 24, 1989, a group of rebel insurgents entered Liberia's eastern province of Nimba in an attempt to overthrow the Liberian Government. Regular infantry and Liberian security forces were subsequently dispatched to counter the insurgency, and as a result of continued fighting, hundreds of innocent Liberian civilians and government officials have been slain.

Media reports and international human rights organizations estimated that over 200 persons, particularly members of the Mano and Gio tribes who have been singled out on the basis of their ethnic origins, have been killed indiscriminately by both Liberian troops and rebels throughout the campaign. According to estimates of the United Nations High Commission for Refugees and other relief organizations, the fighting has also resulted in the flight of more than 140,000 Liberian nationals from their homes in Nimba Province into the Republics of Cote d'Ivoire and Guinea.

The United States Congress and previous administrations have often expressed concerns about the lack of regard for internationally recognized human rights in Liberia. Just last week, the Bush administration in its Country Reports on Human Rights Practices, also charged the Liberian Government with extensive human rights violations.

My colleague, Congressman TED WEISS, and I have introduced a resolution condemning the actions taken by both parties to the conflict and calling on the Liberian Government to take swift action to resolve the matter in a manner that would permit the thousands of refugees safe passage back to their homes. The resolution also urges the Liberian Government to allow international human rights organizations to make an impartial inquiry into human rights abuses, and take steps to prosecute individuals responsible for those crimes. Finally, the resolution calls on President Bush to support all necessary efforts to provide any humanitarian assistance to the Liberian refugees, and continue the suspension of all United States military aid until these human rights concerns have been adequately addressed.

The Eastern European and southern Africa phenomena have set the stage for a new era in international relations, one which places human rights as a top priority for every government. The result of Liberia's lack of progress in improving human rights conditions over the years has been a sharp decline in United States assistance, but that is no longer sufficient leverage. Liberia's intransigence requires that Congress take immediate steps to convey our concerns regarding that nation's human rights conditions in the strongest manner. Military assistance is our best leveraging tool, therefore we should use it.

Last Wednesday, President Vaclav Havel defined our foreign policy challenge for the 1990's best, when he said, "the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility." Our close historical ties with Liberia underscores our responsibility to the Liberian people—we should not let them down.

PRESTIGIOUS NATIONAL HONOR BESTOWED ON LOCAL GUN DEALER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. TANNER. Mr. Speaker, I rise today to express my congratulations to Mr. Turner Kirkland from Union City, a lifelong friend who has received the Lifetime Achievement Award from the National Alliance of Sporting Gun Dealers. Turner is only the third person to receive this prestigious award and it was truly well deserved.

Mr. Kirkland has devoted much of his life to developing an unparalleled expertise in firearms and antique weapons. He built his company, the Dixie Gun Works in Union City, from a hobby into one of the most extensive collections of firearms in the country. Walking into the Dixie Gun Works showroom is like stepping back into time.

One can view a collection of firearms that date back to 1500. It ranges from firearms used in the civil war in England to Gatling guns and reproduction models of hundreds of antique weapons.

But Turner Kirkland's inventory is more than just a collection. Dixie Gun Works is also a highly successful business that sells to customers all over the world. He is recognized widely by gun enthusiasts as an expert.

The recent award presented to Turner Kirkland is well deserved. It recognizes a unique career to which he has devoted his life. I extend to him my warmest congratulations, and ask that a recent newspaper article on him be inserted in the RECORD.

[From the Union City Daily Messenger, Feb. 20, 1990]

PRESTIGIOUS NATIONAL HONOR BESTOWED ON LOCAL GUN DEALER

(By John Brannon)

Everything you ever wanted to know about guns is right here in Union City.

Did you know some models of those vicious little Derringer pistols have four stacked barrels? Or that a Springfield rifle used by the U.S. Army is a collector's item?

Turner Kirkland knows. Other folks know he knows.

Kirkland went to Las Vegas recently to receive the Lifetime Achievement Award from the National Alliance of Sporting Gun Dealers attending the Shooting and Hunting Outdoor Exhibition Show at the Sahara Hotel. Only two other men have received the lifetime achievement award—Roy Weatherby and Bill Ruger, both of Los Angeles, both well-known riflemen.

A prestigious honor? "I'll let you decide that," Kirkland says in his polite manner.

Kirkland is the retired chairman of the board of Dixie Gun Works, a bustling Union City business he built from a personal hobby that spans all the way back to 1931. His enchantment with firearms began Dec. 9, 1931, when he was a fifth-grader at the old Central School in Union City.

Kirkland is 69 and a native of Union City. His expertise in firearms is known far and wide, and his sage counsel is often sought by gun enthusiasts.

He will surprise you, this soft-spoken gentleman with silver-white hair who loves to wear a sporty coat, white shirt and sport bow tie. He is undoubtedly a walking, talking encyclopedia of American and foreign firearms, and has quite a grasp of history. He may abruptly turn and ask, "What was the period of Frederick the Great?" Don't be surprised if he's the only one in the crowd who knows. He associates historical events with firearms.

Just inside the entrance of Dixie Gun Works on south Reelfoot Avenue is a startling sight—three Gatling guns. You've seen them in John Wayne movies, when the Cavalry arrives just in the nick of time to save the wagon train. One of the Gatling guns on display is a model 1890 from the Colt armory at Hartford, Conn. It fires a 45-caliber slug. A Gatling gun is an awesome thing to see.

Nearby is a rack of books that includes manuals about army uniform regulations in the 1840s and 1850s. In the selection is Kirkland's book, "Seven Derringers of the Mississippi Valley."

In his personal library in his office are 1,200 books. Among them are "Patchboxes and Barrelmarks—the Kentucky Rifle" and "The Encyclopedia of Modern Firearms—Parts and Assembly."

"I got my first gun in 1931," he said. "I have it written right here in my Boy Scout diary." He picks up a weathered and worn little book, flips the page. "Here it is," he said. Sure enough, it's there, in juvenile script, in pencil—Dec. 9, 1931: "I saw an old pistol at school." And, Dec. 10, 1931: "I bought an old pistol."

The old pistol, he said, was an 1849 percussion Colt, and he paid 75 cents for it. "That was too high for that gun, though," he said. "It was a 'dug' gun. It'd been dug out of the ground and was rusted."

The 1849 percussion Colt is not a rarity, he said, "I've got a dozen of them right now," he said.

From the experience with that one pistol, he began collecting guns. Now, 58 years later, he's still at it. Meanwhile, he's made his mark as an entrepreneur in the firearms world, perhaps best known for contributions to the black-powder firearms market. He does business not just nationwide, but worldwide. Some of his customers are Civil War re-enactor groups in England, Australia and Europe. "They have skirmishes, and Civil War battles are re-fought, just like re-enactors over here," Kirkland said. "They even have Wild West towns where they play shoot'em up."

Like other gun owners, Civil War re-enactors need firearms of the period, or reproductions, anyway. They also needed various parts for their firearms and sometimes repair. Reproductions of firearms are in abundance at Dixie. You feel you've walked back in time when you meander among the racks of muzzle-loaders, some with sharp and sinister bayonets. In 1955, Kirkland produced the first machine-made muzzle-loading gun. Later he produced the first gun kit.

If you want to talk rare guns, ask about the most prized of all—the 1800 Butet shotgun. "I've got one here," he said. "It's unfired, with much gold inlaid all over it, with a charcoal blue barrel, in pristine condition," he said. Its value? "Close to $75,000," he said.

But shucks, firearms from the 1800s is just a start, historically speaking. "We have several categories of guns," he said. "From the year 1500 to about 1900. That includes guns from the civil war in England in 1545, the Queen Anne's War in 1700, and the American Revolutionary War in 1776," Kirkland said.

One of the most popular firearms is the Kentucky Rifle, he said. There were millions of them made," he said. "It was a shooting and hunting gun. The barrel is 40 to 44 inches long, and the stock was 14 inches long. It fired a 40-or 50-caliber ball. They don't hit squirrels with it lots of times, they 'barked' them."

Barked squirrels? "Right. Sometimes they hit right next to a squirrel, and the bark of the tree would pop up and sting the squirrel," Kirkland said.

Kirkland has some thoughts about young people and firearms. He said youngsters under age 15 handling a firearm should always be supervised by an adult. "After that age, he should be mature enough to know the dangers of a firearm," he said. "I would suggest the father and mother take their kids out and shoot into a tree or board or watermelon so they can see what a bullet does when it hits."

Life could have taken another turn for Kirkland had he not made a decision many years ago to leave selling and turn his head to firearms. He was a salesman for the President Jewelry and Novelty Co., of New York. Kirkland's territory was Arkansas and Tennessee, which he describes as "the worst territory you can have—too long and too narrow."

So he resigned. Did he miss selling? "Nope, never missed it," he said. "I couldn't have been any worse off. I didn't have any money either way."

HOUSE CONCURRENT RESOLUTION 279

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. RANGEL. Mr. Speaker, on March 1, 1990, I introduced House Concurrent Resolution 279, expressing the sense of Congress that Federal support for local drug enforcement should be increased substantially and that a mechanism for direct funding to local governments should be developed.

When the bill was introduced, there were 13 original cosponsors and when printed only 12 appeared. Representative JIM MOODY from Wisconsin was inadvertently left out as an original cosponsor. I would like to state for the record that Mr. MOODY who has long been supportive of the committee's work is an original cosponsor of this resolution and should be commended for his work in this area.

ENTHUSIASM OVER THE NICARAGUAN ELECTION RESULTS MUST BE TEMPERED WITH CAUTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BEREUTER. Mr. Speaker, the dramatic success of the UNO coalition in the recent Nicaraguan election is a stirring victory for the forces of democracy. In what is certainly the first free, fair, and honest contested election in that nation's history, the people voted overwhelmingly to replace the Sandinista regime that has ruled Nicaragua with an iron hand for over a decade.

Although Daniel Ortega has declared his willingness to permit an orderly transition of power, major hurdles remain. In the first place, it is by no means certain that the Sandinistas will willingly surrender control of the security forces and the army, particularly since Mrs. Chamorro has pledged to reduce and control these traditional sources of Sandinista power. In addition, there are signs that the Sandinistas may resist the privatization of inefficient government industries. If Mrs. Chamorro is successful in effecting these reforms, the existing Sandinista power base will be dramatically undercut.

Mr. Speaker, the March 2, 1990, edition of the Omaha World Herald examines the risks faced by the newly democratic regime of Mrs. Chamorro. In an editorial entitled "Danger Still Lurks in Nicaragua," the World-Herald warns: "That the Sandinistas are still trying to hold on makes them appear particularly out of touch with the workings of democracy—and, consequently, makes them particularly dangerous." I would commend this essay to my colleagues, and ask that it be inserted into the RECORD.

DANGER STILL LURKS IN NICARAGUA

Former President Carter has, by most accounts, made a major contribution in setting the stage for the Sandinistas to hand over the government to Violeta Chamorro, the winner of Nicaragua's recent presidential election. But the deed is not yet done. The election could still be stolen by hard-line Marxists in the government and the army.

Carter helped persuade Daniel Ortega to accept defeat, and he helped persuade Mrs. Chamorro to avoid statements that would inflame Ortega's backers in the tense hours after the announcement of the results.

Now, however, Ortega's people are making demands that conflict with Mrs. Chamorro's program. She wants the privatization of inefficient government-owned industries. The Sandinistas want her to guarantee that industries will remain nationalized. She wants to repeal the draft and reduce the size of the army. The Sandinistas want to keep control of the army.

While Ortega has said he will turn over his office, he adds that those who voted for UNO were wrong and that the Sandinistas will be the party of the future in Nicaragua.

The party that loses a democratic election is in no position to dictate the terms of the transition. That the Sandinistas are still trying to hold on makes them appear particularly out of touch with the workings of democracy—and, consequently, makes them particularly dangerous.

A TRIBUTE TO DOMINIC FURCO OF WEST HAVEN, CT

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to salute a Connecticut resident who has devoted his life to improving the

livelihoods of his fellow workers. Last October 26, at a ceremony for his retirement from the Community Health Care Plan [CHCP], I presented Dominic Furco with a Certificate of Special Congressional Recognition for his longtime commitment to labor. Today, I want to share his efforts with you.

After serving in the U.S. Navy during World War II, Dom returned to the New Haven area. In 1946, he married Gloria Romano, and they had three daughters, Donna, Cynthia, and Suzanne. Since 1962 the Furcos have lived in West Haven.

Dom resumed his printer's apprenticeship with the Wilson H. Lee Co. of Orange when he returned from the War. As soon as he was eligible, he joined the Printing Pressman and Assistants Union Local 74 and over the next 28 years held every office in that local, including serving as president for 6 years.

When his employer closed its doors in June of 1969, Dom joined the Marketing Department of CHCP, the first health maintenance organization in Connecticut. Three years later, he organized the workers of CHCP as the Office and Professional Employees [OPEIU], Local 466. Dom became the union's first president and served for four terms. He was also instrumental in the merger of OPEIU, Locals 466 and 153.

For 18 years Dom served as a delegate to the greater New Haven Central Labor Council. For 15 of these years, he was a member of the executive board.

Retirement has not changed Dom's commitment to labor. He now spends much of his time with the Labor History Association, taping interviews with older and retired workers and gathering pictures and relics for the associations archives. He also will be cochairman of the newly formed Retiree's Council of the Greater New Haven Central Labor Council.

Mr. Speaker, Dom has championed the rights of workers in the New Haven area for over 40 years. I congratulate and thank him on behalf of all those who have benefited from his unselfish work. He has earned his retirement many times over, and I wish him continued health and happiness.

ASSISTANCE TO ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HAMILTON. Mr. Speaker. I wrote the Department of State asking for a total of all assistance to Israel, both appropriated directly and forms of assistance not appropriated.

Following is the reply of the State Department which I received March 1, 1990. It indicates that in fiscal year 1989 total assistance to Israel amounted to $3,742.1 million, of which $3 billion was appropriated in foreign assistance legislation.

I am requesting similar data for Egypt, Turkey, and Greece which will appear in the CONGRESSIONAL RECORD when it is received.

The correspondence on Israel follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, U.S. Department of State, Washington, D.C.

DEAR MR. SECRETARY: I write to request formally that the Department of State prepare a detailed listing of all types of assistance provided to Israel by the United States. This listing can be either for Calendar Year 1989 or Fiscal Year 1989.

It is my understanding that Ms. Gennie Pratt of the Office of Arab-Israeli Affairs has started work on such a listing. I hope this project can be completed soon.

I am interested in all forms of assistance, both appropriated assistance as well as unappropriated assistance, all forms of economic, security and cultural assistance, and the value of United States Government contracts in Israel which benefit the Israeli Government or economy, including an estimate of the benefit to the Israeli economy of U.S. ship visits. The Committee requested a similar exercise for Turkey several years ago and it was beneficial.

Thank you for your consideration of this matter. I hope that the project can be completed within two weeks.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 1, 1990.

DEAR MR. CHAIRMAN: I am replying to your January 29 letter requesting a detailed listing of all types of direct assistance provided to Israel by the United States government.

Enclosed is the listing you requested. Please contact me again if you need clarification of any of the items listed.

Sincerely,

JANET G. MULLINS,
Assistant Secretary Legislative Affairs.

United States assistance to Israel in fiscal year 1989

[In millions of dollars]

Military	Amount
Foreign military sales [FMS] grants (of this amount, $550 million is spent in Israel)	1,800.00
U.S. Air Force exercises	.02
U.S. Navy:	
Crew liberty	27.0
Exercise fees	.1
Port service fees	2.4
Helicopter maintenance	1.5
Ship maintenance	6.2
SDIO:	
Arrow	60.8
Test Bed	5.0
Hypervelocity gun	1.4
Evaluation of Israel weapons for possible United States purchase	1.5
Construction of United States facilities in Israel	9.56
Congressionally mandated reduction of FMS administrative costs for Peace Marble III (F-16)	20.0
DOD procurement from Israeli companies	[1] 354.2
Multinational force and observers (one-half of United States one-third share of total assessed budget of $73.4 million)	12.23
Total military	2,301.91
Grants:	
Economic support funds (ESF) cash transfer	1,200.0
Interest earned on lump sum cash transfer	76.7
Refugee assistance (RP Bureau to United Israel Appeal)	28.0
American schools and hospitals abroad	6.9
Cooperative development program	5.0
Cooperative development research program	2.5
Middle East regional cooperation program (one-half of $5 million trilateral United States-Egypt-Israel program)	2.5
Arab-Israeli Peace Scholarship	.75
Binational foundations (grants from joint endowments to joint United States-Israel projects):	
Science	13.0
Industrial research and development	14.4
Agricultural research and development	7.5
VOA/RFE/RL transmitter relay station	30.04
Loans/Guarantees:	
Ex-Im Bank:	
Intermediary loans	16.8
Medium-term guarantees	2.9
Short-term insurance coverage	33.2
Total non military	1,440.19
Grand total	3,742.1

[1] Preliminary.

NOTE:—Israeli refinancing of part of its FMS debt saves Israel about $150,000,000 per year in interest payments.

Source. Information compiled from Departments of State, Defense, and Agriculture, AID, Ex-Im, and BIB sources.

SALUTE TO LOUIS GARCIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BERMAN. Mr. Speaker, I rise today to salute an outstanding member of our community—Louis Garcia. For 45 years, Lou has devoted himself to the well being of the residents of the San Fernando Valley. He is being honored by the National Association of Community Health Centers [NACHC] for his outstanding career of public service.

During his early life, Lou helped organize deprived and delinquent youngsters, establish-

ing a range of social and cultural activities under the auspices of the Catholic Youth Organization. Through perseverance and charisma, he became one of the first to provide meaningful services for Hispanic youth in the San Fernando Valley.

For the last 20 years, Lou has been a member of the NACHC and was elected president in 1978. During that time he has served on several key committees and is currently a member of the Homeless Health Care Task Force.

Through Lou's leadership, the North East Valley Health Corp., was conceived and the organization is now responsible for providing services to over 35,000 indigent individuals.

Lou has also been active with the American Red Cross and has participated in White House Conferences on Children and Youth, Mexican-American problems and food, nutrition, and health concerns.

Lou and his wife, Sophia, are proud parents to eight children.

Mr. Speaker, It is my distinct pleasure and privilege to ask my colleagues to join me in acclaiming Lou Garcia, a community leader and a role model for all.

CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PRICE. Mr. Speaker, our Nation's credit reporting system is critical for ensuring that financial institutions and other commercial entities make prudent decisions about whether to lend money, provide employment, or approve a rental application, to name only a few examples. However, at the same time it is also important in maintaining a good credit reporting system to protect a consumer's right to privacy and to assure that reports are processed in a fair and impartial manner. The Fair Credit Reporting Act of 1970 was intended to achieve these multiple purposes, and it has served us well for many years.

Unfortunately, in recent years, the ability of the law to protect consumers has been outstripped by technological changes in the credit reporting industry. Chairman RICK LEHMAN, of the House Banking Committee's Subcommittee on Consumer Affairs and Coinage, convened a hearing in September of last year which clearly demonstrated the need for revisions to the 1970 law. These revisions, many witnesses argued, are necessary if we are to continue to balance the consumer's right to privacy and the industry's need for information to make wise business decisions.

I am pleased to join with Mr. LEHMAN today in introducing legislation incorporating many of the suggestions brought out in this hearing. Under this bill, credit reporting agencies would be prohibited from providing information to direct marketers or others without the consent of the consumer. Consumers, under this legislation, must receive notice that their name may be given out for marketing purposes, and individual consumers will have the ability to say no to this use.

The bill also improves the disclosures consumers receive about their rights under the Fair Credit Reporting Act, and consumers for the first time will have guaranteed access to all the information in their credit report.

The legislation also ensures that if consumers challenge the information contained in their report, the disputed information will be dealt with in a timely manner. Specifically, there will be a 30-day limit on these reinvestigations. Consumers who are waiting to receive approval on loan will not be delayed unnecessarily because of a mistake on their credit report.

The bill also incorporates Chairman ANNUNZIO's critically needed legislation on so-called credit repair organizations. These provisions will regulate these credit repair firms which for a large fee will offer to fix a consumer's credit report.

Consumers already have the right to dispute inaccurate information in their files and request a reinvestigation, and the Annunzio provisions will provide consumers with some needed protection and disclosures when they contract with a credit repair organization to assist them.

This bill is a practical response to a number of pressing problems. I urge my colleagues to join with me in supporting this legislation, and I look forward to working with Mr. LEHMAN on this bill in subcommittee.

IRANIAN PERSECUTION OF BAHA'IS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HYDE. Mr. Speaker, I am glad to join with my colleagues in focusing renewed attention on the vicious crimes committed by the Government of Iran against the Baha'is, a religious minority group which seeks nothing more than the freedom to observe its faith in peace.

I participated in the hearings held by the House Subcommittee on Human Rights in 1982, when spokesmen for the American Baha'is community described the tragic persecution launched against the Baha'is by the Islamic revolutionary regime.

Those of us who took part in that hearing learned of the imprisonment, torture, and killing of men, women, and even teenage girls—on account of their religious beliefs—by the current regime in Iran. Since 1979, more than 200 Baha'is have been killed.

The Iranian Government claimed that those Baha'is were political conspirators, agents of the CIA or tools of the Zionist movement—but, significantly, they offered virtually every one of those individuals their freedom, if only they would give up the Baha'i faith.

Now, we hear that pressure from the President and Congress have led to reduced instances of torture and terror. But the State Department has reported several instances during the past year in which Baha'is have been killed by mobs who were stirred up by fanatical Islamic clergymen.

I am pleased that the administration and the Congress have spoken out forcefully on this issue. We must continue to get the message to the world that the Iranian Government's persecution of the Baha'is is barbaric and intolerable.

A CONGRESSIONAL TRIBUTE TO TOM COULTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to bring to the attention of my colleagues one of the most caring, giving, and loving men the good Lord has ever put on this Earth. While Tom Coulter is no longer with us, his life stands as a testimonial to God's meaning of the "Golden Rule." He did not strive to do unto others as he did unto himself, he did more for others than for himself. My wife Lee, and I, both had the pleasure of knowing Tom, and working with him during the founding and early development of the Wilmington Boys and Girls Club. The club was but one of the groups that benefited from Tom's time.

We are often reminded that life is finite, however, the spirit of Tom Coulter, as manifested through his actions while on this Earth, will remain forever. I am a better person today for having known him.

In an effort to better acquaint my colleagues with the life of Tom Coulter, I submit the following article from the February 28, 1990, edition of the San Pedro News Pilot, written by my friend Bob Beck.

CLUB REMEMBERS TOM COULTER

Tom Coulter was a caring man.
He cared for his community.
He cared for his family.
He cared for his God.
And he cared for his fellow man.

That's the way I launched my presentation last week at a Wilmington Boys and Girls Club dinner where Tom was being honored posthumously for his service to the group and as one of its founders and longtime supporters.

But Tom was more than just a caring man.

He was hard working, dedicated, persevering, informed, intelligent and just about every one of the other jillion adjectives that can be applied to a person who does his best to help where help is required.

He couldn't say no when someone asked to him to help launch or complete a project.

Even after his first heart attack, people would call or visit and say, "I know you're not 100 percent back on your feet yet, but can you help . . ."

He refused few if any requests when he felt he had the expertise or the contacts to do the job.

He was the ultimate volunteer.

Tom came to us from the old Wilmington Press Journal where he had worked practically every beat, from sports to crime. He had lived practically all his life in Wilmington and had gone through the schools there. He was a graduate of Banning High.

He joined our training program, the Copley Editorial Careers Program, and served at several of our Copley newspapers

before coming back to the Harbor Area and The News-Pilot. He was a sports fan, and we hired him as our sports editor.

Tom left us briefly to become the director of a halfway house for drug users in Wilmington, again because he felt he was needed and he felt like he had the right kind of help and strength to give.

He later came back to the paper and worked on the news-side as a reporter and eventually was my city editor when I left to begin my five-year stint in northern Illinois at one of our other Copley newspapers.

He left the paper soon after my departure to work for then 15th District City Councilman John Gibson, not because he had lost his love for the news business, but because it gave him another opportunity to work for people.

When he came back to the newspaper several years later, he was our resident expert on where to get things done, who to contact to get them done, where to start first, when to catch them there and all the other secrets of government.

All the time, he was working as a volunteer for numerous San Pedro and Wilmington groups. I couldn't find a complete list, but it must have been in the double digits.

He was photographer for some, writer for others, information bank for some, mover and shaker for others.

His community hard work, the long hours and a family history of heart problems ganged up on him about 1982 when he had his first heart attack.

But it wasn't long before he came back for a few hours and then a little longer until he was almost back on regular duty—and still offering his help to community organizations. When he had his second heart attack and subsequent heart operations a few years later, he decided to retire from the front lines at the newspaper and to take it easy.

That meant only a couple of phone calls and visits to the paper a week, and only God and Tom knew how many help calls he answered from the other organizations that treasured his services.

The Wilmington Boys and Girls Club, which he helped found about 20 years ago, awarded Tom the highest honor that can be accorded by Boys Clubs of America to one who has served the organization with honors.

That is the Boys Club Medallion.

I had the honor and privilege to present it along with Boys Club representative Gary Cain to Michael Coulter, Tom's son.

In addition, the boys and girls club established a new award to be given to a person has demonstrated the same kind of love and devotion to the boys and girls club and its goals and ideals.

The Tom Coulter Memorial Award was given this year to immediate past president Eleanor Montano.

The club could not have picked a person who more personifies the kind of service that Tom provided for the club or for the other organizations in the Harbor Area in which he played major parts.

I cannot think of any other person who deserved a memorial to his memory more than Tom Coulter.

I congratulate the executive board of the boys and girls club who made the decision to give the award and name it for Tom.

People like him come around very infrequently in anyone's lifetime.

UNION OF COUNCILS FOR SOVIET JEWS REPORT ON ANTI-SEMITISM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PORTER. Mr. Speaker, a disturbing trend is developing in the Soviet Union that is cause for real concern; that trend is the open display of anti-Semitic attitudes. Although President Gorbachev's policy of glasnost has led to freedom of expression in Soviet society unthinkable just a few years ago, it has also removed the lid from a seething cauldron of ethnic prejudice and anti-Semitism long simmering beneath the suppressive chokehold of Communist doctrine.

While I do not believe that the Soviet leadership is condoning the intolerable behavior of ultranationalist groups such as Pamyat and others, their lack of condemnation of anti-Semitism at a time when Jews are increasingly susceptible to violence is unacceptable. Now is not the time for the Soviet government to remain silent while fear runs rampant throughout the Soviet Jewish community. In fact, Soviet Jews' terror would subside if President Gorbachev publicly condemned anti-Semitism and provided assurances that the authorities would protect them if they become targets of anti-Semitic violence.

At this time, I would like to submit portions of a recently released report issued by the Union of Councils for Soviet Jews entitled "The Increasing Danger of Anti-Semitism in the Soviet Union." This report provides an excellent summary of the current rise in anti-Semitism confronting Soviet Jews. This issue requires our most urgent attention and I urge all Members to review this material carefully.

THE INCREASING DANGER OF ANTI-SEMITISM IN THE SOVIET UNION

INTRODUCTION

Jews in the Soviet Union are witnesses to the most striking rise in anti-Semitism since the Stalin period. Amidst economic deterioration and ethnic strife, Russian nationalists are reviving the tradition, endemic to Russian society, of scapegoating the Jew. This report, based on evidence received by the UCSJ, substantiates the growing fear of Soviets Jews as fact. The UCSJ disagrees with those who advocate the muting of reports of anti-Semitism in the USSR, lest they fuel panic. While it is vital that we eschew the reporting of unverified rumors, to demur from giving full voice to the concerns of Soviet Jews is, in our judgment, to demean and patronize their leaders. Soviet Jews have always depended on spotlights, not silence.

MAJOR ANTI-SEMITIC ORGANIZATIONS

The best known manifestations of the anti-Semitic revival has been the growth of Pamyat (Memory), now chaired by Igor Sichev. Founded in the early 1980's purportedly as a literary and historical society attached to the USSR Ministry of Aviation Industry, Pamyat has emerged as the foremost anti-Semitic, neo-fascist Russian nationalist organization in the USSR. Its ideology is based on the thesis of a Judeo-Masonic conspiracy responsible for the devastation of Russian culture constituting an ongoing threat to Russian life.

Pamyat has active branches throughout the Russian Republic and beyond. It is the most well-known of all the xenophobic Great Russian organizations flourishing under glasnost. It is supported through the Soviet/Russia cultural establishment and has tentacles spread throughout the government and the Communist Party.

While Pamyat has the highest profile, there are others whose threats and actions pose dangers to Soviet Jews.

One of the most vocal is the Union of Writers of the Russian Republic, the most influential writers' organization in the USSR. Anti-Semitic writers such as Valentin Rasputin, Piotr Proscurin, and Valentin Pikul have been awarded high honors by the government.

The Public Committee Against the Restoration of Diplomatic Relations with Israel headed by Yevgeny Yevseyev is a Pamyat front. The Journal of the Public Committee, under the editorship of Yevseyev, made the following claims: The December 1988 incident in which Soviet citizens hijacked a plane to Israel was deliberately created by the Mossad to fabricate a pretext for Israel to demonstrate its friendship with the USSR; Israeli aid to Armenia should have been rejected because syringes could be contaminated with AIDS; The Society of Friendship with Israel is a fifth column in the USSR against which all Soviet citizens must fight. Jewish culture, which Lenin said to be based on Jewish nationalism, should also be combatted.

KEY FIGURES: A DIVERSIFIED NETWORK

Nina Adreyeva, a teacher at the Lenosovet Leningrad Technological Institute, achieved national prominence for her open opposition to Gorbachev. She describes the Zionist conspiracy in a letter which appeared in "Sovietskaya Russiya", alleging that, although Jews represent less than one percent of the population, "the Academy of Science, in all its branches, all the prestigious professions and posts in culture, music, law, . . . are almost all Jews." She asserts that Leningrad professors go to the synagogue monthly to pay Jews to defend their theses illegally at the University.

Vasily Belov: Also a propagator of the Judeo-Masonic conspiracy myth in his book Everything is Yet to Come, he was elected to the Congress of People's Deputies on the slate of the Communist Party Central Committee.

Valentin Rasputin, a noted writer and environmental leader of the Movement for the Preservation of Lake Baikal, is one of the premier anti-Semitic writers.

Aleksandr Romanenko is a classic anti-Zionist ideologist widely known for his Class Essence of Zionism, which cites anti-Semitic writers such as Vladimir Begun, Yury Ivanov, Yevgeny Yevseyev, and Vladimir Bolshakov.

ANTI-SEMITIC PUBLICATIONS AND DOCUMENTED ARTICLES

The Journal of the Soviet Public Committee Against Diplomatic Relations with Israel makes false anti-Semitic claims cited earlier in this report and actively opposes the Society of Friendship with Israel calling it a fifth column in the USSR against which all Soviets must fight. The Information Bulletin of the Public Committee was established to oppose the Information Bulletin published by the Moscow Jewish Cultural Association.

Sovietskaya Russiya published a Manifesto of Russian National Socialism submitted by Nina Andreyeva in its March 13, 1988

issue. The letter identified Jews as a counterrevolutionary force.

Vecherny Chelyabinsk, in a late October 1989 article, castigates organizers of a meeting of Jewish Cultural Center of Chelyabinsk for trying to establish the area as a province of Israel.

EXAMPLES OF RECENT ANTI-SEMITIC ACTS

July 4, 1989—Boris Gaft reported that Jewish activists discovered swastikas and a sign which read "kill Jewish people" at the site of the former synagogue in Riga where Jews were burned to death by the Nazis.

July 16, 1989—A Hebrew teacher from Moldavia was abducted and beaten on his way to give a lecture at a weekly seminar. His abductors warned him to stop his Jewish activities and threatened his life. They repeatedly declared that all Jews should be murdered. They drove 5 kilometers and threw him from the car.

September 9, 1989—Igor Sichev, a Pamyat leader, spoke for an hour and a half on "Good Evening Moscow" on the expansion of Zionist activity on the Soviet Union. He called on good citizens of Moscow to attend the Pamyat meeting the following morning, and for the creation of military groups in defense against the Zionists who had clearly infiltrated into all levels of the government.

September 10, 1989—One day after submitting his emigration documents, Igor Bochkov was beaten in the street in Moscow. His assailants shouted, "Jews should be beaten and in this way should Russia be saved." Igor was hospitalized. The militia representative, Mr. Melikiya, at Department #179 of the Militia Station in Moscow, refused to involve the militia in any further investigation.

October 22, 1989—Vitaly Lekhtman (51), of Leningrad, and Israel Kovelman (87) of Moscow were murdered in circumstances that strongly indicate possible anti-Semitic motives. Leningrad Jews maintain that eyewitnesses observed a Star of David carved into Lekhtman's back. Both victims were murdered in their apartments. Nothing was stolen.

January 1990—Deputy Sobchak and another member of Congress appeared on Leningrad television warning of the dangers of anti-Semitism and the possibility of pogroms.

January 28, 1990—A KGB representative appeared on Leningrad television claiming that they have "no information on anti-Semitism in Leningrad . . . it is non-existent, only rumors."

January 29, 1990—(date received) According to an emigree, a physician now residing in Boston, a postcard threatening a "huge" pogrom on February 18, 1990 was found in her mother's mailbox in Leningrad.

February 7, 1990—(date received) Jews in Tashkent received flyers in their mailboxes saying "Jews get out, pogroms by March."

LACK OF RESPONSE BY THE SOVIET GOVERNMENT

As of January 1990, President Gorbachev had not publicly condemned anti-Semitism in general or any group in particular, despite several appeals.

Last summer, for example, a petition was introduced by Grigory Kanovich, a deputy to the May Congress of People's Deputies (1989) and signed by 200 deputies, calling for discussion of anti-Semitism in the session of the Congress of People's Deputies dedicated to the issue of national minority rights. The petition was rejected by Gorbachev and the issue barred from discussion. It was also omitted from the list of numerous appeals read at the opening of the session in spite of persistent reminders to do so.

On September 5, a letter of appeal signed by nine non-Jewish intellectuals called on Gorbachev to put an end to increasing anti-Semitism. Another such appeal in the fall of 1987 went unanswered.

Officials routinely permit illegal anti-Semitic demonstrations by Pamyat and other groups. Last year, Pamyat was permitted to hold a virtually unprecedented rally in Red Square, yet the Militia consistently denies assistance and protection to Jewish victims of threats and hate crimes.

The government's refusal to acknowledge, legitimize and authorize many independent Jewish national activities and organizations advances further the popular perception that Judaism is a bastardized and illegitimate culture and religion and fuels the fire of social anti-Semitism.

CONCLUSION

In the final analysis, there is no long-term future for Soviet Jews. Their first priority is rescue and evacuation for all who are ready and able to leave. This means that remaining barriers to emigration must be removed, the transportation capacity must be expanded and absorption must be supported.

But with three million still there, Jews will be in the Soviet Union for years, if not generations, to come. Gorbachev and his government must take immediate steps to oppose anti-Semitism, bring it under control, and legitimize the independent Jewish cultural renewal movement and appropriate means of Jewish self-defense.

TRIBUTE TO JOHN "SWEDE" LINDQUIST

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to tell you about a great American who recently celebrated his 70th birthday. This man, John "Swede" Lindquist of New Haven, CT, has lived his life as we all should—serving our community and our country.

Swede is well known in the New Haven area for his work in the community. Before he and I were first introduced, I had heard so many great things about him that I wondered if reality could meet my expectations. It did. He is an exceptional human being, and I have been even more of an admirer of his since we met.

Swede was born in New Haven in 1919. He served in the Coast Guard during World War II and has been an active veteran. He married Josephine Piscitelli at the age of 27, and they are still together, 43 years later. He worked for the United Illuminating Co. for 40 years and is deeply missed by his colleagues in the employee relations department where he was personnel service administrator.

Swede is perhaps best known for his contributions to local youth and sports. He is a former softball commissioner for the State of Connecticut and a past president of the Connecticut Amateur Softball Association. This service earned him a place in the Softball Hall of Fame.

However, the diamond was not Swede's only field. He served as president of the New Haven Football Foundation and National Hall of Fame. In fact, he was awarded the Distinguished American Award by that organization.

Swede's friendship with the Irish community earned him the Friendship Award from the Hibernian Club of New Haven and the Humanitarian Award from the Knights of St. Patrick.

The Albie Booth Boys Club presented him with its Gold Ring Award in thanks for his efforts on behalf of inner-city youth, including serving as vice-chairman of the Boys Club's Memorial Fund. Swede continues his 23-year tenure as vice-chairman of the New Haven Coliseum Authority.

I am sure that Swede will continue to distinguish himself in years to come. As anyone who knows him will tell you, John "Swede" Lindquist is a remarkable man—kind, charitable, dedicated and admired by all. I wish him many more years of good health.

TRIBUTE TO GLORIA AND PETER GOLD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BERMAN. Mr. Speaker, I rise today to honor two of our most respected community leaders and a couple that I am proud to call my friends—Gloria and Peter Gold. Their generosity and commitment are being recognized by the Jewish Family Service [JFS], of Los Angeles with the dedication of the Gold-Fanger Activity Center at JSF's Valley Storefront.

Glorida and Peter have taken active leadership positions over decades of involvement with the Los Angeles community. Peter is chairman of the board of trustees of Pitzer College and has helped the institution achieve its current position as one of the Nation's top rated colleges. He is a trustee of the City of Hope and a past president of the Boys and Girls Club of the San Fernando Valley.

For Gloria and Peter, the Gold-Fanger Activity Center exemplifies the warm, comfortable and interactive environment they believe is crucial to replicating family life for seniors. Named in honor of Peter's parents and grandparents, the Golds hope that the center will enhance close ties within their own family and ensure that their own children and grandchildren will learn to emulate their philanthropy.

Gloria and Peter have enjoyed an enormously happy 43-year marriage and are the proud parents of Melinda and Daniel, whose wife Vicki recently gave birth to their first grandson, Jason. Peter has been the highly successful president of Price Pfister since 1973 while Gloria has had a distinguished career as a star of both screen and stage.

Mr. Speaker, it is my pleasure and privilege to ask my colleagues to join with me in saluting a very special couple—Gloria and Peter Gold, community leaders and role models for all.

COUNTDOWN TO EARTH DAY 1990: LET'S GET TO WORK ON THE ENVIRONMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MAZZOLI. Mr. Speaker, in January, I stood before this Chamber to commence a countdown, to the 20th anniversary of Earth Day: April 22.

Well, Mr. Speaker, we are at 45 days and counting.

I am encouraged by the activities this countdown has spurred in my district of Louisville and Jefferson County, KY. But, we have a lot of work to do and with only a short time in which to do it.

Congress needs to pass a solid Clean Air Act and I hope President Bush will convene a White House Conference on Solid Waste Management—along the lines I have suggested in House Concurrent Resolution 269 which I have introduced in the House.

In this connection, I solicit my colleagues' support for House Concurrent Resolution 269.

There is an aggressive campaign by local officials, including the city of Louisville's Mayor Jerry Abramson, the County Judge/Executive Dave Armstrong, the Deputy Mayor Joan Riehm, and the local directors of Solid Waste Management, Rudolph Davidson and Evelyn Waldrop, to increase public awareness on the importance of preserving and protecting the environment, and in particular about the need to reduce and dispose of solid waste.

To encourage recycling and waste reduction, the Federal Government must help create markets for recycled materials. I hope we continue to move in this direction with tax incentives and procurement-law changes.

In short, Mr. Speaker, we have only 45 days until Earth Day 1990, and we have a lot to do in Congress.

TRIBUTE TO DR. STEVEN MULLER

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to salute Dr. Steven Muller for his contributions to the Johns Hopkins University. Under his guidance, Johns Hopkins has flourished and grown to unprecedented proportions.

In 1972, Dr. Steven Muller was elected as president of both the Johns Hopkins University and the Johns Hopkins Hospital. Dr. Muller was the first person to hold both prestigious positions since the founding president, Daniel Coit Gilman. His 18 years of service to the university make him the second longest tenured president in Johns Hopkins history, second only to Daniel Coit Gilman. During his tenure, the Johns Hopkins University has grown in diversity and size, always at the forefront of the cutting issues of American society.

Under Dr. Muller's guidance, Johns Hopkins has kept at the forefront of foreign relations. Johns Hopkins has seen the opening of a Center for Brazilian studies, the first of its kind in the United States; the Reischauer Center for Japanese studies; and the Center for Chinese and American studies with the cooperation of the Nanjing University in China. Combined with a new Foreign Policy Institute, they have maintained Johns Hopkins preeminence in the field of international relations.

Johns Hopkins has also seen its Science Program literally take off during Dr. Muller's presidency. During his tenure, Hopkins scientists have been involved in planning projects for mariner missions to Jupiter and Saturn as well as helping build the largest telescope in the Southern Hemisphere in Chile. Johns Hopkins has also seen the addition of a Space Telescope Science Institute, a Center for Astrophysical Sciences, and a new engineering school.

Dr. Muller has also presided over a tremendous growth in Johns Hopkins medical facilities including a major research center on Alzheimer's disease, a Johns Hopkins AIDS Institute, a Biocalarimetry Center, a Biological Research Center, the Johns Hopkins Asthma and Allergy Center, and a new Johns Hopkins Outpatient Center.

Mr. Speaker, the citizens of Maryland and America have benefited from Dr. Muller's foresight and guidance in the last 18 years. The fruits of his efforts in the fields of international relations, science, and medicine will be reaped by the Nation for decades to come. Dr. Muller's presence at the helm of Johns Hopkins will be sorely missed by the students, by Maryland and by the Nation.

It is my pleasure to salute the achievements of Dr. Steven Muller and offer my best wishes for the future.

TRIBUTE TO ROBERT T. REBER, POLICE CHIEF OF THE CITY OF BUENA PARK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DORNAN of California. Mr. Speaker, it is with great admiration that I rise today in honoring a man of unquestionable loyalty and dedication to his community, Mr. Robert T. Reber, former chief of police for the city of Buena Park, located in my 38th Congressional District of California.

Chief Reber began his exemplary career with the city of Buena Park in 1958, following a 9-year tout in the U.S. Marine Corps. Although starting as a patrolman, he was soon promoted to sergeant in 1961, and promoted again to lieutenant in 1962. In 1974 he achieved the rank of captain. And a mere 1½ years later, in November 1975, he became the chief of police.

Over the following 14 years, Chief Reber was personally responsible for building the Buena Park Police Department into a responsive force which is at the same time sensitive to the community's needs. Under Chief Reber's leadership, the department has been molded into a highly cohesive organization, providing an extremely high level of service. Due to several modernization and civilianization programs started by Chief Reber, all this has been accomplished with fewer sworn officers today than when he took command. Chief Reber is highly respected throughout the Buena Park professional and civilian community, and has served as president of the Orange County Chiefs of Police and Sheriff's Association.

Some examples of the department's accomplishments under Chief Reber include:

Institution of the highly successful DARE program, educating our youth to the dangers of drugs and gangs.

Successful acquisition of a traffic safety grant from the Traffic Safety Bureau. This grant has helped to significantly reduce traffic accidents and injuries in Buena Park.

Expansion of the Buena Park Police facility by adding 500 feet to accommodate the many departmental needs.

Transforming the Buena Park Police Department from one with manual typewriters and file cards to state of the art computers and electronic systems.

Acquisition of many technological innovations within the department. One example is the laser fingerprint system and the countywide fingerprint search system.

Establishing and training a 20-man hostage rescue team which has saved many lives while never having to use force to end a life-threatening incident.

Instituting the CHAPS program, including a narcotics detecting dog which has been responsible for uncovering many hidden caches of drugs.

Mr. Speaker, I would like to take this time to personally commend my friend Chief Robert Reber for his outstandiang performance in the service of his community. He will be sorely missed by all those who had the privilege of working with him over the years.

FACING UP TO THE CHALLENGES OF PANAMA

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. CROCKETT. Mr. Speaker, the prestigious Inter-American Dialogue—cochaired by Ambassador Sol Linowitz and former Costa Rican President Daniel Oduber—recently issued a statement of its executive committee concerning Panama.

The statement points out that Panama and the United States now face "four key challenges" in the aftermath of the United States intervention: Restoring effective control by Panamanian authorities over their Nation's territory; rebuilding Panama's economy; building "the core institutions of representative government" and assuring "respect for political and civic rights"; and restoring "trust and partnership" in United States-Latin American relations.

I am particularly concerned by one sentence in the statement regarding the administration's assistance package for Panama:

"Conspicuously absent from the assistance package is any support for rural development or for health, education, and other social services, all of which would benefit Panama's poorest sectors."

As usual, the Inter-American Dialogue has hit the nail on the head, and I intend to work to remedy this defect when the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, considers the administration's proposal.

I urge my colleagues to study the statement of the Inter-American Dialogue's executive committee, which follows:

FACING UP TO THE CHALLENGES OF PANAMA

STATEMENT OF THE EXECUTIVE COMMITTEE OF THE INTER-AMERICAN DIALOGUE, FEBRUARY 23, 1990

Panama's future today hangs in the balance. The actions during coming weeks by the new government of Panama, headed by President Guillermo Endara, as well as by the United States, may determine the country's course for years to come.

Panama's new government enjoys extensive support among the country's citizens. But it does not yet wield full and independent political authority. As long as the U.S. military retains control over various areas of decision in Panama, the transition to democratic rule will remain incomplete, and neither full recognition nor respect will be accorded by other Lation American nations.

Panamanians of all classes now hope for the rapid reactivation of their economy and an end to the hardships of the past several years. Panama is still reeling from the multiple shocks of U.S. economic sanctions and the extensive damage caused by the invasion itself and by the rampage that followed. Unemployment and underemployment are continuing to mount, much of the country's productive infrastructure needs repair, public services are woefully inadequate, and investment capital and commerical credit are in desperately short supply. External assistance has not yet begun to flow in any significant amount.

Although widely welcomed in the United States and Panama, the U.S. military intervention in Panama last December was troubling to most Latin American countries and clearly set back prospects for inter-American cooperation. Not since Argentina and Great Britain clashed in the Falklands-Malvinas war of 1982 have the United States and Latin America lined up so sharply on opposing sides of an issue.

Most Latin Americans deplored the corrupt and repressive military dictatorship of Manual Noriega and favored his departure from power. Many also acknowledged the special historical role and responsibility of the United States in Panama. Despite these special circumstances, the U.S. intervention was regarded throughout Latin America as a violation of Panama's sovereignty and of accepted international norms against armed intervention.

The dispute over whether the Panama invasion was legal or justified should not be permitted to obscure the fact that all Americans, North and South, now face a common task—to revitalize cooperation throughout the Hemisphere and to help the people of Panama reconstruct their economy and build a stable democracy.

For key challenges must now be met:

1. Panamanian authorities must establish effective control over their nation's territory. Not only must U.S. troops be limited to their pre-invasion levels, but remaining U.S. soldiers must be returned to their bases in Panama and their activities restricted to those necessary to protect the Canal, as specified in the Canal treaties. Political and civic institutions can flourish in Panama only if Panamanians are in charge of their own destiny.

2. Panama's economy must be rebuilt. Economic recovery is essential for stable, democratic development in Panama. Assistance is urgently needed from the United States and other countries. It took nearly two months before Washington lifted its economic sanctions against Panama, and it is disturbing that some Panamanian assets still remain frozen in U.S. accounts or are being withheld by U.S. companies. All such funds should be released immediately to Panamanian authorities.

The Bush Administration has proposed an aid package for Panama that would renew access to U.S. trade credits and investment guarantees—together worth about $500 million. It would also provide another $500 million in loans to help Panama clear up interest arrears with the World Bank and IMF (thereby allowing these institutions to restore their assistance programs); to rebuild housing and rehabilitate businesses; and to open lines of credit for private and public investment. This is a sensible and important initiative; its approval should be speeded and funds disbursed promptly.

It is too early to assess whether the amounts proposed will be sufficient for Panama's full recovery. Conspiciously absent from the assistance package is any support for rural development or for health, education, and other social services, all of which would benefit Panama's poorest sectors. The United States and other countries should be prepared to consider additional aid, especially if it is required to meet the needs of low-income groups. We urge the Bush Administration to appoint a senior official to coordinate all U.S. aid efforts. This will avoid a piecemeal approach that can only yield piecemeal results.

3. Panamanian authorities must act decisively to build the core institutions of representative govenment and assure respect for the political and civic rights of all citizens. President Endara's appointment of a new Supreme Court with responsibility for establishing an independent judiciary system was a welcome first step. There are, however, distressing reports that both Panamanian and U.S. forces continue to conduct illegal searches and seizures, make arrests without judicial authority, and detain persons without evidence of criminal activity. Such abuses must be ended. It is equally important that the Panamanian legislature begin functioning as soon as possible.

Panama also needs to establish a competent police authority. Decisions about the composition, leadership, and training of the new authority must rest with Panama's leaders. We would, however, urge that they give careful consideration of creating a Costa Rican-type police force without military functions. In the end, what is most critical is that the new police force be fully subordinated to civilian control. It would be tragic if this opportunity to assure civilian supremacy in Panama were lost.

4. The United States and Latin America must now find ways to restore trust and partnership to their relations. The best way to restore hemispheric trust is for the United States to join with the countries of Latin America in an active search for mutually-agreed solutions to such long-standing problems as the persistent debt crisis that has left Latin America in deep depression, the wars that continue to scar Central America, and the mounting drug scourge. Urgent attention must also be given to the rebuilding of institutions and procedures of hemispheric cooperation, and particularly to developing appropriate multilateral mechanisms for dealing with crisis situations—including through a reinvigorated Organization of American States. The common problems of this Hemisphere must be addressed jointly—by all countries of the Americas.

A TRIBUTE TO JIM PLAKAS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. FORD of Michigan. Mr. Speaker, I rise today to honor Jim Plakas, a man of enormous talents and energy, at the end of one of his careers. After 41 years as an automotive engineer for the Ford Motor Co., Jim is giving up that career and concentrating his energies on his other career, that of politician and political activist. And I know that Mayor Plakas will do the same outstanding job for the people of Garden City that he did for Ford Motor Co.—and for me.

Jim's political career and my own have been linked by Democratic Party politics for more than 30 years, but never more so than in 1964 when the 15th Congressional District was first created and Jim helped establish the 15th District Democratic organization. In my first campaign for Congress, Jim was one of my campaign coordinators—and the results of his hard work are still bearing fruit today.

After that first success, no one was surprised when I asked Jim to help run my congressional office. Happily, Jim agreed to my request and helped get things up and running.

Jim turned his attention to his own elective office in 1968 and won the first of many terms on the city council of Garden City. After serving 6 years as mayor pro tem, he ran for and won election last year as mayor of Garden City. The people of Garden City know Jim Plakas and his commitment to their communtiy, and they rewarded that commitment with their votes. In a sense, they're getting more than they bargained for—Jim's retirement will give him twice as much time for his mayoral duties.

Somehow, Jim has found time over the years to make important contributions to the community in the few free hours his two careers have left for him. He has been a member of the Wayne-Westland YMCA for 20 years and a member of the Schoolcraft Community College Advisory Committee during the same period.

Jim Plakas is a man of extraordinary public spirit. Now that his political career will have his undivided attention, the people of Garden City have every reason to expect extaordinary leadership, efficient service, and top quality management from their city government. I look forward with a pleasure to working with Mayor Plakas on behalf of our common constituents.

EXPLANATION FOR VOTE OF PRESENT ON EASTERN AIRLINES

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. CAMPBELL of California. Mr. Speaker, I voted present today on the motion to override the President's veto on the Eastern Airlines matter to avoid the potential of an appearance of a conflict of interest, which has developed since the original vote on this matter. Since that vote, Mr. Joe Ritchie of Chicago has become the leading bidder for Eastern Airlines, as an alternative to the management of Mr. Lorenzo. Mr. Ritchie is a former client of mine, a campaign contributer, and a close personal friend. It is clearly in his interest to override the President's veto in this case; and to avoid the potential of the appearance of conflict of interest, I must not cast my vote to override. Thus prevented from freely choosing between yea vote or a nay vote, I must vote present.

THE POLICE EQUIPMENT PROCUREMENT ACT OF 1990

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. WISE. Mr. Speaker, I rise today to ask my colleague's support for legislation sponsored jointly by myself and Representative AL MCCANDLESS, the ranking minority member of my Subcommittee on Government Information, Justice and Agriculture. The Police Equipment Procurement Act of 1990 is a no-cost, practical way to help insure the safety of law enforcement officers throughout the United States as they fight the war on drugs. Much has been said about getting the military involved in the war on drugs—I feel that this legislation serves this purpose on a number of levels—without deploying troops to the streets.

The idea for this bill came to me after Chief Edward Garnet of the Charleston, WV Police Department approached me to express frustration over the fact that regulations prevented him from purchasing 9mm Beretta handguns for his officers in conjunction with Department of Defense procurement.

Mr. Speaker, Charleston, WV, the State's capital is located along the Kanawha River in the southwest region of West Virginia. It is also my home. Charleston is also home to the intersection of three Interstate Highways, I-64, I-79 and I-77. These highways provide us with a mixed blessing; certainly, the commerce and access to other markets are welcome. The drug dealers bringing crack cocaine and turf battles to our home are not.

The drug criminals Chief Garnett's forces are fighting are changing. A simple bust for possession of a small quantity of contraband will likely as not also turn up some type of weapon on the suspect. In the past year the police forces protecting the Charleston area have had to deal with fully automatic Uzi's, numerous lesser powerful but equally lethal handguns and even a hand grenade while enforcing the drug laws.

Given this threat it is quite understandable that Chief Garnett felt compelled to upgrade his officer's service revolvers to give them an edge should a life threatening situation occur. It is sad that Department of Defense regulations prevent him from buying modern handguns as part of the regular procurement process. It is sad because it would have saved the Charleston Police Department about $200 per weapon. It is sad because I had to explain to him that the Federal Government's war on drugs had a chink in its armor.

The fundamental premise of this legislation has more to do with economics than weapons or narcotics laws. The bill allows State and local police departments to join in, or piggyback on Department of Defense and Department of Justice purchases. This enables small police departments to capitalize on an economy of scale they could not otherwise enjoy. In the case of Charleston's guns, the Department and subsequently the taxpayer would have saved hundreds of dollars. The Police Procurement Act of 1990 would allow every police department in the Nation to upgrade their body armor, communications equipment and handguns at a far more affordable price.

The Police Equipment Procurement Act of 1990 provides local and State law enforcement officials with assistance on two levels. This is achieved at little or no cost to the Federal Government. The bill requires the Director of National Drug Control Policy—or drug czar—to provide an assessment of law enforcement equipment that will be covered under the law and a detailed description of the notification process and procedures under which States and localities can participate. The drug czar will be given 6 months to produce these regulations.

Mr. Speaker, the Police Equipment Procurement Act of 1990 should become a part of our Nation's drug fighting strategy, along with Justice Department grants, treatment and detention centers and education. It is unique in that it helps State and local police departments to upgrade the equipment they use to make the streets safe for both the citizens and themselves. We do this not by spending new funds or creating new departments but by working together with what we already have. Rest assured, many communities are wrestling with the conflicting notions of the need to upgrade their police department's equipment and the need to balance their tenuous budgets.

The Police Equipment Procurement Act of 1990 is a necessary and vital component of our national drug strategy. It is time we open the door to the State and local lawmen and women who are fighting the same war that is being fought on a national level. They deserve nothing less than the very best.

UNITED STATES AND MEXICO NEED AIR QUALITY IMPROVEMENTS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to introduce legislation that addresses the clean air situation along our country's international border with Mexico.

My bill, known as the United States and the United States of Mexico Air Quality Improvement Act, proposes to authorize the Environmental Protection Agency to cooperate with Mexico to clean up air pollution along the border. The intent of this legislation would be to rectify a major omission from previous clean air legislation enacted by Congress—to acknowledge that U.S. Southwest border cities cannot resolve their pollution problems without the cooperation of our neighboring country.

I have the privilege of representing the largest community directly on the United States-Mexico border, that of El Paso, TX. With a population of nearly 600,000, El Paso also borders the largest Mexican city on the border, Ciudad Juarez, Chihuahua, with a population of more than a million residents. For purposes of clear air, the international border between our two cities and two countries is artificial; El Paso and Ciudad Juarez residents breath the same air. A number of factors contribute to a poor air quality in the area, factors also faced by other border cities. These include a rapid growth in industry, foreign vehicles without tailpipe emissions controls, and long lines of vehicles at international bridges that contribute to emissions. For a number of years, the city of El Paso has been found in violation of several Clean Air Act ambient air quality standards, including being listed among the worst cities for both ozone and carbon monoxide.

The intent of this legislation is not to exempt any U.S. cities or States from complying with the requirements established in the Clean Air Act, as I believe efforts need to continue by all regions presently not in compliance to reach attainment status. On the other hand, I do not believe it is fair that sanctions could be imposed on certain nonattainment cities for situations over which they at least in part have no control. This legislation calls for the EPA to consult with the United States State Department and individual States to develop through negotiations with Mexico a 60-month program to monitor and improve air quality. Also, the bill requests that EPA take into account the impact of pollutant sources coming from Mexico in approving State implementation plans.

Congress approved for fiscal year 1989 and 1990 sums for the EPA to conduct monitoring studies in El Paso and Ciudad Juarez to determine the sources of pollution and the extent to which each contribute to the overall situation. These have included the collection of

meteorological data, measuring air quality, and compiling an emissions inventory. This legislation proposes to make borderwide these monitoring studies and further authorizes EPA to work with Mexico in implementing remediation programs.

Over the course of my tenure in Congress, I have had the pleasure of meeting with several of my Mexican counterparts to discuss issues of mutual interest. One of these, of course, has always been pollution along the border we share. I believe that Mexico has a strong desire to work with the United States in improving our air and water. However, due to a number of other great needs and economic conditions, the country has been unable to place a priority on pollution abatement. This legislation will allow both countries to move forward in this regard with the combined use of EPA's resources and that of its Mexican counterpart agency.

Mr. Speaker, in view of the advancement of our relationship with Mexico that would result from the enactment of this legislation, as well as the great benefit that would be derived the citizens of our border States, I urge my colleagues to support this legislation. Thank you.

WETLANDS CONSERVATION INITIATIVE ACT OF 1990

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HAYES of Louisiana. Mr. Speaker, as we debate the future of this country on the floor of this Chamber, the wetlands of this Nation are losing a fight for their very survival at a rate of 52 acres per hour.

At the time of the initial settling of this country there were 215 million acres of coastal wetlands. By 1985, 56 percent of that total has been lost to both natural and human-induced processes. Even more discouraging news is that since 1955, an average of 458,000 acres of wetlands are lost each year in the continental United States. Over 20 years, that figure equates to a land mass the size of Massachusetts, Connecticut, and Rhode Island, combined. Without immediate action, it is estimated that the Gulf of Mexico wetland system, alone, will suffer the loss of another 1 million acres by the year 2040.

So what can we do under the current system to actually retard or reverse this destructive trend? Let's look at the nature of the wetlands in question. Nationally, 74 percent of all wetlands are privately owned, with only 26 percent being held by either Federal or State Governments. Consequently, something must be done to provide the private sector with some form of incentive to actively participate in the development and implementation of wetland management plans on their property.

In response to this situation my legislation calls for providing a 75-percent tax credit for any qualified expenditure spent for restoring, conserving, rehabilitating, or maintaining a wetland. The 75-percent figure is based upon an already established percentage used in other conservation measures. In order to ensure that the expenditure qualifies for and merits a tax credit, the bill establishes that there will be oversight by two Federal agencies, as well as the section 404 permit process.

Furthermore, as each of us knows, the fact that the landowner can decide on his or her own whether he or she wants to spend their own money on a program will help automatically weed out the suspect plans. People rarely chose to waste their own money, and will only spend it on opportunities like this when they are confident that their plan will be successful.

If you have developers or environmentalists in your region who are concerned with the future of wetlands, here is a chance to find a middle ground. Private sector incentives have proven to be one of the only sources of agreement and consensus in the entire wetlands debate. Therefore, I hope that my fellow colleagues will help save our wetlands and join me in supporting this important and innovative approach to a problem facing each of our States.

CONGRATULATIONS TO WESTINGHOUSE SCIENCE WINNERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have this opportunity to extend my heartiest congratulations to two young men, students at Ward Melville High School in East Setauket, Long Island, NY, who recently were named winners in the 49th annual Westinghouse Science Talent Search.

David D. Ben-Zvi, who at 15 is one of the youngest of the winners, came to this country just 2 years ago from Israel. He has won numerous awards in math competitions so, not surprisingly, he selected a mathematics problem for his science talent search entry. He investigated a quadratic system named after M. Hernon which exhibits extremely complex behavior. His work enabled him to discover an important new theorem for the Hernon system and develop a rigorous proof.

David is first in his class at Ward Melville, plays the violin and has other interests that range from medieval history to quiz bowl playing. He is the son of Drs. Illan and Ruth Ben-Zvi of Setauket. He plans to continue his studies at Princeton University.

Shinpei Kuga, 17, of Stony Brook is also a mathematician. He developed two mathematical proofs for his science talent search entry, both involving the construction of polygons on a coordinate plane with perpendicular axes. He derived well-argued proofs that any regular polygon that can be constructed on the lattice has four sides and any equiangular polygon that can be constructed cannot have a prime number of sides.

Shinpei has won numerous math and science awards. For diversion, he enjoys chess, computers, poetry writing, badminton and classical music. The son of Dr. and Mrs. Michio Kuga, he plans to study at Harvard and Radcliffe Colleges for a career in medicine or mathematics.

These two brilliant young men are among the 40 winners nationally who came to Washington, DC, last week to attend the weeklong Science Talent Institute sponsored by Westinghouse. Their achievements and talents are remarkable so I join the entire Long Island community in saluting them and wishing them continued success.

In addition to the 2 finalists, there were 8 other young people from my district who made it to the ranks of semifinalist, an honor accorded to only 303 high school students nationwide. The eight are: David Joshua Goldhaber, Matthew Foster Kamil, Marc J. Kuchner, Shai Oster, Michael Brett Rubin, Philip Peter Soo and Sumit Kumar Subudhi, all of Ward Melville High School and Eric Dennis Nordstrom of Shoreham-Wading River High School.

RADIO COMMENTS ON ACT FOR BETTER CHILD CARE SERVICES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PEASE. Mr. Speaker, as many of my colleagues know, WGMS, a Washington radio station, airs a feature each weekday known as "Capital Commentary." The feature offers Members of Congress from all across the political spectrum the opportunity to present their views on the issues before us. I recently taped a commentary for this feature on the child care issue. The text follows:

This is Congressman Don Pease of Ohio. Remember the old adage that a bird in the hand is worth two in the bush?

Well, essentially, that's what the child care debate boils down to. Congress has to choose whether to pass the Act for Better Child Care Services, best known as the ABC bill, or a child care proposal put forth by the House Ways and Means Committee.

The bills don't work at cross purposes. Congress could enact both. But the cost is too great. So Congress has to decide which approach makes the best use of taxpayer dollars and guarantees that funding will be there for families that need it.

The ABC bill creates an entirely new child care program that requires an annual budget appropriation. So while the ABC bill promises child care dollars, there's no guarantee that Congress will make good on that promise.

The Ways and Means Committee approach, on the other hand, expands two existing programs that are not subject to the annual budget merry-go-round. The first, the title XX social services block grant program, is an entitlement. The second, the earned income tax credit, cuts taxes for low-income working families to help pay for child care. Both would be guaranteed child care benefits.

The Ways and Means Committee approach, which I support, is a guarantee. The ABC bill is a promise. Which would you rather bank on?

THE PROOF ISN'T IN THE PUDDING

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, this body, the U.S. Congress asked the American taxpayer to pay half a billion dollars for a 10-year comprehensive study of acid rain damage in the United States. Then we decide to rush the legislation through without the results and recommendations of that study.

Why are the economies of Ohio and other industrial Midwestern States being punished unfairly? Ohio has spent $2.1 billion of the $19 billion spent nationwide on pollution control. This has contributed to a 23-percent decline in nationwide emissions since 1973, despite a 45-percent increase in coal use. Mr. Speaker, where is the evidence that justifies the punishment?

Some preliminary conclusions of the 10-year, $500 million study shed some light on why the rush is on. In 1987, the study concluded: First, that regional sulfur dioxide concentrations were causing no discernible damage to crops or forests; second, the number of acid lakes and streams was far lower than the EPA had warned; and third, the connections between acid rain and acid lakes were statistically too weak to correlate.

Mr. Speaker, the job losses in Ohio and the economic impact in the United States and in our balance of trade will be felt nationwide.

At this point, I include the following in the RECORD.

THE ACID RAIN STORY

In its current session, the U.S. Congress is considering several bills to amend the Clean Air Act, including a proposal by President Bush. The main thrust of the legislation is to cut SO_2 emissions by 10 million tons of coal-fired electric generating plants.

The impact is greatest on the state of Ohio because Ohio is the largest coal consuming state, on a BTU basis, in the nation. The problem could be solved by putting scrubbers on all power plant units, but you, your neighbors and the industry could not afford to pay the electric bill to cover the cost. In 1995, over half of Ohio's electric generating capacity will be over 25 years old, exceeding half of the useful life of the electric generating units, meaning the cost of scrubbers would be charged over a short period, escalating electric bills to the point where Ohio industry would become noncompetitive causing industries to move to areas with economical energy costs.

There are many other questions that must be answered:

(A) Why pass a stringent SO_2 emission law when the $500 million study mandated by Congress known as the National Acid Precipitation Assessment Program (NAPAP) to study acid rain will not be final until December 1990?

(B) When balancing control legislation versus the preliminary results of the NAPAP mid-term findings in 1986, is the need justified?

(C) Is the Clean Air Act of 1970 working?

(D) What has Ohio done to clean up the air?

(E) What will it cost you in electric bills?

WHY DOES OHIO GET HIT THE HARDEST UNDER H.R. 3030?

Under the Bush's Administration's Acid Rain Bill (H.R. 3030) Ohio which contributes 9.3% of national SO_2 emissions would be mandated an 18.7% reduction of SO_2 emissions. The states of Texas and California which contribute to national SO_2 emissions have no mandated reductions in their states.

Also contributing to the Ohio problem is the age of units at Ohio electric utility plants. There are 22 electric plants containing 94 separate units for a total electric capacity of 22,767 megawatts. In 1995 when the first phase of HR 3030 kicks in, 90% of capacity will be over 20 years old or half of the useful life of the units will be used up. To put a scrubber on those units means that the cost must be recovered in half the time causing skyrocketing electric rates. There should be cost sharing because:

(1) Ohio is being forced to carry more than its fair share.

(2) Ohio has more than its fair share of older power plants.

(3) Federal tax dollars helped build TVA and Bonneville Power systems.

(4) Federal tax money will be used to bail our savings and loans in Texas and California.

(5) Millions of Federal dollars are going to help Communist countries.

Why can't we have cost sharing in Ohio?

IS THE 1980 CLEAN AIR ACT WORKING?

Yes! Since 1973 SO_2 emissions from Ohio coal-fired electric utilities have declined over 28%. Nationwide, utility emissions have decreased 21.7% since 1973 despite an 85% increase in national coal consumption.

Ohio, being a high sulfur coal state, has felt the effect of the 1970 Clean Air Act with coal production declining from 55 million tons in 1970 to 31.5 million tons in 1988. The Ohio economy suffered with this loss of coal production which would have injected $750 million into the 1988 Ohio economy. In addition, Ohio coal was replaced by higher priced out of state coal, causing higher electric rates.

IS THE $500 MILLION GOVERNMENT STUDY AUTHORIZED BY CONGRESS BEING TRASHED AND IGNORED?

Congress passed legislation in 1980 authorizing a $500 million study (NAPAP) on acid rain precipitation and in 1986 the mid-term findings were released.

Acid Precipitation—Effect on Crops: Acid rain in the amounts and concentrations that occur over the entire U.S. would appear to have no significant effect on the yield of most, if not all, agricultural crops.

Acid Precipitation—Effect on Forests: As with agricultural crops, there appears to be no significant foliar effect on seedlings. Since seedlings have, proportionally, more sensitive leaf or needle tissue than mature trees, foliar effects on mature trees would not be expected to be more severe than on seedlings. Therefore, forests are probably relatively unaffected by ambient acidity in rain on their foliage at low elevations or even in the midst of above-cloud-base forests.

The final report is to be completed in 1990 and it is believed to be similar to the mid-term findings. Why waste the study? Use it to legislate in a cost-effective manner to protect Ohio electric consumers.

WHAT IS OHIO DOING TO IMPROVE OUR AIR QUALITY?

The people of Ohio passed a $100 million Bond Issue in 1985 to finance Clean Coal Technology Research and Development projects. The Ohio Coal Development Office has participated in over 65 coal research and development projects. The total cost of these projects is over half a billion dollars.

The Ohio coal industry has built more preparation (wash) plants per coal being mined than any other state. There are 31 wash plants in Ohio with five plants idle. Coal preparation can reduce the sulfur content of coal by about 25% on an average. However, because of the high sulfur content of Ohio coal, we can not meet sulfur levels under the proposed acid rain legislation, meaning more coal miners will be out of work.

Ohio electric utilities lead the nation in air pollution control investments with over $2.1 billion in air pollution control facilities through 1987. This represents over 10% of the total spent in the United States.

A SALUTE TO RUTH D. CARTER, D.D.S.

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DYMALLY. Mr. Speaker, I rise today to salute Dr. Ruth D. Carter, an orthodontist, residing in Los Angeles, for her 41 years of dedication to the dental profession and service to the community. Dr. Carter, a native of La Follette, TN, is a graduate of Meharry Medical College School of Dentistry, class of 1948. Following graduation from Meharry she was engaged in practice, specializing in oral surgery and general anesthesia, until 1958 when she was awarded the title of "Certified Orthodontist" by the St. Louis University School of Orthodontics.

Dr. Carter's professional work experience extends literally across the country. She practiced at the St. Louis Public Health Department, St. Louis, MO—1949–55; as chief orthodontist with the Schoen Dental Clinic, Wilmington, CA—1958–61; was president of Cal-Care Health Plan, providing health care services to Riverside, CA—1972–73; director of orthodontics, Kaufman Dental Clinic, Los Angeles, CA—1976–78; director and proprietor of the Carter Health Care Center, which provided 24-hour ambulatory clinical services in general medicine, dentistry and podiatry, Las Vegas, NV—1980–83. This distinguished lady is still engaged in her practice which is exclusively orthodontics, and also finds the time to be a lady farmer. On her modest farm of some 150 acres, she grows avocados, grapefruit, and kiwi. Always willing to help others, Dr. Carter holds membership and affiliation with numerous professional, cultural, and civic organizations.

A widow, this mother of two daughters, smiles with professional satisfaction when speaking of younger daughter Bekka Carter-Oberstone, D.D.S., who followed in her professional footsteps, and is as proud of first daughter, Ann Carter-Young, who has made the military her career.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me, and my constituents in the 31st Congressional

District of California, in acclaiming Dr. Carter a leader in the community, and a role model for us all.

LOWELL GOLDEN, A ROLE MODEL FOR THE COMMUNITY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. LENT. Mr. Speaker, so often our attention is focused on the actions of a small minority who detract from our society that we lose sight of the significant contributions made by dedicated residents who have devoted themselves to improving the lives of their neighbors.

Just such a person is Lowell Golden of Massapequa, NY. For the past 14 years, Lowell Golden has been an active member of the Suburban Temple of Wantagh, which provides understanding and awareness of Judaism and fights anti-Semitism through lectures, films, books and dialogs between students and faculty members.

Lowell Golden has played an integral part in promoting interfaith awareness and understanding of the Judaic culture, and has served as a positive role model for the youth of our community. His contributions have not gone unnoticed, and on February 28, 1990, the Brotherhood of the Suburban Temple of Wantagh bestowed upon him the Jewish Chautauqua Society Life Membership Award in recognition of his unparalleled commitment to the community.

Mr. Speaker, President George Bush has often spoken of the vital role that voluntarism plays in American society. I would like to add the name of Lowell Golden to the list of those honored and remembered by this body for outstanding service to the community and devotion to the goals for which we all strive. Men and women like Lowell Golden are indeed one of the many thousand points of light that brighten our days and illuminate our lives.

MARGARET SHEWMAKE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GILMAN. Mr. Speaker, it is with deep regret that I take this opportunity to advise our colleagues of the passing of Margaret Shewmake.

Many of us met Margaret during her last visit to our Nation's Capital during the summer of 1989.

Margaret was a victim of diabetes, which rendered her crippled and blind. Upon first being stricken, Mrs. Shewmake was so self-conscious that she refused to leave her home.

Eventually, however, her big heart took precedence. She became involved in programs to help the handicapped and the homeless. She was a common sight in Westchester County, NY, where, from her wheelchair, she lectured the handicapped on how to better themselves. She was always ready to state that she did not allow herself to be conquered by her own misfortune; accordingly, she was a unique inspiration to all.

It was just last year that Margaret was named one of the outstanding residents of Westchester County by the Gannett-Westchester papers.

Margaret is survived by her husband Paul and her daughter Mary Beth, both of whom reside in Hastings-on-Hudson, NY. To them, and to the many hearts and minds that Margaret Shewmake touched, we offer our sincerest condolences.

A TRIBUTE TO BRIAN PAUL SCHMOYER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GEKAS. Mr. Speaker, I rise to ask my colleagues to join me in congratulating a young Pennsylvanian who will receive his Eagle Scout Award on March 18.

Brian Paul Schmoyer, a resident of Kreamer, PA, has been involved in Scouting since 1982. In these years, he has earned 11 skill awards, 30 merit badges, and the World Conservation Award. He has served as assistant patrol leader, senior patrol leader, scribe, and is in the leadership corps.

For his Eagle project, Brian coordinated the clearing of three wooded areas along a nature trail at the Selinsgrove Center to be used as picnic areas. The work involved cutting trees, clearing brush, and discarding debris. The picnic areas will be used by both staff and individuals living at the facility.

In addition to these scouting activities, Brian is active in his church and school. He is a member of the Wesley United Methodist Church where he has served in many leadership positions. A junior at Middleburg High School, he is a member of the Key Club, Ski Club, Concert and Stage Bands, and is active in campus life.

Mr. Speaker, the Scouting tradition is very important to our country. It teaches a love of outdoors and appreciation of our environment; it teaches the spirit of serving others and self respect. Simply, it teaches lessons that last lifetime.

I congratulate Brian on his hard work and dedication.

A TRIBUTE TO STEVE CONVER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DICKINSON. Mr. Speaker, I would like to take this opportunity to congratulate Steve Conver on his confirmation as the Assistant Secretary of the Army for Research, Development and Acquisition. He will be formally sworn in on March 9, and will do an exemplary job for the Army.

Steve leaves his position as the minority staff director to the Committee on Armed Services, where, for more than 4 years, he served me and all the Committee Republicans well in our efforts to produce quality defense authorization bills under sometimes arduous conditions.

Prior to his service on the Committee, Steve served as Deputy Assistant Secretary of the Air Force for Programs and Budget, he held several positions with the Nuclear Regulatory Commission, and served in the Air Force for 10 years upon graduation from the Air Force Academy.

As indicated by his background and achievements, Steve is well qualified for the challenging and demanding job as the Army's Senior Acquisition Officer, and will prove to be an invaluable asset to the Army.

Along with the professional commitment involved with a position like Assistant Secretary of the Army, is the personal and family commitment that Steve's family has displayed throughout his career. He is very lucky to have the full support of his wife Nan and his two sons, Brad and Andy. I'm certain they will continue to stand behind Steve in his new capacity with the Army.

Steve will be greatly missed on the committee, but I wish him great success in his future endeavors.

TRIBUTE TO EMMETT McCALL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. YATRON. Mr. Speaker, today I would like to pay tribute to a man who is truly a credit to the State of Pennsylvania. The man I am speaking of is Mr. Emmett P. McCall, who was born, raised and continues to live in Lansford, PA.

For many years, Mr. McCall advanced the life of his community. He managed and coached the Lansford Little League, as well as the basketball team at St. Ann Parochial School, providing guidance and leadership to the area's youth. He was recognized for being the Marian Football Alumni Club's leading fundraiser, and has been intimately involved in Heart Drives in Lansford.

Presently, Mr. McCall is a fundraiser for the Carbon County Democratic Executive Committee, and president of the Panther Valley Catholic Youth League Organization, an organization he has selflessly served for the past 28 years. His extensive participation in community and civic affairs should serve as a reminder to us all of the tremendous impact one can have upon the life of his or her community.

Mr. Speaker, on Saturday, March 17, 1990, the Panther Valley Irish-American Association will be honoring Mr. McCall with their Shamrock Award. A main criterion for the Shamrock Award is humanitarianism, and Mr. McCall possesses an abundance of this very quality. You see, in addition to all of the other activities Mr. McCall is involved with, last year he donated a kidney to his son Terry. Terry's life was saved by his father's act of love, and now, 1 year later, father and son lead normal lives.

Mr. Speaker, it is indeed an honor for me to acknowledge Mr. McCall's actions before you and the other Members of the House of Representatives, as well as the rest of the Nation. His compassion, charity, and devotion to his fellow man reminds us that if we all followed Emmett McCall's lead, the life of every community would be deeply enriched.

PLIGHT OF DAVID MIKHALEV

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. KOSTMAYER. Mr. Speaker, as a cochairman of the Congressional Call to Conscience Vigil for Soviet Jews, sponsored by the Union of Councils for Soviet Jews, I would like to commence our 1990 vigil by drawing attention to the plight of David Mikhalev. David Mikhalev is a Soviet Jew who has been refused permission to leave the Soviet Union since 1979. His case is an especially tragic one and is evidence that while glasnost policies have contributed to Soviet liberalization in many ways, certain reforms are still badly needed.

David has applied repeatedly for the last 11 years but has consistently been refused permission to emigrate. The Soviet government has maintained that he holds state secrets from the ministry of communication, where he worked as a mathematician. However, it is undoubtedly more likely that rejection of his applications originates from his service as the vice-chairman at the Public Committee to Monitor Ovir, an organization attempting to oversee the government's visa and emigration process.

Mr. Mikhalev's case is especially tragic because he is now separated from his wife and daughter, who live in the United States. They were allowed to emigrate in 1988 so that his daughter, age 7, could be treated for a genetic hormonal disease that was untreatable in the Soviet Union. However Olga, his wife, was only allowed to emigrate after divorcing David.

This heartbreaking story of a divided family reminds one of the old days of calculated, bureaucratic totalitarianism rather than an era of glasnost, which emphasizes freedom and human dignity. I strongly urge my colleagues to join with me in urging the Soviet Union to reconsider its practices with regard to David Mikhalev and others who wish to emigrate from the Soviet Union.

TRIBUTE TO NAZARETH HOSPITAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 50th anniversary of Nazareth Hospital.

In 1940, the Sisters of the Holy Family of Nazareth, under the direction of Mother Mary Ignatius, founded Nazareth Hospital. With the opening of the Marian Pavilion on March 9, 1940, the Sisters took the first step in what has proven to be a very close relationship with area residents.

Nazareth Hospital served the city of Philadelphia during the unprecedented population and housing growth of the 1950's and 1960's and the medical and technological advancements of the 1970's and 1980's. The addition of the Saint Joseph Building and the Holy Family Pavilion has allowed the hospital to continue to accommodate these modern advances.

More recently, the hospital initiated a neonatal intensive care unit to give infants quality care that was unheard of in the past. The hospital also has the most modern emergency center in the area. Originally a 116-bed inpatient facility, Nazareth Hospital is now a major 347 bed medical care campus.

In addition to its successful technological growth, Nazareth Hospital deserves even greater recognition for its dedicated and skilled medical staff and generous benefactors and friends. The unselfish contribution of its employees has improved the welfare and livelihood of the patients they serve.

Mr. Speaker, I join the citizens of Philadelphia in expressing gratitude to Nazareth Hospital for 50 years of its compassionate offerings. I am sure the hospital will continue to provide the city with many more years of service.

NAZARETH HOSPITAL—50 YEARS OF SERVICE TO THE COMMUNITY

The late 1930's and early 1940's presented formidable challenges to the residents of the city of Philadelphia. It was a time when the nation was struggling to overcome a crippling economic crisis, while at the same time preparing for its inevitable involvement in a world war. Against this backdrop of mankind's harshest offerings came forth one of its most compassionate.

In 1940 the Sisters of the Holy Family of Nazareth, under the direction of Mother Mary Ignatius, founded Nazareth Hospital. With the opening of the Marian Pavilion on March 9, 1940, the sisters took the first step in what has proven to be a very close relationship with area residents.

Through the unprecedented population growth and housing development of the 1950's and 1960's, to the medical and technological advancements of the 1970's and 1980's, Nazareth Hospital has responded accordingly. The addition of the Saint Joseph Building (1963) and the Holy Family Pavilion (1988) has allowed the Hospital to continue to accommodate these modern advances. New service offerings, such as the neonatal intensive care unit, allow the Hospital to give even the smallest patient a chance at life that was unheard of in the past. This along with the most modern emergency center in the area and addition of the MRI afford our patients the best care available.

From its beginning as a 116-bed inpatient facility, to its present role as a major 347 bed medical care campus, Nazareth Hospital can reflect proudly upon the foundation for its success—the vision and compassionate family ministry of the Sisters of the Holy family of Nazareth, a dedicated and skilled medical staff, the generous support of benefactors and friends, and the unselfish contribution of its employees who have given of themselves for the betterment of those patients that they serve.

NAZARETH HOSPITAL,

Philadelphia, PA, January 22, 1990.

Hon. ROBERT A. BORSKI, Jr.,

Philadelphia, PA.

DEAR REPRESENTATIVE BORSKI: On March 9, 1990 Nazareth Hospital will be initiating its Fiftieth Year of service to the residents of Northeast Philadelphia. We are very proud of the support and consideration we have received from area residents over the years and we look forward to continuing that relationship well into the future.

The Hospital has planned a full calendar of special events for the upcoming year. As part of this schedule, we would be honored if you would agree to be part of our celebration. I am anticipating that this could include presenting or forwarding to the President of the Hospital a House Resolution/Greetings noting the 50th year of service to the community.

If you would prefer to make a personal presentation, there are a number of events planned for the weekend of March 9-11 that may fit within your schedule. For your review, these events are presented as follows:

Date, time, event, place, and projected attendance:

Thurs., March 8: 12 pm-1 pm, Employee Luncheon, Nazareth Hosp. Cafeteria, 600-700 employees (staggered seating).

Sat., March 10: 7 pm-12 pm, 50th Anniv. Dinner, Curtis Center, Independence Square West, Phila., PA, 400-500 Physicians, Board Members and Guests.

Sun., March 11: 3 pm, Mass Celebrated by Archbishop Anthony J. Bevilacqua, Maternity BVM Church, 9222 Bustleton Avenue, 1,000 Guests and Employees.

Sun., March 11: 4:30 pm, Reception for Invited Guests, 9222 Bustleton Avenue, 500 Guests.

If these dates present a scheduling problem, I would like to discuss alternatives with you or your staff. Major special events are planned throughout the upcoming year; we would certainly accommodate your schedule.

I will follow up with a phone call to your office within the next week. I have enclosed my card for your information.

Thank you for your consideration and I look forward to future discussions.

Sincerely,

JAMES POWERS,

Director of Physician and Community Relations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL

RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 8, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 9

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA).
SR-253

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on Federal participation in magnetic levitation transportation systems.
SD-406

Joint Economic
To hold hearings on the employment-unemployment situation for February.
2203 Rayburn Building

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Senate, the Office of the Sergeant At Arms, and the Congressional Budget Office.
SD-116

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Terrorism, Narcotics and International Operations Subcommittee
To hold joint hearings on narcotics trafficking activities in Southeast Asia.
SD-419

Governmental Affairs
To hold joint hearings with the Committee on Labor and Human Resources to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).
SD-430

Judiciary
To hold hearings on S. 640, to regulate interstate commerce by providing for uniform standards of liability for harm resulting from general aviation accidents.
SD-226

Labor and Human Resources
To hold joint hearings with the Committee on Governmental Affairs to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).
SD-430

1:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 1908 and H.R. 737, bills to amend the Stock Raising Homestead Act to prescribe conditions under which U.S.-owned hardrock mineral deposits may be mined or removed from lands whose surfaces are privately owned.
SD-366

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 20

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Small Business Administration, and the U.S. Information Agency.
S-146, Capitol

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings on the Public Buildings Program of the General Services Administration.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.
SD-192

Energy and Natural Resources
To hold hearings on S. 2088, to extend authority for Titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to one billion barrels, and to provide for predrawdown diversion authority for SPR oil.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Finance
To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain on the sale of pension investment assets held for a short term.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

MARCH 26

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 8

9:30 a.m.
Veterans Affairs
Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

POSTPONEMENTS

MARCH 8

10:00 a.m.
Foreign Relations
To hold hearings to examine support for East European democracy.
SD-419

1:30 p.m.
Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1991 for the U.S. Fish and Wildlife Service.
SD-406

HOUSE OF REPRESENTATIVES—*Thursday, March 8, 1990*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray today using the words of the Psalmist:

How lovely is thy dwelling place, O Lord of hosts! My soul longs, yea, faints for the courts of the Lord; my heart and flesh sing for joy to the living God.

For a day in thy courts is better than a thousand elsewhere. I would rather be a doorkeeper in the house of my God than dwell in the tents of wickedness. For the Lord God is a sun and shield; he bestows favor and honor. No good thing does the Lord withhold from those who walk uprightly. O Lord of hosts, blessed is the man who trusts in thee!—Psalm 84:1, 2; 10-12.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from South Carolina [Mrs. PATTERSON] please come forward and lead the House in the Pledge of Allegiance?

Mrs. PATTERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested.

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-semitism in the Soviet Union; and

S. Con. Res. 103. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, March 9, 1990, or Saturday, March 10, 1990, until Tuesday, March 20, 1990.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Wednesday, March 7, 1990:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3581, RURAL ECONOMIC DEVELOPMENT ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-416) on the resolution (H. Res. 355) providing for the consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 9, 1990, or Saturday, March 10, 1990, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9 a.m. on Tuesday, March 20, 1990, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON WEDNESDAY, MARCH 14, 1990

Mr. WISE. Mr. Speaker, yesterday the House granted permission for the House to meet at noon on Wednesday next. Circumstances have changed, and I would like to make a new request respecting the hour of meeting on Wednesday.

Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, March 13, it adjourn to meet at 2 p.m. on Wednesday, March 14, 1990.

Mr. Speaker, Members should be advised that votes and legislation will occur on Thursday.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

WORKING AMERICANS NEED REAL TAX REFORM

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, what is the American dream? That working Americans will be encouraged to move up, to advance, to develop opportunities for their families.

Now come the results of recent tax studies that show in charts and graphs what many working Americans have known for years—that while the rich get the breaks, tax breaks, working Americans get the taxes. While they are reading George Bush's lips, the administration is lifting their wallet.

The Washington Post recently noted this difference. The schoolteacher, machinist or sales executive making $27,000 gets a $1,000 pay raise—and pays over $350 in additional Federal taxes. How about the $200,000-a-year wage earners who get a $1,000 increase? Their taxes only increase $280 a year.

While the administration points out that the rich now pay more taxes, they gloss over that it is because their share of national income has increased greatly. Meanwhile the income for the lowest income 20 percent of Americans has declined.

Mr. Speaker, it will not be necessary to read lips much longer. Those lips are going to be the voices of working Americans saying: "enough is enough." Give us real tax reform.

NEW LEGISLATION WOULD DEFINE AND EXTEND BAN ON FOREIGN POLITICAL CONTRIBUTIONS

(Mrs. SAIKI asked and was given permission to address the House for 1 minute.)

Mrs. SAIKI. Mr. Speaker, there has been a great deal of talk about the need for campaign finance reform, and I agree that the Congress should act this year to protect the integrity of our political elections. I believe that one of the most basic protections we must have is to ensure that foreign na-

tionals cannot influence the outcome of our elections through campaign contributions.

Common Cause magazine recently reported that 33 States are unaware that Federal law bans political contributions by foreign nationals to any political election, Federal, State, or local. In my own State of Hawaii, this confusion has resulted in candidates unknowingly accepting illegal contributions from foreign nationals.

I have introducted H.R. 1540 to correct this problem by codifying current regulations which ban foreign political contributions for any political office. My bill would also extend the ban to ballot issues such as initiatives, referenda, and recall questions.

I urge my colleagues to support and cosponsor this legislation as a basic step to ensure the integrity of our political process.

THE FOREIGN LANGUAGE COMPETENCE FOR THE FUTURE ACT

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I rise today, as we observe National Foreign Language Week, to express my support for efforts to improve the foreign language skills of our Nation.

Such an effort is of primary importance for our students and for our economy as we recognize that more and more jobs will demand proficiency in a second language. With the prospects for the economic integration of the European Community looming in 1992, we must ensure workers have the skills to compete successfully in this new, dynamic marketplace. We must take steps now to better prepare our youth for these international challenges and should carefully examine ways to improving foreign language education and training programs in this country.

H.R. 2188, the Foreign Language Competence for the Future Act, introduced by our colleague Representative LEON PANETTA, aims to boost this country's foreign language capabilities. This bill, which I have cosponsored, would provide grants for summer institutes to train foreign language teachers and would establish a loan forgiveness program for college students planning to teach foreign languages in elementary and secondary schools. It would also provide funds for demonstration grants to develop foreign language curricula and materials.

I want to draw particular attention to the provisions of the bill that would expand the International Centers for Business, for this complements my workplace literacy bill (H.R. 3122), which aims to better prepare students for the demands of a technologically sophisticated workplace. H.R. 2188 would enhance the efforts of these centers by providing matching grants to States and metropolitan areas to establish foreign language institutes for businesses willing to compete in the international marketplace.

H.R. 2188 is also important to my home State, North Carolina, since our State now requires public schools to have a second language program for its elementary and secondary students by 1993. This bill would aid us in producing more students proficient in a second language and would help us to recruit the teachers needed to make these programs work.

I encourage my colleagues to join this effort and to give serious consideration to cosponsoring H.R. 2188. It is a good first step toward improving the Nation's readiness in the foreign languages and will help us to meet the challenges of our increasingly competitive and international workplace.

ETHICS COMMITTEE VIOLATIONS CHARGED

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, today the House Ethics Committee released a report clearing the minority whip of the irresponsible and baseless charges brought against him by the gentleman from Arkansas. On one point, the committee admonishes Mr. GINGRICH for cosigning a mortgage on his daughter's personal home but otherwise clears him.

But the handling of this matter by at least one person on the ethics panel raises disturbing questions. Someone on the committee or someone who works for the committee released this report to Mr. GINGRICH's accuser before Mr. GINGRICH himself was given the courtesy of seeing the report. His accuser was thereby given the chance to issue a press release before Mr. GINGRICH had even had an opportunity to look at the report.

Mr. Speaker, that is completely unacceptable. The Ethics Committee must investigate this violation of its own procedures. We have the right to expect people who serve on the Ethics Committee or who serve the Ethics Committee to behave ethically. In this case someone did not. An investigation is certainly warranted.

□ 1110

THE $85 QUESTION

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, we are all familiar with an old TV game show called the $64,000 Question. Well, today in tax policy we have what we call the $85 question.

Why is it, Mr. Speaker, that a banker making $200,000 a year gets an $85 greater tax break than the auto mechanic who makes $27,000 a year? You see, Mr. Speaker, when that banker and that auto mechanic both get a $1,000 raise, $85 more is taken out of the wages of the auto mechanic in taxes. The banker's taxes increase by $280, while the taxes of the auto mechanic increase by $365.

Mr. Speaker, the cause of this, this $85 question, the cause is 10 years of sneaky, regressive tax measures which help only the rich and take from the middle class while adding significantly to our plaguing budget deficit. The 1980's was a decade for the rich to put their feet up and the poor and the middle-income Americans to put their heads down.

Mr. Speaker, the old $64,000 Question was all in fun and just a game. Well, there is no doubt that this $85 question is no fun for the middle class and definitely is not a game. The last decade has resulted in a 5.5-percent cut for the wealthiest of Americans and a 5.5-percent tax hike for the rest of us Americans.

Mr. Speaker, we need to pull this old game show off of the air.

SUPREME COURT BECK CASE CONFIRMATION NOT ENFORCED

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, did you know that even though membership in labor unions has been reduced drastically over the years—they are down to about 17 percent today—there are still several million nonunion workers who must pay fees to a union in order to be able to keep their jobs.

Did you know that Big Labor uses much of this money for purposes other than collective bargaining, even though this is against the law?

Did you know that Big Labor uses a great deal of this money to support candidates for political office, even if the workers who are forced to pay this money oppose those particular candidates, and even though this practice is against the law?

Did you know that this practice—which amounts to forcing a person to pay for supporting a candidate he opposes—is the most oppressive of all campaign finance abuses, and it is against the law?

Did you know that even though the Supreme Court confirmed in the Beck case that this practice is against the law, the Beck decision cannot help workers because it is not being enforced.

Can you see that any campaign finance reform package which does not

include provisions to enforce the Beck decision fails to address the most significant aspect of the campaign finance reform issue?

HELP THE SMALL BUSINESS AND AGRICULTURAL COMMUNITIES IN RURAL AMERICA

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, although the potential of having to pay higher taxes is of great concern to every American in the United States, this concern is especially shared among the small business community in rural America.

The 14th District of Texas consists of predominantly agricultural businesses, and even though agriculture remains the economic base of rural America, only 10 percent of rural Americans live and work on farms. The increased payroll taxes have hurt many of these business owners.

In 1988, rural unemployment rates were 28 percent higher than in urban areas, which translates to 1.6 million unemployed people. With the ever-changing tax bases, it has become difficult for small business owners to survive without rural development programs such as small business loans and community development grants.

I urge you to help rural Americans maintain the foundation of one of America's most valuable economic bases with continued rural development programs.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, today, my colleagues and I are introducing legislation that would establish a new public health program to provide preventive health screening and referral services for low-income women for breast and cervical cancer.

According to the American Cancer Society, in 1989 approximately 43,000 women died from breast cancer and 6,000 died as a result of cervical cancer. Mr. Speaker, I am certain that many of these deaths could have been prevented if these women had been screened regularly for both breast and cervical cancer.

The problem is that low-income women may not have the resources to get annual checkups and this legislation would provide them with this opportunity. Through this bill, women who are below 100 percent of the Federal poverty level could not be charged a fee for preventive services and women above that level would only be required to pay according to what they could afford.

I hope our colleagues will join us in cosponsoring this legislation which will provide all women the chance to be evaluated for life-threatening illnesses before it is too late.

THE HARVEST OF PEACE RESOLUTION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have joined our colleagues, Representatives MATT MCHUGH and SILVIO CONTE, in sponsoring House Concurrent Resolution 259, the harvest of peace resolution.

The resolution seeks cuts in worldwide military spending and a reallocation of the funds saved to the feeding, clothing, and educating of millions of needy people here at home and abroad.

The prospects for world peace are now greater than ever, and I believe the world powers collectively can safely begin sensible reductions in military spending.

House Concurrent Resolution 259 targets the year 2000 for reducing military spending by one-half.

I can think of no greater use of this "peace dividend" than to use funds now consumed in producing weapons of destruction to producing weapons of construction such as food, shelter, clothing, and medical care.

Mr. Speaker, I again want to voice my support for the harvest of peace resolution, and I hope the Congress will give it prompt and favorable consideration during this session.

CALLING FOR AN ETHICS INVESTIGATION OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, I am fearful that a real cancer on the House of Representatives is the desire to use the Committee on Standards of Official Conduct as a political partisan tool of those who do not agree wtih the articulate, capable spokesmen, that they will then be unable to challenge them on the basis of their ideas and use the Committee on Standards of Official Conduct as a method by which they will make their partisan challenge.

Mr. Speaker, many feel that is perhaps what happened to the Republican whip, and just to augment that fear, that cancer that could eat away at the very heart of the House of Representatives and the comity necessary to make legislation for the country, was the action yesterday by a member of the Committee on Standards of Official Conduct to give to the perpetrator, those who posed the charge against the whip, their conclusions prior to the time that they went to the Member who was challenged.

So, Mr. Speaker, the press release was made; the newspapers this morning have their story, true or not, fair or not, because the person who was challenged was not given the fairness or the opportunity to be informed properly and fairly, but released to the newspaper this morning because of a partisan act by the Committee on Standards of Official Conduct to release it to those who are making the charge.

Mr. Speaker, this is a very, very sad day, and I call upon you to investigate this matter and have an ethics investigation of the Committee on Standards of Official Conduct.

INTERNATIONAL DEVELOPMENT ON INTERNATIONAL WOMEN'S DAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, today we commemorate International Women's Day, originally commemorating March 8, 1857, when a group of New York women garment workers demonstrated to protest their working conditions. International Women's Day is unusual among holidays originating in the United States in that it has been widely adopted and observed by other nations. In the U.S.S.R. and in China it is a national holiday.

One way we can help the women of the world is through our international development effort.

Many of you have cosponsored H.R. 951, introduced by the late Representative Mickey Leland, Representative OLYMPIA SNOWE and myself, calling on the Agency for International Development to improve its integration of women into the planning and implementation of the United States development effort. There has been increased effort over the last 2 years in training AID personnel but more needs to be done to reach women in the countries we assist.

In addition, today Representative SNOWE and I are sending a letter to the Appropriations Subcommittee requesting that the United States continue to fund the two U.N. organizations whose responsibility is to make sure that the United Nations development effort also reaches both women and men.

I hope you will join me in this effort and in today's commemoration of the working women of the world.

□ 1120

THE SOVIET UNION FOREIGN AID PACKAGE SPEECH

(Mr. DREIER of California asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, the debate rages on over the very, very controversial speech which was given by our colleague, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, on what some have come to know as the Soviet Union foreign aid package speech.

I will tell you that a lot of comment has come from Richard Nixon this morning in a meeting we had on it, from a lot of people here last night on a special order, but I will tell you one of the most eloquent statements came from this Polish intern, Slawek Gorecki, who is working in my office. I showed him the speech. He looked at page 7 and in one paragraph our colleague, the gentleman from Missouri [Mr. GEPHARDT] talks about the necessity to cut back military spending in the United States, and just two paragraphs later he talked about the importance of technology transfer to the Soviets.

Mr. Gorecki then said to me, "My gosh, it looks to me as if we are to cut U.S. expenditures on defense systems in this country and increase U.S. expenditures on defense systems in the Soviet Union."

NATIONAL TRANSPORTATION POLICY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, preliminary reports of the national transportation policy, to be announced today, indicate that the administration is attempting to shirk its responsibility by shifting devastating tax increases on the States. This is a killer proposal for my home State of Kansas. Last year, Kansans were hit with the largest tax increase for transportation needs in the 130-year history of our State, including a substantial gas tax increase. That coupled with massive property tax increases has almost caused a State revolution. Kansans will not be able to bear significant additional taxes.

National transportation needs have traditionally been the Federal Government's responsibility. Highways and aviation systems are part of a national network, as people travel between our States. Kansas has less than 3 million residents, yet we are one of the largest geographic States with some of the most highway miles in the country. Further, my State's central location brings tens of millions of interstate travelers through our State every year. This plan could force Kansans to bear an even greater financial burden for the utilization of our highways.

The President should know that a national transportation policy means a centralized policy for the entire Nation. Today's announcement contradicts the notion of a national policy and instead establishes 50 individual policies, each one conflicting with the policies in neighboring States. The President must stop his charade of hiding behind the "no new taxes" pledge. His new transportation policy is simply his way of shifting the burden of collecting new taxes off his Federal shoulders, and forcing the States to do his dirty work.

WHEN PERCEPTION BECOMES REALITY

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, we live in a world in which perception becomes reality. A leak of information to the press is a valuable weapon in influencing that perception.

We have just witnessed within the last 24 hours press manipulation by leak. Yesterday a report of the actions of the Ethics Committee was leaked to the press. The accuser, the gentleman from Arkansas, was prepared with his press release. The accused, the gentleman from Georgia, was not informed.

Mr. Speaker, we need an investigation of the activities of our Ethics Committee and the leaks that have been used to influence reality in this country.

COMMENDING EX-WORLD BOXING CHAMPION ROBERTO DURAN FOR HIS NEWEST BATTLE TO HELP PANAMA

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, today I rise to commend ex-world boxing champion Roberto Duran for his efforts to insure that the money being sent to Panama is directed to those who need it the most.

When the United States assisted Panama in ridding that country of her dictator, a great deal of damage was done to public and private property.

Yesterday, the boxer known as "hands of stone," Roberto Duran, came to my office to share his concerns about his native country.

He was especially worried that the neediest people in the country of Panama, the children, the poor and the homeless, would be overlooked when the United States money was sent to Panama.

Roberto Duran has spent his entire life fighting—both on the streets and in the ring.

Now, he is fighting an even more important fight—a battle for the innocent people displaced by the recent conflict in Panama.

He has joined forces with the Food and Commercial Workers Union to collect canned foods and other items to send to Panama.

I commend Roberto Duran for his newest battle—to feed, clothe and shelter needy Panamanian children.

HIGH SCHOOL DRUG BUSTS IN TEXAS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise today to commend the officials at the Bryan College Station in Texas for an operation called "Operation Apple." Operation Apple had nothing to do with agriculture or fruit. It had to do with the selling of illegal drugs to high school students at A&M Consolidated High School and Bryan High School.

Yesterday 3 undercover officers arrested 13 individuals for selling illegal drugs in those 2 high schools. This operation was approved by the school boards of both school districts, conducted by the two police departments. Superintendents of schools Guy Gordon in Bryan and Ray Chancellor at A&M Consolidated, the two chiefs of police, Charles Phelps in Bryan and Mike Strope in College Station. This does not mean that there is a larger-than-life drug problem in those two high schools. What it does mean is that there is a drug problem there and everywhere in this country. It also means in those two communities that people are doing something about it.

I would like to commend them for that effort and hope that they will continue the operation.

FEDERAL GOVERNMENT HAS BEEN LESS THAN TRUSTWORTHY IN SOCIAL SECURITY FUNDS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, every pay period, working Americans faithfully make their contributions through the payroll tax to finance Social Security benefits. They pay now, trusting that the U.S. Government will guarantee that money will be there when it is

their turn to retire. As we know, the Federal Government has been less than trustworthy in its caretaking of the surplus funds now building in the Social Security system. Instead of saving these funds, the Government is spending them. In this year alone, $65 billion in extra Social Security receipts will pay for nonsocial security spending. Next year, that will grow to $75 billion, and the year after, it will be $86 billion.

Congress' resident scholar, Senator MOYNIHAN, calls that practice thievery. Others have called it embezzlement, looting, or safecracking. By any definition, it is wrong and an abuse of the public trust.

The payroll tax burden on working families has grown more dramatically in the Reagan-Bush years than at any time since its creation in the mid-1930's. The Social Security tax rate has been raised seven times—five times in the last 6 years alone—while the income level subject to the payroll tax also doubled. From 1980-88, Social Security tax revenues as a percentage of total Federal revenues rose by 23 percent. By comparison, corporate income tax revenue as a percentage of total Federal revenues declined by 23 percent.

That means the Federal Government is becoming more and more reliant on a regressive tax—paid at the same rate by the rich and the poor alike—to finance its operations. That's not fair. If we are collecting the tax for Social Security, then let us use it for Social Security. If not, then let us cut the tax and return the system to pay-as-you go.

PRESIDENT REAGAN AND THE BERLIN WALL

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, it was 1,000 days ago today that Ronald Reagan was in Berlin challenging Mr. Gorbachev to tear down this wall.

I worked in the White House at the time and I remember well the controversy of that speech in the days before President Reagan delivered it. The entire foreign policy establishment of the United States descended upon the White House to try to pressure President Reagan into not saying, "Tear down the Wall." They suggested it was too confrontational, too belligerent.

President Reagan's own advisers tried to pressure him into deleting that from his speech, but President Reagan stood firm. Not only did he stand firm and say, "Tear down the Wall," but he stood firm in developing the SDI, rebuilding America's military strength and in supporting those people who were fighting for freedom around the world.

Now, today we hear the voices of those who opposed Ronald Reagan suggesting that all the progress we have had toward peace and freedom is nothing more than a cycle of history. I say it was the result of strong leadership and right ideas.

MAJORITY LEADER'S SPEECH SHOWED UP PRESIDENT'S LACK OF LEADERSHIP ON FOREIGN POLICY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday the majority leader of the House came out with a program to aid the Soviet Union. Whatever one thinks of that program, and there were many opinions on one side or the other, everyone agreed about one thing. It showed up the President's decisive lack of leadership on foreign policy.

Today as the President announces his transportation policy, again we see a total lack of leadership. With our infrastructure crumbling, with the need to build the Nation's roads and highways so that we can compete against Germany and Japan, what does the President do? He says, "Localities, you pay for it."

Well, the President could have saved 108 pages. He simply could have written a letter to the Governors and Mayors and said, "Dear Local Communities, from now on you pay for the Nation's highways, and by the way, that money we collected for fixing roads, we are using it to hide the deficit."

Under the President's plan, toll booths will be as common as arches across the Nation's highways. Under the President's plan, poor communities that cannot fix their own highways will suffer.

Mr. Speaker, is this leadership?

DEMOCRACY DAY IN VERMONT

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker, yesterday was town meeting day in my home State of Vermont. Some call it "Democracy Day," because it remains one of the last exercises in pure democracy in this democratic nation. Through these once-a-year meetings we get the rare opportunity to really know what the people think. Not from polls or interviews, but from the actual source. What they said yesterday should interest us all.

One of the things they said in near unison was that we need to take a close look at our defense budget this year. Almost 90 percent of the towns voted to call for a 5-percent cut in defense spending, with the money redirected toward new priorities: education, environment, housing, drug abuse, farming, and many others.

□ 1130

Mr. Speaker, we should listen to the people of Vermont, because they represent the leading edge of a vast wave of public opinion coming from across the Nation. There are many problems that need our attention and the Federal Government's money. People see that every day. What they do not see is the continued need for defense budgets which claim such a huge share of our limited National Treasury.

This year, let us get serious about streamlining our defense needs, eliminating waste, fraud, and coverups, reevaluating our force structure and our burden-sharing commitments and our weapons systems. Let us listen to the people of Vermont and send the American people's money where they want it to go: people programs and deficit reduction.

IN SUPPORT OF SANCTIONS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, the recent release of Mr. Mandela and certain moves by Mr. de Klerk have inspired some, like Prime Minister Margaret Thatcher, to call for lifting of sanctions against South Africa.

Mr. Speaker, this is not the time to lift sanctions against South Africa. Sanctions have proven to be quite effective in gaining the release of Mr. Mandela, and in pointing the South African regime in the direction of negotiations. If anything we should support the South Africa Financial Sanctions Act (H.R. 3458) sponsored by our colleague Mr. FAUNTROY and coauthored by me. I call on my colleagues to join me and the rest of the Congressional Black Caucus in cosponsoring H.R. 21, the Anti-Apartheid Act Amendments of 1989, introduced by Representative DELLUMS, and House Concurrent Resolution 270, introduced by our colleague Representative CONYERS. This resolution expresses the sense of Congress that the United States sanctions against South Africa should not be lifted until all conditions under the Anti-Apartheid Act are met.

Mr. Speaker, I urge the Members of this distinguished body to join me in expressing their support of sanctions against South Africa in order to expedite the dismantling of apartheid and

bring in majority rule, a value we hold dear in our democratic system.

PERMISSION FOR 18-YEAR REFUSENIK RAIZ FAMILY EXPECTED

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, it is with a great deal of pleasure that I inform my colleagues of the expected exit permission being granted to the Raiz family of Vilna, Lithuania. Informed sources have indicated that the permission, granted by Soviet leader Gorbachev, via Lithuanian official Algirdis Brezauskas came after lengthy private negotiations on the Raiz family's behalf.

Vladimir and Carmella Raiz have been refused exit visas since 1972 on the grounds of security due to Vladimir's work as a molecular biologist. He was fired after the application was filed in 1972, and his wife, Carmella, was demoted from her position as the first violinist of the Vilna Philharmonic Orchestra. A religious family, the Raizs are leaders of the Jewish community in Vilnius, and organized religious, cultural, and language seminars. They were continually harassed by the KGB and smeared in local press reports.

Mrs. Raiz is presently in the United States on a tourist visa, working to publicize her family's plight. It is anticipated that an exit visa for her husband, Vladimir, will be issued early next week, and that businessman Albert Reichmann, of Toronto, Canada, long involved in the family's case, will transport Mr. Raiz to Israel from Lithuania, where the Raiz family will be reunited.

KENTUCKY COCAINE DEALER PAROLED, OUT OF PRISON

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, convicted cocaine dealers such as Rayful Edmond III, of Washington, DC, recently have been sentenced to prison for life without parole.

I'm saddened to admit there is at least one area of the United States where you can be a persistent felon, where police can seize from you $350,000 in cocaine and, after pleading guilty, you only spend less than 2 years in confinement, notwithstanding a circuit judge's sentence of 23 years in prison.

Yes, it's in my own congressional district that one Hiriam Curtis Smith, age 33, is free now. On February 29, 1988, Mr. Smith pleaded guilty in Paducah, KY, to narcotics crimes, as well as to the specific charges of possession with intent to sell cocaine, possession of a handgun by a felon and a second degree persistent felony offender count, citing Smith's previous felonies.

Early parole was the good fortune of Mr. Smith.

Mr. Smith is the first cousin of Kentucky State Representative Rex Smith and a nephew of multimillionaire Jim Smith, probably the wealthiest man in my congressional district and a man who is very active in Kentucky politics.

Early parole in Kentucky is extremely rare.

Not until today when the Paducah Sun newspaper revealed it did we realize Mr. Smith was released from the Kentucky State Penitentiary on February 14.

The Kentucky Parole Board's routine policy is to require a nonviolent offender to serve at least 20 percent of his sentence before being eligible for parole. In Curtis Smith's case that would have been in mid-1992, more than 2 years from today.

But Mr. Smith was granted a parole hearing. There were only 28 such hearings last year out of the 5,564 inmate cases reviewed by the Kentucky Parole Board.

Before his early parole Mr. Smith was also privileged to be 1 of only 10 men who lived in the minimum security complex next to the penitentiary at Eddyville.

The people of Kentucky should be outraged by the early parole of a big-time cocaine dealer.

This is a live, March 8, 1990, example for a textbook which could be entitled "A Dual Justice System," featuring Rayful Edmond III and Hiriam Curtis Smith.

PRAISE FOR THE STATE DEPARTMENT'S HONESTY ON CHINA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the new State Department report on human rights deserves praise for exposing the dismal story of human freedom in China. The report states that virtually all internationally recognized human rights are restricted in China, many severely.

Mr. Speaker, the report speaks the truth. Despite lifting martial law, thousands remain in detention. Torture and execution are common. Students suffer a year's hard labor indoctrination before entering universities. Freedom of speech, press, religion, and assembly are virtually nonexistent.

In Tibet, martial law imposed a year ago remains in effect. Tibetan student, Lobsang Tenzin, is threatened with execution prior to the anniversary of demonstrations against Chinese repression.

The Chinese Government's predictable response to the report is to reject the concept of universal human rights and instead promote the concept of nation's rights whereby each nation determines it's own human rights standards. As a party newspaper stated, no abstract human right overrides national boundaries.

We reject and condemn this ridiculous notion. Human rights know no political or national boundaries. The denial of the rights of one human being anywhere is the denial of the rights of us all.

INVITATION TO DISCUSS AID TO THE SOVIET UNION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just want to let my colleagues know that when it is appropriate later on today, I hope to take a 1-hour special order to continue discussing the Democratic majority leader's proposal for aid to the Soviet Union.

I will emphaisze today the amount of Soviet transfers of military and other aid to Cuba, Angola, Afghanistan, Vietnam, Nicaragua, Ethiopia, North Korea, Cambodia, Iraq, and other countries, and raise the question: Is it really smart to talk about aid to the Soviet Union when the Soviet Union is sending military aid to so many dictatorships?

I look forward to any colleagues on either side of the aisle who would like to discuss this.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4096

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 4096. My name was placed on this legislation as a result of staff error.

Although I am removing my name, I remain strongly supportive of efforts to enact legislation which protects the rights of artists and writers from the threat posed by digital audio tape technology.

I look forward to full hearings on this issue in the near future.

It is my hope that the remaining disputes between supporters and opponents of this legislation can be resolved so that legislation on this subject may go forward.

The SPEAKER pro tempore (Mr. PRICE). Is there objection to the request of the gentleman from California?

There was no objection.

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END RACIAL McCARTHYISM: GET PAST THE RHETORIC AND DISCUSS THE DETAILS

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from Virginia [Mr. PARRIS] is recognized for 5 minutes.

Mr. PARRIS. Mr. Speaker, I take the floor of the House this morning as the vice chairman of the Committee on the District of Columbia to discuss a bill I introduced yesterday called the Civil Rights Restoration Act of 1990 to restore the voting rights to residents of the Nation's Capital.

Later on yesterday Rev. Jesse Jackson compared me to Sheriff "Bull" Connor and former Governor George Wallace of Alabama, well-known for their activities of the 1960's.

That was a blatant example of racial McCarthyism, which has unfortunately grown in popularity in recent times. How come every time one disagrees with the judgment or the divine wisdom of the Reverend Jesse Jackson, they are accused of being a racist? That attitude, aside from being arrogant, is an example of deliberately attempting to stifle open and honest debate about these very important issues. It is not an intelligent discussion of a complex and fundamental human right, but a childish characterization of a historic problem, and it demeans the discussion.

I have introduced a proposal that is constitutionally sound and restores basic voting rights in all Federal elections to residents of the District of Columbia, while maintaining autonomous local rule. My legislation would dramatically return rights to D.C. residents that were taken away 190 years ago. How can a restoration of rights be deemed racist?

From the point of view of voting rights and representation for the citizens of the District of Columbia, the only difference between my legislation and statehood is that the Mayor, not a governor, will be the top official, and local government autonomy and self-determination will be preserved.

The statehood legislation now before this Congress will not pass. There are not enough votes to pass it. And even if it did, it would not survive a judicial challenge, because it is clearly unconstitutional. My legislation is the only available method for restoring full voting rights and is available to us and to the citizens of this city.

I can understand that some politicians may have personal agendas to achieve or they have already envisioned their role in a new State they are promoting. I can understand their being upset by a proposal that would broaden the base of the electorate. They should look beyond their own personal ambitions and determine what is the most likely way voting rights will be restored for all of the citizens of the Nation's Capital.

As regard some other Maryland residents who have criticized this proposal, I think it is time that they renew and reexamine their liberal credentials. It is easy to be a liberal over cocktails at home when discussing ideology. It is interesting, however, to see what happens to that ideology when those beliefs are tested by reality, by personal challenge, by political challenges, and potential controversy. It seems for some of them that their tune changes significantly.

I am willing to discuss this proposal with any reasonable official who will consider it on its merits. The bill is a good idea and it can work, and if the lenders would read it before they criticize it, the people of the District would be a great deal better off.

I have extended an invitation today to the Reverend Jackson to come to my office next week where we can sit down in private, get past the poisonous rhetoric that characterizes too much of the debate on this issue and others in this city, and discuss the details of my legislation. Jesse Jackson indicated in the media last night that he would be willing to discuss the plan, and I am now following up on his offer. I hope he was sincere, and I look forward to a useful exchange of views.

THE MX RAIL PROGRAM: IT SHOULD NOT BE BUILT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, last month the President sent to Congress his proposed budget for the coming year.

Since that time, I've traveled throughout much of North Dakota answering questions from my constituents about how the President proposes to spend money, and how the Congress will likely react to it.

BUSH BUDGET: HARD TIMES FOR RURAL AMERICA

I've met with hundreds of family farmers who, exhausted from 8 years of recession and 2 years of drought, are hanging on by their financial fingertips and who are now told by the President there's not enough money in the Federal budget to prevent a further erosion of their income.

I've met with some poor elderly folks on public assistance who suffer from poor eyesight and who need eyeglasses. But they are told there's not enough money in the Social Services budget, so they'll have to do without for now.

I've met some young college students from needy families who want a chance to continue in college but they are told that the tightening restrictions on the guaranteed student loan may force them to quit school.

I've met young mothers from poor families whose children should be helped by the nutrition offered in the WIC Program, but they are told there's not enough money in the program to add them to the rolls.

I visited one of our Indian reservations where poverty is acute, where 50 percent of the households have no telephone and nearly 20 percent have no plumbing. They are given commodities from a commodity food program which sends them cans labeled "beef" when the top of the can is filled with lard. This occurs on reservations where nearly half the people suffer from heart disease and diabetes. They're told that we don't have enough money to help them live in dignity and good health.

Last week I was driving alone down a highway in North Dakota, wondering how can we meet all of these needs. How can we help our neighbors who need help. And as I thought about it, I once again became angry with some of our priorities here in Washington, DC.

The fact is, there is enough money to offer a helping hand to folks who are down and out and to start reducing the Federal deficit. But that money is now being wasted on all the wrong things—things we don't need, things that don't make life any better or make America any stronger, things that increase our deficit.

WANTED: A REEXAMINATION OF DEFENSE REQUIREMENTS

In this budget year, the President proposes to spend billions of dollars on a number of proposals, including a trip to Mars, a substantial increase in funding for star wars, $5 billion for five B-2 bombers and $3.2 billion for the 18th Trident submarine and 51 more missiles. The President also proposes to spend $3 billion to continue a $9 billion spending program to put MX missiles on railroad cars. I think we need to reexamine the wisdom of building all of these.

I want to discuss the MX rail garrison issue today because it, like so many other issues, is an example of the pressures that face those of us who serve in public office.

The Pentagon has selected my State as one of the sites for the MX rail garrison project. It could mean nearly $70 million in new spending in North Dakota next year. It could mean some jobs and economic activity in a State that has suffered through tough economic times.

I get calls and letters from folks in my district who cite the benefit of having this Federal money spent in our State and who tell me what it would mean to the local economy. And I understand that.

MX RAIL GARRISON: A WASTE OF DEFENSE DOLLARS

But the fact is, this program does not make strategic or economic sense.

From a strategic standpoint, the MX rail garrison system is a waste. It will add nothing to this country's defense, we'll end up spending billions of dollars that we don't have on a system that we don't need, and I just cannot support it.

It's important to note that two former Chairmen and one former Chief of Staff of the Joint Chiefs of Staff as well as one of the Reagan administration's top arms control experts now tell us the MX rail program should not be built. For example, former JCS Chairman David Jones from North Dakota said:

With the strategic offensive forces, my lowest priority is in the modernization of the ICBM force * * * I just don't see the great need for the modernization of the element right now, particularly with the uncertainty of arms control. * * *

Even Richard Perle, perhaps the most ardent proponent of the arms build up in the Reagan administration has testified:

I would not proceed with either the Midgetman or the rail mobile MX: the current generation of ICBM's should prove adequate. * * *

The rationale of mobilizing the MX missile on trains and, therefore, making it less vulnerable to Soviet attack just does not stand up under hard analysis. In the final analysis, using rail garrison makes the MX more vulnerable to attack.

First, it would be a simple task for saboteurs to disable a railroad track during an international crisis, thus immobilizing the system.

Second, the system's only defense rests on the premises that we would have at least 4 to 6 hours lead time to get the MX rail unit moving on the track. But most analysts scoff at the notion that this is a plausible scenario.

In fact, the MX would be less vulnerale in silos, where it only takes 20 minutes to initiate a launch. Since it would require 30 minutes for a Soviet ICBM attack to reach the United States, the silo mode turns out to be less vulnerable because it preserves the option of launching under an attack.

In short, the rail garrison plan would weaken our defense and I want no part of it.

This MX missile program will be built at the expense of a desperately needed pair of eyeglasses for a poor elderly person, at the expense of food for a hungry child, or a decent farm price for a family farmer. And that makes no sense to me, because the MX will not increase our security either. It will also be built at the expense of military pay raises, improved readiness, and addressing conventional force needs.

Individualy and collectively, we have to start standing up and exposing the truth of what we're doing, even when it might be uncomfortable for Congressmen and some of our constituents alike.

The truth is, the world is changing dramatically, and the President's Pentagon policymakers haven't even begun to understand what those changes mean.

The walls of communism are crumbling, world tensions are easing. The Eastern European countries don't want to fight in Western Europe—they want to shop in Western Europe. Unrest in the Soviet Union is forcing Mikhail Gorbachev to pay more attention to bread and milk and less attention to missiles. The CIA has now documented a declining Soviet military threat as well.

TOUGH CHOICES AND MORAL LEADERSHIP

Are all of these breathtaking changes lost on us? Is the President truly serious when he says "let's start a new $25 billion Midgetman missile program, take a trip to Mars, add nearly a billion dollars" to an already bloated star wars budget and spend $9 billion on MX rail garrison? Where is the moral leadership in that message? To those in my district who yearn for the economic activity generated by the MX missile rail program, I must say that's not the economic activity that builds a better future for us and our children. Our economic future isn't rooted in faulty schemes such as putting missiles on train cars. It rests on a healthy agricultural economy, on diversified economic activity and on our efforts to build permanent economic opportunities in North Dakota.

To accomplish that, I pledge to pursue vigorously the best opportunities to revitalize our State's economy. I will continue my efforts to improve our education system, attract new businesses, to expand job creating contracts with Federal agencies, to complete the garrison diversion project to the Red River Valley, and to write a strong new farm program. These are the keys to a strong and healthy economic future for North Dakota.

ANTI-SEMITISM ON THE RISE IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LENT] is recognized for 5 minutes.

Mr. LENT. Mr. Speaker, in conjunction with the Congressional Call to Conscience Vigil for Soviet Jews, I rise to voice concern about the current situation for Jews in the Soviet Union. I would like to note that in the past I have participated in this event to speak out on the plight of a single Jewish individual or family. However, at this time, circumstances are such that I believe it is imperative to discuss the threats facing the entire Soviet Jewish community.

In 1990, more Jews will be allowed to leave the Soviet Union than during any previous year. While this is certainly good news, it has become clear that the conditions that have long made life difficult for Soviet Jews are now deteriorating further. For some Soviet citizens, glasnost only respresents an opportunity to practice a long suppresed hatred toward Jews. Virulently anti-Semitic nationalist groups like PAMYAT have grown and proposed as the Soviet economy has declined and as the disaffected have searched for scapegoats.

Recently, Vitalii Goldanskii, a member of the Supreme Soviet and the Council of People's Deputies wrote in the Washington Post of the very real dangers posed by the hate groups. Mr. Goldanskii noted that PAMYAT and similar organizations have wholeheartedly endorsed the perverted goals and violent tactics of the Nazis. Most alarmingly though, Mr. Goldanskii explicitly warned of the possibility that these groups are preparing a wave of programs across the Soviet Union similar to the infamous kristallnacht.

In fact, one Russian nationalist group has been so bold as to publicly announce its intention to launch a program on May 5, 1990. The world and the beleaguered Soviet Jewish community now wait for prompt and positive action by Soviet President Gorbachev to head off these threats.

However, if the Soviet Government's suspension of an agreement to begin direct flights between the Soviet Union and Israel is any indication of what is to come, there is every reason to be fearful. Like many, I had hoped the direct flights would greatly reduce the 1-year wait emigrating Jews face as they seek leave the Soviet Union. The suspension decision sends the entirely wrong message to the hate groups and will only encourage their nefarious activities.

I urge my colleagues to join me in calling on President Gorbachev to forcefully denounce antisemitism, take all legal action against neo-Nazi groups, and expedite the departure of Jews wishing to emigrate by implementing the direct flights agreement. President Gorbachev and other Soviet leaders should know that the treatment of Jews in the Soviet Union is and will continue to be a deep concern to the American people and to their representatives in this institution.

WHITE HOUSE TRANSPORTATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CARR] is recognized for 5 minutes.)

Mr. CARR. Mr. Speaker, as we meet here today the President and the Secretary of Transportation are now down at the White House unveiling the much heralded transportation policy. While it contains a good effort by our Secretary of Transportation, what a disappointment it is.

The transportation plan unveiled by President Bush today is another example of the residue of the Reagan "can't do" thinking that still resides at the Office of Management and Budget.

Once again we are allowing, and the President has allowed the faceless bean counters of OMB, people who are not elected by anyone, to determine national policy.

While the President made an excellent choice in selecting Secretary Skinner, the President has once again let OMB and the bean counters silence the policy experts, just as he did on education, and just as he did on the environment.

The President says his plan will help us meet our transportation needs into the 21st century, but by continuing to hold the highway trust fund hostage and by ignoring the role of Amtrak and mass transit, this plan barely meets the needs of the 20th century. This transportation plan reminds me of the Reagan plan on education. Members will remember that. The Reagan administration, in a much heralded report, called education a matter of national security, called our education system in America a national security asset, and then blithely invited the States and local governments to do something about it.

The fact is we are today one Nation, indivisible because of our rivers, our roads, our railways and our airways. They tie us together as one Nation. It is irresponsible to surrender the responsibility for those transportation arteries that tie our Nation together to the State and local governments, State and local governments which are already burdened by their own budgetary problems.

Mr. Speaker, leadership is more than just moral lip service. Leadership means taking on the responsibility for our problems. It means doing something about them.

Hamstrung by his pledge of no new taxes, the President turns around and proposes in this transportation plan that States and local governments raise taxes. There are echoes of the Reagan era in this plan. Once again, the administration refuses to recognize the contribution of mass transit and Amtrak to our national transportation system, proposing to eliminate the Federal Government's share of both programs.

Worse still, while they refuse to spend money highway users have paid into the highway trust fund for our roads, he proposes new taxes. Let there be no mistake about it, in this transportation proposal the President has broken his pledge of no new taxes. In this plan the airport user fee would be increased, not to fund new programs but to fund already existing programs in the Federal Government. I do now know what the President calls something that takes money out of the taxpayers' pocket and puts it into the general fund, but I call that a new tax.

Mr. Speaker, the transportation policy, while it contains many good elements, and is a valiant effort by our good Secretary of Transportation, completely got stopped in terms of being anything visionary for the 21st century by the White House and the Office of Management and Budget. As we consider transportation policy, I hope Members of Congress from both parties will begin to evaluate our needs as a Nation in the 21st century in a realistic sense, and as Secretary Skinner has said, the transportation policy should be a strategic plan, a road map, if you will. But Mr. Speaker, a road map is no good without a vehicle to get there, and the vehicle is no good if we do not put gas in the tank.

I would ask our President, please, put gas in Secretary Skinner's tank. Give him the authority to plan and propose new revenue resources, not just buck passing to States and local governments.

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

[Mr. SOLOMON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

KENTUCKY COCAINE DEALER PAROLED, OUT OF PRISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, I sincerely believe that at least 95 percent of my constituents would disagree with a recent decision of the Kentucky Parole Board to free a big-time cocaine dealer before he served 2 years of a 23-year sentence.

In these allotted 5 minutes I am repeating for emphasis remarks I gave during the 1-minute speeches.

Convicted cocaine dealers such as Rayful Edmond III of Washington, DC, recently have been sentenced to prison for life without parole.

I'm saddened to admit there is at least one area of the United States where you can be a persistent felon, where police can seize from you $350,000 in cocaine and, after pleading guilty, you only spend less than 2 years in confinement, notwithstanding a circuit judge's sentence of 23 years in prison.

Yes, it's in my own congressional district that one Hiriam Curtis Smith, age 33, is free now. On February 29, 1988, Mr. Smith pleaded guilty in Paducah, KY, to narcotics crimes, as well as to the specific charges of possession with intent to sell cocaine, possession of handgun by a felon and a second degree persistent felony offender count, citing Smith's previous felonies.

Early parole was the good fortune of Mr. Smith.

Mr. Smith is the first cousin of Kentucky State Representative Rex Smith and a nephew of multimillionaire Jim Smith, probably the wealthiest man in my congressional district and a man who is very active in Kentucky politics.

Early parole in Kentucky is extremely rare.

Not until today when the Paducah Sun newspaper revealed it did we realize Mr. Smith was released from the Kentucky State Penitentiary on February 14.

The Kentucky Parole Board's routine policy is to require a nonviolent offender to serve at least 20 percent of his sentence before being eligible for parole. In Curtis Smith's case that would have been in mid-1992, more than 2 years from today.

But Mr. Smith was granted a parole hearing. There were only 28 such hearings last year out of the 5,564 inmate cases reviewed by the Kentucky Parole Board.

Before his early parole Mr. Smith was also privileged to be 1 of only 10 men who lived in the minimum security complex next to the penitentiary at Eddyville.

Here are a few explanations from Kentucky officials as to why Mr. Smith was paroled:

An immaculate prison record;

Knowing how crowded our penitentiaries are, I do believe that Curtis Smith's release will serve the public well as I feel he has learned his lesson by now; and

Smith apparently has come to terms with his substance abuse problem, remained drug free for about 2 years and has taken some very positive steps to inhibit the further use of any type of drug.

The people of Kentucky should be outraged by the early parole of a big-time cocaine dealer.

This is a live, March 8, 1990, example, for a textbook which could be entitled "A Dual Justice System," featuring Rayful Edmond III and Hiriam Curtis Smith.

THE REGULATED PRECURSOR CHEMICALS ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 5 minutes.

Mr. FAZIO. Mr. Speaker, today along with 60 of my colleagues, I am introducing the Regulated Precursor Chemicals Act of 1990.

Methamphetamine, known in the 1960's as "speed" and now called "crank" or "ice," is making a resurgence in the Western United States and Hawaii. Unless checked, it will eventually spread throughout the country.

Ice is a smokable form of methamphetamine, which until recently, was entirely manufactured and imported from the Far East. However, earlier this year, the first clandestine ice lab was seized in Elk Grove, CA, which is located in my congressional district. Several more have since been confiscated. Ice is fast becoming a popular drug because it can be

cheaply manufactured and produces a high which can last for hours.

Crank is an injectable or ingested form of methamphetamine which is domestically produced. Someone without any chemistry skills, working at a homemade setup in a kitchen and using legally obtainable equipment and chemicals, can make crank. Since crank is entirely a domestic product, it has far reaching potential for abuse since no one has to worry about smuggling the drug or the substance used to make the drug into the country. With the technology to produce both crank and ice becoming readily available, law enforcement officials believe that these drugs have the potential to become the crack of the 1990's.

Although a handful of States have enacted tough State laws to deal with the growing crank and ice threat, the manufacturing and distribution of methamphetamine is a multijurisdictional interstate problem which requires a comprehensive national policy. The Regulated Precursor Chemical Act of 1990 will help us stop this threat before it becomes a national crisis.

H.R. 4231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the "Regulated Precursor Chemicals Act of 1990".

SEC. 2 EXPANDED LIST OF PRECURSOR CHEMICALS.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34) is amended by striking subparagraphs (A) through (L) and inserting the following:

"(A) Phenyl-2-propanone.
"(B) Methylamine.
"(C) Ethylamine.
"(D) D-lysergic acid.
"(E) Ergotamine tartrate.
"(F) Piperidine.
"(G) N-acetylanthranilic acid.
"(H) Phenylacetic acid.
"(I) Anthranilic acid.
"(J) Ephedrine.
"(K) Pseudoephedrine.
"(L) Norpseudoephedrine.
"(M) Phenylpropanolamine.
"(N) Propionic anhydride.
"(O) Isosafrole.
"(P) Safrole.
"(Q) Piperonal.
"(R) Thionylchloride.
"(S) Benzyl cyanide.
"(T) Ergonovine maleate.
"(U) N-methylephedrine.
"(V) N-ethylephedrine.
"(W) N-methylpseudoephedrine.
"(X) N-ethylpseudoephedrine.
"(Y) Chloroephedrine.
"(Z) Chloropseudoephedrine.
"(AA) Hydriodic acid.".

SEC. 3. CONFORMING REPEAL TO EFFECTUATE TRANSFER OF HYDRIODIC ACID FROM THE ESSENTIAL CHEMICAL TO THE PRECURSO CHEMICAL LIST.

Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by striking subparagraph (E).

SEC. 4. ELIMINATION OF ESTABLISHED THRESHOLD REQUIREMENT FOR PRECURSOR CHEMICALS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)) is amended—

(1) by inserting "any amount of a listed precurso chemical, or" before "a threshold amount, including a cumulative threshold amount for"; and

(2) by striking "listed chemical" the first place such term appears and inserting "listed essential chemical".

SEC. 5. REQUIREMENT THAT REPORTS OF REGULATED TRANSACTIONS BE MADE TO THE ATTORNEY GENERAL.

Section 310(b)(1) of the Controlled Substances Act (21 U.S.C. 830(b)(1)) is amended—

(1) by inserting "any quantity of a listed precursor chemical," after "involving"; and

(2) by striking "a listed chemical" and inserting "a listed essential chemical."

SEC. 6. LICENSING REQUIREMENTS; AUDIT AND CONTROL.

Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended by adding at the end the following:

"(d)(1) It shall be unlawful for any person to engage in a regulated transaction involving a listed precursor chemical, or any other conduct that defines such person as a regulated person with respect to a listed precursor chemical for the purposes of this section, without a license required under this subsection.

"(2)(A) The Attorney General shall by rule establish a licensing program for regulated persons and regulated transactions involving listed precurso chemicals, under which licenses will be required in those circumstances where the Attorney General determines such requirement will contribute to carrying out the purposes of this section and to criminal drug law enforcement in general.

"(B) Such program shall require such application in such form as the Attorney General shall prescibe, and may provide for the denial, revocation, or suspension of a license under this subsection for cause, but only after opportunity for a hearing on the record.

"(3) Whoever violates paragraph (1) shall be fined under title 18, United States Code, or imprisoned not more than 4 years, or both.

"(4) The Attorney General shall by inspection or otherwise provide for the audit and control of listed precursor chemical inventories of persons possessing a license under this subsection.".

SEC. 7. DIRECTION TO ATTORNEY GENERAL WITH RESPECT TO REGULATED TRANSACTIONS.

Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended by adding after the subsection added by section 7 of this Act the following:

"(e) The Attorney General shall, using the authority provided under subsection (c)(2)(D) and other authority available to the Attorney General, cooperate with the authorities of each State by providing to such authorities information as to regulated transactions in listed precursor chemicals, and anticipated regulated transactions (including impending interstate deliveries) in such chemicals, that might be useful to such authorities in the administration of State laws relating to precursor chemicals and other State law relating to controlled substances and other illegal drugs.".

TRIBUTE TO FORMER WEST VIRGINIA SENATOR JENNINGS RANDOLPH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, I rise today to pay tribute to former West Virginia Senator Jennings Randolph, as he celebrates his 88th birthday.

Senator Randolph left some big shoes to fill for anyone representing the Second Congressional District of West Virginia. He held the office I now have the privilege of holding for 14-years. Fortunately, Senator Randolph left a legacy of public service in this House and in the Senate that serves as an invaluable guide.

Someone referred to Senator Randolph one time as "a new dealer who never lost sight of his hometown values."

Jennings Randolph—teacher, newspaper man, airline executive, representative, and Senator—has a sterling record of achievement.

His legislative achievements include, the Appalachian Regional Commission, the first black lung legislation, the Coal Mine Health and Safety Act, and the Occupational Safety and Health Act.

Senator Randolph is known as an aviation pioneer. He helped create the Civil Aeronautics Board in 1938, flew from Elkins to Washington in airplane fueled by coal in 1943 to demonstrate the potential of synthetic fuels, and introduced the bill that created the National Air Museum.

Senator Randolph is noted as a spokesman for the individual, particularly the handicapped. He created special programs for the blind and elderly. He strongly supported education and health care.

He was also the author of the 26th amendment that gives 18-year-olds the right to vote.

Senator Randolph continued his commitment to public service after leaving the Congress, working with the Agri-Energy Roundtable. He is now chairman emeritus of this organization.

I would like to share with other members the accomplishments of Senator Randolph since he retired from the Congress, and will enter a report on the Agri-Energy roundtable into the RECORD.

Again, on behalf of myself and the people of West Virginia, I would like to wish Senator Jennings Randolph the best on his 88th birthday.

The material referred to is as follows:

REPORT ON THE AGRI-ENERGY ROUNDTABLE

(By Jennings Randolph, Chairman)

GENTLEMEN: Agri-Roundtable (AER) celebrated its tenth annual meeting, October 8-11 in Vienna—by all accounts our most successful conference ever! As we enter a second decade, AER is poised to achieve dynamic progress and we would welcome your participation and suggestions on a range of options and challenges facing the association. At the same time, AER could benefit from a brief review of the last ten years—our achievements, the successes and fail-

ures—as a foundation upon which to build and move forward. Our track record is one of growth and accomplishment, and I have been privileged to work with Nick Hollis since AER's beginning.

Ten years ago, in early 1980, AER was launched in a conference designed to convene U.S. agribusiness executives and their counterparts from the agricultural sectors of oil-producing countries. The AER concept embodied in the conference theme was re-cast into the constitution and bylaws of a non-profit corporation on March 10, 1980. Once the legal mechanism was established, AER began receiving corporate financial support (the first contribution was received from Chief E.O. Ashamu of Nigeria for $2,000).

As petroleum and agricultural commodity prices plummeted in the early '80s and Third World debt increased, the central threat of dialogue between these sectors in major producing countries gave way to a broader, more generalized interaction on world agro-industrial trade and development issues. Finance also became a regularly featured subject in AER conferences, and even sprouted its own subgroup on non-conventional finance based in London. The agricultural situation among energy surplus countries continued to stagnate (with the major exception of Saudi Arabia and a few Gulf states which devoted considerable resources to developing their agro-food base) and oil companies, which had earlier shown much interest in developing community and national agricultural projects in cooperation with energy producing states, lost interest in these activities as petroleum prices plunged. Development itself was threatened by the colossal debt burden which saddled many Third World economies.

This adverse economic situation in both agricultural and energy sectors also acted as a powerful dampener to AER's continuing drive to recruit corporate contributor and sponsor support. By late 1987, AER's financial support came entirely from agribusiness companies, foundations, U.S. agencies, U.S. bilateral development agencies, and conference/publication receipts.

Despite these setbacks, AER continued to move ahead with a growing momentum of conference successes coupled with well publicized trade missions invited by Saudi Arabia, Thailand, the People's Republic of China, Nigeria, and more recently, the Philippines, India, the United Arab Emirates and Hungary. Publications, newsletters and special reports on these activities helped accelerate awareness of agro-industrial investment and trade opportunities in these countries and, more significantly, local agro-entrepreneurs utilized AER as a model in forming indigenously-supported "sister associations" to be linked with our growing international information network.

Over the last two years this AER "sister association" movement has gathered momentum and now stands as one of our most exciting opportunities, validating the entire investment in building an association foundation accomplished in the early years. This association/networking program has gained strength from a growing recognition worldwide that private agro-business can participate effectively in national, regional, and international activities to strengthen food security. This can be particularly illustrated in the delicate area of "privatization" and so-called "structural adjustment" wherein the implementing agent, the private sector, could be more involved and better organized to provide necessary feedback and realistic, practical ideas on the feasibility of government or international agency prescribed schemes. The "sister association" activity is particularly strong in Africa where several have been established (e.g., Kenya, Uganda, Nigeria, The Gambia).

Since late 1987 AER has also been working closely with a domestic, U.S.-based association, The Agribusiness Council (ABC), which petitioned to form an alliance with the AER as a U.S. chapter. Today, largely through AER staff support, grants, and shared activities, The Agribusiness Council is regaining its independent membership base and economic health. A special conference was held under the auspices of the ABC in St. Louis (October 1988) and another on high technology in agriculture is planned for June 1990. There is still much to be accomplished in this process and the rebuilding pace for ABC has been deliberate. Yet, AER remains committed to assisting the ABC, along with all other indigenously supported national agribusiness activities which would derive benefit from linking to the international AER network. We are also determined to preserve and develop AER's international character—and all above mentioned activities are considered in that context.

LOOKING AHEAD TO THE 1990S

Whatever one thinks of the world's agro-food situation as we enter this century's last decade, no one discounts the heavy premium information and new market contacts will have for success in the globalization of agribusiness. AER is uniquely positioned with our expanding network to assist our supporters and strengthen a general resolve for freer trade/development on the international level. AER's non-governmental accreditation with the United Nations allows the Association access to important meetings wherein AER commentary on behalf of private enterprise can capture the attention of governments and international agencies alike.

In the coming decade, AER will be devoting increased resources to strengthening our communication services, particularly between the "sister associations." We will be increasing the number of regional and specialized conferences/workshops, consistent with our association development objectives. We will also be regularizing membership services and financial requirements for contributors/sponsors. Following recommendations at the October 8, 1989 board meeting, the Executive Director and the AER General Counsel have drafted revisions in the Association bylaws which should facilitate our revenue generating capabilities via membership dues. (These materials will be circulated shortly to Board Members.)

Recognizing the breathtaking changes which have unfolded in Eastern Europe and the Soviet Union in recent months, AER will be following-up vigorously to offer these countries the benefits of participation in the network, and hopefully, we will see the formation of indigenous AER programs as a result. Already we are planning for a mission to Poland, and we may possibly organize a larger event in Eastern Europe for later this year (1990). Our highly successful mission to Budapest, Hungary (October 11-13) led by senior director, Gustavo de los Reyes, has inspired many positive follow-on options there as well.

ASSOCIATION COMMITMENT

As we plan for an aggressive utilization of AER's network and growing association recognition around the world, we will be calling on you, our directors and advisors, to commit yourselves to assisting more regularly in this effort. We will ask each board member to "give or get" financial support for AER commensurate with the potential benefits the Association can provide. We will ask you to assess your commitment to the Association's objectives and your own balance of "mercenary and missionary" involvement. No voluntary association can flourish without the requisite blend of these diverse motivating spirits. This is particularly important as AER seeks to realize loftier aims in the international arena of agricultural trade and development. We have accomplished much, but there are many challenges ahead.

As specific country "sister associations" become more active, our opportunities will increase for more concrete, project-oriented activities beyond the current clearinghouse and publication scope. We must recognize that this "sister association" network will not be a panacea for all of AER's development problems. The process will be fraught with "growing pains" brought on by independent 'sister groups' seeking much and giving little to the parent AER. Even effective non-profit networks have limitations since, as interrelated groups, they will have a wide range of management structures and methods of operation. Yet, at the center of the AER hub are relationships among members which have evolved more formalized linkages over the years, and alliances and joint ventures are a key component of the envisaged action follow-up. Furthermore, each sister AER will succeed to the extent it can enhance its agro-industry supporters' positive participation in a particular national development. All of us have benefited from our working and coming together on this challenging association project—and if we continue to work together and communicate, our future into the '90s will be bright indeed.

In 1987 during our 8th annual International Agriculture Forum in Geneva, I quoted one of my favorite passages from Alfred Lord Tennyson which inspires my belief in AER and all other noble efforts to strengthen international economic peacekeeping. It is fitting, as we step into the next great decade (my tenth!!), that I close this report with the following words:

". . . When the centuries behind me like a fruitful land reposed,
—When I clung to all the present for the promise that it closed;
When I dipt into the future far as human eye could see;
Saw the Vision of the world, and all the wonder that would be.
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales,
Heard the heavens fill with shouting, and there rain'd a ghastly dew,
From the nations' airy navies grappling in the central blue,
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the yonder storm;
Till the war-drum throbb'd no longer, and the battle flags were furl'd
In the Parliament of man, the Federation of the world . . ."

God bless each of you! May you and your families have prosperity and peace in the coming decade. Let us pledge to give our

heartfelt thanks and continuing support to our indefatigable, most dedicated executive director, Nick Hollis, as he steers the Roundtable into the 1990's.

CHRONOLOGICAL HIGHLIGHTS—AER DECADE REVIEW OF PROGRAM PROGRESS

The following review features selected highlights of the Agri-Energy Roundtable's first ten years. It is not a complete report on all events, trends or financial developments affecting the Association.

1980

The first Agri-Energy Roundtable (AER) was organized as a forum to convene U.S. agribusiness and representatives of energy-surplus countries. The three-day conference was held in New Orleans, February 7-9, 1980 and gained considerable media attention as the port city was congested with barges backed-up due to the Soviet grain embargo. Among the featured speakers was Clayton Yeutter, President of the Chicago Mercantile Exchange (now U.S. Secretary of Agriculture).

AER was established as a non-profit incorporation in the District of Columbia, and fundraising began in the spring. Among the early contributors was Dr. Armand Hammer, renowned chairman of the Occidental Petroleum Corporation, introduced to AER by U.S. Senator Jennings Randolph.

Later, AER's executive director, N.E. Hollis, participated in an agribusiness conference in Cario, Egypt and visited Saudi Arabia, Lebanon, and Morocco (July 1980). AER produced and successfully marketed a conference document from the New Orleans conference and gathered momentum within an expanded advisory committee for an international conference.

1981

AER executive director Hollis traveled to Kuwait and addressed the General Union of Arab Chambers of Commerce and used the occasion to encourage participation in the Second Annual Agri-Energy Roundtable in Geneva, Switzerland. In March 1981, Hollis met with Dr. Armand Hammer of Occidential Petroleum and Senator Randolph, and finalized plans for their participation in Geneva, April 27-29. Hollis built this program base utilizing contacts in Geneva, and the conference proved successful in attracting a broad mix of corporate and governmental representatives.

In July, AER organized a Capitol Hill luncheon for Dr. Hammer and Senator Randolph at which more than a dozen senators participated. Later that same year, AER organized several meetings for the advisory committee (both in Washington and Geneva) and hosted a special one-day conference on agricultural training with The Johns Hopkins University School of Advanced International Studies (December 1981).

1982

By spring 1982, AER was gathering recognition in the energy-surplus countries, particularly in the Middle East. The Third Annual Agri-Energy Rountable held in Geneva (May 23-26, 1982) produced a breakthrough with Saudi Arabia's Minister of Agriculture and Water, Dr. A. Al-Sheikh, and Senator Randolph forging an exciting head table dialogue—and a pledge for continued cooperation on agricultural exchanges. Later that year, AER organized a seminar on barter/counter-trade in agriculture which triggered interest in forming a special subcommittee on these trade finance issues (September). In November, AER produced a worldwide mission linked with four independent conferences and workshops in Saudi Arabia, Singapore, Bangkok, and Hawaii. The final conference at the Maui Intercontinental generated worldwide media attention through a timely speech by Atlantic-Richfield chairman, Robert O. Anderson, and AER began attracting more corporate supporters.

1983

In early February, Senator Randolph hosted another Capitol Hill luncheon with featured speaker, Robert O. Anderson, discussing the overvalued dollar and its negative impact on U.S. trade. Later that spring at the Fourth Annual Geneva conference (May 23-26), Anderson and Randolph teamed-up to spark another program success which included representatives from the Peoples' Republic of China. But oil prices were sliding and unfavorable economic conditions in agribusiness stalled the membership drive. In late fall Hollis visited the PRC and arranged for a trade mission to Henan, a central province with abundant agriculture and energy resources.

1984

AER overcame considerable Washington-based association rivalry and catapulted a 24-member international mission into China in March 1984, gaining international media attention and considerable praise in the PRC. The fifth annual meeting in Geneva (May 27-30) saw Senator Randolph introducing a colleague, the late Senator Edward Zorinsky, who challenged the international forum to press GATT for successful agricultural negotiations. The conference focused on agricultural trade differences between the U.S. and the European Community.

In June, AER attended the U.N. World Food Council ministerial conference at Addis Ababa, Ethiopia as a non-governmental organization (NGO). Later, as a result, AER would apply for and receive accreditation from the U.N. Secretary General as a NGO before the international body.

AER also organized a two-day seminar on agricultural technologies in cooperation with the Royal Agricultural Society of England at Stratford-on-Avon, July 4-6.

During this period the submcommittee on counter-trade began meeting regularly in London, chaired by Andreas Calice of Prudential Bache Trading, in response to a recognition that debt was choking trade with much of the Third World.

In late 1984, Hollis visited Nigeria at the inspiration of several oil company sponsors who had hoped to organize an African regional conference in Lagos. This effort was pursued without success at great cost to the orgnanization for nearly eighteen months, and was finally suspended. It became clear that local support could not assure a conference success. The effort did spark important interest in establishing local Agri-Energy Roundtable "sister associations."

1985

As one of his first actions upon retiring from the United States Senate, Jennings Randolph visited AID Administrator McPherson and requested program assistance to enable the Roundtable to help develop its task force and subcommittee activities for more substantive focus in various agro-food processing, distribution, technology, and finance sub-sectors. However, just as the AID interest in AER seemed to gel, a reorganization in the White House negated higher-level encouragement, and AID's Science and Technology Bureau itself underwent a massive downsizing which left the program proposal shelved and unnoticed. AER staff pulled-out of the quicksand of AID meetings and produced a Sixth Annual International Agriculture Forum, June 2-5, 1985 in Geneva. Senator Randolph introduced James Ingram of the U.N. World Food Programme and presided over a well-attended multilateral gathering which featured presentations from nearly forty countries. AER had come of age—and it opened a Geneva office.

AER continued to campaign for private sector, a self-help solutions in Africa—as opposed to mine relief programs which had captured the public imagination with the Ethiopian tragedy—but AER had difficulty finding a suitable base from which to launch African operations. In September 1985 AER hosted a Washington session on Africa and later, Hollis returned to Nigeria where a workshop was conducted in Lagos aimed at mobilizing broader support for a West African Roundtable meeting. In recognition of these efforts, AER's Hollis was invited by U.S. Representative Mickey Leland (D-Texas) to serve as an advisor to the House Select Committee on Hunger.

1986

In the spring of 1986, AER began suffering a serious dues/subscription decline triggered by falling oil and commodity prices, and the retirement of key corporate supporters. As a result, AER management determined to pursue public funding in earnest. The Seventh annual meeting in Geneva (May 25-28) featured three agriculture ministers (Turkey, Jordan and The Gambia) and Senator Randolph pronounced that year's dialogue "the most effective yet." U.S. participation was disappointing, but the international registrants kept the conference viable. Organizationally, the AER's board of directors and committee of honor gathered cohesion around Senator Randolph while other subcommittees similar to the counter-trade/non-conventional finance group began taking shape.

In the summer, AER was invited by Philippine Ambassador Emmanual Pelaez to organize a special agribusiness event during President Corazon Aquino's Washington visit in September. This program was accomplished so successfully that Agriculture Minister Ramon Mitra invited AER staff to visit Manila and organize an ASEAN-wide conference featuring Philippine argo-industry invesmtent potentials. Hollis traveled to Manila in October and secured pledges from USAID/Philippines to provide seed funding for the conference. On this trip Hollis also visited India and began discussions aimed at starting an AER chapter in Bombay.

1987

Early in 1987 AER received an unanticipated request from the chairman of a competitive association, The Agribusiness Council, to form an alliance. The Agribusiness Council wanted a Washington office and more international programming scope. A management services agreement was worked-out whereby AER would assume the day-to-day staff management of The Council which thus became a de facto U.S. chapter of the international AER network.

After considerable difficulties and red-tape, AER overcame a funding logjam with AID/Philippines (with Vice President Bush's intervention) and proceeded to organize a highly successful conference in Manila (May 24-27) which generated enormous media attention and resulted in the formation of an indigenous AER chapter in

the Philippines, under the leadership of Celso Carunungan.

AER's delegation then proceeded to Hong Kong and Bombay where meetings were held with local organizers interested in forming local chapters. In Bombay, more than 100 businessmen turned-out and the event received considerable media attention. AER/India was inaugurated on May 29, 1987.

AER's Eighth Annual International Agriculture Forum in Geneva, June 1-3, 1987, chaired by the venerable Jennings Randolph, celebrated the spark of new growth symbolized by the chapter development process underway. Two vice chairmen, from Canada and Africa (The Gambia), assisted Senator Randolph in conducting the conference.

In the fall, AER negotiated two agreements with AID and finalized terms of the alliance with The Agribusiness Council (ABC).* A board of directors meeting for ABC was organized in December and legal instruments were transferred from New York. Tom Curtis, former U.S. Representative (R-MO), was inducted as interim chairman of The Agribuisiness Council.

Late in the year, Hollis accepted an invitation to visit the Arabian Gulf for the purpose of organizing a regional Roundtable reflecting AER's growing international recognition. Hollis also visited India and the Philippines, conducting board meetings with the local chapter groups in each country on this same trip.

1988

In March AER teamed-up with a new sponsor, the Tennessee Valley Authority (TVA) Office of Biomass, and launched a special Subcommmittee on Renewable Energy Technology. The two-day event was chaired by John Shields of TVA and included representatives of two dozen leading companies. Later, project enthusiasm would dwindle as TVA announced a massive downsizing and virtually closed its biomass efforts.

The Ninth Annual International Agriculture Forum (June 5-8) attracted a strong mid-east and African attendance, led by Saudi Arabian Minister of Agriculture Al-Sheikh. Three other ministers attended and AER hosted a special event in their honor on board a steamboat on Lake Leman (Geneva). Vice chairmen Eugene Whelan (Canada) and Saihou Sabally (The Gambia), effectively co-chaired the conference which proved one of the most successful AER meetings yet. Delegations from several AER local chapters—including India, Kenya, and the UAE—added a new dynamism to the proceedings. AER staff had to forego the usual post-meeting vacation since plans were moving for two other events and the Agency for International Development had encouraged AER to accelerate the overseas association development project targeted for other Third World countries.

In mid-August, AER met in London to finalize plans for the Gulf regional conference in UAE—and to conduct meetings with the London non-conventional finance subgroup. Plans were announced for the formation of a new sub-group on transport/distribution problems related to agro-food systems.

In October, AER/ABC combined to host a successful conference in St. Louis (October 12-14) on the effects of the great North American drought on U.S. agriculture reliability and the transportation system. One of the session tracks on high technology in agriculture attracted such interest that participating AID officials pledged funding to The Agribusiness Council for a more specialized conference, entitled "The Agro-Industrial Revolution" and featuring a greater concentration on biotechnology in agriculture.

Planning sessions in the Arabian Gulf in early November were followed by meetings in Manila with the AER/Filipinas leadership. Hollis also visited London and Geneva for fundraising events connected with AER.

1989

AER overcame squabbles between local organizers and successfully conducted two separate conference events in the Arabian Gulf (Bahrain and UAE) in early February. The meetings reflected considerable international participation and support, particularly from Saudi Arabia. AER executive director Hollis continued after these meetings to Southeast Asia where meetings were held in Manila, Brunei, Singapore and Jakarta. In Manila, just prior to the Gulf conference, AER teamed up with its local affiliate to run a program on agrarian reform and the private sector, bringing together radically different perspectives into a neutral forum for rational discussion on a variety of relevant issues.

In April AER visited the Dominican Republic and Jamaica—and initiated discussions with local agribusiness leaders on the formation of counterpart associations to eventually link-up with, and benefit from, international information and business contacts.

In May, Hollis participated and spoke before the U.N. World Food Council (WFC) ministerial conference in Cairo, Egypt. In connection with the WFC, a special workshop was organized for Egyptian agribusinessmen to consider organizing a counterpart association (May 24). Hollis then proceeded to Kenya for meetings with AER/Kenya organizers, and on to Harare, Zimbabwe where he spoke before the Ninth African Ministers of Industry Conference. This appearance generated additional interest among the high-level African delegations in the formation of agro-enterprise association programs.

In July, Hollis visited India and conducted a special workshop for top Indian private sector leaders interested in expanding the AER concept to an all-India format. The meeting was held at the Oberoi Hotel, New Delhi on July 6. Local AER coordinators assisted in setting-up this meeting. Later, Hollis travelled to Bombay, Madras and Colombo, Sri Lanka where strong local interest in organizing a local agro-industry group to link up to the international network was discovered.

Growing AER recognition in international donor agencies reached a new high with UNDP's Africa Leadership Forum in August, as Hollis and several other AER African coordinators, participated in General O. Obasanjo's Nigerian conference on West African agriculture. During this visit, a workshop was conducted in Lagos for AER/Nigeria organizers at the Sheraton Lagos Hotel and the overall African program was discussed with former U.S. President Jimmy Carter. As a follow-up UNDP circulated a worldwide cable to its regional offices encouraging support for the agro-enterprise association concept.

The AER's Tenth Annual International Agriculture Forum (October 8-11) in Vienna, Austria produced a resounding success and opened new doors for program expansion to Eastern Europe with strong delegations from Poland and Hungary. AER chapters in formation also fielded good groups, most notably from Kenya, Gambia and Uganda. Over 35 countries were represented and AER received the "Green Oman" Award from the Government of the Sultanate of Oman for the Roundtable's recent contributions to agro-food security and trade-development in the Gulf region. AER's senior director, Gustavo de los Reyes D. led a 14-member delegation to Budapest, Hungary immediately following the conference for two days of meetings and field visits hosted by the Hungarian Ministry of Food and Agriculture. The Vienna conference, chaired by AFR Vice Chairman Saihou Sabally, also produced an official invitation from the Polish government to visit and organize an international Roundtable in Warsaw.

At the present time, AER is continuing to develop its counterpart association network project, and will be visiting Poland and other Eastern European countries in response to government and private sector invitations.

NOTE.—Specific conference/event reports, board of director minutes, and association internal memorandum on all abovementioned activities are available for review by AER members, directors and selected advisors. Certain materials and conference publications are available for purchase to the general public. Inquiries should be directed to Pat Griffith at telephone (202) 887-0528 or telefax (202) 887-9178.

(The Agribusiness Council, AER's affiliated association in the U.S. will host a conference on agricultural technologies and international competitiveness, June 24-27, 1990 in Washington, D.C. AER international affiliates are encouraged to participate.)

Mr. Speaker, I yield to my colleague, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding, and I want to echo his remarks. I thank the gentleman very much for taking this time. Senator Jennings Randolph was a vision to us all. Just look at any of the interstate systems in this country, the Appalachian Regional Commission for which so much was done by Senator Randolph.

I appreciate the Representative—as Senator Randolph would insist we say—the Representative from West Virginia bringing this special order.

Mr. STAGGERS. As the gentleman knows, if I was going to list all of Senator Randolph's accomplishments, I would be here all day today and probably into tomorrow listing them. I appreciate the Chair's indulgence.

DO WE HAVE AN OBLIGATION TO HELP THE SOVIET UNION WITH MORE DIRECT AID AND COMMITMENT OF AMERICAN RESOURCES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I do not think I will take all of my time, but I do want to continue the dialog about whether or not one of the lead-

ing Democrats is correct in suggesting that we have an obligation to help the Soviet Union with more direct aid and with commitment of American resources on behalf of the Soviet Union.

There has been a considerable amount of response to this very daring idea that Gorbachev has made enough progress that we have an obligation to prop him up and that we should do what we can to help the Soviet Union directly in financial ways.

But as we have looked at this a little more carefully, I think it has become clear that there are some questions that need to be answered.

Now before I develop the general proposition that we ought to be careful in thinking that United States taxpayers should send aid to the Soviet Union, let me say that I noticed after I left yesterday several of my Democratic colleagues seemed to be offended and they seemed to raise some questions. Without using their names, because they are not on the floor right now, I want to cite three or four things they said and then simply explain where I stand on them.

First of all, one of them said, "So the rhetorical question was asked and never answered, 'Well, you know, are you for another big foreign aid program?' "

That was not asked at all.

There are many good reasons to help countries. There are many important countries around the world who are directly in the United States' interests. I have voted for foreign aid.

The question that was raised was, "Should the Soviet Union receive American foreign aid? Should we take steps to get resources to the Soviet Union? Should the American taxpayer prop up the Soviet Government? Has Gorbachev in fact made enough changes that it is in our interest to be subsidizing the Soviet Union?" It is a very narrow question. I think my Democratic colleague who tried to broaden it in order to knock it down was simply not being accurate, and was disappointed in that.

Let me say, in addition, that another one of my Democratic colleagues came to the floor and said, and I think everyone should listen carefully to this rationale:

> I wanted to make several points. I was not here for the earlier part of the hour with the gentleman from Georgia. But I think the gentleman from Georgia truly insulted and deeply offended me from what I did hear by attempting once again to label the loyal opposition to the Bush administration, the congressional Democrats, as disloyal.

Now let me say, first of all, that I think it is a little strange for a man who admits he did not hear what I said to be upset at what I said, since he did not hear it.

But second, I want to make very clear: The Democratic Party is a loyal party. It is the longest living political institution in the world. It is a great institution.

It provided us with several of our greatest Presidents, Thomas Jefferson and Franklin Roosevelt being two of them.

The Democratic Party is a wonderfully rich institution with many varied streams of thought.

It is true, I think, that in recent years the Democratic Party tends to be less for defense, it tends to take a different view of the world than the Republican Party.

But it should be possible on the floor of the U.S. House to question the wisdom and judgment of left wing Democrats or leading Democrats, of people whose ideology is an ideology and whose beliefs are different and say, "Look, we disagree about facts, we disagree about interpretations, we disagree about policies," without in any way suggesting that either side is disloyal. It is possible to be a loyal American and wrong. It is possible to be a patriotic American and simply have the wrong facts. It is possible to believe deeply in your country and just simply not understand the importance of military strength or the importance of being careful in foreign policy.

He goes on to say, the same gentleman went on to say:

> For the gentleman from Georgia to try to characterize the Democratic Party as somehow weak on communism does a disservice to the House. I call it political pollution, and I found it deeply insulting.

In the first place, I never said anything like that yesterday. I am not going to say anything like that today. I would be glad for this gentleman, if he wants to, at some time, to come over and debate the facts, debate what I am actually saying.

What I am saying is that while all of us are glad to see the Soviet Union changing, while all of us are glad to see free elections in Estonia, Latvia, Lithuania, Byelorussia, the Ukraines, and Russia itself, while all of us are delighted to see the progress made in Poland and reported to us by Lech Walesa, to see the progress made in Czechoslovakia and reported to us by Vaclav Havel, the fact is that it is legitimate to raise the question exactly how much has the Soviet Union changed, do their current plans have any hope of working, will they achieve economic prosperity and democracy, given the way they are going right now? And is the Soviet Union behaving around the world in a way that we should support it by propping it up?

□ 1210

These are legitimate intellectual questions about reality. These are not questions about whether one is pro-Communist or anti-Communist. They are not questions about being hard on communism or soft on communism. They are very serious questions about exactly how one should approach the Soviet Union and how one should interpret real developments in the Soviet Union and what it means.

Let me give an example. A leading Democrat, Senator BILL BRADLEY, was quoted in yesterday's Washington Post as saying that any assistance would be wasted absent fundamental reform of the Soviet economy. "Unless they reform the economy, any economic aid is going down a rat hole," BRADLEY said.

Does that mean that BRADLEY is suggesting that another leading Democrat who proposed aid to the Soviet Union is soft on communism? I do not think so. I do not think BRADLEY thinks anything like that. But BRADLEY does think that the idea currently of giving Gorbachev economic aid from the United States would not work because the Soviet Union has not made the key transition to free markets and has not made the key transition to finding the kind of private property rule of law and incentive plan which is necessary for economic success.

But I want to carry this two stages further. It is again a Democratic Agriculture Committee chairman, Mr. KIKA DE LA GARZA, of Texas, who is quoted in USA Today as saying he is against food giveaways to the Soviets. "If we are selling to the Soviets and they are paying for it, I don't see why we should change it," he said.

Clearly, he is not suggesting as a Democratic chairman of the Agriculture Committee that anyone is soft on communism. He is suggesting they are wrong, that to go from selling the Russians food grain to giving the Russians food grain does not make any sense. They have the hard currency, they have the gold, they have a variety of resources. But there is a deeper reason, and we ought to be very cautious about relieving pressure on the Soviet Empire.

The Soviet Union under Gorbachev continues to prop up dictatorships around the world. They continue to prop up Fidel Castro and the dictatorship in Cuba; they continue to prop up the Communist dictatorship in Afghanistan; they continue to subsidize the Communist dictatorship in Vietnam; they continue to subsidize communism in North Korea and in Cambodia and in Ethiopia; and they continue to supply aid to Syria and Iraq. The question I would ask is, if Gorbachev and the Soviet empire have enough money to prop up Fidel Castro and Cuba—and the number I saw for the total aid to Cuba recently is $16 billion a year—why should we tax the American taxpayer to send foreign aid to Moscow so then Moscow could send foreign aid to Cuba? We would in effect be indirectly subsidizing Fidel Castro. That does not make any sense, it does not seem to me.

If the Soviet Union is determined to prop up the Communist dictatorship in Angola, a dictatorship which we are actively trying to undermine through our help to Savimbi, as a policy of the United States passed by the Congress, why should we send money to Moscow to help ease their financial burden so they could then continue to send money to Angola to prop up a Communist dictatorship?

If the Soviet Union is sending an enormous quantity of ammunition, weapons, supplies, money, and aid for training to Afghanistan—and every report I have seen says that the amount of Soviet aid to the Afghan Communist dictatorship has been far greater than we thought it would be—why would we send aid to Moscow and make life easier for Moscow at a time when they are not yet withdrawing from Afghanistan with financial and military aid?

The same argument can be made, without being too repetitive, about Communist Vietnam, Communist North Korea, Communist Ethiopia, Communist Cambodia, and the two radical dictatorships of Syria and Iraq.

Let me say it slightly differently. I am very much in favor—and I say this to knock down the argument of the one Democrat yesterday who, after I left the floor, suggested I was questioning foreign aid in general—of our taking steps to help Hungary, Czechoslovakia, Poland, and East Germany, as it becomes a free country and becomes reunified with West Germany, and I am very much in favor of helping Nicaragua now that they have voted for freedom, but I am very cautious about helping the Soviet Union itself as long as they are sending billions and billions of dollars in military equipment, training, and aid to dictatorships.

Let me go a step further. If Estonia, Latvia, and Lithuania declare themselves independent countries, I am very prepared to look at how the United States can help them as independent countries, and I am very prepared to help them try to pay off some of their debt if the Soviet Union is willing to let them become free, as we have always recognized them legally to be, going all the way back to 1939 and 1940, when Stalin and Soviet Russia conquered those independent countries. The United States has never recognized them as being formally absorbed in the Soviet Union. So, clearly, we would want to help them become free.

Again I would draw a distinction between helping a free Lithuania, a free Latvia, and a free Estonia and sending aid to Moscow or to the Soviet empire.

Furthermore, I think the Bush administration should respond to the Democratic leaders' proposals by reminding the American people of the facts and by releasing the amount of money which we estimate the Soviet Union sent in 1989 to Communist dictatorships, some of which were engaged in violent activity and some of which represent major threats. I think those of our friends here in the Congress who would like to pull American troops out of South Korea ought to ask Mr. Gorbachev: "Why are you subsidizing the North Korean Government?" The most recent number I have seen is that $1 billion a year is sent to the North Korean Government.

If the Soviet Union would cut off North Korea and not give them weapons and not prop up their dictatorship, maybe we could pull our troops out of South Korea, and in fact that might lead to the unification of Korea as a free democracy much like the German model.

So all I was trying to say yesterday is this, and I just want to take a few minutes to make this very clear: I was trying to suggest that there are two different views of how to solve problems. I have talked about it domestically. There is a bureaucratic-welfare-state, values-of-the-left viewpoint represented largely in the Democratic Party, and then there are those of us who believe in a new paradigm and a new approach. We believe that entrepreneurial free enterprise, technological progress, and basic American values are simply more effective. We think that if we can apply common sense, focusing it on success and opportunities, we are in a position where we can much more dramatically help countries become prosperous.

We think the key to Poland and to Hungary and to Czechoslovakia and to other Communist countries is not giving American aid to prop up a Communist bureaucracy; instead it is giving them advice to establish private property, to establish rule of law, to have free elections, to be in a position to encourage individuals to be out there working hard and being successful, and we are very concerned in that setting that there be any mistake in our eagerness to help Gorbachev. We do not think we should be helping Gorbachev at a time when his country, the Soviet empire, is still spending billions of dollars propping up dictatorships or that we should be helping Gorbachev before he has made the decisive transition to real change in the way his economy works.

Nothing would be more harmful to the Soviet Union than to encourage them to believe that they can somehow continue down the road of not having private property, not having free markets, not having the rule of law, and not having a tax code that encourages incentives. A leading Democrat is quoted in the New York Times today as saying:

> We can't sit back and wait until we get every reform in place and then send help to Moscow because that might prove to be too late.

I would argue exactly the opposite. It would be foolish for us to send aid to Moscow before they make the decisive changes. That is like saying, if you have a friend who is an alcoholic, "I can't really wait until he agrees to go on the wagon and quit drinking; I have to rush right in and help him quit drinking even though I know he is going to take the next $10 I give him and buy a fifth of bourbon." The fact is that that does not help him because you are in effect subsidizing his alcoholism. And it does not help the countries and the people who want to be free if we subsidize and help the bureaucratic welfare state in its Communist form.

We have to say instead, "If you will open your country up to investment, if you will change your laws so there can be joint enterprise, if you will encourage people to have private property, if you will encourage your farmers with a tax code that encourages productivity, if you will get directly involved in producing the kind of a state in which people will decide to invest, work hard, and study hard because they know they are going to be better off and they are going to be paid in real currency which is worth something"—and the ruble currently is not—"and they know they are going to be paid in a currency which is usable in a store without having to wait in line for their coupons and their rations, and they know they are going to be able to save and they will be real savings that the government won't confiscate, and they are going to know that the tax code is not going to punish them for being successful, then you have chance, I think, to have a Soviet Union that could become truly democratic and truly prosperous and with which we could work closely."

□ 1220

However, Mr. Speaker, I was also trying to draw the point that those who believe in the bureaucratic welfare state in New York City, and they should not have any problem, confused about the bureaucratic welfare state in Prague, or Warsaw or Moscow, that those who believe in the values of the left and who have always consistently been unwilling to accept the reality of Soviet adventurism, the reality of military power, that reality that bureaucracies do not work and that free markets are vital, that those values make it hard to interpret what really is happening in the Soviet Union and in Eastern Europe, and that is why, frankly, we are going to be offering through GOPAC an American opportunities workshop on May 19 where we are going to have 1 hour of television on May 19 and a workshop for anyone who wants to participate, which is de-

signed to say, "Here is a better way of thinking about the world. Here is a method of taking entrepreneurial enterprise, basic American values and technological progress, applying them to solving problems by applying common sense focused on something and opportunities so that people can be encouraged."

Mr. Speaker, it is the reason that many of us favor capital gains tax cuts, because we know that a capital gains tax cut is vital to compete in a world market; it is vital to create jobs. It is in effect a conservative jobs bill. That is why we think it is possible to take the basic American value of hard work, small business, entrepreneurship and give it out to the entire world as a way of doing things that leads people to becoming wealthier and more successful.

So, Mr. Speaker, I simply say in closing to my friends on the Democratic side, "My special order yesterday, my special order today, are not in any sense a question of whether Democrats are loyal. The Democratic Party is the longest-living party in the world. It is a great American political institution. I have absolute faith in the patriotism and the sincerity of my Democratic colleagues."

However, Mr. Speaker, I do reserve the right to question their judgment. I do reserve the right to challenge their facts. I do reserve the right to suggest that their ideology may not work very well, and, as long as the great bulk of the Democratic Party is committed to supporting the bureaucratic welfare state, and as long as at least half of the Democratic Party is committed to the cultural values of the American left, which are values I do not think work very well, values which I think are decisively demolished in Paul Johnson's "Modern Times," in Hernando DeSoto's "The Other Path," and in Collier and Horowitz' "Destructive Generation," all of which are serious intellectual works that raise serious, legitimate, intellectual questions about philosophy and are worth debating, and I would hope that next week we might set aside some time where a Republican might take the first hour, and we would yield to friends on the Democratic side, and a Democrat might take the second hour and yield back, or however we do it, but have a real dialog and a real debate between equally patriotic Americans who equally care about their country, but who have fundamentally different approaches to what works and what will succeed in making America the country it should be and who, therefore, when they see the overseas developments, have very different approaches to how we can best help democracy, how we can best help prosperity, whether it is in Eastern Europe or in the Soviet Union.

A POLICY THAT RUNS FROM RUNWAYS AND FLEES FROM FREEWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I rise to respond to the transportation policy that was announced today at the White House by President Bush and Secretary of Transportation Skinner. As cochair of the Democratic Caucus Task Force on Infrastructure, I have spent a long time with other members looking at what needs to be done for infrastructure, helping plan the developments that must occur if this country is to grow and continue growing, to truly build an investment initiative. So, Mr. Speaker, it is important that we look at this policy statement that the President and Secretary of Transportation Skinner have put forward, analyze it and see what it does.

Mr. Speaker, we say quite frankly that this policy statement builds a policy highway that goes absolutely nowhere in transportation. But it is going to mean, if this transportation policy is enacted, and indeed there is very little to enact, but, if it is enacted, it is going to mean that States are going to have to raise more taxes because they passed that burden on to the States, that we are going to see freeways clogged with toll booths as though they were not clogged enough with rush hours, that we are going to provide little relief for the person sitting and choking in rush-hour traffic. We are going to continue sitting long hours in airports because it does very little for airports either, or aviation, and indeed the policy that was announced today is a policy that runs from runways and flees from freeways.

Mr. Speaker, this policy simply does not address the transportation needs of our country, and I say, "Let's take a look at what this so-called administration transportation policy does."

I applaud the administration for at least coming out and talking about transportation. It is an issue that has stayed too long off of everyone's priority list.

However, Mr. Speaker, at this point I have to say, "You stopped too soon. You stopped and left the orange barrels on the road. You stopped and left the highways in disrepair. You stopped and left the States still struggling to keep up with obligation. You stopped and left the Federal Government off the hook once again. You stopped short of truly helping this country grow."

Let us take a look at what this policy proposes.

First of all, Mr. Speaker, the basic thrust is that highways should become more and more, and transportation should become more and more, a State issue. Well, the States might say, "You've already made it a State issue because over the past few years we've steadily seen the Federal role in transportation declining, declining so much that today 50 percent of highways are paid for by, and transportation are paid for by, the States. Twenty-eight percent more are paid for by localities, municipal governments and county governments, and indeed the Federal share is only 22 percent."

That is right, Mr. Speaker; 22 percent. Yet the Federal aid highway system provides only 22 percent of the roads in this country, but carries 80 percent of the traffic.

That is how you and I get to work, Mr. Speaker. This is how goods are transported, by truck. That is how people move from one area to the other. That is how a company can make a decision to locate in one place, knowing that they can easily transport their goods to another location 300 miles away, because they are able to get there over a good system of freeways. Or maybe they are not going to be able to get there.

That is why it is life and death for many of our communities, and that is why roads, and bridges and aviation are jobs to Americans. That is why it is important for all of us that we have a true infrastructure policy.

The administration's response in this transportation policy they announced today sounds like fun. "Let the States do it. We'll shift more of the burden to the States. We'll require a higher match for Federal funds. Finally we'll ask the States to raise the money."

That is right; read my lips, no new taxes from the Federal level, but we are asking the States to do it.

Now, Mr. Speaker, I reach in my pocket when I go to the gas pump, and I am going to be pulling out a few more pennies apparently, and do I ask myself or say, "Oh, I feel much better because these are State pennies. They're not Federal pennies. These are State pennies." Does that somehow ease the burden of a tax increase? No, Mr. Speaker, you and I both know it does not. Federal or State, call it whatever you want to call it. A tax increase is a tax increase. So, I do not think people will be fooled.

Unfortunately this policy does not address spending the trust fund, as it should. I think most Americans grow increasingly upset when they hear Senator MOYNIHAN talk about the Social Security trust fund, and they say, "Wait a minute. That's a trust fund. We paid into it. It's supposed to be there for me. It's not supposed to be used to reduce the deficit."

Mr. Speaker, they will become equally upset, I believe, when they learn that the same thing is happening with the highway trust fund and the avia-

tion trust fund. The money that we pay at the pump for gasoline is going into the highway trust fund to fund highway construction and repair. The money that we pay for an airplane ticket, 6 percent of it, is going into the aviation trust fund to fund improvements in our aviation system. It is every bit a trust fund, as the Social Security fund is a trust fund, and it should be treated the same.

However, Mr. Speaker, it is being used for deficit reduction. It is being used to the extent that, depending on who is spoken to, anywhere from $10 to $18 billion is in surplus today in the highway trust fund, and roughly $7 billion is in surplus in the aviation trust fund. Those are billions of dollars that could be today building highways, could be today maintaining bridges, could be today easing rush hour, that could be today increasing productivity, that could be today making this country competitive. Instead it is reducing the deficit, and the administration refuses to acknowledge it.

Once again, it is also money that could be building airports. Not one major airport has been constructed in this country since 1974, not one. And yet that money continues to build a surplus, $7 billion.

So, what is the administration's response in the budget? They propose, interestingly enough, to increase the ticket tax from 6 to 8 percent. Just a parenthetical note—that is the same administration that said, "No new taxes."

□ 1230

But they propose to raise the ticket tax from 6 percent to 8 percent, and yet to shift some of the operating expenses that have been paid out of general funds into the highway trust fund.

Translation: You are not going to see too many more miles of runways roll out, but you are going to be paying for more basic operating expenses.

So that is what this transportation policy is all about. If I were a Governor of a State, Republican or Democrat, I would be tearing the marble off these walls because I am not going to be getting anymore concrete from Washington, because this is an abdication of Federal responsibility.

I think the American people want better than that. I think the American people know that there has to be something significant done in transportation. You have to know that if you sit in rush hours for very long, going to work and from work, or perhaps you are trying to deliver goods from your workplace to another workplace, picking up goods from a warehouse, and so you sit and you choke and you lose time. You lose productivity.

The first studies have clearly shown that productivity gains come from increasing infrastructure investment, and while most nations' infrastructure investment, the trend line is up, ours is down. To give you an example, Japan, for instance, spends five times as much in a country one-half the population of this Nation, spends five times as much as infrastructure investment as the United States does.

Now do you wonder why there is a trade deficit? Now do you wonder why their productivity is higher?

It is interesting to note that Japan, the United Kingdom, Canada, West Germany, Italy, all of them have much higher productivity than the United States; they all have a much higher investment in infrastructure than the United States, higher investment in their highway systems, their rail systems, their aviation systems.

The demand on the Federal Highway System has increased, but Federal support has dropped 21 percent in constant dollars in recent years. Demand up, Federal support down.

So we see ourselves in a situation today where the transportation policy we have gotten is essentially a transportation policy that goes nowhere. It is not going to build many more miles of highway. It is not going to build many more runways or extend runways. It is not going to make the airways that much safer. It is going to result in more hardship on States. It is going to result in probably more taxes at the State level, because the Federal Government and the administration says, "We are not going to ask for them, but we expect the States to ask for them."

That comes hard on many States that have already enacted a gas tax increase, expecting the Federal Government to keep up its share of the obligation. For instance, my State of West Virginia recently enacted a 5-cent-a-gallon tax increase. I was talking to a gentleman from Kansas today. That State increased their gasoline taxes 200 percent. Other States have taken the same steps in recent years. Why? To meet their share of the responsibility, and yet they look to the Federal Government to do so and the Federal Government is looking for the fast lane out of being involved in highways, trying to take the exit ramp, if you will, from transportation policy.

So we have got to then to take this burden upon ourselves that the Federal Government will not, that the administration will not. For instance, what we can be doing is looking at the aviation and highway trust funds, those surpluses that have been built up. Who here thinks it is fair to pay 9 cents a gallon in Federal taxes at the pump, thinking you are paying, and really willing to pay, to make the roads safer, to build new bridges, to build new roads, and then to find out that the money is just being stockpiled against a deficit that is occurring in another part of the budget. Not very many people think that is fair.

We could be spending that trust fund out faster. For instance, the National League of Governors has proposed increasing the budget authority, that is, the amount being obligated for contractural work in years to come by only $2.3 billion next year, and thus having an outlay in cash expenditure next year of $400 million and increasing that outlay $400 million could result in many more miles of highway being constructed, and yet not affect the Gramm-Rudman figures of deficit reduction target significantly.

Also in the aviation trust fund, simply increasing the budget authority once again $1 billion, but only spending in the first year, because you will not be able to meet all those contracts that you are obligating, only spending $100 million in the first year, once again could go a long way toward beginning to build an aviation policy.

I think it is significant what the Department of Transportation study announced and recognized the significant congestion that is occurring at our airports, recognized the significant delays that passengers are suffering, recognized the problems that we are having in providing adequate air service, noted that air service has increased greatly. The demand for air service has increased greatly in just the past few years, and yet provides no significant relief.

Also, in 1989, the Department of Transportation survey, a report to Congress in 1989 by the same Department of Transportation noted that 40 percent of our bridges in this country are in some way substandard, that 9 percent of our highways need repair, that 36 percent—this is U.S. highways, not the State system—36 percent can only be considered in fair condition, and yet we get this kind of transportation policy.

There is so much that needs to be done, Mr. Speaker, in transportation. Unfortunately, we do not hear it today, so it is going to be important that all of us as Members of Congress recognize that and recognize that we have a responsibility to get this country moving again, to get people to work, to get them there on time, to improve productivity in this country.

If you want to talk supply-side economics, I will talk supply side. You put out some money right now for highways and airports and infrastructure and investing in this country, and we are going to be seeing tax revenues rolling in from the increased jobs, from the increased business taxes and the increased opportunities that develop.

I want this country to be competitive. I do not want to see us becoming

a Third World nation, and yet I get concerned when I see statistics that suggest that the United States in per capita dollars, in per capita terms is 55th in the world in infrastructure investment in our roads and bridges and those things that are so important to us all.

We had a chance today to get some leadership in infrastructure. Instead, unfortunately we got promises. As I have noted before, as I have seen so many times, when it comes to promises, the promises were there would not be a pothole left in this country. We got nothing that filled the potholes today. We did get a lot of promises, and so it is important to us to move forward now and make sure that there is a true infrastructure policy that meets this country's needs.

I thank the Speaker for the opportunity to address this issue, to pledge that we will be working hard to develop the infrastructure policy and transportation policy that truly gets this country moving again.

THE EMERGING BUDGET AND DEFENSE REALITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, 2 months ago, at the press breakfast in Salt Lake City and at a number of public appearances, I announced my intention to introduce a concurrent resolution setting forth the intention of Congress that this year's budget reflect a 10 percent reduction in defense expenditures for fiscal 1991 over outlays for 1990. That $30 billion peace divident, under the theory I propose, would be used one-half for deficit reduction; one-quarter for research, development, and emergency education needs to thrust us aggressively back into world economic competition; and one-quarter to help the Soviet Union and Eastern Europe survive its experiment with democracy and open those markets to American business. Yesterday, in fulfillment of that obligation, I introduced House Concurrent Resolution 283. Today I presume upon the time of the House to explain that proposal.

First of all, I commend Majority Leader RICHARD GEPHARDT for his thoughtful remarks on Tuesday before the Center for National Policy, urging that we invest in our own self-interest in the Soviet Union. I urge that we go further, that the same rationale requires that we extend that close relationship to the other Eastern European countries.

For months, every passing day and banner headline testified to the Communist world's collapse. The ideology which imprisoned nations across an entire continent and well beyond has been ruptured to its inner core and has disappeared as a viable economic system. The engine which propelled a mad arms race and dozens of bloody conflicts around the globe has been permanently idled.

We have watched from a world away as cataclysmic events have overtaken Eastern Europe and the Soviet Union, a peaceful revolution unparalleled in history. We see the emergence of free markets from those which were rigid and centrally controlled; the evolution of civil liberties and political freedoms from governments which were repressive and totalitarian. The world has been electrified by nations stepping through the Iron Curtain into the ballot booth.

So rapid has been the transformation, so tumultuous the implication of every news story, that our senses have become deadened to the real significance of events which are reshaping our world and redefining the requirements of our national security.

In his State of the Union Address, President Bush announced "America stands at the center of a widening circle of freedom." His remarks, when matched with his specific proposals, leave a wide gap and it must be concluded that he does not intend that his rhetoric reflect his administration's policy.

Freedom is indeed on the march across the globe, but far from being at the center of it, I fear that America is fast becoming a nation of spectators—spectators to the inevitable reunification of Germany, to the political and ethnic tumult in the Soviet Union, in summary, spectators to the new economic order emerging in Europe.

Empty rhetoric didn't catapult the U.S. forward as the leader of the free world at the end of the Second World War. It was American ingenuity and American vision, and yes, American investment in its defeated adversaries. It was our willingness to take one bold economic step, in harder times than these, which threw open the door to American trade and investment in post-war Europe.

It was the Marshall plan which placed American technology and American business leaders in the forefront of saving post war Europe. And, it was the incidental opening of markets for American trade which led to this country's emergence as the world's undisputed economic leader for four decades. That visionary rescue effort set the stage, not only for political and economic stability in Europe, but for prosperity in this country as well.

We weren't spectators then. We must not be spectators now. But spectators we will be, if we accept to follow the pitiful $300 million effort proposed by the President, who refuses to cut defense and won't raise taxes. The President may be paralyzed by his own political promises, but are the American people content to stand by as economically irrelevant players in this the grandest stage play of the decade? In the most important year for democracy since the end of the Second World War, are we to limit our participation to giving free market advice?

The President proposes $300 million. Less than $1 for each Eastern European. Of greater significance, he asks for Europe one one-thousandth of the defense budget he proposes for next year. Three hundred billion dollars for defense, 1,000 times more than he proposes to help assure success for the fragile democratic movement in Eastern Europe. His proposal stands logic on its head, Mr. Speaker, not just because it ignores America's traditional humanitarian values but because it betrays America's real opportunity. It is within our means to materially assist in precluding authoritarian governments which conceivably could become aggressively anti-American, and at the same time develop free markets with American business leadership.

The President's proposal for direct economic contribution is so insignificant as to be irrelevant to the success of Eastern Europe's experiment with democracy. Better we should pretend they don't need economic help, better we should just give economic advice and spiritual encouragement and free market hints.

The threat to American security which provoked us to double our defense budget in the last decade has disappeared. We must now consider the new realities of America's security needs which emerge from the total collapse of what we have called the Communist menace.

I suggest to you that the greatest threat from abroad will not come from the barrel of a Soviet tank or the warhead of a cruise missile. Our next war will be fought in the trenches of the world's financial exchanges. Our next battlefield, and greatest economic opportunity, will be the new East European market, and we'll be facing the awesome firepower of the yen and the deutchmark.

It's time we redefined our vital interests and our national security needs. Instead of investing scant resources in a $37.5 billion C-17 cargo plane, for example, we should be sowing the seeds for economic strength—promoting research and development in key industries, gradually eliminating our budget deficit, and breaking into eastern Europe's emerging markets. Our national security will be best served, not by building unnecessary weapons, but by nurturing the growth of democracy.

Since the end of the Second World War, we've paid the price for stability in Europe. Over 60 percent of our defense budget for more than 40 years has been premised on defending our

allies, and ultimately ourselves, against Warsaw Pact aggression, a threat which no longer exists. While the Soviet leadership still controls the nuclear button, three former Chairmen of the Joint Chiefs of Staff admitted that with a changed European environment, a surprise nuclear attack is "just not reasonable now." And CIA Chief William Webster just last week assured us that it is not rational to believe that the Warsaw Pact threat could be rebuilt to endanger American security.

This country must not and will not allow its defense posture to soften and relax. We must always maintain a position of strength, militarily capable of responding to any feasible threat.

Still, Mr. Speaker, in the name of common sense, let our defense policies reflect reality—the threat upon which we have based our outrageous expenditure of 25 percent of our public treasury is gone—disappeared with the momentous, unstoppable march for political freedom and the concurrent struggle for economic opportunity.

Democracy in Eastern Europe in March 1990 is a fragile experiment. For the first time in four decades, workers now enjoy the richness of political freedom, but are bedeviled by a poverty of economic choices. Who knows how long hope will endure in the face of empty market shelves and long foodlines. We must not forget the lesson of American democracy. Ours is the longest, most successful experiment with self-government precisely because political freedom has been fortified by economic opportunity.

Many in Eastern Europe will lose guaranteed jobs. All must endure a painful austerity and economic restructuring. In Poland, for example, worker's wages are expected to drop 20 percent from already dismal levels.

In the months and years to come, stability almost certainly will depend in large measure on assistance from the outside, from multilateral institutions and from donor nations. Foreign investment and know-how will be crucial in order to introduce the free market into state directed economies.

History tell us that those who penetrate the evolving European markets from the outset will establish standards and commerical ties that will endure for many decades. Germany has already used its position on the continent to gain a competitive advantage, and Japan has already formulated a $2 billion aid package. As of now, the European Economic Community has invested more than $3 billion in aid for Poland and Hungary alone. By contrast, the President, with his $300 million aid proposal, knowingly and willingly relinquishes a strong and commanding American business presence in Europe's new economic order.

Senator DOLE proposes to squeeze an additional $300 million from our most important aid programs around the world. Rather than take from our most worthy recipients to gain a small amount of the funding needed, I propose a major assistance initiative for emerging democracies in Eastern Europe, $7.5 billion for fiscal 1991. If we are not only to safeguard democracy in this part of the world but also avoid any further military threat, dollar for dollar this is the most cost-effective defense expenditure we can make.

This assistance would be provided in the form of Export-Import Bank credits which will help fund American exports to these new markets; OPIC authority to issue political risk insurance for U.S. investors in the region; and a private enterprise fund to promote development of the private sector and joint ventures with U.S. firms.

In order to free up funds for this initiative, I propose a 10-percent reduction in the defense budget, a step which is commensurate with the vastly reduced threat from abroad. It is just a beginning, but it would result in first year savings of approximately $30 billion, all of which should be invested to rebuild America's economic vitality. After the investment in East Europe just proposed, which will be in reality an investment in America's economic strength, the remaining $22.5 billion should be devoted to our economic well-being at home: $15 billion toward reducing our budget deficit and $7.5 billion in promoting essential research and development, education and training to permit us to regain our leadership in the competitive world economic marketplace.

It is astonishing that the administration has requested a wartime budget for fiscal 1991, given what has happened over the last 12 months. While the President has offered modest reductions in force structure, none of the big ticket hardware has been touched; $5.5 billion was requested for the B-2 bomber, an increase of 29 percent. For the rail garrisoned MX missile, $2.8 billion is up 65 percent; for the Trident submarine, $1.4 billion, up 13 percent; and for the strategic defense initiative, $4.6 billion, up 22 percent.

Defense Secretary Cheney has said over and over that we should not respond to Soviet intentions, but rather Soviet capabilities. That is a very good idea. Let us follow his suggestion. Let us examine what those Soviet capabilities are.

I have already cited the Joint Chiefs of Staff and the CIA Director to support my argument that, except for a nuclear threat, there is now no Soviet menace, no realistic capability of mounting the conventional Eastern European offensive that we have feared for 40 years.

The bulwark of Soviet power in Europe was a military machine in East Germany. Now rushing headlong toward reunification with West Germany, the GDR can no longer be relied on as a staging ground for the Warsaw Pact. Likewise, Poland is no longer a viable instrument for Soviet aggression and neither are Hungary, Czechoslovakia, Yugoslavia, or Romania.

The $15 billion contribution from defense to deficit reduction would make responsible budget-cutting considerably less painful. When we ultimately balance the American budgets, lower interest rates and less inflation will result, along with enhanced investment and economic growth at home. Balanced budgets must become real goals, not just the stuff of good speeches. I propose we do something real to move in that direction.

To restate the obvious, by reducing interest rates, deficit reduction will lower the cost of capital and help American industry to stay in the forefront of technological innovation and remain competitive in the international marketplace. As defense budgets plummet over the next decade, this will be the lifeblood of sagging defense industries, the foundation for conversion to a post cold war world.

Unfortunately, this past decade has witnessed the steady erosion of U.S. technological leadership in nearly every crucial high-technology field, from machine tools to cold fusion, consumer-electronics to semiconductors. In our place the Japanese have emerged as world leaders, putting science and innovation to work in their economies better and faster than their American counterparts.

We can make measureable progress in regaining our competitive edge in high technology by funding programs that further industrial research and development. We must promote basic research in our universities which is the very foundation of innovation. The remaining $7.5 billion from the peace dividend, then, should go toward sponsoring consortia that bring together government, industry, and academia to explore vital technologies and their commercial applications. This should be coupled with limited direct funding for industrial research, tax incentives such as the R&D tax credit, and relaxed antitrust restrictions on joint research. Emergency education and job training needs could also be addressed.

National security for the coming decades cannot be purchased overnight. We must correct our national myopia, our preoccupation with short-term gain. Investment in the future, through research and development and deficit reduction, in combination with crucial assistance for emerging democracies will reap prosperity for years to come.

I introduce this resolution today to ask Members to effect a fundamental change in spending priorities. The budgetary redirection proposed would only be accomplished after many, many hours of debate and dozens of amendments to budget and appropriation bills. But now, at the beginning of the budgetary process, we should search for perspective, stop and take time to recognize the radical transformation of the Eastern European community over the last year and form fiscal policies and spending priorities which respond to those changes.

We must find the courage to break with old views rooted in cold war fears. Neither our national conscience nor good economic sense permit us to ignore the needs of the newly emerging democracies when we have grain bins overflowing and manufacturing capabilities at rest. And we can no longer burden our children with the costs of implements of violence when we are beckoned by peace, not war. The world has changed. And so must we.

□ 1250

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PARRIS) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, today and on March 19.

Mr. WALKER, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. BALLENGER, for 5 minutes, today.

(The following Members (at the request of Mr. HUBBARD) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. CARR, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FAZIO, for 5 minutes, today.

Mr. HAWKINS, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, today and on March 13 and 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STAGGERS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. PARRIS) and to include extraneous matter:)

Mr. GRANT.

Mr. LEWIS of California.

Ms. SCHNEIDER.

Mr. SOLOMON.

(The following Members (at the request of Mr. HUBBARD) and to include extraneous matter:)

Mr. FOGLIETTA.

Mrs. BOXER.

Mr. ATKINS.

Mr. DOWNEY.

Mr. LEVINE of California.

Mr. BONIOR in two instances.

Mr. RICHARDSON in two instances.

Mr. STARK in two instances.

Mr. HAMILTON.

Mr. SMITH of Florida.

Mr. MINETA.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-semitism in the Soviet Union; to the Committee on Foreign Affairs.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

ADJOURNMENT

Mr. OWENS of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p.m.) under its previous order, the House adjourned until Monday, March 12, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2671. A letter from the Chairman, National Research Council, transmitting a copy of the report entitled "Volunteers in Public Schools," pursuant to 20 U.S.C. 1221-1 nt.; to the Committee on Education and Labor.

2672. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the annual report describing the organization, programs, and accomplishments of the EIA in calendar year 1989, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

2673. A letter from the Deputy Secretary, Department of Agriculture, transmitting the Department's annual report on its hazardous waste management activities for calendar year 1989, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2674. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's (EPA) report on radon assessment and mitigation, pursuant to 42 U.S.C. 7401 nt.; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

2675. A letter from the President, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

2676. A letter from the Executive Director, Board for International Broadcasting, transmitting a copy of the 1990 annual report on the activities of the Board and evaluation of the operation of RFE/RL, Inc., pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

2677. A letter from the Secretary of Transportation, transmitting his views on the President's November 1989 veto of H.R. 1231, a bill to establish a commission to investigate and make recommendations regarding the settlement of the labor disputer involving Eastern Airlines and the International Association of Machinists & Aerospace Workers, the Airline Pilots Association, and the Transport Workers Union; to the Committee on Public Works and Transportation.

2678. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's second annual report on progress during the past year and future plans for meeting the goal for transition of the U.S. Government to use the Systeme Internationale [SI] metric system; to the Committee on Science, Space, and Technology.

2679. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry out the programs of the U.S. Holocaust Memorial Council, pursuant to 31 U.S.C. 1110; jointly, to the Committees on House Administration, Interior and Insular Affairs, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 1347. A bill to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes; with amendments (Rept. 101-368, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 355. Resolution providing for the consideration of H.R. 3581, a bill entitled the "Rural Economic Development

Act of 1989" (Rept. 101-416). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. MADIGAN, Mr. DINGELL, Mr. LENT, Mrs. SCHROEDER, Ms. SNOWE, Mr. SCHEUER, Mr. TAUKE, Mr. MARKEY, Mr. WHITTAKER, Mr. WALGREN, Mr. BILIRAKIS, Mrs. COLLINS, Mr. SYNAR, Mr. WYDEN, Mr. ECKART, Mr. RICHARDSON, Mr. SIKORSKI, Mr. BRYANT, Mr. BATES, Mr. BOUCHER, Mr. COOPER, Mr. BRUCE, Mr. ROWLAND of Georgia, Mr. MANTON, Mr. TOWNS, Ms. SLAUGHTER of New York, Ms. OAKAR, Ms. SCHNEIDER, Ms. PELOSI, Mrs. LOWEY of New York, Mrs. SAIKI, Mrs. UNSOELD, Mrs. MORELLA, Mrs. BOGGS, Ms. LONG, Ms. KAPTUR, Mrs. KENNELLY, Mrs. MARTIN of Illinois, Mrs. PATTERSON, Mrs. BOXER, Mrs. VUCANOVICH, and Mrs. JOHNSON of Connecticut):

H.R. 4222. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. EDWARDS of California (for himself, Mr. HUGHES, Mr. GEKAS, and Mr. OXLEY):

H.R. 4223. A bill to amend the Internal Revenue Code of 1986 to exempt Federal law enforcement officers and firefighters from the penalty tax on early distributions from retirement plans; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mr. HUGHES, Mr. GEKAS, and Mr. OXLEY):

H.R. 4224. A bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself, Mr. MAZZOLI, Mr. CONYERS, Mr. SMITH of Florida, and Mr. FEIGHAN):

H.R. 4225. A bill to amend title 18, United States Code, to prohibit the possession, transfer, and certain exports of restricted weapons, the manufacture of firearms capable of accepting a silencer or bayonet without alteration, and the possession and transfer of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

By Mr. ANTHONY (for himself, Mr. BALLENGER, Mr. ROHRABACHER, Mr. VANDER JAGT, Mr. FORD of Tennessee, Mr. CRANE, Mr. MATSUI, Mr. HAYES of Illinois, Mr. SMITH of Vermont, Mr. ARMEY, Mr. SOLOMON, Mr. DUNCAN, Mr. PAXON, Mr. DYMALLY, Mr. RAHALL, and Mr. JONTZ):

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 in order to promote and improve employee stock ownership plans; jointly, to the Committees on Ways and Means and House Administration.

By Mr. ATKINS (for himself and Mr. MARKEY):

H.R. 4227. A bill to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BUSTAMANTE:

H.R. 4228. A bill to amend title 10, United States Code, to require that excluded competitors for a defense contract for a major system be informed of the reasons for exclusion; to the Committee on Armed Services.

By Mr. DOWNEY (for himself, Mr. FORD of Tennessee, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, Mr. ANDREWS, and Mr. COYNE):

H.R. 4229. A bill to make miscellaneous amendments to certain human resources programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ENGEL:

H.R. 4230. A bill to amend the Immigration and Nationality Act to provide for admission of selected immigrants based on a point system; to the Committee on the Judiciary.

By Mr. FAZIO (for himself, Mr. RANGEL, Mr. SMITH of Florida, Mr. BROWN of California, Mr. BRYANT, Mr. AKAKA, Mr. BATES, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mr. CONDIT, Mr. DORNAN of California, Mr. DYMALLY, Mr. EDWARDS of California, Mr. HERGER, Mr. HUNTER, Mr. LANTOS, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LOWERY of California, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. PANETTA, Ms. PELOSI, Mr. ROHRABACHER, Mr. ROYBAL, Mr. SHUMWAY, Mr. STARK, Mr. TORRES, Mr. CHAPMAN, Mr. FROST, Mr. ATKINS, Mr. CAMPBELL of Colorado, Mr. COURTER, Mr. CRAIG, Mr. ENGLISH, Mr. FUSTER, Mr. GILMAN, Mr. GORDON, Mr. GUARINI, Mr. HYDE, Mr. KOLTER, Mr. LANCASTER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. MCCURDY, Mr. MRAZEK, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. PAXON, Mr. PENNY, Mr. RINALDO, Ms. ROS-LEHTINEN, Mr. SKEEN, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. WOLF, Mr. WOLPE, and Mr. WYDEN):

H.R. 4231. A bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. HENRY (for himself, Mr. GOODLING, Mr. Moody, and Mr. ROSE):

H.R. 4232. A bill to to amend the Higher Education Act of 1965 to require disclosure of and accounting for revenues from intercollegiate sports; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 4233. A bill to amend title XVIII of the Social Security Act with respect to federally qualified health center services and rural health clinic services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. LOWEY of New York (for herself and Mr. OWENS of New York):

H.R. 4234. A bill to amend the Higher Education Act of 1965 to provide for the deferral and cancellation of students loans for the performance of drug prevention and treatment services; to the Committee on Education and Labor.

By Mr. RICHARDSON:

H.R. 4235. A bill to establish the Pecos National Historical Part in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. SCHNEIDER:

H.R. 4236. A bill to extend until January 1, 1994, the existing temporary suspension of duty on lasamid; to the Committee on Ways and Means.

By STEARNS (for himself, Mr. GRANT, Mr. FASCELL, Mr. BILIRAKIS, Mr. JAMES, Mr. LEWIS of Florida, Mr. NELSON of Florida, Mr. YOUNG of Florida, Mr. IRELAND, Mr. MCCOLLUM, and Mr. GOSS):

H.R. 4237. A bill to amend the Water Resources Development Act of 1986 to deauthorize the Cross Florida Barge Canal, and to assist the State of Florida in preservation of the canal corridor as a green way; to the Committee on Public Works and Transportation.

By Mr. WAXMAN (for himself, Mr. MADIGAN, Mr. DINGELL, and Mr. ROWLAND of Georgia):

H.R. 4238. A bill to amend the Public Health Service Act to extend various programs with respect to vaccine-preventable diseases; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. RICHARDSON, and Mr. WAXMAN):

H.R. 4239. A bill to amend part C of title I of the Clean Air Act to improve air quality, and for other purposes; to the Committee on Energy and Commerce.

By Ms. OAKAR (for herself and Mr. BURTON of Indiana):

H.J. Res. 509. Joint resolution designating February 17 through 23, 1991, as "National Visiting Nurse Associations Week"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of Wyoming:

H.J. Res. 510. Joint resolution designating July 10, 1990, as "Wyoming Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H. Res. 356. Resolution expressing the sense of the House of Representatives with respect to the practices of the auto insurance industry; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 529: Mr. DERRICK, Mr. CLAY, Mr. GUNDERSON, Mr. WALGREN, Mr. WILLIAMS, Mr. CHAPMAN, Mrs. BOXER, and Mr. ROE.

H.R. 530: Mr. GUNDERSON, Mr. CHAPMAN, Mrs. SCHROEDER, Mrs. BOXER, Mr. ROE, and Mr. SCHAEFER.

H.R. 567: Mr. SKAGGS.

H.R. 614: Mr. GOSS.

H.R. 1232: Mr. FAWELL.

H.R. 1463: Mrs. BOXER.

H.R. 2437: Mr. DORNAN of California, Mr. MOLLOHAN, Mr. EVANS, Mr. NAGLE, and Mr. BUSTAMANTE.

H.R. 2699: Mrs. LOWEY of New York and Mr. DEFAZIO.

H.R. 3266: Mr. SCHEUER, Mr. ENGEL, and Mr. WILLIAMS.

H.R. 3319: Mr. MACHTLEY.

H.R. 3347: Mr. BURTON of Indiana.

H.R. 3440: Mr. CRAIG.

H.R. 3475: Mr. HEFLEY, Ms. LONG, and Mrs. MEYERS of Kansas.

H.R. 3735: Mr. PICKETT.

H.R. 3757: Mr. OWENS of New York.

H.R. 3859: Mr. MURPHY.

H.R. 3869: Mr. WISE.

H.R. 3904: Ms. PELOSI, Mr. GALLO, Mr. PALLONE, Mr. MILLER of Washington, Mr.

DWYER of New Jersey, Mr. RAVENEL, Mrs. ROUKEMA, Mr. COURTER, Mr. LAGOMARSINO, and Mr. COBLE.

H.R. 4014: Mr. MCNULTY.

H.R. 4043: Mrs. COLLINS and Mr. WALSH.

H.J. Res. 460: Mr. CALLAHAN, Mr. FISH, Mr. LEVIN of Michigan, Mr. KASICH, Mr. WILSON, Mr. PICKETT, Mr. HAYES of Illinois, Mr. JONES of North Carolina, Mr. OWENS of New York, Mr. DORNAN of California, Mr. FOGLIETTA, Mr. BEVILL, Mr. WEBER, Mrs. BENTLEY, Mr. CROCKETT, Mr. QUILLEN, Mr. KOLTER, Mr. SAVAGE, Mr. LIPINSKI, Mr. EMERSON, Mr. GREEN, Mr. HASTERT, Mr. INHOFE, Mr. MATSUI, Mr. MCDADE, Mr. JONES of Georgia, Mr. MCEWEN, Mr. MCGRATH, Mr. OWENS of Utah, Mr. ENGEL, Mr. SAXTON, Mr. SKELTON, Mr. PANETTA, Mr. SMITH of New Hampshire, Mr. TRAXLER, Mr. YATRON, Mr. MRAZEK, Mr. PARKER, Mr. LAGOMARSINO, Mr. AKAKA, Mr. BATEMAN, Mr. MARTIN of New York, Mr. STENHOLM, Ms. OAKAR, and Mr. DONNELLY,

H.J. Res. 467: Mr. MCCLOSKEY, Mr. FRANK, Mr. DIXON, Mr. FORD of Tennessee, Mr. BILIRAKIS, Mr. JONTZ, Mr. SMITH of New Hampshire, Mr. SUNDQUIST, Ms. PELOSI, Mr. FAUNTROY, Mr. OXLEY, Mr. SMITH of Florida, Mr. GALLEGLY, Mr. MINETA, Mr. MCDADE, Mr. BOSCO, Mr. MRAZEK, Mr. FAWELL, Mr. MONTGOMERY, Mr. JONES of Georgia, Mr. MANTON, Ms. KAPTUR, Mr. HEFLEY, Mr. LEACH of Iowa, Mr. VOLKMER, Mr. ROBINSON, and Mr. FROST.

H.J. Res. 476: Mr. FROST, Mr. GEREN of Texas, Mr. HILER, Ms. KAPTUR, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. MORRISON of Connecticut, and Mr. SHUMWAY.

H.J. Res. 498: Mr. BERMAN, Mr. BEVILL, Mrs. BOXER, Mr. CARR, Mr. CONYERS, Mr. EMERSON, Mr. FAUNTROY, Mr. FROST, Mr. FUSTER, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Ms. PELOSI, Mr. RANGEL, Mr. TOWNS, and Mr. WOLPE.

H. Con. Res. 23: Mr. THOMAS of Wyoming, Mr. SKELTON, Mr. SABO, Mr. LANTOS, Mr. MARTINEZ, Mrs. LLOYD, Mr. TAUKE, Mr. REGULA, Mr. FLIPPO, Mr. BEILENSON, Mr. PRICE, Mr. RAVENEL, Mr. ROWLAND of Connecticut, Mr. ECKART, Mr. JOHNSON of South Dakota, Mr. STANGELAND, Mr. STALLINGS, Mr. CARPER, Mr. FAUNTROY, Mr. BUSTAMANTE, Mr. LEVIN of Michigan, Mr. CONDIT, Mr. SPENCE, Mr. WEBER, Mrs. BENTLEY, Mr. WOLPE, Mr. BENNETT, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. LEHMAN of Florida, Mr. KASTENMEIER, Mr. CARDIN, Mr. ROBERTS, Mr. SCHUMER, Mr. DONNELLY, Mr. SCHEUER, Mr. ANDERSON, Mr. IRELAND, Mr. KASICH, Mr. HEFNER, Mr. LAFALCE, Mrs. MORELLA, Mr. MCEWEN, Mr. THOMAS of Georgia, Ms. OAKAR, Mr. VALENTINE, and Mr. HANSEN.

H. Con. Res. 85: Mr. HAYES of Illinois, Mrs. SAIKI, Mr. KOLTER, Mr. JAMES, Mr. LIPINSKI, Mr. FORD of Tennessee, Mr. ACKERMAN, Mr. FROST, Mr. EVANS, and Mr. STUDDS.

H. Con. Res. 215: Mr. SMITH of New Jersey.

H. Con. Res. 279: Mr. BROWN of California, Mr. GEREN of Texas, Mr. SMITH of Florida, Mr. DIXON, Mr. MOODY, Mr. GILMAN, Mr. INHOFE, and Mr. EDWARDS of Oklahoma.

H. Res. 348: Mr. BALLENGER, Mr. MCCURDY, Mr. GOSS, Mr. RICHARDSON, Mr. KYL, Mr. HUCKABY, Mr. SHUMWAY, Mr. PICKETT, Mrs. MEYERS of Kansas, Mr. LEWIS of Florida, Mr. FRENZEL, Mr. BUNNING, Mr. SOLOMON, Mr. ROBINSON, Mr. PACKARD, Mr. DEWINE, Mr. FUSTER, Mr. LIGHTFOOT, and Mr. SUNDQUIST.

H. Res. 354: Mr. YATRON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4096: Mr. LEVINE of California.

SENATE—*Thursday, March 8, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer will be offered by the guest chaplain, the Reverend Jay Croft, chaplain, Gallaudet University, Washington, DC, with voice interpretation by the Reverend Father Gerard A. Trancone, of Gallaudet University.

PRAYER

The Reverend Jay Croft, chaplain, Gallaudet University, offered the following prayer.

O God, who created all the peoples of the Earth and who cares for each of them: We ask today for Your blessing upon the work of this Senate, and upon all other parts of the Government of the United States.

We pray that You will give wisdom and courage to each of us, that right decisions may be made, truth and justice may be served, and that every human being may have peace and a sense of Your love.

We give thanks for the great diversity of people of the United States, especially for those who have, with courage and determination, worked to make the world a better place.

We remember that each of us is mortal, that life is fragile and precious in Your sight, and that You care for every human being.

So, especially we ask Your blessing on people with disabling conditions. We pray that they receive not pity but respect; not shame but dignity; not neglect but inclusion. May Your glory be revealed in the life of each person You have made.

To You we give honor, praise, and glory, now and evermore. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, following the time for the two leaders this morning, there will be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 9:30 a.m., Mr. President, the Senate will then resume consideration of the clean air bill.

RESERVATION OF LEADERSHIP TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, at this time I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin [Mr. KASTEN] is recognized.

Mr. KASTEN. I thank the Chair.

FIRST PRAYER BY A DEAF CHAPLAIN

Mr. KASTEN. Mr. President, it is a great honor, indeed, for me to be here today to welcome Rev. Jay Croft. We are present today at the making of history: This is the first time the proceedings of the Senate have ever been opened by a deaf chaplain.

I thank Reverend Croft for an eloquent prayer, and also Rev. Gerard A. Trancone for his voice interpretation. Both of these distinguished ministers of the gospel are chaplains at Gallaudet University. I am especially pleased that so many young people from the Model Secondary School for the Deaf—and from Gallaudet University as well—could be in the gallery this morning to witness this historic event.

Hearing-impaired citizens worship the same God we do; they pledge allegiance to the same flag. But the symbolic step we have taken today recognizes that all of us—hearing-impaired and non-hearing-impaired alike—have a right to full participation in the life of America.

It is especially fitting that this event take place today, because the Senate has designated next week as Deaf Awareness Week. I thank all of my colleagues who helped pass the Deaf Awareness Week resolution. I also thank the organizations that helped us lobby for its passage—and especially the National Institute on Deafness and Other Communications Disorders at the National Institutes of Health.

Mr. President, I thank the acting majority leader and the Republican leader. I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

THE FIRST DEAF CHAPLAIN BEFORE THE U.S. SENATE

Mr. McCAIN. Mr. President, I am proud to commemorate this special day in the history of the Senate. For the first time, the prayer that opens our session and sets the tone of our daily business was delivered in sign language. I thank the Reverend Jay Croft for his thoughtful words and the Reverend Gerard A. Trancone for his voice interpretation. I also thank Senator KASTEN for his hard work in bringing this first to the Senate.

Mr. President, this event is evidence of the progress deaf and hard of hearing individuals have made in our society. Two years ago the hearts and minds of our Nation were besieged by the cries of Gallaudet students demanding a deaf president for the world's only university for the deaf.

These calls for equality were heard, and I believe rightly so.

The arduous path that leads toward equality for deaf and hard of hearing people is one filled with both struggle and reward. The heroes who have chosen to follow it have expanded the boundaries of opportunity. But the equal opportunity and respect deaf and hard of hearing people seek are such tenuous concepts and must be fought for every day. The laws and rules which govern our society are certainly an honorable start for this journey, but only action can be proof of victory. A deaf chaplain before the Senate is such proof. Gallaudet students marching in the streets of Washington also served as proof that the fight for equality has not faltered and that heroes of the American dream—people such as I. King Jordan and every individual who daily overcomes the barriers society may place before them—are still in our presence.

This fight is far from won, however, and our heroes must continue their valiant effort. The power exists to overcome any barrier, and I am convinced that in our kinder and gentler world people are limited only by ambition.

Mr. President, I look forward to the day when our Nation has the opportunity to listen to the oratory of deaf Senators. I look forward to the day when the beauty and grace of a prayer delivered in sign language is not a special event but an accepted occurrence.

I ask that this body and all who are proud to be Americans never forget that every morning deaf and hard of hearing children all across our great Nation respectfully pledge their allegiance to our flag using sign language. Our children, the most precious commodity our country possesses, finish that pledge with the words "liberty and justice for all." I know that the heroes of whom I have spoken will never forget that creed, and our Nation is better because of them.

Again, I thank the Reverend Croft, the Reverend Trancone, and all deaf and hearing impaired individuals who have given of themselves to make this day possible, and I urge them to continue to fight to see their dreams become reality.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

THE GUEST CHAPLAIN

Mr. PRYOR. Mr. President, on behalf of the majority leader, I, too, join in welcoming the Reverend Jay Croft and the Reverend Gerard A. Trancone. This is a momentous time for the Senate.

Mr. President, I compliment both the Senator from Wisconsin and the Senator from Arizona for their eloquent statements making us more sensitive to the upcoming week which has been proclaimed as Deaf Awareness Week.

Mr. President, it was my pleasure, and I know the Senate's privilege, and high opportunity only two summers ago in 1987 to have had under my patronage a young man as a page in this body, Lee Jackson, a young deaf man from the State of Arkansas.

According to those who have served this body for many, many years to the best of their memory and to the best of their recollection, he was the first deaf page who served the Members of this institution, the U.S. Senate.

Lee Jackson from Arkansas not only was an inspirational leader for that particular page class, but Lee Jackson, according to those in authority over the page system, proclaimed also that he was one of the finest pages ever serving in the U.S. Senate. He performed his chores admirably and with distinction. So it was my pleasure to have had a small part in naming this fine young man as a page in the U.S. Senate.

Mr. President, in behalf once again of the majority leader and all of us in this Senate, we salute those who are now proclaiming "Deaf Awareness Week," and we will certainly be more sensitive to those concerns as we march forward.

Mr. President, I yield the floor.

DEAF AWARENESS WEEK

Mr. HARKIN. Mr. President, I am pleased to join in the celebration of National Deaf Awareness Week. I want to thank Reverend Croft and Reverend Trancone, from Gallaudet University, for giving this morning's opening prayer. This is the second time in our history that interpreters have been given the privilege to appear on the floor of the Senate. I am certain it will not be the last. And, in the coming months, the Senate's televised floor proceedings will be closed captioned.

From the inauguration of the first deaf president at the world's only liberal arts university for the deaf to the passage of several landmark bills, this is a time of great accomplishments, renewed hope, and increased rights and opportunities for deaf and hearing impaired citizens.

In 1987, when I. King Jordan asked me to deliver the keynote speech at his inauguration, it was both an honor and a special moment, because my brother is deaf.

The inauguration of Dr. Jordan sent the message that deaf children brought up in a world that too often tells them what they cannot do, now see they can do anything, that the only limit to their achievements is their ability to dream. The victory at Gallaudet did not happen by accident, it did not happen because some benevolent souls granted a wish, it happened because deaf Americans made it happen.

As chairman of the Senate Subcommittee on Disability Policy, I have been proud to work with deaf citizens in passing legislation to provide them with the tools and the opportunities they need to chart their own future.

Mr. President, when this body passed the Americans With Disabilities Act of 1989 [ADA] last September, we sent the message to the Nation that individuals with disabilities are entitled to be treated with dignity and respect and that they can and will be judged as individuals on the basis of their abilities, not on the basis of ignorance, irrational fears, or patronizing attitutes.

The American dream is the dream of opportunity for all. And when any American is denied the opportunity to contribute, we all lose. When we free the talents and abilities of millions of Americans with disabilities, we all win.

Expanding the rights and opportunities for Americans with disabilities is not something we ought to do—it is something we must do because we need the skills and talents and creativity persons with disabilities have to offer. We cannot afford to let their contribution go to waste.

Again, I want to thank Reverend Croft and Reverend Trancone for sharing their gift of communication with us today. I also want to thank Senators MITCHELL, DOLE, and KASTEN for making this session of morning business accessible to the 22 million Americans with hearing impairments.

Mr. WIRTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado.

THE SENATE AGENDA

Mr. WIRTH. Mr. President, I also want to welcome Reverend Croft, Reverend Trancone, and our visitors to the galleries who are here today at a time when we have the Deaf Awareness Week and its precedent-setting opening of the Senate but also for this extraordinarily important debate in which the Senate finds itself on the Clean Air Act.

I want, if I might, to spend a little bit of time presenting some overall views on that extraordinarily important piece of legislation, and where we are going. I think all of us have been struck by the momentous changes obviously in Central and Eastern Europe, South Africa, Nicaragua, and are struck by the fact that we in the United States are asking other governments and other institutions to change dramatically. Our constituents are also asking us to change dramatically. They are asking us to reformulate our institutions and our approaches to some of the problems that we face,

and clearly air pollution is one of those.

The people of the United States want strong legislation, and I think we have an enormously good opportunity to show that we too in the United States are willing to change our institutions, and are willing to develop the kind of programs for change that we are asking the rest of the world to do and the rest of the world is in fact doing.

I want to praise Senator MITCHELL, Senator BAUCUS, Senator CHAFEE, and others who I think have brought us a long way toward the goal. We have made very, very real progress. We can make progress, of course, without perfection. I believe we can make this piece of legislation stronger, and as the President knows and others know, there will be three or four very important amendments offered today and tomorrow relating to strengthening this piece of legislation.

Before doing that, we should note what is in the bill so far. Clearly, the centerpiece of this legislation is the acid rain provision. It is enormously important, and really has driven the whole piece of legislation. And I think we want to commend President Bush and the leadership for breaking the logjam which has plagued us for such a long time.

There are a number of very important principles and techniques in the acid rain provision summarized initially in Project 1988 which Senator HEINZ and I were proud to sponsor, in the work of the Environmental Defense Fund, and others, and in the adoption of this approach by senior administration officials.

The notion that the polluter pays is extremely important, and the notion that utilities should have a choice as to how to go about meeting these goals is also very important and a wonderful step away from the percentage reduction approach that was a bad system that we used in the past.

This whole acid rain approach happens to also be good for the Rocky Mountain region. It does not put the kind of costs on the Rocky Mountain region that have been suggested, and it allows our fuels to compete—our fuels, particularly natural gas and clean coal. And I think it is going to be good economically for our region of the country. The acid rain provision in my opinion makes a great deal of sense.

In the mobile source area, we have also made some significant progress. For many, many years, I have advocated the cold start provisions, the single most important element for cleaning up the brown cloud and carbon monoxide problem in the Denver metropolitan area and in most of the high altitude cities around the country. That provision will do more to clean up the air than anything else that we do.

That was included in the Senate bill. It is included in the compromise and will, I believe, will be included in the law, and for that most important item we are very grateful and praise the legislation for including it.

Also in the legislation is a diesel fuel provision which is extremely good for us. That requires the reduction of sulfur content by a factor of 5. That is extremely important not only to the health of the people living in polluted areas such as we have in the Denver metropolitan area sometime but also very important for the reduction of the brown cloud, that visibility problem that we face in Denver. And the diesel fuel provision included in the compromise is also very helpful.

A third provision, alternative fuels, we begin to open the door on the alternative fuels program, which is very important to do. We have started steps to alternative fuels with the requirement of reformulated gasoline, some ozone nonattainment areas, and the beginnings of some sweet provisions drafted particularly by the distinguished Senator from Louisiana, Senator BREAUX.

So those are all the beginnings of good pieces on mobile sources. I want to come back to how that might be strengthened in just a couple of minutes.

Finally, the toxics provision in the legislation, Mr. President, is also very important and precedent setting. Six or seven years ago as a Member of the House and a member of the Health Subcommittee there, I think the first toxic air pollution bill was drafted, and which I introduced 6 or 7 years ago. We have been struggling to understand how to work with this. I believe this bill is really a hallmark in taking some first steps on this very important toxics area. We are going to hear a lot as we work our way through the implementation of that legislation, but at least we have made a start and I think a good one.

The legislation as we see it on the floor now is good. I think it could be better. Let me point out in particular where I think we have to do a better job.

First, in the area of mobile sources, or automobiles and trucks, the most important provision for us to strengthen is the so-called useful life provision, the 100,000-mile useful life. We anticipate that a vehicle that you might buy or I might buy or most of our constituents would buy would last for approximately 100,000 miles. That is the general kind of rule of thumb for that vehicle, lasting 6 or 7 years, about 100,000 miles.

If that vehicle is going to be on the road for this period of time, I think we should also expect that vehicle would be clean, run cleanly throughout that whole 100,000 miles. It does not do us any good to go through this whole exercise if in fact we end up having a vehicle that starts clean and getting dirtier and dirtier and drive these cars over a long period of time. You have at the end of the life of that automobile a whole lot of very dirty automobiles. So I think we would want to have a vehicle during its useful life to be clean for that period of time.

Unfortunately, in the current compromise legislation, we really have a two-standard approach for vehicles. For the first 50,000 miles or so of their life, they are required to run pretty cleanly. But the second 50,000 miles, they are allowed to drop off very sharply. That does not make any sense. There is no reason for us not to have the same 50,000 miles as clean as the first 50,000 miles. It is technically absolutely feasible.

The people who make the catalytic converters, who make the emission control devices, actually say there is no problem with getting it to last that long a period of time. The cost factor is less than the price of the hubcap for assuring that we have clean cars for the whole 100,000 miles. We ought to do that. That is one of the strengthening provisions that is absolutely important in the legislation in front of us.

The second part of the legislation that has to be strengthened relates to the alternative fuels approach. We ought to develop an aggressive program for the use of alternative fuels and clean running automobiles, a so-called clean cars-clean fuels approach, and that is going to be a central theme to the amendment which we will be offering later today or tomorrow.

While the bill's alternative fuels provisions are good, this is one area that we really need to make a lot better to protect the air that millions of people breathe everyday, particularly, in high pollution areas like California and New York and so on, and in areas like in the Rocky Mountain region where we have high altitude and much less efficient automobiles. And that process has been explained a number of times here on the floor, the special problem that exists in high altitudes.

What should we be doing to arrive at this? First, we should require the use of reformulated gasoline in all seriously polluted areas. If these new fuels can significantly reduce ozone pollution—and they can—then there is no reason to limit their use to only the worst polluted areas.

Second, we should require that commercial and government fleets convert to alternative fuels in most ozone and carbon monoxide nonattainment areas beginning in 1994. We should have a major fleet program, and fleets are extremely important in this process, Mr. President.

In the Denver metropolitan area fleets—meaning sort of the light-duty trucks, panel trucks that have the same engine essentially as automobiles—those fleets run on the road day in and day out, throughout the whole day; as opposed to commuters who go to work in the morning and drive home at night, these fleets run all day long. During that period of time, those are the automobiles that are contributing in the Denver area to about 35 to 40 percent of the total mileage driven on a day in a city like Denver. If we can clean that up by 40 percent, take a major shot at that 40 percent, we can take a major piece out of the overall pollution.

So what should we be doing with fleets? What we ought to be doing with fleets is requiring over a period of time that those fleets convert to alternative fuels. The advantages of this are numerous. First, by requiring that conversion to alternative fuels by fleets, we are creating a market into which Detroit has a sense of certainty. Second, we are really approaching an alternative fuels program. We are developing a program which is going to use domestic fuels.

Fourth, we are certainly going to be doing something that is cheaper. Alternative fuels, natural gas, for example, in the Denver metropolitan area, is about half the price for gasoline, for equivalent fuel. So we are saving money for the user; we are developing a market for Detroit; and, third, we are developing the use of a fuel which is domestic, thereby limiting our dependence on imported oil. And it has great environmental good. It is a win, win, win situation.

Third, we should be promoting the widespread use of clean-fuel vehicles in cities like Los Angeles, and Senator WILSON and Senator CRANSTON will be talking about that later today or tomorrow.

As President Bush said, we have to find a way to "reconcile the automobile with the environment." I think we can do that. I think we can be a lot more creative, a lot more imaginative and really approach the alternative fuel vehicle goal that the President set in his initial speech outlining his whole approach to the Clean Air Act.

Finally, Mr. President, I will close with this. I wish to outline other concerns, particularly related to the so-called nonattainment or enforcement areas of the legislation. Section 172 of the existing Clean Air Act requires that nonattainment cities work steadily to clean up their air.

Mayor Pena of Denver and others have argued eloquently that we should not relax the pressure on cities to clean up their air.

But the leadership amendment on the floor right now will significantly weaken existing law by permitting cities to get a waiver from additional requirements, if they believe the costs of clean air are too high. Every American, I believe, has the right to breathe clean air, and we have a responsibility to do everything we can to clean up the air. We should not let cities avoid tough measures to meet minimum health standards because some economists say it is going to be too expensive. That is a very important area, and Senator KERRY from Massachusetts will be focusing an amendment on that today or tomorrow, as well.

In closing, I think this is a good bill. We have come a long way. It is not a matter of the glass being half full or being half empty. It is more full than it is less full. But we can fill it up some more. I think we have an obligation to do that.

I think that those of us who believe that we can do better have been doing everything we could to understand what was in the legislation, how to write amendments against this very long and complicated bill, and who are moving out as rapidly as we possibly can to come to a conclusion and to allow our colleagues to register their concerns about these areas of nonattainment, about the clean fuels-clean cars amendment, and others, a couple of other significant amendments that will be offered today and tomorrow.

Mr. President, I thank you very much for your forebearance in this, and I want to thank the leadership again for their very good work in bringing us this far. I look forward to the conclusion of this. I have been involved in this for the whole 15 years I have been in the U.S. Congress. I think one of the first meetings I ever went to as a freshman Congressman was in Congressman Paul Rogers' office. He then chaired the Health Subcommittee on the House side. I was meeting all of these new players and learning about nonattainment and all of these complex terminologies that get used. I hope we now have a chance to really pass a very good piece of legislation.

Again, Mr. President, I thank you. I ask unanimous consent that these editorials, one from the Denver Post, one from the Rocky Mountain News, New York Times, and my response to the Rocky Mountain News be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 8, 1990]

CLEAN FUELS, CLEAN AIR

(By Timothy E. Wirth)

WASHINGTON.—As the Senate votes this week on proposals for amending the Clean Air Act, Americans' health and environment are on the line. If they are to be protected, the Senate must make long-overdue choices about fuels to be burned in cars and trucks.

The nation has fought a losing battle against urban smog since 1970. Deadlines for meeting Federal health standards have been missed repeatedly, despite local governments' use of every strategy available to meet them. The casualty list includes more than 100 major urban areas with unhealthy levels of air pollution and tens of billions of dollars of avoidable health costs.

The single biggest culprit is the gasoline-fueled car. Standards enacted by Congress in 1977 have made new vehicles cleaner, but each year Americans buy more cars and drive more miles. These increases in vehicle miles traveled force polluted cities to run hard simply to stay in place, let alone make progress toward reducing air pollution.

There is just one way to escape this treadmill. We must break our addiction to today's high-polluting gasoline and take advantage of new clean-burning fuels. As President Bush said, we must "reconcile the automobile to the environment."

That's what Mr. Bush proposed when he introduced his clean air bill last summer. Its centerpiece was a mandate for the production of a million clean-fuel vehicles yearly by 1997. William Reilly, Administrator of the Environmental Protection Agency, called this program "the most innovative and far-reaching" component of the bill.

New, proven technologies are already producing vehicles that run on low-polluting natural gas, ethanol and methanol. By early in the next century, nearly pollution-free vehicles powered by hydrogen, electricity and solar power should be available.

Clean fuels are good for the environment and the economy, and would enhance national security by reducing our dependence on foreign oil. We can reformulate gasoline to make it burn more cleanly, by replacing some imported oil with domestically produced alcohols and ethers, such as ethyl tertiary butyl ether, made from corn, wheat, barley and other crops. This shift would open up major new markets for our farmers, and it could save taxpayers millions of dollars in farm-price supports.

Domestically produced natural gas, a clean-burning fuel, can also be turned into methanol. The use of these fuels not only would displace foreign oils but also give a much-needed shot in the arm to domestic gas producers in Louisiana and the West.

Unfortunately, during recent closed-door negotiations on clean air in the Senate, oil and auto companies made quick work of the President's original proposal.

Aside from a very limited program for certain Federal and commercial fleets, the Senate compromise does not provide for a new generation of vehicles using natural gas, ethanol, methanol or electricity.

I hope the Senate will breathe new life into the President's original vision and put a strong clean-fuels program back in the Clean Air Act amendments.

Building on the Bush initiative, a successful clean-fuels program should have three central elements:

The first is to require that reformulated, clean-burning gasoline be sold in our most polluted cities. (It can be used in any car, no matter how old.)

The second is a program calling for large commercial fleets to begin using special super-clean fuels like natural gas and methanol in the mid-1990's. Fleet vehicles—taxis, garbage trucks, delivery vans—travel twice as many miles as private vehicles; thus they offer a cost-effective target for emission reductions. Since they are centrally fueled, they can be more easily converted to new fuels.

The third element is a program calling for these same special super-clean fuels to be

used in passenger cars beginning in the late 1990's.

Congress must look beyond the auto and oil industries' preoccupation with the next quarter's profits. The Senate cannot afford to squander this opportunity.

[From the Denver Post, Mar. 6, 1990]

BACKPEDALING ON CLEAN AIR AT THE BRINK OF VICTORY

Just when the Denver area appears on the verge of winning its lengthy battle against air pollution, Congress may be about to withdraw the backup support deemed crucial to a long-lasting victory.

The Clean Air Act compromise revealed by White House and Senate negotiators last week would put the brakes on a new set of federal auto-emissions standards that Denver officials have been counting on to maintain momentum after the mid-1990s. That's when increases in the number of cars on the road are expected to offset gains in pollution control achieved over the past few years.

Under a proposal approved by the Senate Environment and Public Works Committee last fall, a second round of more stringent tailpipe restrictions—designed to reduce today's emissions levels by at least half—would have gone into effect in 2003 after a first-stage startup in 1993.

But under the deal hammered out in the back rooms on Capitol Hill, the tough "second tier" would become mandatory only if 11 of the nation's 27 smoggiest cities were still out of compliance with federal ozone standards at the beginning of 2002.

This means Denver, Albuquerque, Phoenix and other cities polluted mainly by carbon monoxide would be denied any role in triggering the more stringent program.

Worse, the uncertainty would tempt auto manufacturers to twiddle their thumbs for more than a decade, then blithely seek extensions of the deadline once it became clear that they'd only have a year to come up with the required cleaner technology.

It would make far more sense to establish a firm goal now, so the engineers in Detroit would have plenty of lead time to make design decisions and test out the results before committing themselves to costly mistakes.

As has been the case in past debates over federal clean-air strategies, the prime objections to the new standards have involved both their feasibility and their cost.

The manufacturers have protested that they couldn't meet the targets for 2003 without replacing a typical car's catalytic converter midway through the useful life of the vehicle—at a cost of roughly $500 per car. That's a pretty stiff price for clean air, but it's much cheaper than trying to accomplish the same thing by controlling the fixed sources of these airborne poisons.

Moreover, the California Air Resources Board—traditionally a pacesetter in regulating such pollutants—has estimated that it would cost only $130 or so per car to meet the new standards, because improvements in durability should make it unncessary to replace the catalysts. That's less than 1 percent of the total cost of an average new car today—a figure that surely makes clean air an affordable option.

There are other problems with the compromise proposal, including its failure to mandate the use of alternative fuels in fleet vehicles, its stand-pat stance on fuel-efficiency standards and its rejection of sanctions against polluted cities that fail to clean up.

But the most important element from this vantage point is the need for strong tailpipe standards to enable the Denver area to continue to build on the enormous progress it's made since the Clean Air Act was last amended in 1977.

The state's congressional delegation should work diligently to reinforce the measure before it comes up for final approval.

[From the Rocky Mountain News, Mar. 4, 1990]

CRIES OF BETRAYAL ON CLEAN-AIR BILL DON'T JIBE WITH FACTS

If every auto in Denver ran as clean as a vehicle fresh off the assembly line, we wouldn't have a carbon-monoxide problem. We wouldn't even be at risk of having one. We could drive more miles and lay down more roads without raising the blood pressure of a single clean-air official.

Which is why the first thing the public should understand about the major clean-air proposals in Congress is that none would make dirty cars clean, for the simple reason that new cars don't pollute much even now. At best the bills would make clean cars slightly cleaner.

In fact, new cars already emit 96% less carbon monoxide than they did 20 years ago. Even a 50% improvement from the present level—that sounds like a lot, doesn't it?—simply means that cars would emit 96% less CO than they used to.

Remember those figures the next time some local critic claims that the compromise clean-air bill reached by the White House and Senate leaders last week would sabotage Colorado's progress in air quality because the bill doesn't go far enough in tightening tailpipe standards. What that critic neglects to note is that Colorado's CO problem, to the extent it still can be said to exist, is becoming a matter of keeping once clean-running cars tuned up so they don't pollute into middle and old age.

Sure, still cleaner new cars would probably help. But the compromise Senate package provides for this: It would reduce hydrocarbon emissions by 22% by 1995, and it would further reduce emissions in 2003 if a number of cities remained polluted into the next century.

Notice, though, that we said cleaner cars would probably help. Tighter tail-pipe standards will also raise the price of cars (how much is unclear), meaning some people will delay replacing older vehicles.

Fleet turnover had already slowed in recent years; now it will decelerate even more.

We're not suggesting that the effect of higher car prices will entirely offset emissions reductions. At the very least, however, sticker shock will erode potential gains.

Yet to hear the reaction of some local officials and environmentalists, you'd think the compromise Senate bill was a hollow fraud. Not so, obviously. Besides trimming tailpipe emissions, the bill would cut sulfur dioxide emissions from utilities by 10 million tons and shrink the output of toxic pollutants from factories. In all, it would impose a $20-$40 billion cost to the economy.

Those are big figures no matter how green your environmental ethic.

U.S. SENATE,
Washington, DC, March 5, 1990.

ROCKY MOUTAIN NEWS,
Denver, CO.

Your editorial of Sunday, March 4, concerning the Clean Air Act now being debated in the United States Senate, was accurate as far as it went. It is true that the compromise represents improvements over existing law in a number of areas. For example, it will stop acid rain in the East and it relies on market-based incentives to do that—an approach I have long advocated and you have supported.

But the compromise does not represent victory for Denver and other areas with serious air pollution problems. Under the provisions of the compromise, Denver can probably meet clean air health standards in the near future. But because it doesn't go far enough, in the not too distant future, Denver could well again fall out of attainment of the health-protecting goals of the Clean Air Act. Why not take a few more steps now, do the job right, and ensure that our citizens will be breathing clean and healthy air in the year 2000 and beyond?

Looking a few years into the future, it is clear that there will be more people and cars in Colorado, and we will be driving more. As a result, it is important to clean up our cars, and keep them clean. You correctly pointed out that if every auto ran as clean as a new car fresh out of the showroom, our problems would be much less severe. But to keep these cars running clean, we have to insist that pollution control devices last for 100,000 miles—the real useful life of a car. Unfortunately, the Administration insisted on dropping that provision. I'm going to try and put it back in the bill.

Your editorial also pointed out that tighter emission standards may be required in the year 2003, if a number of cities remain polluted. But that list doesn't include Denver and other cities with carbon monoxide pollution. Instead, the list includes only cities with ozone pollution—while we are in compliance for ozone. This means tighter carbon monoxide standards will depend on whether other cities clean up their ozone pollution. I'm not sure that makes sense, especially since it is economically and technologically feasible to further reduce pollution from cars.

Finally, your editorial left out reference to the enormous potential of alternative fuel vehicles. Fueled with natural gas, for example, vehicles get the same mileage, run with much less wear and tear, use fuel (natural gas) that costs 50 cents a gallon, and burn "super clean". In addition, natural gas is a domestic fuel, so increasing its use will lower our dangerous dependence on imported oil. Natural gas is abundant in Colorado, and its use will be especially good for our state's economy. Unfortunately the administration caved in to the pressure of the traditional oil industry and gutted the ambitious alternative fuel provisions of President Bush's original bill. We should restore the commitment to alternative fuels.

It is true that the compromise bill contains a number of good things. It will be a great help in cleaning up acid rain in the East. Of special virtue is the innovative emissions trading program which minimizes the cost of the acid rain provisions (a program advanced by Senator Heinz (R-PA) and me in our Project '88 package of cost-effective environmental initiatives, upon which you favorably editorialized last year).

The legislation also includes the very important "Cold Start" provision, which will do more than any single measure to advance clean air in Denver by allowing vehicles to burn their fuels more efficiently on cold, high polluting winter days.

In addition, President Bush deserves credit for breaking the logjam over clean air—the nation will have a new Clean Air Bill this year.

Toward that end, the compromise is a start—but we can do better. It will be an uphill fight, but if we can put together a coalition of California, Rocky Mountain states, natural gas producing areas, agriculture and coal states with potential for alternative fuel production, and the dirtiest cities of the country, we can defeat the oil—Detroit axis. Wouldn't that be a refreshing victory?

Sincerely yours,

TIMOTHY E. WIRTH.

Mr. WIRTH. Mr. President, one of the clearest messages I have received from my constituents is that people are concerned about the quality of our environment, and they are willing to make some real changes to help preserve the Earth's fragile life support system.

People want the Congress to pass a strong bill to strengthen the Clean Air Act of 1977. I have no doubt that the U.S. Senate will soon approve a good clean air bill and send it on to the House of Representatives.

And the fact that we are approaching the point of a vote on final passage means to me that all of us in this body owe an enormous debt of gratitude to the majority leader. As a Member of the House of Representatives during much of the Reagan administration, I fought many battles to just maintain the status quo—to keep the EPA funded and operating, and to defeat efforts to weaken the Clean Air Act.

Today, as a Member of the Senate, we are approaching a vote on final passage on legislation to strengthen the Clean Air Act. We will soon prove the skeptics wrong—and the majority leader deserves our thanks and our appreciation for the superb job he has done, often under trying circumstances, in shepherding this bill through the Senate.

In the words of the New York Times, there can be "progress without perfection." (New York Times, March 6, 1990). There is much to applaud in this compromise, which the majority leader, the Senator from Montana, the Senator from Rhode Island, and many others worked so hard to put together.

But while this is a good bill, I also believe there are several places where we could improve it. I would like to highlight some of those in my statement this morning. But I also want to emphasize the positive points that I see in this legislation.

ACID RAIN

Acid rain is the hallmark of this legislation. For a decade or more, scientists have been telling us that sulfur dioxide and nitrogen oxide emissions from electric utilities and other sources are destroying lakes and streams hundreds of miles downwind of those pollution sources. And for nearly as long, scientists and citizens have been urging us to cut emissions by 50 percent to stop acid rain.

Opponents of acid rain controls have argued that we just did not have enough information to assess the link between emissions and deposition. Others argued that we could not even be sure that acid rain is a serious threat, or that its costs did not justify a legislative solution. But the public long ago had rendered its verdict—the people of this country think it is time to dramatically cut emissions so we can prevent the loss of more lakes and more miles of streams.

This bill will do that Mr. President, and I want to reiterate my appreciation for the time and energy the majority leader and so many other Senators invested in making that happen.

This bill is good environmental policy for those areas that were being devastated by acid rain. It is also good news for the Western States.

Colorado, like so many other States in the Rocky Mountain region, has already made the investments to clean up emissions from our powerplants. I and many of my colleagues have long argued that we in the West should not have to also pay to clean up powerplants in the East—and this bill sticks with the principle of polluter pays.

Many of my colleagues and I also urged that an acid rain bill should provide utilities with the freedom to choose how they meet the legislation's stringent new emission standards. Again, this bill preserves that important principle of freedom of choice—and it will make Colorado's abundant natural gas and Colorado's high-Btu, low-sulfur coal strong competitors in the search for clean-burning fuels for powerplants.

And the leadership's substitute bill relies on an innovative emissions trading program that minimizes the cost of the acid rain package. This is an approach that Senator HEINZ and I advocated in our Project 1988 report on cost-effective environmental initiatives.

MOBILE SOURCES

Across the country, 44 urban areas still have not met the national clean air standards for carbon monoxide. And more than 100 areas still have ozone pollution that exceeds the national standards. As a result, more than 150 million Americans live in areas that exceed the standards that the EPA has set to protect Americans' health. Those high pollution levels represent a serious health problem for this Nation and it is past time we began to address that problem.

Cars and trucks are an overwhelming part of the problem. In Colorado, mobile sources account for more than 75 percent of carbon monoxide pollution, as well as 50 percent of the fine particles that make up Denver metropolitan area's brown cloud.

Today's cars run much cleaner than cars produced 10 years ago. But Americans are driving more cars, and they are driving those cars more miles. That is certainly true in Colorado, where we now drive an average of 35 million miles every day—and where the total vehicle miles traveled is predicted to nearly double by the year 2010.

Unless we do something to control emissions from mobile sources, the sheer number of miles driven will overwhelm the steps we already have taken to reduce vehicle emissions.

COLD STARTS

That is why I have been working for several years for tough new standards to control carbon monoxide emissions from cars when they are started in cold weather. It can take as much as 5 minutes for a car's emission control equipment to warm up and begin operating effectively in cold weather. During that time, the car is essentially running without emission controls. Multiply that one car by the tens of thousands of cars that are being started at the same time at the end of every business day and you get a sense of the problem—a huge amount of pollution being generated in a very short time.

The lack of a cold start requirement is the primary reason that 44 areas exceed the pollution standards. And getting a tough cold start provision will make a very big dent in Denver's carbon monoxide pollution well into the next century.

DIESEL FUEL

Another big step for Denver and other Western cities is this bill's requirement that the sulfur content of diesel fuel must be reduced by a factor of 5. More than 40,000 diesel vehicles operate along Colorado's front range, and they consume 206 million gallons of diesel fuel every year. Even though these diesel vehicles are only 2 percent of all cars and trucks, they emit as much as 3½ tons of particulates into the air on a winter day. Those emissions are a major contributor to the brown cloud. Those particles are also very small and can be deposited deep within our lungs along with literally thousands of other chemicals, many of which can cause cancer.

The new diesel fuel standards in this legislation will significantly reduce the health risks caused by diesel emissions, and will reduce Denver's brown cloud by as much as 5 percent. That is a major step forward.

ALTERNATIVE FUELS

In addition, the leadership amendment to the Clean Air Act includes an important component on alternative fuels. These measures requiring the

use of reformulated gasoline in some ozone nonattainment areas and programs for coverting some fleet vehicles to clean-burning fuels like natural gas and methanol are the kinds of steps that we need to take to break America's addiction to the gasoline engine.

This is one place where I believe the bill should be stronger—but I will get back to that point in a moment.

TOXICS

Finally, Mr. President, I want to mention the section of this bill dealing with toxic pollutants. I understand the concerns of some of our colleagues about whether we should rely predominately on technology-based standards for controlling toxic chemicals in the air.

But I also recognize how far we have come in the last 10 years in dealing with this whole issue of toxic emissions; 6 or 7 years ago I may well have been the first Member of the House of Representatives to introduce a comprehensive bill to regulate the enormous range of airborne toxic chemicals.

And I know from first-hand experience how hard it is to find a way to deal uniformly with all of those different chemicals. I want to commend the majority leader and our colleague from Louisiana, again, for their hard work in trying to find a compromise on this very difficult issue.

Mr. President, as I said I think this is a good bill. But as the New York Times, the Denver Post, and my hometown newspaper all have reported, it could be a better bill. I would like to take a few moments to outline where I think we could—and should—make improvements.

The Colorado Department of Health has told me that if we are going to stay in attainment—once we get there by the middle of this decade or so—we are going to have to do three things.

First, reduce emissions from cold engines, which this bill does; and

Second, we have to make sure that pollution control equipment continues to meet emission standards for the full useful life of vehicles.

Existing law only requires automakers to show that this equipment will last for 50,000 miles—and we know that the older cars get, the dirtier they run. The original Senate bill would have changed that by requiring pollution control equipment to last for the full useful life of a car or truck.

The leadership amendment now before the Senate will dilute that requirement. It requires that the emission control equipment last for 100,000 miles, but, and this is a very big but, the bill's fine print relaxes the emission standards for the second 50,000 miles.

Mr. President, many people think we should be mandating both a tougher emission standard and a 100,000-mile useful life standard. At a minimum, we should insist that pollution controls last for the life of a car—and we should not relax emission standards as part of the bargain. For the price of a hubcap or two, we can produce catalytic converters that will last for the life of a car—we should be insisting on that.

The third thing the Colorado experts have said we must do to keep Denver's air clean in the next decade is cut back on emissions from individual cars and trucks. One way to do that is to set tougher emission standards. I support that.

A TOUGHER ALTERNATIVE FUELS PROGRAM

Another way to achieve the same goal would be to develop an aggressive program for the use of alternative fuels and clean-running cars. And while the bill's alternative fuels provisions are good, this is one area where I think we need to make them even better to protect the air millions of people breathe every day.

What should we be doing?

First, we should require the use of reformulated gasoline in all seriously polluted areas. If these new fuels can significantly reduce ozone pollution, and I think they can, then there is no reason to limit their use to only the worst polluted areas.

Second, we should require that commercial and government fleets convert to alternative fuels in most ozone and carbon monoxide nonattainment areas beginning in 1994; and we should do everything we can to introduce nearly pollution-free vehicles powered by hydrogen, electricity, and solar power by the end of the century.

Third, we should be promoting the widespread use of clean-fueled vehicles in cities like Los Angeles by 1997, and in other cities over the next several years.

Is that a do-able goal, Mr. President? Of course it is. As President Bush has said, we must find a way to "reconcile the automobile with the environment." Alternative fuels, such as ethanol, natural gas, and propane offer the potential for enormous reductions in pollution—and will also help us reduce our trade deficit and enhance our energy security. We should be embracing these new fuels and these new technologies with enthusiasm.

Finally, Mr. President, I would like to outline some of my other concerns with the substitute amendment. I raise these in part because I am disturbed by the precedent we may be setting, and in part because I am not convinced we should be changing the existing Clean Air Act in some of these areas:

For example, section 172 of the existing Clean Air Act requires nonattainment cities to work steadily toward cleaning up their air. Mayor Pena of Denver, and others, have argued eloquently that we should not relax the pressure on cities to clean up their air.

But the leadership amendment will significantly weaken existing law by permitting cities to get a waiver from additional requirements if they believe the costs of clean air are too high. I think every American has the right to breath clean air, and I do not believe we should let cities avoid tough measures to meet minimum health standards because economists think it will be too expensive.

Another example, Mr. President, is that the substitute amendment seems to eliminate the requirement for the EPA to prepare an attainment plan if the State fails to do so. While the EPA has not had to actually prepare many plans on its own, the threat of such action has been essential to the completion of good clean air plans in States like Arizona and Colorado. I do not understand why we are changing that part of the Clean Air Act.

As I have said Mr. President, I think this is a good bill, and I am deeply gratified by the majority leader's diligent efforts to pass a clean air bill. I do think this bill could be stronger in several respects. I have tried to outline the areas that are of greatest concern to me. Over the course of the next few days, I intend to work at improving this bill where I can. But when the debate is behind us, I intend to support this bill enthusiastically.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The chair recognizes Senator PRESSLER.

NICARAGUA'S RECENT ELECTION

Mr. PRESSLER. Mr. President, last week I spoke on this floor about Nicaragua's recent election. I had just returned from serving as an election observer with former President Jimmy Carter's Council of Freely Elected Heads of Government Nicaraguan Election Observation Delegation.

I ask unanimous consent to have printed in the RECORD items relating to the work of that delegation. This includes a list of the members of the delegation, our schedule, an evaluation form used by delegation observers, and articles, one written by Dr. Robert Pastor, director of the Latin American Program at the Carter Presidential Center, and myself, about our experiences as observers of the Nicaraguan election.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1990]

A LESSON FOR US ALL

(By Larry Pressler)

On Sunday we arise at 5 a.m. so we can arrive unannounced at a Nicaraguan polling place as it opens. I am skeptical. The previ-

ous week, opposition candidates had been arrested, threatened, harassed and intimidated by supporters of the Sandinista regime. Daniel Ortega is the only candidate advertised on the state-controlled media.

I am thus not prepared for what we find. There at the small village polling place we had selected nearly 150 people are lined up to vote in the early morning hours. Some had arrived at 3 a.m.!

My amazement turns to astonishment when we move on to a rural mountain region. Our team takes its four-wheel drive vehicle over miles of rough roads and mountainous terrain—a trip of two hours. Near the end, we must get out and walk. Another incredible sight greets us. In the midst of a pasture at an old schoolhouse stand some 200 voters moving slowly through a line. All have arrived on foot or on horseback. Horses are tied to fence posts. Some people have walked several miles to vote. Mothers carry their babies. Some have brought food, anticipating an all-day wait.

What is behind their determination? Voters we talk to say they just want a chance to vote in a free election. They say they are afraid something will prevent them from voting. So they arrive early. And by day's end, these brave people vote out a harsh communist regime. Their determination makes me ashamed of our own "take-it-for-granted" attitude about freedom.

Later in the day we travel farther into the mountains. Still, the lines are long. It is dark now. This particular precinct has only one electric light. Votes are counted by flashlight. We ask about irregularities and report them. In many cases we demand corrections. Again, I am amazed by the peasants' determination. I will never forget their faces as they stand in the rain and the cold to vote.

As a United States senator accustomed to elections, a free press and the casting of countless votes in the Senate, I am reminded now of how many people in this world must struggle just to exercise their right to vote. It is summed up best by an elderly man when I ask him why he is there. "I'm 80," he replies. "I never before had a chance to vote in a fair and free election. I wanted to do it once before I die."

[From the Washington Post, Mar. 4, 1990]

NICARAGUA: DEMOCRACY'S FIRST DAYS

(By Robert A. Pastor)

At midnight on Feb. 25, Nicaragua crossed a line separating its authoritarian past from its democratic future. In a meeting with Jimmy Carter, Elliot Richardson and Secretary General Joao Baena Soares of the Organization of American States, President Daniel Ortega admitted he was losing the election and said that he would accept the results. The prospects now are good for a successful transition to a democratic government with the Sandinistas as a loyal, constructive opposition. But much work remains to be done, and the United States needs to act boldly to reinforce the process.

Prior to this election, Nicaraguans had been condemned to a repetitive pattern of fraudulent elections, coercive governments and fragmented, ineffectual opposition parties. Each side exaggerated the negative statements and actions of the other and dismissed the positive gestures as signs of weakness.

The U.S. debate on the contras and also on the elections was infected by this polarization. During the campaign, some conservatives in the United States dismissed the registration process as a sham interpreted the campaign violence in Masatepe to mean that the Sandinistas did not intend to permit a free election and viewed the delay on the release of U.S. funds as Sandinista skulduggery. At the same time, Americans sympathetic to the Sandinistas dismissed all electoral problems as evidence that the United States was trying to discredit the election because of fear the Sandinistas would win.

While Americans traded charges, Nicaragua's two major parties began to alter this pattern with the help of trusted intermediaries such as Carter, the OAS and the United Nations. These groups insisted that a fair election required inserting a wedge between party and state and responding positively to the National Opposition Union's (UNO's) legitimate complaints. Ortega opened the system because he was confident of victory and wanted the election to be certifed as fair; UNO, also confident, remained united. The campaign itself had a profound effect on Ortega and the Sandinistas, which became more sensitive to the popular temper, and a UNO, which became less of a heterogenous coalition and more of a party.

The election proved unprecedented in Nicaraguan history. It is the first time that all the parties that started the campaign finished it, an incumbent lost and the losers accepted the result. The campaign and the vote count were fair; the next challenges are the transition and the transfer of power.

Distrust continues to lurk below the political surface. Comments by one side are taken out of context and viewed as subversive by the other side. But the leadership on both sides now understand there is a better way. Beginning with the midnight meeting on the 25th, and with the help of Carter, Richardson and Baena Soares, both sides sought ways to reassure the other. Mrs. Chamorro agreed to alter and delay her victory statement until after the release of returns by the Electoral Council. Ortega agreed to announce at 6 a.m. that he was losing and to repeat that he would respect the results.

The next day Ortega visited Chamorro's house, and the two exchanged conciliatory and warm greetings. Both agreed to call for an end to the contras and for Ortega to announce a unilateral cease-fire. Virtually every step this past week was taken only after full consultation with the other side. This process served to build confidence where none had existed before.

A further step was taken with the appointment of practical and mature leaders as the head of the transition teams—Humberto Ortega for the Sandinistas and Antonio Lacayo for UNO. Each knows the other as a moderate, and they are determined to work together in a manner that prevents the extremists in both parties from capturing the initiative or destabilizing the transition.

At their request, Carter met with each numerous times, and then invited both to meet at the Carter Center's Managua office on Tuesday afternoon with Richardson and Baena Soares. The two transition leaders discovered that the differences were not nearly as wide as the extremists portrayed. Both sides agreed that Chamorro will assume full power on April 25 but that a successful transition and a democratic government require that each be responsive to the principal concerns of the other. The old politics of government imposition and opposition abstention is gradually being replaced by a new, tenuous politics of consensus.

The first steps taken by the Bush administration were positive. President Bush sent letters not only to Chamorro but also to Ortega; he promised to lift the embargo, begin an aid program and end the war. Whatever Americans might have previously thought of Daniel Ortega, he deserves respect for his courage in fulfilling his promise of democratizing the country. The steps toward improving U.S. relations—especially sending a top ambassador and lifting the embago—should be taken now in a way that provides incentives for reconciliation in Nicaragua and economic integration in Central America. Chamorro will ultimately benefit, but Ortega deserves the credit, and it's in our interest to build a rapport with him.

The most important issue is the immediate demobilization of the contras. Assurances and options on resettlement should be given to the contras, but the United States should do everything it can to remove this issue soon from the still difficult political landscape in Managua.

Instead of just receiving Chamorro's economic adviser, the administration ought to receive him together with Ortega's. This principle of encouraging both the Sandinistas and UNO to work together—whether to demobilize the contras or to rebuild the economy—would increase the prospects that the new democratic plant will take root in Nicaragua.

COUNCIL OF FREELY-ELECTED HEADS OF GOVERNMENT, NICARAGUAN ELECTION OBSERVATION DELEGATION

MEMBERS, REPRESENTATIVES, AND STAFF OF THE COUNCIL

Hon. Jimmy Carter, Former President of the United States.

Hon. George Price, Prime Minister of Belize.

Hon. Raul Alfonsin, Former President of Argentina.

Hon. Rafael Caldera, Former President of Venezuela.

Hon. Daniel Oduber, Former President of Costa Rica.

Hon. Rodrigo Carazo Odio, Former President of Costa Rica.

Dra. Beatrice Rangel, Secretary-General of the Ministry of the Presidency and Personal Representative of President Carlos Andres Perez of Venezuela.

Hon. D.D. Ramtallie, Minister of Housing of Jamaica and Vice President of the People's National Party, and Representative of Council Member Prime Minister Michael Manley.

Dr. Robert Pastor, Executive Secretary of the Council of Freely-Elected Heads of Government, Professor of Political Science, Emory University.

OTHER MEMBERS OF THE DELEGATION

Hon. Daniel Evans, Former U.S. Senator and Governor of Washington Co-leader of the U.S. group with President Carter.

Mr. Genaro Arriagada, Vice-President, National Christian Democratic Party (Chile).

Hon. Bruce Babbitt, Former Governor of Arizona.

Ms. Harriet Babbitt, Attorney with Robbins and Green, Arizona.

Ms. Elizabeth Frawley Bagley, Attorney.

Mr. Leopold Berlanger, President, Haitian International Institute for Research and Development.

Hon. Douglas Bereuter, U.S. House of Representatives (R-Neb), Member, House Committees on Foreign Affairs and Intelligence.

Hon. David Bonior, U.S. House of Representatives (D-Mich), Chief Deputy Majority Whip.

Mrs. Rosalynn Carter, Former First Lady of the United States.

Hon. John Chafee, United States Senate, (R-RI), Member, Senate Finance Committee.

Hon. John Danforth, United States Senate (R-MO), Member, Senate Select Committee on Intelligence.

Hon. Christopher Dodd, United States Senate (D-Conn), Chairman, Subcommittees on Western Hemisphere and Peace Corps Affairs, Senate Foreign Relations Committee.

Hon. Elton Gallegly, U.S. House of Representatives (R-Calif.), Member, Foreign Affairs Committee.

Fr. Fernando Guardia, S.J., Church Coordinator of the Panamanian Independent Vote Count.

Hon. Ben Jones, U.S. House of Representatives (D-GA), Member, Public Works and Transportation Committee.

Hon. Patrick Leahy, United States Senate (D-Verm), Chairman, Foreign Operations Subcommittee, Member, Senate Appropriations Committee.

Hon. Ambler Moss, U.S. Ambassador to Panama (1978-1982), Dean, Graduate School of International Studies, University of Miami.

Hon. Michael O'Callaghan, Former Governor of Nevada.

Hon. Claiborne Pell, United States Senate (D-RI), Chairman, Senate Foreign Relations Committee.

Hon. Larry Pressler, United States Senate, (R-S.Dak), Member, Senate Foreign Relations Committee.

Hon. Bill Richardson, U.S. House of Representatives (D-NM), Member, House Select Committee on Intelligence.

Hon. Olympia Snowe, U.S. House of Representatives (R-Maine), Member, Foreign Affairs Committee.

Mr. Maurice Sonnenberg, Chairman of the Executive Committee, Democratic House and Senate Council.

Hon. John Whitehead, Former Deputy Secretary of State (1985-89), Chairman of AEA Investors, Inc.

STAFF

Council of Freely-Elected Heads of Government Latin American and Caribbean Program, CCEU

Dr. Robert Pastor, Director.

Dr. Jennie Lincoln, Associate Director.

Ms. Sandy Reiss, Administrative Assistant.

Council of Freely-Elected Heads of Government Nicaraguan Election Project-Managua Office

Dr. Jennifer McCoy, Director.

Ms. Liliana Cisneros, Administrative Assistant.

Special Consultants

Dr. Richard Millett, Professor of History, Southern Illinois University, Edwardsville.

Ms. Nina Serafino, Congressional Research Service.

Ms. Janet Shenk, The Arca Foundation.

Delegation Staff

Ms. Letitica Martinez, Coordinator of Logistics.

Mr. Santiago Canton, Political Assistant.

Ms. Maria Esperanza Carreras, Logistics Assistant.

Ms. Patricia Mayorga, Scheduling Assistant.

Mr. Eric Bord, Press and Logistics Assistant.

Mr. Jose Sandoval, Logistics Assistant.

[Polling Place Evaluation Form]

JRV EVALUATION FORM

Observer Delegation, Council of Freely-Elected Heads of Government

Instructions: Please complete a new copy of this form for each separate visit to a JRV. When finished, the form is to be given to the staff coordinator accompanying you on the trip.

1. *General Information.*
   Region.
   City.
   JRV No.
   Time JRV Opened.
   Time of Visit.
   Number of Registrants.
   Number That Have Already Voted (approx.)
   Number Waiting in Line to Vote.
2. *Presence of Fiscales.*
   (a) The following *fiscales* were present: (circle).
   FSLN.
   UNO.
   Others: (specify).
3. *Presence of Electoral Police.*
   Were electoral police INSIDE the JRV?
   Yes/No.
   Armed?
   Yes/No.
   Were electoral police OUTSIDE the JRV?
   Yes/No.
   Armed?
   Yes/No.
4. *Did you observe any irregularities concerning the following?* If YES, please mark each with an "X" and explain on reverse side.

Election materials missing (registration lists, ballots, ballot boxes, indelible ink, number stamp/printer, official telegram for CSE).

Problems with secrecy of vote.

Campaigning or posting of campaign material near JRV.

Interference with the ballot box.

Removal of official material from the JRV.

Absence of JRV officials other than *fiscales.*

Other irregular acitivities (specify).

Particularly at the closing:

Presence of *fiscales.*

Interpretation of ballot markings (attribution to proper party).

Intimidation of any kind.

Name of Observer.

Signature.

COUNCIL OF FREELY-ELECTED HEADS OF GOVERNMENT—NICARAGUAN ELECTION OBSERVATION

SCHEDULE—FEBRUARY 23-26

Friday, February 23

7:00 a.m.: Pick up from Ritz-Carlton to Andrews Air Force.

8:00: Depart from Andrews Air Force, (meals on board).

11:45: Arrival in Managua (Washington time: 12:45)—credentials for observers at airport.

12:30 p.m.: Delegation leaves airport for Hotel Check-in.

1:50: Delegation Proceeds to "LA CABANA", Hotel Intercontinental.

2:00-2:20: Arrival Statement of Delegation by President Carter and Prime Minister George Price.

2:20: Delegation Proceeds to Olof Palme Conference Center for Private Briefings.

2:30-4:15: The Voting and Counting.

Presentation of the Voting and Counting—Mariano Fiallos, President Supreme Electoral Council (SEC).

How to Observe the Vote and Count—The Parallel Tabulations—Larry Garber, Election Expert.

The Council's Role—What We do and Where—Robert Pastor and Jennifer McCoy.

4:15-4:30: Break.

4:30-5:15: UNO's Assessment of the Electoral Process—Violeta Barrios de Chamorro and Antonio Lacayo.

5:15-6:00: FSLN—Assessment of the Electoral Process—Daniel Ortega and Bayardo Arce.

6:00-6:15: Break.

6:15-7:00: Observer Assessments of Electoral Process—Iqbal Riza, Chief of ONUVEN (UN Observers), Mario Gonzalez, Coordinator of OAS Mission.

7:00-8:00: Reception with Other Observer Missions by invitation—Olof Palme.

8:00: Private delegation dinner—Olof Palme.

Saturday, February 24

8:00 a.m.: Delegation departs for Olof Palme for Breakfast.

8:45: Full delegation meeting with Joao Baena Soares and Elliot Richardson.

9:15: Press Statement—Council, OAS, ONUVEN.

10:30-11:30: Individual meetings with other groups/press.

Noon: Deploy to regions.

Afternoon in Regions: Meetings with UNO and FSLN party officials, regional electoral council, and regional OAS/UN coordinators.

Sunday, February 25

6:00 a.m.: Observe opening of Voting Sites (Juntas or JRV's).

7:00: Observe voting process in selected JRV's.

9:00: Breakfast.

10:00: Observe voting process.

12:00 p.m.: Lunch and rest.

4:00: Observe JRV's.

6:00: Observe closing and count in one JRV—then travel with JRV officials to telex location at municipality; observe counts at OAS, UN, Regional Councils.

8:00: Dinner.

9:30: Observe regional count.

Monday, February 26

6:30 a.m.: Regional teams depart for Managua.

8:30: Arrive at Hotel in Managua.

9:30: Delegation meeting at Olof Palme—Debriefings by regional teams.

11:30: Compilation of Reports—Consultations with OAS and UN.

12:00 or after: Press Conference.

4:00 p.m.: Departures.

Mr. PRESSLER. As I have said before on this floor, that was a great day for me to go out into the countryside in the northern part of Nicaragua and observe the determination of the people there to vote, to see 150 to 200 of them standing in line, some for 4 and 5 hours, determined to vote and to make a difference.

I have just returned from a breakfast with the Secretary of State, and one of the topics was how to deal with giving Mrs. Chamorro a good start. Of course, that will have to come principally from Nicaragua's own best efforts.

SOVIET ANTI-SEMITISM

Mr. PRESSLER. Mr. President, I wish to say a word about Soviet anti-Semitism. Last week our distinguished colleague from Tennessee [Mr. GORE] submitted Senate Concurrent Resolution 97 relating to anti-Semitism in the Soviet Union. I am proud to be one of the three original cosponsors of that important resolution.

Another important resolution which I am cosponsoring is Senate Resolution 252, submitted February 28 by our distinguished Pennsylvania colleague, Senator SPECTER.

Senate Concurrent Resolution 97 identifies and describes an ominously growing trend of anti-Semitism in the Soviet Union and urges the President to urge President Gorbachev to publicly condemn the emergence of popular anti-Semitism in the Soviet Union and to take whatever measures are necessary to protect Soviet Jews from acts of harassment and violence.

Mr. President, I did want to cite some of the documentation by the Anti-Defamation League, Union of Councils for Soviet Jews, and other organizations.

Current examples of anti-Semitic behavior in the Soviet Union include: First, the threats of pogroms, mass anti-Semitic demonstrations, threatening phone calls, gathering of lists of Jewish families by anti-Semites, anti-Semitic abuse of children in schools, and attacks against the property of Jews and Jewish organizations.

Most troubling is the expansion of anti-Semitic organizations such as Pamyat, which is the Russian word for "memory." Based on a warped conspiratorial ideology that posits a Judeo-Masonic plot to destroy traditional Russian culture, that organization operates throughout the Russian Republic and other republics. Yet, Pamyat is not the only organization devoted to poisoning attitudes toward Jews.

For example, a recent study by the Union of Councils for Soviet Jews had this to say about anti-Semitic organizations in the Soviet Union:

MAJOR ANTI-SEMITIC ORGANIZATIONS

The best known manifestation of the anti-Semitic revival has been the growth of Pamyat (Memory), now chaired by Igor Sichev. Founded in the early 1980's purportedly as a literary and historical society attached to the USSR Ministry of Aviation Industry, Pamyat has emerged as the foremost anti-Semitic, neo-fascist Russian nationalist organization in the USSR. Its ideology is based on the thesis of a Judeo-Masonic conspiracy responsible for the devastation of Russian culture constituting an ongoing threat to Russian life.

Pamyat has active branches throughout the Russian Republic and beyond. It is the most well-known of all the xenophobic Great Russian organizations flourishing under glasnost. It is supported through the Soviet/Russian cultural establishment and has tentacles spread throughout the government and the Communist Party.

Pamyat controls the Movement for the Restoration of Monuments of Russian Culture, where, at a 1985 meeting, all Jewish names in the directory of the Main Admission for Architecture and Planning in Moscow were cited as perpetrators of the destruction of Russian landmarks. It also controls a number of environmental movements such as the Movement for the Preservation of Lake Baikal headed by the noted writer, Valentin Rasputin. It is thought to have strong influence in the army and the KGB and enjoys support on many levels of the Communist Party and state apparatus. In addition, the Russian Republic Culture Fund is headed by Pamyat supporters.

The influential and intellectual Union of Russian Artists and the Society Against Alcoholism, which ran a candidate in the elections for Congress in April 1989, are active supporters of Pamyat each with extensive networks.

While Pamyat has the highest profile, there are others whose threats and actions pose dangers to Soviet Jews.

One of the most vocal is the Union of Writers of the Russian Republic, the most influential writers' organization in the USSR. Anti-Semitic writers such as Valentin Rasputin, Piotr Proscurin, and Valentin Pikul have been awarded high honors by the government.

At the Union of Russian Writers plenary session, November 1989, the following remarks were made by Anatoly Buivolov:

"* * * Let us speak about the Jews * * * why are they everywhere where there is the smell of money. And I was told they are clever * * * but why then have they led us into the blind alley [applause]."

At the Technological Institute of the Food Industry, a nationalist organization seeking to "get the best jobs back from the savages" was created to respond to the high enrollment of Jews, Caucasians, and Central Asians at the Institute.

Also aligned with this view is the Patriot Society, which was registered in 1989 by the Petrogradsky District Soviet Executive Committee of Leningrad. This group, headed by Aleksander Romanenko, author of the vitriolic Class Essence of Zionism, has been actively distributing leaflets calling for pogroms.

The Public Committee Against the Restoration of Diplomatic Relations with Israel headed by Yevgeny Yevseyev is a Pamyat front. It publishes a flagrantly anti-Semitic bulletin under his editorship entitled "Information Bulletin of the Soviet Public Committee Against Diplomatic Relations With Israel." The Committee operates by arranging meetings under the auspices of the Soviet Palestinian Society, which has official status under the Soviet Academy of Sciences. At a meeting, officially permitted by the Leninsky District Soviet Executive Committee of Moscow, Yevseyev denounced the "internal enemies infiltrating Soviet Society", announced the percentage of Jews living in Moscow and accused them of forming a spy network for Israel.

The Journal of the Public Committee, under the editorship of Yevseyev, made the following claims:

"The December 1988 incident in which Soviet citizens hijacked a plane to Israel was deliberately created by the Mossad to fabricate a pretext for Israel to demonstrate its friendship with the USSR.

"Israeli aid to Armenia should have been rejected because syringes could be contaminated with AIDS.

"The Society of Friendship with Israel is a fifth column in the U.S.S.R. against which all Soviet citizens must fight. Jewish culture, which Lenin said to be based on Jewish nationalism, should also be combatted."

Otechestvo (Fatherland), based in Novosibirsk, is a historical and cultural society of the same nature as Pamyat officially established by the government, the Executive Committee of the Sverdlovsk City District. Otechestvo's influence has spread throughout the USSR.

Rossy, a Leningrad-based organization, has a platform similar to that of Pamyat. What makes this group more appealing to locals is its criticism of the Communist Party. According to Pravda (10/9/89), every speaker at their October 8 meeting focused on the Jewish conspiracy and on Zionism. At the officially permitted meeting, a leaflet entitled "No Place for Zionism", a reprint of the statement of the Presidium of the Anti-Zionist Committee, was distributed.

The Union of Councils for Soviet Jews also provides these chilling examples of recent anti-Semitic acts in the Soviet Union:

July 16, 1989.—A Hebrew teacher from Moldavia was abducted and beaten on his way to give a lecture at a weekly seminar. His abductors warned him to stop his Jewish activities and threatened his life. They repeatedly declared that all Jews should be murdered. They drove 5 kilometers and threw him from the car.

April 6, 1989.—Alexander Kobrin, a producer in the video division of "Ogonok" who produced three films on repression and Pamyat, was beaten severely by several men on a Moscow street.

July 4, 1989.—Boris Gaft reported that Jewish activists discovered swastikas and a sign which read "kill Jewish people" at the site of the former synagogue in Riga where Jews were burned to death by the Nazis.

July 24, 1989.—Three hooded men broke into the Leningrad apartment of Refusenik Yuri Mezeborsky and stabbed his mother in the stomach. Nothing was stolen.

August 1989.—In response to the formation of Irgun Tsioni, a grassroots national Zionist organization, openly anti-Semitic articles appeared in the Moscow press. For example, the Anti-Zionist Committee published a statement in Pravda (9/8/89) entitled, "There Must be No Place for Zionism."

Sept. 9, 1989.—Igor Sichev, a Pamyat leader, spoke for an hour and a half on "Good Evening Moscow" on the expansion of Zionist activity in the Soviet Union. He called on good citizens of Moscow to attend the Pamyat meeting the following morning, and for the creation of military groups in defense against the Zionists who had clearly infiltrated into all levels of the government.

Sept. 10, 1989.—One day after submitting his emigration documents, Igor Bochkov, was beaten in the street in Moscow. His assailants shouted, "Jews should be beaten and in this way should Russia be saved." Igor was hospitalized. The militia representative, Mr. Melikiya, at Department #179 of the Militia Station in Moscow, refused to involve the militia in any further investigation.

October 1989.—Irina Shelenkova, formerly an editor of the Byelorussian Soviet Encyclopedia of Art and Literature, was fired for her attempt to rehabilitate Marc Chagall, according to a documentary film by Arkady Ruderman, "The Theatre in the Age of Perestroika and Glasnost". She had written an

entry on Chagall following the Centenary Exhibit of his works two years ago in Moscow. Upon hearing that this entry was replaced with one written by the notorious anti-Semitic writer, Vladimir Begun, she protested and was dismissed. The Begun article has since been withdrawn and she has filed a court suit but has not been reinstated.

Oct. 22, 1989.—Vitaly Lekhtman (51), of Leningrad, and Israel Kovelman (87) of Moscow were murdered in circumstances that strongly indicate possible anti-Semitic motives. Leningrad Jews maintain that eyewitnesses observed a Star of David carved into Lekhtman's back. Both victims were murdered in their apartments. Nothing was stolen.

Jan. 18, 1990.—During a meeting of "April", the liberal writer's society, at the Central House of Writers in Moscow, a Pamyat group of 20-30 equipped with megaphones, broke into the hall and beat several of the writers. They shouted anti-Semitic slogans, "down with Zionism," "All Jews to Israel" and screamed "today we are here with loudspeakers, tomorrow we will come with guns." The militia took the offenders into the street where they were all released. Several writers went on to the militia office where they were told that the offenders were not criminals. "April" and the All Union Writers Society have appealed to the Procurator General for the opening of a criminal case.

Jan. 18, 1990.—According to Baku Jewish activist Evgenii Sukholutskii, 30,000 Baku Jews are seeking Israeli invitations on an emergency basis. They fear that the ultranationalist Azeri movement, which is mainly Shi'ite, will turn against the Jews. Four Jews are known to have been killed in the crossfire. Although they were not killed because they were Jews, reports of threats, beatings, and other acts of violence against Jews in Baku have already been confirmed.

Jan. 18, 1990.—Raising anti-Semitism in schools and rumors of Pamyat-inspired pogroms are reported in "Literaturnaya Gazette." The pogroms, it says, will take place on May 13th, especially in Leningrad.

Jan. 1990.—Deputy Sobchak and another member of Congress appeared on Leningrad television warning of the dangers of anti-Semitism and the possibility of pogroms.

Jan. 27, 1990.—Muslim nationlists conducted a march and rally in Dushanbe. At the Dvoretz Profsoyuzov Square in front of the Palace of Trade Unionists, the nationalist leaders called for an all Muslim Tadjik Republic and urged getting rid of all Jews and Russians.

Jan. 28, 1990.—A KGB representative appeared on Leningrad television claiming that they have "no information on anti-Semitism in Leningrad . . . it is non-existent, only rumors."

Jan. 29, 1990.—(date received) According to an emigree, a physician now residing in Boston, a postcard threatening a "huge" pogrom on February 18, 1990 was found in her mother's mailbox in Leningrad.

Jan. 29, 1990.—(date received) According to Alexander Shmukler of Moscow, Jews fear for their survival in Leningrad and are urgently seeking relocation. The Alma-Ata Jewish Cultural Association has received 100 letters from Jews in Leningrad wishing to move there while waiting the six months to receive exit permission. A Riga Deputy of Congress reported that 1,000 letters from Leningrad Jews asking to relocate to the city of Riga have been received.

Jan. 29, 1990.—The Patriots organization leafleted metro stations warning of pogroms in Leningrad scheduled for May 13th. Patriots claim that they are being distributed by the Zionists.

Feb. 7, 1990.—(date received) Jews in Tashkent received flyers in their mailboxes saying "Jews get out, pogroms by March.

Feb. 14, 1990.—According to reports, Yevgeny Yevseyev, head of the Soviet Public Committee Against the Restoration of Diplomatic Relations with Israel, was killed by a hit and run car without license plates on the Ring Road in Moscow after being stopped at a militia point and ordered out of his car. Later that afternoon, 100 Pamyat activists demonstrated in Pushkin Square and accused Jews of his murder. The demonstrators also alleged that Jews had been responsible for the death of Vladimir Begun, a famous anti-Semitic writer, who died of natural causes.

What is the antidote for this poison, Mr. President? Education and political leadership can counter the lies, slander and scapegoating which form the core of the twisted anti-Semitic ideology. Thus, Senate Concurrent Resolution 97 emphasizes the importance of President Gorbachev publicly condemning anti-Semitic harassment and violence.

The anti-Semitism problem is further complicated by the refusal of the Soviet Government to permit regular, frequent flights between the Soviet Union and Israel. Many thousands of Soviet Jews, confronted by anti-Semitic violence, wish to emigrate to Israel. But many of these people must wait up to 2 years to emigrate once they receive Soviet permission to leave, which in itself is often a complicated process that does not always result in success. While they wait for permission to emigrate on a flight to Israel, Soviet Jews continue to be subject to harassment, threats, and violence.

Senate Resolution 252 addresses this problem by expressing the sense of the Senate that the United States should not complete trade negotiations with the Soviet Union, nor waive the Jackson-Vanik amendment unless and until the Soviet Union complies with its December 1989 agreement with Israel to permit El Al to have direct airline flights between the Soviet Union and Israel.

This resolution would make clear to the Soviet Government that liberalization of United States-Soviet trade relations would not occur unless the problem of transportation for Jewish emigrants is resolved.

The world will not tolerate pogroms against Soviet Jews. The Senate should act now on Senate Concurrent Resolution 97 and Senate Resolution 252.

CAMPAIGN FINANCE REFORM

Mr. DANFORTH. Mr. President, I appreciate the desire of the managers of the clean air bill to proceed with amendments. But because none appears to be forthcoming right now, I thought that I might take advantage of a few minutes of free time on the Senate floor to discuss the issue of campaign reform: Obviously, a very big issue in the country right now, one that has received a lot of attention over a long period of time here in the Senate. I detect a much greater amount of fluidity in positions that various Senators are taking, due to the fact that this is an issue that has been with us for a long time. There is, I think, a desire on the part of some Senators to get on with it and put it behind us. Also, the report that was made recently by the experts who were appointed by the leadership has been viewed as something of a breakthrough, at least in renewing discussions by various interested Senators on the possibility of dealing with campaign reform.

I would like to state my own views on the subject. In my judgment, much of the debate that has occurred to date on campaign reform has missed what I believe to be the point. Virtually all of the discussion and virtually all of the legislative proposals have had to do with campaign finances and, therefore, have been proposals dealing with the limitations on PAC contributions, on individual contributions, and on out-of-State contributions, and on the possibility of an overall cap on campaign spending. But I must say that, to me, those are issues of secondary importance.

I think that there is a lot to be reformed in campaign spending, but I really do not believe that Senators are going to be bought for a $1,000 contribution, or for a $5,000 contribution. I do not think that when a Senator is conducting, say, a $5 million campaign, the fact that a political action committee contributes $5,000 to that $5 million campaign offers the possibility of being a corrupting influence. I do think there is a big problem in campaign financing, in that political campaigns are so expensive these days, and the money has to be raised in small increments. Therefore, people who want to run for the Senate and incumbent Senators who want to seek re-election find themselves spending literally years of their time raising money in fairly small batches.

I could really, in my own view, take it or leave it on most of the proposals for campaign finance reform. I do not mind signing on to proposals to limit contributions of various kinds, or to increase contributions of various kinds. To me, the issue of caps is something that does not exactly turn me on.

So, I am taking the floor today to say to anybody who is interested, whether it is Democrats who are interested in campaign reform or Republicans who are negotiating various alternative positions, that this Senator is up for grabs. I am ready to be ap-

proached, because I have some concepts of what a campaign reform bill should have in it—really, has to have in it, to be meaningful campaign reform. If I can find somebody who is willing to incorporate the three points I am about to describe, I might be willing to go along with virtually any proposal on campaign financing itself.

My fundamental concept is that what is wrong with political campaigns these days is not how they are financed. What is wrong with political campaigns is their content. Political campaigns in the modern era area sleazy. Political campaigns turn the stomach of the average voter. Most people, by the time election day occurs, are sick of the whole process. There has been a lot of commentary about how turned off the public is. I do not know what the academics have concluded, but I know what I have concluded just on the basis of talking to my own constituents. They are sick about modern politics and they are sick particularly about what they see on television.

I am told that about 60 percent of the cost of a modern political campaign is television. I think that it is more than that, in point of fact. I think that the 30-second television commercial has become the be-all and end-all of political campaigns. If you cannot get the right TV consultant and buy the right amount of TV time, you lose. A 30-second commercial can turn a campaign. A 30-second commercial that is unanswered by another 30-second commercial can cause a defeat. So, political campaigns have become battles of media consultants devising negative commercials.

Oftentimes, these negative commercials have nothing to do, or little to do, with reality. They are substantiated by the thinnest amount of truth and accuracy and fairness. The effect that has on people who serve in the Senate is obvious. We come to the floor of the Senate and vote on somebody's amendment and the first thing that comes to our mind is, "How is this going to be used in the next campaign in a 30-second commercial? That is what is wrong with campaigns today. I think it trivializes the problem to say that it is simply a matter of financing. It is much more than that, and I believe also that the quality of campaigns today has taken something valuable from the American people: It has used them. It has measured their responses by focus groups and opinion polls and it has discarded the primary function of the American people in our political system * * * to determine the future course of the country. It has locked candidates into ridiculous positions because only ridiculous positions can be compacted into 30-second commercials.

So, Mr. President, my position is that we have to deal with the quality of campaigns and particularly with sleaziness, the contemptible nature of the modern television campaign. I propose to do that in three ways.

The first has to do with how time is purchased on television by political candidates. About 20 years ago, we passed a new rule called the lowest unit rate rule. The idea was that candidates should be charged no more than commercial advertisers. The lowest unit rate that was charged General Motors or AT&T, or whoever else is advertising on television, should be charged candidates for public office, and no more. After that rule was established by Congress, a loophole was punched through the rule because a distinction was made by the broadcasters between preemptible time and nonpreemptible time, a distinction that has no real meaning for a commercial advertiser. A commercial advertiser, if he cannot show his advertising today, can show it tomorrow or next week. Political campaigns end on election day, and candidates cannot afford to be preempted, So, the broadcasters go to the candidate and say, "We advise you to buy nonpreemptible time." Nonpreemptible time is not even sold, is not even suggested to commercial advertisers; it is to political advertisers. And the stations sometimes can extract five times, or even more, in rates from political candidates than from commercial advertisers, by drawing the distinction between preemptible and nonpreemptible time. To make matters even worse, there is the potential for abuses because the television broadcaster can say to favored candidate A, "No chance you're going to be preempted; believe me, I'll take care of you—Buy preemptible time at the cost of dollar X." Then, that broadcaster can go to the unfavored candidate, candidate Y, and say to candidate Y, "Well, you can be preempted, so you'd better buy nonpreemptible time at dollars five X." So, I suggest dealing with the problem of the loophole in the lowest unit rate rule. This is a bill that has been reported out of the Senate Commerce Committee. I think that it should be part of campaign reform legislation.

Second, I think that the disclaimer in television commercials should be changed. The present form of the disclaimer—the tag line used in the commercial—tells the public nothing, and doesn't hold candidates accountable. The present disclaimer says, This message has been brought to you by the Citizens for Dokes committee. What does that tell you? It doesn't tell you that the candidate assumes responsibility for the commercial. I think that at the very least the candidate, himself or herself, should appear during that commercial and say, "I vouch for this message. I assume responsibility for this message. I own up to it." That can be said in the same amount of time that the present tag line says about the Friends of Dokes. I think that it would have the effect of cleansing campaigns if candidates could not hide behind some anonymous committee, and if the candidate himself says, "I know what is in this message, and I concur with it and I adopt it as my own message." That is the second reform that I propose.

The third is this: I don't know of any way of getting rid of the 30-second television commercial. I wish there were a way to do it, but I don't know how to do it. But I do believe that at least the option should be provided for candidates to run messages of more than 30 seconds. I believe that 5-minute time slots should be available, or maybe even 2-minute time slots, because I think that something of substance could be said in a longer period of time. Thirty seconds is good for nothing but a negative hit. But I am told by people who are media advisers that it is very difficult to run a negative commercial that is 2 minutes long or 5 minutes long. If we are going to get into the business, as the panel of experts has suggested, of providing time free of cost to candidates—and I think that that is a reasonable idea, myself—I think that we should provide that in time slots of reasonable length. I do not think that it is campaign reform for us to get into the business of saying we want yet more time provided for 30 seconds of sleaze. I do not think that it is campaign reform for us to conclude that what is wrong with the system is that there aren't enough 30-second commercials now, and we have to find a way to provide more. So my third reform proposal is to provide the opportunity for long time slots.

Those are the three ideas I think should be incorporated into campaign reform. First, the reform of the lowest unit rate rule. Second, enhanced disclaimers so candidates assume personal responsibility for their messages. Third, the affording to candidates of time of well over 30 seconds, perhaps as much as 5 minutes. The details of these are negotiable as far as I'm concerned.

I believe that these are the essential components of true campaign reform. I repeat what I stated earlier: This Senator frankly is up for grabs. I am ready to talk to anybody. I am ready to sign onto campaign reform legislation, regardless of who offers that legislation. I am willing to consider issues relating to controlling the costs of political campaigns, because I do not think that those issues are of central importance. But if somebody can say to me, we can put together a bill that includes lowest unit rate reform, that includes enhanced disclaimers, and that includes longer time slots for candidates to run their messages, then I would say to those people who are

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working on such legislation that they have a potential partner in the Senator from Missouri.

DEFENSE MANAGEMENT FAILURES

Mr. GRASSLEY. Mr. President, the defense management failures of the 1980's produced marginal capability improvements and by doing that it was only through great cost to the taxpayers. These failures during the 1980's were characterized by a disconnect between plans, on one hand, and execution on the other. Program managers would experience frequent cost, schedule, and performance problems at the execution level, but defense planners did not modify their estimates to reflect these real-world results. In an attempt to avoid tough program choices, defense planners did not take into account realistic funding levels in a constrained fiscal environment. Stretch-outs ensued, and cost, schedule, and performance problems persisted.

This phenomenon persisted throughout the 1980's and even until this present day. It has created a phenomenon that I have called a management paradox. The paradox is that we appear to have, simultaneously, too much money and yet too little money, too much money to manage programs efficiently, and too little money to execute our defense plans. In the 1970's, this paradox brought us to what we all recognized as a "hollow army." In the 1980's, it precluded capability improvements commensurate with defense budget growth and it was very great. And in the 1990's, unless we can resolve this paradox, it will return us to a hollow army, only at far greater cost.

I raise these points, Mr. President, in the context of reforms currently underway at the Pentagon. I am referring, of course, to the defense management review and its implementation activities. The DMR was issued by Secretary Cheney last July. The implementation actions, which are intended to implement the DMR, were issued in January.

In December, I put out a response to the DMR, indicating it does not go far enough toward resolving the defense management paradox. The paper contained a broad framework for curing the management failures in DOD and would build upon the reforms identified in the DMR. Today, Mr. President, I am releasing my second report—a response to the implementation activities. This paper is the first comprehensive scorecard on this administration's reform efforts to date. It is also the first blueprint for a strategy to manage the build-down for a peace dividend, and to avoid a return to a hollow army characteristic of military efforts of the 1970's. The paper is entitled: "The Defense Management Challenge: Recommendations for Managing Defense Resources in the 1990's."

In terms of the scorecard, the key section of this paper is the table on pages 14 and 15 that show the success or failure of specific implementation initiatives to date by each of the military services.

The table lists all the recommendations in the DMR, and then whether or not they have been implemented, and by which service.

In terms of the blueprint for managing the build down and improving defense management overall, I have presented the following: First, I have identified an improved nine-step planning process that builds on the DMR recommendations and makes use of existing processes. To address the program execution problem, I have identified eight recommendations, three of which relate to contractor incentives for controlling cost. I have also identified an approach for building on the program executive officer-concept, or peo-concept, concept in a manner that links planning and execution, which I believe is the key requirement for resolving the management paradox. And finally, I have put forward six principles that DOD should use in formulating quantitative measures of success for tracking progress; this is a management component that has largely been ignored by DOD, yet is necessary for achieving national security objectives in an efficient manner.

Mr. President, the bottom line of this paper is that progress toward reform is creeping along very slowly. Meanwhile, the DMR savings for fiscal year 1991 of $2.3 billion are already canceled out by cost and performance problems on the AMRAAM. The shortcomings in DOD's current efforts are due mainly to bureaucratic resistance. As the winds of reform are sweeping through the halls of the Pentagon, bureaucrats everywhere are hunckering down, waiting for it to blow over. This concerns me greatly, Mr. President, and that is why I have kept such a watchful eye on what is currently transpiring across the river. It is my intention to do whatever I can to make sure the elected officials of this country are successful in their reform efforts, and that a resistant bureaucracy does not win out.

In the days ahead, I plan to speak before this body on a frequent basis to clarify and specify what I consider to be the fundamental problems facing defense managers, what it will take to correct these problems, and where and when the administration's reform efforts are being submarined by the bureaucracy. I would like at this time, Mr. President, to have this paper printed in the RECORD, and so ask unanimous consent.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE DEFENSE MANAGEMENT CHALLENGE: RECOMMENDATIONS FOR MANAGING DEFENSE RESOURCES IN THE 1990'S

(By Senator Charles E. Grassley, Mar. 7, 1990)

PREFACE

The defense management failures of the 1980s produced marginal capability improvements at great cost. These failures were characterized by a disconnect between plans and execution. Program managers would experience frequent cost, schedule and performance problems at the execution level, but defense planners did not modify their estimates to reflect these real-world results. Moreover, in an attempt to avoid tough program choices, defense planners did not take into account realistic funding levels in a constrained fiscal environment. Stretch-outs ensued, and cost, schedule and performance problems persisted. If allowed to continue, these practices will lead to "expensive weakness"—a return to the "hollow army" of the 1970s, only at much greater cost.

The defense management paradox of too little money to execute plans and too much money to efficiently manage programs has plagued our attempt to significantly increase military capability in the 1980s. This paradox is characterized by unrealistic planning, inefficient program management, and poor linkage between defense planning, budgeting and program execution. In the 1970s, the paradox led to a "hollow army." In the 1980s, it precluded capability improvements from being commensurate with growth in the defense budget. As defense budgets decline in the 1990s, we must resolve the paradox if we are to avoid a return to a hollow army.

To avoid a decade of expensive weakness, we must reform the process by which objectives are established, plans are made, programs receive resources, and the budget is executed. This requires "linkage" between the various organizational elements under a new defense management structure.

The Defense management report to the President, submitted by Secretary of Defense Cheney in July, 1989, presents a conceptual and organizational approach for reforming defense management processes. It is a good beginning and a necessary first step; however, it is only a partial blueprint for reform. It fails to identify a means to link execution decisions to national security objectives or a method for measuring progress towards achieving the objectives. Ignoring these components of effective management heightens the risk that some needed defense capability may not be funded at the expense of congressional pork-barrelling, since Congress will not have the basis for identifying the implication of its actions on national security. And, of course, this would provide increased momentum along our current course toward expensive weakness.

In my December 13 paper entitled "The Defense Management Challenge: Avoiding a Decade of Expensive Weakness," I outlined additional components that, when added to those in the DMR, would be the basis for bringing modern management techniques to DoD—a blueprint for effective defense reform. I referred to the need for improvements in each of the "Four Pillars Of Effective Defense Management." They are the

key, especially in light of declining resources and changes in the world, to cost-effectively achieve national security objectives by balancing investments across the four capability areas of force structure, modernization, readiness and sustainability.

Since publication of the DMR, DoD presented the DMR implementation actions which were intended as the first step toward implementing the DMR recommendations. These implementation actions fall far short of the reforms envisioned in the DMR. They constitute a timid first step on the path to resolving the defense management paradox. Concentrating on acquisition and logistic organization structure, the actions would result in an estimated $2.3 billion of net savings for fiscal year 1991 by reducing overhead and consolidating some organizational functions; but, they do not change the processes associated with plans, budgets and execution. In other words, staff reductions will not resolve defense planning or cost growth problems, and do not provide the critically needed element of linkage between plans and execution. As a result, continued program execution problems will likely swamp the savings from the implementation initiatives. For example, the entire FY 1991 estimated savings of $2.3 billion will be completely offest by the recent-reported AMRAAM cost overrun.

Further still, the implementation actions have yet to be acculturated within the bureaucracies of the Military Services, such that the actual effect, or success, of DoD's reform efforts is still very much in question. These bureaucracies are responsible for the execution of DoD's management practices. They resist change and fear the uncertainty associated with reform. The Services "game" attempts to implement reforms not seen by themselves as being in their interest. In the past, bureaucracies regarded reform as a passing fancy; once the reform would "blow over," they would return to business as usual. It is therefore a relevant question to consider if the timidity of the implementation actions simply reflects the level of bureaucratic resistance.

This paper provides a blueprint for successful defense management reform to ensure we are getting the biggest bang for our buck in light of declining resources. Section I reviews my December 13 paper; Section II reviews the DMR implementation plans and raises specific concerns about these actions as they would relate to the four pillars of effective defense management; and, Section III provides innovative approaches for achieving the DMR reforms, as well as for those pillars of reform not addressed in the DMR. These innovative actions are drawn from reformers within the DoD bureaucracy and would build upon existing efforts to more effectively manage declining defense resources in the 1990s.

Now is the time to improve defense management. Defense budgets in the 1990s will not likely support all the programs, personnel, or bases in current DoD plans. At the same time, there is vast uncertainty with respect to national security needs, since major geo-political events are occurring every day. There are also strategic and conventional arms control opportunities that offer potential windfalls for both national security and the defense budget. This confluence of circumstances will result in critical fiscal and national security consequences. If DoD can follow through on reforms, we can channel the confluence into a true "peace dividend" and away from its current course towards expensive weakness.

I. OVERVIEW OF THE DEFENSE MANAGEMENT CHALLENGE

A. The Defense management paradox

Throughout the 1980s, the defense budget grew and was maintained at an unprecedented peacetime level. There were gains in modernization, but at such high costs that fewer quantities than planned could be purchased. In addition, the budget build-up failed to produce significant gains in the three other defense capability areas: force structure, readiness, and sustainability. DoD management practices proved to be much of the problem: DoD management could not translate significantly larger budgets into proportionally larger, more ready, or more sustainable forces.

As we move into the 1990s, the defense budget is declining, the international environment is changing rapidly, and arms control opportunities are promising. Now, as much as ever, there is a need to improve DoD management practices. Available resources must be managed effectively if we are to avoid a return to the "hollow Army" of the 1970s.

In the past, DoD management failures have created a paradox. This paradox is manifest by two conditions; too little money to execute the plans, yet too much money to efficiently manage DoD programs.[1] Spending cutbacks are inevitable, and DOD's management must respond in a manner that optimizes investment in the four capability areas (force structure, modernization, readiness, and sustainability). To make best use of available funds, DoD's management reforms must address both elements of the paradox—unrealistic planning and inefficient program management.

Unrealistic planning

The first element of the paradox, unrealistic Five-Year Defense Plans (FYDPs), derives from poor planning practices. These practices preclude development of an executable FYDP. As a result, Secretary Cheney has made two major revisions to the current FYDP; first deleting $64 billion and then $167 billion of planned programs. This $231 billion-change in the plan equals an overestimate of nearly one complete year's-worth of funding. Most of the cuts were allocated to the investment accounts (RDT & E, procurement), leading to continued program instability and unit cost growth.

The major management problems that have prevented the formulation of achievable FYDPs are: unrealistic estimates used in formulating budgets, lack of linkage between planning and execution, and an inability to make tough program choices. Throughout the past 20 years, various GAO studies have shown that the FYDP has been unachievable because of overly-optimistic cost and funding estimates. Since 1985, the annual defense budget has been stable, yet DoD consistently constructed FYDPs incorporating rapid budget growth. Now, the budget will likely decline. This implies that the need for sweeping program revisions will continue as today's plans become future-year defense budgets.

Making program choices on the order of tens or hundreds of billions of dollars is difficult under any circumstances. But, DoD has been unable to prioritize programs in line with national security objectives and allocate resources to balance expenditures across the four capability areas. So, for example, DoD's $64 billion-FYDP revision included $45 billion in undistributed "negative adjusting entries" representing decisions planned but not yet made. This is also the case for the recent $167 billion-FYDP revision, since much of this cut has not been allocated to specific programs.[2] Secretary Cheney has tried to make some major program revisions. However, Congress has been unwilling to support DoD's attempts to kill major programs, such as the V-22 Osprey, and must share responsibility for this prong of the paradox.

Now, as the bills are coming due for programs begun in the 1980s, there is a need to make major program choices—choices that capitalize on the changing international environment and make best use of resources available in the 1990s. Instead of funding all current programs at levels too low to efficiently accomplish national security objectives, DoD must set priorities and allocate funds to cost-effectively achieve those objectives. Program cancellations and base closings will likely result, and Congress should subordinate its parochial considerations to such choices in the interest of national security.

Inefficient Program Management

Weapons program costs continued to grow throughout the 1980s. These costs were paid to satisfy the need to modernize. The cost growth occurred because of poor management practices by both government and industry, government contracting procedures, and Congressional pork-barreling. Some cost growth must be attributed to advanced technology. However, it is clear that net increases in capability were less than cost increases because of battlefield integration problems (e.g., availability of delivery platforms for weapons, command and control interfaces) and quantity reductions resulting from higher than planned costs. Many of the resources that should have been used for increased force structure and readiness, as well as modernization, instead paid for higher unit costs.

Little quantitative data exists on the exact magnitude of cost growth during the 1980s. In the early 1980s, when cost growth and contractor pricing horror stories became public, the Defense Department responded by managing the flow of information rather than managing the problem. In other instances, DoD jockeyed cost growth reporting mechanisms, such as the Selected Acquisition Reports (SARs), to cover up problems. Costs grew in two ways: a given type of system (e.g. tactical fighters) cost much more than previous generations, and program unit costs for current generation systems continued to rise. Congress responded with a number of initiatives; some reduced costs (e.g. the Competition in Contracting Act), others may have increased costs. In summary, the management methods set-up to manage 1970s programs costing "merely" tens to hundreds of millions of dollars were inefficient for the 1980s, when major program cost tens of billions of dollars.

B. Going beyond acquisition reform

A number of reports have set forth recommended solutions to these problems. They have focused on reforming the acquisition process and the organizational elements related to acquisition. But, the nature of the paradox is such that organizations at all levels of DoD are affected. In order to improve planning and execution of the defense program, DoD management reforms, including acquisition reforms, must be implemented. The issue is not defense acquisition reform; rather, it is defense management reform.

Footnotes at end of article.

Secretary Cheney has recognized the need for going beyond acquisition reform in his *Defense Management Report to the President* (DMR). In this report, he calls for improvements in the defense management framework, Government-Industry relationship, and Congressional activities with respect to defense programs and policies.[3]

In particular, defense management reforms are needed to: establish national security objectives; set priorities for achieving those objectives; and allocate resources in line with realistic plans for achieving those objectives. Defense management reforms must incorporate measures of merit for tracking progress towards achieving national security objectives. The reforms of the Government-Industry relationship and Congressional defense-related activities must be made in line with improvements in the defense management framework, such as removing the disincentives for contractors to reduce costs. Actions of all players—DoD, the defense industry, and Congress—should be tied to the efficiency by which national security objectives are achieved.

The key requirement for DoD achieving gains in the four capability areas is the establishment of defense program objectives. The need for such objectives was identified in the DMR which called for DoD components to submit Program Planning Objectives (PPOs) to the Office of the Secretary of Defense (OSD), The PPOs were to be prioritized, and a 20-year "road map" of investment was to be developed for the PPOs. The value of this approach is that it enables top-level objectives to cascade downward to organizational elements responsible for achieving a sub-objective. Likewise, a measure of success can be tied to the overall objective and cascaded downward to track performance and use of resources by responsible organizational components.

The DMR recommendations, aside from the PPOs and 20-year road maps, concentrated mainly on the acquisition system. They emphasized streamlining procurement oversight regulations and organizational elements. But, the reforms did not consider acquisition improvement within the larger context of defense management reform, even though for the first time in nine years procurement was not the largest portion of the defense budget request. In addition, management reforms did not address the relationship between national security objectives and efficient use of resources in the other expenditure categories (Operations and Maintenance, Military Personnel, Military Construction, etc.). In summary, the DMR failed to address management of the majority of defense resources.

C. Four pillars of effective Defense management

Defense management gains its effectiveness by cost-effectively balancing investments in the four capability areas to achieve national security objectives. It follows that recent defense management problems can be measured by the lack of balanced achievements in the four capability areas. In order to achieve the necessary balance, modern management techniques recognized by top management experts can be categorized into the following four essential pillars for effective defense management:

Decision-making framework: the manner by which DoD sets objectives and manages to achieve those objectives (e.g., management by objective, management by consensus, management by exception);

Organizational structure: the organization of DoD elements, including responsibilities and reporting lines;

Efficient Allocation of Resources: defense budget, personnel, and equipment resources which are used to achieve the objectives;

Quantitative measures of success: verifiable, quantitative measures for assessing progress towards achieving objectives and reallocating resources in line with cost-effectiveness of investments.

The four management pillars apply to both industry and government, and they are the key components in DoD's Total Quality Management (TQM) initiative for bringing modern management techniques to the Pentagon. The four pillars tell DoD to: set national security objectives; apply a streamlined organizational structure with components that have the responsibility, resources and incentive to achieve those objectives; align resources with objectives; and, track progress toward achieving the objectives and reallocate resources as needed.

D. Cultural resistance to reform

DoD is a large bureaucracy, with many components that are comfortable and successful in "working the system." These components of the bureaucracy resist change and fear the uncertainty associated with management reforms. The Military Services "game" attempts by top management to implement reforms not seen as being in the Services' interests.

The Military Services would like to respond to declining defense budgets as a budget cut to be proportionally shared acrosss programs, and to the changing international environment as justifying new roles and missions. However, as I explained in the Defense Management Challenge: Avoiding a Decade of Expensive Weakness, the magnitude of these required changes is much greater than can be dealt with through merely reducing current forces. (4)

The DoD Planning, Programming, and Budgeting System (PPBS) reflects the myriad interest groups rather than a national strategy. These interest groups have learned how to maneuver within the PPBS in order to obtain resources and perpetuate their interests. As long as the decision-making framework and organizational structure perpetuate the interest groups' benefits through gaming the PPBS, needed reforms will be circumvented. Progress can only be made by aligning organizational incentives with the efficient use of resources toward achieving national security objectives.

Since the publication of the DMR, DoD hasn't been able to implement PPOs or the road maps for achieving those objectives. In addition, DoD has not devoted enough attention to efficiently allocating resources in line with measured progress toward objectives. As a result, there is currently no means for linking resourcing decisions to national security objectives—leading to the risk of not funding some needed capability, and increasing the likelihood of authorization and appropriation bills based on pork-barrel strategy, since Congress will not have the basis for identifying the implication of its actions on national security objectives.

II. REVIEW OF THE CURRENT DMR IMPLEMENTATION PLANS

A. Overview of the Defense management review

In June 1989, Secretary Cheney completed the Defense Management report to the President. In the report, he outlined conceptual defense management reforms affecting "business-as-usual" for DoD, Congress, and the defense industry. In highlighting the need for reform, Secretary Cheney noted: "If we are to continue to protect our global interests, meet our responsibilities, and minimize the risks to our security, we must preserve essential military capabilities through ever more skillful use of the resources at our disposal." (5)

Secretary Cheney's report puts forward a defense management decision-making framework, planning and acquisition organizational reforms, enhancements in the government-industry relationship, and recommendations for the way Congress addresses defense programs and policies. The report concentrates on the decision-making framework and organizational structure pillars of effective management. Table II-1 summarizes the DMR implementation activities and identifies which management pillar is affected.

The report recommended a series of analyses and organizational reviews. In line with the report's philosophy of continuous improvements in defense management, DoD has indicated that it will continue to implement the report's recommendations.

TABLE II-1.—DMR IMPLEMENTATION ACTIVITIES & DEFENSE MANAGEMENT PILLARS

DMR recommendation	Decision-making framework	Organization structure	Resource utilization	Quantitative measurement
Planning reforms (biennial budgeting, program planning objectives, 20-yr. road maps, realistic funding estimates	X	X	X	
Revitalized DAB		X		
Broader role for joint requirements Oversight Council		X		
Transfer major automated systems acquisition oversight to DAB		X		
Three tier acquisition structure for each military department		X		
Active involvement of USD/A and SAE's in program and budget cycles, resource decisions affecting program baselines		X		
Remove multi-yr. procurement savings threshold requirement	X			
Sustained tenure for successful PEOS and program managers		X		
Regulatory review of acquisition, procurement, logistics, and related activities	X			
Review of single-purpose requirements	X			
Select new defense enterprise programs	X			
DOD-wide civilian acquisition personnel policies	X			
DOD payment for acquisition-related coursework			X	
DOD acquisition workforce classification standards	X			
Dedicated military acquisition corps and associated training program		X	X	
Central USD/A Office of Acquisition Personenel		X		
Streamline acquisition management, logistics, distribution, and related maintenance functions to save $30B 1991–05		X	X	
Consolidate contract administration into new agency		X		
USD/A control of concept direction study funding		X		
Use concurrent engineering and operational testing for major programs	X			
Revisions to DAB milestone reviews	X			
USD/A improve SARS, DAES, and other acqusition information systems				X
Coordinate technology base programs and eliminate duplication (encourage competition, prototyping, cost reduction	X			
Implement DSB recommendations on commercially available products and competitive practices	X			
Establish database to track use of commercially available products				X

TABLE II–1.—DMR IMPLEMENTATION ACTIVITIES & DEFENSE MANAGEMENT PILLARS—Continued

DMR recommendation	Decision-making framework	Organization structure	Resource utilization	Quantitative measurement
Develop legislation to simplify contracting procedures for commercially available products	X			
Develop legislation for awarding competitions to best value	X			
Develop DOD-wide contractor performance review system				X
Administer ethics regulations and develop workforce training and guidance		X		
Charter a DOD ethics council		X		
Encourage contractors self-governance and enclosure		X		
Remove industrial base disincentives	X			
Develop defense industry quality awards program	X			
Streamline procurement laws	X			
Prepare white paper on Congress and DOD relationship		X		

Secretary Cheney's report was valuable not only because it would lead to DoD budget and personnel cuts; rather, it proposed fundamental changes in the way DoD turns its budget into military capability. The key recommendations for improving management of defense resources were: the Program Planning Objectives (PPOs) and associated 20-year road maps; acquisition system improvements; and, limits on micromanagement of defense programs, including Congressional micro-management. These initiatives are critical to DoD making the most efficient use of defense resources and being able to provide needed capability in light of reduced budgets.

B. DMR implementation activities and the four management pillars

Since publication of the report, six important goals have been used to focus DoD's implementation activities. These goals are:

Reduce overhead costs without sacrificing military strength;

Enhance weapon system program performance;

Reinvigorate the planning and budgeting process;

Reduce micromanagement;

Improve observance of ethical standards in government;

Strengthen the defense industrial base.

In January, DoD presented the DMR implementation actions in line with its six management reform goals.[6] The results of DMR-initiated reviews which were completed by the Fall 1989 timeframe were incorporated into the proposed FY 1991 DoD budget, at an estimated net savings of $2.3 billion. These actions focus on DoD's acquisition and logistic organizational structure, with estimated savings of $39 billion over the period FY 1991-95. For example, a key logistic action reorients incentives for supply system item managers towards cost reduction by transfering funding from the procurement budget to stock funds. This change will make more efficient use of $2.8 billion in FY 1991 programs. In addition, over twenty Process Action Teams have been established to develop implementation plans for the DMR. As a result, DoD has attempted to improve the defense management decision-making framework by streamlining regulations, enhancing the JCS role in resource and acquisition decisions, and redefining roles and responsibilities to streamline acquisition and logistic functions.

As did the recommendations in the Defense Management Report, DMR implementation actions concentrate on the management decision-making framework and organizational pillars of defense management; some initiatives affect the use of resources (inventory control) but none enables measurement of progress toward achieving national security objectives. As a result, there is not a clear linkage between the implementation plans and the FY91 DoD program's balance of investments across the four capability areas.

In order to resolve the current paradox of unrealistic planning and program management inefficiency, attention must be paid to all four defense management pillars. DoD's implementation of the report's recommendations need to be coupled with improvements in the third and fourth pillars of defense management—resource utilization and quantitative measures of success. The current DMR initiatives reduce overhead and consolidate functions, providing much-needed savings; but, they do not change the processes by which plans are made, programs receive resources, and the plan is executed. Without reforming these processes, it is likely that the "hollow army" of the '70s will again appear.

With respect to the resource utilization pillar, DoD's implementation actions do not address the alignment between national security objectives and available resources. As noted above, DoD has not been able to define PPOs and associated 20-year road maps, per the DMR recommendations. Without such a mechanism for linking resources and strategic objectives, DoD and the Congress cannot effectively integrate budget considerations with the changing international environment. For example, the Defense Planning and Resources Board (DPRB) appears to be evaluating national security implications of changes in Europe. In addition, compared to the last 9 defense budgets, DoD has incorporated the most realistic budget assumptions into the preparation of the FY 1991 budget. However, since the 20-year road map recommendation has not been implemented, there is no traceable mechanism to link the budget estimates with national security objectives and facilitate the redistribution of major blocks of funding even after the DPRB completes its evaluation.

With respect to the fourth managment pillar, measuring progress, the relevant implementation actions may include centralizing information management systems and system requirements analyses to refine DoD-wide information needs. It is not clear how the systems will enable tracking of resources against the achievement of national security objectives since management measures of merit are not addressed.

Overall, these initiatives highlight reducing the cost of doing business-as-usual. They are fiscally responsible initiatives that should have been done years ago and Secretary Cheney should be applauded for getting the job done. However, today's real defense management challenge is achieving needed capability with fewer resources. Addressing this challenge goes beyond cutting out fat, which Secretary Cheney has begun to do. Needed reforms must address: establishing measurable national security objectives; more realistic planning; efficiently executing programs; and creating a credible feedback system between execution and planning.

C. Specific concerns: Implementation of specific recommendations

In the DMR, Secretary Cheney recommended actions to improve the defense acquisition system by implementing the Packard Commission recommendations. In addition, he recommended an approach, based on modern management principles, to more effectively align defense resources and national security objectives.

The DMR implementation plans presented to Congress in mid-January provide the pathway to some needed defense management savings. It should be noted that, to Secretary Cheney's credit, there are some additional initiatives not traceable to the report's recommendations. However, the current implementation plans are insufficient for achieving the type of management improvements recommended in the DMR, because the plans do not modify the processes which determine how resources will be allocated against needs.

As valuable and needed as the DMR reforms are, their implementation is being constrained by the bureaucracy's cultural resistance to management reform. DoD's progress briefings have noted that the process of improving management will continue, as it should, but for now it will only be partial. Table II–2 presents a crosswalk, by Military Service, of the report's recommendations and the current implementation actions. This Table provides a look at what actions are underway at the Service-level. The snapshot represented in this Table is telling since the Services are ultimately responsible for implementing the reforms and executing the defense program.

Specific concerns: Defense management decision-making framework

Secretary Cheney's report prescribes a management decision-making framework aimed at implementing Management By Objective (MBO) for DoD. The key feature is specific planning guidance communicated via the Defense Planning Guidance (DPG) to the Military Services and other DoD elements. The DPG, published in January, was supposed to contain PPOs, as well as 20-year road maps of the investment plans needed to achieve the PPOs. As noted above, these were absent from the document. Last Summer, DoD tried to implement the DMR PPO and 20-year road map recommendations for a limited portion of the defense budget, but, as reported in my December paper, bureaucratic "gaming" staved off even this partial reform effort.[7]

TABLE II–2.—DMR IMPLEMENTATION INITIATIVES BY MILITARY SERVICE

DMR Recommendation	Army	Navy	Air Force
Planning reforms (biennial budgeting, program planning objectives, 20-yr road maps, realistic funding estimates.			
Revitalized DAB	Orients PMS toward risk management, milestones, consolidated to 4, DAB decisions signed out within 48 hours of meeting		
Broader role for Joint Requirements Oversight Council			

TABLE II–2.—DMR IMPLEMENTATION INITIATIVES BY MILITARY SERVICE—Continued

DMR Recommendation	Army	Navy	Air Force
Transfer major automated systems acquisition oversight to DAB		Consolidated under SAE	Consolidated under AFSARC.
Three-tier acquisition structure for each military department	Established, 12 PEOS	Established, new SAE, seven PEOS, covers 21 of 51 systems.	Established, 6 PEOS.
Active involvement of USD/A and SAE's in program and budget cycles, resource decisions affecting program baselines.			
Remove multi-yr procurement savings threshold requirement			
Sustained tenure for successful PEOS and program managers			
Regulatory review of acquisition, procurement, logistics, and related activities		Conducted by an OSD led task force, removing or combining regulation	
Review of single-purpose requirements			
Select new defense enterprise programs			
DOD-wide civilian acquisition personnel policies	Using staff now in acquisition programs	Established director for acquisition workforce education and training.	In process of developing career path.
DOD payment for acquisition-related coursework	Developing civil schooling legislation	Established education, time of service, and performance requirements.	
DOD acquisition workforce classification standards	Established Army acquisition corps		
Dedicated military acquisition corps and associated training program			
Central USD/A Office for Acquisition Personnel			
Streamline acquisition management, logistics, distribution, and related maintenance functions to save $30B 1991–95.	AMC streamlined & staffing reduced.	Navy secretariat streamlined, buying commands streamlined & staffing reduced.	AFLC, AFSC staffing reduced.
Consolidate contract administration into new agency	Streamlined at Ammunition plants, transferred from tank plants and apros.		Streamlining accordingly.
USD/A control of concept direction study funding			
Use concurrent engineering and operational testing for major programs			
Revisions to DAB milestone reviews			
USD/A improve SARS, DAES, and other acquisition information systems			
Coordinate technology base programs and eliminate duplication encourage competition, prototyping, cost reduction.	Army labs and Army T&E study groups evaluating now to increase efficiency and quality.		
Implement DSB recommendations on commercially available products and competitive practices			
Establish database to track use of commercially available products			
Develop legislation to simplify contracting procedures for commercially available products			
Develop legislation for awarding competitions to best value			
Develop DOD-wide contractor performance review system			
Administer ethics regulations and develop workforce training and guidance			Establishing programs.
Charter DOD ethics council			
Encourage contractor self-governance and disclosure			
Remove industrial base disincentives			
Develop defense industry quality awards program			
Streamline procurement laws			
Prepare white paper on Congress and DOD relationship			

The PPOs are important for identifying actions to achieve a portion of the National Defense Strategy. The PPOs were to be derived from the national security objectives. The 20-year road maps are important because they would enable specific actions and resource needs to be tied to the fulfillment of the PPOs. Since the DPG was published without PPOs and 20-year road maps, there is no means of prioritizing alternatives uses of scarce funding on the basis of long-term national security implications. In this framework, it is impossible to quantify the sensitivity of the current allocation of resources to the uncertain international security environment.

Specific Concerns: Organizational structure

Overcoming the cultural resistance to reform can only be accomplished by creating PEOs responsible for achieving PPOs through program execution. The current SAE–PEO–PM structure, established in the late 1980s, is the first increment of acquisition organizational reform; the DMR implementation actions build on this strucutre, but should not be interpreted as being sufficient. The implementation actions streamline acquisition oversight and consolidate headquarters activities, rather than link planning and execution roles and responsibilities. As a result, the DMR Implementation activities do not affect incentives at the root of the cultural resistance, and, therefore, are not likely to change the decisions that lead to poor performance. It should be noted that the DMR has led to improved JCS involvement in the formulation of resource and system requirements; however, the planning and execution link has not been established.

There are three concerns about the implementation actions relating to the acquisition structure. First, PEOs have incomplete responsibility. The PEOs generally are not responsible for all related "non-major" programs, even though this category constitutes the majority of the acquisition programs. In addition, the Navy PEOs do not control 21 out of 51 major Navy programs. To their credit, the Military Services are giving some responsibility for non-major programs to the PEOs. However, keeping programs outside of the PEOs and three-tier acquisition management structure serves to justify retaining the old acquisition framework and two acquisition structures. Moreover, it prevents program integration decisions on related systems—decisions that could significantly increase the effectiveness of the acquisition process. It also results in time wasted by the PEOs and acquisition commands fighting over resources "owned" by the old acquisition system.

Having dual acquisition organizations results in ambiguous lines of authority and institutionalized confusion at the working level. Some acquisition command personnel are matrixed into the PEO structure, other personnel are working within the old acquisition structure, and the same personnel may work within the two acquisition structures in a given year. Career employees realize that their advancement will likely be in the old acquisition structure, which is much larger than the PEO organization. Therefore, many streamlining reforms may be paper changes without better results, since it is not clear that the new acquisition system provides sufficient career-related incentives to change from business-as-usual.

Second, the PEOs are not responsible for achieving mission-related program objectives; they have no authority for balancing objectives and resources at either the planning or execution level. The PEOs are supposed to provide "help" to Program Managers (PMs) having cost, schedule, and performance deviations from a baseline. The help consists of oversight and ad hoc problem solving ability. This streamlined oversight structure, without the means to focus resources against objectives or a check-and-balance system to ensure early identification of problems, has no inherent ability to more effectively acquire weapons than the current system.

Table II-3 lists the PEOs as they appear in the DMR implementation actions, and identifies whether each covers a mission area (e.g., air defense) or an equipment type (e.g., aircraft). (8) More than two-thirds of the PEOs are focused on equipment types. In this framework, a PEO could only respond to problems in one of his programs by taking resources away from another program. This framework is inherently inefficient because the equipment-oriented PEO lacks visibility of the impact of his actions on cost-effective achievement of mission capabilities; he may address one problem in an inefficient program by taking resources from another program needed for a different mission, thereby generating a second inefficiency.

TABLE II–3.—MISSION VERSUS EQUIPMENT ORIENTATION OF PEO's

PEO by military service	Mission category	Equipment type
Army:		
Strategic information systems		X
Aviation		X
Armaments		X
Strategic defense	X	
Command & control systems		X
Heavy force modernization		X
Combat support	X	
Air defense	X	
Standard Army management information system		X
Fire support	X	
Communications	X	
Intelligence and electronic warfare	X	
Navy:		
Submarine combat systems		X
Surface ship ASW systems		X
ASW aircraft and other systems		X
TAC air		X
Cruise missile and UAV		X
Space communication and sensors		X
Expeditionary force programs (Marine Corps)		X
Air Force:		
Strategic	X	
Information systems		X
Tactical/airlift		X
Space		X
C–3		X

TABLE II-3.—MISSION VERSUS EQUIPMENT ORIENTATION OF PEO's—Continued

PEO by military service	Mission category	Equipment type
Tactical strike	X	

Third, despite management reforms that affect planning, programming, and execution organizations, the DMR implementation actions do not identify who in the management chain is responsible for integrating program execution with the PPBS. Although the current actions save labor costs by reducing the size of DoD organizations, the paradox of unrealistic planning and poor program management can only be resolved by establishing effective organizational roles and appropriately distributing responsibility. While the DMR implementation actions address some planning and execution problems, they fail to provide a key solution: linkage between DoD elements which are responsible for planning and those responsible for execution.

The organizational elements responsible for planning, budgeting and execution are different. OSD and the Military Service will continue to prepare plans containing six years of program forecasts, while the PEOs and PMs will execute the program budgets developed by the Comptroller offices. However, the planners are not responsible for evaluating the executability of past plans and modifying their estimates in accordance with real world results. On the other hand, the PEOs and PMs are responsible for executing the program's budgets, and may not have insight into the effects of their day-to-day actions on fulfillments of plans. As a result, it is likely that plans will continue to be rarely achieved, and the original program cost-capability-schedule baseline will not be met.

Specific concerns: Resource utilization

Although the DMR, in its Planning Process Reforms, laid out a means for relating resources and national security objectives at the top level, DoD has not been able to follow-through on implementing this process.[9] Moreover, a mechanism for cascading the objectives down to program executors does not exist, nor does a means of tying resources and objectives at the PEO level.

Instead, the DMR implementation activities have improved use of resources by reducing staffing levels at a variety of acquisition and logistic organizations. While this may not result in more capability for given defense expenditures, the activities will certainly reduce the number of people associated with a given level of capability. For example, Army Material Command (AMC) and Air Force Systems Command (AFSC) must each be reduced by 4800 staff, which will reduce the staffing costs but not necessarily improve the performance of the Army and Air Force acquisition systems—unless the cuts can be applied against non-value-added functions.[10]

Specific concerns: Quantitative measures of success

In order to track the efficiency of defense investments, DoD needs quantitative measures of success. Even though DoD has recognized vast changes in the threat environment and in the level of available resources for defense, it has been unable to establish management measures that can be used for adjusting plans accordingly. Both the DMR and the implementation activities note the need for continuous improvements. But no measures currently exist for tracking achievement of objectives and program cost, schedule and performance goals.

Within the current DMR implementation activities, DoD has established a group of outside experts to define single DoD business information systems for each major functional area of management.[11] The first step towards defining such systems must be the definition of the elements in DoD decision-making processes. The second step should be to identify the Essential Elements of Information (EEI) needed to support resource allocation decisions for both PPBS and program execution. It is not clear whether new measures are being defined that are traceable to PPOs or to program goals, since DoD has not yet reformed its decision-making processes to incorporate such decision criteria.

III. RECOMMENDED INITIATIVES

There is a wide gap between needed reforms and the success of current DoD efforts. DoD management's ability to optimize capability under declining budgets and a rapidly changing international environment needs more repair than the recommendations outlined in the DMR. In turn, DoD's implementation actions fall short of the reforms envisioned in the DMR. Further still, the implementation actions have yet to be acculturated within the bureaucracy.

The need for continuous improvements in defense management has been embraced by Secretary Cheney, and documented in the DMR and implementation progress reports. In December, I highlighted the need to go beyond the DMR recommendations by reforming all four pillars of effective defense management. The reforms must integrate improvements across these pillars in order to address the defense management paradox.

The current implementation actions do not follow through on the reforms outlined in the DMR. In the current activities, DoD has generated significant savings by stripping away some of the bureaucracy that grew with the budget over the last decade. In other words, staff reductions will not resolve defense planning or cost growth problems that need to be addressed.

In the past, reforms have been viewed by the bureaucracy as mere "passing fancies." Once the spirit of reform has "blown over," the bureaucracy can then return to normal, and go about its business as usual. It is not yet clear that the reform efforts of this Administration will succeed where the Carlucci initiatives, the Weinberger "commandments," Goldwater-Nichols and the Packard Commission recommendations failed the ultimate test—acculturation within the bureaucracy.

Nonetheless, the current implementation actions are a positive step forward, and the next steps should move DoD closer to implementating the DMR reforms. In support of implementing these reforms, this section outlines recommendations that should be incorporated in DoD's next set of DMR implementation activities.

This section includes innovative approaches for achieving the DMR reforms. The recommendations are drawn from a variety of reports on defense management reform, discussions with individuals actively involved in and affected by defense reforms (including contributors to the Packard Commission and the DMR, as well as DoD employees at various levels of the bureaucracy), and DoD documents (including DMR implementation plans and DoD Total Quality Management briefings). These recommendations would build upon existing efforts; together with the current DMR implementation activities, these recommendations could help DoD implement the necessary reforms across the four components of effective defense management.

A. Resolving the paradox: Planning failures

Unrealistic Five-Year Defense Plans result from DoD's business-as-usual planning practices. In the 1960s, the plans were prepared without explicit consideration of the resource needs of the Vietnam conflict. In the 1970s, plans were prepared on the basis of overly-optimistic cost to estimates. In the 1980s, the plans were prepared with not only overly-optimistic cost estimates, but also with unrealistically large budget estimates. The result has been DoD's chronic inability to obtain the quantities of items needed to fulfill the plans.

In the past, DoD has chosen to base plans on optimistic assumptions, avoiding the tough choices required in a realistic planning process. Associated with this approach to planning has been DoD's inability to set program planning priorities, to associate realistic estimates of program funding needs with national security objectives, and to allocate realistic forecasts of available funds in line with high priority objectives. But, declining defense budgets demand that decision-makers not escape the need for tough choices. The problem is that DoD decision-makers try to postpone these choices, usually resulting in a growing gap between plans and reality; rather than deleting unaffordable requirements, programs continue to be stretched, or "deferred" in today's vernacular.[12]

Most of the key elements for improving DoD planning were presented in the DMR.[13] The key elements are:

Biennial defense budget process;

Secretary's guidance on a limited number of planning issues to be evaluated, and recommendations formulated, during the Spring and Summer prior to the Military Service's Program Objective Memoranda (POM) submission to OSD;

Secretary's decisions on the planning issues and communication to the Services and defense agencies by August 1 of the year prior to POM submission;

Defense Planning Guidance (DPG) issued by October 1 of the year prior to POM submission to include the planning issues, the JCS military strategy, a limited set of high-priority Program Planning Objectives (PPOs) that will be mandatory guidance, broad identification of the PPOs' impact on future funding, and a 20-year "Road map" of the modernization needs and investment plans for the PPOs, integrated against realistic estimates of future funding.

In line with these DMR recommendations, DoD has implenented most of the second and third items. And, although Secretary Cheney has produced a DPG, absent are the key initiatives in the third item: the PPOs, fiscal guidance, and the 20-year road maps.[14] In testimony before the Senate Budget Committee February 5, Secretary Cheney agreed on the value of considering 20-year road maps, since most systems remain in the force for at least 20 years, but added that it is difficult to plan in light of the rapidly changing threat environment.

Since the defense budget process does not wait for world events to stabilize, and since today's resource allocation decisions affect the force structure's ability to support U.S. national interests over the next 20 years, the planning reforms described in the DMR

are needed now as much as ever. Some follow-through has occurred: Secretary Cheney's current budget request is based on the most realistic estimates of available funding in the past decade. This forecast, 2 percent declines in defense budget authority in each of the next five years, has been revised to reflect six years and incorporated in the fiscal guidance DoD distributed in January.

Beyond basing plans on realistic estimates of available funds, DoD must have a mechanism for identifying the PPOs that are major funding drivers early-on in the PPBs process. DoD and the Congress must be able to identify the relationship between resource decisions and military capability, especially when there is a lot of uncertainty in world events or funding levels. Without such a linkage between objectives and resources, it is impossible to build a consensus within Congress to vote resources for military capability needed to protect our interests in an uncertain world.

There has been much discussion about how much the DoD budget should be cut because of current events in Eastern Europe. In order for a "peace dividend" to be quantified, the defense programs associated with planning objectives that are no longer valid must be summed, and the programs associated with planning objectives derived from the current environment must be deducted. But, a Congress left without such PPO and road map data may present the greatest risk, since Congress would likely deduct a peace dividend from the top-line budget number, and, without a link to national security objectives, would allocate the available resources in line with special interests—leading to a smaller, more pork-filled DoD budget. Likewise, the use of conventional and strategic arms control to achieve a "peace dividend" requires a clear link between relevant PPOs and resource needs.

In order to follow-through on the DMR's planning reforms, DoD should implement a process similar to the Army's Long Range Research, Development, and Acquisition Plan/Mission Army Materiel Plan (LRRDAP/MAMP) process. In the LRRDAP/MAMP process, the Army has constructed a method for identifying what's changed (strategy, threats, etc.), what are the shortfalls, what progrms or doctrinal shifts can address the shortfalls, and what resources are needed to resolve shortfalls. The programs are then prioritized within resource constraints. [15]

The LRRDAP/MAMP process divides resources and planning responsibility into mission areas (e.g. air defense), with each mission area team co-managed by a user command representative and a developer command representative, and integrated across mission areas by AMC and the Army's Training and Doctrine Command (TRADOC) staff. Similar processes exist in the Navy and the Air Force, but none is integrated with top-level DoD planning efforts. Rather than OSD setting up a new process, it should build on the LRRDAP/MAMP process. The key aspects of the recommended approach are:

A national strategy must be formulated in a manner that identifies national security interests and priorities. To accomplish this, DoD should undertake a strategic review encompassing U.S. interests, contingency needs, mission area requirements, the four capability areas, and allied relationships.

OSD must establish a set of mission areas that will be used by the Military Services and are exclusive of all existing mission areas used in resource allocation.

Quantifiable PPOs should be established by OSD, and cascaded downward to appropriate quantifiable Mission Area Planning Objectives (MAPOs). This step would link mission area accomplishments to satisfying national security objectives.

The Military Services should establish mission area teams composed of users, developers and technologists by reorienting existing personnel into the OSD-defined mission areas. Each team will be headed by a mission area manager who will be a life-cycle focused PEO.

Each mission area team should formulate a mission area master plan that will be a 20-year road map linking investments in the four capability areas and specific programs to achievement of the MAPOs. The master plans should replace the myriad existing Congressionally mandated master plans and modernization plans.[16]

OSD should provide fiscal guidance to the Military Services. It should integrate Master Plans across Services and mission areas in line with affordability considerations and the PPOs, thereby forming 20-year road maps.

The PPOs and master plans should be prioritized by the DPRB, forming the basis for decisions on the Six-Year Defense Plan (SYDP), budget, and program execution.

Planning decisions and progress tracking should be based on quantitative measures that incorporate performance and cost data. The measures must be relevant to the PPOs and mission areas, and they must be auditable to ensure the integrity of the proposed process.

Congress should authorize two-year defense budgets consistent with a two-year appropriations process. In each second year, Congress should adjust decisions on the two-year program in line with the program execution data.

These recommendations comprise a process for following through on the DMR planning reforms. The key characteristic of the recommended approach is the use of existing mechanisms (e.g. LRRDAP/MAMP, master plans) to tie PPOs to resources. This approach would draw on the existing planning mechanisms to better align resources with greatest payoff, as measured by contribution to national security objectives, thereby implementing a key DMR recommendation.

B. Resolving the paradox: Inefficient program management

As Secretary Cheney implied in his DMR, planning and execution reforms must be coupled. In my December 13 report, I highlighted DoD's program execution problems that result in excessive costs, schedule slippage and system performance degradation. Secretary Cheney inherited these problems; his attempts to reform should continue and Congress should support his efforts.

There are additional efforts that can be undertaken to improve execution of defense programs. These efforts should be incorporated into the continuous improvements DoD promised in its implementation progress report. Combined with current reform activities, the following recommendations will enable DoD to: better quantify the magnitude of cost, schedule and performance problems inherent in the current budget; change the incentives to reward players (government and contractor) for resolving these problems; and, allow the problems to be rapidly addressed in a cost-effective manner.

First, OSD should go beyond the current four-aircraft study to assess the affordability of the 100 largest programs. The assessment should evaluate the realism of cost, schedule and performance estimates by looking at current cost and pricing data, manufacturing facilities, and the degree of concurrency contained in the program's acquisition strategies. The study should employ on-site industrial engineering-based cost analyses, tied to the manufacturing processes to be employed on these programs. The resulting data should flow upwards into the planning process, quantifying the complete extent of resources needed to complete the plan. It should also be given to the Service Acquisition Executives and PEOs so that they have this key information for managing major acquisition programs. The data should also be incorporated into the program baselines by the PEOs. The significance of capturing this data becomes clear when one considers that over the last month, cost, schedule and performance problems have been publicized for AMRAAM, C-17, BSY-2, and FOG-M.

Second, DoD should continue to expand the use of competition and improve the opportunity for the defense industry to compete on the basis of efficiency. This would require a reduction of the significance of labor costs as the key variable in contract bids and a change from the use of cost as the basis for profit calculations. In the current contracting approaches, contractors submit a bid containing data on labor costs by category, other direct charges (e.g. travel, materials), general and administrative (G&A) expenses, overhead, and fee. Since overhead and G&A are negotiated factors based on DCAA audits and are multiplied times the labor and other direct charges, accounting for over 60 percent of costs, a contractor's proposal manager is constrained to competing on the basis of labor hours. Recent programs such as the Army's FOG-M have demonstrated that this leads to contractor "buy-ins"—a practice widely used in the 1970s—or to illegal attempts to gain competitive advantages through insider information and payoffs, as demonstrated by the recent "Ill Wind" convictions. Valid recommendations for returning honesty and integrity to the contracting process must go beyond current DMR implementation activities by changing defense industry incentives. There are three specific recommendations for doing this:

Enable and encourage defense contractors to reduce overhead rates by transferring plant and equipment costs into direct charges through the use of production process-based cost factors. This would enable contractors to compete on the efficiency of their production process, thereby incentivizing investment in modern manufacturing technology, and giving the government program manager additional visibility over bidders' relative capabilities for meeting cost, schedule and performance criteria.

Base profit or fee on contract productivity, using labor efficiency realization factors, and/or process capability indices (e.g. CpK). This would tie profits to efficiency during contract performance. The contractor's profit or fee would increase with productivity with respect to cost, schedule and system performance.

Incorporate contractor past performance into the evaluation of contractor performance. This would utilize information on a contractor's record with respect to meeting specifications, waivers, productivity, etc., for competitive contracting awards. This would create a disincentive to "buying-in" on com-

petitive procurements and creates an incentive to perform well on existing contracts.

The second recommendation is important because it removes the cost control disincentives associated with profit and fee calculations in current contracting approaches. The recommendation changes the contractor profit focus to a reward structure based on productivity, rather than on a percentage of cost. An example of a mechanism for implementing productivity-based profit was identified by the DoD Inspecter General (IG) in March 1989.[17] The IG's approach uses a productivity index, derived from a survey of defense contractors, to generate a profit scale. The contractor's profit for a given contract is related to where that contractor fits on the index and how that position aligns with a profit scale. Alternatively, the recommendation could be implemented by a contractor submitting a labor cost standard within its proposal, and tying the contractor's profit to how close it comes to meeting that standard during the life of the contract. The contractor's profit would then match up to a scale that compares the contractor's cost performance, or realization factor, to the standard. By being more productive, the contractor gets closer to the standard, resulting in a lower cost for the taxpayer and a higher profit for the contractor. The government would still need to validate the contractor's standard, to prevent inflated profits that could be gained from an unrealistically high starting point. A contractor productivity index would be useful in this approach for assessing the realism of the standard. After a realistic standard or profit scale is determined, the profit motive provides a strong incentive for the contractor to tightly manage a contract's cost and schedule. A contractor could receive rapid reward for monthly improvements in productivity if this mechanism were incorporated into monthly progress payment calculations.

These recommendations are not substitutes for important DMR implementation activities that affect DoD's ability to negotiate and manage contracts. The new consolidated Contract Administration Services (CAS) must continue to improve its capabilities, as must the Military Services' acquisition corps, through training.

In addition, modern quantative measures of merit for tracking contract performance, as recommended by DoD's Total Quality Management (TQM) program, should be implemented and maintained by the CAS. These measures should be tied to top-level functional goals so that contract performance can be traced to mission area performance, vis-a-vis MAPOs, and the resource allocation process can respond to problems or efficiency gains. This approach is well documented in modern corporate management literature. The Computer Integrated Manufacturing-International (CAM-I) approach, developed in the late 1980s, notes the importance of using top-down performance measures to modify behavior of functional managers and attain organizational goals.[18] In the recommended approach, the performance measures are designed such that they reinforce optional behavior at all levels of the organization.

DOD should continue to pursue and Congress should support programmatic actions that will improve the efficiency of procurement programs. There are three initiatives that warrant special mention:

Multi-year Procurement;

Economic Order Quantities;

Suspend Concurrency In Programs Responding to Soviet Threat.

C. Resolving the paradox: Making better use of PEOs to link planning and execution

The entire $2.3 billion-savings for FY 1991 from the DMR implemenation activities appear to have been offset by the cost, schedule and performance problems of AMRAAM.[19] To prevent the entire $39 billion in DMR savings from being offset by similar problems on other programs, DoD must make the new three-tier acquisition structure work. Under current DMR implementation activities, the PEO is responsible for oversight of major program cost, schedule and performance. But one must ask, what process does the PEO have available to correct, or better yet to prevent, problems that arise, such as those on the AMRAAM program. Other than "remedies" that currently exist, such as searching for more money or ad hoc responses, the PEO has no mechanism for doing his job.

In addition, few PEOs are responsible for overseeing programs related to a mission area. This framework inhibits resource trade-offs and support for the most efficient means for achieving mission objectives. For example, the Navy has three Anti-Submarine Warfare (ASW)-related PEOs, plus one ASW-related program (SSN-21) that reports directly to the SAE, plus one major ASW program (SSN-688) which is outside the new three-tier acquisition structure. There is no single person responsible for ensuring that mission area objectives are efficiently achieved through distribution of money to related programs.

The key to implementing the intent of the DMR and the Packard Commission reforms is establishing an incentive structure wherein DOD elements are motivated to generate and achieve affordable mission objectives. Improvements are needed in the present definition of the PEOs role and responsibilities. The PEO organization offers the opportunity for integrating program, planning, budgeting and execution in line with a mission area focus.

In order to make the PEOs more useful, it is necessary to re-orient their role toward a life-cycle, mission area focus. It is recommended that PEOs become mission-area oriented, reporting to both the SAE and the top user command military officer relevant to the given mission area. The PEO should have control over product improvements, research and development, non-major programs, and major programs. He should be directly responsible for cost-effectively allocating resources across existing assets and modernization programs to achieve mission area program objectives. This approach gives the PEO the ability to transfer resources against objectives or problems as needed to support mission area planning objectives. It also gives the PEO responsibility for life-cycle considerations, and focuses those considerations in line with mission area needs.

The management structure of the 1990s should focus on the PEO as the key to efficiently allocating resources and executing programs in order to achieve national security objectives. In this framework, the PEO should be supported by acquisition and logistics specialists, matrixed into the PEO organization from a centralized support activity.

D. Management measures of success

Innovative measures of performance must be developed, since DoD cannot use industry performance measures; e.g. return on investment or profit. As a pillar of effective defense management, DoD must be able to compare resource expenditure against contribution to national security objectives on the base of military worth, and align resources accordingly. Although the parameters may be different from industry, the method by which the measures support planning and resourcing decisions is equally important. As noted in CAM-I: "A key factor in successful implementation of a company's strategic plan is performance measurement, which measures business and plant performance in relation to the goals and objectives developed in the planning process; provides timely information for identifying and eliminating activities that add no value; and, provides timely information on casual factors that may lead to manufacturing improvements." [20]

A DoD performance measurement system that can implement the Defense Planning Guidance must link the cost and value of defense expenditures and must support planning, budgeting and program execution decisions. The principles for such measurement are:

Consistency with national security objectives: The measures should consider internal and external factors required to achieve objectives, and they should link program actions with the DPG. They must be able to be hierarchically structured such that good performance at the execution level translates into achievement of top-level objectives.

Adaptability to changing needs: Changing needs and objectives must be prioritized, and measures must be adapted or added. In addition, the measures should enable the prioritization of programs that satisfy conflicting objectives.

The measures must correlate to significant activities: DoD must allocate resources to activities that contribute toward achievement of objectives. It is necessary to identify which activities are non-value-added, and remove those activities, as DoD has begun to do in the DMR implementation actions. But, DoD still must develop measures of performance of value-added activities.

Ease of application: The measures should be few in number and quantifiable.

Top-down Applicability: The measures must be useful in establishing congruence between PPOs, MAPOs, and the program manager objectives since they are the key to cultural changes needed to implement the DMR.

Cost-effective and timely: The data should be readily available and reported up and down the chain on a timely basis. The minimum Essential Elements of Information (EEI) should be identified and imbedded in a reporting system, with spot audits and use of factual data on cost, schedule and performance in order to ensure credibility.

This approach provides a framework for DoD to implement the fourth pillar of effective defense management. It is also possible to define specific measures that would implement this recommended framework.

At the top-level, it is recommended that DoD develop a cost-benefit measure for key categories of investment (e.g., mission areas, PPOs), in order to evaluate and integrate investment alternatives. This measure should incorporate data on system performance (effectiveness), platform and weapons readiness (availability, inventory), platform and weapons sustainability (survivability, stockpiles), threat characteristics (quantity, quality), and life-cycle cost data. The data that goes into this calculation should be tied to the execution of current defense programs by using the best available data, including operational test, field experience, and actual

cost data for systems in the inventory, and test and independent cost analyses for systems in development. Such a measure would be useful in comparing existing and proposed systems because it incorporates data available throughout the system life-cycle.

For example, this type of measure has been recently applied for evaluating the investment efficiency of the $12 billion munitions program. In this application, current weapons programs were analyzed on the basis of effectiveness and inventory relative to threat, platform availability for employing the weapons, and program acquisition unit costs.

In an integrated planning, budgeting, and execution system, the data would flow continuously in order to improve the efficiency by which resources are allocated. The recommended measure can be used at various levels of a reformed management framework—program managers, PEOs, mission areas, and PPOs. It should include cost, schedule, and performance data that would feed into mission area planning objectives and program planning objectives. The measures used in the munitions example would be directly applicable if the planning objectives were tied to specific threat types in specific regions of the world. As new data on program costs or system effectiveness become available (e.g., from an operational test), the impact on investment efficiency for a given system can be updated and resources reallocated as needed to affordably achieve the strategic objective.

Improvements are also needed in DoD's methods for ensuring credibility of such data. Independent agents or DoD components with a vested interest in factual data, such as user commands, should have responsibility for validating data used to support the measures. For example, users should be responsible for testing at point-of-acceptance in order to validate system performance data.

The need for DoD managers, at all levels, to focus on the tie between resources and achievement of objectives is second only to the need for the Secretary to define those objectives. The DoD planners must be concerned with realistic estimates of how resources can be used to achieve national security objectives; this requires measurement of progress against resources. The Military Services, using the PEOs, must efficiently execute the program; this requires measurement of program cost, schedule, and performance. Managing the defense build-down in a manner that avoids a return to the "hollow army" of the 1970s requires linkage between the planners and those responsible for executing the program. Modern management texts note that cost-performance measures, such as those recommended here, are the key to resolving this need.

IV. CONCLUSION

Now is the time to improve defense management. Defense budgets in the 1990's will not likely support all the programs, personnel, or bases in current DOD plans. At the same time, there is tremendous uncertainty with respect to national security needs, since major geo-political events are occurring every day. There are also strategic and conventional arms control opportunities that offer potential windfalls for both national security and the defense budget. This confluence of circumstances will result in critical fiscal and national security consequences. If DOD can follow through on reforms, we can channel the confluence into a true "peace dividend" and away from its current course towards expensive weakness.

The defense management paradox of too little money to execute plans and too much money to efficiently manage programs has plagued our attempt to significantly increase military capability in the 1980s. This paradox is characterized by unrealistic planning, inefficient program management, and poor linkage between defense planning, budgeting, and program execution. In the 1970s, the paradox led to a "hollow army." In the 1980s, the paradox precluded capability improvements commensurate with growth in the defense budget. As the defense budgets decline in the 1990s, we must resolve the paradox if we are to avoid returning to a hollow army.

Last summer, Secretary Cheney, in his Defense management report to the President, highlighted the need to go beyond the calls for acquisition reform—the issue is DOD management reform. In December, I issued a report which praised his efforts and stated the need to go beyond his recommendations by addressing all four pillars of effective defense management: decision-making framework; organizational structure; efficient allocation of resources; and quantitative measures of success. Over the past two months, DOD has presented DMR implementation actions. Some of these actions are insufficient to achieve the intent of the DMR, while other initiatives go beyond specific DMR recommendations.

The DoD defense management reform activities are valuable and should be supported by Congress. In addition, it is well recognized that reform must be an iterative process with continuous process improvements. However, bureaucratic resistance to reforms has limited Secretary Cheney's ability to implement recommendations. I have found that, as a result, there are discrepancies between current actions and each pillar of effective defense management.

In this paper, I have outlined those discrepancies and, in the spirt of constructive critique, presented recommendations to resolve the defense management paradox. These recommendations have drawn on valuable insights and initiatives emerging from within the bureacracy, from those steeped in the culture who recognize the need for reform. This is a key factor for overcoming cultural resistance to reforms, and achieving the desired change.

In particular, in order to address DoD planning problems, I have identified an improved nine-step planning process that builds on DMR recommendations and makes use of existing processes. To address DoD program execution problems, I have identified eight recommendations, three of which relate to contractor incentives for controlling cost. I also have identified an approach for building on the PEO concept in a manner that links planning and execution, a key requirement for resolving the paradox. Finally, I have put forward six principles that DoD should use in formulating quantitative measures of success—a management pillar that has been largely ignored by DoD, but is required for efficient achievement of national security objectives.

In this time of declining budgets, global uncertainty, and numerous opportunities, both Congress and the Administration must work towards identifying high priority needs, allocating resources against those needs, and ensuring efficient execution of the programs consuming those resources. The recommendations in this report would focus defense resources on national security objectives, trace the allocation and use of those resources to achieve the objectives, and enable rapid adjustment to take advantage of emerging opportunities or to address problems.

FOOTNOTES

[1] Senator Charles E. Grassley, *The Defense Management Challenge: Avoiding a Decade of Expensive Weakness*, December 13, 1989, pp. 4-7.

[2] Comptroller General Charles A. Bowsher, "Defense Budget and Program Issues in the Fiscal Year 1991 Budget," testimony before the U.S. Senate Committee on Armed Services, March 1, 1990.

[3] Secretary of Defense Dick Cheney, *Defense Management Report to the President*, July 1989, p.2.

[4] Grassley, op. cit., p.6.

[5] Cheney, op. cit., p.2.

[6] U.S. Department of Defense, *Defense Management Report Implementation Progress Report*, January 1990, p.9.

[7] Grassley, op. cit., pp. 23-4.

[8] The PEOs are listed in the Military Service segments of the *Defense Management Report Implementation Progress Report.*

[9] The DMR planning recommendations can be found on pp. 5-6. The implementation actions are addressed in the *Defense Management Report Implementation Progress Report*, pp. 4-5.

[10] U.S. Department of Defense, *Justification of Estimates for Defense Management Report Initiatives*, January 1990, pp. 42, 66-7.

[11] Ibid., pp. 9-10.

[12] Secretary of Defense Dick Cheney, "Statement of the Secretary of Defense Before the Senate Budget Committee In Connection with the FY 1991 Budget for the Department of Defense," February 5, 1990, p. 6.

[13] Cheney, July 1989, op. cit., p.6.

[14] U.S. Department of Defense, op. cit., note 6, pp. 4-5.

[15] U.S. Army Materiel Command, *Materiel for Winning*, 1989.

[16] A munitions master plan, and other capability integration master plans, may still be needed in order to ensure sustainability considerations are efficiently addressed.

[17] Office of the DoD Inspector General, "Inspector General's Viewpoint on Government-Industry Relationships and Strategies to Encourage Contractors to Cut Costs," March 22, 1989.

[18] Callie Berliner and James A. Brimson, *Cost Management for Today's Advanced Manufacturing: The CAM-I Conceptual Design*, Harvard Business School Press, 1988, pp. 164-6.

[19] Defense Week, February 12, 1990, p.13.

[20] Berliner and Brimson, op. cit., p. 159.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. ROCKEFELLER. Mr. President, it is with a great deal of pleasure that I ask my fellow colleagues to join me in wishing a very happy birthday to a truly outstanding statesman and former Member of this distinguished body, Senator Jennings Randolph.

Senator Randolph retired from the U.S. Senate after serving from November 5, 1958, to January 3, 1985. Before joining this legislative body, he served in the House of Representatives, being first sworn in as a Member in 1933.

To sum up in a few short paragraphs all of the accomplishments of this outstanding public servant would be impossible. He was a pioneer and a champion in so many areas—aviation, civic responsibility, education, the arts and sciences, human services, veterans' issues—I could go on and on. Coming to mind today is his original sponsorship of the legislation that granted voting rights to 18-year-olds and that created the Air and Space Museum.

In addition to all of his accomplishments for the good of the country,

West Virginia owes so much to this man who cared greatly and worked tirelessly for the State and for her people. He gave countless hours in his life-long commitment to public service, and we are all touched in some way by his legislative accomplishments. It is with a tremendous amount of pride that I follow Senator Randolph in representing the people of West Virginia and with a great deal of love and respect that I say on this 8th day of March 1990—happy 88th birthday, good friend.

TRIBUTE TO DR. W.G. WATSON

Mr. THURMOND. Mr. President, I rise today to mark a very important event—the 80th birthday of my good friend, Dr. W.G. "Curly" Watson—which will be celebrated at a surprise party this Friday in Augusta, GA. Dr. Watson, who is originally from my home county of Edgefield, SC, is an outstanding physician and a treasured asset to his community, State, and Nation. I join with his many friends and loving family members in wishing him a birthday filled with joy and happiness.

Dr. Watson was born on February 25 in the year 1910. After graduating from the Citadel in 1931, he taught school and coached football in Edgefield and Bainbridge, GA, enriching the lives of the many students who came under his tutelae. Dr. Watson then enrolled in the medical college of Georgia's School of Medicine and graduated from there in 1943.

Heeding his Nation's call of duty, Dr. Watson then served 2 years in the U.S. Army and was stationed in Korea and the Phillipines as a physician and athletic officer.

In 1946 Dr. Watson started his medical practice with my late brother, Dr. William Thurmond, in Augusta, GA. For over 43 years, Dr. Watson has selflessly and tirelessly served the people of the area, providing them not only with outstanding medical attention, but with the supportive ear and comforting shoulder of a true friend. Over the span of his career he has delivered over 15,000 babies and brought much joy into the lives of many proud parents.

In addition, Dr. Watson has devoted himself to teaching and supervising residents and interns from the Medical College of Georgia, and he now serves there as professor emeritus of obstetrics and gynecology. The residents at the medical college voted him the 1983-84 Teacher of the Year; this award is only one example of the respect and affection for Dr. Watson which is so widely shared by the people of Augusta.

Dr. Watson's charming wife, Audrey, has been fully supportive of all his efforts and has lent inspiration and help at every opportunity. She deserves a large portion of credit for his success. We wish them both continued service to humanity and happiness in their personal lives.

Mr. President, Dr. Watson is a dedicated physician, committed family man, devoted Christian, and true patriot. I value highly his friendship, and I greatly admire his many attributes. My wife, Nancy, joins me in wishing him a very happy birthday.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,818th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that an article in today's Washington Post which highlights the administration's current views on the hostage situation be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 8, 1990]

ADMINISTRATION WELCOMES "ENCOURAGING" SIGNALS FROM IRAN ON HOSTAGES

(By Ann Devroy)

Amid increasing signs of significant changes inside Iran and hints of secret diplomacy, the Bush administration yesterday welcomed "encouraging" signals from Tehran on the fate of American hostages.

In Tehran, President Ali Akbar Hashemi Rafsanjani told journalists that Iran wanted to solve the hostage problem. "My feeling is that the issue of the hostages is moving towards a solution," he said at a news conference after the return of Mahmoud Hashemi, his brother, from visits to Syria and Lebanon where he met with officials and Shiite Moslem leaders.

U.S. government and outside experts on Iran said that Rafsanjani, after several months in office marked by a power struggle with extremists who oppose his plans to improve relations with the West, is now consolidating his control. That consolidation, they said, was the most positive sign that five years of Western efforts to free 18 hostages might reach fruition.

Officials yesterday cited as a significant sign the arrival of a special mission from the World Bank in Tehran to review an Iranian request for economic assistance. The negotiations followed a two-month battle in the Iranian parliament, which approved a Rafsanjani plan to borrow about $27 billion from foreign countries despite initial opposition from hard-liners. The money would finance an ambitious five-year project to rebuild Iran's economy and infrastructure, devastated by the war with Iraq.

White House press secretary Marlin Fitzwater said the administration was "encouraged by the comments" of Rafsanjani. The remarks, Fitzwater added, "are certainly more hopeful than we have heard in the more distant past."

A senior administration official described the attitude of officials at the White House as "one of wait and sit and read tea leaves and read cables and feel optimistic, yes, but there is no sign of imminent release" of the hostages. Another senior official said: "We think nothing is going to happen immediately. But I think only three people know what really is happening—the president, [Secretary of State James A.] Baker and [national security adviser] Brent Scowcroft."

Gary Sick, who handled Iranian matters on President Jimmy Carter's National Security Council staff and now observes Iran from Columbia University, said yesterday: "I am as optimistic as I have ever been. I think this is it. I really do . . . . I see this [release of the hostages] as the next step. He [Rafsanjani] needs it and he is doing this not because he cares about the hostages but simply to reinforce his position domestically.

Sick interpreted Rafsanjani's decision to publicly predict a solution to the hostage crisis as a sign of his growing control of the government. But like several administration officials, Sick cautioned, "Things can always go wrong, especially in Lebanon."

In Lebanon yesterday, a group calling itself the Revolutionary Justice Organization said it had no intention of releasing two American hostages it has been holding. They are Joseph Cicippio of Pennsylvania and Edward Austin Tracy of Vermont, an author. There are six other American hostages among the 18 from the West.

The new optimism was triggered by a series of editorials in Iran's Tehran Times over the past 10 days calling for the first time for an "unconditional" release of foreign captives held by pro-Iranian groups in Lebanon.

In addition to the editorials, a senior Hezbollah official, Hussein Mussawi, has expressed hope for an early release of the hostages, according to the official Iranian news agency. In the past, Mussawi spoke out strongly against concessions to the West and unconditional release of the hostages. Hezbollah's spiritual guide, Sheik Mohammed Hussein Fadlallah, last week voiced optimism and called for an end to the hostage crisis in his Friday sermon.

Two Iranian government envoys went to Damascus and Beirut in an unannounced visit two days ago to consult with Syrian officials and Shiite clerics. Sources in Beirut said Mahmoud Hashemi, director of the Middle East department at the Iranian Foreign Ministry, and Mahmoud Akhtari, Iran's ambassador to Syria, traveled to Beirut from Syria.

Sources in Washington said Syrian Foreign Minister Farouk Charaa was planning to visit the Iranian capital in the next two days.

The mission from the World Bank is the second to Tahran in the past three months. The bank had cut off loans to Iran after the 1979 explosion in oil prices raised Iran's income beyond the ceiling for bank assistance. The move coincided with the seizure of U.S. hostages.

Iran, again eligible for assistance, requested it in September, prompting the visits by the World Bank teams. While the United States has no direct control over World Bank loans, its voting rights and pressure on allies could thwart an Iranian effort to obtain the credits. A White House official said the United States would oppose such funding, as it does all economic ties to Iran, until the hostages are released.

COLD FUSION PLUS 1 YEAR

Mr. GARN. Mr. President, the first anniversary of the announcement by University of Utah electrochemists B. Stanely Pons and Martin Fleischmann

that they may have discovered a heretofore unknown form of usable nuclear fusion gives us pause to reflect on how America and the rest of the world have reacted to the startling claim of these two distinguished scientists.

In the United States, as in many other parts of the world, the scientific response has been mixed, with judgments still filtering in, almost on a daily basis. Reactions range from strong support to qualified support and from skepticism to scorn, even ridicule. Most noteworthy, however, may be the reaction of the various governments in countries where fusion research is active.

The U.S. Government has responded with caution, as if waiting for the emergence of incontrovertible evidence to prove Pons and Fleischmann right before joining the research. In many other countries, however, some of them who ranks as our strongest economic and technological competitors, the attitudes of many of the principle figures appear more responsive and open minded to the potential for a vast new source of energy.

Gov. Norm Bangerter and the Utah Legislature should be commended for moving prudently to provide the critically needed funding to keep fusion research moving forward in Utah. The State's approval of a $5 million special appropriation has led to the establishment and current operation of the university's new National Cold Fusion Institute. It was in the face of some of the most stinging national and international criticism of the Pons-Fleischmann work that Utah officials saw the potential and approved the funding.

Dr. Fritz Will's appointment as director provides the fusion institute with an internationally known scientific scholar. A senior scientist with General Electric for 30 years, Dr. Will is experienced in both corporate research administration and in laboratory research. He is an authority on the development of electrochemical techniques for the study of electrode surfaces, which is the essence of the new institute's mission. Dr. Will is eminently qualified to direct and build on the institute's core plan of expanding the scientific understanding of the basic mechanism of the Pons-Fleischmann discovery and exploring the entire range of potential practical applications for fusion as a new source of energy.

The research objectives which institute scientists and engineers have defined and which Dr. Will will oversee still lacks badly needed support from the Federal Government and from the Nation's corporate leaders. The institute's primary objective is simple, but potentially critical to the economic viability of the country: in the face of strong foreign competition, expand the search for a full understanding of the cold fusion phenomenon and its potential as a clean, new source of energy for the betterment of humankind, or put more simply: attempt to get there first.

The U.S. Government's reluctance thus far to participate in the research that could significantly expand fusion studies in Utah and in other American institutions is not the case away from our shores. Japan, India, the Soviet Union, Italy, and other countries operate active programs backed by their respective governments. Numerous foreign laboratories have achieved positive fusion findings, as have some in this country, either in the form of excess heat or excess nuclear byproducts or both.

Dr. Hideo Ikegami of Nagoya University's Institute for Fusion Science in Japan traces the different approaches to different attitudes. He says that while American researchers appear more interested in denying cold fusion, scientists in his country are eager to continue efforts to unravel the mystery.

The Wall Street Journal reports that some 200 scientists in 30 laboratories in Japan are apparently working on cold fusion. Laboratories in the Soviet Union and in Italy are among the other sites reported to have duplicated parts of the Pons-Fleischmann effect. At least seven universities in the United States have done the same.

A University of Utah metallurgist who recently visited his native India says researchers at three major government atomic research centers there report positive fusion findings. The metallurgist notes that India has placed a high priority on cold fusion research, and that many scientists there have supported the concept all along. In addition, the Indian Government is a cooperative partner in the research for answers.

More than 20 laboratories worldwide have confirmed parts of the famous experiment, including at least two laboratories operated by the U.S. Government: Oak Ridge and Los Alamos. An official report at Oak Ridge notes that some experiments there had produced excess heat, neutrons, and tritium. Dr. Edmund K. Storms reports from tritium-producing experiments at Los Alamos that "there is no way that you can make tritium except in a nuclear reaction." A National Science Foundation-Electric Power Research Institute scientific workshop last October concluded that various reports of excess heat, tritium production, and neutron emissions "cannot be explained as a result of artifacts, equipment error, or human errors."

The wait-and-see attitude of the U.S. Government and the cacophony from many segments of America's scientific establishment have not dissuaded Pons and Fleischmann from continuing their work. They are preparing a second, far more comprehensive paper on their findings. In addition to the laboratory they have operated for a number of years and in which they made their historic findings, these two eminent scientists are now participants in a number of experiments started at the institute.

Even the critical report issued by the Energy Research Advisory Board to Energy Secretary James Watkins admitted the controversy is unresolved. The report said, in part, that "with the many contradictory existing claims it is not possible at this time to state categorically that all claims for cold fusion have been convincingly either proved or disproved." That is what drives Japan, India, the Soviet Union, and probably other countries yet unheard from. That is what drives the University of Utah and its fusion institute to press forward in search of definitive answers.

SPECIAL SESSION ON NARCOTICS

Mr. HATCH. Mr. President, last week the United Nations General Assembly [UN] conducted a special session on narcotics. The illicit cultivation, production, trafficking, and consumption of narcotics are global problems affecting both developed and developing countries. This session was convened to address the growing problem and evidences how seriously the world views these crises.

The goals of the Special Session were twofold. First, the session adopted a Global Program of Action by identifying specific action-oriented activities to be carried out by the United Nations and its related agencies in concert with member states and regional organizations. Second, the session adopted a political declaration that enunciates nations' political commitment to accept a share of responsibility in combating the drug problem. If there are no objections, I would like to submit both of these documents to be part of the RECORD.

This action by the United Nations sends a signal to drug cartels and trafficking organizations—no matter where in the world they attempt to wage their campaigns of death, destruction, and misery, countries are prepared to arrest and prosecute them; destroy their illicit cultivation and production; and seize their assets and illegal profits. I believe these programs begin a new chapter in the global effort to address the drug scourge and a realistic assessment of each countries shared burden and responsibility.

President Bush gave notice of the United States' commitment during his recent meeting with the Presidents of Colombia, Peru, and Bolivia in Cartagena, Colombia. I went to the United Nations along with my colleague Sena-

tor JOHN KERRY to emphasize the priority the United States is placing on the war against drugs. We are dedicated to the long-term fight and are willing to accept our share of responsibility to reduce demand and to assist and cooperate in antidrug efforts with other countries.

DEDICATION OF NEW RABBI NAFTALI RIFF YESHIVA BUILDINGS ON CAMPUS OF INDIANA'S FIRST RABBINICAL COLLEGE AND HIGH SCHOOL

Mr. COATS. Mr. President, on March 18, the Rabbi Naftali Riff Yeshiva of South Bend will celebrate an important event—the dedication of a new building on the combined campus of Indiana's first rabbinical college and high school. This will be a historic day not just for the Yeshiva, but also for South Bend and the State of Indiana as well.

It is a tribute to the rapid growth of the Rabbi Naftali Riff Yeshiva, now only in its second year. The yeshiva opened on August 15, 1988—Rosh Chodesh Elul 5749 on the Hebrew calendar—as the first rabbinical college in Indiana. A year later, on August 30, 1989, the yeshiva opened its high school division, the first parochial Jewish high school in the State. In addtion to the establishment of a ninth grade last fall, plans call for adding a grade each year until a full 4-year program is offered, consisting of both religious and secular studies. The high school's first freshman class consisted of 19 students.

Today the Yeshiva has a total of 40 students from 3 countries, 13 States, and 15 cities. The yeshiva's ability to attract students from many different cities and backgrounds throughout the United States, Canada, and Europe adds to the unique flavor of its program. Already the yeshiva has established a fine reputation for its Torah education.

The mission of the Rabbi Naftali Riff Yeshiva is to further the traditions and values which have been at the core of Jewish life for over 3,000 years. In striking to achieve the excellence which has characterized Jewish education, the students are also prepared to assume the responsibilities we share as Americans. Having been taught the importance of personal achievement, family, and community involvement, their education at the yeshiva represents the finest ideals of American democracy combined with the best traditions of Judaism.

According to its newsletter, the Rabbi Naftali Riff Yeshiva takes full advantage of "the ideal atmosphere provided by the community of South Bend. Quiet and picturesque with tree-lined streets and a special small-town quality of life, South Bend is well secluded from the bustling distraction of the larger city, and is most conducive to intensive Torah study." But not only does the yeshiva benefit from its location in South Bend, South Bend and Indiana benefit greatly from their association with this center of Jewish learning.

The March 18 ceremony will include a banquet attended by faculty, students, parents, and friends of the yeshiva from all over the country. Also attending the event will be a number of Hoosier dignitaries, including Congressman JOHN HILER and South Bend Mayor Joseph Kernan. A number of rabbis, including Rabbi Yisrael Gettinger, president of the yeshiva, will dedicate the new building—the first of 5 buildings on the 12-acre campus. This building will temporarily house a study hall and administrative offices, and later it will be converted into dormitory facilities for the yeshiva's growing student body.

Mr. President, the Rabbi Naftali Riff Yeshiva, in its short history to date, has already made a major contribution to Indiana's educational and intellectual life and cultural heritage. I wish to congratulate Rabbi Yisrael Gettinger, and the member of the board, faculty and students of the yeshiva on this important occasion. I extend my sincerest wishes for continued success in the mission of the yeshiva, in providing a new center for traditional religious and secular education of the highest moral and intellectual standards, and in promoting greater understanding of Jewish-American tradition and rabbinical values.

Mr. President, I ask unanimous consent that the full text of the article from the Jewish Press, dated April 15, 1988, concerning the Rabbi Naftali Riff Yeshiva be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jewish Press, Apr. 15, 1988]

FIRST RABBINICAL COLLEGE ESTABLISHED IN INDIANA

The Rabbi Naftali Riff Yeshiva of South Bend, Indiana, is the first Rabbinical College to be established in that state. Never before in the 170 year history of the State of Indiana has the establishment of such an institution been attempted.

The founder of the yeshiva is Rabbi Yisrael Gettinger, spiritual leader of the Hebrew Orthodox Congregation in South Bend since 1980. His brother, Rabbi Raphael Moshe Gettinger, is assuming the position of *Roxh Hayeshiva*/Dean of the yeshiva.

Although the college-level Rabbinical Studies Program formally begins in August 1988 (*Elul* 5748) with a group of Yeshiva High School graduates, already in operation is a *Kollel* division composed of ordained rabbis involved in advanced Talmudic research. The Rabbi Naftaili Riff Yeshiva will offer a campus complete with *Beis Medrash*, Library, Dining, Dormitory and Recreational facilities, and is expected to attract students from across the United States. The yeshiva will offer a High School program for boys beginning in the Fall of 1989 with the establishment of a 9th grade. Plans call for the addition of a grade each subsequent year until a full 4-year High School program is offered.

The new yeshiva is being named in memory of the late Rabbi Naftali Tzvi Yehuda Riff, *Z"l*, grandfather of Rabbi Yisrael and Raphael Moshe Gettinger. Rabbi Riff, a descendant of one of the world's most famous rabbinic families—the Bais HaRay of Volozhin—was internationally known and respected for the breadth and depth of his erudition and piety as well as for his philanthropy and acts of kindness. He was the spiritual leader of the Jewish community of Camden, New Jersey, for 47 years, and he held the esteemed position for 20 years of President of Ezras Torah, the worldwide Torah Relief Society, until his passing in 1976. Rabbi Riff, who was born in Russia in 1897 and studied at the famous Volozhin Yeshiva, bore with distinction his name, being named after his great grandfather, Rabbi Naftali Tzvi Yehuda Berlin (The "Netziv") who was the *Rosh Hayeshiva* of the Volozhin Yeshiva for about 50 years in the 1800's.

The establishment of The Rabbi Naftali Riff Yeshiva in South Bend is the crowning accomplishment of a process that was begun in 1976 when the city was host to a Summer Educational Environmental Development (S.E.E.D.) Program organized through Torah Umesorah that brought a group of 10 rabbinical students to South Bend under the leadership of Rabbi Yisrael Gettinger. From that initial contact a relationship developed that led to Rabbi Gettinger's assuming the position of spiritual leader of the Hebrew Orthodox Congregation in 1980, the establishment of the Kollel Institute for Jewish Studies in South Bend in 1982, and now The Rabbi Naftali Riff Yeshiva.

Rabbi Riff's grandsons, at the helm of the new yeshiva that bears his name, have been well prepared for their position in the pattern of their forebearers. Rabbi Raphael Moshe Gettinger is a product of the Talmudical Yeshiva of Philadelphia and Beis Medrash Govoha of Lakewood, and has just returned to the United States after having been a director of the Kollel Volozhin in Jerusalem for the past three years. Rabbi Yisrael Gettinger also studied at the Talmudical Yeshiva of Philadelphia, as well as at the Yeshiva Be'er Yaakov in Israel and the Yeshiva Brisk in Jerusalem. Subsequently, he studied as a close disciple under the illustrious *gaon*, Rabbi Yitzchak Hutner, *Z"L*, the late head of Yeshiva Chaim Berlin and Kollel Gur Aryeh.

The Rabbi Naftali Riff Yeshiva has received warm support from some of the most outstanding rabbinic figures on the American Orthodox Jewish scene. On the yeshiva's Rabbinical Advisory Board are: Rabbi Yehoshua Eichenstein (Chicago), Rabbi Joseph Elias (Monsey), Rabbi Chaim Fasman (Los Angeles), Rabbi Emanuel Gettinger (New York), Rabbi Shmuel Kamenetsky (Philadelphia), Rabbi Leizer Levin (Detroit), Rabbi Yaakov Perlow (Brooklyn), Rabbi Bernard Rothman (Cherry Hill, N.J.), Rabbi Aron Schechter (Brooklyn), Rabbi Elya Svei (Philadelphia), Rabbi Nosson Wachtfogel (Lakewood, N.J.), Rabbi Berel Wein (Monsey), and Rabbi Yaakov Weinberg (Baltimore). It has been projected that The Rabbi Naftali Riff Yeshiva will become an important Torah educational center for the Midwest and a vital link in the growing

network of advanced Torah institutions in America.

A National Board of Governors has been established that includes Jewish lay leaders from major cities of Jewish population throughout the United States. Included are: Garry Apfel (Los Angeles), James Atlas (Indianapolis), Martin Balsam (New York), Dr. Barret Broyde (Woodmere, N.Y.), Amos Bunim (Far Rockaway, N.Y.), Efraim Feuer (Brooklyn), Zecharia Fruchthandler (Brooklyn), Dr. Richard Goldfarb (New York), Dr. Jonathan Greer (Chicago), Michael Hasten (Indianapolis), Gerald Lerman (South Bend), Jack Rajchenbach (Chicago), Dr. Albert Schild (Philadelphia), Joel Schreiber (New York), Hershell Tkatch (Overland, KS), Dr. Julian Ungar (Boston), and Dr. Harry Weisman (Los Angeles).

TRIBUTE TO SGT. ANTONIO SOLIS, U.S. ARMY

Mr. DIXON. Mr. President, I rise today to salute a young Illinoisan who gave his life in service to our country.

Sgt. Antonio Solis, a native of Chicago, had been stationed in Panama since January 8. He was on an Army rescue mission on February 21 in the jungle area where his unit was attempting to locate the wreckage of an Army helicopter that was lost in a storm. His infantry contingent's helicopter crashed during the mission.

Antonio's family was quite proud of his service to our Nation. He came from a close family and he drew on his bilingual Spanish-English upbringing to assist American troops in dealing with the people of Panama.

This Nation should be proud to honor Antonio, and I ask that my colleagues join me in remembering Antonio and his family in our thoughts and prayers during this difficult time.

Mr. President, I ask unanimous consent that a recent Chicago Tribune story about Antonio be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 7, 1990]

SOLDIER WHO DIED IN PANAMA BURIED

(By Melita Marie Gorza)

Last month, Panamanian villagers and U.S. soliders cut a path through dense jungle 55 miles southwest of Colon on the Atlantic side of the isthmus to reach the wreckage of an Army helicopter.

There they found the remains of Sgt. Antonio Solis of Chicago, who had died with his infantry contingent two days earlier, on Feb. 21, while trying to rescue another Army helicopter lost in a storm.

On Tuesday, Solis was given a military burial at Queen of Heaven Cemetery in Hillside. The flag that draped his coffin was presented to his father, Enrique, a Pilsen machinist and a veteran of the Korean War.

Solis was 31 and had been in Panama only since Jan. 8. Uppermost in his mind were his plans to be married when his duty there was over in April. He died never having seen his 4-month-old daughter, Stephanie.

"Tony was 5-feet-5," said his friend, Sgt. Sidney Collins. "That was short, especially for the infantry. But he never quit, no matter how much advantage over him."

Enrique Solis, 60, was U.S. born, but raised in Monterrey, Mexico. His first job was as a migrant worker in Wisconsin. Like many men of humble beginnings, he wanted more for his children, especially Antonio.

He strained the family budget to send his son to St. Ignatius College Preparatory School and later to the University of Illinois at Chicago, hopeful that Antonio would achieve in the U.S. what he, with only a 6th-grade education in Mexican schools, could not.

But just seven credits short of his industrial design degree, Antonio Solis quit school to join the Army. His father could not conceal some disappointment.

"It was vanity," he said. "I wanted that degree for him. I wanted to say, 'There is my son with a bachelor of arts degree,' But today I looked at all his friends, doctors and lawyers and other professionals. Then I looked at his casket and saw that he was just as professional as they were.

"My son has always honored me throughout his life. He was doing what he wanted to do. It was his destiny to die under those conditions."

On the job, Antonio Solis drew upon his bicultural experience growing up in Pilsen, smoothing the way for the troops that worked with him in Panama, Collins said.

"He was instrumental in the capture of fugitives from the Panamanian Defense Forces," Collins said. "He went in and talked to the villagers and got us specific intelligence about where the fugitives were."

"Tony also got us in good with the villagers," he said. "We would start softball games with the children, and Tony would mediate. All we knew was combat Spanish, like how to order people to get out of the car."

At Ft. Ord, where the 3rd Battalion of the 17th Infantry was stationed in Monterey, Calf. "Tony would go off on weekend escapades and come back talking about some great merengue bar where he met elders in the Hispanic community," Collins said. "He always maintained a close relationship with his culture."

Antonio will not be forgotten. His sister Laura set out to attend his wake Monday night, but found herself heading for Cook County Hospital instead. She gave birth in the car to a 6½-pound girl. She named her Antonia.

SOCIAL SECURITY TAX CUT

Mr. SYMMS. Mr. President, I would like to enter into today's RECORD testimony presented to the Senate Finance Committee on February 27, 1990, on the issue of the Social Security surplus. The testimony I am including in today's RECORD was presented to the committee by two former Senate aides, Anne C. Canfield and Stuart J. Sweet.

Anne and Stu were the first two individuals in the country to bring to the public's attention the expected Social Security surplus in 1982, prior to the enactment of the 1983 Social Security amendments which, of course, only increased the size of the surplus.

They did a significant amount of analysis on this issue while working here and developed a proposal in 1983, which is described in their testimony. Since leaving the Senate, they have continued their work really as a matter of personal and academic interest.

The Sweet/Canfield proposal offers a very creative solution to the problems posed by the growing Social Security surplus, and I would recommend to my colleagues that they carefully review their proposal.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY ANNE C. CANFIELD AND STUART J. SWEET

ENHANCING RETIREMENT SECURITY: A PROPOSAL

Mr. Chairman and Members of the Senate Finance Committee, it is a pleasure to be able to submit testimony to this Committee. As two former staff aides to Members of this Committee, it is indeed an honor.

We are particularly grateful to be able to share our views with you because the proper treatment of the Social Security surplus has been an issue of significant professional interest to both of us since 1981 while working in the Senate, and a matter of personal and academic interest to us since leaving the public sector.

We commend Senator Moynihan for generating the current public debate on this issue. It is a very positive development. We believed then and now that the result of the debate over the growing Social Security surplus is probably the single most important domestic policy issue facing this country. As the OASDI trust funds continue to grow exponentially, increasing pressure will be brought to bear by the public to strengthen the system. We believe, Mr. Chairman, that the Congress will face its own unique global warming problem. Right now it's only 80 degrees, but in a few short years, the temperatures in Death Valley will feel cool!

We would also like to commend Senators Heinz and Symms for their continued interest in this issue. Both Members also have pending proposals which we believe need to be seriously reviewed and discussed.

THE SWEET/CANFIELD PROPOSAL

The motivation behind the proposal we developed in 1983 is based on two fundamental beliefs: (1) Social Security should provide true retirement security for all Americans, and (2) Social Security should disproportionately benefit lower income workers. Unfortunately, the current system does not adequately honor either of these two promises.

In our view, those goals are so important that Congress should affirm these elemental principles:

A. OASDI revenues should be dedicated solely for the purpose of paying benefits.

B. Beneficiaries must have a contractual right to their benefits.

C. The current system of skewing benefits to lower income wage earners is correct and should be maintained.

D. All beneficiaries, no matter what their income brackets, should have the benefit of professional money management.

In order to affirm these goals, several steps are necessary. First, the Social Security Administration should become an independent agency. This institutional change is needed to insulate Social Security beneficiaries against harmful policy shifts adopted for unrelated budgetary reasons.

Combined with this proposal, Congress should establish that beneficiaries have contractual right to receive their benefits. A

Supreme Court decision rendered in 1960 established that the OASDI tax is a tax on labor contracts and is levied independently of any statutory provisions mandating OASDI benefits.

Thus, in the Flemining vs. Nestor decision (363 U.S. 603, 1960), the Supreme Court declared that Congress could legally eliminate all benefits overnight, and even choose to raise the FICA payroll tax at the same time. A recent example of the amount of latitude that Congress has in reducing benefits is the benefit reductions enacted in the 1983 Amendments. The combination of taxing benefits above specified income levels and delaying the cost-of-living adjustments for six months, represented a 27 percent cut in benefits for retirees in the then 50 percent tax bracket.

Hence, workers cannot be said to have valid property rights guaranteeing them "iron clad" retirement incomes from Social Security. This is why Congress can legally cut cost-of-living increases at any time. We need to develop a system that will give workers such property rights, enforceable in courts of law. We believe this can be done by requiring employers to send 2 percent of OASDI payroll tax receipts to portable pension plans managed by private sector investment managers.

Here is how our proposed public/private sector partnership system will work. Upon being hired, workers will select preferred mutual funds for themselves from a menu of investment vehicles that vary in aggressiveness provided to them by their employers. Thereafter, whenever their employers send 10.4 percent of their combined OASDI taxes to the Social Security Administration, another 2 percent will be sent to their chosen mutual funds. Every month, the mutual funds will mail to each worker statements listing the value of their accounts.

Upon changing employment, workers will transfer their investments to the preferred list of mutual funds on the menus provided to them by their new employers. Their investments in their previous accounts will simply be transferred to their new mutual funds. It is important to point out that the after-tax paychecks of workers remains the same. Instead of paying 12.4 percent to the OASDI trust funds, workers will pay 10.4 percent to OASDI and 2 percent to their mutual funds, if they elect to do so.

Alternatively, workers can choose to rely exclusively on Social Security benefits, as they do now. In this case, their 2 percent payroll tax contributions will be sent directly to the Social Security Administration along the 10.4 percent that remains mandatory.

Under our proposal, these portable pension plans will be professionally managed, just the way $1.7 trillion is now managed for millions of Americans through the existing private pension fund system. Further, these plans will be subject to the ERISA rules and Department of Labor and SEC oversight to ensure that such funds are prudently managed.

Thus, as today's workers retire, they will receive two types of benefits: A Tier I and Tier II benefit. The Tier I benefit will be an irreducible guaranteed minimum adjusted payment received from the Social Security Administration. The Tier II benefit will take the form of an annuity. Gradually, over time, the Tier II benefit will grow in significance relative to the Tier I benefit. As the system evolves, and the Tier II benefit grows in significance relative to the Tier I benefit, prudence demands that Tier II investments be made less aggressively.

Further, unlike the Tier I benefit, the Tier II benefit will be a private property right enforceable in a court of law because it will be received from regulated private companies, not the federal government.

To honor the third principle, that benefits be progressively distributed, the Tier I benefit formula would be adjusted. Here is how this can be done.

Presently, the SSA calculates initial benefits as follows. First, it collects the entire earnings history of an applicant who has filed for benefits. SAA then indexes the earnings of the applicant so that each year of his/her earnings history is measured in 1990 dollars. A specified number of the lowest months of earnings are dropped, and the remaining observations are averaged to generate what is known as an Average Indexed Monthly Earnings (AIME) amount for the applicant.

Under current law, 90 percent of the first $339, 32 percent of the next $1075, and 15 percent of any AIME amount over $2044 will be paid to the applicant as his/her basic retirement benefit. These dollar amounts defining each benefit bracket are increased annually by the percentage change in average wages that took place in the preceding year. The 90 percent, 32 percent and 15 percent benefit brackets are known as "bend points."

Under our proposal, the 15 percent "bend point" would grow more slowly than the growth in average wages. Alternatively, a fourth bracket of 5 percent could also be established when an individual's AIME exceeds $3200. In either case, average Tier I benefits will continue to rise in real terms. In fact, Tier I benefits will more than double for all but the highest paid workers over the next 75 years. For the highest paid workers, the benefits will still increase in real terms, but by a lesser amount.

Clearly, something must be done. The existing system is unfair to millions of Americans. As a result of the 1983 Amendments, today's workers are not only paying for current retirees benefits, but for the first time in the history of the Social Security system, they are being asked to save for their own retirement as well. In addition to paying for two generations' retirement benefits, they are also mandated to subsidize general government spending by accepting a very low, non-market rate of return on their retirement savings. In fact, they are being asked to not only pay twice, but possibly three times for their benefits!

This policy is particularly unfair to lower income earners whose retirement incomes, in large part, take the form of Social Security retirement benefits. Current policy forces them to accept a low rate of return on their principle retirement assets—promises of future Social Security benefits. Meanwhile, higher income individuals enjoy the benefit of professional money management and far higher rates of return in building their private retirement incomes—they are not as dependent on OASDI benefits.

The Sweet/Canfield plan will deliver significantly higher retirement income benefits to those who need it most—lower and moderate income wage earners. Even greater improvements will be possible if more than 2 percent of OASDI taxable payroll is used to fund Tier II benefits.

This will, however, require larger reductions in Tier I benefits as well. We anticipate the public will demand a further shift away from Tier I benefits into higher Tier II benefits once actual experience under the new system demonstrates its advantages.

[In 1990 constant dollars]

Monthly benefit (current law)	Tier I monthly benefit (proposal)	Tier II monthly benefit (proposal)	Real rate of return—			Total tier I and tier II
			7 percent	5 percent	2 percent	
Secretary, age 18, existing salary $15,000, retires in 2039	$1,143	$1,143	$1,127	$613	$273	$1,416 to $2,270.
College graduate, age 30, existing salary $35,000, retires in 2027	1,301	921	1,070	690	380	1,301 to 2,371.
Corporation executive, age 50, existing salary $50,000, retires in 2006	1,145	992	237	198	153	1,145 to 1,229.

As the above table illustrates, the rate of return earned on Tier II. contributions is very important in determining the size of the Tier II benefits that will ultimately be paid. We, therefore, believe that all Tier II benefits should be professionally managed with both yield and safety as equally important concerns. Current law mandates that the OASDI trustees invest the surplus in Treasury securities, which the Social Security actuaries predict will only yield a 2 percent real rate of return.

In our minds, this is the real "thievery." Now that it is clear what is happening, Congress should not condone this crime. The policy needs to be changed. This investment strategy robs all working Amercians, but is most damaging to lower income earners. They, above everyone else, must rely on Social Security to finance their retirements.

During their careers, more privileged workers put aside funds in private pension plans, 401(k) plans, SEPs, and KEOGHs, for example, all of which earn market rates of return that compound over decades. For lower income earners, however, it's just Social Security. For those most in need, we offer ludicrously low rates of return on their investments. Why don't we offer these workers the same opportunities as well paid workers? No pension manager would keep his job if all he did was invest in Treasury securities indefinitely. So why is Social Security compelled to do so?

In addition to improving benefits, our proposal has two other attractive features: It improves public satisfaction with the Social Security program, and increases the reward for working. In a January 1990 Harris poll, 74 percent of all Americans stated that ". . . benefits [were] not worth what you paid in." An even higher number 90 percent, between the ages of 30-39, believed this was true.

This damaging finding proves that workers believe Social Security contibutions are really taxes—not a form of deferred com-

pensation. By raising future expected benefits, this perception would be erased and workers will feel that they have received, in effect, a tax cut. Thus, by increasing Social Security benefits in a sound fashion, we will achieve yet another benefit—an increased reward for working.

A January 1990 poll taken by the respected polling firm, Market Opinion Research, showed how popular this general approach will be: 68 percent favored it, 22 percent opposed it, and 10 percent had no opinion.

Congress faced a similar issue in the late 1970s. It repealed Regulation Q, forcing shareholders of banks and S&Ls to pay small savers fair rates of interest on their passbooks deposits. Just as it was unjust to compel small savers to accept a 5.5 percent interest when inflation was raging at twice that rate, so today it is also unfair to compel vulnerable, lower income workers to accept low rates of return on their most important retirement asset—Social Security. This is particularly unfair when higher income workers are able to achieve greater rates of return on the bulk of their retirement investments by having their savings professionally managed.

THE MOYNIHAN PROPOSAL

As mentioned above, we would like to commend Senator Moynihan for igniting the current debate and for recognizing that the Social Security surplus cannot be used twice—to reduce the deficit and to finance retirement security. All workers, but especially workers aged thirty and younger, owe Senator Moynihan a debt of gratitude for forcing a reexamination of this issue sooner rather than later, when they are closer to retirement.

If the current diversion of Social Security annual, surpluses to finance unrelated government spending continues, Senator Moynihan's concern that the Social Security system will become actuarily unsound is well justified.

To meet all OASDI claims between now and 2010 will probably require an OASDI payroll tax rate of 10.4 percent or less. Under current law, however, the rate will be 12.4 percent indefinitely. It is this difference that generates the "Social Security surplus."

The Moynihan proposal returns the Social Security system to a pay-as-you-go system by eliminating annual Social Security surpluses through a 2.2 percent payroll tax cut. Thus, after Senator Moynihan's tax cut, the revenues collected each year will closely approximately the amount needed each year to honor all OASDI obligations. This proposal has the virtue of returning surplus OASDI taxes to those who paid them since, under the current system, they are being diverted to reduce the unified budget deficit.

The problem with this approach, however, is that benefits, as expressed as a percentage of workers' paychecks, are expected to rise from 10 percent to 17 percent over the period as the baby boom generation retires and lower fertility rates together shrink the worker/retiree ratio from 3.3 to 1.8.

Adopting Senator Moynihan's tax rate reduction proposal will, without legislating later tax increases, drive the Social Security system into a long-term taxable payroll deficit of at least -2.9 percent, up from the present -0.7 percent proclaimed by the Social Security actuaries. And yet, when the Social Security deficit hit -1.82 percent of taxable payroll in 1982, all commentators agreed that urgent action was necessary to resolve the OASDI crisis.

Alternative II-B forecast

Calendar year:	*Percent* [1]
2000	10.27
2010	10.76
2020	13.70
2030	16.23
2040	16.58
2050	16.74
2060	17.19

[1] OASDI total cost rate expressed as a percent of taxable payroll.

Source: The 1989 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund. Table 26—Comparison of estimated income rates and cost rates by trust fund on alternative calendar years 1989-2065.

As the chart shown above illustrates, under the "pay-as-you-go" system, the OASDI tax would therefore also have to leap from 10 percent to 17 percent, in tandem. This practically guarantees an intergenerational donneybrook in the 21st century.

And, as the graph below indicates this conflict would take place at a time when Health Insurance (HI) payroll taxes are expected to significantly increase to finance the burgeoning of the Medicare system as well.

Alternative II-B forecast

Calendar year:	*Percent* [1]
1990	2.66
2000	3.54
2010	4.27
2020	5.26
2030	6.50
2040	7.06
2050	7.22
2060	7.40

[1] HI total cost rate expressed as a percent of taxable payroll.

Source: The 1989 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund. Table E2.

PRESIDENT BUSH'S PROPOSAL

The President implicitly acknowledges the problem recognized by Senator Moynihan, but tells us to wait until 1996 to begin to solve it. Like Senator Moynihan, the President agrees that the current trust funds cannot be used for dual purposes. He proposes to address this issue by phasing-in his proposed Social Security Integrity and Debt Reduction Fund.

Under this proposal, the accumulating OASDI surpluses would still help balance the budget in 1993, 1994 and 1995, but by diminishing amounts. From years 1996 to 2000, all OASDI surpluses will be used exclusively to lower the national debt. Under the President's plan, the national debt held by the public will peak at $2.4 trillion and fall to $1.7 trillion or less in 2000.

Left unsaid is what will happen in 2001 and beyond. If his policy is continued thereafter, the entire national debt will be retired in 2005. And for at least several decades, the nation would have a national surplus, instead of a national debt! This surplus is expected to soar to $11 trillion in 2035 if very conservatively invested—an amount equal to $1.7 trillion in 1990 constant dollars or 15 percent of the anticipated Gross National Product (GNP) in that year. We do not believe it would be healthy for the Federal Government to own, for its own account, private assets of this magnitude.

SENATOR SYMMS' PROPOSAL

The proposal made by Senator Symms is a break with conventional thinking, and offers an innovative solution to the current debate. Senator Symms' proposal and a similar proposal made by Congressman Porter embody the philosophy of attempting to get a better return on today's workers' retirement investments. Even more importantly, the philosophy behind their plans will, with some essential adjustments, ensure true retirement security for workers and retirees while simultaneously raising benefits.

Under the Symms proposal, 2 percent of taxable OASDI payroll would indeed be set aside to generate Tier II benefits in portable pension plans privately managed by professional money managers. The Symms plan would, however, allow individuals to withdraw funds for purposes other than retirement, including expenses for higher education, downpayments for first-time homebuyers, and medical expenses.

While the qualified withdrawal objectives are laudatory, we believe that these objectives violate our first principle which dictates that OASDI revenues should be dedicated solely for the purpose of paying benefits.

Additionally, Senator Symms' plan does not explain how the subsequent shortfall in OASDI resources will be replenished given the fact that curent law benefits in his plan are not adjusted. In effect, current law benefits will be honored, but no method is proposed to fully finance those benefits. (It should be noted that Senator Symms has publicly stated that he supports a proposal, made by former Social Security Commissioner Robert Ball in testimony before the Senate Finance Committee in 1982, to expand immigration levels as a means of paying for future benefits.)

CONGRESSMAN PORTER'S PROPOSAL

The Porter plan, like the Symms proposal, sets aside 2 percent of taxable OASDI payroll to generate Tier II benefits, but unlike the Symms proposal, it proportionately reduces current law Social Security benefits. In effect, the Porter plan reduces the growth rate of real Social Security benefits across the board and by equal percentages for all beneficiaries, and then uses the savings to fund Tier II portable pension plans.

His proposal reduces the progressiveness of the current system, and thereby violates one of our basic principles. To made whole, Tire I benefits should be skewed to maintain the current progressive structure.

THE SOCIAL SECURITY ACTURARIES' CHANGING FORECASTS

We do wish to bring to the Committee's attention, at this time, the largely unnoticed, but significant changes being made by the Social Security Adminstration's actuaries. In 1983 under the actuaries' most commonly cited forecast, the so-called Alternative II-B forecast, the OASDI trust funds were scheduled to have a surplus of over $20 trillion in 2046. The actuaries, however, are now projecting that the OASDI trust funds will be bankrupt in 2046! In the meantime, the economy grew smartly, which improves OASDI solvency. This puzzling changes gives new meaning to the phrase "close enough for government work."

Congress and the Administration are the actuaries' customers. If this happened elsewhere, they would be sued for malpractice. We would recommend that the Committee hold a hearing to determine how these incredible changes could happen.

At the same time, the SSA actuaries, using the Alternative II-B forecast, assume that the OASDI trust funds will yield a 2 percent real rate of return. This is unlikely. From 1935 to 1985, Treasury securities have barely kept pace with inflation, yielding 0.1

to 0.5 percent real rates of return. If the SSA actuaries' rate of return assumptions prove optimistic, then the retirement benefits of those thirty and younger are at risk.

Given the fact that Congress and the Administration formulate policy inpacting hundreds of millions of workers and retirees based on forecasts provided to them by the Social Security actuaries, it is imperative that a "truth in calculating" requirement be imposed.

SOCIAL SECURITY IN THE 1980S

In examining the fiscal pattern of the OASDI trust funds, it is apparent that there were essentially three phases to the trust funds' fiscal balances prior to the enactment of the 1983 Social Security Amendments. During Phase I, 1982-1990, the trust funds balances were projected to lose $100 billion. This situation was forecasted to reverse itself in Phase II, 1990-2017, when the trust funds were projected to accumulate a surplus totalling $2.7 trillion. In Phase III, beginning in 2017, the OASDI trust funds were projected to begin to lose money, tumbling into significant deficits in 2026 and beyond. These phases are reflected in the graph shown below:

[Graphs not reproducible in the RECORD.]

In ranking the magnitude of the problems to be solved by any reform package at this time, it is clear that the long-term deficit projected to occur in Phase III was the most serious. The second largest problem was the surplus that was projected to accumulate in Phase II. The most minor problem was the deficit being projected in Phase I—the 1980s, but this dominated debate. The Social Security Commission, viewed OASDI as an ongoing funding problem over the next 75 years. Although on average, OASDI was projected to take in 74 percent of what it was going to spend between 1983 and 2060, this masked the timing differences identified above. As Mark Twain once said: "A man with one foot in ice water and another on hot coals is, on average, comfortable." Thus, the Commission, on average, made up for the shortfall.

As indicated in the above illustrated graph, when the Social Security Commission recommended and the Congress legislated reforms to resolve the Phase I insolvency threat, the effects of those reforms carried over into Phases II and III, generating a multi-trillion dollar OASDI surplus in the 21st century.

In the process, the 1983 Amendments fundamentally changed the structure of the Social Security retirement and disability system from a "pay-as-you-go" system to one which attempted to vest itself by establishing a massive sinking fund. In effect, the Amendments mandated that today's workers not only pay for today's retirees' benefits, but that they also begin saving to accumulate funds to pay for their own retirement benefits.

Following the enactment of the 1983 Social Security Amendments, the Phase II surplus grew immensely. Congress had turned Social Security into a cash cow!

CONCLUSION: BACK TO THE PAST?

This is not the first time Congress has been faced with the issue of what to do with a large Social Security surplus. In 1939, faced with an accumulating reserve fund of $47 billion, Senator Vandenberg (R-Michigan) of the Senate Finance Committee stated that this accumulation of funds was "the most fantastic and the most indefensible objective imaginable. It is scarcely conceivable that rational men should propose such an unmanageable accumulation of funds in one plan in a democracy." Senator Vandenberg would undoubtedly be shocked at today's mounting trillions!

The proposal we have been advocating since 1983 suggests using the Social Security OASDI surplus, in conjunction with more aggressive investment policies, to transform Social Security into a national pension system that provides true retirement security. Such an evolution will remove the economic distortions caused by the Social Security payroll tax and, by creating a large real Social Security surplus, eliminate the necessity for future Social Security OASDI tax increases.

Interestingly, Congress debated this issue once before. In 1935, during debate to create a Social Security system, Senator Clark (D-Missouri) offered an amendment allowing employers who had their own compulsory annuity program for their employees the right, along with their employees, to opt out of the program.

The Clark amendment was defeated in the Senate Finance Committee on a tie vote, but was later passed by the "New Deal" Senate, with a Democratic majority of more than 2:1, by a vote of 51-36. We think the Senate was right on June 19, 1935, and a "motion to reconsider" would be in order!

Later, the Clark amendment held up final agreement on the Social Security legislation in the House-Senate Conference Committee for three months. Unfortunately, the Senate receded to the House on the Clark amendment, with the proviso that a special, joint legislative committee be formed to study the underlying issue and report to Congress the following year. The Clark amendment was never reconsidered, but we hope that Congress will do so now by forming a new Commission on Social Security to study methods of strengthening the public/private retirement system. It's time to go back to the past.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair advises the period for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the period for morning business be extended for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2253 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

MIDDLE EAST MILITARY BALANCE

Mr. PRESSLER. Mr. President, the prospects for a lasting peace in the Middle East are uncertain. Although from time to time diplomatic pronouncements suggest that a resolution of the outstanding differences between Israel and its Arab neighbors may be at hand, in each such instance over the past several years those optimistic speculations have not borne fruit. I share the disappointment of most Americans and Israelis that this has been the case.

At the present juncture of Middle East diplomacy, what most concerns me is the eroding military balance in that vital region of the world. The plain fact is this: Israel is gradually losing ground in its efforts to stay on a level military playing field with its neighbors. This is an unacceptable and dangerous situation. There are several reasons why this erosion has occurred.

First, although United States aid to Israel remains high, inflation has eroded the value of that aid by more than $400 million since 1986. In addition, 40 percent of that aid is spent by Israel to repay its debts to the United States. This amounts to $1.2 billion this year. The practical effect of these factors is that Israel has less to spend on defense out of the United States assistane it receives. Incidentally, $2.6 billion—87 percent—of current United States aid to Israel comes back to the United States in the form of debt repayments and military purchases. This creates at least 60,000 American jobs.

Second, Israel's Arab neighbors—many of whom are wealthy from oil export revenues, as Israel is not—continue to purchase foreign arms at a record rate. These purchases contribute greatly to the eroding Middle East military balance. Iran, Iraq, Libya, and Syria have acquired ballistic missile and chemical warhead capabilities. The Arab Nations now own 30 percent more fighter aircraft than NATO, and Arab air forces outnumber Israel's by a 4-to-1 ratio. In addition, the tanks of Arab armies are far more modern than those used against Israel in the past, and Arab tanks at 17,000 are equivalent in number to NATO's tanks—a 4.5-to-1 ratio over Israeli tanks. In the past 16 years, the Arab nations most directly involved in the Arab-Israeli conflict have bought more than $170 billion in foreign weapons.

Third, the Middle East military balance continues to be afflicted by terrorism. Last year alone, 13 terrorist attacks were committed by Fatah inside Israel's pre-1967 borders. PLO-affiliated organizations conducted or attempted 17 border attacks and infiltrations last year. In other words, the military threat to Israel is more than just a theoretical possibility.

For these reasons, Mr. President, as well as the fact that democratic Israel is an essential strategic partner of the United States, it is my view that United States policy must avoid steps that might contribute to any further erosion of the Middle East military balance. Such steps could hurt not only Israel, but also United States fundamental interests in the Middle East region and elsewhere.

EXTENSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent that the period for morning business be extended for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduciton of S. 2252 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON. Mr. President, if no one seeks the floor, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293, to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1310 (to amendment No. 1293) to establish emission testing and research centers to monitor high-altitude conditions.

(4) Wirth/Armstrong amendment No. 1311 (to amendment No. 1293), to establish a research and technology assessment center to provide for the development and evaluation of heavy-duty vehicles.

(5) Wirth/Armstrong amendment No. 1312 (to amendment No. 1293), to establish a National Research Center for Environmental Lung Disease.

(6) Wirth/Armstrong amendment No. 1313, to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

Mr. BAUCUS. Mr. President, we are now back on the Clean Air Act. No amendments are pending. I am reminding Senators that if any Senator has an amendment that he or she wishes to offer, this would be a good time to offer the amendment. There are no amendments pending. I have quite a long list of potential amendments, both on the Republican and the Democratic side. I hope very much that Senators come to the floor and offer their amendments.

Technically, the Wirth-Armstrong amendment and also the Baucus amendment are pending, but for all intents and purposes the Senate floor is open for amendments because we will lay aside the amendments that are pending to make room for whatever amendments Senators may have if they come to the floor at this time.

Again, I urge Senators to come to the floor and offer their amendments. The majority leader has said he intends to stay very late tonight, he intends to stay in Friday and Friday night and Saturday, if necessary, to finish this bill. Every minute we spend working on the Clean Air Act during the daylight hours means fewer minutes we have to spend on the Clean Air Act in the nighttime hours. I very strongly urge Senators to come to the floor now to offer their amendments.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, all we can do is echo what the majority leader has said. Every minute that we waste here without considering amendments means we will just have to spend more time at the other end, going into late Friday, into Saturday and possibly Sunday. This bill is going to be finished before we go out for the recess.

So I hope Senators will bring their amendments to the floor to be considered.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I make a parliamentary inquiry. Are we now working on S. 1630?

The PRESIDING OFFICER. The Senator from Idaho is correct. There are pending amendments.

Mr. SYMMS. Mr. President, it is my understanding that in the midst of this bill, with respect to the CFC's—and I see the distinguished Senator from Rhode Island is now on the floor—there is a portion that if nations do not comply with our standard on CFC's, we ask that implementation. Is that correct, I might ask the Senator from Rhode Island?

Mr. CHAFEE. I did not receive the total question of the Senator from Idaho.

Mr. SYMMS. It is my understanding that in the section on the bill where the CFC's are addressed, because we have moved unilaterally on CFC's, the Senator from Rhode Island has a portion in the bill that will encourage compliance with fellow trading partners, that they make the same compliance that we do with CFC's or we do not trade with them. Is that correct?

Mr. CHAFEE. There are sanctions levied upon them. Let me get the exact language on that.

Mr. SYMMS. What section of the bill would that be in?

Mr. CHAFEE. It is title VII of the bill.

Mr. SYMMS. Maybe some one could give me the page.

Mr. CHAFEE. Why not have a quorum call until we can get the answer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, if I could carry on, in the bill on page 541, title V, global climate protection, the Montreal protocol and other discussions are discussed there. The point I was getting to is mentioned in the bill. I am looking for the part of the bill that actually points out that the United States is going to have an effort made to apply the same technology—the same standards are not met in the foreign countries as the United States—that we would not import products, give foreign aid and do business with those people so that we will in fact have multilateral or worldwide cooperation on the reduction of CFC's and the reduction of ozone depleters.

I think the Senator from Rhode Island amended in the committee to protect us so that we are not just doing this all alone, that it would be spread out to other countries. Is that not what the intention of the Senator from Rhode Island was?

Mr. CHAFEE. Yes. Let me briefly explain the background. As the Senator from Idaho pointed out, we under this legislation proceed unilaterally. In other words, not only are we going to observe the 50-percent reduction required by the Montreal Protocol, but also we are going to 100 percent elimination of production of the listed CFC's by the year 2000.

Naturally it arises, well, you do this in the United States, take these tough stands, the production will merely move overseas, then there will be imports not only of possibly the CFC's produced there, but also of the products that are made with the CFC's.

In order to prevent that, if the Senator will look in his green book, which is the report, perhaps the Senator has it, the Senator will notice starting on the bottom of page 397 it outlines what the legislation provides regarding imports of the substances or the products that are made with the CFC's.

First of all, it says effective 1 year after the date of enactment of this legislation the importation of substances in bulk or in products will be prohibited. Certification of equivalent programs, and then it goes on to say this will be prohibited unless EPA certifies that the country of origin is a party to and in compliance with the Montreal Protocol. That is up prior to 2000.

Effective 2000, July 1, such importation will be prohibited unless EPA certifies that the country of origin, that is the foreign country, is implementing a reduction and phaseout program as stringent as that set forth in the bill.

That is to prevent others from taking advantage of what we are doing in this country.

Mr. SYMMS. I appreciate the comments of the Senator from Rhode Island. The purpose of that is because we are unilaterally moving forward to save the ozone depletion from moving more rapidly here in the United States, ahead of the Montreal Protocol, and so we would have a standard here. I think it says to prevent persons subject to U.S. jurisdiction from transferring technology or investing facilities to produce substances and so forth.

I guess my question would be if that is good enough for CFC's, why, I say to my colleagues, should we not apply that same standard to the air toxics section of the bill so that we could see that we do not simply drive the chemical industry offshore to the Caribbean Basin or Mexico or Canada and have the same amount of air toxics put into the atmosphere but we just drive the pollution out of the United States.

Was there any reason why we did that?

Mr. CHAFEE. First of all, there is a difference in the problem that we are wrestling with. The reason we are banning the production of the CFC's is because it is a global problem. It does not just affect us. It affects everybody in the world. We see no reason that we should take tough measures here, unilaterally moving ahead alone as a nation, and let the other nations just go their way and take advantage of any ceased production that we have in this country. So that is the CFC situation.

The toxic emissions problems that affect our local population, we just do not believe that we want our citizens, whether they are in Boise, or whether in Providence, RI, poisoned by emissions from our plants. In the first place, this, as the Senator has pointed out, in the long negotiations that we have, is very difficult to monitor.

Indeed, the most contentious part of the whole toxic emissions program was the monitoring and deciding what is a risk and what is not a risk. For us to attempt to monitor plants abroad in foreign countries would be an impossible task.

Let me also say this, if I might. I know the Senator is concerned about the cost to our industry pursuant to the maximum available control technology and subsequent control measures that might be levied on our plants.

But first of all, I do not think these costs are going to be as much as the Senator fears. We have done this with the Clean Water Act. All our plants have that. They cannot discharge into our lakes and streams, and we believe that that has worked out not only satisfactorily, but has not imposed an undue burden—it is a burden, sure—but not an undue burden that has affected the competitiveness of our industries.

But I think there is a greater reward, if I might say, financially, from the control of toxic emissions than there is even from the Clean Water Act, which I am a proponent of.

The Clean Water Act permits us to have rivers, lakes and streams that are fishable and swimmable, and it is working. To some degree, those dirty rivers and lakes and streams affect the public health, but nowhere to the extent that the toxic air emissions do.

This is a health bill. We believe there will be a payout on the other side through improved health, and thus reduced medical expenses and hospitalization expenses.

Mr. SYMMS. I thank the Senator very much. I say that I appreciate the Senator's sincere concern and hard work in bringing this legislation to the floor, and his concern that it is a health problem.

At the same time, when this Senator offered an amendment—which I have withdrawn, but I have it here in my hand—which would allow the community to be involved in the closing of the plant, Senators on the floor said, "Oh, no; we cannot have that. That would not be workable."

Then I come to the other conclusion that maybe we should apply the same standard we did with CFC's, so that if we are not going to allow the local people who are affected, who, when EPA would go in—and I could count the votes, and I believe if I offered my amendment now—I still plan to offer it when we come back after the recess—to this bill, to allow the local people, local communities to have involvement, if the bill is still pending business at the same time, still on the floor, I would still like to have the people who will be affected, whose health we are talking about, who will be affected, that they have a vote, yes or no, whether to close the plant.

They may think that the chances of getting one more cancer in 700,000 years is a risk that they are willing to take on this mystical person, and that they may, on this bright line that is in this bill, think they would rather have a job and take the risk of the slight emissions of air toxics, if they use the best available technology.

I think we all agree that the best available technology is a good standard for American companies to operate by. I think we as Americans are proud of the fact that we do have the technology, we do have a very clean environment. But I do think we also have to say that when you go out and tell people that 100 million Americans are breathing unhealthy air, that most Americans think it is some other people that are breathing that unhealthy air, because many of our cities are out of attainment on certain days of the year, but for the big part of the year they are not out of attainment.

It is highly questionable as to how much real damage is being done to the health of the people, in view of the fact that people are living longer and they are healthier. It is not uncommon now to see people in their seventies running 25-mile marathons, and those kinds of things just have happened and would not happen in a population of people that were suffering terribly from ill health.

So I come to my next thought about this. I do not believe the Senate will accept my amendment now, although I do plan to have a vote on it before we dispose of this bill, to allow the local communities to vote on it. I think it makes good sense.

I hope Senators will reconsider that in the coming days and will give me support in that effort. The local com-

munities would have support. But in the meantime, if we cannot pass that, when I think about John and Sara Doe somewhere, whose plant may be closed, whether in Beaumont, TX, or Pocatello, ID, or wherever, because of the air toxics portion of this bill, and a plant will open up across the border in Mexico, or in Canada, or in Costa Rica, or some other country, how can we then protect those working men and women, some 2.7 million people, that may lose their jobs as a result of this legislation, as we drive the chemical industry, the pharmaceutical industry and the steel industry out of the United States?

Pollution will take place in other countries and other people can suffer from it, where they have no rules and regulations, where they will not apply the best available technology, but they will operate those plants.

So what I have done is I have taken the language that we used on CFC's, and I have come up with an amendment which would say and use exactly the same language we used on CFC's, but apply it to the air toxics bill. It says:

Effective 12 months after the date which the administrator promulgates emission standards, under subsection (d) of this section, it shall be unlawful for any person to import any products, goods, or commodities if the production, manufacture, or transportation of such products, goods, or commodities results in emissions subject to the regulation under this section, unless the administrator, in consultation with the Secretary of State, has published a decision after notice and opportunity for public comment, certifying that the nations in which such products, goods, or commodities were manufactured and imported have established and are fully implementing programs that require reduced production of hazardous air pollutants listed under subsection (b) on the schedule and in a manner that is at least as stringent as the reduction schedule for limitations on domestic hazardous air emissions under this title.

If we can put a section like this in this bill, what we would be doing is really striking a blow for good environment, because we would be saying that we are not only concerned about our people, but we are concerned about all people who are going to—we are not going to be a party to, just because we are wealthy, that we are going to export all the pollution offshore and then import all those products back into the United States that produce air toxics.

I think that this makes some considerable sense. I do not know how the leadership of the committee would accept that idea. I think I can guess they would say, "Well, this is a different question, and it is not the same as the CFC's."

But I do think that it would give Mr. and Mrs. Working American some protection, that if we are to be in this country of competitiveness, that we are not going to impose stringent requirements on the working men and women of America, and then turn right around and import the goods or foster U.S. investment to go into those countries to make those kinds of investments.

I might just ask the question of my colleague, if that kind of amendment might not make more sense, and if he thinks that would make more sense than my original amendment. I can assume that the original amendment I offered earlier this week, we have not gotten the support for yet, but if he would look favorably upon this?

Without losing my right to a floor, I will yield for an answer.

Mr. CHAFEE. My reaction would be that it would not be acceptable. When you are dealing with CFC's, you are dealing with a worldwide substance that is, on a global scale, affecting the health of everybody all over the world.

And it is a substance. These CFC's are recognized internationally, as evidenced by the Montreal protocol where a whole series of nations have signed. What you are trying to do is step from there and say that every law that we pass must be applied on a worldwide basis or else we will not import their products. For instance, you start with the toxic air emissions. What about child labor laws? Suppose the country that sells to us does not observe the same child labor laws we do. Suppose they do not observe the same limitation on a workweek that we have. Suppose they do not require time and a half for overtime beyond 40 hours. So this could go on and on.

In the first place, I think the proposal is impossible to enforce. I do not know who would do the enforcing.

Second, it would completely devastate the international trade system that has been set up under the General Agreement on Tariffs and Trade, the so-called GATT.

So the amendment, as suggested by the Senator, would not be acceptable to us.

Mr. SYMMS. I thank the Senator very much. I think he points out some very reasonable comments on the difficulties that we are all faced with in this legislation.

The air toxics section of the bill in the committee report, I would just say to my colleague, I am told—I am looking for the place in the report where it says this—but the Senator makes a very good point of the difficulties. The Senator makes a very good point of the difficulties of what we are faced with with this legislation. There are a lot of Americans, to answer the Senator's question, who would say——

Mr. BAUCUS. Mr. President, I wonder if the Senator would yield for the purpose of submitting a concurrent resolution which must be agreed to and sent over to the House in the next 10 minutes.

Mr. SYMMS. Without losing my right to the floor, I am certainly happy to yield to the distinguished Senator.

SENATE CONCURRENT RESOLUTION 103—PROVIDING FOR A CONDITION RECESS OR ADJOURNMENT OF THE SENATE

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 9, 1990, or Saturday, March 10, 1990, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9 a.m. on Tuesday, March 20, 1990, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 103) was agreed to.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. CHAFEE. I would point out to my colleagues that this resolution——

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. SYMMS. Yes.

Did the Senator wish me to yield?

Mr. CHAFEE. I would like to make, if I could, a minute comment.

I point out to our colleagues, if they listened carefully, this resolution provides for adjournment either on Friday or Saturday. That indicates it is the leader's intention to press through on this legislation. That does not mean we are going to quit on Friday. We could well be here all day Saturday, which I do not think any of us want.

I hope that those with amendments will bring them to the floor so we can consider them. We hate to spend time

here on Thursday morning without accomplishing things, moving ahead with these amendments, and thus cause us to go into not only late Friday night but into Saturday when so many have plans to be elsewhere.

Mr. SYMMS. I thank my colleague and I thank the acting majority leader from Montana for passing the resolution because I, like my colleagues, am looking forward to returning to the sanity of my State, and I am hoping to be there Friday night to see the semifinal rounds of the Big Sky Basketball Tournament held in Boise and hope to be there Saturday night. So it is not this Senator's intention to stay here.

But I would say to my colleagues that I believe, having been in the Senate now for 9 years and seeing how this operation works, that those of my colleagues that expect this bill to pass before this recess obviously have not been listening to what the Senators from Alaska, Kansas, and others have been saying here on the floor, and I do not believe that is doable. That is not dilatory.

I think the Senator from Colorado yesterday made it very, very clear that he is a proponent of clean air legislation but he is not prepared to move forward with this bill prior to the time he is able to seek counsel from the environmental administrators in the State of Colorado.

I believe we could better serve the country, and our colleagues, and the job we have to do by adjourning this afternoon and returning a week from Monday, and probably we could do this bill much faster because there are many issues that I believe people want to bring up.

I see the distinguished Senator from Washington State is on the floor. I have privately discussed with him an issue that it may or may not be GATT-legal, but we have discussed this issue, and that is, Should the United States continue to import products from people who do not comply with the same standards that we require of our own producers? This has been an issue in the agriculture community in the United States for many years that, if we are going to ban certain products on American food for American producers, then we should not import the same products from foreign sources. You could take many positions on it, but I believe that these issues ought to be discussed, and I think this is the dilemma that I think Senators find themselves in.

If this bill passes in its current form, I think that Senators need to be prepared down the road to be coming up with programs to either retrain people who lose their jobs or to have programs to pay those people who are disenfranchised from their jobs because of very stringent air toxics or other air quality standards that may or may not be reached.

So, Mr. President, I know that the Senator from West Virginia [Mr. BYRD] has been here on the floor, and he has an amendment that sounds very interesting. But I want to read what the committee report says on page 154:

Airborne toxic fallout contaminates even isolated lakes that have no nearby industrial sources and no other route by which pollutants could reach them. The pollution is capable of travelling on the wind from sources hundreds, even thousands, of miles away. The case of Lake Siskwit, sifting on a wilderness island (Isle Royale) that lies in the far reaches of Lake Superior, is perhaps the best known. Toxaphene, a (now-banned) pesticide used no closer than the cotton-growing areas of the deep South, has been found in this lake along with concentrations of PCPs, hexachlorobenzene, and other persistent toxic organics.

So I think that the problem that we face is that if we close a plant in North Dakota and we open one in southern Canada, we may find that we have only moved the toxic emissions across the border, but the people still may suffer from those toxicities.

Mercury has been found in snow samples in northern Minnesota at concentrations exceeding EPA water quality criteria. Last January, Michigan issued fish advisories warning of mercury contamination for all of its inland lakes * * *.

So on and so forth.

What I am saying is I think there is a reasonable argument could be made that if we are going to impose an air toxic standard on the working men and women and producers of the United States of America, then we should not import products, goods, or commodities from countries that produce the same products and import them back into the United States and pollute the atmosphere outside the United States but then we consume those goods inside the United States.

So Mr. President, I send an amendment to the desk that will address that problem and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the current amendment?

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that the Wirth-Armstrong amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is temporarily set aside.

AMENDMENT NO. 1327 TO AMENDMENT NO. 1293

Mr. SYMMS. Mr. President, I ask the amendment be read.

Mr. BAUCUS. Mr. President, it is a 4-page amendment.

Mr. SYMMS. But I wanted to at least have the first paragraph read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1327 to amendment numbered 1293.

At the appropriate place add the following:

"SEC. 112. (x) CERTIFICATION OF EQUIVALENT PROGRAMS.

(1) IMPORTS.—Effective twelve months after the date on which the Administrator promulgates emissions standards under subsection (d) of this section, it shall be unlawful for any person to import any products, goods or commodities if the production, manufacture or transportation of such products, goods or commodities results in emissions subject to regulation under this section unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such products, goods or commodities were manufactured and imported have established and are fully implementing programs that require reduced production of hazardous air pollutants listed under subsection (b) on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic hazardous air emissions under this title.

(2) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under paragraph (1) unless it is determined that—

(A) the Nation has adopted legislation or regulations which give the emissions control schedule for each listed hazardous air pollutant the force of law; and

(B) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this title, and that the information contained in such reports is available to the Administrator and the Secretary.

(3) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of paragraphs (1) and (2) remain satisfied and that the reduction schedule for each hazardous air pollutant is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(4) INVESTMENT AND EXPORT.—(A) Within one year after enactment of this section, the President shall prohibit—

(i) the export of technologies used to produce goods, products or commodities that result in emissions of hazardous air pollutants in excess of standards promulgated under subsections (d), (f), and (g); and

(ii) direct or indirect investments by any person in facilities designed for or capable

of production or manufacture of goods, products or commodities that emit hazardous air pollutants not certified under this section.

(B) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment determine whether there exists, for each class of goods, products or commodities produced or manufactured with a process that emits hazardous air pollutants, substitute products or manufacturing processes that do not rely on emissions of hazardous air pollutants; and promulgate regulations for each class of goods, products or commodities for which a positive determination has been made under this subparagraph. Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of emitting hazardous air pollutants in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation, or manufacturing products that require the emission of a hazardous air pollutant in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation.

(5) FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing goods, products or commodities where the manufacture or production of such goods, products or commodities will result in the emission of hazardous air pollutants listed under subsection (b) in excess of emissions standards under subsections (d), (f), and (g).

Mr. SYMMS. Mr. President, I will be very brief in my explanation. We have heard for 9 years in the deliberations on the clean air bill that this is a major, worldwide, global problem. We have discovered, much to our chagrin at times as Americans, that we live in a global economy and that we must compete globally in order to have our share of the market.

What I am saying here is that unless we are going to grant the working men and women of the country an opportunity—which I hope we will do, but I am not of the belief that I have the votes at this point to pass an amendment which I would prefer to do over the one that I send to the desk now. I would much prefer, Mr. President, to allow Americans outside of the beltway in the local communities that are affected by the air toxics portion of this bill to have a vote up or down on whether the plant closes, and after they know what the risks are under the bright line philosophy that is imposed in this legislation. I would prefer that.

But I am convinced, after our discussion on Monday of this week, that I do not have the votes at this point to pass that amendment. So as a fallback position, what we are simply saying here is that if in fact global pollution from air pollution is a problem—I think all one has to do is visit foreign countries and you will find out that we have the cleanest air in the world in the United States of America particularly of industrial countries I am speaking of where there are industries—then we should protect our working people by having a program which would in effect actually say that we will not be exporting this pollution to foreign countries.

Section 3 reads as follows:

REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of paragaphs (1) and (2) remain satisfied and that the reduction schedule for each hazardous air pollutant is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

Section 4 read as follows:

(i) the export of technologies used to produce goods, products or commodities that result in emissions of hazardous air pollutants in excess of standards promulgated under subsections (d), (f), and (g); and

(ii) direct or indirect investments by any person in facilities * * *.

In other words, what we are trying to do here is say what is good for the goose is good for the gander.

I believe my first amendment would be better, but I think as a fallback position that the American people at least should not be asked by this Congress to pay the entire price and burden, and then have these air pollutants take place offshore, outside the borders, across the border, in many cases along the Mexican border. Facilities will move from Texas or Arizona or California right into Mexico, and if the wind blows back in this direction our citizens will still have the air toxics to contend with but we will have literally no control over those toxics.

Section 5 reads as follows:

FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing goods, products or commodities where the manufacture or production of such goods, products or commodities will result in the emission of hazardous air pollutants listed under subsection (b) in excess of emissions standards under subsections (d), (f), and (g).

This follows exactly the same format as this committee voted for with respect to CFC's. It is exactly the same language. I have only applied this language to another section of the bill.

Air toxics, according to the committee report, is an international problem that potentially transfers thousands of miles. I cite to my colleagues:

Airborne toxic fallout contaminates even isolated lakes that have no nearby industrial sources and no other route by which pollutants could reach them. The pollution is capable of travelling on the wind from sources hundreds, even thousands, of miles away.

So it is clearly an international problem. I believe, Mr. President, it comes back to a more basic issue than that.

I think we all want clean air. We all want all the wonderful things for our constituents. But it seems somewhat hypocritical to this Senator to argue that we must impose standards on U.S. citizens and then allow foreign citizens to have lesser standards and then compete against us in the international global economy and our people go wanting for jobs and they are asked then to purchase these products that are produced in other countries.

So, that is basically the reason for the amendment.

Mr. President, are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER (Mr. ROBB). They have not been ordered.

Mr. SYMMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I appreciate the effort of the Senator from Idaho to try to achieve some balance among countries on environmental law. There is one critical point here which I think all Senators should recognize. We are not the United Nations. This is the Congress of the United States of America. It is not the United Nations. We are not in the business of setting, in effect, uniform environmental law for all environmental matters.

There are some environmental matters, though, that are more global in nature than others. The destruction of the stratospheric ozone layer by chlorofluorocarbons is a global matter. Chlorofluorocarbons in one country affect the stratospheric ozone layer for everyone in the world.

Whether it is in antifreeze and refrigerants and coolants in America, Canada, Soviet Union, Brazil—whatever the country, when those CFC's, gradually rise over a period of time—it takes a few years to get up to 70,000 feet of the stratospheric ozone layer—they affect everyone in the world. Because when those CFC's rise up, particularly the chlorine molecules, and destroy the stratospheric ozone level, that means much more ultraviolet comes down to the Earth and increases the incidence of cancer, skin cancer, retinal cancer, and many scientists think it also adversely affects the immunological system of human beings.

That is a global matter. The CFC provisions in this bill do have the kinds of limitations the Senator from Idaho represents, because that is a global question. That is, CFC's affect everyone in the world. The amend-

ment of the Senator from Idaho is on an entirely different subject. It is on air toxics. What are air toxics? Air toxics are those toxic emissions, some cancerous, some noncancerous, that come from chemical plants, that come from petrochemical plants, from refineries, other major plants in this country. That is not a national problem.

The people who are hurt and injured or potentially injured by air toxics are those people who live next to the plants. So, if there is a plant in this country emitting air toxics the people in danger are those who live nearby. Not the people who live in Bangladesh, not the people who live in the Soviet Union, not the people who live in Canada, Mexico, China, or Japan. It is the Americans.

It is, therefore, highly inappropriate for this country to try to pass environmental legislation that affects the world. In effect we are saying, if this amendment passes, that the standards in America have to be the standards in Bangladesh, in the Soviet Union, in Canada, in Mexico, and other countries of the world, when it comes to air toxics. I do not think we are in the business of doing that.

We are not the united environmental nations, here. We are the U.S. Congress, attempting to pass clean air legislation that affects American citizens. That is what we are in the business of doing. That is what we are trying to do here today.

The effect of the amendment of the Senator from Idaho would essentially be twofold. No. 1, it would impose a tremendous cost burden on the EPA, tremendous. I wonder if the Senator from Idaho has costed out how much it will cost the EPA, or the administration, to undertake all these studies and investigations to see whether every country in the world that happens to export a product to the United States is, in fact, passing environmental laws and environmental regulations that are as stringent if not more stringent than those contained in this act? I wonder what the estimates are in this. I would guess the cost estimates are going to blow this bill right out of the water.

No. 2, as I said, Mr. President, I do not think we should be in the business of effectively setting worldwide air toxic standards for every country in the world, or for any country that may be exporting products to the United States, whether it is oil, whether it is gasoline, or whether it is a plastic or any product made by a chemical plant.

For that reason, very simply, Mr. President, I think it highly inappropriate that this amendment be adopted because the Senator from Idaho is addressing a question which is not a global environmental matter. It is a very basic air toxics matter, and this Congress cannot be in the business of setting environmental standards, in effect, for those countries around the world.

And I say "in effect" because that is what my colleague is doing, because most countries try to manufacture products to export and sell worldwide. And guess where they try to sell most of their products? It is the United States of America.

And why do most countries that export products try to sell to the United States of America? It is because we are the largest, most lucrative market in the world. Americans have dollars to spend to buy products.

Therefore, in effect, this amendment would be attempting to set the same air toxics standards worldwide. I again say, Mr. President, this Congress is not the United Nations. This Congress is the Congress of the United States of America. It is our business to try to enact clean air legislation for Americans; not for the world.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, what I am saying is we should be just as concerned about the air toxics produced in Alberta as we are in those produced in Alabama. The argument I hear from the distinguished floor manager is that he is not.

When we talk about what this bill is going to cost, I have this study here before me that points out that this bill would cost as much as 2.3 million jobs in the United States. How much will that cost? Has the committee costed that out? I do not think so.

I think we are addressing the problem. If we fundamentally believe we have a global pollution problem, which is the whole thrust of what I have been hearing in this bill—it is right in the report—then this amendment is perfectly in order. Maybe this is not the right amendment. Maybe the amendment of the Senator from Washington is a better way to go. I would support it also. But, Mr. President, I think I have made my case and the Senate can act on this any way that it wishes.

I believe there is a good case here to protect the working men and women of America. We are going to ask them to comply with rules and regulations and drive the businesses offshore and not allow them to work and then bring in the same products from offshore which do not comply with our rules. That is essentially what its all about.

I think the Senator from Washington may have a more workable solution. I do not know. But I hope the Senate has a chance to address his issue also before the week is over or before the bill is concluded.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, this amendment by the Senator from Idaho clearly violates the agreement that was enacted between those who were managing the bill and the administration. This is the first point. This is the first clear break with that agreement that we have had on the floor.

Second, the Senator, it seems to me, fails to recognize that the purpose of this legislation, that is the underlying bill we are dealing with, is to protect the health of American workers. That is what it is. What he is saying is that he wants no product imported into the United States that does not meet these similar requirements.

We have that in no other law. We do not have it in OSHA, for example. OSHA requires the inspection and safety protection for American workers in plants in the United States. We do not say that no country in the world can ship to us unless they have enacted similar safety standards in their plants.

As I mentioned previously, we do not require every country that ships to the United States to have child labor laws exactly the same as ours or better; that they have labor protection of every measure, including the hours worked, the limitation in the work week and the payment for overtime. That is the first point.

The second point, as has been previously made: This would be impossible to enforce. There is no way in the world we can have enough inspectors all over the world to determine every plant that is emitting any kind of toxic, and we have to have it conform to the amount of toxics. In other words, we deal with 50- and 100-ton emissions in this country. There is no way in the world we can have enough inspectors to monitor all the countries in the world that ship to the United States.

Finally, Mr. President, this would wreck any international trading system that we currently have. To impose on other nations requirements that we have that we have passed in order to protect our health and the health of our workers run contrary to all laws that are subject to the General Agreement on Trade and Tariffs.

Mr. President, it is an unfortunate amendment. I hope our colleagues will not support it.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, while I agree with many of the points made by the distinguished Senators from Montana and Rhode Island, I nevertheless wish to commend the Senator from Idaho for bringing up a subject which is one, I believe, disturbing to a large number of Members of this body

and, beyond that, to a wide range of people across the United States.

The Clean Air Act is, of course, designed to improve the health and living standards of the people of this country by improving our environment. I do not have the slightest question but that that would be the impact of this bill when it becomes law.

But a number of the environmental conditions at which this bill is aimed are literally worldwide. The threat of global warming is not a threat which is limited by the borders of the United States or to the continent of North America by any stretch of the imagination, any more than is the threat to the ozone layer a threat which impacts the United States and can only be affected by the policies of the United States.

As a consequence, if there is any way in which we can provide a strong incentive to other nations to clean up their air, whether they do it in a manner identical to or even as stringent as we do, we should certainly be encouraging steps in that direction because the health of the people of the United States is impacted by their decisons, just as it is impacted by our own.

By the same token, we are certainly not going to improve the health of the people of the United States by increasing our rate of unemployment. To the extent we impose major costs on industries in this country, and we do under this act for good social purposes, we do clearly make them less competitive with companies manufacturing the same products elsewhere and exporting them to the United States.

So I believe that the Senator from Idaho has raised a point which requires serious discussion and serious consideration. As he points out in one field, the ozone layer, we are imposing requirements on our rules relating to the imports and exports.

On the other hand, I do not think that the Senator from Idaho is approaching his challenge in a sensitive or appropriate manner, or a manner which is likely to meet with the acceptance of any significant number of Members in this Chamber.

Last night, the distinguished Senator from Illinois [Mr. DIXON] and I and others submitted an amendment, which I suspect is printed in the RECORD this morning, which takes a rather different approach to this subject. It calls for the imposition of import fees on manufacturing products exported by other countries to the United States which will, roughly speaking, at least match the costs imposed by the Clean Air Act on industries in this country. It does this in very general terms, Mr. President, because I recognize the validity of the statements of both the managers of the bill that there are certainly administered complexities in any such equalization.

Fortunately or unfortunately, under the Constitution of the United States, the Senate cannot originate revenue bills, and any such bill, even though its primary goal are environmental, is indeed a revenue bill.

So the amendment which we will offer later calls for the House of Representatives, which has that constitutional jurisdication and a great deal of expertise, to devise such a system. It also calls on the U.S. Trade Representatives to negotiate toward the validity of such a system with the General Agreement on Tariffs and Trade in the Uruguay round which is being conducted at this point.

I think as a result, because it does not simply ban imports or bans exports or place unlimited burdens on EPA because it would be enforced elsewhere in other departments, that it is a vastly superior response and a much more sensitive response to a very real problem than is the amendment proposed by the Senator from Idaho.

I intend to vote against the amendment of the Senator from Idaho for exactly those reasons, but I do commend the body serious consideration of whether or not we cannot both improve the environment of the world and, thus, health standards in the United States as we engage in a war against global warming and, at the same time, not simply penalize employees and employers and manufacturers of American goods by providing another major anticompetitive impact upon the way in which they do business.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1327.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I ask unanimous consent to temporarily set aside the amendment currently pending in order that I might offer another amendment on a different but related subject for consideration at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1328 TO AMENDMENT NO. 1293

Mr. GORE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes amendment numbered 1328.

At the appropriate place, insert the following:

On line 12, page 15 of amendment No. 1293, insert "carbon dioxide" after "particulate matter."

On line 3, page 17 of amendment No. 1293, add after "(xiv)," "(xv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality."

Mr. GORE. Mr. President, I greatly welcome this opportunity to discuss legislation that addresses a critical problem in our Nation: The quality of our Nation's air. We are faced with a serious problem. Despite 20 years of trying, almost all of the major cities in our country have failed to come into compliance with air quality standards deemed necessary to avoid adverse impacts to human health.

Among the major pollutants addressed by the Clean Air Act, the two proven more difficult to control—carbon monoxide and ozone—are largely due to our automobiles. Over 100 urban areas in America are not meeting air quality standards for one or both of these pollutants.

My colleagues have devoted considerable time, insight, and talent toward developing a strategy for lowering tailpile and evaporative emissions from new cars, as well as a strategy for inspection and maintenance program which will ensure that vehicles on the road maintain low emissions. I commend them for their leadership and for their effort.

But, Mr. President, I want now to address another vital component of the effort to lower emissions from cars and trucks. For clean air, for the global environment, and for a long list of other reasons we need to work to reduce the number of miles we drive as a nation and the emissions of carbon dioxide from all sources. We need to find alternatives to the collective impact of taking 4,000 pounds of metal with us everywhere we go. We need to put the quality of the environment up front as a consideration in transportation and urban planning.

The number of vehicle miles traveled in the United States grew at a rate of almost 3 percent each year in the first part of the 1980's, from 1980 to 1986, and it is estimated that that growth will continue at a rate of 2.5 percent each year through the end of this century. That means, even if we were to pass legislation today requiring a 40-percent increase in the energy efficiency of our automobiles, by the end of the century the amount of pollution emitted a decade from now will still exceed current levels.

So in looking at what we are doing, we cannot concentrate only on limiting the emissions from the tailpipe for

each mile driven, because the total number of miles driven, the cumulative impact of our transportation system, and the structures of our society will lead to dramatically higher levels of emissions put into the atmosphere even with a reduction of the emissions from each tailpipe.

Further into the future, the picture gets even worse. The Federal Highway Administration projects that in urban areas the total number of miles traveled by vehicles will increase by 50 percent to 80 percent by the year 2010. That is just 20 years from now. We may have a 50- to 80-percent increase. That is the current projection.

It is a foreboding projection because, if it proves true, we are faced with the grim picture of increasing dependence on foreign sources of oil, increasing gridlock in our cities, increasing levels of pollution, and increasing emissions of greenhouse gases. The challenge we face is to break out of this grim picture by finding innovative ways to provide Americans with the mobility they need without the current impact on the environment.

So I am proposing an amendment to the section of the bill dealing with transportation guidance, aimed at addressing this growth in vehicle miles traveled and the emissions of CO_2.

The transportation planning guidance section of the legislation before us requires local, State, and Federal agencies involved in transportation planning to give serious consideration to the impacts of proposed transportation projects on local air quality. This amendment extends the list of pollutants that have to be considered to include carbon dioxide emissions.

Why is this important? The answer lies in the complex relationships between mileage, vehicle speed, and emissions. Transportation measures to cut some urban air pollutants, such as roadway expansion, can cut emissions of pollutants like carbon monoxide and hydrocarbons by reducing congestion. These pollutants are highest when traffic is congested, with lots of stop-and-go driving. However, in the long run such steps may encourage more driving, resulting in more fuel use and, hence, more carbon dioxide emissions.

Think of it this way, Mr. President. If we were concerned years ago about the emission of pollutants at ground level and we enabled the emitters of those pollutants to build tall stacks which spread the pollutants beyond the immediate area, that solved one problem but made another problem worse. If we concentrate on a part of this issue at the expense of carbon dioxide, then we are kidding ourselves because the No. 1 pollution problem we face on Earth today is that involving greenhouse gases.

Later this year I hope we will have a major piece of legislation dealing with the core of this problem, but to me it is unimaginable that this body would take up a Clean Air Act and revisit this question as extensively as we are doing without grappling at least in some way with the problem of CO_2 emissions. Measures are available that have the overall impact of reducing driving, not just speeding it along. This amendment would require consideration of these steps, reports on these steps, and they would help with carbon dioxide and fuel consumption as well as local air pollution.

In order to lower carbon monoxide and ozone, the legislation before us also requires State and local agencies in the most polluted areas to implement transportation control measures with the intent of either reducing driving or reducing traffic congestion.

The second part of my amendment would add one more item to the set of measures they have to consider as a means to reduce vehicle-related pollution. That added item would require local, State, and Federal agencies to include programs and ordinances to facilitate nonautomobile travel, to make mass transit easier to use, and to generally reduce the need for single-occupant vehicle travel.

The rationale behind the second part of the amendment is that decisions about urban structure have major long-term impacts on the amount of driving we have to do. The Office of Technology Assessment found that growth management measures, such as encouraging residential development in areas close to people's jobs, offered greater reduction in vehicle mileage than any other measure they considered.

Mr. President, before I close, I want to present two graphs which are intended to illustrate the context within which this issue must be seen.

Carbon dioxide emissions into the global atmosphere are having a profound effect on the climate system. The first graph comes from Antarctica. The first graph is intended to help explain the second graph. The first graph measures carbon dioxide in the atmosphere going back 160,000 years. Why that date? Because that is as far back as we can measure. In Antarctica, the scientists—this happened to be done by a team of Soviet scientists and French scientists working in collaboration—dug down through 12,000 feet of ice to the land in Antarctica. Just as a forester can read tree rings and tell which years had droughts, these scientists can read the tiny air bubbles in each annual layer of ice going back 160,000 years.

Here is what that graph shows. This is the last ice age, the peak of which was 40,000 years ago, and carbon dioxide was down below 200 parts per million.

This was the next-to-the-last ice age 160,000 years ago, and again CO_2 was down to around 200 parts per million.

During the period of greatest warming between the two ice ages, CO. in the atmosphere went up to 300 parts per million. So over 160,000 years CO_2 in the atmosphere has fluctuated between 200 parts per million and 300 parts per million. OK, that is the first graph, and its purpose is to set up the second graph.

The second graph has a line on the top that is exactly the same as the line on the first graph. The last ice age is here, 40,000 years ago, when CO_2 was at 200 parts per million. The next to the last ice age was 160,000 years ago when again CO_2 was at 200 parts per million. It has fluctuated between 200 and 300 for all that time.

The bottom line on this graph is temperature, worldwide temperature which, as you can see from the graph, goes up and down in lockstep with CO_2.

Mr. President, this is not a computer model. This is the record of what has actually occurred on this Earth for as far back as we can measure.

CO_2 and temperature have gone up and down in tandem. The difference between the temperature here and the temperature here, 20,000 years ago, in New York City, that is the difference between a nice day and having a mile of ice over your head.

This range is the same as the difference between the fluctuation and CO_2.

Now, here is the point I wish to make with this final graph. Within 40 years—and some argue that it may be 50 years, some say it may be 55 or 60 years, others say it may be 30 years, indeed the most recent estimates are bringing the time when this will occur down. But in any event, within the lifetimes of people in this Chamber, the CO_2 concentrations in the atmosphere will double.

Why is it the climatologists debate the effects of a doubling of CO_2 in the atmosphere? The reason is pretty mundane. It is a convenient number. If you multiply all of the rest of your calculations by 2, it is easy to compare what you are doing with what other teams of scientists are doing.

So everybody argues, what will be the effect of a doubling of CO_2 in the atmosphere? Nobody disputes the fact that that doubling will occur within the lifetimes of people in this Chamber.

Here is what the graph looks like, Mr. President. Within 40 to 50 years, that CO_2 line will go up—the point I am trying to make in this unusual fashion is at the top of that line is where we will be within 40 to 50 years. For the last 160,000 years, CO_2 and temperature have moved up and down in lockstep within this range, 200 to 300.

What happens when we push this number through the ceiling to 600 parts per million? Will this temperature line then go on a right angle? Will there be no impact? Is it as some of the skeptics say probably fine to push this number up to 600 parts per million?

I think it is madness, Mr. President. I think we are engaged around the world in an act of what some call denial. We are not allowing ourselves to look at how serious the problem is. It is irresponsible for us to allow this to occur, and it is occurring right now.

The underlying issue is that our civilization as it is currently constructed is on a collision course with the ecological system of this planet. The air in this Chamber we are breathing into our lungs has six times as many chlorine atoms per lung flow as it did 40 years ago, or 3 billion years ago, because of one family of chemicals invented in this century. I will have amendments later on this afternoon on those chemicals.

But what that issue and this issue have in common is that our civilization has changed. All of a sudden we have not only a population explosion, not only a dramatic effort to lift standards of living everywhere in the world of which we are all a part, but also new technologies, new chemicals, new processes which taken together vastly magnify the impact of each of the additional billions of people on Earth have on the environment.

CO_2 is the single worst manifestation of this collision. Can we really stop this from happening? One of the scientists who has done the most to alert people worldwide to the dimensions of this problem said the other day, "AL, when you look at what has to be done, you have to conclude it is unlikely that we will make the changes that are needed."

I said, "Wait a minute. What if I had asked you a year ago how likely it is that within the next 90 days, every single nation in Eastern Europe will throw off communism, pull down the statues of Lenin, embrace democracy, quoting passionately from Thomas Jefferson, and set out on the road to market economics? Would you have said that was unlikely 1 year ago?"

He said, "Yes, I guess I would have."

What changed was their pattern of thinking in Eastern Europe. What must change now is our pattern of thinking about the global environment. The young people in the Communist world took a look at their system and they said, "This is nuts. We do not want to live with this the rest of our lives. Let's change it."

In their minds, the Berlin Wall came down before the first chisel hit the first stone. Young people all over this Earth are looking at this question in increasing numbers. They are looking at the impact our civilization is having on the global environment with chlorofluorocarbons, the *Exxon Valdez*, 9,000 dead seals washing up on the beaches of the North Sea, the garbage barge taking an 18-month tour of the Caribbean, the hole in the ozone layer, dead porpoises on the beaches of Galveston.

They are putting that picture together and they are saying "This is nuts. We have to make some changes."

Indeed, the change is necessary. We are currently outside the boundaries of what is now accessible to our political system and our way of thinking politically. The steps which must be taken are not now imaginable. But as our thinking changes, we must expand the boundaries of what is imaginable. And we must start with CO_2.

The other aspects of the problem fit in with it, but as we have before us a Clean Air Act which focuses in one of its major portions on cars and trucks, let us pause to consider that this country puts more CO_2 into the atmosphere from cars and trucks alone than any other nation does from all sources combined.

So while we concentrate on the pollution of the moment, and the aspects of the problems which have captured our attention during this bill, and they should and we must deal with them, let us not do so at the expense of CO_2 emissions being accelerated. And let us begin in a small way to prepare the ground in this bill for a measure we hope will come later this year that will allow us to begin taking the steps necessary to deal with this problem of CO_2.

It is not likely that it will have no effect if we allow this to continue.

Mr. President, I appreciate the courtesy of the Senator from Idaho in allowing me to temporarily set aside his amendment, and the advice and courtesy of the President pro tempore, who also has an amendment which will shortly be offered.

I wish to again, in closing, compliment the chairman of the subcommittee, the Senator from Montana, and the ranking member, the Senator from Rhode Island, both of whom have been leading advocates of measures to face up to these problems.

I hope frankly that even though the administration has been reluctant to even mention the words carbon dioxide in this legislation, that this measure is framed in a way which allows us to begin working on the problem.

I hope very much that the committee will look kindly upon the amendment.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, the presentation by the Senator from Tennessee has been quite constructive.

It was very useful explaining to people the consequences of the increase of carbon dioxide in the atmosphere. The statistics he used are statistics that are not sufficiently known in America. Were they sufficiently known, I think more Americans would be more alarmed about the increase of global warming gases, all greenhouse gases, particularly carbon dioxide, which is the most prevalent greenhouse gas and probably one that is causing, more than any other, the global warming in the atmosphere. I thank the Senator from Tennessee for his chart and presentation.

The amendment he is offering is a simple one. Essentially, it would require that when the EPA Administrator commissions his transportation control measures to the various States and localities, not only should the transportation control measures include measures related to carbon monoxide, to volatile organic compounds, nitrogen oxides, to particulate matter, but also to carbon dioxide. That is, when he issues transportation control measures pertaining to public transit, trip reduction ordinances, or any kind of traffic flow programs, the effect of carbon dioxide is to also be considered.

This country must begin to spend more time and attention on the carbon dioxide emissions, as should most other countries, if we are going to address the global warming phenomenon. The amendment offered by the Senator from Tennessee is a good start. We must start somewhere, and this is a good beginning.

In addition, Mr. President, this amendment and this subject were not discussed in the discussions with the leadership and the managers and the administration concerning clean air, the discussions that were ongoing for several weeks. Those discussions did, however, agree—the essence of those discussions agreed there should be no carbon dioxide. Any amendment that would require carbon dioxide standards be included in tailpipe emissions, tier 1 or 2, or at any later date, would be a deal-breaker amendment, would be contrary to the agreement that the leadership and managers and the administration reached.

This carbon dioxide amendment was outside of that agreement, because it does not address tailpipe standards at all. Rather, it is a measure among a whole list of items that the Administrator should consider in issuing his transportation control measures. Consequently, it is not a deal-breaker, because it was not considered and discussed in the negotiations, but also because it is a good amendment. I am prepared to accept the amendment.

Mr. CHAFEE. Mr. President, the Senator from Tennessee has made a very kind presentation and once again has drawn the attention of the Senate

and those who are viewing the activities of the Senate to the problems of global warming and the contribution of the ill effects and the contribution to global warming that carbon dioxide makes. Furthermore, he has drawn attention to the fact that automobiles are the primary contributor to the carbon dioxide that is affecting the global warming.

I think the amendment he has, as he mentioned, is a modest amendment. It says that in studying the nonautomotive travel systems and the transportation systems of the country, they should be taking into account carbon dioxide emissions when plans are drawn up for reduction in travel and alternative systems of travel. I think his amendment is a good one.

I want to say that, as the distinguished Senator knows, in the original legislation, S. 1630, that we brought out of committee, there was included in that a provision dealing with the reduction of carbon dioxide through the tailpipe standards. That was an amendment that I was a sponsor of in the committee. In the negotiations with the administration, unfortunately, that was one of the items that had to be dropped through negotiations.

The automobile companies were deeply opposed to it, and in any type of negotiations, you win some and you lose some. That was one I felt very badly about losing. The only way to get at the tailpipe standards is to increase the miles that a car travels per gallon, and in effect, that is what results, by reducing the tailpipe standards of CO_2. In order to achieve that, you have to have the car achieve more miles per gallon.

There is another approach to achieving that. It is the so-called CAFE standards, which the Commerce Committee has under its jurisdiction and, I believe, when you see this legislation completed on the floor, that the majority leader will assure those who are interested, such as myself, the distinguished Senator from Montana, the distinguished Senator from Tennessee, who made this excellent presentation, and others, that legislation will be brought to the floor dealing with global warming and dealing with a reduction of carbon dioxide.

There is another point I wish to make. As the Senator, who is familiar with this subject so well, knows, one of the prime contributors to global warming are chlorofluorocarbons, CFC's. We have taken a giant step forward in this legislation in the area of not only reducing the production of CFC's, but eliminating them, and not only CFC's, but methyl chloroform likewise.

Some suggest that the total contribution to the global warming by CFC's is roughly 20 to 25 percent. The United States produces about one-third of all the CFC's in the world. So by moving ahead unilaterally, the United States will not only eliminate our CFC's by the year 2000; I suspect it might well be before that, because our corporations are anxious, particularly the ones in the computer chip business and those who are producers of computers, and they are finding substitutes for CFC's that are a solvent used for cleaning chips. They want to move ahead rapidly. I had the privilege of being in California not long ago, 2 weeks ago, meeting with the executives of Hewlett-Packard, and they are finding substitutes for the cleaning of their chips, on which they previously used CFC's. So great progress is being made, and this legislation helps in that effort.

So I think we have additional reasons to be proud of this legislation. We are going to vote on this, hopefully before the recess, and the section that deals especially with the elimination of CFC's in this country by the year 2000. It is a good amendment, Mr. President.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. I wish to commend the Senator from Rhode Island, first, for his persistence and unyielding efforts to deal with this problem in the committee and in the negotiations. Indeed, as he has indicated to the Senate just now, it was his amendment on CO_2 tailpipe emissions, and in each session of the lengthy negotiations, he pushed that issue, and I salute him for his efforts.

Likewise, it is his measure on the elimination of chlorofluorocarbons. As I mentioned earlier, the hydrochlorofluorocarbons are a remaining problem, which I will attempt to address this afternoon. I wish to again commend the chairman of the subcommittee, the Senator from Montana [Mr. BAUCUS] who has been an outstanding leader on all these subjects and a valued ally on these questions, both of them being Members of the Senate host delegation for the Interparliamentary Conference on the Global Environment which will take place at the end of April or beginning of May.

I just wanted to make those remarks.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1328) was agreed to.

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. How many amendments are pending other than the committee substitute and the amended substitute?

The PRESIDING OFFICER. Amendment 1327 offered by the Senator from Idaho was temporarily set aside and will now be the pending business. Amendments 1310 through 1313, en bloc, offered by the Senator from Colorado, and amendment 1307 offered by the Senator from Montana are pending amendments.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that the pending amendments that have been stated by the Chair be temporarily laid aside that I may offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1329 TO AMENDMENT NO. 1293

(Purpose: To provide benefits for terminated coal mine workers)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of myself and Senators BURDICK, DANFORTH, FORD, SIMON, MCCONNELL, COATS, SHELBY, HEINZ, HEFLIN, SPECTER, ROCKEFELLER, BOND, METZENBAUM, and GLENN.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. BURDICK, Mr. DANFORTH, Mr. FORD, Mr. SIMON, Mr. MCCONNELL, Mr. COATS, Mr. SHELBY, Mr. HENIZ, Mr. HEFLIN, Mr. SPECTER, Mr. ROCKEFELLER, Mr. BOND, Mr. METZENBAUM, and Mr. GLENN, proposes an amendment numbered 1329 to amendment No. 1293.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide" and insert dioxide.

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

COAL MINE WORKER BENEFITS

SEC. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

"TITLE VI—RELIEF FOR TERMINATED COAL MINE WORKERS

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Relief for Terminated Coal Mine Workers Act'.

"PURPOSE

"SEC. 602. The purpose of this title is to help minimize the effects on individuals employed as coal mine workers who are terminated from their employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'terminated coal mine worker' means any individual employed as a coal mine worker on the date of the enactment of this rule, and who, after having been employed, prior to or after such date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a result of the enactment into law of the provisions of title

IV of this Act, as added by the Clean Air Act Amendments of 1990; and

"(2) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"SEC. 604 (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

"(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"SEC. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 24-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 24-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 75 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 24-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal mine worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"SEC. 606. After the expiration of the 24-month period next following the date on which any terminated coal mine worker is first determined to be a coal mine worker so terminated, such worker, while engaged in a full-time retraining or educational program certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 25 percent of the average monthly compensation of such worker computed in accordance with section 605(1).

"OTHER FINANCIAL ASSISTANCE

"SEC. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"SEC. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"SEC. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 72-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"SEC. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to meet the obligations payable pursuant to this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"SEC. 611. The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"REBUTTABLE PRESUMPTION

"SEC. 612. In the case of a claim for benefits under this title by any coal mine worker who is terminated from his employment on or after the date of the enactment of this title, there shall be a rebuttable presumption that such termination resulted from the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"RETROACTIVE CLAIMS

"SEC. 613. Claims based upon terminated employment must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.".

"LIMITATION ON APPLICATIONS

"SEC. 614. The Secretary shall not act on any application for benefits under this title filed on or after January 1, 1996.".

On page 3 of the amendment, immediately preceding line 1, insert the following:

TITLE VII—RELIEF FOR TERMINATED COAL MINE WORKERS

Sec. 801. Coal mine worker benefits.

Mr. BYRD. Mr. President, may I ask the Chair whether or not the amendment as sent to the desk is divisible?

The PRESIDING OFFICER. The Chair is informed that the amendment as drafted is a strike and insert and as such is not divisible.

Mr. BYRD. I thank the Chair.

Mr. President, I yield the floor and I ask unanimous consent that I may be entitled to retain the floor after the quorum call which will be requested.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. KERREY assumed the chair.)

Mr. BYRD. Mr. President, I have just sent to the desk an amendment sponsored on behalf of myself and Senators BURDICK, DANFORTH, FORD, SIMON, MCCONNELL, COATS, SHELBY, HEINZ, HEFLIN, SPECTER, ROCKEFELLER, BOND, METZENBAUM, and GLENN.

As we move forward on new clean air legislation, I do not believe we can afford to ignore the effects this legislation will have on the health and welfare of the people—the real people—of the high-sulfur coal regions of Appalachia and the midwest. People, we often say, are this Nation's most important resource. I cannot, in good conscience, stand by silently and allow this body to pass legislation that would devastate some communities in the coal mining regions of Appalachia.

I must try to do something to help to avoid some of the consequences that are almost sure to come in the wake of the passage of this legislation.

During consideration of this legislation, much has been said about the possible long-run health and environmental effects of air pollution. Many in this body are concerned about the impact that the burning of coal may have on the regions they represent. It is not my intention to ignore or dismiss those concerns. They are real concerns and they are legitimate con-

cerns. But, I want to talk about the very real and immediate effects this measure is likely to have on the people and communities within our Nation's high-sulfur coal regions.

According to the Environmental Protection Agency [EPA], the sulfur dioxide emission reduction requirements of the legislation before us will cause a 15- to 30-million-ton reduction in high-sulfur coal production by 1995. By the year 2000, the EPA estimates that high-sulfur coal market losses will more than double to a range of 106 to 111 million tons.

The effect of such large coal market losses on the economies of our Nation's high-sulfur coal regions will most likely be severe. According to the EPA, between 3,000 and 5,000 high-sulfur mining jobs will be lost by the end of 1995 as a result of these coal production losses. By the year 2000, the EPA estimates that high-sulfur job losses will increase to between 14,000 and 16,000. Job losses of this magnitude would represent a 35-percent decline in total high-sulfur coal mining employment from levels currently forecast, assuming no new clean air legislation, for the year 2000.

These are the EPA's—the administration's—estimates. Job losses of between 14,000 and 16,000 by the year 2000. Thirty-five percent of the forecasted coal mining employment in high-sulfur coal regions that are presently forecast. But, the human toll is in fact much higher. The EPA has also estimated that total jobs lost—not just the jobs of coal miners, total jobs lost, including those jobs indirectly related to and heavily dependent upon the high-sulfur coal industry—could be as high as 50,000. For each mining job that is lost as a result of this legislation, it is expected that two nonmining jobs will also be lost.

As a result, we are not simply talking about direct mining jobs, the loss of which should be sufficient cause for concern. We are, in fact, talking about the economic viability and the economic future of entire communities. When a coal mine is closed, not only do miners and their families suffer, but whole communities are also put at risk. We are talking about the butcher, the baker, and the candlestick-maker. In the coal-producing counties in the northern part of my State, more than 1 out of 4 jobs is often in the coal industry. For many of these counties, these coal mining jobs can account for more than 40 percent of the personal income.

Mr. President, the men and women of the coal fields are a great and proud people. Their history of dedication and service to this country is not surpassed. We are a prosperous nation and a secure nation, and we owe much of that prosperity and security to the hard work and dedication of our coal miners.

From the mid-19th century to the 1920's, American coal miners supplied 70 to 80 percent of the Nation's energy.

Until the rise of cheap imported foreign oil, coal miners provided the fuel that ran the factories and heated the homes of New England. I doubt that there were many suggestions for limiting the burning of bituminous coal during this period.

Throughout most of American history, coal miners have also provided the fuel that preserved our national security.

For example, consider the role of American coal miners during World War I when President Woodrow Wilson proclaimed that the Nation's war effort "rested on the shoulders of the miners."

American coal miners responded to this danger by setting coal production records each year of the war.

In West Virginia, coal production increased more than 20 million tons annually each year of that war. That was before mechanized mining hit the State like a cyclone.

From the European battlefields, General John Pershing proclaimed that the work of the "Coal miners of America thrills us and helps to make our hearts more strong for the battle."

Coal was so fundamental to the Nation's war effort that the men who did battle in our coal mines received automatic exemptions from the draft. Yet, more than 50,000 coal miners, throughout the country, disregarded their draft exempt status and enlisted. More than 3,000 of them were killed in the war.

But, the battlefront was not the only place where American coal miners gave their lives in the service of their country. In 1918, mine accidents and explosions took the lives of 404 West Virginia miners.

Despite the important service that American coal miners have performed for this Nation, they have suffered. The coal miner's life has been a life of turmoil, struggle, tragedy, and sacrifice.

Mine disasters are a sad fact of life in the coal fields:

In 1902, 184 miners died in an explosion at Coal Creek, TN.

In 1907, 360 miners died in an explosion at Monongah, WV; and

In 1913, more than 260 miners died in two explosions in Dawson, NM.

In 1947, 111 miners died in the Centralia disaster.

I could cite many more disasters, but the point has been made. Miners have paid a terrible price to produce the fuel the Nation needed.

Yet, mine disasters are merely a part of the overall misery of coal field history. The American coal miner has also suffered social and economic deprivation, while the coal industry has suffered extreme financial stress and economic turmoil. It is true that America's coal regions have enjoyed some boom times, but such prosperous periods have been few and they have been brief. Bust cycles have been far more prominent, more pervasive, more common, more lasting.

Shortly after World War I overproduction, a collapse in the coal market, a decline in the price of coal, and the rise of competing fuels—oil and natural gas—led to an early depression in the coal fields. From the boom of the First World War, it was quickly back to the mines, quickly back to the hard times, quickly back to the slow times, quickly back to the uncertain future for the coal miners.

While the rest of the Nation was enjoying the prosperity of the Roaring Twenties, coal field families found their plight worsening as technology and competing fuels continued to reduce the number of mining jobs and lower the price of coal. As the depression in the coal regions worsened, the plight of the miner and his family worsened.

I recall my foster father during those gloomy days, trying to provide for his family by working in the mines. There were days when I did not see him because he left for the mines before daylight.

He came home after dark, sometimes as late as 10 o'clock at night. He earned $1.75 a day, $2, $2.25, depending upon how much coal he loaded. And was often overdrafted.

If Senators do not know what that means, in coal country that means in debt to the company. In debt to the company.

My foster father was fortunate. He managed to hold onto his job. Many coal miners did not manage to hold on to their jobs.

If a coal miner could not clean up his place, there was someone else waiting on the job. So he had to clean up the place in which he worked. In other words, shovel up all the coal, all the slate, all the rock, clean it up before he left to go back home, and if he did not like it, you saw somebody else waiting who would be glad to do it.

My foster mother kept boarders in those days. She packed a good dinner bucket. I helped to raise the hogs. My foster father used to buy 12, 15, Pole and China pigs every year. I would go around to the mining families' houses and ask the miner's wife if she would save me the scraps from her table to feed my dad's pigs. In the fall, I would shoot the hogs, help to put them in the big barrels of scalding water, draw them out and take off those bristles, open them up, clean them out and leave them hanging on a homemade scaffold to dry out. We would cut them up, salt them down, and that was pork on the table. My dad gave me

one for my efforts. I could sell it; I could pocket that money.

But my mom packed the dinner buckets and fed three good meals a day, partly because I went around and picked up scraps around the community and helped feed those hogs to make hogs out of pigs. Seventy-five cents a day. It had to be hard times when food and room were 75 cents, and oftentimes she did not collect that. I used to be able to spot a fellow after a few days when he came to my house, I would go to my mom and say, "Mom, that man will beat you out of your board," and I was almost always right. I could just spot them somehow. Seventy-five cents a day. Those were hard times in which we lived.

I used to see these men come up out of North Carolina, Virginia, and Tennessee, riding those freight trains—hoboes—trying to find work. They came to Stotesbury, WV, in the southern part of Raleigh County. They would get off those trains. They heard about my mom packing a good dinner bucket and would come to our house and get board.

That was typical for the coal mining communities in those days. It was typical living.

Following a journey through the Appalachian coal regions in the late 1920's and early 1930's, Malcolm Ross, in his book "Machine Age in the Hills," pointed out that "220,000 men left the soft coal mines between the years 1923 and 1927" and the "Appalachian region had its proportionate share of these desertions. A surplus of houses," he wrote, "* * * today stand in semiruin, sometimes as many as 4,000 empty houses to a county. The meanly built ones are now weathered to windowless shelves with sagging roofs * * *" by raising a few vegetables, by sending some older son to get a day's work somewhere else in another community or nearby mine, by odd jobs, by charity the families who remain manage to keep alive.

So I well know the picture poignantly painted by Mr. Ross. I have seen it dozens of times. I have seen it hundreds of times. Too many times. I have seen communities devastated, and I have seen personal devastation, and I have seen the faces of those who are personally devastated.

I hope that the people of West Virginia and the people throughout the coal mining regions of Appalachia and the Midwest will not be needlessly forced to suffer another prolonged and crushing economic depression. While our entire Nation certainly suffered during the Great Depression, indications are that conditions were worse in the Appalachian coal fields than elsewhere.

We have seen grapes of wrath. We have seen the Okies. We read about them and their travail. To have witnessed the travail in the coal fields was far more lasting in the memory than to have read about it 20 years later or 50 years later. It was real.

While unemployment peaked at about 25 percent nationwide, in the West Virginia coal fields unemployment ranged from 25 to 35 percent to 90 percent in some communities.

For those miners who are lucky enough to keep their jobs, most of them worked only part time. Fred Coxton of President Herbert Hoover's emergency committee described the conditions in the coal camps around Charleston, WV, as so bad they were almost unbelievable. Writing in the New York Times, Stark reported that conditions in the West Virginia coal fields were the worst in the Nation.

I remember the store manager of the coal mining store in Stotesbury, WV. One day I was in the store. I used to get a nickel for going to the store for people. And he said to me, "Bob, why don't you come to Sunday school?" He taught a Sunday school class at a community church. I said, "I don't have any socks to wear." He said, "Come on back here," and took me to the back of the store where the dry goods counter was and told the clerk, "Give this boy a couple pairs of socks and charge them to me," the store manager.

So he gave me a couple pairs of socks, and I went to Sunday school. In later years, he helped me to get my first job working as an attendant in a gas station. Those were not service stations in those days; those were gas stations. They did not provide any service. That is where you bought your gas, if you could afford it. A coal miner here and there who was able to have an old car jacked it up and put it on crossties.

Crossties are the wooden blocks that go under the railroad rails which, along with the pebbles and rocks that are dropped there for ballast, keep the rails steady for the rolling of the wheels of the train.

I worked in a gas station—a great job. I was lucky to get it. I was paid $55 a month working in that gas station. I was glad to get that job. I walked over 3 miles a day to the job and 3 miles back home if I could not hitch a ride on a milk truck or a bread truck.

Later he arranged for me to get a better job closer to home selling produce, watermelons, peaches, cantaloupes, and apples. And then later he made it possible for me to get a meatcutter's job. I was going up in the world.

By then I was earning $65 a month. I got married. When I got married, I was making $60 a month, and then my wife had two daughters. Today, I call one of them my $15 daughter.

I remember the night when she was born, Friday night. The company doctor—we were billed $1 dollar every 2 weeks to pay the company doctor, and I remember the night our older daughter came. My wife and her mother were in one of the two rooms we had, and the company doctor and I were in the other, the kitchen. We had a kitchen and the bedroom.

And the next morning when I started to leave, I said, "How much do I owe you, Doctor?" He said, "$15." So my older daughter is our $15 baby, and we named her after the daughter of the head meatcutter where I worked. He had a daughter named Mona Carol. We named our older daughter Mona Carol.

Then our younger daughter, when she was born, we named her after the daughter of Mr. Meyers, the company store manager, about whom I have been talking, who was so kind and good to me, who helped me to get a job. He had lost his daughter in a swimming accident on a Fourth of July, and her name was Marjorie. So we named our younger daughter Marjorie.

That was life in the coal fields. If someone were to get an injury, a broken leg, or became ill, there was no Social Security. There was no unemployment compensation way back—not much.

As the produce salesman or the meatcutter, I would take a big flour barrel, a 300-pound barrel, and put it out in front of the meat counter, and put a sign on it, "John Doe has had a heart attack; please help." And I put in that barrel a 10-pound bag of meal, or 2 or 3 pounds of fatback to start off what we called a "poundy."

Other coal miners and their wives would come to the store and fall in line in front of that meat case and see that sign. They would buy a pound of lard or a piece of bacon or a 10-pound bag of potatoes, or whatever, and put it in the barrel. When the bags were heaping, running over, we would send the barrel up to the miner's home. We helped one another. We had to.

So that is the way it was.

In 1932, the Secretary of the American Friends Service Committee, Charles E. Pickett, told a Senate subcommittee of the appalling conditions that his committee had observed among West Virginia and Kentucky mining facilities. The survey he conducted revealed that 20 to 90 percent of the school children in these families were underweight.

Well, he did not see me. He would have said 91 percent or more underweight.

Such undernourishment, Pickett explained, was contributing to mental retardation, drowsiness, lethargy, and sleepiness among the children.

Furthermore, while the rest of the Nation could look forward finally to a recovery from the Great Depression, the Appalachian coal miner could not.

In June 1938, a West Virginia miner pointed out that he had read that nearly 600 manufacturers had switched from coal to imported oil and hydroelectric power during the previous year, resulting in the displacement of 971,000 tons of coal annually.

"What will it profit the coal miners, then," he wrote, "when the depression is overcome if these * * * industries discard coal for other fuels?"

Economic conditions in the coal fields improved during World War II when the United States again needed more coal production to fuel another war effort.

As usual, the Nation's coal miners responded to the country's needs. In 1942, West Virginia miners broke the all-time record for coal production. They broke it again in 1943 and 1944, although there were nearly 10,000 fewer miners in the mines due to the war effort. The contributions made by those who left the coal mines to fight overseas were important and did not go unnoticed. The War Department produced a film titled "Black Bullets," which told of the work done by American coal miners during the war and the importance of their work to victory.

Following a mine explosion that killed 56 West Virginia miners, the Wilkes-Barre Times editorialized as follows:

> The mine worker faces as a matter of course in his daily routine, dangers on a par with those on the battlefield. He may get no medal or applause, but he serves his country, too.

Well, there were not many calls to limit the production for the burning of bituminous coal during that period. After the war, the bust came again, and America once again forgot about the important contributions and sacrifices that the miners had made during the war.

In 1947, Rear Admiral Joel Boone, winner of a Congressional Medal of Honor and physician to three Presidents, conducted a Federal study of health and medical care in the coal fields. The Commission's massive work, titled "A Medical Survey of the Bituminous Coal Industry," also called "The Boone Report," chronicled the poverty, poor health, and substandard living conditions of the miners.

I quote therefrom:

> Miners are haunted men. Their thoughts are constantly troubled by the insecurity of work.

So many may say what does talking about the Depression, what is talking about the hard times in the coal fields of the thirties or during the bust cycles have to do with the bill that is before the Senate? It has this to do:

"Miners are haunted men," whether it was in the 1930's, or whether it is during a recession or depression in the 1980's or 1990's. "Their thoughts are constantly troubled by the insecurity of work, for they know that, although the calendar year contains 365 days,"—and every fourth year 366—"they have worked as little as 142, and only nine times out of the last 25 years have they averaged more than 200 days. Their hearts grow weary repressing the importunate warnings of the dangers that lurk underground which may at any time cut them off from their livelihood. The families silently share these burdens."

As I have already noted, beginning in the 1930's, the introduction of mechanized mining processes began reducing the number of coal mining jobs. It is true that this move toward mechanization helped the coal industry to compete with rival fuels by increasing production while lowering costs. But there was a negative side, and that was the tremendous number of mining jobs eliminated as a result of increased mechanization.

In 1930 I was in the eighth grade. That year 10.5 percent of coal was loaded by machines. By 1950, when I was in the West Virginia State Senate, 70 percent of coal was loaded mechanically. In other words, in 20 years, the percentage of coal loaded by machine went from 10.5 percent to 70 percent. In 1950, 1.2 percent of coal was dug by the continuous miner. You ought to see one of those things. Senators should go back in the coal mines, in the deep mines in West Virginia, Kentucky, and Pennsylvania, to see how those miners crawl around and get into those continuous miners where they lie on their backs. And they are all crampled up, and that continuous miner runs from there to where the Chair is and the door to my left.

That continuous mining machine is a giant machine, which grinds out that coal, grinds it out of the face, and carries it back by conveyor. And the dust is thick in the air. That is the continuous miner. It takes the jobs. One of those machines takes the jobs of many men.

In 1950, 1.2 percent of the coal was dug by the continuous miner. By 1960, 10 years later, 33 percent of American coal was dug by the continuous miner. In 1949, there were 400,000 men in America's bituminous coal industry. I was in the West Virignia House of Delegates. Those were the days when John L. Lewis was chief of the United Mineworkers of America, and there were 400,000 coal miners.

By 1959, the number had fallen to 168,000. In just 10 years, 60 percent of the jobs in the bituminous coal mining regions were lost. In 1950, there were 119,568 employed coal miners in West Virginia. That is when I was in the West Virginia Senate—120,000. At one point there was more than that, 130,000 to 135,000. But in 1950, there were 120,000 in the State of West Virginia.

By January 1, 1962, a dozen years later, the number employed had declined to 31,734. In other words, more than 67 percent of the miners in West Virginia had lost their jobs, laid off without the skills to obtain other work, and usually with no other work around. The displaced coal miner faced one of two choices. He could go on welfare, or he could leave the land that he loved, leave the land on which his father and mother lived.

Many did go on welfare. Consequently, pockets of poverty soon saturated the Appalachian coal fields. Whole communities of people were surviving on a government handout. "We miners don't want charity. We want only a square deal," wrote a West Virginia miner.

This time the square deal came in the form of an energy crisis. As usual in the coal fields, however, things got worse before they got a little better. Many of these jobs that were lost in bituminous coal mining during the 1950's were the result of the tremendous rise in imported residual oil as well as the coming to the mines of automation.

On the floor of the House of Representatives, West Virginia Representative Cleveland Bailey charged: "Thousands of coal miners in the State of West Virginia are out of work because the markets they had along the east coast have been taken away from them by cheap residual oil from Venezuela and the Middle East."

So if it was not one thing, it was another. If it was not a depression, it was something else, a bust cycle.

Mr. SIMON. Will my colleague yield?

Mr. BYRD. Yes. I am happy to yield.

Mr. SIMON. I commend him for his leadership on this. He is correct. Coal miners get the short end of the stick time after time after time, and I hope in this Clean Air Act we do not do the same thing once again.

Frankly, in another area that the Senator and I are involved in, black lung legislation, it is getting harder and harder for coal miners who have been breathing this stuff in order to give energy to the Nation to get those black lung benefits.

But I commend my distinguished colleague from West Virginia for his leadership for people who really need the help and who, too often, end up being voiceless in this process.

Mr. BYRD. Mr. President, I thank my friend for his comments. I thank him for his cosponsorship of the amendment.

I am sure that he could repeat some of the scenes that I have talked about as having been within his own experience in the State of Illinois.

I want to thank him also for working with others in our very small group in our efforts to craft provisions to in-

clude in the bill that would lighten the losses, reduce the losses of jobs in Appalachia and the Midwest.

Again, I thank him for the cosponsorship of this amendment.

In January 1954, as a Member of the House of Representatives, I reported on a trip which I made to my State where I saw "hundreds of men standing in line waiting to make application for unemployment insurance." "Whether the situation may be termed a recession or a depression is beside the point," I explained. "Hunger and privation are fully as terrible in the one case as in the other, in most cases these discharged men are too old to gain employment in the other industrial fields, and they lack the necessary training for employment in other fields. What is going to become of these men and their families?"

In a letter I wrote to the White House in the summer of 1965, I explained how, "As a resident of a mining community, I was able to observe first hand the erosion of mine capacity as foreign residual oil began to flow into coal markets. I watched skilled coal industry workers leave West Virginia to seek employment in other industries as mines were forced to close."

Conditions improved again in the 1970's as the energy crisis and the coal and oil embargoes prompted the United States to look to coal again for an energy-sufficient future.

As usual, the miners rallied around the flag and produced the energy that the Nation needed. Coal production again soared as American coal miners helped to ameliorate the energy crisis and helped to lessen America's dependence on OPEC or industry.

I have seen once-thriving communities die. I have seen proud, courageous men forced to leave the State they love because there was no longer work. I have seen men, families, communities and industry and a State suffer severely. To some people, the unemployed may simply be a statistic, an economic barometer measuring the prospects for the next election. But to me, the unemployed, especially and including coal miners, are friends and neighbors. They are people with whom I grew up; they are my fellow citizens who deserve the chance to support their families, provide the fuel to power our economy and heat and light our homes—our homes here in Washington, DC., and the metropolitan area—and to help make the future of this great Nation.

The history of the American coal miner is a great and proud heritage, and being the son of a coal miner, having grown up in a coal miner's home, slept in a coal miner's bed, eaten from a coal miner's table, I am part of that history. I am proud of it.

As I have just pointed out, the history of the American coal miner is also a history filled with tragedy and misfortune, and often death, not entirely of their own making. My amendment, cosponsored by the Senators whose names I have repeated heretofore, will minimize the effects of this legislation on men and women employed as coal mine workers, who lose their jobs as a result of enactment of the Clean Air Act.

Specifically, for the first 2 years, it will provide the "protected employees," those who are terminated as a result of enactment into law of the Clean Air Act, shall be eligible for benefits up to 100 percent of the compensation and benefits they received for the 12-month period prior to their termination. For the third and fourth years, such protected employees will be eligible for up to 75 percent of the compensation and benefits they received for the 12-month period prior to their termination. And for the fifth and sixth years, these protected employees would be eligible for up to 50 percent of the compensation and benefits they received for the 12-month period prior to their termination.

These provisions will require that benefits be reduced dollar for dollar by any earnings of protected employees from any employment during their 6 years of eligibility.

Additionally, these provisions provide an incentive designed to encourage these workers to enter into full-time retraining and education programs that will be certified by the Secretary of Labor. These programs will enable affected coal mine workers to learn other skills so that they may find new employment after losing their jobs.

Those who choose to enter such programs will be eligible for benefits equal to 25 percent of the compensation they received for the 12-month period prior to their termination. These benefits will start in the thrid year after such determination and will continue throughout the sixth year after such termination.

Under these provisions, the Secretary of Labor would have administrative responsibility for the program and would consult with the appropriate congressional committees in drafting the necessary regulations for its implementation.

The cost of the program to the Federal Government is difficult to calculate, because there are a number of "unknowns" involved. In an attempt to calculate the maximum cost, however, if one assumes that 5,000 coal miners—at the top of the range, it has been estimated that 5,000 will qualify for these benefits at an average salary on a benefit level of $50,000 by the end of 1995—and that all 5,000 of those qualified will enter a certified retraining program, then the appropriations that would be necessary for this program over the years of eligibility would be $1.375 billion.

EPA has estimated that, I repeat, total job loss to coal mine workers under phase I of the legislation would be between 3,000 and 5,000.

Let us take the other end of the range, 3,000. If only 3,000 workers lose their jobs, the maximum cost of my amendment could be $825 million.

Let us take the mid-range. If 4,000 workers were to lose their jobs, the maximum appropriation would be $1.1 billion.

So you have a range, depending on the number of persons who lose their jobs, the number of coal miners who lose their jobs as a result of the legislation.

The range of figures provided by the EPA is 3,000 to 5,000 jobs, and using the range of 3,000 jobs, it would be $825 million; 4,000, mid-range, would be $1.1 billion; and 5,000, top of the range, would be $1.375 billion.

However, I should point out that this amount would be offset, whatever it is, whether it is the bottom, middle or top of the range, it would be offset by a number of factors. First, recipients of these benefits would not be eligible for other Federal benefits. Second, the communities where these protected employees reside will need less Federal assistance than they would receive if these protected employees had no income. Third, these benefits would be subject to Federal taxation. Fourth, the benefits would cease upon the death of the recipient. Fifth, it is likely that eventually many of these affected mineworkers would find other employment, thereby reducing their benefits under this provision. And finally—or additionally, I should say—the education, retraining benefits will depend on the number of affected workers who choose to enter such a program.

So the likely Federal cost of these provisions would be much less, much less than the range of $825 million, to the maximum of $1.375 billion, to which I referred earlier.

Mr. President, this safety net—that is what it is—is essential for coal mine workers who will lose their means of livelihood as a result of enactment of this legislation. On numerous occasions in the past, Congress has enacted similar provisions. For example, in the Regional Rail Reorganization Act of 1973, which rescued the Northeast and the National from the effects of the Penn Central bankruptcy by creating Conrail, Congress recognized that a substantial number of railworkers would lose their jobs.

For this reason, the 3R act included title V to provide full protection of the salaries and benefits of employees who lost their jobs as a result of the downsizing of the Penn Central Railroad.

That protection covered these employees for their full salaries from the time they lost their jobs until their retirement date. I am advised that the Federal payments to these people since 1973 amount to $750 million.

Similarly, when Congress created Amtrak in 1970, a labor protection provision was included in the legislation providing for protection of the salaries and benefits of rail passenger service employees who lose their jobs due to abandonment of service and so forth. This protection is for a maximum of 6 years and is paid by the Federal Government.

Similarly, in 1964, in the Urban Mass Transportation Act, Congress included provisions to continue the salaries and benefits of transit workers who lose their jobs due to abandonment or cutbacks in transit services, whether it is bus or commuter rail service.

So there is ample precedent that where Congress enacts legislation that will directly affect the jobs of substantial numbers of workers we have included provisions to provide relief for those involved.

Mr. President, cleaning up our Nation's air is an admirable goal. We have to do it for the good of our children and our grandchildren. But as we write the laws that will accomplish that worthy task let us not forget the American coal miner and his wife and their children. They need not lose for the rest of us to gain.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise as a cosponsor of the Senator's amendment, and I want to take a few minutes to explain why I think it is so important that this amendment pass this body and be added to the legislation that we are considering.

Our Nation has depended for more than 200 years now on coal as a major source of energy production. While oil and to some extent nuclear energy have helped fuel this economic machine that has brought a level of prosperity unknown in the history of the world, there is no doubt that coal has played the most predominant role.

Many of us have been concerned about the direction that we once again seem to be heading in terms of our reliance on foreign sources for oil as an energy source. Most of us remember the tremendous economic shock which resulted from the oil embargo in the early seventies.

As someone that at the time was engaged in the investment business, both from a mortgage standpoint and from a direct lending standpoint, and from a stock and bond investment standpoint, I have been directly involved in trying to deal with in many cases tragic consequences of a change in one particular economic factor, and that was the cost of energy. Our then more than 50 percent reliance on foreign sources for oil resulted in as severe a downturn as the country has experienced in a long time.

That oil shock led this country to embark upon a course of reducing that foreign dependence, increasing the use and reliance on a valued domestic resource, coal, and brought about I think to a great extent the economic stability and growth that we occasioned during the eighties. While many complex factors including restraint of taxes, restraint of over-government regulation, sound economic policies were instrumental in providing this remarkable now almost 88 months of consecutive growth, it is clear that the stability of energy prices and energy supply played a very important role.

Now, we learn that for the first time in 12 years the U.S. petroleum imports have increased to half of total U.S. domestic consumption. The Department of Energy predicts that by 1995 U.S. oil imports may cost as much as $80 billion. A similar pattern could be expected for other oil consuming countries. I fear we are placing ourselves as a nation in the very same position in which we found ourselves in the early seventies. We have taken some steps to mitigate that potential downside with the strategic petroleum reserve, but perhaps the most important step we have taken is to continue to develop coal as an abundant domestic resource as a provider of our major energy source for this country.

With this increased reliance on foreign sources for oil imports, with the declining ability to produce nuclear energy for a number of reasons, safety, political, economic, and others, coal remains, together with natural gas, one of the most if not the most important resource for providing greater energy. I wish we could turn to solar, geothermal, and wind as a way of providing an abundant renewable, cleaner source of energy.

Those of us from the Midwest fully understand the tremendous power needs of steel, auto, and heavy duty manufacturing. It just simply is not feasible nor have we developed the technology to use these alternate renewable resources. Hopefully someday we will.

As we look at this legislation, there is no other conclusion that can be reached than we are going to put increased pressure as hurdles in front of the coal industry for utilization of coal as a resource. The coal industry recognizes and is responding to the need to find a way to burn this abundant fossil fuel in a way in which emissions are controlled and in a way in which we can provide for cleaner air. That is a responsibility I think all of us have taken on.

Gains have been made since the introduction initially of the Clean Air Act of 1970 and the amendments in 1977. Progress has been made through the decade of the eighties. More needs to be done. We all recognize that. That is why this bill is on the floor. That is why it enjoys so much support.

One of the more promising technologies that we are investigating is the idea of marrying emission control technology with this abundant resource of coal so that we can continue to use this domestic resource, but do it in such a way that we can control emissions, reduce emissions, to provide for cleaner air in this country.

A greater number of potential technologies are currently under study, being modeled and tried and tested, and there is great hope that we will bring on this technology in time to utilize in coal-fired utility plants and other coal-fired boilers. In fact the Nation has committed more than $5 billion of Federal, public, private money to investigate these technologies.

One of my real concerns and I think one of this body's concerns should be that the language of the bill before us does not overly restrict the ability of clean coal technology, of controlled technologies to control emissions from coal to come onstream in the late nineties and early years of the next century, because we would be making, I believe, a very shortsighted decision if the provisions of these amendments before us under the Clean Air Act foreclose the possibility of continued investment and development and commercialization clean coal technology. It would drive us further, I believe, toward a greater reliance on oil imports. It would certainly increase the cost to the consumer both residential and commerical and industrial.

And as I said, it would perhaps foreclose the marrying of technology and use of this abundant resource.

We struggled mightily in negotiations with both the administration and Members of the Senate to try to incorporate in this bill before us some incentives for continuation of clean coal technology and bringing this on stream. I fear we did not do enough. That is why I will be supporting the tax credit amendment that Senator SPECTOR, Senator LUGAR, and others will be bringing to this floor shortly to provide an incentive for continued investment in the technology necessary to control emissions.

Senator BYRD has before us an amendment that deals with the hardship that is inevitably going to follow passage of this bill. That hardship is going to impact on many, many people in his State, and it is also going to impact on a number of coal miners in southern Indiana. Nineteen of our counties in southwest Indiana mine coal out of the Illinois basin which runs into Indiana, promising greater

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significant resources to not only utilities and manufacturing facilities in Indiana but a number of other States and including some exports.

We estimate that nearly 3,700, actually closer to 4,000, coal jobs exist in Indiana, most in these 19 southwestern countries, and because of the provisions of this legislation, much of this high sulfur coal will be imparted, and the impact will be felt by those engaged in the coal industry.

Originally, many of us were promoting and pushing a cost-sharing concept designed to help alleviate the pain that is going to result in a very human way to people as a result of the passage of this bill. We thought it was a fair way of distributing sulfur dioxide reductions and preventing a lot of the higher sulfur job loss which would result.

Unfortunately, we were not successful in that, despite the valiant efforts of the Senator from West Virginia in bringing together on many, many occasions Senators from a number of States who were most directly impacted by this legislation. We made a number of proposals and we were happy to in the end to have some of our ideas considered.

But the final result was that there is going to be an impact on high sulfur coal, and that impact is not only going to be felt on an economic basis—not just numbers and statistics and lines on a chart or points on a graph—it is going to be reflected in the individual lives of many families and many individuals and many communities who will directly feel the impact of lost jobs.

The special acid rain task force formed by the Governor of Indiana has indicated that as many as 1,300 of the 4,500 coal jobs that currently exist in southwestern Indiana will be lost. Because those jobs exist in a rural part of Indiana, many communities' existence and commercial viability depend to a great extent on the viability of coal mining. Therefore, the spinoff effect of the loss of the mining jobs will be multiplied in a way that is far greater than what normally occurs in a job loss. And because it occurs in a rural area, it is going to have an impact on communities that is much greater than what might be felt in a community that is more diversified.

So again the acid rain task force formed by the Governor of the State and the Indiana Department of Environmental Management estimate that the factor to be used in quantifying the impact will be a factor of 10, which means that nearly 13,000 related jobs in southern Indiana are at jeopardy. The Byrd-Bond proposal which is incorporated in this bill will partially mitigate that job loss. Because the original estimates made by the task force and the department of Environmental management to S. 1630 were based on the premise that more scrubbing would result in what will now result in this bill, the estimates I think are relatively accurate.

The Byrd amendment provides a compassionate way to deal with what is going to be a very real problem. It says it recognizes that changes are taking place, that perhaps these changes are inevitable, many are desirable. As I said on many occasions, clean air is an important goal for this country, and we all want to do our part. But what we want is clean air and jobs, not clean air or jobs.

Nevertheless, there is no way to slice this pie without it having an economic impact, and an economic impact is going to be negative in some areas. While, as I said, through the very important efforts of Senator BYRD and Senator BOND that many of us supported, this impact has been mitigated, it is still going to be very real.

That is why this amendment is necessary. That is why we need to recognize the contributions of coal miners to the energy security of this country, to the economic viability of this country, and we need to recognize and understand the nature of how coal is mined and where it exists.

It does not exist in fertile plains. It exists in hilly, rocky areas, areas that really are not conductive to significant agriculture production. So the loss of a coal mining jobs often results in a situation where there are few alternatives to turn to. Coal mining, because of the nature of where coal is located, means the building up of communities that are much more reliant on that resource and much less diversified than other communities. They are less accessible from a transportaion standpoint. And because of that, the impact on the miner and his family and his community is much more significant than the loss of a comparable number of jobs in a manufacturing area, not that that impact is to be minimized.

As someone who represented an area that saw a major job loss from the closing of a major industry, I not only understood the economic impact in terms of statistics and numbers, I felt the human impact. I saw friends face the specter of unemployment for the first time in their lives. And I saw the psychological damage that resulted. I saw the pain and the anguish on their faces. That is what occurs when a job is lost.

And when we pass legislation which by its very nature will result in changes in our economic structure, changes in our job loss, we have a responsibility to understand the human dimension of that consequence and to come forward with what is fair and compassionate assistance and help and compensation.

That is what the Byrd amendment does. I am pleased that it not only recognizes the loss of income, but it provides a way for retraining and reorientation and reintegration into our society. Because compassion not only means helping pay the bills but helping provide new skills and helping that person, who has, in most of these cases, invested a lifetime in developing the skill necessary to mine coal, venture out into that uncertain, unknown areas of learning brand new skills. That is not easy. That is not easy for someone who have invested 20, 30, 40 years of their life in one skill, providing for their family, providing for their community, who is suddenly now told that because of legislative changes you are going to have to learn a whole new skill. That brings a lot of anxiety and a lot of fear. And we need to assist that person in the very best way we can.

So the Byrd amendment does that. It provides the compassionate help of job training assistance, the helping hand that I think is going to be so necessary as we make these changes which we acknowledge are going to have to be made.

So I am proud to be a cosponsor of the Byrd amendment. I trust my colleagues will recognize both the economic impact and the human impact of what we are doing and take reasonable steps to compensate for that. I trust that we will find majority support for this very important measure.

Mr. BYRD. Will the Senator yield?

Mr. COATS. I am happy to yield.

Mr. BYRD. I thank the distinguished Senator for his support of the amendment. I thank him for his cosponsorship of the amendment. I thank him for his cooperation and his support with respect to the Byrd-Bond proposal that was developed over a period of many, many weeks and months by the Appalachian and Midwest coal State Senators. I thank him for his statement.

Mr. COATS. I thank the Senator, and I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. KENNEDY be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Is there further debate?

Mr. BYRD. There will be.

I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I rise in support of the amendment the distinguished and venerable President

pro tempore has offered and ask if I might be added as a cosponsor.

Mr. BYRD. I would be pleased to.

Mr. MOYNIHAN. Mr. President, I would like to make a simple point, which is that yesterday I offered an amendment, which was cosponsored by the majority leader and the Republican leader, which provided on an open-ended basis that we would commence in an institutional manner a benefit/cost analysis of the Clean Air Act. In considering the Clean Air Act we find ourselves dealing with ranges of costs that range from the very specific—how much does a kilowatt of electricity cost without a scrubber, with a scrubber, and so forth—to values for which we do not as yet have an accurate measurement.

How do we calibrate the value of doubling the visibility in the Smokey Mountains, which acid rain legislation would probably do? What is it worth? We do not yet have a system to describe this. We cannot say it is worth 50 cents. We cannot describe it as yet. But the minute you ask yourself the question you already know more about the subject. Ask yourself, put a number on anything, and you have learned about it.

My amendment, Mr. President, simply builds on a measure that was already in the bill with respect to the acid rain controls. The only acid rain legislation to have passed the Congress in two decades was a measure I introduced in 1979 and which was enacted in 1980. It is the Acid Precipitation Act of 1980. It established the National Acid Precipitation Assessment Program; NAPAP is the acronym.

At that time we had run into the issue with which the Canadians were concerned. The higher altitude lakes of the Adirondacks were affected as well. At Cornell University in Ithaca, NY, the biology of the effects of acid rain on fish was being understood for the first time. It is more complicated than is thought.

It should be remembered when we talk about acid rain that rain is naturally acidic. Nonetheless, the words "acid rain" make a powerful image. But if we think the image is all we need to know about the science, we are wrong in that respect. Science is more complicated.

The problem with our previous environmental legislation is that we have had no data. Nor has there been any followup to learn what we had done. We intervened in a system. What changes took place?

No great heed was paid to NAPAP until the issue of acid rain acquired great attention as an environmental issue. The Reagan administration would do nothing about acid rain, until they found NAPAP.

And so, without mentioning this, really—it certainly did not come to the attention of the Environment and Public Works Committee—they increased by a factor of 10—one order of magnitude, as the statisticians say—the amount of money in this program. They put in $500 million instead of $50 million. So we have had the largest, most expensive and most extensive calibration of an environmental issue in the history of this subject.

There was, most recently, an international conference held at Hilton Head, where people from all over the world came to discuss this. And we learned that the Americans now know more about this subject than anybody else in the world. And we also found, Mr. President—I have been very open about this without being overly insistent—that the prospective benefits of the acid rain provisions are less certain that has been thought.

What we seem to have learned is that, in many areas of the Northeast, what was going to happen has happened. Some bodies of water were vulnerable to levels of sulfur dioxide precipitation, and these have become acidic. Others are buffered, and have not. And so the prediction is that in the Adirondacks, the reduced deposition that this legislation contemplates will have, over the next half century, a noticeable but not overwhelming effect. Some might say small as compared to our expectations.

Similarly, were we to do nothing—again I am speaking principally of the Northeast—the change would not be linear. It is suggested that very little deterioration would take place. Why is this? The deterioration has already taken place to about the extent that it ever will.

So how does this relate to what we are doing with this bill? What we are doing, we are doing knowingly. We have put into this measure a section that provides for the continuation of the National Acid Precipitation Program, so 10 years from now we will have 20 years' data and 30 years from now we will have 40 years' data, and we will know something about what happens in the natural environment when we intervene. We will know some of the costs and we will know some of the benefits.

Yesterday, in the amendment, I offered, which was accepted, I added a much more general provision that will characterize henceforth—I hope at least—the environmental program of our National Government. I said yesterday that environmentalism is nothing if not an ethic of responsibility, and our first responsibility is to the facts.

The amendment does not establish a cost/benefit test that all EPA regulations must pass. Rather, I hope it could educate us regarding the various costs and benefits of regulations now in place, and those we will adopt in the future.

It is not knowledge that we should fear, but rather our lack of knowledge. Cost/benefit analysis gives us data, and this is always for the good.

As a discreet discipline, cost/benefit analysis has a long history. Its analytical foundations extend back to the 1844 article by J. Dupuit entitled "On the Measurement of the Utility of Public Works." In government, these methods were first applied systematically by the Flood Control Act of 1936.

Application of these methods to matters of environmental protection is a new endeavor. It is a developing science. We have some experience in quantifying costs, very little for benefits.

EPA already has a mandate to report the costs of environmental regulations. Section 312(a) of the current Clean Air Act requires EPA to prepare a report on the cost of clean air each year. Unfortunately, the report has often been late. EPA last published the report in 1984. Another report is being prepared and may be published by summer. In addition, Executive Order 12291, signed in 1981 by President Reagan, requires EPA to evaluate costs and benefits of regulations with annual costs greater than $100 million. EPA has prepared guidelines for performing the required regulatory impact analyses.

As far as this bill goes, there are going to be facts involving employment. It is certainly likely that there will be miners who lose their work. Many of them will lose their jobs at a point in life where getting to another region, another occupation, is very much more difficult. A man in his fifties against a man in his twenties. These problems affect whole families.

So, as part not just of the amendment of the President pro tempore, that there will be adjustment, I want to insist that there will be measurement, that there will be counts, that we will know what happened. We might also find we have created jobs. It is very possible. We certainly will create jobs for the people who make scrubbers.

These are complex things. We are not frightened of complexity, but be prepared for long-term measurement.

One of the blessings of the U.S. Government is that the Constitution provides that this Nation shall have an abundance of social science data. That data is called the census. And we are now about to have our 20th, starting at the end of the decade.

We have always known a lot about this country and we know how to learn. One of the great problems of the countries that adopted central economic planning, is that they have no data. We were largely able to avoid this because data was available through the Bureau of the Census,

Bureau of Labor Statistics, and the Department of Commerce.

But we do not have data on what it means to change the atmosphere with respect to this gas and that gas, and these toxics and those other atmospheric pollutants.

There were days when those dark plumes of smoke coming out of factory chimneys were signs of prosperity, and pictures of this sort festooned our new Post Offices of the 1930's. There was nothing Jim Farley like better to do than put up a new Post Office and hire a WPA artist who painted prosperity returning, black columns of smoke reaching up into the sky. Strong colors for what we hoped would be a strong economy.

All I want to say, Mr. President, is I hope people understand that this amendment is not just an aside, something a particular Senator thought was interesting but not to take too seriously. Take it very seriously. It is an opportunity to get to someplace where we are not now, a place where we will know what we have done, and possibly adjust to the consequences of what we learned.

In the meantime, if there was one medium of consideration that ought to be attended, it is the coal miners of this country whose livelihood is clearly at jeopardy in the interest of the larger national concern. Fine, but that kind of change involves reciprocal obligations. I believe the Senator from West Virginia's amendment rises to that responsibility. I am happy and proud to be a cosponsor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. BYRD. Will the distinguished Senator yield briefly, Mr. President?

Mr. HEINZ. I will be pleased to yield.

Mr BYRD. Mr. President, I thank the very distinguished senior Senator from New York [Mr. MOYNIHAN] for his incisive comments and for his recognition of the tentativeness of our knowledge of what may be going on, and for his work in providing for a setting that will give the Senate more time and give us all more data and more of a foundation on which to proceed on the bill, and for his recognition of the sacrifices of the coal miners, and for his compassion he has expressed, his willingness to see a problem, face up to it and try to make some amends.

I personally thank the distinguished Senator from New York for his comments on the amendment and his cosponsorship.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, at the outset, I want to commend and congratulate the senior Senator from West Virginia for offering this amendment. It is an amendment which focuses on something we have ignored pretty much in the course of this debate, at least up until now, and that is people.

The amendment that the Senator from West Virginia has offered, and of which I am pleased to be a cosponsor, addresses that aspect which very few people are willing to acknowledge: which is, achieving our clean air goals can, and indeed does, have a price.

Most of the time when we have talked about price, we have talked about a price tag, we have talked about the cost being $20 billion a year in the year 2005 or $30 or $40 billion a year.

Whatever those costs are, and EPA says the cost of this will be about $20 billion a year in the year 2005, and whatever the effects of distributing that cost to consumers and businesses that ultimately must bear it, those rather cold numbers obscure something far more important: The impact of any legislation, but particularly this, on the lives of people, families, workers; people who care about and try and make a community work.

What I am really saying, Mr. President, is that it is not just some well-heeled faceless industry or big corporation that has to pay the cost of legislation like this legislation. Working people and their spouses and their children and their neighbors are going to be asked to bear some very real and, I am sorry to say, in some cases, catastrophic economic burdens.

Those of us who are privileged to represent areas where there is a lot of coal mining, particularly of high sulfur coal, know too will, what that burden will be; because we have been working on trying to avoid, for several years, a strategy that is going to cause thousands of those workers to lose their jobs. We have been trying to find a means to clean up our air and avoid these catastrophic job losses.

We used to say to the economists in western Pennsylvania when our steel industry was heading toward rock bottom, even when the economy was a little weak, what is going on is a recession. But when you lose your job, it is a depression.

This legislation, even though we have tried in every way we possibly can—and still have enough votes to get it passed—to avoid this kind of catastrophic impact on individual workers, their families, in spite of our best efforts—and we have had some success, thanks to our colleagues—it is still going to have an impact. It is still going to put some people out of work. We do not know who, or how many.

Notwithstanding the fact we have done our best and mitigated a lot of the potential job losses, and I hope we do more on the floor with the Specter-Lugar amendment and others that will come forward, it would be downright dishonest to pretend that there are not going to be any job losses at all. That may be the way we would like the world to be after we pass this legislation, but it is not the way the world is going to be.

What our amendment does is provide a secure safety net for those miners who are going to be put out of work. It is not just for them. It is for their wives or husbands, their kids and, as I say, their neighbors.

Let me emphasize that we are not just talking about the loss of income when you lose a job these days.

You are talking about the loss of something that for many families is almost as important. It is called the loss of health insurance.

I was privileged to serve with the junior Senator from the State of West Virginia on the Pepper Commission, and we were well aware of the fact that part of our mission was to try to come up with a strategy that would address the problem of what happens to people who lose their jobs and lose their health insurance along with it and what happens to people who have minimum wage, or sometimes a good deal more than minimum wage, jobs but whose employer does not provide health insurance. They have to go out on the open market and pay two or three or four times what the average family rate might be if they were working for an employer who provided health insurance as a job benefit.

We made recommendations, but they were split. Indeed, the congressional Members on the Commission split 6 to 6, a deadlock. That did not mean we did not understand the problem. We just did not have agreement on how to solve it.

So nobody should be under any illusion we are going to expeditiously solve the problem that is going to take our miners who work at least off the hook so far as their health insurance is concerned. That is going to be for quite some time, I am sorry to say, a real problem.

Then, of course, there is the question of their retirement income. Yes, they have been contributing to Social Security. But what is going to happen when some of these little coal companies that may have been contributing to a pension fund go out of business and the fund is an uninsured fund. They are putting money into IRA's, into some kind of noninsured pension fund. What is going to happen to the pensions of those workers?

That is the kind of question we hope to answer with this amendment. But it does not, I will be honest, directly address an equally critical and important question, which is what do you do when your life's work of 20 or 30 years suddenly disappears? Suppose you have been living in a small town in

Fayette County or Greene County or Washington County or Westmoreland, PA, or Somerset County or other counties I could mention, or just across the State line in my colleague's State of West Virginia or Ohio or Indiana or in the State of the Presiding Officer, downstate Illinois. What do you do when the principal employer—not a multinational corporation but still the principal employer—in that little town is gone and you and people up and down the main street—it is not a long main street—are suddenly, most of you, without any work at all? What do you do next Tuesday morning, next Tuesday afternoon, next Wednesday? What do you do with your life?

A lot of our miners are just like farmers. I know the Presiding Officer knows a lot about farmers, too. Farmers are married to their land, we often like to say. They have dirt under their fingernails, they have the callouses on their hands to prove it. They are practically one with the soil they till.

That is exactly the way miners are. Mining is one of the most dangerous occupations. If you have ever been down in a mine, you sense the danger immediately—if you have a sense of claustrophobia it is not the greatest place for you. It is a long ride down or into some of those mines, and that means it is a long ride out. And if something is not working right, you could be there for a long time, maybe forever. And yet people go willingly into those mines day in and day out, years, decades, because it is important to them. It is not just a way of putting food on the table and paying the rent and attending to families' necessities. It is a way of life, just as much as the family farm and the commitment to the soil is a way of life to our farmers, except these farmers farm underground. They farm a different crop, the energy to keep our country running. Let me tell you, they were there long before Captain Drake made his famous find in my home State of Pennsylvania up at Titusville and drilled the first oil well and then someone figured out there was natural gas, and a few things like that happened.

Mr. President, these people who are coal miners have been helping us develop for a long time. They were the heart and soul of the industrial revolution. We could never have substituted chemical energy for manpower, could never have been able to convert from manpower to horsepower, the measure of the output of energy, without our miners. It is deeply ingrained in our history just as coal dust after a long day in the mine is deeply ingrained in every nook and crany and wrinkle in your face after you have worked a full shift.

Our miners have been married to our land, I say, Mr. President, to make it clear that these people are not the kind of people who pick up and walk away from trouble. That is not how they are raised. They are proud. They are strong. They are tough. They are committed. They are dedicated. They are going to stick around in that community where, chances are, their grandfathers were born, their great-grandfathers were born. What that means is not only that they are proud and they have their roots down, but it also means the local governments and the local officials in those communities are going to be asked to meet the responsibilities of having a police force and keeping the roads up, doing all the things elected municipal officials have to do, without a tax base. When that mine closes, the tax base, both commercial and residential, is going to drop out from under that community. It is going to be like a mine cave-in, a subsidence. The increased social costs are going to be there. That is inevitable.

I might add that many of those communities are still suffering from the job losses which our region of the country has previously experienced. Mr. President, you make steel out of coal. You take a pound of coal and a pound of iron ore, and it becomes, after you are through with it, a pound of steel. But we manufacture a lot less steel today than we did, so unemployment is no stranger to our coal fields. It has been, I am sorry to say, a constant companion for longer than most of us care to remember.

So it is simply unfair to pile up yet more costs on local units of government—and I emphasize the word "local"—to achieve national clean air goals, because that is what this Clean Air Act is all about.

The monthly termination benefits provided by our amendment will give workers a measure to help but, more importantly, they will give workers a measure of control, a choice in the future direction of their lives without having to pull up their roots, without having to strip-mine their lives. Some are going to choose higher education, some are going to seek retraining and careers in other skilled industries.

One thing that either of those pursuits requires, Mr. President, is time, and time, when there is no money coming in, is a luxury that you cannot afford because you cannot feed your family with time. You cannot pay the rent with time. You cannot pay the hospital bills with time. You must have either a source of support or you have to have a job.

One of the chief failings, as we all know, with the worker retraining programs we have had in the past is that they often, almost always indeed, failed to provide an adequate stipend during training. How many of us have had workers or their families come up to us and say, "Thanks for the trade assistance program to get me retrained, but I cannot afford to go to the retraining program because I have to pay the family bills. My wife already works. We have a mortgage." That does not get any smaller just because you get laid off. Workers too often have had to forego training simply because there is no other way to put that food on the table, and the income support provided by this amendment is going to ensure that such a situation at least does not reoccur with respect to these workers.

Mr. President, I can tell you this about the coal miners of my State and I suspect the Chair's State. They are proud. They are productive Americans. They want to work. They want their children to succeed. They build safe, close-knit communities where neighbor helps neighbor, and in most cases they are part of a family where generations have done what I would say is probably one of the dirtiest most dangerous jobs in the world. They have been the people who have provided the fuel for America's economic prosperity.

It is not right to ignore the impact that our Clean Air Act will have on them, their lives, and their communities, and the amendment by Senator BYRD of which I am a cosponsor will help at least in some measure make it right.

Mr. President, I urge all our colleagues to support this amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HEINZ. I am pleased to yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Pennsylvania for his fine statement. He has firsthand knowledge of the lives of coal miners in this country. There are many coal miners in his State. And he understands their problems. He understands what happens when coal miners lose their jobs in great numbers.

I thank him for his statement. I thank him for his cosponsorship of the amendment. I thank him for his cooperation with the others among the Appalachian-Midwestern coal States.

We have tried over a period of many weeks and months to develop legislation that would enable us to be a part of the solution recognizing that we have problems that confront our country with respect to dirty air, but at the same time recognizing the problems that we face in our own communities and States with respect to the economy, the job losses, the unemployment. And he has been a very able worker among and within this group.

I thank him, and again I appreciate his fine statement and his cosponsorship.

Mr. HEINZ. Mr. President, I thank the senior Senator from West Virginia, and the distinguished chairman of the

Appropriations Committee for his very kind words. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise today in support of the Byrd amendment.

I say to my friend and colleague from West Virginia that he has been our leader during a very difficult period—in trying to do the very best we could for the central part of our country, and for those who mine coal in the central part of our country. It is probably not possible, Mr. President, to craft a clean air bill that does not have some kind of impact on those who mine coal in America.

Under the able leadership of the Senator from West Virginia, those of us who were clearly outnumbered in this body as a whole have, we feel, been able to lessen the impact on the central region of our country, and on those who mine coal, through this substitute bill.

But in addition to that, there is not any way that the passage of this legislation is not going to displace a number of those who have made their living mining coal in Kentucky, West Virginia, Pennsylvania, and other States in the central part of our country.

So, Mr. President, our effort today under the able leadership of the distinguished chairman of the Appropriations Committee, is to provide some relief for those who will lose their jobs as a result of the Nation's effort to make this air that we all breathe cleaner.

The Byrd amendment is a provision designed to provide some relief to thousands of coal miners who, as I said, Mr. President, will pay the ultimate price for reducing acid rain in this country. The price they will pay is their jobs, their very livelihood.

Those of us who support this amendment do so because we are faced with the very real threat of economic devastation in certain coal communities within our States.

Let me say again that it is absolutely clear to all of us in this Chamber why this amendment has the bipartisan support that it has. Certain coal communities within our State are threatened with economic devastation; not less than economic devastation, not a mild recession, not temporary worker layoff, not simple industrial dislocation. No, Mr. President. These communities face old-fashioned economic devastation.

I admit that the economic impact of the acid rain title of the clean air bill on coal communities is concentrated. The country as a whole will probably not even realize it is occurring.

In fact, since the jobs lost in the high-sulfur coal fields will to a certain degree be offset by new jobs in low-sulfur coal fields it will probably be a wash on a national level. But in my State that is somewhat encouraging because we have both high- and low-sulfur coal. But when analyzed from a regional and local point of view the prospects are grim indeed.

The nature of the coal industry is such that it tends to heavily support the economies of certain communities. The small communities which develop around coal mining sites are by definition almost exclusively dependent on the mining operations for their economic viability.

For example, the Congressional Research Service has done a study showing that 90 percent of the high-sulfur coal produced in west Kentucky is mined in but five counties.

CRS points out that one out of every four jobs in these counties are coal mining jobs, and that the second and third largest categories of jobs are in the service and Government sectors, both of which closely support the coal industry.

The CRS study estimates that under the original Bush bill or the Environment Committee bill these five counties would lose 40 to 50 percent of their coal production.

The Congressional Research Service points out that a discussion of coal jobs in these five communities is really a discussion of the economic viability of these communities. The study concludes that "Indeed it is unclear that these communities would exist without coal."

Mr. President, a recent analysis by ICF Resources, Inc. for the Environmental Protection Agency indicated that west Kentucky stood to lose 1,500 to 3,000 coal mining jobs under the original committee bill, S. 1630. The compromise acid rain package we have developed here helps alleviate this impact somewhat. I am told this compromise will reduce job losses by one-half to one-third over the committee proposal.

Nevertheless thousands of jobs will still be lost in western Kentucky. Unfortunately, coal mine jobs impacts in my State will not be limited to western Kentucky. Pockets of eastern Kentucky will also have their share of hardship. For example, Gatliff Coal in southeastern Kentucky mines some of the lowest sulfur coal in my State. Eighty-five percent of Gatliff's production is sold to Tampa Electric Co., in Florida. If modifications are not made to this compromise acid rain package, Tampa Electric will likely have to switch to oil to meet the standards. Almost overnight, Mr. President, Gatliff Coal will lose 85 percent of its sales, and may indeed cease operation. At risk are the 800 jobs Gatliff Coal supports in two eastern Kentucky counties.

Mr. President, I recognize that those of us supporting the pending amendment may be outnumbered, although I hope we are not.

The environmental benefits reducing acid rain will be enjoyed by many. The cost of those benefits will be borne by few. I urge my colleagues to consider what this amendment attempts to do. This amendment, drafted by the distinguished senior Senator from West Virginia, simply tries to provide some relief to those coal field families that will pay the real price or acid rain reduction in this country.

I urge my colleagues who intend to cast that pro-environment, pro-clean air vote that has become so all-important in this election year to look with compassion on those who will pay the real cost of that vote and also vote in favor of this amendment.

Let me say further, in conclusion, how much the Senator from Kentucky appreciates the outstanding leadership of the distinguished senior Senator from West Virginia. Without his guidance, this bill that we currently have before us could have been even more devastating for our States, and without his amendment today, we simply would not have had an opportunity to provide the kind of relief for displaced miners that, it seems to me, compassion dictates that we proceed with. So I thank him for the amendment and for his leadership.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky [Mr. McCONNELL] for his fine speech and for his interest in the legislation, interest in the amendment, his cosponsorship of the amendment, and for the cooperation that he has rendered during the many weeks and months, as we tried to mold an amendment on an approach that would lessen the impact of this legislation in coal mining communities of West Virginia, Kentucky, and Illinois, and other parts of Appalachia and in the Midwest. I deeply appreciate his efforts and his cooperation and cosponsorship on the amendment.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, this morning, I was occupied chairing a hearing in the Banking, Housing and Urban Affairs Committee, and did not, I am sorry to say, send work to my distinguished friend and colleague, the senior Senator from West Virginia, that I desired to be a cosponsor of his amendment.

So I ask unanimous consent to permit my name to be joined on this amendment as a cosponsor of the amendment offered by the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I, too, want to congratulate my friend from West Virginia for his contribution with respect to what is occurring here on this bill. He has worked for many, many months, even for years, to adequately present the point of view of those of us who represent coal mining States.

I have participated in the many conferences that have been held. He has been the leader of our group, and his intellectual understanding of the subject matter, his contributions always in leading this, I think, just cause, are just priceless. As a man who deeply admires the distinguished senior Senator from West Virginia, I want to express on behalf of the people of my State who are directly affected, our profound appreciation for his sensitivity to this very important issue.

Having said all that, Mr. President, let me just say here on the floor today that I understand a little bit about coal mining. I come from southern Illinois. In my hometown of Belleville, one of my best friends, Bill Stiehl, grew up to be our Republican county chairman. He was a Republican precinct committee man, and I was a Democratic precinct committee man in the Seventh Ward in the east end of Belleville, IL.

Bill is now our U.S. district court judge in southern Illinois, and his father had a coal mine. I remember it was only a short walk to that coal mine. I remember those experiences in my hometown of Belleville. Most of the city was undermined with coal mine shafts and tunnels, and there was a lot of subsiding in our town as a consequence of that. Some of us even were responsible for the ultimate passage of legislation to permit ensuring against subsidence in my State because of the substantial amount of coal mining that has taken place there. Of course, in addition to shaft mining, there was strip mining as well.

I have known many people engaged in that occupation over the years, as my friend, the Senator from Pennsylvania said, proud people who worked hard in extremely dangerous work and made a very substantial contribution to the economies of many communities in southern Illinois. There are actually towns in my own county, places such as Marissa and Millstadt that were dependent on the coal mining industry. So my friend from West Virginia has recognized that in what he is doing here in this amendment.

We understand that we are a minority here in connection with some of the things that are happening in this legislation. We even understand the public support for what is reflected in the legislation before us now. I think we would argue with the way that it is being done. Many of us feel very strongly that a more appropriate response from some who advocate this legislation in connection with cost sharing and other things would have been a better result, but we were outnumbered.

The modifications in the bill before us now are largely due to the efforts of the Senator from West Virginia, and the result is a bill that is better than the original bill. We appreciate that.

I thank my friend from West Virginia and my colleagues, who worked so hard to accomplish the ultimate compromise. What we have now is better than the original bill, although I would want to be able to say once again for the people of my State that it is not as good as we think it ought to be.

We do not feel that there is a national sharing here, Mr. President, a national sharing, as is so common in other legislation. Others have made these speeches about the fact that we come forward as a Congress to help when there is an earthquake in San Francisco and to help when there is a hurricane in South Carolina. We built the great dams in the South and West to provide energy, and did a great many things in a common way, as a nation, sharing, as a nation, our responsibilities for many of these unique national problems.

I argue once again forcefully, although it will not matter in the result, and I recognize that, that we are not sharing as a nation the responsibility of dealing with this national problem in connection with clean air.

But that is water over the dam. We have fought that good fight, and we have had, I think, good leadership in the fight, a very fine and competent man who understood the problem perhaps better than any of us in the person of the distinguished senior Senator from West Virginia. But that is over with. It is done.

The thing that remains is what do we do to deal with the remaining problem in real terms involving individual people who will be hurt by the result? Clearly, there are thousands of them, and there are thousands in my State. To the extent that we can do the humane, responsible, decent thing here in this legislation, we ought to adopt the Byrd amendment to do that.

Coal miners in my State will suffer a tremendous amount of job loss as a result of this bill. Illinois stands to lose, I am sad to say, about 8,000 coal mining jobs in the next decade. That amount of job loss is extraordinary in an area of my State that is not all that highly populated. When indirect job losses are factored, the total job loss in my State as a result of the acid rain title will be about 19,000 jobs.

Mr. President, while those job losses will be concentrated in one part of my State—the poorest part I might add—the costs of unemployment will be borne throughout the State. Unemployment insurance is paid by businesses throughout the State. The benefits of this amendment will, thus, be spread throughout my State.

We come to this floor and plead. And I do not mean this critically, we plead for our colleagues to do the right thing to help people in Poland and in other parts of the world and all over the world in connection with their problems.

Now the question is, will we do for people in southern Illinois, West Virginia, Kentucky, Pennsylvania, Indiana, Ohio, and other affected States, the simple decent thing that we do for other people all over the globe?

Now is the time to address that problem. And many Senators, may I say to my friend from West Virginia, who are going to come over here and walk down to that table and think about this vote, have nothing personal either as an individual Senator or insofar as their State is concerned to gain by voting with us. In the case of many of those Senators, I recognize and my friend from West Virginia recognizes, we are asking them to perform a selfless act and to help us with respect to real, honest, hardworking American people who really need the help now in connection with this legislation that is clearly going to pass.

Whether this Senator would vote for it or not—and I may, I may—but whether this Senator would vote for it or not this legislation is going to pass and thousands and thousands of decent Americans who carried a lunch bucket to work every day and worked from early in the morning to late at night in the hardest and the most dangerous work in the world, and who raised good families, decent law-abiding families, are going to be directly and dramatically affectd by what happens here.

I would hope that all Senators who do not have 1 ounce of coal mined in their State, who truly believe in their hearts that the cause is just in connection with this legislation, would understand how just our cause is in asking for their simple, again let me say, selfless act in giving us a vote that does not matter at all in their State. I understand that they may even be criticized in their State, may I say to my friend from West Virginia, for voting with us. But it is the right thing to do for people who are going to be hurt by this legislation, truly going to be hurt.

It is in the interest of a better America, I believe that those who are advancing this legislation believe this to be in the interest of a better America, that those people who will be hurt should be protected in a small way. There are all kinds of precedents for it, in connection with other things we

have done with the railroads and other interests.

For example, title V of the Regional Rail Reorganization Act of 1973, which rescued the Northeast and the Nation from the effects of the Penn Central bankruptcy, provided full protection of the salaries and benefits of terminated rail workers from the date of termination until their retirement. Similarly, when Congress created Amtrak in 1970, a provision was included in the legislation providing for continuation of salaries and benefits of terminated rail passenger service employees for a period of 6 years.

Where I come from in southern Illinois, they have a book—you might want to read it sometime—called "Bloody Williamson." Williamson County, deep in southern Illinois coal country—where Marion is the main town in that county—is where they had coal mine wars. My friend from West Virginia remembers the coal mine wars in West Virginia. They made movies of them. In southern Illinois they had wars over coal. Many people were hanged. The union and nonunion coal people shot each other. There were brutal wars over coal.

Coal is a central part of the economy in that part of our State. To this very moment, people are employed who shortly after this legislation becomes law will lose gainful employment, perhaps for the remainder of their adult lives.

My friend from West Virginia is a talented and able man who has served here with tremendous distinction for many decades and has been a great credit to his party, to his State, and to his Nation for this fine work that he has done in connection with doing the best he can in difficult circumstances, and I would hope that many of his colleagues, if for no other reason than out of reverence for him, will cast a favorable vote on this amendment.

I yield the floor.

Mr. BYRD. Mr. President, if the Senator will yield, I thank the distinguished Senator for his very perceptive comments. It is obvious that he knows what the living conditions of coal miners are in Illinois, and he knows what the situation is that confronts them if they lose their jobs. It is a bleak outlook. He knows there are going to be thousands of job losses if this legislation becomes law, and it probably will become law.

I appreciate the speech that he has made. I appreciate his cosponsorship on the amendment, and I appreciate the cooperation that he has extended to others in the group of Appalachian and midwestern Senators who have been meeting for months in an effort to put together an approach behind which we could unite. He has contributed to that effort in a most helpful way and I deeply appreciate his help.

Mr. President, there will be other Senators I believe who will want to speak on this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the qourum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I make a parliamentary inquiry. What is the parliamentary situation?

The PRESIDING OFFICER. The pending matter before the Senate is the amendment offered by the Senator from West Virginia [Mr. BYRD].

Mr. SYMMS. Is it not correct that the Symms amendment has then been temporarily set aside?

The PRESIDING OFFICER. The Senator is correct.

Mr. SYMMS. So that the appropriate procedure would be that we will dispose of the Byrd amendment at some time and then go back to the Symms amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1327

Mr. SYMMS. Mr. President, if there is no other Senator seeking recognition right now I would like to speak to the issue that is at stake. It is only extralaterally at stake to the distinguished President pro tempore's amendment where he is trying to make an attempt to demonstrate the concern that he has for the coal miners of West Virginia, which I am certainly understanding of and sympathetic with what he is trying to do. My amendment is a little broader, talks to the air toxics section, because I am one Senator that is very concerned about the bright line residual risk that is part of this legislation.

I want to call the attention of all of my colleagues to the commentary section of the Washington Times newspaper today; an article by Warren Brookes, entitled "Killer or Minimal Risk?" We are not debating specifically the content of this article, but we are debating specifically a concept in this legislation in the air toxics section that applies a residual risk to a standard in the United States.

I just want to read to my colleagues part of this article because I think it is significant to the direction, to the thrust, of where this legislation will take the American working men and women, those people who make us competitive, the American people, the entrepreneurs of this country who have made us competitive, who have given us the standard of living and the clean air that we have today.

I want to read some of this:

On Feb. 22, the NBC "Today Show" featured a segment by Dr. Art Ulene on the dangers of radon. In it, a doctor in a Washington, D.C., hospital showed X-rays of a 31-year-old lung-cancer patient. Because the man was a nonsmoker, the doctor concluded, "This had to be environmentally caused." At the end, Dr. Ulene gravely informed viewers, "This young man died two weeks ago."

We asked the NBC producer, Ms. Lynn Hill, how she knew this man died of radon (environmental causes). She answered, "We don't know for sure—and we didn't say he [did]. He was a 31-year-old man who never smoked, and radon is the second-highest cause of lung cancer."

We asked her, "Did you measure the radon in either his home or his workplace to determine his actual exposure?"

She replied, "Of course not. We wouldn't think of invading his privacy!"

In other words, the entire segment was medical guesswork. But that seems to be the case with the Environmental Protection Agency's whole radon program. Last October, EPA Administrator William Reilly cited Iowa as having the highest radon of any state in the union, with 71 percent of its homes over the EPA's "danger level," seven times the national average exposure.

Taken at face value, those numbers would suggest a lung-cancer death epidemic in Iowa. Yet Iowa's lung-cancer death rate is 13 percent below the nation. According to the EPA's radon/risk model, Iowa should have 1,600 lung-cancer deaths per year from radon alone. Yet Iowa's lung-cancer deaths in 1988 totaled 1,420 and 85 percent to 90 percent of those were smoking-related.

One of the world's top cancer researchers, Dr. Rosalyn Yalow of the Veterans Administration, says, "In the absence of smoking, radon itself does not represent a significant health hazard." Dr. Yalow cites as evidence the High Background Radiation Research Group's 1981 analysis of two Chinese provinces of equal populations. One had double the radon level of the other. Yet lung-cancer death rates were lower in the high-radon province.

"Since cigarette smoking is virtually nonexistent in China, this shows that residential radon is largely irrelevant as a cause of lung cancer."

But Richard Guimond, head of the EPA's Office of Radiation Programs, was contemptuous: "Dr. Yalow doesn't know what she's talking about. She knows nothing about radon."

Dr. Yalow won the 1977 Nobel Prize in Medicine for 30 years of research on radiation and cancer. Mr. Guimond is a bureaucrat/engineer with no doctoral science training.

Last October, we asked Oxford's Dr. Sarah Darby, architect of the world's largest epidemiological study on radon, why England was willing to wait until 1993 for the results of that study.

She took out two maps of England. The first showed lung-cancer death rates by locality. The lowest levels by far were in Devon and Cornwall, 15 percent to 20 percent below average. The second map showed the levels of radon. Devon and Cornwall stood out with the highest radon in England four times the nation's average. "If we didn't have maps like this, I would feel a greater urgency about regulating now," said Dr. Darby.

A leading epidemiologist, Yale's Dr. Jan Stolwik, said, "If radon were a major risk factor, it would clearly shine through in the ecological data, but it doesn't. All epidemiological studies suggest without smoking,

radon is an unimaginably small public-health risk." How small?

Last August, the New Jersey State Department of Health released the only formal epidemiological study of radon and lung cancer in the United States. Press reports suggested it "confirmed" the EPA's fears but a closer reading shows it destroyed them.

First, New Jersey found less than 1 percent of the women in the study were exposed to radon levels above the EPA's "danger level." The EPA's risk estimates predict 5 percent to 10 percent at that level.

"We were frankly very surprised at the low level of radon exposure," Dr. Thomas Burke, who headed the study team, told us. "We had been led to expect much more."

His top researcher admitted, "This low-exposure level led to a very weak result."

How weak? Only six of the 433 cancer cases (1.4 percent) were exposed to "action" levels of radon, only one was a nonsmoker, and she was exposed to a full-time smoker in the home. Even accepting that, death as "caused" by radon would leave a remediation target of 0.2 percent of all U.S. lung-cancer deaths, under 350 nationwide.

But the EPA's Mr. Guimond said, "You can't conclude zip from the New Jersey study. It was too weak to prove anything. The sample was much too small to be statistically significant." Yet the EPA's radon-risk assessment is based on an even *smaller* sample universe: 375 uranimum miners in Colorado and Utah who died of cancer since 1960.

But only 14 of them were nonsmokers, for whom radon might be assumed a primary death cause. To accumulate even the lowest radon exposure received by one of those nonsmoking, dead miners would take living in a EPA danger-level house nonstop for 475 years!

Small wonder the man who set the EPA's "danger level" back in 1979, Dr. William Mills, now publicly says, "We were just plain wrong." One reason: the EPA totally ignores the fact that Americans *move* an average of every six years, itself a remedying process.

I wonder how many of these mythical persons who live at the plant gate move every 6 years, or do they stay there, keeping their heads in the plume coming out of the factory, for 70 years, 24 hours a day?

This is the point I am making where it relates to my article, Mr. President.

When we pointed this out to Mr. Guimond, he seemd surprised. He said, "You have possibly just come up with the explanation why you can't find any correlations between high-radon levels and raised cancer rates." Indeed you can't. Canada tried it for its 17 largest cities and found no radon/lung cancer correlations at all.

That is why Canada chose to regulate radon at five times as high (loose) a level as the EPA. Using the Canadian rule, Americans would spend $80 million on total remediation. Using the EPA rule, they would have to spend $8 billion to $10 billion, 100 times as much. An article in the forthcoming issue of Public Interest Quarterly by chemist Harold Lyons and economist Ben Bolch points out "there seems to be no unusual incidence of lung-cancer deaths among U.S. uranium miners when exposures are below 12,000 piocuries per liter of air. One does not have to know what a picocurie is to know that 12,000 is a lot bigger than 4 (the EPA's so-called danger level.) Mankind has lived with natural radiation for millions of years. We should be allowed to continue to do so peacefully, without fear and without a radiation inspector at the door or a radiation detector in the basement."

Why is EPA hyping this non-risk? One reason might be that theoretically radon is 2,000 times greater than any other risk EPA now regulates.

Mr. President, the reason I bring this to my colleague's attention, and I appreciate their forebearance on it, the amendment that has been temporarily laid aside that I offered simply is saying that if this pollution that we may be creating, and if we apply the bright line standard which is still in the compromise amendment, in the compromise package, where we will allow this residual risk to set the standard, whether 1 in 10,000 or 1 in 1 million, we are going to apply that standard to people in the United States. But we are not going to apply that standard in Canada.

It is interesting that something that the EPA regulates that they think is so dangerous, the radon question, the Canadians set their standard 12,000 when our standard is 4. It does not take a mathematical genius to compute and figure out that the Canadian standard is many, many, many times more than the standard that the EPA has come up with.

My point is, as we come to these votes later this afternoon, I hope my colleagues will consider the fact that toxic pollution that is produced in Alberta should be of interest to us if, in fact, we believe what the committee says in their report on page 154, that—

The airborne toxic fallout contaminates even isolated lakes that have no nearby industrial sources and no other route by which pollution could reach them. The pollution is capable of traveling on the wind from sources hundreds, even thousands of miles away.

Mr. President, it may be that my amendment is too broad. It may be that I should have narrowed the amendment to just say "500 miles around our border." That would give some protection, maybe, to American workers. Or 1,000 miles around our border.

But I predict if this legislation passes in its current form, that millions and millions and maybe billions of dollars of American capital will be invested in Canada and will be invested in Mexico; it will be invested in other countries close by and some further away in order to produce the goods that we can produce now.

I have been told there have been meetings today, by friends of mine who were at the White House, trying to convince everyone that we have to go along with this bill now; this is the best possible piece of legislation we can get.

Mr. President, I think the American people want clean air legislation. But I think they want clean air legislation which will still allow them the opportunity to have a job. We are talking about passing legislation which will provide the potential for millions of Americans to lose their jobs. I am sympathetic with these Senators who are here before us with this proposition to pay some of these mine workers who may lose their jobs because of this legislation.

There should be a middle ground. There should be, with a country that had the technology to put men on the Moon 20 years ago, we should be able to resolve some of these environmental issues without allowing for the hype of the excessive standards that this legislation carries with it.

I bring that to the attention of my colleagues. I say to my other colleagues to not lose sight of the fact that the residual risk part of this legislation, which my amendment speaks to—it speaks to the section of the bill with the air toxics—still has the bright line standard in it, of this most exposed individual.

If we are going to allow plants to be closed in the United States because of the most exposed individual, this hypothetical residual risk, which is pure hypothesis, we need to be able to go home and explain to the people we are representing that we are not concerned about their jobs, we are not concerned about their livelihood; we are going to force this capital offshore to produce pharmaceuticals and chemicals and petroleum products and anything else, steel, the other sinews of the good life that we have learned to enjoy in the United States. So we are not going to allow them to produce those goods here unless they can meet this excessively high standard.

I think my amendment, although it may not totally so appear from the standpoint of a free trader, is only fair to the working men and women in the country who are going to be asked to pay this price for this complicance. The people in Alberta should not have the same privileges as the people in Alabama. That is basically what we are saying.

Mr. President, if we go back to the basic premise of the Clean Air Act which passed the Congress originally, the purpose was to allow local and State authorities to come up with State implementation plans that would reach attainment of air quality across this country, meet certain standards across this country, work it out at the local and State level and get assistance from the Environmental Protection Agency.

This is quite another matter. This bill carries with it heavy punitive measures, high potential for fees, for fines across the board and the heavy hand of Government to actually go in and close plants and cost people jobs. That is what the Senators who come

from the coal States are talking about today.

This is an anticoal bill, and do not let anyone forget. In the United States of America, we have literally been called the Saudi Arabia of coal, but this bill is anticoal. This bill will turn out to be very positive with respect to natural gas and any other kind of cleaner fuels, but it will be very negative on the coal producers of America.

Coal is a product that we have a lot of. Maybe we will export it, and they can burn it outside the United States, wheel the electricity back into the United States, and the coal miners in Pennsylvania, West Virginia, and other States can go begging, looking for another job. That is why my colleagues are here.

I have great sympathy for what they are trying to do. I do not know whether we can afford it, but I know their heart is certainly in the position of trying to tell the people who they represent that, if they are excluded from the job market because of this legislation, there should be some compensation to help them, at least, to make an adjustment to a new and different life.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1329

Mr. SPECTER. I thank the Chair. As I listened to my distinguished colleague from Idaho talk about the coal miners, I was tempted to stop and ask a question as to whether he would want to be added as a cosponsor to this amendment. He will have ample opportunity to do that in the course of today's proceedings.

Mr. President, I support the pending amendment which would provide relief for terminated coal mine workers. At the outset, I commend our distinguished colleague, Senator BYRD, for his leadership on this important issue and for his leadership in the Senate generally.

Mr. President, it is clear that clean air is indispensable for the welfare of America, and it is also clear that energy is indispensable for the welfare of America. What we are trying to do in the course of this complex legislation is to find a way that we will have clean air, adequate energy, and fairness to all of the parties which are involved.

There has been a consensus reached, Mr. President, that it is necessary to take some 10 million tons of sulfur dioxide out of the air each year. It is against that goal that we are striving to find a way to achieve that result and a fair and equitable way to have that goal paid for by the American people.

There is no question about the indispensable nature of the coal industry in the United States. Given the shortage of oil in this country, given the worldwide shortage of oil, given the impact of oil-producing countries and their cartels, given curtailment and the gas lines which we have faced in this country, given the significant, similar problems faced by the nuclear energy industry in this country, problems which we had in Pennsylvania Three Mile Island and the concerns of opening of Seabrook, coal remains an absolute necessity.

The object is to find a way to continue to use our coal resources and, at the same time, have clean air. Through many funding processes in the Congress, we have moved ahead on clean coal technology. We have made enormous strides so that coal may be used without polluting the air.

There will be offered later in the course of the consideration of this bill an investment tax credit which is crafted to encourage cleaning mechanisms so that this bill will provide tax relief for those who use these mechanisms after the passage of this bill to put them in a similar situation with those who obtained tax benefits in the 1970's and in the 1980's.

All of this is in an effort to find a way to achieve the goals of clean air and to achieve the goal of having adequate energy sources, including coal which can be burned cleanly.

Mr. President, there will inevitably be left a number of coal miners who will be disadvantaged by this legislation. When I say inevitably, that is the high probability. Perhaps we may be able to work out legislation so that that would not be the case. But since the likelihood is high, the possibility is certainly present. We must take account in this legislation to provide a fair approach to those coal miners who will be displaced.

It is with that object in mind that the distinguished Senator from West Virginia [Mr. BYRD] has introduced this legislation for relief for terminated coal mine workers.

Mr. President, I prefer not to talk about coal miners from Pennsylvania or coal miners from West Virginia or coal miners from Kentucky. I prefer to talk about coal miners from the United States because, while each of us represents a State, we are all U.S. Senators. The fundamental submission of this amendment is that it is the fair thing to do to U.S. citizens who will lose their jobs as a result of this legislation, to see to it that they have a way to support themselves in terms of compensation in the short run and in terms of training for new jobs in the long run.

My experience, of course, is principally with the coal miners who live in my own State and, to some extent, in neighboring States. I have undertaken, Mr. President, to try to find out as much about the coal miners as I can. One of my undertakings has been to visit a number of coal mines. I suggest that activity for everyone who could possibly undertake it to have some comprehension as to what it is like to be a coal miner; to go into an elevator and go 10, 15 stories into the ground, and then to travel on a rail car 3, 4, 5 miles underground to the spot where coal is dug and be in this claustrophobic setting, mindful at all times about the cave-ins which have occurred and the tragedies which have happened in these mines. Inevitably, everyone who enters into such a mine has to wonder if that is about to happen on that locale. They then proceed to where the coal is mined and one can see the dust, fumes, the gas, the dirt, and the horrendous circumstances for employment under those conditions.

The coal miners of America have been marked by tragedy. We still have periodically mine cave-ins. It is the reminder of the imminence of death under those circumstances and certainly the constant reminder of the likelihood, the probability, of black lung disease and diseases which come out.

Recently I was in Cambria County, at Ebensburg, and had an open house town meeting, as all of us do in this Chamber to stay in touch with our constituents. A lot of miners came to talk to this Senator about Pittston, the mine strike, which was held there and the violence and the circumstances.

I will not go into the details except to use this illustratively for the problems the coal miners faced. I faced a large, angry group of American citizens who felt that the system had betrayed them. They felt that the courts were not giving them justice. They felt that they were victims of blatant unfairness. At a time when the United States was singing the praises of Solidarity in Poland, the United States had turned its back on the mine workers in the Pittston dispute.

That is only symbolic, Mr. President, of one of the problems faced by the mine workers.

Fortunately, that problem has been resolved—not without a lot of anguish, but it has been resolved. But when we take a look at the contribution which the mine workers have made in this country, Mr. President, it is only basic fairness that there be consideration given for relief for terminated coal mine workers which results from this legislation, to the extent that it occurs.

I would add this note, Mr. President. And I shall not speak at length because I know my colleague, Senator ROCKEFELLER, is waiting to speak and others may wish to speak, and I know the managers of the bill want to move through to a vote.

This affects a segment of our country which has been hard hit by displaced steelworkers within the course

of the past several years. Steelworkers have been displaced in western Pennsylvania and in West Virginia and across the Ohio-Illinois areas. The areas where the steelworkers have been displaced have been hard hit financially. Not enough was done in response to the wave of imports where essentially foreign policy and defense considerations took precedence over fairness for that industry.

This is a different situation because the Congress, through the clean air legislation, seeks to solve the problem on clean air. To the extent there will be those rendered unemployed, it is just a matter of basic fairness for the United States of America to look at these citizens wherever they are.

I rise and speak about the subject with some special understanding for my home State and my own region, but I submit that the details of this amendment are preeminently fair and equitable. I know they have been explained at length. I urge my colleagues to favor this amendment and provide this basic equity so that when a national goal is obtained, it is not obtained at the expense of some special group but that group that should be adequately compensated by this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. I thank the Chair.

Before my esteemed friend from Pennsylvania leaves the floor, I wish to comment on one statement that he made of the situation with respect to the Pittston coal strike being resolved.

It is, in the sense that the contract has been ratified, but there remains the broader problem of 125,000 retired coal miners, average age 77 years old, who are part of that deal that John L. Lewis made with the coal operators back in 1950, wherein in exchange for the mechanization of the coal fields the miners were promised life benefits for both pensions and health. The condition of the health funds for retirees still needs to be addressed.

As the Senator knows, I have a bill before the Senate which would authorize limited transfer of funds from the healthy pension fund to the unhealthy health funds, but I have to report that as of this particular day that is still very much up in the air and it affects not only this senator's coal fields but the coal fields of the Senator from Pennsylvania and the retirees therefrom. It is very perplexing. This morning the Secretary of Labor has named a commission, a small commission, an excellent commission, upon which Bill Usery serves, thank Heaven, and it will look at this problem. But if this problem is not resolved, I would suggest there could be substantial disruption in the coal fields that will make the problems of the Pittston strike seem relatively minor.

I simply say that as a comment upon my friend's earlier statement.

Mr. SPECTER. If the Senator will yield, I thank him for his addendum. The Senator is correct. I was painting with a broad brush on Pittston, only wanting to raise the issue of the anguish that it has caused, and why subject the same group to more problems.

But there are many problems which remain; the one specified by the distinguished Senator from West Virginia; there are still fines outstanding, as I understand it; there are still many problems—personal injury sustained, civil lawsuits, perhaps pending criminal charges. There are many scars and many open wounds from the Pittston issue. When I said solved, as I say, it was too broad a brush, but the major problem has been solved through the intervention of the Secretary of Labor and an agreement which has been reached, but much, much more needs to be done.

I think there is in this country generally an unawareness of the very troublesome times the coal miners have had for many, many years, the very many problems that they have had, and certainly we should not visit another problem on them. If as a result of this legislation there are displaced workers, my point is that this amendment is a minimum that ought to be undertaken by the country.

I thank my colleague for yielding.

Mr. ROCKEFELLER. The Senator's points, as usual, are right on target. I urge my colleagues, Mr. President, to vote in favor of Senator BYRD's amendment.

I will at some length, and quite separately, and in detail, explain my dismay, Mr. President, at the approach taken to the whole matter of acid rain that allocates a disproportionate share of the burdens of acid rain cleanup to the States of Appalachia and the Midwest. This situation threatens coal mining jobs and coal mining communities, which has been the substance of my professional life, and does so in a region, as the Senator from Pennsylvania pointed out, that is struggling with problems that are already overwhelming, not only in terms of steel but just generally in terms of a declining economy, declining revenues, declining services. Teachers in a number of our counties yesterday in West Virginia went out on strike. There was no money evidently to be given to them and this simply solidifies the problems we have.

Mr. President, we can argue all day about whether there is exact equity in the history of which regions of the country have paid for what cleanup that has taken place over the last several decades. I am, as I indicated, separately expressing my convictions on that argument.

Regardless of my view on that argument, however, there are two overriding facts that require adoption, in my judgment, of this amendment. First is the fact that this bill reflects a decision to change the rules of the game and those changes threaten jobs, and they threaten jobs in my State, which is the bottom line as far as I am concerned. Second is the fact that the entire country stands to lose if the industrial heartland, of which West Virginia is a part, is devastated.

The well-being of coal miners and communities should not become the victim of or hostage to arguments and struggles among various interests and regions of this country. The miners, as always, are the innocent bystanders and, as so often is the case, the aggrieved bystanders. The entire country is making a decision through the national Government that threatens the jobs of innocent bystanders, and I am offended by that. The country must cushion the results of this public policy by providing the adjustment assistance which the senior Senator from West Virginia authorizes through his amendment.

Furthermore, Mr. President, the disproportionate economic impact on a few States needs to be corrected, not just for the benefit of those States but for the benefit of the entire country. This Nation cannot regain, in fact cannot hold, its position in this world economically if we permit any region of this country to be devastated, much less the industrial heartland which has in fact been the keystone in the arch of the American economy.

This is the approach we have taken when other regions of the country needed help. We have cushioned the results. It passes belief that Congress would take a different approach here.

This legislation has much to commend it in meeting our environmental objectives, but that is not enough. The potential economic impact of the acid rain provision calls for further action.

I conclude by commending my senior colleague from West Virginia for his amendment, and for his leadership on this issue and on so many others. I urge the adoption of his amendment.

I thank the Chair and yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have consulted with the managers, Senator BAUCUS and Senator CHAFEE, the distinguished Republican leader, and with Senator BYRD.

I would like to suggest that we proceed in the following fashion: Senator SASSER has a noncontroversial amend-

ment that will be accepted by the managers. Senator BINGAMAN has a similarly noncontroversial amendment that will be accepted by the managers, and I will propose that they be recognized in that order to have those amendments accepted.

I would then propose that we have very brief remarks by Senator DOLE and myself on the Symms amendment, at which time we will move to table that amendment, and a vote will follow on that.

Immediately following that, Senator BRYAN has an amendment to offer which will be the subject of a discussion between he, myself, and others. At that point, we may be in a position to come back and see what other major amendments might be pending.

It is my understanding that several Senators have indicated they have amendments, and are now prepared to offer them and will be in a positon with the manager working out some sequence of consideration of those amendments.

Mr. BAUCUS. Mr. President, if the leader will yield, the chairman of the Appropriations Committee, Senator BYRD, indicated to me before he left the floor he would be amenable to a window which included the amendments that were outlined by Senator SYMMS, Senator BINGAMAN, Senator SASSER, and Senator GORE. He, however, said that following this disposition of those amendments he would like to have his right protected to go back on the Byrd amendment.

Mr. MITCHELL. Yes. That is correct. That will be done. I merely am suggesting now that Senator SASSER be recognized, then his amendment be accepted, Senator BINGAMAN for his to be accepted; that then we proceed to a vote on the Symms amendment; then go to the Bryan amendment; and, at that point that is the only thing the Byrd amendment will be set aside for. At that point we will be in a position to discuss further what the schedule would be, and the Byrd amendment would be back. I understood from Senator BYRD that is acceptable and he has confirmed that.

Therefore, Mr. President, I suggest we proceed on that schedule. Senators, therefore, should be aware that a vote on the motion to table the Symms amendment, which will be made by Senator DOLE and myself, is likely to occur within the next 15 or 20 minutes. Following that vote we will then proceed to Senator BRYAN.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I ask unanimous consent that the pending business be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1331 TO AMENDMENT NO. 1293

(Purpose: To provide a plan of development to construct a facility that operates on refuse derived fuel)

Mr. SASSER. Mr. President, I send an amendment to the desk on behalf of myself and Senator GORE, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for himself and Mr. GORE, proposes an amendment numbered 1331 to amendment No. 1293.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

The amendment is as follows:

On page 385 of the amendment, between lines 14 and 15, insert the following new section:

DEVELOPMENT OF REFUSE DERIVED FUEL PLANT

Sec. 309. The Tennessee Valley Authority, (hereinafter referred to as the "TVA") in cooperation with regional waste authorities in the Tennessee Valley is authorized and directed to develop a plan for the construction of a combustion unit capable of using refuse derived fuel, with specific analysis of construction of the facility at the site of TVA steam generation plant located at Gallatin, Tennessee. The TVA shall submit to Congress no later than 90 days after the date of enactment of this Act a report setting forth its plan for completion of such a facility.

Mr. SASSER. Mr. President, our country faces a solid waste management crisis. For many localities in my native State of Tennessee the No. 1 issue is how do they dispose of their garbage. Landfills are literally overfilling and overflowing all across the State of Tennessee, and indeed all across this Nation. There are fewer and fewer available sites for landfills every day.

Frankly, I do not believe the answer to our solid waste problem is simply to find new landfill sites to dump more and more garbage. We have to find ways first to reduce the amount of garbage. And the amendment that I offer today in conjunction with my colleague, Senator GORE, is a first step, a first step in developing a promising new approach to recycling solid waste.

The amendment that we are proposing directs the Tennessee Valley Authority to develop a plan for the construction of a facility that will demonstrate the use of fuel that is made from garbage, so-called refuse-derived fuel or known as RDF.

This new fuel that is made from garbage would be produced by converting solid waste into pellets that will then be used in producing combustion from which we would produce electrical energy.

These pellets can be burned in a combination with coal or they can be burned in place of coal in the production of electrical power.

The garbage-derived fuel will have a double benefit. It will reduce the need for raw garbage landfills. That in and of itself I think is worthwhile enough. But it will also help utilities to reduce sulfur emissions produced by the burning of coal, and of course this will have a very salutary effect on overall air quality and on the environment.

The waste authority in Sumner County, TN, is in the process of developing plans for a facility that would convert solid wastes into a garbage-derived fuel. TVA owns and operates a steam plant in Sumner County near which this new facility would be located. I fully expect that the plan we are directing TVA to complete today would show the feasibility and the usefulness of creating a garbage burning combustion facility in Sumner County. By constructing a new facility or utilizing the existing facility in Sumner County, the Tennessee Valley Authoriy will have a readily available source of so-called "refuse-derived fuel," or fuel that is actually made from garbage that now goes into solid waste landfills.

In addition to Sumner County, I would expect the Tennessee Valley Authority to also purchase the so-called refuse-derived fuel from waste authorities from elsewhere in the Tennessee Valley area, all for use in this new facility that will utilize garbage-derived fuel in its source of energy.

Mr. President, I submit that the Tennessee Valley Authority should take the lead in demonstrating alternative methods of dealing with the solid waste crisis that is engulfing our State of Tennessee.

Refuse derived fuel that is made from garbage is one of our most promising new technologies, and I believe that this amendment will be a first step in making the Tennessee Valley Authority a national leader in the development of this technology of taking solid waste, making it in a fuel, and then using that fuel to produce electrical energy.

Mr. President, I thank my colleagues, and at this time I yield to my distinguished colleagues from Tennessee [Mr. GORE].

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I want to begin by congratulating my senior colleague, Mr. SASSER, for proposing this amendment.

I am pleased to join my colleague and good friend, the senior Senator from Tennessee, JIM SASSER, in offering this amendment to the Clean Air Act to explore an alternative waste management method.

When I am talking with my constituents in Tennessee at open meetings, it is rare that someone does not mention

the critical problem that State and local governments are faced with in the area of municipal solid waste management. Landfill space has become scarce and expensive. According to EPA, almost three-fourths of all municipal solid waste landfills will close within 15 years, and 45 percent of these are expected to close within 5 years. In the Tennessee Valley alone, more than 24,000 tons of municipal solid waste is produced daily by more than 7 million people who live in the valley. Eighty percent of this waste ends up in landfills.

As our landfill space dwindles and the health and environmental risks become apparent, local governments are exploring alternative waste management techniques. Local governments throughout Tennessee have taken a lead in this field. This past fall, officials from Sumner County Resource Authority in Gallatin, TN, came to me exploring the option of transforming nonrecyclable solid waste into fuel pellets. The refuse derived fuel [RDF] fraction can then be used in a boiler unit to produce steam. This is a promising alternative, which has been explored only in a few of our cities and should be considered further.

It is my position that we as a country should seriously study the RDF concept as one alternative practice of waste management and a potential cleaner energy source. RDF would be produced from municipal garbage. In addition to greatly reducing the need for new landfills, one attractive quality of this technology is that it would mandate recycling. Of course, recycling is becoming increasingly important as the alternatives for solid waste disposal diminish.

The amendment that Senator SASSER and I are proposing today will authorize the Tennessee Valley Authority to develop a plan for the construction and site selection of a combustion unit capable of using refuse derived fuel and submit this report to Congress. Electric utilities are one of the largest potential markets for RDF, and TVA, in its combined roles of a public utility and a national demonstration agency, is anxious to be a pioneer in the field of developing RDF technology.

As a waste management alternative, the plan should include how the project will demonstrate a feasible way for local communities to use the RDF option, considering all the environmental, technical, economic, and institutional factors. In doing this, TVA will map out an innovative possibility for municipal waste management not only useful in the Tennessee Valley, but in areas throughout the country.

Mr. President, I commend officials in Sumner County and throughout Tennessee for assertively pursuing alternative waste management practices that will seek to preserve our environment. I want to thank Senators BAUCUS and CHAFEE for the opportunity to offer this amendment and urge that they support it.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. We have had a chance to look at the amendment and accept it.

As chairman of the subcommittee who has jurisdiction over the clean air and solid waste disposal, I look forward to working with the Senator from Tennessee in developing this project.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1331) was agreed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending business be set aside so I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1332 TO AMENDMENT NO. 1293

(Purpose: To authorize a clean air study of southwestern New Mexico)

Mr. BINGAMAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN for himself and Mr. DOMENICI, proposes an amendment numbered 1332.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end of amendment No. 1293 the following: The Administrator shall conduct a study of the causes of degraded visibility in southwestern New Mexico. The Administrator, in consultation with the Secretary of State, is encouraged to cooperate with the Government of New Mexico, other Federal agencies, and any other appropriate organizations in conducting the study. Nothing in this section shall be construed as contravening or superseding the provisions of any international agreement in force for the United States as of the date of enactment of this section, or any relevant federal statute.

Mr. BINGAMAN. Mr. President, this amendment would authorize a study by the EPA of air pollution in the southwestern part of New Mexico. The focus of this simple study, which should really not take more than a few months, is the air pollution that exists and impairs visibility much of the time in this region of our State.

I have emphasized to the managers of the bill how important it is to solve this problem for the citizens of our State who have come to expect clean and clear skies. The study will help us to study the nature of the pollution, where it comes from, and potential remedies for it.

Mr. President, I want to bring to the attention of the managers of this bill a serious air quality and visibility problem in the southwestern part of New Mexico. Over the past few years air degradation has enveloped this part of the State. The smog is clearly visible and does not seem to dissipate. The continuing presence of smog concerns the citizens of this part of the State who have come to expect clean and clear skies.

I am interested, as are other New Mexicans, in finding out what causes this problem and attempting to identify potential solutions. There is no heavy industry in this area with the exception of three copper smelters owned and operated by Phelps Dodge Co. However, these smelters were recently overhauled with state of the art pollution control equipment. The company made significant capital investments to ensure that our air quality would not be compromised.

There are two other copper smelters in the region, both located to the south in the state of Sonora, Mexico. The emissions reduction measures applicable to the Cananea and Nacozari facilities are detailed in annex IV to the 1983 Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area, which outlines the responsibilities of both governments in ensuring air quality related to copper smelters along the border. Only the Nacozari facility currently operates with pollution controls. The Cananea smelter does not currently have controls and will not be subject to controls until the facility expands its existing operations.

Mr. President, I am concerned that the increasing problem of visibility in southern New Mexico may be related to the operation of the Mexican smelters. While I am pleased both with the institution of pollution control technology at the Nacozari facility and with the ongoing exchange of data related to facilities on both sides of the border as provided for in the 1983 Border Environment Agreement and its annexes, I believe more can be done. I understand that the cooperative effort currently underway with Mexico under the agreement is being reviewed by both countries this summer at the annual national coordinators' meeting.

In light of increasing concerns over air degradation along the United States-Mexican border, I think we must instruct our United States coordinator to: identify steps that can be taken to enhance the quality of com-

pliance information on both sides of the border; improve the operation of pollution control equipment; document that the United States and Mexico are complying with the emissions limits set forth in annex IV to the 1983 agreement; seek to ensure that any data exchange include information on bypass and/or upset events; and examine possible new control strategies on either side of the border.

The national coordinators' meeting this summer offers an appropriate opportunity for the United States to raise these concerns with the Mexican Government. I am sure that Mexico shares our interest in doing whatever we can to prevent further degradation of the air. Do the managers agree that this issue should be addressed in the upcoming review of the agreement?

Mr. BAUCUS. I agree with the distinguished Senator that the problem you raise is serious and is appropriately addressed as we consider reauthorization of the Clean Air Act. I think the cross border compliance issue must be raised and appropriate steps taken to resolve the problem.

Mr. CHAFEE. I agree.

Mr. BINGAMAN. I thank the managers of the bill.

I believe the amendment has been agreed to by both the majority and minority sides.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I have had an opportunity to examine this amendment as well, and accept it. I think it is actually a quite important amendment. The across-the-border compliance issue is a difficult one, one that we must address. I know that the Senator from New Mexico is very concerned about his New Mexican citizens. I accept the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1332) was agreed to.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my colleague, Senator DOMENICI, be added as a cosponsor of the amendment which was just recently adopted here in the Senate related to pollution along the United States-Mexican border.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1327

Mr. MITCHELL. Mr. President, I call for the regular order with respect to the Symms amendment.

The PRESIDING OFFICER. The Senator has that right. The pending question is now amendment No. 1327 offered by the Senator from Idaho.

Mr. MITCHELL. Mr. President, as I announced earlier this afternoon, it is now my intention, joining with Senator DOLE, to have a joint motion to table the Symms amendment. I do not intend to belabor the subject. The managers of the bill, Senator BAUCUS and Senator CHAFEE, have described in persuasive detail the reasons why this amendment should be tabled. It would directly violate the agreement that has been reached. It would establish a process that would be extremely disruptive of U.S. trade relations around the world and, most importantly, I believe it rests on an erroneous premise.

The fact is that we are legislating to deal with a serious national problem of air pollution within this country. We are trying to protect the health of Americans and the quality of the American environment. This is something we should be doing, not contingent upon what every other country in the world may or may not do in such respects but rather for the health and well-being and welfare of the American people. That is the premise of the legislation. The premise of the amendment is entirely to the contrary.

So, I strongly urge all of my colleagues to join Senator DOLE and me in voting to table this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas, the minority leader.

Mr. DOLE. Mr. President, as the majority leader has indicated, this amendment would apply the title VII provisions to protect U.S. producers from competing against foreign producers with lesser environmental standards, the air toxics title of the bill. I think on first blush it has some appeal and it is not without merit, but I think, as indicated by the distinguished manager on this side, it is far too sweeping. We may come to this point 5, 10, 15 years from now. But, as the majority leader pointed out, it is our responsibility and our goal to start in this country.

We found this same problem when it comes to inspection, meat inspection, for example. We impose standards on producers and processors in this country, and we believe the same standards ought to apply when we are importing meat from other countries; we should not expose the American consumers to danger from foreign product we do not tolerate with domestic producers.

But this is a different case and so I will move, along with the distinguished Senator from Maine, the majority leader, to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. President, this is what my amendment does:

Title VII of the bill unilaterally bans a lengthy list of chemicals suspected of contributing to ozone depletion. Because the authors of that title very accurately noted that such a ban may only serve to encourage the use of ozone depleting chemicals in the countries with whom the U.S. trades, they inserted a provision requiring that our trading partners "certify as having equivalent programs." My amendment assumes the same principle to be true of the air toxics title of the bill, and simply inserts a similar "certification of equivalent programs" provision into that title.

I would like to respond to a number of the arguments being advanced against my amendment.

First, it was argued that this provision would lay an enormous paperwork burden on EPA. Frankly, I can hardly believe my ears. Apparently, avoiding paperwork for EPA must be a very important goal. Since the goal of the amendment as drafted by the authors was to assure that pollution was not simply exported over the borders, reducing EPA's paperwork must be more important than actually accomplishing anything substantive in this entire bill.

Consider this, Mr. President: We have a bill before us that requires technology standards for hundreds of substances on thousands of different industries, requires rulemakings that will extend into the next century, and that requires over 21 detailed studies and reports to Congress, numerous commissions, an assortment of task forces or panels, and an unendingly enormous permit approval burden—but the authors of the bill believe that an amendment that would give any real substance to the entire process is too burdensome on EPA.

Well, Mr. President, what about the burden on the American people, what about the paperwork imposed on small businesses. Do we really want to shut down industries in the United States? What do you think would happen if we persist with that policy? Those industries make products that Americans want—that is why they exist.

Will Americans just stop wanting those products.

Mr. President, I have here a list of industries that EPA believes cannot achieve the bright line risk standards that are in the proposed amendment to subsection 112(f) of the Clean Air Act before us.

I ask unanimous consent that the tables appear in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follow:

TABLE 5-7.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-10,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Butadiene production	Butadiene.
Neoprene production	Do.
Polybutadiene production	Do.
Stryene, butadiene resins	Do.
Chlorinated hydrocarbon use	Chloroform, carbon tetrachloride, methylene chloride.
Chlorinated hydrocarbon production	Do.
Pharmaceuticals	Chloroform, methylene chloride.
Ethylene dichloride production	Ethylene dichloride.
Pesticide production	Ethylene dichloride, carbon tetrachloride, methylene chloride.
Ethylene oxide production	Ethylene oxide.
Primary copper smelters	Arsenic.
Primary lead smelters	Do.
Zinc oxide production	Do.
Chemicals production	Chromium.
Ferrochrome production	Do.
Vinylidiene chloride polymer	Vinylidiene chloride.
Coke ovens	Benzene soluble organics.

[1] Source categories listed were assumed to have a current risk greater than 1 in 1,000 thus requiring emissions reductions of more than 90 percent to achieve a 1-in-10,000 residual risk.

TABLE 5-8.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-1,000,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Chlorine production	Carbon tetrachloride.
Ethylene dichloride production	Chloroform, ethylene dichloride.
Arsenic chemical production	Arsenic.
Secondary lead smelters	Arsenic.
Glass manufacturing	Arsenic.
Chromium production	Chromium.
Refactories	Chromium
Coke byproducts processing	Benzene.
Mill tailings piles	Radionuclides (radon).
Elemental phosphorous plants	Radionuclides.
Underground uranium mines	Radionuclides.

[1] Source categories listed were assumed to have a current risk greater than 1 in 10,000, thus requiring emissions reductions of more than 99 percent to achieve a 1-in-1,000,000 risk.

Mr. SYMMS. Mr. President, will Americans stop buying paint and finisher, will they stop consuming electricity or brushing with plastic toothbrushes, or buying fresh fruit and vegetables that are produced from our modern agricultural chemical technology. And will they stop depending on the marvel of the U.S. pharmaceutical industry to keep them alive.

Mr. President, I strongly doubt it. Rather, the American people will simply buy from someone else. The products that Americans want, whose production involves the release of regulated substances, will be produced overseas—and we will simply tell Nigerians or Taiwanese to produce our toothbrushes for us, even though Nigeria and Taiwan are less equipped to handle air toxic pollution than is the United States.

That brings me to the other argument raised against my amendment—that it is not our concern, that we should not care whether we export our pollution because air toxics are a local concern and will become their local concern when we get rid of them here.

I have a number of responses to that, Mr. President. First, I agree that air toxics are a local concern—and that is why I still hope to pursue my amendment that allows local communities to make decisions on them. But as I said to my colleague from Montana, why do we suppose we must impose a national solution—why tell the people of Montana that what is right for them must be right for the people of Alabama, half a continent away, but it is not right for the people just across the line in Alberta? Why should we shut down powerplants in Indiana, so we can wheel power down from Ontario?

And of course, Mr. President, the authors of the bill certainly do not mean to imply that somehow American lives are important, but the lives of Costa Ricans are not. If you really believe that 100 million Americans face death from dirty air unless you pass the provisions of this bill—why are we not just as concerned that 100 million Chinese might end up with the same risk?

And lastly, Mr. President, air pollution truly does know no boundary. As I mentioned earlier, the committee report on S. 1630 specifically makes note of the fact that air toxics have been found polluting waters "thousands of miles" away from their source. A thousand miles is a long way, Mr. President. There are 32 foreign countries located within 1,000 miles of the United States. Shutting down a source of toxics downwind from San Diego may accomplish nothing more than to ensure those toxics come right back from an upwind source in Mexicali.

In conclusion, Mr. President, let me say that I do not necessarily prefer that we shut down American, and then shut down the rest of the world along with us. Perhaps it would be better if, instead of shutting ourselves down, we figure out how to keep our plants up and working in an environmentally sound way. That, of course, is not easy for government to do, because government is not the customary source of innovative new ideas—that is usually the domain of a free, vibrant, and competitive marketplace. But since this bill does nothing to encourage those kind of solutions, the amendment pending before us at least provides some equity and truth to the position taken by this bill, and reconciles the inconsistency of assuming we can simply export our pollution problems to poor and economically deprived nations around us.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine and the Senator from Kansas to lay on the table the amendment of the Senator from Idaho.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is necessarily absent.

I also announce that the Senator from Michigan [Mr. RIEGLE], is absent because or illness in family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—81

Adams	Dole	Lugar
Armstrong	Domenici	Mack
Baucus	Durenberger	McCain
Bentsen	Exon	McConnell
Biden	Glenn	Metzenbaum
Bingaman	Gore	Mikulski
Bond	Gorton	Mitchell
Boren	Graham	Moynihan
Boschwitz	Gramm	Nickles
Bradley	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Hollings	Robb
Burns	Humphrey	Roth
Byrd	Inouye	Rudman
Chafee	Johnston	Sanford
Coats	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Conrad	Kennedy	Simon
Cranston	Kerrey	Simpson
D'Amato	Kerry	Specter
Danforth	Kohl	Stevens
Daschle	Lautenberg	Thurmond
DeConcini	Leahy	Warner
Dixon	Levin	Wilson
Dodd	Lieberman	Wirth

NAYS—16

Cohen	Helms	Rockefeller
Ford	Jeffords	Shelby
Fowler	Lott	Symms
Garn	McClure	Wallop
Grassley	Murkowski	
Hatch	Pressler	

NOT VOTING—3

Matsunaga	Packwood	Riegle

So the motion to lay on the table amendment No. 1327 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, the Symms amendment that has just been tabled would have prohibited imports of foreign products if such products were produced in plants that do not comply with the requirements of the air toxics section of this bill.

I am sympathetic to the considerations that have been raised by the Senator from Idaho, and under ordi-

nary circumstances I would have been inclined to give his amendment serious consideration.

I do believe that foreign producers often have an unfair competitive advantage when they operate in countries that lack the tight environmental regulations we have in the United States. This is a problem that we should work together to address.

However, I cannot agree to support the Symms amendment because that amendment would violate the carefully considered compromise on this bill. I believe that this compromise is in the best interest of Michigan, and of the country, and I remain committed to support it.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, I will now describe the schedule for the next few hours, as I anticipate it developing.

First, immediately following my remarks, Senator WALLOP has requested the opportunity to make a brief comment on another subject, and I hope we can accommodate him in that regard. Then, as I had earlier announced, Senator BRYAN will be prepared to offer an amendment which will be the subject of a colloquy between he and myself. At that point the Byrd amendment would be the pending business.

I am pleased to report to Senators that several of the Senators who have indicated an intention to offer major amendments have now advised that they are prepared to go forward in that regard: Senator GORE, who has an amendment with respect to CFC's and HCFC's; Senator LAUTENBERG, who has an amendment with respect to air toxics; and Senators WIRTH and WILSON, who have an amendment with respect to clean fuels.

What I propose to the Members of the Senate is that we set aside the Byrd amendment to proceed to the Gore amendment. We anticipate approximately an hour of debate prior to disposition of that amendment, at which time the Byrd amendment would return to be the pending business.

At that point I will consult with Senator BYRD and Senator DOLE and, if discussions are still underway on Senator BYRD's amendment, we will ask that that be set aside again and go to the Lautenberg amendment and then follow the same procedure after the Lautenberg amendment with respect to the Wirth and Wilson amendments.

I see the Senator from Massachusetts here. I wonder whether he may be prepared to proceed to his amendment this evening, following the Wirth and Wilson amendment?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. We are working out the language on the amendment now. We ran into a problem with the parliamentarian on the language. We are trying to redraft it. So that is why we reordered, the other folks waiting for me are not going forward. But I am prepared to move as soon as the problem is resolved.

Mr. METZENBAUM. Is it correct for us to assume the Senate will proceed forward this evening without any windows? I am not asking for a window, I am just asking the question.

Mr. MITCHELL. I never rule out the possibility of anything because I found to do so frequently causes me to reverse myself.

Mr. METZENBAUM. But we have no present plans?

Mr. MITCHELL. We hope to proceed. Again, I try very hard to accommodate every Senator. If it is in the Senator's interest to have a window, and we can work it out since the Lautenberg, Wirth, and Wilson amendments may take between 1 hour, 2 hours or possibly longer to debate, I will do that. I have to get back to the Senator on that.

Mr. METZENBAUM. Just so we can make our plans.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, if the distinguished leader will yield, I just talked to the Senator from West Virginia relative to the Byrd amendment. I am asking if it is possible to have the opportunity sometime during the course of this afternoon or the early part of the evening, to leave the Byrd amendment or the clean air bill for a simple introduction of a bill and a 5-minute statement. I can do it in 5 minutes, if that can be worked in.

Mr. MITCHELL. Certainly. I think we ought to accommodate the Senator from Arkansas. Following the disposition of Senator BRYAN's amendment, we can do that. He has been waiting quite a while. He has graciously agreed to defer to Senator WALLOP.

Let me suggest, if it is only 5 minutes, that we do that following the dispostion of that amendment and then the managers will be prepared to proceed to Senator GORE's amendment. I will accommodate the Senator without further imposing on Senator BRYAN.

I thank my colleagues very much, and I thank the managers again for their cooperation. I thank Senator BYRD for his continued cooperation in this matter.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of Senate Joint Resolution 271 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 1333 TO AMENDMENT NO. 1293

(Purpose: To amend the Motor Vehicle Infomation and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN] proposes an amendment numbered 1333 to amendment No. 1293.

Mr. BRYAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. (Ms. MIKULSKI). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

MOTOR VEHICLE FUEL EFFICIENCY

SEC. 206. (a) The Congress finds and declares the following:

(1) Improved efficiency in the consumption of petroleum is vitally important, not only because the worldwide supply is finite, but because the increasing dependence of the United States on foreign oil is a threat to our national security and adversely affects the trade balance.

(2) The light duty vehicle fleet is a significant user of oil, accounting for about 39 percent of United States oil consumption.

(3) Improvements in vehicle fuel efficiency between 1973 and 1987 amounted to a savings of 1.8 million barrels of oil per day and a savings to drivers of close to $30 billion. Conversely, the rollback of the corporate average fuel economy (CAFE) standard for the 1989 model year, from 27.5 miles per gallon to 26.5 miles per gallon, is expected to result in increased consumption of 900 million gallons of fuel over the life of the 1989 vehicles.

(4) Emissions of carbon dioxide, including those from the light duty vehicle fleet, contribute substantially to increased retention of heat in the Earth's atmosphere, and may cause long term global warming and disruption of climate-dependent activities.

(5) The United States, with only 5 percent of the world's population, is responsible for 20 percent of world carbon dioxide emissions. United States carbon dioxide emissions from gasoline alone are greater than the carbon dioxide emissions from all sources in each of the following countries and areas of the world: Latin America, Japan, the Middle East, West Germany, South and Southeast Asia, the United Kingdom, Africa, and France.

(6) The transportation sector is responsible for 31 percent of carbon dioxide emissions in the United States. Each gallon of

gasoline burned results in the emission of 19.7 pounds of carbon dioxide.

(7) The rollback of the CAFE standard for the 1989 model year is projected to result in 9 million tons of additional carbon dioxide emissions during the life of the 1989 vehicles.

(8) Increased numbers of vehicles and vehicle miles traveled in the United States will necessitate a 3 percent annual increase in fuel efficiency merely to hold future carbon dioxide emissions at current levels. Therefore, substantial improvements in vehicle fuel efficiency will be needed to reduce these emissions.

(9) CAFE standards and the successful response of automobile manufacturers to those standards have been very effective in increasing vehicle fuel efficiency, resulting in a doubling of the passenger car fleet fuel economy between 1975 and the present. However, current law does not require improvement above a standard of 27.5 miles per gallon which became effective in 1985. In recent years, the average fuel economy of the fleets of certain manufacturers has actually declined.

(10) Light trucks were an insignificant part of the passenger vehicle market when CAFE standards were enacted in 1975, and have not been subjected to strict, legislatively-established, CAFE standards. As a result, there have been few major technological changes related to fuel efficiency in the standard size light trucks since 1982, and fuel economy in some light truck models has actually declined between 1982 and 1986. Light trucks have become increasingly popular for passenger use, and such vehicles now account for approximately one-third of new passenger vehicle sales.

(11) The Office of Technology Assessment and the Department of Energy agree that increased fuel efficiency is possible utilizing currently available technology and without significant changes in the size mix or performance of the fleet. With maximum use of conventional technologies, it is estimated by various experts that the fuel economy of the entire new car fleet could range from 33 to 38 miles per gallon by 1995.

(12) Over the long term, by utilizing technology currently in production or in prototype, additional increases in fleet fuel economy beyond 1995 estimates are achievable, from 40 miles per gallon to as high as 60 miles per gallon in the next decade.

(13) Gasoline prices currently are lower in real dollars than they have been since the early 1970s. Since there is at least some correlation between gasoline prices and consumer demand for fuel efficient vehicles, it is unlikely that the market alone will achieve significant improvement in fuel economy.

(14) An increase in fuel efficiency in the light duty vehicle fleet of 20 percent by 1995 and 40 percent by 2001 would save 49.1 billion gallons of fuel between 1995 and 2001. This level of improvement also would reduce carbon dioxide emissions by 483.5 million tons between 1995 and 2001.

(15) Use of a percentage improvement requirement is the only legislative approach that assures achievement of the environmental and energy security goals to be served by a fuel efficiency standard. Such an approach ensures that each manufacturer is required to achieve significant improvement in fuel efficiency. By contrast, use of the same numerical standard for all manufacturers provides no incentive for manufacturers of primarily small vehicles to improve the fuel efficiency of those vehicles, and in effect establishes no standard for such manufacturers. Establishment of separate standards for each size of vehicle does not prevent dramatic increases in the size and weight of the fleet as a whole. For that reason, a size-based standard cannot ensure any fuel savings, and could actually result in deterioration of the fuel economy of the fleet.

(16) Increased CAFE standards that require all manufacturers to improve by the same percentage are, therefore, both reasonable and necessary to ensure that improvements in fuel efficiency continue, in furtherance of the dual goals of the Nation's energy security and decreased carbon dioxide emissions.

(b)(1) Section 502(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)) is amended by striking

"1985 and thereafter.....	27.5."

and inserting in lieu thereof the following:

"1985 through 1994	27.5.
"1995 and thereafter.....	As provided in accordance with section 514 of this Act.".

(2) Section 502(a)(4) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)(4)) is amended by striking "The Secretary" and inserting in lieu thereof "Except in the case of standards established by sections 514 and 515, the Secretary".

(c) Section 502(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(b)) is amended by inserting "and which ends before model year 1995" immediately after "after the date of enactment of this title".

(d) Section 502(c)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(c)(1)) is amended—

(1) by striking "passenger" each place it appears;

(2) by inserting "or subsection (b) or section 514 or 515" immediately before the period at the end of the first sentence; and

(3) by inserting "subsection (b) or sections 514 and 515" immediately before "is more stringent".

(e) Section 502(g)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(g)(1)) is amended by inserting "or section 514 or 515" immediately before the period at the end of the first sentence.

(f) Section 502(i) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(i)) is amended by inserting "or sections 514 and 515" immediately before the period in the first sentence.

(g) Section 502(j) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(j)) is amended by inserting "or sections 514 and 515" immediately before "or any modification".

(h)(1) Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.) is amended by adding at the end the following new sections:

"PASSENGER AUTOMOBILES

"SEC. 514. Notwithstanding any other provision of this Act, the average fuel economy for passenger automobiles manufactured by any manufacturer in model year 1995 and each model year thereafter shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:	
"1995 through 2000.....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 27.5 miles per gallon and shall not exceed 40 miles per gallon.
"2001 and thereafter....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 33 miles per gallon and shall not exceed 45 miles per gallon.

"AUTOMOBILES OTHER THAN PASSENGER AUTOMOBILES

"SEC. 515. Notwithstanding any other provision of this Act, commencing with model year 1995 and each model year thereafter, the average fuel economy for automobiles other than passenger automobiles manufactured by any manufacturer in any such model year shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:	
"1995 through 2000.....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for light trucks in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 20 miles per gallon and shall not exceed 30 miles per gallon.

"Model year:	
"2001 and thereafter....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 24 miles per gallon and shall not exceed 35 miles per gallon.

"MODIFICATIONS OF STANDARDS

"SEC. 516. (a) Any time after the beginning of fiscal year 1995, the Secretary may modify any average fuel economy standard established under this Act for model year 2001 and thereafter in accordance with this section. In response to a petition from any person that is filed at least 12 months in advance of the model year to which it is applicable, the Secretary shall conduct a rulemaking proceeding to determine whether to increase or decrease such standard to the level which the Secretary determines is the maximum feasible average fuel economy for that model year (taking into consideration the factors listed in section 502(e) and the need to reduce carbon dioxide emissions), except that the Secretary shall not reduce any such standard below a standard equal to a 30 percent increase over the average fuel economy achieved by the manufacturer involved for the applicable type (or class) of vehicles for model year 1988. The Secretary may also conduct such a rulemaking on the Secretary's initiative.

"(b) In determining the maximum feasible average fuel economy during a rulemaking proceeding under this section, the Secretary shall weigh equally each factor listed in section 502(e) and the need to reduce carbon dioxide emissions. In evaluating the economic practicability of the standard, the Secretary shall consider—

"(1) the economic impact of the standard on the manufacturers and on the consumers of the vehicles subject to such standard;

"(2) the savings in operating costs throughout the estimated average life of the vehicle compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the vehicles which are likely to result from the imposition of the standard;

"(3) the total projected amount of energy savings likely to result directly from the imposition of the standard and the economic impact of such energy savings;

"(4) any lessening of the utility or the performance of the vehicles likely to result from the imposition of the standard;

"(5) the impact of any lessening of competition or any change in foreign trade that is likely to result from the imposition of the standard;

"(6) the total projected amount of reduction in carbon dioxide emissions and the economic impact of such reduction; and

"(7) other factors the Secretary considers relevant."

(2)(A) Section 503(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(1)) is amended by inserting "and section 514" immediately after "and (c)".

(B) Section 503(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(2)) is amended by adding at the end the following: "Average fuel economy for purposes of section 515 shall be calculated in accordance with rules of the EPA Administrator that are based upon the method required in paragraph (1) for calculation of average fuel economy of passenger automobiles."

(i)(1) The Administrator of the Environmental Protection Agency shall conduct—

(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with procedures in effect as of the date of enactment of this section, as compared to the actual performance of such passenger automobiles and light trucks when driven by average drivers under average driving conditions in the United States; and

(B) an assessment of the extent to which fuel economy deteriorates during the life of such passenger automobiles and light trucks.

Information on acutual performance may be obtained through a survey of current vehicle owners.

(2) The Administrator shall, within 12 months after the date of enactment of this section and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

(A) a comparison between (i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of this section and (ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under paragraph (1);

(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

(C) any recommendations for legislative or other action.

(j)(1)(A) Paragraph (1) of section 506(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(b)) is amended by adding at the end the following new sentence: "The Secretary of Energy shall distribute no less than 100 booklets each year to each dealer and shall distribute as many in addition to 100 booklets as are reasonably requested by dealers from time to time.

(B) The amendment made by subparagraph (A) shall apply to the 12-month period beginning on the first day of the first month after the date of enactment of this section and corresponding 12-month periods thereafter.

(2) Section 506(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(e)) is amended by striking "Federal Energy Administrator" and inserting in lieu thereof "Secretary of Energy".

(k) The Secretary of Transportation shall provide for a review to be undertaken by the National Academy of Sciences, in consultation with vehicle manufacturers, representatives of environmental and consumer groups, appropriate State and local officials, and representatives of labor, of the current state of research and development in light truck fuel economy and passenger automobile fuel economy and an assessment of the remaining potential for improving the fuel efficiency and reducing the energy consumption of passenger automobiles and light trucks. The assessment shall include all aspects of vehicle design, including engines, drive train, component parts, auto body, tires, and any other aspect contributing to the reduction of energy consumption. The National Academy shall, not later than 2 years after the date of enactment of this section, submit a report to the Congress on the results of the review and assessment and in the report recommend research and development priorities that could result in the commercialization of fuel economy technology through the early years of the next century. The National Academy shall update the report every 5 years, beginning not later than 7 years after the date of enactment of this section, and shall submit each updated report to the Congress.

(l)(1) Section 508(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) Any civil penalty assessed under this subsection for a violation of section 507(a)(1) or (2) in model year 1995 or thereafter against a manufacturer shall be doubled if—

"(i) the manufacturer violated section 507(a)(1) or (2) in the two model years immediately preceding the model year involved in the assessment; and

"(ii) during each of such preceding years and the year involved in the assessment, the applicable average fuel economy standard exceeded the average fuel economy of the vehicles manufactured by such manufacturer by five tenths of a mile per gallon or more.".

(2) Section 507(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2007(a)(1)) is amended by inserting "including sections 514 and 515," immediately after "section 502(b)),".

(m) As used in this section, "passenger automobile" has the meaning given that term under section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) and "light truck" shall have such meaning as the Secretary of Transportation prescribes.

Mr. BRYAN. Madam President, this amendment will protect the environment by controlling carbon dioxide emissions and slowing global climate change. In addition, it will improve our energy security and reduce the trade deficit. The purpose of the amendment is to require increases in corporate average fuel economy, or CAFE standards, which have not been increased since 1985.

It is rare indeed, Madam President, that we have the opportunity to achieve multiple and vital goals through one piece of legislation, but improving the fuel economy of our passenger vehicle fleet will do just that. My amendment would require improved fuel economy up to a level of 34 miles per gallon by 1995 and 40 miles per gallon by 2001, and would require proportional improvements for the ever-increasing light truck fleet.

There is virtually no dispute that improved fuel efficiency can and must be accomplished as a high priority. The President's Science Adviser, Dr.

Bromley, testified before the Commerce Committee in December of last year that improved fuel economy is possible, and that it is a primary interim means of addressing global climate change that must be pursued while research on climate change continues. The Assistant Secretary of Energy testified before the Commerce Committee in May 1989, that additional fuel efficiency is technologically feasible, and that increased reliance on imported oil and increased carbon dioxide emissions are serious problems. The Environmental Protection Agency listed fuel economy as an important near-term strategy for dealing with global climate change.

It is easy to see why there is an urgent need to achieve these goals. The percentage of our oil consumption that is imported continues to rise, and is projected to be well over 50 percent by the year 2000.

Parenthetically, Madam President, I note that earlier this week, statistics were released indicating today we are importing approximately 46 percent of the fuel consumed in America. Not since 1977 has the United States been so dependent upon imported oil.

Just this week, the New York Times ran an article about how food riots and political unrest in oil producing countries may drive oil prices higher.

Mr. President, I ask unanimous consent that that article which appeared in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICAL UNREST ABROAD RAISES OIL-SUPPLY FEARS

(By Youssef M. Ibrahim)

PARIS, March 5.—Political unrest and food riots shaking major oil-producing countries, including the Soviet Union and some OPEC nations, may lead to significant worldwide oil shortages in this decade.

In the latest pessimistic assessment, a Paris-based newsletter, Petrostrategies, warned today about the effects of food riots and political unrest that have occurred in recent months in five members of the Organization of Petroleum Exporting Countries: Algeria, Gabon, Venezuela, Nigeria and Kuwait. The newsletter said these turbulent developments could become of "frightening importance."

In addition to these countries, Iran, an important OPEC member, is witnessing a growing political struggle between factions of the ruling clergy. Experts on Iran say the situation could deteriorate onto civil disorder hampering the country's already-weakened oil production.

SOVIET OUTPUT FALLING

Similarly, as has been reported, the Soviet Union, which is not an OPEC member but is the world's largest oil producer, has over the last year experienced a significant drop in oil production and will almost certainly lose even more this year because of the economic chaos provoked by President Mikhail S. Gorbachev's policy of perestroika.

"The still-abundant international oil supply means that concerns raised by these developments can be put aside by consumers for the time being," Petrostrategies said in its weekly issue today. But, the newsletter asserted, the economic and political tensions undermining these countries will not disappear. "In the context of a more fragile oil supply-demand equilibrium," it said, "they could quickly assume a frightening importance for world oil supplies."

Petroleum experts said the situation was aggravated by a steady rise in demand for oil and a failure to make the investment needed to increase production capacity in most countries with large oil reserves. But a few Arab producers, like Saudi Arabia, Kuwait and the United Arab Emirates, have been making sizable investments, the experts say.

PlanEcon, a Washington-based consulting firm, estimates that economic and political dislocations have caused significant losses in Soviet oil production. An official of the firm said in an interview today that Soviet output dropped by 300,000 barrels a day last year, to a daily output of 12.2 million barrels. The official said Soviet output is expected to drop again this year by anywhere from 300,000 to 500,000 barrels a day.

In a report published last month, PlanEcon said the Soviet trend was "unlikely to be reversed any time soon." It cited the inability of the Soviet economy to improve its own oil industry, failing to supply such essential materials as "pumping equipment, pipes, drilling equipment to the oilfields, etc."

Vahan Zanoyan, a senior energy expert at the Petroleum Financial Company, a Washington-based consulting firm, was also pessimistic. "In four years or so, you could see the energy situation approaching critical mass if the political undercurrents we are witnessing continue to gather momentum," he said. "One must remember that every time we had a major oil crisis was because of politically motivated reasons—the 1979 Iranian revolution and the 1973 Arab oil embargo."

These warnings coincide with a widespread consensus among petroleum experts that unless investments on the order of $60 billion are made during the next five years to increase production capacity in key petroleum producing countries, oil prices will surge above the current average of $18 a barrel.

Some experts say that to keep pace with growing demand, production capacity must increase worldwide by five million or six million barrels a day beyond the current output of about 51 million barrels a day. Many OPEC officials, including the organization's Secretary General, Subroto, once the Indonesian oil minister, contend that OPEC lacks the money to do the job, and they have called upon the West to make it available.

EFFECTS OF WAR

Iran alone is reckoned to need some $50 billion to restore its oil industry to where it stood when the Persian Gulf war began in 1980. The fighting wrought such damage that Iran's capacity was cut in half, to three million barrels a day. No major Western country has been willing to lend Iran even a fraction of the amount needed.

World demand for oil has been growing at about 3 percent a year in the last few years. Mr. Zanoyan said that in 1986 OPEC had spare capacity of 14 million barrels a day. Today, that is down to two million barrels.

Mr. BRYAN. Madam President, we do not want a return to the days when OPEC's decision wreaked havoc on our economy, and when oil price increases led to inflation and recession. Every projection from the Department of Energy points to a rise in fuel prices. And the transportation sector in the United States contributes more carbon dioxide to the atmosphere than all sources from a variety of countries and regions including West Germany and Japan.

So the question on this amendment is not whether its goal should be achieved—that is clear. I know there are some who will question whether this amendment addresses our common goal properly—does it set the right levels of fuel economy? Does it use the best method for setting the standards? Let me explain why the answers to those questions is "Yes."

This amendment is the result of lengthy hearings in the Commerce Committee and exhaustive study of the issue of fuel economy. I am convinced that it is fair and that it strikes the proper balance between the needs of the environment and the economy and the needs of the consumer and the industry.

In preparing this provision, I sought to find levels of fuel economy that would challenge the industry to continue the impressive work it began since the first fuel economy standards were enacted in 1975 but would not unreasonably limit consumer choice of size, model, or performance, and would not be costly to either the industry or the consumer.

I am confident that in this amendment we have done so. This amendment would result in fleet fuel economy for the year 2001 of 40 miles per gallon for passenger cars and about 30 miles per gallon for light trucks, including minivans, jeeps, and small pickups. An interim standard of 34 miles per gallon for automobiles and 25 miles per gallon for trucks would be required commencing in 1995.

In May 1989, the Department of Energy testified before the consumer subcommittee that a range of 35 to 40 miles per gallon for cars and 30 to 35 miles per gallon for trucks was technologically feasible for 2000, with no shifts to smaller vehicles or a decrease in performance. At that same hearing, the Office of Technology Assessment stated that a level of 33 miles per gallon for the domestic car fleet, equal to at least 34 miles per gallon for the entire fleet, could be achieved by 1995, with no loss of size or performance and at a cost offset by fuel savings. Other witnesses concurred or projected even higher fuel economy potential.

In connection with the September 1989 consumer subcommittee hearing, the Department of Energy further provided information confirming that the passenger car goal in this amendment could be achieved using available

technology, with a return to 1987 levels of size and performance and at a cost largely offset by fuel savings.

Madam President, the inescapable conclusion is that the technology is there, and that we can achieve fuel economy improvements without losing size or performance. As OTA and others have pointed out, time is of the essence. Manufacturers must begin right now to include fuel economy technology in their product planning. They have not done so for many years. In fact, disturbing data just received from EPA shows that in just the past 2 years fuel economy has declined by 4 percent, weight of vehicles has increased by 6 percent and horsepower has increased by 10 percent.

The Pacific rim manufacturers have lost ground on fuel economy twice as fast as the domestic manufacturers and have increased horsepower four times as fast as the domestics. The longer we delay in halting this trend, the more costly and difficult fuel economy achievements will become.

Some have asked why we have chosen the method we have to achieve these standards. The amendment requires each manufacturer to improve by an equal percentage over its current fuel economy level, instead of setting the same numerical standard for all manufacturers as is the case under current law. The reason for this method is to equally and fairly treat all segments of the industry and not just those who build large automobiles.

Testimony received at the consumer subcommittee hearings demonstrated that given the structure of the industry, the current method has become unfair, providing stringent regulation for United States and European manufacturers who make larger vehicles and virtually no regulation for manufacturers who have chosen to make primarily smaller vehicles, typically the Pacific rim manufacturers.

We sought to correct this defect in the fairest and most effective manner possible. Under a numerical standard of 40 miles per gallon, the difference between the three domestic manufacturers and the top three Japanese manufacturers' average requirements is 4.2 miles per gallon. The domestic manufacturers must improve 4.2 miles per gallon more than the Japanese. Under the percentage approach which we have adopted, 40 miles per gallon is achieved with a difference of only 1.5 miles per gallon between the United States and three major Japanese manufacturers. The Japanese must improve by only 1.5 miles per gallon more than the domestic.

In addition, in order to ensure its fairness, this amendment caps the level of fuel economy required at a maximum of 40 miles per gallon for 1995 and 45 miles per gallon by the year 2001. For those manufacturers that already are at a very high level of fuel economy, they would not have to improve by the percentage required of other manufacturers but would only have to reach the maximum. Five of the ten Pacific rim manufacturers selling in this country currently could take advantage of the cap.

If Congress had yielded to the many arguments that have been advanced against this legislation in 1974, when CAFE was first introduced, another 107 million metric tons, or about 7 percent of total U.S. carbon emissions, would be part of our atmosphere today and Americans would be consuming an additional 2.5 million barrels of oil each day at a cost of $40 billion per year to the consumer.

Madam President, I think it should be clear that this bill is necessary and workable. However, I know that there are many supporters of this bill who are put in a very difficult position because of its presence on clean air legislation and their agreement to resist amendments to this legislation, in the interest of expediting the consideration of this legislation which most if not all of us in this Chamber, this Senator as one, believe is imperative to act on as soon as possible.

I am sympathetic to their position, and I understand the reason those commitments are made, because I share the same goal they do, that increased fuel efficiency as well as the goal of enactment of a clean air bill are objectives we should struggle to achieve together. I would like to avoid forcing them to vote against their opinion and on the merits of this legislation.

I must say in that regard, I would like to cite my friend and colleague, the ranking member of the subcommittee which has processed CAFE legislation, the distinguished junior Senator from the State of Washington, SLADE GORTON, for his outstanding work in bringing this legislation forward. I have been encouraged, as I know he has, with the tremendous ground swell of support that this legislation enjoys.

I further acknowledge the work of the chairman of the full committee, Senator HOLLINGS, who because of his long years of involvement with CAFE legislation is oftentimes referred to as the father of CAFE legislation. The work of our distinguished majority leader and the floor leaders, all of whom support this legislation, should likewise be acknowledged in terms of their efforts in moving clean air legislation forward.

For the reasons I have just outlined, I discussed this dilemma with the majority leader and the managers of this bill, and I have an assurance from them, and would like to provide them an opportunity to confirm that assurance, that indeed those of us who support and desire the enactment of CAFE legislation will have an opportunity to do so in this session, this year. And for that purpose, I yield to the distinguished majority leader and acknowledge the courtesies which he has extended to me in his work on behalf of environmental causes.

Mr. MITCHELL. Madam President, I commend the Senator from Nevada for the leadership which he has demonstrated in this important area of environmental protection.

As he and the other Members of the Senate know, there was included in S. 1630, the bill reported by the Senate Committee on Environment and Public Works, a provision similar to that which the Senator from Nevada is now proposing.

I voted for that bill in committee, and I voted for that provision in committee.

As the Senator from Nevada and the other Members of the Senate also know, during the negotiations that occurred with respect to S. 1630—and the President's bill—as part of the compromise, that provision was deleted. It was opposed vigorously by the administration.

I said during the discussions and have stated since publicly, and privately to the distinguished Senator from Nevada and others, that it is my intention to bring to the Senate floor this year a comprehensive global warming bill of which this provision would be a part.

In the event that such a comprehensive bill is not reported, or available for Senate consideratoin, I will bring to the Senate floor, or at least will attempt, to proceed to such legislation as the Senator has suggested, with the following condition: I will not do so prior to the summit. So there can be no misunderstanding, specifically, not prior to June 21. I emphasis that does not prohibit bringing it up on June 21 but merely states that I will not prior to that, and will do it at sometime later than that;

And, second, that all of the participants on both sides of the issue—and I anticipate some of them are going to speak here briefly momentarily—will be given 3 weeks' notice of my intention to do so at such time as I make that decision. And I hope very much that is consistent with my previous discussion with the Senator from Nevada, and acceptable to him.

Mr. BRYAN. It is consistent with my understanding. I hope that at that time we will have the support of the distinguished majority leader in whatever form it may appear for the CAFE provision eventually outlined in this amendment.

Mr. MITCHELL. I thank the Senator very much.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I will be very brief in discussing this issue in regards to the amendment offered by my friend and colleague, the Senator from Nevada. His amendment would increase CAFE standards for automobiles to 40 miles per gallon by the year 2000.

I think it is a noble goal. I hope we can achieve it. I hope we will be able to obtain better fuel economy. I think we would like to encourage it. Unfortunately, this amendment does not encourage it. It mandates it with severe penalties if manufacturers are not successful in achieving that goal.

So I think people need to be aware of it.

Frankly, if you listen to the language, that says, well, it is going to reduce imported oil. If you could do it by this, we could make it instead of 40—no reason why we would not amend it and make it 60. We could go further. We could amend it and say we will not drive automobiles. That will certainly reduce oil imports. But it would be a severe cost to the economy. I think that is what we have to look at: What kind of cost to the economy? What kind of cost to consumers? What kind of choices are we going to deny consumers by passage of this amendment?

I would say if this amendment is passed, we are going to be denying to the consumers a tremendous amount of choice. They will not be able to buy even the mid-sized cars. The only automobiles that can meet this kind of a standard will be the very small, little subcompact cars—Volkswagen-type cars. Frankly, that is denying consumers quite a choice, particularly those who have large families, particularly those who may work out of an automobile, and have to travel a lot of miles as part of their occupation. I do not think we should deny consumers that type of choice.

I do not think we should pass a bill that, again has a worthwhile goal, but is going to put thousands and thousands of U.S. autoworkers out of work. I think that would be a serious mistake. I think it would hurt the economy. I think it would certainly hurt thousands, probabaly in the hundreds of thousands, of autoworkers, by putting them out of work. I do not think we want to do that, not on the clean air bill, and not on a global warming bill that we will be considering later.

I also think we have to consider one other thing; that is, safety. Certainly, the only way you can achieve these kinds of goals is certainly down size automobiles, make the automobiles much more fuel efficient, yes, much lighter, yes, and consequently, much more dangerous.

So it is going to cost lives as well. I think we need to consider that aspect as well. It costs jobs, and lives. It would be a tremendous sacrifice for consumers, and a loss of consumer choice.

So this amendment, in this Senator's opinion, is a mistake, whether it is on the clean air bill, or whether it is on a global-warming bill to be considered later.

What about the CO_2 impact? You could shut down every automobile in the United States and reduce—and every truck in the United States—global-warning worldwide by 2½ percent. I personally think if we are looking at global warming, we should be talking about other countries in addition to just the United States and work in a concerted effort. This alone will not do it.

Madam President, I ask unanimous consent that a statement by the Secretary of Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, March 7, 1990.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand the Senate will soon consider an automotive fuel economy amendment to the pending clean air bill (S. 1630). This amendment, based on legislation sponsored by Senator Bryan and others (S. 1224), would substantially increase the corporate average fuel economy (CAFE) requirements for cars and light trucks sole in the U.S.

The Administration strongly opposes this amendment, which would directly violate the bi-partisan agreement reached with Senate leaders. The amendment would increase fuel economy levels for the new car fleet to about 40 mpg by the end of the decade. The amendment could have a devastating impact on American consumers, auto workers, highway safety, and our vehicle industry. While there are a number of reasons to oppose this amendment, we would highlight the following points:

Technical feasibility.—The technical feasibility of achieving CAFE standards at the levels outlined in the amendment, without significant vehicle downsizing, has simply not been demonstrated. Most readily available techniques for improving fuel economy (e.g., front-wheel drive, four-speed automatic transmissions, aerodynamics) have already been implemented in much of the U.S. fleet. The administration believes that continuing application of those technologies will provide only modest CAFE improvements—much lower than suggested by proponents of this amendment. The proposed CAFE standards would surely require significant additional downsizing of both the passenger car and light truck fleets. Moreover, by basing a CAFE requirement on a percentage of a manufacturer's current average fuel economy, the amendment would inefficiently require relatively greater improvement by manufacturers who have achieved the greatest fuel economy to date.

Consumer choice.—These drastic increases in CAFE standards are highly impractical since they would radically curtail the choice of new vehicles available to American consumers. Manufacturers would be forced to scale back or eliminate the production of large- and mid-size cars and trucks, leaving only small vehicles for sale—which would adversely affect those with large families, those in car pools, and those who desire the security of larger cars, among others.

Auto jobs.—Although the amendment technically requires proportional increases in CAFE levels for all manufacturers, we believe it will have a stronger adverse impact on makes and models built by American workers in American plants. In the short run, a legislative mandate for smaller cars would attack the larger vehicles in each manufacturer's line—the vehicles that tend to be built in this country. Because the amendment requires changes that go beyond what is technically feasible in the required timeframe, product plans will be disrupted and some product offerings restricted. This will be costly to the auto industry, may decrease vehicle sales, and would likely increase the cost of vehicles by requiring the use of technologies that are neither proven nor cost-effective. Employment in the U.S. auto industry, already hard-hit in the late 1970's and early 1980's, would surely suffer.

Highway safety.—Major downsizing of vehicles, such as the amendment would require, does have a noticeable adverse impact on the safety of occupants. Our statistical analyses have demonstrated that the market-driven downsizing of the 1970's has adverse safety effects. In my view, it would be a tragic mistake to enact legislation (despite its noble intentions) that served to undermine this country's progress in highway safety.

The Federal government is already placing major demands on the motor vehicle industry—including the safety initiatives of this Department (such as upgraded side-impact protection for passenger cars, and automatic crash protection for light trucks) and the more stringent emissions standards included in the pending clean air bills. This is not the appropriate time to impose major new CAFE requirements, which could overload the capabilities of the manufacturers and interfere with our safety and air-quality objectives.

The Senate and Administration negotiators quite properly decided to delete a proposed CO_2 standard (a de facto CAFE requirement) from the clean air bill. The same reasoning applies to the amendment. The Senate should not approve the CAFE amendment. The Administration supports the bi-partisan Clean Air Act agreement as agreed upon—without a CO_2 or CAFE provision.

The Office of Management and Budget advises that this letter is fully in accord with President's program.

Sincerely,

SAMUEL K. SKINNER.

Mr. NICKLES. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, this amendment has no place in this bill. The issue of carbon dioxide emissions from automobiles is appropriately addressed in the context of a comprehensive global warming bill. It is in the context of such a bill that all sources of carbon dioxide emissions can be considered, and a most cost-effective

means of achieving reductions can be selected.

As Senator Muskie explained when he opened Senate hearings on the original Clean Air Act 20 years ago, "* * * we must not control a source here and a source there," Senator Muskie's statement describes one of the problems with this amendment.

This amendment would address emissions only from a single source—automobiles—while placing no other requirements on any other source that produces carbon dioxide emissions.

What Senator NICKLES just said is confirmed by the OTA. In December 1989 they wrote that the total contribution to global greenhouse emissions from all of U.S. transportation is 3 percent. If you eliminated it all—all the trucks and cars—OTA says you will have a 3-percent reduction in global greenhouse emissions. It is simply not appropriate to single out this source and this source alone for this kind of draconian regulatory burden.

I ask unanimous consent that portions of a letter dated March 7, 1990, from Secretary Skinner to Senator BURDICK be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Technical feasibility. The technical feasibility of achieving CAFE standards at the levels outlined in the amendment, with significant vehicle downsizing, has simply not been demonstrated. Most readily available techniques for improving fuel economy (e.g., front-wheel drive, four-speed automatic transmissions, aerodynamics) have already been implemented in much of the U.S. fleet. The Administration believes that continuing application of those technologies will provide only modest CAFE improvements—much lower than suggested by proponents of this amendment.

Consumer choice. These drastic increases in CAFE standards are highly impractical since they would radically curtail the choice of new vehicles available to American consumers.

The Federal government is already placing major demands on the motor vehicle industry—including the safety initiatives of this Department (such as upgraded side-impact protection for passenger cars, and automatic crash protection for light trucks) and the more stringent emissions standards included in the pending clean air bills. This is not the appropriate time to impose major new CAFE requirements, which could overload the capabilities of the manufacturers and interfere with our safety and air-quality objectives.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I commend to my fellow Senators the eloquent statement of the distinguished Senator from Nevada, Mr. BRYAN.

I believe that he outlined the justifications, perhaps the urgency, for requirements of this sort in a manner which was totally and completely persuasive.

I have had the honor to serve with the distinguished Senator from Nevada, as the ranking minority member of the Consumer Subcommittee of the Senate Commerce Committee, and to have joined with him as the sponsor of the bill upon which this amendment is based, and this amendment as well.

Madam President, I am convinced that the environmental and energy challenges facing us during the course of the decade of the 1990's and through the next century will be immense.

I can think of few measures which will do more to meet those twin challenges than will this amendment, or a bill which is based on this amendment.

Fifteen years ago, after suffering through the OPEC's oil embargo, Congress first passed CAFE standards. At that time, automobiles averaged only 14 miles per gallon. Within 10 years we had doubled that average.

Unfortunately, during the course of the last 5 years, fuel economy averages simply have not risen appreciably. Fifteen years ago, during the course of that debate, we heard arguments identical to those which have been made on the floor here, arguing against their impracticality, arguing against their safety, arguing against their consumer acceptance.

Those arguments were wrong in the 1970's; they are equally wrong in the 1990's. Had we not passed those mandatory requirements in the 1970's, we would not have reached the point which we have reached today.

This amendment would require each manufacturer to increase its fleet performance by 20 percent by 1995, and by 40 percent by the year 2001.

Perhaps even more important, it extends requirements to light trucks, which are the fastest selling vehicles today. Increases in these ranges would bring the car fleet average to over 34 miles a gallon in 1995 and more than 40 miles per gallon in the year 2001.

Consumer surveys show that consumers favor requirements of this sort. They favor higher fuel economy. They understand that better fuel economy will save them money. They also favor it, Madam President, because they understand our increasing dependence on foreign petroleum products, and they want our trade deficit reduced and then eliminated. No single step can do more to eliminate that trade deficit than to reduce sharply our dependence on foreign sources of petroleum products.

As a consequence, this amendment has at least two major favorable impacts. The first will be on our environment, because this is perhaps the single most important step we can possibly take to curb global warming. The second will, of course, be on a trade deficit which is persistent, which is difficult, which is moving downward only very slowly, because it is counteracted at every turn in each of the last several years by increased importation of oil and petroleum products.

This is an important proposal, a vitally important proposal. It is one which the opponents have said rightly belongs within the ambit of the Commerce Committee of this body, and, of course, the distinguished Senator from Nevada and I have introduced a bill and held hearings on it in that committee.

I am tremendously encouraged by the kind and thoughtful words and the undertaking by the majority leader to see to it that we have at least an opportunity to discuss this proposal, should we be successful with it in the Senate Commerce Committee. I understand that we will get similar support for that approach to the problem from both the distinguished Senators from Montana and Rhode Island. I understand that their desire is not to debate the issue at the present time. It will be controversial. We want every vote we can possibly get in favor of it and we, therefore, are willing to accede to their requests and have it brought up at a more opportune time, given the undertaking of the majority leader to see to it that we have that opportunity.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I will not take long. As one of the principal cosponsors of this with Senators GORTON and BRYAN, I regret that the circumstances are such that obviously many people who might support this are not in a position to do so, and I am sympathetic with the judgment of the distinguished Senator from Nevada, who I have enjoyed working with over the course of the last few weeks to not press this issue at this point in time.

I want to note for the record, though, that I hope that some of the facts, figures, and statistics and tactics that have been thrown around in the course of the last days, that much of that can can conceivably be straightened out, in the course of the intervening time, as now when the majority leader agreed that at least this measure can be thought over, whether or not we will proceed to bring it to the floor.

I note with interest that there is a long record on the arguments that have been made, that the Senator from Washington referred to. Fifteen years ago Congress passed the original legislation which required a 100-percent improvement by the automobile industry in fuel efficiency. The fact is that 10 years later, not only did the automobile industry meet that stand-

ard, 100-percent improvement, but in many cases exceeded it.

What is interesting is that when the CAFE standards concept was first passed back in 1974, you heard exactly the same arguments, almost verbatim, that are being presented to us now. The Ford Motor Co. in 1974 said the following:

This proposal would require a Ford product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from the sub-subcompact to perhaps a Maverick.

Chrysler stated that the provision "would outlaw a number of engine lines in car models, including most full-sized sedans and station wagons."

In 1989 and 1990, almost with amusement, we are hearing the same thing. We have all seen what pushing technology can do in order to achieve change.

The two distinguished Senators who are cosponsors, before me, have talked about the benefits. I will not repeat all of that now, Madam President, because I know time is important, and we want to move forward. But there is no single step that we can take that will do more to reduce our dependence on foreign oil. Forty-six percent of the oil consumption of this country is foreign-dependent. Nothing can do more for the security of this country, to reduce the principal global warming gas, which is CO_2, which we in the United States provide the majority of in the world.

So this issue will have its time on the floor. I am grateful to the majority leader for his willingness to guarantee that. I think that is important, as much as it is important that we proceed with the other clean air issues that are more appropriately part of this particular debate. I look forward to renewing this debate.

I wish to add one comment, if I may, Madam President. The Nation is overwhelmingly ready to accept whatever sacrifices are intended to higher CAFE standards. Opinion poll after opinion poll has shown that the citizens of this country are willing to pay more to do this. It is very interesting.

Last December President Bush's own pollster was engaged by the union of concerned scientists who ran a poll, and nearly 80 percent of those surveyed favored increasing CAFE standards to 45 miles per gallon by the year 2000, and they said that even if it meant paying $500 more for a car, they were willing, knowing that added money would be recovered in fuel savings; 83 percent of the respondents said they would pay for that.

So I hope we are not going to permit the square tactics and false facts, nonfacts, to mislead us as we engage in this debate at a later time.

Mr. GORE addressed the Chair.

Mr. CHAFEE. Madam President, first of all, I want to congratulate and thank the two sponsors of this amendment, Senator BYRAN and Senator GORTON. I would particularly like to address my remarks regarding Senator GORTON, with whom I have worked with many years in connection with these efforts to reduce smog, to achieve greater mileage in our automobiles, to improve the environment generally. This is a particular area where he has shown a profound interest and knowledge.

I appreciate the arguments that he brought forward. As he would remember, these are the original provisions that we had in our bill and these are the provisions that I was particularly involved with, namely the reduction in the carbon dioxide emissions through the tailpipe standards, which is a roundabout way of achieving more miles per gallon.

So in the negotiations, as has been pointed out, it was necessary to drop those particular provisions. But Senator GORTON and Senator BRYAN now have brought these back and have achieved one of their primary goals, that it will be considered, as the distinguished majority leader has pointed out.

So both Senators have done us a real service, and especially I thank Senator GORTON because of the fact I have worked with him on these matters for many years.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Madam President, I wish to very briefly express my admiration for the work done by the Senator from Nevada, Senator BRYAN, on this issue. I find it quite frankly remarkable that the Senator from Nevada in his first 2 years in this body has become the leader on this critical question of fuel economy. We are all indebted to him for the work that he has put in on this issue.

I have the privilege of serving on the subcommittee chaired by the Senator from Nevada as the ranking Democrat, other than the chairman of our full committee, Senator HOLLINGS, who is our leader on all these efforts. I have watched with great admiration as the Senator from Nevada has put in long hours and has really dug into this issue.

I think by taking the Senate through this process this afternoon, he has markedly advanced our ability to finally come to grips with this issue. Some of the battles will be saved for another day, but because of the work of the Senator from Nevada we have a much better chance of solving this problem now. I compliment him on the work he has done.

I yield the floor with that.

The PRESIDING OFFICER. The majority manager of the bill.

Mr. BAUCUS. Madam President, the amendment that the Senator from Nevada is offering is, as has been described by other Members, a very important amendment. This issue was debated quite thoroughly in the Environment and Public Works Committee.

This Senator supports the carbon dioxide/CAFE provision for the reasons that many Senators have already stated. S. 1630, the bill that was reported out of our committee, also contained provisions which would cut back in carbon dioxide.

Carbon dioxide is the most potent greenhouse gas that this country emits, and therefore we must begin to control it.

The issue, too, was very, very thoroughly debated among the leadership, the managers of the bill, other Senators on both sides of the aisle, and with the administration quite thoroughly, and it was agreed that carbon dioxide provisions would be dropped with respect to tailpipe standards. They would be dropped because we were unable to reach an agreement that those provisions were included.

The Senator from Nevada now is on the floor offering an amendment which would create some CAFE standards. It is frankly the kind of provision which this Senator in any other situation would support. Since I was part of the agreement as we put together the substitute bill, I feel constrained to oppose, not agree to the amendment offered by the Senator from Nevada.

It is a position that the majority leader is also in. It is also a position faced by the Senator from Rhode Island, Senator CHAFEE, who is the minority manager of the bill.

As the majority leader said, however, he is going to attempt to bring up a bill this year that would address the general question of global warming. The amendment offered by the Senator from Nevada would be part of that bill if that bill can come up before the Senate.

In addition, the majority leader said that if for some reason that larger global warming bill does not reach the floor, then the majority leader, with appropriate notice and conditions that he earlier stated, would attempt to bring up the Senator's bill. I think that is a good arrangement. It is a good solution to a difficult position that we all now find ourselves in.

I frankly very, very strongly commend the Senator from Nevada for two or three reasons. First is that he has been so dedicated to an issue that is so important. It is important to this country, and in fact in many ways to many peoples of the world.

I, second, commend him for finding the creative solution to this problem; that is, a solution under which the majority leader will attempt to bring up the comprehensive global warming bill or the amendment of the Senator from Nevada at a later date.

Very frankly, I do not know that the Senator's amendment will pass if the Senator would attempt to proceed with his amendment at this time. But at a later date, I think under different circumstances, the amendment would be even more highly regarded by hopefully the majority of this Senate, so that it would be enacted into law.

I thank the Senator for his efforts.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Madam President, I thank the distinguished floor leader for his comments. I appreciate his support. I look forward to working with him later during the course of this year when we have an opportunity, as the majority leader has indicated, to work in common cause to support that.

I also thank the distinguished Senator from Washington State for his kind comments. Without his help, we would not be where we are today. I look forward to working with him, as well as my good friend, the distinguished Senator from Tennessee [Mr. GORE], who has been with us from the very beginning and who served previously as the chairman of the subcommittee. I tried to follow in his tradition and provide the kind of leadership on these environmental issues that are before our committee.

I do not want to prolong the debate. I must say it is awfully tempting. But I do think that the record needs to be corrected on at least three points.

First of all, the concern about weight. I would simply want the record to reflect that the Office of Technology Assessment and the Department of Energy both have indicated that fuel standards that are prescribed in this amendment could be achieved with the same configuration in terms of size and variety as was produced and marketed in the United States in 1987.

That certainly does not represent the kind of radical departure that those who have raised a litany of horrors have suggested might occur. As Senator KERRY indicated, much of that argument was advanced in 1974. The proof of the pudding is that none of those things that were allegedly going to occur or allegedly would occur following the 1975 enactment did in fact occur.

Finally, those who suggest this is really a de minimis effort, that really it involves such an inconsequential part of the overall level of emissions in our environment, let me just invite a couple of comparisons.

It is estimated that in terms of the reduction of carbon dioxide emissions alone from the year 1995 to the year 2001, under the provisions of this bill, we would reduce CO_2 emissions by some 483 million tons. Not only is that, Madam President, a laudable goal and objective, I think that is very substantial in terms of what it accomplishes.

In terms of our increasing and almost perilous energy dependency, let me also invite to the attention of my colleagues that during the same span of time, 1995 to 2001, we would save some 45.1 million gallons of gasoline, also a rather substantial reduction.

Finally, to put this into some kind of global perspective, the amount of carbon dioxide emissions of automobiles alone in the United States exceeds the total CO_2 emissions from all of Japan, all of Latin America, from all sources in all of West Germany, from all sources, so we are talking about a substantial amount of carbon dioxide that is emitted from automobile emissions alone.

Based upon the assurance that has been provided—the good faith that I know the majority leader and the floor managers have, all of whom indicated support for this measure when it comes forward in a different context—the assurance that we will have an opportunity to debate this, it is my intention to withdraw the amendment.

Mr. HOLLINGS. Madam President, today I rise to continue the work we began in the 1970's on fuel economy for the passenger vehicle fleet. I offer my strong support to my Commerce Committee colleague and good friend, Senator BRYAN, for the amendment he has proposed. In 1975, I cosponsored legislation that established the current corporate average fuel economy, or CAFE standards. At the time that legislation was proposed, it was an untested and unprecedented plan. But we believed we could effectively promote national energy security by mandating that the passenger vehicle fleet achieve a certain fuel economy.

At that time, we heard predictions from the automobile industry about the consequences of such a regulation on the U.S. economy and on the consumer's choice of vehicles. It was suggested then that, if we adopted the standards that are now law, everyone would have to drive a vehicle the size of a Ford Pinto. Of course, the events of the last decade have demonstrated the ability of the automobile industry to meet a challenge.

I am glad we weren't deterred by the 1975 predictions, and that we proceeded to legislate fuel economy standards. Those standards have made a significant contribution to energy conservation. They have resulted in a doubling of the fuel economy of the fleet without any loss of interior size or performance of the vehicles. It is estimated that these improvements in fuel economy save 2.5 million barrels of oil per day, and save the consumer at least $40 billion per year in gasoline costs.

I take great pride in that 1975 legislation, and I am convinced that we need to continue the work we started 15 years ago. The levels of fuel economy established by that law have not increased since 1985, and the fuel economy of some manufacturers' fleets is actually decreasing. In the meantime, the need for energy conservation has not diminished. It is for that reason that I am an original cosponsor of S. 1224, Senator BRYAN's bill which is similar in substance to this amendment.

Even though the price of gasoline is relatively low today, enery security remains a big problem for this country. Imported oil is rapidly approaching 50 percent of consumption, and the Department of Energy and others warn that higher prices may not be far behind. Of equal concern to me is the fact that energy imports are major contributors to our intolerably high trade deficit, adding almost $40 billion per year.

In addition to the ongoing, and, increasing, problem of national energy security, we now have another reason to continue the progress in fuel efficiency—the threat of global warming. Every gallon of gasoline that is burned emits almost 20 pounds of carbon dioxide, and we know that carbon dioxide is a primary contributor to global warming. While we may not be certain of all the consequences of the warming that's predicted, we are certain that concentrations of carbon dioxide are increasing.

I am working to enhance the research necessary to know more about the effects of this warming. The Senate recently passed S. 169, the National Global Change Research Act, which I introduced. This legislation would provide for improved coordination of the national research efforts to understand the Earth system and effects of changes in that system. This legislation also would provide for a national plan to advance this research.

However, I am convinced that, while this research proceeds, we must immediately take the steps available to us to reduce carbon dioxide emissions. Since the transportation sector is responsible for about one-third of the country's carbon dioxide emissions, fuel economy is an important part of the solution to this problem.

Just as we did in 1975, we are hearing concerns from the auto industry and their friends as we try to respond to these problems. They are saying the same things they said in 1975—that the standards will force all Americans into tiny cars. However, in Commerce Committee hearings on this subject, we heard very impressive testimony from a variety of experts, including the Department of Energy, that the fuel economy levels we are establishing can be accomplished without noticable size reductions.

The new voice in this year's debate is the Asian auto industry, manufac-

turers who have in the past concentrated on production of small cars. Those manufacturers who make mainly small cars have not been affected by the laws now in place to the same extent as manufacturers of larger cars, since they have to meet the identical standards. The current standards have provided no incentive for these manufacturers to make their small cars as fuel efficient as possible. This amendment would correct the unfairness in current law, and regulate all segments of the market, including small car manufacturers. It would do this by requiring all manufacturers to improve by an equal percentage from their 1988 fuel economy level.

Of course, the small car manufacturers would prefer to be left alone. However, the environment cannot tolerate ignoring this segment of the market, and the trade deficit is too large to ignore this segment of the market. This amendment does not treat any segment of the market unfairly. In fact, it minimizes the differences in treatment among manufacturers more than any other approach that has been suggested. It even contains maximum fuel economy requirements—40 miles per gallon for 1995 and 45 miles per gallon for 2001—in an effort to be more than fair to small car manufacturers. Five of the 10 Asian manufacturers selling in the United States will get the benefit of those maximums, and will not have to achieve the full percentage increases that will be required of other, full-line manufacturers.

This amendment is fair, it is practical, and it balances the needs of the environment, the economy and the consumer. It is the product of thoughtful work in the Commerce Committee, where we have spent years developing an expertise in the area of fuel economy. I understand that some of those who support us in this effort are constrained from supporting this measure as part of the clean air legislation. I agree with my friend, Senator BRYAN, that we will hold this for another day, and look forward to joining with many of my other colleagues in supporting this initiative. I appreciate the majority leader's cooperation in insuring that we will have a vote on this important measure this year.

Mr. LIEBERMAN. Madam President, I want to state that had Senator BRYAN offered his amendment, I would have supported it. This amendment updates the corporate average fuel economy or CAFE standards for automobiles and light trucks.

The Clean Air Act compromise amendments do not specifically address any of the issues involved with global climate change caused by carbon dioxide. Ironically, this is a subject about which the American public is intensely concerned. It may be that global climate change is the single environmental problem about which they are most concerned.

The Bryan amendment represents a first step for the United States in our collective efforts to, quite lietrally, save the planet. The speed with which we are affecting our environment is frightening. By improving the fuel economy standards for our automobile fleet we will save oil and reduce carbon dioxide emissions.

Carbon dioxide is an important greenhouse gas. It accounts for almost 50 percent of the gases that contribute to global warming and transportation produces almost one third of all carbon dioxide emissions.

The United States generates more carbon dioxide emissions from motor vehicles alone than other developed countries produces from all sources. This amendment represents the biggest single step we can take to curbing global warming. And it is time for us to act. I will leave it to others to discuss such dire consequences as sea level raise and climatic changes in the food producing regions of the globe. I would like to call your attention to a problem to which we can all relate: heat. The Public Health Service reports that in 1980, 1,700 deaths in the United States were attributed by physicians to environmental heat. Since then there has been a steady increase in the number of heat-related deaths. Further, the Public Health Service notes that the actual number of deaths attributable to heat may be 10 times higher.

There is little debate in the scientific community about the reality of global warming. In fact, there is remarkable agreement within the scientific community that the threat from global warming is real. There is however, a debate about the rate at which global warming is occurring. Some members of the scientific community believe that the recent increase in carbon dioxide emissions worldwide suggests that we will see significant global warming in the next 50 years. Others argue that the data is insufficient and that there is time for more study. This is a sophisticated scientific question. What do the experts tell us?

Forty-nine Nobel laureates and 700 members of the National Academy of Sciences call on us to act now. That's a powerful response from the scientific community. It is a message we should heed.

Scientists are not the only ones we should listen to on this question. We should also listen to the people.

A polling firm headed by the chief pollster for President Bush asked registered voters about automobile fuel economy standards earlier this winter this question:

Would you favor or oppose an increase in federal fuel economy standards for auto companies requiring that cars, on average, get 45 miles to a gallon by the year 2000?

The response was overwhelming. Fifty-one percent of registered voters strongly favored the increase in fuel economy standards, while 27 percent favored the increase somewhat. That is 78 percent of registered voters.

Recognizing that opinions often change when costs enter the picture, the pollster asked a second question.

Would you pay $500 more for a 45-mpg car, knowing that the added money would be recovered in four years through fuel savings?

The response was even more overwhelming. Eighty-three percent of registered voters said they were willing to pay the extra $500 for cars that achieve 45 miles per gallon.

We should heed the advice of the scientific community and the American people. I support taking steps now to slow the onset of global warming in the Clean Air Act. But, by answering the question, "Should we take action?", we raise a second question, "Can we take action?" Are the improvements in the fuel economy of our fleet, as proposed in this amendment, technically feasible?

The answer to the question is yes. This amendment phases in the increase in fuel economy. By 1995, the average mileage per gallon for the fleet will increase by 20 percent over the 1988 level or from 26.5 miles per gallon to about 34 miles per gallon. As I understand it, the technology improvements required to increase fuel economy to about 34 miles per gallon are available now. It doesn't take any technological advance to achieve that goal. The technology includes many things that most Senators have on their own cars. Some examples are the increased use of front wheel drive, the increased use of four valves per cylinder on smaller engines, better tires and so forth. And the changes necessary to improve gas mileage specifically don't rely on reducing the weight of cars.

The next goal is to increase fleet mileage 40 percent over 1988 levels by 2001. That will result in an overall average of about 40 miles per gallon. To achieve that goal will take some new technology that is not currently in production. But even this technology is well along in the development process. It is entirely reasonable to assume that the American automobile industry can meet this challenge in 11 years.

To put this amendment in perspective, the Energy Policy and Conservation Act of 1975 required the automobile industry to achieve a 100-percent improvement in average mileage in 10 years. This amendment calls for a further 60-percent improvement in 11 years. Given the fact that much of the technology is already in production, and the rest is near production, I

think this is an entirely reasonable goal.

Improving the corporate fuel economy standards is one of the most important environmental steps open to us. We have discussed this amendment in terms of carbon dioxide reduction and global warming. But improving gas mileage reduces all automobile emissions: Hydrocarbons, oxides of nitrogen, carbon monoxide, and particulate matter. The simple truth is that many of the stubborn air pollution problems we face are a direct consequence of America's love affairs with the automobile. Environmental quality is inextricably bound to many different aspects of American life and I believe that the Environment and Public Works Committee must address all sources that degrade our air. That is why the committee included a section on CAFE standards in S. 1630 as reported by the committee. The committee under Senator CHAFEE's able leadership, recognized that automobile mileage is a critical factor in the struggle to improve America's air quality. I regret that the administration forced the removal of this provision from the committee bill.

I regret that the Bryan amendment will not be offered at this time. But I appreciate the majority leader's assurance that it can be offered as part of a global warming bill later this year.

Mr. BRYAN. Madam President, based upon those assurances that have been given, I do withdraw the amendment.

The PRESIDING OFFICER. The Senator does have that right. The amendment is withdrawn.

The amendment (No. 1333) was withdrawn.

Mr. BRYAN. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas seek recognition?

Mr. PRYOR. Yes, Madam President.

Madam President, I ask unanimous consent that the pending business of the Senate be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Madam President, I also ask unanimous consent that I may be permitted to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR, Mr. GORTON, and Mrs. KASSEBAUM pertaining to the introduction of S. 2260 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair wishes to remind Senators that the question that is pending before the Senate is amendment No. 1329, offered by the Senator from West Virginia, Mr. BYRD.

Mr. GORE. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1334 TO AMENDMENT NO. 1293

Mr. GORE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for himself and Mr. LEAHY, proposes an amendment numbered 1334 to amendment No. 1293.

Mr. GORE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 532, line 4, strike "Feasibility Report On".

On page 532, lines 5 through 11, strike the text beginning with "Not later than" through "earlier—" and insert in lieu thereof "Except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier dates—".

PART 2 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to modify Federal procurement practices to ensure that chemicals known to harm human health or the environment are not used as substitutes for chemicals that destroy the ozone layer.

On page 548, following line 22, insert the following new subsection:

"(d) FEDERAL PROCUREMENT.—

"(1) APPLICATION OF SECTION.—Each Federal agency or department shall comply with the requirements set forth in this subsection and any regulations issued under this section, with respect to any purchase or acquisition of an item where the purchase price of such item exceeds $10,000 or where the quantity of such items or of functionally equivalent items purchased or acquired in the course of the preceding fiscal year was $10,000 or more.

"(2) Within 12 months of enactment of this section, the Administrator of the General Services Administration (GSA), in consultation with the Administrator, shall develop a strategic plan for the procurement of substances as substitutes for those listed pursuant to section 504 (a) and (b) of this title.

"(3) No later than 36 months after enactment of this section, each agency or department of the Federal Government shall conform its procurement regulations and specifications to the strategic plan promulgated by the Administrator of the GSA or, if the Administrator of the GSA has not met the requirements of paragraph (2), to the requirements set forth in this subsection.

"(4) REQUIREMENTS FOR STRATEGIC PLAN.—

"(A) GENERAL.—The strategic plan referred to in paragraph (3) shall provide for Federal Government-private sector cooperation in research, development, and deployment of nonozone depleting technologies, processes, and chemical alternatives to the ozone depleting substances listed in section 504 (a) and (b). The plan shall provide greater regulatory certainty regarding alternatives to ozone-depleting substances by hastening the identification, development and deployment of alternative technologies with maximal environmental benefit. To ensure maximal environmental benefit, the strategic plan shall seek to maximize the use of alternative materials, process modifications, product redesign and substitution in order to minimize the use of materials and substances, including energy, which contribute to stratospheric ozone depletion, the creation of tropospheric ozone, global climate change, or which have been identified by an agency as a probable or known human carcinogen, or a known animal carcinogen.

"(B) SPECIFIC.—The strategic plan shall identify alternatives to categorical uses of substances listed in section 504 which meet the general criteria of subparagraph (A). The categorical uses, referenced in the preceding sentence shall be: air conditioning and refrigeration, solvents, rigid and flexible foam, fire extinguishers and other miscellaneous uses. The plan shall also include a list of persons and firms known to manufacture, sell, or utilize such alternatives.

"(5) PROCUREMENT PROGRAM.—Within 36 months after enactment of this section each agency or department of the Federal Government shall have in place an affirmative procurement program which will assure that future purchases of items known to use or be manufactured with substances listed in section 504 will, to the maximum extent practicable, conform to the requirements of this subsection. Each such procurement program shall, at a minimum, contain—

"(A) A preference program for alternatives which maximize the environmental benefit to be obtained by eliminating use of substances listed in section 504;

"(B) An agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) Annual review and monitoring of the effectiveness of an agency's procurement program adopted in accordance with the requirements of this subsection.".

PART 3 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to prohibit export of CFC equipment and technology and investment in facilities capable of producing CFR's in any nation not in compliance with the Montreal Protocol.

On page 544, lines 6 and 7, strike "Within one year after enactment of this section" and insert, "Immediately upon enactment of this section".

PART 4 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to strike provisions in the Clean Air Act preempting States' efforts to control ozone depleting chemicals:

On page 557, line 10, strike "except as otherwise provided in subsection (c)".

On page 557, strike lines 11 through 25.

On page 558, strike lines 1 through 6.

Mr. GORE. Let me say, first of all, that I introduce this amendment on behalf of myself and the distinguished senior Senator from Vermont [Mr. LEAHY]. Senator LEAHY has been an outstanding leader in this area, and I am honored to have him join me in proposing this amendment.

Let me say, also, by way of preface, that I wish to acknowledge the leadership in this area of the ranking Re-

publican member of the committee, the Senator from Rhode Island [Mr. CHAFEE] who has, on many occasions, exercised outstanding leadership in the effort to get rid of ozone-depleting chemicals.

I also want to serve notice for the record that, when the compromise bill was agreed to by all of the negotiators, some of those who agreed to bind themselves on various or most all of the bill specifically said that where ozone-depleting chemicals are concerned, there would be flexibility. That is my understanding of the way that negotiation resulted.

So I have worked hard to introduce——

Mr. BAUCUS. Will the Senator yield?

Mr. GORE. I am glad to yield.

Mr. BAUCUS. Madam President, the CFC provision was expressly agreed upon to be outside the scope of the agreement; that is, no Senators bound themselves in any way whatsoever with respect to the CFC provision. That is entirely out of the scope of the agreement.

Mr. GORE. I appreciate the clarification on the part of the chairman.

So we have a different breed of cattle on the floor here now. This is an amendment which is substantive in nature, which will make significant and, I will argue, needed changes. The Senator from Vermont will also so argue. And it does not fall into the category of amendments precluded from serious consideration by all Members of the Senate because they have voluntarily bound themselves not to consider it. This amendment is live; it can pass. I hope it will pass because it is greatly needed.

Let me again, by way of preface, commend the committee for the work they have done. They have done an outstanding job especially in this area. Over the years, much of what I have learned about this subject has come because of the work done by this committee. And let me compliment the staff of the committee and Senator CHAFEE and Senator BAUCUS. They have really built a critical mass of expertise.

Now, what are HCFC's? That is the subject of this amendment. Chloroflourocarbons, or CFC's, are going to be phased out in the bill. Hydrochlorofluorocarbons are permitted to continue. A few years ago, the phrase HCFC's was not even used. This is a new category. They are CFC's. But, they have one thing going for them: pound for pound, they destroy less of the ozone then fully-halogenated CFC's.

But they still destroy the ozone layer, and they do so with a vengeance.

Let me begin my talk here by trying to explain exactly how bad HCFC's are. I want to start with a chart. This chart is a little different from the one I used this morning. This one goes from the present to the future. This chart is prepared by EPA. This comes from the executive branch. It is generally acknowledged to be accurate, it has not ever been challenged in any serious way.

The chart shows the concentration of chlorine atoms in the atmosphere from zero up to 11 parts per billion.

On the bottom side of the graph, we start in 1985, or essentially the present time because in 1990 we are at 3 parts per billion, and we go out 100 years.

Right now we are at 3 parts per billion. That is not good, Madam President, because the current concentration of chlorine atoms in the atmosphere, which comes from CFC's and HCFC's is so large that they are destroying the stratospheric ozone layer—burning a hole in that ozone layer above Antarctica.

To some this still sounds a little bit like a science fiction movie. Unfortunately, it is all too real. The stratospheric ozone layer shields out ultraviolet radiation. This is an old story by now, familiar to the Members of this body.

But just to recap briefly, that ultraviolet radiation needs to be partially shielded out because we have evolved, and other forms of life have evolved, in a way that requires us to have a certain amount of protection from ultraviolet radiation. If we get a lot more of it than we are used to getting, then skin cancer increases, cataracts increase; the smaller forms of life, like plankton in the ocean, for example, are sometimes killed, and soybean yields are depressed. Some species are more vulnerable than others. The extra ultraviolet radiation also suppresses the immune system, and makes all 5.3 billion people on the surface of this Earth more vulnerable to disease and infection.

For each 1 percent decrease in the ozone layer in the stratosphere, we get a 3 percent increase in skin cancer. Some of them fatal.

Incidentally, another interesting point, when the extra ultraviolet radiation comes to the surface it creates more smog. It interacts with the emissions we have been discussing in other parts of the bill and makes the smog problem worse.

So we need the stratospheric ozone shield to shield out ultraviolet radiation. This new family of chemicals, chlorofluorocarbons, release chlorine into the atmosphere. Chlorine is the culprit that destroys the ozone shield.

The industry says, you have finally convinced us. We are almost ready to phase out CFC's, but we are going to move to HCFC's.

But, if we ban CFC's and continue to use HCFC's, this is what happens, Madam President: The concentration of chlorine—and that is what does the damage—goes from 3 parts per billion to 7 parts per billion.

Let me repeat that. If we only do what is in this bill and if the rest of the world agrees to do only what is in this bill and the world is encouraged to adopt HCFC's as a substitute, we will more than double the problem we now face with the destruction of the stratospheric ozone layer.

Is that good enough? Let us make the problem twice as bad—is that the best we can do? I think we can do better than that. I think we have to get serious about solving this problem.

Heroin was first introduced for human consumption as a cure for morphine addiction. Morphine addiction was a terrible problem. But, the cure turned out to be worse than the problem. If—instead of really facing up to this problem—we adopt this approach and make the problem twice as bad, we are kidding ourselves and we are behaving irresponsibly, where the interests of our children and grandchildren and all future generations are concerned.

Incidentally, the committee bill is better than nothing. Let me say, they have done great work because if the only thing we did was to abide by the Montreal protocol, then chlorine concentrations would more than triple.

So here is the choice we have: We can say we are concerned about the destruction of the ozone layer and all the environmental and health damage which comes from it and instead of letting the problem get three times as bad, we are only going to let it get twice as bad. That is one choice.

The other choice is to adopt the amendment that Senator LEAHY and I are proposing. This amendment would say to the rest of the world, the United States of America is finally ready to face up to this problem in its entirety.

Are we going overboard? Are we taking an extreme approach? No. We are giving industry 40 years to find an alternative. The industry has said they need 20 years to recoup their investment in the HCFC's. They say it is a transition step toward doing without chlorinated substances altogether. Fine. That may make some sense as a transition. But do we want to make it open-ended, so investments in better alternatives stop? I do not think so.

Incidentally, Madam President, both Senator LEAHY and I have traveled to Antarctica and have seen firsthand the damage chlorine wreaks. Just a few months ago the most recent news from Antarctica came in, showing that the problem is even worse. It is continuing to grow worse and it is not just in Antarctica.

Above Washington, DC, the stratospheric ozone layer is now 3 percent thinner in winter than it was 20 or 30 years ago. It continues to get worse

worldwide. This year, it is expected, when the final numbers are calculated, to be as bad as the worst year ever for the ozone hole in Antarctica.

In any event, we have enough data to know what is causing the problem. Incidentally, of all aspects of the global environmental crisis, this is the one aspect about which there is less dispute and less argument than any other part of it.

At a meeting in Helsinki last May, the nations now party to the Montreal protocol formally and publicly agreed that we have to go much further. The committee agrees with that, too. But people who have studied this problem also understand, and many have been willing to say, that HCFC's will be a terrible threat if they are not dealt with. They can only be a temporary transition. That is what this amendment seeks to do.

The bill without the amendment calls for a study. In our proposed amendment, we submit that a study is simply not sufficient. The longer we wait to phase out these chemicals, the longer the chemicals will have to phase out the protective ozone shield.

I believe, frankly, that a more ambitious schedule than the one we adopt in this amendment is advisable. I think when there is broad recognition in the country as a whole, and around the world, of how serious this threat is, that, eventually, we will move to a more ambitious schedule.

But what we have done in this amendment is to provide that, effective January 1, 2015, production of HCFC's will be frozen at 2014 levels. That is a long time. That is 25 years from now.

Allowable uses will be limited to maintaining and servicing consumer and commercial appliances, recycling, and use as a feedstock for other chemicals. After the year 2030, 40 years from now, new production of HCFC's is prohibited, but recycled and existing stocks may still be used to service and maintain equipment.

In its provisions on HCFC's, the committee does not dispute that they are harmful to the ozone layer. Rather, recognizing that, as we withdraw from CFC's, we are becoming increasingly addicted to HCFC's—as morphine addicts become addicted to heroin—the committee wants to explore the feasibility of a phaseout.

The fear that we cannot cope without a particular chemical fix is an old one, and one that has proven groundless in the past. The same argument was made prior to our ban on CFC-propelled aerosol cans.

How many people remember when CFC's were taken out of spray cans? Manufacturers said we have no substitute; and we can't do without the spray cans? I remember the inventor of the spray can valve, Mr. Robert Abplanalp, a great friend of former President Richard Nixon, who said that the ban would drive him out of business.

But, the day after the ban went into effect, the new spray cans were on the shelves with a new and safer mechanism. Mr. President, 25 years? Forty years? I think that we are being awfully generous in the timetable of this amendment.

It is true that development and commercialization of alternatives will not be cheap, but it simply makes no sense to encourage industry to dedicate its resources to HCFC production when, by the time the study called for is completed, we will be back to the drawing board calling at that point for a complete phaseout.

Industry needs a clear and unequivocal signal from us now. At the same time that DuPont, for example, the largest producer of CFC's in the United States, announced its intention to replace 30 percent of the CFC market with HCFC's, EPA tells us we can only allow 20 percent of the CFC market to be replaced by HCFC's if we are going to reduce atmospheric chlorine to pre-1985 levels.

Again, I recognize that a phaseout will not be cost free, but the schedule Senator LEAHY and I propose accommodates industry's need to recover its investments.

As I pointed out before, in a recent New York Times interview, DuPont emphasized that 20 years are needed for costs to be recouped. Our proposal allows industry 25 years to recoup their cost.

While we are moving toward post-CFC technologies, it is imperative we exploit the technologies offering maximum environmental benefits. It does our society little good in the long run if we salvage the ozone layer only to plunge our Nation deeper into an epidemic of chemically induced cancers, diseases, and birth defects by increasing the use of toxic chemicals as substitutes for ozone destroyers. So the second provision of our amendment calls on the General Services Administration, in consultation with the EPA, to develop a plan to promote the safest alternatives. This amendment does not ban any chemicals. It merely prioritizes alternatives according to their relative safety, and encourages the Federal Government to purchase the least harmful alternatives.

Recognizing the great strides that many States have made—and I mention particularly the home State of my cosponsor—in moving toward post-CFC technologies, our amendment also strikes a provision in the committee's bill that would preempt States from regulating ozone destroyers.

I am proud that in my own home State of Tennessee, legislation has already been introduced to control CFC emissions, and I think it ill-behooves this body to turn a deaf ear, even silence, toward the powerful message that our States are sending on this question.

Finally, Mr. President, the amendment we offered today closes a window left open in the committee's bill. While the bill calls on the President to prohibit the transfer or investment in technologies to produce CFC's it allows 12 months to pass before the rulemaking begins.

Let me highlight this question. We do not want the machines that are now manufacturing CFC's to shut down here and then be sold to other countries so that they start manufacturing the chemicals. The committee agrees with that, but, unfortunately, in the language of the bill as it is written, there is a 12-month delay before that prohibition begins to be considered. You can sell a lot of equipment in 12 months, Mr. President. I guarantee it, they will sell all that equipment, for which there is a market, in the 12-month period.

As has been demonstrated in the case of pesticides, if this window is not closed, it will be exploited to subvert the purpose of the legislation.

Just last week, I joined my distinguished cosponsor, Senator LEAHY, in introducing legislation to break what we call that circle of poison. Though banned in the United States, hazardous pesticides are finding their way back into our diets because companies have figured out that they can export banned pesticides to other countries; these countries then use them on crops they later sell here. The point, Mr. President, is that a lot of technology can be exported in a year's time—technology that will be used abroad to produce ozone destroyers, and that will jeopardize progress we make at home. We are trying to prevent that kind of practice with the equipment making CFC's.

Mr. President, I do want to close by commending the committee for recognizing that, as one of the biggest contributors to the world's environmental problems, it is incumbent upon us now to lead the world toward stewardship of the Planet's resources. We cannot allow corporations to use the Third World as a junkyard for technologies banned at home. Ozone-destroying substances pose a challenge of unprecedented proportions to our environment. The committee has taken important steps to address the problem. I urge my colleagues to support the strengthening changes that Senator LEAHY and I propose today.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to applaud and commend the distinguished Senator from Tennessee [Mr. GORE] for what he has done today and for his statement. The only quibble I

have is that I would back off from his fulsome praise of this Senator from Vermont, although I appreciate it and I did not want to interrupt him while he was saying it. I will demur only now.

I say, Mr. President, the Senator from Tennessee deserves enormous credit for the work he has done in this area. It is something that he has not done just on this bill. He demonstrated a commitment to the environment when he was a distinguished and leading environmental voice in the other body. This has continued since he came to the U.S. Senate. He has shown that commitment over and over again consistently, in this legislation and in other legislation, from the circle of poison to the banning of CFC's. All the way through, he has been a consistent, eloquent and leading voice for the environment. I commend my friend from Tennessee for that.

When he mentions our traveling to Antarctica, Mr. Speaker, in many ways, I wish all of us could go there. I do not think we would even be having this debate today if we did. In speaking with scientists at Antarctica, I realize the tremendous concern they have for the ozone layer. I have iooked at the reports they had over the years and have seen this damage.

Mr. President, we have to ask ourselves: What kind of people are we to use and misuse science for our passing convenience and the virtual destruction of our environment? What kind of people are we who we care only for the current generation and do not have the concern that we should have as stewards of the Earth for generations yet to come?

We ignore all sense of history, and we condemn ourselves to be considered by future generations as one of the most selfish generations if we do not stop this. What we might do to the damage of future generations will be done solely for momentary and passing convenience. How can any future generation ever forgive us that? Even worse, how can any future generation ever understand that we did not take the steps necessary to at least try to reverse and to stop this destruction of our atmosphere?

Mr. President, we have historic legislation before us today. We stand ready to pass the first major revision of the Clean Air Act in 11 years, and it is high time.

The distinguished majority leader, Senator MITCHELL, has worked tirelessly to bring this legislation to the floor. His patience, his persistence over the past decade and during the recent negotiations with the administration have made this day possible. He has had the patience of Job and perhaps at times the feelings of Sisyphus as he has tried to bring this legislation to the floor. I commend his work.

The senior Senator from Montana, my good friend, Senator BAUCUS, and my neighbor, the ranking member of the Environmental Protection Subcommittee, Senator CHAFEE, have worked together—Senator BAUCUS in his role as chairman of the Environmental Protection Subcommittee, and Senator CHAFEE as ranking member—to forge the bipartisan support that would ensure the passage of this bill. They deserve our thanks.

My distinguished colleague from Vermont, who has given up sleeping because of the number of nights he has had to sit through negotiations, also deserves our thanks. I thought of him each night as I went home knowing that he was carrying the flag.

Mr. President, I was a proud cosponsor of the Clean Air Act that came out of the Environment and Public Works Committee. I am afraid, though, while the bill before us is strong, it has some areas and some important provisions that need to be stronger. It does weaken some important provisions in the areas of nonattainment, mobile sources, alternative fuels, carbon dioxide, and air toxics.

In Vermont, this legislation may not be enough to save us from the effects of air pollution. There is evidence that Lake Champlain, one of the greatest natural treasures of the Northeast, is being slowly destroyed by airborne toxics from beyond our borders. Fish from this lake are contaminated with toxics, yet there is no point source for these toxics anywhere in Vermont. Acid rain is believed to cripple our forests and poison our waterways.

From the front steps of my home, I look out at one of the most beautiful mountains of Vermont known locally as Camel's Hump. I have been looking at it from the time I was a child. In later years, I have been noticing a change. I went through photographs we took when I was a teenager and then as a young man, before I was in the Senate. It is almost as though an eraser has gone from the top of this mountain slowly moving down, all from the damages of acid rain. Air pollution levels in Vermont, pristine Vermont, have at times exceeded the Federal public health standards and yet we do not have an urban or stationary source in this little State of a half million people.

We can do little to prevent other States from polluting our air in Vermont, but we can control our own pollution, and this we have done. Vermont has the most progressive CFC regulations in the Nation. We have passed laws banning the use of CFC's in automobile air conditioners, banned the frivolous use of CFC's for such things as noise horns, banned noncommercial cleaning solvents, and even required the recycling of CFC's.

For those who have a question, incidentally, it does also get hot in Vermont at times. While it may be easy to pass these laws when it is 25 below zero, we know there are days in Vermont of 90 and 95 degrees.

We know also as Vermonters that these laws are absolutely critical to reduce global warming and assure the continued health of our planet. CFC's are one of the most potent of ozone depleting chemicals.

Senator GORE has stated very eloquently this afternoon about how CFC's harm our atmosphere. They destroy stratospheric ozone. They expose the atmosphere to ultraviolet rays that in turn produce greater amounts of ozone on the surface of the planet. In their capacity as both ozone-depleting chemicals and global warming gases, they are responsible for up to 30 percent of the effects of global warming.

So the amendment that the distinguished Senator from Tennessee and I have introduced strengthens the CFC regulations in several important ways. I want to speak to just one of these issues. The distinguished Senator from Tennessee has laid out in great detail the other aspects of it, but there is one I want to emphasize and that is the preemption of State CFC laws by the Federal Government. As the clean air bill now stands, it would preempt more stringent State regulation of CFC's. In other words, a State could not have more tough or more stringent regulations than the Federal Government.

Mr. President, this is totally unacceptable to me. I cannot stand by while the work of the State of Vermont in the area of CFC control is eliminated. I cannot turn my back on the work of my own State. In fact, historically the State initiatives in controlling pollution have encouraged more effective Federal standards and policies, not the other way around.

States must have the right to impose pollution standards that are stronger than current Federal standards. Federal laws should serve as floors for the public protection. They should not serve as ceilings.

The ability of States like Vermont to protect the health of its citizens must never be limited by the Federal Government. The amendment Senator GORE and I have introduced will prevent the Federal Government from preempting State efforts to strengthen their own laws.

If any 1 of the 50 States feels the need to protect its citizens, then that State should be able to pass stricter laws and tougher environmental laws than the Federal Government. No State should be denied by the Congress of the United States the ability to go even further than the Federal Government in protecting its people.

That is an issue that each of us in our own States must decide.

If our State legislatures feel the need to be even more protective of the health of our people, that is a decision that we as free people of those States will make.

But every State, whether it is a little State like Vermont, a large State like California, or any State in between, must have the right to make that decision. The Federal Government should never take away from a State the ability to go even further in protecting the safety, health, and environment if the people of that State want to go further.

I should say, incidentally, Mr. President, the Senator from Tennessee and I are not alone in the support of this amendment. The National Conference of State Legislatures has stated its opposition to Federal preemption in the area of CFC regulation. The National League of Cities Environmental Issues Caucus has unanimously passed a resolution opposing the preemptive language. In Vermont, the House of Representatives has passed a resolution urging the Congress of the United States to strike the preemptive langauge on CFC's that is currently in this bill. These resolutions reflect a widespread support for State and regional CFC regulations that we cannot ignore.

Mr. President, there are a number of people who wish to speak. I do not wish to take longer but just to close with this comment. The importance of the amendment is twofold. First and foremost, it ensures that the ozone layer will be protected from the destructive efforts of CFR's; second, it guarantees States the right to implement the strongest laws that are necessary to protect the environment and the health of our citizens. It allows individual States to say what they want to do and not have the Federal Government tell them what they are not allowed to do. It is a milestone in the fight to protect the health of the American public.

I look forward to working with the distinguished leaders on both sides of the aisle to move this historic bill.

I ask unanimous consent that a number of letters and a resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, March 8, 1990.

Hon. PATRICK J. LEAHY,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR LEAHY: Reauthorization of the Clean Air Act is one of the most pressing issues facing Congress this year. The Senate has shown admirable leadership in attempting to keep the debate moving toward a positive resolution of this issue. To this end, the National Conference of State Legislatures urges you to support language that contains strong controls for both stationary and mobile sources of pollution, supports use of alternative fuels, controls toxic air pollutants, and balances the concerns on acid rain.

We do have concerns, however, about parts of the Clean Air Act. Specifically, we oppose language in Section 519, subsection (c) of the Senate Bill (S. 1630) that would preempt state laws regulating chlorofluorocarbons.

NCSL policy states that we "strongly oppose federal preemption of state and local government laws, constitutional provisions and regulations without a clear and compelling case for such preemption have been made." In this instance, we find no prevalent reason for the preemption. The federal government has been slow to act in controlling pollutants that pose risk to the stratosphere. States have consequently developed and are implementing strong environmental laws to fill the void. Federal laws should be the baseline level of protection, not a ceiling. Over and over states have found that the level of protection demand by their citizenry can only be achieved through stricter state standards. Therefore, those state laws should be allowed to stand and not be preempted by a weaker federal program.

The National Conference of State Legislatures applauds you for offering an amendment to remove the preemptive language from this section. We urge all Senators to support your amendment.

The NCSL is committed to working with Congress to achieve passage of a strong and fair Clean Air Act this session. Your support is needed, and appreciated. If you have any questions, please feel free to contact Nancy New or Rick May in NCSL's Washington Office at 624-5400.

Sincerely,

DICK HALL,
Member, Mississippi Senate,
Chair, NCSL Environment Committee.

LAW AND JUSTICE—PREEMPTION

The National Conference of State Legislatures strongly opposes federal preemption of state and local government laws, constitutional provisions and regulations without a clear and compelling case for such preemption having been made. NCSL does not believe that preemption is unwarranted in every circumstance, but does believe that any preemption should meet three basic tests:

First, it should be clearly shown that the exercise of authority in a particular area by individual states has resulted in widespread and serious conflicts imposing a severe burden on national economic activity or other national goals.

Second, it should be clearly shown that preemption of state law is the only reasonable means of dealing with the problem.

Third, it should be clearly shown that solving the problem is not merely desirable, but necessary to achieve a compelling national objective.

NCSL and other representatives of state and local government should be afforded an opportunity for consultation or hearing before final decisions on preemption are made.

Congress should be required to state explicitly when it intends to preempt state laws or rules; mechanism to provide notice of the intent to preempt should be created so that states may participate in the political process as envisaged in the 1985 Garcia v. San Antonio Transit Authority case; and if any federal agency intends to preempt state laws or rules, the agency should have explicit and specific authorization from Congress.

ENVIRONMENT—REGULATING THE USE OF CHLOROFLUOROCARBONS (CFCS)

The National Conference of State Legislatures (NCSL) is very concerned that The Montreal Protocol of 1987 regarding stratospheric ozone layer depletion is inadequate to address this crucial global issue.

To bring about the nearly complete phaseout of chlorofluorocarbons (CFCs) and other ozone depleting chemicals, NCSL urges the Congress to begin by adopting the following measures:

1. Ban the sale of any motor vehicle with a model year of 1993 or later that uses CFCs in its air conditioning system; and

2. By January 1, 1990, impose a ban on the sale of halon fire extinguishers, CFC cleaning sprays, CFC noise horns and CFC party streamers for personal consumer use.

MARCH 7, 1990.

To: Senator Patrick Leahy, State of Vermont.

From: Councilmember Nancy Skinner, Convenor, National League of Cities Environmental Issues Caucus.

I am writing in regards to section 519C of the Senate Clean Air Act which, would as currently written, preempt existing and future state and local government laws designed to protect the ozone layer. Vermont's own CFC recycling and recovery law would be preempted by section 519C.

There is a growing number of state and local elected officials who are aware of and who strongly oppose preemptive language that would nullify strong local environmental legislation. I am the convenor of an Environmental Issues Caucus of the National League of Cities. At the caucus meeting Sunday, attended by 140 delegates of the NLC, a resolution opposing section 519C of the Clean Air Act was unanimously passed.

I have attached a letter signed by elected officials representing eight cities which explains the position of most state and local governments on this issue. This letter was sent out last week to over 250 local elected officials. To date a number of cities have passed resolutions, similar to the resolution included with the letter, opposing ozone protection preemption language. Cities that have passed the resolution include: Burlington, Denver, Austin, Cambridge, St. Paul, Newark and a number of others.

Additionally, I have enclosed a press release from a press conference held at the NLC meeting. The press conference featured elected officials from cities with laws that would be affected by the passage of the preemption clause.

I hope that you will respond to our concerns and be a leader in the effort to have this section removed from the Clean Air Act. If I can be of any assistance or provide you with additional information, please don't hesitate to contact me at my Council office, 415 644-6359, 2180 Milvia St., Berkeley, CA. 94704.

Sincerely,

NANCY SKINNER,
Councilmember.

HOUSE RESOLUTION ADOPTED

H.R. 21

Representatives McCormack of Rutland City, Bassett of Burlington, Seibert of Norwich, Schaefer of Colchester, Coleman of

Londonderry, O'Brien of Stowe, Lingelbach of Thetford, Ross of Hinesburg and Emmons of Springfield offered a House resolution, entitled

Resolution relating to the proposed Congressional override of state laws regarding ozone-depleting chemicals;

Whereas the stratospheric ozone layer above the earth is a part of the earth's ecosystem without which life cannot be supported on this planet, and

Whereas there is a consensus among responsible persons, including industry spokespeople, that certain chemicals deplete the ozone, and that this ozone depletion has taken place with alarming speed in recent years, and

Whereas the State of Vermont, trying to be a responsible global citizen, has taken steps to decrease the extent to which its citizens add to this ozone depletion, and

Whereas the United States Senate is considering amendments to the Clean Air Act, Title 7, section 519(c) of which would preempt states from enacting laws that are more stringent than federal laws with respect to the regulation of ozone-depleting chemicals, and

Whereas these amendments to the Clean Air Act are not as stringent as is the existing law of the State of Vermont, and therefore would have the effect of negating Vermont's attempts to do its part to support life on this planet by reducing the depletion of the stratospheric ozone, and

Whereas these amendments, pushed by organizations involved in the manufacture, importation, distribution and sale of CFC's, are part of a disturbing trend whereby the states are given more and more responsibilities, but are prevented from developing meaningful solutions in the exercise of those responsibilities, now therefore be it

Resolved by the House of Representatives: That the state's Congressional delegation is urged to take all steps necessary to strike this pre-emptive language from the bill and to defeat any Congressional action that would limit the states' ability to enforce their laws regarding ozone-depleting chemicals, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Congressional delegation.

Which was read and adopted.

Mr. GORE. Will the Senator yield?

Mr. LEAHY. I yield to the Senator from Tennessee.

Mr. GORE. I would like to announce, Mr. President, that the distinguished junior Senator from Vermont [Mr. JEFFORDS] has joined as an original cosponsor of this amendment. I am proud that he has done so.

Mr. LEAHY. I yield the floor.

Mr. WIRTH. Mr. President, I want to begin by commending the distinguished Senator from Tennessee who has done such a wonderful job over the years on the issue of the ozone layer, chlorofluorocarbons, the legislation in front of us, and so many related global atmospheric problems. He has truly been one of the consciences of the country and of the world, and we all appreciate the great work that he has done.

This amendment is yet another example of that. I hope that I might be added as well, if I am not already—I believe that I am—as a sponsor of the amendment.

Mr. GORE. If the Senator will yield, I ask unanimous consent to add both Senator JEFFORDS and Senator WIRTH as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I must say it gives me a good feeling of the heart to have the distinguished Senator from Colorado as an original cosponsor of this amendment.

Mr. WIRTH. I thank the distinguished chairman, and it is always nice to be lashed up with a chairman, even one as young as he is.

Thank you very much, Mr. President.

To be very brief on this, the Senator from Tennessee discussed this very thoroughly and very well. The amendment is a pretty clear one. A great deal of the work on this amendment was done by, on this whole issue, the distinguished Senator from Rhode Island, Senator CHAFEE, and the distinguished Senator from Montana, Senator BAUCUS, who really worked through this issue, and has been leading on the Environment Committee on this whole question.

We have here I think, as the Senator from Vermont was sketching, at least three issues in front of us. First is the destruction of the ozone well described by the distinguished Senator from Tennessee, and well outlined in the chart in his own very clear remarks.

We are all familiar with the hole in the ozone issue. It has been discovered. We understand it. We have moved on it with the Montreal protocol. We are going to move on it further. Now is the time to really look ahead into the future. This is a perfect opportunity. This bill provides us with a vehicle for taking yet the next step looking to the future the way we ought to.

The second issue, that of States rights, has also been discussed. It is very important for us to continue to remember Federal standards should be a floor and not a ceiling. My own State of Colorado has a very proud history at the State and the local level of really pushing very hard, pushing the edge of the envelope on how far we can go, and how clearly can we write the kind of law that the citizens of my State want. We should allow that, and that is a second important, very important element of this amendment.

The third relates to global warming. Chlorofluorocarbons are not only an evil for the people when you get into the atmosphere related to the ozone but very clearly related to global warming as well. We know that the atmosphere is warming despite the protestations from time to time of a few people in the White House. The academic evidence is overwhelming. Glogal warming as a theory is incontrovertible. The evidence and the scientists talking—I went to the national academy meeting the other day where they reviewed the evidence of the so-called doubters who were there making their presentations and the doubters were not saying the world is not going to get warmer but that there is just uncertainty about how much how fast. We have an obligation to take steps to address the issue of how much, how fast, or to slow down the contributions the United States is making.

We can do that in a variety of fronts. We are going to get back to carbon dioxide and automobiles. We are going to have a major global warming bill coming out of the Energy Committee. There are a variety of steps we can be taking and this is yet another one to be looking at the role of CFC's in the atmosphere and to be making the kind of changes that ought to be made.

So a third major element and reason for voting for this amendment is our responsibility to look at the question of global warming and to really belly up to it. We cannot duck this any longer. There is no reason to.

The evidence is so good. The number of things that we did in taking out an insurance policy are so clear. This is not something that, as some have suggested, that Americans will stop driving automobiles or stop burning oil and natural gas, and all of those preposterous arguments they are making. Nobody is suggesting any of those things. All we we are suggesting is taking some clear, concise, careful steps. This is one of them that we can take.

So I would hope, Mr. President, that all of us would find ourselves supporting this fine amendment.

Mr. President, today, we have an apportunity to begin the process of moving away from a family of chemicals that are a double threat to the global environment. Chlorofluorocarbons [CFC's] are ripping apart the Earth's ozone layer and helping to change the nature of our atmospheric greenhouse.

The ozone layer protects all living things from the Sun's harmful ultraviolet radiation. The ozone layer is a shield that helps protect every person on the planet from the harmful effects of exposure to UV radiation—effects such as skin cancer, cataracts, and suppression of the immune system. Stratospheric ozone is also a protective shield for plants and aquatic organisms—the most basic components of the food chain.

The problem is that these marvelous nontoxic, nonflammable substances—the CFC's—are loading chlorine in the atmosphere where they gobble up CFC's for up to 100 years. For the past several years, massive scientific expe-

ditions have found that the ozone layer is in deep trouble. In what was probably the turning point for the way in which we look at the global environment, researchers—many of them from the NOAA labs in Boulder, CO—found in 1985 a gaping hole in the ozone layer over Antarctica, where extremely cold temperatures allow ozone to break down very rapidly. Last year, researchers have found that worldwide average ozone levels have dropped by at least 3 percent. Medical experts believe that every percentage point of depletion, Mr. President, will result in a 3- to 5-percent increase in skin cancers.

Last year, another research expedition led by NASA and NOAA found the conditions ripe for an ozone hole to form over the North Pole. The hole has not yet appeared in the north, but the Arctic appears to be in great danger as well.

Nowhere is the threat of ozone depletion more well understood than in New Zealand and Australia where stratospheric ozone concentrations have been reduced by 10 to 15 percent during the austral spring. As we debate this bill today, a hole covering 10 million square miles has developed in the Antarctic. Our friends down under are frightened.

All by itself, ozone depletion would be reason to urgently act to phase out the CFC's. Unfortunately, the CFC's are agents of environmental concern in another, even more threatening way. The CFC's are among the most powerful heat trapping gases ever developed. At today's emissions, CFC's are contributing 15 to 20 percent to the gases that are building in the Earth's greenhouse. And this threat, global warming, is probably the greatest political, economic, social, and environmental challenge we face, Mr. President.

The bill before us today has a number of outstanding provisions that will move us toward a complete phaseout of CFC's by the year 2000. I want to applaud Senator CHAFEE and Senator BAUCUS for crafting these outstanding provisions—and for authoring the provision that the Senator from Tennessee wishes to amend.

The issue before us now, Mr. President, is whether or not we should begin the process of phasing out the next generation of CFC's—the so-called HCFC's.

I do not think there is any disagreement in this body about the need to protect the ozone layer. Virtually every Senator is aware of the urgent need to do so, the President has committed this Nation to a leadership position in this area and we are on the way.

But phasing out CFC's alone will not ensure that we protect the ozone layer. The HCFC's, while much less effective at eroding the ozone layer, do pose a threat to the health of our protective shield. If we let HCFC's grow indiscriminately into the 21st century, we may void the benefits of phasing out CFC's in the first place. For our children's sake, we cannot allow this to happen.

The amendment being offered by the Senator from Tennessee would set a target date—some 25 years in the future—for beginning the control of HCFC's. I am well aware of the concerns expressed by industry about this provision. I am aware that some may argue that we are regulating substances that are only now coming into existence and for which the substitutes of the future have not been developed. And I appreciate those concerns.

But I have faith in our ability, our ingenuity to come up with new products and new technologies that will allow us to clear these hurdles before the end of the next quarter century.

More importantly, Mr. President, I do not believe that we can in good conscience continue to imperil the ozone layer. If ever there were or will be a star wars shield—it is the ozone layer, which protects all living things from our most important star, the Sun.

I recognize that it will not be easy. We have been ingenious about developing valuable uses for these chemicals. But we know now that the environmental damage wrought by these chemicals is so great that they must be eliminated. The decisions we make today, will have implications for the health and productivity of our children and our children's children. Indeed, I would submit that as one of the forces that makes life on this planet possible, the ozone layer is a constituent of us all. The ozone layer is not a special interest, Mr. President, it is a basic component of life on Earth.

This amendment is critically important to the global environment. I commend the Senator from Tennessee and the Senator from Vermont for offering this outstanding proposal. They have been tireless in their efforts to help restore the stratospheric ozone layer back to health.

I hope everyone in this body recognizes the work of my good friend, the Senator from Tennessee [Mr. GORE]. AL GORE has contributed as much, if not more, to this effort as anyone in the world. He represented the United States at Margaret Thatcher's major conference on ozone depletion and many of the CFC provisions in the compromise bill represent ideas he has helped pioneer. Most importantly, his diligence and willingness to learn these issues have been essential to the effort to communicate to the American people the grave threat of ozone depletion.

In conclusion, Mr. President, I want to reiterate my strong support for this amendment. We do not have time to delay this action. Our constituents are waiting for our leadership, and we will be judged for years to come on how we responded to protecting our most basic and important environmental systems. I urge my colleagues to vote in favor of the Gore-Leahy amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I want to commend the author of the amendment and would like to join as a cosponsor. I am very proud to represent the State of Vermont, and I am very proud of what they themselves have done in this area.

It seems to me that it is critical we take action now to do something about the problems previously referred to by the Senator from Colorado. I basically associate myself with his remarks with respect to the purpose of the amendment.

But I would like to point out that in Vermont, where we have a tremendous heritage and reputation for preserving the environment, that my interest in this bill has not been to see what I can do to protect this interest or that interest in Vermont but only to see what I can do to help pursue the goals that our State has established for cleaning up the environment, for we are the cleanest State in the Nation.

We have no nonattainment areas. We have no difficulties with smog. The only time we have a nonattainment problem at all is when we get a southwest wind from New York and the Albany residue blows over and sometimes creates a problem.

But we have established in many areas standards which I believe are those that the Nation should emulate. We have the cleanest water standards to my knowledge in the Nation. We have the cleanest air. The only problems we have are dealing with acid rain. That is something others do to us and it falls out of the sky.

So all I would like to do here though is again reiterate, as my senior Senator from Vermont did, what the State of Vermont has done with CFC's and what they want to do, even perhaps with some sacrifice, is show the Nation what others think cannot be done can be done.

Therefore I would like to say I support the amendment.

I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, a number of our colleagues have left the Capitol to attend a function which I believe the President will be attending. In order to accommodate their schedules I will momentarily seek unanimous consent to proceed in the following manner: that a vote on or in relation to the Gore-Leahy amendment be at 7:30 p.m.; and that upon the conclusion of the debate on the Gore-Leahy amendment, which I anticipate will

occur sometime between now and 7:30 p.m., the Byrd amendment would then return to establish the pending business in accordance with my previous discussion and understanding with Senator BYRD. I will then request consent that we proceed to the Lautenberg amendment to commence debate on that amendment, the next one in order.

If debate on the Lautenberg amendment is completed by 7:30, I would then anticipate that votes would occur on the Gore-Leahy amendment and the Lautenberg amendment back to back. If debate on the Lautenberg amendment is not completed by 7:30, then I would anticipate that the vote on the Gore-Leahy amendment would occur at 7:30 with debate resuming on the Lautenberg amendment immediately following that.

As I indicated previously, upon completion of that amendment, then we would again review the situation with respect to Senator BYRD and his amendment, and hopefully be in a position to proceed to the Wirth-Wilson amendment which I anticipate would be some time at or after 7:30, depending upon the status of the Lautenberg amendment.

Mr. WIRTH. The Wirth-Wilson amendment would not be applicable before the disposition of the Gore amendment; if there is a vote and disposition of the Lautenberg amendment, if there is a vote, we certainly will not be out before 7:45.

Mr. MITCHELL. That is correct.

Mr. WIRTH. I thank the leader.

Mr. MITCHELL. I cannot now anticipate how long the debate will be on the Lautenberg amendment. If at all possible, it is my hope that we will be able to proceed to that and complete debate on it, and vote on both the Gore-Leahy amendment and the Lautenberg amendment at 7:30.

I am advised by the Republican leader's staff that this arrangement is agreeable; indeed, it was suggested by the distinguished Republican leader.

Accordingly, I will, therefore, unless some Senator wishes to seek recognition, propound a request.

Mr. CHAFEE. I wonder if the distinguished majority leader will withhold that request a minute. I want to check on one thing, if I might.

Mr. MITCHELL. Certainly, I am pleased to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending Gore-Leahy amendment be set aside until 7 p.m.; that at 7 p.m. there be 40 minutes of debate on the Gore-Leahy amendment, equally divided in the usual form; and that at 7:40 p.m. there be a vote on, or in relation to, the Gore-Leahy amendment.

Mr. CHAFEE. Mr. President, I wonder if the distinguished majority leader would amend that to permit me to give my statement before you lay aside the Gore amendment, which will be about maybe 10 minutes, maximum.

Mr. SYMMS. Reserving the right to object, and I do not want to object, but I ask the question, are we going to go back to where the Byrd amendment will be the gate amendment?

Mr. MITCHELL. Yes.

Mr. SYMMS. Earlier today, my amendment was the gate amendment. When I was off the floor, it was flip-flopped and the leader moved to table my amendment, which surprised me, frankly, because I thought earlier the agreement was that we would vote on the Byrd amendment and then on mine.

I probably will object to going off the Byrd amendment, not immediately, but at some point, so we can get back to where we have a clean slate so all Senators may have an opportunity to offer amendments, and not just have amendments offered from one side of the aisle.

Mr. MITCHELL. I appreciate that. Let me make two points.

First, I announced publicly on the floor the procedure we were going to follow with respect to the Symms amendment between 30 minutes and an hour before it occurred. That was the result of discussions with the Republican leader, and so——

Mr. SYMMS. I understand that.

My rights were not protected. I was not on the floor to protect my rights, and maybe I should have been. I am not concerned about it, because we still have a long way to go on this bill.

I just want to ask the leader how long he anticipates that the Byrd amendment will be the so-called gate amendment.

Mr. MITCHELL. I am unable to predict that. It is my understanding that discussions are underway between Senator BYRD and officials of the Labor Department and administration to see if there is a possibility of working it out.

Mr. SYMMS. I might say further, what I am getting to, Mr. Leader, is that at some point in time there may be some people on our side of the aisle that have a different perspective, that want to improve the bill in a different fashion from some of the amendments that we are working on now.

There may be an objection to going to those amendments until we do one of these other amendments. I just want to say that now, so that there is no misunderstanding later.

I withdraw any objection.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that Senator CHAFEE be recognized to address the Senate with respect to the Gore amendment for 10 minutes, and that we return to the prior status, which would then be the Byrd amendment, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I thank the distinguished majority leader.

First, I congratulate the Senator from Tennessee for this amendment. This is an area that he has worked on for a good number of years. It has been constructive. I am very pleased to speak in behalf of this amendment.

Oddly enough, this was the language that was in the original S. 1630 that we considered, and it was an area, as I mentioned before, I have been deeply involved in. Indeed, I was the one who presented this particular section. So you might say, "Well, why isn't it in the compromise agreement that we brought out?" The reason is that in the negotiations we were pressured and required, if you would, as a result of the back and forth agreements, to drop the HCFC portion. However, the administration did not agree to support the overall CFC portion or title VII of the legislation, so my commitment was that I would not present the HCFC amendment. I was not forestalled from supporting it, but I said I would not present it, and, instead, we had as a substitute a study for the HCFC. That was understood by the administration. Now we are in the situation where the Senator from Tennessee has presented the amendment and therefore my obligations are released and I am free to support it.

All that has been said about HCFC's is accurate. We deal well with CFC's, chlorofluorocarbons in the legislation, but the HCFC's, which are viewed as the substitute, and many think it is a benign substitute, for CFC's are not covered, as I previously mentioned, although, as I said, they were covered in the original legislation.

HCFC's are more benign than CFC's. That is correct. But the trouble is cumulatively they can have a disastrous effect, just as the CFC's do. So it behooves us to get on with the regulation of the HCFC's. This gets to a pretty complicated area because, if you can believe it, there is a further chemical named HFC's. Now we have three players in the dramas. We have CFC's, we have HCFC's, and we have

HFC's. The difference between the HCFC and the HFC is the lack of a chlorine compound in it.

So HFC's, 135A, 125, 14A, 152A, all of these are also substitutes for CFC's, and we do not regulate those in this amendment nor in the underlying legislation. They are not dealing with those at all.

Now, again getting back, we have set aside the CFC's. They are taken care of under the legislation. The HFC's we are not dealing with. So we get back to the old problem of the HCFC's. As I mentioned, they are not benign, they are less potent ozone depleters and greenhouse gases than CFC's but still pose a serious threat. Scientific experts told us that our focus should not be limited just to the halons, just to the CFC's. We need to consider the total chlorine loading of the atmosphere and, as we pursue and eliminate one chlorine substance such as the CFC's, we certainly do not want these substitutes that are less benign but, nonetheless, cumulatively are bad actors to come on strong in the future.

So, what this legislation does is to, in the next 40 years, provide for the total elimination of the production of them. I think that is a good measure. As I say, this goes back to the original language that we had in the underlying legislation. I think it is a good provision.

Some say "Well, you are going to shut down industry."

We do not believe so. We believe that by allowing, as this amendment does, the production and use of the HCFC's, which are a substitute for the CFC's we eliminate, by allowing them to be used as a substitute up to the year 2030—that is hardly tomorrow, that is 40 years from now, and the scientists tell us that that is far enough into the future to have adequate substitutes developed and there will be substitutes at that time.

I just want to report to my colleagues in the Senate that I have been most encouraged as I have gone around, and I suspect the junior Senator from Tennessee has found likewise, that industry is stepping into the breeches and developing substitutes of their own of CFC's, nothing to do with HFC's, nothing to do with CFC's, entirely new substitutes.

I will just quote from the trade journal of the industry which deals with heating and cooling. Actually it is the heating trade journal called the District Heating and Cooling. They state:

> This amendment of the Senator from Tennessee will help bridge the gap as we look at and phase in more fundamental alternatives. During this gap time, alternatives will be developed for refrigeration, gas cooling systems, steam and gas fire absorption systems, systems combined cogeneration and heat activated cooling, and new chiller designers still in the developmental stage.

So we are on the path of solving the overall problems of CFC's, and they are promising long-term solutions.

Now, there are even some representatives who argue we do not even need this amendment. They cite recent scientific reports to support the notion that continued use of HCFC's will not affect peak chlorine loading and not delay the date by which we return to the level of 2 parts per billion. I do not want to go into that in great detail.

Let me say, in conclusion, that I think that the modest amounts of short-lived HCFC's that will be released under this extended period we are giving will not increase the maximum chlorine levels. Compounds such as HCFC 123, which has an atmospheric lifetime of 2 years, can be described clearly as short-lived.

So the amendment is a good one. It provides that we will have this substitute to take us over the breach. Meanwhile, we will be coming up with long-term alternatives and, at the same time, there will be a cutoff date for these HCFC's. So I hope the amendment will be adopted. I look forward to voting for it at the appropriate time.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHAFEE. I am glad to yield.

Mr. GORE. Mr. President, I briefly reiterate my respect and admiration for the leadership offered by the Senator from Rhode Island on this subject. He has been a very powerful voice for many years in helping the Senate and this country and the world to see and understand exactly what this problem is all about. I have felt it a great honor to help him in this task and to have a chance to work with him. He and his staff have really done yeoman's work in bringing this issue to the attention of the Senate.

I am very pleased that he is supporting this amendment. I hope that every single Member of this body will seriously consider voting yes on this amendment, because it will help our Nation develop the moral authority to exert the kind of leadership this Nation needs to began a worldwide debate on the global environmental crisis.

All I wanted to say on this occasion is a word of thanks and again to reiterate my great respect for the leadership provided by the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Tennessee for those very kind remarks, and I do not want this to be a bouquet-throwing contest here, but we really appreciate what he has done.

There is another point I think we ought to make, and I know we are not trespassing on those who follow after us on their time. There are two points I would like to make.

First, indeed, it is right for the United States to take this leadership, call it moral leadership, as the Senator from Tennessee did, in eliminating these disastrous chemicals from our country, and that leadership will echo around the world. I am confident other nations will follow us, and certainly it will be a big incentive to strengthen the Montreal protocol. That is the first point.

The second point is a distinct upside to all of this. The United States, by moving ahead in this area, is going to come up with substitutes that will have no chlorine in them that will do no damage to the ozone layer.

And thus we will be ahead of the curve. We will be prepared with these substitutes to market them elsewhere in the world. Other nations, which I am confident are going to want to rule out their use of CFC's, are going to say, what are we going to use as a substitute. And the United States, by moving forward, will have developed both the equipment and the gases or the chemicals, or whatever it might be, to fill the gap that the absence of a very, very effective agent, the CFC's will have caused when we have abolished them.

There is no question that the CFC's are an extraordinary chemical. They are not flammable. They fulfill all these cooling factors that we have discussed previously. The only trouble is it was discovered that they are destroying the ozone layer, as has been pointed out by the Senator from Tennessee. So there are many reasons for moving ahead: One, the moral leadership, and two, we are going to be ahead of the rest of the world in having the substitutes developed.

And, of course, the third reason, obvious reason, the basic reason we are doing all of this, is the United States produces one-third of all the CFC's in the world. If we get out of the business, we will take a long step toward reducing the destruction of the ozone layer.

And a fourth and final reason is—this is a twofer—we get a double punch out of this. Not only do we not destroy the ozone layer, but CFC's contribute beween 20 and 25 percent of all the factors involved in the global warming. And the other factors are far more difficult to deal with. Dealing with banning the burning of coal and the carbon dioxide that is created there, that is a very, very difficult step to take. But this is—of all the measures to stop the global warming, to contribute to the cessation of that—the easiest of all we can take, the banning of the production and the use of CFC's.

I thank the Chair and I thank the Senator from Tennessee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to address the pending amendment and, in particular, the bill itself.

I rise in strong support of the Clean Air Act amendments now before the Senate.

I commend the managers of the bill, Senator BAUCUS and Senator CHAFEE, for aggressively pursuing the enactment of effective policies to protect human health and the environment from the effects of air pollution. The chairman of the Environment Committee, Senator BURDICK, has been our steady source of guidance and support. Senator MITCHELL and Senator DOLE, the leaders of our parties, have provided the stewardship necessary to foster continued and constructive support for this legislative package.

Without reiterating the long and arduous process by which we have come to bring this bill before the Senate for consideration, I want to stress that this bill is truly a historic document. This bill will permanently cut acid rain pollution by one-half and will do so in the most cost effective way possible—by encouraging early and aggressive controls at our Nation's dirtiest powerplants. A system of marketable allowances will provide a method for minimizing the cost of controls—although these costs will not be slight. In a most significant step, a cap on sulfur emissions will ensure that levels of acid rain pollution, once reduced, will stay at those reduced levels.

Equally important, this bill contains provisions to reduce ground-level ozone, commonly known as smog. In addition to specifying stringent controls on automobile tailpipe emissions—which are known to cause about 50 percent of the smog problem—this bill initiates changes in fuel composition and stimulates programs for alternatively fueled vehicles. While past legislative efforts have spurred great progress in reducing exhaust levels from cars, equal consideration is finally being given to the fuels which power these machines. At the risk of boring my colleagues who have heard me repeat this before, the most direct way to reduce the amount of garbage coming out of a car is to reduce the amount of garbage going into a car.

In addition, title VII of S. 1630 mandates an aggressive phaseout schedule for ozone-depleting CFC's, formally known as chlorofluorocarbons. The internationally ratified Montreal protocol establishes a schedule for meeting a 50-percent reduction in CFC's by 1998. This multilateral mandate gives credence to the urgency of eliminating CFC's and this bill makes it clear that the United States, as the largest single user of CFC's, will be the leader in developing safe substitutes for these chemicals.

The CFC title incorporates provisions similar to a Vermont law regulating uses of CFC's in automobile air-conditioners. As with vehicle hydrocarbon emissions, the detrimental contributions from individual cars may not seem significant, but taken as a group, the additive contributions are substantial. It is my understanding that acceptable alternatives are available for automobile air-conditioners, and I am pleased that the committee was able to include in S. 1630 provisions from a bill I had previously introduced.

This bill provides a policy for drastically reducing emissions of toxic air pollutants. In a two-step process that is a significant improvement over current law, the bill requires the EPA Administrator to mandate installation of technology-based maximum achievable control technologies at major sources of toxic emissions. In the second phase, EPA must review the effectiveness of these technologies, on a source-by-source basis, and impose more stringent controls as necessary to protect the health of people living in the vicinity of the plant.

Monitoring efforts will be greatly expanded under this bill, allowing us to better understand the extent and scope of toxic air emissions. Specifically, a monitoring network for the Great Lakes, Lake Champlain, and the coastal regions will greatly enhance our understanding of the relationship between air pollution and water pollution.

Much has been made of the scope of the bill and process by which the amendment package has been developed. As the majority leader has previously stated, this bill has undergone 9 years of scrutiny. It has been reported from committee three times, the most recent being last November. Members of the Senate had been on notice since that time that S. 1630 would be the order of business in January. It was unfortunate that progress in January was slower than expected, but we are here today with ample notice and study.

Only when it became clear that the bill, as reported, did not have the support of a majority of Senators, was it agreed that detailed negotiations were necessary if we were to see progress on clean air during this session of Congress. At that point, the majority leader, a consistent and dedicated protector of the environment, suggested that negotiations between Senators and representatives of the administration should take place to discuss the most objectionable provisions.

Notwithstanding the immense respect felt for the majority leader, his suggestion was not immediately embraced by other members of the Environment Committee who sponsored this bill and who felt that the committee process had provided a forum for affected parties to air their concerns.

While the prospect of negotiating a clean air bill in order to gain support seemed risky, the prospect of continued stalemate on the issue was judged to be worse still. As the days dragged on, the bill floundered at the desk. Knowing that the House of Representatives would not continue its work until the Senate had completed its own, it became clear that an open, negotiated settlement of major disagreements was in order.

Others may recall the events as they will, but in my judgment, continued delay of much needed acid rain controls would mean that high levels of sulfur would continue to be released in the meantime. Given the cyclical nature of Congress, coupled with the tendency to act only when pressed to the 11th hour, inaction during this Congress would mean at least another 2 years of uncontrolled emissions; 2 years equals 20 million tons of reductions lost. Reductions of other pollutants would be foregone proportionally.

Senator MITCHELL has already reviewed the history of clean air bills that were reported only to be held hostage at the desk and precluded from further Senate action. To do so once again would be a great loss.

That said, I wish to commend the majority leader, and all those who participated in the negotiations, for the spirit of good faith and commitment that governed the process. It is my observation that changes to the bill were guided by a desire to protect the integrity of our environment. At the same time, regional considerations have been incorporated. The bill now has a less severe impact on coal-producing regions while providing essentially the same acid rain reductions. The bill yields similar reductions in ozone-forming volatile organic compounds while allowing more discretion in choosing the means by which the reductions will be made. The bill mandates equally aggressive toxic reductions over the next decade while ensuring that additional reductions are not arbitrarily imposed.

Let me elaborate on just a few of these points. Incorporating ideas from midwestern members who had accepted the committee's targets for sulfur emission levels, we were able to devise incentives for early reductions that will at the same time protect mining jobs for scores of communities in Kentucky, Pennsylvania, West Virginia, and other States. These communities

will still be affected by the bill, but our basis for discussion has become more reasonable.

Incorporating ideas from western Senators who worried that the policies would stifle growth due to historically low emission rates from newer power plants, we were able to shift distribution of allowances to these same plants in a manner that allows them to accommodate modest growth. The net effect will be sulfur reductions that come earlier, but that yield the same cumulative results over the next 2 decades. The emission cap ensures that the reductions are retained for the years thereafter.

But sulfur dioxide is only one of the two major causes of acid rain. During the subcommittee markup of this bill, I raised concerns that not enough attention was being paid to emissions of oxides of nitrogen. We were able to tighten the NO_x provisions before finishing committee action, and the negotiations with the administration further improved them.

In regard to reductions in oxides of nitrogen from utilities, objections had been raised that the bill's strict emission targets threatened the economic viability of a few utility plants whose configuration made such targets difficult, if not impossible to obtain. An agreement was reached to allow limited exceptions to these standards in exchange for moving forward the compliance dates by 5 years, to 1995. This change is expected to yield additional reductions of NO_x on the order of 500,000 tons per year during those years, or about 2.5 million tons by the year 2000. The compromise also gives EPA authority to impose NO_x controls on a broader family of utility broilers than did the Senate bill, and requires the Administrator to set a revised NO_x performance standard for new powerplants. EPA estimates that this could reduce NO_x emissions in the out-years by another 3 million tons.

Let me elaborate on the arithmetic behind these changes in the acid rain title. I think this is important because we have had a great deal of consternation and criticism about the changes that were made in this area. S. 1630, as reported by the committee, would achieve reductions in sulfur emissions of about 104 million tons during the years 1995-2010. The bill, aa amended will achieve reductions of 96 million tons during those same years. With regard to cumulative sulfur reductions, we retained about 93 percent compared to the bill submitted in January.

However, the amended bill frontloads the process to get more sulfur reductions in the early years—the years 1995-2000. The amount of additional SO_2 reductions during these years is about 10 million tons. When added to the extra NO_x reductions that I mentioned previously, in regard to total acid rain pollutants, we give up about 3 million tons of reductions over the next two decades, but we shifted nearly 12 million tons of reductions to the early years. In sum, we retain about 98 percent of the proposed reductions, but are far better off by getting greater reductions earlier.

Mr. President, in short, we are encouraging early sulfur reductions in the amount of about 10 million tons, and then we allow these savings to be spent over the next 10 years. While we may not see the specific annual reductions that had been proposed by the bill, we see similar cumulative reductions, and the process has been frontloaded. We also force greater NO_x reductions, about 2½ million tons, in this century, and another 3 million in the next.

In addition, some relief has been given to the high sulfur coal mining regions as well as to the clean utilities now feeling growth constraints. With regard to acid rain reductions, by front-loading the process, the amended version improves the original S. 1630.

Mr. President, I have long been a proponent of acid rain controls. In 1987, I conducted a mail survey to determine if my constituents were willing to pay a surcharge of their electric bills to help pay for the cost of controls in other States. I wanted to measure how severe our people felt this problem was. The results showed that 80 percent of those responding were so concerned about acid rain that they were willing to share that burden. However, the bill before us, though it will substantially reduce acid rain pollution in Vermont, has no direct cost sharing provisions. The polluters pay, not Vermonters.

The innovative system of marketable allowances serves a similar, yet less robust purpose. The additional benefit of the allowance system is that it encourages utility operators to choose among the most cost-effective control strategies. For those of us who believe that the need to reduce emissions of acid rain causing substances, the measure before us is welcomed relief, and I believe that it improves upon the bill as reported by the committee.

Let me turn to the nonattainment title of the bill, which has been the subject of much debate. Some have suggested that the result will be higher levels of hydrocarbon emissions in our Nation's smoggiest cities.

First of all, regarding emission reductions from automobiles, the largest single source of ozone-forming pollutants, the technology requirements remain essentially unchanged from the proposal reported from committee. One highly visable change is that we have allowed for suspension of the second tier of tailpipe controls if enough cities improve sufficiently that they are no longer in nonattainment status. While the concept of the trigger mechanism was resisted by me and others, upon reflection it seemed reasonable to allow the additional tailpipe controls to be suspended if substantial national progress is made without them. The trigger mechanism gives comfort to tier II opponents who feel the requirement is unfair to those in areas without pollution problems who would nonetheless be forced to bear the additional costs. At the same time, if they are needed, the requirement goes forward as proposed.

The bill retains the requirement for onboard cannisters to capture refueling vapors, although the administration had favored a requirement for gas station owners to retrofit their operations with stage II technologies to trap these fumes. Refueling vapors have detrimental ozone and toxic effects, and while many agree that these should be addressed, I have supported modest changes in the car to serve this purpose.

For the nine smoggiest cities, for whom the automobile controls are most important, even if the national mandate on second tier tailpipe controls is not mandated, other provisions of the bill give opportunities to achieve similar reductions. In addition, nothing changes California's ability to enact tailpipe standards stricter than the Federal requirements, and State's, through their SIP process, are able to adopt that program.

In the most significant, strengthening change in the compromise, the bill contains a new alternative fuels section that is designed to achieve reductions well beyond those contemplated by the bill as reported. This alternative fuels section has two main parts, one for Federal and privately owned fleets and one for passenger cars in the nine worst nonattainment areas. Other areas are given leeway to opt into this program, and each area can impose stricter requirements than the Federal proposal.

The Fleet Program is based largely on a proposal put forth by Senator BREAUX. Under this plan, beginning in model year 1994, an incremental percentage of cars and light-duty trucks purchased by the Federal Government must operate on fuels that achieve emission reductions of 75 percent for ozone-forming VOC's and 75 percent for toxic substances. For centrally fueled private fleets of 20 or more vehicles, beginning in model year 1998, 30 percent of new vehicle purchases must meet this standard.

These emission targets are designed to be fuel neutral—meaning that preference is not given to one type of fuel over another. The targets can be met by using natural gas, propane, ethanol, methanol, or other fuels. Vehicles operating on these fuels are in no way exotic or futuristic. For each option,

there are examples of markets in which vehicles operating on these fuels are common.

Further down the road, the bill includes new provisions to assist the development of electric, hydrogen, and fuel cell vehicles, which I had added in conjunction with Senator LIEBERMAN. The emission consequence of hydrogen vehicles, for example, is water. Mr. President, the ultimate path leading away from our urban smog problem is to move toward cars that are fundamentally cleaner. The additional benefit is that these vehicles are not dependent on fossil fuels. The ultimate method would be photovoltaic electricity to power electric cars, or electricity derived from hydrogen technologies. For those of us who follow projections of various fossil fuel reserves, it seems prudent to put a bit more emphasis on alternative power sources.

The Passenger Vehicle Program is again designed to be fuel neutral. This program would be initiated in the nine worst ozone nonattainment areas, with other areas being given the opportunity to join upon request by the Governor.

For light-duty vehicles model years 1995 through 1999, new car purchases in these areas would need to show reductions in ozone-forming and toxic emissions of 12 and 15 percent, respectively. The EPA Administrator must designate various fuels, including natural gas, propane, methanol, ethanol, and reformulated gasoline that could meet this emission standard when used in production model vehicles. An area can choose to meet the reduction targets either by requiring all new vehicles to meet the standard, or by requiring a sufficient number of substantially cleaner automobiles to be used so long as the net emissions result is the same.

For model years 1999 and thereafter, cars sold in the area would need to achieve emission reductions of ozone-forming and toxic emissions of 30 and 27 percent, respectively. Again fuel specifications would be designated by the Administrator to meet this standard, allowing minor modifications to the vehicle. As before, an area could meet the target if all vehicles meet the standard or by averaging reductions across an inventory of a sufficient number of substantially cleaner vehicles.

Now, what is the practical effect of this alternatively fueled vehicle program? For one, we have left the decisions on fuel choice to the areas in greatest need. We have maintained a fuel-neutral policy that allows reformulated gasoline to compete as an option. In addition, the Fleet program will spur developments in ultra-clean technologies in a manner that should allow additional options for the Passenger Program in the out-years.

In allowing reformulated gasoline to play in the market, we leave the door open for States to require greater quantities of this cleaner fuel once it has been introduced in the area. The direction that I have sought to foster throughout this debate is that reformulated gasoline, once developed and available, should be used to the greatest extent practicable. It takes about 10 years for automobile changes, once implemented, to fully penetrate the market.

In other words, the car lasts about 10 years, not so much in my State but in other States, and therefore there are an awful lot of old cars out there and until you get rid of the whole fleet you cannot get changes that are made to the vehicle. On the fuel side, however, a change in fuel quality can yield immediate benefits as they can be used by all cars regardless of their age.

Mr. President, the pending bill contains two provisions which I have supported that relate to gasoline sold to the general public. I expect to elaborate on these measures later in the debate, so I will briefly describe them here. One provision requires EPA to assess the levels of pollution attributable to conventional gasoline sold nationally in 1989, and then set standards to assure that gasoline in the future does not get dirtier. In studying this issue, I have been amazed at the rate at which gasoline components have been changed over the past two decades and the implications this has on air quality. Some estimates say that gas has become at least 20 percent dirtier during this period. This provision will put an end to the steady increase in the detrimental effects from gasoline.

A second provision allows EPA to establish specifications for fuel quality to minimize the harmful emissions attributable to gasoline. Currently, the automobile and oil industries are engaged in an ambitious research program to determine optimal fuel and vehicle combinations to minimize emissions from the system. I commend this effort, and I am pleased that this provision in the bill will give the EPA Administrator authority to build from this, and other research efforts. I look forward to additional debate on the role of fuels in the struggle for clean air, because throughout this process I have sought to ensure that this integral element is given ample consideration.

There are many other important provisions of the bill that I intend to address as the opportunity arises during debate.

The Members of this body now face a monumental task: To enact effective changes in a clean air law that urgently needs such changes. The bill is not an insignificant measure. Members deserve adequate time to review the language and reflect on their concerns. At the same time, the bill has been before us since January and the changes incorporated in the meantime have been made with the full intention of allowing all Senators to participate in the process. This bill has the support of the administration and the distinguished Senate leaders.

It is my hope that we can address the remaining concerns promptly, pass this measure and put pressure on the House to do the same. I urge my colleagues to continue to work together in a cooperative manner so that we can have a new, strong clean air law before the year's end.

Once again, I commend the leaders of the committee and the party leaders who have worked so hard to bring us this far. We must continue in this effort, because there is much at stake. I especially want to commend the efforts of Senator CHAFEE. He is an undisputed leader in efforts to protect the environment. I know how painful it was for him to see provisions he conceived and authored, such as the CO_2 antiglobal warming section, dropped by the negotiators hopefully to reappear soon. I know he will continue to fight for the needed reforms in this area. All those dedicated to a cleaner environment and a safer world are indebted to him.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the role.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. HELMS. Mr. President, may I inquire of the Chair what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Tennessee [Mr. GORE].

Mr. HELMS. I thank the Chair.

As I understand it, debate is authorized until 7:40?

The PRESIDING OFFICER. The Senator is correct. A vote will begin at 7:40.

Mr. HELMS. I thank the Chair.

Mr. GORE. Will the Senator yield for a further clarification of the parliamentary situation?

Mr. HELMS. Yes.

Mr. GORE. I appreciate the Senator yielding.

It is my understanding that under the unanimous-consent agreement the time would be equally divided. It is further my understanding that the time used in the quorum calls would be equally charged against both sides.

The PRESIDING OFFICER. The Senator is correct.

Mr. GORE. And that 15 minutes remain under the control of the Republican side or those who are opposed to the amendment—the ranking Republican member, the manager of the bill, supports the amendment, so I assume it will be under someone else's control—and 15 minutes will be under the control of the sponsor of the amendment, is that correct?

The PRESIDING OFFICER. The Chair will state that the remaining time will be divided equally among proponents and opponents of the amendment.

Mr. GORE. I thank the Chair. I thank my colleague for his courtesy.

Mr. HELMS. I have a further parliamentary inquiry, Mr. President. From whom shall I seek time?

The PRESIDING OFFICER. The time will be controlled by the designee of the Republican leader of the Senate.

Mr. JEFFORDS. Mr. President, I yield to the Senator for no more than 10 minutes.

Mr. HELMS. Mr. President, let me say at the outset, the Senator from Tennessee is my friend. I like him.

I support the administration's pledge to work with Montreal protocol nations on a total phaseout of all CFC's no later than the year 2000 or earlier if safe alternatives become available.

But I have examined the amendment of the distinguished Senator from Tennessee relating to HCFC's. As I understand it, Senator GORE proposes to create an entirely new set of complications by his proposed unilateral phaseout of HCFC's beginning in the year 2015.

These compounds are a significant improvement over the CFC's they replace, in most cases lowering ozone depletion potential by 95 to 97 percent.

I restate for the purpose of emphasis, that HCFC's are 95 to 97 percent better than CFC's.

The HCFC's are a part of the solution. They are the main substitute for CFC's, and as I understand it, they are substantially less damaging.

At a recent meeting of the United Nations Environmental Programme, which is responsible for implementing the protocol, technical experts concluded that the CFC's phaseout may be accomplished by the year 2000 only if substitute compounds such as HCFC's become commercially available worldwide. I am told that commercialization is not expected until, at the earliest, the mid-1990's.

Furthermore, this phaseout schedule for HCFC's could, in fact, increase ozone depletion. The reason appears to me to be very simple. Under a proposal before the Montreal protocol parties, the less developed countries [LDC's] will not have to stop using CFC's until the year 2010. However, this amendment begins phasing out the production of HCFC's in the year 2015.

LDC's are not going to invest in HCFC's if they can use them only for a few years.

I think I know what the less developed countries are going to do. They will continue to use the CFC's, which is the more dangerous chemical. If we want to persuade the less developed countries to reduce their emissions of CFC's, we simply must give them assurances that substitutes such as HCFC's will be available for at least a reasonable period of time.

I do not claim to be an expert. But for those who are still skeptical, let me cite a specific example.

According to testimony before a House committee, at least six new CFC plants have started up or are under construction in less developed countries since the Montreal protocol was signed. That is persuasive to me. We may be making a serious mistake with this proposed amendment which my friend from Tennessee offered in perfectly good faith. I am sure he is able to defend his amendment.

But it seems to me the bottom line is that the phaseout schedule in this amendment is in fact dangerous to the environment.

Nobody in the administration has talked to me about this. But the administration, I am told, opposes this amendment because these unilateral actions undermine our negotiating flexibility in the international talks. We lose our leverage at the international bargaining table by acting unilaterally.

Furthermore, I think we ought to consider what happened when the United States unilaterally banned aerosols back in 1978. The net result of that action was that most of the rest of the world failed to follow suit. And what happened? The United States lost 20 percent of its CFC global market share.

I cannot support this amendment because I fear we will be repeating the aerosol mistake, by unilaterally phasing out compounds which, for the most part, have not even gone into commercial production yet. If additional restrictions or changes to the targeted list of chemicals are necessary, I think it ought to be done within the context of the Montreal protocol when the member nations meet this coming June.

The international approach is the most appropriate way to address the HCFC problem to avoid our acting unilaterally.

The United States accounts for only one-third of the CFC problem. I do not think it will do much good for us to act unilaterally if the rest of the world does not agree to take similar action. So I wonder if we should further penalize American business for a problem that clearly requires an international solution.

Mr. President, I yield back such time as I may have and suggest the absence of a quorum.

Mr. GORE. Will the Senator withhold?

Mr. HELMS. Oh, certainly.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Before the Senator leaves the floor, if I can say, first of all, I deeply respect my colleague, the senior Senator from North Carolina. I listened with interest to the statement he has just made.

I would like to very briefly respond, because of my respect, to some of the points he has made.

Mr. HELMS. Mr. President, if the Senator will yield, I appreciate that, and I shall listen attentively.

Mr. GORE. I thank my colleague.

First of all, the Senator is correct in saying that the HCFC's do less damage to the ozone layer than the CFC's. This is true. But the total volume of HCFC's which will be used still contain such large quantities of chlorine atoms and will cause the overall damage done to the ozone layer to get worse.

Chlorine atoms destroy the ozone layer. If we do not do anything, the problem will get 10 times worse than it is today. If we follow the Montreal protocol, and if it is perfectly complied with, the problem will get three times worse than it is today.

Turning again to the graph prepared by the EPA, we can see that the current concentration of chlorine atoms, as a result of the chemicals now being used, is at the level of 3 parts per billion. That level, incidentally, is six times greater than the natural levels that existed 40 years ago—or 3 billion years ago when the Earth was created. There were one-sixth as many chlorine atoms in the atmosphere, and up until the mid-part of this century, that was true. Now it is six times greater. At this point, great damage is being done.

If the Montreal protocol is our only response, the levels over the next century will climb three times the present concentrations, a prospect which should be deep concern to all of us.

If we phase out and ban the CFC's, and that is all that we do, then the concentrations will double, and we will be in a position of telling our constituents and the rest of the world that, by our action, we have prevented the problem from getting three times as bad as it is today, but we are going to make it twice as bad as it is today. Only by phasing out the HCFC's along with CFC's, will we have a chance to come close to the chlorine levels that are naturally intended, the levels that

are consistent with sound environmental practices.

The Senator made another good point. A reasonable time should be provided for the use of these less harmful but still damaging substitutes because they can serve as a transition toward substitutes that do not do this kind of damage.

What is a reasonable time? We can differ on that. I actually believe we can phase HCFC's out much more rapidly than the amendment calls for, but the amendment gives them 40 years during which they can continue to use HCFC's as a bridge, as a substitute, as a transition to better substitutes. If it is open ended and there is no limit on the use of HCFC's in perpetuity, investments that are needed, which should start now, on truly safe substitutes, may be deferred so long that a very dangerous environmental situation will result.

The Senator made a third point to which I wish to respond. The banning of CFC's in spray cans in the United States is an interesting precedent from which we may learn, and indeed the Senator is correct that when we banned by action of this body and the other body, the use of CFC's in spray cans, most other countries continue to use the CFC's in spray cans and our share of the CFC market began to drop. But there is "more to the story," as Paul Harvey would say.

We were the first to develop the new substitutes for propellants in spray cans and, as a result, our share of the total market for spray cans began to go up. Now that other countries are finally following our lead and banning CFC's from spray cans, our industries are in a position to reap the profits that will be made from the sale of substitute technologies all over the world.

The same may very well be true for the substitutes which 40 years from now will be widely used for HCFC's, and if our industries get a head start in the development of those substitutes, there are benefits which, in my opinion, will likely outweigh any disadvantages that industry will experience.

One final point on this precedent. Just before the CFC's were banned from spray cans, the manufacturers said, in alarming tones, there is no substitute readily available; we may have to take all spray cans off the shelves and greatly inconvenience the Amerian people. Ironically, the day the ban took effect, the new spray cans were on the shelves, and I doubt that very many Americans even noticed that there was a difference. Perhaps some did. I did not. But the safer substitutes were there. Why? Because once the ban was imposed and there was some notice given, something changed; investments started to be made in the development of these substitutes. They were found. They were used and they were available by the time the ban took effect.

I have so much faith in the ingenuity of the manufacturers in this realm of industry that I really believe that within 40 years, we will see a lot of substitutes. In fact, the electronics industry, that just 2 years ago was saying control of CFC's would put them out of business are now saying that they are awash in substitutes; there are all kinds of substitutes available. And I truly believe that within 40 years we will see that occur in the case of HCFC's also.

I appreciate the countesy of my colleague in doing what I wished happened all the time around here; someone makes a statement and there is a response. My colleague has shown me the courtesy of listening to the response. I yield the floor.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Who yields time under the agreement?

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Washington?

Mr. ADAMS. Mr. President, I ask unanimous consent that I proceed for 5 minutes as in morning business without the time being charged against either side since we have a gap in time here, if that is all right with the two managers.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JEFFORDS. Reserving the right to object, Mr. President, my understanding is the vote must occur at 7:40.

The PRESIDING OFFICER. The Senator is correct.

Mr. JEFFORDS. So, if the Senator takes 5 minutes, that reduces the amount of time that we have to a total of 5 minutes left, according to the clock.

The PRESIDING OFFICER. If the Senator's request is agreed to, that is correct.

Mr. JEFFORDS. And we would split it 2½ minutes each?

Mr. ADAMS. I did not hear the Senator.

Mr. JEFFORDS. The problem is that we are limited to a vote at 7:40. I know I have other Members on this side who said they desire to talk upon their return.

Mr. GORE. Will the Senator yield?

Mr. JEFFORDS. I will be happy to yield.

Mr. GORE. If the Senator will permit me, I will be happy to ask unanimous consent the vote occur at 7:45 and not at 7:40, and the Senator can have 5 minutes to speak as in morning business without being charged.

I ask unanimous consent that that be done.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, if someone desires to speak and it is necessary to move the time, otherwise if no one shows up, I see no reason to do it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator?

Mr. JEFFORDS. I remove my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

IS THIS A SKINNER NATIONAL TRANSPORTATION POLICY FOR THE 1990'S?

Mr. ADAMS. Mr. President, I want to particularly thank Senator JEFFORDS and Senator GORE for the 5 minutes in time so that I might speak as in morning business, because we had issued today a national transportation statement. I thought that it was very appropriate, and I think it is very necessary. I address this also really to the person sitting in the Chair at the present time because I know of his interest in transportation.

I have a little question to ask of the Senate and everyone else: Is this really a Skinner national transportation policy?

This does not look like a Secretary Skinner plan to me. I know Sam Skinner. I talk transportation with Sam Skinner. I have been a former Secretary of Transportation and I suspect that this may be more of a Sununu than a Skinner. It is more talk than it is transport.

Now, my friend FRANK LAUTENBERG has insights into this, and I just want to add a few of my own. I am hopeful that others may have an opportunity to comment later on this evening. I know we are on the clean air bill, but the automobile and transportation have a direct impact on this matter.

The problem, Mr. President, is that we have a deteriorating Federal system, but this policy plan passes the buck of the responsibility for a national system to local government, without passing the buck back to pay for it.

The President says that we have to be competitive, but you cannot be competitive with a crumbling Federal network of old bridges, gridlocked highways, and congested airports.

In my own State of Washington, the crisis deepens. People in Seattle and Tacoma are ready to jump out of their gridlocked cars and revolt. The automobile was never meant to be sat in for long periods of time with no motion.

Am I supposed to go back and tell them that the Federal Government just simply abdicated its responsibility? Am I supposed to go back and say to them, and to others in the Nation I

know in the transportation business, that there is not any national strategy to answer their frustration?

All we are doing here is forcing States to come up with money, and when you do that, the national plan collapses. Not only that, it hurts the States most who can least afford it.

What is worse, we lose a uniform national highway and airway system. And if we go another way, which is kind of hinted but never really said in this plan, to increase revenue by placing more emphasis on the private sector like user fees and toll roads, my question is why have a DOT at all? Everyone seems to be paying except the Federal Government, and that is not what the DOT was created to do.

This plan is not a road map into the 1990's. It is a road map back to the horse and buggy era. It is a road map back to where you had toll bridges, paid for your own horse and buggy, and no national system existed at all. I think that is tragic. A road map that is dominated by so little Federal assistance, by the elimination of Amtrak, by the repeal of liability laws covering railroad workers, and the lack of any leadership to reduce noise at airports just is not a national policy.

I do not think this is a Sam Skinner policy. I think he would like to reduce noise. But to do that, you have to go to stage 3 aircraft. Take the Seattle-Tacoma Airport in my area, crowded, congested, makes a lot of noise for its neighbors. Where is the national comprehensive plan for airport noise? The people at the airport have labored hard to meet community concerns, but they need the help of their President and their Secretary. Where are they?

What happened to this plan was simply that it had its vision removed. Money is not an excuse. We have the funds.

Our local governments are doing their best with the little we give them.

Our cities and towns are standing tall and putting their resources into our bridges, roads, airports, and future. It is time for the President and the Secretary to do the same. It is not time for them to take a U-turn and drive away.

We have money in the trust fund. Let us spend it and let us promote a national system.

I thank Senator JEFFORDS. I also want to thank Senator GORE very much for the time.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I have one additional speaker who should be here within the next minute, so I would reserve my 5 minutes at this point.

The PRESIDING OFFICER. Who yields time or time will be charged equally.

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized for 5 minutes.

Mr. GRAMM. Mr. President, I do not think I will take 5 minutes. The issue is a very clear one. We have in the bill an effective study to try to set out not only a national but an international policy to deal with the potential problem for the environment.

The amendment that is pending says forget about the study, do not bother to get the facts, and act unilaterally before anybody else in the world acts.

Mr. President, my argument as to why this amendment should be defeated is very simple. First, I know it is the standard procedure of American government to act without the facts, but in this particular case when the action threatens American jobs and American competitiveness, I think it is a bad policy.

Second, we are dealing with a global problem, and for the United States to act unilaterally without entering into an international agreement so that our competitors are helping us deal with the global environmental policy is to assure two things, and both of them are bad.

First, we are not going to do much in helping the environment. Second, we are going to greatly impact the competitiveness of American industry.

So I certainly can understand people being concerned about the environment, but I think the policy of getting the facts first is a good policy, and second, trying to enter into an international agreement so that we deal with this problem on an international basis is I think sound policy. So I hope my colleagues will defeat the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. I yield myself 1 minute.

Mr. President, I want to express my respect for my colleague, the Senator from Texas, with whom I served in the other body. He always brings a forceful opinion to the debate, and I appreciate the chance to hear him on this question.

Two points in response. First, as to the proposition that the science underlying this question is uncertain, I simply offer the counterview that many, if not most, are convinced that in this areas of the global environmental crisis, the science is more settled than on any other. This is one of the most widely, thoroughly studied problems we have ever confronted. There is broader agreement on this matter than on virtually any other aspect of the global environmental problem.

A second point. Many other countries are going a lot further than we would go if this amendment is adopted, as I hope it will be. Indeed, other countries are proposing measures on HCFC's that are not far out of line with what this amendment proposes.

Nordic countries, to take one example, are calling for an immediate limit on HCFC's and a production phaseout within 20 years. This amendment gives American industry, I say to my colleague, 40 years in which to find substitutes for these chemicals.

In conclusion, if we do not pass the amendment and if all we do is phase out CFR's, the problem will get twice as bad as it is today. I do not call that progress.

I appreciate the courtesy shown me by my colleague from Texas in hearing these counterarguments. I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired. Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on the present amendment?

The PRESIDING OFFICER. The Senator from Tennessee controls 3½ minutes; the opposition controls 5 minutes 10 seconds.

Mr. BAUCUS. I am wondering if the Senator from Tennessee and—is it the Senator from Vermont who is controlling the opposition time?

Mr. JEFFORDS. I have been controlling the opposition time.

Mr. BAUCUS. Will they yield back as much time as they could? We originally planned to have this vote at 7:40. I would like to have this vote close to the 7:40 time.

Mr. GORE. If the Senator will yield, I would be willing to yield back all remaining time if the other side is prepared to do the same.

Mr. JEFFORDS. Mr. President, I am prepared to yield back the time on our side.

The PRESIDING OFFICER. Is there objection to yielding back the time on both sides? If there is no objection—is there objection to yielding back the time by the proponents and opponents of the amendment?

Mr. DOLE. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. MOYNIHAN. Mr. President, on the matter of the amendment of the Senator from Tennessee regarding the regulation of HCFC's I would like to make a few short remarks.

As my colleagues know, the signatory nations to the Montreal protocol on substances that deplete the ozone layer will be meeting in London in June to discuss modifications to the protocol. Among the topics of discussion will be the treatment of HCFC's.

I hope that my colleagues will agree that regardless of what we do about CFC's or HCFC's here tonight, our actions will be of little consequence without multilateral action in the same spirit. It would be an unfortunate outcome of this debate and the coming vote if the world follows the course it did after the United States phased out the use of CFC's in aerosols in 1978. No major industrial nation followed our lead, and our action, however laudable by itself, had little effect on a worldwide basis.

More important than our vote tonight will be the progress of our representatives in London in a few short months.

If we make no progress, I hope my colleagues would reexamine our stand in these matters.

Mr. JEFFORDS. Mr. President, this amendment puts HCFC's on a schedule to be phased out over a reasonable timeframe. Some in this body had favored a quicker phaseout schedule, and I'm sure we will hear from others who oppose any phaseout at all. While HCFC's are much better than their predecessors, they still are ozone depleters and should be avoided.

Mr. President, we have had many hearings on this issue in the Environment Committee. The previous debate on methyl chloroform and the introduction by the Senator from Tennessee put into perspective the dangers of these chemicals. Senator CHAFEE has long carried the torch on this issue. Put in simplest terms, these chemicals rise to the upper atmosphere and gobble up our protective ozone layer.

While we continue to debate the issues of ozone depletion and global warming in this legislation and in other forums, it's important to realize that substitutes for these products do exist. But we should also be prepared to recognize trade-offs that may be associated with these substitutes and be wary of substituting one harm for another.

Another provision of this amendment makes it clear that States are able to enact laws stricter than the Federal requirements. This is something many in my State are concerned with, largely because Vermont tends to be out in front of the rest of the Nation when it comes to addressing environmental matters. Because of this deep concern, there is strong interest in continuing to allow people at the local level to press national lawmakers to remain mindful of the importance of protecting our natural resources.

A recently released scientific report, prepared by international experts under the auspices of the United Nations and chaired by U.S. scientists from NASA and NOAA, has found that there has indeed been a "large, rapid, and unexpected decrease in the abundance of springtime Antarctic ozone over the last decade." Further, the group found that "the weight of scientific evidence strongly indicates that manmade chlorine and bromine compounds are primarily responsible for the ozone loss." In addition, the experts found that "there is a downward trend in ozone during the winter at mid-to-high latitudes in the northern hemisphere over the past two decades."

Further review of the document leads me to conclude that manmade chlorine and bromine compounds have destroyed a sizable portion of the stratospheric ozone layer over the Antarctic, and this phenomenal destruction is now beginning to occur over the United States. The evidence justifies a sharp curtailment in our production and use of ozone-depleting compounds.

I urge my colleagues to support the Gore-Leahy amendment.

Mr. GORE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield the remaining time.

Mr. GORE. Mr. President, I yield the remainder of the time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

I also announce that the Senator from Michigan [Mr. RIEGLE] is absent because of illness in family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—80

Adams	Boschwitz	Burns
Baucus	Bradley	Byrd
Bentsen	Breaux	Chafee
Bingaman	Bryan	Coats
Bond	Bumpers	Cochran
Boren	Burdick	Cohen
Conrad	Heinz	Mitchell
Cranston	Hollings	Moynihan
D'Amato	Humphrey	Nunn
Danforth	Inouye	Pell
Daschle	Jeffords	Pressler
DeConcini	Johnston	Pryor
Dixon	Kassebaum	Reid
Dodd	Kasten	Robb
Domenici	Kennedy	Rockefeller
Durenberger	Kerrey	Roth
Exon	Kerry	Rudman
Fowler	Kohl	Sanford
Garn	Lautenberg	Sarbanes
Glenn	Leahy	Sasser
Gore	Levin	Simon
Gorton	Lieberman	Simpson
Graham	Lott	Specter
Grassley	Lugar	Stevens
Harkin	McCain	Wilson
Hatch	Metzenbaum	Wirth
Hatfield	Mikulski	

NAYS—16

Armstrong	Helms	Shelby
Biden	Mack	Symms
Dole	McClure	Thurmond
Ford	McConnell	Wallop
Gramm	Murkowski	
Heflin	Nickles	

NOT VOTING—4

Matsunaga	Riegle
Packwood	Warner

So, the amendment (No. 1334) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Byrd amendment be set aside to permit Senator LAUTENBERG to offer an amendment on which there would be 90 minutes of debate equally divided in the usual form and that upon the completion of that time or the yielding back of that time that the vote on or in relation to the Lautenberg amendment then occur.

The PRESIDING OFFICER. Is there objection?

Mr. DANFORTH. Mr. President, reserving the right to object, I wonder if I could ask the majority leader whether that will be the last vote today?

Mr. MITCHELL. No. That is not my intention. We would then proceed to the Byrd amendment which is the pending business but Senator BYRD has agreed for his amendment to be set aside for the purpose of consideration of this amendment and then it would be my intention, based upon my discussion with Senator BYRD to pro-

ceed to the consideration and the disposition of the Byrd amendment.

Mr. DANFORTH. I thank the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

AMENDMENT NO. 1335 TO AMENDMENT NO. 1293

(Purpose: To require the regulation of mobile sources of air toxics)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be started.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. GORE, Mr. PELL, and Mr. KERRY, proposes an amendment numbered 1335 to amendment No. 1293.

On page 230, line 3, insert "or mobile" after the word "stationary".

Mr. LAUTENBERG. Mr. President, this amendment requires EPA to regulate toxic pollutants which come from cars, buses, trucks, and other motor vehicles.

Mr. President, when President Bush announced his clean air legislation, he pledged that it would result in lowering cancer deaths from air toxics by 75 percent. This is a worthy goal. I commend the President for establishing it. And I am determined to do everything I can to ensure that EPA is required to take the necessary action to meet the challenge established by the President.

There are two groups of sources of air toxics. The one we have heard the most about is the large stationary sources like chemical factories and coke ovens. Some of these facilities emit air toxics in amounts which present very high risks to human health. The bill requires these facilities to install the maximum achievable control technology. And then additional controls may be required to reduce any remaining risk.

The other group is called area sources. This includes all sources of toxics other than the large factories. It includes plants and shops which emit smaller amounts of air toxics. And it includes sources of air toxics from cars, buses, trucks, and other motor vehicles.

According to EPA, 56 percent of the cancer deaths caused by air toxics come from motor vehicles. Cancer is caused by diesel particulates from trucks, buses, and cars. Cancer also is caused by benzene, butadiene, gasoline vapors, and formaldehyde emissions.

And cancer is not the only result. The toxics that come from motor vehicles—toxics like benzene, toluene, and xylene—cause birth defects and mutations.

In other words, these are deadly, harmful chemicals. Motor vehicles are the source. And we need to do something about it.

The chart at my left, which comes from a September 1989 EPA report, "Cancer Risks From Outdoor Exposure to Air Toxics," graphically demonstrates the threat posed by pollutants from cars, buses, and trucks.

If you will notice, motor vehicles produce 56 percent of the sources of air toxics.

A lot of my colleagues have heard from constituents about the air toxics provisions of the bill. They have heard complaints from businesses who say that the technologies that are required are too expensive. These complaints have nothing to do with mobile sources. The complaints of the coal industry have nothing to do with mobile sources.

The complaints of the chemical and oil industry have nothing to do with mobile sources. These are complaints from people who own stationary sources.

You can see on the chart that large stationary sources account for roughly 20 percent of the cancer deaths from air toxics.

The remaining 80 percent of the deaths are believed to be caused by emissions from area sources. Now there are two important facts to notice in this chart.

First, EPA classifies toxic emissions from motor vehicles as being included in the area source category. Second, motor vehicle emissions are believed to cause over half the cancer deaths from air toxics, some 56 percent.

Mr. President, if we are going to be serious about reducing cancer from air toxics, how do we ignore over half the problem?

If we are going to be serious about reducing birth defects from air toxics, how do we ignore such a major source of the problem?

This second chart makes a similar point using the pollutant benzene as an example. Benzene is one of the 191 substances listed as a hazardous air pollutant under the bill. EPA has recently regulated stationary sources of benzene.

This chart shows that these sources account for 15 percent of the benzene released into the atmosphere. The other 85 percent of the benzene releases come from motor vehicles.

So what did we do in the committee bill to address this problem? Under the committee bill, EPA was to develop a strategy and regulate the emissions from area sources including motor vehicles to reduce cancer deaths by the President's own 75 percent goal. The compromise that was negotiated with the administration, however, took motor vehicles out of the equation.

It is true that some of the provisions in other titles of the bill will reduce cancer deaths from motor vehicles. These include controls of exhaust and evaporative emissions, the use of alternative fuels, and the standards for diesel particulates.

But EPA concedes that these controls are not adequate to achieve the President's goal. EPA recognizes that the President's goal will not be reached in the compromise bill. Why do I say that? Because EPA said that adding the provision on controlling mobile sources of air toxics would add cost.

Of course, if the provision were unnecessary, it would not have any cost. It has a cost because it goes beyond what is in the compromise. And it is needed if we are going to take serious the goal of reducing cancer deaths by 75 percent.

Mr. President, the deletion of mobile sources from the air toxics title of the bill makes no sense. Even the administration's own bill as amended in the House Energy and Commerce Committee has a requirement for EPA to control mobile sources of toxics.

My amendment simply requires EPA to do what everyone agrees must be done. The 75-percent goal is still in the bill. Is it real or is it a false promise?

To meet the President's own goal of a 75-percent reduction in cancer, you just cannot carve out a loophole for motor vehicles. You just cannot reach the goal—at least not without grievous consequences for other industries because they are going to have to make up the difference.

If EPA intends to take the 75 percent goal seriously, deleting mandatory controls of mobile sources will mean that EPA will have to regulate other area sources, including small businesses, more stringently. This is unfair to these businesses.

In other words, if we let the auto industry off the hook, if we let the oil industry off the hook, the small businesses of America will pay the price. They will have to clamp down even harder to make up for the pollution abatement that motor vehicles do not make. That is not fair.

So, I say to my colleagues, if you care about small businesses, you should vote for this amendment. If think small business should not be responsible for picking up the slack of the automobile industry and oil industry then vote for this amendment.

If you take the President's goal seriously—that we should reduce cancer from air toxics by 75 percent, then you should vote for this amendment.

If you care about the health of the people in your States and communities, then you should vote for this amendment.

Mr. President, if we are to take the President's own goal seriously, we must ensure that toxic emissions from mobile sources are regulated.

I urge my colleagues who care about clean air, who are committed to cleaning up the environment, who have said

that they once and for all want to deal with the problem of clean air, to support my amendment.

The PRESIDING OFFICER. The Chair would ask the Senator from New Jersey if he notes the absence of a quorum?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LAUTENBERG. I will be happy to yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. I appreciate the time. I wish to compliment my colleague from New Jersey on his leadership with regard to this amendment and with regard to the issue as a whole. Those of us who have expressed some concern that perhaps the bill can be strengthened have looked to the Senator from New Jersey, Senator LAUTENBERG, as our leader. He has led the discussions. He has come up with strategy and ideas and it has been a great privilege to work with him.

Mr. President, with respect to this particular amendment, I rise in support of my distinguished colleague and his efforts to assure that toxic, cancer-causing emissions from vehicles will be controlled. This amendment is needed to rectify one of the most important weakening changes which was made in the substitute bill now under consideration.

The heart of the matter is this: Last June when President Bush announced his Clear Air Act proposals he stated very clearly that toxic air pollutants were causing as many as 3,000 cancer cases each year. He said it was his goal to reduce this toll by 75 percent. This was and remains a worthy objective. But this goal cannot be achieved unless toxic emissions are controlled from all of the sources, including motor vehicles.

Adopting the President's goal, the original legislation from the Environment and Public Works Committee provided that EPA should develop and implement a program to reduce the number of cases of cancer from air toxics in urban areas by 75 percent over the next decade. This was to be done by controlling toxic emissions from area sources, those sources smaller than the major industrial facilities addressed in the bill, and area sources were defined to include smaller stationary air toxic sources and motor vehicles.

Why include motor vehicles? As the Senator from New Jersey has made plain, the first reason is that motor vehicles are part of the EPA definition of area sources. The second and most important reason is that the cancer-causing emissions from motor vehicles account for more than half of all the cancer cases from toxic air pollution. They are, to be precise, 56 percent, according to the EPA's most recent studies.

I ask my colleagues to look at the figures, taken from the EPA study of September 1989, which has been discussed already by my colleague from New Jersey.

The study shows two categories of sources, area sources and point sources. Point sources are the major industrial facilities like chemical plants, steel facilities, utilities, et cetera. And according to the study, these point sources account for about 20 percent of the overall toll of cancer cases from toxic air pollutants, as well as the highest cancer risk to exposed persons.

Note that area sources are defined by the EPA, itself, to include both motor vehicles and smaller stationary sources. Note also that about 80 percent of all toxic-related cancer cases come from area sources, and 56 percent of the total comes from exposure to motor vehicle exhaust.

So, in short, Mr. President, if President Bush and the Congress intend to meet the President's goal of reducing cancer deaths caused by toxics in the air by at least 75 percent, that simply cannot be done unless the Lautenberg amendment is agreed to. Because, if we take more than half of the problem and exempt it from the remedy, we are not going to meet our objective.

Of course, in the negotiations that produced the substitute bill—and again I understand what needed to be done and commend the negotiators on many of their achievements—the administration's negotiators insisted that these motor vehicle toxic emissions be removed from the definition of area sources.

As a result, the substitute bill simply cannot accomplish the President's goal or the committee's objective, of cutting the cancer cases by 75 percent. In fact, even if the cancer-causing emissions from all stationary sources were totally eliminated, more than half of the cancer-causing emissions would remain.

So, clearly, if the President wants to meet his own goal, he must support the inclusion of the motor vehicle emissions in the area source control.

If the President now opposes such controls, then he has clearly abandoned the goal which he stated.

We cannot afford to let that happen. It ill behooves this body to allow 1,500 Americans to contract cancer each year from these uncontrolled toxic motor vehicle emissions.

We must also bear in mind that the effect of insulating motor vehicles' toxic emissions from control is to increase the burden on the smaller stationary sources in each of the States represented in this body. Every firm using carcinogenic solvents or paints, every gas station, every dry cleaner, every owner of a wood stove, all of them and others will have to shoulder a greater burden to make up for letting toxic emissions from motor vehicles off the hook.

What was the reason given by the administration's negotiators for insulating motor vehicle toxic emissions? It seems that the White House decided that the committee's original proposal to control these emissions would cost $1.5 billion per year over and above the adminstration's bill. By knocking motor vehicles out of the area source definition, the White House negotiators claimed that they had reduced the cost of the Senate's bill by that amount.

There was no thought of the lives lost, no thought of the consequences of abandoning the President's goals; just a green-eyeshade approach to the legislation.

And, I must say, it is not even candid or honest green-eyeshade analysis. In a masterpiece of understatement, the Congressional Research Service called it misleading. Let me quote from the CRS, before I close:

> H.R. 3030 [the Administration bill] as amended in the House would also require a mobile source air toxics program, which EPA estimates would cost $1.5 billion per year. In addition, California already requires producers of gasoline to reduce benzene, and the Agency has announced that it will soon issue an 'advance notice of proposed rulemaking' on reducing air toxics from mobile sources. Consequently, suggesting that controlling mobile air toxics is a cost attributable to S. 1630 but not to the Administration bill may be misleading.

Even if this cost were additional to the administration's bill, how does it compare to the health costs of not controlling toxic motor vehicle emissions?

According to EPA's own cost-benefit guidelines, a life saved is worth up to $8 million. We never like to think of life in those terms, but—even in those terms—the administration's cost-benefit analysis does not support its opposition against the Lautenberg amendment.

Assuming that only half of the 1,500 cancer cases caused by motor vehicle emissions result in death, and forgetting about the survivors' treatment costs, pain, and suffering, it would be worth $3 billion per year to prevent this tragic toll.

Mr. President, in closing, we must restore this provision of the committee bill. It is essential to carry out the

President's own goal announced last June. It will save thousands of lives. It will treat all toxic emission sources proportionately and fairly, and avoid putting an unfair burden on sources that are not exempted under the committee bill.

It will cost no more than the motor vehicle toxics provision added to the administration's bill in the subcommittee of the other body by unanimous, bipartisan vote. Let me emphasize that as a final point. In the other body, this amendment was adopted unanimously, in a bipartisan way, because it is so obviously necessary.

Again, my commendations to the sponsor of the amendment, who has been an outstanding leader for us all as we consider the underlying bill, and I urge all of my colleagues to support the Lautenberg amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to thank my distinguished colleague from Tennessee for his support. He is someone who knows the environmental issues extremely well. He has had a leadership role in the matter of global warming. He has been concerned about the quality of environment for many years since he has been in the Senate, as well as the time he spent in the other body. So we thank him for his support and his vote of confidence.

Mr. President, I ask unanimous consent that any quorum calls that are requested be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unaimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment of my colleague from New Jersey. I will be relatively brief, as he has been. I think many of us expected that this amendment would be before us as we deal with some of the issues on which some of us disagreed in the negotiations on the bill with the administration.

I begin my comments by repeating what I have said before, the respect that I have for my colleague from New Jersey, and, I must say, the respect that I have for not only the motivation but the purpose behind his amendment. As we worked together with our colleague from Louisiana and the other members of the Environment and Public Works Committee, it was, as he indicates, important to us to incorporate into the legislation, the Clean Air Act, as it came out of the Environment and Public Works Committee, the commitments made by the President in the course of his statements last summer on clean air. As my colleague from New Jersey has already indicated, one of those commitments was to adopt the direction on air toxics reduction, the new health standard which we produced on the Senate side using technology deriving standards, and in addition to that to reduce air toxics from mobile sources by 75 percent.

So, as we drafted the legislation, the complicated part of the legislation was the MACT regulations as they related principally to stationary sources. A lot of the battle, the tugging and pulling, that went on during the negotiations between February 8 and the final day of our negotiations dealt with the issues around the MACT standards applied to stationary sources of toxic pollutants and particularly the residual risk standards relating thereto.

When we completed our first round of negotiations on the very first day, on February 8, after the Senator from New Jersey and I and the leadership on our committee had spent, I think, approximately 8½ hours just on the subject of air toxics, we thought we had a basic agreement with the administration, and we proceeded over the next few days to draft that into bill language and exchange our language with colleagues on the negotiating team from the administration.

At the point that we came back together again on the issue, within a week or so, we developed a list of resolved and unresolved issues which then, around February 22, became the business for our discussion and our negotiation.

One of the last items to be resolved on this list of unresolved issues was the issue presented to us tonight by the Senator from New Jersey, and that is whether or not the national goal of reducing air toxics from mobile sources by 75 percent ought to be a statutory goal or we ought to deal with it in another fashion.

I think the difference, if there is one, in actuality between us in the substitute amendment that is before us lies principally in the fact that there is not a statutory goal of 75 percent reduction in the bill anymore. The Senator from New Jersey would like to put that back. From my standpoint, I believe we can—and the Environmental Protection Agency—over time with the tools provided by the substitute amendment to the Clean Air Act, achieve the President's goal of a 75-percent reduction.

Now, to the issue of mobile sources and to the issue of how I believe, and I think the Members who were part of the agreement to drop the statutory goal believe, we are going to deal with the mobile source issue. Let me begin by saying mobile sources account for about 55 percent of air toxic cancers. About one-half of that 55 percent is diesel particulate, which comes from trucks and buses. The other half is benzene, POM, and particulates from cars and trucks.

The bill and the substitute has an urban bus provision requiring that all buses bought in 1994 and thereafter will burn alternative fuels. That provision is still in the bill, and that provision will substantially reduce diesel particulate from buses all over the country. In addition, there are significant new controls in this bill for cars and trucks. The tailpipe standards which are in title II will reduce cancer risk from the tailpipe by about 50 percent by the year 2004, that is, if tier 2 national tailpipe standards kick in, as I think all of us expect.

The bill also has, in the substitute amendment, refueling controls. First, the stage II in nonattainment areas goes into effect immediately after enactment; second, the on-board canister, which will be phased in as the fleet turns over, beginning in 1994. These two controls should result in substantial reductions in benzine exposures.

Finally, Mr. President, I should mention that the bill includes a formaldehyde tailpipe standard as well in the new alternative fuels program. Formaldehyde is a carcinogen. It is emitted from auto tailpipes, and emissions will go up if we use methanol fuels or MTBE as a fuel additive.

So the alternative fuels program has a new standard for formaldehyde, the carcinogen.

I have run through this list, Mr. President, to indicate that there are already many specific provisions in the bill to control air toxics from mobile sources. The bill reported a national plan mandating a 75-percent reduction in cancer from area source air toxics. Mobile sources were included in the definition. That may have led, in my opinion, to some control beyond the provisions that I have already mentioned. But the amendment is a dealbreaker. The administration estimated its cost at $1.5 billion. It was removed to reduce the cost of the bill to $.5 billion, but it was done with the knowledge that there are already provisions in the bill, provisions that we kept in the bill, provisions in some cases that we strengthened, that will reduce air toxics emissions.

So, Mr. President, while I agree, and I continue to agree, with the goal articulated in the amendment by the Senator from New Jersey, I do not believe it is a necessary amendment, certainly not a necessary part of the bill, and as I indicated, if he were success-

ful in his amendment, I am afraid that not only would we be going back on the arrangement we made that enabled us to get a lot of these other provisions in the bill, but I am afraid we would open up the next days and the next weeks and perhaps the next months to a lot of debate that would not be necessary, certainly balanced against whatever presumed good might come from this amendment.

Mr. President, I urge my colleagues on all sides to oppose this amendment.

Mr. BAUCUS. Mr. President, how much time is remaining on this amendment?

The PRESIDING OFFICER. Thirty-two minutes and thirty seconds under the control of the Senator from Montana; 18 minutes under the control of the Senator from New Jersey.

Mr. BAUCUS. I thank the Chair.

Mr. President, the Senator from New Jersey has offered an amendment in a way which I think very ably represents the State of New Jersey an certainly many parts of congested areas in this country; so far as we are concerned about toxics in the atmosphere—and it is critical that we go as far as we can to reduce toxics in the atmosphere—there are various titles of this bill which move in that direction. One major category which emits toxics is automobiles. Other stationary sources emit toxics. There are smaller sources and there are larger sources.

It is clear the automobiles also are a large part of the problem. It is the intent of the Senator from New Jersey to go further than the substitute bill in clamping down on toxics emissions from mobile sources, that is automobiles, trucks, and buses—a wide variety of mobile sources. We in the committee, particularly in the negotiations in trying to form a clean air bill that will pass, spent some time trying to determine how far we can go in reducing toxics that are in the atmosphere.

It is hard to estimate exactly how many cases of cancer are caused by toxics. But the best estimate is about 50 or 55 percent are caused by mobile sources. The remaining roughly 45 percent are divided evenly between the large area sources and the smaller area sources.

We, in our substitute, have gone a long, long way in curtailing toxic emissions from automobiles compared with current law, a long way. How far have we gone? First of all, as the Senator from Minnesota has mentioned, we very specifically clamp down on tailpipe emissions. That not only curtails the organic compounds and nitrogen oxides, carbon monoxide, particulates, but also reduces toxics that also come out of the tailpipe.

In fact, Mr. President, we go so far in reducing the tailpipe emissions that for all intents and purposes the reduction in tailpipe emissions of air toxics along with the refueling and stage 2 and onboard canister provisions in the bill along with the very increased standards for urban buses, alternative fuels program—you add it all up and I would say at least there is a 55, maybe up to a 60-percent reduction in air toxics in the substitute bill compared with current law.

That is a major improvement, a very significant improvement. As I said, it is not only the tailpipe standards which are increased very dramatically, it is also the refueling provisions, stage 2 recovery, it is onboard canisters, which will eventually be more current, and be more common in cars as the fleets are turned over.

In addition, there are very significant increased standards in urban buses. Urban buses emit fumes which cause a lot of the toxic problems we face, and particularly cause the increased incidence of cancer.

I add that we also have a significant alternative fuels program, which in phase II is aimed to cut toxics by 27 percent. That is just in the fuel, alternative fuels provision that cuts toxics 27 percent. That is in addition to tailpipe standards which most of us believe will go into effect simply because there will be enough areas, so-called serious areas, that will not be in attainment, and therefore the tier II tailpipe standards will automatically kick into effect.

So the substitute before this Senate will reduce the incidence of toxics by about the year 2000 by, I would say, at least 55, close to 60 percent which is a vast improvement over current law.

I must say that if this amendment is adopted, the deal is broken. This amendment is a deal breaker. It busts the deal. We have been negotiating for weeks upon weeks to try to find the critical mass of a bill we can bring before this Senate that will pass.

I need not remind Senators it has been 13 years since we have last enacted a significant Clean Air Act—13 years. Why has it been 13 years? It has been 13 years because too many people have been trying to find the perfect bill that results in virtually no air pollution—zero air pollution virtually. That is, cut down all emissions to such a degree that virtually we have a perfectly clean society and the air is perfectly clean. That is only a slight exaggeration. But the past clean air bills that many of the people who want clean air have advocated have had provisions that are so strong there has been no clean air legislation in the last 13 years.

I submit, Mr. President, that if this amendment is agreed to the deal will be off, the deal will be busted, and there could very well be no Clean Air Act. Fourteen, fifteen years, how many years will it be before a Clean Air Act is finally passed? It is critically important, Mr. President, that we keep this agreement together. It does not mean we can add additional strength in amendments that are not part of the agreement. For example we, just a few hours ago, adopted the amendment offered by the Senator from Tennessee [Mr. GORE] which was a strengthening amendment from the environmental point of view. It helped improve upon the bill, and passed by a large margin.

But this amendment that is before us now is in the nature of an amendment which is the kind of amendment which will bust the deal, and it could very well be that we will not pass this bill not only this week, but the week after the recess, this year, whenever. Who knows?

So I strongly encourage Senators to remember we have to have a balanced, reasonable bill. We have to have a bill that can pass, a bill that will be enacted, a bill that the President can sign this year. If we do not pass a bill this year that the President can sign this year, that can leave this body, we will be doing our people a great disservice because this bill before us now, this substitute before us now, is a dramatic improvement over current law. It may not be perfect in the eyes of those who want a perfect bill. It may not be. It probably is not. But it is a dramatic improvement over current law. As I said, it reduces air toxics by about 55 to 60 percent. I submit that is a dramatic improvement.

Mr. President, I urge my colleagues, with all due respect to the Senator from New Jersey, to not vote for his amendment, but to vote against his amendment so we can have clean air legislation that passes this year.

Mr. BREAUX. Will the Senator yield?

Mr. BAUCUS. Yes, I am happy to yield.

Mr. BREAUX. I want to commend the Senator for his statement. I agree. This bill honestly is not perfect. I doubt a perfect bill will ever be signed or passed by this body. It is one that can be passed and can be signed. We should work, by a motion to table or an up or down vote, to defeat the amendment of the Senator from New Jersey. I want to commend him for it. We just have a disagreement on it.

I also at this time ask unanimous consent that a professional staff person, John LaRock, of my staff be allowed to be on the floor to assist me during the course of the debate this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, one of the tasks that we often have here that is not always pleasant is to disagree with colleagues for whom we

have a great deal of respect and regard. So it is the case with my distinguished colleague from Minnesota [Mr. DURENBERGER] with whom I have worked arduously for a long period of time, to get positive environmental legislation developed and enacted.

So it is also with the manager of the bill on our side, the chairman of the subcommittee that has jurisdiction over clean air issues, Senator BAUCUS from Montana. He too has had a deep interest in the environment and in the protection of that great asset that we all treasure. So it is unfair to say that in our disagreement they are less interested in cleaning up the environment than I am.

I do not think that is the case. What we are talking about is how we get there, Mr. President. And the worst reference that I have heard out here on the floor is the one that characterizes this amendment as a deal-breaker. The expression is overused; it is trite, and it does not mean anything. I hope my colleagues will forgive me, but a lot of things are lurking in the woodwork here that could break this deal in a moment.

This amendment arises because—and you heard it from my distinguished colleague from Minnesota—it was passed overwhelmingly by the Environment and Public Works Committee, 15 to 1. Both of the opponents who spoke already said that this was a good provision, that this was a good goal, to try and get rid of the toxics that pollute our society.

Why, Mr. President, am I insisting that we demand that we mandate EPA to carry out a function that will assure us of their interest and action? Because we learned from experience. Since 1970, 7 of these materials have been regulated when, in fact, the list goes beyond the 191 that we are discussing today. That has been EPA's record of inaction. That has been EPA's record of carelessness.

They say even now that they are going to try to, by regulation, deal with the issue of mobile sources of air toxics. We know what we are up against here, Mr. President. We are up against a compromise that, frankly, I think falls short of the objective that we all want.

Yes, we do have a piece of legislation that we are considering that improves present law. But present law is a failure. Present law gives us dirty air. Twenty years of legislation on the books, and the air still threatens the health of millions of Americans.

Mr. President, I say this: yes, we negotiated in good faith, but during that period of time, as the Senator from Minnesota and the Senator from Montana know well, I objected to the provision being deleted from this bill, and I registered that objection and said I was going to carry that objection to the floor; and I am not afraid, Mr. President, of having this provision be a deal-buster. I do not believe that is the case.

No, I am not looking for purism with this amendment. No, I am not looking for the ultimate piece of legislation that protects us against every environmental risk. It cannot happen. To characterize this as an attempt to purify it to the point that it is unrealistic is neither accurate nor fair.

So, Mr. President, what I say is this to our colleagues who are interested: This is a bite of the apple that comes very, very rarely. In 20 years, this will be the third time that we have had a chance to do a piece of clean air legislation.

Mr. President, the time now is ripe. The American people are sick and tired. The mood of the country before was not quite up to the task of supporting strong clean air legislation, but it is now. And those who would challenge the will of the American people ought to understand what it is that we are thinking about. Yes, we promote longevity. Yes, we promote better health. And, in fact, when we have a chance to kind of put the icing on the cake, which we have here, and to say to future generations that this will be a bill you can live by, we are going to miss that opportunity.

Mr. President, there are many amendments I believe we will be hearing about before this night or this bill is finally finished here. Many of them are much more demanding of the legislation than this amendment, which both colleagues, by the way, in their statements, as I understood, agree is a worthwhile objective. They say that we should clean the air, and they give reasons why they believe the legislation will do that in other parts.

Let me say editorially that I think they hope so, and I hope so, but if in fact it is going to happen anyway, then there is no cost attached to my amendment. If what they are going to do is clear the air anyway, there is no cost attached to my amendment. This is simply a supplementary way of achieving the President's goal of reducing cancer deaths from air toxics by 75 percent a little more directly, and a little more assuredly.

I, for one, would urge that my colleagues think very clearly about this, and as they consider their vote, think about the people back home who have said in poll after poll, letter after letter, editorial after editorial, "We want clean air." Give us, the American people, the ability to breathe freely. Say, yes, we can live with this legislation, and so can you in future generations.

Mr. President, we have probably said all we are going to be able to say. I see my colleague from Connecticut is on the floor. I ask unanimous consent, Mr. President, that Senator BRADLEY, my senior colleague from New Jersey, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. How much time do we have left?

Mr. CONRAD. The Senator controls just over 10 minutes.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. LIEBERMAN. Mr. President, I rise in support of Senator LAUTENBERG's amendment, the amendment would assure that EPA includes control of toxic emissions from motor vehicles as part of its strategy to reduce the number of cancer cases from air toxics in urban areas.

Motor vehicles should be included in EPA's strategy because they are the largest single source of toxic emissions. According to EPA, itself, cars and trucks are responsible for about 56 percent of the cancers attributable to toxic emissions in the United States. This means that toxic emissions from mobile sources are estimated to be responsible for 800 to 1,500 cancer cases each year.

There are four principal toxic emissions from motor vehicles: diesel and gasoline particulates, 1,3 butadiene, benzene and formaldehyde. The effects of each of these toxics are potentially lethal.

Butadiene is one of the most potent of carcinogens. It is emitted both in the exhaust of gasoline vehicles and from tire wear. EPA attributes as many as 15 percent of the mobile source cancer cases to butadiene emissions. Studies by the California Air Resources Board find that butadiene could be even more hazardous.

Diesel particulates, which form incomplete combustion of diesel fuel, can be inhaled and deposited deep within the lungs, causing cancer.

Formaldehyde emissions, in addition to causing cancer can result in acute adverse health effects, including eye, nose and skin irritation, headaches, nausea, and in extreme cases, death.

Benzene emissions from vehicles cause leukemia and other forms of cancer—up to 10 percent of the motor vehicle cancer cases each year according to EPA.

Motor vehicles also emit a host of other toxic substances, including asbestos, cadmium, and ethylene dibromide.

When President Bush announced his Clean Air Act proposals last June, he stated that toxic air pollutants are causing as many as 3,000 cancer cases each year and that his goal was to reduce this horrifying toll by at least 75 percent. Given the large contribution to the air toxic cloud from motor vehicles, this goal cannot be met with-

out controlling emissions from motor vehicles.

In fact, if the toxic emissions from motor vehicles are not regulated, the burden on small stationary sources in our States, such as dry cleaners and small firms using carcinogenic solvents or paints will be increased if we are to meet the President's goal of 75 percent reduction.

I do not believe we should place this additional burden on these small sources, while potentially letting motor vehicles off the hook.

The administration has argued that it is not necessary to include specific provisions on controls of motor vehicles in this legislation because the Agency has already made a preliminary decision to issue a rulemaking designed at reducing air toxics from mobile sources.

Unfortunately, the history of the Clean Air Act demonstrates that we cannot rely on EPA to follow through on even its mandatory obligations. In this case, if EPA does truly follow through on its commitment, at worst Congress will have placed a superfluous word in the legislation. If EPA fails to act, we will have saved thousands of lives by adopting Senator LAUTENBERG's amendment.

Mr. LAUTENBERG. Mr. President, I see no other parties interested in continuing the debate on our side. If the opponents would be willing to do so, I will be prepared to yield back the remainder of the time. The arguments have been made. The case is clearly stated. I think we are ready to make a decision here, and I would ask for the yeas and nays, put the question to my colleague whether or not we are ready to yield back the time.

Mr. BAUCUS. Mr. President, I think it is only appropriate and reasonable, since Senators on both sides who wish to speak have spoken on the matter, that we yield back the remainder of our time.

We have two constraints, however.

First, there are some Senators who are away from the Capitol who expected a vote at approximately 9:40 who need some advance notice.

Second, the majority leader and the minority leader wish to speak on this amendment immediately preceding the vote.

So I suggest that we suggest the absence of a quorum for the time being, with the time running against each side, and then we can give notice to Senators there will be a vote fairly soon. In the meantime, we will give notice to the leadership that now is the time to come to the floor if they so choose.

Mr. LAUTENBERG. For all practical purposes, the debate is still open, and anyone who wishes to make a statement may do so, and the absence of a quorum, I guess, is noted, Mr. President.

Mr. BAUCUS. That is correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. WIRTH). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, we expect a vote on a motion to table the pending amendment by Senator LAUTENBERG, a motion which I will make shortly in conjunction with Senator DOLE.

The matter has been thoroughly and carefully debated by the proponents, led by the distinguished Senator from New Jersey, and the opponents, including Senator DURENBERGER and Senator BAUCUS. It is not my intention to restate those arguments but rather just to briefly make a few points that I think are relevant to consideration as we vote on this matter.

First, I commend the Senator from New Jersey for the leadership that he has demonstrated with respect to the problem of curbing air toxic emissions. He and Senator DURENBERGER, while on different sides of this amendment, have been the architects of the legislation being considered in that area and have been the two national leaders to protect the health of Americans in that regard.

No one disagrees that current law needs to be improved. In the past 20 years, only seven toxic air pollutants have been regulated. The question is: What and how much more needs to be done?

The substitute amendment, the so-called compromise, goes a long way toward dealing with the problem. First, it requires regulation by the EPA of 187 additional pollutants. I ask Senators to bear in mind that under previous law, in 20 years, only seven have been regulated.

The substitute agreement requires a 12-percent reduction in air toxics in the alternative fuel phase I program and a further 27-percent reduction in the phase II of the alternative fuels program.

The substitute controls evaporative emissions which reduces benzene, one of the most significant of the toxic air pollutants, and the substitute also controls refueling emissions, again a control on benzene.

So, I believe it fair to say that the substitute goes a long way toward dealing with the specific problem which the amendment of the Senator from New Jersey seeks to address. The question is, how much further can we go?

This is another example of the perfect being the enemy of the good. We have a good, strong, substantive bill. We have an agreement on it that would permit us to move forward with what every one agrees is needed, comprehensive, sound, and cost efficient in dealing with a very serious problem.

I urge my colleagues to join Senator DOLE and I in tabling this amendment because it jeopardizes the substitute agreement. We have had 13 years of statements about the problem of clean air. We now have the opportunity to make law as opposed to making statements. We must be prepared to accept what I believe to be a sound, comprehensive, and effective approach to dealing with the problem.

I hope very much that all of my colleagues will join me in this effort. The agreement deals very effectively and comprehensively with this problem. It deserves the support of all Senators.

As soon as the distinguished Republican leader has completed his remarks, I will move to table the Lautenberg amendment and I hope my colleagues will join me in that effort.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I wish to join the distinguished majority leader. I am not a member of the committee. I know the distinguished Senator from New Jersey, Senator LAUTENBERG, knows a great deal more about this than I do now or will in the future. And I commend him for his efforts, as I commended other members of the negotiating team who sat there night and day, 10, 12 hours a day.

I know the Senator from Minnesota was there about 10 or 12 hours a day for 3 weeks, and I think four or five others were, trying to hammer out an agreement.

We did not agree on everything, but we did make an agreement that where there was a consensus or where there was an agreement, that the leadership would support the agreement. As the distinguished Senator from New Jersey said, where there was a reservation they were not bound by the agreement, and he is certainly within his rights to offer the amendment.

But, in my view, the bipartisan agreement contains other provisions that will achieve substantial air toxics reductions. And it seems to me we ought to, in this instance, notwithstanding the difference of opinion, support the leadership. And I am pleased to join the majority leader when he makes his motion to table.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, the debate has, I think, been concluded. I am prepared to yield back whatever time remains on our side provided, of course, the other side also yields

back the time so we can get on with the decision.

The PRESIDING OFFICER. All time is yielded back?

The majority leader is recognized.

Mr. MITCHELL. Mr. President, may I have the attention of the Senator from New Jersey? The Senator from Rhode Island has asked to be recognized to make a brief comment, so I do not want him to yield his time back with the expectation it was all yielded back.

Mr. LAUTENBERG. So we are back at the position we were in before the time was yielded?

Mr. MITCHELL. I ask unanimous consent that the previous yielding back of time be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will inform the Senator from New Jersey that his time has expired. Time on the other side remains 7 minutes and 16 seconds.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we have reached an agreement with the administration after, as everyone said, many long hours of negotiations. This is outside the scope. This subject was part of the agreement and this deviates from what we agreed to.

Obviously the Senator from New Jersey reserved his rights to differ, as he has. But those of us who subscribe to the agreement are going to stick to it. Thus, I will join in the motion to table.

We yield back all time.

The PRESIDING OFFICER. All time having been yielded back, the majority leader is recognized.

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, I move to table the pending amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion to lay on the table the amendment of the Senator from New Jersey.

The yeas and nays have been ordered. The clerk will call the role.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The result was announced, yeas 65, nays 33, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—65

Armstrong	Boschwitz	Coats
Baucus	Breaux	Cochran
Bentsen	Bumpers	Conrad
Biden	Burdick	Danforth
Bond	Burns	Daschle
Boren	Chafee	Dixon
Dole	Johnston	Pryor
Durenberger	Kassebaum	Reid
Exon	Kasten	Riegle
Ford	Kerrey	Robb
Fowler	Levin	Rudman
Garn	Lott	Sanford
Glenn	Lugar	Sasser
Gramm	Mack	Shelby
Hatch	McCain	Simpson
Hatfield	McClure	Specter
Heflin	McConnell	Stevens
Heinz	Mikulski	Symms
Helms	Mitchell	Thurmond
Hollings	Murkowski	Wallop
Inouye	Nickles	Warner
Jeffords	Nunn	

NAYS—33

Adams	Gore	Lieberman
Bingaman	Gorton	Metzenbaum
Bradley	Graham	Moynihan
Bryan	Grassley	Pell
Byrd	Harkin	Pressler
Cohen	Humphrey	Rockefeller
Cranston	Kennedy	Roth
D'Amato	Kerry	Sarbanes
DeConcini	Kohl	Simon
Dodd	Lautenberg	Wilson
Domenici	Leahy	Wirth

NOT VOTING—2

Matsunaga	Packwood

So the motion to lay on the table the amendment (No. 1335) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1329

Mr. DOLE. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is amendment No. 1329 offered by the Senator from West Virginia [Mr. BYRD].

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I believe I was to get the floor.

The PRESIDING OFFICER. I did not hear the Senator seeking recognition. Did the Senator seek recognition?

Mr. BYRD. I did not. It is my amendment. Am I not entitled to the floor, not by the rules necessarily, but why should I not have the floor and have an opportunity to explain what my intentions are before we have a quorum call.

Mr. DOLE. I will be happy to yield the floor. I thought the Senator was calling for a vote on the amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I had intended to modify my amendment. The distinguished Republican leader now has the yeas and nays on it so that I have no right to modify the amendment except by unanimous consent. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Very well. I want to explain to my colleagues what I had intended to do. I wanted to modify the amendment.

I discussed the modification with the Members on both sides of the aisle. I hope that I can get unanimous consent to modify the amendment.

You see, now I have accommodated the joint leadership tonight by yielding, letting other amendments go ahead. I could have denied that right to other Senators to proceed with their amendments and could have modified my amendment. But I have yielded to Senators, and now when I have determined that I will go forward with my amendment, the distinguished Republican leader acts within his rights, gets the yeas and nays. And so I cannot modify my amendment except by asking for unanimous consent.

So I have been around a long time here. I have learned a good many things, but I find that I am still learning. I have learned tonight that that old axiom in ethics in equity not to sleep on your rights is a pretty good axiom. So I guess I slept on my rights. But I want to say to the Senate that I hope the Senate will deal fairly with me and let me modify my amendment.

Let me explain the modification. I have talked with a great number of Senators, and it is pretty hard to win under the circumstances the votes to carry this amendment. There have been legitimate concerns expressed about this amendment to the effect that it costs too much, and I listened to those concerns. As it was earlier offered it would cost something between $875 million and $1,350,000,000 provided the top range, 5,000 jobs at the top of the range—it is estimated it would cost 3,000 to 5,000 jobs—provided 5,000 jobs were indeed lost.

But I intended to modify the amendment to cut that cost in half. How would I do that? Instead of providing benefits to those miners who lose their jobs as a result of enactment of this legislation, instead of paying them for 6 years at 100 percent of their salaries, or their wages and benefits, as of the year immediately preceding the loss of their jobs due to this legislation; instead of paying them 100 percent for the first 2 years, 75 percent for the next 2 years, and 50 percent for the next 2 years, I would reduce that, bring it back to a total of 4 years rather than 6 years—80 percent the first year, not 100 percent; 70 percent the second year, not 100 percent; 60 percent the third year, not 75 percent; and 50 percent the fourth year, not 75

percent, and eliminate the fifth and sixth years that were included in the earlier amendment.

So I am reducing the total number of years from 6 to 4. I am cutting the amount from 100 percent the first 2 years to 80 percent the first year, 70 percent the second year, cutting the amount from 75 percent the third and fourth years to 60 percent the third year, and 50 percent the fourth year. So that the total cost at the top of the range of estimated jobs lost, 5,000, at the end of phase one, the cost would be cut to $700 million.

I have listened to Senators who expressed concerns about the cost, and believing that they had legitimate reasons to think that was too much I have responded to those concerns. I hope that the joint leadership will allow me to modify my amendment accordingly. I ask that in fairness, and I think I am entitled to that fairness.

Did the distinguished Republican leader want me to yield?

Mr. DOLE. No.

Mr. BYRD. If there are any questions that Senators would like to ask me at this point, I would be glad to attempt to answer the questions.

Mr. METZENBAUM. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Yes.

Mr. METZENBAUM. I am a cosponsor of the amendment. It seems to me that if Senator Dole proceeds with his motion then we who support the amendment, and do not really want to vote on the original form, can do one of two things. We could vote to defeat it, or we could vote to lay the original amendment on the table since there is no limit at this point.

With respect to offering any new amendments, it seems to me we could take up an hour playing games with that amendment, and then go back to the modified amendment. I wonder in view of that, it is pretty obvious the Senator has all the rights he needs, whether the minority leader would let the Senator make a modification rather than putting through a whole rollcall, and going back and offering a new amendment which he certainly has a right to do.

Mr. BYRD. I do not want to play any games. But there are certainly some options open. But I am asking the joint leadership to give me a fair shake on this, and let me have a vote on my modifications.

I wonder if the Republican leader would ask for the yeas and nays to be vitiated so I could modify my amendment?

Mr. DOLE. Will the Senator yield to me?

Mr. BYRD. Yes.

Mr. DOLE. I certainly have no intention of being anything but fair to the distinguished Senator from West Virginia, just as he has always been fair with me. What I would like to do is state a case on the other side, and then discuss it with the distinguished Senator from West Virginia privately. I am not going to play games. I have not been here as long as the Senator from West Virginia.

I have not been here as long as the Senator from West Virginia, but what goes around comes around. I did want some time to explain the case, and explain how important I think this amendment may be. So if the Senator will let me proceed on that.

Mr. President, as I have just indicated, I have nothing but respect for the Senator from West Virginia, and I know that his support for the coal industry and what he has done for this State, just as we try to do things for our States. I commend his stalwart support for the U.S. reliance on domestically produced energy sources for Americans who work in that industry, and that commitment by the Senator is second to none.

I have been reminded by the distinguished Senator many times about the importance of the American coal miner and American coal. I have supported him on the clean coal technology and, hopefully, in nearly every other case.

So, first of all, I think the record should show that no one I have ever served with in this body has ever done more for the people of his State or this industry in his State, and I think we owe him a debt of gratitude for calling our constant attention to the problems and the plights of the coal miners.

On the other side, even with the modification, I am the Republican leader. I reflect the views of the administration. The administration does not like this amendment one bit. That would be an understatement.

If we are going to do it for coal miners, there are 14 other industries that are going to be impacted. What happens to them? How many thousands of workers are not going to get benefits? I have just been told and I made certain they are very precise because I am dealing with the distinguished President pro tempore, who does not take his amendments lightly and does not offer amendments thinking he might lose. If this amendment is adopted, what happens to this bill? They said, "That is it. It is over." That is what I have just been told by the administration.

What are we to do? In an effort to satisfy the legitimate concerns of the Senator from West Virginia, his concerns and the President's concerns and the policy concerns in an amendment like this, when the President says I am not going to go beyond $21.1 billion, and again, we met for a couple of hours this afternoon discussing the Senator's amendment, I might add, because I indicated to the Senator from West Virginia yesterday that I would be very happy to discuss the amendment with the administration to see if there was some middle ground.

I did that. I followed through. I met with Mr. Porter and Mr. Sununu and Mr. Gray, and Mr. Porter met with members of Senator BYRD's staff. So many of us are in the position of wanting to support the amendment because of our respect for the distinguished Senator from West Virginia. But I have been told flat out that it would kill the bill. I have had a couple even say, "I will vote for the Byrd amendment, if it will kill the bill." I am looking at one of them right now. I had him down on our side.

Even if we could afford the amendment he would modify, and certainly he will have that opportunity, Drs. Robert Hahn and Wilbert Steger from the Carnegie-Mellon University conducted a study called "Analysis of Jobs at Risk and Job Losses Resulting From the Proposed Clean Air Act Amendments."

Nobody disputes the impact it is going to have on the coal industry, but that is not the only industry. It is not only workers; it is employers. Some people will not be able to buy cars because they will not have a job. So it affects the auto industry and affects those employees, too. It has a ripple effect.

As reported from the committee, in assuming 10 of the minus-4 and 10 of the minus-6 bright lines, which I never understood, and it is probably not necessary for this debate, but assuming those standards are there, due to the air toxics title only—I am only talking about the air toxics title—it has been estimated we are going to lose between 20,000 and 250,000 jobs. That is a pretty big gap. So I assume it is somewhere in the middle.

Those jobs are going to be lost in 15 industries: Coke ovens, butadiene, styrene butadiene production, polybutadiene, neoprene production, ethylene oxide production, petroleum refineries, pesticide production, pharmaceutical production, paper and pulp mills, chlorine production, chlorinated hydrocarbon production, chloroform production, ethylene dichloride production and steel foundries.

These figures relate only to jobs lost due to closures. They do not take into account jobs lost due to the need to invest in an extremely expensive new pollution control equipment which will have a depressing effect on jobs and wages.

We have to ask ourselves, are we going to adopt—and I do not care if it is $800 million or $8 or $8 billion. It is going to help 5,000 while ignoring up to 200,000.

I was prepared to offer a motion to recommit, and may yet, but that can be amended a couple of times to strike

out the word "coal," wherever it appears in the Senator's amendment, so that it is open to any industry. Why limit it to coal? If you are out of work, you are out of work. You do not have to be a coal miner to be out of work, if this bill is adopted.

So we cannot take care of 5,000 and ignore 200,000 or maybe 150,000 or maybe only 100,000. There is such a thing as basic fairness. In West Virginia, for example, there are 5,601 coal mining jobs at risk, but there are 7,332 chemical industry jobs at risk, and 9,373 primary metal jobs at risk in West Virginia.

If we are going to be fair to the metal workers and chemical workers, as well as the coal workers, then what do we do about them? Do we expand the amendment, and does it cost more? In my State of Kansas, 7,500 transportation equipment workers would be at risk, 2,900 electric goods and sanitary service jobs, 1,700 rubber and miscellaneous product jobs, and 1,100 petroleum jobs and refinery jobs and related jobs. They do not get assistance under this amendment.

The only people who benefit are those who I thought were dealt with rather fairly in the agreement, the so-called Midwestern States who got a pretty good deal, but now they are back for a second helping.

I say in fairness to the Senator from West Virginia, he said he was coming back. He has that right. I must say, we have not only the right, but we have an obligation to protect our workers. I am going to go to Kansas during the recess—I may not if this is adopted without protecting Kansas workers. I may just stay here.

So we are faced with the policy decision that the administration says is not going to cost $800 million or $1.3 billion. It is going to cost billions and billions of dollars and on top of that. When you consider the decline of employment in the coal mines because of technology, there are going to be thousands and thousands of people out of work because of new technology in the coal mines.

In the majority leader's State of Maine the paper and allied products industry employs 9,150 people who may have their jobs affected. I can go down the list. I can show for every State how many metal workers, paper mill workers, how many of the 15 different industries you have in your State and how many may be at risk. I mean they are all going to lose their jobs and that is the case I wanted to make.

The acid rain title is not the only title that is going to cost the loss of jobs. We are informed that the air toxics title could cost tens of thousands of jobs. The fees paid for permits for marginal and small business will cost jobs. Mobile choices and alternate fuels provision will cost jobs. I hope the environmental benefits will approach the loss in jobs. You can retrain people and they can be reemployed.

So I do not know what is the fair approach. I think many who were part of the negotiating team thought they reached a fair approach. It was not the view of everyone, including the distinguished Senator from West Virginia.

But I am here, as I have indicated, reflecting the views of President Bush who wants this bill, or wants a bill, a clean air bill, who is opposed to this amendment, who said in a letter addressed to me and others, and I think the distinguished majority leader at least 2 months ago, there were certain guidelines and one was the cost which he would not exceed.

So I am not certain it makes any difference whether the amendment is modified $800 million or left as it is, and the distinguished President pro tempore may have the votes to pass it. But again I would repeat I am not—I have been here long enough—trying to scare anybody or intimidate anybody to repeat what I was told by a high source with the administration: that this bill is dead if this amendment is adopted. If you want to gamble and say that is just late-night talk, I asked what should we do if the amendment is adopted. He said do not do anything. It is over.

That may not make any difference. Some may think that is a good result.

But others on both sides of the aisle have invested years and years and hundreds and hundreds of hours to reach this point. There may be something you might do under trade adjustment but that is under the jurisdiction of the Finance Committee. We had trade adjustment assistance. Some liked it and some did not like it. But in most cases it worked quite well and it worked fairly because it applied to all workers, not just one group of workers.

Rubber workers in my State received benefits when we had a dumping and exports were increased and they lost their jobs. That is how it worked. But this is not that approach.

Under this approach, the original approach, somebody working 6 years as I understand it could get $250,000 in benefits and not work a day. That is a lot of money. It has been scaled back so now it will be around $180,000 in benefits, somewhere in that neighborhood. So I think we have reached a point, and I certainly ask unanimous consent to withdraw the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Then we can have a full debate, and the distinguished Senator from West Virginia can modify the amendment, and I thank him for yielding the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I felt that I could appeal to his fairness and he would be fair. I appealed to it and he was fair.

Mr. President, let me take just a few minutes, and I hope Senators will give me their attention. The distinguished Republican leader said that this would cost billions of dollars. Mr. President, it will not cost billions of dollars. This amendment only deals with the first phase, not the second phase. In the first phase the EPA estimates there would be from 3,000 to 5,000 jobs lost. In the second phase it is estimated by EPA that there will be a cumulative loss of between 14,000 and 16,000, and I am not asking anything for the second phase. I am only asking for first phase. I am asking that these people have an opportunity to get back on their feet and perhaps get a little training, enroll in some education programs that are approved by the Secretary of Labor in consultation with the appropriate committees of the Congress. Let them have a chance. That is all I am asking. It will not cost billions of dollars. I have said what it will cost. I said what it will cost as a maximum $700 million. And that is if the top 5,000, the top of the range of 3,000 to 5,000 jobs turns out to be the loss.

That is the cost if not a single coal miner dies in that 4 years, not a single coal miner elects to go to a retraining course or take an education program that is approved by the Secretary of Labor. And that is before the income taxes come out of the miner's compensation—$700 million.

The distinguished Republican leader spoke about the chemical workers. I have chemical workers in West Virginia and I am concerned about what is going to happen to them. I am concerned about what is going to happen to my steel workers. We are told that there are two nonmining jobs lost for every mining job that is lost. I am only asking for compensation for those miners who lose their jobs as a direct result of the passage of this act.

The Secretary of Labor would certify that. I am trying to avoid the economic dislocation that will result from the loss of 5,000 coal mining jobs or 3,000 or whatever they may be. And this is throughout Appalachia and the Midwest.

Surely, I am concerned about the toxics as well. I think we made some progress in getting the Byrd-Bond language into the bill. I appreciate the help that the distinguished majority leader gave in getting that language in the bill. That did not send us home free by any means. We are going to get

hurt. The coal miners of this country are going to get hurt.

High-sulfur coal mining is not only going to be a high-risk job from the standpoint of accidents and fatalities that can occur, but it is going to be high-risk job from the standpoint of losing the job to start with. Miners who are in high sulfur regions of this country know that when this legislation goes into effect there is a high-risk job as far as continued unemployment is concerned. I am trying to ameliorate that. So I have other job categories in West Virginia as well.

Yes, there will be some automobile workers who will lose their jobs perhaps. The price of automobile can go up and some of those jobs will not be lost. But the price of high sulfur coal cannot go up and save the jobs of coal miners. The coal miners are directly in the line of fire when it comes to unemployment losses created by the virtue of passage of this legislation.

The distinguished Republican leader said the bill is dead. The administration says it is dead if this amendment is adopted. I do not believe it.

He said he was told by the administration people, "Do not do anything. If that amendment is adopted, just forget it; do not do anything."

I do not believe that. If the administration wants to take the attitude that to provide some compensation for coal miners who have invested their lives—I have heard the distinguished Republican leader talk of those in this Senate who have invested years in the passage of this bill, and I recognize they have invested years in it; I am fully aware of that. I admire them and respect them and congratulate them.

But coal miners have invested years also, under the slate and the tipple bottoms, crawling around the water holes, lying down on their backs, and operating those continuous miners as they grind out the coal, breathe the coal dust, splitting their lungs. They have invested something as well.

I hope that we will consider that. I have never yet drawn a line around the borders of West Virginia to say, "If it does not benefit my State, I am against it. I will not be for it if it benefits South Carolina, if it does not benefit my State." I do not take that attitude. I do not take the attitute that if it benefits the West or the East; if it hurts them, I want to help them.

I think every Senator knows that. Surely they have not forgotten the times that I have risen to their cries for mercy, their cries for help in the years when I was majority leader here, and in the years when I was the minority leader here.

I have tried to respond when catastrophe hit California, when it hit South Carolina. That was a God-made act. But this is a manmade act. It is going to take people's jobs. I am not just pleading for West Virginia today. West Virginia is 1 of 13 states in Appalachia, and there are others in the Midwest. I am asking for fairness and for justice.

Every Senator in here knows in his heart that it is right to help people. They will come to me wanting me to help them with Head Start. That is a great program. But let us remember to give a little head start to the children of the coal miners, who are going to lose their jobs.

We hear about this as a health bill. What about the health of the coal miners, their families, their children? I have see their undernourished children. I am one of them.

Let us listen to the pleas of our own people. The administration wants $500 million for Panama, more millions for Nicaragua, millions for other countries in the world. But the bill is dead, we hear, if this admendment—which would provide $700 million at the maximum over a period of 5 years; not $700 million per year, but $700 million over 5 years. That is all we are asking for.

Some of that money will go back to the Government as income tax. And it will mean something to the morale and the life expectancy of the people who live in the coal fields.

I am urging Senators now to vote for this modification. I will never, as long as I am in this Senate, turn down a plea from another State or another region that is faced with a catastrophe or disaster, whether it be God-made or manmade. If I can help, I will try to find the dollars to help if an act of this Senate is going to be the cause of the losses of those jobs.

So I urge Senators to hear the plea of coal miners and those of us who represent them, as best we can.

Mr. FORD. Mr. President, it is very difficult to follow the eloquency of our distinguished President pro tempore.

Let me make a point, if I may. I heard the distinguished Republican leader give the most devastating speech against this bill anyone can give on the floor of the United States Senate. Hundreds of thousands of jobs will be lost.

We talk about products coming into this country and costing us jobs. Well, I will guarantee if it is going to cost hundreds of thousands of jobs with this bill, we are sending our jobs overseas, and we will have an opportunity to pay out a lot more on the Trade Adjustment Act than we are asking here at any one time.

I do not know how many in this Chamber have been to Appalachia. Stand in the courthouse yard of Harlan, KY, in Harlan County and see a white marble stone with almost 1,400 names on that stone of men and women who have lost their lives in the coal mines.

It takes a special individual to work 3 and 5 miles underground. It takes something special about an individual who will give that day in and day out. For what?

We stand here and, yes, we have worked years and years and years to bring this piece of legislation to the point it is today. And yet we say to the group of people that have given not only the ability to grow in this country—their fathers before them, grandfathers before them—all of a sudden, we say to them, "We are going to, by public policy, put you out of work."

We say that no one under this bill will draw anything unless it is certified that that individual lost his job as a direct result of this legislation. And I suspect we could trust the Secretary of Labor to make the right judgment.

And we say to these individuals, "Your income under this bill will be treated as income, and you cannot draw anything else. You will pay your tax on it. And if you are going to be retrained, you can only draw on one of the 4 years."

So, Mr. President, I hope that from those people in Appalachia—that very few of you know, but Senator Byrd and Senator McConnell and some others do—we would not take the last vestige of hope, where the second-most important item there is flat land. Coal is No. 1, and the second-most valuable product would be flat land.

We are a lot different from Wyoming, where you go in in the middle of nowhere, find a seam that is 50 feet deep, bring it out, and nobody sees what is going on.

You have good coal and you are probably the No. 1 producer in the country now. But we put our men underground in a 50-inch seam, and that is the way we secure the coal in the Midwest.

I promised my distinguished leader that I would not filibuster this bill, that I would do my best to support it. Nothing was precluded, though, to ask my colleagues and my friends to assist those miners who would be certified by the Secretary of Labor that they lost their jobs as a direct result of this legislation.

I am going to make the point when I go back that I tried, and that is all I can do in representing my State. I have been kidded a little bit here recently that I made a statement the other day about I have a hard, hard job defending beautiful women, fast horses, bourbon, cigarettes, and coal. I try to do my best.

And so, as I listen to the debate here tonight, we are going to be losing the possibility—I listened to that, that little word you used. I am not a lawyer, but every once in a while, I hear the words "the possibility of loss."

Well, there is a possibility we will not lose 5,000 jobs. But, on the other hand, if we are going to send jobs over-

seas, I would like to protect what I have here at home.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I am sure the Senate is prepard to vote. I want to say how important I think this issue is, for this body and for this country, that has been raised by the Senator from West Virginia. Over a very considerable period of time, we have seen the rise and fall of various industries, in different parts of our country, mine included. We had textiles and shoes flow to different parts of our country with various serious disruptions.

But, as someone who is a strong supporter of clean air, I hope that we in this body can agree that we are not going to improve the quality of health for the American people at the expense of the workers of America. The improvement in the quality of health that will occur from the benefits of this bill, will be felt across this Nation. And I do not believe we should expect a certain group of workers of this country to bear a special burden.

As somebody who has offered tobacco control legislation, I have also voted for price supports for tobacco workers, because I do not believe that the burden ought to be on those who work in the fields. As somebody who considers himself a supporter of free trade, I also believe we must look after the low-income worker who tolday has a job, but who may lose that job because of imports.

We are faced with a similar issue now. Down the road, in a few short months, we will be debating economic conversion, and how the dramatic changes in military spending will affect this Nation.

The same kind of challenge is posed by the Byrd amendment. Will this Nation take care of its people too, when we vote for clean air, or for cuts in military spending? This proposal is the first challenge for our country on this issue. I hope the Senate will support this amendment, because the vote will tell a lot about where we are going in the future.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, I think it is important that we bear in mind what the minority leader, the Republican leader, pointed out earlier. This is not a measure to take care of all those who might lose their jobs due to clean air. This is a measure to take care of a particular group who might lose their jobs.

This is not an all-encompassing measure, by any stretch of the imagination. Maybe we ought to do that and maybe, with the assistance of the Labor, Health, and Human Resources Committee and the Finance Committee, we ought to put a package together to encompass this.

This is a measure that has never had 1 day of hearing before any committee. This was generated full-blown out of the imagination of those who were being directly affected.

I think we have all had some experience in estimations of what human assistance programs are going to cost, particularly those connected with coal miners. I would like to review, if I might, the history of the black lung program.

The black lung program started in 1970, with an estimated cost of a low of $120 million and high of $400 million. That program started out the first year, $110 million; 10 years later, $1,320 million; 5 years later, $3 billion. It started out serving 112,000 people. Pretty soon, 15 years later, it was serving not only them but their relatives, for a total number served of 460,000 people.

So the program, instead of averaging $200 million a year, averaged $1,300 million a year. When that program started, I can remember very clearly—many of us were here during the early stages of that program—predictions of what it was going to cost and who it was going to cover. And it ran completely wild.

Let us just discuss the situation of the coal miners. In 1950 there were 483,000 coal miners. In 1980, 10 years ago, there were 230,000 coal miners. It was roughly cut in half. Since 1980, when there were 230,000, now there are 141,000 coal miners.

In other words, with nothing to do with clean air, with nothing taking place artificially but solely, as the distinguished Senator, the President pro tempore, pointed out in his remarks, because of mechanization and other changes in the industry, there has been a precipitous drop in the number of employees involved in the coal mining industry. In the past 10 years 49,000 jobs of coal miners, 28 percent of the jobs in the coal mining industry have been lost.

My colleagues will note in this program it suggests it is not going to cost much, and people say it is only those directly affected. How in the world do we tell who has been directly affected? How are we going to tell who lost their jobs, who is part of that 28 percent? We can only assume that line is going to go down in a straight manner. How are we going to tell out of that 28 percent who lost his job due to mechanization or changes that might normally come from high-sulfur coal to low-sulfur coal? How are we going to tell?

Furthermore, in this bill, there is a rebuttable presumption. The bill is so drawn that when somebody comes to seek the benefits under this program, the Government has to prove that they lost their job due to factors other than the clean air bill. In other words, it is assumed that the person lost his job due to this legislation.

I think, first of all, it is unfair. It only deals with one category; second, it is not narrowly drawn; third, it is going to cost way more than anybody anticipates; and fourth, I think we are making a great mistake here tonight to believe that the administration is kidding, that somehow we can bulldoze by them, that this is not where they have drawn the line.

It is. We have heard it time and time again from the administration, way back when this legislation was first discussed. So, do not anybody think, if they vote for this amendment, that they can go around the country and say, "I am for clean air, it is just I happen to be for this amendment, too." By voting for this amendment we kill this legislation. There is not doubt about it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I join my friend and colleague, Senator CHAFEE, and also Senator DOLE in opposing this amendment. This amendment is enormously expensive. If the amendment is agreed to, we are going to be asking individuals and constituents in Wyoming, who maybe make $15,000 a year or $20,000 a year to be paying individuals. I would be happy if the proponents tell me if I am wrong, but I was trying to calculate what this would cost the taxpayers of this country to pay for benefits, up to 6 years benefits. I think, if an individual's income was $40,000, that individual would receive something like $180,000 benefits from this bill.

Mr. BYRD. Will the Senator yield?

Mr. NICKLES. Yes, I will be happy to yield.

Mr. BYRD. The amendment does not provide for 6 years. I explained carefully I have reduced the 6 years to 4 years.

Mr. NICKLES. What is the average compensation of a coal workers? Can the Senator provide that?

Mr. BYRD. $50,000, salaries plus benefits, insurance payments, pension payments. All of these are benefits and it is estimated that would be $50,000.

But this is being cut to 80 percent the first year, 70 percent the second, 60 the third, and 50 the fourth, under the modification.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the clarification, and I appreciate the Senator's amendment reducing it from 6 years to 4 years. But I will still say to my colleagues, most Oklahomans do not make—80 percent of $50,000 is $40,000. I have a lot of constituents who are unemployed. I do not think they want to pay $40,000 for somebody not to work. The next it

goes 80 percent, 75 percent and then 50 percent; is that correct?

Mr. BYRD. Eighty, seventy, sixty, fifty.

Mr. NICKLES. Eighty, seventy sixty, fifty. Even in the fourth year, 50 percent, they would be making $25,000 a year for not working. I hate to say that, but that is above the average income of Oklahomans and above the average income of people in the United States. We are talking about 4 years. That is a lot of money. If you add that up, you are talking about just over $130,000.

So I think we have to look at what we are trying to do. Sure, I have compassion. If somebody loses a job because of this bill, I have compassion for him. I want to minimize the negative economic impact of this bill, and I have worked on amendments to try and reduce the negative impact of this bill. But I will say, there are lots of other negative impacts. In all the nonattainment areas—and Senators need to be aware of this—if you have a nonattainment area in your State or if you have cities classified as nonattainment, you are going to lose jobs. You will lose jobs. In all likelihood, you are going to lose some grants. There are all kinds of sanctions that the administrator has under this bill for nonattainment areas. But those employees are not going to receive compensation that would equal 40 percent of $50,000 or, in other words, $40,000. They are not going to receive it. It is inequitable. It is very expensive.

I also agree with the Senator from Rhode Island. I am confident the administration will veto the bill if it is there. I think this will be a killer amendment if it is adopted. I urge my colleagues to defeat it.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will begin by thanking the distinguished Senator from West Virginia for focusing on a problem that, quite frankly, we have not spent much time focusing on. In fact, in our zeal to pass a Clean Air Act, we have talked in very general terms about various standards and very few people have focused on the fact that we are talking about affecting real honest to God people in terms of their jobs, in terms of their future and in terms of the price we are going to pay for products as a result of these changes. I think the distinguished Senator from West Virignia has brought that into very clear focus tonight.

Let me say that it may very well be that it is a perfectly legitimate debate as to whether or not the Federal Government should compensate people who are put out of work because of Federal policy. If the benefits of clean air are great enough that we should pay the cost, maybe we should not impose the cost on individual coal miners. Maybe that cost should be imposed on society.

But, Mr. President, if we make that decision, I, for one, would have a very difficult time voting benefits to 5,000 coal miners, but then neglect the fact the same study on which these numbers are based show that in my State, we are talking about the loss of 38,372 jobs in chemicals; 19,813 petroleum refining jobs; 12,518 jobs in the electric industry and in the gas industry.

Mr. President, if we make a decision to adopt this amendment, we should be prepared to vote on an amendment that extends these benefits to every worker in America that loses his or her job as a result of the adoption of this bill. I am not just talking about people in chemicals and petrochemicals. I am talking about people working in factories who are making automobiles; I am talking about people working in laundries; I am talking about every American who is going to lose his job because we are talking about job loss and we are talking about the economic cost to them. Those job losses and that economic cost are no less for them than the cost is to a person in the coal mining industry.

Let me also say that we do plenty of things that cost people jobs every day. For 12 years, we had an insane policy called the Fuel Use Act that set out limits on the sale of natural gas, and yet I never heard anybody say that the thousands of people in my State who lost jobs and potential jobs because of that act of Congress, not an act God—God would never make such a poor decision—but no one ever suggested that those people get payments from the Government because the Government took away their jobs.

As we look at closing 80-plus military bases this year and the Secretary of Defense has just proposed another 30 base closings, who has proposed that we pay those people for 4 years because they might lose their jobs due to base closings. I submit, Mr. President, that if there is legitimacy in the amendment before us, then there is legitimacy in the fact that perhaps my natural gas workers should be compensated for 12 years of theft of their earning power in the past because of the Fuel Use Act. And maybe we ought to be compensating people who are losing because of base closings.

A final point I want to make, and that is, Mr. President, that if we set out these benefits, I hope that they can be changed because I earnestly believe that these benefits are poorly structured.

I think the benefits are such that you are going to encourage a large number of people not to seek training, not to make a hard decision that hundreds of thousands of people made to move out of my State when oil prices went down and the population of some of my cities declined by over 100,000 people. They got up; they moved off; they moved to Michigan; they moved to other parts of the country. They did not want to do it, but they did it.

Mr. President, had we paid them benefits for 4 years, they would still be sitting there and they would not have restructured their lives. They would have been poorer and America would have been poorer.

Mr. President, if we make a decision that we should compensate people who are going to lose their jobs, we must compensate everybody who is going to lose their jobs.

Second, if we make that decision, I really believe the cost to the Government will, in my humble opinion, be a small cost, compared to the big cost. The big cost is if you are going to pay these kinds of benefits for 4 years, you are going to induce people to sit where they are for 4 years. Their ability to be retrained is going to be greatly diminished and, in just a terrible paradox of public policy, we are going to cripple the ability of the people, who we are trying to help, to adjust.

So if we are going to move in this direction, we must cover everybody and, in my humble opinion, we need a program that is of short duration, that is well targeted, that is aimed toward training and that does not, in essence, guarantee people huge benefits for 4 years and, thereby, virtually guaranteeing that they are not going to move, that they are not going to relocate. I think that they will end up being the loser.

So if my colleagues adopt this amendment, they should be ready then to vote on an amendment to extend this to the entire country and all the industries in the country.

The distinguished majority leader talked about 15 industries, but you should realize that is only in the air toxics section. We, in my opinion, are probably talking about over 100 different industries that will be substantially affected. And if we take the premise that anybody losing a job in America has a rebuttable presumption that they lost it because of the Clean Air Act—and I do not know who is going to rebut it—if an employer is faced with layoffs or plants closing down and if they can guarantee their people 4 years of benefits, what employer is not going to say that it had to do with the Clean Air Act?

I think the Secretary of Labor is going to have a very difficult job proving that that is not what happened.

So I know this is a tempting amendment for many, many reasons. I think all of us, because of his persuasiveness and because we know he speaks from great conviction, hated to vote against the distinguished President pro tempore, but, Mr. President, I believe, if

we start down this road, it is going to be a very, very long road and it is going to be very expensive. I do believe that it will kill this bill but not just this bill. It will kill a lot of actions by Government in the future that affect people's lives. I yield the floor.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I do not believe I ever believed the time would come that I would rise on the floor at 11 o'clock at night and ask someone to give a speech, but that is precisely what I am going to do. There must be somebody in this Chamber who can address the chilling statistics that we have had circulated in the last 48 hours and which are highlighted by the now pending amendment by the distinguished Senator from West Virginia.

If in fact those figures are accurate, if in fact the Carnegie-Mellon economists are even in the ballpark of being right, then I would submit to you, with all of the wonderful ways that words roll off our tongues in this Chamber like job training, job training for what? If these figures are correct, we are talking 200,000-300,000 jobs. Are they going to work in the computer indutry? How about the defense industry? How about the automobile industry? How about the textile industry, telecommunications, agriculture? What job training? Anyone who has been following the economy in this country in the last 2 years recognizes that we are in a worldwide fight to retain the jobs we have.

Now, I do not know whether or not I can support the amendment offered by the Senator. I do say, with all due respect to some of the things that have been said tonight, my part of the country has been crying out for a solution to the acid rain problem for a long time.

I must say, in all frankness, that I still have doubts in my own mind about some of the scientific evidence that exists. There are more reports coming out. It would be ironic if the reports come out and we find out we solved the wrong problem.

But be that as it may, I would have to say to my good friend from Texas, and our distinguished Republican leader, I do not think one can argue that probably the narrowest impact and effect of this as far as we are concerned is probably in the coal industry. We have no coal miners in here, but we have a lot of people who care about the environment.

Others raise interesting points about whether we should encompass other industries, but, Mr. President, I would simply say—I will end where I began—I would like to hear someone on this floor, such as the distinguished Senator from Maine, the distinguished Senator from Minnesota, the Senator from Rhode Island, who are experts in this field—I am certainly not—address the economic impact that has been discussed on the floor tonight, because if in fact we are going to lose between 250,000 and 400,000 jobs in the next 2 years then, quite frankly, I think you all ought to go back to the drawing board.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the Senator from New Hampshire has raised an important question for consideration by the Senate. We are all subject to a great many claims. We hear a lot of statistics, and we refer and are referred to a lot of studies.

The report which is the source of the estimates used here this evening is the so-called Hahn-Steger report. It was a report prepared at the request of an organization called the Clean Air Working Group, a consortium of industries which is opposed to the legislation and which has worked diligently to defeat this legislation.

The job loss estimates, therefore, are intended to support the position that the position that the legislation will have such severe adverse economic effects that it ought not to be adopted. That is the position of the organization which authorized and paid for this study, I am advised by staff.

Now, the report estimates that between 200,000 and 2 million jobs will be lost or put at risk—the figures embrace the two concepts—lost or put at risk as a result of this legislation. To arrive at those figures, the report makes certain assumptions and assertions which I submit to my colleagues are invalid and therefore invalidate the conclusions.

First, the report asserts that every employee at every small business that will be required to get an air emissions permit in order to operate is therefore in danger of losing his or her job. That is, every employee of every industry subject to regulation, required to get a permit as a result of this legislation, is assumed for the purposes of this report to have his or her job at risk.

The report asserts that every employee of every energy intensive facility using electricity produced by utility systems that will incur costs due to acid rain controls will be in danger of losing his or her job merely by virtue of that fact. That is, a utility which will incur costs as a result of acid rain controls and sells electricity to an energy intensive industry, every employee of that industry is deemed to be in danger of losing his or her job.

The report assumes with respect to the air toxics proposals that all sources unable to meet a 1 in 10 to the sixth residual risk standard will be forced to shut down. Neither the original Senate bill nor the administration bill, nor the compromise bill, contains that specific standard. But the report assumes that every industry subject to the air toxics proposals will have to shut down on that standard.

The report in addition to making these assertions, which are not substantiated, also does not attempt in any way to quantify the benefits that are created from pollution control investments as a result of this legislation, that is, no offsetting benefits which might flow from the legislation are included in the calculation.

It is as though one were to take a financial statement which includes assets and liabilities, and look only at the liability and to represent that as a summary of the financial statement.

Other economic reports, the validity and accuracy of which I am unable to offer any substantiation, have estimated that 20,000 jobs are created for each $1 billion of pollution control expenditure or investment. In addition, the export of pollution control technology and equipment which is a growing international market for the United States is not considered or quantified in any way in this report.

The report does not in any way attempt to analyze job and productivity losses already resulting as a result of exposure to air pollution, nor does it attempt to quantify any reduction in productivity. And as a consequence, it is, as many reports are, filled with facts that ought to be considered but ought to be considered in the light of the point of view of those who requested and prepared the report.

We are all familiar with that theory. It is not uncommon for economic reports to reflect the policy of those who authorize and prepare the reports. We have a lot of lawyers in this body, and every lawyer here is familiar with the circumstance which exists in civil trials in which experts will appear for both sides, each expert having equally lengthy résumés and qualifications, and reach diametrically opposite conclusions, each in good faith.

I do not here purport to challenge the good faith of the office of this report or those who authorize it. They have a point of view, and presenting arguments which tend to support their point of view. There are other estimates and reports which tend to establish a contrary factual basis.

I tried as best I can and fairly as I can to respond.

Mr. RUDMAN. I thank the leader.

Will the leader yield for 30 seconds?

Mr. MITCHELL. I yield.

Mr. RUDMAN. I want to thank the distinguished Senator from Maine. I think that throws a lot of light on it. I think it would also be interesting to know what our own internal committee staffs think, assuming they are not biased, in terms of economic estimates.

But I think this has been a very valuable contribution and debate because what we heard in the last hour caused many of us deep concerns, and still does. The amendment of the Senator from West Virginia is still pending. But he raises a far more significant issue. I thank the Senator.

If there is any other statistical data from a less biased point of view, that ought to certainly be entered into the debate.

Mr. BOSCHWITZ. Will the majority leader yield for a question?

Mr. MITCHELL. Might I make one further point, and I will be pleased to do so.

I commend all Senators who might not otherwise have seen it, the document which I hold in my hand entitled "Economic Analysis, Title IV, the Acid Rain Provisions of the Senate Bill S. 1630."

The document provides valuable data on employment trends in the coal industry, both those which have been occurring and are projected to occur absent this legislation, and those which might expect to occur as a consequence of this legislation.

I suggest that all this be taken, particularly the projections as to the future, with caution and with prudence. It merely adds additional facts to be considered, as the report on which I have just commented on.

Mr. BOSCHWITZ. Will the majority leader yield for a question?

Mr. MITCHELL. Yes. Certainly.

Mr. BOSCHWITZ. I know the majority leader has been much involved in the negotiations concerning this bill. What conclusions has he reached with respect to employment and how employment will be affected by this bill? Is he maintaining that additional jobs will be created in the production of antipollution materials that will offset all the other jobs?

To me, it seems that the bill is going to cost $25 billion or $20 billion, whatever it happens to be, in that range. That is not an asset or a liability. That is a cost. That is additional overhead that is imposed upon the economy. That cannot be done in a vacuum. Something is going to be happening. Some additional cost is going to be imposed upon the economy that will make us less competitive. We may be making antipollution devices, but something is going to happen that affects jobs.

I wonder what the majority leader has concluded about the impact of this bill on the jobs.

Mr. MITCHELL. First, let me say, in response to my colleague from Minnesota, that the assertion which he presented of the cost of the bill is itself not a fact but an assertion, an estimate, represents the administration's estimate, and it includes projections of the events that will occur as far in the future to the year 2020. It also includes several assumptions which I personally do not accept, and which the EPA itself has characterized as unreasonable.

For example, the figure which the Senator used is the administration's figure, and it assumes—this is one example—that in the air toxics area all technology installed in the future covered by the estimate will be current technology, with no technological improvement between now and the year 2020.

The EPA itself characterizes that assumption as unreasonable and, therefore, since the assumption is unreasonable, I submit that the estimate which is based upon that assumption is unreasonable.

I do not think anyone can say with precision what the cost will be. I personally believe that it will be substantially less than that projected by the administration. But I know some very able and intelligent administration officials with whom I have great respect think it actually will be more.

So the first point to be made is that an estimate is speculative, and it deals with events far in the future. And it is based on assumptions which some do not accept. It may in other respects understate costs. No one can be certain.

Second, all of these cost estimates that are being used do not take into account the current costs that are being imposed on our society. The American Lung Association estimates that, in health care costs and lost productivity, the current cost is far in excess of the estimate made by the administration of the cost of the bill.

So we are already paying billions of dollars, again estimates, and this is an organization with a point of view that supports the bill, and its estimates ought to be viewed with caution in the light of that position.

So I think we ought to, when discussing the burden on society, evaluate not just the additional costs which will be imposed as a result of this, but the current costs which will be eliminated or reduced as a result of this. And one organization says we will save $20 billion, assuming that the administration's figure is correct.

My conclusion is that there is likely to be very little net job loss in our society; that I think there will be some shifts in employment. But I think overall there will be very few jobs lost.

I cite the experience of environmental legislation. We are not the first to participate in such a debate. Every time major environmental legislation has been presented, especially the Clean Air Act, dire predictions have been made as to employment consequences. It is my belief that those dire consequences did not materialize, and that there were some substantial job shifts, increase in some areas and reductions in others.

So in my estimate, and I also caution that I am obviously a proponent of this legislation, and my estimate reflects my point of view that I think there will be, in the aggregate nationwide, very little job loss, with some significant job shifting as between industries and areas.

Mr. BOSCHWITZ. So, if I may continue for a moment, the Senator from Maine, I appreciate him saying that he is reflecting his point of view with respect to the bill, just as the people who committed the survey that you pointed out, their view was that they oppose the bill. The Senator feels that this bill, despite the expensiveness of it, despite the changes it is going to impose on our society, is probably not going to have any economic effect; is that what the Senator from Maine is saying?

Mr. MITCHELL. No. That was not the question.

Mr. BOSCHWITZ. There is going to be some shifting about, but it will settle down.

Mr. MITCHELL. The question was job loss. The statement made now is to economic effect. I think there will be a substantial economic effect. I believe the net job loss will be relatively small in our national economy. I acknowledge that reflects my point of view. I think there will be substantial economic effect. I do not use the term economic effect and job loss interchangeably.

Mr. DOMENICI. Mr. President, I wonder if the distinguished majority leader would yield the floor.

Mr. MITCHELL. I do yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to express some views to the distinguished Senator from New Hampshire about his question on jobs. Before I do that, let me say to the senior Senator from West Virginia, my good friend, the chairman of the Appropriations Committee, I join with those who have said to the Senator tonight that we needed this debate. There is no question that, had this amendment not come to the floor, we would not have discussed one of the most important issues confronting this Nation with reference to environmental cleanup.

Let me go back. I am not on the committee, but so everyone will know, I was on that committee for 14 years. I participated in the two Clean Air Acts. Senator Muskie was the chairman. Senator McCLURE and I went to both conferences. We attempted to tell the American people how much it might cost.

This is a very different bill. I am for it, so no one will suspect that my conversation is because I am against this bill. I am for the bill that we reported out as a result of the work with the

administration and a number of Senators.

We must think back to the difficult job that the President had in sending us a bill. Whether we agree with him or we do not agree with him, I say to my friend from New York, they used one consistent set of economic data all the way through their proliferation.

So to the extent that it was relevant, it was there all the time. And they argued for months in the White House about a bill, and many people in this administration told the President that the bill he was sending would have too serious an economic impact on this Nation. And he went with those that said so long as the bill does not cost more to implement, to buy the technology to ratchet down dirty air and toxic substances, so long as it does not cost more than $20 billion, in its second phase, per year, I am for it, said the President.

Tonight we are finally talking about why he sent another letter up saying, if you want to change some things, OK, but do not put more than $20 billion on the businesses, large and small, and on the American people, unless you have some pretty big proof that you are getting a lot of cleanup for it.

Now, he did not go through all of that because it is meaningless to say $20 billion a year. Let me ask anyone in this Chamber, if somebody sent a bill up to the desk tonight and said let us put a $20 billion tax on American corporations, large and small, would anybody say that it has no economic effect in the world we live in? Of course it has economic effect.

The answer to the Senator's question is there will be dislocation. There will be people put out of work. We are hopeful that in a $5 trillion GNP American economy that we can afford this much clean air and a cleaner environment, at this much cost, and that one way or another, with the kind of employment we have, and hopefully sustained growth, we will assimilate it, and it will not cause more harm than the benefits we get from the clean air.

So let me say to my friend that it is about $20 billion a year under consistent evaluations of the administration, a year, in its second phase of implementation. Nobody can tell you with certainty how many thousands of jobs are going to shift or how many dislocations will occur, but it is significant. Nonetheless, the President said let us do that much. We get significant cleanup. It is a big problem. We can afford it.

Now, having said that, let me just say to all of you, when we finish this, we will have the cleanest environmental laws in the world, and if you are wondering about job loss, do not forget, we all speak of competition. We all speak of Japan and Germany and all of those countries that are competing. This is a competition issue, because those companies that have to put on a half billion dollars' worth of new equipment, or an American company planning a new plant, and they go in and say, what is it going to cost, and will we comply with the laws, if it is going to cost $1 billion more here than somewhere else, they may build it somewhere else.

They also may say, if we do not know where we are going, and 8 years from now we cannot understand it, we may build it in Taiwan. So somebody is trying to figure out all of those kinds of exchanges, those kinds of values and say, what are the jobs involved? So there will be big variations, but nobody should assume it will not cost.

I submit the next phase of environmental controls that we get concerned about is how to get our competitive industrial societies around the world to put some clean controls on their pollution, because if they do not, you can bet that we are going to lose plenty of jobs under this, and when we want to clean up some more, it will even be more so. So somebody ought to apply some real innovative ideas as to how we tell those that are selling us their products that they also ought to join this war for cleaner air and pay some of their money so that we get that done.

Having said that, I want to—without going into any detail, because people have argued it far better than I, I want to say to the distinguished Senator from West Virginia, the senior Senator, that I am not going to repeat anything that has been said here. But I am very concerned when I see the statistics that say the coal mining employment in the United States in the decade preceding 1989 dropped by 100,000 jobs. I am very concerned as to whether or not we are really going to compensate miners who lost jobs because of this bill or whether or not we are going to be compensating miners because there is an industry that is slowly but surely decreasing every year in numbers.

Why do I say that? I say that because in the United States of America over the past decade, millions—not thousands, millions—of people have changed jobs because one part of America's economy phased out and another phased in.

Some of us were here when that happened in the automobile industry. An old plant closed, a new one opened. The new one had new equipment and hired 1,000 fewer people. What do we do about that? Those people obviously received some kind of benefits and some kind of assistance.

I would say to my friend from West Virginia, if he could find a way to use the same amount of money contemplated in the bill he has before us—and frankly, I am not sure how much that would be. The Senator has told us how much it would be. I am very skeptical about it because I really have seen what happens to these kinds of programs.

But we could spend the same amount of money to see to it in some way that new jobs were created or enticed or brought to the States so those people could have jobs, even though that is not quite consistent with the American market. I would feel much better about it.

But I am not so sure that 4 years of compensation, as contemplated, even under the percentages the Senator has produced here tonight, I am not sure that is the best way to help those people who are in this changing market that need help. I think they need help to find new jobs, and we need to find ways, all of us, to make the economy grow consistently so there are new jobs.

I have always been very pleased to support those kinds of legislation and those kinds of acts that are for States that need help. I regret, however, that I do not think this is the right way to do this. I think the incentives run in the wrong direction, and I do not think we are necessarily going to be helpful by doing it this way.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I would like just to have the RECORD indicate I mentioned earlier the Trade Adjustment Assistance Program, and I did not have the particulars.

But I think if we are going to make a comparison about what this program does against what the program might do if you lose your job because of imports, first of all, trade adjustment assistance is only available after exhausting unemployment insurance. I think that is similar.

Eligibility is 52 weeks minus UI eligibility. The average was 24 weeks in 1988 trade adjustment assistance eligibility. The coal benefit is eight times as long.

The benefit equal to unemployment insurance, the average was $163 per week in 1988. The coal benefit is going to be eight times as large per week if it is passed.

In the Trade Adjustment Act, you are eligible for 26 additional weeks if engaged in training. I would like to include in the RECORD what States like Kentucky, Pennsylvania, and West Virginia would receive under maximum now from unemployment insurance, and what they would receive under the coal benefit. It is a rather substantial difference.

Also, I am advised by the administration that the way you get $700 million, you say there are 5,000 workers and they are going to get $140,000 apiece over 4 years. That is $32,500 a year for

not working, average. That gives you $700 million.

But this assumes you can differentiate between the ones who directly lost their jobs and the ones who lost their jobs because of reasons stated: Because of decline in the industry, new technology. So if you add that in, you cannot make any difference. What is going to make the difference is $4.1 billion, the cost of this amendment as modified.

Also keep in mind, we are only talking about phase 1 employees, and that is all the distinguished Senator intends, phase 1. But I do not know. I have not been here forever, but I have been here long enough to know if you start some program of benefits for people, in phase I, under 13,800 people that might lose their jobs, in phase 2 somebody is going to think you are taking care of them. I have to believe it, even though it would not be for a few years. If that were the case, that would add another $1.8 billion.

Still we are only covering one industry. Let us say we cover 15 industries. I do not know. You multiply that by 15. But it gets to be real money after a while.

And as the majority leader knows, I have been visiting with members of the administration. I did during the day, as I said earlier. I mentioned to the Senator from West Virginia, yesterday. We were meeting this evening. The Senator from West Virginia said he wanted to take his amendment. But we are still meeting with members of the administration to see if there is some way to come up with some response that might be acceptable and that might not discriminate against other workers, whether it is patterned after trade adjustment assistance or some other program, and I know there is precedence, as the Senator from West Virginia points out.

But, Mr. President, I am not certain we are going to have that information between now and tomorrow morning. Either we could move to table the amendment at this point, or maybe just go out at this point until we get the information. See if there is any way to reconcile the difference. If not, then we have to decide what we should do.

I do not like opposing the Senator from West Virginia any better than anybody else. If we are going to try to get this bill passed, then we are going to have to stand up on each side of the aisle and do it.

I am a little concerned about the last vote, because it was my understanding when the leadership is going to table an amendment, we would get an adequate representation from each side of the aisle, which was not the case. Nine Republicans voted not to table, as opposed to, 24 Democrats.

If we are going to finish this bill, we are going to have to have some parity around here, just as we had when I was the majority leader. I was told you furnish so many votes, and we will furnish so many votes. We are not going to be the antienvironmental crowd on this side to finish this bill so others can vote the other way.

I want to put in the RECORD what the percentages were on the last vote. Of Republicans, 79.5 percent voted to table the amendment, compared to only 55.5 percent of Democrats. We have Members on this side who are concerned about the environment, just as much as Members on that side.

If we are going to complete this bill and keep the agreement that we made, then we are going to demand parity on each side. We are not going to stand aside because a powerful Member has an amendment.

We are trying to get a clean air legislation bill passed. A lot of Members and a lot of my colleagues, particularly the majority leader and the Senator from Montana and the Senators from Rhode Island, Minnesota, New Jersey, and others have worked years and years and years, and I happen to believe the administration when they say that if this is in the bill, it will be vetoed.

Maybe there is some way to resolve it. Maybe people do not care. This is probably a free throw on the other side of the aisle. What is the difference, $800 billion, the chairman of the Appropriations Committee? Let us just toss it in there; the administration will swallow it. They swallow everything else.

I am not certain that is the case. At least, I have been advised that is not the case. I want the bill to pass. But I want it to pass fairly and squarely, with equal participation on each side. Otherwise, it is going to come to a screeching halt.

Mr. President, I ask unanimous consent to print in the RECORD the comparison I made of trade adjustment insurance and unemployment benefits.

There being no other objection, the material was ordered to be printed in the RECORD, as follows:

TRADE ADJUSTMENT ASSISTANCE

Available only after exhausting unemployment insurance.

Eligibility is 52 weeks minus UI eligibility—average was 24 weeks in 1988 TAA eligibility. Coal benefit is eight times as long.

Benefit equal to unemployment insurance—average was $163 per week in 1988. Coal benefit is eight times as large.

Eligible for 26 additional weeks if engaged in training.

UNEMPLOYMENT INSURANCE

Unemployment is a state based system with varying criteria. Only one in three unemployed workers receive benefits.

Selected states:

	Maximum	Average	Weeks
UI stats 1988:			
Kentucky	$166	$113	13
Pennsylvania	274	163	15
West Virginia	225	142	15
Vermont	169	132	12
Coal benefit	1,000	750	Up to 208

Mr. BYRD and Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I know the hour is late. There are a few comments which I would like to make, representing a State which will be very hard hit by the coal miners who will lose their jobs.

In the course of this debate, a great deal of attention has been given to the broader aspects of the bill, and lesser attention to the specific amendment offered by the distinguished Senator from West Virginia.

There has been much talk about assumptions, assertions, projections, and speculations. But with respect to the impact on coal miners, Mr. President, I would suggest this is not a matter of assumption or assertion or speculation, the coal miners that are going to be very hard hit when you talk about the decline in the coal industry, that is true.

But as a matter of fact, as a matter of proof and a matter of inference, it is pretty plain there will be a tremendous loss of jobs resulting from this legislation.

We are determined in this body to pass a clean air bill because the country needs it. The question is, how will the cost be fairly apportioned? There would have been many differences in this bill had some of us had our choices in terms of how many plants would have been designated and how the allowances would have been determined. There will still be presented on the floor an amendment which will relate to an investment tax credit which will see to it that high sulfur coal States will have a greater share of equity in this legislation.

When the assertions are made that the bill is dead, Mr. President, we want to pass a bill, but it cannot be a bill which is going to be dictated by the President, who will simply say that—or it is not really the President, it is a high administration source. Candidly, one of the concerns I have had as these negotiations have gone forward is just where the administration speaks. And these matters are subject to negotiation and subject to change. The President has spoken about an overall figure, but we have some flexibility. If it is to cost somewhere in the range of $21 billion, we can make some modifications, and we can see to it that the coal miners are fairly treated.

There is ample precedent for this kind of legislation with Penn Central and with Conrail. When you talk about many who may lose their jobs, they are going to have glancing blows, and they are going to have some losses, but the coal miners are going to be struck square in the nose. It is going to be a direct hit on the coal miners.

That is why I think that the amendment which the distinguished Senator from West Virginia has offered has great merit. It is not a matter of West Virginia coal miners, Kentucky coal miners, or Pennsylvania coal miners. It is a matter of what is fair for America.

We want a clean air bill. We have to pay for it, but it ought not fall excessively on one small group. That is why I support this amendment.

Mr. SIMPSON. Mr. President, I know the Senator from West Virginia will conclude perhaps, and I do not want to take the body much deeper into the night. But I was part of the group that put together this package. I was not there nearly the extent of time as Senator CHAFEE and Senator MITCHELL and Senator BAUCUS and Senator BREAUX. I do not think Senator BREAUX missed a meeting. I watched people come in and out, they came in and out to do their provincial or regional business. That is what they came in and out for, and I was an in and outer doing my regional and provincial business.

We labored last week until 3:30 in the morning one night, 12:30, 11:30. I was at those. Some yet feel excluded from the process. It that was so, it was certainly not intentional, as I saw it.

But through these hours and days, we came up with what we thought was something we could hold together because, you see, I have been on the committee for 12 years. I think I am one of the survivors on our side of the aisle because everybody that gets on gets off. There is nothing to be gained in the Environment and Public Works Committee unless—you know, you have to watch that you are not labeled as a soot-covered slob in the Environment and Public Works Committee. And that is very easy, and you can miss half a vote, you can come out of there with an amendment, 16 to zip, and the next morning in the paper it says you have gutted America. So it is a pretty disastrous service there, I know.

But I can tell you this. People try hard to develop every other kind of legislation, and we do it beautifully, but we never do it here because of the extremism on both sides, absolute extremism. Those who tell us that there will be 300,000 jobs or 1 million jobs gone and those in the environmental community who want a degree of purity that makes you laugh. It makes you laugh.

And so we have had nothing in 10 years but the same stuff belching into the atmosphere, nothing but the same stuff. And people are going to leave here, and we are about to do it again because all during those meetings, and I think all of us who were there will say that the administration would say, "That is 100 million bucks, and we cannot do it. That is it, and we will have to shut down." They were not fooling. And now you are going to get to the point where you are going to add $800 million or $1.2 billion or $700 million.

I'm just saying it is a blockbuster. It is in every sense something that will bring this bill down. There will be no bill. And there are plenty of people in this Chamber that do not want a bill. You have to remember, as we used to say when I was in the Wyoming Legislature, "Keep your eye on the rabbit." There are people in this Chamber on both sides of the aisle who do not want anything. They would never tell you in that way, but they really do mean that very, very, very much.

So, as we look at this and here about jobs, I cannot help but reflect—and I promise I will not go into my pitch. I can see a couple watching. It is only going to be 3 more minutes.

But let tell you, the whole uranium industry of Wyoming went down the pipes, and we never came here for anything. Would not have got it if we had. They would have said, "Too bad." The whole industry disappeared. And then the oil and gas industry went down the pipes. And we did not do anything there either. Minimal training. A whole industry went down the pipes because of imports, because of the market, because of the price of uranium because of Three Mile Island.

We have never had an energy bill in the United States and we never will until we finish this bill. Only when we finish this bill will we ever have an energy plan in the United States, because this will be the focus to get us to do one.

But let me just say to you that as I watched those two industries—and you talk about provincialism—and just watched them disappear, you knew that there was really nothing right about coming here and asking the Federal Government to make whole every lost uranium job and every lost oil and gas job. If that is what we are about in a capitalistic society, we are all missing something. What happened to risk? The risk now in capitalism, I guess, if you go broke, you come to the Federal Government to get made whole.

My father was a member of the United Mine Workers. I know what that is. And I know what black lung is. You heard Senator CHAFEE speek about that. Black lung is the most abused program in the United States. I have had people come to me and say, "They took my benefits." "Well, let us look into it. What happened?" "Well, when I told them I worked for Union Pacific Coal Co. I forgot to tell them I have worked in the mercantile store and I have never seen a lump of coal." That happens in real life. We always get the horror stories in this place about the wretched, the kids, the downtrodden, the mangled, and we never hear about the boobs and the bums and the euchrers and the people who do a number on every Federal program we have.

Well, that has happened with black lung. Who is going to turn down anybody with black lung? Who wants to be that kind of a person?

And so we do not. And that is why it is $3.5 billion.

That is the way it is.

Medicare? It was only supposed to be about $9 billion at the end of the decade. And that is what Hubert Humphrey said on this floor, and it is already $99 billion.

Mr. ROCKEFELLER. Will the Senator from Wyoming yield?

Mr. SIMPSON. Yes, I will yield for the moment.

Mr. ROCKEFELLER. I will try to do my best to put the Senator at ease. Of those coal miners who apply for black lung benefits these days, 3 percent are accepted into the program.

Mr. SIMPSON. Well, Mr. President, I think that is a pretty good example of what has happened to the program. If 97 percent are rejected then we know at one point—I would have thought they found a source there that was not there for them because they were inflating their claim.

Would that not be? I think so, if there is that kind of rejection rate. That is what I am saying. It was there and it has been abused. Very much abused.

Let me conclude here. Nothing has been said about this, and this cannot be left out of this debate. There will be a tremendous increase in low-sulfur coal in the high-sulfur coal States. The high-sulfur coal States do not just harbor in their veins high-sulfur coal. They have low-sulfur coal. And it is going to be used and a lot of it is going to be used.

Nothing is said here about this tremendous increase in low-sulfur coal jobs in the Eastern States, and it is going to be true. There will be some increases in eastern low-sulfur coal production. West Virginia has some very significant deposits of various kinds of coal, including large deposits, comparatively, of low-sulfur coal. Increases in low-sulfur coal production in Kentucky and West Virginia are going to offset some of these figures that have been presented the EPA. Everybody uses their own figures in this place. We have all learned that one.

EPA estimates that there may be as many eastern low-sulfur jobs gained as

high-sulfur jobs lost in phase I. It could be, of these 5,000 jobs lost, over 4,000 jobs could be gained. And that is being left out of this debate and that is wrong.

The real issue is that we have a declining industry. And the conflict within the United Mine Workers is so total, that while they speak for their members in West Virginia, they allow their members in Wyoming to go down the pipes. No wonder the conflict is so total with the United Mine Workers. They do not know who they represent. But they certainly do not represent their union members in Wyoming. And we have those kind of people in Wyoming.

The real issue is the toughest one of all, and that is this amazing man from West Virginia, the chairman of the Appropriations Committee, for whom we have the deepest respect and who has the most awesome prowess in this place, is at this point in this debate. There is not a single one of us who does not know what that means about the chairman of the Appropriations Committee.

I do not want to take on ROBERT BYRD of West Virginia. I write him letters all the time saying "how about a little fence around the elk refuge?" "How about a little tidbit here?"

And his letters come back with a beautiful handwritten note: "Alan, I think we can take care of that."

So, this is the ultimate hazard, the ultimate hazard is now upon us.

But I can tell my colleagues this: They are going to find out if they vote for this, they will lose this bill. They will lose this bill. Just what most have lusted for and wanted all their lives of Congress, and they are going to lose it on this amendment, if this amendment passes. They will not have anybody to blame but themselves. And they will get 10 more years of nothing.

Anyone who wants to go back home and talk with the Greenies, or the Blackies, and tell them that you came to Congress and did a Clean Air Act but you did not have the guts and you are going to let 10 more years of this stuff belch into the atmosphere because you did not have the guts to do what you know you have to do—and now it is crunch time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I will be very brief and yield the floor.

I think this debate tonight has been the best debate we have had thus far on the Clean Air Act, when Senators were here to listen to what is going on and what the potential risks are for the employment potential of the people of the United States of America. I might say to my colleagues, this may be a great compromise, this package that came out of the Environment and Public Works Committee. They found it was in great trouble on the floor and it went to the majority leader's office to be worked on for 3 or 4 weeks. It may be a great compromise but that does not mean it is a good deal for the working men and women of the country.

There has been a lot said about this report here tonight by the majority leader and other Senators, this report by two very distinguished economists, Robert Hahn, of the American Enterprise Institute, William Steger, of Concept Research Corporation.

I suggest to my colleagues who are asking all these questions, these are not extremists. I might say that to the distinguished Senator from Wyoming, the distinguished Republican whip, Senator SIMPSON.

I will read the conclusion of a draft summary of their report. It is very short. It will take just about 30 seconds to read it and I suggest to the majority leader and Republican leader, maybe they could invite these two here. We can have another meeting in S-207 or some other room nearby the Chamber and let the Senators ask them what the assumptions are.

As I read this report they said they did not account for new jobs gained. It is only jobs lost.

On Tuesday of this week I put in the RECORD the jobs at risk that come from this report. It is up to around 2.5 to 3 million jobs at risk in this country, if this bill passes.

But the conclusion of their draft statement that they sent to me says: "There is no doubt"—I am quoting now from Robert Hahn, Ph.D., William Steger, Ph.D.

Conclusions.—There is no doubt that, across the several titles of the proposed CAA amendments studies, there are a minimum of several hundred thousand jobs at risk—even with the more moderate proposals. Furthermore, depending on the assumptions, this study leaves little doubt that a minimum of 200,000-plus jobs will be quickly lost, with plants closing in dozens of states. This number could easily exceed one million jobs—and even 2 million jobs—at the more extreme assumption (e.g., achieving a one-in-one million residual risk level.)

And that is the 1 in 1 million residual risk level.

Few industrial sectors would be totally immune from such adversity. Large and small businesses, including new and established enterprises, in dozens of industrial sectors, in locations everywhere in the United States, would be seriously affected.

I will not read the rest of it. My colleagues get the gist of it.

I ask unanimous consent that this draft report be printed in the RECORD at this point, with the accompanying table which lists what the impact of jobs at risk would be in each of our respective States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIRECT ECONOMIC IMPACTS OF PROPOSED CLEAN AIR ACT AMENDMENTS: JOBS LOST AND JOBS-AT-RISK

(By Robert W. Hahn and Wilbur A. Steger)

If extreme and unnecessarily costly proposals for controlling air toxics, ozone, acid rain and creating onerous new permitting provisions are implemented by Congress, there is increasing concern—and a very real possibility—that the resulting significant economic dislocation will translate into direct job losses and place other jobs at severe risk.

Americans want to see clean air legislation passed this year. But they also want to know how much cleaner air will cost them in terms of higher prices. They are also concerned that hundreds of companies will close plants and move offshore, resulting in prolonged layoffs and decrease in real wages. Indirect multiplier effects will result in other job losses and reduced public health for hard-hit workers and their families.

Little, if any, of this information has been available from the agencies involved. . . either the Environmental Protection Agency or a host of others. This report is the first such set of comprehensive "what if" forecasts, examining—under a variety of possible Clean Air Act (CAA) amendment scenarios ranging in their impacts from moderate and reasonable to severe—the job consequences of differing versions of the proposed legislation.

Jobs are a critical economic indicator—socially and politically. Where jobs are gained or lost and which industries and workers are affected and economic outcomes which stimulate local public interest, and sometimes alarm, particularly if significant numbers of jobs are at risk in the same community. This report was prepared by Dr. Robert W. Hahn, an associate professor of economics and public policy at Carnegie Mellon University, a resident scholar at the American Enterprise Institute and, most recently, a senior staff economist of the Council of Economic Advisors from (1987 through 1989); and Dr. Wilbur A. Steger, an adjunct professor of public policy at Carnegie Mellon University and chairman of the board and president of CONSAD Research Corporating. He is the author of dozens of economic impact studies for Congress, the EPA and the U.S. Departments of Energy Labor, Commerce, Interior, Transportation, and private sector corporations and associations.

The report builds on the recently released Business Roundtable study, "Clean Air Act Legislation Cost Evaluation." The Roundtable study provides the raw materials to begin to examine economic consequences. It is the most comprehensive cost analysis of all proposed CAA Amendments, investigating costs under a number of different assumptions. This study targets what many consider to be the key economic indicator: jobs-at-risk and jobs lost.

We have tried to estimate how hundreds upon thousands of large, medium, and small firms will react to pollution control cost increases, some which may occur quickly and others which may occur only over the longer run.

The impact of most, but not all, of the CAA amendments are assessed, here: first, the Title III Amendments—Hazardous Air Pollutants; second, the title V Amendments—Acid Deposition Control (especially as they affect energy-intensive industries); and third, the Title IV Amendments—Per-

mits (especially as they affect small business). This prioritization is based on the authors' perception of which sectors: (1) have received the least serious attention to date concerning their economic impacts; (2) might experience the greatest economic impacts, measured by jobs-at-risk, including locational and sectoral extent; and (3) exhibit the most severe impacts at grass roots levels.

Air Toxics.—In particular, we focus on the job impacts of alternative air toxics "scenarios" since there continues to be a significant range of control options under discussion by the Administration, the Senate, and the House Representatives. Table ES.1 summaries the key results of this portion of the study. Depending on the assumptions, job estimates vary over a range from approximately 20,000 jobs lost to over 2 million jobs adversely affected—at least a million (plus) severely affected. These "scenarios" vary according to assumptions about the degree and severity of control, the number of industrial sectors and plans considered, and the reasons underlying the economic (jobs) effect.

Table ES.1, columns 1 and 2, were developed using EPA's own methodology for estimating job losses for a group of selected industries where there are no known technologies, to achieve either a one-in-10,000 or a one-in-one-million residual risk level requirement. This is a very limiting case, since it embraces only a handful of industries and plants. This "technological impossibiity" scenarios is a rock-bottom estimate of jobs impact. All the other cases are considerably broader in scope.

In columns 3 and 4, we take a much broader look at the numbers of jobs affected for two scenarios that most closely approximate the thrust of the Administration bill. Column 3 represents a more stringent level of MACT (Maximum Achievable Control Technology). Column 4 represents a more stringent level. Column 5 shows the number of jobs affected for the least stringent set of MACT and residual risk requirements, while column 6 indicates the number of jobs affected for the most stringent set of MACT and residual risk requirements contained in the various bills. Thus, together, columns 3-6 encompass the full range of jobs affected by alternative air toxics proposals. Table ES.2 further summarizes the key air toxics CAA Amendment impacts for the scenario presented in columns 3-6 of Table ES.1.

The "bottom-line" jobs-at-risk estimates from the air toxics proposals follow:

"In those cases where plants have the technology to achieve the required degrees of protection against risk, the jobs-at-risk range—depending upon the assumptions about the severity of pollution controls—from approximately 550,000 workers under the Administration bill, involving approximately 10% of all U.S. plants considered, to as many as 2.4 million workers and almost 60% of all U.S. plants under consideration.

"In-between assumptions about severity of controls lead to an estimated 1.1 million jobs-at-risk in more than 20% of all U.S. plants under study."

In each of these scenarios, the majority of plants affected are in the electric and gas utilities; chemicals; paper products; stone, clay and concrete; primary metals; lumber and wood products; and petroleum refining sectors. The majority of jobs affected are in transportation equipment, chemicals, primary metals, paper products, electronics, petroleum refining, industrial machinery, and electric and gas utilities sectors.

With respect to the localities affected, 895 counties (of the approximately 3100 U.S. counties) are impacted under the Administration proposals, 911 counties are impacted under more severe pollution control legislation, and 1,466 counties (almost half) are impacted under the most severe. These contain from 151 to 190 million people or about 67 to 84 percent of the 1980 total United States population.

Jobs affected by air toxics provisions can readily exceed 2 million, an enormous number, depending on the severity and costs of environmental controls, the number and size of plants, and the industrial sectors affected. At the extreme, almost 50 percent of United States counties will experience jobs-at-risk, ranging from certain job losses to jobs significantly and adversely affected.

Acid precipitation control.—The acid rain provisions, while primarily focused on reducing sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions from electric utilities, will also substantially impact energy-intensive industries because higher costs are expected to be passed on to industrial customers in the form of higher rates. In all, for the principal electricity-consuming industries examined in this study, there are an estimated 1,719 plants in 96 counties in the 20 states that contain the 107 utility plants affected by the acid rain provisions. These plants employ 232,000 workers whose jobs may be affected by the proposed amendments. In particular, many of the jobs affected are in states—for example, Indiana, Missouri and Ohio—that are expected to experience the largest increases in electricity rates for industrial customers. Moreover, the 232,000 jobs in these 96 counties represent about 3.9 percent of the total employment in these counties.

Permitting and small business impacts.—For small businesses—both those in the gestation stage and for those already in operation—the impact of the proposed CAA Amendments is quite different from that on larger firms. Small businesses subject to the permitting requirements—especially those in ozone non-attainment areas—are expected to incur new and significant control costs. For example, we estimate the average small business will be charged approximately $15,000 for fees to cover permitting expenses. These operating permits would be valid for up to five years according to the Administration bill. In addition to these permitting fees, equipment to continuously monitor the emissions of up to four pollutants is likely to cost from $50,000 to $250,000 including the cost of software (about $25,000 to $50,000 of the total cost). For the selected group of small business industrial sectors examined in this study, we estimate that there are 87,129 plants with 1.1. million workers or, on average, about 13 employees per plant throughout these counties. These 1.1 million jobs affected by the permitting requirements of the proposed CAA Amendments represent about 2.3 percent of the total employment and about 2.6 percent of the total small business employment in the ozone non-attainment counties.

Compounding influences.—Jobs affected by the air toxics, acid rain, or permitting provisions of the proposed CAA Amendments will be increasingly at risk if the communities in which the affected plants are located are already in a difficult economic position. Critical economic factors include: already high levels of unemployment and underemployment; a significant underclass: troubled, perhaps fiscally failing municipalities; and other indicators of already adverse economic conditions. Furthermore, the compounding effect is interactive. Jobs lost due to plant closings or massive layoffs will increase unemployment in already distressed communities. Municipalities already burdened with extraordinary expenditures and reduced revenues will suffer from a decrease in tax collections. Particularly troubled workers will have a higher chance of filling into the underclass, from which the chances of recovery are a good deal worse than a more short- to medium-length period of unemployment.

Conclusion.—There is no doubt that, across the several titles of the proposed CAA amendments studies, there are a minimum of several hundred thousand jobs at risk—even with the more moderate proposals. Furthermore, depending on the assumptions, this study leaves little doubt that a minimum of 200,000-plus jobs will be quickly lost, with plants closing in dozens of states. This number could easily exceed one million jobs—and even 2 million jobs—at the more extreme assumption (e.g., achieving a one-in-one million residual risk level). Few industrial sectors would be totally immune from such adversity. Large and small businesses, including new and established enterprises, in dozens of industrial sectors, in locations everywhere in the United States, would be seriously affected.

We encourage others to continue the investigation of these job impacts. The CAA Amendments, if unnecessarily severe and rigorous can have an immense, adverse impact.

We do not believe it is in the national interest to ignore these potential job impacts. We strongly urge the nation's lawmakers to carefully consider these economic consequences before embarking on a policy that could adversely impact the overall competitive position of the United States and its component regions.

TABLE ES.2.—SUMMARY OF AIR TOXICS CAA AMENDMENT IMPACTS, BY SCENARIO

	At most 90 percent MACT [1] and no specific residual risk level requirement	At most, 90 percent MACT [1] and 1 in 10,000 residual risk level requirement	At most, 98 percent MACT [1] and no specific residual risk level requirement	Full compliance with 98 percent MACT [1] and 1 in 1,000,000 residual risk level requirement
Total number of plants evaluated [2]	9,821	9,821	9,821	9,821
Number of plants not subject to the air toxics provisions [3]	3,371	3,371	3,371	3,371
Number of plants subject to the air toxics provisions [4]	6,450	6,450	6,450	6,450
Number of plants incurring no incremental VOC control costs	4,422	4,327	4,280	1,143
Number of plants incurring incremental VOC control costs	2,028	2,123	2,170	5,307
Plants with no existing VOC controls	1,592	1,593	1,595	4,349
Plants with insufficient existing VOC controls	436	530	575	958
Total incremental VOC control costs (billions of dollars) [5]	14.7	18.8	18.8	46.8
Total number of jobs affected (thousands)	1,031	1,070	1,102	2,417
Total number of counties affected	895	911	914	1,466
Total employment in counties affected (thousands)	58,135	58,769	59,045	70,427
Total 1980 population in counties affected (millions)	151.1	153.9	154.8	190.3

[1] Maximum Achievable Control Technology.
[2] Includes all U.S. plants in EPA's 1985 National Emissions Data System (NEDS).

[3] Includes those plants that are not estimated to emit 10 or more tons per year of an individual air toxics pollutant or 25 tons or more of all air toxics pollutants (i.e., the 10/25 rule).

[4] Includes those plants that trigger the 10/5 rule.

[5] The total incremental VOC control costs for Columns 3 and 4 may be high by a factor of two since facilities can achieve cost savings by controlling particular emission sources in the facility above 90 percent, and other emission sources in the facility below 90 percent, and still achieve an overall facility MACT of 90 percent. For a facility MACT of 98 percent (as in Columns 5 and 6), such cost savings are not possible. For further details, see Denny Technical Services (1990a).

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Washington, DC.

EDUCATION

1977-81: California Institute of Technology, Pasadena, California, M.S., 1979, Ph.D., Economics, 1981.

1976-77: Stanford Graduate School of Business, Stanford, California.

1971-75: Brown University, Providence, Rhode Island, B.A., Mathematical Economics, 1975; M.A., Economics, 1975. Languages: Spanish. Honors: Phi Beta Kappa.

EMPLOYMENT

1989: Resident Scholar, American Enterprise Institute, Washington, DC.

1987-89: Senior Staff Economist, Council of Economic Advisers, Washington, DC.

1985-89: Associate Professor of Economics, Department of Engineering and Public Policy and School of Urban and Public Affairs, Carnegie Mellon, Pittsburgh, Pennsylvania.

1982-85: Assistant Professor of Economics, Department of Engineering and Public Policy and School of Urban and Public Affairs, Carnegie Mellon, Pittsburgh, Pennsylvania.

1981-82: Research Fellow, Environmental Quality Laboratory, California Institute of Technology, Pasadena, California.

1981: Instructor, Pitzer College, Claremont, California.

1978: Economist, Council on Environmental Quality, Washington, DC. (summer).

1976: Economist, World Bank, Washington, D.C. (summer).

1975-76: Division Staff, MITRE Corporation, McLean, Virginia.

1973-75: Math Teacher, Transitional High School, Providence, Rhode Island.

PUBLIC SERVICE

1983-89: Co-founder of the Community Preparatory School, Providence, Rhode Island.

PROFESSIONAL AFFILIATIONS

American Economic Association.

Association of Environmental and Resource Economists.

Association for Public Policy Analysis and Management.

Editorial Board—*Journal of Environmental Economics and Management.*

AWARDS

American Association for the Advancement of Science Fellowship.

Barr Award for Outstanding Research in Applied Public Economics.

Brookings Fellowship.

Caltech McDonnell Award for best graduating student in Social Science.

RESEARCH PROJECTS AND FOUNDATION SUPPORT

Agency for International Development, "Marketing and Processing of Crops in Uganda."

Electric Power Research Institute, "Organizational Aspects of Power Pooling."

Environmental Protection Agency, "An Examination of EPA's Controlled Trading Options."

Environmental Protection Agency, "An Evaluation of Mechanisms for Complying with the Ozone Standard."

Matsushita Foundation, "Educational Development."

National Science Foundation, Decision, Risk and Management Science, "The Emergence of Markets for Controlling Risks."

National Science Foundation, Regulation and Policy Analysis, "Spot Markets for Electricity."

Office of Technology Assessment, "Designing Economic Incentives for the Clean Air Act."

Rhode Island Foundation, "Options for Alternative Education."

WILBUR A. STEGER,
CONSAD RESEARCH CORP.

Wilbur A. Steger is president, chairman of the board, and founder of CONSAD Research Corporation, a national private-sector think tank that he launched in 1963. He has been a consultant and advisor to federal, state, regional, and local executive agencies. He currently is a senior consultant and advisor to the U.S. Environmental Protection Agency, the Department of Labor, the National Science Foundation, the Department of Interior, the Department of Energy, the Department of Defense, and the Department of Health and Human Services on issues of public health, environmental health and safety, health economics and public policy. He has also served as an economics and systems analyst consultant to a number of corporations, including Alcoa, AT&T, Westinghouse Electric, USX, and many others, as well as The Business Roundtable and the American Iron and Steel Institute. He has been an advisor to the Presidential Task Force on Regulatory Reform and continues to advise that Office on technology, economic, and regulatory matters.

Dr. Steger received his B.S. in economics from Yale University and his M.S. and Ph.D. in economics from Harvard University. He was a teaching fellow at Harvard from 1952 through 1955, an adjunct professor at the University of Pittsburgh from 1963 through 1973, and is currently an adjunct professor of Policy Sciences at Carnegie Mellon University. From 1955 through 1962, Dr. Steger was a member of the Logistics Department of the RAND Corporation, becoming chief economist of the RAND Logistics Simulation Laboratory in 1958.

At CONSAD, in the economic impact, arena, Dr. Steger has been the principal-in-charge of the more than one hundred important CONSAD nationwide assignments, for two dozen Federal agencies, and several important Congressional studies. The special focus has been the employment and output consequences of regulation at state and local levels.

Dr. Steger has published more than one hundred research papers, monographs, reports, and books. He is a member of the major professional economics associations, as well as a founder of a number of nationwide professional organizations.

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
Alabama	31,778	37,775	34,670	56,412	9,438	4,890	46,106	70,740
Alaska	3,251	3,251	3,251	4,786			3,2,51	4,786
Arizona	8,326	8,326	8,326	12,059	14,520		22,846	26,579
Arkansas	9,098	9,286	9,098	14,141	156		9,254	14,297
California	29,659	29,659	30,194	132,991	210,243		239,902	343,234
Colorado	7,612	7,612	7,612	20,090			7,612	20,090
Connecticut	18,838	18,838	19,209	30,691	20,637		39,475	51,328
Delaware	2,637	2,637	2,637	14,872	4,580		7,217	19,452
District of Columbia	50	50	50	250			50	250
Florida	14,118	14,118	14,466	29,619	30,781	7,599	52,498	67,999
Georgia	18,289	18,422	18,481	51,433	22,019	6,329	46,637	79,781
Hawaii	3,055	3,055	3,055	5,254			3,055	5,254
Idaho	675	675	675	2,791			675	2,791
Illinois	54,668	55,917	58,219	109,660	79,707	6,250	140,625	195,617
Indiana	81,136	81,136	82,872	155,798	16,788	28,559	126,483	201,145
Iowa	14,949	14,949	14,949	26,373		6,932	21,881	33,305
Kansas	3,594	3,594	5,309	19,531	6,110	8,427	18,131	34,068
Kentucky	16,559	16,559	19,017	37,506	11,334	9,000	36,893	57,840
Louisiana	26,619	26,619	26,665	38,894	7,757		34,376	46,651
Maine	3,185	3,185	3,185	10,245	4,214		7,399	14,459
Maryland	8,002	8,002	8,042	27,169	29,526	10,502	48,030	67,197
Massachusetts	13,424	13,574	14,868	24,446	53,874		67,298	78,320
Michigan	46,992	46,992	47,734	181,083	36,272	3,464	86,728	220,819
Minnesota	17,890	17,890	17,890	27,599			17,890	27,599
Mississippi	13,813	13,813	13,813	27,082	685	272	14,770	28,039
Missouri	58,066	58,066	58,440	87,336	25,914	21,442	105,422	134,692
Montana	1,261	1,261	1,261	3,923			1,261	3,923
Nebraska	3,750	3,750	3,750	6,820			3,750	6,820
Nevada	0	0	0	2,316			0	2,316
New Hampshire	4,339	4,339	4,339	10,621	7,605	1,387	13,331	19,613
New Jersey	12,510	13,368	25,492	43,817	90,458	69	103,037	134,344
New Mexico	2,209	2,209	2,209	7,413			2,209	7,413
New York	70,083	79,280	81,415	140,458	98,652	8,570	177,305	247,680

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS—Continued

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
North Carolina	16,135	16,135	16,135	114,736	27,427		43,562	142,163
North Dakota	61	61	61	635			61	635
Ohio	92,346	93,145	94,322	210,170	69,351	46,780	208,477	326,301
Oklahoma	4,044	4,165	4,165	23,703	4,346		8,390	28,301
Oregon	4,651	4,651	4,651	11,591	8,703		13,354	20,294
Pennsylvania	54,246	55,370	55,430	135,015	71,533	24,714	150,493	231,262
Rhode Island	826	826	879	5,939	9,878		10,704	15,817
South Carolina	4,672	4,672	4,672	45,619	9,627		14,299	55,246
South Dakota	320	320	320	811			320	811
Tennessee	69,027	69,034	78,707	92,377	17,833	8,305	95,165	118,515
Texas	62,239	84,810	75,918	114,967	69,377		131,616	184,344
Utah	8,145	8,145	8,145	14,210	5,516		13,661	19,726
Vermont	1,573	1,573	1,573	2,038			1,573	2,038
Virginia	33,979	33,979	33,984	107,378	19,642		53,621	127,020
Washington	11,468	11,468	11,468	67,469			11,468	67,469
West Virginia	20,485	22,360	23,105	31,290	2,854	1,967	25,306	36,111
Wisconsin	41,823	41,823	42,206	74,949	16,731	26,437	84,991	118,117
Wyoming	1,341	1,341	1,351	3,425			1,341	3,425
United States	1,027,816	1,067,085	1,098,285	2,414,804	1,114,088	231,895	2,373,799	3,760,787

Mr. SYMMS. I suggest to the minority and majority leaders that maybe Senators would be interested in personally interviewing these economists and asking them what the impact will be.

I say again, it may be a great compromise but, my colleagues, for the sake of the working men and women in this country, what is a great political compromise may be a lousy deal if those are the people who are impacted. It is a lousy deal for the coal miner in West Virginia, who loses his job or her job as a result of this bill. It is going to be a lousy deal for the chemical worker, for the pharmaceutical worker, and for all those other industries that will be driven offshore as a result of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio stood first and is recognized.

Mr. BYRD. Mr. President, the Senator from Ohio has been recognized. The rules do not suggest that the Chair recognize the Senator who stands first. The Chair must recognize the Senator who seeks recognition first.

Mr. GLENN. I will yield the floor. I yield the floor.

Mr. BYRD. I meant no disrespect for either the Senator from Ohio or the Chair. The Chair simply said the Senator from Ohio stood first.

Nobody can argue with the Chair, because whatever he says with respect to recognition is not debatable.

Mr. President, I heard the argument here tonight that the coal mining industry is a declining industry.

It sounds to me as though what I am hearing said is that those people down there are going to lose their jobs anyhow, and so it will just be a little longer and a little more pain. We ought to bring in other kinds of jobs.

We have seen jobs go overseas now to the extent I doubt we are going to see other jobs brought into those areas. We have seen our steelworker jobs go overseas; we have seen our pottery making jobs go overseas; our shoe factories, we had half a dozen shoe factories in West Virginia and they are gone.

Yes, I have seen the jobs decline in the coal industry, may I say to my good friend from Wyoming, Senator SIMPSON. There were 130,000 coal miners in West Virginia when I ran for the House of Representatives 38 years ago—130,000. And today they are down under 30,000, and they are still declining. But we will never reach the day when we will not require some men or women, and there are women who work in those mines as well, to operate those machines. Mechanized mining has taken a lot of jobs, but we will never get to the point where those machines will operate by themselves without human beings operating the machines. We have about reached the bottom now.

Then it is said in West Virginia there is high sulfur; there is low sulfur. And if the high-sulfur jobs are taken away, the low-sulfur parts of West Virginia and the southern part of southern counties will absorb those jobs.

Mr. President, miners who lose their jobs in Marion County, Harrison County, and Barbour County, and other counties in northern West Virginia, north-central West Virginia where the high-sulfur regions exist, are not going to McDowell County, and Raleigh County, and Mingo County, and Mercer County. They are not going down to the counties in the southern part of West Virginia where there is low-sulfur coal, and take those jobs. With the mechanized equipment that they have in southern West Virginia, they can produce the additional coal without taking on any more coal miners from northern West Virginia.

So once those jobs are lost in those high-sulfur regions, they are going to be lost for good. They are not going to be absorbed in southern West Virginia. I know. I am from West Virginia, and my colleague Senator Randolph—by the way, I called Senator Randolph today. He had a saying that went like this: Eighty-eight on the 8th. Today was his birthday, and he was 88 years old. So call him if you get a chance in the next few days. He will be pleased to have you call him.

My colleague, Senator ROCKEFELLER, knows that those high-sulfur jobs, when they are gone, are going to be gone, and not only will those jobs be gone, but two nonmining jobs will be gone for every mining job that is lost.

So there is going to be economic havoc wreaked on those communities in northern West Virginia and north-central West Virginia and in the other States in Appalachia. I am not just here talking about the jobs in West Virginia; I am talking also about jobs in other parts of Appalachia and in the Midwest.

My friend from Oklahoma spoke about the income that would still be coming into the miners' homes if this legislation were to be adopted. He was talking about those high salaries that coal miners would be getting as a result of this legislation if they lost their job. I am sure they would rather keep their jobs than to have the benefits that would accrue to them under this legislation.

He said that would be a much higher average income than the rest of the country; I must say it would be a much higher income than it would be in some other parts of West Virginia. I do not know how many Members of this Senate have been back in a coal mine. You ought to go sometime. Hear the timbers cracking to your right, and the timbers cracking to your left, and see the tipple bottoms up over your head. They just drop out. They kill people.

Someone said something about black lung. My brother-in-law died of black lung. He was not one of those cheaters. He died.

Of course, there always will be some people who will try to take advantage of any program. I tried to cut off the unqualified welfare recipients here in the District of Columbia when I was chairman of the Appropriations Subcommittee for the District of Colum-

bia for 7 long years. I did not have another chance to graduate to another subcommittee because there just were not any openings. Fifty-nine percent of the aid to the totally and permanently disabled went to those who were not qualified. I did not write the regulations, but as chairman of the subcommittee, I felt it my duty to try to appropriate moneys, taxpayer's money to the District of Columbia prudently. The same way with the moneys paid to families with dependent children.

There will always be unqualified people to take advantage of every program that comes along. So some undoubtedly receive benefits from black lung who were not qualified. I do not question that.

Mr. President, yes, this would be a much higher income than the average income across this country, but working in the coal mines is the most hazardous occupation in this country. Certainly it is right at the top. I would not want to earn my living in a coal mine. I would not want to work in the coal mines, in the deep mines of West Virginia for the salary that I get from being a Senator, the salary that I get for being President pro tempore. I would not want to work in a coal mine.

I will not stand here tonight and tell the horror stories some have mentioned about the mine explosions. Those miners take their lives into their hands every day they walk into that mine. They do not know whether they are going to come out again or not. There are scores of bodies still in the last explosion in West Virginia, never have been recovered out of the mines in north-central West Virginia, a high sulfur producing region.

So it is the most hazardous occupation in this country. So they are entitled to a little more money than the average income.

Then we keep hearing that the administration will veto this bill, this amendment will kill this bill. Mr. President, I cannot believe that the White House is going to veto a bill because there is an amendment added in the U.S. Senate which still has to go to conference that would cost $700 million, at the most, according to the EPA estimates as to job losses. I cannot believe it.

Then we hear that if this amendment is adopted, we are going to see amendments that will provide for the inclusion of all other job losses in this country. Voltaire was asked when he was dying, "Can you see heaven?" He said, "One world at a time." So let us take one amendment at a time. Let us adopt this amendment, and then let us see if the administration says hands off, let us forget about it, just forget about it. I believe that is what he said.

Let us take one world at a time, take one amendment at a time. Let us see if the administration says the bill is dead. This bill still has to go to conference. Not everybody in this Chamber is a dummy. It still has to go to conference. It will be whittled down there in all likelihood.

So that the Members will not be kept overly long now, let me repeat what this amendment does so that we will all know. There have been a lot of rumors going around here about billions of dollars. I heard that this amendment would cost $11 billion. Five thousand miners. How much is that per coal miner? How much is that per coal miner if it cost $11 billion? That sounds like it cost more than $2 million per coal miner. What is it? How much is it per coal miner, $11 billion? Five thousand. Anybody can take the old math or the new math and they know that is pure horseradish.

Here is what the amendment does. Eligibility would be limited to terminated workers employed as coal mine workers for more than 6 months. I have heard it said, "Oh, if that amendment is adopted, if they just work 6 months, they will be entitled to 6 years of payments." If they only work 6 months, they will not get anything. They will get unemployment compensation. That is all. Eligibility would be limited to terminated workers employed as coal mine workers for more than 6 months. The lengths of benefits would be equal to the lesser of—equal to the lesser of—a worker's length of employment as a coal miner, or 4 years, whichever is the lesser. If he is employed 2 years, he would only qualify for 2 years under this amendment. If he is employed 1 year, he would only qualify for 1 year of compensation under this amendment. If he is employed 3 years, he would qualify for 3 years under this amendment. And the maximum for which he would qualify would be 4 years and he would have to have worked in the mines for 4 years prior to being terminated as a result of this legislation before he would qualify for that length of time.

In the first year after termination, protected employees would be eligible to receive benefits equal to 80 percent of the compensation and benefits they received during the 12-month period prior to their termination, 80 percent; the second year, 70 percent; the third year, 60 percent; the fourth year, 50 percent of the prior compensation.

Benefits paid under the program would be reduced dollar for dollar by the amount of any earnings from any other employment during the period of eligibility, and to encourage retraining—someone mentioned retraining—protected employees would be eligible to receive a one-time bonus equal to 20 percent of their prior compensation and benefits if they enrolled in a full-time retraining or education program certified by the Secretary of Labor during their period of eligibility. In other words, if they enroll that first year, they get 20 percent. That is all—1 time, 1 year. And if they had only worked 1 year in the coal mine, they would only qualify then for 50 percent. They only qualify for 80 percent plus the 20 percent if they enroll in a program or a retraining project that qualifies them for such.

So that would encourage coal miners to learn to weld or go off to a shipyard, if there is any steel left in this country, or if we continue to build any ships. The next war we have, I will work in a hamburger stand. I will not weld in any shipyards because we will not be building ships. Somebody else will be building the ships.

The cost of this program is difficult to calculate. Using the EPA's worst case estimate, worst case estimate, if 5,000 coal miners at an average annual salary and benefit level of $50,000 were to lose their job by 1995 as a result of whatever clean air legislation is eventually enacted into law, then the maximum cost for this program would be $700 million. Do you know who is going to have to find that? I am going to have to find the $700 million.

The actual cost of the program, however, would be much less than the worst case. Now, that is for 5,000.

If it is 3,000, the lower end of the range, what would it be? Sixty percent. Three is to five as 60 percent is to 100. Sixty percent of $700 million is $420 million if there are 3,000 jobs lost.

But the costs would be less than that. The net cost would be substantially less since, one, recipients of benefits would not be eligible for other Federal unemployment benefits. Two, the ripple effects of mine shutdowns would be reduced, thereby reducing the need within mining communities for other Federal assistance, and three, the benefits paid to protected employees would be subject to Federal income taxation.

While the potential costs of providing relief to protected coal mine workers may seem high, such costs are not so high when one reflects on the severe economic, emotional, and physical costs associated with massive unemployment.

So what I am trying to do is offer a safety net for those coal mine workers who are going to lose their jobs.

My good friend from Wyoming spoke of the uranium industry. Well, Mr. President, I have already said that there were 130,000 miners in West Virginia. That was when there were 400,000 in the country—130,000 mine workers in West Virginia when I came to the House, and today there are between 20,000 and 30,000.

I am not seeking Federal compensation for them. I accept the fact that they lost their jobs because of automation. Nobody is here trying to seek amends for what automation has

done. I am trying to seek amends for what we are going to do in passing this legislation.

I do not believe that any other industry in the United States will suffer as large a percentage job loss as the high-sulfur coal industry, and there are precedents—that has been pointed out—for this kind of assistance.

Now, I was in the Senate—many of my friends were not here—when we helped Chrysler, when we helped New York City. Yes, we did, and I helped to put it over. It is not the cheers you get on the way down the field; it is what you put on the scoreboard, and I helped to put it on the scoreboard.

After Hurricane Hugo, who came up here? Who was the first to stand up here and say let us appropriate money? After the earthquake hit California, who stood at this desk and helped California?

Those were God-made disasters, but a disaster is disaster, whether it is made by man or whether it is God-made. I am talking about disasters that are going to hit the coal fields as a result of this legislation.

There have been precedents. For example, in the Regional Rail Reorganization Act of 1973, which rescued the Northeast and the Nation from the effects of the Penn Central bankruptcy by creating Conrail, Congress recognized that a substantial number of rail workers would lose their jobs. For that reason, the RRR Act included title 5 to provide full protection of the salaries and benefits of employees who lost their jobs as a result of the downsizing of the Penn Central Railroad. That protection covered those employees for their full salary from the time they lost their jobs until their retirement date.

I am advised that the Federal payments to those people since 1973 amount to $750 million.

What are going to be the costs if we do not pass this legislation? Talk about the cost of providing relief—say those costs seem to be high. What are going to be the costs of the economic dislocations of the high sulfur coal miners? Will they have to be paid unemployment compensation benefits, food stamps, or do they go on welfare? What about the butcher and the baker and the candlestick maker? They are going to lose their jobs, too. Communities are going to go down. I have seen communities in West Virginia in which the unemployment was over 10 percent. We are going to see more of that throughout the country.

I thank my friends for listening patiently. Let me say once more that there are those who are going to come in the days ahead wanting help for their States, for their regions. And never will I draw a line and say that is not West Virginia. Why should we in West Virginia, we taxpayers, pay to help you? Wherever there is misery, unemployment, deprivation, in this country, wherever it is, it hurts the whole country.

What hurts the low sulfur regions is going to hurt the high sulfur regions. I have said for many years to the high sulfur people and the low sulfur people, you had get better get together because if you do not, first it will be high sulfur. That is just the appetizer. They will be back after you next, the low sulfur region.

Daniel Webster, when he made his address at the laying of the Bunker Hill Monument in 1823, referred to "my country, one country," and I hope that Senators will think of that, and this as one country. It is pretty tough, may I say, to have to face the fact that your people are going to be cut out of work and that the Senate turned you down.

I call up the modification of my amendment.

AMENDMENT NO. 1329 AS MODIFIED

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and the amendment is modified to reflect the changes that he previously submitted to the desk.

The amendment (No. 1329) as modified, is as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide." and insert: "dioxide.

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

COAL MINE WORKERS BENEFITS

SEC. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

"TITLE VI—RELIEF FOR TERMINATED COAL MINE WORKERS

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Relief for Terminated Coal Mine Workers Act'.

"PURPOSE

"SEC. 602. The purpose of this title is to help minimize the effects on individuals employed as coal mine workers who are terminated from their employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'terminated coal mine worker' means any individual employed as a coal mine worker on the date of the enactment of this title, and who, after having been employed, prior to or after such date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990; and

"(2) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"SEC. 604. (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

"(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"SEC. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 80 percent of such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 70 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 60 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(4) The monthly termination benefit for the fourth 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"SEC. 606. At any time during the 4-year period described in section 605(a), any terminated coal mine worker while engaged in a full-time retraining or educational pro-

gram certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 20 percent of the average monthly compensation of such worker computed in accordance with section 605(a)(1), for a period not to exceed 12 months.

"OTHER FINANCIAL ASSISTANCE

"SEC. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"SEC. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"SEC. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 48-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"SEC. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, such sums as may be necessary, not to exceed $700,000,000 and such sums shall remain available until such sums are expended, to meet the obligations payable pursuant to this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"SEC. 611. The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"REBUTTABLE PRESUMPTION

"SEC. 612. In the case of a claim for benefits under this title by any coal mine worker who is terminated from his employment on or after the date of the enactment of this title, there shall be a rebuttable presumption that such termination resulted from the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"RETROACTIVE CLAIMS

"SEC. 613. Claims based upon terminated employment must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.".

"LIMITATION ON APPLICATIONS

"SEC. 614. The Secretary shall not act on any application for benefits under this title filed on or after January 1, 1996.".

On page 3 of the amendment, immediately preceding line 1, insert the following:

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

Sec. 801. Coal mine worker benefits.

NATIONAL URBAN AIR TOXICS RESEARCH CENTER

Mr. BENTSEN. Mr. President, I was pleased to offer an amendment to clean air legislation which would establish a National Urban Air Toxics Research Center in Houston, TX. The amendment, which was passed by the Senate, provides for the Environmental Protection Agency to oversee the creation of a national urban air toxics research facility. The purpose of the center is to support the conduct of, and to evaluate, research and testing related to potential community health effects from air toxics.

That Texas is the site for such a center is altogether fitting. Texas has an expansive industrial base. The Houston metropolitan area has a large concentration of petrochemical plants and refineries. In fact, over one-half of our Nation's petrochemical capacity is located within the Houston-Freeport corridor. While Texas is fortunate to have such a strong industrial base, we also must face up to the problems, environmental and otherwise, associated with it. Hazardous air pollutants are serious and must be both curtailed and controlled. Last year, Texas led the Nation in amount of hazardous air emissions. That is a distinction the State can do without, and I want to see those emissions lowered. I do not think that we can any longer tolerate this level of emissions without knowing the precise health risks associated with them.

Another good reason for this center to be located in Texas is the extensive air quality monitoring that has been taking place in Houston since 1981. For the last several years, Houston has implemented a fairly comprehensive regional air quality monitoring program. The databank that has been created by this air quality monitoring program can be helpful in assisting health professionals, environmental experts, and policymakers at the Federal, State, and local levels assess the actual health effects of air toxics. Indeed this is a point to which the air toxics title of the bill speaks to, and I anticipate the research center established by my amendment will be a very useful tool to conduct some of the studies required by the legislation.

Finally, Texas is fortunate to have one of the finest medical facilities that can be found anywhere in the world. The research institutions that help to make up the Texas Medical Center have a demonstrated expertise in conducting studies related to biostatistics, toxicology, epidemiology, pulmonary medicine, pathology, and oncology among others.

This confluence of factors—large petrochemical and refinery industrial base, superior regional air quality monitoring program, and a first rate medical center and world renowned health professionals—combine to make Texas the most appropriate site for a national research center on urban air toxics. The information produced there can and will help the entire Nation find a better way of dealing with the air toxics problem as it relates to human health and environmental quality.

Mr. President, as the long debate on the air toxics title of the bill has shown us, we do not fully understand all the health problems or their seriousness that can be caused by toxic emissions. It is time we learned. A top flight research center, working closely with the research institutions in the Texas Medical Center, can help to focus our inquiry and develop answers to some hard questions. This center is supported by some of the major research institutions of the Texas Medical Center, such as the University of Texas Health Science Center, Baylor College of Medicine, M.D. Andersen Cancer Center, and the Texas A&M University system. That should give us great confidence in the quality of the work it will produce.

At the same time, for the center to serve us best, we have to be willing to support it. The Federal Government must do its fair share by providing at least 50 percent of funding for the facility. We have to ask the private or nonfederal sources to come up with its fair share to support the work of this research facility as well. The Greater Houston Partnership has assured me that it wants to play a leading role in assisting the administrator to oversee the establishment of this research center. I commend the work they have done and will do to make this national research center a national resource without peer.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, we have had a long and productive day and a long and very interesting and informative debate.

Earlier, the distinguished Republican leader suggested that in discussions with the administration which have been ongoing for some time, with members of Senator BYRD's staff, and others, that the matter ought to be reviewed overnight. I think that prob-

ably is good advice for Senators as well with respect to this issue.

I think we have had as full an exposition of this issue as we could hope and expect. And in view of the lateness of the hour, I am going to suggest that we retire for the evening, that there be no further rollcall votes, and that we return to this issue in the morning after everyone has had a chance to get a decent night's sleep, and the administration has had a chance to discuss the matter further.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 103. Concurrent resolution providing for a conditional recess of adjournment of the Senate from Friday, March 9, 1990, or Saturday, March 10, 1990, until Tuesday, March 20, 1990.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 398. Joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 398. Joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 8, 1990, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990 as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2491. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on activities concerning the prepayment of mortgages insured under the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2492. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, the annual report of the Energy Information Administration for calendar year 1989; to the Committee on Energy and Natural Resources.

EC-2493. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the annual report on incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the preceding five full fiscal years (fiscal years 1985-89); to the Committee on Environment and Public Works.

EC-2494. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2495. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2496. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report of the Department of the Treasury under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2497. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2498. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2499. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2500. A communication from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the Postal Service under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2501. A communication from the Acting President and Chief Executive Officer of the Oversight Board Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2502. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2503. A communication from the Secretary of Labor as Chairman of the Board and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-2504. A communication from the Secretary of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the results of a determination of the Railroad Retirement Account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

EC-2505. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third report of the Department of Health and Human Services on Alzheimer's disease; to the Committee on Labor and Human Resources.

EC-2506. A communication from the Chairman of the National Research Council, transmitting, pursuant to law, a report entitled "Volunteers in Public Schools"; to the Committee on Labor and Human Resources.

EC-2507. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, a report on the implementation of the Inspector General Act Amendments of 1988; to the Committee on Government Affairs.

EC-2508. A communication from the Secretary of Energy; transmitting, pursuant to law, the Eighth Annual Revision of the Comprehensive Program Management Plan for Federal Ocean Thermal Energy Conversion Program; to the Committee on Energy and National Resources.

EC-2509. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, a report of a building project survey for the consolidation of the Internal Revenue Service National Office in suburban Maryland; to the Committee on Environment and Public Works.

EC-2510. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the third annual report on the status of the Radon Mitigation Demonstration Program; to the Committee on Environment and Public Works.

EC-2511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of a delay in the submission of the estimate of the applicable percentage increase for fiscal year 1991 for hospitals subject to the Medicare perspective payment system and for excluded hospitals; to the Committee on Finance.

EC-2512. A communication from the President of the United States, transmitting, pursuant to law, a review of the relationship of the arms control objectives of the United States to the responsiveness of research and development of monitoring systems for verification; to the Committee on Foreign Relations.

EC-2513. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Receipts and Disbursements of the Public Service Commission's Agency Fund for Fiscal Year 1989"; to the Committee on Governmental Affairs.

EC-2514. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements for the People's Counsel Agency Fund for Fiscal Year 1989"; to the Committee on Governmental Affairs.

EC-2515. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on Judiciary.

EC-2516. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2517. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, pursuant to law, the annual report of the Office of Special Counsel under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2518. A communication from the Chief Administrative Officer, Office of the Secretary, Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2519 A communication from the Assistant Vice President (Government and Public Affairs,), National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Informaiton Act for calendar year 1989; to the Committee on the Judiciary.

EC-2520. A communication from the Acting Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2521. A communication from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2522. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2523. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2524. A communication from the Chairman of the Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2525. A communication from the Assistant Secretary of Commerce (Administration), transmitting, pursuant to law, the annual report of the Department of Commerce under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with amendments:

S. 865. A bill to amend the Sherman Act regarding retail competition (Rept. No. 101-251).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 511. A bill to recognize the organization known as the National Academies of Practice.

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment:

S. 2179. A bill to maintain funding for State and local law enforcement programs in the war against drugs and crime.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Harry F. Manbeck, Jr., of Connecticut, to be Commissioner of Patents and Trademarks;

Douglas B. Comer, of Virginia, to be Deputy Commissioner of Patents and Trademarks; and

John R. Dunne, of New York, to be an Assistant Attorney General.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Charles M. Herzfeld, of New Jersey, to be Director of Defense Research and Engineering;

Gerald A. Cann, of Maryland, to be an Assistant Secretary of the Navy; and

Jacqueline E. Schafer, of Virginia, to be an Assistant Secretary of the Navy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 12, 1989, November 13, 1989, January 25, 1990, February 6, 1990, February 20, 1990, and February 26, 1990 at the end of the Senate proceedings.)

** In the Army there are 80 promotions and appointments to the grade of colonel and below (list begins with Charles W. Baldock) (Reference No. 721).

* Lt. Gen. Orren R. Whiddon, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 859).

** In the Army there are 1,263 promotions and appointments to the grade of lieutenant colonel (list begins with Crispin A. Abad) (Reference No. 884).

* Gen. Bernard P. Randolph, USAF, to be placed on the retired list in the grade of general (Reference No. 955).

* Lt. Gen. Spence M. Armstrong, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 957).

* In the Air Force Reserve there are 19 appointments to the grade of major general and below (list begins with Don E. Follis) (Reference No. 964).

* Vice Adm. Albert J. Herberger, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 972).

** In the Air Force there are 50 appointments to a grade and date of rank to be determined by the Secretary of the Air Force (list begins with Dale R. Agner) (Reference No. 1005).

** In the Navy there are 1,020 appointments to the grade of ensign (list begins with Warren Robert Abel, Jr.) (Reference No. 1011).

** In the Navy there are 1,897 appointments to the grade of ensign (list begins with Christopher M. Abell) (Reference No. 1012).

* Lt. Gen. Fred Hissong, Jr., USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 1040).

* In the Army National Guard there are 2 appointments to the grade of major general (list begins with Gregory P. Barlow) (Reference No. 1041).

** In the Air Force there are 4,535 promotions to the grade of major (list begins with Howard P. Abel) (Reference No. 1043).

*Gen. John L. Piotrowski, USAF, to be placed on the retired list in the grade of general (Reference No. 1053).

*Lt. Gen. Donald J. Kutyna, USAF, to be general (Reference No. 1054).

*Lt. Gen. Donald J. Heinz, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 1055).

*Maj. Gen. Thomas S. Moorman, USAF, to be lieutenant general (Reference No. 1056).

*Maj. Gen. C. Norman Wood, USAF, to be lieutenant general (Reference No. 1057).

**In the Air Force there are 248 appointments to a grade no higher than major (list begins with George M. Abernathy) (Reference No. 1069).

**In the Army there are 130 promotions to the grade of lieutenant colonel (list begins with John E. Baker) (Reference No. 1070).

**In the Navy and Naval Reserve there are 585 appointments and reappointments to the grade of commander and below (list begins with Harold G. Hatch, Jr.) (Reference No. 1071).

**In the Air Force and Air Force Reserve there are 43 appointments and promotions to the grade of colonel and below (list begins with Norman G. Pare) (Reference No. 1090).

**In the Air Force Reserve there are 31 promotions to the grade of lieutenant colonel (list begins with Lyle M. Andvik) (Reference No. 1091).

**In the Air Force there are 45 appointments to the grade of second lieutenant (list begins with David W. Barnes) (Reference No. 1092).

**In the Army there are 4 promotions to the grade of lieutenant colonel (list begins with Kenneth R. Close) (Reference No. 1093).

**In the Navy and Naval Reserve there are 39 appointments and reappointments to the grade of commander and below (list begins with Alan L. Mathis) (Reference No. 1094).

**In the Navy and Naval Reserve there are 35 appointments and reappointments to the grade of commander and below (list begins with F.F. Alvarez) (Reference No. 1095).

**In the Air Force there are 993 promotions to the grade of second lieutenant (list begins with Jay O. Aanrud) (Reference No. 1096).

**In the Army Reserve there are 85 promotions to the grade of colonel and below (list begins with Travis H. Acklin) (Reference No. 1097).

**In the Army, Navy and Air Force there are 4 astronauts for promotion to the grades of colonel in the Army and Air Force and captain in the Navy and below (list begins with James C. Adamson) (Reference No. 1105).

**In the Army there are 19 promotions to the grade of lieutenant colonel (list begins with Candice L. Castro) (Reference No. 1106).

Total: 11,137.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

La Verne G. Ausman, of Wisconsin, to be Administrator of the Farmers Home Administration; and

Gary C. Byrne, of California, to be Administrator of the Rural Electrification Administration.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Robert H. hodges, Jr., of South Carolina, to be a Judge of the United States Claims Court for a term of fifteen years);

Rhesa H. Barksdale, of Mississippi, to be United States Circuit Judge for the Fifth Circuit;

Jacques L. Wiener, Jr., of Lousiana, to be United States Circuit Judge for the Fifth Circuit;

Gerald E. Rosen, of Michigan, to be United States District Judge for the Eastern District of Michigan;

Donald J. Lee, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania; and

Ronald L. Buckwalter, of Pennsylvania, to be United States District Judge for the Eastern Disrict of Pennsylvania.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself, Mr. KENNEDY and Mr. PELL):

S. 2252. A bill to encourage and facilitate entry into the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2253. A bill to amend the Water Resources Development Act of 1986 to deauthorize the Cross Florida Barge Canal, and to assist the State of Florida in preservation of the canal corridor as a greenway; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2254. A bill to establish the Pecos National Historical Park in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. KERREY and Mr. CONRAD):

S. 2255. A bill to express the sense of the Congress that the Secretary of Agriculture should take certain actions concerning the modification and effects of acreage reduction programs and to require the Secretary to use existing programs to maintain prices for the 1990 crop of wheat resulting from a program modification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. BUMPERS, Mr. HOLLINGS, Mr. STEVENS, Mr. RUDMAN, Mr. PRYOR, and Mr. NUNN):

S. 2256. A bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. 2257. A bill to terminate the Ground-Wave Emergency Network [GWEN] program; to the Committee on Armed Services.

By Mr. BRYAN (for himself and Mr. REID):

S. 2258. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 2259. A bill to authorize agricultural research programs, and modify agricultural research planning and priority setting mechanisms, and other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mrs. KASSEBAUM, Mr. GORTON, Mr. BOREN, Mr. SIMON, Mr. COHEN, Mr. HEINZ, Mr. SANFORD, Mr. CONRAD, Mr. JOHNSTON, Mr. REID, Mr. SASSER, Mr. BUMPERS, Mr. FOWLER, Mr. KOHL, and Mr. BRYAN):

S. 2260. A bill to promote the formation of a private, non-profit organization to foster development of free market economies in Eastern Europe and the Soviet Union; to the Committee on Foreign Relations.

By Mr. CRANSTON:

S. 2261. A bill to amend the Internal Revenue Code of 1986 to allow employees to make voluntary contributions to finance Federal campaigns, to have employees collect such contributions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, and Mr. KENNEDY):

S. 2262. A bill to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the national wild and scenic rivers system; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 2263. A bill to authorize a certificate of documentation for the vessel *Captain Daryl*; to the Committee on Commerce, Science and Transportation.

By Mr. PELL:

S. 2264. A bill to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself, and Mr. WILSON):

S. 2265. A bill to provide a comprehensive Congressional campaign financing reform to encourage grass roots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

By Mr. BRADLEY (for himself, and Mr. HATCH):

S.J. Res. 270. Joint resolution to designate the period commencing February 23, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week"; to the Committee on the Judiciary.

By Mr. WALLOP (for himself, Mr. SIMPSON, Mr. SYMMS, Mr. MCCLURE, Mr. BAUCUS, Mr. BURNS, Mr. BOND, Mr. CHAFEE, Mr. COCHRAN, and Mr. GORE):

S.J. Res. 271. Joint resolution to designate July 10, 1990, as "Wyoming Centennial Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. FORD, Mr. ADAMS, Mr. BURDICK, Mr. ROBB, and Mr. MITCHELL):

S. Res. 263. Resolution to express the Sense of the Senate regarding the need to establish a sound national transportation policy integrating all modes of transportation policy integrated all modes of transportation and maintaining a significant Federal role; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for Mr. MITCHELL):

S. Con. Res. 103. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, March 9, 1990, or Saturday, March 10, 1990, until Tuesday, March 20, 1990; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. KENNEDY, and Mr. PELL):

S. 2252. A bill to encourage and facilitate entry into the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL TEACHER RECRUITMENT ACT

Mr. SIMON. Mr. President, today I am introducing a National Teacher Recruitment Act proposal that I am pleased to say my colleagues, Senator KENNEDY and Senator PELL, who provided so much leadership in this whole area, are cosponsoring.

We face problems in the quantity of teachers, the quality of teachers, and the recruitment of minorities.

Again I want to pay tribute to Senator KENNEDY, Senator PELL, and also Senator BOREN, Senator BUMPERS, and Senator BINGAMAN for their leadership in this whole area.

Senator BOREN, in testifying the other day before our committee, said, "I speak as the chairman of the Intelligence Committee. Let me tell you what our greatest security threat is, and that is our failure to develop the human resources of our country." I believe he is absolutely on target.

Our No. 1 competitor economically is Japan. In Japan, teachers are in the top 10 percent in terms of income. They are paid approximately the same as lawyers, doctors, and engineers. I do not need to tell you that is not the situation here today.

When the Presiding Officer, the distinguished junior Senator from Wisconsin, thinks of teachers, he probably thinks of someone who taught 20 or 30 years. The average teacher in this country today teaches 6½ years. Not only are we failing to keep people in teaching, we are not recruiting the ablest young people.

If you were to go to the high school you graduated from in Wisconsin, Mr. President, or any of my colleagues were to go to any high school and talk to the top 5 percent of the students and ask them what they want to become, I think you will find very, very few want to become teachers. And that clearly is not in the national interest.

In Japan, those going into teaching are testing very, very high, well above average on college entrance exams. I regret to say that is not the case in the United States.

So we are going to have to do something. We are going to have to do something about the quality and quantity of teachers, and about the need for minority teachers.

By the year 2000, one-third of the students in this Nation in our elementary and secondary schools will be minority students. If the present trends continue, 5 percent of the teachers will be minority teachers. Now, you do not need to be a great prophet to understand that that is not a good thing. In my State of Illinois, by the year 2000, 40 percent of the students will be minority students, but approximately 11 percent of the teachers will be minority teachers.

Harvard did a study some years ago using all the new modern devices on foreign language teaching, the audiovisual tools. They were trying to test what audiovisual tools, what really is effective, what is not. They came to a very interesting conclusion. If you have a good teacher, you learn well, and if you do not have a good teacher, you do not, no matter what all the equipment and everything else is. I think that is a pretty good lesson for us generally.

What my bill does is provide startup funds for national teacher job banks so schools can find out where you can get a good French teacher, where you can get a good physics teacher, whatever might be needed. It focuses on minority recruitment.

It doubles the obligation for the Paul Douglas teacher program. This is a program that makes up to $5,000 a year available to the top 10 percent in the high school graduating class for going into college. They pay back 2 years of teaching for every year they receive this scholarship. So if you get 4 years of assistance, you would have to teach 8 years. Obviously, there are two purposes: one, to get brighter young people into teaching; and, second, to try to retain them. We hope that many of those who then try teaching for a while would stay in the profession.

Our colleague, Senator BOREN, has a creative thing that I think meshes with this. He would go appreciably further and spend about $200 million, which sounds like a lot of money, but when you look at the immensity of the problem, it is not. I think we ought to examine what he has to say.

Then, I propose an expansion of the Christa McAuliffe teacher fellowship program. That program right now provides one teacher fellowship a year where teachers in each State, like Wisconsin, Illinois, and other States, can get a sabbatical at pay to do some creative things. Originally, the concept was there would be one teacher in each congressional district. My bill simply authorizes the funds to meet that goal.

Mr. President, this is part of the overall problem of our inattention to education. If we want to develop this Nation as we should, we are going to have to pay more attention to education.

When I was in fourth or sixth grade, or something like that, I remember studying that geography lesson, and in that geography lesson, I learned that we became a rich country in part because of our people, but in large part because we had these natural resources that we could develop. Well, all of the sudden, Mr. President, we are finding that the countries that are moving ahead very rapidly economically, Japan and South Korea, have almost nothing in natural resources. What they are doing is they are investing in their people. And we have to do the same.

Mr. President, this measure addresses the current and projected shortage of quality teachers in this Nation, and a more disturbing problem, the severe decline in the number of minorities going into teaching. I would like to thank my good friends and distinguished colleagues, Senators KENNEDY and PELL, who are cosponsoring this bill.

THE TEACHER SHORTAGE

According to the Department of Education, 2.2 million new teachers need to be hired over the next 10 years. To fill that need, nearly one-fourth of all college graduates would need to enter the teaching profession; yet, less than 9 percent are currently choosing that route.

In part, the overall teacher shortage stems from a demographic and historic coincidence: the babies of the baby boom generation are reaching the age of school attendance at the same time that many of the Nation's teachers are reaching the age of retirement. The shortage varies depending on the region of the country, type of school, and academic specialty. Illinois is not expecting the kind of overall teacher shortage that some States will have to face. However, some inner-city and rural schools are already having trouble filling positions, especially those for bilingual and special education teachers, and in subject areas like math and science.

But we also must look beyond the question of the quantity of teachers, to the quality of our teachers. Our top

students are the least likely to enter the teaching profession, and are the most likely to leave. The average SAT score of high school seniors intending to major in education declined for 10 years—1974 to 1983. While this figure has begun to rise over the last few years, it is still below the national norm.

Senator KENNEDY and Senator PELL have held a numb of very enlightening hearings on this subject, and I am an original cosponsor of their measures to address the problem, S. 1675 and S. 1676. The idea in the bill I am introducing today come from some of the testimony at the hearings, and from additional research into the problems and potential solutions. I intend that this bill be complementary to S. 1675 and S. 1676, and hope that it will be included in the teacher recruitment and training package that will be developed over the next few weeks.

NATIONAL TEACHER JOB BANK

Many of you have probably seen the television public service announcements featuring Edward James Olmos in his movie role as calculus teacher Jaime Escalante. The Project Teach campaign, by Recruiting New Teachers, Inc., has been very successful in identifying people who would like to teach. The more than 250,000 calls generated by the project demonstrates that the task of teacher recruitment is not hopeless. But while Project Teach has done an outstanding job of drumming up a supply of eager teachers-to-be, more effort needs to go into matching them up with the demand for teachers in the almost 16,000 school districts across the country.

I am proposing that the Federal Government provide startup funds for a national job bank and clearinghouse, or a number of regional clearinghouses, to help find teachers for our Nation's schools. In addition to simply matching jobseekers with available positions, the job bank would inform the potential teachers about programs and financial aid to help them gain the training to become teachers, and would help States and school districts design effective teacher recruitment efforts.

Expand the Paul Douglas Teacher Scholarship Program. In 1983, as chairman of both the House Postsecondary Education Committee and a House task force on teachers, I worked with Representatives WYDEN and COLEMAN of Missouri to develop two programs: a scholarship program to encourage bright young people to go into teaching, and a study-sabbatical program to keep excellent teachers in the profession.

This year the scholarship program we created, now named for Paul Douglas, the eminent former Senator from Illinois, will award nearly 5,000 scholarships nationwide. In return, these students, who come from the top 10 percent of their high school class, have agreed to teach for 2 years. Having experienced the challenges and rewards of the teaching profession, many will stay in the classroom for much longer. In fact, a preliminary analysis of this young program indicates that 93 percent of the Paul Douglas scholars who have graduated and received their teaching certificates have actually entered the teaching profession.

Since this important program is up, running, and successful—every State now has a process for choosing Paul Douglas Scholars—I am proposing that we double its authorization. This way, we will be able to come closer to the goal, stated in the current law, of providing scholarships for 10,000 students a year.

Expand the Christa McAuliffe Fellowship Program. Each year, at least one teacher in every State receives a Christa McAuliffe Fellowship. These awards provide teachers with an opportunity to engage in a special project that benefits the school or their own professional development. The original goal of the legislation was to award one fellowship in each congressional district; my proposal would authorize the funding necessary to meet this goal.

MINORITY TEACHERS

The decline in the number of minority teachers in America is tragic. In 1977, the year that college attendance by minorities peaked, 17 percent of the Nation's teachers were minorities. Now, while more than one-fourth of our students are minorities, fewer than 9 percent of their teachers are minorities. In Illinois, minorities make up one-third of our student population, but only 15 percent of our teachers. And if Chicago and East St. Louis are excluded from the calculation, the percentage of minority student—16 percent—is 4 times the percentage of minority teacher—4 percent.

Unfortunately, there is evidence that the downward spiral is continuing. While the number of college students indicating an interest in teaching is beginning to increase, the number for minorities continues to decline. Between 1985 and 1987—just a 2-year period—the number of African-Americans awarded education degrees declined 22 percent; the number of Hispanic Americans earning education degrees declined 12 percent; and the number of Native Americans earning education degrees declined 6 percent.

If trends persist, by the year 2000, when one-third of our students will be from minority groups, only 5 percent of the teaching force will be minorities. Some analyses indicate that we are already down to 5 percent nationally. In Illinois, 40 percent of our elementary and secondary students will be minorities, while the number of minority teachers may decline to 11 percent.

If the decline was simply because more minorities are becoming engineers, doctors, and university professors, there would be less to worry about. But an analysis of the data indicates that this is not the case. The decline in the number of minority teachers represents, for the most part, a net decline in the number of minorities in the professions.

Why is it so important that we have more minority teachers? There are a number of reasons beyond the obvious equity concerns. A recent article in the Elementary School Journal cites research showing that black teachers are often the only positive black role models that black and white children have a sustained relationship with. White students need minority teachers as much as other students, to counter stereotypes perpetuated by ignorance, prejudice, isolation, and distortion in the media.

I have included persons with disabilities in my bill for the same reason. Teachers with disabilities not only provide disabled students with positive role models, but also promote the acceptance of people with disabilities in society by battling the ignorance and prejudice that leads to their isolation.

I am proposing three approaches to increasing the number of minority teachers and teachers with disabilities: First, a precollege program; second, a college program; and third, a community program.

YOUNG TEACHERS PROGRAM

Only a few high school-based teaching programs exist across the country. The most studied effort is the Teacher Cadet Program, a 1-year program for juniors and seniors, run by the South Carolina Center for Teacher Recruitment. An independent report found the program to be very effective. It not only attracts bright young people to teaching but also uplifts the image of teaching in the eyes of those who will and will not teach.

Whether or not it's part of an explicit teacher recruitment effort, involving students in teaching is an effective way of improving their learning. According to the Carnegie Forum on Education and the Economy:

> One-to-one tutoring is an exceptionally effective teaching method. With a trained tutor, an astonishing 98% of students academically outperform those who are taught in conventional classrooms with one teacher to 30 students.

And the tutors often benefit even more than the tutees. My staff recently visited the Teaching Professions Program at Coolidge High School here in Washington, DC. There, after an introductory course, students adopt a student in a nearby elementary school or child care center and work with the teacher in the classroom for a few

hours a week. Immediately after starting their teaching experience, their own interest in learning was invigorated, and absenteeism was reduced. Even if none of them go into teaching, just the enthusiasm about school and learning engendered by the program makes it worth the effort.

Fortunately, many students who have the teaching experience do become interested in teaching as a career. As one student in the South Carolina program said: "I was able to test-drive my career, and I decided that I want to spend my life in the teaching profession."

Unfortunately, this type of success is most difficult to achieve among blacks. Of the 974 participants in the Teacher Cadet program last year, it was the black males who were least likely to intend to teach, even after the program:

Those who were more likely to initially choose teaching and continued to want to teach at the end of the [program] were white females. And, those who were more likely to never intend to teach were black males.

Black Cadets—when compared to their white counterparts—reported more career concerns about independence, salary, opportunities for advancement, job security and a flexible daily schedule.

Black Cadets were more likely to assert that they had been discouraged by teachers from choosing teaching as a career.

These findings point to the need for long-term, comprehensive teacher recruitment programs focused on minority youth. In the South Carolina program, they have found a need to start working with minority children as early as junior high school. Of course, we should not be encouraging children to choose a life career at age 13. But we should help them to keep their options open, encouraging them to aim for college and not to rule out teaching as a possible goal, if not as a career, then at least for a few years after college.

The Chicago Urban League, in partnership with Northwestern University, has developed a math and science program that starts in the ninth grade and continues through high school. The program will both support math and science instruction with tutoring and community partnerships, and introduce students to teaching as a profession.

In order to encourage these types of efforts, my bill provides for long-term grants to school districts to create or expand programs that open students' eyes to the world of teaching and learning by involving them in teaching-related activities.

COLLEGE STUDENT TEACHING PROGRAM

But we can't stop at the high school level. Much more must be done to help more minority students to complete college, and to encourage those in colleges to consider teaching. To accomplish the first goal, we must reverse our disastrous shift from grants to loans in the Federal financial aid programs. That change has contributed to the decline in minority student college matriculation, and is part of the reason for the decline in the number of minority teachers.

Of those minorities who are in college, fewer are choosing teaching. Our teacher training institutions need to do more to reverse that trend. My proposal would help to create programs to get more minority students interested in teaching by having them work part-time in local schools, and by bringing excellent minority teachers to the college campuses to serve as role models for college students considering teaching. It's also important that we increase the college retention rates of minority students, and increase articulation from community colleges.

TEACHING APPRENTICESHIP PROGRAM

We need more minorities to enter teaching over the next 10 years than our colleges and universities can possibly provide. It is crucial, therefore, that we find ways to compensate for the lack of minority role models in schools, and that we tap our communities for people other than recent college graduates who we can encourage to become teachers. I am proposing a small demonstration program that would assist schools in these efforts.

In this apprenticeship program, and in the recruitment efforts of college teacher training programs, I would like to emphasize the need to create partnerships with businesses and organizations that employ or have contact with a large number of minorities. One source that we should not neglect is the sector, including the military. My friend Patricia Albjerg Graham, dean of the Harvard Graduate School of Education, pointed this out in an article on the shortage of black educators. Her assertion is seconded by an article in Educational Record:

Most institutions realize that the military is now attracting brighter high-school graduates—those who could choose higher education—and that it is no longer appropriate to think of military personnel as underqualified for college. Still, we tend to think of them as "lost" if the military gets them first. Actually, we should see them as especially desirable candidates who have much to offer: financial resources for higher education, maturity, experience, discipline and many other worthwhile traits . . .

Creative college recruiters should be familiarizing themselves with the military—offering their services for training, and telling military personnel about what the school has to offer during or after their active service.

Those in the military and in other pursuits have technical skills and practical knowledge that could be very valuable to a practicing teacher. We should encourage programs that bring these young people into schools as volunteer tutors and teachers' aides. After that experience, many of them will no doubt decide that they want to be teachers.

Mr. President, I have endeavored to write a bill that builds on our current efforts where appropriate, complements the excellent proposals I have cosponsored by the chairmen of the Labor Committee and the Education Subcommittee, and encourages innovation where needs are not currently met. I ask unanimous consent that a summary of my legislation, and the bill itself, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Teacher Recruitment Act of 1990".

SEC. 2. TABLE OF CONTENTS.

TITLE I—NATIONAL TEACHER JOB BANK

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TITLE IV—FINANCIAL ASSISTANCE FOR FUTURE TEACHERS

PART A—PAUL DOUGLAS SCHOLARSHIP ENHANCEMENT

PART B—COLLEGE WORK-STUDY TEACHING INCENTIVE

TITLE V—SPECIAL PROJECTS FOR OUTSTANDING TEACHERS

SEC. 3. FINDINGS.

The Congress finds that—

(1) schools in the United States will need to hire 1,800,000 new teachers by 1997;

(2) the existing and impending teacher shortage is a regional phenomenon, therefore, efforts must be made to direct the supply of teachers to the demand for teachers;

(3) low salaries and the declining status of the teaching profession has reduced the quantity and quality of individuals entering the teaching profession;

(4) the number of minority teachers has especially declined;

(5) cultural diversity in a school's teaching faculty is vital to the complete and effective education of both majority and minority students;

(6) extraordinary Federal efforts are necessary to encourage minority individuals to enter the teaching profession because—

(A) many opportunities are available which allow college-educated minorities to choose careers other than teaching;

(B) college entrance and retention rates of black Americans and hispanic Americans have declined, reducing the pool of potential minority teachers;

(C) "competency" tests for teachers introduced in the early 1980's have had a disproportionate effect on minorities and many prospective teachers are inappropriately refused entry into teacher-training programs

for failing to pass the National Teacher Examination or other multiple-choice tests;

(D) as colleges and universities expand the length of teacher training programs to 5 years, low-income and minority students find it more difficult to afford the education required to become teachers;

(E) minority students have had too few teachers they can consider role models; and

(F) with the decline in the status of teachers and the teaching profession, teachers, parents and counselors often discourage students from entering the teaching profession.

(6) large numbers of individuals with disabilities traditionally have not entered the teaching profession;

(7) bringing talented individuals with disabilities into the teaching profession will not only aid the traditional education of students, but will also promote greater acceptance of individuals with disabilities in society; and

(8) more teachers with disabilities in classrooms will encourage children with disabilities to excel.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "State" means a State, the Commonwealth of Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, or Palau;

(4) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965;

(5) the term "State higher educational agency" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law; and

(6) the term "Secretary" means the Secretary of Education.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—There are authorized to be appropriated $4,000,000 for fiscal year 1991, $3,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, and $1,000,000 for fiscal year 1994 to carry out the provisions of title I.

(b) TITLE II.—There are authorized to be appropriated $3,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of title II.

(c) PART A OF TITLE III.—There are authorized to be appropriated $5,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of part A of title III.

(d) PART B OF TITLE III.—There are authorized to be appropriated $15,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of part B of title III.

SEC. 6. COST SHARING.

The Secretary is authorized to seek cost-sharing by State and local entities, institutions of higher education, and nonprofit organizations for any program assisted under this Act.

TITLE I—NATIONAL TEACHER JOB BANK

SEC. 101. SHORT TITLE.

This title may be cited as the "National Teacher Job Bank Act of 1990".

SEC. 102. FINDINGS.

The Congress finds that—

(1) the existing and predicted teacher shortage affects particular regions of the Nation and types of schools more than others;

(2) prospective teachers do not have the contacts and resources to determine which of the almost 16,000 school districts in the country need the services of such prospective teachers;

(3) only the largest school districts can afford to recruit teachers outside their local area;

(4) every school district has different forms and processes for applying for a teaching job; and

(5) increased geographic representation on school faculties enriches educational opportunities.

SEC. 103. STATEMENT OF PURPOSE.

It is the purpose of this title to provide the start-up costs for establishing a clearinghouse which shall operate a national teacher job bank, or for establishing no more than six regional clearinghouses that together provide the services of a national teacher job bank to the entire nation.

SEC. 104. NATIONAL TEACHER JOB BANK.

(a) PROGRAM AUTHORIZED.—The Secretary shall contract with one or more State entities, nonprofit organizations, or institutions of higher education to pay the Federal share of the costs of establishing a National Teacher Job Bank Clearinghouse or Clearinghouses which shall—

(1) assist public and private education agencies in locating qualified applicants for teaching-related positions; and

(2) help individuals in locating teaching-related jobs or the job training necessary to enter the teaching profession.

(b) APPLICATION.—(1) Each entity desiring to enter into a contract with the Secretary for the establishment of a National Teacher Job Bank Clearinghouse shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(A) a demonstration of the capacity to efficiently and effectively handle a large volume of inquiries from employers and potential employees; and

(B) a description of support from public and private education agencies that are likely to use the services provided by the National Teacher Job Bank Clearinghouse.

(2) The Secretary shall give priority to applications submitted pursuant to paragraph (1) which demonstrate—

(A) an ability, and a realistic plan, to raise funds from foundations and other sources to provide the services of a National Teacher Job Bank Clearinghouse to users at no more than a nominal fee;

(B) an ability to continue providing the services of a National Teacher Job Bank Clearinghouse once federal support is unavailable; and

(C) an ability to develop and pursue innovative strategies to attract more than the traditional first-time teaching applicants to the services of a National Teacher Job Bank Clearinghouse.

(c) FEDERAL SHARE.—The Federal share—

(1) for the first year in which an entity, institution or organization receives financial assistance under this Act shall be 80 percent;

(2) for the second year in which an entity, institution or organization receives financial assistance under this Act shall be 60 percent;

(3) for the third year in which an entity, institution or organization receives financial assistance under this Act shall be 40 percent; and

(4) for the fourth year in which an entity, institution or organization receives financial assistance under this Act shall be 20 percent.

SEC. 105. AUTHORIZED ACTIVITIES.

Each entity, organization or institution receiving funds under this Act may use such funds to—

(1) develop, in consultation with local education agencies and other appropriate entities, standardized initial application forms for teaching jobs and related positions, and standardized forms and procedures for announcing available teaching positions;

(2) coordinate and assist State and local teacher recruitment efforts;

(3) publish and disseminate information about opportunities for teacher employment and teacher training;

(4) maintain a system for matching the supply of teachers with the demand for teachers among the States;

(5) promote the development of programs to recruit and train minorities and individuals with disabilities to become teachers;

(6) assist employers in checking the background of applicants;

(7) publicize the availability of scholarships, loans, and other programs that assist individuals wishing to pursue a teaching career;

(8) assist employers in the development of effective teacher recruitment programs; and

(9) conduct such other activities and services necessary to carrying out the purposes of this title in accordance with the provisions of this title.

TITLE II—TEACHING APPRENTICESHIP PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Teaching Apprenticeship Program Demonstration Act of 1990".

SEC. 202. FINDINGS.

The Congress finds that—

(1) traditional routes to the teaching profession have not encouraged enough minority and individuals with disabilities to enter the teaching profession;

(2) the lack of role models for minority children and children with disabilities hampers the academic progress of all children;

(3) minority teacher recruitment efforts, even if phenomenally successful, will not ease the minority teacher shortage for at least a decade;

(4) the continued decline in the percentage of black Americans and hispanic Americans entering and finishing college reduces the pool of potential minority teachers;

(5) it is often difficult for an individual who is interested in teaching to get into a school to test such interest; and

(6) exposure to teaching-related activities often inspires people to seek the education and training necessary to enter the teaching profession.

SEC. 203. STATEMENT OF PURPOSE.

It is the purpose of this title to make demonstration grants to local educational agen-

cies to establish, improve or expand programs that—

(1) compensate for the underrepresentation of ethnic and language minorities, individuals with disabilities, and gender among school faculty in the various academic disciplines; and

(2) help apprentices who show promise as teachers to acquire the education necessary to become employed full-time as teachers.

SEC. 204. PROGRAM AUTHORIZATION.

(a) IN GENERAL.—The Secretary shall make grants to local educational agencies to establish programs in accordance with the provisions of this title.

(b) AWARD BASIS.—The Secretary shall make grants to local educational agencies on the basis of—

(1) the underrepresentation of ethnic and language minorities, individuals with disabilities, and gender among school faculty compared with the student population;

(2) the degree to which the local educational agency demonstrates consultation in program design and implementation with parents, teachers, school administrators, nonprofit organizations representing minorities and individuals with disabilities, and local teacher labor organizations, where applicable.

(c) PRIORITY.—The Secretary shall give priority in awarding grants under this title to local educational agencies that establish, or show evidence of establishing, partnerships with institutions of higher education or nonprofit organizations that help individuals who show promise as teachers to acquire the education necessary to become employed full-time as teachers.

(d) SPECIAL RULE.—For the purposes of this title the term "local educational agency" includes a local educational agency, a combination of local educational agencies, or a local educational agency in partnership with one or more institutions of higher education, nonprofit organizations, or government agencies.

SEC. 205. USE OF FUNDS.

Each local educational agency receiving a financial assistance under this title may use such assistance to—

(1) identify and recruit minorities and individuals with disabilities who have skills, knowledge, or experience that would make such individuals useful as part-time or full-time teacher aides or tutors;

(2) establish partnerships with private or public businesses and organizations, including the military, that employ individuals from groups underrepresented on school faculties to arrange for such individuals to take time from work to engage in teaching-related activities;

(3) provide training and teaching-related activities to individuals identified pursuant to paragraph (1);

(4) pay stipends, and transportation and other incidental costs to encourage and facilitate participation in teaching-related activities by individuals identified pursuant to paragraph (1);

(5) obtain equipment that may assist individuals with disabilities and other individuals in engaging in teaching-related activities;

(6) provide academic counseling to individuals who show promise as teachers to enable such individuals to acquire the education necessary to become employed full-time as teachers;

(7) assist individuals who show promise as teachers in securing financial aid to enable such individuals to acquire the education necessary to become employed full-time as teachers; and

(8) conduct such other activities and services necessary to carrying out the purposes of this title in accordance with the provisions of this title.

SEC. 206. APPLICATION.

Each local educational agency desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

TITLE III—TEACHING EXPERIENCE FOR MINORITIES

SEC. 301. SHORT TITLE.

This title may be cited as the "Minority Teaching Experience Act of 1990".

PART A—YOUNG TEACHERS PROGRAM

SEC. 310. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) many young individuals have already decided that they do not want to be teachers by the time such individuals enter college;

(2) students who work as tutors and teacher's aides gain a renewed interest in their own learning and a new respect for the teaching profession; and

(3) students interested in teaching need to be encouraged to maintain such interest, and need support in entering and paying for college.

SEC. 311. STATEMENT OF PURPOSE.

It is the purpose of this part to establish, improve or expand long-term programs that encourage and support young individuals, especially minorities, individuals with disabilities, to become involved in teaching.

SEC. 312. PROGRAM AUTHORIZATION.

(a) IN GENERAL.—The Secretary shall make grants to local educational agencies to establish or improve long-term programs in accordance with the provisions of this part.

(b) AWARD BASIS.—The Secretary shall make grants to local educational agencies on the basis of the degree to which the local educational agency demonstrates consultation in program design and implementation with parents, teachers, school administrators, nonprofit organizations representing minorities and individuals with disabilities, and local teacher labor organizations, where applicable.

(c) PRIORITY.—The Secretary shall give priority in awarding grants to local educational agencies which assist program participants who show promise as teachers to acquire the education necessary to become employed full-time as teachers.

(d) SPECIAL RULE.—(1) For the purposes of this part the term "local educational agency" means—

(A) a local educational agency in which no less than 30 percent of the children enrolled in the schools located within such local educational agency are eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(B) a local educational agency, a combination of local educational agencies or a local educational agency in partnership with one or more institutions of higher education or one or more nonprofit organizations.

SEC. 313. USE OF FUNDS.

(a) PRE-SECONDARY SCHOOL ACTIVITIES.—Each local educational agency receiving financial assistance under this part may use such financial assistance to provide students not yet enrolled in secondary school with services and activities which include—

(1) offering a study unit that introduces students to teaching, learning, and schools;

(2) providing students with academic support and appropriate role models;

(3) involving students in teaching-related activities such as peer tutoring, teaching a brief lesson, or helping younger children;

(4) introducing parents to the idea of their children teaching for at least a few years after college;

(5) sensitizing teachers to the need to be effective role models for students who might consider careers; and

(6) involving students in a support club, such as a future teachers club.

(b) SECONDARY SCHOOL ACTIVITIES.—In addition to the activities described in subsection (a), each local educational agency receiving financial assistance under this part may use such financial assistance to provide secondary school students with services and activities which include—

(1) visiting colleges with teacher education programs;

(2) pairing students with teacher or college student mentors;

(3) encouraging student participation in summer enrichment programs, including programs specifically oriented to future teachers;

(4) offering education classes that include opportunities for students to observe classes in a variety of disciplines and grade levels, including special education classes;

(5) giving students a student teaching experience; and

(6) assisting students in planning for college, including securing financial aid.

SEC. 314. APPLICATION.

Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

PART B—COLLEGE STUDENT TEACHING PROGRAM

SEC. 320. FINDINGS.

The Congress finds that—

(1) few colleges and universities have programs to encourage all students to consider teaching;

(2) many young individuals who thought they were not interested in teaching change their minds when such individuals try teaching;

(3) bringing exceptional minority teachers to college campuses rewards the teacher and provides college students with a positive role model in the teaching profession; and

(4) many veterans and individuals in the military would be excellent teachers, and have access to educational benefits that could be used to train such individuals for teaching.

SEC. 321. STATEMENT OF PURPOSE.

It is the purpose of this part to provide grants to institutions of higher education with existing teacher training programs to enable such institutions of higher education to recruit and retain minority students and students with disabilities interested in teaching.

SEC. 322. PROGRAM AUTHORIZATION.

(a) IN GENERAL.—The Secretary shall make three-year renewable grants to institutions of higher education which have existing teacher training programs to pay the Federal share of the costs of additional teacher training program services and activities in accordance with the provisions of this part.

(b) AWARD BASIS.—The Secretary shall make grants to institutions of higher education on the basis of the demonstrated ability of the institution of higher education to attract and retain minority students or students with disabilities;

(c) PRIORITY.—The Secretary shall give priority in awarding grants to institutions of higher education which have teacher training programs and which—

(1) enroll substantial numbers of minority students or students with disabilities; or

(2) are working in partnership with institutions of higher education or two-year community colleges which enroll substantial numbers of minority students or students with disabilities.

(d) FEDERAL SHARE.—The Federal share of the cost of additional teacher training program services and activities assisted under this part shall not exceed 75 percent of the cost of such services and activities.

(e) DEFINITION.—For the purposes of this part the term "institution of higher education" includes a consortium of institutions of higher education.

SEC. 323. USE OF FUNDS.

Each institution of higher education receiving financial assistance under this part may use such financial assistance to—

(1) identify, recruit, and select minorities and individuals with disabilities for participation in teacher education and training programs;

(2) provide, for a period prior to the entry of minorities and individuals with disabilities into a teacher training program, preliminary instruction designed to assist such individuals in successfully completing the regular teacher training program;

(3) provide students interested in teaching with academic and other support needed to keep such students in school, including helping students at two-year institutions of higher education prepare for, apply to, and socially and academically adjust to, four-year institutions of higher education;

(4) identify exceptional minority teachers to enable such teachers to speak with college students about teaching as a career;

(5) educate college faculty and counselors about teaching to enable such individuals to encourage promising students to consider teaching;

(6) create opportunities for college students to work at elementary schools, intermediate schools, and secondary schools;

(7) encourage veterans and individuals in the military who are minorities or individuals with disabilities to use their educational benefits to become teachers;

(8) recruit minorities, including minorities who work in professions other than teaching, into teacher training programs; and

(9) give minority students and students with disabilities the opportunity to earn academic credit by participating in teaching-related activities.

SEC. 324. APPLICATION.

(a) IN GENERAL.—Each institution of higher education desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of the increased enrollment in teacher training programs which is anticipated due to the activities and services to be assisted under this part.

(b) PRIORITY.—For fiscal year 1994 and each fiscal year thereafter, the Secretary shall give priority to applications submitted pursuant to subsection (a) from applicants previously receiving assistance under this part and demonstrating substantially increased enrollment of minority students or students with disabilities in the applicant's teacher training programs.

TITLE IV—FINANCIAL ASSISTANCE FOR FUTURE TEACHERS

SEC. 401. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) many students do not consider entering lower-salary professions such as the teaching profession because of the excessive student loan debt such students have accumulated;

(2) the Congressional Teacher Scholarship Program has been successful in encouraging and supporting students who are interested in teaching; and

(3) college work-study jobs involving teaching-related work provide students with teaching experience, and help students pay for college.

SEC. 402. STATEMENT OF PURPOSE.

The purposes of this title are to—

(1) increase the number of students receiving Paul Douglas Scholarships;

(2) increase the maximum amount that junior and senior year students can receive each year under the Congressional Teacher Scholarship Program to $8,000;

(3) give a priority in awarding Paul Douglas Scholarships to individuals from groups that are underrepresented in the teaching profession; and

(4) encourage work-study jobs that involve college students in teaching-related activities.

PART A—PAUL DOUGLAS SCHOLARSHIP ENHANCEMENT

SEC. 410. PAUL DOUGLAS TEACHER SCHOLARSHIPS.

(a) PURPOSE.—Section 551(a) of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 551. (a) PURPOSE.—It is the purpose of this subpart to make available, through grants to the States, scholarships during fiscal years 1991 through 1995 to individuals who are outstanding high school graduates and who demonstrate an interest in teaching, in order to enable and encourage such individuals to pursue teaching careers in education at the pre-school, elementary, or secondary level.".

(b) LIMITATIONS ON AMOUNT AND DURATION.—Section 554(a) of the Higher Education Act of 1965 is amended to read:

"SEC. 554. (a) LIMITATIONS ON AMOUNT AND DURATION.—Subject to subsection (c), each Congressional Teacher Scholar shall receive a $5,000 scholarship for each of the first two academic years of postsecondary education, and not more than $8,000 for each of two additional academic years of postsecondary education for study in preparation to become a preschool, elementary, or secondary teacher. No individual shall receive scholarship assistance for more than 4 years of postsecondary education, as determined by the State agency.".

(c) PRIORITY.—Section 555 of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subsection:

"(c) PRIORITY.—In selecting new Congressional Teacher Scholars under this subpart, the panel shall give priority to applicants who are members of groups underrepresented in the teaching profession, such as minorities and individuals with disabilities.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 502(d)(1) of the Higher Education Act of 1965 is amended by—

(1) striking "$13,500,000" and inserting "27,000,000"; and

(2) striking "1987" and inserting "1991".

PART B—COLLEGE WORK-STUDY TEACHING INCENTIVE

SEC. 420. WORK-STUDY PROGRAMS.

Section 443(b)(5) of the Higher Education Act of 1965 is amended by—

(1) striking "and" at the end of subparagraph (A);

(2) inserting "and" at the end of subparagraph (B); and

(3) inserting at the end thereof the following:

"(C) the Federal share of the compensation of students employed in teaching-related activities for schools and nonprofit organizations shall be 100 percent.".

TITLE V—SPECIAL PROJECTS FOR OUTSTANDING TEACHERS

SEC. 501. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) many excellent teachers leave the profession because of the lack of recognition and professional opportunities afforded such teachers; and

(2) the Christa McAuliffe fellowship program has provided at least one teacher in every State with funding for a study sabbatical or special project.

SEC. 502. STATEMENT OF PURPOSE.

It is the purpose of this title is to reward outstanding teachers by providing for at least one Christa McAuliffe fellowship to be awarded in each congressional district.

SEC. 503. CHRISTA McAULIFFE FELLOWSHIP ENHANCEMENT.

Section 502(d)(2) of the Higher Education Act of 1965 is amended by—

(1) striking "2,000,000" and inserting "14,000,000"; and

(2) striking "1987" and inserting "1991".

SUMMARY OF NATIONAL TEACHER RECRUITMENT ACT OF 1990

TITLE I: NATIONAL TEACHER JOB BANK

Purpose.—To help public and private schools find qualified applicants for teaching positions. A national clearinghouse, or a number of regional clearinghouses, will help match job-seekers with employers and teacher training institutions, will publicize financial aid programs and other efforts to increase the number and quality of teachers, and will assist states and school districts in designing effective teacher recruitment programs.

Structure.—Competitive grants will be available from the Secretary of Education to provide start-up funds for nonprofit organizations, state agencies, and universities applying to run the clearinghouse(s).

Authorized funding.—$4 million in fiscal year 1991, $3 million in 1992, $2 million in 1993, $1 million in 1994. The percentage of funding that must come from non-federal sources each year.

TITLE II: TEACHING APPRENTICESHIP PROGRAM

Purpose.—To create demonstration projects that bring minorities and individuals with disabilities from the community into school classrooms as volunteer tutors and teacher's aides. The programs would assist those who show promise as teachers in getting the education and training they need to become full-time teachers.

Structure.—School districts apply to the Secretary of Education for funding, and are selected based in part on the degree to which ethnic and language minorities and individuals with disabilities are underrepre-

sented in the school faculty compared with the student population. Priority consideration goes to applicants that have established partnerships with universities that will train promising teaching apprentices to become teachers.

Authorized funding.—$3 million in fiscal year 1991, and such sums as may be necessary through fiscal year 1994.

TITLE III: TEACHING EXPERIENCE FOR MINORITIES

Part A: Young Teachers Program

Purpose.—To establish and expand long-term, school-based efforts that engage youth—especially minorities and students with disabilities—in teaching-related activities, introduce them to the idea of teaching after college, and help keep them college-bound.

Structure.—School districts apply for competitive grants from the Secretary of Education, with a priority for districts that help students who show promise as teachers obtain the education and training to become teachers.

Authorized funding.—$5 million in 1991 and such sums through 1994.

Part B. College Student Teaching Program

Purpose.—To establish and expand college programs that encourage minorities and individuals with disabilities to consider a teaching career. Programs would provide participants with academic support, and with opportunities to tutor or work as teachers' aides in local schools. The programs focus on student recruitment and retention, and articulation from community colleges.

Structure.—Colleges and universities with teacher education programs apply for competitive grants from the Secretary for funding, with a priority for institutions that assist in the articulation of students from predominantly minority community colleges, or for graduate-level teacher training programs that recruit from predominantly minority colleges and universities. Institutions that do not show significant results (20 percent enrollment increase in teaching programs) after three years would not be eligible for further funding.

Authorized funding.—$15 million in 1991 and such sums through 1994.

TITLE IV: FINANCIAL ASSISTANCE FOR FUTURE TEACHERS

Part A: Paul Douglas Teacher Scholarship Enhancement

Purpose.—The Paul Douglas Teacher Scholarship Program currently provides college scholarships of $5000 a year to top high school graduates who agree to teach for two years for every year of assistance they receive. This title increases the authorization for the program, increases junior and senior year scholarships to $8000, and gives a priority to applicants from groups that are underrepresented in the teaching profession.

Structure.—Scholarship funds are allocated to the States. Recipients are selected in each state by seven-member panels representative of school administrators, teachers, and parents.

Authorized funding.—Doubled to $27 million in fiscal year 1991 and such sums through 1994 ($16 million was appropriated in fiscal year 1990).

Part B: College Work-Study Teaching Incentive

Purpose.—To encourage college students who qualify for work-study jobs to tutor or work as teacher's aides in local schools.

Structure.—The federal government would pay 100 percent of the work-study wages of students who have teaching-related jobs.

TITLE V: SPECIAL PROJECTS FOR OUTSTANDING TEACHERS

Purpose.—The Christa McAuliffe Teacher Fellowship Program provides funding directly to outstanding teachers for special projects and study sabbaticals. While the goal of the program is to fund one fellow in every congressional district, its authorization and funding level has only provided for approximately one fellow in every state. This title would increase the program's authorization so it can meet its goal.

Structure.—Fellowships are awarded by seven-member state panels, representative of school administrators, teachers, parents, and institutions of higher education.

Authorized funding.—Increased to $14 million in fiscal year 1991 and such sums through 1994 (from a $2 million authorization and appropriation level in fiscal year 1990).

Mr. PELL. Mr. President, I am pleased to be an original cosponsor of Senator SIMON's National Teacher Recruitment Act of 1990. Both Senator KENNEDY and I have introduced legislation in this area and have held a series of 5 hearings on the pending problems in the teaching profession. I am most pleased that Senator SIMON has joined this discussion through his own legislation and through his active participation at our hearings.

The legislation introduced today adds another dimension to this discussion by adding new approaches to some of the problems we have uncovered through the hearing process. I look forward to working closely with Senator SIMON as the Subcommittee on Education crafts a comprehensive piece of teacher education legislation and very much appreciate his interest in this most important issue.

Mr. KENNEDY. Mr. President, I am pleased to join in sponsoring of the National Teacher Recruitment Act of 1990.

As we look toward the decade ahead, we are told that we will need to hire 2.2 million more public school teachers by the year 2000. That is as many new teachers as are currently teaching in our schools today. This estimate is from the Education Department's own projections, and it is up from 1.6 million teachers, the previous estimate in 1988.

Despite these bleak predictions, last week the Education Department declared in testimony before our Education Subcommittee that there would be no teacher shortage. They point to a reserve pool of former teachers, career changers, and retirees. They say that increasing percentages of applicants for teaching positions are not college graduates, but come from that reserve pool.

But this point simply underscores the fact that the number of college graduates going into teaching is shrinking, causing the proportion of other candidates to rise. It tells us nothing about whether enough teachers will be available to meet the current or future shortage.

Reports by the National Education Association, the Carnegie Commission, the Council of the Great City Schools, the Rand Corp., the American Association of Colleges of Teacher Education, the National Association of Bilingual Education, the National Association for the Education of Young Children, the National Science Teachers Association, and the National Science Board, among others, point to the existing and growing shortage of teachers. Every principal and superintendent I have spoken to tells me of their difficulty in filling teaching positions with qualified applicants.

In the next few weeks, the Labor and Human Resources Committee will be developing a series of initiatives to address the recruitment, training, and retention of teachers. The National Teacher Recruitment Act, introduced today, is a promising approach, and I commend Senator SIMON for his initiative.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2253. A bill to amend the Water Resources Development Act of 1986 to deauthorize the Cross Florida Barge Canal, and to assist the State of Florida in preservation of the canal corridor as a greenway; to the Committee on Environment and Public Works.

CROSS FLORIDA BARGE CANAL

Mr. GRAHAM. Mr. President, on behalf of my colleague, Senator MACK, I rise to introduce legislation which would deauthorize the Cross Florida Barge Canal.

Mr. President, this represents a significant change in the appreciation, almost in the definition of our State. From the earliest years of discovery, Florida was seen as a barrier and later Florida was conceived as a commodity. It was seen as a barrier by the Spanish to an easy movement of their ships of gold from South America back to the home country, and so the Spanish had the idea, the vision, of a water link that would allow the peninsula of Florida to be traversed.

That idea continued right through the British period in Florida, and from the earliest years of the United States, first territorial and later statehood.

The idea of a link of water across the peninsula took form in the 1900's with the establishment of the Cross Florida Barge Canal and the commencement of public works to construct such a canal.

After over 20 years of effort toward that end, it was gradually realized that the economic assumptions upon which the canal was originally predicated were becoming increasingly anachronistic, and that there was potential for

some serious environmental and dissipation—environmental problems as a result of the completion of the canal.

So in the early 1970's, at the direction of President Nixon, further construction on the canal was terminated, and for almost 20 years the 80,000 acres that had been acquired for the canal, the works that were built with some $73 million of Federal funds, had been dormant.

I believe that now is the time for Congress to decide what will be the future of this project and of those lands. This represents a transition from seeing Florida as a barrier and a commodity being developed and merchandised and used to a new area of responsibility of a trusteeship for how to protect these valuable public properties.

The legislation that Senator MACK and I are introducing today has the following essential elements: First, it deauthorizes the barge canal project. It will no longer be a project the Corps of Engineers would have legal authority to pursue.

Second, it would transfer the property of the canal authority to the State of Florida. There are 80,000 acres in public ownership acquired for this canal purpose. Approximately 90 percent of that land currently belongs to either the State of Florida or one of the local counties in the route of the canal. Less than 10 percent belongs to the Federal Government.

Third, it would be stipulated that the primary use of that 80,000 acres would be to develop across Florida a greenway. This would be a recreational area unparalleled in our country. It would be 110 miles in length. It would contain approximately half of its length in some of the most beautiful and scenic waterways in North America.

The other part would be across the rolling hills of central Florida out to the Gulf of Mexico. It provides that where there is land that is either not contiguous to the corridor itself—and there was a considerable amount of that land acquired during the process of putting together the corridor—or where there is corridor land that is surplus to the purpose of the greenway, that it would be disposed of with the proceeds of that disposition being used, first, to reimburse the counties which had put forward money to assist in the acquisition of the corridor, and that would be approximately $32 million.

Second, to purchase the missing links that will be necessary in order to have a continuous corridor.

And third, to achieve the purposes of the greenway and to manage the greenway once it is established.

Mr. President, the adoption of this legislation will be an important point in Florida's history and particularly in the history of the environmental consciousness of our State.

In many ways, it was the Cross-Florida Barge Canal that galvanized the environmental community of Florida. That bringing together of persons who shared a common ethic about the future of our State has had tremendous benefits for Florida in many areas. To see that movement conclude with the package of this legislation would be very appropriate and significant action for this Congress to take.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2254. A bill to establish the Pecos National Historical Park in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

PECOS NATIONAL HISTORICAL PARK ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to establish the Pecos National Historical Park in New Mexico. The lands within the proposed historical park contain a wealth of unique Southwestern cultural and natural resources which should be protected for the enjoyment and benefit of the American people. This new unit of the National Park Service would expand a popular national monument and provide the public with a historic view of native American cultures and trade routes, Spanish exploration, French trading routes, Western expansion, and the western front of the American Civil War.

SIGNIFICANCE

The Pecos National Historical Park will include approximately 5,500 acres of the Forked Lightning Ranch and the existing Pecos National Monument which is surrounded by the ranch. Currently, the Forked Lightning Ranch enjoys the protection and stewardship offered by Greer Garson Fogelson. Threats to historic, natural, recreation, and scenic values have been minimal. These ideal conditions have helped to maintain the near-pristine beauty of the historical environment of rolling hills, pinon-covered mesa, and sweeping prairies and meadows. The rich resources associated with Pecos National Monument, but still part of the ranch, and the rich historic resources associated with the Sante Fe Trail and the Civil War Battle of Glorieta Pass, have also been preserved.

The Forked Lightning Ranch is now for sale and developers have been formulating plans which, if acted upon, would threaten to impair the historic scene of Pecos National Monument and the other invaluable historical features of the ranch. Surely these lands have values above those of golf courses, condominiums, airstrips, and shopping malls.

The Pecos National Monument was established in 1965 when Mr. and Mrs. E. E. Fogelson donated the majority of the land, an inholding in their Forked Lightning Ranch, to the Federal Government for a national park to protect a rich and fascinating assemblage of Spanish and Indian ruins.

Since Pecos' establishment, well over a million visitors have marveled at the park's rich resources, which features Cicuye (Pecos), a dramatic, fortress like Pueblo village dating from about 1450 A.D. The Pecos Pueblo had risen to a position of dominance in the Pueblo world as a result of its advantageous location between the Great Plains and the Pueblo agricultural lands of the Rio Grande.

HISTORICAL RELEVANCE

The Upper Pecos Basin forms a broad pass through the Sangre de Cristo Mountains. Similar to the impacts of the Cumberland and South passes on American history, the Pecos Basin molded the prehistory and history of the people of the Southwest. An annual cycle of trade evolved between the Pecos Pueblo and the Plains Indians at this relatively easy route—or gateway—through the mountains. When the Spanish arrived, they continued a long-established trade system along the well-known trade route. A wider use of the Pecos Basin as a trade route began as early as the 1730's, when French traders brought new goods to Spanish colonists. Eventually, a trading stampede developed between American St. Louis and Mexican Santa Fe, along the route that became known as the Santa Fe Trail. This gateway to Santa Fe was also used for military excursions during the Mexican War, as well as during the American Civil War. With the advent of railroads, the gateway provided a natural passage through the basin. Through time, all trails, roads, railroads, and highways followed the ancient trade and travel routes from the Plains to the Rio Grande Valley. Interestingly, over the years, the scene at this historic gateway has remained virtually unchanged.

The creation of a Pecos National Historical Park would add immeasurably to the significance, integrity, and protection of the area comprising what is today Pecos National Monument. It would also preserve the integrity of the natural scene that early Spanish and Indian inhabitants saw 300 years ago—which today makes up a major park experience for visitors. Equally important, establishment of a Pecos National Historical Park would add a broad spectrum of cultural, natural, and recreational resources for the use and enjoyment of all Americans. For instance, the expended area contains over 100 archeological sites, representing Paleo-Indians, Archaic, pithouse dwellers, Puebloans, Apaches, and Spaniards, all critical elements in the colorful Pecos history.

With the creation of a new Pecos National Historical Park, the broader story and significance of the Santa Fe Trail could be more forcefully interpreted through inclusion of significant trail ruts, stage stops, and other specific sites. The battle at Glorieta Pass could be more effectively perceived on the actual ground than at more distant parks.

LIMITED FEDERAL ACQUISITION

The legislation I introduce today specifically authorizes the National Park Service to acquire portions of the Forked Lightning Ranch through donation, exchange, or purchase with donated or appropriated funds. Mr. President, unlike many land acquisition bills that Congress considers, I fully expect that most of the land included in this legislation will be acquired through donations or easements which will significantly reduce potential Federal expenditures while meeting the objectives of preserving the historical features of the land in a National Historic Park. To help facilitate donations, I will work with the Park Service to actively encourage a number of groups to pursue public/private partnerships to acquire the lands. My efforts in concert with those of the National Park Service should result in a National Historical Park which represents a unique diversity of national significant historic treasures. Passage of this bill would allow us to pursue these efforts.

Similar legislation is being introduced today in the House of Representatives by Congressman BILL RICHARDSON.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) land surrounding the existing Pecos National Monument known as the Forked Lightning Ranch are critical to the preservation of resource values of the national monument;

(2) because the Forked Lightning Ranch is for sale, the Federal Government can no longer depend on the outstanding stewardship provided by its owners for the protection of the resources on the ranch and concern for the future of the national monument;

(3) the Forked Lightning Ranch surrounding the national monument contains nationally significant prehistoric and historic resources important to the heritage of New Mexico and our Nation;

(4) there is widespread interest in protecting the integrity of the national monument and the resources of the adjacent Forked Lightning Ranch; and

(5) the Forked, Lightning Ranch is part of the old Pecos Land Grant, and it—

(A) includes extensive archeological sites relating to the purposes for which Pecos National Monument was established;

(B) includes excellent examples of ruts of the Santa Fe Trail and features that had a key role in the story of the Santa Fe Trail; and

(C) was the location for Union Army actions during the 1862 Civil War Battle of Glorieta.

(b) PURPOSE.—The purposes of this Act are—

(1) to recognize the multitheme history of the Pecos area and its "gateway" role between the Great Plains and the Rio Grande Valley; and

(2) to provide for the preservation and interpretation of the cultural and natural resources of the Forked Lightning Ranch by establishing the Pecos National Historical Park.

SEC. 3. ESTABLISHMENT OF THE PECOS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve, for the benefit and enjoyment of present and future generations, the area in New Mexico known as the Forked Lightning Ranch surrounding the existing Pecos National Monument, there is established the Pecos National Historical Park (referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of approximately 5,865 acres of the lands and interests in land generally depicted on the map entitled "Boundary Map—Pecos National Historical Park", numbered 430/80027 and dated February 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, The Secretary of the Interior (referred to as the "Secretary") may from time to time make minor revisions in the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9).

(c) ABOLITION OF MONUMENT.—The Act entitled "An Act to authorize the establishment of Pecos National Monument in the State of New Mexico, and for other purposes" approved June 28, 1965 (79 Stat. 195), is repealed, and any funds available for purposes of the Pecos National Monument shall be available for purposes of the park.

SEC. 4. ACQUISITION OF LAND WITHIN PECOS NATIONAL HISTORICAL PARK.

The Secretary may acquire lands, waters, and interest therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

SEC. 5. ADMINISTRATION OF THE PARK.

The Secretary shall administer the park in accordance with this Act and with the law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 6. GENERAL MANAGEMENT PLAN.

Within 3 full fiscal years after the date that funding is made available for the purposes of preparing a general management plan, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a general management plan for the park consistent with the purposes of this Act, including—

(1) a general visitor use and interpretive program that fully considers the prehistoric and historic aspects of the national historical park, including the "gateway theme" and early Spanish settlement of New Mexico;

(2) a statement on the number of visitors and types of public uses within the park that can be reasonably accommodated in accordance with the protection of its resources; and

(3) a general development plan for the park, including the estimated cost of development.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

● Mr. DOMENICI. Mr. President, I rise today to join my distinguished colleague from New Mexico, Senator BINGAMAN, in introducing the Pecos National Historical Park Establishment Act, which will replace the existing Pecos National Monument.

Pecos National Monument, located in the Upper Pecos Basin in northern New Mexico, was originally designated in 1965 and currently encompasses 365 acres. It contains the ruins of the ancient Pueblo of Pecos and the remains of two Spanish missions, one built in the 17th century and the other built in the 18th century.

Recently, a proposal surfaced to subdivide and develop some of the land surrounding the national monument in the Upper Pecos Basin. The residents of the area were very concerned about this proposal and the effect it would have on the monument and surrounding lands in the Upper Pecos Basin. As a result of local opposition, the development proposal was dropped.

Mr. President, the people of New Mexico have spoken. They want Pecos National Monument and the Upper Pecos Basin protected. The Upper Pecos Basin is a classic example of the mixing of cultures that makes New Mexico so unique. It was the site of important events in the native American, Hispanic, and Anglo history of New Mexico. I am pleased that the legislation that we are introducing would protect the historic resources of Pecos National Monument and the Upper Pecos Basin.

The bill that Senator BINGAMAN and I are introducing today would abolish Pecos National Monument and establish in its place the "Pecos National Historical Park." The new park would consist of 5,865 acres. The lands to be added to the park by this bill contain sites associated with Native American history and prehistory, Spanish colonization, the Santa Fe Trail, and the Civil War Battle of Glorieta.

This legislation is a logical extension of legislation that I included in the El Malpais Act of 1987, Public Law 100-225. The El Malpais Act permits indi-

viduals to donate land for incorporation into Pecos National Monument.

Although the National Park Service already has authority to expand the National Monument under the provision that included in the El Malpais Act, the bill that we are introducing today authorizes lands to be added to the park through purchase, donation, or exchange.

The lands that would be added to the park by this bill are currently owned by Greer Garson Fogelson. Mrs. Fogelson, along with her late husband Buddy Fogelson, has been a most generous benefactor of many projects in the State of New Mexico. In fact, the Fogelson's donated the majority of the land that contained in the current national monument and donated half the funds to construct the visitors center at the monument. I am not overstating the case when I say that, without the generosity of the Fogelsons, Pecos National Monument would not be the high-quality unit of the National Park Service that it is today.

It is my strong hope that those interested in seeing additional lands at Pecos protected will acquire Mrs. Fogelson's lands and then donate them to the National Park Service pursuant to the provision that I included in the El Malpais Act. I am aware that the Secretary of the Interior, Manuel Lujan, is currently exploring such an option.

Mr. President, even though the bill we are introducing would permit the National Park Service to purchase the land for the monument, donation of the land is the preferred option, and it is my expectation that the land will be donated, as provided for in the El Malpais legislation.

Mr. President, I am also concerned that the bill that we are introducing today would permit the National Park Service to condemn Mrs. Fogelson's land. I do not think that the Federal Government should condemn this land, especially in light of the great generosity of the Fogelsons. Therefore, when this measure is considered in committee, I intend to offer an amendment that would assure that the purchase of this land would be on a willing seller basis.●

By Mr. DASCHLE (for himself, Mr. KERREY, and Mr. CONRAD):

S. 2255. A bill to express the sense of Congress that the Secretary of Agriculture should take certain actions concerning the modification and effects of acreage reduction programs and to require the Secretary to use existing programs to maintain prices for the 1990 crop of wheat resulting from a program modification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

COMMODITY PROGRAM CONTRACT MODIFICATIONS

● Mr. DASCHLE. Mr. President, I rise today to introduce legislation designed to ensure our Nation's wheat farmers receive the income from the 1990 wheat crop they were led to believe they could expect when the program was announced. The legislation addresses the very serious concern that the Secretary of Agriculture's wide discretion to modify our annual farm programs has been invoked to the detriment of our wheat farmers, and that the Secretary has avoided an adequate level of accountability for his actions.

While I would not want to hamstring the Department of Agriculture in operating these programs, recent experience has shown the need for Congress to mandate greater accountability for the Secretary's discretionary actions. Specifically, this legislation is designed to correct the inequities caused by the Secretary's decision to allow modifications to the 1990 wheat program contract.

Before describing the legislation it is necessary to give a little background on the circumstances that persuaded me to introduce this bill. On May 31 last year, Secretary Yeutter announced the details of the 1990 Wheat Program. The major element of that announcement was the inclusion of a 5-percent acreage reduction program [ARP]. At that time, there was still some question as to whether there would be a second year of drought affecting the 1989 wheat crop. The 5-percent ARP was a reasonable response to an uncertain situation: It would ensure some check on production in 1990 in the event there was a full crop in 1989, but allow for adequate supplies in the event of drought. When this decision was made, the Administration was projecting a 1990 season average price for wheat of $3.50 per bushel.

However, at the end of the 1989 harvest, USDA determined that wheat supplies had been curtailed by a second year of drought. On September 13 last year, Secretary Yeutter announced that producers in the 1990 wheat program would have the option to modify their contracts to plant on more than 95 percent of their program base, as had originally been announced. For every additional acre of production over the 95 percent, producers would have to forfeit an acre's worth of deficiency payments.

USDA cited emergency authorities under the 1985 Food Security Act as the legal basis of this action. This authority provides that contracts can be modified after a program has been announced to alleviate potential emergency commodity shortages. However, it is questionable as to whether the authority allows the Secretary to reduce the level of income protection previously announced as available to producers. Quite aside from the direct impact on program participant's income through decreased deficiency payments, the change would be expected to have an effect on the wheat market as a whole.

The program change certainly has had an impact on the wheat market. On September 12, 1989, the day before the announcement, July 1990 Chicago wheat futures were at $3.59 a bushel, and the administration's own estimate of the 1990 season average price for wheat was $3.50 a bushel. Yesterday, that same futures contract was at $3.37 a bushel and the administration's estimate of prices is $3.20. By the administration's calculations average market prices will drop by 30 cents a bushel, and the futures market has actually already shown a 22 cents a bushel drop. With a third year of drought possible, there is little reason to attribute this depression of the market to anything other than the administration's actions to modify contracts.

This conclusion illustrates a very simple fact: the Secretary of Agriculture's immense discretion in setting the programs can influence the market enormously. However, at a feedgrains hearing in the Senate Agriculture Committee that followed the contract modification announcement, a witness for the administration denied that the administration had any stocks or price goals that had prompted the change. Well, that simply doesn't wash. The contract modification was consistent with the way the administration has implemented the 1985 farm bill: take every action possible to keep prices as low as possible and keep stocks flowing through the market. The repeated use of the Findley amendment illustrates this better than anything else. The administration knows it can influence the market and uses its powers to do so.

If Congress gave the Secretary of Agriculture this much discretion and yet he denies the purposes to which it has been used, I believe we have little choice but to make him more accountable for his actions. And in the case of this specific decision on the 1990 wheat program, we must do what we can to salvage the devastating price decline his actions caused.

This is the essence of the legislation I am introducing today. The overall principle outlined in the bill is that, if and when the Secretary chooses to modify a program contract after the program has been announced, the modification must be designed to have no adverse effect on producers' income. The Secretary should explain the impact of the decision on production, marketing, and stocks levels that are expected to result, and what ac-

tions will be taken to ensure that producer income is maintained.

This kind of accountability is something that I and many of my colleagues expect to place great emphasis on as we write the 1990 farm bill. Despite the protestations of the administration, we all know that they have specific stocks and price goals in mind when they announce or modify programs. It is my intention to ensure that these intentions are acknowledged and made explicit in the future. The 1990 farm bill must contain language to achieve this.

Turning specifically to the 1990 wheat crop, the legislation I am introducing today requires the Secretary to use all the programs available to him, and especially stocks management tools, to ensure that average market prices for the 1990 wheat crop are maintained at the level USDA was projecting when they made the initial program announcement. It is not too late to recover that price, even though the futures market has taken a beating, and it is owed to our Nation's producers.

Mr. President, as I have worked on developing ideas for the 1990 farm bill, I have been pleased with the likemindedness of several of my colleagues from the Northern Plains on these issues. I am pleased that Senator KERREY and Senator CONRAD are cosponsors of this legislation, and I hope that other Members will work with us on this legislation to ensure that our wheat producers' livelihood is adequatly maintained. Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION AND EFFECTS OF ACREAGE REDUCTION PROGRAMS.

(a) MODIFICATION.—It is the sense of Congress that if the Secretary of Agriculture modifies an acreage limitation, set-aside, or land diversion program established for the 1990 or subsequent crops of wheat, feed grains, upland cotton, or rice because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities—

(1) the modification be designed to have a positive or neutral effect on the income of individual producers, relative to the program as previously announced;

(2) the Secretary of Agriculture should make an explicit statement of how the modification is expected to affect the production, marketing, and stock levels of the commodities involved; and

(3) the Secretary of Agriculture should state how programs available to the Secretary will be utilized to maintain individual producer income at or above the level projected prior to the program modification.

(b) EFFECTS.—It is the sense of Congress that, at the time the Secretary of Agriculture announces the options available under an acreage limitation, set-aside, or land diversion program established for the 1990 or subsequent crops of wheat, feed grains, upland cotton, or rice, the Secretary of Agriculture should also announce the estimates of the Secretary of how each of the options would affect production, stocks, and price levels of the commodities involved.

SEC. 2. USE OF PROGRAMS TO MAINTAIN 1990 WHEAT PRICES RESULTING FROM MODIFICATION.

The Secretary of Agriculture shall use such programs as are available to the Secretary (including an adjustment to the quantity of wheat held in the food security wheat reserve established under section 302 of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1)) to ensure, to the extent practicable, that the average market price for the 1990 crop of wheat is not lower than the projected average market price for the 1990 crop of wheat used by the Secretary at the time of the announcement of the option for wheat producers to modify agreements entered into for the 1990 crop of wheat pursuant to section 107D(f)(7) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(f)(7)).●

By Mr. HARKIN (for himself, Mr. BUMPERS, Mr. HOLLINGS, Mr. STEVENS, Mr. RUDMAN, Mr. PRYOR, and Mr. NUNN):

S. 2256. A bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes; to the Committee on Labor and Human Resources.

FAIR TREATMENT ACT

● Mr. HARKIN. Mr. President, I am proud to join with my colleagues, Senators BUMPERS, HOLLINGS, STEVENS, RUDMAN, PRYOR, and NUNN, in introducing the Fair Treatment Act of 1990.

The Fair Treatment Act restores equity to the current formula that distributes the Alcohol, Drug Abuse, and Mental Health Services [ADMS] block grant funds to the States. The ADMS block grant provides the lion's share of Federal funds to the States for reducing the demand for drugs. This block grant also provides critical funds for States to treat alcohol abuse and for mental health delivery systems.

The current formula that divides funds among the States was established in the Anti-Drug Abuse Act of 1988. It's by no means a consensus formula, and it never was. The current formula unjustly skews funding toward States with a large urban population. It leaves small and rural States in the lurch.

The Fair Treatment Act redeploys ADMS funds so critical to the drug war, and to providing alcohol treatment and mental health services. It allows funds to flow to all States based on their population and ability to pay—as they should—but with no bonus for urban population.

The ADMS block grant wasn't originally intended to favor urban populations. We know all too well that drugs, alcohol, and mental health problems don't just happen in cities. There is no reason that Federal funds should favor urban populations.

Comprehensive studies of the ADMS formula have been conducted by the Department of Health and Human Services, and by the University of California. Neither of these proposed favoring States' urban population or using any other geographic measure for funding.

The Fair Treatment Act eliminates the urban weight factor in the ADMS funding formula, thereby allowing funds to flow based on a State's entire population, without regard to whether they live inside or outside of major cities.

The Fair Treatment Act makes no change in the scheduled phase-out of the hold-harmless provision. When the phase-out is completed, the distribution of ADMS funding will reflect accurately States' population and ability to pay.

The Fair Treatment Act isn't simply a rural State bill or a small State bill, even though such States benefit from it. The Fair Treatment Act would help 36 States this year alone. Up to now, these States have been penalized unfairly having their people counted once while other States' people are counted twice.

If the Census Bureau tried that trick, we'd hang them out to dry. And it's a crime to vote twice. Can it be any fairer for people living in cities to be counted twice in measuring State population? I don't think so, and no reasonable person can justify the double counting in the current ADMS formula.

By eliminating double counting and getting back to accurate measures of each State's population and ability to contribute its resources, the Fair Treatment Act of 1990 ensures that every State will get a fair shake from the Federal Government. This change is long overdue.

For my home State of Iowa, this formula change would bring another $3.5 million this year, increasing our share of the ADMS block grant from $7.8 million up to $11.3 million. Thirty-five other States would benefit from the equitable formula as well, and continue to benefit next year and beyond.

Mr. President, this bill is honest and fair. I urge my colleagues to support the legislation, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Treatment Act of 1990".

SEC. 2. ALCOHOL, DRUG ABUSE AND MENTAL HEALTH BLOCK GRANT ALLOTMENT FORMULA.

(a) IN GENERAL.—Section 1912A(a)(4)(B) of the Public Health Service Act (42 U.S.C. 300x-1a(a)(4)) is amended—

(1) by striking out clause (i);

(2) by redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively;

(3) in clause (i) (as so redesignated), by striking out "0.2" and inserting in lieu thereof "⅓";

(4) in clause (ii) (as so redesignated), by striking out "0.2" and inserting in lieu thereof "⅓"; and

(5) in clause (iii) (as so redesignated), by striking out "0.2" and inserting in lieu thereof "⅓".

(b) MINIMUM ALLOTMENT.—Section 1912A(b) of such Act is amended—

(1) in paragraph (1), by striking out "$7,000,000" and inserting in lieu thereof "$8,000,000"; and

(2) in paragraph (2);

(A) by striking out "and" after the semicolon in subparagraph (A);

(B) by striking out the period at the end of subparagraph (B), and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) 25 percent of the cumulative percentage change in the amount by which the appropriations under section 1911 for the fiscal year for which the allotment is being made exceeds the amount appropriated under such section for fiscal year 1989.".●

Mr. RUDMAN. Mr. President, I am pleased to join Senators HARKIN, HOLLINGS, BUMPERS, STEVENS, NUNN, and PRYOR in cosponsoring legislation to revise the formula by which Alcohol, Drug Abuse and Mental Health Service [ADMS] block grant funds are distributed to the States.

Substance abuse is one of the most serious problems facing our country today and the ADMS block grant is the primary means by which the Federal Government assists the States in providing treatment to drug and alcohol abusers. It is a critical component in the demand reduction efforts of the war on drugs.

Mr. President, the Anti-Drug Abuse Act of 1988 (Public Law 100-690) authorizes new resources for the ADMS block grant and revised the formula by which those resources are distributed to the States. I have supported efforts in the Senate to increase the level of funding for the treatment of substance abuse believing that the war on drugs can only be won by curbing demand through a greater commitment to prevention, education, and treatment. Funding for the ADMS block grant has nearly doubled since fiscal year 1988 and the fiscal year 1991 budget proposes $1.29 billion to enable States to meet critical treatment needs. Unfortunately, the small and rural States have been largely overlooked during this period as a result of a formula which favors States with urban populations.

Despite the infusion of an additional $387 million for the block grant last year, seven States—Alaska, Maine, Montana, New Hampshire, South Dakota, Vermont, and Wyoming—received no additional funding for critical treatment needs. The reality of this situation is that without some revision in the formula to permit small States to share in increased resources, there are New Hamspshire citizens with alcohol and drug abuse problems who will not receive treatment because of waiting lists and there are special populations in New Hampshire that will remain unserved or underserved, including pregnant addicted women needing detoxification, and elderly, and handicapped, and the mentally ill chemical abuser.

This legislation will restore equity to the block grant by permitting small and rural States to share in the increased resources which are provided for treatment. I am hopeful that it will receive expeditious consideration.

By Mr. PELL:

S. 2257, A bill to terminate the Ground-Wave Emergency Network [GWEN] Program; to the Committee on Armed Services.

TERMINATION OF GROUND-WAVE EMERGENCY NETWORK PROGRAM

Mr. PELL. Mr. President, I am introducing today a bill to terminate the Ground-Wave Emergency Network [GWEN] Program of the Department of Defense.

The GWEN system is a coast-to-coast network of signal towers built by the Air Force and designed to survive electromagnetic pulses in the wake of a nuclear attack. Its purposes is to provide backup communications to Air Force bombers and land-based missile installations in the event regular channels of communications were disrupted.

So far, the Air Force has constructed some 54 out of a projected total of 96 GWEN towers, each of which costs about $1 million and stands 299 feet tall. But there is considerable redundancy built into the system, and the Air Force acknowledged 2 years ago that the system was then operational with 49 towers. Any extra towers, they seemed to say, would simply be added insurance.

Now, in the light of recent world events, the GWEN system appears to be an anachronism of marginal utility at the very best. The likelihood of nuclear conflict has been reduced so dramatically as to call into question the basic utility of the system, not to mention the need for further redundancy.

Moreover, a number of other considerations have come into play. We are told that GWEN may be made obsolete by satellite communications technology within the decade. And there is increasing concern about the possible health hazards of electromagnetic low frequency radiation emanating from the existing GWEN towers.

Finally, Mr. President, the GWEN towers have become an unconscionable irritant to the public. From the beginning, they were seen, particularly by those concerned about arms control issues, as an unwelcome symbol of the futility of nuclear war. Now, they seem to be rejected by large numbers of the general public as another military boondoggle of very dubious worth.

The Air Force's proposal to locate a tower in the State of Rhode Island drew resolutions of disapproval from both houses of the State legislature and from the town councils of the communities involved as well as the opposition of most of the political leadership of the State. The Attorney General of Rhode Island brought suit against the Air Force in Federal District Court, forcing the cancellation of construction at one of two possible sites.

Now, Mr. President, I am pleased to join my colleague Rep. RON MACHTLEY, a member of the House Armed Services Committee, in proposing legislation to terminate the GWEN Program. The bill I introduce today is identical to the Machtley bill H.R. 4118 which was introduced on February 27. It simply provides that no funds may be obligated or expended for contracts under the GWEN Program.

Shutting down the GWEN Program at this stage would save an estimated $60 million. This would of course be a very modest saving in terms of the overall defense budget, but the action, I believe, would have far greater value than could be measured by dollars alone.

Mr. President, I ask unanimous consent that a related article from the New York Times of January 31, 1990, entitled "If Congress Can't Cut This * * *" by Ronald Fraser, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 1990]

IF CONGRESS CAN'T CUT THIS . . .

(By Ronald Fraser)

WASHINGTON.—As Congress takes up debate on the Pentagon budget, the members should think a moment about the confused people in Chelsea, Wis., Lovingston, Va., and dozens of other communities. These people are having trouble squaring the apparent end of the cold war with Air Force's continuing preparations for a retaliatory nuclear strike.

They can't quite reconcile 300-foot-high military towers sprouting in their backyards with President Bush's expressions of sympathy for Mikhail Gorbachev's political plight. Nor can they reconcile the towers with a recent proposal by Secretary of Defense Dick Cheney, the recommendation—quickly rejected by Mr. Bush—was to ground the President's airborne command center because the likelihood of a Soviet sneak attack is so remote.

Known as the ground wave emergency network, the Air Force program consists of a two-part network of relay towers stretching from Maine to California. The towers are designed to survive electromagnetic-pulse disruptions during the first 15 minutes of a Soviet nuclear sneak attack. If the primary military channels to Air Force land-based missiles and nuclear-armed bombers were cut, it would serve as a backup means to transmit Pentagon retaliation attack orders.

The network symbolizes the fate of many yet-to-be-built 80's-era weapons that, in Pentagonese, have been "overtaken by events." When these weapons were conceived, the Evil Empire was expected to last well into the next century.

If Congress is truly looking to carve out a "peace dividend" from the military budget, it might start here, with these small, often-overlooked programs. After that, it might be easier to extend the same logic to the larger weapons systems, such as the B-2 bomber and the Strategic Defense Initiative, which account for a much greater share of military spending.

The ground wave emergency network is rooted in President Ronald Reagan's 1981 National Security Decision Directive 12, which calls for a communications system that could survive a nuclear attack. A crude stop-gap measure, the network is to be replaced by a sophisticated satellite communications system in the late 1990's.

The Air Force is only now completing the first phase, a self-contained 56-tower network linking the Pentagon to bomber and missile command centers. The second phase, consisting of 40 more relay towers, is still on the drawing board.

People living in the shadow of the proposed second-phase towers wonder why, with peace breaking out across Europe, the Air Force needs 40 more towers. The Air Force's response: for insurance, in case an enemy destroys some of the first 56.

Actually, how many towers are enough was never resolved. In hearings before Congress in 1983, Donald Latham, then the Assistant Secretary of Defense for Command, Control and Communications, put the issue this way, in typical bureaucratese:

"How much survivability do you want to buy? . . . We can cover and get connectivity across the continental United States with about 45 nodes [towers]. But that is not enough if I really look at cutting up this network with a few weapons or a few terrorist attacks . . . How many nodes do you want in order to give you absolute assurance? I don't know the right answer to that. It is some number more than 45 and less than 500."

If Mr. Latham couldn't decide how many towers are enough while the cold war was still hot, how can the Air Force know the right number in this new postwar era? Uncertainty abounds. No one really knows whether an electromagnetic impulse would be a big problem or not in a nuclear war. So the value of the towers will always be speculative.

Besides, even if the impulse did temporarily disrupt communications with U.S. bombers and land-based missiles, that would hardly leave us defenseless. The President could retaliate with the 3,000 nuclear warheads aboard the 20 or so submarines we keep at sea at all times. These subs are invulnerable to Soviet attacks, and most experts agree that a few thousand surviving warheads would deter a first strike by the Soviet Union.

Yet, the Air Force persists in upsetting one community after another in its search for sites for the next 40 towers. And the illogic is stunning. Officials insist the towers are essential to U.S. security, even as current events discredit this rationale. Then they turn around and tell local folks not to worry, the chances are slim that this critical communications system would become a target for Soviet missiles in an all-out war. The people living near the towers are not so sure.

At $1.1 million a tower, the program is small potatoes compared with other too-late-for-the-war weapons like the B-2 bombers, at $530 million apiece. But far more than money is at stake here. In any bureaucracy, momentum tends to keep programs going long after they have lost their reason for being.

Now that our need for a big insurance policy to retaliate against a Soviet sneak attack is on a downward slide, what should become of the half-finished communications system?

Why not put the last 40 towers on hold, leaving the 56-tower system in place and ready to use, if needed? Why not wait and see if the $60 million insurance policy is really needed?

The real challenge posed by this program is plain. Congress needs to display the common sense to cancel a small, interim cold war insurance policy that has been overcome by events. If it can't do that, what are the chances that it will create a real peace dividend by halting the more costly war weapons that we no longer need?

By Mr. BRYAN (for himself and Mr. REID):

S. 2258. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

INDEPENDENT SPENT NUCLEAR FUEL STORAGE ACT

Mr. BRYAN. Mr. President, I rise today to introduce the Independent Spent Nuclear Fuel Storage Act of 1990.

When President Reagan signed the Nuclear Waste Policy Act on January 7, 1983, less than a week after I became Nevada's Governor, our Nation embarked on a costly scheme to resolve a vexing technological problem—how to manage for hundreds of thousands of years the most toxic and dangerous waste products that man has ever created.

The premise of the 1982 Nuclear Waste Policy Act was to fairly and scientifically evaluate a variety of sites and different geological formations so that the best solution to the high-level commercial radioactive waste disposal problem could be found. That act also contemplated a geographically balanced approach to ensure that no single area of the Nation would be unfairly burdened with the entire Nation's commercially generated radioactive waste.

A regionally balanced approach would also minimize the transportation of these lethal materials long distances and through communities never before touched by nuclear waste.

In the Nuclear Waste Policy Amendments Act of 1987, signed by President Reagan on December 22, 1987, a political decision was made to abandon the fairness and safety that was the premise of the 1982 act and to shift the national policy away from a scientific approach to solving our Nation's high-level nuclear waste problem.

That legislation targeted only one site—Yucca Mountain—for further consideration for a repository location.

This ill-conceived policy—abandoning science for politics when trying to solve a great scientific problem—was tangible evidence of the undue influence the commercial nuclear utility industry has had on the repository program since its inception.

The DOE and nuclear industry policymakers, however, underestimated the resolve of Nevada's citizens to rise up against this injustice. Even more fundamentally, the special interests were blind to the merits of the State's technical arguments that Yucca Mountain was a bad choice for further study.

Six years of scientific study by the State has been very revealing about the merits of the Yucca Mountain site. As our technical knowledge increases, Nevada's misgivings about the Yucca Mountain site are being confirmed. At least 32 active geological faults are associated with the site, and recent volcanic activity appears to have occurred—either of which indicate the site cannot be licensed by the NRC.

The geology, hydrology, volcanism, and mineral potential at Yucca Mountain all indicate it is unable to isolate these radioactive wastes from the environment for the tens of thousands of years necessary for the wastes to decay.

The repository program has been paralyzed by management, scientific, and legal deficiencies since the 1987 amendments were adopted. As a result, the target date for repository operations has slipped further with each passing year—first from 1998 to 2003, and now according to DOE's newest revised plan, no repository can open earlier than the year 2010.

As a result, utilities are having to face the reality of solving, at least on an interim basis, their own spent fuel storage needs.

Fortunately, technology has advanced the options available so that no fuel storage crisis looms. At reactor, dry cask storage has been proven to be safe and to require only minimal ongoing monitoring and maintenance when compared to existing spent fuel

storage pools. Some reactors have already approached or exceeded their spent fuel storage pool capacity, even after installing more compact storage racks—reracking.

A growing number of utilities—out of necessity—are purchasing and planning on using NRC-licensed dry cask storage units at reactor sites to meet their interim storage needs.

The Nuclear Regulatory Commission has issued a proposed revision of its waste confidence rule which indicates that at-reactor spent fuel storage can be safely and effectively implemented for a period up to 100 years.

Thus the crisis that prompted the 1982 act and its deadlines DOE was unable to meet has now vanished with better technological approaches gaining acceptance.

Unfortunately, existing law does not protect utility ratepayers from having to finance both the faltering Federal effort and the interim storage that will be necessary because the Department of Energy will not be able to accept spent fuel for storage in 1998 as was promised in the original act.

The legislation I am introducing today corrects this inequity so that ratepayers only pay once for necessary waste storage efforts.

Currently, ratepayers finance the existing Federal program by paying more than $1 million per day into the Nuclear Waste Fund. This legislation allows a nuclear utility to retain a portion of their existing payments equal to the on-site storage expenses incurred so that the ratepayers receive the waste management and disposal service for which they are already paying. Without such a provision, ratepayers will continue to pay billions for the existing program, and will also have to pay for interim fuel storage needed to allow for continued reactor operations.

The remaining fees paid will accrue in the dedicated Nuclear Waste Fund to finance final storage once DOE has licensed a permanent disposal site.

Since the passage of the Nuclear Waste Policy Act in 1982, well over $2 billion have been wasted with no progress made toward solving this problem.

In the 7 years the program has operated, it has already required one major legislative revision in 1987. During those 7 years, the target date for repository operations has slipped by 12 years, and DOE itself has characterized the new target date for repository operations to begin—the year 2010—as optimistic.

It is time for the Nation to face the fact that expanded on-site storage will become a reality for most nuclear utilities during the 1990's, whatever the outcome of DOE's efforts to build a waste dump at some future time.

On-site storage minimizes transportation risks, allows spent fuel to cool, and allows needed waste management flexibility so that a sound, equitable, and scientifically based disposal policy for the Nation's nuclear waste ultimately may be achieved.

The legislation I introduce today will be a first step in setting the Nation's nuclear waste management policy on a fiscally sound course. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2258

Be it enacted by the Senate and House of Representatives' of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Spent Nuclear Fuel Storage Act of 1990".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Findings.
Sec. 5. Amendments to the Nuclear Waste Policy Act of 1982.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Commission" means the Nuclear Regulatory Commission; and

(2) the term "Secretary" means the Secretary of the Department of Energy.

SEC. 4. FINDINGS.

The Congress finds that—

(1) approximately 18,000 tons of spent nuclear fuel are now stored at 111 commercial nuclear reactors in the United States; by 1998, approximately 45,000 tons of spent nuclear fuel will be stored at commercial nuclear reactors;

(2) the deep geologic high level radioactive waste and spent nuclear fuel repository envisioned by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) will not be constructed in time to permit the Secretary to receive and accept high level radioactive waste or spent nuclear fuel as contemplated by sections 123 and 302 of that Act (42 U.S.C. 10143, 10222), with the result that the Secretary will be unable to perform contracts executed pursuant to section 302(a) of that Act with persons who generate or hold title to high level radioactive waste or spent nuclear fuel;

(3) there have been no orders for the development or construction of civilian nuclear power generating facilities since the enactment of the Nuclear Waste Policy Act of 1982; several such facilities that were anticipated when the Act was enacted are not operating now;

(4) it does not now appear that a deep geologic high level radioactive waste and spent nuclear fuel repository will be available before the year 2010 or later;

(5) by the time a deep geologic repository is available many currently operating commercial nuclear reactors will need spent fuel storage capacity beyond the maximum now available in at-reactor spent fuel storage pools; nuclear utilities have spent and will spend major sums to construct facilities, including dry cask spent fuel storage facilities, for use in the interim before a deep geologic repository is available;

(6) the sums spent for the purposes described in paragraph (5) are the same funds that commercial nuclear utilities intended to contribute to the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222 (c));

(7) the technology for long term storage of spent nuclear fuel, including the technology of dry cask storage, has improved dramatically since the enactment of the Nuclear Waste Policy Act of 1982;

(8) the existing statutory jurisdiction of the Commission, under the Atomic Energy Act of 1954 (42 U.S.C. 2001 et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), Executive Order 11834 (42 U.S.C. 5801 note), the Nuclear Regulatory Commission Reorganization Plan No. 1 of 1980, and the Commission's various authorization Acts includes the jurisdiction to review and evaluate the spent fuel storage capability of commerical nuclear utilities that hold or seek licenses to receive and possess nuclear materials from the Commission;

(9) commercial nuclear utilities that hold licenses to receive and possess nuclear materials are generally well suited to maintain the institutional capability necessary to become long term stewards of spent nuclear fuel;

(10) the increased radioactive decay that will occur in spent nuclear fuel that has been stored for interim periods prior to delivery to the Secretary pursuant to section 123 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10143) will ease and facilitate its subsequent handling, transportation, and final disposal; and

(11) the median estimated cost to commercial nuclear facilities of acquiring or constructing at-reactor dry storage facilities, plus the long term operating cost, is approximately 0.56 mil per kilowatt-hour under average industry fuel burnup rates.

SEC. 5. AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT OF 1982.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by inserting at the end thereof the following new subsection:

"(f)(1) After January 31, 1998, if the Secretary does not have a facility available to accept spent fuel from persons holding contracts under this section, those persons may, through credits on fee payments under subsection (a)(2), offset the expenses of providing storage of spent fuel generated after that date (including expenses reasonably incurred before that date in anticipation of the necessity of providing such storage) and until the date of the Secretary's first acceptance of that persons's spent fuel at a storage or disposal facility authorized by this Act.

"(2) The credits described in paragraph (1)—

"(A) shall be deducted form each remittance of a person's fee payments to the Nuclear Waste Fund from the time that the person meets the conditions of paragraph (1) until the time that the Secretary first accepts that the person's spent fuel at a storage or disposal facility authorized by this Act; and

"(B) shall be in the amount of 0.56 mil per kilowatt-hour for electricity generated by the person's civilian nuclear power reactor and sold during the period the person is eligible for the credit.".

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 2259. A bill to authorize agricultural research programs, and modify agricultural research planning and priority setting mechanisms, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL RESEARCH AND EXTENSION PLANNING, PRIORITY SETTING, AND TECHNOLOGY ASSESSMENT ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation on behalf of myself and the Agriculture Committee Chairman, Senator LEAHY, that will improve the direction and mission of the agricultural and extension system. The primary purpose of the bill is to modify the agricultural research priority setting process to address the needs of producers and consumers, and to improve coordination of federally funded agricultural research. The bill is the result of several hearings that the Subcommittee on Agricultural Research and General Legislation held regarding the agricultural research priority setting and planning process. The legislation also incorporates many of the concepts that are in a soon to be released report by the Office of Technology Assessment on "Agricultural Research and Technology Transfer Policies for the 1990's".

The current agricultural research and priority setting process resists change and is ineffective. It is based on consensus management and refuses to address new areas of research, or evaluate the effectiveness of its research. The research and priority planning process is comfortable with doing what it currently has the capability to do, but resists changing the focus of the research system. To illustrate this point, neither the Joint Council on Food and Agricultural Science or the National Agricultural Research and Extension Users Advisory Board addressed the plant genome project; the National Initiative for Research on Agriculture, Food and Environment; or America the Beautiful in their 1991 planning documents. All of these projects are major components of the President's 1991 budget. Since these major research and education initiatives were not considered by the current planning and priority setting boards, it raises serious doubts about their usefulness.

The agricultural research and planning and priority setting process is out of touch with needs of producers and consumers. Research and extension programs in the support of sustainable agriculture systems continue to be ignored by the USDA. Consumers are calling for farmers to use these systems and farmers themselves are searching for adequate information on how to implement sustainable production systems. However, the USDA continues to resist research that would support sustainable agriculture systems. Alternative crops and products and increasing the demand for existing crops is another major area of research that continues to be ignored by the USDA and its planning and priority setting process. Producers need other production options, not just higher yields of commodity program crops. The legislation that I am introducing will modify the planning and priority setting process so that needs of producers and consumers will be addressed by the agricultural research system. The legislation also contains goals and purposes that will help to clarify the agricultural research and extension systems mission.

A major emphasis of this legislation is to improve coordination of federally funded agricultural research programs. USDA is not the only Federal agency involved in agricultural research. This legislation recognizes that the National Institute of Health, the National Science Foundation, Department of Energy, and the Environmental Protection Agency are all actively involved in funding agricultural research. Improved research coordination will result in consistent priorities and greater efficiency in Federal funding for agricultural research.

There is considerable debate in the agricultural research community regarding new agricultural research developments and their influence on society. This legislation addresses those concerns by establishing an Agricultural Science and Technology Assessment Board to determine the influence of new and emerging agricultural science issues on society, the environment, and agricultural production. This board will function to evaluate the effectiveness of agricultural research and technology transfer programs and give direction to the system.

This legislation may seem controversial to the traditional agricultural research system. The system has served us well, however, it must realize the priorities that were driving the research system in the 1950's and 1960's are no longer the primary issues facing producers and consumers. This legislation will help the research system meet the needs of its true clientele, producers, and consumers.

Mr. President, I ask unanimous consent that a summary and full text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Research and Extension Planning, Priority Setting, and Technology Assessment Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
TITLE I—PRIORITIES FOR THE AGRICULTURAL RESEARCH AND EXTENSION SYSTEM
Sec. 101. Statement of purposes for agricultural research and extension.
Sec. 102. Application of purposes to agricultural research and extension projects.
TITLE II—AGRICULTURAL RESEARCH PLANNING AND PRIORITY-SETTING ENTITIES
Sec. 201. National Agricultural Research and Extension Users Advisory Board.
Sec. 202. Joint Council on Food and Agricultural Sciences.
Sec. 203. Agricultural Science and Technology Review Board.
Sec. 204. National Clearinghouse on Agricultural Scientific Talent.
TITLE III—AGRICULTURAL RESEARCH AND EXTENSION FUNDING PROGRAMS
Sec. 301. Competitive grants for agricultural, food, and environmental research.
Sec. 302. Sense of Congress regarding formula funding for agricultural research and extension.

(c) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), except to the extent otherwise specifically provided.

SEC. 2. FINDINGS.

Congress finds that—

(1) significant amounts of agricultural research and training of agricultural research scientists are being conducted outside of the land-grant university system and the traditional colleges of agriculture;

(2) significant amounts of Federal funding for agricultural research are being provided by Government agencies outside of the United States Department of Agriculture, such as the National Institutes of Health, the National Science Foundation, the Department of Energy, the Department of the Interior, the Department of Defense, and the Environmental Protection Agency;

(3) the present agricultural planning and priority setting mechanisms (the Joint Council on Food and Agricultural Sciences and National Agricultural Research and Extension Users Advisory Board) lack the scope and authority to perform adequate technology assessment of emerging agricultural priorities and research accomplishments;

(4) the federally supported agricultural research and extension system needs to develop a clearer vision of its mission, and more specificity and clarity in stating priorities for the system;

(5) planning and priority setting in the federally supported agricultural research and extension system is ineffective, in part, because there is no mechanism to assure followthrough on initiatives of the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board;

(6) agricultural scientists need to become more involved in multidisciplinary research;

(7) the federally supported agricultural research community is emphasizing basic research and this has resulted in decreased emphasis in areas of applied research and technology transfer;

(8) agricultural research has a profound influence on the structure of agriculture, the quality of rural life, and the environment;

(9) if publicly funded agricultural research and extension is to provide the maximum possible positive contribution to the betterment of society, research and extension priorities must be shaped to advance established societal goals, with the assistance of information provided by technology assessment;

(10) it is the historical policy of the United States to foster and encourage the family farm system of agriculture as essential to the social well-being of the United States and efficient agricultural production;

(11) such a system is best characterized by large numbers of small and moderate-sized, owner-operated, ethnically diverse, family farms that result in more socially and economically strong rural communities and high quality rural life;

(12) long-term food security would be enhanced by improved soil and water conservation, increased genetic diversity, and greater reliance on renewable resources for agricultural production;

(13) the agricultural production system, with its special reliance on the environment, is more susceptible than other industries to economic collapse if the natural biological systems fail to operate properly;

(14) increasing numbers of agricultural producers and urban consumers are concerned about farm profitability, soil erosion, water quality and quantity, and the impact of agricultural chemicals on human health and the environment;

(15) greater cooperation is needed among the public and private agricultural research and extension system to address these concerns; and

(16) diversified agricultural production reduces financial risk, the market consequences of overproduction, and expands agronomic crop management options.

SEC. 3. PURPOSES.

It is the purpose of this Act—

(1) to establish purposes and procedures for federally funded agricultural research and extension programs;

(2) to encourage the agricultural research and extension community to evaluate the technological consequences of the research that it performs, and to direct its research and extension activities toward advancing the purposes for agricultural research;

(3) to improve the present agricultural research planning and priority-setting entities; and

(4) to improve the competitive grant system used by the Secretary of Agriculture.

TITLE I—PRIORITIES FOR AGRICULTURAL RESEARCH AND EXTENSION SYSTEM

SEC. 101. STATEMENT OF PURPOSES FOR AGRICULTURAL RESEARCH AND EXTENSION.

The Act is amended by inserting after section 1403 (7 U.S.C. 3102) the following new section:

"SEC. 1403A. STATEMENT OF PURPOSES FOR AGRICULTURAL RESEARCH AND EXTENSION.

"(a) PRIMARY PURPOSE.—The primary purpose of Federal involvement in both basic and applied agricultural research and extension activities shall be to—

"(1) enhance the sustainability and competitiveness of the food production and agricultural system of the United States; and

"(2) best ensure that it maximizes competitiveness and the social, environmental, human health and food security interests of the United States.

"(b) SPECIFIC PURPOSES.—Subject to the varying conditions and needs of States, to carry out subsection (a), federally funded agricultural research and extension programs shall—

"(1) increase employment opportunities (especially self-employment) in agricultural and rural communities, strengthen the family farm system of agriculture, enhance the competitive position of small- and moderate-sized, owner-operated farms upon which the operators rely for a significant portion of their incomes, contribute to a more equitable rural, social, and economic structure, and enhance the social and economic vivacity and quality of life of rural communities;

"(2) protect the environment and natural resources, including reducing soil erosion, enhancing wildlife habitat and populations, protecting ground water and surface water from pollution from sediment, nutrients, synthetic chemicals, and other potential pollutants;

"(3) enhance human health by fostering the availability and affordability of a safe, wholesome, healthful, and nutritious food supply and by developing farming systems without adverse impacts on the health of consumers, farmers, farmworkers, and other persons involved in the food and farm system;

"(4) enhance the resiliency and competitiveness of the food and farm system to ensure long-term food security and affordability by—

"(A) reducing reliance on consumptive use of nonrenewable resources, including petroleum and other nonrenewable sources of energy;

"(B) preserving, enhancing, and sustaining the productivity of natural resources, including farmland;

"(C) maintaining genetic and species diversity; and

"(D) developing farming systems capable of meeting future food and farm product needs; and

"(5) enhance the efficiency, profitability, and competitiveness of United States agriculture through the development of production systems that address constraints facing producers and that allow the producers, through more intensive application and use of management, skilled labor, and other means to reduce production costs.

"(c) PROGRAMS.—To foster the purposes described in subsections (a) and (b), agricultural research and extension programs should emphasize—

"(1) development of farming systems that take greater advantage of natural processes and beneficial onfarm biological interactions so as to sustain and enhance the interactions for use in agronomic and livestock farm management, including—

"(A) enhanced management of fertilizers, pesticides, animal drugs, and onfarm inputs;

"(B) use and development of integrated pest management systems and biological controls for insects, weeds, and plant pathogens;

"(C) soil management systems that reduce soil erosion, use cover crops, crop residues, crop rotation, and legumes as nitrogen sources; and

"(D) environmentally sound application of animal manure;

"(2) agroecology research aimed at developing an understanding of the ecology of agricultural ecosystems and the interaction among living organisms, environmental conditions, and farming practices;

"(3) genetics research (using both traditional approaches and biotechnology) that result in crop varieties and livestock that enhance management options, farm productivity, use of onfarm inputs, and a diversity of products that can be marketed by the farm operator;

"(4) research to develop farming systems appropriate to an era of climatological uncertainty, including development of more drought tolerant plants and farming systems that conserve moisture, and plants and livestock that are adaptable to shifts in climate;

"(5) research to increase the demand for current farm products, and to develop new farm crops and enterprises, that are socially, economically, and environmentally advantageous and enhance agricultural diversity, including—

"(A) new crops and new uses for existing crops that can be grown on highly erodible land at acceptable rates of soil erosion;

"(B) new uses for existing crops and new crops that when added to rotations with major crops reduce soil erosion and the need for substantial off-farm inputs;

"(C) new crops and products that are environmentally sound and appropriate to small- and moderate-sized family farms; and

"(D) processing techniques for agricultural products that are appropriate to location on farms and in small rural communities;

"(6) research to enhance the profitability and productivity of soil conserving land uses and farming systems that rely on long-term perennial plant systems, including greater reliance on forages and development of livestock systems that improve the utilization of forage products;

"(7) research that develops—

"(A) rural development strategies that build on the entrepreneurial skills, self-employment tradition, and agricultural resource base of farm-dependent communities; and

"(B) extension programs to disseminate those strategies and provide technical assistance to grassroots, self-help rural community development efforts, including those aimed particularly at increasing economic opportunities of minorities and low income individuals;

"(8) innovative extension and education programs that transfer new technology to the agricultural community and to widely reach small- and moderate-sized family farmers, including potential beginning and minority farmers with limited resources (who might otherwise fail to keep pace with rapidly changing technology) to enhance their management capabilities and inform them of established and emerging technological and farming systems alternatives appropriate to small- and moderate-sized family farms; and

"(9) extension programs that are adequately funded and staffed and substantially involve a broad range of interested individuals, commodity groups, agri-industry groups, farm groups, rural organizations, community groups, farm worker groups, food groups, church groups, and environmental organizations to broaden input into research and extension priority setting.".

SEC. 102. APPLICATION OF PURPOSES TO AGRICULTURAL RESEARCH AND EXTENSION PROJECTS.

The Act is amended by inserting before section 1407 (7 U.S.C. 3122) the following new section:

"SEC. 1406A. APPLICATION OF PURPOSES TO AGRICULTURAL RESEARCH AND EXTENSION PROJECTS.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations (in accordance with subchapter II of chapter 5, United States Code) interpreting and applying the purposes stated in section 1403A to agricultural research and extension projects administered by the Secretary and informing persons participating in the programs of the purposes.

"(2) COMMENT PERIOD.—The comment period for promulgation of regulations under paragraph (1) shall be not less than 60 days.

"(3) DISSEMINATION OF PROPOSED REGULATIONS.—In addition to publication in the Federal Register, the Secretary shall disseminate the notice of proposed rulemaking incorporating the proposed regulations required by paragraph (1) as broadly as possible to all persons who may wish to comment on the regulations.

"(b) IDENTIFICATION OF PURPOSES IN AGRICULTURAL RESEARCH AND EXTENSION PROJECTS.—Except as provided in subsection (c), whenever an agricultural research or extension project that is funded at a level of $10,000 or more by funds made available under Federal law is proposed to be undertaken or approved by the Secretary, the project proposal shall identify—

"(1) the purposes that the project seeks to further; and

"(2) the effects of the project on—

"(A) the purposes stated in section 1403A;

"(B) the purposes underlying the law authorizing the project; and

"(C) the annual and 5-year plan for research, teaching, and extension prepared by the Joint Council and the Advisory Board.

"(c) RELATIONSHIP TO OTHER LAWS.—Subsection (b) shall not override requirements for specifying objectives of projects to be funded that are prescribed under—

"(1) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.) (commonly known as the 'Hatch Act of 1887'); or

"(2) the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.) (commonly known as the 'Smith-Lever Act').".

TITLE II—AGRICULTURAL RESEARCH PLANNING AND PRIORITY-SETTING ENTITIES

SEC. 201. NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD.

Section 1408 (7 U.S.C. 1323) is amended to read as follows:

"SEC. 1408. NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department of Agriculture a board to be known as the National Agricultural Research and Extension Users Advisory Board which shall have a term that expires September 30, 1995.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of 16 members elected by their constituent groups, and serving staggered terms, in a manner determined by the Secretary, with

"(1) one member representing farm cooperatives;

"(2) two members representing general farm organizations;

"(3) two members representing crop and livestock commodity groups;

"(4) one member representing agricultural farm suppliers;

"(5) one member representing food and fiber processors;

"(6) one member representing food marketing interests;

"(7) one member representing animal health interests;

"(8) one member engaged in transportation of food and agricultural products to domestic or foreign markets;

"(9) one member representing labor organizations primarily concerned with the production, processing, distribution, or transport of food and agricultural products;

"(10) one member representing private nonprofit organizations and foundations involved in agricultural research, sustainable agriculture research, education, and extension;

"(11) two members representing consumer and environmental interests;

"(12) one member representing private sector organizations involved in development programs and issues in developing countries; and

"(13) one member representing agencies of the Department of Agriculture that do not have research capabilities.

"(c) CHAIRPERSON; VICE-CHAIRPERSON.—The Advisory Board shall select a chairperson and vice-chairperson from its membership at its first meeting each year, who shall serve in those positions for a term of 1 year.

"(d) MEETINGS.—The Advisory Board shall meet a sufficient number of times each year to carry out subsection (f). At least one meeting per year shall be a combined meeting with the Joint Council and with other representatives of Federal agencies that support agricultural research.

"(e) PANELS.—The Advisory Board may establish such panels as the Advisory Board considers appropriate to develop information, reports, advice, and recommendations for the use of the Advisory Board in meeting the responsibilities of the Advisory Board. Members of such panels may include members of the Advisory Board, Advisory Board staff members, individuals from the Department of Agriculture and other departments and agencies of the Federal Government, and individuals from the private sector who have expertise in the subject to be examined by the panel.

"(f) RESPONSIBILITIES.—

"(1) GENERAL.—The Advisory Board shall have general responsibility for preparing independent advisory opinions on the food and agricultural sciences. One member of the Advisory Board shall be elected annually to serve as liaison to the Joint Council.

"(2) SPECIFIC.—The Advisory Board shall have specific responsibility for—

"(A) reviewing the policies, plans, and goals of programs within the Department of Agriculture involving the food and agricultural sciences, and related programs in other Federal and State departments and agencies and in the colleges and universities developed by the Secretary under this Act;

"(B) reviewing and assessing the extent of agricultural research, teaching, and extension being conducted by the private sector and the relationships and coordination of such activities with federally supported agricultural research, teaching, and extension programs;

"(C) reviewing and providing consultation to the Secretary on national policies, priorities and strategies for agricultural research and extension for both the short and long term;

"(D) assessing the overall adequacy of, and making recommendations to the Secretary, Federal agencies, and private organizations who are contributing to agricultural research, extension, and education funding, with regard to the distribution of resources and the allocation of funds authorized by this Act;

"(E) identifying emerging agricultural research, teaching, and extension issues and suggesting programs and technology transfer solutions for use by the public and private agricultural science and education community;

"(F) evaluating the results and the effectiveness of research and extension programs as to their influence on long-term goals of agriculture expressed in section 1403A and consumer needs;

"(G) not later than July 1 of each year, providing an oral briefing to the Secretary (by the chairperson of the Advisory Board), and a written report of recommendations to Congress and the Secretary, concerning the allocation of responsibilities and levels of funding among federally supported agricultural research and extension programs, including—

"(i) a review and assessment of the allocation of funds for agricultural research and extension made for the preceding fiscal year by organizations represented by the members on the Joint Council;

"(ii) an evaluation of—

"(I) the effectiveness of coordination of Federal and private research initiatives;

"(II) new research and extension programs that need to be conducted by the research system; and

"(III) an evaluation of the effectiveness of the private and public research and extension system; and

"(iii) minority views, if timely submitted; and

"(H) not later than February 20 of each year, submitting a report containing—

"(i) an appraisal by the Advisory Board of the proposed budget of the President for the food and agricultural sciences for the fiscal year beginning in such year;

"(ii) the recommendations of the Secretary contained in the annual report submitted by the Secretary pursuant to section 1410; and

"(iii) separate views of members of the Advisory Board, if timely submitted,

to the President, the Committees on Agriculture and Appropriations of the House of Representatives, the Committees on Agriculture, Nutrition and Forestry and Appropriations of the Senate, and the Joint Council.

"(3) REPORTS.—Each report of the Advisory Board shall list the membership of the Board, including the organizational and employment affiliation of each Board member.

"(g) REPORT BY SECRETARY.—Not later than February 1 of each year, the Secretary shall submit a report to Congress that describes the manner in which the recommendations of the Advisory Board have been incorporated into the budget and programs of the Department of Agriculture.

"(h) SUPPORT.—

"(1) SECRETARY.—Except as provided in paragraph (2), the Secretary shall provide such support and staffing for the Advisory Board as is necessary to carry out this section.

"(2) PRIVATE SOURCES.—Notwithstanding section 1342 of title 31, United States Code, the Advisory Board may accept voluntary and uncompensated services, and private funds, to carry out this section.".

SEC. 202. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.

Section 1407 (7 U.S.C. 3122) is amended to read as follows:

"SEC. 1407. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department of Agriculture a committee to be known as the Joint Council on Food and Agricultural Sciences which shall have a term that expires September 30, 1995.

"(b) MEMBERSHIP.—The Joint Council shall be composed of 18 members representing organizations or agencies that conduct or assist in conducting programs of research, extension, or teaching in the food and agricultural sciences (including State cooperative institutions, other colleges and universities having a demonstrable capacity to carry out food and agricultural research, extension, or teaching, agencies within the Department of Agriculture and other Federal agencies that have significant research, extension, or teaching responsibilities), including—

"(1) a representative of the National Institutes of Health;

"(2) a representative of the National Science Foundation;

"(3) a representative of the Department of Energy;

"(4) a representative of the Environmental Protection Agency;

"(5) the Director of the Agricultural Research Service;

"(6) the Director of the Cooperative State Research Service;

"(7) the Director of the Extension Service;

"(8) the Director of the Economic Research Service;

"(9) the Director of the Forest Service;

"(10) the Director of the National Agricultural Library;

"(11) the Assistant Secretary for Economics;

"(12) the Assistant Secretary for Science and Education;

"(13) the Chairman of the Experiment Station Committee on Policy established by land grant colleges;

"(14) the Chairman of the Extension Committee on Policy established by land grant colleges;

"(15) the Chairman of the Resident Instruction Committee on Policy established by land grant colleges;

"(16) the Chairman of the International Committee on Policy established by land grant colleges;

"(17) a representative of colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.); and

"(18) the Chairman of the American Association of Schools and Colleges of Agriculture and Renewable Resources (AASCARR).

"(c) CHAIRPERSON.—The Joint Council shall be chaired by the Assistant Secretary for Science and Education.

"(d) TECHNICAL PANELS.—

"(1) ESTABLISHMENT.—The Joint Council may establish such technical panels as the Joint Council considers necessary to prioritize and accomplish research and technology transfer in accordance with this section.

"(2) DUTIES.—A panel shall—

"(A) define research and technology transfer needs;

"(B) delineate alternatives and recommend research and technology transfer approaches;

"(C) identify centers of expertise; and

"(D) make recommendations regarding the overall level and mix of available funding.

"(3) EXPERTISE.—Members of the panels shall include expertise from the public and private sector on all dimensions of a priority area, including its basic science, applied research, education, economic, and social dimensions.

"(e) LIAISON TO ADVISORY BOARD.—One member of the Joint Council shall be elected annually to serve as liaison to the Advisory Board.

"(f) MEETINGS.—The Joint Council shall meet at least once during each 3-month period. At least one meeting each year shall be a combined meeting with the Advisory Board and with other representatives of Federal agencies that support agricultural research.

"(g) RESPONSIBILITIES.—

"(1) PRIMARY.—The primary responsibility of the Joint Council shall be to bring about more effective research, extension, and teaching in the food and agricultural sciences in the United States by improving planning and coordination of publicly and privately supported food and agricultural science activities and by relating Federal budget development and management program management to the activities.

"(2) ADDITIONAL.—The Joint Council shall—

"(A) provide a forum for the interchange of information among the organizations represented by the members of the Joint Council that will ensure improved awareness among the organizations concerning the agricultural research, extension, and teaching programs, results, and directions of each organization;

"(B) analyze and evaluate the economic, environmental, and social impacts of agricultural research extension and teaching program conducted in the United States and determine high priority agricultural research areas with particular potential to advance the purposes expressed in section 1403A and submit annual reports identifying such high priority research areas to the Secretary and representatives of Federal agencies that support agricultural research;

"(C) develop and review the effectiveness of the system, for use by the Secretary and representatives of Federal agencies that support agricultural research, of compiling, maintaining, and disseminating information concerning—

"(i) federally supported agricultural research or extension projects; and

"(ii) to the maximum extent possible, private agricultural research and extension projects conducted by colleges and universities, foundations, contract research groups, business and others, except that information on private agricultural research and extension projects shall not be included in the system unless they are partially or entirely funded by the Federal Government or the organizations sponsoring the projects agree to the inclusion of information about such projects;

"(D) assist the parties in developing, reviewing, and evaluating memoranda of understanding or other documents that detail the terms and conditions between the Secretary and the participants in agricultural research, extension, and teaching programs under this Act and other Acts;

"(E) assist the Secretary and representatives of other Federal agencies that support agricultural research in carrying out the responsibilities assigned to the Secretary and the representatives of other Federal agencies that support agricultural research under this Act through planning and coordination in the food and agricultural sciences by—

"(i) using, wherever possible, the existing regional research, extension, and teaching organizations of State cooperative institutions to provide regional planning and coordination; and

"(ii) the development of recommendations and reports describing current and long-range needs, priorities, and goals in the food and agricultural sciences and means to achieve the goals;

"(F) on recommendations from the Advisory Board—

"(i) oversee and prioritize funds made available under Federal law for agricultural research, extension and teaching to promote the purposes of section 1403A and this section;

"(ii) provide an annual review and prioritize requests for agricultural related special research and construction grants;

"(iii) provide an annual review of the competitive grants made by the Secretary to determine priority research and grant categories and types which best advance the purposes expressed in section 1403A; and

"(iv) review and make budget recommendations on the research, extension, and teaching budgets for the Agricultural Research Service, the Forest Service, the Economic Research Service, the Extension Service, the National Agriculture Library, and the Cooperative State Research Service, except that the Joint Council may not make budget recommendations with respect to formulas that are used to allocate funds under—

"(I) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.) (commonly known as the 'Hatch Act of 1887'); or

"(II) the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.) (commonly known as the 'Smith-Lever Act');

"(G) submit a report—

"(i) not later than June 30 of each year, specifying—

"(I) the recommendations of the Joint Council on priorities for food and agricultural research, extension, and teaching programs;

"(II) suggested areas of responsibility among Federal, State, and private organizations in carrying out such programs; and

"(III) the levels of financial and other support needed to carry out such programs;

"(ii) not later than November 30 of each year, specifying—

"(I) ongoing research, extension, and teaching programs;

"(II) accomplishments of such programs; and

"(III) the levels of financial and other support needed to carry out such programs;

"(iii) not later than June 30, 1993, outlining a 5-year plan for food and agricultural sciences that reflects the coordinated views of the research, extension, and teaching community, and updating the plan every 2 years thereafter,

with each such report submitted to Congress, the Secretary, and the directors of Federal agencies who are supporting agricultural research, and with minority views, if timely submitted; and

"(H) coordinate with the Secretary in assessing the current status of, and developing a plan for, the effective transfer of new technologies to the farming community.

"(h) PUBLICITY OF MEETINGS AND ACTIVITIES.—The meetings of the Joint Council

shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Joint Council shall be kept and made available to the public on request.

"(i) NONAPPLICABILITY OF OTHER FEDERAL PROVISIONS.—The Federal Advisory Committee Act (5 U.S.C. App. 2) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to the Joint Council.".

SEC. 203. AGRICULTURAL SCIENCE AND TECHNOLOGY REVIEW BOARD.

Subtitle B (7 U.S.C. 3121 et seq.) is amended by adding at the end the following new section:

"SEC. 1413B. AGRICULTURAL SCIENCE AND TECHNOLOGY REVIEW BOARD.

"(a) ESTABLISHMENT.—The Secretary, acting through the Joint Council, shall establish and oversee an Agricultural Science Technology Review Board (hereinafter in this section referred to as the 'Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Board shall be composed of 11 individuals, appointed by the Secretary, who have expertise in technology assessment, environmental sciences, rural sociology, international agricultural issues, the social sciences, agricultural sciences (both basic and applied), technology transfer, and education, including representatives of—

"(A) the Agricultural Research Service;

"(B) the Cooperative State Research Service;

"(C) the Extension Service;

"(D) private foundations and nonprofit organizations who have expertise in agricultural research, education, and technology transfer; and

"(E) private agricultural research and technology transfer firms.

"(2) PUBLIC RECOMMENDATIONS.—The Secretary shall appoint members of the Board based on recommendations of the public, in a manner determined by the Secretary.

"(3) PRIVATE SECTOR REPRESENTATION.—A majority of the members of the Board appointed under paragraph (1) shall be from the private sector.

"(4) TERMS.—Members of the Board shall serve for staggered terms of 3 years, as determined by the Secretary.

"(5) CHAIRPERSON.—The Board shall select a chairperson from its membership, who shall serve in that position for a term of 1 year.

"(6) SUPPORT.—The Secretary shall provide such support for the Board as is necessary to carry out this section.

"(b) TECHNICAL INTERPRETATION AND ASSESSMENTS.—

"(1) IN GENERAL.—The Board shall—

"(A) provide technical interpretation and translation of current and emerging agricultural and environmental science issues for use by the Joint Council and the Advisory Board in setting priorities and conducting evaluations; and

"(B) provide technology assessment of current and emerging public and private agricultural research and technology transfer initiatives, including emerging technologies from private industry and public institutions that would influence agriculture, environment, nutrition, and the broad social, economic, and health consequences on urban and rural communities.

"(2) PETITIONERS.—Any person or organization (including the Advisory Board and the Joint Council) may petition the Secretary to conduct an assessment or review of any agricultural research or extension project or program that is being conducted by the public or private sector.

"(3) PRIVATE SECTOR ANALYSES.—The Board may conduct an assessment of private sector agricultural research and technology transfer initiatives involving a private sector entity only to the extent the the entity is willing to cooperate in the assessment.

"(c) TECHNOLOGY ASSESSMENT REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Board shall prepare a report that contains a technology assessment of emerging public and private agricultural research initiatives and activities, including—

"(A) recommendations on how such research would be best directed to advance the goals and purposes set forth in section 1403A; and

"(B) an assessment of activities conducted by the Joint Council, the Secretary, research components of public and private colleges and universities, and emerging private agricultural research initiatives.

"(2) RECIPIENTS.—The Board shall submit the report required under paragraph (1) to Congress, to the Secretary, to the heads of other Federal agencies who support agricultural research, and (on request) to private organizations who have a significant involvement in agricultural research.

"(3) MINORITY VIEWS.—The Board shall include minority views in the report, if timely submitted.".

SEC. 204. NATIONAL CLEARINGHOUSE ON AGRICULTURAL SCIENTIFIC TALENT.

Subtitle B (7 U.S.C. 3121 et seq.) (as amended by section 203 of this Act) is further amended by adding at the end the following new section:

"SEC. 1413C. NATIONAL CLEARINGHOUSE ON AGRICULTURAL SCIENTIFIC TALENT.

"(a) ESTABLISHMENT.—The Secretary, with assistance from the Joint Council, shall establish and oversee a National Clearinghouse on Agricultural Scientific Talent.

"(b) DUTIES.—The Clearinghouse shall—

"(1) collect, identify, and disseminate information on public and private sector agricultural scientific expertise, and the location of major centers of research and technology transfer expertise; and

"(2) identify and disseminate information on sources of agricultural research and technology transfer funding.

"(c) LOCATION.—The Clearinghouse shall be located at the National Agricultural Library located in Beltsville, Maryland.

"(d) FUNDING.—

"(1) FEDERAL.—Subject to paragraph (2), the Secretary and the heads of other Federal agencies involved in support of agricultural research shall provide such funds as are necessary to carry out this section.

"(2) PRIVATE.—The Secretary may solicit and accept funds to carry out this section from private organizations who are involved in agricultural research.".

TITLE III—AGRICULTURAL RESEARCH AND EXTENSION FUNDING PROGRAMS

SEC. 301. COMPETITIVE GRANTS FOR AGRICULTURAL, FOOD, AND ENVIRONMENTAL RESEARCH.

Section 2(b) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i(b)), is amended

(1) by inserting "(1)" after the subsection designation; and

(1) by striking the third sentence and all that follows and inserting the following new paragraphs:

"(2) For purposes of this subsection, the term 'high priority research' means basic and applied research that focuses on both national and regional research needs (and methods to transfer such research to onfarm or inmarket practice) in—

"(A) plant systems, including plant genome structure and function; molecular and cellular genetics and plant biotechnology; plant-pest interactions and biocontrol systems; crop plant response to environmental stresses; unproved nutrient qualities of plant products; and new food and industrial uses of plant products;

"(B) animal systems, including acquaculture, cellular and molecular basis of animal reproduction, growth, disease, and health; identification of genes responsible for improved production traits and resistance to disease; improved nutritional performance of animals; and improved nutrient qualities of animal products;

"(C) nutrition, food quality, and health, including microbial contaminants and pesticides residues related to human health; links between diet and health; bioavailability of nutrients; postharvest physiology and practices; and improved processing technologies;

"(D) natural resources and the environment, including fundamental structures and functions of ecosystems; biological and physical bases of sustainable production systems; minimizing soil and water losses and sustaining surface water and ground water quality; global climate effects on agriculture; forestry; and biological diversity;

"(E) engineering, products, and processes, including new uses and new products from traditional crops, animals, byproducts, and natural resources; robotics, energy efficiency, computing, and expert systems; new hazard and risk assessment and mitigation measures; and water quality and management; and

"(F) markets, trade, and policy, including optional strategies for entering and being competitive in overseas markets; new decision tools for onfarm and inmarket systems; choices and applications of technology; technology assessment; and new approaches to economic development and viability in the rural United States and developing nations.

"(3) In addition to making research grants under paragraph (1), the Secretary may conduct a program to improve research capabilities in the agricultural, food, and environmental sciences and award the following categories of competitive grants:

"(A) Grants may be awarded to a single investigator or coinvestagtors within the same discipline.

"(B) Grants may be awarded to teams of researchers from different areas of agricultural research and scientific disciplines.

"(C) Grants may be awarded to mutidisciplinary teams that are proposing research on long-term applied research problems, with technology transfer a major component of all such grant proposals.

"(D) Grants may be awarded to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching. The Secretary shall use not less than 25 percent, and not more than 40 percent, of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post- doctoral students for research in the agricultural sciences.

"(E) Grants may be awarded to single investigators or coinivestgators who are beginning their research careers and do not have an extensive research publication record. To be eligible for a grant under this subparagraph, an individual shall have less than 5 years of post-graduate research experience.

"(F) Grants may be awarded to ensure that the faculty of small and mid-sized institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants.

"(4) The term of a competitive grant made under this subsection shall not exceed 5 years.

"(5)(A) To the extent applicable, the Federal Advisory Committee Act (5 U.S.C. App. 2), and regulations issued by the Secretary to carry out this subsection, shall govern the establishment and operation of peer review groups.

"(B) In seeking proposals for grants under this subsection and in performing peer and advisory review evaluations of such proposals, the Secretary shall seek the widest participation of qualified scientists in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

"(C) All proposals shall undergo review by a panel of experts who have demonstrated scientific expertise in the scientific category in which the proposal was submitted.

"(D) The panels shall evaluate the scientific and technical merit of grant proposals and make budget recommendations for each proposal but no final funding decisions.

"(E) A second level of review shall be conducted by an advisory review panel that shall be made up of a group of lay and scientific representatives of the agricultural community.

"(F) The primary function of the advisory review panel shall be to evaluate the proposal on the basis of meeting the broad priorities in agricultural research, extension, and higher education set forth in section 1403A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as established by the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board, along with potential societal impact that the research may have.

"(G) The panel shall make final recommendations on funding.

"(H) The advisory panel shall be made up of an equal number of personnel who have expertise in the agricultural sciences, and members of the general public who are leaders in fields of agricultural public policy, social sciences, and technology assessment.

"(6)(A) All proposals submitted for competitive grants under this subsection shall contain an evaluation that addresses the potential benefits of the research in meeting the goals and priorities set forth in section 1403A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as established by the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board.

"(B) A technology assessment shall be included for proposals with research goals that have the potential to influence farm scale implementation, rural communities, farm ownership, and environmental management of farm practices. Assistance in the preparation of the assessment may be provided by qualified individuals in the land grant university system or by private consultants who have expertise in the social sciences and technology assessment.

"(7) A grant made under paragraph (1) may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

"(8) The Secretary may not take the offer or availability of matching funds into consideration in making a grant under this subsection.

"(9) In consultation with the National Agricultural Research and Extension Users Advisory Board and an advisory review board established under paragraph (5)(E), the Joint Council on Food and Agricultural Sciences shall review research programs, grant types, and funding allocation levels of the competitive grant system and recommend to the Secretary modifications in program.

"(10) There are authorized to be appropriated to carry out this subsection $300,000,000 for each fiscal year, of which each fiscal year—

"(A) not less than 30 percent shall be available to make grants under subparagraph (C) of paragraph (3) for research to be conducted by multidisciplinary teams who are conducting mission-linked systems research;

"(B) not less than 10 percent shall be available to make grants under subparagraphs (D) and (F) of paragraph (3) for awarding grants in research and education strengthening and research opportunity; and

"(C) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.".

SEC. 302. SENSE OF CONGRESS REGARDING FORMULA FUNDING FOR AGRICULTURAL RESEARCH AND EXTENSION.

It is the sense of Congress that—

(1) any increase in the amount of funds made available for the program of competitive grants established by section 2(b) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i(b)), should not be derived from a reduction in funds for formula funding programs established under—

(A) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.) (commonly known as the "Hatch Act of 1887"); or

(B) the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.) (commonly known as the "Smith-Lever Act"); and

(2) programs that are funded under such Acts should be funded at a level that will maintain an effective infrastructure to conduct applied agricultural research and technology transfer programs.

SUMMARY OF THE AGRICULTURAL RESEARCH AND EXTENSION PLANNING, PRIORITY SETTING, AND TECHNOLOGY ASSESSMENT ACT OF 1990

This legislation is designed to improve the direction and mission of the agricultural research system, and will be a major component of the research title of the 1990 farm bill. The primary purpose of the bill is to modify the agricultural research priority setting process to address the needs of producers and consumers, and to improve coordination of Federally funded agricultural research. The bill is the result of several hearings that the Subcommittee on Agricultural Research and General Legislation held regarding the agricultural research priority setting and planning process. The legislation also incorporates many of the concepts that are in a soon to be released report by the Office of Technology Assessment on "Agricultural Research and Technology Transfer Policies For the 1990s".

The bill begins with several findings regarding the agricultural research and extension system that support the need for changes in the agricultural research system. There are three titles in this bill:

Title:

(1) Priorities for the agricultural research and extension system

(2) Agricultural research planning and priority-setting entities

(3) Agricultural research and extension funding programs

Title 1—This title sets out broad social, environmental and producer-oriented goals for the agricultural research and extension projects and will give the agricultural research system a clearer sense of its mission. The bill states that the primary goals of research and extension are to enhance sustainability and competitiveness of the food production system, and to ensure social, environmental, human health and food security to the United States. Broad research and extension purposes are also listed. These purposes stress the need for agricultural research and extension programs which focus on maintaining the small and moderate-sized, owner-operated farm, and for protection of the environment. Specific research and extension projects are listed which would meet the purposes of the research system. These projects focus on improved management of agricultural inputs, and the development of alternative production systems.

The purposes and goals will be implemented by requiring agricultural research and extension professionals to address how projects are achieving the goals and purposes.

Title 2—This title modifies the present agricultural research planning and priority setting boards to better address producer and consumer needs, and to coordinate Federal research activities. Along with modifying the two present research planning boards (The Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board), and the legislation establishes an Agricultural Sciences and Technology Assessment Board.

The National Agricultural Research and Extension Users Advisory Board is modified so that groups of producers, processors, environmentalists and consumers are better represented on the Advisory Board. The responsibility of the Advisory Board is modified to improve its management recommendations over the entire research and extension system (both public and private). The accountability of the group is also upgraded to require the group to actively participate with the Secretary of Agriculture, the Joint Council, other Federal agencies who participate in the agricultural research system, and with the private agricultural research system.

The Joint Council on Food and Agricultural Sciences is modified to make the organization the primary coordinating mechanism for all Federally funded agricultural research. The responsibility of the Joint Council is also modified to allow the priorities that it sets, to be implemented. The membership of the Council has been reduced to allow the group to function as a planner and implementer of research and extension activities. Groups such as the National Institute for Health, National Science Foundation, Department of Energy, Environmental Protection Agency, all which are

actively involved in the agricultural research system, are now included on the Council.

An Agricultural Science and Technology Review Board is also established. Considerable debate exists over new agricultural research developments and this board would be responsible for evaluating these new and emerging agricultural science issues. The Board would also be responsible for conducting technology assessment on research and extension projects to determine their effect on agriculture, the environment, and the social structure of urban and rural communities.

Title 3—This title deals with agricultural research and extension funding programs. The USDA competitive grant system is modified to broaden its scope and purpose. The programs called for in the bill support the National Research Council's report on *"Investing In Research"*. The cap on competitive grants is raised to $300 million. Review processes and grant types are also modified to ensure that all universities and researchers can compete for the funds. At least 30% of the funds are directed toward mission-linked applied research projects which have a significant extension component. The bill also recognizes that formula funding programs must be maintained.

By Mr. PRYOR (for himself, Mrs. KASSEBAUM, Mr. GORTON, Mr. BOREN, Mr. SIMON, Mr. COHEN, Mr. HEINZ, Mr. SANFORD, Mr. CONRAD, Mr. JOHNSTON, Mr. REID, Mr. SASSER, Mr. BUMPERS, Mr. FOWLER, Mr. KOHL, and Mr. BRYAN):

S. 2260. A bill to promote the formation of the private, nonprofit organization to foster development of free market economies in Eastern Europe and the Soviet Union; to the Committee on Foreign Relations.

VOLUNTEER AMERICA FOR EASTERN EUROPEAN RECOVERY ACT OF 1990

Mr. PRYOR. Mr. President, in a few moments I will send a bill to the desk on behalf of myself, Senators KASSEBAUM, GORTON, BOREN, SIMON, COHEN, HEINZ, SANFORD, CONRAD, JOHNSTON, REID, SASSER, BUMPERS, FOWLER, KOHL, and BRYAN.

This legislation, Mr. President, declares it to be the public policy of the United States to create a nonprofit Federal entity to foster the economic development in Europe. This entity will become known as Volunteer America.

The Volunteer America Program we want to establish will send volunteers from the United States with business and agricultural skills to help the budding free market economies in Eastern Europe and the Soviet Union.

Volunteer America is the name, but it is also a call to action. It is a call for America to send its greatest resource of all to help Europe—our people.

A big point I want to make about our bill is that Volunteer America is not going to be a government bureaucracy. It is not going to be government at all. It is going to be led by private sector leaders and, apart from some startup funds, it will be self-sustaining and privately funded.

Volunteer America will create new volunteer programs and work with existing volunteer programs aimed at Eastern Europe.

Mr. President, in recent months, we have witnessed awesome global changes—particularly in Eastern Europe where the shackles of backward economies have been cast off.

I want us to be very careful in our reaction to these changes not to create huge new Government programs and flood Europe with United States foreign aid dollars.

First, we simply do not have the money to make huge new cash payments to any country. Just as important, Mr. President, I am afraid that much of the foreign assistance we do send to Eastern Europe, which is already enormous, is going to miss the target. Much of it will get tied up in bureaucratic knots and be wasted on expensive studies and reports.

That is why our Volunteer America plan will be led by private sector leaders from business, agriculture, and labor and will not be entangled with Government agencies.

Mr. President, in America we do have a deficit of dollars, but we also have a surplus of good Americans who are willing to give their time, their resources, and their skills to help Eastern Europe and the Soviet Union. All across my home State of Arkansas, when I talked about the need to send volunteers, and not just money, to Eastern Europe, the response has been truly overwhelming. I have received volunteer offers from a dentist in Benton, AR, an engineer in Jacksonville, and a water treatment specialist from Bentonville, to name just a very few.

There are retirees across our country with skills that could be put to use in Eastern Europe. There are existing executive loan programs in U.S. corporations that loan company managers to good causes for several months. Mr. President, there are hundreds of volunteer groups in America ready to go to work in Eastern Europe that can coordinate with, and get support, from the Volunteer America program.

I envision programs in Volunteer America that would allow a United States factory to adopt a factory in Poland, for instance; or permit a Lion's Club to sponsor a small businessman's trip to a sister city in Hungary to help start similar small businesses there.

Senator KASSEBAUM, Senator GORTON, and I have spent many hours talking about the Volunteer America idea with our colleagues and with top leaders in corporate America. I have personally met with leading agricultural groups, the U.S. Chamber of Commerce, and the Business Roundtable. Everyone, without exception, has been excited about Volunteer America, and they are certain that if we can keep Government out of the Volunteer America Program, private sector support will eagerly follow.

Mr. President, the possibilities for this program are endless. Our goal is not to Americanize Eastern Europe, but, rather, for our great country to share, at a momentus time in world history, our greatest resource—our people and their ingenuity.

Mr. President, the chairman of this board would be selected by the President of the United States. Volunteer America would be a nonpolitical, nongovernmental function. Volunteer America states that a Federal charter should be granted to incorporate Volunteer America at the present time.

In the coming weeks we will continue work with the private sector and to gather support for Volunteer America. We will also be working with existing volunteer groups, such as the International Executive Service Corps and Volunteers in Technical Assistance, to ensure coordination with their efforts in Eastern Europe.

Mr. President, at this time I do send the bill to the desk.

Mr. President, I have a very short one-page summary of the bill. I ask unanimous consent that it be printed immediately following the printing of the bill.

There being no objection, the summary and the bill were ordered to be printed in the RECORD, as follows:

SUMMARY OF VOLUNTEER AMERICA FOR EASTERN EUROPE RECOVERY ACT

(Recognizing the need for private, volunteer assistance to Eastern Europe, the bill encourages the establishment of a private, non-profit organization called Volunteer America.)

Volunteer America will work to develop efficient free market economies in Eastern Europe and the Soviet Union by:

Consulting with appropriate individuals in those nations to identify the need for overall business management and technical advice in areas such as agriculture, manufacturing, financial services, and mining;

Creating volunteer programs to be led by experienced business and labor executives to create on-going relationships with those countries to meet the identified needs; and

Operating mainly through private sector contributions of money, people and materials.

Features of the bill:

Allows the President to designate, after consultation with Congress, a lead in the business community who will initiate the formation of Volunteer America.

The chairman will select a board of directors whose membership will represent major business sectors, labor, and agriculture.

Volunteer America will be non-political and non-governmental.

Authorizes a one-time, start-up grant of $250,000 which will be used by the chairman to inaugurate Volunteer America.

States that a Federal charter should be granted to incorporate Volunteer America at the appropriate time.

S. 2260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer America for Eastern European Recovery Act of 1990".

SEC. 2. STATEMENT OF FINDINGS.

The Congress finds that—

(1) the dramatic events taking place in Eastern Europe have created important opportunities for the fostering of democracy and free market economies;

(2) there is strong sentiment among the people of the United States to help the people of Eastern Europe and the Soviet Union to pursue successfully economic and political reform;

(3) a key element to the successful transition from command to market economies is United States private sector support and expertise;

(4) the skills and resources of American volunteers can contribute greatly to the economic growth and development of private enterprise in Eastern Europe and the Soviet Union; and

(5) there exists a need for a private sector organization that is capable of effectively marshalling and directing these skills and resources.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to encourage the formation of a private, non-profit organization to foster economic development in Eastern Europe and the Soviet Union in accordance with the purposes of section 4. Such organization may be referred to as Volunteer America (hereafter in this Act referred to as the "organization"). Congress further declares that it is the policy of the United States to provide a "start-up" grant for initial operating costs after which it shall be self-supporting. Congress also declares that it is the policy of the United States, at which time it is appropriate, to incorporate the organization through the granting of a Federal charter.

The organization will be operated by individuals drawn from the private sector who shall create and support volunteer programs to help meet the business sector needs of those nations.

SEC. 4. PURPOSES OF THE ORGANIZATION.

The organization shall foster the development of efficient free market economies in the countries of Eastern Europe and the Soviet Union by—

(1) identifying through direct consultation with appropriate Eastern Europe and Soviet individuals those needs for overall business management and technical advice and skills in sectors, including but not limited to, agriculture, manufacturing, financial services, and mining that are not being met by current programs in Eastern Europe and the Soviet Union;

(2) creating volunteer programs, which will be led by select, experienced business and labor executives, and which will establish an orgoing relationship with similar sectors in Eastern Europe and the Soviet Union to meet those needs;

(3) providing leadership and coordination for existing private sector volunteer assistance to Eastern Europe and the Soviet Union;

(4) operation principally through private sector in-kind contributions; and

(5) coordinating closely, where appropriate, with United States Government officials on the activities of the organization and having the board of the organization functioning as a private sector advisory board to the Executive branch and Congress on these issues.

SEC. 5. ESTABLISHMENT OF THE ORGANIZATION.

(a) DESIGNATION BY THE PRESIDENT.—The President is authorized to designate one individual from the business community to initiate the formation of the organization. Such designation shall be made after consultation with Congress.

(b) BOARD OF DIRECTORS.—The individual designated in subsection (a) shall select a board of directors whose membership shall represent the major business sectors, including but not limited to, agriculture, manufacturing, financial services, and mining.

(c) COMPLETION OF THE ORGANIZATION.—A majority of the persons named under subsection (b) are authorized to complete the organization by the selection of officers and employees, the adoption of a constitution and bylaws consistent with this Act, and the doing of such other Acts as may be necessary for such purposes.

(d) NONPOLITICAL NATURE OF THE ORGANIZATION.—The organization shall not contribute to or otherwise support or assist any political party or candidate for public office.

(e) NONGOVERNMENTAL NATURE OF THE ORGANIZATION.—The organization shall be nongovernmental and, after the granting of funds set out in section 8, no futhre government funds shall be granted to the organization. Thereafter, the organization shall be self-financing through private sector contributions.

SEC. 6. "START-UP" GRANT.

(a) AUTHORITY.—The President is authorized to make a grant of $250,000 to the individual designated under Sec. 5(a) for the purposes of forming the organization.

(b) Authorization of Appropriations.—

(1) There are authorized to be appropriated to the President $250,000 to carry out subsection (a).

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(c) Funds obligated pursuant to subsection (a) shall be subject to standard auditing and accounting procedures of the United States government.

Mr. GORTON. Mr. President, we have witnessed many exciting changes in our world in the last year. Only months ago the Berlin Wall remained the preeminent symbol of the inviolable separation of Western freedom and Soviet dominated oppression. Today, the tearing down of the wall ironically symbolizes the emerging freedoms of the people of Eastern Europe.

In my home State of Washington the enthusiasm has been overwhelming.

Time and time again as I traveled the State, people asked, "How can we help to support the changes in Eastern Europe and the Soviet Union?" It was clear to me that propping up socialism through direct aid to governments was not the answer.

Shortly before I returned to the Nation's capital for the beginning of the second session of the Congress, I received a letter from Prof. Wendell French of the University of Washington. Professor French had recently returned from a trip to the Soviet Union where he had met with local managers and educators. He returned convinced that what was most needed by these countries was not simply our money, but our expertise—especially skilled business management.

I agree wholeheartedly.

At the end of January, Senator PRYOR and I both spoke about the idea of an executive volunteer corps that would assist the developing economies of Eastern Europe and the Soviet Union. Since that time, Senator PRYOR, Senator KASSEBAUM, and I have worked to develop this idea, and today I am pleased to join them in sponsoring the Volunteer America for Eastern Europe Recovery Act of 1990.

Volunteer America will provide volunteer assistance in a wide range of fields to the developing economies of Eastern Europe, and do so with minimal interference and funding from the Government.

In particular, Volunteer America will serve two functions:

First, it will seek to identify needs for assistance in Eastern Europe and act as a coordinator for the many existing volunteer organizations.

Second, it will create programs to meet needs that are not currently being met by existing organizations.

The underlying concept of the program is to attract knowledgeable volunteers, either retired or on leave from their present jobs to assist Eastern Europeans in making the difficult transition from command to free market economies, and to do so, principally through private financial and inkind contributions.

The board, which will consist of 12 members, will have the flexibility to implement the broad goals put forth in this legislation in the way it sees fit. This is especially important if we are to be able to react to rapidly changing circumstances.

Mr. President, the Senate will soon debate how best to support the emerging democracies and economies of Eastern Europe. No amount of money—if spent unwisely—can help. Nor can we—or should we try—to barge in and do their work for them.

After all these years of repression, surely the citizens of Eastern Europe do not lack the will or capacity to create free societies. They need—more than anything—guidance. How better to show them how free markets—free societies—work, than to allow our individual citizens, acting on their own free will, to share their expertise.

This bill would facilitate and focus this process, and I urge my colleagues to support it.

Mr. President, volunteer America is a happy idea which has many, many parents. The distinguished Senator from Arkansas has outlined what its sponsors seek for it. They seek to har-

ness the tremendous idealism of Americans delighted with the progress of change in Eastern Europe and Americans who have skills which can be offered to the people of Eastern Europe in changing from a closed society to an open one and from a planned economy to a free economy.

It seeks to harness that volunteer energy through a light Federal presence, a Federal presence led by an appointee of the President, but one which will not be under the direct control of the Government of the United States. It seeks to bring together literally thousands of volunteers and dozens of organizations which are already attempting to supply the kind of volunteer activities which are the focus of this bill, but to do it in a fashion which better coordinates their efforts and makes them available to and knowledgeable about more Americans and more people in the countries we seek to help.

The Senator from Arkansas has done a magnificent job in talking to people all across the country about this idea. I am tremendously pleased to join with him and the distinguished Senator from Kansas [Mrs. KASSEBAUM] as prime sponsors of this proposal. I urge its prompt consideration.

Mr. PRYOR. Mr. President, I thank my distinguished colleague, Senator GORTON. He has worked with me on this, along with Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, the dramatic changes taking place in Eastern Europe have sparked the interest of all of us here in Washington, as well as across the Nation, to help these countries in their struggle to shake off the shackles of communism.

As we review our first-aid package for Poland and Hungary and assess the requirements of a second-aid package for the rest of Eastern Europe, I believe we must keep several factors in mind.

Most importantly Mr. President, U.S. Government assistance alone will not help move these countries from their failed command economies to free market economies. U.S. private sector interest, investment, and expertise are vitally needed. As the old proverb says, if you give a man a fish you feed him for a day—if you teach him how to fish you make him self-sufficient.

Second, the American people are an abundant resource of business expertise and enthusiasm which we should find some way to tap to meet the needs in Eastern Europe.

I am joining my colleagues, Senators PRYOR and GORTON, in offering this legislation, the Volunteer America Act for Eastern European recovery, which outlines a way to mobilize U.S. business skills in agriculture, manufacturing, mining, financial services as well as others, to aid Eastern Europe.

Basically, Mr. President, this bill encourages the formation of a nonprofit organization mainly funded by the private sector to identify the needs for business management and technical advice, and to create volunteer programs to meet these needs. The organization also will provide a leadership and coordinating role for other private volunteer efforts already underway, in order to avoid duplication and best provide aid to Eastern Europe.

The best we can do here in Washington is to encourage the private sector to create and fund such an organziation. We hope to achieve this goal by giving the President the authority to select an individual from the private sector to initiate such an effort. We also provide a startup grant of $250,000 to help get the organization off the ground.

Mr. President, with or without tight budget constraints, Eastern Europe can only successfully move to free market economies and democratic values with help from the U.S. Government and the U.S. private sector.

Our long experience in these areas combined with the volunteer spirit and skills of the American small and large business communities can offer unmatched help to Eastern Europe. Hopefully, the approach outlined in this bill will help in mobilizing these efforts, and also keep us from falling into the trap of thinking only government dollars are needed to promote development.

By Mr. CRANSTON:

S. 2261. A bill to amend the Internal Revenue Code of 1986 to allow employees to make voluntary contributions to finance Federal election campaigns, to have employers collect such contributions, and for other purposes; to the Committee on Finance.

VOLUNTARY CAMPAIGN CONTRIBUTION

Mr. CRANSTON. Mr. President, one of our most important post-Watergate campaign reforms, the Presidential election fund, is on the verge of bankruptcy. Just last week a House Appropriations Subcommittee heard testimony that the fund's future was in doubt, that by 1996 it was likely that the fund would be operating $76 million in the red. Since 1981, when a record high 28.7 percent of all 1980 1040 tax returns marked the $1 or $2 checkoff, the number of tax returns marking the checkoff has been decreasing at approximately 1 percent per year. Last year, about 20 percent of all returns—22 million tax returns—contributed $33 million to the Presidential fund. Given last year's contributions, the next 4 years would likely see $132 million poured back into the fund. However, when one considers that the 1988 Presidential elections absorbed $176 million from the Presidential fund—money which went to Democrats and Republicans for primary and general races, as well as for the respective national party conventions—it is easy to understand the concern over the fund's future.

In addition, if partial public funding is authorized in any new campaign financing reform law, the fiscal pressure on the existing fund will be dramatically increased.

I believe that there is a way in which we can assure the fiscal stability of the Presidential election fund, and yet avoid raising either taxes or the national debt. That is why I am introducing this bill, a voluntary campaign financing system which would allow citizens to contribute $1 per month to the financing of campaigns. This contribution would be nontax deductible and collected in the same manner as any other payroll deduction listed on the W-4 form. Any excess money raised through this mechanism would be, if authorized by any future campaign finance reform legislation, first allocated to the funding of congressional campaigns, and then to State parties for get-out-the-vote and voter registration activities.

Mr. President, the 22 million tax returns which contributed to the Presidential fund last year represent more than 22 million individuals because some of the returns were joint returns. However, even if only 22 million Americans would be willing to contribute $1 a month—rather than $1 a year—we would raise $264 million per year, well over the $132 million likely to be collected over the next 3 years, let alone the $33 million collected last year. Even if only half of the 22 million were to participate, we would raise $132 million—equal to the total likely to be collected over the next 4 years.

The amounts which could be raised could even exceed these projections if groups like League of Women Voters and Common Cause, as well as other public interest groups encourage greater participation by the public.

Mr. President, replenishing the Presidential election fund is a reasonable and important endeavor. It is an endeavor that is consistent with prior acts of Congress which have involved the functioning of our campaign system and our Government. I urge all my colleagues to join me in support of this legislation. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VOLUNTARY EMPLOYEE CAMPAIGN FINANCE CONTRIBUTIONS.

(a) IN GENERAL.—Subchapter A of chapter 24 (relating to collection of income tax at source on wages) is amended by adding at the end thereof the following new section:

"SEC. 3407. VOLUNTARY EMPLOYEE CAMPAIGN CONTRIBUTIONS.

"(a) IN GENERAL.—If an employee voluntarily elects to contribute by payroll deduction to the Presidential Election Campaign Fund, then the employer shall deduct and withhold $1 from the wages of such employee for each month for which the election is in effect.

"(b) ELECTION.—

"(1) IN GENERAL.—The election under subsection (a) shall be made on the withholding exemption certificate described in section 3402(f)(2) (commonly referred to as the 'W-4 withholding form').

"(2) PERIOD FOR WHICH ELECTION IN EFFECT.—The election under subsection (a) shall remain in effect for as long as the certificate described in paragraph (1) is in effect.

"(3) MANNER OF ELECTION.—The election under subsection (a) on a withholding exemption certificate described in section 3402(f)(2) shall be in such manner as the Secretary may prescribe.

"(c) INDEMNIFICATION OF EMPLOYER.—Every employer required to deduct and withhold the voluntary contribution under subsection (a) shall be liable for the payment of such contribution, and shall be indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

"(d) COLLECTION AND ENFORCEMENT.—For purposes of collecting (and enforcement of the collection of) any amount required to be deducted and withheld under this section, such amount shall be treated for purposes of this title in the same manner as the tax required to be deducted and withheld under section 3402."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

SEC. 2. USE OF VOLUNTARY CAMPAIGN CONTRIBUTIONS.

(a) ALLOCATION OF FUNDS TO PRESIDENTIAL ELECTION CAMPAIGN FUND.—Section 9006(a) of the Internal Revenue Code of 1986 (relating to establishment of campaign fund) is amended by inserting "or amounts which are designated by individuals and deducted and withheld under section 3407" after "section 6096".

(b) PAYMENTS FROM FUND.—

(1) IN GENERAL.—Section 9006(b) of such Code is amended by adding at the end thereof the following new paragraphs:

"(2) CONGRESSIONAL CANDIDATES.—To the extent the Secretary determines amounts in the fund exceed amounts necessary under paragraph (1) for the next presidential election, the Secretary shall pay out of the fund to candidates for Congressional offices the amounts certified by the Commission under the provisions of any Federal law providing for such payments enacted after the date of the enactment of this paragraph.

"(3) VOTER REGISTRATION AND GET-OUT-THE-VOTE CAMPAIGNS.—To the extent the Secretary determines amounts in the fund exceed amounts necessary under paragraphs (1) and (2), the Secretary shall pay out of the fund to State parties of major, minor, and new parties the amounts certified by the Commission under the provisions of any Federal law which—

"(A) provides for the payment of amounts under this paragraph to such State parties to conduct voter registration and get-out-the-vote campaigns; and

"(B) is enacted after the date of the enactment of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 9006(b) of such Code is amended by striking "Upon" and inserting:

"(1) PRESIDENTIAL CANDIDATE.—Upon".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2262. A bill to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the national wild and scenic rivers system; to the Committee on Energy and Natural Resources.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER STUDY ACT

Mr. KERRY. Mr. President, I rise today to introduce a bill which would designate parts of Massachusetts' Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers system. This bill would set in motion a 3-year study by the U.S. Department of the Interior, the Commonwealth of Massachusetts, and the eight towns that boarder these rivers to explore various methods of managing the river system.

Mr. President, throughout the history of this country, the Sudbury, Assabet, and Concord Rivers have shaped the lives of those who lived along them. These people have, in turn, been vital in the creation of this Nation. When one looks closely at the history of these rivers, one sees a microcosm of all that is positive in man's interaction with the American outdoors. There is archeological evidence that these rivers supported several Native American settlements. America's early industrial development was bolstered by the construction of an iron works company and a cotton mill on the Assabet River. The Revolutionary War, from which this Nation was born, began when the "shot heard round the world" rang out over the Concord River. Both Nathaniel Hawthorne and Henry David Thoreau spent time on and around these rivers, and enriched our literature and philosophy with the inspiration they gained from their experiences there. Today, thousands spend valuable time along these waterways enjoying one of our Nation's most unspoiled natural landscapes.

Clearly the historical legacy of these rivers is worth preserving. Yet, Federal dams, diversions, hydroelectric plants, and Army Corps of Engineer edifices pose a threat to this legacy and the delicate environmental balance from which it springs. Inclusion under the Scenic Rivers Act would protect the rivers, and the people who live near them, from such destructive incursions by the Federal Government, and enhances the environmental quality of these rivers.

It should be emphasized that this legislation only provides for a study. It does not set any limits or do anything to hinder future activities on the river. Any further step of having sections of the river be included under the Scenic Rivers Act of 1968 necessitates a separate designation bill. Such a designation bill will only be introduced if it is conclusively determined by all parties involved in the study that designation is in the best long-term interest of the region. Since 1968 there have been 25 similar studies, 6 of which have led to rivers being designated wild and scenic. In all instances, however, a study has provided an opportunity for local, State, and Federal officials to gain a better understanding of the situation and develop an informed plan for the preservation and use of valuable natural resources.

These rivers are such a valuable natural resource, and the prospects for their long-term preservation are uncertain. For example, hundreds of acres of marshlands exist around the rivers and their destruction would eliminate a crucial part of the rivers' ecosystem. The destruction of the marshes would doom fish and wildlife, and would deprive the region of an important environmental buffer. Our nation's wetlands are already under siege. We simply cannot afford to lose any more.

I understand the concerns of those who fear that designation would also prevent local communities from using the rivers to meet their water supply and waste treatment needs. Those fears should be assuaged by the fact that there are specific provisions in the bill that require the study to examine the water needs of all the local communities and to do nothing to restrict those needs. Moreover, although this is a bill that creates action at the Federal level, it does so only after tailoring those actions to needs of localities. In fact, this bill rather than taking power away from local towns, enhances their control relative to the Federal Government.

Mr. President, this is a well constructed bill that balances immediate needs environmental concerns and provides Federal resources without jeopardizing local jurisdiction. I urge others to join with me in supporting this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic River Study Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) The Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts possess resource values of national significance, such as outstanding wildlife and ecological values, historic sites, and a cultural past important to our literary heritage.

(2) Portions of this study segment have been listed on the Nationwide Rivers Inventory by the National Park Service;

(3) There is strong support among State and local officials and area residents and river users for a cooperative wild and scenic river study of the area.

(4) In view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the Commonwealth of Massachusetts and the appropriate local governments in studying and developing a resource conservation and management plan for the river, consistent with the Wild and Scenic Rivers Act.

SEC. 3. WILD AND SCENIC RIVER STUDY.

(a) LISTING FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof:

"(106) SUDBURY, ASSABET, AND CONCORD, MASSACHUSETTS.—The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Hill Dam in Concord to its confluence with the Sudbury, and the Concord from its confluence with the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph.".

SEC. 4. STUDY

(a) STUDY COMMITTEE.—At the earliest practicable date following the enactment of this Act, the Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall establish the Sudbury, Assabet, and Concord River Study Committee (hereinafter in this section referred to as the "Study Committee"). The Secretary shall cooperate with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act and in the development of the natural and cultural resource and other information needed to determine the eligibility of such segments for inclusion in the national wild and scenic rivers system. The Study Committee shall terminate upon completion of the study of the segments listed in section 3 of this Act.

(b) MEMBERSHIP.—Membership of the Study Committee shall consist of 13 members appointed as follows:

(1) One member appointed by the Secretary from the United States Fish and Wildlife Service.

(2) Two members appointed by the Governor of the Commonwealth of Massachusetts, one from the Department of Fisheries, Wildlife, and Environmental Law Enforcement of that State and one from the Massachusetts Water Resources Authority.

(3) One member appointed by the Sudbury Valley Trustees.

(4) One member appointed by the Organization for the Assabet River.

(5) One member appointed by the Board of Selectmen (or comparable local governing body in the case of a town without a Board of Selectmen) of each of the 8 towns included in the study area.

(c) ADMINISTRATIVE PROVISIONS.—(1) A vacancy in the Study Committee shall be filled in the manner in which the original appointment was made. Vacancies in the membership of the Committee shall not affect its power to function if there are sufficient members to constitute a quorum under paragraph (3).

(1) The Chairman of the Study Committee shall be elected by the members of the Study Committee.

(3) 7 members of the Study Committee shall constitute a quorum.

(4) The members of the Study Committee shall serve without compensation.

(5) The Study Committee is authorized to accept services and other assistance from State and local governments.

(6) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(d) TECHNICAL ASSISTANCE FROM THE SECRETARY FOR THE STUDY OF THE RIVER.—In consulting with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act the Secretary shall provide such technical and financial assistance to the Committee as the Secretary deems necessary.

(e) STUDY.—In order to provide for a wide range of land and water uses and for scenic and recreational activities in a manner compatible with designation as a wild and scenic river, the study of the river segments listed under section 3 of this Act shall include detailed management alternatives for those segments and for their adjacent lands. Each such management alternative shall include, but not be limited to, each of the following—

(1) A statement with respect to its effectiveness in protecting the outstanding natural and cultural values of the river segments and their related areas and of recreation use goals and objectives.

(2) A description of its impact on important local needs, including possible use of the rivers to bolster drinking water supplies or receive discharges from existing sewage treatment facilities, or possible initiation of flood control and elevation control measures.

(3) A detailed natural, recreational, and cultural resource and land use inventory and assessment for the river segments and related land areas.

(4) An assessment of the attitudes of riverfront landowners, and local residents and officials toward present and future conservation management of the land and water resources of the river segments and their related land areas.

(5) Recommendations for existing and proposed land and water management to ensure conservation and preservation of the river segments.

(6) Specific guidelines for the implementation and administration of such alternatives, including a clear delineation of the responsibilities of the local, State, and Federal governments.

(7) A map showing the proposed boundaries and classification of the river and related land areas.

(8) Possible approaches to assuring that actions by any Federal, State, or local government agency are consistent with each management alternative.

(9) A financial strategy to identify public and private sources of revenue and assistance with respect to implementing a management plan.

(f) STUDY NOT TO RECOMMEND CONDEMNATION.—The study of the river segments listed under section 3 of this Act shall not recommend the acquisition by the United States by condemnation of any interest in lands subject to the study (including private lands and lands owned by a State or local government).

(g) WATER SUPPLY AND WASTE DISCHARGE.—The study shall reflect the importance of the river segments subject to the study as drinking water supplies for the towns along the river and as routes for discharges from existing municipal waste treatment facilities, and nothing in the study shall recommend restricting the use of the river for the water or waste water treatment needs of such towns, consistent with sound water supply and waste water treatment planning and appropriate measures to protect the river consistent with section 7 of the Wild and Scenic Rivers Act.

(h) SUBMISSION OF STUDY—Upon completion of the study of the segments listed in section 3 of this Act, the Secretary shall notify each of the towns located along any of the river segments subject to the study. The notice shall contain the recommendations which the Secretary proposes to submit to the Congress regarding such segments. If the Secretary proposes to recommend the inclusion of one or more of such segments in the national wild and scenic rivers system, and if one or more of the towns located along the segment concerned notifies the Secretary, within 60 days after the date on which the Secretary has notified the town of the Secretary's proposed recommendations, that the town does not concur in the recommendation to include that segment, the Secretary shall not recommend that Congress include such segment in the national wild and scenic rivers system until such time as the town concurs in the Secretary's recommendation.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

By Mr. GORTON:

S. 2263. A bill to authorize a certificate of documentation for the vessel *Captain Daryl*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "CAPTAIN DARYL"

● Mr. GORTON. Mr. President, today I am introducing legislation that would remove certain restrictions on the vessel the *Captain Daryl*.

The *Captain Daryl* is a twin screw utility supply vessel. It was built at Steiner Shipyard in Bayou La Batre, AL, in 1981. It has lost its needed documentation as it was sold to Honduras nationals and reflagged in Honduras in 1985. The boat has now been purchased by an American and is back in Alabama. In November 1989, the Coast Guard mistakenly issued the vessel a coastwise license. This mistake was identified and the license was repealed. However, in the meantime, my constituent, Mr. Glen Tegen of Lilyblad Petroleum, Inc. of Tacoma, WA, signed a contract to purchase the vessel and work was begun to modify the vessel for its new purpose. Mr.

Tegan hopes to use the vessel as a delivery unit for main engine lubricating oils to all the deep draft vessels that call in Puget Sound. I should note that the vessel has double bottoms and could also be used as an oilspill response vessel in the case of an emergency.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel Captain Daryl, hull identification number 643920.●

By Mr. DOMENICI (for himself and Mr. WILSON):

S. 2265. A bill to provide a comprehensive congressional campaign financing reform to encourage grass roots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

GRASSROOTS CAMPAIGNING AND ELECTION REFORM ACT

● Mr. DOMENICI. Mr. President, I send to the desk a bill that I believe will add constructively to the Senate's debate on the vital issue of campaign financing reform.

There is no doubt among those in this Chamber that our system of campaign financing requires change.

As I have studied the continuing debate over spending limits, political action committees [PAC's], and soft money, I have come to the conclusion that we need to take a fresh look at this issue, and dramatically alter the way candidates for the Congress of the United States raise campaign funds.

We certainly need to remove public doubts over undue influence from PAC's and other big-spending institutions. One thing we can agree upon, I believe, is the value to the political process if we could return campaign financing to the grassroots.

This bill is the result.

It is no secret that most of us in both the Senate and the House spend inordinate amounts of time raising money. It is not that we enjoy that chore, but we do it as protection money to scare off the opposition.

That is the way the system works now. I have done that. Every Member of this body has done that same thing.

How do we overcome that? Some in this Chamber, as well as outside it, argue that the answer is spending limits. Others say the American taxpayers must be bullied into financing us, as well as our opponents.

I reject both notions.

The problem is not spending. The problem is giving.

Let me restate that: "The American people are worried about contributions—not how contributed money is later spent."

Has anyone in this Chamber heard the American people say: "Spend my tax dollars on political campaigns"? The American people oppose that idea in every poll I have seen.

In fact, fewer and fewer Americans are checking off contributions to the Presidential campaign, a fact that should tell us something about how the American people feel about federally financed elections.

Nor do the American people insist on spending limits. Some special interests may like that idea—since it will strengthen their clout—but the American people are not saying that.

In the view of this Senator, we need to encourage more, not fewer, individuals to participate in the financing of elections. We particularly need to encourage our own constituents to contribute to us and—yes—to our opponents.

In other words, we need to spend all candidates back into retail politics.

While many of the proposals now before the Senate seek to achieve the goal of reform, many of those proposals do so in a fashion that we all know is unfair and partisan.

The approach I am offering today will give no party or individual an inherent advantage. It certainly will not give incumbents an advantage, since incumbents are the ones who do best in raising large sums of money from PAC's and out-of-State donors.

It is a proposal that will inherently wring a lot of money out of the process, but in a manner that leaves everyone playing on a level field.

That is what the American public wants, and that is what we must give them.

My bill makes four very specific changes in the law, each of which I believe the American people will support with enthusiasm:

My bill imposes a flat-out prohibition on House and Senate candidates raising money outside their home State;

My bill effectively eliminates PAC's;

My bill creates a strong disincentive to superwealthy candidates throwing masses of family money into a campaign; and

My bill eliminates the evil of "soft money," used by some groups to circumvent present controls of fund raising.

With that outline, let me describe the specifics of this legislation, in which I am joined by my good friend from California [Mr. WILSON]. I greatly appreciate his cosponsorships.

Section 1 of our bill is the short title, and a most accurate one: The "Grassroots Campaigning and Election Reform Act of 1990."

IN-STATE GIVING

Section 2 is the heart and soul of this new, omnibus approach to campaign reform.

First of all, section 2 leaves in place the existing $1,000 limit on individual donations, then places new, restrictive guidelines on those donations.

Section 2 says that, as of January 1, 1991, no candidate for the Congress—either the Senate or the House of Representatives—may raise any funds from outside the State in which that candidate is running.

If you are a candidate for the U.S. Senate in New Mexico, you must henceforth raise your money from contributors who live in Albuquerque and Farmington and Las Cruces and Roswell. You can no longer raise funds from persons or organizations in New York, Los Angeles, or Dallas.

If you are a candidate in Maine, you must depend on home folks in Portland and Bangor, not the big city PAC's.

Obviously, this will make it far tougher to raise large sums of campaign money in nearly every State. Therefore, this section will inherently reduce spending, which is the goal of so many in this Chamber.

But this section restrains campaign spending not with some arbitrary, partisan, federally imposed ceiling—one giving incumbents a great advantage. Nor does my approach use tax dollars to underwrite campaigns for Congress.

Section 2 simply requires that Members of the Congress return to our own constituents for our full support.

To this Senator, that represents a fair and reasonable approach.

This section also creates a fair system for dealing with carryover funds after the 1990 elections.

PAC'S

Section 3 of the bill is also vitally important. It essentially eliminates PAC's. My view is that if individuals want to give, let them give directly to their home State candidate.

When the American people are asked about campaign financing, there is no doubt that they state their strongest concerns over the role of PAC's [political action committees].

We must listen to the American people.

Section 3 prohibits PAC's established by banks, businesses, and labor unions, That is a flat-out prohibition.

And because of the constitutional problems involving other types of PAC's, my bill reduces to $500—from

$5,000—the amount that any other PAC can give to a candidate. I believe that will render such contributions relatively ineffective, particularly in conjunction with section 2 of the bill, which says a PAC must be headquartered in the candidate's State in order to give a legal contribution.

So section 3, in combination with section 2, eliminates PAC's as a player in the political effort to elect Members of the House and Senate. That is a wise course for the Congress to take. It is one the American people will applaud.

WEALTHY CANDIDATES

A growing problem in congressional politics, we know, is the specter of the superwealthy candidate buying a seat in this body, or the other body. There is no doubt that the danger of such a buy would be magnified under the contribution constraints of section 2.

So I have included section 4 to ensure fairness when a big-spending candidate runs against a candidate of more modest means.

As my colleagues recall, I introduced S. 597 on March 15 of last year. Section 4 of this bill is a modified version of S. 597.

When I introduced S. 597, I included a detailed analysis and justification for that legislation. I shall not repeat all those arguments now, but I do want to make a few specific points.

We all know the tremendous advantages available to the very wealthy candidate, when that candidate decides to spend large sums of his or her own money on the campaign.

Under the provisions of section 4, the current dollar limits on contributions—$1,000, plus the in-State limit—remain in effect and unchanged, so long as all candidates in a race restrain personal spending to certain limits: $250,000 when running for the Senate—or $100,000 for a House campaign—totals that include personal loans to the campaign.

But should a wealthy candidate unleash the family treasury, section 4 gives the opponent a chance to compete. In that case, section 4 eliminates the In-State requirements of section 2 in this bill, and it raises the individual giving limit for that specific race to $10,000.

These limits would be loosened for the opponent or opponents of the wealthy candidate, not the wealthy candidate.

Thus a wealthy candidate would cross that big spending threshold at his or her great peril. But that is his or her choice.

But let me reiterate: If all candidates hold to the family contribution limits I have cited, all other contribution limits will be maintained, and this section would have no impact whatsoever on that race.

Section 4 also deals with the problem of a last-minute deluge of money. It prohibits any—I repeat, any—personal contributions or loans by any candidate or the candidate's family during the final 90 days before any election, regardless of whether the candidate has breached the personal limitations prior to that date.

Thus, the wealthy candidate must make his or her play known by early August at the latest, giving the opposition time to compete in the political money markets.

Under this approach, every candidate can be assured that he or she will never confront a last minute avalanche of family money, money the poorer opponent could never offset with last-minute contributions.

SOFT MONEY

Section 5 controls another very pervasive problem in our political system, what has come to be called soft money—contributions for voter registration drives and other forms of spending designed to assist one party or one candidate.

We all know that huge sums of money are spent outside the regular process, but in full coordination with many candidates. That is money the public never hears about, but it is spending that often shows up in far larger chunks than anything an individual or a PAC can otherwise contribute.

This is money that truly distorts the system, and we need to bring it into the open, so it either disappears or becomes a contribution directly to the candidate, and reported to the public. Let the public judge to whom a candidate might stand beholden.

Section 5 says that banks, businesses, and labor unions no longer can distort the system with soft money. They won't like that, but the American people will.

BACKGROUND ON INSTATE GIVING

Three of the four concepts in this legislation have been on the table for some time, although they have never been packaged, I believe, in a single bill as I have done in this legislation.

But my in-state-giving provision—section 2—is new. For the benefit of my colleagues, I want to talk a bit more about that provision, as I believe it is greatly needed and will truly meet the demands of the American public.

All the statistics show that individual giving, as a percentage of total campaign funds raised, has dropped rather sharply over the years.

Individual contributions in 1974 accounted for 76 percent of the money raised by those running for the Senate that year. By the 1988 election cycle, the proportion of contributions from individuals had dropped to 59 percent.

It is impossible, I have discovered, to track individual contributions with any great accuracy, since records on instate and out-of-State contributions were not kept during most recent election cycles.

The Federal Election Commission collected such records on the contributions of $100 or more during the 1977-78 cycle, but it failed to break down donations again until the 1987-88 cycle, when it collected records on contributions of $500 or more.

The difference in just a decade is quite remarkable. It is clear that Senate candidates are becoming more and more dependent on out-of-State contributors, as opposed to their own constituents. And that doesn't count all the out-of-State PAC money or soft money given candidates.

In 1978, two out of three Senators got the bulk of their large, individual campaign contributions from instate donors. In 1988, more than half received the bulk of such contributions from out-of-State donors.

While these two sets of records are not fully comparable, an examination of the trends certainly is instructive.

Using those $500-or-more donations for the 1988 elections as a guide, it is clear that many Senate candidates depended very heavily on persons living outside their home State for a very large share of their total contributions.

Out of $35,693,000 that was raised by incumbents in individual contributions of $500 or more for the 1988 election, nearly half—$16,094,000—was raised from nonconstituents.

One candidate for the Senate in 1988, for example, received a total of $1,932,126 in individual contributions of $500 or more. Of that total, $1,383,401—72 percent—came from out-of-State donors—persons who were not the candidate's constituents.

Another successful 1988 Senate candidate received $3,479,589 from individuals giving $500 or more—$2,040,915—59 percent—from out-of-State contributors.

The greatest disparity involved a successful candidate who received $4,500 from instate donors of $500 or more, while that same candidate received $470,963 from out-of-State donors giving $500 or more.

Check those numbers: That candidate raised more than 99 percent of the candidate's large individual contributions from out-of-State donors.

There are of course, other candidates who depended heavily on instate contributors. One 1988 Senate candidate raised $4,396,197 from instate individuals contributing $500 or more, with a relatively modest, by comparison, $648,097 coming from out-of-State contributions of similar amounts.

But the reality is that a majority of the Senators running for reelection in 1988—15 of the 27 candidates—raised more from individuals living outside their State than they raised from their own constitutents, at least in contributions of $500 or more.

What about the records for the 1978 election when, incidentally, I was a candidate? Based on records for contributions of $100 or more made during the 1977-78 cycle, 16 of the 24 Senators running for reelection received the bulk of their individual campaign contributions from instate donors.

Only one candidate in 1978 raised as much as $500,000 from out-of-State donors, while 12 out of 24 raised less than $100,000 out of State. By 1988, 10 candidates raised more than $500,000 out of State, with only one raising less than $100,000 out of State.

To clarify this point further, Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks three charts:

A chart prepared at my request by the Federal Election Commission showing the breakdown on instate and out-of-State contributions of $100 or more for the 1978 election—for those who may be curious, this Senator appears as Candidate R in this 1978 listing;

A chart prepared at my request by the Federal Election Commission showing the breakdown on instate and out-of-State individual contributions of $500 or more for the 1988 election;

A chart provided by the Congressional Research Service showing the general breakdown on individual and other sources of campaign funds over recent campaigns.

Mr. President, I am convinced this bill represents an effective way to reform campaign financing, rebuilding that link candidates for the Congress should have with those we serve, our constituents.

Let me conclude, Mr. President, with an observation. As I have said, I believe this bill represents true reform, reform that would stimulate and excite the election process.

But it also brings with it some perils. While it will return candidates to their constituents in an effective manner, it will also render candidates far more dependent on receiving a fair shake from the media. An approach, such as this, may require additional legislation on questions such as broadcasting rates, which have in the past been used by some stations to assist one candidate over another.

For example, I have heard of one candidate, a sitting Member of this body, who when he ran for the Senate had to pay as much as five times what his opponent paid for identical television advertising time. That clearly is unfair, and must be rectified.

If there is any case for Federal dollars in a campaign, it may be needed to ensure that each candidate receives an opportunity to present his or her case fairly and meaningfully to the television audience.

I have not, however, sought to address that issue in this legislation, although I welcome ideas on how we might ensure greater fairness in media attention.

Mr. President, in order to help my colleagues evaluate the bill further, I ask unanimous consent that a copy of the legislation be printed in the RECORD following the charts to which I referred earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Grassroots Campaigning and Election Reform Act of 1990."

RELIANCE ON IN-STATE CONTRIBUTIONS

SEC. 2.(a) Chapter 2 United States Code 441 is amended by inserting a new subsection (h), and relettering subsequent sections appropriately:

"(h)(1) It shall be unlawful for any candidate for the Senate of the United States or the House of Representatives of the United States to solicit or accept any fund for the purposes of election to the Senate or the House of Representatives from any individual, organization, or political action committee that does not reside or have its headquarters within the State from which such candidate seeks election.

"(2). Each contributor to a candidate under the terms of paragraph (1) of this subsection shall provide evidence of the state of residence of such contributor, pursuant to limits described in paragraph (3) of this subsection.

"(3)(A) For the purposes of determining the accuracy of any declaration of residence by a contributor, each candidate for the Congress of the United States shall maintain records of the home state of each contributor.

"(B) It shall be presumed that a contributor is a resident of the candidate's state if the contribution is made in the form of a check drawn on a bank within such state, and if the contribution is physically presented to the candidate or his agent in such state or mailed in an envelope postmarked in such state.

"(C) For any contribution in cash in excess of $99, such name and address shall be accompanied by a notarized statement attesting to the accuracy of such name and address.

"(D) Notwithstanding the provisions of subparagraph (B) of this subsection, any contribution in excess of $499 shall be accompanied by a notarized statement attesting to the accuracy of the name and address of the contributor.

"(E) Any contribution from a political party to a candidate shall be accompanied by a notarized statement as to the residence of the contributors of such funds.

"(4). Any contribution that fails to meet the criteria described in paragraph (3) of this subsection shall, within 10 days of receipt, be returned to the contributor, if known, or given to a non-political health or educational charitable organization of the candidate's choice within the candidate's state.

"(5). Each violation of this section shall subject the candidate to a civil penalty of $1,000."

(b)(1) As of January 31, 1991, each Member of the Senate of the United States elected in 1990 and each Member of the House of Representatives of the United States shall rebate to each Member's contributors, on a pro rata basis, all campaign funds retained as of January 1, 1991, or donate such funds to a non-political health or educational charitable organization of the Member's choice within the Member's state.

(2) As of January 31, 1991, each Member of the Senate of the United States who was not a candidate for election in 1990 shall rebate to the each Member's contributors, on a pro rata basis, all campaign funds raised as of such date, or donate such funds to a non-political health or educational charitable organization of the Member's choice within the Member's state.

(3) Any funds not rebated or contributed pursuant to this subsection shall subject the Member to a civil penalty equal to twice the sums involved.

LIMITATIONS ON POLITICAL ACTION COMMITTEES

Sec. 3(a). Chapter 2 United States Code 441b is amended by deleting all of the text following subsection (b)(2)(B).

(b) Chapter 2 United States Code 441a(a)(1) is amended by striking out "5,000" and inserting in lieu thereof "500" in subsection (A), and by placing a period after the word "committee" and striking all that follows in subsection (C).

(c) Chapter 2 United States Code 441b is amended by inserting the following as a new subparagraph "(C)":

"(c) It is unlawful for any bank, labor organization, or corporation referred to in subparagraph (a) of this section to make any contribution or expenditure for the establishment, administration, or solicitation of contributions to any political committee.".

USE OF PERSONAL WEALTH FOR CAMPAIGN PURPOSES

SEC. 4. Chapter 2 United States Code 441 is amended by inserting a new subsection (i), and relettering subsequent sections appropriately:

"(i)(1)(A) Within 15 days after a candidate qualifies for the ballot, under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend, in the aggregate:

(i) At least $250,000, if a candidate for the Senate of the United States, or

(ii) At least $100,000, if a candidate for the House of Representatives of the United States

from his personal funds, and the funds of his immediate family, and incur personal loans in excess of such amount, in connection with his campaign for such office.

"(B) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate, and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of any such person.

"(C) The statement required by this subsection shall be in such form, and shall contain such information, as the Commission may, by regulation require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares that he intends to expend more than the limits described in subparagraph (A) of paragraph (1), or does expend and incur loans in excess of such limits, or fails to file the declaration required by this sub-

section, the limitations on contributions in subsection (h) of this section, as they apply to all other candidates in such election in such state, shall be waived and the limitations on contributions in subsection (a) of this section, as they apply to all other individuals running for such office shall be increased for such election as follows:

"(A) The limitations provided in subsection (a)(1)(A) shall be increased to an amount equal to 1000 percent of such limitation, and

"(B) The limitations provided in subsection (a)(3) shall be increased to an amount equal to 150 percent of such limitations, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in subparagraph (A).

"(3) If the limitations described in paragraph (2) of this subsection are increased pursuant to paragraph (2) for a convention or a primary election, as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of paragraph (2) shall not longer apply.

"(4) Any candidate who—

"(A) declares, pursuant to subparagraph (1) of this paragraph that he does not intend to expend, in the aggregate, more than the limits described in subparagraph (1)(A); and

"(B) subsequently does expend and incur loans in excess of such amounts, or intends to expend and incur loans in excess of such amounts,

such candidate shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested. Failure to so notify and so file shall subject such candidate to a civil penalty equal to twice the funds so expended.

"(5) Any candidate who incurs personal loans in connection with his campaign under the Act shall not repay, either directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate, if such contribution was made following the date of such election.

"(6) Notwithstanding any other provision of law, no candidate under this title may make expenditures from his personal funds or the personal funds of his immediate family, or incur personal loans in connection with his campaign for election to such office at any time after 90 days before the date of such election, or 24 hours after the primary election for such office, whichever date shall later occur. The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in paragraph (1) of this subsection. Violation of this paragraph shall subject such violator to a civil penalty three times the funds so expended.

"(7) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

SOFT MONEY

SEC. 5. (a) At the appropriate place in the Federal Election Campaign Act of 1971 (2 United States Code 441), insert the following new section:

"(—)(A) Any amount solicited, received or spent by a national, State, or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received, or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 431(b)(B)(viii) of title 2.

"(B) For purposes of this section, the term 'in connection with a Federal election' includes any activity that may affect a Federal election, including but not limited to the following:

"(1) Voter registration and get-out-the-vote activities;

"(2) Generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising;

"(3) Campaign materials which identify a federal candidate, regardless of any other candidate who may also be identified.".

SEVERABILITY

SEC. 6. If any provision of this Act, or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances, shall not be affected thereby.

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall become effective January 1, 1991, and shall apply to all activities, contributions, and expenditures made following such date.

SENATORS WHO PARTICIPATED IN 1977–78 ELECTIONS

Candidate	PAC contributions	Party contributions	Individual contribution $100 or more home State	Individual contribution $100 or more out of State
Candidate A	$65,405	$15,000	$132,529	$9,200
Candidate B	170,724	10,942	29,752	38,750
Candidate C	213,435	21,280	90,882	173,257
Candidate D	126,100	10,000	64,200	167,681
Candidate E	135,145	3,500	266,806	37,090
Candidate F	161,873	15,500	32,178	29,300
Candidate G	217,710	17,116	735,416	132,673
Candidate H	214,777	17,750	97,182	177,922
Candidate I	152,664	11,000	57,101	41,963
Candidate J	206,705	17,500	483,770	137,648
Candidate K	166,594	19,500	61,042	92,371
Candidate L	203,767	16,394	224,773	91,093
Candidate M	307,944	23,902	523,751	118,182
Candidate N	198,847	18,605	396,901	130,975
Candidate O	36,020	9,000	40,774	10,252
Candidate P	102,450	15,000	72,547	33,580
Candidate Q	43,800	16,050	102,275	38,125
Candidate R	150,401	16,334	238,584	81,133
Candidate S	271,290	17,146	498,701	549,479
Candidate T	75,945	7,000	62,345	151,939
Candidate U	216,890	16,170	222,423	131,019
Candidate V	344,683	17,261	528,141	331,520
Candidate W	392,722	30,042	1,609,186	88,529
Candidate X	240,250	17,500	108,256	187,920

Note.—Some of these candidates lost in primaries. No information is available on individual contributions less than $100.

1987–88 ELECTION CYCLE CONTRIBUTIONS TO SENATE MEMBERS RUNNING FOR REELECTION

	PAC contributions	Party contributions	Total individual contributions	Individual contribution of $500 or more home State	Individual contribution of $500 or more out of State
Candidate:					
A	$989,181	0	$1,603,419	$550,691	$522,694
B	1,831,085	$30,499	9,187,165	4,396,197	648,097
C	935,823	25,955	1,456,739	445,655	492,950
D	773,046	15,000	1,037,362	433,550	211,622
E	429,149	0	359,666	83,503	66,925
F	784,528	16,189	2,110,438	506,354	240,342
G	735,141	5,241	970,159	176,569	416,345
H	600,858	25,000	796,276	185,145	294,809
I	325,991	17,500	2,865,868	548,725	1,383,401
J	1,274,738	5,125	1,695,507	304,685	956,123
K	1,514,798	21,037	3,260,540	429,723	403,714
L	1,175,156	16,028	2,651,190	1,014,833	477,947
M	807,544	17,500	375,484	30,000	112,750
N	895,504	23,653	2,279,583	814,074	397,014
O	1,017,047	17,443	1,775,338	525,270	869,284
P	1,404,242	19,400	5,060,472	1,438,674	2,040,915
Q	1,087,814	0	1,635,859	234,646	347,537
R	906,891	18,500	3,270,664	730,533	348,268
S	1,058,107	17,500	617,777	4,500	470,963
T	1,025,894	18,500	5,839,753	1,003,463	1,993,425
U	1,366,075	18,476	3,605,924	1,170,265	716,836
V	1,042,170	17,500	1,267,565	163,602	361,594
W	1,387,554	18,500	1,710,031	748,019	349,217
X	2,303,804	5,341	5,406,218	2,414,155	1,673,140
Y	1,153,218	15,000	2,522,983	88,000	838,633
Z	919,764	0	351,092	70,622	199,850
AA	933,287	17,493	473,729	83,937	259,275

Note.—The residence of individual contributors is known for contributions of at least $500 only. These contributors are not expected to be representative of individuals who contribute to candidates in smaller dollar amounts.

CRS-2.—TRENDS IN CAMPAIGN CONTRIBUTIONS TO SENATE GENERAL ELECTION CANDIDATES: 1974–88

[dollars in millions]

	1974	1976	1978	1980	1982	1984	1986	1988
Receipts: [1]								
Total	$28.2	$39.1	$68.9	$83.7	$127.0	$156.2	$208.7	$199.7
Percent of total	100	100	100	100	100	100	100	100
Individuals: [2]								
Total	21.4	26.9	50.6	52.4	70.3	95.7	125.4	118.5
Percent of total	76	69	73	62	55	61	60	59
PACs: [3]								
Total	3.1	5.8	8.9	15.9	21.8	28.1	44.6	44.4
Percent of total	11	15	13	19	17	18	21	22
Parties: [4]								
Total	1.7	1.4	4.1	7.7	12.2	11.3	18.1	18.0
Percent of total	6	3	6	9	10	7	9	9
All other: [5]								
Total	2.0	5.0	5.3	7.7	22.5	21.1	20.6	18.8
Percent of total	17	13	8	9	18	14	10	9
Individuals [6] over $500:								
Total	N/A	10.6	14.5	19.8	30.6	37.0	62.1	65.6
Percent of total	N/A	27	21	24	24	24	30	33

[1] Includes political party coordinated expenditures on behalf of candidates (as allowed under 2 U.S.C. 441a(d)).
[2] Total contributions from individuals.
[3] Total contributions from non-party political action committees.
[4] Includes both direct party contributions to candidates and coordinated expenditures on their behalf (as provided under 2 U.S.C. 441a(d)).
[5] Includes candidate contributions and loans, interest and dividends, transfers from affiliated committees, and refunds.
[6] Total contributions from individuals in amounts of $500 or more. This category was not provided in Conlan's work; these data are from the FEC Reports on Financial Activity. Final Report. U.S. Senate and House series for 1976–1988.

Note.—Percentages in columns may not add up to 100, due to rounding.

Sources: For all categories (other than "individuals over $500") for 1974–1984: Conlan, Richard P. "The Declining Role of Individual Contributions in Financing Congressional Campaigns." The Journal of Law and Politics, v. 3, Winter 1987. p. 491, 495 [see notes to Conlan's tables for more detailed explanations]. For all categories in 1986–1988 and "individuals over $500" for all years: U.S. Federal Election Commission. Reports on Financial Activity. Final Report. U.S. Senate and House Campaigns, various years.●

By Mr. BRADLEY (for himself and Mr. HATCH):

S.J. Res. 270. Joint resolution to designate the period commencing February 17, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week;" to the Committee on the Judiciary.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

● Mr. BRADLEY. Mr. President, I rise today to introduce a joint resolution establishing the week of February 17 to 23, 1991 as National Visiting Nurse Associations Week. This joint resolution, cosponsored by my colleague from Utah [Mr. HATCH] is intended to focus attention on the importance of home health care in the United States.

As many of my colleagues in this body know, Senator HATCH and I have been advocates for expanded home health care for a long time. Experience has demonstrated that providing health services to many kinds of patients in the comfort and security of their homes is a better alternative—physically and psychologically—than hospitalization or nursing home care. In many cases the delivery of health care in the home is more cost-effective, and, for the patient, far more comfortable.

The growth of home health care services in the past decade has been nothing short of phenomenal, due, in part, to the Government's encouragement as well as to a general recognition of the need for care in the home.

One organization, the Visiting Nurse Association, recognized that need more than 100 years ago. Originally called the District Nurse Association of Buffalo, NY, the Visiting Nurse Association was founded in 1885. It is the oldest continuously operated home nurse association.

In recognition of the care and support the VNA's have provided, we propose to name the week of February 17 to 23, as the National Visiting Nurse Associations Week.

I think it is important to note that the Visiting Nurse Associations generally remain in the background, doing their work quietly but efficiently, without fanfare. Every year, their trained professionals and community volunteers assist almost 1 million American men, women, children, and infants. Their services range from neonatal care, to hospice services, to physical therapy, to home IV therapy.

Home care providers have been in the forefront of working with AIDS, cancer, and ventilator-dependent patients.

One of the unique aspects of the VNA's is their strong community support. A board of directors composed of health care professionals and community leaders oversees each association to ensure high standards of care. The United Way, funded by contributions from local businesses, and individuals, is one of the primary financial backers for indigent care services provided by every VNA. United Way also monitors the quality of care provided by local VNA's. VNA services are supported by a combination of individual and corporate contributions within their communities, in addition to some Federal and State government funding.

Care is the primary responsibility of the VNA's, and the quality of that care is one of the hallmarks of the Visiting Nurse Associations.

But the VNA's provide more than health care. They also offer tender loving care, and for that and more they rely on volunteers in each community to assist the professional health care staff. These volunteers are engaged in such activities as cheering up patients with visits, delivering meals-on-wheels, reading to patients, and running errands. Volunteers do many of the little things that make a patient's stay at home more comfortable and uplift their spirits to make recovery a little speedier.

For all of these reasons, we today introduce this joint resolution commemorating the Visiting Nurse Associations and wish them well as they embark on their second century of service.●

By Mr. WALLOP (for himself, Mr. SIMPSON, Mr. SYMMS, Mr. MCCLURE, Mr. BAUCUS, Mr. BURNS, Mr. BOND, Mr. CHAFEE, Mr. COCHRAN, and Mr. GORE):

S.J. Res. 271. Joint resolution to designate July 10, 1990 as "Wyoming Centennial Day"; to the Committee on the Judiciary.

WYOMING CENTENNIAL DAY

Mr. WALLOP. Mr. President, it gives me great pleasure to introduce a joint resolution designating July 10, 1990 as Wyoming Centennial Day—honoring the day in which Wyoming became the 44th State in the Union 100 years ago. I am pleased to be joined in this effort by my friend and colleague from Wyoming, Senator SIMPSON and our House counterpart, Congressman CRAIG THOMAS.

Mr. President, when Wyoming proudly joined her 43 sister States in 1890, she at once became a staunch supporter and defender of this Nation. But she also retained a fierce sense of independence—her people taking great pride in their ability to maintain the traditions and values of the Old West while looking to the future and planning for the opportunities that it would provide. In that sense, 100 years has brought little change.

"In Wyoming, there is room for all, either in agriculture pursuits, mining, stock raising or other business," so said Wyoming Governor F.E. Warren

in a report to the Secretary of Interior way back in 1889. "Our people are vigorous, industrious and of high character and we are becoming known as a resort for those in search of health and strength. We in Wyoming are of high average in education—the census of 1880 shows that we have the smallest percentage of illiteracy of any political division of the United States."

I ran across an article the other day, Mr. President, which reported on a national education assessment survey—one conclusion of which was that the average Wyoming 8th grade student now has a higher reading proficiency than the average 12th grader nationally. We were in the forefront of stressing educational excellence—in fact, we were the first to adopt a compulsory school law and I'm pleased to know that the value we place on education has gone unchanged.

Governor F.E. Warren, who later served as U.S. Senator from Wyoming, also took the time back then to include in his report remarks on the natural beauty of the State. He described the scenery of Yellowstone National Park as unequaled in the world. And he was right.

Thankfully, our beauty remains unspoiled and we continue to marvel resident and visitor alike with our wide open spaces, broken by striking mountain ranges, dramatic canyons and gorges, and clear rivers and streams. One-fourth of Wyoming has been set aside as national parks, forests, and monuments for all Americans to enjoy. It was wise of the Nation to do this and Wyoming led the way creating this world of protected values.

Although known by many as the "Cowboy State," the Wyoming State seal bears the words Equal Rights—recognizing the important role women played early on. In 1869, 21 years before Wyoming obtained statehood, we granted women equal suffrage. A year later, we appointed the first woman justice of the peace, Esther Hobart Morris of South Pass City. Her statue now stands here in the U.S. Capitol. And in 1924, Wyoming elected Mrs. Nellie Tayloe Ross as Governor—another remarkable first.

It was with a great deal of amusement, Mr. President, that I read through the CONGRESSIONAL RECORDS of 1890 that documented the Senate debate over Wyoming statehood. The free-thinking, independent people of Wyoming caused quite a commotion here in Congress by insisting that women have the right to vote—and the issue became quite contentious.

Senators debated the technical aspects of suffrage, such as how to get around the fact that the Constitution refers to Members of Congress as "he," not "she." They debated political perceptions, such as whether "a lady member from Wyoming" might not actually add to this Chamber by discouraging "nasty habits like smoking and chewing." They even debated philosophical and religious points, with one Senator going so far as to suggest that suffrage would "demoralize and destroy the woman herself, unsexing and unfitting her for the higher vocation for which God made her."

Mr. President, the heated debate on that observation alone clearly showed that no one had yet heard of "scrubbing the record."

Thankfully, national sentiment on women's rights has changed in the past century and the State of Wyoming has her rightful place among the pages of our history books.

On a personal note, Mr. President, this year marks the 100th year my family has lived and ranched in Big Horn, WY. Representing, protecting and promoting our great State is an honor. It is also a great pleasure—and my family and I couldn't be more proud than to have spent the last 100 years calling Wyoming home.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 271

Whereas on July 10, 1890, President Benjamin Harrison signed a proclamation admitting Wyoming as the 44th state in the Union.

Whereas Wyoming is known as the Equality State;

Whereas Wyoming was the first state to recognize the rights of women and allow them voting privileges;

Whereas Wyoming appointed the first woman Justice of the Peace, Esther Hobart Morris, whose statue now graces the U.S. Capitol;

Whereas Wyoming is the home of the first national forest, the Shoshone;

Whereas Wyoming elected the first woman governor, Mrs. Nellie Tayloe Ross;

Whereas Wyoming, which represents the ideal in outdoor recreation, became the home of our nation's first national park, Yellowstone National Park, the founding gem and is the site of the magnificent Grand Tetons;

Whereas Wyoming is also the home of America's first national monument, Devils Tower;

Whereas Wyoming is the site of the mother store of J.C. Penney's Department store in Kemmerer, founding a familiar fixture on mainstreets across America;

Whereas renowned inventor Thomas Alva Edison received the inspiration for the invention of the incandescent bulb while fishing and camping in Encampment, Wyoming;

Whereas Wyoming is home to the nation's largest rodeo, Cheyenne Frontier Days, "the Daddy of them all";

Whereas Wyoming's beautiful mountains, trees, ranches and natural resources are appreciated nationwide;

Whereas on July 10, 1990, the State of Wyoming will see the dawn of a new century: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1990, is designated "Wyoming Centennial Day", and the President is authorized and requested to issue a proclamation acknowledging the economic, social and historic contributions of the people of Wyoming to the United States of America over the past century.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 198 a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs.

S. 354

At the request of Mr. EXON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 354, a bill to provide that during a two-year period each item of any bill making appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President.

S. 434

At the request of Mr. REID, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 720

At the request of Mr. BOREN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 840

At the request of Mr. BOREN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for education loan interest incurred by doctors, nurses, and allied health professionals while serving in medically underserved areas.

S. 874

At the request of Mr. FORD, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes.

S. 1515

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1515, a bill to amend the Internal Revenue Code of 1986 to permit private foundations and community foundations to establish tax-exempt cooperative service organizations.

S. 1829

At the request of Mr. BIDEN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1829, a bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones.

S. 1971

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1971, a bill to establish a constitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

S. 2009

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2009, a bill to limit the use of appropriated funds for the B-2 advanced technology bomber aircraft program.

S. 2039

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2067

At the request of Mr. KERRY, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2067, a bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

S. 2071

At the request of Mr. PACKWOOD, the name of the Senator from New Hamshire [Mr. HUMPHREY] was added as a cosponsor of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2179

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2179, a bill to maintain funding for State and local law enforcement programs in the war against drugs and crime.

S. 2212

At the request of Mr. ROTH, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2212, a bill to minimize the adverse effects on local communities caused by the closure of military installations.

S. 2215

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2215, a bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes.

S. 2229

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2232

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from withholding tax requirements.

S. 2233

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2233, a bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from certain employment and withholding tax requirements.

S. 2241

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2241, a bill to provide scholarships to law enforcement personnel who seek further education.

SENATE JOINT RESOLUTION 236

At the request of Mr. WILSON, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating May 6, through 12, 1990, as "Be Kind to Animals and National Pet Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. BINGAMAN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multi-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 265

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 269

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. CONRAD], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mr. CRANSTON], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week".

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. SYMMS, the names of the Senator from Florida [Mr. MACK] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress that it should be the policy of the United States to encourage an acceleration of growth in selected Third World nations in order to create new markets for advanced-country products and services.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Concurrent Resolution 95, a concurrent resolution to urge the administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. PRESSLER, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

AMENDMENT NO. 1324

At the request of Mr. JOHNSTON, his name was added as a cosponsor of amendment No. 1324 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 103—PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. BAUCUS (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 9, 1990, or Satur-

day, March 10, 1990, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9 a.m. on Tuesday, March 20, 1990, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 263—RELATIVE TO A NATIONAL TRANSPORTATION POLICY

Mr. LAUTENBERG (for himself, Mr. FORD, Mr. ADAMS, Mr. BURDICK, Mr. ROBB, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 263

Whereas, on March 8, 1990, the President unveiled a National Transportation Policy (hereinafter referred to as "the National Transportation Policy");

Whereas an adequate, balanced national transportation system is essential to the economic well-being of the United States;

Whereas the ability to move people and goods is critical to maintaining state, metropolitan, rural and local economies;

Whereas rural states are critically dependent on a sound highway system to move people and goods;

Whereas existing traffic congestion is already threatening local economies, with an estimated two billion hours annually being spent in traffic delays;

Whereas the General Accounting Office has estimated that metropolitan traffic congestion could increase by more than three hundred percent over the next 15 years;

Whereas public transportation must play a major role in meeting national transportation needs;

Whereas intercity passenger rail service must play a major role in meeting national transportation needs;

Whereas increased use of public transportation and passenger rail service can also contribute greatly to meeting Clean Air goals and help address problems of global warming due to the burning of fossil fuels;

Whereas increased use of public transportation and passenger rail service can also reduce consumption of foreign oil, with a resultant positive impact on the Nation's trade balance;

Whereas the United States annually records 3.5 million passenger miles on railroads and 3.4 trillion ton-miles of freight rail traffic;

Whereas passenger and freight rail traffic is projected to grow by three percent annually;

Whereas it is projected that thirty-three airports in the United States will face more than 20,000 hours of annual flight delays;

Whereas a new generation of air traffic control systems is necessary to relieve congestion and improve air safety;

Whereas additional capacity is needed in the Nation's aviation system;

Whereas it is in the Nation's interest to maintain and enhance United States maritime operations;

Whereas the President's National Council on Public Works Improvements criticized national transportation spending as being inadequate to meet existing and future needs;

Whereas, over the last three decades, national spending on infrastructure as a percentage of Gross National Product has decreased by almost one-third, from 3.6 percent in 1960 to 2.6 percent in 1985;

Whereas the President's National Council on Public Works Improvements called for a doubling of spending on infrastructure needs;

Whereas the Federal government has had, and will continue to have, a major interest and role in establishing, maintaining, and promoting a balanced national transportation network;

Whereas the principal responsibility for establishing, maintaining, and promoting a balanced national, interstate transportation network lies with the Federal government;

Whereas the establishment, maintenance, and promotion of a balanced national transportation network is a national priority, for economic, environmental, energy, security and other reasons;

Whereas the National Transportation Policy fails to adequately address the issue of funding for basic transportation needs;

Whereas the National Transportation Policy would shift an inordinate burden for meeting transportation needs from the Federal government to State and local governments;

Whereas the National Transportation Policy does not adequately assess and promote the role of public transportation and intercity passenger rail service in meeting national transportation needs; and

Whereas Federal aviation and surface transportation programs are due to be reauthorized in the near future: Now, therefore, be it

Resolved, That it is the Sense of the United States Senate that—

(1) The Federal government should bear the principal responsibility for establishing, maintaining, and promoting a national, interstate transportation system;

(2) a balanced national, interstate transportation system should include all modes of transportation, as well as new modes now under development;

(3) a national policy on transportation should take into account the environmental benefits of enhanced spending on all modes of transportation, particularly public transportation and passenger rail service;

(4) a national policy on transportation should take into account the long-term impacts of inadequate spending on transportation needs;

(5) a national policy on transportation should take into account the impacts of shifting to State and local governments the responsibility for establishing, maintaining, and promoting a balanced national transportation system;

(6) a national policy on transportation should take into account the need to improve our national transportation system in order to maintain and enhance the Nation's competitive position in the global economy;

(7) a national policy on transportation should address the pressing funding needs related to inadequate infrastructure; and

(8) the President, in coordination with all appropriate Federal transportation, environmental, trade, and commerce officials, should—

(A) work to develop a national policy on transportation that better addresses the aforementioned issues; and

(B) work with the Congress to implement a national policy on transportation that adequately meets the needs of all areas of the National and addresses the critical issues of funding for such needs.

● Mr. LAUTENBERG. Mr. President, A year ago, we had high hopes for the future of transportation in this country. Sam Skinner, upon taking office, committed to a massive undertaking—to put together a comprehensive blueprint for meeting this country's massive transportation needs.

We all welcomed this initiative. For too long, we had been trying to meet our transportation needs with programs that were outdated. Our needs had overtaken our ability to meet them.

The Secretary launched an ambitious effort. From all indications, he was taking a hard look at tough issues. And he was going to make serious recommendations on how we should move into the next century.

But then, a few months ago, we began to hear that OMB was getting into the act. Today, the President unveiled the National Transportation Policy. And, unfortunately, the roads from that policy lead right to OMB.

This is a plan that's driven by budget considerations, not policy. It looks more like the same old story than a new beginning.

In the transportation world, we have ways of measuring progress: lower fatality rates; number of highway miles repaired; number of passengers delivered safely to their destination; cost per passenger; cost per mile.

While the policy does cite these types of figures in assessing the problems, they're not there when you look for solutions.

This administration has said a great deal about accountability. That's commendable. But, when you look at this policy, there's no accountability. In 5 years, we'll have no way of measuring how far we've come, or whether we've met the goals.

And nowhere in this document will you find estimates of the funding necessary to get us from here to there.

Dollars express goals, whether those dollars are paid at the Federal or State level.

This policy does say a lot of good things. I, too, want to see a sound financial base. We all want to expand the transportation system. We want a competitive transportation industry; we all agree that safety must be the highest priority. We all want to protect the environment and advance U.S. technology.

But there are problems with this policy.

This policy would shift too much of the burden for a balanced national transportation network to State and local governments. But, there is a role for the Federal Government. In my opinion, a large role.

The success of the interstate highway system can largely be attributed to the Federal presence.

It was the Federal Government that designed the system, collected the taxes, set the engineering standards, and apportioned the funds to create a national system. Let us not forget that.

The problems of mobility and congestion do not stop at State or city boundaries. Air pollution and the need to conserve energy do not stop at State and city boundaries.

Second, at a time when bridges are falling down, roads are crumbling, and urban areas are choking on their own growth, this policy doesn't talk about the real funding issues.

The President is saying "no" to new Federal taxes. But he says "yes, yes" to higher State and local taxes in the form of increased gas taxes, higher tolls, and fare increases.

There's an old saying: If you want to dance, you've got to pay the fiddler. I don't think it's good policy or good politics to say that the President will dance while the Governors will have to pay the fiddler.

Mr. President, there may be more that State and local governments can do.

But, if we shift too much back to the States, we run the risk of losing the national aspects of the system. Not all States have the same resources or the same economic base. Without a strong Federal presence, there would be an uneven approach to our road systems, our air quality, and our transit systems.

That's not the policy we need. Our national economy is just too dependent on a uniform transportation system to allow a patchwork approach.

Transportation is a national responsibility. If we can't improve mobility in one region, the whole country suffers.

If farm products can't get to market because the roads are inadequate, everyone suffers. If urban commuters waste hours sitting in traffic, our economy suffers.

A national transportation should look at the big picture. It should look at the role transit can play in improving the environment, and boosting economies.

It should recognize the importance of Amtrak, in both urban and rural areas. And, it should consider the impact of pushing off funding responsibility onto State and local economies that are already too strapped to meet needs.

We need a national transportation policy. But this isn't it—not yet.

I look at this situation like a movie being shot. Secretary Skinner and his people set out to put together a quality product, maybe even an epic.

But then OMB started editing it. And like some movies, the best parts may have been left on the cutting room floor.

We need to go back and find those parts. And we need to splice them together with our views and recommendations.

Today, along with Senators ADAMS, FORD, BURDICK, ROBB, and MITCHELL, I am introducing a resolution. With cosponsors from the Committees on Appropriations, Commerce, and Environment and Public Works, it lays out some of our concerns, and some of our views about what needs to be done.

And we'll keep working to see that this country has a balanced, national transportation system.●

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

SYMMS AMENDMENT NO. 1327

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

At the appropriate place add the following:

"SEC. 112. (X) CERTIFICATION OF EQUIVALENT PROGRAMS.

(1) IMPORTS.—Effective twelve months after the date on which the Administrator promulgates emissions standards under subsection (d) of this section, it shall be unlawful for any person to import any products, goods or commodities if the production, manufacture or transportation of such products, goods or commodities results in emissions subject to regulation under this section unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such products, goods or commodities were manufactured and imported have established and are fully implementing programs that require reduced production of hazardous air pollutants listed under subsection (b) on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic hazardous air emissions under this title.

(2) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under paragraph (1) unless it is determined that—

(A) the Nation has adopted legislation or regulations which give the emissions control schedule for each listed hazardous air pollutant the force of law; and

(B) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this title, and that the information contained in such reports is available to the Administrator and the Secretary.

(3) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of paragraphs (1) and (2) remain satisfied and that the reduction schedule for each hazardous air pollutant is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(4) INVESTMENT AND EXPORT.—(A) Within one year after enactment of this section, the President shall prohibit—

(i) the export of technologies used to produce goods, products or commodities that result in emissions of hazardous air pollutants in excess of standards promulgated under subsections (d), (f) and (g); and

(ii) direct or indirect investments by any person in facilities designed for or capable of production or manufacture of goods, products or commodities that emit hazardous air pollutants not certified under this section.

(B) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment determine whether there exists, for each class of goods, products or commodities produced or manufactured with a process that emits hazardous air pollutants, substitute products or manufacturing processes that do not rely on emissions of hazardous air pollutants; and promulgate regulations for each class of goods, products or commodities for which a positive determination has been made under this subparagraph. Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of emitting hazardous air pollutants in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation, or manufacturing products that require the emission of a hazardous air pollutant in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation.

(5) FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing goods, products or commodities where the manufacture or production of such goods, products or commodities will result in the emission of hazardous air pollutants listed under subsection (b) in excess of emissions standards under subsections (d), (f) and (g).

GORE AMENDMENT No. 1328

Mr. GORE proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the appropriate place, insert the following:

On line 12, page 15 of Amendment No. 1293, insert "carbon dioxide" after "particulate matter."

On line 3, page 17 of amendment No. 1293, add after "(xiv)," "(xv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality."

BYRD (AND OTHERS) AMENDMENT NO. 1329

Mr. BYRD (for himself, Mr. BURDICK, Mr. DANFORTH, Mr. FORD, Mr. SIMON, Mr. MCCONNELL, Mr. COATS, Mr. SHELBY, Mr. HEINZ, Mr. HEFLIN, Mr. SPECTER, Mr. ROCKEFELLER, Mr. BOND, Mr. METZENBAUM, Mr. GLENN, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. DIXON) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra; as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide." and insert: "dioxide.

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

COAL MINE WORKERS BENEFITS

SEC. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

"TITLE VI—RELIEF FOR TERMINATED COAL MINE WORKERS

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Relief for Terminated Coal Mine Workers Act'.

"PURPOSE

"SEC. 602. The purpose of this title is to help minimize the effects on individuals employed as coal mine workers who are terminated from their employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'terminated coal mine workers' means any individual employed as a coal mine worker on the date of the enactment of this title, and who, after having been employed, prior to or after such date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990; and

"(2) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"SEC. 604. (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

"(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"SEC. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 80 percent of such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 70 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 60 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(4) The monthly termination benefit for the fourth 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"SEC. 606. At any time during the 4-year period described in section 605(a), any terminated coal mine worker while engaged in a full-time retraining or educational program certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 20 percent of the average monthly compensation of such worker computed in accordance with section 605(a)(1), for a period not to exceed 12 months.

"OTHER FINANCIAL ASSISTANCE

"SEC. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"SEC. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"SEC. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 48-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"SEC. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, such sums as may be necessary, not to exceed $700,000,000 and such sums shall remain available until such sums are expended, to meet the obligations payable pursuant to this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"SEC. 611. The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"REBUTTABLE PRESUMPTION

"SEC. 612. In the case of a claim for benefits under this title by any coal mine worker who is terminated from his employment on or after the date of the enactment of this title, there shall be a rebuttable presumption that such termination resulted from the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"RETROACTIVE CLAIMS

"SEC. 613. Claims based upon terminated employment must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.".

"LIMITATION ON APPLICATIONS

"SEC. 614. The Secretary shall not act on any application for benefits under this title filed on or after January 1, 1996."

On page 3 of the amendment, immediately preceding line 1, insert the following:

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

Sec. 801. Coal mine worker benefits.

SPECTER (AND OTHERS) AMENDMENT NO. 1330

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. METZENBAUM, Mr. BYRD, Mr. LUGAR, Mr. SIMON, Mr. DIXON, Mr. BOND, Mr. COATS, and Mr. GLENN) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL, (and others) to the bill S. 1630, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —TAX CREDIT FOR ACID RAIN REDUCTION EQUIPMENT

SEC. . TAX CREDIT FOR EQUIPMENT TO MEET ACID RAIN REDUCTION STANDARDS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30. ACID RAIN CONTROL EQUIPMENT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—If qualified acid rain control property is placed in service during any taxable year, there shall be allowed as a credit for each taxable year in the credit period an amount equal to 6⅔ percent of the taxpayer's qualified investment in such property.

"(2) CREDIT PERIOD.—For purposes of paragraph (1), the term 'credit period' means, with respect to any qualified acid rain control property, the 3-taxable year period beginning with the taxable year such property is placed in service.

"(b) QUALIFIED ACID RAIN CONTROL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified acid rain control property' means tangible property—

"(A) which—

"(i) is required to be installed by reason of the phase I sulfur dioxide emission limitations under title IV of the Clean Air Act (as in effect after the Clean Air Act Amendments of 1990), and

"(ii) reduces sulfur dioxide emissions by 65 percent or more at the source (or sources) in connection with which such property is installed, or

"(B) which is installed on or in connection with property described in subparagraph (A).

"(2) ONLY DEPRECIABLE PROPERTY ELIGIBLE.—The term 'qualified acid rain control property' includes only—

"(A) property to which section 168 applies (without regard to any useful life), or

"(B) any other property—

"(i) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(ii) which has a useful life (determined at the time the property is placed in service) of 3 years or more.

"(3) PROPERTY MUST BE NEW.—

"(A) IN GENERAL.—The term 'qualified acid rain property' includes only property the original use of which commences with the taxpayer.

"(B) RECONSTRUCTION.—For purposes of subparagraph (A), a rule similar to the rule of the last sentence of section 48(b)(1) shall apply.

"(4) CERTAIN OTHER REQUIREMENTS.—In determining whether property is qualified acid rain control property, rules similar to the rules of the following provisions of section 48(a) shall apply:

"(A) Paragraph (2) (relating to property must be used predominately in the United States).

"(B) Paragraphs (4) and (5) (relating to exclusion of property of certain tax-exempt organizations, governmental units, and foreign persons and entities).

"(C) Paragraph (7) (relating to property completed abroad or predominately of foreign origin).

"(5) TERMINATION.—The term 'qualified acid rain control property' shall not include property placed in service after December 31, 1996.

"(c) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified investment' means, with respect to any qualified acid rain control property, the basis of such property as of the time such property is placed in service.

"(2) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—In determining qualified investment, rules similar to the rule of section 46(e) shall apply.

"(d) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, and 29.

"(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an acid rain control credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an acid rain control credit carry-forward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 18 taxable years to which such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(e) RECAPTURE UPON DISPOSITION.—

"(1) IN GENERAL.—If, during any taxable year, qualified acid rain control property is disposed of (or otherwise ceases to be such property with respect to the taxpayer) before the close of the 5-year period beginning on the date such property was placed in service, the tax under this chapter for such taxable year shall be increased by the recapture percentage of the aggregate decrease in the credits allowed under this section for all taxable years which would have resulted solely from reducing to zero the qualified investment taken into account with respect to such property.

"(2) RECAPTURE PERCENTAGE.—For purposes of paragraph (1), the term 'recapture percentage' has the meaning given such term by section 47(a)(5)(B).

"(3) OTHER RULES.—Rules similar to the rules of section 47(a)(5)(D) and (a)(6) shall apply for purposes of this subection.

"(f) OTHER LIMITATIONS.—For purposes of this section—

"(1) LIMITATION IN CASE OF CERTAIN REGULATED COMPANIES.—No credit shall be allowed under this section with respect to any property which is public utility property (as defined in section 46(f)(5)) with respect to which a credit would not be allowed under section 38 if section 46(f)(2) (relating to cost of service and base rate reductions) applied to such property, except that subparagraph (B) of section 46(f)(2) shall be applied by inserting 'not' before 'reduced'.

"(2) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is determined under subsection (a) with respect to qualified acid rain control property, the basis of such property shall be reduced by the amount of such credit (determined as if the entire credit with respect to such property was allowable in the taxable year such property was placed in service)."

(b) CONFORMING AMENDMENTS.—

(1) Section 196 of the Internal Revenue Code of 1986 (relating to deduction for certain unused business credits) is amended by adding at the end thereof the following new subsection:

"(e) ACID RAIN CONTROL CREDIT.—The provisions of subsections (a) and (b) shall apply in the same manner to the credit allowed under section 30(a)."

(2) Section 383(a)(2) of such Code (defining excess credit) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma and "and", and by adding at the end thereof the following new subparagraph:

"(C) any unused acid rain control credit of the corporation under section 30(d)."

(3)(A) Section 6411(a) of such Code (relating to tentative carryback and refund adjustments) is amended by inserting "by an acid rain control credit carryback provided in section 30(d)," after "section 172(b),".

(B) Section 6411(a) of such Code is amended—

(i) by inserting "unused acid rain control credit," after "net capital loss," and

(ii) by inserting "or an acid rain control credit carryback" after "business credit carryback".

(C) Sections 6411(b) and 6411(c) of such Code are each amended by inserting "unused acid rain control credit," after "net capital loss," each place it appears.

(4) Subparagraph (C) of section 6511(d)(4) of such Code is amended by inserting "or

any acid rain control credit carryback under section 30(d)" after "section 39".

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting at the end thereof the following new item:

"Sec. 30. Acid rain control equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1990, in taxable years ending after such date.

SASSER (AND GORE) AMENDMENT NO. 1331

Mr. SASSER (for himself and Mr. GORE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 385 of the amendment, between lines 14 and 15, insert the following new section:

DEVELOPMENT OF REFUSE DERIVED FUEL PLANT

SEC. 309. The Tennessee Valley Authority, (hereinafter referred to as the "TVA") in cooperation with regional waste authorities in the Tennessee Valley is authorized and directed to develop a plan for the construction of a combination unit capable of using refuse derived fuel, with specific analysis of construction of the facility at the site of TVA steam generation plant located at Gallatin, Tennessee. The TVA shall submit to Congress not later than 90 days after the date of enactment of this Act a report setting forth its plan for completion of such a facility.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1332

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Insert at the end of amendment No. 1293 the following:

The Administrator shall conduct a study of the causes of degraded visibility in southwestern New Mexico. The Administrator, in consultation with the Secretary of State, is encouraged to cooperate with the Government of New Mexico, other Federal agencies, and any other appropriate organization in conducting the study. Nothing in this section shall be construed as contravening or superseding the provisions of any international agreement in force for the United States as of the date of enactment of this section, or any relevant Federal statute.

BRYAN AMENDMENT NO. 1333

Mr. BRYAN proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the appropriate place, insert the following:

MOTOR VEHICLE FUEL EFFICIENCY

SEC. 206. (a) The Congress finds and declares the following:

(1) Improved efficiency in the consumption of petroleum is vitally important, not only because the worldwide supply is finite, but because the increasing dependence of the United States on foreign oil is a threat to our national security and adversely affects the trade balance.

(2) The light duty vehicle fleet is a significant user of oil, accounting for about 39 percent of United States oil consumption.

(3) Improvements in vehicle fuel efficiency between 1973 and 1987 amounted to a savings of 1.8 million barrels of oil per day and a savings to drivers of close to $30 billion. Conversely, the rollback of the corporate average fuel economy (CAFE) standard for the 1989 model year, from 27.5 miles per gallon to 26.5 miles per gallon, is expected to result in increased consumption of 900 million gallons of fuel over the life of the 1989 vehicles.

(4) Emissions of carbon dioxide, including those from the light duty vehicle fleet, contribute substantially to increased retention of heat in the Earth's atmosphere, and may cause long term global warming and disruption of climate-dependent activities.

(5) The United States, with only 5 percent of the world's population, is responsible for 20 percent of world carbon dioxide emissions. United States carbon dioxide emissions from gasoline alone are greater than the carbon dioxide emissions from all sources in each of the following countries and areas of the world: Latin America, Japan, the Middle East, West Germany, South and Southeast Asia, the United Kingdom, Africa, and France.

(6) The transportation sector is responsible for 31 percent of carbon dioxide emissions in the United States. Each gallon of gasoline burned results in the emission of 19.7 pounds of carbon dioxide.

(7) The rollback of the CAFE standard for the 1989 model year is projected to result in 9 million tons of additional carbon dioxide emissions during the life of the 1989 vehicles.

(8) Increased numbers of vehicles and vehicle miles traveled in the United States will necessitate a 3 percent annual increase in fuel efficiency merely to hold future carbon dioxide emissions at current levels. Therefore, substantial improvements in vehicle fuel efficiency will be needed to reduce these emissions.

(9) CAFE standards and the successful response of automobile manufacturers to those standards have been very effective in increasing vehicle fuel efficiency, resulting in a doubling of the passenger car fleet fuel economy between 1975 and the present. However, current law does not require improvement above a standard of 27.5 miles per gallon which became effective in 1985. In recent years, the average fuel economy of the fleets of certain manufacturers has actually declined.

(10) Light trucks were an insignificant part of the passenger vehicle market when CAFE standards were enacted in 1975, and have not been subjected to strict, legislatively-established, CAFE standards. As a result, there have been few major technological changes related to fuel efficiency in the standard size light trucks since 1982, and fuel economy in some light truck models has actually declined between 1982 and 1986. Light trucks have become increasingly popular for passenger use, and such vehicles now account for approximately one-third of new passenger vehicle sales.

(11) The Office of Technology Assessment and the Department of Energy agree that increased fuel efficiency is possible utilizing currently available technology and without significant changes in the size mix or performance of the fleet. With maximum use of conventional technologies, it is estimated by various experts that the fuel economy of the entire new car fleet could range from 33 to 38 miles per gallon by 1995.

(12) Over the long term, by utilizing technology currently in production or in prototype, additional increases in fleet fuel economy beyond 1995 estimates are achievable, from 40 miles per gallon to as high as 60 miles per gallon in the next decade.

(13) Gasoline prices currently are lower in real dollars than they have been since the early 1970s. Since there is at least some correlation between gasoline prices and consumer demand for fuel efficient vehicles, it is unlikely that the market alone will achieve significant improvement in fuel economy.

(14) An increase in fuel efficiency in the light duty vehicle fleet of 20 percent by 1995 and 40 percent by 2001 would save 49.1 billion gallons of fuel between 1995 and 2001. This level of improvement also would reduce carbon dioxide emissions by 483.5 million tons between 1995 and 2001.

(15) Use of a percentage improvement requirement is the only legislative approach that assures achievement of the environmental and energy security goals to be served by a fuel efficiency standard. Such an approach ensures that each manufacturer is required to achieve significant improvement in fuel efficiency. By contrast, use of the same numerical standard for all manufacturers provides no incentive for manufacturers of primarily small vehicles to improve the fuel efficiency of those vehicles, and in effect establishes no standard for such manufacturers. Establishment of separate standards for each size of vehicle does not prevent dramatic increases in the size and weight of the fleet as a whole. For that reason, a size-based standard cannot ensure any fuel savings, and could actually result in deterioration of the fuel economy of the fleet.

(16) Increased CAFE standards that require all manufacturers to improve by the same percentage are, therefore, both reasonable and necessary to ensure that improvements in fuel efficiency continue, in furtherance of the dual goals of the Nation's energy security and decreased carbon dioxide emissions.

(b)(1) Section 502(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)) is amended by striking

"1985 and thereafter ..... 27.5."

and inserting in lieu thereof the following:

"1985 through 1994	27.5.
"1995 and thereafter	As provided in accordance with section 514 of this Act.".

(2) Section 502(a)(4) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)(4)) is amended by striking "The Secretary" and inserting in lieu thereof "Except in the case of standards established by sections 514 and 515, the Secretary".

(c) Section 502(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(b)) is amended by inserting "and which ends before model year 1995" immediately after "after the date of enactment of this title".

(d) Section 502(c)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(c)(1)) is amended—

(1) by striking "passenger" each place it appears;

(2) by inserting "or subsection (b) or section 514 or 515" immediately before the period at the end of the first sentence; and

(3) by inserting "subsection (b) or sections 514 and 515" immediately before "is more stringent".

(e) Section 502(g)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(g)(1)) is amended by inserting "or section 514 or 515" immediately before the period at the end of the first sentence.

(f) Section 502(i) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(i)) is amended by inserting "or sections 514 and 515" immediately before the period in the first sentence.

(g) Section 502(j) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(j)) is amended by inserting "or sections 514 and 515" immediately before "or any modification".

(h)(1) Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.) is amended by adding at the end the following new sections:

"PASSENGER AUTOMOBILES

"SEC. 514. Notwithstanding any other provision of this Act, the average fuel economy for passenger automobiles manufactured by any manufacturer in model year 1995 and each model year thereafter shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:	
"1995 through 2000.....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 27.5 miles per gallon and shall not exceed 40 miles per gallon.
"2001 and thereafter....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 33 miles per gallon and shall not exceed 45 miles per gallon.

"AUTOMOBILES OTHER THAN PASSENGER AUTOMOBILES

"SEC. 515. Notwithstanding any other provision of this Act, commencing with model year 1995 and each model year thereafter, the average fuel economy for automobiles other than passenger automobiles manufactured by any manufacturer in any such model year shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:	
"1995 through 2000.....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for light trucks in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 20 miles per gallon and shall not exceed 30 miles per gallon.
"2001 and thereafter....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 24 miles per gallon and shall not exceed 35 miles per gallon.

"MODIFICATIONS OF STANDARDS

"SEC. 516. (a) Any time after the beginning of fiscal year 1995, the Secretary may modify any average fuel economy standard established under this Act for model year 2001 and thereafter in accordance with this section. In response to a petition from any person that is filed at least 12 months in advance of the model year to which it is applicable, the Secretary shall conduct a rulemaking proceeding to determine whether to increase or decrease such standard to the level which the Secretary determines is the maximum feasible average fuel economy for that model year (taking into consideration the factors listed in section 502(e) and the need to reduce carbon dioxide emissions), except that the Secretary shall not reduce any such standard below a standard equal to a 30 percent increase over the average fuel economy achieved by the manufacturer involved for the applicable type (or class) of vehicles for model year 1988. The Secretary may also conduct such a rulemaking on the Secretary's initiative.

"(b) In determining the maximum feasible average fuel economy during a rulemaking proceeding under this section, the Secretary shall weigh equally each factor listed in section 502(e) and the need to reduce carbon dioxide emissions. In evaluating the economic practicability of the standard, the Secretary shall consider—

"(1) the economic impact of the standard on the manufacturers and on the consumers of the vehicles subject to such standard;

"(2) the savings in operating costs throughout the estimated average life of the vehicle compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the vehicles which are likely to result from the imposition of the standard;

"(3) the total projected amount of energy savings likely to result directly from the imposition of the standard and the economic impact of such energy savings;

"(4) any lessening of the utility or the performance of the vehicles likely to result from the imposition of the standard;

"(5) the impact of any lessening of competition or any change in foreign trade that is likely to result from the imposition of the standard;

"(6) the total projected amount of reduction in carbon dioxide emissions and the economic impact of such reduction; and

"(7) other factors the Secretary considers relevant."

(2)(A) Section 503(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(1)) is amended by inserting "and section 514" immediately after "and (c)".

(B) Section 503(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(2)) is amended by adding at the end the following: "Average fuel economy for purposes of section 515 shall be calculated in accordance with rules of the EPA Administrator that are based upon the method required in paragraph (1) for calculation of average fuel economy of passenger automobiles."

(i)(1) The Administrator of the Environmental Protection Agency shall conduct—

(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with procedures in effect as of the date of enactment of this section, as compared to the actual performance of such passenger automobiles and light trucks when driven by average drivers under average driving conditions in the United States; and

(B) an assessment of the extent to which fuel economy deteriorates during the life of such passenger automobiles and light trucks.

Information on actual performance may be obtained through a survey of current vehicle owners.

(2) The Administrator shall, within 12 months after the date of enactment of this section and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

(A) a comparison between (i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of this section and (ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under paragraph (1);

(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

(C) any recommendations for legislative or other action.

(j)(1)(A) Paragraph (1) of section 506(b) of the Motor Vehicle Information and Cost

Savings Act (15 U.S.C. 2006(b)) is amended by adding at the end the following new sentence: "The Secretary of Energy shall distribute no less than 100 booklets each year to each dealer and shall distribute as many in addition to 100 booklets as are reasonably requested by dealers from time to time.

(B) The amendment made by subparagraph (A) shall apply to the 12-month period beginning on the first day of the first month after the date of enactment of this section and corresponding 12-month periods thereafter.

(2) Section 506(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(e)) is amended by striking "Federal Energy Administrator" and inserting in lieu thereof "Secretary of Energy".

(k) The Secretary of Transportation shall provide for a review to be undertaken by the National Academy of Sciences, in consultation with vehicle manufacturers, representatives of environmental and consumer groups, appropriate State and local officials, and representatives of labor, of the current state of research and development in light truck fuel economy and passenger automobile fuel economy and an assessment of the remaining potential for improving the fuel efficiency and reducing the energy consumption of passenger automobiles and light trucks. The assessment shall include all aspects of vehicle design, including engines, drive train, component parts, auto body, tires, and any other aspect contributing to the reduction of energy consumption. The National Academy shall, not later than 2 years after the date of enactment of this section, submit a report to the Congress on the results of the review and assessment and in the report recommend research and development priorities that could result in the commercialization of fuel economy technology through the early years of the next century. The National Academy shall update the report every 5 years, beginning not later than 7 years after the date of enactment of this section, and shall submit each updated report to the Congress.

(l)(1) Section 508(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) Any civil penalty assessed under this subsection for a violation of section 507(a)(1) or (2) in model year 1995 or thereafter against a manufacturer shall be doubled if—

"(i) the manufacturer violated section 507(a)(1) or (2) in the two model years immediately preceding the model year involved in the assessment; and

"(ii) during each of such preceding years and the year involved in the assessment, the applicable average fuel economy standard exceeded the average fuel economy of the vehicles manufactured by such manufacturer by five tenths of a mile per gallon or more.".

(2) Section 507(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2007(a)(1)) is amended by inserting "including sections 514 and 515," immediately after "section 502(b)),".

(m) As used in this section, "passenger automobile" has the meaning given that term under section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) and "light truck" shall have such meaning as the Secretary of Transportation prescribes.

GORE (AND OTHERS) AMENDMENT NO. 1334

Mr. GORE (for himself, Mr. LEAHY, Mr. JEFFORDS, and Mr. WIRTH) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 532, line 4, strike "Feasibility Report On".

On page 532, lines 5 through 11, strike the text beginning with "Not later than" through "earlier—" and insert in lieu thereof "Except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier dates—".

PART 2 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to modify Federal procurement practices to ensure that chemicals known to harm human health or the environment are not used as substitutes for chemicals that destroy the ozone layer.

On page 548, following line 22, insert the following new subsection:

"(d) FEDERAL PROCUREMENT.—

"(1) APPLICATION OF SECTION.—Each Federal agency or department shall comply with the requirements set forth in this subsection and any regulations issued under this section, with respect to any purchase or acquisition of an item where the purchase price of such item exceeds $10,000 or where the quantity of such items or of functionally equivalent items purchased or acquired in the course of the preceding fiscal year was $10,000 or more.

"(2) Within 12 months of enactment of this section, the Administrator of the General Services Administration (GSA), in consultation with the Administrator, shall develop a strategic plan for the procurement of substances as substitutes for those listed pursuant to section 504 (a) and (b) of this title.

"(3) No later than 36 months after enactment of this section, each agency or department of the Federal Government shall conform its procurement regulations and specifications to the strategic plan promulgated by the Administrator of the GSA or, if the Administrator of the GSA has not met the requirements of paragraph (2), to the requirements set forth in this subsection.

"(4) REQUIREMENTS FOR STRATEGIC PLAN.—

"(A) GENERAL.—The strategic plan referred to in paragraph (3) shall provide for Federal Government-private sector cooperation in research, development, and deployment of nonozone depleting technologies, processes, and chemical alternatives to the ozone depleting substances listed in section 504 (a) and (b). The plan shall provide greater regulatory certainty regarding alternatives to ozone-depleting substances by hastening the identification, development and deployment of alternative technologies with maximal environmental benefit. To ensure maximal environmental benefit, the strategic plan shall seek to maximize the use of alternative materials, process modifications, product redesign and substitution in order to minimize the use of materials and substances, including energy, which contribute to stratospheric ozone depletion, the creation of tropospheric ozone, global climate change, or which have been identified by an agency as a probable or known human carcinogen, or a known animal carcinogen.

"(B) SPECIFIC.—The strategic plan shall identify alternatives to categorical uses of substances listed in section 504 which meet the general criteria of subparagraph (A). The categorical uses, referenced in the preceding sentence shall be: air conditioning and refrigeration, solvents, rigid and flexible foam, fire extinguishers and other miscellaneous uses. The plan shall also include a list of persons and firms known to manufacture, sell, or utilize such alternatives.

"(5) PROCUREMENT PROGRAM.—Within 36 months after enactment of this section each agency or department of the Federal Government shall have in place an affirmative procurement program which will assure that future purchases of items known to use or be manufactured with substances listed in section 504 will, to the maximum extent practicable, conform to the requirements of this subsection. Each such procurement program shall, at a minimum, contain—

"(A) A preference program for alternatives which maximize the environmental benefit to be obtained by eliminating use of substances listed in section 504;

"(B) An agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) Annual review and monitoring of the effectiveness of an agency's procurement program adopted in accordance with the requirements of this subsection.".

PART 3 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to prohibit export of CFC equipment and technology and investment in facilities capable of producing CFR's in any nation not in compliance with the Montreal Protocol.

On page 544, lines 6 and 7, strike "Within one year after enactment of this section" and insert. "Immediately upon enactment of this section".

PART 4 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to strike provisions in the Clean Air Act preempting States' efforts to control ozone depleting chemicals:

On page 557, line 10, strike "except as otherwise provided in subsection (c)".

On page 557, strike lines 11 through 25.

On page 558, strike lines 1 through 6.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1335

Mr. LAUTENBERG (for himself, Mr. GORE, Mr. PELL, Mr. KERRY, and Mr. BRADLEY) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 230, line 3, insert "or mobile" after the word "stationary".

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Senate Committee on Veterans' Affairs and the House Committee on Veterans' Affairs, are scheduled to hold a joint hearing on March 15, 1990, in SH-216 at 9:30 a.m. to consider the legislative presentations of the Paralyzed Veterans of America, the Blinded Veterans Association, the Jewish War Veterans, the American

Ex-Prisoners of War, and the Military Order of the Purple Heart.

NOTICE OF ADDITION TO PREVIOUSLY SCHEDULED HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that S. 1770, a bill to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the National Park System has been added to the list of measures to be considered at the hearing before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources scheduled for March 28 at 2 p.m.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 9:30 a.m. The committee will hold a hearing on technology transfer and small business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2 p.m. The committee will hold a hearing on the President's proposed budget proposal for the Small Business Administration and on the reauthorization of the agency's programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, March 8, beginning at 9:30 a.m., to conduct a hearing to consider the effects of lead exposure on children's health and educational performance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, March 8, 1990, at 10 a.m. to hold hearings on the legislative proposals to reauthorize the Defense Production Act of 1950.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, March 8, at 9:30 a.m., on the subject; Departments of Health and Human Services and Labor high risk management problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 8, 1990, at 11 a.m. to hold a hearing on the nomination of Donald R. Quartel, Jr., to be a Federal Maritime Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on March 8, 1990, at 10 a.m. in SD-226.

I. NOMINEES

U.S. COURT OF APPEALS

Jacques L. Wiener, U.S. Court of Appeals judge for the Fifth Circuit.

Rhesa Barksdale, U.S. Court of Appeals judge for the Fifth Circuit.

U.S. CLAIMS COURT

Robert H. Hodges, Jr., U.S. Claims Court judge.

U.S. DISTRICT COURT

Ronald L. Buckwalter, U.S. District Court judge for the Eastern District of Pennsylvania.

Donald J. Lee, U.S. District Court judge for the Western District of Pennsylvania.

Gerald E. Rosen, U.S. District Court judge for the Eastern District of Michigan.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Robert W. Sweet, Jr., Administrator of the Office of Juvenile Justice and Delinquency Prevention.

PATENTS AND TRADEMARKS

Harry F. Manbeck, Jr., Commissioner of Patents and Trademarks.

Douglas Comer, Deputy Commissioner of Patents and Trademarks.

II. FEDERAL CHARTERS

S. 511—A bill to recognize the organization known as the National Academies of Practice—INOUYE.

III. BILLS

S.J. Res. 14: Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation—THURMOND.

S.J. Res. 23: Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations—DIXON.

S. 594, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes—HEFLIN.

S. 185, a bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental child abduction—DIXON.

S. 198, a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs—HATCH.

S. 497, a bill entitled the "Copyright Remedy Clarification Act".—DECONCINI.

S. 3045, a bill entitled the "Copyright Remedy Clarification Act"—KASTENMEIER.

S. 1271, a bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments—DECONCINI.

S. 1622, a bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments—KASTENMEIER.

S. 1272, a bill to amend chapter 8 of title 17, United States Code, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners, and for other purposes—DECONCINI.

H.R. 3046, a bill to reduce the number of Commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the U.S. Parole Commission and for the Deputy and Assistant Commissioners of Patents and Trademarks, and for other purposes—KASTENMEIER.

S. 459, a bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1985, with respect to the use of inventions in outer space—GORE.

S.J. Res. 183, Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget—SIMON.

S. 396, a bill to amend title 11 of the United States Code, the bankruptcy code regarding swap agreements with an amendment in the nature of a substiute—DECONCINI.

S. 994, a bill to amend the Clayton Act regarding interlocking directorates and officers—METZENBAUM.

S. 995, a bill to amend the Clayton and Sherman Acts regarding antitrust procedures—METZENBAUM.

S. 1829, a bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones—BIDEN.

S. 1965, a bill to protect the rights of victims of crime, establish a Federal victims' bill of rights for children, and improve the response of the criminal justice system and related agencies to incidents of child abuse—BIDEN.

S. 2179, a bill to maintain funding for State and local law enforcement programs in the war against drugs and crime—SIMON.

S. 590, a bill to prohibit injunctive relief, or an award of damages against a judicial officer for action taken in a judicial capacity—HEFLIN.

S. 591, a bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors—HEFLIN.

S. 592, a bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors—HEFLIN.

S. 982, a bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths—REID.

S. 1931, a bill to prevent the discharge in a chapter 13 bankruptcy proceedings of certain debts arising out of the debtor's operation of a motor vehicle while legally intoxicated—DANFORTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 8, 1990, beginning at 4 p.m., in 485 Russell Senate Office Building, to consider and report the committee's recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2:30 p.m. for a hearing on "Falling Through the Cracks: The Impact of Drug Exposed Children on Child Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2 p.m. for a hearing to receive testimony concerning Senate Joint Resolution 154, to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a meeting to mark up recommendations for veterans programs budget and possibly legislation to permit proposed VHS&RA reorganization on Thursday, March 8, 1990, at 9:30 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address wheat issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Thursday, March 8, 1990, at 9:30 a.m. to discuss and act on certain unauthorized appropriations for fiscal year 1990; certain pending reprogramming requests; and the committee's recommendation to the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 8, at 2 p.m. to hold a hearing on pending European nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 8, 1990, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPPORT FOR CHILDREN'S CHARITIES BY AMERICA SINGS

● Mr. DODD. Mr. President, too often the only news we hear about or read about children is bad—children taking drugs, dropping out of school, or getting into trouble.

However, I would like to report some good news. Today, thanks to a nonprofit organization called America Sings!, thousands of young people across the country are being encouraged to use their talents for the benefit of other young people who are less fortunate.

Last April, over 15,000 young people from school choirs in 43 States, Canada, and Mexico gathered in Washington, DC to raise their voices in song to show their support for homeless children across America. I am very proud that singing groups from Cromwell High School, Broadview Junior High, Samuel Huntington School, Putnam High School, Flood Intermediate School, Stratford High, and Bunnell High Schools—all from my home State of Connecticut—joined in this effort.

Together, this amazing collection of young singers raised over $70,000 for charities working to improve the lives of homeless children and families. Just as the "America Sings" motto states, this contribution was made "to kids who feel they have no hope from kids with hope to share."

March 24-31 has been named as "America Sings Week." During America Sings Week, school choirs across the country will be performing public service activities and holding benefit concerts for local children's charities. I applaud each and every one of these talented young people, their choral directors, and America Sings.●

ELECTIONS IN NICARAGUA

● Mr. BOSCHWITZ. Mr. President, in recent months we have witnessed some monumental victories for freedom in Central America, an often-troubled part of the world. First, in January, the drug-running dictator of Panama, Manuel Noriega, was deposed from power and brought to this country to face justice. The Panamanian people finally have the democracy that Noriega had taken from them. Next came Nicaragua, where the people of that war-torn country went to the polls and, in a stunning display of bravery, voted to throw out the Communist leader Daniel Ortega and his Sandinista friends.

The victory of Violeta Chamorro in Nicaragua is an especially gratifying one. For many years our Nation's policy toward Nicaragua was a divisive issue. But it now appears that our eco-

nomic boycott and our assistance to the Nicaraguan resistance fighters pushed the Sandinistas to the point that they agreed to elections.

There are many people to whom credit is due for the defeat of the Sandinistas. I want to take this opportunity to give some of that credit to former President Ronald Reagan, for he deserves it as much as any other single person. President Reagan's steadfastness, and his refusal to betray his instincts in the face of strong opposition and heavy odds, paved the way for these elections. President Bush also deserves credit for his efforts to form a policy in cooperation with the Congress, and for leading the effort to assist Mrs. Chamorro.

The victories for democracy in Panama and Nicaragua are only the two latest in a series that has swept Central America since 1980. At the beginning of that year Costa Rica was the only democracy in the region. Now, in 1990, all seven Central American countries are democracies. It's simply a remarkable record.

This contrast between the Central America of 10 years ago and that of today is nowhere more striking than in El Salvador. Many people have criticized our policy toward that country, as they did our approach to Nicaragua. However, I believe this policy is working, and we need to stick by and support this ally which is struggling to preserve its young and fragile democracy.

I want to commend to my colleagues attention an article written by Congressman VIN WEBER of my home State of Minnesota, which was published in the New York Times last December. Congressman WEBER quite accurately points out the great progress that El Salvador has made, and how the assistance that we give that Government is a good investment and should be continued.

The Congressman's message is plain: democracy can be a very fragile system, especially in its early stages; and we must stand by our friends who are besieged by the forces of tyranny. I ask that the article by Congressman WEBER appear in the RECORD at the conclusion of my remarks.

The article follows:

WE MUST HELP BESIEGED SALVADOR

(By Vin Weber)

WASHINGTON.—For more than a month, Americans have watched El Salvador turn ugly. Staring at the blood and chaos, Americans are now asking, once again, whether U.S. policy there is working.

It is.

Ten years ago, El Salvador was ruled by a military junta. Today, it is a working democracy that has held four fair elections.

Ten years ago, political killings skyrocketed to nearly 800 a month. Before the recent outbreak of violence, political murders—though still too frequent—had dropped to under 20 a month.

Ten years ago, El Salvador's criminal justice system was in tatters. Today, the rule of law, though still uneven, is taking root.

Some in and out of Congress have pointed to the recent violence as justification for limiting or cutting off U.S. aid. Instead, the attack on democarcy in El Salvador today makes our assistance even more critical.

U.S. policy has been successful in El Salvador because it has been bipartisan. And the continuing aid formula, which Ronald Reagan and Democratic leaders agreed to in the early 1980's ($3 in economic aid for every dollar in military help), has made a difference.

U.S. aid gave us the leverage to help El Salvador hold its first free election in decades, in 1984. And it has given us the leverage since then to help democracy last.

The proof: 56 percent of El Salvador's registered voters cast their ballots in 1989 (higher participation than our last Presidential election), despite widespread death threats from the rebels. International observers declared the election valid and the presidency changed party hands, peacefully, for the first time in El Salvador's history.

In fact, it is El Salvador's democratic success, not its failure, that motivated the latest rebel offensive. Watching their own influence decline as each election bestowed new legitimacy on the Government, the guerrillas concluded that they faced political extinction. Their surprise attack, like the Tet offensive in the Vietnam War, was designed to win a political victory even if it failed militarily.

We must not let that happen. The rebels showed their true stripes when they took American civilians captive at the Sheraton Hotel. Their reign of terror against small town mayors and sitting judges rivals that of the Colombian drug cartels. If there remained any doubt, the crash of a plane carrying Soviet-made surface-to-air missiles confirmed that the rebels are being supplied by Nicaragua. Such incidents, considered alongside their boycott of elections, make the rebels' call for peaceful negotiations dubious.

The leftist guerrillas will succeed only if we draw the wrong conclusion from the cold-blooded murder of six Jesuit priests. Those who argue that we should eliminate aid say that the killings overshadow the progress of the last 10 years.

In fact, just the opposite is true. Cutting off aid would undermine the rule of law, weaken the Government and siphon power to the extremes on the left and right. The result would mean more, not fewer, killings.

Instead, we need to renew our support for El Salvador's criminal justice system in order to track down, prosecute and punish those who commit such crimes. Though that system is fragile, U.S. aid is helping to improve it. For example, not one demonstrator has been killed in organized marches since 1986, thanks to improved training for El Salvador's police force, paid for with U.S. funds.

Reacting quickly to the latest killings, El Salvador's President, Alfredo Cristiani, immediately called in a U.S.-funded special investigative unit. So far, the unit's members have been slow to interview military units, a step the U.S. has insisted they take. We need to speed up that process. But if we eliminate U.S. aid, the unit will evaporate, along with our best chance of controlling extremists.

Less-than-perfect democracies often must contend with political violence; more than 100 were killed in the recent Indian election. Although violence has not disappeared in El Salvador, our policy is working. We must not forget the lessons of the last 10 years and abandon this fledgling democracy when its life is most threatened.●

DOD, THE LUNAR/MARS MISSION, AND THE INTERNATIONAL SPACE YEAR

● Mr. KOHL. Mr. President, yesterday we adopted Senate Joint Resolution 75, which encourages preparations for the International Space Year in 1992. We want this celebration to be a landmark. In 1492 Christopher Columbus' voyage forever changed our ideas about the limitations that geography imposes on us. The limitations we see today are not permanent either. The gulfs that divide people today are no more insurmountable than the Atlantic Ocean was to Columbus. The limits of our knowledge and experience are defined only by the depth of our desire and the courage of our conviction.

In that context, I would like to make a couple of comments about our Space Program. First, I want to bring to the attention of my colleagues a very disturbing report. According to the publication Space News, the Department of Defense commissioned the Rand Corp. to do an analysis of NASA's proposal on the Lunar/Mars mission. The draft recommendations in that report should put us all on alert, especially here as we consider the International Space Year. The report draft calls on DOD to carve out a significant role for itself in the proposed Lunar/Mars mission. I want defense planners to know that if they decide to act on this recommendation, they are going to meet stiff opposition from the public and from this Senator.

Mr. President, it is the job of our defense planners to prepare for any eventuality that may threaten the security of our country. And there may be some roles DOD ought to play in our Space Program. Surveillance satellites which help encourage stability and treaty compliance is an important role DOD fills right now. Further, the spinoffs from a Lunar/Mars mission would have a significant impact on the civilian economy and for defense technology. So I suppose there should be room for them to consider the security implications of space exploration.

But Mr. President, it is the job of statesmen, of leaders of nations, of people everywhere to try and find peace. And Mr. President, from everything we know about space, I think we can safely say that we live in a peaceful corner of the universe. The only wars that will occur out there are going to be those we bring with us. Mr. President, I do not think we should bring them.

Space holds for us the promise that we can leave behind the boundaries

that separate nation from nation and people from people. That beautiful view of the blue planet, Earth, with which we have all become so familiar since the days of Apollo, does not include any political boundaries. We see ourselves as we really are—an extraordinary place bursting with life and culture in a cold universe. That picture has the power to transform the way we think about ourselves. And I think it has the power to change the way we think about war. Let us leave it behind, Mr. President. Let us not carry all our baggage with us.

It is possible that our space activity will even change the way we relate to each other on Earth. Twenty-three nations have already joined the Space Agency Forum on the International Space Year. Twenty-three nations have begun to cooperate when it comes to space activity. If we do it right, we can build on that cooperation. We already have international partners working together on space station freedom. And I think we can bet that the costs of a mission to the Moon and Mars are going to require some international partners as well.

But if we tell them that we want to bring the Marines with us, they would not want to go. And if we say we are having our military involved so we can keep watch on the Soviet Union or any other partner we might have some day, you can be sure the Soviets will have their military there too. Are we going to bring such confrontation with us, or will the cold confines of space be the workshop where we begin to learn how to trust each other and how to work together?

Mr. President, 500 years after Columbus we are not looking for new lands or people to conquer. Yes we are looking for materials and knowledge that may help us back home. And yes, we do care about our national prestige. But Mr. President, if we have learned anything in the past 500 years it should be that we do not like war. In fact it seems we hate it so much we have made sure that the next big one will be our last.

So let us let 1992 be a celebration of international cooperation. The International Space Year should be a departure point for a new era of human history. Together, we can use our resources to learn more about the Earth from looking down from space. Together, we can find out more about the universe. Together, we can explore new ways to get along with each other.

Mr. President, the United States will have a continuing presence in space exploration. I suspect that we will eventually find commerical reasons that we are going to propel us into orbit, and we all know that that is when space activity will really take off. We believe in our values of freedom, private property, and exploration of the frontier and we are going to carry those values with us. That's a good thing. But Mr. President, let us not lose this crucial opportunity, now when we are taking our first steps off the planet, to learn a few things about international cooperation. It might be one of the most important lessons we have learned since we found out the world was round.●

NAMIBIAN INDEPENDENCE

● Mr. DECONCINI. Mr. President, on March 21, 1990, we are going to welcome into the swelling fold of free nations a small but proud country. It is particularly appropriate that the day of Namibian independence will fall on the day designated by the United Nations to commemorate the struggle against apartheid. After years of being illegally administered by South Africa and being subjected to the abhorrent apartheid system, this country of a little more than 1 million people will finally be free and independent.

In making this transition from apartheid to a nonracial democracy, Namibia is showing the road to freedom for the entire region. We can only hope that Namibia's neighbors, from Angola in the north to South Africa to the south, will follow its lead.

Under a United States-mediated agreement, Namibia held its first free elections in which all of its citizens could participate in November of last year. These elections for the Constituent Assembly resulted in bringing together a diverse spectrum of Namibia's population which deliberated over a new Constitution. The resulting document demonstrates what can be expected when free people are allowed to make a free choice. They chose democracy.

On February 9, 1990, the Constituent Assembly unanimously adopted a truly democratic and enlightened Constitution. The Constitution provides for a bill of rights, a two-chamber legislature, and a requirement for parliamentary approval for key Presidential appointments. Making a clean break with its apartheid past, the Constitution enshrines freedom of speech and the press, and outlaws the odious system of preventive detention. Finally, unlike the traditional African practice, it also limits the President to serving two 5-year terms. If practice follows principle, Namibia—Africa's last colony—is well on the way to becoming one of Africa's few liberal democracies.

As with other nations that have recently experienced swift democratic transformations, the United States must recognize and encourage the historic trends in Namibia. We should not underestimate the impact that a free and prosperous Namibia can have on the democratic transition in South Africa and the divisive and bloody civil war in Angola. If this small nation can shake off the legacy of apartheid, if the diverse peoples of this nation can work together in harmony, if the discrimination and oppression of the past can be ended without recrimination, it will serve as a shining example to all the people of Southern Africa.

We should not, however, understate the challenges this new nation will face. Years of neglect under apartheid have left the majority population with a backlog of unmet social needs ranging from education, to health care, to employment. South Africa's withdrawal will undoubtedly lead to a reduction in the large amounts of assistance South Africa has traditionally provided.

Fortunately, the international community seems ready to respond generously. In recent months, West Germany committed about $16 million in assistance to Namibia, the European Community $35 million, and Sweden $16 million. Thus far we have offered only token assistance, but I hope that Congress and the administration can consider doing much more in the coming year.

The United States has been the beacon of hope for emerging democracies in Eastern Europe, in Latin America, and now in Africa. The United States must be committed and creative as we encourage Namibia to foster its fledgling democracy. We must ensure that the people of Namibia, and the other people of the region, know that we stand dedicated to their freedoms.●

INDEPENDENCE IN NAMIBIA

● Mr. GRAHAM. Mr. President, on February 9 the Constitution for an independent Namibia was adopted by its newly elected Constituent Assembly. On March 21 Namibia will become independent and will have perhaps the most democratic Constitution of any new democracy in this incredible era of new democratic change throughout the world.

While this event may be taken for granted or even overlooked by a world which has been swept by startling political changes from Eastern Europe to Panama to South Africa to the Soviet Union, the independence of Namibia is a success story for people of good will which cannot be slighted by this Congress or the American people. For decades Namibia was racked by a guerrilla war led by Sam Nujoma and the Southwest Africa People's Organization [SWAPO] against South African administration of the area called Southwest Africa.

As recently as 2 years ago, one would be hard pressed to find any prognosticator of a peaceful solution to this war. But South Africa agreed to grant full independence to the territory in exchange for full Cuban troop with-

drawal from Angola. The United Nations monitored, administered, and declared a free and fair election under U.N. Resolution 435 in which well over 90 percent of the people voted. The people gave SWAPO a 57-percent majority but elected a Constituent Assembly with diverse opposition parties which adopted a Constitution establishing separation of powers, checks and balances, a bill of rights, freedom of the press, and other measures to give Namibia a bright start to its future. Sam Nujoma of SWAPO has been unanimously elected by the Constituent Assembly as Namibia's first President.

In fact, the story of the process of independence in Namibia should be crucially important in the context of the future of South Africa and other countries which are evolving into democratic ideals.●

POLAND'S BORDERS ARE INVIOLABLE

● Mr. DECONCINI. Mr. President, I have been following the debate over the Polish-German border, and I would like to make a few observations. It seems to me that the two Germanys have a right to their own self-determination, a right that is clearly recognized in the Helsinki Final Act. The position of the United States has always been to support that right and the ideal of a unified democratic Germany. That was an ideal denied to us by the cold war and the Soviet dominance over the eastern part of Germany. We should welcome, therefore, the changed circumstances which make it seem possible, 45 years after the end of World War II, to realize this German right of self-determination.

Essentially, I believe this right to self-determination is a German question for the Germans to decide. That is, as long as and only so long as German reunification is effectuated within the existing German borders. The events of this week have demonstrated that Germans recognize this fact. Further, it is an encouraging sign of the times that, for the moment at least, the Poles and the Germans are sorting the situation out between themselves. However, even the slightest hint that any of the German borders might change would immediately bring this question of German reunification into the realm of interest of all 35 Helsinki signatory countries, especially those, like Poland, who have a legitimate and special concern regarding Germany.

Put another way, all the CSCE states have an interest in ensuring compliance with provisions of the Helsinki Final Act which provide that the borders of Europe are inviolable, and may only be changed through peaceful means. As long as both Germanys give appropriate and adequate assurances which meet the concerns of countries like Poland and Czechoslovakia or any of the other Helsinki states that reunification will take place within existing borders, this remains an issue for the two Germanys to decide. In the absence of such assurances, this matter should be raised and resolved within the Helsinki process.●

NATIONAL FOREIGN LANGUAGE WEEK

● Mr. DODD. Mr. President, March 4 through 10 of this year is National Foreign Language Week, sponsored each year by Alpha Mu Gamma, the National Foreign Language Honor Society, to raise awareness of the importance of foreign language study in the United States. This year's theme, "Opening New Avenues of Communication," is particularly appropriate in light of the sweeping changes taking place in Eastern Europe, Asia, Latin America, and Africa.

As we enter this last decade of the 20th century, it is vital that we focus on the issues of education, information, and communications if we are to address the problems of the environment, resources, security, and economic competitiveness that must be resolved soon if we are to have a livable world in the 21st century. A key element in addressing these concerns is a knowledge of other languages and cultures.

I would like to call to the attention of my colleagues some of the accomplishments which have taken place in the area of foreign languages in the 10 years since the President's Commission on Foreign Languages and International Studies called the Nation's lack for international skills "nothing short of scandalous"—accomplishments which begin to meet the challenges created by the sweeping changes and global dilemmas facing us now.

Ten years ago, foreign language enrollments were dangerously low, with only 10 to 20 percent of high school students taking a foreign language and with seven States reporting fewer than 10 percent of their students enrolled in foreign languages. Those that did study languages were only given the option of studying three or four different languages. Students of such critical languages as Chinese, Japanese, or Arabic could not be found at the precollegiate level. High school graduation requirements were unheard of, a few public universities had entrance requirements, and elementary foreign language study was virtually nonexistent.

I am happy to report that things have improved dramatically. Not one State has fewer than 10 percent of its students taking a foreign language. My own State of Connecticut is a leader in this regard, with almost half of its high school students studying a foreign language without being required to do so.

Language offerings have increased as well. Twenty-one States are offering Japanese, 17 offer Chinese and 5 offer Arabic at the pre-collegiate level. We are also seeing a greater emphasis placed on the learning of geography and world history than we have in many years.

The news is good. But there are many problems still to be overcome. There are not enough qualified teachers to meet the growing demands for foreign language instruction, particularly the less-commonly taught languages. Nor is proper training available for those teachers needed at the elementary school level. Rural and inner city school districts have a particularly difficult time finding teachers and maintaining diverse programs. A large portion of our Nation's students are being denied access to language instruction by virtue of where they live.

I have introduced legislation which addresses these concerns, and I would hope that my colleagues would consider supporting this effort. S. 1690, the Foreign Language Competence for the Future Act, provides summer institutes for language teachers to maintain and improve their language skills. It offers incentive grants to encourage college students to become foreign language teachers. It provides funds for distance learning programs to bring language instruction to hard-to-serve areas of the country. It establishes language and area studies consortia to promote collaborative efforts among schools and universities and, finally, it establishes foreign language institutes to assist small- and medium-size businesses seeking to enter export markets.

The legislation I have introduced could have a profound effect on the future of foreign language instruction. As we learned at a hearing on the bill last October, small amounts of Federal money can do large amounts of good. One of my constituents, Christine Brown, from the Glastonbury public schools, noted the seed money from the old National Defense Education Act in the 1950's was used to establish a Russian program there which is still going strong almost 40 years later. It regularly produces Russian speakers of exceptionally high quality and has resulted in a student exchange program with the Soviet Union. There can be no doubt that a small investment today can reap much larger rewards in the future.

We are making progress, true, but if we are to understand and confer with the new governments of Eastern Europe and Central America, if we are to comprehend events in China and

the economic challenge from Japan, if we are to maintain open communications with our neighbors in South America in the war on drugs, we must make a concerted effort at the national level to ensure that the students of today are equipped with the necessary skills to make continued progress tomorrow.

I commend Alpha Mu Gamma, the foreign language profession, and hard-working teachers across the Nation for their successful efforts to produce increased enrollments and a new enthusiasm in the study of foreign language. I urge my colleagues to join them in celebrating National Foreign Language Week and in "opening new avenues of communication."●

SOVIET VISA DENIALS

● Mr. DECONCINI. Mr. President, on March 1, the United States Commission on Security and Cooperation in Europe, which I chair, received word from Yevgeni Primakov, chairman of the Council of the Union of the U.S.S.R. Supreme Soviet, that Congressmen would not be permitted to travel to the Soviet Union during the current elections. According to Mr. Primakov, the Soviets were concerned about what appeared to them to be an a priori assumption on the part of the United States Congressmen that a violation of democracy would occur. We are not only disappointed and frustrated by the Soviet decision, but also puzzled by Mr. Primakov's concerns.

Two groups of Helsinki Commissioners and other Members of Congress were to travel to Ukraine for the March 4 elections and to Latvia and Estonia for the March 18 elections. I might add that four Canadian members of Parliament were also denied permission to travel to Ukraine and to Latvia for the elections. Earlier, a congressional delegation led by Representative DURBIN was allowed to go to Lithuania, but only the day after their February 24 elections.

The final Soviet visa denials came after about a week of mixed signals from Soviet authorities, during which time they indicated visas would have been issued only if we had received invitations from certain official bodies.

Cochairman HOYER and I have enjoyed an excellent relationship with the Supreme Soviet through our fruitful and productive parliamentary exchanges in November 1988, when we visited the Soviet Union, and in November 1989, when a Soviet delegation visited the United States. And yet as Chairman of the Helsinki Commission I have been denied entry into the Soviet Union. I regard my refusal and the refusal of my fellow Commissioners and colleagues in the House and Senate as a serious breach of the comity and cooperation developed over the last few years between the Congress and Supreme Soviet. These denials are incongruent with the opening up of Soviet society and the democratization process.

Mr. President, there is no reason why official arrangements should need to be made between the U.S. Congress and the Supreme Soviet to visit each other's elections. Soviet legislators do not need official invitations, or any invitations for that matter, to observe elections in the United States.

In the Soviet case, not only are invitations required, but even invitations to observe the elections in Ukraine from members of the national legislative body, the Congress of People's Deputies, were not deemed to be official or sufficient.

Our purpose in going to these elections, which we believe will inaugurate an era of more representative government in the Soviet Union, was to be able to observe the elections and report to our colleagues and constitutents about the democratic progress that has been made. Our goal was to familiarize ourselves with the issues and the key political actors in Ukraine, Lativa, and Estonia. We had also hoped to develop personal relationships with future legislators.

It was most assuredly not our purpose to attempt to influence the outcome of these elections nor to disrupt them in any way. Neither did we make any a priori assumptions there would be any violations in the election process.

I am also distressed to learn that several United States citizens have recently been denied permission to enter the Soviet Union. Estonian-Americans, who had received visas from Soviet authorities, were informed on a stopover in Stockholm that they would not be permitted to enter Estonia to attend a congress there. Two Ukrainian-Americans one of whom is a journalist, had been invited to visit during the time of the Ukrainian elections. They were also denied entry.

Mr. President, the Commission is currently engaged in a project to visit all East European countries as well as the Soviet Union and Baltic States in order to observe the elections there. Reports are being prepared upon return and, in fact, two reports—on the Lithuanian and Moldavian elections—have just been released. These reports, which were drafted by staff who were able to visit Lithuania and Moldavia, have been sent to Helsinki Commissioners and are available to Members upon request. While elections in Eastern Europe have not yet been held, the Commission anticipates no difficulty in being able to observe elections there.

I call upon the Soviet Government to reevaluate its decision to prevent legislators and private individuals from observing elections, especially in light of the improved relations between our two countries. In keeping with Secretary Baker's call for CSCE monitoring of such elections, I expect that the Soviet Government will allow United States and other legislators to witness future elections. I hope that our legislators would be welcome during elections in the Soviet Union, just as legislators from the Soviet Union and Baltic States are welcome here.●

TIBETAN NATIONAL DAY

● Mr. PELL. Mr. President, there is a popular misconception that dates human rights abuses in China from the June 4 massacre of Chinese students and the imposition of martial law in Beijing. But Tibetans have been subjected to the merciless oppression of China's occupation policies ever since their March 10, 1959, popular uprising failed to eject the Chinese from their country. This policy has obliterated their nation and threatens their survival as a people.

Congress has spoken out. We have carefully linked China sanctions legislation, and other protests against China's human rights policy, to the situation in Tibet. We have, in the vernacular of foreign policymakers, played a Tibet card by making the normalization of relations with China hinge upon improvements in Tibet. I respectfully suggest that we in Congress continue to use the spotlight created by Tiananmen Square to draw attention to the situation in Tibet. We should seek equal measures of improvement in China and Tibet, and equal expressions of concern from the administration.

For his personal philosophy of nonviolence and universal responsibility, the Dalia Lama was awarded the 1989 Nobel Peace Prize. By so doing, the Nobel Committee also recognized the merit of the Dalai Lama's five-point peace plan as a reasonable and realistic framework for negotiations between the People's Republic of China and Tibet. It calls for: First, transformation of Tibet into a zone of peace, second, abandonment of China's population transfer policy, third, respect for the Tibetan people's fundamental human rights and democratic freedoms, fourth, restoration and protection of Tibet's natural environment, and fifth, commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

Of equal importance, in recognizing the Dalai Lama's work, the Nobel Committee put forward the Tibetan struggle against Chinese oppression as an issue of stature equal to any of those of our time.

In light of the views of Congress and the Nobel Peace Prize Committee, the administration well may be persuaded

to reexamine its policy toward China and Tibet. Further, I would hope that the President, as leader of a nation built on individual freedoms and respect for human rights, will express the congratulations of the United States to the Dalai Lama on his receipt of this prestigious award.

On March 10, 1959, the People's Liberation Army, after a protracted push westward from China, broke through the ranks of the Tibetan militia and took the city of Lhasa. The Dalai Lama fled to safety in India where he still resides 31 years later, along with thousands of his countrymen. Tibetans refer to this day as "Tibetan National Day," for it commemorates the final hours of their independent nation, and their last attempt to stave off Chinese occupation.

Today in Dharamsala, India, exiled Tibetans assemble freely to commemorate, by prayerful contemplation and political dialog, the status and future of their homeland. In Lhasa, some Tibetans may dare to give voice to their dreams of a free Tibet. Perhaps a few will gather in the Barkor, the town square, raising their fists in the air in defiance of Chinese rule. At the Jokhang Temple, many will pray for the health of their exiled leader.

It is my hope that peaceful protest will be met with tolerance and restraint by Chinese authorities and not with the unbridled use of force of years past. What has always been a bittersweet anniversary for the Tibetans is today joined with the anticipation of further bloodshed. Tragically, popular dissent in Tibet is quieted with the resounding finality of gunfire.

I quote from an eyewitness report from Lhasa describing the scene in and around the town plaza December 9, 1989—the day before the Dalai Lama was to be awarded the Nobel Peace Prize in Oslo—and, ironically, the same time of Mr. Scowcroft's mission to Beijing:

> In Lhasa there are four tanks and a very large number of cannons mounted on jeep chassis. All the roofs of the Barkor are covered by soldiers armed with automatic weapons. All arms are pointed at the Jokhang Temple.
>
> No outsider can enter the Barkor and even residents cannot circulate freely. Stores are obliged by order to remain open, but there are obviously no customers. Soldiers have shoot-on-sight orders for anyone with 'undersirable facial expression.' Sunday December 10 is declared a working day in order to keep students in school and workers in offices. The Sera and Drepung monks are locked in their monasteries.

In this age of instant information exchange the world seems deceptively small and accessible. In reality, the Tibetan people are hidden from us, not by the hugeness of the Himalayas but by the impenetrable walls of martial law, now in place for more than a year.

The Congress has been vigilant and consistent in its condemnation of repressive Chinese policies and unwavering in its support for human rights in Tibet. It is our best weapon against injustice in Tibet to be persistent in this cause, to raise our voices for those who dare not speak and cannot be heard. It is an integral part of this Nation's political philosophy, and foreign policy, that the desire for freedom and the courage and determination to achieve it be upheld and supported.

Last year's outbreak of democracy and the vast failure of communism throughout Eastern Europe has apparently brought the cold war era to an end. In his nobel lecture, the Dalai Lama said,

> What these positive changes indicate is that reason, courage, determination, and the inextinguishable desire for freedom can ultimately win. In the struggle between forces of war, violence and oppression on the one hand, and peace, reason and freedom on the other, the latter are gaining the upper hand. This realization fills the Tibetans with hope that some day they too will once again be free.●

WILLIAM J. BRENNAN—A JUSTICE FOR ALL SEASONS

Mr. KENNEDY. Mr. President, few members of the Supreme Court in this century have had a more profound—and beneficial—impact on the development of law and justice in America than Associate Justice William J. Brennan, Jr.

From his roots in Newark, NJ, the son of hard-working Irish immigrants, Justice Brennan distinguished himself, first in private practice, and then as a judge on New Jersey's courts. But it was not until he was nominated to the Supreme Court by President Eisenhower in 1956 that Justice Brennan's claim to judicial greatness became apparent.

In landmark opinions during his 34-year tenure on the Court, Justice Brennan has brought America closer to the Constitution's true promise of equal justice under law. He has shaped our understanding of many of the Constitution's most important guarantees—on freedom of speech and religion; on voting rights; on the great principles of due process of law and equal protection of the law. He has truly been a justice for all seasons, and America is a better and fairer land in 1990, because of his distinguished service on America's highest court.

An article by Nat Hentoff in the current issue of the New Yorker magazine provides an excellent analysis of Justice Brennan's career and his many contributions to our law and land. I commend it to my colleagues, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONSTITUTIONALIST

In 1984, The National Review paid gloomy tribute to Supreme Court Justice William Brennan. "No individual in this country, on or off the Court, has had a more profound and sustained impact upon public policy in the United States for the past 27 years," it said. From the perspective of The National Review, the influence, made all the stronger by what it described as "his engaging personality," had been unfailingly pernicious: "A Catholic, he has played an instrumental role in the unfettered availability of abortion across the country; . . . appointed to the Court by a Republican because of his ostensibly conservative views and because of his experience as a state court judge, it is he who mandated the reapportionment of every state legislative system in the country; . . . the son of hard-working Irish immigrant parents, he nevertheless has made significant strides in elevating the welfare state to constitutional status."

This was hardly the first indictment of Justice Brennan as a powerful judicial activist. Years before, Brennan had even been disowned by the President who appointed him. Fred Friendly, the former head of CBS News, asked Dwight Eisenhower in 1961 if he had made any substantial mistakes during his Presidency. "Yes, two," Eisenhower said. "And they are both sitting on the Supreme Court." The Justices he had in mind were Earl Warren and William Brennan. Neither had turned out to be as restrained in his approach to the Constitution as Eisenhower had expected.

Brennan has not lacked celebrators. They agree with his critics that his influence on millions of Americans who know nothing about him has been wide-ranging and profound. In a 1987 article in The National Law Journal, Norman Dorsen, the president of the American Civil Liberties Union, observed, "We would be living under a very different Constitution if Justice Brennan were not on the Supreme Court." Brennan's many landmark opinions, Dorsen wrote, have greatly strengthened freedom of expression and the rights of criminal defendants, and have expanded and deepened the principle of the Fourteenth Amendment's "equal protection of the laws," especially for racial minorities and for women. Brennan has often been on the dissenting side—increasingly so in the Rehnquist Court—but on certain fundamental questions of individual liberty he has so profoundly redefined the framework in which the issues are discussed that he may well be the most influential member of the Court in this century. Burt Neuborne, a law professor at New York University, believes him to be the most influential Justice of the Supreme Court since John Marshall, "Brennan knew how to blend his political instincts with a pervasive legal theory that transcended his personal views," Neuborne says. "And he recognized the complexity of that task. That's why he has been so much more influential than, for example, Hugo Black or William O. Douglas. While Douglas was alive, he was so vibrant a figure that his vividness tended to overshadow the staying power of his work. But when he retired he left behind no legacy that transcended his death. By contrast, Brennan's influence is so great because he worked out a theory of the Constitution that will endure beyond the work of Douglas, Black, and many other Justices."

Brennan sees the fundamental purpose of the Constitution to be—as he told Bill Moyers in a 1987 public-television inter-

view—"the protection of the dignity of the human being and the recognition that every individual has fundamental rights which government cannot deny him." It is because of this view of the Constitution that Brennan always enters a dissent against the imposition of the death penalty. He believes that it treats "members of the human race as nonhumans"—that "even the vilest criminal remains a human being possessed of common human dignity."

Brennan also believes in "the age-old dream," as he puts it, that eventually no one anywhere will be denied his or her inherent dignity and rights. "The dream, though always old, is never old, like the Poor Old Woman in Yeats' play 'Cathleen Ni Hoolihan,'" Brennan told me in his chambers at the Court one afternoon. "'Did you see an old woman going down the path?' asks Bridget. 'I did not,' replies Patrick, who came into the house just after the old woman left it, 'but I saw a young girl and she had the walk of a queen.'" He smiled. "That passage has always meant a great deal to me. I've used it often over the last thirty years."

William Joseph Brennan, Jr., was born in Newark, New Jersey, in 1906. His father, William Joseph Brennan, had come to New Jersey from County Roscommon, Ireland, in 1893. His mother, Agnes McDermott, was also an immigrant from Roscommon; she met her husband soon after moving, at age seventeen, to New Jersey to live with an aunt who ran a boarding house. "My father settled in Trenton, where he stoked the boiler in a factory, but he later found work as a coal heaver in the Ballantine Brewery in Newark," Justice Brennan told me. "In those days, they had those monster furnaces that were served by hand and shovel. In short order, my father became quite dissatisfied with the way things were going at Ballantine's. But before he could do anything about it he had to find a place to live, and he came upon the boarding house where Agnes McDermott was staying. They met, and they married. Back at work, my father felt that Ballantine's was treating the coal heavers and the other employees unfairly. Remember, those were the days before we had the Wagner Act or the Taft-Hartley Act, or any of the other laws that protected workingmen in their efforts to organize. My father got into a great deal of trouble, but he went on to become quite prominent in what there was of a labor movement in Newark."

By 1916, the elder Brennan had become a member of the Essex County Trades and Labor Council. "There was a transit workers' strike—trolleycar conductors and motormen," his son said. "They were up against a company owned by a family that you might say had a monopoly on the whole state. It was like a company state. One brother headed the biggest bank, another was in charge of the gas and electric companies, and the third had been attorney general. When the transit workers struck, the Newark police were on the side of the employers. My father came up with the idea 'My God, the only way we're going to be able to do anything about this is for labor to take over the city government.' He sponsored a movement that resulted in the abolition of the mayor-and-aldermen from the city government and replaced it with five commissioners, each of whom was assigned to supervise a department. In the 1917 election, my father ran as a labor candidate, with the prospect that if he won he'd be named the Director of Public Safety. That way, he'd have control of the Police and Fire Departments, so there'd be no more strikebreaking." Justice Brennan was clearly savoring the story. He smiled, and went on, "My father finished third out of eighty-six candidates, and was named Director of Public Safety. He headed not only the Police and Fire Departments but also the health-and-safety Licensing Department." The senior Brennan was reelected in 1921, 1925, and 1929. The last two times he ran, he finished first.

"There were eight of us." Brennan told me. "Four boys and four girls. One of the boys later became general counsel of Ballantine's. Raising a family that size on the kind of salary public officials got in those days was not easy. And my father was an honest man until the day he died. If there had ever been an honest official in the city of Newark, it was he. What got me interested in people's right and liberties was the kind of family and the kind of neighborhood I was brought up in. I saw all kinds of suffering—people had to struggle. I saw the suffering of my mother, even though we were never without. We always had something to eat, we always had something to wear. But others in the neighborhood had a harder time."

Brennan went to parochial grammar school and to public high school. He was a good student, and was also industrious outside school. Danial Crystal, a New Jersey attorney and a chronicler of Brennan's life, says that the Young Brennan made change for passengers waiting for trolley cars, delivered milk in a horse-drawn wagon, and worked in a filling station. After high school, Brennan attended the Wharton School of the University of Pennsylvania. He graduated cum laude in 1928 with a degree in economics, and the same year he married Marjorie Leonard, of East Orange. He entered Harvard Law School in the fall. Since the newlyweds required an income, young Mrs. Brennan stayed in New Jersey, working as a proofreader and secretary on a newspaper. In 1930, Brennan's father died, leaving little money to his children. Brennan successfully applied for a scholarship in order to finish law school, and waited on tables in a fraternity house. He received his LL.B. in 1931, graduating in the top ten percent of his class. One of his professors at Harvard Law School was Felix Frankfurter, who frequently urged his students, "Think for yourself." Later, when both were serving on the Supreme Court, they often differed, and Brennan remembers, with a chuckle, that Frankfurter would sometimes say, "I always wanted my students to think for themselves, but Brennan goes too far."

While Brennan was at Harvard, he was at odds with his father over a recent court case, Public Welfare Pictures v. Brennan. The Brennan was William Brennan Sr., Public Safety Director of Newark, and at issue was an educational film called "The Naked Truth." "It was one of those films intended to teach children about sex, and a movie outfit called Public Welfare wanted to show it," Justice Brennan told me. "'No sir,' my father said. 'Not that filthy thing!' He threatened to revoke the the theater's license if the film was shown. Public Welfare went into the court of chancery and got an injunction against my father. He was compelled to let that film open. And that became a case that we studied in class." On a visit home, young Brennan told his father that he believed that the court had ruled properly. "My father roared, 'WHAAAAAAAAT!'" Brennan told me, laughing. "I was never able to convince him that it was a good opinion. He was just as independent as a hog on ice. He had similar clashes with producers of plays and burlesque shows. He lost more of them than he won. He was an old-fashioned Irish Catholic who took a very dim view of the propriety of anything that touched on the sexual."

At Harvard, Brennan was president of the student legal-aid society, and his work there foreshadowed one of his chief concerns on the Supreme Court: making due process of law attend every defendant, including those defendants with the least resources. But after graduating from law school Brennan did not go into legal-aid work. Instead, he joined the large and distinguished Newark law firm of Pitney, Hardin & Skinner, sometimes known as "Pluck 'em, Hook 'em & Skin 'em," where he became an expert in labor law—that is, the management side of labor law.

One of his opponents in court was Morton Stavis, a labor lawyer and later a founder of the Center for Constitutional Rights. In the Passaic County Bar Association's journal, Stavis has recalled two of his encounters with Brennan when he himself represented the employees' union of the Phelps Dodge Corporation, of Elizabeth, New Jersey, and Brennan represented its management: "He was a vigorous, overwhelmingly able, and above all gracious opponent. I was inexperienced in litigation at the time and was guilty of a number of procedural oversights. Not only did he not take advantage of them but he went out of his way to help me correct the record so that the cases would be fairly tied on the merits. Result: he won one case, I won the other."

In 1942, Brennan took a leave from Pitney, Hardin & Skinner to join the Army, and was given the rank of major in its Ordnance Department. He was borrowed by the Army Air Forces to settle some severe labor problems in the aircraft industry on the West Coast, and after a year of negotiating he brought peace to the dispute. He went on to become a manpower troubleshooter in other areas of conflict, and by the time he left the service, in 1945, he had been promoted to colonel and had been awarded the Legion of Merit. He had shown such proficiency at managing men and affairs that one of his wartime colleagues later said, "I would have expected that he would have become the president of one of our great corporations."

Instead, Brennan went back to his law firm and resumed his practice. The firm was renamed Pitney, Hardin, Ward & Brennan, but in 1949 Brennan resigned to accept an appointment from Governor Alfred Driscoll to the Superior Court of New Jersey. The appointment meant a considerable cut in income, and the reason Brennan decided to take it was that his large and growing law practice seemed to be affecting his health and didn't leave him enough time for his family. He soon became an assignment judge in charge of the administration of justice in a number of courts, and after less than two years he was promoted to the Appellate Division of the Superior Court. There he became involved in devising ways to relieve the congestion in the New Jersey courts. His proposals impressed the Chief Justice of the state's Supreme Court, Arthur Vandenbilt, and in 1952, at Justice Vanderbilt's suggestion, Governor Driscoll appointed Brennan to that court. Brennan intensified his efforts to get cases to trial faster, working out a pretrial-conference system that shortened trials or, in many

cases, made trials unnecessary by facilitating settlements. "Delayed justice is bad justice," he once told *Life* magazine, "for time has a way of blurring memories and killing witnesses."

While Brennan was on the New Jersey bench, he became known in legal circles for a particularly forceful dissent in State of New Jersey v. John Henry Tune. The defendant had been charged with murder, and the prosecution had a statement by him—made without a lawyer present—in which he confessed to the killing. Tune told his court-appointed lawyers that the statement had been extracted through force and through threats of violence to members of his family. His lawyers asked to see a copy of the confession before trial, but a majority of the New Jersey Supreme Court denied the request, on the ground that Tune might use the "opportunity to procure false testimony and commit perjury." Brennan's dissent emphasized the constitutional rights of defendants: "We must remember that society's interest is equally that the innocent shall not suffer, and not alone that the guilty shall not escape. . . . It shocks my sense of justice that . . . counsel for an accused facing a possible death sentence should be denied inspection of his confession which, were this a civil case, could not be denied."

Brennan might well have remained on the New Jersey Supreme Court for the rest of his career if Arthur Vanderbilt hadn't got sick shortly before he was to be the keynote speaker at a conference in Washington, D.C., on court congestion. "It was in May, 1956," Brennan recalls, "and the Attorney General of the United States, Herbert Brownell, had convened a large assembly of judges, scholars, and others interested in improving the administration of justice through better court procedures everywhere in the country. For some years, the No. 1 figure in that movement had been Arthur Vanderbilt. He became ill two days before the meeting, and I was pushed in to substitute for him. Having had so little time to prepare a speech, I spoke mostly off the cuff, for close to an hour."

Brownell was impressed by Brennan's performance, and four months later, when Supreme Court Justice Sherman Minton announced that he would retire in October, Brownell recommended Brennan as his successor, and President Eisenhower agreed. At the time, Brennan's qualifications were generally considered to include not only his ability but also the likelihood that in the forthcoming election the President might pick up some votes by nominating a Democrat who was also a Roman Catholic; furthermore, the bright, well-respected Catholic from New Jersey might take some of the play away from the rising Senator John F. Kennedy. When I asked Brennan about this, he laughed, and said, "Well, I must say that didn't dawn on me. I read all about it days afterward. John Kennedy had almost taken the Vice-President nomination from Senator Kefauver. And Arthur Kock, of the New York *Times*—he was such a big wheel then—was conjecturing that even though the prospect of Adlai Stevenson's defeating the President was not that likely, Herbert Brownell, smart politician that he was, was not going to take any chances, and wanted to fend off Stevenson by putting a Northeast Irishman on the Court. Well, I did read a lot about it, but nobody ever said a word to me about it."

One of the opponents of Brennan's nomination was Senator Joseph McCarthy. "He knew about me," Brennan said, chuckling. "In 1954, when I was on the New Jersey Supreme Court, I was asked to address the Charitable Irish Society of Boston on St. Patrick's Day, and I spoke of certain things going on that were reminiscent of the Salem witch-hunts." In 1955, Brennan spoke before the Monmouth Rotary Club, in New Jersey, on the subject of the Fifth Amendment, and said, "Frankness with ourselves must compel the acknowledgment that our resentment toward those who invoked its protection led us into a toleration of some of the very abuses which brought the privilege into being so many centuries ago. The abuses took on a modern dress, it is true—not the rack and the screw but the distorted version of the happenings at secret hearings released to the press, the shouted epithet at the hapless and helpless witness. . . . That path brings us perilously close to destroying liberty in liberty's name."

"Hell, when I made those speeches I had no idea I would ever get to sit on the Supreme Court," Brennan told me. "And those weren't the only times I paid my respects to Senator McCarthy. I made speeches calling him all sorts of names before other groups around Monmouth County. So when Eisenhower announced he was going to appoint me, McCarthy issued a statement saying that I was supremely unfit for the Supreme Court. And, though he wasn't on the Judiciary Committee, he asked to sit with that committee, so that he could interogate me. I had a recess appointment, so they didn't get around to my hearings until I'd been on the Court for some four months. At first, there was resistance to McCarthy's sitting in on the committee. He was in decline. He had already been censured, and he died not long after my hearings. I thought that those who were against his sitting with the committee were wrong. There's absolutely nothing in the Constitution which limits the advice-and-consent function of the Senate. Nothing. And, because each senator has to cast his own vote on the matter, he should be able to interrogate the nominee if he wants to. And any senator, furthermore, is entitled to ask any damn question he wants—about ideology or whatever the hell it may be."

I asked Justice Brennan what kinds of questions Senator McCarthy had asked.

"Oh, just the craziest things." Brennan's voice took on McCarthy's heavy cadences, including the ominous pauses: " 'Do you mean to tell me you don't think the most important thing we can possibly do is rout out Communists, wherever they are?' "

During the hearings, McCarthy announced gravely to the committee that he had brought a document concerning the nominee. It turned out to be Brennan's St. Patrick's Day speech in Boston. "Do you approve of congressional investigations and exposures of Communism?" the Senator asked Brennan. "Show me one little word in any speech in which you ever approved of congressional investigations."

Brennan replied that he thought such investigations were a "vital function" of the Congress, but that since he was already on the Supreme Court his oath of office forbade him to make any comment on matters that might come before him. "I gather that those who heard the exchanges between us all that day did not think it was one of Senator McCarthy's finest hours," Brennan remarked to me.

Having been evaluated by the American Bar Association as "eminently qualified" at the time he was appointed to the Court, Brennan now received the approval of the Senate Judiciary Committee. On March 19, 1957, the United States Senate confirmed his nomination. The sole negative vote was cast by Joseph McCarthy. The new Justice told one reporter that he considered himself "the mule entered in the Kentucky Derby," and added, "I don't expect to distinguish myself, but I do expect to benefit from the association."

In a 1987 interview on National Public Radio, Brennan recalled his introduction to the other members of the Court this way: "Chief Justice Warren invited me to his chambers, and from there we went up to the third floor of the Supreme Court Building. In a small room, my seven new colleagues were sitting around a table having sandwiches. The room was dark, and he put on the light, and there they all were, watching the opening game of the 1956 World Series. I was introduced by the Chief to each of them, and someone said, 'Put out the light.' They put out the light, and they went on watching the game."

In a 1986 article on Brennan in the American Bar Association Journal, Joel Gora, a professor at Brooklyn Law School, noted that in 1956, when Brennan came on the Court, it "had no clear direction or identity," and he went on:

"The school desegregation decisions had not yet been implemented, and concepts like affirmative action had not even been articulated. First Amendment doctrine was mostly a function of ad hoc decisionmaking as the Court grappled with the issues posed by Communist Party advocacy and association. The rights of the accused, too, were determined by case-by-case adjudication, and the major reforms that would protect defendants against the excesses of local law enforcement were years away.

"Notions of using the Constitution to protect private choice on intimate matters such as contraception, abortion and sexual privacy or preference would have seemed visionary. Problems raised by grossly malapportioned state legislatures were viewed as political questions not subject to constitutional measure. Indeed, constitutional restraints seemed largely irrelevant to the conduct of government at the state and local levels.

"Through a blend of pragmatism and principle, with an ebullient, gregarious and easy personal manner, Judge Brennan helped change all that."

In the beginning, however, Brennan found it hard to feel comfortable on the Court. In a 1973 article in the University of Chicago Law Review, he wrote, "I expect that only a Justice of the Court can know how inseparably intertwined are all the Court's functions, and how arduous and long is the process of developing the sensitivity to constitutional adjudication that marks the role. One enters a new and wholly unfamiliar world when he enters the Supreme Court of the United States, and this is as true of a Justice who comes from a federal court of appeals as it is of a Justice, like me, who came from a state supreme court. I say categorically that no prior experience, including prior judicial experience, prepares one for the work of the Supreme Court."

When I read that statement to Justice Brennan recently, he laughed. "Did I say that? It's right, you know, every damn word of it. What I was talking about reflects, I expect, more of my own background as a state judge. Nonetheless, what I said is the sort of thing Felix Frankfurter also used to say. For example, when I was on the Jersey courts, the judges, at whatever level, had no occasion to keep abreast of the Supreme Court in that dimension of criminal law

that has to do with the Bill of Rights. Those rights and liberties were not made applicable to the states until I got here. For instance, the exclusionary rule—that illegally obtained evidence cannot be used in a court, because it violates the Fourth Amendment—was not extended to the states until 1961. But even today's state judges who come here have difficulty adjusting to the Court at first. Take my colleague Justice O'Connor. She was an Arizona state judge at the trial court and the intermediate appellate court. Many of the cases she dealt with did have to turn on the application of the Bill of Rights—as we had decided here—to state law. But I know that even she will tell you that you simply don't feel comfortable in this seat until you've been here for a while. One of the reasons is that it's a pretty awesome feeling, believe me, to appreciate that something you're doing, when it's decided, will have an enormous impact among two hundred-odd million people. And that feeling never leaves you. It just never leaves you." Brennan smiled. "It takes a while you can become even calm about approaching a job like this. Which is not to say you do not make mistakes. In my case, there has been the obscenity area."

He looked at the red-bound volumes of his opinions, and said, "For sixteen years, it fell to me to write most of the obscenity opinions here. They were usually assigned to me, I won't say why, but they were."

"Why were they assigned to you?"

Brennan chuckled. "Because nobody else wanted to have anything to do with them."

Measuring obscenity against the First Amendment has been a challenge to Brennan since the days when he came home and argued with his father about censorship. Yet Brennan was not entirely at odds with his father: he believed that some forms of expression were indeed beyond the protection of the First Amendment. That notion bcame Supreme Court doctrine in Roth v. United States, for which Brennan wrote the majority opinion during his first year on the Court. A companion case, Alberts v. California, was decided the same day. Brennan's opinion, covering both cases, established him as the Court's spokesman on a complex, emotional issue that was then—as it is now—intently followed by religious groups, civil libertarians, politicians, complaining constitutents, book publishers, writers, and movie producers.

Samuel Roth had been convicted of mailing obscene advertisements and circulars as well as an obscene book. David Alberts had been convicted of "keeping for sale" obscene and indecent books and publishing an obscene advertisements for them. In his decision Brennan emphasized that "sex and obscenity are not synonymus," and he tried to make as narrow as possible that area of speech which could be penalized. "The door barring federal and state intrusion into [freedoms of speech and the press] cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests," he wrote. His solution was to adopt what struck him as a fair and reasonable test. Expression would not be protected under the First Amendment if "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

Brennan believed he had set a reasonable course by which the Court could draw a line between obscenity and speech that the Constitution intended to be free, yet what Justice John Harlan later described as "the intractable obscenity problem" only got worse. Ten years after Roth, Harlan observed, "The subject of obscenity has produced a variety of views among the members of the Court unmatched in any other course of constitutional adjudication." By then, the Court had decided thirteen obscenity cases, and there had been fifty-five separate opinions.

In a 1966 case, "Memoirs" v. Massachusetts, Justices, Brennan, Warren, and Fortas had used as a test of obscenity that the material in question be "utterly without redeeming social value." Justices Douglas, Black, and Stewart had concurred. In 1973, in Miller v. California, the Burger majority discarded the "utterly without redeeming social value" criterion, and, in effect, largely removed the burden of proof from the prosecutor. It was up to the defense to convince a judge or a jury that the indicted material had "serious literary, artistic, political, or scientific value."

The Miller decision came down on the same day as Paris Adult Theatre I v. Slaton. In a long dissent in that case Brennan took fundamental issue with the Burger majority, and, in a rather rare confession by a Supreme Court Justice, admitted that his long effort to figure out the difference between protected speech and obscenity had been a failure:

"I am convinced that the approach initiated 16 years ago in *Roth* v. *United States* . . . and culminating in the Court's decision today, cannot bring stability to this area of the law without jeopardizing fundamental First Amendment values, and I have concluded that the time has come to make a significant departure from that approach. . . . The essence of our problem in the obscenity area is that we have been unable to provide "sensitive tools" to separate obscenity from other sexually oriented but constitutionally protected speech, so that efforts to suppress the former do not spill over into the suppression of the latter. . . . It comes as no surprise that judicial attempts to follow our lead conscientiously have often ended in hopeless confusion."

At that point, Brennan seemed to throw up his hands:

"I am reluctantly forced to the conclusion that none of the available formulas, including the one announced today, can reduce the vagueness to a tolerable level while at the same time striking an acceptable balance between the protections of the First and Fourteenth Amendments, on the one hand, and on the other the asserted state interest in regulating the dissemination of certain sexually oriented materials. Any effort to draw a constitutionally acceptable boundary on state power must resort to such indefinite concepts as "prurient interest," "patent offensiveness," "serious literary value," and the like. The meaning of these concepts necessarily varies with the experience, outlook, and even idiosyncrasies of the person defining them. . . . I would hold, therefore, that at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly "obscene" contents."

"I put sixteen years into that damn obscenity thing," Justice Brennan told me early one morning in his chambers. "I tried and I tried, and I waffled back and forth, and I finally gave up. If you can't define it, you can't prosecute people for it. And that's why, in the Paris Adult Theatre decision, I finally abandoned the whole effort. I reached the conclusion that every criminal-obscenity statute—and most obscenity laws are criminal—was necessarily unconstitutional, because it was impossible, from the statute, to define obscenity. Accordingly, anybody charged with violating the statute would not have known that his conduct was a violation of the law. He wouldn't know whether the material was obscene until the court told him."

Brennan has had greater success in broadening the definition of the First Amendment. One of his landmark decisions in that area was New York Times Co. v. Sullivan. In 1960, L.B. Sullivan, the police commissioner of Montgomery, Alabama, had sued the Times for publishing an advertisement signed by writers, actors, labor leaders, and black Southern preachers. The text of the ad accused Southern authorities of conducting a "wave of terror" against black students demonstrating for their civil rights, and also charged the police with trying to intimidate, Dr. Martin Luther King, Jr. Although Commissioner Sullivan's name was not mentioned in the ad, he claimed that he would be considered responsible for many of the actions listed there. A jury awarded him five hundred thousand dollars in damages.

Until New York Times Co. v. Sullivan, libel was left to the common law of each State, on the ground that it was a private matter. Reversing the verdict, Justice Brennan established—for the first time in United States history—that "the constitutional protections for speach and press limit a state's power to award damages in a libel action brought by a public official against critics of his official conduct." Brennan quoted the principal author of the First Amendment, James Madison: "The censorial power is in the people over the Government, and not in the Government over the people." And, in a passage that is widely quoted, Brennan stated, "We consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

Adding to the historic significance of the decision, Brennan addressed the Alien and Sedition Acts of 1798, which had criminally penalized speech defaming the government. In the hundred and sixty-six years since the passage of those statues, the Supreme Court had not explicitly declared them unconstitutional. Brenan finally did.

New York Times Co. v. Sullivan did not foreclose all libel suits brought by public officials, but, by insisting that such suits meet the "actual malice" test, the decision made them more difficult to win. Brennan wrote that a public official (and this was later broadened to include public figures in general) cannot recover "damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not."

Another important First Amendment decision was Brennan's 1967 opinion on the right of New York State to impose loyalty tests on tachers in public schools, including public colleges and universities. The case, Keyishian v. Board of Regents of New York, involved a teacher named Harry Keyishian, an instructor in English at the State Univer-

sity of New York at Buffalo, who had been threatened with the loss of his job, and indeed was not rehired the following year when he refused to comply with various "loyalty" provisions enforced by the New York State Board of Regents. Fifteen years before, the Supreme Court, by a six-to-three majority, had affirmed the constitutionality of the same set of loyalty tests in New York State. In his majority opinion Justice Minton, Brennan's predecessor, saw nothing injurious to the First Amendment in a statute that said that no one could be employed in the public-school system who spoke "any treasonable or seditious word or words." There was also a law requring the state's Board of Regents to compile a list of "subversive" organizations, membership in which would be "prima facie evidence of disqualification." The definition of "subversive" include the advocacy" of the overthrow of government by violent or any other unlawful means, and it also included the utterance of seditious words.

Brennan, in his opinion, wrote that the language in the anti-subversive statutes and regulations was unconstitutionally vague. Under the penal law involved, for instance, one commits the felony of advocating criminal anarchy if one "publicly displays any book . . . . containing or advocating, advising or teaching the doctrine that organized government should be overthrown by foce, violence or any unlawful means." Brennan asked, "Does the teacher who carries a copy of the Communist Manifesto on a public street thereby advocate criminal anarchy?"

The Civil Service law also penalized the teaching of subversive doctrines. Brennan asked, "Does the teacher who informs his class about the precepts of Marxism or the Declaration of Independence violate this prohibition? . . . And does the prohibition of the distribution of matter 'containing' the docrine [that government should be overthrown] bar histories of the evolution of Marxist doctrine or tracing the background of the French, American, or Russian Revolutions?" With all the vagueness of the interlocking statutory and regulatory langauge, Brennan said, "it would be a bold teacher who would not stay as far as possible from utterances or acts which might jeopardize his living by enmeshing him in this intricate machinery."

Brennan went on to focus on the particular reason for safeguarding First Amendment freedoms in this case: "Our Nations is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

Concerning the New York State law that membership in the Communist Party was prima-facie evidence that a teacher was not qualified to remain in the educational system, Brennan emphasized that "mere knowing membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from such positions as those held by appellants."

Twenty years later, Harry Keyishian was interviewed as part of the Bill Moyers series "In Search of the Constitution," on public television. Keyishian told Moyers that as an undergraduate at Queens College, in New York, he had seen a number of his professors fired for failing a loyalty test, and he said, "What struck me at the time, what I still carried as a kind of burden into the nineteen-sixties, was a sense of frustration and importance, to watch there very decent, these intellectually talented and dedicated teachers vanishing from the system . . . and not being able to do anyting about it."

The day the Supreme Court decision came down, Keyishian was awakened by a friend who worked at the Times, He told Keyishian the news. It was a five-to-four decision, however, and Keyisihian told Moyers he had worried that the next time the issue can before the Court the decision might not stand; after all through the so-called McCarthy era had ended, the vote has been very close. As the years passed, and Brennan's opinion remained the law of the land, Keyishian realized that Brennan's "decisions have apparently been so well drawn and so well crafted that they've held up in very hostile environments in that Court, and I hope they'll continue to do so."

I saw Justice Brennan at the Supreme Court soon after he watched Harry Keyishian on the Moyers television program, and he was excited at having seen the actual person behind the name on the Court papers. "It was fascinating," he told me. "It was the first time I had seen him. Of course, it's rare that I ever see the people in the cases we deal with. The things he said on the program, the fight he and the other teachers put up— I had no idea how much they had to lose personnally if the case had gone the other way. They would have lost everything they had ever done as teachers."

I asked Justice Brennan one afternoon whether the occasionally sharp exchanges in the published opinions of the Court were reflected in the Justice's personal encounters in the Court's conference room, the chambers, and the corridors.

"It's hard to believe this, but none of that carries over—in the slightest—to our personal relationships," Brennan said. "It's remarkable, it really is, but it's absolutely essential in a small body of nine people who have to work as closely as we do, and out of sight of the public or the press or anyone else. You simply can't afford to let your convictions affect your personal relationships. I'm not saying it has never happened, but I can say this: I have sat now with about a fifth of all the Supreme Court Justices there have been, and I have never had a cross word with one of them. Not with a single one of them. On the other hand, there's no question that Bill Douglas's relationship with Felix Frankfurter was very much affected by their conflicting views. They were more than distant." Justice Brennan smiled, and added, "They were almost snarling at one another. You'll recall that when Felix came to the Court everybody expected that he was going to be the great liberal champion. Of course, he turned out to be anything but. But Bill, who came on the Court just after Felix, started out as the great financial expert, the chairman of the Securities and Exchange Commission. His first work on the Court consisted of a number of really brilliant opinions in that field, and then he became a real champion—with Hugo Black—of the Bill of Rights. Felix regarded him as a turncoat, much as Bill regarded Felix as a turncoat. Consequently, their relations were very strained, to put it mildly. Before that, there was Justice McReynolds, who would not shake hands with Louis Brandeis or Benjamin Cardozo, because they were Jews. So there has been animosity between the Justices in the past, but in my day—except for that between Felix and Bill—there has been none."

Brennan almost never shows resentment at anything written or said about him, but he does bristle when he is complimented for being the preëminent "politician" on the Court. "I am not a playmaker," he has told me a number of times. "I don't go around cajoling and importuning my colleagues to go along with my point of view. When I have been able to draw a consensus, I have done it by the drafts I circulated among my colleagues.

"Rather than try to talk something out with another Justice, I sit down and write concrete suggestions as to what I don't like about what he has done or what I do like about it. I suggest changes in their drafts, and other Justices will suggest changes in what I've written. Every Justice of this Court admits that holding on to a majority can be a very difficult thing, and what we all do is try to persuade each other by what we write to each other. From time to time, when I think I'm going to have a five-person majority, one of the four will write to me and say, 'I'll be happy to join with you if you delete this and this' If you can, you do it. But there are times when I have to write back and say, 'I don't think I should, because then it wouldn't be what I wanted to say.' It's quite important to get these differences out by written exchanges."

Jeffrey Leeds, who clerked for Justice Brennan from October, 1985, to October 1986, and is now an investment banker, says, "It's true that Justice Brennan doesn't go around buttonholing the other Justices, trying to persuade them to join one of his opinions. He doesn't have to do that. He gets us to do it; that is, he gets his clerks to talk to the other clerks and find out what their Justices are thinking."

I told Brennan what his former clerk had said, and he laughed loud and long. "Well, it's true," he said. "That's not the case with all my colleagues. Some of them hold tighter strings on their clerks' activities than I do. In my case, I'll take help wherever I can get it, and I think it's very helpful to have clerks exchange points of view with clerks in other chambers. It's helpful, when they know what I think about something, to attribute to me any view I may have. They're free to talk about anything we have here, about my position and their position, and anything else. I've worked that way every since I came here. It has always struck me as rather unfortunate that some Justices will not let their clerks do that sort of thing. They will tell their clerks on given cases not to say anything about how the Justice feels. I don't understand it. After all, we employ the clerks to help us. They are surrogates in a greater sense than is true of most associations."

A clerk beginning his tenure with Justice Brennan receives a series of short orientation speeches from his employer. One has to do with the Brennan chambers' dress code. "I walked into his chambers for the first time, and Justice Brennan said he was pleased to meet me," Leeds recalls. "Then he did this thing he does every year. He kind of grabs your necktie and says, 'Do you like wearing these things?' You say no. 'Then take it off,' he says. 'You'll spend plenty time working hard in this building. You might as well be comfortable.' "

There is also the five-finger speech. It generally comes when a new clerk asks, in dismay and outrage, how a majority of the Court has arrived at a decision he or she feels is flagrantly unjust. Justice Brennan holds up his hand, wriggles his five fingers, and says, "Five votes. Five votes can do anything around here."

All the more reason, before a final count in a case at hand, for his clerks to try to find out enough about the thinking going on in the other chambers. "While an opinion is being written in our chambers, we might talk to a clerk for a Justice who we knew would be a tough fifth vote," Leeds explains. "And we would ask this clerk what was really bugging his guy about Brennan's draft. This information-gathering can take place after oral argument in a case, when the Justices hold their conference. That's where the preliminary votes are taken, before drafts of opinions are circulated. Or it can happen before a conference. We might find out, from his or her clerk, where a Justice is leaning on a particular case. When we know what that Justice is thinking, we keep that in mind when we write out two-page summaries of each case for Brennan to emphasize at the conference. The points he hits may be pitched entirely to that one Justice."

Depending on the individual Justices, clerks have varying input in the shaping of the written opinions. A first draft is almost invariably written by a clerk. One of them describes the experience by saying, "You go back to your office, you take a deep breath, you stare at your computer screen, and you go, 'Holy shit, I'm going to write the law of the land.'" Brennan requires that all his clerks—he has four—and not only the author of the first draft, sign off on the analysis of the case before he sees it. That way, he gets a range of viewpoints. After he reads the draft, he tells the clerk in private what he feels is lacking or is just plain wrong. Brennan reads every word in every change, and at times engages in what one clerk calls "dramatic rewriting."

His clerks, Brennan told me, never write the final draft. "But all of us need to make use of the contributions of the clerks," he said. "If we didn't have the benefit of their writing and research, we couldn't handle the workload here." For his first fourteen years on the Court, Brennan had only two clerks, and so did each of the other Justices. The third clerk came in the 1970 term. "The reason is that John Harlan's eyes failed him, and his clerks had to read to him," Brennan explained. "We insisted that he had to have an additional clerk to help with the reading, and he was absolutely adamant that he would not take a third clerk unless the rest of us did. The reason we took the fourth clerk was Bill Douglas' stroke, in early 1975. He wasn't able to work, but he had already taken on new clerks, and we decided we didn't want those boys to lose out, so we just parcelled them among us. It was done on a seniority basis, and I was one of three Justices to get an extra clerk. Once some of us started with four, we said, 'Well, hell, everybody ought to have four.' A couple of us have cut down, but then we go back up again."

For his first dozen or so years on the Court, Brennan depended on Paul Freund, a professor at Harvard Law School, to send him the students he considered best qualified to be clerks. Brennan told me, "Then Paul came to me and said, Look, every law school in the country is madder than hell at you for taking law clerks only from Harvard. You ought to branch out.' So now I take them from everywhere. Hell, I've had them from night schools."

Brennan is proud of his alumni. He keeps in touch with them, and they gather for a reunion every three years, bringing their husbands and wives. Among Brennan's former clerks are federal circuit judges, a state-supreme-count judge, and law professors at Harvard, Yale, Columbia, New York University, and Boalt Hall, at the University of California at Berkeley. "Out of more than a hundred clerks I've only had one lemon," he said. "Isn't that amazing? Only one who couldn't do the work. Every other one has measured up, and some of them brilliantly."

There was one exceptionally brilliant law student who, though he had been offered a clerkship by Brennan in 1966, was never able to serve, and some of the Justice's warmest admirers consider what happened to the student an uncharacteristic surrender by Brennan to political pressures. Michael Tigar, now a law professor at the University of Texas, was a law student at Boalt Hall, where he had participated in a demonstration against the House Un-American Activities Committee, and he had attended a youth festival in Helsinki, where some of the other participants were from the Soviet Union. Various right-wing individuals and organizations began to attack Trigar's appointment, and, with talk of a congressional inquiry, Brennan withdrew the offer. Instead, Tigar went to work for the powerful Washington law firm headed by Edward Bennett Williams.

In the spring of 1988, when I asked Justice Brennan about Michael Tigar and the lost clerkship, he said, "That was a very sad occasion for both of us at the time. Mike and I have remained good friends. He's a great guy, a wonderful lawyer. What actually happened was a deluge. The right wing deliberately set up a program—a system of pressure—that involved Abe Fortas, who was on the Court then; J. Edgar Hoover; and, more particularly, Hoover's right-hand man, Clyde Tolson. They bombarded me with all kinds of letters—all having to do with Mike's participation in the Helsinki youth meeting. Probably, if I had just continued to face it down, the investigation would never have happened. But they had twenty-eight or more congressmen protesting Mike's appointment. Clyde Tolson came over to see Fortas, and Fortas came in to see me to tell me that if I want through with this there might well be an inquiry, which would be most embarrassing to Tigar and to me—and to the Court."

I said that I was surprised at Fortas's role, in view of his strong record in support of the First Amendment.

Brennan laughed. "He was very supportive of the First Amendment, but he was also very close to Lyndon Johnson, and also to J. Edgar Hoover," he said. "They used Fortas for a lot of things."

"At what point did you begin to seriously reconsider your appointment of Tigar?" I asked.

"When it got to the point where they were going to talk about a congressional inquiry," Brennan said. "Remember, a little before this happened, the Senate came very close to passing the Jenner Bill, which would have stripped the Court of jurisdiction over cases involving the powers of congressional investigations, loyalty rules for teachers and federal employees, state anti-subversion laws, and state regulations for admission to the bar."

I asked Brennan if Chief Justice Warren had been involved in deciding what to do about Tigar's clerkship.

"No. Aside from Fortas, the only one of my colleagues who said anything about it was Bill Douglas. He was furious. Oh, he was absolutely furious at me for capitulating. He said, 'You've got to stand up to those people.'"

I asked Justice Brennan if he'd had second or third thoughts about whether he should have taken Douglas's advice.

"I must say I've had a number of second thoughts," he said. "I suppose I should have treated it as something that would go away, but I didn't. I was very much concerned that—in the atmosphere of those days—if we got into this kind of thing it certainly would not have done the Court any good. That's what I said in the discussion I had with Mike at the time. A clerkship simply could not have that much significance—if it was going to hurt the institution."

"Did Tigar understand that?"

"Oh, Mike understood it perfectly." Brennan paused. "That's the only instance of anything like that I've had in all my years here."

All that Professor Tigar will say is "I have enormous respect for Justice Brennan."

In a 1977 Harvard Law Review article, Brennan wrote:

"It was in the years from 1962 to 1969 that the face of the law changed. Those years witnessed the extension to the states of nine of the specifics of the Bill of Rights; decisions which have had a profound impact on American life, requiring the deep involvement of state courts in the application of federal law. The eighth amendment's prohibition of cruel and unusual punishment was applied to state action in 1962. . . . The provision of the sixth amendment that in all prosecutions the accused shall have the assistance of counsel was applied in 1963, and in consequence, counsel must be provided in every courtroom of every state of this land to secure the rights of those accused of crime. In 1964, the fifth amendment privilege against compulsory self-incrimination was extended. And after decades of police coercion, by means ranging from torture to trickery, the privilege against self-incrimination became the basis of Miranda v. Arizona [1966], requiring police to give warnings to a suspect before custodial interrogation.

"The year 1965 saw the extension of the sixth amendment right of an accused to be confronted by the witnesses against him; in 1967 three more guarantees of the sixth amendment—the right to a speedy and public trial, the right to a trial by an impartial jury, and the right to have compulsory process for obtaining witnesses—were extended. In 1969 the double jeopardy clause of the fifth amendment was applied. Moreover, the decisions barring state-required prayers in public schools, limiting the availability of state libel laws to public officials and public figures, and confirming that a right of association is implicitly protected, are significant restraints upon state action that resulted from the extension of the specifics of the first amendment."

One of Brennan's more difficult inner debates during this expansive change in the face of the law concerned the religion clauses of the First Amendment. The first clause prohibits "an establishment of religion." The second clause prevents the state from prohibiting the "free exercise" of religion. In a 1986 Times interview, Brennan was asked by Jeffrey Leeds, his former clerk, to describe the hardest decision he had had to make as a Justice. "The school-prayer cases," he said. "The 1963 Schempp opinion"—a concurring opinion by Brennan—"is some eighty pages long. The position I finally took took a long time to come around to. In the face of my whole lifelong experience as a Roman Catholic, to say that prayer was not an appropriate thing in

public schools, that gave me quite a hard time. I struggled."

School District of Abington Township, Pennsylvania, v. Schempp addressed laws of the State of Pennsylvania requiring that "at least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day" and providing that "any child shall be excused from such Bible reading, upon the written request of his parent or guardian." The Supreme Court declared the laws unconstitutional, and Brennan ended his concurring opinion by going back to an 1856 speech on religious liberty by Jeremiah S. Black, a former Chief Justice of the Commonwealth of Pennsylvania. Brennan paid his respects to Justice Black's remarkably lucid analysis by quoting from it:

"The manifest object of the men who framed the institutions of this country, was to have a State without religion, and a Church without politics—that is to say, they meant that one should never be used as an engine for any purpose of the other, and that no man's rights in one should be tested by his opinions about the other. As the Church takes no note of men's political differences, so the State looks with equal eye on all the modes of religious faith. . . . Our fathers seem to have been perfectly sincere in their belief that the members of the Church would be more patriotic, and the citizens of the State more religious, by keeping their respective functions entirely separate."

Since the 1963 decision, Brennan has often emphasized in conversation that separation of church and state does not mean that the Constitution encourages hostility to religion. Nor, he points out, is he himself hostile to religion. Indeed, Brennan—a devout Catholic—still believes what he said in a speech he made before coming on the Court: "Whatever their religious belief, all Americans acknowledge with us the fitness in recognizing in important human affairs the superintending care and control of the great governor of the universe and of acknowledging with thanksgiving His boundless favors."

Brennan sees no contradiction between that belief and his votes against state-sponsored crèches and against permitting public-school teachers—paid by federal funds—to go into parochial schools to provide remedial instruction. To Brennan, most of these cases have a bright line of First Amendment law running through them. Every American, he says, is guaranteed a free choice of his or her own religion or the choice not to believe at all. And the other religion clause in the First Amendment, the establishment clause, prohibits the government from, as Brennan puts it, "sticking its nose into how individuals should make that choice."

The extraordinary strengthening of the Bill of Rights—from the religion clauses to the rights of criminal defendants—during the Warren Court and, to some extent, thereafter grew out of the very belated acknowledgment by the Supreme Court that the Fourteenth Amendment meant what it said. "The citizens of all our states," as Brennan puts it, "are also and no less citizens of our United States." Accordingly, "this birthright guarantees our federal constitutional liberties against encroachment by government action at any level of our federal system, and . . . each of us is entitled to due process of law and the equal protection of the laws from our state governments no less than from our national one."

Brennan talks and writes about the Fourteenth Amendment with undimmed enthusiasm. In the 1987 interview with Bill Moyers, he said that because of the amendment there was "really a brand-new Constitution after the Civil War." But Brennan's celebration of the Fourteenth Amendment is tempered by apprehension that the Supreme Court will increasingly weaken that "egalitarian revolution."

Another concern of Brennan's is safeguarding the constitutional rights of young people. No other Justice in the history of the Court has been more intensely involved in this area than Brennan. In one significant case in 1981, the Supreme Court denied a petition for a writ of certiorari from a fifteen-year-old girl. Such refusals to review a decision by the lower courts are common, of course. Uncommon, however, was Justice Brennan's public rebuking of his colleagues in a printed dissent. It takes four members of the Court to grant certiorari, and Brennan could not understand why he was the only Justice to feel strongly that the Constitution had been violated in this case. When cert is denied, the names of Justices who wanted to review the case are often listed, but only very rarely does one of them say why. And even rarer are dissents as long as Brennan's in Diane Doe v. Renfrow. "I was really mad," Brennan told me recently.

In 1979, Diane Doe, aged thirteen (her last name was not given, because she was a minor), was sitting in her classroom at Highland Junior High School, in Highland, Indiana. Next to that building was a senior high school. Suddenly, all the classrooms in both schools were entered by school and police officials—along with police-trained German shepherds—who were undertaking a mass search for drugs and drug paraphernalia. No students in particular were under suspicion; all of them were under general suspicion. For two and a half hours, the students had to sit quietly with their hands upon their desks and the contents of their desks in plain view. Reporters from newspapers and broadcast stations were present. Each student was inspected by a German shepherd. Justice Brennan wrote that when one of the dogs came to Diane it "sniffed at her body, and repeatedly pushed its nose and muzzle into her legs." By its concentrated attention, the dog had marked the girl as a person under suspicion. No drugs were found in her pockets, and she was taken to the nurse's office, where she was strip-searched. Again, no drugs were found. The German shepherd, it turned out, had smelled not marijuana but traces of a dog Diane had been playing with before she left for school.

Diane Doe sued several school district officials and the police chief, among others, claiming that her Fourth Amendment rights had been abused. No judge had issued a warrant for the dragnet operation, although the Fourth Amendment requires one for searches and seizures. It also requires, her lawyers argued, that the searchers have probable cause to believe that illegal behavior is taking place or has taken place on the premises, and that the persons to be searched are involved in this activity. (Although the lesser standard of "reasonable suspicion" can be used in searches of students by school officials, once police are brought in—as in this case—the "probable cause" standard applies, Brennan said in his dissent, to public-school students.) The Fourth Amendment also says that the place or the person to be searched must be "particularly"—that is, individually—described.

In their court papers Diane's lawyers wrote, "Being a teen-aged schoolgirl is neither a crime nor a cause for suspicion." The lawyers also charged that school officials, however well-intentioned they may have been, had converted public schools "into police checkpoints." A federal district judge threw out Diane Doe's case. The mass detention and inspection were constitutionally valid, he said, and, while the strip search was so intrusive as to violate the Fourth Amendment, he refused to award damages against the school authorities, because they had been acting in good faith and trying to keep the school safe. As for the German shepherds, the judge ruled that being sniffed by a dog is not a search as defined by the Fourth Amendment. The dogs' only function had been to compensate for the inferior olfactory sense of the school officials and the police. The judge thereby dismissed a point made by the student's lawyers: "If we are to understand the dogs' muzzles as mere extensions of the nostrils of the principal, then Highland's school administrators have been sticking their noses into some singular places. The dogs ran their noses along pupils' legs, between their shoes, and even into their crotches and buttocks, actually touching the bodies of the students. Surely it can be vouchsafed that no respectable school administrator would do the same."

Diane Doe appealed to the Seventh Circuit Court of Appeals, and it agreed with the lower court except for denying immunity to the school officials connected with the strip search. Justice Brennan approvingly quoted what the Seventh Circuit said about the strip search: "It does not require a constitutional scholar to conclude that a nude search of a thirteen-year-old child is an invasion of constitutional rights of some magnitude. More than that: it is a violation of any known principle of human decency. Apart from any constitutional readings and rulings, simple common sense would indicate that the conduct of the school officials in permitting such a nude search was not only unlawful but outrageous under 'settled indisputable principles of law.' . . . We suggest as strongly as possible that the conduct herein described exceeded the 'bounds of reason' by two and a half country miles."

In his dissent from the Supreme Court's denial of further review to the young woman, Brennan said that in his opinion the use of the dogs did indeed constitute a search. He recalled that Diane Doe had testified that "the experience of being sniffed and prodded by trained police dogs in the presence of the police and representatives of the press was degrading and embarrassing," and he wrote, "I am astonished that the court did not find that the school's use of the dogs constituted an invasion of the petitioner's reasonable expectation of privacy." Of the searches of all the students, Brennan said, "At the time of the raid, school authorities possessed no particularized information as to drugs or contraband, suppliers or users. Furthermore, they had made no effort to focus the search on particular individuals who might have been engaged in drug activity at school."

The last paragraph of Brennan's dissent was directed as much at his colleagues as at school authorities across the nation: "We do not know what class petitioner was attending when the police and dogs burst in, but the lesson the school authorities taught her that day will undoubtedly make a greater impression than the one her teacher had hoped to convey. . . Schools cannot expect their students to learn the lessons of good citizenship when the school authorities themselves disregard the fundamental prin-

ciples underpinning our constitutional freedoms."

For Brennan, as for one of his predecessors, Justice Louis Brandeis, the expectation of privacy—the freedom from fear of arbitrary government invasion of that privacy—is at the core of the Fourth Amendment. In conversation, Brennan will sometimes recite the amendment, stressing each word: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." He repeats the phrase "probable cause," and says, "It's a high standard the Framers wanted. And it means that no search may be conducted unless the official knows of facts and circumstances that warrant a prudent man to believe that an offense has been committed."

In the National Public Radio interview with Brennan in 1987, Nina Totenberg, whom Brennan particularly respects among those who report on the Court, played the devil's advocate, asking him, "Why do you let some of these creeps go? They do such bad things, and on some technicality you let them go."

"Honestly," Brennan said, raising his voice, "you in the media ought to be ashamed of yourselves to call the provisions and the guarantees of the Bill of Rights 'technicalities.' They're not. They're very basic to our very existence as the kind of society we are. We are what we are because we have those guarantees, and this Court exists to see that those guarantees are faithfully enforced. They are not technicalities! And no matter how awful may be the one who is the beneficiary time and time again, guarantees have to be sustained, even though the immediate result is to help out some very unpleasant person. They're there to protect all of us."

The essence of Brennan's fear that the Fourth Amendment is fading away can be found in a little-noted dissent to the Court's denial of review of a 1985 case, McCommon v. Mississippi. Brennan began by stating that "this Court has long insisted that the determination whether probable cause exists to support a search warrant be made by a 'neutral and detached magistrate.'" In McCommon v. Mississippi, he said, the judge who issued the search warrant "indisputably 'rubber stamped' the police request." The petitioner's car had been searched pursuant to a warrant, and a sizable quality of marijuana had been found in the trunk. Before trial, the owner of the car moved to have the evidence suppressed under the exclusionary rule, on the ground that there had not been probable cause for the issuance of the warrant. Brennan had carefully read the testimony from the pretrial hearing in Mississippi, and he quoted it in his dissent. The defense attorney asked the judge if he issued the warrant because officers of the law had asked for it rather than because of "any particular thing they told you." "That's right," the judge said. "If Sheriff Jones walked in there and said, 'Judge, I need a search warrant to search John Doe for marijuana,' or drugs or whatever—liquor or whatever it might be—I'm going to go on his word, because he's—I take him to be an honest law-enforcement officer and he needs help to get in to search these places and it's my duty to help him fulfill that."

Brennan then reminded his colleagues of what he had said in his dissent in United States v. Leon, the year before, the majority having ruled that an officer's execution of a defective warrant does not violate the Fourth Amendment if the officer did not know that the warrant was defective. "I warned that creation of a good faith exception implicitly tells magistrates that they need not take much care in reviewing warrant applications, since their mistakes will have virtually no consequence," Brennan wrote in his new dissent. "Today the Court tacitly informs magistrates that not only need they not worry about mistakes, they need no longer be neutral and detached in their review of supporting affidavits. The combined message of Leon and the Court's refusal to grant certiorari in this case is that the policy may rely on the magistrates and the magistrates may rely on the police. On whom may the citizens rely to protect their Fourth Amendment rights?"

In the years since, Brennan, in conversation, has continued to seem gloomy about the prospects of the exclusionary rule. Yet in January of this year, in a ruling so surprising that it made the front page of the Times, he succeeded in preventing a further expansion of the exclusionary rule—one that would have greatly weakened it. In James v. Illinois, the defendant in a murder case had made incriminating statements to the police when he was arrested. But the arrest had been made without a warrant and without probable cause, and, accordingly, those statements were not at first admitted at the trial. However, a friend of the defendant gave testimony at the trial which was directly contrary to what the defendant had told the police. The prosecution moved, successfully, to have the defendant's original statement admitted in order to impeach his friend's testimony, and this exception to the exclusionary rule was upheld by the Illinois Supreme Court. In reversing the Illinois Supreme Court, the Brennan majority include Justice Byron White, who, in the past, had voted for a number of restrictions of the exclusionary rule, and, indeed, was the author of the majority opinion in United States v. Leon, which had established the good-faith exception. I asked Brennan how he had persuaded White to join him, and he smiled. "It was hard," he said. "Very hard."

From the beginning of his time on the Court Brennan has been a persistent guardian of civil-rights protections for blacks. What is surely the most dramatic opinion he has drafted for the Court, Cooper v. Aaron (1958), was also signed by every other member of the Court—Earl Warren, Hugo Black, Felix Frankfurter, William O. Douglas, Harold Burton, Tom Clark, John Harlan, and Charles Whittaker. Chief Justice Warren said later that he did not recall that ever happening before; usually, even when the Court is unanimous, the opinion is signed only by its principal author, and joined by the other Justices. The reason for this show of unity was that the Court's unanimous 1954 decision, in Brown v. Board of Education, ruling that segregated public schooling is inherently unequal was being defied by Governor Orval Faubus, of Arkansas, and the Arkansas State Legislature. On September 2, 1957, Faubus had sent Arkansas National Guard units to block implementation of a plan by the Little Rock School Board to desegregate the public schools gradually, beginning with one high school. For three weeks, the soldiers, standing shoulder to shoulder, forcibly prevented nine black students from entering Central High School. On September 25th, the students finally got into the school, after federal troops were sent there by President Eisenhower. The following February, the school board decided it would be safer—in view of undiminished white hostility—if the integration plan was delayed, and the federal district court agreed to have the plan postponed for thirty months. In "Super Chief," a judicial biography of the Warren Court, Professor Bernard Schwartz, of the New York University Law School, describes what happened next: "The Court of Appeals for the Eighth Circuit reversed [the district court], but stayed its order thirty days to permit the School Board [to appeal]. . . . The black students then filed a motion in the Supreme Court to stay the court of appeals postponement." With the school term due to begin in September and the Supreme Court's term due to start in October, the Chief Justice called a rate Special Term of the Court, which heard oral arguments in August and September.

The Court's subsequent opinion, as it was constructed by Brennan, has been described by Professor Schwartz as "one of the classic statements of the rule of law under the Constitution." It was read aloud at the Court by the Chief Justice on September 29, 1958: "The controlling legal principles are plain. The command of the Fourteenth Amendment is that no 'State' shall deny to any person within its jurisdiction the equal protection of the laws. . . . Article VI of the Constitution makes the Constitution the 'supreme Law of the Land.' In 1803, Chief Justice Marshall, speaking for a unanimous Court . . . declared in the notable case of *Marbury* v. *Madison* . . . that 'It is emphatically the province and duty of the judicial department to say what the law is.' . . . That principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system. . . . No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it. Chief Justice Marshall spoke for a unanimous Court in saying that: 'If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the Constitution itself becomes a solemn mockery.' A Governor who asserts a power to nullify a federal court order is similarly restrained."

As for the Brown decision itself, Brennan wrote: "State support of segregated schools through any arrangement . . . cannot be squared with the [Fourteenth] Amendment's command that no State shall deny to any person within its jurisdiction the equal protection of the laws. The right of a student not to be segregated on racial grounds . . . is indeed so fundamental and pervasive that it is embraced in the concept of due process of law. . . . The principles announced in [the Brown] decision and the obedience of the States to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus made a living truth."

The *Times* noted that the Court's opinion in Cooper v. Aaron was written in "clear and simple language, understandable even to the most fanatic segregationist."

Justice Brennan has also long regarded sex discrimination as violating the Fourteenth and Fifth Amendments, and he has been more insistent than any of his col-

leagues that such discrimination be given a high level of constitutional scrutiny. His reasons are vigorously expressed in a 1973 case, Sharron and Joseph Frontiero v. Elliot Richardson, Secretary of Defense. Joseph Frontiero, attending college full time, was receiving a veteran's benefit of two hundred and five dollars a month. His wife, Sharron, was a lieutenant in the Air Force, and, claiming her husband as a dependent, she applied for an increased housing allowance and also for medical and dental benefits for her husband. Under federal law, male members of the uniformed services automatically received the increased housing allowance and the extra benefits for their wives, but a woman could qualify for the same extra housing and medical benefits only if she could prove that she was paying more than half her husband's living expenses. Sharron Frontiero was paying three-sevenths of her husband's living costs, and was denied the extra benefits.

Brennan's opinion for the Court went farther than some of his colleagues would have liked. The majority of the Court agreed that Sharron Frontiero had been subject to unconstitutional discrimination, but there was no majority for Brennan's view that discrimination by sex should be, like discrimination by race, examined by the Court with "strict judicial scrutiny." This is the highest standard in the Supreme Court classification of cases, and it places a heavy burden on the federal government or a state to justify unequal treatment. Although Brennan did not secure strict scrutiny for sex discrimination, he has, as the years have passed, come closer to getting a majority of the Court to at least look more rigorously at the constitutional implications of sex-discrimination cases. In the Frontiero case, he noted:

"There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discriminations was rationalized by an attitude of "romantic paternalism" which, in practical effect, put women, not on a pedestal, but in a cage. . . . Our statute books gradually became laden with gross, stereotyped distinctions between the sexes and, indeed, throughout much of the 19th century the position of women in our society was, in many respects, comparable to that of blacks under the pre-Civil War slave codes. . . .

"We can only conclude that classifications based upon sex, like classifications based upon race, alienage, or national origin, are inherently suspect, and must therefore be subjected to strict judicial scrutiny."

In his opinions, Justice Brennan often interchanges personal pronouns. That is, the case may concern a male defendant or plaintiff, but Brennan will refer to the principal as "she" at times and "he" at others. "I do it purposely," he told me. "I've been doing it for two or three years. Why? Well, why should we males be the only illustrious participants in whatever events we've been talking about?"

Of all the developments in constitutional law since he has been on the Court, Brennan regards as among the most significant the growing independence of the state courts. While a state cannot provide less protection of individual liberties than does the federal Constitution, any state can guarantee stronger protections for its citizens, and in January, 1987, for example, in an action warmly welcomed by Justice Brennan, Oregon's Supreme Court ruled that its state constitution mandates—the Supreme Court of the United States notwithstanding—that "obscene" material can no longer be prohibited or censored in the state. Oregon's Article I, Section 8, forbids the passage of any law restricting "the right to speak, write, or print freely on any subject whatever." And, the State Supreme Court said, "obscene speech, writing or equivalent forms of communication are 'speech.'"

I saw Brennan soon after that decision of the Oregon Supreme Court came down, and he started to reminisce about his role in the increasing independence of the state courts. He has been the primary force in getting more and more lawyers, legislators, and judges to think about the need for states to become aware of—and, if necessary, strengthen—their own constitutions.

"It all started around 1972," he said. "I initially suggested the idea in a speech very late at night to, I'm afraid, a quite inebriated meeting of the New Jersey State Bar Association. I was really concerned at the time about the way that things were going here at the Court—particularly in the area of the Fourth Amendment, but also in other areas of individual rights and liberties."

In 1977, Brennan wrote what proved to be a widely influential article, "State Constitutions and the Proteciton of Individual Rights," in the *Harvard Law Review*. "State courts cannot rest when they have afforded their citizens the full protections of the federal Constitution," he declared. "State constitutions, too, are a font of individual liberties, their protections often extending beyond those required by the Supreme Court's interpretation of federal law." Without "the independent protective force of state law," he said, "the full realization of our liberties cannot be guaranteed."

In 1986, addressing the American Bar Association's Section on Individual Rights and Responsibilities, in New York, Brennan was able to quote with satisfaction from a statement by Justice Hans Linde, of the Oregon Supreme Court: "A lawyer today representing someone who claims some constitutional protection and who does not argue that the state constitution provides that protection is skating on the edge of malpractice." Brennan, however, is far from entirely satisfied with the direction of constitutional law, state and federal. In the same speech he said something I have heard him say in his chambers and have read in many of his Court opinions, and particularly in his dissents: "We do not yet have justice, equal and practical, for the poor, for the members of minority groups, for the criminally accused, for the displaced persons of the technological revolution, for alienated youth, for the urban masses, for the unrepresented consumer—for all, in short, who do not partake of the abundance of American life. . . . The goal of universal equality, freedom and prosperity is far from won and . . . ugly inequities continue to mar the face of our nation. We are surely nearer the beginning than the end of the struggle."

Shortly before the 1988 Presidential election, I reminded Justice Brennan that a number of liberals and libertarians had expressed concern for the future of the Court. If George Bush was elected, they pointed out, he might have several seats to fill, among them the seat of Justice William Brennan.

"Look," Brennan said. "This is an institution that has had its ups and downs for over two hundred years. By and large, it has done well, I think. There have been downturns from time to time. God help us, there was Chief Justice Taney and the Dred Scott decision. But we survived all that. So I don't see anything that serious, by way of changing jurisprudence, in contrast with what has happened in the past. And that's why I refuse to get sick about who might win. Anyway, whatever is to be, hell, we're a democracy. The only way the citizens can have their views felt nationally is through the Congress and the Presidency. That's our system."

Also part of the system is access to justice, and of all the members of the Court in this century—and perhaps throughout its history—Brennan has been the most interested in making the courts accessible to as many people as possible. "I have always felt that the courthouse door has been closed to too many people on the ground that they don't have sufficient reason for being heard," he told me. "Take the execution of Gary Gilmore, in Utah, in 1977. Gilmore insisted he wanted to die. He didn't want any more appeals. He had no patience for it. But his mother brought a case here trying to prevent the execution, and the Court refused to hear her on the ground that she had no standing to be heard. Good God, we can't refuse to discharge our responsibility to decide whether he should die or not. Anybody ought to have a right to be heard in a case like that. I've taken that position in many other kinds of cases, besides the death penalty."

Whenever I tried to engage Brennan in a broader discussion of his influence on the Court's direction in the past thirty-three years, he demurred. He discourages such talk. Although he works, as he must, case by case, he is keenly aware of the slightest nuance in the changing dynamics of the Court, but it is not his habit to see himself as a figure in marble in its halls. He regards his job as one of trying to include as many people as possible within the protections of the Constitution and of determining how to get four other votes on the cases that will help do that.

Over the years, Justice Brennan has made an invaluable collection of private Supreme Court history. Each term, he documents the evolution of the Justices' opinions in major cases: included in his files are notes of what went on during conferences and so are draft opinions and memoranda circulated among the Justices. But, although historians have urged Brennan to make these histories available eventually, he is not sure what he will do with them. Just about every time I've talked to Brennan, I have asked him whether he has made up his mind about the fate of these histories, and so far he hasn't. "It's a very troublesome question for me as to what the hell to do with them," he said recently. "I have a very clear memory of how angry Hugo Black and Bill Douglas were when Alpheus Mason used Chief Justice Harlan Fiske Stone's private notes in a biography about him. They were memoranda of cases, histories of cases—the voting, the reactions of the members of the Court, and so forth. Just like my own. Black and Douglas were furious. They insisted that Stone's histories were one-sided and didn't tell the whole story. They said it was all a goddam lie. That's why Hugo Black insisted he was going to burn every damn paper of his. He said, 'I'm not going to have any colleague of mine in a position where he can say I've lied about what happened.' His instructions weren't carried out completely, but some of his papers were destroyed. What concerned Hugo Black bothers me, too. None of my colleagues have seen any of my memos. Nobody sees them except me. They cover the major cases from the time

they're received at the Court. A lot of people want me to preserve them. For about ten years, I sat on the National Historical Publications Commission, and all my colleagues were very distinguished and well-known historians, and they were absolutely horrified at the thought that I might not preserve these histories."

"Me, too," I said.

"Well, there you are. One of these days, I'm going to have to make up my mind about what I'm going to do."

The conversation was interrupted by a telephone call, and while he talked I looked at the photographs of his children and his grandchildren lined up on a mantel behind his desk. After he hung up, he spoke with pride about his family. His elder son, William Joseph Brennan III, is a trial lawyer in Princeton, and is active in various bar-association committees. I asked the Justice whether, as I'd heard, William Brennan III is more conservative than his father.

Brennan laughed, and said, "Well, let me put it this way. In the coming election, we may be on different sides."

Another son, Hugh Leonard Brennan, is in the Department of Commerce, where he directs the Office of Procurement and Administrative Services, and Nancy Brennan Widman is the director of Baltimore's City Life Museums. "Hugh and Nancy are probably more like me," Brennan said.

The children's mother, Marjorie Leonard Brennan, died in December, 1982, after a long battle with cancer. In March of 1983, Justice Brennan wrote a memorandum to the conference—that is, to the eight other Justices—telling them that he had been married the day before to Mary Fowler, who had been his secretary for twenty-six years, and that they were on their honeymoon, in Bermuda. Brennan, whose health and spirits had declined during his first wife's illness and after her death, was clearly rejuvenated by his second marriage.

Mrs. Brennan, I had heard, often disagrees with her husband's opinions from the bench, feeling that the Justice is too liberal. I asked Brennan if that was so.

"Oh, she's a dear, dear, darling wife and a darling lady, and she just has her own ideas and she voices them," he said. "I love it. I love it."

The Brennans do not go out much in the evening. The Justice rises at five in the morning, spends half an hour on his Exercycle, reads the papers, has breakfast, and by eight is in his chambers, where he reads Court papers. He usually stays at the Court until four-thirty, and he takes work home every night. "It's hard work," he said. "It takes up practically all your waking hours."

"Have you ever thought of some other line of work you might have preferred?" I asked.

He laughed. "Not for me. Ever. I really mean it. There's nothing I can think of that would have given me anything like the satisfaction I've had from this."

He had another appointment in a few minutes. I rose. Brennan rose, too, and took me by the elbow as he escorted me out of his office and through the corridors of the Court. He seemed to know all the staff members, including the elevator operators and the guards, by name, and he stopped and talked to a few of them about their children and other matters of interest.

I asked if he thought at all of when he might retire.

"I'll go when the good Lord tells me it's time to go. But not before then. The satisfactions of this job have accelerated each year. It's just incredible being here—I mean the opportunity to be a participant in decisions that have such enormous impact on our society." Justice Brennan turned to go back to his chambers. "Incredible," he said.

I spoke to Brennan again at the end of the 1988-89 Supreme Court term. There had been a series of civil-rights decisions, all opposed by Brennan, that, in the words of Barry Goldstein, until last July the director of the Washington office of the N.A.A.C.P. Legal Defense Fund, were "not just decisions limiting affirmative action but cases limiting the ability of women and men to prove discrimination, limiting the remedies once discrimination is proved, and limiting the opportunity to settle."

A majority of the Court had also ruled it constitutional to execute murderers who are mentally retarded, and had decided that it is not "cruel and unusual punishment" under the Eighth Amendment to execute people who were sixteen or seventeen at the time they committed the crime. Moreover, the Court ruled that indigent prisoners on death row do not have a constitutional right to a lawyer to assist them in a second round of state-court appeals, even though such appeals often prove successful. I asked Brennan if he was still reasonably sanguine about the future of individual rights and liberties under the Court.

"Well, there is a pretty solid majority on the other side now, but it hasn't been an unbreakable coalition," he said. "I'm not discouraged to the point of giving up. I've selected my clerks for the next two years. I hope people don't overdo the suggestion that we're headed for perdition. This sort of thing has happened before, and the Court has finally righted itself." His voice brightened. "After all, Kennedy and Scalia joined me on the flag-burning case, for God's sake. And on a couple of others. As did O'Connor on some cases. I agree the emphasis of the Court is not in my direction, but I'm not going to walk out and say the hell with it."

Next to the abortion decision—Webster v. Reproductive Health Services, which gave power to the states to broaden restrictions on abortions, and in which Brennan dissented—the term's most controversial decision was Texas v. Johnson. Brennan, writing the opinion for a five-to-four majority, ruled that the First Amendment protects burning the American flag as an act of political protest. He wrote, "If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive and disagreeable. . . . We decline, therefore, to create for the flag an exception to the joust of principles protected by the First Amendment."

It was characteristic of Brennan to use the word "joust." He sees his life's work as a continual battle for five votes to help the words of the Constitution leap off the page, as he once put it, and into people's lives.

"Look, pal," Justice Brennan told me at the end of our conversation. "We've always known—the Framers knew—that liberty is a fragile thing. A very fragile thing." He smiled, and went back to work.

SENATOR JENNINGS RANDOLPH: HAPPY 88TH BIRTHDAY

Mr. MATSUNAGA. Mr. President, look back to the year 1933 and you will find a dark, grim world far removed from today's spring of democratic hope and high expectations. In 1933, the caldron of hate and fear was beginning to be stirred in Europe with the ascent of Adolf Hitler to the Chancellorship of Germany; an America drained by a devastating Depression looked upon the inauguration of a new President, Franklin Delano Roosevelt, with unspoken doubts and an uncertain eye toward the future; and from the hills of Manchuria to the streets of Rome to Berlin's Reichstag, war clouds could be seen forming on the horizon.

During this dark and terrible period, however, a prescient historian just might have noticed a ray of light emanating from the humble political beginnings of a gentleman from West Virginia. Our former colleague and my longtime friend, Senator Jennings Randolph, entered the U.S. House of Representatives in 1933 determined to do all in his power to ease the daily burdens of life for the people who elected him. And for 14 years in the House (1933-47), 26 years in the Senate (1958-85), and during his "retirement " years—and I do say "retirement" in quotation marks—he has succeeded spectacularly by any measure.

Mr. President, Jennings Randolph celebrates his 88th birthday today. To attain such a venerable age is no small feat in itself. But to give you a full appreciation of this giant of a man, a true pioneer from the mountains of West Virginia, allow me to recount some of his major accomplishments over the last 88 years.

Jennings Randolph took the first tentative steps in forming a national energy policy in 1942 with the introduction of his Synthetic Liquid Fuels Act, which would allow coal and its products to be transformed into other useful energy forms. In November 1943, he flew a small, single-engine airplane from Morgantown, WV, to Washington, DC, to prove the viability of this new fuel. As a convert to his earliest dream of energy independence, I have picked up his banner and continue to press the search for alternative energies.

Then-Congressman Randolph was one of Roosevelt's key New Deal supporters, embodying all the values and hopes in the progress of man that FDR employed to inspire a nation to heal itself. Indeed, as the last of the surviving Roosevelt New Dealers to leave Congress at the end of the 98th Congress, Senator Randolph continued the tradition by reaching out to the handicapped and disadvantaged in our society. The Randolph-Sheppard Act for the Blind and the Education for All Handicapped Children and Adults Act have allowed countless blind and other handicapped Americans to earn a living with their independence, dignity, and self-respect held high.

As chairman of the Senate's Public Works and Environment Committee for 14 years, Jennings Randolph worked tirelessly to introduce more and improved roads, bridges, schools, and health care facilities as well as opportunities for employment to the 13 Appalachian States.

For the Nation at large, our former colleague can be credited with expanding the Interstate Highway System, dramatically improving the access and safety of our Nation's airports through his Airport Authority Act, and establishing the Smithsonian's enormously popular National Air and Space Museum.

Jennings Randolph also proved himself to be a staunch friend of the environment. His efforts have resulted in the first Clean Air and Clean Water Acts and the Superfund Program to clean up toxic wastes.

Mr. President, our Nation's 18- to 20-year-olds may also nod their heads in appreciation to this remarkable gentleman from West Virginia for extending the right of suffrage to our youngest citizens. He reasoned that if an 18-year-old is mature enough to fight and to sacrifice his life for his country and is considered an adult under our laws, he should be given the opportunity to express his views through the ballot box.

I am also proud to point to Jennings Randolph as a key ally in the struggle to establish the U.S. Institute of Peace. Upon taking my seat in the Senate in 1977, I found only two other Senators who were willing to join me in the long and arduous effort to establish an Institute of Peace—Jennings Randolph and our colleague from Oregon, MARK HATFIELD. Senator Randolph in fact had been introducing bills to establish an Academy of Peace since the 1940's. The fact that a majority of the Senate finally cosponsored and passed our bill in 1984 was, I am sure, one of the happiest victories of his long career in public service. For a man whose compassion extends beyond national borders, the Institute is indeed a fitting tribute.

Time and again, Senator Randolph has demonstrated his commitment to championing the causes of the weak, the disadvantaged, and those who want only to live the decent life. He has worked tirelessly not for personal gain, not for glory, nor power, but in the realization that fate has given him the rare opportunity to dramatically improve the lot of the average citizen.

And so, Mr. President, I wish to extend a warm and fond Hawaiian birthday greeting to my friend and former colleague, Senator Jennings Randolph, on this, his 88th birthday: "Hauoli La Hanau," dear friend. The deep affection and respect of the people of this great land of ours will always be with you.

HAPPY BIRTHDAY, JENNINGS RANDOLPH

Mr. BURDICK. Mr. President, a friend and former colleague, Jennings Randolph, turns 88 today. I would like to take this opportunity to wish him a happy and healthy birthday.

Born in Salem, WV, on March 8, 1902, Jennings Randolph served in the House of Representatives from 1933 to 1947. He was elected to the Senate in 1958, where he served the State of West Virginia until his retirement in 1984. He is currently living in St. Louis.

Jennings Randolph accomplished great things during his years in Congress, particularly in his position as chairman of the Senate Environment and Public Works Committee from 1965 to 1980.

One of his top achievements was enactment of the historic Clean Air Act of 1970. As everyone who has worked on this difficult issue in the 101st Congress will recognize, clean air legislation requires commitment, cooperation, and compromises. Other landmark environmental legislation approved under Chairman Randolph's leadership includes the Clean Water Act, the Resource Conservation and Recovery Act and Superfund. He is even better known for his commitment to public works and creating the Federal Interstate Highway System. He also backed the right of 18-year-olds to vote and legislation to help the handicapped.

My father had the pleasure of working with Jennings Randolph in the House, and I am very proud to have been able to work with this great public servant. The Environment and Public Works Committee, which I now chair, still benefits from the fine bipartisan tradition he fostered. I ask my colleagues to join with me in wishing Jennings Randolph a very happy birthday. Thank you.

THE 88TH BIRTHDAY OF SENATOR JENNINGS RANDOLPH

Mr. NUNN. Mr. President, Senator Jennings Randolph, who served in this body for 26 years and in Congress for more than 40 years, liked to be thought of "the Old New Dealer." His motto was, "opportunity for all citizens, and social and economic progress for West Virginia and the Nation."

I am honored to occupy Senator Randolph's old office in the Dirksen Building. I am challenged every day by his example of public service.

Jennings Randolph was the last man to serve in the Senate who had been here during President Franklin Roosevelt's first 100 days. He came in with FDR and retired as President Reagan began his second term. In 1937, he chaired the first hearing on a transcontinental highway. Jennings Randolph knew what it was to have inadequate roads. Before they were married, his wife, Mary, had been a "welfare lady," in the West Virginia mountains. He recalled that at times she had to leave her car, don her swimsuit and swim the river to reach families in need of help.

Senator Randolph was elected to Congress 6 years before I was born, and to the Senate when I was half-way through college. Yet when I arrived here 17 years ago, his welcome was warm. Those of us who had the privilege of serving with Jennings Randolph recall his courtliness, his capacity for friendship, and his diligence in looking after the people of West Virginia.

As a young man he worked as a newspaperman, at one point editing his hometown paper, the Message, which proclaimed on the masthead that it was "published when occasion demands." Jennings always had a keen sense of what was demanded by any occasion.

He was a strong supporter of our Nation's defense and he remembered well one of his most important votes—when the draft was reestablished by one vote in the House of Representatives in August 1941.

Jennings first introduced an amendment to let 18-year-olds vote in 1944, believing that if a young man was old enough to fight for his country, perhaps die for his country, he was old enough to chose its officials. He often reminded me that Georgia led the way on that one. He would introduce that amendment 11 times over the next 27 years before it finally passed in 1971. The necessary 38 States then ratified it within 90 days.

When he was about 8-years-old, he came to Washington, DC, for the first time—but not to see the Capitol or the White House. He made the trip so he could see Georgia's baseball great, Ty Cobb, who was playing the Senators. That memorable experience helped to shape his lifelong love of sports.

As a college student at Davis and Elkins College—which his grandfather had founded in Salem—he played basketball. In 1923, he made 19 consecutive foul shots to win a game against West Virginia State by 1 point.

When Jennings graduated from high school, his mother gave him a Bible. Inscribed on the flyleaf were the words, "Each for the other and both for God." When he first came to Congress, his father wrote him, "Always remember the man and woman by the wayside of the road."

In 1973, in words that are as applicable today, he declared:

> The overriding challenge of America today is to build a life of quality, a life that offers an opportunity and something of grace for all—a life based not on an abundance of machines and buildings and gadgets, but on human dignity and individual worth.

That philosophy led him to fight for the people of West Virginia. He could not forget the mountain children who struggled to get an education in Salem. He could not forget the hungry families his Mary had been willing to swim a river to help. As his father had urged him, he always remembered "the man and woman by the wayside of the road."

Jennings is a devoted member of our Senate prayer group. We all have learned much from Jennings' words and example. Recently, I ran across a prayer he once sent to me that begins, "I said a prayer for you today. * * *" I won't quote it all, but it goes on to say:

I asked that He'd be near you at the start of each new day
To grant you health and blessings and friends to share your way!
I asked for happiness for you in all things great and small—
But it was for His loving care I prayed the most of all.

I can't sing a song for him, but for his 88th birthday, I'd like Jennings to know that we said a little prayer for him today, for health and blessings and happiness, and friends to share his way, and that God might be near him at the start of each new day.

THE PLIGHT OF A SOVIET JEWISH FAMILY NEARS AN END

Mr. MOYNIHAN. Mr. President, almost 18 years ago a young Jewish scientist, Dr. Vladimir Raiz, and his wife Carmella applied for a visa to emigrate from the Soviet Union to Israel. They were among the very first Soviet Jews to apply for the right to emigrate and they were among the first to have their application denied on the grounds of "access to state secrets." They and their two young children suffered through long years of harassment and persecution, but never gave up hope, even after almost every other long-term refusenik received permission to emigrate.

I know that my colleagues in the Senate are familiar with the heroism of Vladimir and Carmella Raiz. For many years their case was raised regularly in meetings and correspondence with Soviet officials.

In the 214 months since the Raiz family first applied to leave the Soviet Union in May 1972 over 357,000 Soviet Jews have received permission to emigrate. The plight of the Raiz family became increasingly anomalous with each new improvement in Soviet emigration policy.

I rise today with a welcome report from the ancient city of Vilnius. Vladimir Raiz has been informed that his family's travail is nearing an end and that they will be issued the long-awaited visas to emigrate on Tuesday of next week. I know that this exciting news will delight all Americans who cherish human rights. It provides one more dramatic example of how the Soviet Union of Mikhail Gorbachev is undergoing a profound transformation.

I understand that Algirbas Brazauskas, the President of the Supreme Soviet of the Lithuanian Soviet Socialist Republic, played an important part in this development for which he is to be congratulated. Others played instrumental roles, including the New York-based Coalition for Soviet Jewry and communal leaders such as Albert Reichman and Ronald Greenwald. The new mayor of New York, David Dinkins, has spoken out on behalf of the Raiz family repeatedly. He held a press conference with Carmella Raiz, who is visiting the United States on a tourist visa, just 2 days ago. Special thanks are due to former Secretary of State George Shultz who made a tremendous contribution to the cause of Soviet Jewry.

In February 1987 57 Members of the Senate joined in sending a letter to General Secretary Mikhail Gorbachev. We did so in an effort to encourage the important changes then underway in the Soviet Union.

We wrote at that time that the U.S. Senate considered human rights to be an issue of great importance. United States-Soviet relations could not be divorced from the fundamental American commitment to human rights. Further improvements in bilateral relations would depend to a large degree on progress in Soviet emigration policies.

It has become increasingly evident that the Soviet Union has made enormous strides in this area. It is for this reason that I introduced a resolution last June stating that, upon receiving appropriate assurances concerning future emigration, President Bush should exercise the waiver clause in the Jackson-Vanik legislation concerning most-favored-nation status for the Soviet Union.

I ask unanimous consent that our February 1987 letter to Mikhail Gorbachev and of my floor statement in introducing last June's resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Mr. President, the decision to grant emigration visas to the Raiz family is a joyous event which stands out even in this stunning year. It is also an event which reminds us of the tenacity of the human spirit. I send my warmest congratulations to the Raiz family and wish them every future success.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, February 4, 1987.

General Secretary MIKHAIL GORBACHEV,
Central Committee, Communist Party of the Soviet Union, the Kremlin, Moscow, U.S.S.R.

DEAR GENERAL SECRETARY: Your government has taken several specific steps during the past year that have been welcomed by people throughout the world who cherish human rights. These events include the release of Anatoly Shcharansky, Yuri Orlov and David Goldfarb and the recent decision to allow Andrei Sakharov and Yelena Bonner to leave Gorky and return to Moscow. In addition, Americans have noted the important steps taken by the Soviet government to permit the reunification of certain previously divided families and the permission granted to several cancer-stricken Soviet citizens to seek treatment in the West.

These developments are heartening to all those who had hoped that the Soviet Union, under your leadership, would take increased initiatives in the crucial area of human rights. It is precisely because of these hopes that we had expected that the new Soviet provisions on emigration would further facilitate the emigration process. We are, accordingly, profoundly disappointed to learn that these new provisions, in fact, appear to obstruct the very process they claim to be assisting.

The new emigration provisions restrict the right to emigrate to particular cases of family reunification. These new regulations offer little hope for the hundreds of thousands, a very large number of them Jews, who have expressed their desire to leave the Soviet Union for religious or humanitarian reasons. These new provisions thus appear to contravene both the 1948 Universal Declaration of Human Rights and the 1975 Helsinki Final Act.

Mr. General Secretary, you certainly understand that we, in the United States Senate, treat the issue of human rights with great seriousness. The kind of historic and unprecedented improvements in United States-Soviet relations that are desired by the leaders and peoples of both our countries cannot be divorced from the fundamental American commitment to human rights. The entire valuable structure of American-Soviet cooperation is built upon a foundation that has deep roots in the area of human rights. The construction of much-desired further bilateral progress depends to a large degree on progress on emigration and related issues.

In order for us to reap the benefits of improved bilateral relations, vis-a-vis human rights, there must be a release of prisoners of conscience—those who are imprisoned for affirming religious, cultural and political beliefs that are protected under the aforementioned international treaties, progress on the 400,000 cases of Soviet Jewish citizens who have completed the first step in the emigration process but whose applications have not been processed, and affirmative action on the more than 11,000 cases of Soviet Jewish citizens who have repeatedly been refused permission to emigrate to Israel.

While the new emigration provisions are disturbingly restrictive they contain a measure of flexibility that might well permit progress on these sensitive issues. The Soviet Union permitted over 50,000 Soviet Jews to emigrate in 1979. A return to a similar emigration policy would be welcomed by all who believe in the great importance of enhanced American-Soviet relations.

Sincerely,

Daniel P. Moynihan, David L. Boren, Larry Pressler, John F. Kerry, James Sasser, John Chafee, Alfonse M. D'Amato, John Heinz, Edward Zorinsky, John C. Danforth, Albert Gore,

Jr., Donald Riegle, John D. Rockefeller IV, Brock Adams.

U.S. AMBASSADOR ABRAM URGES UNITED NATIONS TO "ERASE THE LIE"

Mr. MOYNIHAN. Mr. President, I rise once again to bring attention to U.N. General Assembly Resolution 3379 equating Zionism with racism. The resolution was adopted in 1975, at which time I was serving as U.S. Permanent Representative to the United Nations. I denounced the resolution as one of the most pernicious lies of our day. It is a lie whose sole purpose is to delegitimize the existence of a nation. And it is a lie which corrupts the very ideals embodied by the United Nations.

A number of my colleagues have joined with me to cosponsor Senate Joint Resolution 246, a bill which urges the United Nations to repeal this infamous resolution. In 1987, I introduced a similar resolution, which was signed into law by President Reagan on the occasion of a visit by Israeli President Chaim Herzog.

Earlier this week, at the 46th session of the United Nations Commission on Human Rights, U.S. Ambassador Morris B. Abram made a most eloquent statement regarding the resolution. I ask unanimous consent that his statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[The 46th Session of the U.N. Commission on Human Rights]

AGENDA ITEM 21—RACISM, MARCH 6, 1990

(Statement by Ambassador Morris B. Abram)

MADAM CHAIRMAN: As a young boy growing up in Fitzgerald, Georgia, I saw racism with my own eyes. I lived in a segregated world. We had racially segregated schools, drinking fountains, bathrooms, and restaurants. No area of public life was left untouched. Both the folkways and the laws of my state were completely fitted to this perverse ideology.

The basis of racism is the belief in the inherent superiority of a particular race and its right to domination. Webster's Dictionary defines racism as "the assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another." If you need a working definition of racism, look at Nazi Germany. As a young lawyer at the Nuremberg trials, I came face to face with the enemy. And that enemy was the ultimate manifestation of racism.

When I first sat on a segregated trolley, I knew that racism was evil. I knew it viscerally and I knew it intellectually. I saw that it debased and degraded the dignity of men—all men. I knew that racism was repugnant to me as an American, that it stood in direct opposition to the fundamental principles of American democracy.

But I am not only an heir to the tradition of Jefferson and Lincoln. I am also an heir to the tradition of Abraham, Isaac and Jacob. And as a Jew reared on the values of the Torah, the Jewish Declaration of Human Rights, I had an obligation to fight racism.

Why? Because the essential message of Judaism, its Golden Rule, diametrically opposes racism. The Commandment to love thy neighbor as thyself means—if it means anything—that all men are created equal. It means, as the Bible so often exhorts, that we extend kindness to the stranger. Exodus: "Thou shalt not oppress a stranger, seeing you were strangers in the land of Egypt." Leviticus: "You shall have one law, the same for the stranger as for one of your own country." This overwhelming concern for outsiders, the hallmark of the Jewish tradition, is the exact opposite of racism.

This empathy for the outsider exists notwithstanding the natural solidarity of Jews. As the Talmud says: "All Israel is responsible, one for the other." The Jewish commitment to the stranger stands out even more given the historical vulnerability of Jews. Each year on Passover, when Jews recall their deliverance from slavery, the Hagaddah reminds: "In every generation they arise to destroy us." Jews recognize that because their existence has been so precarious, they need a sanctuary—a place of refuge.

The Jewish connection to the land of Israel is primordial, continual and eternal. The name of this yearning is Zionism. It is as much an expression of the Jewish tradition as the belief in One God, and it has been at the center of the Jewish religion for three thousand years—long before its modern manifestation as an international political movement.

The meaning of Zionism lies in its name. The historic Zion was a hill in ancient Jerusalem. It became synonymous with the City that King David established, and with the place where King Solomon built the Temple. The psalmist sat by the waters of Babylon and swore "If I forget thee, O Jerusalem, let my right hand forget her cunning." And, in explaination of the unbreakable link between Judaism and Zionism, the Prophet Isaiah proclaimed: "And it shall come to pass in the last days . . . for out of Zion shall go forth the law, and the word of the Lord from Jerusalem."

In the modern era, Zionism became the name for the national movement of the Jewish people that gave political expression to these ancient religious strirrings. But Zionism is more than an expression of ethnic pride of an oppressed people striving for the same rights as any other. The mother of my five children, herself not a born Jew, captured the essence of the link between Judaism and Zionism where we were at Nuremburg in 1946. Upon seeing the remnants of Hitler's camps straggling through Germany, unwanted anywhere except by their own people in Palestine, she turned to me and said: "A Jew is either a Zionist or without a heart."

The dream of Zionism is one of universal peace. The Zionist view articulated by the prophets was not limted to the good of Israel. Rather, it had an important universal component. "Nation shall be not lift up sword against nation, neither shall they learn war anymore." Based as it is on these prophetic ideals, Zionism has been a model for all honorable national liberation movements. It has successfully embodied a yearning for, a striving for, and finally an achievement of, tolerant nationalism.

Madame Chairman: In my lifetime, I have known both racism and Zionism. The meaning of each term should be clear to all of us. And they are total contradictions.

The modern State of Israel is the realization of the Zionist idea. Whatever its failings, it cannot be branded racist. Anyone can be a Zionist. Indeed, anyone can be a Jew. There are black Jews and brown Jews, yellow Jews and white Jews. There are Jews from the East and Jews from the West. During the past ten years, Israel has absorbed several thousand black Jews from the horn of Africa, accepting them as full-fledged citizens. Would a racist country of white people have taken such action, at considerable expense and risk?

Moreover, Israel is a country more devoted to equal rights than any other in the Middle East. Christians and Moslems, Orientals and Westerners sit together in the Israeli Knesset. How many Jews, I wonder, sit in the Parliaments of those countries who are at war with Israel? As Senator Daniel Patrick Moynihan, the former United States Representative to the United Nations, so eloquently stated on the floor of the General Assembly: "In logic, the State of Israel could be, or could become, many things, theoretically including many undesirable things, but it could not be and could not become racist unless it ceased to be Zionist."

Nevertheless, the United Nations General Assembly on November 10, 1975, passed its infamous resolution 3379, which stated "that Zionism is a form of racism and racial discrimination." This is a lie as absurd and outrageous at the "Protocols of the Elders of Zion," which were distributed by the Czars, and which have resurfaced with every new wave of anti-semitism in Russia.

Nor is this infamous resolution a cluster of idle words. Its sponsors well knew that the International Convention for the Elimination of Racism brands racist acts a crime. They have attempted to classify the essence of Jewry and the Jewish State as infected with criminality, and thus to replay Hitler's themes. And it is more than coincidence that this disgraceful General Assembly vote occurred on the thirty-seventh anniversary of Kristallnacht, Hitler's massive visitation of death and destruction on German Jewry.

The United Nations was founded in the wake of the defeat of Hitler's crimes, the result, in part, of his pernicious brand of racism. It would be an awful twist of history if the United Nations became the executor of Hitler's prophecy, and incidentally, branded as a criminal Hitler's longest and most persistent opponent—Winston Churchill—who proudly proclaimed that he was a Zionist.

This resolution was—and is—a disgrace. It blights this organization and each of its sponsors. And it is a blot on the principles of the Charter of the United Nations.

As we enter a new decade, let us call upon the General Assembly to erase the lie that taints our organization just as surely as the segregation of my youth tainted the American democracy.

Thank you, Madame Chairman.

TRIBUTE TO THE LATE MAYOR FRANK GRAVES

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a dedicated public servant. With the passing of Frank Graves, mayor of the city of Paterson, NJ, has lost one of its political leaders. Mayor Graves served his State with dedication and distinction for over 30 years. With his hands-on style, he fought hard for, and enthusiastically devoted himself to, the city he loved.

I knew Frank since our grammar school days together in Paterson. He went on to attend the University of Virginia and William Paterson College. In Europe during World War II, Frank served as a corporal with the Army's 50th Armored Division in Europe. Wounded in action, he was the recipient of the Purple Heart.

He began his political career as a Paterson alderman and served as a Passaic County freeholder from 1955 to 1960. He was elected to consecutive 3-year terms as mayor under Paterson's old form of government, serving from 1961 through 1967. From 1974 through 1978, he served as Paterson City council president. In 1982 he was elected mayor and reelected in 1986. In 1977 he was elected to the Senate and reelected in 1981, 1983, and 1987.

Frank devoted his career to making the city of Paterson a safer and better place to live. A strong believer in law and order, he was often the first on the scene during any major incident in Paterson, and could be found at most major crime scenes. On one occasion, unarmed, he apprehended three accused bank robbers and held them until the police arrived.

I joined Frank in the effort to raise the drinking age and to stop the loss of life on our roads from drunk driving. As a Democratic State senator representing parts of Passaic and Bergen Counties, Frank was proud of the bill he sponsored that raised the State's drinking age from 19 to 21. The bill passed the legislature in 1981.

An advocate of firefighters and police, the Graves Act in 1981 set mandatory prison sentences for individuals convicted of using a gun during a crime; and legislation he introduced to ban assault weapons is pending in the legislature. He was also responsible for a bill that created special penalties for drug possession or sales within 1,000 feet of a school.

His dedication and commitment to his city were at the root of his efforts to preserve Paterson's historic heritage and to revive its economy. He helped build community pride in the city he loved. Under his leadership. Paterson has experienced an ongoing renewal. I joined with Frank at the reopening of the hydroelectric plant at the Great Falls and he was very proud of this accomplishment.

Admired and loved by family, friends, and colleagues, Mayor Frank Graves leaves a rich legacy of contributions to the State of New Jersey.

I extend my deepest sympathies to his wife, Ethel, and to his three daughters Linda DeJesus, Karole, and Nancy, and his two grandchildren. He was a friend, as well as a colleague. All of us will miss this dynamic man.

ORDERS FOR FRIDAY

RECESS UNTIL 10 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, March 9; that following the time for the two leaders, there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, at 10:30 a.m. the Senate will resume consideration of the clean air bill.

RECESS UNTIL 10 A.M. TODAY

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and I see no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m., on Friday, March 9.

There being no objection, the Senate, at 12:48 a.m., recessed until Friday, March 9, 1990, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1990:

THE JUDICIARY

ADRIANE J. DUDLEY, OF THE VIRGIN ISLANDS, TO BE A JUDGE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF 10 YEARS VICE ALMERIC L. CHRISTIAN, RETIRED.

DEPARTMENT OF JUSTICE

ARTHUR F. VAN COURT, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS (REAPPOINTMENT).

IN THE NAVY

THE FOLLOWING NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

MEDICAL SERVICE CORPS

To be commander

LAWRENCE JOSEPH BOLAND, JR
DEAN F GLICK
ROBERT LESLIE HOLDREDGE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE

LINE OF THE AIR FORCE

To be lieutenant colonel

BARTON L. ABBOTT, xxx-xx-xxxx
MICHAEL D. ABEL, xxx-xx-xxxx
JEFFREY W. ACKERSON, xxx-xx-xxxx
MICHAEL D. ACRES, xxx-xx-xxxx
GEORGE W. ADAIR, xxx-xx-xxxx
GERALD G. ADAIR, xxx-xx-xxxx
JAMES A. ADAMS, xxx-xx-xxxx
JAMES R. ADAMS, JR., xxx-xx-xxxx
PAUL J. ADAMS, xxx-xx-xxxx
RICHARD A. ADAMS, xxx-xx-xxxx
RICHARD B. AIKEN, xxx-xx-xxxx
ALVIN L. K. AKEO, xxx-xx-xxxx
GARY L. ALBAUGH, xxx-xx-xxxx
DAVID L. ALBERT, xxx-xx-xxxx
THOMAS E. ALBRECHT, xxx-xx-xxxx
RICHARD L. ALCORN, xxx-xx-xxxx
RONALD G. ALDERMAN, xxx-xx-xxxx
GARY L. ALDRICH, xxx-xx-xxxx
RICKY R. ALES, xxx-xx-xxxx
MARY L. ALEXANDER, xxx-xx-xxxx
EDGBERT ALFORD, xxx-xx-xxxx
DAVID R. ALLEN, xxx-xx-xxxx
STEPHEN J. ALLEN, xxx-xx-xxxx
DENNIS M. ALLISON, xxx-xx-xxxx
LAVON ALSTON, xxx-xx-xxxx
DENNIS A. ALTENDORF, xxx-xx-xxxx
DERRALL ALTMAN, xxx-xx-xxxx
ELTON P. AMBURN, xxx-xx-xxxx
MELVIN D. ANDERS, xxx-xx-xxxx
STEPHEN J. ANDERSEN, xxx-xx-xxxx
ALICE J. W. ANDERSON, xxx-xx-xxxx
BRUCE R. ANDERSON, xxx-xx-xxxx
EDWARD M. ANDERSON, JR., xxx-xx-xxxx
HERMAN S. ANDERSON, xxx-xx-xxxx
JAMES S. ANDERSON, xxx-xx-xxxx
LLOYD L. ANDERSON, JR., xxx-xx-xxxx
MICHAEL G. ANDERSON, xxx-xx-xxxx
MICHAEL T. ANDERSON, xxx-xx-xxxx
MICHELE ANDERSON, xxx-xx-xxxx
MARK W. ANDREWS, xxx-xx-xxxx
THOMAS E. ANGLE, xxx-xx-xxxx
CHRIS T. ANZALONE, xxx-xx-xxxx
CARMEN R. APONTE, xxx-xx-xxxx
GARY J. ARCHAMBAULT, xxx-xx-xxxx
JOHN F. D. ARMSTRONG, xxx-xx-xxxx
TERRY D. ARMSTRONG, xxx-xx-xxxx
GARY W. ARNETT, xxx-xx-xxxx
CHRISTOPHER D. ARNOLD, xxx-xx-xxxx
EDWIN S. ARRANCE, xxx-xx-xxxx
CURTIS H. ARRINGTON, xxx-xx-xxxx
JOHN A. ARSENAULT, xxx-xx-xxxx
DUANE R. ARTERY, xxx-xx-xxxx
DANIEL M. ASHTON, xxx-xx-xxxx
MARK S. ASHTON, xxx-xx-xxxx
DAN V. ATKINS, xxx-xx-xxxx
ROBERT L. ATKINS, JR., xxx-xx-xxxx
JOSEPH F. AULETTA, xxx-xx-xxxx
FREDDIE G. AUSCHWITZ, xxx-xx-xxxx
TERRY W. AUSTIN, xxx-xx-xxxx
DAVID C. BACHMAN, xxx-xx-xxxx
LANCE W. BACHRAN, xxx-xx-xxxx
ROBIN H. BAGESSE, xxx-xx-xxxx
THEODORE C. BAILEY, xxx-xx-xxxx
TIMOTHY C. BAILEY, xxx-xx-xxxx
FRANK H. BAILY, xxx-xx-xxxx
ALLEN D. BAKER, xxx-xx-xxxx
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WILLIAM B. BAKER, xxx-xx-xxxx
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CAREY BALDWIN, xxx-xx-xxxx
ROSSER J. BALDWIN, JR., xxx-xx-xxxx
DENNIS A. BALKHAM, xxx-xx-xxxx
JON R. BALL, xxx-xx-xxxx
MURRAY J. BALL, xxx-xx-xxxx
FRANKLIN F. BALLINGER, xxx-xx-xxxx
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STEVEN E. BARACH, xxx-xx-xxxx
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SIDNEY K. BARWICK, xxx-xx-xxxx
FRANCIS X. BARYZA, xxx-xx-xxxx
CARL A. BASILI, xxx-xx-xxxx
GREYSON T. BASSETT, xxx-xx-xxxx
JOSEPH P. BASSI, xxx-xx-xxxx
CHARLES S. BATEMAN, xxx-xx-xxxx
SANDRA L. BATEMAN, xxx-xx-xxxx
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KEITH A. BEACHY, xxx-xx-xxxx
JACK A. BEAIRD, II, xxx-xx-xxxx
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DIANA L. BEARDSLEY, xxx-xx-xxxx
MICHAEL A. BEASON, xxx-xx-xxxx
LARRY D. BEAVER, xxx-xx-xxxx
WILLIAM J. BECK, JR., xxx-xx-xxxx
MARVIN L. BECKER, xxx-xx-xxxx
RUDY W. BECKER, xxx-xx-xxxx
CURTIS M. BEDKE, xxx-xx-xxxx
EMMET R. BEEKER, III, xxx-xx-xxxx
MARK G. BEESLEY, xxx-xx-xxxx
CHRISTINE A. BEGUNICH, xxx-xx-xxxx
LORETTA A. BEHRENS, xxx-xx-xxxx
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ALLEN D. BELANGER, xxx-xx-xxxx
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RAUL C. BENNETT, xxx-xx-xxxx
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MIKAEL S. BENO, xxx-xx-xxxx
JAMES E. BENT, III, xxx-xx-xxxx
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CRAIG L. BLACKMAN, xxx-xx-xxxx
CASEY L. BLAINE, xxx-xx-xxxx
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JOHN L. BYRD, xxx-xx-xxxx
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JEFF CAIN, xxx-xx-xxxx
ROBERT C. CAIN, xxx-xx-xxxx
IRVIN L. CAKERICE, xxx-xx-xxxx
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MARK S. CALDWELL, xxx-xx-xxxx
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KENNETH S. CALLICUTT, xxx-xx-xxxx
MIKE CALVERT, xxx-xx-xxxx
WILLIAM H. CAMP, xxx-xx-xxxx
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CHRISTOPHER M. CAMPBELL, xxx-xx-xxxx
JAMES L. CAMPBELL, xxx-xx-xxxx
WILLIAM R. CANDA, xxx-xx-xxxx
MICHAEL D. CANION, xxx-xx-xxxx
STEVEN F. CAPPS, xxx-xx-xxxx
ROBERT P. CAPUTO, xxx-xx-xxxx
ALAN L. CARAWAY, xxx-xx-xxxx
DENNIS C. CAREL, xxx-xx-xxxx
ROBERT D. CARLSON, xxx-xx-xxxx
GAYLORD K. CARLTON, xxx-xx-xxxx
BRUCE W. CARMICHAEL, xxx-xx-xxxx
CORNELIUS J. CARMODY, xxx-xx-xxxx
GEORGE R. CARPENTER, xxx-xx-xxxx
RONALD L. CARPENTER, xxx-xx-xxxx
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CHRISTOPHER W. CARTER, xxx-xx-xxxx
DARREL F. CARTER, xxx-xx-xxxx
EDWARD M. CARTER, xxx-xx-xxxx
JOHN M. CARTER, JR., xxx-xx-xxxx
JAMES A. CARVER, xxx-xx-xxxx
PAMELA A. CASAROTTO, xxx-xx-xxxx
THOMAS R. CASDORPH, xxx-xx-xxxx
WILLIAM J. CASEMENT, xxx-xx-xxxx
JAMES M. CASEY, xxx-xx-xxxx
RONALD F. CASEY, xxx-xx-xxxx
JOHN T. CASSIL, xxx-xx-xxxx
GARRY L. CASTELLI, xxx-xx-xxxx
LELAND M. CAULDER, JR., xxx-xx-xxxx
DENNIS D. CAVIT, xxx-xx-xxxx
GEORGE A. CAWL, xxx-xx-xxxx
RICARDO M. CAZESSUS, xxx-xx-xxxx
DANIEL J. CERVONE, xxx-xx-xxxx
CLIFFORD H. CHANDLER, JR., xxx-xx-xxxx
LARRY S. CHANDLER, xxx-xx-xxxx
DOUGLAS M. CHAPMAN, xxx-xx-xxxx
KENNETH H. CHARFAUROS, xxx-xx-xxxx
JAMES P. CHARLES, xxx-xx-xxxx
GRACE M. CHARNEY, xxx-xx-xxxx
PATRICK S. CHARTERS, xxx-xx-xxxx
THOMAS R. CHARTERS, xxx-xx-xxxx
MICHAEL C. CHATHAM, xxx-xx-xxxx
KEITH N. CHAURET, xxx-xx-xxxx
HARRIET E. CHEATHAM, xxx-xx-xxxx
KEVIN E. CHEEK, xxx-xx-xxxx
DENNIS L. CHERRY, xxx-xx-xxxx
HENRY CHILDS, xxx-xx-xxxx
ANTHONY J. CHINIARA, xxx-xx-xxxx
BARRY J. CHISHOLM, xxx-xx-xxxx
TIMOTHY J. CHOATE, xxx-xx-xxxx
LANCE E. CHRISINGER, xxx-xx-xxxx
THEODORE O. CHURCH, xxx-xx-xxxx
JOHN L. CIRAFICI, xxx-xx-xxxx
DOUGLAS G. CISLER, xxx-xx-xxxx
DAVID F. CLARK, xxx-xx-xxxx
FRED P. CLARK, xxx-xx-xxxx
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THOMAS E. CLARK, xxx-xx-xxxx
WILLIAM C. CLARK, xxx-xx-xxxx
THOMAS P. CLARKSON, JR., xxx-xx-xxxx
DAVID E. CLARY, xxx-xx-xxxx
CHARLES F. CLAYTON, xxx-xx-xxxx
RICHARD C. CLAYTON, xxx-xx-xxxx
RICHARD H. CLEAVELAND, xxx-xx-xxxx
KATHLEEN D. CLEMENCE, xxx-xx-xxxx
WILLIAM A. CLEMENS, xxx-xx-xxxx
WILLIAM A. CLIFT, JR., xxx-xx-xxxx
RICHARD L. CLINE, xxx-xx-xxxx
RICHARD S. COBB, xxx-xx-xxxx
DONALD V. COHEN, xxx-xx-xxxx
GARRY W. COLE, xxx-xx-xxxx
JOHN R. COLE, xxx-xx-xxxx
JAMES A. COLLEY, II, xxx-xx-xxxx
JAMES W. COLLINS, JR., xxx-xx-xxxx
JOHNNY M. COLLINS, xxx-xx-xxxx
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TIMOTHY M. COLLINS, JR., xxx-xx-xxxx
DOUGLAS C. COLTHARP, xxx-xx-xxxx
THOMAS H. COLTON, xxx-xx-xxxx
MICHAEL S. COMAN, xxx-xx-xxxx
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RICHARD W. COMLEY, xxx-xx-xxxx
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ROBERT T. COOPER, xxx-xx-xxxx
PAUL D. COPP, xxx-xx-xxxx
GARY L. COPSEY, xxx-xx-xxxx
DWIGHT G. CORBETT, xxx-xx-xxxx
EUGENE A. CORRELL, xxx-xx-xxxx
JAMES M. CORRIGAN, xxx-xx-xxxx
ROBERT C. COSAND, xxx-xx-xxxx
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EDDIE J. COURTNEY, JR., xxx-xx-xxxx
ASHBY V. COWART, JR., xxx-xx-xxxx
DONALD A. COX, xxx-xx-xxxx
JAMES R. COX, JR., xxx-xx-xxxx
STEPHEN V. CRAIG, xxx-xx-xxxx
MICHAEL A. CRAVENS, xxx-xx-xxxx
MICHAEL L. CRAWFORD, xxx-xx-xxxx
NETTIE L. CRAWFORD, xxx-xx-xxxx
PHILLIP J. CRAWFORD, xxx-xx-xxxx
FREDERICK W. CRESSMAN, III, xxx-xx-xxxx
WILLIAM H. CRIST, xxx-xx-xxxx
JIMMY C. CROOK, xxx-xx-xxxx
MICHAEL L. CROSBY, xxx-xx-xxxx
STEPHEN E. CROSS, xxx-xx-xxxx
JILL M. CROTTY, xxx-xx-xxxx
JERRY W. CROWE, xxx-xx-xxxx
JOSEPH M. CULOTTA, JR., xxx-xx-xxxx
WILEYN F. CUMMINGS, xxx-xx-xxxx
JEFFREY A. CUNEO, xxx-xx-xxxx
REX J. CUNNINGHAM, xxx-xx-xxxx
SAMUEL J. CUNNINGHAM, xxx-xx-xxxx
GENNARO CUOMO, xxx-xx-xxxx
DAVID G. CURDY, xxx-xx-xxxx
STEPHEN M. CURRAN, xxx-xx-xxxx
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MARTHA E. FRED, xxx-xx-xxxx
BARRY L. GUTZMAN, xxx-xx-xxxx
BRENDA J. HOLLIS, xxx-xx-xxxx
DAVID E. JACKSON, xxx-xx-xxxx
ROBERT E. KASZCZUK, xxx-xx-xxxx
LESTER K. KATAHARA, xxx-xx-xxxx
LARRY A. KUDRLE, xxx-xx-xxxx
NOEL J. PHETTEPLACE, xxx-xx-xxxx
JOHN J. POWERS, xxx-xx-xxxx
MICHAEL J. ROLLINGER, xxx-xx-xxxx
JARISSE J. SANBORN, xxx-xx-xxxx
DAVID M. SCHNEIDERMAN, xxx-xx-xxxx
ROBERT S. SCHWARTZ, xxx-xx-xxxx
RICHARD E. SLIPSKY, xxx-xx-xxxx
MILTON L. SMITH, III, xxx-xx-xxxx
FELIX J. STALLS, III, xxx-xx-xxxx
CAROLYN S. STOEHR, xxx-xx-xxxx
JOSEPH J. TRAFICANTI, xxx-xx-xxxx
PATRICIA L. VANDENBROEKE, xxx-xx-xxxx
REBECCA S. WEEKS, xxx-xx-xxxx
LEO B. WEGEMER, xxx-xx-xxxx

NURSE CORPS

To be lieutenant colonel

JERRY E. ADAMS, xxx-xx-xxxx
DEBORAH A. B. AIN, xxx-xx-xxxx
GARY E. ANDERSON, xxx-xx-xxxx
DORIS A. BATTLE, xxx-xx-xxxx
DONNA F. BEHL, xxx-xx-xxxx
LINDA G. BERTINASCO, xxx-xx-xxxx
CARLA BIEHL, xxx-xx-xxxx
NORMA K. BOLTON, xxx-xx-xxxx
JUNE E. BONK, xxx-xx-xxxx
CHESTER C. BOSTEK, xxx-xx-xxxx
LINDA L. BOYLE, xxx-xx-xxxx
TERRY D. CAMPBELL, xxx-xx-xxxx
CHARLES P. CLARK, xxx-xx-xxxx
MARY L. COLEMAN, xxx-xx-xxxx
BRUCE B. DAVENPORT, xxx-xx-xxxx
DEBORAH L. DICICCO, xxx-xx-xxxx
LINDA M. DOWNING, xxx-xx-xxxx
MARGARET L. EASTERLING, xxx-xx-xxxx
QUANNETTA T. EDWARDS, xxx-xx-xxxx
DONALD G. ELDRIDGE, xxx-xx-xxxx
PATRICIA E. FLOWERS, xxx-xx-xxxx
BRADLEY G. GAMMILL, xxx-xx-xxxx
DIANE R. GUENDEL, xxx-xx-xxxx
ALMA GUZMAN, xxx-xx-xxxx
MARYEILEEN HARRISON, xxx-xx-xxxx
LINDA F. HENDERSON, xxx-xx-xxxx
KERBY L. HERTZ, xxx-xx-xxxx
CAROL A. HEWSON, xxx-xx-xxxx
SHERRY J. HILLESHEIM, xxx-xx-xxxx
ALBERTINA HOLMLUND, xxx-xx-xxxx
PATRICIA A. HOWARD, xxx-xx-xxxx
KATHERINE T. KLAUS, xxx-xx-xxxx
TERRENCE L. KLEIN, xxx-xx-xxxx
RICHARD J. KNECHT, JR., xxx-xx-xxxx
CATHY H. LANEY, xxx-xx-xxxx
DEBRA K. LESTER, xxx-xx-xxxx
NANCY L. LEWIS, xxx-xx-xxxx
LAUREL A. MCKEITH MARAZ, xxx-xx-xxxx
DENNIS C. MARQUARDT, xxx-xx-xxxx
MARSHA A. MATTHEWS, xxx-xx-xxxx
CAROL L. MCINTYRE, xxx-xx-xxxx
RALPH E. MINTON, xxx-xx-xxxx
BRENDA S. MUEGGENBORG, xxx-xx-xxxx
JACQUELINE E. MURDOCK, xxx-xx-xxxx
MARY A. OLSON, xxx-xx-xxxx
TERESA W. PAGE, xxx-xx-xxxx
ROBERT S. PATT, II, xxx-xx-xxxx
ALICIA A. POSLOSKY, xxx-xx-xxxx
RICHARD J. PROUDFOOT, xxx-xx-xxxx
LINDA M. PRUST, xxx-xx-xxxx
CAROL A. PURVIS, xxx-xx-xxxx
PAMELA M. ROBERTS, xxx-xx-xxxx
PAMELA A. RUSTVANG, xxx-xx-xxxx
EDITH S. SANDOVAL, xxx-xx-xxxx
DEBORAH A. SCHOBEL, xxx-xx-xxxx
RICHARD W. SCOTT, xxx-xx-xxxx
LINDA D. SIEGEL, xxx-xx-xxxx
SHIRLEY W. SLETTEDAHL, xxx-xx-xxxx
ANN L. SMITH, xxx-xx-xxxx
MARGARET M. STALLARD, xxx-xx-xxxx
CLAUDIA L. STORHOFF, xxx-xx-xxxx
MEREDETH A. STUCKY, xxx-xx-xxxx
BARBARA C. SUTTON, xxx-xx-xxxx
MARY THOMPSON, xxx-xx-xxxx
SANDRA J. TRIPP, xxx-xx-xxxx
NANETTE A. TRUMBULL, xxx-xx-xxxx
THOMAS A. VANN, xxx-xx-xxxx
GAYLE M. VELLUCCI, xxx-xx-xxxx
TERRI S. WETHINGTON, xxx-xx-xxxx
JANET A. WHITE, xxx-xx-xxxx
CONSTANCE M. WHORTON, xxx-xx-xxxx
JUDITH A. WILLS, xxx-xx-xxxx
SARAH E. WRENN, xxx-xx-xxxx
DARLENE J. ZAK, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN L. ALCOCK, xxx-xx-xxxx
RITA S. ATHERTON, xxx-xx-xxxx
RICHARD R. BANNICK, xxx-xx-xxxx
SCOTT J. CALL, xxx-xx-xxxx
JEFFREY W. COOPER, xxx-xx-xxxx
DALE W. DAVENPORT, xxx-xx-xxxx
THOMAS E. DAVENPORT, xxx-xx-xxxx
DONALD T. DAVIES, xxx-xx-xxxx
RONALD L. EVANS, xxx-xx-xxxx
ROBERT C. GELTZ, xxx-xx-xxxx
HERMAN R. GREENBERG, xxx-xx-xxxx
STEPHEN W. GRESSEL, xxx-xx-xxxx
MARTIN L. HARPER, xxx-xx-xxxx
MARTIN A. HAY, xxx-xx-xxxx
JOSEPH P. JENSEN, xxx-xx-xxxx
JOHN W. KENNEDY, xxx-xx-xxxx
RAY KINCY, xxx-xx-xxxx
WILLIAM B. KLEEFISCH, xxx-xx-xxxx
JOHN A. LEE, xxx-xx-xxxx
JEROME P. LUBY, xxx-xx-xxxx
NANCY L. MCDANIEL, xxx-xx-xxxx
THOMAS D. MCKINNEY, xxx-xx-xxxx
LANE A. ONGSTAD, xxx-xx-xxxx
MATTHIAS B. PISUT, III, xxx-xx-xxxx
FRANK E. SCHMIDT, III, xxx-xx-xxxx
DONALD W. SHIELDS, xxx-xx-xxxx
WILLIAM A. STONE, xxx-xx-xxxx
KERNIST T. STOVALL, JR., xxx-xx-xxxx
WORTH R. TAYLOR, xxx-xx-xxxx
PAUL L. THOMAS, xxx-xx-xxxx
DANIEL L. WEISKITTEL, xxx-xx-xxxx
KENNETH L. WHITAKER, xxx-xx-xxxx

BIOMEDICAL SCIENCES

To be lieutenant colonel

ROBERT C. ANDERSON, xxx-xx-xxxx
ALEXANDRA C. BAKARICH, xxx-xx-xxxx
PAULA A. BLOCK, xxx-xx-xxxx
BOBBY L. BOURLAND, xxx-xx-xxxx
DENISE M. BROWN, xxx-xx-xxxx
LEALLAN L. BUROUGH, xxx-xx-xxxx
WILLIAM G. CARGILL, xxx-xx-xxxx
THERESA M. CASEY, xxx-xx-xxxx
JAMES M. CHEATHAM, xxx-xx-xxxx
SANFORD M. CHESLER, xxx-xx-xxxx
TERRY A. CHILDRESS, xxx-xx-xxxx
LEWIS F. COX, xxx-xx-xxxx
DENTON R. CROTCHETT, xxx-xx-xxxx
DALLAS D. DIEDERICH, xxx-xx-xxxx
WILLIAM J. FODOR, xxx-xx-xxxx
JAMES F. GOODMAN, xxx-xx-xxxx
DAVID H. GWINN, xxx-xx-xxxx
KURT A. HAMMOND, xxx-xx-xxxx
HARRY C. HARSHBARGER, JR., xxx-xx-xxxx
NEIL D. HOROWITZ, xxx-xx-xxxx
DAVID L. KIRKPATRICK, xxx-xx-xxxx
THOMAS R. MALEY, xxx-xx-xxxx
ROBERT J. MCKENNA, xxx-xx-xxxx
TERRY J. MEIER, xxx-xx-xxxx
ELLIOT K. NG, xxx-xx-xxxx
DEBORAH S. PAGE, xxx-xx-xxxx
JOSEPH T. PATTERSON, xxx-xx-xxxx
PAUL L. PEARMAN, xxx-xx-xxxx
DALE A. PETERSON, xxx-xx-xxxx
MILTON J. PETRIN, xxx-xx-xxxx
TIMOTHY P. PHILPOTT, xxx-xx-xxxx
RICHARD G. PUGH, xxx-xx-xxxx
PAUL T. RAY, xxx-xx-xxxx
HAROLD D. ROSENHEIM, xxx-xx-xxxx
ROBERTA L. RUSSELL, xxx-xx-xxxx
BENIGNO SIERRAIRIZARRY, xxx-xx-xxxx
ISAAC C. SINGLETON, xxx-xx-xxxx
NELSON K. SMITH, xxx-xx-xxxx
RICHARD E. SMITHERMAN, xxx-xx-xxxx
WILLIAM C. TWEEDIE, xxx-xx-xxxx
CLIFFORD M. WALKER, JR., xxx-xx-xxxx
LAWRENCE C. WARREN, xxx-xx-xxxx
DALE E. WHITNEY, xxx-xx-xxxx
FRANK H. WIANS, JR., xxx-xx-xxxx
ROBERT L. WILLIAMS, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be colonel

RICHARD L. ADAMS, xxx-xx-xxxx
THOMAS T. BUNNETT, xxx-xx-xxxx
JOHN G. COTTINGHAM, xxx-xx-xxxx
JOHN J. KAISING, xxx-xx-xxxx
CHARLES E. MALLARD, xxx-xx-xxxx
JAMES D. MASTELLER, xxx-xx-xxxx
MARVIN A. MCROBERTS, xxx-xx-xxxx
MATTHEW A. QUINLAN, xxx-xx-xxxx
JESSE G. SADDLER, xxx-xx-xxxx
THOMAS R. SMITH, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

ROBERT S. *. BAUSCH, xxx-xx-xxxx
ANDRE R. BOISSEVAIN, xxx-xx-xxxx
GARY R. *. BURCH, xxx-xx-xxxx
WILLIAM M. *. COLEMAN, xxx-xx-xxxx

PILARITA G. *. CORTEZ, xxx-xx-xxxx
RONALD J. *. EDWARDS, xxx-xx-xxxx
EDWARD C. *. ELSON, xxx-xx-xxxx
GERALD D. *. EVANS, xxx-xx-xxxx
JOHN P. FOGARTY, xxx-xx-xxxx
CHARLES G. FRANK, xxx-xx-xxxx
STEPHEN D. *. GIBBS, xxx-xx-xxxx
JOHN R. *. HESS, xxx-xx-xxxx
MARVIN E. HILL, III, xxx-xx-xxxx
THOMAS C. HOFFER, xxx-xx-xxxx
GAYLE A. HUMM, xxx-xx-xxxx
FELICE M. IAPAOLO, xxx-xx-xxxx
JEAN T. JACKSON, xxx-xx-xxxx
WILLIAM D. JAMES, xxx-xx-xxxx
JAMES W. *. KIKENDALL, xxx-xx-xxxx
JAMES M. LAMIELL, xxx-xx-xxxx
GEORGE H. LOWELL, xxx-xx-xxxx
DAVID J. *. MAGELSSEN, xxx-xx-xxxx
CALVIN E. MEIN, xxx-xx-xxxx
DAVID L. *. MICHAELS, xxx-xx-xxxx
MANUE *. MORALESCABRANES, xxx-xx-xxxx
WALTER M. *. NEWTON, xxx-xx-xxxx
JOSEPH E. PARISI, xxx-xx-xxxx
RONALD E. PRIER, xxx-xx-xxxx
ELIZABETH C. QUINLAN, xxx-xx-xxxx
SURYAKUMAR *. RAJARAM, xxx-xx-xxxx
ROBERT L. *. RAMSEY, xxx-xx-xxxx
ROBERT L. *. REED, xxx-xx-xxxx
TIMOTHY D. SHEEHAN, JR, xxx-xx-xxxx
KARL S. SNYDER, xxx-xx-xxxx
THOMAS J. TAYLOR, xxx-xx-xxxx
MARY F. *. VAETH, xxx-xx-xxxx
PAULINO O. VASALLO, xxx-xx-xxxx
HOWARD A. WIENER, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

PAUL M. ADAMS, xxx-xx-xxxx
DOUGLAS C. *. ANDERSON, III, xxx-xx-xxxx
RONALD E. *. ANDERSON, xxx-xx-xxxx
MARVIN C. ARNOLD, xxx-xx-xxxx
GARRY F. *. ATKINS, xxx-xx-xxxx
THOMAS M. *. BAILEY, xxx-xx-xxxx
STEVEN A. *. BAKER, xxx-xx-xxxx
LOUIE M. *. BANKS, III, xxx-xx-xxxx
STEPHEN T. *. BECK, xxx-xx-xxxx
ROBERT S. *. BOROWSKI, xxx-xx-xxxx
MICHAEL G. *. BOWIE, xxx-xx-xxxx
ROGER B. *. BOYKINS, xxx-xx-xxxx
FRED H. *. BROWN, JR, xxx-xx-xxxx
RALPH V. *. BROWN, xxx-xx-xxxx
ROBERT R. *. CALDWELL, xxx-xx-xxxx
JOHN J. *. CIESLA, xxx-xx-xxxx
ANDRE D. *. CLARK, xxx-xx-xxxx
ROBERT W. *. COLLINS, xxx-xx-xxxx
CATHERINE L. *. COOK, xxx-xx-xxxx
DAVID J. *. COREY, xxx-xx-xxxx
DAVID W. CRAFT, xxx-xx-xxxx
WILLIAM T. *. CROSS, xxx-xx-xxxx
JAMES B. CROWTHER, xxx-xx-xxxx
GARNET R. *. DALE, xxx-xx-xxxx
GREGORY C. *. DEMPSEY, xxx-xx-xxxx
JODI L. *. DEUGER, xxx-xx-xxxx
KENNETH E. *. DICK, xxx-xx-xxxx
WILLIAM K. *. DORR, xxx-xx-xxxx
CARLOS A. *. DOUGLAS, JR, xxx-xx-xxxx
STEPHEN M. *. DOWNS, xxx-xx-xxxx
SHERMAN A. *. DUNLOW, xxx-xx-xxxx
FREDDY D. *. EAVES, xxx-xx-xxxx
WALTER H. *. EGENMAIER, xxx-xx-xxxx
DOUGLAS A. *. EIDE, xxx-xx-xxxx
VICTOR C. EILENFIELD, xxx-xx-xxxx
MARC L. *. EISENMANN, xxx-xx-xxxx
TERRY V. *. ELLINGSON, xxx-xx-xxxx
JOHN J. *. ELSHAW, xxx-xx-xxxx
RONALD E. ESKEW, xxx-xx-xxxx
WILLIAM D. *. EVANS, xxx-xx-xxxx
JOHN J. *. FELICIO, xxx-xx-xxxx
FRANK C. FLORO, xxx-xx-xxxx
DEBRA D. FRANCO, xxx-xx-xxxx
BENJAMIN P. *. FRENCH, xxx-xx-xxxx
KARL E. *. FRIEDL, xxx-xx-xxxx
WILLIAM R. *. FRY, xxx-xx-xxxx
DEBRA D. *. GALLOWAY, xxx-xx-xxxx
FREDERICK J. GARGIULO, xxx-xx-xxxx
DEBORAH A. *. GILBERTSON, xxx-xx-xxxx
WILLIAM E. *. GILMORE, xxx-xx-xxxx
MICHAEL A. *. GIOVINO, xxx-xx-xxxx
ARTHUR J. GONZALES, xxx-xx-xxxx
JAMES E. *. GORDON, xxx-xx-xxxx
JOSEPH M. *. GOVIA, xxx-xx-xxxx
JOHN D. *. GRABENSTEIN, xxx-xx-xxxx
ELIZABETH *. GRABOWSKIGOODALL, xxx-xx-xxxx
GAY L. GRAY, xxx-xx-xxxx
MAX GROGL, xxx-xx-xxxx
KIM E. GUSTAFSON, xxx-xx-xxxx
DALE A. *. HAAK, xxx-xx-xxxx
EDGAR J. *. HABECK, xxx-xx-xxxx
DONALD E. HALL, xxx-xx-xxxx
YOLANDA Y. *. HARDEN, xxx-xx-xxxx
ROBERT F. *. HARDIN, xxx-xx-xxxx
DAN E. *. HARMS, xxx-xx-xxxx
ISIAH M. HARPER, xxx-xx-xxxx
HERMAN *. HARRIS, JR, xxx-xx-xxxx
CHRISTOPHER L. *. HARTZ, xxx-xx-xxxx
DAVID R. *. HEIER, xxx-xx-xxxx
SCOTT D. HENDRICKSON, xxx-xx-xxxx
DWANE A. *. HUBERT, xxx-xx-xxxx
CHARLES C. HUME, xxx-xx-xxxx
CARL G. *. JACKA, II, xxx-xx-xxxx
LISA M. JOHNSON, xxx-xx-xxxx
WILLIAM H. *. KARGE, III, xxx-xx-xxxx
CHARLES S. *. KELLER, xxx-xx-xxxx
JOSEPH J. *. KNAPIK, xxx-xx-xxxx
PAULINE KNAPP, xxx-xx-xxxx
MICHAEL F. LADUC, xxx-xx-xxxx
JED S. *. LEWIS, xxx-xx-xxxx
CHARLES L. LINDEN, JR, xxx-xx-xxxx
WILLIAM B. *. LUCAS, xxx-xx-xxxx
DANIEL G. *. MADDEN, xxx-xx-xxxx
WILLIAM P. MAHR, xxx-xx-xxxx
POLLYANNE A. MARCIESKI, xxx-xx-xxxx
SCOTT C. MARTIN, xxx-xx-xxxx
DANNY L. *. MARX, xxx-xx-xxxx
TERRENCE G. *. MAYCLIN, xxx-xx-xxxx
JANICE E. *. MCCREARYWATSON, xxx-xx-xxxx
JETTAKA V. MCGREGOR, xxx-xx-xxxx
PAT M. *. MCMURRY, xxx-xx-xxxx
DALLAS W. *. MILLER, xxx-xx-xxxx
ROBERT H. *. MINNICK, xxx-xx-xxxx
WENDELL A. *. MOORE, xxx-xx-xxxx
GRANT L. *. MORGAN, xxx-xx-xxxx
THOMAS T. *. MOXLEY, JR, xxx-xx-xxxx
THOMAS G. MUNDIE, xxx-xx-xxxx
RONALD D. *. NABORS, xxx-xx-xxxx
GARY NEWMAN, xxx-xx-xxxx
JEFFREY T. *. NORTON, xxx-xx-xxxx
BRIAN R. *. OLEARY, xxx-xx-xxxx
CHARLES E. *. OLIVER, xxx-xx-xxxx
RICKY J. *. OLSON, xxx-xx-xxxx
EUGENE Z. *. PALMER, xxx-xx-xxxx
MICHAEL L. *. PEYTON, xxx-xx-xxxx
MICHELLE R. *. POOL, xxx-xx-xxxx
DENNIS G. *. PRATHER, xxx-xx-xxxx
DAVID H. *. PRATT, JR, xxx-xx-xxxx
REGINALD L. PUGH, xxx-xx-xxxx
RICHARD P. PURKETT, xxx-xx-xxxx
KENNETH L. QUAGLIO, xxx-xx-xxxx
JOAN F. *. RAINEY, xxx-xx-xxxx
BEDE V. RAMCHARAN, xxx-xx-xxxx
MARY L. *. RAMOS, xxx-xx-xxxx
RICHARD G. *. REALE, xxx-xx-xxxx
KATHLEEN M. *. REILLY, xxx-xx-xxxx
JAMES H. RICKARD, III, xxx-xx-xxxx
WILLIAM H. *. RIVARD, III, xxx-xx-xxxx
MICHAEL D. *. ROGERS, xxx-xx-xxxx
FRANKLIN D. *. ROWLAND, JR, xxx-xx-xxxx
PHILIP A. *. SADLER, xxx-xx-xxxx
MARTHA A. SANDERS, xxx-xx-xxxx
MARK A. *. SEYMOUR, xxx-xx-xxxx
CLIFFORD S. SHAMBURGER, xxx-xx-xxxx
THOMAS C. *. SHANK, xxx-xx-xxxx
DARYL L. SPENCER, xxx-xx-xxxx
ROGER P. *. STAI, xxx-xx-xxxx
ROBERT F. *. STANLEY, JR, xxx-xx-xxxx
EDWARD P. *. STEVENS, xxx-xx-xxxx
NEAL E. *. STOCKMYER, xxx-xx-xxxx
KIM C. STRUNZ, xxx-xx-xxxx
JULIET T. *. TANADA, xxx-xx-xxxx
WARNER L. *. TYREE, xxx-xx-xxxx
CURTIS E. *. VELASCO, xxx-xx-xxxx
KENNETH *. WADE, xxx-xx-xxxx
THERESA M. *. WALTON, xxx-xx-xxxx
LEAH *. WARDLEE, xxx-xx-xxxx
FREDERIC J. *. WATKE, xxx-xx-xxxx
TOYE E. *. WATTS, xxx-xx-xxxx
ROBERT A. WEEKS, JR, xxx-xx-xxxx
MICHAEL A. *. WEHNER, xxx-xx-xxxx
LINWOOD G. *. WENTWORTH, xxx-xx-xxxx
DONALD L. WESTON, xxx-xx-xxxx
HEATHER T. *. WHEELER, xxx-xx-xxxx
STEPHEN *. WILKINSON, xxx-xx-xxxx
TERRIE L. *. WILLIS, xxx-xx-xxxx
MING F. *. WONG, xxx-xx-xxxx
ROBERT E. WRIGHT, xxx-xx-xxxx
DEBRA A. ZANKL, xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

ANTHONY C. AKSTIN, xx...
CHARLES R. ARMSTRONG, xx...
HARRY K. BARNES, xx...
DONALD B. BEAVER, xx...
JENNINGS B. BEAVERS, II, xx...
JAMES H. BENSON, xx...
MARTIN R. BERNDT, xx...
DAVID F. BICE, xx...
WAYMAN R. BISHOP, III, xx...
REED T. BOLICK, xx...
DANIEL M. BRANNON, xx...
FRANK L. BREWER, xx...
SLADE A. BREWER, xx...
KENNETH J. BROWN, xx...
ROBERT R. BUCKLEY, xx...
LAURENCE K. BURGESS, xx...
FRANCIS J. BUSAM, xx...
WILLIAM D. BUSHNELL, xx...
THOMAS R. CARSTENS, xx...
RICHARD W. CHAMBLISS, xx...
DENNIS E. CLANCEY, xx...
JOHN T. CLINTON, xx...
JOEL L. COOLEY, xx...
MICHAEL J. CROSS, xx...
WALTER F. DEHOUST, xx...
ALBERT A. DESANTIS, JR, xx...
THOMAS P. DONNELLY, JR, xx...
ROGER H. DOUGHERTY, xx...
ROBERT J. FAWCETT, xx...
CHARLES S. FISHER, xx...
HOWARD C. FLORENCE, xx...
WALTER G. FORD, xx...
KENNETH D. FRANTZ, xx...
WILLIAM H. FRIZELL, xx...
JAMES A. FULKS, xx...
MILTON J. GANIER, xx...
CHERYL A. GARBETT, xx...
JOSEPH C. GARBROUS, xx...
ROBERT J. GARNER, xx...
JOHN C. GARRETT, xx...
LYLE D. GEARHART, xx...
FRANK I. GORAL, xx...
DAVID C. HAGUE, xx...
EARL B. HAILSTON, xx...
THOMAS E. HAMPTON, xx...
BRUCE R. HARDER, xx...
THOMAS G. HARKINS, xx...
WILLIAM HARLEY, xx...
JAMES E. HATCH, xx...
MICHAEL M. HENDERSON, xx...
THEODORE G. HESS, xx...
MICHAEL A. HOUGH, xx...
DAN P. HOUSTON, xx...
PETER G. JACOBS, xx...
HARRY JENSEN, JR, xx...
TERRELL T. KELLEY, xx...
PAUL V. KELLY, xx...
JOHN P. KLINE, JR, xx...
BRUCE B. KNUTSON, JR, xx...
JOHN H. KORNEDER, xx...
DENNIS T. KRUPP, xx...
ARLEN L. LAROSE, xx...
DONALD J. LAVOY, xx...
PAUL M. LEE, JR, xx...
EDWARD M. LEONARD, xx...
ANDREW M. LLOYD, III, xx...
BERNARD F. LUBY, JR, xx...
WILLIAM J. LUCAS, xx...
CHARLES H. LYMAN, xx...
JOHN M. MACK, xx...
ROBERT I. MACPHERSON, xx...
ROBERT A. MADDOCKS, JR, xx...
ROBERT MAGNUS, xx...
JAMES D. MAJCHRZAK, xx...
ROBERT P. MAUSKAPF, xx...
ROGER C. MCELRAFT, xx...
ROBERT B. MCKITTRICK, xx...
WILLIAM C. MCMULLEN, III, xx...
VERNON G. MEDINGER, xx...
JOSEPH A. MITCHELL, JR, xx...
DAVID M. MIZE, xx...
THOMAS J. MOLON, xx...
WAYNE V. MORRIS, xx...
JAMES M. MURRAY, JR, xx...
JOHN T. MURRAY, xx...
RICHARD H. MYERS, xx...
SIEBRAND H. NIEWENHOUS, III, xx...
HUGH J. ONEILL, xx...
STEPHEN J. OREN, xx...
HENRY P. OSMAN, xx...
ANTHONY M. PALERMO, xx...
GARRY L. PARKS, xx...
WILLIAM C. PEOPLES, xx...
HARRY W. PETERSON, III, xx...
ANDREW N. PRATT, xx...
RICHARD H. PRIEST, xx...
BURTON C. QUIST, xx...
THOMAS F. REATH, xx...
CHARLES T. REILLY, JR, xx...
ROBERT P. REITEN, xx...
RONALD G. RICHARD, xx...
CHARLES S. RINEHART, xx...
COLLIN C. ROBERTS, xx...
JOHN H. ROBERTUS, xx...
SANDS A. ROBNICK, xx...
ROBERT N. ROMAN, xx...
HARRY G. RUDGE, xx...
LARRY S. SCHMIDT, xx...
WILLIAM F. SCOTT, xx...
KEITH T. SEFTON, xx...
JAMES P. SEXTON, xx...
JOHN M. SHOTWELL, xx...
TERRANCE L. SMITH, xx...
MYKLE E. STAHL, xx...
CLIFFORD L. STANLEY, xx...
RICHARD D. STEARNS, xx...
RUSSEL M. STROMBERG, xx...
JOHN R. TODD, xx...
ROBERT R. TYLER, xx...
EDWIN C. WALKE, xx...
JAMES L. WHITLOW, xx...
FREDERICK C. WILLIAMS, JR, xx...
JAMES W. WILSON, II, xx...
WALTER J. WOOD, xx...
CHARLES F. YOUNG, xx...

EXTENSIONS OF REMARKS

U.S. POLICY IN THE MIDDLE EAST AND PERSIAN GULF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. HAMILTON. Mr. Speaker, following is the prepared statement of Assistant Secretary of State for Near East and South Asian Affairs John H. Kelly before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

The statement offers a good summary of where we are in the region in the peace process, in the United States dialog with the PLO, on the issue of Soviet Jewish emigration, in Lebanon and in the Persian Gulf.

The statement of February 28, 1990, follows:

STATEMENT OF JOHN H. KELLY, ASSISTANT SECRETARY OF STATE, BUREAU OF NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. Chairman, Members of the Subcommittee: Thank you, Mr. Chairman. I am pleased to appear before the subcommittee today. I will discuss a number of developments which have occurred in the Middle East and South West Asia since I last testified before the Subcommittee in November. Before going into the details of current developments, I would like to take a somewhat longer-term and broader view by examining the situation in which we find ourselves today compared to the situation just a little over a year ago at the start of the Bush Administration.

OVERVIEW

I do not want what I am about to say to be taken as too optimistic. The Middle East and South West Asia remain afflicted with tension. Too many people continue to die in senseless conflicts and acts of terrorism. If we compare the situation in the region now to what it was when President Bush first took office, we can find a number of developments in which we can take a measure of satisfaction.

This Administration has worked intensively with our friends in Egypt and Israel to advance the Middle East Peace Process. These efforts have begun to bear fruit; I believe that we are closer now to creating the conditions for an Israeli-Palestinian dialogue than than we have been since the creation of the state of Israel in 1948.

Lebanon remains plagued by internecine and inter-communal conflicts, but that country's parliamentarians were able with Arab League assistance to meet last fall at Taif, Saudi Arabia and reach a landmark agreement which marks the first constitutional change in that nation since 1943.

In North Africa, the governments of Morocco, Tunisia, and Algeria remain stable and U.S. relations with these states remain good. Our relations with the Arab states of the Gulf continue to be solid. We have maintained a commercial relationship with Iraq and established a political dialogue with that state.

PEACE PROCESS

We remain actively engaged in efforts to advance the Peace Process. In December I visited Israel and Egypt and discussed with the leadership in both countries our efforts toward peace. Since the Governments of Egypt and Israel agreed to our five point framework for progress toward an Israeli-Palestinian dialogue, we have actively been at work in the effort to put together the dialogue.

Secretary Baker has been in constant contact with Egyptian and Israeli leaders, and we have had a number of senior-level exchanges with representatives of both countries. In mid-January, Egyptian Foreign Minister Abdel Meguid led a team to Washington which, although focused on economic matters, allowed for detailed discussions of the Peace Process. Israeli Defense Minster Rabin was in Washington at the same time and we had a good exchange with him.

In these talks, we urge more rapid movement toward the dialogue. We also tried to advance the process during Israeli Foreign Minister Aren's visit here last week.

Our basic approach remains constant. We continue to endorse the Israeli Cabinet peace initiative of May 14, 1989 and are pursuing its objective of organizing elections in the occupied territories, leading to negotiations on interim arrangements and final status. As indicated in our five points, we seek, as a first step in this process, a meeting of the foreign ministers of Egypt, Israel, and the U.S. The objective of this meeting is to agree on the details of an Israel-Palestinian dialogue on elections, how to get to elections, the election modalities themselves, and how to link elections to the broader negotating process. The first session would be held in Cairo. This trilateral meeting has not yet been scheduled, but the time is now at hand for political decisions by the parties.

In our discussions with the Egyptians and the Israelis, we are dealing with a number of difficult issues, including the composition of a Palestinian delegation for the dialogue. We have been discussing general criteria for delegation members with both Israel and Egypt.

Another outstanding issue is the agenda for the dialogue. We favor a simple agenda providing for opening statements and then the start of discussions focusing on elections.

We are persuaded our current approach is the best opportunity for progress likely to become available. The Israeli and Palestinian leaderships must be encouraged to seize the opportunity for practical progress now before them and to move ahead to a dialogue and negotiations. These are difficult issues and there are many hard decisions to be made in order for the process to move forward. Political will must be found on all sides for this process to move forward.

PLO DIALOGUE

It is most important to recall the underlying premise and starting point of our dialogue with the PLO. It started because the PLO changed its position on three critical issues—renunciation of terrorism, recognition of Israel's right to exist, and acceptance of U.N. Security Council resolutions 242 and 338 as the basis of negotiations for comprehensive settlement. It was and remains in our interests to hold the PLO to the commitments it undertook in December 1988.

After more than a year, our dialogue with the PLO has helped to clarify to the PLO what is and is not possible in the Peace Process. The PLO has become more aware of the need for a practical approach that can produce results. The movement in the Peace Process which we now see reflects in part a PLO willingness to proceed in this fashion. In the final statement issued by the PLO Central Council in Baghdad on October 17, 1989, the PLO described direct Israeli-Palestinian talks as "a step toward achieving a just solution." We view the dialog as an important tool toward ending Palestinian radicalism, including terrorism.

The PLO has discussed seriously concepts such as elections, a transitional period, and direct Palestinian talks with Israel which, although still needing practical application, represent steps forward. The PLO's desire to maintain the dialogue has provided an incentive for further movement toward moderation and positive steps. Israel's own plan for elections requires finding a credible Palestinian delegation to begin a negotiating process.

The dialogue is important to the Arab nations whom we are also trying to influence toward peace and co-existence with Israel. It has been far easier to bring along Arab public opinion on peace issues—a major U.S. and Israeli goal—because the PLO, as a result of our dialogue, has adopted publicly more moderate positions. Our whole approach has been to engage the PLO in process—a process in which movement may be incremental but still tangible.

SOVIET EMIGRATION

Turning to another major development in this past year, as a welcome by-product of perestroika there has been a significant relaxation of Soviet policies on emigration. This has been an important American objective for decades. We welcome the new Soviet policy, as we firmly believe in the fundamental human right of freedom of movement for all peoples.

There has been a significant increase in Soviet emigration. In FY 90 the United States expects to admit some 60,000 to 70,000 Soviet emigrants, the majority of whom will be Jews, including refugees, immigrants and parolees. Nevertheless, many more Soviet Jews are leaving, and a large number of them are going to Israel.

The rise in Soviet Jewish immigration to Israel is potentially a profound historic event which we welcome. I am proud of our country's role in bringing this about. Furthermore, we want to support Israel's efforts to absorb and integrate these people into Israeli society. In this connection, we have already urged the Soviet Union to agree to direct flights between the USSR and Israel.

That said, there are serious potential consequences were Soviet immigrants to be resettled in the territories occupied by Israel in 1967. The Administration has made clear

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

its strong opposition to any settlement activity and, particularly to any settlement by Soviet Jews in these territories. Our position on this matter was stated by Secretary Baker when he testified before the full committee last Thursday that the best approach would be that there would not be more settlements or more settlement activity and that the Israeli Government issue a statement that Soviet emigres will not be settled in the territories occupied by Israel in 1967.

LEBANON

The Administration was dismayed by the renewal of fierce fighting inside the Christian enclave between units of the Lebanese Army loyal to General Aoun and the Lebanese Forces Christian militia. The fighting, which began in late January, has claimed hundreds of lives and injured several thousand, most of them non-combatants. We find General Aoun's initiation of the fighting and misuse of the Armed Forces reprehensible. The Taif agreement presents an internationally supported framework to begin a peaceful reconciliation in Lebanon. It provides for political restructuring that better reflects the composition of Lebanon's population. It also provides for the withdrawal of Syrian troops to be Biqa Valley within two years, and obliges the Syrian and Lebanese governments to reach an agreement on the date of final withdrawal. The Taif Agreement provides for a peaceful transition from the current state of conflict to a unified, independent state.

By contrast, the policies of General Michel Aoun are doomed to failure. Since the beginning of his "war of liberation" against Syria last spring, there are more, not fewer, Syrian troops in Lebanon. Over 1700 Lebanese have died and thousands more have been injured; tens of thousands of Lebanese have left Lebanon and the country's economy and basic infrastructure have been further devastated. In January, General Aoun clamped down on the press, shutting down several Beirut publications. He later cut off water and electricity to the citizens of West Beirut. Restricting press freedom and causing hardship to the civilian population are not acts of a man who has the best interest of Lebanon at heart.

The terrible carnage wreaked on the Christian enclave and Aoun's other irresponsible actions convince us that it is past time for him to step aside. The Administration continues to support President Hrawi and the Taif Agreement. We will continue to work closely with him to begin the process of reconciliation and reconstruction.

A Tehran newspaper has urged the release of Western hostages being held in Lebanon. We will continue to make clear to Iran, and to those in Lebanon with whom they have influence, that it is not words which count, but actions. The unconditional release or our hostages continues to be a high priority for this Administration. We intend to strictly adhere to our no-concession policy and will do all we can not to reward hostage-taking.

U.S. OIL DEPENDENCY

The U.S. economy has experienced sustained economic growth for over seven years, and with it total energy and oil consumption gradually have increased. Since 1983 there has been a 66% increase in our annual net oil imports. Continued low prices are accelerating our dependence on oil imports by diminishing price incentives for new exploration and development and reducing momentum for conservation. Net imports as a share of our total petroleum needs may grow from 42 percent in 1989 to the 50-60 percent range by the year 2000.

Approximately 53% of the increase in total U.S. imports of crude and refined petroleum products since 1985 has come from the Persian Gulf. In 1988, Saudi Arabia became our largest oil supplier, providing over 15 percent of U.S. imports; we now take about 20 percent of annual Saudi crude and refined products output. Gulf states—primarily Saudi Arabia and Iraq—could provide up to 28% of our imports in 1990, which would represent 14-15% of total U.S. oil consumption. By the year 2000, the Persian Gulf could conceivably account for approximately 37 percent of our total petroleum imports.

We do not expect major new oil finds outside the Gulf to reverse this trend in the foreseeable future. About 65% of the world's known recoverable oil reserves are located in the Gulf, only 2.6% are found in the United States and 1.9% in Western Europe. Persian Gulf producers also account for approximately 65-70% of the world's excess production capacity. Over the next 5-10 years, the Persian Gulf's share of total world crude oil production may range between 45 to 50%; it currently is 25%.

I do not anticipate another OPEC embargo and believe the producer states themselves now have built-in inhibitions against such an embargo. The Gulf states now have a real stake in the economic well-being of the U.S. and other Western nations. And we in turn have a stake in the stability of the Persian Gulf and the moderation of Gulf oil policies over the long-term. We must keep the issue of energy security before the public and continue to pursue an active policy of energy conservation. We also must continue to hone our bilateral relations with friendly Gulf states and secure stable sources of energy supply.

THE GULF

Earlier this month, I traveled to the six countries of the Gulf Cooperation Council—Saudi Arabia, Oman, the United Arab Emirates, Qatar, Bahrain, and Kuwait. I concluded the trip in Iraq. One of the strongest impressions I came away with was concern about instability in Iran, Iranian terrorism, and Iranian rearmament.

I also heard expressions of a new confidence in the U.S. as a result of our steady performance during the Gulf war, and a widespread appreciation for a continued U.S. naval presence in the Gulf. The protection of reflagged Kuwaiti tankers in 1987 greatly improved not only our bilateral relations with Kuwait, but our standing with all of our Gulf Arab friends. Most important was the fact that we stayed the course in the face of challenges and adversity.

Since the ceasefire between Iran and Iraq went into effect in August, 1988, the threat in the region has abated. No one should doubt, however, that we remain committed to deter threats in the Gulf and to maintain freedom of navigation to ensure unimpeded access to the region's oil resources and the stability and security of friendly countries in the area. We plan to maintain a naval presence for the foreseeable future.

Iraq has emerged strengthened after the Gulf War ceasefire, with increased military power and prestige in the Arab World to supplement its vast oil reserves. It is clear that Iraq seeks improved relations with the United States. Trade will be a key factor in our future relationship. Though the country faces a difficult period of reconstruction, I saw firsthand that the effort is well under way. There are important opportunities for American business in Iraq.

The problems in our relations remain, with regard to Iraq's poor human rights record and our concerns about weapons of mass destruction. We need to be able to speak frankly to the Iraqis about these concerns and about regional issues of mutual interest. This is not an easy relationship, but it is an important one in which we have made significant progress in recent years.

Finally, I want to say a few words about Iran. I wish I had better news to report; in a world which is changing almost everywhere for the better, Iran is a conspicuous exception. The Iranian Government continues to act in ways which are unacceptable; we are particularly concerned about Iran's support for groups which hold American citizens in Lebanon. In The Hague Claims Tribunal, our negotiations with Iran continue. There have been no large claims settlements since I last testified before you. When Iran is ready to discuss the issues which divide us seriously, we will be ready to respond.

CONCLUSION

Mr. Chairman, overall 1989 was not a bad year for the United States in the Middle East and South West Asia. There was marked progress made in a number of our endeavors in the region. We now are faced with the challenge of grasping the opportunities that have arisen to advance further toward our goals of fostering stability and peaceful reconciliation in this area of the world. This administration intends to meet that challenge.

TRIBUTE TO LARRY L. WOODARD, DALE TUNNELL, AND WILLIAM J. LEMAY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. RICHARDSON. Mr. Speaker, the Department of the Interior is honoring exceptional employees today at its annual Honor Awards Convocation Program at Department headquarters in Washington.

I am quite proud to report that three of these valued civil servants reside in my district. Today, I ask my colleagues to join me in saluting Larry L. Woodard and Dale Tunnell of the Bureau of Land Management and William J. Lemay of the Fish and Wildlife Service.

These valued men represent thousands of outstanding public servants working in New Mexico and elsewhere. These are the Government's foot soldiers—they are out on the front lines every day ensuring that the laws we pass and the programs we create are properly enforced.

I am attaching for my colleagues review a short description of the outstanding service being performed by Larry L. Woodard, Dale Tunnell, and William J. Lemay.

THE SECRETARY OF THE INTERIOR,
Washington, DC.

SECRETARY'S STEWARDSHIP AWARD FOR PUBLIC LAND MANAGEMENT—LARRY L. WOODARD

In recognition of a continuing career in the multiple-use management of Federal Lands and waters.

Mr. Woodard is the State Director of the New Mexico State Office in the Bureau of Land Management (BLM). He has made a significant number of outstanding accomplishments in the management of public lands. Under his direction, the Texas Acquired Minerals Project (TAMP) was the first Bureau effort to place computer-generated plats onto the offical BLM records system. This action has drawn the attention of other BLM offices and the National Archives Records Service (NARS). NARS has designated the New Mexico State Office as the pilot state in a study to look at the future of automated records as replacement for the more traditional paper formats. The completion of the NARS study is expected to lead to national standards to be used by other Federal agencies. Some other accomplishments that Mr. Woodard has achieved include the involvement with Congress to establish the El Malpais National Conservation Area and the initiation of dialogue with the Governors of Oklahoma and Texas to resolve a century-old boundary problem along the Red River. Mr. Woodard also recognized the tremendous public interest in 19th century military forts and overall interests in the State's historical legacy. A bill now before Congress singles out eight historic forts that have played a significiant role in the settlement of the American frontier. In late 1988, Mr. Woodard presented testimony which led to the Rio Chama officially becoming New Mexico's second Wild and Scenic River. In addition, through Mr. Woodard's initiatives, the BLM New Mexico Office has been helping prepare prison inmates for return to society through a cooperative prison wild horse training program with the State of New Mexico. Riparian management has been high on Mr. Woodard's priorities. In the spring of 1989, the BLM New Mexico Office coordinated the Bluewater Riparian Enhancement Project with other Federal and state agencies and the Izaak Walton Public Land Restoration Task Force. Over 300 volunteers worked along 20 miles of creek and lake shoreline. The Bureau's "outreach" to the public has been extensive. Several thousand elementary-age students are reached yearly Statewide through partnerships in education and environmental education program. For his continuing involvement and leadership in promoting and improving the multiple-use of Federal lands and waters, Larry L. Woodard is granted the Secretary's Stewardship Award for Public Land Management.

MANUEL LUJAN, JR.,
Secretary of the Interior.

THE SECRETARY OF THE INTERIOR,
Washington, DC.

SECRETARY'S STEWARDSHIP AWARD FOR WAR ON DRUGS—DALE TUNNELL

In recognition of his exceptional efforts in the war on drugs.

As the Bureau of Land Management's (BLM) chief law enforcement officer in New Mexico, Mr. Tunnell is responsible for the Bureau's law enforcement operations in New Mexico, Kansas, Oklahoma, and Texas. Mr. Tunnell has established a viable drug enforcement program for the New Mexico office and has promoted effective relationships with other law enforcement agencies in the region. In May 1988, Mr. Tunnell initiated an undercover investigation lasting nearly 18 months in which he acted as the primary undercover operative. During that time, he developed the model for all future Bureau undercover operations. Mr. Tunnell also developed a small but unique and highly efficient Special Operations Group (SOG) designed to handle high-risk drug interdiction efforts. In one operation, the SOG assisted the Drug Enforcement Administration in a raid of one of the largest indoor marijuana growing operations in history. This team under Mr. Tunnell's guidance has provided continued assistance to numerous agencies. Mr. Tunnell also directed BLM's support and participation in regional drug task force as well as in an intelligence group designed to locate and track drug offenders and trafficking operations within his area. In addition, Mr. Tunnell directed and developed an approval of the first Memorandum of Understanding (MOU) for drug enforcement between the New Mexico National Guard and BLM. Because of Mr. Tunnell's expertise in this area, his efforts have been favorably recognized by other law enforcement agencies in the region. For his many accomplishments in the eradication of illegal drugs, Dale Tunnell is granted the Secretary's Stewardship Award for the War on Drugs.

MANUEL LUJAN, JR.,
Secretary of the Interior.

THE SECRETARY OF THE INTERIOR,
Washington, DC.

CITATION FOR CONSERVATION SERVICE—WILLIAM J. LEMAY

In recognition of his superior accomplishments in the protection and conservation of migratory bird resources.

The loss of migratory birds caused by their contact with oil or oil by-products has been identified as a serious resource problem. Conservative estimates indicate that over 100,000 ducks per year are lost in oil pits, brine pits, and open tanks throughout portions of the five-State area of New Mexico, Texas, Oklahoma, Colorado, and Kansas. To reverse these critical losses, the Fish and Wildlife Service initiated cooperative efforts with the oil and gas industry, State and Federal agencies, and private interests to develop and implement corrective action. William Lemay, Director of the New Mexico State Oil Conservation Division, played a vital leadership role in fashioning the critical link between Fish and Wildlife Service concerns for protecting and managing migratory bird resources, and providing the oil and gas industry an opportunity to play a key part in devising workable approaches to meet these concerns. Through his coordination of a working committee comprised of both the oil and gas industry and regulatory agencies, the problem was analyzed and regulatory improvements were recommended. Mr. Lemay subsequently conducted a series of legal hearings resulting in proposed new regulations to provide protection to migratory birds from sources of oil contamination. As a result of Mr. Lemay's outstanding efforts, new regulations were adopted on September 1, 1989. His leadership of a joint public and private sector commitment is resulting in significant reductions of waterfowl losses in New Mexico. The successful cooperative approach which he has fostered is serving as a model to other States in dealing with this problem. For his significant contributions to the mission of the Fish and Wildlife Service, William J. Lemay is granted the Conservation Service Award of the Department of the Interior.

MANUEL LUJAN, JR.,
Secretary of the Interior.

TRIBUTE TO VINCENT LANE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to recognize the outstanding accomplishments of Vincent Lane, chairman and executive director of the Chicago Housing Authority [CHA]. Since being appointed to this position, Mr. Lane has vastly improved the quality of life for the more than 150,000 residents of the CHA.

Mr. Lane started his distinguished career as comptroller for Mount Sinai Hospital and Medical Center in Chicago. Soon after this, Lane distinguished himself with his outstanding abilities in finance. As a consultant to the Illinois Department of Public Aid, Lane instituted competitive bidding which saved the State $90 million in its first year. These accomplishments resulted in his appointment to the Cook County Health and Hospitals Governing Commission by Governor Thompson.

His career later excelled in the area of urban planning and development. After serving as senior vice president of the Woodlawn Community Development Corp., he founded Urban Services and Development, Inc. In this role, Lane managed residential and commercial properties. In 1988, Mr. Lane was appointed by Chicago Mayor Eugene Sawyer to his current position in the CHA.

In his devotion to Chicago civic affairs, Mr. Lane has served on a number of community organizations. Some of the groups he has been involved with include: The Metropolitan Planning Council, Leadership Council for Metropolitan Open Communities, Business and Professional People in the Public Interest, the Hispanic Housing Development Corp., and the Woodlawn Community Development Corp. He was also a member of the board of the Neighborhood Housing Services, Inc. and the U.S. Minority Business Opportunity Committee.

Mr. Lane's accomplishments have not gone unnoticed. In 1986, Mr. Lane received the Housing and Urban Development Regional Award for Minority Developer of the Year. In 1987, Chicago Mayor Harold Washington chose Mr. Lane to be on the mayor's advisory council on the CHA and was later appointed by Mayor Sawyer to the Mayor's Navy Pier Development Corp.

In light of his outstanding accomplishments and contributions to the Chicago community, I call upon my colleagues to join me in honoring Mr. Vincent Lane.

HONORING MILES S. EPLING

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. KOLTER. Mr. Speaker, I rise to honor and pay special tribute to Miles S. Epling, who was elected national commander of the American Legion during the closing session of the

71st national convention of the organization in Baltimore, MD, on September 7, 1989.

Mr. Epling, the circuit clerk for Mason County, WV, is the second Vietnam veteran to serve as the American Legion's national commander.

Mr. Epling served in Vietnam in 1968–69 as a marine infantryman. He was discharged after losing both legs as a result of stepping on a land mine. Upon his return to West Virginia, he became a member of American Legion Post 23, Point Pleasant, and has been an active member of the organization for the past 20 years.

His leadership positions in the American Legion include service as post commander, post adjutant, judge advocate, member of his post's board of directors, department commander, and at the national level as a national vice commander in 1985–86, and West Virginia's national executive committeeman. He also has served both the State and national organizations in a number of other capacities.

Mr. Epling and his wife, Diane, are the parents of two children.

Mr. Speaker, America needs leaders like Miles S. Epling with bravery, dedication, and firm strength of character, and that is why I rise today before the full U.S. House of Representatives to honor him.

TRIBUTE TO GERALD A. STARKEY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a dedicated educator and an outstanding individual, Mr. Gerald A. Starkey, of Mount Clemens, MI. Mr. Starkey is retiring as principal of Donald J. Yacks Elementary School after 29 years of service.

Born in Mount Clemens, MI, Mr. Starkey graduated from Mount Clemens High School in June 1949. He earned his bachelor and master degrees from Western Michigan University. Mr. Starkey also served in the Marine Corps during the Korean war from 1952 to 1954.

Mr. Starkey began his career with the L'Anse Creuse Public Schools in May 1960 as a substitute teacher. By 1961, he had become a full-time teacher at Herman Klix Elementary. His tenure as principal began in 1969.

In the past 29 years, Mr. Starkey has earned the respect of his colleagues and fellow citizens as a man of unselfish integrity. He has inspired his colleagues through his sense of pride in his students, staff and community. His dedicated perseverance will be missed as he retires from office.

Mr. Starkey has been active in numerous community activities. He has served 12 years as a committee person for Boy Scout Troop No. 75. He is a former Catechism teacher at St. Peter Catholic Church and an active lay minister at St. Louis Catholic Church. He holds memberships with the Michigan and National Associations of Elementary School Principals and with the World Wildlife Federation.

Everywhere Mr. Starkey has served, he has been a hard worker who gets the job done. Mr. Starkey's contribution as an educator will not be forgotten. I wish him the very best for a long and happy retirement.

MORGAN STATE UNIVERSITY STUDENTS SPEAK OUT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MFUME. Mr. Speaker, 2 days ago on March 6, the students from my alma mater, Morgan State University, commenced a sit-in to protest inadequate State funding and the quality of student services. The full student body subsequently met yesterday with the president of Morgan and the school's entire administration.

The most pointed student concern stems from the inadequate funding levels Morgan State is afforded. Compared to the other State institutions, Morgan students argue that their share of the budget pie is proportionately lower. The students contend that other problems—that is, security, housing, faculty shortages, financial aid, and registration—are all concomitant affects of inadequate budget prioritization of Morgan's needs.

Mr. Speaker, yesterday our colleague from Maryland's Second District HELEN BENTLEY, made remarks from this well that somewhat reiterated what the students at Morgan State have been complaining about. Like Representative BENTLEY, I too sense the urgency of the hour and realize how important it is that we support both the students and the administration in their efforts to obtain parity with other colleges throughout the State.

The administration and the State of Maryland have planned a 3- to 5-year renovation and new construction project on the northeast Baltimore campus. However, as the students have demonstrated, some of their demands must be met now, and they are willing to discuss this situation with the university's administration and the Governor's office to come up with constructive solutions and alternatives to alleviate many of these problems.

Mr. Speaker, my relationship with Morgan State University spans more than 15 years. As a student leader 18 years ago I was very much a part of protests and demonstrations. As such, I know how deeply the students feel about their sense of purpose to make the university better. Now that I sit on the board of regents of this historically black university, I am in a unique position to observe this process and both learn from the students about their situation and teach them the importance of organizing their base and becoming more knowledgeable about the issues which they have put forth on their agenda.

The problems of historic underfunding at Morgan State did not occur overnight and will not be resolved in a short time either. The students of Morgan have provided the school's administration and the State of Maryland the unique opportunity to assess what the State's General Assembly and community leaders have thus far done for Morgan and what more can be done to alleviate the students' problems.

Now is the time to seize the opportunity and to confront the problems head on. Anything less fails to serve the best interests of their great university.

TRIBUTE TO ALICE HUTTO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Alice Hutto, the national president of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States.

Alice is visiting Rhode Island and will make a 3-day tour of Rhode Island. On her tour, she will promote her theme, "Our Pledge to America," which reminds members of the ladies auxiliary of the importance of their work. The ladies auxiliary conducts 14 patriotic and community service programs each year. Last year, members raised over $3 million for cancer aid and research and served over 4 million hours as volunteers in hospitals nationwide. The members also conducted over 4,500 drug awareness seminars and awarded over $50,000 in scholarships. Overall, members donated over $27 million and over 21 million hours promoting patriotism, protecting veterans' benefits, and serving the community.

It is with distinct pleasure that I recognize Alice Hutto and the members she represents. The ladies auxiliary performs wonderful services for our Nation and I hope she enjoys her visit to Rhode Island.

INTERNATIONAL WOMEN'S DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Ms. PELOSI. Mr. Speaker, I rise today in honor of the celebration of International Women's Day. Today we honor women all over the world for their dedication and contributions to ensuring equality and justice in our society.

The first International Women's Day was observed in 1911 and was inspired by American women in their persistent quest for social justice. On March 8, 1907, American women workers from the garment and textile industries marched to protest low wages, a 12-hour work day and increasing workloads. A year later on March 8, 1908 working men and women of the middle class who were in sympathy with their cause, gathered in the heart of Manhattan's Lower East Side to demand the right to vote, the right to organize a protective union and an end to child labor.

It is the courageous women from our past that give young children, and adults, the inspiration to carry on the fight for equality and social justice. Today, across the world, we honor women from the past and the present for their contributions to our culture and society and for making the world a better place to live.

TRIBUTE TO ARTHUR SCHOENBECK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me a great deal of pleasure to pay tribute to an exemplary member of my Fifth Congressional District in Illinois, Mr. Arthur Schoenbeck. Recently, Mr. Schoenbeck celebrated his 90th birthday, an accomplishment worthy of special recognition.

Mr. Schoenbeck is a life long resident of the city he was born in—Chicago, IL. He attended Holy Cross Lutheran School until sixth grade and graduated from Holden Grammer School. His early working career was spent as a baking accessory salesman for S&H Co. and a manager of Peterson and St. Andrew's bowling lanes. Most of his working life was spent as a mutuel clerk at a number of Chicago race tracks. A life long sports enthusiast, Mr. Schoenbeck has been a devoted baseball fan since his attendence of the opening of Comiskey Park. He and his wife Elsie raised two lovely daughters. Mr. Schoenbeck's family now includes two daughters, two granddaughters, three great granddaughters, and two great grandsons.

I am sure that my colleagues will join me in expressing congratulations to Arthur Schoenbeck for his many years as a great Chicagoan. I hope his birthday brought him great joy and happiness with his family, and I wish him many more pleasant memories in his life.

PRESERVE OUR CULTURAL HERITAGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mrs. BOXER. Mr. Speaker, I submit the following for the benefit of the Members:

TESTIMONY BY BARBARA GOLDSMITH

(Barbara Goldsmith, New York Public Library trustee and chair of the New York Public Library Permanent Paper Committee before the House Subcommittee on Government Information, Justice and Agriculture.)

Under the auspices of the New York Public Library we have gathered together a Permanent Paper constituency of over 2,000 of the United States' most respected trade book and University press publishers, writers, editors and literary agents. In addition, we have received the enthusiastic endorsement, active participation and support of the following organizations: PEN (Poets, Essayists, Novelists, Non-fiction writers), the Association of American Publishers, Poets & Writers, and the Authors Guild, Inc. These groups have added to our constituency thousands more concerned citizens who are dedicated to the preservation of the printed word. On behalf of the Permanent Paper Committee we urge the adoption of H.J. Resolution 226 mandating that all governmental printing of quality be on Permanent Paper.

Under separate cover you will be receiving the endorsement of Dr. Timothy Healy, The New York Public Library President. The large group we represent would also like us to include some basic facts about Permanent Paper: The use of Permanent Paper vastly helps eliminate the problem of future paper deterioration. The present cost of restoring a deteriorated brittle book can exceed $1500. Microfilming a single book can cost approximately $100. After mill conversion, Permanent Paper (that lasts approximately five hundred years) is usually less expensive to manufacture than acidic paper (that self-destructs in approximately three decades). The manufacture of Permanent Paper requires thirty percent less water than that of acidic paper and returns the water to its source in a less polluted condition. The entire process which uses an alkaline additive (calcium carbonate) is less corrosive and requires less electrical energy.

On behalf of the thousands of concerned individuals and members of the groups affiliated with our effort, we appeal to you to pass H.J. Resolution 226 to help preserve our cultural heritage for future generations.

INTRODUCTION OF THE MISCELLANEOUS HUMAN RESOURCE AMENDMENTS OF 1990

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DOWNEY. Mr. Speaker, I am pleased to inform my colleagues that today I introduced the Miscellaneous Human Resource Amendments of 1990. I am joined in this endeavor by a number of my colleagues on the Ways and Means Subcommitee on Human Resources. This bill is a collection of provisions that were approved last year by the committee and the House as part of the budget reconciliation bill, but dropped—without prejudice—in conference with the Senate. Included are important minor and technical improvements in the supplemental security income [SSI], child support enforcement, child welfare, foster care, and unemployment compensation programs.

The Subcommittee on Human Resources is scheduled to mark up this bill on Tuesday, March 20, 1990. For the benefit of my colleagues, I would like to provide for the RECORD this summary of the measure:

SUMMARY OF MISCELLANEOUS HUMAN RESOURCE AMENDMENTS OF 1990

I. CHILD WELFARE AND FOSTER CARE PROVISIONS

Publication of Program Data.—Requires that the Secretary submit to Congress and make available to the public on an annual basis certain information relating to the IV-B and IV-E programs, including information on: (1) Federal reimbursement by State for expenditures under the IV-E and IV-B programs; (2) participation; (3) the schedule and result of compliance and fiscal reviews, and program audits; (4) IV-E to IV-B transfers; (5) rates of payment by State for foster care; (6) services funded under IV-B; (7) research, training and demonstration projects funded under IV-B; and (8) any other information the Secretary deems useful for monitoring operations of the programs under IV-E and IV-B.

427 Compliance Reviews.—Extends for an additional year the moratorium on collection of HHS disallowances made in connection with a triennial review of State compliance with the foster care protections outlined in section 427.

II. SUPPLEMENTAL SECURITY INCOME [SSI] PROVISIONS

SSI Benefit Increase.—Increases SSI benefits by $2 per month for individuals and $3 per month for couples.

Outreach Program for Adults.—Establishes a permanent SSI outreach program for adults with an annual report on the effectiveness of the program.

Presumptive Disability for Certain Children.—Requires the Secretary of HHS to presume a child under age 4 with a genetic or congenital impairment is disabled under the following conditions: (1) the medical severity of the impairment cannot be accurately determined by clinical or laboratory techniques because the child is too young; and (2) the Secretary determines it is probable that, when the child is older, medical professionals will be able to administer a test accurately demonstrating the child suffers from an impairment of sufficient medical severity to qualify the child for benefits. This presumption may be rebutted at any time by evidence that the child's impairment is not of the required severity.

Revised Childhood Listings of Impairments.—Requires the Secretary of HHS to issue final regulations based on the proposed regulations revising the childhood listings for mental impairments that were issued on August 14, 1989 by no later than January 1, 1991. Requires the Secretary of HHS to solicit advice from childhood disability experts on revisions to the children's listings of impairments so that they account for medical and functional rules that are appropriate to the age of the child. Requires publication of proposed revisions within 24 months from the date of enactment and final regulations 36 months after the date of enactment.

Treatment of Weekly or Biweekly Income.—Assures that an extra paycheck resulting from a 5-week month, will not result in SSI disqualification.

In-kind Support and Maintenance.—Deducts from the SSI benefit (up to one-third of the Federal benefit) all in-kind support and maintenance received by an SSI recipient. Repeals the one-third reduction for living in a household of another person.

Treatment of Victim's Compensation Payments.—Excludes from income victim's compensation payments that are for expenses incurred or losses suffered as a result of a crime when determining SSI eligibility and benefits. Unspent amounts would be excluded for up to 9 months after receipt of such compensation. Benefits may not be denied to any individual solely because of the refusal to accept a victim's compensation award.

III. CHILD SUPPORT ENFORCEMENT PROVISIONS

Extension of IRS Intercept for Non-AFDC Families.—Extends for five years present law that allow States to ask the IRS to collect child support arrearages of at least $500 out of income tax refunds otherwise due to non-custodial parents. Eliminates the minor child restriction for adults with a current support order who are disabled.

Medicaid Transition in Child Support Cases.—Revises the Medicaid transition in child support cases to correspond with the transition benefits available when a family leaves AFDC because of employment by increasing the child support transition to 12 months (current law is 4 months).

IV. UNEMPLOYMENT COMPENSATION PROVISIONS

Optional Benefits for Certain School Employees.—Allows States the option of paying unemployment compensation to nonprofessional employees of educational institutions between academic terms or years.

Prohibition on Collateral Estoppel.—Requires State unemployment compensation laws to prohibit courts from stopping law suits on related employment issues based on a decision made in an unemployment compensation hearing.

Extension of the "Reed Act."—Makes the "Reed Act" permanent. This would give States the authority to use funds overflowing from the Federal unemployment trust fund accounts to the State accounts for administrative purposes or benefits. ■

GUN CONTROL

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. GRANT. Mr. Speaker, we have heard much rhetoric on both sides of the gun control issue. I am happy to report today that my home State is providing some evidence that will be useful in evaluating that issue.

The Florida Assault Weapons Commission was established by State statute last year to determine the types of weapons and firearms which are being used in the commission of crime in Florida. The Commission's activities have thus far included a survey of law enforcement agencies in the State, asking for statistical information on weapons used in crime—with emphasis on the military-style semiautomatic rifles and pistols that are the subject of pending legislation.

The Commission's first report shows that so-called assault weapons represented approximately 3 percent of the firearms seized by Florida law enforcement between 1986 and 1989. Contrary to what we've heard from some, many of the firearms listed in Federal legislation or pictured in interest group advertising were not seized at all by Florida law enforcement during this period. These findings of the Florida Assault Weapons Commission also contradict a widely quoted newspaper article stating that so-called assault weapons are more likely to be used in crime than other firearms.

Mr. Speaker, the Florida Assault Weapons Commission has already succeeded in shedding some light on an issue that has been the subject of too much heat. It confirms my view that we need to spend less time looking at the instrument of crime and more time looking at the actors. I'm happy to share this view with many in law enforcement, including a police chief in a neighboring jursidiction. His words express, far better than mine, the need to focus on criminals—not law-abiding citizens and the firearms they choose to own. I urge my colleagues to read this letter I today submit for the RECORD.

POLICE DEPARTMENT,
Panama City, FL, February 8, 1990.

JOHN M. RUSSI,
Director, Division of Licensing, Department of State, The Capitol, Tallahassee, FL.

DEAR MR. RUSSI: I'm sorry I was unable to attend your meeting yesterday, but I would like to offer you some information that might be helpful. From 1985 through April, 1989, our officers confiscated 290 knives, 373 firearms (rifles, pistols and shotguns) and assorted other weapons. Less than six of the 373 firearms would be classified as true assault weapons.

It is my opinion that the problem in Florida and America is not assault weapons or any firearms, but rather the inability or unwillingness of our citizens to demand that criminals be dealt with surely and swiftly.

Florida Judges are hampered by sentencing guidelines.

The Florida Supreme Court is leaning to liberalism that protects the criminal at the expense of individual victims and our society.

Imprisonment is a joke because of gain time on top of gain time.

No one is looking at the root causes of crime or trying to break the criminal's repetitious cycle of criminal behavior.

When the assault weapons bill was originally proposed, a violation was to have been classified as a second degree felony. The mandatory statutory penalty for a second degree felony is 15 years imprisonment and up to a $10,000 fine. Under the sentencing guidelines, one could actually be given a sentence between "non-prison sanctions" (jail), to 3 year's incarceration.

If a criminal got the stiffest penalty of 3 years, he would serve less than 1 year because of credit for time served in jail and gain time. As you can see, even if assault weapons are outlawed, there is no deterrent for their possession or use. We will have another ineffective law that criminals laugh at.

Assault weapons, or any weapon for that matter, are not the problem. People are the problem and until we deal surely and swiftly with the criminal, our society and the quality of life will continue to deteriorate.

Sincerely,

ROGER C. HADDIX,
Chief of Police.

REFUSENIK'S PLEA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. CARDIN. Mr. Speaker, today Carmella Raiz is demonstrating before the Soviet Embassy for the right of her family to emigrate from the Soviet Union. For 17 years Carmella Raiz and her family have been refuseniks on the trumped up charge that her husband possesses state secrets. I thought you would be interested to hear directly from Carmella, as published in the March 2, 1990 issue of the Baltimore Jewish Times.

A REFUSENIK'S PLEA
(By Carmella Raiz)

For the past 17 years my family and I have been refused permission by the Soviet authorities to emigrate and join my sister Dahlia and other relatives in Israel. My husband Vladimir continues to be denied the right to emigrate on the grounds that he allegedly possessed state secrets in a position he held over 25 years ago. In May, 1989, however, the Radio Ministry sent us a written clearance, confirming that there is no objection to his departure.

I am presently here in the United States on a short-term tourist visa with my oldest son, Moshe, 12, while Vladimir and my other son, Shaul, 7, remain in Russia. I have met many elected and appointed officials of the United States Government who have been kind enough to support our struggle for freedom. President Bush personally assured us that our family was at the top of the list of refuseniks presented to President Gorbachev at their meeting in Malta.

We welcome the new era of glasnost sweeping the Soviet Union while we fear the possibility of pogroms, fueled by the rise of nationalistic, anti-Semitic organizations like Pamyat (Memory). We are also extremely happy for the many Soviet Jews who can now emigrate more easily. We cannot understand, however, why we and other long-term refuseniks are still denied this basic human right of emigration.

Our dream is to live as free Jews in Israel. The best years of our lives have been spent in refusal. We have often been without work but never without the fear of the next knock on the door. Vladimir is a mathematician who has not been able to work in his field for many years. I am a concert violinist in the Lithuanian Symphony Orchestra.

The KGB in Vilna, Lithuania, where we live, placed a group of agents 12 years ago in the apartment right below ours. Their function continues to be the monitoring of our conversations and calls, the interception of our mail and the blocking of visitors.

Our worst troubles began at the time of Natan Sharansky's trial in 1977. The KGB interrogated Vladimir constantly and attempted to coerce him into testifying against Natan. When Vladimir refused, the KGB officer in charge told us that as long as he lived we would never be able to leave. Unfortunately, that same officer is now a general in the national KGB in Moscow.

The Soviet authorities have constantly tried to frighten and intimidate us as an example to others. But we cannot be broken because we are sustained by our faith in our heritage, our ideals of freedom, and our knowledge that we are not alone in our struggle. Over the years we have been privileged to be part of the revolution in Jewish education in the Soviet Union. We speak Hebrew and practice our religion as best we can under the circumstances. We are also privileged to teach and pass on to others the knowledge we have gained.

We were looking for spiritual roots in a time and place that forbid the study of our religion. The Torah we learned and our new-found inner faith become our strength and our solace against the cruel outer world, and led to our strong ties to our ancestral homeland Israel.

When I was a young girl of four at the end of the Stalinist period, my father told me that Carmella was a Jewish name. He spoke to me of a beautiful mountain, Mt. Carmel, for whom I was named. He said that he would probably never live to see the day, but that I and my children would someday live in the new state of Israel. The times were so precarious that my father, a physician, warned me never to reveal the meaning of my name. He instructed me to tell my teachers and classmates that my name stood for Karl Marx, Engels, and Lenin!

My children Moshe and Shaul were born in refusal and have suffered in refusal. Moshe will soon be 13 years old and will celebrate his Bar-Mitzvah in refusal unless we receive permission to leave. My children's cries to grow up as free Jews in our homeland Israel pierced my heart. My dear mother and father died during these long years of refusal, but our dream lives on.

We need your help. I plead with you and all the many good people of this wonderful country to help save our lives. I am constantly amazed by the freedom of people in this beautiful country to live how and where they wish. Please contact your Congressman, Senators and Administration officials on our behalf. Please write to Soviet Ambassador Yuri Dubinin (Soviet Embassy, 1 Sakharov Plaza, Washington, DC 20036) and to President Mikhail Gorbachev (Kremlin, Moscow, USSR 103132). Ask them to free us as well as the other long-term refuseniks.

We will not and cannot give up our dream of living in Israel. With your help and God's blessing we will soon succeed in our struggle and come home to Jerusalem.

INTRODUCTION OF LEGISLATION ESTABLISHING THE PECOS NATIONAL HISTORICAL PARK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. RICHARDSON. Mr. Speaker, New Mexico, the Land of Enchantment, is known for its scenic beauty, cultural heritage, and vast lands. These inherent qualities are typified in Pecos, NM, a small town just outside of Santa Fe. Locals enjoy the relaxed atmosphere of this small community and work together to preserve the natural values of the area.

One of the town's most attractive sites is the Pecos National Monument where visitors can gain a wealth of Spanish and Indian history. Strategically situated on top of a small mesa lie ancient Spanish and Indian ruins dated as far back as 1450. Here, the Pecos Pueblo and the Spanish Mission once overlooked the main gateway between the Great Plains and the Rio Grande Valley where an annual cycle of trade evolved.

Adjacent to the monument are the ranches owned by actress Greer Garson Fogelson and stepson Gayle Fogelson, known as the Forked Lightning and Los Trigos Ranches, respectively. Both ranches are currently for sale on the open market and have attracted quite a bit of attention. Most recently, developers proposed to purchase the ranches and establish a resort city entitled "Sante Fe East 2001." The resort would include an airstrip, a resort hotel, residential housing, a multinational shopping center, an athletic center, a convention center, a private hunting preserve, a health clinic, a shooting range, and two golf courses.

As you can imagine the development plans set a shock wave through the town of Pecos. Such development is unheard of in Pecos and threatens to destroy its very heritage. Immediately after learning of the development plans, residents of Pecos held a town meeting attended by over 400 people. A resolution was passed unanimously to oppose the development. Since this time Mrs. Greer Garson Fogelson and Mr. Gayle Fogelson have canceled the sale of their ranches to the developers. Certainly, these handsome lands have values above and beyond development.

Mr. Speaker, today I am introducing legislation that would authorize the establishment of the Pecos National Historical Park. The legislation would comprise the existing Pecos National Monument and approximately 5,865 acres of the Forked Lightning Ranch and establish the Pecos National Historical Park. I expect that most of the land included in this legislation will be acquired through donations or easements. I plan to facilitate donations so that Federal expenditures are minimized.

The National Park Service has long maintained that the Forked Lightning lands surrounding the Pecos National Monument are critical to the preservation of the national monument. The many prehistoric and historic resources located on the Forked Lightning Ranch would add significantly to the park. The ranch also contains many excellent examples of ruts from the Santa Fe Trail and historical locations from the 1862 Civil War Battle of Glorieta. The establishment of the Pecos Historical National Park is a natural extension of the Pecos National Monument and would preserve many historically significant sites for future generation to enjoy. I urge my colleagues to support this legislation.

A TRIBUTE TO FRED W. WAGNER

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. KOLTER. Mr. Speaker, I rise today to honor a native Pennsylvanian, Frederick W. Wagner, who is department commander of the Pennsylvania American Legion.

Mr. Wagner, who is married to the former Dorothy William of Oberlin, PA, was born in Pittsburgh in 1924 and joined the Marine Corps at age 17, where he remained until retirement in 1961, serving in the Pacific, the Far East, Middle East, Caribbean, a number of stations in the continental United States.

Following retirement from the Marine Corps he was employed at Olmstead Air Force Base, Middletown, PA, and after closing of the base in April 1965 was employed by the U.S. Postal Service from which he retired in 1989.

In 1945, while still on active duty, he joined his father's post, St. Clair Post 694, Pittsburgh. He also was a member of several Legion posts where he was stationed, and has been a member of Hummelstown Post 265 since his military retirement.

He served on many committees at post, county, district, and department levels, a number of times as chairman. He served four times as post commander, and a term as Dauphin County commander. After serving 5 years as a district deputy commander, he was elected to serve as 19th district commander, 1984–85.

Mr. Wagner served as department vice commander, general section, 1986, and was elected department commander at the 71st department convention, July 12 through 15, 1989, in Pittsburgh.

Mr. Wagner served as vice chairman of several department committees and served two terms—1987 and 1988—as department Americanism chairman. He also served on several national committees.

Mr. Speaker, I rise today before the full U.S. House of Representatives to honor Fred W. Wagner because of his dedicated and honorable service to this State and this Nation.

Fred W. Wagner, department commander of the Pennsylvania American Legion, is a man of honor and duty and I tip my hat to him today.

POLAND'S BORDERS MUST BE SECURED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. BONIOR. Mr. Speaker, the historic changes sweeping across Eastern Europe have brought democracy to Poland and an end to the Berlin Wall. We must now prepare ourselves for a new world order, one based on peace, freedom, and democracy. In order to assure the stability of this new world, it is imperative that any agreement on German reunification include a formal German commitment to respect its current border with Poland. The agreement must also include a renunciation of all claims to former German territories.

The integrity of Poland's territory must be ensured so that we are not plunged into another devstating war in Europe. It was widely reported that Chancellor Kohl had said that the question of the Polish-German border was a matter for the united German Parliament to decide. I strongly disagree with this statement. Such a view can only bring to the surface deeply held and legitimate concerns of the Polish people and lead to future instability in Europe. I understand that Chancellor Kohl has reversed his position on the border issue. The United States must keep the pressure on Chancellor Kohl until such a guarantee is formally written into law.

Now that negotiations can finally begin on a treaty to end the division of Germany, the concerns of all the involved parties must be taken into account. Many aspects of these negotiations will directly affect the future security of Poland. As such, there should be a Polish presence at the reunification negotiations.

Mr. Speaker, old tensions and disputes must not be allowed to disrupt the tremendous progress toward freedom. During this time of historic opportunity, we must carefully and soberly lay the foundation for lasting peace in Europe. I call on the administration to actively engage itself in the reunification process and vigorously express these concerns to Chancellor Kohl.

TRIBUTE TO PETER BOYER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to praise an outstanding young man from my

district who has achieved excellence in the musical arts.

Peter Boyer, of Smithfield, RI, has been selected as one of 20 outstanding college students of 1990 by USA Today. He is currently a junior at Rhode Island College. Peter is also the only musician selected to this prestigious group.

Peter earned this award through his excellent academic record and more noteably for his musical skills. Peter has composed and orchestrated a requiem mass entitled "Requiem" for a 150-voice double chorus and 95-piece orchestra. This work will premier on March 11, 1990, at Rhode Island College.

I would like to congratulate Peter on his achievement and encourage him to continue his interest in music. Peter is truly a gifted young man and I hope that others may follow his example to achieve their best.

THE SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER STUDY ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. ATKINS. Mr. Speaker, for the past 2 years I have been working with concerned citizens in eight towns in Massachusetts to identify the best means for protecting and preserving segments of three rivers that make an immense contribution to the State's scenic, recreational, and historical heritage. The result of that work is a piece of legislation that Representative EDWARD MARKEY and I are introducing today: the Sudbury, Assabet, and Concord Wild and Scenic River Study Act. Senator JOHN KERRY has also worked to generate local support for this legislation and shares our desire to protect and preserve these rivers. He will be introducing identical legislation in the Senate, which will also be cosponsored by Senator EDWARD KENNEDY.

Six segments of the Sudbury, Assabet, and Concord Rivers have been identified on the nationwide rivers inventory by the National Park Service as possessing the characteristics necessary for wild and scenic river designation. However, after months of careful planning, a citizen study group, in conjunction with the National Park Service and my office, has decided to focus its efforts on a Y-shaped portion of the river basin beginning downstream in Billerica at the Route 3 bridge, continuing to the confluence of the Assabet and Sudbury at Egg Rock, and then stretching up the Assabet to the confluence of the power canal at Damon Mill in West Concord, and up the Sudbury to the Danforth Street Bridge in Framingham. The total length of these three river segments is 29 miles.

These river segments possess unique natural, recreational, and historical values that must be preserved at all costs. In 1775, "the shot heard 'round the world" was fired in the Concord River basin to launch the American Revolution. Henry David Thoreau rowed on the SuAsCo basin and wrote his first book about a weeklong trip on the Concord and Merrimack Rivers. Nathaniel Hawthorne bought the boat Thoreau used for that trip and did some exploring of his own, declaring of the Assabet that "a more lovely stream than this, for a mile above its junction with the Concord, has never flowed on Earth."

Today, the Sudbury, Assabet, and Concord Rivers provide a splendid means of recreational escape for the people who live in the Greater Boston area. Over 10 miles of the Concord and Sudbury Rivers flow through the Great Meadows National Wildlife Refuge, where a totally undeveloped wetland area provides exceptional waterfowl habitat. On a sunny spring day, one can find canoeists enjoying the serenity of the Sudbury, tourists inspecting the historic Col. James Barrett Farm on the Assabet, and schoolchildren learning about wildlife while hiking along the Concord in the Great Meadows Refuge.

Unfortunately, the features that make the SuAsCo watershed such a superb source of learning and enjoyment may not be around much longer. Serious water shortages are forecast for the Greater Boston area in the next decade, and the Massachusetts Water Resources Authority has listed diversion of the Sudbury as a possible option of meeting the region's water needs. A vast number of my constituents and I believe that diversion of the Sudbury River is not viable, and that it must be prevented. Lowered flow on the Sudbury would affect wells along the river and destroy the marshes that are crucial to the wildlife that inhabits the Great Meadows National Wildlife Refuge. Perhaps even worse, diversion would destroy the flood plain vegetation, where cattle first grazed in the 1630's and which was responsible for Sudbury's early settlement—right after Boston—in 1636.

Encroaching development poses another threat to the watershed's ecological health, as construction along the banks can be detrimental to scenic values and harmful to the rivers' ecosystem if the banks are altered or pollutants enter the water. Whether by wild and scenic river designation or some other means of conservation planning, such development must be kept in check.

Mr. Speaker, there are a number of reasons why these three segments of the Sudbury, Assabet, and Concord Rivers need and ought to be protected, and there are a number of reasons why they would make outstanding additions to the National Wild and Scenic Rivers System. That does not necessarily mean that wild and scenic river designation is the best means of protecting the rivers, nor does it represent the only means. It is my feeling, however, that wild and scenic river designation is such a promising option for ensuring that the natural beauty and scenic and historical attributes of the rivers and their banks remain untarnished that Congress should authorize a National Park Service study to explore that option.

I also believe that the study process itself would be invaluable as a mechanism for planning for the future use of the SuAsCo watershed. A study would look not only at the option of wild and scenic river designation, but also at other possibilities for protecting the rivers and their banks, including State protection, local land use controls and zoning amendments. The study would also provide valuable information about the ecology of the watershed which would help to identify what needs to be done to protect the rivers and what the impact of future development might be.

It is also important to note that all of this will be done in a setting that will encourage local participation and will bring disparate groups of people together to plan for the rivers' future. The Sudbury, Assabet, and Concord Wild and Scenic River Study Act calls for extensive local participation in the study process. The bill would set up a 13-member study committee that would include a representative from each of the affected towns to work with the Park Service during the course of the study. It would also direct the study to reflect the importance of local water supply and waste discharge needs, and it would expressly prohibit any recommendation for land acquisition by the Federal Government. Finally, the bill would allow each of the towns to review the study recommendation and to block a recommendation for designation in the National Wild and Scenic River System if the town does not concur in the recommendation.

Mr. Speaker, I urge my colleagues to support the Sudbury, Assabet, and Concord Wild and Scenic River Study Act so that coordinated local planning to preserve and protect the SuAsCo watershed can begin immediately.

AMERICANS HELD HOSTAGE IN LEBANON MUST BE FREED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. COUGHLIN. Mr. Speaker, in recent days we have read numerous press reports indicating that an end to the captivity of Americans held hostage in Lebanon may be near. Earlier this week, an Associated Press report quoted an editorial in the Tehran Times, a paper said to be close to the thinking of Iranian President Ali Akbar Hashemi Rafsanjani, as saying "Our own assessment indicates that this thorny issue can be sorted out in the near future in a sincere spirit by sincere people." Other reports note that President Rafsanjani's brother, Mahmoud Hashemi, recently met with the Syrian Foreign Minister in order to coordinate efforts on the release of the hostages.

Of course, we have heard such optimistic reports before, and it behooves us to react with some caution. I am hopeful, however, that the Government of Iran, which has been a key sponsor of the Hezbollah, the parent organization of most if not all of the various groups that have claimed responsibility for the kidnaping of Americans in Lebanon, is now ready to move forward on this issue. I am equally hopeful that the Syrian Government, which has been heavily involved in the affairs of Lebanon, will lend its active support to efforts to resolve this situation.

Mr. Speaker, we can only guess at the amount of suffering inflicted on the 10 Americans still unaccounted for in Lebanon—my constituent Joseph Cicippio, William Buckley, Terry Anderson, Thomas Sutherland, Frank Reed, Edward Tracy, Alann Steen, Jesse Turner, Robert Polhill, and Col. Rich Higgins.

In fact, all indications are that William Buckley and Colonel Higgins were treated so inhumanely that they have died as a consequence.

We do know, however, just how much the families of these Americans have suffered. They, too, have been victimized by the cruelty and the deprivations inflicted upon the hostages, to almost the same degree. I know firsthand of the great distress imposed upon members of Joseph Cicippio's family, many of whom reside in the congressional district I represent.

And indeed, the greatest outrage of this wholly appalling episode is that the holding of hostages, for whatever reason, is not a sanction meted out against a government. Rather, it is a most extreme, inappropriate, and ruthless violation of the basic rights of individual human beings and their families.

Mr. Speaker, at this point it appears President Rafsanjani holds the key to the lock that keeps these innocent Americans in captivity. I believe the Congress identifies with the view espoused by President Bush that "good will begets good will"—that progress on this crucial matter will result in progress in United States-Iranian relations. It is certain, however, that in the absence of progress on the hostage issue, positive United States-Iranian relations cannot develop.

I know all of my colleagues in the House, and all Americans, hope that all those with influence over the kidnapers will use it to effect the immediate freedom of these individuals.

MEDICAL COMMUNITY HEALTH CENTER AND RURAL HEALTH CLINIC AMENDMENTS OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. STARK. Mr. Speaker, I rise to introduce H.R. 4233, the Medicare Community Health Center and Rural Health Clinic Amendments of 1990.

The Medicare Community Health Center and Rural Health Clinic Amendments would improve the availability of health services in both urban and rural communities by increasing Medicare support for community health centers and rural health clinics.

I am pleased to report that Senator CHAFEE will be introducing a similar bill.

There are currently 37 million Americans without health insurance coverage. Health care services provided to the indigent are supported through Federal assistance to community health centers, migrant health centers, and programs for the homeless.

Under these Federal programs, centers are required to provide primary care services at discounted rates, where the fee is a function of the patient's income. Because low-income Medicare beneficiaries receive care at the same discounted rates, the Medicare Program pays at reduced levels. Thus, Medicare does not pay its full share of the cost.

Provisions included in the House-passed version of the Omnibus Budget Reconciliation Act of 1989 would have corrected this. However, these provisions were not included in the conference agreement.

The Medicare Community Health Center and Rural Health Clinic Amendments includes the provisions relating to community health centers adopted by the House last year with some modifications.

The bill provides that Medicare would base its payments on an all-inclusive, cost-based rate, regardless of any discounting. Low-income beneficiaries would continue to have lower coinsurance costs from the discounted fees.

In addition, the bill would provide coverage for preventive health services required to be provided by these centers, and would allow centers to appeal their cost reports to the Provider Reimbursement Review Board [PRRB].

While some Americans don't receive the health care they need because they can't afford it, others can afford to pay but don't have access to services. This is particularly true in rural areas where communities may not have a physician available to provide care.

To improve access to care in rural areas, Medicare and Medicaid pay for services in rural health clinics. These clinics are staffed primarily by nonphysician professionals—physician assistants, nurse practitioners, and nurse midwives—under the general supervision of a physician. Currently, there are over 400 rural health clinics.

The bill includes provisions intended to encourage more clinics to seek rural health clinics status.

The bill requires the Secretary to act on a recommendation to certify a rural health clinic within 60 days. Under current law, a clinic can provide Medicare covered services after a recommendation has been made by the certifying agency to the Secretary. However, the clinic isn't paid for those services until after the Secretary formally certifies the clinic. This can take as long as 4 or 5 months. This bill would alleviate the cash flow problem by requiring the Secretary to act within a reasonable period.

The bill provides for a temporary waiver of certain staffing requirements for rural health clinics that, despite reasonable efforts, have been unable to hire the required staff due to the scarcity of trained personnel in rural areas.

The bill also provides for PRRB appeals of rural health clinics' cost reports which are the basis of their payments.

Finally, it has been suggested that some hospitals are excluding community health center physicians from their medical staff. This would make it difficult for community health centers to retain their physicians and discourages continuity of care.

At this time, we don't know how widespread this practice is, or what effect it has. This bill includes a study by the General Accounting Office. Once this study is completed, it will be possible to determine what action, if any, would be appropriate.

Community health centers and rural health clinics are important elements in the health care system for the poor and for people in rural areas. I urge my colleagues to join me and support this bill.

MEDICARE COMMUNITY HEALTH CENTER AND RURAL HEALTH CLINIC AMENDMENTS OF 1990

SECTION-BY-SECTION

Section 1. Title.

Section 2. Federally Qualified Health Center Services.

Provides for Medicare coverage of services provided Federally Qualified Health Centers (FQHC).

Defines an FQHC as an entity that either is receiving funds under Section 329, 330 or 340 of the Public Health Service Act, or meets all requirements to receive funds under such sections. FQHC services are defined as physician serivces, services incident to physician services, services provided by certain non-physician professionals, and such primary preventive health services required to be offered by such centers under the Public Health Service Act.

Provides for payments on the basis of an all inclusive rate, where such rates are based on the entities cost of providing covered services. Provides that the annual Part B deductible is waived for services provided in FQHCs, and permits centers to waive Medicare coinsurance requirements when providing services to individuals who qualify for subsidized services under the Public Health Service Act.

Section 3. Rural Health Clinic Services.

Provides that the Secretary must notify rural health clinics of the Secretary's approval or disapproval of an application for certification within 60 days of the State agency's determination that the clinic qualifies for rural health clinic status.

Provides for a temporary one-year waiver of certain staffing requirements for rural health clinics that, despite reasonable efforts, have been unable to hire appropriate personnel. Provides that productivity screens used in determining the productivity of rural health clinic personnel shall be based on the combined productivity of physicians and non-physician professionals.

Section 4. PRRB Review of Cost Reports for Federally Qualified Health Centers and Rural Health Clinics.

Provides that FQHCs and rural health clinics shall have the same appeal and hearing rights as other providers under Medicare.

Section 5. GAO Study of Hospital Staff Privileges for Physicians Practicing in Community Health Centers.

Provides for a GAO study of physicians working in community health centers and barriers that may exist to their obtaining admitting privileges at hospitals.

FAIR AUTO INSURANCE RATES RESOLUTION

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MFUME. Mr. Speaker, the affordability of automobile insurance is quickly becoming a critical issue in many parts of this Nation and those insured drivers who live in or near highly urbanized areas are beginning to feel the pinch from exorbitant auto insurance premiums. Many of my constituents want to know why they are being saddled with high premiums, while their neighbors in the surrounding suburban and rural counties often pay half the amount that many Baltimoreans pay.

In Baltimore, the difference between auto insurance premiums can be drastic just from one zip code to another. An excellent example of this zip-coding practice Ms. Sylvia

Sybert, a retiree whose fixed retirement income forced her to move nine blocks from her apartment to a senior citizens highrise with lower rents. Upon notifying her insurance company, Firemans Fund, of her move from one zip code zone to another, Ms. Sybert was immediately informed that she now must pay $638 more a year for automobile insurance.

Mr. Speaker, I realize that the practice of redlining is illegal, but I believe that upon reviewing Ms. Sybert's story, that she may have very well been a deliberate victim of such a practice. A common question that has been raised by citizens who share this kind of outrage is how can such rates be justified, particularly since in many instances they may have been driving for many years without an accident or a traffic ticket? The rationale that is usually afforded these individuals is perhaps the essence of the debate—the classification rating system.

In many States like Maryland, the classification rating system, assesses factors such as marital status, age, sex, use of car, type of car, and territory. In Baltimore specifically, territoriality appears to be the predominant factor which determines the citizen's premium rates. Territoriality is the first level to which statewide need is distributed under the ratemaking system insurers use. After that, insurers then distribute to factors such as age, gender, marital status, and lastly, one's driving record.

The insurance industry makes the argument that territorial rating is a valid tool for evaluating risk because it permits the industry to estimate their exposure to economic loss. It is very difficult for the average consumer to understand such actuarial analysis or financial hocus-pocus. High premiums are the reality that many of our constituents must confront each time they mail in their payments. The unaffordability of auto insurance also serves as a disincentive to families or businesses contemplating a move to Baltimore.

I firmly believe that the time has come to debate nationally the need to search for a more equitable and creative way to determine auto insurance rates. For this reason, I am honored today to introduce the Fair Auto Insurance Premiums Resolution. My bill simply states that insurers should remove territoriality from their classification rating system and instead place greater emphasis on the motorists driving record, years of driving experience, and the nature of miles driven.

By redistributing these factors ahead of, or in lieu of territoriality, these variables can turn the ratings tide toward equitable billing and payments from consumers. Mr. Speaker, I hope that this House resolution motivates our colleagues to raise the issue within this Chamber and in their home States about how their automobile insurance rates are set. Something needs to be done to protect consumers and it is my desire to begin this dynamic change during the 101st Congress.

A TRIBUTE TO CAPT. JOHN PAGANELLI

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. KOLTER. Mr. Speaker, today I rise before the U.S. House of Representatives to honor Capt. John E. Paganelli, U.S. Navy, retired, on the distinguished occasion of his induction into the American Legion Post 778 Military Hall of Fame in Lyndora, PA, in my Fourth Congressional District.

Captain Paganelli began his military career in 1953, and received a commission as ensign—and his wings—in 1955. He was deployed aboard aircraft carrier U.S.S. *Intrepid* in 1957 and flew missions in support of United States troop landings in Lebanon.

In 1963 then-Lieutenant Paganelli was transferred to Fighter Squadron 101 for training in the A4 Skyhawk aircraft, a breakthrough in fighter technology capable of speeds in excess of twice the speed of sound. In 1965, Lieutenant Commander Paganelli was assigned to Attack Squadron 86 deployed to Southeast Asia where he flew 181 combat missions against the enemy.

Ordered to the U.S. Naval Post Graduate School in Monterey, CA, in 1968, he earned a degree in international relations and was promoted to commander.

Taking command of Attack Squadron 45 in 1971, he held responsibility for all air operations from carrier U.S.S. *Forrestal*, and under his leadership was judged best air department in the Atlantic Fleet.

Assigned to the U.S. Army War College in Carlisle, PA, in 1974, where he earned a military masters degree in diplomacy, Mr. Paganelli was promoted to captain and selected Executive Assistant to Adm. Howard Greer, commander of all naval air forces in the Atlantic Fleet.

In 1977, he assumed command of Fleet Tactical Support Wing One, Norfolk, VA, comprised of 12 squadrons with over 170 aircraft and 4,500 officers and men.

In 1982, Captain Paganelli was selected naval attaché to Brazil, later returning to the United States in 1985 after 32 years' service with an honorable discharge.

During his career, Captain Paganelli logged 7,200 hours of flight time with 931 carrier landings in 15 different types of aircraft. His personal decorations include: The Defense Superior Service Medal, Legion of Merit (two awards), Distinguished Flying Cross, Air Medal (nine awards), Navy Commendation Medal (three awards), Navy Unit Citation, Meritorious Citation (two awards), Battle Efficiency (two awards), the South Vietnamese Cross of Gallantry, and the Brazilian Presidential Naval Order of Merit.

An excellent representative of Lyndora, Captain Paganelli is married to the former Rosemarie Pasqualichio of Butler, PA, and the couple has four children: Debra, Pamela, Sandra, and John, Jr., who graduated from the Naval Academy in 1986 and received his Navy wings in 1987.

Mr. Speaker, I honor Capt. John Paganelli before the U.S. House of Representatives today, not only because of the fine example he provides for our young citizens and for Butler County, but because of the fine example he sets for Pennsylvania and the United States of America.

Because of his character, dignity, fairness, humility, and dedication to excellence, I hereby present the Certificate of Special Congressional Recognition to Capt. John Paganelli and honor him before the Congress today.

A TRIBUTE TO KATHLEEN BRUGGER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today an outstanding and dedicated community leader, Kathleen Brugger of Montclair, CA. On March 29, Kathleen will be honored as the outgoing president of the Montclair Chamber of Commerce for the 1989–90 term. Kathleen's husband, John, and her family all have reason to be proud of her achievements. Indeed, Kathleen Brugger's example defines the meaning of community service.

Kathleen has long been involved in the work of the Montclair chamber having served in a number of capacities. Prior to serving as chamber president, she served as first vice president in 1988–89, chairman of the legislative committee in 1987–89, and has served as a member of numerous other chamber committees.

In addition, Kathleen has also served in a number of civic and community leadership activities. Reflecting her deep interest in education, Kathleen serves as president of the Ontario-Montclair School Board. She has also held elected positions with the San Bernardino County School Board Association and the California School Board Association. In addition, she is the cofounder of the West End School Trustees Group and the founder of the San Bernardino County roundtable. Kathleen presently serves as a board member of the Ontario-Montclair YMCA and Montclair Kiwanis Club. She is also a member of Soroptimist International of Montclair, the American Association of University Women, and Zonta.

Mr. Speaker, please join me today in congratulating Kathleen Brugger for her outstanding achievements and for offering so generously her time to our community. Her commitment, leadership, and hard work has made and will continue to make a critical difference to the people of Ontario-Montclair.

INTERNATIONAL STUDENTS' ASSOCIATION OF OAKLAND UNIVERSITY, MICHIGAN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. CARR. Mr. Speaker, I rise today to recognize the members of the International Stu-

dents' Association of Oakland University, Michigan. Their extraordinary efforts in volunteering time for a positive and encouraging program to promote awareness of diverse cultures amongst schoolchildren of the Rochester Hills area are to be commended.

The "International Pals Program" involves Oakland University students from 18 countries—such as Japan, Poland, Tanzania, and Peru—who generously give of their time and energy to visit local elementary and middle school classrooms monthly to share the geography, education, history, language, customs and culture of their respective countries. At the present time, 36 international students have dedicated themselves to this cross-cultural program serving approximately 1,000 area children. This program is not only educational for the children, but more importantly, it introduces them to people of other ethnic backgrounds before negative stereotypes develop.

Our society is one of the most ethnically diverse in the world. However, the task of building racial tolerance both within our country and throughout the world generally is, regrettably, far from complete. As we move forward to the year 2000, it is evident that cross-cultural understanding will be crucial to the development of our Nation. This program is an excellent example of how understanding of cultural diversity can be improved in a way that is both enjoyable and educational for all concerned. I hope that other colleges will be inspired to follow Oakland University's example and establish similar programs which promote global education.

Finally, Mr. Speaker, I would like to commend, once again, the devoted students of the Oakland University International Students' Association for their commitment to improving the quality of education for schoolchildren in Rochester Hills area. In addition we applaud the innovative staff involved with the International Pals Program, in particular David Herman, dean of students at Oakland University and Carol Mims Foster, principal of Meadowbrook Elementary School, Rochester. They developed the program together with Barbara Meyers and Elaine Santa, teachers at Meadowbrook. Special appreciation should also go to Izzat and Vincent Khapoya, faculty members at Oakland University, who originally suggested improving multicultural education in the area's elementary schools; and to teachers at the other schools in the program—West Middle School, Rochester, and Brewster Elementary School, Rochester Hills. All those involved can be truly proud of their efforts, as we are proud to support and represent them.

MEMORIAL FOR DANIEL JOHNSON, SR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. YOUNG of Alaska. Mr. Speaker, in the course of history, there are certain individuals who truly excel and whose contributions make a noticeable difference in their community. They are the leaders, pioneers, and visionaries to whom we look for guidance and results. One such man was Daniel Johnson, Sr., of Angoon, AK. On Saturday, February 10, 1990, Daniel Johnson passed away following an unsuccessful heart transplant operation.

Johnson was the first president of Kootznoowoo, Inc., serving from 1973 through 1977. He also served on the city council, as mayor of Angoon, on the school advisory committee, and was long active in the Tlingit-Haida Council and the Alaska Native Brotherhood.

John Norman, Kootznoowoo's corporate attorney since 1974 recalled that Johnson presided over the corporation at a time when there were few guidelines to follow. He is said to be the father of the corporation. "At that time the corporation was like a new baby learning to walk. It was Danny's good humor and encouraging words that helped that baby become the mature corporation that exists today," Norman said.

Johnson was chairman of the Board of Kanalku Development Corp., a subsidiary of Kootznoowoo. Sterling Bolima, president of Kanalku, credits Johnson with gaining Admiralty Island wilderness status. Under his leadership in the mid-1970's, Kootznoowoo began a lobbying effort in Washington, DC, to protect the island from logging. Johnson traveled to Washington several times to testify before congressional committees on behalf of his home island.

In a letter to Dan's wife, Verna, Guy Martin, a former Assistant Secretary of the Interior, expressed his respect for Johnson as a leader and a representative of his village. "During the difficult fight to preserve and protect Admiralty Island," Martin wrote, "Dan stood tall in the defense of his home and his lifestyle, even when criticism of the Angoon position came from the Alaska's congressional delegation, Alaska development interests, and other Native villages and corporations. Dan's courage, along with that of other important leaders from Angoon, finally paid off in the ultimate protection of Admiralty Island as a national monument."

He was one of the first Native leaders to blend Tlingit traditions with modern business. Fluent in the Tlingit language, Johnson was a member of the Bear Clan (Teikweidee).

Dan Johnson was born and raised in Angoon. He and his family lived in Juneau from 1957 to 1967 when Johnson worked for the Juneau Cold Storage and later for the Bureau of Indian Affairs. He is survived by his wife, Verna; and children Daniel Jr., Alvin, and Valerie James of Angoon; Melanie Fredrickson and Steven of Juneau; Donald of California; and sisters Virginia Kennedy of Angoon and Marie Beasely of Seattle.

Johnson underwent a heart transplant on Sunday, February 4, 1989. His prognosis was good until midweek when tissue rejection symptoms set in. Norman and others were stranded in Juneau, unable to attend the memorial service for Johnson because of a severe winter storm. Despite the weather, over 250 people attended the memorial ceremony in Angoon on Saturday, February 17. Dozens of individuals and groups performed gospel songs in honor of Johnson's love of music.

Daniel Johnson will certainly be missed. His contributions in the community of Angoon and the State of Alaska will be long appreciated. John Norman remembers, "in all of my contacts with Danny, he always had the best interests of the corporation at heart and he was always proud of his wonderful family. Most of all I will remember his warm personality and winning smile. I'll never be able to think of Angoon and Kootznoowoo Inc. without thinking of Daniel Johnson."

CANTORS GO TO HUNGARY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. SMITH of Florida. Mr. Speaker, it is my pleasure to congratulate the American Society for the Advancement of Cantorial Arts [ASACA] for being chosen to represent the United States at the 10th Annual Budapest Spring Cultural Festival which will be held on March 19 through 23, 1990. Gila and Haim Weiner founded the organization in 1987 to help form a greater awareness and appreciation for the traditional liturgy and music of Judaism. Additionally, it is their hope that the beauty and significance of the religious music that is sung by cantors will continue. The Weiners hope to rejuvenate the tradition of hazzanut—cantorial music—in Eastern Europe and to culivate renewed interest of young people to become accomplished cantors.

The art of cantorial music has its roots in Eastern Europe. Most of the melodies were composed in the 17th, 18th, and 19th centuries. These ancient prayers express a general message of goodwill and has deeply affected millions of people who have had the opportunity to experience these beautiful hymns. Unfortunately, only a small fraction of the 80,000 Jews who currently live in Hungary actually take an active part in Jewish life, for most are fully assimilated. The recent change in governmental policy in Hungary, however, guarantees religious expression and freedom. The cantors visit to this new democracy should help heighten an awareness of Jewish traditions that were lost or forgotten during the Communist reign of power.

We are living through a momentous time in history. The rapidly changing political climate of the world is a tribute to freedom and democracy. We must, however, be weary of some of the negative spinoffs of such rapid change—such as blind nationalism. The goodwill mission of the cantors will help educate and sensitize the hungarian people of the culture of Judaism.

I comment the Government of Hungary in their decision to invite ASACA to participate in the 10th Annual Budapest Spring Cultural Festival. This act signifies that Hungary is fast becoming a place where diversity of belief will not only be tolerated but encouraged. The cantors' visit serves to enhance an awakening of freedom and religious rights in this newly formed democracy.

BUSH-REAGAN MIRACLES: FROM EUROPE TO CENTRAL AMERICA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. SOLOMON. Mr. Speaker, many Members of this body ought to be glad we don't live in a Communist society, where they make you stand up in a group and confess your errors.

There would be a lot of humbled Congressmen, forced to admit they were wrong about Ronald Reagan's foreign policy and wrong about his defense buildup.

It's because of those policies that a lot of countries are shedding their communism like last year's fashions.

Outside of Cuba and a few left-wing faculty lounges, there are about as many true Communists as there are people who believe the Earth is flat.

Marxism, Leninism, Stalinism, communism—call it whatever you'd like—has been repudiated by the greatest, most contagious outpouring of human spirit in modern history.

Mr. Speaker, after the allies won World War II, we found that we had merely replaced one totalitarian monster with another.

And although nazism died with its creator, communism proved to be the far greater danger.

By 1980, it had spread to four continents and seemed to many to be the wave of the future.

Then we elected Ronald Reagan.

He said he was going to rebuild our military, and he did.

It would have been very easy for Ronald Reagan to cave in to pressure.

Pressure from Congress to leave our defenses in their neglected state.

Pressure from left-wing pacifists who mounted a furious campaign not to put Pershing missiles in Europe to negate Soviet SS-20 missiles.

Pressure from the fainthearted not to liberate Grenada.

Pressure from Sandinista sympathizers not to support the Contras.

And pressure from pseudo-intellectuals to stop fighting the cold war.

Now, aren't we glad Ronald Reagan had the grace and vision and courage to resist that pressure?

And, Mr. Speaker, aren't we glad we still have a Reaganite in the White House in George Bush?

The operation in Panama was nothing more than a continuation of the Reagan foreign policy, which should now be called the Reagan-Bush policy, the policy of supporting freedom around the world, which some thought we had forgotten.

This is the greatest foreign policy triumph in American history. It's still going on, and we should all be celebrating.

As part of that celebration, Mr. Speaker, it is my pleasure to enter in today's RECORD a column by William Randolph Hearst, Jr., which appeared in the Sunday Albany Times-Union in my district.

The headline is "Bush-Reagan Miracles: From Europe to Central America."

And that, Mr. Speaker, pretty much tells the whole story.

[From the Albany Times-Union, Mar. 4, 1990]

BUSH-REAGAN MIRACLES: FROM EUROPE TO CENTRAL AMERICA

(By W.R. Hearst, Jr.)

NEW YORK.—The great significance of the stunning electoral defeat of President Daniel Ortega's communist dictatorship is that America has brought democratic freedom to Nicaragua as it brought it to Eastern Europe, has started bringing it to the Baltic states, and will. I believe, eventually bring it to the Soviet Union.

History will surely record these epochal developments as among the most admirable achievements of our country since we won the war for independence.

Critics have consistently contended the United States lacked vision and competent leadership in world affairs under the Reagan-Bush administration.

The amazing success of the Reagan-Bush policies in handling the communist regimes in the Soviet Union and Nicaragua should confound with shameful embarrassment those who castigated President Reagan for spending so much money restoring America's military strength and who denounced both Republican presidents for supporting the freedom fighters in Nicaragua.

Now it is evident that President Reagan's challenge to the Soviet to outbuild them in the arms race, endanger their security with the Strategic Defense Initiative (SDI) program and hasten economic catastrophe in the Soviet empire prompted Mikhail Gorbachev to opt for an end to the Cold War and for freedom for Eastern Europe.

In the new edition of his book "Revolution," Martin Anderson, one of Reagan's closest White House advisers, revealed that at the first summit meeting with Gorbachev in Geneva in 1985, the president told the Soviet leader: "We can continue to disarm or we can continue the arms race. And I'll tell you now you can't win the arms race. There is no way." That view was shared by British Prime Minister Margaret Thatcher and French President Francois Mitterrand.

It soon led the Soviet leader to start making one concession after another in the nuclear and conventional arms talks, meeting nearly all the conditions set by Reagan and later by President Bush for arms cuts and troop withdrawals from Afghanistan and Eastern Europe.

When the freedom movement erupted in Eastern Europe. Bush urged Gorbachev not to use force to suppress it. Gorbachev not only pressured the communist leaders in Poland, Hungary, Czechoslovakia and East Germany to refrain from doing so, but he also instructed the Soviet supreme commander of the Warsaw Pact forces to order the military high command of the Eastern European communist countries not to use military force against the pro-democracy demonstrators. That forced the collapse of one communist government after another.

Both President Reagan and Bush were assailed for supporting the contra freedom fighters, but it was the latter, coupled with President Bush's liberation of Panama from the tyrannical regime of Manuel Antonio Noriega, that led the Nicaraguan dictator to risk free elections, although he did so with confidence he would win because the polls told him so. Most of the people polled didn't dare say they intended to vote against Ortega. President Bush's courageous intervention in Panama and apprehension of General Noriega clearly frightened Ortega, who publicly expressed fear Nicaragua would be the next in line for American military intervention.

Bernard Kaplan, our chief European correspondent, reported from Paris there was widespread European acclaim for America's role in helping bring about the restoration of democracy in Nicaragua.

A London Daily Telegraph editorial said: "If the proof of the pudding is in the eating, then America's policy toward the Sandinistas, beginning with Reagan's support for the contras, has been the correct one. Without the incessant pressure applied by the United States, who believes the Sandinistas would ever have agreed to a genuinely free election, even one they were completely confident they would win?"

Switzerland's leading newspaper, the Journal de Geneve, wrote: "The United States does deserve credit. Bush's political moves toward Nicaragua were a continuation by other means of the policy launched by Reagan of refusing to concede Marxist supremacy there. That policy has succeeded."

President Bush, who has established a close relationship with Gorbachev, persuaded the Soviet leader to strongly support free elections in Nicaragua. According to the Washington Post, "The most vital support for the (free) election process came from the Soviet Union."

President Gorbachev sent Bush a personal letter assuring him Moscow had suspended arms shipments to Nicaragua. The day after the democratic victory, the Soviet Foreign Ministry publicly made clear that Gorbachev supported the outcome of the elections and expected Ortega to facilitate the transfer of power. The Soviet government also offered to supply economic and military aid to the new democracy.

In view of the way Gorbachev's predecessors built up Ortega's military power to extend communist domination throughout Central America and acquire a second Cuba as a Soviet air and naval base to threaten the United States, President Bush's success in getting Gorbachev to help us end that danger is a tremendous tribute to his statesmanship.

It also encourages confidence in the sincerity of Gorbachev's assurances that he wants a new world order based on "individual freedom, independence, democracy and social justice." It is good news that the Soviet legislature voted overwhelmingly to strengthen Gorbachev's presidential authority. It is expected the legislation, which marks a historic shift in power from the Communist Party to the government, will be ratified by the Congress of People's Deputies in the middle of this month.

Bringing about the collapse of communist domination of Europe, the virtual end to the Cold War and the superpower arms race as well as restoration of democratic governments in Panama and Nicaragua will make proud chapters in the history of our country. For these almost miraculous changes, great credit will always be due Ronald Reagan and George Bush.

THE AFFORDABLE HOUSING AND FIRST HOME BUYER ASSISTANCE ACT OF 1990

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. SMITH of New Jersey. Mr. Speaker, as a member of the House Republican Study Committee Task Force on Housing, I am pleased to join with Mr. DOUGLAS, Mr. BARTLETT, and others to introduce the Affordable Housing and First Home Buyer Assistance Act of 1990. This legislation is the result of months of effort by the task force and should go a long way toward helping all Americans fulfill their dream of owning their own home.

Mr. Speaker, in the last 20 years we have witnessed a significant decline in home ownership. Overall, home ownership rates have been falling steadily from a high of 65.6 percent in 1980 to 63.7 percent in 1988. The decline has been most dramatic in young families trying to buy their first home. The percentage of young two-parent families owning homes dropped from 38.9 percent in 1973 to 29.1 percent in 1987. The percentage of young single parents owning homes has dropped by over 50 percent in the same time period.

As the price of homes has skyrocketed in many areas of the country, it has become increasingly difficult for young people to make the required downpayment. In 1984, it took the average first-time homebuyer an average of 1.8 years to save enough to make a downpayment. Today, it takes an average of 2.4 years; and in the Northeast the average is closer to 3.7 years.

Mr. Speaker, the Affordable Housing and First Home Buyer Assistance Act of 1990 will go a long way toward reversing this trend. Specifically, this legislation:

First, allows the creation of first home ownership accounts which individuals can use to save up to $20,000 tax free for the purchase of a first home;

Second, eliminates the capital gains tax on the sale of a principal residence;

Third, extends the mortgage bond program by 3 years to allow States and municipalities to continue raising funds for low-interest home ownership loans;

Fourth, allows HUD to insure mortgages for first-time home buyers up to 95 percent of the value of the property; and

Fifth, authorizes HUD to study the use of share equity plans to assist first-time buyers with price-level adjusted mortgages [PLAMS].

Mr. Speaker, this legislation was drafted after months of consultation with Government officials, private industry, and policy experts. It is designed to complement the efforts of Secretary Kemp and President Bush as outlined in their HOPE initiative. I am hopeful that the Congress will move swiftly on this legislation and make 1990 the year that home ownership once again became a reality instead of a dream for all Americans.

FAILURE TO FORMULATE A COHERENT POLICY RESPONSE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. FRANK. Mr. Speaker, the failure of the Bush administration to formulate a coherent policy response to the numerous changes taking place in Eastern Europe becomes more and more evident. With freedom having come to much of Eastern Europe, President Bush still has before us a budget which recommends that we spend billions of dollars to prevent Poland, Hungary, and Bulgaria from joining the Soviet Union in a land invasion of West Germany and France.

The President asks what our hurry is in cutting this obviously unnecessary spending. The answer is that we do not wish to wait to make real cuts in the deficit, nor do we wish to put off helping the elderly with medical bills or providing education benefits to children.

All of these objectives and others are hurt by the President's refusal to stop subsidizing our wealthy allies against nonexistent threats.

In today's New York Times, the editors make a powerful, detailed analogical proposal reflecting reality as baffling. I hope that the President and his budget staff will heed the good sense of the New York Times and others—including his own Director of Central Intelligence, Mr. Webster—unnecessary military expenditures.

Mr. Speaker, I ask that the thoughtful editorial from the New York Times be printed here.

[From the New York Times, Mar. 8, 1990]

A $150 BILLION A YEAR—WHERE TO FIND IT

It's as though America just won the lottery with Communism collapsing, the United States having defended the free world for half a century, now stands to save a fortune. Defense spending could drop by $20 billion next year and $150 billion a year before the decade ends.

What a precious moment; what a Heavensent opportunity for a political leader to capture attention and resources and do great good. President Bush, however, resists turning in his winning ticket. What will he do with this peace dividend? He says there won't be one—and besides, it will all have to be spent reducing the deficit.

The President is surely right not to react hastity to the upheaval in global politics. Yes, the cold war is over and the Soviet Union now looks inward. But it will take time to adjust the assumptions and relationships of two generations.

The peace dividend, however, is tangible, and for the President to recoil from it is baffling. It is not bleeding heart liberals who urge Mr. Bush to be the Education President; that's his own ambition for himself. It is not elitist ecologists who label him the Environment President; that's his own title for his own aspiration.

Why, having pinned himself between a desire for progress and a pledge not to raise taxes, does he shrink from the windfall? Shouldn't he, on his own terms, embrace it? By dismissing it, the President is twice mistaken. The peace dividend is real, and realistically achievable. And the best way to spend it is to promote productivity and growth.

In his own budget, Mr. Bush would reduce the $300 billion-plus total for defense by 2 percent a year. That would save $140 billion over five years—and Congress is sure to cut more. If the Soviet threat keeps dwindling, it's possible to envision a $150 billion Pentagon budget, in current dollars, by the year 2000.

Cuts that deep can only be achieved gradually, it takes time to close bases and production lines. And sensibly, reductions will start small, phasing in with evidence of reassuring change from the Soviet Union. But the sooner Mr. Bush begins to plan for cuts, the sooner savings will accrue.

THE PEACE DIVIDEND IS REAL

Close students of defense acknowledge that significant cuts can be made. William Kaufmann, who advised Republican and Democatic defense secretaries, has demonstrated in a recent study how to halve outlays in a decade. The time to begin is now, with the five-year defense budget the Pentagon will soon submit to Congress.

There are two principal tasks: Reduce conventional forces, and slow the introduction of new weapons, both conventional [see box] and nuclear.

Reduce conventional forces.—Ships, planes, tanks and troops are the place to start. They are where the money goes—four of every five defense dollars. Much of that is keyed to an improbable Soviet attack in Europe. Conventional force talks contemplate reducing U.S. troops from 305,000 to 225,000. Come 1992, that will save about $7 billion a year. Subsequent Soviet withdrawals could trigger more troop cuts, down to, say, 75,000, saving $12 billion more a year. And cutting six backup divisions in the U.S. would save $14 billion a year.

Meanwhile, with a diminished Soviet threat, it's absurd to insist that third world perils require 14 Navy carrier battle groups. Reducing 14 to 12 by 1994 would save $6 billion a year. Reducing to six by 2000 could save an additional $22 billion a year.

It is difficult to calculate the total savings for such cuts in force size because, beyond operating costs saved, there would be untold savings in hardware and personnel.

Slow Down Nuclear Modernization.—This year's bill for missiles and bombers is $52 billion, and present plans could make that $87 billion by 2000. By slowing modernization, outlays could be held below $30 billion a year. The Strategic Arms Reduction Treaty, expected to be signed this year, will help make cuts of this magnitude safe.

With the reduction in Soviet land-based missiles, there's less need to put 50 MX missiles on rail cars, or to buy more Trident submarines than Start permits. Canceling MX mobile basing would save $4 billion between 1991 and 1995; stopping at 18 Tridents and slowing deployment of new D-5 missiles could save $4 billion more.

The B-2 stealth bomber was designed to locate and destroy mobile missiles. Sixteen are already authorized. Deferring further procurement while continuing flight-testing would save $23 billion between 1991 and 1995. Procurement of the advanced air-launched cruise missile can also be deferred, saving nearly $3 billion in those years.

The Bush Administration asks $5.4 billion for Star War defenses this year, and more later, even though this mammoth program still lacks clear purpose and faces formidable technical problems. Robust research could be conducted for $3 billion a year, saving $16 billion between 1991 and 1995.

Canceling the Army's anti-satellite weapon would save an additional $2 billion.

Apart from Pentagon spending on defense, the Department of Energy wants two new plants in which to manufacture nuclear weapons. But Start reductions will allow most nuclear material to be recovered from dismantled warheads. Canceling one of those plants would save $3 billion between 1991 and 1995, and cutting back warhead production, billions more.

The intelligence budget is secret but is thought to have doubled in the 80's, without commensurate benefit. Spy satellites are needed to monitor arms control agreements, but keeping a dozen or so in orbit will generate more pictures than analysts can assess. Canceling one imaging radar satellite and one photo satellite a year would save $2 billion.

There will not be easy agreement on all these cuts. But they are not reckless or speculative. A plausible plan of reductions could save $150 billion a year by 1999. Even if some cuts aren't made, any large part of $150 billion amounts to real money.

The next question is, what should America do with it? The President says, reduce the huge Federal deficit. So does the Senate. They're right that the deficit clouds the future and demands reduction. But the question here is what to do with the peace dividend windfall, and the best answer is, use it for positive investments in the future.

WHERE TO START

The Pentagon is building a number of new weapons useful primarily in the event of war in Europe. The weapons they would replace are already as advanced as any in the world. Here is what canceling or deferring acquisition would save in outlays, 1991 to 1995:

	Billion
Army light helicopter	$2
Advanced tactical missile	1
Forward area air defenses	3
C-17 cargo plane	12
Advanced tactical fighter	8
F-16 fighter plane (new model)	10
A-12 attack plane	12
Osprey tilt-rotor aircraft	8
Advanced air-to-air missile	4
DDG-51 guided missile destroyer	8
Seawolf attack submarine	9
Five-year total	77

THE PRESIDENT'S TRANSPORTATION POLICY NEEDS AN OVERHAUL

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MANTON. Mr. Speaker, today's news accounts of the administration's proposed transportation policies are deeply disturbing. Apparently, President Bush has decided not to accept the best aspects of Transportation Secretary Sam Skinner's plan to revitalize our national transportation system.

Mr. Speaker, I have great respect for the Secretary of Transportation and I was excited by his plan to unveil a comprehensive and meaningful transportation policy. Secretary Skinner's "draft" proposal on transportation was insightful and courageous. His plan would have been a step in the right direction for addressing the Nation's urgent transportation needs. Unfortunately, what has been unveiled by the administration is nothing more than a restatement of tired policies which would place the burden of revitalizing transportation on the backs of the States and local communities.

The administration's plan does not include Secretary Skinner's proposal to establish a much needed national airport-noise policy and the retirement of noisy aircraft. Communities located near major airport facilities are continuously subjected to deafening noise pollution. Airport noise is a serious problem in the neighborhoods I represent in Queens, NY near LaGuardia Airport. This problem can not be allowed to continue, and it will take a Federal effort to correct the problems. Unfortunately, the administration's plan is sorely lacking.

Mr. Speaker, the administration's proposal also makes no mention of Amtrak. I am not surprised the President chose to ignore Amtrak in this transportation plan because the administration has always taken a policy of neglect toward Amtrak. His fiscal year 1991 budget proposal would end all Federal support for our national passenger railroad system. Amtrak is a vitally important component of our Nation's transportation system and helps to ease the strain on our congested highways and overcrowded airports. In fact, Amtrak carries more than twice the number of passengers within the Northeast corridor than all airlines combined. Fortunately, Congress rejected the repeated attempts of the Reagan administration to terminate Amtrak. I hope Congress will continue to resist the efforts of the Bush administration to eliminate assistance for this important Government program.

Mr. Speaker, the President's transportation policy appears to be nothing more than a vague statement of general policy. The tough decisions have been ignored, or left for Congress to decide. I hope the President will take this plan back to the drawing board and start over. The problems we face in the area of transportation are too great to be glossed over in the manner of the announced proposal.

SOVIET REFUSNIK CARMELLA RAIZ

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. FROST. Mr. Speaker, 17 years ago, Carmella and Vladmir Raiz applied for exit visas to leave the Soviet Union and settle in Israel. They knew Israel would welcome them and would let them practice Judaism freedly and openly, without fear of harassment, discrimination, or imprisonment.

Today, the Raiz family remains captive in the boundaries of the Soviet Union. They are refused permission to emigrate because of state secrets—state secrets that Vladmir Raiz was allegedly privy to in a position he held 25 years ago. Over the years, the Raiz family has been promised permission many times, but it has never become reality. Today bureaucratic complications hinder the release.

So, today, if you go to the Soviet Embassy here in Washington, you will see something unusual. You will see Carmell Raiz and her son Moshe holding a vigil at Sakharov Plaza. Carmella and her son are here on a tourist visa. Her husband and her son, Shaul, remain in the Soviet Union—hostages to the oppressive system to ensure that Carmella and Moshe return to their legal residence. Amidst Members of Congress, religious organizations, and thousands of supporters from across the country, you will see Carmella Raiz pleading for the just release of her family.

As the spirit of glasnost ripples through Russia, we must wonder when it will cease being words and well wishes for some, and commence action and assistance for all. It was with tremendous relief that we witnessed the mass emigration of thousands of Jews this past year to Israel and America. We have been jubilant over the numbers, but it is not enough. There are still long-term refusniks pleading for relief.

Now, more than ever, we can not close our eyes, become complacent, or mollified by the sweeping changes of perestroika. The Soviet Jews need our help and we must speak out for them. Today, and until all the refusniks are free, we must call for relief—relief for Carmella Raiz, her family, and the many others who remain trapped in the Soviet Union against their will.

The words of the Talmud teach, "who can protest an injustice and does not is an accomplice in the act." Such is the maxim advocated by many different religions around the world. This is the time to protest. We cannot turn from our responsibility now.

MARKETING INTERNATIONAL WOMEN'S DAY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mrs. KENNELLY. Mr. Speaker, in 1977 the United Nations General Assembly passed a resolution inviting member states to proclaim a day of the year as United Nations Day for Women's Rights and International Peace. Today we observe that day simply as International Women's Day. I think, however, this is an appropriate occasion to reflect on the more formal title. Women have been on the forefront of so much of the peaceful international change. Ironically though, around the globe, women have yet to achieve basic human rights.

In Nicaragua, Violeta Chamorro showed the world that graceful resolve can lead to peaceful change. Hopefully, her example will spread peace throughout Central America. In South Africa, Winnie Mandela insisted that the prison walls which confined her husband did not confine the ideals for which he fought. Both of these women paid a high personal price to make a better world.

None of us can forget the exhilaration we felt as we watched those crowds in Budapest, Prague, and Beijing. Let us remember though that women added their essential voices to these popular revolutions. Their courage in re-

jecting the system that made their daily labors to work and care for a family unbearable, helped give these movements their energy.

Against this backdrop though, women continue to suffer great injustices. From the deprivation of rights to the burdens of poverty, great strides are necessary.

Let us celebrate the peaceful developments around the world by working for justice for those who have been on the front line—the women in the international community.

COMMUNITY BAPTIST CHURCH CELEBRATES 34 YEARS OF WORSHIP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DYMALLY. Mr. Speaker, on Sunday, March 11, 1990, the Community Baptist Church in Compton will be celebrating its 34th year of worship and service to the community.

It was Rev. E. Boyd Esters and a few others who started the vision to build a church where they could worship and praise God with others in the community. They were first located at 800 N. Nestor in the city of Compton with only a few members but has now grown to an estimated membership of 500 persons.

Community Baptist Church has been instrumental in spiritual instruction and leadership for its members as well as the youth and young adults. They are also involved in serving the community by sponsoring a home for senior citizens, providing food and shelter to those in need in the area, and assisting with the needs of the residents of the sick and elderly at Compton Convalescent.

I am proud to see the faithfulness and hard work that Rev. E. Boyd Esters and his congregation have done so that the Community Baptist Church can continue to be a place where people can worship and help the community of the 31st district as well.

A TRIBUTE TO JUDGE G.E. WEBB, JR.

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DELAY. Mr. Speaker, I want to take this opportunity to pay tribute to a very special person in my district. That person is Judge G.E. Webb, Jr., of Brazoria County, TX. On Monday, March 5, Judge Webb passed away at his home. He was 80 years old. I was honored to represent this fine gentleman in Congress.

Judge Webb was born in Crowley, LA, and educated at the University of Arkansas and the Port Arthur Business School. In 1937, he settled with his new bride, Ruth, in Brazoria County to farm rice and later, open a small business. It was here where they raised their son and daughter.

Judge Webb, was elected six times to serve as justice of peace over the last 24 years. He dedicated his time in public service to the principle of equal and fair treatment under the law for everyone. At one time, the precinct he served covered more than 450 square miles.

The judge not only served the public unselfishly, but provided strong leadership in his community. He was a charter member and past president of the Alvin/Manvel Chamber of Commerce and the Rotary Club. In addition, he played a major role in the formation of the Visiting Nurses Association, Bay Area Alcoholic Council, and the Alvin Emergency Medical Service.

Judge Webb was an active member of the Grace Epscopal Church of Alvin and was best known as a kind and gentle man who loved his community and its people. He always strived to serve with dignity, compassion, and concern.

Today, I respectfully acknowledge and commend here in the U.S. House of Representatives, the service of this fine man from Brazoria County, TX.

I extend my sympathy to his wife, Ruth, his two children, George Edward Webb III and Janice Stiefel, and to all his other surviving relatives.

Judge Webb will be sorely missed.

ON THE NEED FOR OPENNESS IN DEFENSE CONTRACTING

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. BUSTAMANTE. Mr. Speaker, today, I am introducing legislation to amend the Competition in Contracting Act to require the Department of Defense to debrief competitors for major systems on reasons for their exclusion from a contract award. Under this bill, DOD will be required to inform unsuccessful offerors of their rights to be debriefed within 10 days of a contract determination. Additionally, no award will be permitted 10 days following the debriefing, and any contract awards made in violation of these requirements will be void.

Currently, DOD debriefings of unsuccessful offerors are optional—they are conducted only if requested. DOD debriefings are not mandatory requirements under the procurement process, and certainly it is not mandatory that they be given before contract award.

The procurement reforms enacted in 1984, in response to overpriced spare parts and other evidence of waste in the procurement process, established the principle that disappointed bidders ought to have an opportunity to challenge contract awards and decisions. The act did this by reinforcing the General Accounting Office's jurisdictions over contract protests and by creating a new forum for considering and deciding the bid protests of automatic data processing [ADP] procurements—the General Services Board of Contract Appeals. The underlying theory for these reforms was that the contracting community was in the best position to enforce compliance with procurement regulations, and that therefore they should be permitted to regulate themselves. Unfortunately, however, this system will work only if losing contractors are given timely and accurate information about the reasons why their bids and proposals were not adopted.

The legislation proposes a debriefing process which is similar to that now employed by the National Air and Space Administration. The legislation will ensure that competitors for a major system—as that term is defined in statute will receive full and open disclosure of the strengths and weaknesses of the governmental evaluation of their proposals. However, the debriefings called for in this bill are not intended to include any discussion of proprietary submitted by competing offerors.

Requiring a timely briefing from the DOD should work no hardship on the defense procurement system. Even today, DOD's proposal evaluation and award decisions must be supported by reasons and facts rather than by summary conclusions. This legislation would merely require the agency to give a detailed accounting of the basis for its decision earlier in the procurement process.

Mr. Speaker, I urge my colleagues on the Armed Services Committee to consider carefully this measure which attempts to introduce an element of fairness and openness in defense contracting.

THE 75TH ANNIVERSARY AT HARCUM JUNIOR COLLEGE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. WELDON. Mr. Speaker, I am pleased to announce today the 75th anniversary of Harcum Junior College in Bryn Mawr, PA. Traditionally a women's college with an enrollment averaging 800 students per year, Harcum College educates those from the heartland of Pennsylvania.

Harcum boasts an outstanding 60 percent graduation rate. Seventy percent of those graduating students go into the workforce while 30 percent continue their education at a 4-year school. Harcum Junior College provides the opportunity of education to those who might otherwise stop after receiving their high school diploma. Those students who enter the workforce upon graduation are finding good paying jobs. As for those who chose to continue their education, Harcum College was their all-important stepping stone from high school to a 4-year college degree.

While the student body is the institution's main concern, the college is also very active in the community. Harcum College plays a leading role in many community improvement programs such as Upward Bound, a program to enrich the lives of impoverished children. The college has also had tremendous success in their attempts to improve adult literacy. The Harcum Junior College literacy effort began in the fall of 1988 as a volunteer program. Students went into the West Philadelphia community to educate illiterate adults. Today the program has grown tremendously and has gained State and national attention. A recent grant from the U.S. Department of Education makes this the only program of its kind to receive both State and Federal funding.

We salute Harcum Junior College for its outstanding efforts in the classroom and in the community. Those of us in the Philadel-

phia area are very proud of Harcum's many achievements.

INTRODUCTION OF PRO-ESOP LEGISLATION

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. ANTHONY. Mr. Speaker, today I am introducing legislation to encourage employee ownership through ESOP's. This legislation is needed because as I move around the country I am convinced that the American people endorse employee ownership for a variety of reasons. First, employee ownership is fair. Second, common sense dictates that owners treat their property with respect and care. Third, only through ownership is real wealth created.

To my friends in the ESOP community, and to my colleagues who believe ESOP's work because they have seen the evidence in their own congressional districts and States, I say that we need to speak out for ESOP's and employee ownership, as some do not believe the good work that we see in ESOP companies throughout America.

Thus, I urge the supporters of ESOP's to come forward with a program to implement our beliefs, in a reasonable, and pragmatic manner. I urge my colleagues to sponsor the legislation I am introducing today.

In brief, my legislative proposal would provide for the following:

First, my legislation will permit the employees of subchapter S corporations to participate in employee ownership. Currently, these small closely held businesses, which do not tax income to individual shareholders at the corporate level, may not sponsor ESOP's because each employee would be deemed a direct shareholder, resulting in too many shareholders for subchapter S treatment. Because small closely held corporations have traditionally proven to be among the most productive and wealth building of ESOP companies, we believe employee ownership is proper in a subchapter S corporation. By applying a corporate level tax to the income attributable to the ESOP stock, our proposal is either revenue neutral or a revenue raiser.

Second, I would restore the ESOP exception to the 10 percent early withdrawal penalty tax. Current law requires the ESOP to distribute to terminated employees without regard to age. It is wrong to subject a mandatory distribution to a penalty tax.

Third, the legislation would permit ESOP contributions to employees earning less than $30,000 per year to be double the normal 25 percent of pay. Because ESOP's are designed to break the troublesome concentration of wealth in society, we believe the lower paid should have more stock where appropriate.

Fourth, the legislation would return the threshold of the size of the ESOP holdings from 50 to 30 percent in order for the lender to the ESOP to exclude one-half of the interest earned on the loan to an ESOP. Last year both the House and Senate adopted the 30-percent threshold, but the conference increased the percentage to 50 percent. The legislation would also cap the amount of the loan proceeds eligible for the exclusion at $50 million unless the ESOP owned more than 50 percent of the corporation's stock.

Fifth, I would permit payroll deductions for ESOP participants to contribute to political action committees established by an association promoting and protecting ESOP's.

As with any legislation, these proposals are only starting points. I am sure that many items in the bill will be improved, both in substance, and in technical and clarifying points, during the legislative process.

I want to note that 15 of my House colleagues have joined in introducing this legislation. They are: Congressmen CASS BALLENGER, DANA ROHRABACHER, GUY VANDER JAGT, HAROLD FORD (TN), PHIL CRANE, ROBERT MATSUI, CHARLES HAYES, PETER SMITH (VT), RICHARD ARMEY, GERALD SOLOMON, JOHN DUNCAN, Jr. (TN), BILL PAXON, MERVYN DYMALLY, NICK RAHALL, and JIM JONTZ. I note particularly the leadership of Congressmen BALLENGER and ROHRABACHER in helping to actually put this pro-ESOP legislation together.

By introducing this positive ESOP legislation, we believe we will move toward more employee ownership, which provides benefits to employees and their companies.

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Ms. OAKAR. Mr. Speaker, it is with pleasure that I join my colleague, Mr. BURTON of Indiana, today in introducing the resolution designating February 17 through February 23, 1991, as National Visiting Nurse Associations Week.

As we consider the recommendations of the Pepper Commission and the state of long-term care in this Nation, it is fitting that we pay tribute to those thousands of professionals and volunteers who, through the Visiting Nurse Associations, have been ministering to the health care needs of the home-bound for more than a century.

Each year, more than 1,500,000 men, women, children, and infants in this country receive home care and support services from Visiting Nurse Associations. The VNA's offer health care, physical, occupational, speech, and mental therapy, nutritional counseling, homemaking assistance, social services, and hospice care in urban and rural communities alike, regardless of the patient's ability to pay.

In every community, the professional nurses, therapists, and other care-givers of the VNA's are supported by local volunteers who raise funds for the organization, serve on their boards of directors, visit patients in their homes, assist at wellness clinics, deliver meals-on-wheels, perform errands for patients, and, perhaps most important of all, provide friendship, comfort, and loving care.

It's no secret that patients generally prefer to be treated in the comfort and security of their homes. VNA's help make such treatment possible.

Visiting Nurse Associations have been in the forefront of caring for AIDS patients, as well as in providing maternal child care, home intravenous therapy, and respiratory care. In many cities, they are assisting cocaine babies, born to addicted mothers, after they are released from hospitals. They also have organized special shelters for the homeless to receive medical assistance.

The designation of National Visiting Nurse Associations Week is important not only because it pays tribute to the dedication and contributions of the thousands of VNA professionals and volunteers, but because it allows the 464 VNA's nationwide to increase public awareness of the availability and value of home care, attract more volunteers, and raise local funds for much-needed indigent care. Through this resolution, we can thank the VNA's and help them to carry on their vital mission.

MR. HENRY INTRODUCES THE NATIONAL COLLEGE ATHLETICS ACCOUNTABILITY ACT

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. HENRY. Mr. Speaker, today I have introduced, along with Representative GOODLING, MOODY, and ROSE, the National College Athletic Accountability [NCAA] Act. The efforts of Senator BILL BRADLEY, combined with the ongoing work of the Knight Commission on Intercollegiate Athletics, clearly indicate the need for disclosure and reform of our college and university athletic programs.

This act will not interfere with college or university self-governance in any manner. However, it will require that colleges and universities benefiting from the Higher Education Assistance Act disclose athletics-derived revenues on their general fund accounts, and make them subject to the same onbudget financial procedures applicable to all academic programs at their respective institutions.

This legislation strengthens self-governance because it enables boards of control and college presidents to actually bear responsibility for the athletic programs at their schools. It also establishes, for the first time, public accountability for this major area of an institution's spending policies.

At a time when we are trying to sharpen educational excellence in our entire academic environment, and at a time when we are rethinking our academic priorities, it is entirely appropriate to put athletics governance within the accountability of the overall institution.

H.R. 4222, THE BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. WAXMAN. Mr. Speaker, today I am pleased to introduce, along with Congressman MADIGAN, the ranking Republican of the Subcommittee on Health and the Environment, H.R. 4222, the Breast and Cervical Cancer Mortality Prevention Act of 1990. We are joined in this effort by 22 other members of the Committee on Energy and Commerce, including our chairman, JOHN DINGELL, and our ranking Republican member, NORMAN LENT, as well as Congressman SCHROEDER and SNOWE, the cochairs of the Congressional Caucus for Women's Issues and many other Members of the House. This legislation is also being introduced today in the Senate by Senators MIKULSKI and KASSEBAUM and several of their colleagues.

The purpose of this legislation, Mr. Speaker, is to establish a new Public Health Service grants program to provide preventive health screening and referral services for low-income women for breast and cervical cancer. In the case of breast cancer, these services would include both a physical examination of the breasts and a mammography; in the case of cervical cancer, these services would include a pap smear. Grants to provide these services would be awarded directly to the States. A more detailed description of the bill is provided below.

As we well know, Mr. Speaker, both breast and cervical cancer are killing thousands of American women each year. Breast cancer is now the most frequent cancer in women—affecting one of every 10 women in the United States—and is a leading cause of mortality among females under age 65. In 1989 alone, there were an estimated 142,000 new cases of this disease and 43,000 deaths associated with it. With appropriate screening, many of these deaths could have been avoided.

Gynecologic cancers are the fourth leading cause of cancer death for women in this county. Some 6,000 deaths from cervical cancer occur each year. Most of them could have been prevented, too, with proper screening and followup services.

H.R. 4222 is designed to reduce these numbers—particularly among low-income women. Such women are often unaware of the value of preventive mammography and pap smear screening services. But even when they are knowledgeable, access to these services is virtually nonexistent. This bill will help educate the public about the importance of these procedures and will help lower the barriers to care.

We have waited far too long, Mr. Speaker, to begin to address these health care problems. The tools have been at hand and public health and medical experts alike have been pushing for action, but the Federal Government has been slow to respond. I believe we are now ready to move forward and to make the prevention and control of breast an cervical cancer among our Nation's top health priorities. I believe H.R. 4222 represents an important first step in reaching that goal.

I would urge all Members to support H.R. 4222 and look forward to working with them on its enactment.

PAYING TRIBUTE TO GIANTS IN PHILADELPHIA LABOR MOVEMENT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize two leaders in the city of Philadelphia, Marvin Shuman and Edward Coryell. These men will be honored at the AFL-CIO 41st Annual COPE Banquet this Saturday, March 10. They are to receive the George Meany Memorial Award. This award recognizes individuals in public life, who exemplify the qualities of the man who was the architect of the AFL-CIO, its leader, articulate spokesman and enduring symbol for 24 years. Both Ed and Marv have lived up to the tradition of the great George Meany.

Ed Coryell, president of the Carpenters Metropolitan District Council has provided invaluable dedication both to the forwarding of labor interests and to the well-being of his community and State. Literally, he has spent a great deal of his energy building Philadelphia and making it a better place to live. He serves as president of the Pennsylvania Council of Carpenters, vice president of the Philadelphia Council AFL-CIO, and a member of the Philadelphia Area Labor Management Committee. He has most recently been nominated to sit as a board member of Independence Blue Cross of Philadelphia.

Marvin Shuman, president, Philadelphia Federation of Teachers [PFT] Local 3, has distinguished himself in the forwarding of quality education and the interests of educators. As a teacher, Marvin was elected to the PTF Executive Board where he actively served for 21 years. He has also contributed from the positions of bargaining agent, PFT staff, PFT president as well as vice president of the American Federation of Teachers.

Marvin's commitment to education has not been limited to his work. He has been deeply involved in the community, serving on the mayor's, nationally respected commission on literacy as well as on the executive boards of the United Way, the Private Industry Council, the Urban Coalition, and other civic groups committed to achieving excellence in our city and State.

Both men have a well-established commitment to labor and moreover, to improving conditions for our future and our children. As we enter the 1990's we face new challenges to secure jobs, productivity, quality of life. I join with the Philadelphia Council of the AFL-CIO to congratulate these two men on their commitment to excellence, past and future.

TRIBUTE TO DR. JOSEPH A. ODDIS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DINGELL. Mr. Speaker, I am delighted to bring to my colleagues' attention the recent selection of Joseph A. Oddis, Sc.D., the executive vice president of the American Society of Hosptial Pharmacists [ASHP], as the 1990 recipient of the annual Remington Honor Medal Award presented by the American Pharmaceutical Association.

The timing of the award could not have been more perfect, since this year marks the 30th anniversary of Dr. Oddis' strong, guiding hand at the helm of ASHP. The society is the national professional association for pharmacists dedicated to advancing rational drug therapy within organized health-care settings.

The hallmark of this period is not merely the growth of a professional society from a membership of 3,000 to 24,000. Rather, it is through acceptance by the health-care community under the leadership of Dr. Oddis, that pharmacists practicing in this environment contribute significantly to the well-being of their patients through the delivery of specialized, clinical services.

Born and raised outside of Pittsburgh, Dr. Oddis received his pharmacy degree from Duquesne University in 1950. He was a hospital pharmacist for 6 years before deciding to turn his considerable organizational and humanitarian skills to association work in 1956. Four years later he was selected to lead the ASHP. Dr. Oddis and his wife Jeanne are the parents of two grown children.

Respected in both his profession and the association field, Dr. Oddis is also highly regarded internationally as president of the International Pharmaceutical Federation headquartered in The Hague. He holds four honorary degrees, numerous honorary memberships from around the world, and is the recipient of several lecture awards in the academic community.

Mr. Speaker, I ask my colleagues to join with me in congratulating a man whose professional career exemplifies that old maxim of leaving the world a better place than you found it: Joseph A. Oddis.

AVIATION SAFETY AND SECURITY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. CLINGER. Mr. Speaker, I bring to your attention Department of Transportation Secretary Samuel Skinner's very timely and much needed policy statement that will be of significant value as we face the transportation challenges that lie before us. This strategic plan sets the framework for future transportation investment and decisionmaking, reasonably outlines responsibilities for the Federal Gov-

ernment, State governments, and local governments, and calls upon greater private sector involvement where the resources and innovations available in the private sector can help us solve our transportation problems.

Our current transportation system is badly in need of repair. Unless we commit ourselves to modernizing and expanding this transportation system, as outlined, in the Secretary's National Transportation Policy, our economic growth will be restricted and our Nation's international competitiveness will continue to deteriorate. By following the Secretary's plan, there will be only winners. However, if we fail to follow the Secretary's plan, if we fail to invest in the transportation infrastructure which underlies our Nation's and our personal economic prosperity, there will only be losers—all of us—and no winners.

One area of emphasis in the policy that I was particularly interested in seeing was aviation safety and security. The policy statement supports modernization of the air traffic control system through implementation of the FAA's National Airspace System plan and standardization of safety requirements on a worldwide basis. It also notes the aging aircraft problem and calls for continued surveillance to ensure that we continue to fly the safest aircraft in the world. Each of these policies will contribute to further increases in the safety of our air transportation system.

Also, as our economy becomes increasingly involved with international markets, our concerns about international terrorism continue to grow. The Secretary's policy recognizes this and calls for stepped up screening of passengers and cargo at our Nation's international airports, including installation of the newest technology explosives detection devices.

I urge my colleagues to commend Secretary Skinner for the thorough job he and his staff have done. I am confident that, with its implementation, our air transportation system will remain the safest in the world.

CONGRESSWOMAN MORELLA SALUTES JEWISH WOMEN AGAINST REFUSAL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mrs. MORELLA. Mr. Speaker, I extend my greetings to Carmella Raiz and all of the courageous members of Jewish Women Against Refusal, who despite the miles between them today are united in spirit by the determination to gain freedom for themselves, their families, and all Soviet Jews.

Today, in the United States and the Soviet Union, and around the world we are celebrating International Women's Day. We pause to recognize the many accomplishments of women, and to remember the contributions made by Rosa Parks, Susan B. Anthony, Golda Meir, Corazon Aquino, Benazir Bhutto, and so many others who have led the fight for men and women alike to live in freedom. And we stand in solidarity today with the women of JWAR, who are fasting in demonstration of their determination to win their freedom, and women around the world who are struggling for their rights.

Like Mrs. Raiz, I welcome President Gorbachev's reforms, which for Jews have held the promise of greater religious freedom, but more importantly the right to emigrate. And yet these reforms have also unleashed the most virulent strains of anti-Semitism seen in the Soviet Union for some time. So many Soviet Jews are living in fear, their new found "freedom" amounting to little. They have the right to feel secure in themselves and in their beliefs, and the great majority has shown that it would feel most secure in Israel.

And yet absurd and arbitrary "security" provisions have been placed in the paths of their flight to freedom. Mrs. Raiz and her family are trapped in the Soviet Union today based on the ridiculous notion that secrets to which her husband had access more than 25 years ago could somehow be technologically relevant to Soviet security in the much changed world of today.

President Gorbachev had promised that all long-term refuseniks would have been granted their exit permission by the end of 1989. We have not forgotten that promise.

I call on President Gorbachev to give Mrs. Raiz and her family their exit visas immediately, and to accelerate the process now under way so that every Soviet Jew who wants to emigrate may do so without harassment, intimidation, or delay.

REMEMBERING ANNE HUTCHINSON

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Ms. SCHNEIDER. Mr. Speaker, today, on International Women's Day, during Women's History Month, we are encouraged to reflect on the noted women in history at the State, national, and global level. Few of the women we study stand taller for freedom than Rhode Island's Anne Hutchinson.

When Anne Hutchinson and her family left Massachusetts in 1642 to seek a new home on Aquidneck Island, they brought with them a desire for religious freedom like that practiced by their friend Roger Williams on the mainland.

Anne was the guiding force of the Aquidneck settlement. With the support of her fellow settlers, she drew up the first declaration of absolute religious freedom in America and wrote it into law on Aquidneck.

Under the leadership of Anne Hutchinson and Roger Williams, Rhode Island became the haven and refuge of freedom loving souls throughout New England. Respect for the individual was the hallmark of their settlements.

Anne Hutchinson's pioneering work for religious freedom did not stop with Rhode Island. Founders of the French Revolution, and drafters of the Maryland and Pennsylvania constitutions drew on Hutchinson's work. The little path that Hutchinson hewed out in Rhode Island was to grow into the high road for human liberty. Her flame became a beacon for the world.

A leader among both men and women, Anne was a magnetic figure. She taught and practiced spiritual principles drawn from her own experience with strong emphasis on love and truth. Her courage in developing a system of belief based on her own experience, and her willingness to put her beliefs into practice are attributes we can all admire.

In many ways, Anne Hutchinson can be described as America's first female legislator. Her law, making religious freedom a basic fact of life in Rhode Island, encouraged a principle that 300 years later helped overthrow the grip of communism on the people of Eastern Europe.

Though the statue atop the Rhode Island Capitol is the Independent Man, it was a woman—Anne Hutchinson—who first wrote this principle into the laws of Rhode Island and America. I am proud to be a Rhode Islander, living in the settlement that was formed, in large part, by this noble woman.

A TRIBUTE TO THE FIRST LADY OF LAWNDALE, SARANN KRUSE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today to express my admiration, gratitude and respect for a unique woman, a great friend, a model citizen and a devoted public servant. After 6 years as a hard working Lawndale city councilwoman and 8 more as the city's first elected mayor, Sarann Kruse is retiring from public service. On Friday March 16, 1990, Sarann will be recognized for her many years of devotion to Lawndale with a dinner in her honor at the Hacienda Hotel in El Segundo.

During her 14 years at city hall, Sarann has been instrumental in initiating a number of model programs, including the City/School Child Care Program. She also helped to orchestrate the innovative financing of the Galleria at South Bay by bringing together two cities, private developers, and tne Federal Government.

A devoted mother and grandmother, Sarann has been a South Bay resident since 1958. Busy with her career and family, Sarann and her husband Bob, nevertheless found time to actively participate in Democratic Party politics.

In addition to Sarann's many political achievements, she has enjoyed a long and productive career with Northrop Corp. During her 29 years with Northrop, Sarann became the first safety engineer in the aerospace industry and has actively promoted partnership programs with education and industry in manufacturing technology. She is the cofounder of the Southern California Aerospace Industry Education Council and the Georgia Aerospace Technology Education Council. Sarann's strong belief and support for technology education is demonstrated by her personal involvement in a number of advisory board committees and State task force committees for the community colleges and California Department of Education.

Mr. Speaker, Sarann Kruse is an exemplary American well worthy of the numerous plaudits she has received from many organizations such as the California State Assembly, the Los Angeles County Board of Supervisors, and Soroptimist International. I strongly urge my colleagues in the U.S. House of Representatives to join me in honoring my good friend Sarann Kruse for the many years she has selflessly devoted to the people of her community.

WE MUST REMEMBER AMERICANS HELD CAPTIVE IN LEBANON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MINETA. Mr. Speaker, despite the democratic revolutions which are today bringing world peace closer to reality, many Americans and citizens of other nations remain hostage to those who would not bring democracy and peace to Lebanon.

This year, vigils will again be held around our country so that we will not forget those of our fellow citizens who have been forced to spend years in captivity in Lebanon against their will, held by those who show utter contempt for law and human rights.

On March 16, 1990, a vigil will be held in San Jose. One of those who has worked tirelessly to make this event a reality, and to keep hope alive, is Rusty Ruth, cousin of hostage Terry Anderson.

Recently, I received a letter from Rusty, from which I wish to quote:

It is impossible to believe that very soon, March 16th to be exact, my cousin, Terry Anderson, will have been held captive in Lebanon for 5 long years. I had hoped that last year's vigil would be the last, and that this year we would come together to celebrate the release and homecoming of these innocent men. However, it is obvious that this will not happen this year.

"We have all much to be thankful for this year. We've survived a major earthquake. We have witnessed the beginning of the fall of communism in the world. We have seen thousands of people find the courage to rise up in protest against the unfair and inhuman treatment they have suffered for so long. Many peace movements are afoot in many lands. Our government is making great strides to rid our country of the horrible drug problem we have endured for so long. It is truly a time of great change! But it points up ever so clearly that the hostages in Lebanon have again been put on the back burner. They are old news. We cannot let them be forgotten!

Mr. Speaker, Rusty Ruth is absolutely correct. We must never let the hostages be forgotten. They must remain foremost in our hearts, and in our prayers.

Mr. Speaker, many people will come together in San Jose on March 16 to stand with Rusty as we remember Terry Anderson and all the other hostages in Lebanon. I ask that all my colleagues join with them in spirit and in deed to help free those Americans in Lebanon and return them to their families and friends.

SENATE—*Friday, March 9, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

BAWRAK HASHEM

Be still, and know that I am God * * *.—Psalm 46:10.

* * * *in quietness and in confidence shall be your strength* * * *.—Isaiah 30:15.

Mighty God, we come to Thee in a moment of great pressure. Thou knowest our present situation—minds, bodies, nerves, emotions near their extremities. Through seemingly endless debate in matters which resist resolution, on the eve of a recess with plans in suspension, grant to the Senators, their families, and their staffs a sense of Your presence. In these frustrating hours give them the wisdom to rely on the relevance of Your supernatural resources. And infuse them with Your perfect peace.

The Lord bless thee, and keep thee: The Lord make his face to shine upon thee, and be gracious unto thee: The Lord lift up his countenance upon thee, and give thee peace.—Numbers 6:24-26.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders there will be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10:30, the Senate will resume consideration of the clean air bill with the modified Byrd amendment No. 1329 as the pending amendment. At 10:30, the Republican leader and I will propound a request that will result in a specific and finite list of remaining amendments. Any Senator interested in the agreement should be on the floor at 10:30 when we intend to propound this agreement.

This has been a product of work by staffs on both sides for the past day. We believe we have included on the list every conceivable amendment by every interested Senator. Any interested Senator can check with the staff on either side between now and 10:30 to make certain that he or she has been covered. If any Senator wishes to do so, of course, he or she should be present on the floor at that time.

I expect shortly after we resume consideration of the Byrd amendment I will have an announcement regarding the schedule for the remainder of the day with respect to this legislation.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

A TRIBUTE TO MS. ELLEN MARSHALL, BLOODHOUND OF THE SENATE

Mr. WIRTH. Mr. President, every 8 weeks or so the Red Cross Bloodmobile takes up station in the basement of the Russell Building. And, every 8 weeks or so Ms. Ellen Marshall, one of my trusted and long time legislative assistants, goes on patrol.

Ellen is a dedicated do-gooder, and I do not mean that as some sort of backhanded compliment, but to define someone who truly is interested in the welfare of others. She is the one in the office who organizes the food and clothes collection for the homeless. She is the one who gets us on the track for 10K charity runs. And she organizes the Recycling operation. And when the bloodmobile is in town, she is the one who get us to roll up our sleeves.

At first, there were only one or two of us who would accompany Ellen to the Russell Building's version of Dracula's chambers. But one by one, Ellen cajoled, threatened, persuaded, and otherwise dragged us down to the bloodbank. And guess what? We learned what Ellen had known for so long: that doing something good for others is what really counts in life.

So, though our office regularly dreads the poke of that long, long needle, we go willingly and with smiles. We are proud to do our part for the Red Cross and we are proud that we have had Ellen to show us the way.

This morning the Red Cross came in and made a presentation and award to our office for very good work that our bloodhound has done. I wish to commend Ellen Marshall at this point, Mr. President.

COMPTROLLER GENERAL'S TESTIMONY ON THE DEFICIT AND DEFENSE

Mr. WIRTH. Mr. President, earlier this week the Comptroller General of the United States, Mr. Charles A.

Bowsher, delivered to the Armed Services Committee absolutely devastating testimony on the true scope of the deficit overhang and the magnitude of cuts we will have to make in the defense budget in the next few years.

His message was simple: We are perpetrating a fraud on the American people. Our deficit for fiscal year 1991 is not $64 billion as the administration's budget would have us believe, but closer to $270 billion. By treating Federal trust funds, including Social Security, as general revenues, we are reducing the current deficit by increasing the national debt. We are deferring the day of reckoning by shifting the responsibility for the Federal deficit onto our children. It is unconscionable.

Mr. Bowsher's testimony outlines a startling set of statistics. By the mid-1990's, Mr. Bowsher predicts, interest payments may reach $335 billion—$335 billion in interest alone. And this will at that point constitute the largest element of the Federal budget—larger than Social Security, larger than defense. The largest element will be interest on the national debt, and this from the Comptroller General.

Continuing reliance on phony bookkeeping threatens to strangle our Nation in debt.

Let me read a few paragraphs of Mr. Bowsher's testimony for the benefit of my colleagues:

> The President's budget for fiscal year 1991 projects a deficit of $63.1 billion and a budget surplus by 1993. In my view, these projections are a result of creative bookkeeping; they do not portray the real situation. Using the Congressional Budget Office's numbers, I believe that the deficit will exceed $270 billion in fiscal year 1990 and will increase to over $300 billion by fiscal year 1995 if you exclude the surplus in trust funds from the deficit calculation.
>
> The true deficit situation is masked because we are using surpluses in the Federal trust funds (for Social Security, highways and other areas) to pay current expenses. By doing this, the Government creates the illusion that the deficit problem is being solved when it is actually getting worse. For example, in fiscal year 1990, the Government used $132 billion of the Social Security and other government trust funds to pay current operating expenses and cloud the true deficit situation. In fiscal year 1991, it is estimated that the Government will use about $136 billion of the trust funds to reduce the actual deficit.
>
> If we continue along this same path, we can expect the national debt to increase to $4.5 trillion by fiscal year 1995. A debt of this magnitude would require annual interest payments of over $335 billion and would represent the largest single item in the Federal budget.

That Mr. President, from the Comptroller General of the United States, Mr. Charles Bowsher.

That is a truly damning indictment of Federal stewardship. We are borrowing close to $300 billion a year in order to show that we are reducing the deficit. It is like balancing your Visa account by borrowing ever more heavily on your children's MasterCard.

Mr. President, in the Comptroller's statement to the Armed Services Committee, he addressed the scope of reductions in the 5-year defense plan.

I will address that a little bit later. That again is the second part of his testimony. The first part of what Mr. Bowsher had to say was about the delinquency of this Government and the dishonesty in which we have managed our affairs and the fact of the absolute lie of deficit reducing. The real numbers, of course, are how much money we have to borrow every year. That is the real debt, not the phoniness.

That is the real debt, not the phoniness of Gramm-Rudman, but the real debt is how much money does the Federal Government have to borrow any year?

Mr. President, the Comptroller General's statement to the Armed Services Committee today also addressed, in addition to the very, very alarming discussion of the overall budget patterns in the country, the scope of reductions in the 5-year defense plan.

The Bush administration's budget request for fiscal year 1991 only cuts defense outlays by $3 billion over the current services baseline and foresees a modest 2 percent real decrease annually in the years ahead. That is in stark contrast.

I think the expectations of the U.S. population is that we are going to have a peace dividend; that, with the changing world out there, we are going to see the U.S. defense budget declining. In fact, it is almost level under the request made to us by President Bush.

To conform to President Bush's defense budget, the Pentagon will have to cut $138 billion in budget authority in the next 3 years—roughly $45 billion each year for fiscal years 1992-93 and 1993-94. That corresponds to approximately $25 billion in outlays cuts in each of the next 3 years—just to match the Bush administration's defense budget topline.

Now, what does that mean, Mr. President? What that means is that just to stay even at where we are today at approximately $300 billion of defense spending, just to stay even we are going to have to cut approximately $45 billion in authorization or $25 billion in outlays.

Why? Because in the past what we have done is ramped up the defense budget with all of these commitments at the start. We start a whole variety of programs, make all kinds of commitments—that was done during the 1980's—and if we meet those commitments to pay for this, the defense budget gets bigger and bigger and bigger in the out years. This is the so-called bow wave effect that Mr. Bowsher showed to the Armed Service Subcommittee last year, which he came back with again this year. Our colleagues in the Senate and in the House and the American public must know what a severe situation we are in related to the budget.

Just to stay even, no peace dividend at all, Mr. President, just to stay even we have to cut $45 billion in defense authorization, $25 billion in outlays, over the next 3 years.

That is a very severe number. Most of our colleagues, Mr. President, believe if we cut $25 billion in outlays we are cutting off the current amount of money being spent by the Defense Department. That is not the case at all. If we cut $25 billion, that first $25 billion only goes to keeping us even. And the American public I think is going to be fooled by this as well. It is time we make sure they understand this.

Given many Americans believe we can and should make even deeper cuts in defense spending than proposed by the President, this $45 billion in outlays, or in authorization, $25 billion in outlays, represents the minimum amount that has to be cut annually. This also puts into context, Mr. President, the proposals being made by the chairman of the Budget Committee, Senator SASSER. He made this set of proposals on cuts in the defense budget. Everybody recoiled, or many people recoiled in horror on that. That does not even keep us even.

If we are going to be honest about the budgeting we are going to have to go further than that.

We need a road map to help guide us in building down the budget over the next 5 years. Unfortunately the Defense Department has not yet submitted its 5-year plan to the Congress. The Pentagon claims they cannot provide the 5-year plan because of the rapid changes in the world.

That is fine, but what the Pentagon is not saying is that the mismatch between weapons and wallet in the Department of Defense that has been well understood for the last 4 years is much, much greater than they are admitting.

The procurement bow wave problem which I have just described continues to choke the Pentagon and the problem will only become worse as we make the reductions we must.

Mr. President, under the Bush defense budget, in 1995, we will be spending nearly $40 billion more in constant dollars than we were in 1980. Under the Bush Defense Department budget we are going to be spending more than $40 billion more in constant dollars than we were in 1980.

The President knows, and I know, and the American people know that the world has changed significantly. Why, by 1995, should we spend $40 billion more, under this budget, than they were in 1980? I do not think that makes very much sense.

We can and should reduce defense spending below the Bush request. But these cuts clearly are not going to yield a peace dividend of any size next year. Paring the procurement bow wave and reducing force structure will not yield big savings in fiscal 1991 but savings could begin to accrue in fiscal year 1992 and beyond as the overall demands on defense outlays shrink. But only if we are willing to make some strong and severe decisions now. The severity of the deficit and the dissolution of the Warsaw Pact make it essential that we begin in earnest to take the hard decisions on the defense build-down this year.

The administration in my opinion appears willing to accept a sequester this year which will cut defense outlays by $14 billion, while taking an even bigger slice from domestic spending. I think they are leading us right down this path, Mr. President. They are sticking very strongly to their $300 billion defense budget, saying that is absolutely what we have to have. That is going to get us down toward the end of the fiscal year, get us down toward the Gramm-Rudman falloff point and they are going to say well, we are going to take a sequester. They will take a sequester of $14 billion, which we ought to do anyway, but they get along with that a very significant cut in domestic spending, about 1.5 times the defense cut. So my colleagues as well should be aware of defense cuts.

We should take this as a clear message that defense reductions of that scope for fiscal year 1991 are going to be acceptable and work together to put together a package of defense reductions rather than allow ourselves to get pulled into the sequestration operation that invites the Gramm-Rudman meat ax.

I also urge, Mr. President, that our colleagues and their staffs study the material presented by Mr. Bowsher very carefully.

We have an extraordinarily difficult problem in keeping our fiscal house in order as it is. If we look at this bow wave of defense expenditures, Mr. President, it illustrates we are in even more severe difficulty than most of us understand.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE BUDGET AND PROGRAM ISSUES IN THE FISCAL YEAR 1991 BUDGET

(Statement of Charles A. Bowsher, Comptroller General of the United States)

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to testify today before this Committee to present GAO's views on the defense budget. The rapidly changing events in the world, particularly in Eastern Europe, are creating new challenges; and the Department of Defense (DOD) and the Congress are striving to cut defense spending while maintaining national security.

In this type of environment, hard decisions are even more difficult to make, but this environment also affords opportunities to reassess strategies and priorities. My statement today will focus on the following areas:

The prospects for deficit reductions in fiscal year 1991 and beyond; the relationship between the most recent Five Year Defense Plan and the 5-year budget projections for defense spending in the President's fiscal year 1991 budget submission; our observations on the management of defense activities and programs and a possible means to improve the management of these activities and programs; our views on the prospects for achieving the anticipated savings identified in the recently issued *Defense Management Report;* the results of our recently completed financial review of the Air Force; the vulnerability of certain DOD program activities to fraud, waste, and abuse and what we believe needs to be done to reduce these risks; and other program areas in which we have refocused our defense work to better respond to the rapidly changing political, military, and economic picture throughout the world.

PROSPECTS FOR DEFICIT REDUCTION IN FISCAL YEAR 1991 AND BEYOND

The President's budget for fiscal year 1991 projects a deficit of $63.1 billion and a budget surplus by 1993. In my view, these projections are the result of creative bookkeeping; they do not portray the real situation. Using the Congressional Budget Office's numbers, I believe that the deficit will exceed $270 billion in fiscal year 1990 and will increase to over $300 billion by fiscal year 1995 if you exclude the surplus in trust funds from the deficit calculation.

The true deficit situation is masked because we are using surpluses in the federal trust funds (for Social Security, highways and other areas) to pay current operating expenses. By doing this, the government creates the illusion that the deficit problem is being solved when in actuality it is getting worse. For example, in fiscal year 1990, the government used $132 billion of the Social Security and other government trust funds to pay current operating expenses and cloud the true deficit situation. In fiscal year 1991, it is estimated that the government will use about $136 billion of trust funds to reduce the actual deficit.

If we continue along this same path, we can expect the national debt to increase $4.5 trillion by fiscal year 1995. A debt of this magnitude would require annual interest payments of over $335 billion and would represent the largest single item in the Federal Budget.

RELATIONSHIP BETWEEN THE FIVE YEAR DEFENSE PROGRAM AND THE PRESIDENT'S BUDGET

The President's fiscal year 1991 budget request reflects a fiscal year 1990 to 1994 defense budget projection of $1.5 trillion. This is $212 billion less than the most recent Five Year Defense Program (FYDP) which was prepared in 1989.

To date, DOD has decided on reductions of $74.1 billion from the 1989 FYDP: $4.2 billion in fiscal year 1990, $22.4 billion in fiscal year 1991, $22.8 billion in the outyears, and $24.7 billion in anticipated savings related to the Defense Management Report. Even so, DOD is still faced with decisions on how and where to make reductions of another $137.9 billion ($212 billion minus $74.1 billion) between fiscal years 1992 and 1994.

DOD officials explained that rapidly changing events make it difficult, if not impossible, to make the decisions at this time on where and how these reductions will be made. For these reasons, a new FYDP has not been prepared. While we do not think that DOD should make hasty and premature decisions, it is important that these decisions be made soon. Until these decisions are made, program managers may be making decisions based on erroneous information. Resources that are now allotted to them in the FYDP may not be available. Furthermore, the Congress is faced with budget deicisons that will have long-term implications, but without an updated FYDP, it does not have the information necessary to fully assess alternatives.

THE NEED TO REASSES MAJOR WEAPONS ACQUISITIONS

The Congress will need accurate and timely information to use in scaling down the types and quantities of major weapons systems that enter DOD's inventory. In the President's budget for fiscal year 1991, 20 programs are scheduled for termination in fiscal year 1991. These programs account for about $3 billion of reductions in fiscal year 1991 and a total of $28.3 billion in reductions between fiscal years 1919 and 1994.

In view of the lessening tensions with the Soviets, the change in the types of conflicts we are likely to face in the future, and the increase in warning time that appears to have come about as a result of the reduced tensions, now is the time to rethink our entire weapon system acquisition strategy.

During the 1980s, numerous systems were approved for production before adequate testing had been done to ensure that the weapons did what they were supposed to do. This strategy of concurrent production and testing was designed to get systems in the field more quickly, but it often resulted in making extensive—and expensive—changes after the systems were fielded. In some cases, it resulted in systems that did not perform their mission. Several major systems acquisitions, such as the following, are now following this same path:

The B-2 Bomber Program: The B-2 acquisition strategy includes cost and schedule projections that rely on very high annual funding levels ($7.5 to $8.0 billion) and on ordering a large number of planes before the necessary testing is completed to demonstrate that the B-2 can perform its mission.

From 1986 to 1989, the B-2 cost estimate increased by a net $12 billion: cost increases are estimated at $18 billion, and projected future savings are projected at $6 billion. The final B-2 delivery was extended 3 years to 1999. Future schedule changes and cost increases will occur if projected annual funding requirements are not appropriated or if planned program savings are not achieved.

The flight test program has just begun. If current schedules are met, it will be at least 3 years before critical performance requirements have been fully tested. At that point in testing, problems are typically discovered, and under the current schedule, over $48 billion will have been appropriated, and 31 aircraft will have been ordered.

Major design changes early in the B-2's development caused manufacturing difficulties that have contributed to a slower production schedule and labor cost increases. Contractors have reported improvements in productivity and reductions in manufacturing defects, but these improvements are less than anticipated. Also, continuing design

changes may further hinder manufacturing improvements.

In view of all of these uncertainties, as well as changing world conditions, we believe that it would be prudent to reduce the pace of the funding and production of the B-2 in order to limit up-front investment until the critical performance elements of the aircraft have been adequately evaluated.

Rail Garrison: Initial operational capabilities for the rebased Peacekeeper missiles is planned for 1992, and the full operational capability of all 50 missiles is planned to be achieved in 1994. To meet these milestones, an initial low-rate production decision for the missile launch cars is scheduled for February 1991.

At the time the initial production decision is scheduled to be made, no operational test and evaluation of the complete weapon system (including the missiles and rail launch cars) will have been conducted. Additionally, the Air Force plans to purchase about 73 percent of the launch cars after the initial production decision. Such a large purchase would, in effect, amount to full-rate production without any operational test or evaluation of the complete weapon system.

The Air Force considers the Rail Garrison to be a low technical risk because it views the program as basically an engineering effort to integrate proven missile systems into the existing rail industry. However, the Rail Garrison Test and Evaluation Master Plan identifies unique characteristics of the program that require testing. These include (1) the capability of the train to withstand missile launch, (2) the launch effects on commercial railroad trackbeds and the ability of the train to resume mobile operation after launch, (3) the capability of the guidance and control system to recover specified levels of accuracy following rail transit, and (4) the effects of horizontal basing and rail movement on Peacekeeper missile performance and reliability.

We have recommended that the initial production decision be deferred until the Air Force has conducted some operational test and evaluation of the complete weapon system. While the Air Force has delayed the initial production decision from April 1990 to February 1991, the first flight test of the complete weapon system is not scheduled until the third quarter of fiscal year 1992. Therefore, we believe that the $1.62 billion in the fiscal year 1991 budget for the procurement of the rail launch cars ($1.35 billion) and construction of the garrisons ($269 million) should be deferred pending completion of operational tests and evaluation of the test results. We also believe that the $102.6 million in advanced procurement funding and the $104.8 million in military construction funding, which was appropriated in fiscal year 1990, should be rescinded.

The M-1 Block II Program: The Army requested $166 million in fiscal year 1990 for advanced procurement to produce a costly and significantly modified Abrams M1A1 tank. The Army believed that the modified tank, called the "M1A2," was needed as an interim response to future Soviet threats. The Secretary of Defense has also requested funding in the fiscal year 1991 budget to produce 62 M1A2 tanks. With completion of these tanks in March 1993, production of the Abrams tank is planned to be terminated.

In December 1988, the Defense Acquisition Board conditionally approved the Block II program (the third in a series of block modifications to the Abrams tank) for development but placed a $300 thousand per-tank limit on the modifications. As currently designed, the modification package will cost about $532 thousand per tank with total program production costs of over $1.5 billion.

The Block II modifications are intended to improve the tank's survivability, fightability, and firepower, as well as to provide a linkage to the next generation of main battle tanks. However, the current package design does not include all the survivability, fightability, and firepower enhancements envisioned when the Army performed its cost and operational effectiveness analysis.

In an attempt to field an upgraded tank within the prescribed time frame, the Army adopted a compressed acquisition strategy, which is risky because key components of the modification package are in the early stages of development, and testing and evaluation will not be completed when certain production decisions are made. Thus, under the current plans, the Army will commit advanced procurement funds before test results are available.

We agree with the Secretary of Defense's decision to terminate the program.

The DDG-51: The DDG-51's contractor has experienced problems in designing and constructing the lead ship. Because of these problems and because the Navy has changed the contract's requirements, costs have increased substantially, and the expected delivery schedule has slipped about 17 months from the original estimate.

The target costs for the lead ship were initially established at $111 million for design and $157 million for construction. Target costs are now estimated at $247 million for design and $253 million for construction. These costs do not include government-furnished equipment, such as the AEGIS combat system.

Although the contractor estimates that about 50 percent of the lead ship is complete, the major job of outfitting the ship remains to be done. The combat system and other technical components have to be installed and integrated within the ship. Often, in the development of new systems, it is during the systems integration phase and subsequent testing that problems surface. The schedule and costs of follow-on ships are often affected.

Although the first follow-on ship is only 1 percent complete, the estimated cost to complete it is already over the ceiling price by 11 percent, according to the contractor, and by 22 percent, according to the Navy. In January 1990, we issued a report on the DDG-51 program in which we recommended that the Secretary of Defense delay the contract award for follow-on ships until he could provide assurance as to the development and affordability of the program.

Last week, the Navy awarded contracts for 5 follow-on ships and now has a total of 12 follow-on ships under contract. Furthermore, the Navy could have as many as 17 follow-on ships under construction or awarded before the lead ship has finished testing and has been delivered in February 1991. We believe that the DDG-51 program should be reexamined.

The Advanced Combat Systems for Submarines: To meet new Soviet threats and to ensure continued U.S. submarine superiority, the Navy has initiated the development of two new advanced combat systems. The AN/BSY-1 is to be installed in the improved SSN-688 class nuclear attack submarine, and the AN/BSY-2 is to be installed in the SSN-21. The life-cycle for the two systems is estimated at over $26 billion.

These two systems are experiencing problems. Problems with the AN/BSY-1 raise questions about when the improved SSN-688 will be fully mission capabile. In its overly ambitious development objectives and schedules for the combat development program, the Navy allowed insufficient time to resolve technical problems. While the AN/BSY-1 system will provide the SSN-688 with improved acoustics and weapons launch capabilities, the system will be less capable in other areas. Also, these improved capabilities will be delivered later and will cost more than originally planned.

Potential problems with the AN/BSY-2 are similar to problems the Navy has experienced in developing other advanced submarine combat systems, including the AN/BSY-1. In order to meet the SSN-21's construction schedule, the Navy also established overly ambitious objectives and schedules for the AN/BSY-2 program. As a result, the first combat systems will not have full capabilities when they are delivered to the shipbuilder. The contractor will not be able to deliver the first combat system with full capability to the Navy unitl November 1994, 1 year later than necessary to meet the scheduled delivery of the first SSN-21 in May 1995.

One of the major problems affecting the AN/BSY-2 system has to do with its computer software. The system involves the largest computer software development effort ever undertaken for a submarine. According to the contractor's software development plan, it will require 900 software personnel to develop and integrate 3.6 million lines of code written primarily in a computer language with which few experienced programmers are familiar. No consistent training program has yet been developed by the contractor. Also challenging will be (1) designing a system with sufficient reliability to ensure that mission needs are met; (2) developing, refining, and testing a model to accurately predict system performance; (3) ensuring that there is sufficient time for the government to witness software testing and to resolve identified problems; and (4) ensuring that independent verification and validation assessments are performed on the software.

DOD's automated information systems

Computers are a problem not only with weapon systems but with automated information systems as well. Our work on eight automated information systems being developed by the Army, the Air Force, the Navy, and the Defense Logistics Agency showed a disturbing pattern of cost growth, schedule delays, and performance shortfalls. Furthermore, the cost estimates provided to the Congress in budget submissions were not always accurate, current, or complete, and the systems generally lacked internal oversight to identify problems, such as the following, that needed to be corrected during the development phase:

All the systems have experienced significant cost growth, some in the hundreds of millions of dollars. As of September 1988, the estimated cost to develop and deploy the systems was about $2 billion—about twice the originally estimated cost.

Four of the systems have been in development for at least 8 years, and three of the eight systems' development efforts were abandoned after spending $330 million.

Budget submissions to the Congress have understated the total life-cycle costs for

some of the systems because DOD components have not provided current, accurate, and complete cost information.

The oversight body within the Office of the Secretary of Defense has not rigorously enforced established policies, procedures, and criteria for reviewing major sytems to identify and resolve problems with system development and to curb cost growth and implementation delays.

DEFENSE MANAGEMENT REPORT SAVINGS IN THE FISCAL YEAR 1991 BUDGET

The recently issued Defense Management Report projects savings totaling $39 billion between fiscal years 1991 and 1995. Of this total, $2.3 billion is related to the fiscal year 1991 budget. Savings are anticipated by reducing and consolidating various functions and activities, streamlining the operations of organizations, and reducing the numbers of civilian and military personnel associated with these activities.

We have recommended many of these proposed cost saving measures in previous reports. For example, we previously recommended consolidating depots and maintenance facilities, centralizing payroll functions, reducing supply system costs, establishing realistic aircraft spares requirements, and streamlining the acquisition process.

I would like to emphasize that the anticipated savings are merely projections. To a large extent, the initiatives to achieve these savings are proposed in broad terms; statements on these initiatives do not contain the detailed plans or milestones that will be required to successfully implement the initiatives. Therefore, the savings referred to in the report are merely targets.

The initiatives DOD proposes in its Defense Management Report are commendable in that they offer opportunities to achieve significant savings. However, it is too early to tell whether these projected savings will be achieved. Furthermore, achieving these savings will require a sustained effort on the part of DOD's management over several years. DOD's track record in carrying out such long-term initiatives is somewhat questionable.

FINANCIAL REVIEW OF THE AIR FORCE

I would now like to briefly discuss the results of our most recently completed audit of the Air Force's financial operations.

The Air Force does not have accurate cost data for almost all of its non-cash assets such as inventory, equipment, aircraft, and missiles. Over 70 percent of the accounts on its consolidated statement of financial position were unauditable, and therefore, we were unable to express an opinion on the financial statements for fiscal year 1988. Also, because of these weaknesses, the financial information reported to the Office of Management and Budget and the Department of Treasury is not reliable.

There are many reasons that the accounts were unauditable. The Air Force does not have financial systems that produce reliable financial data. A number of large-dollar items—aircraft and accounts payable, for example—are not included in its accounting systems. A double-entry set of books with a general ledger is not maintained to establish full accountability over costs and assets. To balance its accounts, the Air Force has made a large number of adjustments—some over $1 billion—but Air Force officials could not explain the bases for these adjustments. The inventory systems do not provide reliable data to support either the quantities or the values of inventories on hand. Also, there is no accounting of the full cost of its weapons systems.

The Air Force is aware of some of its problems and has taken a number of actions to correct them on a case-by-case basis. Its initiative to prepare financial statements and have them audited is an important step. The Defense Management Report identifies initiatives that will address several of the Air Force's financial management weaknesses. However, cost-effectiveness and efficiency need to become Air Force priorities if meaningful and lasting improvements are to be achieved.

DEFENSE PROGRAMS THAT ARE VULNERABLE TO MISMANAGEMENT, FRAUD, AND ABUSE

Last summer, we launched a major effort to identify areas that are at risk to mismanagement, fraud, and abuse. Our objective in doing this was to identify troublesome programs and functions in hopes of preventing another scandal similar to the one that has ravaged the Department of Housing and Urban Development (HUD). Much of what happened at HUD could have been avoided if stronger internal controls and better financial management measures had been in place.

We have identified 14 "vulnerable" areas—2 in defense—and we have targeted them for special attention. The two areas in defense are DOD's inventory management systems and its major systems acquisition.

DOD's inventory management systems

DOD's inventories exceed $103 billion; about $34 billion of this amount is for items that are not needed to meet current operating or war reserve requirements. DOD's inaccurate inventory records and its failure to cancel requisitions and planned procurement actions for unneeded items also reflect serious financial management problems.

Inventory management has focused on filling orders and obligating funds—not on reducing costs or controlling or securing stock. The situation has evolved to the point that the services often do not know what or how much they have in inventory or on order. In this type of environment, the system is vulnerable to mismanagement, fraud, and abuse. In addition, storing stock that may not be needed is expensive and contributes to inventory management inefficiencies. When inventory must be relocated to make room for additional incoming inventory, the potential for losing control over stock location is increased. This, in turn, can result in increased material denials and unnecessary procurements because the needed stock cannot be found.

With the current pressure to reduce DOD's budget, this area provides a great opportunity for DOD to make major improvements in its inventory systems.

DOD's major systems acquisition

The total estimated cost of major systems currently being developed or produced exceeds $900 billion. As I have said before, enforcing established management controls to deliver capable and supportable weapons to the user when and where they are needed and at reasonable cost has been the exception rather than the rule. As a result, DOD continually buys systems that cost substantially more than originally estimated, are delivered much later than originally scheduled, and do not have the advertised capabilities. We plan to address the effectiveness of the initiatives being taken to solve these long-term problems and to achieve meaningful savings.

REFOCUSING GAO'S EFFORTS TO MEET CHANGING NEEDS

The rapid changes that continue to sweep Eastern Europe pose enormous challenges for U.S. policymakers and legislators who must make difficult decisions in the face of uncertainty. DOD planners must restructure defense forces without a clear definition of future security threats. U.S. arms control negotiators find themselves rushing to conclude agreements that are complicated by major revisions in their own negotiation positions, announcements of unilateral force withdrawals by NATO allies, and calls for the removal of Soviet troops by Eastern European nations.

While uncertainties about the future abound, continuing domestic budgetary pressures make the direction of the adjustments clear. U.S. forces that are withdrawn from Europe will probably be removed from the force structure. These withdrawals will require adjustments to logistical support, defense facilities both here and abroad, and major items of defense equipment. How well the United States plans for and manages the required adjustments during this transitional period will, in large measure, determine the strength of U.S. defense posture and the U.S. standing in the world well into the next century.

In making these tough decisions, we should not forget the lessons we learned in the post-Vietnam era when we cut readiness and sustainability. In my view, the defense forces would be better served by ensuring that a smaller force is well trained and equipped than by trying to maintain a larger force with no muscle.

In order to be in a position to respond to the many anticipated requests from the Congress, we have refocused much of our work in the defense arena. In many cases, our refocusing has consisted of accelerating the type of work we had already planned to do. In other cases, we have reoriented the scope of our work to accommodate the changes that have already taken place or are in the process of taking place. I would like to discuss some of these.

The first change relates to restructuring the armed forces. In so doing, we believe that sound planning will be essential if readiness and force quality are to be preserved during this turbulent period. Last year, in a report we issued on the U.S. military presence in Europe, we stated that more than 723,000 servicemen and women, U.S. civilian employees, dependents, and foreign national employees were stationed in Europe. The information in our report should be useful to your Committee in addressing the President's proposal to reduce U.S. forces in Europe and concerns about the costs associated with maintaining U.S. overseas commitments.

DOD's planning is complicated by a still-evolving definition of the threat, ongoing conventional and strategic arms negotiations, and budgetary pressures that may force deeper-than-anticipated cuts in defense spending. Budgetary savings will accrue from troop reductions in Europe but only if forces are removed from the force structure. We plan to monitor DOD's evolving plans and to report as necessary on the reasonableness of the criteria used in making major force restructuring decisions as well as the efficiency and effectiveness of other planned changes.

Restructuring the forces will also have major impacts, such as the following, on logistics, facilities, weapons acquisition pro-

grams, the defense industrial base, and strategy and doctrine:

The return of troops and equipment to the United States will alter deployment plans and require a reexamination of logistical support and strategic air and sealift requirements.

Proposals for U.S. and overseas base closures will force difficult decisions affecting local economies and plans for military construction and land acquisition. Closing bases will result in long-term savings but will entail costs in the short term.

Budgetary pressures will intensify debate over the future of key weapons acquisition programs and force modernization plans. These decisions could have major impacts on the U.S. defense industrial base.

The anticipated conventional and strategic arms control agreements will require a reassessment of basic military strategies and doctrine. Major decisions on naval force structure will need to be made as land forces are withdrawn from Europe. Restructuring may significantly alter the way reserve forces are employed, trained, and equipped.

Other major areas that will be affected by the changing events in Eastern Europe are arms control and the changing U.S. role in NATO. The ongoing conventional and strategic arms control negotiations are expected to result in major accords this year. Once these agreements are concluded, the focus will shift to implementation and verification. Costs as well as benefits will accrue from these accords. As political restructuring proceeds in Europe, the role of NATO will be redefined, and there may be adjustments to the U.S. role and its security commitments. We have a series of ongoing and planned assignments to address these issues as well.

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer questions at this time.

GAO MASKING THE FEDERAL DEFICIT WITH TRUST FUNDS

Dollars in billions	Fiscal year—						
	1985 (actual)	1986 (actual)	1989 (actual)	1990 (estimate)	1991 (estimate)	1993 (estimate)	1995 (estimate)
Revenue	$734	$769	$991	$1,067	$1,137	$1,277	$1,438
Outlay	946	990	1,143	1,205	1,275	1,418	1,555
Total deficit	−212	−221	−152	−138	−138	−141	−118
Federal fund deficit	−267	−283	−275	−270	−273	−297	−303
Trust fund surplus:							
Social Security	9	17	52	66	74	98	128
Other trust funds	45	45	71	66	62	59	57
Subtotal, trust fund surplus	54	62	123	132	136	157	185
Total deficit	−212	−221	−152	−138	−138	−141	−118

Note.—Totals may not add due to rounding.

Source: Fiscal years 1985 and 1986—OMB's Special Analysis for fiscal years 1987 and 1988. Fiscal year 1989—OME's Budget for fiscal year 1991. Other Years—CBO's Economic and Budget Outlook, January 1990.

GAO Reductions in the Five Year Defense Program

[Dollars in billions]

April 1989 budget submission	$1,665.9
April 1989 FYDP adjustments	45.0
Subtotal	1,710.9
Jan. 1990 budget submission	1498.9
Total FYDP reductions	212.0
Reductions made:	
1990 Congressional reductions	4.2
1991 DOD budget reductions	22.4
1992-94 Impact of 1991 reductions	22.8
1991-94 DMR reduction goals	24.7
Total	74.1
Budget reduction decisions needed	137.9

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991—REPORT

ADDITIONAL VIEWS OF MR. WIRTH

The Committee's consideration of the first defense budget of the 1990s comes at a time of profound change in East-West relations and for our own country. A decade ago, the Soviet invasion of Afghanistan rekindled the Cold War, and the United States under President Carter undertook an ambitious defense modernization program. Today, the Soviets are implementing unilateral force cuts in Eastern Europe, while the U.S. federal budget deficit has forced the fourth consecutive year of real decline in defense spending. These two factors—our deficit-limited resource base and previously unthinkable changes in East-West relations—define a new dynamic and set of challenges and opportunities for the national security debate of the 1990s.

During the 1980's, the U.S. experienced the largest defense expansion in our peacetime history. From 1980 to 1985, DoD's budget saw a 53 percent real growth in budget authority and a 100 percent real increase in investment accounts. Even at today's reduced level of spending, DoD's budget remains 36 percent higher in real terms than in 1980, and is still higher in constant dollars than it was at the height of the Vietnam War.

The result of this sharp increase in defense spending has been to obligate the United States to high defense expenditures in the 1990's in order to complete programs begun in the 1980's. The Bush Administration inherited a balance of prior year budget authority of $280 billion—and a shrinking resource base from which to fund these obligations. This so-called "bow wave" will place growing pressure on defense budgeting.

The Administration has begun to address this mismatch between fiscal reality and projected defense plans. According to General Accounting Office (GAO) estimates, DoD has already cut $311 billion from its planned spending for the FY88 and FY90 five year defense plans, mostly in future funding growth. Yet, according to the GAO, further reductions of $150 billion may be required in the FY90-94 FYDP to close the gap between likely funding and DOD's plans.

Additional spending cuts may be necessary for several reasons. First, the five-year defense plan (FYDP) for FY 1990-94 currently contains funding levels that exceed the President's own request by $45 billion. Given the optimistic economic assumptions already contained in the President's request, it is unlikely that an additional $45 billion above the President's request will become available.

Secondly, DoD's budget assumptions are based on an inflation rate that will begin at 3.6 percent in 1990 and steadily decline to a level of 1.7 percent by 1994. This projection contrasts with that of other government agencies, such as the Congressional Budget Office (CBO), which use an inflation rate of 4 percent over the next five years to calculate projected expenditures. If CBO estimates of future inflation rates prove to be more accurate than DoD predictions, the result will be another $48 billion in budget shortfall.

Thirdly, DoD budget figures are based on funding increases over the next five years of 1 percent over inflation in 1991 and 1992 and 2 percent over inflation in 1993 and 1994. In light of the continued need to cut the federal budget deficit and the difficult retraints those cuts will place on defense spedning, real increases in defense spending are unrealistic. If defense funding remains constant in real terms over the next five years, DoD will have to cut an additional $54 billion to stay within budget guidelines.

These three factors suggest that the current FYDP may be facing a shortfall of $150 billion. In addition, the growing backlog of environmental problems at DoD and DoE facilities will clearly result in the need for additional funding over the next five years and beyond. The Defense Environmental Restoration Account, the Pentagon's "Superfund" for clean-up at facilities such as the Rocky Mountain Arsenal, is underfunded in the FY90-94 FYDP by $5-10 billion. The DoE nuclear weapons complex environmental account will require at least $30 billion over the next twenty years, according to the DoE "2010 Study"; the severity of problems at DoE facilities such as Rocky Flats suggests that even more funding will be required if we are adequately to protect public safety and health. To this we must add the cost of environmental clean-up at the bases recommended for closure by the Base Closure and Realignment Commission.

At a minimum, these factors—the procurement "bow wave", the environmental clean-up backlog, and the optimistic assumptions contained in the current FYPD—will place continuing pressure on the defense budget.

Secretary Cheney deserves great credit for having begun a process of more realistic budgeting in his amended budget submission for FY90 and in his recent direction to the Services to base their FY91 budget submissions on "zero real growth".

But even this recognition may not be sufficient if the Gramm-Rudman-Hollings deficit reduction program forces sequestered cuts based on the true federal deficit. If current "on budget" trust fund accounts in surplus, such as Social Security, are taken "off budget" our national deficit approaches $280 billion. If we were to apply the Gramm-Rudman-Hollings deficit reduction goal of $100 billion in FY90 to such a true accounting of our national spending imbalance, nearly $90 billion in sequestered cuts would be imposed on defense accounts in FY90.

These continuing pressures on the defense budget coincide with an emerging opportunity to reduce the risks and costs of the military confrontation in Europe through arms control. The economic incentive for seeking deep reductions in conventional forces has been an explicit part of the Soviet Union's new approach to East-West relations. But we too have powerful economic incentives to reduce deployments and spending through mutual agreement.

When the Committee marked up last year's defense authorization bill, few would have predicted such rapid and dramatic progress in conventional arms control. General Secretary Gorbachev's speech to the U.N. last December outlining large unilateral Soviet force cuts in Eastern Europe transformed the debate on conventional arms control. Less than three months after the convening of the formal negotiations in Vienna, President Bush added further impetus to the process by urging completion of a treaty on Conventional Armed Forces in Europe (CFE)—including limits on manpower and combat aircraft—within six months to a year.

The Vienna negotiations represent a genuine opportunity to wind down the costly military confrontation that has divided Europe for four decades. Should agreement be reached at the CFE talks, we can expect to see significant real savings. President Bush's proposal to limit U.S. and Soviet stationed forces in Europe to 275,000 is estimated to save approximately $2 billion annually. Deeper cuts to 50% of current NATO levels, as proposed by former SACEUR Andrew Goodpaster and MBFR Ambassador Jonathan Dean, will make very significant savings possible. Further, the structure of our armed forces, much of which is dedicated to the NATO mission, will change if the military equation in Europe is altered through negotiations. Such changes will effect the mix of forces we dedicate to NATO contingencies, including U.S.-based reinforcements, as well as the overall structure of our defense establishment.

Such changes will not take place immediately, even in the accelerated CFE environment. Yet the pressures on our defense budget are immediate. The challenge we face in the 1990s will be to manage the defense build-down in a more responsible and thoughtful manner than the defense build-up of the 1980s.

TIM WIRTH.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I rise to address a subject of grave importance to the military men and women who serve our Nation. The Armed Services Committee has voted to approve the request of the Defense Department to reprogram or transfer $795 million into the military manpower accounts from other Department of Defense accounts.

Senator GLENN is the chairman of our Manpower Subcommittee. He has had hearings on this. He and Senator MCCAIN went into this subject in great depth, and then our full committee went into it and largely followed their recommendations. So we will hear from him as to the details.

But suffice it to say, the purpose of this reprogramming is very important because it is to offset the adverse effect of the Gramm-Rudman sequester on active duty military personnel and their families in fiscal year 1990.

The level approved by the committee is 85 percent of the total $935 million proposed by the Defense Department. In other words, we are giving them 85 percent of what they have asked for on the reprogramming, and we are not giving them 15 percent of what they asked for.

The funding approved by the committee means that the military services will not have to take involuntary, adverse personnel actions affecting serving military personnel in fiscal year 1990. Specifically, the military services told us if the reprogramming request was not approved, they would have to immediately freeze all promotions, stop all rotational moves, deny all first- and second-term reenlistments, stop paying reenlistment bonuses, and involuntarily separate personnel before they complete their normal term of service.

The military service has also told us there were some voluntary actions they would take, and those were to reduce the number of new people they would bring in for the remainder of this fiscal year and to allow personnel who have established separation dates between now and the end of the first quarter of fiscal year 1991 to voluntarily separate up to 90 days early.

In other words, there is a line here between involuntary action and voluntary action. What we are trying to do is stay on the voluntary side of that line. We are doing that based on the numbers the Department of Defense has given us. If these numbers are accurate, then there will not have to be any kind of involuntary disruption of our military personnel.

That does not mean, though, if someone would like to get out early, who is going to be getting out anyway, that he could not do that voluntarily. These voluntary actions are going to have to be encouraged by the Department of Defense. Also, we the Department of Defense will have to let people who had planned to enlist to choose not to remain with that commitment—they would have every opportunity to not continue that contract.

The reprogramming level we approved will require the military services to absorb 15 percent of the reprogramming request by taking a portion of these voluntary actions—reducing the number of new recruits without breaking enlistment contracts, and allowing some people to voluntarily separate 90 days before their term of service is up.

These actions have the effect of reducing military strength levels in fiscal year 1990. The number, I believe, is a reduction of 18,500 additional to the approximately 50,000 that the military services had already planned to reduce in fiscal year 1990.

We do, however, protect all of those—and Senator GLENN will emphasize this in more detail—but we are protecting all of those men and women who are currently serving in the military. Based on the information we have received, this is the result of our action.

Mr. President, in taking our action, I want to make it clear that we voted on the side of the men and women in the military who were put at risk by the administration's decision not to use its authority to exempt the military personnel accounts from the Gramm-Rudman sequester. This has been contrary to the actions of past administrations when a sequester was imminent.

This specific exemption for military personnel was put in the Gramm-Rudman law. The President has a chance to use it specifically in the law. The President and the Defense Department decided not to use it. And I think everyone ought to understand that because that is what has put at risk our military personnel in this fiscal year.

Mr. President, there is reason to believe that the military personnel accounts were not exempted from the sequester by President Bush and the Department of Defense because the Department of Defense made a conscious decision to exploit a loophole in the Gramm-Rudman sequester process.

Let me explain just for a moment how this loophole works. If the President had elected to exempt the military personnel accounts from the sequester, about $900 million, if he had said that personnel would not be part of the sequester, which he had the right to do, then the Defense Department would have had to make up for this $900 million in outlays from all other accounts with across-the-board cuts. The result would have been a $2 billion or $3 billion cut in budget authority from the rest of the slower spending DOD accounts to make up for the $900 million that would have been reduced in the military personnel accounts which are fast spending accounts.

It is very hard for people to understand this process, but it is very important that we have an increasing knowledge of it. Because, in the military, some accounts spend very fast in a fiscal year, some are streteched out over 2 or 3 fiscal years.

Personnel accounts are fast spending accounts, meaning if we cut personnel accounts, we cut outlays, we cut what is actually spent that year. But if we cut a ship or a plane that is being built, that outlay level is over a 2 or 3 year period because it takes that long for the equipment to be fully built and the money expended.

So by allowing the sequester to go into effect in the military personnel accounts, the Department of Defense dodged this bullet by getting full scoring credit for the high outlay savings for the military personnel accounts. They did not have to make the cuts in the military equipment accounts which would have been $2 or $3 billion.

After the sequester was applied across the board, the next step was for DOD to come in with a reprogramming request to transfer funds from the slower spending accounts into the military personnel accounts to offset the adverse effects of the sequester on the military personnel accounts.

Transfers and reprogrammings are not currently scored in the budget process. Therefore, the Department of Defense has been able to use the post-sequester transfer process to offset the $900 million in budget authority cuts equal to almost $900 million in outlays in the military manpower accounts with $90 million in procurement authority cuts which would be only $150 million to $200 million in outlays in the current year. Put another way, the transfer allows the DOD to mitigate the effects of a sequester on the military personnel accounts after the fact without making across-the-board cuts in the DOD budget which would otherwise have been required under Gramm-Rudman to achieve the full outlay savings in the next fiscal year.

The net result of all of this, the net result of the reprogramming proposal, will be to increase the deficit in the near term by at least $500 million and as much as $700 million in fiscal year 1900.

Make no mistake about it, that is what is happening. We are increasing the fiscal year 1990 deficit by $500 million to $700 million in order to do what the services are now pleading with us to do, which is to avoid taking very severe action against military personnel.

This maneuver placed the authorizing and appropriating committees in a very difficult situation. We are only one committee. There are four committees that have to approve this. Thousands of military personnel were put at risk here by the administration in an apparent effort to protect the investment accounts. In other words, people were risked to protect equipment. Unless we allow DOD to win this shell game this time, military families are going to be hurt through no fault of their own. So in the end we have voted for the men and women in uniform and their families.

Mr. President, at this point, I ask unanimous consent to enter into the RECORD the letter we sent to the Secretary of Defense approving the reprogramming request at the level I described earlier.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 8, 1990.

Hon. RICHARD B. CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The Armed Services Committee has carefully reviewed your reprogramming proposals to reduce the impact of the fiscal year 1990 Gramm-Rudman sequester on the military personnel programs in the Department of Defense. The Committee is very disappointed that the Administration's decision to not exempt military personnel from the effects of the Gramm-Rudman sequester has resulted in a situation creating significant uncertainty and concern among military members and their families.

The Committee approves the transfer of $795 million of the funds requested in these reprogramming proposals, subject to the identification of alternative funding sources in certain cases. In taking this action, the Committee understands that some savings can be achieved in these reprogramming requests from voluntary separations and reduced accessions in the military services in light of the reductions in the size of the military services proposed in your FY1991 budget. The Committee also understands that this level of funding will allow the military services to avoid adverse personnel actions affecting military personnel currently in service, such as promotion freezes, freezes on PCS moves, and budget driven involuntary separations. Therefore, the Committee directs that no such adverse personnel actions be taken in any military service during the remainder of fiscal year 1990 as a result of the Committee's action approving these reprogramming proposals. This direction does not preclude the involuntary terminations of accession contracts, if it becomes necessary to take such actions to avoid adverse actions directed toward members on active duty.

The Committee is concerned that the military services are not adequately planning for the reductions in the size of our military forces that are likely in the coming years. Therefore, the Committee directs that the Department of Defense carefully evaluate its current accession and voluntary separation policies for military personnel to determine if further actions can be taken in fiscal year 1990 to reduce the strength levels of the military services in anticipation of strength reductions substantially beyond those proposed in the FY1991 Budget request.

The Committee action on each of the reprogramming requests is summarized below:

Reprogramming Number 90-7PA, Military Personnel, Army, FY1990: The Committee approves the reprogramming of $197 million of the $232 million proposed. The Committee requests that alternate sources of $38.624 million be submitted for this reprogramming.

Reprogramming Number 90-8PA, Military Personnel, Navy, FY1990 and Military Personnel, Marine Corps, FY1990: The Committee approves the reprogramming of $315 million of the $370.8 million proposed. The Committee requests that alternate sources of $127.221 million be submitted for this reprogramming.

Reprogramming Number FY90-10PA, Military Personnel, Air Force. The Committee approves the reprogramming of $283 million of the $332.5 million proposed. The Committee requests that alternate sources of $30.059 million be submitted for this reprogramming.

The funding sources on the attached list are disapproved by the Committee for use in these reprogrammings. The Committee will promptly review any alternate sources of funding for these reprogrammings identified by the Department.

Sincerely,

SAM NUNN,
Chairman.

Proposed sources for reprogrammings disapproved by the Senate Armed Services Committee

[In millions of dollars]

Army reprogramming 90-7PA:	
SIMNET combat trainer	13.524
Army aircraft spares	12.600
Bradley enhancements	5.500
HAWK missile	42.000
Total Army	73.624
Navy/Marine Corps reprogramming 90-8PA:	
Weapons industrial facilities	4.500
AMRAAM	6.000
Sea lance (procurement)	1.799
Sea lance (R&D)	42.900
Offshore petroleum discharge system	16.500
M-1 tank advance procurement	111.300
Total Navy/Marine Corps	182.999
Air Force reprogramming 90-10PA:	
Airborne self protection jammer	31.800
Aircraft spares	5.300
MX inertial guidance	11.140
Defense meteorological satellite program	2.373
Adv. strat. missile system	448
Follow on tactical air recon system	5.998
Space boosters	22.484
Total Air Force	79.543

Mr. NUNN. I want to conclude by saying that I am concerned that the military services are not adequately planning for the reductions in the size of our military forces that are almost inevitably going to come in the coming years. The reprogramming that we have approved today will give them a little breathing room. But I think it is time for the military services and the Department of Defense to start thinking about making a downpayment now

on strength levels in fiscal year 1991 that are almost certain to be substantially below the levels requested in the budget.

I think the Pentagon needs to start taking prudent actions now. Otherwise personnel are going to be hurt in fiscal year 1991. So the longer the procrastination goes on the more the damage is going to be to the people in the military.

The committee discussed the need for larger personnel cuts in detail, and this view is widely shared in our committee.

So I hope this word of warning will be heard by the decisionmakers in the Pentagon.

I want to thank Senator GLENN and also his counterpart, Senator MCCAIN, for their leadership in this respect.

I yield the floor.

Mr. GLENN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. GLENN. Mr. President, I thank the distinguished Senator from Georgia and thank him also for his leadership in this particular area. We have worked very hard on this. The Subcommittee on Manpower and Personnel of the Armed Services Committee held a hearing Monday. I chaired that hearing. The ranking minority member, Senator MCCAIN, was there also. I believe that I probably speak for both of us when I make my remarks this morning.

The subcommittee met on Monday to review the manpower portion of the fiscal 1991 amended budget request for the Department of Defense. We spent a good deal of time discussing DOD's request for the reprogramming that our committee chairman, Senator NUNN, has just outlined. Reprogramming of $830 million was requested in the manpower accounts of the military services to offset the effects of the Gramm-Rudman-Hollings sequester on military personnel.

Mr. President, the people from the Pentagon come over repeatedly and tell us how the number one thing that they are concerned about is people, that the personnel in the military are "our most valuable asset," and they are.

I wish they were following that up with action when it comes to the budget. But in this case, they did not. At our hearing DOD witnesses testified that the Pentagon leadership did not seek—I repeat, did not seek—to have military personnel exempt from the sequester even though it has been DOD policy to do that in the past when the sequester was imminent.

DOD witnesses also testified that they were aware—that they were aware—of the severe adverse effects that the decision not to exempt military personnel from the sequester would have on military personnel. They were aware of what would happen. These effects include freezing promotions, involuntarily separating personnel, denying reenlistments, stopping rotational moves, and other actions that affect military personnel and their families negatively

They did not request to have an exemption from that kind of a sequester. I was very disappointed. The military personnel accounts were held hostage in a high risk game of chicken. That basically is what it was—budgetary chicken.

I agree that this administration exploited the loophole, as Senator NUNN just described, in the Gramm-Rudman-Hollings law when it chose not to exempt military personnel, with the budgetary shell game, with us supposed to bail them out over there. In effect, the administration chose to protect its slower spending procurement accounts by putting at risk the manpower accounts and betting that Congress would bail them out through the reprogramming process, which we are in the process of doing. And I hope all of our military personnel note that DOD obtained full credit for the high outlay savings in this fast spending account. This saves big costs in budget authority which otherwise would have to have been taken in the slower spending accounts like procurement.

Senator NUNN basically outlined the budget authority, the outlay accounts, and all of that. So I will not go into that. That is a sort of inside the beltway interest here in Washington. But the bottom line is that people out there in the field are the ones who will get hurt if we do not do something to correct this situation.

I raised this in our hearing on Monday with the DOD witnesses. Not one of them disputed that this was a scheme that they used, and they used very deliberately. Not one person denied that. We get accused on this side of the river of micromanaging the Pentagon. That really makes my blood boil sometimes because the things we raise are legitimate questions, and they do not have answers. And yet we get accused of micromanaging. Then they come back and try to hoodwink us, and hoodwink the people in the services who they say are their most valuable asset, yet DOD does not treat them fairly. We have to bail them out. Then we get accused of micromanagement.

I hope all the people who write about this in the service press these days, about how we micromanage sometimes, also write that it is justified to protect the people in the services. That is what we are doing in this particular case.

The bottom line is that unless we provide some relief in approving at least some of the reprogramming that has been requested, military personnel will be severely and adversely affected.

The Pentagon chose to put their people in second place to some of the hardware they wanted; second place.

Let me defend President Bush on this. He has come in for some castigation on this. Let me defend the President. The President did not even know this because the Pentagon did not even tell him; they did not recommend an exemption from this sequester. I think that is unconscionable. I hope every man and woman in uniform realizes what is going on here.

So I defend President Bush on this. His people let him down. They let him down. I hope whoever is watching this over in the bowels of the Pentagon some place reports it straight upstairs so they know what we are saying; the Pentagon let the President down. He is taking a bum rap on this because those in the Pentagon are the ones who did not defend our military personnel from these adverse actions.

But we are going to reprogram it, as Senator NUNN indicated. We are keeping faith with those people out there. I can guarantee you that. I favored a higher percentage; I favored going up to 90 percent on this. The full committee settled on 85 percent.

But the problem is this: Some people in the other body indicated they do not feel we should go with any of this. They would let the administration live with it. The problem is that the people in military uniform suffer, and unnecessarily so. I think that this is wrong. This is flatout wrong. It means freezing promotions for people who have been denied promotions too long. It means denying reenlistment to those who planned their careers, but who would not be allowed to stay in. They kept good faith with this Government. They have given long service out there. Now we say, well, now, we had a little screwup in the Pentagon so we cannot do this for you. Sorry about that. You are out.

We are going to involuntarily extend tour lengths. What does this mean to carriers crews, and to other military people overseas without families, and so on? That does not deal with them fairly. It means involuntarily separating personnel. People who are now on active duty, who thought they were making it a career, some of them now are going to have to get booted out. Why? Because of a change in need? No. But just because of a foulup, a screwup in the Pentagon on how they tried to diddle us in the budget accounting process this year. That is not fair.

I think what we are doing is taking responsible action. We are not digging our heels in and saying, "Administration, eat it; do whatever you want to do with this thing; we are not going to bail you out. We are going to make the men and women in uniform suffer." We in the Senate and the Armed Serv-

ices Committee are going to take this on and say we want to do the fair thing, the right thing for our people in uniform.

That is what we are doing with our action. While I would have preferred our approving 90 percent of the reprogramming requested instead of the 85 percent our chairman indicated, I certainly go along with the 85 percent. In fact I think figures we received from across the river the night before last indicates that that is something they can live with, and it will not cause any involuntarily separations, it will not mean involuntarily separation or adverse action on careers.

So I would just say this to the Pentagon: Do not do it to us again. Do not do it to us again. They may be screaming loud and hard this year, but do not try and play these little diddling budget games with us any more, because it is not right. What the Pentagon has done this year is to try and take it out of the hides of the men and women serving out there, quite often in arduous duty situations, and the Pentagon did not look out for them even though it was clearly needed.

It was not overlooked. It was denied. They never even made the recommendation to the President to exempt our military from the sequester. And that is not looking out for your personnel.

So the words that have come over to us from the Pentagon fall on rather deaf ears when they talk about looking out for their people, because they did not in this case, and we are pulling their chestnuts out of the fire.

All I say is do not do it again; work with us for the benefit of our people in uniform. We are keeping faith with them. We want the Pentagon to keep faith with them, too. So for all those reasons, I support very, very strongly, the actions our committee chairman, Senator NUNN, recommended just a few moments ago.

I thank the Chair. I yield the floor.

ACID RAIN COMPROMISE

Mr. BOND. Mr. President, it was exactly 1 month ago that the majority leader issued a call to all Senators to come forward to help him and the clean air negotiating group draft an acid rain compromise. He issued a special invitation to midwestern Senators urging them to become involved in the process.

After much debate in the group, our midwestern colleagues made a very difficult, but I think correct, decision to take him up on that offer. We realized the time had come to face the issue of acid rain and fulfill our responsibilities to help find solutions to the problem.

Under the able and dedicated leadership of Senator BYRD, we midwesterners had been meeting for many months to try to find a solution with which we all could live. We knew we could not live with the basic premise of S. 1630: that while the Midwest only contributes 50 percent to annual SO_2 emissions, it would have to make reductions under both phases of the bill which were extremely disproportionate to its contribution to the problem, with only limited and indirect cost sharing.

But complicating our efforts were the many differences of opinion within our own group. Contrary to what is commonly believed, the issues cut as many ways in the Midwest as they do in other parts of the country. Some of us had coal mining concerns, some had ratepayer concerns, and many of us were concerned about both issues. As a result, we grappled with the issues for a long time. However, there was one proposal which we were finally able to agree upon, and this is the plan which became known as the Byrd-Bond amendment.

Our proposal built upon the emission allowance trading program first proposed by the President and included in S. 1630 by providing several crucial incentives for States which either produce high-sulfur coal or have utilities which burn high-sulfur coal.

These provisions include, first, a 2-year extension from the phase I emissions deadline for plants which choose to install technology, such as a scrubber, in order to meet their SO_2 reductions;

Second, a 2-for-1 or double allowance credits for plants which chose, in the first phase, to reduce below the stringent level of 1.2 pounds of SO_2 per million Btu; and

Third, early reduction credits which allow plants using technology to bank the allowance credits they generate prior to January 1, 1997.

These provisions will not provide the direct form of cost sharing which many in the Midwest advocated. However, the Byrd-Bond plan clearly does more to alleviate the financial hardship imposed of acid rain reductions on midwestern ratepayers, businesses, and coal miners than either S. 1630 or the administration's bill. In addition, negotiated accommodations on allowances with the West and other areas that have recently installed scrubbers or which have new plants under construction. These were difficult negotiations, but I believe that all parties felt that they had achieved a fair compromise. It is this combination of the Byrd-Bond amendment, the committee compromise as proposed by the majority leader, and the Domenici-Simpson plan which has ensured acceptance of the acid rain title.

Mr. President, I would also like to highlight the important environmental benefits of our proposal.

First, it retains the 10-million-ton annual cap on SO_2 emissions which was included in both the President's bill and S. 1630. Second, it will achieve greater reductions in the first phase as compared with the other proposals because the double credit incentive will motivate utilities to achieve more reductions at an earlier date. Finally, according to a recent EPA study, our plan is as effective and timely as both of the other proposals in meeting the cumulative acid rain reduction goals.

I realize that many still believe that this bill does not go far enough in providing help to our part of the country and other areas which will be specifically targeted under the acid rain provisions. I understand this concern. That is why I support Senator BYRD's labor protection amendment and the Specter-Lugar-Metzenbaum amendment which will provide a 20-percent investment tax credit for utilities which chose to install technology during the first phase of the program.

Both of these amendments will provide the kind of help that the Midwest and other States utilizing and mining high-sulfur coal will need to cope with the large costs of acid rain reductions. I urge my colleagues to support both amendments.

I would like to speak for a moment about the other provisions of the bill. It has been strongly criticized by people at both ends of the environmental spectrum, some saying it is too weak, some saying it is too tough. I have even received criticism from some in my home State.

That criticism is fine. I figure if both sides are upset, then maybe we have achieved a workable, achievable compromise.

Mr. President, this is a tough and good clean air bill which imposes a wide variety of new and more stringent requirements on autos, nonattainment areas, and toxic emissions, to name but a few areas of new regulation.

Clearly, the give and take occasionally required to get things done is often scorned by those who wish for loftier solutions. I am glad to have taken part in the compromise which has broken the logjam on clean air.

Let me express my sincere gratitude to the majority leader, to Senator BAUCUS, to Senator CHAFEE, to our Republican leader, not only for inviting the Midwest to the table, but for the fair hearing they gave us and for the patience and tolerance they showed us during tough, tough negotiating sessions. They were good humored, diligent, and certainly patient in their efforts to work with us on a compromise. We would not be here today if it were not for their good faith and good will.

I also add a special thanks to my good friend, Senator DOMENICI, for his diligent and effective efforts on both the acid rain and toxic titles of the bill. He has been instrumental in making this entire agreement come to-

gether, and I believe we all owe him a large debt of gratitude.

Thanks are also due to the staff from the White House, OMB, EPA, and DOE, who represented the administration very effectively.

Obviously, the leadership of President Bush has been extremely important in moving us down the path toward a goal that I believe a vast majority of us here in the Senate and the people we represent believe is essential: passage of a tough and comprehensive clean air bill this year.

Finally, Mr. President, I say a special and heartfelt thanks to our midwestern colleagues, especially Senator BYRD; in spite of the great difficulty of this issue for him and his State, he was able to lead our group to consensus with the extraordinary skill and grace we all know he possesses. I am especially pleased and grateful to have had the opportunity to work so closely with all of my colleagues from the Midwest.

I urge my colleagues to continue to work together in the spirit of compromise so that we may achieve a good strong, clean air bill.

Thank you, Mr. President. I yield the floor.

THE SENATOR FROM JASPER

Mr. DANFORTH. Mr. President, last Sunday the senior member of the Missouri Legislature, Richard M. Webster, the Senator from Jasper County, died. It is difficult to deal with the death of a legend: already bigger than life, that largeness does not diminish with death, but rather, as legends should, it continues to grow.

Dick Webster served 42 years in the legislature, the last 28 in the Missouri Senate. Renowned for wit and oratory, his knowledge of our State's history and politics made him an unchallenged authority and earned him the reputation as the State's most influential legislator.

Dick was a Republican, the most recent Republican speaker for the Missouri House of Representatives. Beyond any party labels though, he was a politician, a good politician. And partisan politics for Dick Webster only meant partisan for the best interests of the people he represented from his beloved hometown Carthage, in the county of Jasper.

It is noted that he looked like Abraham Lincoln, whom he often emulated and always idolized. Remembering Lincoln's words, "The firey trial through which we pass, will light us down, in honor or dishonor, to the latest generation," Dick Webster will continue to walk with honor for generations to come.

TRIBUTE TO PAUL HOSTETTER

Mr. RIEGLE. Mr. President, on December 28, Paul Hostetter was cut down by cancer at the age of 56. His life here on Earth was all too short.

Born in Port Huron, he lived in Grosse Pointe, MI, and was president of his own sales business which served the automotive industry.

Paul's ideal fall day was to hop in his car and drive down to Ohio State University to watch his beloved Buckeyes in action. Along the way he and his wife Karen would stop for breakfast in Rising Sun, OH, for fried mushrooms. "Best ones you will ever have," he used to say. Then it would be on to Columbus and a pregame meal consisting of fried chicken and onion sandwiches accompanied by a Gilbert & Sullivan operetta on the car's tape recorder. He would always be in his seat by the time the Ohio State Marching Band burst into the stadium. If they stayed over in Columbus on Saturday night, Paul and Karen would stop in Delaware, OH, on their way home for Sunday lunch at Bun's Restaurant.

Paul had many friends. At his memorial service, several hundred were in attendance. Two of his closest friends, Fred Ollison and Mike Whyte, spoke of Paul's "style," integrity and concern for others. "He didn't care if you were a prince or a pauper", said Whyte who went on to add that Paul Hostetter was the only true "gentle man" he had known. Ollison talked about how Paul would laugh uncontrollably when told a good story.

Several years ago, Paul took a big chance and formed his own sales firm. Said Ollison, "Paul Hostetter proved that a nice guy can be a success in business."

Paul's wife Karen and his two sons, Thomas and Robert, can feel very proud of this truly "gentle man."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,819th day that Terry Anderson has been held in captivity in Beirut.

OFFICE OF PROFESSIONAL RESPONSIBILITY

Mr. HEFLIN. Mr. President, in the Department of Justice there is an office known as the Office of Professional Responsibility, which has the duty to investigate complaints against officials of the Department of Justice relative to alleged improper activities. This Office of Professional Responsibility was created for the purpose of conducting investigations into the allegations of possible improper, illegal, or unethical conduct by offices or various officials of units of the Department of Justice. Over a number of years the work of the Office of Professional Responsibility has had a remedial effect, to some extent, relative to such improper, illegal or unethical activities. The presence of this office has deterred officials of the Department of Justice from questionable conduct in many instances.

The Committee on the Judiciary of the U.S. Senate frequently receives allegation of possible improper, illegal, or unethical conduct concerning offices and officials of the Department of Justice. These complaints historically have been referred to the Office of Professional Responsibility of the Department of Justice for their investigation. Generally, the Office of Professional Responsibility has done a good job of investigating such charges. But there are other reasons that the Committee on the Judiciary has followed the policy of referring charges and allegations of improper conduct to the Office of Professional Responsibility. Many charges and allegations may involve ongoing grand jury activity or other ongoing investigations that the Department of Justice deems to be secret, and because of such secret classification the Department will not make available to the committee on the Judiciary information on witnesses that are essential for the committee to make a complete investigation. The alleged necessity of secrecy has frequently been raised by the Department in many matters outside of grand jury activities. Without the cooperation of the Department of Justice in making documentary evidence, reports, and witnesses available, the Committee on the Judiciary finds that it is virtually impossible for it to thoroughly investigate such charges.

The Department of Justice has threatened to invoke the doctrine of executive privilege on occasions. The uncertainty of this doctrine is usually met with the prospect of extended litigation and thus far a court confrontation on this issue hasn't occurred since the Nixon tapes case.

The practice of referring investigations first to the Office of Professional Responsibility before a decision is made by the Committee on the Judiciary of the U.S. Senate has come about out of necessity and also because generally that office has done a competent job in most instances.

Around the middle of the year of 1989 the Committee on the Judiciary received a request to conduct an investigation into allegation of possible improper or unethical activity in connection with officials of the Department of Justice, including the FBI, related to elected black officials in Alabama. The chairman of the Committee on the Judiciary determined that the request for such an investigation should be referred to the Office of Professional Responsibility of the Department of Justice. There is ongoing at the

present time an investigation into those charges and such investigation has not yet been completed. When it is complete, the Judiciary Committee will review it and determine what further action the Committee on the Judiciary should undertake.

Recently the Judiciary Committee received "A Report From the City of Birmingham, Alabama on the Harassment of African-American Birmingham City Officials by Offices of the U.S. Attorney, the Federal Bureau of Investigation, and the Internal Revenue Service (Criminal Division)." This report was submitted by Donald V. Watkins, Esq., special counsel to Richard Arrington, Jr., mayor of the city of Birmingham, AL. A copy of this report has been referred to the Office of Professional Responsibility of the Department of Justice since it relates to the ongoing investigation heretofore mentioned. The city of Birmingham has requested that a copy of this report be printed in the CONGRESSIONAL RECORD. I, therefore, ask unanimous consent that a copy of this report appear in the CONGRESSIONAL RECORD following my statement. In doing so I want it understood that the Committee on the Judiciary and no Member to my knowledge has passed judgment on any of the charges or allegation contained therein.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A REPORT FROM THE CITY OF BIRMINGHAM, AL, TO THE U.S. SENATE JUDICIARY COMMITTEE ON THE HARASSMENT OF AFRICAN-AMERICAN BIRMINGHAM CITY OFFICIALS BY OFFICES OF THE U.S. ATTORNEY, THE FEDERAL BUREAU OF INVESTIGATION, AND THE INTERNAL REVENUE SERVICE (CRIMINAL DIVISION)

(Submitted By Donald V. Watkins, Esq., Special Counsel to Richard Arrington, Jr., Mayor, Birmingham, AL, February 21, 1990)

I. INTRODUCTION

On July 21, 1989, the City of Birmingham, Alabama filed a formal complaint with the United States Senate Judiciary Committee. The complaint, in the form of a memorandum from Birmingham Attorney Donald V. Watkins to Committee Members, outlined the nature and scope of the harassment that City of Birmingham officials have experienced at the hands of the U.S. Attorney for the Northern District of Alabama, the Federal Bureau of Investigation ("FBI"), and the Internal Revenue Service, Criminal Division ("IRS").[1]

The City's complaint alleged that the above-mentioned federal law enforcement agencies selectively targeted, without probable cause, Birmingham Mayor Richard Arrington, Jr. and several City Council members, all of whom are African-American and Democrats. The complaint summarized several unsuccessful FBI/IRS "sting" operations aimed at Arrington and the Council members from 1987 through 1989. The City also expressed concern about the attitudes of investigating federal officials, some of whom reportedly referred to African-Americans as "dope heads", "niggers", and "nigger whores". The City also complained about the tactics employed by the investigating federal officials. For example, the 1987 and 1988-89 "sting" operations were launched against the Mayor despite warnings from two separate investigative sources that Arrington and other City officials were not involved in bribery activities and had no propensity for bribery. Another incident involved the display of Mayor Arrington's picture on the wall of the Birmingham IRS office in October 1988, with the word "corruption" written above it. Finally, the City complained about the steady stream of federal grand jury leaks regarding the alleged criminal conduct of several African-American elected officials which have surfaced with no resulting grand jury action.[2]

The City requested that the Judiciary Committee take the following actions on its complaint:

1. Hold confirmation hearings on the appointment of Frank Donaldson, James Wilson, and Jeff Sessions reappointment as President Bush's appointees for the office of U.S. Attorney in the Northern, Middle and Southern Districts of Alabama, respectively;

2. Undertake a thorough investigation to ascertain whether federal prosecutors and law enforcement agencies are engaged in a pattern and practice of selective prosecution of black elected officials; and

3. Undertake a thorough investigation into the existence and implementation of the FBI's "Fruhmenschen" policy.

The City has prepared and is submitting this report to the Judiciary Committee to aid the Committee in its consideration of the City's complaint. The City's investigation into these matters suffered a major setback when one of its cooperating sources, former FBI/IRS informant Robert Moussallem, was killed under mysterious circumstances.[3]

II. AN ANALYSIS OF THE HARASSMENT

A. Richard Arrington, Jr. was a 1972 FBI Cointelpro Target

Using a Freedom of Information Act request in 1988, Mayor Arrington received 292 pages of his 518 page FBI file. The documents were heavily censored by the Bureau. However, even these censored documents bear witness to a sad state of affairs for the Bureau.

The FBI file released to Arrington begins with a report of a January 26, 1972, through August 4, 1972, FBI "confidential" investigation of an organization called the Alabama Black Liberation Front (ABLF), which was said to be affiliated with the Black Panther Party. The report characterizes the investigation as an "extremist matter". The exact nature of the investigation is blackened out, but the report states that "disclosure of data could be prejudicial to the defense interests of the United States." The report is heavily censored, and links Arrington to the ABLF, the Black Panther Party, and a group called Concerned Citizens for Justice. While Arrington does not personally know why he was the subject matter of an FBI investigation at the time it was conducted,[4] the 1972 FBI report was made shortly after his election as a Birmingham City Council member in late 1971 and during a period when Arrington became an outspoken advocate for blacks who were victims of police brutality.

Arrington's civil rights activism in 1971 and 1972 came during a period when the FBI officially operated its infamous and well-documented racial counter-intelligence program COINTELPRO.[5] According to FBI documents, COINTELPRO was a FBI program which operated on an official basis during the late 1950s through the early 1970s. COINTELPRO selectively targeted, without cause, vocal black civil rights activists like Dr. Martin Luther King, Jr., Floyd McKissick, Stokley Carmichael, Richard Arrington, and others. COINTELPRO had a "Black Nationalist" operation which was formally established in the 1960s "to expose, disrupt, misdirect, discredit, or neutralize the activities of black nationalists . . . their leadership, spokesman, membership, and supporters". The long-range goals for COINTELPRO were: to prevent African-American groups (e.g., SCLC, CORE, SNCC, etc.) from forming coalitions, building their membership, gaining respectability, and developing charismatic leaders. Twenty-three FBI field offices participated in COINTELPRO-Black Nationalists, with the various special agents in charge assigning "experienced and imaginative" agents for "counter-intelligence coordinators". COINTELPRO's activities included, *inter alia*: (a) the "felonious" harassment of Dr. King and other African-American activists which, according to a Justice Department task force, "very probably" violated their civil rights; (b) the development of "target lists" of some 1,897 African-American activists during the 1960s and 1970s to be "neutralized"; (c) the drafting and mailing of obscene, racially offensive hate mail and tape recordings to family members, friends, and supporters of African-American activists; and (d) the planting of embarrassing stories in "friendly newspapers."[6]

The 1972 FBI report notes that Arrington, the Black Panther Party, the Alabama Black Liberation Front, and the Concerned Citizens for Justice "are included on the Administrative Index (ADEX)." It further states: "The Black Panther Party (BPP) is a Black extremist organization started in Oakland, California, in December, 1966. It advocates the use of guns and guerilla tactics to bring about the overthrow of the U.S. Government."

The Administrative Index (ADEX)[7] was the FBI's master listing of "white and black racial extremists" and "subversives," and included "four categories representing degrees of dangerousness." African-Americans were well represented on the ADEX. Category I listed the names of "national leaders of black extremist separatist organizations," along with "active participants (i.e., people who furthered the aims and purposes of the revolutionary or black extremist separatist organization with which affiliated." Category III listed "rank-and-file membership," along with the name of any "individual who, although not a member or a participant in activities of revolutionary organizations or considered an activist in affiliated fronts, has exhibited a revolutionary ideology." Category IV listed "individuals whose activities do not meet criteria of Categories I, II, or III." The categories were sufficiently and purposefully broad enough to cover "the new breed of subversive," the free-lance black radical who had "a seething hatred of the white establishment" and who might at any time "associate, explode, or otherwise destroy white America." A parallel reserve index incorporated into ADEX the names of persons who did not engage in subversive activities (e.g. "teachers, writers, lawyers,

Footnotes at end of article.

Footnotes at end of article.

etc.") but "were nonetheless influential in exposing their respective philosophies."

Arrington's 1972 files are so heavily censored, it was difficult for the city to determine which ADEX category contained Arrington's name. However, the codes on Arrington's files and other information subsequently obtained by the City suggest that Arrington was a "Key Black Extremist" whose name was placed in the ADEX Category I index. The Key Black Extremist (KBE) Program, a division of COINTELPRO, had its roots in an October, 1970, racial conference.[8] Noting the need for "intensified coverage on a group of black extremists who are either key leaders or activists and are particularly extreme, agitative, anti-government, and vocal in their calls for terrorism and violence," the racial conference demanded the systematic identification and neutralization of such persons. "Certain elements" were simply "more likely to resort to or order terrorism as a tactic," and these types required "particular attention."

FBI headquarters solicited nominations of KBEs from the field and stressed the need for "initiative and imagination." In addition to a listing in the ADEX, the Bureau placed the KBE's pictures in the FBI's Black Nationalists Photograph Album; monitored their bank accounts and financial affairs; obtained handwriting specimens and tape recordings of thier speeches and statements, and kept them in "the national security file" at the FBI laboratory; "vigorously investigated" all "possible" violations of federal law; processed individual reports every ninety days; and checked federal income tax records annually. On this last point, when the FBI requested the tax returns of seventy-two KBEs, the IRS honored every request, without asking any questions.

Arrington continued to be a vocal advocate for Birmingham blacks throughout his tenure as a Birmingham City Council member (i.e. 1971-1979). In addition to fighting police brutality, Arrington led the effort in Birmingham City Hall during this period for fair employment practices in City government, the creation of the City's Minority Business Enterprise program, and fair housing opportunities. Arrington was a founding member of the Jefferson County Citizens Coalition, a grassroots broad-based predominantly black political organization in Birmingham that has significantly influenced the outcome of many State and local elections. These activities made Arrington a prime target for COINTELPRO surveillance and "neutralization."

Between 1972 and 1976, various U.S. Congressional Committees conducted hearings on domestic surveillance activities.[9] These committees focused on the FBI and its "racial matters" activities. During the same period of time FBI acting Director L. Patrick Gray, III became involved in the Watergate cover-up. Also, Congress passed amendments to the Freedom of Information Act in 1974. These developments gave traditional African-Americans targets of FBI COINTELPRO activities a temporary reprieve from the agency's harassment.

In April, 1978, President Jimmy Carter's Justice Department obtained indictments against Gray and two other FBI executives; Edward S. Miller and W. Mark Felt. These three were charged with conspiracy to violate the civil rights of friends and relatives of the Weather Underground—specifically, for authorizing burglaries of their homes. Felt and Miller were subsequently convicted. The government dropped its charges against Gray. In March, 1981, President Ronald Reagan pardoned Felt and Miller, without even bothering to read their trial transcript. This symbolic gesture signed a new era for FBI activities against Arrington and scores of vocal African-American political officials around the nation.

B. The FBI's 1985 "preliminary investigation" of Mayor Arrington

From August to October, 1985, the FBI conducted a "preliminary investigation of Mayor Arrington" to determine if a Hobbs Act violation had been committed.[10] This investigation covered virtually every aspect of Arrington's business, financial and political dealings. The investigation, which included an FBI interview with Arrington, was summarized, in part, in this November 7, 1985 memo.[11]

"* * * In February 1985, Mayor Arrington; Mayor's Aide, Willie Davis; and Tarlee W. Brown, who is an architect in Atlanta, Georgia, entered into a marketing and consulting business called ABD Marketing Corporation. This corporation represents the interest of Time-Energy Systems of Houston, Texas. ABD Marketing is involved in seeking out clients or customers for Time-Energy Systems in Alabama.

"In August 1984, Brown was hired by the City of Birmingham to do a feasibility study on the refurbishing of Boutwell Auditorium. In March 1985, Brown was paid $25,000 for his feasibility work. By August 1985, Brown had been paid a total of $49,105.00 and is expected to be paid $240,000 within the next nine (9) months for work on Boutwell Auditorium.

"In May 1985, Mayor Arrington and his wife, Rachael bought 40% of the stock in Chapel Funeral Services, Ensley, Alabama, from James H. Parker, who continues to own the 60% of the stock. Then in July 1985, the City of Birmingham sold a ten (10) story building in Ensley called the Ramsay-McCormick Building to Parker for $10,000 with Parker to assume mortgages totalling $240,000, which are payable at the rate of $4,000 per month * * *.

"Inspection of the Ramsey-McCormick Building reveals that it is in terrible disrepair. Large outlays of funds will be required to make it rentable. Thus far, only the 5th floor out of this 10 floor structure is rented. The building is located in the Ensley area of Birmingham which has been economically depressed since the steel mills closed six (6) years ago. . . .

"Numerous spot checks at Chapel Funeral Services tend to confirm that the funeral home is not doing any business.

"Mayor Arrington was interviewed and denied having any knowledge of the conveyance of the Ramsay-McCormick building to Parker until after the fact. Mayor Arrington denies that he has in any way benefited by the sale of the building to his funeral home business partner.

"Mayor Arrington stated that he has not done any work for ABD Marketing in Birmingham. According to Arrington, the only customer that he has found for Time-Energy Systems is Tuskegee Institute, Tuskegee Alabama. ABD Marketing was paid $9,000 by Time Energy as a finders fee.

"Arrington denied that he has ever received any monies from Tarlee W. Brown for any reason. Arrington said that he met Brown through Atlanta, Georgia, Mayor, Andrew Young, three or four years ago. Arrington gave the Boutwell contract to Brown simply to entice Brown, who is a minority, to open an office in Birmingham.

"On November 1, 1985, Chief Prosecutor Herbert H. Henry, III, Birmingham, stated that there is insufficient probable cause to seek Grand Jury subpoenas for financial records of Arrington, ABD Marketing Corporation, and/or Chapel Funeral Services. Chief Prosecutor Henry noted that his office will vigorously prosecute any corrupt public officials in this district including Mayor Arrington if any evidence of a crime is developed.

"Chief Prosecutor Henry stated that it is his opinion that based on the results of this preliminary inquiry there is no reason to believe that a federal crime has been committed. Therefore, there is insufficient probable cause to go forward with an investigation.

"No further inquiries into this matter are being made."

The FBI also investigated charges by former Arrington bodyguards Billy and Gwen Webb[12] that Arrington took bribes. Arrington was asked by the Bureau whether he had ever received money or anything of value for using his influence as Mayor to cause someone to receive a City contract or concession. His answer was "no". Furthermore, Arrington offered "to take a polygraph if asked to do so". He was never asked to do so by the Bureau or any other law enforcement agency.

The investigation also focused on Arrington's wife, Rachael, and a retail shoe store she operated until the spring of 1984. There is no indication in the FBI records as to what the store, Rae's Designer Shoes, had to do with a possible Hobbs Act violation.

An August 7, 1985, FBI memo states that the "preliminary inquiry" of Arrington *began on August 6, 1985*, after Birmingham SAC Cecil E. Moses, ASAC William W. Westberg and two other agents "discussed what appears to be improprieties and perhaps Hobbs Act violations in several recent business ventures entered into by Birmingham Mayor Richard Arrington, Jr." based upon a series of articles which began on August 1, 1985, and appeared in the *Birmingham News* and the *Birmingham Post Herald* newspapers.[13] However, the FBI had actually conducted a "discrete investigation", based on "innuendo and rumor", into the same matters before August 6, 1985.[14] The Bureau was concerned in February, 1985, that "an active investigation by the BH Division would result in additional controversy and possible embarrassment to the Bureau".[15]

During the period of the FBI's active "preliminary inquiry," a bugging device was found on one of the Mayor's office telephones.[16] The device was mounted inside one of Arrington's multi-button telephone sets and was connected to the T and R leads of the telelphone line. It was powered by South Central Bell's Central office and it appeared to be a microphone/transmitter approximately one inch square and about one-half inch thick. A spot check of other telephones throughout City Hall indicated that six other telephones had the same type of wiring clipped off where some type of bugging device had been previously installed. The apparent "bugging" of City Hall occurred in the following offices:

Mayor's Office-Staff area.
Mayor's Private Office.
Legal Department.
Finance Director's Office.
Personnel Director's Office.

The City has not been able to determine who deserves the credit for the bugging of City Hall. It does not know what conversations, if any, were monitored by the bugging devices.

On November 6, 1985, SAC Cecil Moses wrote Frank W. Donaldson, U.S. Attorney (N.D., Ala.), a letter which stated the following: "A preliminary inquiry was conducted between August and October, 1985 to determine if any federal public corruption laws may have been violated. There is no probable cause at this point to believe that any laws have been violated."

However, the "no probable cause" finding did not close the FBI's book on Arrington.

C. The 1987 FBI "Sting" Effort

On July 28, 1987, a consensually recorded conversation occurred between FBI Special Agent Clifford Cormany, Jr., (acting in an undercover capacity as Steve Hawkins) and then Fulton County, Georgia Commissioner A. Reginald Eaves, who is African-American. Eaves was under investigation by the Bureau for alleged violations of the Hobbs Act, 17 U.S.C. 1951(a).[17] during this conversation, Cormany introduced the subject of doing real estate development business with City Hall officials in Birmingham.[18] The relevant transcript portions of that meeting are as follows:

"CC: All right. All right. The, ah, when, what I wanted to talk to you about, are you, are you very strong over in Birmingham?

"ARE: I have some good contacts.

"CC: The reason I asked we've been over there looking for some property and * * *

(Pause.)

"* * * some people introduced me to a developer over in Birmingham and I don't really know him, I've never done business with him and, ah, but he tells me that he was involved in a project several years ago with a, ah, some investors out of Texas, and what they intended to do is put together a, ah, some kind of recreational water theme park in downtown in the city limits of Birmingham.

"ARE: Uh-huh.

"CC: (Clears throat) It involves a, evidently two hundred acres of land owned by the city. (Clears throat) Now the city, or evidently these investors or other developers out of Texas reneged (coughs), excuse me, reneged on a deal for whatever reason. (Clears throat) And, ah, the guy that we talked to claims that he has all the necessary contacts with the people in the city which we were, we were totally non-committal on one way or the other but, particularly, ah, with their story of this guy tells us about being involved with a group out of Texas that backed out at the last minute it just kind of, the question to me was what to this credibility would be with these people and it look like he's trying, ah, out of some probably some, somewhat of desperation of to find somebody to get back involved with him now (clears throat) and we don't need that guy but evidently there is this two hundred acres of land that the city is interested in having developed. And there, ah, according to some of the press, ah, from time to time over the last year, they have two hundred acres and, ah, they want, ah, someone to come in there and do something that I would guess, ah, promote the development and growth of, of the city overall.

"ARE: What kind of development, though? Multipurpose?

"CC: Well, ah, like I said the only thing I know that they were supporting from the outset was a recreational, ah, kind of water theme park. (Clears throat) but, according to this guy, they would, they'd support anything. I would I get the feeling Reggie that they're looking for something that, that, ah, could draw the people, tourist crowds and so forth * * *.

"ARE: (Unintel.). Downtown.

"CC: Yeah. But it's partially commercial and partially recreational this I don't know though. The only thing I feel fairly confident about is the fact that there evidently is two hundred acres and the city is, is gonna provide the land if they can get somebody to, ah, come in there and commit the resources to develop it. Now if they're providing the land, either turning the land, signing the land over or just providing a long-term, ah, lease or whatever, of course, that's sounds attractive to me and, ah, that, of course, would be one your major up-front costs to go into any city and buy that kind of acreage in the, ah, within the city limits. Now I haven't pursued it any further than that because, ah, I just didn't know what this guy's * * *.

"ARE: Where he was coming from.

"CC: * * * reputation was with, cause he had evidently, ah, rubbed some people the wrong way by bringing this guy in the first time and then having it fall through. So I got a feeling that his interest was two-fold: One to ah obviously get involved in something that he's gonna make some, some good money on, and number two-to reestablish himself with the ah * * *

"ARE: People (unintel).

"CC: With his contacts over there who * * *.

"ARE: What you can do is ah if you, (CC: Clears throat) want us to look at it if you could give me his name I can call Willie Brown, the Mayor's Deputy, who's friend of mine and just find out what the guy's ah reputation with them.[19]

"CC: Well now this guy mentioned ah, he mentioned the guy he wanted to introduce us to and, and that wasn't it was Willie something, but it wasn't Brown I don't think. Said he was in . . . Yeah I, well . . . The guy's name I talked to is ah Robert Moussallem,[20] it's, it's like a, I got a business card here.

"ARE: You can keep it, I just need his name.

"CC: MOUSSALLEM I don't know how you spell that.

"ARE: I got it.

"CC: That's that's ah phonetic ah you know I have no idea if that's the correct spelling. It sounds like Moose and Salem. (Clears throat)

"ARE: (Unintel)

"CC: Well he's one of these guys, he's, claims he's a developer and . . . "Whatta ya got going right now?" "Well you know I've got (unintel) I got a good idea here and a good idea there." Well what what do you have going now." "Well I really don't have anything going right at the minute but I have some excellent contacts" * * * all of which you know we, we run into all the time but the important, the thing that's really interesting to us and ah talking to some of my investors is the prospect of, of, of that much land being available, inasmuch as we are interested anyway in looking ah at that area.

"ARE: You know (unintel) Steve I, even if I can't make it, I'd like for you and your investors to let me set up a meeting.

"CC: Sure * * * the, look, if, I mean can you make a call over there and find out?

"ARE: Un-huh.

"CC: Cause, why I mean if the city's got the land and they're, they;re probably * * *

"ARE: I need to * * *.

"CC: * * * in development ah * * *.

"ARE: . . . I need to cash in with the mayor, I did him a big favor on a guy he wants to get into some zoning ah down here, we got it done for him.

"(Background noise from restaurant)

"ARE: And I've ah * * *

"CC: I've got to ask him for a favor.

"(PAUSE)

"ARE: Well if we, if this guy's anywhere close to accurate and then don't ah make sure they have a clear understanding that we're not in anyway associated with this guy because I don't if he's got a good repu—if he's got a good reputation we associate with him (ARE and CC both chuckle) but ah I just didn't have enough information about the guy to, to ah and I didn't try to get that much and just listening to the story it sounded like he might of, of hurt hsi credibility in dealing with these people and * * *

"ARE: Did he say why the Texas people pulled out?

"CC: If he did, I don't remember.

"ARE: Anybody doing business with Texas folk knew and I've got to be scared to death anyway.

"CC: I really, you know like you said if he did tell me, you gotta understand we got so many people that, that run these opportunities by us and out of the whole conversation with him the only thing I cam of it with was that feeling pretty confident that the city does have some pretty nice acreage there that they've wanting somebody to do something with and they're willing to provide the land if they get the right program put together.

"ARE: (Unintel).

"CC: You know that could be a heck of a project. Ah two hundred acres. Whatever they want. I'd like to find out, if, if (a) they do have the land, and if so what, what they would prefer we'd do with it and how, and how they would like to put it together and who we would work with over there (ARE clears throat) if anybody and, see what we can find out.

"ARE: I'll get some answers for you.

After that conversatin, Eaves inquired about the water theme park project and Robert Moussallem in a meeting with Arrington's then Chief Administrative Assistant, Willie Davis. On August 11, 1987, Eaves gave a report about this matter to Cormany, Special Agents Robert A. Hood (acting in an undercover capacity as Robert A. Howard), and James Vaules (acting in an undercover capacity as Jim Volpe). The FBI tape recording made on August 11, revealed that Eaves advised the above-mentioned agents that Birmingham City officials did not want to deal with Robert Moussallem or anyone else who was dishonest or who had a shady reputation.[21] The following are excerpts from transcriptions of the August 11, 1987 tape:

"ARE: * * * The last thing I think uh, I needed to mention to you, (UI) talk to you, is that I did have (UI) in there in the office the other day from Birmingham.

"CC: That's, uh * * *.

"ARE: WILLIE.

"JV: WILLIE DAVIS?

"ARE: Yes, and uh * * *.

"CC: He was here?

"ARE: Yes, he was in my office. As a matter of fact I tried to reach you but I forgot you were out of town. He said don't touch that man, he's dishonest. And that, that administration would not touch him.

"CC: Did he say what they want to develop on it?

"ARE: No, I didn't get into that.

"CC: But the city owns the land?

"ARE: I was more concerned about trying to determine whether or not this guy was legitimate. And he's not legitimate.

"CC: What'd he say about the guy, cause some of our people * * *

"ARE: Are still messing with him? Well in terms of city government uh, he's been going around uh, uh, using the mayor's name and uh, this guy, somebody contributed a million, five million dollars in some project and then all of a sudden all the money's disappeared. And uh, and what I said to him was uh, that I felt the best thing for him to do was to write a disclaimer, just sending out a letter telling him to stop doing that, because as a lawyer what I thought he was doing wrong * * * they were allowing him to do that and therefore could be interpreted as an Agent of the Mayor, so he got on the phone and dictated that letter to his secretary while he was in my office.

"CC: Huh?

"ARE: But uh, but uh, if you're gonna go to that administration he's the wrong person to use.

"CC: The guy that I met down there?

"ARE: Yes.

"CC: Is that right?

"ARE: He said but if you'll really interested uh, uh, if you have work from here then I'll there's a guy here that's, that's uh, the contact guy, I'll put you in touch with him or if you go into Birmingham uh, he will meet you and take you in to see the Mayor, but they really want to develop that area.

"CC: OK. But there is, what the guy told me about there being two hundred acres available is true?

"ARE: There is, and they're looking now to develop that.

Despite the above statements that Birmingham officials viewed Moussallem as "dishonest", agents Cormany and Hood launched Moussallem on a planned "sting" operation against Arrington in Birmingham. Still posing as Steven W. Hawkins and Robert A. Howard of Land Development Investments of Atlanta, Georgia, the FBI agents directed Moussallem to arrange a meeting with the Mayor for the purpose of structuring real estate transactions which directly involved Arrington. According to Moussallem, the FBI agents eventually wanted to gain the Mayor's trust and then offer him money for his role in a planned real estate development deal. At a later point, Moussallem provided the City with the phony business card used by Cormany and Hood as proof of his undercover work with the two agents. The business card is set-out below.

[Business card is not reproducible for the RECORD.]

In late August or early September, 1987, Moussallem sent a message to Mayor Arrington--if Moussallem came to see him, Moussallem would be accompanied by two FBI agents whom he would introduce to Arrington as contractors.[22] Moussallem later insisted that the agents wanted him to approach Arrington and involve him in real estate deals involving property purchases, re-zonings and leasing buildings to the City.[23] Somehow the agents learned that Arrington had been informed of their presence in Birmingham, and they did not go forward with the plans for a meeting with Arrington.[24]

D. The 1988-89 FBI/IRS Efforts To Entrap Arrington and Other City Officials

On March 25, 1988, FBI SA Stephen E. Branner swore before the Honorable Sam C. Pointer, Jr., United States District Judge (N.D., Ala.) that he had probable cause to believe that "Bobbie McDowell, Hugh Boles, Lewis Spratt, John Rogers, John E. Amari, Ed Porter, Sandra Escott, Sidney Laskow, Robert Gafford and others yet unknown" were participating in the affairs of the Bessemer Metropolitan Dog Track, Inc., "through a pattern of racketeering activities, that is briberies of public servants . . . in violation of Title 18, United States Code, Sections 1962(b), (c), and (d) 1983".[25] Branner went on to state in his affidavit that: "* * * There is also evidence which indicates that Earl Williard, Richard Arrington, Jim Folsom, Jr., John Pemberton, E.B. McClain, Pat Davis, and Jimmy Filler may be a part of the conspiracy."[26]

On the basis of Branner's sworn testimony, Judge Pointer entered an order authorizing wire taps on the telephones of McDowell, Boles, Spratt, and John Rogers.[27] The investigation into possible Hobbs Act violations muddled along despite the lack of any credible evidence of bribery and extortion with the Bessemer Dog Track enterprise.

At some point in early 1988,[28] federal law enforcement officials met in Alabama and developed a "hit list" of African-Americans elected officials (and others) they would target for public corruption probes. The criteria for selection and ranking of those officials was based upon who was most vocal, who was most visible, and who was most complained about by conservative watchdog groups in the Alabama area.[29] Mayor Arrington headed the list, State Senator Earl Hilliard was second, State Representative John Rogers was third, fourth and fifth (the correct order is uncertain) were Birmingham City Council members Jeff Germany and William Bell, and State Representative Pat Davis was sixth on the list.[30]

On October 25, 1988, the FBI, IRS (Criminal Division), and U.S. Attorney's Office in Birmingham began efforts to entrap Arrington and others. According to an IRS internal memo obtained by the City:

"On 10/25/88, IRS employee William E. Cooper met with Robert A. Moussallem at Shoney's Restaurant, 18th Street, South, Birmingham, Alabama in Cooper's vehicle. They traveled to the Office of the Regional Inspector, 500 22nd Street South, Birmingham Alabama. Moussallem was approached by inspectors and was advised he was not under arrest but that inspectors wished to question him. Moussallem was initially interviewed by William F. Coady, Assistant Regional Inspector, Internal Security Division, Southeast Region.

"After this inteview, Moussallem was interviewed by Inspectors M. H. Mullins and A. M. Hatcher * * *.

"Moussallem was told he was the subject of a criminal investigation involving bribery of an IRS employee. It was explained this was a very serious matter. Moussallem was advised he was being interviewed at the direction of the U.S. Attorney's Office and that his cooperation would be made known to them; however, no promises could be made to him * * *.

As mentioned earlier in this report, Robert Moussallem had worked with the FBI in its 1987 attempted sting of Arrington. This time, the IRS, FBI, and the U.S. Attorney wanted him to help set-up Arrington and others on the "hit list." According to Moussallem's sworn June 5, 1989 testimony:

"4. On October 25, 1988, I was summoned to a meeting in Birmingham at the 500 Building on 22nd Street South where I encountered a half-dozen or so Internal Revenue Service (IRS) and Federal Bureau of Investigation (FBI) agents. Among the agents present were persons later identified to me as Marshall Mullins (IRS), and James Kiel (FBI). I knew one of the other federal agents because of work I had done under his supervision before October 25, 1988.[31] In the room I entered, where the agents were present there was a black and white picture of Mayor Arrington on wall with the word "corruption" above it. I asked why was the Mayor's picture on the wall, but I did not receive an answer to this question. I was taken to another room where another agent was the only one present with me. That agent, whom to my knowledge I had never met before, told me that I had a golden opportunity to work [myself] out of a hole, and to stay faithful, and that he wanted me to work with two other agents. I was offered limited immunity from prosecution and told by this agent that if I did what was wanted, I would get full immunity from prosecution. He did not tell me at this time what I had to do to stay faithful.

"5. Later, I met with agents who identified themselves as Mullins and Kiel. I talked with them in Jefferson County, Alabama on several occasions. One one occasion they asked me whether I had ever given money to Mayor Arrington.[32] I told the agents that I had never bribed the Mayor. I was telling the truth.

"6. In November, 1988, I had a meeting in the Birmingham office of Bill Barnett (Assistant U.S. Attorney, Northern District of Alabama) with agents who identified themselves and Kiel, Mullins, and Allen. Barnett was present during part of the meeting. For the first time, Kiel and Mullins told me exactly what I had to do to get full immunity from prosecution. The agents said that they wanted me to set the Mayor up, but to do it under their direction. They told me to implement this scheme as follows:

"a. I was to get some property in Birmingham that was recently refused rezoning by the City Council.

"b. I was to approach the Mayor, Council President William Bell, Council member Jeff Germany, State Senator Earl Hilliard, and State Representative John Rogers to solicit their involvement and influence in getting the property rezoned.

"c. I was to offer each of these public officials a bribe, however, the Mayor was their number one priority.

"If I carried out this scheme successfully, I would get full immunity from prosecution. The agents explained to me that I could not have full immunity at that time, (November, 1988) because any resulting criminal charges would be too vulnerable to attack by defense attorneys if I received full immunity on the front end.

"7. On or about November 23, 1988, I received a letter from the U.S. Attorney, Mr. Frank Donaldson, offering me limited immunity for my role in the scheme.[33] Thereafter I started out my efforts to set up Mayor Arrington (and others named by the Federal agents), as directed by Mullins and Kiel:

"a. I got some property near the airport which I proposed to turn into an automall. The property had previously been submitted to the Council for rezoning and had experienced problems.

"b. I had a couple of meetings with an associate of John Rogers and with John Rogers, and one meeting with William Bell. I suggested to these persons that money would be made available in exchange for their influence in getting the property rezoned. Each declined the offer of money and seemed to be confused and irritated by

my suggestion. All of these meetings occurred in Jefferson County, Alabama.

"8. I never talked to Mayor Arrington, Hilliard or Germany about the rezoning because the agents called me off after the meeting with Bell. They said that my role in the scheme was over, and that the deal for total immunity was dead. My part in the attempt to set-up the Mayor ended about March 1989.

"9. During the November, 1988 meeting in Barnett's office, Kiel and Mullins acknowledged that I had never bribed the Mayor. However, they said that I could pull off this scheme because they knew I got screwed on that Water Park deal. They said that, 'They [the blacks] all are bunch of dope heads.'"

Moussallem provided the City with copies of business cards from SA James E. Kiel and IRS agent Phillip L. Shobe.

"The City also obtained tape recorded conversations between Moussallem and Kiel, Shobe and Marshall Mullins his FBI and IRS handlers during 1988-1989. Transcripts of the tapes reveal an open understanding between the IRS and FBI agents and Moussallem with respect to setting-up Arrington. A March 30, 1989, taped telephone conversation between IRS Agent Marshall Mullins and Moussallem contains the following dialogue:

"M. Marshall, one more thing. I was asking Lynn. The Mayor, Mayor Arrington, he called me. Wants to have lunch with me. Do you still want me to do something with him?

"MM. What does he want to do?

"M. He just wants to have lunch with me cause what I prepared you know in the past.

"MM. Yeah

"M. What you told me to do he called and wants to have lunch.

"MM. Uh-huh.

"M. If you still want me to do something, tell me what you want me to do so I'll know what.

"MM. When does he want to have lunch?

"M. Next week.

"MM. You know what day? You just call him?

"M. Well I told him I'm gonna call him back and let him know what day would be a good day. I thought that way I would buy a little more time til I call you.

"MM. Is this the first time you heard from him in awhile?

"M. Yes.

"MM. What do you think he wants to talk about?

"M. Marshall I wouldn't know. I just thought maybe you, you know if you tell me what you wanted me to do or say or prepare. . . .

"MM. You gonna be here all this week and next. You going out of town anytime soon?

"M. No I'll be here.

"MM. OK, all right let's just hold off. Let me talk to Jim Kiel.

"M. Uh huh.

"MM. And talk to Bud Henry and Bill Barnett and then go from there.

"M. Yeah.

"MM. OK. OK then you get back with me?

"M. OK so you want me, I'm not gonna call him until Monday, Tuesday. Be best for me to call him Monday. I don't want to put if off and it make him feel like I don't want to meet him. I don't want to give him that impression.

"MM. So you need to call him by Monday?

"M. I'm just, just you know.

"MM. Yeah to let him know one way or the other.

"M. Yeah.

"MM. All right.

"M. But the reason you know as you told me before always buy a little time until I talked to you so you tell me what you know want me to do.

"MM. Right. On April 1, 1989, Mousssallam taped the following telephone conversation with James Kiel:

"M. OK. Uh, Mr. Kiel, I have a couple points to ask you, Un, No I, because you haven't you and I, we haven't spoken in quite a while, you definitely want me still, I mean you know, the way when you get into a discussion with the blacks, you kinda just left things, it's under your direction, but I just wanted to make sure that you still, cause one time you made a point to me and you said "whether it you know it happened or happens it counts."

"K. That's right.

"M. Yeah. And I'm doing this under your direction and nothing changed, it's just that, you know, you kinda left it at a standstill at the time and I just gotta let it sit there until you let me know something. But when I heard something I called you.

"K. OK.

"M. You know, uh but we are still wanta do something, is that right?

"K. If we can, that they got our pro shots

"M. They come from them.

"K. Yeah.

"M. Ok so that's the reason why when I approached you when the Mayor called, uh, that's the reason when I called you I picked the best time to call.

"K. Uh huh.

"M. Yeah, Uh, I won't call on Monday, Ok, I'll proceed with that. Ok?

"K. Yeah."

It is apparent from the two transcripts quoted in this report that Moussallem, Mullins and Kiel discussed a prior FBI/IRS operation involving Arrington which required the supervision and direction of these agents.

Several days after informing Arrington of the federal entrapment scheme, Moussallem was indicted by a federal grand jury. About four months later, he was tried and convicted of tax law violations.

A few weeks after his conviction and before his sentencing, Moussallem was killed by a shotgun blast which blew away most of his face. According to police reports of the September 26, 1989, homicide, Moussallem was meeting with several friends when he was shot by the owner of the office in which they were meeting. Mullins and Kiel were on the scene immediately after the killing, and a federal investigation of the incident ensued. Federal agents also confiscated audio tapes which Moussallem had made of some of his discussion with them, including those referred to earlier in this report. A July 3, 1989, *Newsweek* feature story on the entrapment efforts against Arrington and other African-American officials was found at the death scene in front of Moussallem. The story reported on Moussallem's involvement in the matter.

E. The "Fruhmenschen" Policy

The official FBI COINTELPRO program ended in the early 1970s. However, it was replaced quickly by an unofficial FBI policy and program which apparently continues to the present time under the code name "Fruhmenschen."

Fruhmenschen, as detailed in two 1987 affidavits of Atlanta attorney and former FBI undercover operative, Hirsch Friedman, is an FBI policy of selectively targeting African-American elected and appointed officials for investigation.[34] According to the Friedman affidavits, the basis for this policy was "the assumption by the FBI that black officials were intellectually and socially incapable of governing major governmental operations and institutions." Fruhmenschen is a German term for "primitive man."

The details of the Fruhmenschen policy, as outlined by Friedman, are strikingly similar to the components of the unsuccessful FBI and IRS sting operation outlined in the Moussallem affidavit. The pattern of harassment and attempted obstruction of Birmingham's governmental operations by Frank Donaldson's office and the federal agencies under his supervision appears to be unfairly focused on African-American officeholders. At the same time, white Republican officeholders appear to receive only scant scrutiny from these federal agencies.[35]

The city recognizes and respects the duty and responsibility of all law enforcement officials and prosecutors to investigate possible criminal violations, but only when there is a sufficient, unbiased justification to do so. The City is concerned that its working relationship with the U.S. Attorney's Office in Birmingham and the law enforcement agencies under its supervision has been undermined by the apparent implementation of the Fruhmenschen policy in Birmingham by the FBI and IRS under Frank Donaldson's supervision.

In a letter dated April 14, 1988, to the Honorable Peter Rodino, then Chairman, House Committee on the Judiciary, FBI Director William Sessions denied that his agency has an unofficial Fruhmenschen policy of routinely investigating black elected and appointed officials around the country. Sessions stated that the FBI's Undercover Operations Review Committee in Washington, which is composed of senior Department of Justice (DOJ) and FBI officials, has standards and oversight guidelines which preclude the agency's use of undercover operations for the purpose of discrediting political figures in public corruption cases. If Sessions is correct, then there are several major flaws in the FBI and DOJ's oversight system.

First, U.S. Attorneys in Alabama have an extremely low conviction rate against African-American elected officials and political leaders who were indicted and prosecuted during the 1980s. Of the twenty African-Americans indicted, three were found guilty, two pleaded guilty and fifteen were ultimately cleared of all criminal charges. This represents a 25% conviction rate. Most reputable prosecutors maintain conviction rates ranging from 90 to 95% in criminal cases. A history of African-American elected and political officials prosecuted by U.S. Attorneys in Alabama during the 1980s, compiled from federal court records, is shown on the next three pages of this report.

SUMMARY OF BLACK ELECTED OFFICIALS AND POLITICAL LEADERS PROSECUTED BY THE U.S. ATTORNEYS IN ALABAMA DURING THE 1980'S

Year	Black elected officials and political leaders	Office/position	County	Federal court	Offenses charged	Judgment
Sept. 30, 1981	W.D. Johnston	County Commission	Macon County	Middle District	Racketeering, fraud and perjury.	Not guilty.
Nov. 10, 1982	Lee Allen Ivory	do	do	do	Mail fraud	Do.
Nov. 10, 1982	Johnny R. Carter	do	do	do	do	Do.
June 15, 1982	Benjamin Jordan	do	Bullock County	do	do	Guilty; reversed on appeal; indictment dismissed.
June 15, 1982	Fred Crawford	do	do	do	do	Do.
June 15, 1982	Alonza Ellis	do	do	do	do	Do.
Jan. 25, 1985	Albert Turner	Dir./PCCLI	Perry County	Southern District	Conspiracy, mail fraud and violation of election laws.	Not guilty.
Jan. 25, 1985	Spencer Hogue, Jr	do	do	do	do	Do.
Jan. 25, 1985	Evelyn Turner	Member/PCCLI	do	do	do	Do.
June 10, 1985	Spiver Gordon	Dir./Comm. service block grant program.	Greene County	Northern District	Conspiracy, elective franchise and fraud.	Guilty; vacated and remanded on appeal; indictment dismissed.
June 10, 1985	Frederick Daniels	Employee/Greene County Nursing Home.	do	do	do	Not guilty.
June 10, 1985	Bessie Underwood	Employee/Greene County BOE.	do	do	do	Pled guilty; sentenced to 2 yrs. probation.
June 10, 1985	James Colvin	Mayor/town of Union, AL	do	do	Conspiracy, elective franchise	Pled guilty; fined $1,000; sentenced to 2 yrs. probation.
June 9, 1986	Douglas Wicks	County Commission	Mobile County	Southern District	Extortion	Guilty; sentenced to 15 yrs. Presently on appeal.
June 16, 1988	Thomas Reed	State Representative	Macon County	Middle District	Extortion and interstate travel to facilitate an unlawful activity.	Guilty; sentenced to 3 and 4 yrs.
May 12, 1989	Bobbie McDowell	do	Jefferson County	do	Conspiracy to obstruct, delay and affect commerce by extortion.	Not guilty.
May 12, 1989	Edward McClain	do	do	do	do	Do.
May 12, 1989	Lewis Spratt	do	do	do	do	Do.
Oct. 16, 1989	Patricia Davis	do	do	Northern District	Interference with commerce by threats or violence.	Guilty.
Sept. 6, 1989	John W. Rogers, Jr	do	do	do	do	Not guilty.

The dismal conviction rate for aforementioned indicted African-Americans suggests that an overwhelming majority of the cases were not brought by the Republican U.S. Attorneys with a sound belief that they would result in a conviction, but, rather, were initiated for the purpose of harassing the targeted African-Americans.

Second, the racial attitudes of State and local FBI (and DOJ) officials have not changed appreciably since the COINTELPRO days. In the 1960s, FBI Director Herbert Hoover referred to Dr. King as a "burrhead," "degenerate," "top alley cat," and a "notorious liar." Form 1986 to 1989, federal agents in Birmingham and around the State reportedly referred to African-Americans as "dope heads", "nigger whores," and "niggers".[36] Also, there have been several well publicized incidents around the country involving racial harassment and discrimination by white FBI agents against fellow African-Americans (e.g., Donald Rochon)[37] and Hispanic (e.g. Bernardo Perez, Leo Gonzales, and Fernando Mata, etc.)[38] agents.

Third, federal law enforcement officials continue to plant potentially embarrassing stories in "friendly newspapers." A classic example of leaking grand jury evidence to friendly news reporters occurred in June, 1989. Information was released to a reporter for the *Birmingham Post-Herald* and the publisher of the now defunct *Advocate* regarding two cashier's checks which were allegedly negotiated for payment in 1987 and which purportedly bore the endorsement of a former staff person in the Mayor's office. These checks were in the exclusive possession of the FBI and U.S. Attorney's Office. At the time these news organizations contacted the former staff person in pursuit of their news stories, the same cashier checks had not been provided by the U.S. Attorney's Office to another individual who was facing criminal tax evasion charges involving the checks.[39]

Fourth, FBI and DOJ officials continue to selectively target blacks for investigation even when, as mentioned earlier in this report, these officials were repeatedly forewarned by their informants and undercover surveillance activities that the targeted blacks abhor the prospect of political dealings with dishonest and shady individuals.

F. THE APPARENT IMMUNITY FROM PROSECUTION EXTENDED TO PROMINENT WHITE ALABAMA REPUBLICANS

According to the Hirsch Friedman affidavit, indictable cases against white public officials have been dropped and, in some instances, investigations continued altogether while the Fruhmenschen policy was applied in full force against African-Americans.

Two prominent examples of the apparent immunity afforded white officeholders under the Fruhmenschen policy are found in Alabama. One involves the Governor of Alabama, Guy Hunt. The second example involves U.S. Representative William Dickinson (R-Ala.). Both men are white, conservative and powerful Republicans. Hunt's election in November, 1986, marked the first time a Republican held the Governor's seat in Alabama in 112 years. Dickinson has served in Congress for more than two decades and is the ranking Republican on the House Armed Services Committee.

1. THE GUY HUNT MATTER

The City has learned that U.S. Attorney James Wilson (M.D., Ala.) and his predecessor in office, John Bell, both of whom are white Republicans, failed, declined or refused to prosecute or present to a federal grand jury possible criminal violations allegedly committed by Guy Hunt. This, despite overwhelming evidence of numerous acts allegedly committed by Hunt while he was Executive Director of the Alabama State Agricultural Stabilization and Conservation Service (ASCS), an appointed position Hunt obtained through the political generosity of then U.S. Senator Jeremiah Denton (R-Ala).

On March 1, 1985, Attorney Richard Allen, then Regional Inspector General for the U.S. Department of Agriculture issued a report to Thomas J. Burke, then Assistant Inspector General for Investigations. The report stated as follows: "The purpose of this memorandum is to request the immediate removal from office of Harold Guy Hunt, State Executive Director, Alabama State ASCS Office, Montgomery, Alabama. This request is based upon significant evidence of activities, and upon evidence of Hunt's repeated and continuing efforts to interfere with our ongoing investigation through direct and indirect contacts with subordinate ASCS employees and other witnesses seeking non cooperation and withholding of information by these persons. Additionally, we have information that Hunt has removed from the ASCS office information relative to certain witnesses of interest in this case * * *

The following is a brief summary of the evidence which prompts this request:

"In January, 1985, this office initiated investigation of a 'whistleblower' complaint, alleging that Hunt's official travel vouchers and other documents demonstrate violations of travel regulations, official telephone credit calls were made from his residence(s) at times when his vouchers show him to be at other locations, a pattern of frequent official travel to areas in and around his permanent residence in North Alabama, and engaging in prohibited political activities. By early February 1985, our examination of Hunt's travel vouchers and telephone credit call records confirmed his frequent official trips to the area of his permanent residence, and also confirmed the existence of a number of discrepancies relative to calls charged to his residence at times when travel vouchers show him to be at other locations.

"On February 11, 1985, Hunt was placed under oath by an agent of OIG, and questioned regarding any political activities in which he may have engaged during his tenure in ASCS. Under oath, Hunt advised that his 'friends' had formed a corporation in 1981, prior to his current appointment in May, 1981, to solicit funds to retire outstanding debts from his unsuccessful race for Governor of Alabama in 1978. He denied any personal involvement in this effort. He further denied that he had been actively involved in any political activities of any kind during his ASCS employment. He confirmed that he attended an 'appreciation dinner' in April 1982, wherein funds were collected to help pay his 1978 campaign expenses. He denied any active involvement in that effort, and he denied any knowledge of any use of Government resources, time or personnel regarding the 'appreciation dinner' or any ongoing effort by his 'friends' to prepare for a second race for Governor in 1986. He said he had 'considered' a second race

for Governor, but denied that he had made any firm decision in this regard.

"On February 13, 1985, Hunt advised our agent that his 'personal' activities were not a matter of legitimate interest to OIG, and that any questions on matters other than his travel should be submitted in writing for review by his attorney. Three subordinates of Hunt advised they were given "direct orders" by Hunt to this effect. On February 21, 1985, Hunt advised our agent that he then understood, from advice which we believe to have been issued by national ASCS officials on February 15, 1985, that OIG was empowered to conduct the investigation. He further said he had rescinded the "direct orders" previously given his subordinates.

"Since February 21, 1985, six subordinates of Hunt have furnished signed statements under oath furnishing information indicating that, during the period from about March 1982, until the initiation of our investigation in January 1985, Hunt caused subordinates to prepare, on Government premises during official duty hours, voluminous political mailing lists, political correspondence, a political campaign budget, and listings of persons involved in his prior and current political campaign organizations; accepted political contributions received by mail at his office; gave a check to a campaign worker visiting at his office; was frequently visited at his office by persons determined to be directly involved in development of his campaign structure(s) and/or solicitation of funds; caused political fundraising letters to be mailed to a number of his ASCS subordinates; requested from his subordinates information as to persons who might be contacted to participate in his current political campaign organization and/or political fund-raising efforts; interviewed at his office potential candidates for active roles in his current campaign effort; frequently mentioned to subordinates his participation in various social gatherings hosted by campaign workers off ASCS premises in efforts to raise campaign funds; and caused an ASCS subordinate to prepare typed correspondence containing instructions to campaign workers relative to such social gatherings."

We have signed sworn statements from an ASCS subordinate of Hunt, and from the father of this subordinate, stating that:

"In 1983 and 1984, Hunt asked the subordinate to arrange meetings with the subordinate's father; in late 1983 Hunt personally met the father at the latter's residence, accompanied by two persons he introduced as campaign workers; Hunt personally asked the father to assist in the current campaign by identifying potential campaign workers, soliciting campaign funds, and hosting social gatherings at which Hunt was to speak to the attendees, after which campaign workers were to solicit campaign funds; and the father was furnished campaign literature and funds/support solicitation forms. The father of a second ASCS subordinate of Hunt has advised:

"In late 1984, and again on February 6, 1985, he (the father of this ASCS employee) was present at two social gatherings at the residence of a member of the Alabama State ASCS Committee, wherein Hunt made remarks concerning his political views and plans to the attendees, and wherein political donations were solicited. This witness has also advised that he in fact made a donation of funds at the first of these two meetings. The witness informed that, in both instances, the member of the ASCS State Committee personally invited the witness to these gatherings.

"We have three sworn statements, and a number of oral statements, which we have not yet reduced to writing from ASCS subordinates of Hunt, delineating direct and indirect efforts by Hunt to initimidate, coerce, or persuade his subordinates to withhold full cooperation in the investigation and/or furnish misleading or false information if interviewed regarding this matter. Evidence shows that this activity began no later than February 15, 1985, and continued until at least February 28, 1985. Some examples of this activity follow:

"On February 15, 1985, Hunt suggested to his secretary that she should deny any knowledge of the matters under investigation.

"On February 19, 1985, Hunt instructed his secretary to contact two ASCS employees and advise the employees that, if questioned regarding this matter, their 'best answer' would be 'I don't know.'

"On February 20, 1985, Hunt told a group of perhaps 50 ASCS employees that, "by telling (the investigator) too much", these employees might discover that "the noose is around (the employees') neck(s)." Later that same day, Hunt told two clerical employees that they should respond to our investigator's questions by saying "yes, no, or I don't know."

"On February 21, 1985, Hunt asked one of the ASCS district directors to contact three ASCS employees, to advise them of the investigation, and to ask that they "be careful" in answering any questions associated with the investigation. Hunt told the district director that by this method, "if he (Hunt) were asked, he could say he had not talked with" these employees.

"On February 22, 1985, Hunt told another group of perhaps 50 ASCS employees, "when someone comes in asking questions, answer yes or no, and don't say, but * * * just remember, you may end up on the witness stand to testify about something you will be sorry about saying * * * We have come to the place that we should remember that if what we say will not do any good, we do not need to say it."

"On February 28, 1985, Hunt telephoned an ASCS employee known to have knowledge of his political activities, and advised this employee substantially, "The best way to handle this is not to know anything." On the same date, he telephoned two other persons, generally advising one of these persons of the ongoing investigation, and telling the other person substantially, "If the investigator tries to make an appointment to talk with you, put him off for a week. You're too busy. You can tell him to get off your property * * * You don't need to tell anyone I called and told you this."

"Also on February 28, 1985, Hunt directly asked his secretary if she had furnished a particular witness's telephone number to the investigator. He also asked if the secretary had any "personal telephone numbers" of interest to Hunt. After the secretary informed Hunt that the office rolodex file contained certain such telephone numbers and associated addresses, Hunt examined the file. Subsequently, the secretary observed that cards listing information as to two significant witnesses in this case had been removed.

"Within the past few days, Hunt has made a number of statements to subordinates to the effect that he was engaged in direct and continuing efforts to identify "the culprit who turned me in."

"We have identified a number of investigative leads which, in our opinion, are likely to result in substantial additional evidence of Hunt's direct and active participation in, and management of, development of a political campaign structure relating to his candidacy for Governor of Alabama in the 1986 election. We have copies of a number of records from the bank account set up to receive and disburse funds collected for retirement of Hunt's prior campaign debt, and we have identified the location and custodian of an account set up in August 1984, to receive and disburse funds associated with Hunt's current political aspirations. *If necessary, we are prepared to follow these leads to their logical conclusion.* However, there are indicatons that such investigation will likely escalate the sensitivity of this case to a point beyond the scope of our immediate interest; i.e., Hunt's involvement in prohibited political activities. As stated above, we believe that the evidence developed thus far is more than sufficient to require Hunt's immediate removal from Federal service." (Emphasis added).

Allen's report was the work-product of a federal government oversight agency willing to follow its "leads to their logical conclusion." His official investigation alleged that Hunt was using the power of his office to coerce ASCS employees to lie and to obstruct the investigation. Allen had obtained as many as nine sworn statements from Hunt's subordinates, including one from Hunt's secretary. Hunt was using his ASCS resources to aid "his candidacy for Governor of Alabama in the 1986 election," stated Allen.

Notwithstanding this wealth of documentary evidence and nest of potential witnesses who had already given sworn statements, the Hunt matter was "handled" politically—Hunt resigned his ASCS office several days later, and federal prosecutors looked the other way. To do that, Wilson and Bell had to forego a possible grand jury investigation into the following charges which might have been considered against Hunt: (1) *Extortion* in violation of 18 USC 872, (2) *Subordination of Perjury*, (3) *Perjury* in violation of 18 USC, 1621, (4) *Intimidation of ASCS employees* to secure a political contribution in violation of 18 USC 606 (5) *Solicitation* of political contribution in violation of 18 USC 602, (6) *Solicitation* or receipt of political contributions while an officer of a United States Department and in a building used in the discharge of official business in violation of 18 USC 603, (7) *Solicitation* of political contributions in violation of 18 USC 602, (8) The *submission of fraudulent travel* vouchers in violation of 18 USC 1001, and (9) *Obstruction of Justice* by impeding the investigation of his possible criminal misconduct.

The Republican United States Attorney(s) for the Middle District applied one standard of justice for Governor Hunt and another standard of justice for African-American Democrats in the 1989 case of State Representatives Bobbie McDowell, Lewis Spratt, and E.B. McClain. There, the U.S. Attorneys marshalled scores of agents, spent hundreds of thousands of dollars, tapped many phone calls, conducted numerous grand jury sessions, and enlisted the aid of the press and media, all at the behest of a single Republican informer. Each of these African-American defendants was tried and acquitted of all criminal charges. However, the same U.S. Attorney(s) deliberately ignored the overwhelming evidence gathered by another federal watch-dog agency against Republican Hunt because he needed their protection to remain in the Governor's office.

In contrast to the investigation against the African-American Democratic legislators, neither Attorney Allen nor any of the many witnesses who gave sworn testimony against Hunt have ever been called before a grand jury to testify, nor has any grand jury ever been impaneled to investigate the allegations.

The investigation into Hunt's alleged misconduct was stopped before it was started; it never went beyond Mr. Allen's report. This matter came to James Wilson's personal attention in late 1988 through a complaint filed by Doug Carter [40] with the United States Attorney's Office in Montgomery. Still, Wilson refused to present these charges and this matter to a grand jury.

In the final analysis, Guy Hunt was allowed to resign his ASCS job to avoid criminal prosecution and possible injury to his political career. No such offer was ever extended to any black elected or appointed official by Republican U.S. Attorneys during the federal investigations and prosecutions of blacks that swept Alabama in the 1980s.

2. THE WILLIAM L. DICKINSON MATTER

On October 15, 1986, Congressman William L. Dickinson entered into a joint venture with Montgomery, Alabama industrialist Ben C. Collier called the Montgomery Investment Club. The terms of the joint venture were as follows:

The joint interest will be ⅔ for Ben C. Collier, and ⅓ for William L. Dickinson. All profits and losses will be shared, ⅔ for Ben C. Collier and ⅓ for William L. Dickinson. Any loss of capital will be shared the same. (That is, William L. Dickinson agrees to indemnify Ben C. Collier for ⅓ of any loss sustained of the capital advanced to start the venture. No part of the capitalization is to be considered a loan.)

Ben C. Collier will contribute to the joint venture capital in the amount of $300,000. William L. Dickinson will use his capabilities to cause the capital to be invested in as profitable a way as possible.

This agreement can be terminated at any time by either joint venturer and refund and disbursements made within 30 days. At such time the entire capital advanced by Ben C. Collier will be returned to him first, plus ⅔ of any profits to Ben C. Collier and ⅓ of any profits to William L. Dickinson. If there is no profit, and a loss is sustained on any part of the capital that Ben C. Collier has advanced, William C. Dickinson will refund to Ben C. Collier ⅓ of any loss.

Any withdrawal of capital or profits can only be accomplished by a signed statement from each member of the joint venture requesting the same.

In the event of death of either joint venturer, this joint venture will cease and the agreement will be terminated in accordance with the above.

The Congressman and Collier also executed a separate "Agreement" on October 15, 1986, which named Steven E. Streit as "Trustee" of the $300,000 seed money for the joint venture. This trust agreement contained the following provisions:

Grantor has transferred and paid over, in trust, to the Trustee, the property identified in Schedule "A" [i.e, the $300,000]. Grantor may, with the consent of Trustee, subsequently transfer and pay over other property to the Trustee under this agreement. All of such property shall be referred to as the "Trust Estate" and subject to the provisions of this agreement, Trustee shall have full power and authority to control, manage, comingle with other Trust Estates, invest and reinvest the same as it, the Trustee, deems prudent in the course of its investment business * * *

Trustee's fee for managing these investments shall be 1% of the market value of investment computed annually * * *

This Agreement constitutes all that has been agreed between the parties hereunder and represents the Christian love each has for the other and to the glory of our Saviour, Jesus Christ.

The agreement was signed by Streit, Dickinson, and Collier.

In a letter dated October 8, 1986, and written on U.S. Congressional stationary, Dickinson directed Streit to send monthly statements of the $300,000 investment portfolio to Ben Collier at his Montgomery address, and to Dickinson at the following address: 2406 Rayburn HOB, Washington, D.C.[41] Dickinson also sent Collier an undated memo which states, "Ben—This is F.Y.I.! Hope our joint venture does as well. Bill."

In copyrighted stories which were published on October 4 and 5, 1989, by *The New York Times Regional Newspapers* in Tuscaloosa, Florence and Gadsden, Alabama, "Dickinson reportedly offered the 'know-how' to gain the greatest possible return on the investment made by businessmen Ben Collier * * *." In a September 21, 1989, interview at Dickinson's Washington office, Dickinson reportedly told *Times* reporter Norman Zumwalt that "there was no link between the partnership, which ultimately lost money to convicted Huntsville swindler Steven A. Streit [42] and contacts he made to help Collier obtain defense contracts." Dickinson was quoted by Zumwalt as saying, "I haven't done anymore for Ben than I would for any other business in my district * * * We're personal friends. That's got nothing to do with me pushing his business." Zumwalt further quotes Dickinson as saying. "I talked to Ben and said, I've got a good deal. You put up the money, and I'll put up the know-how" to increase Collier's $300,000 investment for the benefit of both men. Zumwalt reports that "Dickinson said he helped Collier obtain government contracts for a bankrupt uniform-producing firm in Selma,[43] but he said he did so at the request of U.S. Representative Claude Harris, Democrat-Tuscaloosa, and with the cooperation of the full nine-member Alabama Congressional Delegation." Dickinson is also quoted as saying, "I wrote most major defense contractors to say he (Collier) has a good product." [44]

Collier obtained Selma Apparel [45] in November, 1987. The renamed firm reportedly received its first government contract in January 1988, and picked up other contracts in April and July of that year.

After a series of October, 1989, news report of the Dickinson-Collier business arrangement were published in Alabama, U.S. Attorney James Wilson was questioned about any prior knowledge he had of this matter. He stated that he had none. Wilson also admitted that his office has conducted no investigation into this matter. To date, the City is aware of no grand jury investigation into the Dickinson-Collier joint venture by Wilson or any other U.S. Attorney in Alabama.

It is widely recognized and acknowledged in Alabama political circles that Congressman Dickinson was extremely influential in James Wilson's appointment to the position of U.S. Attorney, Middle District of Alabama.

African-American political leaders in Alabama are keenly interested in whether the U.S. Attorney's Office will subject Dickinson to the same scrutiny and prosecutorial vigor that was so dutifully afforded African-American State Representatives Bobbie McDowell, E.B. McClain, and Lewis Spratt. The perception is that Republican public officeholders like Dickinson will be allowed to continue business as usual.

G. The Department of Justice's (DOJ) Response to the City of Birmingham's Complaint

U.S. Attorney Frank Donaldson became aware of the City's concerns on May 2, 1989, when a cover letter from Attorney Donald Watkins and an April 27, 1989, affidavit executed by Mayor Arrington [46] were hand-delivered to his office. On May 5, 1989, Donaldson wrote Watkins a letter stating that he had dispatched a copy of the May 2nd letter and affidavit to the DOJ.

On May 18, 1989, the Watkins letter and the Arrington affidavit became public knowledge through various media stories. After an initial period of declining comment on Arrington's affidavit, Donaldson finally broke media silence by declaring that the matters set forth in Arrington's affidavit were "absurd." [47]

On June 7, 1989, Alabama's top elected African-American officials met in Montgomery and charged that federal prosecutors in Alabama disproportionately focused their public corruption and voter fraud investigations on African-American officeholders. In denying this charge, Donaldson was quoted as saying: "The answer * * * is clearly no, just plain N-O. The United States Attorney will look at facts. We base investigations and whether the matter should go to the grand jury on facts. I usually don't even know the color of those people who're investigated and those who're indicted, unless of course the person is prominent." [48]

When Arrington and other African-American political leaders in Alabama tried to schedule a meeting with U.S. Attorney General Richard Thornburgh in late June, 1989, Donaldson and James Wilson reportedly engaged in political maneuvering to block the appointment.[49] David Runkel, a spokesperson for Thornburgh, announced on the day before the scheduled June 29th meeting that it would not be appropriate for Thornburgh to meet with Arrington because Arrington's May 2nd complaint to Donaldson was under investigation by DOJ's Office of Professional Responsibility. Thornburgh did offer to meet with a smaller group of African-Americans hand-picked by him to speak on the federal harrassment of African-American officeholders. Those persons selected by Thornburgh refused to meet with him after Thornburgh black-balled Arrington and other African-Americans who were on the original list of representatives scheduled to talk with Thornburgh.[50]

In its July 3, 1989, issue, *Newsweek* ran an article entitled, "Backtracking in Birmingham," written by reporter Howard Manly. The article chronicled the plight of Arrington and other Alabama African-American officeholders who fought harrassment by various federal law enforcement agencies during the 1980s. The City has obtained a copy of a June 28, 1989, letter Frank Donaldson sent to Rick Smith, *Newsweek's* Editor. In the letter, Donaldson wrote:

". . . Since I became U.S. Attorney in 1981, the overwhelming majority of public corruption investigations have had white public officials as their subject. Relatively few black officials have been the subject of such an investigation. . . . Of the few black

public corruption defendants that have been indicted in Alabama, most were convicted and the majority of those convictions are still standing."

A cursory review of the chart summarizing the history of prosecutions of African-American elected officials and political leaders in Alabama during the 1980s clearly demonstrates that the overwhelming majority of those African-Americans indicted were ultimately cleared of all criminal charges.

III. BIRMINGHAM'S PLAN OF ACTION

The City of Birmingham knows that there were a number of Congressional investigations during the 1970s regarding the harassment of African-Americans by the FBI, IRS, and other federal law enforcement agencies. The City also realizes that DOJ's Office of Professional Responsibility was created in the aftermath of these investigations to prevent and redress misconduct and abuse by federal prosecutors and the FBI. The City also knows that OPR's resources for carrying out its mission are limited when measured against the scope of the harrassment problem identified in this report.

Presently, the City is not asking the Judiciary Committee to draft legislation which would restrict the use and abuse of federal law enforcement activities. It is not asking any court to hold the federal officials identified in this report accountable for the actions taken against its Mayor and Council members. The City merely seeks to restrain the arbitrary and capricious interference with its municipal affairs by the law enforcement agencies mentioned in its complaint.

Until the harassment ends,[51] the City plans to take several actions. First, the City will continue to nurture and expand its intelligence network within the federal law enforcement agencies. Second, the City will continue to expose prosecutorial misconduct and law enforcement harassment. Third, the City will closely monitor all law enforcement activities involving it and federal law enforcement agencies. Fourth, the City will actively participate in Congressional (and other governmental) hearings on the harassment problem. In this regard, the City is willing to be a field site for any such hearings.

At the heart of these planned actions is a recognition by Birmingham that it may have to stand alone in fighting for a uniform standard of federal law enforcement in public corruption investigations and prosecutions. It is ironic that the same Birmingham African-Americans who faced Bull Conner and his brand of law enforcement in the 1960s now have to restrain various federal law enforcement officials who represent the modern day threat to civil and constitutional rights. Police dogs and fire hoses are no longer used to intimidate and harass African-Americans in Birmingham. Today's harassment is administered through the use of FBI/IRS surveillance and "sting" attempts, "discrete" investigations, "preliminary inquiries", federal grand jury sessions, and grand jury leaks to the media. Indeed, these harassment activities have followed Mayor Arrington throughout much of his nineteen years as an elected public official.

While Birmingham's resources for safeguarding the civil and constitutional rights of its African-American officeholders are limited, its resolve is not. The City knows that the struggle to end the harassment of African-American public officials is a difficult one for most politicians to embrace, even for those politicians of interracial good will. However, the U.S. Constitution must be upheld, even when it is not politically expedient to do so. If Birmingham must stand alone in the protection of the rights guaranteed by the Constitution, so be it.

Respectfully submitted,

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Special Counsel to Richard Arrington,
Jr., Mayor, Birmingham, AL.

FOOTNOTES

[1] A copy of the City's complaint is attached to this report as Appendix "A". The Judiciary Committee also received a June 12, 1989 complaint on the same subject from the Alabama Black Elected and Appointed Officials' Legal Defense Fund, of which Mayor Arrington is a founding member and convener. These complaints have been assigned by the Judiciary Committee to the Department of Justice's Office of Professional Responsibility for an investigation.

[2] None of the targeted African-American Birmingham City officials has been indicted by any grand jury.

[3] Moussallem's September 26, 1989 death by a shotgun blast to his face is still under investigation by Birmingham Police Department homicide detectives.

[4] Arrington was not and has never been a member of the organizations mentioned in the FBI report.

[5] A thorough description of the COINTELPRO program is provided in *Racial Matters: The F.B.I.'s Secret File on Black America, 1960-1972,* by Kenneth O'Reilly, The Free Press, 1989. This report quotes heavily from the description of the COINTELPRO program which O'Reilly chronicles and documents in his book. Most references to the program are drawn directly from O'Reilly's book.

The COINTELPRO program is also well-documented in Pulitzer Prize-winning author David J. Garrow's 1981 book entitled, *The FBI and Martin Luther King, Jr.,* Penguin Books.

[6] As discussed in the July 21, 1989 complaint by the City to members of the U.S. Senate Judiciary Committee and this report, the same type of harassment activities by federal law enforcement agencies have continued in Alabama.

[7] The description of ADEX provided in this report is quoted directly from O'Reilly's *Racial Matters,* pgs. 338-339.

[8] The description of KBE provided in this report is quoted directly from O'Reilly's *Racial Matters,* pgs. 339-340

[9] In June 1972, the Congressional Black Caucus held hearings on government lawlessness. The House Subcommittee on Civil and Constitutional Rights, chaired by Representative Don Edwards (D.Cal.), conducted hearings on COINTELPRO in 1974. On January 27, 1975, the U.S. Senate established a Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee), chaired by then Senator Frank Church (D-Ida). On February 19, 1975, the House created its own Select Committee (the Pike Committee), chaired initially by Lucien N. Nedzi (D-Mich.) and then by Otis Pike (D-N.Y.). The Church and Pike Committees completed their investigations in 1976.

[10] FBI LHM to the Director, dated July 31, 1985.

[11] The memorandum was heavily censored and was obtained by Arrington under the Freedom of Information Act.

[12] The Webbs were fired by the City in December, 1984 for making false allegations about Mayor Arrington. Their appeals for reinstatement before the Jefferson County Personnel Board and in federal court were unsuccessful.

[13] The articles referred to in this memo dealt with Arrington's business relationship with Tarlee Brown d/b/a ABD Marketing Corporation and James Parker d/b/a Chapel Funeral Home.

[14] Memo from SAC, BH to FBI Director, dated February 19, 1985. Approval for the "discrete investigation" was given by FBI Headquarters on January 11, 1985.

[15] *Id.*

[16] The City has never made this matter public before this time.

[17] In October, 1987, Eaves was charged with four violations of the Hobbs Act. After a plea of not guilty, Eaves was tried and convicted on three of the four counts. On appeal, his conviction with respect to two counts of extortion was affirmed and his conviction on the third count was reversed. See, *U.S.* v. *Eaves,* 877 F. 2d. 943 (11th Cir., 1989)

Eaves was interviewed by Donald Watkins on July 13, 1989, at Maxwell AFB Prison Camp in Montgomery, Alabama in the presence of his attorney, Mr. Chuck Floyd.

[18] At the time the FBI introduced this subject to Eaves, its investigation claimed that Eaves had accepted $5,000 from one Charles Woods on June 19, 1985 and an $8,000 payment from Cormany (as Hawkins) on July 2, 1985. Eaves was acquitted on the count involving the alleged $8,000 payment. Eaves was convicted on the count involving Woods.

[19] Eaves reference to "Willie Brown" was an erroneous reference to Willie Davis, who was then Chief Administrative Assistant to the Mayor of Birmingham. Eaves corrected the name later in the tape.

[20] Robert Moussallem was an FBI and IRS (Criminal Division) informant who had worked with those agencies for more than a year prior to this conversation. Moussallem had been under close scrutiny by the City since February 26, 1986, after city officials learned that he was an informant for various federal law enforcement agencies.

[21] At this point, Eaves still did not know he was talking to FBI undercover agents.

[22] Arrington did not know at this time that the message had come from Moussallem. He learned that Moussallem was the source of the message of April 25, 1989 when Moussallem visited his home to disclose his full involvement with the FBI, IRS, and U.S. Attorney's office.

[23] Arrington's affidavit, dated April 27, 1989, pgs. 2-3; Moussalem's interview (off the record) with Donald Watkins, dated May 15, 1989.

[24] *Id.*; Also, Arrington's Department of Justice, OPR, statement, dated July 11, 1989, pgs. 4-5.

[25] Branner was swearing to a Hobbs Act violation. McDowell, Spratt, Rogers, and Escot are black. The other persons named are white. As discussd in Section F, The "Fruhmenschen" Policy, McDowell, Spratt, and another black legislator, E.B. McClain, were indicted on May 12, 1989 on the Bessemer-Metropolitan Dog Track Hobbs Act charges. Federal prosecutors added Bessemer Mayor Ed Porter, a Democrat, as a defendant in that case only after the black defendants raised the issue of selective prosecution. All four defendants were tried together and acquitted in November, 1989 by a Montgomery, Alabama Federal Court jury. Rogers was indicted on an unrelated Hobbs Act charge in October, 1989, and was acquitted in December, 1989 by a Birmingham Federal Court jury.

[26] Hilliard, Arrington, McClain, and Davis are black. Davis was indicted in October, 1989 on an unrelated Hobbs Act charge, and was convicted by a Brimingham Federal Court jury in December, 1989. Her case is presently on appeal.

[27] It is not clear why white legislators mentioned in the Branner affidavit did not have their phones tapped and were not investigated with the same vigor that was directed toward the blacks. It should be noted that John Amari is a white Republican State Senator from Birmingham. Amari received only token scrutiny by the FBI compared to the focus placed by the Bureau on Arrington and other black elected officials.

[28] The City has not determined the precise date or place of the meeting.

[29] Arrington OPR statement, pg. 11.

[30] *Id.* The City also verified the "hit list" with reliable sources. These cources gave detailed information about the names on the list and their location on an FBI prepared investigative chart.

[31] Moussallem was referring to IRS agent William Cooper.

[32] The October 25, 1988 IRS memo states that Moussallem was asked by a business associate to approach Arrington with "a percentage" of a real estate company owned by the Business partner and two others in hopes of obtaining a land purchase commitment from the City. Although the IRS memo states that Moussallem met with Arrington several times after that instruction from his business associate. Moussallem "did not offer the Mayor any money because he knew Arrington would not entertain that action."

[33] Moussallem provided the City with a copy of a November 23, 1988 letter he received from Frank Donaldson. The letter stated as follows:

"I have been informed that on October 25, 1988, you expressed a desire to cooperate in an on-going criminal investigation. As a consequence of your cooperation, this office agrees as follows:

"1. No criminal charges will be brought for any action taken by you after October 25, 1988 provided such action is at the specific direction and under the supervision of Inspectors of the Internal Revenue Service, Internal Security Division of Special Agents of the Federal Bureau of Investigation.

"2. Favorable consideration will be given to you when the number and type of charges are considered for ultimate presentment to the federal grand jury based upon your criminal conduct prior to October 25, 1988.

"3. The Court will be fully advised of the extent of your cooperation at the time the Court considers sentencing in the indictment resulting from paragraph 2 herein."

[34] The Friedman affidavits are attached in their entirely to the July 21, 1989 memo from Donald V. Watkins to the U.S. Senate Judiciary Committee. The memo and affidavits constitute Appendix "A" to this report.

[35] Section "F" of this report discusses the apparent immunity from prosecution extended by U.S. Attorneys in Alabama to prominent white Alabama Republican officeholders.

[36] OPR/DOJ Assistant Counsel David P. Bobzien and SSA Sarah Pickard, OPR/FBI sought information on these racial slurs in their July 11, 1989 interview with Mayor Arrington. They were informed that the City did not know at that time how it would handle the disclosure of the source(s) who reported these slurs. On September 11, 1989, Watkins wrote Bobzien advising him that he would check with his source(s) to see if they would meet with Bobzien. On October 5, 1989, Watkins wrote Bobzien and advised him that Robert Moussallem had been killed by a shotgun blast to the face and that his death "had made it difficult for us to get source(s) to come forward to meet with you." As discussed earlier in this report, Moussallem was an FBI/IRS informant who went public with his undercover activities. His death is still under investigation by the Birmingham Police Department Homicide Detectives.

During the pendency of the City's complaint with the U.S. Senate Judiciary Committee, SAC William Hinshaw, of the Mobile, Alabama FBI office was promoted to SAC of the Bureau's Atlanta Office. Hinshaw reportedly told a group of FBI agents from the Mobile and Montgomery offices being assigned to investigate alleged public corruption in the Alabama Legislature that the legislators should be fixed up with "nigger whores." Hinshaw's promotion while the City's charges were pending against him undermined the credibility, as far as the City's source(s) were concerned, of the OPR/DOJ and OPR/FBI investigation in this matter.

[37] DOJ and EEOC officials have already found that agent Donald Rochon was the victim of "blatant racial harassment" in the FBI's Omaha field office in 1983 and 1984.

[38] On September 28, 1988, U.S. District Judge Lucius D. Brenton (Texas) ruled that the FBI had systematically discriminated against its Hispanic agents by denying them promotions and detailing them to the least rewarding and, in some cases, the most hazardous assignments.

[39] In *U.S. v. Henry Johnson*, CR-89-PT-108-S (N.D., Ala), defense attorneys were ultimately provided copies of the checks by the U.S. Attorney's office in Birmingham. Also, the former employee in the Mayor's office has not been charged with any offense.

[40] Doug Carter was Guy Hunt's challenger in the 1986 Republican primary election.

[41] Carl A. Barranco, a Montgomery, Alabama C.P.A., who was an accountant for Ben Collier, also received a blind copy of the letter and agreements.

[42] Streit was convicted in State Court on two counts of securities fraud stemming from his investment practices in September, 1987, and sentenced to 10 years in prison. According to officials of the Alabama Securities Commission, Streit was engaging in a "Ponzi Scheme", involving hundreds of investors including the Montgomery Investment Club.

[43] The bankrupt firm was Selma Apparel Company, which is located in U.S. Representative Claude Harris' Congressional District. The firm went bankrupt in My, 1987, after the Defense Department suspended a government contract to make military uniforms.

[44] Dickinson (and other members of the Alabama Congressional Delegation) also signed a May 5, 1987 letter to Defense Department officials urging the Department to lift the suspension imposed on Selma Apparel.

[45] The firm was renamed American Apparel, Inc. by Collier. He is reported to be a minority stockholder in American Apparel with 45% of the stock. Montgomery accountant Carl Barranco and Atlanta Attorney C. Lask Harrison each own 27.5% of the stock.

[46] Arrington's affidavit details Moussallem's involvement in FBI/IRS efforts to "sting" Arrington. The Watkins cover letter requested an investigation into possible prosecutorial and law enforcement misconduct.

[47] Article entitled, "Arrington Not First Black Leader Under Microscope," by Stephen Kipp, *The Birmingham Post-Herald*, June 3, 1989.

[48] Article entitled, "Arrington Wants Probe of Federal Prosecutions," by Tom Lindsay, *Birmingham News*, June 8, 1989.

[49] The City's source for this statement is a prominent, conservative Republican insider with close ties to U.S. Attorney James Wilson. This source has been reliable and accurate on information given to the City in the past.

[50] Relations between the City and the U.S. Attorney's Office in Birmingham are so strained, it is questionable whether a meeting between the City's representatives and Thornburgh would be desirable or fruitful at this time.

[51] Unfortunately, the harassment of Arrington has continued to the present time. On January 17, 1990, the City learned that the U.S. Attorney's Office in Birmingham wanted an individual who was cooperating with one of its investigations to give "creative testimony" which would implicate Arrington in a 1985 real estate transaction. This matter was reported to OPR's David Bobzien on January 24, 1990, by Donald Watkins, along with a request for a cessation of this type of harassment.

APPENDIX "A"

THE CITY OF BIRMINGHAM, ALABAMA'S FORMAL COMPLAINT WITH THE U.S. SENATE JUDICIARY COMMITTEE

DONALD V. WATKINS, P.C.,
ATTORNEY-AT-LAW,
Birmingham, AL.

MEMORANDUM

To: Members, the United States Senate Judiciary Committee.

From: Donald V. Watkins, attorney for the city of Birmingham, Alabama.

Date: July 21, 1989.

Re: Nature and scope of the harassment problem by Federal law enforcement agencies.

The City of Birmingham has learned that the Federal Bureau of Investigation (FBI) and Internal Revenue Service, Criminal Division, (IRS) conducted an unsuccessful undercover operation, under the general supervision of the United States Attorney's Office (N.D., Ala.), from October 25, 1988 to April 1989. This undercover operation selectively targeted, without probable cause, the Mayor and several City Council members of the City of Birmingham, Alabama, all of whom are black.

The City has learned that the United States Attorney Frank Donaldson offered Birmingham real estate developer Robert Moussallem immunity from prosecution on November 23, 1988 for his cooperation in assisting the above-named federal agencies with their undercover operation in Birmingham. The details of the undercover operation are outlined in a sworn affidavit from Moussallem, dated June 5, 1989, which said affidavit is attached hereto.

The City is convinced that the attempted undercover operation, as outlined by Moussallem and supported by other evidence, demonstrates an attempt by federal agents to obstruct the City's governmental operations by (a) seeking to effectuate arbitrary and capricious governmental approval of zoning requests, and (b) attempting to undermine the Offices of Mayor and City Council member through unilateral efforts designed to induce corrupt governmental practices.

The City is also aware that the FBI conducted a prior unsuccessful undercover operation against the Mayor which involved two FBI agents posing as real estate developers seeking to structure a real estate deal with the City. This operation also involved Robert Moussallem and the City believes it was aborted sometime in 1987. This effort was undertaken by the FBI even though an extensive 1985 FBI investigation of the Mayor resulted in a finding by that Agency and the U.S. Attorney's office that no probable cause existed to believe that the Mayor had violated the Hobbs Act or any other criminal offense.

The United States Attorneys' Offices in Alabama have a history of selectively investigating and prosecuting blacks in the areas of political activities and governmental affairs, as evidenced by the 1984-86 Alabama voter fraud trials handled by U.S. Attorneys Frank Donaldson (N.D., Ala.) and Jeff Sessions (S.D., Ala.), wherein Donaldson and Sessions brought 210 charges of vote fraud against 8 persons, 7 of whom where black. The City has learned that Frank Donaldson and Jeff Sessions' investigation of the Alabama voter fraud defendants has been characterized as "racially motivated" because the same practices for which the defendants in the voter fraud cases were investigated and indicted had been carried out in an unfettered fashion for years by whites in these same counties. Also, the federal government responded to criticism at the time by promising a similar investigation of white voter fraud, but never did. The blacks indicted went to trial in 1985. Four were acquitted by juries, two pleaded guilty to minor misdemeanors to avoid trial and received probation, and one, Spiver Gordon, charged with 37 counts, was convicted on four counts following Court pressure on an all white jury. Gordon's convictions were reversed on appeal.

Frank Donaldson has termed the Moussallem allegations as "absurd," and reportedly has blocked the City's efforts to discuss this concern with the United States Attorney General.

FBI undercover operations to "neutralize," "completely discredit," "expose," and "destroy" black leaders can be traced back to the Bureau's well-documented efforts to destroy Rev. Martin Luther King, Jr., in the 1960's at a time when the FBI's belief and philosophy was that these efforts would leave blacks "without a national leader of sufficiently compelling personality to steer them in the proper direction" and would allow the FBI to gradually develop pre-selected blacks to assume "the role of leadership of the Negro people." According to FBI documents, the Agency wanted to groom former New York Attorney Samuel R. Pierce, Jr., to assume the premier leadership role. Pierce went on to become HUD Secretary under President Ronald Reagan. Pulitzer Prize winning author David J. Garrow, using voluminous FBI and Department of Justice records in his 1981 book entitled, "The FBI and Martin Luther King, Jr.," details the orchestrated efforts of the FBI to neutralize and discredit Martin Luther King, Jr., and other vocal black leaders.

Dr. Mary R. Sawyer, an assistant professor at Iowa State University, has authored two comprehensive and well-documented reports which detail the harassment of black elected and appointed officials by the FBI

and other governmental agencies in the following publications:

A. "The Dilemma of Black Politics: A Report on Harassment of Black Elected Officials," published by the National Association of Human Rights Workers, 1977, and;

B. "Harassment of Black Elected Officials: Ten Years Later," published by the Voter Education and Research Action, Inc., 1987;

The City has learned that the FBI's activities in targeting black elected and appointed officials for investigation without probable cause is part of an "unofficial" policy called "Fruhmenschen," as detailed in a sworn 1987 affidavit of Atlanta attorney and former FBI undercover operative, Hirsch Friedman, which said affidavit is attached hereto. According to the Friedman affidavit, the basis for this policy was "the assumption by the FBI that black officials were intellectually and socially incapable of governing major governmental operations and institutions." "Fruhmenschen" is a German term for "primitive man." In early 1988, U.S. Representative Mervyn Dymally placed in the Congressional Record the sworn affidavit from Hirsch Friedman.

The details of the "Fruhmenschen" policy, as outlined by Friedman, are strikingly similar to the components of the unsuccessful FBI and IRS sting operation outlined in the Moussallem affidavit. The pattern of racial harassment and obstruction of governmental operations by Frank Donaldson's Office and the federal agencies under its supervision appear to be unfairly focused on black officeholders, while white officeholders enjoy relatively little scrutiny from these federal agencies.

The City recognizes and respects the right and responsibility of all law enforcement officials and prosecutors to investigate possible criminal violations when there is sufficient, nonbiased justification to do so. However, the City is now concerned that its working relationship with the U.S. Attorney's Office in Birmingham and the law enforcement agencies under its supervision has been undermined by the apparent implementation of the "Fruhmenschen" policy in Birmingham by the FBI and IRS under Frank Donaldson's supervision.

The City has attempted to discuss this matter with Mr. Donaldson's superior, United States Attorney General Richard Thornburgh in June 1989. This effort was unsuccessful.

The City is also concerned about the attitudes of investigating federal officials. It has been reported to the City that the federal investigators in Birmingham have referred to blacks as "dope heads". Lately, the City has learned that white FBI employees in Birmingham refer to black FBI employees as "niggers". Also, the City has learned that Mobile, Alabama SAC Bill Hinshaw reportedly told a group of FBI agents being assigned to investigate alleged public corruption in the Alabama Legislature that the legisislators should be fixed up with "nigger whores".

The City is also concerned about the tactics employed by investigating federal officials. Specifically, the City is disturbed by efforts to entrap its public officials. FBI tape transcriptions reveal that FBI undercover agents were warned by former Fulton County, Georgia Commissioner A. Reginald Eaves in August, 1987 that Birmingham City officials did not want to deal with Robert Moussallem or anyone else who was dishonest or who had a shady reputation. At the time, Eaves did not know that he was talking to undercover agents. IRS documents also indicate that the IRS (Criminal Division) and FBI agents were warned again on October 25, 1988 that Mayor Richard Arrington, Jr., and other City officials were not involved in bribery and had no propensity for bribery. Despite these two separate warnings, FBI and IRS agents embarked upon the sting operation outlined in the Moussallem affidavit.

The City finds it offensive that IRS officials, on October 25, 1988, had Mayor Arrington's picture on the wall of the Birmingham IRS office, with the word "corruption" written above it.

The City is dismayed at what appears to be a steady stream of federal grand jury leaks regarding the alleged criminal conduct by several black public figures in Birmingham. These leaks have gone on for several years with no resulting grand jury action. The latest episode of these leaks occurred in June, 1989, and involved the release of information to two news organizations regarding two cashier's checks which were allegedly negotiated for payment in 1987 and which purportedly bear the endorsement of a former staff person in the Mayor's Office. These checks were in the exclusive possession of the U.S. Attorney's Office. At the time these news organizations contacted the former staff person, the same cashier checks had not been provided by the U.S. Attorney's Office to an individual who is currently facing criminal tax evasion charges involving the checks. It was several days after the news media inquiries that the checks were provided to defense counsel in the pending criminal case.

Finally, the City recognizes that the harassment problem outlined in this memo is national in scope. While the City is concerned about those aspects of the problem which adversely affect its relationship with the federal agencies involved, the City also realizes that the problem should be investigated thoroughly from its national perspective. The City believes that the United States Congress is an appropriate agency to conduct such an investigation. The U.S Attorney General may show some interest in this problem at a future date. In any event, the City now believes it has discharged its affirmative duty to: (a) preliminary probe the harassment problem summarized in this memorandum, and (b) report its findings to governmental agencies with the power and authority to properly redress it.

State of Alabama, County of Jefferson

AFFIDAVIT OF ROBERT MOUSSALLEM

Before me the undersigned Notary Public, personally appeared Robert Moussallem, who being known to me, and who was duly sworn by me, deposes and says as follows:

1. My name is Robert Moussallem. I reside at 7927 Lakeshore Drive in Trussville, Alabama, 35173. I am a real estate developer and a U.S. citizen.

2. I have known Birmingham's Mayor Richard Arrington, Jr. on a personal basis for about 9 years. I campaigned for Mayor Arrington in the Roebuck area of Birmingham during his 1983 re-election campaign.

3. After Mayor Arrington's successful re-election campaign, my personal contact with him was infrequent and limited. At times, it would be several years between our meetings and conversations.

4. On October 25, 1988, I was summoned to a meeting in Birmingham at the 500 Building on 22nd Street South where I encounterd a half-dozen or so Internal Revenue Service (IRS) and Federal Bureau of Investigation (FBI) agents. Among the agents present were persons later identified to me as Marshall Mullins (IRS), and James Kiel (FBI). I knew one of the other federal agents because of work I had done under his supervision before October 25, 1988. In the room I entered, where the agents were present there was a black and white picture of Mayor Arrington on the wall with the word "corrupton" above it. I asked why was the Mayor's picture on the wall, but I did not receive an answer to this questiion. I was taken to another room where another agent was the only one present with me. That agent, whom to my knowledge I had never met before, told me that I had a golden opportunity to work [myself] out of a hole, and to stay faithful, and that he wanted me to work with two other agents. I was offered limited immunity from prosecution and told by this agent that if I did what was wanted, I would get full immunity from prosecution. He did not tell me at this time what I had to do to stay faithful.

5. Later, I met with agents who identified themselves as Mullins and Kiel. I talked with them in Jefferson County, Alabama on several occasions. On one occasion they asked me whether I had ever given money to Mayor Arrington. I told the agents that I had never bribed the Mayor. I was telling the truth.

6. In November, 1988, I had a meeting in the Birmingham office of Bill Barnett (Assistant U.S. Attorney, Northern District of Alabama) with agents who identified themselves as Kiel, Mullins and Allen. Barnett was present during part of the meeting. For the first time, Kiel and Mullins told me exactly what I had to do to get full immunity from prosecution. The agents said that they wanted me to set the Mayor up, but to do it under their direction. They told me to implement this scheme as follows:

a. I was to get some property in Birmingham that was recently refused rezoning by the City Council.

b. I was to approach the Mayor, Council President William Bell, Council Member Jeff Germany, State Senator Earl Hilliard, and State Representative John Rogers to solicit their involvement and influence in getting the property rezoned.

c. I was to offer each of these public officials a bribe, however, the Mayor was their number one priority.

If I carried out this scheme successfully, I would get full immunity from prosectuion. The agents explained to me that I could not have full immunity at that time (November, 1988), because any resulting criminal charges would be too vulnerable to attack by defense attorneys if I received full immunity on the front end.

7. On or about November 23, 1988, I received a letter from the U.S. Attorney, Mr. Frank Donaldson, offering me limited immunity for my role in the scheme. I thereafter started out on my efforts to set up Mayor Arrington (and the others named by the Federal agents), as directed by Mullins and Kiel:

a. I got some property near the airport which I proposed to turn into an auto-mall. The property had previously been submitted to the Council for rezoning and had experienced problems.

b. I had a couple of meetings with an associate of John Rogers and with John Rogers, and one meeting with William Bell. I suggested to these persons that money would be made available in exchange for their influence in getting the property rezoned. Each declined the offer of money and seemed to be confused and irritated by my

suggestion. All of these meetings occurred in Jefferson County, Alabama.

8. I never talked to Mayor Arrington, Hilliard or Germany about the rezoning because the agents called me off after the meeting with Bell. They said that my role in the scheme was over, and that the deal for total immunity was dead. My part in the attempt to set-up the Mayor ended about March, 1989.

9. During the Noveember, 1988 meeting in Barnett's office, Kiel and Mullins acknowledged that I had never bribed the Mayor. However, they said that I could pull off this scheme because the blacks owed me and felt guilty because they knew I got screwed on that Water Park deal. They said that, "they [the blacks] all are a bunch of dope heads".

10. I am giving this affidavit voluntarily and in the presence of my attorneys. This is all my attorneys will allow me to say at this time. I have been promised no favors or special treatment by anyone for the testimony contained herein.

ROBERT MOUSSALLEM.

Sworn to and subscribed before me on this 5th day of June, 1989.

JOANNE R. BOWEN,
Notary Public,

[Criminal Indictment No. CR87-406-A in the United States District Court for the Northern District of Georgia, Atlanta Division]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn does hereby depose and state that the following is based upon his personal knowledge and is intended for use in connection with the above-captioned case:

1. I served in the United States Marine Corps during the period of March 1960, through September 1963, and left the service with an honorable discharge. Thereafter, I attended New York University at nights and obtained an A.A.S. (business) degree.

2. During the period of late 1963 through 1972, I was employed in various capacities in private industry. In 1976, I received a Juris Doctorate degree from John Marshall Law School and was admitted to practice law in the State of Georgia in June 1976.

3. In February 1979, I was requested to work in an undercover capacity with the Federal Bureau of Investigation (FBI) on a number of occasions. In 1979, I was approached by an Atlanta City official in a criminal case with a proposal whereby he would "fix" the case for the sum of five hundred dollars ($500.00) plus other considerations. The official was an individual named John R. Collicot, a Zoning Inspector for the City of Atlanta.

4. I advised the FBI of the incident and agreed to work in an undercover investigative capacity with the FBI for purposes of gathering evidence for use in connection with a criminal prosecution of Collicot.

5. Collicot and others were subjects of audio and video covertly recorded conversations with the undersigned and others. These recorded conversations were highly incriminating and were used by the FBI to persuade Collicot to become a cooperating witness for the government.

6. Collicot was originally promised that the charges which could be brought against him would be reduced in exchange for his complete cooperation. Collicot agreed to cooperate and participated with the FBI in an extensive program of covertly recorded video and audio tape-recorded conversations with numerous individuals.

7. The undersigned continued to work with the FBI in an undercover capacity up to and including January 1980, and through June 1982 in an advisory capacity. Throughout a major period of this time, the activities of the undersigned were under the control of Special Agent John C. McAvoy of the FBI, Atlanta office. I worked closely with McAvoy and several other Special Agents on a number of investigations. I was routinely admitted to the FBI offices throughout this time and was generally allowed access to FBI records and sources for their investigations. FBI reports regarding investigations in which I was involved were routinely shared with me.

8. The FBI throughout this time placed a high priority on the investigation of elected and appointed officials in local government. The undersigned understood that this priority was national in scope and not limited solely to the Atlanta office.

9. Shortly after I began working with the FBI in 1979, I was made aware of an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen." The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. I learned from my conversations with special agents of the FBI that the basis for this policy was the assumption by the FBI that Black officials were intellectually and socially incapable of governing major governments organizations and institutions.

10. An upshot of the FBI's Fruhmenschen policy in Atlanta was the investigation generally referred to in the Atlanta FBI field office as "Blue Eyes, Green Eyes, and Brown Eyes." This investigation specifically referred to: "Blue Eyes," Eldrin Bell, a top-ranking black police official in Atlanta who has blue eyes; "Green Eyes," Maynard Jackson, the black Mayor of Atlanta at the time who has green eyes; and, "Brown Eyes," A. Reginald Eaves, the Defendant in this case who has brown eyes. The investigation had targeted these particular individuals with the aim of prosecuting them if possible although there was no probable cause to have started the investigation.

11. The Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, Brown Eyes investigation were conducted throughout the period, 1979–1982, that the undersigned worked with the FBI in Atlanta as described herein. During this time, Special Agent John McAvoy was the first supervisor of the Eaves' investigations.

12. FBI agents and an Atlanta Police detective assigned to work with the FBI would routinely discuss the progress of their investigations with me. I understood that over a dozen indictable cases against white appointed officials and others in the Northern District of Georgia were dropped and investigations discontinued altogether during this period of time while great effort was put forth in connection with the Fruhmenschen policy and pursuit of the "Blue Eyes, Green Eyes, and Brown Eyes" case, notwithstanding the absence of indictable cases against these three particular targets.

13. In one instance during this period of time, information was received by the FBI that a then sitting Judge in the Appellate System had received the sum of $15,000.00 in exchange for the Judge's vote and the use of his influence in connection with a case then pending before the Court on which he was then a member. This information was considered reliable by the FBI. Special Agent John McAvoy was instructed by his superiors not to pursue an investigation of this matter because it was "too explosive." The Judge involved was white.

14. Special Agent McAvoy, in the presence of others, routinely made remarks regarding the targets of his investigative efforts which the undersigned took as strictly racist. An example of these remarks used in connection with his investigation of elected and appointed black officials in the Northern District of Georgia would be, "We've got to get the Fruhmenschen!"

15. In the fall of 1979, the undersigned was approached by an individual named Russell Weiss. Weiss wished to retain the services of the undersigned for assistance in connection with federal charges then pending against him as well as a conviction before District Judge William C. O'Kelley. Weiss had been sentenced to a prison term. The undersigned was advised by Weiss that Weiss understood the undersigned had "connections" within the FBI and that the undersigned might be able to assist Weiss in obtaining a favorable resolution of Weiss' federal problems.

16. I discussed Weiss with Special Agent John McAvoy who advised me that Weiss might be useful in the Blue Eyes, Green Eyes, Brown Eyes investigation.

17. Because I was working with the FBI at this time and because I had been retained as a private attorney by Russell Weiss to assist him in pursuing a favorable resolution of other federal criminal charges pending against him at that time, it was necessary for Weiss to formally waive any conflict of interest claim which he might have regarding the representation of the undersigned. In this regard, the undersigned appeared with the attorney handling the Eaves' investigation, and Special Agent John McAvoy before Judge William C. O'Kelley, the Judge who had sentenced Weiss.

18. At the meeting, Judge William C. O'Kelley reviewed the possible conflict which might exist in connection with the services rendered by the undersigned since the undersigned was then working with the FBI in an undercover capacity. In writing, Weiss had waived any claim which he might have had regarding any possible conflict. At that time, the undersigned and the Assistant United States Attorney requested that Weiss be allowed to assist the FBI pending the appeal of his criminal case in order that he might continue to assist the government in various undercover operations. The Court granted the request provided that it was advised from time to time regarding Mr. Weiss' activities and whether they were of any use to the government.

19. Russell Weiss was, prior to his conviction, a notorious nightclub owner in Atlanta. Because of that business, Weiss would from time to time have dealings with city and county officials regarding licensing, zoning and other problems. Weiss was directed by McAvoy to offer a bribe to A. Reginald Eaves in exchange for his influence in connection with a licensing matter fabricated for purposes of the attempted bribe. In late 1979, the undersigned, Russell Weiss, Special Agent John McAvoy and another agent traveled to the Fulton County Courthouse, Atlanta, Georgia, the location of the offices for the Commissioners of Fulton County. Weiss was provided with a tape recorder, microphone and transmitter that could broadcast conversations in which he was involved to a receiver which was lo-

cated in the auto occupied by the undersigned and Special Agent McAvoy. To conceal the transmitter and tape recorder, Weiss was armed by Special Agent McAvoy with a pistol and the equipment was placed behind the holster containing the pistol.

20. Weiss was able to meet with Commissioner Eaves and in the discussion which followed, Weiss described the artificial licensing problem which he and Special Agent McAvoy had created for purposes of the FBI's planned bribery attempt. When Weiss indicated that he wanted to pay Eaves money for the use of his influence, Eaves refused and stated that he was a public servant and was routinely available to assist taxpayers with any legitimate problem which they might have with the Fulton County Government and spurned the money that was proffered. Mr. Weiss then left Commissioner Eaves Office.

21. Sometime shortly thereafter, the undersigned together with the Assistant United States Attorney handling the cases and Special Agent John McAvoy advised Judge O'Kelley of Mr. Weiss' undercover activities including the one described herein. When Judge O'Kelley was advised that Weiss was permitted to carry a firearm by the FBI, the Judge became outraged and reprimanded both the Assistant United States Attorney and Special Agent McAvoy.

22. On other occasions in 1979 and 1980, the undersigned, at the direction of Special Agent John McAvoy, made extensive plans for the possible exchange of money for the official influence of Commissioner Eaves, with Commissioner Eaves' brother, Manuel. On each occasion, no evidence was produced to indicate an actual willingness to participate in such conduct.

23. I told Special Agent John McAvoy that there appeared no basis for believing that Commissioner Eaves was about to break any law involving the abuse of public office, and no basis for pursuing him. In light of that, I asked him why the FBI continued to focus on Eaves. His reply was simply that they would pursue an investigation because Eaves was a Fruhmenschen and would thus have to break the law. McAvoy used Fruhmenschen to describe black people. The undersigned understood from this and from his knowledge of the investigations by the FBI, that the investigation of Eaves and the other black elected and appointed officials in the Northern District of Georgia was based upon suspicion and racial bias and not upon reliable information or evidence.

24. As far as the undersigned is aware, the Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, and Brown Eyes investigation of the FBI, were ongoing at the time the relationship between the undersigned and the FBI was terminated in 1982.

I have read the foregoing statement and hereby certify that it is true and accurate to the best of my knowledge and belief.

HIRSCH FRIEDMAN.

Sworn to and subscribed before me, this 1st day of December, 1987.

G.W. HOWARD,
Notary Public.

[Criminal Indictment No. CR87-406-A in the United States District Court for the Northern District of Georgia, Atlanta Division]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn, does hereby depose and state that the following is based upon his personal knowledge, is intended for use in connection with the above-captioned case, and supplements the Affidavit dated December 7, 1987, previously given by the undersigned in this case.

1. In Paragraphs 8 and 9 of my Affidavit previously tendered in this case, I referred specifically to the priority which the FBI placed upon the investigation of elected and appointed officials in local government. In that Affidavit I referred very specifically to an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen" or the routine investigation without probable cause of prominent elected and appointed Black officials in major metropolitan areas throughout the United States.

2. This so-called policy was discussed on numerous occasions with me by John McAvoy and on a few occasions in the presence of his FBI supervisor, Special Agent Michael P. Keown, Atlanta Police Officer Aubrey Melton, and other Federal, State and local police investigators with whom I worked during the time period described in my prior Affidavit. Specifically, McAvoy stated to me that it was the intent and express directive of the FBI to obtain indictments and prosecute Black elected and appointed politicians because, according to the belief of FBI officials, Blacks were intellectually inferior to white persons and hence prone to criminal activity. None of the other law enforcement investigators who were present during some of these discussions contradicted McAvoy or otherwise disagreed with his statements regarding the "Fruhmenschen" policy. At least one other Federal investigator present at the time agreed and made her own derogatory comments.

3. Attached hereto, as an Exhibit, are a few of the FBI 302 reports prepared in connection with the investigation of the Defendant in this case conducted by Special Agent McAvoy and in which the undersigned participated actively and about which he was regularly advised by McAvoy. These 302 reports were shared by McAvoy and with his co-workers and supervisors at the Bureau, including but not limited to Michael P. Keown. There are many more 302 reports which were accumulated by the FBI during this period regarding the Defendant in this case as well as other elected and appointed Black officials in the City of Atlanta and Fulton County generally. The Federal Bureau of Investigation should have copies of these and all other 302 reports regarding the investigation of this Defendant and other prominent elected and appointed Black officials within the City of Atlanta and Fulton County, which investigations were conducted during and since the time that the undersigned worked with the Bureau.

4. A review of the attached 302 reports demonstrates the fact of investigation and surveillance but does not indicate any basis for any reasonable belief that the Defendant Eaves or any other elected or appointed Black official in the City of Atlanta or Fulton County that was the target of an FBI investigation was engaged in any sort of criminal conduct, and in fact there was none.

5. John Collicot, who was identified in some of the attached 302 reports as an FBI informant, was at the time that the 302 reports were prepared a cooperating witness with the Federal Bureau of Investigation. At that time Mr. Collicot was a white appointed official of the City of Atlanta. Collicot was cooperating with the FBI because he had been caught extorting people while the subject of an FBI investigation and threatened with prosecution unless he did in fact cooperate with them in their investigation.

6. As a cooperating witness, Collicot was the subject of numerous video and audio recordings with other white City officials and white citizens who were engaged in unlawful conduct. None of these audio or video recordings were ever used to obtain a conviction or initiate a prosecution against any of the subjects of the said recordings. Moreover, as far as the undersigned is aware, the Federal Bureau of Investigation no longer has any of the video recordings in its possession, the same having been destroyed or otherwise disposed of by Special Agent John McAvoy.

7. One of the individuals who was the subject of audio recordings made by the FBI in connection with their use of Collicot as a cooperating witness in an undercover capacity was a white female who, at that time, was a senior member of the Atlanta Board of Zoning Adjustment. This person acted in concert with John Collicot relative to his extortionate activities. Prior to the time Collicot became a cooperating witness with the FBI and while under surveillance and investigation by the FBI, I went to dinner one evening with Collicot and this woman. I was accompanied by a female Special Agent of the FBI whom I pretended to escort for the evening. Both myself and the FBI agent wore recording devices for the express purpose of taping the conversation among the parties. Those tapes conclusively established that Collicot and the woman who worked with him were engaged in bribery and extortion. The tapes of the conversations recorded that evening by myself and the Special Agent who accompanied me are, to the best of my knowledge, no longer in existence. The cost of the dinner that evening was paid by the FBI and was at least several hundred dollars.

8. At about the same time, the FBI was using as undercover sources several individuals who had serious criminal felony records. These undercover sources made several contacts with various white suspects who were suspected by the FBI of engaging in unlawful activities, including but not limited to bribery and extortion. At least one of these sources brought to the Bureau specific instances of proof, verified by audio transcription, of incriminating conversations between themselves and the said white suspects. None of this information, however, was used by the FBI for purposes of obtaining indictments against any white person, regardless of convincing evidence that the white suspects had in fact violated Federal and State criminal law. Instead, all information so obtained was used, if at all, almost exclusively in furtherance of the "Blue Eyes, Green Eyes, Brown Eyes" investigation described in my earlier Affidavit.

9. In 1980, in the case of *United States* vs. *Roscoe Dean,* the undersigned's capability and trustworthiness as a source for the Federal Bureau of Investigation and the United States generally was the subject of considerable evidence presented on the part of the United States. Specifically, the United States in that case established through considerable testimony and other evidence that my character was good, my credibility was high, and my trustworthiness as a citizen and as an undercover operative was absolute. Very similar testimony was recently offered by Special Agents of the FBI during

the case of *Friedman, Et Al* vs. *United States*, Case No. (N.D. Ga. 1987).

10. As early as 1979, I was convinced that the Defendant in this case would ultimately become the subject of an indictment brought by the United States and that the same would be based on the desire of the FBI Agents to prosecute Black officials. It appeared to be the attitude in the local office of the FBI and as expressed by John McAvoy that Eaves would eventually be prosecuted and indicted for "something." The attitude expressed at that time was one which the undersigned believed to be based exclusively upon the fact that Eaves was a prominent and outspoken Black elected official. This certainly was the tone and direction provided to the undersigned by Special Agent John McAvoy who was my control agent during the time I acted as an FBI operative. This tone and direction was particularly evident during the time that McAvoy supervised my actions in connection with the use of Russell Weiss and the attempted bribe of the Defendant in which I personally participated at the request and direction of the FBI and more particularly described in my prior Affidavit.

HIRSCH FRIEDMAN.

Sworn to and subscribed before me this 20th day of January, 1988.

SUSAN S. GOGER,
Notary Public.

TRIBUTE TO DR. W.G. WATSON

Mr. THURMOND. Mr. President, I rise today to mark a very important event—the 80th birthday of my good friend, Dr. W.G. "Curly" Watson—which will be celebrated at a surprise party this Friday in Augusta, GA. Dr. Watson, who is originally from my home county of Edgefield, SC, is an outstanding physician and a treasured asset to his community, State, and Nation. I join with his many friends and loving family members in wishing him a birthday filled with joy and happiness.

Dr. Watson was born on February 25 in the year 1910. After graduating from The Citadel in 1931, he taught school and coached football in Edgefield and Bainbridge, GA, enriching the lives of the many students who came under his tutelage. Dr. Watson then enrolled in the Medical College of Georgia's School of Medicine and graduated from there in 1943.

Heeding his Nation's call of duty, Dr. Watson then served 2 years in the U.S. Army and was stationed in Korea and the Philippines as a physician and athletic officer.

In 1946, Dr. Watson started his medical practice with my late brother, Dr. William Thurmond, in Augusta, GA. For over 43 years, Dr. Watson has selflessly and tirelessly served the people of the area, providing them not only with outstanding medical attention, but with the supportive ear and comforting shoulder of a true friend. Over the span of his career he has delivered over 15,000 babies and brought much joy into the lives of many proud parents.

In addition, Dr. Watson has devoted himself to teaching and supervising residents and interns from the Medical College of Georgia, and he now serves there as professor emeritus of obstetrics and gynecology. The residents at the Medical College voted him the 1983–84 teacher of the year. This award is only one example of the respect and affection for Dr. Watson which is so widely shared by the people of Augusta.

Dr. Watson's charming wife Audrey has been fully supportive of all his efforts and has lent inspiration and help at every opportunity. She deserves a large portion of credit for his success. We wish them both continued service to humanity and happiness in their personal lives.

Mr. President, Dr. Watson is a dedicated physician, committed family man, devoted Christian, and true patriot. I value highly his friendship, and I greatly admire his many attributes. My wife Nancy joins me in wishing him a very happy birthday.

REMEMBERING GENERAL GAVIN

Mr. KERRY. Mr. President, each of us carries within our heart our own meaning of love of country. In the United States, we have long understood that political dissent can be as patriotic as rallying around the flag; that what our Nation requires most of its citizens is a kind of integrity that says we will not just go along to get along. We will put ourselves on the line for what we believe.

Lt. Gen. James M. Gavin, who died this week in Baltimore, was one of the great 20th-century American patriots by any definition of the word.

Not just in war, but also in peace, General Gavin demonstrated the kind of courage and heroism on behalf of his country that has helped us in times of struggle to survive as a country.

James Gavin was a true American original, and a true American hero. He led the 82d Airborne Division during World War II making four combat jumps with his unit into Sicily, onto the beach of Salerno, behind enemy lines in Normandy on D-Day, and into The Netherlands.

They were some of the most dangerous and famous combat missions in the history of air warfare, and for them General Gavin was awarded many of the Army's highest awards—the Distinguished Service Cross, two Silver Stars, the Bronze Star, the Purple Heart. He was also awarded something equally important by his men—the honorable nicknames of "Jumpin' Jim" and "Slim Jim," because he was one general who commanded from the front, not behind it, with a carbine in his hand, strength in every gesture, and a claim that inspired every man and woman who had the opportunity of serving with him.

But General Gavin was not just a war hero. He recognized early that a strong defense could not just be measured by the purchase of fancy hardware, or the number of megakills that could theoretically caused by a nuclear weapon. He relied more on the basic commonsense notion that what is essential to national security are well-trained troops, given clear and winnable objectives, seeking to carry out an essential national goal.

Evidence of his realism and his vision was General Gavin's early insistence that the United States keep our conventional forces in Europe strong to contain the Soviets—a strategy that worked for 40 years, and which ultimately paid off in the changes that only took place in the final months of General Gavin's life.

Evidence of his integrity was General Gavin leaving the Army after service under President Truman and President Eisenhower, as a result of becoming discouraged by what he considered ineptitude in the Pentagon. He retired, not to a golf course, but to become chairman of Arthur D. Little in Cambridge, Massachusetts, one of our great think tanks.

Even then, General Gavin retained broad interests on behalf of his country. While at Arthur D. Little, he worked with Senator Hubert Humphrey to propose the creation of the Peace Corps.

General Gavin became one of President Kennedy's most trusted advisers on defense and his choice for Ambassador to France in two separate terms. General Gavin also decided early that the Vietnam War would be a tragedy for the United States.

Regardless of whether you believe we could have won the war or not, I think we all recognize that General Gavin was right—the war was a tragedy.

General Gavin's prescription for winning the war in Vietnam was to negotiate "by every means available," because he believed, and correctly, that Vietnam would be a quagmire, an unwinnable war that would sap America's energy to no purpose.

General Gavin always put his country first, but he wasn't willng to fit his conscience to the fabric of the day. He said what he believed, no matter what the cost might be to himself.

I remember how he was criticized for opposing the war. Lyndon Johnson himself couldn't understand how the man who commanded the 82d Airborne in fighting the Battle of the Bulge, the war hero whose regiment parachuted directly onto the embattled beach in Sicily and North Africa, could question this war.

But General Gavin recognized that true partiotism required him to keep

his integrity, and to assert the truth, regardless of whether it happened to be convenient.

I owe a personal debt to General Gavin, because even in retirement, he continued to fight on behalf of his conviction that true patriotism, included the partriotism of dissent. When my patriotism was attacked during my campaign for Senate in 1984 by the John Birch Society, General Gavin, who was then already 77 years old, raised his voice in my defense, reaffirming that true patriotism was telling the truth and standing up for one's beliefs.

James Gavin brought to his Nation a rare mix of intellectual brilliance, integrity, strength of purpose, courage, and vision. We should be grateful for all he gave his Nation. We will not soon see his equal again.

NEW LEADERSHIP

Mr. DASCHLE. Mr. President, there is a new leadership in this body and in the other. It is the leadership of GEORGE MITCHELL and TOM FOLEY and DICK GEPHARDT.

Theirs is a leadership new in its willingness to seek bipartisan cooperation for progress. It is a leadership willing to spend endless hard hours to fashion agreements for cleaner air and fairer taxes.

But bipartisanship bought at the cost of leadership is no deal to these men. Vision sacrificed, harmony in exchange for doing nothing, these are the wrong men for that.

At the Center for National Policy yesterday one of our new congressional leaders, my Midwestern neighbor and former colleague DICK GEPHARDT, spoke with force and courage about the kind of leadership in which we believe.

He spoke of vision for America and opportunities that must be grasped.

He spoke of the unbelievable, the breathtaking folly of having "spent trillions to contain communism," but then faltering in this brief moment when it becomes possible "to spend a miniscule fraction of that to consolidate democracy."

Mr. President, business as usual in the face historic opportunity is no leadership at all. There may be some who will tell my Democratic Party it should lower its sights and quiet its voice in the face the stand pat popularity now enjoyed by President Bush. DICK GEPHARDT rejects that advice in the certain knowledge he will draw controversy. And DICK GEPHARDT is right.

He is right because he demands for us a leadership that leads, not drifts—a vision aimed at the future, not the past.

He understands instinctively, as America also understands, that the deadly serious challenge of the 21st century comes from Sony and Subaru, not from the Soviet Union. He knows this challenge to be peaceful, a marketplace challenge from friends. But he knows as well that America simply cannot stand pat with 300 billion military dollars being sacrificed each year at the altar of past fear because he understands wasting those dollars guarantees loss of an economic contest whose outcome will determine the quality of our childrens lives for a hundred years to come.

That is why DICK GEPHARDT walks into the teeth of Presidential popularity polls with his appeal that America turn now to face her true challenge.

For the same reason GEORGE MITCHELL risks so much to help America see what standing smugly pat on air pollution will mean to America, DICK GEPHARDT sounds his alarm on costly inaction in Eastern Europe.

It is called leadership.

So I ask unanimous consent that House Majority Leader DICK GEPHARDT's call to leadership before the Center for National Policy be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY RICHARD A. GEPHARDT, MARCH 6, 1990

AN AMERICAN VIEW OF EASTERN EUROPE

Two months ago, I led a Congressional Delegation to Eastern Europe. As I traveled through Central and Eastern Europe this winter, I felt that I was witnessing history in the making.

In Czechoslovakia, especially, I was struck by the depth of the commitment to democracy. The nation that was founded by a former resident of Pittsburgh—the nation whose flag is red, white and blue—is the nation whose "Velvet Revolution" echoes the goals and aspirations of the American Revolution. In Prague I presented the leaders of the Civic Forum with a copy of the Bill of Rights. With tears in their eyes they told me of how the ideals embodied in that Bill of Rights inspired them while they were imprisoned for advocating basic human rights.

As I talked with those young patriots in the basement of a Prague beer hall, I was flooded with emotions. Yes, pride that these courageous young men and women look to America for inspiration. But more than a little anger, too. I was angry that at the very moment when the power of ideas for which America has fought are winning the world over, America may be losing its power to help secure and consolidate that victory.

I believe that America is at risk of losing its position of leadership in the world economy. I believe that if steps are not taken to recapture our strength and reassert our leadership we endanger not only prosperity at home, but stability around the world. And I believe the current Administration lacks either the vision to know what steps we must take, or the courage to take them.

The lens of bipolar ideological struggle through which we saw the last half-century has been shattered by events. Now through the broken pieces a pattern is beginning to emerge—a vision of a world in which economic competition will take precedence over military conflict.

Our first duty is to the truth of our circumstances. We must realistically assess our present situation—by asking whether or not the "long twilight struggle" of which John F. Kennedy spoke is truly over. Then we must candidly assess whether American foreign policy is adequately responding to the challenges and changes we face. Next we must begin to articulate what lies beyond. We must have a coordinated, coherent plan for making certain that the changes occurring are changes for the good. Finally we must be willing to take risks. We must have the vision to know what to do, and the courage to get it done.

IS THE COLD WAR OVER?

It's important to recognize that the policies we pursued to achieve our Cold War objectives—successful though they were—weren't handed down from Mt. Sinai on stone tablets, meant to be followed for the ages. Rather, they were a response to a set of events—a means to shape a safer world.

The Cold War itself was not inevitable. It evolved principally from three events or conditions:

First, the Western European democracies were no longer in a position to lead on world events. Second, Germany and Japan were in a state of ruin. And third, the Soviet Union solidified its hold on the nations its armies had swept through on the way to Berlin, with Stalin breaking his promise of free elections and refusing to allow participation in the Marshall Plan, the World Bank or the International Monetary Fund.

Today, each of those three conditions has fundamentally changed. Western Europe and Japan have strong, stable democracies and free economies; and the Soviet Union is tolerating free elections and free markets in Eastern Europe.

Let me state it plainly, once and for all: The Cold War as we have known it for four decades is over. It has ended just as the giants of a half-century ago knew it would. Surely if men of vision such as Churchill and Truman; DeGaulle and Marshall; Monnet and Spaak could somehow return today, they would be leading the fight to change the very structures they created. Because they intended them to serve a purpose, and that purpose has been served.

While retrenchment in the Soviet Union is always a possibility, the essential characteristics of the Cold War—a spiralling arms race and superpower competition for spheres of influence—have changed in fundamental ways.

Moreover, one of the main effects of the Cold War—a million troops facing off across the inner-German border—is changing as well. Even as we speak the process of German unification continues. The position of the United States on the issue of German unification is clear. It is a position I support. A unified and democratic Germany must be part of the community of free nations and allied with other democratic nations. We respect and support the right of self-determination, and believe the "two plus four" approach is well-suited to address the concerns of all of us who have been drawn into two European wars in this century. But it must be made unequivocally clear that the United States recognizes the existing border between Poland and Germany, and that the Germans do as well. The end of the Cold War cannot be a cause for resurrecting any of the conditions that led us into the last World War.

As we sail with breathtaking speed into the future, it is absolutely essential that we

be guided by the constellation of democratic values. 1848 was called "the springtime of nations." I believe 1990 will be remembered as the springtime of *democracy*, with freedom in full bloom. With spring elections planned in the G.D.R., Hungary, Poland, Bulgaria, Romania, and in Czechoslovakia, we truly face a world that has changed.

If we have the fortitude and the determination to seize the day, we can ensure that the days of the Cold War will never return.

PRESIDENTIAL LEADERSHIP

Up until this point, however, the day has seized us, rather than the other way around. Thus far in these remarkable times, events have been happening to us, and we have been left groping for a reaction. To be sure, some of this is a function of the dizzying pace of change. But there is no escaping the conclusion that America's lack of leadership in this most critical moment of this half-century is due in large measure to the fact that our President is not providing the direction we need.

If the nature of the challenge is indeed self-evident, why is it unseen or unfathomable to our President? Why, for example, is he asking the American people this year to give him a military budget that consumes nearly one out of every three federal dollars—to meet yesterday's challenges? Why does he want to spend $112 million on the LANCE misile for West Germany when it can only reach East Germany? Why does he want to spend billions of dollars on armaments aimed at "communists" who don't want to be communists anymore—and yet has to be pushed into spending a tiny fraction of that to assist the anticommunist patriots that have replaced our old adversaries in Eastern Europe?

It's as though George Bush's Pentagon budget were written by someone who hadn't read a newspaper in a year. It was almost certainly written by someone who hadn't read William Webster's CIA analysis of the unlikelihood of a renewed Soviet threat—even if Mikhail Gorbachev is ousted by hardliners. Indeed the question on the minds of people everywhere is: With peace breaking out the world over, why is our President intent on beating plowshares into swords?

I believe the answer lies in the President's lack of vision. George Bush campaigned for the Presidency without any sense of what he disdained as "the vision thing." As his campaign and the early days of his Presidency showed us, he would much prefer to occupy his time and the nation's attention with issues like Willie Horton and yet another tax cut for the privileged. It's not that issues like crime and fiscal policy are not important—of course they are. But at some point it is the job of the President to summon the nation to meet new challenges on the horizon.

Thus far the President has failed to do so. Just last week he flew to California to pledge his opposition to crime, drugs—and traffic jams. As for the President's plans for the rest of 1990, the White House says, "We're going to spend more time on politics than you ever dreamed possible."

The country cannot afford that—events will force the President to react to important international matters. In the past, he has reacted—sometimes well, sometimes not—but react is all he has done.

And so, without the vision to see where we must go, the President is reduced to making every decison on the basis of polls and politics.

When Governor Earl Long of Louisiana was asked why he didn't favor prison reform, he said, "Because there ain't no votes in prison." I believe the reason President Bush hasn't done more to promote democracy in Eastern Europe is because there are no votes there. Indeed, there are votes to be lost by being too closely identified with what is disparagingly and inaccurately called "foreign aid." There are votes to be lost in taking a risk for peace, in appearing insufficiently "tough" on the Russians. And there are votes to be lost in calling on the American people to make some changes to adapt to the changing world.

So what we are left with is government of the polls, by the polls and for the polls. The President, who defends foreign policy choices by pointing at his soaring popularity polls, seems to take seriously the mocking words of Mark Twain, who said: "Its name is Public Opinion. It is held in reverence. It settles everything. Some think it is the voice of God."

The President's pollster is frequently trotted before the captive White House media. He criticizes Democrats for decrying the President's lack of leadership. He cites poll data as proof that the President is doing what the American people want.

Yes, the President is doing what America says it wants in his latest poll. But is he giving the American people the information they need to make an informed decision when his pollster calls? Of course, every politician has to listen to the voice of the people—there's nothing wrong with that. But the reason the American people seem reluctant to embrace the changes in Eastern Europe; the reason they oppose increased investment in democracy in that region; the reason they aren't sure if the Cold War is over, is because their President is not leading them. He is not explaining and interpreting these startling events for them. His not helping them understand the new world we live in—its challenges, its opportunities, its dangers.

The President's lack of vision, and America's lack of leadership, have consequences that are both real and grave. The President of the United States retreats from the world by failing to lead the American people to see our self-interest in the success of democracy and free markets in Eastern Europe and the Soviet Union. But his timid posture may well create a self-fulfilling prophecy that at best confirms the status quo and at worst condemns the fragile new democracies to failure.

In short, the Bush foreign policy is a policy adrift; without vision, without imagination, without a guiding light save precious public opinion polls. But if he wanted to, President Bush could seize the day and marshall the American people into a mighty army marching for change.

History teaches us that it can be done.

In 1947 the American people, having fought two world wars in thirty years, were loathe to be caught up in foreign entanglements. They desperately desired to focus their pent-up energies on domestic demands.

But President Truman and the wise men who advised him realized that the changing times demanded that we change with them. And so Truman shaped the change by proposing that America commit itself to building democracy and free enterprise in Europe. The Marshall Plan was a classic case of principal pragmatism.

But it was unpopular. In fact, the Gallup Poll of 1947, only 14% of the American people supported foreign loans and assistance. No wonder why—the American economy was only about one-fourth as large then as it is today, and the Marshall Plan represented an investment that would cost $82 billion today. One hardly needed Mr. Gallup to know such a proposal would face strong resistance.

President Truman was not in much better shape. To this day no President—not even Nixon in the depths of Watergate—has been as unpopular as Truman was as he headed into the election of 1948. Perhaps sensing the political advantage, mainstream Republicans like Robert Taft and extremist Republicans like Joseph McCarthy opposed Truman and criticized the Marshall Plan.

The record resounds with attacks like "socialistic", "dangerous", "simple-minded", and "giveaway." One Republican Senator—William Jenner of Indiana—summed up much of the opposition when he said: "It seems to be Mr. Truman's thesis that the international crisis can only be solved if we buy off the dangers of communism by giving large cash donations from the American taxpayer's pocket to already shaky European governments most of whom are, in fact, only a degree or two removed from the menace from which we are supposed to be protecting them."

But Truman did not flinch. He knew it was an investment that would reap tremendous benefits in new markets for America and more stability for the world. So he pressed on, despite the political repercussions. Ignoring the polls, Truman worked with the Republicans who controlled the Congress, especially Senator Arthur Vandenberg, and signed into law what one British newspaper called "an act without peer in history."

Harry Truman lived by Sam Houston's maxim: "Do right, risk consequences." The maxim of the Bush Administration seems to be: "Do polls, risk nothing."

There is no substitute for Presidential leadership. And given the fact that President Bush has record-high levels of popularity and more than two years to go before he faces re-election, he is in the perfect position to lead.

If he were to come to Congress the way Truman did, I can assure him we would work with him the way Vandenberg did. If he would use his bully pulpit to lead, the American people would follow. And if he would summon us all to the challenges we face, this country would rise to meet them. The American people *will* support democracy in Eastern Europe if our President tells us it's in our deep self-interest to do so. But we risk freedom dying on the vine if our President doesn't take the lead.

The President should carefully articulate to the American people the risks and benefits of the new world. He should remind us of how fragile young democracies are. He should distinguish today's circumstances from those of 1947—why it is we don't have to replicate the Marshall Plan—the Europeans don't need it, and we Americans cannot afford it. Of course, each nation is unique, but by and large the Eastern European countries have stronger physical foundations for their economies than the Western Europeans had in 1947—their dislocation was caused by the communist system, not by the destruction of war. However, while they have stronger economic bases than the Western Europeans had after the war, many Eastern European nations have weaker traditions of free government and free enterprise.

So the President should call on America not necessarily to spend a lot more on foreign aid—but to spend a lot smarter. For example, the new military base in Italy the President's budget calls for will cost more this year than the total amount of savings we will receive from all the proposed base closings here in America. But do we need another military base to defend Western Europe—or can we better advance freedom and democracy in all of Europe through economic, technical, political and moral support? By the same token, do we need an increase of almost a half a billion dollars in military assistance in our foreign aid budget, and converting another $400 million in military loans to grants, while at the same time reducing UNICEF emergency aid for children and United Nations Environmental Program assistance at a time when famine and disease and pollution are becoming more clear and present dangers than superpower conflict?

The President should lead America in reassessing and changing our priorities to meet the new challenges. Otherwise history will remember the Bush foreign policy as a latter-day Maginot Line. He should let us know that if we invest a small amount in freedom today, we can reap a tremendous benefit down the road—a benefit that can include billions of dollars in savings from defense, new markets for American products, new jobs for American workers, new freedom to address old domestic difficulties. But most of all we stand to gain peace and stability. We have an historic opportunity to lower the deadly levels of tension in the nuclear age, and pull our children farther back from the brink of Armageddon.

With the demise of the Cold War, the American people are awaiting a new vision—a new way of looking at the world and understanding these momentous events. In Eastern Europe and around the world, the challenge for the United States is to help free people consolidate their gains, and build nations that are free, prosperous and secure. Here at home the challenge is to reinvigorate the American economy and renew the American spirit. The most important tools for achieving both goals are economic rather than military.

America must once again assert itself as a leader. To do that we must change the way we think about national strength, and arm ourselves for the economic competition already underway. America must begin by helping to shape the change in Europe, or we will surely be a victim of it. To that end there is much that we can do right away.

THE AMERICAN ROLE

The Congress is taking steps to ensure that the tremendous risks taken by brave people are rewarded with the better future promised by free governments and free markets. We are making progress in granting many nations of what we used to call the "Eastern bloc" Most Favored Nation status.

Next we should expand the role American agriculture plays in encouraging change in Eastern Europe and the Soviet Union. I propose a Food for Freedom program that will share the strength of America's agricultural abundance with the Eastern European and Soviet people. There is no doubt that private ownership of farm land and the hard work of our family farmers are the keys to America's success in agriculture. But while Eastern Europe and the Soviet Union are moving in that direction, it is in our interests to help sustain them on that journey.

President Havel of Czechoslovakia made that very point about the Soviet Union in his recent address to Congress. If someone whose nation was invaded by Soviet troops, who was imprisoned by Soviet puppets, who was pinned under the boulder of Soviet domination for all his adult life can call on us to assist the Soviets in moving to democracy, the least we can do is listen.

I believe that support of the process of democratization in the U.S.S.R. is in America's self-interest. We have a stake in the success of peaceful change towards a pluralist system in that nation. A stronger Soviet economy will facilitate the process of peace. How can the Soviets pull Red Army troops out of Eastern Europe if they have no jobs and no homes for them to return to in Russia?

So America must think creatively and act boldly. Rather than pouring more and more money into weapons systems, we should be investing in our own self-interest. And stability, democracy and a market economy in the Soviet Union are in America's strong self-interest.

On this point I must say that President Bush has been right—as far as he's gone. He has lent important political and moral support to the process of reform in the Soviet Union. I'd like to enlist American farmers and business people to make more substantive investments as well. Anyone who has seen the lines outside the McDonald's in Moscow knows the Soviets would appreciate American food and American goods. And American farmers and workers would appreciate the markets. We should waive trade restrictions such as Jackson-Vanik and the Stevenson Amendment, relax restrictions on high-tech exports, and encourage private investment in the Soviet Union. We provide Export-Import Bank loans and OPIC assistance to China, why not to the Soviet Union?

Another aspect of President Havel's speech that moved me was his point that rather than a hand out, the people of Eastern Europe want a hand up. The United States can offer that hand through a series of exchanges on a scale never before seen.

We need a Freedom International program for the 1990's—a modern-day Berlin Airlift bringing planeloads of people across the Atlantic in both directions: religious, educational, and political leaders from Budapest and Bratislava coming to work in churches and schools and offices in San Francisco and San Antonio. If each of America's fifty states could offer scholarships to just forty Eastern European students, we will have doubled the number of Eastern Europeans studying in the U.S.

We should support conferences on issues affecting the environment, the arts and the military. We should encourage discussion of the sources and solutions of ethnic prejudice and religious intolerance. We have so much to learn from each other. So let the exchanges begin. The Congress will soon be considering a bill which will provide $190 million worth of technical assistance, Peace Corps programs, and exchanges to Central and Eastern Europe. In all, legislation currently before Congress will provide over a half a billion dollars in immediate investment in Eastern European democracy. And that is only the beginning.

America is well-positioned to take a leading role in providing the technical and managerial assistance the Eastern Europeans need. So much of the strength and the soul of our nation has its roots in Eastern Europe. How wonderful it would be if we could encourage experienced Americans—as part of a Free Enterprise Corps—to return to the nations from which their parents came to help a new generation have a new birth of freedom in their old countries. We in America would be benefitted by a return to those roots as well. The fight for freedom in Eastern Europe is rekindling the revolutionary spirit of America at a time when we badly need it. We have as much to gain from this as anyone.

"UNITED" FOR THE CHALLENGES OF THE FUTURE

But America cannot, need not and should not go it alone. History teaches us that a coordinated response from both sides of the Atlantic has been the answer to all the great challenges of this century.

For several years I have advanced the idea of forming an economic alliance as stable and as strong as the NATO military alliance. Over time, economic cooperation will be as indispensable as the military and political dialogue of the United Nations Security Council. As Trade Ministers become more vital to their nations' security than Defense Ministers, I would like to see more and more international dialogue and cooperation.

A Union of Nations for International Trade and Economic Development—UNITED—might be a means for giving structure to such cooperation. UNITED would bring together, on a regular basis, the leaders of the major trading democracies—the nations of the European Community, the United States, Canada, Japan and Australia. By working together, and discussing our problems and opportunities, we could bring more order and stability to issues of development, trade and competition—issues which threaten to divide us as much in the future as ideology did in the past.

UNITED would not be a new bureaucracy, but rather a new approach; an expansion and extension of what has worked so well for NATO and what is being done through G-7, the European Community, GATT, the IMF, the World Bank and others.

UNITED's mandate will be to coordinate, not to dictate. It can address so many of the topics facing leading nations today: from developing the economies of Eastern Europe to formulating new rules of international economic engagement to addressing the burden of Third World Debt.

The lessons of the past offer evidence that economic engagement can work—and that all sides can "win." The Marshall Plan's initial commitment to Europe has grown to the point where we invested some $1.2 trillion in the 1980's alone for the common defense of the Continent. Today we are in a position to realize a dividend from 40 years of prudent investing. We must reinvest a part of that dividend. It's just good sense. A nation that spent trillions to contain Communism must be willing to spend a minuscule fraction of that to consolidate democracy. Only a prosperous and peaceful Europe will allow us to reduce our military commitments without reducing our national security.

If we hesitate now, if our resolve falters just at the moment when we are about to realize the peace and prosperity that our fathers fought for, the consequences could be disastrous. I realize the political risk such reinvestment entails. But as President Kennedy said, "there are risks and costs to a program of action. But they are far less than the long-range risks and costs of inaction."

Ultimately the attention of the world must move beyond responding to individual crises and toward building vigorous and vibrant economies in the developing countries of the world—which will be the focus of so

many of the new challenges we face. Herein lies the greatest challenge and the greatest opportunity of the next century. For too long we have allowed the threat of military confrontation between East and West to obscure the threat posed by the growing gulf between the superpowers and the superpoor.

CONCLUSION

Over time, I want to see a Europe in which America's young students have replaced our young soldiers; a Europe in which American technology has replaced American tanks; a Europe in which new American lasers replace aging American LANCE missiles.

But it is a grave mistake to think that the focus of history has shifted completely away from the United States and onto Europe. The difficulties we face here—and how we rise to meet them—will determine whether a strong America leads the world in the new era of economic competition, or a diminished and exhausted America shrinks from the challenges history has laid before it.

This is our new call to arms—to rebuild American strength, to restore Eastern European democracy, to redress the problems of unbalanced trade, and to reassure the world that the Berlin Wall that divided East from West is not succeeded by a chasm of poverty separating North from South. Economic engagement and competitive coexistence will be the watchwords of the new decade and the new century that will follow it.

The stakes could not be higher. The threat could not be more real. A hundred years from now the 1990's will be remembered as the time when America reinvented itself once again, and in so doing led the world into a new era of peace and prosperity—if we have the vision to see the change in the course of history, and the courage to adjust our course to meet it.

AGENT ORANGE: THE AIR FORCE DOES IT AGAIN

Mr. DASCHLE. Mr. President, it has been almost 2 years since I pointed out for the record some of the recurring problems related to the Air Force Ranch Hand study on the health effects of veterans' exposure to agent orange. The Ranch Hand Study, or "Air Force Health Study," is a longitudinal study of the mortality and morbidity rates for Air Force veterans who participated in the U.S. defoliation and crop destruction missions in Vietnam, Operation Ranch Hand.

Specifically, the Air Force has shown a clear tendency since 1984 to characterize the results of the Ranch Hand Study in a way that is intended to "reassure" veterans and, of course, quiet the calls for agent orange compensation, regardless of the study's actual findings. Unfortunately, the Air Force's release on February 23, 1990, of its 1987 Followup Examination Results fits very easily into the Air Force's consistent pattern of downplaying the importance—and sometimes denying the existence—of evidence related to the harmful health effects of exposure to agent orange.

Let me explain how we got to this point before I outline the significance of the Air Force's treatment of this most recent report.

RANCH HAND: 1984-88

In January 1984, the scientists in charge of the Ranch Hand Study issued a draft baseline morbidity report that described some very serious health problems in the Ranch Hand veterans and stated that the Ranch Handers, by a ratio of five to one, were generally less well than the veterans in the control group. The opening sentence of the draft report's conclusion was clearly stated: "It is incorrect to interpret this baseline study as 'negative.' "

After the Ranch Hand Advisory Committee, which operates under the White House Agent Orange Working Group of the Domestic Policy Council, got its hands on the document, the final report was changed in some very important ways. Most notably, the table and exposition explaining that the Ranch Handers were generally less well than the controls was omitted, and the final conclusion was altered substantially. The statement that the baseline study was not negative was completely omitted, and the study was described as "reassuring."

At the Air Force's press conference when the study was released, the Air Force tried to do exactly what the draft report had advised against—interpret the study as negative. Some of the major findings of the study were all but explained away—the increase in skin cancers was probably caused by overexposure to the Sun; and the birth defects in the Ranch Hand children, whose parents reported about twice as many abnormalities, seemed to be minor. The Air Force also suggested that the birth defects increase might have been caused by overreporting of defects by Ranch Hand parents. The birth defects would be studied further in a separate reproductive outcome report.

The Air Force scientist who designed the study and served as the chief statistician, apparently not realizing the constraints of Air Force politics, stated at the press conference that the study's findings were "of concern." He was subsequently removed from the project.

The day after the press conference, the news media all carried the same Air Force message—that the Ranch Hand Study was negative and that veterans should be "reassured." The actual contents of the study itself became virtually irrelevant.

By late 1984, the Air Force scientists had investigated the skin cancer and birth defect findings and concluded that, contrary to their earlier reports: First, the skin cancers were not caused by overexposure to the Sun; and second, the increase in birth defects was not due to overreporting by parents, nor were the birth defects necessarily minor. No public statement was made to correct the previous information. In fact, in late 1985, Col. William Wolfe, who heads the Ranch Hand Study, reinforced the incorrect information when he: First, was quoted in the press as saying the study results were "encouraging;" and second, repeated the 1984 press conference claims that the birth defects appeared to be minor and, very possibly, the result of overreporting by Ranch Hand parents.

That public statement in 1985 by Colonel Wolfe is even more troubling when it is pointed out, by Colonel Wolfe himself in a letter to me dated August 25, 1987, that "[a] report of the analyses of these data [the birth defects] was submitted to the Advisory Committee in 1984 but they recommended that it not be published." The Air Force has refused to release to me that draft reproductive outcome report, which found a doubling of birth defects in the Ranch Hand children, and has still not released the final report. I believe that veterans and the general public deserve timely, accurate information about anything that may affect their health or their children's health, and the Air Force delays with respect to this birth defects information constitutes a serious breach of the public trust. Unfortunately, the story doesn't end there.

In 1987, 2 years had gone by without an Air Force statement on the new findings. An updated morbidity report, "First Followup Examination Results," was released. Certainly one would expect to read in the Air Force's press release, or in the press clippings, some clarification of the 1984 assessment of skin cancers and birth defects, but none was to be found. The 1987 report did admit for the first time that the exposure index used in the Ranch Hand Study is limited, but it failed to emphasize how severe and important the limitations are, and the only mention of the issue was a few words buried in the report. There certainly was no press release—no effort to educate the public on the misleading statements of the past.

The 1987 report's executive summary concluded, "In full context, the results of this study must be viewed as additional reassuring evidence that, at this time, the current state of health of the Ranch Hand participants is unrelated to herbicide exposure in Vietnam." To understand just how irresponsible that statement is, we need to look beyond the fact that is was misleading in that the study actually found statistically significant group differences that showed the Ranch Hands to be less well than the control in some serious health areas. To understand just how irresponsible that statement is, we need to understand what the implications of the exposure index's limitations are.

As the Air Force scientists acknowledge, the effect of the exposure index's limitations, which have been described to me by the Air Force as severe, is misclassification. This means that the "control group" mistakenly includes people who were actually exposed to agent orange/dioxin, and that the "exposed" group mistakenly includes people who were never actually exposed. This misclassification dilutes both groups and has the effect of making their differences appear smaller than they acutally are. In some cases, group differences may be hidden completely. In other words, if the exposure index were accurate, more and bigger group differences would almost inevitably appear.

If the exposure index is not an accurate measure—or even a good measure—of exposure, and if group differences were identified in spite of that fact, then it is irresponsible to say that the group differences are "unrelated to herbicide exposure." Faced with the Air Force's apparent insistence on continuing to "reassure" veterans by glossing over these key facts, I decided to go straight to the source—the Air Force scientists.

In 1988, I met with Col. William Wolfe, the chief investigator of the Ranch Hand Study, Dr. Joel Michalek, a scientist who became a principal investigator after the 1984 report, and Dr. Richard Albanese, the previous principal investigator who had suggested that some of the findings were "of concern." We talked about the problem inherent in the exposure index and, therefore, the conclusions, and the fact that a new exposure index based on actual agent orange/dioxin levels in the blood would be developed so the data could be reanalyzed. We talked about the fact that the birth defects, skin cancers, and possibly the systemic cancers, were serious problems. We talked about the fact that there had been no public acknowledgement by the Air Force of this information that was available four years earlier.

In that meeting in my office, the Air Force agreed to publish a paper, which had been written in 1985 by Wolfe, Albanese, and Michalek, to announce this "new" information. The paper was published as an official Air Force document, but the names of Colonel Wolfe and Dr. Michalek were removed, and the Air Force did virtually all it could to discredit the report. Also, every Air Force press release or quote I have seen since that time ignores what I see as the very real need to get that information to veterans and the general public.

1990 RANCH HAND UPDATED

Incredibly, the Air Force's release on February 23 of its 1990 morbidity report, "1987 Followup Examination Results," looks like an instant replay of the events of 2 years ago. The 1990 report is the latest episode in the Air Force miniseries that pits the truth against administration and Air Force policy. As I said earlier, the Air Force management's handling of this most recent report displays their inability to be even-handed in the reporting of this important health information.

In spite of the facts reported in the study itself, Air Force rhetoric promotes the illusion that the study found "no evidence of a link" between the Ranch Hands' health and exposure to agent orange/dioxin. In spite of the substantial list of health problems found in the Ranch Hand veterans, Air Force rhetoric promotes the illusion that the Ranch Hands have no justification for their concerns.

Allow me to outline the findings of the 1990 report and compare them to the statements about those findings that made their way into the public arena.

In the "1987 Followup Examination Results" released by the Air Force in February 1990, statistically significant group differences with a harmful impact on the Ranch Hand veterans were detected in several health areas, including: All cancers—skin and systemic—combined, both verified and suspected; skin cancers alone; hereditary and degenerative neurological diseases; coordination abnormalities; psychological and sleep disorders; certain dermatologic disorders; pulse irregularities; increase in thyroid stimulating hormone [TSH]; among black Ranch Hands, higher mean counts for "natural killer cells" as compared to blacks in the control group; and among Ranch Hands who are heavy smokers, more abnormal composite skin reactions as compared to heavy smokers in the control group. These are not my interpretations; this information appears in the Ranch Hand report itself.

The report states that these and other problems cannot necessarily be related to agent orange/dioxin exposure, as they do not always show a "dose-response" relationship. Of course, a dose-response relationship cannot be established without knowing who has the dose. That is the key known weakness of this study. For perhaps the first time, the report clearly states that the exposure index used in the data analysis "is not a good measure of actual dioxin exposure," and I applaud the scientists for being straightforward on that issue. However, given the inadequacy of the exposure index and what we know about the effects of misclassification—that it artificially minimizes or completely masks real group differences—the report's statement that the troublesome findings cannot be related to agent orange/dioxin exposure is extremely misleading.

To be fair, I should point out that the Air Force scientists are well aware of this problem. That is exactly why they are pursuing a more accurate exposure index based on blood samples. They will reanalyze all the Ranch Hand Study data using the new index, and that is exactly what they should do. That report, which has also been delayed, is now scheduled for completion next year.

The upshot of this situation is that the first and second followup morbidity reports are essentially moot. They were both outdated before they were begun. I am not saying that they should not have been done, though that is certainly a legitimate question, but they have both been handled improperly by the Air Force.

Now, why should I say that if I just finished saying that, in the report, the Air Force finally admitted the inadequacy of the exposure index? Because most people do not see the actual report. They see the newspaper clippings describing the report on the basis of what the Air Force public relations staff tells the press. In the case of the most recent morbidity report, they have read that the Air Force report "finds no evidence of a link between the health of study participants and exposure to herbicides in Vietnam." What they have read is patently false. There is evidence, though it is not yet definitive, of a link between health problems and exposure, and that evidence will probably be stronger when the new exposure index is used in the data analysis.

One might say that this was an innocent mistake on the part of the Air Force—that these issues are very complicated and difficult to discuss in a way that the public can understand, or that, since I am constantly calling for the government to give veterans the benefit of the doubt, I should give the Air Force the benefit of the doubt. My answer to that is that I have given the Air Force the benefit of the doubt too many times already.

After meeting with me in 1988, the Air Force pledged to work with me to get the complete truth out to veterans who might be affected by the results of the Ranch Hand Study and to the general public. In spite of that pledge, and in spite of the actual findings of their research, the Air Force has consistently misrepresented the facts in their public statements, particularly in the press.

This is no innocent mistake; I have pointed out the "mistakes" repeatedly, and the Air Force, apparently belligerently, has continued to make them. It is hard to describe the frustration I feel at hearing the Air Force defend the integrity of its science and then make public pronouncements that undermine it. The only reasonable conclusion I can draw is that the Air Force is playing politics with an issue that affects the health and lives of American veterans and their families—

as issue that could eventually impact all Americans.

In pursuing research on agent orange, the Air Force's job is not to present a certain posture or contribute to a particular Air Force or government policy with respect to government liability or compensation. It is not the Air Force's job to tell the scientists how to do their work or how to characterize their results. The Air Force's job is to pay for the research and to give capable, unbiased scientists the autonomy to present timely, accurate information to the public. I regret that Air Force management, with the help of the White House Agent Orange Working Group, has so far succeeded in doing what it should not do, and failed in doing what it should.

In conclusion, Mr. President, the Air Force's latest is more of the same. I anxiously await their upcoming data analysis that will be based on a new, more accurate exposure index, and I anxiously await their birth defects data that should have been released years ago. But, for now, I must express my profound disappointment that the Air Force has again chosen to sacrifice the truth for false reassurance.

I ask unanimous consent that the following supporting documents be printed at this point in the RECORD: First, a November 29, 1985, article from the San Antonio Express quoting Colonel Wolfe's comments about birth defects; second, an August 25, 1987, letter to me from Colonel Wolfe, Dr. Michalek, and Dr. Albanese regarding the 1984 moribidity results and birth defects data; third, a February 23, 1990, letter to me from Air Force Deputy Surgeon General James Sanders that accompanied the 1990 morbity update; fourth, the executive summary of the 1990 morbidity update; fifth, a UPI story quoting Air Force officials upon release of the 1990 morbidity update; and sixth, statements that Senator JOHN KERRY and I made on April 14, 1988, pointing out some of the previous discrepancies between Ranch Hand rhetoric and Ranch Hand reality.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDY DISPUTES EXPOSURE, AGENT ORANGE DEATH RATES

(By James Coburn)

Agent Orange exposure during the Vietnam War hasn't affected the death rate of men who were exposed the most, a new Brooks AFB study indicates.

Col. William H. Wolfe, a Brooks physician who has been a study leader since the Air Force began the investigation in October 1978, said in an interview Thursday that "results of what we have found so far are encouraging."

Noting that there have been fewer deaths among the 1,237 Air Force men exposed to the defoliant than among several camparison groups of non-exposed men. Wolfe expressed the hope that the latest report will "alleviate a lot of fear" among those exposed to Agent Organge.

Wolfe, chief of the Epidenology Division of the School of Aerospace Medicine at Brooks, said that researchers have "not found anything we can link directly to the herbicide since physical examinations began in January 1982 for the exposed group and a similar group of Air Force men who weren't exposed.

Some 12 million gallons of Agent Orange which contained trace amounts of doxin were sprayed from Air Force C-123 planes between January 1962 and April 1970 to destroy jungle canopies that concealed communist forces in Southeast Asia.

Limits were placed on the use of doxin because it caused problems in laboratory animals. Wolfe said, and defoliant used after April 1970 did not contain doxin.

Agent Orange also was used to destroy Viet Cong rice fields, but that use was ordered stopped after miscarriages were reported among Vietnamese women near the sprayed area.

More birth defects have been reported by parents in the exposed group than by parents in the unexposed comparison group, a previous study report revealed. It also was reported that the exposed group had more skin cancer.

Wolfe said Thursday, however, that the latest study had determined there was "no difference" between the two groups when only major birth defects were considered.

Another round of physical examinations for the two groups began in May and are scheduled for completion in March.

Wolfe said that the 1955-88 cost of the study, because private firms are under contract to perform the examinations, compile data and make surveys, is about $22.5 million.

Some 25-to-30 Epidemology Division personnel at Brooks are monitoring the study, scheduled to run until 2002.

Wolfe said that researchers currently are examining all birth defects that have occurred among the 7,000 children in both groups. The incidence of skin cancer is being examined to see if there was a difference between the groups in exposure to the sun, he added.

It is possible, he explained, that the exposed group is reporting minor birth defects that aren't being considered defects by parents in the unexposed group.

Wolfe said that some of the Air Force men being studied "were 1,000 times more exposed (to Agent Orange) than ground forces in a direct spray pattern on a one-time basis."

Bullets ruptured tanks holding the chemical, he said, and maintenance crews were "kneeling in the stuff" to repair the damage.

He added that the chemical worked well to clean off grease and men "cleaned their hands with it." The substance is "absorbed very rapidly through the skin," he noted.

At the height of its use, Wolfe said, 35 or 36 aircraft were spraying the defoliant on a daily basis.

Air crews also were exposed to the spray, he said since side doors normally were left open to reduce the heat and cockpit windows were left open to lessen the chance of injury from window fragments.

The spraying program was dubbed Operation Ranch Hand, so the study was named Operation Ranch Hand II.

The latest study report comes after a $180 million settlement by chemical companies that made the herbicide was approved early this year. More than 180,000 veterans filed claims for the money, with some 4,600 Texans filing the largest number.

Wolfe said that the companies may have settled to avoid the costs of lengthy litigation.

Also, President Reagan signed a bill in October that provides temporary compensation for two years to veterans who have developed a skin disease conclusively linked to Agent Orange.

Wolfe said that the disease, a severe facial condition called chloracne, was not present in the Air Force men exposed. He said that the skin eruptions, which aren't fatal, are predominately found among people who were exposed during industrial accidents involving the herbicide.

Mortality figures released with the latest report show 55 deaths (4.4 percent) among the Ranch Hand personnel and 285 deaths (4.6 percent) among the 6,171 men in the comparison group.

According to the mortality rate of the general U.S. Anglo male population, Wolfe added, there should have been about 90 deaths (7 percent) among Anglo men exposed to Agent Orange instead of the 51 that occurred.

A study of Army and Marine personnel who were exposed to Agent Orange is just beginning.

DEPARTMENT OF THE AIR FORCE,
USAF SCHOOL OF
AEROSPACE MEDICINE (AFSC),
Brooks Air Force Base, TX, August 25, 1987

Hon. THOMAS DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: In response to your recent letter concerning that Air Force epidemiologic study of the health effects of Agent Orange, Dr. Joel Michalek, Dr. Richard Albanese and I have prepared the following comments in response to your specific questions. Dr. Albanese was a study principal investigator from 1978 to 1984. Dr. Joel Michalek was a major study contributor from 1978 to 1984 and has been a principal investigator since, while I have served as principal investigator since 1978.

a. Reference your paragraph 1. Verification of all reported birth defects in the children fathered by the participants in our study was conducted using medical records and birth certificates in 1984. Sixty-one percent of the defects reported by the Ranch Handers and their wives and 63% of those reported by the comparisons were verified as being codable defects. These percentages were not statistically different, and there is no evidence of differential reporting of these data. The Ranch Hand children had increased numbers of birth defects, but the increase was in those children born to mothers who smoked during pregnancy. There was no evidence of any association with herbicide exposure but such an association cannot be said to have been ruled out. A report of the analyses of these data was submitted to the Advisory Committee in 1984 but they recommended that it not be published. The verification of all reported birth defects has resolved one source of possible bias in the study of reproductive endpoints (overreporting). However, potential bias from underreporting remains. The negative reports on the remaining 5,614 children are currently being verified by medical record review. This is a very time-consuming process due to difficulties in locating and obtaining records. Many of these "children" are now adults and their consent must be obtained before records can be requested. I an-

ticipate completion of this effort by November 1988. The verified data will then be analyzed and the results will be released after review by the Advisory Committee appointed by the Agent Orange Working Group.

b. Reference your paragraph 2. A series of flight tests was performed in C-123 aircraft in 1981 by Major Stephen L. Meek as background for a master's degree thesis at the University of Washington School of Public Health. The results of his work were considered in the development of the exposure assessments used in our data analyses. Unfortunately, technical difficulties were encountered in the conduct of the study, and the data were not as helpful in clarifying exposure as we all had hoped. Further preliminary work was conducted by the Air Force Occupational and Environmental Health Laboratory to assess the feasibility of using glycerin as a simulant. However, full-scale simulations were not conducted due to operational difficulties. Additionally, significant difficulties were encountered in developing scenarios that accurately reflect the actual in-flight conditions prevailing during the 9 years the combat missions were flown. The recent development of a technique to determine dioxin levels in serum will provide a direct measure of individual exposure without reliance on the assumptions and uncertainties implicit in simulation studies.

c. Reference your paragraph 3. In May 1984, Dr. Bernadine Bulkley (formerly of the Office of Science and Technology Policy) asked that we verify several of the baseline report results. However, these verifications were already underway by our staff prior to her request. A meeting occurred with the staff of the Office of Science and Technology Policy in October 1986 to provide them with an update of the Air Force study. No technical direction was received at that time. They have acted as advocates of the program to obtain legislative support. The Air Force Surgeon General's office and the Air Force Systems Command (AFSC) headquarters have had no control over the science of the study. AFSC and intervening staff offices have managed funding and personnel resources, relieving the program scientists of these burdensome but important administrative tasks.

d. Reference your paragraph 4. The Advisory Committee for our study was appointed by the Agent Orange Working Group. The baseline report sent to the Advisory Committee was essentially the same as the published report. The committee recommended several editorial changes in writing style and emphasis but felt no additional data analyses were indicated. They felt the Executive Summary should be expanded, emphasis should be placed on an explanation of elements used in determining causality, and other minor "wordsmithing" changes should be made. The comments of the committee were included in the final report. The initial morbidity report contained "followup" analyses of data which, unfortunately, are subject to misinterpretation. This difficulty has been mitigated in the second morbidity report by strict adherence to a preset statistical protocol. Specifically, while the increment in Ranch Hand cancer appears limited to the skin, a systemic increase cannot be unambiguously ruled out. Similarly, the increased reported birth defect rate may not be confined to minor lesions.

e. Reference your paragraph 5. All interactions with the Advisory Committee have been purely technical in nature, dealing exclusively with epidemiologic and statistical issues. The concerns of veterans were foremost in the initial decisions in 1978 and 1979 to proceed with this study. Although a veterans' group representative was not on the committee, veterans' concerns are addressed. We are committed to caring for the Air Force community, including retired and separated Air Force veterans. Their welfare is our first priority.

f. Reference your paragraph 6. The Australian, Centers for Disease Control (CDC), and Air Force studies are relatively consistent in their conclusions. However, while they do not assert a causal relationship between Agent Orange and adverse health, a clear exoneration of the defoliant and its dioxin contaminant is not supported. All of these studies, including the Air Force-sponsored research, suffer from some limitations. The studies have been limited in their ability to accurately measure individual levels of exposure to the chemicals, and a more precise estimation of exposure is needed before definitive conclusions can be made. The CDC birth defect and Air Force studies are the only ones specifically addressing Agent Orange with dioxin exposure. The others are limited to the effects of Vietnam service, and the findings cannot be interpreted as the result of Agent Orange. All of these studies suffer from misclassification of exposure. The opportunity to make more accurate exposure assessments in our study is available with the serum dioxin assay. Design problems in the CDC and the Australian birth defect studies were apparent in their inability to control for the pre-Vietnam reproductive experience of the study groups. Similarly, the lack of medical verification of the birth certificate data is a significant weakness in these studies. Due to the small number of deaths occurring to date in these relatively young populations, all of the mortality studies suffer from low statistical power to detect increases in important disease categories. Despite their limitations, these six studies have been conducted as carefully and as scientifically as possible, and they have made major contributions toward the clarification of the Agent Orange/dioxin controversy.

g. Reference your paragraph 7. The weight of scientific evidence from epidemiologic studies in humans does not confirm a link between Agent Orange and adverse health nor does it rule out such a link. Continued surveillance is definitely indicated. Latency periods for malignant disease are just being reached, and studies have identified several findings which need to be reevaluated in subsequent examinations to determine their clinical relevance. At this time, Agent Orange cannot be implicated or exonerated.

h. Reference your paragraph 8. Additional work in establishing exposure through the use of the serum dioxin assay is needed. This assay will reduce uncertainties in estimating individual exposures and will significantly decrease any misclassification in the analysis of the data from the Air Force study. We are currently working with the CDC to implement this procedure for the analysis of the 1987 physical examination data. This procedure will improve our exposure assessments and should support more solid statistical and epidemiologic conclusions if it is applied *all* participants, including the comparisons. In the context of the Air Force study, the dioxin assay presents a unique opportunity to clarify the dioxin issue.

i. Reference your paragraph 9. The principal investigators in the Epidemiology Division have full and final responsibility for the science of the study. The Advisory Committee has scientific oversight of the study and works closely with the Air Force team. The Air Force management structure limits its impact on the study to purely administrative matters of funding, manpower and equipment management. In October 1984, the Commander of the USAF School of Aerospace Medicine resolved an impasse among the principal investigators concerning the format of the 1984 Mortality Report. It was later very clear that his solution was scientifically correct. All reports are released by the Air Force Surgeon General in the form approved by the Advisory Committee. The report of the 1985 physical examinations is currently being prepared for review by the Advisory Committee, and public release is expected in the fall of this year. Similarly, the 1987 update of the ongoing mortality study is expected in January or February 1988.

j. Reference your paragraph 10. The principal investigators have attended scientific meetings in this and other countries to freely exchange information on the Agent Orange/dioxin issue. Telephone and mail contacts are equally unrestricted. For a time after the release of the first morbidity report in February 1984, all public inquiries were coordinated through the Public Affairs Office; all questions were answered by designated individuals.

I hope this material is of assistance to you and your staff.

Sincerely,

WILLIAM H. WOLFE,
Colonel, USAF, MC,
Chief, Epidemiology Division.

U.S. AIR FORCE,
Bolling AFB, DC, February 23, 1990.

Hon. TOM DASCHLE,
Steering Committee, Vietnam Veterans in Congress, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: I am pleased to provide you a copy of the summary of the third morbidity review of "The Air Force Health Study, An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides." This study, the 1987 Follow-up Examination Results (May 1987 to January 1990), compares the health of 995 Air Force members who conducted aerial herbicide spraying missions in Southeast Asia (Operation Ranch Hand) with a comparison group of 1,299 matched by age, race and occupation.

Like the earlier 1982 and 1987 studies, this follow-up again finds no evidence of a link between the health of study participants and exposure to herbicides in Vietnam. While relatively few health differences were found between the two groups, continued medical surveillance is warranted.

This report does not apply the results of the serum dioxin assays in the study participants. A complete report comparing the serum assay results to the medical findings of this study is expected next year.

Additional work is currently underway to evaluate the possible relationship between the serum dioxin levels of fathers and the presence of birth defects in their children. This report should be completed by the end of the year.

I will keep you apprised of our progress as our efforts continue. It is only through the work of our scientists that the many com-

plex questons concerning Agent Orange can be addressed equitably.

Sincerely,

JAMES G. SANDERS,
Major General, USAF, MC,
Deputy Surgeon General.

EXECUTIVE SUMMARY—1987 FOLLOWUP MORBIDITY REPORT

The Air Force Health Study is an epidemiologic investigation to determine whether adverse health effects exist and can be attributed to occupational exposure to Herbicide Orange. The study consists of mortality and morbidity components, based on a matched cohort design in a nonconcurrent prospective setting with followup studies. The Baseline study was conducted in 1982, and the first two followup morbidity studies were performed in 1985 and 1987. The purpose of this report is to present the results of the 1987 followup.

In the Baseline morbidity study, each living Ranch Hand was matched to the first living and compliant member of a randomly selected Comparison set based on age, race, and military occupation, producing an approximate 1:1 contrast. The Comparisons had served in numerous flying organizations that transported cargo to, from, and within Vietnam but were not involved in the aerial spraying of Herbicide Orange. All previous participants and refusals, newly located study members, and replacements (marched on reported health status) were invited. Eighty-four percent (995/1,188) of the eligible Ranch Hands and 77 percent (939/1,224) of the eligible Original Comparisons participated in the 1987 followup examination and questionnaire process. Participation among those who were fully compliant at Baseline was very high. Ninety-two percent of the Ranch Hands and 93 percent of the Comparisons who were fully compliant at Baseline also participated in the 1987 followup. In total, 2,294 study subjects, 995 Ranch Hands and 1,299 Comparisons, participated in the 1987 followup.

The followup study was conducted under contract to the Air Force by Science Applications International Corporation, in conjunction with the Scripps Clinic and Research Foundation and the National Opinion Research Center. Most of the data were collected through face-to-face interviews and physical examinations conducted at the Scripps Clinic in La Jolla, California. Other data sources included medical and military records and the 1982 and 1985 data bases. As a contract requirement, all data collection personnel were unaware of each participant's exposure status, and all phases of the study were monitored by stringent quality control. The statistical analyses were based on analysis of variance and covariance, chi-square tests, Fisher's exact tests, general linear models, logistic regression, proportional odds models, t-tests, and log-linear models, all of which were specified in an analytical plan written prior to data analysis.

The questionnaire and physical examination data were analyzed by major organ system. The primary focus was on the assessment of differences between the Ranch Hand and Comparison groups based on data from the 1987 followup. Additionally, dose-response relationships within the Ranch Hand group were examined, and longitudinal assessments of differences in the changes of the two groups between the examinations were conducted for selected variables.

In the analyses in this report, Ranch Hand exposure to dioxin was quantified by use of a calculated index based on the quantity of herbicides containing dioxin sprayed each month and the number of Ranch Hands assigned to each occupational category in those months. The statistical relationships between the evaluated conditions and the calculated index were assessed for significance and patterns suggestive of dose-response. However, early results of serum dioxin studies in Ranch Hand personnel conducted at the Centers for Disease Control indicate the calculated index is not a good measure of actual dioxin exposure. Therefore, the results of analyses using the calculated exposure index should be interpreted with caution. A full report relating the serum assay results to the medical data contained in this report is expected in 1991.

The fixed size of the Ranch Hand cohort limits the ability of the study to detect group differences, particularly for the rare occurrences of soft tissue sarcoma and non-Hodgkin's lymphoma. The study has virtually no statistical power to detect low to moderate group differences for these malignancies. The study has good power to detect relative risks of 2.0 or more with respect to disease occurring at prevalences of at least 5 percent in the Comparison group, such as basal cell carcinoma.

Self-perception of health, appearance of illness or distress, relative age, and percent body fat were similar in the two groups. There has been a decline in the percentage of individuals reporting their health as fair or poor in both groups since the Baseline examination. A significantly greater percentage of Ranch Hands than Comparisons, however, had abnormal erythrocyte sedimentation rates. Only three participants (two Ranch Hands and one Comparison) had rates in excess of 100 mm/hr. The Comparison had lung cancer and died in early 1989. In neither of the Ranch Hands was a diagnosis established during the course of the 1987 followup. A significant difference was also detected at the 1985 followup examination, and it will be important to monitor the sedimentation rates in subsequent examinations.

For all verified neoplasms combined, Ranch Hands had a significantly greater frequency than the Comparisons. Ranch Hands also had a marginally significant greater frequency than the Comparisons when suspected neoplasms were included in the analysis. Because cancers fall into systemic or skin categories, group contrasts were performed within each category. Analyses restricted to systemic neoplasms revealed no significant differences between the Ranch Hands and Comparison groups. Focusing only on skin neoplasms, Ranch Hands had significantly or marginally significant higher frequencies for the following categories: all verified skin neoplasms, all verified and suspected skin neoplasms, all verified malignant skin neoplasms, and sun exposurerelated malignant skin neoplasms. Significant group differences for the sun exposurerelated malignant skin neoplasms are not surprising because approximately 90 percent of the participants with those neoplasms had verified basal cell carcinomas, and Ranch Hands had significant or marginally significant higher frequencies of verified basal cell carcinoma than the Comparisons.

The neurological assessment did not disclose significant findings detrimental to the health of the Ranch Hands, although several differences were noted. Of the six reported and verified neurological diseases and disorders, the only significant finding was that Ranch Hands had a higher incidence of hereditary and degenerative neurological diseases. Unadjusted analyses for the 30 physical examination variables showed marginally more balance/Romberg sign and coordination abnormalities in the Ranch Hand group than in the Comparison group. In the adjusted analyses, a significant difference in the relative risk for the cranial nerve index (without range of motion) occurred with insecticide exposure. Stratified results showed that among those who had never been exposed to insecticides, significantly more Ranch Hands than Comparisons were abnormal on this index. Of those who had been exposed to insecticides, the percentage of abnormalities on this index was marginally higher in the Comparisons. The adjusted analysis for coordination detected two significant group-by-covariate interactions (group-by-occupation and group-by-insecticide exposure). Stratified analyses found a significant group difference for enlisted groundcrew after excluding the group-by-insecticide exposure interaction, and a significant adjusted group difference overall after excluding both group-by-covariate interactions. Ranch Hands had significantly more coordination abnormalities than Comparisons for each analysis. The trend of increasing abnormality in the enlisted groundcrew for coordination will be more fully evaluated in the analyses of serum 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) levels.

The psychological assessment was based on the analysis of 52 variables, which included reported illnesses verified by medical record review, reported sleep disorders, and scores from two clinical psychological tests. The results showed that significant or marginally significant differences between the Ranch Hands and the Comparisons were found for some verified psychological disorders, reported sleep disorders, and the self-administered Symptom Checklist-90-Revised and Million Clinical Multiaxial Inventory psychological examinations. For these differences, the Ranch Hands generally manifested higher percentages of abnormalities or higher mean scores than the Comparisons. However, this is not surprising since individuals who perceive themselves as having been harmed might be more likely to report the symptoms found to be significant in this analysis. These results will be reexamined for positive correlations between the complaints and dioxin levels when the serum assay data become available. Additionally, significant group-by-covariate interactions were frequently observed in the adjusted analysis, which often made direct contrast of the two groups with adjustment for significant covariates difficult. The covariates of age, alcohol history, and presence of post-traumatic stress disorder showed strong effects on many of the psychological measurements. There was generally a lack of consistency in the findings of similar viables in the psychological tests.

The gastrointestinal assessment found no significant group difference for historical liver disease, historical and current ulcer, and current hepatomegaly. The Ranch Hand alkaline phosphatase mean was significantly higher than the Comparison mean, but group differences for the other laboratory examination variables (aspartate aminotransferase, alanine aminotransferase, gamma-glutamyl transpeptidase, total bilirubin, direct bilirubin, lactic dehydrogenase, cholesterol, high density lipoprotein [HDL], cholesterol-HDL ratio, triglycerides, crea-

tine kinase, and fasting glucose) were not significant.

In the dermatologic assessment, no cases of chloracne were diagnosed. For participants with no history of acne before the start of the first Southeast Asia (SEA) tour, a greater percentage of Ranch Hands than Comparisons reported the occurrence of acne after the start of the first SEA tour. However, the anatomic pattern of these lesions was not suggestive of chloracne. No other significant group differences were detected in the remainder of the analyses. The exposure index and longitudinal analyses were also essentially negative; the few positive findings were inconsistent with dose-response effects and the available knowledge of current serum TCDD levels in the Ranch Hand group.

The cardiovascular evaluation showed that the health of the two groups was similar for reported and verified heart disease and central cardiac function. With regard to peripheral vascular function, the Ranch Hands manifested a marginally higher mean diastolic blood pressure than the Comparisons, but the percentage of individuals with a diastolic blood pressure above 90 mm Hg was not significantly different in the two groups. The Ranch Hands had a marginally higher percentage of individuals with carotid bruits, and there were also significant, or marginally significant, differences with respect to femoral pulses, dorsalis pedis pulses, and three aggregates pulse indices (leg, peripheral, and all pulses), as assessed by manual palpation. Significantly more pulse abnormalities in the Ranch Hands were also found at Baseline, when pulses were measured by manual palpation, but not in the 1985 followup, when both manual and Doppler measurements were utilized.

In the hematologic evaluation, red blood cell count, hemoglobin, hematocrit, mean corpuscular volume, mean corpuscular hemoglobin, and mean corpuscular hemoglobin concentration were not significantly different in the two groups. The mean white blood cell and platelet counts were significantly greater in the Ranch Hands than in the Comparisons, but the magnitude of the difference was small in each case. The difference in platelet counts was signficant despite that in the longitudinal analysis of the changes from Baseline to the 1987 followup examination, platelet counts in the Ranch Hands decreased to a significantly greater degree than in the Comparisons. The percentage of individuals with abnormally high platelet counts was also significantly greater in the Ranch Hand group, but the relative risk was less than 2. In addition, no platelet count was elevated into a pathologic range. Exposure index analysis did not generally support dose-response relationships.

The groups did not differ significantly in reported history of kidney disease/stones or for urinary protein, urinary occult blood, urinary white blood cell count, blood urea nitrogen, or urine specific gravity based on unadjusted analyses. In the adjusted analyses, there was no pattern of results that suggested a detriment to either group.

For the endocrinologic assessment, the Ranch Hand thyroid stimulating hormone (TSH) mean was marginally significantly higher than the Comparison TSH mean, but results of the TSH discrete analysis did not show statistically significant group differences. Mean levels for triiodothyronine percent (T_3 %) uptake, testosterone, and 2-hour postprandial glucose were similar between groups. The percentage of abnormal levels for each of these variables, and the composite diabetes indicator, was higher for the Ranch Hand group than for the Comparison group, but none of these differences was statistically significant. Self-reported data on current thyroid function and past history of thyroid disease were similar between groups. Also, the percentages of participants with thyroid or testicular abnormalities diagnosed at the physical examination were not statistically different between groups. Overall, the endocrinologic health status of the Ranch Hand group does not appear substantially different from the Comparison group.

For the immunologic assessment of the 1987 followup, Ranch Hands and Comparisons did not differ on the cell surface markers, functional stimulation tests, total lymphocyte counts, or quantitative immunoglobulins. Statistical analyses of the natural killer cell assay variables adjusting for covariate information were conducted within the Black and nonblack strata. These analyses showed that Black Ranch Hands had higher adjusted mean counts and average percent releases than the Black Comparisons for the natural killer assay measures. The meaning of this observation is unknown. Without adjusting for covariate information, significantly more Ranch Hands had a possible abnormal reading on the composite skin reaction test than the Comparisons. Adjusting for covariate information resulted in performing group contrasts on the composite skin reaction variable within strata of the lifetime cigarette smoking history variable. For the heavier smoking participants, significantly more Ranch Hands had a possibly abnormal reading on the composite skin reaction test than the Comparisons. Within the other strata, there were no significant differences.

The pulmonary health of the two groups was reasonably similar based on the analyses without adjustment for covariates, although the Ranch Hands had significantly more thorax and lung abnormalities and marginally higher prevalence rates for hyperresonance. When significant interactions involving group were ignored, no significant differences were found in the adjusted analyses. Exploration of the interactions did not identify a consistent pattern. The adverse effects of smoking were evident in all analyses.

The process of inferring causality is complex and must be based on careful consideration of many factors. Any interpretations of the data must consider the biological plausibility, clinical significance, specificity and consistency of the findings, and a host of statistical factors, such as strength of the association, lack of independence of the measurements, and multiple testing. Based on direct and indirect evidence, it is concluded that this study is free of overt bias and the measurement systems used to obtain the data were accurate and valid.

In summary, there is not sufficient evidence at this time to implicate a causal relationship between herbicide exposure and adverse health in the Ranch Hand group. No cases of chloracne or porphyria cutanea tarda, the two most commonly accepted effects of dioxin exposure, were detected in this study. There was a single case of soft tissue sarcoma in each group and one case of non-Hodgkin's lymphoma in a Ranch Hand. The differences noted indicate that reanalysis using dioxin body burden levels and continued medical surveillance are warranted.

THIRD AIR FORCE STUDY ON AGENT ORANGE: "NO LINK"

(By Robert MacKay)

WASHINGTON, UPI.—The Air Force said Friday its third follow-up study has found again "no evidence of a link" between the health of Vietnam veterans and their exposure to the defoliant Agent Orange.

However, it said a separate collaborative study with the Centers for Disease Control in Atlanta to measure blood dioxin levels in Air Force study groups found "substantially elevated levels of dioxin" in the veterans who sprayed the chemical as compared to low levels for ground troops.

A report comparing those collaborative-study results to the medical findings in the Air Force's latest separate study is expected to be released in 1991, the Air Force said.

The Air Force study—based on questionnaires and physical examinations—compared the health of 995 Air Force members who conducted herbicide-spraying missions over Southeast Asia, "Operation Ranch Hand," with a comparison group of 1,229 men matched by age, race and occupation.

"Like the 1982 and 1987 studies, this follow-up again finds no evidence of a link between the health of study participants and exposure to herbicides in Vietnam," the Air Force said in a statement.

"Relatively few health differences were found between the 'Ranch Hands' and the 'Comparisons,' " the Air Force said.

No cases of the skin condition chloracne or the liver disease, porhyria cutanea tarda—the most commonly accepted effects of dioxin exposure—were detected in this study, the Air Force said.

"Since Vietnam, the Ranch Hands have had more basal cell skin cancer, a common and generally easily treatable form of cancer, often associated with sun exposure," it said. "No increases were evident in the occurrence of systemic cancer."

Agent Orange, sprayed during the Vietnam War on jungles to deny hideouts to the enemy, is blamed by veterans for causing a rash of diseases.

About 250,000 veterans and their dependents who claimed injuries from the dioxin-contaminated herbicide were awarded $215 million in an out-of-court settlement by seven companies in 1984 following a class-action suit.

However, the government has contended there is no evidence of a link between Agent Orange—the chief herbicide used in Vietnam—and diseases.

In the latest study, the Air Force said there was a single case of soft-tissue cancer in each of the two groups and one case of non-Hodgkins lymphoma cancer in a Ranch Hand member.

"Although few health differences were noted, continued medical surveillance is warranted," the Air Force said.

The Air Force study is part of a planned 20-year effort focusing both on the death rate and the disease rate of individuals who sprayed the defoliant over Southeast Asia from 1962-71 as part of Operation Ranch Hand.

Future physical examinations and medical record reviews will be conducted in 1992, 1997 and 2002 to further assess health effects, the Air Force said.

[From the CONGRESSIONAL RECORD, Apr. 14, 1988]

AGENT ORANGE AND THE THEORY OF ETERNAL RECURRENCE

Mr. DASCHLE. Mr. President, there is a saying that "history repeats itself." Nietzsche espoused the theory of "eternal recurrence," which, very simply stated, was that historical events are constantly repeated. Whether one wants to call it history repeating itself, eternal recurrence, or "deja vu," this concept is undeniably applicable to the Agent Orange story.

An Agent Orange history scholar would undoubtedly find a remarkable resemblance between past and present Agent Orange-related stories and events. The Government has historically claimed that there is not enough scientific evidence suggestive of a link between exposure to Agent Orange and diseases suffered by Vietnam veterans to justify compensation for those veterans. The Government continues to repeat that claim in spite of the numerous scientific studies that suggest such a link or, at the very least, cast reasonable doubt on the situation.

The Air Force Ranch Hand study is but one example of the eternal recurrence theory manifested through the Agent Orange story. In 1984, the Air Force released its baseline morbidity report concerning the health effects of exposure to Agent Orange and other toxic herbicides on Air Force personnel in Vietnam. The report was interpreted in various ways, but the Air Force and much of the press characterized the report as "reassuring to the Ranch Handers and to their families." While I and many other veterans expressed concern about many of the report's findings and dismay at the Air Force's apparent downplaying of those findings, the Ranch Hand study became widely viewed as a "negative" study. I and the other critics were called cynics looking for trouble where it did not exist.

Four years later, the Air Force has released a technical report reassessing the findings and conclusions of the 1984 study. The report cites group differences "in the direction of expected dioxin effects" and explains the severe limitations of the study's exposure index—limitations which, the Air Force admits, require that all the study's data be reviewed in the context of a new, improved exposure index.

It concludes that "dioxin is not exonerated as a causative agent because of the directionality of the observed group differences and the preliminary nature of the exposure index used in the * * * first morbidity report." The report also clarifies earlier data on cancers and birth defects, stating that cancers are not necessarily limited to the skin, that skin cancers were not caused by sun exposure, that birth defects are not limited to the skin, and that self-reported birth defects have been verified.

It took 4 years to clarify the interpretation of the 1984 morbidity report for the public. It took only 3 days to muddy the waters again.

Three days after the release of the Air Force technical report, a California clinic contracted to perform physical examinations of Ranch Hand personnel released a statement to the press quoting Air Force medical officials calling unidentified "updated results" of the Ranch Hand study "reassuring." Apparently the "updated results" are from the 6-month-old Ranch Hand first followup morbidity report. The statement does not mention the more recent technical report or the fact that the 1987 report is subject to the same criticisms facing the original morbidity study.

Mr. President, lest this all get too confusing, I ask that the following items be printed in the RECORD at the conclusion of my statement: First, a 1984 Washington Post editorial written upon the release of the original "reassuring" report, second, my response to the Washington Post editorial, third, a Newsday article outlining the troubling findings of the recently released Air Force technical report, and fourth, an Associated Press story, again calling the Ranch Hand findings "reassuring," written 1 day later.

If my colleagues will take the time to read these materials, I think they will quickly see why I am moved by the eternal recurrence theme. The events and arguments of 1984 have come back to haunt us, and we still have no definitive information about the relationship between Agent Orange exposure and negative health effects. We do know that Ranch Handers are suffering negative health effects in statistically significant numbers.

The studies will continue, as they should, so that we may someday have a clearer picture of the effects of exposure to Agent Orange and other toxic herbicides. In the meantime, disabled veterans wait for help and for the scientific evidence that we in Congress will consider conclusive enough to justify compensation. As policymakers, we must ask ourselves how long our Nation's veterans should be expected to wait.

Mr. President, I know that Senator Kerry also has something to say on this subject, and I want to take this time to thank him for his work on issues affecting America's veterans. He was a decorated combat veteran in Vietnam and has worked tirelessly on the myriad of issues facing the men and women who defended this country. I am very pleased to be working with him to address the Agent Orange issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1984]

NEW FINDINGS ON AGENT ORANGE

Many Vietnam veterans have, for too many years, been suffering from uncertainty about the health effects of exposure to the herbicide Agent Orange. Now, at last, there is scientific evidence that should offer them some measure of comfort. The Air Force has released findings from a study of heavily exposed veterans that found no evidence of either higher death rates or of diseases most strongly suspected of being linked to the types of dioxin found as contaminants in Agent Orange.

The government has been very slow in providing Vietnam veterans with the evidence to which they are entitled about possible long-term effects of their service. As a result it is right that the Veterans Administration—under congressional direction—has already taken the precaution of providing full health care for all veterans exposed to Agent Orange who suffer any disability not attributable to another cause. And, of course, the government should continue its extensive research program.

It is always possible that further study of the Air Force study participants, or the larger studies of the entire Vietnam veteran population being done by the Centers for Disease Control, will provide evidence of linkages between Agent Orange exposure and certain illnesses. But it is certainly encouraging that comparisons between the so-called Ranch Hands—the pilots and crews continuously involved in the spraying operations—and carefully chosen comparison groups found that, with a few possible exceptions, the Ranch Hands do not seem to have been affected by their exposure.

The Ranch Hands did experience higher rates of non-melanomic skin cancer—the commonest form of cancer among the white population—and certain liver and circulatory disorders. They also reported more minor birth defects, neonatal deaths and physical handicaps among their offspring, although these results have not yet been verified. The Air Force plans further study to determine whether these differences can be explained by exposure to sunlight, cigarette and alcohol consumption and other known causal factors.

Most striking is that the study did not find a single case of soft-tissue sarcoma (a form of cancer), chloracne (a severe skin disorder known to be caused by exposure to heavy dose of dioxin) or porphyria cutanea tarda (a rare liver disorder) among the Ranch Hands. A bill passed by the House last month would entitle Vietnam veterans who suffer from these illnesses to the same monetary compensation they would receive if they had suffered direct injury in battle.

Congress is understandably eager to compensate veterans for service-caused injuries. When slow-developing diseases can be reliably linked to service, compensation is certainly justified. But it would be a mistake to undermine the basis for compensation systems—or for warranted extensions of those systems—by indemnifying illness without adequate scientific basis.

RANCH HAND REALITY

(By Congressman Tom Daschle)

The Air Force claim that its Ranch Hand Agent Orange study findings can be viewed by Vietnam veterans and their families as reassuring is not supported by the study itself.

Let's again review what the study of personnel who handled Agency Orange in Vietnam actually found. In 5 of 13 health categories investigated, the Air Force Ranch Hand group's health compared unfavorably to that of the comparison group. These findings included higher rates of skin cancer, genitourinary cancers, throat cancer, as well as liver and circulatory disorders. Furthermore, increased rates of minor birth defects were verified in Ranch Hand children while significant increases in neonatal deaths (death within 28 days of birth) and physical handicaps were reported. This is hardly cause for jubilation.

Though the birth defect reports need further clarification, there is evidence for the first time that Vietnam veterans are fathering children who die at an inexplicably young age and are born with birth defects. Previously, these reports have been dismissed as anecdotal. This is no longer possible as the findings occurred in a group with a clear exposure history.

The Post's recent editorial makes much of the fact the Air Force Study found no cases of the three extremely rare conditions whose victims would be compensated under legislation enacted by the House earlier this year. You fail, however, to note these conditions are so rare in the general population that the discovery of even a single case among Ranch Handers would have been highly unusual. Soft tissue sarcoma, for example, appears at a rate of less than two

persons per 100,000. Had the Air Force found just one sarcoma case among the 1,200 exposed Ranch Hands, that would have suggested a sarcoma rate nearly fifty times higher than is normal in the general public. It is little wonder the National Academy of Sciences said in 1979 that the Air Force study would, "lack the statistical power to uncover an effect of moderate strength, such as the uncommon disorders mentioned in the complaints of veterans."

You also question the wisdom of "undermining" the VA compensation system by indemnifying illness without adequate scientific basis. Nobody, of course, wants to undermine the VA compensation system or award monies without scientific basis. In the case of the three rare disorders covered by our legislation there is scientific basis for linking them with dioxin exposure. This evidence is not rebutted by the Ranch Hand study because that study lacked the statistical power to say anything one way or the other on the issue.

The premise of the legislation, a premise fully as valid today as it was the day before Ranch Hand was released, is that three rare diseases highly correlated to dioxin exposure should entitle the few veterans exposed to Agent Orange, and suffering from these maladies, to the presumption their disorders are service related. To offer them this presumption, and to offer it only until the thorough data promised by the CDC study now underway is available, is surely not too much to ask.

In fact, when entire cities are being bought out and evacuated because of dioxin contamination far lower than that found in Agent Orange, and when forty other conditions—some of which are less scientifically tied to military service than those covered by our bill—are already presumed service related under the current compensation system, I could forgive a Vietnam veteran who might think it too little.

(Congressman Daschle is Chairman of the Vietnam Era Veterans in Congress and is author of legislation to compensate veterans exposed to Agent Orange.)

[From Newsday, Mar. 24, 1988]

STUDY, AGENT ORANGE MAY BE CULPRIT

(By Carolyn Colwell)

A new U.S. Air Force study edges closer to saying for the first time that Vietnam veterans' exposure to Agent Orange may have caused serious adverse health effects, particularly in the form of cancer and birth defects.

The report, released Monday by Sens. Tom Daschle (D-S.D.) and John Kerry (D-Mass.), was prepared by a physician at the U.S. Air Force School of Aerospace Medicine. It takes a new look at data from a 1984 study of personnel in Operation Ranch Hand, in which Agent Orange was sprayed from Air Force planes in Vietnam. In 1984, the data were used to reassure veterans exposed to Agent Orange that they apparently had nothing to worry about.

Agent Orange was a herbicide used to defoliate the jungle. For more than 20 years, veterans have been saying, that their exposure to the herbicide severely damaged their health. But they have been stymied in every effort—in courts in Congress and by the Veterans Administration—to win any compensation. Officials have said they have no scientific proof linking Agent Orange exposure and human illness.

Now, the Air Force has announced that the Ranch Hand sprayers, when compared with noncombat Air Force veterans of Vietnam, statistically have a significantly higher incidence of five of 11 conditions that animal and human studies have linked with exposure to the toxic chemical dioxin, and ingredient in Agent Orange. The five conditions are neoplasia (tumors), birth defects, psychological changes, liver damage and cardiovascular changes.

Dr. Michael Gochfeld, medical adviser to the New Jersey State Agent Orange Commission, said yesterday that the report's conclusions appear spectacularly different from the ones in 1984.

"What they're saying [now] is that if you thought dioxin caused health effects, they're saying that the evidence here says it probably does. Everything I heard in 1984 was that there were no health effects due to dioxin. This [newest study] could not be interpreted that way."

The latest report said dioxin cannot be ruled out as the cause of such conditions, but neither can it be blamed conclusively.

"Dioxin cannot be confidently identified as the causative agent of these findings," the report said. At the same time, it added, "dioxin is not exonerated as a causative agent . . ." The report said the data was not conclusive mainly because of problems documenting veterans' exposure to the dioxin in Agent Orange.

The Air Force hopes that these doubts will be eliminated by the analysis of new tests measuring dioxin levels in veterans' blood, said Air Force spokesman Col. William Wolfe, chief of epidemiology at the service's medical school at Brooks Air Force Base, Texas.

Those results will enable researchers to see if there is a correlation between the veterans whose blood shows a high level of dioxin and those who have developed cancers and other conditions believed to be related to dioxin exposure, Wolfe said. "That will answer the question for us," Wolfe said. "That will be the crowning touch. Once we're not locked into making assumptions, we'll be in an absolutely super spot."

The Air Force is seeking at least $2.2 million to do the blood testing. Wolfe said.

Whether the results reported Monday were old statistics with new meaning is being debated by veterans advocates and the Air Force.

The Air Force is saying the report essentially repeats the same statistical conclusions announced in its 1984 Ranch Hand study. The difference is that, for the first time, the Air Force is correlating these statistics with studies of the effects dioxin exposure has on animals and humans, and saying that the conditions that might be expected had developed, Wolfe said.

But the Air Force also concedes for the first time that the higher than normal incidence of skin cancer of Ranch Handers may not be caused by the sun, as it concluded in 1984, Wolfe said. The other new thrust is that the Air Force now believes that the reported higher number of birth defects in Ranch Hand families is more serious than originally assumed, Wolfe said. More research is under way on the birth defect question, he added.

Veterans advocates are greeting the study as the first confirmation by the military of what they've been saying all along—that Agent Orange injured veterans' health.

VIETNAM VETERANS INVOLVED IN SPRAYING SUFFERED NO ILL EFFECTS, STUDY SAYS

(By Sharon L. Jones)

LA JOLLA, CALIF.—More than 1,000 Vietnam veterans involved in the spraying of the herbicide Agent Orange show no unusual health problems to date, according to updated results of a government study.

In a statement Thursday, U.S. Air Force medical officials called "reassuring" the findings that the chemical defoliant hasn't caused disease in Vietnam veterans, but warned that the results weren't conclusive.

"This is the definitive study on Agent Orange in Vietnam veterans, and so far it shows that disease is not related to apparent exposure, that there is no increased incidence of major long-term health effects," Dr. William Wolfe, senior investigator in the government's 20-year Agent Orange probe, was quoted as saying in the statement.

"These results are reassuring," said Wolfe, chief of epidemiology at the U.S. Air Force School of Aerospace Medicine at Brooks Air Force Base in Texas.

The findings reflect the latest tests of 2,309 veterans in the government's investigation into Agent Orange and its impact on soldiers who handled the dioxin-containing herbicide. The study will conclude in 2002.

Some Vietnam veterans are seeking compensation for ailments they say are tied to exposure to the toxic chemical.

"No matter how good this study is, it will never lay to rest the issue for people who argue they were hurt," said Dr. Arnold Gass, head of the Agent Orange registry operation at the La Jolla Veterans Administration Medical Center.

He said the study is scientifically sound but handicapped by its focus on Operation Ranch Hand, Air Force servicemen involved in handling and dropping the herbicide from aircraft.

"It doesn't answer the question about what happened to the man in the field," he said. "The Ranch Handers flew in, flew out. The men in the field were there for days. They didn't take showers."

Ranch Handers are used because they are assumed by the government to have had the greatest amount of exposure to the chemical.

The study, begun in 1982 and conducted for the past four years at Scripps Clinic and Research Foundation in La Jolla, examined 1,016 men involved in Operation Ranch Hand and 1,293 Air Force veterans not involved in the operation.

Scripps Clinic physicians assessed each participant for general health, malignancy, and the neurological, psychological, gastrointestinal, dermatological, cardiovascular, hematological, renal, endocrine, immunological, pulmonary and nervous systems.

"These examinations found no evidence of a relationship between Agent Orange exposure and adverse health," the statement said.

"A number of minor medical differences were seen but they appear to be unrelated to exposure to dioxin. They will be monitored and re-evaluated during the next scheduled examinations in 1992."

Last year, a Veterans Administration study found increased deaths due to lung cancer and certain lymph cancers among Vietnam veteran Marines, providing what veterans' groups called the first clear scientific data implicating Agent Orange.

The Scripps Clinic statement cautioned that the latest results are not conclusive because the study used estimated levels of herbicide exposure based roughly on amount of contact, not by actual bloodstream dioxin levels.

Scientists have recently discovered a way to detect dioxin levels in blood even years

after exposure. Analysis of blood samples from 2,010 veterans is expected to be completed within two years.

Thursday's findings were released three days after an Air Force report admitted that an often-cited 1984 government study had been flawed because it didn't make clear that it couldn't exonerate the chemical from veteran's health problems.

NEW CONCERNS ON AGENT ORANGE

Mr. KERRY. Mr. President, a new report from the Air Force confirms what many Vietnam veterans have known for years—that there are serious health consequences associated with exposure to Agent Orange. The Air Force report was released last month to myself and Senator Tom Daschle. I would like to take this opportunity to commend Senator Daschle, himself an Air Force veteran, for his commitment and persistence in helping to obtain the release of this vital information for Vietnam veterans.

The new Air Force report shows that previous results from the Ranch Hand study on Agent Orange, released in 1984, are seriously flawed. The new report shows that cancers and birth defects among Vietnam veterans who were exposed to Agent Orange and their families are worse than previously reported.

For several years now, veterans have been told by the U.S. Government that there is nothing to worry about, that Agent Orange was not harmful to their health. The Ranch Hand study was often cited as being "reassuring" to Vietnam veterans. Now we are learning that the Ranch Hand study methodology was flawed, and that the results are not reassuring after all.

Many Vietnam veterans have suspected this truth all along. They have known what the Government has refused to tell them—that they are at greater risk of disease due to their service in Vietnam and their exposure to Agent Orange and other toxic chemicals.

Senator Daschle and I have introduced legislation which would begin the process of compensation of Vietnam veterans who are victims of Agent Orange. This is a long-overdue step which should be taken now, before it is too late for many veterans. While definitive scientific answers may never be available, there is still time to help veterans who are suffering. In a war which was questioned by many, Vietnam veterans gave their country the benefit of the doubt. Let us do the same for them.

I ask that articles from the New York Times and the Boston Herald about the Ranch Hand study be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Boston Herald, Mar. 22, 1988]

AGENT ORANGE STUDIES "MAY BE WRONG"

(By Tom Squitieri)

WASHINGTON.—The U.S. Air Force, admitting its earlier Agent Orange studies minimized health risks, yesterday called for new research on the effects the defoliant had on Vietnam veterans.

A new report, based on four years of study, said previous tests on Agent Orange exposure should be done over "to get a truer picture of how exposure to dioxin affected the health of Vietnam veterans and their families."

Air Force scientists writing in the report called for major blood analysis of Vietnam veterans this year as the first step—using new technology to determine Agent Orange effects.

The news of the Air Force report, which was finished in February and released after pressure from U.S. Sens. John Kerry (D-Mass.) and Thomas Daschle (D-S.D.), brought a swift reaction from Vietnam veterans, none of whom have been compensated for any Agent Orange injuries.

"How many times are we going to go around and around the circle until they find a crack? We already have got enough evidence to justify compensating those people injured by Agent Orange," said Barry Kasinitz, a spokesman for the Vietnam Veterans of America. "The Air Force first said no problem, then, 'Whoops, we were wrong.'"

"We have to stop looking at this as a scientific issue and look at it as a political issue," Kasinitz said. "If you would have been wounded by being shot, you would have been compensated. If you were wounded by Agent Orange, it's time to start compensating."

The new information is certain to add public support to legislation introduced last October by Kerry and Daschle that would provide federal compensation to veterans exposed to Agent Orange.

The new report said that in two key areas—cancers and birth defects—errors were found in the original 1984 survey—known as the Ranch Hand Study. Only veterans who dumped the Agent Orange from the aircraft, the so-called "ranch hands," were examined for the 1979-to-1984 study, not veterans on the ground who were exposed to the toxin.

Until yesterday, the government has said the 1984 Ranch Hand study should be "reassuring" to veterans concerned about the negative health effects of exposure to Agent Orange.

But, according to the new report, cancers among the "Ranch Hand" veterans who were studied are not necessarily limited to the skin, as was concluded four years ago.

The new report also said the skin cancers found in the Ranch Hand veterans were not caused by exposure to the sun, as also suggested in the earlier study.

And birth defects among the Ranch Hand veterans' offspring also were not limited to the skin, as the 1984 report suggested.

"While dioxin cannot be conclusively (linked) to those clinical conditions, the study can no longer be seen as ruling out effects from dioxin exposure on human health," according to the new report.

Sources on Capitol Hill and elsewhere said the new Air Force research suggested there are links between exposure to Agent Orange and subsequent cancer and birth defects, but Air Force officials were not available for comment.

Kasinitz said the Air Force admission should finally push the federal government into compensating victims of Agent Orange. He said he did not expect it to have any impact on the $180 million out-of-court settlement veterans won from chemical companies in 1984.

"That was a sideshow. When the veterans realized the government was not going anywhere (in compensation) with nowhere else to go, the veterans thought they might get something," Kasinitz said. "But neither from that settlement fund nor from the V.A. has one dime been paid to veterans."

[From the New York Times, Mar. 23, 1988]

NEW DOUBTS RAISED ON AGENT ORANGE

WASHINGTON, March 22.—A new Air Force report has raised questions about some conclusions of an often-cited 1984 Government study that was supposed to be "reassuring" for Vietnam veterans exposed to the herbicide Agent Orange.

The revised study said that while Agent Orange could not be "confidently identified" as the reason for a series of health problems among veterans who handled it, it could not be "exonerated" either. Agent Orange was used by American forces in the Vietnam War in an effort to defoliate areas in which the enemy operated.

The report, released Monday by two Democratic Senators, John Kerry of Massachusetts and Thomas A. Daschle of South Dakota, was hailed by advocates for veterans as a breakthrough.

"For the first time, the Air Force is saying in a major way that they cannot rule out dioxin as the cause of ill-health effects," said Barry Kasinitz, spokesman for Vietnam Veterans of America.

VETERANS' COMPENSATION SOUGHT

The Senators, both veterans of the Vietnam War, are pushing legislation to compensate veterans who suffer from certain conditions that may be linked to exposure to Agent Orange.

Dioxin, a contaminant of Agent Orange, causes cancer and birth defects in some animal species. Exposures to dioxin can cause skin ailments in humans, but most scientists say that links to cancer or birth defects in humans have not been proved.

The Air Force says it has never categorically ruled out a link between Agent Orange and health problems.

But critics say the 1984 study of Air Force personnel directly involved in spraying Agent Orange in Vietnam gave that impression when it said, "In the full context, the baseline study results should be viewed as reassuring to the Ranch Handers and their families at this time." Operation Ranch Hand was the Air Force's code name for the aerial spraying of Agent Orange.

"What they're doing is trying to reverse themselves without really saying so," said Eric Hamburg, an aide to Senator Kerry.

Laura Petrou, a Daschle aide, said, "We have gotten a clear sense that the Air Force wants to work with us to get the truth out."

SENATORS' CONTENTION REJECTED

The Air Force rejected the Senators' contention that the 1984 study was seriously flawed. "I think that's an overstatement," said Dr. William Wolfe, chief of epidemiology at the Air Force School of Aerospace Medicine at Brooks Air Force Base in Texas.'

"There are areas of that report that we have less confidence in the conclusions," said Dr. Wolfe, the senior Air Force investigator in the Agent Orange investigation. But he added that the bulk of the 1984 findings were upheld by the review.

The major problem with the original study, Dr. Wolfe said, was assumptions about exposure that failed to consider work habits. Government scientists now realize that some members of the armed forces were sloppier than others in handling Agent Orange, and therefore had a greater exposure that was not taken into account, he said.

Mr. Kerry and Mr. Daschle said the 1984 study incorrectly concluded that all birth defects were limited to the skin. They also said the revised study indicated that the 1984 study erred by saying the only type of cancer found among the Agent Orange veterans was skin cancer.

Dr. Wolfe defended the 1984 conclusion saying. "There is an increase in the skin cancer in the exposed group, but not in more serious forms of cancers."

AMERICAN STRENGTH IN A POST-COLD WAR ERA

Mr. DASCHLE. Mr. President, as freedom breaks out in Eastern Europe, there is more for the United States to celebrate than just the triumph of democracy over communism. The diminishing threat of a military challenge from a Communist state gives the United States a welcome opportunity to reflect on its own needs and priorities in a post-cold war era.

Regardless of Secretary Gorbachev's fate, traditional notions of strength as measured exclusively by missiles and warheads make little sense as we enter the 21st century. Strength will increasingly be measured in terms of our human and physical capital: the productivity of our workers, the state of our infrastructure, and the overall health and resiliency of our economy.

The choices are stark: we can continue to throw money at weapons systems of questionable utility, like SDI, or we can begin to offer basic medical care to the 30 million uninsured in our country. We can continue to dish out $500 million for each Stealth bomber, or we can repair crumbling bridges and roads whose condition will soon preclude the transport of goods and people across and within States. The list goes on. These are choices that we must face, for our resources are not limitless. We cannot have it all.

Most importantly, we can no longer afford to give defense the preeminence in our budget it has long enjoyed. It is time to redefine strength, and there is no better way to do this than to reallocate resources in our Federal budget. It is my hope that we can begin to use our budget to achieve the goal of a strong and efficient economy and an able, reliable defense capability, rather than just the assured military destruction of our cold war enemies. Our shortsighted strategy has taken too big of a toll for too long on the strength of our country.

An article from the Atlantic Monthly, "A Post-Cold War Budget," by Jack Beatty, describes very well the situation we face. I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A POST-COLD WAR BUDGET

(By Jack Beatty)

This year Congress can make history by drawing up the first post-Cold War budget. It can miss its chance, of course, and continue with business as usual; and with polls showing that over 60 percent of Americans support the current level of defense spending ($291 billion), our politicians would not seem to have much political incentive to be statesmen. But the polls also show that growing numbers of Americans want this country to respond to the world-historical developments of what deserves to be called the Gorbachev era with something that matches them in scope. It's hard to see what that could be in foreign policy—after all, we have no Berlin Wall to tear down. To be sure, a strategic-arms-reduction treaty and a treaty reducing conventional arms in Europe would be signal achievements, and maybe if both treaties had already been signed, they would satisfy our wish to make the most of this historic moment. But perhaps looking for ways to match Gorbachev in foreign policy is missing the point of Gorbachev. As Paul Kennedy has argued, Gorbachev is the only practitioner of "grand strategy" on the contemporary world stage, and the essence of his strategy is a manifest willingness to subordinate foreign and defense policy to the domestic necessity of making the Soviet economy work. Just when what Kennedy calls "the metric of power" in world politics has begun to shift from military force to economic potential, the Soviet Union has been graced with a leader who appears to understand that shift, and who is embarked on a desperate gamble to restore the greatness of his country. Gorbachev's grand strategy makes possible the kind of change in our own national strategy that would have been unthinkable at any other point since the Cold War began.

The United States today faces no external threat from a rising "challenger state." The main threats to our international position are domestic in kind; they are to be found in the debt-ridden condition of the economy and the deteriorating state of so much of our physical and human capital. This is the realm in which we must establish our strength, for it is here that we will be tested in the post-Cold War era. The metric of power points home, and it is this new idea of strength that the White House and Congress have the chance to codify in the budget they are preparing now. They have a choice, really, between Cold War and post-Cold War ideas of strength, between yesterday and tomorrow. What follows is an outline of some of the choices open to them—and us.

We could build the Stealth bomber. At nearly $600 million per plane, the Stealth is notoriously exorbitant. It represents the Air Force's attempt to keep the manned bomber alive in the age of the cruise missile, or pilotless flying bomb. As such, it is an exercise in nostalgia, one that could easily cost $79 billion—the "if all goes well" cost of the 132 planes requested by the Air Force. So far, Congress has spent $22 billion on the Stealth. What has all this money been for? It's dismaying hard to tell. "The mission [of the Stealth] changes just about every week," says Representative John Kasich, an Ohio Republican who wants to kill the weapon in its gilded crib.

One mission is to hunt Soviet mobile missiles—but right there, having written those words, "hunt Soviet mobile missiles," I must stop and take a little detour. With freedom breaking out in Eastern Europe, the abstract logic of nuclear strategy, always absurd, looks downright ludicrous. The idea of nuclear war between the superpowers has never seemed so divorced from history as it does today. Thus arguments such as I am about to advance—arguments against weapons systems which are based on strategic need and military efficiency—run the risk of looking beside the point. Since peace is at hand, why bother with these pre-peace categories? In a recent interview French President François Mitterand gave a good answer to that type of question when he said, "If Mr. Gorbachev were to fail, nothing can guarantee that a new Soviet power—which might not be Communist—wouldn't still be military and totalitarian." That new Soviet regime, it is necessary to remind ourselves, would still have more than 10,000 nuclear warheads targeted on the United States. Marshall Goldman, of Harvard's Russian Research Center, thinks that Gorbachev has at most only three or four years left; a high European official at NATO headquarters predicts, "Unless he arrests the economic decline, he won't be there in two years." Cutting weapons systems on the grounds that Gorbachev has permanently halted the military competition between the superpowers might thus be letting the wish be father to the policy. We should cut them because we didn't need them before Gorbachev came to power, we don't need them with Gorbachev in power, and we won't need them if Gorbachev should fall from power.

To resume: one mission for the Stealth is to hunt Soviet mobile missiles. Leaving aside whether that would be a mission impossible (it probably would), attacking the Soviet mobile missiles would be a mission undesirable. Each side needs an assured survivable force to secure deterrence. We have one in our ballistic-missile-carrying submarines; the Soviets have one in their land-based mobile missiles. To threaten the other side's survivable force is to raise the specter of a successful first strike in which you will disarm his only means of retaliation, putting him under remorseless pressure to use his retaliatory weapons against you first or lose them.

Once you see the fallacy of this so-called counterforce strategy—that putting your adversary's deterrent force at risk reduces your own security—the responsible course is not just to stop a particular weapons system but to abolish a whole function for future weapons systems. For, inevitably, Stealth will have its "follow-ons." Inevitably, leaks from the CIA will hint that the Soviets are fielding "a new generation of anti-Stealth weapons." Inevitably, there will be a "Stealth gap." And, inevitably, the taxpayers of the future will be called on to redeem the $80-odd billion already spent on Stealth with yet more billions for improvements, modifications, enhancements, or replacements for a system that should not exist to be improved, modified, enhanced, or replaced in the first place.

Or we could insure the medically uninsured. Some 30 million to 37 million Americans fall into that category, and approximately 15 million every year are denied medical care because they cannot pay for it. Most of them hold down the kind of low-wage, no-benefits jobs that burgeoned in the 1980s. They are the people who deliver our papers, pump our gas, grill our hamburgers, carry our luggage, and care for our children. It is not their fault that they are trapped in sectors of the labor market that can't afford either to provide them with medical insurance as a fringe benefit or to pay them enough to insure themselves. And the work they do is socially necessary. Extending medical insurance to them as a form of social insurance would be a way of recognizing that. It would, to use a hoary word, be "just." It would also be expensive—estimates range from $25 billion to $50 billion a year. That sum would have to come out of

taxes, but it would be only a small fraction of the $600 billion this society will spend on health care this year. And though it would be a dreaded "new social program," in the long run it would cost less than the system we have today. Society now does nothing for the pregnant teenage girl who avoids going to the doctor because she has no medical insurance. It patiently waits for her to present herself in the delivery room, and then spends $300,000 saving the life of her premature baby—a tragically shortsighted and profoundly wasteful result. Insuring the uninsured thus would strike a blow not only for social justice but also for economic efficiency.

We could continue to build and deploy the Trident II submarine-based ballistic missile. Tom Downey, a Democratic congressman from New York, says, "the Trident II will be the single most destabilizing first-strike weapon ever built." He may be right. Depending on how it is armed, each Trident II can be almost five times as destructive as the Trident I missiles now carried by our submarines. The Trident II will not only be superpowerful; it will be superaccurate, and thus able to hit and destroy Soviet missile installations. Its combination of destructive power and accuracy, when added to the quality of near-invulnerability conferred on submarine-based weapons, makes the Trident II a potential first-strike threat, one that would put Soviet nuclear forces under even greater "use it or lose it" pressure than Stealth. Trident II would force the Soviets to put their retaliatory forces on hair-trigger alert, and that would increase the danger of the only kind of nuclear war imaginable between the superpowers: an accidental one. From 1977 to 1984 there were more that 20,000 false indications of Soviet attacks on the United States; they must have had as many such indications from our side. Canceling Trident II would not only save $18 billion over ten years; it would absolve future taxpayers from the painfully unnecessary task of paying for Trident III.

Or we could return Federal aid to education to its 1980 level in percentage terms. Back before the advent of the Reagan Administration the federal government devoted 2.5 percent of its total spending to education: in 1989 the amount was 2 percent, or 22.8 billion. President George Bush originally proposed increasing education spending by $441 million, which may sound like a lot of money but is in fact $110 million short of what Michael Milken made in salary in 1987. To return federal spending to the 1980 percentage, the President would have had to top Milken by $5.5 billion.

What could we accomplish in education by according it the same priority it enjoyed ten years ago? We could, to begin with, fully fund Head Start, a program of enriched learning for poor pre-schoolers whose tonic effect on student achievement has been demonstrated in study after study for twenty years. Currently only 451,000 of the country's 1.7 million poor children are enrolled in Head Start. For about $1.2 billion more a year Head Start could be expanded to cover all eligible children for at least one year.

We could also serve every child eligible for aid under Chapter I of the Elementary and Secondary Education Act of 1965. Eight million children living in low-income census districts are theoretically eligible to receive the compensatory education called for under Chapter I, but in practice fewer than five million are getting it now. Under Chapter I, for $700 per child per year children who are at risk of repeating their grades receive remedial teaching. Every time a child repeats a grade, it costs the taxpayer $3,500, on average. Thus Chapter I doesn't just pay for itself; it saves the taxpayers money. Expanding Chapter I would cost nearly $3 billion. Former President Reagan has disparaged the idea that there is a convincing correlation between investment in education and a wider social gain. Yet a study done for the Committee for Economic Development found that money invested in education in fact paid off in the range of 7 to 11 percent after inflation.

Finally, if the level of federal aid to education were returned to what it was in 1980, more poor and middle-income young people could go to college. In 1979 Pell grants paid for 50 percent of a poor recipient's college costs, on average; now they cover only 29 percent. In a reversal of an encouraging trend of the 1970s, fewer and fewer young black men are going to college; the decline in federal support coupled with the rise in college costs is a big part of the reason why.

We could build the mobile land-based missile known as Midgetman. In the Atlantic last year R. James Woolsey, who is now President Bush's chief conventional-arms negotiator, likened the Midgetman to a pair of suspenders backing up the belt of our submarines. In fact, we already have one pair of suspenders: our fleet of manned B-52 and B-1 bombers. How much should a man with a perfectly good belt (In congressional testimony a spokesman for the CIA said that that agency didn't believe the Soviets could deploy any effective threat to our submarines in the 1990s) and a perfectly good pair of suspenders be willing to pay for another pair of suspenders?

The projected cost of Midgetman is a sobering $30 billion plus. This small mobile missile is supposed to remove from the minds of Soviet planners any idea of mounting a first strike. The question is, Without the land-based mobile missile, are we vulnerable to such a first strike? Joshua Epstein, a defense analyst at the Brookings Institution, has calculated that even if the Soviets mounted a "perfect first strike"—one that destroyed all the 1,000 land-based missiles we have deployed, all the bombers on all our bases around the world, and all the missile-shooting submarines in port—the 50 percent of our submarines that are always at sea and the 30 percent of our bombers that are always on alert could still unleash more than 4,000 warheads on the Soviet Union. Having assumed the incredible in his worst-case thought experiment, Epstein goes on to posit the unimaginable. Suppose, he says, that the same Soviet air defense that could not stop a West German teenager from landing his Cessna in Red Square managed to mount a "perfect" air defense, knocking out all our bombers and all the cruise missiles they fired. In that worst of worst-case scenarios, 2,800 warheads from our missile-carrying submarines at sea would still fall on the Soviet Union. Epstein has asked senators and congressmen who favor Midgetman to tell him why the certainty of 2,800 warheads falling on the motherland is not enough to deter the Soviets. "They can't even name enough targets for the twenty-nine hundred warheads," he says, "yet they want to add more. We don't need Midgetman to deter a Soviet attack. We don't need it, period."

Or we could help to reinvigorate the polish economy and give a fillip to Polish democracy. The Poles asked President Bush for $10 billion; he offered them $100 million. That pathetic response is a portent of America's decline as a great power. Poland, after all, is seeking to move from dictatorship to democracy, and from a command to a market economy. Two billion dollars from the United States now, coupled with the $8 billion in loans from the West as a whole that such a grant would make possible, would allow the Solidarity government to put the Polish economy on the path to self-sustaining economic growth. By giving the government the wherewithal to pay unemployment and resettlement allowances to workers displaced by the wrenching economic transition that Poland must undergo, an infusion of something more than what Senator Daniel Patrick Moynihan has derided as "walking-around money" would even help to legitimize democracy to the Poles. Yet a few million is all that an administration that wants to build the Midgetman and the Trident II and the Stealth bomber can do.

And we could cut cocaine production in Bolivia by 35 to 40 percent; that could be done with about $2 billion over three years, according to Jeffrey Sachs, a Harvard economist who has studied the problem. In 1986, before stopping drugs became the public's No. 1 demand of the federal government, Bolivia asked the Reagan Administration for money to finance a program of crop substitution and allied economic development. Pleading Gramm-Rudman limits on spending, Secretary of State George Schultz turned the country down. Suppose he had said yes. How much of the crack now tormenting mean streets from New York to Los Angeles would never have gotten into the country? Three hundred thousand Bolivian peasants work in the coca fields for their daily bread. The Bolivian government says that $2 billion from the United States, plus the loans thereby encouraged from others, would help it give those peasants a licit alternative to starvation. But the Bush Administration has asked Congress for only $261 million in military aid for the Andean countries (Peru, Colombia, and Bolivia) for fiscal 1990, and no economic aid at all until 1991.

And we could end the Third World debt crisis. That would take $5 billion, Jeffrey Sachs estimates. Under Sachs's plan the United States would withdraw $5 billion from the Treasury and place it in an account to guarantee interst payments to banks willing to make new loans to countries like Mexico and Brazil. But no money would actually be lost to the Treasury unless those countries defaulted on their loans, an eventuality that Sachs contends is unlikely. Thirty-nine countries with a total population of 850 million could thus be put on the road to recovery.

We could build the strategic defense initiative—at a great price not only in dollars (the research and development costs alone of SDI could run to $50 billion in the 1990s) but also in peace. The Soviets have agreed to go ahead with START, an arms-reduction treaty that would cut the long-range nuclear-weapons arsenals of the superpowers by half. They are reserving the right to break out of that treaty, however, if the United States goes ahead with SDI testing or deployment that violates the antiballistic-missile treaty of 1972. This stipulation probably dooms the more robust versions of SDI that were floated a few years ago, because it is unlikely that a majority of congressmen would vote to fund a program that would cause the Soviets to break out of a signed and ratified treaty. Even so, the House

voted to spend $3.1 billion on SDI research last year, while the Senate voted $4.3 billion. In the promiscuous way of our politicians, they are apt to keep voting comparable sums for years, until SDI becomes a mortal threat to START, at which time they will pull the plug on SDI, having spent who knows how many billions to provide themselves with political cover and to ensure a steady flow of money from the political-action committees of defense contractors. Already SDI has absorbed $21 billion since Ronald Reagan launched the program, in 1983. That is enough, SDI was originally supposed to protect the U.S. population from Soviet attack. No one believes that is possible anymore. Now SDI is thought of as a system of partial defense for U.S. missile sites. It would strengthen deterrence, its proponents claim, by "complicating" Soviet attack plans. But do these plans need any more complicating? We have seen that even after a "perfect" Soviet first strike and a "perfect" Soviet defense against our retaliation, 2,800 warheads would be available to make the rubble bounce. Surely those 2,800 warheads constitute an inexorable complication. Congress should continue to fund research into the feasibility of defensive systems, but at about the rate devoted to this sort of deus ex machina before fear of Reagan and lust for PAC money made Congress back the escapist folly of SDI. A billion dollars a year should do it.

Would the elimination by this Congress of all funding for Stealth, Trident II, and Midgetman (along with its big brother, the rail-mobile MX: savings, $10.3 billion), and the reduction of SDI to the status of a modest research program, hamper the administration in the strategic-arms-reduction negotiations with the Soviets? Not to put too fine a point on it, no. The Soviets don't need the prod of U.S. bargaining chips to complete negotiations on START. Their collapsing economy gives them sufficient incentive to negotiate. In any case, it is most likely not the Soviets who have been holding up START but rather the U.S. Navy, which has had trouble making up its mind whether and how to ban nuclear-armed sea-launched cruise missiles. These so-called SLCMs, which, as noted in these pages a year ago ("Reagan's Gift," February 1989, *Atlantic*), constitute one of the chief obstacles to START, are the bargaining chips of arms negotiations past—only they were not bargained away but retained, to bedevil future efforts to work out verifiable arms-reduction agreements. The Pentagon uses bargaining-chip arguments to co-opt the arms-control lobby into supporting new weapons systems. The congressman who votes for systems like Stealth and Midgetman on bargaining-chip grounds is using the cant of nuclear diplomacy to mask his real, pork-barrel motivations.

With a billion of the $2 billion freed up by restraining SDI research, we could establish a national Police Corps. A Police Corps could add as many of 100,000 officers to overstretched police forces around the country. Enrollees would receive four years of guaranteed federal loans to cover college costs of up to $10,000 a year. In return, the 25,000 men and women selected each year, many of them members of minorities, would be expected to fulfill a four-year commitment to their local police force. When their term of service was over, the government would pay off their colleges loans. Since there are now 488,000 local policemen, the Police Corps would increase their ranks by an impressive 20 percent. "More significantly," Albert Hunt writes in *The Wall Street Journal*, "as the graduates would be placed almost exclusively on foot patrol, and not add to the police bureaucracies, the proposal should increase cops on the front lines by about 40 percent." The ratio of police officers to violent crimes has been tilting ominously toward violent crimes. In 1951, for example, there were 1,229 police officers and 361 violent crimes in the city of Buffalo, whereas in 1988 Buffalo had 970 police officers and 3,555 violent crimes. The strategic defense initiative will not defend the citizens of Buffalo. The Police Corps will.

We could continue to spend upwards of $150 billion every year defending Europe, the world's largest economic entity. Under the terms of the conventional-force-reductions talks now under way, the Warsaw Pact would cut its force in the Atlantic-to-Urals theater (Eastern Europe and the western military districts of the USSR) by 40 percent, but NATO would cuts its forces by only 10 percent. That won't save the American taxpayer much money. Joshua Epstein, of Brookings, addresses that problem in a plan he has presented at the Pentagon and on Capitol Hill. He has discovered something that other commentators have missed about the current talks: when forces designated for Europe but based in the United States are included, the proposed agreement will give NATO what NATO has never sought and does not need—quantitative superiority over the Soviets in two vital weapons categories, tanks and armored personnel carriers. NATO already spends $130 billion more than the Warsaw Pact countries every year to ensure that it retains its qualitative superiority in weapons. But NATO would need quantitative superiority only if it intended to invade Eastern Europe, and it has no idea of doing such a fantastic thing as that. Epstein recommends that NATO divest itself of this embarrassment of riches. He would follow up the conventional-force-reductions talks with negotiations about a further 50 percent cut on both sides. He would then make a unilateral cut by demobilizing the National Guard reinforcement brigades for the forces we would be withdrawing from Europe. The 50 percent cut on top of the 10 percent cut plus the unilateral cut in the National Guard would save at least $20 billion, every year. And it would leave NATO "much better off" defensively than it is today, Epstein claims. That is because with each cut in the size of the Soviet forces, the chances of a successful blitzkreig attack on Western Europe, a project as fully as fantastical as a Western invasion of the East, rapidly approach the infinitesimal.

With the $20 billion annually to be saved from NATO, we could make a down payment on the rebuilding of our infrastructure. It is in bad shape, our infrastructure. To see why, you have only to compare yesterday with today and the United States with Japan. In the 1960s we devoted 2.2 percent of all government spending to infrastructure, whereas by the late 1980s the level of investment had slipped to one percent. From 1973 to 1985 Japan spent five percent of its annual output on infrastructure, and it enjoyed an average productivity growth of 3.3 percent. Over the same years, the United States spent 0.3 percent on infrastructure, and it enjoyed—if that is the word—a 0.6 percent increase in productivity. Looking at these figures, David Alan Aschauer, of the Federal Reserve Bank of Chicago, concludes that government spending on infrastructure construction and maintenance spurs economic growth. And conversely: of the total U.S. productivity decline of 1.2 percent since 1970, fully one percent can be attributed to the neglect and deterioration of infrastructure, according to Aschauer. We need to invest $40 billion to $50 billion annually for a decade or more just to restore our extant physical capital. The Department of Transportation, to cite a resonant example, reports that the proportion of bridges that are defective rose from 10.6 percent in 1982 to 15.9 percent last year. Other estimates run as high as 40 percent. Maintenance work on bridges and on the interstate highway system will cost $300 billion over the decade.

Other vital infrastructure spending includes $25 billion for the modernization of the air-traffic-control system, $20 billion for the renovation of the existing stock of public housing, $200 billion for the cleanup and modernization of fouled nuclear-weapons-production facilities, and $15 billion for state-of-the-art computers and a new long-distance phone system for the government.

The bridge that does not collapse, the air-traffic-control system that manages to land planes safely, the highway whose potholes do not break your rear axle—these prosaic achievements of government will not make any headlines. But in this essential though unheralded realm prudent investment could make an enormous difference to our children.

We could continue to station 31,000 army and 12,000 air force members in South Korea, at an annual cost of $2.6 billion, thirty-five years after the end of the Korean War.

Or we could withdraw 10,000 of them, saving $600 million every year. Senator Dale Bumpers, an Arkansas Democrat, has called for such a troop cut. Bumpers points out that South Korea now boasts a GNP seven times as big as North Korea's, and a population twice as big. With the trade surplus it runs with the United States every year, South Korea can afford to pay more of the cost of its own defense.

With the money we would save by bringing home some of our soldiers from South Korea, we could expand WIC, the supplemental-food program for women, infants, and children. Currently 7.3 million women are eligible for food and medical care under the income criteria of this program, but only 4.4 million are served by it. They are served well. For $40 a month a poor pregnant woman enrolled in WIC is given access to nutritious food as a medical prescription—in other words, to get the food, she has to see a health-care professional, who provides her with nutritional counseling and helps her find prenatal care. The program works; it increases the birth weight of babies. It also saves taxpayers money. Studies have shown that every dollar spent on the prenatal component of WIC actually saves three dollars in *that same year*, since caring for a low-birth-weight baby in a neonatal clinic can run anywhere from $2,000 to $10,000 a day. WIC now costs $2.1 billion; for a billion more, it could be expanded to serve all the women eligible for it.

We could make no changes in social security or military pensions.

Or we could make substantial savings that would be relatively painless to pensioners and simple in every respect save the political. Under current tax law individuals with incomes of more than $25,000 and couples with more than $32,000 pay taxes on 50 percent of the Social Security benefits they receive. If they paid taxes on 85 percent of

their benefits, that would generate $18 billion over five years. If those income thresholds were eliminated (a course not recommended here), $97 billion could be raised over the same period.

A change in the pensions of federal retirees could be almost as lucrative. Military retirees now get full pensions as soon as they leave the service—for many, in their early forties. Nearly all of them take new jobs, and their pension income on top of their salaries places 80 percent of them in the top two fifths of the population in earnings. Every year these well-off retirees receive full automatic cost-of-living adjustments in their pensions. If these COLAs were cut in half until the military retiree reached his sixty-second birthday—if, that is, instead of receiving a four percent increase in a year when inflation was four percent, he got a two percent increase—the Treasury would gain $5 billion annually within five years.

With the money saved through these reforms, we could end hunger in America. Some 20 million Americans go hungry sometime each month, according to J. Larry Brown, the chairman of the Physician Task Force on Hunger in America. There are half a million to a million malnourished children in America. Some 32 million Americans live below the poverty line (a measure directly tied to what it costs to feed a family), yet only 19 million Americans receive food stamps, the largest federal food program. No other Western society is so haunted by the medieval curse of hunger.

To feed the hungry would cost $4 billion to $5 billion over the $21 billion we already spend on food stamps, WIC, school breakfast and lunch programs, federal food programs for the elderly, and a few other small food-aid programs. To put these costs in perspective: for two days' subsidy of NATO, or one Stealth bomber, we could ensure that more than one million babies will not be born malnourished.

Because Social Security and military pensions bulk so large in the budget, we could also begin to house the nation's homeless (estimates of their number run up to three million) on the money freed up by these two modest reforms. A recent study found that 45 percent of all poor renter households pay 70 percent of their income in rent. And those incomes are poignantly small. "With median incomes of less than $100 per month or about $3.25 per day," writes one researcher on homelessness in Chicago, "even trivial expenditures loom as major expenses; for example, a round trip on Chicago's bus system in 1986 cost $1.80, more than half a day's income." Meanwhile, the wait for subsidized apartments in public housing averages five years. Experts on homelessness say that high rents, coupled with the small supply of subsidized housing, are the leading cause of homelessness. For an additional $17 billion to $19 billion a year the cost of rental housing for the poorest Americans could be reduced to 30 percent of their income. The program could be means-tested (like Medicaid) and be administered using vouchers, which the recipients would present to their landlords. It would not only reduce homelessness today but also restrain its future growth. Experts say that unless something is done, the federal government's failure to fund new public housing in the 1980s, combined with the gentrification of urban neighborhoods that were once America's Skid Row, will create an epidemic of homelessness by the turn of the century.

We could cut the capital-gains tax from its current rate of 33 percent to 19 percent, as the Bush Administration and many congressional Democrats want to do. That would increase the deficit by some $70 billion over the next decade.

Or we could raise the capital-gains tax at death and close loopholes for business and the wealthy. Thanks to Reagan-era changes in the law, heirs can escape paying taxes on the capital gains on their late parents' estates. As much as three quarters of capital gains thus go untaxed. Making heirs pay the same rate of taxation on their parents' unearned income as other taxpayers pay on their earned income would bring the Treasury upwards of $5 billion every year.

Then there is the 80 percent free lunch; it could be made only 50 percent free. Businesses can now write off 80 percent of the cost of "business-related" meals and entertainment. If a deduction of only 50 percent were allowed, the restaurant industry would not perish from the earth, and $6 billion would flow into the Treasury every year.

Nor should we fail to correct the anomaly by which those Americans with incomes between $50,000 and $200,000 pay income taxes at the marginal rate of 33 percent, whereas the fewer than one percent of Americans with incomes of $200,000 or above pay 28 percent. Taxing the most affluent at the same rate as the less-well-off would raise roughly $10 billion annually.

Finally, legal loopholes in the corporate income tax should be closed. One study of 250 companies found that if they had not taken advantage of these loopholes and had paid at the post-tax-reform rate of 34 percent of their income, the Treasury would have picked up $14 billion in new revenue in 1988 alone. Robert McIntyre, of Citizens for Tax Justice, calculates that closing tax loopholes, projected over all corporation, would raise $42 billion annually.

With the money thus gained we could raise the hardest-working people in our society out of poverty. They are the working poor, and there are more than eight million of them. The earned-income tax credit allows them to receive up to $950 in government aid, depending on the amount of their wages and the size of their families. An increase in that grant pegged to family size, along with the recent increase in the minimum wage, would raise most of the working poor out of poverty without placing an undue burden on small employers. Estimates are that this program of supplementing wages would cost $5 billion to $8 billion a year. Raising the earned-income tax credit would strengthen the work ethic and reinforce a message that must be got across to drug-ridden innercity neighborhoods: Work pays.

We could invest in the programs outlined here, or we could put the billions saved from Stealth and Trident II and Midgetman and Star Wars and NATO and South Korea and COLAs and tax loopholes directly into deficit and debt reduction. Each $50 billion reduction in the deficit would produce a one-point drop in real interest rates. It would also lower the trade deficit by $25 to $30 billion, because we would not need to borrow so much foreign capital to finance the budget deficit. Moreover, a $50 billion cut in the budget deficit would, by lowering interest rates, increase investment by $15 billion to $20 billion. That new investment would fuel economic growth, which in turn would lower the payout for unemployment compensation, welfare, and other expenses incurred by a sluggish economy. Higher growth, in its turn, would help us meet the interest payments on the national debt, which last year drained away $240.86 billion, more than what the government spent for any program, including Social Security. There are only two ways of dealing with this senseless waste of money: put the budget into surplus and retire the debt, or make the economy more productive so as to increase the size of the revenue pie from which we now take 14 percent for debt service (it was 8.5 percent before the era of "fiscal conservatism" dawned in 1989). The second path is the only feasible one. And that is why decreasing the deficit to lower interest rates (and increasing investment in education, infrastructure, and research) is the key to a solvent posterity. All that stands between us and the more evenly prosperous future made possible by the ending of the Cold War is the depressing machinery of electioneering and simplification that has got our political system in its mindless, suffocating grip. The Republic can survive its problems. The question is, Can it survive its politics?

FUTURE OF THE FEDERAL-AID HIGHWAY PROGRAM

Mr. BURDICK. Mr. President, the condition of our Nation's transportation system is of major importance. Highways are particularly vital to rural States like North Dakota, providing access to jobs as well as the primary means of moving goods from farm to market. In short, the economy of rural America depends on sound roads and bridges.

The Senate Committee on Environment and Public Works, which I chair, has jurisdiction over the Federal-aid Highway Program. I have a deep interest in its future and a commitment to ensuring that the transportation needs of rural States are met.

This week, the Bush administration released its proposed "National Transportation Policy." It would shift more of the financial burden for highways to State and local governments and the private sector. While wealthy, urban States may be able to tap additional revenue sources, many rural States don't have the tax base to do so and are already stretched close to capacity in generating revenues. The proposal says that rural connections must be improved, but those are just words without the necessary understanding and financial support for rural transportation programs.

North Dakota's highway system is aging. The abandonment of railroad branch lines has forced an increase in heavy truck traffic and additional wear and tear on roads. Efficient transportation of agricultural products and natural resources is critical. We must move essential products such as oil, coal, and wheat to national and world markets. We must have mobility for personal travel. We must maintain a strong Federal interest in the transportation of our Nation's people and goods.

Public works such as highways and bridges are aptly named—they are fa-

cilities built to serve the public. The Federal Government has a clearly defined responsibility for interstate commerce, national defense, and the general welfare. We have a Federal-aid Highway Program to meet the Nation's needs for an integrated network of roads and bridges. It is a long-standing partnership between Federal and State governments. I am committed to assuring that an equitable and efficient approach is found in reauthorizing the Federal-aid Highway Program next year.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293), to grant Administrator authority limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1310 (to amendment No. 1293), to establish emission testing and research centers to monitor high altitude conditions.

(4) Wirth/Armstrong amendment No. 1311 (to amendment No. 1293), to establish a research and technology assessment center to provide for the development and evaluation of heavy duty vehicles.

(5) Wirth/Armstrong amendment No. 1312 (to amendment No. 1293), to establish a National Research Center for Environmental Lung Disease.

(6) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(7) Byrd amendment No. 1329 as modified (to amendment No. 1293), to provide benefits for terminated coal mine workers.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, the staffs of the majority and minority have now completed discussions with all Senators, and the distinguished Republican leader and I have prepared two master lists of possible amendments to the legislation. We will submit these lists. It is not my intention to read them upon the completion of my request for unanimous consent.

Mr. President, I ask unanimous consent that the list of amendments to be sent to the desk be the only remaining amendments in order to S. 1630, other than the pending amendments; that no motions to recommit be in order; that where the subject matter is not specified, the amendments be relevant to the subject matter in amendment No. 1293, the Mitchell-Dole compromise amendment. I now send to the desk, along with the Republican leader, two master lists of the remaining amendments to S. 1630.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WIRTH. Reserving the right to object, I just want to make sure, is this the list that is going to be the definitive lists?

Mr. MITCHELL. Yes.

Mr. WIRTH. I have typed up our whole list. I want to make sure that that jibes with the list that the majority leader is sending forward, or we will just make sure that my list conforms with his list in terms of the unanimous-consent request.

Mr. MITCHELL. We will ask the staff to do that.

Mr. WIRTH. I have this list of 10, and I want to make sure it conforms with the Senator's list.

Mr. MITCHELL. Staff will do that.

Mr. CONRAD. Mr. President, reserving the right to object, and I shall not object, I have four amendments listed now, and I would like to add one unspecified amendment to the four that have been previously specified.

Mr. DOLE. Relevant to the clean air bill?

Mr. CONRAD. Relevant to the clean air bill.

Mr. MITCHELL. That addition will be made by the staff and included.

Mr. BYRD. Mr. President, reserving the right to object, and I may not object.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to reserve the right to offer an amendment, if I need to offer an amendment, having to do with the subject matter of the pending modified Byrd amendment. I do not want to be shut out by a unanimous-consent agreement. I have no interest in interfering with the progress of the bill otherwise, and if the leader will include a provision that gives me that option, then I will have no objection.

Mr. MITCHELL. I have no objection to that. The list as now prepared identifies two Byrd amendments, including one pending on jobs. I propose that we simply add a third Byrd amendment identified as an additional jobs amendment.

Mr. BYRD. Mr. President, the majority leader does not need to add a third. I am not interested in offering a shirttail full of amendments. I am interested in offering another amendment, perhaps. I may not offer it, but if I do offer an amendment, it would be relevant or germane to the pending amendment.

Mr. MITCHELL. Mr. President, I have no objection to adding to the list a possible Byrd amendent that is relevant and germane to the pending Byrd amendment.

Mr. BYRD. Very well. With that understanding, Mr. President, further reserving my right to object, and I will not object, is there going to be a vote in relation to the Byrd modified amendment today? I was willing to vote last night. I knew that Senator KENNEDY would be gone today, but I did not interpose any objection to taking the matter over to today. I would like to know whether or not we are going to be ready to vote today. Some of the Senators who are voting with the Midwest and Appalachian States on this amendment are gone, but I am willing to let the dice roll.

Mr. MITCHELL. Mr. President, If I might, I would like to discuss that with the distinguished President pro tempore and the Republican leader privately following the approval of the unanimous-consent request.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. As manager of the bill, I think it is only proper that Senator CHAFEE and I have listed at least two unspecified amendments, in case at a later date we would need to do so.

Mr. MITCHELL. We have included in here three unspecified leadership amendments, three on each side.

Mr. BAUCUS. That is fine.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The list is as follows:

S. 1630 (ORDER No. 427)

Ordered, That the following amendments be the only remaining amendments in order to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, other than the pending amendments:

Democratic amendments.

Adams: (1) Visibility park.

Baucus: (1) Aviation use of halons (±1307), (2) Relevant, (3) Manager's technical package.

Bentsen: (1) International trade, (2) Strike possible blue slip material, (3) Tax subsidies (see Metzenbaum), (4) Tax credit (see Specter).

Biden: (1) Enforcement.

Bingaman: (1) Co-firing re: WEPCO, (2) Sanctions to cities not in compliance w/ emission caps (3) Heavy duty truck study.

Bumpers: (1) Co-firing w/natural gas.

Byrd: (1) Jobs (±1329 as modified pending), (2) Grandfather for first phase NO_x units, (3) Clean coal replacement, (4) Clean coal time extension, (5) Tech. amendment Section 405, (6) Tech. amendment Section

404, (7) Allowance system technical, (8) Jobs related.

Burdick: (1) Acid rain.

Conrad: (1) NO, (2) Cyclone boilers, (3) Lig-nite boilers, (4) Pre-combustion CCT, (5) Relevant to clean air.

Cranston: (1) Extreme, ozone non-attainment areas.

Daschle: (1) Re-formulate gasoline provisions.

DeConcini: (1) Backsliding, (2) Air quality U.S./Mexico border, (3) Maintenance of State implementation plans.

Dixon: (1) Desulfurization, (2) Foreign competition.

Exon: (1) Lead in gasoline.

Fowler: (1) Allowances for renewables.

Glenn: (1) Hydroelectric subsidies (Zimmer power plant), (2) Acid rain reduction, (3) Acid rain compliance date.

Gore: (1) Air toxics, (2) Aftermarket (w/ Baucus) diagnostics, (3) Federal procurement of non-CFC products, (4) CFR report effective immediately, (5) Residual risk to current law.

Graham: (1) Redefine repowering (Tallahassee), (2) Mineral fibers, (3) Oil and gas units less than .4 in states w/25% population growth since 1980, (4) Extension for units who must now switch back to oil, (5) Municipal incinerator.

Harkin: (1) Utility efficiency pilot project, (2) Clean engine demonstration project, (3) Exception for pharmaceutical R&D labs from toxic controls.

Heflin: (1) Utility regulation under air toxics.

Inouye/Stevens: (1) Desulfurization.

Johnston: (1) Class of 85, (2) Allowance trade (Acid rain), (3) State permitting, (4) WEPCO, (5) Municipal waste incineration, (6) Outer Continental Shelf, (7) Air toxics, (8) Air toxics, (9) Stationary source non-attainment, (10) Acid rain, (11) Mobile sources Title II, (12) Mobile sources Title II.

Kennedy: (1) Health research, (2) Citizen suits (if Committee language stricken).

Kerry: (1) Title I—Non-attainment (with Wilson), (2) Sec 115 transportation boundaries pollution.

Kohl: (1) Gas volatibility, (2) Downwind 03 nina, (3) Dairyland, (4) Banking of allowances, (5) 405(g).

Lautenberg: (1) Air toxics, (2) Residual risk air toxics.

Leahy: (1) FIFRA.

Levin: (1) Acid rain, (2) Acid rain, (3) Acid rain, (4) Acid rain.

Metzenbaum: (1) Tax subsidies, (2) Unspecified, (3) Unspecified, (4) New plant construction, (5) Asbestos training program.

Mitchell: (1) Leadership, (2) Leadership, (3) Leadership, (4) Regulatory analysis.

Nunn/Hollings: (1) Utility boilers.

Reid: (1) R&D.

Sanford: (1) Minority owners power plants, (2) FERC incentives.

Shelby: (1) Clean coal fund, (2) New units under construction.

Simon: (1) Consumer solvents, (2) Fluorescent lamps, (3) Transportation control measures not mandated, (4) Federal fleet CAFE, (5) Feasibility of requiring oxygenated fuels.

Wirth: (1) Research Center on Environmental Lung Disease (#1312), (2) In-use testing at high-altitude, (#1310, (3) Research on heavy-duty trucks (#1311), (4) Reduce air pollution w/flex time (#1313), (5) Arkansas Valley Power Authority, (6) Reduction of Global vehicle emissions, (7) Clean car, clean fuels (Wirth/Wilson), (8) Restoration of 100,000 mile useful life, (9) Extending fleet provisions to carbon monoxide non-attainment cities, (10 Independent power producers.

Armstrong: (1) Relevant clean air amendment, (2) Relevant clean air amendment, (3) Relevant clean air amendment, (4) Relevant clean air amendment, (5) Relevant clean air amendment.

Bond: (1) Related to acid rain title, (2) Related to acid rain title.

Boschwitz: (1) Small business exemption, (2) International trade, (3) Air toxics, (4) Permits, (5) Mobile sources or enforcement.

Burns: (1) Coal to methanol.

Chafee: (1) Tech. in nature, (2) Tech. in nature, (3) Clean air relevant amendment.

Coats: (1) Emergency variance, (2) Heavy duty engines, (3) Air toxics, (4) Acid rain.

Dole: (1) Exemption for farmers (particulate), (2) Impact studies on small communities, (3) Process changes can result in exemption from MACT (air toxics), (4) FIFRA, (5) Leaded gas phase out, (6) Municipal waste incinerators, (7) Consumer solvents, (8) Use of codes by professional organizations, (9) PSD de minimus, (10) Redesignation for non-attainment, (11) CO cold start, (12) Leadership, (13) Leadership, (14) Leadership.

Domenici: (1) Fugitive dust, (2) Urban buses, (3) Visibility, (4) Oxygenated fuel, (5) Renewables/power plants.

Durenberger: (1) Municipal combustion—comprehensive, standards for modular units, drop product composition, (2) Chemical safety board—coordinate with OSHA, (3) Permits-reconcile title III with title V, (4) Particulate traps for diesel buses, (5) Definition of new source for air toxics program, (6) Technical corrections for air toxics, (7) Fuel quality—reconcile with alternative fuels, (8) Regulation of radionuclides, (9) Minority ownership.

Gorton: (1) Sense of Senate—international trade.

Gramm: (1) Clean air relevant amendment, (2) Clean air relevant amendment, (3) Clean air relevant amendment.

Grassley: (1) Strike leaded gas highway ban (section 215), (2) Technical corrections section 206.

Hatch: (1) Clean air relevant amendment, (2) Clean air relevant amendment.

Heinz: (1) Propriety information.

Helms: (1) Acid rain—high capacity grandfather units, (2) Electric utility boilers under air toxics, (3) Non-attainment EPA discretion for those with one exceedant in moderate areas, (4) HCFC's, (5) CFC labeling, (6) CFC non-essential use, (7) CFC's and HCFC's in relation to Montreal protocol, (8) CFC/methanol, (9) Methyl chloroform, (10) Methane assessment, (11) Internal cooperation.

Humphrey: (1) Acid rain.

Jeffords: (1) Chemical safety board.

Kasten: (1) Interstate ozone transport, (2) Emission allowances SO^2, (3) Clean air relevant amendment.

Lott: (1) Low NO_x burner.

Mack: (1) Exemption for utilities under FUA, (2) high-gross state allowance under acid rain, (3) Emergency exemption under acid rain provisions.

McCain: (1) Alternate energy incentives.

McClure: (1) Toxic credits, (2) Fuel quality, (3) Reid vapor pressure, (4) Clean coal tech, (5) Canadian electricity imports.

McConnell: (1) Power plant and industrial fuel act.

Murkowski: (1) Existing commitments, (2) Desulfurization, (3) Fuel volatility, (4) Fuel quality, (5) Acid rain, (6) Cold start, (7) Oxy- genated fuels, (8) Air toxics, (9) De minimus, (10) Clean coal tech.

Nickles: (1) Permitting and enforcement.

Roth: (1) Section 103 transportation measure in non-attainment, (2) Definition of sec. 415, (3) Minority ownership.

Simpson: (1) Fugitive dust, (2) EIS forest fire policy, (3) Auth. for acid rain monitoring, (4) Auth. for evaluation of buffering agents, (5) Tech. amdt. re: % reduction, (6) Possible dual regulation amendment, (7) Oxygenate study area.

Specter: (1) Tax credit, (2) No source performance standard, (3) Intellectual props., (4) Compounds on controlled substances.

Stevens: (1) Oxygenated fuels, (2) Cold temperature—section 202, (3) Halon, (4) Clean air relevant amendment, (5) Clean air relevant amendment.

Symms: (1) Small refinery diesel, (2) Plant closing referendum, (3) Return of fees to small gas stations and low income wood stove owners, (4) Dependence on S.A., (5) States to set speed limits if beneficial to air, (6) Strike methane emissions from live stock inventory, (7) Strike car pooling mandate, (8) Presidents bill, (9) Clean air relevant amendment, (10) Clean air relevant amendment.

Wallop: (1) Asbestos, (2) Air toxics, (3) Radon, (4) 2% set aside.

Warner-Nunn: (1) Rocket fuel testing.

Wilson: (1) Clean alternative fuels, (2) Implementation plan, (3) Authorization for above plan, (4) Clarification of SIP designation, (5) Acid rain, (6) Clean air relevant amendment, (7) Clean air relevant amendment, (8) Transportation, (9) Economic incentives.

Ordered further, That no motions to recommit be in order.

Ordered further, That where the subject matter is not specified, the amendments be relevant to the subject matter in amendment No. 1293, the Mitchell-Dole compromise amendment. *(Mar. 9, 1990.)*

Mr. MITCHELL. Mr. President, I now send the list to the desk. I thank my colleagues for their cooperation in this regard. It is now by intention to, as I indicated earlier, consult with the distinguished Republican leader, the chairman of the Appropriations Committee, and the administration, and I hope shortly to have an announcement regarding the schedule for the remainder of the day.

Mr. DOLE. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. DOLE. In addition to the agreement entered into, obviously, if one of our colleagues on either side of the aisle, through some misunderstanding, comes to the leadership and says, "My amendment was not included," we can both agree that we can include that.

Mr. MITCHELL. Certainly. No one should be shut out by virtue of misunderstanding or mistake. We have announced this publicly on several occasions, and all Senators have had ample opportunity and have been invited to come. But if there is a genuine misunderstanding certainly, if we agree, that should be done.

Mr. DOLE. I cannot believe that would be the case. I think 200 amendments are listed.

Mr. MITCHELL. About 225.

Mr. DOLE. I hope everything was included.

Mr. CHAFEE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. I wanted to ask the leaders, did I hear 125 amendments?

Mr. MITCHELL. 225.

Mr. CHAFEE. 225. Well, that is even worse.

Mr. MITCHELL. Let me say to the Senator that just before anybody gets too excited about that——

Mr. CHAFEE. I was braced against the desk when the Senator said that.

Mr. MITCHELL. It is my expectation that the number of controverted amendments that will require rollcall votes will be very few, only a small portion of that number, that the vast majority will not be offered. We are all familiar with this process. No one here will be surprised when a substantial portion of the possible 225 amendments are not ever offered. Many Senators have said, as the list came in, they just wanted to be protected in case they later think of some amendment. First, I expect that the number of amendments will be much smaller than that contained on the list; second, a large number will be noncontroversial and acceptable to the managers. Many Senators have indicated that they anticipate that, and I believe that will be the case; so that, third, I repeat the point that the number of contested amendments requiring a rollcall vote will not be large.

Mr. CHAFEE. We hope so. I want to say that I hope those Senators who have amendments out there that they believe can be compromised or worked out will get their staffs, during the recess, to work with the committee staff so that we can dispose of as many of these as possible. I certainly hope that we are not going to spend the whole week when we get back on this bill.

Mr. MITCHELL. Mr. President, no one hopes that more than I. The Senator has made a good point. We will be in recess, but the staffs will be here, and we will continue the clearing process that has been underway for amendments that are noncontroversial. So that staffs of all Senators who have amendments that they regard as noncontroversial, being in touch with their Senators, should be prepared to complete the clearance process, so that when we return a week from Tuesday, it is my hope and expectation that there will be a substantial number of amendments that will have been cleared, and we will be able to identify a much-reduced number that will require floor action.

In that regard, so that no Senator is unaware or unprepared when we return a week from Tuesday to consideration of this legislation, the previously announced scheduling processes will not be in force. That is, the constraints on the time of votes, the days of votes, the time of day on which votes will occur will not be enforced.

We will proceed to the consideration of this bill when we return, and we are going to stay on this bill until we finish. So every Senator ought now to understand that so they can adjust their schedules accordingly. There will be no windows, no exemptions, no delays, no free time after 7 p.m. Votes can, and I hope will, occur rather promptly when we get back, and we will proceed until we finish this bill.

Every Senator, I hope, is aware of that, and any staff listening should communicate to their Senator so that they are aware of that when we come back.

This is a major bill, and it is obviously controversial. It is complex, and every Senator ought to have a full opportunity to present his or her views, offer his or her amendment. This list indicates that most Senators take that responsibility seriously.

Mr. MURKOWSKI. Mr. Leader, for those of us who are on the west coast, Washington, Oregon, Alaska, and Hawaii, as he contemplates the schedule for coming back on Tuesday, would he give some consideration to votes on Tuesday, if he so desires, to coincide with our ability to get back; we can all get back prior to 4:15, but unless we leave on Monday, it is impossible to be here early.

Mr. MITCHELL. That is why we came in on Tuesday, so Senators could come back on Monday.

Mr. MURKOWSKI. I understand. But there are those Senators, obviously, that live closer that have the opportunity to do a few things at home as opposed to traveling. Senators from the west coast, in order to be here for a 2 o'clock vote must travel virtually all day Monday or all Monday night. The Senator is within 2 hours, and I am just passing on an observation for the west coast Senators, that we have a problem that others do not. I thank the leader.

Mr. MITCHELL. Well, I simply repeat what I said. Prior to the time that I said there would be no votes on Monday, everything that the Senator has just said about Tuesday was said about Monday. So in response to that, I said there would be no votes on Monday so that Senators could come back on Monday and be here for votes on Tuesday.

Mr. MURKOWSKI. The Senator from Alaska was referring to those votes normally scheduled at 2 or 3 o'clock.

Mr. MITCHELL. We will, as always, do our very best to accommodate every Senator. I tried to accommodate the west coast Senators as best I could. I do not want any Senator leaving here thinking, "I do not have to get back until 5 o'clock Tuesday now." Votes are possible at any time on Tuesday, although we will attempt, as we organize it—if my expectations materialize, there should be a substantial number of noncontroversial amendments to take up when we return on Tuesday that will, hopefully, have been cleared during the coming week. I hope we can do that, and then line up the others to accommodate the Senator.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business.

My leader time is reserved?

The ACTING PRESIDENT pro tempore. Yes. Without objection, it is so ordered.

"TOO BIG TO FAIL" DOCTRINE

Mr. DOLE. Mr. President, ever since the 1930's, the American people have relied upon the Federal Deposit Insurance Fund as a source of protection—a security blanket—for the hard-earned money that they deposit in our Nation's banks. The insurance fund has worked extremely well—backing deposits up to $100,000 with the full faith and credit of the United States.

DISTORTION OF FEDERAL DEPOSIT INSURANCE

In recent years, however, Federal banking regulators have distorted the original purpose of the insurance fund. They have made the insurance fund "regressive" by institutionalizing something called the "too big to fail" doctrine, which is nothing more than a shorthand way of saying that the big banks—and those depositors in the big banks—get preferential treatment when it comes to deposit insurance protections.

This preferential treatment artificially hinders the ability of small banks to attract depositors. It makes small banks less competitive. And it is particularly unfair, since it is the large banks—not the small banks—who pose the greatest risks to the overall Federal Deposit Insurance System.

THE DOCTRINE IN ACTION

We saw the "too big to fail" doctrine in action in 1984 when the Continental Illinois National Bank failed and all deposits—including deposits in excess of $100,000—were honored and paid off by the Federal Government.

We saw the doctrine in action again last year when the Bank of New England stood on the brink of bankruptcy, having no cash on-hand to cover some $180 million in commercial obligations then coming due. Like the Lone Ranger swoopinig down from the hilltop, the IRS came to the rescue, giving the bank a last-minute tax refund—just in time to help finance these debts.

THE NEED FOR EQUITABLE TREATMENT

Do not get me wrong. I am not suggesting that the Federal Government has no role to play in providing assist-

ance to a large bank facing financially hard times. There are obviously legitimate policy reasons for ensuring that the very largest financial institutions in this country remain on solid financial footing.

But favorable treatment for the big banks should not mean unequal treatment for our Nation's smaller banks. The small banks of this country—the banks in Salina, KS; Ames, IA; Salisbury, NC—should receive the same treatment as the large money-center banks when it comes to enjoying the full protections of the Federal Deposit Insurance System. And depositors in small banks should face the same risks—not greater risks—than their counterparts in the big banks.

Mr. President, a rethinking of the "too big to fail" doctrine is not too much to ask for.

Equal treatment and equal risk under the Federal Deposit Insurance System—that should be the doctrine guiding our Federal banking regulators.

Mr. President, I ask unanimous consent that an article dated March 4, 1990, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON THE BRINK IN BOSTON

(By Jerry Knight)

BOSTON.—They used to burn witches hereabouts and throw even minor miscreants into the stocks, in the belief that conspicuous punishment was the most effective deterrent to deviation from the norm.

Judgment just as public and puritanical is being imposed today by federal regulators on one of Boston's most venerable financial institutions, the 150-year-old Bank of New England.

Since a platoon of government bank examiners marched in a few weeks ago and uncovered more than $1.6 billion in bad real estate loans, the bank has been visibly teetering on the brink of failure, held up only by a federal lifeline that is more than a noose.

Under the lash of federal regulators, the bank has been forced to fire its top executive, stop paying dividends to its shareholders, curtail all new commercial real estate lending, dispose of almost one-sixth of its assets and put some of its most profitable operations up for sale.

What was, only last Christmas, the second-biggest banking company in New England with $31 billion in assets is now down to $26 billion and still shrinking. Bank of New England stock, worth $25 a share last year, has plunged to $4.50.

After the examination, the embarrassed bank was forced to disclose that it lost $1.1 billion last year but didn't know when it lost it. Bank of New England had reported profits for the first nine months of 1989, but the regulators said all the bad loans did not suddenly go sour in the last quarter, so the earlier financial reports have to be reviewed and revised.

Last Thursday, the Federal Reserve Board and the Office of the Comptroller of the Currency slapped the bank and its holding company with a pair of massive "cease and desist orders" that all but deposed the management. The orders give the government the right to veto the choice of a new chief executive and to approve in advance a variety of business transactions.

The regulators also gave the bank until May 31 to raise its capital to 3 percent of assets, a deadline that acting Chairman H. Ridgley Bullock immediately confessed "will not likely be met."

Usually the travails of troubled financial institutions are kept under wraps by mutual agreement of regulators and management in an effort to avoid shaking public confidence, but the Bank of New England drama has become a public spectacle that Boston bankers complain is damaging not only that bank but others in New England as well.

The intense exposure of Bank of New England's problems is also raising other questions about how federal regulators handle problems at banks that are regarded as "too big to fail" because of fear their failure might set off bank runs and damage other financial institutions.

When small banks go broke, the government shuts them down and the Federal Deposit Insurance Corp. pays off accounts of up to $100,000. With the biggest banks, however, the government arranges bailouts that protect not only insured depositors but also the corporations and other banks that have multimillion-dollar accounts.

As one of the nation's 25 largest bank holding companies—but shrinking too fast to rank precisely—Bank of New England clearly qualifies as "too big to fail."

But the "too big to fail" doctrine itself is facing increasing skepticism in Congress, where the savings and loan scandal has prompted demands for deposit insurance reform. Even supporters of the doctrine admit that special treatment of big banks is unfair to small banks and their customers.

On Friday, the American Bankers Association, the influential industry trade group, called on the government to abandon the "too big to fail" concept and adopt a policy of shutting down any bank that becomes insolvent and immediately paying off all creditors.

Deposits of up to $100,000 would be paid in full. Uninsured deposits and unsecured creditors would be paid based on the historical average loss suffered in bank failures, currently about 88 cents on the dollar. Making creditors and uninsured depositors bear some of the cost of failure would force them to be more cautious in doing business with troubled banks.

The rival Independent Bankers Association of America, however, is pushing the opposite approach: Insure all depositors.

That deposit insurance debate is influencing the way the Bank of New England's troubles are being handled, some Washington banking experts say. They speculate that regulators may be sending the message that even though they have no choice but to bail out Bank of New England, they are going to make the rescue as unpleasant as possible.

"It's sort of like people who want to execute people in public," said Brookings Institution banking specialist Robert Litan, one of many who believe the Bank of New England case has taken on an unusually high public profile because of the broader issues involved.

Banking regulators have become more aggressive in reaction to the heavy losses suffered in the last several years in bank and savings and loan failures in the Southwest, Litan and other banking experts agree.

The experience of the Southwest has also taught regulators that the threat of bank runs is exaggerated. In Texas—where nine of the 10 largest banks either failed or were taken over—depositors became so confident the government would protect them that they routinely left their money in financial institutions long after it became public knowledge the banks were insolvent.

These changes in regulatory philosophy are reflected in the regulators' tough treatment of Bank of New England, said Washington banking consultant Karen Shaw, who heads the Institute for Strategy Development. "In the new climate of aggressive regulation and full disclosure, they're permitting the bank to strangle to death," Shaw said.

Shaw and Litan are not as critical of the regulators' handling of Bank of New England as some in the industry are. One former senior regulator said he was appalled by public disclosure that banking examiners had moved into Bank of New England and were fanning out to Bank of Boston and Shawmut National Bank, the city's two other big banks. Revealing that examiners are on the way is "like passing sentence on someone before they've even been investigated," he lamented.

A group of the nation's most vocal experts on banking regulation issued a warning last week that the government is going too easy on Bank of New England, criticizing the regulators for keeping the bank afloat by letting it borrow on favorable terms from the Federal Reserve. The Shadow Financial Regulatory Committee—a self-selected group of a dozen academics and lawyers—criticized the Federal Reserve Bank of Boston for "lending more than $1 billion to New England institutions . . . at less than the market rate of interest."

The shadow committee has a policy of not commenting on the affairs of a particular institution, but the statement was obviously aimed at Bank of New England, the only bank known to be borrowing directly from the Boston Fed. Data released by the Federal Reserve on Thursday showed that the total borrowings had jumped to $1.62 billion, more than the government's $1.2 billion loan that bailed out Chrysler Corp.

Only a handful of banks have ever borrowed as much from the Fed on a long-term basis as has the Bank of New England, and none of them has survived without further federal intervention.

Direct loans from the Federal Reserve are the standard method used by federal regulators to prop up big banks, explained shadow committee spokesmen George J. Benston of Emory University in Atlanta and George G. Kaufman of Loyola University in Chicago.

All that such loans do, Kaufman said, "is give the uninsured depositors time to get their money out" in case the bank does go broke.

Benston said defenders of efforts by regulators to prop up failing banks "constantly overlook the fact the regulators don't do the right thing. They try to put it off, they hope to ride it through. They need incentives to act decisively."

The shadow panel is one of the originators of an idea now gaining credence in Congress that banking regulators should step in to seize failing banks before they go over the brink and become insolvent.

"They should be taken over when the capital starts to weaken," Benston said. "When you wait to the last minute you have all this crisis stuff."

Kaufman said the committee recommends that regulators take over when a bank's capital—the cushion against losses—shrinks to

2 percent of its total assets, measured by "generally accepted accounting principles," called GAAP. The accounting rules are so generous that "by the time you get to 2 percent GAAP," he said, "it is very likely that you're already insolvent. You're certainly a borderline case."

By that standard, Bank of New England is a borderline borderline case, with capital of 2.4 percent as of year-end. The minimum standard is supposed to be at least 5 percent, a level that Bank of New England exceeded before its big write-offs.

The regulators have given the bank until the end of next year to meet that standard, with a 3 percent minimum by the end of May. The Office of the Comptroller of the Currency won't say what will happen if—as bank officials have already warned—the 3 percent standard is not met on time.

Raising capital when a bank is in such conspicuous trouble is "extremely difficult," said James E. Moynihan Jr., senior vice president of Advest Inc., a big northeastern investment banking firm.

Moynihan, who has followed the fortunes of Boston's banks for 30 years, said Bank of New England Corp. grew through a series of mergers during the 1980s from a local Boston institution into the state's second-largest banking company, with nine separately chartered banks operating more than 450 branches in four states.

The headquarters of the holding company and the lead bank, Bank of New England NA, are in a 40-story granite skyscraper a couple of blocks above Boston's landmark Fanueil Hall. There are other smaller banks in Massachusetts, plus Maine National Bank in Portland, Maine; Connecticut Bank and Trust Co. in Hartford; and Bank of New England-Old Colony in Providence, RI.

The bank had some trouble integrating all the merged institutions, Moynihan said—among them incompatible computer systems and incompatible egos—but its biggest difficulties come from a decision to emphasize real-estate lending. The lead bank in Boston is ranked 26th in the nation in total assets but 13th in real-estate lending by Sheshunoff & Co., the Texas specialist in banking data.

About $700 million of those real estate loans had already gone bad by last fall, when the examiners came in and found another $1.6 billon in loans they said should be classified as "nonperforming," which usually means interest isn't being paid. Sources familiar with the bank's finances say about a third of those loans have not missed a payment yet, but they are considered doubtful by regulators because the financed projects or the borrowers are in some kind of trouble.

New England bankers object vociferously to being forced to set side reserves for such loans, but regulators say they adopted the practice after learning in Texas how to spot loans that were going bad.

If the New England real estate market continues to slip—as many Boston bankers and real estate people fear—further write-offs may be necessary at Bank of New England. The orders issued last week by the regulators require the bank to look into more loans for possible losses.

Under the circumstances, few people in Boston or Washington are willing to predict the future of Bank of New England.

"I'm a little more optimistic than I was," said one analyst, stressing that he was not optimistic enough to want to be quoted on that point.

Said Brookings economist Litan: "Only the regulators know for sure whether this bank is solvent, and maybe they don't even know."

DEAF AWARENESS WEEK

Mr. DOLE. Mr. President, I am pleased to join my colleagues in celebrating "Deaf Awareness Week." The world witnessed a revolutionary turn of events at Gallaudet University that second week in March 1988 when students, faculty, staff, and friends joined together in a united front to install its first deaf president. The "Deaf President Now" movement had worldwide impact for deaf people as well as other individuals with disabilities.

The message was simple yet spirited and one that permeated this Nation for months thereafter—that deaf and hard of hearing individuals are like everyone else, each with unique abilities and in control of their own destiny.

The "Deaf President Now" movement heralded a new beginning at Gallaudet with the installation of Dr. I. King Jordan as its first deaf president.

This historic event was made possible because people were committed to a cause that they believed to be just and right. The right of every person to pursue their goals and reach new heights. The world saw the capacity for excellence is not reserved for those who can hear.

Unfortunately deaf people know first hand what it is like to be discriminated against and shunned from the mainstream. Congress has responded to their just and right message with Senate passage of the Americans With Disabilities Act. I hope the House will soon follow in passing this historic piece of civil rights legislation which will bring this last and largest minority into a position of achieving equal opportunity, access, and full participation the American dream.

People with disabilities are often limited by the attitudinal barriers that society has imposed on us. It is my hope that through "Deaf Awareness Week," and passage of the ADA, we can correct the misperceptions that exist.

I am proud that this body recently passed legislation to insure closed captioning of the Senate proceedings which I introduced and will be implemented soon. We recognize that the knowledge gained from observing the legislative process in action makes for a more informed and involved citizenry. And they believe as I do, that as citizens and taxpayers, deaf and hearing impaired Americans are as entitled to witness the debates of their elected representatives as anyone else.

I would like to thank Rev. Gerald Tracone for providing interpreter services Thursday so that all deaf and hearing impaired citizens equally participated in yesterday's celebration.

What happened at Gallaudet was an inspiration to all of us with disabilities, and a challenge that should never be forgotten. As President I. King Jordan so eloquently stated "the only things deaf people can't do is hear"—when we stand united we can make a difference and we must be ever vigilant in our efforts to ensure an inclusive America.

Mr. President, I reserve the remainder of my time.

Mr. MURKOWSKI. Mr. President, I ask the leader if I may proceed for a few minutes on his time in morning business?

Mr. DOLE. Yes.

Mr. MURKOWSKI. I thank my colleague and I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2285 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Thank you, Mr. President.

THE SENATE ARMED SERVICES COMMITTEE DECISION TO SUPPORT REPROGRAMMING OF FISCAL YEAR 1990 MANPOWER DOLLARS

Mr. McCAIN. Mr. President, in an ideal world, I would like the committee to have granted the Department even more reprogramming authority. Nevertheless, we have done what must be done to protect our military personnel against paying for the mistakes of the Department of Defense's senior civilian personnel officials. We have taken an essential step in keeping faith with those who kept faith with America.

We should never have been faced with the need to take this action, and it would never have come before us if the Department of Defense had given the President the proper advice. Nevertheless, we cannot balance the budget by punishing the men and women in our Armed Forces.

We are talking about an issue that rises far above partisan politics, and which affects the lives of several hundred thousand men and women in the military. To take only one example, the impact of failing to fund the manpower accounts through reprogramming would mean the accelerated separation of 18,000 Army, 22,000 Navy, 7,800 Marines and up to 19,800 members of the Air Force. All of their dependents will be equally affected and most would receive nothing like the

unemployment benefits offered to civilians.

A failure to reprogram funding would keep up to 32,000 soldiers and sailors from moving their families this summer. Moves scheduled for June and July, the summer months, would not occur until October. This initially may seem unimportant but the human impact would be that delaying such moves until the beginning of the next fiscal year would mean moving thousands of children in the middle of a school year.

Children that would have started the school year with their classmates, will be thrown into a new and strange school, with no friends and many difficult adjustments to make, adjustments that can be made during the summer. We expect a lot from our men and women in uniform, but it is loathful to extend the suffering to the children of those that serve in the military.

A failure to reprogram would also mean a larger number of promotion delays. We would force over 60,000 of our men and women in uniform to delay their long awaited promotion even longer. This will negatively impact morale and indicate to the young Americans serving the military, that their well being is of little concern to Congress or the Administration. Military pay already lags behind its civilian equivalent by over 11 percent.

We need to make reductions in our forces, but we need to make them wisely, and in ways which do not punish our military for winning the cold war. Taking an ax to our manpower policies by sudden reductions in the wrong kinds of manpower, blocking necessary promotions, extending military tours in ways that disrupt careers and family life, and blocking the accession of the younger men and women we need, could shatter confidence in an All Volunteer Force structure.

A failure to grant most of the Department's reprogramming requesting will only compound the problems we face in making long-term cuts in our force structure. The military will be expected to perform missions for which it will not be properly manned. The responsibility will fall on those left. While the motto "Can Do" goes a long way, unless our military know they will be treated fairly, it will becomes a hollow sound and lead to a hollow force.

In short, the bipartisan action of the Senate Armed Service Committee is critical both in terms of fairness and in terms of national security. At the same time, I want to join my colleagues of both parties in notifying the Department of Defense that this must not happen again. The testimony we received early this week on the reasons why the Department failed to plan for cuts it knew were coming, and failed to seek exemption for manpower under the Gramm-Rudman Act, showed that the Department was attempting to excuse a failure to plan and act by the Department's senior civilian manpower officials.

We might well have reacted by failing to support this reprogramming because of this failure to pursue sound manpower policies if senior military personnel officers had not warned us all along about the real impact of sequestration all along. It was these officers who warned us about such impacts beginning last August and it is these officers that have made the case that persuaded the committee to endorse reprogramming.

We will need to take action to ensure that similar mistakes do not happen again this year, but we must not punish the innocent in the process. We must go beyond politics in this situation. We must rise above the finger pointing and come to grips with the lives that we are affecting and the trusts that we may be breaking. We have a tacit contract to provide for the welfare of those that have volunteered to make the military a career. A failure to approve this reprogramming by all four committees would be a fundamental violation of this contract.

Mr. President, we are going to face continuing cuts in military manpower. The draconian measures that are being taken in regard to the defense budget will force us to make further reductions in manpower in fiscal year 1991, and probably in each year through fiscal year 1996. Repeating the scenario which we just went through, which was the result of a failure on the part of the Department of Defense to sufficiently appreciate the effects of failing to exempt personnel accounts from the Gramm-Rudman Act, could have had an incredible impact on the morale of the men and women in the military, particularly those in enlisted ranks.

I think there are two things that need to happen very soon. The first is that all four committees, two in the House and two in the Senate, approve this reprogramming. The second is that we examine whatever legislation is necessary to prevent a reenactment of such reprogramming request, and ensure that we are not faced with this kind of crisis in the future.

As the Chair well knows, there is an incredible grapevine out there amongst the military. When they see their benefits cut, and their careers and families threatened by the kind of gridlock that now exists between the Department of Defense and the Congress, they become understandably concerned. These crises have a long-lasting effect on the morale and welfare of the men and women of the military.

Mr. President, let us not let this happen again.

Mr. President, I yield the floor.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER (Mr. ROBB). Without objection, the Senator is recognized as if in morning business.

BLACK LUNG PROGRAM

Mr. SIMON. Mr. President, I shall only take 5 minutes. I just wanted to comment briefly.

Last night, a couple of our colleagues commented about black lung legislation in commenting on the Byrd amendment that was pending. At 12:30 in the morning, I did not feel like standing up and correcting my colleagues on the black lung legislation. But I think everyone should know what the realities are.

Have there been abuses of the black lung program? Yes. When it was initially put into effect, there is no question a lot of people got benefits who should not have received benefits. I do not for a moment defend those initial abuses of the black lung program. But then we went to the other extreme.

Here let me just point out there have been studies, respected studies, that show that virtually every coal miner who works underground for 20 years or more has pneumoconiosis, which is the technical term for black lung.

We went from abuse to the point where it was almost impossible for people to get black lung benefits. Fewer than one-half of 1 percent of those who applied got black lung benefits. Then, under the leadership of Carl Perkins, the late Carl Perkins from Kentucky—and I was pleased to work with him, and then we modified it a little bit—about 20 percent of those who applied got black lung benefits. Now it is so restricted that only about 3 percent of those who apply get black lung benefits.

For those who think, well, this is an easy way for people to get money, black lung benefits are about 12 percent of what a coal miner earns, working in the coal mines. No one who is working actively in the coal mines applies for black lung unless they really have a problem. One does not need to be a physician to see the problem.

I know the Presiding Officer is from Virginia, which is a coal State. I am sure he has seen, as I have, particularly in my own district where people cough and you look at that handkerchief and you see that black dust, years after they have been in the coal mines.

Black lung disease, pneumoconiosis, is a real thing. We ought to be providing more adequately for those who have this black lung problem. There is no question there was abuse when the program started. I do not defend that

abuse for a moment. But there is also no question, it is a real disease and we ought to, in some way, compensate those who sacrificed their health and their lives to bring us the coal and the energy for this Nation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I do not think we want to replay the black lung problems here. But it is a program that I was involved with at the time that it was reauthorized in 1977. I was on the Labor and Human Resources Committee. Undoubtedly the Senator from Illinois was in the House at that time, or was involved with the program in some fashion. But let me tell my colleagues, there have been few programs that have ever gone through this Congress that had such loose qualification standards and where the program was more abused than the black lung program. There is no point in replaying it.

The fact is, yes, there are those who suffer from black lung disease. But I do not know where the Senator is getting his statistics from, that only 3 percent that apply for black lung payments are receiving them.

Let me just run through some of the statistics, briefly, on the black lung program. And I suppose there is not much to be gained by, as I say, replaying that drama once again because what took place was a tragedy for the U.S. Treasury.

The program started in 1970, with an estimated cost of $120 million. And, indeed, the program did only cost $110 million the first year. But, 10 years later it was not costing $120 million, it was costing $1.3 billion. And the story was if you had seen a coal mine you qualified for the benefits.

Obviously that was an exaggeration. But I can remember this incident. They told us that a miner was killed by one of the beams falling on his head. His family was eligible to collect the survivor's black lung payments. Why? Because if he had lived, he would have gotten black lung and would have qualified for the payments. So, therefore, his widow was entitled to the payments even though the death was in no way associated with the black lung problem that resulted from a mining accident.

When President Reagan came in we managed to enact some tightening. Prior to that, under the laws as we passed them in the late 1970's, the Government was not permitted to rebut the decision made by a local doctor from the area that the diagnosis was black lung. And the miner could go, not to one doctor, he could doctor shop, go wherever he wanted to find a doctor until he finally found a doctor who said: "You have black lung." And it was a nonrebuttable presumption; namely, that was the decision. And the Government was not entitled to rebut it.

Well, some tightening came along in 1982 or 1983 under the Reagan administration. But I will still just show the figures.

In the first years, 112,000 were collecting. Ten years later, 399,000 people were collecting—400,000. Five years later, 459,000 were collecting under it. That was before the changes were made.

Of course, the changes did not affect any of those who were collecting. It just dealt with prospective ones. And the program then peaked at $3 billion, not $120 million—$3 billion. It is anticipated next year it will be $1.8 billion. Currently it is running around $1.5 billion.

So all I can say about it is it illustrates the danger to the fiscal policies of the Nation when we put in these programs in which restraint is not exercised and where there are these rebuttable presumptions as is in the very amendment we are on now, because we discussed that last evening.

I would be very curious where this statistic has popped up that only 3 percent of those who apply for the benefits are currently receiving them, and I would be glad to review any material the distinguished Senator from Illinois has on this. It would come as a surprise, I must say.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. I cannot give my colleague the precise authority for that right now but I will be pleased to get that information to him. I can tell my colleague, overwhelmingly people are turned down for black lung today. My own experience suggests to me that the 3-percent figure that was used last night by Senator BYRD is an accurate figure.

Let me, however, balance what my friend from Rhode Island has mentioned here. And, again, as I indicated earlier, there is no question there was abuse when the program started. I do not defend that abuse for a moment. But when we revised it in 1977—the Senator is correct, I was a Member of the House then and I helped to do it—we had over 100,000 people who had applied. And 148 were approved, out of more than 100,000. There is just no question. It just became almost impossible to get.

So we revised it. And now it has been tightened up. But I will search to try to get that figure, and I will share it with my colleagues, in the RECORD, and I will personally share it with the Senator from Rhode Island.

Mr. CHAFEE. Well, Mr. President, as I say, what is done is done. But it is just something I personally have been involved with. I was a freshman Senator. I went on the committee. At that time the Senator from New Jersey was chairman of that committee, Senator Williams. And along comes legislation to change the black lung program.

Nobody appeared from the administration. That drove home to me the importance of having somebody from the administration appear and be called on to testify. We just heard these horror stories from those who sought the expansion of the program. Nothing from those who administered it. And it whipped right through the committee and came to the floor.

I became interested in it and delved into the facts and was horrified it took place. I spoke against what took place then and what was provided in the legislation. I spoke against it on the floor, we had some votes, and we were overwhelmed. And the program then went on the rampage in which it was practically impossible to disqualify an applicant who sought the benefits.

It was absolutely true. The Government was forbidden from reviewing the records that came from the mine fields, from the doctors there. As I mentioned before there was this doctor shopping and in would come the reading of the X-rays and the diagnosis that it was black lung and that was it. And the benefits were paid.

Subsequently, as I mentioned, there was some tightening, but the program started out with a high estimate. This is a high estimate, $380 million.

This is what the program was going to cost, $380 million a year. Within 10 years, it was costing $1.3 billion and then went up to $3 billion. So beware of these programs that do not have restraints. I thank the Senator.

Mr. SIMON. Mr. President, I do not want to prolong this. This has nothing to do with the pending legislation. If the Senator from Rhode Island is suggesting to be prudent in these programs, I agree completely.

I would make one other slight correction in what he had to say. After that 1977 legislation, instead of just anybody getting it easily, it was 21 percent, as I recall, of those who applied received it; almost 80 percent of those who applied were turned down, even after the 1977 legislation.

Mr. CHAFEE. Mr. President, statistics have to be treated gingerly and examined carefully. If everybody who lives in Kentucky or West Virginia, their closest association being that their father was a coal miner, applies for black lung, then it may be that only 1 percent qualify. So be careful of these statistics.

All I can report to the Senate is—and I do not think anybody will question this—that there was no ability for the Government to question the diagnosis that were made in the local communities. And the rolls swelled, as I pointed out from the statistics; it went from 112,000 to 400,000 in 10 years.

And when those amendments came in 1977, it was off to the races, everybody aboard. And, indeed, most everybody was able to climb aboard.

I thank the Chair.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1329, AS MODIFIED, TO AMENDMENT NO. 1293

Mr. DOMENICI. Mr. President, a parliamentary inquiry. Are we currently on the clean air bill?

The PRESIDING OFFICER. The Senator is correct. The pending amendment is the Byrd amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for no longer than 5 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. DOMENICI. Mr. President, last night I was going to speak to this issue, as if in morning business, but we were engaged in a very interesting debate. So instead of speaking, I introduced a bill last night; I want to speak to it for a moment now.

I think its name reflects what I am trying to do and the principles that I have tried to establish in the bill. The bill is called the "Grassroots Campaigning and Election Reform Act."

Mr. President, it seems to this Senator that we may very well be reaching a point this year where we are going to be able, hopefully in a bipartisan manner, to reform the campaign activities for Senators and Members of the House.

I have been in the Senate now 17 years, and I have watched the spiraling costs of campaigns. We have a race for money, increasing each 3 or 4 years by 25 or 30 percent, as far as campaigns for the Senate and the House.

One thing that I have tried to do, and that I have put in to this bill as a principle, is to emphasize money raised from those we serve, residents of our own State.

Our democracy is built upon participation, and people voting. One way to encourage people to participate and to be interested is to ask them to contribute, even if it is small amounts of money, to a candidate of their choice.

So the last time the Senator from New Mexico ran for reelection I had, for a small State, perhaps as many as 18,000 individual contributors, which is maybe two or three times more than anyone in the history of the State.

I am introducing a bill that I hope will be part of the dialogue and the debate. It has four principles. They are very simple.

First, starting at the next election cycle, anyone running for the Senate or the House will be allowed to collect money for their campaign contributions only from residents of the State they represent—no overall limits, but only from residents. The limit would be individual contribution limits that we have established, $1,000 per campaign for an individual.

It seems to me that creates a pretty equal playing field and it gives direction for us to move away from Washington, DC and political action groups and traveling around the country. If we have to spend time raising money, we should spend it in our home States.

Second, my bill, S. 2265, recognizes there may be a danger that a very wealthy person would move into a State and run. S. 2265 has a provision which will make it a little difficult for somebody to fund their own campaign, and I think we have done so in a constitutional manner. We call it protection against the rich candidate. Actually, it is a series of notifications by that person, with the limits dramatically changed for the opponent who does not have the wherewithal or is not going to use his or her own money.

Three, S. 2265 gets rid of political action committee contributions and, four, it gets rid of soft money.

Mr. President, I know this is a very different approach than the ones many are taking. Some will question aspects in terms of the Valeo case, and some may question its constitutionality. I have looked at all of those. I am aware of them.

I thought it might be good to bring a bill down, introduce it, let it get referred—a bill with some basic principles in it. If we want, we can solve the constitutionality, and if we have the will, there is a way.

There is one aspect that I have not addressed. That it is the extremely expensive cost of running TV ads, whether it be from resident contributions or otherwise. I am not expert enough to pick between the four or five versions that are moving around, either in bills or in the idea arena. But clearly, there ought to be a fifth provision, and it ought to deal with making television time more accessible and more reasonably priced. That is probably necessary even for something along the lines that I am talking about, which does not set direct limits on contributions, but in a very real sense, Mr. President, dramatically reduces the natural threshold.

So I do this with full knowledge that no one has the best answer. None of these are easy issues, and in some respects, they go to the heart of our democratic process.

Some will say, why should not a Senator of national renown, from the State of Arizona, be able to collect contributions in New York? That is what being a U.S. Senator is all about.

I understand. But you have to try to solve some problems, and in doing that you have to take some aspects of the current situation and give up on them. So mine sort of balance those. I am confident that sooner or later we are going to deal with these issues, we are going to encourage, to a much greater extent, resident contributions to the campaigns of Senators and Representatives. It is into that arena that I inject this bill and this concept, which contains basic and simple principles that everyone can understand and decide. I thank the Chair.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1329, AS MODIFIED, TO AMENDMENT NO. 1293

Mr. DURENBERGER. Mr. President, speaking on the bill, late yesterday evening during the debate on jobs and the Clean Air Act, the Senator from New Hampshire, Mr. RUDMAN, stood on the floor of the Senate and asked for a speech and mentioned my name, among others.

I was not on the floor at the time and was not able to respond to my colleague's request. I am not often asked for a speech by another Senator. So I am here this morning to comply with my colleague's request. I intend to start where we left off last night with the issue of jobs.

This is the issue that was raised rather dramatically by the amendment of the senior Senator from West Virginia. During the course of the late-night debate last night, a number of our colleagues were throwing around numbers on job losses which may result from the enactment of this legislation, and it got to the point where I think there was a dread fear around here that, if you voted for any amendment, you were going to put a lot of people out of work.

The numbers most frequently cited, and I think beginning with the initial statement here in objection to the amendment by the Senator from West Virginia, were taken from a study by two economists, Mr. Hahn and Mr. Steger. Their study was paid for by the industrial coalition which has been formed to oppose this bill.

Without any explanation, they are, as the Senator from New Hampshire said, very stunning numbers. With a full explanation and with some understatement, I would say they are pure poppycock. If you start with the fundamental concept in the study by Mr. Hahn and Mr. Steger, you figure out very quickly that they are not estimating jobs which will be lost as a result of this bill. They are estimating jobs that will be affected by this bill.

What is a job that is affected? If you work in the electric energy business at all, your job is potentially affected by this bill, according to Mr. Hahn and Mr. Steger. The acid rain figures will affect the electric utility industry, and so all electric energy jobs in America are at risk.

Is the acid rain bill which President Bush proposed going to pull the plug on America? Obviously not. There are too many of us that support it even where we may not agree with specifics.

In fact, probably the reality is there will be more people employed in America in the electric energy business just to operate the air pollution control systems that this bill is going to require than will be lost by the entire bill. But according to Mr. Hahn and Mr. Steger, and as quoted by the junior Senator from Texas here on the floor last night, all of the electric energy jobs in America are put at risk by the acid rain provisions of the bill.

The Hahn-Steger study also assumes that everybody who has a job in a small business that will need a permit under this bill is also at risk. Simply requiring a small business to get an air pollution permit is, in the view of the Hahn-Steger study, enough to put the jobs of all of the employees of the company at risk.

In our society, we require a lot of permits: to get married, to go fishing, to drive a taxicab, to run a tavern, to remodel our basement, for hundreds of life's activities. Somehow or other, life seems to go on without interruption.

But Mr. Hahn and Mr. Steger estimate that tens of thousands of jobs will be at risk if we require a permit for air pollution.

More to the point of air toxics programs, this study has a third definition of affected jobs. It includes as affected all of those who work in an industry where there is not current technology to reduce risks to 1 in 1 million. Around here, that is called 10 to the minus 6. That is their definition of affected jobs. If your company cannot get emissions down to a risk of 1 in 1 million using today's technology, your job, according to Mr. Hahn and Mr. Steger and what I heard here last night, is at risk. But the bill does not require that level of control.

It is only a goal. The requirement is 100 times less stringent than 1 in 1 million. It is 1 in 10,000, and it is not required for 15 years, until the year 2005, That is the bill.

The pending agreement, the substitute, is even less stringent than that. To put it directly, Mr. Hahn and Mr. Steger say that your job is an affected job if your company cannot do what this bill does not require.

Mr. Hahn and Mr. Steger are doing estimates on some piece of legislation that is not even before the Senate and has never been introduced in the Senate, and that is irrelevant to this debate. Your job is affected in their study if your company cannot reach a risk level that this bill does not require.

It seems to me that dragging studies like that onto the floor of the Senate is not particularly helpful, but at least needs clarification.

My junior colleague from Idaho presented these same numbers on charts here in the Senate 2 days ago—2½ million jobs at risk because of legislation, with each of the counties in the United States colored red, purple, or blue to indicate the severity of the impact.

Like many of my colleagues, I like charts, especially my colleague's charts. So I looked very carefully at his chart. The two basic assumptions behind those numbers were spelled out across the top of all of his charts. The first assumption was that the technology requirements in the Air Toxics Program would force reduction of 98 percent.

Mr. Hahn and Mr. Steger assumed that the so-called MACT standard in the bill would produce reductions of 98 percent. But that is not what the bill requires. It has a 90-percent benchmark. That is the MACT standard in the bill and in the substitute, not 98 percent.

To get these affected job statistics up there, Mr. Hahn and Mr. Steger created their own standard. We will call it the Hahn-Steger standard. After the 90-percent reduction actually required by the legislation, Hahn-Steger assumed the plant would be forced to do another 90-percent reduction in order to get from 90 to 98. That is in order of magnitude far beyond what we require.

Of course, that second hit, a hit not required by their bill, is immensely expensive. Hahn-Steger would be a real blow to the independent industry. The second assumption I have already mentioned. Their study assumes that the residual risk standard is based on 1 in 1 million risks. That is two orders of magnitude beyond what the bill before the Senate requires, because we have a standard of 1 in 10,000. But the Hahn-Steger air toxics bill is more stringent by a factor of 100, and not very helpful to a legitimate debate.

If you look at the whole package, the Hahn-Steger air toxic study overestimates the impact of this bill on jobs by about three orders of magnitude: one in the MACT phase, and two in the residual risk phase. Their assumptions are 1 thousandfold more stringent than the bill.

A job loss that may be 2,500 is inflated to a job loss of 2.5 million. These numbers are quoted like they are gospel. If that is the way debate is going to be carried on when we get back here, I am going to suggest now to my colleagues that we can do the same thing with health statistics.

We will start with cancer deaths from air toxics. A recent EPA study estimates that there are 3,000 cancer deaths per year in the United States from air toxics. We have heard that figure here on the floor a number of times. But the EPA study was based on only 20 chemicals, and in the bill and the substitute we regulate 200 air toxic chemicals, 10 times as many. Twenty, they studied; 180 air toxics EPA has never even looked at.

So let me inflate the cancer estimate by a factor of 10 to reflect the real scope of the problem. We now have 30,000 cancer cases per year. Our assumption is certainly as reasonable as the Hahn-Steger assumption that MACT will be 10 times tighter than the bill requires.

We can question the EPA cancer risk study in another way. There is a very good evidence to indicate that airborne carcinogens are more potent than EPA estimates. The State of California, where we always look for our sort of advanced technological analysis in this area, working with independent data, has analyzed two air toxics, two prevalent ones, benzene and chromium, and has concluded that EPA significantly underestimates the risks which these carcinogens pose to public health. California says in their studies that benzene is 10 times more potent a cancer-causing substance than EPA suggests.

So what was 30,000 cancer cases per year now becomes 300,000 cancer cases per year, and if we tinkered with that assumption just a little bit, we could easily say that 300,000 Americans die every year from exposure to airborne carcinogens. That is six times more than the number of traffic fatalities in America.

Is it a good number? The assumptions that I used were more reasonable than those used by Mr. Hahn and Mr. Steger. They are describing the effect of a bill a thousand times more stringent than any legislation introduced in the Senate. I assumed that we moved from 20 to 200 pollutants and used potency estimates developed by California rather than EPA, and all of this is fact.

What does this mean for a State like Texas? If 300,000 Americans die from air toxics each year, how many will occur in Texas every year? Texas produces one-quarter of the petrochemicals in the United States; maybe they suffer one-quarter of the effects. There are 75,000 deaths in Texas each year from exposure to the ill effects of air toxics. If that were true, this legislation ought to be the highest priority for anybody from Texas. They ought to set aside everything else they are doing in this place and get this bill passed. They ought to be offering

amendments to get the health standards in place sooner. There is a cancer epidemic in Texas, if these estimates are correct. They are every bit as reasonable as the estimates used in the Hahn-Steger study.

As I said, some of us are prepared to engage in a debate using numbers, if that is what our colleagues would like to do. If Senators are only impressed with big numbers, I can get out two or three orders of magnitude beyond the reality of this bill, and I can do it just as easily as Mr. Hahn and Mr. Steger and the clean air working group. If I had $1 million to pay for consultants, I would expose every American now alive to the deadly effects of airborne toxics. The toll could be 3 or 30 million exposed to cancer. Ph.D.'s can be found in America who could give us the numbers.

Perhaps it is enough for most Senators to simply shed a little light on the assumptions made by Mr. Hahn and Mr. Steger. MACT is 10 times too stringent in their study. Residual risk is 100 times more. Every job in an electric utility in America is threatened by President Bush's acid rain bill. If your company does not have the technology, which this bill does not require, you are a goner for sure.

Thankfully, there is another set of numbers on job impacts which, if we must, we can turn to. In late January, the Bush administration prepared cost estimates on the bill, and their paper included an estimate of the jobs lost due to the air toxics provision. Eleven thousand to fourteen thousand jobs will be lost beginning in 2005, if we pass S. 1630 as reported from the Environment Committee. The residual risk standards we reported, which do not come into play until 2005 and which would be implemented over an 8-year period, would cost 11,000 to 14,000 jobs across the country, by the administration estimate. That is the bill as reported. It has been made more accommodating to industrial concerns as a result of the negotiatiopns with the administration. We eliminated the job losses, or at least the costs that the administration had estimated for job losses because of residual risk, as part of the negotiation. But even the estimate of 11,000 to 14,000 jobs lost on the original bill, which is not the bill we are going to act on, was too high. The administration paper on costs called their own estimates unreasonable, because it assumed that no new technology would be developed between now and the year 2005. "Unreasonable" is the word used, not by the Environment Committee to characterize these estimates of 11,000 to 14,000, but used by the administration about their own estimates.

The administration estimate of 11,000 to 14,000 jobs, total, is based on the unreasonable assumption that there will be no new technology for 15 years, and even that number is too high. We do not like to see any jobs lost. Environmental protection and job protection should not be competing interests. I believe that, given time and incentive, new technology will be developed to meet these standards without job loss at all. That is why this bill has a second phase for each of the major programs, to set a target that will push the development of new pollution control technology that will give industry in this industrial society of our the time they need to reach the target.

The 11 to 14,000 jobs beginning in 2005, spread over 8 years and over the whole economy, is not a large impact. By way of comparison, I would like to cite one final statistic published just this morning. Last month the number of net new jobs created by the United States economy was 370,000. That is job gains minus job losses, one month, which happened to have been a 28-day month, 370,000 net new jobs—30 times more new jobs than the administration estimates this bill would lose over an 8-year period, and beginning 15 years from now, and using assumptions which they themselves describe as unreasonable.

Mr. CHAFEE. Mr. President, I wonder if the Senator will yield a minute on that.

Mr. DURENBERGER. Yes.

Mr. CHAFEE. Those statistics are remarkable, and I think they are worthwhile repeating. People are talking about job loss of 5,000, 6,000, 12,000. Could the Senator repeat those statistics about how many new jobs have been created in this country of ours over the period he was describing?

Mr. DURENBERGER. Yes. I picked it out of the newspaper this morning. The figure for February, the month we just passed, 28 days of February, is 370,000 net new jobs.

Mr. CHAFEE. In other words, we added 370,000 new jobs in this country in 1 month, in a period where there has been a good deal of gloomy news about failure of housing starts, decline in automobile production, tightening up of loans by banks, failure of brokerage houses or of those going into chapter 11 bankruptcy, and yet, in that shortest month of the year we added 370,000 new jobs, net.

Mr. DURENBERGER. I said it, but I was repeating what the administration statistics have been reported for that month.

Mr. CHAFEE. The other point I think the Senator made was that the estimates of jobs lost under the air toxics section are 12,000 jobs over an 8-year period, starting in the year 2005. Those are the statistics. Do those check with those of the Senator?

Mr. DURENBERGER. The Senator is correct.

Mr. CHAFEE. So the idea that this legislation is going to have everybody out in the street is nonsense. I think it is so important to put not only the correct figures in there—these are estimates—well, actually, that estimate was made by the administration on the original committee bill, and the administration did not like the committee bill. Therefore, they certainly were not shaving those estimates on the low side. That was the high side estimate, clearly, or they would not have given it to us, because they were opposed to the legislation.

I thank the Senator for the contribution he is making to all of us and the statistics regarding the prospective deaths and the costs associated and stressing that this is a health bill.

Mr. DURENBERGER. I thank my colleague from Rhode Island.

Mr. President, I hope that these comments have been responsive to the concerns expressed articulately last night by our colleague from New Hampshire, and I hope they have been expressed in a way that is helpful.

I said that for all of us one way or another and, I think, particularly of those of my colleagues who have had the responsibility preceding this, as the Presiding Officer has, of being a governor of a State, that environmental protection and job protection simply should not have to be posited in a policy sense as competing interest where one wins and one loses.

I hope that all of my colleagues will go home and rethink the pending amendment of the senior Senator from West Virginia. I know that I will go home to a State which began in the late 1960's to deal with the issue of acid rain, which, at some alleged risk and perhaps some potential risk to people in certain businesses in that State and particularly in the electric energy business, began to deal over the last 20 years with the issues presented by this bill.

So with jobs affected, jobs put at risk, many of us in this country have dealt with this issue on airborne toxics, on acid rain, sulfur dioxide and a lot of other issues, some of the mobile source issues, over a period of time.

Watching the discussion in the working group preceding the substitute bill between the Western State Senators and the midwest Senators, I understand the issues of putting environment in presumed competition with job protection, the debates of clean coal technology and the debates over scrubbers and all of that. I recognize also that the majority leader in a different capacity 2 years ago, as has been said before, put in an awful lot of time, something like 34 meetings, as I recall, with the President of the United Mine Workers trying to negotiate a policy approach which did not

force this body or this country into a position where it had to choose environment over jobs.

As I said earlier, also, Mr. President, the whole purpose of this bill is, wherever possible, to substitute, for artificial unascertainable standards of health or safety, technology standards that suit the economic progress of an industrial society.

I will, when I come back, oppose as strongly as I can the amendment of the Senator from West Virginia. I hope that it has either been substantially modified or in some way or other this body will have the courage to take a realistic look at job loss and at the environmental consequences of this legislation.

This bill and the substitute to this bill with certainty is not a threat to the economy of this country or to the economy of any State in this country. The only thing being threatened here on the floor of the Senate, particularly for a period last evening, was the truth about this bill. The debate last evening was quite dramatic. It is unfortunate that it was conducted on a plane that was just slightly removed from the reality of the legislation that is now pending before the Senate.

I think I understand why. I think I understand it as a deep concern on the part of many for the consequences.

But I also say, as one who has been so deeply involved with the bill for so long, this bill can stand a fair assessment. It is a bill that fairly balances our concerns for jobs, and our concerns for clean air.

I thank the Chair.

Mr. MITCHELL. Mr. President, the managers are here ready to receive amendments which have been agreed to and which are noncontroversial, of which I understand there are already a substantial number. So I encourage any Senator who has an amendment which is acceptable and is noncontroversial now to come to the floor and have that amendment accepted. They will remain here to do that for the next few hours to receive such amendments and we can thereby begin the process of reducing the lengthy list that was agreed upon earlier today.

There will be no more rollcall votes today. I have discussed the matter with the distinguished Republican leader, with the President pro tempore and others, and we hope to have an agreement later today setting a specific time for a vote on the Byrd amendment when we return following the recess. But there will be no more rollcall votes today.

I repeat what I said earlier with respect to scheduling. When we return on Tuesday, Senators can expect lengthy days and sessions and votes into the evening for so long as necessary to complete action on this bill.

Mr. President, I am going to add my compliments to those of the Senator from Rhode Island on the points the Senator from Minnesota has been making.

I have a statement and a number of documents to be introduced in the RECORD on that same subject and will follow his remarks with my own in that regard.

Mr. President, I commend my colleague from Minnesota and would like to add a few words of my own on the subject.

Last night there was considerable debate about potential job losses from air pollution control requirements. A study by Dr. Robert Hahn and Wilbur Steger indicated that there might be significant jobs lost if clean air legislation were enacted. And that study was referred to on several occasions during the debate last evening. Unfortunately, the study did not analyze the bill as reported by the Environment Committee nor did it analyze the compromise that is now before the Senate.

The study estimated that air toxics controls under a proposal similar to that supported by Representative Waxman in the House of Representatives would cost $18 billion a year. But the compromise now before the Senate should cost, based on previous administration estimates, between $5 and $6 billion a year, or about a third of that which the study analyzed. One reason for this differential is that the study assumed that plants would have to shut down if they presented a theoretical cancer risk of one in one million. But that requirement was not included in the Environment Committee's bill nor is it part of the compromise bill that is before the Senate.

The Hahn study also assumed that acid rain controls would be implemented through a full scrubbing bill similar to the legislation introduced by Senator Stafford several years ago. But the acid rain title of the compromise should cost far less than that assumed in the study and is a different approach.

So what we have, Mr. President, is a study that analyzed two bills that are not before the Senate and then is being used in the Senate in opposition to the bill that is before the Senate.

The Hahn study is not the only analysis of jobs impact that has been made on environmental legislation. An organization called Management Information Services has also done a study on the impact of pollution control requirements. MIS estimates that the pollution abatement and control industry is a new, $70 billion per year industry. For example, in 1985, pollution control requirements created an estimated 166,000 jobs. The acid rain provision of the measure before the Senate could create between $7½ billion and $13 billion in industry sales and between 101,000 and 195,000 jobs.

In addition, there are existing health and environmental costs from pollution which have not been much discussed here. The American Lung Association estimates that Americans spend $100 billion a year on health care costs associated with air pollution.

So that if we were to pass the bill, it would actually save our society money because the cost of implementing the requirements would be less than the cost of inaction.

Each of these studies is an estimate of possible costs. The story is not one-sided. There is an opportunity to make pollution control one of our stronger new industrial sectors. We can create jobs and export technology if we seize the opportunity. Many businesses are affected by pollution control requirements and many people, over half the American population are affected by breathing unhealthy air.

Mr. President, I ask unanimous consent that the MIS study and related documents be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ALVIN A. COOK, MANAGEMENT INFORMATION SERVICES, INC., WASHINGTON, DC, JUNE 1987

SUMMARY

We analyze the economic costs, benefits, and impact on the U.S., on individual states, industries, and occupations, and on the nation's international competitiveness of acid deposition control legislation. The costs of recent Senate bills such as S. 95, S. 300, S. 316, and S. 321 will likely be between $4 and $9 billion annually and will be borne disproportionately by certain states and electric utilities, mining industries, and electricity-intensive sectors. We estimate these costs for each state and for 180 electric utilities. The benefits of the investments in acid rain control technologies will also be substantial: they will reduce sulfur dioxide emissions by two-thirds and create substantial profits for industry and jobs for workers. We estimate these benefits for 80 industries and 475 occupations within each state. In addition, acid rain control programs may create substantial export opportunities for U.S. companies.

OPENING STATEMENT

Mr. Chairman, members of the Subcommittee, it is a pleasure to present this statement to you on behalf of Management Information Services, Inc. MISI is a private economic consulting and data services firm in Washington, D.C., which over the past two years has conducted several major studies of the economic impact, costs, and benefits of acid deposition control legislation and related pollution abatement programs. This work was funded by MISI and was not financed by any industry, utility, environmental, or special interest group, and we consider our findings to be objective and unbiased. We discuss below some of the implications of our work.

WIDESPREAD CONCERN OVER THE ECONOMIC EFFECTS OF ACID RAIN CONTROL

A major reason for the acrimony in the debate over the control of acid rain is the notion that controlling and abating acid precipitation is extremely costly, imposes

an enormous drain on industry profits, and depletes workers' jobs. Thus, in an era of record U.S. trade deficits, lagging productivity growth, and increasing concern over the "competitiveness" issue, many businessmen and government officials are reluctant to commit themselves to a program they perceive as detrimental to the nation's economy. This concern, however, may be misplaced, for we determined that a major effort to control acid rain would generate substantial sales and profits for U.S. businesses, provide many thousands of jobs for American workers, and enhance the U.S. international competitive position.

We recently analyzed the economic impact of two bills introduced last year in the U.S. Congress: H.R. 4567, the "Acid Deposition Control Act of 1986," and S. 2203, the "New Clean Air Act" (Exhibit 1). These bills had provisions similar to those introduced thus far in the Senate, such as S. 95 (Senator Kerry), S. 300 (Senator Stafford), S. 316 (Senator Proxmire), and S. 321 (Senator Mitchell), and the effects of these latter bills will be analogous. Ours is the first detailed study of the state-by-state industry and job effects of the two major acid rain control bills introduced during the last Congress.

We found that, while the overall economic benefits are strongly positive, the impact on some businesses, jobs, and states will be negative. We identified the sectors of the economy that would benefit and those that would be harmed. In addition, we categorized states into "winners" and "losers" on the basis of whether their economies will be affected favorably or unfavorably by the legislation. The major economic effects of the legislation are summarized in Exhibit 2.

ACID RAIN ABATEMENT WILL BE COSTLY AND WILL HAVE SIGNIFICANT EFFECTS ON ELECTRIC UTILITIES

Over a fifteen year period, any legislation similar to last year's H.R. 4567 or S. 2203 would cost electric utilities and their ratepayers $125 billion more than in the absence of the legislation. The disruptions caused in the coal mining industries and electricity-intensive sectors in some states, increasing unemployment in these and related industries, have been known for some time. These two issues—high costs and lost jobs—have been used successfully in arguments by opponents of the legislation.

However, conformity with the legislation would significantly reduce sulfur dioxide emissions—one of the principal elements of acid rain and one of the nation's most serious environmental problems—by as much as two-thirds by 1995. These estimated sulfur dioxide emission reductions, by state, are shown in Exhibit 3.

Nevertheless, bills such as S. 95, S. 300, S. 316, and S. 321, would be expensive for many electric utilities. We analyzed the effect of legislation on each of the 180 major U.S. electric utilities in the 48 contiguous states.[1]

Costs could be over $10 billion annually, forcing many electric utilities to raise current rates by as much as 30 to 60 percent over the next 15 years. Moreover, the costs are distributed unevenly among states, as illustrated in Exhibit 4. In California, New York, and Texas, for example, costs would rise little. Costs, however, would rise dramatically in other states such as West Virginia, Ohio, and Minnesota. The economic impact on individual electric utilities within a state also varies widely, ranging in some states from as low as 2 or 3 percent to as high as 50 or 60 percent for utility companies in the same state (see Exhibit 5).

We disproved two myths about the distribution of the costs of acid rain control legislation. One is that only electric utilities in a small group of Midwestern states, where high-sulfur coal is mined, would be adversely affected. However, Mississippi Power Company, for example, would face a rate increase well in excess of 20 percent, the customers of SCANA corporation in South Carolina face a 20 percent increase, the rates of Utah Power and Light would increase more than 10 percent, Rochester (New York) Gas and Electric Corporation rates may have to be raised 10 percent, and the Virginia Power Company may have to raise rates by 17 percent.

The second misconception is that all electric utilities in the Midwest would be adversely affected. This is not true. In Ohio and Wisconsin, for example, where most companies would be significantly affected, the impact on the Ohio Edison Company and the Wisconsin Public Service Corporation would be minimal.

Acid rain abatement legislation can pose a classic Catch 22 situation. Relying on the "polluter pays" maxim, with no subsidies to cushion rate increases for utility customers, may imply rate increases so drastic they are politically nonviable. On the other hand, if Federal subsidies are written into the legislation, they may be so large that they run up against current fiscal constraints. Legislation passed without significant subsidies, however, may imperil the financial viability of some of the nation's most important electric utilities, and many smaller ones as well.

By significantly increasing the cost of electricity from coal-fired power plants, the legislation would make other options—such as nuclear power—more attractive. This is not widely recognized.

THE INVESTMENTS REQUIRED TO ABATE ACID RAIN WILL CREATE SIGNIFICANT ECONOMIC BENEFITS

The costs involved represent one side of the debate. Thus, we found that implementation of the control legislation would be expensive, costing electric utilities and their customers as much as $125 billion to implement over a 15 year period. And it is true, as charged in arguments against the legislation, that the disruptions would increase unemployment in mining, electricity-intensive, and related industries in some states. These issues of high costs and lost jobs must be recognized and dealt with intelligently.

What few people recognize, however, is that the investment—between $4 billion and $9 billion per year—would be a significant stimulus to the U.S. economy and to the economies of most states. We found, for exxample, that acid rain abatement legislation will create between $7.5 and $13.1 billion in industry sales, $681 million to $1.4 billion in business profits, and 101,000 to 195,000 jobs (see exhibit 2).[2]

It must be emphasized that the picture is not uniformly positive. We estimated the distribution of the economic benefits and costs among 80 industries and 475 occupations within each state. In some instances, for example, demand for high-sulfur eastern coal will decline, and some businesses will suffer. And while the total number of jobs would increase under either bill, some workers in some occupations will lose their jobs.

Accordingly, the impact of acid rain control legislation on the industries and the labor markets in different states is a major concern. The prevailing notion is that such legislation would seriously damage states in the Midwestern and Appalachian regions, further exacerbating the already serious economic problems many of them face. It is from these parts of the nation that much of the most intense opposition to acid rain control programs arises. However, the reality is much more complex, and we found that the net economic effects on most states—including most Midwestern and Appalachian states—will be strongly positive, with the precise effects depending importantly on the specific legislation. These are summarized in Exhibit 6.

For example, the impact of H.R. 4567 would be adverse on Illinois and Montana, whereas the impact of the Senate bill on these states would be favorable. Conversely, the impact of S. 2203 on Alabama, North Dakota, and West Virginia would be negative, but the impact of the House bill on these states would be positive. These findings emphasize the folly of making blanket statements about the impact of generic acid rain control legislation on specific states or groups of states. Quite simply, the result often depends on the particular bill and the specific state in question.[3]

We determined that, in economic terms, 10 states would be major winners under most acid rain control bills: Arizona, California, Colorado, Connecticut, New Hampshire, Oregon, Rhode Island, Utah, Vermont, and Washington. Ten states will be major losers; Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Ohio, Oklahoma, and Pennsylvania. Perhaps most interesting, 13 states have been classified as "paradoxes": Alabama, Michigan, Mississippi, Montana, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming. The economic impact on them would be favorable or negative depending on the specific provisions of the legislation. These state classifications are illustrated in Exhibit 7.

The likely economic impact on specific states of different acid rain control bills is not widely appreciated, often even by those intimately familiar with the legislation. We believe that this work provides important new information that will make a fundamental change in the focus of debate.

For example, we determined that Michigan ranks fifth among the states in terms of likely gains from the stringent S. 2203 provisions (the state would gain $1.1 billion in sales and 13,800 jobs) and Wisconsin ranks ninth (gains of $400 million in sales and 5,100 jobs), while both Tennessee (gains of $204 million in sales and 2,300 jobs) and Virginia (gains of $390 million in sales and 3,200 jobs) are among the major winners under H.R. 4567. Yet, ironically, officials from these states have often opposed acid deposition control legislation in the past as being harmful to their states' economies.

ACID RAIN ABATEMENT MAY STIMULATE U.S. EXPORTS AND REDUCE THE TRADE DEFICIT

Would acid deposition control legislation contribute to U.S. international trade difficulties and export-import imbalances? No, not necessarily, according to our analysis. We determined that the capital goods, industrial products, systems, and supporting goods, services, and processes required for acid deposition control and abatement are produced almost entirely by domestic U.S. businesses. Thus, 95 percent of the direct expenditures on the required abatement and control products and systems would accrue to U.S. firms and result in a signifi-

Footnotes at end of article.

cant business and industry stimulus. The only notable foreign presence is the Mitsubishi Corporation, and it has less than a 3 percent U.S. market share.[4]

The jobs created would be almost entirely for American workers, often in high-skilled, well-paying manufacturing jobs. Further, since the acid deposition problem is probably even more acute in Europe and Japan than in the U.S., the expertise and economies of scale to be gained by U.S. firms offer large potential export opportunities.

There is another dimension to the international opportunities for U.S. businesses. Some of the largest and most lucrative opportunities for U.S. exports of environmental technology and services are with the rapidly industrializing Asian nations, such as Taiwan, South Korea, and Hong Kong, with which the U.S. presently has large trade deficits.[5] These nations, and others, will be spending heavily over the next decade to clean up their environment. American companies, using techniques and equipment developed over the past 20 years in U.S. pollution abatement and control efforts—including acid rain abatement, can obtain a large share of this Asian business. Indeed, for many of these companies the Asian market may represent a golden opportunity for further sales and profits. Success abroad will also narrow the nation's trade deficit as millions of dollars of equipment—from large electrostatic precipitators and hazardous-waste incinerators to delicate and sensitive monitoring instruments—are sold abroad.

This is one area in which U.S. companies still maintain a strong competitive advantage, and American companies have an excellent chance to capture a substantial share of the emerging Asian market. MISI estimates that the world-wide market for air pollution control equipment alone will reach $15 billion annually by 1995, with well over half of the total being spent outside the U.S. and Europe.

Waste management will be another high growth field, as small densely populated countries such as Taiwan, Hong Kong and Singapore are forced to cope with ever increasing amounts of refuse and hazardous wastes. To cite only one example, the pressing need for environmental cleanup in Taiwan, coupled with the country's low international debt, make it likely that the nation will lead the way among the rapidly industrializing nations in expenditures for pollution control and waste management.

U.S. consultants and engineers can play an especially important role in breaking into new international markets. If they win contracts to identify and propose solutions for pollution problems, it is likely that their proposals will be designed around American made equipment, giving American manufacturers an edge in bidding against their Japanese and European competitors.

At least as important, environmental issues are coming to the forefront in many underdeveloped nations as well. These countries see that their own growth and productivity are being hampered by urban pollution and declining agricultural yields.

These severe environmental problems have recently been recognized by the international community. The World Commission on Environment and Development, chaired by Gro Harlem Brundtland, the Norwegian Prime Minister, concluded that economic growth, poverty alleviation and environmental problems have to be considered as a whole.[6] Further, the World Bank has recently created an Environmental Directorate to coordinate and expand Bank funding for major environmental projects in developing nations.[7]

This increase in concern and funding has potential close links to Treasury Secretary Baker's international debt relief plan, which emphasizes that the only way for the third world to handle its debt burden is to grow economically with the aid of the wealthier industrialized nations. Thus the opportunities for U.S. exports are immense, and the industry stimulation, expertise, and economies of scale gained from acid deposition control programs will enhance these.

However, while the opportunities exist, they must be seized quickly. We have already noted the foothold the Mitsubishi Corporation has in the U.S. market. The experience of the past two decades should not, to say the least, make us sanguine about the potential for Japanese competition in both the U.S. and the international markets.

Further, the Canadians are also becoming keen competitors in this area. For example, Fenco Engineering, Ltd., of Toronto, is building a $50 million pollution control plant at the Nacozari copper smelter in Northern Mexico. The project is financed 80 percent by a loan from the Export Development Corporation, a Canadian government Crown corporation. The plant is one of the largest and most technologically advanced in the world and it will reduce by 90 percent the acid rain produced by the Smelter—which has been falling on the Southwestern United States. This illustrates that Canadian companies are in the forefront of acid deposition control technology and stand to profit handsomely if U.S. businesses fail to act expeditiously.

Indeed, Fenco executives note that the worldwide market for major engineering development projects has been declining in recent years and that pollution abatement control projects—such as the Nacozari smelter—are becoming increasingly important in maintaining business sales and employment.[8] Since most of the subcontractors and suppliers to Fenco are Canadian firms, this business has substantial multiplier effects throughout the Canadian economy—just as it would have in the American economy had a U.S. firm won the project.

CONCLUSION

In sum, while few Americans seriously question the ecological and environmental imperative for confronting acid rain, solving the problem has been hindered by our perception that the required remedy would be economically harmful to us. This is a misconception, for while the severe structural and regional costs must be recognized and dealt with, the United States stands to gain considerably from an ambitious abatement program.

FOOTNOTES

[1] Management Information Services, Inc. "Impact of Acid Rain Abatement Legislation on States and Electric Utility Company Costs and Rates." Washington, D.C., December 1986.

[2] Management Information Services, Inc. "The Net Costs and Benefits to Each State and to the Nation of Acid Rain Abatement Legislation." Washington, D.C. February 1987.

[3] For an analysis of the impact on Ohio see Alvin A. Cook and Jerome D. Rosenberg. "The Ohio Story: The Economic and Employment Benefits of Controlling Acid Rain," Amicus Journal, Fall 1986, pp. 5-7

[4] See "The Net Costs and Benefits to Each State and to the Nation of Acid Rain Abatement Legislation," op. cit., p. 68.

[5] Douglas R. Sease. "Asia's Industrial Waste Could Spell Profits for U.S. Firms," Wall Street Journal, June 9, 1987, p. 6.

[6] See Melvyn Westlake. "Trouble in the Third World's Environment," South, May 1987, pp. 18-21.

[7] See Constance Holden, "World Bank Launches New Environmental Policy," Science, May 15, 1987, p. 769.

[8] Alvin A. Cook and Jerome D. Rosenberg. "Acid Rain Cleanup Means Jobs for U.S., Canada, Toronto Star, May 12, 1987, p. 24.

EXHIBIT 1

COMPARISON OF THE MAJOR PROVISIONS OF H.R. 4567 AND S. 2203

H.R. 4567 Acid Deposition Control Act	S. 2203 New Clean Air Act
Sulfur Dioxide Reduction Strategy	
Two phase reduction strategy: by Jan. 1, 1993 utilities must meet a 2.0 lbs. per MMBTU So_2 emission limit; by Jan. 1, 1997 utilities must meet a 1.2 lbs. per MMBTU SO_2 emission limit. Industrial plants must meet a statewide average limit of 1.2 lbs. SO_2 per MMBTU by Jan. 1, 1997.	After Dec. 31, 1991, each fossil-fuel electric power plant is limited to a maximum of 2 years of continued operation unless it meets an SO_2 limit of 0.7 lbs. per MMBTU. Older industrial plants become subject to stricter new source standards by 1992.
Nitrogen Dioxide Reduction Strategy	
Utility and industrial plants subject to a statewide NO_x emission limit of 0.6 lbs per MMBTU by Jan. 1, 1997. Stricter stan-applied for new plants.	By Jan. 1, 1995 utility and industrial plants are subject to stricter standards to be set by EPA.
Motor vehicles become subject to stricter emission standards.	Motor vehicles become subject to stricter emission standards.
Tax and Subsidy Provisions	
Utilities whose residential customers experience a rate increase greater than 10 percent from the control program receive a subsidy financed by a fee on fossil fuel power plants.	None.
Other Provisions	
Financial Assistance for innovative emission control technologies.	Implementation of acid rain monitoring in the western U.S.
Negotiations with Mexico on transboundary air pollution.	Negotiations with Canada and Mexico on transboundary air pollution. Study by Treasury Department of tariffs on emissions to reduce air pollution.

Source: Management Information Services, Inc., Impact of Acid Rain.

EXHIBIT 2

OVERVIEW OF 1995 BENEFITS AND COSTS OF ACID RAIN CONTROL LEGISLATION

[In millions of 1986 dollars]

Investment expenditures	Net sales created	Net profits created	Net jobs created	Electric utility rate increase (percent)
H.R. 4567				
$3,820	$7,482	$681	100,839	2
S. 2203				
8,434	13,095	1,413	194,772	9

Source: Management Information Services, Inc.

EXHIBIT 3

REQUIRED SULFUR DIOXIDE EMISSIONS REDUCTIONS BY STATE IN 1995 UNDER H.R. 4567 AND S. 2203

[In thousands of tons]

State	1995 base	Reduction under H.R. 4567	Reduction under S. 2203	Percent reduction under H.R. 4567	Percent reduction under S. 2203
Alabama	560	180	367	32	64
Arizona	122	9	38	7	31
Arkansas	101	14	8	14	8
California	25	0	0	0	0
Colorado	92		5		5
Connecticut	31	8	2	28	9
Delaware	70	35	51	50	73
District of Columbia	6	1	2	19	29
Florida	772	100	298	13	39
Georgia	635	275	439	43	69
Illinois	1,142	624	885	55	77
Indiana	1,433	826	1,065	58	74
Iowa	326	145	185	44	57
Kansas	131	0	17	0	13
Kentucky	796	308	456	39	57
Louisiana	93	12	7	14	8
Maine	11	3	6	23	55
Maryland	301	0	139	0	46
Massachusetts	269	74	23	28	9
Michigan	598	196	393	33	66
Minnesota	230	62	113	27	49
Mississippi	135	43	87	32	64
Missouri	1,257	916	1,027	73	82
Montana	71	0	3	0	4
Nebraska	43	0	6	0	13
Nevada	90	11	14	12	16
New Hampshire	53	13	29	23	55
New Jersey	114	10	41	9	36
New Mexico	62	0	0	0	0
New York	499	45	181	9	36
North Carolina	714	333	504	47	71
North Dakota	79	0	14		17
Ohio	2,017	1,313	1,636	65	81
Oklahoma	142	20	12	14	8
Oregon	5	1	1	14	17
Pennsylvania	1,439	724	1,068	50	74
Rhode Island	5	1	1	28	9
South Carolina	349	162	246	47	71
South Dakota	26		4		17
Tennessee	761	458	609	60	80
Texas	586	21	110	4	19
Utah	87	27	11	31	13
Vermont	1	0	1	23	55
Virginia	207	40	60	19	29
Washington	106	14	18	14	17
West Virginia	1,042	622	770	60	74
Wisconsin	746	525	594	70	80
Wyoming	69		9		13
Total	18,458	8,167	11,555	44	63

Source: Management Information Services, Inc., 116 Fourth Street, S.E., Washington, D.C. 20003.

EXHIBIT 4

ELECTRICITY RATE INCREASES FOR EACH STATE FROM H.R. 4567 AND FROM S. 2203

State	Percent rate increase	
	H.R. 4567	S. 2203
Alabama	1	7
Arizona	1	2
Arkansas	1	4
California	0	1
Colorado	1	6
Connecticut	2	4
Delaware	2	7
District of Columbia	2	9
Florida	2	6
Georgia	3	9
Idaho	2	8
Illinois	3	9
Indiana	6	14
Iowa	4	10
Kansas	0	5
Kentucky	8	13
Louisiana	1	6
Maine	0	1
Maryland	3	8
Massachusetts	2	6
Michigan	3	9
Minnesota	1	9
Mississippi	0	9
Missouri	6	13
Montana	0	2
Nebraska	0	6
Nevada	0	1

ELECTRICITY RATE INCREASES FOR EACH STATE FROM H.R. 4567 AND FROM S. 2203—Continued

State	Percent rate increase	
	H.R. 4567	S. 2203
New Hampshire	2	2
New Jersey	1	5
New Mexico	0	2
New York	1	3
North Carolina	2	10
North Dakota	0	1
Ohio	7	17
Oklahoma	2	4
Oregon	0	0
Pennsylvania	6	13
Rhode Island	2	6
South Carolina	2	8
South Dakota	0	1
Tennessee	4	11
Texas	0	3
Utah	3	5
Vermont	0	0
Virginia	2	11
Washington	1	1
West Virginia	5	37
Wisconsin	7	15
Wyoming	0	10
Average, all States	2	9

Source: Management Information Services, Inc., "Impact of Acid Rain Abatement Legislation on States and Electric Utility Company Costs and Rates," Washington, D.C., 1986.

EXHIBIT 5

IMPACT ON RATES OF SELECTED UTILITY COMPANIES OF THE TWO ACID RAIN CONTROL BILLS

Utility company	Percent rate increase	
	H.R. 4567	S. 2203
Alabama Power Company (Alabama)	5	16
Appalachian Power Company (West Virginia)	16	59
Arkansas Power and Light (Arkansas)	3	5
Associated Electric Cooperative (Missouri)	7	11
Basin Electric Power Cooperative (Wyoming)	0	9
Buckeye Power Company (Ohio)	11	31
Central Ill. Public Service Co. (Illinois)	17	25
Cincinnati Gas and Electric (Ohio)	8	19
Columbus and So. Ohio Electric Co. (Ohio)	8	16
Dayton Power and Light (Ohio)	9	24
Delmarva Power and Light (Delaware)	2	10
Detroit Edison Company (Michigan)	5	14
Duke Power Company (North Carolina)	3	14
Electric Energy Inc. (Illinois)	19	27
Georgia Power Company (Georgia)	9	21
Gulf Power Company (Florida)	9	21
Illinois Power Company (Illinois)	10	20
Indiana and Michigan Elec. Company (Indiana)	7	18
Indiana Public Service Company (Indiana)	20	30
Iowa Public Service Company (Iowa)	8	16
Iowa Southern Utilities (Iowa)	18	24
Kentucky Power Corporation (Kentucky)	21	29
Kentucky Utilities Company (Kentucky)	17	28
Louisville Gas & Electric Company (Kentucky)	8	10
Minnesota Power and Light (Minnesota)	1	6
Minnkota Power Cooperative (North Dakota)	1	2
Mississippi Power Company (Mississippi)	3	22
Monongahela Power Company (West Virginia)	15	63
Montana Power Company (Montana)	1	3
Nebraska Public Power (Nebraska)	1	8
New England Power Company (Massachusetts)	2	11
Northern Indiana Public Service Co. (Indiana)	17	22
Ohio Edison Co. (Ohio)	3	7
Ohio Power Co. (West Virginia)	8	40
Oklahoma Gas and Electric (Oklahoma)	1	2
Pacific Power and Light (Wyoming)	1	16
Pennsylvania Electric Co. (Pennsylvania)	20	32
Pennsylvania Power and Light (Pennsylvania)	9	26
Public Service Co. (Colorado)	2	14
Public Service Electric and Gas (New Jersey)	1	9
Public Service of New Mexico (New Mexico)	1	1
Rochester Gas and Electric Corp. (New York)	4	10
SCANA Corporation (South Carolina)	6	20
Seminole Electric Cooperative (Florida)	7	8
Tampa Electric Company (Florida)	7	10
Tennessee Valley Authority (Tennessee)	7	23
Union Electric Company (Missouri)	9	20
United Illuminating Company (Connecticut)	2	5
Utah Power and Light (Utah)	5	11
Virginia Power Company (Virginia)	4	17
Wisconsin Public Service Corp. (Wisconsin)	2	17
Average, all companies	2	9

EXHIBIT 6

NET JOBS AND SALES CREATED IN EACH STATE BY H.R. 4567 AND BY S. 2203

State	H.R. 4567		S. 2203	
	Jobs	Sales [1]	Jobs	Sales [1]
Total, all States	100,839	7,482	194,772	13,096
Alabama	2,186	203	7	−130
Alaska	221	15	486	33
Arizona	1,278	97	3,050	235
Arkansas	721	55	1,597	121
California	14,222	1,093	31,400	2,413
Colorado	2,140	192	13,946	1,530
Connecticut	2,365	188	5,234	416
Delaware	272	4	584	43
District of Columbia	443	29	983	64
Florida	3,468	255	7,416	541
Georgia	2,181	162	4,466	328
Hawaii	269	18	607	41
Idaho	313	23	726	55
Illinois	1,023	−115	6,423	252
Indiana	2,091	125	4,701	288
Iowa	854	56	1,934	130
Kansas	382	3	1,420	74
Kentucky	−2,513	−395	−15,690	−2,218
Louisiana	1,150	82	2,457	182
Maine	369	28	817	62
Maryland	1,403	92	2,983	196
Massachusetts	3,552	277	7,860	614
Michigan	6,336	514	13,828	1,120
Minnesota	1,974	151	4,368	335
Mississippi	787	61	1,680	129
Missouri	1,543	90	3,628	226
Montana	−65	−17	291	14
Nebraska	557	41	1,242	91
Nevada	306	21	738	52
New Hampshire	554	44	1,225	97
New Jersey	3,538	266	7,395	553
New Mexico	352	25	2,058	207
New York	8,085	604	17,649	1,317
North Carolina	2,429	185	5,166	392
North Dakota	151	10	−303	−53
Ohio	1,275	−68	4,815	80
Oklahoma	915	60	2,066	138
Oregon	1,168	91	2,578	200
Pennsylvania	−1,516	−411	1,130	−368
Rhode Island	471	37	1,042	82
South Carolina	1,023	76	2,163	161
South Dakota	173	12	380	27
Tennessee	2,334	204	3,355	236
Texas	6,254	462	13,857	1,023
Utah	689	57	3,904	412
Vermont	246	19	544	43
Virginia	3,978	388	3,154	188
Washington	2,017	156	4,453	344
West Virginia	13,006	1,539	−2,010	−291
Wisconsin	2,305	181	5,100	400
Wyoming	1,567	179	5,777	668

[1] Sales in millions of 1986 dollars.

Source: Management Information Services, Inc.

1985 PRIVATE ENVIRONMENTAL INVESTMENTS CREATE NEW INDUSTRY WITH $19 BILLION IN CORPORATE SALES, 167,000 JOBS

Over the past two decades, amid national concern that protecting the environment damages the economy, a major industry—pollution abatement and control, or PABCO—has been born. The critical component of this new, $70-billion industry—12 percent, or $8.5 billion—represents private business capital investments in environmental protection. These are the recent findings of Management Information Services, Inc., a Washington, DC firm specializing in providing economic-impact information and analyses.

According to the MISI report, the first comprehensive study ever made of the cost and impact of environmental control investments: "If PABCO were a corporation, it would rank near the top of the Fortune 500." As a result, a significant sales-generating, profit-making, job-creating industry is now in place.

Analyzing the investment portion of the industry, the MISI report Economic and Employment Benefits of Investments in Environmental Protection estimates that the $8.5 billion capital spending for pollution abatement and control equipment created $19.3 billion in industry sales, $2.6 billion in

corporate profits, and 167,000 jobs. The report also identifies the industries, occupations, and regions receiving the economic benefits.

MISI calculates the impact of the investments in each type of pollution control equipment. The study finds that some industries and occupations are affected significantly by PABCO investments, while others are affected slightly. These expenditures, however, play a greater role in the economy and labor market than is generally recognized: They provide support for some mature industries presently suffering from stagnant sales and foreign competition; they provide impetus to emerging high technology industries; they play a disproportionately large role in expanding the job market for selected scientific, engineering, and technical personnel.

The regional implications of these findings are of special significance, according to MISI, because environmental regulations can have adverse effects on individual regions and States. The study demonstrates, however, that investments in pollution control technologies will also create regional economic benefits that will, in many instances, offset the adverse impact of environmental regulations.

A good example is Ohio, which has a base of heavy manufacturing, petrochemical, and utility industries. Although these industries are often major polluters, many are also required to furnish the products and services needed to lessen the environmental impact of their own pollutants. The fact that industries that pollute may also benefit from environmental regulations is an argument rarely heard in the debate over the economic effects of environmental legislation.

MISI estimates that in 1985 business invested $4.2 billion in air-pollution control equipment, $3.2 billion in water-pollution control equipment, and $1.1 billion in equipment for disposal of solid waste. Investments in air pollution control created $10 billion in industry sales, $1.3 billion in corporate profits, and 85,000 jobs. Water-pollution control investments created $7.1 billion in sales, $900 million in profits, and 59,000 jobs. Investments in waste disposal technologies created $2.5 billion in sales, $300 million in profits, and 22,500 jobs.

The study shows the economic and employment benefits resulting from each type of pollution abatement and control investment, separating them into the direct and indirect impacts on 80 industries and 475 occupations for the U.S. as a whole and for different States and regions. MISI reports that per dollar of expenditure, air-pollution control investments create the most sales and profits, and investments in solid-waste disposal technologies create the most jobs.

1985 JOBS AND SALES CREATED IN EACH STATE BY POLLUTION ABATEMENT AND CONTROL INVESTMENTS

[Dollar amount in millions]

State	Jobs	Sales
Total	166,532	$19,293
Alabama	2,510	251
Alaska	340	58
Arizona	2,060	234
Arkansas	1,520	154
California	17,420	2,280
Colorado	2,570	280
Connecticut	2,490	328
Delaware	450	52
District of Columbia	240	39
Florida	7,390	869
Georgia	4,110	425
Hawaii	730	81
Idaho	680	66

1985 JOBS AND SALES CREATED IN EACH STATE BY POLLUTION ABATEMENT AND CONTROL INVESTMENTS—Continued

[Dollar amount in millions]

State	Jobs	Sales
Illinois	8,170	1,023
Indiana	3,790	417
Iowa	2,160	232
Kansas	1,840	212
Kentucky	2,480	239
Louisiana	2,780	328
Maine	810	77
Maryland	3,390	386
Massachusetts	4,580	540
Michigan	6,090	733
Minnesota	3,290	347
Mississippi	1,540	154
Missouri	3,490	386
Montana	590	58
Nebraska	1,230	116
Nevada	700	79
New Hampshire	780	78
New Jersey	5,550	742
New Mexico	900	95
New York	12,160	1,641
North Carolina	4,425	405
North Dakota	490	54
Ohio	8,580	963
Oklahoma	2,320	270
Oregon	1,970	205
Pennsylvania	8,010	965
Rhode Island	720	79
South Carolina	2,190	212
South Dakota	520	39
Tennessee	3,190	309
Texas	11,570	1,293
Utah	1,030	102
Vermont	410	37
Virginia	4,220	463
Washington	3,020	367
West Virginia	1,040	116
Wisconsin	3,600	367
Wyoming	400	44

[From the Wall Street Journal, Jan. 29, 1986]

JOBS AND VALUES

Americans spent $70 billion last year to control pollution, creating 167,000 jobs in the pollution-control industry, a Washington consulting firm called Management Information Services reported yesterday.

"This report illustrates that while environmental advocates, industry representatives, politicians, economists and others have been arguing over how badly environmental programs hurt the economy, a major profit-making, job-creating industry was being born," said the MIS report.

The findings are interesting, as are all the other discoveries MIS made in its computerized study. For example, the study estimates that $8.5 billion went for equipment alone, such things as stack scrubbers and earth-moving machines. If any politician wants to know how much income was generated in his state, the MIS computer model can tell him. But anyone assuming those impressive numbers might lay to rest the arguments over environmental policy is, it seems to us, drawing an unwarranted conclusion.

Any public policy that either spends public funds or requires private funds to be spent will generate jobs. But that does not obviate questions about the public benefits from the spending. Building pyramids in the Western desert would create innumerable jobs but hardly would be worthy of public support.

Environmental spending is not at all like building useless pyramids. Cleaning up the nation's air and water and ridding the countryside of other affronts to human health and comfort have enjoyed broad public support and clearly are a public good. The argument is now and will continue to be over what point a given project ceases to yield benefit commensurate with the costs.

It is interesting to observe, though, how the capitalist system has turned environmentalism into an industry of its own—with its own jobs, its own investments, its own need for markets and, let us not forget, its own vested interests.

[From the Economist, December 1986]

INDUSTRIAL WASTE: SLURRY FLURRY

WASHINGTON, DC.—America's enthusiasm for cleaning up its industrial waste is spawning a whole new industry. The Reagan administration recently set aside $8.5 billion to mop up the damage caused by the worst of America's thousands of toxic waste dumps. To free-marketeers, the so-called "Superfund" is the epitome of log-rolling legislation: a wasteful way of solving a problem that private enterprise—aided by a clearer legal code on liability—could do at a fraction of the cost. The dozens of new firms that are springing up to carry out the administration's wishes are laughing all the way to the muckheaps. To them the fund—and the tougher regulations on pollution that accompany it—are proving a bonanza.

A new study by Management Information Services, a research group in Washington, suggests that spending on pollution control and the abatement of industrial waste in America has grown from $18 billion in 1972 to nearly $70 billion in 1985. This is good news for manufacturers of such things as desulphurisation units ("scrubbers") for gas flues, solid-waste treatment plants, the breeders of bugs used to clean up polluted water, and contractors that specialize in shifting toxic rubbish from an unsafe place to a safer one.

Management Information Services calculates that, in 1985, private-sector investment of $8.5 billion by firms on pollution reduction generated sales of $19 billion, profits of $2.6 billion and some 167,000 jobs across the country.

Some of the biggest profits in the future are likely to come from America's obsession with the poor quality of its goundwater. Drinking water for half the country is drawn from groundwater contained in natural underground aquifers. Tough new regulations are forcing the companies that produce it and the municipal authorities in whose areas they operate to ensure that industrial waste does not leach into this water supply. Some of the best techniques used for cleaning polluted aquifers (eg. biotechnological cleansing) have been developed by small innovative companies.

Analysts at Kidder, Peabody, a stock-broking firm, estimate that the cleaning up of America's 1m industrial storage tanks (35% of which may be leaking into the groundwater) could alone grow to become a $1 billion-a-year business by 1990. That would involve an average annual increase in spending form today of 35%. In addition, Kidder, Peabody expects the business of removing waste from sites earmarked for treatment to increase by 25% a year; and that of analysing the make-up of hazardous waste to grow by 30% a year.

[From the EPA Journal, December 1986]

IS ENVIRONMENTAL CONTROL AN EXPENSE OR AN INVESTMENT?

(By Don Bronkema)

No social protest movement of the postwar era came of age as swiftly as environmental protection. Once the province of eccentrics, it became almost overnight the cause and commitment of the vast preponderance of the American people. Expenditures for pollution control soared as we

tried to restore the bright skies and sparkling waters of pre-industrial times.

This commitment has never faltered. Between 1970 and 1984, we spent an estimated $433 billion in public and private funds to clean up our air and water. These billions have already paid substantial dividends. The major atmospheric contaminants have been dropping steadily—in some cases, dramatically—over the last decade. We have at the very least held our own, and in places even made great headway in cleansing our rivers and lakes of the so-called classical pollutants. We have laid a foundation for detoxifying abandoned waste dumps and for controlling active dump sites.

However, some still believe that pollution control is more of an expense than an investment and that we just can't afford to spend so much in this otherwise commendable effort. They blame environmental management for lowering the standard of living, throwing thousands out of work, raising the cost of products, cutting into productivity, driving some companies out of business, pushing entire industries over the brink, and giving an advantage to ruthless foreign competitors.

But, according to Management Information Services, Inc. (MISI), these arguments are essentially false. In a report published in January 1986, MISI concluded that pollution abatement has not only provided environmental benefits, it has also provided the impetus for a multi-billion dollar industry. If the industry were concentrated in one company, it would rank near the very top of the Fortune 500.

Last year, for example, managers invested $8.5 billion in abatement and control equipment. This in turn created $19.3 billion in sales and 167,000 jobs. The MISI report identifies the beneficiaries of these outlays by industry, occupation, and geographic region. It rebuts the notion that environmental programs are nothing but regulations, standards, compliance monitoring, and such-like bureaucratic paper pushing. In fact, some 80 percent of pollution-related spending is attributable to business activity, consumer goods, construction, and research and product development.

The MISI report confirms that some industries and communities have been gravely disrupted by pollution control. Especially old-line heavy industry in the rust belt. But control expenditures also provide contracts for certain mature companies that have fallen on hard times due to competition from other materials, poor sales, and foreign competition. They stimulate frontier companies in high-tech sectors that can help restore the balance of payments, and they have opened up broad opportunities for science, engineering, and technical personnel.

Total business investment in pollution control since the early 1970s, MISI estimates, is now over $100 billion, with much more still to come as the international market for control equipment expands.

The MISI report recognizes that generous spending on the environment probably reduces spending for some popular consumer items. But it notes that a clean and enjoyable environment is an essential feature of the modern standard of living and of contemporary expectations. Indeed, some observers insist that it is a precondition for the survival of the human race.

But what about the jobs and companies and industries that go down the drain? What about the towns and cities and states that can't afford to retrofit for environmental controls and get back into the mainstream? Again, MISI has come up with some surprising facts.

Take a state like Ohio, one beset with adversity as heavy industries like steel, industrial machinery, petrochemicals, and utilities have faced changing market demand, recession, technical obsolescence, and stiff competition from abroad. Ohio industry has doubtless been a major polluter, and it has had to pay out a lot of money for federally mandated improvements. But more often than not, says MISI, those very same industries have also been called upon to produce pollution control equipment and services.

In addition, industrial polluters confronted by tough standards not infrequently come up with innovations that not only help themselves, but inadvertently assist others as well. And, whenever new equipment and processes must be introduced in response to the aforementioned economic conditions, industry can wrap pollution controls into the system at lower cost than likely under complex retrofitting. In that case, cleaner air and water are a collateral benefit of investments that would have had to be made anyway.

The results, in any event, are beneficial. Pollution abatement and control created 8,577 new jobs in Ohio in 1985 and generated additional industrial sales of $963 million.

MISI estimates that in 1985 U.S. business spent $4.2 billion on air-pollution control equipment, $3.2 billion on water-pollution control equipment, and $1.1 billion on equipment for disposal of solid waste. Some $10 billion in industry sales, $1.3 billion in corporate profits, and 85,000 jobs were produced by investments in air-pollution abatement. Water-pollution control expenditures resulted in $7.1 billion in sales, $900 million in profits, and 59,000 jobs. Waste disposal created $2.5 billion in sales, $300 million in profits, and 22,500 jobs.

The study analyzes the economic and employment benefits resulting from each type of control investment, with direct and indirect effects on 80 industries and 475 occupations for the nation as a whole and for various states and regions. MISI reports that air-pollution control creates the most sales and profits per dollar of expenditure, while investment in solidwaste disposal technology generates the most jobs.

The MISI findings are by no means unique. The U.S. Department of Commerce Bureau of Economic Analysis has just reported that pollution control investments in 1984, their latest record, amounted to $69 billion—three-quarters of it private money for expenditures ranging from stack-gas scrubbers to catalytic converters for cars. The Bureau estimates that such expenditures had risen from about 1.5 percent of GNP in 1972 to 1.8 percent in 1984.

The conclusion seems inescapable: environmental management is a major positive element in the American economy. It is setting an example that is occuring in other developed countries and that is beginning to occur in developing countries. It is often at the cutting edge of technical innovation. It boosts productivity and will help make possible the preservation of the global ecosystem upon which life and civilization depend. It is one of those realities of the marketplace that is unlikely to go away.□

[From Environmental Sciences and Technology]

ENVIRONMENTAL PROTECTION

(By Alvin A. Cook, Jr.)

To many people, a clean and healthy environment, although desirable in the abstract, is nevertheless a luxury. They argue that although a high level of environmental quality is desirable, pursuing this goal can damage the economy. We must therefore always be on guard against spending too much on wasteful environmental programs—wasteful because they destroy jobs, bankrupt businesses, decrease productivity, and produce a host of other real or imagined woes.

The latest manifestation of this phenomenon is the heated debate over acid rain. It is no longer credible to deny that the problem exists; rather, it is more fashionable for those opposed to dealing realistically with the problem to maintain that the costs of acid rain cleanup are too high. Again the litany of lost jobs, impoverished communities, and devastated industries is brought out, dusted off, and given a new face.

Supporters of environmental programs are almost invariably forced to defend the programs as necessary evils. Such arguments provide little solace to unemployed workers or bankrupt businesses who have been told that they are the ones who must pay the price of clean air and water.

Over the past two decades, protecting the environment has grown into a major sales-generating, profit-making, job-creating industry, largely unnoticed by the general public. Indeed, it has evolved into a driving force in the economy: In 1985 expenditures for pollution abatement and control (PABCO) totaled $70 billion. If PABCO were a controlled corporation, it would rank near the top of the Fortune 500.

We at Management Information Services recently analyzed the economic effects of an important element of this new industry: In 1985, $8.5 billion in private business capital was invested in environmental protection. We found that these investments resulted in total sales in the United States of $19 billion, that they generated business profits of $2.6 billion, and that they provided jobs for 167,000 persons. In view of the fact that business investments account for less than 15% of total 1985 PABCO spending, these data show the important role that environmental protection plays in the economy.

Many companies, whether they realize it or not, owe their profits—and in some cases their existence—to PABCO investments. Many workers would be unemployed were it not for these investments. So much for the contention that protecting the environment destroys industries and costs jobs.

It may be asked whether investments in environmental protection are unproductive. Wouldn't spending lots of money on anything—for example, building pyramids in the desert—stimulate industry and create jobs?

Investments in environmental protection, however, are not at all like building pyramids. They produce a healthier, safer, cleaner, and more livable environment. Environmental protection is an exemplary public good and, according to the Harris pollsters, this issue has consistently enjoyed wider and stronger public support than virtually any other over the past quarter century. Investments in plant and equipment that produce this strongly desired public good are as productive as those that produce the automobiles, television sets, golf balls, or de-

fense systems that we are willing to pay for privately or through taxes.

Don't environmental standards penalize certain states and regions at the expense of others? Sometimes, yes. This point has been so overused, however, that almost any state or region suffering economic hardship places some of the blame on unreasonable environmental laws.

However, we have found that in every case industries in states that are negatively affected by environmental legislation are benefitting substantially from the sales, profits, and jobs created by PABCO investments. With respect to acid rain, therefore, the industries and regions creating acid rain pollution will in many cases help provide solutions to the problem. It is time that this argument is heard in the debate over the economic effects of environmental legislation.

According to our initial estimates, even a small-scale program of acid rain abatement will create 115,000 jobs and generate $1.5 billion in corporate profits. It is significant that many of these benefits will flow directly to states such as Pennsylvania, Michigan, and Illinois, where only the costs and disadvantages of acid rain legislation are readily apparent now.

We must recognize that funds spent on pollution abatement and control programs are not wasted. Investments in environmental protection contribute as much to the well-being of the nation as does money spent on other goods competing for scarce private and public funds.

[From Engineering News-Record, May 29, 1986]

MONEY AND JOBS TALLIED IN POLLUTION CONTROL

Pollution abatement and control may be a messy business but it creates lots of jobs and profits, according to an analysis by a group of Washington, D.C., economists.

"If pollution abatement and control were a corporation, it would rank near the top of the Fortune 500," says the report by Management Information Services Inc. "Clearly, providing the goods and services required for environmental protection has become a major U.S. industry with significant effects on the economy and labor market."

The study looked only at new business investments in 1985 for controlling pollution. These totaled $8.52 billion and created industry sales of $19.2 billion, 166,532 jobs and $2.6 billion in corporate profits. The total pollution market last year was $70 billion.

According to MISI, construction services relating to the investments totaled $418 million, creating 6,272 jobs for construction workers. Breaking employment data down by craft, MISI discovered that the jobs includes 1,139 laborers, 1,278 plumbers, 787 operating engineers, 204 structural metal craftsmen, as well as 185 surveyors and 142 inspectors. MISI notes that air pollution work created the most jobs for construction workers, followed by water and solid waste programs.

[From Environment Reporter, Aug. 1, 1986]

GENERAL POLICY: POLLUTION CONTROL SPENDING GOOD FOR ECONOMY, CREATING JOBS, PROFITS, MANAGEMENT FIRM SAYS

The estimated $70 billion spent annually on pollution abatement in the United States should be viewed not as a drain on the economy, but as an investment in a new industry that generates jobs and corporate profits as well as cleaning up the environment, a management consulting group said in a new report.

Even states that already appear to be hard-hit by existing laws with the prospect of new environmental controls on the horizon, such as preventing acid rain, could benefit, Roger H. Bezdek, one of the report's authors and partner in the firm, Management Information Services Inc., told BNA July 11. Ohio, Michigan, Illinois, and other industrial states "might come out ahead" in the long term because they will manufacture most of the pollution control equipment, he said.

"That's based on existing industries already making those products," Bezdek added. New pollution control industries also are locating in the "Rust Belt," he said, because those states have excess manufacturing capacity and labor pools that suit those industries' needs.

Pollution control requirements helped create 8,577 new jobs in Ohio, according to the report. These included 516 machine operators, 234 heavy equipment mechanics, 198 assemblers, and 120 welders, as well as support staff, including 310 secretaries, 143 bookkeepers, and 124 accountants. The remainder of the new jobs, the report said, were created due to the multiplier effect of the new pollution control expenditure, increasing opportunities for bartenders, actors, and newspaper editors.

OHIO OFFICIAL VOICES SKEPTICISM

"I'm not 100 percent convinced" by the analysis, Edward C. Hopkins, environmental policy analyst for Ohio Gov. Richard F. Celeste, told BNA July 29. A conservative estimate of job losses in the state's coal industry from an acid rain bill now being considered by Congress (HR 4567) totals 7,000 jobs, Hopkins said.

In addition, higher state utility rates triggered by acid rain control measures could drive borderline companies out of business or out of the state, he said, costing the state even more jobs. Hopkins agreed, however, that pollution control measures have brought a degree of economic benefit to Ohio, including an improved quality of life for residents.

The job-gain data in the report were derived using a sophisticated matrix that projects how many jobs would be created indirectly based on a level of direct pollution control industry employment, Bezdek told BNA July 29. More than one-half of the jobs created were directly related to pollution control, he added.

167,000 JOBS CITED

Businesses across the United States spent $35 billion in 1985 for day-to-day operation of pollution controls, and capital investments by businesses accounted for another $8.5 billion in expenditures, the report noted. Governments spent $15 billion, and individuals spent $12.8 billion, according to data obtained from the Department of Commerce and analyzed by the consulting firm.

This spending generated $19.3 billion in industrial sales, $2.6 billion in corporate profits, and helped create 167,000 jobs in 1985, the report said.

The firm cited specific benefits to Ohio, where industries realized $963 million in sales driven by pollution control requirements. The largest beneficiaries were electric, gas, and water services, with $186 million in sales, followed by pertroleum refining at $109 million, iron and steel manufacturing at $91 million, and non-ferrous metals manufacturing at $64 million. Chemical firms were to have reaped $43 million in sales.

The metals industries produce the hardware needed for control measures, Bezdek explained, and the petroleum and chemicals industries provide the necessary chemicals.

The report was necessary, the authors said, because all too often the economic drain caused by pollution control measures is the only factor cited in debates over new and existing controls. The benefits of a clean environment are difficult to quantify, while the economic and employment benefits have hardly been studied at all, they said.

[From National Wildlife, Aug.-Sept. 1986]

A BREATH OF FRESH AIR FOR THE ECONOMY

(By John Carey)

If you listen to critics of environmental regulations, the war against pollution is a giant brake on the engine of industry. Forced to install expensive treatment equipment, companies have watched productivity decline and losses mount. As a result, the critics charge, the economy has stagnated and millions of stalwart Americans have been put out of work. "Ninety percent of what you hear is how environmental regulations have cost people their jobs," says Alvin Cook of Management Information Services (MISI), a Washington, D.C., consulting firm.

Until recently, says Cook, "environmentalists have only been able to counter by saying: 'But the air and water are cleaner.' That may be true, but it's not a lot of solace to the guy who has lost his job."

Now, however, environmental watchdogs can respond with an argument that rings with the authoritative sound of cold cash. According to a recent study by MISI, the pollution abatement and control business (known affectionately as PABCO) is now a thriving industry in its own right. In 1985 alone, it invested $8.5 billion and created 167,000 jobs. "If PABCO were a corporation," says the study, "it would rank near the top of the Fortune 500."

The report, entitled "Economic and Employment Benefits of Investments in Environmental Protection," was born of the realization that money and jobs make good politics. "Whenever the Pentagon wants to sell a new weapon, it is quick to point out all the jobs that would be created," explains Cook.

MISI's researchers first collected Department of Commerce and trade association data on the value of the goods and services produced by the pollution control industry. Then they plugged the figures into a standard model that translates dollars spent into employment. They calculated, for example, that the industry needed to hire about 1,000 electrical engineers and 6,800 secretaries in 1985. "Whether they realize it or not, many workers would be unemployed today were it not for PABCO investments," says the report.

The companies spawned by environmental legislation range from manufacturers of smokestack emission control equipment to laboratories that test groundwater for chemical contaminants. Earlier this year, for instance, Boston's GSX Corporation was hired to clean up pesticides dumped years ago at the airport in Columbia, South Carolina. "If there were no environmental regulations, no one probably would have cleaned it up," observes Joseph Boren, a vice-president of GSX.

Another firm, Bird Machine Company, recently sold ten large centrifuges, used to remove solid waste from sewage water, to the city of Philadelphia. "In the last few years, water pollution control is one of the

few industries that is really hot," says Peter Gouck, an executive at Bird.

Obviously, any regulations that force the private sector to buy expensive equipment will create jobs. But doesn't this spending still drive down productivity and hurt the economy? Not necessarily, argue MISI and many members of the PABCO industry. "Lots of people are finding that their waste, which they used to throw away, is a valuable resource," explains Richard Fortuna, director of the Hazardous Waste Treatment Council. As a result, says Cook, "many investments in environmental protection actually increase productivity—and are good for the economy in general."

[From the Engineering Times, August 1986]

POLLUTION-ABATEMENT INDUSTRY SEEING HEALTHY GROWTH, SAYS ECONOMIC BENEFIT STUDY

Critics of environmental laws often blame those laws for their excessive costs to business. In truth, says a new report, environmental laws have led to an economic boom in pollution abatement and control—a boom that in 1985 alone stimulated $19 billion in sales, generated $2.6 billion in corporate profits, and created jobs for 167,000 Americans, 4491 of them engineers.

The study, titled "Economic and Employment Benefits of Investments in Environmental Protection," was conducted and financed by Management Information Services, Inc. (MISI), a Washington, D.C., consulting firm.

According to the report, "expenditures for pollution abatement and control have grown from $18 billion per year in 1972 to nearly $70 billion per year by 1985." If pollution abatement and control were under the umbrella of a single corporation, "it would rank near the top of the 'Fortune 500'," says Roger Bezdek, a MISI economist.

Expenditures in pollution abatement and control "play a greater role in the economy and labor market than is generally recognized," says Bezdek. "They provide support for some mature industries presently suffering from stagnant sales and foreign competition. They provide impetus to emerging high-technology industries. They also play a disproportionately large role in expanding the job market for engineering, scientific, and technical personnel.

ENGINEERING JOBS

The greatest numbers of the 4491 engineering jobs generated during 1985 by the pollution-control industry were in the fields of electrical (1022), industrial (681), mechanical (587), civil (509), and chemical (488) engineering, according to the MISI report. The industry also created new jobs for aeronautical, metallurgical, mining, and petroleum engineers, and for 4166 engineering and science technicians.

Some states and regions that have been hardest hit by the economic costs of pollution-abatement and -control requirements also have received some of the greatest benefits of environmental cleanup efforts, the study reports.

"We've found that investments in pollution-control technologies also will create regional economic benefits that will, in many years, offset the adverse impact of the regulations," says Bezdek. "It's time that this argument is heard in the debate over environmental legislation."

An example is the state of Ohio, with its base of heavy manufacturing, petrochemical, and utility industries. Although those industries often are major polluters, many also are required to furnish the products and services needed to lessen the environmental impact of their own pollutants.

Last year, pollution-abatement investments in Ohio generated $963 million in sales and created 8580 jobs. "The fact that industries that pollute may also benefit from environmental regulations is an argument rarely heard in the debate over the economic effects of environmental legislation," Bezdek notes.

The MISI study compared the economic impacts of spending on air, water, and solid-water pollution-control programs. Per dollar of expenditure, investments in air-pollution control programs create the most sales and profits, while spending for solid-waste disposal equipment creates the most jobs.

[From the Globe and Mail, Mar. 28, 1986]

PROFITS, JOBS SEEN IN ACID-RAIN CLEANUP

(By Donn Downey and Michael Keating)

A group of Washington economists says a serious U.S. effort to curb acid rain would cost about $5 billion but it would create huge profits for U.S. companies and many jobs for workers.

The company, Management Information Services Inc., states in a letter to the Canadian Coalition on Acid Rain that the economic fallout from pollution controls, which would be primarily linked to the coal industry, are a strong argument for going ahead with such works.

Management Information Services Inc. was incorporated earlier this year. It is privately financed by a group of economists who donated their time and money to produce a report on the economic effects of acid rain curbs, Dr. Jerome Rosenberg, its spokesman, said.

The company was recently hired by the consulting firm of Grant Thorton to help in a study of electrical generating needs in the New England states. It will split the profits of the contract with Grant Thorton.

The analysts say that by spending $5 billion on acid rain controls, the United States would generate $13 billion in sales, produce more than $1.5 billion in corporate profits and create about 115,000 jobs. It would also improve its environment and public health.

The letter has been made public a week after President Ronald Reagan promised Prime Minister Brian Mulroney that he would try to see that $5 billion was spent by the U.S. Government and industry on projects to demonstrate acid rain cleanup technologies.

However, the presidential statement did not say anything about specific pollution reductions under this program or exactly where all the money was to come from in a period of spending cutbacks.

In a report accompanying the letter to the acid rain coalition, Management Information Services says that it has studied the pollution controls and found great misconceptions about their effect on the economy.

It says that for years the imposition of such controls has been seen as a drain on the U.S. economy. In fact, the report says, pollution control has quietly become an industry worth nearly $70 billion. Last year it produced $2.6 billion in profits and was responsible for 167,000 jobs.

"There findings clearly refute the widely held belief that environmental programs hurt the economy, cripple industries and cost jobs. Just the opposite is the case."

However, some Washington experts do not entirely agree with the report's findings. Paul Portney of Resources for the Future, a non-profit research organization financed in part by the federal Government, said the 115,000 figure for new jobs was "complete baloney."

He said it was probably based on the assumption that the United States would purify its high sulphur coal, protecting the jobs of the miners. "We already have a lot of clean coal. Why not use it instead?"

In the past, several reports calling for the spending of billions of dollars on pollution controls have pointed out the economic losses of not stopping environmental degradation. However, this report shows that in addition to preserving valuable natural resources and protecting human health, the pollution controls have benefited the economy.

If all the U.S. spending on pollution abatement and control were concentrated in one corporation, the report says, "it would rank near the top of the Fortune 500" list of major U.S. companies.

"Clearly, providing the goods and services required for environmental protection has become a major U.S. industry with significant effects on the economy and labor market.

"Many companies—whether they realize it or not—owe their profits and in some cases their very existence to (pollution control) investments. Many workers . . . would today be unemployed were it not for these investments."

The report says that spending on pollution control grew from $18 billion a year in 1972 to nearly $70 billion in 1985, a rate of increase greater than that of the U.S. gross national product over the same time.

The report notes that certain industries and even regions have suffered as a result of pollution regulations but says this has been offset by the work created for others in cleaning up industry generally.

Even areas which face major expenditures to clean up their pollution can reap some benefit from the economic fallout.

For example, Ohio has long been identified as a major polluting area and the source of a significant amount of the acid rain falling on Canada. But many of the industries that are major polluters will also be able to sell pollution control products and services, says the report.

In the report, Management Information Services lists a wide range of jobs and services that benefit from spending on pollution controls, ranging from professional engineers and managers to laborers and office machine operators.

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Produced by CBS News.

Executive Producer: Lane Venardos.

SCHIEFFER: United Steelworker members today began picketing the nation's four largest can-makers after rejecting management offers of $400 a year in[1] (bo—) bonuses[1] (to—) in place of a wage[1] (hike)[2] (increases). The strike involves 13,000 workers at some 75 plants[2] (around)[2] (across) the country and industry officials said no immediate shortages are expected.

A consulting firm today said efforts to clean up the environment and control pollution have produced a $70-billion-a-year industry that created more than 166,000 jobs last year. Management Information Services

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[1] Words in parentheses in 6:30 P.M. EST edition.

[2] Words in parentheses added in 7:00 P.M. EST edition.

says that if pollution abatement and control were a corporation, it would rank near the top of the Fortune 500 list of major companies.

(Next: "Our Mother" Mandela)

(Winnie Mandela and crowd shouting)

(Announcements)

[Management Information Services, Inc.]

MEMORANDUM

From: Management Information Services, Inc.

Subject: Report on the Economic Benefits of Environmental Protection.

Thank you for your inquiry concerning our study of the economic and marketing aspects of investments in pollution abatement and control technologies. This study contains considerable information and data which will be of interest to you:

Overview and summary of the research project;

Description of how capital investments in environmental programs can be converted into output requirements from every industry in the economy;

Explanation of how National Income and Product Account, Input-Output, employment, and occupational data sets can be integrated to compute environmental protection economic impacts;

Description of how the state-by-state industry and employment effects of these investments can be estimated;

The complete detail of the 1985 impacts of environmental investments in the U.S. on sales, profits, and employment in 80 industries and on jobs for 475 occupations, disaggregated according to air, water, and solid waste pollution control programs;

The most comprehensive, focused bibliography (over 200 sources) compiled to date on the subject; and

Assessment of some of the broader issues involved, with reference to the contentious acid rain issue.

Some materials relating to this work are enclosed. The cost for the report is $140.00, check payable to Management Information Services, Inc.——

[FROM AMBIO, VOL. 18, No. 5, 1989]

THE ECONOMIC AND EMPLOYMENT EFFECTS OF INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL TECHNOLOGIES

(By Roger H. Bezdek, Robert. M. Wendling and Jonathan D. Jones)

INTRODUCTION

During the past two decades, concern with protecting the environment has been a major policy priority in the U.S. For the most part, environment legislation that has been enacted has served to improve the environment significantly. In addition, the concern over the environment has fostered programs that should impact the U.S. economy and environment well into the next century.

Considerable attention has focused on assessing the economic consequences of the environmental legislation. In the past, environmental programs have been routinely blamed for a variety of economic ills. Included among these are unnecessarily increasing the costs of products, forcing entire industries into premature decline, and generally making the U.S. economy less competitive in the world marketplace [1,2]. Because of the ill effects associated with legislation that has targeted the enviroment, the debate over the economic effects of environmental protection continues [3,4].

A largely overlooked fact in the debate is that since the late 1960s, concern with the environment has spawned a major industry in the abatement and control of pollution. Today, this industry represents an important driving force in the U.S. economy.

[Graphs not reproducible in the RECORD].

Figure I shows the record of growth in the environmental protection industry during the past decade-and-a-half. Expenditures for pollution abatement and control (PABCO) grew from USD 18 billion per year in 1972 to nearly USD 70 billion per year in 1985. During this period, the increase in PABCO expenditures actually exceeded the growth rate of GNP [5]. Clearly, the evidence suggests that providing the goods and services required for environmental protection has become a major U.S. industry and, as a consequence, the environmental protection industry exerts significant effects on the economy and the labor market. We estimate that in 1985, of the USD 70.5 billion in total pollution abatement and control expenditures, USD 12.8 billion were made by consumers, USD 43.0 by business, and USD 15.0 by government.

BUSINESS INVESTMENT IN POLLUTION ABATEMENT AND CONTROL

This paper discusses the economic and employment effects that resulted in 1985 from private business spending on new pollution abatement and control investments. Business investment in PABCO programs, while accounting from only 12–15 percent of total environmental protection expenditures, (Fig. 2), is nonetheless important for three reasons. First, these investments lead to immediate and visible improvements in the quality of the environment. Second, they represent capital expenditures by the private sector within the private sector; i.e. these investments are not government-run programs. Third, these programs have significant impacts on the capital intensive, high-technology industries and labor markets that are of particular importance to the growth potential of the U.S. economy.

The research summarized here estimates the industry and employment effects of new business for abatement and control of air, water, and solid-waste pollution made in 1985. These investments totalled USD 4.2 billion, 3.2 billion, and 1.1 billion, repectively. Figure 3 shows that business PABCO investments have increased rapidly since the early 1960s, with cumulative investments in all three PABCO programs totalling about USD 100 billion [6-9].

METHODOLOGICAL APPROACH AND SUMMARY OF FINDINGS

Three simulations were conducted to calculate the economic and employment effects associated with the investments made in 1985. The economic effects of the PABCO investment programs were computed using the Management Information Service, Inc. (MISI) data base and information system. The first step in the simulation is the translation of investments in a particular pollution-control program into per unit output requirements for every industry in the economy. This is determined by four major factors: (i) the 1985 state of technology; (ii) government regulations and Technology-based standards; (iii) the particular program (i.e. air, water, and solid waste); and (iv) the direct industry requirements structure. Although the MISI system contains 500 industries, the present study summarizes an 80-order industry scheme that was chosen for the analysis.

Second, the direct output requirements from every industry resulting from 1985 spending on PABCO investments are estimated. These direct industry output requirements are then converted into total requirements from every industry by means of economic inter-industry "inverse" equations. These equations show not only the direct requirements, but also the second, third, fourth, . . . nth round indirect industry and service-sector requirements resulting from the particular investment.[10]

Next, the total output requirements from each industry are used to compute sales volumes, profits, and value-added for each industry. Then, using data on manhours, labor requirements, and productivity, employment requirements within each industry are estimated. This allows computation of the total number of jobs created within each industry.

The final step required the conversion of total employment requirements by industry into job requirements for specific occupations and skills. To accomplish this, MISI uses data on the occupational composition of the labor force within each industry and estimates job requirements for the 475 specific occupations that make up the entire US labor force. This permits the estimation of the impacts of PABCO investments in air, water, and solid-waste programs on jobs for specific occupations and on skills, education, and training requirements.

Included in the simulations are investments in both air and water-pollution abatement, and control programs, as well as in programs for the disposal of solid wastes. Impacts were calculated on total output, sales, profit, and employment for 80 industries. In addition, attention was paid to the effects that the investments had on the composition of employment in the 475 occupations found in the US labor force. The complete detail of the sales, profit, and job estimates is contained in Management Information Services, Inc.[11] Table 1 and Figure 4 provide a summary of the major effects of investments in air, water, and solid-waste disposal.

The major findings can be stated as follows. In 1985, business investments of USD 8.5 billion made to decrease air, water, and solid-waste pollution resulted in total sales of USD 19 billion, USD 2.6 billion in corporate profits, and provided jobs for 167,000 workers. It should be noted that these estimates are gross, not net, estimates in that no adjustment is made to take into account the opportunity costs associated with the use of the resources in pursuing environmental pollution control. Also, no adjustment is made for the losses of jobs which would result from the higher costs and prices and reductions in output in the polluting industries. In addition, no consideration is given to the social benefits associated with improving the quality of the environment. Nonetheless, these figures serve to illustrate the important role that the environmental pollution control industry plays in the US economy today.

Footnotes at end of article.

TABLE 1.—OVERVIEW OF THE ECONOMIC BENEFITS OF 1985 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Pollution control program	Investment spending (billions USD)	Total sales (billions USD)	Sales/Investment multiplier	Profits (millions USD)	Jobs	Jobs per billion dollars investment
Total	$8.52	$19.29	2.27	2,576	166.532	19.547
Air	4.22	9.69	2.30	1,329	85.007	20.143
Water	3.19	7.13	2.24	944	59.029	18.504
Solid waste	1.11	2.47	2.23	303	22.496	20.266

There are some interesting differences among the economic and employment effects of the various PABCO programs. For example, investments in air pollution create USD 10 billion in industry sales, USD 1.3 billion in corporate profits, and 95,000 jobs. On the other hand, water-pollution-control investments created USD 7.1 billion in sales, USD 0.9 billion in profits, and 59,000 jobs. Finally, investments in waste-disposal programs resulted in USD 2.5 billion in sales, USD 0.3 billion in profits, and 22,500 jobs. In summary, per dollar of expenditure, investments in air-pollution-control programs created the most sales and profits (gross), while spending for solid-waste disposal equipment created the most jobs (gross).

While Table 1 provides an adequate summary of the major effects of PABCO spending on the economy (keeping in mind the caveat that the estimates are gross in nature), it fails to show the effects of such investments at a more disaggregated level. For example, we would like to be able to answer the following questions. Which sectors of the economy are likely to experience the largest increase in output and sales as a result of environmental protection investments? Which industries and corporations are likely to profit the most from these opportunities? In which occupations will jobs be concentrated? In which states and cities will the economic and manpower effects occur? These are questions to which we seek answers in the next sections.

IMPACTS ON GROSS INDUSTRY SALES, PROFITS, AND EMPLOYMENT

Table 2 presents how the USD 19.3 billion in increased sales and the additional 167,000 jobs associated with the PABCO investments for all industries are distributed by industry. As the numbers reveal, the output and employment effects are distributed unevenly.

TABLE 2.—TOTAL SALES AND JOBS CREATED BY 1985 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Industry group	Sales (millions USD)	Jobs
Total, all industries	19,287	166,532
Agriculture, forestry, and fisheries	240	4,177
Mining	2,960	10,855
Construction	418	6,272
Manufacturing	8,350	64,724
Textiles and apparel	96	1,564
Chemicals and petroleum	3,397	9,258
Fabricated metal products	261	3,379
Machinery	549	2,475
Transportation equipment	599	4,589
Other manufacturing	3,448	36,459
Transportation communications, and utilities	4,960	26,949
Wholesale and retail trade	364	12,468
Finance, insurance, and real estate	650	4,103
Services	693	18,304
Government enterprises	662	18,679

TABLE 3.—*Sales created by 1985 business investments in water pollution abatement and control*

Industry:	(millions)
Miscellaneous agricultural products	29
Nonferrous metal ores mining	19
Paperboard containers and boxes	54
Drugs and cleaning preparations	44
Paints and allied products	47
Glass and glass products	14
Iron and steel manufacturing	329
Screw machine products and stampings	34
General industrial machinery	40
Computers and office machines	23
Electrical transmission and distribution equipment	52
Optical, ophthalmic, and photographic equipment	10
Transportation and warehousing	237
Wholesale and retail trade	134
Business services	149
State and local government enterprises	121

It is also possible to analyze the data at a greater degree of disaggregation. The industry groups can be disaggregated by the three- and four-digit Standard Industrialization Classification (SIC) code level, and the impact on sales, profits, and jobs in each industry can be computed separately for air, water, and solid-waste PABCO programs. Most studies of the industrial effects of individual PABCO technologies consist of either a broad macroeconomic analysis of the entire economy, or of a macroeconomic analysis of the impacts of a particular regulation on one firm or industry. Few attempts have been made to examine the implications of one generic type of pollution control across various industries or occupations. Among the few studies attempting to do this are H and W Management Science Consultants [12] and Putnam, Hayes, and Bartlett, Inc.[13] The more highly aggregated data are useful in identifying the specific industries in which the impacts occur, while the more disaggregated data permit one to differentiate between the effects of different types of environmental-protection technologies and investment programs.

The importance of using increased industry detail in the analysis is illustrated in Table 3 and Figure 5. These show for selected industries the increase in sales brought about by business investments in water-pollution-control technologies that were made in 1985. The differential impacts of spending for water-pollution-contol programs are striking. For example, some industries such as optical, ophthalmic, and photographic equipment, are hardly affected at all, while the sales in other industries, such as iron and steel manufacturing and chemical products, increase substantially.

Another illustration of the usefulness of increased industry detail is given in Table 4. This table shows the creation of employment in selected industries by investments in air-pollution abatement and control programs. The employment generated by air-pollution-control investments varies greatly by industry. Although the average number of jobs created per industry is about 740, there is wide variation in the employment that is generated. In some industries, for example, engines and turbines (250 jobs) and stone and clay mining and quarrying (310 jobs), relatively little employment is created, while in other industries, such as iron and steel manufacturing (3012 jobs) and lumber and wood products (2303 jobs), a disproportionately large number of jobs is created. It is not possible to undertake a complete assessment of the costs and benefits of environmental regulations in a particular industry if only profit reductions and job losses are assessed, when the types of beneficial impacts outlined here are not considered [14]

EFFECTS ON OCCUPATIONS AND JOBS

It is important to quantify not only total employment and employment within individual industries created by PABCO programs, but also the jobs created for specific occupations and manpower-skill categories. The analysis summarized here reports these estimates in Table 5. This table shows the total employment created in 1985 by each of the three PABCO programs for major occupational groups. The simulations that were conducted provide information on the labor market for the 475 occupations. The number of jobs created in a sample of these occupations by air, water, and solid-waste PABCO programs is shown in Table 6 and Figure 6. A note of caution must be introduced at this point with respect to the nature and interpretation of the occupational classifications used. Even though they are the standard Labor Department classifications, the occupational data are subject to a number of possible response errors, since they are based on household responses obtained from the *Current Population Survey.* Of greater import, the classification scheme is neither in concept nor in practice entirely appropriate for many purposes. The theoretical basis for the classification is "social-economic status", which is only roughly linked to the job performed and the requisite skills. In practice, each occupation contains a variety of jobs that are heterogeneous, and this further weakens the relationship between changing employment patterns and the implied need for changes in education, training, and skills. The MISI data base contains 900 occupations. However, in the study summarized here a classification scheme of 475 occupations was used.

TABLE 4.—*Employment created by 1986 business investments in air pollution abatement and control*

Industry:	Jobs
Agricultural, forestry, and fisheries services	383
Coal mining	1,463
Stone and clay mining and quarrying	310
Fabric, yarn, and thread mills	317
Lumber and wood products	2,303
Chemical and chemical products	1,700
Rubber and plastics products	1,290
Iron and steel manufacturing	3,012
Miscellaneous fabricated metal products	638
Engines and turbines	250
Metalworking machinery and equipment	380
Electric lighting and wiring equipment	475
Electric components and accessories	475
Communications	527
Finance and insurance	1,506
Health, educational, and social services	591

TABLE 5.—TOTAL EMPLOYMENT BY MAJOR OCCUPATIONAL GROUP CREATED BY 1986 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Occupational Group	Total	Air	Water	Solid waste
Total, all occupations	166,532	85,007	59,029	22,496

TABLE 5.—TOTAL EMPLOYMENT BY MAJOR OCCUPATIONAL GROUP CREATED BY 1986 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL—Continued

Occupational Group	Total	Air	Water	Solid waste
Professional, technical, and kindred	21,147	10,412	7,749	2,966
Engineers	4,491	2,155	1,760	576
Physicians, dentists, and related practitioners	236	121	79	36
Health workers	473	244	153	76
Teachers	437	218	136	83
Engineering and science technicians	4,166	2,050	1,586	530
Other professional and salaried workers	11,344	5,624	4,035	1,685
Managers and administrators	17,344	8,909	6,129	2,306
Sales workers	6,246	3,095	2,321	830
Clerical workers	28,279	14,810	9,462	4,007
Bookkeepers	2,904	1,519	994	391
Office machine operators	1,976	1,008	692	276
Stenographers, typists, and secretaries	7,935	4,126	2,737	1,072
Other clerical workers	15,464	8,157	5,030	2,268
Craftsmen and kindred workers	31,506	16,413	10,974	4,119
Machinists	2,202	1,108	921	263
Auto machanics	1,613	852	549	212
Other mechanics	6,500	3,320	2,314	886
All other craftsment	21,191	11,223	7,190	2,778
Operatives, except transport	26,243	13,576	10,975	3,692
Mine workers	2,647	1,299	960	388
Precision machine operators	1,431	729	556	146
All others	24,165	11,548	9,450	3,158
Transport equipment operatives	8,466	4,386	3,031	1,040
Nonfarm laborers	9,658	5,132	3,234	1,292
Construction laborers	1,139	642	342	155
Freight and materials handlers	2,036	987	774	265
All others	6,483	3,493	2,118	872
Private household workers	89	42	27	20
Service workers	12,560	6,766	3,958	1,836
Cleaning service	2,598	1,156	1,017	425
Food service	2,529	1,272	904	353
Health service	193	96	80	36
Personal service	1,551	796	529	226
Protective service	5,689	3,447	1,448	794
Farmers and farm workers	2,994	1,466	1,169	369

Not surprisingly, the impact of PABCO investments differs across occupations among the environmental programs. Specific occupations will be influenced very differently by pollution-control investments, and the impact on jobs for these programs tends to be concentrated among certain occupations and skills. Interestingly, investments in air, water, and solid-waste PABCO programs have different implications for the same occupation. For example, although investments in air-pollution control created 40 percent more jobs in total than did spending for water-pollution control, more jobs for some occupations, such as chemical engineers and metal molders, were created by the latter program. Conversely, for other occupations, such as surveyors and excavating, grading, and road-machine operators, twice as many jobs were created by air-pollution control programs as by water-pollution control programs. The impacts of each of the three technologies on each of the 475 detailed occupations is given in Management Information Services, Inc.[11]

REGIONAL IMPLICATIONS

Although the US is a heterogeneous and exceedingly mobile society, it is nonetheless true that the nation's economic and employment problems are frequently regional in nature. Because of this, it is important to have some idea of how the economic and labor-market impacts discussed above are distributed among the different regions, states, and cities. The research undertaken here calculates the effects of PABCO investments according to region, state, and substate areas. Although an in depth discussion of these findings is outside the scope of this paper, the relevance of this type of regional analysis is illustrated in Figure 7. This figure shows the sales and jobs created by PABCO investments for selected industries and occupations in Ohio. The detailed impacts on sales and profits and jobs for Ohio and for other states are available from Management Information Services, Inc. (See Appendix Table.)

These results are particularly meaningful for a state such as Ohio, which has an economic base that includes heavy industrial, petrochemical, and utility industries. Although these industries are often intrastate as well as interstate pollution generators, many of them will be called upon to produce the products and services required to diminish the environmental impacts of the pollutants that they produce. The fact that the very industries creating the pollution problems will, in many instances, help provide solutions to the pollution problems is an argument not often heard in the debate over the economic effects of environmental legislation.[15, 16]

TABLE 6.—JOBS CREATED BY 1985 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Occupation	Total	Air	Water	Solid waste
Computer systems analysts	383	198	138	57
Chemical engineers	489	193	241	55
Electrical and electronics engineers	1,022	495	401	126
Metallurgical and materials engineers	53	24	24	5
Geologists	356	156	154	46
Operations research and systems analysts	504	254	183	67
Health technologists and technicians	169	95	50	24
Urban and regional planners	61	38	14	9
Adult and vocational education teachers	56	32	16	8
Biological science technicians	79	43	25	11
Industrial engineering technicians	24	10	11	3
Surveyors	185	100	57	29
Purchasers, wholesale retail trade	154	79	57	19
Construction inspectors	142	89	33	20
Manufacturing industries sales representatives	966	448	392	126
Bookkeepers	2,904	1,519	994	391
Secretaries	6,761	3,764	2,216	781
Shipping and receiving clerks	1,219	591	488	140
Excavating, grading, and road machine operators	787	440	234	113
Machinists	2,193	1,014	917	262
ADP machine repairman	89	40	37	12
Mechanic apprentices	38	15	19	4
Heavy equipment mechanics	3,775	1,904	1,368	503
Metal molders	303	130	148	25
Plumbers	1,278	704	403	171
Structural metal craftsman	204	110	66	28
Assemblers	2,811	1,264	1,232	315
Carpenters assistants	71	39	22	10
Longshoreman	83	36	37	10
Janitors	1,706	885	587	233

CONCLUSIONS

Environmental protection and the industry that has been created play a key role in the US economy today, and they will continue to do so well into the future. To date, most discussion of the economic impacts of environmental programs focuses on the negative effects of pollution abatement and control on sales, productivity, profits, employment, and growth. Little attention, if any, has been given to the positive side of the concern with the environment.

A proper assessment of the effects of environmental protection on the economy involves exceedingly complex issues, and the negative impacts have often been widely publicized. This paper identified some of the major positive economic effects of PABCO spending. It was shown that the business investments made in 1985 in air, water, and solid-waste pollution control and abatement created USD 19 billion in sales, generated USD 2.6 billion in corporate profits, and provided 167,000 job for workers of varying skills and occupations. The findings reported here can contribute useful and heretofore unavailable information to the current debate concerning the economic impacts of national policies designed to enhance environmental quality.

1985 JOBS AND SALES CREATED IN EACH STATE BY POLLUTION ABATEMENT AND CONTROL INVESTMENTS

State	Jobs	Sales [1]
Total	166,532	19,293
Alabama	2,510	251
Alaska	340	58
Arizona	2,060	234
Arkansas	1,520	154
California	17,420	2,280
Colorado	2,570	280
Connecticut	2,490	328
Delaware	450	52
District of Columbia	240	39
Florida	7,390	869
Georgia	4,110	425
Hawaii	730	81
Idaho	680	66
Illinois	8,170	1,023
Indiana	3,790	417
Iowa	2,160	232
Kansas	1,840	212
Kentucky	2,480	239
Louisiana	2,780	328
Maine	810	77
Maryland	3,390	386
Massachusetts	4,580	540
Michigan	6,090	733
Minnesota	3,290	347
Mississippi	1,540	154
Missouri	3,490	366
Montana	590	58
Nebraska	1,230	116
Nevada	700	79
New Hampshire	780	78
New Jersey	5,550	742
New Mexico	900	95
New York	12,160	1,641
North Carolina	4,425	405
North Dakota	490	54
Ohio	8,580	963
Oklahoma	2,320	270
Oregon	1,970	205
Pennsylvania	8,010	965
Rhode Island	720	79
South Carolina	2,190	212
South Dakota	520	39
Tennessee	3,190	309
Texas	11,570	1,293
Utah	1,030	102
Vermont	410	37
Virginia	4,220	463
Washington	3,020	367
West Virginia	1,040	116
Wisconsin	3,600	367
Wyoming	400	44

[1] Millions USDA.

FIGURE 7.—*1985 jobs and sales created in Ohio by pollution abatement and control investments*

JOBS:

Accountants	124
Computer Specialists	53
Mechanical Engineers	40
Lawyers	42
Chemists	33
Labor Relations Workers	54
Draftsmen	44
Engineering Technicians	97
Financial Managers	47
Purchasing Agents	38
Statistical Clerks	31
Compositors and Typesetters	13
Electricians	89
Opticians	11
Millwrights	17
Sheetmetal Workers	12
Tool and Diemakers	69
Assemblers	196
Drill Press Operatives	27
Sewers	12

Fork Lift Operators	67
Truck Drivers	220
Freight Handlers	115
Guards and Watchmen	69
Total, all occupations	8,577
SALES:	*Millions*
Agricultural Products	$5
Coal Mining	25
Petroleum and Natural Gas	39
Construction	15
Lumber and Wood Products	6
Paper Products	38
Chemicals	43
Plastics	10
Rubber Products	22
Iron and Steel Mfg	91
Nonferrous Metals Mfg	64
Fabricated metal Products	27
Engines and Turbines	5
Electrical machinery	14
Metalworking Machinery	4
Trans and Warehousing	28
Electric Utilities	84
Wholesale and Retail Trade	15
Business Services	13
Total, all industries	963

FOOTNOTES

[1] Crandall, R. 1981. Pollution controls and productivity growth in basic industries. In *Productivity Measurement in Regulated Industries.* Cowing, T. and Stevenson, R. (eds.). Academic Press, New York, p. 347-368.

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[From Science News, Sept. 16, 1989]

BIG DIVIDENDS FROM POLLUTION CLEANUP

Annual U.S. Expenditures on pollution abatement and controls rose from $18 billion in 1972 to almost $86 billion in 1988. But a new analysis of the economic impacts of that spending does "not lend support to the widely held belief that environmental programs generally hurt the economy by crippling industries and increasing unemployment," three economists report in the current AMBIO (Vol. 18, No. 5).

Businesses fund about 60 percent of U.S. pollution control and cleanup. About a quarter of their antipollution spending goes into capital investments for pollution abatement and control technologies, such as stack-gas scrubbers and clean coal technologies. And those investments appear to yield handsome returns, conclude Jonathan D. Jones of the Treasury Department and Roger H. Bezdek and Robert M. Wendling of Management Information Services, Inc., a Washington, D.C., consulting firm. Using computer models, they estimated how 1985 investments in particular pollution control technologies translated into sales for each of 80 individual industries. Then they calculated derivative effects of these investments throughout the economy—such as increased sales by suppliers of parts and raw materials and increased transportation costs to haul those materials.

The group's findings suggest that industry's $8.5 billion investment in controlling air, water and solid-waste pollution in 1985 translated into corporate sales of $19 billion, profits of $2.6 billion and 167,000 new jobs. But benefits were distributed quite variably. Per dollar spent, investments in air pollution controls yielded the greatest sales and profits, while solid-waste disposal generated the most new jobs. Though these estimates do not account for the job and profit losses that some individual companies undoubtedly experienced, they also do not account for the social benefits of a cleaner, healthier environment Bezdek says.

[From the Atlanta Constitution, Mar. 14, 1988]

HOT AIR FROM THE BUSINESS ROUNDTABLE

Smoke-gets-in-your-eyes department: The Business Roundtable showed symptoms of advanced myopia this week as it isssued a nasty broadside against clean-air legislation pending in Congress. The Senate version, it harrumphed, could cost our economy at least $32 million a year and eliminate as many as 600,000 jobs. The Roundtable reckons the bill would deepen the trade deficit, stifle research and wreak general havoc.

Let's clear the air. A study conducted last year by an outfit known as Management Information Services confirmed that, yes, new clean-air requirements could run into money. Stringent acid-rain controls could cost up to $9 billion a year, it found. The high-sulfur-coal industry and manufacturers who rely on coal-fired boilers would feel a particular pinch.

But it didn't stop there. The net effect of acid-rain controls actually would be 194,000 more jobs and a $13 billion boost to the economy, it said. Companies that refit their plants will need new equipment and technology. Big industry overwhelmingly will use American expertise and ingenuity for the task—and the goods and services we develop will be exportable.

Oh, yes, there is one other advantage: cleaner air. That means healthier forests and better crops yields; both mean more income. It means that folks with respiratory trouble may breathe easier, and thus reduce medical expenses. It means a pleasanter environment for all Americans—even the captains of industry on the Business Roundtable.

Roundtable members probably think they're acting in their own self-interest as they oppose acid-rain and ozone-pollution controls. They're not. They're taking a shortsighted view of a persistent problem that will penalize even them. Ultimately, Americans will produce more and achieve more in a healthy, attractive environment.

Congress should ignore the blue-chip caterwauling and get on with its cleanup.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I want to begin by complimenting the majority leader on the statement he just made and on similar comments he made yesterday, really taking apart some of these critical studies piece by piece. It has been a most impressive analysis.

As the chairman of the Science Subcommittee over at the Commerce Committee, I and my colleagues there have had a chance to deal with a lot of these scientific studies that come in, and some of them that are sort of advocacy pieces, need the kind of thorough analysis the majority leader has given the task. I, for one, want to express my appreciation.

Mr. President, on this occasion I would like to discuss an amendment which I am not going to offer today because, as I understand it, we will return to consider this bill and amendments thereto after the break, which will begin soon. But when we return and take up this bill again I plan to offer an amendment striking a provision in the substitute bill which would allow industrial sources that release cancer-causing toxic pollutants to comply with the bill, not by reducing their emissions, but by buying out the people who live nearby and creating a dead zone, a new toxic dump site, which they can then make uninhabitable and pretend they are complying with the necessity of reducing deadly pollution by that means.

I think this provision in the substitute bill is a particularly bad provision. Let me pause to say, as I have on some other occasions, that I deeply respect the job done by the negotiators. I do understand, I think fully, what they are saying when they point out the balance they believe they struck in making progress in some areas and losing ground in other areas and producing a product which, overall, represents an advance. I understand that and appreciate it. But, Mr. President, I sincerely believe that our negotiators miscalculated when they assessed the significance of this particular concession.

This feature of the substitute bill represents a complete departure from

every other environmental law that we have passed and have on the books. My staff and I have searched. We cannot find any other environmental law where this kind of mitigation measure is allowed. I think it is completely inconsistent with what the American people would like to see done with respect to the environment.

This provision in the bill would seriously weaken the protection of the public health. Since 1970, the Clean Air Act has required sources that create unsafe exposures to control their pollution. The substitute proposes for the first time to allow industries to comply with that mandate, not by reducing the pollution, but by removing the people from the geographic areas into which they want to dump the pollution.

If a neighborhood, if a subdivision, is downwind from the factory and the factory is belching toxic air pollutants, proven to cause cancer, then this bill for the very first time would tell that polluter that he does not necessarily even have to worry about reducing the cancer-causing pollution that is belching out of the factory. But, instead, that polluter can go to the homeowners and tell them that they live in an area that will soon become a toxic waste dump, wait for the property values to plummet, and then buy them out, one after the other. They can create a dead zone; create a permanent scar on the face of this country, a permanent repository for toxic emissions, judged to be in compliance——

Mr. BAUCUS. Will the Senator yield?

Mr. GORE. I will be happy to yield if the Senator will just let me finish the sentence: Judged to be in compliance with the provisions of the bill, because the people have been bought out and removed from the area designated to accept the pollution.

Yes, I will be pleased to yield to the distinguished chairman of the subcommittee.

Mr. BAUCUS. I am curious about the Senator's assumption that this plant could emit toxic chemicals, air toxics, that would lower the property values.

Under this bill, plants cannot do so. Under this bill it is true that there is a mitigation provision. They could buy the property. But the property values would not lower, deteriorate because the plant cannot in the first place emit toxics after the MACT is applied and after the residual risk provisions are applied.

So I am curious about the assumption of the Senator that necessarily the property values are going to fall because the plant cannot emit those air toxics in the first place.

Mr. GORE. Until the property is bought out?

Mr. BAUCUS. The Senator stated, incorrectly I might add, that the property values are going to fall because—the Senator made the link—it is going to fall because the plant is going to emit air toxics. But the point I am making is, the plant cannot. Therefore property values will not fall.

Mr. GORE. OK, I think the question is an excellent question, and I appreciate it very much because I think it helps to highlight the point I am trying to make.

Let me refer, if I can, in responding to the question, to the first chart here, or picture, if you will, that I want to use to illustrate the concept.

Here is the plant emitting the toxic, cancer-causing pollution. The plant makes a calculation. The factoryowner is given the responsibility of coming up with the computer model, making the study. It and thousands of others will be reviewed by EPA, but in practical effect the plantowner will have responsibility for calculating which areas are going to get the toxic pollution.

The plantowner calculates that this area here is going to be downwind and that the heaviest concentrations of cancer-causing pollution will land right on top of these houses. So the plantowner goes to the owners of these houses and says, "We would like to buy you out. And, incidentally, these houses on the edge of this circle are not going to be bought out. And when the pollution starts flowing in here, these people may want to move, too."

The first neighbor sells. The psychology turns into a fearful situation, where they realize that their neighbors are selling and property values do begin to fall.

Let me give my colleague a specific example.

Mr. BAUCUS. If the Senator will yield, again the Senator is making the same assumption which is invalid.

Mr. GORE. I ask if my colleague will tell me which assumption is invalid.

Mr. BAUCUS. The assumption is, under the test applied to the substitute bill, that in fact that plant will be able to dump air toxics in that red circle there.

That is not the bill.

Mr. GORE. Let us talk about that for a moment with the cooperation of my colleague. Is it not the case that under this legislation, States will have the authority to grant permission for factories to comply through mitigation measures that include a buyout of nearby areas into which the toxic air pollution will be dumped?

Mr. BAUCUS. That is correct. However, there is no condemnation, and if the area does not want to be bought out, the plant cannot emit those air toxics and must meet the test standards in the bill. Therefore, A, the property values will not diminish in value, and; B, there is no condemnation.

Mr. GORE. Let me just say, the Senator's statement would be, in my opinion, absolutely on target except for the way in which the risk of cancer and the risk of toxic pollution is calculated. After the use of this maximum achievable control technology, a risk of 1 in 10,000 can remain. And if it does, then the plant has a choice of reducing its pollution or buying out the nearby properties. The plant is emitting that amount of pollution already.

In other words, if I can have the chairman's attention, he says the plant is not permitted to emit the pollution. They are permitted to put out an amount of pollution that is just below the 1 in 10,000 standard as calculated by the plant owners and reviewed by EPA, if they ever get around to it. And property values——

Mr. BAUCUS. If the Senator will yield?

Mr. GORE. If the chairman will let me complete this one sentence. If you are living in an area which is receiving toxic air pollution from a nearby factory and the level is just above the 1-in-10,000 risk threshold, as calculated by the company, do you not think your property values are going to begin to fall?

Mr. BAUCUS. If the Senator will yield, the Senator's argument is not with the buyout. The logic of the Senator's argument is with the standard; it is not with the buyout.

Following the Senator's analysis, the buyout provision is totally irrelevant to this Senator's analysis. If I hear correctly the Senator's complaint is it is not high enough, whatever. That is the consistent logical conclusion the Senator is arguing toward. It has nothing to do with the buyout provision because whether or not somebody living next to a plant is adversely affected really depends more upon what that standard is. That is, how tightly must that plant be regulated? That is what counts. The Senator's argument has nothing to do with the buyout provision.

Mr. GORE. Reclaiming my time, let me say I agree in part and disagree in part. I do have a problem with the standard itself. I think that also represents an unwise concession in the substitute, but I also have a complaint against the buyout provision. Let me just say that in some areas, without statutory authorization, just on a private basis, some of this has begun to take place.

Here is a factory, a part of Dow Chemical, which bought out Newellton in Louisiana. Here is what they offered to the property owners: A unique opportunity. All the property owners in the community received this, and they say this is a one-time unique opportunity with an early sign-up bonus of $3,000. The property owners are encouraged to sign up

quickly and join the move to leave the area within the dead zone.

What happens when the company buys out the dead zone? The people have their homes purchased—I believe the property values would have already started to go down. I understand and respect my colleague's disagreement on that point, but let us move past that point and return to it.

Mr. BAUCUS. I do not want the Senator to put words in my mouth. I do not argue with that point. I argue with, again, his premise.

Mr. GORE. Does the Senator agree the property values would begin to go down if this pollution is covering the area?

Mr. BAUCUS. My point is that there is a standard in the bill and the standard is very rigid; it is very tight. We only get to this residual risk analysis, frankly, after 90 percent, after the air toxics that are emitted today are cleaned up by at least 90 percent.

Mr. GORE. Mr. President, I would like very much to continue this dialog with my colleague. I ask unanimous consent, however, that I be allowed to regain the floor after a period of time during which our colleague, the Senator from Pennsylvania, might be allowed to address the Chamber about some distinguished visitors.

The PRESIDING OFFICER. (Mr. BRYAN). Is there objection?

Without objection, the request of the Senator is agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Pennsylvania [Mr. SPECTER].

VISIT TO THE SENATE BY MEMBERS OF THE IRAQI NATIONAL ASSEMBLY

Mr. SPECTER. Mr. President, I thank my colleagues for permitting a brief interruption in the proceedings on the clean air bill.

In accordance with our Senator practice, when there are visiting parliamentarians, we invite them on to our Senate floor. We have a very distinguished group of visiting parliamentarians today from Iraq. In the company of the distinguished Iraqi Ambassador to the United States, Dr. Mohammed Al-Mashat, are:

The Honorable Ghanim Aziz Khadduri, deputy speaker, head of the delegation;

The Honorable Ajeel Jalal Ismail, member of the National Assembly, Kurdistan area;

The Honorable Faiza Bazbane, member of the National Assembly, Kurdistan area;

The Honorable Adil Ibrahim Al-Hadithi, vice chairman, Oil Energy, Industry and Minerals Committee of the National Assembly;

The Honorable Dr. Safa Salih Al-Omar, vice-president of Arab and International Relations Committee of the National Assembly;

The Honorable Dr. Anwar Naim Quasirah, secretary of the Arab and International Relations Committee of the National Assembly;

Mr. Bassam Salih Kubba, counselor, Ministry of Foreign Affairs;

Qutaibah Abdul-Salam, third secretary, Ministry of Foreign Affairs;

Mr. Sadiq Salih Mustafa, interpreter; and

Riyadh Jawad.

Mr. President, if I might just add a word. Senator SHELBY and I had an opportunity to visit Iraq in January. We were greeted very warmly by the Iraqi Government, including an extended meeting with President Saddam Hussein.

When Senator SHELBY and I left Iraq, it was our view that exchanges between Iraq and the United States would be very helpful to promote a better understanding between our two countries. I had an opportunity to report to the President about the visit and had urged the President to take formal action with the State Department to extend those relationships, not to say there are not some differences between our two countries. Senator SHELBY and I had an extended meeting with the Ambassador from Iraq and discussed those.

It is my personal view that an extension of warm bilateral relations with Iraq will give us an opportunity to tell them our views on values which we prize—human rights, the issues of bacteriological warfare and perhaps, most of all, to urge Iraq to come into the Mideast peace process, because if we can bring in powerful countries like Iraq and Syria, then it is the view, at least of this Senator, that we would make very substantial advances in that regard. I think it is worth a moment of our time, and I urge our colleagues who are in the Chamber introduce themselves to this very distinguished delegation.

I thank the Chair and yield the floor.

[Applause.]

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. GORE] regains the floor.

Mr. GORE. Mr. President, I ask unanimous consent that I yield, without losing my right to the floor, to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. BOREN. Mr. President, I thank my colleagues from Tennessee for yielding to me.

AMENDMENT NO. 1336 TO AMENDMENT NO. 1293

(Purpose: To clarify that oil and gas production and exploration wells are not an area source category under section 112)

Mr. BOREN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Hearing no objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. DOLE, Mr. BENTSEN, Mr. JOHNSTON, Mr. BREAUX, and Mr. NICKLES, proposes an amendment numbered 1336 to amendment No. 1293.

Mr. BOREN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 238 of the amendment, line 25, insert "except that the Administrator shall not list oil and gas production and exploration wells (with its associated equipment) as an area source category under this section" after "this section".

Mr. BOREN. Mr. President, I send this amendment to the desk on behalf of myself, the distinguished minority leader, Senator DOLE, Senator BENTSEN, Senator JOHNSTON, Senator BREAUX, and Senator NICKLES.

This amendment, according to my understanding, has been cleared by both sides of the aisle. The amendment would exempt oil and gas exploration of production wells and associated equipment from the area source definition in the air toxics portion of the bill.

I thank both sides of the aisle for recognizing that oil and gas production provides a crucial national security service to our nation without posing a threat to our national health through the very low level of emissions which result from oil and gas exploration and production. Had the low-emitting oil and gas facilities been subject to the standards set in the bill, we would have lost as a nation as much as 25 percent of the total number of producing wells due to the high cost of the original standards.

Mr. President, all of us are aware of the grave implications of the present energy shutdown situation. I once again thank my fellow colleagues for recognizing that oil and gas facilities do not need such regulations. We all know that we are in a time of declining energy production in this country. We have had a situation where for the first time in many years more than half of the total oil and gas used in this country is now coming from over-

seas sources. We have had an increase in the reliance on the Persian Gulf, for example, over the last several years. Something has to be done to stop this tragic decline.

Mr. President, most of these exploration wells, the drilling rigs, the small producing wells are in isolated areas of the country, usually located far away from human populations. They have very small emissions. To aggregate them and to treat them in the same way we would treat urban point sources, for example, simply is not necessary from the point of view of public health and we put an impossible burden both in terms of cost and in terms of regulation on many of these wells.

Many of these wells, Mr. President, are small stripper wells with very small amounts of production, less than 10 barrels per day, and we simply would have made those wells uneconomical were we to impose these regulations upon them. We would have the resulting tragic loss of another 25 percent of our production per day, as I have indicated. It would be a serious blow to our national security and to the national economic interest with really virtually no benefit to the public health as a result of the regulations. So I thank my colleagues on both sides of the aisle for their understanding of this situation.

I ask unanimous consent that I might yield to my colleague from Kansas to offer a comment about this pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The minority leader is recognized.

Mr. DOLE. I thank my friend from Oklahoma [Mr. BOREN] and I am happy to join with him in this amendment. It is an important amendment for the reasons he has stated.

Consistent with other action we have taken to preserve and protect the small domestic oil and gas producer, I am cosponsoring this amendment that would remove oil and gas stripper wells from the definition of "area source" in title III of the bill.

Small oil and gas stripper wells, which make up a significant percentage of U.S. domestic production and a large portion of the oil and gas industry in Kansas, are in real danger of being too expensive to operate if they are overloaded with expensive regulations.

I believe that it is important for the energy security of America to keep the domestic oil and gas industry alive and viable. We are at a dangerous level of foreign imports—over 50 percent—and we cannot afford to let thousands of oil and gas wells be capped, plugged, and abandoned.

The oil patch has still not recovered. Many areas in my State of Kansas are still hurting from the crash of the oil and gas industry. I know the U.S. Senate wants clean air as soon as possible, but I also know that my colleagues want a secure, domestic energy supply for America.

I heartily support this amendment.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. BOREN. I am happy to yield.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might be added as a cosponsor of this important amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I congratulate our distinguished colleague from Oklahoma for his leadership in this area. I believe this amendment makes sense from the point of view of clean air. It certainly promotes the national security and the economic interest of the United States. I congratulate my colleague and I heartily support his effort.

Mr. BOREN. Mr. President, I thank my colleague from Texas. I am proud to have him listed as a cosponsor of this amendment and I appreciate the comments he has just made.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, the managers have had an opportunity to examine this amendment and we readily accept it.

Mr. CHAFEE. Mr. President, this amendment is acceptable. Currently listing area sources is discretionary. The area source concern, under the facts, is principally an urban problem. There are very few oil wells in urban areas. There is little evidence that emissions, benzene principally, from oil wells would add to the problem.

Furthermore, if this is a major source, the well is a major source, emitting anything more than 10 tons a year, it would fall under our definition anyway.

I congratulate the Senator from Oklahoma for his amendment. It is acceptable to this side.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 1336) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. GORE] has the floor.

Mr. GORE. I thank the Chair.

Mr. President, for the guidance of my colleagues, let me just say I anticipate wrapping this up in about 5 minutes. I am going to try to get to the point of the statement which I began a moment ago. I ask the distinguished chairman of the subcommittee and, if possible, the distinguished Republican ranking member, if I could have their attention briefly. If I were to say that I accept the risk calculation of 1 in 10,000, and once determined that a source is emitting 1 in 10,000, the risk is still too high, if we move past that point. Let me just say that in my opinion it is offensive that a source can buy out the area polluted rather than reduce the emissions. If I could just ask for clarification on this point. If the mitigation measure is used that is permitted in the bill and the source of pollution calculates that the risk is going to be way above the permitted level in the bill in a particular area near the plant, it can comply by buying out the homeowners and creating a permanent scar on the face of this country, a brandnew Times Beach, a brandnew Love Canal, a brandnew toxic waste dump, justified because they have purchased the homes and moved the people out of the area.

Is that really good enough to protect the environment? Is that really as far as we can go? I do not think so. What happens when the plant shuts down, the owner goes bankrupt? The scar on the face of the Earth remains, permanently uninhabitable, a dead zone; a new Times Beach is simply left there. We have never done that in any environmental law we have passed, any law that is on the books thus far. We have never allowed this kind of mitigation measure.

Let me say again I understand the effort to balance, steps forward and steps backward, to come up with a package that can pass. I sincerely believe that in calculating the importance of this brandnew departure, the negotiators did not make the right step, in my opinion. I say this very respectfully. I think this is wrong.

Let me give you the problem with it. The calculation of where the dead zone is, where the scar is going to be located, where the toxic dump site is going to be created, is in the hands of the company. There will be thousands of such calculations, and EPA is going to have quite a task going around checking on these calculations.

What if the company is wrong? What if the property value is a little bit lower in this area and it is easier for them to buy out this area? What if they designated this as the dead zone and they turn out to be wrong and actually the weight of the toxic pollution lands here. The houses have not been purchased there. The people have not moved out. But that is where the excessive cancer-causing pollution is being dumped.

Under the provisions of the substitute, if this plant is 15 miles from the

nearest airport—and that is where the weather station is—do you know what wind pattern they can use? They can use the wind pattern at the airport 15 miles away. They do not even have to accurately reflect which way the wind is blowing. They can look throughout the area near their plant and find a dead zone where the property values are lowest, where the fewest homes will have to be built, and then designate that as their dead zone when actually the pollution goes somewhere else.

The problem is with the very idea of letting them comply through buying out the people exposed to the pollution rather than reducing the pollution.

Mr. President, let me finish my statement. We will have a chance to return to this when the amendment is offered when we come back to the bill. But I did want to very sincerely state my concern because I have such deep respect for the managers of the bill.

In between now and the time the amendment is offered, I will look forward to private conversations. Perhaps there is some aspect of this that I do not fully understand that they can tell me about, and I will be happy to confess error, if in fact I am in error on this. I do not think I am.

I think what we are doing here is a big mistake. Let me point out one other final thing on this. Let us suppose the company designates a dead zone, and then production increases and they want to dump their pollution into this new toxic dump site. They can increase the amount of pollution by just buying out more property around the dead zone, and enlarging the dead zone, making the permanent scar even bigger.

Do you think the property values are not going to go down here? Of course they are. They will be able to buy out more and more homes at a cheaper cost. Then whenever it stops, if it stops, it will be left there, a permanent scar. I mean, I think it is unacceptable. I hope my colleagues will agree on this when we have a chance to consider this fully and vote on it.

In public health terms, the contrast between a buyout and controlling pollution is very sharp indeed. Under current law, when a source controls its emissions, cancer risks are reduced not only for the persons in these hot pockets of excessive risks, but also for everyone around the facility.

Not only is the most exposed person protected, but lives are saved in the entire surrounding population. But under the buyout scenario, no one outside the dead zone would benefit at all. At best, everyone else would continue to breathe the same level of cancer-causing pollution, and as the offensive emissions continue as the plant expands, these people will become subject to still higher levels of life-threatening toxic emissions. People all around the facility would continue to contract cancer and die.

If we look at this buyout option a little harder, even more unsavory problems emerge. Consider again this question of property values. How much are affected people going to get for their homes? Once word gets out that these homes are receiving the areas heaviest concentration of cancer-causing pollution, what will they be worth on the open market?

They can start right up to the 1 in 10,000 level before the first home is purchased, or as I say, they can just come up with a different calculation. If the only buyer of the home is the source of the pollution, you can bet the owners are not going to get top dollar. Where will they go?

Neighborhoods will be destroyed and neighbors scattered. Lives are bound up in the places where people live, in the friendships they form with neighbors, in the local schools, churches, synagogues, in social clubs where neighbors congregate.

What right does a company have to disperse all of that? To authorize industries to destroy the fabric of local communities simply does not comport with the values we extol in this Congress.

What will happen to the property values just outside the dead zone, right on the boundary? Nobody at all is going to want those homes. The cancer risks in this adjacent area will be just a shade under the 1 in 10,000 level again, as calculated by the polluter himself. No one, particularly families with small children, will want to move there, and the source creating this risk will not be obligated to buy those homes.

Consider also again what just a slight miscalculation in risk assessment could do if the area really exposed is located just, say, a quarter-mile northeast instead of northwest. If the source reduces its pollution, this slight error in the modeling would make no difference. The most exposed persons, though miseducated, would still be protected.

But if the source used the mitigation option, it would have bought out the wrong people, and those most at risk would have no protection at all. Consider also that with the mitigation option, a source could actually increase its cancer-causing emissions, and all it would have to do is buy out a slightly larger pocket of homes and remove the next most heavily exposed people.

Mr. President, in closing, let me say that I think this provision in the bill is a mistake. I hope there is a way to change it. I hope that a way can be found for those who have done such excellent work in these long negotiations to get this excluded from what they feel bound to accept. I think it is just unacceptable.

I hope that during the break people will focus on this, and that the managers of the bill will search for some way to support an amendment changing this provision.

Again, in closing, allowing a polluter to simply buy out the area where it wants to dump its toxic air pollution and the residue left on the ground and in the water is an unacceptable way for a polluter to comply with the limits that ought to be imposed in this bill.

After the break, I will propose this amendment and ask for my colleagues to support it.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1337 TO AMENDMENT NO. 1293

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending Byrd amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1337.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, insert the following new section:

SEC. . Subpart 1 of part D of title I of the Clean Air Act is amended by adding at the end there of the following new section:

"INTERNATIONAL BORDER AREAS

"SEC. 180. (a) IMPLEMENTATION PLANS AND REVISIONS.—Notwithstanding any other provision of law, an implementation plan or plan revision required under this Act shall be approved by the Administrator if—

"(1) such plan or revision meets all the requirements applicable to it under the Act other than a requirement that such plan or revisioin demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, and

"(2) the submitting State establishes to the satisfaction of the Administrator that the implementation plan of such State would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, but for emissions emanating from outside of the United States.

"(b) ATTAINMENT OF OZONE LEVELS.—Notwithstanding any other provision of law,

any State that establishes to the satisfaction of the Administrator that, with respect to an ozone nonattainment area in such state, such State would have attained the national ambient air quality standard for ozone by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 184.

"(c) ATTAINMENT OF CARBON MONOXIDE LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator, with respect to a carbon monoxide nonattainment area in such state, that such State have attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 190.

"(d) ATTAINMENT OF PM-10 LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to a PM-10 nonattainment area in such state, such State would have attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from outside the United States, shall not be subject to the provisions of seciton 193."

On page 122, line 11, insert after "conditions" a comma and the following: "of emissions of PM-10 emanating from outside the United States,".

Mr. GRAMM. Mr. President, it is my understanding that this amendment is acceptable on both sides. It is not a controversial amendment, but it is a very important amendment. I want to thank our distinguished subcommittee chairman and the ranking member and their staffs for working with me on the amendment.

The amendment is very simple. Let me define it as briefly as I can.

We have problems all along America's border where pollution is generated across the border by sources that we exercise no control over. My State is obviously affected by Mexico.

Mr. President, we are making great progress in working with Mexico, in trying to develop joint efforts. For the first time ever this year, we have entered into a partnership to try to clean up the Rio Grande River. Congressman DE LA GARZA, Senator BENTSEN, and I have worked on that effort. We are now having success for the first time.

We hope that this joint cooperation will spread to the air pollution problem, but our basic problem is this: Take the city of El Paso and its sister city across the border, Juarez. No matter what El Paso does, it is affected by the level of air pollution that emanates from across the border.

It is unfair to hold El Paso accountable for pollution that is generated in a foreign country that they have no control over. So what this amendment does is says that in assessing whether or not the State implementation plan has been met, and when assessing the levels of ozone, carbon monoxide and particulates, pollution that is being generated across the border has to be taken into account so that our cities and regions will be judged based on what they do.

Unless we have a breakthrough dealing with Mexico, it is possible that we could do everything in El Paso, including having people stop breathing, and we still might not meet the standards that would be set out in this bill. It obviously is not our intention to put people in El Paso out of business who are trying to improve the environment, because people across the border are making no effort, not even at the primative level that we employed in this country 30 and 40 years ago. That is an international problem that has to be dealt with separately.

Let me also make it clear that under this amendment, it will be up to the State, the region, and the city to prove that they are in compliance, based on what they do. The burden of proof will not be on EPA. But they will have an opportunity to come to EPA and say that they are in compliance in terms of their emissions, that their failure to meet the overall standards is due to something that is happening in a sovereign foreign country over which they exercise no control. This amendment will give EPA the flexibility to address that problem.

I yield the floor.

Mr. BAUCUS. Mr. President, I think this amendment is useful and, frankly, I think it is necessary to communities in Texas that border the country of Mexico. It is clear that much of the pollution that faces some parts of the State of Texas originates not in Texas but in Mexico, and it is also true, as the Senator said, that our two countries are making great progress in cooperating with each other to try to mutually reduce much of the pollution that exists.

It is clear that cities like El Paso in the State of Texas do not have control of their own destiny themselves. Much of the air that affects them is from outside, from another country, over which the Senator said the State of Texas and EPA in this country has virtually no control.

This amendment is necessary to help El Paso and other communities do what they have to do in order to put themselves in attainment. I thank the Senator for offering this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1337) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS I ask the manager of the bill, would this be an appropriate time for me to speak for 2 minutes as in morning business?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 2267 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, since we are discussing and debating the clean air bill, it was my good fortune to read a speech by Adm. Richard Lawson, president of the National Coal Association at the University of Kentucky's Distinguished lecturer Series, on January 11, 1990.

I am reluctant to put anything very long in the RECORD, but this is so timely and so good, and I think it gives a broad—maybe a slightly biased, but very broad—view of what we are discussing here. Therefore, I ask unanimous consent, at the suggestion of my good friend George E. Evans, Jr., head of the Governor's Office for Coal and Energy Policy in Kentucky, that Admiral Lawson's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENERGY FOR AMERICA AND WORLD ECONOMIC COOPERATION: THE FIRST, FOREMOST CHALLENGE OF THE 1990s

(Remarks by Richard L. Lawson, President, National Coal Association)

Thank you, Dr. Lineberry. Chairman Saperstein, Chairman Patton, members and friends of the foundation, distinguished guests, ladies and gentlemen; I am honored to have been chosen to inaugurate your distinguished lecturer series.

There is a famous American document that begins with the phrase, "When in the course of human events . . ."

Seldom in history have human events moved faster or had as much potential for positive change in the world than they do today at the end of a very hard 20th century and on the eve of the 21st.

Today the Soviet Union, Eastern Europe and much of the world are touched by the spirit of that American document, the Declaration of Independence; their people are in ferment for the rights it sets out: "Life, Liberty and the pursuit of Happiness." This is not an accident of history.

So I want to show my respect for this occasion by talking tonight about a truly distinguished American of the century, the man whose foresight and understanding more than 40 years ago inaugurated the policies that are moving human events today, the late George C. Marshall.

I want you to consider ways in which America might finish the distinctly American work he began, what he called "the special task imposed on the United States to lead the fight for good." I will touch on some basic truths that ought to be—but are not yet—self-evident.

COAL WILL SHAPE THE COURSE OF HUMAN EVENTS

So my purpose is not to discuss the techniques and technologies of mining, or the ebb and flow of energy markets; it is not even to discuss pending legislation and regulation that might affect coal, although these things are important.

Rather, I will speak of how Kentucky, a foremost American producer of coal, and the coal industry of the United States can help shape the future instead of how the future will shape coal.

Therefore, I ask you to join me for these few minutes in thinking about the course of human events as distinguished from the disjointed reports of current events that are all effect and no cause.

I want us to go beyond the evening news and morning headlines; to go behind the clamor attending conspicuous men and the thunderclaps of falling governments, and walls, to the mainstreams of this century's history; for the way we finish the 20th largely will determine how our children, our grandchildren and our great-grandchildren live in the 21st.

Neither the 1990s nor the next century will come out right by accident.

Kentucky coal and American coal will be important in making them come out right; energy will be a major factor in determining whether the world's future is one of peace and prosperity or strife and contention.

My remarks also will touch on some of the questions and problems that will precipitate our political discussions and debates in the 1990s. These have to do with reconciling the Nation's and the world's need for economic advancement with environmental concerns, which can be done.

All will influence the course of human events and do much to determine whether mankind can, after a century of trying, establish the worldwide economic foundation that is necessary for an enduring peace and for a better life, for the enjoyment of liberty and for the pursuit of happiness.

History seldom offers such opportunities, and human events are on the move.

FALLING WALLS, RISING ASPIRATIONS AND STRATEGIES

Little more than 10 years ago communism and the Soviet Union were still viewed by some as the wave of the future, and my job as a general officer of the U.S. Air Force was negotiating with our European allies on the placement of missiles to answer Soviet buildups.

Through much of the 1980s the policy of deterring and containing the reach of Soviet power was widely depicted in current events as a dangerous futility, and one of my responsibilities as commander of U.S. Forces in Europe was to deal with those who considered the American presence a provocation rather than a protection.

But, before the last year of the decade ended, the Soviet Union had turned inward to tend her troubles and to try to resurrect her economy while the Eastern European nations of the Warsaw Pact were in ferment and throwing off domination.

And, in the last Thanksgiving address of the decade, our own President would focus the Nation's attention on what he called "the era beyond containment" as he prepared for a short-notice summit with the Soviet leader.

That conditions exist for an American President to call for moving forward with the tide of events running so apparently strong in his favor is no accident of history.

The tide is the direct result of 43 years of unstinting support and leadership by the United States of interlocking economic and military strategies.

ENERGY, ECONOMIC SUCCESS AND THE POSSIBILITY OF CHANGE

The military strategy provided the conditions requisite for the economic success of the free world; those conditions included secure, low-cost energy from the Persian Gulf and protection of the free world from military preemption by the Soviet Union.

Economic success in the West, contrasted with failure in the East, ignited the economic discontent that is behind the outcry for the benefits of freedom that is now sweeping the world, that makes the world ripe now for positive change.

When East Germans defect they do it for a better life that includes a higher standard of living and the freedoms which that standard upholds. When they climb the wall to go to West Berlin, among the things they do is shop.

Economic discontent drives the running tide. In Poland, where the only oranges most people see are in pictures, the demonstrations are over food. In Romania, where a pack of Kent cigarettes is more valuable than a double handful of the currency, it is a luxury simply to be warm in winter.

Aspirations are loose in the world and they are building up powerful currents of change.

But what we see now in Eastern Europe, and even the Soviet Union, should not be taken for something it has not yet become and may never become. Absent care, leadership and strategy, matters can regress as easily as progress; change can be for the worse as well as the better.

As a great leader of World War Two said at another turn of the tide: this is not the beginning of the end; it is only the end of the beginning.

POSITIVE CHANGE REQUIRES LEADERSHIP

If many perceive that an old order is changing, they also must realize that no new order has been established to take its place; and that the absence of order ultimately is chaos. The vacuums forming today are not unlike those which threatened the world at the end of World War Two.

World War Two exhausted the old order in Europe, overturned it and left nothing to replace it. In the political vacuum that followed the end of the fighting it appeared that freedom might have won all the battles but lost the objective of the war: the enjoyment of peace in freedom.

An ally in victory, the Soviet Union was moving to establish a new European order by force at the peril of the surviving European democracies; and the U.S. had all but packed up and gone home to demobilize, to celebrate and to enjoy doing business as usual.

Freedom was directly in harm's way. It looked as if the sacrifices of World War Two would only establish the conditions for World War Three, just as misjudgments in the vacuum of fallen orders after World War One led to World War Two.

Into this vacuum stepped Secretary of State George C. Marshall with what has come to be called the Marshall Plan. As a young staff officer for General Pershing he had seen first-hand the misjudgments after World War One that led to World War Two. U.S. Army Chief of Staff in World War Two, and the architect of victory, he understood the stakes and wanted no more of fighting.

The Marshall Plan went to the causes, not the symptoms, of the tensions that bring on war.

In the words he used to present the plan, "our policy is directed . . . against . . . hunger, poverty, desperation and chaos. Its purpose should be . . . a working economy in the world . . . to permit the emergence of political and social conditions in which free institutions can exist."

He concluded that, "without economic health there is no political stability and, thus, no assured peace."

THE MARSHALL PLAN AND POLITICAL STABILITY

As first put forward, the Marshall Plan was open to all European nations ruined by the war, including the Soviet Union and the defeated nations of Italy and Germany. Czechoslovakia sought to participate but was forced away.

The Soviet leader, Stalin, elected to pursue the expansion of power; in the tradition of conquest, Russia sought recovery by bleeding conquered nations and restored economic health by arranging trade within her new empire on terms exclusively favorable to the Soviets.

The Marshall Plan of economic assistance and free trade led directly to a revived Europe; to the North Atlantic Treaty Alliance and collective security for the free world; then to a revived Japan; then to economic cooperation and development; then to a successful world trading order; and, ultimately, to the rise in hope the world is experiencing today.

In the East, there was the Berlin blockade; the political division of Germany to exclude Western influence; the brutal consolidation of power over Eastern Europe; the crushing of the Hungarian Revolution in 1956; the Berlin Wall in 1961; and the repression of the Prague Spring in 1968. There was seldom enough food and the goods produced in the Eastern Block generally were shoddy.

In the West, there was the Berlin Airlift; the German economic miracle; the Japanese miracle; the formation of the European Economic Community; the coming economic union of Europe in 1992; and the rise of the nations of the Pacific Rim.

Now the literal wall is breached, its rubble sold as novelty items throughout the free world; and the figurative walls and iron curtains are subject to remove as well.

None of it happened by chance. It was the objective of interlocking strategies and 43 years of unstinting effort.

What George Marshall's insight and understanding put in motion in 1947 may have been more decisive in shaping the second half of the 20th century than any armed conflict could have been; and it certainly averted a third large war in a century that saw two world wars in its first half.

If an old order is to change, if free institutions are to flourish, the falling order must be replaced by something positive.

Right now, today, real change is only a possibility; it is neither fact not guaranteed. Absent care, matters can regress as quickly as they once seemed to progress.

Change also will require economic growth and trade, which rest on energy, for the aspirations must be satified it matters are to progress. Energy is critical. It must be abundant. Reliable and low cost to sustain economic activity.

ENERGY AND FUTURE STABILITY

The dominant form of energy in the world today—both in the free world and the nations that are aspiring to the benefits of

freedom and free economic activity—is imported oil. It is neither reliable now low cost nor abundant.

Imported-oil dependence and energy is one of the items that will dominate our discussions and debates; it will either dominate them until solutions are found, or it will twist the future in ways destructive of progress.

During my tenure as commander of U.S. Forces in Europe I had to devote considerable attention to the energy security of the United States and her allies in the free world.

The object of that attention was to protect the production and deliverability of the Mid East oil that dominates a world market that in turn dominates a free-world economy in which imports provide almost 70 percent of the petroleum consumed by the principal nations; those of Western Europe, Japan and the United States.

Imported-oil dependence is subsidized at considerable cost to U.S. taxpayers in military preparedness to respond to surprise events in the Mid East, a region of political and religious instability, and of unending surprise. A military response was necessary only two years ago.

The problem is not imported oil per se. The problem is in the inescapable geographic distribution of the resource: that so few control it and that so many must have it to survive. The problem is that trends in use and reserves are making the control of the few stronger.

Almost two-thirds of the proved world oil reserves are controlled by the nations of the Persian Gulf and the Mid East. About 22 percent is held by other nations of the free world and 11 percent by the socialist nations.

Most Mid East producers are members of the Organization of Petroleum Exporting Countries (OPEC), but the cartel includes producing nations outside the Mid East. OPEC controls nearly three-quarters of the world's oil reserves. The Mid East controls 85 percent of OPEC's reserves and, thereby, all actions.

Outside the Mid East and OPEC, petroleum is being used up faster than it is being replaced by discovery.

The most recent edition of the British Petroleum Company's World Energy Review estimates that at present rates of production the U.S. has 10 years of petroleum remaining; Western Europe, 12; Canada, 14; and the socialist nations, 15. The Soviet Union soon will have oil problems in addition to its other problems. The average life of Mid East reserves was 43 years.

IMPORTED-OIL DEPENDENCE GUARANTEES INSTABILITY

Conservation and new discoveries may alter the figures, but not the trend.

The inescapable trend is toward concentraion of the power to control availability and price. The inalterable fact is that the nations with control also have political and economic agendas that do not consider the best interests of the U.S. or the aspirations of the other nations of the world.

The trend can be delayed, but not diverted, as long as the world's economies and the world's economic growth depend on imported oil.

America's import dependence is rising, world import dependence is rising. Increased economic activity in the United States and the world is hastening the trend and strengthening the power.

Those who use the most oil, and have the most at stake, have the least oil. Unless we change, demand across the board will be for more imported oil, not less.

America's imports began to exceed domestic production on a rather routine basis last year.

In the recent words of a former Saudi Arabian oil minister, "America is the best friend OPEC ever had."

Needed by all, controlled by a few, imported by most: oil has become more than a simple industrial commodity traded on a world market that is more-or-less free. It has shown this three times in little more than 15 years.

IMPORTED OIL: A STRATEGIC COMMODITY

In 1973, with the embargo, imported oil became a weapon of international politics, a means for exporting nations to exercise their political will. The first embargo failed but the point was made. Time is not on the side of the dependent.

In 1979, in the crisis that followed the fall of the Shah, imported oil was confirmed in the power to make and break economies. It set off a round of inflation and spawned economic problems that trouble the world today; this includes huge debt in the energy-poor, less-developed countries and huge trade imbalances.

Then in 1987, oil dependence proved its power to influence U.S. National Security Policy in the Persian Gulf deployment, and the U.S. got a foretaste of the high cost of deeper dependence as young Americans fought and died in the Gulf.

Imported oil has become a strategic commodity, one capable of making and breaking nations, of influencing their policies.

The inescapable fact is that in the future three of every four barrels of oil moving in world trade will be bent to the will of OPEC, which is bent to the will of the Mid East producers, who have political agendas.

Concentration of control and increased dependence are not conditions conducive to stability, to world economic growth or to mutually beneficial trade. Dependence is a weakness that invites exploitation. It is a real vulnerability.

THE TRUE COST OF IMPORTED OIL

We've had three oil surprises in less than 15 years due to failure to recognize in our policies the true nature of imported oil.

We can reasonably project a new surprise every few years unless, or until, the weakness is mended; and for as long as the power exists undeterred.

U.S. dependence can change the course of American economic, foreign and military policy. It can wrest vital decisions away from Presidents by forcing short-term action that contradicts or even destroys long-term interests.

The situation neither fits nor favors free-market philosophies that fail to consider the strategic-political power that dependence gives imported oil.

It's past time to quit pretending imported oil is just another commodity traded on a more-or-less free market. It is a strategic commodity. Imported oil is a hand around the throat of the United States and the free world; and it is stronger than the invisible hand of Adam Smith's free-market economics.

But Adam Smith also noted that the true cost of anything is the toil and trouble necessary to obtain it.

The true cost of imported-oil dependence is far higher than the cost of breaking it, whatever the cost. It's time to quit pretending the hand isn't there, just as it was in 1949 when the free world finally turned to collective security after the Berlin Blockage was broken by the Berlin Airlift.

The potential price of forever having to send young Americans to the Persian gulf to guard the oil lifelines for ourselves and our allies is too high, especially if alternatives exist or can be called into existence.

Policies that fail to recognize the true cost of imported-oil dependence reach beyond the illogical; policies that fail to search for alternatives reach towards the immoral.

U.S. COAL: SECURE, EFFICIENT AND CLEAN ENERGY

In America's 268-billion tons of recoverable coal reserves, which are the energy equivalent of 1-trillion barrels of imported oil;

In America's clean coal technology for electric generation and industrial use;

In just-over-the-horizon technologies to realize transportation fuels from coal, and for other applications, the United States has the means to deal with four of the chief challenges of the future. These are concerns about the environment; the need for growth that will draw the world together in mutually beneficial economic activity and trade; America's ability to compete in that world economy; and a secure source of energy to support all of that activity.

In terms of energy, the recoverable U.S. coal reserve is larger than the world's proved reserves of oil.

By using the clean coal technologies as they become ready for commercial deployment the United States can hold down demand for oil imports.

Indeed, since the crisis following the embargo of 1973, U.S. electric utilities have turned to coal to provide additional fuel in the equivalent of 3.1 million barrels of oil a day that did not need to be imported; it displaced much imported oil and also provided the means for growth. In the same, time national sulfur dioxide emissions were reduced by 25 percent; coal came to supply almost 25 percent of the Nation's energy; and the gross national product increased by 47 percent in terms of 1982 dollars.

Clearly, coal has had considerable success in moderating U.S. oil dependence while imparting economic strength and delivering environmental progress.

By advancing coal technologies that directly displace imported oil as a transportation fuel, and by using electricity to displace oil in the transportation sector, the United States can drive even more imported oil out of the domestic economy.

By making clean coal and other technology freely available to energy-poor nations, the United States can at once reduce worldwide demand for imported oil, establish energy efficiency in the economies of aspiring nations and help improve the worldwide environment.

Sulfur dioxide emissions are a major portion of the current acid rain dispute. Clean coal technology removes up to 99 percent of sulfur dioxide emissions in the generation of electric power, which means no legislation or limit on coal use is necessary to continue and speed up the dramatic and unbroken 17 year decline in sulfur dioxide emissions. All that is necessary is to provide for the unimpeded and economic deployment of the technology in the generation of electricity.

In addition, clean coal technology offers efficiency increases of up to 150 percent over conventional technology, which translates into international industrial competitiveness.

In its greater efficiency, clean coal technology can produce at least 20 percent less carbon dioxide than conventional technology, which goes to the heart of the global warming political controversy.

THE ENVIRONMENT AS A CONCERN OF POLICY

At this point, let me say clearly that I do not disparage the idea that the environment, as it may be influenced for better or worse by the activities of mankind, is a proper subject for government policy and action.

Indeed, everyone in the coal industry shares the public's concern about the environment. We, our loved ones and our posterity must live in this world. Nature happens to us all alike: like national economic decline, like the accompanying social disintegration, like war, the environment effects us all.

Global warming is only about two years old as a political controversy and a major cause in international environmental circles. Its foundation lies in the postulation that certain gases being emitted into the atmosphere are causing a warming of the earth via the greenhouse effect.

Some computer models of the earth's atmosphere have predicted a rise in the earth's temperature by 2050, but these computer models are crude and cannot make provision for all the ways in which the earth functions, or for all the things that affect its functioning.

For example, there is a credible assertion that sunspots may influence climate; the computer models don't know how to handle sunspots, or oceans, or clouds, or large urban areas, or a lot of other things. To date these models have not been able to duplicate actual weather events.

The conclusions of one leading model were tested against actual land temperatures for the period of 1950-1988, and it failed to come within 500 percent of explaining the past; it overstated what has happened by a factor of five.

In fact, over the last two years, refinements in computer modeling have led to a halving of the predicted temperature increases that set off the current debate.

The current debate was born in the record-setting heat and drought of two years ago: the assertion was made by one man before a committee on the Senate that global warming had begun. There were immediate companion assertions from lobbying groups that it is caused by carbon dioxide released in the combustion of fossil fuels; that it will melt the ice caps, cause coastal flooding and change the climate over wide areas of the earth; and that it can be staved off only by immediate worldwide reductions in the combustion of fossil fuels, which are the means of economic growth.

THE GLOBAL CONCERNS: WARMING, ECONOMIC HEALTH AND PEACE

In the ebb and flow of scientific current events, there is an evolving concensus of scientists that no global warming has begun.

Indeed, this past December a symposium on global warming in Washington had to be cancelled due to record-breaking cold. The nationwide cold wave caused electricity demand in several parts of the country to exceed the utilities' ability to deliver, and use reached levels not expected until the mid-1990s. Voltage reductions, power outages and rolling blackouts were not uncommon.

It clearly has not be established that the earth is warming, or that it will warm; that activities of man now seen by theory as driving elements will be, in fact, causitive; or that all the signs some interpret as indicators of warming are not, in fact, natural and normal fluctuations. Indeed, just a few years ago similar variations in temperature were being read as signs of a new ice age.

It is established, however, that the problem, if there is one, is global; that carbon dioxide is the least radiative of half-a-dozen man-made gases thought capable of trapping heat; that emissions of other so-called greenhouse gases are growing more rapidly; that these gases are many times more radiative; that carbon dioxide contributes less than one-half to the socalled greenhouse effect; that worldwide emissions from coal-fired electric generation contributes no more than eight percent of the total global production of greenhouse gases; and that U.S. coal-fired electric utilities account for no more than three percent of worldwide production greenhouse gases.

Nevertheless, there is serious domestic and international pressure to cap and reduce fossil fuel use to reduce carbon dioxide production that may, or may not, cause a warming that may, or may not, happen.

The first thoughts to be pressed forward in the debate are the regular and almost-ritualized responses that the organized pressure groups have to most economic activity; in this case it runs in a chain: carbon dioxide, economic activity, coal, caps, limits, carbon tax.

Every organized environmental pressure group driving this controversy would be happy to attack the three percent contribution of coal-fired electric utilities and let go the other 97 percent that isn't understood; that they don't know how to get at.

They don't know how to get at automobiles, and may fear the public reaction if they really try; but if carbon dioxide is the real concern, automobiles must be considered in ways other than raising gasoline mileage requirements: for automobiles are high on the list of aspirations of most people and every nation of the world. They don't know how to get at methane from belching cattle and rice paddies; but methane is one of the strongest and most rapidly increasing greenhouse gases, and these are among its major sources.

On one hand, there is much we don't know about the speculated-upon global warming in addition to whether it will happen. On the other, we do know that one result of caps and limits and punitive taxes is certain: economic activity of the kind that draws the world together will be curtailed dramatically.

TECHNOLOGY IS THE ANSWER TO THE GLOBAL CONCERNS

This is where energy technology, especially clean coal technology, becomes very important.

Becuase it can produce more energy at lower levels of carbon dioxide emissions, it provides time to apply painstaking science to determine if there is a global warming without resort to caps, curbs and limits. And, finally, if science indicates there is a global warming problem, it provides time to establish other, complementary technologies to deal with it.

Clean coal technology speaks to the public's concerns while benefiting the globe: it will contribute to the world's environmental and economic prospects in a positive way.

Clean coal technology, if deployed in the developing nations that have only coal, can alter the fears about future leaps in carbon dioxide release that are part of the concern. Nations such as China and India will use their coal whether the world likes it or not; they have to. The three-billion-person increase in world population forecast by the year 2010 will demand its use.

Reliance on this technology and American coal by the developing nations that have no energy but imported oil can give them a solid, secure and competitive basis for growth; and it can alter the projections for carbon dioxide release in the future.

The Soviet Union and the nations of Eastern Europe are struggling along with the most-polluting, least-efficient economies in the world.

If made available to these nations, clean coal technology would deliver impressive benefits to the global environment by dramatically lowering emissions from their industries at lower costs, which would also give them a basis to begin competing in the market economy of the free world.

If deployed logically in the Untied States, and encouraged in the industrialized nations, clean coal technology would go a long way towards establishing independence of action and flexibility in energy; and, once again, significantly reduce carbon-dioxide projections from coal-fired facilities.

Coal has kept 3.1 million barrels a day of imported oil out of the American economy, and it has influenced world demand for oil imports. With new technology this flexibility can be increased and expanded to other nations around the world who now must have oil to survive; and whose dependence is increasing the make-or-break power of the organized oil exporters.

U.S. clean coal technology is an alternative to imported oil that favors the environment and economic growth. It is the kind of concerted effort that could draw the nations of the world together in mutually beneficial, peaceful cooperation.

The alternative to the type of economic progress that has brought human events to their present stage of political stability and potential as a retreat into the tensions that marked past centuries, and dramatically marked the first part of this one with world wars.

Like the environment, like economic decline, war affects us all.

ENERGY FOR AMERICA IN THE 21ST CENTURY

The United States will need enormous amounts of energy to enter the 21st Century on sound footing. America's economy is the largest in the free world and still the major driving force of the world economy.

The United States Department of Energy now is engaged in developing a National Energy Strategy and taking public comment on what it should include.

The National Coal Association has put forward elements of a comprehensive strategy for independence of action in energy that relies on all of America's energy resources to reduce demand for imported oil; it stresses conservation, domestic oil and natural gas, nuclear power and the advancement of technology to make use of any resource that can be fitted to serve economically.

As far as the coal industry is concerned, there is no bad form of domestic energy. America will need every British thermal unit and kilowatt she can muster.

But independence of action in energy emphasizes reliance on America's most abundant fossil fuel, the 268-billion tons of recoverable coal that are the equal of 1-trillion barrels of oil, of more than the world's known reserves of oil.

Our proposal urges the establishment of an energy Marshall Plan of technology and

energy assistance open to any nation—friend or former foe—to lessen the demand for imported oil and put it back in the category of just another industrial commodity.

We call it the energy Marshall Plan because it fits the category that General Marshall called the special American task "to lead the fight for good."

WE THE PEOPLE . . . THE STAKES IN ENERGY

There is another famous American document which begins with the phrase, "We the people of the United States . . ." The Constitution speaks of securing the "blessings of liberty to ourselves and our posterity."

We the people of the United States, and our allies, have done something in the last 40 years that is virtually without parallel in all of history.

General Marshall's emergence of conditions in which free institutions can flourish has begun. Achieving the hoped-for benefits of the "era beyond containment" will require a strategy no less sweeping or basic than the one he put on its feet.

Energy, as it has been from 1947 through the present, will be critical, both for us and for all the societies of the globe.

If the Soviet Union is to progress, rather than regress, it will need economical advancement and stability. No reform, no lowering of tensions will survive a confrontation between the U.S.S.R. and the U.S. over the availability of the Mid East oil that supports Western Europe, Japan, the developing world and, increasingly, America.

The economics-driven aspirations of Eastern Europe will have to find some success if the world is to move forward rather than backward to that time when Eastern Europe was the seedbed of war.

The billions in China and India, the millions more in the nations of Africa, Asia and Latin America: they all want to advance their standards of living by their work and wit; they are demanding it.

The world has been drawn to freedom after many years. The emergence must be encouraged; it must be led.

Absent achievement of aspirations, these nations will turn back onto paths we don't need computer models to try to predict; we have the examples of history. Impoverished nations grow desperate. Hungry nations grow chaotic. Both become reckless.

The future will not happen by accident. It will require political stability, which requires economic health, which requires basic energy that is abundant, reliable, secure and low cost.

Everything we know about imported oil and the concentration of control of the resource says it is none of these things. Everything we know about coal says it is all of these things.

AN ENERGY MARSHALL PLAN TO UNDERWRITE PROGRESS

An energy Marshall Plan centered on clean coal technology and coal—supported by the United States and the principal nations of the free world—would enable all nations to draw closer and ward off the causes of war.

The initiative need not, should not, be the unilateral undertaking of the United States. It could, and should, call upon all nations that have benefited from the original Marshall Plan and its driving concepts: free trade and economic development and cooperation.

Across the Atlantic, there are the nations of the Organization for Economic Cooperation and Development, especially those of the European Community, who will become the world's second largest economy with their economic union in 1992. Canada too is a member of the OECD and has a stake in continued progress.

Across the Pacific, there are Japan and rising nations such as South Korea and Taiwan; these nations now are strong enough to begin thinking of their own energy security and of helping other nations achieve it as well. Nations such as Australia and New Zealand have a stake in continued progress.

An international initiative could draw on global financial institutions, such as the World Bank; on regional institutions, such as the Asian, Inter-American and African development banks; on national institutions, such as the export-import banks of the United States and Japan and their counterparts in nations like France, Italy, the United Kingdom and the Federal Republic of Germany; and on the foreign aid programs of all developed nations; and, finally, on the private financial institutions of all nations benefiting from the free-world economy.

Consideration should be given to the specific establishment of an Eastern European development bank, whose special focus would be energy and helping the nations of that region rapidly integrate themselves into the free-market world economy; they have much to learn and the time of opportunity may be short.

My purpose is not to draw a blueprint of a working plan, but to point out the need and to discuss the possibilities. A working plan will require leadership from the U.S. government.

An energy Marshall Plan would go to the causes of war, not its symptoms.

At the same time, it would answer concerns about the environment, about carbon dioxide and the predicted global warming; it would provide time to determine if there is a problem; and, if there is one, to establish its magnitude; and then to find the technology to solve it.

All who benefited from the first Marshall Plan, and the concepts behind it, ought to be encouraged now to draw the world together at this moment of opportunity.

Secretary Watkins has said that coal and clean coal technology will be a part of the energy strategy, and that there will be an international component.

THE SELF-EVIDENT TRUTHS OF ENERGY

What ought to be self-evident—but is not yet—is this:

Neither America nor the other nations of the world can do anything about their political and economic problems by following policies that are concerned primarily with the most extreme of environmental apprehensions.

But America and all nations of the world can solve some serious polticial and economic problems by advancing energy technologies that respect the environment and treat the cause of tensions and public concerns.

America has run out of neither challenges nor history.

There is a link between energy and economic growth; a link between energy and political stability; a link between energy and the environment.

And, yes, most important, there is a link between energy and peace.

Those of you who produce coal, those of you who teach the mining of coal, those of you who will mine coal:

You may well be as valuable to future Presidents of the United States in the "era beyond containment" as the Air Force and the Army and the Navy and the diplomatic corps have been to Presidents in the era of containment.

You and all who labor to produce energy for America really labor to give Presidents the independence of action they must have to exercise policy in America's true best interest at all times: to act out of neither fear nor hope of favor.

LIBERTY AND FREEDOM AT THE BRINK OF SUCCESS

The world's hopes have had a hard century.

On the eve of World War One, England's foreign minister figuratively said, "the lamps are going out all over Europe; we shall not see them lit again in our lifetime."

Almost half-a-century and another world war later, John F. Kennedy summoned the Nation to "bear any burden . . . to assure the success of liberty" in the "long twilight struggle" of the cold war: the era of containment, of deterrence, of the Marshall Plan's taking hold and bearing first fruit.

Now, here at the end of the century, liberty is at the brink of success; the world's aspirations for peace, prosperity and the pursuit of happiness are flickering bright just as the lights do in that first, tentative surge of power after a long blackout.

I cannot foretell what will happen.

But I do know these things:

We the people of the United States, and our allies have won an opportunity that is rarer than once in a lifetime: it is a chance of the kind that comes only once in a century; or, quite possible, once in a millenium.

And it must not be written in the histories of the 21st century that in the 20th the nation that started it all was too busy with business as usual to take up that "special task of leading the fight for good."

George Marshall's understanding brought him the Nobel Peace Prize; he is the only soldier to have been so honored. Our challenge is to actually secure the peace his understanding made possible.

It would be contrary to the character of this Nation not to try to finish what we have begun so well: The establishment of an enduring peace based on a truly worldwide order of trade and economic cooperation that is open to all who will join. The possibilities for the future rest on energy.

In a real way the humble lump of coal from the mines of Kentucky and the vast reserves of the United States is one of the few things that can impart positive direction to the course of human events: the future can be one of global progress and peace or one of renewed rule by mankind's ancient enemies: hunger, poverty, desperation, chaos and war.

The future is up to us.

I cannot tell you how proud I am to be a member of this industy at this time. I hope you will feel the same pride as you go about your studies and your work. America needs your dedication at the cutting edge of the fight for good.

Thank you, and may God bless you all.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimouns consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is is so ordered.

AMENDMENT NO. 1338 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, on behalf of the Senator from New York [Mr. MOYNIHAN] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be laid aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. MOYNIHAN, proposed an amendment numbered 1338.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert where appropriate:

"SEC. . EPA STUDY OF MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1989.".'

Mr. BAUCUS. Mr. President, this amendment has been cleared by both sides. It has also been cleared by Senator HOLLINGS and Senator EXON from the Commerce Committee. Mr. President, it deals with the analysis of magnetic levitation, and I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1338) was agreed to.

AMENDMENT NO. 1339 TO AMENDMENT NO. 1293

(Purpose: To make technical changes with respect to mobile sources)

Mr. BAUCUS. Mr. President, on behalf of the Senator from Indiana [Mr. COATS] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. COATS, proposes an amendment numbered 1339.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145 of the amendment, line 7, after "refueling." insert "Such study shall consider any special safety considerations which may arise in the use of onboard systems in recreation vehicles (as defined by the Secretary of Transportation)."

Mr. COATS. Mr. President, I have an amendment which would amend section 203 of S. 1630, the Clean Air Act amendments now on the floor, which requires motor vehicles to be equipped with onboard vapor recovery systems to capture vehicle refueling emissions.

As you know, a number of questions have been raised as to the safety of the onboard systems, and I am pleased to note that the Mitchell-Dole substitute amendment to S. 1630 now requires a study of the safety issues by the Secretary of Transportation. A few years ago, I attended a hearing where the director of the National Highway Transportation Safety Administration expressed serious concern about the possible fire hazards in relation to onboard refueling cannisters.

I believe these concerns are even more evident in regard to recreational vehicles. RV's, as I am sure you know, are used not only for transportation, but for a multitude of purposes. Most are equipped for living facilities, including eating, sleeping, and cooking with open flames. As you can understand, the safety issue regarding vapor recovery systems requires special consideration under these circumstances.

My amendment simply adds one sentence to paragraph 6(b) of section 203, referring to the safety impact study which is required of the Secretary of Transportation. The addition is, "The study will take into account any special safety considerations which may arise in the use of the onboard systems in recreational vehicles (as defined by the Secretary of Transportation)."

Mr. President, 1 in every 10 households in the United States owns a recreational vehicle. During the 1980's, nearly 3.4 million recreational vehicles were sold, and it is expected that the 1990's will bring similar sales. This is why I request that the Secretary of Transportation separately address the issue of recreational vehicles when studying the safety of onboard refueling cannisters.

I urge adoption of the amendment, and I yield the floor.

Mr. BAUCUS. Mr. President, this amendment in addition has been cleared by both sides. It is an amendment with respect to refueling consideration on onboard systems. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1339) was agreed to.

Mr. BAUCUS. Mr. President, I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN CARS/CLEAN FUELS AMENDMENT

Mr. WIRTH. Mr. President, I would like to place in the RECORD at this point the list of current sponsors of the Wirth-Wilson clean cars/clean fuels amendment: Senator WIRTH and Senator WILSON, obviously, Senator CRANSTON, Senator LAUTENBERG, Senator LIEBERMAN, Senator D'AMATO, Senator MOYNIHAN, Senator DECONCINI, Senator MCCAIN, Senator HARKIN, Senator ROCKEFELLER, Senator GORE, Senator PELL, Senator BRYAN, and Senator KERRY.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief explanation of the Wirth-Wilson clean cars/clean fuels amendment, an article which appeared in the March 8 New York Times on clean fuels and clean air, and an article that appeared in the Rocky Mountain News on March 8 by Richard Ayers, the chairman of the National Clean Air Coalition, on the clean air controversy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WIRTH-WILSON CLEAN CARS/CLEAN FUELS AMENDMENT

The proposal has five central elements:

(1) Requiring light-duty vehicles to meet new-car emission standards for 100,000 miles.

(2) Providing for a "second round" of tailpipe emissions reductions for vehicles in model year 2003, unless Congress votes to delay, reduce or cancel the second round. Expedited procedures are provided for such a vote.

(3) Use of reformulated gasoline required for all seriously polluted areas.

(4) Use of clean fuels and clean-fuel vehicles in government and commercial fleets in extreme, severe and serious ozone nonattainment areas beginning in 1994, with ultra-clean vehicles to be used beginning in 2000. Extends clean-fuel fleets program to serious carbon monoxide nonattainment areas.

(5) Use of clean-fuel vehicles in the general passenger car market in the Los Angeles area beginning in 1994; use of clean-fuel vehicles in severely polluted areas beginning in 1997; with the program shifting to ultra-clean fuels in 2003.

Both the fleet and passenger programs are fuel neutral. Clean fuel vehicles are defined as any vehicles that release ozone forming pollution and toxic pollution at half the level permitted for comparable conventional gasoline-fueled vehicles, and meet other standards set by EPA. Ultra-clean vehicles are those that emit ozone forming pollution and toxic pollution at half the level allowed for clean-fuel vehicles. Clean fuels are any fuels that enable vehicles to meet these standards. Methanol, ethanol and natural gas vehicles can meet these standards.

BACKGROUND ON THE PROPOSAL

This program is based on President Bush's original clean fuels proposal, but includes three modifications.

(1) It incorporates improvements suggested in a joint proposal by the states of California and New York to ensure that the program is fuel-neutral by using performance standards, and provides states with a greater role in shaping the program.

(2) It incorporates a program for early and expanded use of clean fuels in fleet vehicles. This program uses the same performance standards that clean-fuel passenger cars will have to meet, so that the fleet program will pave the way for possible use of clean-fuel passenger cars.

(3) Finally, a clean fuels program is added for existing vehicles, by requiring the use of reformulated gasolines in extreme, severe and serious ozone nonattainment areas.

REFORMULATED GASOLINE

By replacing toxic aromatic and olefin compounds that have been added to gasoline in recent years with lower polluting compounds such as ETBE, MTBE or ethanol, it is possible to produce a gasoline that will significantly reduce motor vehicle pollution from cars already on the road, and will reduce U.S. dependence on foreign oil. ARCO Oil Company is now marketing a low-polluting gasoline in Southern California that reduces ozone forming emissions by 20 percent. The fuel is sold for the same cost as regular gasoline.

This amendment directs EPA to establish regulations achieving the greatest reduction of ozone forming and toxic pollution possible through the reformulation of gasoline. The ozone forming potential of the gasoline is to be reduced by at least 20 percent. Limits are also to be established for minimum oxygen content (2.7 percent) and the maximum aromatic content (25 percent for regular gasoline) of the fuel. Fuel suppliers are required to sell only reformulated gasoline in nonattainment areas.

USE OF CLEAN AND ULTRA-CLEAN FUELS BY COMMERCIAL FLEETS

Centrally fueled commercial fleets offer an excellent starting point for the transition to clean burning fuels. The program would mandate that in areas of serious ozone pollution, commercial and governments vehicle fleets for which central refueling is practical begin phasing in the use of clean fuels with new vehicles they purchase in 1994. This program will shift from clean fuel vehicles to ultra-clean vehicles for new vehicles purchased after 2000.

A separate program is provided for those areas with serious carbon monoxide pollution problems (such as Denver, Phoenix, Albuquerque and Las Vegas), requiring fleet vehicles in those cities to reduce their carbon monoxide emissions.

Vehicles leased or rented to the general public, demonstration vehicles held for sale by motor vehicle dealers, and emergency vehicles are explicitly excluded from these programs.

USE OF CLEAN AND ULTRA-CLEAN FUELS IN THE PASSENGER CAR MARKET

California will pioneer the incorporation of clean-fuel vehicles and fueling facilities for passenger cars beginning in 1994, with the success of the program carefully studied. Based on that experience, states with severe ozone pollution problems are to incorporate the use of clean-fuel vehicles and ultra-clean vehicles in the air quality plans they prepare to guide their efforts to achieve air pollution health standards. Beginning in 1997, three years after clean-fuel vehicles are in fleet use, state plans are to call for the phased-in use of clean fuels in passenger vehicles. At least thirty percent of the new passenger vehicles in severely polluted areas are to be clean-fuel vehicles. Use of ultra-clean vehicles is to begin in the year 2003, once again three years after these vehicles are introduced for fleet use.

States with severe ozone pollution problems need not proceed to such a program if they achieve attainment through other means, if they revise their plans to achieve equivalent pollution reductions through other means, or if the clean-fuels program will not be effective.

EPA is to establish standards governing emissions from clean-fuel vehicles that will, at a minmum, require a fifty percent reduction in ozone-forming pollution and toxic emissions from all levels produced by conventional gasoline-fueled vehicles. Ultra-clean vehicles must meet standards reflecting an additional 50 percent reduction.

Automakers are mandated to produce and offer for sale adequate clean-fuel vehicles and ultra-clean vehicles to meet the fleet requirements and the passenger car requirements of this program. It is they, and not auto dealers, who bear responsibility for getting clean-fuel vehicles into the market. Automakers are required, if requested by a dealer, to provide these vehicles to dealers on a consignment basis.

Fuel producers and importers are required to supply adequate clean fuels to power these vehicles. It is they, and not service station owners, who have this responsibility. Service stations selling less than 50,000 gallons/year do not have to dispense clean or ultra-clean fuels.

[From the New York Times, Mar. 8, 1990]

CLEAN FUELS, CLEAN AIR

(By Timothy E. Wirth)

WASHINGTON.—As the Senate votes this week on proposals for amending the Clean Air Act, Americans' health and environment are on the line. If they are to be protected, the Senate must make long-overdue choices about fuels to be burned in cars and trucks.

The nation has fought a losing battle against urban smog since 1970. Deadlines for meeting Federal health standards have been missed repeatedly, despite local governments' use of every strategy available to meet them. The casualty list includes more than 100 major urban areas with unhealty levels of air pollution and tens of billions of dollars of avoidable health costs.

The single biggest culprit is the gasoline-fueled car. Standards enacted by Congress in 1977 have made new vehicles cleaner, but each year Americans buy more cars and drive more miles. These increases in vehicle miles traveled force polluted cities to run hard simply to stay in place, let alone make progress toward reducing air pollution.

There is just one way to escape this treadmill. We must break our addition to today's high-polluting gasoline and take advantage of new clean-burning fuels. As President Bush said, we must "reconcile the automobile to the environment."

That's what Mr. Bush proposed when he introduced his clean air bill last summer. Its centerpiece was a mandate for the production of a million clean-fuel vehicles yearly by 1997. William Reilly, Administrator of the Environmental Protection Agency, called this program "the most innovative and far-reaching" component of the bill.

New, proven technologies are already producing vehicles that run on low-polluting natural gas, ethanol and methanol. By early in the next century, nearly pollution-free vehicles powered by hydrogen, electricity and solar power should be available.

Clean fuels are good for the environment and the economy, and would enhance national security by reducing our dependence on foreign oil. We can reformulate gasoline to make it burn more cleanly, by replacing some imported oil with domestically produced alcohols and ethers, such as ethyl tertiary butyl ether, made from corn, wheat, barley and other crops. This shift would open up major new markets for our farmers, and it could save taxpayers millions of dollars in farm-price supports.

Domestically produced natural gas, a clean-burning fuel, can also be turned into methanol. The use of these fuels not only would displace foreign oils but also give a much-needed shot in the arm to domestic gas producers in Louisiana and the West.

Unfortunately, during recent closed-door negotiations on clean air in the Senate, oil and auto companies made quick work of the President's original proposal.

Aside from a very limited program for certain Federal and commercial fleets, the Senate compromise does not provide for a new generation of vehicles using natural gas, ethanol, methanol or electricity.

I hope the Senate will breathe new life into the President's original vision and put a strong clean-fuels program back in the Clean Air Act amendments.

Building on the Bush initiative, a successful clean-fuels program should have three central elements:

The first is to require that reformulated, clean-burning gasoline be sold in our most polluted cities. (It can be used in any car, no matter how old.)

The second is a program calling for large commercial fleets to begin using *special* super-clean fuels like natural gas and methanol in the mid-1990's. Fleet vehicles—taxis, garbage trucks, delivery vans—travel twice as many miles as private vehicles; thus they offer a cost-effective target for emission reductions. Since they are centrally fueled, they can be more easily converted to new fuels.

The third element is a program calling for these same special super-clean fuels to be used in passenger cars beginning in the late 1990's.

Congress must look beyond the auto and oil industries' preoccupation with the next quarter's profits. The Senate cannot afford to squander this opportunity.

[From the Rocky Mountain News, Mar. 8, 1990]

CLEAN AIR CONTROVERSY—BIG MONEY, BIG LIES ERODE ACT'S EFFECTIVENESS

(By Richard E. Ayres)

Closed-door talks forced upon the Senate by President Bush and U.S. industry have produced a product that would turn the Clean Air Act from a law to protect all of us into a law that would only protect most of us.

If this deal is enacted, the federal government would no longer be required to guarantee healthful air for all Americans and citizens would no longer be able to ask the courts to intervene where governments shirk their duty.

Furthermore, state and local governments would no longer have the threat of federal intervention to help them persuade reluctant local interests to clean up.

For the 150 million Americans who live in areas with chronic smog and other unhealthy pollution, all this must be mystifying. It should be infuriating.

The Senate Environment Committee approved a responsible compromise last fall on a 15 to 1 vote. The bill, S 1630, has been debated on the Senate floor for nearly two months and survived its first test vote 95 to 2.

Yet the bill disappeared behind closed doors. Every provision was subjected to attack by unnamed and unidentified interests. Virtually every important provision was compromised or given away. All without a single vote. All without a single public debate, or even public access.

The mugging of the Clean Air Act has not happened by accident. Last fall, the Clean Air Working Group, an informal umbrella organization that shields the nation's big polluters, set out to delay consideration of S 1630 to allow time for its publicity apparatus to work.

Spending an estimated $1 million on newspaper advertising alone, and certainly millions more on other lobbying tactics, they have won the first round.

Their message—that S 1630, as passed by the Senate Environment Committee, is extreme, excessive and economically damaging—is a lie. But any cynic will tell you that even a lie is believable if it is repeated often enough. And the best lobbyists money can buy have been repeating these lies to our senators for the past two months.

Indeed, one could argue that S 1630 does not go far enough. Yet the big polluters managed to trap the Clean Air Act in a blind alley and force major weakening changes.

The deal would:

Eliminate the federal government's obligation to guarantee that every community achieve healthful air quality.

Delay new controls on motor vehicles, which are still the dominant cause of smog and carbon monoxide pollution. In addition, it would not guarantee a second stage of auto tailpipe controls, even if there are widespread smog problems after 2001.

Weaken protection from cancer-causing air pollutants by allowing major polluters to buy out and move nearby families, creating toxic pollution sacrifice areas.

Eliminate S 1630's program to control carbon dioxide emissions from automobiles—a down payment on a national response to global warming.

The Clean Air Act makes many senators uncomfortable because—like virtually no other legislation—it forces a direct choice between the short-term economic interests and the nation's long-term health and welfare.

Since business political action committees give more than $10 million a year to Senate campaigns, many senators doubtless prefer closed-door deal making to a public showdown.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, are we in morning business at the moment?

The PRESIDING OFFICER. We are not in morning business. The Senate is considering the Clean Air Act.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that we be permitted to go into morning business for a period not in excess of 15 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, reserving my right to object, we are trying to work our way through some of these clean air matters. My question was whether the Senator from Nevada had something he was going to do in connection with clean air. Is that what my colleague was waiting for?

Mr. BRYAN. Mr. President, responding to the distinguished Senator from Rhode Island, I have a statement that I wanted to have printed in the RECORD. It has nothing to do with clean air. It commemorates a very distinguished Nevadan who recently passed away and I wanted the opportunity to do so.

I shall take less than 1 minute.

Mr. CHAFEE. I do not want to interfere between the Senator from Nevada and the Senator from Ohio. I was thinking, if a Senator was going to come forward with an amendment or something——

Mr. METZENBAUM. May I respond to my colleague? I had spoken with the manager of the bill. The Senator was not on the floor. I told him his matter has total priority. If there was nothing pending I would like to go forward in morning business.

Mr. CHAFEE. That is certainly fine. Maybe the Senator from Nevada can slip in here for a minute.

Mr. METZENBAUM. Without losing my right to the floor. I yield to the Senator from Nevada.

The PRESIDING OFFICER. Is there objection to the request for 15 minutes for morning business of the Senator from Ohio? The Chair hears none.

Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Nevada.

COMMEMORATING THE LIFE OF DR. HAROLD FEIKES

Mr. BRYAN. Recently, Mr. President, the citizens of my State were saddened to learn of the death of Dr. Harold Feikes. Dr. Feikes is a distinguished surgeon, one who devoted his career and his life to medicine, a career which distinguished itself in many different ways. He was an outstanding member of our community. And his legacy as a physician will be one that will benefit all Nevadans, and is a legacy that is being assumed by his son, who pursues a career in medicine as well.

Dr. Feikes began his career in medicine in 1958 when he graduated from the Loma Linda University College of Medicine. In his 25 years as a cardiovascular surgeon, Dr. Feikes has performed over 2,000 open heart surgeries, including the first in the State of Nevada in 1969. He also helped to pioneer the first intensive care unit in Las Vegas, at the Southern Nevada Memorial Hospital.

As a result of this leadership he has been recognized repeatedly for his accomplishments. He was a fellow of the American College of Surgeons and an outstanding member of many other medical organizations. He served as president of the Nevada Heart Association, and chief of staff of the Southern Nevada Memorial Hospital and the Sunrise Hospital. He was also a clinical professor of surgery at the Nevada School of Medicine.

Dr. Feikes has given new life to innumerable people in his career. For this the University Medical Center has named its surgical center in his honor. Moreover, the Clark County Medical Society named him the 1989 Physician of the Year as further recognition of his outstanding efforts.

The people of Nevada, as well as everyone who has benefited from modern cardiovascular medicine, owe Dr. Feikes their deepest admiration and respect. His contributions are perhaps most notably honored by the decision of the American Heart Association to award the 1990 Heart Gold to Dr. Feikes posthumously only a few days ago. He will be sorely missed, not only by those to whom he gave new life, but by all those in and out of the medical community, who recognize his contributions to our country's welfare.

The PRESIDING OFFICER. The Senator from Ohio.

INTIFADA OR INTRA-FADA?

Mr. METZENBAUM. Mr. President, I rise to mark a grim milestone that was recently reached in the Middle East. February 1990, marks the first time since the beginning of the so-called intifada that more Palestinians died at the hands of other Palestinians than as a result of Israeli police action.

Killing by anyone is tragic enough, and the Middle East has certainly seen its share of death. Yet, there is something particularly gruesome about this Palestinian-versus-Palestinian terror. I do not use this term—terror—lightly. In fact, what we are witnessing is the rise of another brand of political terrorism. Instead of Intifada, we now have Intra-Fada: Palestinians who intimidate, coerce, extort, terrorize, and kill any of their neighbors who step out of line.

The victims are mostly collaborators, according to PLO sources and the militants themselves. However, Israeli authorities say that only a fraction of those killed had any relationship with the Government. There are other vic-

tims that the PLO will not tell us about. There are those who favored a constructive dialog with Israel. There are those who, in the eyes of the fundamentalist gangs, were not religiously pure enough.

Mr. President, I have a different opinion of these victims. I believe that they are mostly the hapless targets of thugs—juvenile delinquents who have been charged by PLO organizers with enforcing the party line. The Washington Post of Sunday, March 4, describes the case of a woman, sexually abused by masked gang members one day, and then hacked to death with axes the next day.

Mr. President, I ask unanimous consent the entire text of that article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1990]

PALESTINIANS TURN INTIFADA AGAINST THEIR OWN PEOPLE

(By Jackson Diehl)

BEIT FURIK, WEST BANK.—It has been more than two months since clashes between the Israeli military and Palestinian demonstrators in this fervently nationalist village, a stronghold of the Arab uprising in the occupied territories, have resulted in a fatality. But the killing in Beit Furik has not stopped.

Early last Tuesday morning, Ali Nasasra, 45, became the latest victim, killed by fellow Palestinians. Led by masked youths to the stony summit of the village mosque, he was forced to broadcast a statement declaring that he had collaborated with Israeli security forces. Then, he was handed to a crowd of villagers waiting outside.

"First, he was beaten with fists and iron bars," said a local leader of the Fatah wing of the Palestine Liberation Organization, which controls Beit Furik. "Then, when people saw that he was not yet dead, they took stones and threw them on him until he was buried in them. Everyone participated, even the little children."

To the dismay of moderate Palestinians, bloody spectacles such as this one in Beit Furik caried more weight in this 27th month of the *intifada*, the Arab name for the uprising, than the David-and-Goliath-style faceoffs of Israeli soldiers and stone-wielding youths that the rebellion has been known for.

For the second consecutive month, fatalities in February from clashes between Israeli forces and Palestinians dropped to a new low for the revolt: nine died, including only three in the West Bank.

At the same time, February was the first month in which more Palestinians were killed by Palestinians than by Israelis. In all, 15 such slayings occurred, including a number of grisly cases in which men and women—including one pregnant woman—were crudely stoned or hacked to death by masked gangs. All were accused of collaboration with Israeli security forces, although Israel contends that only a minority of them were actually its agents.

Nasasra, a native of Beit Furik, was the second Palestinian to be publicly killed in this village of 6,000 residents in less than two weeks. Early on the morning of Feb. 15, masked youths extracted a similar confession at the mosque from 53-year-old Muhammad Hatatbeh, then hacked him to death with axes on a street corner while a crowd looked on.

The inward turn of Palestinian violence, which has been increasing in intensity over the last year, is an illustration both of the growing desperation of Palestinians in the West Bank as well as the slipping hold of their leaders. For several months, PLO figures outside the country and the Unified Command of the Uprising have been appealing to Palestinians either to end the killings of alleged collaborators or carry them out only after receiving permission from senior authorities.

Yet both in militant West Bank sites such as Beit Furik and in refugee camps of the Gaza Strip, these instructions have been blatantly ignored. Asked about a reported recent appeal by Abu Iyad, deputy to PLO chairman Yasser Arafat in Tunis, to curtail the killings, a senior PLO activist in Beit Furik, Najeh Hatatbeh, responded this way: "With all due respect to Abu Iyad, he doesn't know what is happening in the field."

In fact, what is happening appears at odds with both the strategy and aims of the Palestinian leadership. Alarmed by the recent slackening of the intifada as well as by the incipient inpouring of Soviet immigrants to Israel, PLO leaders have become compliant with efforts by the United States and Egypt to set up a preliminary Israeli-Palestinian dialogue in Cairo.

For months, Arafat resisted the move toward talks, largely because it excludes formal participation by the PLO. But in recent weeks the PLO has agreed to a U.S. formula under which discussion of the PLO's demand for statehood would be deferred at the negotiations in favor of Israel's plans for elections in the territories. The PLO would be excluded even from announcing the membership of the Palestinian delegation, which would be selected in consultations between Egypt, Israel, and the United States.

With the outside leadership thus betting on the peace process, Palestinian leaders in the territories have similarly begun to emphasize a new strategy of winning over Israeli public opinion. While shuttling to speaking engagements and conferences inside Israel at which they are stressing an agenda of peaceful coexistence, these leaders concede they are hampered by the sometimes gruesome images of violence involving alleged collaborators in the territories—scenes to which Israeli media have devoted extensive coverage.

Still, the pragmatic considerations of modern politics, where media and public opinion are often more important weapons than conventional arms, are lost in the transition from the salons of East Jerusalem to the rocky hills of the West Bank, where two years of continuous violence have radicalized much of the population.

Hatatbeh, a veteran Fatah leader in Beit Furik who says he has been a fugitive from Israeli forces for two years, summed up the contradiction as he stood one morning on a street corner in his village, surrounded by youthful supporters. "The PLO is at a point where they are seeking a peaceful settlement, and so they can't say support killings," he said. "This is a political tactic.

"But our situation is different. I could be talking to you right now and a spy across the street could be calling to inform the military that I am here. We cannot allow this. As long as the intifada goes on, the liquidation of the collaborators will continue to be necessary."

Palestinian activists frequently argue that no alleged collaborator is killed without at least a rough form of justice as in many other national insurrectionary movements, ranging from the French resistance in World War II to the anti-apartheid movement in South Africa. In Beit Furik, Hatatbeh said, about two dozen persons had been interrogated for alleged acts of collaboration during the intifada, and all but the last two were pardoned after they pledged publicly to cease their activities.

Still, there are signs that the violence has gotten out of hand. In the Gaza Strip, masked men recently abducted a secretary in a law office, sexually abused her, then released her, only to return to her home a day later and hack her to death with axes, according to reports in the Israeli press. According to the daily Haaretz, the wife of another alleged collaborator was attacked and killed with ax blows—she was seven months pregnant.

In Gaza, which has provided with its squalid refugee camps both the birthplace and the most desperate violence of the intifada, the overall killing of alleged collaborators rose from 12 in 1988 to 88 last year and 13 in the first six weeks of this year, according to figures released by Israeli security forces. Since last September, these sources said, 25 Gazans have been killed by the Israeli army, and 52 by other Palestinians.

In Beit Furik, the local militants of Fatah are focusing their aim on three collaborators they said are responsible for the recent arrest of two of the movement's leaders in the village. The suspects, they said, had gone into hiding. "When we find them, they will suffer the same fate as the collaborators before them," grimly pronounced a youth wearing the black-and-white kerchief of Fatah.

Mr. METZENBAUM. Mr. President, this is a chilling milestone indeed. We have seen intermittent reports about political violence within the Palestinian community over the past 2 years. There has been peripheral coverage of the phenomenon of gang violence in the West Bank and Gaza Strip. But only in the past several months has there been any attempt to shed some light on these brutal killings.

The CBS Evening News on November 15, 1989, included a segment which focused on the rival gangs that control parts of Nablus, the largest city in the West Bank. The reporter described how gangs with names like "Red Eagles" and "Black Panthers" enforced their brand of order in the streets, stores, and homes of Nablus. They enforce the daily strike, which begins at noon. They even collect taxes. And on the day the CBS cameras showed up, they killed a 32-year-old busdriver who was an alleged collaborator. Just another day in gang-run Nablus.

This violence is sanctioned and endorsed by PLO leaders in Tunisia. In a May 1, 1989, report, the Miami Herald described the West Bank Terrorists' chain of command:

The (Palestinian) militants described ad hoc trials and "sentences" passed on collaborators, with secret Palestinian "courts" considering testimony as well as confessions

extracted in clandestine prisons. Conclusions are sent to Tunisia, where the Palestinian Liberation Organization has its headquarters, for final approval before punishment is meted out.

Mr. President, I ask unanimous consent that the entire text of the Miami Herald be printed in the order.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, May 1, 1989]

PLO APPROVES KILLINGS—ARABS FACE DEATH FOR AIDING ISRAEL

(By Daniel Williams)

RAMALLAH, WEST BANK.—Officials of the PLO abroad have given formal approval to the killing of Arabs accused of collaborating with Israel in the occupied West Bank and Gaza Strip, pro-PLO Palestinian sources say.

In separate conversations held during the past week in Jerusalem and in the West Bank cities of Ramallah and Nablus, the activists defended the slaying of suspected collaborators as a measure needed to assure continuation of the Arab uprising against Israeli rule in the occupied areas. They claim that Israeli intelligence inroads, spearheaded by collaborators, have resulted in numerous arrests and ambushes and put key figures in the underground leadership at risk.

The militants described ad hoc trials and "sentences" passed on collaborators, with secret Palestinian "courts" considering testimony as well as confessions extracted in clandestine prisons. Conclusions are sent to Tunisia, where the Palestine Liberation Organization has its headquarters, for final approval before punishment is meted out.

In exceptional cases, when the collaborator is well-known, Palestinians dispense with the secret proceedings and stop short of involving the PLO. In one such case Friday, Kamel Saleh Abu Zand was shot to death in the main square of Nablus for having been a chief informer while serving a long jail term. He had been on the streets only two weeks after being freed.

A member of a self-styled "hit team" walked up to Abu Zand in daylight, witnesses said, tapped him on the shoulder and told him, "The revolution has condemned you to death," He shot Abu Zand twice in the head with a pistol and escaped into a maze of alleys in Nablus' old central neighborhood.

"It was absolutely necessary that he be liquidated publicly. The people must see justice being done and authority being asserted," a source close to the underground leadership said.

During the past 15 days, 11 accused collaborators have been assassinated in the West Bank and Gaza Strip. It has been the worst outbreak of Arab violence against Arabs during the intifada, as the uprising is called in Arabic.

The killings were seized upon by Israeli officials as proof that the PLO is wedded to terror and keeps a foothold in the West Bank and Gaza Strip only through threats of assassination. Israel has been trying to persuade the Bush administration to break off the dialogue it started with the PLO last year.

"There is a wave of terror," Foreign Minister Moshe Arens said. "Not a day passes without people being killed who are suspected of not being 100 percent supporters of the PLO line. People are burned alive, people are knifed, people are shot."

Arens blames the violence for the rejection by Palestinian leaders of Israel's plan to hold elections on the West Bank and Gaza Strip. Last week, 83 Palestinian leaders signed a document rejecting the election plan on grounds that it did not guarantee eventual independence.

Arens asserted that the signers "knew that if their names weren't put at the bottom of that piece of paper, they might suffer" a fate similar to that of accused collaborators.

Palestinians reject Arens' suggestion that the killings are aimed at politically silencing Arabs. "These are pure and simple cases of security. The collaborators provide names to the Israelis, they tell them about the organizations of the uprising. In short, they spy on their own people," said Ziad Abu Amer, a pro PLO political science professor at Bir Zeit University in Ramallah.

Added a street organizer in Ramallah: "No one is killed for the sake of killing. There is enough evidence. The collaborators are warned two, three times. This is not political assassination."

At least 32 accused collaborators have been killed in the nearly 17 months of the intifada. Since Jan. 1, 18 have been "executed" by a variety of means.

Mr. METZENBAUM. Mr. President, is this the type of justice Yasir Arafat would deliver to his long-sought Palestinian homeland? The PLO may claim to be a noble band of freedom fighters, but their actions contradict this claim.

Many of the Palestinian victims of PLO terror were not simply killed—if any type of killing can be called simple. There are regular instances of the gangs hacking their victims to death, and some having been burned to death. The more common cases of lynching seem bland in comparison. February's total of 15 killings included a pregnant woman.

Are these the people that the administration wants Israel to do business with? To negotiate peace and war with?

Mr. President, why are we learning about this savage brutality only now? It has been going on for 2 years. Other than the lone CBS piece I referred to, I have not seen anything on the evening news about the Intra-Fada. On the other hand, the reports of Israeli excesses, missteps, and other troubles in the territories appear almost every day. If not in the evening news, then in the morning papers. The American media aggressively reports one side of this story and blatantly ignores the other.

Mr. President, I want to know why a Palestinian death as a result of vigilante Palestinian gangs is less newsworthy than a Palestinian death due to Israeli police action. I want to know why every Palestinian shot by an Israeli soldier is memorialized on American TV, while Palestinians hacked to death—I repeat, hacked to death—by PLO thugs are remembered only by their own families.

Mr. President, in my view, the American media aren't the only ones guilty of a double standard. It seems to me that the Department of State and the White House have been ready and willing to point out Israel's diplomatic and strategic failings. Yet, the U.S. Government seems to lose its voice when the PLO kills its own people in the occupied territories, or Israelis in the ongoing terrorism campaign. The State Department devoted 12 pages of its annual human rights report to Israel's troubles in the territories. Of that, only a few paragraphs were allocated to Palestinian versus Palestinian violence. If the PLO gangs are not a human rights nightmare, then I do not know what is.

A death is equally painful, be it Palestinian or Israeli, resulting from PLO gangs or from Israeli police action. This Senator wishes to know why the American media, and apparently the Bush administration, fail to recognize this fact.

Mr. President, I would like to print one more article in the RECORD. It is my hope that it will illuminate the double standard problem more clearly.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 21, 1990]

THE INTIFADA YOU DON'T SEE ON TV

(By Steven Emerson)

Nearly one-third of all Palestinians killed last year in the West Bank and Gaza were murdered by fellow-Palestinians. Palestinian death squads roam the West Bank and Gaza, torturing and executing not only "collaborators," but also political rivals, moderates, criminals and women they consider promiscuous. The annual human rights report the State Department scheduled for release today might be expected to mention these facts. It does not. While the report devotes some 13 detailed pages to Israeli human rights abuses, it can spare just four paragraphs for Palestinian human rights abuses.

Perhaps the State Department has been watching too much television. It is from television that most Americans get their image of the intifada. And the U.S. networks have been complicit in a massive deception about the West Bank conflict.

U.S. reporters have acquiesced in Palestinian control over what gets filmed. "Fundamentalist groups never allowed us in certain areas in Gaza." says Amos Aynor an Israeli crewman who has worked for CBS. Tali Goder, an Israeli camerman who has also worked for U.S. networks, is even more blunt: "Everytime a crew came to film the Palestinians, the rule was 'Once you are here, you will cover what we want. You will not dig too much.' We know that if we aim the camera at the wrong scene, we'll be dead."

These apprehensions are not unrealistic. A November CBS story about death squads in the Arab town of Nablus was one of the few television pieces to show the reign of terror imposed by Palestinian gangs. Soon afterward, Israeli troops raided the casbah, killing several gang members and capturing others alive. The Israeli Army passed a warning to CBS bureau chief, Michael Rosenbaum, that radical Palestinians had

issued a death threat against the CBS crew. CBS did not report the warning.

NOT NEWSWORTHY

If reports of threats by Palestinian gangs against a network's own crew are not newsworthy, it is perhaps unsurprising that other sorts of Palestinian violence have been ignored. Since the beginning of the uprising in December 1987, more than 175 Palestinians have been killed by fellow Palestinians. More than 25 have been burnt to death; another 20 have been strangled, lynched or suffocated; and others have been decapitated, dismembered and otherwise multilated. More recently, the ears of "collaborators" have been cut off. Israeli soldiers have killed 25 Palestinians in Gaza since September; Palestinian gangs have killed 47 Palestinians, according to Israeli military sources.

Israeli officials admit that one-third of the Palestinians killed by other Palestinians have assisted the authorities; the rest are people considered "impure" by the leaderships of the West Bank gangs or are people who have merely done business with Jews. In October, a Palestinian father of seven was knifed to death in Jericho for "collaboration." He had sold floral decorations to religious Jews building a ritual Succah.

"Death sentences" are kangaroo court killings by Palestinian gangs made up of classical juvenile delinquents and social outcasts who have suddenly found a legitimate way to kill. Homosexuals are frequent targets. Women who wear "too much" makeup or short skirts have been raped or burned with acid, if not killed outright. Yet in the more than 150 stories filed by U.S. networks from the West Bank last year, only half a dozen focused on the internecine killing of Palestinians by other Palestinians.

Amnesty International found the killing of Palestinians by other Palestinians so disturbing that in November it issued a strong condemnation of the "killing of alleged collaborators," noting that many had been "interrogated and tortured" by "special squads of Palestinians." Furthermore, Amnesty said, "Palestinian leaders have endorsed or failed to condemn the killing of collaborators."

Documents intercepted by Israeli intelligence—and whose authenticity has been confirmed by Palestinians themselves—indicate that the Palestine Liberation Organization approves and directs the killings of other Palestinians.

While Palestinian political terror on the West Bank fails to make the news, utter fabrications about Israeli brutality are reported uncritically. At the beginning of the intifada, for instance, the U.S. networks were called to el-Mokkasad hospital in Jerusalem to film a dying 15-year-old Palestinian boy named Rami el Aluk. His Palestinian doctor showed the boy hooked up to life-support tubes, and claimed that he had been savagely beaten by Israeli troops.

The networks gave the story wide publicity. On Feb. 8, 1988, Peter Jennings introduced ABC's piece by announcing, "In the Middle East today, United Nations officials say that the Israelis have beaten another Palestinian to death in the occupied territories." CBS said the boy had "received a blow to his head," and then quoted his doctor: "I think he will die soon." NBC reported on a "doctor's helplessness and a father's despair as this 15-year-old dies of head injuries received in a riot."

But the story wasn't true.

According to the pathology records of Rami's autopsy and other medical records, the boy died of a cerebral hemorrhage caused by high blood pressure. He had been sick for more than a year.

Another example is the story of Amjad Hussein Jabril, a 14-year-old Palestinian-American. He was found shot to death in El-Bireh on the West Bank last August. CNN quoted Palestinians charging that the boy had been lost with Israeli soldiers. When his body was found, it showed signs of torture and mutilation.

Despite the army's denials, the State Department pressured the Israeli government into a formal investigation. The family refused to turn over the corpse, so the army exhumed the body. An independent Scottish pathologist selected by the boy's family performed an autopsy. No evidence was found of any torture whatsoever. Amjad had died of a single gunshot wound in the back—from a low-calibre, low velocity gun. The Israeli Army regularly uses military high-velocity rifle bullets and high-calibre pistols.

The autopsy records for these and other Palestinian killings are kept in the Institute for Forensic Medicine, in Jaffa. After reviewing a number of reports, I asked its director Dr. Yehuda Hiss whether any American reporters had ever come to interview him. "None." Even human rights organizations have not bothered to ask for his files. The International League for Human Rights sent two lawyers to interview him on an investigation into Israeli brutality. But, Dr. Hiss said, "they came without any lists or names and left after an hour."

The networks prefer to get at truth by more dubious means. In the past year they have handed out at least 15, and perhaps as many as 25, Super-8 video cameras to Palestinians. These "cameramen" make their videos on their own and provide the networks with footage of riots, strikes and funerals. The cameras, according to a senior American television newsman "were distributed to the Palestinians on the basis that they bring us action. But I would be lying to you if I didn't admit that the whole thing makes me feel uneasy."

Asked about the practice of providing videocameras to Palestinians, ABC spokesman Scott Richardson said "ABC will not confirm or deny that we give out cameras to Palestinians. However our general policy in the world is that from time to time, we have given out equipment to local citizens for safety, legal or political considerations."

In fact, except for Eastern Europe—where fewer than five cameras were given out and each for only a limited period—the networks have distributed cameras nowhere else in the world.

Because few if any American television journalists speak Arabic, it is only natural that the networks seek out Palestinians who speak the language and who can help supply stories. But according to Israeli court records, many of the Palestinian journalists on staff or consultants to the American networks are active participants in the intifada. There is absolutely no way to insure the authenticity of what is filmed nor is there any way to stop the cameras from being used as a tool to mobilize a demonstration.

"Cameras don't lie" is the familiar refrain issued by reporters when confronted with criticism about their coverage. And there is no disputing that cameras have shown Israeli soldiers viciously beating and shooting Palestinians, sometimes without justification.

ABC News broadcast in December footage showing Israeli troops wounding "Palestinian stone throwers" without firing warning shots, contradicting the Israeli Army's version of the episode. The Israeli Army later suspended the troops.

STRICT GUIDELINES

Yet the networks also realize that cameras can distort events. It is not well-known, but each network has strict guidelines that are supposed to guide the use of cameras in civil disturbances.

CBS's Production Standards, which are typical of those used by every network, say that if "your presence is clearly inspiring, continuing or intensifying a dangerous, or potentially dangerous disturbance, cap your cameras and conceal your microphones regardless of what other organizations may do."

Furthermore, the guidelines warn reporters not to report "as factual, rumors, 'eyewitness' reports or statements by participants unless and until their accuracy has been separately and authoritatively confirmed."

In practice, television crew members concede, the guidelines are ignored. "When cameras are taken out, the crowd performs for us. The Palestinians know that we are their lifeline," says Mr. Aynor. "And the guidelines are good until your competitor gets the story you didn't. Then, it's get the story at all costs, forget the guidelines." ABC, in its guidelines, says it "would rather miss a story than mis-report it." If only ABC, or the other networks, truly meant what it said.

(Mr. Emerson, formerly an editor at U.S. News & World Report, is the author of "Secret Warriors: Inside the Covert Military Operations of the Reagan Era," Putnam, 1988.

Mr. METZENBAUM. Mr. President, the Wall Street Journal op-ed piece from February 21, 1990, entitled "The Intifada You Don't See on TV" offers a very interesting perspective. Steven Emerson, a former editor of U.S. News & World Report, describes how only 6 of the 150 television news stories filed by U.S. networks last year from the West Bank focused on Palestinian versus Palestinian violence. He goes on to uncover cases in which U.S. newworks eagerly filmed supposed victims of Israeli brutality, when in fact the victims died of other causes. In one example, a Palestinian teenager was reported to have died from an Israeli soldier's blow to his head. His Palestinian physician dutifully told American reporters that the Israeli Army was responsible for this. But the coroner's report said that death was caused by a cerebral hemorrhage, brought on by high blood pressure and a yearlong illness.

Mr. President, I do not have to tell you which part of this story—the autopsy report, or the doctor's commentary—appeared on all three network evening news programs back here in the United States.

Emerson offers an important piece of information that the networks have chosen not to share with us. It seems that United States television bureaus in Israel have been passing out video cameras to Palestinians in order to get

better film footage. Emerson says that "at least 15, and perhaps as many as 25" such cameras have been handed out.

Mr. President, I understand that the networks may be concerned for the safety of their own camera crews, and I understand that they have a limited number of these crews. But I do not understand why we have not been informed of this practice.

Maybe I am missing something, but I do not see how TV journalism can be unbiased about the West Bank when the TV film is being shot by only one of the parties to the conflict. What would happen if the networks gave cameras to Israeli soldiers? I will tell you what would happen: Op-ed pages would explode with bitter complaints about a pro-Israel bias on American TV.

Exactly the opposite has happened, and I have not heard a single objection.

Mr. President, I object. It seems to me that from now on, when a network uses film shot by someone who has a personal interest in the story being reported, the viewers should be notified. It could be the journalistic equivalent of the warning label on cigarettes: "Warning: This report could be hazardous to your knowledge of the truth."

Mr. President, it seems to me that there is a bias in the American media's coverage of the Middle East, but I would suggest that it is not in favor of the truth.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Is a quorum call in effect?

The PRESIDING OFFICER. There is not.

Mr. HEFLIN. I ask unanimous consent that I be allowed to speak for 7 or 8 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama is recognized for 8 minutes in morning business.

TRIBUTE TO "JUDGE" JOHN WHITE

Mr. HEFLIN. Mr. President, I rise today to pay tribute to a truly great American, John H. White who died in December in Mobile, AL. He is known by young men as the father of the Key Club. He epitomized the values of Americanism as well as those of a very loyal friend.

John White was an outstanding citizen of Bay Minette, AL. He attended Baldwin County High School before eventually winning a scholarship to the University of Georgia School of Law at the age of 29. He graduated from law school while also becoming active as president of the Lambda Chi Alpha Fraternity. The fraternity later honored him by naming their library after him.

Although John never practiced law, his law background gave him his lifetime nickname of "Judge."

In World War II, Judge White served in the Army as a technical sergeant. Following the war, he worked as an organizer for Lambda Chi Alpha. Following this position, Judge White began his work with the accounting department at Newport Industries in Bay Minette. He served a long tenure at Newport Industries before retiring in 1968.

Many people knew Judge White best through his longstanding leadership in the Kiwanis Club and Key Club. In 1950, he was a charter member of the Bay Minette Kiwanis Club. He became the Key Club adviser for Baldwin County High School. In 1952, he led the effort to organize the district Key Club and became the district's first administrator. He held that position until 1968 when he became the district director, a position he held until 1985. In 1960, Judge White earned the Key Club "Key of Honor." Until his death, he held the title of Key Club Administrator Emeritus. Through his devoted efforts and caring words, Judge White touched thousands of lives. Each of these young people was better for having known a man who was driven by such unselfishness and love as well as the finest traits of Americanism.

One of Judge White's close friends and the present district Key Club administrator, Stanley Johnson says that Judge White provided the perfect example of Key Club training:

He served his fellow man every day of his life, until his stroke. He worked not only with the youth. He worked with the senior citizens, and minority races to better their lot. His concern was total, as was his commitment. He did not sit around and talk about the problems, he addressed them, and he encouraged many other people to address them, too. He was always a shining example. Now that he is gone, his legacy can be an example to us.

As I look back over the past 30 years with Judge, I see wonderful years. We have seen over 100 Key Clubs formed. We have seen the Alabama District grow from its formation to one of the outstanding districts of Key Club International. We have seen countless young people take up the mantle of leadership and service in their communities, their state, and their nation. We have seen the growth of the Sheriff's Ranch Program from just one home to seven well developed ranch sites serving hundreds of young people; probably the most successful program of its type in the world. We have seen thousands of projects completed which cover the spectrum of man's service to man.

Although I considered Judge White a close friend, Stanley Johnson knew him so much better than his reflections might give you more insight into this great man's character. Stanley wrote these paragraphs for the Key Club Convention program in 1986 after Judge had suffered a stroke:

It would be impossible to numerate the hundreds of times Judge has helped out a Key Clubber, who lost his money on a convention trip; or quietly paid the bill from his own pocket, because he did not believe it fair to charge young people for certain things. It would be impossible to calculate the number of times he sat up all night, doing his Key Club work, then did a full day's work on the job. There is no way to compute the amount of his own money and time Judge has spent in the interests of Key Club.

Judge has always been a simple person. He is an instant friend to all who meet him. He can walk into a room full of teenagers, who are strangers to him and have them doing his bidding in a matter of minutes. He has no idea what the words "Generation Gap" mean.

We could easily write about Judge all day, and not begin to describe him. The elfish sense of humor. The total dedication to Lambda Chi and the University of Georgia. The immediate empathy felt for anyone in need. He is the richest man in the world in all of the things which count, yet he always carried his papers in a cardboard box.

Mr. President, Bay Minette could not have chosen a better person when in the early 1970's they named him their "Man of the Year." Perhaps the best indication of Judge White's impact on this area is the yearly Christmas charities giving program named "White Christmas" in his honor.

Judge White was a special individual and a devoted friend. I will miss him greatly as will the thousands of young people who became better Americans because of his inspiration.

Mr. President, I ask unanimous consent that an article from the Mobile Press Register about John White be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Mobile Press-Register, Dec. 10, 1989]

CIVIC LEADER JOHN WHITE DIES AT 86

BAY MINETTE, AL.—Prominent Bay Minette citizen John H. "Judge" White died Friday evening in a Mobile nursing home, according to authorities.

White, 86, reportedly suffered a stroke at Crowne Health Care on Friday.

White probably was best known for his longtime service in the Kiwanis Club and Key Club.

After moving back to Bay Minette in the 1940's, White became a member of the Bay Minette Kiwanis Club. When the Kiwanis Club sponsored a Key Club organization at Baldwin County High School in 1951, White took a leading role in working with young men. He remained one of the driving forces behind the Kiwanis and Key Club organizations in Baldwin County and in Alabama for more than 30 years. Key clubbers throughout the state admiringly referred to White as "The Great White Father" during the later years of his civic work.

He was so well known and liked in Bay Minette that the Christmas giving program was named "White Christmas" in his honor.

He held a law degree and also was employed for many years in the accounting department of Newport Industries in Bay Minette.

He is survived by one brother, Travis T. White of Foley, and a number of nieces and nephews.

Funeral services are scheduled for 2:30 p.m. Sunday from the chapel at Norris Funeral Home in Bay Minette. The Rev. Dr. Henry Cox and the Rev. Dewitt Thompson will officiate, with interment at Pine Grove Cemetery.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is the amendment offered by Senator BYRD to the Clean Air Act amendments.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER (Mr. GLENN). The Senator from Idaho.

Mr. SYMMS. Mr. President, I said to my colleagues last night that I thought, for the first time, the Senate focused on what really is at issue in this legislation. In addition to cleaner air for Americans to enjoy, the issue is really about people, about jobs, and it is very complicated, very complex.

If we really are going to improve the air quality in this country, the three most vital principles that I had stated in earlier debate, a month ago or so when this bill first came to the floor are the preservation of a free society where entrepreneurial innovation can thrive. We must have a firm adherence to sound science when establishing air quality standards. We must have substantial flexibility in allowing local decisions on how best to achieve those air quality goals.

As I said last night, this may be a great political compromise, it may be a good deal, but if you are the worker in Ohio or the worker in Pennsylvania or wherever who loses your job over this, you are not going to be quite so impressed.

An interesting fact was brought to my attention just a few moments ago about this particular bill. We have a list of amendments as do many other Senators. I said is it possible that we could craft an amendment that would reduce the number of tons, say, from 10 million tons to 8 million tons, for example, on SO_2's in the acid rain portion or stretch it out.

My staff directed me to page 408 of this bill, and I call this to the attention of my colleagues. With the complications that we have, you would need a high-speed computer with computer software experts that you could work with for a week to craft an amendment that would change this.

You talk about Federal intervention. I see the distinguished Presiding Officer, who has always been a personal hero of mine, sitting up there, so we will just read a little bit about Ohio.

This bill, on page 411, gets down to the specifics in phase I of sulfur dioxide allowances in tons, and so forth: For Avon Lake, unit 8, 11,650; phase II, 5,590. This is specific.

The reason I call that to the attention of Senators is that we are talking about some of the most complicated legislation that has ever been brought before the Congress, with the most far-reaching implications, and what heartened me last night was that we had good attendance in the Senate.

It has always been interesting to me that at 10 o'clock in the morning, you hardly ever have any Senators on the floor for a debate, but after 10 o'clock at night we draw a pretty good crowd. I guess that is the nature of our schedules. But it was very interesting to hear distinguished Senators like Senator FORD from Kentucky talking about the jobs aspect of the bill.

And his observation of Senator DOLE's speech that he had given earlier—Senator DOLE had made a speech on the bill—the best speech against the bill that he had heard yet. I have to say that I thought I would urge those members of the media to read the speech that is in the RECORD if they were not here last night that Senator DOLE gave, because I think it got right to the heart of the matter of what this bill is all about.

I would also refer my colleagues to the RECORD last night of the employment numbers, the jobs at risk, that I inserted in the RECORD along with the study by the two distinguished economists and the economists' resumes, biographies, if you will, so that they will be able to have a look at that. Because I thought the debate last night was excellent. I want to refer to this page for my colleagues.

I refer this to the Senate staff people who might be watching this to get it out of the RECORD for my colleagues page S2448 of the CONGRESSIONAL RECORD of March 8.

The direct impact of proposed Clean Air Act amendments, jobs lost and jobs at risk, by Robert W. Hahn and Wilbur A. Steger, two Ph.D's, two very reasonable people. Mr. Hahn has been involved in this process for many years at the Council of Economic Advisers, his previous employment, and has been involved in what the impact would be in the development of the bill for the President.

So he is not someone that is not knowledgeable and he understands exactly what it is. I want to say again that in conclusion they say there is no doubt that across the several titles of the proposed Clean Air Act amendments studies there is a minimum of several hundred thousand jobs at risk, even with the more moderate proposals.

Furthermore, depending on the assumptions, the study leaves little doubt that a minimum of 200,000 jobs will be lost if this bill is effected as is here. And with the plant closings in dozens of States, it could exceed 2 million people.

I want to make a point about this compromise that was brought to my attention. Not only is it complicated and very difficult, and I think when people talk to Senators when they are home next week, it would be helpful if Senators would take a copy of this home. But the point that I want to make is about this compromise, so we have an idea of what we are talking about.

This compromise package is some 567 pages long. It was interesting, in going through the copies of the original text that was brought out of the back-room negotiations that were put together by the staff and by those Senators that are party to this, that 19 out of every 20 pages—we counted this—of the compromise package are the same as S. 1630, the original bill that caused so much revulsion on the Senate floor and so much astonishment by Senators to find out that a committee in this Senate could send a product to the floor of the Senate that would have no support from the rest of the Senate or the American people. But still within this package it is 19 out of 20 pages, in every instance. We counted them. One page is new, and 19 more are then the same text as the original bill.

So it may be slightly improved, but people should not be mislead into thinking that, if this bill passes, it will have substantially less impact in the negative on the American people.

But at any rate, Mr. President, I hope we can continue as happened last night to have the Senate focus on the other side of this story, the rest of the story, if you will, as the commentator Paul Harvey refers to it—that there are two side to this story. Reasonable people certainly can disagree on how we best solve these problems.

But I think we should recognize that we can have a clean environment in the United States. We are making great strides today in the United States toward a clean environment.

All you have to do is take a computer model and project what is happening with the fleet turnover of automobiles in most of the cities in this country that are out of attainment now, and you can see that within 5 years—if we can keep a strong economy, keep people working, and they keep buying new cars, recycling the old cars—many of those cities are going to come into attainment just by the common sense

of people buying a new automobile, which is 120 times less polluting than the 20-year-old or the pre-1983 automobile that they were driving.

So I think there is hope. I hope when Senators are gone—I thank the majority leader for not having tried to push this bill forward over this weekend—during the recess, I say again to my colleagues, they encourage their staffs to review the minority views which are in the committee report starting on page 415 with an index on through to page 488, I believe it is, which this Senator submitted. It goes into depth and detail of what and how this bill is to be operated, and what we can expect from Federal intrusion. If people intend to support this legislation without major modifications they will have some idea of what it is they are imposing on the people of the United States.

Mr. President, I ask unanimous consent to proceed as though in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 2272 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

WHY THE FIRE SALE?

Mr. SYMMS. Mr. President, on another subject on which I have spoken many times earlier in the Senate and have had printed the remarks of the two prominent economists, Keith Bronstein, from Chicago, IL, and Dr. Steven Hankin, of Johns Hopkins University, earlier this year in my own remarks, I see in today's Wall Street Journal an article on the same subject. It is an article on page A 12 under Review and Outlook, "Why the Fire Sale?" It starts out by saying, "What does the U.S. Government have against the dollar? is it Bush administration policy to make sure the Japanese get a better bargain on their next Rockefeller Center?"

Mr. President, I ask unanimous consent that this editorial, "Why the Fire Sale?" be printed in the RECORD along with the enclosed currency and gold price comparative chart that is with it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE FIRE SALE?

What does the U.S. government have against the dollar? Is it Bush administration policy to make sure the Japanese get a better bargain on their next Rockefeller Center?

These are the questions raised by the new round of central bank intervention against the dollar. We can understand why the Japanese want a lower dollar, since their mercantilist era is slipping away in a domestic tax revolt, rising domestic interest rates and a diving yen. We can understand why the Germans want a lower dollar, since they are about to buy out East Germany at an exchange rate bound to weaken the deutsche mark. But we cannot for the life of us imagine what moves the U.S. Treasury and the Federal Reserve to join in the attack on their own currency.

Devaluation always finds proponents, of course, among industrialists faced with foreign competition. They imagine it will boost the dollar price of their competitors' products, thus increasing exports and decreasing imports to close the trade gap. In the 1950s and 1960s, the British spent an empire proving that this does not work. The chief problem is that devaluation causes domestic inflation, boosting the price of domestic products as well as foreign ones. Economic theories that posit benefits from a lower dollar fail the empirical test: While they predict a weaker dollar, the dollar has strengthened.

To whatever extent a lower dollar does help some domestic industries, in any event, it does so by hurting consumers with higher prices. Most important of all, a lower dollar cheapens the price of U.S. assets. Foreigners have to part with less of their own currency to buy American stocks, buildings, land and factories. When the American government attacks the dollar, it attacks the net worth of every American.

On our part, we do not care if the Japanese own an interest in Rockefeller Center. Even if they buy it outright they are not going to replace the Christmas tree with Shinto shrines, let alone move the buildings to the Ginza. The purchase of U.S. assets, like the penetration of U.S. markets, is merely another aspect of a globalized economy, surely a good thing.

Underneath the hysteria, though, lies one valid point: We should get our money's worth. When we sell part of Rockefeller Center to the Japanese, we should get enough yen to buy something of equal value in Japan. Since about the beginning of 1986 this has not been the case. The Japanese have maintained a strong yen, while Americans have spent a lot of time talking down the dollar. So the Japanese got U.S. assets on the cheap.

If a 20% interest in Rockefeller Center costs Y billion dollars, and a 20% interest in an equivalent office complex on the Ginza costs 170Y billion yen, and the exchange rate is 170 yen per dollar, then currencies reflect what economists call purchasing power parity. This is of course a hypothetical number, and economists can differ in estimating it. It does, however, give some analytical substance to the instinct that exchange-rate misalignment and volatility can upset the global economy. Movements toward PPP are stabilizing, movements away from it are destabilizing.

Maintaining PPP is, to our minds, the one valid reason for intervention in foreign exchange markets. We have been second to none in advocating exchange-rate stability; price signals cannot move efficiently in the global economy if exchange-rate movements swamp real-sector variables. But long-run stability cannot be found if central banks try to fight the market variables pushing values toward the same price for the same goods regardless of political borders.

CURRENCY AND GOLD PRICES

Plaza meeting	Louvre meeting	Purchasing power parity [1]	Current
Sept. 22, 1985	Feb. 22, 1987	$1=Y155–Y175	March 7, 1990
$1=Y225.25	$1=Y153.65	$1=DM1.9–2.1	$1=Y150.40
$1=DM2.6900	$1=DM1.8330		$1=DM1.6985
Gold	Gold		Gold
$319.15/oz.	$403.20/oz.		$400.20/oz.
Y77,011/oz.	Y61,951.68/oz.		Y60,190.08/oz.
DM912.77/oz.	DM739.07/oz.		DM679.74/oz.

[1] Current estimate by Stanford Professor Ronald McKinnon.

Note: At the Plaza meeting finance ministers and central bankers agreed the high dollar was a problem.

At the Louvre meeting they agreed the falling dollar was a problem.

This is what the central banks have been trying to do this week, which is why they've failed so spectacularly. It seems the G–7 finance ministers and central bankers will meet again on April 7, presumably to plot better tactics against the dollar. The American side, it seems, will have a few things to settle before that date.

At least, Federal Reserve Vice Chairman Manuel Johnson managed to lob in a dissent from a symposium in Tokyo yesterday. He said that the Fed would not support depreciation of the dollar because it would threaten higher U.S. inflation. Last September, Mr. Johnson and Governor Wayne Angell voted against an increase in the Fed's limit on dollar sales, needed to support the Treasury's intervention designs. If Mr. Johnson now speaks for the Fed consensus, as he seemed to tell the Tokyo audience, it portends a conflagration between the central bank and the Treasury.

Perhaps the festivities could start by dispelling the mystery. We need a clear statement from the Treasury: What, other than a fire sale on American assets, does it expect to achieve by keeping the dollar low?

Mr. SYMMS. In summary, after the article, Mr. President, I say that I think we need a clear statement from the Treasury on this. We, as Americans, need to ask overselves the question that if we somehow think we can solve our trade problems by having the G–7 intervene constantly, as the Japanese are currently inflating their currency, and then we are bailing them out on a weekly basis by selling dollars and buying yen to hold the price up of the yen and to try to drive the price of the dollar down, I wonder if we are trying to pattern our economic model after Brazil or Argentina, who have not had great success, or if we should not look back to a more common sense solution that tells us that any nation that ever debased its currency ended up in a great deal of problems.

I cannot, for the life of me, understand why it is that we sit by idly while there is a constant movement and effort made to try to prop up the Japanese yen and drive the American dollar down, which only makes our goods a better bargain for people who sell here.

In my State—we are a great exporting State in the Pacific rim—I hear many people come to me and say, "We want to keep the dollar down so we can sell our products out in Japan at a more favorable price." I make the

point to them that they should be prepared to sell the farm with it, if we carry that too far. There is balance here that I think has gone too far, and I think this editorial in the Journal deserves the attention of all of our colleagues.

Mr. President, if there is no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

ADDITIONAL AMENDMENTS TO S. 1630

Mr. REID. Mr. President, Mr. President, I ask unanimous consent that the following amendments be in order: Two amendments by Senator MCCLURE, a Canadian amendment and an electricity imports amendment.

I further ask unanimous consent that the Cranston amendment be in order to modify the requirement for extreme ozone-nonattainment areas. This is cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1340

(Purpose: To provide for asbestos abatement)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator METZENBAUM, and ask for its immediate consideration.

The PRESIDING OFFICER. Is their objection to setting aside the amendment? If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Senator METZENBAUM, proposes an amendment numbered 1340.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of amendment No. 1293, add the following new title:

TITLE VIII—ASBESTOS ABATEMENT

AMENDMENTS TO TOXIC SUBSTANCES CONTROL ACT

SEC. 801. (a)(1) Section 206(a) (1) and (3) of the Toxic Substances Control Act (15 U.S.C. 2646) are amended by adding at the end of each the following: "or a public or commercial building,".

(2) Section 206(b)(1)(A)(i) of such Act is amended by inserting immediately before the period at the end thereof the following: "or who inspect for asbestos-containing material in public or commercial buildings".

(3) Section 206(b)(1)(A)(iii) of such Act is amended by inserting immediately before the period at the end thereof the following: "or public or commercial buildings".

(4) Section 207 of such Act (15 U.S.C. 2647) is amended by adding at the end thereof the following:

"(g) Any contractor who—

"(1) inspects for asbestos-containing material in a public or commercial building;

"(2) designs or conducts response actions with respect to friable asbestos-containing material in a public or commercial building; or

"(3) employs individuals to conduct response actions with respect to friable asbestos-containing material in a public or commercial building;

and who fails to obtain the accreditation under section 206 of this Act, or in the case of employees to require or provide for the accreditation required, is liable for a civil penalty of not more than $5,000 for each day during which the violation continues, unless such contractor is a direct employee of the Federal Government.".

(b) In exercising any authority under the Toxic Substances Control Act in connection with the amendment made by subsection (a) of this Act, the Administrator of the Environmental Protection Agency shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

EFFECTIVE DATE

SEC. 802. Section 801 shall take effect upon the expiration of the 12 month period following the date of the enactment of this Act.

The Administrator may extend the effective date for a period not to exceed one year if the Administrator determines that accredited asbestos contractors are needed to perform school-site abatement required under The Asbestos Hazard Emergency Response Act (15 U.S.C. 2641), and such an extension is necessary to ensure effective implementation of Section 203 of this Act.

On page 3, immediately after the item:

"SEC. 702. Stratospheric Ozone and Global Climate Protection.", insert the following:

TITLE VIII—ASBESTOS ABATEMENT

SEC. 801. Amendment to Toxic Substances Control Act.

SEC. 802. Effective date.

Mr. METZENBAUM. Mr. President, I rise to offer an amendment that will protect American workers and the public from unsafe and unsound asbestos removal practices. We are talking today about clean air. Not too long ago, in 1986, Congress passed comprehensive legislation to protect our children from breathing asbestos-contaminated air while they were in school. The Asbestos Hazard Emergency Response Act of 1986 [AHERA] was landmark legislation designed to clean up asbestos in our schools while at the same time protecting the workers who were doing the cleanup. Through its accreditation requirements, AHERA guarantees that only certified, trained contractors with certified, trained workers may remove asbestos from our schools.

But, Mr. President, we all know that the problem of asbestos-contaminated buildings is not confined to our schools. The Environmental Protection Agency estimates that there are over 700,000 public and commercial buildings in the United States that contain asbestos-contaminated materials. These buildings pose a health risk to the occupants and to the public at large.

Many building owners have recognized the potential hazards created by the presence of asbestos in their buildings, and they have acted to clean up their properties. Asbestos abatement is a booming business. News reports estimate that at least 150–200 contractors have each earned $5 million or more in the asbestos removal business. In 1988, building owners in the United States spent nearly $3 billion for asbestos abatement. The market for asbestos abatement in commercial buildings is expected to reach $8 billion by 1993.

The problem is that not all contractors and workers in the asbestos removal business know hat they are doing. Many are untrained or otherwise unprepared to undertake the complex and hazardous job of asbestos removal. Recently NBC news reported on incidents of improper abatement in the New York area. The network uncovered widespread violations of Federal, State, and city laws such as a lack of respirators during abatement, and the failure to train asbestos—removal workers. We are all to familiar with news reports of so-called "rip and skip" contractors who make huge profits doing asbestos abatement by ignoring the health and safety needs of their workers and the general public. These people quite frankly, do more harm than good.

The amendment I am proposing would extend the training and accreditation requirements of AHERA to inspectors, contractors and workers performing asbestos abatement work in all public and commercial buildings. It only makes sense that the thousands of workers involved in public and commercial asbestos-removal have the same training protections as those who work in our schools. The hazards are the same. The practices are the same. In fact, some of the workers and contractors may be the same. The only real difference is that one set of workers has an absolute right to comprehensive training and education before they set foot on the job, and the other set does not. My amendment will correct this inequity.

The amendment merely extends the training and accreditation provisions currently in law. It does not expand those training requirements. It does not impose additional requirements for public and commercial asbestos abatement. It merely extends one aspect of AHERA—the training and accreditation protections—to people doing asbestos abatement in public and commercial buildings.

Nothing in these amendments shall relieve a building owner from liability

because an accredited person has been hired.

Nothing in these amendments shall be intended to relieve EPA of its obligation to initiate a rulemaking to address the issues of asbestos inspection and abatement in public and commercial buildings.

Mr. President, this is a modest, straightforward amendment that will have a substantial impact on safety and health for both workers and the general public. It is a small but significant first step toward addressing the need for a quality, comprehensive asbestos abatement program for public and commercial buildings. I urge my colleagues to support its adoption.

Mr. BAUCUS. Mr. President, this amendment extends current training and accreditation standards to workers that remove asbestos from public and commercial buildings.

There is no question that friable asbestos is a serious health hazard. For years, I have supported legislation requiring the removal of asbestos in schools. Legislation requiring training and certification of asbestos removal contractors, and legislation to provide asbestos loans and grants to schools.

I support better training. And I like my colleague from Ohio are committed to promote better training and protection of all asbestos abatement personnel. I think this amendment is important. But I want to be sure that it does not adversely affect school asbestos abatement projects.

It is my understanding that this amendment will not require any of the 46 States including Montana that already have contractor and/or worker training programs to be restructured? In other words, the training programs that have been established for school abatement personnel also would be used for asbestos workers in public and commercial buildings?

Mr. METZENBAUM. Yes. The Senator is correct. This amendment does not require the establishment of any new training programs. It is the intent that existing model contractor accreditation programs for schools abatement will be applied to public and commercial abatement worker.

Mr. BAUCUS. It is also my understanding that this amendment will not affect the work on schools abatement that is underway or planned. My understanding is that the effective date of this amendment is 1 year after enactment in order to minimize the impact on asbestos removal projects at schools.

Mr. METZENBAUM. That is correct.

Mr. BAUCUS. It is also my understanding that an additional 1-year extension is provided if there is a shortage of accredited contractors available for school abatement projects to ensure that progress continues to be made to remove asbestos from schools.

Mr. METZENBAUM. Senator BAUCUS is correct. This is intended to provide a smooth transition, especially in rural areas of the country, that need more time to ensure an adequate supply of accredited contractors. I thank the Senator.

Mr. BAUCUS. I thank the Senator for his clarification.

Mr. REID. Mr. President, I commend my colleague, Senator METZENBAUM, for bringing the issue of asbestos worker protection before the Senate. A tireless advocate of strong worker protection and safety laws, the Senator addresses the insidious perils to untrained and ill-equipped asbestos abatement workers with this amendment.

In recent months, national news documented the scandalous tactics of unscrupulous contractors who exploit unemployed and in some cases non-English-speaking workers by offering substandard wages, no training or protective equipment, and sending them in to remove or abate asbestos in the Nation's buildings. The workers, even if aware of the lethal nature of their work, are often powerless to do anything about it. For many, the subsistence income from this work is the difference between food and shelter and a life on the streets.

In the past year, many steps have been taken to address the health threat posed by asbestos. Since last May, EPA has conducted a series of public meetings and facilitated a series of dialogs involving the participation of all concerned parties to discuss ways to address asbestos in public and commercial buildings. Representatives of labor unions, building owners, public health groups, the real estate industry, the insurance industry, asbestos manufacturers, and many others have met to develop policy recommendations to EPA. It is my understanding that the dialog group is nearing completion of their work and will be making those recommendations in the near future.

Last summer, schools began to fully implement management plans to assure that the necessary steps are taken to protect our children against sources of asbestos in the classroom. In July 1989, EPA issued its final regulation to ban and phase out remaining uses of asbestos—a rule that took 10 years to complete.

By extending the worker training and certification requirements of the Asbestos Hazard Emergency Response Act [AHERA] to all asbestos abatement workers, the amendment offered by the Senator from Ohio makes another important stride in providing protection to those who face the biggest health risks through the daily handling and removal of asbestos.

I have long been concerned about the magnitude of the problem this Nation faces in addressing the presence of asbestos not only in schools, but in our public and commercial buildings and residences as well. The Toxic Substances, Environmental Oversight, Research and Development Subcommittee, which I chair, will be examining the array of asbestos issues in a hearing in April. I urge my colleagues to support the Metzenbaum amendment.

The grant and loan program for financial assistance to the schools expires this year. My colleague from New Jersey [Mr. LAUTENBERG] and I have sponsored legislation to increase the funding and extend the authorization for 5 years. On the basis of the April hearing, we may conclude that additional changes are needed. It is important to state however, that the amendment we are considering today will not affect or alter the requirements schools are presently following.

Mr. President, I have worked closely with the Senator from Ohio in perfecting the amendment we are considering today. I appreciate his attention to my concerns and am pleased to support the amendment.

Mr. REID. Mr. President, this amendment, has been cleared by both sides.

The PRESIDING OFFICER (Mr. CONRAD). The question is on agreeing to the amendment.

The amendment (No. 1340) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay that motion on the table agreed to.

WIRTH-WILSON AMENDMENT

Mr. WIRTH. Mr. President, I would like to take a few minutes this afternoon if I might to comment on an important amendment which will be up early next week, the Wirth-Wilson amendment on mobile sources.

If I look at the pieces of legislation in front of us, Mr. President, it seems to me that there are two major foundations to this piece of legislation. On the one hand, there are the very progressive acid rain provisions. And I will once again commend the President of the United States, commend his staff, commend the committee and all for working out what is a very creative and forwardlooking solution to an extraordinarily difficult problem, a problem which has resisted solution for a decade.

These provisions grew out of the forwardlooking work in economics and pollution control done by many individuals who were trying to look at acid rain control in a new and different way. Senator HEINZ and I put together a major study called Project '88, in which we attempted to look at environmental problems through the lens

of the economy. How might we use market forces to solve many of the problems that we face?

Senator HENIZ and I believed that there was a lot of opportunity there for finding new solutions to these problems, and one of the major recommendations which we made related to emissions trading, particularly as it could apply to controlling acid rain. The environmental defense fund, among others, did a great deal of work on this.

All of this converged in the winter of 1989, when these themes were picked up by the White House and by EPA. The result was the President's clean air bill and the very important, and again I would say very creative and forwardlooking market-based approach to the acid rain problem. I am very supportive of that and I think that made all kinds of sense.

The other major part of the bill that I want to address is the mobile source provisions relating to autos, trucks and so on. Unfortunately that section of the bill does not look to the future. It does not develop alternative markets for American products. It does not move on the extraordinarily important and dangerous dependence on foreign oil that the United States is moving toward more and more. We are now importing about 53 percent of our oil. Fifty-three percent is now imported, higher than at any time since even before the Arab oil boycott.

We are in an extremely dangerous situation. And what we ought to be doing is looking forward and saying to ourselves, how are we going to develop alternative fuels? Ninety percent of our transportation is dependent upon oil. How do we develop alternatives in the area of transportation? How do we develop alternatives to oil?

We have not done anything of that in this legislation, Mr. President. There is very little in here, very little, that encourages ethanol. There is very little that encourages that family of alcohol fuels. There is very little that encourages a transition from oil to natural gas. Natural gas is a domestic fuel. Why not use our domestic fuel rather than going further and deeper into the cycle of imports?

These are some of the aspects of the bill that we ought to be reconsidering. And those are some of the aspects that Senator WILSON and I, and the other sponsors of our amendment, Republicans and Democrats from all kinds of different economic sectors and regions, have looked at. They are saying that our amendment makes good economic sense, and meets the test that the administration set of not putting a great burden on the American economy and the American consumer.

We do not do that at all. In fact we are creating new markets. We are doing just what the President did in the acid rain protection section of the bill, but did not do in the transportation section which came out of the negotiations.

The President started very well on the automobiles and transportation sector. He called for a major commitment to alternative fuels. That fell by the wayside. I do not know quite how that happened.

I suspect that what transpired was that we found enormous pressures coming in from traditional interests. And you know that those traditional and entrenched interests, the automobile industry and the oil industry, that have had a lot of power around here for a long time, reversed what had been a very progressive part of the bill. The second section of the bill, that on automobiles and transportation, emerged from the negotiating room looking in reverse, rather than looking to the future.

Overall, I think the bill is better than where we started. But, the purpose of the Wirth-Wilson amendment is to make it better and to see if we can think smarter, think more creatively, think more to the future, and not just react to the traditional naysayers that have dominated too much of the energy policy in this country and too much of our transportation policy.

I want to commend Senator MITCHELL and Senator CHAFEE, and Senator BAUCUS, and the distinguished Senator from Vermont, Senator JEFFORDS, who is here on the floor with us, for their hard work overall on this bill. It is better than the status quo. But it can be made much stronger. And Members of the Senate are going to have the opportunity, when we get to the floor in about 10 days, to look at the best amendment for cleaning up the air in their cities, for cleaning up the air in this country, and for looking to the future, looking to the 21st century and not reacting, as we have, too much to the pressures of the past.

Mr. JEFFORDS. Will the Senator yield?

Mr. WIRTH. I would like to finish my statement and then I would be happy to yield.

What we intend to do is look forward. We want to make gasoline-powered vehicles run cleaner, and we want to put a much better effort into cleaner alternative fuels. We call the amendment, Mr. President, the clean cars/clean fuels amendment.

The first thing that the amendment would do is to strengthen the useful life provisions of the compromise, and provide for a second round of auto emission standards, subject to disapproval by the Congress.

Why are these important? For Denver, for example, strengthening the useful life of the automobile is an extremely important element in keeping our city and cities like ours in compliance with the Clean Air Act.

What does that mean? You might anticipate, Mr. President, when you go out and buy an automobile that the emission control device in that automobile would work for the expected life of the car, about 100,000 miles. Most constituents, I suspect, most of our constituents buying an automobile would expect that the emission controls on that car would work and would work consistently for that whole 100,000 miles.

It seems to me if we are going to set up a lot of standards for automobiles, those ought to apply for the whole life of the car. Unfortunately, they do not. The compromise sets out one set of standards for 50,000 miles of the car, and then we drop off the edge and allow the car to be significantly dirtier in the second 50,000 miles.

What kind of sense does that make? Why should you have a car, or I have a car—and this is at a time in the United States when people are driving automobiles for a longer period of time—why should you have a car that is pretty clean for 50,000 miles and then get dirty for the second 50,000 miles? That is a question for which there is no answer in this so-called compromise.

The committee had a very good answer to it. The Senate Environment Committee came out with a very good answer. That was to require these emission control devices to work for the total useful life of the car, for 100,000 miles. That seems perfectly reasonable. It is economically feasible. Why not require it for all automobiles?

It would be, by the way, the single most cost-effective thing that we could do to clean up our automobiles.

Let us remember that all air pollutants add up. In anybody's city the air pollutants that come from automobiles or dry cleaners or come from coal-fired plants or whatever, they all add up.

So, the question is, What is the most cost-effective way of limiting the number of air pollutants? That is the question we all ought to be asking.

The most cost-effective way is the 100,000-mile, useful-life requirement. With that requirement, we eliminate a ton of air pollutants for about $500.

If a city cannot get those emission reductions, which would cost about $500, they have to go to cleaning up a lot of stationary sources. They have to go to small businesses like dry cleaning plants and get emissions reductions there. They have to do a lot of things. And how much does that cost to remove a ton of pollutants? Perhaps $5,000. The useful-life provision for automobiles is much more cost effective. Why was that not done? The Environment Committee thought it was a good idea. Almost everybody else

thinks it is a good idea. But it got dropped out in the bill.

And why is that? Well, it got dropped out in the bill because some people think it is too expensive. People think we cannot afford that kind of commitment to make pollution control work for 100,000 miles. How much would it cost to make it go for 100,000 miles? About $25, Mr. President. For about $25, we take the single most effective way of cleaning up our air, about the cost of an ashtray in a new automobile.

Why do we not do it? I do not think there is a good answer to that at all. There is no good answer to it. It is the most cost-effective way of doing it. And, if, in fact, we are going to conform to the cost test that was set up for us by the White House, a very good one, saying we are not going to go above certain amounts of cost, let us go to 100,000 miles. It is exactly what the committee recommended. It is what almost every expert recommended. But somehow the pressures got put on so that does not happen.

In addition, Mr. President, in our amendment we believe we have to open the door to alternative fuels. Clean fuels offer us a remarkable opportunity, not only to reduce pollution in our cities and to help make them cleaner, but to put domestic fuels into use and slow down our dependence upon foreign oil.

As I noted earlier, our transportation sector is now 90 percent dependent on oil and increasingly that means that our transportation sector and our economy overall is increasingly dependent upon imported oil, now 53 percent of our total U.S. oil consumption.

Fifty-three percent of our oil today, Mr. President, is imported. That is serious. The Straits of Hormuz today are just as narrow as they were 5 years ago or 10 years ago or 15 years ago. Why do we not use this revision of our clean air law as an opportunity to do something about it?

Unfortunately, on this issue the so-called compromise is faltering and timid. Why are we being faltering and timid at a time when we are saying to the Czechs, change significantly; we are saying to the Soviets, change significantly; we are saying to the South Africans, change significantly.

What are we doing? Falling back on our same old ways of giving in to the entrenched interests, just precisely the opposite of where the rest of the world is going in the 1990's.

We are missing an extraordinary opportunity to break our addiction to foreign oil.

Obviously it is not going to be easy but we can put together an aggressive package of alternative fuels and clean-running automobiles and that can do an enormous amount, when we do this piece of legislation, to set a template, to set a model for the rest of this decade, and for well into the 21st century.

There is no reason why we cannot and should not do it. We can begin by having an aggressive program requiring commercial and government vehicle fleets to use alternative fuels. We have a very modest and retiring fleet program in the compromise, that is not nearly as broad as it ought to be. There are so many loopholes in it that we end up letting all kinds of people off the dime, which we should not do. We ought to be encouraging commercial fleets—not Hertz or Avis, or whatever, but delivery vehicles, utility vehicles, and others who are driving around in a given city. We ought to be encouraging them to go to alternative fuels.

By encouraging them, requiring them to go to alternative fuels, we create an alternative domestic market. It is an enormous opportunity there also to create a major demand for Detroit.

One of the arguments we heard in the negotiations was, well, if we go the way the President originally proposed and we only do 1 million cars, as he said, maybe there is no market for it. We can create a market by requiring these vehicles be purchased. And we can force the technology, something that we have always done in the United States. We have always pulled that technology and the genius of the American marketplace and American technology has responded.

We have the opportunity of doing that here too, Mr. President, not only to help our consumption of fuels but to significantly accelerate American technology.

The whole automobile emission control package is an American product. It was an American invention. We ought to be spreading that very broadly across, not only across the country, but across the world.

President Bush said in his statement introducing their Clean Air Act, that we have to: "reconcile the automobile with the environment."

He is exactly right. Unfortunately, his commitment of last June was lost somewhere between June and the so-called compromise. The reconciliation of the automobile with the environment has also fallen off the edge of the table.

It is too bad that happened. Senator WILSON and I, and this broad group of cosponsors representing different economies in different areas from all across the country, from New York to California, are going to provide Senators with the opportunity to make a very clear statement on the environment, on cleaning up our air, on cleaning up our cities, doing it in a very cost-effective fashion, doing it in a way that gives us the opportunity to encourage markets for new fuels, and doing it in a way that is going to achieve the most for the least cost to the American consumer.

We will hear all kinds of arguments about this on the other side. We will hear all kinds of arguments about how much this is going to cost and it is going to break the bank and so on. That is not the case at all.

We will be prepared to debate that. I bring this up at this hour, Mr. President, to place these comments in the RECORD, and to make sure that staffs of Senators who are looking at the Wirth-Wilson amendment have an opportunity to review this very carefully, understand what the amendment does, understand what the amendment does not do.

We hope they will be calling us. If they have questions let us know. This is going to be the most critical vote that Senators are going to have on the Clean Air Act.

Are we or are we not for clean air? Do we or do we not want to do it in a cost-effective way? Are we interested in developing an alternative fuels program? Are we interested in being serious about the future? Are we going to respond to the very clear demands of the American public that we commit ourselves and think smarter about the environment?

We can have positive answers to all of those questions, Mr. President, by voting for the Wirth-Wilson amendment when we all get back here after the break.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a side-by-side comparison between the so-called deal and the Wirth-Wilson proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Issue	Deal provisions	Wirth/Wilson proposal
Useful life	Meet certain standard for 50K miles, higher standard from 50K to 100K	Meet certain standard for 100K miles.
Second round	Only if 12 cities with serious ozone problems outside of CA remain in noncompliance by 2001: standards would go in October 2003.	Goes into effect unless Congress votes to stop it following EPA study in 1997.
Reformulated gasoline	Either reformulated gasoline or slightly cleaner than normal cars required in 9 cities with severe ozone problems in October 1994.	Required in 40 cities with severe or serious ozone problems in October 1994.
Fleets	Clean-fuel standard to require 80% reduction in hydrocarbons and 75% reduction in toxics	Same standards as California alternative fuel cars—in 1994, 50% reduction in hydrocarbons and 50% reduction in toxics; in 2003, 75% reduction in hydrocarbons and 75% reduction in toxics.
	Clean-fuel vehicles do not have to meet 1994 NO_x reductions applying to normal cars	No waiver of standards applicable to gasoline or diesel vehicles.

Issue	Deal provisions	Wirth/Wilson proposal
	Federal fleets in ozone nonattainment areas (69 cities) must purchase clean fuel vehicles.	Federal fleets treated the same as local government and private (40 cities plus 8 CO cities as below).
	Covers private fleets above 20 vehicles, which are centrally fueled and maintained.	Covers private fleets above 10 vehicles which are "capable" of being centrally fueled.
	Applies in extreme and severe ozone nonattainment areas (9 cities) only.	Applies in extreme, severe and serious ozone nonattainment areas (40 cities) plus serious CO nonattainment areas (8 additional cities) with additional CO reduction program.
	Applies to 30% of new purchases. EPA increases percent requirement to "maximum feasible".	Applies to 30% of new purchases, phasing up to 70% over 3 years.
	Auto manufacturers who sell vehicles cleaner than the standard receive tradeable credits for excess reductions.	Same.
	Starts in 1995 for federal fleets, 1997 for private fleets.	Starts in 1994.
Clean-fuel vehicles:		
Phase I	Phase I consists of reformulated gasoline proposal above—reformulated gasoline or slightly cleaner cars. California can do its own program.	Automakers required to provide 150,000 vehicles 50% cleaner than normal standard in California in October 1994. Would require use of alternate fuels. More vehicles in subsequent years. Applies to severe ozone areas (8 cities) in 1997 unless other pollution controls adopted.
Phase II	Phase II consists of cars roughly equivalent to phase II tailpipe cars, or reformulated gasoline, or some mixture in each of 9 cities.	Automakers required to provide 30% of new vehicles an additional 50% cleaner than phase I in California in 2003, for participating cities.

Mr. WIRTH. Mr. President, I want to start by praising Senator MITCHELL, Senator CHAFEE, Senator BAUCUS, Senator SIMPSON, and Senator BREAUX for their hard work on the mobile sources provision of the Clean Air Act amendments.

The committee substitute represents very real progress. We can make progress, of course, without perfection. I believe we can make this piece of legislation stronger, and I believe that it is important that we do so.

There are two basic areas this amendment would address: making gasoline-powered vehicles run cleaner and setting up the kind of strong, directed effort we will need if we hope to truly open the doors to the use of fuels other than gasoline.

This amendment would strengthen the useful life provisions of the compromise, and it would provide for a second round of auto emission standards, subject to disapproval by Congress.

For Denver, strengthening the useful life provision is an important element in keeping Denver in compliance with Clean Air Act standards in the future.

We anticipate that a vehicle that you might buy or I might buy or most of our constituents would buy would last for approximately 100,000 miles. If that vehicle is going to be on the road for this period of time, I think we should also expect that vehicle to run cleanly for the entire 100,000 miles.

Unfortunately, in the current compromise legislation, we really have a two-standard approach for vehicles. For the first 50,000 miles or so of their life, the vehicles are required to run cleanly. But for the second 50,000 miles, they are allowed to drop off very sharply. That does not make any sense. There is no reason for us not to have the second 50,000 miles as clean as the first 50,000 miles. It is technically absolutely feasible.

The people who make the catalytic converters and the emission control devices actually say there is no problem with getting an emission control device to last that long. We can assure that we have clean cars for the entire 100,000 miles for less than the price of a hubcap. We ought to do that. Having cars meet standards for 100,000 miles was one of the key provisions in the bill reported by the Environment Committee, one I specifically supported at hearings on the legislation.

Earlier, I said we needed to open the door to alternative fuels. I want to return to that theme. Clean fuels offer us an incredible opportunity to reduce pollution in our cities and help make them healthier and more pleasant places to live. Just as importantly, clean fuels offer us an opportunity to begin to wean ourselves from our costly, dangerous and incredibly monolithic dependence on imported oil.

Our transportation sector is 90 percent dependent on oil. And increasingly, that means it is dependent on imported oil. Oil imports are by far the largest part of our foreign trade deficit, even at a time when world oil prices are relatively low.

How can we break this addiction? It is not going to be easy. It is not going to happen just by thinking about it. I believe that we will need a very aggressive program for the use of alternative fuels and clean-running automobiles. The inertia in this arena is truly enormous, and we will need a very aggressive program to overcome it.

What should we be doing to arrive at this? First, we should require the use of reformulated gasoline in all seriously polluted cities—31 cities with ozone pollution—smog—problems. If these new fuels can significantly reduce ozone pollution—and they can—then there is no reason to limit their use to only the worst polluted areas. Reformulated gasoline is made using domestically-produced ethanol or methanol.

Second, we should require that commercial and Government fleets convert to alternative fuels in most ozone and carbon monoxide nonattainment areas beginning in 1994. We should have a major fleet program for alternative fuels. Fleets are extremely important in this process.

Fleet vehicles are on the road day in and day out, throughout the whole day. While commuters drive to work in the morning and drive home at night, many fleet vehicles run all day long. In the Denver metropolitan area, fleet vehicles contribute about 20 percent of the total mileage driven on any day. If we can clean those miles up by 50 percent, we can take a major piece out of the overall pollution.

So what should we be doing with fleets? What we ought to be doing with fleets is requiring that those fleets convert to alternative fuels over a period of time. The advantages of this are numerous. First, by requiring the conversion to alternative fuels by fleets, we are creating a market about which Detroit can have a sense of certainty. Second, since many fleets already centralize their refueling, requiring fleets to use alternative fuels is the logical place to look to begin to establish sources for alternative fuels in our cities.

What fuels are we talking about? With well-known, existing technology, the standards for a first generation of clean fuel vehicles in my amendment can be met by reformulated gasoline using ethanol, by methanol, by methanol-gasoline blends, by compressed natural gas, by propane and probably some others.

For the ultraclean requirements this bill puts into place in 2003, we know that at least methanol, propane and compressed natural gas will work. We know that electric vehicles can play an important role. And there is increasing evidence that a variety of other fuels may meet the standards—if we get people to work on the technology.

Will this be expensive? In some cases, it may be less expensive. Natural gas, for example, in the Denver metropolitan area, is about half the price for gasoline, for equivalent fuel. So here is a case where we are saving money for the user; we are developing a market for Detroit; and third, we are developing the use of a fuel which is domestic, thereby limiting our dependence on imported oil. And it has great environmental benefits. This is a win, win, win situation.

Last, we need to promote the widespread use of clean-fuel vehicles by the general public in cities like Los Angeles, and Senator WILSON and Senator CRANSTON will be talking about that later today.

As President Bush said, we have to find a way to "reconcile the automobile with the environment." I think we can do that. I think we can be a lot more creative, a lot more imaginative and really approach the alternative fuel vehicle goal that the President set in his initial speech outlining his whole approach to the Clean Air Act—of putting large numbers of alternative fuel vehicles in our cities in the next decade.

Mr. President, I want to thank the leadership for their forbearance. It has been very difficult to try to draft this amendment to the Mitchell amendment, and to try to cover all the details. I also want to thank the cosponsors of this amendment for their support and their patience as we have tried to work out the details of our amendment.

Mr. President, I am happy to yield to my distinguished colleague and old friend from health wars and clean air wars in House of Representatives.

Mr. JEFFORDS. I thank the Senator for yielding. I certainly want to commend him for his statement and, as he knows, I supported pretty much what he is going to attempt to do in his amendments. I am going to find myself in the same painful status that Senator CHAFEE did on the bill, the CO_2 aspects and global warming.

However, I would like to point out, just for the RECORD, that the bill that left the committee, S. 1630, had little if anything with respect to alternative fuels in it.

Those of us, Senator CHAFEE and I in particular, who felt it was important to do so, did obtain in the committee dealings with the administration a substantial move forward. I say he is quite correct in pointing out that the industries involved were the most, shall we say, desirous of not getting everything that was desired to be done there. The administration, in particular, wanted to do much more in the alternative fuels, as far as our mandating, as the Senator has pointed out.

It was not the administration who pushed not to have this done. It was representatives of the automobile industry who felt very strongly that the mandate would be very dangerous to the industry and, therefore, prevailed in the design of the bill which is presently before us.

However, I would like to clear up one thing with respect to the tailpipe standards which were adopted with the administration's sanction; that is, we adopt the California tailpipe, not in tier 1, which does have the 100,000-mile provision. The difference is actually we have a 0.06 gram less of the standard, instead of 0.25. It ends up at 0.31, and it does add a considerable amount of pollution which I agree in unfortunate. It is not that we do not have any 100,000-mile standard. Many of us fought to try and keep it down to the position that the Senator from Colorado wanted.

I point out also that although we were restricted in the desire to expand and to mandate essentially the use of alternate fuel vehicles, we leaned rather heavily on the desire of California to move forward. We do allow communities in the severe categories to opt no, or States in their SIP's, so-called. I am hopeful that we will be able to do what we had wanted to do more directly by expanding the use of alternate fuel vehicles.

In addition, I point out, and Senator LIEBERMAN got language in which also will try to urge to move forward to look at the ultracleans or ultra-ultracleans, why we cannot do something that is incredibly satisfactory to all, and the utilization of photovoltaics to convert to electricity or hydrogen and then utilize types of fuel that will have no detrimental or environmental effect at all. I hope we can strengthen that as the years go by.

Overall, I think the alternative fuels provisions we have certainly are much better provisions than we had in the Senate bill that came out and, therefore, is an improvement on the original bill.

With respect to gasoline, I will make a point that the reformulated gasoline aspects to me went too far in kind of dampening the enthusiasm for other alternative fuels. I was sad to see that. On the hand, by ensuring that the gasoline will get no dirtier than it presently is, we will prevent the further destruction of the environment by virtue of dirtier and dirtier gasoline which we have seen over the last two decades.

In addition to that, we do allow for the utilization of reformulated gas with improved standards. That has the advantage of not only affecting new cars, but affecting the cars that are out there in the fleets. So we should get some immediate advantages through the reformulated gas, especially in the severe areas. There are some really good points that I want to make sure we did not go over quickly.

Mr. WIRTH. Mr. President, I appreciate the comments of the distinguished Senator from Vermont who, throughout his career in the House and now in the Senate, has been on the right side. I cannot imagine any health issue or environmental issue that he and I have not voted on the same way. His heart on this matter is clearly in the right place as well. I can tell that from his comments.

Unfortunately, the Senator's heart got stopped a little bit by this so-called deal. The Senator says you are going to have to reluctantly oppose this. This brings up the whole process of a deal in which we find ourselves. Our job here is, in my opinion, to see what the majority of the U.S. Senate wants to do. And if an amendment such as mine represents a better idea than the legislation in front of us, then we move ahead with that idea. Our attempt is to find 51 percent of the votes for a stronger, future-looking package that has the characteristics that I earlier described.

I happen to think part of what was agreed on, as I pointed out earlier, is good; some of it is very good. But this particular section—on vehicles—could have been a lot better.

As the Senator pointed out, we have gotten to a point, he said, where gasoline does not get dirtier. Is that an achievement? It should not be an achievement. What we ought to be doing is not just assuring it does not get dirtier, but we should be making it cleaner. That is the whole purpose of this legislation.

A couple other points, if I might, on the California tailpipe standards in tier 2, going from 3——

Mr. JEFFORDS. Tier 1.

Mr. WIRTH. That is exactly right. We have a falling off in the second 50,000 miles of an automobile and have allowed it to get dirtier. There is no reason for that. We should stick by the 100,000-mile use for life, the same standard as when a car is new. It can be done.

Not very many clean air advocates would advocate allowing cars to get dirtier over their lifetime when, for almost no cost, we can make them so that they keep running clean. That can make an enormous contribution to cleaning up our cities. It is an issue we will get into. It is one my colleagues ought to understand. It is the most cost-effective step that we can take.

The problem on opt in is in there, allowing States and cities to opt in. In fact, what we are doing there is suggesting we are going to not take the heat and others are going to take the heat.

Why not put the requirement in there when we know it is going to be there? What would have happened, Mr. President, if we had an opt-in provision on unleaded gasoline? How many State legislatures do you suppose would have chosen to opt in for unleaded gasoline? Every State legislature would have been picked off by the auto industry and the oil industry, and we would have had even worse politics of high pressure on every State legislature. If we had this kind of opt-in provision, it would not have worked, and I think that that parallel and that history is something to learn from.

A final note on alternative fuels. We will be talking a great deal about this. I am a great supporter of the goals set by the President. I think he was exactly right. I think what we ought to do is go back and embrace his initial approach on alternative vehicles. That is very, very important. He was right about that. His negotiators were wrong, and the Wirth-Wilson amendment would allow us to go back to the very broad commitment made by the President of the United States. That is a commitment.

When we get to redistricting, Mr. President, when we get to redistricting in 1991, I think there are going to be 51 congressional seats in California. This is more than 10 percent of the membership of the House of Repre-

sentatives, more than 10 percent of the population of the country. They want this provision, a clean air provision. Both the Senators from California are going to be supporting the amendment in a very outspoken way.

We have been barraged by telephone calls from Californians saying, "Help us out; please help us out." Why do you not help us out a little bit?" And I hope we find that people who go to the land of milk and honey to get help there will be willing to help California out when they are back here in this Chamber, helping out there as well.

I hope this is true of New York, too. This provision is also cosponsored by Senator MOYNIHAN and Senator D'AMATO who come from the second largest population center in the country. They want this provision. We ought to be having this provision. The President was right. We ought to have it.

In any case, Mr. President, it is getting late in the day. I did not mean in any way, shape, or form to take as much time as I have. I greatly appreciate the comments by the distinguished Senator from Vermont who is, again, I say, absolutely first rate on all of this.

I hope that maybe by the time we get to the end of this process he will be able to allow his very good instincts to play themselves out and vote for the Wirth-Wilson amendment.

I yield the floor, Mr. President.

Mr. JEFFORDS. Mr. President, I would like to wrap up on our conversation. I end by saying I think the experience of the last couple of days with the pending amendment is enough evidence of why it was necessary to reach certain agreements within the amended bill which we now have before the Senate. It was because of that kind of consternation and difficulties we had bringing a coalition together that we had to do some things, of which we were not in favor, at least some of us who were on the negotiating panel. However, we do have to get a bill, and in my mind the worst thing that can be done is end up this year without any bill. I am hopeful we have prevented that from happening with the agreements we reached.

I yield the floor.

Mr. LEVIN. I thank my friend who is the Republican manager of the bill this afternoon. I appreciate the cooperation of Senators BURDICK and BAUCUS and Senators JEFFORDS and CHAFEE and others and their leadership in putting together a bipartisan compromise, both within the committee and within the administration. That compromise was difficult to achieve. I have just a few questions of Senator JEFFORDS, because I think it will clarify some of the points made by Senator WIRTH earlier this afternoon.

First, would it be correct to say that the bipartisan compromise in the committee substitute that is before us avoids mandating sales and that the Wirth-Wilson amendment, so-called, would mandate the sales of automobiles, even though there would be no assurance of any buyer?

Mr. JEFFORDS. I say there is a considerable difference on the question of mandating in the Wirth amendment, as I understand it, and the amendment presently before us, which was as a result of the compromise. I cannot say as to what California will do, but it is anticipated they will be mandating sales.

However, that is not a provision, other than to say California has the authority to do what they desire to do. The only possibility of any mandating would be in the SIP's that other States might use in conjunction with their programs to try to improve the air quality in some of the more serious areas. But there is no specific mandate language in the present bill with the compromise amendment in that regard.

It is my understanding that the Wirth amendment will, as was originally proposed by the administration, provide for mandating in areas other than California.

Mr. LEVIN. And beyond the provisions of the SIP's?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. That would run contrary to the very hard fought out agreement that we reached relative to production and sales mandates.

Mr. JEFFORDS. As the Senator well knows, this was a very hotly contested item in the compromise, and the Senator from Michigan was very adept in his reasoning as to why we should allow his position to prevail and, thus, it definitely was one which was done with the knowledge and the understanding that it was necessary in order to have a bill before us that would be one that we could feel secure in getting full passage on.

Mr. LEVIN. Is it fair to say that we understand that the Wilson-Wirth provision goes significantly beyond our bill in that area?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. Is it also accurate, if my friend would say, that the provision that we had relative to the SIP's included some provisions to assure that there was demand created for the vehicles, and that would be certified by the EPA?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. And that that is not part of the Wilson-Wirth amendment?

Mr. JEFFORDS. I am not that familiar with that.

Mr. LEVIN. Is it fair to say that the tier 1 provision that we have in our substitute goes beyond the requirements of California relative to tier 1?

Mr. JEFFORDS. That is my understanding. You might say it is an improvement. I would say it is an improvement over what was in the so-called California standards for that particular model.

Mr. LEVIN. Would my friend agree it is significantly different from what is in the California provision?

Mr. JEFFORDS. Yes, it is. It is somewhat different, and I guess you could label it significantly different.

Mr. LEVIN. This was very much fought over, as a matter of fact, during those deliberations and negotiations?

Mr. JEFFORDS. That is correct. It was more or less a compromise between what the committee bill was when it came out of committee and the California standards. It is somewhat in between those two.

Mr. LEVIN. Is it accurate to say that the California provision on the 0.31 grams of hydrocarbon is the same as is in our compromise?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. And that the Wirth-Wilson provision is, therefore, in that regard, more stringent than the California provision and our own compromise?

Mr. JEFFORDS. That is correct. It is 0.25.

Mr. LEVIN. Finally, and I know my friend is trying to catch a plane, is it fair to say that from what we know of the Wilson-Wirth amendment, that that is significantly different from, in many regards—including the ones we have just talked about—the committee substitute which is before the Senate now?

Mr. JEFFORDS. It is correct that the Wirth amendment is significantly different from the bill which came out of the compromise amendment.

Mr. LEVIN. And in ways which were significantly negotiated.

Mr. JEFFORDS. There is no question that these items which are in the Wirth amendment are items which were severely contested within the compromise structure.

Mr. LEVIN. I thank my friend. The Mitchell-Dole amendment was the product of a compromise. I never thought the tier 2 provisions made any sense at all, in terms of their cost effectiveness. Some of us who believe that finally said, "OK, as part of a compromise, we would support a bill which had a tier 2, providing other things were done in that bill." Is it fair to say that this compromise that is before us was the product of give and take on both sides?

Mr. JEFFORDS. I would say of all the items that we have talked about, the one which required the most compromising and debate and time was with respect to the so-called tier 2 tailpipe in the year 2003. That probably extended the conference by at least a day or two as we tried to find a compromise position.

The one which resulted probably made no one happy, which probably

indicates it was a fairly fair compromise. I know that it does not sit well with certainly those that desired to have an automatic tier 2 in the year 2003. On the other hand, I happen to feel that the compromise we did reach is one which has some logic and rationale to it and I certainly can defend that position.

Mr. LEVIN. And it was something the administration also fought very hard for.

Mr. JEFFORDS. It was one of their key items, primarily on the cost basis. And the solution that we arrived at is one in which they are so confident—and I hope they are so right—that we are going to do such a wonderful job cleaning up the air that there is no way the tier 2 would come in.

On the other hand, I think most of us are—not, perhaps, the Senator from Michigan—less optimistic and expect that perhaps we will see the tier 2 tailpipes come in.

Mr. LEVIN. I thank the Senator.

Mr. President, as I indicated before, I want to briefly comment on the amendment which Senators WIRTH and WILSON will be offering to the clean air bill. This amendment would rip apart the bipartisan compromise which was worked out between the committee and the administration.

It would undo the changes to the tier 1 tailpipe standard that were made in that bipartisan compromise. It would destroy the tier 2 tailpipe standard that was set forth in that bipartisan compromise. It would scrap the carefully negotiated alternative fuels program that is part of that compromise.

By the way, an alternative fuels provision was not in the original committee bill. This is a new provision that was added in this bipartisan leadership compromise and strengthens the original committee bill.

Each element of this amendment, which will be offered by Senator WIRTH, goes straight to the heart and destroys the matrix of that bipartisan compromise embodied in the Mitchell-Dole amendment. The authors of the amendment, Senators WIRTH and WILSON, are saying in effect they have half a loaf. Now they are going for the rest.

I want to comment briefly on one aspect of the presentation of our friend from Colorado, and that relates to the tier 1 tailpipe standard. There are going to be many points made about the amendment after we come back. There will be debate on many aspects of it.

Briefly this afternoon, I want to comment on one portion of the presentation of the Senator from Colorado. The tier 1 tailpipe standard in the Mitchell-Dole compromise represents a carefully crafted middle ground.

The basic tier 1 requirements are agreed to by all sides. They would require new cars to reach emission levels of 0.25 gram per mile of hydrocarbons. That is a reduction from the current 0.4 gram per mile of hydrocarbon.

The administration bill would have required that these standards be met for 50,000 miles in use. The original committee bill would have required that they be met for 100,000 miles in use. A compromise was reached under which the standards would have to be met for 100,000 miles. That was the tougher committee standard. But the automobile industry was allowed, as they are under California standards, a slightly higher level of emissions—31 grams per mile—in the second 50,000 miles because these cars deteriorate over time.

The higher levels which are permitted at 100,000 miles are identical to the toughest standards in the Nation. These standards were established by the State of California. And they are far tougher than the current Federal standard of 0.4 gram per mile, which applied only to 50,000 miles. So these cars will be cleaner at 100,000 miles than current cars are at 50,000 miles.

The standards that are set in the bipartisan compromise in other regards are tougher than those set in California—the home State, may I say, of two sponsors of this amendment.

The California standards require recall of vehicles only up to 7 years or 75,000 miles. The bipartisan compromise requires recall up to the full useful life of 10 years or 100,000 miles, so that this bipartisan leadership compromise is even tougher than California, already by far the toughest in the Nation in that regard.

The California standards contains an interim standard for in-use emissions which is slightly lower than the full tier 1 standard. The bipartisan compromise does not contain this interim standard either.

Now, why is it that you want to provide a slightly higher level, 0.31 instead of 0.25 between 50,000 to 100,000 miles? In defending the 0.31 standard which exists in California and in this compromise for between 50,000 to 100,000 miles, the deputy executive officer of the California Air Resources Board told the Senate Environment Committee that:

> We provided for somewhat of an additional cushion beyond 0.25 hydrocarbon for that second half of the life. We actually established a standard of 0.31 at 100,000 miles and we gave the manufacturers a phase-in period—some time to make a mistake and correct that mistake before they would have to meet their maker of the recall, which is so greatly and rightly feared by the automobile manufacturers."

So California has adopted the 0.31 range between 50,000 and 100,000. There is nothing tougher than California, and that is what the bipartisam compromise adopts, between 50,000 and 100,000 miles.

Now, our friend from Colorado says that you can go from 50,000 to 100,000 at 0.25, nothing to it; you can do it for "the price of an ashtray," to use his words. I do not know where he gets that.

I would rather take our expertise from the Office of Technology Assessment, which is the office of the Congress for these kinds of recommendations. OTA has not estimated the cost of this reduction because it cannot even identify currently known technology which will meet the 0.25 standard at 100,000 miles. So the OTA is unable to even identify the technology which will get us the 0.25 standard at 100,000 miles. But our friend from Colorado says, oh, that can be achieved for the price of an ashtray.

That is a critical difference on a hotly disputed issue, fairly resolved after intensive discussion between members of the committee, other Membrs of the Senate, and the administration.

And Sierra Research, which is used by the Office of Technology Assessment to give them an independent evaluation of these issues, in report after report has concluded that it is not technologically feasible to bring these in-use emissions down to those tier 1 levels at 100,000 miles in use.

Our friend from Colorado just glibly says this can be done for the price of an ashtray.

The independent assessment for the Office of Technology Assessment done by their contractor, Sierra Research, says over and over again they do not know how to bring these emissions down to that level, 0.25, at 100,000 miles in use. Let me quote:

> The ability of a manufacturer to comply with a particular set of emission standards during the certification process does not indicate an ability to meet the same standards in customer service.

In other words, you cannot compare the certification process, which is currently used, to an inuse requirement in this standard. The Sierra Research says it is not feasible for automobile manufacturers to achieve inuse emission levels which are equal to the most stringent standards that can be met during certification testing. Sierra Research says these requirements, 0.25 at 100,000 miles in use, exceed the limits of currently known technology, especially in an environment where the quality of motor vehicle gasoline and lubricating oil is insufficiently regulated. That is what the Sierra Research folks said. That is independent research. Price of an ashtray? Just casually, the price of an ashtry?

The bipartisan compromise was thoughtful, fair, and balanced, and differs in very significant ways from the proposal of our friends from Colorado and California. When we come back in a week or so there will be a

great deal of debate on other aspects of this amendment because in many ways it tears apart that leadership compromise which is on the floor before us in the form of a substitute. But I just wanted to comment briefly this afternoon about the ashtray comment so that none of us leaves here this afternoon believing that there is any independent evidence that the requirement in the Wirth-Wilson amendment for 0.25 gram per mile in use at 100,000 miles can be achieved for the price of an ashtray. OTA does not know if it is technologically feasible. Its independent researcher says it does not know how to even achieve it. So let is throw that ashtray comparision out of the window and get to a more independent assessment of costs.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BIDEN pertaining to the submission of Senate Concurrent Resolution 104 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I might proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR A PLEBISCITE IN KASHMIR

Mr. HUMPHREY. Mr. President, the winds of change that are sweeping across Eastern Europe seem to have stalled over the Asian subcontinent. Every day brings new reports of violence in the disputed state of Kashmir. As the people of Kashmir assert their desire for self-determination, efforts to suppress that movement grow ever more anachronistic. The time has come for the United States to press for the implementation of a United Nations supervised plebiscite in Kashmir.

Mr. President, for more than 40 years the state of Kashmir has been relegated to the status of "disputed territory." Following the British withdrawal from the Asian subcontinent in 1947, the ruler of the Kashmir State chose to join neither Pakistan nor India. That situation led to heightened tensions between the newly formed Governments of India and Pakistan. By the fall of 1947, the situation had deteriorated to a bloody war. India alleged that Pakistan was arming "Muslim militants" seeking to liberate Kashmir. And in fact, by October Pakistani forces lent their assistance to the liberation movement in Kashmir. The Indians responded by deploying troops in exchange for an agreement by the ruling maharaja to accede to India.

In January 1948, the Government of India took the conflict to the newly formed U.N. Security Council. A series of resolutions were passed calling on both sides to halt the fighting. Finally in April 1948, the Security Council adopted a resolution that called for the withdrawal of forces from both countries, the establishment of an interim government, and an effort by the U.N. Commission on India and Pakistan to help restore peace and lay the groundwork for a plebiscite by the people of Kashmir.

By January 1949, the U.N. Security Council passed a resolution adopting the Commission on India and Pakistan's proposal for a plebiscite. Both India and Pakistan agreed to the proposals, but no action was taken. The issue has been stalled now for 40 years, with each side blaming the other for lack of progress.

Mr. President, it serves no purpose at this juncture to assign blame or reassess the tragic events of the past 40 years. The bottom line is that no plebiscite has been held. The promise has been broken. Three costly and destructive wars have been fought since 1947. And the people of Kashmir to this day, are still seeking an opportunity to choose their own government. In the absence of any progress, lives are being lost, violence is escalating, and tensions between Pakistan and India are boiling to a dangerous level.

In recent months, the State of Kashmir has appeared more like an occupied territory than a disputed state locked between two democracies. Last December the Indian Government deployed several thousand military police, and imposed a curfew in the capital city, Srinagar. The Economist magazine reported on January 27, 1990, "In the curfew-bound streets of Srinagar military vehicles, soldiers, and policemen stand at every big crossroads. The houses and shops are shuttered. But, ducking down a side street in the medieval warren of the old town, any journalist is mobbed by crowds of men, women, and children shouting slogans against the Indians."

Since then, the situation has only deteriorated. The Indian Government expelled all foreign journalists from Kashmir in late January, and in early February Pakistani protesters surged across the border where they were fired upon by Indian security forces. On February 19, Amnesty International called for an investigation into reports of indiscriminate killing of demonstrators including a 9-year-old boy. And on March 2, a U.S. State Department spokesperson called on the Government of India to "restrain its security forces from using deadly force against unarmed people." The State Department has also called for "political dialog" between India and Pakistan. In other words, Mr. President, the State Department has sought again as it has for 40 years to sweep the problem under the rug. This will not do. Mr. President, our Government has sought for decades to avoid dealing with this issue. But in my view it cannot afford any longer to seek to avoid the issue. The issue is coming to the fore.

The time has come for democratic nations of this world to play a much more active role in justly resolving the conflict in Kashmir. To this Senator, it appears that the sum and substance of our policy on Kashmir is a weakly worded paragraph issued at a State Department noon briefing. That is not much substance or principle. Perhaps the State Department has decided that the conflict is too complex, and the emotions are too heated, for the United States to play a constructive role. I hope that is not the case, but there has certainly been no leadership and, consequently, the crisis is spiraling.

The groundwork laid by the United Nations four decades ago is sound. Unfortunately, it was never implemented. But history has caught up with Kahmir. Efforts to suppress the Kashmir movement will only delay the inevitable at a cost of human lives and perhaps international conflict. It is time that the United States asserted leadership in this issue and acknowledged once again the validity of the U.N. resolution which calls for a plebiscite by which the people of Kashmir might achieve the same self-determination we have sought for the peoples in every part of the world. Therfore, I urge President Bush to consider naming a special envoy for Kashmir to initiate a political dialog to implement the U.N. plebiscite promised 40 years ago.

When the Senate returns from recess, I intend to submit a Senate resolution that supports the U.N. approach to a Kashmir settlement. In the meantime, I hope the President will send a special envoy to investigate the reported killings and to meet with the Prime Ministers of India and Pakistan to discuss a timetable for a plebiscite.

I thank the Chair.

Mr. President, if no other Senator seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending business is amendment No.

1329, the amendment offered by the Senator from West Virginia.

Mr. JEFFORDS. I ask unanimous consent that the Byrd amendment be set aside temporarily for the purpose of offering two amendments which have been agreed to by both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1341 TO AMENDMENT NO. 1293

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. LEAHY, proposes an amendment numbered 1341.

On page 17, at the appropriate place, add the following:

"(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior.

Mr. JEFFORDS. Mr. President, I rise to offer an amendment on behalf of myself and Senator LEAHY. This amendment is meant to pertain to urban areas and rural areas, attainment areas and nonattainment areas, without prejudice. It is not a mandatory control measure, nor is it meant to be.

The amendment simply says that the Administrator, in developing the list of transportation control measures to relieve stresses associated with motor vehicle traffic, should include measures for so-called greenways that would be separate from vehicle traffic corridors and for the exclusive use of pedestrian or other nonmotorized means of transportation.

Mr. President, I am talking about bike paths, walkways, rails-to-trails corridors that would provide people with access to open spaces close to where they live and link together the rural and urban spaces in the American landscape.

I do not mean to exclude even the most pristine areas, even though this bill is generally meant to address areas where the effects consolidated human activities have overburdened air resources. I believe that proper planning in advance of human congestion is an important element in ensuring that these areas do not become smog zones.

Nor does this measure preclude our most congested areas. Many cities have demonstrated an ability to convert abandoned railroad beds and other rights-of-way into paths for nonmotorized use.

I know that the Secretary of the Interior shares an interest in this issue because I have taken notice of at least one Vermont constituent who has met with the Secretary and has been successful in obtaining land and water conservation funds to promote such an idea in Vermont.

Mr. President, I ask unanimous consent that a letter from the Department of the Interior discussing this concept to be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
MID-ATLANTIC REGION,
Philadelphia, PA, October 11, 1989.

Ms. ANN LUSK,
Stowe Recreation Path, Stowe, VT.

DEAR ANN: First let me apologize for the delay in getting this letter to you. I have been on the road almost constantly since mid-September. I've tried to describe below, the sequence of events that led to Vermont being selected as one of two states involved in the Model Trails Planning Program this year.

Section 8(a) of the National Trails System Act calls for the Secretary of Interior to ". . . encourage states to consider in their Statewide Comprehensive Outdoor Recreation Plans and proposals for acquisition and development assistance for state and local projects submitted pursuant to the Land and Water Conservation Fund Act, the needs and opportunities for establishing park, forest and other recreational and historic trails on land owned or administered by states . . . and recreational and historic trails on land in or near urban areas."

In an effort to implement this provision of the National Trails System Act, the National Park Service's Division of Recreation Resources Assistance decided to establish a short term "model trails planning" program. The model trails planning program would treat trails as a "land use". The planning process therefore, would focus on the trail corridor and the resources within it rather than the trails "foot path" as in traditional trail planning. Also the model trails program would illustrate how trails planning can be done within the overall context of the states SCORP and therefore, gain strength and recognition from being part of the state's overall outdoor recreation plan.

Initially it was anticipated that the program would operate in two states. One state would exemplify the complexities of trails corridor planning in a state with large amounts of land in public ownership. The other would illustrate the trails corridor planning process in a state where most land is held in private ownership and raging development pressures threaten to consume even more land. NPS's intent was to have these two states conduct pilot programs, fine tune a methodology and transfer the methodology, as appropriate, to other states.

The State of Washington was chosen as the "public land" state and Vermont was chosen as the "private land" state. Initially the NPS central office was interested in choosing a private land state which was also highly urbanized; Massachusetts and Pennsylvania were considered. Vermont, however, had already developed an award winning SCORP process which included a trails component. In addition, Vermont's strong planning staff and citizen participation process, were factors in the final decision that Vermont had the best chance of developing a model trails corridor planning methodology for private land states.

I hope this sketch (which admittedly leaves out the maneuvering, arguing, innumerable meetings etc. that took place) gives you an overview of the model trails corridors planning program and its goals. If you need any more information please let me know. I can be reached at (215) 597-1570. I'll talk to you soon.

CYNTHIA WILKERSON,
Supervisor,
State Planning Program.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1341) was agreed to.

AMENDMENT NO. 1342

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 1342.

On page 540, line 7, insert the following:

"(3) DEMONSTRATION PROGRAMS.—At the request of any State, the Administrator, in consultation with a manufacturer or distributor of a product that uses alternative substances to CFC-12, may establish programs to demonstrate the technical feasibility and consumer acceptance of such alternative products in order to assist in the implementation of this subsection.".

Mr. JEFFORDS. Mr. President, this amendment gives EPA authority to assist manufacturers and consumers to make a smooth transition in moving away from CFC-dependent products to products that utilize safer alternatives. The amendment encourages States which are interested in forcing the necessary technological changes to consult with the Administrator, who in turn can develop demonstration programs with manufacturers who are interested in testing the technological feasibility and consumer acceptance of these alternatives.

My State of Vermont has enacted a law prohibiting the sale of automobile air-conditioners that use CFC-12 beginning with model year 1993. This bill has incorporated a similar provision modeled after the Vermont statute, except that the effective date has slipped 1 year, and the provision does not cover 100 percent of vehicle sales.

The purpose of this amendment is to take advantage of States like Vermont, which are prepared to move away from CFC-dependent products. Similarly, manufacturers and distributors of alternative products will be encouraged, under this and other provisions of this title, to consult with EPA and arrange demonstration programs to foster consumer acceptance of their products.

Mr. President, the world has recognized a need to move away from ozone-depleting products. This amendment seeks to bridge the gap between those who produce the alternative products and those who desire to use them.

Under the bill, we will be requiring air-conditioners in automobiles in the model year 1994 not to have in them something which is damaging to the ozone layer, like CFC's. The State of Vermont is desiring to proceed earlier by 1 year, and this merely allows the Administrator, in working with the industries involved, to have a demonstration project, if feasible, in any State that so desires. Two States right now are in this category: Vermont and Hawaii. This has been cleared by both sides. I have no further comments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1342) was agreed to.

VISIBILITY STANDARDS

Mr. WIRTH. Mr. President, Senator ADAMS, as the Chair knows, has an amendment on the very important issue of visibility standards which relates to much of our Rocky Mountain region. The relationship obviously between air pollution and visibility is very significant.

I do not think the Chair can see these photographs, but they run all the way from pictures of the canyon country, absolutely beautiful, clear, luminescent views of the canyon country. It gets more cloudy, it gets so cloudy that you get to the point that you cannot see anything. These are just a sequence of four photographs which will not show up, Mr. President, in the RECORD, obviously, but they do give a very clear indication. You can see the outlines and the stark contrast of that down to absolutely nothing.

It is imperative that we deal with this issue, Mr. President.

As I travel around this great country, I have come in recent years to appreciate more than ever an extraordinary resource that we enjoy in the American West—our largely pollution free skies and nearly limitless visibility. The grandeur of the American West is not just the result of shimmering snow capped peaks of the central Rockies, or the vast panoramas of the canyon country throughout the Colorado plateau, but is also the result of our ability to experience these natural wonders. Without clean air and the ability to see nearly to the limits of the Earth's horizon, we would not be able to experience the full breathtaking scope of the Grand Canyon from the South Rim, or Colorado's mountain scenery.

The National Park Service research on visibility in the years since we added visibility protection for national parks and wilderness to the Clean Air Act in 1977 demonstrates that visibility in the American West is a world class resource. It is also an endangered resource.

In the Colorado plateau region of the West, average visibility exceeds 130 miles during the summertime. This compares with average visibility in the East of only 10 miles. Visibility in the West is as good as any in the world, including such pristine areas as the African Sahara, the Australian Outback or the Tibetan Plateau. This is a resource that draws millions of visitors from around the world each year to see and experience the natural wonders of the American West. I doubt many would come to ski Colorado's slopes or stand on the rim of the Grand Canyon if the grand scenic vistas we take for granted today were shrouded in pollution.

The Park Service research warns us that this is the future in store for us if we do not attend to the task of protecting this vulnerable resource. Forty-five years ago, we know that visibility in the East averaged 50 miles. Now it is only 10. This deterioration in visibility is no longer a mystery. It has followed from the large increase in sulfur pollution that has accompanied the installation of coal burning plants since World War II. Most of what is seen as visible haze in the East today is sulfate—acid rain pollution before it falls to Earth.

We can see the early warning signals of the same phenomenon occurring in the West. The National Park Service has been conducting visibility research and monitoring in Western parks for over 12 years. I have here the results of that work. These photographs demonstrate how manmade pollution contributes to visibility impairment in the Grand Canyon.

This first photo shows how the canyon looks 10 percent of the time. The way we would like it to look. The second photo shows how it looks about half of the time. The third photo shows how polluted it can be about 10 percent of the days during the summer, and this last photo shows that on some days visibility is reduced to the point where visitors cannot see across the canyon.

Fortunately, these extreme days do not happen too often, but the levels of pollution that occur 10 percent of the days clearly need to be improved. The current visibility needs improving.

But the Park Service warns that visibility is expected to deteriorate from current levels, not improve. Visibility today is as good as it has been since measurements began. Cleanup of copper smelter emissions in the United States and Mexico since 1985 has achieved measurable improvement in levels of sulfate and visibility in the Southwest. But those pollution levels are expected to increase again unless we address this problem.

This pollution problem is what EPA calls regional haze. In 1985 EPA prepared a regional modeling analysis that looked at regional visibility trends in the six southwestern States. That study showed that visibility in the region was expected to decline by 10 percent between 1980 and 1995. The National Park Service has also looked at future pollution trends in the West. Their research projects that bad pollution days in the Grand Canyon—shown in photo 3—will increase from only 9 days per summer today to about 30 days per summer by 2010 if expected increases in sulfate pollution occur.

Despite these findings, EPA has refused to move forward with the adoption of regional haze regulations under the 1977 visibility protection amendments. EPA has succeeded in defeating a citizen suit brought to require the adoption of these requirements, and as a result has effectively repealed the law. It is necessary that Congress intervene once again to require EPA to do what we thought we had required them to do in 1977.

This amendment is designed to ensure that Agency inaction and delay does not chance again frustrate implementation of effective protection for our national parks and wilderness. It gives EPA 3 years—plenty of time—to adopt guidance for the States to implement the visibility protections enacted in 1977. But then if EPA has not acted, the amendment would require controls on the largest sources of SO_2 located within 200 miles of a class I area. This is the pollutant that makes up about half of the regional haze pollution in the West. This way we are assured of making some progress in addressing this problem even if EPA fails to act once again.

The main reason for this deterioration in visibility was expected increases in pollution from sulfates and nitrates from electric power production.

THE KERRY-WILSON AMENDMENT

Mr. KERRY. Mr. President, the clean air compromise bill pending in the Senate is seriously flawed. It will not do the job the Clean Air Act set out to do—it will not achieve healthful air quality for our citizens. When we return to the bill following the recess, I intend to offer an amendment, along with Senator WILSON and others, to repair the damage the compromise would do to our national drive for clean air.

The substitute contains very important advances in the control of toxic air pollution and acid rain. But the primary reason we have a Clean Air Act is to protect the health of our citizens from the health consequences of smog, carbon monoxide, and other widespread air pollutants. In these areas, the substitute actually would

weaken current law. Our amendments would address three areas:

First, Federal cleanup plans. The Clean Air Act now requires the Federal Government to take action to achieve healtful air quality in areas that do not do their job. This mandate to develop a Federal implementation plan is the single most important enforcement tool in the Clean Air Act. It is what makes the act a national pollution control law. The compromise would eliminate this mandate. Our amendment would restore the requirement of current law.

Second, delaying healthful air quality based on cost claims. The Clean Air Act now requires costs and social impact to be considered in the choice of pollution control technology, on a case-by-case basis, in every community. However, it does not permit progress toward healthful air to be delayed on this basis. The substitute would place costs and other factors ahead of clean air progress. Our amendment would restore current law.

Third, local authority to control existing pollution sources. Current law requires local control officials to clean up existing sources as necessary to attain healthful air quality. The compromise would exempt from Federal controls any existing sources smaller than 100 tons in seriously polluted areas, and existing sources smaller than 50 tons in severe and extremely polluted areas. These levels exclude most pollution sources from control—including some powerplants and many large industrial and commercial facilities.

According to a recent OTA report, stationary sources smaller than 50 tons account for roughly 45 percent of national emissions, and many States already control sources as small as 10 to 25 tons. Our amendment would restore current law in this area.

I want to emphasize, Mr. President, our amendments would repair these errors in the compromise proposal, not by adding new cleanup requirements, but simply by restoring the authorities in the current Clean Air Act. If the Senate cannot advance the war against smog control, at least we should not harm the current effort.

Our amendment enjoys bipartisan support. Indeed, the men and women responsible for implementing our Nation's clean air laws at the State and local level vigorously oppose the provisions of the compromise. No Senators advanced them on the Senate floor. No citizen, and to my knowledge, no industry group, champions their adoption. Indeed, the chief bar to passage of my amendments appears to be procedural—some would be supporters argue that they are bound to oppose my amendments because of agreements struck in other sections of the Clean Air Act.

Health protection was a promise we made to ourselves 20 years ago. For more than 100 communities, home to 150 million Americans, that promise remains unfulfilled.

Smog is a health problem in 101 communities, including our largest cities and more than a few helpless rural areas that suffer the consequences of living downwind from major urban areas. Carbon monoxide is a health problem in 44 communities. Fine particle pollution reaches unhealthy levels in more than 50 communities.

Air pollution shortens tens of thousands of lives every year and diminishes an untold number of others, despite the progress we have made since 1970. The American Lung Association says $100 billion is a reasonable estimate of the annual cost of this health damage.

I urge my colleagues to weigh very carefully the consequences of weakening our current law in the face of the health and economic burden of dirty air. We have heard much about the need to keep the compromise together. But we must not allow process considerations to blind us and consequently permit the compromise approach to force roadblocks to cleaner and healthier air.

What might happen if these provisions are allowed to become law?

First, cleanup requirements will be harder to enforce. State and local air pollution controllers will lose their best weapon against the forces opposed to control—the threat of Federal intervention.

Second, most pollution sources will be harder to control. In two dozen States, officials will lose their ability to pursue the sources of emissions that contribute approximately 45 percent of the Nation's smog problem. These States have laws that forbid, or policies that discourage, control requirements more stringent than Federal law. In the States that can pursue these sources, their action will not be backed by a Federal mandate, leaving them vulnerable to economic and political pressure to abandon their efforts.

Third, mayors and governors will be buried under an avalanche of spurious cost, techology, and "fairness" claims. Current law requires that costs and feasibility be considered in the choice of cleanup technology, on a source-by-source basis. No source is denied the opportunity to advance these arguments. The substitute would allow a second chance to raise these claims at the political level.

It would also institutionalize a finger-pointing exercise that would pit the furniture industry off against the metal finishers, printers against packagers, and so on, as each group sought to avoid controls at the expense of the other. And judicial review of the proposed political waiver would add yet another delay.

Fourth, worst of all, States would be vulnerable to extreme economic pressure as polluters demanded concessions. State would be pitted against State as powerful economic entities threatened to move. States seeking to maximize economic development would be tempted to establish pollution havens, attracting industry at the expense of States that pursued air quality goals responsibly.

Mr. President, these provisions would rob our Nation of clean air momentum too long delayed, institutionalize opportunities for avoidance, and penalize the States that do the best job of meeting the goal of healthful air quality.

Our Nation's air quality health problems are not an embarrassment to hide from, but a challenge to face and overcome. Yet the compromise would force the Federal Government to the sidelines just when real leadership is needed. States and polluted cities would be alone in an unequal competition for clean air. The losers will be the millions of Americans who are victims of unhealthy air.

Mr. President, I ask unanimous consent that a list of nonattainment areas be printed in the RECORD at the conclusion of my remarks. I urge Senators whose cities are on this list to examine their conscience carefully during the next week. Are the needs of the citizens who live in these areas to be set aside; are the safeguards in existing law to be repealed; is the health damage to continue indefinitely? The bargaining will be small comfort indeed to the victims of air pollution across our country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLASSIFICATION OF AREAS VIOLATING OZONE STANDARD

Extreme area—
Los Angeles-Anaheim-Riverside, CA.
Severe areas—
Baltimore, MD.
Chicago-Gary-Lake County, IL-IN-WI.
Houston-Galveston-Brazoria, TX.
Milwaukee-Racine, WI.
Muskegon, MI.
New York-New Jersey-Long Island, NY-NJ-CT.
Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD.
San Diego, CA.
Serious areas—
Atlanta, GA.
Bakersfield, CA.
Baton Rouge, LA.
Beaumont-Port Arthur, TX.
Boston-Lawrence-Salem, MA-NH.
Charlotte-Gastonia-Rock Hill, NC-SC.
Cincinnati-Hamilton, OH-KY-IN.
Cleveland-Akron-Lorain, OH.
El Paso, TX.
Fresno, CA.
Greensboro-Winston Salem-High Point, NC.
Hancock Co, ME (Non-MSA, Acadia).

Hartford-New Britain-Middletown, CT.
Huntington-Ashland, WV-KY-OH.
Kewaunee Co, WI (Non-MSA).
Knox Co, ME (Non-MSA).
Louisville, KY-IN.
Memphis, TN-AR-MS.
Parkersburg-Marietta, WV-OH.
Pittsburgh-Beaver Valley, PA.
Portland, ME.
Portland-Vancouver, OR-WA.
Portsmouth-Dover-Rochester, NH-ME.
Providence-Pawtucket-Fall River, RI.
Sacramento, CA.
Sheboygan, WI.
Springfield, MA.
St. Louis, MO-IL.
Visalia-Tulare-Porterville, CA.
Washington, DC-MD-VA.
Worcester, MA.

Moderate areas—

Albany-Schenectady-Troy, NY.
Allentown-Bethlehem, PA-NJ.
Altoona, PA.
Anderson, SC (Clemson).
Atlantic City, NJ.
Birmingham, AL.
Bowling Green, (KY Non-MSA Edmonson).
Buffalo-Niagara Falls, NY.
Canton, OH.
Charleston, WV.
Columbia, SC.
Columbus, OH.
Dallas-Fort Worth, TX.
Dayton-Springfield, OH.
Detroit-Ann Arbor, MI.
Erie, PA.
Essex Co, NY (Non-MSA).
Evansville, IN-KY.
Fayetteville, NC.
Grand Rapids, MI.
Greenbriar Co, WV (Non-MSA).
Greenville-Spartanburg, SC.
Harrisburg-Lebanon-Carlisle, PA.
Huntsville, AL.
Indianapolis, IN.
Jacksonville, FL.
Jefferson Co, NY (Non-MSA).
Johnstown, PA.
Kansas City, MO-KS.
Knoxville, TN.
Lafayette-West LaFayette, IN.
Lake Charles, LA.
Lancaster, PA.
Lewiston-Auburn, ME.
Lexington-Fayette, KY.
Lincoln Co, ME (Non-MSA).
Manchester, NH.
Miami-Fort Lauderdale, FL.
Modesto, CA.
Montgomery, AL.
Nashville, TN.
Norfolk-Virginia Beach-Newport News, VA.
Owensboro, KY.
Paducah, KY (Non-MSA inc. Livingston).
Phoenix, AZ.
Poughkeepsie, NY.
Raleigh-Durham, NC.
Reading, PA.
Richmond-Petersburg, VA.
Salt Lake City-Ogden, UT.
San Francisco-Oakland-San Jose, CA.
Santa Barbara-Santa Maria-Lompoc, CA.
Scranton-Wilkes-Barre, PA.
South Bend-Mishawaka, IN.
Stockton, CA.
Sussex Co, DE (Non-MSA).
Tampa-St. Petersburg-Clearwater, FL.
Toledo, OH.
Tulsa, OK.
Waldo Co, ME (Non-MSA).
York, PA.
Youngstown-Warren, OH and Sharon, PA.

Mr. LEVIN. Mr. President, I understand the Republican leader wishes to do some wrap up, and then I will come back for some remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN FOREIGN POLICY AND THE SEARCH FOR PEACE IN THE MIDDLE EAST

Mr. MOYNIHAN. Mr. President, I recently returned from a trip to the Middle East in my capacity as chairman of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. While I was in Israel I met with a broad cross section of Israeli political and communal leaders and found that they had many different views on the peace process. There were, in fact, only two things on which they all agreed: there desire to see a meaningful and secure peace between Israel and her Arab neighbors and their anguish over the continued confusion of American policy concerning the city of Jerusalem.

President Bush has, I am afraid, added to this confusion this week with his declaration that the United States opposes new settlements in the West Bank or in East Jerusalem. The suggestion that there is a separate political entity known as East Jerusalem is most unhelpful to the quest for peace in the Middle East. It conjures up images of the years after May 1948 when the Jordanian Arab Legion drove the once flourishing Jewish majority out of the Old City at gunpoint. It suggests that Israel's eternal capital may once again be divided by barbed wire, mine fields and cinder block walls. It raises the frightful irony that a President who only 4 months ago celebrated the collapse of the Berlin Wall and the opening of the Brandenburg Gate might encourage the re-division of Jerusalem and the re-imposition of the infamous Mandelbaum Gate.

It is a reality that Jerusalem is and shall remain the State of Israel's capital—reunited and undivided. For America to equivocate on this issue paves the way to the failure of our policies.

By equivocating we have given, and continue to give, unintended succor and encouragement to those enemies of Israel who hope one day to be able to divide the United States from Israel. For as long as Israel's most important friend in the world refuses to acknowledge that Israel's capital city is its own—to the extent of refusing even to permit our Ambassador to Israel to set foot in parts of that capital city—we lend credibility and dangerous strength to the lie that Israel is somehow a misbegotten or illegitimate state. The United States thereby fosters intransigence and obstructionism.

At the same time the suggestion that the unity and security of Jerusalem is a proper subject for negotiations strengthens those elements in Israeli public life that fear that American peace proposals will lead to the dismembering of their historic capital. Equating East Jerusalem with the West Bank implies that the Wailing Wall and the Jewish Quarter of the Old City might be handed over just as easily as Nablus or Gaza.

Jerusalem has flourished under Israeli governance in a way that it did not under Jordanian suzerainty. Today Jerusalem stands as a model of successful modern urban management. Thanks largely to the enlightened administration of Mayor Teddy Kollek, Jerusalem provides an attractive model of the harmony and prosperity the whole of the Middle East might achieve were its people to live and work in peace. Since becoming mayor in 1965, Teddy Kollek has played a unique role in sustaining cooperation and pluralism despite Jerusalem's mosaic of religions and peoples. Today, Jerusalem is a city with a population in which 350,000 persons are Jews, 120,000 are Moslems, and 15,000 are Christians.

We would do well to remember that the Jewish presence in Jerusalem is not a recent phenomenon. No people on Earth are as inexorably linked to any city as the Jewish people are to the city of Jerusalem.

For more than three millennia, ever since King David declared it the capital of his Jewish Kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's Temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the Patriarchs, dreamt of a ladder connecting Heaven and Earth.

When the Babylonian armies destroyed Jerusalem in the year 586 B.C. the exiled Jews sat by the waters of Babylon and swore—

If I forget thee O Jerusalem may my right hand forget its cunning—may my tongue cleave to the roof of my mouth if I do not recall Jerusalem above my greatest joy.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily prayers and thrice in the grace after meals—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers "Next year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religious practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusader, Mongol, and Turk—but the Jewish community, despite depravation and persecution, remained in Jerusalem. Indeed, the first authoritive Turkish census of the city, in 1844 discovered that 7,120 of the Jerusalem's 12,510 inhabitants were Jewish—and this before there was a west or new Jerusalem. Thus even the Old City of Jerusalem had a Jewish majority well over a century ago.

I would emphasize that Israel's claim to Jerusalem as its capital has not been at the expense of the religious rights of other religious. The people and Government of Israel are keenly aware of the religious meaning of Jerusalem to Christians and Muslims. And their religious prerogatives have been scrupulously observed under the terms of the June 27, 1967 "Protection of Holy Places Law." There is no essential incompatibility between these differing needs. Israeli political possession of Jerusalem and absolute freedom of access to it by persons of all faiths have always been inseparable policies for the State of Israel.

Simply put, Jerusalem is the capital city of Israel. This is a fact. American foreign policy and the search for peace in the Middle East would be well served by our acknowledging that simply but important fact.

EXECUTIVE SESSION

THE EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session and consider the following nominations: calendar numbers 596, 635, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660 through 670, and 671; all nominations be placed on the Secretary's desk in the Air Force, Army, and Navy; and the nomination of Donald J. Yockey be reported today by the Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the nominee be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid on the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. CONRAD). Without objection it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SECURITIES AND EXCHANGE COMMISSION

Philip R. Lochner, Jr., of Connecticut, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1991.

DEPARTMENT OF DEFENSE

Charles M. Herzfeld, of New Jersey, to be Director of Defense Research and Engineering.

Gerald A. Cann, of Maryland, to be an Assistant Secretary of the Navy.

Jacqueline E. Schafer, of Virginia, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Bernard P. Randolph [redacted], U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Spence M. Armstrong, [redacted] U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Don E. Follis, [redacted] FG, Air National Guard of the United States.

Brig. Gen. Frederick R. Keith, Jr., [redacted] FG, Air National Guard of the United States.

To be brigadier general

Col. Gary C. Blair, [redacted] FG, Air National Guard of the United States.

Col. William P. Bland, Jr., [redacted] FG, Air National Guard of the United States.

Col. Hartwell F. Coke, IV, [redacted] FG, Air National Guard of the United States.

Col. Arthur B. Cornelius, [redacted] FG, Air National Guard of the United States.

Col. Joseph C. Daly, [redacted] FG, Air National Guard of the United States.

Col. Joseph A. Greenlee, Jr., [redacted] FG, Air National Guard of the United States.

Col. Dennis B. Hague, [redacted] FG, Air National Guard of the United States.

Col. John H. Hebl, [redacted] FG, Air National Guard of the United States.

Col. Allen J. Henderson, [redacted] FG, Air National Guard of the United States.

Col. Orville K. Hollenbeck, [redacted] FG, Air National Guard of the United States.

Col. Larry D. Lessly, [redacted] FG, Air National Guard of the United States.

Col. Timothy J. Lowenberg, [redacted] FG, Air National Guard of the United States.

Col. Robert V. Paschon, [redacted] FG, Air National Guard of the United States.

Col. Allen C. Pate, [redacted] FG, Air National Guard of the United States.

Col. James L. Pierce, [redacted] FG, Air National Guard of the United States.

Col. Lyle M. Rich, [redacted] FG, Air National Guard of the United States.

Col. Ralph D. Townsend, [redacted] FG, Air National Guard of the United States.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. John L. Piotrowski, [redacted], U.S. Air Force.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Donald J. Kutyna, [redacted], U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Edward J. Heinz, [redacted], U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Thomas S. Moorman, [redacted] U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. C. Norman Wood, [redacted], U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Orren R. Whiddon, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Freed Hissong, Jr., [redacted], U.S. Army.

The following named officer for appointment in the United States Army National Guard to the grade indicated, under the provisions of title 10, United States Code, sections 593(a), 3385 and 3392:

To be major general, Adjutant General's Corps

Brig. Gen Gregory P. Barlow, [redacted]

Brig. Gen. Stanley M. Heng, xxx-xx-xxxx.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Albert J. Herberger, xxx-xx-xxxx xxx-.../1110, U.S. Navy.

DEPARTMENT OF COMMERCE

Harry F. Manbeck, Jr., of Connecticut, to be Commissioner of Patents and Trademarks.

Douglas B. Comer, of Virginia, to be Deputy Commissioner of Patents and Trademarks.

DEPARTMENT OF JUSTICE

John R. Dunne, of New York, to be an Assistant Attorney General.

DEPARTMENT OF AGRICULTURE

La Verne G. Ausman, of Wisconsin, to be Administrator of the Farmers Home Administration.

Gary C. Byrne, of California, to be Administrator of the Rural Electrification Administration for a term of 10 years.

THE JUDICIARY

Rhesa H. Barksdale, of Mississippi, to be U.S. Circuit judge for the Fifth Circuit.

Jacques L. Wiener, Jr., of Louisiana, to be U.S. circuit judge for the Fifth Circuit.

Gerald E. Rosen, of Michigan, to be U.S. district judge for the Eastern District of Michigan.

Donald J. Lee, of Pennsylvania, to be U.S. district judge for the Western District of Pennsylvania.

Ronald L. Buckwater, of Pennsylvania, to be U.S. district judge for the Eastern District of Pennsylvania.

Robert H. Hodges, Jr., of South Carolina, to be a judge of the U.S. Claims Court for a term of 15 years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, ARMY, NAVY AND AIR FORCE, NAVY

Air Force nominations beginning Dale R. Agner, and ending Cedric L. Wong, which nominations were received by the Senate and appear in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nominations beginning Howard P. Abel, and ending Thomas M. Zazeckis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 25, 1990.

Air Force nominations beginning George M. Abernathy, and ending Michael E. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 6, 1990.

Air Force nominations beginning Norman G. Pare, and ending March R. Cobb, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Air Force nominations beginning Maj. Lyle M. Andvik, xxx-xx-xxxx and ending Maj. Albert L. Sherburne xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Air Force nominations beginning David W. Barnes, and ending Matt T. Wells, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Air Force nominations beginning Jay O. Aanrud, and ending Wayne L. Zorn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Army nominations beginning Charles W. Baldock, and ending Michael B. Vandewalle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1989.

Army nominations beginning Crispin A. Abad, and ending 226a, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 13, 1989.

Army nominations beginning John E. Baker, and ending Terry L * Zettlemoyer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 6, 1990.

Army nominations beginning Kenneth R. Close, and ending Edwin D. Selby, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Army nominations beginning Travis H. Acklin, and ending Robert P. Thomas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Army nominations beginning * Candice L. Castro, and ending Keith N. Steinhurst, which nominations were received by the Senate on February 23, 1990, and appeared in the CONGRESSIONAL RECORD of February 26, 1990.

Army, Navy and Air Force nominations beginning Lt. Colonel James C. Adamson, and ending Maj. Mark C. Lee, which nominations were received by the Senate on February 23, 1990, and appeared in the CONGRESSIONAL RECORD of February 26, 1990.

Navy nominations beginning Warren Robert Abel, Jr, and ending Stanley Anthony Zwolinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning Christopher M. Abell, and ending Douglas J. Zweerink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning Harold G. Hatch, Jr, and ending Oakley Key Watkins, III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 6, 1990.

Navy nominations beginning Alan L. Mathis, and ending David J. Harris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

Navy nominations beginning F. F. Alvarez, and ending Frank E. Thomas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 20, 1990.

DEPARTMENT OF DEFENSE

Donald Jay Yockey, of California, to be Deputy Under Secretary of Defense for Acquisition.

STATEMENT ON THE NOMINATION OF RHESA H. BARKSDALE

Mr. COCHRAN. Mr. President, the Senate should confirm the nomination of Rhesa H. Barksdale to be U.S. Court of Appeals judge for the Fifth Circuit.

He is exceptionally well qualified. When he graduated from the Universtiy of Mississippi School of Law in 1972, his legal fraternity, Phi Delta Phi, selected him as the most outstanding law school graduate in the Nation.

Following graduation, Mr. Barksdale served as a law clerk to Justice Byron R. White of the Supreme Court of the United States.

Since 1973 he has practiced law in Jackson, MS, in the largest law firm in our State and has earned the reputation of being one of the finest lawyers in Mississippi.

Rhesa Barksdale is totally competent. He is very intelligent, and he has good common sense as well.

After he graduated from the U.S. Military Academy at West Point, he served in combat in Vietnam as an officer in the United States Army. His courage and leadership there were proven in the field. For his exemplary service, he was awarded the Silver Star, Purple Heart, Bronze Star for Valor, Bronze Star for Meritorious Service, and the Vietnamese Cross of Gallantry with Silver Star.

As a citizen, he has given much of this time to charitable, civic, and church activities, demonstrating his sincere concern for improving the life of his community and State.

I am proud to join with my colleague from Mississippi, Mr. LOTT, in recommending Rhesa H. Barksdale for confirmation as U.S. Court of Appeals judge for the Fifth Circuit.

STATEMENT ON THE NOMINATION OF ROBERT HODGES, OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, it gives me great pleasure to speak on behalf of Mr. Robert Hodges, President Bush's nominee to be a judge on the U.S. Claims Court. Mr. Hodges was nominated on January 27, 1990, and his confirmation hearing was held on February 27, 1990.

Mr. Hodges is a native of Columbia, SC. He attended Wofford College and graduated from the University of South Carolina in 1966, with a bachelor of science degree. He earned his law degree from the University of South Carolina Law School in 1969. From 1963 until 1969, Mr. Hodges served in the U.S. Air Force Guard and Reserves. Following his graduation from law school, he worked on my staff as a legislative aide until 1971, at which time he joined the staff of Congressman FLOYD SPENCE, where he served until 1977. Mr. Hodges returned to South Carolina in 1977, and worked for the First National Bank of South Carolina as vice president and general counsel until 1985. From 1985 until 1986, he served as the executive vice president and general counsel to the South Carolina Bankers Association. Presently, Mr. Hodges is a partner with the law firm of Quinn, Arndt & Manning in Columbia, SC.

In summary, Mr. Hodges' professional career has prepared him well for a position on the claims court. He has extensive experience in banking, corporate, commercial, and consumer law,

along with experience in legislative and administrative law.

Mr. President, the professional experience Bob Hodges possesses will be most valuable to him in the position to which he has been nominated. He is a man of outstanding ability and integrity. He possesses the knowledge, judgment, and judicial temperament to become an outstanding jurist. It is with considerable pride that I support his nomination and urge my colleagues to do so as well.

STATEMENT ON THE NOMINATION OF LAVERNE AUSMAN

Mr. KASTEN. Mr. President, I was privileged to introduce LaVerne Ausman to the Senate Agriculture, Nutrition, and Forestry Committee last month. And I am very pleased that the administration has chosen to nominate LaVerne to head the Farmers Home Administration.

LaVerne is an experienced farmer and an excellent nominee for this position. I got to know him personally back when he served in the Wisconsin State Assembly from 1974 to 1977; he impressed me as a knowledgeable and talented individual then, and he has been building on that talent and expertise ever since.

As Secretary of the Wisconsin Department of Agriculture Trade and Consumer Protection from 1981 to 1986, he managed a department of 740 employees—and oversaw the agriculture policy of America's dairyland, the State of Wisconsin.

He has been a distinguished official of the U.S. Department of Agriculture since 1986, first as Director of Intergovernmental Affairs and later as Deputy Under Secretary for Small Community and Rural Development. In that latter position, he gained hands-on experience in dealing with the problems and challenges facing the Farmers Home Administration.

LaVerne knows farming—his farm in Elk Mound, WI, consists of about 165 milk cows, along with beef and cash grain. And he knows Washington, too.

LaVerne Ausman is truly ready for the task the President has asked him to perform. His confirmation clears the way for him to shoulder the important responsibilities awaiting him at the Farmers Home Administration.

I am pleased that the Agriculture Committee has chosen to move swiftly and favorably on his nomination, and the full Senate is following the same course of action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the order, the Senate will now resume legislative session.

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3315. An act to extend the authorization of appropriations for the Taft Institute; to the Committee on Labor and Human Resources.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3315. An act to extend the authorization of appropriations for the Taft Institute; to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2526. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the second quarterly country and commodity allocation table showing current programming plans for food assistance under Public Law 480 for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2527. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special impoundment message for fiscal year 1990; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-2528. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on major defense acquisition programs and a report if a unit threshold has been breached; to the Committee on Armed Services.

EC-2529. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Japan for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2530. A communication from the Secretary of Defense, transmitting, pursuant to law, the 1990 Joint Military Net Assessment; to the Committee on Armed Services.

EC-2531. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report of NASA on use of the metric system for fiscal year 1989; to the Committee on Commerce, Science, and Transportation.

EC-2532. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-2533. A communications from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-2534. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Soil Conservation Service Plan for the South Fork of Little River Watershed, KY; to the Committee on Environment and Public Works.

EC-2535. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to March 1, 1990; to the Committee on Foreign Relations.

EC-2536. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2537. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2538. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the second annual report on Department of Veterans Affairs furnishing contract services to eligible veterans; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-420. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Armed Services.

"CONCURRENT RESOLUTION

"Whereas, There have been numerous reports of American servicemen of World War II held in captivity in the Soviet Union;

"Whereas, There have been reports of American servicemen of the Korean War held in captivity in Korea, China, and the Soviet Union;

"Whereas, There have been reports of American servicemen of the Vietnam War held in captivity in Vietnam, Laos, Cambodia, China, and the Soviet Union;

"Whereas, All but one of the 2,338 men and women missing in action in Vietnam have been declared killed in action;

"Whereas, Under the present law, our government has declared prisoners of war (POWs) and persons missing in action (MIAs) as dead based solely on the passage of time;

"Whereas, Congressman John G. Rowland introduced in Congress H.R. 1730, the "Missing Service Personnel Act of 1989," to remedy many of the deficiencies of the present law relating to persons missing in action;

"Whereas, H.R. 1730 provides the following:

"1. All family members have an equal standing when considering changing the status of a person who is missing in action to killed in action,

"2. All classified information pertaining to the missing service person must be declassified before a person can be declared dead,

"3. All information pertaining to a missing service person must be in that person's file,

"4. All decisions pertaining to the status of a missing service person must be made by a board of inquiry and the members of the board must have certain qualifications,

"5. All missing personnel shall have legal representation at all boards of inquiry,

"6. All decisions of the boards of inquiry may be appealed in federal court,

"7. The press must be invited to all boards of inquiry and all family members must be invited to boards of inquiry, except the initial board that may be held in combat areas; and

"Whereas, All Americans are concerned about the welfare of those who serve our nation in times of war: Therefore, "Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:

"Section 1. That we urge the Congress to enact H.R. 1730, the "Missing Service Personnel Act of 1989".

"Section 2. That copies of this resolution be sent to the President and Vice President of the United States and to each member of the Indiana Congressional delegation."

POM-421. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance:

"CONCURRENT RESOLUTION

"Whereas, Medicare was established by the federal government in 1965 for the purpose of creating a federal financing system that would provide elderly Americans with affordable access to health care services; and

"Whereas, Medicare beneficiaries in South Carolina pay social security premiums equal to persons in all other states, yet receive significantly less in benefits; and

"Whereas, the Medicare program originally contained features that provided "unusual, customary, and reasonable" reimbursement for services and minimized the program's impact on the then existing health care system; and

"Whereas, the South Carolina Medical Association and the American Medical Association have encouraged the United States Congress to address an indemnity payment schedule, which reflects valid and demonstrable geographic differences in practice costs and is based on an appropriate relative value scale, as a more acceptable Medicare payment system; and

"Whereas, it is important that the current funding level for Medicare is maintained; and

"Whereas, the United States Congress should keep its promise to provide high quality health care for the nation's elderly and disabled; and

"Whereas, it is especially fitting that Congress take this action on the occasion of Medicare's twenty-fifth anniversary. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring: That the members of the General Assembly memorialize the United States Congress either to reduce South Carolina Medicare premiums or to equalize benefits to persons across the nation and to protect Medicare in its budget deliberations for Fiscal Year 1991.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the South Carolina Congressional Delegation."

POM-422. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Finance:

"HOUSE RESOLUTION No. 4

"Whereas, The United States Congress amended the Social Security Act in 1972 (Public Law 92-603) to increase retirement benefits to reflect cost-of-living increases; and

"Whereas, A technical flaw in the amended benefit formula overcompenstated people who retired after 1972; and

"Whereas, Congress corrected its error by amending the Social Security Act in 1977 (Pubic Law 95-2161) to bring benefits back to historical levels, and phased in the reduction over five years, affecting individuals born between 1917 and 1921, the so-called "notch" years; and

"Whereas, The phase-in period has not provided a smooth transition, but has resulted in "notch babies" receiving as much as $3,000 per year less in benefits than people who have similar work histories but were born in 1916; and

"Whereas, Members of Congress have for several years tried to pass legislation that would establish a uniform formula to treat those born in the "notch" years undermines public confidence in the Social Security system: Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

"Section 1. We affirm our commitment to the equitable distribution of Social Security benefits by urging Congress to enact legislation correcting the "notch" in Social Security benefits paid to those born between 1917 and 1921.

"Section 2. We further urge the President of the United States to sign such proposed legislation so the Social Security system once again provides equal retirement benefits to all deserving individuals.

"Section 3. The Principal Clerks are directed to transmit copies of this Resolution to be respectfully presented to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to every member of the Indiana Congressional Delegation."

POM-423. A resolution adopted by the Erie County Committee of the American Legion, Buffalo, NY, favoring an amendment to the Constitution of the United States the prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works without amendment:

H.R. 3311: A bill to redesignate the United States Post Office/Court House located in Salt Lake City, Utah, as the "Frank E. Moss Federal Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Donald Jay Yockey, of California, to be Deputy Under Secretary of Defense for Acquisition.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 2266. A bill to promote the development of new and expanded markets for the export of United States agricultural commodities and products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SYMMS (for himself, Mr. MCCAIN, Mr. PRESSLER, and Mr. BOSCHWITZ):

S. 2267. A bill to amend title II of the Social Security Act to exclude certain rental payments from self-employment income for the excess earnings test; to the Committee on Finance.

By Mr. FORD:

S. 2268. A bill to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airway improvements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 2269. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the United States Courts, and for other purposes; to the Committee on Governmental Affairs.

S. 2270. A bill to amend title 5, United States Code, to establish a pay schedule, to revise the rates of pay for Federal Fire Service personnel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ARMSTRONG:

S. 2271. A bill to continue the temporary suspension of the duty on certain aromatic color couplers and coupler intermediates; to the Committee on Finance.

By Mr. SYMMS:

S. 2272. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the authority of the Secretary of Health and Human Services with respect to regulating foods for special dietary uses as though they were drugs; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. HATFIELD):

S. 2273. A bill entitled the "Greens Creek Exchange Act"; to the Commitee on Energy and Natural Resources.

By Mr. GLENN (for himself and Mr. LAUTENBERG):

S. 2274. A bill to establish a Federal pay system with locality-based adjustments; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 2275. A bill to grant temporary duty-free treatment to 3-Aminopropanol; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. MCCONNELL, and Mr. BUMPERS):

S. 2276. A bill to amend the Food Security Act of 1985 to further enhance the conser-

vation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2277. A bill to amend the Federal Noxious Weed Act of 1974 to establish a Center for Noxious Weed Management and Data Collection, to provide for a coordinated management plan for the control of noxious weeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 2278. A bill to establish an Office of Federalism Assistance within the Office of Management and Budget; to the Committee on Governmental Affairs.

By Mr. BOSCHWITZ:

S. 2279. A bill for the relief of Guillermo Edgardo Canizales-Leiva ; to the Committee on the Judiciary.

S. 2280. A bill for the relief of Rolando Martinez; to the Committee on the Judiciary.

S. 2281. A bill for the relief of Martin Huit; to the Committee on the Judiciary.

S. 2282. A bill for the relief of Victor Diaz; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. DURENBERGER, Mr. HOLLINGS, Mr. DODD, and Mr. PELL):

S. 2283. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KASTEN (for himself, Mr. KOHL, and Mr. BOSCHWITZ):

S. 2284. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. HATFIELD):

S. 2285. A bill to encourage nations to implement measures to prohibit international trade in certain fish unless such fish are accompanied by a valid Certificate of Legal Origin; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself and Mr. EXON):

S. 2286. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of a magnetic levitation transportation system; to the Committee on Commerce, Science, and Transportation.

By Mr. GORE (for himself and Mr. HOLLINGS) (by request):

S. 2287. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. BOREN, Mr. JOHNSTON, Mr. DOLE, Mr. BINGAMAN, Mr. FORD, Mr. SIMPSON, Mr. WALLOP, and Mr. BURNS):

S. 2288. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the application of credits for qualified nonconventional fuels, to equalize the treatment of tight formation natural gas, and to restore tax credits denied by operation of decisions by the Federal Energy Regulatory Commission; to the Committee on Finance.

By Mr. MCCONNELL:

S. 2289. A bill to provide local commodity supplemental feeding programs with the authority to utilize assistance available for women, infants, and children for the benefit of eligible low-income elderly, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. DOLE, Mr. RIEGLE, and Mr. DURENBERGER):

S. 2290. A bill to amend titles II and XVI of the Social Security Act to improve widow's and widower's eligibility for insurance benefits and children's eligibility for Supplemental Security Income benefits; to the Committee on Finance.

By Mr. RUDMAN (for himself, Mr. ROTH, Mr. STEVENS, and Mr. BOSCHWITZ):

S. 2291. A bill to authorize appropriations to carry out the provisions of the Paperwork Reduction Act for fiscal years 1990, 1991, 1992, and 1993; to the Committee on Governmental Affairs.

By Mr. LUGAR:

S. 2292. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WILSON:

S. 2293. A bill to warn certain consumers in connection with the purchase of a Medicare supplemental policy; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN:

S.J. Res. 272. Joint resolution to designate March 30, 1990, as "National Doctor's Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 264. Resolution to authorize testimony in the case of United States v. Poindexter, et al. (D.D.C.); considered and agreed to.

By Mr. BIDEN (for himself, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. MOYNIHAN, Mr. PELL, Mr. SIMON, Mr. CRANSTON, Mr. HEINZ, and Mr. SARBANES):

S. Con. Res. 104. Concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2266. A bill to promote the development of new and expanded markets for the export of U.S. agricultural commodities and products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EXPORT ENHANCEMENT ACT

● Mr. GRASSLEY. Mr. President, today I am introducing the Agricultural Export Enhancement Act of 1990. There is more to the scope and aims of this bill than is suggested by its title. This bill should do more than simply increase America's agriculture exports. By focusing on increased exports of high value-added products, this bill will create new jobs. It will help our small businesses move into the international market place. And, of course, it will develop new farm markets both home and abroad.

These are the keys to rural economic development in the 1990's.

Mr. President, American farmers have worked hard to expand their markets overseas, and they have done an impressive job. Notwithstanding setbacks such as the Soviet grain embargo, and unfair trade practices of foreign competitors, the United States nevertheless leads the world with about a 33-percent share of world trade in bulk farm commodities. Moreover, one-third of America's farm production is exported, contributing $16 billion to the U.S. trade balance.

But this is not good enough. We could be doing a lot better. Better for our farmers, better for our businesses, and better for our workers.

This is not good enough because we are losing out on the world market for value added products. Our share is only 7 percent. This is a far cry from the 50-percent share enjoyed by the European Community.

This represents lost opportunity. And it is unacceptable.

According to a 1983 USDA study, we could create an additional 1 million jobs by simply expanding our share of high value agriculture exports by 5 percent. That's 1 million jobs.

Another report estimated that if we increased our present 7 percent world share to 15 percent, our GNP would increase by $50 billion and our Federal tax receipts would increase by $10 billion. That's no small chunk of change, and it would mean a great deal in fighting our deficit and in keeping our economy strong.

So, what's our problem, and what are we going to do about it?

Just recently the General Accounting Office told us what the problem is. The GAO in underscoring the fact that we had fallen far behind the European Economic Community in the export of high value and processed products, stated that: "Countries emphasizing sales of high-value products have developed partnerships between the Government and private enterprise reflecting a national comment to export marketing."

What can we do about it? My hope is that the Agricultural Export Enhancement Act of 1990 can serve as part of the solution. It can help us take a fair share of the world trade in high-value farm products—trade which is growing at a rate of 3 percent per year com-

pared to only a 1-percent growth rate for bulk commodities.

Mr. President, along with the bill, I am submitting for the RECORD a copy of a summary that I shared with my colleagues a few weeks ago. But before closing, I would like to take a moment to once again highlight the new initiatives embodied in this bill, initiatives which should foster the partnerships and commitment to export marketing between the private sector and Government found in other countries which have been successful in this area.

First, this bill will enhance the flow of market information. The financial risk of conducting market research is great, particularly for small business. My legislation authorizes a market research loan program to help minimize this risk and to provide an incentive for such an investment.

Second, this legislation supports market development and promotion. Much of our export efforts so far have been aimed at countering unfair trade practices. There is no reason why we cannot devote resources to helping our businesses tap into markets with potential for growth.

Third, this bill will improve market intelligence. Presently, the United States only has 60 agricultural attachés and 15 agricultural trade officers worldwide. We need to bolster this force in order to allow more time and energy to be devoted to serving as a link, or liaison between foreign governments and businesses, and our own American producers and processors.

Finally, my bill modifies the scope of existing export programs in order to allow higher priority to the sales and marketing of value-added agricultural products.

Mr. President, I am introducing this legislation today, in hopes of providing my colleagues, particularly those on the Senate Agriculture Committee, a plan that can be incorporated into the 1990 farm bill. I have additional ideas to improve this bill, and will be sharing them later. But I wanted to get this bill out on the table, so to speak, so that we can begin focusing on resolving a problem—on finding a solution—to gaining a fair share of a growing world market for value added farm products.

Up until now, we have turned our back to real opportunity.

Opportunity to increase the number of American jobs.

Opportunity to improve rural and farm income.

Opportunity to reduce our deficit and increase GNP.

I urge my colleagues to give serious consideration to the Agricultural Export Enhancement Act of 1990, and urge your support.

Mr. President, I ask unanimous consent that the summary mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE AGRICULTURAL EXPORT ENHANCEMENT ACT OF 1990

BACKGROUND

A General Accounting Office study released February 2, 1990, indicated that the United States has fallen far behind our European competitors in the export of high-value products. According to the GAO, the E.C. now holds a 41-percent share of the high value/processed product market. The United States share is only 9 percent.

The benefits of High-Value Product's trade accrue to more than just our farmers. By exporting bulk commodities as inputs to foreign processors, we have lost an opportunity to employ U.S. workers. According to a 1983 USDA study, expanding our share of world High Value Product's trade by 5 percent could mean 1 million more jobs for U.S. labor.

A report by the President's Agricultural and Trade Adviser states that the U.S. world share of Value-Added Product's trade could be increased from 7 up to 15 percent without a disruption of bulk commodity exports. The benefits of such an increase would mean: a $50 billion increase in the GNP; a $10 billion increase in federal tax receipts; and 1 million additional jobs.

The potential for growth in the area of Value-Added products is already great. World trade in High Value Products is growing at 3 percent per year compared to 1 percent growth for bulk commodities.

New markets for agricultural products are opening every day as the Communist nations of Eastern Europe evolve into Democratic societies. Combined, these factors demand that we rethink our current trade policy.

We need a 1990 farm bill that ensures the benefits of our international trade reach beyond the farm gate to help other sectors of our agricultural economy as well.

LEGISLATION SUMMARY

Market information

1. New Market Research Loan Program.

American processors can export to new markets if they know the demand, the cultural barriers, and the mechanics of dealing with a new country. This research is risky. The Market Research Loan Program is designed to minimize this risk so American processors can venture into new markets without fearing financial ruin.

The New Market Research Program, administered by the Foreign Agricultural Service, allows American processors to borrow 50 percent of the costs of a market research project (up to $50,000). Eligible activities permitted under the program include: economic studies, travel, label development, production of promotion materials, and test market expenses. Funding will be awarded by FAS based upon submission of a research plan by eligible applicants. Acceptable plans will be limited to markets not previously developed by the applicant. The plan may be amended with USDA approval.

Upon completion of the research, any sales which occur will constitute market development and trigger repayment of the loan. If research indicates sales will not be profitable in a specific market, the Administrator may forgive the loan.

Any market research which leads to market development will be kept proprietary for one year following research completion. All other market information collected under this program will become public information upon completion of the research.

2. New Market Task Force.

In addition to private market research, a great deal of information is collected by the U.S. government which could aid export-minded processors. The FAS, the U.S. Trade Representative, and the Commerce Department all have information which could be useful to U.S. businesses. We need a coordinated effort to compile and disseminate this information to people who can use it.

The legislation requires the Secretary of Agriculture to appoint a New Market Task Force made up of representatives from USDA, Commerce, USTR, SBA, and the Regional Trade Centers authorized by Congress under the Food Security Act of 1985.

The Task Force will develop a strategy for marketing processed products using market and government incentives. In addition, this body will be charged with collecting and disseminating available information on market opportunities, trade barriers, and marketing distribution systems.

Market promotion and development

1. Targeted Export Assistance Program.

The TEA program currently has wording that restricts its use to those countries that employ unfair trade practices. The world situation has changed dramatically, however, since 1985. New opportunities have developed in Eastern Europe and other countries around the world. In addition, the possibility of a GATT Agreement which eliminates direct trade subsidies will impact our current trade programs. The TEA program is a good tool to use in developing new agricultural markets.

This legislation would amend the TEA legislation by deleting the unfair trade practice provision and would permit uninterrupted multiyear market development programs.

Market intelligence

1. Market Intelligence Personnel.

The FAS currently has approximately 106 professional foreign service personnel overseas. Of these 106, 91 are attaches who spend approximately one-third of their time on reporting. Thus, there are only 15 Agricultural Trade Officers whose main responsibility it is to coordinate marketing efforts for U.S. agricultural exports. The government's overseas agricultural marketing force is much much too small to compete in the current world agricultural environment. Future GATT decisions could increase our reliance on these personnel.

Public Law 95-501 authorizes 25 Agricultural Trade Offices in other nations. However, hiring ceilings have provided for only 15 ATO's. This bill seeks to increase the Foreign Agricultural Service's hiring ceiling to accommodate ten more Agricultural Trade Offices and the personnel to run them.

Processed product export programs

1. Value Added Export Enhancement Program.

The Food Security Act of 1985 included directions to the Foreign Agricultural Service to place expanded emphasis on market development activities for value-added products. The bill also contained a mandate to use 15 percent of the Export Enhancement funds for the export of meat or meat products. The Department has missed on both counts.

The export of value-added commodities offers more than just additional jobs at home, it offers stability within our agricultural markets. Product loyalty, an intangible not associated with bulk commodity ex-

ports, will help U.S. exporters retain their share of foreign markets as subsidy levels decrease. The result will be long-term development.

The creation of the Value-Added Export Enhancement Program will ensure that processed and high-value products receive a share of our trade program funds proportionate to their importance in world markets. This legislation directs 25 percent of our currently authorized EEP funds toward the new program. Comparing current authorization with past spending levels, this mandate should not diminish the amount of funds currently available for the export of bulk commodities.●

By Mr. SYMMS (for himself, Mr. MCCAIN, Mr. PRESSLER, and Mr. BOSCHWITZ):

S. 2267. A bill to amend title II of the Social Security Act to exclude certain rental payments from self-employment income for the excess earnings test; to the Committee on Finance.

EXCLUSION OF CERTAIN RENTAL PAYMENTS FROM SELF-EMPLOYMENT INCOME

Mr. SYMMS. Mr. President, under the 1985 farm bill, Congress has provided for rental payments to be made to farmers who would sign a 10-year contract with USDA to place certain lands in a conservation program. The Federal Government rents the land much the same way a neighbor might rent the land, and the owners pay for letting the Federal Government use it. The land is used for conservation, which is to say it is maintained in more or less a natural state under the supervision of the USDA.

The IRS has determined, however, that the payments made to the farmers under this program are not actually rental in the same way that payments by a tenant farmer or neighbor might be. Therefore, the IRS has regarded these payments from the Federal Government to farmers whose land is under long-term contract as earned income.

Mr. President, this ruling by the IRS has created a major injustice in the Social Security Program. The earnings test under Social Security requires that the pension of retirees between the ages of 62 and 70 be reduced by $1 for every $3 of earned income a retiree receives.

Since the conservation program pays the farmer $46 per acre for placing highly erodible farmland in the program, any farmer who retires and chooses to participate has to give up his Social Security pension check until he or she is 70 years old.

To make matters worse, Mr. President, farmers in my State are being misled by the program's characterization of the payments as rental payments. They are rental payments, and they are called rental payments in the 1985 farm bill. But the IRS has decided they are not rental payments for the purposes of Social Security.

Not only does the farmer lose the Social Security pension, if he puts more than 40 or 50 acres in the program—most farmers do put that many acres in the program, if they have any land at all—but the same farmer also has to pay 15 percent Social Security tax on their earned income. So it puts them in the highest marginal tax rate of Americans, Mr. President.

My bill does not attempt to fix every problem with the IRS interpretation of the rental payments under the Conservation Reserve Program as earned income, but I think this Congress should fix the injustice that takes away the Social Security pensions of farmers who retire and are participating in the program.

THE TREATMENT OF CONSERVATION RESERVE RENTAL PAYMENTS UNDER SOCIAL SECURITY

Mr. BOSCHWITZ. Mr. President, I rise today in support of my colleague and good friend from Idaho's legislation which would adjust the treatment of conservation reserve rental payments as earned income for the purpose of computing the Social Security earnings limit.

As my colleague said, the 1985 farm bill authorizes the Federal Government to rent farmland specifically for conservation. The Federal Government rents this, just like anyone rents farmland. There is no difference.

Unfortunately there is. The Internal Revenue Service has classified this income as earned income rather than rental payments as it should be.

Mr. President, this ruling subjects these farmers to an antiquated provision in Social Security law known as the earnings limit which has long outlived its usefulness. For every $3 of earned income, a farmer's Social Security is reduced $1. These retired farmer's are paying the highest marginal tax rate in the country. Once combined with other Federal, State, and Social Security taxes, their rate can be as high as 80 percent or more.

Many farmers in my State of Minnesota are being misled by the program's characterization of the payments as rental payments. And I see why. These payments from the Department of Agriculture are simply rental payments The 1985 farm bill describes these payments as rent, and quite simply this legislation would again clarify the original intent of Congress for this group. As Senator SYMMS said, this amendment does not fix every problem with the IRS interpretation, but I strongly believe this a step in the right direction. We must repeal the earnings limit for these farmers who receive conservation reserve rental payments.

These tax rates are simply unjust and unfair. The earnings test discriminates against older Americans and it must be changed. As a matter of fact, the Senator from Idaho and 18 others have cosponsored my bill to repeal this unfair seniors-only tax for all older Americans. The earnings limit penalizes our Nation's seniors for their productivity. It is a great disincentive to work, and it keeps hundreds of thousands, perhaps millions of retirees out of the labor market. The earnings test is not fair; it is outdated; and it has to go. Anything we can do to break apart this law is a step in the right direction, and I'm proud to support my friend from Idaho in his effort.

Therefore, Mr. President, I'm again proud to cosponsor this very fair legislation.

By Mr. FORD:

S. 2268. A bill to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airway improvements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXTENSION OF CERTAIN PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION

Mr. FORD. Mr. President, I rise to introduce a bill to extend for a period of 2 years the authorization of some of the vital programs of the Federal Aviation Administration [FAA] through fiscal year 1992.

The Airport and Airway Improvement Act of 1982 authorized the FAA's capital equipment program and the research and development program through fiscal year 1990. This was done so that we might review these programs after 3 years to see how the FAA is progressing with the national airspace system plan.

The same act authorized the Airport Grant Program through 1992. The administration and some in the aviation community want to tackle the Airport Grant Program this year and make some major changes in it. Frankly, I don't see the sense of that. My bill would put all the FAA appropriations on the same cycle: all would then need to be reauthorized in 1992, and we would take a comprehensive look at everything at that time.

I understand the administration will be sending us a reauthorization proposal soon. After hearing and reading about the national transportation strategy yesterday, I am not optimistic about another administration proposal. For one thing, Mr. President, I understand that Secretary Skinner believes a solution to the airport capacity problem is to remove the prohibition against local airport head taxes. How anyone can suggest that passengers should be taxed further, with $7 billion already collected and unspent in the Airport and Airway Trust Fund, is beyond me. The administration's budget proposed raising the passenger ticket tax, the airline fuel tax, the international departure tax and others. Again, I find it incredible to

suggest increasing revenues without spending what is already there.

My good friends in the airport business are advocating a head tax too. They, like everyone else, want an independent, dedicated revenue source. They don't want to answer to the Congress, or to the airlines as to how the head tax money is spent. But then they also want to continue to receive some funding from the Airport Grant Program. I suggest to them that they can't have it both ways; if head taxes are so important, then perhaps defederalization is what they should be pushing for.

Mr. President, all of this tells me that there are some major issues that need to be resolved before we start to tamper with the Airport Grant Program. In the meantime, we must address the technical programs of the FAA, and keep them moving ahead without interruption. The national airspace plan is a real, concrete, transportation strategy. It will modernize the air traffic control system and enhance safety. Most of the projects are under contract, and the FAA will be obligating large amounts from the trust fund in the next few years. We need to continue to encourage the FAA to do more research; that is where lives are truly saved and where safety improvements begin.

The administration may continue to talk and plan and develop national strategies; let us in the Senate and our colleagues in the House of Representatives see to it that the FAA continues with modernization, and assure that the flying public's tax money is spent for the intended purposes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)(1)) is amended—

(A) by striking "and" immediately after "October 1, 1989,"; and

(B) by inserting immediately before the period at the end of the first sentence the following: ", and $14,625,200,000 for fiscal years ending before October 1, 1991, and $17,625,200,000 for fiscal years ending before October 1, 1992".

(b) Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "and";

(B) in subparagraph (C), by striking the period at the end and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) for fiscal year 1991, $260,000,000, and for fiscal year 1992, $260,000,000.".

(c) Section 506(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(4)) is amended—

(A) in subparagraph (A), by striking "and 1990" and inserting in lieu thereof "1990, 1991, and 1992"; and

(B) in subparagraph (B), by striking "and 1990" and inserting in lieu therof "1990, 1991, and 1992".

(d) Section 506(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(d)) is amended by striking "and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

By Mr. LIEBERMAN:

S. 2269. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the United States Courts, and for other purposes; to the Committee on Governmental Affairs.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS PERSONNEL ACT

● Mr. LIEBERMAN. Mr. President, today I am introducing the Administrative Office of the United States Courts Personnel Act of 1990, a bill which will establish an independent personnel system within the Administrative Office of the U.S. Courts.

The Administrative Office of the U.S. Courts is the administrative arm of the Federal Judiciary and an agency of the judicial branch of the Government. The personnel of the Administrative Office serve the U.S. courts, which comprise a coequal branch of the Federal Government under the Constitution. With few exceptions, judges and staff directly employed by the courts are not subject to personnel rules and regulations of the executive branch. Personnel within the Administrative Office, however, are largely subject to the control of the executive branch. Thus, under the current system, 22,000 judicial employees working in the courts are not subject to personnel regulations of the executive branch, while those working at the national administrative center for the courts are subject to executive control. This inconsistent treatment of personnel also has serious practical consequences: There are enormous problems in moving employees between the administrative office and the courts because of the separate personnel systems.

This legislation will address these problems. It will establish an independent, self-contained personnel management system within the administrative office, which is free from executive branch control and more similar to the personnel system for the rest of the judicial branch. This system will end the inappropriate and inconsistent intermingling of the two branches, and will facilitate the transfer of employees between the courts and the administrative office.

The personnel system to be created by this bill retains the safeguards of the executive branch personnel system for the employees of the administrative office. It will protect present appeal rights and benefits of current administrative office employees and set up new systems incorporating these rights for new employees. All administrative office personnel will remain in the health and life insurance programs, the Federal retirement system, and will retain the same benefits with regard to holidays, annual and sick leave, and worker's compensation.

Mr. President, I believe that under this legislation, the employees of the administrative office will benefit, the judicial branch will benefit, and the governmentwide personnel management system will benefit from the creation of a coherent judical branch personnel system. I look forward to favorable action on this legislation.

I ask for unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Administrative Office of the United States Courts Personnel Act of 1990".

SEC. 2. DEFINITIONS.

For purposes of this Act the term—

(1) "Director" means the Director of the Administrative Office of the United States Courts;

(2) "employee" means any employee of the Administrative Office of the United States Courts, except any employee referred to in section 603 of title 28, United States Code; and

(3) "Office" means the Administrative Office of the United States Courts.

SEC. 3. GENERAL PERSONNEL AUTHORITY.

The Director of the Administrative Office of the United States Courts may appoint, fix the compensation of, assign, and direct such personnel as the Director determines necessary to discharge the duties and functions of the Administrative Office.

SEC. 4. ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM.

(a) ESTABLISHMENT.—The Director shall establish a personnel management system for the Office—

(1) which provides for the appointment, pay, promotion, and assignment of all employees on the basis of merit; and

(2) to which the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive civil service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates shall not apply.

(b) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established under subsection (a) shall, at a minimum—

(1) provide for a schedule of pay rates applicable to all employees;

(2) provide that the basic rate of pay of any person appointed under this section shall not exceed the rate of basic pay for

level V of the Executive Schedule, except as provided in paragraph (11);

(3) incorporate pay comparability principles as set forth under section 5301(a) of title 5, United States Code;

(4) provide for the adjustment of the pay of employees at the same time and in the same percentage amount as rates of basic pay are adjusted for General Schedule and prevailing rate employees, as appropriate;

(5) establish procedures for employee evaluations, the granting of periodic pay adjustments, incentive awards, and resolution of employee grievances;

(6) establish procedures for disciplinary actions, including reduction in grade or pay, suspension, and removal, based on unacceptable performance or misconduct, except that the Director may exempt from such procedures positions of a confidential or policy-determining character, not to exceed 4 percent of the authorized positions of the Office;

(7) establish procedures for premium pay (including overtime) similar to the provisions of subchapter V of chapter 55 of title 5, United States Code;

(8) include the merit system principles set forth under section 2301(b) of title 5, United States Code;

(9) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code;

(10) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

(11) provide for the basic rate of pay of not more than 5 percent of the authorized positions of the Office (excluding the positions referred to in section 603 of title 28, United States Code) to be set at rates not to exceed the rate of basic pay for positions at level IV of the Executive Schedule.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) WORK SCHEDULES.—In establishing procedures under section 4(b)(7) the Director may at his discretion implement flexible and compressed work schedules and may exempt the hours constituting such schedules from premium pay to the extent the Director determines necessary to implement such schedules.

(b) DISCRIMINATION COMPLAINTS.—In implementing the provisions of section 4(b)(10), the Director shall, no later than 6 months after the date of the enactment of this Act, promulgate regulations providing procedures for resolving complaints of discrimination by employees and applicants for employment.

(c) PAY LIMITATION.—Notwithstanding any other provision of this section, aggregate pay in any 1 year period (including basic pay and incentive awards) of any individual whose basic rate of pay is set under this Act may not exceed the annual aggregate pay computed at the basic rate of pay for the position of the Director.

(d) TRAVEL EXPENSES AND LEAVE FOR CERTAIN POSITIONS.—The Director may apply the provisions of sections 5723 and 6304(f) of title 5, United States Code, to the positions referred to under section 4(b)(11) and in section 603 of title 28, United States Code, including the Deputy Director.

(e) INCENTIVE AWARDS FOR CERTAIN POSITIONS.—The Director may provide for incentive awards for the positions referred to in section 603 of title 28, United States Code, including the Deputy Director, subject to the aggregate pay limitation under subsection (c).

(f) PAY, INCENTIVE AWARDS, AND TRAVEL EXPENSES OF DIRECTOR.—The Chief Justice of the United States or the Judicial Conference of the United States may grant incentive awards to the Director, except that the Director's aggregate pay for any fiscal year, including aggregate annual pay and incentive awards, may not exceed the aggregate annual pay of a United States circuit judge. The Chief Justice or the Judicial Conference may authorize application of section 5723 of title 5, United States Code, to the Director.

(g) TRAINING PROGRAMS.—The Director may develop and conduct programs to meet the short and long range training needs of the agency.

(h) EMPLOYEE GRIEVANCES AND APPEALS.—(1) Notwithstanding any other provision of law, an individual who is an employee of the Office on the day before the effective date of this Act and who, as of that day, was entitled to—

(A) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code, or

(C) file an appeal with the Equal Employment Opportunity Commission under 29 CFR, Part 1613,

shall continue to be entitled to file such appeal so long as the individual remains an employee of the Office.

(2) The provisions of paragraph (1) shall not apply to employees in positions referred to in section 603 of title 28, United States Code, or in positions of a confidential or policy-determining character described under section 4(b)(11).

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) APPLICATION OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5, United States Code, is amended—

(1) in paragraph (1) by adding "and" at the end thereof;

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) PROHIBITED PERSONNEL PRACTICES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking out ", the Administrative Office of the United States Courts,".

(c) PERFORMANCE APPRAISAL.—Section 4301(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by adding "and" at the end thereof;

(2) by striking out subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(d) AWARDS FOR SUPERIOR ACCOMPLISHMENTS.—Section 4501(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively.

(e) PERSONNEL RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS.—Section 4701(a)(1) of title 5, United States Code, is amended by striking out ", the Administrative Office of the United States Courts,".

(f) PAY AND ALLOWANCES CLASSIFICATION.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively.

(g) CLASSIFICATION OF GS-16, 17, AND 18 POSITIONS.—Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out paragraph (1); and

(2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(h) PREVAILING RATE EMPLOYEES.—Section 5349(a) of title 5, United States Code, is amended in the first sentence by striking out "the Administrative Office of the United States Courts,".

(i) SEVERANCE PAY.—Section 5595 of title 5, United State Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C) by striking out "and" at the end thereof; and

(B) by adding at the end thereof the following new subparagraph:

"(E) the Administrative Office of the United States Courts, the Federal Judicial Center, and the courts named under section 610 of title 28; and"; and

(2) in subsection (b) by amending such subsection to read as follows:

"(b)(1) Under regulations prescribed by the President or such officer or agency as he may designate, an employee who—

"(A) has been employed currently for a continuous period of at least 12 months; and

"(B) is involuntarily separated from the service, not by removal for cause on charges of misconduct, delinquency, or inefficiency; is entitled to be paid severance pay in regular pay periods by the agency from which separated.

"(2) Notwithstanding the provisions of paragraph (1), the Director of the Administrative Office of the United States Courts may prescribe regulations to effect the application and operation of this section to the agencies specified in subsection (a)(1)(E) of this section.".

(j) BACK PAY.—Section 5596 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by inserting ", the Federal Judicial Center, and the courts named by section 610 of title 28" after "Courts"; and

(2) in subsection (c) in the second sentence by inserting after "employees" a comma and "or to the agencies described under subsection (a)(2) of this section".

(k) CIVIL SERVICE RETIREMENT.—(1) Section 8331(1)(v) of title 5, United States Code, is amended to read as follows:

"(v) an employee of the Administrative Office of the United States Courts, of the Federal Judicial Center, or of a court named by section 610 of title 28, if excluded by the Director of the Administrative Office under section 8347(p) of this title.".

(2) Section 8347 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) The Director of the Administrative Office of the United States Courts may exclude from the operation of this subchapter an employee of the Administrative Office, of the Federal Judicial Center, or of a court named by section 610 of title 28, whose employment is temporary or of uncertain duration.".

(l) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8401(11)(i)(I) of title 5, United States Code, is amended by striking out "(v),".

(2) Section 8402(c) of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(7) The Director of the Administrative Office of the United States Courts may exclude from the operation of this chapter an employee of the Administrative Office, of the Federal Judicial Center, or of a court

named by section 610 of title 28, whose employment is temporary or of uncertain duration.".

(m) COMPENSATION OF EMPLOYEES OF THE OFFICE.—Section 602(a) of title 28, United States Code, is amended to read as follows:

"(a) The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the Administrative Office of the United States Courts Personnel Act of 1990.".

(n) SPECIAL EMPLOYEES.—Section 602(b) of title 28, United States Code, is amended by striking out "604(a)(15)(B)" and inserting in lieu thereof "604(a)(16)(B)".

(o) SALARY OF DEPUTY DIRECTOR; LEAVE OF DIRECTOR.—Section 603 of title 28, United States Code, is amended—

(1) in the second sentence by striking out "of the Deputy Director"; and

(2) by inserting after the first sentence "Notwithstanding any other provision of law, the Director shall not be an employee for purposes of subchapter I of chapter 63 of title 5, United States Code. The salary of the Deputy Director shall be 92 percent of the salary of the Director.".

(p) REDESIGNATIONS.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating the first paragraph (19) as paragraph (18);

(2) in paragraph (22) by adding "and" after the semicolon; and

(3) in paragraph (23) by striking out the semicolon and inserting in lieu thereof a period.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1990 and for each year thereafter such sums as may be necessary to carry out the provisions of this Act.

SEC. 8. EFFECTIVE DATE.

The provisions of this Act shall take effect 60 days after the date of the enactment of this Act.●

By Mr. LIEBERMAN:

S. 2270. A bill to amend title 5, United States Code, to establish a pay schedule, to revise the rates of pay for Federal fire service personnel, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL FIRE SERVICE PAY SCHEDULE ACT OF 1990

● Mr. LIEBERMAN. Mr. President, today I am introducing the Federal Fire Service Pay Schedule Act of 1990. This bill is similar to legislation introduced on the House side by Representatives HAYES and MORELLA (H.R. 3831). The bill will establish a pay schedule for Federal firefighters which would be separate from the General Schedule and will revise the rates of pay for Federal firefighters.

The current pay schedule does not fairly and adequately compensate Federal firefighters who work, on average, a 72-hour workweek and perform unique, often very dangerous and specialized services in the Federal system. The General Schedule, by contrast, assumes a more standard 40-hour, 5-day workweek.

This bill would reduce the current 72-hour workweek to 60 hours and establish a separate pay schedule that will provide better pay and overtime for Federal firefighters. These provisions are fair and consistent with the services provided by firefighters, and they will make it much easier for the Federal Government to attract and retain a skilled fire service.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Fire Service Pay Schedule Act of 1990".

SEC. 2. ESTABLISHMENT OF PAY SCHEDULE.

(a) PAY FOR FEDERAL FIRE SERVICE PERSONNEL.—Chapter 53 of title, 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter IX—Pay for Federal Fire Service Personnel

"§ 5391. Definition

"For the purpose of this subchapter 'employee' means any employee whose classification is determined and regulated by the Position-Classification Standard For Fire Protection and Prevention Series GS-081 (as authorized under section 5105 of this title), but shall not include any employee of the District of Columbia.

"§ 5392. Federal Fire Service Personnel Schedule

"(a)(1) The Federal Fire Service Personnel Schedule, the symbol for which is 'FS', is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, is entitled to basic pay in accordance with the Federal Fire Service Personnel Schedule.

"(2) The Federal Fire Service Personnel Schedule shall include—

"(A) a Federal Fire Service Personnel Schedule A (the symbol for which is 'FSA') which shall apply to employees described under section 5393(a); and

"(B) a Federal Fire Service Personnel Schedule B (the symbol for which is 'FSB') which shall apply to employees described under section 5393(b).

"(3) The Federal Fire Service Personnel Schedule is divided into 12 grades, each of which shall include 10 service steps.

"§ 5393. Establishment of pay schedule and rates of basic pay for Fire Service Personnel

"(a) Each employee as defined under section 5391 and who works a minimum of 60 hours per 7-day cycle or a minimum of 240 hours per 28-day cycle, or is covered by Veterans' Administration Department of Medicine and Surgery Supplement, MP-5, Part 1, Chapter 610 shall be assigned a grade and receive a rate of basic pay, under regulations prescribed by the Office of Personnel Management.

"(b) Each employee as defined under section 5391 and who works a minimum of 40 hours per administrative work week shall be assigned a grade and receive a rate of basic pay, under regulations prescribed by the Office of Personnel Management.

"§ 5394. Periodic step increases

"(a)(1) Subject to the provisions of paragraph (2), each employee whose pay is set under this subchapter who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay successively to the next higher rate within the grade at the beginning of the next pay period following the completion of—

"(A) each 52 calendar weeks of service in pay rates 1, 2, and 3;

"(B) each 104 calendar weeks of service in pay rates 4, 5, and 6; or

"(C) each 156 calendar weeks of service in pay rates 7, 8, and 9;

"(2) An employee shall be advanced as provided in paragraph (1), if—

"(A) the employee did not receive an equivalent increase in pay during that period; and

"(B) the work of the employee is of an acceptable level of competence as determined by the head of the agency.

"(b) Under regulations prescribed by the Office of Personnel Management, the benefit of successive step increase shall be preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

"(c) When a determination is made under subsection (a) of this section that the work of an employee is not of an acceptable level of competence, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within his agency under uniform procedures prescribed by the Office of Personnel Management. If the determination is affirmed on reconsideration, the employee may appeal to the Merit Systems Protection Board. If the reconsideration or appeal results in a reversal of the earlier determination, the new determination supersedes the earlier determination and is deemed to have been made as of the date of the earlier determination.

"(d) An increase in pay granted by statute is not an equivalent increase in pay within the meaning of subsection (a) of this section.

"§ 5395. Additional step increase

"(a) Within the limit of available appropriations and under regulations prescribed by the Office of Personnel Management, the head of each agency may grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. An employee who is determined eligible under this section may receive only one additional step-increase within any 52-week period.

"(b) A step increase under this section is in addition to those under section 5394 of this title and is not an equivalent increase in pay within the meaning of 5394(a) of this title.

"§ 5396. Minimum hours of work; computation of overtime

"(a) Each employee, as defined under section 5391, who works a minimum of 240 hours per 28-day cycle, or is covered by Veterans' Administration Department of Medicine and Surgery Supplement, MP-5, Part 1, Chapter 610 shall have his pay set under section 5393(a). Any hours of work which exceed these minimums shall be deemed overtime and compensated under section 5542(b) (1) and (2) of this title.

"(b) Each employee, as defined under section 5391, who works a minimum 40 hour administrative work week shall have his pay set under section 5393(b). Any hours of work which exceed this minimum shall be

deemed overtime and compensated under section 5542(b) (3) and (4) of this title.

"(c) Each employee whose pay is set under 5393(a) shall be scheduled to work in 24 hour shifts and for a minimum of 60 hours per 7-day cycle or a minimum of 240 hours per 28-day cycle, except that the head of the agency may modify the number of hours in the shifts if he determines that such a modification is necessary to the efficient operation of the agency.

"(d) Each employee whose pay is set under 5393(b) shall be scheduled to work in 8 hour shifts and for a minimum of 40 hours per administrative work week, except that the head of the agency may modify the number of hours in the shift, if he determines that such a modification is necessary to the efficient operation of the agency.

"§ 5397. Educational incentive service step increases

"(a) Each employee, as defined under section 5391, who has earned and been duly awarded, or earns and is duly awarded an associates degree in a fire science curriculum shall be advanced to the next service step within the grade at which the position is classified.

"(b) Each employee, as defined under section 5391, who has earned and been duly awarded, or who earns and is duly awarded a bachelors degree in a fire service curriculum shall be advanced two service steps within the grade at which the position is classified, except that if the employee was at any time advanced one service step for earning an associates degree, the employee shall be advanced one additional service step.

"(c) Employees who have already attained Service Step 10 within the grade at which his position is classified when that employee earns and is duly awarded either degree shall receive a cash award equivalent to the step increase.

"(d) The advancement to the next service step described under subsection (a) shall take effect on the first day of the first pay period beginning after the date on which the degree is awarded.

"(e) Nothing in this section shall be construed as a waiver of or limitation on any other advancement in service step to which an employee, who is advanced under this section, would otherwise be entitled under section 5394 and 5395 of this title.

"(f) Any advancement in service step under this section shall not be deemed to be an equivalent increase in pay under section 5335(a) of this title.

"§ 5398. Additional compensation for technicians

"(a) Each employee, as defined in section 5391, who successfully completes a specialized training course, including but not limited to emergency medical training and hazardous materials handling, shall be awarded a cash bonus equal to 2 percent of his annual wages at his current grade and service step.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"Subchapter IX—Pay for Federal Fire Service Personnel

"5391. Definitions.
"5392. Federal Fire Service Personnel Schedule.
"5393. Establishment of rates of pay for Federal Fire Service Personnel.
"5394. Periodic step-increases.
"5395. Additional step-increases.
"5396. Minimum hours of work; computation of overtime.
"5397. Educational incentive service step increase.
"5398. Additional compensation for technicians.".

SEC. 3. PAY COMPARABILITY.

(a) STATUTORY PAY SYSTEM.—Section 5301(c)(1) of title 5, United States Code, is amended by inserting before the semicolon the following: ", or subchapter IX of this chapter, relating to the Federal Fire Service Personnel Schedule".

(b) HIGHER MINIMUM RATES.—Section 5303(a)(1) is amended by inserting "or subchapter IX" after "5332".

(c) PRESIDENTIAL POLICIES AND REGULATIONS.—Section 5304 of title 5, United States Code, is amended by inserting "and subchapter IX" after "Subchapter III".

SEC. 4. OVERTIME PAY.

(a) OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) Notwithstanding the provisions of subsection (a) of this section, each employee whose pay is set under subchapter IX of this title shall be compensated for overtime at the following rates:

"(1) For each employee whose pay is set by section 5393(a) of this title and who is paid no more than the pay set for Service Step 1 of FSA-8 of the pay schedule established by section 5393(a) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of basic pay for each employee, and all that amount is overtime pay.

"(2) For each employee whose pay is set by section 5393(a) of this title and who is paid no more than the pay set for Service Step 1 of FSA-8 of the pay schedule established by section 5393(a) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of basic pay set for Service Step 1 of FSA-8 and all that amount is overtime pay.

"(3) For each employee whose pay is set by section 5393(b) of this title and who is paid no more than the pay set for Service Step 1 of FSB-10 of the pay schedule established by section 5393(b) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of basic pay for each employee, and all that amount is overtime pay.

"(4) For each employee whose pay is set by section 5393(b) of this title and who is paid no more than the pay set for Service Step 1 of FSB-10 of the pay schedule established by section 5393(a) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of pay set for Service Step 1 of FSB-10 and all that amount is overtime pay.".

(b) DIFFERENTIAL PAY.—Section 5545(c) of title 5, United States Code, is amended by striking "an employee in a position" each place it appears and inserting in lieu thereof "an employee (other than an employee whose pay is set by subchapter IX of this title) in a position".

(c) HAZARD PAY.—Section 5545(d)(1) of title 5, United States Code, is amended by inserting after "employee" the following: "whose pay is set by subchapter IX of this title or who is".

SEC. 5 EXEMPTION FROM OTHER LAWS.

(a) APPLICATION OF CHAPTER 51 OF TITLE 5, UNITED STATES CODE.—Section 5102(c) of title 5, United States Code, is amended—

(1) in paragraph (27) by striking out "or" after the semicolon;

(2) in paragraph (28) by striking out the period and inserting in lieu thereof "; or "; and

(3) by adding at the end thereof the following:

"(29) employees who are Federal Fire Service Personnel and whose pay is set under subchapter IX of this title.".

(b) PERIODIC STEP-INCREASES.—Section 5335 of title 5, United States Code, is amended by adding the following new subsection:

"(g) This section shall not apply to the pay of an employee whose pay is set under subchapter IX of this.".

(c) ADDITIONAL STEP-INCREASES.—Section 5336 of title 5, United States Code, is amended by adding the following new subsection:

"(d) This section shall not apply to the pay of an employee whose pay is set under subchapter IX of this title.".

(d) LABOR PROVISIONS.—Section 13(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)), is amended—

(1) in paragraph (28) by striking "or" at the end thereof;

(2) in paragraph (29) by striking out the period and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(3) any employee whose pay is set under subchapter IX chapter 53 of title 5, United States Code.".

SEC. 6. RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended by adding the following new subparagraph:

"(L) an individual defined by section 5391 of title, United States Code;".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(11)(A) of title 5, United States Code, is amended by striking out "or (K)" and inserting in lieu thereof ", (K), or (L)".

SEC. 7. INITIAL FEDERAL FIRE SERVICE PERSONNEL SCHEDULE PAY RATES.

(a) FSA RATES.—Subject to the provisions of section 8 of this Act and for purposes of implementing the provisions of this Act and the amendments made by this Act, on the effective date of this Act, the following rates of pay shall apply for the Federal Fire Service Personnel Schedule A:

Grade	Service step				
	1	2	3	4	5
FSA-1	$17,719	$18,310	$18,902	$19,494	$20,085
FSA-2	19,886	20,551	21,216	21,882	22,547
FSA-3	22,251	22,996	23,742	24,477	25,222
FSA-4	24,803	25,633	26,463	27,283	28,113
FSA-5	27,567	28,489	29,400	30,321	31,242
FSA-6	30,534	31,553	32,572	33,590	34,599
FSA-7	33,720	34,842	35,974	37,096	37,998
FSA-8	37,134	38,127	39,121	40,105	41,098
FSA-9	40,071	41,161	42,242	43,332	44,423
FSA-10	46,550	47,851	49,162	50,463	51,864
FSA-11	53,950	55,499	57,055	58,607	60,155
FSA-12	62,399	64,237	66,074	67,901	69,739

Grade	6	7	8	9	10
FSA-1	$20,677	$21,269	$21,851	$22,442	$23,034
FSA-2	23,202	23,868	24,553	25,198	25,864
FSA-3	25,967	26,712	27,448	28,193	28,938
FSA-4	28,943	29,773	30,593	31,423	32,253
FSA-5	32,163	33,085	34,006	34,917	35,838
FSA-6	35,617	36,636	37,552	38,371	39,180
FSA-7	38,901	39,805	40,699	41,603	42,506
FSA-8	42,092	43,076	44,069	45,063	46,046
FSA-9	45,513	46,603	47,684	48,774	49,865
FSA-10	53,175	54,376	55,688	56,989	58,290
FSA-11	61,704	63,263	64,812	66,361	67,909

Grade	Service step				
	1	2	3	4	5
FSA-12	71,566	73,404	75,241	77,069	78,906

(b) FSB RATES.—Subject to the provisions of section 8 of this Act and for purposes of implementing the provisions of this Act and the amendments made by this Act, on the effective date of this Act, the following rates of pay shall apply for the Federal Fire Service Personnel Schedule B:

Grade	Service step				
	1	2	3	4	5
FSB-1	$12,531	$12,949	$13,367	$13,785	$14,203
FSB-2	14,067	14,536	15,005	15,474	15,943
FSB-3	15,738	16,263	16,788	17,313	17,838
FSB-4	17,542	18,127	18,712	19,297	19,882
FSB-5	19,493	20,143	20,793	21,443	22,093
FSB-6	21,590	22,310	23,003	23,750	24,470
FSB-7	23,946	24,641	25,436	26,231	27,026
FSB-8	26,261	27,136	28,011	28,886	29,761
FSB-9	28,852	29,814	30,776	31,738	32,700
FSB-10	34,580	35,733	36,886	38,039	39,192
FSB-11	41,121	42,492	43,863	45,234	46,605
FSB-12	48,592	50,212	51,832	53,452	55,072

	6	7	8	9	10
FSB-1	$14,621	$15,039	$15,457	$15,875	$16,293
FSB-2	16,412	16,881	17,350	17,819	18,288
FSB-3	18,363	18,888	19,413	19,938	20,463
FSB-4	20,467	21,052	21,637	22,222	22,807
FSB-5	22,743	23,393	24,043	24,693	25,343
FSB-6	25,190	25,910	26,630	27,350	28,070
FSB-7	27,821	28,616	29,411	30,206	31,001
FSB-8	30,636	31,511	32,386	33,261	34,136
FSB-9	33,662	34,624	35,586	36,548	37,510
FSB-10	40,435	41,498	42,651	43,804	44,957
FSB-11	47,976	49,347	50,718	52,089	53,460
FSB-12	56,692	58,312	59,932	61,552	63,172

(c) ADJUSTMENTS.—Adjustments in the rates of pay described under subsections (a) and (b) shall be made under the provisions of subchapter IX of title 5, United States Code, (as added by section 2 of this Act).

SEC. 8 TRANSITION PROVISIONS.

(a) PAY TRANSITION FOR POSITIONS IN FSA.—For transition purposes the pay of employees described in section 2(a) of this Act whose pay was previously set in the General Schedule and who work a minimum 60 hours per 7-day cycle or 240 hours per 28-day cycle, or is covered by Veterans' Administration Department of Medicine and Surgery Supplement, MP-5, Part 1, Chapter 610 shall be set in the Fire Service Personnel Schedule as follows:

(1) GS-3 shall correspond to FSA-1;
(2) GS-4 shall correspond to FSA-2;
(3) GS-5 shall correspond to FSA-3;
(4) GS-6 shall correspond to FSA-4;
(5) GS-7 shall correspond to FSA-5;
(6) GS-8 shall correspond to FSA-6;
(7) GS-9 shall correspond to FSA-7;
(8) GS-10 shall correspond to FSA-8;
(9) GS-11 shall correspond to FSA-9;
(10) GS-12 shall correspond to FSA-10; and
(11) GS-13 shall correspond to FSA-11.

(b) PAY TRANSITION FOR POSITIONS IN FSB.—For transition purposes the pay of employees described in section 2(a) of this Act whose pay was previously set in the General Schedule and who work a minimum 40 hours per administration work week shall be set in the Fire Service Personnel schedule as follows:

(1) GS-3 shall correspond to FSB-1;
(2) GS-4 shall correspond to FSB-2;
(3) GS-5 shall correspond to FSB-3;
(4) GS-6 shall correspond to FSB-4;
(5) GS-7 shall correspond to FSB-5;
(6) GS-8 shall correspond to FSB-6;
(7) GS-9 shall correspond to FSB-7;
(8) GS-10 shall correspond to FSB-8;
(9) GS-11 shall correspond to FSB-9;
(10) GS-12 shall correspond to FSB-10; and
(11) GS-13 shall correspond to FSB-11.

(c) INITIAL PAY ADJUSTMENTS.—In the initial adjustment of basic rates of pay pursuant to the amendment made by section 2(a)(1) of this Act, each employee to be paid under the pay schedule under subchapter IX of chapter 53 of title 5, United States Code, shall be placed at that step of the appropriate grade of such schedule which corresponds numerically to that step of the grade of the General Schedule at which such employee was paid immediately before the effective date of the amendments made by this Act.

(d) STEP INCREASES.—An increase in pay by reason of an initial adjustment of pay under subsection (b) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335(a) of title 5, United States Code. For purposes of periodic step increases after the effective date of this Act, each employee shall be credited with all service as of the last periodic step increase he received under section 5335 of title 5, United States Code, before the effective date of this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to reduce any basic rate of pay which was in effect immediately before the date of the enactment of this Act.

SEC. 9 EFFECTIVE DATES.

The provisions of this Act and the amendments made by this Act shall be effective on the first day of the first applicable pay period beginning on or after 30 days following the date of the enactment of this Act.●

By Mr. ARMSTRONG:

S. 2271. A bill to continue the temporary suspension of the duty on certain aromatic color couplers and coupler intermediates; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

● Mr. ARMSTRONG. Mr. President, I am introducing legislation to extend a duty suspension on color couplers and coupler intermediates used in the manufacture of photographic sensitized material. Under this bill, the suspension would be in effect until December 31, 1992. These chemicals are used in the production of medical x-ray products and lithographic plates. It is my understanding that the extension of the duty suspension is not controversial and that the International Trade Commission has been consulted and has no objection to the extension. I am hopeful that a way may be found for the extension to be included in the miscellaneous duty suspensions soon to be before the Senate.●

By Mr. SYMMS:

S. 2272. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the authority of the Secretary of Health and Human Services with respect to regulating foods for special dietary uses as though they were drugs; to the Committee on Labor and Human Resources.

FOODS FOR SPECIAL DIETARY USE ACT

Mr. SYMMS. Mr. President, I rise today to offer legislation to give the Food and Drug Administration a better legal definition for determining differences between healthy foods and drugs.

On July 20, 1989, the FDA seized the inventory of a company in Nampa, ID, called American Image Marketing, Inc. In my view, this was an unnecessary invasion of this corporation's rights. The company's entire inventory of food products was impounded for over a month before the FDA approved a new label for the company's chief product, "Barleygreen." Barleygreen, I'm told, is a nutritional powder which is being marketed nationally. Many people wrote to me describing how this product had greatly improved their health.

Why did the FDA do this? The answer lies in the law that FDA is trying to enforce.

In 1976, Congress enacted the Proxmire vitamin bill but neglected to exempt vitamins and other foods for special dietary use from the antiquated, overly broad definition of a drug. This situation forces the FDA to treat foods as though they were drugs when manufacturers make therapeutic claims about those foods. In other words, you can't advertise the health benefits of foods unless you are willing to go through an expensive, backlogged drug approval process.

This is why the strongest claim about the health effects of, say, oat fiber is that it is good for you. You cannot cite the many studies which show that switching from other fatty cold cereals to ones high in fiber can actually reduce a person's chances of getting cancer.

Ladies and gentlemen, oat fiber is not a drug. It should not be regulated like a drug. The food industry ought to be able to advertise the healthy affects of naturally healthy foods. This is why I am introducing a simple bill today to give a legal exemption to the definition of drugs for foods for special dietary uses.

Hopefully, the FDA will agree with me that a special definition for foods for special dietary uses should exist in the law so that food producers and suppliers can inform the public of the scientifically proven beneficial health effects of their products.

Called the Foods for Special Dietary Uses Act, the bill clarifies the ambiguous message Congress gave the FDA in 1976 when we passed the Proxmire bill. Without a change in the law, food companies will continue to be the target of FDA prosecution or threat of prosecution whenever they make a health claim regarding foods and food supplements which are specially formulated and marketed for special dietary uses. Even if such a claim is scien-

tifically proven and believed to be true, the law compels FDA to prosecute the company. For example, my legislation would allow companies that sell bran cereals to notify consumers of the dietary benefits of such foods to mitigate diseases like cancer.

Another problem with the current law is that FDA officials are frustrated because the current law is so difficult to enforce uniformly. According to small food supplement companies, FDA appears to apply a double standard for small and large companies. Giant food companies have put health claims on millions of boxes of cereal with empty threats of prosecution by FDA. However, small businesses are vigorously prosecuted for selling "unapproved drugs" if they dare to mention similar health claims when marketing their products.

The current law is worse than unenforceable; it's bad policy. Uneven enforcement has caused widespread disrespect for both FDA and the law. Congress did not intend to encourage FDA to harass and threaten food companies which are trying to research and sell better, healthier foods.

Congress did intend that when a food or food supplement is sold for special dietary uses, its label should bear information that is "necessary in order to fully inform purchasers as to its value for such uses." Congress said these uses may include, but are not limited to "supplying a special dietary need that exists by reason of a physical, physiological, pathological, or other condition, including but not limited to the condition of disease * * *."

Logically, foods for special dietary uses should be exempt from the definition of a drug. They are not drugs. Health claims are not drug claims. Instead of prosecuting and intimidating food companies, I hope you agree with me that the Federal Government should encourage them to educate consumers on the best and least expensive ways to use wholesome and highly therapeutic special dietary foods to help attain optimum health and prevent disease.

I urge my colleagues in the U.S. Senate to join me as cosponsors of this legislation.

By Mr. GLENN (for himself and Mr. LAUTENBERG):

S. 2274. A bill to establish a Federal pay system with locality-based adjustments; to the Committee on Governmental Affairs.

FEDERAL PAY COMPARABILITY REFORM ACT

● Mr. GLENN. Mr. President, I rise to introduce a bill titled: the Federal Pay Comparability Reform Act of 1990. The legislation I am introducing today would revise the current pay-setting process for the white-collar work force established by the Federal Pay Comparability Act of 1970. The legislation is necessary because the pay adjustment processes used for the past several years have caused Federal pay rates to fall far behind the rates paid in the private sector for comparable jobs. Current law calls for pay comparability between the Federal and private sectors. However, every year since 1978, Presidents have proposed Federal pay adjustments at amounts lower than the pay received by private sector employees with comparable jobs. Even after considering the January 1990 pay increase, a gap of 25 percent still remains between Federal salaries and private sector rates.

The pay gap is a major cause of the recruitment and retention difficulties agencies across the board are experiencing. The Government simply is not competitive with other employers, especially in the high-cost, high-paying urban centers of the country where many Federal agencies are located.

A recent study by the Congressional Research Service found that the purchasing power of Federal salaries has declined by almost 25 percent since 1977 because pay increases have not kept up with inflation. Is it any wonder then that we hear complaints over and over again from Government officials about the difficulties they face in acquiring the staff they need to carry out their missions? A few examples of these are:

Law enforcement officials say that inadequate pay is hampering their efforts to attract and retain the people neede to fight the war on drugs.

Department of Energy officials say they cannot recruit the nuclear engineers they need to run their powerplants because pay is too low.

Securities and Exchange Commission officials say that low pay is the biggest problem facing the agency because it can no longer hire the attorneys needed to police the markets.

To address these problems, the bill takes a significant first step toward closing the pay gap by instituting a form of locality pay to make the Government more competitive in the areas where the pay gap is the greatest. It would add a locality adjustment to basic pay rates where non-Federal pay rates, both private sector and State and local governments, are above the national average. Using data from a commercial firm, the General Accounting Office made an analysis of the effects this could have when implemented. The attached analysis which is presented as an illustration shows that about 500,000 Federal employees would receive adjustments costing about $1 billion after considering offsets for special pay currently received.

The bill would also keep the overall gap from widening by mandating that annual adjustments in basic salary rates will be at least equal to the national average percentage increase in non-Federal salaries each year. The employment cost index [ECI] would be used to measure the changes in non-Federal salaries.

The bill contains provisions designed to give agencies more flexibility in their recruiting efforts when faced with unusual circumstances. Agencies would be authorized to appoint new employees at salary rates above the minimum rate of the appropriate grade when they meet certain criteria. The bill also broadens the circumstances under which an agency may request special pay rates. These circumstances would include remoteness of location and undesirable working conditions including exposure to toxic substances or other occupational hazards. In addition, the bill provides for 100 critical pay positions which could be paid up to the rate for executive level 1 in those instances where additional compensation is necessary to recruit or retain exceptionally qualified individuals.

Last year, Congress addressed the inadequate pay levels of Federal executives. It is time now to act on the problem of low pay for the rest of the work force. It is my hope that the Senate will act on this reform legislation this year.

I am pleased to have my distinguished colleague from New Jersey as cosponsor of this legislation.

Mr. President, I ask unanimous consent that the text of the legislation and a section-by-section analysis be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Pay Comparability Reform Act of 1990".

SEC. 2. POLICY.

Section 5301 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "within each pay area" after "work";

(B) in paragraph (2) by inserting "within each pay area" after "maintained"; and

(C) in paragraph (3) by striking out "pay rates for the same levels of work" and inserting in lieu thereof "and State and local government pay rates for the same levels of work within each pay area"; and

(2) in subsection (c)—

(A) in paragraph (2) by striking out "or" at the end thereof;

(B) in paragraph (3) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) chapter 54 of this title, relating to the performance management and recognition system.".

SEC. 3. LOCALITY-BASED ADJUSTMENTS.

(a) ADJUSTMENTS.—Chapter 53 of title 5, United States Code, is amended by inserting after section 5301 the following new section:

"§ 5302. Locality-based adjustments

"(a) Locality-based pay adjustments shall be determined by the Federal Pay Council established under section 5306 based on pay relative data determined by the Bureau of Labor Statistics under section 5305 for clerical and technical positions, professional and administrative positions, and other positions (including law enforcement officers). The adjustments shall be paid in wage areas determined by the Bureau of Labor Statistics and shall apply to each employee in a statutory pay system as defined under section 5301 whose permanent duty station is within the boundaries of the applicable wage area. An employee whose permanent duty station is not located within the boundaries of wage area surveyed by the Bureau of Labor Statistics shall receive that locality-based pay adjustment, if any, payable to employees in the nearest wage locality.

"(b) For purposes of pay retention under section 5363 of this title, that portion of a pay rate based on locality-based adjustments shall not be a rate of basic pay, if an employee transfers to a locality with a differing locality-based pay rate. Locality-based pay rates shall be part of basic pay for all other purposes, including retirement, life insurance, lump-sum leave payments, and severance pay.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5301 the following:

"5302. Locality-based adjustments.".

SEC. 4. HIGHER MINIMUM RATES; PRESIDENTIAL AUTHORITY.

Section 5303 of title 5, United States Code, is amended to read as follows:

"§ 5303. Higher minimum rates; Presidential authority

"(a) Whenever the President finds that the Government's recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are significantly handicapped, due to any of the circumstances described in subsection (b), he may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of basic pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level (including under an alternative pay schedule). However, a minimum rate so established may not exceed the maximum pay rate prescribed by statute (or established under an alternative pay schedule, if applicable) for the grade or level. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointments in the competitive service, by such other agency as he may designate.

"(b) Authority under subsection (a) may be exercised if the Government's efforts to recruit or retain well-qualified individuals are significantly handicapped by—

"(1) the remoteness of the area or location involved;

"(2) the undesirability of the working conditions or the nature of the work involved (including exposure to toxic substances or other occupational hazards); or

"(3) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of subsection (a)) considers appropriate.

"(c) Authority under subsection (a) may be exercised with respect to positions paid under—

"(1) a statutory pay system; or

"(2) any other pay system established by or under Federal statute for civilian positions within the executive branch.

"(d) Within the limitations applicable under the preceding provisions of this section, rates of pay established under this section may be revised from time to time by the President or by such agency as he may designate. The actions and revisions have the force and effect of statute.

"(e) An increase in a rate of pay established under this section is not an equivalent increase in pay within the meaning of section 5335.

"(f) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system referred to in subsection (c), shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.

SEC. 5. PRESIDENTIAL POLICIES AND REGULATIONS.

Section 5304 of title 5, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) reviewing and reporting to the President biannually the comparison of Federal pay rates with pay rates in private enterprise and State and local governments;";

(2) in paragraph (2) by striking out "annual comparison" and inserting in lieu thereof "annual general adjustment and locality-based adjustments"; and

(3) in paragraph (4) by inserting "and State and local government" after "enterprise".

SEC. 6. ANNUAL GENERAL ADJUSTMENT AND LOCALITY-BASED ADJUSTMENTS.

(a) ADJUSTMENTS.—Section 5305 of title 5, United States Code, is amended by striking out subsections (a) through (k) and substituting in lieu thereof:

"(a)(1) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(A) direct the Bureau of Labor Statistics to determine in each fiscal year the increase in wages or salaries as reflected by the employment cost index (wages and salaries, white-collar occupations) based on information for the preceding 12-month period ending on September 30 of each year; and

"(B) direct the Bureau of Labor Statistics to determine pay relative data for each locality surveyed for the categories of positions in the General Schedule of—

"(i) clerical and technical positions;

"(ii) professional and administrative positions; and

"(iii) other positions including law enforcement officers.

"(2) The pay relatives shall be the average earnings for a certain employment group in a locality expressed as a percentage of the average earnings for that employment group in all wage areas combined. The wage areas surveyed shall be those areas determined by the Bureau of Labor Statistics in consultation with the Federal Pay Council. Each wage area shall be surveyed at least once every 2 years.

"(b) No later than November 1 of each year, the Bureau of Labor Statistics shall submit a report of the determinations made under subsection (a) to the Federal Pay Council established under section 5306.

"(c)(1) No later than December 31 of each year, the Federal Pay Council shall report to the President and the Congress the annual general adjustment which shall be that percentage adjustment to statutory pay rates which equals the increase in the employment cost index. The Council shall also report locality adjustments necessary to reflect the pay relative data determined by the Bureau of Labor Statistics. Such adjustments shall be included in the budget next transmitted under section 1105(a) of title 31, United States Code by the President to the Congress after the date of the submission of the Council's report.

"(2) The employment cost index adjustment described under paragraph (1) shall be rounded to the nearest tenth of a percent. The locality-based adjustment described under paragraph (1) shall be rounded to the nearest whole percent.

"(d) Except as provided in subsection (e) of this section, the President shall make adjustments in the rates of pay of each statutory pay system equal to the general annual adjustment and locality-based adjustment figures as reported under subsection (c) of this section and in accordance with the principles of section 5301(a) of this title, effective as of the beginning of the first applicable pay period beginning on or after October 1 of the applicable year.

"(e) The President shall prepare and report to the Congress in the budget transmittal described under subsection (c) of this section, a determination that the annual general adjustment or the locality-based adjustments should be limited or not implemented in the event of national emergency or economic conditions affecting the general welfare that requires the imposition of national wage-price controls. Any general adjustment or locality-based adjustment reduced or deferred by such a determination shall be implemented after the termination of such national emergency or wage-price controls.".

(b) REDESIGNATIONS.—Section 5305 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (f);

(2) by striking out subsection (m); and

(3) by redesignating subsections (n) through (r) as subsections (g) through (k), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading for section 5305 of title 5, United States Code, is amended to read as follows:

"§ 5305. Annual general adjustment and locality-based adjustments.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by amending the item relating to section 5305 to read as follows:

"5305. Annual general and locality-based adjustments.".

SEC. 7. FEDERAL PAY COUNCIL.

(a) FEDERAL PAY COUNCIL.—Section 5306 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) There is established as an independent establishment a Federal Pay Council, to be composed of 9 members including—

"(A) the Director of the Office of Personnel Management, who shall chair the Council;

"(B) the Secretary of Labor;

"(C) the Director of the Office of Management and Budget; and

"(D) six members who are not Federal employees, to be appointed by the President upon consideration of their knowledge and experience in the field of labor relations and pay policy, including three representatives from Federal employee unions or groups.

"(2) The President shall consult with the Chairmen and Ranking Minority Members of the Senate Committee on Governmental Affairs and the House Committee on Post Office and Civil Service in making the appointments of these six members.

"(3) The members described in subsection (a)(2) of this section shall be appointed for a term of 3 years, and such members appointed to fill a vacancy occurring before the end of the term of their predecessors shall serve for the remainder of those terms. When the term of a member described in subsection (a)(2) ends, that member may continue to serve until a successor is appointed.";

(2) in subsection (b)—

(A) by amending the matter preceding paragraph (1) to read as follows: "In order to carry out the policy under section 5301 of this title, the Council shall—";

(B) by amending paragraph (1) to read as follows:

"(1) receive the findings of the Bureau of Labor Statistics as reported under section 5305(a)(2), determine the general annual adjustment and locality-based adjustments necessary to maintain Federal pay consistent with the information gathered by the Bureau of Labor Statistics, and make recommendations to the Bureau of Labor Statistics concerning the number of boundaries of appropriate pay areas within the conterminous United States;";

(C) in paragraph (2)—

(i) by striking out "annual report of the President's agent" and inserting in lieu thereof "report from the Bureau of Labor Statistics"; and

(ii) by striking out ", the President's agent, other" and inserting in lieu thereof "and other";

(D) in paragraph (3) by inserting "and the Congress" after "the President";

(3) in subsections (c) through (h) by striking out "Committee" each place it appears and inserting in lieu thereof "Council" in each such place; and

(4) in subsection (g) by striking out "Each member of" and inserting in lieu thereof: "Each public member appointed under subsection (a)(2) of this section to".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The heading for section 5306 is amended to read as follows:

"§ 5306. Federal Pay Council".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by amending the item relating to section 5306 to read as follows:

"5306. Federal Pay Council.".

SEC. 8. PAY LIMITATION.

Section 5308 of title 5, United States Code, is amended to read as follows:

"§ 5308. Pay limitation

"Except for locality-based adjustments, pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule. Pay adjusted in accordance with this subchapter, including any locality-based adjustment, may not exceed the rate of basic pay for level II of the Executive Schedule.".

SEC. 9. CRITICAL-POSITION PAY AUTHORITY.

(a) CRITICAL-POSITION PAY AUTHORITY.—Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5309. Critical-position pay authority

"(a) The Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, may, from time to time, allocate and rellocate among the departments and agencies of the executive branch, critical-position pay authority for not to exceed a Government-wide total of 100 positions.

"(b) The head of an agency that receives an allocation of critical-position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Management and Budget under subsection (a).

"(c) For purposes of this section, 'critical-position pay authority' means the authority for the head of an agency, notwithstanding any other law, including any provision of this chapter, to fix the rate of basic pay for any position which such agency head determines to be a critical position at an annual rate that does not exceed the rate in effect for level I of the Executive Schedule, except that the aggregate annual amount paid (including any allowance, bonus, award, or other direct compensation) to an employee under this section during any fiscal year may not exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

"(d) Critical-position pay authority for a position may be reexercised when a position becomes vacant and is refilled only upon a redetermination by the agency head that the position remains a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Management and Budget required for such exercise under subsection (a) is reconfirmed by the Director of the Office of Management and Budget at the time of such reexercise.

"(e) In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider—

"(1) the extent to which the position requires scientific, technical, professional, or administrative qualifications; and

"(2) the extent to which additional compensation is necessary to recruit or retain exceptionally qualified individuals.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5309. Critical-position pay authority.".

SEC. 10. REPORTS BY THE FEDERAL PAY COUNCIL.

(a) REPORT ON LOCALITY-BASED ADJUSTMENTS FOR CERTAIN EMPLOYEES.—Within 2 years after the date of the enactment of this Act, the Federal Pay Council shall report to the President and the Congress on the feasibility of including within the scope of the locality-based adjustment plan those employees who are stationed outside the continental United States or in Alaska who receive allowances based on living costs and conditions of environment under section 5941 of title 5, United States Code.

(b) REPORT ON ADJUSTMENTS RELATING TO EMPLOYMENT PERFORMANCE.—Within 2 years after the date of the enactment of this Act, the Council shall report to the President and the Congress on the feasibility of linking all or part of the annual adjustments and locality-based adjustments to the employee's on-the-job performance.

(c) REPORT ON OTHER PLANS.—Within 3 years following implementation of the pay increases for fiscal year 1992, the Council shall submit a plan to the President and the Congress to close any remaining differences in Federal pay in comparison with private enterprise and State and local government pay rates.

SEC. 11. MINIMUM RATE FOR NEW APPOINTMENTS.

Section 5333(a) of title 5, United States Code, is amended by striking out "in GS-11 or above" and inserting in lieu thereof "in the General Schedule or other statutory pay system".

SEC. 12. EQUAL PAY PRINCIPLES.

Section 2301(b)(3) of title 5, United States Code, is amended by striking out "employers in the private sector" and inserting in lieu thereof "non-Federal employers".

SEC. 13. IMPLEMENTATION.

In the implementation of the amendments made under this Act for the fiscal year beginning on October 1, 1991, the Bureau of Labor Statistics may use pay relative and locality data from commercially available sources, as necessary.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act shall take effect on October 1, 1990, and the annual general adjustment and any locality-based adjustments under such amendments shall take effect on the first applicable pay period beginning on or after October 1, 1991. The provisions of title 5, United States Code, (before the amendments made by this Act) shall apply for pay adjustments made under section 5305 of such title before October 1, 1991.

SECTION-BY-SECTION ANALYSIS

The first section designates the bill as the "Federal Pay Comparability Reform Act of 1990."

Section 2 of the bill amends section 5301 of title 5, United States Code, to revise and restate the policy objectives under which pay will be fixed and adjusted for the General Schedule and the other statutory pay systems. In subsection 5301(a) the principle of equal pay for substantially equal work is modified to allow distinctions between different local pay areas. In subsection 5301(c) the definition of "statutory pay system" is amended to add the Performance Management and Recognition System to the list of statutory pay systems subject to the ECI-based annual general adjustment and the locality-based adjustments. The current statutory pay systems, which include the General Schedule, the Foreign Service, and the Veterans Health Services and Research Administration of the Department of Veterans Affairs, would also receive the annual gener-

al adjustment and the locality-based adjustments.

Section 3 of the bill adds a new section 5302 to title 5 which describes the locality-based adjustment mechanism. Under subsection 5302(a) and as more fully described in section 6 of the bill, the Bureau of Labor Statistics (BLS) is responsible for calculating the "pay relatives" for each designated locality for positions in the General Schedule and other statutory pay systems. These pay relatives would be calculated for positions as currently defined by the Office of Personnel Management and grouped as follows—technical and clerical positions, professional and administrative positions, and other positions (including law enforcement officers). Using the pay relative data, the Federal Pay Council, described more fully in section 7 of the bill, will be responsible for determining the locality-based adjustments necessary for each category in each pay area as well as recommending to BLS the boundies of the pay areas.

Under subsection 5302(b), locality-based adjustments shall not be protected under the pay retention provisions of section 5363 of title 5. If an employee transfers to another locality, the employee's locality-based adjustment shall be fixed at the rate, if any, in effect in the new locality. If a pay relative decreases as a result of a new survey in a pay area, the locality-based adjustment for the affected positions will be reduced or eliminated accordingly. However, the locality-based adjustment shall be considered part of the employee's basic pay for purposes other than pay retention, including retirement, life insurance, severance pay, and lump-sum leave payments.

Section 4 amends the existing authority in section 5303 of title 5 to set special rates of pay under certain circumstances. These circumstances would include: (1) the remoteness of the area or location involved; (2) the undesirability of the working conditions or nature of the work involved including exposure to toxic substance or other occupational hazards; or (3) any other circumstance which the President considers appropriate.

Section 5 amends section 5304 of title 5 describing the Presidential policies and regulations regarding statutory pay systems. The amended subsection 5304(a) changes the current provision which authorizes the preparation of a report on the annual comparison of federal pay rates with national average private enterprise rates (the Professional, Administative, Technical, and Clerical survey). This comparison of federal pay rates with private enterprise rates would be made every other year by BLS for the Federal Pay Council so that the effectiveness of the new ECI and locality-based mechanisms could be measured.

The amended subsection 5304(b) substitutes the terms "annual general adjustment and locality-based adjustment" for the term "annnual comparison" in describing the policy of obtaining and reporting on the views of employee organizations.

Section 6 amends section 5304 of title 5 by replacing the current pay comparability mechanism for adjusting federal pay with a new process for determining changes to statutory pay systems by an annual general adjustment and by locality-based adjustments.

Subsection (a)(1) of the amended section 5304 provides that an annual general adjustment shall be equal to the annual increase, if any, in the Employment Cost Index (ECI) for wages and salaries, white-collar occupations, as published by the Bureau of Labor Statistics. The ECI currently measures changes in wages or salaries in the private, nonfarm sector as well as state and local governments, and the BLS would be charged with gathering that data effective September 30 of each year.

Subsection (a)(2) requires BLS to calculate pay relatives for three categories of positions in the federal government in each of the pay areas. A pay relative is the average earnings for a given occupational category in a given pay area expressed as a percentage of average earnings for that job category in all pay areas combined. The pay relatives would be based on both private enterprise rates and state and local government rates.

Upon receipt of the data prepared by BLS, the Federal Pay Council will determine the annual general adjustment necessary to increase statutory pay rates for all employees by a percentage equal to the ECI increase, rounded off to the nearest tenth of a percent. The Council also will determine the applicable locality-based adjustments for each of the three categories of employees in each pay area. The locality adjustment figure will be rounded off to the nearest whole percent. There may be different locality-based adjustments within a given pay area for each category of employee, and where the survey data indicates that the ECI is less than zero or that a pay relative is below the national average, there will be no reduction in pay.

Subsection 5305(b) requires the BLS to report the applicable pay relative data to the Federal Pay Council by November 1 each year. It is intended that BLS would gather pay relative data each year in at least ½ of the pay areas, thus covering each pay area every 2 years.

Under subsection 5305(c), the Federal Pay Council, following receipt of the BLS information, reports to the President and the Congress by December 1 each year the annual general adjustment and locality-based adjustments necessary for the statutory pay systems.

Subsection 5305(d) provides that the annual general adjustment and the locality-based adjustments will be included in the President's budget next transmitted to the Congress and shall be implemented by the President effective the following October 1, unless limited or deferred under the provisions of subsection (e).

Subsection 5305(e) limits the current authority of the President to reduce or deny salary increases to federal employees. The annual general adjustment and/or the locality-based adjustments could be limited or deferred only if the President had imposed national wage-price controls. Once the wage-price controls were lifted, any general adjustment and/or locality-based adjustments would be implemented prospectively.

Subsection 6(b) of the bill continues certain provisions of the current section 5305 such as provisions concerning new rates of pay superseding prior rates, publication of the rates of pay in the Federal Register and Code of Federal Regulations, and increases in rates of pay not constituting an equivalent increase for purposes of periodic step increases.

Section 7 of the bill amends section 5306 of title 5 to abolish the President's Pay Agent and the Advisory Committee on Federal Pay. It creates a 9-member Federal Pay Council to be responsible for receiving the findings of the Bureau of Labor Statistics with respect to the pay relative data for those pay areas surveyed.

Subsection 5306(a) creates the Council and defines the membership to include the Director of the Office of Personnel Management, the Secretary of Labor, the Director of the Office of Management and Budget, and six members appointed by the President in consultation with the Chairmen and Ranking Minority Members of the Senate Committee on Governmental Affairs and the House Committee on Post Office and Civil Service. Three of the six members shall be union or employee representatives, and the Director of the Office of Personnel Management shall chair the Council.

The Federal Pay Council makes recommendations to BLS in planning the surveys and determining the number and boundaries of the pay areas to be surveyed. Upon receipt of the pay relative data gathered by BLS for each pay area surveyed that year, the Council determines what changes are necessary in the General Schedule and other statutory pay systems to reflect the changes in the ECI and the pay relative data reported by BLS. The Council reports its determinations to the President as well as to the Congress. Other changes in section 5306 provide the Council with some of the existing authority of the Advisory Committee to obtain information from other agencies, hire experts and consultants, and appoint and fix the compensation of personnel to assist the Council.

Section 8 of the bill retains the current pay ceiling on the General Schedule and other statutory pay systems at Level V of the Executive Schedule. Locality-based adjustments, when added to the statutory pay rate, are capped at Level II of the Executive Schedule.

Section 9 of the bill authorizes the Director of the Office of Management and Budget to establish up to 100 "critical pay" positions governmentwide. The annual rate for these positions could be set not to exceed level 1 of the Executive Schedule. These positions could be used in those instances where additional compensation is necessary to recruit or retain exceptionally qualified individuals.

Section 10(a) requires the Federal Pay Council to study the current cost-of-living allowance system for employees stationed in nonforeign areas outside the continental United States or in Alaska since the bill does not address locality-based adjustments in those areas. It is intended that within 2 years, the Council would recommend to the President and the Congress whether locality-based adjustments are feasible or desirable in those areas.

Section 10(b) requires the Federal Pay Council to study and report to Congress within 2 years of enactment of this law on the feasibility of linking the annual adjustments and locality-based increases to the employee's performance on the job. It is intended that the Council would study examples of existing pay-for-performance models in various agencies, such as the China Lake demonstration project and the pay system in place for certain positions in the U.S. General Accounting Office.

Finally, section 10(c) requires the Federal Pay Council to submit to the President and the Congress within 3 years a plan to close any remaining differences in pay in comparison with private enterprise and state and local government pay rates.

Section 11 amends section 5333(a) of title 5 which authorizes the appointment of certain individuals at rates above the minimum rate of the appropriate grade. Currently, section 5333(a) permits such appointments

based on considerations such as the existing pay, the unusually high or unique qualifications of the candidate, or the special need of the government for that individual's services, but only for positions in grades GS-11 or above. The amended section 5333(a) would permit such appointments at all grade levels in the General Schedule or other statutory pay systems.

Section 12 amends section 2301 of title 5 which sets forth various merit principles. Pay comparability would be measured not just against private sector pay but also against pay in state and local governments which are surveyed by the Bureau of Labor Statistics.

Section 13 provides that the first annual general adjustment and locality-based adjustments will take effect in the fiscal year beginning October 1, 1991.

COST OF PAY RELATIVE-BASED LOCALITY PAY WITH CUTOFF AT 1.01

MSA	Number of GS employees	Average pay	White collar pay relative	Total cost (millions)	Average pay increase
Albuquerque	8,551	$30,405	0.95		
Anchorage	5,600	30,346			
Atlanta	24,503	29,972	1.01	$7.34	300
Austin	7,900	23,092	.95		
Baltimore	33,321	28,787	.99		
Boston	17,561	31,696	1.08	44.53	2,536
Bremerton	7,674	30,012	.90		
Charleston-N.	8,421	27,240	.91		
Chicago	21,809	28,272	1.03	18.49	848
Cincinnati	9,225	24,001	.97		
Cleveland	9,092	30,502	.95		
Columbus	7,031	27,020	.88		
Dallas	11,242	30,695	.96		
Davenpt-Rock	6,446	30,083	1.04	7.76	1,203
Dayton	19,125	32,252	.83		
Denver	20,436	31,088	1.04	25.41	1,244
Detroit	13,801	29,155	1.13	52.31	3,790
El Paso	5,350	25,365	.87		
Fort Worth	6,740	32,092	.88		
Fresno	7,345	19,804	.80		
Harrisburg	10,707	26,504	.77		
Honolulu	13,896	28,016			
Houston	10,872	33,400	1.04	14.52	1,336
Huntsville	14,326	34,727	.88		
Indianapolis	10,784	28,330	.90		
Jacksonville	7,910	28,017	.80		
Kansas City	20,122	26,673	.91		
Los Angeles	26,360	29,147	1.10	76.83	2,915
Macon	9,453	28,160	.79		
Memphis	9,346	23,673	.78		
Miami	7,590	29,352	.92		
Minneapolis	7,660	30,069	.96		
Monmouth-Ocean	9,952	33,100	.99		
Nassau-Suffolk	8,479	26,568	.99		
New Orleans	8,943	27,003	.88		
New York	24,664	29,436	1.13	94.38	3,827
Newark	9,540	31,537	1.05	15.04	1,577
Norfolk	30,641	20,930	.83		
Oakland	12,078	28,776	1.08	27.80	2,302
Oklahoma City	15,902	28,925	.79		
Oxnard-Ventura	7,611	32,745	1.11	27.41	3,602
Pensacola	5,066	27,757			
Philadelphia	39,052	27,356	.95		
Phoenix	7,420	27,919	.92		
Pittsburgh	6,023	29,296	1.07	12.35	2,051
Portland	7,790	31,225	1.03	7.30	937
Richmond	8,775	26,595	.92		
Riverside	8,441	27,208	.89		
Sacramento	13,637	29,179	1.01	3.98	292
St. Louis	21,493	29,075	.96		
Salt Lake City	10,190	26,229	.91		
San Antonio	23,216	26,533	.84		
San Diego	18,571	27,147	1.00		
San Francisco	15,992	31,517	1.17	85.68	5,358
San Jose	5,697	33,208	1.21	39.73	6,974
Seattle	10,481	31,932	1.03	10.04	958
Tampa	5,410	26,041	.86		
Vallejo	5,109	29,326	.94		
Washington, DC	238,576	36,312	1.09	779.69	3,268
Totals	978,948			1,350.59	

Note.—Number of full-time employees (permanent and temporary) and average pay data for each MSA are as of March 31, 1989. Data for Anchorage and Honolulu are not included because they are under the nonforeign COLA program.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join my colleague from Ohio in introducing the Federal Pay Comparability Reform Act of 1990. While existing law governing Federal pay is intended to assure comparability with the private sector, this legislative goal has not been achieved. On average, Federal employees around the country are paid 25 percent less than private sector workers doing comparable work. In the State of New Jersey, the minimum pay gap is 30 percent. For such professions as skilled medical care, it is as high as 60 percent.

This act seeks to bring the compensation of Federal employees closer in line with that received by workers in the private sector and State and local government in a particular region. This act also seeks to give Federal agencies the tools necessary to recruit and retain the most talented people for Government service. This act will enable the Federal Government to be a more competitive employer in areas of the country where the pay gap is the greatest.

In 1988, the Environmental Protection Agency reported that the average regional Superfund Office experienced a turnover rate of 13.77 percent of its employees. This manpower turnover significantly limited EPA's ability to manage the Superfund Program and cleanup our Nation's toxic waste sites. Why did these employees leave? Because they wanted more advancement opportunities and more money. Where did they go? They went to the private sector in jobs dealing with hazardous waste. What does that mean to the public? It means that the Superfund site down the road isn't going to be cleaned up as soon as it should be. It means that the public is exposed to hazards for a longer period of time than is necessary or safe.

An agency in the Treasury Department in Essex County, NJ has reported that the attrition rates of accountants has risen from 34 percent in 1986 to approximately 70 percent in 1988. The average cost to provide the most basic training during the first year of employment is $13,561 per accountant. The public lost $20 million in tax assessments because the Treasury Department did not have enough accountants to conduct audits. This is not to mention the loss for each newly trained accountant that went to the private sector.

Until today, the Senate has sought to remedy the Federal pay problem with ad hoc solutions for each agency's individual crisis. That has not worked well. A raise and relocation allowance was provided for FBI agents stationed in New York—including many New Jersey residents. But, when we attempted to extend those same benefits to FBI agents in Newark, NJ, we were rebuffed by House Members. And, of course, other Federal law enforcement personnel continue to be denied comparable increases. We succeeded in getting a pay demonstration program for the Federal Aviation Administration to staff certain facilities in high cost of living areas, but not others. Federal employees need a comprehensive solution.

Federal employees are one of out Nation's greatest resources. The public relies on them to care for our veterans, to protect their health and safety, to protect our children from drugs, and to keep our environment clean. Federal employees should not be forced to suffer from a compensation system that is inadequate and unresponsive to the increasingly high cost of living in many regions throughout the country.

Mr. President, the Federal Pay Comparability Reform Act of 1990 provides an excellent opportunity to begin to solve the Federal pay crisis. I urge my colleagues to support this legislation.●

By Mr. PRYOR (for himself, Mr. McCONNELL, and Mr. BUMPERS):

S. 2276. A bill to amend the Food Security Act of 1985 to further enhance the Conservation Reserve Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SOIL AND WATER IMPROVEMENT AND MAINTENANCE ACT

● Mr. PRYOR. Mr. President, today I take great pride in rising to introduce the Soil and Water Improvement and Maintenance Act of 1990. This is a measure that will incorporate reason and balance in an attempt to improve conservation practices on farmland without disrupting production and eventually, food supply.

In the hope that we can continue to rest crop land due to environmental considerations and conservation practices, this bill would establish a program much like the Conservation Reserve Program, in that land would be bid into the program on a per acre basis, but only for a 3-year contract. This would enable us to restore land that otherwise will not be taken out of production for a period as long as 10 years. This would have a very real positive impact on the environment, and in the end, should prove beneficial to production. Obvious beneficiaries will be the soil, wildlife, farmers, and the consumer.

The second section of this bill provides for the construction of reservoirs for to serve as surface water storage facilities. As many are becoming painfully aware, our ground water supply is not replenishing itself as completely or as quickly as in years past. Constantly, we hear from producers who must drill deeper, purchase more irrigation equipment, and spend more money in an effort to secure water in order to produce this Nation's bountiful food supply. The water storage program would not provide incentive to the farmer by offering to share in the cost of constructing these ponds, but would provide the farmer with set

aside credit instead. This allows the producer to effectively utilize his set-aside land, and it enables him to depend on a somewhat more stable water supply, all the while saving our ground water.

Finally Mr. President, this bill includes a provision that directs the Secretary of Agriculture to report to the respective agricultural committees in Congress on a plan that would provide for a means to enroll environmentally fragile lands in CRP that cannot otherwise be included due to a county's maximum enrollment of 25 percent.

Mr. President, these modest steps should provide constructive measures for simultaneously improving the environment and the U.S. agricultural production. I am indebted to my colleagues, Senators BUMPERS and MCCONNELL for their contributions in this effort and wish to express my appreciation. I hope that our colleagues on the Senate Agriculture Committee will agree with us on the need and benefit of such a program, and join us in carrying this bill toward enactment.●

● Mr. McCONNELL. Mr. President, I join my colleague from Arkansas as we introduce a bill designed to enhance and expand this Nations' efforts in conservation. The Soil and Water Improvement and Maintenance Act of 1990 will allow farmers to target some specific problems by expanding authority under the Conservation Reserve Program.

The purpose of this bill is to encourage adoptions of filter strips for the protection of ground water quality which will also serve as a benefit to wildlife. A second section of the bill will allow producers to divert acreage into surface water storage reservoirs which would allow farmers to better manage available supplies of water. Also included in this bill is authority to begin a Soil Reserve Program. The purpose of which is the same as the Conservation Reserve Program, but allows the Secretary of Agriculture to enter into enrollment contracts of 3 years.

All three of these proposals allow farmers to build upon the progress of the past in order to assure a better future. In 1985, the Food Security Act intensified efforts within the Soil Conservation Service, an agency of the U.S. Department of Agriculture. Several new tools were introduced that provided defined objectives for protecting and preserving our Nation's soil and ground water supply.

Programs such as swampbuster, sodbuster, and especially the Conservation Reserve Program have all provided clear cut benefits to our environment. Also, since the enactment of the 1985 Food Security Act, conservation plans have been developed on over 88,000 farms including 3.3. million acres. These farm plans for various conservation practices will ensure that certain goals are met.

The swampbuster provisions protect true wetlands from being converted to other uses. My home State of Kentucky has an estimated 318,000 acres of wetlands and nationally there are nearly 99 million acres that can be classified as wetlands. Wetlands are one of our greatest natural resources and I agree with President Bush when he states that wetlands must be protected. However, I have a problem when numerous Government agencies begin to claim jurisdiction on this issue and farmers are lost in the battles over bureaucratic turf. While my legislation does not specifically address wetlands, it is my belief the Federal Government must concentrate all efforts on this and other environmental issues within the hands of a very few agencies. It should be the Soil Conservation Service within the Department of Agriculture that farmers work with in these areas.

Realizing that there is a growing public awareness about wetlands, I feel obligated to state that as a consequence we must proceed with common sense on any changes in current legislation. I would be opposed to any legislation that would remove large numbers of acres from agricultural production and force farmers to establish wetlands on land which has been farmed for many years. Maintaining wetlands remains a priority, but being fair to my State's 90,000 farmers and the 2 million farmers nationwide is a bigger priority.

Notice that the word fair was used. I do not condone nor do I support individuals that illegally cultivate true wetlands. Those individuals should be penalized. However, a broad redefining of wetlands that would shift millions of acres of very productive agricultural land to wetlands is not in the best interest of our country. We must never lose sight that this Nation was built on a strong agricultural industry which provides an abundant, high quality, safe supply of food and fiber. It is of paramount importance to remember that our Nation's future rests in the ability to maintain that agricultural industry.

It would logically follow that in order to maintain productivity the resources must be maintained or even improved. This is a very important objective of the Conservation Reserve Program. Since 1985 almost 34 million acres of environmental sensitive land has been idled and protected, over 400,000 acres of which are in Kentucky. This is the type of a successful program that we must build on in the future.

The Soil and Water Improvement and Maintenance Act of 1990 expands the Conservation Reserve Program to include additional eligibility criteria for fragile and sensitive areas. The inclusion of filter strips and buffer zones will add to the protection of ground water supplies. Additionally the Soil Reserve Program will allow farmers to enroll susceptible land in a 3-year version of the CRP.

Finally, the bill requests that the Secretary of Agriculture prepare a report that develops a plan to target additional fragile land for enrollment in the Conservation Reserve Program. It is time that agriculture took credit for the accomplishments of the past and set goals for the future. Protecting our natural resources is extremely important and this bill takes a step forward in preserving and protecting our environment.●

By Mr. BAUCUS:

S. 2277. A bill to amend the Federal Noxious Weed Act of 1974 and establish a Center for Noxious Weed Management and Data Collection, to provide for a coordinated management plan for the control of noxious weeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL NOXIOUS WEEK ACT AMENDMENTS

● Mr. BAUCUS. Mr. President, today I am introducing legislation that will have a significant impact on American farmers. The legislation about which I speak will coordinate the war on weeds.

Weeds have become epidemic in proportion. The problem exists all over the United States. In Montana alone, 8.4 million acres are infested with noxious weeds; over one-half with spotted knapweed. Scientists predict that 70 million acres will be lost to knapweed if control measures are not taken. One Federal agency charged with the responsibility of controlling noxious weeds does not even consider spotted knapweed to be a noxious weed. You ask why? Because this agency does not fall within their definition of noxious weed. It is too widespread. In addition, every county in Montana has been infested with leafy spurge.

It is estimated that agricultural productivity decreases about 10 percent due to noxious weed infestation. This production loss together with the current cost of control is well over $20 billion annually in the United States. And in addition, weed spread is occurring at the rate of 7 to 10 percent per year.

A number of existing Federal statutes touch on this problem. Federal agencies sometimes work together or work with the States, but not in any organized, coordinated fashion. Neither statute nor agency approach noxious weeds control comprehensively. It is time to take control of this situation.

Some States have attempted to control noxious weeds within their borders. It is, however, a very difficult

and expensive problem for a State to undertake. As an example, Montana has developed an innovative system to make funding available. My State has initiated a surcharge on motor vehicle registration. This provides some funding, but it is not enough. No matter how much money Montana raises for weed control, its program's success depends on what surrounding States are doing about the problem.

As widespread as this particular problem is there has never been a coordinated effort on the part of all of the parties involved to come up with a solution—until now. My legislation attempts to combat the problem of noxious weeds infestation in a systematic, cooperative manner. This legislation provides the framework from which Federal, State, and local governments, as well as, private landowners can move forward toward resolution of this problem.

My legislation first recognizes that the elimination of noxious weeds from all agricultural land and wilderness areas is highly unlikely. Bearing this in mind, we must therefore, approach noxious weeds from the perspective of limiting spread and infestation to an acceptable level. We must learn to live with minimal levels of noxious weeds.

It also recognizes that because of concern for the affects of the overuse of chemicals on the environment, on ground water, it is no longer possible nor wise to use this type of control method exclusively. We must in fact consider alternative types of control. We must incorporate cultural methods as well as biological control technology to achieve our ultimate goal of reaching an acceptable level of noxious weeds. We must truly develop an integrated management plan, on a national level, in order to control this problem.

My legislation establishes a policy to control noxious weeds. To carry out this policy it creates a center, to be located within a lead Federal agency, whose function is to both assess the extent of the noxious weed problem and to develop and monitor an integrated management plan on a national level. All parties, Federal, State, local government, and private landowner will be given the opportunity to offer suggestions as to the development of the integrated plan. These parties will also be expected to participate in the plan once it has been formulated by the center.

To conclude, it is clear that we have a significant problem in controlling noxious weeds throughout these United States. It seems that plant species which were originally exotic to the United States have set up housekeeping within our borders. As a result, a range of problems both agricultural and environmental have been created. In order to effectively eliminate these problems we must use a coordinated approach. Again, it does no good to attempt to eliminate weeds on one piece of land when the adjoining land continues to be infested. I believe my legislation will create a center that can both assess the extent of the problem and develop a coordinated plan to effectively deal with this problem on a national level.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Noxious Weed Act Amendments of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) noxious weeds are—

(A) contaminating Federal lands by taking over and encroaching on desirable plant species;

(B) polluting air, land, and water resources by increasing soil erosion and decreasing natural ground cover;

(C) spreading from Federal lands to contaminate State and private lands;

(D) causing wildlife species to migrate from Federal lands by taking over the natural habitat of those wildlife species;

(E) causing human health hazards through the spread of pollen, insects, and disease;

(F) costing farmers and ranchers millions of dollars in lost crops and range land; and

(G) out-competing the natural vegetation of the area that such weeds are present in and therefore have a considerable impact on domestic animals and wildlife foraging in such areas;

(2) unless noxious weeds are controlled or contained, they will—

(A) increase exponentially, causing further contamination and deterioration of wildlife habitat, recreational resources, and aesthetic values;

(B) increase soil, water, and air pollution;

(C) have a detrimental effect to human health; and

(D) further eliminate natural species of vegetation;

(3) even though there are numerous laws addressing the stewardship and management of Federal lands, those laws do not directly or effectively deal with the management of noxious weeds on Federal lands;

(4) the total eradication of noxious weeds is impossible, therefore resources should be used to develop measures that will decrease the numbers of noxious weeds to an acceptable level;

(5) concerns about ground water contamination and environmental impact argue in favor of a more ecologically sound approach to resolve noxious weed problems;

(6) to control noxious weeds, the focus must be on a coordinated management plan as opposed to the exclusive use of chemical control;

(7) a comprehensive, national noxious weeds management act will—

(A) protect our environment by preventing the pollution of air, land, and water resources and will reduce soil erosion by preventing the introduction and continuing the spread of noxious weeds on Federal lands;

(B) protect recreation uses and aesthetic values on Federal lands by reducing the risk of introduction of noxious weeds from one area to another;

(C) protect habitat for wildlife and domestic animals on the Federal lands by reducing the spread of undesirable plants which are detrimental to desirable vegetation;

(D) protect threatened and endangered species listed under the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) by reducing the infestation of noxious weeds in protected ecosystems;

(E) provide for the management, development, and enhancement of Federal lands by protecting those lands from the continuing spread of noxious weeds; and

(F) promote future technology for the development of biological mechanisms for the control of noxious weeds.

(b) PURPOSES.—It is the purpose of this Act—

(1) to establish a Center for Noxious Weed Management and Data Collection;

(2) to establish a coordinated management plan for the control of noxious weeds while minimizing the damage caused by such weeds, the cost of such control, and the detrimental impact on the environment; and

(3) to implement the plan on a nationally coordinated basis in order to systematically control noxious weeds.

SEC. 3. DEFINITION.

Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)) is amended by adding at the end the following new sentence: "Not later than September 30 of each fiscal year, the Secretary, after consultation with the Director of the Center established under section 8A, shall publish a list of parasites or plants identified as noxious weeds that are, or may become, widespread and that are causing, or may cause, significant problems with domestic agriculture.".

SEC. 4. CENTER FOR NOXIOUS WEED MANAGEMENT AND DATA COLLECTION.

The Federal Noxious Weed Act of 1974 is amended by inserting after section 8 (7 U.S.C. 2807) the following new section:

"SEC. 8A. CENTER FOR NOXIOUS WEED MANAGEMENT AND DATA COLLECTION.

"(a) ESTABLISHMENT.—The Secretary shall establish, within the Animal and Plant Health Inspection Service, a Center for Noxious Weed Management and Data Collection, to be administered by a Director appointed by the Secretary.

"(b) FUNCTIONS.—The Director shall—

"(1) not later than 180 days after the date of enactment of this section, determine the extent of the noxious weed problem in the United States;

"(2) accumulate and assess, on a continuing basis, data concerning types of noxious weeds and the acreage that such weeds are present in;

"(3) develop a coordinated management plan for the control of noxious weed species in accordance with section 8B;

"(4) monitor the effect of the plan on noxious weed control; and

"(5) perform any other activities that the Secretary shall determine appropriate.".

SEC. 5. COORDINATED MANAGEMENT PLAN.

The Federal Noxious Weed Act of 1974 (as amended by section 4 of this Act) is further amended by inserting after section 8A the following new section:

"SEC. 8B. COORDINATED MANAGEMENT PLAN.

"(a) ESTABLISHMENT.—Not later than 120 days after the Director determines the extent of the noxious weed problem in the United States under section 8A(b)(1), the

Secretary shall establish a coordinated management plan for the control of noxious weeds throughout the United States.

"(b) COMMENTS.—In developing the plan under subsection (a), the Secretary shall solicit the comments of other Federal agencies, State and local governments, and private landowners.

"(c) CONTENTS.—The plan developed under subsection (a) shall—

"(1) provide for an integrated management system for the control of noxious weeds through the establishment of minimum standards and requirements for the control of noxious weeds throughout the United States;

"(2) permit State and local governments to prescribe more restrictive standards and requirements than those established under paragraph (1);

"(3) emphasize the use of progressive agricultural methods to control noxious weeds, including the use of new biological control technology; and

"(4) contain any other information that the Secretary determines is appropriate.

"(d) PARTICIPATION OF FEDERAL AGENCIES.—

"(1) REQUIREMENT.—A Federal agency that carries out a program or activity that affects the control of noxious weeds shall—

"(A) comply with the plan established under subsection (a);

"(B) maintain staff adequately trained in the management of noxious weeds to develop and coordinate a program for the management of noxious weeds on Federal land under the agency's jurisdiction;

"(C) establish and adequately fund through the agency's budgetary process a program to manage noxious weeds on a continuing basis;

"(D) enter into and implement cooperative agreements with State agencies and local agencies regarding the management of noxious weeds on Federal lands under the agency's jurisdiction and on State and private lands adjacent to Federal land;

"(E) establish integrated management systems to control or contain noxious weeds targeted under cooperative agreements;

"(F) require that equipment (including road construction equipment, recreational vehicles, and farm or ranch equipment) and agronomic crops (including hay, alfalfa, straw, and other feed for livestock or wildlife), prior to entry onto Federal lands, be certified free of noxious weeds under certification standards set by the Federal agency in consultation with appropriate Federal and State agencies;

"(G) cooperate with State and local agencies to control or contain noxious weeds on land under the agency's jurisdiction; and

"(H) complete an environmental assessment or environmental impact statement that may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to implement noxious weed control or containment no later than 1 year after the necessity of preparing such an assessment or statement is ascertained.

"(2) REPORT OF FEDERAL AGENCIES.—Such agency shall submit an annual report to the Secretary that describes actions taken by the agency to comply with the plan established under subsection (a).

"(e) PARTICIPATION OF STATE AND LOCAL AGENCIES.—To be eligible to receive any assistance provided by the Secretary for the control of noxious weeds, a State or local agency shall comply with the plan established under subsection (a).

"(f) PARTICIPATION OF LANDOWNERS.—

"(1) COST SHARING.—The Secretary may provide grants to State and local agencies to enable such agencies to provide cost sharing incentives to local private landowners to encourage such landowners to participate in the plan established under subsection (a).

"(2) ELIGIBILITY.—To be eligible to receive any assistance provided by the Secretary for the control of noxious weeds, a State agency or local agency shall establish procedures to ensure that at least 80 percent of the landowners who are eligible to participate in the plan established under subsection (a) participate in such plan.

"(g) REPORT OF SECRETARY.—The Secretary shall annually prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report concerning—

"(1) the compliance of Federal, State, and local agencies with the requirements of the plan established under subsection (a); and

"(2) the progress of the coordinated management plan established under subsection (a) in controlling the existence and spread of noxious weeds.

"(h) DEFINITIONS.—As used in this section:

"(1) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means a system for the planning and implementation of a program using an interdisciplinary approach to select a method for containing or controlling noxious weeds using all available methods, including—

"(A) education;

"(B) preventive measures;

"(C) physical or mechanical methods;

"(D) biological agents;

"(E) herbicide methods;

"(F) cultural methods; and

"(G) general land management practices.

"(2) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of noxious weeds that—

"(A) includes participation by personnel of Federal or State administrative agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

"(B) includes consideration of—

"(i) the most efficient and effective method of containing or controlling noxious weeds;

"(ii) scientific evidence and current technology;

"(iii) the physiology and habitat of a plant species; and

"(iv) the economic, social, and ecological consequences of implementing the program.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 11 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2810) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

"(b) There are authorized to be appropriated to carry out sections 8A and 8B, $100,000,000 in each of the fiscal years 1990 through 1994.".●

By Mr. ROTH:

S. 2278. A bill to establish an Office of Federalism Assistance within the Office of Management and Budget; to the Committee on Governmental Affairs.

OFFICE OF FEDERALISM ASSISTANCE ACT

Mr. ROTH. Mr. President, today I would like to address an issue long ignored, but of fundamental importance to this Nation—the strengthening of federalism.

In recent decades we have witnessed an overreliance on the Federal Government for solving all our problems. There seems to be an expectation that for every challenge, for every concern, it is Washington that has the resources, the expertise—and indeed, the responsibility. This has become virtually an automatic response, even for those issues long thought to belong properly to the State and local governments. We have, in other words, forgotten our tradition of federalism.

American federalism rests on the notion that there are various levels of government, each with its own powers and its own set of responsibilities. That principle is part of the bedrock upon which this country was founded. It recognizes that the Nation's capital is not the font of all wisdom, and that better ideas often spring from those closest to the problem, within our State and local governments.

This understanding was perhaps no better stated than by Justice Louis Brandeis, who in 1932 wrote:

> It is one of the happy incidents of the Federal system that a single, courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

On the other hand, we do recognize that for some problems, there is shared responsibility between the Federal Government and our State and local governments. And we also know that, even for some largely non-Federal problems, many cities and States have had great difficulty finding satisfactory answers.

In both instances, when the Federal Government has gotten involved, it has been through either the imposition of mandates or the provision of financial assistance. However, the former is expensive to State and local governments, and the latter is very costly to the Federal Government.

Our challenge, then, is to find a way to assist cities and States that are both nonintrusive and cost effective.

I believe there is such a way. It is by getting serious about taking full advantage of the genius of federalism.

The State and local government laboratories are conducting thousands upon thousands of experiments all across this land. Some are great successes, and some are not. Meanwhile, the constant experimenting and tinkering and searching continues, as our cities and States discover new ways to deal with the challenges facing them. Some of those innovations might be applicable in communities elsewhere.

For example, San Diego is addressing a severe shortage of low-income housing through a comprehensive program of renovating and building more single room occupancy units, with

shared bath and kitchen facilities. Illinois' Project Match is moving inner-city welfare families to economic self-sufficiency, through an innovative program of sustained caseworker involvement, multiple placements, and a tracking system to monitor each client's progress. Sunnyvale, CA, has stayed in strong financial shape through a unique budget system that projects all operating, maintenance, capital, and debt costs 10 years ahead, and that tracks the productivity trends of every city service.

Unfortunately, the results of far too few successful laboratory experiments are shared with those who might benefit. What sharing of innovation that does occur, is done on a very limited basis. There is little real effort to reach those communities most in need of the information, and in a format that is most useful. The fact is, we are missing a great opportunity to strengthen our Federal system, and to provide a real service to our cities and States.

Therefore, I am today introducing legislation to fill that void, and to help bring to fruition the full benefits of federalism.

The Office of Federalism Assistance Act would create within OMB an office charged with the responsibility of finding out what works and sharing that information. This office would begin by working with cities and States to identify the major problems facing those governments. It would then find, for each such problem, several examples of State or local innovations that have proven most effective. Detailed materials would be developed on the "how to's" of implementing each such successful innovation, and made available for a nominal fee. And particularly important, this Office of Federalism Assistance would periodically distribute to all State and local governments a listing of the materials available.

In addition, the office would work with other Federal agencies that run intergovernmental programs, helping them identify and publicize exemplary practices. Part of this effort would be the development of a catalog of Federal technology transfer programs useful to State and local governments. The office would also serve as an information resource for the Congress and the executive branch on which kinds of programs work best, and which Federal mandates are counterproductive and stifle innovation.

Many organizations, both public and private, are already engaged in recognizing successes in some types of State and local programs. Part of the role of the Office of Federalism Assistance would be to help those organizations be more effective in their efforts. It could assist them in finding examples of excellence, in developing more comprehensive instruction materials, and in distributing the information more broadly. This office could then target the unmet needs and the information gaps.

Step-by-step, federalism would be strengthened, as more problems are addressed and new innovations shared. This office would fund no programs, nor would it issue any mandates. Its intergovernmental assistance would be positive and cost effective. Its fundamental mission would be to help cities and States help themselves.

That this is an appropriate function of the Federal Government was expressly acknowledged in the President's recently submitted budget for fiscal year 1991. In it, the President states that—

> Across the broad range of domestic policy, the administration will: continue to encourage the "States as laboratories;" work with Governors, mayors, county officials and their various associations to foster innovation and identify obstacles to it; ensure sound evaluation of experiments and publicize lessons learned; and together with State and local governments, facilitate the more general application of the "state of the art" where innovation has shown the way to better results.

However, we need an organized, coordinated effort to oversee that responsibility. Otherwise, despite our good intentions, the results will continue to fall far short of what is needed and what is possible.

State and local governments everywhere are crying out for information on what works. Congress, and indeed many Federal agencies, ask that same question. And all the while, there are individual communities across this country that can tell us.

The fact that those communities have been able to experiment, to innovate, is a tribute to our federalist system. The fact that we have had no systematic way to take advantage of that creativity and the home grown solutions has clearly been a shortcoming. But we can change that.

On an important, practical level, there is a way to link those successful solutions with the many communities eager for assistance. It is through an Office of Federalism Assistance. Charged with spotlighting successes, that office will inspire creativity, experimentation, and a commitment to excellence. And in doing so, this office will also be making an important philosophical statement. It will be reaffirming a fundamental, founding principle of our Republic, by breathing renewed vitality into the spirit of federalism.

I ask unanimous consent that a copy of the bill be printed in the RECORD, along with this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Federalism Assistance Act".

SEC. 2. PURPOSE.

The purpose of this Act is to strengthen federalism by—

(1) recognizing that State and local governments are laboratories of democracy, with many successful innovations that have proven effective in solving problems which may be duplicated elsewhere;

(2) enabling the Federal Government to help increase the capacity of State and local governments to solve problems by identifying and sharing those successful innovations;

(3) developing a central information resource for State and local governments on existing Federal technology transfer programs; and

(4) developing a central information resource for Federal agencies and the Congress on certain types of State and local programs that have proven to be most successful in solving identified significant problems to—

(A) improve the effectiveness of Federal aid programs; and

(B) reduce the imposition of counterproductive or impractical Federal mandates.

SEC. 3. ESTABLISHMENT.

(a) ESTABLISHMENT OF OFFICE.—There is established within the Office of Management and Budget the Office of Federalism Assistance (hereinafter referred to as the Office).

(b) ADMINISTRATOR OF THE OFFICE OF FEDERALISM ASSISTANCE.—There shall be at the head of the Office, the Administrator of the Office of Federalism Assistance (hereinafter referred to as the Administrator) who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) ADMINISTRATOR AS LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof:

"Administrator, Office of Federalism Assistance, Office of Management and Budget.".

(d) OTHER EMPLOYMENT POSITIONS AND EMPLOYEES.—No provision of this Act shall be construed as requiring the establishment of any employment position (other than the establishment of the Administrator under subsection (b)) or the hiring of any employee to carry out the provisions of this Act. All costs authorized pursuant to this act shall be provided by existing Federal departmental and agency operations.

SEC. 4. AUTHORITY AND FUNCTIONS.

The Office of Federalism Assistance shall have the authority to—

(1) identify the significant problems facing State and local governments;

(2) identify those specific programs of State and local governments that have proven most effective in solving problems faced by those governments and which may be appropriate for duplication or adaptation elsewhere;

(3) conduct studies of the most effective management practices and structures in use by State and local governments, including financial management systems, budget systems, and personnel practices;

(4) develop information and materials that explain the specific steps necessary to—

(A) implement the programs, practices, and systems identified as having proven to be most effective; and

(B) make such materials available to State and local governments and the public, at a reasonable fee;

(5) serve as a resource for Federal agencies and the Congress to acquire information on—

(A) the types of intergovernmental assistance programs that have been most effective; and

(B) Federal regulations and mandates that are most impractical or counterproductive for State and local governments to comply with, particularly the small local units of government; and

(6) sponsor or cosponsor State and local government excellence competitions and recognition programs.

SEC. 5. RESPONSIBILITIES.

(a) RESPONSIBILITIES.—The Office of Federalism Assistance shall—

(1) in the fiscal year following the date of the enactment of this Act and at least every four years thereafter, conduct a survey of all State, county, municipal, and township governments, to determine which problems those governments identify as—

(A) being of a serious nature for which technical assistance is needed; and

(B) having been successfully addressed by that government in a way that might be applicable to other such governments;

(2) in the second fiscal year following the date of the enactment of this Act and at least every two years thereafter, distribute to key elected and appointed officials in all State, county, municipal, and township governments, and make available to the public, a document which includes—

(A) a listing of the significant problems faced by those governments;

(B) a summary of the several most effective programs or practices which have successfully addressed each such problem; and

(C) the price and method of acquiring specific, detailed information on the implementation of each summarized program or practice;

(3) compile and publish a catalog listing the existing technology transfer programs within the departments and agencies of the Federal Government; and

(4) consult with the Advisory Commission on Intergovernmental Relations, and with elected and appointed officials recognized as experts in developing innovative programs that have successfully addressed serious governmental problems.

(b) DEFINITION.—For purposes of subsection (a)(3), the term "technology transfer programs" means programs that are designed to disseminate and facilitate the exchange of information on innovative methods of service delivery in State and local government.

SEC. 6. INTERAGENCY COORDINATION.

The Office of Federalism Assistance shall cooperate with other Federal departments, agencies, offices, and entities that have intergovernmental responsibilities and programs by—

(1) assisting in the identification of those exceptional uses of intergovernmental assistance that could serve as models for implementation elsewhere; and

(2) developing an agreement that coordinates the responsibilities for publicizing and disseminating information on the model programs.

SEC. 7. INTERGOVERNMENTAL COOPERATION.

The Office of Federalism Assistance may, in cooperation with any State or local government, or with any non-governmental entity, organization, or person—

(1) assist in the publication, information dissemination, or referral activities of any State or local government excellence competitions and recognition programs that are consistent with the purposes and provisions of this Act;

(2) sponsor or cosponsor conferences and workshops on ways to implement State and local government programs and practices that have proven to be successful; and

(3) contract for the provision of services, including any studies, surveys, analyses, programs, information, or materials authorized or required under this Act.

SEC. 8. ADMINISTRATIVE POWERS.

Upon the request of the Administrator of the Office of Federalism Assistance, each executive department and agency shall—

(1) make its services, personnel, and facilities available to the Office to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Administrator and provide access to all information and records in its possession which the Administrator may determine to be necessary for the performance of the functions of the Office.

SEC. 9. TERMINATION OF THE OFFICE OF FEDERALISM ASSISTANCE.

The provisions of this Act and the amendment made by section 3(c) of this Act are repealed effective on September 31, 1995, and the Office of Federalism Assistance shall terminate on such date.

By Ms. MIKULSKI (for herself, Ms. KASSEBAUM, Mr. KENNEDY, Mr. DURENBERGER, Mr. HOLLINGS, Mr. DODD, and Mr. PELL):

S. 2283. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, and for other purposes: to the Committee on Labor and Human Resources.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

● Ms. MIKULSKI. Mr. President, I rise today with my colleagues from both sides of the aisle, Senators KASSEBAUM, KENNEDY, DURENBERGER, HOLLINGS, DODD, and PELL to introduce life-saving legislation.

Mr. President, breast cancer is the most common form of cancer in women in the United States. It is also the second leading cause of death in women. About 1 out of every 10 women will develop breast cancer during her lifetime. Every 13 minutes a woman dies of breast cancer in the United States. Over 40,000 women each year die from breast cancer, and the numbers are growing. I know that many members of this body, sadly enough, have had loved ones fall victim to this terrible disease.

Cervical cancer is also a life-threatening disease. It strikes more than 13,000 women each year. This type of cancer is found most among low-income women, but all women are at risk.

While these deaths are tragic, the real tragedy is that much of the loss of life from these cancers could be prevented. Early detection is the best method of improving a woman's chance of survival. Mammography is a highly safe and reliable precedure which can detect breast tumors in their early stages. Regular screening mammographies can reduce breast cancer deaths by 30 percent. A pap test is a valuable and simple procedure that is very effective for detecting cervical cancer in its early stage. Yet a large percentage of women never have these tests. The problem is that many women don't have insurance coverage for preventive care.

It is time that Congress gets involved. The Breast and Cervical Cancer Mortality Prevention Act of 1990 authorizes grants to States for preventive health screening. The States would provide pap smears and mammograms, and then referrals and followup after the screenings. The State could also use this money to develop information and education programs about these preventive tests, and to train health personnel. Priority in this program would be given to low-income women.

Mr. President, earlier this year our country lost a truly special advocate for women's health with the death of Rose Kushner. Rose was a tireless fighter for the rights of breast cancer patients.

Rose lost her own battle with breast cancer after 16 years. But her legacy will live on and on. She saved the lives and preserved the dignity of thousands of women by increasing their awareness of breast cancer and the methods available to prevent and to threat it. This legislation will carry on her work.

Mr. President, we have a moving memorial to the 57,000 men who died in combat in the Vietnam war. Let this legislation be a memorial to Rose Kushner and to the 330,000 women who died from a cancer during that same 10-year period.

Mr. President, earlier today I held a hearing, with my colleagues Senators ADAMS, COHEN, and LEVIN, on cleaning up our clinical labs so women will not die needlessly from misread pap smears. While these labs are being cleaned up, however, we have to be certain that women are coming in for pap smears in the first place.

If this bill is enacted, we could save the lives of thousands of women each year. I believe that no woman should have to experience the devastations effect of cancer simply because she cannot afford to have routine health screening. It is time for Congress to consider breast and cervical cancer by encouraging these low-cost preventive

procedures that work. We need to act now to lower the number of these early and tragic deaths.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Mortality Prevention Act of 1990".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR PREVENTION AND CONTROL OF BREAST AND CERVICAL CANCER.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XIV the following new title:

"TITLE XV—PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS

"SEC. 1501. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of carrying out programs—

"(1) to screen women for breast and cervical cancer as a preventive health measure;

"(2) to provide appropriate referrals for medical treatment of women screened pursuant to paragraph (1) and to provide appropriate follow-up services with respect to the effect of such referrals;

"(3) to develop and disseminate public information and education programs for the prevention and control of breast and cervical cancer;

"(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the prevention and control of breast and cervical cancer;

"(5) to establish mechanisms through which the State can monitor the quality of screening procedures for breast and cervical cancer, including the interpretation of such procedures; and

"(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

"(b) PREFERENCES IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to any State in which—

"(1) there is a substantial rate of mortality associated with breast or cervical cancer (relative to the national rate of such mortality); and

"(2) there is an inadequate availability of services or activities described in such subsection.

"(c) GEOGRAPHIC DISTRIBUTION OF GRANTS.—In making grants under subsection (a), the Secretary shall ensure that the grants are equitably distributed among the principal geographic regions of the United States.

"(d) GRANT AND CONTRACT AUTHORITY OF STATES.—A State receiving a grant under subsection (a) may expend the grant to carry out the purpose described in such subsection through grants to, and contracts with, public or nonprofit private entities.

"SEC. 1502. REQUIREMENT OF MATCHING FUNDS.

"(a) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the purpose described in such section, to make available non-Federal contributions (in cash or in kind under subsection (b)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

"(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(1) IN GENERAL.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in section 1501 for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under such section.

"(3) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary shall, subject to paragraphs (1) and (2) of this subsection, include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the State involved toward the purpose described in paragraphs (1) and (2) of section 1501(a).

"SEC. 1503. REQUIREMENTS WITH RESPECT TO TYPE AND QUALITY OF SERVICES.

"(a) REQUIREMENT OF PROVISION OF ALL SERVICES BY DATE CERTAIN.—The Secretary may not make a grant under section 1501 unless the State involved agrees—

"(1) to ensure that, initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;

"(2) subject to subsection (b), to ensure that—

"(A) in the case of breast cancer, both a physical examination of the breasts and the screening procedure known as a mammography are conducted; and

"(B) in the case of cervical cancer, the screening procedure known as a pap smear is conducted;

"(3) to ensure that, by the end of any second fiscal year of payments pursuant to the grant, each of the services or activities described in section 1501(a) is provided; and

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of such section.

"(b) USE OF IMPROVED SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if any screening procedure superior to a procedure described in subsection (a)(2) becomes commonly available, any entity providing screening procedures pursuant to the grant will utilize the superior procedure rather than the procedure described in such subsection.

"(c) QUALITY ASSURANCE REGARDING SCREENING FOR BREAST CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for breast cancer conducted pursuant to such section and, in the case of mammography, will provide that—

"(1) the equipment used to perform the mammography will be specifically designed for mammography and will meet appropriate radiologic standards for mammography;

"(2) the mammography will be performed by an individual who—

"(A) is licensed by a State to perform radiological procedures; or

"(B) is certified as qualified to perform radiological procedures by an appropriate organization;

"(3) the results of the mammography will be interpreted by a physician who—

"(A) is certified as qualified to interpret radiological procedures by an appropriate board; or

"(B) is certified as qualified to interpret screening mammography procedures by an appropriate program for assuring the qualifications of the individual with respect to such interpretations; and

"(4) with respect to the first screening mammography performed on a woman for which payment is made pursuant to section 1501(a), there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(d) QUALITY ASSURANCE REGARDING SCREENING FOR CERVICAL CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for cervical cancer conducted pursuant to such section and, in the case of the pap smear (or other cytological screening procedure replacing the pap smear pursuant to subsection (b)), will provide—

"(1) the maximum number of cytology slides that any individual may screen in a 24-hour period;

"(2) requirements that a clinical laboratory maintain a record of—

"(A) the number of cytology slides screened during each 24-hour period by each individual who examines cytology slides for the laboratory; and

"(B) the number of hours devoted during each 24-hour period to screening cytology slides by such individual;

"(3) criteria for requiring rescreening of cytological preparations, such as—

"(A) random rescreening of cytology specimens determined to be in the benign category;

"(B) focused rescreening of such preparations in high risk groups; and

"(C) for each abnormal cytological result, rescreening of all prior cytological specimens for the patient, if available;

"(4) periodic confirmation and evaluation of the proficiency of individuals involved in screening or interpreting cytological preparations, including announced and unannounced on-site proficiency testing of such individuals, with such testing to take place, to the extent practicable, under normal working conditions;

"(5) procedures for detecting inadequately prepared slides, for assuring that no cytological diagnosis is rendered on such slides,

and for notifying referring physicians of such slides;

"(6) requirements that all cytological screening be done on the premises of an appropriately qualified laboratory;

"(7) requirements for the retention of cytology slides by laboratories for appropriate periods of time; and

"(8) requirements of periodic inspection of cytology services by persons capable of evaluating the quality of cytology services.

"(e) ISSUANCE BY SECRETARY OF GUIDELINES WITH RESPECT TO QUALITY OF MAMMOGRAPHY AND CYTOLOGICAL SERVICES.—

"(1) IN GENERAL.—The Secretary shall establish guidelines for assuring the quality of any mammography and cytological screening procedure conducted pursuant to section 1501(a). Such guidelines with respect to mammography shall include the provisions of paragraphs (1) through (4) of subsection (c), and such guidelines with respect to cytological screening procedures shall include the provisions of paragraphs (1) through (8) of subsection (d).

"(2) APPLICABILITY WITH RESPECT TO GRANTS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, with respect to any mammography or cytological screening procedure conducted pursuant to such section, ensure that the procedure is conducted in accordance with the guidelines issued by the Secretary under paragraph (1).

"(3) RESPONSIBILITY OF STATES IN ABSENCE OF GUIDELINES.—With respect to circumstances in which a State receives a grant under section 1501 before the issuance of guidelines under paragraph (1), this subsection may not be construed to affect in such circumstances the obligation of the State pursuant to subsection (a)(1) to provide for screening procedures and referrals or the obligations under subsections (c) and (d) with respect to providing for quality in the screening procedures.

"SEC. 1504. ADDITIONAL REQUIRED AGREEMENTS.

"(a) PRIORITY FOR LOW-INCOME WOMEN.—The Secretary may not make a grant under section 1501 unless the State involved agrees that low-income women will be given priority in the provision of services and activities pursuant to paragraphs (1) and (2) of section 1501(a).

"(b) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(c) STATEWIDE PROVISION OF SERVICES.—

"(1) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees that services and activities under the grant will be made available throughout the State, including availability to members of any Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(2) WAIVER.—The Secretary may waive the requirement established in paragraph (1) for a State if the Secretary determines that compliance by the State with the requirement would result in an inefficient allocation of resources with respect to carrying out the purpose described in section 1501(a).

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(f) RECORDS AND AUDITS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that—

"(1) the State will establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, amounts received by the State under such section; and

"(2) upon request, the State will provide records maintained pursuant to paragraph (1) to the Secretary or the Comptroller of the United States for purposes of auditing the expenditures by the State of the grant.

"(g) REPORTS TO SECRETARY.—The Secretary may not make a grant under section 1501 unless the State involved agrees to submit to the Secretary such reports as the Secretary may require with respect to the grant.

"SEC. 1505. DESCRIPTION OF INTENDED USES OF GRANT.

"The Secretary may not make a grant under section 1501 unless—

"(1) the State involved submits to the Secretary a description of the purposes for which the State intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the State with a need for the services or activities described in section 1501(a); and

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprivate entities.

"SEC. 1506. REQUIREMENT OF SUBMISSION OF APPLICATION.

"The Secretary may not make a grant under section 1501 unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 1505, and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

"SEC. 1507. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to section 1501. The Secretary may provide such technical assistance directly or through grants to, or contracts with, public and private entities.

"(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1501, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out such section and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant under section 1501 to the State involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 1508. EVALUATIONS AND REPORTS.

"(a) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 1501.

"(b) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter, submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to subsection (a) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this title as the Secretary determines to be appropriate.

"SEC. 1509. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

"(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES.—Of the amounts appropriated under subsection (a), the Secretary shall reserve not less than 20 percent for carrying out section 1507.

"(c) LIMITATION ON NUMBER OF INITIAL GRANTS.—For fiscal year 1991, the Secretary may not make more than 7 grants under section 1501.".●

By Mr. KASTEN (for himself, Mr. KOHL, and Mr. BOSCHWITZ):

S. 2284. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes; to the Committee on Labor and Human Resources.

LIGHT BUTTER LEGISLATION

● Mr. KASTEN. Mr. President, I rise today to introduce the light butter bill.

This bill creates a national standard for light butter that would contain one-third less calories and at least one-third less fat than butter. Thanks to this measure, light butter will be able to meet the Federal standard for a reduced-calorie product.

Some States, including Wisconsin, already have standards on light butter, but there is no national standard—and that means that light butter cannot be marketed nationwide.

The bill I am introducing today would help create a new product that will appeal to consumers as less costly and lower in fat content. The introduction of this product into the marketplace would in turn benefit the Government by causing a reduction in the amount of butter purchased by the Commodity Credit Corporation.

Butter is the only dairy product that the CCC is currently purchasing. My measure could therefore result in substantial savings for both Government and consumers.

This new light butter would provide the taste of butter, but be a healthier product. It would perform the same culinary functions as butter (cooking, frying, and baking) and provide the same quality. It would be a genuine dairy alternative—a healthy compromise between butter and nondairy substitutes.

The language of my bill has been endorsed by the American Butter Institute and Land O'Lakes. The Cheese and Butter Committee of the Wisconsin Dairy Products Association has approved it as well.

I ask unanimous consent that the full text of the bill be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF BUTTER.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end thereof the following new subsection:

"(bb) The terms 'light butter' or 'reduced fat butter' means a product with the same general appearance as butter but with not less than a one-third reduction in calories, that is made from milk or cream or both, that shall contain 52 percent milk fat, and that shall be made from safe and suitable ingredients and in accordance with good manufacturing practices. Such product may contain one or more of the optional dairy ingredients described in paragraph (3) and other optional ingredients described in paragraph (4). Light butter shall be considered a food for purposes of the Act.

"(2) To be classified as light butter under this subparagraph a product shall have vitamin A added, if necessary, to ensure that such product has 15,000 international units of such vitamin per pound.

"(3) Optional dairy ingredients referred to in paragraph (1) shall be limited to partially skimmed milk, skim milk, buttermilk, whey, and whey derived ingredients.

"(4) Other optional ingredients referred to in subsection (a) shall include—

"(A) water;

"(B) salt or salt substitutes:

"(C) bacterial cultures;

"(D) nutritive sweeteners;

"(E) emulsifiers and stabilizers;

"(F) safe and suitable color additives;

"(G) natural flavors; and

"(H) other safe and suitable ingredients that improve texture, prevent synereris, or extend the shelf life of the product.".●

By Mr. MURKOWSKI (for himself and Mr. HATFIELD):

S. 2285. A bill to encourage nations to implement measures to prohibit international grade in certain fish unless such fish are accompanied by a valid Certificate of Legal Origin; to the Committee on Foreign Relations.

INTERNATIONAL TRADE IN CERTAIN FISH

Mr. MURKOWSKI. Mr. President, the bill I am introducing today is an important step in controlling the international black market in salmon stolen from salmon-producing countries by outlaw drift net fishing vessels on the high seas.

As my friends and colleagues know, high seas drift netting—as it is currently practiced—is a dangerously efficient method of fishing that does not distinguish the type or quantity of marine life that it kills. In the North Pacific Ocean alone Japanese, Korean, and Taiwanese squidfishers lay out up to 30,000 miles of net almost every day. Although their targets are squid, a multitude of other marine life forms are also entangled in these nets, causing the death of hundreds of thousands of seabirds, marine mammals, immature salmon and steelhead trout each year.

These are unintended deaths, Mr. President, and can only be prevented by the eradication of this method of fishing. In support of this veiw, the U.N. General Assembly last year adopted a resolution of support for a moratorium on high seas drift netting starting in 1992. I strongly support this, and in fact, would like to see even more strength given to this effort by including a drift net ban provision when we take up the reauthorization of the Magnuson Act later this year.

Today, however, I want to address another facet of high seas drift netting. In recent years, an outlaw salmon fishery has come into being behind the facade of the legal squid fisheries. This fishery was and is established for one purpose and one purpose only—stealing and selling salmon during their migrations through the high seas. The losses this has caused to United States, Canadian, Soviet and Japanese fishermen is incalculable.

I want to emphasize that this is no mere mirage; the existence of such a fishery has been demonstrated over and over again. Just the other day, in fact, several Taiwnese citizens pled guilty in U.S. court to felony charges brought as a result of their involvement in the sale of over 1 million pounds of illegally taken fish, and this was just the tail of their total operation. The leader of this group, Patrick Lee, is facing a possible sentence of 30 years and a $1 million fine for money laundering, conspiracy, and violating the Lacy Act.

Over the last few years, I believe we have made significant strides in reducing the opportunities for such harvests both through bilateral agreements with fishing nations and through better U.S. enforcement. However, we have come nowhere near solving the problem.

As long as there is a profit to be made, there will be some individuals who want to make it.

Already there have been suggestions that high-seas fishermen whose activities have been restricted by their countries' agreements with the United States can simply change their base of operations, so as to sail under the flag of another country, rather than curtail their illegal actions.

We cannot address this kind of move by having our negotiators follow the outlaw fishermen around from country to country. We must instead attack the problem from more than one direction. Specifically, we must address the markets for illegally taken fish, as well as the illegal taking itself. The bill I am introducing today does just that.

First, of all, it calls upon the Secretary of State to open negotiations with the countries which purchase these illegally taken fish in an effort to secure agreements to require that imported salmon be accompanied by a Certificate of Legal Origin. This document would attest that the fish in question was in fact harvested according to law. To preclude the issuance of "certificates of convenience," valid certificates could only be issued by the government of the nation which has jurisdiction over the harvesting vessel or other means, and which conducts regular harvests of that species either within its own territory or under international agreements allowing it to harvest another country's fish.

Second, it requires the Secretary of Commerce to establish a system for issuing U.S. Certificates of Legal Origin, so that exports of U.S. fish are not interrupted when purchasing countries agree to require these documents. Further, because most U.S. salmon fisheries are regulated by the States, and it is not my purpose to encourage the formation of a new Federal bureaucracy, the bill specifies that the Secretary may delegate the authority to issue certificates to States, territories or possessions of the United States.

Third, it requires the Secretary of Commerce—after consulting with the

Secretary of the Treasury—to advise Congress as to whether any additional restrictions or changes are needed. The main question here is whether the United States should also require a certificate of origin for salmon imports. Because there have been cases where illegally harvested fish was imported with the intention of re-exporting it as a product of the United States, I believe we should adopt such a restriction. I acknowledge, however, that some U.S. traders could be impacted if their normal sources do not provide certificates of legal origin. Therefore, I also believe it is appropriate to ask the Secretary to explore this subject and report back to us before any such restrictions are imposed.

Finally, the bill provides access to the Pelly amendment certification and sanction process found in the Fishermen's Protective Act of 1967, in case any country continues to deal in illegally taken salmon. This is virtually the only fisheries-oriented sanction option available, but does not currently cover trade in illegally taken species. Frankly, Mr. President, I do not believe the Pelly process is sufficiently strong as it currently stands. I would like to see it amended to expand the range of sanctions available, but because I recognize that such an expansion is both controversial and the subject of other initiatives, I have not addressed it here.

This bill, as it now stands, is a simple, straightforward effort to bring our attention to bear on a black market that is seriously harming U.S. citizens and U.S. commerce. I urge my colleagues' support.

By Mr. HOLLINGS (for himself and Mr. EXON):

S. 2286. A bill ro require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of a magnetic levitation transportation system; to the Committee on Commerce, Science, and Transportation.

MAGNETIC LEVITATION TRANSPORTATION ACT

●Mr. HOLLINGS. Mr. President, yesterday, President Bush issued the national transportation policy statement prepared by Secretary Skinner and the Department of Transportation. At a White House ceremony announcing the policy, the President spoke of the need to find means of improving the mobility of our citizens in the future. While there has been some criticism of the administration's newly released policy, I certainly agree that we need to do a better job of transporting people if we are to remain competitive as a nation.

One advanced concept specifically mentioned by the President is magnetically levitated transportation, or "maglev." With this in mind, I am introducing today, with Senator EXON, a bill that will for the first time establish a comprehensive Federal policy for the development of maglev within the United States. This bill provides a framework for a genuine partnership between the private and public sectors. It is directed toward research, development and utilization of maglev in this country. It will also promote the goal of a domestic maglev industry, rather than simply relying on foreign technology to meet United States and world needs.

For those unfamiliar with maglev, the technology involves the suspension, guidance, and propulsion of a vehicle by magnetic forces. There is no contact between the moving vehicle and the guideway, which allows for high speeds up to 300 miles per hour and beyond, with virtually no roadbed maintenance. Two types of technology are currently used: one is based on a magnetic attraction principle where a vehicle underframe is drawn to within 1/3 of an inch from a guideway, and the other is based on a repulsion principle, in which a vehicle is raised approximately 6 inches above the guideway.

Maglev technology was developed in the United States. Yet, as is the sad story of many of our technological advances, it is the Germans and the Japanese who have taken the lead in perfecting the current generation of maglev technology. Prior to the mid-1970's, maglev was viewed with a great deal of interest in this country. Yet, in 1975, Federal support for research ended, thereby causing U.S. industry justifiably to lose faith in the Federal commitment to this new technology. Since that time, the Germans and the Japanese, with substantial government support in each instance, have taken maglev technology and adapted it to commercial development in both countries and for export.

Now, we are looking toward the possibility of utilizing maglev within this country as a means of helping us meet our pressing transportation demands. We are also looking at research and development of the next generation of maglev technology. In my view, we need not be content to sit back as these developments occur and then simply buy back foreign systems for use in this country. We have a real chance for U.S. industry to move to the forefront of maglev efforts. However, this will not be accomplished without Federal support and—since the window of opportunity is narrow—it will not be accomplished unless we act quickly.

The bill I am introducing with Senator EXON will accomplish several goals. At the outset, it provides a statutory charge for the Department of Transportation to lead Federal maglev efforts in cooperation with other interested Federal agencies. This builds on the principles of the High Speed Ground Transportation Act, which since the 1960's has set for the Department the goal of promoting advanced methods of high speed transportation. In the Rail Safety Improvement Act of 1988, Congress further clarified the Federal Railroad Administration's authority to establish safety standards for maglev and other advanced transportation systems.

This bill also utilizes the provisions of the Stevenson-Wydler Technology Innovation Act to authorize the Secretary of Transportation to enter into cooperative research and development agreements with U.S. companies to conduct research to overcome technical and other barriers to the development and construction of the maglev systems. Under the bill, Federal funds authorized for this purpose—$50 million in each of the next 2 fiscal years—would be matched by the private sector as part of these research agreements. This public-private sector partnership should do much to ensure a solid commitment to this project.

Finally, this bill establishes within the Department of Transportation, and specifically the Federal Railroad Administration, a new office of High Speed Ground Transportation. This office will establish national uniform standards for both high-speed rail and maglev systems, regulate the design and construction of these systems to ensure conformity of standards on technology, safety and environmental quality, and make recommendations for legislative and administrative action to facilitate these projects.

All too often in transportation, we are faced with solving immediate problems, with putting out bonfires. It is rare that we have the opportunity to look forward. Maglev gives us this opportunity to be farsighted, to be visionary. Yet, maglev is clearly rooted in reality and can indeed help us meet our pressing transportation problems.

I am pleased to report that there is growing interest in maglev by the private sector and in government. Secretary Skinner, Federal Railroad Administrator Gil Carmichael, Senators MOYNIHAN, EXON, REID, BRYAN and others share with me an interest in further examining the potential for and, I hope, implementing maglev in this country. The legislation that I am introducing today should do much to advance this concept and move the United States and our transportation network into the 21st century. I look forward to working with my colleagues and the administration on this proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Magnetic Levitation Transportation Act of 1990".

FINDINGS

SEC. 2. The Congress finds the following:

(1) An efficient, integrated transportation network is an essential element in assuring the economic progress of the United States.

(2) Our Nation's current transportation network faces increasing demands and limited capacity. The Federal interstate highway system is nearing completion and it has been over two decades since the construction of a major new airport in the United States.

(3) Conventional ground and air transportation systems rely heavily on fossil fuels, which are in limited supply.

(4) Magnetic levitation (maglev) is an energy efficient, high-speed transportation technology with the potential to supplement existing transportation modes, increase system capacity, and support economic growth.

(5) While maglev technology was pioneered in the United States, development since 1975 has been concentrated outside of this country.

(6) Cooperative research and development efforts among industry, the academic community, and government are necessary for the United States to regain a leadership role in the next generation of maglev and for maglev to become a reality in the United States. Federal efforts should be directed toward support for a domestic maglev industry and construction of viable maglev systems as part of an integrated transportation network.

(7) The Department of Transportation has been charged historically with promoting advanced transportation systems through the High-Speed Ground Transportation Act and has responsibility for the safety of maglev and newly emerging technologies pursuant to the Rail Safety Improvement Act of 1988.

(8) In order for maglev to achieve its potential within the United States, existing Federal efforts need to be strengthened, with the Department of Transportation leading these efforts in cooperation with the other interested agencies.

RESEARCH AND DEVELOPMENT

SEC. 3. The first section of the High-Speed Ground Transportation Act (79 Stat. 893) is amended by designating the existing text as subsection (a) and by adding at the end the following new subsection:

"(b) Pursuant to the authority under subsection (a) to undertake research and development in high-speed ground transportation, the Secretary, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the development of magnetic levitation (maglev) transportation technologies and foster its implementation as an alternative transportation system.".

COOPERATIVE AGREEMENTS WITH UNITED STATES COMPANIES

SEC. 4. The High-Speed Ground Transportation Act (79 Stat. 893) is amended by inserting immediately after section 3 the following new section:

"SEC. 4. (a) In carrying out the responsibilities of the Secretary under the first section, the Secretary of Transportation is authorized to enter into one or more cooperative research and develoment agreements (as defined by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, 15 U.S.C. 3710a) with United States companies for the purpose of—

"(1) conducting research to overcome technical and other barriers to the development and construction of practical magnetic levitation transportation systems and to help create the basic generic technologies needed for these systems; and

"(2) transferring that research and basic generic technologies to industry in order to help create a viable commercial magnetic levitation transportation industry within the United States.

"(b) In an agreement under subsection (a), the Secretary may agree to provide not more than 50 percent of the cost of any project under the agreement. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

"(c) The research, development, or utilization of any technology pursuant to an agreement under subsection (a), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(d) At the conclusion of fiscal year 1991 and again at the conclusion of fiscal year 1992 the Secretary shall submit reports to Congress regarding research and technology transfer activities conducted pursuant to the authorization contained in subsection (a).".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Section 11 of the High-Speed Ground Transportation Act (79 Stat. 895) is amended to read as follows:

SEC. 11. There are authorized to be appropriated to the Secretary $50,000,000 for fiscal year 1991 and $50,000,000 for fiscal year 1992, to carry out the provisions of this Act relating to magnetic levitation transportation.".

HIGH-SPEED GROUND TRANSPORTATION OFFICE

SEC. 6. Section 103 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) There is established within the Administration the High-Speed Ground Transportation Office, which shall be headed by a Director, who shall report to the Administrator. It shall be the function of the Office to—

"(1) establish national uniform standards for high-speed rail and magnetically levitated superconducting transportation system technology;

"(2) regulate the design and construction of regional high-speed transportation systems to ensure that they conform to national standards on technology, safety, and environmental quality; and

"(3) on an annual basis make recommendations for such legislative or administrative action as may be necessary to facilitate such projects.".

DEFINITION

SEC. 7. For purposes of this Act, the term "High-Speed Ground Transportation Act" means the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (P.L. 89-220; 79 Stat. 893).●

● Mr. EXON. Mr. President, I am pleased to join the chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS, as an original cosponsor in the introduction of the Magnetic Levitation Transportation Act of 1990. This legislation addresses the need for cooperative research and development efforts among industry, the academic community, and Government, if the United States is to reassert its technological prowess in the area of magnetic levitation (maglev) transportation systems.

As those of you familiar with maglev technology know, U.S. scientists pioneered maglev technology in the 1960's and 1970's. The High Speed Ground Transportation Act was passed in 1965 with the Federal Government initially providing research and development grants. In 1975, the Federal Government pulled out of the maglev race. Since that time, Japan and Germany have become leaders in the field.

Given the increasing demands being placed on our existing transportation arteries, the United States must resume its support of energy-efficient, high-speed technology—such as maglev—which has the potential to supplement existing transportation modes, increase system capacity, and foster economic growth.

This bill requires the Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, Defense, and the Administration of the Environmental Protection Agency, to lead and coordinate Federal efforts to develop maglev technologies and foster implementation. These efforts would be advanced by entering into cooperative research and development agreements with U.S. companies to conduct research to overcome technical and other barriers to the development and construction of these systems. The bill allows the Secretary to provide up to 50 percent of the cost of conducting this cooperative research and transferring these basic technologies to industry.

Additionally, this bill provides $50 million in fiscal year 1991 and $50 million in fiscal year 1992 to promote, in concrete ways, a viable U.S. commercial magnetic levitation transportation industry.

To accomplish this mission, the bill establishes a High-Speed Ground Transportation Office in the Federal Railroad Administration. This office will establish national standards on technology, safety, and environmental

quality and ensure that the design and construction of these systems by regional systems conforms to these standards.

The "Statement of National Transportation Policy: Strategies for Action" released yesterday by the administration, highlighted the need to "provide seed money for research on new transportation systems and technology, and assist in assessing their feasibility." We must take this mission seriously if we hope to assure that viability and technological competitiveness of the U.S. transportation industry.

I urge my colleagues to join me as a cosponsor of the Maglev Transportation Act.●

By Mr. GORE (for himself and Mr. HOLLINGS) (by request):

S. 2287. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

● Mr. GORE. Mr. President, today I am introducing, by request, the fiscal year 1991/1992/1993 NASA authorization bill. I am joined by the distinguished chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS.

Mr. President, the President's proposed fiscal year 1991 budget request for NASA is $16,334.9 million including a one-time payment of $1.2 billion to pay off the remaining debt to the Federal Financing Bank for the Tracking and Data Delay System. The fiscal year 1990 operating plan is $12.3 billion. The fiscal year 1991 budget request, therefore, represents an increase of approximately $4.0 billion or 33%.

The fiscal year 1992 budget request of $17,636.8 million and the 1993 budget request of $19,256.8 million are NASA's best estimate of the run-out of the fiscal year 1991 budget request. However, OMB only allowed NASA to include the costs of two new starts in the fiscal year 1992 and fiscal year 1993 budget request—a lunar observer and lifesat—despite the fact other initiatives are more than likely. The only program that receives a request for a multiyear authorization is the Space Station Program that requests $2.4 billion in fiscal year 1991, $2.9 billion in fiscal year 1992, and $3.0 billion in fiscal year 1993.

Mr. President, based on the Science, Technology, and Space Subcommittee's preliminary review, there are no real surprises in the fiscal year 1991 budget submission. As anticipated, it requests funding for two new initiatives—the Earth Observing System and the Human Exploration Initiative (Moon/Mars)—plus significant increases for programs that are ongoing in fiscal year 1990 including the space station, CRAFT/CASSINI and AXAF. All in all, 98 percent of the fiscal year 1991 request is for ongoing initiatives and only 2 percent is for the new starts. However, the total estimated cost of the proposed new starts is not an insignificant matter. EOS has an estimated cost of $30 billion over the next 25 years. Moon/Mars, on the other hand, has an estimated cost of $400 billion over 30 years and raises serious questions about possible levels of resources in the outyears.

The good news in fiscal year 1991 is that the proposed authorization bill contains no new gimmicks. Third party financing schemes have been abandoned and funds have been requested for both the ACTS and Gravity Probe B programs—a space applications and space science initiative that the committee was required to support without administration support in the past.

The fiscal year 1991 budget also includes a new line item for the Earth probes program—a fiscal year 1990 congressional initiative that is a vital element of a U.S. Global Change Research Initiative.

In addition, the proposed authorization includes legislative language for reprogramming authorities traditionally included in the NASA authorization bill. With the exception of these authorities, the authority to pay the outstanding debt to the Federal Financing Bank (section 101(b)(4)) and the multiyear authorization request contained in section 102, the proposed bill primarily focuses on the fiscal year 1991 budget request.

Mr. President, the real issue for the committee and the Congress is the same issue that faced the Congress last year—how will the NASA budget request fare in the congressional budget process where it has been cut for the last 5 fiscal years?

Mr. President, fiscal year 1991 is a critical year for the Nation's civil space program and a critical test of the congressional commitment to this program. During the next few months, this Congress will be required to determine the level of funding for NASA in fiscal year 1991. More importantly, this Congress will be required to determine the scope and direction of the civil space program for the decade of the 1990's and even into the 21st century.

Mr. President, this is the year when the Congress will be required to decide if the civil space program is a national priority and, therefore, a budget priority. This is the year when the Congress will have to decide if we are willing to provide the resources and challenges needed to retain our talented civil servant base and to motivate our youth to pursue careers in science and engineering. This is the year when the Congress must decide if we are to honor our commitments to our allies and our promise to the American public to deploy a permanently manned space station.

Mr. President, the challenge that faces this subcommittee and the Appropriations Subcommittee on VA-HUD-Independent Agencies is enormous. Yes, the President requested adequate resources for NASA in his budget request. But we all know how he was able to do it. As a matter of fact, Mr. Robert Grady, Associate Director of OMB, was recently asked: "The NASA budget increase is one of the largest for any agency in government. Where is the money being drawn from?" He gave the most honest and thorough answer I have ever seen. To quote from his interview that appeared in "Space News":

> Four things allow this investment in the future. One is new revenues generated by the continued growth of the American economy—and that is worth some $83 billion in 1990-1991.
>
> Two, a handful of user fees will generate new revenues and new tax laws. Some are small ones; for example, the Corps of Engineers dredges channels around the country, and we slightly increased the fee that ships and barges pay to use the channels. The big one is the capital gains rate reduction. In total, these generate about $13 billion.
>
> The third category is interest rates. Very fortunately they are going down. And some of the (national) debt is retired from earlier years when interest rates were very high.
>
> Fourth are reforms in the mandatory section of the budget and in low-return programs. Such cuts were necessary. There is a reduction in Medicare. There are cuts in the agricultural programs. There are small cuts in areas like fossil energy research and development. The handful of mandatory program cuts total about $14 billion, with discretionary program savings of $15 billion.
>
> That totals $125 billion. We took $60 billion off the deficit, so that leaves $65 billion to fund new initiatives above 1990.

The problem is the identified sources of funding for NASA, along with defense spending issue, are the primary sources of contention this year in the congressional budget process. If we could agree on the economic forecast, user fees, revenue enhancements, and capital gains, we would have no problem providing $16.3 billion for NASA. However, after a decade of debate we still don't have a consensus on budget spending priorities and revenues. Therefore, the augmentations throughout the President's budget request for science and technology become targets for reductions.

Mr. President, I am convinced that we need to invest in America's future, not just to take care of the problems of today. But we need to make wise investment decisions—just like any prudent investor. As the subcommittee re-

views the fiscal year 1991 budget request in a series of hearings, I intend to raise the level of debate over space spending to a new level. Instead of accepting the arguments that "we need it," "the President wants it," or "it's good for America," I intend to ask NASA repeatedly:

First, how increased funding of the space program will increase the U.S. share of the launch services, satellite and remote sensing markets;

Second, how increased funding of the space program will make the U.S. more competitive in emerging markets and in the development of critical technologies;

Third, how increased funding of the space program will help maintain our current base of scientists and engineers, as well as attract our youth to pursue science, mathematics, computer science, and engineering courses in their educational careers; and

Fourth, how increased spending for the space program will help shore up our industrial base of production as we reconvert our military capabilities to more civil/commercial applications.

Mr. President, this will be a challenging year. But I hope that Democrats and Republicans will work together to find the answers to these questions and to formulate an investment strategy in science and technology that will ensure the economic well-being, technological leadership, and intellectual base of this Nation.

I also hope that the civil space program will be a critical element of this investment strategy.●

● Mr. HOLLINGS. Mr. President, I support the comments of the subcommittee chairman and intend to work actively this year to get a fiscal year 1991 NASA authorization bill enacted.

Mr. President, the challenges that now face NASA are incredible due to the severe budget pressures that exist. While the Congress has been supportive of NASA over the last few years, we have not been able to fund fully the NASA budget requests. A proposed increase of $2.8 billion or 23 percent in fiscal year 1991, therefore, will be most difficult to obtain. However, when one realizes that 98 percent of the proposed budget request is to support ongoing programs already approved by Congress, it is apparent that a substantial increase is required in fiscal year 1991.

Unfortunately, most people focus on the major new initiatives included in the NASA bill and forget about ongoing activities such as AXAF, CRAF-CASSINI, space station, the space shuttle, the high-speed commercial transport and aerospace plane research, gravity probe-B, ACTS, life sciences and materials processing research, and the people and facilities needed to make these programs work. While we need to discuss the proposals for the new Earth Observing System and the Human Exploration Initiative—Moon/Mars—the focus of the program for the 21st century—it is critical that we meet our current obligations first. Unless we are successful in building the foundation and in fulfilling our current obligations today, our future options in space will be severely restricted.

During the course of the next few months, the Congress will be required to determine the scope and direction of the civil space program for the decade of the nineties and for the turn of the century. As we make those decisions, it is important that we understand the relationship of the civil space program to the technological leadership of the United States, to the development of critical technologies, and to the markets of tomorrow. It is important to realize that the race for space today is more than a race for national prestige or the pursuit of knowledge—although those are important aspects. Today's race is a race for new markets, new technologies, new advanced computers, and new advanced materials that will have space-based and Earth-based applications. Today's space race is more Earth-oriented than space-oriented; it is seen in the context of new jobs and new opportunities; it focuses on applying space technology to earthly concerns. Representative of this focus is the proposed mission to Planet Earth, a bold, new initiative that will use space-based technologies to understand better our Earth processes and global changes so that we can better protect our fragile planet.

Mr. President, it will be a challenging year for the civil space program and for NASA. However, we need challenges—both as individuals and as a Nation. The space station, the Mission to Planet Earth, and the eventual journey beyond are challenges that our Nation has established, and they are challenges that we can meet. Twenty years ago, people doubted that we could leave our footprints on the face of the Moon—but we did it. One year ago, people doubted the Iron Curtain would fall—but now there is no wall and there are fewer barriers between East and West. Ten years from now, I hope that people will be able to see the fruits of our labor and that the skeptics will be proven wrong again.●

By Mr. DOMENICI (for himself, Mr. BOREN, Mr. JOHNSTON, Mr. DOLE, Mr. BINGAMAN, Mr. FORD, Mr. SIMPSON, Mr. WALLOP, and Mr. BURNS):

S. 2288. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the application of credits for qualified nonconventional fuels, to equalize the treatment of tight formation natural gas, and to restore tax credits denied by operation of decisions by the Federal Energy Regulatory Commission; to the Committee on Finance.

NONCONVENTIONAL FUELS PRODUCTION INCENTIVES ACT

Mr. DOMENICI. Mr. President, I rise to introduce the Nonconventional Fuels Production Incentives Act of 1990.

The purpose of this legislation is to help assure America's energy and economic future by stimulating the production of natural gas and oil from nonconventional sources. It would do so by extending for 2 years the period to qualify for the Internal Revenue Code's existing nonconventional fuels credit, and it would equalize the Code's treatment of "tight formation" natural gas with its treatment of the other types of nonconventional fuels.

Before I explain in more detail what my legislation does, let me first take a moment to explain why we need this legislation.

Today, there are some who believe that we no longer need be concerned about our energy future—that energy supplies will always be abundant and that prices will always remain stable; that energy will be there when we need it, in the quantities we need, and at the price we want to pay. That was the conventional wisdom the day before the 1973 Arab oil embargo—and we all know what happened as a result of that event.

As we should have learned from our experiences during the 1970's, we must take action today if we want to be sure to have on hand tomorrow the energy we need. Energy is the lynch pin of our economy; and we simply cannot take it for granted—that is, unless we want to relive the shortages, long gasoline lines, and school and business closings which marked the decade of the 1970's. And I, for one, do not.

Despite what some may believe, there is no question that we need to actively encourage domestic energy production. U.S. oil and gas production continue to decline in the face of increasing demand and, as a result, our foeign dependency is increasing by leaps and bounds. For example, just a few days ago the American Petroleum Institute reported that our imports of foreign oil hit a record-breaking peak of 54 percent of domestic consumption. As a point of comparison, at the time of the 1973 Arab oil embargo, the United States was less than 35 percent dependent on foreign oil.

Although part of our increase in foreign energy dependency is attributable to increased demand, a large part is the direct result of declining domestic production. Since 1973, U.S. crude oil production has fallen by 19 percent, with lower-48 production down an astounding 37 percent.

And all energy forecasts show that our foreign dependency will continue to grow—unless we take action. For ex-

ample, the Department of Energy's 1990 Annual Energy Outlook predicts that over the next decade domestic crude oil production could fall as much as 33 percent, and that foreign oil imports could increase an additional 53 percent—making the United States two-thirds foreign oil dependent by the year 2000. If that were allowed to occur, our well-being would rest squarely in the hands of foreign producers who have shown time and time again that they put their interests first, not ours.

Because there has been a natural gas deliverability "glut" for the past decade, the situation with respect to gas does not appear today to be as dire as with oil. However, there are clear warning signs that the spare gas deliverability consumers have enjoyed for the past several years is rapidly disappearing, if not gone already. A recent American Gas Association study, for example, concluded that U.S. gas production capability has fallen by 16 percent since 1984; and that this year, for the first time in a decade, the United States will have no spare natural gas production capacity. With the President and the Congress committed to clean air legislation, along with legislation to address the global warming problem, we can anticipate a significant increase in demand for clean-burning fuels such as natural gas. Thus, unless we act now to stimulate domestic gas production, normal economic growth, in conjunction with new natural gas demand, will tighten the supply of natural gas, with obvious implications for consumers.

Mr. President, tax credits are not a give-away. There is clear and convincing data which demonstrates that production incentives—such as those which my legislation proposes—do, in fact, stimulate additional supply. For example, according to the Federal Energy Regulatory Commission, incentives have increased the production of tight formation gas by nearly seven fold, a particulary significant increase when compared to average gas production which has remained relatively constant over the period reviewed.

Mr. President, let me now explain what changes my legislation would make to existing law in order to stimulate the production of natural gas and oil from nonconventional sources.

The existing provisions of section 29 of the Internal Revenue Code provide tax credits for the production of energy from nonconventional sources, namely, oil produced from shale and tar sands; natural gas producd from geopressured brine, Devonian shale, coal seams, tight formations, and biomass; liquid, gaseous, and solid synthetic fuels produced from coal; certain processed wood fuels; and steam produced from certain solid agricultural byproducts.

Generally speaking, to qualify for the credit, the well or facility producing the energy must be drilled or put into service before January 1, 1991; and once qualified, the oil or gas will continue to receive the credit until January 1, 2001.

However, as a result of a Federal Energy Regulatory Commission action last month—Order No. 519—tight formation gas is now treated differently than the other types of nonconventional fuels. FERC's Order No. 519 has the effect of prematurely terminating the qualifying period for tight formation gas; instead of having until January 1, 1991 to qualify, it now only has until May 12 of this year to qualify—an 8-month reduction of the qualifying period. That was not intended, envisioned or desired by Congress, and FERC's action has unfairly left many producers off balance; producers who had a drilling program predicated on tax credits continuing pursuant to existing law. That problem will be corrected by my legislation. In this connection, I would note that I have written to the Commission to express my concerns about order No. 519, and I ask unanimous consent that my letter be printed at the end of this statement.

In addition, as a result of the Natural Gas Wellhead Decontrol Act of 1989, tight formation gas loses the credit on or before January 1, 1993, instead of January 1, 2001, as for other nonconventional fuels. This problem was recognized at the time but was intentionally left for a later time to correct. That is also accomplished by my legislation.

More specifically, section 2 of the bill extends by 2 years—from January 1, 1991 to January 1993—the period in which to qualify for the nonconventional fuels tax credits. Section 3 of the bill takes care of the FERC Order No. 519 problem by providing that tight formation gas which is produced from wells drilled after May 12, 1990 (the effective date of Order No. 519) continues to qualify for the tax credit, notwithstanding that FERC action. And it takes care of the problem unintentionally created by the Natural Gas Wellhead Decontrol Act by providing that tight formation gas which is receiving the credit as of May 12, 1990, can continue to receive the credit even if decontrolled subsequently.

It is important to note that this legislation is similar to the nonconventional fuels tax credit provisions contained in the reconciliation bill reported by the Senate Finance Committee in October 1989. The Senate Finance Committee proposal would have extended the credit for 2 years, as my legislation does; and it would have addressed the other problems my legislation also corrects. But, unfortunately, those provisions were stripped out of the reconciliation bill on the floor of the Senate along with the other revenue-negative items and so-called extraneous provisions.

Mr. President, there is no question that this legislation is in the overall public interest, and it is for that reason I am today introducing it and urging my colleagues' support for it.

I ask unanimous consent that the text of the bill a letter I wrote to FERC and the text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonconventional Fuels Production Incentives Act of 1990".

SEC. 2. EXTENSION OF APPLICATION OF CREDITS FOR QUALIFIED NONCONVENTIONAL FUELS.

Subparagraph (A) of section 29(f)(1) of the Internal Revenue Code of 1986 is amended by striking "January 1, 1991" each place it appears and inserting "January 1, 1993".

SEC. 3. EQUALIZATION OF TREATMENT OF TIGHT FORMATION GAS.

(a) IN GENERAL.—Subparagraph (B) of section 29(c)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) SPECIAL RULES FOR GAS FROM TIGHT FORMATION.—The term 'gas produced from a tight formation' shall only include gas from a tight formation which—

"(i) is produced from a well drilled after May 12, 1990, or

"(ii) is produced from a well drilled on or before May 12, 1990, but only if, on May 12, 1990, gas produced from such well was gas—

"(I) the price of which was regulated by the United States, and

"(II) for which the maximum lawful price applicable under the National Gas Policy Act of 1978 is at least 150 percent of the then applicable price under section 103 of such Act."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to gas produced after May 12, 1990.

COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, February 20, 1990.

Hon. MARTIN L. ALLDAY, *Chairman,*
Hon. CHARLES A. TRABANDT, *Commissioner,*
Hon. JERRY J. LANGDON, *Commissioner,*
Hon. ELIZABETH A. MOLER, *Commissioner,*
Federal Energy Regulatory Commission,
Washington, DC.

DEAR COMMISSION: I am writing to express my serious concern about the Commission's action in Order No. 519 to terminate incentive prices for certain tight formation natural gas, and to urge you to reconsider this action which is adverse to both gas producers and gas production. Not only will the Commission's action deny producers Congressionally authorized incentive prices for this gas, it will also prevent them from receiving tax credits provided by the Internal Revenue Code.

Order No. 519 terminates the Natural Gas Policy Act's section 107(c)(5) incentive prices for all tight formation gas where the

well is spudded or recompleted after May 12, 1990, and all production enhancement gas where the enhancement work is begun after that date.

If the Commission elects to not reconsider this action, then I would strongly urge it to find a means of preserving the tight sands tax credit which Order No. 519 will otherwise terminate. And pending your decisions on these matters, I would also urge the Commission to stay the legal effectiveness of the final rule.

Section 107(c)(5) of the Natural Gas Policy Act of 1978 gave the Commission the authority to provide incentive prices to natural gas produced under such conditions as are found to present "extraordinary risks or costs." Pursuant to this authority, in 1980 the Commission issued an order which provided incentive prices for qualifying tight formation gas. These incentive prices were challenged and subsequently upheld in Federal Court.

There is no question that incentive prices for tight formation gas have benefitted our Nation. As the Commission observed in Order No. 519:

The Commission was motivated in part to establish incentive price for tight formation gas because of the very large reserves of such gas in the United States and the desirable characteristics of those reserves.

Order No. 519 also provides data which demonstrates conclusively that section 107(c)(5) incentive prices have directly benefitted consumers by substantially increasing domestic natural gas supplies. The Commission's data show that incentive prices have increased the number of producing tight formation gas wells by nearly 9 fold, and the production of such gas by nearly 7 fold. And the data also show that even as late as the fourth quarter of 1989 incentive prices continue to materially stimulate tight formation drilling. And, Order No. 519 notes, that as a result of incentive prices, "Production of tight formation gas thus has grown in this decade, in contrast to average domestic production, which has remained relatively constant."

Three times subsequent to the 1978 enactment of the NGPA, Congress has explicitly reaffirmed the Congressionally established policy of providing incentives to promote tight formation gas production. The first was in 1980 with the creation of the tight sands tax credit; the second was in 1988 when the tax credit was extended; and the third was just last year when, as part of the Natural Gas Wellhead Decontrol Act, Congress elected not to eliminate section 107(c)(5) incentive pricing until January 1, 1993, the date on which all remaining price controls are eliminated.

In this connection, the Commission's assertion that passage of the Natural Gas Wellhead Decontrol Act of 1989 supports FERC's termination of section 107(c)(5) incentive prices is simply unfounded. Clearly, had Congress wanted to terminate section 107(c)(5) incentive prices in their entirety prior to January 1, 1993, it merely would have included a provision so providing; but Congress didn't.

The Commission's action in Order No. 519 not only denies incentive prices under section 107(c)(5) of the NGPA, it also makes such gas ineligible for the tight sands tax credit provided by the Internal Revenue Code, a clear frustration of Congressional intent. The tight sands tax credit does not expire until January 1, 2001.

Preserving these tax credits was an important element in the Senate consideration of the Natural Gas Wellhead Decontrol Act of 1989. This is reflected in the additional views of Senator Wallop appearing in the Sente Committee report on the Act:

It is important that a favorable report of decontrol legislation not be construed as a statement of the Committee's intent to limit the section 29 credit. In no way are the Committee's actions intended to impair the continued viability of the tax credit for production of fuels from non-conventional sources. Indeed, I and many other supporters of gas decontrol believe that tax incentives for production of non-conventional fuels should be maintained and extended. (Senate Report No. 101-38; p. 35)

I would also note in this connection, that the Commission's action in Order No. 519 appears to be inconsistent with the Administration's recent proposals to provide energy tax incentives to stimulate the exploration and production of oil and natural gas needed to "help preserve the resource base and the human capital that may be needed in the future if the nation is to maintain a reasonable degree of energy independence."

I also am concerned that the legal effectiveness of the rule in mid-March, as well as the termination of the eligibility of price incentive on May 12, may have significant negative impacts on tight formation gas production subject to existing contracts which are tied to federal price incentive levels.

In conclusion, it is for these reasons that I would strongly urge the Commission to reconsider its action in this matter. At an absolute minimum the Commission must find a way to preserve the production tax credit for tight sands gas production, and pending action by the Commission on these issues, the Commission stay the legal effectiveness of Order No. 519.

Please make this letter a part of the proceedings in Docket No. RM82-32-002.

Sincerely,

PETE V. DOMENICI,
Ranking Republican Member, Subcommittee on Energy Research and Development.

By Mr. McCONNELL:

S. 2289. A bill to provide local commodity supplemental feeding programs with the authority to utilize unused assistance available for women, infant, and children for the benefit of eligible low-income elderly, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ELDERLY PARTICIPATION IN FOOD PROGRAMS

● Mr. McCONNELL. Mr. President, every day thousands of elderly Americans are going hungry. It is a shame that in our wealthy Nation we are not providing for citizens who desperately need our help. Today, I am introducing legislation that will not solve our country's hunger problem but it will allow many of the elderly to receive food who otherwise would not.

In 1969, the Commodity Supplemental Feeding Program [CSFP] was created as a food distribution program for low-income, pregnant and postpartum women and infants and children. Thirteen years later, CSFP was expanded to serve poor elderly persons. The program was designed for benefiting women, infants and children, therefore, priority was and continues to be given to these families. CSFP is designed to prevent the onset and alleviate the effects of malnutrition on individuals likely to have poor diets due to low incomes. Through State and local agencies, participants receive supplemental nutritious foods donated by the U.S. Department of Agriculture. Thousands of people benefit each month from this program.

Unlike other nutrition programs, CSFP is not based on entitlement money, the number of persons that can be served by the program is determined by the funding available. Based on this money, USDA determines the maximum monthly caseload that the program can serve in a given fiscal year. Unfortunately, because of these funding limitations thousands of low-income elderly Americans are unable to receive monthly commodity distributions. In my State alone, 3,000 elderly are on a 2-year waiting list.

Over a year ago, one of my constituents requested CSFP benefits and was told she could not receive any commodities for 2 years unless there was an unexpected opening. Now, 1 year later, she still has another 2-year wait. Mr. President, because of insufficient income and the inability to work, many of these people are hardly able to make ends meet. Elderly participants depend on this program. In my State of Kentucky, elderly participants rarely fail to pick up their food packages.

Currently, hundreds of slots provided for women, infants and children are going unused. Because of the way current law is written, these unused slots are unable to be utilized for eligible low-income elderly. Without an agencies' ability to transfer unused caseload slots from women, infants and children to elderly, thousands of these individuals are unable to be served. I am not requesting that used caseload slots be taken away from eligible families, I am only requesting that some of these slots be transferred for the elderly if needed.

My legislation would amend the Food Security Act of 1985 to allow local community distribution agencies the authority to convert up to 25 percent of unused slots for women, infants and children to be made available for eligible low-income elderly. This bill still gives priority to women, infants and children. The only difference now is the number of eligible elderly served will increase.

Over the last 21 years, CSFP has been successful in directing its agricultural resources to those most damaged by chronic undernutrition—poor mothers, preschool nutrition and the elderly. This legislation is not intended to solve our elderly's hunger problem but only to utilize an existing program and emphasize the importance

of the nutritional needs of our Nation's older Americans.●

By Mr. HEINZ (for himself, Mr. DOLE, Mr. RIEGLE, and Mr. DURENBERGER):

S. 2290. A bill to amend titles II and XVI of the Social Security Act to improve widow's and widower's eligibility for insurance benefits and children's eligibility for Supplemental Security Income benefits; to the Committee on Finance.

DISABLED CHILDREN'S AND WIDOW'S ELIGIBILITY REFORM ACT

● Mr. HEINZ. Mr. President, I rise today to introduce legislation which will benefit thousands of disabled children and widow or widowers. I am especially pleased that my colleagues Senators DOLE, RIEGLE, and DURENBERGER have joined me as original cosponsors. This bill will revise certain eligibility standards under the Supplemental Security Income [SSI] and Social Security programs, and ensure that all persons, regardless of age or sex, are treated equitably when they apply for disability benefits. This proposal bridges the generations to assist two extremely vulnerable groups of Americans—poor children and widows with physical and mental disabilities.

Last year I introduced legislation (S. 665) to reform the SSI program. One of the main components of this legislation addressed the Social Security Administration's [SSA] failure to treat the young and old alike when determining eligibility for disability benefits. According to HHS regulations in place since 1974, the eligibility process for children began and ended with a match of a child's primary disability against a rigid list of medical impairments. Absent a match, the child was denied benefits, without any consideration of the combined effect of impairments on the child's overall functional ability. Yet, adults applying for benefits are entitled to additional levels of review, in which their functional capacity and ability to work are assessed..

My legislation required simply that children receive an assessment of their functional abilities. I firmly believe that this was the intent of Congress when the SSI program was first signed into law.

Unfortunately, during last Fall's budget reconciliation negotiations, this body did not see fit to clarify that children are owed this equal protection. It took a Supreme Court decision this February 20 to sweep aside the dust gathered on congressional intent procedure and declare SSA's policy "manifestly contrary to the statute." The 7-2 Supreme Court decision in Secretary of HHS versus Brian Zebley was a spectacular moral victory for hundreds of thousands of poor, disabled children.

THREE CHILDREN'S ISSUES REMAIN

I commend the high court for its finding in this case. And I caution my colleagues against taking this finding as the final reform needed in the children's disability system. In fact, there are at least three major shortcomings that remain. My legislation specifically addresses these in the following ways.

First, the legislation would mandate that revisions of all childhood "listings" of medical impairments be completed by HHS within 12 months.

Mr. President, the agency has a totally unacceptable track record in the revision process. For example, revision of the Childhood Mental Listings were required in the 1984 Disability Reform Act, and they are only scheduled for final release in July of this year. Since SSA is already in the process of revising the disability listings, a year's time seems reasonable to complete the task. What we must strive for in the process is a more just and equitable evaluation process for these children.

Second, my bill would require that a pediatrician or a pediatric specialist, not a bureaucrat, review all childhood disability cases. This is a straightforward and logical requirement that has somehow evaded the administration's reasoning.

Third, under my legislation, children aged 0 to 4 with certain genetic disorders would be able to qualify for benefits on the basis of a "presumptive disability." Children with such documented disabling conditions as Down's Syndrome, spina bifada, cystic fibrosis, and congenital heart disease should not have to wait to receive SSI benefits until they have been developmentally devastated. Income and medical support at an early stage is crucial to alleviate suffering and to prolong the lives of these children—and the emotional and financial stability of their families.

I'd like to tell you how a beautiful child in Lancaster, PA, Leancey M., would have benefited from a presumptive eligibility standard. Leancey is a 4-year-old with congenital heart defects. Born with 2 holes in her heart, she has had two open heart surgeries and been in the hospital 17 times for heart and respiratory complications.

After a long struggle with the Social Security Administration, Leancey was only recently awarded SSI benefits. By awarding benefits retroactive to the first date of her application, SSA acknowledged that a mistake was made in determining her eligibility. Leancey's monthly $387 benefit check doubles her family's income—and makes a very obvious difference in her access to needed medications and rehabilitative services. Presumptive disability would keep other children with genetic conditions from suffering the same senseless wait.

DISABLED WIDOWS NEED ASSISTANCE UNDER SSDI

At the other end of our age spectrum, Mr. President, disabled widows have also been treated inequitably in the disability determination process—although the problem here lies with the Social Security disability law. Since 1967, disabled widows and widowers have been measured against an eligibility standard that is much more restrictive than that applied to wage-earners. We give widows the same catch-22 message we gave to disabled children under the SSI program: "if you don't have a work history, than you can't possibly be assessed on your functional capacity, yet we know many of you have no work history." The Supreme Court found such a claim to be "unconvincing," and stated in the Zebley decision "that a vocational analysis is inapplicable to children does not mean that a functional analysis cannot be applied to them." The Supreme Court strongly stated that children must be given an equal chance; Congress must take the next step to equalize the process for disabled widows.

In addition to this tougher standard, widows under SSA are subject to two other unfair restrictions. First, only widows between the ages of 50 and 60 can receive benefits on their spouses' accounts. A disabled widow under age 50 can only receive benefits if she is caring for a child under 16 or a child who was disabled before age 22. The mathematics of this alone escapes me; the logic is invisible. But the bottom line is that widows who don't match the seemingly convoluted formula don't get the benefits.

Yet another provision requires that the widow be disabled within 7 years of the spouse's death. The 7-year test assumes that widows could have obtained enough credits following her spouse's death to qualify for benefits on her own earnings record. However, not only is it likely to take longer than 7 years to establish sufficient quarters to be eligible for disability, but even if an earnings record is created, the benefits are likely to be much less than those available through the record of the spouse who died after a lifetime of earnings.

The Social Security disability standards seem all the more questionable when compared with the widows' standards for SSI. Curiously, despite the fact that SSDI and SSI are administered by the same agency, SSI allows for functional assessments of a widow's disabilities and SSDI doesn't. Most widows would receive greater benefits under the Social Security system, but Congress continues to block access through the application of inconsistent standards.

Mr. President, I understand that Congress tread uncharted waters back

in 1967 when we enacted the disabled widow's legislation. Congress instituted a different test for disabled widows primarily because of the unknown cost potential of extending disability benefits to this population. But 23 years later we now have data about the size of the population affected. The 1967 rationale about unknown cost potential is no longer a valid argument for disparate treatment of widows.

Let me give you an example of the difficulties widows in my State have experienced. Mary W., widowed in her mid-50s, has been struggling to get Social Security disability benefits since 1986. A combination of disabling physical ailments has kept Mary out of the workforce. She has arthritis of the left knee and right shoulder, and disc abnormalities, which causes chronic back pain. As a result, she frequently loses sensation in both her feet and right leg, and requires a cane to walk. She also has high blood pressure and a hiatal hernia.

In 1987, Mary was awarded SSI benefits—an acknowledgement of her inability to work. Yet though her condition worsened, and a 1988 gall bladder operation left her with continual abdominal pain, she has been unable to obtain disability benefits under the Social Security Program. This double standard of assessment means a loss of $400 a month to Mary—the difference in what she gets from SSI and what she would be qualified to receive from SSDI.

WIDOW'S REFORM PROVISIONS

My legislation would reform the widow's eligibility standards with three straightforward provisions. I must footnote here, Mr. President, that while I refer to this legislation as widow's reform, it would also help widowers as well in the same ways.

Specifically, my bill would:

Make the disabled widow's eligibility standards the same as for wage earners, which would mean requiring a functional assessment if the widow does not meet the Listings.

Provide benefits to disabled widows at any age, instead of only between age 50 and 60.

Eliminate the requirement that the widow's disability must occur within 7 years of the spouse's death.

SSA estimates that if the definition is changed, an additional 8,000 widows and widowers would receive benefits in the first year, and an additional 4,000 each year thereafter. Changing the age requirement would add 12,000 more in the first year, with a trickle affect thereafter.

The legislation would provide one further protection by allowing widows who are switching from SSI to SSDI to retain their Medicaid eligibility, if they meet the SSI resource test. This provision is necessary because in most States, SSI recipients receive Medicaid. To a disabled widow, the Medicaid benefits are just as important as the slightly greater monetary benefits of receiving OASDI benefits. There is congressional precedent for protecting the Medicaid coverage of widows who were previously SSI eligible to retain their Medicaid coverage when required to accept benefits from the OASDI Program.

Mr. President, in the immortal words of Frederick Douglas, every American deserves a "fair start and an equal chance in the race of life." There are no two groups for whom this holds truer than our disabled children and widows. The Supreme Court played the first reform set for children with the Zebley decision. The ball is back in our court now and I urge my colleagues to join with me in returning a strong and sure shot for equity for every American in each of our disability programs.

I urge the expedient review of this bill in the Finance Committee and would ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disabled Children's and Widow's Eligibility Reform Act of 1990".

SEC. 2. REPEAL OF THE SEPARATE DEFINITION OF DISABILITY PRESENTLY APPLICABLE TO WIDOWS AND WIDOWERS.

(a) IN GENERAL.—Section 223(d)(2) of the Social Security Act (42 U.S.C. 423(d)(2)) is amended—

(1) by striking "(except a widow, surviving divorced wife, widower, or surviving divorced husband for purposes of section 202(e) or 202(f))" in subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) CONFORMING AMENDMENT.—The third sentence of section 216(i)(1) of such Act (42 U.S.C. 416(i)(1)) is amended by striking "(2)(C)" and inserting "(2)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month in which this Act is enacted.

SEC. 3. BENEFITS FOR DISABLED WIDOWS AND WIDOWERS WITHOUT REGARD TO AGE OR INITIAL DATE OF DISABILITY.

(a) ELIGIBILITY FOR WIDOW'S INSURANCE BENEFITS.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(1) in paragraph (1)(B), by striking "has attained age 50 but has not attained age 60 and";

(2) in paragraph (3)(A), by striking "after attaining age 50 if she was entitled before such marriage occurred" and inserting "after having been entitled";

(3) in paragraph (3)(B), by striking "after attaining age 50"; and

(4) in paragraph (4), by striking "age 60" and all that follows and inserting "age 60.".

(b) ELIGIBILITY FOR WIDOWER'S INSURANCE BENEFITS.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(1) in paragraph (1)(B), by striking "has attained age 50 but has not attained age 60 and";

(2) in paragraph (3)(A), by striking "after attaining age 50 if he was entitled before such marriage occurred" and inserting "after having been entitled";

(3) in paragraph (3)(B), by striking "after attaining age 50"; and

(4) in paragraph (5), by striking "age 60" and all that follows and inserting "age 60.".

(c) CONFORMING AMENDMENT.—Section 226(e)(1)(A) of such Act (42 U.S.C. 426(e)(1)(A)) is amended by striking "sections 202(e)(1)(B)(ii), 202(e)(4), 202(f)(1)(B)(ii), and 202(f)(5)" and inserting "sections 202(e)(4) and 202(f)(5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month in which this Act is enacted.

SEC. 4. ELIGIBILITY FOR MEDICAID BENEFITS FOR MONTHS IN WHICH INDIVIDUALS WHO ARE ELIGIBLE FOR DISABILITY INSURANCE BENEFITS BY REASON OF AMENDMENTS ARE NOT ELIGIBLE FOR MEDICARE BENEFITS ON SUCH BASIS.

Section 1634 of the Social Security Act (42 U.S.C. 1383c) is amended by adding at the end the following new subsection:

"(e)(1) In the case of any individual who in a particular month—

"(A) solely because of the change in the applicable definition of disability made by section 2 of the Disabled Children's and Widow's Eligibility Reform Act of 1990 (repealing the separate definition of disability previously applicable to widows and widowers), is eligible for widow's or widower's insurance benefits based on a disability under section 202(e) or 202(f) and is ineligible for benefits under this title,

"(B) would be eligible for benefits under this title in such month if the separate definition of disability referred to in subparagraph (A) remained in effect, thereby foreclosing eligibility for such widow's or widower's insurance benefits for such month, and

"(C) would be eligible for benefits under this title in such month if the amount of the benefits attributable to the change described in subparagraph (A) were disregarded,

such individual shall be deemed for purposes of title XIX to be an individual with respect to whom benefits under this title are paid in such month.

"(2) For purposes of this subsection, an individual is eligible for widow's or widower's insurance benefits under section 202(e) or 202(f) if such individual meets all requirements for entitlement to such benefits (other than application therefor).".

SEC. 5. REVISION OF LISTINGS OF IMPAIRMENTS FOR CHILDREN.

(a) EXPERT ADVICE REQUIRED.—Effective on the date of enactment of this Act, the Secretary of Health and Human Services shall solicit and obtain the advice of experts in childhood disability, including representative's of child disability advocacy organizations, for the purpose of reviewing and revising the medical criteria for the evaluation of impairments of children under age 18 years established by the Secretary pursuant to the Social Security Act, to take account of age-appropriate medical criteria

and limitations on activities of daily living developed by such experts.

(b) FINAL REGULATIONS.—By March 1, 1991 (July 31, 1990, in the case of criteria relating to mental and emotional disorders and Down's syndrome), the Secretary of Health and Human Services shall prescribe final regulations with respect to the revised listings described in subsection (a).

SEC. 6. PRESUMPTIVE DISABILITY FOR CHILDREN UNDER AGE FOUR WITH CERTAIN GENETIC OR CONGENITAL IMPAIRMENTS.

(a) IN GENERAL.—Section 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(a)(3)(C)) is amended—

(1) by inserting "(i)" after "(C)";

(2) by inserting ", except as provided in clause (ii)," after "mental impairment"; and

(3) by adding at the end the following new clause:

"(ii) In the case of any child under the age of 4 years with a genetic or other diagnosed impairment (including cystic fibrosis, Down's syndrome, epidermolysis bullosa, Hirschprung's syndrome, Tourette syndrome, Prader Willi syndrome, and spina bifida) the medical severity of which cannot be accurately determined by clinical or laboratory techniques because the child is too young, and with respect to whom the Secretary has determined that it is probable that, when the child is older, medical professionals will be able to administer a test that accurately demonstrates (by acceptable clinical and laboratory diagnostic techniques) that the child suffers from an impairment or impairments of sufficient medical severity to qualify the child for benefits under this title, the Secretary shall presume such child to be disabled or blind, as the case may be, for purposes of this part. Such presumption may be rebutted at any time by evidence that the child's impairment is not of the requisite severity.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations made with respect to benefits for months after December 1990.

SEC. 7. PEDIATRICIAN TO BE INVOLVED IN DETERMINATION OF DISABILITY OF A CHILD.

Section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)) is amended by adding at the end the following new subparagraph:

"(G) In determining the eligibility or continuing eligibility of a child under the age of 18 for disability benefits under this title, the Secretary shall make every reasonable effort to assure that a qualified pediatrician or pediatric specialist evaluates the case.".●

By Mr. RUDMAN (for himself, Mr. ROTH, Mr. STEVENS, and Mr. BOSCHWITZ):

S. 2291. A bill to authorize appropriations to carry out the provisions of the Paperwork Reduction Act for fiscal years 1990, 1991, 1992, and 1993; to the Committee on Governmental Affairs.

PAPERWORK REDUCTION ACT

● Mr. RUDMAN. Mr. President, I rise today to introduce a bill to reauthorize the Paperwork Reduction Act. This law was originally enacted in 1980, under the sponsorship of former Senator Chiles of Florida, with the goal of reducing the paperwork burden that the Federal Government requires of taxpayers. The law requires Federal agencies to consider the impact of their requests for information and to minimize the demands imposed on the public. It also created the Office of Information and Regulatory Affairs, known as OIRA, to oversee this process and other information management issues. Businesses, local governments, and individuals are all affected by Federal paperwork compliance, and the tax season now upon us is a reminder of the importance of limiting unnecessary requests.

The bill I am introducing today is straightforward. It reauthorizes the Paperwork Reduction Act for 4 years until September 30, 1993, and raises OIRA's authorized funding level from $5.5 to $6 million per year.

The authorization for the Paperwork Reduction Act, or PRA, expired September 30, 1989. The delay in renewing this important law has revolved around the role of OIRA, particularly with respect to their role on behalf of a President in reviewing regulations proposed by executive agencies. This is a sensitive issue which has been around for a decade. I will limit myself today to noting that in 1982, Senator LEVIN, Senator DURENBERGER, and I proposed and the Senate passed legislation governing this issue. Although that measure did not become law, it led to an agreement between Congress and OMB Director Miller in 1986 which the White House is still complying with today.

I have no problem with Congress choosing to revisit this issue. However, that debate should not come at the expense of the Paperwork Reduction Act itself, which has now been without reauthorization for 5 months.

As Members of Congress, we rely on regulatory compliance to ensure the effective execution of the laws we pass. Tax policy, occupational safety standards, environment law, and a myriad of other issues make the journey from broad legislation to real and substantive policy through the regulatory process. We expect individuals and businesses to recognize their obligation to be cooperative in these efforts. In exchange, we must be cognizant of and reduce the public impact of such Federal action.

Coming from New Hampshire, I am particularly sensitive to the needs of small businesses which have the hardest time with Federal paperwork compliance. Many of small businesses, must hire accountants and other specialists merely to understand Government forms, let alone to begin complying with them. When excess time and money is spent on Federal paperwork, it is diverting resources which could be applied to improve management and productivity. Small businesses employ 40 million people in this country and account for over half of new jobs. Stemming and reducing the burden of Federal paperwork does more than simply alleviate unnecessary or duplicative information requests; it is good for the entire economy.

The Paperwork Reduction Act has worked; even its opponents would be hard pressed to dispute the fact that the public burden of Federal paperwork would have been much higher over the last decade were it not for the existence of this act. Now the time has come once again for Congress to show that it is sensitive to federally imposed redtape upon the American public. This bill is the most direct and practical way to achieve this. Moreover, it avoids delving into other peripheral issues, such as information dissemination policy and regulatory questions, thus leaving Congress free to better focus on these matters if it so chooses, without undermining the basic law. I believe this bill is a sound approach to the issue at hand, and I urge its support.●

● Mr. ROTH. Mr. President, the Paperwork Reduction Act requires that all Federal paperwork—forms, surveys, reports, and recordkeeping requirements of all kinds—be approved by the Office of Information and Regulatory Affairs [OIRA], within the Office of Management and Budget. In addition, it requires such approval be recertified by OIRA every 3 years and contain a clearly identifiable OMB clearance number. Although there have been some problems and controversy with the implementation of the Paperwork Reduction Act in the past, overall the act has contributed significantly to our efforts at the Federal level to reduce the number of Federal forms and reporting requirements made of American citizens.

The act contains an important public protection clause which states that no person can be forced to fill out a form or respond to any information collection request from a Federal agency if the form of collection request has not been cleared and approved. It is my opinion that the Office of Information and Regulatory Affairs is a valuable protection, on behalf of the American citizen, from the excessive burdens of Federal information collections and should be continued.

It is with this thought in mind that I join with Senator RUDMAN, the ranking member of the Subcommittee on Government Information and Regulation, and Senator STEVENS in introducing a simple reauthorization of OIRA.

I do this because I have not seen or heard anything to convince me that the 1986 amendments or the original 1980 act are not working, and feel that this is the best way to ensure that the current public protection remains intact. By the same token, recent Supreme Court decisions have changed the authority of OIRA which may require additional action by Congress. A

straight reauthorization of the current act will give us a solid foundation from which we can review the mission of OIRA and the needed protection from undue paperwork burden of the American people.

It is important to remember how far we have come in the effort to eliminate unnecessary Federal forms and redtape. The Federal Reports Act of 1942, the predecessor to the Paperwork Reduction Act, was enacted when the President and Congress came to recognize that the Federal Government was imposing requirements on the private sector that, in many cases, were counterproductive and costly to the national economy. The 1942 act established for the first time a Federal policy for controlling paperwork. It created a formal mechanism for review and approval of all reporting requirements by the Bureau of the Budget, later OMB.

This act also had numerous gaps and limitations. It contained no enforcement mechanism to ensure that forms were in fact scrutinized and that those which were unnecessary were eliminated. The act's scope was unclear in several respects, and it contained explicit exemptions for many kinds of forms, such as tax and financial forms, which constituted over half of the public's reporting burden. Over time, the act was weakened further by legislative enactments excusing selected categories of forms and reports from control.

Congress began to realize that the existing methods for controlling paperwork were ineffective and in 1974, created through legislation a Commission on Federal paperwork. This Commission was chaired by Congressman FRANK HORTON of New York, currently the ranking minority member of the House Government Operations Committee, and included Federal and State officials and representatives of business, labor, and consumer groups. The Commission prepared reports covering such issues as tax policy, education and procurement. It made nearly 800 recommendations for reducing Federal paperwork. The Commission's final report, issued in 1977, found that the total cost of Federal paperwork might well exceed $100 billion annually, and that a good deal of the cost was unnecessary.

Following the Commission's report, the Governmental Affairs Committee held extensive hearings on the paperwork problem which resulted in the passage of the Paperwork Reduction Act of 1980. The act, for the first time, made sure that all kinds of Federal paperwork had to be scrutinized by Federal agencies to ensure that duplicative, unnecessary or excessively burdensome forms were eliminated. It required that every Federal agency, including previously exempted agencies like the IRS and independent regulatory agencies eliminate needless redtape and that all Federal paperwork requests be reconsidered every 3 years.

In 1986, issues similar to those facing us today were raised regarding executive branch use of OIRA to review agency regulations. The Congress, after hearings, enacted strong, comprehensive legislation. This reauthorization bill introduced today extends those 1986 amendments and the original provisions of the Paperwork Reduction Act, while providing a starting point for discussions on information issues into the future. I believe, on the whole, the Paperwork Reduction Act provides important protections for small business, State and local governments, and the general public from unnecessary, intrusive and costly Federal paperwork.●

● Mr. STEVENS. Mr. President, I am pleased to join my colleagues in sponsoring the Paperwork Reduction Reauthorization Act of 1990, a bill to simply reauthorize the Office of Information and Regulatory Affairs for 4 years.

The Office of Information and Regulatory Affairs [OIRA] has a massive mission—to reduce the burden of federally initiated paperwork on our citizens. That is not an easy task, but it is an absolutely necessary one.

The paperwork burden is felt by everyone at one time or another. We all complete IRS forms every year. Every 10 years we all participate in the decennial census. At some time, we all can expect to complete Social Security-related paperwork. These burdens are measured in our time and in our frustration levels.

The paperwork burden on business, however, is much greater. It is esimated that business in the United States spends from $166 to $330 billion per year responding to Federal paperwork requirements. In many cases, a business will spend more money filling out forms and filing reports than they pay in corporate income taxes.

The first priority of the Office of Information and Regulatory Affairs is reduction of that paperwork burden. It is OIRA's responsibility to review information collection requests to determine if the requested information is absolutely necessary, is in an understandable and workable format, and is not repetitive. It should also be OIRA's function to determine whether or not the requested information will actually be used by the Federal Government.

The Senate has before it other legislation to reauthorize the Paperwork Reduction Act. However, that proposal requires OIRA to become more involved in information management and dissemination. In my view, absent an increase in appropriations and staff, this additional responsibility would relegate the paperwork reduction function to a too low priority.

While coordination of the government's information management and dissemination is a necessary function which we need to address, there are too many questions which still need to be answered in my opinion. The reauthorization of this important agency can't wait.

OIRA needs to be reauthorized. So, let's simply reauthorize OIRA for 4 years. I urge my colleagues to join in cosponsoring this straightforward piece of legislation.●

By Mr. LUGAR:

S. 2292. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SECURITY ACT

● Mr. LUGAR. Mr. President, on February 6, Secretary of Agriculture Yeutter transmitted to Congress the Bush administration's proposals for reauthorization of the Food Security Act of 1985. Today, I rise to introduce legislation to implement these proposals.

SUMMARY OF LEGISLATION

Mr. President, the Food Security Act of 1990 has been drafted with the assistance of the administration. It simply transforms the concepts embodied in USDA's "Green Book" into legislative language. The proposed act will continue the course charted in the 1985 Food Security Act—it will make U.S. agricultural policy more responsive to market signals and continue aggressive promotion of American exports, particularly in response to unfair trade practices by competing exporters. It will also continue to support farm incomes through the target price system.

I reserve the right, as our debate proceeds, to suggest modifications to the proposals outlined in this bill. For example, I am not quite prepared to say that crop insurance is a failed experiment and that a permanent disaster payment program should replace it. The administration, to its credit, has expressed willingness to work together with Congress on this and other matters.

THE AGRICULTURAL ECONOMY

The 1985 farm bill was founded on the idea that farm families needed an income safety net in order to pull through an extremely difficult economic period. At the same time, this very generous income safety net was to be accompanied by a sound and competitive farm policy that would prevent the recurrence of the farm

problems once economic recovery had begun.

Though there are still trouble spots—especially in regions that have suffered successive droughts—the contrast between 1985 and today is indeed substantial: 1985 was a year of downturn and near despair; today, farmers are hopeful and most are prospering. The farm sector's performance under the Food Security Act of 1985 is strikingly different from our experience under the 1981 law that preceded it.

Net farm income increased from $32 billion in 1985 to $48 billion in 1989 and shows a 30-percent gain even when adjusted for inflation. Total farm debt fell by an average of nearly $10 billion a year between 1985 and 1989. From its high point of $192.7 billion in 1983, farm debt is now $136 billion. Farm equity has increased by 25 percent from a low $571.3 billion in 1985 to $713 billion in 1989.

U.S. farm real estate was valued at nearly $800 billion in 1981. While the 1981 farm bill was in effect, farm real estate values eroded by an average of $57.2 billion a year. After a final decline of $48.6 billion from 1985 to 1986, real estate values turned around and have increased by an average of $46.9 billion annually since then. Land prices have not, of course, returned to their 1981 levels in most cases, and probably will not anytime soon without a strong inflationary trend in our economy.

Reflecting the debt drawdown and the gains in asset values, farmers' average debt-to-asset ratio, which had reached a troubling 23.5 percent in 1985, has now declined to a more normal 16 percent.

The recovery in our agricultural exports has been as important as any other single factor in bringing better times to U.S. agriculture. From 1981 through 1986, U.S. farm exports fell from $43.8 billion to $26.3 billion—a drop in value of 40 percent. On average, exports declined 8 percent per year under the 1981 farm bill.

But overseas sales began to grow again once the 1985 Food Security Act was fully operational. Export value has grown 10.3 percent a year, rising from the low $26.3 billion mark of 1986 to a forecast $38 billion in fiscal year 1990—an aggregate gain of 44 percent.

For these reasons, Mr. President, the 1985 Food Security Act has been a success. We made the right choices in 1985; market clearing loan rates, aggressive export promotion, and a transition period of income protection for farm families. We passed a good farm bill.

THE WEAKNESSES OF THE 1985 FARM BILL

This is not to say, however, that the current farm bill cannot be improved. The act of 1985 has two flaws. First, it provided insufficient flexibility for farmers to make their own planting decisions, and has thereby raised production costs, hurt the environment, and damaged U.S. competitiveness in some commodities. Second, it continues to rely too heavily on large annual land-idling programs—it perpetuates the failed notion that somehow a business can remain competitive while idling a substantial portion of its productive capacity.

FLEXIBILITY PROVISIONS

With that preface, let me review briefly the chief components of the Food Security Act of 1990. The bill expands planting flexibility by creating a normal crop acreage [NCA] for each farm, comprising acreage bases for the program crops—wheat, feed grains, cotton, and rice—plus historic plantings of oilseeds—soybeans, sunflowers, and canola. ARP's, if necessary, are expressed as a percentage of individual crop bases, and paid diversions continue to be authorized. To qualify for program benefits, producers must limit their plantings to their NCA, while complying with ARP requirements for any crop for which they desire benefits.

Farmers would have substantial flexibility to choose the mix of crops they wish to plant. For example, on the acres allowed to be planted to program crop X, a farmer may plant any other program crop or oilseed, and still receive deficiency payments made for crop X, while preserving his base for that crop. My colleagues will recall this feature from S. 1926, the bill Chairman LEAHY and I introduced. Similarly, on acres idled under an ARP for crop X, farmers may plant that crop or certain other conserving and experimental crops, though not other program crops or oilseeds. For each ARP acre so planted, farmers would give up an acre's worth of deficiency payments. Authority to allow farmers to overplant their bases in the event of short supplies is also included. Individual bases would be calculated on a moving 5-year average, and program yields would be set at the 1990 level.

Planting flexibility is being widely discussed in all agricultural circles today, but some seem uncertain what it means or what it might require. So let us first define the term. To me, farm programs are genuinely flexible when farmers decide what to plant based on expected market returns, and not based on relative subsidy levels.

I suggested how this concept might be translated to actual policy in S. 1926, introduced last November with Chairman LEAHY. The administration has largely incorporated the basic concepts of S. 1926 into this proposal. I hope, therefore, that we can come to an early consensus on planting flexibility, and then proceed to other issues such as target prices and acreage reduction programs.

The most obvious example of the need for planting flexibility is in the soybean market. The United States has long been the dominant producer and exporter of soybeans. Through the late 1970's and early 1980's, U.S. market share routinely exceeded 80 percent. Soybeans were the "cinderella crop"—achieving success with few Federal subsidies.

However, the lack of subsidies proved costly for soybeans. Corn and soybean prices are related, inasmuch as farmers' planting decisions can often be predicted by the ratios between the respective prices. When grain prices plummeted in the mid-1980's, soybean prices also declined, and there was no deficiency payment to make up the difference. Corn and other program crops were, by comparison, more profitable and less risky.

And so, paradoxically, the supposedly market-oriented soybean crop did not respond to market signals. The low 1986-87 average price of $4.78 was succeeded by a significantly higher $5.88 in 1987-88 and $7.35 in 1988-89. Compared to the very low corn prices in these years, the soybean/corn price ratio was 3.2 in 1986-87, 3 in 1987-88, and 2.9 in 1988-89. Ratios above 2.4 have historically signaled producers to grow more soybeans.

But U.S.-harvested acreage of soybeans has been stagnant: 58.3 million in 1986, 57 million in 1987, 57.5 million in 1988, and 59.4 million in 1989. This was not the case with regard to our competitors. Foreign soybean production, which was less than 40 million metric tons in 1985-86, increased every single year since then, reaching 54.7 million tons in 1989-90.

For oats, the 1985 farm bill has had equally perverse effects. Despite the growing consumer demand for oat products, and high oat prices last year, planted acres have fallen each of the last 2 years. In what may be the ultimate irony of the 1985 farm bill, we have continued to run an acreage reduction program for oats while imports accounted last year for 21 percent of total use.

The real costs of current inflexible farm programs, however, go far beyond the loss of market share and competitiveness. From the farmer's perspective, perhaps the most alarming aspect of today's farm policy is that it forces farmers into monoculture, discouraging sound crop rotation, raising their production costs, and degrading the environment. Let me cite a few examples.

Most farmland in the United States is and should be in some type of crop rotation. Unfortunately, over half of all land devoted to cotton is being continuously devoted to that crop. Over a quarter of all corn acreage is devoted to continuous corn. There are a variety of reasons for not rotating, but one

very obvious reason is the farm program: cotton and corn base acres are simply too valuable to give up willingly, and crop rotation by definition can reduce future acreage bases and future payments.

What does this rigidity mean for farmers' bottom line? First, it means lower yields. A study by North Dakota State University found that wheat planted after wheat yielded, on average, 31 bushels per acre, while wheat grown in a rotation yielded between 35 and 45 bushels. Even at the low end of the range, that means an extra $15 per acre in income.

We can also look at crop rotation's effects on production costs. A study by Iowa State University showed that corn after soybeans consistently yielded 5 to 10 bushels per acre more than continuous corn. Just as important, though, is the difference in cost per acre. Iowa corn production costs are $21 per acre lower in a corn-soybean rotation than in a corn-corn planting pattern. Of this $21, $14 is extra chemical cost, primarily nitrogen fertilizer and insecticide.

Clearly, then, we will derive important environmental benefits if we make our farm programs more flexible. Farmers will need fewer chemicals and will be better able to follow sound agronomic practices.

To summarize, farmers need flexibility in order to cut their production costs achieve higher yields, and practice better stewardship of the land. It follows that flexibility means higher farm income.

ACREAGE REDUCTION PROGRAMS

The 1985 farm bill has one other basic inconsistency. Fundamentally, I believe we have made a mistake by idling excessive amounts of productive acreage. Some farmland should not be farmed, and we are doing a good job of retiring that land under the Conservation Reserve Program. In today's competitive world market, though, the United States must maximize its use of our best acreage if we are to remain a preferred supplier of food and fiber, both at home and abroad.

Let us consider, especially, the case of wheat. In 1988, the target price of wheat was $4.23 and the ARP was 27.5 percent—that is, a farmer with 1,000 acres of wheat had to leave 275 acres unplanted.

The most striking developments among major wheat exporters since the late 1970's have been the emergence of the European Community as a large net exporter of surplus production, and the decision by the United States to idle huge amounts of productive land. U.S. production averaged 70.7 million metric tons per year from 1981 through 1985, but has averaged only 55.3 million tons since then. U.S.-harvested wheat acres have not exceeded 70 million since 1982, and since 1986 an average of 21 million wheat acres were idled every year. The production foregone through this land-idling policy is about 16 million metric tons of wheat per year—roughly the equivalent of annual European wheat exports.

While average annual U.S. wheat output was declining, the other major exporting countries were expanding their production. Average annual output from Argentina, Australia, Canada, and the EC during 1981–85 was 119.7 million tons a year, and from 1986 to the present has been 125.5 million tons. The EC produced 58.1 million tons in 1981, and increased output to 77.6 million tons in 1989. In other words, our competitors did not join us in our efforts to balance supply and demand; they continued to produce and generate economic activity.

Much the same picture emerges for feed grains. U.S. production fell from 246.2 million tons in 1981 to 222.1 million tons in 1989. Foreign production rose from 520.7 millon tons to 587.3 million tons in the same period. The United States gave up an average of 55.3 million tons per year of feed grain production from 1986 through 1989. Again, some of our acreage-idling programs were well advised, like the Conservation Reserve Program. But the lesson of the market in these years remains the same: the United States simply cannot export what it does not produce.

The opponents of a production-oriented policy have attempted to justify supply reductions on the grounds that demand is stagnant. This attitude is projoundly mistaken.

World demand for wheat and feed grains this year will exceed last year's demand by 1.3 billion bushels. That number of bushels equates to the entire U.S. winter wheat crop. It is the same number of bushels as the entire annual corn crop of Illinois. The picture for soybeans is much the same: world demand this year exceeds last year's demand by 260 million bushels, greater than the combined annual production of the States of Indiana and Arkansas.

In the face of growing world demand, it is unwise for America to continue an outdated, New Deal-era strategy of ideling our most productive land while other regions of the world are expanding rapidly.

Perhaps an even more compelling argument against idling productive land is simply that idled land does not create jobs in our jobs and economic activity in our rural areas. Chairman LEAHY has been a strong advocate of rural development legislation, but these efforts will be futile unless rural America is put back to work.

The administration proposes that acreage reduction programs be triggered by certain stocks-to-use ratios. For wheat and feed grains, these triggers would be 40 percent and 25 percent of total use, respectively. Below these levels, my legislation would prohibit any ARP above 5 percent, while above these levels the ARP could be as high as 10 percent. For cotton and rice, stock-to-use targets of 30 percent and 20 percent respectively would be established, with ARP's set to attain those levels, but in no case higher than 20 percent. I must emphasize that the administration proposed higher maximum ARP levels for grains, so in this area my bill differs from their policy.

PRICE AND INCOME SUPPORT

Loan rates for grains would continue to be set using the formulas in the 1985 farm bill. The loan rate formulas for cotton and rice would be changed to conform to those for wheat and feed grains. These formulas may, for some commodities, mean slightly higher loan rates in the years ahead. I stress, however, that the high loan rates of a few years ago hurt our competitive position severely. I will oppose, as strongly as I know how, any efforts to take us back to the days of high, inflexible loan rates. One 1981 farm bill is enough.

My colleagues recall the administration did not make specific proposals on target prices. Under the bill I am introducing today, target prices would be set at their 1990 levels. This is a farm bill, not a budget reconciliation bill. Frozen target prices are consistent with baseline levels of spending projected by both the Congressional Budget Office and the Office of Management and Budget. Upon passage of a budget resolution, there will be time enough to discuss how we might make any required savings.

STOCKHOLDING POLICIES

The administration proposes several significant changes for the farmer-owned reserve and stocks policies. For example, the minimum price for cash sales of Government-owned commodities would be set at 110 percent of the loan rate, allowing commodities to move more freely into market channels. The food security wheat reserve would be retained at its present level, but the farmer-owned reserve would be capped at 600 million bushels of feed grains and 300 million bushels of wheat. The length of FOR contracts would be shortened to 9 to 12 months, storage payments would be made in quarterly installments, and release prices would be eliminated. Overall, these changes reflect a policy that encourages sales of surplus stocks in lieu of enormous Government-owned stockpiles that depress prices to farmers.

CONSERVATION AND ENVIRONMENT

The conservation title of the Food Security Act of 1985 for the first time tied soil and water conservation to farm program participation. Recent surveys of farmers' attitudes indicate

significant support for these conservation provisions. Now, we should build upon the foundations laid in 1985.

One of the key achievements of the 1985 farm bill is the Conservation Reserve Program whose purpose is to retire highly erodible land. USDA estimates that the CRP will reduce erosion on the nation's cropland by 20 percent for a total annual soil savings of over 655 million tons.

USDA recognizes that we need to begin to consider what should happen when CRP contracts begin to expire. The American taxpayer has made a substantial investment in soil and water conservation through the CRP. In 1989, USDA spent over $1.3 billion on rental payments and cost sharing for conservation reserve contracts. It is important that this large public and producer investment be protected. For that reason, the USDA proposal would continue to protect a producer's base after contract expiration if a protective cover was maintained. For future contracts, the bill would also require CRP land to meet the soil erosion tolerance level before it could return to crop production. Through base protection, farmers would not be faced with an artificial incentive to plant on the land. Also, the bill would extend CRP signups until 1995.

Under current law, more than 7,000 acres of field windbreaks have been planted to protect against wind erosion and preserve soil moisture. This bill would allow windbreaks and shelterbelts into the CRP more easily. The bill provides that producers give an easement on the windbreak or shelterbelt for its useful life so that the public investment is protected.

As a result of the debate regarding global climate change, there has been increased interest in tree planting. The CRP had a goal of planting at least 12 percent of its acres in trees. We are not meeting this goal.

The bill offers landowners the opportunity to receive up to 15 year contracts on CRP acreas devoted to hardwood trees. The Department of Agriculture would also be authorized to provide cost-share payments for tree maintenance costs for at least the first 2 years of the contract. Finally, the bill authorizes existing CRP acres that have been planted to grasses to be converted to hardwood trees. Landowners choosing this option would be eligible for cost share payments and an extended contract period.

Since its inception, the types of land eligible for entry into the CRP have been expanded beyond highly erodible land to include other areas of environmental concern. For example, in order to reduce sediment loading into bodies of water, filter strips of grass or trees around streams, rivers and lakes are eligible to be entered. Also, scour lands with a potentital to be flooded and cropped wetlands are now eligible for entry.

More can be done. The Conservation Enhancement and Improvement Act, which I introduced in May, provided that a CRP-type program could serve other desirable conservation and environmental ends. USDA has recognized this as well.

Because of concern regarding surface and ground water quality, USDA has proposed to further broaden the criteria for entry of land into the CRP to include cropland within 1,000 feet of a State approved wellhead protection area; areas around sinkholes; State-identified serious agricultural nonpoint pollution sources; areas identified as posing a threat to endangered species; and other areas. The Secretary would encourage the use of permanent easements to halt the environmentally harmful practices on this sensitive land.

Significantly, the bill I am introducing today puts agriculture in the forefront of wetlands restoration. Wetlands are productive and valuable National resources. Wetlands constitute habitat crucial to many forms of wildlife and are also important in maintaining ground water supplies and water quality; in protecting shorelines from erosion; in storing floodwaters; and in trapping sediments.

This bill will allow former wetlands, which had been converted to crop production, to be restored to their original status. Producers would be offered permanent easements on the land. Such a program would make agriculture a leader in the national effort to achieve the President's goal of no net loss of wetlands.

This bill provides for multiyear setasides to improve soil fertility, improve habitat for wildlife and birds and have forage available during emergencies. The bill would add protections from excessive erosion on other idled acres. Also, the bill reauthorizes the Great Plains Conservation Program which has been successful in developing farm plans to limit erosion and conserve water resources.

INTERNATIONAL PROGRAMS

This bill continues the export enhancement and targeted export assistance programs which have helped the United States restore its export markets and promote the sale of new products overseas. In order to be most effective and make the most efficient use of EEP resources, the administration must have the flexibility to select the commodity and the situation where export bonuses are applied.

That is especially important this year, because we are in the final, crucial months of negotiating for fairer and freer trade in the Uruguay round. Our negotiators are working for an opening of markets and reduction of subsidies which will benefit producers and consumers alike. This legislation preserves the leverage our negotiators need to accomplish that objective.

The legislation also retains the export credit programs GSM-102 and GSM-103 at current levels. These two programs have facilitated annual exports of nearly $5.5 billion.

The Senate Agriculture Committee, after a comprehensive consultative process for which Chairman LEAHY and his staff deserve particular credit, is now drafting comprehensive food aid legislation, and we await the administration's promised recommendations. For that reason, I will defer offering specific food assistance legislation until I have had the chance to consult again with Chairman LEAHY and the administration.

CROP DISASTER ASSISTANCE

The administration has proposed replacing Federal crop insurance with a disaster payment program. Whether we end up with this program or some revision of crop insurance, it is clear that we can no longer allow both ad hoc disaster payments and subsidized insurance to coexist. Our challenge is not only deciding which program is better, but maintaining whatever program we put in place. Crop insurance was supposed to replace disaster bailouts, but it has not, because of its own shortcomings and farmers' belief in the generosity of Congress. Major disaster bills in 1986, 1988 and 1989 have not exactly discouraged farmers in this belief. If we do not have faith in the program, how can we expect it of our farmers? Less than 45 percent of eligible planted acres were covered by crop insurance in 1989. Participation has increased, but the majority of this increase has been due to mandating participation in the 1988 Disaster Assistance Program. If we are to encourage participation, then we must ensure that the program is one worthy of participation.

The administration's proposal would allow multiperil crop insurance to be offered by the private insurance sector, targeting Government's role to providing for widespread catastrophic crop losses. Even with the establishment of such a disaster program, there might still be recurrent demand to provide for those that are not covered.

The administration's bill is not the final word on crop insurance. In discussing alternatives, I hope we will all work for a risk management program for farmers that does not encourage annual overhaul by the Congress.

FOOD AND CONSUMER SERVICES

This bill reauthorizes the Food Stamp Program and the Temporary Emergency Food Assistance Program, known as TEFAP. The bill would also bring the Food Stamp Program into contact with the child support enforcement system, requiring households with an absent parent to cooperate with the local child support en-

forcement agency to ensure that needy children receive the support to which they are entitled.

The bill also contains an initiative to improve access to the Food Stamp Program for the homeless and would allow homeless people, who do not have access to a kitchen, to use their food stamps in approved local restaurants.

Finally, the legislation reauthorizes and amends the Commodity Supplemental Food Program, the Food Distribution Program on Indian reservations and other special donation programs.

FARM CREDIT

The credit components of this farm bill send a strong, clear message: Financially irresponsible lending policies cannot and will not continue. Since the Farmers Home Administration was created, U.S. taxpayers have supported FmHA borrowers, through interest subsidies, writedowns and bad-debt reserves, to the tune of $72 billion. Even more alarming, $39 billion of those losses have occurred since 1985.

This legislation corrects problems and loopholes in the Agricultural Credit Act of 1987. Last year the Senate addressed one of these issues when it adopted S. 1894, mandating that FmHA borrowers seeking to have their loans written down or written off deal with the agency in good faith. That bill did not make it to the President's desk, and the administration is urging Congress to complete action on that measure. The administration also requests that Congress provide FmHA with the statutory authority to deny a borrower a buyout to the extent the borrower has other assets to satisfy the original terms of the loan. Not only is it proper stewardship of taxpayer resources to require repayment of loans if a borrower has assets to do so, it is responsible government.

Second, the administration proposal would redirect the activities of the agency for the next decade. The objective is to return the agency to its original mission as a lender of last resort, providing a source of temporary credit to needy, qualified borrowers. The administration proposes that borrowers graduate from FmHA lending to commercial lenders within 10 years.

This is an important redirection of the agency. GAO, in its February 8 report to our Credit Subcommittee, reported that nearly 35 percent of FmHA borrowers have borrowed continuously from the agency for 10 years or more. The administration believes, and I agree, that Government should not be a perpetual source of subsidized credit for a select group of independent businessmen.

RESEARCH

The national research initiative put forward by land-grant universities outlines a renewed effort to address the increasingly complex problems facing agriculture. The administration proposes increasing the Competitive Grants Research Program to $100 million to begin to implement the initiative. This is less than the initiative's original proposed $500 million increase, but is a start in recognizing the need to increase our commitment to agricultural research. Issues involving food safety, environment, and international markets are providing new challenges for American agriculture. Ongoing scientific research is essential to determine the parameters of these issues and their impact on the individual farmer. The Competitive Grants Program is not currently funded at a level to compete with other research grant programs. The national initiative proposes increasing the average amount of each grant as well as extending the amount of time a grant can be awarded from 3 to 5 years.

In addition to the Competitive Grants Program, I will be proposing a renewed commitment to regional priorities in the Special Grants Program. Out of the 95 projects funded in 1990, only 22 were for regional grant projects. Several States are faced with complex agricultural problems that can be addressed through combined research efforts. As research projects are determined, there is a need to identify regional areas of need and collaborate on research efforts that can benefit several States.

I am also proposing a change in language for the higher education component of the Department of Agriculture. These changes to the law will more accurately reflect the existing grant programs that are offered to encourage students and faculty in the study of food and agricultural sciences, including a desire to expand grant opportunities to minority students and Hispanic students.

Increased funding for the National Needs Fellowship Program, a grants program for graduate agricultural studies, is an absolute necessity in this farm bill. There is a strong demand for students to pursue graduate studies in agriculture sciences, but this is the only program that provides such funding. This program is in great demand by universities and students, but limited funding restricts the number of recipients and areas that can be supported. Additional funding can also be utilized to develop an international education program which would further encourage the exchange of agriculture research ideas among students and faculty on an international basis.

CONCLUSION

The Bush administration has submitted to Congress a detailed, realistic, market-responsive proposal. My intent is to put the administration blueprint on the table for discussion. I may later propose modifications to this bill, but in general I believe it is on target. The administration is prepared to work with the Congress to make key decisions about target prices, budget goals, disaster aid and other topics. This willingness to be flexible has led to some criticism that the administration was not specific enough in its proposals.

I can understand these criticisms, but the administration has made its presentation in a way that allows its package to be policy-oriented, not budget-driven. Surely this is a virtue. Having made fundamental decisions about the structure of farm programs, we can then work within the inevitable budget constraints to shape the exact parameters like target prices, payment acreage and all the rest. But let us take the longer view first. Let us rededicate ourselves to an agricultural policy that moves us squarely toward the market, not further into the morass of Government controls and redtape. Let us build on the success of the 1985 farm bill, correct it where it is deficient, and work together for a prosperous, competitive agriculture.

Mr. President, I ask unanimous consent a summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FOOD SECURITY ACT OF 1990

PLANTING FLEXIBILITY

1. Normal Crop Acreage (NCA): a total-cropland base assigned to each farm, equal to cumulative acreage bases for program crops (wheat, feed grains, cotton and rice) plus historical plantings of oilseeds (soybeans, sunflowers and canola).

2. Acreage Reduction Programs (ARPs): authorized for program crops if supplies are excessive (see "Triggered ARPs" below). Paid diversions also authorized. ARPs for oilseeds not authorized.

3. The NCA serves as an overall limit on planted acreage if producers want any program benefits. For particular crops, producers must also comply with any ARP requirement for that crop to be eligible for benefits.

4. Payment Acres: equal to the historic acreage base for any crop minus acres required to be idled under an ARP.

5. Producers can plant and harvest all program crops and oilseeds on their payment acres, without losing any deficiency payments. Conserving crops like alfalfa can be planted but not harvested, while some alternative crops may be allowed but would require forfeiture of some deficiency payments.

6. On acres idled under an ARP ("Acreage Conservation Reserve" or ACR), producers may plant the program crop for which the ARP is established, but not other program crops or oilseeds. For each program crop acre planted on ACR, farmers give up one acre of deficiency payments (as in the 1990 wheat program). Conserving, experimental and industrial crops can also be planted and harvested, and would also require offsetting loss of deficiency payments.

7. In the event of short supplies, producers may be permitted to overplant their NCA without penalty. In the event of excess supplies, a crop may be excluded from the NCA and assigned an individual base and ARP, just as in the current law.

8. Acreage bases would be five-year moving averages, and for program participants would effectively be frozen at 1990 levels. Payment yields would also be frozen at 1990 levels.

LOAN RATES

All loan rates will be set with a similar formula: 75–85 percent of a five-year moving average of market prices, dropping the high- and low-valued years. However, loan rates cannot drop more than 5 percent per year. An additional 20 percent cut (the so-called "Findley amendment") is made if necessary to make crops competitive.

This formula has been used for wheat, feed grains and soybeans during the 1985 farm bill. For soybeans, there is a $4.50 minimum loan rate, which the bill retains. For cotton and rice, marketing loans will be mandatory, as under current law, but present minimum loan rates (50c/lb. and $6.50/cwt respectively) will be eliminated.

TRIGGERED ACREAGE REDUCTION PROGRAMS

For wheat and feed grains, ARP levels are determined by the ratio of ending stocks (carryover) to total use. For wheat, ARPs are 0–5 percent if ending stocks are less than 40 percent of use, and 5–10 percent if stocks exceed that level. Feed grain provisions are identical except that the trigger level is 25 percent of use, not 40 percent. For cotton and rice, ARPs are to be set to achieve a stocks-to-use ratio of 30 percent for cotton and 20 percent for rice. The maximum ARPs for these crops are 20 percent.

TARGET PRICES

Target prices are set at 1990 levels for the duration of the farm bill.

GRAIN RESERVES AND STOCKS POLICY

1. Surplus commodities acquired by CCC can be re-sold when market prices are 110 percent of the loan rate or above.

2. The Food Security Wheat Reserve will be maintained at 4 million metric tons.

3. The Farmer Owned Reserve will feature 9–12 month contracts, instead of the current 3–5 year contracts. Farmers' incentive to enter the FOR will be fixed storage payments, paid quarterly. Instead of the current minimum levels for wheat and feed grains, a maximum level (300 million bushels for wheat and 600 for feed grains) will be established. Farmers could enter or exit the FOR freely, but storage payments could be discontinued when prices were above 140 percent of the loan rate.

DAIRY

The current program will continue, but with more discretion for the Secretary. Cuts or increases in the current support price will be determined by estimates of government purchases of surplus dairy products, under the following schedule.

Estimated Government purchases (billion lbs.)	Price support adjustment ($/cwt)
0 to 2.5	+.25 to +.50.
2.51 to 5.0	−.25 to +.25.
5.01 to 7.5	−.25 to −.50.
7.51 to 10.0	−.50 to −.75.
10.0 or more	−1.00.

PEANUTS, HONEY, WOOL, AND MOHAIR

For some of these commodities, support rates have risen under the 1985 farm bill, instead of falling like target prices. For peanuts, the support rate will be set at 90 percent of the 1985 level, and present restrictions on selling or leasing production quotas will be eliminated. For honey, a target price/loan rate system would replace the current support structure, but a marketing loan would still be required. For wool and mohair, target prices would also be established, at 90 percent of the 1985 support prices.

CONSERVATION PROGRAMS

Producers' crop bases will be protected beyond the expiration of Conservation Reserve Program (CRP) contracts as long as the land is maintained in grass or trees. In order to protect water quality and provide vital wildlife habitat, the bill would allow former wetlands, which had been converted to crop production, to be entered into the CRP and restored to their wetland status. Under future CRP contracts, land must meet strict erodibility standards if returned to crop production.

The bill also provides incentives for increased planting of hardhood trees in the CRP, such as contracts for up to 15 years and expanded cost-share payments. Windbreaks and shelter belts will be allowed into the CRP and USDA will be authorized to enter CRP contracts during 1991–95. In this regard, special emphasis will be placed on contracts to improve water quality.

INTERNATIONAL PROGRAMS

The Export Enhancement Program (EEP) will continue without specific budgetary limits. The Targeted Export Assistance (TEA) program will continue at $200 million or less, the current authorized level. Export Credit Guarantees will be authorized at $5 billion for short-term credits and $1 billion for intermediate-term credits.

CROP DISASTER ASSISTANCE PROGRAM

The bill eliminates the Federal Crop Insurance Corporation, leaving multi-peril insurance to the private sector. A new disaster assistance program would be created, administered through ASCS, for all crops now covered by FCIC plus hay and forage.

Disaster payments would be available only in counties where yields fall below 65 percent of normal. Upon county eligibility, producers will receive payments if their own yields are below 60 percent of the county average yield. Payments will be 65 percent of the three-year average price, or 33 percent of the average price if producers were prevented from planting a crop.

FOOD AND CONSUMER SERVICES

The bill reauthorizes the food stamp program, with provisions aimed at preventing fraud and abuse by food stores, setting aside special grants to reach out to the homeless and require cooperation with local child-support agencies. The Temporary Emergency Food Assistance Program is also reauthorized.

FARM CREDIT

Eligibility for direct Farmers Home Administration operating loans will be limited to seven years, such loans being targeted to existing borrowers and beginning farmers. Some abuses of current "borrower-rights" provisions will be corrected by restricting eligibility for debt write-downs to loans made in 1987 and before, requiring that borrowers deal in good faith with FmHA to receive favorable buy-outs, and other measures.

SCIENCE AND EDUCATION

Most provisions in this section will complement the National Initiative for Research on Agriculture, Food and Environment proposed in the President's budget. This initiative would expand the competitive grants program, encouraging higher-quality research. The initiative will highlight research in advanced biotechnology and in such environmental and health topics as food safety, water quality, global change and sustainable agriculture.

MISCELLANEOUS PROVISIONS

The bill contains a variety of other provisions, notably (1) a requirement that exported corn be tested for aflatoxin and (2) a change in current calculations of acreage bases, so that there will be a one-year lag in the years used to make calculations. Thus, the 1991 crop bases would be determined by 1985–89 plantings, not 1986–90 plantings.●

By Mr. WILSON:

S. 2293. A bill to warn certain consumers in connection with the purchase of a Medicare supplemental policy; to the Committee on Commerce, Science, and Transportation.

MEDICARE SUPPLEMENTAL POLICY CONSUMER WARNING ACT

Mr. WILSON. Mr. President, I rise today to introduce legislation that will protect Medicare beneficiaries from being deceived or misled when purchasing a Medicare supplemental health insurance policy.

It is often assumed that the elderly have unlimited access to medical services through the Medicare Program. In reality, significant gaps in coverage exist for the 33 million Americans who depend on Medicare to meet their health care needs.

Last week, Congress received the report of the Pepper Commission, which recommended policies to expand access to one essential service not covered by Medicare and yet desired by most older Americans—long-term custodial care, which is to say care in a nursing home.

Unexamined by the Pepper Commission, Mr. President, are the significant gaps in Medicare's basic hospital, physician, and prescription drug coverage, gaps which have given rise to a multi-billion dollar per year branch of the private health industry. I refer to what is called Medicare supplemental health insurance, commonly known as Medigap. Concerned about escalating health care costs and fearful of ruinous expenses, four of five senior citizens now buy Medigap to supplement their Medicare coverage.

The need for seniors to own a Medigap policy diminished significantly with passage of the 1988 Medicare Catastrophic Coverage Act, a measure which filled some of the critical gaps in Medicare coverage. With the act's repeal, however, Medigap coverage is once again considered essential by many seniors to meet their health insurance needs.

Medigap represents a $10 to $15 billion investment by roughly 21 million older Americans. Yet much of that substantial investment, as much as perhaps $3 billion a year, according to

an estimate of the House Committee on Aging, will not, in fact, give the protection that is sought. The victims of trickery, deception, and other abusive practices by insurance companies, far too many Medicare beneficiaries each year are deceived and misled to purchase policies that are not worth the paper on which they are printed.

Mr. President, senior citizens have been the targets of a wide range of unfair and deceptive practices by unscrupulous insurance representatives. Some agents sell seniors overlapping policies. Some present themselves falsely as being from a Government agency or from some legitimate independent senior organization. Still others exaggerate the coverage offered by policies and fail to disclose the limits and exceptions to policies they are selling.

What most seniors do not know can cost them dearly. And I am not talking just about the $3 billion that they have invested in policies which do not give them protection. Given the fact that Medigap policies are not standardized, it is very difficult to compare one package with another. As I earlier noted, Mr. President, the type of coverage desired by most older people—long-term care—is infrequently covered by Medigap insurance. Only rarely does it pay for nursing home care, for routine physical examinations, or dental care, dentures, eye care, foot care, or out-of-hospital prescription drugs. That is the sad, expensive truth. Too often seniors buy policies thinking exactly the reverse, thinking that those things are contained in the coverage they are buying.

There are a number of factors that make elderly consumers vulnerable to abuse in this area. First, seniors are concerned about getting sick, going into a nursing home, or becoming dependent on others. Second, few seniors understand the complexities of Medicare and private insurance coverage. Third, Medigap policies are not standardized, making it difficult for seniors to compare policies. Finally, there are few independent sources of information to which seniors can turn.

Currently, most of the information senior citizens receive about Medigap policies is through direct mail solicitations, television, and print media advertising. Much of this advertising is deceptive, playing on a senior citizen's fear of hospitals, nursing homes, and large medical expenses. These solicitations emphasize rising health care costs, cuts in Medicare, and the consequences of not buying insurance. Many exaggerate the benefits offered by Medigap policies, and minimize their exclusions and limitations by either failing to mention them or concealing them in fine print or obscure language.

Mr. President, the purchase of insurance policies ought to be based on fact—not on fear, fantasy, or blind trust in a well-paid celebrity salesperson. We cannot allow our Nation's seniors, as a result of deceptive marketing practices, to be lulled into paying for insurance policies that hide their limitations and minimize their exclusions in fine print or obscure, legalistic language.

As a caring society, one that venerates rather than victimizes our elderly, we must do more to protect seniors from insurance ripoffs.

To combat this problem, I am proposing legislation to require a warning label to be displayed on all policies, direct mail solicitations, electronic and print media advertisements involving the sale of any type of Medicare supplemental health insurance. Such a label would inform consumers that all health insurance policies contain gaps in coverage, and urge them to seek independent counsel from qualified Government officials prior to purchase. And it would do so in print that can be read without the use of a magnifying glass.

By all means, I urge seniors to get a second opinion, much as any reputable doctor would advise patients to seek additional counsel before proceeding with an important medical procedure. Seniors must be informed of how and where they can seek assistance. Further, accurate and accessible information must be readily available if elderly consumers are to make informed decisions when choosing a supplemental insurance product.

With this bill, Mr. President, seniors will be alerted to the importance of seeking additional information prior to purchasing supplemental insurance coverage and will be directed to their State insurance department or their local agency on aging office for information.

Further, my legislation complements and strengthens consumer counseling programs initiated in a number of States to educate Medicare beneficiaries about their health coverage needs and legislative proposals regarding Medigap now pending in Congress.

My own State of California, for example, has established an insurance counseling program that has proven to be very effective at helping guide the State's seniors through the staggering range of health insurance policy options. Not only has this program eased the minds of thousands of seniors from the anxieties of choosing health coverage consistent with their needs, but it has helped their pocketbooks as well, saving each of the over 5,000 seniors assisted annually an estimated $900.

Senators PRYOR, HEINZ, and others have introduced the Health Insurance Counseling and Assistance Act of 1990 which provides grants to States to provide the types of counseling and assistance services to Medicare beneficiaries that California currently provides. I am pleased to join my colleagues as an original cosponsor of this legislation and believe the bill will encourage States to establish or build upon programs to deliver needed information, counseling, and assistance to seniors regarding their health insurance needs.

There are, of course, a great many reputable and ethical insurance companies that do a good job at disclosing what their policies cover and what they do not. Both they and the insurance-producing public will benefit by this legislation. Hopefully, it will stimulate the insurance industry as a whole to undertake the high standards of disclosure now practiced by the best companies, which will in turn lead to a competition demanded by informed consumers to offer more comprehensive coverage.

At the least, Mr. President, we can hope to ease the doubts and calm the fears of seniors who deserve our gratitude and deserve honest information from an independent source. We must ensure that the elderly, worried over the cost of staying healthy and still more worried over the ruinous expenses of falling ill, do not fall prey to unscrupulous insurance companies that claim to sell peace of mind but in too many instances are instead selling a bill of goods.

The ultimate test of any society is how it treats its most vulnerable members. It is time for Congress and the insurance industry to pass that test.

By Mr. COCHRAN:

S.J. Res. 272. Joint resolution to designate March 30, 1990, as "National Doctor's Day"; to the Committee on the Judiciary.

DESIGNATING MARCH 30, 1990 AS NATIONAL DOCTOR'S DAY

● Mr. COCHRAN. Mr. Prsident, today I introduce a resolution designating March 30, 1990, as "National Doctor's Day" in recognition of the invaluable contribution physicians have made to the Nation and continue to make in our daily lives.

Physicians promote the science and art of medicine and the betterment of public health. Through their efforts—in practice, research, teaching, and medical administration—the discoveries and applications of medical science and medical knowledge become real for each of us.

Approximately 586,000 physicians in 37 specialties practice medicine in the United States today, each playing an important role in meeting America's medical needs. We all have felt the comfort of receiving care from a trusted family doctor and the confidence of having unusual medical questions answered by competent specialists.

Doctor's Day was first observed regionally on March 30, 1935, when it was begun by the Southern Medical Association in St. Louis, MO. Since then, it has been observed yearly in many States to show appreciation for the role of physicians in caring for the sick, advancing medical knowledge, and promoting improved public health. Recognition of March 30, 1990, as "National Doctor's Day" would add significantly to this fine tradition.

I am pleased to sponsor this resolution, and I hope other Senators will support its passage.●

ADDITIONAL COSPONSORS

S. 330

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 330, a bill to amend the Federal Election Campaign Act of 1971 to prohibit direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of campaigns.

S. 874

At the request of Mr. FORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 1006

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1006, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 1067

At the request of Mr. GORE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued U.S. leadership in high-performance computing.

S. 1325

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. EXON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1325, a bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil.

S. 1664

At the request of Mr. HEINZ, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1823

At the request of Mr. BENTSEN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1823, a bill to amend the Social Security Act to increase the amount of earnings exempt from reduction under the retirement test under title II of such act.

S. 1853

At the request of Mr. CHAFEE, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1911

At the request of Mr. DODD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 2021

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2037

At the request of Mr. LEVIN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Vermont [Mr. JEFFORDS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2037, a bill to prohibit for the purposes of meeting the Gramm-Rudman deficit targets the recognition of shifts in dates of making outlays enacted within the year preceding adoption of a budget.

S. 2041

At the request of Mr. SYMMS, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2050

At the request of Mr. KOHL, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2050, a bill to amend title XVIII of the Social Security Act to provide toll-free hotlines for individuals receiving benefits under such title and to provide increased protection against fraud and abuse with respect to the marketing and selling of Medicare supplemental policies to such individuals, and for other purposes.

S. 2059

At the request of Mr. LIEBERMAN, the names of the Senator from Utah [Mr. GARN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 2059, a bill to establish the Weir Farm National Historic Site in the State of Connecticut.

S. 2098

At the request of Mr. BENTSEN, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2098, a bill to amend title XVIII of the Social Security Act to provide Medicare coverage of Erythropoietin when self-administered.

S. 2158

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. BOSCHWITZ, the name of the Senator from Mississippi [Mr.COCHRAN] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2177

At the request of Mr. LIEBERMAN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2177, a bill to improve the collection and dissemination of information relating to the supply of winter heating fuels, and for other purposes.

S. 2178

At the request of Mr. LIEBERMAN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2178, a bill to amend title 18, United States Code, to establish a Federal criminal offense for illegal creation of a fuel shortage.

S. 2189

At the request of Mr. PRYOR, the names of the Senator from Nevada [Mr. REID], the Senator from Alabama [Mr. SHELBY], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Virginia [Mr. WARNER],

and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 2189, a bill to establish a grant program to provide health insurance information, counseling, and assistance to individuals eligible to receive benefits under title XVIII of the Social Security Act, and for other purposes.

S. 2191

At the request of Mr. JOHNSTON, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 2191, a bill to amend part 3, title V, of the National Energy Conservation Act.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Oklahoma [Mr. BOREN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

SENATE JOINT RESOLUTION 228

At the request of Mr. FORD, the names of the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 228, a joint resolution to designate May 1, 1990, through May 31, 1990, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 258

At the request of Mr. BRADLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. LIEBERMAN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 261, a joint resolution making dire emergency supplemental appropriations for low income home energy assistance.

SENATE JOINT RESOLUTION 262

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Joint Resolution 262, a joint resolution designating March 1990 as "Irish-American Month."

SENATE JOINT RESOLUTION 269

At the request of Mr. D'AMATO, the names of the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. PRESSLER, the names of the Senator from Washington [Mr. GORTON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Concurrent Resolution 97, supra.

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. PRYOR, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DIXON], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. RIEGLE], the Senator from Florida [Mr. GRAHAM], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. BURDICK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. COATS], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965.

AMENDMENT NO. 1321

At the request of Mr. SIMON, his name was added as a cosponsor of amendment No. 1321 intended to be proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 104—RELATIVE TO THE CASE OF THE BIRMINGHAM SIX

Mr. BIDEN (for himself, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. MOYNIHAN, Mr. PELL, Mr. SIMON, Mr. CRANSTON, Mr. HEINZ, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 104

Whereas on November 21, 1974, 21 innocent people were killed and 162 injured by two horrific bombings in Birmingham, England;

Whereas all right-minded people condemn and deplore such bombings and similar violence;

Whereas a climate of extreme anti-Irish bias, panic and hysteria was evident in England because of the Birmingham bombings and previous bombings in other cities;

Whereas six Irish nationals (hereinafter the "Birmingham Six"): Robert Hunter, Patrick Hill, John Walker, Richard McIlkenny, William Power, and Hugh Callaghan, were convicted and sentenced to life in prison for the Birmingham bombings:

Whereas the British authorities have acknowledged that the Birmingham Six were severely beaten after their arrest and those responsible have never been punished;

Whereas incriminating evidence in the prosecution of the Birmingham Six case consisted of dubious confessions beaten from the prisoners during their interrogation;

Whereas further evidence consisted of questionable and unreliable forensic evidence;

Whereas the West Midlands Serious Crime Squad, which investigated the Birmingham bombings, has been disbanded by its Chief Constable, who found that officers had concocted incriminating confessions in local crime cases;

Whereas five officers involved in the Birmingham Six inquiry are among those now under investigation;

Whereas a British Member of Parliament has personally interviewed persons claiming responsibility for the Birmingham bombings and those persons are not currently imprisoned;

Whereas there has been growing international support for a thorough review of the Birmingham Six case, including calls from the City Council of Birmingham and its Lord Mayor, the bishops of Birmingham, many Members of Parliament, the European Parliament, and Amnesty International: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the current inquiries into the activities of the British West Midlands Serious Crime Squad must be extended to cover the period of the Birmingham bombings;

(2) the British Prime Minister should call upon the British Home Secretary to reopen the case of the Birmingham Six and remit the case to the court of appeal, or an independent review tribunal should be established in accordance with the recommendations of the Home Affairs Committee of the British House of Commons; and

(3) the President of the United States should urge the British Prime Minister to call upon the British Home Secretary to reopen the case of the Birmingham Six.

Mr. BIDEN. Mr. President, today I am submitting along with Senators PELL, DODD, KENNEDY, KERRY, MOYNIHAN, SIMON, CRANSTON, HEINZ, and SARBANES, a resolution calling on the British Government to reopen the case of the so-called Birmingham Six, a group of Irish nationals who have spent the last 15 years in prison for a crime they probably did not commit. A similar resolution, House Concurrent Resolution 249, has been introduced in the other body by Representative BRIAN DONNELLY.

Mr. President, I will not take a lot of the Senate's time this afternoon, but it is I think critically important that we speak to this issue, because there may be six people languishing in prison, sentenced to life imprisonment for something they did not do.

Let me briefly review the facts of the case for my colleagues who may be unfamiliar with the case.

In the mid 1970's the Provisional Irish Republic Army waged a bombing campaign in England, to their great shame, I might add. The most horrific bombings occurred in Birmingham, England where two pubs were blown up—almost simultaneously—on November 21, 1974, killing 21 people and wounding 162.

The bombings set off an anti-Irish frenzy in England. Irish clubs and Irish-owned businesses were firebombed. Workers in British airports refused to handle flights to Ireland. A week after the attack, the Prevention of Terrorism Act—a Draconian piece of legislation which allows wide powers of search and seizure—was approved by the House of Commons in an emergency 17-hour sitting. The House of Lords was even more efficient, taking just 2 minutes to approve this legislation.

It was in this context that six men: Robert Hunter, Patrick Hill, John Walker, Richard McIlkenny, William Power, and Hugh Callaghan, each of them Irish nationals living in England, were arrested within hours of the bombings. The following summer they were convicted and sentenced to life in prison.

Mr. President, all rightminded people would agree with me in condemning IRA methods and the IRA itself. Quite frankly, I think the IRA is nothing more than a bunch of common criminals. Their effort to force 1 million Protestants in the north into a united Ireland at the point of a gun is terrorism, pure and simple.

But that is not the issue, Mr. President. The issue is justice, or, rather, the apparent lack of it. Since the conviction of the Birmingham Six in 1975, compelling evidence has come to light which strongly suggests that a great injustice has been done and that these men are innocent of the Birmingham bombings.

Our resolution simply urges the British Government to reopen the case.

The convictions of the Birmingham Six were based upon two facts—confessions signed by five of the six men and forensic evidence taken the night of their arrest. Those of us who practice criminal law understand the lack of utility in many instances of confessions. Confessions appear on their face to be the most compelling evidence but, quite frankly, over history have been shown—in many cases—to be the least significant and the least conclusive evidence because many times they are coerced. Since 1975, numerous allegations have been made that their confessions were in fact coerced, that the forensic evidence was unreliable, and that the police officers in the investigation committed perjury at the trial.

This is not meant to condemn the British police. It happens in every democracy, every independent nation, but it does happen on occasion.

To be sure, these are serious charges, but I am convinced they warrant another look. Let me give two examples. During the most recent appeal of this case, two police officers testified that they had witnessed other police officers assaulting the men, the so-called Birmingham Six, soon after their arrest. Incredibly, the judge at the appeal dismissed the testimony of these two officers.

Last summer the West Midlands Serious Crime Squad which investigated the Birmingham Six and many other serious cases, was disbanded by the British police authorities after it was discovered that the officers on the crime squad had engaged in a pattern of fabricating confessions.

Five of the men involved in the Birmingham Six inquiry are now under investigation—that is, five of the men who were on this squad back in 1975 when they investigated these bombings are themselves under investigation for having allegedly fabricated confessions in other cases.

Mr. President, I have not seen the evidence firsthand, and I do not believe I can say for certain that these men are innocent. In my heart, based on what I have read and know, I feel that they are. But I am certain that justice will not be served by a refusal to reopen the case.

Support for reopening the case is widespread. The Irish Government, many members of the British and European Parliaments, Amnesty International, a number of bishops in Britain and Ireland, even the city council of Birmingham and its lord mayor have all called for a thorough review of the Birmingham Six case.

This case has important ramifications for Northern Ireland. For 20 long years, the modern troubles, as the civil conflict there is known, have dragged on and, sadly, no immediate resolution is in sight.

An important obstacle to a peaceful resolution of the troubles is the lack of confidence, particularly among Roman Catholics, in the administration of justice. To put it quite bluntly, Mr. President, Catholics in Northern Ireland do not believe that they can get a fair trial in a British courtroom. The case of the Birmingham Six reaffirms that belief.

Prime Minister Thatcher has often argued that publicity is the "oxygen of terrorists." In other words, media attention devoted to the IRA contributes to their cause. Quite frankly, I think she is wrong, dead wrong, and I have indicated this to her personally. It is injustice that feeds the terrorist cause—injustice in the courts, injustice in equal opportunity of employment, and injustice in the laws of search and seizure. For the terrorist, the best weapon is the law that discriminates, a law that violates, a law that provokes injustice for some rather than promotes justice for all.

Mrs. Thatcher would do well to learn that lesson. And until she does, in my view, she cannot hope for real progress on the ground in Northern Ireland.

Mr. President, I suspect there is an overwhelming impetus and instinct, as would exist in our Government, for the sitting Government in Britain not to have this case reopened.

Mr. President, the case of the Birmingham Six should be reopened. Justice demands it.

As the second ranking Democrat on the Foreign Relations Committee, I have been involved in the issues relating to Northern Ireland for some time. From our perspective, we are not at all reluctant to point out those circumstances in other countries where we believe there are injustices. We have done the world good in doing so. But there is understandably, because of our special relationship, as it is referred to, with Great Britain, an overwhelming reluctance to acknowledge anything that may smack of injustice in Great Britain in its treatment of Northern Ireland.

Mr. President, I sincerely hope my colleagues and their staffs will take a look at this. All that we are asking in the resolution is that the British Government reopen the case.

Again, I thank my colleagues for allowing me time to speak. I want to emphasize I do not attest to the innocence of the men involved. I do attest to the fact that anyone schooled in English jurisprudence—the jurisprudence system that we inherited—would look at this case and say it warrants a second look.

I ask unanimous consent that an article from the Sunday Times of London be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I ACCUSE * * *

(By Ludovic Kennedy)

On a November night 16 years ago, a group of Irish drinking companions sat playing cards on a train out of Birmingham as two IRA bombs caused dreadful carnage in the city centre. Within hours, accused of being the killers, they were gripped by a nightmare from which they have still not been released.

These men, the Birmingham Six, should not be in prison. The British legal system is keeping them there, having corrupted both the police and the judiciary into incarcerating them against common justice.

The six have maintained in court that false confessions were beaten out of them by the police, and witnesses have come forward to give evidence of their treatment. Yet the judiciary has refused to accept this.

Eminent counsel, who have fought in court on behalf of the prisoners, are known to have been left greatly shocked and angered by the rude and dismissive attitude of the bench towards their case, to the point where the reputation of justice came into question.

Now, at last, it can only be a matter of time before the home secretary decides the ordeal of the Birmingham Six must end (I understand he is considering fresh evidence on police violence) and for them to receive proper compensation for their years inside.

When that has happened, the three judges who had the evidence and the power to open the prison gates for them on appeal and yet failed to do so, and in whose integrity not only the public, but some members of their own profession, have now lost faith, might care to consider their positions. For, by their perverse findings, they have seriously undermined confidence in British justice.

Just over two years ago the Court of Appeal in the shape of Lord Lane, lord chief justice, Lord Justice O'Connor and Lord Justice Stephen Brown heard fresh evidence in the case of these six Irishmen: Patrick Hill, Hugh Callaghan, John Walker, Dick McIlkenny, Gerry Hunter and Billy Power, who had been serving life sentences for murder since 1975.

The evidence was led on the two main points that had resulted in the men's convictions: that it could no longer be concluded that any of them had been in contact with explosives, and that their alleged "confessions" had been obtained by threats and violence (as in the case of the Guildford Four, released last year from long prison sentences for IRA bombings).

The court rejected both submissions. "The longer this case has gone on," the judges said, "the more convinced this court has become that the verdict of the jury was correct." The appeals were dismissed.

So were the judges right in their judgment or wrong? In many murder cases where justice is later found to have miscarried, it often happens that quite early in their investigations the police light on some small but seemingly convincing piece of evidence that leads them to draw the wrong conclusions; and which, if pursued tenaciously, leads in turn to wrongful prosecution, conviction and sentence.

In the case of the Birmingham Six, their undoing was their association with an IRA bomber named James McDade who, on November 14, 1974, blew himself up while planting a bomb in the Coventry Telephone Exchange. Three of the six had been schoolfriends of McDade in the small Roman Catholic enclave of the Ardoyne in north Belfast, while McIlkenny and Callaghan, who were older, had been close friends of the McDade family.

All had come to Birmingham to seek work, mostly in the 1960's. Until McDade blew himself up, none of the six (with the possible exception of Walker) suspected that McDade was an IRA activist.

They were not members of the IRA or even of Sinn Fein. But they were staunch supporters of the republican cause. Several helped to raise money to send to dependents of Ulster fellow Catholics who had been imprisoned or interned.

On November 21, 1974, the body of James McDade was to be flown from Birmingham to Belfast, and five of the six agreed to combine attendance at his funeral with a visit to their families. Their friend Hughie Callaghan saw them off at Birmingham's New Street Station on the 7.55pm train which would connect with the night boat from Heysham.

At 8.17pm, the first bomb went off in the Mulberry Bush pub and a few minutes later the second exploded in the Tavern in the Town, both near the station. There were horrific casualties of 21 dead and 162 injured. Ports and airports were alerted, and when the booking clerk at New Street reported that he had sold tickets to a group of Irishmen travelling to Belfast, the Lancashire police were asked to interview them at Heysham.

The five reached Heysham at 10.45pm, having spent most of the journey smoking and playing cards and having been observed by a British Rail guard as being in good humour. Paddy Hill was out first and, after showing his luggage to the waiting police, was allowed through to the boat. There he settled in the bar to wait for the others. They were interrogated and had their luggage examined.

In Walker's coat were found Roman Catholic mass cards for the funeral of McDade. The local police called up the head of Lancashire CID, who ordered the men be taken to Morecambe police station for further interrogation, and for Dr. Frank Skuse to be there with his equipment for detecting traces of explosive. As the four men were being taken away, they asked what had happened to Paddy Hill. He was then taken off the ferry to join them.

If the six were guilty, there are already two things wrong with this scenario. First, as Lord Scarman has pointed out to me, as trained IRA men they would not have set the bombs to explode at a time which would give the police 212 hours to await their arrival at Heysham. Second, they would not have called the police's attention to the missing Paddy Hill.

On arrival at Morecambe they were put in different cells. In the small hours of the morning Skuse arrived, also Supt. George Reade from Birmingham and detectives from the West Midlands Serious Crime Squad (now disbanded during investigation of many of its officers).

One by one the five men were escorted to Skuse to have their hands swabbed in the Greiss test. This was regarded as a reliable method of detecting nitro-glycerine, but now, like Skuse himself, is considered unreliable. McIlkenny's, Hunter's and Walker's hands proved negative. But the right hands of Power and Hill proved positive. This, said Skuse, made him 99 percent certain that both Power and Hill had recently been in contact with explosives.

Before considering the "confessions" that followed, and the ruthless beatings the six say they received, let us follow the forensic evidence (which began with Skuse's findings at Morecambe) through to the final verdict at the Court of Appeal.

At the trial of the six in Lancaster, Mr. Justice Bridge said the forensic tests were one of two "absolutely critical" chapters in the prosecution's case. Yet Skuse, in evidence, had to admit that when he subjected the traces of Power's and Hill's right hands to two further tests (one of which, a gas chromatography mass spectometry, known as GCMS, was said to be far more sensitive than Greiss), both registered negative. But he stuck to his 99 percent certainty of the Morecambe tests.

Dr. Hugh Black, for the defence, said the Greiss test by itself was not adequate to detect the presence of nitro-glycerine.

In May 1985, the Granada Television programme World in Action invited David Baldock and Dr. Brian Caddy to carry out the Greiss test on a variety of common substances. They found that items such as lacquer, aerosol spray, cigarette packets and old playing cards all gave positive results. (The men were smoking and playing cards on their journey to Heysham.) Asked later if he was surprised that Skuse had been so certain of his findings at Morecambe, Baldock said he was amazed.

On appeal, the evidence of Baldock, Black and Caddy again clashed head-on with that of Skuse. The result was that the judges found themselves obliged to admit that, "in our judgment the Greiss test at Morecambe should not be regarded as specific for nitroglycerine". But, like shipwrecked sailors on a spar, the judges clung to Skuse's positive finding on Hill's hand in the GCMS test, and found another spar in the evidence of Dr. Janet Drayton who would go no further than to say of Hill's hand, "possible NG present, very small increase".

On this flimsy edifice the court announced: "So far from creating any doubt, the fresh evidence on this topic (Dr. Drayton's) makes us sure that Hill's hand is proven to have nitro-glycerine upon it, for which there is, and can be, no innocent explanation. That conclusion is fatal to the appellants."

Let us now turn to the "confessions". First it is necessary to look at the background circumstances in which the "confessions" were obtained.

When news became known of the pub bombings, with their appalling casualties, there was hardly a man in Birmingham (as well as a vast number outside it), who would not have been ready and willing personally to lynch any of those responsible. When the six arrived at Winson Green Prison on remand, only three days later, they were beaten up mercilessly. A number of prison officers were subsequently tried and acquitted of assault.

The question at the heart of this whole case is what happened to them while they were in police custody before being passed on to prison. They maintained at their trial that they were assaulted ferociously by detectives. They gave evidence of sustained policey brutality and callousness designed to break them down and make them confess.

Callaghan testified: "I was in a state of shock. I do not know what I said. They said things to me. I agreed. At the end one of the officers put a pen in my right hand, placed it over the paper and guided my hand as I signed." Similar assertions were made by the Guildford Four.

The "confessions" themselves were a mass of contradictions and untruths. Three of the four referred to the bombs being carried in plastic bags. In fact they had no plastic bags with them, and forensic examination of the remains showed that the bombs had been carried in holdalls or briefcases.

Callaghan said he put his bomb outside the Mulberry Bush public house on one side and that Hunter had put his outside on the other. Forensic evidence showed the bomb, or bombs, had been placed inside the pub.

Despite Callaghan's claim that he and Hunter had bombed the Mulberry Bush, Walker claimed Hunter had been with him bombing the Tavern. Callaghan said there were six bombs, Walker and McIlkenny said three.

At their trial neither judge nor jury believed the allegations of beatings or disbelieved the "confessions". Mr. Justice Bridge spoke of the allegations against the police as being "of the most bizarre and grotesque character". If the defendants were telling the truth, he said, "I would have to suppose that a team of 15 officers had conspired among themselves to use violence on the prisoners and to fabricate evidence."

Poor innocent, he discounted how desperate the police can become for confessions.

The judge concluded: "All the police officers, who gave their evidence of the circumstances in which the statements were taken, impressed me as being straightforward and honest witnesses." But this is how police officers are trained to appear; that is why some lie and lie and know they will be believed.

In November 1977, the six men brought a civil action against the police and the Home Office for injuries they had received while in police custody. For fresh evidence they were relying on the findings of Dr. David Paul, a former police surgeon and City of London coroner and a specialist in the interpretation of injuries from photographs. Shown enlarged photographs of the six, taken while they were in custody at Queen's Road, he found signs of injuries on all.

The action was allowed and application made for legal aid. But the police appealed and, in an uncharacteristic judgment, Lord Denning upheld them. If the action were to succeed, he said, it would show evidence of police perjury and violence, and the six might have to be pardoned. This was such an appalling vista that the action could not be allowed to proceed. In other words, from the layman's point of view, between that the six rot in jail than to find there had been police wrongdoing.

But the supporters of the six, including some of the media, continued to press their case. In December 1986 a retired police officer by the name of Tom Clarke, who had been at Queen's Road at the material time, appeared on Granada Television to say what he has seen and heard. Seven weeks later, the home secretary announced he was sending the case back to the Court of Appeal and was ordering an inquiry by the Devon and Cornwall Police.

At the appeal hearing, Clarke confirmed the prisoners' claims of police intimidation and ill-treatment, even admitting that he himself had joined in verbal abuse of the prisoners ("I was thrilled to know we had got the right people").

He described one prisoner as having on his stomach a red weal turning bluish and measuring about 6in by 4in. "He had been hit so badly that, although I wanted to see him dead, I was worried about him." When he went off duty, he said, the prisoners were "scared out of their wits"; and when he came back he observed puffiness over and under their eyes and red faces. "They had," he told the court, "been hammered." By the time he left again, the prisoners were "all in a petrified state and physical wrecks".

Tom Clarke knew, when he came to give evidence, that he would be discredited as a witness for having been dismissed from the polic force for stealing Pounds 5 from a prisoner. He contests that verdict and, having read his papers on the case and spoken to him, I would say there could be a doubt in the matter. But he was supported in his Appeal Court evidence by a former member of his first aid team, Sergeant Brierley, who said Clarke had told him within weeks or months of the bombings that cell doors had been banged, the prisoners had been kept standing up and police dogs had been let into the cell block to bark at them.

Another former policeman, Paul Berry, told the court of having called in at Queen's Road at this time on a routine matter and seeing a prisoner "whose left eye and lip were puffed and swollen".

The most impressive withess for the appellants was Joyce Lynas, who was on duty at Queen's Road as a police cadet. She gave evidence to the court on two occasions. On the first she said that the prisoners had been intimidated but she denied having witnessed any prisoners being assaulted.

But a few days later she was back in court to say she had witnessed a prisoner being assaulted. Asked why she had not said so at her first appearance, she said she had been frightened off by two telephone conversations. The first had been in the summer when she rang Queen's Road and was told by an officer: "You know what you saw and heard, but remember we have families." The second had been an anonymous call to her home before the hearing began, with the message: "Don't forget you have children."

On the Saturday after her first appearance, she had seen a television programme about bullying in the army and people not reporting it. After talking to her husband and her church minister, she volunteered to return to court, even though it meant having to admit to perjury.

What new evidence did Joyce Lynas have to offer? Simply that when she took tea to officers who were interviewing the prisoners, she saw two officers holding one by the arms while a third kneed him in the groin. As she entered she heard the third man say: "This is what we do to murdering bastards," and what she called "other vile words".

There was other confirmatory evidence of the prisoners having been beaten up. Prison officer Brian Sharp of Winson Green was on duty when they arrived at the prison on the Monday morning. He said that when Walker undressed, "his torso from the neck to the middle had numerous amounts of bruising, purple, blackish, some had tinges of yellow".

How did the three Appeal Court judges respond to the overwhelming evidence that, over a period of three days, the appellants had been assaulted and intimidated by the police and their "confessions" were therefore no longer tenable?

Although most people who attended the court, particularly the appellants' counsel, believed the judges had decided early on to reject the appeal, they had not bargained for the manner in which their witnesses would be rubbished. This is what the judges said of them:

Tom Clarke: "A most unconvincing witness and an embittered man. His motive was * * * at first at least to make money and secondly to blacken the reputation of the West Midlands police force." (A year later the reputation of the West Midlands Serious Crime Squad had become so blackened that it had to be disbanded.)

Paul Berry, who had glimpsed a prisoner with a puffed and swollen face, was "mistaken". But how could he have been mistaken? All the cells were occupied by the appellants. There were no other prisoners.

Brian Sharp, who had said that Walker's body was covered with bruises on his arrival at Winson Green, was, the judges said, trying to conceal or minimize the violence that prison staff and inmates had inflicted on the prisoners. But Sharp had no motive to conceal anything. He had been tried for assaulting the appellants and been acquitted.

Joyce Lynas: the judges described her as "a witness not worthy of belief" and her reasons for changing her story were "not acceptable". Lynas is a committed Christian whose character, while in the police force, was assessed as "exemplary" and she was angered and distressed by these attacks on her integrity. "I did not have to go back," she told me. "I went because I felt I ought to, and I told the absolute truth."

For the judges to declare, in the light of all they heard, that the original verdicts were safe and satisfactory (which is the criteria the law sets) seems to me an abuse of the English language as well as an insult to anyone's intelligence. How could they possibly have come to believe, as they must have done, that the appellants' graphically detailed accounts of assaults by the police were a total invention? Why did they come to their conclusions?

I fear the harsh truth is that, just as some policemen corrupt themselves by their readiness to fabricate evidence against those who they have convinced themselves are guilty, so there are judges, otherwise honorable men, who corrupt themselves by refusing to recognize police fabrication, evenwhen it is staring them in the face.

"British justice is in ruins," said Lord Denning after the release of the Guildford Four. But it had been in ruins for a long time. Judges at trials of first instances as well as judges in the Appeal Court have consistently refused to entertain the ideas of police fabrication unless it is so clear-cut that they have no alternative.

Every judicial inquiry into miscarriages of justice in recent years preferred to accept dubious police evidence rather than give the people concerned a clean bill of health. In so doing they have done both themselves and British justice a grave disservice.

Yet, to be fair, it is less that the police and the judges have corrupted themselves as that the system has corrupted both of them. The adversary system, a comparatively late development in English criminal law, and which turns a trial into a kind of phoney sporting contest which each side feels it has to win, is no way to dispense justice. It invites corruption and the concealment of the truth.

What we need is a change to the inquisitorial system. In all serious criminal cases we need a judicial figure to oversee the police in their inquiries, interrogate suspects himself or herself and thus pre-empt "confessions" to murder by such as the Birmingham Six.

THE BIRMINGHAM SIX

Mr. KENNEDY. Mr. President, I support this concurrent resolution and I commend Senator BIDEN for his leadership. It is long past time for the British Government to ensure that justice is both done and seen to be done in the case of the Birmingham Six.

The issue is a matter of fundamental decency and respect for the rule of law and basic human rights. Great Britain deserves credit for reopening the case

of the Guildford Four, releasing those defendants last November, and admiting that a gross miscarriage of justice had been done.

But the convictions of the Birmingham Six were based on evidence strikingly similar to that involved in the case of the Guildford Four. Great Britain has an obligation either to clear the air and dispel the allegations of injustice, or to release these defendants too.

This is a time when many other serious allegations are being made involving abuses by the British security forces in cases relating to the conflict in Northern Ireland. Many of us are deeply concerned about the numerous reports of collusion between British law enforcement officers and Protestant paramilitary death squads operating in that province.

I raised the issue of the Birmingham Six in January, when I met with Britain's Secretary of State for Northern Ireland, Mr. Peter Brooke, during his visit to the United States. At that time, Mr. Brooke informed me that the British Home Secretary, Mr. David Waddington, was currently considering the possibility of a further review relating to this case.

Following our discussion, I wrote to Mr. Waddington, encouraging such a review. Last week, I received Mr. Waddington's response, in which he states that he is "at present carefully considering further detailed representations submitted in December by the solicitor for the six men."

I urge the Senate to adopt this concurrent resolution, and I urge the British Government to take all appropriate steps to do justice for the Birmingham Six and to end these other unacceptable abuses.

I ask unanimous consent that my letter to Mr. Waddington and his response may be printed in the RECORD, along with a letter I recieved last year from Mr. John Walker, one of the Birmingham Six, describing the conditions of his imprisonment and asking for assistance in "reversing this grave injustice."

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 29, 1990.

Rt. Hon. DAVID WADDINGTON, Q.C., M.P.
Home Secretary,
House of Commons, London.

DEAR MR. WADDINGTON: I have been meaning to write to you for some time to express my support for a further review of the Birmingham Six case.

Yesterday, I had the privilege of meeting with the Secretary of State for Northern Ireland, Peter Brooke, during his visit to Washington. One issue we had the opportunity to discuss was the case of the Birmingham Six. Mr. Brooke informed me that you are currently examining further evidence relating to this case, but I wanted to write to you directly about the issue.

Inevitably, the circumstances of the Guilford Four case call into question the convictions of the Birmingham Six. As you know, these six defendants were convicted and sentenced to life imprisonment under conditions similar to those involving the Guildford Four.

In the case of the Guildford Four, it is now clear that fabricated evidence was used against them at their trial, and the British Government deserves credit for rectifying this extraordinary miscarriage of justice.

The validity of the conviction of the Birmingham Six, however, continues to be challenged on similar grounds. It is my understanding that several former police officers have come forward to allege that the confessions used against the defendants at their trial were coerced by the police. In addition, I understand that forensic evidence used against them has also been discredited to some extent.

I also gather that evidence of police fabrication has recently surfaced in two other cases which led to the disbandment of the West Midlands Serious Crime Squad. Three of the officers involved in those two cases were also involved in the Birmingham Six case.

Although the convictions of the Birmingham Six were reviewed and reaffirmed last year by the same appeals court that overturned the Guildford Four convictions, the disturbing similarities to the Guildford Four case clearly warrant a current further review of the case, with a view to ensuring that justice is not only done, but seen to be done.

I look forward to hearing from you, and I appreciate your consideration of my views in this matter.

Sincerely,

EDWARD M. KENNEDY,
U.S. Senate.

FEBRUARY 28, 1990.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: Thank you for your letter of 29 January about the case of the six men convicted of the public house bombings in Birmingham in 1974, and sentenced to life imprisonment.

It might be helpful if I explain the role of the Home Secretary in considering cases where it is alleged that there has been a miscarriage of justice. A basic principle of the system of justice in Britain is that the courts are wholly independent and free from any interference by the Government or its Ministers. Under the provisions of section 17 of the Criminal Appeal Act 1968, I can refer any case dealt with upon indictment to the Court of Appeal. Following my predecessor's practice, however, I would not normally do so unless some new evidence or other consideration of substance, which had not been before the courts and which cast doubt upon the safety of the conviction, came to light.

The convictions of the "Birmingham Six" were referred to the Court of Appeal in January 1987 by my predecessor, Douglas Hurd, after he had considered a number of representations about the safety of the convictions, some of which contained material not previously looked at by the courts. The new material included an allegation by a former West Midlands police officer that he had witnessed the police mistreating the six men while they were held in custody before appearing in court, and challenges to the accuracy of the forensic science evidence presented at the original trial.

After the case had been referred to the Court of Appeal, an independent police force (the Devon and Cornwall Constabulary) was invited to investigate the former police officer's claims. They also looked carefully into earlier allegations by the six men of misconduct by the police, both at the time of the initial arrest at Morecambe and in the West Midlands. This inquiry was completed before the appeal proceedings started, and the defense was provided with a copy of statements taken and other related material.

Once the Home Secretary refers a case to the Court of Appeal, it becomes for all purposes an appeal by the convicted persons. They thus have the opportunity to raise with the Court of Appeal any matters which they believe are relevant or important to their appeal. In this case, after a long and careful review of the convictions (including the scientific evidence and allegations that admissions had been made because of police duress) over a period of five weeks in November and December 1987, the Court of Appeal upheld the convictions, concluding that they were safe.

The court was able to consider all the evidence and associated argument in the case. I must therefore accept their decision. Nevertheless, I am always prepared to consider any representations about the safety of convictions, and I am at present carefully considering further detailed representations submitted in December by the solicitor for the six men.

The decision of the Court of Appeal in the Guildford and Woolwich cases does not, however, offer any grounds on which I would be justified in referring the Birmingham case to the Court of Appeal.

You have referred to the allegations that have been made about police officers who have served in the West Midlands Serious Crime Squad. Under the direct supervision of the independent Police Complaints Authority, the West Yorkshire police are at present investigating the activities of the Squad. I am in close touch with the progress of the investigation. Four members of the Serious Crime Squad at the time that it was disbanded had been involved in interviewing some of those convicted of the Birmingham public house bombings. But to date no improper behaviour by any of these officers has been established. All allegations about them—or any other police officer—will be fully investigated by the West Yorkshire police. The West Yorkshire investigation is concentrating on the period from January 1986, when complaints about the Squad first began to arise. But if a line of inquiry does extend back further, I would expect the police to pursue it.

If anything from these inquiries raises doubts about the safety of any conviction, I will carefully consider whether I would be justified in intervening.

Yours Sincerely,

DAVID WADDINGTON.

APRIL 21, 1989.

DEAR SENATOR KENNEDY: I am writing this letter from my prison cell where I continue to be forcibly held against my will by the British Government for crimes which I or my five other co-accused know nothing about.

My full name is John Frances Walker, better known as Johnny Walker, one of the Birmingham Six. The Birmingham Six are six innocent irish men whom the British Government fitted-up and railroaded into prison as scapegoats.

I considered whether or not you as an irish American would be prepared to enter into the campaign for the release of the Birmingham Six before I put pen to paper. I reached the conclusion that all irish American men and women of integrity have a heartfelt duty to their forefathers and their own children, to rise up and be counted and voice their total disgust towards British Government Policy of injustice employed against innocent irish men and women. Unless yourself and other distinguished irish Americans voice your outrage against this policy of injustice which is waged against innocent irish men and women then children of one year old and up-wards will be left fatherless for fifteen years or more as my young children were.

No man can fully comprehend the anguish and heartache of being incarcerated for fifteen years for crimes which he knows nothing about. To be physically beaten and brutalised, to wake up covered in blood and vomit, face the harsh reality of more Jackboots and baton attacks all because he's irish and innocent. To be denied food and water for four days, to be made to stand against the wall night and day until you collapse with total exhaustion. To wake up lying on a concrete floor covered in black and blue bruises with your teeth hanging out, then to have the cell door crash open and have to face the feeble-minded mental torturers screaming at you that your wife and children are in the hands of a lynch mob. To hear from these abnormal torturers that the house I lived in and furnished with hard earned honest money had been blinked out in a moment of madness by a crazed riotous mob whilst British police stood by and done nothing. I could only drop my head and look through glazed and swollen eyes at my hands which at one time were covered with blisters. Blisters which hard honest work caused, blisters which put the bread and butter on the table to feed my seven beautiful children. Never once did a dishonest penny cross my palm never once did I commit a crime. I served my Queen and Country and did my National Service. Yet there I was fifteen years ago looking at my hands and crying like a child because the ordinary good working class people of England had been grossly mislead by a total corrupt Government to believe that six innocent irish men were responsible for horrific crimes. To have psychological warfare tactics employed against you is an experience which no ordinary working class man should ever face. To be lying there bleeding with no medical care available to you and listen to a torturer screaming that your wife and children were dead is a burden no man can carry mentally. All this physical and psychological torture was a lever the British authorities used against six innocent irish men to extract a confession, a confession to ensure that those in authority got no mud slung in their faces.

Senator Kennedy, this must never be allowed to happen again. My family always comes first in my life as they are all I lived for. Fifteen years ago I held my one year old child during a visit and I can honestly say that no dictionary holds words to describe my broken heart. I am asking you from the bottom of my heart, as one irish man to another, please, please do everything in your power to reverse this grave injustice, thus ensure that the Birmingham Six are reunited as soon as possible with their families. Help to bring to an end all our suffering. Remember the British government don't believe we are innocent, they know we are innocent. Stand up please and let justice triumph.

Hoping that you will join the campaign for our release and that you will voice your concern in the corridors of power. Please acknowledge safe receipt of my letter.

Yours faithfully,

JOHNNY WALKER,
Number 509494, H.M. Prison Long Lartin, South Littleton, Evesham, Worcestershire, WR11 5T7.

SENATE RESOLUTION 264—AUTHORIZING TESTIMONY IN A CERTAIN CASE

Mr. LEVIN (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 264

Whereas, in the case of *United States* v. *Poindexter, et al.*, Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the Independent Counsel has requested testimony from Senator Dave Durenberger and Eric Newsom, an employee of the Senate, and the defendant has caused subpoenas for testimony to be served on Senator Durenberger, Senator Patrick J. Leahy, Mr. Newsom, Edward Levine, an employee of the Senate, and Bernard McMahon, a former employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Dave Durenberger, Senator Patrick J. Leahy, Eric Newsom, Edward Levine, and Bernard McMahon are authorized to testify in the case of *United States* v. *Poindexter, et al.*, Cr. No. 88-0080-01 (D.D.C.), except concerning matters for which a privilege should be asserted.

SEC. 2. That no Senator is authorized to testify pursuant to this resolution when his attendance at the Senate is necessary for the performance of his legislative duties.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

BOREN (AND OTHERS) AMENDMENT NO. 1336

Mr. BOREN (for himself, Mr. DOLE, Mr. BENTSEN, Mr. BREAUX, Mr. JOHNSTON, Mr. NICKLES, and Mr. GRAMM) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health-protective national ambient air quality standards, and for other purposes, as follows:

On page 238 of the amendment, line 25, insert "except that the Administrator shall not list oil and gas production and exploration wells (with its associated equipment) as an area source category under this section" after "this section".

GRAMM (AND BENTSEN) AMENDMENT NO. 1337

Mr. GRAMM (for himself and Mr. BENTSEN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of title I, insert the following new section:

SEC. . Subpart 1 of part D of title I of the Clean Air Act is amended by adding at the end thereof the following new section:

"INTERNATIONAL BORDER AREAS

"SEC. 180. (a) IMPLEMENTATION PLANS AND REVISIONS.—Notwithstanding any other provision of law, an implementation plan or plan revision required under this Act shall be approved by the Administrator if—

"(1) such plan or revision meets all the requirements applicable to it under the Act other than a requirement that such plan or revision demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, and

"(2) the submitting State establishes to the satisfaction of the Administrator that the implementation plan of such State would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, but for emissions emanating from outside of the United States.

"(b) ATTAINMENT OF OZONE LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to an ozone nonattainment area in such state, such State would have attained the national ambient air quality standard for ozone by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 184.

"(c) ATTAINMENT OF CARBON MONOXIDE LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator, with respect to a carbon monoxide nonattainment area in such State, that such State have attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 190.

"(d) ATTAINMENT OF PM-10 LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to a PM-10 nonattainment area in such State, such State would have attained the national ambient air quality standard for

carbon monoxide by the applicable attainment date, but for emissions emanating from outside the United States, shall not be subject to the provisions of section 193."

On page 122, line 11, insert after "conditions" a comma and the following: "or emissions of PM-10 emanating from outside the United States,".

MOYNIHAN AMENDMENT NO. 1338

Mr. BAUCUS (for Mr. MOYNIHAN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Insert where appropriate:

"SEC. . EPA STUDY OF MAGENTIC LEVITATION.

"The Administrator of the Environmental Protection Agency shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1989.".

COATS AMENDMENT NO. 1339

Mr. BAUCUS (for Mr. COATS) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 145 of the amendment, line 7, after "refueling." insert "Such study shall consider any special safety considerations which may arise in the use of onboard systems in recreational vehicles (as defined by the Secretary of Transportation)."

METZENBAUM AMENDMENT NO. 1340

Mr. REID (for Mr. METZENBAUM) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of amendment No. 1293, add the following new title:

TITLE VIII—ASBESTOS ABATEMENT

AMENDMENTS TO TOXIC SUBSTANCES CONTROL ACT

SEC. 801. (a)(1) Section 206(a) (1) and (3) of the Toxic Substances Control Act (15 U.S.C. 2646) are amended by adding at the end of each the following: "or a public or commercial building,".

(2) Section 206(b)(1)(A)(i) of such Act is amended by inserting immediately before the period at the end thereof the following: "or who inspect for asbestos-containing material in public or commercial buildings".

(3) Section 206(b)(1)(A)(iii) of such Act is amended by inserting immediately before the period at the end thereof the following: "or public or commercial buildings"

(4) Section 207 of such Act (15 U.S.C. 2647) is amended by adding at the end thereof the following:

"(g) Any contractor who—

(1) inspects for asbestos-containing material in a public or commercial building;

(2) designs or conducts response actions with respect to friable asbestos-containing material in a public or commercial building; or

(3) employs individuals to conduct response actions with respect to friable asbestos-containing material in a public or commercial building;

and who fails to obtain the accreditation under section 206 of this Act, or in the case of employees to require or provide for the accreditation required, is liable for a civil penalty of not more than $5,000 for each day during which the violation continued, unless such contractor is a direct employee of the Federal Government.".

(b) In exercising any authority under the Toxic Substances Control Act in connection with the amendment made by subsection (a) of this Act, the Administrator of the Environmental Protection Agency shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

EFFECTIVE DATE

SEC. 802. Section 801 shall take effect upon the expiration of the 12 month period following the date of the enactment of this Act. The Administrator may extend the effective date for a period not to exceed one year if the Administrator determines that accredited asbestos contractors are needed to perform school-site abatement required under the Asbestos Hazard Emergency Response Act (15 U.S.C. 2641), and such an extension is necessary to ensure effective implementation of section 203 of this Act.

On page 3, immediately after the item:

"SEC. 702. Stratospheric Ozone and Global Climate Protection.", insert the following;

TITLE VIII—ASBESTOS ABATEMENT

SEC. 801. Amendment to Toxic Substances Control Act.

SEC. 802. Effective date.

JEFFORDS AMENDMENTS NOS. 1341 AND 1342

Mr. JEFFORDS proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT NO. 1341

On page 17, at the appropriate place, add the following:

"(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other nonmotorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of Interior.

AMENDMENT NO. 1342

On page 540, after line 7, insert the following:

"(3) DEMONSTRATION PROGRAMS.—At the request of any State, the Administrator, in consultation with a manufacturer or distributor of a product that uses alternative substances to CFR 12, may establish programs to demonstrate the technical feasibility and consumer acceptances of such alternative products in order to assist in the implementation of this subsection.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Friday, March 23, 1990, to examine small business trade opportunities with the Soviet Union and Eastern Europe. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Scott Varady of the committee staff at 224-3052 or Ken Glueck of Senator LIEBERMAN's office at 224-9846.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on the "World Oil Outlook."

The hearing will take place on Monday, March 26, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to assess the outlook for the world oil market in the 1990's and its implications for U.S. energy, economic, and security interests. Topics to be addressed include future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.

For further information, please contact Karl Hausker, chief economist, at (202) 224-3329.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 9, 1990, at 10 a.m. to hold a hearing on S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, March 9, 1990, at 10 a.m. for a joint hearing on "Oversight of Implementation of the Clinical Laboratory Improvement Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Friday, March 9, 1990, 1 p.m., for a hearing to receive testimony concerning S. 1908 and H.R. 737, legislation to amend the Stock Raising Homestead Act; and S. 1805, legislation to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, March 9, beginning at 9:30 a.m., to conduct a hearing on Federal participation in magnetic levitation transportation systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 9, 1990, at 9:30 a.m. to hold a hearing on the NASA fiscal year 1991 budget overview.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Friday, March 9, 1990, at 10 a.m. to hold hearings on the nomination of Robert Swan, of Utah, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE BLACKBIRD'S GRACEFUL RETIREMENT

● Mr. GORE. Mr. President, in an era when criticism of the defense industry is routine, it was heartening to see the Air Force's SR-71 Blackbird soar to its retirement with such dignity and grace. The March 6 swan song for the SR-71 Blackbird brought emotions of awe and sadness: It traveled from coast to coast in a record-setting 68 minutes. Yet Wednesday's descent meant the last time the Blackbird would be allowed to fly.

For 26 years, this twin-jet, all black plane has served its country dutifully. The Blackbird has flown missions over North and South Vietnam in the 1960's, taking photographs and gathering electronic intelligence. It has watched North Korea's military buildup during the past 10 years with an eagle eye. And, in 1986, the Blackbird brought home the proof of the United States raid on Libya.

The Blackbird has literally been the ears and the eyes for the President and his national security advisers. Without information gathered by the Blackbird, the United States would not have know about certain activities in other countries. The SR-71 Blackbird was also the only reconnaissance plane able to penetrate and fly over certain territories, thus it has been our country's wings as well as our eyes and our ears.

The Blackbird is a class act. Anyone who's ever criticized cost overrun or shaken a finger at a defense contractor has to take notice. It's a plane we are retiring that broke the cross-country speed record, not a plane we are test flying. Imagine an 85-year-old man running a 4-minute mile. The Blackbird is an anomaly. It deserves the gracious and respectful send-off it received. We ought to tip our hats to the people who made it, the people who flew it, and the people who kept the Blackbird in the air.

Rightfully, the SR-71 Blackbird will be nested in the Smithsonian Institution's Air and Space Museum. There, people from around the country will be able to learn of its importance and its contributions to the Nation. Immortalized in the museum, the Blackbird with its emblem of a skunk on its tail—from the legendary "Skunk Works" in Burbank, CA, where it was created—will be an inspiration of what we have achieved and what we are capable of achieving in the future. When it was created, the Blackbird was one of the most magnanimous, prestigious jobs of the U.S. Air Force.

Budget cuts may have forced the Blackbird out of the air, but we will never forget its importance. And though the eagle is our country's mascot, I say the Blackbird soars close behind.●

SCHOOL BREAKFAST WEEK

● Mr. BOSCHWITZ. Mr. President, the American School Food Service Association has designated the week of March 4-10 as "National School Breakfast Week."

As the senior Republican on the Nutrition Subcommittee, I have been a strong supporter of the school lunch and school breakfast programs. Indeed, I have visited and eaten at many schools in Minnesota since I was elected to the Senate in 1978.

We have seen increasing attention focused on the School Breakfast Program over the past few years. Many schoolteachers have told me how difficult it is to teach a hungry student who has not had breakfast. However, many school districts have been slow to adopt the program. Objections to starting up a breakfast program, however well-intentioned, affect those least able to bear it—the children.

I have led efforts to increase school participation in the School Breakfast Program. A provision I offered to increase reimbursement for school breakfast was included in the Hunger Prevention Act enacted in 1988. The Child Nutrition and WIC Reauthorization Act of 1989, which I coauthored, provided funding for one-time expenses in starting up a school breakfast program. These funds will be awarded to States on a competitive basis.

It is fitting that we take a few moments this week to recognize that the School Breakfast Program is an effective and important nutrition program. I hope that educators or interested parents would ask their schools to look at the breakfast program and consider participation. I will continue to lend my support to initiatives that encourage more schools to offer breakfast to their students. The federally funded School Breakfast Program has been an excellent investment in preparing today's children to be tomorrow's strong, healthy, and well-educated leaders.●

THE PRESIDENT'S TRANSPORTATION PROPOSAL

● Mr. KERREY. Mr. President, yesterday President Bush and Secretary of Transportation Skinner presented their recommendations for a national transportation plan. During the press conference when he was introducing the President, Secretary Skinner selected a sports analogy to describe the plan:

> This is the end of the first quarter, he said, I was going to say it was the end of the first inning, but knowing the President's feelings about that subject I didn't.

Given the status of baseball at the moment it would have been a much more apt metaphor. This is a plan where there is no action and lots of words. It is a plan which calls for the Federal Government to continue a decade long squeeze play on the States and locals. It is a plan that would have a devastating impact on rural States like Nebraska. It is a plan that reminds me of a third base coach signaling his batter.

Mr. President, the most telling thing about this plan is what it almost was.

It may become the defining description of President Bush's leadership: The administration that almost was.

In its original form, before political polls revealed that user fees and increased State taxes were more beneficial to the President, the plan called for a much stronger Federal partner. In the original plan President Bush was to say:

It is an ambitious action oriented agenda for re-shaping our Nation's transportation system to meet the needs of the twenty-first century.

Unfortunately, the plan was cooked by pollsters who are guiding America today. The plan was placed upon their stove and simmered until the President's words were reduced to this:

It will help our transportation system meet the needs of the twenty-first century.

In fact this may be truth in advertising. The plan may help * * * but it will not provide our children with the transportation system our parents gave us.

Here is the rough outline of the plan:

Highways: A decreased federal role with increased State and local share. The feds will even be requiring States to develop infrastructure management plans before aid will be given. Translation: Less money with more strings attached. For those communities that are not on one of the designated high use routes—in other words, most rural states—no help is on the way.

Aviation: A slightly more ambitious effort including the much needed completion of the upgrading of air traffic control systems. Still the financing formula is the same: Let the locals do the lifting.

Mass Transit: The Bush administration is a no show. The Feds will dramatically reduce their contribution while asking States and locals to increase their share.

Rail: We will end Amtrak subsidies.

Further, the Bush administration is proposing no significant spend down of the highway trusts which they are using to reduce the Federal deficit. Rather than looking to the future and calling upon Americans to invest in it, the President again has looked to the present and told us to grab all we can.●

SOVIET JEWISH EMIGRATION

● Mr. BOND. Mr. President, in the past several months, the Soviet Union under Mikhail Gorbachev has made great strides toward opening their society and improving their record on human rights.

One issue on which we all have been gratified to see some movement is the area of Jewish emigration. In recent months, thousands of Soviet Jews have been given permission to leave. Unfortunately, the millions who remain in the Soviet Union are not free from harassment. With the new freedom to speak freely, old ethnic conflicts are resurfacing. Outraged by their current economic situation, many Russian nationalist groups are turning to the traditional scapegoat, the Jew.

In the preglasnost era the party supported and encouraged anti-Semitism. However, while the practice of Judaism was prohibited by the state, anti-Semitism by the masses was controlled and suppressed through limitations on free expression. Now under glasnost, all control has been removed.

Anti-Semitic groups have taken root throughout the Soviet Union. Groups such as Pamyat have harassed and threatened Jewish citizens with pamphlets warning of pogroms. With the Soviet Government's recent failure to protect the lives of Armenians in Baku, many Soviet Jews fear for their lives. Some have already been beaten and killed by Pamyat thugs and most have been harassed. The Soviet Government does not appear to be directly responsible for this anti-Semitic behavior, but it continues to tolerate groups like Pamyat and to sanction groups with anti-Semitic platforms.

It is time for the Soviet Government to accept the responsibilities that follow democratic reforms, and take active steps to end this anti-Semitic behavior. President Gorbachev must begin by publicly condemning anti-Semitism and providing every Soviet Jewish citizen the opportunity to practice their religion or, if they wish, to emigrate. The Soviet Union cannot just ignore this grave situation, action must be taken.

Though the Soviets have made significant progress toward allowing free emigration, there are still some significant problems which must not be ignored.

Since 1987, I have been writing letters on behalf of Vladimir Raiz, a Soviet Jewish citizen. For the past 17 years, Mr. Raiz, a molecular biologist who was never involved in classified work, has been denied an exit visa from the Soviet Union due to his alleged exposure to state secrets some 25 years ago. The Soviet Government has denied emigration freedoms to several other Jewish citizens on the basis of national security as well. In most cases, these Soviet Jews, known as refuseniks, were exposed to so-called state secrets many years earlier and could not possibly pose a threat to Soviet national security.

Currently, legislation is pending before the Supreme Soviet that would limit to 5 years the amount of time persons with access to state secrets may be denied permission to emigrate. If passed this legislation would resolve nearly all cases involving refuseniks—including Vladimir Raiz—who have been denied exit visas for over 5 years. However, the Supreme Soviet has failed to even consider this bill. The Soviets must take action to free all refuseniks; and we in the United States must not forget them in our haste to move forward with new trade and economic relationships with the Soviets.

Recently, we have seen another problem arise for Soviet Jews. The Soviet Union, succumbing to heavy pressure from Arab nations, refused to permit El Al Airline direct flights between Moscow and Tel Aviv. This decision was made despite an earlier agreement reached in December between El Al and the Soviet airline Aeroflot allowing for direct flights from Moscow to Tel Aviv. Sources have indicated that more than 1 million Jews in the Soviet Union have begun the emigration process and over 300,000 are ready to emigrate; but with waiting lists up to a year long for departing flights, the ban on direct flights will mean that 15,000 to 20,000 Soviet Jews with permission to leave will be unable to do so. Every Member of this Senate has signed a letter to President Gorbachev urging him to implement the airline agreement. Doing so would enable more than 700 Jewish emigrants to leave the Soviet Union each day. But as of yet, Gorbachev and the Soviet Government continue to block direct El Al flights thus instilling in thousands of Soviet Jews the very real fear that progress in the Soviet Union will be reversed and they will be trapped in that country.

Mr. President, these are very real concerns and we must not ignore them especially as we consider proposals to waive or repeal the Jackson-Vanik amendment. I urge my colleagues to continue their critical efforts to make our concerns known to President Gorbachev and more importantly, I urge President Bush to continue to make Soviet Jewish emigration a top priority in all bilateral talks.●

ANTI-SEMITISM IN THE SOVIET UNION

● Mr. LAUTENBERG. Mr. President, today I want to speak about the recent and troubling upsurge of anti-Semitism in the Soviet Union. I would ask Senators to use every opportunity and contact with the Soviets to urge the Soviet leadership to take immediate steps to condemn and combat these outbreaks, and to assure that Soviet laws on ethnic incitement are fully enforced.

Although anti-Semitism has always existed in Soviet society, increasingly open expression of anti-semitism appears to be one of the undesirable by-products of President Gorbachev's glasnost. Increased freedom of expression has allowed groups and individuals who hold anti-Semitic views to come into the open and spread their vicious message of hate. Recent news articles as well as firsthand reports from refuseniks and Soviet emigres give us a chilling account of worsening anti-Semitism giving rise to fears of re-

newed pogroms. Many Soviet Jews presently believe that the growing anti-Semitism poses a real threat to their safety, security and well-being.

It is my understanding that most anti-Semitism stems from individuals and groups espousing nationalist and chauvinistic themes. While Pamyat (Memory) is the best known of these groups, it is not the only one. In general, anti-Semitism comes from those people who support conservative, nationalistic, and chauvinistic causes and ideologies. They have been able to spread their vicious message of hate through segments of the press controlled by conservatives. In addition, conservatives who oppose President Gorbachev's policies have probably sought to encourage those who espouse anti-Semitism to serve their own political ends and to make life harder for Gorbachev and his allies.

It appears that even in the last few weeks, reports of anti-Semitism have grown. Analysts attribute this to a number of factors. These include increasing political and economic instability in the Soviet Union, creating a need for scapegoats, growing interethnic tensions in the Soviet Union, and the pogroms against Armenians living in Azerbaijan. In addition, real uncertainty about the future political situation in the Soviet Union, and the large upsurge in Jewish emigration, have given rise to the argument that Jews enjoy special privileges.

Fortunately, there is little evidence that the present Soviet leadership either supports or has encouraged the activities of Pamyat or other organizations. In fact, Soviet authorities in Odessa recently issued a warning to leaders of popular front and ethnic associations that fanning racial hatred is a crime punishable by imprisonment.

In fact, I am heartened by the news that prosecutors in Moscow have begun a criminal investigation into the activities of Pamyat for its alleged anti-Semitism actions. According to Tass, the proceedings were started because of a Pamyat statement published in a small newspaper which called for a program to dezionize the country.

However, it appears that some in the Party apparatus and the government bureaucracy who oppose Gorbachev's policies have been willing to tolerate or give tacit encouragement to these groups. For instance, while some Jewish groups seeking access to meeting halls have been denied permission to use them, Pamyat and other such groups have succeeded in obtaining permission.

The recent occurrence of several high profile anti-Semitism events has heightened Soviet Jews' fears about safety. For instance, a Moscow writers meeting on January 16 was disrupted by a gang of intruders who broke in and shouted, "Yids, get out to your Israel" and "Russia's Jewish question must be raised at the appropriate level." The intruders then invited the audience of liberal writers to be punched by some of the intruders' 30 colleagues. After the interchange, the intruders made a leisurely exit with little interference from the police.

Further, anti-Semitism has been used as an election tactic in some of the local election campaigns now underway. Recently, in a debate of candidates for the Russian Republic Parliament, a member of the audience talked of fears about the growth of anti-Semitic agitation in the name of Russian nationalism. One of the candidates drew applause and laughter from the audience when he noted that the name of the person with the grievance was Lieberman.

In Leningrad, members of Pamyat and other nationalist groups have been reported openly picketing a subway station shouting anti-Semitic slogans and threatening to harm Jews. Some Jews there allege that these activities are being tacitly sanctioned by Communist authorities eager to exploit anti-Semitism to shore up their eroding power base. And, in a November issue of Ogonyok, a progressive weekly magazine, there was a transcript of a meeting of the national writers union in which the Jews were compared to a virus that was metastasizing.

Finally, rumors of a pogrom to occur on May 5 have circulated in Moscow, and dates for pogroms in other cities have been mentioned as well.

These reports are extremely serious, and we must actively make the Soviets aware of our deep concern. I urge my colleagues to express their opposition to these practices at every opportunity and urge Soviet officials to publicly oppose behavior of this type and let it be known that the law will be enforced.

I ask that a copy of various articles on the subject of anti-Semitism in the Soviet Union be included in the RECORD following these remarks.

The material follows;

[From The New York Times, Feb. 2, 1990]

ANXIETY OVER ANTI-SEMITISM SPURS SOVIET WARNING ON HATE

(By Francis X. Clines)

Moscow, Feb. 1—Renewed anxiety that anti-Semitism is surging once more in the Soviet Union has prompted Government officials to start cautioning nationalist and ethnic organizations against provocations toward hatred and pogroms.

The unusual warning that fanning racial hatred is a crime punished by imprisonment was issued this week by the authorities in Odessa, once a major center of Jewish life, to leaders of popular front and ethnic associations as a wave of fear and rumors of pogroms swept through Soviet Jewish circles across the country.

The latest anxiety is focused on a number of recent events, notably the disruption of a Moscow writers' meeting Jan. 18 by a gang of intruders campaigning for local elections who demanded: "Yids, get out to your Israel!"

"Russia's Jewish question mst be raised at the appropriate level," one of the intruders shouted through a bullhorn, inviting the stunned audience of Moscow's more liberal writers to come forward and be punched by some of his 30 colleagues. After the harangue and a scuffle, they made a leisurely exit from the capital's main writers' headquarters with little interference from the police.

Other events listed by fearful Jews include openly anti-Semitic agitation reported in centers like Leningrad and in various local election campaigns, and the rapidly rising tide of ethnic chauvinism that has the Government of President Mikhail S. Gorbachev in crisis.

Most particularly Jews have noted the recent experience of the violence in Azerbaijan, where the central Government waited a week before storming Baku to rescue Armenians who were victims of a pogrom. Jews say they were not targets of that violence, but the 20,000 Jews living in Baku now want to leave because of their fears of the majority's strident separatism.

ATTEMPTS TO EMIGRATE

It is not known how many people in the Soviet Union consider themselves Jews, since some traditionally sought to conceal the fact to avoid the penalties of bias. Official estimates now are fewer than 1.5 million, although consular officials have been reporting lately that more Soviet citizens have come forward intent on proving their Jewish ancestry in an attempt to emigrate.

With Government tolerance of Jews growing along with freedom of expression and movement, increasing numbers are using the freedom to opt out of this economically depressed nation, with a record outflow of scores of thousands heading this year to Israel.

Regular fears of anti-Semitic oppression, bolstered by the experience of actual pogroms, have been a fact of life for Russian Jews for centuries. In the Gorbachev era of freer speech for the common citizen, formal anti-Semitic crackdowns have not been seen, although Jews say the nation's institutional bias at universities and other establishment centers is as ingrained as ever.

LOCAL HATE GROUPS

What is new in the latest cycle of fear is that it has come to be fed more by local hate groups as political initiative has become decentralized and once-suppressed ethnic prides and enmities revive.

With local election campaigns now under way in many places in the nation's latest step toward democratization, anti-Semitism can be witnessed as an electioneering ingredient of some campaigns. For example, the other night in a debate of Moscow candidates for the Russian Republic Parliament, the hall resonated with enthusiasm for Russian nationalists and their sense of grievance at the hands of minority groups. One candidate, Viktor I. Anpilov, drew laughter and applause with his response to a voter's statement about fears about the growth of anti-Semitic agitation in the name of Russian nationalism. The candidate responded by merely noting the voter's name.

"Liberman," said the candidate, looking out at the crowd while denying being anti-Semitic himself.

Such incidents feed the surge of pogrom rumors, which, as in the past, bristle with very specific predictions among the nation's Jews.

For example, the date of May 5 as the beginning of the feared pogrom is widely quoted not only in the anxious gossip flooding Jewish circles but, lately, in a few news accounts and Government warnings against pogroms, warning that some Jewish leaders are suspected of being anti-Semitic signals.

"Why is a warning issued in Odessa, where there are so few Jews, and not in Moscow, where the Jews are?" asked Mikhail Gorbachev, co-chairman of Vaad, a national umbrella organization of Jewish culture and social groups. He said the first serious mention of the anti-Semitism problem in Moscow, where there are 200,000 Jews, occurred today in the capital newspaper Moskovskaya Pravda. It published a long essay entitled "On the Difficult 'Jewish Question,'" a headline that Mr. Chlenov considered provocative.

The long article was by Valery Rabinovich, a Jewish scholar who said the history of the nation's anti-Semitism was rooted in "disgusting" notions tailored for "naive" citizens.

The essay was a response to a Muscovite who wrote: "My granddaughter is crying. Women are afraid to go out shopping. Filthy rumors are spreading about Jewish pogroms. Why are the papers silent? Why is there no word from Moscow authorities?"

OPPOSITION CRITICIZED

Opposition minority members of the national congress have criticized the police as passive and even sympathetic in the face of repeated violations of the law banning the fomenting of ethnic hatred. Last autumn, Pamyat, the Russian chauvinist group whose adherents often espouse anti-Semitism, managed to hold one of the rare public rallies allowed in Red Square, broadcasting its militant complaints while the police stood by.

"We have experienced these fears before, but the panic this time is far stronger," Mr. Chlenov said, "and the panic itself is dangerous because it can help bring on pogroms," he added, saying Kremlin leaders should openly discuss the problem before violent incidents occur.

He said the current widening exodus of Soviet Jews to Israel was not a factor in the situation. "Anti-Semitism is a reaction not to Jews, but to the inner crisis of Russian society," he declared.

The wave of fear thus far is rooted more in the reports of increasingly brazen behavior of anti-Semites rather than in any specific incidents of bodily harm. The raid on the writers' union was tape-recorded and has made for chiling retelling among Jews. A man who identified himself as Smirnov shouted: "Comrade Jews leave the hall! We're the masters of the country. The pogrom will come in a few months!"

One Jewish resident, Polina K. Epstein, said the level of fear was considerable, with her neighbors telling tales of new Pamyat members having to supply names and addresses of at least four Jews to their leaders. "We are preparing for a night of the long knives," she said.

In Leningrad, members of Pamyat and other nationalist groups have been reported openly picketing a subway station, shouting anti-Semitic slogans and threatening to harm Jews. Some Jewish residents content the activities are quietly sanctioned by local Communist leaders they say are interested in exploiting anti-Semitism and the nationalist issue as a way to shore up the local party's eroding popular support.

Roman E. Kreikhin, a Jewish resident here who is trying to help friends and relatives arriving from Baku, said that so many Jews are in transit in the nation and carrying their major possessions with them that the fear of thievery has grown. "Moscow is terrible and getting worse as more Jews head here," he said. "They are easy victims and racketeers watch the Israeli Consulate and try to steal their visas and demand ransom."

One Jewish area in a cooperative apartment house near Moscow's Leningrad market was reported to have been so fearful from pogrom rumors that they have requested and been receiving extra police patrols.

Jewish leaders have been debating whether to attempt to present a complaint to Secretary of State James A. Baker 3d when he visits here next week and urge him to prod Soviet leaders to speak out on the problem.

SOVIET JEWS BECOME FOCUS OF WEST BANK CONTROVERSY

(By Sergei Shargorodsky)

ARIEL, Occupied West Bank.—Only a few score Soviet Jews have settled in the occupied West Bank since the new immigration wave began, but their presence has drawn an outcry from the Arab world and aroused U.S. concern.

New arrivals say they fled anti-Semitism and did not come here to make a political statement.

"I did not find any difference between the (occupied) territories and Tel Aviv," said Kira Nefyodova, a short, bespectacled Leningrad chemist. "I'm very far from politics. I don't want anybody to think that I'm making a political move."

Alex Yankevitch, a construction engineer, and his wife Liuba, recalled finding a big yellow Star of David painted on their door in Leningrad one morning, the work of an anti-Semite.

"And what can I do in Leningrad when the pogrom starts? I can stand near my door and wait for the killers," he recalled, his lips trembling. "Here, the Jewish army will defend me and my family."

Even so, Palestinians view the presence of such Soviet emigres in Ariel, a hilltop settlement 25 miles north of Jerusalem, as a potential threat to their own survival.

In a protest to Western consulates, 25 prominent Palestinians said up to 1 million Soviet Jews could come to Israel and that settlement of Soviets in the occupied lands could undermine the peace process and put further strain on limited housing and jobs, forcing Palestinians to leave.

In Cairo on Saturday, Palestinian Liberation Organization Chief Yasser Arafat asked the Soviet Union not to allow Soviet Jews to emigrate if they are going to settle in occupied territories.

Jordan's King Hussein told The Jordan Times that settlement in the territories was "a serious and pending danger" to stability in the region.

Criticism also came from Egypt, the only Arab state to have a peace treaty with Israel.

Writing in the English-language Daily Mail, Cairo's former chief U.N. delegate, Ahmed Tewfik Khalil, accused the Americans and Soviets of colluding against Palestinians by failing to stop Jewish immigrants from settling in the disputed lands.

"Are we really seeking a just and durable peace, or is detente between the superpowers inadvertently sowing the seeds of a new conflict in the Holy Land? Khalil wrote.

[From the New York Times, Jan. 25, 1990]

A FEAR OF POGROMS HAUNTS SOVIET JEWS

(By William Korey)

At the historic Congress of Jewish Organizations held in Moscow in December, the most talked-about worry was the real possibility of pogroms in the near future. This month's slaughter of Aremenians by Azerbaijanis in Baku, which has repeatedly been described as a pogrom, suggests that during the nationalist unrest across the Soviet Union Jews could again become mob victims. Thus, Jews, recalling the bad old czarist days, are particularly worried by the Kremlin's continued cold silence about their fears.

When delegates from 126 Jewish cultural organizations in 70 cities assembled, the most important speech stressed a "sharp upsurge of public anti-Semitism," which is the filp side of glasnost.

Severe economic dislocations and political instability, the analysis noted, aggravate tensions and permit the Jew to be a scapegoat for the problems of perestroika.

Documentation was not difficult to come by: more than 50 desecrations of Jewish cemeteries, some 1,000 anti-Semitic rallies, and vitriolic hate leaflets in the thousands distributed everywhere. Moreover, some 60 goons from Pamyat, a chauvinist Russian national movement, greeted the delegates with cries of "Yid!" and "Jewish prostitute!"

Beyond these hate-spewing vulgarities, and reinforcing them, is the defense and promotion of Pamyat and anti-Jewish stereotypes by prominent and conservative nationalist publications.

Then, too, there are newly formed patriotic and religious organizations that would ostracize the Jew as "alien" and "cosmopolitan" (a resurrected Stalinist era code word meaning "traitor"), and populist novelists fill their books and essays with flagrant appeals to bigotry.

Only the Young Communist League newspaper has carried a Cassandra-like warning. Written by the Lithuanian Jewish writer Grigory Kanovich, a member of the Congress of People's Deputies, the article described "clouds of pogroms . . . gathering over our heads." He expressed dismay that "as this incitement to murder takes place before the eyes of all," the authorities "ignore the thugs and inciters."

From President Mikhail Gorbachev not a single word has come—no repudiation of Pamyat or of omni-present Jew-baiting. Last year, when Mr. Kanovich, joined by two members of the Academy of Sciences, Vitaly Ginzburg and Oleg Gazenko, submitted to the presidium of the Congress of People's Deputies a petition calling for a condemnation of anti-Semitism, and for creating a special committee to follow up on the issue, the petition was buried.

Even though the petition was signed by more than 200 deputies, and Mr. Kanovich is reported to have conferred briefly with Mr. Gorbachev on three occasions, urging him to make the appeal known to the Congress, not only was it not brought before the Congress, it was stricken from the list of petitions submitted to the presidium.

It is not that Soviet prosecutors are unware of Pamyat's provocations. In one instance, Pamyat's chief was summoned by the K.G.B. and warned against stirring up "national hatred." In another, the Leningrad city public prosecutor said he had brought an end to Pamyat's numerous rallies in one of the public parks because they violated the Soviet Constitution. Yet no ar-

rests have been forthcoming anywhere and Pamyat's provocations remain undiminished.

The absence of any official public denunciation is especially disturbing. When anti-Jewish pogroms seemed to loom on the horizon in 1918, Lenin, the founder of the Soviet state, personally drafted the language in a decree requiring that "pogromists and persons inciting to pogroms be outlawed." Later, in a historic address broadcast to the Russian people, Lenin cried: "Shame on those who foment hatred toward the Jews."

President Gorbachev, glasnost's great advocate, has repeatedly insisted that he draws his inspiration from Lenin. He could take a leaf from his mentor's book by now forcefully expressing humane concern. It could even prove helpful to his program of perestroika. Certainly, he must be aware that his enemies on the right have no hesitancy in exploiting anti-Semitism in their attempts to turn back the clock.

(William Korey is director of international policy research for B'nai B'rith.)

[From the Washington Post, Feb. 18, 1990]

ANTI-SEMITISM: THE RETURN OF A RUSSIAN NIGHTMARE

(The following essay represents the sharpest public critcism to date by a senior Soviet official of the growing anti-semitism in the Soviet Union. It was written by Vitalii Goldanskii, a prominent Soviet scientist and director of the Semenov Institute of Chemical Physics of the Soviet Academy of Sciences. Goldanskii is a member of the Council of People's Deputies and the foreign relations committee of the Supreme Soviet. He wrote the following essay in English, with editing assistance from John P. Holdren, a professor of energy and resources at the University of California at Berkeley.)

(By Vitalii I. Goldanskii)

Supporters of President Gorbachev's *perestroika* are increasingly alarmed by the possibility that this program of restructuring and reforms may collapse. Should this occur—and it cannot be ruled out even in the near future—it would be a disaster not only for the Soviet Union but for all humankind.

Many of the difficulties being encountered by perestroika are well known outside the Soviet Union, as are some of the potential consequences if perestroika fails. But too little attention has been given, until now, to the special dangers posed by the growing aggressiveness in the Soviet Union of extreme right-wing virulently anti-semitic groups that seek to subvert perestroika, to blame the country's past and present problems on the Jews, and (as some of their propaganda states explicitly) to "finish what Hitler started."

These extremists are flourishing in the climate of spite, envy, scapegoating and hatred associated with the increasingly severe difficulties in the Soviet economy and growing ethnic tensions. They are perhaps already the strongest, and certainly the fastest growing, of the devisive forces pushing the country toward bloodshed and civil war.

The extremist groups go by a variety of innocuous-sounding names, of which the best known outside the Soviet Union is the "National Patriotic Front *Pamyat*" (pamyat means "memory"). A number of them recently entered into a confederation under the title of "Bloc of Social-Patriotic Movements of Russia." I prefer to call them Russian monarcho-Nazis (or monarcho-fascists), to reflect their combination of deep reverence for the autocratic csarist Russian empire and ferocious hatred of Jews.

Incredibly, the Russian monarcho-Nazis openly and widely condemn the Jews as the main culprits in all of the troubles of Russia from the October Revolution of 1917 up until the present—including genocide against the Russian people in the form of the millions of Russian deaths in civil war, collectivization and various purges; destruction of tens of thousands of Russian churches and historical monuments; and spiritual poisoning of the people through the introduction of decadent and corrupt Western culture alien to Russian tradition. They even accuse the Jews of ritual murders and a worldwide conspiracy against humankind, making reference to the disgraceful hoax, "The Protocols of the Elders of Zion."

There is striking similarity, in fact, between the views, programs and intentions of the Russian monarcho-Nazis and the original Nazi platform as laid out in Hitler's "Mein Kampf" and other infamous documents of the German Nazi period. This similarity, and the resemblance of the general situation in the Soviet Union in 1988-90 to that in Germany in 1931-33, have been publicized by progressive Soviet mass media. The newspaper Soviet Circus, for example, has printed a point-by-point comparison of Pamyat's manifesto with the program of the Nazi Party of the 1930s.

The main organization serving as a coordinator of the monarcho-Nazi forces is the Union of Writers of the Russian Federation (RSFSR). As outlets for their propaganda they have at their disposal such newspapers and journals as "Literaturnaya Rossiya" (Literary Russia), "Nash Sovremennik", (Our Contemporary), "Molodaya Gvardija" (Young Guards) and "Moscow." The leaders of this movement include many notorious writers, some scientists, some artists and others.

The Nazi-type speeches and publications of these groups are becoming routine features of everyday life in the Soviet Union. Their form and content were analyzed by Prof. Herman Andreyev from Mainz University in West Germany in a recent issue of the weekly magazine Ogonyok. He concluded that in Western European countries such statements would be treated as unconstitutional, the persons propagating them would be called to account and the organizations supporting them would be dissolved.

Yet the monarcho-Nazis seem to be meeting no serious opposition—indeed, more often sympathy and connivance—from important party and government leaders of the U.S.S.R. It is instructive, for example, that in the platform of the Soviet Communist Party on ethnic problems published in August 1989, not a single word was said about the anti-semitic campaign against so-called cosmopolites (1949), the shooting of leading Jewish writers and artists (1952), or the disgraceful "Doctor's plot (1953), while many other Stalin-era crimes against various nationalities of the Soviet people were scrupulously mentioned.

Similarly, an appeal by more than 200 people's deputies of the U.S.S.R. to the Presidium of the First Session of the Congress of People's Deputies in June 1989, expressing concern about the "growing wave of anti-semitic activities including open calls for violence that could lead to irretrievable consequences," went unanswered. That was also the fate of a letter written to Gorbachev on this subject by 10 distinguished scientists and writers in September 1989.

The explanation of such passivity on the part of the authorities seems quite simple. In addition to the evident sympathy of many authorities on different levels to the views of the monarcho-Nazis, others who do not sympathize nonetheless hesitate to act because of the way the growing aggressiveness of the monarcho-Nazis is linked to the bloody ethnic conflicts and intensifying separatist movements in nearly all of the outlying districts of the Soviet Union.

Specifically, the situation offers the monarcho-Nazis considerable opportunities for blackmail and intimidation of Gorbachev and his closest advisers, through the claim that, in conditions of the "decline of empire," the Russian heartland and her "genuine sons" constitute the only reliable basis for the preservation of Gorbachev's power. Such arguments are being used to push Gorbachev toward the right and to divide him from his true supporters on the left—the liberal intelligentsia. The result could be a repetition of the circumstances that produced the downfall of Khrushchev in 1964.

In parallel with their attempts to intimidate Gorbachev, the monarcho-Nazis have been openly attacking his foreign policy. They even have accused Gorbachev of being an agent in the service of the CIA and the Israeli intelligence service, the Mossad. With this two-pronged strategy of intimidation and direct attack, the Russian monarcho-Nazis hope to attain either a decisive influence over Gorbachev's policies or his removal and replacement at the seat of power by supporters of their movement.

What would that mean for Soviet Jews? The answer is all too clear from the similarity of the monarcho-Nazis' program to that of Hitler. The Russian monarcho-Nazis already possess their equivalent to Hitler's SA and SS, in the form of the Pamyat movement. This movement does not disguise its intentions to carry out pogroms against the Jews, to whom it refers using the insulting word *"zhidy"* (yids). In fact, members of Pamyat have been organizing well-attended meetings all over the country to call for pogroms—even in Moscow's Red Square on Nov. 12, 1989—and no one has stood in their way.

Hitler treated as Jews those who have more than one-quarter Jewish blood. Pamyat goes further. It has announced its intention to search for Jewish progenitors back to the 10th generation. New recruits to Pamyat are required to prove their "racial purity" and to provide to the organization the home addresses of five Jews—no doubt for the purposes of the pogroms to come. Opponents of the monarcho-Nazi movement who happen to be "racially pure" or "Aryan" are characterized, along with all liberal intelligentsia, as "masons" (or *"zhido-masons,"* i.e., supporters of Jews); and these are also the targets of pogrom propaganda.

The brazenness of monarcho-Nazi threats against Soviet Jewry has been increasing. In addition to anti-semitic rallies and the desecration of Jewish cemeteries around the country, which have been going on for some time, it now seems that meetings of liberal intellectuals are no longer safe from disruption by Pamyat thugs.

On the evening of Jan. 18 of this year, for example, a meeting of the progressive "April" group of writers at the Central House of Writers in Moscow was invaded by some dozens of Pamyat monarcho-Nazis with megaphones. They roughed up some of the writers, forcibly ejected others from the

hall, shouted anti-semitic slogans and announced that their next visit will be with automatic weapons. They also designated St. George's Day, at the beginning of May, for a pogrom. The police were called but took their time in arriving, and there were no arrests.

Further increases in anti-semitic activities (especially, of course, actual violence) surely will lead to a mass exodus of Jews, people of partly Jewish extraction and "racially pure" liberal intelligentsia. This new wave of emigrants—refugees from monarcho-Nazi power—could reach several millions and would represent a serious brain-drain from the U.S.S.R.

As for the possibility of another Holocaust, it certainly could not reach the scale of earlier Nazi crimes: The world has changed too drastically in the last half century for that. But a wave of pogroms more or less along the lines of the infamous *"Kristallnacht"* cannot be ruled out—weaker if a government like the present one tries to oppose them, stronger if a successor government of the monarcho-Nazi stripe sympathizes with the pogrom lust.

What should be done? As a start, the world public should be informed of the activities and intentions of the new followers of Hitler in the Soviet Union and should be told their names. The famous "Brown Book" published by anti-fascists in 1933, after all, was the first important step in the exposure of the Nazi crimes of that era. Clearly, the publishers of newspapers, journals and books, and producers of electronic media, have an important role to play.

The stakes are high. If the monarcho-Nazis prevail and perestroika collapses in an orgy of chauvinism and racism, the results are likely to include not only a rapidly growing degree of anarchy in the Soviet Union, but even the outbreak of civil war. In a country still laden with tremendous stockpiles of nuclear and chemical weapons, as well as widespread network of nuclear power plants, such a chain of events could quickly become not just a national but an international catastrophe.

[From the New York Times, Nov. 13, 1989]

OLD-NEW ANTI-SEMITISM

(By Per Ahlmark)

STOCKHOLM.—Anti-Semitism is on the rise in Europe again. Since Israel's invasion of southern Lebanon in 1982, anti-Jewish headlines and articles have appeared in mainstream newspapers and magazines. Before 1982, anti-Semitic letters would have been thrown in the waste-basket. Now they are published. Before 1982, denying the Holocaust or trivializing it by cheap comparisons would have been unacceptable in the media. Now such comparisons are commonplace.

For the past two and half years, "Radio Islam," a radio station in Sweden, has openly promoted the concept of a worldwide Jewish conspiracy. Publishers, political leaders and the public seem unfazed.

The name Radio Islam is deceptive: The station's purpose is not to inform listeners about Islamic culture and religion but to expound major themes of traditional and contemporary anti-Semitism.

Astonishingly, Radio Islam exhaustively quotes extracts from the Protocols of the Elders of Zion, a forgery that originated in Czarist Russia, that claims the Jews want to dominate the world and that was often cited by Nazi Germany. According to Radio Islam, "Each and everyone who reads this book will be astounded to learn that almost everything in it has come to pass."

Radio Islam informs listeners that Israelis gas Arab women, Zionists in the West kill their opponents as they lie in hospital beds and Jews everywhere are potential quislings.

It lies . . . in Judaism's nature to collude, to weaken from the inside, and to ravage," says Radio Islam. "Judaism, the Torah and the Talmud stink of racism and contempt for other peoples."

The Nazis receive accolades in these broadcasts, which, ignoring contradiction, regret that Hitler did not finish off all Jews and deny the Holocaust ever took place.

Behind this propaganda stands an unknown Islamic group led by a former Moroccan military officer, Ahmed Rami, now a Swedish citizen.

Defamation of a people, a race or an ethnic group is forbidden by law. In early September, a trial opened in Stockholm, after the Attorney General obtained an indictment against Radio Islam.

A jury has found Ahmed Rami is guilty of breaking the law by claiming there exists a conspiracy among Jews to reach positions of power in order to dominate the world, and that Jews are religiously obligated to desecrate, kill, commit genocide and oppress others without mercy. He is to be sentenced Tuesday.

What disturbs me more than the hatred spread by this radio station is the lack of public reaction against it.

The largest daily newspaper in Scandinavia, Expressen, has written frequently about Radio Islam. Some members of Parliament have issued warnings. But such reactions are an exception; indifference is the rule.

Are we back to the "normal" European political climate, in which anti-Jewish statements were injected as acceptable contributions to a public debate? I do not know. But I do know that if we accept this old-new anti-Semitism as part of our culture and lives, we are taking a tremendous risk, because while Jews as a minority are often the first group to be denigrated, they are never the last.

Anti-Semitism has always been a way of attacking liberal values, democratic institutions and government-by-law.

Editors of newspapers and magazines must refuse to print anti-Semitic slanders. When they are made aware of such slanders, politicians and writers, without hesitation, must condemn them. It is embarrassing, 45 years after Auschwitz, that we have to remind those who influence public opinion about their basic duties.

[From the New York Times, Feb. 4, 1990]

SOVIET EMIGRÉS TO ISRAEL TELL OF HATE BACK HOME

(By Joel Brinkley)

TEL. AVIV, Jan. 11—Most of the 221 Soviet Jewish immigrants boarding El Al Flight 368 from Budapast to Tel Aviv in the early hours of Wednesday morning said they were fleeing a vicious paradox, the dark side of glasnost.

Just as President Mikhail S. Gorbachev's program has freed many Soviet Jews to observe their faith, they say, so has it also allowed the country's neo-fascist and anti-Semitic organizations to come into the open.

"It's because of glasnost," said Meron Nekierman, a 60-year-old electrician who left behind everyone he knew, everything he owned, to take a gamble on a new life in Israel with his family.

AFRAID FOR THEIR FUTURE

Settling into a seat near the back of the packed Boeing 767 as El Al played traditional Jewish songs over the public address system, Mr. Nekierman explained: "There was always anti-Semitism. But before, people were a little afraid to say what they really thought. Now they can come forward and say, straightforward, exactly what they want. There's no longer any room in the Soviet Union for Jews."

Talks with dozens of Soviet Jews on board one of the almost daily flights to Israel, and with others who have only recently arrived, suggest they are not simply leaving but fleeing, afraid for their futures, even their lives.

Many told of a sudden rash of posters pasted to walls in Kiev, Riga, Leningrad and other cities warning Jews to get out, go to Israel."

Mr. Nekierman pointed to Anya, his 8-year-old granddaughter, who was asleep two rows back, and said, "just before we left, her teacher, right out in the open in the class, told her she should leave, she should go to Israel."

TELL OF PHYSICAL ATTACKS

Others told of physical attacks against themselves, relatives or friends. One man said his brother had been murdered and thrown into the river, bound head and foot, just because he was a Jew.

In Azerbaijan last week, "people were passing out notes door to door saying Jews have to leave by June 9, said Danik Morduchaev, a watchmaker who was on his way to Israel with seven other members of his family including his 78-year-old father. "I'm carrying with me packages of details for more than 40 families who want Israel to send them invitations right away. If it is possible, please make Israel issue the visas faster."

As new separatist nationalist movements sprout across the Soviet Union almost by the day, ethnic peoples crying out for their own homelands, tens of thousands of Jews in these republics are coming to two conclusions.

They are deciding there may be no future for them in nationalist Armenia, Latvia or the Ukraine. At the same time, Soviet Jews by the thousand seem to be coming to the realization that they already have an ethnic homeland of their own: Israel.

"MUST LIVE IN OUR OWN STATE"

"The situation for Jews is terrible now," said 29-year-old Oleg Roythman, who directed a computer software concern in Rigan, the capital of the Latvian republic. "You feel it every day. Now, with liberalization, the anti-Semitic organizations are growing stronger. Every Jew in Riga is trying to leave."

"Other people are asking for their own homelands," he added. "We Jews must live in our own state, too."

And so 4,585 Soviet Jewish immigrants arrived in Israel this month, 25 percent more than the month before. Almost twice as many arrived aboard just one flight on Jan. 23, as arrived during the month of January 1989.

There is no air service between the Soviet Union and Israel, and so immigrants must take direct flights to Budapest, Romania, to Budapest, or occasionally to other European cities including Vienna. Israel sends chartered El Al planes to pick them up and fly them to Tel Aviv free of charge. In the last few weeks the flights have been arriving at the rate of one or more almost everyday.

The mass numbers are tearing the country's immigrant absorption system at the seams. Immigrant absorption. It is now clear, is not immune from the paralysis that seems endemic to most every facet of Israeli political and social life.

WORKING AROUND THE CLOCK

Despite the universal joy Israelis feel about so many new arrivals—proving, they believe, that their country is still attractive even in these troubled times—the nation still has done almost nothing to prepare.

The Absorption Ministry has been forced to call up retirees to help process the new arrivals and all the ministry's employees are working almost around the clock. Today the workers announced they were going on strike, demanding that more help be hired. That means arrivals from the Soviet Union may find few if anyone to serve them when they arrive, dead tired with little money and no place to go.

Sitting on the plane on Wednesday morning at about 3 A.M., one Soviet immigrant who could read English studied the front page of The Jersusalem Post and shook his head as he saw that the lead story was in a way about him.

"Immigration to determine fate of 64 billion shekel budget," the headline said. On Monday, Finance Minister Shimon Peres presented the nation's $32 billion budget for 1990 but acknowledged right away that it was outdated.

NEW SOURCES OF FUNDS SOUGHT

About $150 million was budgeted for the cost of absorbing new immigrants, but that figure was set last fall, when officials believed that about 40,000 Soviet Jews would move to Israel this year. Now the official projection is at least 100,000.

"Even as we present this budget today, we must think about additional potential sources for funds for immigrant absorption," Mr. Peres acknowledged on Monday.

The challenge for Israel is not just that more Jews are leaving the Soviet Union. In addition, a far greater percentage of those who leave are moving to Israel. Last July, only 14 percent of the 5,740 Soviet emigrants moved to Israel, a statistic that had been roughly stable for months. Nearly all the rest moved to the United States.

But by December, the percentage had shifted dramatically. About 46 percent of the 7,793 Soviet emigres moved to Israel that month.

CEILING OF 50,000 IN U.S.

There's little doubt that many thousands of these Jews would have moved to America, not Israel, had the United States not introduced strict new immigration controls last year. Some of the immigrants say it openly. Asked why she was moving to Israel, Lucy Coerev a 62-year-old chemical engineer shrugged and said, "America isn't letting us in anymore."

The United States admission ceiling for all refugees from the Soviet Union is 50,000 for this year. The number is higher than last year, but the Soviet Union is allowing many more people to leave and the United States is interpreting admissions more strictly.

At the same time, though, as many immigrants flee resurgent anti-Semitism in the Soviet Union, they also say they are not so sure they would be any safer in the United States than they were in their former homes.

On the plane, many Jews from various Soviet areas reported a rumor that there would be an anti-Jewish pogrom in the Soviet Union on May 5.

AN UNUSUAL WARNING

"It's not the first time there was a threat of a pogrom; there was one a year and a half ago, but everything was quiet then," said Alexander Ekel, a 30-year-old dental technician from Kiev. "But maybe now they are serious."

The Soviet authorities recently issued an unusual warning in Odessa, once a major center of Jewish life that fanning racial or religious hatred is a crime punishable by imprisonment.

"I always felt anti-Semitism in the Soviet Union," Mr. Ekel said. "But I've also read there's anti-Semitism in the U.S. I could have left before America closed the doors. But now I want to live in a country with Jews."

Nearly all the Soviet Jews say they are vicitims of anti-Semitism, even though almost none of the new immigrants are religious. Many know nothing about their faith.

"ONLY BY NATIONALITY"

"I'm not a Jew by belief, only by nationality" said Mark Gorhick, a 27 year old from Leningrad offering a view shared by many of the emigres. But in the Soviet Union, Mr. Gorlick's identity card identified his nationality as Jewish, guaranteeing, he and others said, that they face discrimination from birth to death.

"In the Soviet Union I got accustomed to institutionalized anti-Semitism," said Anya Kaminskaya, a 26-year-old electrical engineer from Moscow. "I didn't even apply to Moscow University because I know they don't accept Jews." And after completing a mid-level degree at the university that did accept her, she said, "My professor told me that I had reached the top level a Jew could achieve."

"The anti-Semitism coming from the Government is getting better," she added. "But from the people, it's getting worse."

She and others talked of the growth of a strong nationalist and virulently anti-Semitic Russian organization called Pamyat that has begun to hold large public rallies in several cities, including Moscow.

Mr. Roythman said: "Two or three years ago, before the real anti-Semitism started, maybe I would have gone to America. But now. . ." He shook his head. "There's anti-Semitism there, too."

"In Israel, maybe we have other dangers," he said. "But in Israel we can depend on ourselves."

[From the Washington Times, Aug. 11, 1990]

SOVIET TIDE OF ANTISEMITISM REMINISCENT OF '20s GERMANY

(By Martin Sieff)

Even as the Kremelin has notably liberalized its cultural and emigration policies toward Soviet Jewry in the past year grassroots antisemitism seems to be growing in the Soviet Union, fostered by hate groups and media encouragement.

Jewish organizations around the world report receiving increasingly alarming reports of this phenomenon.

"The new policy of openness, combined with emerging extremist forms of Russian nationalism, has liberated latent popular Russian antisemitism," and Pamela Cohen, president of the Union of Councils for Soviet Jews, a 100,000-member U.S. grassroots organization.

"The renewed expression of an archaic and crude pre-Revolutionary brand of antisemitism has been explosive in content, form and scope," she said.

Like the Nazis in 1920s Germany, such hate groups as Pamyat (Memory) and its offshoot Otechestvo (Fatherland)—thriving in the Russian heartland, in urban centers and Siberia—are using racial hatred and conspiracy theories to explain the crises afflicting their country.

"All that the propaganda refers to as mistakes—the introduction of troops into Afghanistan, the pollution of the Volga River and Lake Baikal, the Chernobyl nuclear plant—are no mistakes. They are the doings of the internal enemies Zionism and Masonry," one Pamyat leader, Alexander Shturmack, was quoted as saying in an English-language Radio Moscow broadcast June 5.

"Pamyat and a constellation of other antisemitic groups freely organize across the Soviet Union under Gorbachev's glasnost," said Glen Richter, president of Student Struggle for Soviet Jewry, the main U.S. student group concerned with the issue. "They mimic the government's pious defense that they're 'anti-Zionist', not antisemitic."

Soviet Jews also have reported to Western organizations that in many areas the antisemitic groups are encouraged by local officials.

Pamyat publicly claims to be active in at least 20 cities with tens of thousands of supporters and to have ties with neo-Nazi and antisemitic groups in Europe, the United States and the Arab world.

Its leader Dimitri Vassilier, repeatedly has accused Jews of performing human sacrifice, resurrecting the ancient blood libel. He tells Western newsmen "this Zionist idea was imported into the Nazi ideology by the Jew Eichmann, He was Jew, but he killed his own."

Pamyat is now compiling lists of all Jewish residents of Leningrad, the Soviet Union's second-largest city, according to reports reaching the London-based 35's Women's Campaign for Soviet Jewry. Pamyat members are demanding the names of Jewish residents from the managers of every apartment block in the city. Anyone there wishing to join the organization must now supply lists of Jews, they said. The Union of Councils for Soviet Jews said it has received similar reports.

This year, violent attacks against recently opened synagogues in Krasnoyarsk and, in April, in Irkutsk, the capital of Siberia, have been linked to such groups. The Latvian Jewish Friendship Society reported similar attacks in July in the city or Riga.

Another Pamyat official told the Perestroika Discussion Club in Moscow on Dec. 13: "We can't take responsibility for 80,000 dead in Armenia away from the Jewish people. A great number of Jews who work in the field of geophysics didn't foresee the disaster. That's why full responsibility lies on the Jewish people."

On May 14, the Public Committee Against Restoration of Diplomatic Relations With Israel, a Pamyat front group, held a rally, with permission of the Moscow authorities, in the Soviet capital.

Pamyat has been denounced by Soviet leaders, but only in mild terms. It enjoys privileges denied to Jewish groups, including access to printing and copying equipment and meeting facilities, and has been allowed to hold public rallies. By contrast, Soviet Jews have repeatedly been refused permission to hold rallies against antisemitism.

In the Congress of People's Deputies elections in March, Pamyat-linked candidates generally did very badly. But the Congress

also saw the election of such ferocious anti-semitic figures as best-selling novelist Valery Belov.

In a manner reminiscent of the political climate in Germany before the Nazi takeover, liberal, democratic champions in general are being publicly and crudely attacked as Jews.

Vitaly Korotich, editor of the journal Ogonyok, one of the strongest voices in support of economic and democratic reforms in the Soviet Union, was repeatedly harassed by Pamyat supporters during his campaign for the Congress of People's Deputies. Hecklers repeatedly denounced him at public meetings as "a dirty Jew."

Mr. Korotich, in fact, is not Jewish but has a Russian Orthodox Church background.

REPORTS OF ANTI-SEMITIC ACTS

The following are confirmed reports of anti-Semitic acts received by the Union of Councils from contacts inside the Soviet Union:

July 16, 1989—A Hebrew teacher from Moldavia was abducted and beaten on his way to give a lecture at a weekly seminar. His abductor warned him to stop his Jewish activities and threatened his life. They repeatedly declared that all Jews should be murdered. They drove 5 kilometers and threw him from the car.

April 6, 1989—Alexander Kobrin, a producer in the video division of "Ogonok" who produced three films on repression and Pamyat, was beaten severely by several men on a Moscow street.

July 24, 1989—Three hooded men broke into the Leningrad apartment of Refusenik Yuri Mezeborsky and stabbed his mother in the stomach. Nothing was stolen.

July 4, 1989—Boris Gaft reported that Jewish activists discovered swastikas and a sign which read "kill Jewish people" at the site of the former synagogue in Riga where Jews were burned to death by the Nazis.

Sept. 10, 1989—One day after submitting his emigration documents, Igor Bochkov, was beaten in the street in Moscow. His assilants shouted, "Jews should be beaten and Russia should be saved this way. Igor was hospitalized. The militia representative, Mr. Melikiya, at Department No. 179 of the Militia Station in Moscow, refused to involve the militia in any further investigation.

October, 1989—Irina Shelenkova, formerly an editor of the Byelorussian Soviet Encyclopedia of Art and Literature, was fired for her attempt to rehabilitate Marc Chagall, according to a documentary film by Arkady Ruderman, "The Theatre in the Age of Perestroika and Glasnost". She had written an entry of Chagall following the Centenary Exhibit of his works two years ago in Moscow. Upon hearing that this entry was replaced with one written by the notorious anti-Semitic writer, Vladimir Begun, she protested and was dismissed. The Begun article has been withdrawn and she has filed a court suit but has not been reinstated.

August 1989—In response to the formation of Irgun Tsioni, a national Zionist organization, openly anti-Semitic articles appeared in the Moscow press. The Anti-Zionist Committee published a statement in Pravda (9/8/89) entitled, "There Must be No Place for Zionism".

Jan. 18, 1990—During a meeting of "April", the liberal writers' society, at the Central House of Writers in Moscow, a Pamyat group of 20-30 equipped with megaphones, broke into the hall and beat several of the writers. They shouted anti-Semitic slogans, "down with Zionism", "All Jews to Israel" and screamed "today we are here with loudspeakers, tomorrow we will come with guns". The militia took the offenders into the street where they were all released. Several writers went on to the militia office where they were told that the offenders were not criminals. "April" and the All Union Writers Society have appealed to the Procurator General for the opening of a criminal case.

Jan. 18, 1990—According to Baku Jewish activist Evgenii Sukholutskii, 30,000 Baku Jews are seeking Israeli invitations on an emergency basis. They fear that the ultra-nationalist Azeri movement, which is mainly Shi'ite, will turn against the Jews. Four Jews are known to have been killed in the crossfire. Reports of threats, beatings, and other acts of violence against Jews have already been confirmed.

Jan. 18, 1990—Rising anti-Semitism in schools and rumors of Pamyat-inspired pogroms are reported in "Literaturnaya Gazette". The programs, it says, will take place on May 13th.

Jan. 1990 (date received)—Deputy Sobchak an another member of Congress appeared on Leningrad television warning of the dangers of anti-Semitism and the possibility of pogroms.

January 29, 1990—The Patriots organization leafleted metro stations warning of pogroms in Leningrad said to take place on May 13th. Patriots claim that they are being distributed by the Zionists.

Jan. 29, 1990 (date received)—According to an emigree, a physician now residing in Boston, a postcard threatening a "huge" pogrom on February 18, 1990 was found in her mother's mailbox in Leningrad.

[From the New York Times magazine, Jan. 26, 1990]

RUSSIAN NATIONALISTS—YEARNING FOR AN IRON HAND

(By Bill Keller)

The Revolution Day Parade in the western Siberian city of Tyumen has dwindled in recent years from a two-hour spectacle to a perfunctory 45-minute exercise, reflecting the collapse of the Communist faith. Last Nov. 7 the Tyumen city fathers, desperate to boost their ratings, agreed to permit a small show of dissent.

The parade began, as usual, with the local army regiment marching stiff-legged past the reviewing stands on Lenin Plaza, where the Communist gentry of Tyumen stood swaddled in woolens and fur against the first bite of the Siberian winter. Then came worker delegations from the brick factory and the motor works and the Oil and Gas Ministry, all tugging balloons and banners and responding with desultory "oo-rahs" to chants from the loudspeakers mounted above the square.

Near the end, the dissenters strutted into view, led by a pudgy and intense 30-year old named Aleksandr P. Reptov. Reaching the square, they hoisted their banners high and slowed their pace to give spectators time to decipher the neat white lettering on their placards.

"Russia, Russia, save yourself!" exhorted one banner, fluttering in the icy wind alongside an icon of St. George the Dragon Slayer, a popular saint of Old Russia.

"They need upheavals, but we need a Great Russia!" proclaimed another, echoing a famous appeal uttered by the czarist minister Peter Stolypin in 1907, against the radicals then threatening the czar's government, and now directed against the radicals surrounding President Gorbachev. Then came this sonorous echo of czarist Russia: "For the faith, the people and the Fatherland!"

Repetov and his followers belong to a group called Fatherland, bent on saving ethnic Russian culture and values from the Communist melting pot. To them, Nov. 7—the anniversary of the Russian Revolution—is a day of infamy, marking the moment when Russia history was stopped brutally in its course and the Communists began their systematic extermination of Russian culture, the Russian church, the Russian soul.

Their presence here on this anniversary of the Communist state was not just an ironic protest, however, but a small sign of an intriguing political flirtation now going on between Russian nationalists and the conservative wing of the Communist Party, two forces that suddenly find themselves driven together by a common danger: Mikhail S. Gorbachev. More and more often during the past year, the children of the czar have found themselves marching alongside the children of Lenin.

In this era of glasnost, similar groups with names such as Fidelity or Renewal or Memory of Fatherland have sprouted in cities across the vast areas of the Soviet Union inhabited by ethnic Russians. These groups are usually tight-knit and avowedly apolitical, devoting themselves to the preservation of churches and old buildings, combating drunkenness, or reviving Russian choral folk singing.

In fact, they are a political rear guard. While much of the Soviet bloc seems to be lunging toward Western freedoms, the Russian nationalists—or Russian patriots, as they prefer to be called—deplore the chaos of Western-style democracy and the materialism of Western markets. They pine for a romanticized, patriarchal Russia.

"Let other countries surpass us in the technology of computer production," said Mikhail F. Antonov, an economist and leading Russian nationalist ideologue. "But only we can provide an answer to the question: Why? For whose sake? We are the only legitimate heirs to the great spiritual Russian culture. The saving of the world will come from Soviet Russia."

The Russian patriots are a disparate lot, ranging from the more paranoic factions of the Pamyat (Memory) society, whose members wear paramilitary-style black T-shirts or army greatcoats, to the cultural elite of the official Russian Writers' Union, now embroiled in a passionate light about whether to exclude the Leningrad chapter for supposedly being dominated by Jews. Nationalists provide much of the passion of the growing environmental movement in Russia, and have largely taken control of the officially sponsored temperance organizations and cultural societies.

The nationalist spirit burns with new intensity, too, in the Russian Orthodox Church, where some dissident priests are trying to revive the fundamentals of Russian faith smothered by decades of secular, Communist state dogma.

So far, the Russian patriots are too divided, too indecisive about their own priorities, too ill at ease in the ways of politics, to be considered a formidable political force. At a time when ethnic politics has inflamed the Soviet Union, it sometimes seems there are more committed nationalists among the 4.6 million Soviet Armenians, now mobilizing for civil war against their neighbors in Azerbaijan, or the 3 million Lithuanians coolly charting their exit from the Soviet Union, than among the 145 million Russians. But

Russian nationalism appeals to a deep conservative streak in the Russian psychology, a yearning for order and a distaste for individual ambition. And with the failure of Communism, it is the most potent idealogy on sale.

Among ethnic Russians what is going on now is a frantic search, first for a coherent Russian faith and then for the political means to execute it. What results from this search will be more than an academic question, for the Russians are both the dominant nationality in the Soviet Union and the most imposing obstacle to Gorbachev's campaign of modernization.

Westerners often think of the whole Soviet patchwork as "Russia," a mistake that is as offensive to a Russian nationalist as it is to a colonized Latvian or Georgian. Uzbekistan and Lithuania may be Soviet, but they are not Russian. Indeed, a devout Russian nationlist even wonders about parts of Russia itself. A Siberian, for example, will tell you that Leningrad is too "cosmopolitan" to be truly Russian, and that Moscow, now the capital of world Communism, has been profaned.

Geographically, Russia is the largest Soviet republic, the heart of an empire enlarged in this century by acquisitions from Eastern Europe and Muslim Central Asia. Ethnically, Russians are the largest Slavic race, kin to the Ukrainians, Byelorussians, Poles and Czechs. But Russian blood has been diluted since the Mongol invasions, and the Russian language has become the lingua franca of the empire rather than a badge of identity.

The Russian patriots consider themselves not the perpetrators of Communism, but its most punished victims. To them, the Communists are the villains who assassinated their monarch, who raped their precious villages and birch-forested tundra with some of the most heedless industrialization ever inflicted on any patch of earth. Under Communism, the traumas of crash urbanization, overcrowded housing, women entering the work force and easy abortion so reduced the Russians' birthrate that, according to the 1989 census, they have fallen to a bare 50.8 percent majority of the Soviet Union's population.

"Fifty-eight percent of Russian families have only one child," laments Sergei V. Vasilyev, a young Russian from Tyumen who has taken up the patriots' cause in the Congress of People's Deputies. "After another generation, we'll have nothing but costumes in museums."

The nationalists see a Russian countryside that has languished in poverty while Communist leaders colonized Central Asia and Eastern Europe; today they watch as Soviet leaders desperate for capital sell the Russian birthright—timber, oil, natural gas—to foreign bidders, and buy, in absurd exchange, meat from France, potatoes from China, wheat from the United States.

Under Communism, the Russian Orthodox Church, so central to the sense of what it means to be Russian, was humiliated, its houses of worship transformed into "museums of atheism" or smashed to the ground by wrecking balls, its hierarchy vetted and corrupted by the KGB.

In Tyumen, Aleksandr Repetov of Fatherland took me on a tour of the former Hyinsky Church, a 19th-century Russian Orthdox Church that was gutted during the late 1940's and fitted inside with a vodka factory. As bemused vodka bottlers looked on, Repetov and, I climbed to the cupola, where galvanized tanks of vodka drain down to a bottling machine that snakes through what used to be the nave. On the vaulted ceiling, a few splashes of gold paint remain. (One of Fatherland's Revolution Day slogans called for relocating the bottling plant—to Communist Party headquarters.)

This is what the Communists have done. And now, as the patriots see it, Gorbachev is allowing new currents of permissiveness and Western materialism to corrupt what remains of Russia's long-suffering spirit.

"The Revolution brought people to the fore who destroyed Russia," say Valentin Rasputin, a writer whose novels of Russian village life have made him a leading ideologist of Russian nationalism. "In the same way, this revolution—perestroika—is bringing forth figures who, willingly or not, are promoting the destruction of stability, and of the country."

Amid this continuing destruction, the Russian patriots feel themselves misunderstood. Either the word "Russian" is used as shorthand for the entire polyglot citizenry of the Soviet Union, and thus for the acts of aggression committed under the banner of Communism or, when the word is used correctly to describe a distinct people, that people is often caricatured as bellicose, superstitious, servile, lazy and anti-Semitic.

The most influential Russian manifesto of recent times is Igor Shafarevich's "Russophobia," a bitterly defensive tract serialized in the monthly magazine of the Russian Writer's Union, "Our Contemporary," a bible of the Russian patriots. Xerox copies have been distributed like scriptural tracts across Russia.

With bitter eloquence, Shafarevich describes the Russian-hater's stereo-type of the Russian: "A slave psychology, the absence of a sense of personal dignity, intolernace toward the opinions of others, a groveling mixture of spite, envy and the worship of authority.

"Since olden days, the Russians have loved strong and cruel authority, and have loved its very cruelty, throughout history they tended to slavishly submit to force. Even now, authority and a 'nostalgia for a master' dominates in the psyche of the nation . . . but the Russians are incapable of understanding the cause of their misfortunes. Regarding everything foreign with suspicion and hostility, they tend to accuse anyone at all of their trouble: the Tatars, the Greeks, the Germans, the Jews . . . anyone but themselves."

As Estonians, Lithuanians, Georgians and others have built there own nationalist movements and demanded greater independence from Moscow, the Russians who live in those republics have had to endure deliberate snubs, which have in turn helped galvanize Russian assertiveness. In Estonia and Moldavia, the Russian minorities have staged strikes to protest local language and voting laws aimed primarily at limiting the influence of Russian "occupiers" and "immigrants."

"The self-awareness of Russia is growing," Rasputin said, sitting in the bright, snow-filtered daylight at the Irkutsk Writers' Union. "Strange as it may seem, our republics have helped us with this: the Baltic republics, Armenia, Azerbaijan and others. When self-awareness started growing among these small people, accompanied to a certain extent: by the growth of Russophobia, it helped—or rather, it helps—us Russians too, to become aware of ourselves and to define our place in history."

Maybe, suggests Rasputin, not entirely facetiously, it is time for Russia to think of seceding from the Soviet Union. Get away from the ingrates. Preserve the integrity of Russia.

The crude caricature of the Russian, of course, leaves much unexplained. The greatness of Russian literature and music, the moral courage of an Aleksandr I. Solzhenitsyn or an Andrei D. Sakharov, or even the work ethic of a Gorbachev do not fit neatly into this Russian stereotype. But it also has elements of truth, and one is the Russian inclination to blame someone else. Self-pity is the life-juice of Russian patriotism. In their self-pity, the Russian nationalists look for culprits and they usually find the scapegoats of history: the Jews.

Russian nationalists never tire of reciting the names of Jews who played critical roles in the Bolshevik Revolution and in Stalin's terror. In Russian nationalist demonology, the belief that Lenin had a Jewish grandfather that Jews (who had suffered heavy persecution under the czar) predominated in the Bolshevik Party and of course, that Marxism itself was the eponymous product of a German Jew, make the Jews as a race responsible for the interruption of Russian history. That Jews were themselves cruelly victimized in Stalin's purges is overshadowed by the fact that Lazar M. Kaganovich, a Jew, helped mastermind the violence. Some Russian nationalists, in fact, are inclined to exonerate Stalin on the fantastic grounds that he was manipulated by the Jews around him.

It is not just the weird paramilitary order, Pamyat, that is obsessed by the Jews. In conversations with educated, cultured Russians who would never be caught dead wearing a black T-shirt, in the pages of official magazines and newspapers favored by the nationalists, and in debates at the Russian Writers' Union, "the Jewish question" looms large. And with the coming of glasnost, discussion of it has become much less inhibited.

"I think today the Jews here should feel responsible for the sin of having carried out the Revolution, and for the shape that it took," Valentin Rasputin, who had been chosen a member of the Congress of People's Deputies, to me in November. "They should feel responsible for the terror. For the terror that existed during the Revolution and especially after the Revolution. They played a large role, and their guilt is great. Both for the killing of God and for that."

The killing of God? Well, Rasputin said, that is an ancient sin, and no Jew today can be held responsible for the crucifixion of Christ. But the crimes of Communism are not so quickly forgiven.

"In this country those are Jewish sins," Rasputin went on. "Because many Jewish leaders took part in the terror, in the repression of the kulaks, of the peasants, and so on. The ideology was produced by Jews. But to make them answer for it and to say that we won't be able to coexist, is the wrong approach. We can't make all Jews emigrate, and it's not necessary, either, because they are the brains we need. And I think the two nations, Russians and Jews, have merged to such an extent that separation would be painful—painful for the Russian nation, too. With all their faults and merits, they need each other, because on the one hand it makes for a kind of spiritual competition, and on the other hand it spurs the Russian people out of their lethargy."

Shafarevich, in his tract, blames Jews for promulgating the current wave of Russophobia. Not surprisingly, many Russian na-

tionalists see Jewish influence behind Gorbachev's reforms, and delight in searching out evidence of Jewish ancestry in the family trees of prominent Westernizing radicals. In Irkutsk, I heard locals complain about the prominence of Jewish Soviet emigres on the Russian-language Voice of America.

"We need to protect the independence of Russia, and to do that we need to limit the influence of these forces," says Aleksandr Turik, the leader of Fidelity, another patriotic group, based in Irkutsk.

At the Russian Federation Writers' Union meeting in mid-November, one of the stormiest disputes was over which of two rival Leningrad chapters to recognize—the established chapter, whose 436 members included a high proportion of Jews, or a breakaway faction of 60 Russian nationalists.

"How many Russian writers, the legitimate sons of the Russian land, native Russians, will moan under the heel of the oppressor, the usurpers," shouted the writer Tatyana Glushkova in defense of the Leningrad Russians, whom she imagined "begging and pleading like Palestinian children. We are obliged to help our brothers of the same blood, for they are in need."

The affection for Palestinians notwithstanding, the Russian patriots' distaste for Jews is rivaled by their horror of the Islamic peoples who populate the republics south of Russia. The Russians talk about their fertile neighbors as both a Yellow Peril and a White Man's Burden.

Other Russians, including many who are deeply devoted to Russian culture, find the incessant preoccupation with Jews and Muslims embarrassing or frightening.

"We cannot live in peace until we ourselves stop raising these artificial barriers," said Sergei Zalygin, the avuncular editor in chief of the country's leading literary monthly, Novy Mir (New World). Zalygin is close friends with many of the Russian nationalist writers, but he has refused to open his magazine to what he considers destructive polemics, and he does his best to avoid the nationalist quarrel.

What the Russian Nationalists want is to resume the history broken off in 1917.

Most of them do not advocate restoration of the monarchy, though they would probably agree with Rasputin that if revolution had not intervened Russia would have evolved into a constitutional monarchy, and would be better off today. (Many, like Rasputin, also believe that the last Czar, Nicholas II, and his family should be canonized as saints in the Russian-Orthodox Church.)

But if a return to monarchy is impractical neither do the nationalists have much use for Western-style democracy. They want order, stability, an end to permissiveness. Gorbachev, Rasputin says, is a capable man, but "he's completely confused. He doesn't know what move to make in order to lead the country out of this dead end." He paused, and a smile flickered across his lips. "A dead end which he brought us to in the first place."

Perhaps if Gorbachev had introduced freedom gradually, Rasputin says . . . "Instead, he threw everything at the people all at once. Just like when the czar used to throw money at the crowds during the carnival. The people would scramble, and there would be a lot of victims. The same thing happened here with perestroika."

"We need more use of troops to stabilize the situation, and thereafter stricter laws on public morality," he says. "We need to forbid the propaganda of repugnant things." Sex in the movies, rock-and-roll on television, ridicule of authority, pointless consumerism—these are the poisons of Western thinking.

Gorbachev has won over some of the Russian patriots by allowing them greater license to speak and publish and by loosening official controls on the church. But on the whole they believe Gorbachev and those around him are leading Russia into an imitation of the bourgeois West, egged on by new Russophobes and Westernizers.

"The light at the end of their tunnel is capitalism," declares Sergei Vasilyev, the deputy from Tyumen.

Russian nationalists are against free markets, wealthy entrepreneurs and free trade zones that they believe will make Russia a colony of multinational corporations. They are against "the video-player culture."

"Material values are of secondary significance," says Rasputin. "We should have what we need, we should be well fed, we should not feel the lack of essential goods. But to bathe in luxury leads to nothing. . . . Russia should not live in poverty, but in moderation. It's difficult to restore spiritual values now, Russia being as poor as it is. But we need moderation. Wealth leads to the decrease of spiritual values."

During the last year, the Russian nationalists have tried to convert their wounded feelings into a political strength, so far with little success. The few candidates who ran openly Russian nationalist campaigns in elections last March, such as the novelist Yuri Bondarev in Volgograd, were soundly defeated. (Rasputin did not face the voters, but was elected to one of the seats reserved for the Writers' Union.)

In October, Vasilyev managed to assemble 51 Russian deputies in Tyumen to discuss a legislative program aimed at the special problems of Russia: promoting the language and culture, establishing a separate Russian Academy of Sciences and state television, committee, demanding a greater share of the national budget for Russia. Only 28 of those who came signed the document, not a formidable force in a congress of 2,250 members.

The fact remains, however, that the Russian nationalists offer a potent ideology to a people who long for something to believe in. They also appeal to that darker side of human nature, the yearning for someone to blame.

But Russia itself is too sprawling and diverse to be easily united, as conquerors have discovered over the centuries.

Moreover, the ascetic message of the Russian nationalists has not caught on with a materialistic younger generation, which, unlike its parents, does not remember a time when things were worse. Some young people have drifted to the Orthodox Church, others wear the black T-shirts of Pamyat. One of Leningrad's biggest young television heart-throbs, Aleksandr Nevzorov, anchor of the sensational nightly news digest "600 Seconds," sports a Russian flag on the lapel of his leather jacket and tells interviewers he reveres the monarchy. But this is all dwarfed by the fascination with the West. The new icons of the Russian young are Heineken beer cans and flip-top cigarette boxes.

The nationalists are also handicapped by their inexperience at politics, especially at the new, quasi-democratic politics Gorbachev has allowed.

"The Russian people could put forward marshals and thinkers," said Rasputin, "but they were least of all capable of putting forward politicians. This is probably related to the delayed development of democracy in Russia." Rasputin and Vasilyev, both members of the People's Congress, said they felt ill at ease in a forum they find too Western.

"I'm a deputy, I take part in the Congress, but it's foreign to me," Rasputin confessed. "These people are foreign to me. It's not my business to deal with legal matters, laws, which laws are going to work, which aren't. . . . I'm afraid there's a lot I don't understand, and which I never will understand, because for me, the most important law is the law on decency and justice. Like it used to be among the people according to God's law or not, just or injust."

During the past year, Russian patriots have begun cultivating support in three important constituencies.

One is the military. Several prominent nationalist leaders have ties to the military and are given favorable attention in military publications. Nationalist groups have increasingly included in their declarations a call for strengthening the military and police.

"The ring of American bases around our country has not weakened," warned the 28 deputies who gathered in Tyumen. They expressed "serious concern over the attempts to discredit the army, and the decline of superpower patriotism among our youth."

The campaign has not yet produced any conspicuous results, perhaps, says Vasilyev, because the military has been subservient to the Communist Party since Stalin liquidated the officer corps in the 1930's.

"The army could be a guarantor of stability," the young deputy said wistfully, as we drank tea in his Tyumen apartment. "But the young officers are demoralized by bad living conditions, and the old officers are afraid."

A more promising target is the working class. There have been efforts to merge Russian nationalism with a kind of blue-collar populism, a combustible combination if anybody finds the right spark. Russians are disproportionately represented among the machinists and truck drivers of Soviet society, and many are frightened that Mr. Gorbachev's program will leave them behind.

"Someone wants us to be Americans, or maybe Japanese," said a machinist at a Leningrad tractor factory last summer, explaining why he was sometimes drawn to Pamyat rallies at Rumyantsev Garden. "But we are Russians, and we must look out for each other."

Russian nationalism is evident in a new alliance of blue-collar groups, the United Workers' Fronts, which held its founding congress last September in the Ural Mountains industrial center of Sverdlovsk. This group joined with an array of nationalist clubs to form a United Council of Russia, which has attempted to find common ground among Russian nationalists, disgruntled blue-collar workers and party functionaries.

"They are too Marxist for our taste," said Aleksandr Turik of the Irkutsk patriotic group Fidelity. "But they actively oppose our opponents. We have serious differences with them, but we all understand that we are involved in the same business."

The third target of nationalist interest, and the most astonishing, is the Communist Party. This would be, perhaps, the ultimate marriage of convenience. The party apparatchiks, endangered by democracy, are desperately searching for an ideology that might win them a popular base, and some

kind of national Communism might be the ticket.

In November, the Leningrad Party leader sponsored a rally of bused-in party workers where speaker after speaker railed against "millionaires" and Westerners, an orgy of populism with Russian nationalist overtones. In December, a plenum of Communist leaders in Moscow voted to start a separate party bureau of the Russian republic, a concession to nationalists. The Russian patriots in turn are looking for an institution that will give form to their faith. If the Communist Party drops its ban on religious believers and its "internationalist" slogans—both entirely possible—many Russian nationalists would feel at home.

"The party should be reborn on a patriotic, national basis," said Turik.

"I don't feel any love for the party," said Rasputin, a non-Communist. "I understand perfectly well the harm it did to the people and to the country. . . . But I think that in the present conditions, when everything is shifting, and when there's a rebellion against the past going on everywhere, when people completely disregard the past: I think we have no other way out than to reconcile ourselves with this party and to let it restore a certain stability.

"It seems to me," Rasputin went on, "that the situation in our country is so dangerous now that if we change the party, or even if we permit more than one party, it will only lead to greater danger. We need unification, even if it's based on this party. And then we'll be able to move on."

Vasilyev, a party member, agrees. Only 28, he has been a career functionary in the Communist Youth League, and he thinks the Russian patriots can pick up useful organizational skills.

"It is easier to reform the party than to replace it," he said.

When Alla Latynina, literary critic for the Literary Gazette, hears that kind of talk, it sends a chill up her spine.

She is one of a growing number of Russian intellectuals who are trying to find a liberal alternative to the Russian patriotic movement. They agree that the Revolution interrupted Russia's progress toward civilization, but disagree about where to resume that history. They are searching for a centrist position, combining the political and economic experience of Western civilization with what is humane in the Russian tradition.

"We have a different history, and different roots," Latynina said during a conversation in her living room, which is decorated with her husband's collection of Russian folk toys. "Despite all my affection for the Western world, I understand that we will never become France. In order to do that, 200 years of parliamentary work are needed. And we haven't done that. But I think we can become a state, a society with liberal economic models, a society where we can breathe freely and where our freedom is not denied."

The West, and the radical Westernizers here, tend to think of Russia's past as exclusively one of tyranny and seridom. It is true that Russia never developed a property-owning middle class, the institutions of parliamentary democracy or a well-established rule of law. But as S. Frederick Starr, president of Oberlin College and an insightful observer of Soviet affairs, has pointed out Russia does have a fragile, liberal countertradition dating back to the early 18th century, when Peter the Great exposed young Russians to Western ideas.

"When The Moscow News in 1799 conducted a poll to determine the most significant figures of the waning century," Starr wrote in The New Republic, "George Washington and the American Founders headed the list."

Before the Communists seized power, the land reform of 1906 had given land to peasants, and the czars had encouraged a flourishing private industry and foreign trade. Russia at the beginning of this century, Starr points out, was beginning down a path that Western democracies had followed earlier, toward political and economic pluralism and the rule of law. The strength of these impulses is evident in the brutal force that both Lenin and Stalin used to suppress them. And even after that suppression, the yearning for Western civilization and markets lived on here in underground publications and the shadow economy.

Today, magazines like Novy Mir are conducting an intensive search for a more humane Russian tradition, reviving the work of pre-Revolutionary philosophers like Nikolai Berdyaev, who argued for a synthesis of Western and Slavic values, and recounting the experience of Russian capitalism at the turn of the century.

"Maybe the slogan 'Workers of the World, Unite' seemed romantic at the beginning of the workers' movement," said Latynina, "but I feel closer to those of our historic figures who never got caught up in this romantic notion of creating the kingdom of labor, but who saw that all that would end in disgrace. They knew this experiment would not be successful, they knew that one can't build a society on hatred and on unleashed elemental passions."

Latynina's nightmare is that an opportunistic clique within the Communist Party, seeking new elemental passions to exploit will seize on Russian nationalism—giving form to the raw emotion. As it becomes clear that Western-style democracy and markets will not instantly raise Russia from its economic slough, demagogues will find a wider audience.

An outsider who has watched the birth pangs of democracy here can only hope Latynina is wrong. But given how late the West recognized the political strength of the National Socialists in 1930's Germany or the Islamic Fundamentalists in 1970's Iran, it would be foolish to write off the Russian nationalists.●

REGARDING SECRETARY SULLIVAN'S PROPOSAL TO REFORM OUR FOOD NUTRITIONAL LABELING SYSTEM

● Mr. CHAFEE. Mr. President, on Wednesday, Secretary of Health and Human Services Sullivan revealed a comprehensive new initiative by the Food and Drug Administration to reform our food labeling system—if what we now have can be called a system. Food labeling reform is an issue in which I have long been active, and I am delighted with his action.

It certainly is timely. Today, we are bombarded left and right with fantastic claims about the miraculous properties of foods. Cholesterol-free, low calorie, lite, high fiber, natural—these terms are used so often that no consumer knows what they mean, or if they have anything to do with good nutrition.

Why does this happen? It is because the rules of the nutrition information game just are not clear. Anyone trying to maintain a healthy diet is lost in a sea of uninformative or downright misleading labeling. It is a shame, because good health depends on good nutrition, and today people are ready to learn more about eating right.

Last July, I joined with Senator METZENBAUM in introducing S. 1425, the Nutrition Labeling and Education Act of 1989. This legislation would make nutrition labeling mandatory, not voluntary. It would improve labeling by making labels easier to read and understand, and also by requiring disclosure of a food's amount of cholesterol, fiber, and fats. Furthermore, the measure would provide for clear, definite standards for the terms—like "lite" and "natural"—used in claims made about foods.

Secretary Sullivan yesterday proposed to do just that, and I applaud his actions. I intend to work closely with him and with my colleagues in the Senate to develop a comprehensive new system.

After all, you are what you eat.●

WORLD CONSUMER RIGHTS DAY

● Mr. LIEBERMAN. Mr. President, next Thursday, March 15, 1990, is World Consumer Rights Day, sponsored by the International Organization of Consumer Unions. I want to take this opportunity to recognize the importance of the consumer movement in a free society like ours and the critical role that govenment must play in protecting consumers.

Today, 170 consumer organizations from over 60 countries belong to the International Organization of Consumer Unions. And, as freedom and democracy spread throughout the globe, the world consumer movement is expanding significantly. In November, 13 consumer organizations from 6 Eastern European countries held a conference near Warsaw. They issued a "Warsaw declaration" stating that government must play an important role in ensuring a safe environment and protecting consumer rights. They obviously recognize what we sometimes take for granted—that few governmental functions are more important than helping protect the average person's environmental and consumer rights.

World Consumer Rights Day commemorates President Kennedy's message to Congress on March 15, 1962, which outlined a "consumer bill of rights" that he felt the Federal Government was bound to protect. It is worth reminding ourselves of these rights, which include: "the right to safety," to be protected against hazardous goods; "the right to be in-

formed," so that consumer decisions are not influenced by fraudulent or misleading advertising or labeling or other deceptive practices; "the right to choose"—from a variety of competitive products and services; and "the right to be heard," to assure that government policy will always take into consideration consumer interests.

These rights are as relevant and important today as they were 28 years ago. For example, to protect the consumer's right to choose, President Kennedy advocated strengthening laws promoting competition and prohibiting monopoly. In the last decade, however, we have witnessed the dedication of too much of our corporate resources to merger mania, often at the expense of competition and long-term productive investment—a deeply disturbing trend that stemmed in part from the Federal Government's abdication of antitrust enforcement.

President Kennedy also sought to protect the consumer's right to be informed, by strengthening regulatory authority over food and drugs and calling for truth in packaging. Today, food packages are littered with blaring health claims, many of them bogus; clear, understandable nutrition and health information is still not consistently available. As Secretary Sullivan recently noted, our supermarkets today are a virtual Tower of Babel. We have long needed the FDA to establish strict, clear guidelines on food labeling, and the FTC to fulfill its counterpart role by establishing comparable guidelines on advertising claims.

The time has come to rededicate ourselves to the consumer's right to safety as well. The Consumer Product Safety Commission should be helping to protect consumers from hazardous products that can maime or kill. But the truth is, a combination of ideological attacks, legislative restrictions, and gross underfunding has left the agency handcuffed and virtually powerless. Congress has failed even to reauthorize the CPSC since 1981. We can help consumers this year by passing a strong reauthorization bill for CPSC and providing the agency with reasonable funding to enable it to do its job effectively.

The underlying premise of President Kennedy's consumer rights message was that consumer interest is a vital component of the national interest. As he put it:

> Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. . . Fortunate as we are, we nevertheless cannot afford waste in consumption any more than we can afford inefficiency in business or Government. If consumers are offered inferior products, if prices are exorbitant, if drugs are unsafe or worthless, if the consumer is unable to choose on an informed basis, then his dollar is wasted, his health is threatened, and the national interest suffers.

As we enter the 1990's, it would do us well to recall that message.●

REAUTHORIZATION OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

● Mr. BOSCHWITZ. Mr. President, I am pleased to be an original cosponsor of Senator RUDMAN's legislation to reauthorize the Office of Information and Regulatory Affairs [OIRA] through fiscal year 1993. OIRA was created by the Paperwork Reduction Act [PRA] to review the paperwork burdens of proposed agency regulations. The legislation being introduced today also authorizes $6 million to carry out the provisions of the PRA.

The purpose of the Paperwork Reduction Act is to assure that the Government gets the information it needs while protecting the public from unreasonable or unnecessary paperwork. OIRA maintains an inventory of Federal paperwork and allots a paperwork allowance to each department or agency annually. Any new Government form must be approved by OIRA and is assigned a control number by the Office of Management and Budget. The small business community strongly credits PRA and OIRA for reduced Government paperwork.

During the first session of this Congress, there was a request before the Subcommittee on Treasury, Postal Service, and General Government of the House Appropriations Committee to give no funds to OIRA unless the Office was reauthorized. Because of that, the Government Contracting and Paperwork Reduction Subcommittee of the Senate Small Business Committee held a hearing on the implementation of the Paperwork Reduction Act on September 7, 1989.

Witnesses representing many segments of the small business community emphasized the need for vigorous enforcement of the act to contain Government's insatiable appetite for information and regulations. They furnished numerous recent examples of how OIRA had successfully used the PRA to protect the small business community from unnecessary and unreasonable paperwork burdens proposed by various departments and agencies.

Following the hearing, 12 members of the Senate Small Business Committee, including myself, wrote to the chairman and ranking member of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government. We requested that funding for OIRA be continued regardless of reauthorization. Fortunately OIRA was funded, but now it must also be reauthorized.

As ranking minority member of the Small Business Committee, I am very concerned about the burden Federal paperwork can have on the small business community. I am pleased to be an original cosponsor of this legislation and I thank my colleague from New Hampshire, Senator RUDMAN, for introducing it.●

PRAISE FOR A DEDICATED NURSE

● Mr. LIEBERMAN. Mr. President, a recent article in St. Raphael's Better Health magazine has drawn my attention to the outstanding contributions of Mildred "Molly" Levine, R.N., to the field of nursing and to the community at large. Mrs. Levine is the oldest of a group of eight employees at St. Regis Health Care Center, a geriatric care facility in Connecticut, who are 65 years of age or older.

At 76 years of age, Mildred Levine is still putting in a full day of work every day at St. Regis. The energy and dedication that she brings to her work are greatly admired by her younger coworkers. Even in an occupation as demanding as nursing, Mrs. Levine has never lost her enthusiasm for her job. When most people her age have long since retired, Mildred Levine continues to devote her time to the important tasks of geriatric care.

This extraordinary dedication comes from Mrs. Levine's strong work ethic. She believes that every member of the community must do their share, and she thrives on feeling she is needed. Certainly her patients at the St. Regis Health Center will attest to the fact that she is needed there. Mrs. Levine gets a great deal of satisfaction from knowing that she is making a positive contribution to the lives of others.

Mildred Levine's senior coworkers at St. Regis are: Muriel P. Brown, R.N.; Linda Giorgi, a recreation therapist; Nancy Mikosky, a nurse's aide; Leanna Moore, also a nurse's aide; George Redding, housekeeping supervisor; Ann Ryan, R.N., and Eileen Sweeney, senior housekeeper. I would like to take this opportunity to commend Mildred Levine and her coworkers for their continued service to the community. I admire their dedication and their healthy attitudes about life and work. Hopefully they will serve as an example to all of us.●

WISCONSIN STATE LEGISLATURE'S COMMEMORATION OF ARMENIAN GENOCIDE

● Mr. KOHL. Mr. President, today I would like to commend the Wisconsin State Legislature for an action that it took on February 27 of this year. On that date, the assembly and the Senate unanimously passed a resolution proclaiming April 24, 1990, to be a day of remembrance of the 75th anni-

versary of the Armenian genocide of 1915-23.

I am proud that my State has taken the initiative to recognize this tragedy and remember the victims of the Ottoman Empire's cruel campaign. Yet, at the same time, I am disappointed that Wisconsin's commemoration will not be part of a national memorial to the Armenians who died during this era. Only a few days before the Wisconsin Legislature made its decision, the U.S. Senate declined to invoke cloture on debate for a similar resolution, effectively killing its consideration.

The Armenian people suffered brutal persecution at the hands of the Ottoman Turks, and it is unacceptable that we cannot recognize this fact as a nation. I do not want to take up the Senate's time by repeating all of my reasons for supporting this resolution. But I do want to reiterate that I recognize the concerns of the current Turkish Government, and I would never have supported any measure that pointed a guilty finger at the Republic of Turkey. Both the resolution that we considered in this body and the one passed in Wisconsin clearly refer to the Ottoman Empire, and that is why I support both resolutions.

Mr. President, it is unfortunate that the U.S. Senate refused to recognize the crime of genocide perpetrated between 1915 and 1923. But I am pleased to inform Congress, the Armenian community and the rest of the country that Wisconsin has not forgotten this event. In my State, April 24, 1990, will be a day of remembrance for Armenian people. I hope that the commemoration of this event will help to ensure that no people ever suffer in this manner again.●

A LIFETIME OF FACES

● Mr. LEAHY. Mr. President, as a young attorney starting out in Vermont I always appreciated both the cordiality and sufferance of Vermont town clerks who must be among the most patient citizens in our land.

Many of our town clerks keep rather irregular hours. Their office is their home, and they are used to hunters, fishermen and youngsters in love showing up on their doorsteps from dawn to dusk seeking licenses to hunt, fish or begin the march to the altar.

Lawyers searching deeds might get stuck on the back roads during snow or mud season—and understanding clerks would keep the lights on and the vault open for them to search deeds for real estate closings.

It is indeed, a tradition that still exists today, and the town clerk is still the center of all municipal activity in many Vermont communities.

When a town clerk retires, the entire community is affected. One example happened recently close in my grandmother's home town when Bernadette "Bernie" Ferris retired at the age of 72 after 34 years of service.

The folks in Moretown say it is going to be quite an adjustment on the community's part to get along without Bernadette.

Not enough is written about town clerks, but an article about Bernadette, written by Julie K. Hall that appeared in the Times Argus of Barre-Montpelier on March 6, town meeting tay, is a wonderful tribute to both the profession and to "Bernie," as she is known to all her many friends.

I ask that it be printed in the RECORD so that Members of the Senate can read about this very special person who is loved and respected by the community she served.

The articles follows:

[From the Times Argus, Barre-Montpelier, VT., March 6, 1990]

A LIFETIME OF FACES—FOR 34 YEARS, BERNADETTE FERRIS HAS GIVEN MORETOWN MORE THAN A TOWN CLERK

(By Julie K. Hall)

MORETOWN—As Moretown Town Clerk Bernadette "Bernie" Ferris, 72, assumed her seat today to take her last set of notes at Town Meeting, she saw a lot more than the usual faces in the crowd.

In addition to the typical debates over deteriorating roads and increasing taxes, she will see the past 34 years of her own life flash by in a blur of memories.

Sure, the faces filling the rustic Town Hall are familiar. She knows them personally—has had lunch with them, gone to church with them, helped them in crisis, penalized them for zoning violations and written most of their birth and marriage certificates.

Over the years Ferris has become a comstant in a changing community. Since taking over the job from Florence Ward in 1956, she has answered questions that ranged from the mundane to the absurd, handed out countless permit applications and granted hundreds of hunting and fishing licenses.

Many times, callers couldn't wait for normal office hours and insisted on paying taxes, seeking a marriage license or, particularly during deer season, applying for hunting licenses at Ferris' home, which is conveniently located about two houses away from the town clerk's office.

As the pink rises in her cheeks, Ferris admits, "a good many of them have seen me in my bathrobe at home."

But she hasn't minded. No, she said with a warm smile, that feeling of community is one of the things that she will miss most when she steps down from the position today.

"We have become friends. I've known when families were going through sickness, death and hard times. I've seen the families dwindle from war. And I've known when there were births. And they knew the same about my family. we have always helped each other. That's part of the job I've loved. That's what makes us a community here."

She readily admits that her job has gotten a lot busier since she walked into the position in 1956.

Those days she brought her three-year old daughter and miniature poodle with her to work in the afternoons.

But over the years, the job has increased from part-time to full-time and she has been burdened with the additional title of town treasurer, a job that requires tedious tallying of town revenues and expenditures. She has seen the addition of a Planning Commission, Board of Adjustment, and lots more regulations and paperwork.

She receives more calls at home, spends more time figuring out new, "fancy" office equipment, shuffling paper and trying to answer legal questions. And lately she has learned that "truthfully, anybody who isn't geared up for change had better change themselves."

In an interview Monday, Ferris said she still looks out into the audience on Town Meeting Day and expects to see faces that were institutions in the town—those who created an uproar at the meeting; those who she worked with, and those whose death certificates she has had to sign.

The usually chipper woman grew somber for a moment to remember Florence Ward, the former town clerk who trained Ferris.

Ward, Ferris remembers, was as "forthright as she could be at town meeting. She had something to say about everything and was never afraid to speak her mind at town meeting. But people listened."

Ferris also said she usually looks out into the audience and expects to see former moderator Fred Howes. She remembers the year residents decided not to re-elect him and "he walked out of the meeting and didn't ever come back. I felt so bad for him I got choked up and couldn't say a thing."

Ferris, may not be the oldest town clerk in Vermont, and she may not be the oldest resident in Moretown, but villagers agree that she has become something of an institution over the years.

Folks in the Moretown General Store, the hub of the town, said it will probably be hard to adjust to a new face in the office after all these years.

And on Sunday, young and old residents joined state dignitaries in an open house to show their gratitude for her years of service.

While she made last preparations for town meeting on Monday, she received a steady stream of well-wishers that spilled into the office, bringing her flowers, cards, cake, and wishing her a happy retirement.

And she said that when she walks out of town meeting today, no matter who is elected to fill her position. "I won't need to worry about anything because the new town clerk will learn just like I had to learn. Anyways, I'll be right down the road if she needs me."●

REMEMBERING THE HOSTAGES IN LEBANON

● Mr. PELL. Mr. President, next Friday, while the Senate is out of session, another milestone will occur in a sad chapter of our Nation's history. March 16 will mark the fifth anniversary of the kidnaping of journalist Terry Anderson in Lebanon. This will be a day of deep sorrow for the friends and family of Mr. Anderson and the other United States hostages in Lebanon.

Last year, when the Nation marked a day of remembrance for the hostages in Lebanon, I remarked that the woeful lack of progress on the issue was evidenced by the taking of yet anothter hostage, Lt. Col. William Hig-

gins. Colonel Higgins was kidnaped while fulfilling his duties with the United Nations peacekeeping force in Lebanon. In a blatant display of the depths to which humanity can sink, Colonel Higgins was brutally hanged by his captors.

Colonel Higgins' death serves as a painful reminder of how little we have achieved during the past year. It also serves notice that we cannot afford to let yet another year pass by without resolving the hostage situation.

At the present time, eight Americans are being held against their will in Lebanon, including Mr. Anderson, Thomas Sutherland, Jesser Turner, Joseph Cicippio, Alann Steen, Edward Tracy, Robert Polhill, and Frank Reed. These brave men continue to languish in captivity, despite the best efforts of the international community to free them. The time for their release is long overdue, and I urge the President and his administration to continue to make the matter of the hostages a priority in U.S. foreign policy.

Perhaps now, after years of dashed hopes and futility, there is cause for optimism. Notwithstanding the cruel hoax that was reported in today's papers about the hostage situation, recent reports in both the Western and Iranian press indicate that a breakthrough could be possible during the foreseeable future. Although such reports have surfaced in the past, we cannot but hope that there is substance at their foundation.

Mr. President, it is incumbent upon us to keep the issue of the hostages at the forefront of our Nation's consciousness. We must preserve the memory of the dignity and courage of Colonel Higgins, and we must recognize the heroism of Terry Anderson and the remaining hostages. But we also must never forget that as each day passes by, their captors refuse them the basic human right of freedom. It is our responsibility to secure them that right, and it is our shame that it has been denied for so long.●

PROTECTING LAW ENFORCEMENT OFFICERS AND THE COMMUNITY

● Mr. BREAUX. Mr. President, law enforcement plays an important role in the security and prosperity of our communities. In serving its citizens, these men and women take great pride in protecting the public. A strong relationship between a police force and the community it serves enables a sharing of law enforcement responsibilities.

Today, we recognize the citizens of Shreveport, LA, the surrounding area, and the Agurs Business Association for donating funds to their police department, the Caddo Parish Sheriff's Department, and Troop G of the Louisiana State Police.

These funds are being used to purchase bullet proof vests for the many officers who place their lives on the line every day to protect local citizens' lives, property, and businesses.

The 519 businesses and individuals that have participated in this effort provide an excellent example of how important local support is to the success of law enforcement's effectiveness. By providing $97,500 for this project, police officers are better protected and, as a result, can maintain protection and safety for residents.

I commend and compliment elected officials, law enforcement officers, the Agurs Business Association, and the local media for contributing to the success of this project. By opening a dialog, they have begun to fill a serious community need. They have acted to protect law enforcement agents and the community. They merit high praise and recognition. Their program serves as a model for others.

Every encouragement is extended to them to continue their exemplary service and to continue communicating openly, for the community's benefit.●

NONINDIGENOUS AQUATIC NUISANCE ACT OF 1990

● Mr. GLENN. Mr. President, on March 7, 1990, I introduced S. 2244, a bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, and other nonindigenous aquatic nuisance species. I ask that the full text of this bill be printed at this point in the RECORD.

The text of S. 2244 is as follows:

S. 2244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonindigenous Aquatic Nuisance Act of 1990".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "ballast water" means any water taken aboard to be used for ballasting purposes (to manipulate the trim and stability of a vessel);

(2) "nonindigenous species" means any species that is not native to an ecosystem, including any such organism transferred from one country into another;

(3) "high seas" means waters outside of the exclusive economic zone of any nation;

(4) "environmentally sound" methods or techniques means methods or techniques that have a minimal impact on the natural ecology of an ecosystem, including integrated pest management techniques with an emphasis on nonchemical measures; and

(5) "aquatic nuisance" means a nonindigenous species which threatens the biodiversity, environmental stability, or the economic or recreational development of an infested water resource.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the transport of untreated water between ports in the ballast tanks of ships results in unintentional introductions of nonindigenous species to fresh, brackish, and saltwater environments;

(2) when environmental conditions are favorable, nonindigenous species become established, successfully reproduce, and may disrupt the ecology and industry of an area;

(3) several nonindigenous species which could be transported into the waters of the United States in ballast tanks are known to be actual or potential threats to saltwater or freshwater ecosystems;

(4) the zebra mussel (Dreissena polymorpha) was unintentionally introduced into the Great Lakes in Lake St. Clair through ballast water exchange, and the species became established and rapidly spread downstream throughout Lake Erie and into Lake Ontario;

(5) if left uncontrolled, through downstream transportation of larvae and unintentional transport via boats and water transfers among drainage basins, the zebra mussel is expected to infest over two-thirds of the continental United States;

(6) the zebra mussel colonizes water inlet pipes (which causes reduced water flow), boat hulls (which causes increased drag), and other hard surfaces;

(7) the potential disruption of aquatic ecosystems by the zebra mussel, including adverse effects on biodiversity of lakes and reductions in fish populations (including sport and commercial fisheries, and other fish populations), could be severe;

(8) a coordinated research, control, and education effort is needed to attenuate the spread of the zebra mussel and other aquatic nuisance species throughout the United States;

(9) specifically, research is needed to explore environmentally sound approaches to control such nuisance species; and

(10) research is also needed on the basic biology of aquatic nuisance species, particularly the zebra mussel, and the environmental impacts of such aquatic nuisance species, including impacts on biodiversity.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to prevent unintentional introduction of nonindigenous species into waters of the United States through ballast water management and other requirements;

(2) to coordinate research, control activities, and information regarding aquatic nuisance species, and reduce the burden of these tasks from already overburdened State and local agencies;

(3) to contain the spread of the zebra mussel and other aquatic nuisance species in the waters of the United States through educational programs geared to early identification and control methods;

(4) to establish aquatic nuisance species research programs to develop environmentally sound control methods, monitor distribution, study the basic biology of such species, and investigate potential human health impacts of such species, as well as potential environmental and economic impacts;

(5) to minimize economic and ecological impacts of nonindigenous aquatic nuisance species if any such species become established (as has the zebra mussel); and

(6) to declare the zebra mussel an injurious species and to provide for further declarations of injurious species status as needed to prevent the intentional transport of aquatic nuisance species (other than for permitted research purposes).

TITLE I—UNITED STATES COAST GUARD REGULATIONS

SEC. 101. REGULATIONS TO PREVENT UNINTENTIONAL INTRODUCTION OF NONINDIGENOUS SPECIES INTO AND WITHIN THE WATERS OF THE UNITED STATES.

(a) IN GENERAL.—(1) The Secretary of the department under which the Coast Guard is operating (hereafter in this Act referred to as the "Secretary"), acting through the Commandant of the United States Coast Guard, and in consultation with—

(A) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(B) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service;

(C) the Administrator of the Environmental Protection Agency; and

(D) the heads of other relevant departments or agencies (as determined by the Secretary);

shall, not later than 6 months after the date of the enactment of this Act, promulgate such regulations as may be necessary for the prevention and control of the transportation into the waters of the United States of viable biological materials in the ballast waters of ships.

(2) Except as provided in subsections (b) and (c), the regulations promulgated under this subsection shall—

(A) require a vessel to carry out a high sea exchange of ballast water prior to releasing ballast water into any of the waters of the United States; and

(B) allow for the use of alternative ballast water management methods in lieu of the method described in subsection (A) as such alternative methods are developed and recommended by the Secretary pursuant to paragraph (5) of subsection (d).

(b) REGULATIONS TO PREVENT UNINTENTIONAL TRANSFERS.—The Secretary, in consultation with the officials described in subparagraphs (A) through (D) of subsection (a)(1), shall promulgate such regulations as the Secretary determines to be necessary to prevent the unintentional transfer or introduction of nonindigenous species by ships operating exclusively within the territorial waters of the United States or contiguous coastal waters of North America (as defined by the Secretary). A ship described in this subsection shall not be subject to high seas ballast water exchange requirement described in subsection (a)(2).

(c) EXEMPTION FOR SHIPS THAT TREAT WATER.—A ship that is subject to requirements that prescribe the treatment of ballast water for the removal of chemical contaminants shall not be subject to the high seas ballast water exchange requirement described in subsection (a)(2).

(d) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated under subsections (a) and (b) shall—

(1) ensure the right of any captain of a ship to protect the safety of his ship and the crew and passengers of such ship;

(2) apply to all foreign flag ships and United States flag ships; and

(3) for the purpose of reflecting the principle that the ballast water from one ship is sufficient for the introduction and establishment of an aquatic nuisance species, include an enforcement mechanism such as—

(A) mandatory return to deep sea ballast exchange areas;

(B) fines; and

(C) application of other environmentally sound ballast water treatment methods;

(4) provide for random sampling procedures to monitor compliance and for sampling for the biological content of ballast water (in cooperation with the appropriate officials of the United States Fish and Wildlife Service); and

(5) be revised as more methods are developed and recommended by the Secretary (in consultation with the officials described in subparagraphs (A) through (D) of subsection (a)(1)), on the basis of the findings of the report required under section 207 of the Coast Guard Authorization Act of 1989, or on the basis of other reports that the Secretary determines to be appropriate.

(e) CIVIL PENALTY.—The Secretary of Transportation is authorized to assess a civil penalty in an amount not to exceed $25,000 against the owner or operator, or both, of any ship in violation of regulations promulgated pursuant to this Act. All civil penalties assessed pursuant to this Act shall be available, as provided by appropriation Acts, to endow research on the control of nonindigenous species.

TITLE II—ZEBRA MUSSEL AND AQUATIC NUISANCE SPECIES RESEARCH, CONTROL, AND EDUCATIONAL PROGRAM

SEC. 201. COORDINATION OF RESEARCH.

(a) NATIONAL COOPERATIVE ACTION GROUP.—(1) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (hereinafter referred to as the "National Cooperative Action Group"), shall jointly take such action as may be necessary to coordinate national research, control, and educational efforts associated with the infestation of the zebra mussel and other aquatic nuisance species in the waters of the United States.

(2)(A) The National Cooperative Action Group is authorized to establish such regional commissions as the National Cooperative Active Group determines to be necessary to assist in carrying out the purposes of this Act.

(B) A regional commission described in subparagraph (A) shall be—

(i) established along the boundaries of one or more adjacent, similarly infested (with aquatic nuisance species) water resource region, as defined in the United States Geological Survey 1982 map of surface water and related land resource development in the United States and Puerto Rico; and

(ii) composed of not more than 15 members appointed by the National Cooperative Action Group as follows:

(I) 1 regional representative of the Department of the Interior;

(II) 1 regional representative of the Department of Commerce;

(III) 1 regional representative from the Environmental Protection Agency;

(IV) 1 representative from the raw water users industry (as defined by the National Cooperative Action Group), or an association of such raw water users industry;

(V) 1 representative from the recreational and sport fishing industry (as defined by the National Cooperative Action Group);

(VI) not more than 8 representatives of State governments and the governments of political subdivisions of States; and

(VII) not more than 2 representatives of regional organizations or authorities selected by the National Cooperative Action Group.

(3) The National Cooperative Action Group shall coordinate the regional commissions established under this section and facilitate the transfer of information among such regional commissions.

(4) Upon the request of the chairman of any regional commission, and after consultation with the National Cooperative Action Group, the head of any Federal department or agency is authorized to detail to such regional commission any of the personnel of such department or agency to assist the regional commission in the performance of the functions of such regional commission under this Act.

(5) The Secretary of the Interior and the Secretary of Commerce may provide to each regional commission such administrative and technical support services as the Secretary of the Interior and the Secretary of Commerce determine to be necessary for the effective functioning of such regional commissions.

(6) The Administrator of General Services is authorized to furnish each regional commission under this Act with such offices, equipment, supplies, and services as the Administrator is authorized to furnish to any other agency or instrumentality of the United States.

(7) The National Cooperative Action Group shall provide timely advice to the Secretary of State concerning aquatic nuisance species that infest water resources shared with other countries.

(b) ROLE OF REGIONAL COMMISSIONS.—Regional commissions established pursuant to this section shall—

(1) identify regional priorities with respect to aquatic nuisance species;

(2) make recommendations to the National Cooperative Action Group concerning aquatic nuisance species;

(3) coordinate programs established to carry out the purposes of the Act; and

(4) issue, on at least an annual basis, a report on regional research and education concerning aquatic nuisance species to the National Cooperative Action Group on regional research and education.

(c) ADMINISTRATIVE PROVISIONS RELATING TO REGIONAL COMMISSIONS.—(1) Members of a regional commission established pursuant to this section shall serve at the pleasure of the National Cooperative Action Group.

(2) Members of a regional commission shall receive no additional pay, allowances, or benefits by reason of service to the regional commission. Members who are not full-time Federal employees may be allowed travel expenses and per diem, in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service under subchapter I of chapter 57 of title 5, United States Code, to the extent funds are available for such expenses.

(3) A majority of the members of a regional commission shall constitute a quorum, but one or more members designated by the regional commission may hold hearings.

(4) Members of a regional commission shall select a chairman from among the members of the regional commission.

(5) Each regional commission shall meet in the geographical area of the regional commission at the call of the chairman of the regional commission or upon the request of a majority of the members of the regional commission.

(6) Each regional commission may establish committees or work groups of technical representatives of members of the regional commission to advise the regional commission on specific matters relating to the functions of the commission authorized under this Act.

(7) Each regional commission may nominate, and assign duties to, a coordinator and such other full-time and part-time employ-

ees as the National Cooperative Action Group determines to be necessary for the performance of the functions of the regional commission.

(d) EFFECT OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided by this Act, each regional commission shall operate pursuant to the Federal Advisory Committee Act (5 U.S.C. App).

(e)(1) REGIONAL COMMISSION FOR THE GREAT LAKES.—Not later than 30 days after the date of the enactment of this Act, the National Cooperative Action Group shall establish a regional commission for the Great Lakes region described in paragraph (2).

(2) For the purposes of this subsection, the Great Lakes Region shall encompass the following regions (as designated in the United States Geological Survey 1982 map of surface water and related land resource development in the United States and Puerto Rico):

(A) Great Lakes Region 4;

(B) Ohio Region 5; and

(C) Upper Mississippi Region 7.

(3) The National Cooperative Action Group shall request that the Great Lakes Fishery Commission (established under the Great Lakes Fishery Act of 1956)—

(A) designate a representative to serve on the regional commission described in this subsection;

(B) advise, coordinate, and provide secretarial services on matters related to Great Lakes fisheries, related environmental concerns, and interactions with the Government of Canada; and

(C) provide technical services for any technical committee established by the National Cooperative Action Group to address matters described in subparagraph (B).

(4) The National Cooperative Action Group shall request that the Great Lakes Commission (established under article IV of the Great Lakes Basin Compact to which the Congress granted consent in the Act entitled "Granting the consent of the Congress to a Great Lakes Basin Compact, and for other purposes", approved July 24, 1968)—

(A) designate a representative to serve on the regional commission described in this subsection;

(B) advise, coordinate, and provide secretarial services on matters related to the economic impacts of the zebra mussel on the geographic area of the Great Lakes region (including impacts on industry), and interactions with the Government of Canada; and

(C) provide technical services for any technical committee established by the National Cooperative Action Group to address matters related to the economic impacts of the zebra mussel on the geographic area of the Great Lakes region (including impacts on industry).

SEC. 202. LEAD AGENCIES.

(a) ROLE OF THE SECRETARY OF COMMERCE.—As part of the regional effort to address aquatic nuisance species infestations in the United States, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (who shall consult the head of the National Sea Grant College Program) shall, in response to the recommendations of the regional commissions established under section 201, serve as the head of the lead agency in connection with programs to—

(1) carry out administrative activities related to the regional commissions;

(2) investigate the basic biology of aquatic nuisance species;

(3) research, propose, and evaluate aquatic nuisance species control methods (with an emphasis on environmentally sound methods of control for industrial, commercial, and recreational users of infested waters);

(4) provide timely advice to the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, and the chairmen of the regional commissions established under section 201, concerning aquatic nuisance species control methods proposed or in use;

(5) develop and implement educational programs through Sea Grant Marine Advisory Services, and any other available resources that the Secretary of Commerce determines to be appropriate to inform the general public, State governments, governments of political subdivisions of States, and industrial and recreational users of aquatic resources in connection with matters concerning the identification of aquatic nuisance species, and control methods for such species, including the prevention of the further distribution of such species;

(6) notify State governments and the governments of political subdivisions of States, private raw water users (as defined by the Secretary of Commerce), and other interested or affected entities that the Secretary of Commerce determines to be appropriate, of projected rates and directions of spread of the zebra mussel and other aquatic nuisance species in a manner that will facilitate timely planning to avoid, prevent, or compensate for likely impacts of such aquatic nuisance species;

(7) investigate methods for minimizing the economic impacts of the zebra mussel and other aquatic nuisance species on public, commercial, and private waters;

(8) assist in efforts in the public and private sector to control economic impacts of the zebra mussel and other aquatic nuisance species; and

(9) maintain a current list of control methods in use within the region served by such regional commission and make the list available upon request.

(b) ROLE OF SECRETARY OF THE INTERIOR.—As part of the regional effort to address aquatic nuisance species infestations in the United States, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall, in response to the recommendations of the regional commissions established under section 201, serve as the head of the lead agency in connection with programs to—

(1) investigate the basic biology of the zebra mussel and other nonindigenous species;

(2) research, and evaluate aquatic nuisance species control methods to protect biodiversity and the fisheries of infested waters (with emphasis on environmentally sound methods) and make recommendations concerning such methods;

(3) establish a program with the assistance of the United States Coast Guard for the random sampling of ballast tanks;

(4) monitor the distribution and spread of the zebra mussel and other aquatic nuisance species, generate projections on the rate and direction of spread of such infestations, and, with the assistance of personnel of Sea Grant Marine Advisory Services, notify regions where infestations are pending for the purposes of advanced planning;

(5) monitor the effects on human health of the zebra mussel and other aquatic nuisance species;

(6) research and monitor effects of the zebra mussel and other aquatic nuisance species on biodiversity of the infested regions; and

(7) advise the Administrator of the Environmental Protection Agency, the Administrator of National Oceanic and Atmospheric Administration, and the chairmen of the regional commissions concerning current aquatic nuisance species control methods proposed or in use.

(c) MEMORANDA OF AGREEMENT CONCERNING LEAD AGENCY STATUS.—To maximize use of existing facilities, lead agency status within the boundaries of a given regional commission designation may be altered or shared by a mutual agreement between the departments or agencies described in subsections (a) and (b) through a memorandum of agreement filed not later than 60 days after the formation of the regional commission that is the subject of the memorandum of agreement. Such memorandum of agreement shall specify the activities for which the signatories to the agreement shall be responsible, and shall contain such provisions as are necessary to ensure the coordinated implementation of such activity. In the absence of a memorandum of agreement, lead agency status shall be determined pursuant to subsections (a) and (b).

(d) In regions for which inland waters (except for the Great Lakes) comprise the majority of the affected waterways (as in water resource regions 10, 11, 13, 14, 15, and 16 of the United States Geological Survey 1982 map of surface water and related land resource development in the United States and Puerto Rico) the United States Fish and Wildlife Service shall cooperate with Federal departments and agencies that implement other related programs in effect on the date of the enactment of this Act to fulfill all lead agency roles (as described in subsections (a) and (b)).

SEC. 203. RESEARCH RESTRICTIONS.

(a) LOCATION OF RESEARCH ACTIVITIES.—The research activities authorized under this Act concerning an aquatic nuisance species shall be carried out only within drainage basins infested with such aquatic nuisance species.

(b) ALLOCATION OF FUNDING.—To the extent possible, funds for research authorized under this Act shall be allocated to existing facilities within the areas infested by the aquatic nuisance species subject to study.

(c) RESEARCH PRIORITIES.—In funding research related to the basic biology of aquatic nuisance species, priority shall be given to research to advance the development of applied techniques of aquatic nuisance species prevention and control, and the funding of such research efforts should be carried out as soon as is possible.

SEC. 204. INTERACTIONS WITH FOREIGN COUNTRIES.

(a) The Secretary of State, in consultation with the National Cooperative Action Group and the Secretary, shall, to the extent allowable by law, initiate negotiations with the governments of foreign countries concerning the planning and implementation of prevention, research, education, and control programs related to aquatic nuisance species infesting shared water resources.

(b) In the case of the Great Lakes, the activities of the National Cooperative Action Group, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the regional

commission for the Great Lakes established under section 201(e) of this Act, shall conform with the goals of the Boundary Waters Treaty of 1909 and the Great Lakes Water Quality Agreement as amended in 1987 and such agencies shall cooperate with the Great Lakes Fishery Commission in all matters affecting Great Lakes fisheries.

SEC. 205. REPORTS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Cooperative Action Group shall submit a report to the appropriate committees of the Congress that—

(1) summarizes reports of the regional commissions established under this Act and includes a summary of the progress of the regional commissions in meeting the goals established for such commissions under this Act; and

(2) makes recommendations concerning prevention and control of aquatic nuisance species that the Cooperative Action Group determines to be appropriate.

SEC. 206. INJURIOUS SPECIES.

In accordance with section 42 of title 18, United States Code, the Secretary of the Interior shall declare the zebra mussel (Dreissena polymorpha) an injurious species.

SEC. 207. SEA GRANT SERVICES AND GRANTS TO UNIVERSITIES.

(a) GRANTS FOR UNIVERSITY RESEARCH.—The appropriate lead agency, as determined under this Act, shall allocate funds authorized under this Act for competitive university research grants to be administered through the Sea Grant College program to study aquatic nuisance species.

(b) EDUCATION AND ASSISTANCE SERVICES.—In addition to the education and assistance services described under this Act provided by Sea Grant Marine Advisory Services, the appropriate Sea Grant College Program is authorized conduct education and assistance services related to the prevention and control of aquatic nuisance species.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1991, 1992, 1993, 1994, and 1995, in addition to any other amounts that may be authorized—

(1) $850,000 to fund research at the Great Lakes Environmental Research Laboratory and other laboratories of the National Oceanic and Atmospheric Administration (of which not more than $100,000 shall be used to fund administrative services by the Great Lakes Commission);

(3) $1,650,000 to fund Sea Grant competitive university research grants described in section 207 which are conducted in the Great Lakes Region (as defined in paragraph (2) of section 201(e) of this Act);

(4) $500,000 to fund Sea Grant College Program education and extension services described in section 207 which are conducted in the Great Lakes Region;

(5) $100,000 to fund administrative services of the Great Lakes Fishery Commission;

(6) $1,000,000 to fund research authorized under this Act conducted through the United States Fish and Wildlife Service in the Great Lakes Region;

(7) $3,300,000 to fund regulatory activities of the United States Coast Guard authorized under this Act;

(8) $500,000 to fund Sea Grant Marine Advisory Service national education and extension services;

(9) $500,000 to fund nationwide monitoring activities by the United States Fish and Wildlife Service; and

(10) such other sums as may be necessary to carry out the purposes of this Act.●

NATIONAL ENERGY CONSERVATION POLICY ACT AMENDMENTS

● Mr. JOHNSTON. Mr. President, I ask that my colleague, Senator LIEBERMAN, and the distinguished ranking member of the Committee on Energy and Natural Resources, Senator MCCLURE, be added as cosponsors to S. 2191, a bill to amend part 3, title V, of the National Energy Conservation Policy Act [NECPA].

I introduced this measure last week in order to provide the Committee on Energy and Natural Resources with an opportunity to consider several proposals regarding the Federal Government's Energy Management Program. These proposals had been raised in the context of the Clean Air Act. I expressed my concern, in last week's introductory remarks, that these proposals should be considered and developed in the context of NECPA, and by the committee which has jurisdiction over energy policy.

I appreciate Senator LIEBERMAN's support for S. 2191, and his cooperation in this approach. It was he who originally initiated this effort to update the Federal Energy Management Program and I understand his reluctance to pass up the pending Clean Air Act Amendments as a vehicle for their consideration.

I would like to assure the Senator that we will give speedy consideration to this measure in the committee, and that I support the goals of this legislation.

I share his concern for improving the Federal Government's performance in managing its energy consumption, and I look forward to working with him in developing these proposals.

Mr. LIEBERMAN. I thank the Senator, and appreciate his reassurance and his intention to move these proposals along in the process as quickly as possible.

I believe that we have an opportunity this year to enact legislation to improve the Federal Government's Energy Management Program, including the promotion of cost-effective energy efficiency, and alternative clean energy projects. I am pleased to hear that this measure has gained additional cosponsors, and that the administration is moving promptly on developing its official views. I look forward to working with the Energy Committee and other Members interested in this important legislation.●

LOW INCOME ENERGY ASSISTANCE PROGRAM

● Mr. FOWLER. Mr. President, I am pleased to join Senator LIEBERMAN and my other Senate colleagues in support of Senate Joint Resolution 261. I want to commend the distinguished Senator from Connecticut for his leadership here.

Senate Joint Resolution 261, a joint resolution making dire appropriations for the Low Income Energy Assistance Program [LIHEAP], calls for an additional $300 million to replenish the program's nearly exhausted funds. This is an essential program which helps provide for the needs of many American families as they struggle to pay the high and escalating cost of heating their homes. I wish we could guarantee that each and every low-income, elderly, or handicapped American who needed assistance under this program would have it. We cannot. This program currently serves only about one-third of those eligible for it and, as was the case during the Reagan years, President Bush has proposed deep cuts in this program—25 percent—for fiscal year 1991. Because LIHEAP now serves only our neediest families—averaging $7,000 a year on average—Congress must act to protect this program.

The severity of this winter's cold spell has created a real dilemma for many families. It meant that they had to make choices which no family should be faced with—between eating and staying warm. I submit to my colleagues that this issue is one which challenges our Nation's conscience. With passage of this initiative, Congress can begin to take meaningful steps toward preserving and strengthening this vital program.●

EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS LICENSE

● Mr. D'AMATO. Mr. President, I rise as a cosponsor to S. 1098, a bill to provide financial assistance to raise the literacy skills of commercial drivers.

On October 18, 1986, Congress enacted the Commercial Motor Vehicle Safety Act of 1986. The goals of this act are to improve driver quality, to remove problem drivers from the highway and to establish a system that will prevent operators of commercial motor vehicles, truck or bus, from having more than one driver's license. The establishment of the commercial driver licensing information system, CDLIS, is necessary because previously commercial motor vehicle drivers could hold multiple State licenses and accumulate large numbers of violations without fear of losing their licenses.

Under this law, almost 6 million truck and bus drivers nationwide must surrender all but one license. In my own State, there are over 218,000 commercial motor vehicle drivers. By April 1992, all commercial drivers must pass both a driving skills test and a written test. Most drivers will not have any

problem passing the driving skills test since their years of experience have left them with an excellent driving record.

On the other hand, the written test presents another situation. Many of the drivers have not taken a written or oral test since high school. Many lack the literacy skills to prepare adequately. The study manual is 100 plus pages. Many need remedial literacy training in order to prepare and pass the written test. Without such training, we face the loss of experienced and valuable commercial drivers.

I believe we must encourage and promote literacy training for those commercial drives who need it. Not only is their experience valuable to our Nation's commerce but we must recognize their lifetime investment and commitment to this profession.

S. 1098, introduced by Senator HEINZ, creates an education program for commercial drivers to increase the literacy skills which are necessary to successfully complete the written test requirements under the Commercial Motor Vehicle Safety Act of 1986. I strongly support action at the Federal level to promote literacy training for those who need it.●

THE YOUNG AMERICANS ACT

● Mr. D'AMATO. Mr. President, I am pleased to support legislation introduced by Senator DODD, S. 1911, the Young Americans Act. The goal of this legislation is to coordinate Federal, State, and local programs to make them go as far as possible to assist our Nation's youth. Youth so often fall through the cracks for Federal assistance, and it is essential that we pull our forces together to make the most of the resources we have.

The numbers of homeless and runaway youth are sharply on the rise, and such individuals are constantly flirting with the dangers of living on the street. Often they are impoverished or have fled from an intolerable living situation such as being victims of physical abuse or negligence, or living with family members who are alcohol or drug abusers. Youths who do not have the benefit of a stable living evironment are often unable to maintain any sort of stability in their lives. For such young people, it is difficult to finish an education or hold a steady job. They frequently fall into the shelter system and increase their chances of being exposed to drug or alcohol abuse, physical or mental health problems, and street violence.

In any community, especially a city the size of New York City, it is difficult to provide troubled youth with adequate services. Programs designed to assist this group exist as separate entities at the Federal, State, and local levels. New York has multitudes of groups working hard at all levels to deal with such issues, but they could be so much more effective with the means to link together and coordinate their efforts to meet the service gap.

The Young Americans Act begins to address this problem in multiple ways. The first part of the bill establishes into law the Administration of Children, Youth and Families, ACYF, and makes its Commissioner directly responsible to the Secretary of the Department of Health and Human Services. This statutory base makes interagency communication mandatory while providing a Federal focal point for coordinating services for States and communities.

The legislation also authorizes two kinds of grants for State and community programs. The State grants encourage and assist State and local agencies to coordinate resources to develop and implement comprehensive, coordinated State and community services. The supportive services grants would be made to States under approved plans to demonstrate successful program approaches to fill service gaps identified through State and local area advocacy efforts.

The final portion of the bill creates a White House Conference on Young Americans to assess progress and make recommendations for further action to adequately provide for youth in need of assistance.

The bill lists a wide range of services that are necessary to address the needs of youths at risk. The Young Americans Act includes shelters for the homeless, transitional living services for those who are coming out of the shelter system and learning to live independently, healthcare, mental health services, education and job training programs, foster homes and services for the prevention of abuse and neglect.

The way the system is currently structured, the Federal, State, and local programs are each able to do a small part to improve the problem. The Young Americans Act seeks to combine the efforts of each dedicated individual to build momentum and make the combined energy go a lot farther. It is an opportunity for more research and implementation of programs rather than settling for one or the other because there are not enough resources to do both. It allows the strong Federal hand to coordinate its efforts with the local hand that more fully understands a specific community's problems. This type of teamwork will make greater strides to address the problems of our Nation's youth who need our help now.●

NAMIBIAN INDEPENDENCE DAY

● Mr. KERRY. Mr. President, the people of Namibia will realize a long-sought-after dream on March 21, 1990 when independence will be formalized and recognized by the international community.

The people of Namibia have suffered foreign domination and a long war. Yet, as we witness the startling events of recent months in Eastern Europe and most recently in Nicaragua, we should recognize the importance of Namibian independence which will be celebrated later this month.

Several years ago it would have been difficult to find experts on southern Africa who would have risked predicting that Namibia would have been able to successfully undertake an internationally supervised election under United Nations auspices. It would have been even more risky to have predicted that Namibia's two major political parties—the Southwest African People's Organization [SWAPO] and the Democratic Turnhalle Alliance [DTA]—would so expeditiously adopt a Constitution aimed at institutionalizing democratic practices and principles.

However, all of these events did occur and the Namibian people stand tall and proud as they approach their day of independence. If Namibian democracy works in practice, as well as principle, then other difficult political problems in southern Africa can be approached with an air of optimism. Namibia can stand as an example of a multiracial, democratic society that is committed to equality for all.

What the people of Namibia have accomplished in writing a bill of rights, in guaranteeing freedom of speech and of the press, separation of powers, and other democratic principles are worthy of admiration, assistance, and praise from this Congress and the people of our Nation. The people of Namibia have succeeded in a way that many thought would be impossible in the not too distant past. I salute these accomplishments and wish the people of Namibia all the best as they celebrate a new era which will dawn on March 21, 1990.●

THE FARM FLEXIBILITY ACT OF 1990

● Mr. BOSCHWITZ. Mr. President, I ask that S. 2251 be printed in the RECORD. The bill was not printed in the RECORD when I introduced it March 7, 1990.

The text of S. 2251 is as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Farm Flexibility Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

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TITLE I—WHEAT

SEC. 101. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF WHEAT.

The Agricultural Act of 1949 is amended—

(1) effective beginning with the 1991 crop of wheat, by repealing sections 107A, 107B, and 107D (7 U.S.C. 1445b, 1445b-1, and 1445b-3); and

(2) effective only for the 1991 through 1997 crops of wheat, by inserting after section 107 (7 U.S.C. 1445a) the following new section:

"SEC. 107A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF WHEAT.

"(a) LOANS.—

"(1) RECOURSE LOANS.—The Secretary shall make available to producers recourse loans for each of the 1991 through 1997 crops of wheat at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) NONRECOURSE LOANS.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of wheat at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) RELATIONSHIP BETWEEN RECOURSE AND NONRECOURSE LOANS.—

"(A) SAME QUANTITY.—The producers on a farm may not place the same quantity of wheat under both recourse and nonrecourse loans made under this subsection.

"(B) COMBINATION OF LOANS.—Subject to subparagraph (A), the producers on a farm may place a crop of wheat under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) REPAYMENT.—

"(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(b) LOAN DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1997 crops of wheat, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of wheat the producer is eligible to place under loan.

"(3) MAXIMUM QUANTITY.—For purposes of this subsection, the quantity of wheat eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of wheat in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) PAYMENT RATE.—The payment rate for a crop of wheat under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of wheat prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) TARGET PRICE.—The target price for a crop of wheat under this subsection shall be not less than $4.00 per bushel.

"(4) ESTIMATED PAYMENT RATES.—

"(A) ESTIMATE.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate

the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) ELECTION.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) NEGOTIABLE CERTIFICATES.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) REPORTING OF ACREAGE.—To be eligible to receive payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) PRODUCTION CONTROL PROGRAMS.—

"(1) IN GENERAL.—Subject to title V, the Secretary shall not require participation in any production adjustment program for wheat as a condition of eligibility for the loans or payments authorized by this section.

"(2) LAND DIVERSION PAYMENTS.—The Secretary may make land diversion payments to producers of wheat in accordance with section 426.

"(g) FAILURE TO COMPLY.—

"(1) SECRETARY.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) COMMITTEES.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

SEC. 102. NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS.

Sections 379d through 379j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379d-1379j) (relating to marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1991, through May 31, 1998.

SEC. 103. SUSPENSION OF MARKETING QUOTAS AND PRODUCER CERTIFICATE REQUIREMENTS.

Sections 331 through 339, 379b, and 379c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331 through 1339, 1379b, and 1379c) shall not be applicable to the 1991 through 1997 crops of wheat.

SEC. 104. SUSPENSION OF CERTAIN QUOTA PROVISIONS.

The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340) shall not be applicable to the crops of wheat planted for harvest in the calendar years 1991 through 1997.

SEC. 105. NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1997 CROPS OF WHEAT.

Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1991 through 1997 crops of wheat.

TITLE II—FEED GRAINS

SEC. 201. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF FEED GRAINS.

The Agricultural Act of 1949 is amended—

(1) effective beginning with the 1991 crop of feed grains, by repealing sections 105A, 105B, and 105C (7 U.S.C. 1444c, 1444d, and 1444e); and

(2) effective only for the 1991 through 1997 crops of feed grains, by inserting after section 105 (7 U.S.C. 1444b) the following new section:

"SEC. 105A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF FEED GRAINS.

"(a) LOANS.—

"(1) RECOURSE LOANS.—The Secretary shall make available to producers recourse loans for each of the 1991 through 1997 crops of corn at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) NONRECOURSE LOANS.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of corn at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) RELATIONSHIP BETWEEN RECOURSE AND NONRECOURSE LOANS.—

"(A) SAME QUANTITY.—The producers on a farm may not place the same quantity of feed grains under both recourse and nonrecourse loans made under this subsection.

"(B) COMBINATION OF LOANS.—Subject to subparagraph (A), the producers on a farm may place a crop of feed grains under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) REPAYMENT.—

"(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(5) OTHER FEED GRAINS.—The Secretary shall make available to producers loans for each of the 1991 through 1997 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn and other factors specified in section 401(b).

"(b) LOAN DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1997 crops of corn, grain sorghums, barley, oats, and rye, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of the feed grains the producer is eligible to place under loan.

"(3) MAXIMUM QUANTITY.—For purposes of this subsection, the quantity of feed grains eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley, in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2) or (4), as appropriate; by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) PAYMENT RATE FOR CORN.—The payment rate for a crop of corn under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of corn prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (5)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (5)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) TARGET PRICE FOR CORN.—The target price for a crop of corn under this subsection shall be not less than $2.75 per bushel.

"(4) PAYMENT RATE FOR OTHER FEED GRAINS.—The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines is fair and reasonable in relation to the rate at which payments are made available for corn.

"(5) ESTIMATED PAYMENT RATES.—

"(A) ESTIMATE.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) ELECTION.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under this subsection.

"(d) NEGOTIABLE CERTIFICATES.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) REPORTING OF ACREAGE.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) PRODUCTION CONTROL PROGRAMS.—

"(1) IN GENERAL.—Subject to title V, the Secretary shall not require participation in any production adjustment program for feed grains as a condition of eligibility for the loans or payments authorized by this section.

"(2) LAND DIVERSION PAYMENTS.—The Secretary may make land diversion payments to producers of feed grains in accordance with section 426.

"(g) FAILURE TO COMPLY.—

"(1) SECRETARY.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) COMMITTEES.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

SEC. 202. NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1997 CROPS OF FEED GRAINS.

Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1991 through 1997 crops of feed grains.

TITLE III—COTTON

Subtitle A—Upland Cotton

SEC. 301. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF UPLAND COTTON.

Effective only for the 1991 through 1997 crops of upland cotton, section 103A of the Agricultural Act of 1949 (7 U.S.C. 1444-1) is amended to read as follows:

"SEC. 103A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF UPLAND COTTON.

"(a) LOANS.—

"(1) RECOURSE LOANS.—The Secretary shall, on presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days, make available for each of the 1991 through 1997 crops of upland cotton to producers recourse loans for a term of 9 months from the first day of the month in which the loan is made at such level, per pound, as will reflect for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States at a level that (subject to paragraph (5)) is not less than—

"(A) the smaller of—

"(i) not less than 75 percent, nor more than 85 percent, of the average price (weighted by market and month) of the quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 of the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan level is announced, of the 5 lowest-priced growths of the growths quoted for Middling one and three-thirty-seconds inch cotton C.I.F. northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between the average northern European price quotation of the quality of cotton and the market quotations in the designated United States spot markets for Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9)); or

"(B) 95 percent of the level determined for the preceding crop.

"(2) NONRECOURSE LOANS.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of upland cotton at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) RELATIONSHIP BETWEEN RECOURSE AND NONRECOURSE LOANS.—

"(A) SAME QUANTITY.—The producers on a farm may not place the same quantity of upland cotton under both recourse and nonrecourse loans made under this subsection.

"(B) COMBINATION OF LOANS.—Subject to subparagraph (A), the producers on a farm may place a crop of upland cotton under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) REPAYMENT.—

"(A) IN GENERAL.—The Secretary shall permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—The Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(5) ADJUSTMENT.—If for any crop the average northern European price determined under paragraph (1)(A)(ii) is less than the average United States spot market price determined under paragraph (1)(A)(i), the Secretary may increase the loan level to such level as the Secretary may consider appropriate, not in excess of the average United States spot market price determined under paragraph (1)(A)(i).

"(6) ANNOUNCEMENT.—The loan level for any crop of upland cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which the loan is to be effective. The level shall not thereafter be changed.

"(7) ADDITIONAL TERM.—If authorized by the Secretary, loans provided for in this subsection may, on request of the producer during the 9th month of the loan period for the cotton, be made available for an additional term of 8 months.

"(b) LOAN DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1997 crops of upland cotton, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of upland cotton the producer is eligible to place under loan.

"(3) MAXIMUM QUANTITY.—For purposes of this subsection, the quantity of upland cotton eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of upland cotton in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) PAYMENT RATE.—The payment rate for a crop of upland cotton under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of upland cotton prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) TARGET PRICE.—The target price for a crop of upland cotton under this subsection shall be not less than $0.729 per pound.

"(4) ESTIMATED PAYMENT RATES.—

"(A) ESTIMATE.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) ELECTION.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) NEGOTIABLE CERTIFICATES.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) REPORTING OF ACREAGE.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) PRODUCTION CONTROL PROGRAMS.—

"(1) IN GENERAL.—Subject to title V, the Secretary shall not require participation in any production adjustment program for upland cotton as a condition of eligibility for the loans or payments authorized by this section.

"(2) LAND DIVERSION PAYMENTS.—The Secretary may make land diversion payments to producers of upland cotton in accordance with section 426.

"(g) FAILURE TO COMPLY.—

"(1) SECRETARY.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) COMMITTEES.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(m) SPECIAL LIMITED GLOBAL IMPORT QUOTA.—

"(1) IN GENERAL.—Whenever the Secretary determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

"(A) GENERAL QUANTITY.—The quantity of the special quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

"(B) SUCCESSOR QUOTA.—If a special quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated as set forth in subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

"(C) DEFINITIONS.—As used in subparagraph (B):

"(i) SUPPLY.—The term 'supply' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

"(I) the carryover of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus

"(II) production of the current crop; plus

"(III) imports to the latest date available during the marketing year.

"(ii) DEMAND.—The term 'demand' means—

"(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus

"(II) the larger of—

"(aa) average exports of upland cotton during the preceding 6 marketing years; or

"(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.

"(D) ENTRY OF COTTON.—When a special quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the effective date of the proclamation.

"(2) NO OVERLAP.—Notwithstanding paragraph (1), a special quota period may not be established that overlaps an existing quota period.".

SEC. 302. SUSPENSION OF BASE ACREAGE ALLOTMENTS, MARKETING QUOTAS, AND RELATED PROVISIONS.

Sections 342, 343, 344, 345, 346, and 347 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1342-1347) shall not be applicable to the 1991 through 1997 crops of upland cotton.

SEC. 303. MISCELLANEOUS COTTON PROVISIONS.

Sections 103 and 203 of the Agricultural Act of 1949 (7 U.S.C. 1444(a) and 1446(d) shall not be applicable to the 1991 through 1997 crops.

SEC. 304. PRELIMINARY ALLOTMENTS FOR 1998 CROP OF UPLAND COTTON.

Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland cotton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379), shall be effective as preliminary allotments for the 1998 crop.

Subtitle B—Extra Long Staple Cotton

SEC. 311. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF EXTRA LONG STAPLE COTTON.

The Agricultural Act of 1949 is amended—

(1) effective beginning with the 1991 crop of extra long staple cotton, in section 103 (7 U.S.C. 1444)—

(A) in subsection (a), by striking the subsection designation; and

(B) by striking subsections (b) through (h); and

(2) effective only for the 1991 through 1997 crops of extra long staple cotton, by inserting after section 103A (7 U.S.C. 1444-1) the following new section:

"SEC. 103B. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF EXTRA LONG STAPLE COTTON.

"(a) DEFINITION OF EXTRA LONG STAPLE COTTON.—As used in this section, the term 'extra long staple cotton' means cotton that is—

"(1) produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

"(2) ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(b) LOANS.—

"(1) RECOURSE LOANS.—The Secretary shall, on presentation of warehouse receipts reflecting storage charges of not more than 60 days, make available to producers nonrecourse loans for each of the 1991 through 1997 crops of extra long staple cotton for a term of 9 months from the first day of the month in which the loan is made at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average of prices received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) NONRECOURSE LOANS.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of extra long staple cotton at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) RELATIONSHIP BETWEEN RECOURSE AND NONRECOURSE LOANS.—

"(A) SAME QUANTITY.—The producers on a farm may not place the same quantity of extra long staple cotton under both recourse and nonrecourse loans made under this subsection.

"(B) COMBINATION OF LOANS.—Subject to subparagraph (A), the producers on a farm may place a crop of extra long staple cotton under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) ADDITIONAL TERM.—If authorized by the Secretary, loans provided for in this subsection may, on request of the producer during the 9th month of the loan period for the cotton, be made available for an additional term of 8 months.

"(5) ANNOUNCEMENT.—The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than December 1 of the calendar year preceding the marketing year for which the loan is to be effective and the level shall not thereafter be changed.

"(c) DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of extra long staple cotton in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) PAYMENT RATE.—The payment rate for a crop of extra long staple cotton under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of extra long staple cotton prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) TARGET PRICE.—The target price for a crop of extra long staple cotton under this subsection shall be not less than $0.981 per pound.

"(4) ESTIMATED PAYMENT RATES.—

"(A) ESTIMATE.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) ELECTION.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) NEGOTIABLE CERTIFICATES.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) REPORTING OF ACREAGE.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) PRODUCTION CONTROL PROGRAMS.—

"(1) IN GENERAL.—Subject to title V, the Secretary shall not require participation in any production adjustment program for extra long staple cotton as a condition of eligibility for the loans or payments authorized by this section.

"(2) LAND DIVERSION PAYMENTS.—The Secretary may make land diversion payments to producers of extra long staple cotton in accordance with section 426.

"(g) FAILURE TO COMPLY.—

"(1) SECRETARY.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) COMMITTEES.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(m) RECOURSE LOANS.—In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to the producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

"(n) REFERENCES IN OTHER SECTIONS.—

"(1) LOAN LEVEL.—References made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans for extra long staple cotton under this section.

"(2) LOAN OPERATIONS.—References to the terms 'price support', 'price support operations' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this section.

"(o) FUTURE APPLICATION.—Notwithstanding any other provision of law, this section shall not be applicable to the 1998 and subsequent crops of extra long staple cotton.".

TITLE IV—RICE

SEC. 401. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF RICE.

Effective only for the 1991 through 1997 crops of rice, section 101A of the Agricultural Act of 1949 (7 U.S.C. 1444-1) is amended to read as follows:

"SEC. 101A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF RICE.

"(a) LOANS.—

"(1) RECOURSE.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of rice at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average price received by producers of rice, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) NONRECOURSE LOANS.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of rice at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) RELATIONSHIP BETWEEN RECOURSE AND NONRECOURSE LOANS.—

"(A) SAME QUANTITY.—The producers on a farm may not place the same quantity of rice under both recourse and nonrecourse loans made under this subsection.

"(B) COMBINATION OF LOANS.—Subject to subparagraph (A), the producers on a farm may place a crop of rice under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) REPAYMENT.—

"(A) IN GENERAL.—The Secretary shall permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—The Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(b) LOAN DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1997 crops of rice, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of rice the producer is eligible to place under loan.

"(3) MAXIMUM QUANTITY.—For purposes of this subsection, the quantity of rice eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of rice in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) PAYMENT RATE.—The payment rate for a crop of rice under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of rice prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) TARGET PRICE.—The target price for a crop of rice under this subsection shall be not less than $10.71 per hundredweight.

"(4) ESTIMATED PAYMENT RATES.—

"(A) ESTIMATE.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) ELECTION.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) NEGOTIABLE CERTIFICATES.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) REPORTING OF ACREAGE.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) PRODUCTION CONTROL PROGRAMS.—

"(1) IN GENERAL.—Subject to title V, the Secretary shall not require participation in any production adjustment program for rice as a condition of eligibility for the loans or payments authorized by this section.

"(2) LAND DIVERSION PAYMENTS.—The Secretary may make land diversion payments to producers of rice in accordance with section 426.

"(g) FAILURE TO COMPLY.—

"(1) SECRETARY.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) COMMITTEES.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

TITLE V—OILSEEDS

SEC. 501. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 OILSEED CROPS.

Effective only for the 1991 through 1997 crops of soybeans, sunflower seeds, flax, safflower, and rapeseed, title II of Agricultural Act of 1949 is amended—

(1) in section 201 (7 U.S.C. 1446)—

(A) in the matter preceding subsection (a), by inserting after "tung nuts," the following: "soybeans, sunflower seeds, flax, safflower, rapeseed,"; and

(B) by striking subsections (i) and (l); and

(2) by adding at the end the following new section:

"SEC. 204. LOAN AND PAYMENTS FOR THE 1991 THROUGH 1997 OILSEED CROPS.

"(a) SOYBEAN PRICE SUPPORT.—

"(1) IN GENERAL.—The Secretary shall support the price of soybeans through loans in each of the 1991 through 1997 marketing years at a level equal to not less than 75 percent, nor more than 85 percent, of the simple average price received by producers for soybeans in the preceding 5 marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period, except that the level of price support may not be reduced by more than 5 percent in any year.

"(2) REPAYMENT.—

"(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under this subsection for a crop at a level that is the lesser of—

"(i) the loan level determined for the crop; or

"(ii) the prevailing world market price for the crop, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(3) ANNOUNCEMENTS.—

"(A) PRELIMINARY ANNOUNCEMENT.—The Secretary shall make a preliminary announcement of the level of price support for soybeans for a marketing year not earlier than 30 days before the beginning of the

marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) FINAL ANNOUNCEMENT.—The Secretary shall make a final announcement of the level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. The final level of support may not be announced later than October 1 of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(b) SUNFLOWER SEED PRICE SUPPORT.—

"(1) IN GENERAL.—The Secretary may support the price of sunflower seeds through loans and purchases for each of the 1991 through 1997 crops of sunflowers at such level as the Secretary determines will take into account the historical price relationship between sunflower seeds and soybeans, the prevailing loan level for soybeans, and the historical oil content of sunflowers seeds and soybeans.

"(2) REPAYMENT.—

"(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for the crop; or

"(ii) the prevailing world market price for sunflower seeds, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflower seeds; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflower seeds.

"(3) LOAN DEFICIENCY PAYMENTS.—

"(A) IN GENERAL.—The Secretary may, for each of the 1991 through 1997 crops of sunflowers, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining the loan or agreement in return for the payments.

"(B) COMPUTATION.—A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of sunflower seeds the producer is eligible to place under loan.

"(C) LOAN PAYMENT RATE.—For purposes of this paragraph, the loan payment rate shall not be less than the amount by which the loan level determined for the crop under paragraph (1) exceeds the level at which a loan may be repaid under this subsection.

"(4) ANNOUNCEMENTS.—

"(A) PRELIMINARY ANNOUNCEMENT.—If price support is to be provided under this subsection for a crop of sunflowers, the Secretary shall make a preliminary announcement of the level of price support for sunflower seeds for the marketing year for the crop not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) FINAL ANNOUNCEMENT.—The Secretary shall make a final announcement of the level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. The final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(c) GRADUATED OILSEED PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola) (hereinafter in this section collectively referred to as 'oilseeds') in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual oilseed base for a farm determined under paragraph (3).

"(2) PAYMENT RATE.—The payment rate for a crop of oilseeds shall be the total of—

"(A) the amount computed by multiplying—

"(i) the amount by which $5.02 exceeds the higher of—

"(I) the national weighted average market price received by producers during the marketing year for soybeans, as determined by the Secretary; or

"(II) $4.50; by

"(ii) 30 bushels per acre; and

"(B) the amount computed by multiplying—

"(i) the amount by which $4.50 exceeds the higher of—

"(I) the national weighted average market price received by producers during the marketing year for soybeans, as determined by the Secretary; or

"(II) the support price of soybeans determined under subsection (a)(1); by

"(ii) the average county yield during the 1985 through 1989 crop years, excluding the year in which the yield was the highest and the year in which the yield was the lowest.

"(3) OILSEED BASE.—The oilseed base for a farm shall be the average acreage planted to oilseeds during the 1985 through 1989 crop years.

"(d) MARKETING YEAR.—

"(1) SOYBEANS.—For purposes of this section, the soybean marketing year shall be the 12-month period beginning on September 1 and ending August 31.

"(2) SUNFLOWER SEEDS.—For purposes of this subsection, the marketing year for sunflower seeds shall be prescribed by the Secretary by regulation.

"(e) NEGOTIABLE CERTIFICATES.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(f) REPORTING OF ACREAGE.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(g) PRODUCTION CONTROL PROGRAMS.—

"(1) IN GENERAL.—Subject to title V, the Secretary shall not require participation in any production adjustment program for oilseeds as a condition of eligibility for the loans or payments authorized by this section.

"(2) LAND DIVERSION PAYMENTS.—The Secretary may make land diversion payments to producers of oilseeds in accordance with section 426.

"(h) FAILURE TO COMPLY.—

"(1) SECRETARY.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) COMMITTEES.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(i) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(j) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(k) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(l) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(m) TENANTS AND SHARECROPPERS.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

TITLE VI—GENERAL COMMODITY PROVISIONS

Subtitle A—Farm Acreage Bases and Nonprogram Crops

SEC. 601. FARM ACREAGE BASES AND NONPROGRAM CROPS.

Effective beginning with the 1991 crops, title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended to read as follows:

"TITLE V—FARM ACREAGE BASES AND NONPROGRAM CROPS

"SEC. 501. DEFINITIONS.

"As used in this title:

"(1) COUNTY COMMITTEE.—The term 'county committee' means the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for the county in which the farm is administratively located.

"(2) FARM ACREAGE BASE.—The term 'farm acreage base' means the total of—

"(A) sum of the 1990 crop acreage bases of program crops of the farm; and

"(B) the oilseed base of the farm.

"(3) NONPROGRAM CROP.—The term 'nonprogram crop' means a commodity other than a program crop or any crop included in the oilseed base.

"(4) OILSEED BASE.—The term 'oilseed base' means the average of the acreage planted during each of the 1985 through 1989 crops to soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola).

"(5) PROGRAM CROPS.—The term 'program crop' means any crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice.

"SEC. 502. FARM ACREAGE BASE.

"(a) ESTABLISHMENT.—The Secretary shall provide for the establishment and maintenance of farm acreage bases for each farm.

"(b) LIMITATIONS.—Notwithstanding any other provision of law, to be eligible for loans or payments under this Act, the producers on a farm—

"(1) may plant program crops, crops included in the oilseed base on acreage that is no more than the farm acreage base; and

"(2) shall devote to conservation uses all of the farm acreage base that is not planted to program crops or crops included in the oilseed base.

"(c) COMBINATION OF PROGRAM CROPS.—The producers on a farm may plant any combination of program crops and crops included in the oilseed base, if the total acreage planted to program crops and crops included in the oilseed base does not exceed the farm acreage base.

"SEC. 503. NONPROGRAM CROPS.

"(a) IN GENERAL.—The producers on a farm may plant and harvest nonprogram crops on acreage included in the farm acreage base if the producers forfeit program payments prorated on the basis of the crop acreage bases established for the 1990 crop year and the oilseed base that comprises the farm acreage base, except as provided in subsection (b).

"(b) CONSERVING CROPS.—The producers on a farm may plant conserving crops on the farm acreage base of the farm without forfeiting program payments if the crops are not harvested.

"SEC. 504. FAILURE TO COMPLY.

"(a) SECRETARY.—If the failure of the producer on a farm to comply fully with the term and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to seriousness of the failure.

"(b) COMMITTEES.—The Secretary may authorize the county committees to waive or modify deadlines and other program requirements in cases in which lateness of failure to meet the other requirements does not affect the operation of the program.

"SEC. 505. PLANTING AND PRODUCTION HISTORY OF FARMS.

"Each county committee, in accordance with regulations prescribed by the Secretary, may require any producer who seeks to establish a farm acreage base for a farm to provide planting and production history of the farm for each of the 5 crop years immediately preceding the 1990 crop year.

"SEC. 506. ESTABLISHMENT OF BASES BY COUNTY COMMITTEES.

"Each county committee may, in accordance with regulations prescribed by the Secretary, provide for the establishment of a farm acreage base with respect to any farm administratively located within the county if the farm acreage base cannot otherwise be established under this title. The bases shall be established in a fair and equitable manner, except that no such bases shall be established for a farm if the producer on the farm is subject to sanctions under any provision of Federal law for cultivating highly erodible land or converted wetland.

"SEC. 507. APPEALS.

"The Secretary shall establish an administrative appeal procedure that provides for an administrative review of determinations made with respect to farm acreage bases.".

Subtitle B—Land Diversion Payments

SEC. 611. LAND DIVERSION PAYMENTS.

Title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 426. LAND DIVERSION PAYMENTS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, effective only for the 1991 through 1997 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, the Secretary may make land diversion payments to producers if the Secretary determines that the land diversion payments will not undermine United States agricultural competitiveness or lead to lower world market shares for affected commodities.

"(b) CONSERVATION.—

"(1) IN GENERAL.—The land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with the producers.

"(2) CONSERVATION RESERVE.—For the purpose of paragraph (1), land placed in the conservation reserve program established under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) shall be considered devoted to approved conservation uses.

"(c) CONTRACT OFFERS.—The amounts payable to producers under land diversion contracts may be determined through the submission of bids for the contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the potential benefits to soil and water conservation and wildlife.

"(d) CONTRACT LENGTH.—The term of a land diversion contract entered into under this section may be from 1 to 5 crop years.

"(e) LIMITATIONS.—Notwithstanding any other provision of law, the Secretary shall limit the total acreage to be diverted under contracts entered into under this section and the conservation reserve program established under subtitle D of title XII of the Food Security Act of 1985—

"(1) in any county or local community so as not to affect adversely the economy of the county or local community; and

"(2) to not more than 50,000,000 acres.".

Subtitle C—Miscellaneous Commodity Provisions

SEC. 621. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in paragraph (1)—

(A) by striking "1987 through 1990 crops" and inserting "1991 through 1997 crops";

(B) by inserting after "section)" the following: ", graduated oilseed payments,"; and

(C) by striking "and rice" and inserting "rice, soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola)";

(2) in paragraph (2)(A)—

(A) by striking "1987 through 1990 crops" and inserting "1991 through 1997 crops";

(B) by inserting after "honey," the following: "soybeans, sunflower seeds, flax, safflower, rapeseed (including canola),"; and

(C) by striking "clause (iii)(II)" and inserting "clause (iii)"; and

(3) in paragraph (2)(B), by striking clauses (iii) through (vi) and inserting the following new clauses:

"(iii) any gain realized by a producer from repaying a loan for a crop of a commodity at a lower level than the original loan level established under the Agricultural Act of 1949;

"(iv) any deficiency payment received for a crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice under the Agricultural Act of 1949 as the result of the national weighted average market price received by producers during the marketing year for such crop being exceeded by the recourse loan rate for such crop; and

"(v) any loan deficiency payment received for a crop of wheat, feed grains, upland cotton, or rice under the Agricultural Act of 1949.".

(b) FOREIGN PERSONS.—Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3(a)) is amended by striking "1989 and 1990 crops" and inserting "1991 through 1997 crops".

SEC. 622. ADVANCE DEFICIENCY AND DIVERSION PAYMENTS.

(a) IN GENERAL.—Section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following new paragraph:

"(1) If the Secretary determines that deficiency payments will likely be made for any of the 1991 through 1997 crops of wheat, feed grains, upland cotton, extra long staple cotton, or rice under this Act, the Secretary shall make advance deficiency payments available to producers for each of the crops.";

(2) in subsection (a)(2)(F), by striking clause (iii) and inserting the following new clause:

"(iii) not less than 40 percent, nor more than 50 percent, of the projected payment rate,";

(3) in subsection (a)(2)(J), by striking "acreage limitations or set-aside program" and inserting "annual program"; and

(4) in subsection (b)—

(A) by striking "1986 through 1990" and inserting "1991 through 1997"; and

(B) by striking "such payments" and inserting "the annual payments".

(b) CONFORMING AMENDMENT.—Section 1002 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1446) is amended by striking "Effective only for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, section" and inserting "Section".

SEC. 623. COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.

Effective beginning with the marketing year for the 1991 crop, section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended to read as follows:

"SEC. 407. COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.

"(a) IN GENERAL.—The Commodity Credit Corporation may sell any farm commodity owned or controlled by the Corporation at any price not prohibited by this section.

"(b) INVENTORIES.—In determining sales policies for basic agricultural commodities or storable nonbasic commodities, the Corporation should give consideration to the establishment of such policies with respect to prices, terms, and conditions as the Corporation determines will not discourage or deter manufacturers, processors, and dealers from acquiring and carrying normal inventories of the commodity of the current crop.

"(c) SALES PRICE RESTRICTIONS.—The Corporation may not sell any of its stocks of commodities acquired through price support activities at less than—

"(1) 115 percent of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate; or

"(2) if the Secretary permits the repayment of loans made for a crop of a commodity at a rate that is less than the loan level determined for the crop, 115 percent of the average loan repayment rate that is determined for the crop during the period of the loans.".

SEC. 624. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

(a) IN GENERAL.—Effective beginning with the 1991 marketing years for wheat and feed grains, section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended to read as follows:

"SEC. 110. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

"(a) IN GENERAL.—

"(1) PROGRAM.—The Secretary shall formulate and administer a program under which producers of wheat and feed grains may—

"(A) store wheat and feed grains when the commodities are in abundant supply;

"(B) extend the time period for their orderly marketing; and

"(C) provide for adequate, but not excessive, carryover stocks to ensure a reliable supply of the commodities.

"(2) DISPLACEMENT.—The Secretary shall establish safeguards to ensure that wheat and feed grains held under the program shall not be utilized in any manner to unduly depress, manipulate, or curtail the free market.

"(3) ADDITIONAL AUTHORITY.—The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operations.

"(b) TERMS AND CONDITIONS.—

"(1) IN GENERAL.—In carrying out the producer storage program, the Secretary shall provide original or extended price support loans for wheat and feed grains under terms and conditions designed to encourage producers to store wheat and feed grains for a period not to exceed 18 months in order to promote orderly marketing when wheat or feed grains are in abundant supply. Loans made under this section shall be made at such level of support as the Secretary determines appropriate.

"(2) PARTICIPATION.—The Secretary shall ensure that producers are afforded a fair and equitable opportunity to participate in each producer storage program, taking into account regional differences at the time of harvest.

"(c) RATE OF INTEREST.—The rate of interest charged participants in the program authorized by this section shall be not less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Corporation may waive or adjust the rate of interest as the Corporation determines appropriate to effectuate the purposes of this section. The Corporation may increase the applicable rate of interest in such amounts and at such intervals as the Secretary determines is appropriate to encourage the orderly marketing of wheat and feed grains securing loans made under this section.

"(d) REPAYMENT.—The Secretary may require producers to repay loans made under this section, together with accrued interest and such other charges as may be required by regulation, prior to the maturity date of the loan, if the Secretary determines that emergency conditions exist that require that the commodity be made available in the market to meet urgent domestic or international needs.

"(e) ANNOUNCEMENT.—The Secretary shall announce the terms and conditions of the producer storage program shall be announced as far in advance of making loans as practicable.

"(f) UPPER LIMITS.—The Secretary shall determine and establish upper limits on the total quantity of wheat and feed grains that may be stored under storage programs established under this section to be effective during the marketing year for such crop, as follows:

"(1) WHEAT.—The upper limit on the total quantity of wheat that may be stored under such programs shall not exceed 30 percent of the estimated total domestic and export usage of wheat during the marketing year for the crop of wheat, as determined by the Secretary.

"(2) FEED GRAINS.—The upper limit on the total quantity of feed grains that may be stored under such programs shall not exceed 15 percent of the estimated total domestic and export usage of feed grains during the marketing year for the crop, as determined by the Secretary.

"(g) PAYMENTS.—The program shall provide for the payment of storage payments to producers at rates equal to those paid by the Commodity Credit Corporation to commercial warehouses to encourage participation in the program. The Secretary may elect not to make the payments if the Secretary determines that the estimated market price for wheat or feed grains is in excess of 150 percent of the current price support rate applicable to the commodity.

"(h) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation. The Corporation may issue such regulations as are necessary to carry out this section.

"(i) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.".

(b) CONFORMING AMENDMENTS.—Section 208(c)(2) of the Agricultural Act of 1980 (7 U.S.C. 4001(c)(2)) is amended—

(1) in subparagraph (A), by striking "the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949" and inserting "the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for the commodity, as determined under title I of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.)"; and

(2) in subparagraph (B)(i), by striking "the then current level at which the Secretary may encourage repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949" and inserting "the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for the commodity, as determined under title I of the Agricultural Act of 1949".

SEC. 625. EXTENSION OF THE RESERVE.

Section 302(i) of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1(i)) is amended by striking "1990" both places it appears and inserting "1997".

SEC. 626. ADVANCE ANNOUNCEMENT OF PROGRAMS.

Section 406(b) of the Agricultural Act of 1949 (7 U.S.C. 1426(b)) is amended—

(1) by striking "1987 through 1991" each place it appears in paragraphs (1) and (2) and inserting "1992 through 1998";

(2) in paragraph (3)(B)(ii)—

(A) by striking "1991" each place it appears and inserting "1998";

(B) by striking "1990" each place it appears and inserting "1997"; and

(C) by striking "Food Security Act of 1985" and inserting "Farm Flexibility Act of 1990".

SEC. 627. DETERMINATIONS OF THE SECRETARY.

Section 1017(b) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1459) is amended by striking "1986 through 1990" and inserting "1991 through 1997".

SEC. 628. APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949.

Effective only for the 1991 through 1997 crops of wheat, feed grains, upland cotton, and rice, subsection (k) of section 408 of the Agricultural Act of 1949 (7 U.S.C. 1428(k)) is amended to read as follows:

"(k)(1) Reference made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the loan and purchase level for wheat, feed grains, upland cotton, and rice under this Act.

"(2) References made to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to loan and purchase operations for wheat, feed grains, upland cotton, and rice under this Act.".

Subtitle D—Technical and Conforming Amendments

SEC. 641. CONFORMING AMENDMENTS.

The Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) (as amended by sections 101 and 622 of this Act) is further amended by redesignating sections 107C, 107E, and 107F (7 U.S.C. 1445b-2, 1445b-4, and 1445b-5) as sections 107B, 107C, and 107D, respectively.

Subtitle E—Effective Date

SEC. 651. EFFECTIVE DATE.

Except as otherwise provided in title I through this title, such titles and the amendments made by such titles shall become effective beginning with the 1991 crop of a commodity.

TITLE VII—CONSERVATION RESERVE PROGRAM

SEC. 701. EXTENSION OF CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a), by striking "1990" and inserting "1997"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) during the 1991 through 1997, a total of not more than 45 million acres, subject to section 426(e)(2) of the Agricultural Act of 1949.".

(b) TREES.—Section 1232(c) of such Act (16 U.S.C. 3832(c)) is amended by striking "1990" and inserting "1997".

SEC. 702. INCLUSION OF ENVIRONMENTALLY SENSITIVE LAND IN CONSERVATION RESERVE.

Paragraph (2) of section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)(2)) is amended to read as follows:

"(2)(A) The Secretary shall include in the program established under this subtitle lands that are not highly erodible but that the Secretary determines pose an on-farm or off-farm environmental threat.

"(B) The Secretary may include in the program established under this subtitle lands that are not highly erodible but would, if permitted to remain in production, pose a threat of continued degradation of productivity due to soil salinity.".

SEC. 703. INCLUSION OF WETLANDS IN CONSERVATION RESERVE.

Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by adding at the end the following new paragraph:

"(3) The Secretary may include in the program established under this subtitle a field—

"(A) at least ⅓ of which is wetland or converted wetland; and

"(B) that has been annually planted, or considered to be planted, to produce an agricultural commodity (other than an orchard, vineyard, or ornamental planting) in at least 2 of the 1981 through 1985 crop years.".

SEC. 704. TREE PLANTING INCENTIVES.

(a) COUNTY CROPLAND LIMITATION.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by inserting before the period at the end "or for new hardwood tree plantings".

(b) TERM OF CONTRACT.—Section 1231(e) of such Act (16 U.S.C. 3831(e)) is amended by inserting before the period at the end the following: ", except that, in the case of land converted to the production of hardwood trees under a contract entered into under this subtitle (including a contract modified under section 1234(h)), the owner or operator of the land may, within the limitations prescribed by this section, specify the term of the contract".

(c) COST-SHARING PAYMENTS AND PERIOD OF PLANTING.—Section 1234 of such Act (16 U.S.C. 3834(b)) is amended by adding at the end the following new subsection:

"(g)(1) In the case of land converted to the production of hardwood trees under a contract entered into under this subtitle after the date of enactment of this subsection, the Secretary shall make cost-sharing payments to an owner or operator of the land for 50 percent of the reasonable and necessary costs, as determined by the Secretary, incurred by the owner or operator for maintaining new hardwood tree plantings (including the cost of replanting, cultivation, nutrient needs, and disease and insect control) during no less than the 2-year, and no more than the 4-year, period beginning on the date a tree is planted, as determined by the Secretary.

"(2) The Secretary may permit owners or operators who contract to convert at least 10 acres of land to the production of hardwood trees under this subtitle to extend the planting of the trees over a 3-year period if at least one-third of the trees are planted in each of the first 2 years.".

(d) CONVERSION OF CERTAIN ACRES.—Section 1234 of such Act (16 U.S.C. 3834(b)) (as amended by subsection (c)) is further amended by adding at the end the following new subsection:

"(h) The Secretary shall permit owners and operators who have entered into contracts in effect under this subtitle on the date of enactment of this subsection to convert areas of highly erodible cropland that are planted to grass under the contract to the planting of hardwood trees, except that the owner or operator shall not require the Secretary, through the conversion, to incur any additional expense on the acres (including the expense involved in the original establishment of the vegetative cover) that is in excess of the average per acre hardwood tree planting expense in the same or similar bid pool. With respect to any contract on land to be planted to hardwood trees under the previous sentence, if the original term of the contract was less than 15 years, the owner or operator may extend the contract to a term of no more than 15 years.".

SEC. 705. INCLUSION OF SHELTERBELTS AND WINDBREAKS IN CONSERVATION RESERVE.

(a) INCLUSION IN CRP.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

(1) in paragraph (3)(B), by striking "establishment of—" and all that follows through "permanently" and inserting "establishment of permanently"; and

(2) by adding at the end the following new paragraph:

"(4)(A) In determining the acceptability of contract offers, the Secretary shall, under terms and conditions specified by the Secretary, accept contract offers that provide for the establishment of shelterbelts and windbreaks.

"(B) The owner or operator of the land may, within the limitations prescribed under section 1231(e), specify the term of the contract.

"(C) Any land designated for use in establishing a shelterbelt or windbreak shall be eligible for participation in the program established under this subtitle regardless of the soil erosion classification of the land as determined by the Soil Conservation Service.

"(D) An owner or operator using land under this paragraph for the purposes of the program established under this subtitle shall grant an easement to the Corporation on the windbreak or shelterbelt for the useful life of the windbreak or shelterbelt. Any deed on the land shall be encumbered with the easement for the useful life of the windbreak or shelterbelt.".

(b) COST-SHARING PAYMENTS.—Section 1234(b) of such Act (16 U.S.C. 3834(c)) is amended by inserting after "conservation measures and practices" the following: "(including shelterbelts and windbreaks)".

(c) COUNTY CROPLAND LIMITATION.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by adding at the end the following new sentence: "The limitation established under the preceding sentence shall not apply to cropland that is being used for the establishment of shelterbelts and windbreaks.".

SEC. 706. CONSIDERATION OF BENEFITS TO WILDLIFE.

Section 1234(c)(3) of the Food Security Act of 1985 (16 U.S.C. 3834(c)(3)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) take into consideration the potential benefits to wildlife."

SEC. 707. STUDY OF LAND USE FOR EXPIRING CONTRACTS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study to examine means of allowing cropland subject to expiring conservation reserve contracts entered into under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) to be utilized according to its highest sustainable use. The study shall include consideration of—

(1) the renewal of the contracts in an manner that allows for certain sustainable economic uses of cropland in return for lower rental payments;

(2) the purchase of permanent easements permitting specified economic uses of cropland subject to the contracts;

(3) the purchase of the cropland subject to the contracts;

(4) the preservation of crop acreage bases associated with cropland subject to the contracts if the owner or operator continues to devote the cropland to conserving uses;

(5) the purchase of crop acreage bases associated with cropland subject to the contracts; and

(6) the expiration of the contracts.

(b) REPORT.—The Secretary shall report the results of the study (along with policy recommendations) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than December 31, 1992.●

JOSEPHINE STONE AND BARJO'S RESTAURANT

● Mr. COHEN. Mr. President, it has been said that diamonds are pieces of coal that stuck to their job. You will find few better examples of how persistence and hard work have resulted in the creation of a true gem that Josephine "Jo" Stone and her restaurant, Barjo's in Norway, ME.

"Jo" is 86 and has not missed a day of work since the restaurant opened 58 years ago. She is as well known for her generosity as for her famous raspberry and custard pies and boiled dinners. She fed one poverty-stricken woman for 35 years and has given free meals to on duty area police officers for decades.

In recognition of her perserverance and kindness, the police officers of Paris and Norway ME, arranged for Mrs. Stone to travel to Boston to watch her beloved Boston Celtics basketball team last month. It was her first trip out of Maine since 1940. Stone was named the 1989 Maine Restaurateur of the Year and will be one of nine restaurateurs in the Nation to attend the 37th annual Salut Au Restaurateur at Florida State University in Florida on March 11.

An article detailing the accomplishments of this remarkable women appeared in the Lewiston Sun Journal. I encourage all of my colleagues to visit this jewel in Norway, ME, and I ask that the article be printed in the CONGRESSIONAL RECORD.

The article follows:

AFTER A HALF-CENTURY, NORWAY RESTAURATEUR SET FOR SIGHTSEEING

(By Mary Delamater)

NORWAY.—"Josephine "Jo" Stone, 86, is going to hang up her apron next week and briefly close her landmark restaurant on Maine Street to take two excursions out of state. She has not been outside Maine since 1940, preferring instead to tend to her business, Barjo's, which her family has owned since 1932.

Stone's first trip will be to Boston Celtics basketball game in Boston. The Feb 28, trip is a gift from officers of the Norway and Paris police departments, who plan to chauffeur Stone and restaurant manager Emily Foster to the Boston Garden for the evening, with a stop for dinner along the way.

The second excursion is all the way to Florida, where Stone will be one of nine restaurateurs in the nation selected to attend the 37th annual Salut Au Restaurateur at Florida State University in Tallahassee. To get to the March 11 banquet, she'll be flying—for the first time in her life.

"Jo" admits she's apprehensive about leaving town and doesn't like being in the spotlight.

"I think it would be a good idea if someone else went," she said, but added that she accepted the university's invitation so that she could proudly repesent "a little restaurant from Maine" in a prestigious national program. The university is one of the leading food service schools in the nation.

Stone was named 1989 Maine Restaurateur of the Year and accepted the award at a banquet in Portland, a city she had not visited since World War II.

Also last year, she was named in the "Who's Who of Women Executives," a listing of America's top women leaders.

The trip to the Celtics game will offer Stone a chance to see the team she's cheered for since 1950. The 5-foot-tall former Norway High School basketball team guard will have the opportunity to see her favorite Celtic, Kevin McHale, the 6-foot-10-inch forward. Asked what she likes about him, she replied, laughing, "Oh, he's so handsome." If she were introduced to him at the game, she said, "I think I'd just faint away."

But the real reason for her admiration of McHale, she said, is his strong work ethic and unselfish style of play—character traits her admirers say she exemplifies. In the nearly 58 years she has been in business, she has closed Barjo's only once—for a two-week renovation project in 1972.

Stone begins her work day at 4 a.m. with cleaning from the front door to the back, and making her famous raspberry and custard pies, homemade soups and boiled dinners. The restaurant, which until two years ago was open seven days a week, closes daily at 9:30 p.m. on a Tuesday-through-Sunday schedule.

Stone can't remember missing a day of work since the restaurant opened 58 years ago with her sister Margaret McAllister, who still does the bookkeeping, and her brother Donald McAllister, both of Norway. She took over the operation herself in 1936, serving mostly ice cream and sandwiches in the 2½-story building constructed in 1805.

Stone has lost three husbands, and those tragedies, she said, caused her to fight for survival for her daughter and herself. Every time misfortune struck, "I would work harder and harder to overcome it," she said.

At the Florida banquet, which her daughter and son-in-law, Barbara and Henry Paradis, will attend, the businesswoman will participate in a panel discussion titled "Secrets of Their Success." Asked what she will share, Stone gave the credit to her manager and staff.

"I couldn't have been here without Emily," she said of the restaurant's manager. "There's no question about it.

"We've been blessed with Veda (Taker) and Gloria (Day)," she added, referring to two longtime waitresses.

"We've had a lot of school kids, and they've helped us as much as I've helped them," Stone explained about her kitchen help.

Over the years, Stone has been known for her generosity. She has given free meals to many customers, young and old. She fed one poverty-stricken woman meals for 35 years. And she has made it a practice for decades to feed area police officers while on duty; hence the reason for their gift to her.

"She's just a wonderful, kind woman who does so much," said Paris Police Chief Lloyd "Skip" Herrick. "She doesn't hesitate to give us her opinion" on local issues, events and the Celtics.

"We fight all the time," Stone said of her banter with officers about the basketball games.

"It's her strong character we admire," said Herrick. "If there's an opportunity to say thank you, we want to."

Herrick will be joined on the Boston trip by Paris officers Dane Tripp, Pat Donaghue and Larry Sanborn and Norway officer Alan Afflerbach. A local automobile dealer is offering the use of a van.●

IRISH-AMERICAN HERITAGE MONTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 262 regarding designation of March 1990 as "Irish-American Heritage Month."

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 262) designating March 1990 as "Irish-American Heritage Month."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. If there is no objection, the joint resolution is deemed read a third time and passed.

The preamble is agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 262

Whereas by 1776 nearly 300,000 natives of Ireland had emigrated to the United States;

Whereas, following the victory at Yorktown over the English, a French Major General reported that Congress owed its existence, and America, possibly her preservation, to the fidelity of the Irish;

Whereas at least 8 signers of the Declaration of Independence were of Irish origin;

Whereas Charles Thomson, born in Ireland, was Secretary of the Continental Congress;

Whereas Irish-born James Hoban designed the White House, the State and war offices, and assisted in the building of the United States Capitol;

Whereas on March 17th each year, St. Patrick's Day, 130 community parades honor the patron saint of Ireland;

Whereas more than 480 institutions of higher learning in the United States offer courses in Irish studies;

Whereas the Irish and Irish descendants have contributed greatly to the enrichment of all aspects of life in the United States, including military and government service, science, education, art, agriculture, business, industry, and athletics; and

Whereas, in the 1980 census, 40,700,000 individuals in the United States claimed to be of Irish descent: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1990 is designated as "Irish-American Heritage Month", and the President of the United States of America is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY POLICY AND CONSERVATION ACT EXTENSION AMENDMENT OF 1990

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 468, S. 2231, the Energy Policy and Conservation Act Extension Amendment of 1990.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2231) to amend the Energy Policy and Conservation Act to extend the authority for titles I and II.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there is no objection, the bill will be deemed read the third time and passed.

The bill (S. 2231) is as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be referred to as the "Energy Policy and Conservation Act Extension Amendment of 1990".

SEC. 2. EXTENSION OF AUTHORITY.

The Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(a) in section 104(b)(1) by striking out "April 1, 1990" and inserting in lieu thereof "August 15, 1990";

(b) in section 171, by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990"; and

(c) in section 281, by striking out the term "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY IN THE CASE OF UNITED STATES VERSUS POINDEXTER ET AL.

Mr. LEVIN. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization of testimony and ask for its immediate consideration.

The PRESIDING OFFICE. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 264) to authorize testimony in the case of United States versus Poindexter et al.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, on March 7, the Senate agreed to Senate Resolution 260 to authorize the production of documents in response to subpoenas from the defendant in the trial of John Poindexter. Additionally, the parties are seeking testimony from the former chairman of the Select Committee on Intelligence, Senator DURENBERGER, and the former vice chairman of the select committee, Senator LEAHY, and also from present and former staff of the select committee. As I indicated in my statement on Senate Resolution 260, the matters for which information is being requested relate to briefings that Mr. Poindexter gave to the Congress in November 1986 concerning the revelation that the United States had sold arms to Iran. Three of the counts on which Mr. Poindexter is standing trial include allegations that Mr. Poindexter deliberately made a false statement to the Select Committee on Intelligence in one of these briefings, held on November 21, 1986.

While testimony from all of the individuals who have been subpoenaed may not be necessary, this resolution is being offered at this time in order to ensure that the Senate has acted in a timely fashion to permit testimony that is determined to be necessary to this proceeding to be provided under the schedule determined by the court and as the trial progresses. The resolution does not authorize Senators to testify when their attendance is required at a session of the Senate or at a committee meeting. We trust that the parties will seek to avoid any duplicative testimony that would impose an unnecessary burden on the subpoenaed individuals and on the Senate and that they will act to ensure that any appearances of Senators that may prove to be necessary in this proceeding are scheduled to permit those Senators to continue to meet their responsibilities to attend to the work of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 264

Whereas, in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the Independent Counsel has requested testimony from Senator Dave Durenberger and Eric Newsom, an employee of the Senate, and the defendant has caused subpoenas for testimony to be served on Senator Durenberger, Senator Patrick J. Leahy, Mr. Newsom, Edward Levine, an employee of the Senate, and Bernard McMahon, a former employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Dave Durenberger, Senator Patrick J. Leahy, Eric Newsom, Edward Levine, and Bernard McMahon are authorized to testify in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01 (D.D.C.), except concerning matters for which a privilege should be asserted.

SEC. 2. That no Senator is authorized to testify pursuant to this resolution when his attendance at the Senate is necessary for the performance of his legislative duties.

NATIONAL ACADEMIES OF PRACTICE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 479, S. 511, regarding the National Academies of Practice.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 511) to recognize the organization known as the National Academies of Practice.

The PRESIDING OFFICER. Is there objection to the request of the Senate from Michigan?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time and passed.

The bill (S. 511), is as follows:

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The National Academies of Practice (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and other health care professions, and to improve the practices in these professions by disseminating information about new techniques and procedures.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person

during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(64) National Academies of Practice.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall terminate.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. LEVIN. Mr. President, I ask unanimous consent that committees may file reported Legislative and Executive Calendar business on Thursday, March 15, from 12 noon to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the minority leader.

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, after we finish action on the clean air bill, the Senate will take up another, perhaps equally, contentious issue—campaign finance reform.

Normally, the simple mention of these three words would send shivers down our partisan spines. Congress has a track record on this issue, and it is a record strewn with accusation, with bluster, and high-pitched partisanship.

CAMPAIGN FINANCE REFORM PANEL

Last month, Senator MITCHELL and I tried to improve this record by commissioning a six-member bipartisan panel of experts to review our current system of campaign financing, and to develop, if possible, some new approaches that could serve as the basis for breaking the partisan deadlock here in the Senate. Earlier this week, the panel formally transmitted its recommendations to me and to the majority leader.

I have called the panel's report a potential breakthrough. Some have characterized my description of the report as guarded, as cautious, but a potential breakthrough on an issue like campaign finance reform is very significant and should not be downplayed.

I am pleased that the panel has completely rejected the idea of direct public financing of congressional campaigns. I am pleased that the panel has recognized the need to strengthen and enhance the role of the political parties in Federal elections.

I am pleased that the panel recognizes the special importance of in-State contributions—contributions, in other words, from the people who elect us, the people who send us here to Congress.

And I am pleased that the panel has shifted the reform debate away from the fixation on artificial—arbitrarily determined—spending limits, and toward the real culprit in the campaign finance debate—the sources of campaign funds.

FLEXIBILE SPENDING LIMIT

There has been much discussion of the panel's proposal of a flexible spending limit. I must admit that I am intrigued by the idea, and I am considering it.

But as I have said many, many times before, an absolute—fixed—cap on campaign spending is nothing more than a prescription for incumbency protection. Incumbents already enjoy a number of tangible benefits not available to challengers—paid professional staff, the franking privilege, access to free media coverage—and they do not need yet another weapon in their arsenal against challengers.

Fortunately, the panel rejected the idea of an absolute—fixed—cap on campaign spending, and opted for a considerably more flexible approach.

THE PANEL RECOMMENDATIONS: NOT FAR ENOUGH

Let me just say that in two key areas—PAC money and soft money—the panel did not go far enough.

The panel calls for a cap on aggregate PAC contributions, and for a modest reduction in the maximum individual PAC contribution. It would also prohibit union and corporate PAC's from engaging in the practice known as bundling, and from making so-called independent expenditures.

These are all excellent recommendations, and I am proud to say that they have been part of the republican approach from the beginning. But republicans would go even further. If we are really concerned about the corrupting role of PAC money in the campaign process, then let us do it the right way. Let us cut the maximum PAC contribution from $5,000 to $1,000, or perhaps even lower: no confusing formulas, no caveats. Just a simple, significant, cut in the maximum allowable PAC contribution. I know that common cause rarely sides with us republicans—but on this issue, I believe, we share a common agenda.

SOFT MONEY

On another issue—the issue of soft money—the panel recommends full disclosure of all soft money expenditures. The panel also recommends certain restrictions on the expenditure of soft money by national and state political parties.

It goes without saying that increased public disclosure leads to increased public accountability. And increased public accountability is fundamental to the integrity of the entire electoral system. There's no dispute on that point.

But the real problem—the real sewer money—is not the money that comes from the political parties. It is the money that comes from the private interests who feel that they can get

something from us by making soft money expenditures.

So, if we are really concerned about solving the soft money problem, if we are really concerned about cleaning up the sewer, then let us do it. Let us prohibit banks, savings and loans, unions, and other businesses from making soft money expenditures. Pure and simple. an outright prohibition.

I know that my distinguished colleague, Senator DOMENICI, introduced a bill yesterday that contains this very proposal.

REPUBLICAN COMMITMENT TO REFORM

So, despite what you read on the editorial page of the New York Times and the Washington Post, Senate Republicans have always been committed to meaningful campaign finance reform. Take another look at S. 7—my bill—and S. 1727—the President's bill—and my colleagues will see that both bills contain many of the proposals recommended by the bipartisan panel.

THE NEED FOR BIPARTISANSHIP

But let us face it: If Congress is to pass comprehensive campaign finance reform legislation, it must do so on a bipartisan basis. And if the eight cloture votes on campaign finance reform legislation during the 100th Congress have taught us anything, they have taught us that partisanship just will not work when it comes to cleaning up the campaign finance mess.

So, I sincerely hope that the bipartisanship exemplified by the panel will spill over to us in Congress. It is about time to stop playing the partisan game and get down to serious bipartisan negotiations—perhaps using the framework outlined in the panel's recommendations.

I would be remiss if I did not contrast the panel's bipartisanship with the partisan proposals contained in S. 137, the bill that was reported out of the Rules Committee yesterday on a straight party-line vote. S. 137 is like a tired old dog that just will not give up—and it is a partisan dog to boot. Let me just add that there are more than enough votes on the Republican side to defeat a cloture motion on S. 137—but, again, I hope that we do not have to go down that weary road yet another time.

CONCLUSION

Mr. President, although more review is certainly needed, the bipartisan panel's recommendations can be—in fact, should be—the starting point for real, bipartisan reform.

As a result, I intend to spend the recess discussing the recommendations with my Senate Republican colleagues. I am, obviously, very interested in hearing their views. And I encourage my colleagues on the other side of the aisle to take a close look at the recommendations as well.

Hopefully, it will not be too long before we can all roll-down our sleeves and take a seat at the negotiating table and work out, in the proper spirit, campaign finance reform.

It is long overdue. The American people are ready for it, have been ready for it, think we are ready for it. We have to keep in mind we are talking, not just about incumbents, not about our own seats, but about those who may be in the Senate, 10, 20, 30, 40 years from now.

So, we have to be objective and, if we can be objective in my view we can pass a bill in a nonpartisan, bipartisan basis, rather quickly.

Mr. President, I wish to speak on another subject.

STRATEGIC DEFENSES IN THE 1990'S

Mr. DOLE. Mr. President, a few weeks ago the President visited Lawrence Livermore Laboratory in California. Among the issues he discussed there was strategic defenses. In his remarks to the employees of the lab he made a point regarding strategic defenses which merits serious consideration.

He said, "In the 1990's, strategic defense makes much more sense than ever before, in my view." Moreover, the President offered three significant reasons why this is the case: First, strategic defenses contribute to deterrence; second, strategic defenses underlie effective arms control by diminishing the advantages of cheating; and third, strategic defenses can defend us against accidental or unauthorized launches or attacks from many other countries that are acquiring ballastic missile capabilities.

I believe that the President is right on target. Strategic defenses are the wave of the future, and they will complement the steps we are taking today in the area of arms control and strategic modernization.

Strategic defenses makes sense in the 1990's because they can preserve and enhance deterrence as we move to lower levels of offensive weapons under a START regime. Why is this so? Well, fewer offensive weapons under START will mean a smaller retaliatory capability. A credible retaliatory capability is stabilizing because it reduces the incentive to strike first. In other words, it deters.

So, if we are left with a smaller retaliatory capability, we need to make sure it remains credible. Adding defenses to the force structure would do this, thus, preserving stability at lower levels of offensive nuclear weapons. And we can do so without adding weapons that can be used against people. Strategic defenses target missiles, not people.

Defenses present us with a nonthreatening stabilizing opportunity perfectly tailored to the present state of United States-Soviet relations. Yes, we are moving toward greater cooperation, but United States-Soviet relations are in a transition—a gray area. We must preserve stability in this period—as we cannot now know how long it will be. That much is certain.

For years some have said that we should not pursue strategic defenses because the Soviets are opposed to SDI. SDI was presented as an obstacle to the INF Treaty and then to START. Well, we got INF, and now the Soviets have signaled they will not hold up START over SDI either. Delinkage was the unequivocal result of the Moscow ministerial. We cannot ignore that.

But, I will not be surprised if the Soviets moan and groan about SDI in their rhetoric and news conferences. That is the Soviet style. They may even try to get the Congress to give them what they could not get at the negotiating table. The Soviets have tried that before. But, the bottom line remains the same, the Soviets have officially delinked.

Delinkage is great news and not just with respect to reaching agreement on a START Treaty, but in larger terms of achieving greater strategic stability as we move to lower levels of strategic nuclear weapons.

I hope that this Soviet turnaround will clear the way for movement on a cooperative United States-Soviet transition toward greater reliance on defenses. This, in fact, is the U.S. objective at the negotiations on defense and space in Geneva.

A cooperative transition to greater reliance on defenses is clearly in the United States and Soviet strategic interest. Under a START regime, defenses will not only enhance stability and provide a hedge against cheating, but will protect against an accidental and/or unauthorized launch of ballistic missiles.

However, strategic defenses address another common United States and Soviet concern: ballistic missile proliferation. In little over a decade, about 15 nations will have the capability to launch ballistic missiles—many of the countries developing ballistic missile technology are located on or close to the Soviet Union's borders. And, let us not forget that not all of these nations are our friends.

The United States and the Soviet Union are forging a new relationship. In my view, our shared concern about missile proliferation provides us with an opportunity to work together toward solutions—one obvious and achievable solution is strategic defense.

President Bush emphasized that strategic defense is, as its name states, defensive. He said,

> This purely defensive concept doesn't threaten a single person anywhere in the world * * * God forbid, if it ever had to be

used, it would be used against missiles, not against people.

Mr. President, many of my colleagues have called for new thinking about defense. Well a good place to start is strategic defense.

Mr. LEVIN. Mr. President, I ask unanimous consent that following Senator SIMPSON's remarks, Senators SIMON and GORTON be recognized for up to 5 minutes each, and that at the conclusion of Senator GORTON's speech, the Senate recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, my friend from Wyoming, as always, is patient and smiling, and I am happy to yield the floor so he can seek recognition.

Mr. SIMPSON. Mr. President, I thank my colleague from Michigan, who really presents us with some remarkable technical information which is so absolutely critical to his State, and it is very important that throughout the debate in days to come we remember how terribly painful this bill is in some areas of the country. He recognizes that.

I have my own situation like that. All of us do. Senator BYRD. We must hear each other. And that is a very fine presentation of a tough personal problem in representing the largest industrial base of automobile manufacturing in the United States. Since I know him so well and came here with him, I know how capably he does that.

Let me yield the floor to my friend from Illinois, who has just a few minutes of time under this period of business. Then I will take the floor at the conclusion of his remarks, Mr. President, if I may.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I thank my colleague from Wyoming for his courtesy. I would make one minor correction to my friend from Michigan, if I may have his attention. He referred to the Senator from Wyoming as always patient and smiling. I am confident the Senator from Michigan does not serve on a committee with the Senator from Wyoming.

Mr. LEVIN. I would ask the right to revise and extend my remarks, Mr. President.

REPEALING THE RAILROAD RETIREMENT ACT

Mr. SIMON. Mr. President, we have a very fine Secretary of Transportation, Sam Skinner, from my State. He has put together a series of recommendations in the field of transportation, frankly, dictated in part I think by our budget, and our Federal budget office, rather than by what he really believes ought to be done in the field of transportation. But two errors are made that are important to the people of the States represented here on the floor and important to the people of Wisconsin, Mr. President. One is to do away with the Railroad Retirement System. Frankly, that is an old proposal that we have heard before. It came up about 6 or 8 years ago. It is unfair to railroad workers working now and to the retirees.

We treat railroads differently. We treat the transportation field differently than any other kind of business because it is so essential. When we set up the Railroad Act, we also set up a special retirement system for them. They have paid in more than those of us who pay in on Social Security and we have given them certain promises. We ought to live up to those promises.

It is particularly untimely because there is a Presidential commission that is working on the whole question of railroad retirement. My hope and my belief is that we will quickly disregard and turn down the request of Secretary Skinner to repeal railroad retirement.

The second suggestion is that we do away with the Federal Employers' Liability Act [FELA] in terms of dealing with railroad workers. This system has worked successfully for over 80 years. Railroad workers overwhelmingly support this system, and it is wrong for the railroads to try to save money by taking it from the pockets of employees who have been injured as a result of the railroad's negligence.

Railroading is a dangerous business and rail shipments are increasingly involved in toxic and nuclear waste. FELA acts as a safety incentive in what can be an extremely dangerous industry. Opponents of FELA claim that the system is more adversarial than State workers compensation systems; however, it is very interesting that a study by the American Association of Railroads recently concluded that 85 percent of the claims filed were settled without the involvement of an attorney. And even where you go through the process of an attorney, ultimately less than one-half percent ever went to a jury.

I think we ought to keep the system of handling injuries of railroad employees and the present Railroad Retirement System.

Mr. President, I yield the floor to my colleague from Wyoming. I thank him for his courtesy. While he may not always be patient and smiling, he is always courteous, and I am grateful to him.

Mr. SIMPSON. Mr. President, I thank my colleague. In 1971, Senator SIMON and I were both new State legislators in Illinois and Wyoming, respectively. I remember that distinctly. I have enjoyed nearly 20 years of legislating with the Senator.

COMMEMORATING 100TH ANNIVERSARY OF WYOMING STATEHOOD

Mr. SIMPSON. Mr. President, yesterday my senior colleague from Wyoming [Mr. WALLOP] introduced a joint resolution to commemorate the 100th anniversary of Wyoming statehood on July 10, 1890. I wanted to be here soon after that presentation, but my work with the Clean Air Act prevented that. I personally want to take a few minutes to talk about the significance of that anniversary.

My great-grandfather came to Wyoming in 1862. He was a PX man. He sold the soldiers tobacco, shoes, and booze, things they did not usually get down at the local GI issue center. He was a very remarkable man. He was part of the history, the early history of Wyoming. He lived to the age of 93. He contributed in so many ways, as a very beloved businessman and statesman, if you will, if I may say that, selfishly.

The history of our State is very rich and very deep.

Wyoming has led the Nation in so many important areas and will continue to be a Western beacon for freedom and all those things we hold dear as American values.

Let me take a moment to tell this body about a few of the things in which Wyoming, indeed the entire Nation, takes such great pride.

Lewis and Clark returned from their famous expedition and told of Wyoming's marvels. Few believed those tales were true. But many people came to see those marvels for themselves. The Oregon Trail, which traverses the length of our fair State, was the highway west that most travelers used in those early days.

Father Pierre DeSmet, known to the Indians as Black Robe, was a member of the Society of Jesus and one of the remarkable men of the history of Wyoming. On one of those early treks, he named a granite monolith the Register of the Desert. Independence Rock in south-central Wyoming became a way station and a place of rest and refreshment for 300,000 people who were headed west between 1840 and 1860.

Eventually, in 1868, Wyoming Territory was established. There is a story about how President Ulysses S. Grant sent Sherman to the West and he said, "Find out what is out there. We do not understand what is there. We need to know what to do to develop it."

After Sherman went, he wired Grant: "All this place needs is good people and water." President Grant is said to have wired back, "That is all hell needs."

So, Mr. President, water came to Wyoming, and when it did, it enabled us to develop our agricultural production.

Mr. President, I am especially pleased to inform the body that Wyoming now has some good people. We still need more water, and we are working on that, too. It did not take long to get the good people out there, but it has taken a good while longer to get the water.

There are many firsts in many different places, but I think those "firsts" in Wyoming are really dramatic. Our State is perhaps best known for being the site of the country's first national park, Yellowstone National Park, the crown jewel established in 1874, 16 years before Statehood Day. Yellowstone is the site of our Nation's most famous and faithful geyser.

Our country's first national monument, Devil's Tower, near the Black Hills in northeast Wyoming, was established in 1906. As an aside, Wyoming was the site of the mother store of the J.C. Penney Co. That chain of remarkable national mercantile establishments started in Kemmerer, WY. It is the mother store of the Penney chain.

Thomas Alva Edison was a frequent visitor to Wyoming. He loved the mountains and the serenity they provided. It was at Battle Lake, near Encampment, WY, that he found his inspiration for his idea for the incandescent bulb. He was fishing and saw the filament and saw the hook in the water. The reflection on the water of lightning was the catalyst for the great invention. That is an interesting little vignette of history.

Wyoming is also home to the largest national elk refuge—which, as I mentioned last night, we ought to keep fenced properly. Jackson Hole is in the shadow of the Grand Tetons, a beautiful mountain range, where national leaders met just last year to discuss matters of world peace and cooperation. Great things were achieved during that summit last year in the shadow of that most famous mountain range.

I know the occupant of the chair, Senator KOHL, also has a place of rest and recreation in Jackson Hole. We consider him a fine citizen of our State, if we may adopt him.

Wyoming is much more than rocks, trees, sagebrush, and wildlife. Our State is not called the Equality State without foundation. Another one of Wyoming's most dramatic firsts is that Wyoming, while still a territory in 1869, was the first to recognize women as having an equal voice in politics. Wyoming was the first govenment in the western world to grant women the right to vote.

Wyoming then had the first female jusdicial officer, Esther Hobart Morris, of South Pass City. She was the first woman to be appointed justice of the peace. A statue of that courageous lady graces the State capitol in Cheyenne, and is our only statue in Statuary Hall.

In 1894, Mrs. Cort F. Meyer (Estelle Reel) was the first woman in the United States to be elected to State office, the State superintendent of public instruction.

Sixteen years later, Willis Van Devanter, a Wyoming lawyer, was named to the U.S. Supreme Court, the Wyoming constitution was ratified, and the first woman was elected to the Wyoming legislature. Her name was Mary G. Bellamy.

These are firsts throughout the western world, not just the Western United States or the whole United States.

In 1925, Mrs. Nellie Tayloe Ross, a Democrat, was elected the first woman Governor in the United States. So it was that the State of Wyoming developed character and institutions and a fine State government, where I had the honor of serving as a State legislator for 13 years.

Today, I am especially proud to be a U.S. Senator in the company of such fine men as my distinguished senior colleague, Senator WALLOP, and Congressman CRAIG THOMAS, who serves so capably in the House. MALCOLM and I served together in Cheyenne. We have known each other for nearly 35 years. Our families came to Wyoming in those early years. His family came to Wyoming to raise horses to provide to the Boer War in South Africa. That was in the early period of our history.

Wyoming has a history of providing some very unique and thoughtful and effective leaders for our State, and indeed for our Nation. Defense Secretary Richard Cheney, a native of Wyoming, as you well know, is a former Congressman from our great State, and very able, able man.

One hundred years ago, Wyoming's first two Senators, braving bitter winter weather, "saddled up" and began their 1,600-mile journey to the Nation's Capital. They really did not saddle up, but used the stage and rail system available at that time.

Senators Joseph M. Carey and Francis E. Warren participated in the birth of this fledgling State and they worked tirelessly to introduce Wyoming's unique qualities to the other 43 United States. Carey and Warren were an inspiration to those of us who followed in their footsteps, attempting to "fill their boots." Senator WALLOP and I follow 16 other Senators in representing the rugged State of Wyoming in our National Congress.

We continue the legacy that was started by these men. That history of the "Wyoming seats" in the U.S. Senate is a most interesting one. Senator Carey had practiced law in Philadelphia until the Territory of Wyoming was organized in 1869, when he became the U.S. attorney for the territory. He was a Wyoming rancher and also served in various elected positions—including major of Cheyenne—until he was elected to Congress as a delegate from the Territory of Wyoming in 1885. When Wyoming attained statehood in 1890, he was appointed a Republican Senator and served in that role until 1895.

Senator Carey is only one of two Wyoming Senators, along with my dear and remarkable father, Milward L. Simpson, to see his son also serve in the U.S. Senate. Robert Davis Carey entered the Senate 40 years after his father. I entered the Senate 12 years after dad did.

Francis Emory (F.E.) Warren served in the Massachusetts Volunteer Infantry during the Civil War and later received the Congressional Medal of Honor for gallantry on the battlefield. After the war, Warren moved to Wyoming, then a part of the Territory of Dakota. He served in various official positions, including Governor of the Territory of Wyoming. In 1890, Warren was elected as our State's first Governor, but resigned in November of that year when he was appointed as a Republican to the U.S. Senate. He served until 1893, and again in 1895 when he was reappointed to the seat vacated by Carey. F.W. Warren remained in the Senate until his death in Washington, DC, in November 1929. That was 39 years after he first assumed the responsibility as Senator from Wyoming.

Another significant segment of Wyoming citizens deserve special mention here, Mr. President. Wyoming has an especially rich history and has special significance to Native Americans. The Indian citizens of our fine State can trace their roots back to ancient times. On the crest of the Big Horn Mountains in northern Wyoming is an ancient medicine wheel. This was an ancient shrine of stone built by the hands of some long-forgotten tribe. Today, this shrine still has strong religious significance to our American Indian population.

Nearly 20 percent of our area of Wyoming is encompassed by one of our Nation's oldest and most successful Indian reservations, the Wind River Reservation. Native Americans have a deservedly special significance in Wyoming.

The Wind River Reservation is the home of the Shoshone Indians and the Northern Arapaho Tribes, and that reservation continues to grow and develop in the finest traditions of the Native American people.

We are very proud of that reservation and proud to call these fine individuals our neighbors and fellow "Wyomingites."

So you see, Mr. President, there is good reason to bring the special attention of our colleagues to this significant milestone in Wyoming's history;

that is, the centennial of this great State. The U.S. Postal Service issued a centennial commemorative stamp. It is on the market. It is a real piece of artwork in itself. Each singular stamp is indeed a billboard of the Grand Teton Mountains. The scene on that stamp could not have been a better choice. In a single picture, spirited with startling clarity from a Connie Schweiring painting, and the dogged and determined effort of another Wyomingite, a man named Jack Rosenthal, whom I have known nearly my entire life, a great benefactor of Wyoming and of the University of Wyoming and a collector with a vigorous, vigorous booming voice of boosterism for Wyoming. He designed that stamp. The stamp captures the very essence of Wyoming, and it truly represents the authentic quality of Wyoming life: The spirit of independence, and true freedom.

Thank you, Mr. President. I am truly excited about this joint resolution commemorating Wyoming's 100th birthday as a State in our great Nation. I thank all of my distinguished colleagues of the Senate for their support of that.

Mr. President, I know my friend from Washington is ready to address us with a unique and remarkable situation that he will describe to you, but let me take a few more moments, if I may. I told the Senator from Washington that I would take a few more minutes. I want to say something very seriously, and I have a bent to do that. Humor is my sword and my shield.

REPRESENTATIVE RICHARD GEPHARDT

Mr. SIMPSON. The subject of my remarks at this moment is Congressman RICHARD GEPHARDT, Democrat of Missouri. I do not usually spend any time talking about individual colleagues and fellow Congressmen on this floor. I now deviate from that personal policy.

It seems that Congressman GEPHARDT has apparently chosen to be the designated, self-appointed "Bush-basher" of our present times. He has taken some pretty personal pot-shots at the President. He seems to delight in that. I think it is time to take a swift look at the institutional life of this frustrated font of trivia about our fine President.

It was our revered former colleague, Senator John Stennis, Democrat of Missouri, President pro tempore, known to us as "Mr. Chairman," whether in the majority or the minority, who said to me one day with that great twinkle in his eye:

> Alan, I have been here a long time. I have observed one very clear thing about legislators and those in public service, and it is this: Some grow and some swell.

He went on to say that some are doers and others are just talkers, those who come here to work and those who come here to raise partisan hell. It is usually those who are not as interested in "doing," that are the biggest talkers. It is a lot easier. It does not take any brains to be a critic—anyone can qualify. All you need is a shrill voice and usually a human target. When the target happens to hold the job that the critic desperately lusts for, and has consistently been denied, even by his own party, then the frustration levels must be enormous indeed, like the surging water behind the pent-up dam. The intensity of the attack is therefore that much higher in decibel and degree.

It is quite odd to me that a gentleman who presented himself to the public as a Presidential candidate and who was swiftly sent packing, would have the verve and the nerve to continually assail the chap whom the public did accept. The public is not that dimwitted. They made a clear choice. They picked the man who they thought presented the best vision—the "vision" thing again—for America's future, the best leadership, and they seem to feel that they made an awfully good choice.

Our President's popularity is absolutely soaring. RICHARD GEPHARDT ought to try to resist the desire to have the camera lights bleach his suits out while he rails on in a quest for personal aggrandizement, trying again for the big brass ring—and wait until he has thought things through just a bit more. Even thoughtful members of his own party are giving him that good counsel.

Of course, we know of the extent of the President's popularity because of the polls. I seem to remember DICK GEPHARDT used polls every inch of the way in his Presidential quest. In fact, he never formed his opinions until he read the polls. No wonder he hates polls. They brought him down. People were waiting for original ideas from this very bright and thoughtful man, and they were waiting for thoughtful leadership, and all they got was reprocessed cud, such as that produced by the bovine members of the quadrupeds.

He assails the President for paying attention to the public on major issues, as if somehow that is a defect in character. Good grief. That is what keeps a President in touch. That is what makes him a leader. Polls do not keep people from leading, unless they have no original ideas. Polls do not keep people from taking tough stands and being statesmen, unless they just choose to be solely partisan politicians. Polls keep Presidents in touch with public sentiments and goals and choices, and even things like who they prefer to be their President. Even people who do not pay attention to the polls know when endless posturing and positioning and jockeying for some future Presidential race seems to become the obsessive and overweening objective of life.

Some politicians do not think people see that. People "out there" are pretty savvy. They watch those of us who stare into the tube like a denture salesman, and they know they are never going to buy a thing from that person, and the purveyors often never get the word or the hint.

If the Congressman paid attention to the polls, he would discern that about two-thirds of the American people oppose providing substantial economic assistance to the Soviet Union at this time. Beyond that, the U.S.S.R. has not even asked for it. Get that. Now, that is a great way to make friends if we want to do things in the world. You walk in the door of the other guy's house, checkbook in hand, and announce to them that their country is absolutely so screwed up that we are here to write a check to get them corrected and bail them out. That is paternalistic and gratuitous conduct, unbecoming of a great nation.

It is not that Americans are not extraordinarily generous. Remember that our debt limit has been extended to $3,122 billion. Yet, nearly two-thirds of our citizens support aid to Panama—we will also want to support Nicaragua and its new and emerging democratic government. We should do those things. But the American people simply recognize that aid to the Soviet Union is wholly premature. They also recognize that people are out there who are hacking at the administration, or saying that there is no leadership in America, when 83 percent of the people think there is, that those people are driven by a powerful need to be at the cutting edge of something—anything—for God's sake, at any cost.

If RICHARD GEPHARDT were really more interested in thoughtfully raising issues—if that last one was all he has in his old kit bag, we are all in trouble—instead of just raising hell, he might spend more time doing the job he was hired on to do by the electorate. In 1986, his voting percentage in the House was 70 percent, compared with the House average of about 94 percent. In 1987, his voting record was 18 percent. Does that make the people of his district in Missouri pleased? Did that please them? Obviously. He is here, and it certainly did not displease them. But is that what they hired him on to do? That is a question for them to answer, not me. Does he really have a role in the legislature, other than that of a carping partisan critic?

I must say I got a kick out of the last news release from his Presidential operation saying that his staff was worried he might become known as a "carping partisan." I almost chuckled

and fell off the camp stool into the fire on that one. That is all the people have known him for since he has been here. What is new? He did get tangled up in Japan-bashing for a while, but he cooled it on that because the people of this district really were not too tuned to the fact when he would say:

I have a great deal for you here. We are going to go to protectionsim, and I am going to help you out. I am going to assure that you will never again find it necessary to buy shoes from Korea at 16 bucks a pair. You will have to buy shoes from Missouri at 40 bucks a pair. How is that for a deal for you? Then you will not have to go to K-Mart any more and buy blouses made in Singapore or Korea for 8 bucks. You get to buy blouses made in Massachusetts for 18 bucks. I am here to help, like the guy from the IRS.

That is why his stuff does not ring true. People are in extremity in some places in his own State, and in my State. The reason we have a trade imbalance is because people like to buy the stuff. That is why. Because they need to, because it is cheaper. That is why. They need to do that in their own personal and everyday lives, economically, and there is nothing too mysterious about that.

I think we can all understand why RICHARD GEPHARDT is frustrated. First, he is not the President; second, the American people are standing pretty well four square behind the man who got the job. Three-quarters of them like the way that George Bush is doing the job. They like the things he does, and they like his leadership, and they like his personality, and they like his persona. Big majorities approve of the fine way he is handling every single major issue: the economy, the environment, foreign policy, drugs.

Old RICHARD is just going bananas. And here is more of the reason. Because among Democrats, Bush's approval stands at 66 percent. Among blacks, the Democratic Party's most loyal constituency—and one they lose more of each and every day—it stands at 74 percent. Among young voters—the ones who will decide the elections of the future—Republicans have a 14-point advantage. No wonder RICHARD GEPHARDT does not like polls. They do not tell him what he wants so desperately to hear. I said the other day he has the "burning bosom snydrome" here. He wants that big brass ring and that residence down at the end of Pennsylvania Avenue so badly he can taste it. So he vents his seething frustration by attacking the President, continually, for somehow not knowing what the people want and for not being a leader.

And you may be sure that if President Bush expressed a disregard for public opinion—or the polls—the Presidential candidate Congressman from Missouri would assail him as being detached, out of touch and aloof. It ain't George Bush who is out of touch!

I think Mr. RICHARD GEPHARDT needs to decide whether he is going to be a protectionist—a primary theme in his last campaign—that turned into a bummer—or whether he is going to dump taxpayer's money in various forms into newly elected democratized nations faster than they can even accept it or assimilate it. We do not yet even know who to write the check to in many of those countries. And we helped them immensely before we left in November and all of us helped on both sides of the aisle.

He needs to decide whether to be a weathervane or a statesman. The recent, orchestrated baying at the President appears to make his decision quite obvious. Those of us who have watched him knew what it would be.

But George Bush has extended the hand of bipartisanship. It is most often accepted by the thoughtful and accessible leader of the House of Representatives, TOM FOLEY, and by the fair and steady leader of the Senate, GEORGE MITCHELL, a superb man in what he tries to do for us here. And when that hand of bipartisanship and friendship is accepted, there is just tremendous more we can be doing for this country. And we are getting it done—largely because of the fact that TOM FOLEY is the spokesman for the U.S. House of Representatives and Congressman GEPHARDT is not. Thank heaven for TOM FOLEY and BOB MICHEL.

If the Dick Gephardts of Congress prefer a policy of slashing personal attacks on the President, not so much the last one, that was kind of low key, but a continual drumfire of that during a time when—compared with the last Democratic administration—things are quite extraordinarily and remarkably better than they are now—I think it will go back to what the President said during his inaugural address, that the people did not elect us just to bicker. They expected to see something done. And they expect us to do it. And the citizens of this country expect a lot more than this of us. And they surely deserve it.

The day will come when all of us who have been RICHARD GEPHARDT watchers and—see the tremendous possibilities and the potential of this fine man. I was on a radio program with him years ago, Tip O'Neill and I were present with him. Here was this articulate and exceedingly conscientious young man—and to see him suddenly become the Bush basher of our time, well, that is fascinating.

I think he has better things to do with the abilities that I see in him. Will we actually begin to see him walk the walk in his official duties and his legislative activities instead of just talking the talk as this self-appointed trasher of the administration?

The reason his stuff falls flat on its face is because he was not elected to that role by his partisan peers. He has just taken it up on his own. When RICHARD GEPHARDT gets in and gets wet all over and starts to legislate and help us put some good laws on the books, I will know I have seen the Moon from both sides. I will expect to see some extraordinary things of him because he is a remarkably adept young man with a great future.

But not in the role of Bush basher.

Thank you.

APPEARANCE BEFORE CONGRESS OF ESTONIA DENIED

Mr. GORTON. Mr. President, this evening I was to depart for Tallinn, Estonia, where I have been asked to address the newly elected Congress of that nation.

Unfortunately, I will not be on my way to Estonia tonight because the Soviet Government, for reasons yet to be ascertained, failed to grant me a visa.

Mr. President, I would be less than candid if I did not express dismay over the recent actions of the Soviet Government with respect to United States congressional travel in the Soviet Union. By denying me and others the right to observe, first hand, the ongoing process of political reform in that country, the Soviet Union undermines its commitment to reform and to the nation of glasnost.

Mr. President, since I cannot deliver my address in person before the Congress of Estonia, I will deliver my speech before the U.S. Senate and the American people, with the design that it will reach the people of Estonia.

As a climax to a long political career, it is a unique honor to have been asked to address a Congress of the people of Estonia, designed to reestablish its rightful place among the independent nations of the world. The small, but dedicated Estonian community in the United States has never given up that vision and constantly reminded those of us who hold elective office of the injustices of 1940. The United States itself, of course, has never recognized the annexation of the Baltic States by the Soviet Union and so there has always been a small Estonian Embassy in Washington, DC.

I represent the people of the State of Washington in the Senate of the United States. Like the Baltic, the Northern Pacific is cold, and we are no strangers to the color gray. We have snowcapped mountains that rise more than 4,000 meters from the sea, vast deserts, sometimes angry volcanoes, and, with Alaska, perhaps the richest fisheries in the world. The western portion of the State is always green, and on the immediate outskirts of cities where we manufacture aircraft, computer software, and a wide range of food products, are ancient forests and unspoiled rivers.

I am a Member of the U.S. Senate, which has been a continuing body for 201 years, debating issues and passing laws for a nation which began with 3 million people and how has roughly 250 million. These people and their ancestors come from every nation in the world. The Senate is a forum in which their interests and aspirations have been presented successfully and constructively, with the single exception of a Civil War over slavery and secession, for that entire time.

I do not pretend that we always have amity, or even equity, but, rather, that we strive for them. On the whole, things go rather smoothly and well.

Perhaps the most remarkable thing about parliamentary, democratic, truly representative governments is how seldom they have been the cause of war or civil unrest, and how often and well they have brought to fruition the full potential of their peoples, economically, culturally, and, not least, spiritually.

One of the great features of this kind of government is the inimitable sense of privacy and serenity that it grants its people, for it allows them lives of their own. You are free to participate, or not to participate; to agree, or to disagree; to withdraw, free not to think of politics, to live as though they were never invented. But, paradoxically, participation in politics can be a great joy when you know it is designed so as not to dominate the rest of one's life.

The parliamentary systems of the West have been a prescription for success, and, almost in an evolutionary sense the guide and spur to the best collective impulses of mankind; those which are just, elegant, and not overbearing.

Almost two centuries ago, reflecting on the French Revolution, the English poet William Wordsworth wrote:

Bliss was it in that dawn to be alive
When reason seemed the most to assert her rights.
What temper at the prospect did not wake
To happiness unthought of?

You live in such a time.

As you begin the wonderful, challenging, and dangerous task of creating your nation anew, remember, however, that the revolution Wordsworth celebrated ended in tyranny, death and war. You seek not to make such a revolution but a wonderous one, like ours in America. So, perhaps a few thoughts from a Senator who has been the inheritor of the most successful political system in the history of the world may be in order.

What are the essentials of managing a parliamentary system, so that it does not derail? How do they bear upon this great moment of your history?

The first requirement for a free and successful society is that it be ruled by law and that the law be the product of the people's duly elected representatives. Ruled by whim, by fiat, or even by a party aristocracy which does not represent all of the people is simple tyranny no matter how disguised. Representative government is the key to success.

A second requirement is equality before the law, full participation, inclusion. What could be more destructive than to ignore the sanctity of the individual in favor of the sacrilege of class? God did not create people in classes but as separate souls, and never is the soul of a man or a woman sufficiently defined merely by reference to class. In this, I urge you to practice as fully as you can, the politics of inclusion.

By inclusion I mean full rights for everyone and special privileges for none.

A Russian minority is in your midst, partly as a result of a terrible injustice. But as individuals they are innocent, and if you welcome them as individuals and accord them full rights within the context of Estonian sovereignty, you will strengthen Estonia.

If, on the other hand, they are forced into a lesser status with lesser rights, or if they are expelled, you will increase the dangers to yourselves, both from without and from within.

Nations divided cannot stand. What is needed here is an active transfiguration that will lift your chances of success over the many barriers of negative probability. And it can only be accomplished with a certain grace, a grace I am sure you understand.

Throughout history, and at any period, the most successful society has been that which utilized the talents of the largest share of its people. America's success is due to the fact that it has constantly welcomed new people into its midst, and has offered them the opportunity to become Americans and to grow with the country.

We are still far from perfection in this regard, but it is our aspiration and our direction, and it is our glory that we have come so far, not in spite of our diversity but because of it.

One particularly important aspect of equality before the law and equality of opportunity is its relationship to half or more than half of the population of every society, our women. Through most of history and in most societies, women have been and still are severely limited in their opportunity to live up to their full potential. This is profoundly unjust, both to women and to men, and may be the greatest inhibition to the success of human society.

Even we Americans have not yet fully conquered that discrimination. But we do provide greater opportunities for women than does any other nation, and we are, and will continue to be, richly rewarded for that quality.

Third, it is vitally important in your political system, and in this body and in its successors, that you establish rules of conduct and abide by them, abiding by them, even when it is to your individual or group disadvantage to do so. When you lose, you lose. The survival of the free society depends upon your willingness to recognize and to accommodate to such losses.

My own personal political experience includes just such a loss. A first losing election after 28 years of success, after one 6-year term in the U.S Senate. By my presence here with you is an illustration of the fact that in a free society, just as no victory is forever, neither is any loss.

Two years after that personal defeat, another opportunity presented itself and I was successful in grasping it.

In this connection, civility is a vitally important quality. Civility is self-restraint. Civility to the point of abdication. Civility sometimes even to the point of self-abnegation. In Congress, when our time is up, we cede the floor, and this happens dozens of times a day. It is one of the sacraments of government for it is both practice for and the metaphor for the release of power. When the people instruct the government to change, the government has always done so without missing a beat.

It is often the traditions that set the tone. In the same way, in the Senate we refer to one another in the third person, and by honorifics which even if sometimes they may seem insincere, create a climate of mutual respect and tolerance. If history teaches anything, it is that human passions and certainties, must be tempered by civil forms.

My fourth and final recommendation concerns ethics. Parliaments that are corrupt, fail. For corruption is the theft of representation, the essential premise of any parliamentary body. The magic of democracy has never been sufficient to ward off corruption. For that purpose, we maintain with varying degrees of success several excellent institutions: a free press, open access to officials and documents, a separate judiciary.

In the first blush of a parliament, corruption is seldom a problem. The high degree of participation is like a powerful stream that scours the halls of government clean. Only with success, stagnation, and apathy does the moss begin to consume the rock.

You Estonians are a small nation in what much of the rest of the world regards as a far corner. It has been your fate to be fought over by Russians and Swedes, by Poles and Germans, for more than a millenium. You now have a magnificent, perhaps an unparalleled, opportunity to assert yourselves and to reestablish your nationhood by reason of a balance among the neighbors who have historically sought to dominate you.

The assertion and preservation of your liberties as a result requires even

greater wisdom and greater discretion than does the preservation of the liberties of a large nation like the United States.

As your nation is reborn, you must take care not to have it broken once again.

For this, you need nothing, if not self-restraint. I have mentioned already what I think to be the best course with regard to the Russians among you. Given the delicacy of the situation and the narrow window through which you must pass, I suggest that you look across the Gulf of Finland. And you may need to go a step further even in Finlandization, and, given what you have been through, it may not seem that demanding.

What if you were to offer the Soviet Union a long-term agreement in regard to the leasing of military bases? The presence of a foreign power's military forces upon one's soil may not be ideal, but it is variable and need not be demeaning, especially if it is the price one must pay for reclaiming one's rightful sovereignty.

The Soviet Union does have legitimate security concerns. Perhaps if you help it to feel secure, your generosity will prompt it. In the United States, we recognize the imperative of national sovereignty. We understand the urge to freedom, and we salute you in your great moment.

In the end, the choice of nationhood is yours, as once it was ours. In the life of nations, these moments come but rarely. They are to a nation as the sacraments are to an individual. They not only clarify and elevate history, but they clarify and elevate the soul. For this, many and perhaps all risks are worthwhile.

In the years leading up to our terrible American Civil War and to the freeing of the slaves which was the great result of that war, an American poet, James Russell Lowell, wrote what later became a hymn at my church. I should like to share a verse of that hymn with you:

Once to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side; some great cause, God's new Messiah, offering each the bloom or blight, and the choice goes by forever, twixt that darkness and that light.

This is the place. Now is the time. You are those men and women. Decide.

ORDER FOR RECESS UNTIL MARCH 20, 1990, AT 9 A.M. UNDER PROVISIONS OF SENATE CONCURRENT RESOLUTION 103

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess under the provision of Senate Concurrent Resolution 103, until 9 a.m., Tuesday, March 20.

The PRESIDING OFFICER. Without objection, it is so oredered.

ORDERS FOR TUESDAY, MARCH 20, 1990

MORNING BUSINESS, RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. LEVIN. Mr. President, I ask unanimous consent when the Senate convenes at 9 o'clock Tuesday, March 20, that following the time for the two leaders, there be a period for morning business not to extend beyond 10 o'clock; that Senators be permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that on Tuesday, March 20, the Senate stand in recess from 12:30 to 2:15 p.m., in order to accommodate the party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, on Tuesday, March 20, the Senate will resume consideration of the clean air bill at 10 a.m. As the majority leader indicated earlier today, all the previous schedule restrictions relative to late nights and when votes might occur will not apply upon our return to the clean air bill.

RECESS UNTIL TUESDAY, MARCH 20, 1990, AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess pursuant to the provisions of Senate Concurrent Resolution 103.

Thereupon, the Senate, at 4:12 p.m., recessed until Tuesday, March 20, 1990, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9, 1990:

DEPARTMENT OF TRANSPORTATION

BARRY LAMBERT HARRIS, OF MAINE, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

SECURITIES AND EXCHANGE COMMISSION

PHILIP R. LOCHNER, JR., OF CONNECTICUT, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 1991.

DEPARTMENT OF DEFENSE

CHARLES M. HERZFED, OF NEW JERSEY, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

GERALD A. CANN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

JACQUELINE E. SCHAFER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

DONALD JAY YOCKEY, OF CALIFORNIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

DEPARTMENT OF JUSTICE

JOHN R. DUNNE, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF AGRICULTURE

LA VERNE G. AUSMAN, OF WISCONSIN, TO BE ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION.

GARY C. BYRNE, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION FOR A TERM OF 10 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

HARRY F. MANBECK, JR., OF CONNECTICUT, TO BE COMMISSIONER OF PATENTS AND TRADEMARKS.

DOUGLAS B. COMER, OF VIRGINIA, TO BE DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS.

THE JUDICIARY

RHESA H. BARKSDALE, OF MISSISSIPPI, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

JACQUES L. WIENER, JR., OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

GERALD E. ROSEN, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

DONALD J. LEE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

RONALD L. BUCKWALTER, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

ROBERT H. HODGES, JR., OF SOUTH CAROLINA, TO BE A JUDGE OF THE U.S. CLAIMS COURT FOR A TERM OF 15 YEARS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. BERNARD P. RANDOLPH, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. SPENCE M. ARMSTONG, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DON E. FOLLIS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. FREDERICK R. KEITH, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. GARY C. BLAIR, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WILLIAM P. BLAND, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. HARTWELL F. COKE, IV, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ARTHUR B. CORNELIUS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOSEPH C. DALY, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOSEPH A. GREENLEE, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DENNIS B. HAGUE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOHN H. HEBL, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLEN J. HENDERSON, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ORVILLE K. HOLLENBECK, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. LARRY D. LESSLY, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. TIMOTHY J. LOWENBERG, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ROBERT V. PASCHON, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLEN C. PATE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES L. PIERCE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. LYLE M. RICH, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RALPH D. TOWNSEND, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN L. PIOTROWSKI, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. DONALD J. KUTYNA, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EDWARD J. HEINZ, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS S. MOORMAN xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. C. NORMAN WOOD, xxx-xx-xxxx U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ORREN R. WHIDDON xxx-xx-xxxx U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. FRED HISSONG, JR. xxx-xx-xxxx U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general, adjutant general's corps

BRIG. GEN. GREGORY P. BARLOW, xxx-xx-xxxx.
BRIG. GEN. STANLEY M. HENG, xxx-xx-xxxx.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ALBERT J. HERBERGER, xxx-xx-xxxx/1110, U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DALE R ANGER, AND ENDING CEDRIC L WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING HOWARD P ABEL, AND ENDING THOMAS M ZAZECKIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 25, 1990.

AIR FORCE NOMINATIONS BEGINNING GEORGE M ABERNATHY, AND ENDING MICHAEL E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1990.

AIR FORCE NOMINATIONS BEGINNING NORMAN G PARE, AND ENDING MARCK R COBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING MAJOR LYE M. ANDVIK, xxx-xx-xxxx AND ENDING MAJOR ALBERT L. SHERBURNE, xxx-xx-xxxx WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING DAVID W BARNES, AND ENDING MATT T WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING JAY O AANRUD, AND ENDING WAYNE L ZORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING , AND ENDING , WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF , 1990.

AIR FORCE NOMINATIONS BEGINNING JAY O AANRUD, AND ENDING WAYNE L. ZORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

IN THE ARMY

ARMY NOMINATIONS BEGINNING CHARLES W BALDOCK, AND ENDING MICHAEL B VANDEWALLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1989.

ARMY NOMINATIONS BEGINNING CRISPIN A. ABAD, AND ENDING 226A, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 13, 1989.

ARMY NOMINATIONS BEGINNING JOHN E BAKER, AND ENDING TERRY L * ZETTLEMOYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1990.

ARMY NOMINATIONS BEGINNING KENNETH R. CLOSE, AND ENDING EDWIN D. SELBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

ARMY NOMINATIONS BEGINNING TRAVIS H ACKLIN, AND ENDING ROBERT P THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

ARMY NOMINATIONS BEGINNING * CANDICE L. CASTRO, AND ENDING KEITH N. STEINHURST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON FEBRUARY 23, 1990, AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1990.

IN THE ARMY, NAVY AND AIR FORCE

ARMY, NAVY AND AIR FORCE NOMINATIONS BEGINNING LT. COLONEL JAMES C. ADAMSON, AND ENDING MAJOR MARK C LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON FEBRUARY 23, 1990, AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1990.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WARREN ROBERT ABEL, AND ENDING STANLEY ANTHONY ZWOLINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING CHRISTOPHER M ABELL, AND ENDING DOUGLAS J ZWEERINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING HAROLD G HATCH, JR. AND ENDING OAKLEY KEY WATKINS, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1990.

NAVY NOMINATIONS BEGINNING ALAN L MATHIS, AND ENDING DAVID J. HARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

NAVY NOMINATIONS BEGINNING F. F. ALVAREZ, AND ENDING FRANK E. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

HOUSE OF REPRESENTATIVES—*Monday, March 12, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your love to us is overflowing and undeserved, that Your care and support for every person is without end. As we contemplate all the needs of the day with demands for resources and all the requests for attention, may we not lose the meaning and purpose of this gift we call life. In this our prayer, O God, we express the thanksgiving of our hearts and souls for Your providence to us, your constant benediction upon us in good times and bad, and for Your love that never lets us go. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska [Mr. BEREUTER] please lead the House in the Pledge of Allegiance.

Mr. BEREUTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks announced that the Senate had passed bills, joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 511. An act to recognize the organization known as the National Academies of Practice;

S. 1543. An act to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia;

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II;

S.J Res. 75. Joint resolution relating to NASA and the International Space Year;

S.J. Res. 262. Joint resolution designating March 1990 as "Irish-American Heritage Month"; and

S. Con. Res. 92. Concurrent resolution to to Commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

INDEPENDENCE FOR LITHUANIA A TIME FOR REJOICING AND HELP—NOT TIMIDITY

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I welcome with joy and delight the new and free and independent and sovereign Republic of Lithuania. However, I find the administration's tepid, timid, lukewarm, and awkward response to this—yet another—historic event to be both dismaying and discouraging.

The democratic transformation in Eastern Europe has been met with caution and vacillation, while the administration has made major concessions to the Chinese. Would it not have been better to send Mr. Scowcroft to raise his glass to salute the long-suffering Baltic peoples, rather than toast the bosses of Beijing?

We should give credit to President Gorbachev for acquiescing in principle to the independence of Lithuania. A long road of tortuous negotiations clearly lies ahead between the tiny Republic of Lithuania and the huge Soviet Union. But if our bipartisan foreign policy of over four decades has any principled basis, our Nation must clearly welcome and applaud and encourage and assist the freedom loving people of Lithuania to achieve full independence in fact.

UNITED STATES RECOGNITION OF LITHUANIAN INDEPENDENCE URGED

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, yesterday, 124 brave Lithuanians did what 56 brave Americans did long ago when they signed the Declaration of Independence.

With raised hands, for all the world to see, Lithuania declared its independence from a great military power.

The American people have recognized their courage; the American Government should now recognize their independence.

Some will argue caution. But America must not be afraid to project its ideals. We must show the world that we place the same faith in self-determination that we did 200 years ago.

By recognizing Lithuania, America would simply recognize reality. Mr. Gorbachev should as well.

We in America have high hopes for Gorbachev. How he reacts to Lithuanian independence will show whether America's faith in him has been justified.

WRONG-WAY QUAYLE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the taxpayers sent Vice President DAN QUAYLE all the way to Chile for the inauguration of the first democratically elected President in 20 years, and he paid his respects to the wrong President.

Instead of promoting the inauguration of Patricio Aylwin and the restoration of democracy in Chile, Vice President QUAYLE promoted defeated dictator Augusto Pinochet. Worse, QUAYLE gave Pinochet a forum to deliver a perverse justification for his brutal dictatorship.

Our distinguished Vice President spent the rest of his trip waving and smiling at jeering Chileans and shopping for peculiar souvenirs.

Will Rogers once explained that "there's no trick to being a humorist when you have the whole Government working for you." Times have certainly changed. Today we have one Government official, Vice President QUAYLE, supporting a battalion of comics, from Jay Leno to the entire cast of "Saturday Night Live."

The comics should pay for QUAYLE's trips, not the taxpayers.

COURAGE IN LITHUANIA

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, 50 years ago Joseph Stalin struck an infamous deal with Nazi Germany. Under this agreement—the Molotov-Ribbentrop Pact—Central Europe was to be divided between the two totalitarian regimes. It was agreed that Adolf Hitler would conquer Poland, and the Soviet Union would have a free hand to annex the Baltic nations of Estonia, Latvia, and Lithuania.

While Germany's conquest of Poland ended with the close of the Second World War, the Soviet Union

kept a firm grip on the Baltic nations. At least, that was the case until this week.

In an unprecedented and courageous act of self-determination, the newly elected legislature of Lithuania has unanimously announced its independence. By a vote of 124 to 0, the Lithuanian legislature has expressed its unswerving determination to restore the independence that it lost in 1940.

Mr. Speaker, the new leadership of this fledgling State is not naive—it cannot afford to be. Lithuanians know they must be pragmatic as well as bold. The new government understands that it has to work with Moscow if its expressions of independence are to be more than empty words. The newly elected President, Dr. Vytautas Landsbergis—whom this Member has had the pleasure of meeting and talking with at length has expressed his willingness to cooperate with Moscow to ease this transition. According to President Landsbergis, "We have to sit down at the table. We are not going to be beating our fists, but we have to start settling accounts."

Mr. Speaker, because of the illegal annexation of the Baltic States 50 years ago, Lithuania has an unmistakable right to move to independence. The United States has never recognized the legitimacy of the Soviet occupation of Lithuania, Latvia, and Estonia. Their status within the Soviet Union, therefore, differs from the other republics of the U.S.S.R. During the dark decades of Baltic subjugation, the Baltic States have maintained their legations in Washington. It is altogether fitting, therefore, that we should rejoice with Lithuania at its moment of courageous action.

The Bush administration has demonstrated commendable leadership and diplomacy on this issue. While urging the Soviet Union to respect the wishes of the citizens of Lithuania, President Bush has called upon all parties to proceed carefully. According to the President:

> The United States believes it is in the mutual interest of Lithuania, the Soviet Union, and all CSCE countries to resolve this issue peacefully. We call upon the Soviet government to address its concerns and interests through immediate constructive negotiations with the government of Lithuania.

Mr. Speaker, as ranking Republican on the Subcommittee on Human Rights and International Organization, this member would issue his congratulations to the newly independent State of Lithuania and its President, Dr. Vytautas Landsbergis. This member would also echo the pragmatic words of caution expressed by President Bush. It is in the Soviet interest to correct this 50-year-old wrong, and it is in Lithuania's interest while remaining steadfast in its assertion of independence, to act with all due prudence as it rejoins the family of independent and democratic nations.

UNIVERSITY OF CONNECTICUT BIG EAST CHAMPIONSHIP

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, first I would like to join with my colleagues in taking note of the great achievement in Lithuania as one of the few Members of the House with Lithuanian heritage. It is an exciting moment for us to watch the great victory of democracy and the people's commitment to freedom and independence in Lithuania.

But today I come to the floor with bragging rights. I am not a sports enthusiast, so I generally do not deal with sporting issues in the well of the House here.

Then I thought, second, there are not often times when Connecticut teams are quite as incredible as the team of the UConn Huskies are this season. Anyone who watched the final game of the Big East Championship and watched the defeat of Syracuse in a heart stopping 78 to 75 score understands what a great team this is.

For all of us, for myself in particular as a graduate of the University of Connecticut and as the Representative in Congress from Storrs, this is something that all of us are thrilled by and we wish them great luck and success in the NCAA tournament. They have done a great job so far and we are confident they are going to go all the way.

As an alumnus of the University of Connecticut and life-long fan of the Huskies, I would like to extend my congratulations to coach Jim Calhoun, 1990 Big East Coach of the Year, assistant coaches Howie Dickenman, Dave Leitao, Glen Miller, Scott Wissel, and to the proud players Chris Smith—the Tournament Most Valuable Player, Scott Burrell, Dan Syrulik, Lyman Depriest, Tate George, John Gwinn, Nadav Henefeld, Oliver Macklin, Steve Pikiell, Tim Pikiell, Rod Sellers, Marte Smith, Marc Suhr, Toraino Walker, and Murray Williams.

DEMOCRATS OFFER NEW IDEAS ON BUDGET, FOREIGN POLICY, AND SOCIAL SECURITY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, what do DAN ROSTENKOWSKI, DICK GEPHARDT, and PAT MOYNIHAN have in common? Three things.

One, they are offering new ideas on the budget, foreign policy, and Social Security.

Two, they are Democratic Members of the U.S. Congress. And three, they are driving the White House and the Republicans crazy.

While the Democrats in Congress unveil fresh, bold, new initiatives, it is the White House that responds—not with substance—but often with personal attacks against our Members.

Chairman ROSTENKOWSKI's bold proposal to reduce the deficit, involving revenue, involving taxes, involving massive deficit reduction, a bold plan.

The gentleman from Missouri [Mr. GEPHARDT], new foreign policy initiatives with the Soviet Union, doing more with Eastern Europe, recapturing the high moral ground.

PAT MOYNIHAN, reducing the payroll tax, doing something about Social Security, making it easier for every middle income American.

Mr. Speaker, these are bold proposals. Let us have constructive dialog with the White House. Let us really reduce some of these problems instead of always trashing them.

My hat is off to these men. They are the reasons why I am so proud and honored to be a Democratic Member of this esteemed body. It is the U.S. Congress that more often than not is providing the leadership in today's government. It is here where brave men and women are proposing original and creative solutions to the pressing problems facing our Nation.

□ 1210

ADMINISTRATION'S NATIONAL TRANSPORTATION PLAN DOES NOT IMPROVE TRANSPORTATION SYSTEM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last week the administration announced its new national transportation policy.

The President and Transportation Secretary Skinner called this a plan to improve the Nation's transportation system, but I sure do not, nor does Kentucky Gov. Wallace Wilkinson, chair of the National Governors Association's Transportation Committee.

Last Week Governor Wilkinson said that this plan, this new transportation plan, called for too much funding from the States and local governments and, conversely, relieved the Federal Government of too much of its historical finanical support for creating and maintaining a national transportation system.

Mr. Speaker, in addition, there is one particular proposal in the plan which causes me concern, representing Louisville and Jefferson County, KY. The proposal would eliminate Federal operating assistance for urban mass transit systems.

All urban areas of the Nation need an affordable, reliable mass transit system, such as that provided by TARC, the Transit Authority of River City. It is especially important for residents of urban areas to have affordable and reliable public transit, because they tend to be older and less affluent than their suburban counterparts.

Mr. Speaker, it is clear to me that Congress must take a long, careful look at this plan before allowing it to become effective and, Mr. Speaker, I guess any national transportation plan is better than no plan at all, but in this case just barely.

COURAGEOUS BUDGET PLAN UNVEILED

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, today is the beginning of a whole new budget debate because of a courageous plan unveiled over the weekend by our colleague, the gentleman from Illinois [Mr. ROSTENKOWSKI].

In this plan, he asks the President to spend some popularity. I would turn that around and ask the President to invest some of his popularity, invest it in the education he talks about, stop talking about it, and spend.

I was as impressed with the specifics of the plan by the gentleman from Illinois [Mr. ROSTENKOWSKI] as I was by its broad scope. The reliance on environmental taxes that simultaneously provide revenue and encourage a cleaner society is a step in the right direction, and a theme woven throughout the fabric of this comprehensive plan which will get us to a surplus by 1995.

It is a challenge to all of us in government. It asks whether we are serious about getting the deficit down, and it asks whether we are ready to abandon the blue smoke and mirrors that have obscured the facts in this debate previously. It asks us, all of us, whether we have the courage to govern, and, Mr. Speaker, I suggest that we accept the challenge by the gentleman from Illinois [Mr. ROSTENKOWSKI] and support his plan and move ahead to eliminating the deficit.

INTRODUCTION OF SENSE-OF-CONGRESS RESOLUTION RECOGNIZING MEMBERS OF ARMED FORCES

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today I am introducing a resolution, which will express the sense of Congress that all members of the Armed Forces, male or female, who engage in combat should receive formal recognition for that service.

Mr. Speaker, women are playing an increasingly important role in our Armed Forces and although they are not allowed to join combat infantry units, they, nevertheless, are putting their lives on the line and this country should express its appreciation.

In Panama, male and female MP's, taking part in the action to liberate that country, put their lives in jeopardy, and conducted themselves with courage and professionalism. They deserve recognition for their gallantry. Similarly, those Americans, regardless of gender, who engage in combat in the future should receive the accolades and honors due individuals who take the ultimate risk for the sake of our country.

I hope my colleagues will join me in urging our military to ensure those who are defending this country, men and women, get fair recognition for their service in combat.

BRIGADIER GENERAL DONOHUE TO RECEIVE PROMOTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to recognize the outstanding achievements of Brig. Gen. Francis T. Donohue. On March 17, 1990, Brigadier General Donohue will be promoted to the rank of major general in the U.S. Army Reserve. His promotion is recognition of his longstanding commitment to the U.S. Army and to his local community.

In 1989, Brigadier General Donohue was appointed to the post of commander of the 77th U.S. Army Reserve Command at Fort Totten in New York City, where he serves with distinction. As the second deputy district attorney, he has taken great interest in the administration of justice in Westchester County. He has been actively involved in civic, business, and community affairs in Westchester County, and throughout the New York area.

Brigadier General Donohue's commitment to the U.S. Army and to the community has been unceasing for over three decades. His promotion is a great honor. It is an honor which is well deserved. I want to congratulate him here today, and wish him all the best in the future.

INTRODUCTION OF LEGISLATION CREATING UNITED STATES-PANAMA FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 10 minutes.

Mr. RICHARDSON. Mr. Speaker, I wish today to talk about an issue that has faded away in the minds of many Americans, and that is the United States relationship with Panama.

I have introduced legislation recently that creates a United States-Panama free-trade agreement. It is the idea of Rogelio Novey, a Panamanian living in Washington and working at the Organization of American States.

Mr. Speaker, the needs of this country that has been devastated by Noriega and the economic embargo are very apparent, and the United States has, in my judgment, an obligation to help. Panamanian officials have suggested it is going to take over $2 billion in foreign assistance from all countries to restore their nation's shattered economy and repair the damages incurred during the American invasion.

Recently President Bush unveiled a more reasonable proposal, $500 million in assistance and an equal amount in loans and investment guarantees.

The first portion of this package, $42 million worth, was approved by the Congress on February 7. While Mr. Bush's package is likely to gain support in the Congress, the burgeoning deficit and competing claims from Eastern European reform governments are going to surely limit the size of any approved package.

□ 1220

In any event, it is unlikely that United States aid alone is going to be large enough to reinvigorate the Panamanian economy.

Despite this bleak picture, there is something the United States could do to give the Panamanian economy an effective boost without significant cost. The Bush administration should move to negotiate a free-trade agreement giving Panamanian-produced goods duty free access to American markets. This agreement should be consistent with the generalized system of tariffs and trade and could be limited to a specific period of time or expire once Panama's economy has shown recovery.

By providing unimpeded access to American markets for Panamanian business, the United States would be giving particular help to the private sector, that segment of the Panamanian economy most devastated by the events in the past 2 years.

Duty free status for Panamanian goods would again make Panama an attractive center for foreign investors. In turn, increased foreign investment would help address two of Panama's other major problems: unemployment and foreign debt, now close to $4 billion. The private sector, fueled by foreign capital and free access to United States markets, will undoubtedly grow and provide the jobs Panama's growing population desperately needs.

As more of its citizens are employed and the private sector strengthens, the

Panamanian Government would be better able to resolve its balance of payments crisis without neglecting the needs of its people.

This program to spur economic growth would yield important political benefits as well. The coalition government of President Guillermo Endara would show proven gains in the face of tremendous odds. Such gains would not be lost on the electorate.

More importantly, one would expect economic stability and growth to translate into political stability. A growing economy would help Panama avoid the problems of Latin America's other democracies, desperately attempting to consolidate democratic institutions in the face of economic disaster.

Concerns could be raised about the agreement's impact on American industries. However, due to the small quantity of Panamanian exports to the United States, $340 million in 1987, the year prior to United States sanctions, the impact on American industries would be minimal.

A more valid concern is that this agreement might allow third country producers to benefit from duty free status by transhipping their products through the isthmus. To prevent such abuses, the agreement should stipulate that the product must be entirely Panamanian-produced or have had considerable value added in Panama.

Prior to United States sanctions in 1988, Panama enjoyed reduced United States duties through the generalized system of preferences and the Caribbean Basin Initiative. While the United States has already moved to eliminate sanctions and restore Panama to these important programs, the trade agreement outlined here should be more comprehensive, taking into account both Panama's pressing needs and the United States' special relationship to that nation.

Congress can, and should, improve a major package of foreign assistance for Panama's economy. It is unlikely, however, that this package alone will be large enough to rebuild the Panamanian economy. By entering into an agreement allowing Panamanian goods unimpeded access into its markets, the United States could take a major step toward revitalizing the private sector in Panama. We would, in effect, help the Panamanians help themselves.

Mr. Speaker, at this very moment, the President of Panama is fasting. He is fasting to demonstrate the extreme concern that he feels with the dire economic situation in his country. He is appealing for assistance.

The kind of assistance that I am proposing is a free-trade agreement. It is not a handout. It is not an aid package. It is simply an economic free trade pact that would be of benefit to both countries.

Mr. Speaker, I also wish to make another point about the entire episode in the relationship between the United States and Panama. A lot of people have taken credit for the situation in Panama today without Noriega. President Endara is bringing democracy back and progress to the people of this great country.

I think President Bush deserves credit for this, as well as many others in the executive branch and the Congress. The gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], Mr. HELMS, Mr. D'AMATO, and Mr. DODD, and many Latin Americanists in the House and the other body that have made a difference help with the situation, with this important strategic country and neighbors of ours.

But, Mr. Speaker, there is no one both in Washington and Panama that deserves more credit than Rogelio Novey in assisting United States policymakers in Congress, the media, and the executive branch of the perils of the Noriega year. Once again, the unsung hero is Rogelio Novey of the Organization of American States, a Panamanian. For the past 10 years, he actively was involved in the Panamanian resistance in this country, providing information to Members of Congess, strategizing about legislation in the Congress, providing advice to the executive branch, but in addition to that, making a real determined effort to give Panama opposition leaders when they came to Washington the needed exposure to the American media and American policymakers.

Mr. Speaker, I have not seen the name of Rogelio Novey as one of the heroes of this new United States-Panama relationship and new situation in Panama, perhaps because he is an employee of an international organization and because he never sought credit or headlines. But credit must be given.

His actions on behalf of his country have been as timely and effective, working both sides of the aisle. Rogelio also deeply understands the United States, since he was educated here and is married to a lovely American from Wisconsin. Without Novey, key embargo legislation against Noriega would not have passed. Without Novey, the Endara government would not have obtained early credibility in the United States.

But, Mr. Speaker, I made this statement because I have not seen the name of Rogelio Novey as one of the true heroes of the new Panama.

This free trade agreement is his idea and it is the best one yet to rebuild that country. Many legislative ideas affecting Panama and the United States Congress have been his. He is somebody that deserves credit, not just from this Congress, but from his own government.

Mr. Speaker, I wish to once again acknowledge the major role played by this individual in easing this transition of Panama from being a dictatorship, a country that was devastated by Noriega, into a fragile democracy that needs our help.

Mr. Speaker, I wish to include a copy of my "Voices" essay, as well as a copy of H.R. 4091:

FREE-TRADE PACT WITH PANAMA WOULD REPAIR SHATTERED ECONOMY

(By Bill Richardson)

Panamanian officials have suggested it will take over $2 billion in foreign aid to restore their nation's shattered economy and repair the damages incurred during the U.S. invasion. Recently, President Bush unveiled a more reasonable proposal: approximately $500 million in aid and an equal amount in loans and investment guarantees. The first portion of this package, $42 million worth, was approved by Congress on February 7th.

While Mr. Bush's package is likely to gain support in Congress, the burgeoning deficit and competing claims from East European reform governments will surely limit the size of any approved package. In any event, it is unlikely that U.S. aid alone will be large enough to reinvigorate the Panamanian economy.

Despite this bleak picture, there is something the U.S. could do to give the Panamanian economy an effective boost without significant cost.

The Bush Administration should move to negotiate a free-trade agreement giving Panamanian produced goods duty-free access to U.S. markets. This agreement should be consistent with the Generalized System of Tariffs and Trade and could be limited to a specific period of time or expire once Panama's economy has shown recovery.

By providing unimpeded access to American markets for Panamanian business, the U.S. would be giving particular help to the private sector, that segment of the Panamanian economy most devastated by the events in the past two years.

Duty-free status for Panamanian goods would again make Panama an attractive center for foreign investors. In turns, increased foreign investment would help address two of Panama's other major problems: unemployment and foreign debt (now $4 billion). The private sector, fueled by foreign capital and free access to U.S. markets, will undoubtedly grow and provide the jobs. Panama's growing population desperately needs.

As more of its citizens are employed and the private sector strengthens, the Panamanian Government would be better able to resolve its balance of payments crisis without neglecting the needs of its people.

This program to spur economic growth would yield important political benefits as well. The fragile coalition government of President Guillermo Endara would show proven gains in the face of tremendous odds. Such gains would not be lost on the electorate.

More importantly, one would expect economic stability and growth to translate into political stability. A growing economy would help Panama avoid the problems of Latin Ameria's other democracies, desperately at-

tempting to consolidate democratic institutions in the face of economic disaster.

Concerns could be raised about the agreement's impact on U.S. industries. However, due to the small quantity of Panamanian exports to the U.S. ($340 million in 1987, the year prior to U.S. sanctions), the impact on American industries would be minimal.

A more valid concern is that this agreement might allow third-country producers to benefit from duty-free status by transshipping their products through the isthmus. To prevent such abuses, the agreement should stipulate that the product must be entirely Panamanian-produced or have had considerable value added in Panama.

Prior to U.S. sanctions in 1988, Panama enjoyed reduced U.S. duties through the Generalized System of Preferences and the Caribbean Basin Initiative. While the U.S. has already moved to eliminate sanctions and restore Panama to these important programs, the trade agreement outlined here should be more comprehensive, taking into account both Panama's pressing needs and the United States' special relation to that nation.

Congress can, and should, approve a major package of foreign assistance for Panama's economy. It is unlikely, however, that this package alone will be large enough to rebuild the Panamanian economy. But entering into an agreement allowing Panamanian goods unimpeded access into its markets, the U.S. could take a major step toward revitializing Panama's private sector. We would, in effect, help the Panamanians help themselves.

H.R. 4091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSULTATIONS REGARDING A UNITED STATES-PANAMA FREE TRADE AREA.

The President is urged to initate consultations with the Government of Panama to determine the feasibility and desirability of negotiations with such Government under the authority of section 1102(c) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(c)) for the purpose of entering into a reciprocal and mutually advantageous trade agreement creating a free trade area between the United States and Panama.

SEC. 2. SPECIAL PROVISIONS.

(a) DURATION OF AGREEMENT.—A trade agreement referred to in section 1 may not have effect after the 10th anniversary of the date on which it enters into force between the United States and Panama.

(b) WAIVER OF NEGOTIATION REQUEST BY PANAMANIAN GOVERNMENT.—Section 1102(c)(3)(B) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(c)(3)(B)) does not apply to a trade agreement referred to in section 1.

TV MARTI: A BAD IDEA

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Washington [Mr. SWIFT] is recognized for 30 minutes.

Mr. SWIFT. Mr. Speaker, I was informed late last week by the U.S. Information Agency that today or tomorrow they will conduct the tests that are required under law to demonstrate the technological feasibility of TV Marti. I think most Members are unaware that in fact we even authorized a TV Marti. It was a provision buried deep in a bill that we passed some time ago.

Yet I think there are factors that come to bear here that should be laid out on the record for the body prior to final decisions being made to authorize and put TV Marti on the air. Let us go back and have a little history.

A number of years ago we authorized Radio Marti. That radio service to Cuba is on the air and has been for some time, essentially replacing a signal for Voice of America into the area with a different service that is aimed specifically at Cuba, carrying news, information, and entertainment programming designed specifically for consumption by the citizens of Cuba.

Radio Marti, there is evidence, has been effective. In a visit to Havana shortly before Christmas of last year I developed the definite impression that Radio Marti has provided a contrast with local indigenous broadcasting that has done a couple of things that are positive. One, I am told it has specifically improved the quality of Cuban radio. I am sure that the taxpayers of the United States are happy to have contributed to improving the quality of Cuban broadcasting to the Cuban people.

Perhaps more importantly, Cuban radio was carrying significant and relatively objective reports on the events in Eastern Europe, for example. One can reasonably question whether those reports would be as complete and objective, were it not they could have easily been impressed with information that was coming to Cubans on Radio Marti.

Now we have proposed TV Marti. Very frankly, I have the impression that it was proposed by people who think that TV is just an AM radio signal with pictures. There are some significant differences, primarily technical.

Certainly I can understand that someone might say if Radio Marti has been effective, let us make it more effective by adding pictures, by adding television. But the fact is it is not that simple. The reason that the tests that are taking place today or tomorrow are going to be so important is that a rather innovative method has been proposed for getting television signals into Cuba. I think it would not be too cruel to suggest that the proposal that is being made is clear proof that Rube Goldberg still lives.

□ 1230

Here is the program. An AM signal particularly, and a clear channel can travel for literally thousands of miles. A 50,000-watt AM station on a clear channel can broadcast halfway across the Pacific Ocean, and it can broadcast, if it does not run into mountains and so forth, across many, many States in this country. An AM signal on United States territory can be received throughout Cuba.

A television signal does not travel that far. A television signal that is many hundreds of thousands of watts simply does not have the capacity to travel as far as an AM signal. One cannot get a reliable television picture into Cuba from a television station located in the gulf or even in Florida.

So what is being tested today is a television transmitter hung from a balloon tethered 10,000 feet in the air. We should not prejudge the tests. They will show whatever they will show. I am sure that USIA and the State Department will be honest in reporting the technical success or failure of this proposal.

But it does occur to anybody who has ever worked in a radio or a television station that this is going to be an extraordinarily difficult job to get a reliable and quality television signal into Cuba from a balloon hanging 10,000 feet in the air. If they use an omnidirectional signal, that is one that transmits equally in all directions, the signal will certainly come back and interfere with the broadcast signals of domestic television stations on that channel. If they use a directional signal aimed discretely at a certain point, it is difficult to understand how one stabilizes such a directional antenna from a balloon hanging 10,000 feet in the air.

The tests will, nevertheless, give us some indication on whether Rube Goldberg is going to work in this case.

What difference does it make to us? Is there anything at stake here? Clearly there is ample evidence that the Cuban Government is extraordinarily disturbed by this proposal. Why should we care? If it does not do anything to hurt the United States, one could argue rather strongly that there is no reason at all that we should care.

Let us see what the avenues are, what are the options that Fidel Castro would have if he chose to take some of the action that his government has indicated they will take if we begin regular broadcasts into Cuba.

First of all, he can jam the TV signal. That is not hard to do. We will have spent, I am told, $18 million by the time this gets on the air to deliver television pictures to Cuba which they can jam at a substantially smaller cost than that. So what we have is confrontation, not pictures in Havana.

So what? It still does not hurt us beyond the expenditure of the $18 million.

He can also, and has always had the technical ability to jam Radio Marti, so that it cannot be received by Cuban citizens. When Radio Marti was put on the air the Cubans responded in a number of ways, including new limitations on travel to Cuba by former

Cuban citizens. But essentially they did not choose to jam Radio Marti's signal, but they can do that. Again, it is not technically difficult particularly or a complicated thing to do.

So now we are beginning to lose something on our side, because Radio Marti is a service that is working technically, and is effective on the basis of information, and we can lose that.

In addition to that, Fidel Castro has suggested that if we are going to send what he would consider unwanted signals into his country, he would want to also educate American citizens by jamming signals here.

He cannot jam our television signals for the same reason we are having to hang a balloon in the air to even get a signal as far as Havana. The signal simply will not reach that far. But let us go back to those AM signals.

If we can reach halfway across our continent on a north/south basis with a clear channel radio signal of 50,000 watts, what can we do with 300,000 watts or 500,000 watts? It has already been demonstrated that we can do a lot of damage.

The evening signal, the night signal of WCCO in Minneapolis is currently being interfered with by broadcasts from Cuba. Minneapolis, MN, the Canadian border, broadcasts from Cuba. It is within the technical capacity, the demonstrated technical capacity of the Cuban Government to interfere massively in AM broadcasts in this country, particularly up the Mississippi River Valley clear to the Canadian border, but in a very real way virtually all over the United States this side of the Rocky Mountains.

Will the Cuban Government do that? We do not know. But I asked the State Department if they would come up and talk with me, and let me pass on to my colleagues some of the things that they suggested. I laid out to them what I have laid out here; no significant disagreement in any of those facts.

I asked: "Do you believe that Cuba is serious? Are they just huffing and puffing or are they serious about retaliation if in fact we put the TV Marti on the air?" Our State Department said that they had a number of options, the Cubans did, with regard to what they might do. But retaliation by jamming commercial AM radio stations in this country was certainly among them, and that it was entirely possible. They also agreed that the jamming of our television signals was probable, and that the jamming of Radio Marti was likely.

Then they said, however, it has been our experience with Radio Free Europe and the Voice of America and similar services that are provided that once a nation jams we must continue to send the signal. We must send it as long as is necessary until they stop jamming it, an article of policy in this country with regard to these types of broadcasts.

If one thinks this through, if we broadcast and Fidel Castro jams the signal, we do not get television pictures into Cuba. If he jams Radio Marti, we then lose something we had, which is radio broadcasts into Cuba. And then if, as is likely, he also jams AM signals throughout the United States, we have lost a great deal in return for which we have confrontation, but no information getting into Cuba.

There is a very great sense that we are set on a path in which this Government, our Government, is volunteering the AM radio industry to be the shock troops in confrontation with Cuba.

□ 1240

They are also volunteering all of the Americans who listen to those radio stations to join in the effort of being shock troops in this confrontation.

It seems to me that it would be no problem whatever for this administration or any administration for that matter, should we find massive disruption in our AM signals, to blame that on Fidel Castro. He is not one of the more popular political figures in the United States. We would be happy to believe ill of him.

In fact, for some of the human rights violations that are going on these days in Cuba, we should.

But what do you do then once those AM signals are interfered with? Once the owners of those stations are registering protests, once the listeners to those stations are registering protests, what is it you say next?

It seems to me someone is going to say to the President, "Do something about it." And that raises the very serious question of what, in fact, do we do? That type of confrontation is one in which I think we all would want to measure with some care what are the positives and what are the negatives for us: The $18 million expenditure, the inability of getting a television signal to Havana, the potential of losing what is working, Radio Marti's signal throughout Cuba, and the very great likelihood of disruption of AM commercial signals throughout our own country.

Here we are in the day when the Communist world is collapsing and when the Cuban Government must be feeling increasingly lonely day by day. Not a weekend goes by, this last weekend did not go by, without major changes that indicate an increased weakening of the Communist world.

What I believe that we as Members of Congress need to do is examine this very carefully, those of us who voted on the legislation, though many of us not even knowing that this particular provision to authorize Television Marti was within the legislation, need to understand that equation: What we have to gain, what we have to lose, the potential for confrontation, and ask the question, "Is this confrontation over anything significant?"

I do not think it has had that kind of analysis. I call my colleagues' attention to it today, hope that they will make those evaluations and that they will listen very carefully for the report by this administration on the technological feasibility of this plan, that these things are known by this body and understood by this body, before we suddenly find ourselves in a confrontation from which it is going to be difficult for either side to withdraw.

The time to make that evaluation was probably several months ago. It is still not too late. But, depending on those tests today or tomorrow, we will reach the point of no return very soon indeed. We should not do so without having thought it through, which is something I submit, unfortunately, this body has not at this point had an opportunity to do.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Vermont) to revise and extend their remarks and include extraneous material:)

Mr. RITTER, for 60 minutes, on March 13.

Mr. DANNEMEYER, for 60 minutes, on March 20.

Mr. WALKER, for 60 minutes, each day on March 13 and 14.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. RICHARDSON, for 10 minutes, today.

Mr. SWIFT, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of Vermont) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. LEWIS of California.

Mr. CHANDLER.

Mr. GRADISON.

Mr. RINALDO in two instances.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. LAFALCE.

Mr. DINGELL.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. STARK.

SENATE BILLS, JOINT RESOLUTIONS, AND A CONCURRENT RESOLUTION REFERRED

Bills, joint resolutions and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 511. An act to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

S. 1543. An act to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia; to the Committee on House Administration.

S.J. Res. 75. Joint resolution relating to NASA and the International Space Year; to the Committees on Foreign Affairs and Science, Space, and Technology.

S.J. Res. 262. Joint resolution designating March 1990 as "Irish-American Heritage Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 92. Concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand; to the Committee on Foreign Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On March 7, 1990:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other reasons.

On March 8, 1990:

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms; and

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX.

ADJOURNMENT

Mr. SWIFT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 13, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2680. A letter the Acting Comptroller General of the United States, transmitting a review of the President's third special impoundment message for fiscal year 1990, pursuant to 2 U.S.C. 685 (H. Doc. No. 156); to the Committee on Appropriations and ordered to be printed.

2681. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to modify the physical examination requirement for members of the Ready Reserve of the Armed Forces; to the Committee on Armed Services.

2682. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to improve the quality and efficiency of the military judicial system; to the Committee on Armed Services.

2683. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations to implement title III of the Stewart B. McKinney Homeless Assistance Act, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

2684. A letter from the Secretary of Education, transmitting a copy of Handicapped Special Studies Program—notice of final annual evaluation priorities, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

2685. A communication from the President of the United States, transmitting his determination that continued nuclear cooperation with the European Atomic Energy Community [Euratom] is needed in order to achieve U.S. nonproliferation objective, pursuant to 42 U.S.C 2155(a)(2) (H. Doc. No. 154); to the Committee on Foreign Affairs and ordered to be printed.

2686. A letter from the Acting Administrator, Panama Canal Commission, transmitting the annual report of its compliance with the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2687. A letter from the Inspector General, Department of Health and Human Services, transmitting the third edition of the Program and Management Improvement Recommendations (the Orange Book); to the Committee on Government Operations.

2688. A letter from the General Counsel, Office of Administration, Executive Office of the President, transmitting the annual report on activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2689. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the annual report of its activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2690. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2691. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting a draft of proposed legislation to improve the administration of bankruptcy cases and to curb abuses by debtors; to the Committee on the Judiciary.

2692. A letter from the Director, Office of Personnel Management, transmitting notification of approval of a final demonstration project submitted by the Department of Agriculture, pursuant to 5 U.S.C. 4703(b)(4)(B), (6); to the Committee on Post Office and Civil Service.

2693. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to make effective the Department of Transportation antidrug program rule for recipients of Federal mass transit assistance; to the Committee on Public Works and Transportation.

2694. A letter from the Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, transmitting the second quarterly country and commodity allocation table showing current programming plans for food assistance under title II of Public Law 480, for fiscal year 1990, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2695. A communication from the President of the United States, transmitting his findings that substantial progress has been made in telecommunications trade talks conducted under section 1375 of the Omnibus Trade and Competitiveness Act of 1988, pursuant to Public Law 100-418, section 1376(c)(2)(B) (102 Stat. 1221)(H. Doc. No. 155); jointly, to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

2696. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the annual report on the ability of the railroad retirement account to pay benefits in each of the next succeeding 5 years, pursuant to 45 U.S.C. 231u(a)(1); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 849. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to amend the Rules of the House of Representatives to require the Clerk to make certain notifications to the Speaker; with amendments (Rept. 101-417, Pt 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER:

H.R. 4240. A bill to require the Commissioner of Customs to provide annual national trade and customs law violation estimates and enforcement strategies; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 4241. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and to provide for an increase in the exempt amount under the

earnings test for beneficiaries who have not attained retirement age; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax with respect to the issuance of Medicare supplement insurance policies which do not meet Federal standards, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.R. 4243. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions made to candidates for public office; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mr. MARTIN of New York) (both by request):

H.R. 4244. A bill to authorize certain construction at military installations for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H. Con. Res. 284. Concurrent resolution expressing the sense of the Congress that all members of the Armed Forces who were engaged in combat in Panama should receive an appropriate combat badge in recognition of their service to the United States; to the Committee on Armed Services.

By Mr. ROTH (for himself and Mr. GRAY):

H. Con. Res. 285. Concurrent resolution concerning the status of Namibia under the Comprehensive Anti-Apartheid Act of 1986; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

323. By the SPEAKER: Memorials of the Legislature of the State of Alabama, relative to the proposed closure of Ft. McClellan in Anniston, AL; to the Committee on Armed Services.

324. Also, memorial of the Legislature of the State of Maine, relative to aiding the peoples of Eastern Europe and elsewhere to continue their efforts for freedom; to the Committee on Foreign Affairs.

325. Also, memorial of the Legislature of the State of Maine, relative to Social Security trust funds currently being used to fund general government expenses; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 796: Mr. BROOMFIELD.

H.R. 905: Mr. LAFALCE.

H.R. 1180: Mr. MRAZEK.

H.R. 1360: Mr. ROYBAL.

H.R. 1505: Mr. ECKART.

H.R. 1582: Mr. DWYER of New Jersey.

H.R. 1676: Mr. MCNULTY.

H.R. 2500: Mr. TOWNS and Mr. RANGEL.

H.R. 2926: Mr. MCMILLEN of Maryland and Mr. KOLTER.

H.R. 2956: Mr. GIBBONS, Mr. MARKEY, Mr. CONYERS, Mr. PORTER, Mr. MORRISON of Connecticut, Mr. NAGLE, Mr. FISH, and Mr. WYDEN.

H.R. 3088: Mr. CONDIT.

H.R. 3089: Mr. CONDIT.

H.R. 3090: Mr. CONDIT.

H.R. 3336: Mr. WALSH.

H.R. 3349: Mr. DINGELL and Mr. HUNTER.

H.R. 3383: Mr. PALLONE, Mr. SIKORSKI, and Mr. MARKEY.

H.R. 3732: Mr. ASPIN, Mr. BATEMAN, Mr. ANTHONY, Mr. WELDON, Mr. FLIPPO, Mr. CARR, Mr. FEIGHAN, Mr. JACOBS, Mr. CLINGER, Mr. KASTENMEIER, and Mr. DREIER of California.

H.R. 3733: Mr. KENNEDY, Mr. BRYANT, Mr. BOUCHER, Mr. KANJORSKI, Mrs. KENNELLY, and Mr. RANGEL.

H.R. 3751: Mr. OWENS of Utah, Mr. PENNY, Mr. ROYBAL, Mr. ROWLAND of Connecticut, Mr. BENNETT, Mr. LANTOS, Mr. BATES, Mr. JOHNSTON of Florida, Mr. MATSUI, Mr. RINALDO, Mr. LANCASTER, Mr. LEHMAN of California, Mr. WYDEN, and Mr. GRANT.

H.R. 3906: Mr. LAGOMARSINO, Mr. EMERSON, Mr. WALSH, Mr. SAVAGE, Mr. DONALD E. LUKENS, Mr. HATCHER, Mr. VOLKMER, Mrs. BENTLEY, Mr. WEBER, Mr. SMITH of Vermont, Mrs. COLLINS, Mr. SANGMEISTER, and Mr. ROE.

H.R. 3933: Mr. WISE, Mr. KASTENMEIER, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. FROST, Mr. KENNEDY, Mr. SMITH of Florida, Mr. KOLTER, Mr. STUDDS, Mr. DOWNEY, and Mr. DEFAZIO.

H.R. 4118: Mr. NEAL of Massachusetts.

H.R. 4238: Mr. KILDEE.

H.J. Res. 54: Mr. GONZALEZ.

H.J. Res. 156: Mrs. MEYERS of Kansas and Mr. BUSTAMANTE.

H.J. Res. 413: Mrs. BOXER, Mr. BROWDER, Mr. COMBEST, Mr. DICKS, Mr. DIXON, Mr. EMERSON, Mr. GEREN, Mr. HOCHBRUECKNER, Mr. JACOBS, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MURTHA, Mr. NIELSON of Utah, Mr. REGULA, Mr. RHODES, Mr. SKEEN, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Mr. SPENCE, Mr. TAUZIN, Mrs. UNSOELD, and Mr. WALSH.

H.J. Res. 439: Mr. BONIOR.

H.J. Res. 457: Mr. YATRON, Mr. SOLARZ, Mr. SCHUMER, and Mr. SHAW.

H.J. Res. 486: Mr. MCNULTY, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. BATES, Mr. ROWLAND of Georgia, Mr. FAUNTROY, Mr. THOMAS A. LUKEN, Ms. PELOSI, Mr. RANGEL, Mr. COUGHLIN, Mr. CLEMENT, Mr. FOGLIETTA, Mr. SMITH of Florida, Mr. VOLKMER, Mr. LEVIN of Michigan, Mr. HEFNER, Mr. PALLONE, Mrs. BOXER, Mr. PRICE, Mr. HUGHES, Mr. NEAL of North Carolina, Mr. WALSH, Mrs. SAIKI, Ms. KAPTUR, Mr. GEREN, Mr. FORD of Tennessee, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, and Mr. FROST.

H. Con. Res. 173: Mr. GIBBONS, Mr. MARKEY, Mr. CONYERS, Mr. PORTER, Mr. MORRISON of Connecticut, Mr. NAGLE, and Mr. WYDEN.

H. Con. Res. 259: Mr. KASTENMEIER, Mr. PENNY, Mr. YATES, Mr. JACOBS, Mr. LAFALCE, Ms. SCHNEIDER, Mr. DELLUMS, Mr. STARK, Mr. FAUNTROY, Mr. SCHEUER, Mr. BEREUTER, Mr. FOGLIETTA, Mr. CARPER, Mr. PANETTA, Mr. GEJDENSON, Mr. GRAY, Mr. BROWN of California, Mr. DORGAN of North Dakota, Mr. MRAZEK, Mr. OBERSTAR, Ms. PELOSI, Mr. NOWAK, Mr. KILDEE, Mrs. ROUKEMA, Mr. GILMAN, Mr. JOHNSON of South Dakota, Mr. FALEOMAVAEGA, Mr. BORSKI, Mrs. MORELLA, Mr. JONTZ, Mrs. UNSOELD, Mr. SIKORSKI, Mr. WYDEN, Mr. MOAKLEY, Mr. MAZZOLI, Ms. KAPTUR, Mr. LEACH of Iowa, Mr. HENRY, and Mr. SABO.

H. Con. Res. 270: Mr. GRAY, Mr. WEISS, Mr. STUDDS, Ms. PELOSI, Mr. MOAKLEY, Mr. MILLER of California, Mrs. LOWEY of New York, Mr. MURPHY, Mr. BROWN of California, Mr. BRYANT, Mr. LEHMAN of Florida, Mr. DOWNEY, Mr. AUCOIN, Mr. BRENNAN, Mr. SHAYS, Mr. SMITH of Vermont, Mr. BORSKI, Mr. ROE, Mr. STARK, Mr. SWIFT, Mr. OBERSTAR, Mr. DYSON, Mrs. KENNELLY, Mr. MOODY, Mr. BRUCE, Mr. ENGEL, Mr. MCHUGH, Mr. FISH, and Mr. SCHEUER.

H. Con. Res. 271: Ms. LONG, Ms. PELOSI, Mrs. LOWEY of New York, Mr. MILLER of California, Mr. WOLPE, Mrs. BOXER, Mr. LEWIS of Georgia, Mr. DURBIN, Mr. EDWARDS of California, and Mr. LANTOS.

H. Con. Res. 273: Mr. PANETTA and Mrs. LOWEY of New York.

H. Con. Res. 281: Mr. GALLO, Mr. HUCKABY, Mr. MCNULTY, and Mr. WALSH.

H. Res. 314: Mr. KOLBE.

EXTENSIONS OF REMARKS

THE MEDIGAP REFORM ACT OF 1990

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. STARK. Mr. Speaker, I rise today to introduce the Medigap Reform Act of 1990. This bill is designed to make three major improvements in the quality of policies sold in the private Medigap market.

First, it is designed to improve the financial value of private health insurance policies that may be sold to older Americans.

Second, it is designed to minimize unnecessary confusion among consumers about the benefits and value of private health insurance.

Third, it would eliminate unnecessary and costly duplication of coverage.

Four out of five senior citizens today own one or more private insurance policies to supplement Medicare coverage. The majority of these policies are commonly known as Medigap. They typically cover Medicare deductibles and copayments, and often cover benefits that are not covered by the Medicare Program, such as prescription drugs.

With Medigap premiums for comprehensive policies running as high as $1,200 per year, seniors are forced to make fundamental sacrifices to purchase adequate financial protection.

The Federal Government has a basic responsibility to establish and enforce meaningful standards to provide consumers with minimum protection. After all, the Medigap industry developed as a direct response to gaps and changes in the Medicare Program.

To improve the value of Medigap policies sold to seniors, this bill would raise the minimum loss ratio standards required of individual and group policies, and would make substantial improvements in the enforcement of these minimum loss ratio standards. The minimum loss ratio for group policies would be increased from 75 to 80 percent. The minimum loss ratio for individual policies would be increased from 60 to 70 percent.

Issuers of Medigap policies would be required to file information needed to monitor compliance with loss ratio standards with the Secretary of Health and Human Services [HHS]. This information has already been defined by the National Association of Insurance Commissioners [NAIC] for purposes of reporting to States. The U.S. General Accounting Office [GAO] would perform periodic audits to determine loss ratio compliance and would report its findings to the Secretary.

The current regulatory structure for Medigap insurance is not working to promote consumers interests in most States. Despite NAIC efforts to improve the enforcement of minimum loss ratio standards, a substantial number of companies are still unable to meet the NAIC targets and are nonetheless able to continue selling their products.

According to a recent study by the GAO, the 1988 loss ratios reported by one-third of commercial companies from individual policies were below the minimum standard of 60 percent. In other words, one-third of the companies were paying out less than 60 cents in benefits for every $1 of premiums they received from their customers. Thus, in these cases, more than 40 cents per dollar is taken up in sales commissions, overhead, profits, you name it.

For group plans, GAO reported that two-thirds of commercial companies and one quarter of Blue Cross/Blue Shield plans were below the minimum standard of 75 percent.

Loss ratio standards, for better or worse, are essential for controlling rising Medigap premiums. Many seniors have recently expressed concern about the rising cost of their Medigap policies.

Last November, the GAO indicated that Medigap premiums were likely to rise 18 percent as a result of repealing of the Medicare catastrophic coverage program. Unfortunately for seniors, Medigap rates have increased as predicted. In some cases they have risen by more than 50 percent.

Mr. Speaker, Medigap premiums have increased for a number of reasons, including the rise in Medicare spending and the repeal of the Medicare catastrophic coverage program. However, premiums should not be permitted to increase because insurers are unable to control costs to meet minimum loss ratio standards.

The current State-run system for maintaining the value of policies for consumers through loss ratio minimum standards is not working. Meaningful enforcement of loss ratio standards would slow the increase of Medigap premiums.

The loss ratio provisions of this bill assume that seniors are entitled to a reasonable return on their insurance investment.

The Medigap Reform Act of 1990 would also minimize unnecessary confusion experienced by older consumers when they purchase or compare Medigap policies.

Under the provisions of this bill, all benefits covered by a Medigap policy would be defined with uniform language and in a uniform format. These provisions would help consumers compare policies.

This bill would build upon the NAIC model regulation and statute by requiring all Medigap policies to cover the minimum core of benefits.

In addition, policies would be permitted but not required to cover additional benefits defined by the Secretary.

Mr. Speaker, we all know how complicated the insurance market can be—even for educated consumers. But meaningless differences and unnecessary complications can and should be eliminated.

An example provided by the 1990 Minnesota Medigap insurance cost comparison study demonstrate the wide variation in premiums for identical coverage.

Example No. 2: An 85-year-old man who smokes would pay between $328 per year—Blue Cross and Blue Shield of Minnesota—and $650 per year—Continental General Insurance Co.—for identical basic coverage before riders.

He would pay $1,468 per year—Minnesota Comprehensive Health Association—or $2,527 per year—Mutual of Omaha—for identical extended basic coverage.

The Medigap Reform Act of 1990 would help consumers compare policies that cover identical or similar benefits. Consumers would have enough information to understand why premiums between policies differ. At long last, consumers would be given sufficient information to make informed purchasing decisions.

The Secretary of HHS would be required to define benefits that could be included in a Medigap policy including: coverage for the Medicare part A deductible; the part B deductible; copayments for skilled nursing facility days, coverage of prescription drugs; coverage of allowable charges under part B that exceeds the amount recognized under part B, and coverage for expenses incurred while travelling outside the United States.

Moreover, to recognize and promote innovation, an issuer of Medigap could apply to the Secretary for benefits not previously recognized by the Secretary as optional Medigap benefits.

Unnecessary and costly duplication is a third concern this bill is designed to address.

Seniors are buying more coverage than they need. A report recently issued by the American Association of Retired Persons found that 24 percent of seniors with private insurance in addition to Medicare have two or more policies. Even the Health Insurance Association of America, in its own 1989 survey, reported 15 percent of policy owners have two or more policies.

While the NAIC, in its consumer amendments adopted in 1989, recommended changes to limit the sale of duplicate policies, the NAIC's changes are virtually impossible to enforce unless a consumer files a complaint with the State insurance commissioner. It is hard to imagine that consumers would complain if he or she has been told that the new policy is necessary for some reason or another.

Even more troubling to me is the extent of Medigap sales to individuals enrolled in the Medicaid Program.

According to the American Association of Retired Persons, a staggering 51 percent of Medicaid beneficiaries also purchase private health insurance. This represents between 1.5 to 2 million seniors nationally. Medicaid typically covers the very benefits offered by most

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Medigap policies, such as deductibles and copayments. By definition, a Medigap policy would duplicate Medicaid coverage.

The Medigap Reform Act of 1990 would prohibit the sale of conforming Medigap policies to owners of another conforming Medigap policy. It would also prohibit the sale of a Medigap policy to an individual entitled to Medicaid coverage.

Insurers would be required to certify, based upon the signed statement of the policyholder or certificate holder, that coverage was not duplicative. To enforce antiduplication provisions, the sale of all policies would be registered with the Secretary of HHS.

This bill also builds upon a number of consumer protection amendments adopted recently by the NAIC. For example, the bill would codify NAIC provisions pertaining to treatment of preexisting conditions, automatic change in benefits, guaranteed renewable policies, terms of cancellation, conversion right on termination of group policy and replacement of group policies. In addition, the bill would prohibit medical underwriting.

The provisions of this legislation would ultimately be enforced by a tax on noncomplying policies. The bill is designed to create meaningful incentives to promote compliance. It is structured to give insurers an opportunity to comply with Federal standards before a tax would be imposed. For example, companies that fail to comply with loss ratio standards would be permitted to provide refunds to policy or certificate holders before a tax would be imposed.

This bill would also limit the future sale of hospital indemnity and dread disease policies to senior citizens by requiring such policies to meet Federal Medigap standards. Current owners of such policies would not be affected.

The Medigap Reform Act of 1990 would establish minimum Federal standards and a Federal enforcement mechanism to be sure that standards are rigorously maintained. States would in no way be prohibited from pursuing other efforts to promote customer interests so long as the State activities complied with minimum Federal standards.

Mr. Speaker, there has not been a comprehensive, Federal initiative to reform the Medigap market since the Baucus amendments of 1980. While the Baucus amendments began to set standards for the market, we know all too well that problems persist.

Before closing, I would also note that I am receiving more and more complaints from non-Medicare beneficiaries—younger workers and their families—about misleading and deceptive health insurance policies.

This is another area and another issue, but if these complaints continue, I am sure that Federal legislation will soon be developed. These complaints involve such items as:

Health insurance provided to an employee through a company plan which provides that once an employee is disabled and laid off—that is, very sick—the insurance is canceled, a fact that was never explained to the employees;

The surprise withdrawal of health insurance companies from whole States or regions, leaving people with ongoing conditions—pregnancy, cancer, et cetera—uncovered and uninsurable.

Mr. Speaker, I urge my colleagues to join me in support of the Medigap Reform Act of 1990 to establish and enforce meaningful standards that would protect customers of Medigap policies.

PORTNOY AWARD TO PERRY SUMAS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. RINALDO. Mr. Speaker, I rise to offer a tribute to an outstanding community and business leader from Springfield, NJ, Mr. Perry Sumas. He has been honored by the Phil Portnoy Association with its annual Humanitarian Award for his many generous acts of kindness to people and institutions in New Jersey.

As president and chief executive officer of Village Supermarket, Inc., Mr. Sumas has distinguished himself as a leader in the food industry that employs thousands of men and women and provides our consumers with the widest possible selection of food in the world.

But Perry Sumas has given more to the community than his business expertise. Through his generosity, many fine institutions and charities in the Seventh Congressional District have been able to help the handicapped, provide wholesome recreation activities for the young and old, and establish themselves as outreach centers for families in need.

For his extraordinary efforts and generosity, Perry Sumas has been honored by such esteemed organizations as the American Cancer Society, the Valerie Fund, the Association for Retarded Citizens, Union Memorial Hospital, the United Cerebral Palsy League, B'nai B'rith, UNICO, the Union Police Benevolent Association and the Union County Police Chiefs Association.

Additionally Perry Sumas has received recognition from St. Constantine, St. James, St. Helen and Holy Trinity Churches in Union and Essex Counties for his unselfish and generous support of their parish programs.

I am pleased to join with my fellow citizens and members of the Phil Portnoy Association in honoring this distinguished and generous businessman and in congratulating Perry Sumas and his wonderful family on receiving this prestigious honor as the Humanitarian of the Year.

CONGRESSMAN KILDEE HONORS MARY ANN CORNING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. KILDEE Mr. Speaker, I rise today to urge Members of the House of Representatives to join me in honoring Mrs. Mary Ann Corning, a retired educator who has served the people of Michigan and the Flint area with great distinction for more than 30 years.

After graduating from Central Michigan University with majors in art and English. Mary Ann Corning continued her graduate work at both Central and Eastern Michigan Universities. She taught for 2 years in the Carman Ainsworth School District, and has been teaching art at Davison High School for the past 28 years. Over the past three decades, Mrs. Corning has earned a reputation for working diligently and doing her best to help as many children as she possibly could. She has continually gone above and beyond what is normally expected of educators, donating much time to helping children after school hours and supporting extracurricular activities. In addition to her teaching duties, Mrs. Corning has served with distinction in such roles as a class advisor, cheerleading coach, and art adviser for musical productions and other school functions. She has served as a judge in numerous homecoming parades, conducted art contests and served on the board of the Flint Institute of Arts and the Eastern Star.

Countless students who have come into contact with Mrs. Corning have come away with not only increased knowledge, but with a greater love of learning. The great enthusiasm she has shown in her teaching has served as a beacon for students and teachers alike.

On most afternoons, Mrs. Corning could be found working individually with students, helping them explore and become acquainted with the total art spectrum. Mrs. Corning is adored by her students and their parents. Her colleagues at Davison High School have benefitted infinitely by working with her, and they hold her in very high esteem for her excellence in teaching and the personal affection she has shown each and every child she has worked with.

Mr. Speaker, before I was elected to public office, I was a school teacher in Flint, MI. I always tried to be a teacher like Mary Ann Corning. She is truly a shining example of the kind of dedicated, caring educator that our Nation needs more of. She has certainly made a positive difference in the lives of many people in a manner that we all should emulate. We in the Flint area are indeed blessed to have a person like Mrs. Corning living in our community, and we look forward to continue working with her to improve the quality of life for the people in this area.

THE RAIZ FAMILY—REFUSENIKS FIGHTING FOR EXIT VISAS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. STOKES. Mr. Speaker, I want to thank my colleagues, the gentleman from Pennsylvania [Mr. KOSTMAYER] and the gentleman from Washington [Mr. MILLER], cochairmen of the Congressional Call to Conscience Vigil for Soviet Jews, for their part in organizing the 1990 vigil. This annual event provides us the opportunity to bring to our colleagues' and the Nation's attention the plight of prisoners of conscience and other persons who are seeking freedom and emigration from the Soviet Union.

Last year, 71,196 Jews received permission to emigrate, the highest recorded figure since

1968. Yet many remain behind. Today, I want to share with my colleagues the plight and our concern for Dr. Vladimir Raiz, his wife Carmella, and their two children who have repeatedly been denied exit visas.

The Raiz family who first applied for visas in 1972, are reportedly the longest standing refuseniks, having been denied permission to emigrate for over 17 years. Dr. Vladimir Raiz was employed as a molecular biologist at the Moscow Institute of Molecular Biology until his dismissal in June 1972. Raiz' application for an exit visa has been denied on the grounds of access to state secrets, even though he has not dealt with classified material since 1965. Twenty-five years have passed and after so many years the information to which he may have been exposed would certainly be of little value. In fact, the Moscow Institute has certified that the research he conducted is no longer classified.

During their years in refusal, Vladimir and Carmella have become religiously observant and serve as leaders in the refusenik community. They have organized seminars on Jewish culture, religion, modern Israel and Hebrew. For this, the family has been targets of slanderous articles and impromptu raids by the KGB. Their personal property and Hebrew teaching materials have frequently been confiscated. It is obvious that the treatment of the Raiz family is, at best, inconsistent with the general trend of reform now occurring in the Soviet Union.

Mr. Speaker, during their 18 years in refusal, the Raiz family has displayed tremendous faith that they will someday be allowed to emigrate to Israel. As individuals committed to the struggle for human rights in our country and around the globe, we must continue our efforts to secure their release. We know that relations between our Nation and the Soviet Union can never be satisfactory until Soviet refuseniks are allowed to live where they wish, in peace. Allowing the Raiz family to emigrate would be a significant gesture toward the achievement of this goal.

Mr. Speaker, I again commend my colleagues for their leadership and this opportunity to address this important issue.

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I have introduced today, H.R. 4241, which eliminates the earnings test for Social Security beneficiaries over the age of 65. This legislation will also raise the cap on outside earnings for those Social Security beneficiaries between the ages of 62 and 65.

Under current law, Social Security beneficiaries under the age of 70 who are employed or self-employed receive their full benefits unless their earnings exceed the annual earnings limitation. My bill eliminates the earnings test for senior citizens over the age of 65, and raises the present limitation on exempt income from $6,840 to $8,949 for senior citizens between the ages of 62 and 65.

Currently senior citizens over the age of 65 lose $1 for every $3 which they earn over the income cap. While this is an improvement over the previous 1:2 reduction—a reduction that those seniors under the age of 65 are still subject—the reduction translates into a draconian tax rate of 33 percent for our Nation's seniors. A tax rate that our seniors are little able to afford.

One needs only to consider the aggregate tax rate for seniors to see the unfairness of the earnings test. For example, a senior over the age of 65 earning a modest amount just over the earnings cap is subject to the earnings test 33 percent marginal tax. When the income and Social Security taxes that seniors pay are added, the total tax bill can reach 60 percent of a senior's earnings.

Our Nation's senior citizens are also skilled, knowledgeable, reliable, and eager to work, and our Nation is experiencing a shortage of workers in many industries; shortages which seniors can alleviate. Furthermore, allowing seniors to return to work would reduce not increase the Federal budget deficit.

The Social Security earnings test originated with the creation of the Social Security System in 1935. One purpose was to remove older workers from the labor force in order to create jobs for the young.

However, today's labor situation is significantly different from the industrial society of the early 20th century. In particular, our seniors are able to meet the increasing demand for service-oriented workers, and they enjoy working.

Allowing seniors to return to the work force provides many benefits to our Nation such as increased tax revenues, and alleviating the depression and loneliness that often accompanies the later years in an individual's life.

And, most importantly, a study conducted by the Institute for Policy Innovation and the National Center for Policy Analysis reveals that the revenue-maximizing point for the earnings test occurs at nearly $40,000, generating a new Federal revenue of $3.2 billion.

With well over 200 Members of Congress currently in favor of changing the earnings test, we have the opportunity and the moral obligation to help our Nation's seniors.

Mr. Speaker, I insert the full text of H.R. 4241 at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this vital measure:

H.R. 4241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Earnings Test Amendments of 1990".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

(b) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

SEC. 3. INCREASE IN EXEMPT UNDER EARNINGS TEST FOR BENEFICIARIES UNDER RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual shall be $745.75 for each month of the individual's taxable year ending after 1990 and before 1992.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1990.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203(f) of such Act (42 U.S.C. 403(f)) is further amended—

(A) in paragraphs (1), (3), and (4)(B), by striking "the applicable exempt amount" and inserting "the exempt amount";

(B) in paragraph (8)(A), by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be effective"; and

(C) in paragraph (8)(B)—

(i) by striking "the exempt amount" and all that follows through "whichever" in the matter preceding clause (i) and inserting

"the exempt amount for each month of a particular taxable year shall be whichever";

(ii) by striking "corresponding" in clause (i); and

(iii) by striking "an exempt amount" in the last sentence and inserting "the exempt amount".

(2) Section 203(h)(1)(A) of such Act (42 U.S.C. 403(h)(1)(A)) is amended by striking "the applicable exempt amount" and inserting "the exempt amount".

(3) Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "which is applicable to individuals described in subparagraph (D) thereof" and inserting "which would be applicable to individuals described in subparagraph (D) thereof as in effect on December 31, 1989, but for the amendments made by the Social Security Earnings Test Amendments of 1990".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1990.

MEMORIAL FOR DANIEL JOHNSON, SR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. YOUNG of Alaska. Mr. Speaker, in the course of history, there are certain individuals who truly excel and whose contributions make a noticeable difference in their community. They are the leaders, pioneers, and visionaries to whom we look for guidance and results. One such man was Daniel Johnson, Sr., of Angoon, AK. On Saturday, February 10, 1990, Daniel Johnson passed away following an unsuccessful heart transplant operation.

Johnson was the first president of Kootznoowoo, Inc., serving from 1973 through 1977. He also served on the city council, as mayor of Angoon, on the school advisory committee, and was long active in the Tlingit-Haida Council, and the Alaska Native Brotherhood.

John Norman, Kootznoowoo's corporate attorney since 1974, recalled that Johnson presided over the corporation at a time when there were few guidelines to follow. He is said to be the father of the corporation. "At that time the corporation was like a new baby learning to walk. It was Danny's good humor and encouraging words that helped that baby become the mature corporation that exists today," Norman said.

Johnson was chairman of the board of Kanalku Development Corp., a subsidiary of Kootznoowoo. Sterling Bolima, president of Kanalku, credits Johnson with gaining Admiralty Island wilderness status. Under his leadership in the mid-1970's, Kootznoowoo began a lobbying effort in Washington, DC, to protect the island from logging. Johnson traveled to Washington several times to testify before congressional committees on behalf of his home island.

In a letter to Dan's wife, Verna, Guy Martin, a former Assistant Secretary of the Interior, expressed his respect for Johnson as a leader and a representative of his village. "During the difficult fight to preserve and protect Admiralty Island," Martin wrote, "Dan stood tall in the defense of his home and his lifestyle, even when criticism of the Angoon position came from the Alaska's congressional delegation, Alaska development interests, and other Native villages and corporations. Dan's courage, along with that of other important leaders from Angoon, finally paid off in the ultimate protection of Admiralty Island as a National monument."

He was one of the first Native leaders to blend Tlingit traditions with modern business. Fluent in the Tlingit language, Johnson was a member of the Bear Clan (Teikweidee).

Dan Johnson was born and raised in Angoon. He and his family lived in Juneau from 1957 to 1967 when Johnson worked for the Juneau Cold Storage and later for the Bureau of Indian Affairs. He is survived by his wife, Verna, and children Daniel Jr., Alvin, and Valerie James of Angoon; Melanie Fredrickson and Steven of Juneau; Donald of California; and sisters Virginia Kennedy of Angoon and Marie Beasley of Seattle.

Johnson underwent a heart transplant on Sunday, February 4, 1990. His prognosis was good until midweek when tissue rejection symptoms set in. Norman and others were stranded in Juneau, unable to attend the memorial service for Johnson because of a severe winter storm. Despite the weather, over 250 people attended the memorial ceremony in Angoon on Saturday, February 17. Dozens of individuals and groups performed gospel songs in honor of Johnson's love of music.

Daniel Johnson will certainly be missed. His contributions in the community of Angoon and the State of Alaska will be long appreciated. John Norman remembers, "In all of my contacts with Danny, he always had the best interests of the corporation at heart and he was always proud of his wonderful family. Most of all I will remember his warm personality and winning smile. I'll never be able to think of Angoon and Kootznoowoo, Inc. without thinking of Daniel Johnson."

TRIBUTE TO THE NEW JERSEY WING OF THE CIVIL AIR PATROL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. RINALDO. Mr. Speaker, I would like to bring to the attention of my colleagues in the House the outstanding achievements of the New Jersey Wing of the Civil Air Patrol. These fine young men and women reached for the skies and captured the national championship of the Cadet Drill Team competition held at Maxwell AFB, AL, on December 29, and those of us from the State of New Jersey are very proud of them.

This effort capped a great deal of hard work for those motivated young people, hard work that often goes unrecognized. For many years, the Civil Air Patrol has been carefully molding tomorrow's leaders; teaching responsibility, dedication, skills, and the value of teamwork. Through their involvement in the Civil Air Patrol, these volunteers help to perform valuable emergency services and serve to educate people about aviation and aerospace issues. So today, I would like to extend congratulations, not just to the members of New Jersey's Dragon Drill Team, but also to all Civil Air Patrol members across the country.

KILDEE HONORS RECIPIENTS OF THE WALTER REUTHER DISTINGUISHED SERVICE AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. KILDEE. Mr. Speaker, I rise today to honor seven exemplary members of United Auto Workers Local 599 who have shown great loyalty and commitment to their union and community for over 20 years.

For the last 14 years, UAW Local 599 in Flint, MI, has honored individuals who have held important leadership positions in the union for at least 20 years. On March 18, 1990, local 599 will present the "Walter Reuther Distinguished Service Award" to an additional six union members. Receiving the prestigious Walter Reuther Medallion are C.L. Anderson, Jesse G. Blueitt, Lamont M. Brown, Ronald Cook, Ted Ledbetter, and Theodore Maule, Sr. Each of these fine citizens of the Seventh Congressional District have made considerable sacrifices and contributions to local 599 and the community of Flint. They have all worked to improve the working conditions in our auto plants in Flint and they have collectively and individually made our city a better place to live.

Mr. Speaker, as we all know, Walter Reuther epitomized all that was good in our society. He was compassionate, he believed in a sense of justice and freedom, and he continually worked to protect and enhance human dignity. Walter Reuther would certainly be proud of the recipients of the award that bears his name.

Also on this day, local 599 will also honor Mr. Preston Schmidt, who will be presented with a special plague in recognition of his remarkable record of service to the union and our community. While a member of local 599 for the past 40 years, Mr. Schmidt went on to serve the community in many other ways such as serving as a Flint Township constable, a Genesee County commissioner, and as chairman of the Genesee County Road Commission. Both Flint and local 599 have been extremely fortunate and have benefited from the involvement and services of Preston Schmidt.

Mr. Speaker, I urge the House of Representatives to join me, local 599, and the Flint community in honoring these extraordinary citizens who have set a standard that we should all try to emulate. I know they will continue their good work in the future, and I thank them for all they have done in the past. It is caring individuals such as these that have made the Seventh Congressional District in Michigan a better place to work, live, and raise families.

NATIONWIDE REGULATIONS FOR CARGO INSPECTIONS

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. CHANDLER. Mr. Speaker, the Ways and Means Subcommittee on oversight recently conducted a 2-year investigation of the U.S. Customs Service commercial operations. During the course of this study I became increasingly concerned that there is no uniform program for inspection of cargo brought across our borders.

For example, at the port of Seattle, 12 percent of cargo is selected for inspection. Only 8 percent is selected in Los Angeles. Shippers are better off bringing their cargo through Los Angeles and similar ports where the chance for inspection and the ensuing cost is much lower. This discrepancy leaves our country more vulnerable to the entry of drugs and other illegal cargo at ports with less stringent inspection procedures.

Today, I am introducing legislation to direct customs to establish Nationwide regulations for cargo inspections. The process used to select cargo for inspection would be based on an assessment of the likelihood of violations of international trade and narcotics laws enforced by Customs.

The criteria used to assess the threat of cargo would include an examination of the cargo's source—country of origin, manufacturers, importers, commodities—and the relative threat between ports of entry and region.

In addition, the data collected would be used to provide statistics on the number of examinations performed, the reasons for the exam, the depth of the exam and the results of the exam, by port and region. These findings would be compiled annually and sensitive law enforcement information would be kept confidential.

I encourage my colleagues to join me in this effort to keep drugs and illegal cargo out of the United States.

The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES.

(a) IN GENERAL.—Not later than 30 days before the beginning of each fiscal year after fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this Act referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) APPLICABLE STATUTORY PROVISIONS.—The Commissioner of Customs, after consultation with the Committees—

(1) shall, within 60 days after the date of the enactment of this Act, prepare a list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

SEC. 2. NATIONAL ENFORCEMENT STRATEGY.

Within 90 days after submitting a report under section 1 for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

SEC. 3. CONFIDENTIALITY OF REPORTS.

The contents of any report submitted to the Committees under section 1 or 2(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

HOUSE JOINT RESOLUTION 305

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. BEVILL. Mr. Speaker, on June 22, 1989, I introduced House Joint Resolution 305, a measure calling for a constitutional amendment to make desecration of the American flag illegal. Over 70 of my colleagues joined me in cosponsoring this bill. Among those who cosponsored this bill was my good friend and colleague, BILL NELSON of Florida. BILL believed as I did that it was important to have legislation which assured that our national symbol was protected.

Unfortunately, due to a clerical error Congressman NELSON's name was not added as a cosponsor until February 6, 1990. I know that he felt strongly about this issue and I regret that his name was not added immediately after he contacted me on August 1, 1989.

BILL is one of the finest individuals serving in the House of Representatives today. His work in Congress and with the Space Program set him apart as an outstanding public servant and I am proud to count him as a friend.

A TRIBUTE TO THE 63D SECURITY POLICE SQUADRON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the critical role played by the 63d Security Police Squadron of Norton Air Force Base in San Bernardino, CA, in the recent United States intervention in Panama. On March 23, 1990, the 63d is being appropriately honored by chapter 67 of the International Footprinters Association for its role in this successful mission.

On December 18, 1989, the men and women of the 63d Security Police Squadron arrived in Panama to serve as an integral part of "Operation Just Cause." The responsibilities of this unit were critical to the overall success of the United States military mission in Panama. These responsibilities included providing air base ground defense for Howard Air Force Base in Panama, providing necessary guard duty to the Bridge of Americas, and playing a direct role in the capture of Panamanian dictator Manueal Noriega. Most importantly, through the combined efforts of the 63d Security Police Squadron and other branches of the Armed Forces, the United States helped return Panama to its people and its government to those freely elected by the people to lead it.

Mr. Speaker, I hope you will join me today in commending Lt. Col. Mike De Capua and the members of his squadron for their dedication and heroism in fulfilling the mission of "Operation Just Cause" while serving their country. These brave men and women of the 63d Security Police Squadron include the following: A1c. Jeffrey A. Almgren; T. Sgt. Richard Alvarez; Amn. Paul R. Beuchat; A1c. Kirt J. Brooks; Sra. Ronald E. Butryn, Jr.; A1c. Stanley F. Caldwell; T. Sgt. Jose L. Candia; Sgt. Barry Cannon; S. Sgt. Stephen B. Cheatham; S. Sgt. Curt T. Cloud; A1c. Joaquina M. Contreras; A1c. Patrick L. Ellis; M. Sgt. Robert A. Flatt; Sra. Todd A. Grebel; A1c. Michail Grizkewitsch, III; Sra. David W. Hardy; A1c. Wesley J. Howell, III; S. Sgt. Larry C. Ingham; A1c. Bashuan J. Isom; A1c. Mark S. Kennedy; Sgt. Joel A. Ketch; S. Sgt. Roscoe D. Lowe; A1c. Steven F. Manginell; A1c. Sarah L. McClure; A1c. Adrian S. McClain; Sra. Donald A. McQuarie; S. Sgt. Reginald Morrison; A1c. Maurice L. Mullinax, Jr.; Sra. Denise A. Nelson; Amn. John W. Parr, Jr.; A1c. Mark E. Perry; Amn. Kim M. Piskacek; S. Sgt. Kenneth V. Rice; A1c. Mark R. Searles; S. Sgt. Lauro Segura, Jr.; Capt. James L. Setzers; Amn. Doral D. Sharps; A1c. Terrence P. Shibata; S. Sgt. Ricky P. Smith; A1c. Jeffrey L. Spray; S. Sgt. Martin D. Stutzman; Sgt. Shane K. Thwaites; A1c. James J. Wolfe; and A1c. Brian C. Wolken.

A TRIBUTE TO JEROME O'ROURKE OF FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding citizen of my hometown of Flint, MI, Mr. Jerome O'Rourke. The Genesee County Bar Association has chosen to honor Jerry O'Rourke on March 13, 1990, for his many years of outstanding legal service to the Flint community.

Jerry O'Rourke has practiced law for 39 years in the Flint area. In addition to his suc-

cess as a private attorney, Jerry served his community in public office. He served for three terms as prosecuting attorney for Genesee County from 1955 to 1960, a time of great changes and challenges for our Nation and our community.

Jerry has also been an active member of numerous professional organizations including the American, the Michigan and the Genesee Bar Associations, the Association of Trial Lawyers of America, the National Association of Defense Lawyers in Criminal Cases, and the Michigan Trial Lawyers Association. He is a past president of the Genesee County Bar Association, and he has chaired important peer review committees for the Michigan Bar Association. He is also a fellow of the American Bar Foundation.

While Jerry O'Rourke has been most active with professional organizations, he has still found time to be active in his community. He currently serves as a trustee of the Charles Stewart Mott Community in Flint. He has been a member of the President's Club of the Democratic Party, a member of the Century Club of the Democratic Party and is a past chairman of the Genesee County Democratic Party.

There is no doubt that Jerry O'Rourke is an outstanding individual who has left his mark on Flint, MI. Our community has been a better place due to his commitment and hard work. It is truly fitting that the Genesee County Bar Association honor an individual of such high integrity and moral character as Mr. Jerome O'Rourke.

SCIENTIFIC EVIDENCE AND ACID RAIN

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. GRADISON. Mr. Speaker, much of the discussion concerning the reauthorization of the Clean Air Act and a solution to the acid rain problem has focused on the politics of the issue and what it will take to reach a compromise that can clear Congress and be signed into law by the President. Recently, the Senate has taken a major step toward that goal.

I concur with many of my colleagues who see the need for strong statutes to protect the environment. These protections, however, have a cost and the costs need to be weighed against the benefits. I remain disturbed about the continuing dispute within the scientific community about the nature of acid rain and the relative significance of acidic deposition to our environmental problems.

In the March 6, 1990, edition of the Wall Street Journal, S. Fred Singer, a professor of environmental sciences at the University of Virginia, who has written widely on the subject, discusses the current scientific evidence on acid rain and asks important questions about whether we have adequately addressed the cost-benefit issue. Before this train leaves the station on a fast track, Congress needs to be certain that the scientific evidence supports its assumptions about the problem and that the costs of compliance are reasonable when weighed against the benefits that we are likely to realize.

THE ANSWERS ON ACID RAIN FALL ON DEAF EARS

(By S. Fred Singer)

A billion-dollar solution for a million-dollar problem: This is perhaps a facile way to summarize the acid-rain issue, but it's not far from the truth. The proposal to control emissions that could spur acid rain—now being debated on the Senate floor as part of the Clean Air bill—could cost $5 billion to $10 billion a year; the benefits, in terms of reduced damage, are uncertain and, at best, quite small.

This appears to be the conclusion of the National Acid Precipitation Assessment Program (NAPAP), which is just completing a 10-year scientific study. This monumental federal program may be worth every penny of the half billion dollars spent—if only it substantiates that the ecological damage from acid rain would take decades, not years, to occur, if it occurs at all. There is time for measured responses that avoid the costly mistakes that come from panicky over-reaction.

Acid deposition, commonly referred to as acid rain, occurs when sulfur dioxide and nitrogen oxides, emitted from fuel-burning power plants, motor vehicles and other man-made and natural sources, are transformed into acid compounds. Carried by the winds, they either fall out in dry form or rain out in water droplets, often quite far from their sources of emission. The scientific debate has been about the precise relationship that the levels and locations of emissions have with the acidity and locations of the rain, and about the severity of the ecological effects. The policy debate has been about the degree and timing of emission control and about who—and what sectors and what regions—should pay the bills (read: billions) that ultimately are passed on to consumers.

NAPAP brings some answers to these debates. First, America's best-kept secrets: From 1973 to 1988, sulfur dioxide emissions decreased 23%, to 24 million tons, despite a 45% increase in coal use; nitrogen oxides have declined 14% since a 1978 peak. Both decreases are the result of current clean-air laws.

And now the kicker, the outcome of this grand experiment in emissions reduction: "No apparent trend in the acidity of rainfall has been detected," according to James Mahoney, director of NAPAP, in October testimony before Congress. "Because of complex atmospheric reactions, percentage reductions in emissions may not result in similar percentage reductions in depositions," he added. Thus the relationship is not at all proportional—as was claimed in a 1983 National Academy of Sciences report, widely used as the basis for proposals to cut sulfur dioxide emissions, including the Senate bill.

NAPAP also counters the common wisdom that acid rain effects are caused only by sulfur dioxide from industrial sources. The Adirondacks, Catskills and Poconos are all downwind from major sulfur dioxide sources in the Midwest, yet according to NAPAP, only 11% of the lakes in the Adirondacks and 2% of those in the Catskills/Poconos have enough acidification to damage fish. Mostly small lakes are affected, further suggesting that local geology and soil drainage may be a contributing factor in acidification.

Another surprise: Except for red spruce at high elevations, acid rain hardly seems to bother trees, and may even contribute to fertilization. Similarly, agricultural crops are sensitive to ozone, but not to acid rain. Acid rain's effects on materials, buildings and statues are difficult to quantify. In spite of lurid claims by the American Lung Association, there is no solid evidence on health effects. Finally, acid droplets do cause some deterioration of visibility, but so do all particulates, including sand and dust.

So what's all the fuss about? Asking this question about the emperor's clothes got a former NAPAP director into trouble. His successor, Mr. Mahoney, had to admit to Sen. Daniel Patrick Moynihan (D., NY) at the October hearing that even heroic efforts to reduce emissions may not improve small lakes located in acidic drainage basins—certainly not very quickly. Treating these lakes with lime every few years would be far more cost-effective.

Acid rain has become a symbol of national rain—the sin of prosperity—calling, it seems, for national explanation. We offer in sacrifice jobs and economic growth. Scientific evidence no longer seems to matter; nor does an analysis of the cost of controls vs. the benefits that might be achieved. The odds are that the debate in Congress on the Clean Air bill will continue to ignore the NAPAP results—the only scientific basis for determining benefits—since NAPAP doesn't produce the answer that regulators want to hear.

Why does the bill still call for a sulfur dioxide reduction of 10 million tons? Why not two million, or five million, or even all 24 million tons? It's hard to answer this when there is no cost-benefit analysis to guide policy. Yet everyone knows that as the degree of control is raised, costs escalate wildly while benefits increase only slightly.

The proper course is not hard to find. With no impending catastrophe on the horizon, the currenct improvements due to existing clean-air laws and should be speeded up by easing certain restrictions rather than by imposing new ones. For example.

Encourage policies that lead to a more rapid repalcement of old power plants and of older, heavily polluting cars.

Allow a free choice of the technology or of any measure to reduce emissions, coupled with an expanded system of flexible emissions trading.

Increase the utilization of existing nuclear plants.

Conserve more energy wherever it makes economic sense.

Only after the first stage of emission reductions has been exhausted, and any reduction in acid rain documented, should legislators even consider the more drastic control measures that threaten the economic well/being of Americans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 13, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

10:00 a.m.
Joint Economic
To resume hearings on the economic outlook for 1990, and on the President's proposed budget request for fiscal year 1991.
B-352 Rayburn Building

MARCH 20

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Information Agency.
S-146, Capitol

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings on the Public Buildings Program of the General Services Administration.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.
SD-192

Energy and Natural Resources
To hold hearings on S. 2088, to extend authority for Titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to one billion barrels, and to provide for predrawdown diversion authority for SPR oil.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communication Commission's syndicated exclusivity rules.
SR-253

Governmental Affairs
To hold hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Finance
To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain of the sale of pension investment assets held for a short term.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1898, to provide Federal government guarantees of investments of state and local government pension funds in high-speed intercity rail facilities.
SR-253

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

Finance
To resume hearings on proposed legislation for deficit reduction and spending initiatives contained in the President's fiscal year 1991 budget.
SD-215

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

9:30 a.m.
Small Business
To hold hearings on small business opportunities with the Soviet Union and Eastern Europe.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

MARCH 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for the world oil market in the 1990s and its implications for U.S. energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.
SD-366

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

11:15 a.m.
Environment and Public Works
To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brigadier Gen. Arthur E. Williams, to be a Member and President of the Mississippi River Commission.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.
SD-366

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138
Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215
2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366
10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol
2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253
Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366
10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192
2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116
Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215
2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216
10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138
2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and

the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

39-059 O-91-38 (Pt. 3)

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, March 13, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for all Your gifts and we specially pray for the gift of courage. As we seek to gain wisdom to know the way we should walk, so we would claim the courage to do the right, to speak the truth, to risk much for the common good, to rise above selfish or personal gain and to seek to do the works of justice for all people. We are grateful, O God, for the gift of courage, in all its manifestations, and pray that it's spirit will be with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. DURBIN] please come forward and lead the House in the Pledge of Allegiance?

Mr. DURBIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VOODOO ECONOMICS HAS FAILED

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, after a decade of Republican tax gambles, it is time to take a long, hard look at what exactly these policies have meant for working Americans.

CBO found that 9 of 10 American families are paying more taxes today than they did before the supply-side tax cuts of 1978 and 1981. Despite the talk of across-the-board tax cuts and claims of the success of the trickle-down theory, taxes have not been reduced for most Americans. In fact, CBO found that only the richest 10 percent of Americans has enjoyed a reduction in taxes. Consequently, during the 1980's, the rich got richer; the poor got poorer; and, the middle class wound up supporting them both.

The evidence is clear. Voodoo economics has failed. Yet, we still have a President who is only too eager to provide further tax relief for the wealthiest Americans by reducing the capital gains tax rate. The trickle-down theory didn't work before, and it won't work now. How long do we have to wait for this President to become an advocate for working taxpaying Americans?

WILL MRS. CHAMORRO INHERIT AN EMPTY SHELL?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, President Bush's request for aid to Nicaragua gives us the chance to help Mrs. Chamorro build on her amazing electoral victory. But we have to work quickly.

According to the Washington Post, the Sandinistas, still in control of the legislature, are quickly passing laws to practically guarantee Sandinista leaders and their followers a considerable degree of personal security and privilege.

In this morning's New York Times, an article mentions the fact that the Sandinistas somehow disposed of a full year's supply of Soviet oil in the last 3 months. The Sandinistas either used or sold most of the oil, and Nicaragua used to get large amounts of oil from Mexico and Venezuela, but supplies were cut off because Managua did not keep up with its payments.

Mr. Speaker, unless we act with conviction and speed, Mrs. Chamorro could inherit a country that is a hollow shell, bankrupt, looted, despoiled and ungovernable. The House should let the Sandinistas know that we are watching.

I believe, Mr. Speaker, international observers in Nicaragua are needed after the election, as much as before, and there must be an international effort of all the industrial democracies to help Mrs. Chamorro with abundant aid. Nothing less will suffice.

Finally, I particularly urge those Members on the other side of the aisle, who so often helped Presidents Reagan and Bush keep the flame of Nicaraguan freedom alive, to help once again.

The article from the New York Times follows:

[From the New York Times, Mar. 13, 1990]

BUSH TO SEEK $300 MILLION IN FUNDS FOR CHAMORRO

(By Robert Pear)

WASHINGTON, March 12.—President Bush will ask Congress this week to provide the newly elected government of Nicaragua with $300 million in assistance to rehabilitate the country's war-ravaged economy, Administration officials said tonight.

They said Mr. Bush would ask Congress to appropriate the money before April 25, when President-elect Violeta Barrios de Chamorro is scheduled to be inaugurated.

That would require extraordinarily fast action by Congress. Administration officials said they wanted Congress to vote for the aid, if possible, before lawmakers leave town for an Easter recess that runs from April 6 through 17.

White House officials said that Mr. Bush would probably make a televised appeal for the aid to Nicaragua in the next day or two. A State Department official said: "This aid package absolutely has to be on a fast track. If it's not, it will be too late."

Battered by more than a decade of war, Nicaragua is in the midst of an economic crisis, with high inflation, high unemployment and shortages of basic commodities. Agricultural output and export earnings have fallen as a result of the war and a trade embargo imposed by the United States.

Mr. Bush is also expected to announce this week that he will lift economic sanctions imposed on Nicaragua by President Reagan in May 1985. The sanctions prohibit the import of Nicaraguan goods into the United States, forbid the export of most products from this country to Nicaragua and bar Nicaraguan air carriers from the United States.

Of the $300 million aid package, $30 million is earmarked for demobilization and repatriation of Nicaraguan guerrillas camped in Honduras, White House officials said. The United States has been providing food, clothing, shelter and medical supplies to the contras and has also been urging them to return to Nicaragua.

Mrs. Chamorro's chief economic adviser, Francisco Mayorga Balladares, visited Washington last week and outlined her "agenda for economic recovery." He said that the plan would include economic incentives for the contras to return to Nicaragua.

"STARTER KITS"

The incentives could include small plots of land and "starter kits" containing farm tools, seeds and fertilizer, Administration officials said.

Mrs. Chamorro led a 14-party alliance that crushed the Sandinistas in elections on Feb. 25. Many Nicaraguans cited dissatisfaction with the state of the economy as a reason to vote for her. About two-thirds of the $300 million in Mr. Bush's request is for oil and for agricultural commodities like seeds and fertilizer.

Administration officials said that the Sandinistas had somehow disposed of a full year's supply of Soviet oil in the last three

months. The Sandinistas either used or sold most of the oil, they said. Nicaragua used to get large amounts of oil from Mexico and Venezuela, but the supplies were cut off because Managua did not keep up with its payments, the Administration said.

Paul S. Reichler, a Washington lawyer who has represented the Sandinista Government of Nicaragua since 1979, said that in recent years Managua has been getting most of its oil at little or no charge from the Soviet Union.

Mr. Reichler said that the President of Nicaragua, Daniel Ortega Saavedra, "supports U.S. aid for Nicaragua and will cooperate in efforts to expedite delivery of such aid."

"I have been instructed by the Nicaraguan Government to lend my support to lobbying efforts to get U.S. economic assistance for Nicaragua and to collaborate with Mrs. Chamorro's people in these efforts," Mr. Reichler said.

Administration officials said that under Mr. Bush's proposal the money for Nicaragua would be taken from Defense Department accounts. Officals at the State Department and the Office of Management and Budget said tonight they were still trying to identify the specific Pentagon accounts that would be used.

The officials said Mr. Bush would ask Congress to add the aid for Nicaragua to a bill that includes $500 million in economic assistance for Panama.

PENTHOUSE PARTIES SUBSIDIZED BY GROUND FLOOR DWELLERS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the Democratic Party favors a strong national economy. The foundation of this economy rests squarely on the shoulders of those who work in America.

Unfortunately, Mr. Speaker, Republican tax policy of the past decade has weakened this foundation. For all of their talk about not raising taxes, Republicans have found time to raise the tax of 80 percent of all American families during the 1980's.

Mr. Speaker, those occupying the penthouses, the richest one-fifth of Americans, received generous tax cuts as our Nation piled up the largest debt in its history, and I am one American who is sick and tired of subsidizing penthouse parties at the expense of those who live on the ground floor.

In order to have a strong economy, the backs of the Americans must be kept strong. We must not add weight to the heavy load that they already carry. Tax policy, like President Bush's capital gains reduction, will only continue this trend. The superrich will get richer, and everyone else will get poorer.

THE BECK DECISION AND CAMPAIGN REFORM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DELAY. Mr. Speaker, I read recently in Roll Call that there now may be two separate campaign reform packages—a Republican package and a Democrat package, rather than one bipartisan bill. Obviously negotiations seem to be proceeding at a rapid pace, and there seems to be some kind of unwritten agreement that there may be a bill or bills on the House floor by April.

I do not mind the speed, Mr. Speaker, but I am deeply disturbed by the lack of any reference to including provisions to enforce the Beck decision to protect workers' rights as a part of any campaign reform package. What is the use of rushing a package to the floor if it does not contain the one provision that would protect the political rights of American workers?

The President has said that he supports enforcement of the Beck decision as an essential part of any campaign reform package. He has included the provisions of my bill, H.R. 2589, the Workers' Political Rights Act which codifies this decision, in his campaign reform proposal.

I for one want to make it very clear to all my colleagues that I will not support any campaign reform package unless it includes provisions to enforce the Supreme Court's Beck decision to protect the political rights of American workers. In my book, there is no campaign reform without Beck.

□ 1210

TIME FOR AMERICAN PEOPLE TO LEARN TRUTH ABOUT TAX POLICIES OF REAGAN AND BUSH ADMINISTRATIONS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the time has come for the American people to learn the truth about the so-called supply side, trickle-down tax policies of the Reagan and Bush administrations.

George Bush had it just about right, actually, 10 years ago when he termed Ronald Reagan's tax policies voodoo economics. Today the President is practicing "deja voodoo" economics, playing witch doctor for the rich, because the rich are getting tax breaks and working Americans are getting soaked.

Over the last 12 years, the tax rate for the wealthiest 1 percent of Americans, those who make more than half a million dollars a year, has gone down by 15 percent. Aftertax income is up by 110 percent. Over the same period, the tax burden for 90 percent of American families has increased 11 percent. Aftertax income is down.

And to add injury to insult, this policy costs us $70 billion a year in revenue. We could fix a lot of roads and bridges, help a lot of kids, create a lot of new jobs with that, fix the deficit. But if you read his lips and you are not rich, you are in trouble.

TIME FOR REREGULATION OF AIRLINES

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, I have always been a supporter of airline deregulation. I thought it was working, but this weekend I went to Detroit for a 12-hour visit. It took me 22 hours and an assist from Delta Airlines to get me back here. Unfortunately, I was scheduled to fly Northworst—I mean, Northwest.

Now I am convinced as long as Northwest is flying, there is a strong argument for reregulation.

OK, there was some fog. There was some confusion and there was chaos, but the decision of the management of Northwest that lying to passengers was better than telling the truth; from the top management to the people at the ticket counters, to the agents at the flight desk, I was lied to this weekend at least on four occasions. Four times I was told that we were going to leave and four times there was no crew for the aircraft.

If this is the result of deregulation and this is what our constituents have to put up with on a daily basis, maybe we should rethink the whole issue.

LITHUANIA'S DECISION TESTS VALUES AND LEADERSHIP OF UNITED STATES

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, Lithuania's declaration of independence does more than test the courage of this tiny nation. It tests the values and leadership of the United States. For 50 years we refused to recognize the Soviet annexation of Lithuania, when that refusal was in the best interests of the United States. Our policy embarrassed Moscow, with a constant reminder of the Hitler-Stalin Pact, which allowed the enforced incorporation of the Baltic nations; but now the relations between Moscow and Washington have warmed. Some would have us take care not to push Mr. Gorbachev too hard, too fast. Such caution might

be justified were it not for 3½ million Lithuanians who are risking their lives for freedom.

In Vilnius, the capital of Lithuania, there is a square with 15 flagpoles. Until recently those flagpoles were used to display the flags of the Soviet Republic. Those flags have been removed.

During a recent trip to Lithuania I was told by a newly elected parliamentarian that these flagpoles are now reserved for the nations which come forward to recognize Lithuania as an independent and free nation.

I fervently hope that the first flag in the square at Vilnius will be our own Stars and Stripes.

I say to the President, the fate of the future of Lithuania may be tied to our response. After 50 years of standing with Lithuania, I say to the President, we cannot let them down at this decisive moment.

BECK CASE PIVOTAL TO CAMPAIGN REFORM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, enforcing the Supreme Court's decision in the Beck case is pivotal to true campaign finance reform.

The problem with using workers' union dues or fees to support congressional and Presidential candidates is profound. In many cases, that money is not paid voluntarily, but is coerced from workers who are required by law to pay a fee to the union or lose their jobs. No other group—certainly no corporation or private sector business—enjoys a Federal law which requires workers to pay them money as a condition of employment.

The worst irony is that there are many of these workers who oppose the political issues and candidates that the union officials spend the workers' hard-earned money on. While the principle at stake is the basic freedom of American workers, the money and the political power that this money represents is also significant.

Litigants in the Beck case were returned amounts as high as $6,000 in excess, illegally charged dues and fees. Department of Labor statistics indicate that over 15 million Americans currently work under compulsory union contracts, paying an average of $300 a year each in compulsory dues and fees to the union. That amounts to billions collected annually from workers. No wonder big labor is not broadcasting the Supreme Court's decision in Beck.

THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, when it comes to the Family and Medical Leave Act, some of our colleagues take the untenable position that they just oppose mandates. How can anyone be serious in this day and age and oppose job security for working families when a serious illness strikes?

Well, for my colleagues who either misunderstand or have not focused on the issue, I want to tell them what happened in New Jersey. We had an election last November, a gubernatorial election, a legislative election. Before that election was held, the family and medical leave bill in New Jersey was considered dead. It could not be passed. After the election, in a lameduck session, the bill sponsored by a Republican State senator was passed in both houses and signed by a Republican Governor.

New Jersey's family leave law is one of the most progressive among the seven States which give employees comprehensive job security during a family medical crisis.

The New Jersey experience ought to tell my colleagues who oppose the Family and Medical Leave Act something, and let me tell you what that something is. That something is, as last year's round of gubernatorial elections shows, the electorate is very volatile when it perceives insensitivity to issues affecting women and families.

Family and medical leave is perhaps the most important work and family issue of our day, and those who turn their backs on the American family do so at their peril.

CHAIRMAN OF WAYS AND MEANS COMMITTEE HAS PROVIDED US A WAKE-UP CALL ON THE DEFICIT

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, I do not know about the Speaker and the rest of my colleagues, but I happen to like the Rostenkowski plan. I do not agree with absolutely everything that is in it, but it took guts to do it. It took guts to say it.

We know that in the Cloakrooms we have been talking about what the gentleman from Illinois [Mr. ROSTENKOWSKI] has proposed, but no one has had the courage to come forward and say it all and put it all together in one piece. He has.

It is about time that this Congress got a wake-up call. The chairman of the Ways and Means Committee has provided us one, and I hope we listen to what he has to say.

NICARAGUA CELEBRATES A SECOND TIME

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the people of Nicaragua today are celebrating for the second time within 2 months. Last month, as the whole world knows, they celebrated their entry into democracy, their entry into the freedom-loving peoples of the entire world.

Today they are celebrating for a second time, because the President of the United States has announced that he will lift the trade restrictions that have for so long kept our two countries separate and apart, and rebind them together with the economic aid that the President has promised.

□ 1220

We, the American Congress, in response to the American people, will now respond to the people of Nicaragua, thus making certain that that portion of Central America will maintain itself in the posture of democracy for which the world has so long yearned.

UNITED STATES MUST SUPPORT EFFORTS OF LITHUANIA

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, it was once written that: "The greatest glory of a free-born people, is to transmit that freedom to their children." Having fought for this basic human right over 200 years ago, the United States can well understand the desire for self-determination and independence that has been burning in the hearts of the Lithuanian people since the Baltic States were illegally incorporated in the Soviet Union in 1940.

The human spirit is unbeatable in its thirst for freedom and democracy. It is my sincere hope that freedom is no longer just a memory in Lithuania. With its recent declaration of independence, Lithuania has restored the exercise of Lithuania's sovereign powers to its rightful owners. During a half-century of alien rule and Soviet slavery, the Lithuanian people maintained their identity as a sovereign people and their will was never broken. Last month's multiparty elections were Lithuania's first step toward independence. The opportunity to vote is something that we as Americans often take for granted. The people of Lithuania, however, have worked long and hard for this very

basic right. I applaud the valiant efforts of a truly persevering people.

Despite his recent stated reaction to Lithuania's move toward greater independence, I hope that General Secretary Gorbachev will realize the basic rights of individuals to self-determination.

The fever for democracy continues to spread throughout Eastern Europe and the Baltic States. The newly independent Republic of Lithuania has a non-Communist leader for the first time in 50 years and a multiparty parliament. These changes are truly remarkable, but the road toward independence is filled with hard work and broken dreams. As the democratic leader of the free world, the United States must continue to support the efforts of Lithuania and act as a beacon for those seeking democracy.

INTRODUCTION OF LEGISLATION TO REPEAL MANDATORY TAX WITHHOLDING FOR FARM EMPLOYERS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, America's farmers are the most productive in the world. The family farm has been among the foundations of our Nation since the day the Pilgrims landed at Plymouth Rock.

But a half-page provision in last year's 1,000-page budget bill threatens America's farmers with onerous, unnecessary, and expensive bureaucratic hassles and effectively cuts the pay of America's seasonal farmworkers.

I am talking about mandatory tax withholding for farm employers. It is an injustice, and I have introduced H.R. 4121 to repeal it.

The family farm that hires a few seasonal workers to help plant and harvest crops cannot afford the new burdens mandatory tax withholding will cause.

Moreover, when taxes are withheld from our seasonal farmworkers, many of whom earn so little income that they would have no tax liability, the Government is, in effect, funding itself with money that our poorest citizens need to feed their own families.

It is time for Congress to act to keep American agriculture strong. It is time to show compassion upon America's farmworkers.

It is time to repeal mandatory tax withholding for farm employers by supporting H.R. 4121.

AMERICAN TAXPAYER SUFFERING FROM TAX MORT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, President Bush wants $500 million for Panama, $300 million for Nicaragua, and he says he plans to shift this money from defense.

I now ask here today: When did Congress or anybody in Washington ever shift any money from defense for America's needs such as housing or education? Think about it. Who do we here in Washington really represent anymore?

All the bills we get on the floor are more money for foreign countries. The President said that Panama and Nicargua have huge debts. Did anyone ever remind him that we are the leading debtor nation of the world, $3.3 trillion? Who is helping America?

We have senior citizens eating dog food, people sleeping on steel grates, 20,000 murders a year, roads and bridges falling apart, but now we need $800 million to save the rest of the world.

This is not a shift. This is a pure and simple shaft to the American taxpayer who is suffering from an incurable disease. Folks, it is called tax mort, tax mort.

PROHIBIT USE OF COMPULSORY UNION DUES FOR POLITICAL PURPOSES

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I recently circulated a letter enclosing a news article from a paper about 2 weeks ago in which there was an article written up that some organized labor unions were using compulsory union dues to pay people to go out and to demonstrate in favor of pro-choice, for abortion.

I do not care where Members stand on the issue. It is unconscionable to use checkoff union dues to get out and support either side of this issue.

Almost 10 years ago this day I introduced legislation to address a grave violation of workers' rights, the use of compulsory union dues for political purposes.

The Beck decision says that they cannot do this, but there are tremendous loopholes in the law.

I would hope that any finance reform, any reform for financing Federal elections, would include something that would preclude the taking away of union dues and using them for things for which the employees never agreed.

Almost 10 years ago to this day, I introduced legislation to address a grave violation of worker's rights—the use of compulsory union dues for political purposes.

The Federal Election Campaign Act of 1971 prohibits the use of compulsory dues for direct cash contributions to political candidates, but it does not prohibit the use of forced union dues for a number of other indirect means of supporting union political causes and candidates.

While the Federal Election Campaign Act generally prohibits expenditures by labor organizations in connection with Federal elections, it leaves huge loopholes for this money to get into the electoral process, such as mailings, nonpartisan registration and get-out-the-vote campaigns, as well as PAC administration costs.

This is a way for dissenting union members to avoid supporting the union officials' campaign agenda. Unfortunately, most workers are unaware of this right.

Dissenting union members have faced the prospect of ridicule and persecution by the union, or the loss of their job in the past. However, the Supreme Court has ruled in Communication Workers of America versus Harry Beck—and other cases—that a worker can pay only those costs that directly relate to collective bargaining.

That is why the administration, Republican leadership, and I support—and ask my colleagues to support—H.R. 3798, which would codify the Beck decision in Federal elections. Any election law reform package that does not include these provisions is unacceptable.

NEGOTIATIONS ON THE CHEMICAL WEAPONS BAN

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, as an observer to the negotiations to ban chemical weapons appointed by the Speaker, I recently attended two plenary sessions in Geneva and met individually with the ambassadors of the United States, Great Britain, West Germany, China, Sweden, the Soviet Union, Brazil, France, Australia, Israel, the Netherlands, Pakistan, and Egypt. I would like to share with my colleagues, in a general way, my impressions of these sessions and meetings.

Since my visit to Geneva as an observer last August, significant progress has been made. Optimism is the prevalent attitude of all involved, and the momentum seems to be favorable for the completion of a chemical weapons convention within the next 2 years. Some of the ambassadors are optimistic enough to feel that the work can be completed this year.

Verification continues to be the most difficult issue still to be resolved. Since this issue is the most important concern to our country, it remains our responsibility to fashion verification regimes which will be acceptable to our political and military leaders and to the other countries involved. The other issues involved, such as the makeup of the executive council, the schedule of chemicals to be banned, the order of destruction of the chemicals, et cetera, are all fairly technical,

but easily resolved once the larger issue of verification is decided.

The largest impediment to arriving at a convention continues to be the lack of a forceful enough indication of our resolve to conclude the negotiations. Several ambassadors indicated that a visit to Geneva by the President would be an important signal of the priority our country places on a quick conclusion to the negotiations.

The consensus among the ambassadors was that our insistence on maintaining a stock of 2 percent of existing stocks after the signing of the convention and until all chemical-capable countries have signed the convention remains the major stumbling block to the negotiations. Furthermore, most ambassadors feel that this position will lead to more proliferation since chemical capable countries will want to match our stock ton-for-ton. A slightly less important stumbling block, in their opinion, is our continued insistence on the right to use chemical weapons in retaliation of their use by any other country. In the opinion of most participants, the convention would be concluded within a matter of months if President Bush would drop these two preconditions.

Continued production of chemical weapons pending the completion of the convention is a less critical impediment. Two of our closest allies in the negotiations indicated that our chemical weapons modernization program has been an important factor in bringing the negotiations to this point, but even they did not think that continued production was helpful in concluding the negotiations.

In my discussions with the chief negotiator from the Soviet Union, Minister Serguei Batsanov, we developed the idea to present to the Committees on Armed Services and Foreign Affairs and the leadership of the House the notion of an interparliamentary meeting in Geneva this summer. Such a meeting would bring together approximately 10 Members of our Congress and 10 members of their Supreme Soviet and Chamber of Deputies. Minister Batsanov is anxious to have his countrymen visit Geneva and is also anxious for them to meet jointly with Members of Congress.

We decided that the best way to achieve both goals was to have that meeting occur in Geneva, probably during the 4th of July recess. We both believe that a better understanding of the issues involved will be helpful in the ultimate approval of the chemical weapons convention once negotiations are concluded. Both countries need to elevate the understanding of and support for a chemical weapons ban among our colleagues who must ultimately approve and implement the convention.

I have made this proposal to the House leadership and Minister Batsanov has made it to the Supreme Soviet leadership. If this exchange is approved, I encourage my colleagues to take advantage of this opportunity to learn more about these negotiations.

ROSTENKOWSKI PROPOSAL HAS MERIT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, even the dullest among us knows that if we are going to balance a budget we can do one of three things: we can either cut spending, we can raise taxes, or we can do both.

Once we balance that budget, in order to keep it in balance, if we are going to create new programs, then we either have to cut another one, raise new taxes, or do both, and that is the essence of what our chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], has suggested, and I think his plan has merit, and it ought to be seriously considered.

The leaders of the House, the Senate, and the President ought to sit down with the Rostenkowski proposal as a basis and begin negotiations from there. Frankly, I think both parties, and I say both parties, need to throw off the shackles of campaign rhetoric and get realistic about the deficit reduction.

There is no constituency for a sacrifice, and we are not going to get letters about any particular parts of the Rostenkowski proposal saying it is a great idea. But if we can develop a package and make it nonpartisan as we did with the 1983 Social Security package, we can pass it, we can balance the budget, and we can go home and defend that action and get reelected all at the same time.

RECOGNIZE LITHUANIA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, we are witnessing, with the declaration of independence in Lithuania, the beginning of the end of the Communist Party as we know it. We are seeing a small country, 3½ million people, asking our country to recognize them as a free and independent country.

I recently had the privilege to go to Lithuania, and I saw that spark that led to a fire for their determination to enjoy the freedoms and opportunities we enjoy today. I saw a Catholic cardinal who had been in prison for 23 years and was finally released and came to his church and found that it was an atheist museum, took the material out and began practicing religion once again.

I saw the thirst for freedom of speech, the freedom of press, for the opportunity to pass on to their children the opportunity to dream dreams and to make those dreams come true, and all they want from us is not a handout, not money, but recognition. They want to be recognized as a free and independent country, and I challenge the President to give them that recognition.

□ 1230

AMERICA NEEDS A RESPONSIBLE BUDGET, NOT MORE TAXES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, what America needs is not higher taxes. What America needs is responsible Federal spending programs. We have to close obsolete military bases, give the President a line-item veto, follow the Grace Commission report in cutting waste, cleanup the HUD scandal, and cleanup the debacle in the savings and loan industry, which will wind up costing American taxpayers over $500 billion.

The Rostenkowski plan, translated, means tax increases all down the line. The Rostenkowski plan reflects the age-old plea of the liberal welfare state: tax, tax, tax; spend, spend, spend; elect, elect, elect. This plan is just a liberal tax increase plan. The American people do not want the liberal welfare state to continue. It has been a proven failure all over the world.

Let us restore common sense to American government and let us not buy another pig in the poke: more liberal welfare state hype.

CONCERN OVER LACK OF CLASSES IN WEST VIRGINIA

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I rise today to express my concern with the lack of classes in West Virginia. Classroom teachers in West Virginia have gone from 33rd in the Nation to 49th in the Nation in the last decade. They have gone without any salary increases during several of the past few years, but they had hoped that there would be some improvement this year. Unfortunately, that did not happen. The first strike by teachers in the history of the State is occurring right now.

Last week I contacted the Governor to urge him to meet with representa-

tives of the teachers. He is doing that now. I am hopeful that there will be agreement reached.

All things considered, the education system in West Virginia is good. Given the modest budget it gets to operate, it is excellent. The system is good because there are thousands of dedicated teachers fighting not only for themselves, but for the betterment of education across the State.

Many teachers and parents have contacted me urging my support. They have it. As I told the Governor, the children are the victims. It is our responsibility to see they are served by the best education system we can provide. West Virginia must do more to make a system, loaded with good teachers, better.

CASTRO MUST READ THE WRITING ON THE WALL

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, at the beginning of the 1980's, only about 10 percent of Latin Americans lived in democratic societies. Today, that figure is over 90 percent.

What has transpired there over the last 10 years is nothing short of a democratic renaissance. One by one, countries broke the chains of military or dictatorial rule and established truly representative societies. Argentina, Guatemala, El Salvador, Honduras, Colombia, Peru—to name only a few—all have bridged the chasm between dictatorship and democracy.

But, Mr. Speaker, there remains one government that stands in the way of this rising democratic tide—one government that obstinately refuses to submit itself to the will of the people.

Fidel Castro has ruled Cuba with an iron fist for nearly 30 years and in the process has turned the once-prosperous island into something bordering on a giant Alcatraz. He has sent his army around the world to further the cause of world communism. He has bankrupted the domestic economy. He has running drugs into America at a rate that would have made Manuel Noriega envious.

Mr. Speaker, it is time for Castro to read the writing on the wall. It's time he allowed his countrymen the right to vote. If he truly represents them—as he claims—then he has nothing to fear.

As the events in Romania last December showed us, woe betide the Stalinist leader who deludes himself into thinking he has the support of his people. The elections in Nicaragua bring the democratic momentum into this hemisphere.

And if Castro does not heed the warning signs now, Mr. Speaker, mark my words, Nicolae Ceausescu will not be the only leader to meet his maker at the hands of his supposedly loyal followers.

TIME TO GET SERIOUS ABOUT THE BUDGET

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, the story of our Federal budget during the 1980's is a story of big deficits and big loans from foreign investors. It is a story of not meeting our responsibilities and passing on IOU's to our children.

It is time for dramatic change in our attitude. It is time to get serious about the budget. Nothing less than the future standard of living of our children is at stake.

This is why I have proposed a serious plan to deal with the problem. It is a comprehensive package of spending cuts and revenue increases that would reduce the anticipated deficit by more than $500 billion over the next 5 years.

The basic components are a 1-year spending freeze for all nondefense programs, accompanied by a 3-percent annual cut in defense spending. These spending changes comprise 60 percent of the package.

The other 40 percent consists of revenue increases, including increases in consumption taxes and a higher income tax rate for the richest 1 percent of our society.

This plan is both bold and balanced, asking for modest sacrifices by all Americans. I urge my colleagues to study it carefully. Others may come up with alternative approaches for reaching this goal. I welcome the other options, but urge that they also be comprehensive. We face big problems that cannot be solved with nickel and dime solutions. This plan is a challenge that can start a serious debate about getting the job done. That will be a major step forward.

PRESENT-DAY TAX POLICIES WERE A BIPARTISAN EFFORT

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I am a new Member of this body. I was elected in 1988. I know that I still have a great deal to study.

One of the areas that I am studying is our tax policy. I have heard the charges made by several speakers from the other side of the aisle that our tax policies mean that the poor pay more and the wealthy pay less.

Mr. Speaker, tax policy is very complex. But I am informed that our tax policy can be largely found today in the 1983 Social Security compromise and in the 1986 tax reform package. I am informed that both of these bills when passed enjoyed bipartisan approval.

Now, if these policies were in error, and I stress the word "if," I cannot understand how speakers form the other side of the aisle can come up here now and say these are Reagan-Bush policies, when they endorsed and supported these very same policies at the time.

ROSTENKOWSKI PROPOSAL A BOLD DEFICIT REDUCTION PACKAGE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I rise today to commend one of our colleagues, Chairman DAN ROSTENKOWSKI, for having the courage to come forth with a very bold deficit reduction package. Mr. Speaker, I would observe that unlike the President's deficit plan, this plan is real. It proposes $55 billion in deficit reduction for fiscal year 1991 and $500 billion in deficit reduction over the next 5 years.

One of the most incredible parts of this is the fact that if we would do this, we would save $60 billion in interest payments over the next 5 years. Think about it, my friends, $60 billion.

Now, we may not all agree with all the specifics of the Rostenkowski plan, but I hope that the President and congressional leaders will use it as a guide when they sit down to discuss deficit reduction this year.

My friends, if we would pass the Rostenkowski plan or something as bold and comprehensive as it, we could see I believe a significant reduction in our dependence on foreign credits and lower interest rates. We would reduce the trade deficit. We would improve national savings. But most of all, Mr. Speaker, we would meet our fundamental moral obligation to our children and grandchildren to protect their standard of living and not see it reduced by the enormous bills that we are handing to them.

So, Mr. Speaker, I hope that this institution can find the courage to come up with at least an alternative to the real deficit reduction plan that our courageous chairman of the Committee on Ways and Means has put forth.

LITHUANIAN DECLARATION OF INDEPENDENCE: A CAUSE FOR REJOICING

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, last Sunday the elected rep-

resentatives of the Lithuanian people voted to declare independence. This is something that Lithuanians are rejoicing about. It is something that Lithuanian-Americans should rejoice about. It is something that all Americans should rejoice about.

Why? Because whenever any group of people seeks self-determination, democracy, freedom and independence, it is a cause for rejoicing in the United States.

Several Members visited Lithuania a couple of weeks ago. We were thrilled with discussions that we had with members of the new Parliament on constitutions and declarations of independence, and their interest in our Constitution, in our Declaration of Independence, those dreams of our Founding Fathers, those dreams of 1776. They are alive and flourishing in Eastern Europe and in Lithuania today.

RUSH ON TO UNEMPLOY MORE APPALACHIAN COAL MINERS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the rush is on to unemploy more Ohio and Appalachian coal miners, practically all of them, and also to increase utility bills for all of America.

The President wants an acid rain bill on his desk by April 22, Earth Day. This is in spite of a $500 million study called NAPAP that is going on, begun in 1980 and to be concluded this year, which will say where the problem is, if there is any.

□ 1240

Your tax dollars are being thrown away, and what are they afraid of? Why are they afraid of this? Why not just wait another 6 months?

You can thank the Northeast quadrant of the United States and their Congressmen and their U.S. Senators. You can thank the Western coal interests who stand to profit greatly by this. You can thank the Canadians who are going to profit tremendously, and the environmentalists who brought you snail darters, and this year are bringing you snail darters II, the acid rain bug.

Let us use common sense and give the taxpayers a break.

FIGHTING THE DRUG WAR ON ALL FRONTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, are we really in a war on drugs? Many people question that around this country.

The President has a three-pronged approach to deal with the drug crisis. One is education, to educate our young people, to cut the demand for drugs in this country. The second thing that we are going to do is try to interdict more drugs. We are getting I think over 600 to 800 metric tons of cocaine into this country each year. We intercepted 42 metric tons in a 1-month period, and it did not make a dent in the street price. But interdiction is the second very essential part of this program. The third thing is strong laws to make sure that drug dealers pay the price for their crimes, including the death penalty for major drug dealers.

But there is a fourth part that is not being incorporated into the program, and that is the eradication of the drugs at their source. In the Upper Huallaga Valley in Peru, we know in that one valley 200 miles long by 25 miles wide, two-thirds of the world's coca leaf is grown, and we are doing nothing to stop that growth or that production. We need to eradicate those drugs at their source.

If they do not grow the coca leaf, they cannot make the cocaine paste. If they cannot make the cocaine paste, they cannot make crack and cocaine that is coming into this country. So we need to have that fourth ingredient if we are to kill this drug monster. That is eradication at the source.

OMB ANTICIPATES NO "ACTS OF GOD" THIS YEAR

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, natural disasters were big in 1989, the San Francisco earthquake and Hurricane Hugo.

This administration seems confident, however, that we have placed all of these tragedies behind us. So confident, in fact, that the Office of Management and Budget has cut all funds for disaster relief.

No "acts of God" are anticipated for this coming year, and OMB anticipates no need to spend money on any disasters.

At OMB in fiscal year 1990, that adds up to no money for Small Business Administration disaster loans, and no money for so-called unanticipated disasters.

We can read OMB's lips on this one: No new disasters.

Mr. Speaker, while their budget thrift is commendable, what will happen if OMB's confidence is misplaced?

REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT

(Mr. PEASE asked and was given permission to address the House 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, the Subcommittee on Surface Transportation of the House Public Works and Transportation Committee has now commenced action on the reauthorization of the Surface Transportation Act. This action will reauthorize for the next 5 years the Federal aid highway formulas which govern how Federal funding is allocated through the primary, second and urban aid programs. Similar action will also occur in the U.S. Senate.

What takes place this year could have important and far-reaching implications for donor States such as Ohio, California, Texas, Michigan, and Florida—all of which contribute more to the highway trust fund than they receive in return—and our national economy.

Highway funding is administered unfairly because it is based on archaic factors and formulas. Such factors as land area and postal mileage are no longer relevant. Population figures are calculated only once very 10 years and do not take into account fluctuations in growth in those years.

In its 1986 report on how highway funding is distributed, the GAO recommended that Congress take steps to update these factors. Such action is long overdue. Now is the time for us here in Congress, especially Members from donor States, to act on those recommendations and to ensure a fair and equitable return for all States and our economy as a whole.

Transportation is an important component of the economic development equation. If goods cannot be shipped, industry suffers. If industry suffers, the economy suffers. If the economy suffers, we all suffer.

BALANCING TAXATION

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, it is unacceptable to continue to raise the Social Security income tax when the entire American tax system, a system which appears increasingly regressive, is so imbalanced. A raise in the payroll tax literally takes money from the pockets of America's working class as they provide an increasingly unfair share of the revenues of the Federal Government.

The tax system in this country was manipulated based on the argument of increasing the incentive for the rich to provide more revenue by reducing the marginal tax rate. However in fact

from 1980 to 1988, Social Security tax revenues as a percentage of total Federal revenues rose by 23 percent. By comparison, corporate income tax revenue as a percentage of total Federal revenues actually declined by 23 percent. This system virtually robs the Nation's poorest and middle class to hand the richest few another Porsche and a beach house or vacation condo. We can no longer be blind to this tax system which fosters an environment that promotes welfare for the rich. Despite the promises and rhetoric of an administration against raising taxes for working Americans, overall taxes went up 5.5 percent during the 1980's for these people.

Let us give the working Americans a fair break and an opportunity to save. We must make an effort to make taxes intelligently progressive, not oppressively regressive.

SAVINGS AND LOAN PAC MAN

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, the game of Pac Man is alive and well in our Nation's Capital. This version of Pac Man has the Federal Government gobbling up savings and loans at a billion dollar pace. However, this game of Pac Man does not cost 25 cents and will not turn off.

Rather, the costs of the thrift Pac Man game goes on and on. The Congressional Budget Office has now predicted that the cost of the S&L bailout is expected to rise $25 to $30 billion beyond the administration's over optimist original estimate.

The Resolution Trust Corporation [RTC], the agency entrusted with digesting these troubled thrifts, is enmeshed in a bureaucratic gridlock. The RTC is effectively nationalizing the thrift industry, taking on billions in real estate and junk bonds. It has been estimated that when all is said and done, the RTC will hold real estate equal in size to four Rhode Islands—having more assets then any backing entity in the world.

It is time for the RTC to turn these assets over to the professionals in the private sector, as required by the FIRREA legislation, and stop trying to reinvent the wheel. It is in the private sector that these troubled thrift assets will be managed most efficiently, not by the Federal Government. Only when the RTC recognizes this, will this costly game of Pac Man end.

THE ROSTENKOWSKI TAX PROPOSAL

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the lead editorial in the morning Baltimore Sun is entitled "Good for Rosty." The subject of the editorial, of course, is the proposal put forward by the chairman of the Ways and Means Committee that would bring Federal spending into balance, indeed into surplus within 1995.

The Rostenkowski plan is simple and direct. We all know there are only two ways to reduce the Federal budget deficit: cut spending and raising taxes. This plan does both. The measure is strong enough to get the job done. It is the first comprehensive plan that has been brought forward that does this.

Magic acts require blue smoke and mirrors. The Rostenkowski plan is no magic act, but is instead, as the chairman said, a blueprint for a strong and resurgent American economy.

Although we may disagree with some of the specifics let us use the blueprint to develop a plan that really reduces our Federal budget deficit.

As the Baltimore Sun said, "Good for Rosty." Let us say let the debate begin.

ADMINISTRATION AGAINST MOTHERHOOD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am startled that the Republicans are insisting on continuing to be the party against motherhood. Their position is that no one should have a child, I guess, unless they can afford to stay home and take care of that child.

I wish we had the kind of economy where that was possible. Unfortunately, the statistics are such that many people must go back to work, and rather than help us get them a short job-protected leave to try and bond with that child and get that child off to a good start, they are saying they will veto any such thing.

I think we have to be very serious about what we will be doing. We will really be creating more criminal problems, more drug abuse problems and everything else. All the statistics, all the pediatricians and everyone else tells us that if we do not get that bonding right in the early days of life, we have problems for the rest of our life.

□ 1250

And so I am very surprised that they are coming out on that side. I do not think we want to create infant day care for little, tiny babies. There is no way you can do that.

We are going to find out that we do not have it anyway. But I do not want to do that. I think we ought to have family medical leave, and I am very, very shocked that they disagree.

BANNING DOMESTICALLY MADE AUTOMATIC OR SEMIAUTOMATIC ASSAULT WEAPONS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am proud to cosponsor, along with the gentleman from New Jersey [Mr. HUGHES], a bill which will restrict the availability of domestically made semiautomatic assault weapons similar to the kind that was used in the terrible killings last September at the Standard Gravure plant in my hometown of Louisville.

We have known for a long time that semiautomatic assault weapons are the weapons of choice of drug dealers and they have caused many horrible slayings in the urban areas of our country. But I guess not until the terrible killings at Stockton, CA, followed up by the assault that left 9 people dead and 13 people wounded at Standard Gravure in Louisville, have we realized the need to get these weapons off the streets of our smaller communities.

To the President's credit, 43 kinds of automatic weapons cannot be imported. We would now, in this bill, give that same authority to the Secretary to designate domestically made semiautomatic assault weapons for the same type of handling. They should be banned. There is no place in America's cities for these kinds of weapons. The quicker we can get them out of the premises, the better.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1990.

Hon. THOMAS S. FOLEY,
U.S. House of Representatives,
Washington, DC

DEAR MR. SPEAKER: This is to inform you pursuant to rule L(50) of the Rules of the U.S. House of Representatives that a subpoena has been served upon me, in my capacity as Clerk of the House, requiring the production of certain official documents in the United States District Court for the District of Columbia. In consultation with the General Counsel to the Clerk I have determined that compliance with the subpoena would be appropriate and consistent with the privileges and rights of the House.

Sincerely,

DONNALD K. ANDERSON,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

PANAMA CANAL ACT AMENDMENTS OF 1990

Mr. DYSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1347) to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Act Amendments of 1990".

SEC. 2. COMPENSATION FOR BOARD MEMBERS.

Section 1102(b) of the Panama Canal Act of 1979 (22 U.S.C. 3612(b)) is amended in the last sentence by striking out "grade GS-18 of the General Schedule under section 5332" and inserting in lieu thereof "level V of the Executive Schedule under section 5316".

SEC. 3. COMPENSATION FOR DEPUTY ADMINISTRATOR AND CHIEF ENGINEER.

Section 1104(b) of the Panama Canal Act of 1979 (22 U.S.C. 3614(b)) is amended in the last sentence by inserting immediately before the period at the end thereof the following: ", and, if eligible, the overseas recruitment or retention differential provided for in section 1217 of this Act".

SEC. 4. RETIREMENT.

(a) ELIGIBILITY.—Section 8336(i) of title 5, United States Code, is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

"(3) An employee of the Panama Canal Commission who was not employed at any time during the period beginning March 31, 1979, and ending September 30, 1979, by the Canal Zone Government or the Panama Canal Company, or by an Executive agency at a permanent duty station in the Canal Zone, who is separated from the service before January 1, 2000, and who has at the time of separation at least 11 years of continuous service with the Panama Canal Commission (disregarding any break in service of 3 days or less) is entitled to an annuity if the employee is separated from the Panama Canal Commission—

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service if the separation is the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service.".

(b) COMPUTATION. Section 8339(d) of title 5, United States Code, is amended by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following:

"(3) The annuity of an employee retiring under this subchapter who is employed by the Panama Canal Commission at any time during the period beginning October 1, 1990, and ending December 31, 1999, is computed, with respect to any period of service with the Panama Canal Commission, by adding—

"(A) 2½ percent of the employee's average pay multiplied by so much of that service as does not exceed 20 years, plus

"(B) 2 percent of the employee's average pay multiplied by so much of that service as exceeds 20 years.".

(c) UNFUNDED LIABILITY. Section 8348(i)(1) of title 5, United States Code, is amended by striking "1979." and inserting "1979, and the amendments made by section 4 of the Panama Canal Act Amendments of 1990.".

SEC. 5. AMENDMENTS TO PANAMA CANAL COMMISSION COMPENSATION FUND ACT OF 1988.

Section 5 of the Panama Canal Commission Compensation Fund Act of 1988 (102 Stat. 4685; 22 U.S.C. 1715c) is amended—

(1) by striking out "Upon the termination of the Panama Canal Commission:";

(2) in subsection (a)—

(A) by striking out "The Secretary of Labor" and inserting in lieu thereof "Upon the termination of the Panama Canal Commission, the Secretary of Labor"; and

(B) by striking out the last sentence;

(3) in subsection (b) in the first sentence—

(A) by inserting "under subsection (a)" after "Labor"; and

(B) by striking out "Employees Compensation"; and

(4) by adding at the end thereof the following:

"(c) CONTINUITY OF THE FUND. (1) Amounts in the Fund (including amounts transferred as a result of the final determination made under subsection (a)) shall be maintained by the Secretary of the Treasury, shall be available for transfer to the Employees' Compensation Fund in such amounts as are requested by the Secretary of Labor pursuant to section 4 of this Act, and may be discontinued only in accordance with paragraph (2).

"(2) At such time as the Secretary of Labor certifies that no further liability exists for workers compensation benefits or other payments described in section 3(a), the Secretary of the Treasury may discontinue the Fund in the manner provided by law.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 1990.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland [Mr. DYSON] will be recognized for 20 minutes and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today makes several small, technical changes relating to the Panama Canal Commission's personnel compensation.

That they are small changes doesn't make them any less important to the Commission's future.

Let me make two points before going into the details of this legislation. First, nothing contained in H.R. 1347 has anything to do with the Canal Treaty of 1977 or the transfer process agreed to therein. It does not change, abrogate, or have any effect whatsoever on any agreements between this country and Panama. The legislation is directed solely to the improvement of the canal operations.

Second, nothing in this legislation will require the use of any U.S. taxpayer funds. The canal is and will continue to operate without taxpayer funds of any kind whatsoever.

The canal is now, and will continue to be, entirely self-funded and self-financing. Every change included in H.R. 1347 will be paid for out of the Commission's normal operating revenues.

Now to the legislation before us. H.R. 1347 has four substantive provisions that improve current personnel arrangements.

First, it allows for members of the canal's board of directors to receive per diem compensation while conducting canal business at the level of a grade V of the executive schedule.

These members serve without pay, other than the per diem compensation for the days that they are actually conducting canal business. On a normal year, this amounts to the four, quarterly board meetings that usually consume three business days each.

At this time, board members are reimbursed for their time away from their normal duties at the rate of GS-18 officials. The change contemplated by H.R. 1347 would in effect grant a higher per diem. It is justified by the fact that we are asking the most experienced men and women in their field to donate considerable attention and time to canal business. Their time is worth considerably more than the per diem we would be granting under H.R. 1347, and would reflect the value that we attach to their services.

The second change extends to the existing tropical recruitment and retention pay allotment to the position of the Commission's deputy administrator. The need for this arises from an oversight contained in Public Law 96-70, the Panama Canal Act of 1979.

At the time that act was passed, the deputy administrator was a Panamanian citizen and so that post was not granted a tropical recruitment and retention benefit. The act also noted that a U.S. citizen would be appointed to this post in the year 1990, but it failed to make an allowance for ex-

tending the tropical recruitment and retention benefit to the U.S. citizen holding the post at that time.

A U.S. citizen will soon be appointed to the deputy's post. Unless we authorize the deputy to receive the tropical benefit, he will be supervising less senior officials who do receive this benefit and who therefore will have higher salaries than the deputy. It may sound like a minor problem, but I believe it is clearly the case that it should be corrected.

The third improvement relates to the Canal Commission's workmen's compensation program. This too corrects a minor oversight contained in legislation passed during the 100th Congress. That legislation establishes guidelines for administering the Panama Canal Commission's workman's compensation trust fund after the Commission is dissolved in the year 2000.

The subcommittee has received no complaints about the fund, its capitalization or the procedures for meeting its obligations. But we have learned that there is no mechanism for liquidating the fund after the year 2000.

The provisions of H.R. 1347 correct this oversight. They require the Secretary of Labor to certify that the worker's compensation trust fund has enough capital, including future interest accruals, to meet all future compensation payments. It also directs that the accounts be maintained by the Secretary of the Treasury, until such time as all claims have been satisfied. At that point, the Treasury Secretary can terminate the fund. Any expended balances will revert to general revenues.

I have saved the bill's most important change for last. Its fourth and final provision makes an extremely important change in the Canal Commission's existing retirement programs.

U.S. citizens working for the Canal Commission are in a unique situation. Their employing agency will be dissolved on December 31, 1999. Their employment will thus be terminated.

The Commission retirement program operates in accordance with title V of the United States Code, which lays out the rules of the Civil Service Retirement Program.

Under section 8336 of title V, employees working at the Canal Commission as of September 31, 1979, are entitled to receive an annuity if they are separated voluntarily after completing 23 years of service or after reaching age 48 after completing 18 years of service.

A subsequent section specifies how that annuity is to be computed.

At the time that Congress enacted Public Law 96-70, no thought was given to the possibility that the Commission would have to employ additional U.S. citizens. In fact, between October 1979 and mid-July 1982, the Commission added 25 new employees, most of whom are canal pilots.

These pilots are currently excluded from the Commission's early retirement program. As the date of the Commission's termination approaches, these pilots are having to make career decisions about their future employment, either at the canal or elsewhere.

Both the Office of Personnel Management and the Canal Commission have identified these pilots as a critical component of the canal's work force. In testimony before my subcommittee, the representative from OPM declared "these are pilots whose retention in the service is essential to the operation of the canal."

The provisions in H.R. 1347 relating to canal retirement benefits simply offers to these 25 pilots the same benefits enjoyed by their colleagues, both United States and Panamanian employees who are otherwise eligible for retirement under the normal rules of title V.

When these pilots have acquired 11 years of canal service or 20 years of Government service, or after reaching age 48, have accumulated 18 years of Government service and 11 years of canal service, they will be eligible to collect the same sort of annuity for which other canal employees are eligible.

These workers are absolutely vital to the continuation of canal operations. They have proven themselves, quite literally under fire, to be devoted and dedicated to the canal's future.

Their eligibility for these benefits, dependent as it is entirely on their continued service at the canal, is a strong incentive for their remaining in Panama. It is fair, in that it puts them on an equal footing with those colleagues employed at the canal prior to 1979.

And it is justified given the enormous strain and considerable danger they have faced in their work at the canal. That danger, I might add, will continue to affect their living conditions for the foreseeable future.

Mr. Speaker, the legislation before us was drafted by my colleague on the subcommittee, the Honorable JACK FIELDS of Texas. The Subcommittee on the Panama Canal and the Outer Continental Shelf has taken testimony and recommended its adoption.

It has been referred to the Post Office and Civil Service Committee, where it was reviewed by the Subcommittee on Compensation and Employee Benefits. The chairman of that subcommittee, the Honorable GARY ACKERMAN, studied this bill, has made some technical improvements, for which I am appreciative, and has reported the bill out with the recommendation that it pass. That recommendation is supported by the full Post Office and Civil Service Committee.

Mr. Speaker, I know of no opposition to the bill, and urge my colleagues to support the motion to suspend the rules and pass it.

Mr. Speaker, that concludes my formal statement. But before I yield to my colleague from Texas, who has been, obviously as the sponsor of this legislation, an advocate for the pilots in the canal. I also want to recognize the gentleman from New York [Mr. ACKERMAN], whose committee has had jurisdiction also over this matter and has added greatly to the bill.

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FIELDS asked and was given permission to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I would like to thank my full committee chairman, WALTER B. JONES, and my subcommittee chairman, ROY DYSON, for their outstanding leadership in moving this legislation. I would also like to express my appreciation to Chairman GAY ACKERMAN for his efforts in shepherding H.R. 1347 through the House Post Office and Civil Service Committee.

While this bill will not solve all of the problems facing the Panama Canal Commission, it does make several important improvements in the Panama Canal Act of 1979, Public Law 96-70.

Let me briefly describe the provisions of H.R. 1347. First, this bill will increase the level of compensation for the nine members who serve on the Panama Canal board of directors. While this financial support will be limited to only those occasions when a board member is on official Panama Canal business, this change will ensure that these individuals receive adequate compensation for serving on this important supervisory board, which is responsible for the overall operation of the Canal.

Second, H.R. 1347 will allow the deputy administrator, who became an American as of January 1, 1990, to receive what is referred to as a tropical retention or differential allowance.

Mr. Speaker, since the previous deputy administrator was a Panamanian, the issue of the tropical differential was not addressed and was, in fact, simply overlooked in the drafting of Public Law 96-70.

Without this tropical differential, the deputy administrator will receive considerably less financial compensation than a number of his or her subordinates.

Mr. Speaker, this situation must be corrected and the deputy administrator must be elevated above those who serve as division chiefs or in other high-level PCC administrative positions.

Third, H.R. 1347 will correct a serious oversight in the Panama Canal

Compensation Fund Act of 1988. Unfortunately, despite our best efforts, there remains confusion as to how long this fund will be available to compensate those workers injured prior to the transfer of the Panama Canal.

This bill will end that confusion and it will ensure that these funds are held in an interest-bearing account until they are disbursed sometime after the year 2000.

Finally, H.R. 1347 will allow some 25 Panama Canal Commission employees, who were hired after October 1, 1979, to participate in the Panama Canal Commission's early retirement system.

Mr. Speaker, this change, which is the most important contained within the bill, would be implemented at no cost to the U.S. taxpayer. In fact, the Panama Canal Commission has already established a retirement account which is entirely funded by tolls and other user fees.

While this change will not cost the Commission a great deal of money, it will serve as a powerful incentive for keeping these key personnel, who are primarily Panama Canal pilots, on the job until the year 2000.

Based on my 9 years' experience on the Panama Canal Subcommittee, I am convinced that without these retirement provisions, these individuals will simply seek other employment.

In fact, the branch agent for the Panama Canal pilots has stated to me that:

> Most post-treaty pilots feel strongly that without the early retirement they have no choice but to leave what is now, for them, a dead-end job—and the entire retirement provision is an empty shell without the voluntary aspect.

Mr. Speaker, for the past 2 years the employees of the Panama Canal Commission, including the 25 affected by H.R. 1347, have worked under extraordinary conditions. They have lived in a state of fear and they have been subjected to threats, intimidation, and constant harassment. Their homes have been robbed, they have been beaten, and in the case of Mr. William Joyce, the acting chief financial officer of the Panama Canal Commission, his life was tragically ended.

Despite living in a virtual war zone, these employees went to work each day and managed to keep the Panama Canal open and operating smoothly. This was indeed a remarkable achievement.

While Noriega is now gone, living in the Republic of Panama will continue to be a difficult and arduous experience. In fact, the chief economist of the Panama Canal Commission, Mr. Richard Wainio, noted in a January 8, 1990, Newsweek article that:

> Canal officials are also worried that security concerns may make it more difficult to recruit and to retain experienced personnel. We are looking at the possibility that Panama will be a dangerous place to live for a long time to come.

Mr. Speaker, these employees, especially the pilots, are willing to continue to make the daily sacrifices necessary to keep the canal enterprise operating efficiently. In return, they only ask to be treated fairly and equitably like those hired by the Commission before October 1, 1979.

Under H.R. 1347, these employees will be eligible to receive the same retirement benefits, based on their service, as those hired prior to the treaty implementation date. They will receive nothing more and nothing less.

You now have the situation where one employee hired on September 30, 1979, is guaranteed early retirement benefits while the second employee, hired just 1 month later, is guaranteed nothing. One might ask who cares whether all of these employees leave Panama tomorrow.

Mr. Speaker, this Nation has a treaty obligation to operate the canal until the year 2000 and the Commission desperately needs its pilots to get the job done.

While one might think the Republic of Panama would have a strong maritime tradition, unfortunately it has almost none. The vast majority of Panamanian pilots have had to spend at least 10 years of education and training to become fully qualified senior canal pilots.

On the date of treaty implementation, there were four Panamanian pilots. Today, there are 61. By the year 2000, the Commission expects that most, if not all, of its 240 canal pilots will be Panamanians. It is the next 10 years of transition which are the most critical.

Mr. Speaker, H.R. 1347 will give these employees the incentive and a beacon of hope for the future. With the voluntary and involuntary provisions, these employees will have the assurance that if life in the Republic of Panama remains difficult or unbearable, they will have some financial security in the year 2000.

Mr. Speaker, in summary, the overall purpose of this legislation is to allow the Panama Canal Commission to more efficiently operate the canal in the days ahead. It does not abrogate, change, or affect any provision of the Panama Canal Treaties of 1977.

In addition, any expense involved in implementing these changes will be paid for entirely from Panama Canal tolls or other revenues collected by the Panama Canal Commission. No U.S. taxpayer dollars are involved, nor will they be in the future.

Mr. Speaker, I am pleased that we are considering this legislation, and I urge my colleagues to overwhelmingly approve H.R. 1347.

□ 1300

Mr. DYSON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN], the chairman of the Subcommittee on Compensation and Employee Benefits, of the Committee on Post Office and Civil Service. The gentleman from New York has done a tremendous job in helping Members move this legislation along.

Mr. ACKERMAN. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, H.R. 1347, the Panama Canal Act Amendments of 1990, would authorize early retirement for employees of the Panama Canal Commission hired after September 30, 1970. These employees would be eligible to retire voluntarily at age 48 after completing 18 years of service, or at any age by completing 23 years of service. Additionally, the bill would make these employees eligible for involuntary retirement at age 48 after completing 18 years of service, or at any age, by completing 20 years of service. The employees covered by the bill would also be eligible to receive an enhanced annuity based on 2½ percent of their high-three salary earned during Panama Canal service.

Mr. Speaker, the amendments to H.R. 1347 that were approved by the Committee on Post Office and Civil Service, retain the early retirement benefits I just outlined and make technical and conforming changes to the bill. The amendments require the Panama Canal Commission to pay for any increase in the unfunded liability caused by the additional benefits.

The amendments also strike "1989" from the short title of the bill and replace it with "1990".

Last, the amendments change the effective date of the bill to October 1, 1990.

Mr. Speaker, I urge my colleagues to support H.R. 1347.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I appreciate the gentleman yielding, and I want to compliment the gentleman publicly for the way in which he conducted the hearings. As the gentleman is aware, there were at least four pilots, four Americans who came to testify. I thought the gentleman was very gracious, and certainly expeditious. I just wanted to publicly thank the gentleman for the way he treated our employees in the Canal Zone.

Mr. ACKERMAN. Mr. Speaker, I thank the distinguished gentleman from Texas for his comments. I want to thank the gentleman for his abiding interest in the work that these great Americans have been doing, the services that they have performed for our country and for humanity in general, and for the major contribution the gentleman made to those hearings.

Mr. FIELDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I rise in favor of the bill, although I must say I understand the administration has some concerns about the retirement provisions that are being talked about here, and probably will seek to amend them in the Senate. However, it is my understanding that they do not oppose the passage of the bill in the House. I certainly do not either.

However, I do want to make a point while we are discussing the Panama Canal and the Commission that runs that canal. That point is this: that that canal is absolutely dependent upon the stability of Panama. Now, while I realize it is not the problem of this particular committee that brings this bill to the floor today, the fact is that this Congress is responsible, right now, for undermining the security and the stability of Panama by not moving forward with the President's aid package to that country. We have had now, the President's aid package that was suggested, about the beginning of the year, languishing in the committees of this Congress for several weeks. Now, we have been lectured here without the last few weeks, the last few days, by the majority leadership who told Members that it is time in foreign policy for the President to become bold, for the President to give up his timidity, and for the President to demonstrate new thinking.

Let me suggest one of the things that Congress could do to help move forward a foreign aid policy aimed at new thinking is to help some of our friends where we have vital national interests at stake. One of those places is certainly in Panama.

Now, the President has proposed to put forward an aid package to help that nation, that comes basically out of military expenditures. So he, therefore, is demonstrating new thinking. He is demonstrating the world is changing. We ought to take money we previously put into military expenditures and help free nations like Panama.

□ 1310

Mr. Speaker, we cannot get that bill moving here in the Congress, and in my opinion we will undermine the security of the canal treaty if we allow a free Panama to further have major problems as a result of our inability to act. Instead, what we have been doing over the last several weeks is diddling and dottling here in the Congress. We go week after week doing little of substance here on the House floor while giving matters of substance little consideration.

Mr. Speaker, brave men and women risked their lives and gave their lives in order to free Panama. The next step is for this Congress to help Panama, to help that free Panama become a stable and secure Panama. They need our help now, not sometime next month, not sometime next year, not sometime in the middle of this year. They need the help right now.

We need to bring this package to the floor. We need to act on this during these days where we are finding ourselves adjourning at 2 o'clock in the afternoon. We certainly could find time to bring the bill to the floor, get the aid package flowing to Panama.

So, while again I understand that is not a problem of this bill, it is not a problem of this committee, and it is something that we ought to be concerned about as we bring this kind of legislation to the floor, that we are not doing everything possible to make certain we have a safe and secure canal now and for the future.

Mr. DYSON. Mr. Speaker, before I conclude I would like to thank the gentleman from Minnesota [Mr. VENTO] for allowing us to go first today. I very much appreciate it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. I want to clarify what I believe to be the administration's position.

As I understand, Mr. Speaker, the only concern came from the Office of Personnel Management, and the issue at controversy is the incentive for people to stay. It is the belief of people like myself, the gentleman from Maryland [Mr. DYSON], the gentleman from New York [Mr. ACKERMAN], the Republicans on Chairman ACKERMAN'S committee, the belief of the Panama Canal Commission, that the 25 people that we are talking about, who are affected by these early retirement provisions; we believe that there is an incentive to stay, if we provide equity. The White House believes that this is incentive to leave. There is an honest disagreement there. I personally do not think that there will be change in the Senate. I hope there is not, and I encourage all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Maryland [Mr. DYSON] that the House suspend the rules and pass the bill, H.R. 1347, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1347, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ESTABLISHING THE KINO MISSIONS NATIONAL MONUMENT IN THE STATE OF ARIZONA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to establish the Kino Missions National Monument in the State of Arizona, as amended.

The Clerk read as follows:

H.R. 2843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TUMACACORI NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to protect and interpret, for the education and benefit of the public, sites in the State of Arizona associated with the early Spanish missionaries and explorers of the 17th and 18th centuries, there is hereby established the Tumacacori National Historical Park (hereinafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the existing Tumacacori National Monument, together with (1) the ruins of Los Santos Angeles de Guevavi, the first mission in Arizona (consisting of approximately 8 acres) and (2) the Kino visita and rancheria ruins of Calabazas (consisting of approximately 22 acres), each as generally depicted on the map entitled "Boundary Map, Tumacacori National Historical Park", numbered 311/80018, and dated February 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) ABOLITION OF MONUMENT.—The Tumacacori National Monument is hereby abolished and any funds available for purposes of the monument shall be available for purposes of the park.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary may acquire lands or interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) SEPARATE UNITS.—The Secretary shall provide for the identification of the Guevavi, Calabazas, and Tumacacori sites as three separate units of the park.

(d) RECOGNITION OF FATHER EUSEBIO FRANCISCO KINO'S ROLE.—In administering the park, the Secretary shall utilize such interpretative materials and other devices as may be necessary to give appropriate recognition to the role of the Jesuit Missionary Priest, Father Eusebio Francisco Kino, in the development of the mission sites and the settlement of the region.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2843.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2843, sponsored by our colleague MORRIS UDALL would authorize the addition of the Guevavi and Calabazas mission sites to the existing Tumacacori National Monument located in southern Arizona. As reported by the Committee on the Interior and Insular Affairs, the combined sites would be designated as the Tumacacori National Historical Park.

While the Tumacacori, Guevavi, and Calabazas sites functioned as missions to the Pima Indians of the area, their establishment also served to further advance the exploration and settlement of the Southwestern United States. The three sites share a common history beginning with their founding under the direction of the Jesuit priest, Father Eusebio Francisco Kino. Father Kino himself was a figure of historical note. Italian born and German educated, he became an important missionary in the Spanish Empire. H.R. 2843, as amended, provides for commemoration and interpretation of Father Kino's accomplishments as part of the redesignated national park unit.

Last week, the House took action on legislation (H.R. 1159) to designate the Juan Bautista de Anza National Historic Trail. That trail passes through or is adjacent to each of the three mission sites encompassed in H.R. 2843 and is yet another example of the interrelated history these sites share.

Following hearings in the committee on H.R. 2843, I had the opportunity to inspect the existing Tumacacori National Monument, as well as the Guevavi and Calabazas sites to learn first hand more about the particular attributes of these mission remnants. These sites are rich historical and archeological treasures but it is clear they need the care and management that the National Park Service can provide if we are to maintain their national significance and provide for appropriate interpretation.

Mr. Speaker, I want to take this opportunity to commend my committee chairman Representative UDALL, the sponsor of H.R. 2843, for putting together this proposal, his interest and leadership on this matter. The Guevavi and Calabazas sites have been the subject of several historical reviews. Together with the existing Tumacacori National Monument they will provide important links to the early history of the Spanish missions and the exploration and settlement of the Arizona frontier. I believe it is appropriate to go forward at this time to designate the combined sites as a national historical park for the benefit of the American public and I urge the adoption of H.R. 2843, as amended.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 1 minute.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 2843, an act to establish the Tumacacori National Historical Park. This measure expands an existing unit of the National Park System to incorporate two historic adobe ruins in the near vicinity. With the addition of these areas, the National Park Service will be able to more fully present to the public the role of the Spanish missions in the settlement of the State of Arizona.

Mr. Speaker, it is my understanding that title to these lands will be conferred to the Federal Government at a minimal cost. Based on reports from a recent field inspection of these two sites by the subcommittee chairman, I am aware of the urgent need to provide for the protection of these two sites, before further resource degradation occurs. Therefore, I urge my colleagues to join me in supporting this measure and I thank my colleagues from Arizona, [Mr. KOLBE], and the committee chairman, Mr. UDALL for bringing this measure forward for action.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. UDALL], our distinguished chairman of the Committee on Interior and Insular Affairs and the sponsor of this legislation.

Mr. UDALL. Mr. Speaker, H.R. 2843 would add two sites to the existing Tumacacori National Monument in southern Arizona. The addition of these sites will improve both the monument and the public's enjoyment and understanding of the important period of Spanish settlement of Arizona and the West that are represented there.

As originally introduced the bill proposed to change the name of the monument to the Kino Missions monument. At the time, I stated that this name change might meet with some objection in southern Arizona and that I was not wedded to it. The new name did, in fact, meet with very considerable opposition from those who felt it was not historically accurate and those who preferred the Pima Indian name of Tumacacori. So I am very happy that the bill before us today retains the existing name.

I also think that the provision calling for better interpretation of the important role of Father Kino in the history of these missions and the development of this region of the country is very meritorious and reflects what we were trying to get at under our original suggestion to alter the name.

I would underscore for my colleagues that the addition of these two sites will come at minimal cost to the taxpayers. The Calabassas site is owned by the Arizona State Historical Society which has indicated its intention to donate it to the National Park Service. The Guevavi site is now owned by The Archeological Conservancy and will be acquired for the price of the conservancy's administrative expenses only. Guevavi is located on a ranch previously owned by John Wayne and a very generous Arizonan, Mr. Ralph Wingate.

Mr. Speaker, the expansion of Tumacacori will be an important step forward in the public understanding of the history of the Southwest and H.R. 2843 deserves the support of the entire House.

□ 1320

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE], the primary cosponsor of the bill.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank my colleague, the gentleman from Arizona, the chairman of the committee and the chairman of our subcommittee for their work on this bill.

Mr. Speaker, I would like to take this opportunity to talk about this legislation which will expand the Tumacacori National Historical Park.

It is my belief that this monument should be known by a geographical title with the Native American and

Spanish names of these sites preserved. The Spanish mission ruins of Calabazas and Guevavi were linked with the mission at Tumacacori during some of the most crucial years of the Spanish Colonial Period in southern Arizona from around 1689 to 1820. All three were important gathering points for the Spanish colonists and Native American populations of the middle and the upper Santa Cruz River Valley, and together they represent a very significant historic resource that we should preserve for the future.

In the course of the committee deliberations the name was changed back to its historic Pima Indian name—Tumacacori National Historical Park. I would have preferred Pimeria Alta National Monument because it reflects the historic name used for this entire region. However, Tumacacori is a good compromise, since it attaches the name most commonly associated with this group of missions. The three individual missions should continue to be known by their historic names, and I would propose that the expanded monument include three components known as the Tumacacori Unit, the Calabazas Unit and the Guevavi Unit.

The three mission ruins are situated in an area that has been continuously inhabited for more than 8,000 years, and many archeological and historical sites exist in the vicinity of this new monument. The ruins of Guevavi represent the remains of the Cabecera, or head church, of Los Santos Angeles de Guevavi. This site is the earliest Jesuit mission ruin in Arizona. Calabazas and Tumacacori were both visitas, or places where religious services were occasionally held, and both were technically under the authority of the priest stationed at Guevavi. After a period of time, the Cabecera was moved from Guevavi to Tumacacori. Calabazas was actually only a minor chapel within a rancheria associated with the famous Gandara family of Sonora, Mexico. The three mission sites reflect the unique social, cultural, religious, educational, and commercial nature of the colonial missions and settlements that highlight the Southwestern United States.

The ruins this legislation joins together are manifestations of the diverse spiritual heritage of the Pimeria Alta as well as the sacrifices and dedication of the colonial and Native American settlers in this region.

John L. Kessell, in his book, "Mission of Sorrows Jesuit Guevavi and the Pimas 1691-1767," wrote about these missions:

> For seventy-six and a half years, on and off, the cluster of brush-and-earth and adobe houses that was Guevavi served as a focal point of missionary endeavor * * * It was a dynamic * * * outpost of two empires, the Jesuit's missionary empire and the larger, coexistent Spanish colonial empire.

The expanded national monument made possible by this legislation will commemorate this missionary endeavor and the dynamic fusion of cultures so characteristic of the Arizona-Sonora border region.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An Act to establish the Tumacacori National Historical Park in the State of Arizona."

A motion to reconsider was laid on the table.

VACATING OF SPECIAL ORDERS

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the 60-minute special orders granted to the gentleman from Indiana [Mr. BURTON] for March 13, 14, and 15, be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONGRESS ABOUT TO HAVE ITS ANNUAL ENCOUNTER WITH BUDGETARY COURAGE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MILLER of California. Mr. Speaker, Congress is about to have its annual encounter with budgetary courage. Once again we are tempted to draw on the bottomless well of fiscal chicanery and order up more blue smoke and mirrors and another slide-by budget and throw in the continued misuse of Social Security trust funds to cover up the real size of the deficit.

But if we really want to slash the deficit, if we really want to send a message of fiscal restraint to the financial community, and if we want to show the American people that we are prepared to stop the erosion of our economic sovereignty, then let us consider the recipe for budgetary honesty offered by the chairman of the Ways and Means Committee, the gentleman from Illinois [Mr. ROSTENKOWSKI].

It is easy to condemn the Rostenkowski plan if you want to engage in politics rather than deficit reduction. It includes taxes, but reasonable taxes that are fiscally sound and politically fair. It includes sacrifice, but equitable sacrifice by all Americans. It makes deep reductions in military spending, only to reflect the new world order.

In this premature spring, the Rostenkowski plan may be an unwelcome blast of cold air, but it is also a welcome breath of fresh air that puts a premium on political courage and doing the right thing. It deserves to be seriously considered and thoroughly debated by the House.

Mr. Speaker, I include an article by Mr. ROSTENKOWSKI from the Washington Post of March 11, page B-1.

[From the Washington Post, Mar. 11, 1990]

COLD TURKEY: HOW TO END THE DEFICIT IN 5 YEARS

(By Dan Rostenkowski)

Up here on Capitol Hill, we're headed toward a tax-cut war. This is a war America can't afford to wage.

Republicans keep on making political hay by warning about Democrats' "tax and spend" policies of bygone decades, never mind that the deficit was then miniscule by today's standards. Democrats, understandably angry at Republicans whose "borrow and spend" policies have tripled our national debt to $2.2 trillion in less than a decade, are now tempted to follow their lead. So we're offering tax cuts of our own—payroll tax cuts and middle-income "savings incentives"—to counteract the political payoff from the new blandishments offered by the White House.

Nothing could be more damaging to our national interests at a time when the yawning gap between our government's commitments and the revenues available to pay for them has become a national embarassment. Our budget deficit limits our ability to deal with problems at home and abroad. It provides a ready excuse to our competitors to delay their own needed reforms. It reveals our leaders, in both Congress and the White House, as shortsighted and impotent.

For all the Republican rhetoric, federal spending wasn't cut at all in the last 10 years, it was merely "rearranged." Paying interest on our national debt is now the third largest category of spending, led only by defense and Social Security. Let's get this problem off the national agenda so we can get on with building our future.

I admit my responsibility to do more than belly-ache about the lack of government leadership. As chairman of the House committee dealing with both taxes and entitlements, I've participated in the binge of irresponsibility. I have embraced budgets that duck tough decisions, protected programs of special interest to my constituents. But no more.

Here's my challenge. Adopt my plan to fix the budget deficit—or come up with a better one. But any competitor will have to measure up to what my plan offers: No smoke and mirrors; no "feel good" promises or slide-by budgeting; no picking out one or two small-potato items that wouldn't make a perceivable dent in the deficit, leaving the hard part to be worked out later by a "budget summit." Just solid proposals—including some that I, as a Democrat, traditionally opposed—that produce substantial, incontestable savings calling for modest sacrifices by nearly every American.

Here's my five-year plan:

Freeze program spending for one year. Really freeze it. The freeze would include cost-of-living adjustments in all programs excepting only means-tested programs for our poorest citizens. Savings: $105 billion over the next 5 years.

Earmark the "peace dividend" for deficit reduction. Defense spending should be fundamentally restructured and rationally reduced—gradually falling by about 3 percent below inflation each year—to reflect the rapidly-changing events in Central and Eastern Europe as well as in the Soviet Union. But the money—$150 billion over five years—should be saved. New spending on critical or neglected needs should be financed on a "pay-as-you-go" basis. If we want to spend more on drug-abuse control or aid to Poland or Czechoslovakia, we must find a way to pay for it by cutting other programs or raising new revenues.

Freeze tax-indexing. Place a similar one-year freeze on inflation adjustments of the tax code—including indexing of the personal exemption and tax brackets. The only exception would be the earned income credit for lower-income families. The impact on individual taxpayers would be modest, but the aggregate revenue gain would be substantial—$50 billion over 5 years.

Eliminate the income-tax "bubble." Add an explicit third bracket with a 33-percent rate. As it is, because of a surtax imposed on individuals with incomes between $47,050 and $109,100 and families with incomes between $78,400 and $185,730, the effective rate on taxable income rises from 28 to 33 percent and then falls back to 28 percent for the wealthiest taxpayers. It is absolutely ludicrous that people with incomes in the millions now have a lower marginal tax rate—and pay lower capital gain taxes—than people earning $70,000. Keeping the rate at 33 percent would raise $44 billion over 5 years.

Increase consumption taxes on oil, pollutants, alcohol and tobacco. We currently import about half of our petroleum from abroad. An increase in the gasoline tax would result in lower oil imports, greater energy conservation, an improved trade balance and reduced national vulnerability to any future embargo of foreign oil supplies. Pollution taxes would reduce noxious emissions, create incentives to protect the environment and recoup social costs associated with current pollutants. In addition, tobacco and alcohol impose enormous health-care costs beyond the tragic statistics of human fatalities. Excise taxes tend to hit hardest on people with modest incomes, but this result can be offset with further expansions of the earned income credit. This could easily raise $100 billion over five years even assuming increases in the earned income tax credit.

Reject all tax cut proposals. All of us, Democrats and Republicans alike, want to improve savings, stimulate productivity and encourage growth. However, tinkering with the tax code is not the solution—the historical facts simply do not support the rhetoric. President Reagan's 1981 "riverboat gamble" tax reduction demonstrated just how ineffective and inefficient tax "incentives" are. That measure dramatically reduced marginal tax rates for both individuals and corporations, cut the capital gains rate to 20 percent, made IRAs available to everyone, indexed the tax code to eliminate "bracket creep," provided "All Savers Certificates" to encourage savings and vastly accelerated business depreciation to encourage business investment. What happened? Our national savings rate went down—and dramatically so. Is it any wonder why many of us are skeptical about the administration's proposals to cut the capital gains tax and provide new savings incentives? Sure these proposals are popular. So are proposals to cut Social Security taxes. But will any of them work as advertised? Is "popularity" the standard by which we should legislate? No, on both counts.

The best way to increase our national savings rate is to cut our national budget deficit. The worst thing we could do is engage in another class "bidding war" reminscent of 1981, only this time bidding capital gains against Social Security tax cuts. What we need is a rational budget policy and a stable tax policy, not a fiscal popularity contest between Democrats and Republicans.

Repeal Gramm-Rudman. The above recommendations would reduce the deficit by roughly $510 billion over a five-year period. By Congressional Budget Office estimates that would erase almost 80 percent of the debt we would otherwise accumulate over this period and produce a healthy net surplus of $34 billion in the 1995 budget—rendering Gramm-Rudman irrelevant.

Gramm-Rudman is a crutch, a collective confession of our inability to lead and our unwillingness to face up to our responsibilities. We didn't have Gramm-Rudman for the first 209 years of the Republic. Let's repeal it and govern the old-fashioned way—elected officials, representative of the people, exercising their judgment, making decisions in the national interest and honestly paying for the cost of government that their constituents demand. Has it been so long ago that we've forgotten how to do it?

With this fiscal strategy in place we could turn our attention from the excesses of the past to the challenges of the future. The president has prepared an impressive list of critical needs ranging from the war on drugs to improving education, science and the environment. We have a collective responsibility to expand medical care, invest more in our children and repair our highways, airports and other public facilities. If these are true national priorities, then let's accept the responsibility for financing them. More massive borrowing or continued conscious neglect aren't solutions but a prescription for national decline.

The story of America is a tale of turning incredibly ambitious dreams into reality. The job of government is to help make such dreams come true. The essential question for all of us, for the president, for my colleagues in Congress and for everyone in this country is whether we're still up to that challenge. Are we ready to send a message to our trading partners and financial markets that this country is serious about reducing its deficit and properly funding the critical needs of its citizens? Are we ready to make a modest sacrifice now to leave a better legacy to our children than a pile of unpaid bills? Do we, in both parties, have enough vision to look beyond the next election?

Contrast our decade of indulgent dallying with our fiscal problems to the courage shown by leaders abroad—from a playwright in Prague to a dockworker in Gdansk. Over there, from Prague to Warsaw, and even in Moscow and Pretoria, there is candid debate and failed policies are being jettionsoned. Surely U.S. politicians can show the same courage—and be able to count on the American people to show the same maturity in accepting modest sacrifice that people abroad have shown when faced with far sterner challenges.

THE ROSTENKOWSKI CHALLENGE

[Budget proposal in billions of dollars]

	1991	1992	1993	1994	1995	Total 1991–95
Projected deficit[1]	161	124	132	121	110	648
ROSTENKOWSKI PROPOSAL:						
Defense (freeze plus 3 percent decline)	−10.0	−20.0	−30.0	−40.0	−50.0	−150.0
Freeze programs	−5.4	−8.5	−9.7	−10.7	−11.5	−45.8
Freeze cost-of-living adjustments (except means-tested programs)	−9.0	−12.3	−12.5	−12.5	−12.4	−58.7
Eliminate the tax bubble	−4.2	−8.2	−9.3	−10.6	−12.0	−44.3
Suspend tax indexing for 1 yr (except EITC)	−5.4	−10.2	−10.8	−11.4	−12.0	−49.8
Consumption and pollution taxes (with low-income offset)	−19.4	−20.5	−20.3	−20.4	−20.5	−101.1
Interest savings	−1.6	−5.7	−11.2	−17.8	−25.6	−61.9
Total defict reduction	−55.0	−85.4	−103.8	−123.4	−144.0	−511.6
Net new spending	(2)	(2)	(2)	(2)	(2)	(2)
Resulting deficit	106	39	28	[3] (2)	[3] (34)	137

[1] Congressional Budget Office estimate.
[2] None.
[3] Parenthesis denotes surplus.

AMERICA'S STRENGTHS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina [Mr. TALLON] is recognized for 5 minutes.

Mr. TALLON Mr. Speaker, the United States is in a difficult economic situation, but it is not nearly as bad as some people like to portray.

The fact of the matter is that the key to American competitiveness is one thing: the uniqueness of the United States.

We are not Germany.

We are not France.

We are not Japan, nor should we try to be.

America is different.

We have to understand what Ameria's assets in the world are and then figure out a way to leverage them.

The United States has many, many assets.

The more I travel in the world, the more that I hear from people abroad that they think that we have the best marbles in the world.

We just do not know what to do with them.

The fact of the matter is the United States has two basic assets compared to our competitors.

First, we are the only advanced, large-scale industrial Nation in the world with vast natural resources.

Second, we have the most entrepreneurial economy in the world. Using these strengths, I think we can devise a strategy that is based not on emulating the Japanese or the Germans but on figuring out what our strengths are and then leveraging them.

In natural resources, we have to understand we have a key asset. One of the reasons why the United States receives the foreign investment it does is that it is the only stable democracy and large industrial economy that also has natural resources and land. We have

30 times the land mass of Japan, 360 times its coal, 1,300 times its oil.

Why do the Japanese invest?

Do you think that they are going to take the Rockefeller Center in New York, put it on a barge and take it back to Japan?

No.

The reason the Japanese invest is that, as one Japanese investor said to me, there are no unturned rocks left in Japan. There is nowhere to put the money.

The Japanese invest for the same reasons the British capitalists invested in the United States very heavily at the turn of the century and are still doing it today.

Small, capital-rich nations have to invest their money somewhere. The best candidate for that money has been the United States.

Let us look at factory land. The Japanese are building factories here. It is not just protectionism. The Japanese factory land is 30 times higher than American factory land. Energy prices are at least three times more expensive. The return on investment are simply higher here.

So basically, the United States is historically what has been called the land of optimal economic opportunity.

Now, how do we take advantage of this? Getting the money from abroad is a good thing, but we cannot become totally dependent on it.

The Japanese, the Germans, the English, will continue to invest in our country only if we are willing to invest our infrastructure so we can take advantage of our natural resources and our size.

The second major advantage that we have are the entrepreneurs. If we take a look at the entrepreneurial segment of this country, these are the people who are providing most of the new jobs.

They are also increasingly important for factories.

Forty-two percent of all American manufacturing workers in 1974 worked in companies of less than 100 employees. It was 46 percent by 1987. It should be over 50 percent of the 1990's.

Sixty percent of all the recent manufacturing wage gains were made in companies with less than 100 employees. All over the country, it is small companies who are making the industrial expansion.

If you take metal working firms, in 1976, 46 percent of the output came from companies with under 100 employees. Today 66 percent, $2 out of every $3, in metal forming comes from companies with less than 500 employees.

So, fundamentally, what we have to do is refocus on our strengths, on who we are and how we got here. That will take us successfully into tomorrow.

THE TRAGEDY OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, we are living in a remarkable period when several nations that have been divided for years—Germany, Korea, South Africa—are taking important steps toward reconciliation. Thus, it is especially tragic to see that the division of Cyprus into two parts is continuing with no end in sight.

Let us review some of the background of that troubled island. Cyprus has been divided since 1974. Greek Cypriots—about 80 percent of the island's population—are in the southern two-thirds of the island ruled by the Republic of Cyprus. Turkish cypriots live in the other one-third of the island under the jurisdiction of the so-called Turkish Republic of Northern Cyprus, which is recognized only by Turkey. Indeed, that "government" is by any definition a client of Turkey and is propped up by some 30,000 Turkish troops.

The United Nations has been promoting a negotiating process aimed at ending the military occupation of Cyprus and creating a new federal republic on the island, with extensive contacts and free movement between the Greek and Turkish zones. The United States has supported the negotiating process and its goals.

In principle, both Greek and Turkish Cypriots accept that such a republic should be a bicommunal, bizonal, nonaligned, and independent state. But there is alarming evidence that the Turkish Cypriot leadership under Rauf Denktash is trying to perpetuate the island's current division.

Last August, for example, Mr. Denktash—with Turkish Government support—rejected U.N. Secetary General Perez de Cuellar's document regarding the settlement of Cyprus. He also rejected the proposal of the Secretary General for 15 days of intensive negotiations with Cyprus President Vassiliou, to be held under United Nations auspices; Denktash would agree to only 2 or 3 days.

It seems to me that the best United States policy toward Cyprus would be to continue our commitment to the framework of a federal republic, and to reaffirm our political support for the United Nations negotiating process. In addition, it may eventually be appropriate for us to review our aid to Turkey in light of the Turkish Government's role in the Cypriot problem.

I am sure that in any event, my colleagues join me in hoping that peace and harmony return to the island of Cyprus. Both Turkish and Greek Cypriots have suffered far too much already because of the conflict there. The time for reconciliation is long overdue.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE TO HOLD HEARINGS ON S&L BAILOUT LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, Congress adopted legislation last year to restore and restructure the savings and loan industry which was in the worst financial crisis since the Great Depression. President Bush signed the measure into law on August 4. In the past 7 months, events have not moved as expeditiously as Congress had hoped.

Shortly after the law became effective, there were reports of interagency and intracorporation bickering. We have been told the disagreements have been resolved. Since then, there have been further reports of the new agencies dragging their feet. That may be caused by the lack of key appointments which the President has not made, the resignation of other officials and the refusal of highly qualified persons to join the administration.

Mr. Speaker, there must be as many reasons for the slow start as the number of people asked about it. Each has a different answer. But it is the obligation and duty of Congress to find out if the bailout law has helped or caused problems for the thrift industry.

Therefore, the House Banking Subcommittee on Financial Institutions Supervision, Regulation and Insurance, which I chair, will begin oversight hearings on the bailout law on Wednesday and Thursday of this week and continue them on March 27, 28, and 29.

I go into these hearings with no preconceived ideas. I have no agenda. I am going to attend the hearings as a listener. I just want to find out how the law is working. We will cover all aspects of the law.

The witnesees tomorrow will include Comptroller of the Currency Robert Clarke, FDIC Chairman William Seidman, the Delaware State Banking Commissioner, Keith Ellis, who will be representing the Conference of State Bank Supervisors, and the Superintendent of the Savings and Loan Division of the Iowa Department of Commerce who also is the chairman of the American Council of State Savings Supervisors.

On Thursday, the Financial Institutions Subcommittee will hear the chairman of the U.S. League of Savings Institutions, Ken Seaton, and David J. Sullivan Jr., president and chief executive officer of the Mechanics & Farmers Savings Bank in Bridgeport, CT, and who also serves as the chairman of the National Council of Savings Institutions.

Mr. Speaker, the weekly newsmagazine, Time, in its March 12 editions, has an interesting article entitled, "This is a Rescue?" in which it describes the first 7 months of the S&L law. I am enclosing the article with my remarks for inclusion in the RECORD.

THIS IS A RESCUE? THE S&L BAILOUT IS FALTERING—AND THE METER KEEPS RUNNING

(By Christine Gorman)

The rescue seemed bold and sweeping. Only 17 days after taking office last year, President Bush presented a plan to clean up the devastated savings and loan industry once and for all. By August, Congress turned that proposal into law. A new agency, the Resolution Trust Corporation, was formed to sell the assets of hundreds of failed thrifts. Cost to taxpayers: an estimated $166 billion over ten years. Against all odds, the Government was tackling the worst financial disaster since the Depression.

Seven months into the cleanup, however, the rescue effort has barely got off the ground. Only 50 of the 386 thrifts taken over by the RTC have been closed or sold. Seized assets are piling up faster than the Government can sell them or even assess their value. By one estimate, the RTC owns 26,800 homes, 773 office buildings, 158 hotels, 205 resorts, 51 restaurants, 236 industrial facilities and 43 mines, among other properties. And the backlog will only get worse, since the agency may need to bail out

another 600 institutions. That would bring the total to 1,000 thrifts, twice as many as Bush's plan estimated. "It's blowing up in our face," says an Administration official. "It's one of those things that's so bad that nobody wants to talk about it."

The slow start is costing the U.S. an estimated $14 million a day in operating losses and other expenses. Moreover, as seized property slowly deteriorates under Government ownership, its market value is ebbing. The RTC's commitment to sell several hundred billion dollars' worth of real estate hangs over the market, depressing prices and even harming the loan portfolios of the remaining 2,600 S&Ls. And since the Government is counting on proceeds from the property sales to offset some of the costs of the bailout, sluggish disposal of the real estate could help push the total cost of the rescue to more than $300 billion during the next 30 years. "The cost of carrying that stuff is going to kill you and me as taxpayers," says Richard Kneipper, a Dallas thrift lawyer.

One reason for the delay is the enormous task of building a new bureaucracy. Many RTC offices have only just opened and are operating far below capacity. About 2,300 staffers have been hired and trained so far, but the agency will need thousands more, and finding talented employees has been difficult. "They do a lot of clock watching and bean counting," says a Houston real estate agent. "Everybody's so afraid of making a mistake that you can't get an answer. It's a mess.

Many thrift experts attribute the near paralysis to the way Congress—at the Administration's insistence—split responsibility for the rescue between the two groups. The RTC's operations are supervised by William Seidman, head of the Federal Deposit Insurance Corporation, an independent agency that policies the banking industry. But a separate panel called the RTC Oversight Board, which is chaired by Treasury Secretary Nicholas Brady, decides RTC policy and controls its funding. Congress agreed to give the Treasury a role so that the Administration would have a major stake in the bailout, but dividing responsibility has prompted feuding between the Treasury and the FDIC. "It is a perfect setup for blaming someone else," complains Seidman.

Real estate experts argue that the bailout law is fraught with over-cautious rules, largely designed to prevent the appearance of a gigantic giveaway to developers and financiers, that have slowed the process unnecessarily. To avoid setting fire-sale prices in shaky markets, the Government is bound to sell assets at no less than 95% of their appraised value. The restriction has scotched many deals, since buyers can often find better prices elsewhere. Another drawback is the agency's refusal to fix up old properties or provide loans for potential buyers. With enough troubles of their own, many banks and thrifts refuse to grant mortgages on such tainted properties. "If the RTC won't pay for a new roof and fresh coat of paint, and no one will lend on it, how am I going to sell it?" asks Dallas real estate agent Jenny Capritta.

Many of the Government's properties are white elephants of the most unwanted breed. One such mammoth is the 24,000-acre Banning-Lewis Ranch, situated just outside vastly overbuilt Colorado Springs. A developer paid $200 million for the parcel in the mid-1980s as the future site of several planned communities, but now the land is virtually useless because the city has de-annexed it. As a result, anyone who wishes to develop the former ranch can no longer count on municipally priced water.

Sorting out the assets would be hard enough if they had been in the hands of honest businessmen, but many failed thrifts were ruined by larcenous schemers who took advantage of lax S&L rules and poor supervision during most of the 1980s. Testifying before Congress last week, Seidman said criminal fraud had been discovered in 60% of the S&Ls seized by the Government during the past year, almost triple the rate in commercial bank failures. Some of the wrongdoing may even be traced to the CIA. According to the Houston Post the intelligence agency had connections with 22 now failed thrifts, whose officers used depositors' funds for loans to CIA operatives involved in "gunrunning, drug smuggling, money laundering and covert aid to the Nicaraguan contras." The House Select Committee on Intelligence promised last week to look into the charges, which the CIA has denied.

The bailout's creditibility is also being hurt by the Government's problems in finding and keeping top talent to lead the rescue, which many potential candidates view as a thankless job. Daniel Kearney, a real estate expert with Wall Street and Washington experience, seemed an ideal choice for chief executive of the Oversight Board. But Kearney quit in February after just four months on the job, citing a lack of authority "essential to be effective in this process." At the same time, the Treasury Department is having trouble replacing M. Danny Wall, the head of the Office of Thrift Supervision, who oversees the surviving S&Ls. Wall resigned in December but has been asked to stay on, even though he was sharply criticized last year for giving overly generous Government guarantees to buyers of crippled S&Ls.

At least two Democrats are already calling for an overhaul of the bailout. Minnesota Congressman Bruce Vento and Nebraska Senator Bob Kerrey proposed bills last month that would scrap the Oversight Board and concentrate all responsibility for the rescue effort within one agency. Says Kerrey: "This is the No. 1 domestic, problem, and it isn't being given the attention it deserves. Bush has dropped the ball." Even so, Congress and the Administration are likely to avoid returning to the S&L problem this year. Almost no one wants to admit defeat on a much applauded plan so soon after enacting the original legislation. As they look the other way, the meter is running higher and higher on a faltering campaign.

U.S. FOREIGN AID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise to address an issue which is of fundamental importance to our Nation and the world—the issue of United States foreign aid at a time of enormous change in the Soviet Union and Eastern Europe.

The changes in the Soviet Union and Eastern Europe have exceeded the expectations of even the most optimistic among us. As the Berlin Wall toppled, the Western World looked on in amazement. As Communist regimes in Eastern Europe crumbled one by one, the Western World looked on in awe. When the democratic opposition prevailed in the Nicaraguan elections, many were stunned. Now, with budding democracies in place throughout Eastern Europe, it is clearly in the self-interest of the United States to support and assist these nations as they struggle to meet the challenge of difficult social and economic problems created by decades of oppressive rule.

Senator BOB DOLE, among others, has urged that the United States reallocate foreign aid funds that are currently earmarked for Israel, Egypt, Pakistan, the Philippines, and Turkey, in order to assist these new democracies. But the Dole plan would be an enormous step backward for the United States and for the nations which are targeted for reductions by the Dole plan.

Senator DOLE is right to insist on a United States role in assisting the new democracies of Eastern Europe and the transitions to democracy in Nicaragua and Panama. But he is wrong to suggest taking the funds from other nations in order to accomplish this purpose.

The current major recipients of U.S. foreign aid are receiving that aid for good reasons. They need this aid in order to maintain their own security in the face of strong threats. In addition, their security is of essential importance to the United States.

The case of Israel is particularly instructive. The winds of change in Eastern Europe have not yet blown as far as the Middle East. Israel continues to be severely threatened by many of its Arab neighbors, who have spent massive sums in recent years engaging in an enormous military buildup, supported in part by continued aid from the Soviet Union.

Since the 1973 Yom Kippur war, the Arab countries directly involved in the Arab-Isareli conflict have spent over $170 billion purchasing weapons. Many of these nations now possess sophisticated ballistic missiles and chemical weapons which are capable of reaching Israeli targets. And the purchase of sophisticated weaponry by these nations continues unabated.

For this same reason, the strategic importance of Israel to the United States is growing, rather than shrinking. As East-West tensions ease, the importance of regional conflicts is greater than before. As the only long-trusted ally of the United States in the Middle East, Israel has a unique role to play in advancing United States interests in this region.

As United States defense budgets are reduced in the coming years, close cooperation with Israel on security matters will be of more and more importance. As the only democracy in the Middle East, Israel has played a crucial role in fighting the antidemocratic movements of Islamic fundamentalism that have threatened basic human rights and United States interests throughout the region. In addition, Israel is particularly skilled in combating international terrorism, which so often targets innocent Israeli or American citizens.

While the threat to Israel has been growing, and Israel's importance to the United States has been growing, United States foreign aid to Israel has been held constant over a period of several years. This means that our aid to Israel has already been reduced in real terms

due to the effects of inflation. To further reduce this aid at this stage would make it extremely difficult for Israel to meet the enormous challenges it currently faces.

The same is true of the many other nations which are targeted for reductions in foreign aid by the Dole plan. These nations face significant threats to their own security, and they serve vital U.S. interests abroad. That was the basis for decisions which led to the current aid levels, and those circumstances have not changed to a very significant degree. Cutting aid to these nations at this stage would be counterproductive.

The Dole plan would provide scant resources to meet the needs of the nations of Eastern Europe, Nicaragua, and Panama, let alone the other nations of the world that are tackling problems of enormous magnitude. Rather than pit the security and humanitarian needs of critical allies against each other in a fight for resources that cannot meet their compelling needs, as Senator DOLE would have us do, we would do better to joint together in coalitions aimed at responding reasonably and rationally to pressing foreign policy priorities.

Precisely because of the changes in Eastern Europe and Central America, our security needs are far different this year than in prior years. The threat from the Soviet Union and the Eastern bloc has waned considerably. The ill-advised policy of funneling massive funds to the Contras should give way to aiding constructive development of the shattered Nicaraguan economy. It is readily apparent that our military budget can be reduced by significant amounts without threatening our security. This peace dividend, as it has come to be known, should be used for a variety of purposes, including deficit reduction and meeting urgent human needs at home. But a portion of it logically should also be used to invest in world peace by providing emergency assistance to foreign nations in order to further the cause of democracy and the cause of preserving human life.

I urge my colleagues to join me in opposing the Dole plan to reallocate existing foreign aid funds as we seek to assist the budding democracies of Eastern Europe and Central America. Instead, let us rise to one of the most important challenges that faces us as a world power in 1990. Let us work hard to promote democracy and freedom around the globe without ignoring strategic decisions which have led to commitments we must not undermine.

GEOGRAPHY AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution declaring November 11 through 17, 1990, as "Geography Awareness Week." I was pleased to be an original cosponsor of this legislation for the past 3 years in the U.S. House of Representatives. It has been commemorated with Members of Congress, Governors, State education officials, librarians, students, teachers, and parents all over the country participating in numerous exercises designed to improve and promote geographic literacy. I am proud to be introducing this legislation again this year along with my esteemed friends and colleagues, Representatives BILL GREEN and DALE KILDEE. This resolution is another expression of my strong belief in the importance of foreign langauge and international education.

During Geography Awareness Week last year, there were thousands of activities across the country focusing on geography and its importance. At this time, I would like to commend the National Geographic Society and its president, Gilbert Grosvenor, for their continued interest and support in this resolution. Last year they sponsored a Student Environmental Summit with Environmental Protection Secretary William Reilly to highlight student projects in honor of the geography awareness theme, "Geography: Key To Our Environment." The society is planning many activities again this year in connection with Geography Awareness Week. I am certain that even more interest and exciting events will be generated again this year.

We can see the immediate need to increase our attention to this fundamental subject. A recent survey conducted by National Geographic highlights our lack of ability in this area. American students aged 18 to 24 ranked last in an international comparision of geographic knowledge, and American adults of all ages scored among the bottom third. Thirty percent of the students surveyed at a U.S. university could not locate the Pacific Ocean on a world map. Nearly half of the college students in a California poll could not locate the Pacific Ocean on a world map. Nearly half of the college students could not identify the location of Japan. In addition, 75 percent of Americans surveyed could not locate the Persian Gulf on a map.

This news is shocking. Our geographic illiteracy places the United States at a significant disadvantage as a nation with worldwide involvements and aspirations, one whose global influence and responsibilities demand an understanding of the lands and cultures of the world. This ignorance severely hampers our ability to effectively compete and participate in the international marketplace. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is!

In 1980, a Presidential Commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Governor Baliles said in a Southern Governors Association report, "Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business."

This year, both the Congress and the President, in his State of the Union Address, assigned top priority to improving our Nation's productivity and position in the global economy. Improving our knowledge of the geography, language and culture of other lands is a concrete, attainable and important goal in the context of international trade and our place in the world economy.

The understanding necessary to accomplish this, as I have said, can come only from knowledge of the peoples, cultures, resources and languages of other nations. This is the sort of knowledge that geography seeks to impart. Alarmingly, in spite of this, the discipline of geography has become seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, and less than 10 percent of elementary and secondary school geography teachers have even a minor in the subject. However, there are hopeful indicators that geography education is beginning to experience a long-awaited and badly needed resurgence. Among these:

The National Geographic Society has instituted the National Geography Bee, which attracted a million student participants across the United States.

The Jason project, which thrilled scores of classes at National Geographic Society headquarters in Washington, DC, and other auditoriums with live television telecasts from the bottom of the Mediterranean Sea.

In California, the State board of education, after finding that students were sorely lacking in their knowledge of geography, adopted a new, statewide history social studies framework in which geography will be studied at each level. This is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages and cultures of the world. It is for this reason that I strongly urge my colleagues to support this resolution focusing national attention on the integral role that the knowledge of world geography plays in preparing our citizens for the future of our increasingly interdependent, interconnected world. It is my hope that again passing this resolution will be just one more step in a revitalization of the study of geography in this country. All of our citizens should have access to the type of education that will help them succeed and appreciate the beautiful diversity in this country and in this world.

The text of the resolution follows:

H.J. RES. 512

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States is a truly unique Nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas the leadership of the United States in world affairs is threatened by a lack of understanding of the locations and significance of historic changes occurring around the globe;

Whereas a knowledge of geography provides a "Window on a Changing World" and a way in which to understand events and their impact on the United States;

Whereas the United States is a Nation of worldwide involvements and influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and

our interdependence with other peoples of the world;

Whereas the first federally funded National Assessment of Educational Progress survey revealed a "disturbing geography knowledge gap" among 12th graders in the United States;

Whereas this survey also indicated that many students did not know that the Mississippi River flows into the Gulf of Mexico, or that the Panama Canal shortens sailing time between the east and west coasts of the United States, nor could they identify Jerusalem on a regional map, or name the three oceans moving east around the globe from Africa;

Whereas departments of geography are being eliminated from institutes of higher learning in the United States, thus endangering the discipline of geography in this country;

Whereas, while geography as a distinct discipline has virtually disappeared from the curricula of schools in the United States, it is still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, the environment, and global events;

Whereas one-third of adults in the United States cannot name four of the sixteen North Atlantic Treaty Organization member nations, and another one-third cannot name any; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent, interconnected, and rapidly changing world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 11 through 17, 1990, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ENERGY AND WATER CONSERVATION TAX OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I am pleased to introduce today a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to encourage the use of energy and water conservation measures.

This proposal will reenact an expired conservation incentive contained in the National Energy Conservation Policy Act of 1978 [NECPA], and extend it to make it even more effective as a conservation program.

Rebate programs are an increasingly popular and effective method of encouraging customers to purchase more energy efficient appliances, air-conditioning systems, lighting products, motors, and other conservation measures. In 1987, the Consumer Energy Council of America Research Foundation and the American Council for an Energy-Efficient Economy surveyed utilities across the country and found that of the 132 utilities that responded to the questionnaire, 59 had rebate programs. The study concluded that 35 percent of the Nation's electric utility customers are served by utilities that have some form of an energy efficient rebate program.

Rebate programs are widely used because they work to conserve energy in a cost-effective manner. A number of utilities have conducted studies on how financial incentives influence program participation. These studies demonstrate that financial incentives can significantly increase purchases of high-efficiency appliances and other conservation measures. The New York State Electric and Gas Corp., for example, found that the market share for efficient refrigerators was nearly 60 percent in the area in which a $50 rebate was provided, compared to 49 percent in the $35 rebate area, 35 percent in the advertising-only area, and 15 percent in the control area with no rebates or advertising.

According to this study and others, customers are very responsive to the amount of the rebate offered by utilities. Taxing these rebates is a major disincentive to invest in conservation because consumers are generally unwilling to pay a little more money up front to save more money in the long run. Customer rebates can play a significant role in overcoming this by "buying down" the original cost of conservation efforts. By this means, utilities can encourage activities that benefit the entire energy and water customer base, and reduce the sources of pollution in the future.

While residential customers were allowed this exclusion under NECPA up until June 30, 1989, this provision has unfortunately expired. As it stands right now, payments made from a utility to a residential customer for conservation must be counted as gross income. Moreover, even when the provision was in effect, it did not include industrial or commercial customers. The legislation I am introducing today will reinstate this exclusion and expand it to include industrial and commercial customers because the cost of energy saved is cheaper with commercial and industrial customers. Commercial and industrial lighting rebate programs, for instance, appear to be the most cost-effective conservation investment on the basis of cost per kW of peak demand saved.

This legislation would also encourage the installation of water conservation devices which are very important to some areas of the country.

Mr. Speaker, I hope that my colleagues will support this legislation and that we will be able to consider it promptly during the current session.

EARTH DAY 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BENNETT] is recognized for 5 minutes.

Mr. BENNETT. Mr. Speaker, as we enjoy the glorious springlike weather of yesterday and today, I am reminded of what a beautiful world we live in, and look ahead to Earth Day, the annual celebration of our planet, which is only 40 days from today.

I am going to take this opportunity to talk with you about wetlands. As I begin, I would like to read to you the introductory paragraph of "A Citizens' Guide to Protecting the Wetlands," authored by Jan Goldman-Carter of the National Wildlife Federation.

What would our lives be like without the chorus of spring peepers on an early spring evening, or the V-shaped wake of the industrious muskrat crossing the marsh at sunset? Would life be the same without the seasonal comings-and-goings of the bluewinged teal and the bobbing yellowlegs? Would we miss the lacey domes, buttressed columns, and protruding knees of the bald cypress swamp, or the wide expanses of salt marsh filtering and feeding the tides and the sea life that depend on them? Would we note the absence of the arching roots of the mangrove forest, anchored in the coastal sands with fish, shrimp, crabs, snails, and other inter-tidal explorers weaving their way through the maze?

Perhaps many of us have enjoyed these experiences. These experiences, and others like them, are made possible by our life-giving wetlands. Wetlands are immensely important to both the environmental and economic health of our Nation. They provide habitat for a great variety of wildlife. They provide seasonal resting spots for migrating birds. They support recreation and fisheries. They help reduce flood damages, and their natural sifting abilities abate water pollution.

Yet, in spite of these benefits, we are losing wetlands at the rate of almost ½ million acres each year. Legislation that I have introduced, H.R. 1746, would stem the loss of wetlands without halting development. I encourage my colleagues to join me so we may continue to enjoy "the chorus of spring peepers on an early spring evening."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, on March 15.

Mr. DELAY, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes each day, on March 14 and March 15.

(The following Members (at the request of Mr. VENTO) to revise and extend their remarks and include extraneous material:)

Mr. TALLON, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. LOWEY of New York, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mrs. KENNELLY, for 5 minutes, today.
Mr. BENNETT, for 5 minutes, today.
Mr. FEIGHAN, for 60 minutes, on March 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mrs. SAIKI.
Mr. MCDADE.
Mr. GEKAS.
Mr. THOMAS of Wyoming.
Mr. ROGERS in two instances.
Mr. GILMAN.
Mr. GUNDERSON.
Mr. GALLO.
Mr. LEACH of Iowa.

(The following Members (at the request of Mr. VENTO) and to include extraneous matter:)

Mr. NEAL of Massachusetts.
Mr. KENNEDY.
Mr. LANTOS.
Mr. PANETTA.
Mr. MCMILLEN of Maryland.
Mr. DELLUMS.
Mr. FRANK.
Mrs. KENNELLY.
Mr. BRYANT.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 14, 1990, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2697. A communication from the President of the United States, transmitting a request for supplemental appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-157); to the Committee on Appropriations and ordered to be printed.

2698. A letter from the Acting Assistant Secretary for Financial Management, Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1, 1989, through December 31, 1989, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

2699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-157, "District of Columbia Traffic Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-158, "Christ Church of Washington Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-159, "Church of the Living God Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-160, "Mt. Rona Missionary Baptist Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2703. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-161, "District of Columbia Taxicab Commission Adjudicatory Authority Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2704. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-162, "Buddhist Congregational Church of America Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2705. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-163, "Hemingway Temple A.M.E. Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2706. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-164, "American Association of University Women Educational Foundation Real Property Tax Exemption Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2707. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-165, "Arts Club of Washington Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2708. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-166, "Fifteenth Street Presbyterian Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2709. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-167, "The Phillips Collection Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2710. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-168, "Spiritual Assembly of Baha'is of Washington, D.C. Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2711. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-169, "Officer Dana E. Harwood Memorial Pier Designation Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-170, "Asbestos Licensing and Control Act of 1990," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2713. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled "Review of Rent Expenses for the Presidential Building—415 12th Street, N.W.," pursuant to D.C. Code Section 47-117(d); to the Committee on the District of Columbia.

2714. A letter from the Chairman, James Madison Memorial Fellowship Foundation, transmitting the 1989 annual report of the Foundation, pursuant to Public Law 99-591, section 814(b) (100 Stat. 3341-81); to the Committee on Education and Labor.

2715. A communication from the President of the United States, transmitting a copy of the Executive order terminating the national emergency with respect to Nicaragua (H. Doc. No. 101-158); to the Committee on Foreign Affairs and ordered to be printed.

2716. A letter from the Attorney General, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2717. A letter from the Assistant Secretary for Policy Management and Budget, Department of the Interior, transmitting the annual report on activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2718. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the annual report on activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2719. A letter from the Chairman, Resolution Trust Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2720. A letter from the Secretary, Naval Sea Cadet Corps, transmitting the annual audit report of the Corps for the year ended December 31, 1989, pursuant to 36 U.S.C. 1101(39), 1103; to the Committee on the Judiciary.

2721. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend title 39, United States Code, to curb abuses of postage subsidies, to provide more equitable rates for Government mail, and for other purposes; to the Committee on Post Office and Civil Service.

2722. A letter from the Secretary of Commerce, transmitting his outline of the financial problems of the Census Bureau; to the Committee on Post Office and Civil Service.

2723. A letter from the Chairman, Arctic Research Commission, transmitting activities and accomplishments of the Commission for the period October 1, 1988-30 September 1989, pursuant to 15 U.S.C. 4103(b); to the Committee on Science, Space, and Technology.

2724. A letter from the Secretary of Agriculture, transmitting the Forest Service report on the progress of management activities concerning the northern spotted owl and timber sales for national forest lands in the States of Oregon and Washington, pursuant to Public Law 101-121, section 318(h); jointly, to the Committees on Agriculture, Appropriations, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2843. A bill to establish the Kino Missions National Monument in the State of Arizona; with amendments (Rept. 101-418). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself and Mr. WYLIE) (both by request):

H.R. 4245. A bill to amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DAVIS (for himself (by request), Mr. JONES of North Carolina, and Mr. LENT):

H.R. 4246. A bill to authorize appropriations for the fiscal years 1991 and 1992 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CHANDLER (for himself, Mr. STARK, and Mr. MCDERMOTT):

H.R. 4247. A bill to amend title XVIII of the Social Security Act to provide for coverage of self-administered erythropoietin under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DOUGLAS (for himself, Mr. BARTLETT, Mr. WEBER, Mr. GALLO, Mr. MCEWEN, Mr. SMITH of New Jersey, Mrs. VUCANOVICH, Mr. BLILEY, Mr. GUNDERSON, Mr. JAMES, Mr. DONALD E. LUKENS, Mr. PAXON, Mr. DUNCAN, and Mr. COX):

H.R. 4248. A bill to assist first-time homebuyers to purchase homes through first home ownership accounts, elimination of the capital gains tax on the sale of a principal residence, extension of mortgage bonds, modified FHA authority, and downpayment and share equity plans; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mrs. KENNELLY (for herself, Mr. CHANDLER, Mr. MATSUI, Mr. THOMAS of California, Mr. SHARP, and Mr. SWIFT):

H.R. 4249. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 4250. A bill to amend the Outdoor Recreation Act of 1963 to provide for multiobjective river corridor planning and assistance; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. LEACH of Iowa:

H.R. 4251. A bill to abolish the Office of the Director of Thrift Supervision and transfer the functions of such Office relating to Federal savings associations to the Comptroller of the Currency, the functions relating to State savings association to the Federal Deposit Insurance Corporation, and the functions relating to savings and loan holding companies to the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTIN of New York (for herself, Mr. SMITH of New Hampshire, Mr. DICKINSON, and Mr. SAXTON):

H.R. 4252. A bill to authorize the Secretary of the Air Force to purchase certain property at Pease Air Force Base, NH; to the Committee on Armed Services.

By Ms. OAKAR (for herself, Mr. STOKES, Mr. RAHALL, Mr. FAUNTROY, and Mr. HAYES of Illinois):

H.R. 4253. A bill to provide for an equitable and universal national health plan administered by the States, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OLIN:

H.R. 4254. A bill to amend the Agricultural Act of 1949 with respect to the level of milk price support in effect for 1991 through 1995; to the Committee on Agriculture.

By Mr. PANETTA:

H.R. 4255. A bill to amend the Federal Water Pollution Control Act to add Morro Bay, CA, to the priority list of the National Estuary Program; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. ROBERT F. SMITH:

H.R. 4256. A bill to provide for the funding of certain wildland fire programs of the Department of Agriculture and the Department of the Interior, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Appropriations.

By Mr. BONIOR:

H.J. Res. 511. Joint resolution to lift the United States embargo on trade with Nicaragua; to the Committee on Foreign Affairs.

By Mr. PANETTA:

H.J. Res. 512. Joint resolution designating November 11 through 17, 1990, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

326. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to the Clean Air Act Amendments of 1989; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. MAZZOLI.

H.R. 81: Mrs. BOXER.

H.R. 784: Mr. GEREN.

H.R. 933: Mr. PRICE, Mr. GEREN, and Mr. HATCHER.

H.R. 961: Mr. LEATH of Texas, Mr. GALLEGLY, Mr. FALEOMAVAEGA, Mr. PACKARD, Mr. MCNULTY, Mr. BLILEY, Mr. MILLER of Washington, Mr. BONIOR, Mr. ROHRABACHER, and Mr. LENT.

H.R. 993: Mr. FUSTER.

H.R. 1055: Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mr. DORNAN of California, and Mr. THOMAS A. LUKEN.

H.R. 1092: Mr. LEVINE of California and Mr. GLICKMAN.

H.R. 1122: Mr. OWENS of New York.

H.R. 1180: Mr. MOAKLEY.

H.R. 1593: Mr. WALSH, Mr. JAMES, and Mrs. BYRON.

H.R. 1865: Mr. HILER.

H.R. 2460: Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. COLEMAN of Missouri, Mr. DAVIS, Mr. PURSELL, Mr. ROBERTS, Mr. SHUSTER, and Mr. BATES.

H.R. 2575: Mr. BILIRAKIS, Mr. BONIOR, Mr. DEWINE, Mr. DORNAN of California, Mr. GRAY, Mr. HALL of Texas, Mr. HEFLEY, Mr. JAMES, Mr. KLECZKA, Mr. LENT, Mr. LEWIS of California, Mr. THOMAS A. LUKEN, Mr. MAZZOLI, Mr. MOAKLEY, Ms. PELOSI, Mr. ROTH, Mr. SCHAEFER, Mr. SIKORSKI, Mr. SKAGGS, Mr. TAUZIN, Mr. WHITTEN, Mr. HAWKINS, Mr. SOLOMON, Mr. MCEWEN, Mr. MORRISON of Washington, and Mr. KILDEE.

H.R. 3236: Mr. LIVINGSTON, Mr. RANGEL, Mr. RICHARDSON, Mr. MCNULTY, Mr. FUSTER, Mr. MRAZEK, Mr. JAMES, Ms. PELOSI, Mr. LANTOS, Mr. JONTZ, Mrs. MORELLA, Mr. BUSTAMANTE, Mr. HUGHES, and Mr. HORTON.

H.R. 3292: Mr. HUBBARD.

H.R. 3461: Mr. BATES, Mr. DYMALLY, Mr. BLAZ, and Ms. KAPTUR.

H.R. 3508: Mr. BRENNAN.

H.R. 3582: Mrs. SAIKI and Mr. SKEEN.

H.R. 3651: Mr. FRANK, Ms. SCHNEIDER, Mr. BUSTAMANTE, Mr. SCHIFF, and Mr. GEJDENSON.

H.R. 3684: Mr. VENTO.

H.R. 3859: Mr. KILDEE, Mr. MARTINEZ, Mr. SAWYER, Mr. HORTON, and Mr. PERKINS.

H.R. 3895: Mr. TOWNS, Mr. JONTZ, Mr. THOMAS A. LUKEN, Mr. COSTELLO, Mr. BRUCE, Mr. JOHNSTON of Florida, and Mr. MRAZEK.

H.R. 3922: Mr. COMBEST, Mr. DEFAZIO, Mr. JAMES, Mr. BOSCO, Mr. SUNDQUIST, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. GEJDENSON, Mr. BOEHLERT, Mr. FUSTER, Mr. JOHNSON of South Dakota, Mr. COLEMAN of Texas, Mrs. VUCANOVICH, Mr. SAXTON, Mr. SMITH of New Hampshire, Mr. FAUNTROY, Mr. TOWNS, Mr. BATEMAN, Mr. HORTON, Mr. MARKEY, Mr. ROE, Mr. SHAW, and Mr. GUNDERSON.

H.R. 3923: Mr. KOLTER, Mrs. COLLINS, Mr. LEWIS of Florida, Mr. SLAUGHTER of Virginia, Mr. GALLO, Mr. KOLBE, Mr. ROE, Mr. RHODES, Mr. SHUMWAY, Mrs. VUCANOVICH, Mr. SAXTON, Mr. LANCASTER, Mr. MAVROULES, Mr. BUNNING, Mrs. SAIKI, Mr. GUNDERSON, Mr. DEFAZIO, Mr. SMITH of Texas, Mr. HUGHES, and Ms. LONG.

H.R. 3978: Ms. OAKAR, Mr. DWYER of New Jersey, Mr. MFUME, Mr. BRUCE, Mr. MAZZOLI, Mr. JACOBS, Mr. ESPY, Mr. BOUCHER, Ms. SLAUGHTER of New York, Mr. JONES of North Carolina, Mr. BONIOR, Mr. OBERSTAR, and Mr. GREEN.

H.R. 4041: Mr. SCHIFF.

H.R. 4042: Mr. WALKER, Mr. MOODY, Mr. CRANE, Mr. PEASE, and Mr. FAUNTROY.

H.R. 4048: Mr. OWENS of New York, Mr. STUDDS, Mr. TOWNS, Ms. LONG, Mr. EVANS, Mr. MRAZEK, Mr. BOSCO, Mrs. LOWEY of New York, Mr. GEJDENSON, Mr. HAYES of Illinois, Mr. CLEMENT, and Ms. SLAUGHTER of New York.

H.R. 4060: Mr. BROWN of California, Mr. LEVIN of Michigan, and Mr. BONIOR.

H.R. 4109: Mr. ROE, Mr. RANGEL, Mr. LAGOMARSINO, Mr. DE LA GARZA, and Mrs. BOXER.

H.R. 4110: Mr. FRANK, Mr. DURBIN, Mr. MINETA, Mr. SMITH of Florida, Mr. FAZIO, Mr. WALSH, Mr. MARKEY, Mr. DONALD E. LUKENS, Mr. ROE, Mr. SCHEUER, Mr. JOHNSON of South Dakota, Mrs. LOWEY of New York, Mr. BONIOR, Mr. NOWAK, Mr. LANTOS, Ms. PELOSI, Mr. UPTON, Mr. VENTO, Mr. FROST, Mr. WALGREN, Mr. DORGAN of North Dakota, Mr. GILMAN, Mr. ACKERMAN, Mr. DELLUMS, Mrs. BOXER, and Mrs. MORELLA.

H.J. Res. 54: Mr. OWENS of Utah.

H.J. Res. 125: Mr. HOLLOWAY.

H.J. Res. 441: Mr. KOLTER, Mr. COLEMAN of Texas, Mr. KANJORSKI, Mr. FLIPPO, Mr. HOYER, Mr. LEWIS of Georgia, Mr. JONTZ, Mr. INHOFE, Mr. GONZALEZ, Mr. MADIGAN, Mr. MCGRATH, Mr. SKELTON, Mr. STENHOLM, Mr. MILLER of Ohio, Mr. MCNULTY, Mr. SCHUMER, Mr. BATEMAN, Mr. BOSCO, Mr. WELDON, Mr. FAWELL, Mr. MCEWEN, Ms. KAPTUR, Mr. COX, Mr. BOEHLERT, Mr. SHAW, Mr. WHITTAKER, Mr. BILIRAKIS, Mr. SMITH of Florida, Mr. DELLUMS, Mr. PETRI, Mr. MCHUGH, Mr. BALLENGER, Mr. HAMMERSCHMIDT, Mr. ENGEL, Mr. PAYNE of Virginia, Mr. SCHUETTE, Mr. OBERSTAR, Mr. GORDON, and Mr. THOMAS of Georgia.

H.J. Res. 474: Mr. AKAKA, Mr. AUCOIN, Mrs. BENTLEY, Mr. BEVILL, Mr. BOEHLERT, Mr. BOUCHER, Mrs. BOXER, Mr. BROWDER, Mr. BRUCE, Mrs. BYRON, Mr. CARR, Mr. CHAPMAN, Mr. CLARKE, Mr. CLEMENT, Mr. COLEMAN of Missouri, Mr. COMBEST, Mr. CONDIT, Mr. COSTELLO, Mr. COURTER, Mr. CRAIG, Mr. DE LUGO, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. DURBIN, Mr. EMERSON, Mr. ESPY, Mr. FASCELL, Mr. FROST, Mr. FUSTER, Mr. GEJDENSON, Mr. GEREN of Texas, Mr. GORDON, Mr. GRANDY, Mr. GRANT, Mr. GUNDERSON, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HENRY, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HOPKINS, Mr. HORTON, Mr. HOUGHTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KILDEE, Mr. LANCASTER, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MCDADE, Mr. MCHUGH, Mr. MCNULTY, Mr. MURPHY, Mr. NAGLE, Mr. NEAL of North Carolina, Mr. NIELSON of Utah, Mr. OLIN, Mr. OXLEY, Mr. PALLONE, Mr. PARKER, Mr. PASHAYAN, Mr. PAXON, Ms. PELOSI, Mr. POSHARD, Mr. QUILLEN, Mr. RAVENEL, Mr. ROBERTS, Mr. ROE, Mr. ROTH, Mr. ROWLAND of Georgia, Mr. SAVAGE, Mr. SCHUETTE, Mr. SHARP, Mr. SHUMWAY, Mr. SHUSTER, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. DENNY SMITH, Mrs. SMITH of Nebraska, Mr. SPENCE, Mr. STAGGERS, Mr. STENHOLM, Mr. STOKES, Mr. TALLON, Mr. TAUKE, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. VALENTINE, Mr. VENTO, Mr. WALGREN, Mr. WALSH, Mr. WEBER, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. YATRON, Mr. JOHNSON of South Dakota, Mr. HAMMERSCHMIDT, and Mr. MORRISON of Washington.

H.J. Res. 495: Mr. MCNULTY, Mr. QUILLEN, Mr. HORTON, Mr. BONIOR, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CARPER, Mr. CLARKE, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. BROWN of California, Mr. SPENCE, and Mr. CROCKETT.

H.J. Res. 500: Mr. GRANT, Mr. BAKER, Mr. FUSTER, Mr. MCDADE, Mr. THOMAS of Wyoming, Mr. MACHTLEY, Mr. FAWELL, Mr. HORTON, Mr. DEWINE, Mrs. MARTIN of Illinois, Mr. VANDER JAGT, Mr. SCHIFF, Mr. WYDEN, Mr. BUNNING, Mr. ROBINSON, Mr. LEACH of Iowa, Mr. LOWERY of California, Mr. DONALD E. LUKENS, Mr. RINALDO, Mr. TAUKE, Mr. ROE, Mr. GRADISON, Mr. BORSKI, Mr. DENNY SMITH, Mr. WELDON, Mr. ROGERS, Mr. NEAL of Massachusetts, Mr. FASCELL, Mr. MAVROULES, Ms. LONG, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. LEVIN of Michigan, Mr. ANNUNZIO, Mr. MCNULTY, Mr. SCHEUER, Mr. KOSTMAYER, Mr. SKEEN, Mr. CARR, and Mr. MARTIN of New York.

H. Con. Res. 66: Mr. CONYERS.

H. Con. Res. 155: Mr. FISH and Mr. LANCASTER.

H. Con. Res. 267: Mr. MICHEL, Mr. UPTON, Mrs. MEYERS of Kansas, and Mr. CONDIT.

H. Res. 139: Mr. HORTON.

H. Res. 171: Mr. FROST, Mr. PARKER, Mr. SCHEUER, Mr. RICHARDSON, Mr. FRANK, Mr. PICKETT, Mr. VENTO, and Mr. DURBIN.

H. Res. 283: Ms. SLAUGHTER of New York.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. BOEHLERT:

—Page 58, after line 12, insert the following:

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended."

Redesignate succeeding sections accordingly.

By Mr. DERRICK:

—Page 21, line 17, insert "(other than sections 8(b) and 10 thereof)" after "Act".

By Mr. DORGAN of North Dakota:

—Page 81, after line 6, insert the following:

SEC. 807. SENSE OF THE CONGRESS REGARDING PROPORTIONAL DISTRIBUTION OF FEDERAL CONTRACTS AMONG THE REGIONS AND STATES.

It is the sense of the Congress that the Office of Management and Budget should develop a plan under which, by 1995, Federal contracts will be distributed among the regions and States of the United States so that the value of Federal contracts received by persons located in any such region or State is roughly proportional to—

(1) the aggregate value of all Federal contracts; multiplied by

(2)(A) the number of persons in such region or State; divided by

(B) the number of persons in the United States.

Redesignate succeeding sections accordingly.

—Page 81, after line 2, insert the following:

SEC. 806. PROPORTIONAL DISTRIBUTION OF FEDERAL CONTRACTS AMONG THE STATES.

Section 901(b) of the Agricultural Act of 1970 (42 U.S.C. 3122(b)), is amended—

(1) by inserting "(1)" before "Congress"; and

(2) by adding after and below such provision the following new paragraph:

"(2) The Office of Management and Budget shall develop a plan under which, by 1995, Federal contracts will be distributed among the States so that the value of Federal contracts received by persons located in a State is roughly proportional to—

"(A) the aggregate value of all Federal contracts; multiplied by

"(B)(i) the number of persons in the State; divided by

"(ii) the number of persons in the United States.".

Redesignate succeeding sections accordingly.

By Mr. DUNCAN:

—On page 75, after line 24 add the following new section and redesignate each succeeding section accordingly:

"SEC. 802. (a) For the purposes of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture shall, to the maximum extent practicable, not carry out any commercial activity using government employees to provide a service or product that can be procured from private enterprise through ordinary business channels.

(b) The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this Act."

By Mr. STAGGERS:

—Page 15, line 25, strike "and".

—Page 16, line 6, strike the period and insert a semicolon.

—Page 16, after line 6, insert the following:

"(iii) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(iv) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and

"(v) coordinate the efforts of interested rural residents with the State rural economic development review panel.

By Mr. STALLINGS:

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.
Sec. 1002. Purposes.
Sec. 1003. Program of grants for rural economic development and education projects.
Sec. 1004. Consideration of projects by review panels.
Sec. 1005. Administration of grant program.
Sec. 1006. State allotment formula.
Sec. 1007. Limitations on authorization of appropriations.
Sec. 1008. Regulations.
Sec. 1009. Definitions.

SEC. 1002. PURPOSES.

The purposes of this title are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas; and

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas.

SEC. 1003. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) IN GENERAL.—The Administrator shall make grants in accordance with this title to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.—A project is eligible for a grant under this title if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural areas in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas; or

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas.

(c) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIPS.—A partnership is eligible for a grant under this title if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and an institution of higher education;

(2) is governed by an agreement which provides that—

(A) an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this title; and

(ii) accounting for the funds of such projects; and

(B) a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) APPLICATION REQUIREMENTS.—Each application by a partnership for a grant under this title shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) a copy of all agreements governing the division of functions within the partnership;

(6) a description of how the project will be evaluated; and

(7) such other information as the Administrator may reasonably require.

SEC. 1004. CONSIDERATION OF PROJECTS.

(a) REVIEW OF APPLICATIONS.—

(1) REVIEW BY ADMINISTRATOR.—The Administrator shall—

(A) review each application submitted pursuant to section 1003(c)(3);

(B) determine whether or not the application meets the requirements of section 1003(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) REVIEW BY STATE REVIEW PANELS.—

(A) IN GENERAL.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economical adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) CONSULTATION WITH STATE EDUCATIONAL AGENCY.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each partnership which submits an application for a grant under this title shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of a partnership for a grant under this title, request the partnership to modify the project described in the application.

(b) RANKING OF APPLICATIONS.—

(1) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this title, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services or facilities, the reasons therefor.

(2) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) WRITTEN POLICY AND CRITERIA.—The review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(c) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1005. ADMINISTRATION OF GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS TO ELIGIBLE PROJECTS.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1004(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1003; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1006, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1004(b).

(b) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) MONITORING OF USE OF GRANTS.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this title are used in accordance with the approved grant applications.

(d) INFORMATIONAL EFFORTS.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this title, including application procedures and deadlines.

(e) PROGRAM EVALUATION.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this title and the social and economic effects of the program.

(2) CONTENTS.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this title

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) SUBMISSION OF REPORT.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1006. STATE ALLOTMENT FORMULA.

(a) FORMULA.—From the sums appropriated for any fiscal year to carry out this title, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State); and

(b) PRIMARY DEFINITIONS.—As used in subsection (a):

(1) SPARSITY FACTOR.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) SCHOOL SPARSITY INDEX.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) SECONDARY DEFINITIONS.—As used in subsection (b):

(1) NONURBAN POPULATION.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) PUBLIC SCHOOL.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) TOTAL AREA.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) UNITED STATES.—The term "United States" means all of the States.

SEC. 1007. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this title, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

SEC. 1008. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under this title, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1009. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(3) REGIONAL EDUCATION LABORATORIES.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provision Act.

(4) REVIEW PANEL.—The term "review panel" means with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(5) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(6) RURAL SCHOOL DISTRICT.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(7) STATE.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Education, Health Care, and Business Partnership Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Economic Development and Education Partnership

Sec. 1011. Short title.
Sec. 1012. Purposes.
Sec. 1013. Program of grants for rural economic development and education projects.
Sec. 1014. Consideration of projects by review panels.
Sec. 1015. Administration of grant program.
Sec. 1016. State allotment formula.
Sec. 1017. Limitations on authorization of appropriations.
Sec. 1018. Relationship to State law.
Sec. 1019. Regulations.
Sec. 1020. Definitions.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Economic Development and Education Partnership

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

SEC. 1012. PURPOSES.

The purposes of this subtitle are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas; and

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas.

SEC. 1013. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) IN GENERAL.—The Administrator shall make grants in accordance with this subtitle to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.—A project is eligible for a grant under this subtitle if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas; or

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas.

(c) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIPS.—A partnership is eligible for a grant under this title if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and an institution of higher education;

(2) is governed by an agreement which provides that—

(A) an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this title; and

(ii) accounting for the funds of such projects; and

(B) a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) APPLICATION REQUIREMENTS.—Each application by a partnership for a grant under this subtitle shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) a copy of all agreements governing the division of functions within the partnership;

(6) a description of how the project will be evaluated; and

(7) such other information as the Administrator may reasonably require.

SEC. 1014. CONSIDERATION OF PROJECTS.

(a) REVIEW OF APPLICATIONS.—

(1) REVIEW BY ADMINISTRATOR.—The Administrator shall—

(A) review each application submitted pursuant to section 1013(c)(3);

(B) determine whether or not the application meets the requirements of section 1013(d);

(C) approve each application which meets such requirements;

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) REVIEW BY STATE REVIEW PANELS.—

(A) IN GENERAL.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) CONSULTATION WITH STATE EDUCATIONAL AGENCY.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(c) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each partnership which submits an application for a grant under this subtitle shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of a partnership for a grant under this subtitle, request the partnership to modify the project described in the application.

(b) RANKING OF APPLICATIONS.—

(1) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this subtitle, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications received during a fiscal year. The first group shall consist of the applications received during the first 6 months of the fiscal year. The second group shall consist of the applications received during the second 6 months of the fiscal year.

(3) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) WRITTEN POLICY AND CRITERIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(B) PROHIBITION AGAINST DEVELOPMENT OR ACQUISITION OF TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The policy and criteria developed under subparagraph (A) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(c) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1015. ADMINISTRATION OF GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS TO ELIGIBLE PROJECTS.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1014(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1013; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1016, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such

projects are ranked by the review panel under section 1014(b).

(b) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) MONITORING OF USE OF GRANTS.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this subtitle are used in accordance with the approved grant applications.

(d) INFORMATION EFFORTS.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this subtitle, including application procedures and deadlines.

(e) PROGRAM EVALUATION.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this subtitle and the social and economic effects of the program.

(2) CONTENTS.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this subtitle;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) SUBMISSION OF REPORT.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1016. STATE ALLOTMENT FORMULA.

(a) FORMULA.—From the sums appropriated for any fiscal year to carry out this subtitle, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) PRIMARY DEFINITIONS.—As used in subsection (a):

(1) SPARSITY FACTOR.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) SCHOOL SPARSITY INDEX.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) SECONDARY DEFINITIONS.—As used in subsection (b):

(1) NONURBAN POPULATION.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) PUBLIC SCHOOL.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) TOTAL AREA.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) UNITED STATES.—The term "United States" means all of the States.

SEC. 1017. LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.

For grants under this subtitle, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

SEC. 1018. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under this subtitle, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1019. DEFINITIONS.

As used in this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) EDUCATIONAL COMMUNICATIONS ENTITY.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) INTERACTIVE VIDEO EQUIPMENT.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) REGIONAL EDUCATION LABORATORIES.—The term "regional education laboratories" means the regional education laboratories described in section 504(d)(4)(A)(i) of the General Education Provisions Act.

(6) REVIEW PANEL.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(8) RURAL SCHOOL DISTRICT.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) STATE.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

(10) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvement Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in

each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocation a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocationg the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Education and Business Development

Sec. 1011. Short title.

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

Sec. 1021. Purposes.
Sec. 1022. Program of grants for rural economic development and education projects.
Sec. 1023. Consideration of projects by review panels.
Sec. 1024. Administration of grant program.
Sec. 1025. State allotment formula.
Sec. 1026. Limitations on authorization of appropriations.

CHAPTER 2—BUSINESS DEVELOPMENT

Sec. 1031. Purposes.
Sec. 1032. General requirements.
Sec. 1033. Loans for business telecommunications partnerships.

CHAPTER 3—GENERAL PROVISIONS

Sec. 1041. Relationship to State law.
Sec. 1042. Regulations.
Sec. 1043. Definitions.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Education and Business Development

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

SEC. 1021. PURPOSES.

The purposes of this chapter are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas;

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas; and

(4) provide educational service providers with access to advanced telecommunications services and computer networks for training and retraining of the workforce in order to improve job opportunities and the business environment in rural areas.

SEC. 1022. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) IN GENERAL.—The Administrator shall make grants in accordance with this chapter to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.—A project is eligible for a grant under this chapter if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas;

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas; or

(7) provide instruction and other educational opportunities for rural school districts using interactive audio, video, and computer technologies between distant locations, including—

(A) acquiring, through lease or purchase—

(i) computer hardware and software;

(ii) audio and video equipment;

(iii) telecommunications terminal equipment; or

(iv) interactive video equipment;

(B) developing rural distance learning curricula or computer software; and

(C) providing technical assistance and instruction for the development or use of rural distance learning curricula.

(c) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIPS.—A partnership is eligible for a grant under this chapter if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; or

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), an educational communications entity;

(2) is governed by an agreement which provides that—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects;

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), a single member of the partnership shall be responsibile for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects; and

(C) in the case of any partnership, a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) APPLICATION REQUIREMENTS.—Each application by a partnership for a grant under this chapter shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) in the case of an application with respect to a project that includes any activity described in subsection (b)(7)—

(A) a copy of a binding commitment entered into between the partnership and each entity which is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(B) an assurance that the partnership will use not less than 25 percent of the amount of the grant for instructional curriculum development and programming (including programming or software systems development to assist students, instructors, or teachers at elementary and secondary schools and at adult and vocational education and training centers), with priority given to programs in mathematics, science, writing skills, and foreign languages;

(6) a copy of all agreements governing the division of functions within the partnership;

(7) a description of how the project will be evaluated; and

(8) such other information as the Administrator may reasonably require.

SEC. 1023. CONSIDERATION OF PROJECTS.

(a) REVIEW OF APPLICATIONS.—

(1) REVIEW BY ADMINISTRATOR.—The Administrator shall—

(A) review each application submitted pursuant to section 1022(c)(3);

(B) determine whether or not the application meets the requirements of section 1022(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) REVIEW BY STATE REVIEW PANELS.—

(A) IN GENERAL.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) CONSULTATION WITH STATE EDUCATIONAL AGENCY.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each partnership which submits an application for a grant under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of a partnership for a grant under this chapter, request the partnership to modify the project described in the application.

(b) RANKING OF APPLICATIONS.—

(1) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this chapter, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each appli-

cation in a group to be competing only with the other applications in the group.

(4) WRITTEN POLICY AND CRITERIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(B) PROHIBITION AGAINST DEVELOPMENT OR ACQUISITION OF TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The policy and criteria developed under subparagraph (A) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(c) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each list received by the State coordinator.

SEC. 1024. ADMINISTRATION OF GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS TO ELIGIBLE PROJECTS.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1023(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1022; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1025, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1023(b).

(b) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) MONITORING OF USE OF GRANTS.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this chapter are used in accordance with the approved grant applications.

(d) INFORMATIONAL EFFORTS.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this chapter, including application procedures and deadlines.

(e) PROGRAM EVALUATION.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this chapter and the social and economic effects of the program.

(2) CONTENTS.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this chapter;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) SUBMISSION OF REPORT.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1025. STATE ALLOTMENT FORMULA.

(a) FORMULA.—From the sums appropriated for any fiscal year to carry out this chapter, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) PRIMARY DEFINITIONS.—As used in subsection (a):

(1) SPARSITY FACTOR.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) SCHOOL SPARSITY INDEX.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) SECONDARY DEFINITIONS.—As used in subsection (b):

(1) NONURBAN POPULATION.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) PUBLIC SCHOOL.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) TOTAL AREA.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) UNITED STATES.—The term "United States" means all of the States.

SEC. 1026. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this chapter, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

CHAPTER 2—BUSINESS DEVELOPMENT

SEC. 1031. PURPOSES.

The purposes of this chapter are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1032. GENERAL REQUIREMENTS.

(a) APPLICATION PROCESS.—

(1) SUBMISSION OF APPLICATION.—Any entity desiring a loan under this chapter shall submit an application therefor to the Administrator.

(2) CONTENTS OF APPLICATION.—Each application for a loan under this chapter shall include—

(A) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

(B) a description of the manner in which the proposed project is to be funded;

(C) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(D) a description of the manner in which the applicant intends to use the loan requested in the application;

(E) a description of how the proposed project will be evaluated; and

(F) such other information as the Administrator may reasonably require.

(b) CONSIDERATION OF APPLICATIONS.—

(1) REVIEW BY ADMINISTRATOR.—The administrator shall—

(A) review each application submitted pursuant to subsection (a)(1);

(B) determine whether or not the application meets the requirements of subsection (a)(2);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

(2) REVIEW BY STATE REVIEW PANELS.—

(A) IN GENERAL.—The review panel of a State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANT.—Each entity which submits an application for a loan under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

(C) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of an entity for a loan under this chapter, request the entity to modify the project described in the application.

(3) RANKING OF APPLICATIONS.—

(A) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this chapter, in an order which takes into account—

(i) the results of the review conducted under paragraph (1);

(ii) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented; and

(iii) in the case of a project which would duplicate existing services, the reasons therefor.

(B) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications for a loan under this chapter received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(C) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(D) WRITTEN POLICY AND CRITERIA.—

(i) IN GENERAL.—Subject to clause (ii), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(ii) PROHIBITION AGAINST DEVELOPMENT OR ACQUISITION OF TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The policy and criteria developed under clause (i) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(3) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to paragraph (2) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinators.

(c) PRIORITY.—The Administrator shall establish procedures to target assistance under this chapter to the rural areas and applicants that demonstrate the need for such assistance, taking into consideration—

(1) the relative needs of all applicants;

(2) the needs of the affected rural areas;

(3) the financial ability of the applicants, without such assistance, to use telecommunications for in the case of loans under section 310B(i) of the Consolidated Farm and Rural Development Act, the business purposes for which such loans may be made; and

(4) the recommendations of the review panels for the States in which such areas are located.

(d) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator intends to provide loans under this chapter to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

(2) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(e) MONITORING OF USE OF AID.—The Administrator shall take such steps as may be necessary to ensure that aid provided under this chapter is used in accordance with the approved application therefor.

SEC. 1033. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i)(1) The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment (as defined in section 1043(10) of the Rural Economic Development Act of 1989), computers, computer software, and computer hardware.

"(2) Sections 1032, 1041, and 1042 of such Act shall apply to the loan program established under this subsection.

"(3) For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2) of this Act.

"(4)(A) For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

CHAPTER 3—GENERAL PROVISIONS

SEC. 1041. RELATIONSHIP TO STATE LAW.

This subtitle shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1042. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under chapter 1 and the aid programs established under chapter 2, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1043. DEFINITIONS.

As used in this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) EDUCATIONAL COMMUNICATIONS ENTITY.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) INTERACTIVE VIDEO EQUIPMENT.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) REGIONAL EDUCATION LABORATORIES.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provisions Act.

(6) REVIEW PANEL.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(8) RURAL SCHOOL DISTRICT.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) STATE.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

(10) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE: TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1010. Short title, table of contents.

Subtitle A—Rural Education and Business Development

Sec. 1011. Short title.

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

Sec. 1021. Purposes.

Sec. 1022. Program of grants for rural economic development and education projects.
Sec. 1023. Consideration of projects by review panels.
Sec. 1024. Administration of grant program.
Sec. 1025. State allotment formula.
Sec. 1026. Limitations on authorization of appropriations.

CHAPTER 2—BUSINESS DEVELOPMENT

Sec. 1031. Purpose.
Sec. 1032. General requirements.
Sec. 1033. Loans for business telecommunications partnerships.

CHAPTER 3—GENERAL PROVISIONS

Sec. 1041. Relationship to State law.
Sec. 1042. Regulations.
Sec. 1043. Definitions.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Education and Business Development

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

SEC. 1021. PURPOSES.

The purposes of this chapter are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas;

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas; and

(4) provide educational service providers with access to advanced telecommunications services and computer networks for training and retraining of the workforce in order to improve job opportunities and the business environment in rural areas.

SEC. 1022. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) IN GENERAL.—The Administrator shall make grants in accordance with this chapter to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.—A project is eligible for a grant under this chapter if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas;

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas; or

(7) provide instruction and other educational opportunities for rural school districts using interactive audio, video, and computer technologies between distant locations, including—

(A) acquiring, through lease or purchase—

(i) computer hardware and software;

(ii) audio and video equipment;

(iii) telecommunications terminal equipment; or

(iv) interactive video equipment;

(B) developing rural distance learning curricula or computer software; and

(C) providing technical assistance and instruction for the development or use of rural distance learning curricula.

(c) RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIPS.—A partnership is eligible for a grant under this chapter if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; or

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), and educational communications entity;

(2) is governed by an agreement which provides that—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects;

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), a single member of the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects; and

(C) in the case of any partnership, a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) APPLICATION REQUIREMENTS.—Each application by a partnership for a grant under this chapter shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant; and

(5) in the case of an application with respect to a project that includes any activity described in subsection (b)(7)—

(A) a copy of a binding commitment entered into between the partnership and each entity which is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(B) an assurance that the partnership will use not less than 25 percent of the amount of the grant for instructional curriculum development and programming (including programming or software systems development to assist students, instructors, or teachers at elementary and secondary schools and at adult and vocational education and training centers), with priority given to programs in mathematics, science, writing skills, and foreign languages;

(6) a copy of all agreements governing the division of functions within the partnership;

(7) a description of how the project will be evaluated; and

(8) such other information as the Administrator may reasonably require.

SEC. 1023. CONSIDERATION OF PROJECTS.

(a) REVIEW OF APPLICATIONS.—

(1) REVIEW BY ADMINISTRATOR.—The Administrator shall—

(A) review each application submitted pursuant to section 1022(c)(3);

(B) determine whether or not the application meets the requirements of section 1022(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) REVIEW BY STATE REVIEW PANELS.—

(A) IN GENERAL.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) CONSULTATION WITH STATE EDUCATIONAL AGENCY.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each partnership which submits an application for a grant under

this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of a partnership for a grant under this chapter, request the partnership to modify the project described in the applications.

(b) RANKING OF APPLICATIONS.—

(1) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this chapter, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) WRITTEN POLICY AND CRITERIA.—The review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidaed Farm and Rural Development Act.

(c) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1024. ADMINISTRATION OF GRANT PROGRAM.

(A) AUTHORITY TO MAKE GRANTS TO ELIGIBLE PROJECTS.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1023(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1022; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1025, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1023(b).

(b) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administraor—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) MONITORING OF USE OF GRANTS.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this chapter are used in accordance with the approved grant applications.

(d) Informational Efforts.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this chapter, including application procedures and deadlines.

(e) PROGRAM EVALUATION.—

(1) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this chapter and the social and economic effects of the program.

(2) CONTENTS.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this chapter;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) SUBMISSION OF REPORT.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1025. STATE ALLOTMENT FORMULA.

(a) FORMULA.—From the sums appropriated for any fiscal year to carry out this chapter, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) PRIMARY DEFINITIONS.—As used in subsection (a):

(1) SPARSITY FACTOR.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) SCHOOL SPARSITY INDEX.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) SECONDARY DEFINITIONS.—As used in subsection (b):

(1) NONURBAN POPULATION.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) PUBLIC SCHOOL.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) TOTAL AREA.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) UNITED STATES.—The term "United States" means all of the States.

SEC. 1026. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this chapter, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

CHAPTER 2—BUSINESS DEVELOPMENT

SEC. 1031. PURPOSES.

The purpose of this chapter are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1032. GENERAL REQUIREMENTS.

(a) APPLICATION PROCESS.—

(1) SUBMISSION OF APPLICATION.—Any entity desiring a loan under this chapter shall submit an application therefor to the Administrator.

(2) CONTENTS OF APPLICATION.—Each application for a loan under this chapter shall include—

(A) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

(B) a description of the manner in which the proposed project is to be funded;

(C) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(D) a description of the manner in which the applicant intends to use the loan requested in the application;

(E) a description of how the proposed project will be evaluated; and

(F) such other information as the Administrator may reasonably require.

(b) CONSIDERATION OF APPLICATIONS.—

(1) REVIEW BY ADMINISTRATOR.—The Administrator shall—

(A) review each application submitted pursuant to subsection (a)(1);

(B) determine whether or not the application meets the requirements of subsection (a)(2);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

(2) REVIEW BY STATE REVIEW PANELS.—

(A) IN GENERAL.—The review panel of a State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each entity which submits an application for a loan under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

(C) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of an entity for a loan under this chapter, request the entity to modify the project described in the application.

(3) RANKING OF APPLICATIONS.—

(A) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this chapter, in an order which takes into account—

(i) the results of the review conducted under paragraph (1);

(ii) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented; and

(iii) in the case of a project which would duplicate existing services, the reasons therefor.

(B) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications for a loan under this chapter received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of applications received during the 2nd 6 months of the fiscal year.

(C) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(D) WRITTEN POLICY AND CRITERIA.—The review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(3) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to paragraph (2) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

(c) PRIORITY.—The Administrator shall establish procedures to target assistance under this chapter to the rural areas and applicants that demonstrate the need for such assistance, taking into consideration—

(1) the relative needs of all applicants;

(2) the needs of the affected rural areas;

(3) the financial ability of the applicants, without such assistance, to use telecommunications for in the case of loans under section 310B(i) of the Consolidated Farm and Rural Development Act, the business purposes for which such loans may be made; and

(4) the recommendations of the review panels for the States in which such areas are located.

(d) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator intends to provide loans under this chapter to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

(2) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(e) MONITORING OF USE OF AID.—The Administrator shall take such steps as may be necessary to ensure that aid provided under this chapter is used in accordance with the approved application therefor.

SEC. 1033. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i)(1) The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment (as defined in section 1043(10) of the Rural Economic Development Act of 1989), computers, computer software, and computer hardware.

"(2) Sections 1032, 1041, and 1042 of such Act shall apply to the loan program established under this subsection.

"(3) For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2) of this Act).

"(4)(A) For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

CHAPTER 3—GENERAL PROVISIONS

SEC. 1041. RELATIONSHIP TO STATE LAW.

This subtitle shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1042. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under chapter 1 and the aid programs established under chapter 2, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1043. DEFINITIONS.

As used in this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) EDUCATIONAL COMMUNICATIONS ENTITY.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) INTERACTIVE VIDEO EQUIPMENT.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) REGIONAL EDUCATION LABORATORIES.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provisions Act.

(6) REVIEW PANEL.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(8) RURAL SCHOOL DISTRICT.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) STATE.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

(10) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calender year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,00 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunication system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievement and shortcomings of the programs established under this title and the amendment made by this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives,

and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with a urban population of fewer than 25,000 individuals.

By Mr. STANGELAND:

Page 93, after line 8, insert the following:

TITLE X—RURAL ENTERPRISE ZONES

SEC. 1001. SHORT TITLE; AMENDMENTS OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Rural Enterprise Zone Act of 1990".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1002. PURPOSES.

It is the purpose of this title to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(a) tax relief and regulatory relief at the Federal, State, and local levels; and

(b) improved local services and an increase in the ecomomic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

Subtitle A—Designation of Enterprise Zones

SEC. 1011. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

Subchapter D—Designation of Enterprise Zones

"Sec. 7881. Designation.

"SEC. 7881. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITION OF ENTERPRISE ZONE.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area');

"(B) which is designated as an enterprise zone by the Secretary of Housing and Urban Development after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior; and

"(C) which has a population of 100,000 or less and is outside of a metropolitan statistical area.

"(2) NUMBER OF DESIGNATION.—The Secretary of Housing and Urban Development may designate not more than 100 nominated areas as enterprise zones.

"(3) DESIGNATION TO BE BASED SOLELY ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Housing and Urban Development shall designate those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (C), (D), (E), and (F) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action referred to in subsection (d) with respect to such area is inadequate.

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone, the Secretary of Housing and Urban Development shall, within 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B), prescribe by regulation—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) July 1, 1989.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local governments and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) such State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(4)(C)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may, after consultation with the officials described in subsection (a)(1)(B), and a hearing on the record involving officials of the State or local government involved, revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not substantially complying with the State and local commitments pursuant to subsection (d).

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, or at least 1,000, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments within whose jurisdiction it is located certify, and the Secretary of Housing and Urban Development after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one where there is evidence of poverty, unemployment, and general economic distress,

"(B) the area is located within the jurisdiction of a local government that is experiencing a high number of farm or small business bankruptcies, loss of private investment in the business sector, or other factors determined to be relevant in assessing the comparative degree of economic deterioration in the rural area;

"(C) the unemployment rate, as determined by the appropriate available data, will be reduced or stabilized for the period of designation,

"(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 7 percent for the period to which such data relate,

"(E) a substantial number of the households living in the area have incomes below 70 percent of the median income of households of the local government, and

"(F) the population of the area decreased by at least 3 percent between 1970 and 1980

(as determined from the most recent census available).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State within whose jurisdiction it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area. A course of action shall not be treated as meeting the requirements of this paragraph unless the course of action include provisions described in at least 4 of the subparagraphs of paragraph (2).

"(2) COURSE OF ACTION.—Any course of action described in paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level of efficiency of local services within the enterprise zone; for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment for such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area,

"(E) the allowance of a deduction from State or local income taxes for fees paid or accrued for services performed by a nongovernmental entity but which were formerly performed by a governmental entity,

"(F) the giving of special preference to contractors owned and operated by members of any minority, and

"(G) the gift (or sale at below fair market value) of surplus land in the enterprise zone to neighborhood organizations agreeing to operate a business on the land.

"(3) RECOGNITION OF PAST EFFORTS.—In evaluating course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(e) DEFINITIONS.—For the purpose of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D—Designation of Enterprise Zones.

SEC. 1012. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such enterprise zones' designation in accomplishing the purposes of this title.

SEC. 1013. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any required program of State and local commitment under section 7881(d) of the Internal Revenue Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) ENTERPRISE ZONES TREATED AS LABOR SURPLUS AREAS.—Any area which is designated as an enterprise zone under section 7881 of such Code shall be treated for all purposes under Federal law as a labor surplus area.

Subtitle B—Federal Income Tax Incentives

CHAPTER 1—CREDITS FOR EMPLOYERS AND EMPLOYEES

SEC. 1021. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT AND EMPLOYMENT OF DISADVANTAGED WORKERS.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by inserting after section 29 the following new section:

"SEC. 30. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) LIMITATIONS BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, over

"(B) the tentative minimum tax for the taxable year.

"(2) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(A) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1989, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. This entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306 (b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the date on which the enterprise zone was designated as such under section 7881, or the date on which the enterprise zone is designated under State law, enacted after Janu-

ary 1, 1981, if earlier, which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable eyar' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentge' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed during:	The applicable percentage is:
The 1st 3 years after starting date	50
The 4th year after the starting date	40
The 5th year after the starting date	30
The 6th year after the starting date	20
The 7th through 20th year after the starting date	10
The 21st year after the starting date or later	0.

"(3) STARTING DATE; BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvataged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time during which the individual is unemployed, and by any period of time during which the individual is employed by a taxpayer in an enterprise zone designated under State law enacted after January 1, 1981, if such designation occurs prior to the designation of the enterprise zone under section 7881.

"(e) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM CREDIT IS DETERMINED UNDER SECTION 51(a).—The term 'qualified employee' shall not include an individual with respect to whom any credit for the employer is determined under section 51(a) for the taxable year (relating to targeted jobs credit).

"(g) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7881 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i). Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY 1 INDIVIDUAL.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 30(f)(3) (as in effect before the enactment of the Tax Reform Act of 1986) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7881 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) PHASEOUT OF CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(A) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(i) 7.5 percent in the earlier of—

"(I) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7881, or

"(II) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7881(b)(1)(B),

"(ii) 5 percent in the next succeeding taxable year,

"(iii) 2.5 percent in the second next succeeding taxable year, and

"(iv) zero thereafter, and

"(B) the amount determined under subsection (a)(2) shall be reduced by—

"(i) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(ii) 50 percent in the next succeeding taxable year,

"(iii) 75 percent in the second next succeeding taxable year, and

"(iv) 100 percent thereafter.

"(2) REVOCATION OF DESIGNATION.—If the designation of an area as an enterprise zone is revoked under section 7881(b)(2), such area shall continue to be treated as an enterprise zone for the period of 3 taxable years beginning after the date of such revocation except that only the allowable percentage of the amount of the credit which would (but for this paragraph) be allowable under this section for such a year shall be allowed. For purposes of the preceding sentence, the term 'allowable percentage' means the amount determined in accordance with the following table.

"If the taxable year beginning after the revocation is:	The allowable percentage is:
The first such year	75
The second such year	50
The third such year	25.

"(j) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under the regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom

qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer,

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under Subpart A.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses in an enterprise zone while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes."

(b) NO DEDUCTION ALLOWED.—Section 280C (relating to disallowance of deductions for certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

(c) RULE FOR SECTION 30 CREDITS.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 30 (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (a)."

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

(27) CREDIT UNDER SECTION 30.—The acquiring corporation shall take into account (to the extent proper to carry over the purposes of this section and section 30, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 30 in respect to the distributor or transferor corporation."

(B) Paragraph (2) of section 383(a) (relating to special limitations on certain excess credits, etc.) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) any unused enterprise zone employment credit under section 30,".

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by inserting "any enterprise zone employment credit under section 30(b) and" after "means".

(B) Subsection (a) of section 6411 (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting "by an enterprise zone employment credit carryback under section 30," after "172(b)," in the first sentence, and

(ii) by striking out "net capital loss" the first place it appears in the second sentence and all that follows before "in the manner and form" and inserting in lieu thereof the following: "net capital loss, unused enterprise zone employment credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year or, with respect to any portion of an enterprise zone employment credit carryback or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to an enterprise zone employment credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year,".

(C) Paragraph (1) of section 6411(a) is amended by inserting "unused enterprise zone employment credit," after "net capital loss,".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 29 the following new items:

"Sec. 30. Credit for enterprise zone employment."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 202. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section 201, is amended by adding after section 30 the following new section:

"SEC. 30A. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) IN GENERAL.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—The term 'qualified employee' means an individual—

"(A) who is described in section 30(f)(1), and

"(B) who is not the employee of the Federal Government or any State or subdivision of a State.

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) EXCEPTION.—The term 'qualified wages' does not include any compensation received from the Federal Government or any State or subdivision of a State.

"(3) ENTERPRISE ZONE.—The term 'enterprise zone' means any area with respect to which a designation as an enterprise zone is in effect under section 7881.

"(c) PHASEOUT OF CREDIT.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3¾ percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7881 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2½ percent in the next succeeding taxable year;

"(3) 1¼ percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(1) the regular tax liability for such taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, 29, and 30, over

"(2) the tentative minimum tax for the taxable year."

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 30 of the following new item:

"Sec. 30A. Credit for enterprise zone employees."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years after December 31, 1988.

CHAPTER 2—CREDITS FOR INVESTMENT IN TANGIBLE PROPERTY IN ENTERPRIZE ZONES

SEC. 1031. INVESTMENT TAX CREDIT FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.

(a) SECTION 38 PROPERTY.—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking out "or" at the end of subparagraph (F), by striking out the

period at the end of subparagraph (G) and inserting in lieu thereof "; or", and by adding after subparagraph (G) and inserting in lieu thereof "; or", and by adding after subparagraph (G) the following new subparagraph:

'(H) new enterprise zone construction property (within the meaning of subsection (t)) which is not otherwise section 38 property."

(b) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Subsection (a) of section 46 (relating to amount of investment tax credit) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(4) in the case of new enterprise zone construction property, the enterprise zone percentage."

(2) ENTERPRISE ZONE PERCENTAGE DEFINED.—Subsection (b) of section 46 is amended by adding at the end thereof the following new paragraph:

"(5) ENTERPRISE ZONE PERCENTAGE.—

"(A) IN GENERAL.—The enterprise zone percentage is 10 percent.

"(B) PHASEOUT OF CREDIT AS ENTERPRISE ZONE ENDS.—Suparagraph (A) shall be applied by substituting the following percentages for 10 percent:

"(i) For the taxable year described in section 30(i)(1)(A)(i), 7.5.

"(ii) For the next succeeding taxable year, 5.

"(iii) For the second next succeeding taxable year, 2.5.

"(iv) For any subsequent taxable year, zero."

(3) CONFORMING AMENDMENT.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraph:

"(4) ENTERPRISE ZONE CREDIT.—The term 'enterprise zone credit' means that portion of the credit allowed by section 38 which is attributable to the enterprise zone percentage."

(c) DEFINITIONS.—Section 48 (relating to definitions and special rules) is amended by redesignating the last subsection as subsection (u) and by inserting after subsection (s) the following new subsection:

"(t) NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.—

"(1) IN GENERAL.—The term 'new enterprise zone construction property' means property which is—

"(A) located in an enterprise zone,

"(B) nonresidential real property, residential rental property, or real property which has a class life of more than 12.5 years (as such terms are defined in section 168),

"(C) used by the taxpayer predominantly in the active conduct of a trade or business wihtin an enterprise zone, and

"(D) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7661, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

"(2) SPECIAL RULES.—

"(A) PROPERTY INELIGIBLE IF ACQUIRED FROM RELATED PERSONS.—The term 'new enterprise zone construction property' shall not include property acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)).

"(B) ONLY BASIS ATTRIBUTABLE TO CONSTRUCTION DURING PERIOD TAKEN INTO ACCOUNT.—In applying section 46(v)(1)(A) in the case of property described in paragraph (1)(D)(i), there shall be taken into account only that portion of the basis which is properly attributable to the activities described in such paragraph carried on during such period.

"(3) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone."

(d) LODGING TO QUALIFY.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and," and

(3) by adding at the end thereof the following new subparagraph:

"(E) new enterprise zone construction property."

(e) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(10) SPECIAL RULES FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.—

(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit is disposed of the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(4) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period under section 168(g)."

(f) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new enterprise zone construction property (within the meaning of section 48(t)(1)),

paragraphs (1) and (2) of this subsection and paragraph (5) of subsection (d) shall be applied without regard to the phrase '50 percent of'."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1988, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986.

CHAPTER 3—NONRECOGNITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY

SEC. 1041. NONRECOGNITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 (relating to nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. NONRECOGNITION OF CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

"(a) NONRECOGNITION OF GAIN.—If—

"(1) any property is sold and there would (but for this section) be recognized gain with respect to such sale,

"(2) Within the 1-year period beginning on the date of such sale qualified replacement property is acquired by the taxpayer, and

"(3) the taxpayer elects the application of this section with respect to such sale,

such gain from such sale shall be recognized only to the extent that the amount realized from such sale exceeds the cost to the taxpayer of such replacement property.

"(b) QUALIFIED REPLACEMENT PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified replacement property' means—

"(A) any tangible personal property used predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(B) any real property located in an enterprise zone used predominantly in the active conduct of a trade or business within such enterprise zone, and

"(C) any interest in a corporation, partnership, or other entity if, for the 3 most recent taxable years of such entity ending before the date of the purchase of such interest, such entity, was a qualified business.

"(2) QUALIFIED BUSINESS.—The term 'qualified business' means any person—

"(A) which is actively engaged in the conduct of a trade or business within an enterprise zone during each of the 3 most recent taxable years of such entity ending before the date of sale of the interest,

"(B) with respect to which at least 80 percent of such person's gross receipts for the taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(C) with substantially all of its tangible assets located within an enterprise zone.

"(3) REAL ESTATE RENTAL.—Ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) EXCHANGE TREATED AS SALE.—An exchange by the taxpayer of property for other property shall be treated as a sale of the first property, and the acquisition of any qualified replacement property on the exchange of property shall be treated as a purchase of such replacement property.

"(2) SECTION NOT TO APPLY TO ORDINARY INCOME.—Subsection (a) shall not apply to any gain to the extent such gain is treated as ordinary income under any provision of this chapter.

"(d) REDUCTION IN BASIS.—Where the purchase of any qualified replacement property results under subsection (a) in the nonrec-

ognition of gain on the sale of any other property, the basis of such replacement property shall be reduced by an amount equal to the amount of gain not so recognized on the sale of such other property. Where the purchase of more than 1 qualified replacement property is taken into account in the nonrecognition under subsection (a) of gain on the sale of a property, the preceding sentence shall be applied to each such replacement property in the order in which such properties are purchased.

"(e) STATUTE OF LIMITATIONS.—If the taxpayer during any taxable year sells any property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of the 3-year period beginning on the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified replacement property which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase any such investment within the 1-year period described in subsection (a), or

"(C) the failure by the taxpayer to purchase any such replacement property within such period; and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

(b) HOLDING PERIOD.—Subsection 1223 (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale or exchange of any other property, there shall be included the period for which the property sold or exchanged had been held as of the date of such sale or exchange."

(c) BASIS ADJUSTMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and", any by adding at the end thereof the following new paragraph:

"(26) in the case of any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of gain on the sale or exchange of other property, to the extent provided by section 1043(d)."

(d) CLERICAL AMENDMENT.—The table of sections of part III of subchapter O of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1043. Nonrecognition of qualified enterprise zone capital gain where acquisition of enterprise zone business property."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1988, in taxable years ending after such date.

CHAPTER 4—DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK

SEC. 1051. DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 197. DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

"(a) IN GENERAL.—As the election of the taxpayer, there shall be allowed as a deduction the aggregate amount paid during the taxable year for the purchase of enterprise stock on the original issue of such stock by a qualified issuer.

"(b) MAXIMUM DEDUCTION.—

"(1) IN GENERAL.—The maximum amount allowed as a deduction under subsection (a) to a taxpayer for the taxable year shall not exceed $100,000.

"(2) CONTROLLED GROUPS.—For purposes of paragraph (1), the taxpayer and all persons who are related persons with respect to the taxpayer shall be treated as 1 person, and the $100,000 amount in paragraph (1) shall be allocated among the taxpayer and such persons in proportion to their respective purchases of stock during the taxable year for which credit is allowable by this section.

"(3) ALLOCATION OF DEDUCTION WHERE MORE THAN $100,000 OF STOCK PURCHASED.—If the amount of stock purchased by any person exceeds the limitation under this subsection with respect to such person, the deduction allowed under this section shall be allocated pro rata among the stock so purchased in accordance with the purchase price per share.

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—If any enterprise stock with respect to which a deduction was allowed under this section is disposed of by the taxpayer, then the lesser of—

"(A) the excess of—

"(i)(I) in the case of a sale or exchange, the amount realized, or

"(II) in the case of any other disposition, the fair market value of the stock, over

"(ii) the adjusted basis of such stock, or

"(B) the amount of the deduction allowed under this section with respect to such stock,

shall be treated as ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 3 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If any enterprise stock is disposed of before the end of the 3-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the enterprise stock recapture amount.

"(B) ENTERPRISE STOCK RECAPTURE AMOUNT.—For purposes of subparagraph (A), the term 'enterprise stock recapture amount' means an amount equal to the amount of interest (determined at the underpayment rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock so disposed of.

"(d) TREATMENT WHERE ISSUER CEASES TO BE QUALIFIED.—

"(1) IN GENERAL.—If—

"(A) any qualified issuer with respect to the stock of which any taxpayer has made an election under this section ceases to meet the requirements of subsection (e)(2)(A) (i), (iii), or (iv), and

"(B) such cessation occurs at any time before the close of the 5th taxable year ending after the date such stock was issued,

the tax treatment described in paragraph (2) shall apply to the taxable year of the taxpayer in which such cessation occurs.

"(2) TAX TREATMENT OF TAXPAYER.—The tax treatment described in this paragraph for any taxable year is—

"(A) the taxpayer shall include in income as ordinary income the amount of the deduction allowed under this section with respect to such stock,

"(B) the tax imposed by this chapter for such taxable year shall be increased by an amount equal to the amount of interest (determined at the underpayment rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the disqualification date,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock.

"(3) DISQUALIFICATION DATE.—For purposes of paragraph (2), the term 'disqualification date' means the earlier of—

"(A) the date of the issuance by the qualified issuer (or any related person with respect to such issuer) of any regulated security, or

"(B) the last day of the taxable year of the qualified issuer in which the requirements of subsection (e)(2)(A) (i) or (iv) ceased to be met.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE STOCK.—The term 'enterprise stock' means common stock issued by a qualified issuer but only if the proceeds of such issue are used by such issuer in the conduct of a qualified business (as defined in section 1043(b)(3)(B).

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any C corporation which, at the time of issuance of the stock involved—

"(i) is conducting a qualified business described in section 1043(b)(3)(B),

"(ii) does not have a net worth (either before or immediately after the issuance of the stock involved) exceeding $2,000,000.

"(iii) has not had at any time during the 5-year testing period any outstanding regulated securities issued by such corporation, and

"(iv) has derived during the testing period more than 50 percent of its gross receipts during such period from sources other than royalties, rents (other than rents from real estate described in section 1043(b)(3)(C)), dividends, interest, annuities, and sales and exchanges of stock or securities.

"(B) RELATED PERSONS TAKEN INTO ACCOUNT IN CERTAIN CASES.—For purposes of clauses (ii) and (iii) of subparagraph (A), the issuer and all persons who are related persons with respect to such issuer shall be treated as 1 person.

"(C) TESTING PERIOD.—For purposes of subparagraph (A), the term 'testing period' means the period beginning on the first day

of the 5th taxable year beginning before the issuance of the stock involved and ending on the date of such issuance.

"(3) REGULATED SECURITIES.—The term 'regulated securities' means any security—

"(A) registered on a national exchange under section 12(b) of the Securities Exchange Act of 1934, or

"(B) registered (or required to be registered) under section 12(g) of such Act (determined without regard to section 12(g)(2) of such Act).

"(4) RELATED PERSON.—A person is a related person to another person if—

"(A) such persons are treated as a single employer under subsections (a) and (b) of section 52, or

"(B) in the case of individuals, such persons are husband and wife.

"(f) SPECIAL RULES.—

"(1) AMOUNT PAID AFTER CLOSE OF TAXABLE YEAR.—An amount paid after the close of the taxable year for the purchase of enterprise stock shall be treated for purposes of subsection (a) as paid during such year if—

"(A) such amount is so paid not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof), and

"(B) the taxpayer was under a binding contract as of the close of such taxable year to purchase such stock.

"(2) LIMITATION ON AMOUNT OF DEDUCTION.—If—

"(A) any enterprise stock is issued in exchange for property,

"(B) the basis of such stock in the hands of the taxpayer is determined by reference to the basis of such property, and

"(C) the adjusted basis (for determining gain) of such property immediately before the exchange exceeded its fair market value at such time,

then the deduction under this section, and such adjusted basis, shall both be reduced by the excess described in subparagraph (C).

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a deduction is allowed under this section with respect to the purchase of any stock, the basis of such stock (without regard to this subsection) shall be reduced by the amount of the deduction allowed with respect to the purchase of such stock."

(b) EXCEPTION FROM 2 PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS.—Subsection (b) of section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by striking out "and" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(14) the deduction under section 197 (relating to deduction for purchase of enterprise stock)."

(c) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis), as amended by this subtitle, is amended by striking out "and" at the end of paragraph (25), by striking out the period at the end of paragraph (26) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(27) to the extent provided in section 197(g), in the case of stock with respect to which a deduction was allowed under section 197."

(d) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 197. Deduction for purchase of enterprise stock."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock purchased after December 31, 1988.

CHAPTER 5—RULES RELATING TO INDUSTRIAL DEVELOPMENT BONDS

SEC. 1061. INDUSTRIAL DEVELOPMENT BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(g)(5) (defining tax-exempt bond financed property) is amended by inserting before the period "or any new enterprise zone property (within the meaning of section 48(t))."

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Paragraph (12) of section 144(a) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new subparagraph:

"(D) ENTERPRISE ZONE FACILITIES.—This paragraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7881."

(c) CERTAIN SMALL ISSUE VOLUME CAPS MODIFIED.—

(1) IN GENERAL.—Subsection (a) of section 144 is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) DOLLAR LIMITATIONS NOT TO APPLY TO ENTERPRISE ZONE FACILITIES.—The dollar limitations described in paragraphs (1) and (4) shall not apply to any obligation which is part of an issue 95 percent or more of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7881 (without regard to the subsequent revocation of such designation under section 7881(b)(2))."

(2) AGGREGATE LIMIT PER TAXPAYER WITH RESPECT TO ENTERPRISE ZONE FACILITIES.—Paragraph (10) of section 144(a) (relating to aggregate limit per taxpayer for small issue exception) is amended by adding at the end thereof the following new subparagraph:

"(F) SEPARATE $40,000,000 LIMITATION FOR ENTERPRISE ZONE FACILITIES.—This paragraph shall be applied separately with respect to—

"(i) bonds used to finance facilities located within enterprise zones, and

"(ii) bonds used to finance facilities not located within enterprise zones."

(d) PORTION OF STATE VOLUME CAP SET ASIDE FOR ENTERPRISE ZONE FACILITIES.—Section 146 (relating to volume cap) is amended by adding at the end thereof the following new subsection:

"(o) STATE CEILING SET-ASIDE FOR ENTERPRISE ZONE FACILITIES.—For any calendar year, 5 percent of the State ceiling applicable to any State with 1 or more enterprise zones shall be set aside for use only in such enterprise zones in such State.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1988, in taxable years ending after such date.

CHAPTER 6—ORDINARY LOSS DEDUCTION FOR SECURITIES OF ENTERPRISE ZONE BUSINESS WHICH BECOME WORTHLESS

SEC. 1071. ORDINARY LOSS DEDUCTION ALLOWED FOR SECURITIES OF ENTERPRISE ZONE BUSINESS WHICH BECOME WORTHLESS.

(a) GENERAL RULE.—Subsection (g) of section 165 (relating to losses) is amended by adding at the end thereof the following new paragraph:

"(4) SECURITIES OF ENTERPRISE ZONE BUSINESS.—If any security of a qualified business (as defined in section 1043(b)) which is a capital asset becomes worthless during the taxable year—

"(A) paragraph (1) shall not apply, and

"(B) the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange, on the last day of the taxable year, of property which is not a capital asset."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to losses sustained after December 31, 1988, in taxable years ending after such date.

CHAPTER 7—INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONES

SEC. 1081. INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONES.

(a) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) INCREASE IN CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONE.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' each place it appears with respect to the excesses described in subsections (a)(1) and (e)(1)(A) (or, if lesser, excesses which would be described in such subsections if only research conducted in enterprise zones were taken into account). For purposes of the preceding sentence, an area shall be treated as an enterprise zone for a base period with respect to a taxable year if such area is designated as an enterprise zone for such taxable year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1986, and to base periods with respect to such taxable years.

CHAPTER 8—SENSE OF THE CONGRESS WITH RESPECT TO TAX SIMPLIFICATION

SEC. 1091. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1988 added to, or amended by, this subtitle.

CHAPTER 9—REGULATIONS

SEC. 1099. REGULATIONS.

The Secretary of the Treasury or his delegate shall issue such regulations as may be necessary to carry out the amendments made by this subtitle not later than 6 months after the date of the enactment of this subtitle.

Subtitle C—Regulatory Flexibility

SEC. 1101. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OR REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone, and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 30(f) of such Code)."

SEC. 1102. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7881 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards obtained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The table of sections for such chapter is amended by redesignating "Sec. 611." and "Sec. 612." and "Sec. 613.", respectively, and inserting the following new item immediately after "Sec. 610.":

"Sec. 611. Waiver or modification of agency rules in enterprise zones."

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means."

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 1103. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to section 7881 of the Internal Revenue Code of 1986;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary."

Subtitle D—Establishment of Foreign-Trade Zones in Enterprise Zones

SEC. 1201. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7881 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones, the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

Subtitle E—Enterprise Zone Business Incubator Program

SEC. 1211. BUSINESS INCUBATORS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall establish a business incubator program.

(b) ELEMENTS OF PROGRAM.—

(1) IN GENERAL.—The program established under subsection (a) shall provide loans and grants to State and local governments to provide start-up assistance to small businesses located in distressed rural areas.

(2) STATE OF LOCAL GOVERNMENTAL ENTITY TO DEVELOP PROGRAM.—Funds shall be provided under this section to a State or local governmental entity only if—

(A) such entity submits to the Secretary of Housing and Urban Development (at such time and in such manner as the Secretary may prescribe) an application outlining its program for carrying out the purposes of this section, and

(B) the Secretary approves such program.

(3) MATCHING FUNDS REQUIRED IN CERTAIN CASES.—

(A) Except as provided in subparagraph (B), the amount of funds provided under this section to a State or local governmental entity for any period shall not exceed the amount of funds provided from non-Federal sources by such entity for use under such program for the period specified by the Secretary.

(B) Subparagraph (A) shall not apply to funds provided under this section, as determined under regulations issued by the Secretary, which are to be used for the acquisition, construction, or use of real property of a character subject to the allowance for depreciation.

(4) DISTRESSED RURAL AREA.—For purposes of this subsection, the term "distressed rural area" means an area, as determined by the Secretary after consultation with the Secretary of Agriculture—

(A) which has a population of 100,000 or less and is outside of a metropolitan statistical area, and

(B)(i) for which a designation as an enterprise zone is in effect under section 7881 of the Internal Revenue Code of 1986, or

(ii) which is a distressed area bases on the criteria specified in section 7881(c)(3) of such Code.

—On page 84, after line 18 insert the following:

"SEC. 808. ENCOURAGEMENT OF THE DEVELOPMENT OF RURAL ENTERPRISE ZONES.

"(a) Congress finds that—

"(1) Scores of rural areas in the United States are economically distressed and suffering from emigration and need the coordination of federal governmental policies to stimulate economic opportunity and growth;

"(2) There is an increasing need for rural economies to diversify;

"(3) There are numerous innovative businessmen, and entrepreneurs who would locate their businesses in economically depressed areas if provided meaningful incentives by the federal government;

"(4) The establishment of federal rural enterprise zones would stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and promote revitalization of economically distressed rural areas by providing or encouraging tax relief, regulatory relief and trade incentives at the federal, state, and local levels;

"(5) Rural enterprise zones have already proven effective at the state level by creating capital investment; encouraging new business starts; preventing business closures; and creating or saving jobs;

"(6) Approximately 50 percent of all jobs created or saved through existing state rural enterprise zones are filled by low-income and unemployed workers.

"(b) Be it therefore resolved, that the Congress of the United States supports the policy of rural enterprise zones in order to further foster the development of rural communities. Thus, the Congress encourages the Committees of proper jurisdictions to grant every consideration to initiatives designed to establish federal rural enterprise zones."

By Mr. TALLON:

—At the end of title VIII of the bill insert the following new section:

SEC. . EXTENSION AND TARGETING OF QUALIFIED SMALL ISSUE BONDS.

Section 144(a)(12)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 144(a)(12)(B)) is amended to read as follows:

"(B) BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES AND FARM PROPERTY IN RURAL AREAS.—(i) In the case of any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used in a rural area to provide—

"(I) any manufacturing facility, or

"(II) any land or property in accordance with section 147(c)(2),

subparagraph (A) shall be applied by substituting 'September 30, 1995' for 'December 31, 1986'.

"(ii) For the purposes of this subparagraph, the term 'rural area' shall have the same meaning as in section 306(a)(7) of the Consolidated Farm and Rural Develoment Act (7 U.S.C. 1926(a)(7)).".

—On page 15, strike line 11 and all that follows through page 16, line 12, and insert the following:

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State that has established an advisory rural economic development review panel meeting the requirements of section 361 not later than the effective date of this section.";

—On page 16, strike line 23 and all that follows through page 17, line 2 and insert the following:

"(5) STATE COORDINATOR.—The term 'State coordinator' means, with respect to each State, the individual appointed by the Secretary pursuant to subsection (c)(7).";

—On page 18—

(A) line 15, insert "a State coordinator or" after "is";

(B) line 19, delete "and";

(C) strike lines 20 through 25, and insert the following:

"(7) appoint an officer or employee of the Department of Agriculture to serve as State coordinator of each State rural economic review panel, who shall—

"(A) manage, operate, and carry out the instructions of, the State rural economic review panel;

"(B) serve as a liaison between the panel and the Federal and State agencies involved in rural development; and

"(C) transmit to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6); and

"(8) designate an agency within the Department to provide the panel and the State coordinator with support for the daily operation of the panel described in subsection (b)(3).";" and

—On page 33, line 19, insert "State coordinator or" after "each".

By Mr. THOMAS of Wyoming:

—Page 81, after line 2, insert the following:

SEC. 806. GRANTS TO RURAL AREAS TO ENSURE CONTINUED ACCESS TO MOTOR FUELS.

"(a) FINDINGS.—The Congress finds that the deteriorating condition of fuel storage tanks in rural areas combined with the increasing unavailability of insurance for business enterprises operating such tanks threatens the continued availability of motor fuels in such areas.

"(b) GRANT AUTHORITY.—Section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)) is amended by adding at the end the following: "From the amounts made available under this subsection, the Secretary may make grants to private business enterprises for the replacement and repair of fuel storage tanks, and for other expenses necessary to enable such enterprises to meet Federal requirements with respect to the prevention and detection of leaks in such tanks.

Redesignate succeeding sections accordingly.

By Mr. TRAFICANT:

—Page 81, after line 2, insert the following:

SEC. 805. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, no less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts which (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

—Page 81, after line 2, insert the following:

SEC. 805. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

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(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representatives to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts which (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—The Secretary of Commerce shall declare any person ineligible to bid for a federal contract for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any U.S. district court.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—the term "foreign firm" means a business entity not described in paragraph (2)

(4) PERSON.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the U.S. federal government.

By Mr. VOLKMER:

—Insert at the end of Title II the following:

"SEC. . PENDING PROJECT APPLICATION.

"(a) Nothing in this Act or the amendments made by this Act shall affect any determination by the Secretary of Agriculture concerning the funding of any application for a rural wholesale water system that proposes to furnish potable water to at least five cities with populations of not more than 2,000 persons each and to public water supply districts if the project applicants have signed contracts assuring the availability of water for such project on or before the effective date of section 201 of this Act.

"(b) Notwithstanding any other provision of this Act or the amendments made by this Act, there shall remain available until one year after the effective date of section 201 of this Act, for obligation to fund the applications specified in subsection (a), funds in the amount of $20,000,000 under the water and waste disposal loan program under section 306(a) of the Consolidated Farm and Rural Development Act pending final determination by the Secretary on such applications.".

By Mr. WISE:

—At the end of the bill, insert the following:

TITLE X—RURAL TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS

SEC. 1001. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and (B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPERATIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1002. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

(4) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1003. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—Amend section 1001 to read as follows:

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

SUBTITLE A—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

Sec. 1011. Short title.
Sec. 1012. Purposes.
Sec. 1013. Program of grants for rural economic development and education projects.
Sec. 1014. Consideration of projects by review panels.
Sec. 1015. Administration of grant program.
Sec. 1016. State allotment formula.
Sec. 1017. Limitations on authorization of appropriations.
Sec. 1018. Regulations.
Sec. 1019. Definitions.

SUBTITLE B—MISCELLANEOUS RURAL TELECOMMUNICATIONS PROVISIONS

Sec. 1051. Short title.
Sec. 1052. Rural telecommuncations zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

After section 1001, insert the following:

Subtitle A—Rural Economic Development and Education Partnership

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

Redesignate sections 1002 through 1009 as sections 1012 through 1019, respectively.

In subtitle A of title X, as so redesignated, strike "this title" each place such term appears and insert "this subtitle".

In section 1014(a)(1)(A), as so redesignated, strike "section 1003(c)(3)" and insert "section 1013(c)(3)".

In section 1014(a)(1)(B), as so redesignated, strike "section 1003(d)" and insert "1013(d)".

In section 1015(a)(1)(A), as so redesignated, strike "section 1003" and insert "section 1013".

In section 1015(a)(3), as so redesignated—

(1) strike "section 1006" and insert "section 1016"; and

(2) strike "section 1004(b)" and insert "section 1014(b)".

After subtitle A of title X, as so redesignated, insert the following:

Subtitle B—Rural Telecommunications Infrastructure Improvements

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar years, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

(4) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements of shortcomings of the programs established under this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

EXTENSIONS OF REMARKS

REMARKS OF KEITH W. ECKEL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McDADE. Mr. Speaker, Keith W. Eckel, president of the Pennsylvania Farmers Association, shared his thoughts on the 1990 farm bill with the Pennsylvania congressional delegation and 200 visiting members of the PFA at a breakfast meeting last week in Washington.

Mr. Eckel is a respected voice in the agricultural community, and I know my colleagues would benefit from his comments as the farm bill debate continues. He is a lifelong farmer who currently grows vegetables and grain in Lackawanna County, PA. He has been president of PFA since 1981 and is a member of the board of directors of the American Farm Bureau.

Mr. Speaker, I submit Mr. Eckel's remarks to be inserted in the RECORD, and I commend his speech to all of my colleagues:

SPEECH BY KEITH W. ECKEL, PFA PRESIDENT

What a year we've seen for the development of peace and democracy! Certainly it has been a year of strong testimony for the free capitalistic system advocated by the United States since its founding over 200 years ago.

Our great statesman, one of our founding fathers, Thomas Jefferson wrote: "Nothing is more certainly written in the book of fate than that these people are to be free."

Eastern Europe is experiencing a rebirth . . . a rejuvenation. Its peoples have come alive with the freedom to choose democracy as a way of life. By and large it has been a peaceful revolution with the exception of a few violent eruptions such as in Rumania. The charge to democracy has been led by the people of Poland, Hungary, Czechoslovakia, Bulgaria, East Germany, and now the Soviet Union.

This charge, this stampede toward democracy is demonstrating anew the desire to work under the guidelines of capitalism with many of the personal freedoms that we take for granted. Many anti-capitalists have become outspoken advocates of our system.

Who could have predicted this assault on socialism and the communistic way of life? If anyone had such foresight, would they have guessed that the President of the U.S.S.R. would be the person leading, or at least making it possible for this rush to freedom.

I can remember Nikita Khrushchev pounding on his U.N. desk with his shoe, and later making the ultimate threat, "We will bury you!"

West Germany might be in the process of seeing that prediction come true, because it is being buried with a flood of East German refugees seeking the rewards and opportunities of capitalism and freedom.

I recall on a visit to Germany, John Kennedy captured the essence of the American commitment to all freedom loving people as he stood at the Berlin Wall, the great barrier to democracy over which people were shot trying to escape, and proclaimed, "Ich bin ein Berliner!". Who this last August could not feel the tremendous emotional relief as Berliners scaled the wall, stopped to dance on its heights, and ran to openly embrace their family members and fellow countrymen in West Germany. The ever present physical barrier to democracy and communism . . . capitalism and socialism . . . could not withstand the people's desire for freedom.

I read the other day that most of the guard dogs pulling sentry duty along the great wall were fakes. They were not trained killers, but lambs in lions' clothing. As we look at the communistic world today that's very symbolic—its perceived strength was its weakness, while its perceived weakness is its strength . . . its people seeking freedom with the right to chart their own destiny.

Yes, in the words of Thomas Jefferson, "Nothing is more certainly written in the book of fate than that these people are to be free."

Freedom, our heritage, is spreading like a prairie fire, whipped by the winds of man's basic desire to be free.

Farming, agriculture in general, in the United States has been the beneficiary and the shining example of the success under our system of government. We have not just survived, but we have progressed and freed our population to pursue other professions and avocations.

Our system of freedom, capitalism and democracy works to the advantage of the individual and eventually the state.

In America we spend more on recreation than most nations have to spend on food and fiber. We worry ourselves about quality, while they worry about quantity.

We must be thankful for our freedoms and forever cautious in protecting these rights. As former President Ronald Reagan said even after his most successful negotiations in his quest for peace, "Trust, but verify".

The freedom to choose; the opportunity to succeed; the freedom to fail . . . all are precious and absolute necessities for the future of our democracy. Securing just the right combination . . . the proper mix is difficult. For example, the proposed farm legislation now before you, the Congress.

The 1985 Food Security Act becomes history this year and will be replaced by new legislation which you are developing.

The American Farm Bureau Federation and the Pennsylvania Farmers' Association have been strong supporters of the 1985 Food Security Act for very good reasons.

It has moved agriculture toward greater market orientation that allows our products to compete in domestic and international markets while maintaining a safety net for farm income.

A proper mix was achieved and resulted in reducing the burdensome surpluses of commodities that had suppressed farm prices. Farm exports increased and so did farm income.

The new farm bill will include programs for commodity price and income support, commodity supply control, conservation provisions, trade measures, research, credit programs, food stamps and other related public policies.

Although we support the general direction set by the 1985 farm bill, some modifications need to be made. These changes that we are recommending would enhance market orientation and allow farmers to manage their operations in response to economic, environmental and technical considerations and opportunities.

We want all programs though to meet three overall objectives: (1) reaffirm our commitment to competitiveness; (2) assure the opportunity for an adequate level of farm income; and (3) maximize freedom for farmers to respond to market conditions.

Yes, the proposed farm program should not impede the economic growth of production agriculture, and needs to live within budgetary guidelines.

The farm legislation that you eventually approve will set the tone for the business of U.S. agriculture, and will establish the game rules for most of the world.

The issue at hand is extremely important.

Quickly, let's examine some of the program components which need some revision.

Target prices should be frozen at 1990 levels. Additional reductions would result in eliminating the safety net level of current target prices that have been reached after five years of steady reduction.

Acreage flexibility should permit farmers to plant other program crops or approved non-program crops on permitted acreage for the crop which has a base acreage. Deficiency payments and loan eligibility will be restricted to the original program crop.

Dairy support price adjustments need to be made in the calculation of milk equivalents so that increases and decreases more accurately reflect current demand. Government purchases for federal use and programs should not be used in calculation of surplus. Stand-by supply control programs should mitigate impacts on and make restitution to all affected commodities.

Conservation reserve program land should meet conservation compliance plans at the conclusion of the contract. Farm Bureau supports the farmer having the option of returning his land to production, or bidding it back into the reserve.

Crop Insurance must not be linked to farm program participation; be available on an equitable basis for all program and non-program crops; coverage must be increased, and the program must be simplified. It seems illogical in this day and time to eliminate crop insurance as proposed by the Bush Administration. Without crop insurance, agriculture turns to the Congress for bailouts during natural disasters. Crop insurance is the business approach versus the political approach.

Research must be expanded to increase product markets, solve environmental concerns and lower production costs. We as farmers continue to seek new techniques in which to cut our dependency on farm chemicals, but cutting traditional research funds is not the way to accomplish this ultimate goal.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We urge you to take these factors into consideration in the formation of a new farm bill, and we pledge ourselves to work diligently with you in the development of the best possible farm program.

At our national convention, we initiated a petition urging Congress to support legislation to slash the current capital gains tax.

We need to enact legislation to restore the capital gains tax exclusion to all capital assets including land, livestock and timber.

There is not any justification for a capital gains tax from an economic standpoint. One accurate description of a capital gains tax is an inflation tax. Any tax on capital gains is ultimately a tax on jobs and opportunity.

Farmers who sell their land would be among many other beneficiaries. A lower capital gains tax will increase the sale of assets and allow people to reinvest their funds in more productive alternatives.

Everybody wins with a cut in capital gains taxes because more jobs are created with increased total federal tax revenues. The cut in capital gains taxes would also foster international competitiveness, raise venture capital and help stimulate small business growth.

There should be a rate reduction of capital gains taxes for the sale of land, livestock, forestry products, nursery stock and other depreciable assets.

Some leaders claim capital gains tax cuts are a "boon for the wealthy." In 1985, almost 70 percent of the taxpayers who paid a tax on capital gains had reported earnings of less than $50,000. Another three million that earned less than $20,000 also reported capital gains.

Congress and the Administration have treated agriculture fairly well in recent years. You have made it possible for agriculture to look to the market place for its income. You have made it possible for agriculture to come out of a servere slump through your policy positions enacted into the Food Security Act of 1985.

We do not wish to return to heavy government involvement in the business of agriculture. In all fairness, such a move can not be justified. Hold the Food Security Act's major thrust, and fine tune it. Agriculture is on the path of economic recovery. Don't make us stumble by placing government hurdles in our way, or by failing to eliminate others like a cut in the capital gains tax.

Resist the pressure of fringe groups, reacting to emotional beliefs rather than to scientific and medical facts, who are pushing for crippling regulations that would transform the greatest and most efficient agricultural system into a centrally planned, inefficient agriculture incapable of feeding this nation, let alone the world.

In the name of misinformed sensitivity to the well-being of our environment and to the safety of our constantly growing world population, these fringe groups would stifle technological progress and prohibit the use of vital production inputs while removing all opportunities for private decision making.

Is there anyone in this room who would wish to deny one of our family members the use of insulin in their fight against the debilitating disease, diabetes, because it is a product of biotechnology just as BST is.

Is there anyone in this room who would prohibit the use of a cancer fighting chemotherapy treatment because it is a product of the chemical industry?

Is there anyone in this room who would divert research dollars dedicated to plant genetic development which has produced hybrid seeds that have enabled hundreds of millions of people to escape starvation in the third world during the Green Revolution?

And who would compel America's family farmers, their productivity the envy of the world, to exchange their freedom of choice, free enterprises, for mandated, centrally planned farming operations while the rest of the world rushes to copy our system.

You, the members of Congress, must apply a cost-benefit test to all proposals being surfaced surrounding the 1990 Farm Bill. Don't be swayed by emotion! Analyze the facts. Strengthen our system! Don't cripple it!

Yes, fine tune the farm legislation to provide the proper atmosphere for us to succeed and fail, the same atmosphere the rest of the world is striving to achieve. Thank you for your efforts to improve the competitiveness of American agriculture, and for making it possible to compete on an international basis while providing the safest and highest quality food in the world.

HAWAII STUDENT'S VIEW ABOUT RACE RELATIONS

HON. PATRICIA F. SAIKI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mrs. SAIKI. Mr. Speaker, I am pleased to introduce a "Poem About Bliss," written by a little girl from Hawaii, which encompasses the ideals of the "aloha spirit." Sabrina Hall is 9 years old and completed the following as part of a class assignment. She and her family recently moved here from Hawaii.

POEM ABOUT BLISS

(By Sabrina Hall)

I grew up in Hawaii far across the sea. Where kids of all races lived together happily. There were Japanese, Chinese and Koreans. But we all knew we were human beings.

We played games. We never called each other names. I even have two half-brothers that are "hapa." That means their mama is a different race than their papa.

Tongans and Samoans were the giants in our school. But with all of us, brotherhood was the rule. Whoever we passed along the lanai, we'd be sure to give a happy "hi".

Race was not something we thought much about. We just plain liked each other without a doubt. Everyone there liked people the same. So when it came to party, everyone came. I wish that everyone would be like this. Then the whole world will be closer to bliss.

THE 50TH ANNIVERSARY OF MARYLAND JAYCEES

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, today I rise to salute the Maryland Jaycees which will be celebrating its 50th anniversary this month. Since the issuance of their State charter on June 12, 1940, the Maryland Jaycees have committed themselves to improving the quality of life in Maryland by utilizing the dedication and diverse skills of the young men and women of Maryland. Their distinguished tradition continues today through the efforts of its 5,200 members in 88 chapters throughout the State.

Community service and leadership training are two phases that Maryland has come to associate with the efforts of our jaycees. Whether raising funds for charities, sponsoring community improvement programs, or working on individual development programs, Maryland can count on its Jaycees to be there. Their work on "just say no" drug programs, the Outstanding Senior Citizen's Award Program, the Outstanding Young Marylander's Program, and the millions of dollars they have raised over the years for muscular distrophy and other important charities are but as brief list of their contributions to the welfare of Maryland.

We cannot begin to thank the Maryland Jaycees for their years of service to Maryland. I ask my colleagues to please join with me in saluting their lengthy achievements and accomplishments.

IN MEMORY OF GEORGE A. JOPLIN III

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. ROGERS. Mr. Speaker, proverbs tells ut that the greatest evidence of a man possessing true wisdom is his quiet discipline—having and using his knowledge for the good of his community, while remaining approachable so that people may learn from his ways.

Such a man was George A. Joplin III, of Somerset, KY, who was called from this Earth Tuesday, February 14, 1990.

Jop's 31 years as managing editor, then publisher of his family's Somerset Commonwealth-Journal—formerly the Commonwealth—established his reputation as a seeker of truth, a father of his community, and a newspaperman's newspaperman. He served as president not only of the Kentucky Press Association, but also of the National Newspaper Association. He quietly and persistently built his newspaper to serve as the mirror of southern Kentucky's past, so that the community could prudently gauge its path toward the future.

Scouting was another of the passions of this quiet man. The Boy Scouts are by their very nature not an organization of superstars, but a haven for maturing young men who instintively become part of a team. Scouting bestowed on Jop many high honors. However, none of the honors meant as much to him as knowing that in his devotion to Scouting, he nurtured young men and women in quiet and selfless discipline so that they could improve all the lives of Kentucky's sons and daughters.

Jop, ever the team player, also was a devoted Rotarian, scarcely missing a single meeting of his Somerset Club for two decades running. He savored the comradery of the Rotary Club, as well as its opportunities for

building coalitions of people to improve his community.

His wisdom and his dedication to building character in young people also led to his lifelong involvement in the affairs of his alma mater, Centre College in Danville, KY.

His immense knowledge of the community and his selfless character built Jop a reputation as a sage advisor to many people, including myself. Jop's door, in the Commonwealth-Journal Building across the street from my office, was always open to me. The people who relied upon him as a confidant trusted him greatly because his words were borne of a lifetime of wisdom, knowledge, and prudence.

Jop devoted his life to what would last: his family, his church, the truth in his newspaper, the Boy Scouts, the Center College community, and of course his beloved hometown of Somerset, KY. Upon his passing, the people he touched are left with his words, his legacy of quiet wisdom, and his devotion to his community and his fellow citizens.

May your soul rest in peace, George Joplin. I know that your greatest wish would be that Kentuckians and all Americans learn from and practice the high standard you set—by patiently seeking the truth, and using that truth to establish an honorable community for the better welfare of men and women, and their sons and daughters.

THE 50TH WEDDING ANNIVERSARY OF JOHNNIE AND GLADYS WELLS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FIELDS. Mr. Speaker, in these times when little is permanent, I would like to ask you to join me in observing the recently observed 50th wedding anniversary of Johnnie and Gladys Wells of Houston, TX.

While I was not able to be with Mr. and Mrs. Wells at their 50th wedding anniversary reception held at the Memorial Baptist Church in Houston, I certainly would have liked to have had the opportunity to do so. I would have liked to have met these two remarkable individuals who have successfully weathered the many trials and tribulations which tear so many marriages apart.

Both Mr. and Mrs. Wells are in their early seventies. They were married on December 11, 1939, in Nacogdoches, TX, where they lived for several years. But in 1945, following World War II—in which Mr. Wells served in the U.S. Army—the couple decided to move to Houston.

Once settled in Houston, Mr. Wells operated a series of small businesses in the Aldine area. He built horse trailers, then operated an antique shop and then owned a welding business. Today, he still deals in antiques from his home. During much of this time, Mr. Wells served as a member of the Harris County Sheriff's Mounted Posse, eventually rising to the rank of first lieutenant in that voluntary law enforcement organization.

Mrs. Wells formerly worked for an attorney in Nacogdoches, but chose to become a housewife following her marriage. The couple have one son, Johnny, Jr., who lives with them.

Mr. and Mrs. Wells serve as an example to those around them. They demonstrate that love can endure, and can bring happiness to a man and a woman for 5 years, 10 years, 15 years and even 50 years and more. Johnnie and Gladys Wells are proof of that, and all of us can learn valuable lessons from this wonderful couple.

Mr. Speaker, the verse which comes to mind when I think of Johnnie and Gladys Wells is that often-quoted, but never truer line that describes how love can endure over time: Grow old along with me/The best is yet to be,/The last of life, for which the first was made.

Mr. Speaker, thank you for this opportunity to recognize—belatedly—the golden wedding anniversary of Johnnie and Gladys Wells of Houston, TX. I know that you join with me, and all who love them, in wishing them much happiness and good health for many, many more year to come.

TRIBUTE TO DR. FRANÇOIS-AUGUSTE DE MONTEQUIN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is a pleasure and an honor to share with you the achievements and accomplishments of Dr. François-Auguste de Montequin. Dr. de Montequin is professor of Art History and chairman of the Department of Art History at Virginia Commonwealth University in Richmond, VA. He is a true gentleman and a dedicated scholar who has contributed so much to the study of art history, architecture and colonial art in Latin America.

Dr. de Montequin was born in Santa Clara, Cuba, of French and Spanish origins. At age 12, on January 4, 1961, he left Cuba for Miami. He left his parents, siblings, and all that he knew behind, for a new life in the United States. He lived in the Kendall Refugee Camp and later was sent to an orphanage in Pennsylvania. He later returned to Florida, and was eventually moved to a home for exiled Cuban children in Albuquerque, NM. Three years after arriving in the United States, in 1964, he was finally reunited with his mother, and eventually his entire family was brought together. He became an American citizen in 1970.

Dr. de Montequin received a B.A.F.A. from the University of New Mexico, magna cum laude, specializing in history of art and architecture. During his undergraduate years he studied at the Universitá Italiana per Stranieri and the Accademia di Belle Arti Pietro Vannucci in Perugia, Italy. He received a doctorate degree in history and theory of architecture and art from the University of New Mexico in 1974. During his years of graduate study, Dr. de Montequin studied at the Universidad Complutense de Madrid, in Madrid, Spain, with a concentration in the history and theory of architecture and art of Medieval Spain (Muslim), Latin America, and Ancient America.

Dr. de Montequin has dedicated his life to academia. He has taught at the University of New Mexico, Hamline University in Minnesota, Skidmore College in New York, the University of Georgia in Athens (where he also served as chairman of the Art History Department), as well as his present position at the Virginia Commonwealth University. Among them are: "Forms and Expression in Pre-Columbian Art", "Spanish Colonial Urban Planning: The Fortified Coastal City of Campeche in New Spain"; Dr. de Montequin has also written articles such as "Spanish St. Augustine During the Colonial Period: Evolution of the Oldest City in the United States," "Colonial Cities of Spain and France in the United States: Documentation and Methodology of Research," and "The Essence of Urban Existence in the World of Islam," for which he received an "Honorable Mention," the Creswell Award for Islamic Art from the American University of Cairo.

Outside of his academic work, Dr. de Montequin has organized and consulted in several art exhibitions, among them: "Art of the Eastern World" at the Skidmore College Art Gallery; "Black Kingdoms," at the Minneapolis Institute of Arts, and "The Gregorian Collection of Antique Oriental Rugs," at the Hamline University Art Galleries.

Mr. Speaker, I believe Dr. de Montequin is an example of the American dream come true. He has recently been awarded a Fullbright Scholarship to spend a year in Santo Domingo, Dominican Republic. Dr. de Montequin is a true Renaissance man, and I am most proud to share his achievements with my colleagues.

CONGRESSIONAL CALL TO CONSCIENCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MRAZEK. Mr. Speaker, I would like to share with the House an account of how one family has been split by an uncaring bureaucracy engendered by the anti-Semitism prevalent in the Soviet Union.

David Mikhalev, a Soviet mathematician, first applied for an exit visa in 1978. Not only was he refused a visa—he lost his job as well. Unable to find work in his field, Mr. Mikhalev barely kept his small family fed through a series of odd jobs.

He applied again in 1979, 1980, 1981, 1982, 1983, and 1988. No go, said the Soviet authorities: He had worked for the Institute of Communications until 1975, and Mr. Mikhalev could not be allowed to leave the country as a "matter of security," they said.

The truth is, being an applied mathematician, Mr. Mikhalev never dealt with secret information during his tenure at the Institute of Communications. He never was engaged in any purely technical studies. And he has not held a job that required a security clearance since 1975. The charges that he holds secret information are a total fabrication.

If anything, Mr. Mikhalev has been denied work in his field and has faced constant harassment because he was born a Jew in a state that historically has persecuted Jews. And that same state will not allow him to leave, either.

During these years, Mr. Mikhalev, his wife and daughter lived hand-to-mouth from whatever work he could find. Held up in Moscow, Mr. Mikhalev gave his time to the struggle of other refuseniks for their rights to emigrate. He has been an active member of the Refusenik's Law Seminar and is cochairman and secretary of the Public Council of Refuseniks.

However, his daughter fell ill and was diagnosed with a rare genetic disorder that leaves the body underdeveloped. Treatment for this disease is available only in the United States, and Soviet authorities would not allow the family to emigrate despite these circumstances.

Seeing no other alternative, the couple had to obtain a divorce so the mother and daughter could seek treatment in the United States in 1988. Mr. Mikhalev has been granted U.S. refugee status, but still needs a visa.

Mr. Mikhalev's case was referred to Soviet leader Mikhail Gorbachev on a short list of refuseniks during the Malta summit in December. Now he has been told he needs to reapply for a visa. Some human-rights observers say that's a stalling tactic.

Mr. Speaker, the plight of Mr. Mikhalev and his family is not an isolated incident, but an unfortunate, widespread tragedy—50,000 Jews applied for exit visas from the Soviet Union in October alone, each for his or her own personal reasons, in many cases similar to the Mikhalev family's circumstances. In my own district, concerned constituents have brought to my attention the plight of individual families, such as the family of Gennadi Babyrov; the family of Esther Brustein; the family of Mark Kaganov; the family of Mikhail Raikhman; the family of Alexander Schlain; the family of Svetlana Sorkin; and the family of nuclear physicist Boris Vugmeister. Their names are only part of a rollcall that grows too long each day.

U.S. intercession on behalf of refuseniks has achieved positive results. We must keep the pressure on the Soviet Union to follow through on its promises to respect the basic rights of humans. Let us not forget these families, for if we forget them, the Soviet Government most certainly will, also.

HOUSE MAJORITY LEADER RICHARD GEPHARDT'S ADDRESS ON U.S. FOREIGN POLICY: "AMERICAN LEADERSHIP IN THE NEW WORLD"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. LANTOS. Mr. Speaker, 2 months ago, I had the great pleasure of joining our distinguished Majority Leader DICK GEPHARDT for a visit to Eastern Europe where we witnessed first hand the incredible transformation that is taking place in that region. Last week, the majority leader delivered an outstanding address here in Washington in which he discussed these historic changes and their significance for the United States. He made a series of thoughtful and perceptive criticisms and proposals regarding how our Nation should respond to these new circumstances.

This excellent address was greeted with harsh criticism by some Members, including prominent leaders of the other party. An impassioned exchange took place here on the floor of this House, and the television networks and the other news media were abuzz over the weekend with stories about the controversy.

Mr. Speaker, our majority leader's careful proposals deserve thoughtful consideration. Instead, what we have seen is a vicious personal attack on the majority leader for raising these issues. Criticizing the person who advanced an idea is not a reasonable and responsible approach to political dialogue.

Mr. Speaker, I insert the full text of the majority leader's excellent speech in the RECORD, and I urge that my colleagues in the Congress give his proposals and ideas the serious and thoughtful consideration and evaluation they deserve:

AMERICAN LEADERSHIP IN THE NEW WORLD

(Remarks by Majority Leader Richard A. Gephardt)

AN AMERICAN VIEW OF EASTERN EUROPE

Two months ago, I led a Congressional Delegation to Eastern Europe. As I traveled through Central and Eastern Europe this winter, I felt that I was witnessing history in the making.

In Czechoslovakia, especially, I was struck by the depth of the commitment to democracy. The nation that was founded by a former resident of Pittsburgh—the nation whose flag is red, white and blue—is the nation whose "Velvet Revolution" echoes the goals and aspirations of the American Revolution. In Prague I presented the leaders of the Civic Forum with a copy of the Bill of Rights. With tears in their eyes they told me of how the ideals embodied in that Bill of Rights inspired them while they were imprisoned for advocating basic human rights.

As I talked with those young patriots in the basement of a Prague beer hall, I was flooded with emotions. Yes, pride that these courageous young men and women look to America for inspiration. But more than a little anger, too. I was angry that at the very moment when the power of ideas for which America has fought are winning the world over, America may be losing its power to help secure and consolidate that victory.

I believe that America is at risk of losing its position of leadership in the world economy. I believe that if steps are not taken to recapture our strength and reassert our leadership we endanger not only prosperity at home, but stability around the world. And I believe the current Administration lacks either the vision to know what steps we must take, or the courage to take them.

The lens of bipolar ideological struggle through which we saw the last half-century has been shattered by events. Now through the broken pieces a pattern is beginning to emerge—a vision of a world in which economic competition will take precedence over military conflict.

Our first duty is to the truth of our circumstances. We must realistically assess our present situation—by asking whether or not the "long twilight struggle" of which John F. Kennedy spoke is truly over. Then we must candidly assess whether American foreign policy is adequately responding to the challenges and changes we face. Next we must begin to articulate what lies beyond. We must have a coordinated, coherent plan for making certain that the changes occurring are changes for the good. Finally we must be willing to take risks. We must have the vision to know what to do, and the courage to get it done.

IS THE COLD WAR OVER?

It's important to recognize that the policies we pursued to achieve our Cold War objectives—successful though they were—weren't handed down from Mt. Sinai on stone tablets, meant to be followed for the ages. Rather, they were a response to a set of events—a means to shape a safer world.

The Cold War itself was not inevitable. It evolved principally from three events or conditions:

First, the Western European democracies were no longer in a position to lead on world events. Second, Germany and Japan were in a site of ruin. And third, the Soviet Union solidifed its hold on the nations its armies had swept through on the way to Berlin, with Stalin breaking his promise of free elections and refusing to allow participation in the Marshall Plan, the World Bank or the International Monetary Fund.

Today, each of those three conditions has fundamentally changed. Western Europe and Japan have strong, stable democracies and free economies; and the Soviet Union is tolerating free elections and free markets in Eastern Europe.

Let me state it plainly, once and for all: The Cold War as we have known it for four decades is over. It has ended just as the giants of a half-century ago knew it would. Surely if men of vision such as Churchill and Truman; DeGaulle and Marshall; Monnet and Spaak could somehow return today, they would be leading the fight to change the very structure they created. Because they intended them to serve a purpose, and that purpose has been served.

While retrenchment in the Soviet Union is always a possibility, the essential characteristics of the Cold War—a spiralling arms race and superpower competition for spheres of influence—have changed in fundamental ways.

Moreover, one of the main effects of the Cold War—a million troops facing off across the inner-German border—is changing as well. Even as we speak the process of German unification continues. The position of the United States on the issue of German unification is clear. It is a position I support. A unified and democratic Germany must be part of the community of free nations and allied with other democratic nations. We respect and support the right of self-determination, and believe the "two plus four" approach is well-suited to address the concerns of all of us who have been drawn into two European wars in this century. But it must be made unequivocally clear that the United States recognizes the existing border between Poland and Germany, and that the Germans do as well. The end of the Cold War cannot be a cause for resurrecting any of the conditions that led us into the last World War.

As we sail with breathtaking speed into the future, it is absolutely essential that we be guided by the constellation of democratic values. 1848 was called "the springtime of nations." I believe 1990 will be remembered

as the springtime of democracy, with freedom in full bloom. With spring elections planned in the G.D.R., Hungary, Poland, Bulgaria, Romania, and in Czechoslovakia, we truly face a world that has changed.

If we have the fortitude and the determination to seize the day, we can ensure that the days of the Cold War will never return.

PRESIDENTIAL LEADERSHIP

Up until this point, however, the day has seized us, rather than the other way around. Thus far in these remarkable times, events have been happening to us, and we have been left groping for a reaction. To be sure, some of this is a function of the dizzying pace of change. But there is no escaping the conclusion that America's lack of leadership in this most crucial moment of this half-century is due in large measure to the fact that our President is not providing the direction we need.

If the nature of the challenge is indeed self-evident, why is it unseen or unfathomable to our President? Why, for example, is he asking the American people this year to give him a military budget that consumes nearly one out of every three federal dollars—to meet yesterday's challenges? Why does he want to spend $112 million on the LANCE missile for West Germany when it can only reach East Germany? Why does he want to spend billions of dollars on armaments aimed at "communists" who don't want to be communists anymore—and yet has to be pushed into spending a tiny fraction of that to assist the anticommunist patriots that have replaced our old adversaries in Eastern Europe?

It's as though George Bush's Pentagon budget were written by someone who hadn't read a newspaper in a year. It was almost certainly written by someone who hadn't read William Webster's CIA analysis of the unlikelihood of a renewed Soviet threat—even if Mikhail Gorbachev is ousted by the hardliners. Indeed the question on the minds of people everywhere is: With peace breaking out the world over, why is our President intent on beating plowshares into swords?

I believe the answer lies in the President's lack of vision. George Bush campaigned for the Presidency without any sense of what he disdained as "the vision thing." As his campaign and the early days of the Presidency showed us, he would much prefer to occupy his time and the nation's attention with issues like Willie Horton and yet another tax cut for the privileged. It's not that issues like crime and fiscal policy are not important—of course they are. But at some point it is the job of the President to summon the nation to meet new challenges on the horizon.

Thus far the President has failed to do so. Just last week he flew to California to pledge his opposition to crime, drugs—and traffic jams. As for the President's plans for the rest of 1990, the White House says, "We're going to spend more time on politics than you ever dreamed possible."

The country cannot afford that—events will force the President to react to important international matters. In the past, he has reacted—sometimes well, sometimes not—but react is all he has done.

And so, without the vision to see where we must go, the President is reduced to making every decision on the basis of polls and politics.

When Governor Earl Long of Louisiana was asked why he didn't favor prison reform, he said, "Because there ain't no votes in prison." I believe the reason President Bush hasn't done more to promote democracy in Eastern Europe is because there are no votes there. Indeed, there are votes to be lost by being too closely identified with what is disparagingly and inaccurately called "foreign aid." There are votes to be lost in taking a risk for peace, in appearing insufficiently "tough" on the Russians. And there are votes to be lost in calling on the American people to make some changes to adapt to the changing world.

So what we are left with is government of the polls, by the polls and for the polls. The President, who defends foreign policy choices by pointing at his soaring popularity polls, seems to take seriously the mocking words of Mark Twain, who said: "Its name is Public Opinion. It is held in reverence. It settles everything. Some think it is the voice of God."

The President's pollster is frequently trotted before the captive White House media. He criticizes Democrats for decrying the President's lack of leadership. He cites poll data as proof that the President is doing what the American people want.

Yes, the President is doing what America says it wants in his latest poll. But is he giving the American people the information they need to make an informed decision when his pollster calls? Of course, every politician has to listen to the voice of the people—there's nothing wrong with that. But the reason the American people seem reluctant to embrace the changes in Eastern Europe; the reason they oppose increased investment in democracy in that region; the reason they aren't sure if the Cold War is over, is because their President is not leading them. He is not explaining and interpreting these startling events for them. His not helping them understand the new world we live in—its challenges, its opportunities, its dangers.

The President's lack of vision, and America's lack of leadership, have consequences that are both real and grave. The President of the United States retreats from the world by failing to lead the American people to see our self-interest in the success of democracy and free markets in Eastern Europe and the Soviet Union. But his timid posture may well create a self-fulfilling prophecy that at best confirms the status quo and at worst condemns the fragile new democracies to failure.

In short, the Bush foreign policy is a policy adrift; without vision, without imagination, without a guiding light save precious public opinion polls. But if he wanted to, President Bush could seize the day and marshal the American people into a mighty army marching for change.

History teaches us that it can be done.

In 1947 the American people, having fought two world wars in thirty years, were loathe to be caught up in foreign entanglements. They desperately desired to focus their pent-up energies on domestic demands.

But President Truman and the wise men who advised him realized that the changing times demanded that we change with them. And so Truman shaped the change by proposing that America commit itself to building democracy and free enterprise in Europe. The Marshall Plan was a classic case of principled pragmatism.

But it was unpopular. In fact, in the Gallup Poll of 1947, only 14% of the American people supported foreign loans and assistance. No wonder why—the American economy was only about one-fourth as large as it is today, and the Marshall Plan represented an investment that would cost $82 billion today. One hardly needed Mr. Gallup to know such a proposal would face strong resistance.

President Truman was not in much better shape. To this day no President—not even Nixon in the depths of Watergate—has been as unpopular as Truman was as he headed into the election of 1948. Perhaps sensing the political advantage, mainstream Republicans like Robert Taft and extremist Republicans like Joseph McCarthy opposed Truman and criticized the Marshall Plan.

The record resounds with attacks like "socialistic", "dangerous", "simple minded", and "giveaway." One Republican Senator—William Jenner of Indiana—summed up much of the opposition when he said: "It seems to be Mr. Truman's thesis that the international crisis can only be solved if we buy off the dangers of communism by giving large cash donations from the American taxpayer's pocket to already shaky European governments most of whom are, in fact, only a degree or two removed from the menace from which we are supposed to be protecting them."

But Truman did not flinch. He knew it was an investment that would reap tremendous benefits in new markets for America and more stability for the world. So he pressed on, despite the political repercussions. Ignoring the polls, Truman worked with the Republicans who controlled the Congress, especially Senator Arthur Vandenberg, and signed into law what one British newspaper called "an act without peer in history."

Harry Truman lived by Sam Houston's maxim: "Do right, risk consequences." the maxim of the Bush Administration seems to be: "Do polls, risk nothing."

There is no substitute for Presidential leadership. And given the fact that President Bush has record-high levels of popularity and more than two years to go before he faces re-election, he is in the perfect position to lead.

If he were to come to Congress the way Truman did, I can assure him we would work with him the way Vandenberg did. If he would use his bully pulpit to lead, the American people would follow. And if he would summon us all to the challenges we face, this country would rise to meet them. The American people will support democracy in Eastern Europe if our President tells us it's in our deep self-interest to do so. But we risk freedom dying on the vine if our President doesn't take the lead.

The President should carefully articulate to the American people the risks and benefits of the new world. He should remind us of how fragile young democracies are. He should distinguish today's circumstances from those of 1947—why it is we don't have to replicate the Marshall Plan—the Europeans don't need it, and we Americans cannot afford it. Of course, each nation is unique, but by and large the Eastern European countries have stronger physical foundations for their economies than the Western Europeans had in 1947—their dislocation was caused by the communist system, not by the destruction of war. However, while they have stronger economic bases than the Western Europeans had after the war, many Eastern European nations have weaker traditions of free government and free enterprise.

So the President should call on America not necessarily to spend a lot more on foreign aid—but to spend a lot smarter. For example, the new military base in Italy the

President's budget calls for will cost more this year than the total amount of savings we will receive from all the proposed base closings here in America. But do we need another military base to defend Western Europe—or can we better advance freedom and democracy in all of Europe through economic, technical, political and moral support? By the same token, do we need an increase of almost a half a billion dollars in military assistance in our foreign aid budget, and converting another $400 million in military loans to grants, while at the same time reducing UNICEF emergency aid for children and United Nations Environmental Program assistance at a time when famine and disease and pollution are becoming more clear and present dangers than superpower conflict?

The President should lead America in reassessing and changing our priorities to meet the new challenges. Otherwise history will remember the Bush foreign policy as a latter-day Maginot Line. He should let us know that if we invest a small amount in freedom today, we can reap a tremendous benefit down the road—a benefit that can include billions of dollars in savings from defense, new markets for American products, new jobs for American workers, new freedom to address old domestic difficulties. But most of all we stand to gain peace and stability. We have an historic opportunity to lower the deadly levels of tension in the nuclear age, and pull our children farther back from the brink of Armageddon.

With the demise of the Cold War, the American people are awaiting a new vision—a new way of looking at the world and understanding these momentous events. In Eastern Europe and around the world, the challenge for the United States is to help free people consolidate their gains, and build nations that are free, prosperous and secure. Here at home the challenge is to reinvigorate the American economy and renew the American spirit. The most important tools for achieving both goals are economic rather than military.

America must once again assert itself as a leader. To do that we must change the way we think about national strength, and arm ourselves for the economic competition already underway. America must begin by helping to shape the change in Europe, or we will surely be a victim of it. To that end there is much that we can do right away.

THE AMERICAN ROLE

The Congress is taking steps to ensure that the tremendous risks taken by brave people are rewarded with the better future promised by free governments and free markets. We are making progress in granting many nations of what we used to call the "Eastern bloc" Most Favored Nation status.

Next we should expand the role American agriculture plays in encouraging change in Eastern Europe and the Soviet Union. I propose a Food for Freedom program that will share the strength of America's agricultural abundance with the Eastern European and Soviet people. There is no doubt that private ownership of farm land and the hard work of our family farmers are the keys to America's success in agriculture. But while Eastern Europe and the Soviet Union are moving in that direction, it is in our interests to help sustain them on that journey.

President Havel of Czechoslovakia made that very point about the Soviet Union in his recent address to Congress. If someone whose nation was invaded by Soviet troops, who was imprisoned by Soviet puppets, who was pinned under the boulder of Soviet domination for all his adult life can call on us to assist the Soviets in moving to democracy, the least we can do is listen.

I believe that support of the process of democratization in the U.S.S.R. is in America's self-interest. We have a stake in the success of peaceful change towards a pluralist system in that nation. A stronger Soviet economy will facilitate the process of peace. How can the Soviets pull Red Army troops out of Eastern Europe if they have no jobs and no homes for them to return to in Russia?

So America must think creatively and act boldly. Rather than pouring more and more money into weapons systems, we should be investing in our own self-interest. And stability, democracy and a market economy in the Soviet Union are in America's strong self-interest.

On this point I must say that President Bush has been right—as far as he's gone. He has lent important political and moral support to the process of reform in the Soviet Union. I'd like to enlist American farmers and business people to make more substantive investments as well. Anyone who has seen the lines outside the McDonald's in Moscow knows the Soviets would appreciate American food and American goods. And American farmers and workers would appreciate the markets. We should waive trade restrictions such as Jackson-Vanik and the Stevenson Amendment, relax restrictions on high-tech exports, and encourage private investment in the Soviet Union. We provide Export-Import Bank loans and OPIC assistance to China, why not to the Soviet Union?

Another aspect of President Havel's speech that moved me was his point that rather than a hand out, the people of Eastern Europe want a hand up. The United States can offer that hand through a series of exchanges on a scale never before seen.

We need a Freedom International program for the 1990's—a modern-day Berlin Airlift bringing planeloads of people across the Atlantic in both directions: religious educational, and political leaders from Budapest and Bratislava coming to work in churches and schools and offices in San Francisco and San Antonio. If each of America's fifty states could offer scholarships to just forty Eastern European students, we will have doubled the number of Eastern Europeans studying in the U.S.

We should support conferences on issues affecting the environment, the arts and the military. We should encourage discussion of the sources and solutions of ethnic prejudice and religious intolerance. We have so much to learn from each other. So let the exchanges begin. The Congress will soon be considering a bill which will provide $190 million worth of technical assistance, Peace Corps programs, and exchanges to Central and Eastern Europe. In all, legislation currently before Congress will provide over a half a billion dollars in immediate investment in Eastern European democracy. And that is only the beginning.

America is well-postioned to take a leading role in providing the technical and managerial assistance the Eastern Europeans need. So much of the strength and the soul of our nation has its roots in Eastern Europe. How wonderful it would be if we could encourage experienced Americans—as part of a Free Enterprise Corps—to return to the nations from which their parents came to help a new generation have a new birth of freedom in their old countries. We in America would be benefitted by a return to those roots as well. The fight for freedom in Eastern Europe is rekindling the revolutionary spirit of America at a time when we badly need it. We have as much to gain from this as anyone.

UNITED FOR THE CHALLENGES OF THE FUTURE

But America cannot, need not and should not go it alone. History teaches us that a coordinated response from both sides of the Atlantic has been the answer to all the great challenges of this century.

For several years I have advanced the idea of forming an economic alliance as stable and as strong as the NATO military alliance. Over time, economic cooperation will be as indispensable as the military and political dialogue of the United Nations Security Council. As Trade Ministers become more vital to their nations' security than Defense Ministers, I would like to see more and more international dialogue and cooperation.

A Union of Nations for International Trade and Economic Development—[UNITED]—might be a means of giving structure to such cooperation. UNITED would bring together, on a regular basis, the leaders of the major trading democracies—the nations of the European Community, the United States, Canada, Japan and Australia. By working together, and discussing our problems and opportunities, we could bring more order and stability to issues of development, trade and competition—issues which threaten to divide us as much in the future as ideology did in the past.

UNITED would not be a new bureaucracy, but rather a new approach; an expansion and extension of what has worked so well for NATO and what is being done through G-7, the European Community, GATT, and IMF, the World Bank and others.

UNITED's mandate will be to coordinate, not to dictate. It can address so many of the topics facing leading nations today: from developing the economies of Eastern Europe to formulating new rules of international economic engagement to addressing the burden of Third World Debt.

The lessons of the past offer evidence that economic engagement can work—and that all sides can "win." The Marshall Plan's initial commitment to Europe has grown to the point where we invested some $1.2 trillion in the 1980's alone for the common defense of the Continent. Today we are in a position to realize a dividend from 40 years of prudent investing. We must reinvest a part of that dividend. It's just good sense. A nation that spent trillions to contain Communism must be willing to spend a minuscule fraction of that to consolidate democracy. Only a prosperous and peaceful Europe will allow us to reduce our military commitments without reducing our national security.

If we hesitate now, if our resolve falters just at the moment when we are about to realize the peace and prosperity that our fathers fought for, the consequences could be disastrous. I realize the political risk such reinvestment entails. But as President Kennedy said, "there are risks and costs to a program of action. But they are far less than the long-range risks and costs of inaction."

Ultimately the attention of the world must move beyond responding to individual crises and toward building vigorous and vibrant economies in the developing countries of the world—which will be the focus of so many of the new challenges we face. Herein lies the greatest challenge and the greatest opportunity of the next century. For too long we have allowed the threat of military

confrontation between East and West to obscure the threat posed by the growing gulf between the superpowers and the superpoor.

CONCLUSION

Over time, I want to see a Europe in which America's young students have replaced our young soldiers; a Europe in which American technology has replaced American tanks; a Europe in which new American lasers replace aging American Lance missiles.

But it is a grave mistake to think that the focus of history has shifted completely away from the United States and onto Europe. The difficulties we face here—and how we rise to meet them—will determine whether a strong America leads the world in the new era of economic competition, or a diminished and exhausted America shrinks from the challenges history has laid before it.

This is our new call to arms—to rebuild American strength, to restore Eastern European democracy, to redress the problems of unbalanced trade, and to reassure the world that the Berlin Wall that divided East from West is not succeeded by a chasm of poverty separating North from South. Economic engagement and competitive coexistence will be the watchwords of the new decade and the new century that will follow it.

The stakes could not be higher. The threat could not be more real. A hundred years from now the 1990's will be remembered as the time when America reinvented itself once again, and in so doing led the world into a new era of peace and prosperity—if we have the vision to see the change in the course of history, and the courage to adjust our course to meet it.

CALIFORNIA'S FIRST AMERICANS: STILL LAST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MILLER of California. Mr. Speaker, the history of Federal Indian policies contains many dark chapters. However, no chapter is darker than the treatment provided California Indian tribes.

The Federal Government's inexcusable treatment of California Indians is a story filled with empty promises, deceit, neglect, and on occasion, open dishonesty.

John Echohawk, the executive director of the Native American Rights Fund, has published a thoughtful article summarizing the history of Federal Indian policy in California. Mr. Echohawk's article accurately describes the Federal Government's neglect and the cumbersome process being used to stifle efforts by California Indians to obtain Government services.

I would like to urge my colleagues to take a few moments to review Mr. Echohawk's article.

Mr. Speaker, I insert the article at this point in the RECORD:

THE FIRST CALIFORNIANS ARE STILL LAST

(By John E. Echohawk)

President Bush and members of his Administration like to use the old saw: If it walks like a duck and quacks like a duck, it's a duck. Their criteria for acknowledging Indian tribes, however, are significantly more demanding.

Consider the dilemma faced by 21 tribes in California. The federal government signed 18 treaties with California tribes in the 1800s, but the U.S. Senate caved in to political and economic pressure and refused to ratify them. In the fashion of the times, the Senate then concealed for 50 years the embarrassing fact that the treaties had even been made. For many more years, the federal government continued to abrogate its responsibility to protect Indian groups from the local non-Indian population. As a result, most of the California tribes were driven off their lands, relocated away from populated areas and forced into indentured service. Their culture was brutally repressed and, to escape total destruction, they took to the hills. Some were crowded onto what was left of the Spanish ranchos after statehood, and then left homeless when the lands were sold or lost in tax sales.

Now in a presidentially proclaimed kinder, gentler nation, the descendants of those Indians are asking the federal government to formally acknowledge them as tribes. Such recognition is critical to their economic and cultural survival because only recognized tribes are entitled to participate in federal housing, health and education programs, and to maintain their rightful government-to-government relationship with Washington.

These tribes are now required to prove their existence with genealogical records, historical documentation, anthropological studies, demonstration of uninterrupted political authority and minutiae of detail that are nearly impossible to come by. In an ironic twist, the tribes' documentary records depend almost exclusively on studies by non-Indians.

Contrary to popular opinion, the federal government's inexcusable treatment of Native Americans didn't end in the 1800s. In the 1950s and '60s, Congress "terminated" numerous Indian tribes by liquidating their property and administratively disfranchising them by applying new terms such as "adult Indian communities," or "descendancy groups." In California alone, three termination acts of Congress wiped away at least 37 rancherias and 61 tribes and bands. In more recent years, the Bureau of Indian Affairs has unilaterally "de-recognized" tribes that have participated in federal programs for years simply by stopping their appropriations. In fact, one BIA official testified, an Indian treaty confers recognition on a tribe only "on the day it was made." After that, recognition continues only so long as the BIA decides that the tribe is still Indian enough.

Since 1978, when the Interior Department set up an administrative procedure to "acknowledge" Indian groups, 21 California tribes and 93 others have sought to reassert their rights by petitioning the BIA for formal acknowledgment of their status as Indian tribes. To date, only 19 petitions have been acted on, and 12 of them were rejected. Tribes have spent, on average, more than $250,000 each to meet the BIA's burdens of proof.

Inexcusable delays and unrealistic requirements have further plagued the petitioners. In California, the lone Band of Miwok Indians have been trying since 1916 to obtain federal approval. The Mono Lake and Antelope Valley Indian communities have been jumping through BIA hoops since 1976.

What's the harm in recognizing a limited number of tribes?

Unfortunately, like most problems in our society, it boils down to money. According to the federal budget office, if the BIA acknowledges more Indian tribes, there won't be enough money to go around. Besides, who wants to open the federal coffers to new claims when the deficit is so bad? This rationale neatly and unfairly pits recognized tribes against unrecognized ones. It also feeds the misguided perception that the federal government is somehow doing a favor for the poor, incapable Indians, as if this were charity and not a matter of treaties signed in good faith. Governmental debts and obligations cannot be ignored just because it suits some to do so.

Fortunately, Sen. Daniel K. Inouye (D-Hawaii) has devised a solution that can and should pass Congress. It would establish uniform criteria for federal recognition, set deadlines for consideration of petitions, provide an independent appeal procedure, and take federal recognition onto a more fair playing field.

This will not be the kinder, gentler country that President Bush envisions until the government rights this moral and legal wrong that has festered for almost two centuries.

CRS REPORT ON TRUST FUNDS AND THE FEDERAL DEFICIT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FRENZEL. Mr. Speaker, on February 26, the Congressional Research Service completed a report, "Trust Funds and the Federal Deficit" which sheds some much needed light on both subjects. The report clearly explains budgeting and accounting features of trust funds, such as government payments and special issues securities whose impact on Federal deficits are often confused.

The report's central thesis is that trust fund surpluses do not mask the real deficit and further, that trust funds in the aggregate are in deficit themselves and, therefore increase the Federal deficit. It, therefore, can be argued that by operating deficits, trust funds have in fact, added to the debt.

In light of all the debate on trust funds, especially Social Security, I hope that every Member of Congress will review this excellent report. The summary of the report follows:

TRUST FUND PROGRAMS AND THE FEDERAL DEFICIT

SUMMARY

The treatment of trust fund programs in the Federal budget is complicated and confusing. As a result, the impact of these programs on the financial condition of the Government is often misunderstood. Perhaps the biggest misconception today is that these programs are offsetting the Federal deficit by $124 billion and thereby masking the true size of the deficit. Although attention has been drawn to the large social security surpluses, trust fund programs overall actually have been running cash deficits.

This aggregate cash deficit is not at first visible. Official budget documents show that overall income credited to Federal trust

funds in FY 1989 exceeded the spending posted against them by $124 billion—an apparent surplus. However, what is commonly called trust fund income is not just the amounts of receipts from the public generated by these programs. Trust funds also receive credits from the Treasury, what might be called paper income. It can be misleading to treat this paper income like cash when assessing the Federal deficit, which is the gap between total cash income and total expenditures in any given year. When only receipts from the public for trust fund programs—cash income—are compared to Federal spending for them, a deficit emerges; spending exceeded receipts by $18 billion.

Moreover, this is not an aberration. On the whole, trust fund programs ran deficits in their cash transactions with the public in 19 of the last 21 years. Even social security went through a long period when its expenditures exceeded its revenues. And even social security receives paper credits that make its current surpluses appear larger.

Because the official or traditional approach to accounting for Federal trust funds shows them to be running surpluses, the blame for the Federal deficit frequently is placed on the rest of the Government. Thus, all the Government's borrowing is usually attributed to its non-trust fund activities, and the interest expense or debt service is generally considered part of this category. However, because trust funds have regularly run operating or cash-flow deficits, they, too, can be considered responsible for the Government's need to borrow—i.e., for increasing the debt and the resulting interest expense. If interest expense were not included in the "rest of the Government" category of the budget, this category would show a surplus. The point is that no one program or sector of the Government is responsible for deficits and the resulting buildup of Federal debt. The Government borrows as it needs to, for whatever obligations it has to meet.

Trust fund programs are a major part of what the Government does. In FY 1989 they generated 39 percent—some $386 billion—of the Government's tax revenues and were responsible for 35 percent—$403 billion—of its spending. If deficit reduction efforts are based on the erroneous assumption that trust funds overall are generating actual cash surpluses for the Government, the result may be to distort the process by which Congress determines fiscal priorities—what Congress wants to spend money on and how it will raise the resources to do so.

THE UNITED STATES AND IRAN AND RECIPROCITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. HAMILTON. Mr. Speaker, in January, I wrote the Department of State concerning diplomatic representation and dealings between the United States and Iran who do not have diplomatic relations.

I was concerned about the lack of reciprocity in our relations. There are apparently close to 30 Iranians working in Washington at the Iranian Interests Section of the Algerian Embassy and Iran often charges Americans for visas to go to Iran. The United States does not charge Iranians for visas and we do not have any representation in Tehran, relying on a few Swiss diplomats to carry out our business.

Attached is correspondence I had with the State Department on this issue, my letter of January 24, 1990 and the reply of the State Department of February 23, 1990. There are reasons for the lack of reciprocity but I believe that we should move to stricter reciprocity.

I would like to bring this exchange to the attention of my colleagues. The correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, February 23, 1990.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of January 24, 1990 to the Secretary. I am pleased to respond, on the Secretary's behalf, to the questions you raised regarding the Iranian Interests Section of the Algerian Embassy and the issue of visa reciprocity with Iran.

With regard to the Iranian Interests Section, you are right that there is not strict equivalence in the arrangements which exist here and in Tehran. The American Interests Section of the Swiss Embassy in Iran consists of three Swiss diplomats and about 10 Iranian employees. They provide consular services to the Americans who live in Iran. By the last estimate, there were about 2,300 of them, including about 2,250 dual nationals.

In the United States, by contrast, there are approximately 500,000 Iranians, many of whom require consular services such as the issuance of new passports, registration of births, and so on. Since 1981, we have accepted an arrangement whereby these services are provided by the Iranian Interests Section of the Algerian Embassy, which is required to employ legal permanent residents of the United States or U.S. citizens only. None of the employees in the Iranian Interests Section has any diplomatic status.

On the question of visa reciprocity, the problem is that Iranian practice around the world does not appear to be uniform. The Iranian Interests Section here says that it does not charge for visas. We have canvassed our posts, however, and it appears that in some places Iranian embassies do charge fees for visas to Americans, ranging from $10-$15. We will take appropriate action when we are sure that this is prevailing Iranian practice.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 24, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write regarding certain aspects of United States dealings with Iran and the principal of reciprocity.

It is my understanding that there are close to 30 Iranians working in the Iranian Interests Section of the Algerian Embassy and that, on a separate issue, Iran is charging American citizens close to $15 dollars for a visa. It is further my understanding that we are not charging Iranians for visas and that our Interests Section in the Swiss Embassy certainly does not have the personnel, American or third country national, that Iran has here.

I would like to know why there is not reciprocity, why we do not charge Iranian nationals for visas and why we allow there to be nonreciprocal representation in the two countries. The continued lack of reciprocity, in my view, sends the wrong signal to Iran.

Your consideration of this matter is appreciated and I hope this situation can be rectified.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

H.R. 4250

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McDADE. Mr. Speaker, I am introducing today H.R. 4250, the State and Local Multi-Objective River Corridor Assistance Act to promote the wise use of one of our Nation's most treasured resources—the 3.5 million miles of rivers and their adjacent lands.

The legislation is the result of an intensive yearlong effort to assist State and local communities develop balanced policies to preserve and enhance our country's river corridors for a multitude of uses. This effort involved extensive input from Federal agencies, public and private groups, river management experts, public officials, and private landowners.

The centerpiece of this effort was six regional workshops held early last year in Boston, Atlanta, Denver, San Francisco, Washington, and Omaha. As a result of these workshops and from hundreds of written comments received nationwide, it became clear that States and local communities want to improve the quality and uses of their river areas, but find it difficult to achieve balance between competing river uses. Communities also stressed that financial and technical assistance from the Federal Government is limited and complicated Federal regulations oftentimes impede State and local efforts to revitalize these areas.

Any community currently taking an action in a river corridor must deal with a bewildering multitude of Federal agencies and regulations. There is no unified approach or contact for advice and assistance, no assurance that the technical information provided is state-of-the-art data, and no defined formula which aids communities in a reasoned participatory decisionmaking process.

Rivers truly are the life blood of the Nation, providing major transportation corridors, drinking water, wetlands, waste dissemination, hydroelectric power, agricultural irrigation, timber management, recreational needs, wildlife habitat, and areas of contemplation and relaxation. The adjacent lands possess equally important qualities such as wetlands, floodplains, natural areas, urban waterfronts, historic communities, and places for fishing and hiking.

The importance and complexity of river values clearly warrants a carefully considered and well-reasoned balance among the competing users. In order to achieve balance,

future river efforts must recognize all legitimate beneficial public uses, encourage decisions which result in the maximum public benefit, and, most importantly, encourage consensus building and input from all interests and at all stages of the decisionmaking process.

Congress has passed landmark legislation over the past 20 years affecting rivers. And while the Clean Water Act, Wild and Scenic Rivers Act, and the Coastal Zone Management Act, to name just a few, are important, there are still many other rivers and river segments which need additional Federal assistance. These areas are subject to many competing uses, and in many instances, decisions are being made with little regard to reviewing all significant river values and uses and most importantly, without consensus from all user groups in a community.

What public laws and regulations sometimes fail to recognize is that river values and uses are quite broad. The spectrum of interest stretches from preservation of rivers in their natural state to multiple use, which historically and practically, have been the most acceptable use throughout history.

While advocating a policy which recognizes and balances conservation needs with high quality economic uses seems logical, achieving the goal is often quite difficult for communities.

The legislation I am introducing today was drafted to recognize and promote a wide variety of river uses—recreation, fishing, wildlife habitat, and economic revitalization. It also is designed to help local communities control sources of pollution, reduce flood and stormwater losses, and preserve the historical and heritage values of their rivers and waterfronts. Most importantly, the bill is intended to make Government more responsive to the State and local communities it serves through a combination of matching grants, technical assistance, and interagency cooperation.

A four-pronged legislative approach is used to achieve these objectives:

First. Matching grants and technical assistance to States, local governments, and private nonprofit groups. Eligible projects would include river restoration, greenway and heritage parks, individual river corridor projects, in urban, suburban and rural areas, and statewide river assessments.

Major criteria for eligibility area:

All significant public and private values and uses of land and water must be considered.

Decisionmaking process which reflects a high degree of consensus at all stages of decisionmaking process and includes input from local landowners.

The project shall be publicly supported and reflect significant commitment by States, local government, and private interests of the area.

Second. A multiobjective River Corridor Council would be established. Members would be the Secretary or Department heads of the Departments of Interior, Agriculture, Transportation, Commerce, Housing and Urban Development, the Environmental Protection Agency, Federal Emergency Management Administration, Tennessee Valley Authority, and Army Corps of Engineers.

Major responsibilities of the Council would be:

Cutting Federal redtape.—Review current programs and recommend opportunities to improve their effectiveness, promote interagency coordination, and eliminate inconsistencies in Federal programs.

Developing interagency training programs to provide the specialized Federal personnel to assist State and local communities find solutions to their problems. This assistance would provide a range of innovative, cost-effective options to local communities.

Third. A national clearinghouse of information on funding sources, technical assistance, model programs, and practical state-of-the-art technical data.

Fourth. Create a National River Register which would formally recognize rivers or segments exemplifying successful multiobjective approaches. Nominations would be made by the States. All recipients of the award will be eligible for matching implementation grants.

One of the most significant portions of the bill concerns the protection of private property rights. Section 205 mandates that:

> Each Federal agency in the Council and all recipients of assistance under this title shall, in their planning, implementation, and management of river corridors involving private lands, give full consideration to (1) the concerns of private landowners, groups and nonprofit organizations; (2) continued private traditional and new use of river corridor lands where such uses are consistent and compatible with established goals and the wise use of significant river resource values; and (3) the creation of a project task force which includes representative private landowners to assist in decisionmaking.

I urge my colleagues to sign on as cosponsors of this local river initiative. The legislation is innovative, cost effective, and balanced. It acknowledges the need for national leadership which encourages cooperative partnerships with State and local communities.

This is a bill that recognizes that river revitalization efforts begin with local community initiatives and that the Federal Government should be a cooperative partner in those efforts.

This multiobjective approach is certainly not a new concept, but the issues, concerns, needs, and proponents for such an approach and the new innovative techniques available in the 1990's are far different than in the past.

Because of these factors and the continued reduction in Federal dollars, it is even more critical that we begin to broaden the traditional Federal role of acquisition and regulation to include the encouragement of informed, balanced State and local river corridor decisionmaking. Our goal should be developing a cooperative approach that will garner the experience and expertise of our Federal agencies and integrate this know-how with the needs and sensitivities of State and local governments and the citizenry they serve.

IN RECOGNITION OF INNOVATIVE EFFORTS IN HAWAII CHILD CARE

HON. PATRICIA F. SAIKI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mrs. SAIKI. Mr. Speaker, as the Congress continues its lengthy debate on child care, corporations and States are successfully attempting to resolve their own child care problems. Hawaii is a stellar example of how determination, ingenuity, and dedication can accomplish what Congress has been unable to achieve even after years of trying.

Hawaii is fortunate in that we have a well-established network for parents in search of care for their children. This network is part of a group called PATCH—or People Attentive to Children. PATCH serves hundreds of families each month and successfully places many children in quality and affordable child care. However, their success would not be so dramatic without support from the private sector.

An example of a very creative type of program are those facilities which provide care to sick children. The Queens Medical Center sick child care program reserves a number of beds for the benefit of local working parents whose children are not seriously ill, but sick enough to prevent attendance at school or child care.

Castle Medical Center offers a unique opportunity for parents with infants and toddlers, the most difficult population for which care can be found. The program is for the benefit of Castle employees and is run out of a cottage on hospital grounds, thereby making it accessible to parents during work hours.

Mauna Lani Resort in Hawaii has joined the child care effort since determining that child care is a major factor in attracting and maintaining employees. In response to the growing need for care for pre-school children, Mauna Lani will be completing an on-site center for 100 of its employees' children by September. The program is to be education-based and will be open for 16 hours a day so that all employees will be able to take advantage of its services.

Another outstanding idea was recently piloted by First Hawaiian Inc. First Hawaiian has established a program where an employee can contribute to a special pre-tax child care account to which the company will deposit up to $200 per month. In addition, this bank holding company will reimburse employees for the cost of care at a Queens sick child care facility. With this type of system, families have the opportunity to select any type of child care they prefer.

The State of Hawaii recently implemented a revolutionary statewide afterschool program for latchkey children called A+. Thousands of children are currently enrolled and are benefiting from afterschool learning activities for only $1 a day.

All of Hawaii's fine child care programs deserve recognition, but more importantly, they deserve assistance under a Federal child care plan as well. To quote Maui Land and Pineapple Co.'s benefits administrator, Alec McBarnet, "* * * child care should no more be considered a luxury item than should a quality public education system. * * * Rather it is a necessity in order to live and work in Hawaii."

Mr. Speaker, please bring a child care conference report to the House floor for a vote so that all American families can have access to convenient, affordable, and high-quality care.

THE 50TH ANNIVERSARY OF THE HAMMOND HARWOOD HOUSE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to acknowledge a national historic landmark, the Hammond Harwood House, a museum that has preserved the heritage of 18th-century Annapolis for the past 50 years. I also wish to commend the efforts of the Hammond Harwood House Association, a volunteer group that has taken it upon themselves to purchase and restore this historical site.

In 1774, Mathias Hammond commissioned the renowned English architect William Buckland to design this home. The house remained in the family until the death of the last heir in 1924, when St. John's College became the owner. The house remained relatively empty until 1938 when the Hammond Harwood House Association was created with the goal of restoring and purchasing the historic home. In 1940, through its dedication, it raised enough funds so that it was able to purchase the Hammond Harwood House from St. John's College.

Since 1940 the Hammond Harwood House Association has been committed to restoring this Golden Age monument as closely as possible to its original 10 century atmosphere. The architecture retains its original carved woodwork, without any modern alterations, and the house also retains contents original to the era. Notably, the works of local craftsman John Shaw, and Charles Willson Peale, an 18th-century Annapolis artist, are displayed. In the drawing room, a formal colonial music program is offered which allows opportunities for the public to learn about music of the time period and local musicians to perform music of the 18th century. This exact preservation allows the community to fully experience this era.

It is with great pride that I extend my sincerest congratulations to the Hammond Harwood House Association for their 50 years of historic community service. I know that my colleagues will be pleased to join me in offering best wishes for the continued preservation and success of this prestigious landmark.

RETIREMENT OF JOHN DOUGLAS PHELPS, A TRUE PUBLIC SERVANT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. ROGERS. Mr. Speaker, President Woodrow Wilson said that "there is no idea so uplifting as the idea of the service to humanity."

John Douglas Phelps, throughout his career, has put himself in the service of humanity. His mission as a public servant was to enable others to help themselves; and so upon his retirement early this summer, the work of John Phelps will continue in the lives of the many people he served.

His beginnings were modest, having grown up on a Russell County, KY, farm and begun his education at the one-room schoolhouse in the tiny farm community of Esto. In the rolling hills of southern Kentucky, John grew up learning the ability to build a team, to work for the benefit of people, whether it would be harvesting the family's crops, repairing a neighbor's barn, or participating in a church service project.

John Phelps never got rural southern Kentucky out of his blood. Fortunately, for the many people he helped in the region, southern Kentucky never loosened her grip on John Phelps. Except for his 3 years in service of his country in the military service, John Phelps has been a lifelong Kentuckian, and a southern Kentuckian for most of that.

His professional career in service to Kentuckians began in 1963, when he was employed as a social worker for the State of Kentucky. By 1967, John Phelps accepted an opportunity to further build people to help themselves, as assistant director, then director, of the West Lake Cumberland Community Action Agency. His experience with Government-related social and community programs led him to become the Federal Programs Director of the Lake Cumberland Area Development District [LCADD], a 10-county community development organization, in 1973. Nine years later, he was promoted to the LCADD's executive directorship. His work at LCADD was instrumental in the development of scores of economic development projects and the construction of facilities to help improve the lives of southern Kentuckians, and to teach them to help themselves.

But the professional career of John Phelps does not begin to describe the depth of his integrity and his dedication to strengthening his beloved southern Kentucky home. Yes, he served with distinction on several important civic and corporate boards. And through his career, he placed a high emphasis on improving his education far beyond his studies at Campbellsville, KY, College and the University of Kentucky. Moreover, his work drew honors from organizations such as the Russell County Farmers Market and the chamber of commerce.

In his service to southern Kentuckians, and in his own family, John Phelps has had an instinct for practicality, and an astute sense of the possible. His knowledge, his common sense, and his uncanny talent for stretching people's abilities beyond their ordinary means made him a valuable adviser and dear friend to many people, especially myself.

In his retirement, I am quite sure John Phelps shall never resign his nature of helping his fellow man. I personally will miss his frequent visits to my Washington and my Somerset offices on behalf of southern Kentucky projects. Now that John Phelps is retiring, perhaps he can stop by more often, bearing wisdom and sound advice in his own warm, inimitable way.

WELCOMING THE AMERICAN FILTRATION SOCIETY NATIONAL CONVENTION TO WASHINGTON, DC

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FIELDS. Mr. Speaker, the American Filtration Society will hold its annual national convention here in Washington from March 18–22. I would like to take a moment to salute this organization and its members for the many important services they provide in the fields of environmental engineering, minerals and material science, oil well and reservoir technology, ceramics, pulp and paper, the food and beverage industry, clean rooms, air-conditioning, hydraulic fluids, plating, medicine and biotechnology, and the chemical industry.

The American Filtration Society unites practitioners in these and other diverse fields who are involved in fluid-solid separation. Currently, the AFS has approximately 800 individual members and more than 40 corporate members; 10 chapters, including one in my home State of Texas; and its well-respected Fluid-Particle Separation Journal.

The first chapter of the American Filtration Society was organized in Texas in 1968, when several individuals with shared interests decided to get together on a regular basis to discuss filtration issues. Since then, additional chapters have come into existence.

The society consists of individuals and corporations involved in the separation of particles from fluids. Fluids may be gases or liquids, and particles include solids, liquids within liquids, bubbles, mists, and foams. The size of these particles may be as ionic, as in reverse osmosis; macromolecular, as encountered in biotechnology; in the micron range, as typified by clays and aerosols; or larger.

The society's objectives are as diverse as its members. The society strives to:

Chart a path leading to the recognition of fluid/particle processing and separation as a recognized science and engineering;

Facilitate the transfer of technology among manufacturers and users of fluid/particle separation equipment;

Provide guidance to industry and government concerning fluid/particle separation and its significance in preserving man's quality of life through protection of the planet's environment;

Assist members to solve existing problems, exchange information with individuals having

similar interests, and to strengthen and expand their technological knowledge; and

Support organized programs of study and research at the university level in fluid/particle systems.

While few of us here in the House are likely to fully appreciate the benefits we receive on a daily basis as the result of fluid/particle separation, there is no denying that fluid/particle separation plays an integral role in a variety of industries. The scientists, engineers, and technologists who belong to the AFS are among our brightest product designers, research personnel, consultants, academicians, end users, and distributors.

The society conducts a variety of technology meetings each year, attracting participants from across the United States and from abroad as well. For example, in March 1988, an International Technology Conference was held in Ocean City, MD, and additional conferences were held last year in Pittsburgh and Houston. The annual meeting of the AFS in Washington later this month will be a major international conference.

I would like to congratulate one of my constituents—Guy E. Weismantle, president of Weismantle International of Kingwood, TX, who serves as executive secretary of the American Filtration Society.

Mr. Speaker, I hope you and my colleagues will join me in welcoming the members of the American Filtration Society to their conference in Washington, and join me in saluting all that the organization—and its members—does for our country.

Thank you, Mr. Speaker, for the opportunity to recognize the American Filtration Society, its members, and its upcoming annual meeting to be held here in Washington, DC.

MARJORY STONEMAN DOUGLAS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on behalf of the Floridians who take great pride in preserving our abundant natural resources, it is my honor to highlight an outstanding activist from Miami, FL. Marjory Stoneman Douglas has spent most of her life preserving the natural beauty of south Florida.

With a tremendous history behind her, Ms. Marjory Stoneman Douglas is celebrating her 100th birthday on April 7, 1990. As a graduate from Wellesley College in 1912, Ms. Douglas started her professional career as an educational director for department stores from Missouri to New Jersey. After her marriage, she came to Florida in 1915 and soon became the society editor of the Miami Herald. Ms. Douglas was the first woman from Miami to join the U.S. Navy in World War I. She served with the American Red Cross in Paris, France, during the war.

After returning from overseas in WWI, Marjory Stoneman Douglas initiated what turned into a brilliant writing career. She was the assistant editor to the Miami Herald and a freelance writer to many magazines including the Saturday Evening Post. She has also written numerous articles, essays, novels, and a play entitled, "The Gallows Gate."

Writing one article about the Miami River led many publishers to request further articles on environmental issues. As a journalist she gathered facts that led her to become a key leader for the environment in south Florida. Her most famous book, "Everglades: River of Grass," helped raise our awareness of the beauty and majesty of the Everglades and Florida's wetlands. Ms. Douglas served on the original committee to establish Everglades National Park. The first session of this Congress recently enlarged Everglades National Park.

Today Marjory Stoneman Douglas is president of the Friends of the Everglades, which is an organization that protects endangered species and water quality in the Everglades. Her current project is studying and supporting the Florida Kissimmee-Okeechobee-Everglades basin.

I would like to thank Ms. Douglas. The State of Florida owes a debt of gratitude to Ms. Douglas for all her dedicated, hard work. I am delighted to wish Ms. Marjory Stoneman Douglas a very happy 100th birthday.

TRIBUTE TO INGRID SOWLE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Ingrid Sowle, a fine medic with the Port Washington, NY, Fire Department, who was killed in the line of duty on February 19, 1990.

Ms. Sowle was hit and killed by a hit-and-run driver while she was returning to her car after assisting the rescue squad at an accident scene. She was 52 years old and had been a member of the rescue squad of the Port Washington Fire Department for the past year.

Mr. Speaker, this is the second such tragedy in a period of 15 months for the Port Washington Fire Department. In November of 1988, Lt. Robert Dayton was killed while battling a fire.

The tragic death of Ms. Sowle underscores the great sacrifices of the men and women who make up our volunteer fire departments. Each day, often without any recognition or fanfare, these people give of their time, effort, and sometimes their lives to serve their communities.

Mr. Speaker, at this time I request permission to enter in the RECORD excerpts of an article that appeared in the Port Washington News on February 22, 1990, which contained some of the many words of tribute for Ms. Sowle from her colleagues:

FIRE MEDIC KILLED BY DRUNK DRIVER

(By Christina Cronin Southard)

Ingrid Soule, 52, a fire medic with the Port Washington Fire Volunteer Fire Department, was killed in the line of duty in the early hours of Monday, Feb. 19. She was fatally struck down by a hit-and-run drunk driver on Roslyn West Shore Road near Bar Beach as she was walking back to her car after responding to a call at another accident.

Linda Popeleski, a close friend and fire medic, was with Ms. Sowle at the time of the accident. She said, "Ingrid has a heart of gold. She joined the fire medics because she wanted to give more to others. She was always making desserts for the Company. She was always there for everyone. She was sincere, kind, and loving."

Fire Chief Peter Zwerlein said, "We are very saddened. It hits home again because we just lost Bobby Dayton and some of our members are still recovering from the Avianca air crash rescue, she was a good member who was always available when needed. She was a typical volunteer firefighter. She was professional in her actions, dedicated and wanted to help the community."

Ed Oldak, president of the Port Washington Fire Medics, said, "Ingrid joined us a year ago. Her application said she wanted to serve the Port Washington community. She put in a lot of hours. She enjoyed her work and was proud of her membership in the fire medics."

CONGRESSIONAL SALUTE TO THE GERACI LEAGUE OF PASSAIC COUNTY, NJ, ON ITS 60TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to salute a truly outstanding fraternal organization based in my Eighth Congressional District of New Jersey which, in 1990, is celebrating 60 years of making its community, its State, our Nation, and our world a far better place to live.

I am speaking of the Geraci Citizens League of Passaic County, NJ, which will be marking this historic milestone with its 60th Annual St. Joseph Dinner Dance on March 16, 1990, at the Princess in Lodi, NJ. I know that, as it always is, this exceptional event will be well attended, for the Geraci League has truly established a reputation that has made it a special organization while at the same time being a vital part of the community.

Mr. Speaker, as a means of conveying to you and our colleagues the rich background of the Geraci Citizens League, I would like to insert into the RECORD a copy of the official history of this distinguished organization.

THE GERACI CITIZENS LEAGUE OF PASSAIC COUNTY, NJ

The Geraci Citizens League, founded in 1930, today is one of the most unique fraternal organizations in the North Jersey area. Its membership comprises American citizens whose families emigrated from the mountain village of Geraci Siculo, hidden high in the mountains in North Central Sicily, or who were themselves emigrants.

At the turn of the century, when the tides of immigration reached American shores, many Geracese settled in the Passaic area; others traveled westward to Colorado, Texas and California. Today, there are hundreds of descendants of the original settlers living in the North Jersey area and thus, it can be said, there are more Geracese living in New Jersey than in the historic village of Geraci.

The population of the beloved village is a scant 3,000.

Although, today, Geraci sleeps gently atop an impressive rock mountain almost as high as Colorado's city of Denver, there was a time when it was historically to be reckoned with. Legend tells us that in the early days of Greek colonization, about 550 B.C., it was known as "Jerax", meaning high habitat of the eagle vulture. Its coat of arms shows the huge bird astride two scaling ladders, signifying that even that fabulous creature required the use of ladders to soar to the heights of the commune.

Through the centuries, the island of Sicily was criss-crossed by warring powers—Greeks, Carthaginians from Africa, Romans, Vandals from Central Europe, Byzantines, and the Saracens who brought with them the Muslim culture which is still in evidence in parts of the Island. Although its status has definitely changed over the centuries, Geraci was once recognized as more than a village—it had the status of a city-state or province.

Most notable of the events were those which transpired from the eleventh century. It was 1061 when Roger de Hauteville (Altavilla), one of twelve sons of Tancred of Normandy, invaded Sicily where he instituted law and learning and advanced the teachings of the Catholic Church. His son, Roger II, who reigned from 1105 to 1154, continued and expanded the enthusiastic patronage of his illustrious father. During that Norman regime, castles and fortifications, chapels and cathedrals, and institutions of learning were founded and constructed. The ruins of such a castle and its contiguous chapel are found near the church of San Giacomo at the highest point in Geraci. The chapel of St. Ann was constructed first to house the forehead relic of the Saint, which was brought to Geraci by the Ventigmiglia family and later transferred by them to a mother church in nearby Castelbuono. Castelbuono, originally Bel' Vedere, was a small community which the Ventimiglia family set up as another homestead. Roger II was also known as the Great Count because of his sincere concern for his constituents, and the many ecclesiastical and educational improvements he brought about in the island communities.

Count Serlone of Geraci was a nephew of the Great Count and his daughter Eliusa married Roger of Barneville, related to the Altavilla family, and a crusader in the liberation of Antioch from the infidels.

The mother church of Geraci, St. Maria Maggiore, has undergone several renovations since it was first constructed about 1100 and portions of the "matrice" can still be recognized in their original form.

Members of the Geraci Citizens League have been instrumental in some of the more modern changes which have taken place in the mother church. The late Salvatore Lomauro, a well-known building contractor in the North Jersey area, and his son-in-law, Michael N. Corradino, managing owner of the Dixon Press, contributed the complete cost of renovating the front entrance of the church and still retaining the artistic appearance of the overall structure. Rudolph Intelisano, a long-established mortician, contributed the cost of two new confessionals in the church, and Mrs. Rose Giaconia contributed the cost of a new chair for the vicar. A strong sense of devotion to the ancient village still prevails among those who live in America.

Another indication of that devotion was evident when the vicar of Geraci asked financial aid in the restoration of the chapel of St. Ann and responding to that call were a group of young men whose parents were members of the Geraci Citizens League. Their contributions successfully transformed the old abandoned chapel into a delightful setting for religious services. Doing their bit for the village of their forebears were: Michael N. Corradino, Ronald W. Giaconia (son of Rose), Stephen Leonardo, S. Terry La Corte, G. Dolph Corradino, Rudy Intelisano, Vincent Neglia, Mrs. Robert Damiano, Dominick Giordano, Frank Leonardo, Richard Alaimo and Dr. Vincent Lanteri, whose efforts have given the townspeople a boost in morale.

There is little else to be known about the mountain village with its steep cobbled streets winding precariously between ancient and modern houses. Geraci is poor in industry but rich in the culture of its chapels and churches with their magnificent statuary and paintings and religious articles and robes, some of which go back almost a millenium. There is no commerce but dozens of little shops peek-a-booing from the recesses of ancient buildings. Young people leave to seek their fortunes in the industry of northern Italy, or other countries, or even other continents. And so we find the elderly man and woman leisurely running the small shop or basking in the sun that hovers over the Piazza del Popolo, or taking care of that delightful agricultural setting, owned and run by the family, known as "la campagna".

It was perfectly natural as the nineteenth century drew to a close that young people would emigrate to that great land of opportunity across the sea. Letters from America were eagerly looked for—there was always news about how well the writers were doing, how much money could be made, how good life was! And in the early 1890's, the tide of immigration began to beat against the American shores. Many young emigrants landing in New York took up residences in the area—boarding with family or friends. Others with family ties elsewhere went westward—to Colorado, California and Texas. They mined coal, built roads and railroads, drove herds of cows across the plains, ran small general store operations with peddler-wagon delivery service—and survived.

The numbers increased many-fold after 1900 and we make note here of an interesting event. On April 4, 1903, a mutual aid society was formed, known as the "Societa di M. S. Geracese", by Rosario F. Lomauro, father of the previously mentioned Salvatore, and grandfather of Rosario F. Lomauro, attorney and a past president of the Geraci Citizens League. Those who left families in Geraci found employment and out of meager stipends put away enough to be able to send for their loved ones. In later years, those who went back to visit were to relate stories of great successes in their adopted land. Others never went back—never saw their families again and still others achieved prominence and success in business and the professions in the new land.

And so the colony of Geracese continued to grow and the Passaic area seemed to be the center of that growth. It soon became evident that a firmer link was needed to keep friends together. The answer was evident—a league—an organization representative of all those emigrants who had come from Geraci to a new future on American shores.

Bartolo Paruta, a distinguished white-haired barber, spoke to a small group of friends and the more he talked the more convincing his point of view. Those who listened intently and agreed were merchants, builders, bakers, tradesmen, pasta manufacturers and an attorney. And so it came about—the birth of a new brotherhood in a new country with fourteen Geracese pledging themselves to assist new arrivals. The Sicilian name was "Lega di Cittadini Geracese" and its English equivalent adopted officially in later years was the "Geraci Citizens League". With Paruta were Giovanni Torregrossa, Giuseppe Filippone, Domenica Mangia, Filippo J. Silvestri, Marianno Baldanza, Francesco Lomauro, Salvatore Lomauro, Pietro Chici, Domenico Paruta, Giuseppe Castella, Giacomo Sammarco, Ignazio Cancellieri and Natale Savasta.

It became an official family, with constitution and by-laws properly drawn up in 1930—the height of the American depression. The bond that brought that first group together has endured for over six decades. The League became involved in local matters that concerned Italians generally and Geracese particularly. Its presence was felt and respected in both the Italian and the American communities. Some of its sons reached professional heights that brought respect, and recognition. The first choice to lead the organization as its first president was attorney Filippo J. Silvestri, who set a firm foundation for those who were to succeed him over the coming decades.

Two years later, in 1932, wives, daughters and sisters of the male members decided to form an auxiliary and Mrs. Rosa Baldanza was its first president. In later years, the women's auxiliary and the men's League were to merge into one.

The League organized and sponsored family picnics, Italian "Carnevale" parties, evening serenades, Mother's Day parties—and most notable of all—the continuation of the St. Joseph "devozione", the devotional supper and dance for which the League would gain an enviable reputation. The women spent countless hours preparing tomato sauce, fennel and fish; cooking, cleaning, and getting the Club's headquarters (a three story walk-up) ready for the big event. And as the years went by, the response to the St. Joseph devotion kept growing and it became necessary to find a larger dining area. The tradition is still continued after all these many years and there is no indication of any loss of interest on the part of the Geracese or their friends who look forward to attending. In 1939, a group of young people anxious to follow in the footsteps of their elders, formed the Geraci Junior League, later known as the Geraci Youth Organization. The first president of the young group was Michael N. Corradino. Following the beginning of World War II, the group disbanded as its young men and women left for military service. On May 9, 1943, the Geraci Citizens League dedicated the honor roll to the Geraci youth "in service"—109 sons and 1 daughter. Six of the sons were of the Joseph Gangi family—all in military service at the same time.

Members of the League responded generously to the War. Relief Drives for Italy. And when the Italian government was faced with the threat of a communist takeover, hundreds of letters sent by League members resulted in a 30-1 victory over the communist party in Geraci, which also helped to turn the tide throughout Italy. A pet project of the League over the years was the support of the Orphanage of St. Anthony in Geraci. Clothing in abundance and thou-

sands of dollars were raised to help ease the financial problems of the home for children.

As the years have sped by, older members have passed away and new, younger Geracese, some freshly arrived from the old "paese", have stepped in to fill the gap. Today, after sixty years, the Geraci Citizens League continues as a strong and viable organization of men and women, who still feel the need for sustaining a common bond—and who find pleasure in filling that need. Their reasons are still the same as those formulated by the original fourteen founders, whose vision has stood the test of time.

Mr. Speaker, I appreciate the opportunity to present some of the rich history of a special and outstanding organization that has truly made its community, State, Nation and world a better place to live, the Geraci League of Passaic County, NJ, celebrating its 60th anniversary in 1990.

A $150 BILLION A YEAR—WHERE TO FIND IT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FRANK. Mr. Speaker, The failure of the Bush administration to formulate a coherent policy response to the numerous changes taking place in Eastern Europe becomes more and more evident. With freedom having come to much of Eastern Europe, President Bush still has before us a budget which recommends that we spend billions of dollars to prevent Poland, Hungary, and Bulgaria from joining the Soviet Union in a land invasion of West Germany and France.

The President asks what our hurry is in cutting this obviously unnecessary spending. The answer is that we do not wish to wait to make real cuts in the deficit, nor do we wish to put off helping the elderly with medical bills or providing education benefits to children.

All of these objectives and others are hurt by the President's refusal to stop subsidizing our wealthy allies against nonexistent threats.

In the New York Times of March 8, the editors make a powerful, specific, logical case for military cuts and note that President Bush's refusal to reformulate his outdated budget is "baffling." I hope the President will heed the good sense of the New York Times and others—including his own Director of Central Intelligence, Mr. Webster—and help us reduce unnecessary military expenditures.

Mr. Speaker, I insert the thoughtful editorial from the New York Times here:

[From the New York Times, Mar. 8, 1990]

A $150 Billion a Year—Where To Find It

It's as though America just won the lottery with Communism collapsing, the United States having defended the free world for half a century, now stands to save a fortune. Defense spending could drop by $20 billion next year and $150 billion a year before the decade ends.

What a precious moment; what a Heaven-sent opportunity for a political leader to capture attention and resources and do great good. President Bush, however, resists turning in his winning ticket. What will he do with this peace dividend? He says there won't be one—and besides, it will all have to be spent reducing the deficit.

The President is surely right not to react hastily to the upheaval in global politics. Yes, the cold war is over and the Soviet Union now looks inward. But it will take time to adjust the assumptions and relationships of two generations.

The peace dividend, however, is tangible, and for the President to recoil from it is baffling. It is not bleeding heart liberals who urge Mr. Bush to be the Education President; that's his own ambition for himself. It is not elitist ecologists who label him the Environment President; that's his own title for his own aspiration.

Why, having pinned himself between a desire for progress and a pledge not to raise taxes, does he shrink from the windfall? Shouldn't he, on his own terms, embrace it? By dismissing it, the President is twice mistaken. The peace dividend is real, and realistically achievable. And the best way to spend it is to promote productivity and growth.

In his own budget, Mr. Bush would reduce the $300 billion-plus total for defense by 2 percent a year. That would save $140 billion over five years—and Congress is sure to cut more. If the Soviet threat keeps dwindling, it's possible to envision a $150 billion Pentagon budget, in current dollars, by the year 2000.

Cuts that deep can only be achieved gradually, it takes time to close bases and production lines. And sensibly, reductions will start small, phasing in with evidence of reassuring change from the Soviet Union. But the sooner Mr. Bush begins to plan for cuts, the sooner savings will accrue.

THE PEACE DIVIDEND IS REAL

Close students of defense acknowledge that significant cuts can be made. William Kaufmann, who advised Republican and Democratic defense secretaries, has demonstrated in a recent study how to halve outlays in a decade. The time to begin is now, with the five-year defense budget the Pentagon will soon submit to Congress.

There are two principal tasks: Reduce conventional forces, and slow the introduction of new weapons, both conventional [see box] and nuclear.

Reduce conventional forces.—Ships, planes, tanks and troops are the place to start. They are where the money goes—four of every five defense dollars. Much of that is keyed to an improbable Soviet attack in Europe. Conventional force talks contemplate reducing U.S. troops from 305,000 to 225,000. Come 1992, that will save about $7 billion a year. Subsequent Soviet withdrawals could trigger more troop cuts, down to, say, 75,000, saving $12 billion more a year. And cutting six backup divisions in the U.S. would save $14 billion a year.

Meanwhile, with a diminished Soviet threat, it's absurd to insist that third world perils require 14 Navy carrier battle groups. Reducing 14 to 12 by 1994 would save $6 billion a year. Reducing to six by 2000 could save an additional $22 billion a year.

It is difficult to calculate the total savings for such cuts in force size because, beyond operating costs saved, there would be untold savings in hardware and personnel.

Slow Down Nuclear Modernization.—This year's bill for missiles and bombers is $52 billion, and present plans could make that $87 billion by 2000. By slowing modernization, outlays could be held below $30 billion a year. The Strategic Arms Reduction Treaty, expected to be signed this year will help make cuts of this magnitude safe.

With the reduction in Soviet land-based missiles, there's less need to put 50 MX missiles on rail cars, to buy more Trident submarines than Start permits. Canceling MX mobile basing would save $4 billion between 1991 and 1995; stopping at 18 Tridents and slowing deployment of new D-5 missiles could save $4 billion more.

The B-2 stealth bomber was designed to locate and destroy mobile missiles. Sixteen are already authorized. Deferring further procurement while continuing flight-testing would save $23 billion between 1991 and 1995. Procurement of the advanced air-launched cruise missile can also be deferred, saving nearly $3 billion in those years.

The Bush Administration asks $5.4 billion for Star Wars defenses this year, and more later, even though this mammoth program still lacks clear purpose and faces formidable technical problems. Robust research could be conducted for $3 billion a year, saving $16 billion between 1991 and 1995. Canceling the Army's anti-satellite weapon would save an additional $2 billion.

Apart from Pentagon spending on defense, the Department of Energy wants two new plants in which to manufacture nuclear weapons. But Start reductions will allow most nuclear material to be recovered from dismantled warheads. Canceling one of those plants would save $3 billion between 1991 and 1995, and cutting back warhead production, billions more.

The intelligence budget is secret but is thought to have doubled in the 80's, without commensurate benefit. Spy satellites are needed to monitor arms control agreements, but keeping a dozen or so in orbit will generate more pictures than analysts can assess. Canceling one imaging radar satellite and one photo satellite a year would save $2 billion.

There will not be easy agreement on all these cuts. But they are not reckless or speculative. A plausible plan of reductions could save $150 billion a year by 1999. Even if some cuts aren't made, any large part of $150 billion amounts to real money.

The next question is, what should America do with it? The President says, reduce the huge Federal deficit. So does the Senate. They're right that the deficit clouds the future and demands reduction. But the question here is what to do with the peace dividend windfall, and the best answer is, use it for positive investments in the future?

WHERE TO START

The Pentagon is building a number of new weapons useful primarily in the event of war in Europe. The weapons they would replace are already as advanced as any in the world. Here is what canceling or deferring acquisition would save in outlays, 1991 to 1995:

	Billion
Army light helicopter	$2
Advanced tactical missile	1
Forward area air defenses	3
C-17 cargo plane	12
Advanced tactical fighter	8
F-16 fighter plane (new model)	10
A-12 attack plane	12
Osprey tilt-rotor aircraft	8
Advanced air-to-air missile	4
DDG-51 guided missile destroyer	8
Seawolf attack submarine	9
5-year total	77

BASE CLOSURE PROPOSAL

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. TALLON. Mr. Speaker, I would like to share with the Members my testimony to be given on base closings:

CONGRESSMAN TALLON'S TESTIMONY ON BASE CLOSURE PROPOSAL

Madam Chair, as much as I'd like to say so, it is not a pleasure for me to be here today. But I do want to express my sincere gratitude to you and to the Subcommittee for allowing me to testify on this terrible issue of closing military bases.

We are fortunate, to be witnessing a dramatic reversal in military tension in the world—especially in Europe. America is fortunate in these events not only because democracy has finally prevailed over communism, but because all of this has happened at a point when it is critical for this nation to make a dramatic commitment to cutting spending—especially defense spending.

But I don't see the Air Force, the Department of Defense, or the President seizing this opportunity. They've just got out their machetes and they are slashing away at "tried and true" military bases with no rhyme or reason. And at the same time they've found the money to increase Star Wars by 22 percent and they want more for the B-2.

The Administration is asking for a $301 billion for the defense budget this year when it spent only $296 billion last year. How can the Pentagon expect local communities to cough up savings that don't show up in the big picture?

I am here to try to spare the Myrtle Beach Air Force Base in my district from the capriciousness of the perverse base closing process that is a part of this disappointing budget. We've got a great base that can do a lot more for this nation's defense and I'm angry that the Pentagon refuses to acknowledge one of their most valuable assets.

The United States military has been a part of the Myrtle Beach Community since 1940 when the Municipal Airport became part of our national defense program. During World War Two, Myrtle Beach became a critical training ground for Army fighter squadrons. In 1954, the Air Force located at Myrtle Beach to become the installation's first tenant unit.

The versatility of the base is reflected in the many missions the base has accommodated in the past. It has been the home base for B-25s, T-33s, C-45s, F-80s, SA-16s, and the F-100 Super Saber jets. Towards the end of the Vietnam War, the base became home to the A-7D Corsair II weapons system. By 1978, the 354th Tactical Fighter Wing at Myrtle Beach Air Force Base was the first combat ready A-10 wing in the Air Force and has served as back-up to NATO and a member of the Rapid Deployment Force.

The Myrtle Beach Air Force Base continues to be a viable national defense facility. It often wins major efficiency and productivity awards. For example, it is now the Air Force representative in competition for the commander-in-chief's installation excellence award. it is not unusual for the Base to receive Tactical Air Command and Air Force awards in many areas, both in combat readiness and in areas such as accounting, finance, recreation and dining rooms. The efficiency of the base in unchallenged.

Geographically, the Myrtle Beach Air Force Base is an ideal location for future military uses in the face of a changing European front. We will no doubt need a more state-side defense structure in the coming decades.

As ground to air support for missions at Fort Bragg, Fort Stewart, and Fort Benning, Myrtle Beach will continue to play a great role in our Southeastern defense.

The flight conditions are excellent due to the mild climate and the lack of civilian flight traffic over Horry County. It has all the advantages of training troops near a civilian population without being a threat. While the base is located in the heart of the city, its proximity to the ocean means that flight maneuvers can be safely carried out over water. The water would also open up the prospect for training in air-to-air refuelling.

The base has a huge tract of land which is the only strip of land on our demestic bases available to train troops for a European combat scenerio. Presently, this training ground is under-used but it could become invaluable when we begin troop withdrawal from Europe.

There are many other plusses of the Base to the Air Force and to the military, but the main one is the support from the Myrtle Beach community. The Air Force Base is the largest employer in Horry County and has a significant economic impact on the surrounding South Carolina counties of Georgetown, Marion, Dillon, Williamsburg, and Florence. As well, Brunswick and Columbus countries in North Carolina benefit. If we were to lose the base, it would result in a 12 percent loss in the average per capita income for Horry County.

Unlike bases in other parts of the country, we are proud to have the Air Force in the heart of our city, Myrtle Beach. Located in a resort area, it is one of the Air Force's showcase bases. The base is host to over 75,000 visitors annually. It has a hospital and commissary facilities which are the best the Air Force has to offer. If all bases afforded their personnel such an environment there would be a lot higher retention rate in our military.

The base has more than 3,400 active duty members and over 7,600 military dependents that rely on the base. In addition, we have almost 900 civilian employees on the base. In a relatively small area, these base employees and their dependents make up a very viable part of the economic activity of Horry and surrounding counties.

Unlike bases across the country, the personnel on the Air Force Base are a highly active part of our community. Many families choose to live off-base. If these employees left the area, we would have 1,500 extra housing units left empty in a housing market which already has more units than our population needs. We expect that utility rates for the community would jump anywhere between five and ten percent if the base were to close.

For all these reasons and more, it is not the time to close the Myrtle Beach Air Force Base. Still, the Pentagon has chosen to embark on a political collision course by targeting bases in an antiquated and insufficient process.

There are 32 communities nation-wide that are in for a long up-hill battle that will last at least two years because of the whimsy of this process. Our bases will be "studied" for their environmental, financial, and economic impact for at least a year. Then the President will propose actual closure at the initiation of a future budget cycle. Then we face a heated political battle throughout Congress to determine the fate of the base.

What happens to our base and our local community in the meantime? Well, things will deteriorate. The Pentagon has already stopped construction on two projects currently under construction pending final resolution of the base closure. One is the construction of the Base Civil Engineering Administration Facility and the other project is an upgraded to the heating, ventilation, and air conditioning systems in various buildings on the base. In short, the Pentagon is discriminating against bases being studied for closure by making sure it doesn't spend any money for the general up-keep of the base.

The communities will also suffer if we continue on the present base closure alternative. In our case, the Air Force Base has been a great asset for the large retirement population of the area with a military retiree population of 4,110 which depend on the base for health care and commissary services. If they keep hearing that the base is on the hit-list, many of these retirees will choose to locate elsewhere. In addition, real estate prices will plummet if there is continued speculation about the closure of the base.

The process just doesn't make sense. The Air Force says that they are preparing for the elimination of the A-10 and yet I don't see them realigning or closing the other domestic and foreign bases that have the A-10 aircraft.

For the past year, I have joined with the Myrtle Beach community in working with local base officials as well as officials in the Pentagon to see that the Air Force presence remains in the Grand Strand by encouraging the Air Force to expand and diversity its role at our base.

The Pentagon now tells me that it cannot give the Myrtle Beach Air Force Base another mission because there will be fewer missions in the future. Yet they have failed to come up with a complete list of missions that will be changing or the aircraft they are going to expand, eliminate, or realign.

I think they just don't know what they have. They lack a plan. They lack a vision of what our national defense should look like in the next five to ten years. That is a dangerous oversight in light of our changing world.

In a perverse sort of reasoning, the Pentagon is bucking it off on Congress to decide what our long-term defense priorities should be. They have given us no alternative but to reject their base closing proposals wholesale.

Besides, we all know what works in shutting military installations—a commission. We closed over 80 bases as a result of the 1988 base closing commission's impartial work. Sure there were some problems, some communities fought the closure, but over-all the Commission's actions were a success in overcoming the highly politicized act of closing unnecessary military bases.

I commend Chairman Aspin for introducing new Base Closing Commission legislation because it improves on last year's effort. The Commission would make changes in both domestic and foreign installations in response to a defense strategy for the 1990's. The Commission will be given an ample period of time to decide on closures. Most importantly, the Commission would be

insulated from the highly charged political games which plagues the current process.

It is my wish to ensure that the Aspin Base Closure Commission legislation establish a moratorium on the current closure process in order that the installations now targeted for closure would be given a fair trial by a non-partisan Commission process.

My constituents want the base to stay open until it can be proven that the national defense can best be served by its closure in the perspective of a long-term defense strategy. Secretary of Defense Cheney does not expect to complete his strategy until at least nine months to a year from now. As a member of Congress with a responsibility to the pursestrings of the government, I am ready to do whatever I can to ensure that we shut our bases in a rational and cost-effective way.

INTRODUCTION OF THE SAVINGS ASSOCIATION REGULATORY RESTRUCTURING ACT OF 1990

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. LEACH of Iowa. Mr. Speaker, today I am introducing the Savings Association Regulatory Restructuring Act of 1990 to abolish the Office of Thrift Supervision and transfer its authorities and responsibilities to existing Federal bank regulators.

Last year, with the passage of FIRREA, Congress transformed the old thrift regulator, the Federal Home Loan Bank Board, into a new agency, the Office of Thrift Supervision, under the umbrella jurisdiction of the Department of the Treasury. During consideration of FIRREA, the Senate rejected an amendment of mine which the House had accepted giving the FDIC, as the Federal regulator of State-chartered banks, primary jurisdiction over State-chartered thrifts. If it had been accepted by the Senate, this provision would have made the regulatory structure for thrifts similar to that of banks, thereby protecting the historical dual system of banking, giving more regulatory authority to the insurer—rather than charterer—and preventing expensive and redundant duplication in regulatory oversight.

It is becoming increasingly apparent that in an effort to acquiesce to the siren calls of over-stretched thrift managers who preferred to maintain a semblance of the old clubbish regulatory apparatus and the concerns of those in the political arena who wanted to protect a single regulator's job, Congress erred.

Today, less than a year after passage of FIRREA State-chartered thrifts are rushing to convert themselves into federally chartered thrifts. In my home State of Iowa, for example, there are only a handful of State-chartered institutions left, and in California, where approximately one-quarter of all thrift deposits exist, the State thrift regulator is being dismantled because so few institutions prefer to retain their State charters.

The State-chartered thrifts that do still exist in some cases have been subject to examination by three different regulators—the FDIC, the OTS, and the State regulator—and thus have to pay for extra costly examinations. At a time when thrifts are working hard to bring their capital levels up, these extra examinations are an unwelcome expense and, as importantly, a redundant regulatory burden.

Accordingly, I am introducing legislation not only to give the FDIC supervision of State-chartered thrifts, but also to dissolve the OTS and give the Office of the Comptroller of the Currency, which now regulates federally chartered banks, supervision of federally chartered thrifts. The bill also gives the Federal Reserve authority over thrift holding companies.

These changes will provide a symmetrical regulatory framework more in tune with changing market conditions and the need for effective governmental oversight. The changes, in addition, will help propel more homogeneous regulation between two industries more alike than dissimilar.

Philosophically, these changes underscore the principle of institutional accountability. In the private sector, when mistakes are made, businesses go out of existence. In the public sector, analogous discipline is lacking. In the wake of the biggest institutional failure in modern history—one that will cost every man, women, and child in America upwards of $1,000 each over the next 30 years—Congress moved not to dismantle, but to rename; not to take authority away from a failed regulator, but to give him more power.

The 1980's have taught us that comparability of financial regulation is an imperative social goal because deposit growth will always be impelled in institutions with the weakest regulatory oversight. A system in which the strongest are restrained and the weakest given a green light to grow is a system which puts the taxpayer most at risk.

Competition should be the hallmark of the private sector, not government agencies. When regulatory agencies develop too close ties to the institutions they regulate and a vested interest in their growth, a tendency develops to acquiesce to imprudential rules, regulations, and oversight. Hence, the appropriateness of regulatory comparability. Hence, too, the appropriateness of rewarding the regulatory institutions with firmer rules and holding accountable those responsible for forcing the taxpayer to pick up a multibillion dollar tab for a macroeconomic peacetime recessionless mistake.

The introduction of the Savings Association Regulatory Restructuring Act of 1990 is not intended to imply that the thrift industry should be abolished. While Congress in FIRREA clearly mandated the goal of making thrift and bank standards and regulation symmetrical, it wisely did not call for abolition of the industry. There still is a place in the American financial services sector for a locally oriented lending institution the primary mission of which is the making of home mortgages.

Neither does introduction of this bill reflect unhappiness with the vast majority of employees at the OTS. Line employees are not responsible for "too" political appointments at the top or the loose laws passed by legislative bodies. Consequently, this bill encourages quality employees to transfer to the appropriate Federal banking agencies.

Finally, let me underscore a point made earlier: Enactment of this bill is intended to send a signal to the American public, and to all Government bureaucracies, that if an agency fails in its mission, it will be held accountable. That is the way it works in the private sector; it should be no different in the public.

MOSAIC—JEWISH LIFE IN FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call the attention of my colleagues to the merits of a Florida project called Mosaic. The individuals involved in this project explored the role of Jews in Florida history. Of special interest to me, is the study of how Hispanic Jews worked over five decades to help create the Florida we know today.

"Mosaic—Jewish Life in Florida" is a special traveling exhibit which will be exhibited at 8 cities throughout Florida during the period of 1990 to 1992. This exhibit will include the specific processes of the American immigrant experience as illustrated by the history of one group, the Jews. The exhibit will focus on their interactions with the larger, and diverse, population of non-Jews in the formation and development of Florida. The exhibit will examine the socio-cultural pressures which flavor assimilation into the mainstram of American life.

As well, Mosaic is an official Columbus quincentenary project. In 1992, Americans will celebrate the quincentenary of its discovery. Americans will pay homage to the numerous groups which have forged its strength and its unique character. The organizers of the exhibit feel that we must begin to understand our multicultural roots in order to "reconnect" with our collective cultural memory.

I commend the project director, Dr. Henry Green, and the State coordinator, Marcia Zerivitz, for their colossal effort on this project. Mosaic is an exciting opportunity that contributes in making America still greater.

COSPONSORS OF THE MEDICARE IMPROVEMENT ACT OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. STARK. Mr. Speaker, I am pleased to report that we now have 107 cosponsors of the Medicare Benefit Improvement Act of 1990. This bill would provide for new mammography, home health, hospice, and respite care benefits under Medicare at a cost of 80 cents per month in additional part B premiums in the first year.

We hope that other Members of the House will be joining us in cosponsoring this important legislation. The mammography benefit, for example, is estimated to result in the saving of some 4,000 lives per year.

The list follows:

Rep. Pete Stark (D-CA).
Rep. Bill Gradison (R-OH).

Rep. Henry Waxman (D-CA).
Rep. Edward Madigan (R-IL).
Rep. Bill Coyne (D-PA).
Rep. J.J. Pickle (D-TX).
Rep. Sander Levin (D-MI).
Rep. Jim Moody (D-WI).
Rep. Ben Cardin (D-MD).
Rep. Nancy Johnson (R-CT).
Rep. Charles Rangel (D-NY).
Rep. Harold Ford (D-TN).
Rep. Ed Jenkins (D-GA).
Rep. Tom Downey (D-NY).
Rep. Beryl Anthony (D-AR).
Rep. Ronnie Flippo (D-AL).
Rep. Mike Andrews (D-TX).
Rep. Raymond McGrath (R-OH).
Rep. James Scheuer (D-NY).
Rep. Doug Walgren (D-PA).
Rep. Gerry Sikorski (D-MN).
Rep. Jim Bates (D-CA).
Rep. Cardiss Collins (D-IL).
Rep. Mike Synar (D-OK).
Rep. Gary Ackerman (D-NY).
Rep. Bill Alexander (D-AR).
Rep. Daniel Akaka (D-HI).
Rep. Douglas Applegate (D-OH).
Rep. Chester Atkins (D-MA).
Rep. Les AuCoin (D-OR).
Rep. Sherwood Boehlert (R-NY).
Rep. Barbara Boxer (D-CA).
Rep. Bill Clinger (R-PA).
Rep. Gary Condit (D-CA).
Rep. Silvio Conte (R-MA).
Rep. Lawrence Coughlin (R-PA).
Rep. George Crockett (D-MI).
Rep. Peter DeFazio (D-OR).
Rep. Ron deLugo (D-VI).
Rep. Butler Derrick (D-SC).
Rep. Richard Durbin (D-IL).
Rep. Don Edwards (D-CA).
Rep. Lane Evans (D-IL).
Del. Walter Fauntroy (D-DC).
Rep. Edward Feighan (D-OH).
Rep. Tom Foglietta (D-PA).
Rep. Barney Frank (D-MA).
Rep. Sam Gejdenson (D-CT).
Rep. Ben Gilman (R-NY).
Rep. Bart Gordon (D-TN).
Rep. Charles Hayes (D-IL).
Rep. Larry Hopkins (R-KY).
Rep. Tim Johnson (D-SD).
Rep. Harry Johnston (D-FL).
Rep. Walter Jones (D-NC).
Rep. Marcy Kaptur (D-OH).
Rep. Paul Kanjorski (D-PA).
Rep. Bob Kastenmeier (D-WI).
Rep. Dale Kildee (D-MI).
Rep. Gerald Kleczka (D-WI).
Rep. Jim Kolbe (R-AZ).
Rep. Peter Kostmayer (D-PA).
Rep. Martin Lancaster (D-NC).
Rep. Tom Lantos (D-CA).
Rep. Bill Lehman (D-FL).
Rep. John Lewis (D-GA).
Rep. Marilyn Lloyd (D-TN).
Rep. Nicholas Mavroules (D-MA).
Rep. Jim McDermott (D-WA).
Rep. Matthew McHugh (D-NY).
Rep. Mike McNulty (D-NY).
Rep. George Miller (D-CA).
Rep. John Miller (R-WA).
Rep. John Joseph Moakley (D-MA).
Rep. Alan Mollohan (D-WV).
Rep. Connie Morella (R-MD).
Rep. Richard Neal (D-MA).
Rep. Steve Neal (D-NC).
Rep. Mary Rose Oakar (D-OH).
Rep. James Oberstar (D-MN).
Rep. Wayne Owens (D-UT).
Rep. Leon Panetta (D-CA).
Rep. Nancy Pelosi (D-CA).
Rep. Tim Penny (D-MN).
Rep. Thomas Petri (D-WI).
Rep. David Price (D-NC).
Rep. Ralph Regula (R-OH).
Rep. John Rhodes (R-AZ).
Rep. Bill Richardson (D-NM).
Rep. Robert Roe (D-NJ).
Rep. Charlie Rose (D-NC).
Rep. Edward Roybal (D-CA).
Rep. Patricia Saiki (R-HI).
Rep. George Sangmeister (D-IL).
Rep. Gus Savage (D-IL).
Rep. Claudine Schneider (R-RI).
Rep. Christopher Shays (R-CT).
Rep. Louise Slaughter (D-NY).
Rep. Christopher Smith (R-NJ).
Rep. Robert Torricelli (D-NJ).
Rep. Morris Udall (D-AZ).
Rep. Jolene Unsoeld (D-WA).
Rep. Bruce Vento (D-MN).
Rep. Chalmers Wylie (R-OH).
Rep. James Walsh (R-NY).
Rep. Howard Wolpe (D-MI).
Rep. Sidney Yates (D-IL).

SHIPPING OUT OUR SECURITY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MACHTLEY. Mr. Speaker, every so often, a Federal agency makes a decision or contemplates an action which is so outrageous as to be totally inexplicable. Based on what I have just learned, the Maritime Administration is on the verge of making such a decision, a decision totally unsupportable from a national security, economic and employment, and maritime policy perspective.

I am referring to the conditional approval given by the Maritime Administration to a request filed on behalf of a foreign shipyard to sell one of only three U.S.-flag passenger vessels to a foreign shipping concern. This vessel, the SS *Monterey,* represents one-third of the U.S. fleet of vessels capable of providing the troopship capability and support our Nation must have at its disposal and under its direct control in time of war or emergency.

Mr. Speaker, there is no question that America's maritime industry is at its lowest since the end of World War II. Many of us in Congress, in concert with the leadership of the Committee on Merchant Marine and Fisheries, want to work with the Administration to fashion a maritime policy that revitalizes our Nation's fourth arm of defense. This decision by the Maritime Administration, if allowed to become final, will be a serious setback to these efforts. We simply cannot have a strong merchant marine if the Maritime Administration is allowed to routinely sell-off American ships to the highest foreign bidder.

I urge Maritime Administrator Capt. Warren Leback to reject this application and to keep the SS *Monterey* under our flag and under our control. Our security demands no less.

I would also like to take this opportunity to enter into the RECORD a letter signed by myself and 17 of my colleagues which was sent last week to Capt. Warren Leback, Maritime Administrator:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 6, 1990.

Hon. WARREN G. LEBACK,
Administrator, U.S. Maritime Administration, Washington, DC.

DEAR CAPTAIN LEBACK: As Members of Congress concerned about our nation's defense and sealift capability, we would like to strongly urge the Maritime Administration to deny any application filed under Section 9 of the Shipping Act of 1916 to sell the United States-flag vessel SS *Monterey* for operation under a foreign flag.

Captain Leback, there can be no justification, from a national defense or American maritime policy perspective, for allowing this vital sealift asset to operate under a foreign flag and to leave the control of the United States. We believe very strongly that you should end any confusion about the future of this passenger vessel by unequivocally stating that the position of the Maritime Administration is against any foreign operation of this ship in order to best protect the national security of the United States.

As you know, the SS *Monterey* is one of only three operational United States-flag passenger vessels. As such, it is one of only three vessels under the direct control of the United States capable of supporting a military contingency or emergency, through the transport of troops and supplies.

It is our understanding that there are Americans ready and financially able to purchase this ship for operation under the United States flag, employing American workers, generating revenues for U.S. taxing authorities and keeping American tourist dollars in this country. In order to obtain these benefits, the Maritime Administration must make clear that the foreign sale of this vessel would be inconsistent with the purposes of the Merchant Marine Acts of 1916 and 1936, and detrimental to our national defense. Unless such a determination is issued, foreign interests will continue to structure proposals which may serve the financial interests of some associated with the SS *Monterey* but which do not serve the best interests of the American merchant marine, our security, our economy or our nation.

Since this vessel is scheduled to be auctioned on Thursday, March 15th, we would certainly appreciate your immediate attention to this important matter. Your prompt response is critical.

We look forward to hearing from you.

Sincerely,

Billy Tauzin, Jack Fields, Helen Delich Bentley, Herbert H. Bateman, Curt Weldon, Ron Machtley, Roy Dyson, Tom McMillen, Harley O. Staggers, Jr., Chris Smith, Carroll Hubbard, Mike Parker, Clyde C. Holloway, Eliot L. Engel, Donald M. Payne, Joe Kolter, Robert Torricelli, George Hochbrueckner.

THE INDOOR AIR QUALITY ACT OF 1989

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. KENNEDY. Mr. Speaker, thanks to the hard work and dedication of the members of the House Committee Science, Space and

Technology Subcommittee on Natural Resources, Agriculture Research and Environment, on Thursday, March 8, 1990, the Indoor Air Quality Act of 1989, H.R. 1530, took a giant step forward. The subcommittee markup represents the first vote on indoor air quality in the House of Representatives since the bill's initial introduction in the 100th Congress. I personally want to commend Chairman JIM SCHEUER and ranking minority member, CLAUDINE SCHNEIDER for their leadership on this legislation along with their commitment and sincere interest in seeing the indoor air quality issue addressed.

Much of the focus of clean air lately has been directed at cleaning up outdoor air pollution. Certainly, this is one of the most pressing environmental problems facing our Nation and world, but at the same time, I feel the right of an individual to breathe clean air does not end the moment they walk indoors. Pollutants in indoor air can be 1,000 times higher in concentration than outdoor air. At the same time, Americans spend over 90 percent of their time indoors, placing them at much higher risks for adverse health effects due to exposure of pollutants found indoors versus outdoors.

The Environmental Protection Agency admits that the indoor air quality problem is the No. 1 environmental health problem facing this country, ahead of exposure to outdoor air pollutants or hazardous wastes. Yet, the indoor air problem receives only $2.5 million in funding and we are spending millions if not billions on the latter programs. The time for action is now in order to protect Americans by reducing this major public health threat.

We have yet to see any action in the Committee on Energy and Commerce in this legislation's 3-year history—not even a hearing. I am calling on all Members in Congress, especially the members of the Committee on Energy and Commerce, to take a good hard look at this problem as this issue affects millions of Americans annually in the form of cancer, respiratory illnesses, fatigue, headaches, blurred vision, and so forth.

I applaud this good work of the Subcommittee on Natural Resources, Agriculture Research and the Environment, and urge the members of the Committee on Energy and Commerce to follow in their lead.

CHIEF AUTO PARTS IN THE VANGUARD OF RECYCLING

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. BRYANT. Mr. Speaker, Chief Auto Parts, a Dallas-based company, has initiated an innovative new program of recycling that should set an example for corporate and personal responsibility.

For too many years, too many American businesses and citizens have created ever increasing quantities of waste that have required ever more complicated and expensive disposal.

An estimated one-third of the 700 million gallons of motor oil used each year in the United States is disposed of improperly. That means do-it-yourself oil changers and others dump 35 times more oil into our soil and streams than was spilled by the Exxon *Valdez*.

One expert contends that crankcase oil is the single most serious pollutant of the Trinity River that runs through the heart of Dallas.

Chief Auto Parts and its president, Mike Manor, understand that all of us and future generations will pay dearly in dollars and the quality of life for the damage we do to the environment today.

Chief Auto Parts has established a program to receive at many of its stores used motor oil, which it will then have re-refined for use again as motor oil, tar products, road material, or ship fuel.

What this company has begun to do helps our world in two important ways. It will slow this common way of polluting our environment, and it will conserve a dwindling natural resource, for which we are increasingly relying on foreign sources.

I could not agree more with a recently editorial salute in the Dallas Times Herald, which observed:

The Chief Auto Parts program is an excellent example of the kind of corporate and personal responsibility needed if real headway is ever to be accomplished in the battle for the planet. The bottom line in that battle must be a new morality for all mankind—a morality by which people are willing to take a few extra moments from their own lives in order to preserve life itself.

I hope this fine example by a good corporate neighbor takes root and inspires all of us.

I call to the attention of my colleagues a news story about the program which appeared recently in the Dallas Morning News: "Oil's Well That Ends Well."

[From the Dallas Morning News, Feb. 4, 1990]

OIL'S WELL THAT ENDS WELL: AREA CHIEF STORES BEGIN PROGRAM OF RECYCLING

(By Joe Simnacher)

SEAGOVILLE.—Chief Auto Parts Inc. is expanding its motor oil recycling campaign to include Dallas-Fort Worth by March 1.

The former Southland Corp. unit began testing the concept Nov. 21 in California. Now it's preparing Chief Auto Parts stores selected in Texas, Arizona and Nevada for expansion of the program.

By month's end, 18 Chief stores in Dallas and Tarrant counties, plus one store in Denison, Grayson County, will accept used oil. Eventually, about half of Chief's outlets will be in the program.

Chief Auto Parts president Michael Manor said the oil recycling program grew out of a lunch conversation with a friend last spring. "Once we found the amount of oil that was being dumped into the environment . . . we became more and more convinced it was the right thing to do," Mr. Manor said.

Molly Seay, the Sierra Club's reycyling coordinator in Dallas, said the Chief move is significant if the company adopts recycling as corporate policy. While many auto-service centers and quick-change franchises accept used motor oil, inconsistency makes recycling used oil a hit-and-miss proposition at best, she said.

"One problem we're encountering is people will tell us that they are going to do it but different branches of the same company will accept things and others won't," Ms. Seay said. "And different people at the same location will tell you different things. If they (Chief) will make it a standard public policy, then that really will be nice."

An estimated one-third of the 700 million gallons of used motor oil generated in the United States each year is improperly disposed, according to environmental groups.

About 95 percent of oil dumped or put in landfills is from do-it-yourselfers. Put another way; 35 times more oil is improperly disposed of each year than was spilled by the Exxon Valdez last March.

It costs Chief about $400 to set up a store to receive used motor oil and $20 per 50-gallon barrel to haul it to a recycle facility, Mr. Manor said. The used oil is re-refined and used again as motor oil, in making tar products, road materials and as fuel for ocean-going ships.

Chief officials quickly discovered that oil recycling was more complex than they originally thought. But they also decided they could not ethically turn away from the project.

"As we found more and more about the downside of what was happening to this oil, it became one of these situations we just couldn't turn our back on," Mr. Manor said.

Used motor oil is the largest source of water pollution, responsible for an estimated 40 percent of the environmental damage to harbors and waterways, according to the Department of Energy. As the oil breaks down, it kills fish and waterfowl. The used oil is contaminated with lead, heavy metals and other poisonous and carcinogenic by-products of engine combustion.

"It's really bad when people pour it down the drain, down the gutter, on the ground or whatever." Ms Seay said. Many do-it-yourselfers put their used oil in the garbage, which is also environmentally unsound, she said.

Despite increasing efforts to recycle glass, paper and aluminum, oil recycling has dropped drastically over the past three decades.

Only 10 of the 150 used-oil plants operating 30 years ago remain open, Christopher Bryant, and analyst with a Washington law firm specializing in environmental law, said in the November issue of Resource Recycling, Oil lost to dumping is especially costly, because it takes 42 gallons of crude oil to produce 2½ quarts of lubricating oil, but only one gallon of recycled oil, he said in the recycling trade journal article.

Mr. Manor is pleased with the pilot program in California. Within 45 days, the 10 California stores collected 3,100 gallons of oil.

"The customer has really responded, which indicates there is a real need," Mr. Manor said. "Given a convenient, safe and accessible, disposal system, people will basically do the right thing."

Although some of the initial surge is due to individuals who had been holding oil with no safe or easy means of disposal. Chief estimates it is recapturing 16 percent of the oil it sells. "We're starting to get regular customers, those who come in to buy things to change their oil. We're encouraged by the amount of oil because we haven't done any big promotion."

Chief researched its program, learning the rules and regulations, then did a background check on 16 companies that could pick up the oil at Chief stores. "We didn't want to get involved with someone who had improperly disposed of oil," Mr. Manor said, "We got down to three companies that had pretty pristine records."

Chief is launching its initial recycling effort at company-owned stores to avoid possible negative reaction of landlords at leased outlets. With an operating history, Chief hopes property managers will be accommodating.

"The purpose of the test was to test our procedures, not test whether we were going to get involved," Mr. Manor said, "Once you get educated on it, you can't walk away."

The Chief program could be jeopardized by other efforts to control the hazards of used oil, Mr. Manor said. Last month, the Chief executive testified before a Senate subcommittee on transportation and hazardous materials. Adding used oil to the federal list of hazardous materials would increase the handling expense, he said.

"I am here to tell you that's the worst thing you could do, because it would vastly increase the expense of handling used oil and put recyclers in an insurance risk category that is absolutely cost-prohibitive," he testified.

Service stations already have been exempted from Superfund liability, a status Mr. Manor would like to see recycling retailers receive. "We want any retailer who recycles, and any retail property where used oil is collected to be considered a service station," he said. "Without this protection, you simply will not see retailers decide to recycle oil."

Mr. Manor also asked the subcommittee to begin a recycling credit program that would add to the economic value of used oil.

Separately, Chief introduced a line of more environmentally safe automotive products just before the oil recycling campaign.

Following 10 years as a Southland Corp. unit, Chief Auto Parts will complete its second year as an independent company in April. The auto parts business was sold as part of Southland's leveraged buyout.

Chief is the nation's third-largest auto parts retailer, with more than 500 stores in nine states. It sells 7 million gallons of motor oil each year, most of it to do-it-yourselfers.

Chief executives led a leveraged buyout of the auto-parts company with Shearson Lehman Hutton and General Electric Capital Corp. handling the debt. The company is ahead of schedule on repaying its debt, which is on a seven-year pay back.

A STRONG EXPORT-IMPORT BANK STRENGTHENS AMERICA

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GALLO. Mr. Speaker, the dramatic changes taking place in Eastern Europe, Central America, and hopefully, southern Africa, and the emergence of new global markets present us with opportunities to invest in our future economic prosperity at home by promoting stability and free enterprise in countries where it has not existed for more than 40 years.

These countries need private investment, goods and services, as well as assistance in streamlining their banking and investment laws and systems.

These countries are not asking for handouts. They have spent 40 years with controlled economies and they are not interested in becoming indebted to us. They are looking for trading partners, not surrogate father figures, as expressed by both Polish Solidarity leader Lech Walesa and President Havel of Czechoslovakia in recent addresses to Congress.

There are problems in these countries and many unknowns. But, in Eastern Europe alone, there are 136 million consumers who will want everything from french fries to telephones, computers to clothing. The success of the reform movements in these countries depends largely on these needs being met.

Although these events may seem far removed from the citizens of the United States, the results will reach each and every one of us. It means the opening of new markets for our goods and services.

American private enterprise can lead the way in this effort. The Commerce Department sees particular opportunities in the agriculture, health care, telecommunications, energy, tourism, and housing markets. Already, the number of United States firms requesting licensing and other information to do business in Eastern Europe has increased tenfold.

With the U.S. trade deficit still running at more than $100 billion annually, it is important that we are able to compete successfully in emerging markets. One private study indicates that the Soviet Union alone may generate $200 billion in trade opportunities by the year 2010.

In order for the United States to win these partnerships, rather than lose these opportunities to the Japanese and others, we have to change the way we think about foreign aid—because in the 1990's aid and trade should go hand in hand. The world has changed and we must respond to ensure our participation in the global economy.

While there is a lot of talk in Congress about competitiveness, trade deficits, and newly emerging markets, the key to making it happen is adequate and available export financing.

U.S. companies, whether large or small, are confronted with foreign competition that always seems to have a leg up on financing their ventures. One only has to compare the size of the Japanese Export-Import Bank and the United States Export-Import Bank: $4.4 billion Japanese Ex-Im Bank, $615 million United States Ex-Im Bank.

As a member of the Budget Committee and the Foreign Operations Subcommittee of Appropriations, I believe we can meet the new demands on foreign assistance within our limited resources and, at the same time, improve the competitive advantage for U.S. business in new emerging markets throughout the world.

There are pressures on all areas of the Federal budget, but the foreign assistance account faces some of the most formidable—with new aid packages to Panama, Nicaragua, and Eastern Europe. We all know that there is no broad based support for foreign aid and an overall increase in foreign aid will be difficult at best.

But, there is strong bipartisan support for American competitiveness and for reducing the massive trade deficit.

When we look at ways to assist Eastern Europe, our traditional form of aid will simply not be effective. I would even venture to say that in other areas of the world, such as Africa, our traditional forms of assistance could use revision and more emphasis should be placed on private sector development.

Therefore, I believe the most appropriate vehicles for the United States to provide this assistance are the Export-Import Bank, the Overseas Private Investment Corporation, the Trade Development Program and the International Finance Corporation [IFC].

In light of these growing needs and the potential benefit to the U.S. economy from greater exports, the fiscal year 1991 budget request for the Export-Import Bank's Direct Loan Program is totally inadequate.

With the increased demands on foreign aid and the need for foreign aid that is flexible, innovative and geared to the private sector, now is the time to strengthen programs such as the Export-Import Bank, not weaken them. We must restore the Export-Import budget back to a level that meets the growing demand for its services.

American industry cannot afford to be sidelined in the international market. It took McDonald's 14 years to set up shop in Moscow, but no-one will ever be able to compete now with Bolshoi Macs.

It is alarming when the Congress hears that the American presence in Eastern Europe is something like the Stealth bomber—we believe it's there but we cannot see it—as it was described to us in a recent hearing in foreign operations.

U.S. companies can and should be a major player in our policy goals. Congress should do its part to help with the means and American business needs to show the initiative and the commitment. Working together, we can compete effectively in these emerging markets.

INTRODUCTION OF LEGISLATION TO GIVE PRIORITY CONSIDERATION FOR THE INCLUSION OF MORRO BAY, CA IN THE NATIONAL ESTUARY PROGRAM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which amends the Federal Water Pollution Control Act to direct the Environmental Protection Agency [EPA] to give priority consideration to Morro Bay, CA, for inclusion in the National Estuary Program.

The Morro Bay estuary, which is in my congressional district, contains the most significant wetland system of the central California coastline. Because of the bay's interconnected ecosystems associated with its saltwater and freshwater wetlands, Morro Bay has an unusually diverse habitat. The bay's intertidal areas support one of the largest bay wildlife habitats on the California coast and is home to many threatened or endangered species of birds and marine mammals, including the southern sea otter. These features combine to make Morro Bay an estuary of national significance.

In addition, Morro Bay is of great economic importance to the local community and the

Nation as a whole. The bay supports a thriving commercial fishing industry and many other industries which are dependent on the health of the bay, such as tourism and mariculture. As one of the few relatively intact natural estuaries along the Pacific coastline, Morro Bay attracts approximately 1.5 million visitors a year.

Despite the importance of Morro Bay to both the Nation and the local community, its well-being is threatened by a variety of pollutants and fragmented management. Serious sedimentation, as well as significant amounts of urban runoff, are threatening the survival of the estuary.

Management of the bay is currently divided among numerous governmental entities, none of which executes singular authority over the management and protection of the estuary. The variety of threats to the bay and the fragmented management have made it difficult to develop a comprehensive approach to addressing the needs of the bay.

The National Estuary Program appears to be ideally suited for solving the problems associated with the preservation of the Morro Bay estuary. The National Estuary Program would bring together those agencies responsible for management of the bay and help them develop a meaningful plan for long-term management of this important and sensitive estuary. Furthermore, the management plan developed for Morro Bay could serve as a model management plan for the other threatened small estuaries along our Nation's coastline.

Clearly, the Morro Bay estuary is worthy of inclusion in the National Estuary Program. The program offers Morro Bay a real chance to develop an approach which will ensure not only that the estuary survives, but that it flourishes. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

THE SPIRIT OF DEAF CULTURE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GUNDERSON. Mr. Speaker, today I wanted to address the spirit of deaf culture. It is fitting, indeed, that today, the second day of Deaf Awareness Week we pause to ponder a "silent" culture. In doing so I mean not to suggest that it is opposed to or in competition with American culture. Rather, deaf culture, as you may know or as you will see, flows from our American ingenuity and complements its heritage. Nonetheless, deaf culture, because of its rich symbolic nature, has vast lessons from which the "hearing" world can learn.

In their impressive book, "Deaf in America: Voices From a Culture," Carol Padden and Tom Humphries, themselves both deaf, speak of deaf culture in this way.

Deaf people have accumulated a set of knowledge about themselves in the face of the larger society's understanding—or misunderstanding—of them. They have found ways to define and express themselves through their rituals, tales, performances, and everyday social encounters. The richness of their sign language affords them the possibilities of insight, invention, and irony.

Indeed, it is this insight, invention and, yes, irony, that have typified my interaction and experience with the deaf and hearing impaired. I think that at times those of us who hear and converse with the audible word are prone to grow lackadaisical in our exchanges. Many words have lost their meaning, and conversation often occurs amongst distraction. It is, in the end, the necessity of being present—of being directly attentive and interested in another—that we need to learn and can learn from deaf culture.

As many of the Members of this House know, deaf culture is of a special interest to me. I have a niece who is deaf and each interaction with her is a learning experience which I have come to treasure. Furthermore, I am a trustee on Gallaudet's board of trustees with our colleague, DAVE BONIOR. That, too, has proven to be an experience rivalled by few. Finally, I have had the opportunity to employ deaf students on my staff. That has been and continues to be a source of great humility.

Each instance of exchange with deaf and hearing impaired individuals has brought a new appreciation for and understanding of both deaf culture and humanity at large.

Deaf culture is a powerful testimony to both the profound needs and the profound possibilities of human beings. The fact that the culture of deaf people has endured, despite indirect and tenuous lines of transmissions and despite generations of changing social conditions, attests to the tenacity of the basic human needs for language and symbol. (Padden and Humphries.)

It is a difficult task to stand before this House and adequately explain to my colleagues the espirit of deaf culture. It is an experience better experienced than explained and it is an experience I hope all of you will soon have.

Tomorrow, I will be introducing a resolution that would increase access for the deaf, hearing-, and speech-impaired to myself and my colleagues. Communication is the first necessity if we are to experience one another's heritage and learn from one another's experiences.

A TRIBUTE TO JACK BONO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. PORTER. Mr. Speaker, I ask my colleagues to join me in paying tribute to a distinguished constituent of mine, Mr. Jack Bono, who is retiring after an outstanding 44-year career with Underwriters Laboratories, Inc. [UL]. For the last 12 years, Jack has been president of UL. On March 22, 1990, Jack will be honored by his friends and coworkers at a dinner commemorating his achievements.

Jack began his career with UL in 1946, following his honorable discharge from the Navy and his graduation from Northwestern University. In succeeding years, he held various engineering and management positions at UL, and in May 1978, he was named president.

Jack Bono has been an important part of the established U.S. safety system which is dedicated to protection of the public. He has contributed to the American economy through UL's standards development programs, work on national safety codes, and the development of operational practices and policies that have led to the safety certification of billions of products that are used every day by American consumers.

His work, and the work of UL, is a critical building block in the foundation upon which the U.S. safety system has been built.

Jack is also a member of the board of directors of the National Fire Protection Association [NFPA], a past president and fellow of the Society of Fire Protection Engineers and a former member of the boards of directors of the American National Standards Institute [ANSI], and the American Society of Testing and Materials [ASTM].

I extend my best wishes to Jack and his lovely wife, Bette, for a long, happy, and healthy retirement, and I commend him on his distinguished career with UL.

MAINTAIN AMERICA'S MARITIME CAPABILITY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. TORRICELLI. Mr. Speaker, I am very pleased to see that the newly released national transportation policy recognizes the important role the U.S. maritime industry plays in our national defense planning. I agree wholeheartedly that "a viable and competitive merchant marine is essential to meeting the Nation's military sealift requirements."

The report further notes—correctly, I might add—that the present sealift capacity of the U.S. merchant marine is inadequate to support national defense needs in a national emergency. This shortfall is particularly acute in the area of troopship capability, that is, to have the passenger vessel capacity under our own flag and control to move troops anyplace in the world.

For this reason, I find it shortsighted and dangerous that the Maritime Administration is apparently succumbing to the wishes of foreign interests to sell one of our three passenger ships to a foreign buyer for operation under foreign flag.

There is no valid reason whatsoever why the Maritime Administration should choose to act as an agent of foreign shipping interests rather than as an agent of the American people. This is the worst kind of dereliction of duty. Marad should have immediately rejected the request to sell a national security asset to the highest foreign bidder. It should and must promote and preserve our maritime industry and not worry about promoting the bottom line of foreign maritime interests.

The law is clear. U.S.-flag vessels may not be sold for operation under a foreign flag if the sale is inconsistent with national maritime policy or otherwise detrimental to the best interests of the United States. The national interest must be the controlling factor when

making such a determination, not the economic gain to the vessel's owners.

Mr. Speaker, it is not too late for this situation to be corrected. Maritime Administrator Capt. Warren Leback has not given final approval to the foreign sale request. He still has the opportunity to maintain this sealift capability under the American flag; to preserve the more than 250 shipboard jobs for American workers; to ensure that American shipyard have the drydock work; to keep tourist dollars in the United States; and to generate revenues for American taxing authorities. All these benefits will be achieved at no cost to the U.S. Government. All these benefits will be lost at the expense of the U.S. Government, the maritime industry, and the American people if the *Monterey* is sold to foreign interests.

The ultimate outcome of this case will say a great deal about the future of our merchant marine. If the Maritime Administration is going to cavalierly dispose of modern, operational American ship and sabotage efforts in the private sector to increase the size of our fleet, then it will be virtually impossible to implement a meaningful national maritime policy. If the Maritime Administration no longer believes our Nation's security demands a U.S.-flag merchant marine, then our whole approach to sealift must be reexamined.

I strongly support the policy that only ships flying our flag and crewed by American citizens can be relied upon to respond to our country's needs in time of war or national emergency. By his action on the *Monterey,* Maritime Administrator Leback will clearly and loudly let us all know whether he agrees with this policy and whether he supports an American merchant marine.

I strongly urge all my colleagues to urge the Maritime Administrator to keep our Nation strong by keeping U.S. vessels afloat. I would also request that if this ship is sold to foreign interests, the leadership of the Committee on Merchant Marine and Fisheries investigate the process and the purpose which led to the administrative dismantling of our merchant marine.

GOING, GOING, GONE?

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. BATEMAN. Mr. Speaker, late last week, I was shocked to learn of the Maritime Administration's plans to allow the sale and transfer of the U.S.-flag passenger vessel, SS *Monterey,* to foreign citizens. This misguided decision clearly contravenes our longstanding national policy of promoting a strong merchant marine fleet capable of fulfilling our Nation's security and defense requirements.

The SS *Monterey* is one of only three oceangoing passenger vessels flying the American flag. Such vessels are a vital component of our sealift resources. The Commission on Merchant Marine and Defense concluded that our current sealift capability is inadequate for defense purposes, even if all available assets were to be used. In the area of troop sealift, the problem is particularly acute. The Commission projected a significant shortfall in total troop lift capacity by the year 2000. Mr. Speaker, it is patently ridiculous to allow such an important sealift asset to be transferred to foreign control.

The *Monterey* is scheduled to go on the auction block on Thursday, March 15. It is my understanding that there is serious American interest in the vessel. However, the actions of the Maritime Administration have made it difficult, if not impossible, for these American interests to receive serious consideration.

Mr. Speaker, the foreign transfer of the SS *Monterey* is inimical to the bests interests of the United States. I urge my colleagues to join me in doing all that is possible to have the Maritime Administration rescind its approval.

STUDENTS FOR WORLD PEACE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GILMAN. Mr. Speaker, I stand here today in order to commend the students of Ramapo Senior High School upon the occasion of their visit to the Soviet Union, April 6, through April 18, 1990.

This high school located in my own 22d Congressional District in Spring Valley, NY, has for the past 6 years traveled to the cities of Moscow, Minsk, and Leningrad. During these visits, Ramapo High School has maintained contact with two Soviet high schools and will again this year meet with their Soviet counterparts.

Mr. Speaker, at their recent meeting, President George Bush and President Mikhail Gorbachev agreed to a renewed program of increased contacts between the citizens of both the United States of America and the Union of Soviet Socialist Republics, and further agreed and urged that educational exchanges at the earliest level be encouraged and fostered.

Moreover, Mr. Speaker, we have and now continue to feel the changing climate toward global peace. The maintenance and achievement of this peace will require mutual knowledge and understanding of the history, culture, and peoples of our two nations.

Accordingly, I would like to commend the public schools of Rockland County for their active educational programs of global studies, including the history, culture, people, and language of the Soviet Union. In addition, I applaud both the students from Ramapo High School and their Soviet counterparts as they continue to serve as young ambassadors.

By their diligent commitment to a greater understanding of the people of the Soviet Union, the students of Ramapo High School have demonstrated the spirit of international brotherhood necessary for the foundation of global peace.

DESIGNATING JULY 10, 1990, AS "WYOMING CENTENNIAL DAY"

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to speak in favor of a resolution giving official Presidential, congressional, and national attention to a great event that made and continues to make a significant contribution to this Nation: The day of Wyoming's statehood.

On July 10, 1890, President Benjamin Harrison signed a proclamation admitting Wyoming as the 44th State in the Union. Now, 100 years later, with a legacy of firsts and a lasting spirit of rugged individualism, Wyoming is what America was—plus a whole lot more. And, for me, it is a particular honor to serve the people of the State in my first term in Congress during Wyoming's centennial year.

This resolution touches on some of the outstanding features in Wyoming's past and present. A proud past. A vital part of the United States. It is our future that will also be closely watched and I believe celebrated. In this next 100 years, Wyoming will use its bountiful reserves to provide energy for people throughout the country. At the same time, giving many Americans their first real experience with nature. The pristine beauty of the Tetons. The solitude of the open space in the Red Desert. The quiet way of life, the proud, pioneering way of life that is Wyoming. This centennial is an opportunity to review the past, present, and future of Wyoming. Wyoming's lasting legacy to this Nation is a spirit and determination of the true West. God bless the great State of Wyoming, the 44th State of the United States.

A TRIBUTE TO ELSIE B. HOWERTON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. DELLUMS. Mr. Speaker, I would like to share with my colleagues my congratulatory message to Mrs. Elsie B. Howerton, a distinguished citizen of the Eighth California Congressional District, and the wife of an equally distinguished constituent, Mr. Joseph L. Howerton.

Mrs. Howerton is a 34-year resident of the city of Berkeley. She presently serves as the elected president of the Congress of California Seniors, the elected president of North Berkeley Senior Center Advisory Council, and is a volunteer to the Lawrence Hall of Science Intergenerational Science Program wherein she participates in weekly biology workshops for fourth-grade students at Malcolm X School. Mrs. Howerton is also a member of the Commission on Aging for the city of Berkeley which she has chaired for a 5-year period, and is a participant in the Retired Senior Volunteer Program of Alameda County

[RSVP], sponsored by Peralta Community College District.

On March 14, 1990, Mrs. Howerton will be honored at an event sponsored by the Commission on the Status of Women. We wish to join our constituents in congratulating Mrs. Howerton and in commending her for her distinguished service to her city, her State, and to this Nation.

TRANSPORTATION TRUST FUNDS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McEWEN. Mr. Speaker, the Washington Post recently ran a feature article on Secretary Skinner and the ambitious transportation policy he has developed. I commend the Secretary for taking the initiative and developing this critical plan for the future, and I hope to be of assistance in seeing the plan come to fruition. However, I am convinced that in order to meet targeted infrastructure priorities we will need to make full use of the transportation trust funds.

The article about Secretary Skinner raised the question of the trust funds: Why do we have large balances in the trust fund accounts when infrastructure needs are clearly going unmet? Federal Highway Administrator Tom Larson's response was, "It's a dicey question that we've danced around." I am encouraged by that response, after years of denying even the existence of the surplus, maybe the administration will finally admit that the enormous balances in the trust funds accounts should be spent as soon as possible in order to protect our infrastructure investment. For both safety reasons and economic reasons our infrastructure needs are now critical, and we can no longer afford to use the trust fund money to hide deficit spending in other programs.

I look forward to the upcoming Public Works and Transportation Committee action on the highway program as well as the national transportation policy, and I look forward to working with the administration to resolve the trust fund issue.

MASSMUTUAL: HELPING TO DEFINE FAMILY VALUES

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, one of the beliefs that unifies our society is that there exists a core set of values on which the overwhelming majority of Americans agree. On this belief rests the justification for a number of the actions that are taken by government, actions which affect virtually every aspect of our lives. If asked to enumerate those values, I think most Americans would mention many which could be collectively labeled as "family values." While there may be agreement that family values exist, however, the composition of those values has been the subject of much discussion but little attempt at quantification.

A company headquartered in my congressional district, the Massachusetts Mutual Life Insurance Co., recently commissioned a study to attempt to crystallize this notion of family values. This study, the MassMutual Family Values Program, included a survey of 1,200 randomly selected Americans from across the country, and revealed that there are universally held values in America, values which transcend the boundaries of geography, demography, or politics. Chief among these values is the importance of family, as a source of pleasure, and responsibility, and a cause of concern. The preeminent status of family attaches without regard to marital status and applies primarily in emotional, rather than legal terms.

The MassMutual Family Values Program also revealed that Americans see the family as the wellspring of emotional support, and the primary teacher of the fundamental skills by which a person successfully relates to society. In this regard, the study seems to me to mark rather clearly areas in which government may be of assistance, and areas in which it may not intrude.

Mr. Speaker, I believe MassMutual should be saluted for the valuable public service it has performed in undertaking this survey of America's family values. The results should be considered by government at all levels in developing and implementing social policy. I commend the survey and its findings to the attention of my colleagues.

CONGRESSIONAL SALUTE TO LIBERATO "CHIP" PARILLO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FOGLIETTA. Mr. Speaker, it is with great enthusiasm that I rise today to salute Mr. Liberato "Chip" Parillo. Mr. Parillo brought his long career of public service to a close this year. January 1990 marked the end of a career spanning over 50 years. I want to take this opportunity to honor Mr. Parillo's strong commitment to our Nation.

Mr. Parillo enlisted in the U.S. Army in 1936. For the next 25 years he served proudly—in World War II, Korea, Canada, China and elsewhere around the world. He has served in 11 Army camps in the United States as well. While in the Army, Mr. Parillo earned many medals and ribbons including the Combat Medical Badge for excellent performance of duty on the battlefield.

After retiring from military service, Mr. Parillo joined the U.S. Customs Service. From 1964 until this year, he served in Philadelphia as an inspector. Recently, he was honored at a retirement party by coworkers, family, and friends who saluted his five decades service in several branches of the U.S. Government.

Mr. Speaker, I congratulate Mr. Parillo upon his retirement from the U.S. Customs Service and salute his outstanding service to our country. I wish him good luck and continued success.

THE SALE OF SS "MONTEREY"

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. DYSON. Mr. Speaker, I am absolutely appalled to learn that the Maritime Administration is giving the go-ahead to sell to foreign buyers an American flag, Jones-Act-eligible passenger vessel. This vessel, the SS *Monterey,* is precisely the national defense and sealift asset that everyone—from the President's Commission on Merchant Marine and Defense to those within the Defense Department responsible for sealift requirements—states we must have under our flag and under our control.

Under the Shipping Act of 1916, the Maritime Administration has the responsibility to protect the national interest by ensuring that U.S.-flagships are not routinely sold to the highest foreign bidder. This law is in place to guarantee that American vessels which have recognizable miliary and economic value to the United States are not sold off simply in order to increase the profits of foreign shipping interests. Our national security demands that the interests of the United States take precedence over the bottom line of foreign concerns.

In this case, Mr. Speaker, the Maritime Administration is abrogating its responsibility. It is choosing to act as an agent for foreign interests looking to maximize profits at the expense of the American Merchant Marine, rather than as an agent for the American people.

In February of this year, Maritime Administrator Capt. Warren Leback told the National Defense Transportation Association that, "Defense and transportation are links in the same chain. The civilian commercial transportation industry is a major part of our national defense readiness structure." Mr. Speaker, I totally agree with Captain Leback's assessment and I urge him to reject the foreign transfer application when it reaches his desk.

TRANSFER TO FOREIGN OWNERSHIP OF THE SS "MONTEREY"

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. EVANS. Mr. Speaker, I have been made aware recently of an action about to be taken by our own Maritime Administration which will, if it is allowed to be carried out, severely damage our maritime industry and our military readiness. What I am referring to is the pending approval for transfer to foreign ownership of the U.S.-built and -flagged passenger ship—the SS *Monterey*.

The *Monterey* is one of only three U.S.-flagged, Jones-Act passenger vessels operational today. It would serve our national interest by carrying U.S. troops in time of war—an advantage we do not have with those non-U.S.-flag vessels which sail from our ports.

Currently on the auction block, the *Monterey,* when operating, employs more than 250 American citizens operating cruises within the United States. Those citizens employed on the vessel pay taxes and the company pays taxes—all money which is returned to the United States.

Operating from a U.S. port, the *Monterey* creates additional jobs: dockworkers and marine support personnel are put to work. More jobs are available for food service companies, linen suppliers, tour companies and a host of other businesses which employ Americans and pay taxes in America. It contributes to the trickle-down effect in our society. What is good for us and our national security is also good for our economy—it keeps the money at home.

What do we gain by allowing this uniquely American vessel to be sold to foreign interests? This is a question I cannot answer. We lose—we lose tax revenues, we lose American jobs, we lose security. Who gains then? MarAd gains nothing by this sale—they have no financial stake in the vessel. The only winners in this hand are foreign interests. They will have the ship and all of the related revenues it generates.

Mr. Speaker, one the SS *Monterey* is gone, we cannot retrieve it. If we need an additional vessel for troop transport, it will be too late and we will have sold ourselves and our constituents short. I urge all of my colleagues to call Maritime Administrator Warren Leback and insist that the *Monterey* remain at home.

IN MEMORY OF STATE REPRESENTATIVE ED COOK

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. JONTZ. Mr. Speaker, today the 106th session of the Indiana General Assembly will draw to a close and for the first time in 16 years, State Representative Ed Cook will not be present when the speaker of the house announces "The house is adjourned, sine die."

On February 15, Representative Cook suffered a severe stroke and lapsed into a coma from which he never recovered. He passed away 5 days later.

Although Ed and I were both elected to the Indiana House of Representatives in 1974, Ed had more experience in public service having served several terms as a member of the Marshall County Council. Our districts bordered one another in north central Indiana and we joined forces many times to bring the needs of our area to the attention of the legislature.

No one knew the needs of the district he represented better than Ed. As co-owner of Cook Brothers Furniture in Plymouth, Ed brought the common sense and community values of his hometown to the general assembly. He was appreciated on both sides of the aisle for his straightforwardness and his love of a good joke.

Despite declining health in recent years, Ed never tired of representing the people who elected him. He will be missed, both in his district and in the halls of the Indiana state house.

OPERATION JUST CAUSE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MURTHA. Mr. Speaker, last week, the news media reported extensively on allegations that United States military personnel in Panama had been used to smuggle drugs into the United States. It was even reported that our troops sent to Panama last December as a part of Operation Just Cause were involved, even though they were in Panama for only a few weeks.

Mr. Speaker, unfortunately, it appears that a handful of the thousands of troops who are permanently stationed in Panama may indeed have been corrupted by the drug lords. However, I have been assured by both the Department of Defense as well as the Drug Enforcement Agency that there is no evidence that even one military person sent to Panama with Just Cause was involved in this unfortunate incident.

It is regrettable that the media did not wait until the facts were known before erroneously reporting that Just Cause personnel were involved.

I urge the media to make it clear to the American people that our brave troops, who fought and died to restore democracy in Panama, were unfairly maligned.

THE BENEFITS OF OLDER WORKERS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join me in recognizing a very special effort in my congressional district.

This week marks "National Employ the Older American Week," a chance for all employers to examine the advantages of hiring our senior citizens. The benefits of exploring this largely untapped resource are many. These workers have a lifetime of experience. They understand the needs of employers as well as those of the customer or client. I think it is valid to say that older individuals are dependable, honest, conscientious, and enthusiastic about their jobs.

There is a program in Williamsport that seeks to match older workers with local businesses. Known as STEP [Social Service Training Employment Programs], it is a comprehensive service that assists seniors in finding work. One of the incentives STEP offers is participation in the Pennsylvania Hall of Fame of Champions of Older Workers Council. Employers who have outstanding records of dealing with older workers in the labor force are nominated for the Hall of Fame. I am proud to say that STEP has nominated two such employers from Lycoming County in the 17th Congressional District: Victor's Auto Sales, and Clark's Farm Store.

I commend these employers and STEP for the compassion and understanding to appreciate the wide range of skills older workers have to offer.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1990*

The House met at 2 p.m.

The Reverend Neil Gilmour, Grace Presbyterian Church, Ocala, FL, offered the following prayer:

David Livingston was a tough, intelligent, and inquisitive Scot. He is famous for his pioneering of medical missions. On one occasion an English friend wrote to him and said:

We would like to send other men to you. Have you found a good road into your area yet?

Livingston replied with these words:

I only want men who are strong and courageous and who will only come if there is no road at all.

May I suggest that that should be the thrust of our prayer today for our great Nation?

Let us pray.

God bless America. God bless America with pioneers, with pioneers who, with courage, will build new roads of personal integrity, who with wisdom will harness ethnic energies, who with passion will restore pride and peace to our cities, and towns and villages. In Christ's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona [Mr. RHODES] please come forward and lead the House in the Pledge of Allegiance?

Mr. RHODES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. NEIL GILMOUR

(Mr. STEARNS asked and was given permission to address the House for 1 minute).

Mr. STEARNS. Mr. Speaker, I just want to tell the House that I am delighted to have my pastor, Neil Gilmour, give the prayer today.

Neil was born and raised in County Antrim in Ireland; unique individual, one of eight children, the oldest child. He put himself through Trinity College in Dublin, and then he went on to the Westminster Academy in Philadelphia.

What is unique about this individual, my colleagues, is he has decided to become a U.S. citizen on March 30, and he has taken all the classes. He is prepared to do it, and here we have St. Patrick's Day on March 17, and it is appropriate that we have an Irish-American come to this great House to give the prayer.

Mr. Speaker, I hope my colleagues will welcome with me my pastor, Neil Gilmour.

CALL OF THE HOUSE

The SPEAKER. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 23]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

□ 1425

The SPEAKER. On this rollcall, 400 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that we are about to take the official photograph of the House. Members are requested to take seats, except that those seats marked with a red stripe will be outside the range of the camera.

Members will face the camera, something I know they are not accustomed to doing. There will be about 11 flashes of the strobe lights, and the process will require about 15 minutes.

Five minutes after the conclusion of the photograph, the House will resume its sitting.

RECESS

The SPEAKER. Without objection, the House will now stand in recess.

There was no objection.

Accordingly (at 2 o'clock and 26 minutes p.m.), the House stood in recess, subject to the call of the Chair.

□ 1442

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 41 minutes p.m.

APPOINTMENT OF MEMBER TO U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Chair appoints on the part of the House the gentleman from California [Mr. LANTOS] to the U.S. Holocaust Memorial Council to fill the existing vacancy thereon.

APPOINTMENT OF DELEGATION TO ATTEND INTERNATIONAL PARLIAMENTARY CONFERENCE ON GLOBAL ENVIRONMENT

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I am today appointing the following delegation of the House to attend the International Parliamentary Conference on the Global Environment sponsored by the U.S. Senate, to be held here in the District of Columbia on April 29 through May 2, 1990:

Mr. DINGELL of Michigan;
Mr. FASCELL of Florida;
Mr. JONES of North Carolina;
Mr. ROE of New Jersey;
Mr. SCHEUER of New York;
Mr. GREEN of New York;
Mrs. MARTIN of Illinois;
Mr. BROWN of Colorado;
Ms. SCHNEIDER of Rhode Island;

As alternate delegates on the majority side:

Mr. BROWN of California;
Mr. DOWNEY of New York; and
Mr. MILLER of California.

And as alternate delegates on the minority side:

Mr. ROWLAND of Connecticut and
Mr. SCHUETTE of Michigan.

TIME TO END FREE RIDE OF THE RICH

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, recent studies have shown that in the past decade under the Reagan and Bush administrations, our tax system has become greatly skewed in favor of wealthy Americans. The top 1 percent of our population now with average incomes of $549,000 each have enjoyed $82,000 a year in tax reductions, compared to the pre-1978 Federal tax system, adjusted for inflation. That is a 36-percent drop in taxes.

Yet, the typical middle-income family that is earning $31,000 pays $409 more, or 7 percent more in taxes, under current law.

The poorest 20 percent of all families in America pay 21 percent more in taxes today than they did in 1978.

In effect, the U.S. Treasury has been handing over the hard-earned moneys of working families in this country to the very wealthiest of Americans. Consequently, not only have working families lost out, but the Federal Government has lost nearly $70 billion in revenues in this period of time.

Mr. Speaker, it is time these shenanigans stopped. It is time to fight for the working people in America. It is time to stop letting the rich get off the hook and have a free ride to the detriment of the Government and the rest of the American working people.

A DAY OF HOPE FOR THE HOSTAGES

(Mr. HENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, on behalf of the 18 hostages being held in Lebanon, I ask my colleagues to give 1 day. One day to unite in our thoughts and prayers as we remember their plight.

This Friday, March 16, marks the fifth anniversary of captivity for the longest-held hostage, American journalist Terry Anderson. At noon, in Lafayette Park, this grim milestone will be marked with a Ceremony of Hope. I urge my colleagues to attend this gathering with the families and friends of the hostages. And I urge all of us to use this Friday as a time to rekindle hope, to renew our resolve that these innocent prisoners will not be forgotten.

One day, Mr. Speaker, to remember the 1,825 days Terry Anderson has spent in chains, darkness, and terror. One day to remember the seven other Americans, the four Britons, the two West Germans, the two Swiss, and the Irish and Italian hostages.

One day to rededicate the rest of our days to the principles of freedom and justice throughout the world.

THE GREAT "RIVER-BOAT GAMBLE"

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, David Stockman was right.

It was Mr. Stockman, you will recall, who, while serving as Ronald Reagan's Budget Director, described Republican supply-side tax initiatives of the past decade as nothing more than a "Trojan horse," designed not so much to balance the budget as to cut taxes for the wealthy.

And that is exactly the way it worked.

Over the past decade, Republican tax policies gave the wealthiest 10 percent of Americans a 36-percent tax cut. The other 9 out of 10 Americans—and this includes 100 percent of America's working families—got a tax hike.

And for the poorest 20 percent, that tax increase amounted to 21 percent.

Now, I hesitate to criticize President Bush for offering a real proposal because he does it so rarely. But the President's capital gains tax proposal does not fix this problem. It makes it worse. Eighty percent of the benefit goes to that tiny slice of America which earns $200,000 or more annually. Yet that is George Bush's No. 1 legislative priority this year. And it is all offered—where have we heard this before—to stimulate investment.

The Republicans want the great river-boat gamble to roll on, even though it is now obvious to everyone working Americans lose every time the Republicans throw the dice.

MANDATED FAMILY AND MEDICAL LEAVE: A NECESSITY

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I stand here in absolute amazement at

the opposition to the Family and Medical Leave Act.

On the one hand some of my colleagues and some voices in the administration say: "We oppose mandates on business."

But, those same people are enthusiastically supporting other very costly mandates on business.

For example:

First, a child care bill that not only mandates but will cost a good $5 billion per year; and

Second, the Americans with Disabilities Act which mandates costs to business of every size, complete with costs too high to calculate.

Yet there is no concerted opposition to these bills.

But along comes family and medical leave—a bill that takes one small step toward protecting the jobs of working family members at a minimal cost—and the hue and cry goes up: "No mandates."

Tell me, Mr. Speaker, how can anyone in this day and age oppose saving a job for working people when a serious illness strikes a family?

ECONOMIC JUSTICE: A FAIR AND PROGRESSIVE TAX SYSTEM

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, it used to be that we as Americans embraced the ideal as a people that each generation should look forward to some basic improvement in their financial circumstances. We called it economic justice. An essential factor in achieving that ideal of economic justice was a fair and progressive tax system.

Contrary to that ideal over the last 10 years Federal tax rates have risen for the poorest taxpayers in this country while falling for the wealthiest.

□ 1450

Today a family getting by on $20,000 a year pays 6 percent more in Federal taxes than they did in 1980, while a family at the $100,000-a-year level is paying over 11 percent less. It is simply not right that an increasingly larger share of our tax burdens falls on those least able to pay. Instead of being rewarded for their hard work, low- and middle-income families in this country are finding themselves falling farther and farther behind, unable to buy that first home, send their kids to school.

Now is the time to quit shortchanging working families in this country and restore a progressive and fair tax system.

PROPOSED CLEAN AIR ACT PENALIZES MIDWEST HARDER THAN ANY OTHER AREA

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise in opposition to the newly proposed Clean Air Act currently working its way through both Houses of the U.S. Congress.

Both the White House and EPA are currently projecting costs of somewhere around $21 billion, but under the Senate provisions alone they are estimating $35 billion, $40 billion.

If I thought this would give us cleaner air, I would certainly support the act. In its current form it hits the Midwest harder than anybody else. There are no experts in the country who are not estimating a cost of at least $40 to $50 billion. There will be $20 to $25 billion cost in compliance alone.

I would not mind that cost if I thought it solved the problem. But all it is going to do is it would be open season for lawyers and suits.

What we have done is give a boost to the East European industrialization, to our competitors.

The Office of Technology Assessment already says the U.S. industry is in the worst shape it has ever been in competitively. Yet we are going to go ahead with a bill for which there was no body of empirical evidence that says the bill is going to solve the problem. We are going to have the same level of acid rain in the year 2000 if we did nothing but put in new plants and give tax credits to the companies building them.

I ask for a study of this bill which does nothing but destroy the industrial base of the Midwest.

THE GOLDEN PARACHUTE LIMITATION ACT OF 1990

(Mr. PRICE aasked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, today, I am introducing legislation to give the Federal Deposit Insurance Corporation [FDIC] the authority to prohibit or limit excessive or abusive golden parachutes given to executives, officers, and shareholders of federally insured depository institutions.

Like many people, I was appalled by the stories surrounding the bankruptcy of Drexel Burnham. News accounts reported that Drexel managed to pay $196 million in cash bonuses to its executives in the 2 months before the firm filed for bankruptcy.

Currently, the same possibility for abuse exists in the banking system. During the hearings last year on the Financial Institutions Reform, Recovery, and Enforcement Act, I questioned FDIC Chairman Seidman about the FDIC's authority with respect to golden parachute arrangements. I was told that FDIC had sufficient authority, in their role as conservator or receiver of an institution, to disaffirm or repudiate contracts, including golden parachutes.

However, in further discussions with the FDIC and in testimony given to the Financial Institutions Subcommittee today, Mr. Seidman acknowledged the need to give FDIC further authority if they are to prevent all excessive or abusive golden parachutes especially those in institutions that have not yet closed or failed.

My legislation will give the FDIC this authority. It is imperative that we prevent corporate fatcats from lining their pockets and then walking away from an institution that may fail 6 months later. I hope my colleagues will join me in stopping this disgusting and destructive greed from continuing. There is no rationale for providing the management or others involved with a depository institution with a windfall when the taxpayer may eventually have to pick up the tab.

TELECOMMUNICATION DEVICES FOR THE DEAF [TDD]

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, you cannot hear me because I am signing. But that is how 14 million Americans, who are deaf, live every day.

Ten percent of Americans cannot call us with their concerns or with their problems. They are not hearing, they do not use telephones but telecommunications devices for the deaf [TDD]. I believe our democracy and the deaf/hearing impaired's hopes are based upon communication, communication they do not have with us.

Today, on the fourth day of Deaf Awareness Week, I am introducing a bill to direct the Clerk of the House to purchase a TDD for each Member of the House.

I hope the House will quickly pass this resolution.

A BUSH GRAIN EMBARGO AGAINST THE SOVIETS?

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I pray President Bush is not contemplating a grain embargo against the Soviet Union. Why do I have that fear?

Let me quote from his news conference yesterday in response to a question about extending United States aid

to the Soviet Union and Eastern Europe:

We have no request for food aid to the Soviet Union—do you just want to put it on a ship and send it over there? No I don't think that's a particularly brilliant idea.

Interestingly, just as Mr. Bush was saying he does not think it is a good idea to ship food aid to the Soviet Union, news wires were carrying results of a General Accounting Office study showing that under the Reagan-Bush administrations, the United States has spent over $481 million to subsidize food shipments to the Soviet Union in 1987, 1988, and 1989.

Well, I think sending U.S. food aid to the Soviets is a brilliant idea, so do American farmers and I am a strong supporter of the program which has been responsible for these shipments. I thought Mr. Bush was, too. When he was campaigning Mr. Bush pledged no grain embargoes during his administration, and said he too supported sending subsidized food shipments to the Soviet Union. Why the sudden change of heart, Mr. President?

Mr. Speaker, I am troubled that these remarks hint at a policy being considered by the administration that would have devastating effects on American agriculture. I am troubled by the confusion the President's remarks cause by contradicting long-standing policy, including his own previous pledges. And, finally, I am troubled that I fear that Mr. Bush may be letting personal partisan feelings color his policy pronouncements. I hope the President will clarify these remarks in the strongest possible terms.

NOTHING NEW IN MAJORITY'S BUDGET PLAN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I welcome the debate launched by the chairman of the Ways and Means Committee seeking to craft a solution to our deficit problem. I am disappointed, however, to see that it primarily is a restatement of the policy goals the Democrat majority has sought for the last 9 years.

Moreover, a 1-year budget freeze which excludes major spending categories such as means tested entitlements is a very small reward for, No. 1, eliminating Gramm-Rudman, the one tool we have found so successful in reducing the deficit by $98 billion over the last 5 years, No. 2, for the massive tax increase this proposal represents for a true compromise on the deficit, we need to move away from more of the same tax-and-spend policies of the majority party which have created the impasse we seek to resolve, and which have been so soundly rejected by voters throughout our Nation.

CONGRESS SHOULD REGULATE COMMERCE WITH FOREIGN NATIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the trade deficit is really down; it is down to $106 billion. Almost $9 billion per month, and everybody is cheering.

Now let us take a look at this: In 1980 there was no trade deficit. Seven years later, $160 billion. The Fed drove down the dollar. We negotiated. We threatened. We passed token laws. The President had a summit.

Ladies and gentlemen, we have done everything here in the Congress except do our job. Article 1, section 8, paragraph 3 says, "Congress is empowered to regulate commerce with foreign nations." Now, if that is regulation, let me tell you what, we need a new Congress.

PUERTO RICO'S FUTURE RELATIONSHIP WITH THE UNITED STATES

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I want to commend subcommittee chairman, RON DE LUGO, for his leadership throughout the marathon of hearings just completed in Puerto Rico regarding Puerto Rico's future relationship with the United States. I also want to commend the Government of Puerto Rico and the three political parties for providing logistical support and opportunities to meet with the people of Puerto Rico to obtain their candid views of the status issues.

Many of the over 100 testimonies were passionate and charged with emotion and patriotism. I was stirred by the nearly unanimous appeal for the Congress to take action to authorize a referendum on political status. Their requests are properly directed as the Constitution specifies the Congress is to make all needful rules and regulations regarding the territory of the United States.

It has been 92 years since U.S. Army Gen. Nelson Miles invaded the islands and told the people he had come not to wage war but to obtain for the people of Puerto Rico the privileges and blessings of the United States. I strongly urge all Members to support the enactment of legislation to provide a referendum which allows the people of Puerto Rico the opportunity to chose the type of relationship they prefer with the United States.

□ 1550

UNIFICATION FOR JERUSALEM

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the peace process in the Middle East and Government of Israel were dealt an unfortunate blow by some comments by the President 11 days ago.

By calling into question the unification of Jerusalem, a city whose unification the Republican's own platform called for, the President has thrown a large obstacle on the road to peace.

There should be no misjudging the importance of this issue.

The Jewish community here and in Israel, stand together in the belief that a unified Jerusalem is the integral and indivisible capital of the State of Israel.

In May 1948, the Jordan Arab League drove jews out of the old city by force. Jews were not allowed to visit their holy sites until 1967, many of which were desecrated and destroyed during the occupation. The rest of the world went tsk tsk; but did little. Israelis of all political styles have resolved that will never happen again.

The President's comments were an unneeded, and destructive influence on the peace process. They are inconsistent with the purpose and practice of past U.S. policy.

I hope he and Secretary Baker will reconsider and return to more useful approaches to bring peace to the Middle East.

OIL DRILLING PETITIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, these petitions—containing almost 10,000 signatures and counting—are from ordinary citizens in southwest Florida. Today I am delivering their message to Congress: Ban oil drilling in the environmentally sensitive waters off the gulf coast of Florida.

These signatures are not the product of a national lobbying group's organized petition drive. They have been collected by a local citizens' group based in Bonita Beach, FL.

Their mission is to convince the powers-that-be in Washington that the risks of oil drilling in our region pose a serious threat to the quality of life in southwest Florida—and the economic well-being of the entire State.

I applaud and support the efforts of these hard-working Floridians. Their petitions offer a glimpse of the deep concern that offshore oil drilling in our gulf coast waters could jeopardize the clean white beaches, clear blue

waters, mangrove forests, coral reefs and exotic wildlife that make Florida special for its residents—and the millions of tourists who visit every year.

Mr. Speaker, many of us have been working to ban drilling in the sensitive waters south of 26 degrees north latitude. As President Bush nears a final decision on this issue, I urge consideration for these petitions—and the widespread sentiment among Floridians they represent.

DOMESTIC TEXTILE INDUSTRY ANNIVERSARY

(Mrs. LLOYD asked and was given permission to address the House for 1 minute.)

Mrs. LLOYD. Mr. Speaker, I rise today to bring to the attention of the House a significant anniversary which we are celebrating this year. This is the 200th anniversary of the founding of the domestic textile industry.

Following on the success of a man named Samuel Slater, who began producing cotton yarn in Pawtucket, RI, in 1790, the American textile industry provided the foundation for the American industrial revolution and has been an integral part of our socioeconomic heritage. Today, the domestic textile industry complex employs over 2 million workers in all 50 States.

In recognition of this 200th anniversary of America's first basic industry, and as chairman of the Congressional Textile Caucus, I am proud to introduce today a resolution designating the week of October 13-20, 1990, as "American Textile Industry Bicentennial Week." I am especially pleased to be joined in this effort by my colleague, RON MACHTLEY, in whose Rhode Island district the industry got its start 200 years ago. I would urge my colleagues to join us in celebrating this important milestone.

BECK ENFORCEMENT NECESSARY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, let's be realistic. The Supreme Court's landmark decision in the Beck case cannot help a single worker unless it is enforced. And unfortunately, the decision is not being enforced.

While the High Court upheld the rights of workers, it did not hammer out a detailed remedy as a part of its decision. Not surprisingly, Big Labor has ignored the Supreme Court's decision.

It is obviously a mistake to assume that abolishing or restricting PAC's will address this issue. Even if the mistake were made of restricting or abolishing PAC's, hundreds of millions of dollars of unreported in-kind expenditures would still be made by labor union officials—using money that comes from workers' compulsory fees.

Enforcement of the Supreme Court's decision in the Beck case must be the made the major component of any campaign finance reform effort. The White House includes such provisions in its campaign reform package. The Republican Study Committee issued a policy statement calling for Beck enforcement to be included in any campaign reform package. And I reaffirm my support of this position: We should support no campaign reform measure unless it also includes provisions that would assure enforcement of the Beck decision.

SAVE THE SS "MONTEREY"

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I rise to express my deep displeasure and opposition to the Maritime Administration's proceedings to permit the sale of the U.S.-flag vessel SS *Monterey* for operation under a foreign flag.

The SS *Monterey* is a valuable asset to our country and particularly to the State of Hawaii. It generates many jobs and a great deal of revenue. Its sale for operation under a foreign flag would remove the SS *Monterey* from this trade and result in a great financial loss to my State, not to mention the loss of jobs of the Hawaii residents employed on board the vessel or others who depend on this vessel for their livelihoods.

American interests are ready and able to purchase this ship for operation under the U.S. flag, thereby ensuring the employment of American workers and generating tax dollars for the United States and Hawaii. The Maritime Administration's actions make it impossible for potential American buyers to negotiate with the mortgage holder for purchase of the SS *Monterey*. This is totally inconsistent with the purposes of the Merchant Marine Acts of 1916 and 1936.

The Bush administration had declared policy to rebuild our vital and essential U.S.-flag merchant marine. The disposition of the SS *Monterey* will demonstrate the degree of commitment by the administration to restoring the strength of our merchant marine. Let us abide by our policy. Let us move in the right direction. Let us save the SS *Monterey*.

SUPPORT URGED FOR PRIVATE SECTOR LONG-TERM HEALTH CARE LEGISLATION

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER. Mr. Speaker, in the wake of the Pepper Commission's failure to present to workable long-term care plan for America's seniors, it is clear that at this time there is no consensus for a new and costly Federal entitlement program. But Congress can take immediate steps to help our seniors afford long-term care by encouraging the further development of private sector long-term care insurance policies.

Congress can stimulate the private sector by allowing tax-free withdrawals, from individual retirement accounts and tax-free conversion of life insurance policies if the funds are used to pay long-term care insurance premiums. Congress can also authorizes the Federal Government, as the Nation's largest employer, to offer a long-term care benefit to our Nation's civil servants at no extra cost to the Federal Government. These practical steps to expanding access to long-term care are embodied in three bills I have introduced: H.R. 2132, H.R. 2133, and H.R. 820, respectively.

Mr. Speaker, it appears doubtful that a new Federal long-term care plan will be enacted this Congress, and in any case, the Federal Government will need help from the private sector in meeting this need. I therefore urge my colleagues to cosponsor my legislation to encourage the development of affordable private-sector long-term care policies.

STATUS OF PUERTO RICO

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I wish to thank the gentleman from California [Mr. LAGOMARSINO] for the kind words earlier.

I returned yesterday from leading a delegation to Puerto Rico for hearings on legislation to authorize a referendum between enhancing the island's current commonwealth and granting statehood or independence to commit the Federal Government to implement the results.

In addition to eight members and staff of the Interior and Insular Affairs Committee, the delegation included your representative, Mr. Speaker, and representatives of the minority leader and the majority and the minority on the Rules Committee, demonstrating the seriousness the House attaches to this issue.

The trip followed a hearing here in Washington at which the presidents of Puerto Rico's three status-based political parties expanded on their joint request for this legislation, which has been endorsed by President Bush.

In Puerto Rico, well over 100 witnesses appeared during some 19 hours

of hearings. We heard additionally from leaders of the three parties in meetings of about 4 hours each.

The clear consensus that Puerto Rico's political status needs to be developed was also indicated by the participation in our visit, in a real sense, of millions of other people.

An estimated 120,000 demonstrated for statehood. Others followed the hearings through extensive television, radio, and newspaper coverage.

Congress has a constitutional—and moral—responsibility to act on their petition. I will try to get this House to do so as soon as possible after the Senate acts on a bill which has been reported by our counterpart committee on the other side of the Capitol.

I want to thank the presidents of Puerto Rico's parties and their representatives, including Gov. Rafael Hernandez Colon and his counselor, Jose Berrocal, of the Popular Democratic (commonwealth) Party; former Gov. Carlos Romero Barcelo and former Representative Benny Frankie Cerezo of the New Progressive (statehood) Party; and former Senator Ruben Berrios Martinez and Senator Fernando Martin Garcia of the Independence Party for their cooperation. I also want to thank the many officials of the Puerto Rican Government, the Air Force, and this House who helped us to carry out our mission.

□ 1510

AMERICANS CANNOT AFFORD A TAX INCREASE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, here we go again. There is no end to this story. Last weekend, the Ways and Means chairman blew the dust off the same old Democrat proposal of tax and let us spend.

He proposes a modest spending freeze on only some programs and then demands massive new tax increases. How many times do conservatives have to point out that you cannot reduce the deficit by increasing taxes. Studies of Congress have clearly demonstrated that every time we increase taxes by one dollar, the big spending liberals manage to spend $1.58.

Raising taxes only increases the deficit and the American people are tired of it.

Obviously, the real agenda of the Democrats proposal is to massively increase government spending and demand higher taxes, while at the same time they want to repeal Gramm-Rudman which is the only real restraint on congressional urges to increase spending.

Mr. Speaker, please have the Democrats put that tired tax and spend proposal back on the shelf to collect more dust. The American people don't want it and more importantly, they cannot afford it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2584

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2584. Due to staff error, I was inadvertently added to the list of cosponsors.

The SPEAKER pro tempore (Mr. FEIGHAN). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE NORTH PACIFIC FISHING INDUSTRY THREATENED BY DRIFT NET FISHING

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, the health of our North Pacific fishing industry and our fragile marine environment are now threatened by a vast and destructive foreign technology, drift net fishing.

The 800-vessel drift net fleet of Taiwan, Japan, and South Korea lays a curtain of death, dragging the North Pacific with these drift nets, some 30 to 40 miles long, stealing our fish and indiscriminately, killing tens of thousands of dolphins, porpoises, and sea birds.

While the United Nations has called for a worldwide ban on drift nets, the administration is entering into agreements with the driftnetting countries to allow the slaughter to continue. In some cases these negotiations have actually opened new fishing grounds to the drift net fleet.

The House of Representatives has acted. We voted overwhelmingly for a drift net ban, which passed as part of the Magnuson Act. Now, we must prompt our colleagues in the other body to reauthorize the Magnuson Act and free our oceans and fisheries of this destructive technology.

THE COTTON COMMEMORATIVE: 200 YEARS OF TEXTILES IN AMERICA

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, today I am pleased and proud to join the gentlewoman from Tennessee [Mrs. LLOYD] in the introduction of a resolution to commemorate the 200th anniversary of the textile industry in America.

Mr. Speaker, Rhode Island was the beginning of the growth of textiles in America. Pawtucket, RI, is the home of Slater Mill, now the most historic industrial structure in the country. Built by Samuel Slater in 1793 on the banks of the Blackstone River, Slater Mill is the oldest cotton textile factory in America. Samuel Slater began the industrial revolution for this country.

Mr. Speaker, it is on the banks of the Blackstone River in Pawtucket where the American textile industry was brought to life and changed the future of this country. Today Slater Mill is a national historic landmark and the cornerstone of the Blackstone Valley National Heritage Corridor in Rhode Island and Massachusetts.

Rhode Islanders are proud of the important labor and manufacturing history behind Slater Mill, and I am pleased that the entire textile industry can be commemorated in the resolution we introduce today.

Mr. Speaker, textile workers continue to be some of the most hard workers in America in the industry they represent. I hope my colleagues will join us in cosponsoring this resolution.

THE FIGHT DRUGS ACT

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, today I am introducing legislation, the Federal Incentives Going To Help Towns Fighting Drugs Act of 1990 or the FIGHT Drugs Act, which would provide taxpayers with the opportunity to fight drug abuse on the local level.

Through a Federal tax checkoff, taxpayers can contribute directly to the antidrug abuse efforts in their own communities. Contributions would be strictly supplemental to other antidrug abuse funding. The spending decisions would be left to local governments in order to meet local needs. Money could be spent on law enforcement, education, treatment, or rehabilitation.

While private and charitable efforts reach only a limited number of people, a tax checkoff would be extremely effective at raising funds at the local level for local initiatives. Fighting drug abuse is clearly a top priority of most Americans. The FIGHT Drugs Act of 1990 would give individuals a greater voice in directing how their tax dollar gets spent.

I urge my colleagues to support this important legislation.

DO NOT WEAKEN AMERICA'S SEALIFT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

Mrs. BENTLEY. Mr. Speaker, the U.S. Maritime Administration is embarked on a course of action which, in my opinion, will seriously set back our efforts to maintain a U.S. flag merchant marine adequate to serve as a useful naval auxiliary in time of war or national emergency.

The SS *Monterey* is one of only three operational oceangoing passenger vessels under the U.S. flag and only one of four qualified to fly the U.S. flag. The *Monterey* recently was laid up and is scheduled to be auctioned this week.

Instead of immediately and conclusively rejecting the application filed under the Shipping Act of 1916 to sell this ship for foreign operation, the Maritime Administration chose to turn the process into one where foreign economic interests could take precedence over America's security and economic interests.

I sincerely hope Maritime Administrator Capt. Warren Leback will truly promote the American merchant marine by insisting that the *Monterey* remains under the U.S. flag.

FOREIGN AID: QUESTIONS AND SUGGESTIONS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORGAN of North Dakota. Mr. Speaker, I find it interesting that any time the President and his advisers get an inclination to send some money out of the country, such as $1 billion to Panama, or $300 million to Nicaragua, they sort of swagger around like sailors on shore leave. They wave that money around like it grows on trees.

Sure we have some responsibilities to help our neighboring countries, but I would like to pose a couple of questions about the President's plan.

First, why give it in cash? Why not food, commodities, and equipment—the things that folks in other countries need. Our experience in foreign aid is if we send it in cash, it's going to end up in a Swiss bank. Dye our foreign aid money purple and the Swiss bank vaults will be stained purple in a week.

Second, the President says he can just rearrange some spending in defense, and come up with several hundred million for Nicaragua. If that is the case, why didn't they rearrange that money in defense 6 months ago, and use it to reduce the deficit. If this is money we didn't need, do we give it up only if we are willing to send it out of the country? How many other chunks of $300 million are in the defense budget that we don't need. Maybe we can send some to help central America here in the U.S.A.—North Dakota, Kansas, Iowa—those States who have not been able to participate in the American economic expansion.

Third, since our country has a Federal deficit over $200 billion this year—that's the real deficit—and a $3 trillion debt, and since we will be borrowing nearly $150 billion from the Japanese and other allies to finance this, I'm wondering if it wouldn't be better, rather than borrowing money from Japan to pay Nicaragua, just asking Japan to give Nicaragua and Panama a little help directly. Sometimes it's cheaper to eliminate the middleman.

Oh, I know these are impertinent questions and this is a serious business. But I raise these questions about the priorities of this administration because some of them seem to think it's old fashioned to invest here in America. We need to start paying same attention to rebuilding at home. I'd like to see the some enthusiasm for investment here in the United States of America.

□ 1520

INTRODUCTION OF LEGISLATION TO IMPLEMENT ADMINISTRATION'S TRANSPORTATION POLICY

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today, I am introducing, with the support of many of my colleagues, the first legislation to implement a portion of the administration's transportation policy.

This legislation recognizes that we as consumers pay more than we need to for the transportation of almost every product we buy. In 1980 we started to solve the problem of excessively high transportation costs by deregulating interstate truck shipping. Consumers have saved about $11 billion annually as open competition brought down motor freight rates. Yet, 42 States continue to maintain some type of control over motor freight rates, and it is costing us a bundle. Estimates show that we may save twice as much—another $11 billion—by removing remaining State controls on motor carrier freight.

Intrastate burdens on the transportation of goods add up every time we buy groceries or clothes for our families. These hidden costs of goods also place us at a competitive disadvantage internationally.

The Secretary of Transportation, in his national transportation policy, make the completion of motor carrier deregulation at the State level a priority. I am hopeful that this legislation can accomplish that goal.

WHAT WILL THE CONSERVATIVES DO NOW?

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, about a week ago one of the stalwart liberals in this House about 10 feet to the west of me approached me and said, "What are you conservatives going to do now that communism is dead?"

I would like to put a brass plaque there, because that theme has spread all across the country and even into Western Europe, that we do not know what to do with ourselves now. I guess he never heard of North Korea, Angola, Ethiopia, Albania or China or Castro; China with 1,250,000,000 people, and we just made the top of Beijing's enemies' list.

Here is today's paper, just one little paper. First page:

> Barry. He is back. D.C. still in chaos. He has never let the word cocaine or crack come out of his lips.

Here is Gorbachev at the top of the page, has more power than any Russian leader since Stalin.

Turn inside, here is a rally set to protest U.S. policy. William Sloan Coffman is back. My one-time opponent, Ron Kovic, Rauol, Daniel Elsberg is back on the scene, Ed Asner, they are all going to protest our policy in Central America. They cannot stand victories for democracy in all those countries. They hated Grenada. They hated Panama.

Another page:

> Sexual pioneers come into town, yearn for the good old days, the myth of homosexual AIDS will be one theme, anxious pleasures, the sex lives of the Amazonian people, a field guide to outdoor erotica.

We are looking forward to the nineties when we can bring back reassertion of creative sex, maybe more syphilis, more gonorrhea, more chlamydia, more venereal warts. I always loved the ring of that one.

Another AIDS plague. Phone up the green monkeys. Tell us that they have a good fatal, always fatal disease to spread around.

Then you turn to what is happening in Europe, London. Here it is. A British group tells of child sex rings, pornography used to lure, by modern day Fagins, more kids into sex.

Are you liberals kidding? What did the rooster say when faced with a thousand chickens? "So much work to do, so little time." I hardly know where to start.

I love it that Eastern Europe is free. It frees me up to beat up on liberal philosophy and about a thousand other areas where they wrecked modern American life.

God bless you, Mr. Speaker.

RURAL ECONOMIC DEVELOPMENT ACT OF 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3581) the Rural Economic Development Act of 1989, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) are hereby waived. No amendment to said substitute, except pro forma amendments for the purpose of debate, shall be in order except those printed in the Congressional Record prior to their consideration. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FEIGHAN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Illinois [Mrs. MARTIN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 355 is a modified open rule providing for the consideration of H.R. 3581, the Rural Economic Development Act of 1989. This is a bill that reorganizes the Department of Agriculture's rural development activities and provides for a new means of prioritizing Federal rural development project funding.

House Resolution 355 is a modified open rule providing for 1 hour of general debate, with the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. The rule makes in order the Agriculture Committee amendment in the nature of a substitute now printed in the bill as original text. The bill is to be considered by titles, with each title considered as having been read.

The rule waives section 303(a)(1) of the Congressional Budget Act against the substitute. This provision would prohibit the consideration of any bill containing new budget authority in a fiscal year prior to the adoption of the budget resolution for that fiscal year. This waiver is necessary for the consideration of this bill as no budget resolution has yet been passed for fiscal year 1991.

The rule also provides that no amendments to the substitute, except pro forma amendments for the purpose of debate, are in order except those printed in the CONGRESSIONAL RECORD prior to their consideration. An announcement of this restriction was made by Representative FROST on Wednesday of last week.

Finally, Mr. Speaker, House Resolution 355 provides for one motion to recommit this bill, with or without instructions.

Mr. Speaker, this rule provides for the consideration of a bill that would establish a new Rural Development Administration to administer Department of Agriculture rural development programs. The bill would provide for a new mechanism of delivery of Federal rural development assistance. The measure would also make a number of changes in the Agriculture Department's existing water and sewer, business and industry, and rural electrification programs.

Mr. Speaker, House Resolution 355 is a straightforward rule that provides for the adequate consideration of the Rural Economic Development Act of 1989. I urge my colleagues to adopt this rule.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased after the exciting 1-minute speeches to continue the excitement by bringing to the Members, House Resolution 355, which is a modified open rule providing for the consideration of H.R. 3581, the Rural Economic Development Act of 1990. The rule provides for 1 hour of general debate to be divided between the chairman and ranking minority member of the Committee on Agriculture. The rule goes on to make the committee amendment in the nature of a substitute in order as original text for the purpose of amendment under the 5-minute rule, and waives section 303(A)(1) of the Budget Act against the substitute.

Section 303(A)(1) of the Budget Act prohibits the consideration of any bill which provides budget authority prior to the adoption of the budget resolution for that fiscal year. Section 802 of the substitute would make borrowers eligible for lower interest rates on rural health care facility loans from the Farmers Home Administration. In so doing, it lowers receipts in the revolving fund by $1 to $2 million a year and permits Farmers Home to borrow an offsetting amount from the Treasury.

As a result of these lower interest rates, the fund will require additional budget authority and higher outlays. Because we have not yet adopted the budget resolution for fiscal 1991, the bill stands in violation of section 303(A)(1) of the Budget Act. However, the Rules Committee has received a letter dated March 7 from the Budget Committee chairman in which he indicated that a majority of the committee supports a waiver of this section to permit consideration of the bill. The Rules Committee consequently granted the necessary waiver.

Mr. Speaker, the rule on this bill goes on to require that all amendments to the bill, except pro forma amendments, must be printed in the CONGRESSIONAL RECORD prior to their consideration. Since the bill will be under consideration for amendments tomorrow, that means that Members should have their amendments in the RECORD no later than today to be protected.

Mr. Speaker, I must object to this unnecessary restraint on the right of Members to offer germane amendments. While it is true that the Rules Committee announced this amendments policy on the floor of this House last Wednesday, I nevertheless think it puts Members at a severe disadvantage. This is especially so when you consider that the report was filed on the same day we granted the rule and was not available until this Monday. And the printed substitute was not available from the documents room until Friday. Many, if not most, Members of the House have not had a chance to look at this bill, let alone develop amendments, until their return to the House yesterday. I would hate to think that we might be precluding sincere and worthy efforts to improve the legislation by this rule. And yet, that could well be the case.

I know my chairman and other Rules Committee colleagues share my distaste for such a preprinting requirement for amendments and were reluctant to grant the Agriculture Committee's request for such a restrictive rule.

Mr. Speaker, in recent months there has been some movement away from restrictive rules, and I commend the new Speaker and the new Rules Committee chairman on this positive trend toward more procedural openness and fairness. But this rule represents a backward step in that regard. As of

today, some 45 percent of the rules we have granted in this Congress have been restrictive, compared to 46 percent in the last Congress. For the information of my colleagues I will be inserting at the end of my remarks the most recent data on open and restrictive rules. I hope this rule represents only a temporary lapse and not a retreat from our recent march to procedural daylight and sunshine.

Mr. Speaker, the final feature of this rule that I want to call to the attention of my colleagues is that it does permit a motion to recommit, with or without instructions. Those terms protect the minority's traditional prerogative to offer a final amendment prior to final passage.

Mr. Speaker, I want to commend the Committee on Agriculture for bringing forward H.R. 3581, the Rural Economic Development Act. As one who represents a predominantly rural district in Illinois, I am acutely aware of the needs of our rural areas and the contributions our Federal Government has and can continue to make to their development.

The pending bill should further facilitate that effort by allowing for the pooling of existing funds under a new umbrella Rural Development Administration within USDA. At the same time, the legislation recognizes the need for giving greater flexibility to the States in targeting assistance to their unique problems and needs. The bill accomplishes this by providing for the creation of State rural economic development review panels to assist in allocating their share of funds to designated projects which they determine are worthy of assistance. My main concern is that these review panels include adequate representation by small rural businessmen and farmers—something which seems at present in the panels' makeup.

Mr. Speaker, I do not want to take further time on this rule to discuss the substance and merits of the bill. There will be ample time for that under general debate and the amendment process. Let me simply say that on balance I think the Agriculture Committee has done an outstanding job in shaping a compromise that will advance the cause of economic development in our Nation's rural areas. The committee is to be saluted both on its work product and the bipartisan manner in which it has been brought to us.

OPEN VERSUS RESTRICTIVE RULES, 95TH–101ST CONGRESSES

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32

OPEN VERSUS RESTRICTIVE RULES, 95TH–101ST CONGRESSES—Continued

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	49	27	55	22	45

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole.

[Note.—The above data differs slightly from that published in previous Congresses because it is based on a rule-by-rule examination and not just on summary tables from committee surveys for the 95th–99th Congresses as was previously done. Moreover, appropriations rules (which only provide for waivers) and original jurisdiction measures are no longer counted.]

Sources: Rules Committee Calendars & Surveys of Activities, 95th–100th Congresses; "Notices of Action Taken," Committee on Rules, 101st Congress, as of March 9, 1990.

[Prepared by the Minority Counsel, Subcommittee on the Legislative Process, Committee on Rules.]

RULES GRANTED IN THE 101ST CONGRESS

[Providing for the initial consideration of legislation]

Rule No. H. Res.	Date granted	Rule type	Bill No. and subject
108	Mar. 14, 1989	MO	H.R. 1231: Emergency Strike Board.
111	Apr. 21, 1989	O	H.R. 1369: Mansfield Business Center.
112	Mar. 21, 1989	MC	H.R. 2: Minimum Wage.
117	Apr. 4, 1989	O	H.R. 18: Uniform Voting Time.
126	Apr. 11, 1989	MO	H.R. 1487: State Dept. Authorization.
127	Apr. 12, 1989	C	H.R. 1750: Contra Aid.
135	Apr. 25, 1989	O	H.R. 2072: Supplemental Appropriations.
138	Apr. 25, 1989	O	H.R. 1486: Maritime Adm. Authorization.
143	May 2, 1989	O	H.R. 7: Voc. Ed. Act Extension.
145	May 2, 1989	MC	H. Con. Res. 106: Budget Resolution.
155	May 16, 1989	O	H.R. 643: Oil Shale Claims.
160	May 23, 1989	C	H.R. 2442: SDI for Drugs Transfer.
161	May 23, 1989	O	H.R. 2392: Oil Shale Claims.
165	June 1, 1989	MC	S.J. Res. 113: FSX Agreement.
173	June 13, 1989	MC	H.R. 1278: Financial Institutions Reform.
179	June 20, 1989	MO	H.R. 2655: Foreign Aid Authorization.
195	July 11, 1989	O	H.R. 2022: Soviet & Indochinese Refugees.
196	July 11, 1989	O	H.R. 989: Tongass Timber Reform Act.
198	July 13, 1989	O	H.R. 1549: NRC Authorization.
199	July 13, 1989	O	H.R. 1484: Park System Review Board.
200	July 13, 1989	O	H.R. 828: BLM Authorization.
202	July 17, 1989	O	H.R. 1056: Federal Waste Disposal.
211	July 21, 1989	MO	H.R. 2461: DoD Authorization.
217	July 28, 1989	C	H.R. 3024: Debt Limit Increase.
224	Aug. 4, 1989	O	H.R. 1668: NOAA—Coastal Authorization.
228	Aug. 4, 1989	C	H.R. 1594: MFN Status for Hungary.
230	Aug. 4, 1989	O	H.R. 2427: NOAA—Satellite Authorization.
234	Sept. 7, 1989	O	H.R. 1759: NASA Authorization.
235	Sept. 7, 1989	O	H.R. 2869: Commodity Futures Improvements.
236	Sept. 7, 1989	O	H.R. 1659: Aviation Security Act.
245	Sept. 21, 1989		H.R. 3299: Budget Reconciliation.
249	Sept. 26, 1989	MC	
246	Sept. 25, 1989	C	H.J. Res. 407: Continuing Appropriations.
254	Oct. 3, 1989	O	H.R. 2748: Intelligence Authorization.
255	Oct. 3, 1989	O	H.R. 1495: Arms Control Authorization.
256	Oct. 3, 1989	C	H.R. 3385: Nicaragua Election Assistance.
266	Oct. 17, 1989	O	H.R. 3402: Polish/Hungarian Initiative.
267	Oct. 17, 1989	O	H.R. 2494: International Development.

RULES GRANTED IN THE 101ST CONGRESS—Continued

[Providing for the initial consideration of legislation]

Rule No. H. Res.	Date granted	Rule type	Bill No. and subject
270	Oct. 19, 1989	O	H.R. 2459: Coast Guard Authorization.
271	Oct. 23, 1989	MC	H.J. Res. 423: Continuing Appropriations.
273	Oct. 24, 1989	C	H.R. 45: Central American Studies.
275	Oct. 26, 1989	O	H.R. 3443: Airline Acquisition Review.
277	Oct. 31, 1989	O	H.R. 1465: Oil Spill Liability.
278	Oct. 31, 1989	C	H.R. 2710: Minimum Wage.
289	Nov. 13, 1989	O	S. 974: Nevada Wilderness.
290	Nov. 15, 1989	C	H.R. 3660: Ethics Reform Act.
295	Nov. 19, 1989	MC	H.R. 3743: Foreign Assistance Appropriations.
309	Jan. 30, 1990	MC	H.R. 2190: Voter Registration Act.
338	Feb. 20, 1990	O	H.R. 2570: Arizona Wilderness Act.
355	Mar. 7, 1990	MO	H.R. 3581: Rural Economic Development.

Code: A completely open amendment process is provided by an open rule (O). Restrictive rules are those which provide for less than a completely open amendment process and include: closed rules (C), modified closed rules (MC), and modified open rules (MO).

□ 1530

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL], the ranking member of the Committee on the Budget.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the rule providing for consideration of the bill, H.R. 3581, the Rural Development Act of 1989. This rule waives section 303(A)(1) of the Budget Act because the measure contains $1 million of new budget authority effective in fiscal year 1991, and Congress has not yet adopted a budget resolution for fiscal year 1991.

The Budget Act does not allow consideration of measures providing new direct spending or revenue changes for a fiscal year prior to the adoption of a budget resolution for such fiscal year. Otherwise spending decisions can be made outside of the control of the budget process. In a poll of Budget Committee members I did not support waiving this section of the Budget Act; however, the Rules Committee decided to grant such a waiver.

Furthermore, in addition to the $1 million in direct spending, which results from the Farmers Home Administration lending money to rural health care facilities at more preferable rates, the bill authorizes large sums of money for new programs and expansion of existing programs. In fiscal year 1991 the bill authorizes $540 million in budget authority which expands to a 5-year total of $2.5 billion. The bill also creates a new bureaucracy by establishing a new rural development administration within the U.S. Department of Agriculture.

The administration strongly opposes enactment of H.R. 3581 because of its costly provisions, because it provides additional Federal subsidies to financially healthy telephone borrowers, and because it allows REA borrowers to defer scheduled debt payments if

they made loans for rural development purposes.

I must agree with the administration's position. I oppose this bill because it violates the Budget Act and is much too costly. Congress should be thinking of fiscal restraint rather than expansion. Members who vote for H.R. 3581 can be assumed that they are helping to increase the deficit.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Speaker, I rise today to urge your support of H.R. 3581, the Rural Economic Development Act of 1989. This bill addresses the very real and immediate needs of rural areas across the country. Of particular importance to my district is a provision to make available $60 million in direct grants and loans to residents of colonias. Colonias are poverty-stricken rural subdivisions found along the Texas-Mexico border, many of which lack basic human services such as water and sewage. These moneys will enable colonias residents to gain access to a clean water supply and sanitary waste disposal services. I thank Chairman DE LA GARZA for his hard work in getting this provision into the bill. I must express here my distress with the administration's opposition to this and other provisions in H.R. 3581. A statement from OMB says that the moneys for the colonias are not necessary. Water and sewage hookups are not necessary? Basic services for the poorest people in the richest nation of the world are not necessary? I strongly disagree. I urge my colleagues to support H.R. 3581. Not only will you be helping all rural residents, you will be helping the poorest of America's poor as well.

Mrs. MARTIN of Illinois. Mr. Speaker, it is always a pleasure to hear my seatmate from the Committee on Armed Services, the gentleman from Texas [Mr. BUSTAMANTE], talking about his district.

Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to rise in opposition to this rule. The gentleman from Minnesota and the gentlewoman from Illinois have pointed out many of the objections that I have to this particular rule, but I think we do need to raise the question of why in the world this bill had to come out under a closed rule.

□ 1540

It seems to me that this is a piece of legislation where there is no earthly reason for preventing Members from having an opportunity to amend the bill on the floor, if that is their want. Why have we had to have a provision such as that in the rule, and I read:

No amendment to said substitute, except pro forma amendments for the purpose of debate, shall be in order except those printed in the CONGRESSIONAL RECORD prior to their consideration

The problem with that is that that left Members with very little time to get a copy of the final version of this bill and write amendments which were then in order on the floor. I just do not see any reason why on a bill where there is considerable controversy about individual provisions that we had to have such a closed rule.

I hope that this is not precedent setting. I hope that the Committee on Rules is not moving toward more and more restriction of the means of debate on the floor and the ability of Members to amend bills.

The bill was not available for early consultation, and so therefore many of the objections of the administration were really not known by the Members until yesterday. Now the administration has come forward with almost a page full of paragraphs indicating objections to the bill. It would be very, very well I think for Members to have an opportunity to amend those.

It is my understanding that a good portion of the administration's objections have not been committed to amendment, and therefore will not be eligible to be debated on the floor today. I think that is a shame. I think it would have been very, very useful to have this bill out here under a complete open rule and have an open discussion.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding. This is to assure the gentleman, as the gentleman well knows, that this is not the practice of the Committee on Agriculture. Ordinarily we have an open rule.

The problem here was that there are areas with amendments of a highly technical nature, not necessarily generated from within our committee, but by Members outside the committee. For the protection of other committees, such as the Committee on Ways and Means and/or the Committee on Energy and Commerce, for example, that we would not have on the floor a Member just writing in his own handwriting at the last minute something in a highly technical area.

It is in cooperation with them and for their protection, as well as ours in those areas. Otherwise my statement to the Committee on Rules was it is not a matter of life and death for us. Ordinarily we ask for it. But there could have been amendments and will be of a technical nature that need to be worked out, and we have.

Mr. WALKER. If the gentleman from Texas [Mr. DE LA GARZA] will allow me to reclaim my time, I understand his point. But if amendments are not germane there are already rules in the House to stop nongermane amendments from being offered. If the amendments are germane to the bill and can be offered on the floor, I see no reason why we ought to pay more attention to the sensibilities of committees than we do to the ability of individual Members to bring an amendment to the floor.

There are already plenty of protections. If a Member offered an amendment that was not germane, it seems to me we ought to protect the Members. In this particular instance what we are failing to do is protect the individual rights of Members to offer amendments that they would regard as in order.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Both sides of the aisle asked and requested the Committee on Rules to provide for the opportunity to have notice of amendments. The only way we can do that is to require them to be published in the RECORD. The reason for that is that this bill really hits on a number of sections of current law that are really technical in nature. If one does not know and does not have the opportunity to see some of these things in advance, one could really do much greater harm than the gentleman from Pennsylvania [Mr. WALKER] thinks might be done by this procedure, because some of them would trigger some very large expenditures or movements within current law.

I am not saying other things we bring here are not complex. But to answer the gentleman's question about the concern of the administration, the administration has been involved in this whole process. I know that they have some objections, and I have noted those. The thing is if they want to provide those changes, they can go ahead today and find Members to introduce them.

Mr. WALKER. Mr. Speaker, reclaiming my time, under this rule Members cannot introduce those amendments. That is exactly my point. The administration does have these objections and they brought them forward. There is no way under this rule those objections can be brought to the floor today other than as part of the motion to recommit. They would have to include probably the entire package, which probably means the motion to recommit fails.

This gives us a process for us to have an opportunity to bring those out as

individual amendments, is the point I am making.

Mr. COLEMAN of Missouri. If the gentleman will yield further?

Mr. WALKER. I yield to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, we had up through yesterday to do that. The administration, I do not believe they are pushing some of their objections, if one wants to know the truth.

Mr. WALKER. Reclaiming my time, I thank the gentleman for his opinion on it, but the point is there are objections which are on the record. Under any orderly procedure in the House that makes any sense, there should be open debate on some of these things, which are good objections. That is what Members are prevented from doing.

I just do not understand why we had to have a closed rule in this instance. I would suggest to Members that voting against this closed rule would be very appropriate.

Mr. Speaker, I thank the gentlewoman from Illinois [Mrs. MARTIN] for yielding the additional time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, in my earlier remarks I should have said, as was stated by another Member, the Committee on the Budget did request a waiver of the Committee on Rules, so I cannot lay the blame at the feet of the Committee on Rules for providing us with what I think is a rule that should be opposed.

I would further state that while I must disagree with the rule, I do not want to do so disagreeably. Because like the gentlewoman from Illinois [Mrs. MARTIN], I have noted the new spirit prevailing in the Committee on Rules this year. We on the Republican side appreciate the camaraderie and openness with which that committee has approached its work this year. I am considering this a temporary aberration, and that the Committee on Rules will return to its normal good sense and clear direction as soon as this rule is completed.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER], who wishes to make a correction.

Mr. WALKER. Mr. Speaker, I thank the gentlewoman for yielding. In our discussion a moment ago the gentleman from Missouri [Mr. COLEMAN] rightly pointed out this bill is going to be taken up tomorrow under the 5-minute rule. Therefore, amendments could yet be presented in the RECORD today that would be eligible for consideration tomorrow. I am very happy to correct the RECORD in that regard.

It still strikes me that we would be better off to be able to bring the amendments to the floor as we want to tomorrow. But the gentleman is absolutely correct with the schedule that has now been outlined.

Mrs. MARTIN of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his remarks.

I want to say to the gentleman from Minnesota [Mr. FRENZEL] that the Committee on Rules is always very, very appreciative of any little crumbs of recognition that we might receive, and we thank him for that.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. AUCOIN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 99, not voting 17, as follows:

[Roll No. 24]

YEAS—315

Ackerman	Coleman (MO)	Frost
Akaka	Coleman (TX)	Gaydos
Alexander	Condit	Gejdenson
Anderson	Conyers	Gephardt
Andrews	Cooper	Geren
Annunzio	Costello	Gibbons
Anthony	Coyne	Gillmor
Applegate	Crockett	Gilman
Aspin	Darden	Glickman
Atkins	Davis	Gonzalez
AuCoin	de la Garza	Goodling
Barnard	DeFazio	Gordon
Barton	Dellums	Gradison
Bates	Derrick	Grandy
Beilenson	DeWine	Grant
Bennett	Dicks	Gray
Bereuter	Dingell	Green
Berman	Dixon	Guarini
Bevill	Donnelly	Gunderson
Bilbray	Downey	Hall (OH)
Boehlert	Duncan	Hall (TX)
Boggs	Durbin	Hamilton
Bonior	Dwyer	Harris
Borski	Dymally	Hatcher
Bosco	Dyson	Hawkins
Boucher	Early	Hayes (IL)
Boxer	Eckart	Hayes (LA)
Brennan	Edwards (CA)	Hefner
Browder	Edwards (OK)	Hertel
Brown (CA)	Emerson	Hiler
Bruce	Engel	Hoagland
Bryant	English	Hochbrueckner
Bustamante	Erdreich	Holloway
Byron	Espy	Horton
Callahan	Evans	Hoyer
Campbell (CO)	Fascell	Hubbard
Cardin	Fazio	Huckaby
Carper	Feighan	Hughes
Carr	Fish	Hutto
Chandler	Flake	Inhofe
Chapman	Foglietta	Jacobs
Clarke	Ford (MI)	Jenkins
Clement	Frank	Johnson (CT)
Johnson (SD)	Murphy	Skeen
Johnston	Murtha	Skelton
Jones (GA)	Myers	Slattery
Jones (NC)	Nagle	Slaughter (NY)
Jontz	Natcher	Slaughter (VA)
Kanjorski	Neal (MA)	Smith (FL)
Kaptur	Neal (NC)	Smith (IA)
Kastenmeier	Nielson	Smith (NE)
Kennedy	Nowak	Smith (NJ)
Kildee	Oakar	Smith (VT)
Kleczka	Oberstar	Smith, Robert (OR)
Kolter	Obey	Snowe
Kostmayer	Olin	Solarz
LaFalce	Ortiz	Solomon
Lancaster	Owens (NY)	Spratt
Lantos	Owens (UT)	Staggers
Laughlin	Oxley	Stallings
Leach (IA)	Pallone	Stangeland
Lehman (CA)	Panetta	Stark
Lehman (FL)	Parker	Stenholm
Lent	Parris	Stokes
Levin (MI)	Pashayan	Studds
Levine (CA)	Patterson	Sundquist
Lewis (GA)	Payne (NJ)	Swift
Lightfoot	Payne (VA)	Synar
Lipinski	Pease	Tanner
Lloyd	Pelosi	Tauke
Long	Penny	Tauzin
Lowey (NY)	Perkins	Taylor
Luken, Thomas	Pickett	Thomas (GA)
Machtley	Pickle	Thomas (WY)
Madigan	Poshard	Torres
Manton	Price	Torricelli
Markey	Quillen	Towns
Martin (IL)	Rahall	Traficant
Martin (NY)	Rangel	Traxler
Martinez	Ray	Udall
Matsui	Richardson	Unsoeld
Mazzoli	Ridge	Valentine
McCloskey	Roberts	Vander Jagt
McCrery	Robinson	Vento
McCurdy	Roe	Visclosky
McDade	Rose	Volkmer
McDermott	Rostenkowski	Walgren
McEwen	Rowland (CT)	Walsh
McGrath	Rowland (GA)	Washington
McHugh	Roybal	Watkins
McMillen (MD)	Russo	Waxman
McNulty	Sabo	Weber
Mfume	Saiki	Weiss
Michel	Sangmeister	Wheat
Miller (CA)	Sarpalius	Whittaker
Miller (OH)	Sawyer	Whitten
Miller (WA)	Scheuer	Wise
Mineta	Schneider	Wolf
Moakley	Schroeder	Wolpe
Mollohan	Schuette	Wyden
Montgomery	Schumer	Wylie
Moody	Sharp	Yatron
Morella	Shuster	Young (AK)
Morrison (CT)	Sikorski	
Morrison (WA)	Sisisky	
Mrazek	Skaggs	

NAYS—99

Archer	Fields	McCollum
Armey	Frenzel	McMillan (NC)
Baker	Gallegly	Meyers
Ballenger	Gallo	Moorhead
Bartlett	Gekas	Packard
Bentley	Gingrich	Paxon
Bilirakis	Goss	Petri
Bliley	Hancock	Porter
Broomfield	Hansen	Pursell
Brown (CO)	Hastert	Regula
Buechner	Hefley	Rhodes
Bunning	Henry	Rinaldo
Burton	Herger	Ritter
Campbell (CA)	Hopkins	Rogers
Coble	Houghton	Rohrabacher
Combest	Hunter	Ros-Lehtinen
Conte	Hyde	Roth
Coughlin	Ireland	Roukema
Courter	James	Saxton
Cox	Kasich	Schaefer
Craig	Kolbe	Schiff
Crane	Kyl	Schulze
Dannemeyer	Lagomarsino	Sensenbrenner
DeLay	Lewis (CA)	Shaw
Dickinson	Lewis (FL)	Shays
Dorgan (ND)	Livingston	Shumway
Dornan (CA)	Lowery (CA)	Smith (TX)
Douglas	Lukens, Donald	Smith, Denny (OR)
Dreier	Marlenee	Smith, Robert
Fawell	McCandless	

(NH)	Thomas (CA)	Weldon
Spence	Upton	Williams
Stearns	Vucanovich	Young (FL)
Tallon	Walker	

NOT VOTING—17

Bateman	Ford (TN)	Ravenel
Brooks	Hammerschmidt	Savage
Clay	Kennelly	Stump
Clinger	Leath (TX)	Wilson
Collins	Mavroules	Yates
Flippo	Nelson	

□ 1610

Mr. TALLON changed his vote from "yea" to "nay."

Mr. WEBER and Mr. MILLER of Washington changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to House Resolution 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3581.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," with Mr. TRAXLER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 30 minutes and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, the economic condition of many towns in rural America was summed up a year ago in a Time magazine article entitled "Small-Town Blues." The subheading of the article was equally depressing, it read: "The trains don't stop anymore, jobs are vanishing and young people are moving away. Now America's rural hamlets are fighting to stay on the map."

Rural development has become a matter of economic survival for many towns in rural America. Rural America did not share in the economic recovery of the 1980's. In fact, over the past decade, the Federal Government has neglected the problems faced in rural America.

Five million people left rural areas during the past decade. Many were young people—bright, well-educated hard-working men and women.

These former rural residents go to our cities overburdening urban transportation systems, schools, and other public facilities. Individually, they left for many reasons. But collectively, they left for one basic, overriding reason—they were in search of a job—of economic opportunity—of personal advancement.

For those who remain in rural areas, the current situation and the future prospects are not good.

These Americans face higher rates of unemployment, poverty, malnutrition, and are on average less educated than their city cousins.

Rural America's infrastructure is crumbling as roads and bridges go unrepaired for lack of funds. Rural America's tax base shrinks each time a Main Street business or a small factory closes. The quality of education and health care are deteriorating.

It is time to turn this around. It is time to change these alarming trends. It is time to reinvest in rural America. It is time to give rural communities an opportunity to survive.

Some equate rural development with farm programs. They say, the farm economy has recovered, why not rural towns? The fact of the matter is the economic health of American agriculture can no longer be viewed as synonymous with the health of rural America.

A quarter of our Nation's population live in rural areas, but less than 3 percent derive their livelihood directly from farming. More than 50 percent of the Nation's farm families derive more than half of their income from off-farm jobs.

This means farm programs cannot solve the problems of rural communities. In fact, farm income is no longer the dominant source of income in most rural counties.

We need to provide a spark to ignite new economic activity in the Nation's rural areas. We cannot stand by and watch our rural communities turn into ghost towns.

Yes, America's rural towns are fighting to stay on the map. It's time Congress recognized their situation and begin to help them get back on their feet.

Unfortunately, we do not have any new money to plow back into rural America—investment which is needed so desperately.

But we can give residents the tools and the opportunities they need to help improve the quality of rural live—to increase investment in rural America. That is the least the Federal Government should do.

This bill, the Rural Economic Development Act of 1990, renews our commitment at the Federal level to help bring economic opportunities and development to our rural communities.

This legislation recognizes that rural economic development is a local process of seeking local opportunities. The Federal Government cannot mandate where jobs are to be created.

But the Federal Government can, through a cooperative effort with other levels of government and with the private and nonprofit sectors, create a more favorable environment for economic development.

I want to acknowledge and commend the work of Mr. ENGLISH, the chairman of the House Agriculture Subcommittee on Conservation, Credit and Rural Development, and Mr. COLEMAN, the ranking minority member on that subcommittee, for the many hours of hearings, study, and work put into H.R. 3581.

I would also commend all the members of the subcommittee and the full committee who contributed to this bill.

Government can and should support efforts to spur rural economic development.

This bill provides the seed money needed to create jobs and income opportunities for rural Americans. It will consolidate the USDA rural development programs and facilitate the delivery of resources and assistance.

This bill is cost effective and will not create duplicative services. And most importantly, this bill recognizes the need for program flexibility. It seeks to meet the needs of the individual States, within regions of States, and at the local level.

It's up to this Congress to ensure the rural development legislation we are considering does the best possible job of directing our limited resources to meet the economic development needs of rural America. Our collective goal today is ensure that the legislation does this in as fair, equitable, and workable manner as possible.

The Federal Government has a long history of concern for rural America. It dates back to President Theodore Roosevelt who set up the Rural Life Commission in 1908.

The work of the Rural Electrification Administration and the Nation's rural electric cooperatives since the 1930's are also evidence of the Federal Government's efforts on behalf of rural America. I have in the past and will continue to be a strong supporter of our rural electrification programs.

Today, we have an opportunity to renew our commitment to preserving rural communities and giving them the opportunity to grow and prosper in the 21st century.

The Office of Management and Budget says the administration strongly opposes H.R. 3581. But earlier this year the administration sent this Congress a budget that said we must invest in our future.

This bill follows up on the President's commitment to invest in our future. More importantly, this bill says there is a future in rural America.

We cannot turn our backs on the 25 percent of our population living in rural areas.

This bill may not be perfect—seldom will legislation in our democratic process satisfy each and every person. But this bill on balance is reasonable, it recognizes the need for budget restraint, and most of all it sends a message of hope to the people living in rural towns throughout the Nation. I once was told by a lady from Colorado who was losing her farm and wanted to stay—"Mr. Chairman, we can't all move to Denver."

This bill makes the commitment to reinvest in rural America. I urge my colleagues to support the committee during consideration and final passage of H.R. 3581.

Mr. Chairman, I want to commend the chairman of the subcommittee, the ranking minority member on the subcommittee, all of the members on the subcommittee, and the members of the committee that have worked so diligently and so hard. We will have some amendments down the line, none that we will not be able to work out; with Members' support, we will handle them satisfactorily so that they may not in any way destroy or alter the thrust of this legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. ENGLISH], chairman of the subcommittee.

Mr. ENGLISH. Mr. Chairman, as the chairman of the committee pointed out, over the past decade we have lost some 5 million people in rural America. This is coming at a time when the rest of this Nation has been growing. Unfortunately, that loss has come from the most vital element—namely, rural America's young people. This is a tragedy, not only for the 1980's, but certainly does not bode well for the 1990's and beyond, for our future.

It underscores the fact that the rural development bill, the rural development legislation as it exists today has not been working and needs to be changed. In response to this fact, the Subcommittee on Conservation, Credit, and Rural Development held some 14 hearings. Many of these hearings were in various regions across the country, and we heard from over 242 witnesses, many of whom were local rural development people, people involved with growth in rural America.

The questions that were asked, What is it that we need for success for rural America? Of course, the first response was, "We need money, and we need a lot of it." We all recognize that the reality is, it is highly unlikely we are going to see huge amounts of money available for rural development or any other program through the 1990's. That is the budget reality that we are facing. They came back and said, "If you can't help us with large amounts of new money, then at least give us flexibility to deal with the problem as it exists today." Certainly, we found that in moving across the country, rural development means different things to different people. Different States have different needs. When they spoke of flexibility, that is what they were pointed to. We have a program today that straitjackets the entire Nation, all of rural America, into one set program. That set program does not work for most areas of rural America. Flexibility will allow people involved in rural development, involved in rural communities, to make the best possible use of every rural development dollar.

The heart of the legislation that we are considering today focuses upon the involvement of local people. It sets up panels in each and every State, to work with what will be the Rural Development Administration, that portion of the Farmers Home Administration that deals with rural development. These panels consist of Federal, State, and local elected officials, as well as people from rural water, from rural telephones, from power, from health, from banking, and from rural development. It covers the entire spectrum of each and every State, of statewide organizations involved in the success of growth in rural America.

The charge of these panels is to prioritize the various projects that are being applied for. The processes that we are following today would continue to be followed as far as the requirements of the law, the qualifications for approval. However, the panel then will look at the projects on the basis of merit, and where they think we can get the greatest amount of growth, rather than existing on a first come, first serve, whatever application happens to be on the top of the stack as being the one that is approved. It would be up to this panel to determine where is it that we can get the most for every dollar. It would allow targets, it would allow areas to be built up, and it would allow the focus of the resources of not only Federal dollars, but also those of the private sector.

Mr. Chairman, the allocations of the Farmers Home Fund fall into the categories of rural, water and sewer grants, community facility loans, rural water and sewer loans, business and industry loans.

All of these programs need to work in concert, as opposed to the scattergun approach we have been taking over the past number of years. Under this legislation, for the first time we bring all the resources together; we concentrate on and focus on where we can get the most for every dollar and where we can get the greatest amount of growth.

Without question, Mr. Chairman, this Nation needs a new approach. We need a new rural development bill. We need to make the most of the very scarce resources we have, and, Mr. Chairman, this legislation sets us on that road.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been a pleasure to work with the chairman of the Subcommittee on Rural Development, Mr. ENGLISH, in constructing what we firmly believe is the blueprint for a more stable, prosperous rural America. This legislation represents years of work, not only by me and Congressman ENGLISH, but by many others who know and are committed to our Nation's small communities. It represents some of the best thinking ever given to the challenges that face the people who work and live in rural areas.

We have had a patchwork history of rural development policy. We know that rural development efforts have waxed and waned, mostly with the economic conditions of our farmers. During the good times, few voices for rural development could be heard; during bad times, many in Congress thought that traditional commodity programs would address rural development needs.

Of course, they didn't. Traditional support programs do not encourage the job development, knowledgeable rural development leadership, modern infrastructure, or technical know-how essential to promoting economic diversity.

H.R. 3581 will do those things, and more.

I believe this legislation represents an historic opportunity for this Congress to put aside the old way of doing things for a fresh, new approach to addressing the issues that will shape rural America well into the next century.

I believe this because H.R. 3581 is a well-thought-out bill that is comprehensive in scope while recognizing that the Federal Government doesn't have all the answers. This legislation neither overpromises nor denies the hard choices to be made. But it gives those most affected—rural Americans—the tools they need to focus our resources on the problems they deem to be priorities for their communities. This legislation recognizes that just as there are many different rural Americas there must be many different approaches to solving their problems.

I believe that if we make this bill Congress' consensus on approaching rural development we can forge a strong, working relationship with the administration.

Recently, the President's Economic Policy Council Working Group on Rural Development, at the direction of the President, released its report, Rural Economic Development for the 90's. The report promotes an approach

very compatible to the thrust of the bill we are considering today. Its basic points are:

Rural America needs help;

Federal rural development programs must look beyond traditional farm programs;

Rural development is essentially an economic issue;

Economic stress hurting most rural communities is primarily nonagricultural in nature and global in scope;

Rapid change in rural America demands tighter coordination of Federal rural development programs; and

Local community leadership is at the heart of any successful rural development program.

Clearly, we agree with the administration that rural America needs help, and do not think we need more studies. Clearly, the time for studies has passed. Let's take what we know and act on it.

First, building on what we have known for years, our bill recognizes that the crisis in our rural communities does not end at the farm gate. Because an effective rural development policy must address problems traditional farm programs were not intended to solve, our bill will institutionalize rural development policy as a major function in the Department of Agriculture. We do this by creating a Rural Development Administration to bring focus and direction to Federal rural development policy.

Second, like the administration's report, this bill recognizes that rural development is essentially an economic issue. My rural constituents want to stay in their communities to live and raise their families. But to do this, they need the jobs that mean being able to support themselves, local services, and good schools for their children. This bill encourages incentives for maintaining and attracting rural businesses and job training programs to provide them a supply of skilled workers.

Third, this bill would harness modern technology to address the problems of rural America. It recognizes that technology is a primary tool in overcoming the barriers of time and distance that have in the past handicapped small communities in competing for development and jobs. In providing for rural data sharing and technology transfer centers which would develop and apply new ideas for rural businesses and markets, this bill will help smalltown America become more competitive in today's global economy.

Fourth, H.R. 3581 was far ahead of the task force report in calling for a more focused Federal rural development policy. Our legislation does that, but goes further to ensure that local communities and local community leaders have the major role in determining development priorities. Our bill will to a certain extent pool rural development funds to allow available resources to be tailored to local needs. We would correct the situation where funding levels decided in Washington for particular programs handcuff those who have to set local priorities. Those priorities would be established at the local level and decisions be made according to local and State rural development priorities. This approach will promote cooperation at all levels of Government and between Government and the private sector. It will promote cooperation rather than competition between local communities, and encourage regional approaches to addressing rural problems.

Fifth, H.R. 3581 and the administration both strongly agree that effective local community leadership is the key to successful rural development programs. We know that whatever we may do here in Washington, rural development depends on local leadership for success. That is why a very significant provision of our bill establishes a national leadership program for rural community development leaders. This program will cultivate rural development by providing local leaders knowledge of entrepreneurship, small business creation, self-employment, advanced management techniques, and financial planning.

Mr. Chairman, H.R. 3581, the Rural Economic Development Act, is the right approach at the right time. I urge my colleagues to act today to shape America's rural communities for tomorrow.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act.

I would also like to take this opportunity to thank my colleague, Chairman DE LA GARZA, and members of the committee for including provisions which are so important to me and our fellow colleagues whose districts include impoverished areas.

At least two of these provisions are very similar to legislation I initially introduced back in the 100th Congress and again in this Congress to assist these poor communities along the United States-Mexico border.

There are people in our country living in Third World conditions because they lack a simple necessity—water.

Lack of an adequate water supply and wastewater disposal system exposes the residents of these colonias to health risks and disease.

Section 806 of H.R. 3581 would authorize $30 million in grants, and $30 million in loans to assist communities that do not have a decent water supply.

I find it a shame that in this great country we cannot find a way to ensure that our citizens have just the barest essentials.

Perhaps, in the form of H.R. 3581 we can find relief.

I urge my colleagues in joining me in supporting the Rural Economic Development Act and hope that this will be the first step of many that will address the growing problems of poor health care and disease located along our border.

□ 1630

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in support of this legislation, which can bring needed help to communities that depend on national forest timber for their economic base.

Years ago I worked as a logger, and I know the people who work in our forests and our sawmills. Many of them have built their lives around the forest products industry. Sometimes their employers have cared a lot more about profit than about either the forests or their own employees.

Washington's timber communities went through a devastating recession in the early 1980's, when interest rates squeezed the housing market and lumber prices dropped. Unemployment in some of our rural communities rose above 20 percent and stayed there for years.

Now the rural Northwest faces another crisis—the realization that past forest management policies have fragmented the last remaining old growth areas, to the point where major harvest level reductions have become inevitable. The short-term compromise in this year's Interior appropriations bill can only postpone—not prevent—the inevitable decline in timber harvest from our Northwest national forests.

No one in my State wants to see logging and mill communities suffer because past management policies were irresponsible. The environmental groups that have insisted on ancient forest protection are among the most active in working for economic help to these distressed communities.

No one understands the need better than my friend and colleague, SID MORRISON, who has worked so hard for the economic diversification program in title 9 of this bill. I am proud to have cosponsored these provisions as separate legislation along with the rest of our delegation.

As we work to resolve the environmental and economic conflicts over Northwest old growth forest, legislation like this will be critical to real solutions. I urge Members who care about forest protection to support this bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of the Rural Economic Development Act of 1990 in its original, unamended version.

Further, Mr. Chairman, I rise in support of a colleague from the other side

of the aisle whose work I greatly respect, the gentleman from Washington [Mr. MORRISON].

Mr. Chairman, the gentleman from Washington [Mr. MORRISON] has taken a bold step. I speak of his legislation, title IX, the National Forest-Dependent Rural Community Economic Diversification section of the act.

We in the Northwest have had a crisis caused by a timber shortage. The economic consequences are wreaking havoc to families and communities. Anyone who has followed this issue knows that the wave of the future must bring economic diversification, and what the gentleman from Washington [Mr. MORRISON] has done is to allow those communities to make that first gradual step toward this necessary diversification.

Mr. Chairman, I am saddened, but not surprised, that the administration has strongly opposed the National Forest-Dependent Rural Communities Economic Diversification Act. Strangely, the reason given by the Office of Management and Budget for its opposition, is not the cost, but the notion that the role of the Forest Service is strictly to manage land.

I disagree and assert two facts in opposition.

First, one of the original Forest Service missions was to protect communities from the ruinous cutting practices of early timber companies who cut wide swaths through our forests—and then left communities behind, stranded and without resources.

Second, currently, today, right now, the Forest Service is at work promoting community stability through a program entitled "Pacific Northwest Strategies." One of the goals for this Forest Service program is, and I quote, "to reaffirm our traditional partnership role with people living in and using the natural resources of the Pacific Northwest."

Title IX, like the Forest Service's ongoing program, can help the people of Northwest ease away from strict timber dependence and toward a more diversified, balanced, and sustainable economy.

We arrive at this place in Northwest history after last year's action when this body forged an historic compromise for management of Northwest National Forests. This compromise protected large, contiguous stands of old growth timber, while assuring a sustainable level of harvest for our forest communities.

We created this compromise because in a time of crisis, long-term solutions to the timber shortage remained elusive. We recognized the agreement was only a small Band-Aid stretched to cover an enormous injury—an injury we knew we would have to address in the near future.

That near future is upon us. We must resume talks and come together in support of our timber dependent communities. Mr. Speaker, we saw the need to encourage community diversification and development and we funded it—to the tune of $495,000. The Forest Service's "Pacific Northwest Strategies" is an excellent start in implementing economic diversification.

The Strategies Program draws on a wide range of talents, interests, and leaders at the Federal, State, and local levels. It appears to be a bold, creative approach by the Bush administration to help communities adjust to changing Forest Service resource policies. Yet just as it is getting off the ground, the administration changes its mind. No, the Forest Service does not, should not, and will not keep its commitments to communities dependent upon national forest lands, claims the administration.

I take exception to that abdication of responsibility. Members of each party, legislators and adminstrators, environmentalists and timber companies, local officials, and Federal officials, all see the need. Now we have a proposal in front of us. His legislation has won the support of the Sierra Club and the Wilderness Society. They, too, want to support jobs in our beleaguered timber communities. Title IX would provide some vital "light at the end of the tunnel" for desperate communities.

Specifically, the National Forest-Dependent Rural Communities Act would enlist Forest Service expertise in assisting dependent communities to diversify their economies, thereby lessening their dependence upon national forests. The bill creates action teams who, at the request of communities, would prepare technical assistance plans to assist communities in utilizing Federal, State, local, private, and nonprofit economic development programs. In addition, the bill requires the Secretary of Agriculture to establish loan programs which would provide assistance in the development and implementation of the newly created action plans. These programs would be funded with 5 percent of the receipts received for the sale of timber and other national forest products.

Mr. Chairman, I urge my colleagues to help provide assistance and hope for these communities. This economic development proposal is just a piece, but an important piece, of a package of legislation needed to protect communities and forests in the Northwest. Other pieces of the package must include real protection for old growth ecosystems, redirected log export policies, incentives for private landowners, and, of course, new directions for Forest Service timber management.

Mr. Chairman, for now I urge my colleagues to support title IX, the National Forest-Dependent Rural Communities Economic Diversification Act of 1990's ongoing program, and let us move into the future with diversification.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL], a distinguished member of our committee.

Mr. CAMPBELL of Colorado. Mr. Chairman, I rise in support of the English-Coleman (H.R. 3581) rural development package. This bill will provide much-needed flexibility to States and localities in the administration of rural development programs, and I wish to commend Mr. ENGLISH and Mr. COLEMAN for their fine work on this measure.

It is no secret that rural development programs have never commanded more than a few scattered crumbs of the budetary pie. For many years it was simply assumed that if you pumped enough money into agriculture, rural development would take care of itself.

Recent history, however, has shown that the problems of rural America are not so easily solved. Even with farm production up by some 43 percent and farm income up by 133 percent this decade, rural America continues to face serious economic difficulties.

The rural development bill introduced by Representatives ENGLISH and COLEMAN recognizes this essential fact. In addition, the bill recognizes a more essential fact; that our current budget situation combined with the President's no new taxes pledge effectively means no new help for rural America.

Given this unfortunate situation, the English-Coleman rural development bill seeks to put our current rural development funds to the best possible use by providing States with greater flexibility in the oversight and disbursement of these limited funds.

Under this bill, State economic review panels will be established to help address each State's unique rural development priority needs.

While the State panels will continue to receive funds under the three main rural development programs—water and sewer, business and industry, and community facilities—these panels will now have the authority to move funds between these accounts as demand and need dictate.

I see this flexibility as a great boon to our current rural development efforts. Under current law, funds sent to a State must stay within the rigid formula set by the USDA.

The English-Coleman package will allow States to respond to demand within their States, and makes the best use of our limited rural development funds.

In closing, this package is a crucial first step in recognizing the diverse

needs of rural America. The framework established in this bill will greatly enhance our current development efforts, and will prepare us for a future when rural development commands enough respect to earn not just crumbs, but a small yet significant piece of the budget to call its own.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, as we have heard from our distinguished leader of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], a lot of Americans are leaving the rural parts of our country, moving to the big cities. Those big cities are getting bigger, and of course we see more and more problems which cost more and more money. We think it is time to reverse that trend with this legislation.

Mr. Chairman, I have a very special interest in title IX which I would like to share with members of the committee. Our concern is for national forest-dependent communities, and they are a separate package in this particular bill. I think these are often the least sophisticated of the communities that we seek to help through rural development.

Mr. Chairman, these communities face now a very special economic problem, and that is that there are changing attitudes in this country toward the harvest of old-growth forests and concern about endangered species that are really sending economic shock waves through these communities. These communities, by the way, have served the United States very effectively. They have harvested, they process, national forest timber which returns billions of dollars to the U.S. Treasury.

The title IX provisions utilize the U.S. Forest Service. These are the people that should be involved in these communities. They know what the forest plans are for the future. They can best predict what is going to happen, and under our plan they work with local, and Government and State government leaders. They come up with an action plan at the request of the communities involved, and it utilizes a number of tools with which we are familiar in economic development, partnerships, cost-sharing loans and grants, all subject to approval by the Secretary of Agriculture. The goal is to understand their future and the options. to retool local mills, if that is in their future, and it is the most efficient step in encouraging the development of new industries and new job opportunities and provide retraining.

Mr. Chairman, this measure brings its own source of funding to rural development by utilizing some of the timber revenues actually generated by these communities that do not overlap with the remaining features of the bill. In other words, we are not tapping the same source of funds twice.

Mr. Chairman, I think it is high time that we provide recognition to these timber dependent communities that have served our country so well. They perform a vital service, as I have indicated, and now they desperately need help, and I am pleased with the leadership we have seen in the Committee on Agriculture in giving us this opportunity.

The U.S. Forest Service has had rural development packages and authority in the past. Those are terminated in the 1991 budget, so this plan steps in to take the place of that particular loss.

Mr. Chairman, I appreciate this opportunity to express these views and thank the gentleman from Texas [Mr. DE LA GARZA], the gentleman from Oklahoma [Mr. ENGLISH], and the gentleman from Missouri [Mr. COLEMAN] for their leadership on this issue.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Maryland [Mr. DYSON], a valued member of our committee.

Mr. DYSON. Mr. Chairman, I rise today in strong support of H.R. 3581, the Rural Economic Development Act of 1990. I want to commend my colleague from Oklahoma, the distinguished chairman of the Subcommittee on Conservation, Credit and Rural Development, for his leadership on this important issue.

As the Representative from the largest rural district in Maryland, I have witnessed the hardships experienced by rural Americans in the 1980's. While most of the United States has experienced unprecedented economic growth in the last decade rural America by and large has been left behind. Even rural regions which have experienced reasonable growth have been disadvantaged by a deteriorating and neglected infrastructure.

The reality of this inequity is that many rural communities have not been able to share in the Nation's economic recovery of the 1980's. In the First District of Maryland, Dorchester and Somerset Counties are two regions in need of Federal assistance. Both of these counties have annual unemployment rates in excess of 8 percent. However, the sad fact is that almost 40 percent of all rural communities in the United States have unemployment rates of 8 percent or greater. Most Federal funds are in the form of transfer payments and only 6 percent of Federal research money goes to rural America.

Without the most basic of public work improvements required to sustain continued economic growth, the Dorchester and Somerset Counties of our Nation find themselves in a catch-22 situation: the communities must provide the infrastructure necessary to create expansion; but they must first find a way to expand the tax base in order to pay for its infrastructure improvements.

Obviously, many of our struggling rural communities need a "kick start" to get back on the road to prosperity. I believe that H.R. 3581 serves this purpose. Through the establishment of the Rural Development Administration, H.R. 3581 will allow America's rural heartland to catch up with the rest of the country, and at the same time increase U.S. competitiveness in the global economy.

This legislation also encourages greater State and local participation and flexibility in determining how Federal funds should be allocated. Delegating this authority is a means of granting State and local governments the autonomy to decide for themselves how to spend the Federal funds to best suit their individual needs.

By harnessing funding already available in existing water and sewer development programs, this bill requires little in new funding, thus respecting America's need to resist new spending as we work to reduce the budget deficit.

Mr. Chairman, the people of the First District are a hardworking people who possess a proud tradition that dates back to the earliest days of our Nation's settlement. While they may not have as many funding opportunities as our urban areas have, the limited funding that is available to the rural areas must be spent in the most beneficial manner.

I urge my colleagues to support H.R. 3581. Passage of this bill will ensure that America's rural population continues to make a positive contribution to our Nation's economic growth.

□ 1640

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN] in order that he might ask a question and participate in a colloquy with the gentleman from Texas on clarifying some language in the legislation.

Mr. COLEMAN of Texas. Mr. Chairman, I would like to take this opportunity to recognize the chairman of the House Agriculture Committee for the fine leadership he has provided in bringing this bill to the floor, which if passed will provide some of the neediest individuals in the United States an opportunity to live with basic necessities of life most of us take for granted, such as potable water and sewage collection.

I would appreciate the chairman clarifying an issue that may arise in the implementation of section 804 of this bill, the section providing water

and waste facility loans and grants to alleviate health risks. As we know, Mr. Chairman, a characteristic of colonias as we understand them along the border, is their unincorporated status. As such, it does not make much difference whether communities are 10 miles from an urban center or 100 miles from an urban center, they still do not have the resources to install water or wastewater collection systems. One of the most important aspects of this legislation is that it would allow individual colonia residents to receive funds for their residences to be hooked up to any existing systems.

As this issue has been addressed over the last couple of years, we have tried to impress upon the Farmers Home Administration and other administrative agencies that as used in colonias legislation, the terms "rural" and "rural area" include any unincorporated area outside the city limits characterized by substandard housing, inadequate roads and drainage and a lack of adequate water or wastewater facilities.

Is it the understanding of the Chairman that insofar as appropriated funds allow, and as long as the county in which these communities are located meet the income and unemployment criteria set forth in this title, all colonias are eligible for assistance under this legislation?

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield, the gentleman from Texas makes a good point. In the Southwestern United States, for example, hundreds of thousands of people live in colonias. Some of these are truly isolated areas, while others are outside the city limits of major cities such as El Paso, in the gentleman's district. Because they are unincorporated, and are not actually part of the cities or towns, however, they are not provided services by adjoining municipalities. This title seeks to provide assistance to all identified colonias which have substandard housing, inadequate roads and drainage, and a lack of adequate water or wastewater facilities. In addition, this provision will benefit the individual colonia residents by allowing them to borrow funds for badly needed hookups into existing water delivery and wastewater collection systems.

Mr. COLEMAN of Texas. Mr. Chairman, I want to once more commend the chairman and thank him for his participation.

Mr. Chairman, I rise today in support of a section in this legislation that is very important to the people in my congressional district and all people along our country's southwestern border.

During the last 3 years, I have addressed this House several times and have introduced legislation attempting to improve living conditions in unincorporated communities along the border commonly known as colonias. These residents live in homes without running water or sewage collection facilities, necessities of life which most of us take for granted. This situation has been the result of a growing population and a continued scarcity of housing. Colonia residents are thus forced to drink, cook, and bathe without safe water, and as a result experience high rates of diseases that have been eradicated in other parts of our country. A study of a community in my district, for example, found that 67 percent of the residents in the area have been infected with hepatitis A, commonly caused by poor sanitation, contaminated food and water. Furthermore, since lots are typically small and residents are not aware of the consequences of doing this, many residents do not adequately separate their septic systems from their wells and end up contaminating their ground water with their own sewage.

The conditions in the colonias have existed since the 1960's, when developments were established outside the city limits as developers sold lots at low monthly payments to poor individuals eager to own their home. Unfortunately, many of these people bought land believing that adequate water and sewage systems would eventually be furnished, which did not occur. Often colonia residents could not afford rents within the city limits and found no hope of public housing because of swelling waiting lists for these units. They opted instead to purchase lots outside the city limits and move into communities where they would be able to raise their children as they sought. In my congressional district alone, it is estimated that 53,000 people live without sewage disposal facilities and 28,000 live without running water. According to estimates by the Congressional Research Service, hundreds of thousands of people—predominantly Mexican-American—live in these deplorable conditions along our country's southwestern border.

Some progress has occurred in improving the lot of colonia residents since this issue first came to the forefront, but for those of us who represent border States, it is clear that a great deal remains to be done. Aside from the inadequate water supply and wastewater collection systems found in colonias, residents suffer from intolerable health conditions, experiencing exorbitant rates of disease that have played a role in preventing children from achieving good attendance records in school.

This bill would provide assistance to colonia residents to alleviate these health risks. Additional assistance is necessary because existing Federal programs have not been sufficient given the extent of the need found in the area and because of administrative limitations to the application of these programs. When constituents of mine who are colonia residents contacted me about Federal assistance for their plight, they realized that commitment to improving their homes was also necessary from the State and local governments. For its share, the State of Texas passed legislation last year which resulted in the passage of a bond issue to provide funds for colonias. The county of El Paso, which I represent, has attempted to curb the growth of colonias by enforcing requirements on developers before land is sold in lots.

The bill under consideration today utilizes existing programs under the Farmers Home Administration by providing a $30 million grant program and a $30 million loan program for colonia residents. It also corrects a regulation that has prevented some residents in the area from participation in this program. An important component of this legislation is to make eligible for this assistance all colonia communities that have been identified by the Secretary as having significant health risks, regardless of whether they technically meet the "rural" or "rural area" definition under FmHA programs, which in the past has served to prevent colonia residents from participation in FmHA programs. I would like to thank my colleague, the chairman of the House Committee on Agriculture, for including this language, which will be particularly helpful to colonias in my congressional district.

I also want to commend my colleagues from Texas, SOLOMON ORTIZ, JOHN BRYANT, and ALBERT BUSTAMANTE, who have contributed a great deal to passage of assistance for colonias. I urge all my colleagues to support this legislation.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON], who is a leading proponent of rural economic development in the committee.

Mr. GUNDERSON. Mr. Chairman, let me begin by thanking both our chairman of the subcommittee and the ranking member of the subcommittee for their work and cooperation in this area. Anyone who has watched rural America in the last 10 years certainly knows that there has been a major transition in rural America.

Very frankly, we do not have as many farmers today as we did 10 years ago, for a lot of different reasons.

Without reflecting on the past, however, we have a chance here today to focus on the future, and as we focus on that future we can talk about rural development, and as we talk about rural development one of the main foundations of this legislation is that we will work within the USDA to have a rural development administration which has that separate unique focus on those elements which are geared toward economic development.

The second key part of this legislation which I think is so important is the flexibility that follows that focus, flexibility that allows the Department of Agriculture and their respective State agencies to pool money when it becomes necessary, to move money back and forth from various programs to meet the needs of that particular State.

Now, in order to get that funding, something else is required that becomes important. As a result of this legislation, people will no longer simply be applying for funds by themselves. You will need a plan, an economic development plan. That is a requirement. That is a good investment.

Mr. Chairman, I support the bill.

Mr. Chairman, I want to thank Mr. ENGLISH and Mr. COLEMAN for their excellent work in

refocusing our rural development efforts in the Rural Economic Development Act of 1990. Through your efforts, our rural development delivery system will be enhanced with more local control in charting rural development.

I am confident this new delivery system will encourage new employment, improved infrastructure of water and waste systems, electricity and telephone services, health care service, and education for rural America.

Included as part of this package is an amendment I offered which makes it possible for rural development to take place on a regional basis, by making regional development organizations eligible to apply for rural development funds. This compliments the local delivery efforts as the basis of this legislation.

The diversity of rural conditions in the small towns and communities of the United States is reflected in the paths they set for economic and infrastructure development efforts.

No two communities are the same; therefore, communities will choose diverse paths for their own economic viability. Some communities will seek to transform and diversify their economics from goods producing to services. Still, other communities may specialize in residential and consumer service activities, while others may stress health care services and education. Other communities will take advantage of natural resources and cultural diversity.

Regardless of what path communities choose, the fact remains that increasingly, rural communities are more and more interrelated. A regionalized approach to revitalizing the communities of western Wisconsin, the State of Wisconsin, and of all rural America is a concept whose time has come.

Western Wisconsin, like other regions of rural America, face numerous challenges in the future. With western Wisconsin's population expected to grow 9 percent in the next 10 years and 19 percent by the year 2020, we will need to not only continue to enhance the agriculture economy, we will need to diversify employment opportunities and provide reliable and adequate water and sewer systems, expand power service, enhance job training programs, stabilize health care institutions, and expand educational opportunities.

The overall challenges western Wisconsin and the whole State face are different than the rest of rural America, with the needs of each community, each county, each region, differing. We will strengthen the role of our local and State organizations in charting their future and we also allow for regional efforts as well to capitalize on our human and natural resources, to diversify our economies so rural America can share in prosperity.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first of all, I want to compliment the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA] for bringing this bill to the floor early in this session as promised. Of course, that would not have been possible were it not for the diligent efforts of the gentleman from Oklahoma [Mr. ENGLISH], the chairman of the subcommittee, and the ranking member, the gentleman from Missouri [Mr. COLEMAN], for all the good and diligent work they put into this piece of legislation in the first session of this Congress. I think the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Missouri [Mr. COLEMAN] are to be commended very highly for producing an exceedingly good work product out of their subcommittee. I think we all owe them a debt of gratitude.

Mr. Chairman, rural America now stands at the threshold of a new decade brimming with both great promises and crucial challenges. Concerns surrounding the improvement of our rural infrastructure and the need to generate more local businesses and investment capital have given rural America cause for concern.

H.R. 3581, the Rural Economic Development Act gives rural areas some necessary tools that will allow infrastructure and business development to occur—development that is so vital to the future of our rural towns and communities. This bill also creates a more systematic, prioritized approach to rural economic development by requiring and supporting State and local planning processes. Through the local planning process, the priorities of communities can be more effectively identified, and this will facilitate statewide prioritization of local funding needs.

This rural development initiative is a positive move in the direction of allowing local communities to develop their full potential. By providing incentives for that growth, we will help spur the recovery of rural areas and create new opportunities by which rural families and businesses can prosper. I urge my colleagues to suport this measure and put rural America on a positive growth course for the future.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for his kind remarks.

Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from New York [Mr. WALSH], a Member who is exceedingly interested in this subject matter as well.

Mr. WALSH. Mr. Chairman, as a member of the Committee on Agriculture, I rise in support of H.R. 3581, the Rural Economic Development Act of 1990. I commend Mr. ENGLISH and Mr. COLEMAN for presenting the full committee with such a fine bill. I commend Chairman DE LA GARZA for speedily bringing this bill to the floor.

I support this bill for several reasons. It addresses the needs of our poorest communities which are not served by the most basic necessities as running water and sanitary facilities within their homes. Those from more urban areas probably cannot imagine life without these basic necessities. Yet, there are pockets of devastation within our country that will be helped by this bill. Furthermore, meaningful rural economic development is nearly impossible without infrastructure funds for projects like sewer and waste water treatment facilities. For these reasons, I will be also supporting the upcoming Rose amendment.

Budgetary concerns are certainly noteworthy and deserve our attention. However, these basic human needs require that we spend some money to save money in the future dues to sickness and disease.

The other important point in this bill is a compromise worked out in the report language, redefining "rural" to include areas such as Madison County in my district in New York State, as well as many other rural areas within my State and the northeast region. We were careful to allow for membership on the rural development panel from rural areas without dominating the board with members of more urban areas. The panel is crucial in determining priorities for the distribution of rural development funds. This compromise protects all interests.

With these thoughts in mind, I urge my colleagues to support this rural development initiative and help those segments of our country who are relying on this assistance.

□ 1650

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I am pleased to be here to support rural development legislation before the House today. I am glad that the Agriculture Committee has recognized the unique needs of rural America, and decided to address this issue separately from the 1990 farm bill.

Last summer, the House Agriculture Committee began a series of hearings on the needs facing rural America. Needs and problems such as:

Rural unemployment levels 33 percent higher than urban unemployment;

Rural poverty levels 33 percent higher than urban poverty; and

Rural income per capita 25 percent lower than urban income.

These hearings began with testimony of Members of Congress concerned about rural America. I was pleased to participate in these hearings. I stated that we must act now to address the identified needs, or perhaps lose the chance altogether. The approach I stressed was that we must first examine the effectiveness of current Federal programs affecting rural development—before authorizing new Federal programs. During the hearings, the

committee heard from many quarters that the current array of Federal rural development programs could be improved, especially in light of the budgetary restraints.

The committee also heard from many witnesses on the need for more flexibility at the State and local level to determine priorities for Federal rural development assistance.

I applaud the committee for its innovative and responsive approach to the needs and suggestions it heard during the hearing process. As the centerpiece of this bill, the committee proposes consolidating the Agriculture Department's rural development programs under the umbrella of a new Rural Development Administration, and brings local input into the funding process for these programs.

I agree that the people most affected by rural development programs should help decide where that money would be best spent. I also agree that rural development functions of the Department of Agriculture should be separated from the agricultural credit functions. It has been apparent for some time that the prosperity of all rural America does not necessarily coincide with the status of agriculture enterprises.

I also applaud sections of the bill which would increase the capital available for very small businesses located in rural America, that would turn the Rural Information Center of the National Agriculture Library into a one-step shop for information on rural development programs and initiatives, and that would enhance Cooperative Extension's existing work on behalf of rural communities and individuals.

Furthermore, I urge every Member's support for the amendments of my esteemed colleague from Minnesota, Representative ARLAN STANGELAND regarding the establishment of 100 rural enterprise zones. I am a proud cosponsor of Representative STANGELAND'S freestanding bill to authorize HUD to establish 100 rural enterprise zones, and strongly believe that this type of Federal incentive would greatly encourage job creation in rural areas. I urge all supporters of the enterprise zone concept to vote in favor of the amendments I understand Representative STANGELAND will offer tomorrow.

I must say that I am concerned that certain elements of the bill detract from the committee's desire to centralize rural development efforts. Not all of the Department of Agriculture's rural development programs are incorporated into the new Rural Development Administration, and the need for authorizing newly duplicative programs is questionable. I am also concerned that the State review panels may not be able to process proposed business development loans quickly enough, and would hate to see funding decisions based on anything other than addressing the needs of rural America.

Despite some reservations about certain aspects of this bill, I am pleased to rise in support of addressing the needs of rural America. Hopefully, the House and the Senate will address some of these shortcomings during the conference on this bill. I know that all the supporters of rural America hope that a final rural development bill will be signed into law sometime this year. Favorable action on this bill will help to make the 101st Congress remembered as a banner session for rural America.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], who is interested in this subject.

Mr. GILMAN. Mr. Chairman, I rise today in support of rural America and H.R. 33581, the Rural Economic Development Act. I thank the distinguished committee chairman, the gentleman from Texas [Mr. DE LA GARZA] and the ranking Republican member, the gentleman from Illinois [Mr. MADIGAN], and the subcommittee chairman the gentleman from Oklahoma [Mr. ENGLISH] and the ranking minority member, the gentleman from Missouri [Mr. COLEMAN] for their diligent efforts to bring this legislation before the Congress.

Mr. Chairman, in recent years those of us who represent rural districts have seen a rise in unemployment, as well as a lack of quality telecommunication facilities, and health care facilities. Though in the Congress we have set up numerous programs aimed at improving infrastructure and enhancing economic development in rural America, the fact remains that little coordination exists among Federal efforts to create a comprehensive plan for assisting our Nation's rural communities. In fact, much of the current assistance offered to rural communities has been inflexible and has lacked necessary local input, leaving many critical projects necessary for our local areas to be unfinished and unfunded.

Mr. Chairman, we in Congress often legislate grand policies at the Federal level to assist our local communities; however, many times the ultimate affect is less than expected.

We are now about to embark upon a new policy to revitalize rural America, yet we lack a provision which will allow Congress to follow up and view how well we have done.

Accordingly, Mr. Chairman, I offer my support to an amendment offered by my Republican colleague, Mr. SHERWOOD BOEHLERT, of New York. This amendment will authorize the Secretary of Agriculture to establish a modest competitive grants program to land-grant colleges and universities, research foundations, State agricultural experiment stations, and all colleges having rural development research capability, to evaluate the impact of Federal and State economic policies and programs on rural economies.

Mr. Chairman, though the legislation before us today offers a new and enlightened policy for revitalizing rural America, I believe it necessary to point out that today we are not going far enough. If we are truly interested in battling the unfortunate plight of our Nation's rural communities, it will be necessary to generate more capital to assist these economically struggling areas.

Mr. Chairman, today's legislation is an important step in the right direction. For this reason, I urge my congressional colleagues to support, H.R. 3581.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, before I yield back the balance of my time, we will take up the 5-minute rule tomorrow, and Members will have an opportunity to have several amendments placed before us.

While this sometimes is an esoteric subject because we are getting into some programs that have some wide-ranging ramifications, I hope the Members will listen to the debate tomorrow and recognize that we have worked on this proposal for several years and hope to expedite things tomorrow. But we may have some amendments that will take some time.

I think we have a good work product. I think it is different, and it is nontraditional, which may breed some interest by people, because we are doing something different. We need to do something different, because the circumstances require that we do.

I am delighted with all the positive things that were said today. I did not hear a negative thing said about our bill. I am thankful for that. I appreciate those positive comments toward myself and, I am sure, the other gentleman as well.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I echo and associate myself with the words of our distinguished colleague from Missouri [Mr. COLEMAN], who has done very diligent work on this issue, and I repeat what he has stated that tomorrow the House convenes at 11 a.m., and as soon as the leadership allows us, we will commence the 5-minute period on this legislation.

There are some amendments. We hope that the membership would support the committee. Some we can accept. Some deal with other committees that they are trying to work out

some agreement, and others that might just deviate the thrust of this legislation that I would hope the Members would cooperate with and sustain the actions of the committee.

We hope that we might be able to accelerate the process, that we may not have votes, if not necessary, and that hopefully we would finish the deliberations before 3 o'clock tomorrow afternoon.

That is basically the plan for tomorrow.

Mr. WATKINS. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act of 1989. This is a great day for rural America. Today, the House will help forge the future of the rural areas of our country. The last major rewrite of rural development policy and implementation elements of that policy was completed in 1972.

I want to commend my colleague and friend from Oklahoma, Chairman ENGLISH, ranking minority member Mr. COLEMAN, and Chairman DE LA GARZA and all the other members of the Agriculture Committee who have worked to bring this legislative package to the Floor.

The last 10 years have been devastating to rural America. The facts are that over 5 million Americans have left rural America. The undercommitment of resources to rural areas has resulted in out-migration to more populated areas already plagued with socio-economic problems, thus exacerbating such problems for rural citizens. Rural unemployment rates which were historically lower than urban rates, are now higher. The gap between rural and urban incomes has widened and rural poverty rates are now substantially above metropolitan area rates. And, most important—the necessary principal and gap financing for industrial and economic development to produce off-farm jobs are non-existent in most rural areas.

After 10 years, the Department of Agriculture and others have focused on the fact that off-farm jobs are crucial even to production agriculturists in rural areas. And, the proportion of people living in rural areas who do not derive their livelihood solely from producing agricultural commodities, but who also have part-time off-farm jobs is growing.

The 1972 rural development package dealt primarily with basic infrastructure necessary for a good life in rural areas and emphasis in basic infrastructure for rural industrial economic development.

Today we are crossing a new threshold. A new dimension if you will. We have laid most of the basic framework to now work toward applied rural industrial economic development. The foundation has been poured and the house has been framed. It is now ready to be finished. Make no mistake, there is a difference between rural development and rural economic development. While the 1972 act principally focused on rural development, H.R. 3581 as does S. 1036 focus on building upon the foundation that has been laid.

I am optimistic that as a result of this legislation we will move forward and go beyond only planning and policy development. Whatever package this body should adopt now or later as reconciled by both chambers should have the principal focus of off-farm jobs, anything less sells rural America short.

I'm encouraged that the committee has adopted many of the provisions that I have advocated for most of the 14 years that I have been in Congress.

Among those things that have been adopted include the streamlining of the Department of Agriculture's rural development activities and the establishment of a new Rural Development Administration [RDA] within the Department. This will provide for direct accountability, responsibility for the mission of urgency to build rural areas and a more effective delivery of rural programs.

I'm hopeful that the new RDA under the restructured Department will place additional emphasis on key growth centers with identified resources that can be expanded, such as with regional industrial airparks. Targeted investment into these areas and similar areas can provide for the maximum return in off-farm jobs. These sites will provide for a jump start for rural America in economic development.

Title IV of the bill builds upon H.R. 4331 (Public Law 99-409) which I authored and got passed in the 99th Congress. The language within this section focuses on rural technology transfer centers and actually utilizes language from the bill I originally introduced where the concept of rural technology centers was first proposed. The purpose of this authorization is to help new or expanding business and industry to build off-farm jobs in economically depressed areas.

Utilizing title V of the bill that focuses on the Extension Service and the use of the Service for more involvement in hands-on applied assistance to business and industry can be coupled with rural technology centers. Rural technology and innovation centers at a land-grant college and university may be directly associated with the Extension Service for delivery of information in a progressive push manner to rural areas. The centers may be tied to the network of Federal laboratories, universities, voctech schools, and technology education classes, and available technologies and existing technology transfer efforts.

The county level of the Extension Service can help implement under the new structure of the RDA. Assistance needed or new products and processes to be evaluated from local people at the county level would be feed back through the chain to the rural center where a response would be generated. I believe the authority gives the Service the flexibility to take the active role of pushing rural development and the creation of job opportunities that will result in the growth and preservation of rural areas.

Existing non-profits, not related to the university can continue as well to provide the same assistance as well in the creation of jobs through technology assistance to new or expanding industry.

While I cannot cover every segment of this bill, I will conclude by saying that I believe that we have the basic elements for helping rural areas in this bill. I believe that the elements of this bill combined with the financing elements in the Senate rural development bill will result in a positive, progressive legislative package.

While the package before us today falls far short of the Marshall plan for the 65 million Americans living in rural areas, which I have advocated, I'm encouraged nevertheless with the progressive steps in that direction. I would like to think that this is to assist in continuing the basic and industrial framework for rural areas and that as part of a Marshall plan at a later date we will help detail and furnish the house we have built.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I rise today in support of H.R. 3581—the Rural Economic Development Act. I believe the best way to ensure a healthy rural economy is to provide for sound Federal agricultural policy. We will all have an opportunity to play a role later in the session when we take up the Food Security Act of 1990, or farm bill. In my hometown in eastern Oregon the people are fighting for the survival of the only hospital in the county. Moreover, Oregon has given back 62 percent of its available rural development moneys to the Federal Government over the past 3 years under the three categories included within this legislation—water and sewer; communities facilities; and, business and industry. Many of our Nation's rural areas are staring into the face of economic disaster. Hospitals are closing, businesses are failing, jobs are being lost, and citizens are packing up their belongings and moving to the big city in search of the American dream. Why should rural folks have to leave their homes and change their lifestyles to find prosperity? The answer is, they shouldn't have to.

Mr. Chairman, my colleagues on the House Committee on Agriculture have worked diligently to attempt to remedy this situation. Although I retain some concerns about a few provisions in H.R. 3581, this legislation should provide States' the needed flexibility to set their own rural economic development priorities.

As my colleagues on the committee know, I supported a committee amendment to the bill that would have maintained current Farmers Home Administration loans and grants for water and sewer projects—which are essential to the survival of rural communities. After all, a business or hospital cannot function if life-giving drinking water is flowing with muck. The committee's action to increase the authorization for water and sewer from $155 million to $500 million, as well as a separate water and sewer pool of $34 million is at least a step in the right direction.

My second concern with this bill dealt with the new rural development panels that will set each State's priorities. As I expressed to the Subcommittee on Conservation, Credit and Rural Development—I wanted to assure that rural representatives do indeed serve on those panels. After lengthy deliberation on both the subcommittee and full committee, we reached an agreement that voting panel members shall come from cities with a population less than 17,500. This report language is based on the Consolidated Farm and Rural Development Act, which Farmers Home often utilizes.

Finally, I would like to thank my colleague from Washington State, who put forth a provision in the bill that will encourage timber-dependent rural communities to diversify economically. This provision authorizes the USDA to establish "action teams" that would provide technical assistance to assist these communi-

ties by utilizing up to 5 percent of the general fund moneys from timber receipts. The Pacific Northwest should benefit significantly from this proposal.

In all, Mr. Chairman, H.R. 3581 will provide the mortar needed between the cracks to spur economic growth in rural areas largely unaffected by America's economic recovery. I rise in support of this legislation.

Ms. SNOWE. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act and I urge my colleagues to join me in support of this important initiative for rural Americans. I believe that this legislation takes an important step in identifying and addressing the issues affecting successful rural economic development.

I commend the work of the members of the Agriculture Committee for their efforts in drafting legislation which takes a new and dynamic approach to rural economic development. The old approaches to this problem have not worked—it is time that we try a new approach that allows rural Americans to move forward and to determine their own future.

H.R. 3581 significantly expands the role of the States in establishing funding priorities for rural assistance projects. It establishes the Rural Development Administration within the U.S. Department of Agriculture which would be responsible for the overall coodination of rural development programs. Furthermore, by requiring States to establish an advisory review panel, the States will be able to review development plans and applications for assistance under rural economic development programs and to establish coordinated funding priorities. In addition, H.R. 3581 recognizes that priority must be given to projects that will benefit the public health. H.R. 3581 also will increase the authorization for water and waste disposal grants from $154.9 to $500 million annually.

These are important steps toward improving our commitment to rural Americans. However, this is only a step and the real test of our commitment will be our willingness to provide the resources to achieve the necessary improvements in our rural communities. We must provide the financial assistance that will allow rural towns to protect their drinking water; to install, expand, or improve their sewer systems; and to allow small businesses and industries to expand or open business ventures in these towns.

In the State of Maine, many rural communities are faced with budgetary burdens that prevent them from addressing such pressing problems as the expansion or improvement of their sewer systems. Federal funding for rural waste water improvements has been cut in half during the eighties while the regulation of waste water systems has steadily increased.

As we seek to improve the health and quality of life of rural Americans through the Rural Economic Development Act, I believe that we must also look toward providing greater Federal assistance to this segment of society.

Mr. Chairman, I know what Maine's rural communities can achieve. I have seen the economic successes that come with carefully planned and supported economic development. I know the pride that my rural constituents feel in their communities and I know the degree to which they are willing to work to make these towns healthy and prosperous for their families. They have been denied the additional Federal assistance and improved coordination that will allow increased rural economic development. I hope that my colleagues will join me in support of H.R. 3581 and I hope that they will view this legislation as I do: as the first step in our renewed commitment to rural America.

Mr. KASTENMEIER. Mr. Chairman, I rise in support of H.R. 3581, the Rural Economic Development Act of 1990.

Consideration of this legislation on the floor of the House represents the culmination of years of effort. We meet today to attempt to finally reach agreement on a mechanism to more effectively marshal the resources available to us into developing our rural economies and enhancing the quality of life in our rural area.

I want to thank the chairman and ranking minority members of the Subcommittee on Conservation and Credit for the long, hard work they have put into the development of this bill, and for allowing me to cosponsor it with them. I would also like to note the efforts of the former chairman of the committee, Representative Ed Jones of Tennessee, for his own, past efforts on behalf of rural development.

This bill is not perfect, and it is not the bill I would design on my own. But I will support it because it does provide us with the means of focusing our efforts in rural America by calling on all of the resources available to us.

This legislation will combine the efforts of the Federal, State, and local governments in a coordinated fashion. It will call on leaders from cooperatives, local businesses, utilities, the communities, the local electric cooperatives, the extension service, local academics and schools of agriculture, and business, to work together in an organized and orderly fashion to identify, confront, and solve problems deterring economic development. And to recognize and seize opportunities to promote that development.

I'm pleased at the interest that has been demonstrated by the Nation's cooperatives as we have developed this legislation. The Wisconsin Federation of Cooperatives, particularly its executive director, Mr. Rod Nilsestuen, has played a real leadership role, and I'm happy to support those efforts today.

The National Rural Electric Cooperative Association has also been a major catalyst behind this legislation, and we should thank our former colleague and former Secretary of Agriculture Bob Bergland for the role he has played.

Over the years, I have been disappointed that the scale of our approach to rural development legislation has been diminished. This bill will allow us to concentrate our efforts by working together in a more organized fashion, but it provides no new resources, it does not increase the magnitude of that effort. It is the product of a compromise between what we would like to do and what we can affort to do. In light of that, I find the administration's continued opposition to it to be most disappointing.

We will pass this bill, and I hope we can improve it when we go to conference with the Senate. But our efforts must not be swayed by the objections of the administration to a bill that has enjoyed so much bipartisan effort and support.

I urge my colleagues to join with me in supporting the bill.

Mr. RICHARDSON. Mr. Chairman, I rise today to express my support for H.R. 3581, the Rural Economic Development Act.

Mr. Chairman, when this bill was first introduced, I started to receive a lot of mail from the rural water groups in my district expressing their concerns over certain provisions in this bill. I am glad to see that these concerns have been addressed and that these groups have now signed off on this bill. I believe that this legislation will provide an innovative and valuable approach in addressing the development needs of rural communities by allowing local areas greater input into the allocation of Federal funds for rural development.

The current economic condition of rural America threatens the stability of our rural residents. Rural unemployment rates are 31 percent higher than the rest of the Nation and rural job growth continues to lag well behind the job growth in urban areas. The quality of health care and education in these areas also continues to suffer.

In my district over 200,000 of the individuals I represent live in rural areas. With many of these areas suffering from a depressed economy, the unemployment rate in my district overall is 8.2 percent, with some of the more rural counties, like Mora, ranging to 27 percent. Although New Mexico as a whole is experiencing some growth, it is predominantly in the urban communities. Industries and services are not moving into the depressed rural communities where they are needed to stimulate the economy; instead they are locating in more economically stable and prosperous areas—urban communities.

While we all may realize the importance of helping our country's rural areas, we also realize that our Federal budget simply does not have the additional funding needed for these programs. In an effort to address the problems being experienced in these rural communities, I agree that what is needed is a reorganization of the current funding process of these programs. That is exactly what the Rural Economic Development Act would do—reorganize the process in which these funds are applied for and provide rural areas with the flexibility needed to use Federal money for projects that are important to the local community. This legislation will give those communities more of a say in how these Federal funds should be spent.

Our rural citizens are trying to cope with their unstable economic conditions. I believe that it is important for Congress to do what it can to help our rural communities by developing a more efficient way of administering funding for these programs. Mr. Chairman, I hope my colleagues will join me in supporting this much needed and important piece of legislation.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the bill, H.R. 3581, the Rural Development Act of 1989. This rule waives section 303(a)(1) of the Budget Act because the measure contains $1 million of new budget authority effective in fiscal year 1991, and

Congress has not yet adopted a budget resolution for fiscal year 1991. The Budget Act does not allow consideration of measures providing new direct spending or revenue changes for a fiscal year prior to the adoption of a budget resolution for such fiscal year. The rule allows this spending decision to be made outside of the control of the budget process. It was a mistake to adopt a rule that violates the Budget Act.

This bill creates $1 million in immediate, direct spending, which results from the Farmers Home Administration lending money to rural health care facilities at more preferrable rates. This is a clear violation of the Budget Act. The bill also authorizes enormous sums of money for new programs and expansion of existing programs. In fiscal year 1991 the bill authorizes $540 million in budget authority which expands to a 5-year total of $2.5 billion.

In addition to adding $2.5 billion to our Federal deficit, the bill also creates a new bureaucracy by establishing a new rural development administration within the U.S. Department of Agriculture. The growth of government goes on.

The administration strongly opposes enactment of H.R. 3581. So do I. It is too expensive; it provides additional Federal subsidies to financially healthy telephone borrowers; it allows REA borrowers to defer scheduled debt payments if they made loans for rural development purposes.

I shall oppose this bill because it violates the Budget Act, and because it is much too costly. Members who vote for this bill can be assured that their efforts will make the deficit rise. This is a time for restraint, not expansion. I urge a vote against H.R. 3581.

Mr. TOWNS. Mr. Chairman, I want to lend my support to the passage of H.R. 3581, the Rural Economic Development Act of 1989. Although I represent an urban district, I believe that if we are to move forward as a Nation, all sectors of our society should move forward together. Rural Americans have just as much desire for economic vitality in their communities as the Americans who live in our inner city neighborhoods.

But today rural America is in trouble. In fact, without Government support, rural America may cease to exist. It is a sector which has been victimized by the farm crisis, increasing urbanization, and dwindling economic resources. Yet, there are many Americans who prefer rural living to life in the big city. Without an infusion of resources, however, it will be impossible to maintain a viable, rural America.

Today's legislation will hopefully bring the necessary resources together to spur a revitalization of this important sector. H.R. 3581, while acknowledging the role that agriculture plays in a strong rural America, also recognizes that there are other elements which are needed for revitalization. Last summer, the Oklahoma rural electric cooperatives sponsored a trip for congressional offices to demonstrate the vital links between the transfer of technology, rural businesses and agriculture. I am pleased that my staff was able to participate in this trip. I certainly gained a greater recognition of the contribution of entities like the rural electric cooperatives in building viable and strong rural areas.

Finally, I am hopeful that the U.S. Department of Agriculture will use this legislation as an opportunity for diverse communities to participate in the revitalization of rural America. One means of ensuring that all of rural America benefits from this legislation is to encourage the participation of 1890 land-grant colleges and universities as well as community-based organizations with established experience in working with economically and socially disadvantaged individuals. If these institutions and organizations participate in the grant programs authorized by this bill, I believe that we will be able to guarantee that economic development will reach all rural Americans. I would urge all of my colleagues to support the passage of this legislation.

Mr. SYNAR. Mr. Chairman, the economic problems of rural America are great. Changes in Medicare reimbursement policies have threatened the financial status of hundreds of rural hospitals exacerbating health care access problems in rural areas. Some 5 million Americans have left their rural communities during the last decade. According to the Center on Budget Policy and Priorities poverty levels among working poor families in rural areas are twice as high as those in urban areas. Rural unemployment rates are 31 percent higher than those in urban areas. The per capita income of rural residents is 25 percent lower than urban residents. Rural Americans are five times more likely be uninsured than their urban counterparts.

There is no easy answer to these problems. Through my work on the House Rural Health Care Coalition, I have learned that comprehensive solutions to the problems facing rural America are difficult. However, passage of H.R. 3581, the Rural Economic Development Act, is a step in the right direction. This bill represents what I have always believed—that local people know best how to solve local problems. The reorganization of USDA programs and the reliance on local citizens to prioritize funding needs in the States should ensure that Federal dollars are spent more effectively and are coordinated with State rural development efforts. The Federal Government's role in initiating economic development in rural areas is limited. However, the USDA does provide $1 billion a year through various grant and loan programs to help build the infrastructure of rural areas. Regrettably, it hasn't been easy for many local communities to take full advantage of these programs in the past. The Rural Economic Development Act provides much needed flexibility to these programs to ensure that states can actually take advantage of these Federal funds.

The bill's provisions increasing the role of rural electric cooperatives and rural telephone companies is also important. Permitting rural telephone companeis and electric cooperatives to make financial investments in small businesses in their communities is a key ingredient to promote economic development in rural America. For rural entrepreneurs finding capital can be difficult. The economic depression in rural areas has affected many commercial lenders ability to finance new business projects.

Even though I support H.R. 3581, I am compelled to comment on one section of the bill which I think sets a bad precedent. Title IX of the legislation provides relief on an industry-specific basis. While I am sympathetic to the economic disruptions in rural areas as a result of declining timber sales, singling out these areas for special treatment ignores the tremendous economic disruptions in rural economies resulting from the downturn in the mining and energy and industries.

Furthermore, the cost of this program will be substantial. Contrary to the Forest Service's assertions, the Government doesn't make money by selling its timber. In fact, the Subcommittee on Energy, Environment and Natural Resources, which I chair, has learned that the Government loses $400 million every year on timber sales because they are priced well below cost. The fact that this program is funded with 5 percent of the receipts from Government timber sales means nothing since the Government doesn't make anything from U.S. timber sales. I hope that the flaws with this provision will be addressed during the conference committee.

My concern over this provision aside, I do support the goals of H.R. 3581 and encourage the members of the conference committee to resolve the differences between the House and Senate version of these bills as quickly as possible.

Mr. CLINGER. Mr. Chairman, I rise today to express my views on the bill H.R. 3581, the Rural Economic Development Act.

Although there is much merit in the creation of a Rural Development Administration within the U.S. Department of Agriculture, I cannot support the rural development bill as it is written.

I have spent much of my public career specializing in matters as they relate to economic development and our Nation's infrastructure, and feel proud of my record of accomplishments.

I feel strongly, and many of my colleagues would agree, that most jobs are created by small businesses and that most successful small businesses are "home grown". To spur their growth, it is essential that these businesses receive help in a timely fashion. Small, rural business can simply not afford the luxury of time.

Regional development which has been established and promoted by the Economic Development Administration [EDA] deserves our continued support. The EDA created Local Development Districts [LDD's] which serve the development needs of much of our nation. A regional concept makes good sense—local involvement is secured because local governments make up the governing boards of LDD's. Yet, rural governments must work together in establishing economic goals in the interest of the region. Local, political influence is thus minimized. Moreover, unlike at the State level, the region has a better "grassroots" understanding of its development needs and may better provide for these needs with the limited available funds. These LDD's know and understand economic development have still made positive strides despite the constraints of the budget.

Besides organizing USDA's economic development programs under a single roof, this bill provides nothing new to promote the growth of small businesses or to improve our

Nation's rural infrastructure needs; rather, it creates additional layers of bureaucracy which only serve to impede the development process which already exists.

I have worked closely with the Farmers Home Administration's [FmHA] Business and Industry and Community Facilities Programs for over a decade. My rural district has benefited a great deal from the programs and staff of FmHA. Their many programs have been well thought out and have played key roles in providing jobs and improving the quality of life in rural Pennsylvania.

Why our Nation can't used the tools which are already available for development rather than "re-inventing the wheel" is puzzling. We don't need more money for review or study committees—we need more dollars for bricks and mortar. Plain and simple, constructive programs which will give fledgling businesses the funds they need to grow, and small communities the necessary sewer and water assistance are the right places to channel our resources.

I have all too often seen good programs, with good intentions, fail because of the burdening requirements placed upon them. Already, many of the FmHA's programs must process a multitude of papers to meet a variety of considerations. This bill would expand the review process a project must undergo even further. This just doesn't make sense.

To aid rural development, we need to invest real dollars and provide flexibility and speed in the delivery of these dollars. The mechanism is already in place through the LDD's that serve a great majority ot this Nation. If we are serious about economic development, then we should provide the limited funds we have to these LDD's and continue to use the FmHA programs to promote real economic development rather than spend money on more studies or more reviews and more information gathering in an effort to placate all the special interests.

I believe this is a flawed bill, it creates roadblocks that serve only to retard and not promote economic development. I urge all of my colleagues to look closely at this bill and join me in voting against it.

Mr. SCHUETTE. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act of 1990. This piece of legislation is a key component of reviving and strengthening our rural areas. I commend Mr. ENGLISH and Mr. COLEMAN for the outstanding job they have done to address the problems rural areas now face.

At the time our country was founded more Americans resided in the country than in cities and towns. This trend continued throughout 150 years of our history. In the early 1900's the number of Americans living in rural America was the highest it had ever been and it looks as though that record will hold. Today the numbers of rural residents are dwindling rapidly. In recent years, nearly 400,000 people have left rural America to seek better opportunity and advancement in urban areas.

The continued deterioration of our rural areas needs to be addressed as soon as possible. H.R. 3581 has responded to the cries of those rural communities which are desperately seeking assistance from the Federal Government as never before. We have, as Members of Congress, the responsibility to provide monetary, technical, and moral support to those trying to develop their communities and towns. The next few years are critical to rural areas of America.

Current programs assisting the rural communities of America haven't necessarily kept pace with particular State or local community needs. Federal Government involvement comes in the form of those in Washington deciding what Ovid, MI, should do with its schools, health care facilities, and other infrastructure projects. What does the administration here in Washington know that the rural citizens in Ovid don't? Those citizens in Ovid should be able to determine how the community can become a strong and viable place to live and decide their own destiny.

Rural communities will be much more productive if plans and decisions are made at the local level. Reorganizing USDA to establish a new Rural Development Administration and consolidate Department activities with regard to rural development is critical. Additionally, the powers currently held by the Farmers Home Administration [FmHA]—such as the water and sewer, business and industry, and community facility loan and grant programs—will be transferred to the Rural Development Administration.

Creating State review panels will facilitate the involvement of local participation whereby the rural communities prepare local or regional economic development plans to address their most critical needs. Projects to achieve the goals of the local or regional economical development plans are submitted to the State review panel for approval. Funding is then assigned based on how a particular project ranks compared to others that were submitted. This method of deciding a community's future could not be any better. Allowing the State and its localities to set their own agenda and work towards achieving it is definitely the right step in the right direction.

The bill increases the amount of funds that will be available to communities to improve or create new rural water and wastewater systems. Capital for State revolving loan funds that would make loans to support very small business ventures is included in this bill. Health care and related facilities would receive interest rates based solely on the income of the area that will be served by the facility. A technical assistance unit within the Rural Electrification Administration [REA], which would provide advice and assistance to rural electric and telephone borrowers, will be established. In addition REA will have the authority to allow borrowers to defer payment of principal and interest on certain loans for up to 10 years. However, to defer payments the borrowers must invest the loan proceeds in rural development projects.

Another provision which is definitely important to the northern region of Michigan is the Forest-Dependent Communities title. Encouraging economic diversification in rural communities that are economically dependent on forest resources, particularly those areas adversely affected by Federal land management practices. Technical assistance is what many of these timber dependent communities need to diversify their economic potential. So-called Action Teams would be the avenues used to provide those timber communities with the needed technical assistance.

In conclusion, I strongly support the bill as it now stands and will also support a few possible amendments that would address the very few things what it doesn't already. H.R. 3581 will give rural America the booster shot needed to survive the ailments brought on by urban expansion.

Now having the benefit of hindsight I would like to add a few remarks regarding the amendment that basically gutted H.R. 3581. I will agree with Chairman DE LA GARZA that many Members voting in favor of the Rose amendment were given misleading information with regard to what H.R. 3581 is intended to do for rural America. I urge the Chairman to reconsider H.R. 3581, if the differences between the opponents and proponents of H.R. 3581 can be resolved. Rural America is running out of time.

Mr. WILLIAMS. Mr. Speaker, I was pleased to work with my colleague GLEN ENGLISH on H.R. 3581, the Rural Economic Development and Education Partnership Act of 1990. As he knows, I would have preferred adding a rural education component to this package, but the rule didn't allow me to offer it.

Nevertheless, were I not on important business in Montana, I would be joining Mr. ENGLISH, both in working and voting for this bill.

Mr. DE LA GARZA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1700

Accordingly the Committee rose; and the Speaker pro tempore (Mr. TAUZIN) having assumed the chair, Mr. TRAXLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3581), entitled the "Rural Economic Development Act of 1989," had come to no resolution thereon.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3581, the bill just considered.

The SPEAKER pro tempore (Mr. TAUZIN). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, had I been present for the vote on the rule to H.R. 3581, the Rural Economic Development Act, I would have voted "no."

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I

been present, I would have voted "present" on rollcall 23 and "aye" on rollcall 24.

NATIONAL PREVENT-A-LITTER MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 229) to designate April 1990 as National Prevent-a-Litter Month, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. GALLO. Mr. Speaker, I am very pleased that the House is considering today House Joint Resolution 441, which will designate April 1990 as National Prevent-a-Litter Month.

This resolution will call attention to the nationwide crisis of pet overpopulation, promote responsible pet ownership, and focus on the primary solution to this problem—the spaying and neutering of pet dogs and cats.

Today, 70,000 dogs and cats will be born in the United States. Sadly, before the day is over, more than 20,500 dogs and cats will be destroyed because there is not enough homes for them.

The annual cost of our Nation's communities for animal control and animal shelter programs approaches $800 million.

If pet owners would take the safe and humane step of spaying and neutering their pets, this overpopulation problem could be substantially reduced.

I would like to thank my 229 colleagues who cosponsored this resolution, making it possible for the House to consider designating April 1990 as National Prevent-a-Litter Month.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 229

Whereas the irresponsibility of some dog and cat owners in allowing uncontrolled breeding of their pets has created a pet overpopulation problem in the United States;

Whereas the pet overpopulation problem results in the destruction of millions of dogs and cats each year;

Whereas the pet overpopulation problem results in other cruelties to pets caused by neglect, such as abandonment, starvation, and injury;

Whereas the cruelties inflicted on pets result not only in lost animal lives but also in lost resources spent by thousands of communities to shelter neglected and displaced pets;

Whereas the pet overpopulation problem can be solved only by active promotion of pet owner responsibility programs that include spaying and neutering of pets, proper care and sheltering of pets, and compliance with animal control regulations; and

Whereas the people of the United States should commit themselves to preventing the needless destruction of pets by practicing responsible pet ownership and by spaying and neutering pets as a means of combating the problem of pet overpopulation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1990 is designated as "National Prevent-A-Litter Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 243) to designate March 25, 1990, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House the minority has no objection to the legislation presently being considered.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I rise in support of S.J. Res. 243, to designate March 25, 1990, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

Greece and the United States share a rich history. We are indebted to the Greek nation for bestowing on us such a liberating philosophy as democracy. To quote Pericles in an address made in Greece 2,000 years ago, "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people." Clearly, our Founding Fathers relied heavily on the Greek philosophy of democracy when drafting the Declaration of Independence.

That is why I am honored to recognize the Greek struggle for independence through this resolution. After all, it is the same principle for which our forefathers fought so vehemently 200 years ago. And in the 1820's, it was the United States that served as a role model for Greece during its fight for independence from the Ottoman Empire. The Greeks translated our Declaration of Independence and used it as their own.

Since our pioneering years, Greece and the United States have come to enjoy close, friendly relations, which is evident in world affairs and the growth of the Greek-American community in this country.

In every walk of life, we find Greek-Americans making invaluable contributions to the maintenance and advancement of our own society. All of us who share the common bond of the understanding that we as a nation are bound together, not so much by common blood but by common belief, have reason to celebrate this very special independence day this month, because to the degree that we are all bound by that common faith in the rule of law, we are all Greek-Americans in one sense or another.

Finally, Mr. Speaker, I thank my colleague, Congressman BILIRAKIS, who is the sponsor of the House companion measure, for providing us with an opportunity to display the appreciation that we all share for the longstanding relationship between the United States and Greece.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I too would like to rise in support of the measure. March 25, 1990, marks Greek Independence Day. We should bear in mind that 1990 is the 2,500th anniversary of the birth of democracy. Our Founding Fathers drew heavily upon the political and philosophical experiences of ancient Greece.

March 25, 1990, also marks the 169th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. So I think it is appropriate that we recognize both of these events, as well as celebrate Greek and American democracy.

Mr. BILIRAKIS. Mr. Speaker, as the principal sponsor of the House companion measure to this bill, I, would like to express my deep gratitude to TOM SAWYER, chairman of the Subcommittee on Census and Population, to TOM RIDGE the ranking Republican on that subcommittee, and to Chairman FORD of the Post Office and Civil Service Committee for moving so expeditously to bring this bill to the floor.

March 25 is a very special day in the hearts of Greek-Americans—and to all freedom-loving Americans. It heralds both the anniversary of the independence of Greece and its role as the cradle of democracy for the entire world.

This year is an especially relevant year in this regard—a year in which the Berlin Wall is being torn down and freedom is spreading throughout Eastern Europe, it also marks the 2,500th anniversary of the practice of demo-

cratic government, first seen in Athens in 510 B.C.

Indeed, the spirit of March 25 lives on in defense of the principles for which so many of the free world's people have given their lives. These principles are embodied in the Greek words "eleftheria I thanatos"—liberty or death.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. Of course, our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our Government, and I thank all of my colleagues here today for passing this legislation in commemoration of the democratic heritage shared by the United States and Greece.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 243

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas 1990 marks the 2,500th anniversary of the birth of democracy;

Whereas the Founding Fathers of the United States drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1990, marks the 169th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire;

Whereas democratic ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate our ideals with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1990, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 243 and Senate Joint Resolution 229, the Senate joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANTI-SEMITISM ON THE RISE IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LENT] is recognized for 5 minutes.

Mr. LENT. Mr. Speaker, in conjunction with the Congressional call to conscience vigil for Soviet Jews, I rise to voice concern about the current situation for Jews in the Soviet Union. I would like to note that in the past I have participated in this event to speak out on the plight of a single Jewish individual or family. However, at this time, circumstances are such that I believe it is imperative to discuss the threats facing the entire Soviet Jewish community.

In 1990, more Jews will be allowed to leave the Soviet Union than during any previous year. While this is certainly good news, it has become clear that the conditions that have long made life difficult for Soviet Jews are now deteriorating further. For some Soviet citizens, glasnost only represents an opportunity to practice a long suppressed hatred toward Jews. Virulently anti-semitic nationalist groups like PAMYAT have grown and prospered as the Soviet economy has declined and as the disaffected have searched for scapegoats.

Recently, Vitalii Goldanskii, a member of the Supreme Soviet and the Council of People's Deputies wrote in the Washington Post of the very real dangers posed by the hate groups. Mr. Goldanskii noted that PAMYAT and similar organizations have wholeheartedly endorsed the perverted goals and violent tactics of the Nazis. Most alarmingly though, Mr. Goldanskii explicitly warned of the possibility that these groups are preparing a wave of pogroms across the Soviet Union similar to the infamous Kristallnacht.

In fact, one Russian nationalist group has been so bold as to publicly announce its intention to launch a pogrom on May 5, 1990. The world and the beleaguered Soviet Jewish community now wait for prompt and positive action by Soviet President Gorbachev to head off these threats.

However, if the Soviet government's suspension of an agreement to begin direct flights between the Soviet Union and Israel is any indication of what is to come, there is every reason to be fearful. Like many, I had hoped the direct flights would greatly reduce the 1-year wait emigrating Jews face as they seek leave the Soviet Union. The suspension decision sends the entirely wrong message to the hate groups and will only encourage their nefarious activities.

I urge my colleagues to join me in calling on President Gorbachev to forcefully denounce anti-semitism, take all legal action against neo-Nazi groups, and expedite the departure of Jews wishing to emigrate by implementing the direct flights agreement. President Gorbachev and other Soviet leaders should know that the treatment of Jews in the Soviet Union is and will continue to be a deep concern to the American people and to their representatives in this institution.

SUPPORT ESTONIAN DEMOCRACY AND MOVES TOWARD INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, only a few months ago, I met in my Washington office with Mr. Tunne Kelam, an Estonian intellectual, and Veronica Tarm, an Estonian-American from Hutchinson, KS. Mr. Kelam told me about his dream of independence for his country. It seemed at the time, that he was, indeed, dreaming. Last year, when I traveled to the Soviet Union and asked a government official whether the Baltic States would be granted independence, he treated the question as almost laughable. Today, the issue of independence for Lativa, Lithuania, and Estonia is one that Soviet President Gorbachev can't ignore any more.

I want to salute Mr. Kelam, who, since his visit to the United States last year, has been elected chairman of the Estonia Citizens' General Committee, and a member of that country's new congress which met this week for the first time. The members of the Estonian Congress were democratically elected by 590,000 citizens of Estonia, over 90 percent of the eligible voters, on February 24 of this year. The drama and importance of this event may have been overshadowed by other incredible world events of the last few months. The Congress of Estonia will provide its people with their first independent voice in nearly 50 years of Soviet domination.

Lithuania has received more news coverage than Estonia, because its Congress has boldly declared itself independent of the Soviet Union and its delegates to the Soviet Congress of People's Deputies have refused to participate in recent votes on presidential powers. Estonia, however, has tried to facilitate negotiations with Mr. Gorbachev by cooperating with his efforts to enhance his presidential powers and by not unilaterally seceding from the Soviet Union.

I believe it is wise, given the pace of change over the last 6 months, to not promote a confrontation with the Soviet President as long as he remains willing to begin to discuss the withdrawal of Soviet troops from Estonia and recognition of the new congress. Gorbachev may be looking for a way to save face while offering some form of independence. As the last countries still occupied since World War II, independence for Estonia, Latvia, and Lithuania should be a top priority for Gorbachev's program of perestroika. The loud and persistent cries for freedom from the

Baltic States ensure that the issue will not go away.

The struggle of the Baltic States to reclaim their independence has only begun, and they need the support of the United States. The illegal 1940 pact between Stalin and Hitler annexed the Baltic States to the Soviet Union overnight, but it will take considerably more difficult and complicated efforts to unravel it in a legal and peaceful manner. I ask my colleagues to take note, and salute the bold, peaceful, efforts of the Estonian people to find democracy and regain their lost independence.

COST-SHARING IS THE RIGHT APPROACH FOR CLEAN AIR BILL

The SPEAKER pro tempore. The gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I'm here again today to urge compromise in the clean air bill to avert what will surely be a disaster in Southern Illinois and about six other States if we don't.

I do not oppose clean air legislation in principle. I do oppose legislation in form that forces one area of the country to shoulder the burden for the entire country.

There is a tremendous historical context for a cost-sharing approach.

It's the foundation of our system. We know that what affects one of us most likely affects all of us.

Let me point out Monday's Roll Call magazine. On the second page is an ad by the Coalition for Acid Rain Equity which eloquently states the case for cost-sharing.

Let's look at a recent example referred to in this ad—the Financial Institution Reform, Recovery, and Enforcement Act of 1989—which we're learning will need another huge infusion of cash.

We see this as a national problem, requiring a national solution, even though the situation at its worst is isolated in a few States.

According to the coalition for acid rain equity—if the savings and loan bailout had been parceled out proportionally—taxpayers in California would pay $2,000; Texans $4,400; Arizonans $7,000 each in the rescue of these failed institutions.

It was a problem clearly identified as being most serious in several regions of the country—often a result of lax State regulation.

But instead of accountability being taken on a regular basis—each American taxpayer is being billed roughly $1,100 for the rescue. The great majority of that money goes to only a very few States.

How is it that a savings & loan bailout, centered in only a very few States is a national problem requiring a national solution, while cleaning up coal, which is our most abundant national energy source is a regional problem to be borne by the eight or nine States where high sulfur coal exists?

My district was the recipient of assistance for what might be seen as a regional problem but was considered a national problem—the farm crisis of the mid-1980's.

When the farm belt was reeling from foreclosures and bankruptcy President Reagan came to a town in my district, Du Quoin, IL, to announce a package of relief. We don't see auctions and sales at the barn door these days and that's a refreshing change.

A change made possible by our willingness to approach this problem on a national level. When the farm economy is in danger it affects all of us, so we took prudent steps to correct the situation. We should do the same to provide clean air for all of us to breathe.

The outstanding Senator from Ohio, Senator METZENBAUM, made some of these same arguments quite expertly during debate in the other body January 31.

You can find his remarks at S624 in the CONGRESSIONAL RECORD of that day, and I urge you to examine his arguments. They speak volumes to the point I urge my colleagues to consider.

When the earthquake rocked the bay area, we didn't question how much it would cost so much as how quickly we could help. When Hurrican Hugo turned lives upside down in Charleston and surrounding areas people in Southern Illinois didn't say "too bad, that's their problem."

That's because my area has been there. In 1982 the Marion tornado killed 10 and did millions of dollars in damage. We were helped by generous support from across the country. That made a difference. We knew that somehow we mattered—that people we'd never met felt close to us—and were willing to help. I assume the same will happen for the victims of yesterday's tornados in Kansas.

That's the American spirit. And when those things happen we don't say "that's the risk you take living next to the sea—in a fault zone—near a volcano—or along the banks of a river." When disaster strikes we move as a nation to help.

Don't turn to the people of southern Illinois or western Kentucky or southern Ohio and say "that's too bad you live on top of all that high sulfur coal. We're going to shut you down."

The coal miners and electric rate payers of southern Illinois are just as deserving of your support as the lakes and forests of the Northeast we seek to protect.

We are not islands of good fortune or pits of despair in the United States. We work for the common good of each other. Please don't abandon that principle. Fairness and justice demand at least that much.

□ 1710

UNITED STATES SHOULD IMMEDIATELY ASSIST LITHUANIA

The SPEAKER pro tempore (Mr. TAUZIN). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the recent events in Eastern Europe are a triumph for the human spirit and democracy. Our Nation must be prepared to offer these fledgling democracies the assistance they need in their transition from command to market economies. Nowhere is my belief is assisting these reform-driven countries stronger than in the newly created Republic of Lithuania.

On Sunday, March 11, 1990, the Lithuanian legislature voted by an overwhelming majority of 124 to 0 to pass a measure declaring independence from the Soviet Union. The Soviet Union has illegally occupied Lithuania for some 50 years, and the time has come for Lithuania to reestablish sovereignty. Newly elected Lithuanian President Vytautas Landsbergis, a non-Communist, has said that by declaring independence "we are acting on our own will, according to the dictates of our own consciences." I fully support President Landsbergis' statement for no other reason than if it is the will of the people to be free, Lithuania must be allowed to secede from the Soviet Union.

Unlike a secessionist movement of 130 years ago in the U.S. Civil War, the Lithuanians never asked to join the "union." The Lithuanians were crushed by Stalin's armies in 1940. Lithuania has established the illegality of the Molotov-Ribbentrop Pact, the nonagression accord between the Soviet Union and Nazi Germany under which the Baltic States were incorporated into the Soviet Union in 1940, and therefore, Mr. Gorbachev should respect their wishes.

The Lithuanians realize that in the months ahead, there will be intense pressure from Moscow urging them to fall back into line. President Landsbergis has said that the act was intended to establish Lithuania's legal position and popular will along with the Republic's ability to write its own laws and conduct its own foreign policy. I firmly believe that the Lithuanians will not succumb to this pressure and they will ultimately break off from the Soviet Union.

Although the United States should be cautious in dealing with the Soviet Union, there is no question in my mind that we should recognize and support the Republic of Lithuania. The United States, as the global leader in democratic ideals, has the duty and responsibility to help the new Republic in any way possible.

Similarly, the United States has a duty to support the Baltic Republics of Estonia and Latvia, which are also demanding independence and relief from Soviet occupation. Movements toward independence are gaining momentum in several other Soviet Republics, including Georgia and Azerbaijan.

The United States State Department has called for Moscow to respect the wishes of the Lithuanian people, but I do not think that

the message is nearly as clear and direct as it should be.

There is no time to waste in declaring our formal position. Therefore, I strongly urge the Bush administration to clearly and concisely declare that the United States will recognize and support the independence of the Republic of Lithuania.

Like the Americans struggling for independence two centuries ago, Lithuanians should be able to live free while democratically governing themselves. I hope, however, that the Lithuanians will not be forced to fight for their freedom like our ancestors. Bloodshed should be avoided and peaceful solutions that are based on democracy and freedom should be sought.

A 50TH ANNIVERSARY SALUTE TO ALAMEDA NAVAL AIR STATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am pleased to offer my congratulations to the civilian and military employees of the Alameda Naval Air Station. Throughout its 50 years of service, Alameda NAS has offered a high level of professionalism to the defense of the Nation.

On this, the 50th anniversary of its commission, it is appropriate to reflect upon the accomplishments of the people that have served and worked at the station.

During World War II, the station was the doorway to the Pacific theater. In that time Alameda was the home for some of the great names in U.S. naval history. The U.S.S. *Midway*, U.S.S. *Coral Sea* and U.S.S. *Enterprise* all had Alameda as their home port. The base was also the original staging area for Colonel Doolittle's famous mission to bomb Tokyo.

Perhaps the greatest contributions that the station had to the war effort were the repair of aircraft and the shipment of materials. By the war's end the station was responsible for the repair of 53 types of aircraft and 21 varieties of engines. The station also shipped countless tons of supplies.

In 1967, the station was officially proclaimed Naval Air Rework Facility, Alameda. From this time until the present, the station has continued to maintain its reputation by asserting the same characteristic—quality work.

The technology and art of aircraft repair has moved along with the times. In the years 1967 through 1987 the P-2V Neptune, A-1 Skyraider, F-1 Fury, A-4 Skyhawk, C-118, A-3 Skywarrior, P-3 Orion, A-6 Intruder, EA-6B Prowler, and the S-3 Viking have all been customers at the reworking facilities.

Recent history has shown that the station will continue to be a vital member of the Navy team. In the first quarter of fiscal year 1990, Alameda NAS posted a 98.9-percent rate of perfection in the quality of work they do on aircraft and other systems. That's an even more impressive statistic when one considers the volume of work done at the base. For example, last year 54 aircraft, 1,069 missiles, and 362 engines were reworked at the station. The base was recently awarded the T. Blair Evans Quality Enhancement Award by the San Francisco Bay Federal Executive Board for the establishment of a total quality management program.

The contribution that the station makes for national defense makes its own statements about high standards. Little more needs to be said about the commitment that the personnel of NAS have to the continued pursuit of excellence.

The station has shown itself to be a full time partner in the area of community service. The Partnership in Education Program has involved the station with local schools and is just one successful example of community-base relations. The interest that the station shows in the community is reflected in the numerous awards it has garnered in the past years. Alameda NAS has been the recipient of awards from the Alameda Unified School District Workability Program and the Center for Independent Living for its hiring of the handicapped. The station's involvement with the homeless and disabled in the Alameda area also merits praiseworthy attention.

I wish everyone at Alameda Naval Air Station continued success and good fortune as they continue to contribute to the defense of our country.

CLARIFICATION OF FAIR USE DOCTRINE UNDER THE COPYRIGHT LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to resolve a serious issue relating to copyright and the first amendment. This issue arises because of a series of cases decided by the U.S. Supreme Court and the U.S. Court of Appeals for the Second Circuit.

Last month, the Supreme Court denied certiorari in New Era Publications versus Henry Holt, a copyright infringement case involving the use of the late L. Ron Hubbard's unpublished writings in an unflattering biography. The case the High Court refused to hear involved a dispute between two authors. The first author—Scientology head Hubbard—wrote certain materials that his estate did not want publicly released. The second author sought to use those materials in a biography critical of Mr. Hubbard.

The Court refused to review a decision of the second circuit, in whose jurisdiction most of the publishing community is based. The second circuit found that the materials used were unpublished within the meaning of the Copyright Act. Its opinion suggests that an author's copyright in unpublished materials is infringed by subsequent uses, such as in histories or biographies, that those uses are not fair use under the 1976 Copyright Act, and that an injunction is appropriate to prevent publication.

Hubbard's representatives lost the case because they waited too long to sue, but the Supreme Court's failure to disapprove the lower court's language has caused an uproar in the academic and publishing communities. It has led distinguished authors to raise the spectre of outside censorship, or worse, to predict unwillingness even to take on controversial but important critical writing. Scholars across the country fear that the copyright laws will be used to prohibit them from quoting primary sources, the basic building blocks of history and biography, that their ability to fully explore controversial topics will be limited, and that in the end the public will be the loser.

The second circuit's decision in New Era was only one of a series of cases dealing with the appropriate uses of unpublished works. These cases implicate important copyright, first amendment, and privacy concerns. The Judiciary Committee Subcommittee on Courts, Intellectual Property, and the Administration of Justice, which I chair, has jurisdiction over all of these issues.

I am deeply concerned about the situation arising out of the New Era case. In particular, it appears that the second circuit has adopted a virtual per se rule against fair use of unpublished works and has, moreover, treated unpublished work in a monolithic fashion.

In addition, it appears that the court has also established a similar rule requiring that an injunction be issued when unpublished material is used. This raises troubling questions of prior restraint on publications, which may well violate the first amendment.

My bill is intended to give the courts sufficient flexibility in making both a fair use determination and a decision about whether injunctive relief is appropriate. Some of the difficulties courts have had about the application of fair use to unpublished works may stem from a conflict between the statutory fair use language and the legislative history to the 1976 act.

New Era's genesis was the U.S. Supreme Court's decision in Harper & Row versus Nation, where the Nation magazine published excerpts from President Gerald Ford's memoirs just before Harper & Row was scheduled to publish them in book form. The Court concluded that:

[I]t has never been seriously disputed that "the fact that the plaintiff's work is unpublished * * * is a factor tending to negate the defense of fair use." Publication of an author's expression before he has authorized its dissemination seriously infringes the author's right to decide when and whether it will be made public, a factor not present in fair use of published works. * * * We conclude that the unpublished nature of a work is "[a] key, though not necessarily determinative, factor" tending to negate a defense

of fair use. * * * The obvious benefit to author and public alike of assuring authors the leisure to develop their ideas free from fear of expropriation outweighs any short-term "news value" to be gained from premature publication of the author's expression.

The second circuit expanded upon the opinion in the Nation case in Salinger versus Random House, which involved the use of the author J.D. Salinger's unpublished letters in a biography. The court concluded that if a biographer "copies more than minimal amounts of (unpublished) expressive content, he deserves to be enjoined." It therefore preliminarily enjoined the galleys of the biography.

In New Era, the second circuit once again extended the high court's Nation opinion, finding that:

The fair use doctrine encompasses all claims of first amendment in the copyright field [and that, citing *Salinger*] copying of 'more than minimal amounts' of unpublished expressive material calls for an injunction * * *.

In a denial of a rehearing in New Era, its author did clarify his original opinion, stating that an "injunction is not the automatic consequence of infringement and that equitable considerations always are germane * * *." He amended the opinion so that it now reads:

* * * *under ordinary circumstances* the copying of "more than minimal amounts" of unpublished expressive material calls for an injunction * * * [added words italic.]

In addition, the author of the Salinger opinion used the same opportunity to clarify that opinion. The original language he used was: "If [the biographer] copies more than minimal amounts of (unpublished) expression, he deserves to be enjoined." Instead, he wrote, the latter phrase should have read "he deserves to be found liable for infringement."

While these clarifications are important, they have not stemmed the controversy. The concerns continue to be ardently expressed.

At its core, these cases implicate important societal conflicts. In the Nation case, the Supreme Court noted that

The Framers intended copyright * * * to be the engine of free expression [and that it] is intended to increase and not impede the harvest of knowledge.

The constitutional mandate to create copyright laws represents a careful balance between the rights of authors, publishers, and the public. That mandate, and those laws, encourage free and open expression, and the fullest possible public access to that expression. Sometimes these goals are inherently in conflict, and those conflicts are seemingly irreconcilable. Moreover, we cannot ignore cherished rights of privacy that may also be affected.

The approach to the fair use doctrine taken in this series of cases appears to be at odds with Congress' intent in codifying the fair use doctrine in the 1976 Copyright Act. Copyright law encourages creativity by granting authors a limited monopoly in their works. Through the "fair use" doctrine, however, some copyrighted material may be used despite the wishes of the copyright owner. Fair use (17 U.S.C. 107) is an equitable doctrine, promoting society's interests by encouraging a second author's use of reasonable portions of a first author's work. Its application is to be decided case-by-case, taking into account various, and often conflicting, interests, including the nature of the work and its subsequent use, the amount used by the second author, and the harm to the first author's market.

At the heart of the controversy is the struggle to formulate a flexible yet articulate standard of fair use. We want fair use to be broadly defined so that judges can apply it to fit the facts of a particular case. Yet the laws must also give citizens a concrete idea of what is permissible behavior and what is not. In the current controversy, authors claim that the courts have been too rigid in excluding unpublished works from application of the fair use doctrine. There is a fear that the uncertainty engendered by this series of cases will lead to self-censorship to avoid lawsuits and restraints on publication.

I understand that a broad consensus within the publishing community has developed in support of the legislation I am introducing today. Individual authors, and representatives of PEN, the Authors League, the Association of American Publishers, and others similarly situated, have joined together to urge an amendment to section 107. This amendment would clarify that section 107 applies equally to unpublished as well as published works. It does not mean that all uses of unpublished works will be considered fair use, just as not all uses of published works are now considered fair use. It does, however, mean that the same guidelines, set forth in section 107, will apply to published works and to unpublished works, and that these factors apply equally to all such works.

While I have heard from a great many members of the publishing community, I have not heard from all parties who might have an interest in this legislation. Therefore, I am introducing this legislation not only because I believe that these decisions warrant legislative review, but also because hearings will permit the Congress to hear all views and to consider many important questions. For example, should the term "unpublished" be specifically defined? How does this proposed amendment square with the Berne Convention, the international copyright treaty to which the United States adhered just last year? In what instances is injunctive relief appropriate, especially when the first amendment is implicated? Most importantly, how do we balance the interests protected by the copyright laws with legitimate privacy concerns, and with the dictates of the first amendment?

James Madison once noted that "knowledge will forever govern ignorance. And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives." We can all agree that free access to information is essential to democracy. I believe that this country's long held tradition against publication restraints is well founded and that limits on access to information are hallmarks of totalitarian societies, not of democracies. While there is no specific first amendment exception to the copyright law, there are important first amendment interests, and other equally important equitable principles, that must be considered in deciding whether to enjoin an infringing publication.

Whether or not the laws have been correctly interpreted, the chilling effect of the New Era decision is obvious and it is real. My subcommittee will soon hear from all sides in this matter to determine how best to protect and encourage scholarly efforts, while still acknowledging the copyright and privacy interests involved. We cannot condone a situation where our finest writers are deterred from doing what they do best, and from what we, as a free and self-governing country, want them to do. I introduce this legislation to start this important debate, and I look forward to hearing the views of all interested parties.

FIDEL CASTRO'S TYRANNY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I read an article in the Indianapolis Star on Monday of this week by a Ms. Mona Charen regarding Cuba, and I think it needs to be read to the entire American people. It goes like this, Mr. Speaker:

The progressive isolation of Castro's Cuba entered a new stage last week when former communist allies Hungary and Bulgaria, with Poland and Czechoslovakia joining as non-voting members, supported a United Nations resolution condemning Cuba's human rights record.

The balding Fidel Castro was splenetic, hurling curses at Moscow and the Eastern Europeans "traitors" who are "slandering socialism, destroying its values, discrediting the party and liquidating its leading role, doing away with social discipline and sowing chaos and anarchy everywhere."

Those in the smart set tend to regard the falling out between Fidel Castro and Mikhail Gorbachev as amusing. Castro is seen as the quaint embodiment of a bygone era. That's not the way it seems to Cubans.

And I will bet right now that when Cuba blows—as she will within 12 months—the stories that emerge from our close neighbor will chill us to the bone. The model will be Romania, not Czechoslovakia. Those who never quite overcame their romantic image of the bearded tyrant will fall silent at the stench that will rise from those ashes.

In 1986, an eon ago, the human rights group Resistance International convened a "Tribunal on Cuba" in Paris. Survivors of Castro's prisons came forward to tell their stories.

Teresa Mayans was a star of Cuban television and radio. After attempting to leave the country she was arrested. "I was put in a cell with a criminal who had murdered her own mother with an ax. * * * This murderer had been instructed by the Political Police to terrorize me. I thought I would go mad with fear. Of the 32 prisoners where I was, many had syphilis, tuberculosis and parasites. * * * It was useless to ask for medical assistance. Suicide was constant. The poisonous liquid for killing the lice was used."

The use of mad prisoners to terrorize the sane is a trademark Castro technique. In 1980, when thousands fled to the United States in the Mariel boatlift, it was Castro's idea to send criminals and the insane along too.

Another survivor, Tony Bryant, had an ironic tale to tell. He is an American, a former member of the Black Panthers. In 1969, no doubt furthering the revolution, he hijacked a plane to Cuba. But once there, he was arrested and charged with espionage. "I was put in a cell built to hold about 80 men. We were 230 prisoners heaped together there. A hole in the floor in which to defecate was the only sanitary installation. The water was rationed to such an extent that we often spent up to two days in appalling thirst. We were harassed by plagues of lice, cockroaches and mice.

"We spent 23 hours a day shut up, only going out to eat a little rice, bread and soup. They moved me to a hard labor camp called Aguica * * * I shall never forget the night when the guards came in with dogs which they let bite the prisoners while beating them savagely."

Other choice tortures included biological experimentation—prisoners were denied certain nutrients to test the effects on the human body—electric shock, rape, sexual mutilation, starvation and machete attacks. Dr. Ana Lazara Rodriguez recalled that the women prisoners would be beaten in front of their mothers on visiting day.

But the world is seeming Alice in Wonderland-like now. On the Soviet evening news program Vremya, Castro is all but labeled a Stalinist. Moscow News, another official organ, mocks his claims to socialist orthodoxy. "Such categorical attitudes coexist with a system of rationing coupons on all merchandise. Cuban women are in no danger of replacing revolutionary consciousness with mercenary spirit as long as they are allowed a choice of one bra or two pairs of underwear (but not both, and only the size available at the moment)."

The clock is ticking. More than 15 dissident groups—that we know of—have formed in Cuba. The Soviet subsidies are draining away. The only question now is: When the inevitable day comes that Castro orders his troops to fire on his people, will the soldiers, remembering Ceausescu, obey?

Mr. Speaker, I hope every American reads editorials like this and realizes what a horrible tyrant Fidel Castro is, and we ought to do everything in our power to liberate that island, to make sure those tyrannies end.

□ 1720

A REVIEW OF THE ADMINISTRATION'S TRANSPORTATION POLICY IN THE NINETIES

The SPEAKER pro tempore (Mr. TAUZIN). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, our special order this evening is going to be on President George Bush's national transportation policy.

Mr. Speaker, I am joined tonight in this special order by three of my colleagues from the State of Illinois, the gentleman from Illinois [Mr. POSHARD], the gentleman from Illinois [Mr. EVANS], and the gentleman from Illinois [Mr. SANGMEISTER].

The first up to speak, Mr. Speaker, this evening will be the gentleman from Illinois [Mr. POSHARD], and I yield to him at this time.

Mr. POSHARD. Mr. Speaker, I appreciate my colleague, Congressman LIPINSKI, taking this special order and allowing me to participate in it on the national transportation policy.

Mr. Speaker, transportation policy in this country for the next decade is a real challenge, because we will have to meet expanding demands in our cities, and match them with demands for a more livable environment. Congress should be ready to deal with that.

One thing I don't want us to forget is the reliance rural areas also have on mass transit. I know that may sound a little puzzling, mass transit in rural areas, but it exists, and people rely on it.

I talked with Betty Green who operates the Rides Public Transit System in the southeastern part of my district. I wanted to let you know a little about her service because it represents what's going on in rural transportation programs.

Rides serves people in Pope, Hardin, Gallatin, Saline, and White Counties, a total of about 60,000 people over 1,500 square miles.

This is not a specialized service. Rides operates under section 18 of the Urban Mass Transit Act to provide mass transit in rural areas.

The general public uses this service and the agency also contracts with a host of local programs and organizations for transportation services. And when they do that they create another route for the general public to ride. Slowly but surely Rides is creating a rural network of bus routes through the villages and towns of southern Illinois.

The greatest need for this service is helping people get to work. In Pope and Hardin Counties where unemployment is well into the double-digits, 25 percent of the riders are people getting to jobs.

In that part of my district, if you have special skills or a particular profession, if you can't get to your job, you cannot just walk across the street to the next office building and catch on there. In my area if people can find a job they keep it and if it's several miles away they have to find a way to get there. That's where rural mass transit plays a vital role.

Rides also works with general assistance recipients who are required to work out part of their grant with local service agencies. This transit system helps people who need a ride, or who are without the means to have a car, to make their appointments. In one case a person on general assistance performed so well they were hired on full time. The Rides Program helped make that happen.

Rural areas are under a tremendous medical emergency. In southern Illinois you may have to go 70 miles to find a doctor to deliver your baby. Patients needing specialized cancer or surgical treatment need to go to regional medical centers which are miles away. This is really a lifeline for people in southern Illinois, more than just a convenience.

Students at Southeastern Community College are making four trips a day and would fill up a fifth if Rides could afford another bus and driver.

But it can't.

And that's where the Federal Government needs to recognize the importance these rural systems play. We send money to the States to administer these programs.

But in Illinois money is running short, freezes are in effect, and an increase in the local matching share of this transmit money is under consideration. That's difficult for transit authority employees who work all day to provide service and are then working at night to raise the local money needed.

I appreciate Secretary Skinner's commitment to developing a superior transportation system in the United States. To stay competitive that will have to be a priority.

But I want us to remember the important part transit plays in rural areas and what it means to have that service available. As a Member from a rural district I am interested in helping our urban friends provide for the transportation they need. I very much hope they will do the same for us.

Again let me thank my colleague for allowing me to participate in this special order.

Mr. LIPINSKI. Mr. Speaker, I am very happy that the gentleman from Illinois [Mr. POSHARD], participated in this special order. I think the information he brought to our attention this evening about rural transportation is

very insightful and thank him for his contribution to our special order.

Next, Mr. Speaker, I yield to the gentleman from western Illinois [Mr. EVANS], my very good friend.

Mr. EVANS. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my colleague from Illinois in bringing attention to these important issues concerning the Bush transportation policies.

Mr. Speaker, while one bridge collapses every 2 days in this country, and Americans deal with increasingly inadequate highways and airports, President Bush has announced that his administration plans to reduce the Federal Government's commitment to our transportation system—a system that is already sadly deteriorated from the neglect of the past administration.

Today on the House floor, we debated the rural development bill. I can tell you that nothing is more important to rural development than adequate transportation. The area I represent in west central Illinois is beginning to recovery from the recession of the eighties. I cannot tell you what kind of boast that area would get from a project like the Avenue of the Saints, a proposed highway from St. Paul, MN, to St. Louis, MO.

At the same time that President Bush says "read my lips" on taxes, he would increase user fees that are already accumulating in trust funds that are masking the Federal deficit rather than being spent on projects for which they were intended. The highway trust fund has a current surplus of $10 billion and the aviation trust fund has a surplus of $7.6 billion. These funds should be used for the purpose for which they were established not to balance the budget. I believe that we should keep our transportation user fees where they belong—expanding and improving our transportation network. This network links our Nation's cities, farms, mines, and manufacturing, and it is crucial that we protect this important component of our infrastructure from neglect. How can our businesses and industry hope to be able to operate efficiently and compete internationally if our transportation system is crumbling around us.

We have the opportunity to recover from years of neglect and prepare our country for the future. I hope that we will reject President Bush's proposal and put our transportation projects at the top of our national priority list where they belong.

Mr. Speaker, I am pleased to have joined in this special order with the gentlemen from Illinois.

Mr. LIPINSKI. I thank Congressman EVANS for joining us this evening. Many of the points he makes I agree with categorically.

Mr. Speaker, the next gentleman I would yield to is my very good friend from a district near me, the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, last week it became very clear to me why the President does not refer to himself as the transportation president. The national transportation policy statement unveiled at the White House on March 8 by the Secretary of Transportation Samuel Skinner, demonstrates that the President does not believe it is a priority to improve the Nation's infrastructure. I do not find any encouraging signs from this statement which would lead me to believe that areas like mass transit are going to be seriously addressed. From what I have been able to decipher, the President's so-called solution to transportation problems is to shift the entire responsibility of solving them back to the State and local level. It is unfortunate that a distinguished Illinoisan such as Secretary Skinner has been put in a position where he has to defend this policy. Secretary Skinner has been given a car with no wheels and told to drive. If the Congress accepts this proposal, hope for a better national transportation system will go about as far as a car with no wheels.

What makes this situation very difficult to accept, is that the administration's own 1991 budget cited a $19 billion uncommitted balance in the highway trust fund and $7 billion in the aviation trust fund. Mr. Speaker, these are the same sort of games that have been going on for some time with the Social Security trust fund. This Government has a habit of raising money for one thing and spending it on another. Now I ask you, is this the way a responsible government should operate? Because the President has refused to display the leadership which is necessary to tackle and solve the problem of the budget deficit, he continues to take advantage of this disguised method of financing the deficit through the transportation and Social Security trust funds, of which I'm sure most taxpayers are not aware. The President is telling us that he has no new tires for our car when he has a stack of them stored away and is giving them away to others.

I would like to cite just a few of the Department of Transportation's own statistics; 42 percent of the Nation's highway bridges are structurally deficient or obsolete; 65 percent of peak-hour travel on urban interstate highways was congested in 1987; 11 percent of the 1.2 million miles of principal highways—these are the highways that handle over 87 percent of all highway traffic—are deficient; and 21 primary airports have more than 20,000 hours of flight delay a year. Added to all these problems, we must begin to seriously deal with bringing the cost of transportation down and to clean up our air. We must act now to have a cost-effective, environmentally clean national mass transit policy implemented in this decade. I fail to see how the President's plan to take away all Federal funding for the Amtrak national passenger railroad is a step toward improving our mass transit system.

This new national transportation policy just does not make any sense and I believe it is time for the President to rethink his position and get down to the serious business of creating a national transportation policy that fits the needs of the 21st century.

□ 1730

Mr. LIPINSKI. Mr. Speaker, as a member of the House Committee on Public Works and Transportation eager to begin the reauthorization of our national aviation and highway programs, I anxiously awaited the administration's national transportation policy which was announced last week.

First, I think it is important to commend my good friend Sam Skinner for the Department of Transportation's ambitious and important project of creating a national transportation policy. The Secretary conducted an exhaustive series of field hearings throughout the country, allowing every local government and interested party to participate in the planning process.

I also trust that the Secretary truly understands the many varied needs of our national transportation system, and knows these problems demand high priority by our administration. The safety and efficiency of our transportation infrastructure, our highways and airports, directly affects every American as much as any Federal program can. Secretary Skinner's report reflects these realities. Unfortunately, it also reflects another reality in the White House: The OMB, in its refusal to commit resources to the country's needs, has effectively undermined the potency of the national transportation policy.

The transportation policy which President Bush outlined last week is all too familiar: It is completely consistent with his other policies we have seen since he took office. The "Moving America" report adequately points out the crisis of the American transportation system—crumbling bridges, traffic congestion, airport delays, the need for clean air, the increasing costs of infrastructure maintenance. Next, the report offers a much needed call for action—a call to place competitive transportation on the top of the national agenda. But in the end, the policy statement turns its back on any serious commitment. The administration calls for transportation to top the national agenda, but then proceeds to remove transportation from the Federal agenda.

At a time when transportation needs are admittedly growing, the administration has taken a dangerous turn in direction. Rather than recognize the need for national leadership with a serious commitment and serious funds, the administration calls for increased local and State responsibility as well as increased privatization of transportation services.

Above all else, I find the logic of this report staggering. It seems remarkable that the administration could spend months compiling the transportation needs of our country, determine that those needs are tremendous, and then proclaim the answer lies in scaling back the Federal role. Transportation should remain a national priority for precisely the reasons Secretary Skinner conducted his review—it affects every American's quality of life, every businesses' efficiency, and our Nation's global competitiveness. Virtually everyone agrees that the Interstate Program launched by Eisenhower in 1956 has been a fantastic success. Now we are faced with new highway needs, and the President sees no Federal role.

Instead, the national transportation policy claims that the Government need only concentrate on "roads of national significance," such as interstates and highways vital to national defense. The interstate system guaranteed the passage of people and products between major population centers. Faced with gridlock in our cities and suburbs, why shouldn't the government have a similar Federal focus on transportation to, from, and within our cities. I believe the Department of Transportation will run into some problems when they tell the 80 percent of the American population which resides in urbanized areas that their highway projects are not worthy of funding because the roads are not of national significance.

The call for a greater local and State role in transportation funding is not surprising from a Republican administration. However, it too is completely inconsistent with a real commitment to national transportation. The reason transportation infrastructure needs have reached crisis proportion is precisely because Republican administrations have increased State and local funding responsibilities through the 1980's. The State of Illinois does not have the billions necessary to address 370 miles of congested highways in the Chicago area. A national policy statement calling for State responsibility and State taxes will not make things better. In Illinois we have already passed a 6-cent gasoline tax increase to meet existing needs. If the Federal Government turns its back on our highways, those needs will be much greater.

Finally, the grand vision of privatization as the answer to our transportation needs is particularly frightening. But it also may be the one provision which ensures that this OMB version of a national transportation policy does not gather steam. I am convinced that the American people will not stand for toll booths at every exit ramp. Furthermore, mass transit run by the free market will soon be no mass transit at all. Yes, I agree that unleasing private resources can play a significant role in a national transportation policy, but it should not be the cornerstone of that policy.

Overall, Secretary Skinner should be commended for his extensive effort to create a national transportation policy. The report highlights the need for action and will raise the country's conscience level regarding transportation needs. But instead of real commitment and real solutions and real funding, it offers a shirking of Federal responsibility. It is obviously up to Congress to determine the real solutions. I look forward to doing so and I look forward to working with Secretary Skinner in implementing those policies.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, although this statement is a disconnect.

I wanted to raise the point that the gentleman agreed a couple of minutes ago, in criticizing the administration for not fully utilizing the highway trust fund and using that as a way of helping to deal with the deficit. I think within the last couple of days the gentleman's colleague from Illinois [Mr. ROSTENKOWSKI] has come out for a substantial increase in the gasoline tax. I think he wants to take the gasoline tax up to 25 cents a gallon.

Now, if we are going to criticize the administration on that, I assume the gentleman is ready to criticize Mr. ROSTENKOWSKI because he was talking about this as a way of bringing down the deficit. There is only one of two ways we can do that.

□ 1740

Either the 25-cent-a-gallon gasoline tax he proposes will no longer go into the highway trust fund or we will have the additional money piling up in the highway trust fund as a balance against the deficit. So while the gentleman certainly is welcome to criticize the administration for whatever they are doing in that regard, it seems to me that there is also a problem with some of the proposals that are coming forth from the Democratic leadership that propose to do exactly the same thing.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for his participation.

First of all, I would like to say that as far as I know, the Democratic position is and will continue to be to draw down on the highway trust fund and the airport trust fund as rapidly as possible because those needs are out there throughout this Nation.

Second, I would like to say that as far as the call by the gentleman from Illinois [Mr. ROSTENKOWSKI] for an increase in the gasoline tax is concerned, he has been calling for that for quite a long period of time, and that goes along with other numerous areas he has talked about, just as he did last Sunday, with regard to balancing the budget and the deficit. I do not know that he has said anything about utilizing that money to help the budget deficit. As far as I know, his particular aim in regard to the gasoline tax is to suppress consumption so that we are less and less dependent on foreign oil.

Mr. Speaker, I now yield to the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. ANDERSON].

RECOGNITION SOUGHT FOR SURVIVING VETERANS OF WORLD WAR I

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, throughout the past year, Americans have watched unbelievably as unprecedented social developments have restructured the entire political landscape of Europe. For the first time since World War II, the world can envision a free and sovereign continent. These fast-paced developments remind all Americans that peace has not come easy and generates a renewed sense of appreciation for the brave young men and women who have fought and died there in behalf of our country. Just five decades have passed since Americans were last asked to do battle on the fields of Europe to rid the world of a monstrous evil.

It was a point in time when the world was not so certain, America's place in it not so ordained, and the future of mankind hung in the balance. We are just beginning to see the kind of Europe these men fought to establish. Appropriately, this year will offer numerous occasions to reflect back on their efforts with pride and honor.

However Mr. Speaker, I have come before this honorable body today, not to belabor how deserving the veterans of World War II are of our respect, for that goes without saying. Rather, I stand before you to bring to your attention the plight of an equally brave and dedicated group of men and women whose selfless actions and gallantry under fire precipitated that of those in the Second.

Though their commitment to the task at hand was unswerving and their sacrifices just as great, these American soldiers, sailors, and marines, were never adequately honored, recognized, or compensated for their unceasing efforts to restore peace to a world shattered by war. They received no education benefits, no home loans, or small

business loans that veterans of later wars would receive, but instead, found themselves penniless and jobless in the heat of the Great Depression with no pension whatsoever for their services. In light of their victory this was not fair at all.

President Abraham Lincoln, in his second inaugural address, summed up his commitment to the veterans of the Civil War, and in a sense all wars, by declaring that this Nation should "care for him who shall have borne the battle and for his widow and his orphan". In the spirit of those beautiful words, I firmly believe the United States has an obligation to care and provide for the men it sends to war. Our veterans are one of this country's most precious resources and we should always be sensitive to their needs. They exemplify the highest degree of devotion to this country that we Americans admire and respect.

That is why in January 1989, as I have the past several Congresses, introduced H.R. 1918, to reverse the injustice done to the World War I veterans and to recognize the debt this country owes to them by awarding them a small monthly pension. Please realize that in 1984 when the last cost evaluation of this bill was done, there were just 397,000 World War I veterans still alive. Today, there survives only 90,000 with the majority being cared for in hospitals and nursing homes. Is this how we choose to repay these men for risking their lives in behalf of their country? When the final World War I veteran passes away, you can bet he will be laid in "State" in the rotunda and accorded full military honors.

Yet eloquent words, emotional speeches, and pomp and circumstance cannot atone for decades of neglect, nor justify to the country why Congress failed to take action on behalf of our oldest warriors.

Recently, H.R. 1918 has grown stagnant in committee. I understand the budgetary constraints that may prohibit the enactment of this legislation. I am also aware that the bill's opponents have argued that funding is unfeasible. However, let me reiterate the declining numbers of veterans. H.R. 1918's total cost for implementation has decreased by millions of dollars since it was first introduced. Further, the cost of maintaining this program will drastically reduce each succeeding year for the next few years. H.R. 1918 accomplishes far more than distributing pension awards for the deserving veterans, it sends a clear signal to all our veterans that we as a country appreciate what they did and we will live up to our historical responsibility to them.

I would also like at this time to urge the distinguished chairman of the House Veterans' Affairs Committee, who himself has felt the sting of battle in Europe, to reevaluate H.R. 1918 and proceed to hold hearings on this bill. Time is of the essence so I would ask the chairman to adjudicate this matter as expeditiously as possible.

Why do I feel so strongly about this bill? Because I have had the privilege of meeting and talking with many World War I veterans and have listened to their story. Their bodies may be aged but their minds still recall when as young boys they marched off to France to fight someone called Kaiser Wilhelm. They speak candidly of longs days and longer nights, of wet mud and insufferable periods of waiting shattered by moments of sheer fright and the attacking enemy, but most of all, they speak of their love of country and their steadfast conviction to the cause for which they fought.

When they returned home after the war, they found the United States much how they had left it, only their perceptions of it had changed.

The experiences of war had taken their toll, and for many veterans readjusting to civilian life and making up for lost time proved difficult. Without pensions or proper medical services, they were left up to their own devices to survive.

Of the 4,477,000 troops that served during World War I, 90,000 are still alive. Some died from their wounds, some died during the Depression, some survived the First World War only to be killed in the Second. Accidents, illness, and age have claimed the rest. By the time Members of Congress are sworn into office next January, that number will half. It is imperative that Congress take action now. When this Nation needed its best at places like the Argonne Forest, Bellau Wood, Aisne-Marne, they answered our call. The question I would ask my colleagues is, are we going to be there for them now that they are calling us?

And finally, Mr. Speaker, I would like to share with you a short story if I may. The story is about Gunnery Sgt. Dewitt Weible, a "Marine's Marine" from St. Louis, MO. Almost 2 years ago, the citizens of Long Beach, CA, got together and held a public ceremony to dedicate a beautiful stone monument paying tribute to the marines and sailors who were killed in fighting at the island atoll of Tarawa during World War II.

Sergeant Weible, one of the oldest surviving marines from World War I, was asked to attend as a guest. In the most emotional point of the ceremony, Sergeant Weible marched in front of the vast crowd wearing his original World War I uniform. You could see the tears in his eyes when the "National Anthem" and "Marine Hymn" was played and he saluted the flag with a sense of loyalty we all wish there was more of today. He was so proud to be there and he looked so grandiose with all his medals pinned on that old uniform. Sergeant Weible would later call the ceremony "the finest military event I ever attended". Sadly, 2 months later, Sergeant Weible passed away. He leaves but a few remaining comrades behind.

It is for them and all the Sergeant Weibles no longer with us, that we must pass H.R. 1918. I urge my colleagues to please cosponsor H.R. 1918 and work with me to see that it is enacted during this session.

□ 1750

STUDENT LOAN DEFAULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, last November, when Congress adopted several unnecessarily harsh measures to deal with something that only had the appearance of a problem, I predicted that the action would have tragic effects.

Unfortunately, Mr. Speaker, I was all too correct.

Let me explain what I mean. Last year, there was concern that the Supplemental Loan for Students [SLS] Program was growing too fast and might produce the same kinds of defaults that currently exist in the Stafford Loan Program, formerly the Guaranteed Student Loan Program.

In response to that perception, the Congress chose not to address the underlying reason of why students default; namely, the gross imbalance of grants to loans.

Instead, the Congress decided to limit eligibility for the SLS Program. It was decided that applicants for SLS loans have to have a high school diploma or general equivalency diploma [GED], that applicants could attend only those institutions that had a student loan default rate of less than 30 percent, and, finally, that the amount of the SLS loan would be directly tied to the length of the educational program.

All three of these limitations reduce access and choice to postsecondary programs and are specifically targeted at students in an extremely vital sector of higher education—career training.

Probably the most harmful of these limitations is the 30-percent cutoff. It is arbitrary, discriminatory, and, worst of all, completely ludicrous.

Before I go any further, let's understand two things. First, the default rate is calculated by the Department of Education from information it receives from the lenders, servicers, and the agencies that guarantee the loans, and, second, these rates may not be as accurate as they could be, or should be.

Let me tell you about one school—American Transportation Education Centers [AMTEC], for example. Virtually 85 percent of the defaults charged to them, by the Department of Education, are listed as being in repayment to the guarantor of the loans.

AMTEC sent me a copy of an intra-school memo from their loan repayment department that further exemplifies a serious lack of communication between all of the people who service the loans before they go into repayment.

Out of 64 students that were reported to the school as being 45 to 70 days delinquent in their loan payments—

Eleven had canceled checks or other physical evidence proving the payments were made and their accounts were not delinquent.

Thirty-four had received between four and six different loan coupon books.

Thirteen had circumstances which entitled them to deferment but were told to make full payments instead.

Two had requested forbearance but the servicer could not find any record of either request.

One requested forms to consolidate his loans but was told he couldn't. Later the school called the servicer and the servicer said he would put the forms in the mail immediately.

And another student was denied an unemployment deferment because the servicer said he was more than 180 days delinquent. After this last student's account was researched, it was found that the account was 90 days delinquent at the deferment receipt date so the student now has to send the entire bundle back to the supervisor's attention.

This is only one of many schools whose students have these same problems. To me, this shows a terrible lack of communication that makes me hesitant to swallow the Department's default calculations hook, line, and sinker.

The amount of inaccuracy is truly pathetic. My sympathy really goes out to those students who are put in the position where they have to make some sense out of their loan history when their accounts are riddled with errors. But while these students are trying to straighten it all out, the people who made the mistakes to begin with are taking steps to destroy the students' credit records.

Can you imagine what a nightmare it would be to go to your mailbox one day and see four or five coupon books from different mortgage companies or banks with a note from each one saying they are the sole owner of your home loan and telling you to remit your first payment immediately? Or, even worse, can you imagine finding four or five letters from different financial institutions saying that you are extremely delinquent on your mortgage payments and you must pay the full balance, pay a penalty, or face legal proceedings?

For years too many students have been pulling their hair out trying to figure out who owns their loans and where they are supposed to send their payments. It's a living nightmare for them, their parents, and their financial aid counselors.

The problem has been getting steadily worse because the number of loans has continued to climb as loans continued to replace grants and higher eduction gets increasingly more expensive.

Perhaps the most striking example of this can be seen in the Department of Education's most need-focused grant program—the Pell grants. Assuming education costs have increased by an average of 8 percent over the past 14 years, the maximum Pell grant should be more than $4,000. Instead it is $2,300, so even the most needy students must rely on loans to finance most of their educational expenses.

Students today have had to go farther in debt than their fellow students of a few years ago in order to receive any education past the high school level. By the time they graduate, most have accumulated thousands of dollars of debt.

For most, it is their first loan experience. The process, at best, can be very intimidating and confusing, but for many of these students it is even more so because of all the problems they are running into with the people who are supposed to be keeping accurate track of their loans.

The inspector general of the Department of Education made several points in his recent testimony about the people and organizations we have entrusted to services our students' loans—lenders, third-party servicers, and secondary markets.

Let's talk about the secondary markets first. According to the inspector general, secondary markets held $18.4 billion in outstanding loans—or 40 percent of all outstanding loans as of September 1988.

Despite the overwhelming presence of secondary markets in the student loan programs, the Department of Education has not systematically received audits of the secondary markets administration of the program, nor has it provided systematic program review of these organizations. The fact is, the Department of Education doesn't even know how many secondary markets exist or whether anyone is evaluating their performance.

When discussing third-party servicers, the inspector general raised the concern that many servicers are affiliated with guarantee agencies. He went on to say that because of this relationship, their exists a very real potential conflict of interest in guarantee reviews of servicers.

The inspector general outlined three risks involved with not accurately monitoring servicers: One, payment of inaccurate interest and special allowance billings; two, reduced collectability of loans; and three, reinsurance payments on ineligible claims and wrongful harm to borrowers' credit ratings.

When talking about lenders the inspector general highlighted concerns related to performance of due diligence requirements and payment of origination fees to the Department of Education.

Although due diligence requirements have been in effect for 3 years, lender reviews performed by guarantee agencies show a high level of noncompliance especially in repayment and collection of loans. The Inspector General's Office analyzed results of 101 lender reviews conducted by 13 guarantee agencies during 1987 and 1988 and found that 87 percent of lender files reviewed contained due diligence exceptions.

To think that the Department of Education calculates a school's default rate and pays out subsidies and special allowance based on often mistake-riddled information it receives from these organizations is scary. To expect that information to be accurate enough to establish a policy whereby students who attend schools with a default rate over a specific percent are not eligible to participate in the SLS Program is totally outrageous.

But that is exactly what we've done.

As a result, according to the best estimates available, students at over 1,000 schools are now ineligible to participate in the SLS program because the student default rate at those schools is over 30 percent. As of January 24, the Department of Education said 80 percent of those schools are career training schools.

This means students not only continue to have to deal with the nightmare of trying to find out who owns their loans so they know where to send their payments and trying to correct mistakes in their accounts. Now, they also have a bad policy that dictates which schools they can go to to receive higher education and what types of educational programs they can pursue.

The Department has said that these numbers may change, but they also say they can't predict if the figures are going to change upward or downward. From what we've seen so far, I'll bet they will change upward and the future will be even more grim for even more Americans who would like to rise above their circumstances.

Although no one can say for sure exactly how many students are no longer eligible to participate in the SLS Program because of the default rate

cutoff, we can assume the number is in the hundreds of thousands.

From talking to just three of the eight organizations that accredit career training schools who helped my staff establish some figures by using default rates published by the Department, we know that at least 218,000 students are now ineligible to participate in the SLS Program.

The National Association of Trade and Technical Schools [NATTS], at last count, said 147 of their 1,283 schools, or about 11.5 percent, have default rates over 30 percent. NATTS estimates about 90,000 students are no longer eligible to participate in the SLS program.

The Association of Independent Colleges and Schools [AICS], at last count, said 164 of their 1,000 schools, or 16.4 percent, have default rates over 30 percent. Because the average AICS school has 680 students, we estimate about 112,000 students are no longer eligible.

The National Accrediting Commission of Cosmetology Arts and Sciences was able to arrive at a rough estimate that 149 of their schools, or 8 percent, have default rates over 30 percent. NACCAS estimates roughly 16,000 students dependent on SLS loans are no longer eligible.

Targeting these schools and cutting financial aid to students at them was a grave mistake for three reasons. First, students who attend career training schools instead of other institutions of higher education are more likely to complete their coursework and find jobs. Second, career training schools are easier on the taxpayers' pocketbooks. And, third, career training schools play an important role in keeping American businesses in business.

Students who attend career training schools are more likely to complete their coursework and find jobs than students who enroll in any other sector of postsecondary study because career training schools have the highest completion and placement records of any other sector of higher education—61 percent of career training students successfully complete their coursework compared to 33 percent in the Job Corps, 43 percent at public community colleges, and 58 percent at 4-year colleges.

The placement rate of career training schools is 81 percent. This rate is not only higher than any other sector in higher education, but is also more reliable because it is considered to be a "hard" figure.

Career training schools have been required for some time now to track their graduates in order to document their placement rates and, as of December 1, 1989, have been required to put them on paper, notify their students of them, and have the students sign the paper. In addition, most of the training schools are required to prove their rates to their accrediting bodies.

Starting December 1, 1989, vocational programs in the community college sector were required to begin tracking their graduates to develop hard figures for their placement rates. Right now, this sector's best guesstimate for placement, of nearly 80 percent, is still lower than the career training sector's documented figures.

The placement rate for 4-year colleges, at 70 to 75 percent, is not only another soft figure, but may even be a little misleading due to job titles.

To calculate their placement rates, most 4-year colleges look at what jobs their students have 2 years after graduation. A graduate is considered placed if he has a job considered to be on an appropriate level for students with degrees.

Who decides what jobs are considered to be an appropriate level and what criterion are they basing it on? Are they getting in touch with each graduate 2 years after graduation and asking each one what his specific job duties are, or are they using job titles provided by the graduate to the alumni association?

Career training schools are easier on the taxpayers' pocketbooks than any other sector of higher education.

Using figures calculated from a National Association of State Scholarship and Grant Programs report, it is estimated that for 1 year of education in a private career school, taxpayers save $2,975 compared to the costs of educating a student in a 4-year college for the same time period and $1,119 compared to the cost of educating a student in a community college for a similar time period.

A 1989 report done by Shearson-Lehman-Hutton argues that taxpayers save $17,938 per student per year for every American who finishes a training program and gets a job earning $15,000. They say the money is saved through programs such as welfare, food stamps, women and infant care, housing, health care, and taxes on that $15,000-a-year job.

Career training schools play an important role in keeping businesses in business.

Students choose the shorter career training programs as opposed to longer programs that combine academic and training courses because they want to enter the work force as fast as possible and they want more hands-on training.

These same two reasons of why students choose career training schools are how businesses benefit tremendously by hiring recent training school graduates. Businesses can fill their employment openings faster and not have to spend as much time and money to train them compared to hiring recent graduates from other sectors of higher education.

I have received many letters from businesses who regularly hire career training school graduates praising the graduates and the schools who educated them. These same business men and women also tell me how much they rely on the schools to provide them with a continuous supply of readied workers, and, frankly, some of the businesses don't know where they are going to find skilled people to fill the new job slots that are opened up in their industries every day.

Department of Labor statistics indicate that in the near future all types of businesses will be needing an even more technically skilled labor force. Three out of four jobs already require technical skills and the three fastest growing occupations, percentagewise, to the year 2000—paralegal, medical assistant, and physical therapist—all require some form of career training.

By knocking career training schools out of the picture through these recent policy changes, we are seriously hurting our businesses and lowering the overall quality of our Nation's labor pool.

This is especially true in the trucking industry. There already is a shortage of drivers and the industry needs an additional 450,000 new drivers every year, according to the Hudson Institute.

A projected estimate calculated before the policy changes were adopted indicated the driver shortage would exceed 300,000 by the year 1991, but, so far, no one has been able to tell my staff what the driver shortage will look like now because it is too soon to tell what the full effects of the policy changes will mean.

George Beaulieu, president of the National Association of Truck Driving Schools [NATDS], says the driving schools that have been able to survive so far are struggling under the new changes and the trucking industry as a whole is already feeling the effects of them. He predicts the driver shortage will become alarming over the next 1½ years as companies scramble to find enough drivers to keep their trucks on the road.

Too many transport companies already have trucks sitting idle. They have plenty of customers, but are having an increasingly harder time finding qualified people to drive them. Some people in the industry are becoming very concerned that as the problem gets worse, companies will be either forced out of business because they don't have enough drivers, or will be looking to hire any warm body to sit in the driver's seat regardless of that person's ability to safely operate the vehicle.

Each one of the three policy changes, taken separately, is having

terrible effects on all of the training schools, but the three combined seem to have been custom-designed to destroy the trucking industry.

Now let's consider the other two policy changes—the GED requirement and prorating the amount of the SLS loans—and relate them to just the truck driving schools.

It has been estimated that at least 45 percent of students who attend truck driving schools don't have a high school diploma or a GED. They are no longer eligible for SLS loans.

Out of all of the Americans who want to better themselves through higher education, these are the ones we should be encouraging the most. Instead, we are telling them we don't have enough faith in them, or their abilities, to better themselves.

These men and women have deliberately chosen to attend a career training school instead of pursuing an academic education. For whatever reason, they don't want an academic education. They want to learn a skill, get a job, support their families, and find a productive place in our society.

Instead of encouraging their drive and ambition, we condemn them to only academic programs. The same programs they have already dropped out of.

This sure doesn't make sense to me because most researchers agree these are the very students who benefit the most from career training.

And, as if we don't have enough with the first two policy changes to spell disaster, we now also prorate the amount of the SLS loan, for those few students who are still eligible, depending on the length of the educational program.

I don't know which bright star thought this one up, but this is almost as discriminatory and ludicrous as the 30-percent cutoff.

It costs much more to operate a 6- to 8-week truck driving school with behind-the-wheel training and a low pupil-teacher ratio than it does to have one teacher stand in front of as many as 100 students and give lectures on philosophy or English for a year.

It costs about $40 to $50 an hour to operate a truck and the industry recommends that each truck driving student have an average of 45 to 50 hours of behind-the-wheel driving time. This adds up to $1,800 to $2,500 per student. That's before the instructor is paid, and the initial cost of the tractor-trailer is considered. Then you have to figure in the cost to insure the trucks being used by these student drivers who have no driving experience. Keep in mind also, we have to add in room and board because most truck driving schools are located far enough off the beaten path to give the students plenty of room for error so they don't end up taking out street signs and toppling electrical poles. Their locations make commuting impossible for most of the students.

Do you think a bank would lend more money to someone who wants to buy a blue Dodge and less to someone who wants to buy a red Mercedes simply because they decided to base their policy on colors instead of actual costs?

The very idea is completely absurd, but that's exactly what we've done by tying the amount of the SLS loan to the length of the program.

The botton line is, despite generalized accusations and perpetuations of those accusations based on isolated instances, the majority of career training schools work and can lay invaluable foundations on which many talented individuals have already based careers, and which many more can if we only give them the opportunity.

Let me tell you about some career training school graduates who demonstrate what I mean.

When Beverly Currin graduated from high school, she wanted to pursue a career in interior design.

Ms. Currin worked two part-time jobs to pay tuition at the Art Institute of Atlanta. After she graduated in 1973, she worked for smaller design houses before joining an architectural firm in 1978.

Today, she is a partner in the firm and enjoys a reputation as one of the leading interior designers in the Southeast.

Craig Belmondo said his education at a career training school "provided the basic knowledge and initial training that assisted in my growth in the ever changing and exciting airline industry."

Mr. Belmondo graduated from Washington State University with a major in business administration, but found he still lacked the necessary skills to get into the airline business. He attended the International Air Academy in Vancouver, WA. After completing the Airline Reservations and Airport Service Program at the academy, he was hired as a reservations clerk for an airline, was appointed to develop the sales and marketing department of one of the company's daughter airlines, WestAir Airlines, and was later named vice president of sales and marketing in 1983.

Today, he is president of North Pacific Air and is chief operating officer responsible for flight operations, ground operations, maintenance, customer service, marketing, sales, finance, and administrative functions of the airline.

Joseph Casey said his training at a career school, "Whet my appetite for electronics * * * I was eager to learn more."

Mr. Casey was a young man from Chicago's inner city when he graduated with honors from a radio/TV repair course at Coyne Electrical Institute in 1956, after which he attended a junior college and served in the U.S. Air Force. He left the Air Force as a captain and then continued with his education, receiving a bachelor's degree in physics and a master's degree in engineering.

Today, he is principal engineer for Equipment Corp. and is responsible for providing technical consulting in marketing and logistics and providing corporate support for a staff of 15,000 field engineers.

After Frank Fanto received his aircraft engine mechanic license from the Pittsburgh Institute of Aeronautics in 1948, he began working as production assembler and flight line mechanic.

Today, he is director of production operation for Lockheed Aeronautical Systems Co. in Georgia and is directly responsible for production of the C-5B program which is an airlift system of vital importance to the country's national security.

Joseph Leroy Williams, one of nine children in a sharecropper's family in Arkansas, had to quit school and go to work at the age of 17 when his father died.

He went to St. Louis and performed several menial jobs while sending money home to his family, but, at the age of 30 he had to quit his job of 9 years due to health problems related to his work. He continued to support his family by housepainting and light hauling while he completed a course at Vatterott Educational Center.

After studying building systems repair, plumbing, heating, and air-conditioning, he started his own business—J.L. Williams Contracting Co. Although his first year's revenue was only $13,000, he continued to work hard.

Today, Mr. William's company grosses more than $1 million annually and is bonded up to $600,000. He was also named the "most successful minority contractor of the year" for 1987 by the Minority Enterprise Networking Association.

George Husar, Sr., was 46 years old when an injury made it impossible for him to continue operating heavy equipment. He went to the Refrigeration School in Phoenix, AZ looking for a new career.

After graduating, he wanted to be self-employed. So in 1974 he and his wife, Genie, started Genie Aire—an air-conditioning, refrigeration, and heating service company.

Mr. Husar was so impressed with the education he received at the school, he sent four family members there. Sons, Earl and Ernie Duskey graduated in 1974 and 1976, respectively, and 10 years later, they started their own company, Duskey's Heating and Air-Conditioning. In 1981, son-in-law Laurence Chausse graduated and joined

Genie Aire, followed by George, Jr., in 1985.

In the meantime, Mr. Husar had started another company, Cryo Refrigeration, in 1980. The new company deals with the ultra low temperature techniques of cryogenics.

These are just a handful of graduates who have benefited tremendously from career training school.

I am not saying that every American should attend a career training school instead of any other type of post secondary institution, but career training schools have an extremely valuable place in the higher education community. The schools and the students who attend them should not be made targets for bad policy decisions.

□ 1820

DO NOT DESTROY SOCIAL SECURITY FOR THE FUTURE

The SPEAKER pro tempore (Mr. TAUZIN). The gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER, Mr. Speaker, just a few weeks ago the President of the United States came to this Chamber and delivered his State of the Union Message. The President said a number of things which focused on our needs in this country for the future. One of the points that he made, which received the loudest applause in this Chamber that evening, was when he implored this body not to mess with Social Security.

When the President made that statement, it was in light of the fact that a senior member of the Democratic Party on the other side of the body had come forward with a proposal that aimed at breaking the agreement of 1983 designed to shore up the Social Security system and preserve it into the next century.

Mr. President, having heard those remarks, came to this Chamber and told us that we ought not break that agreement, that we ought to hold Social Security inviolate for our future.

The reaction in this body was stunning. Immediately the Members on the Republican side of the Congress rose in a standing ovation for the President's position. After a moment of hesitation, and then realizing that there could be a political downside to also not being seen as supporting what the President was saying, the Members on the Democratic side came to a standing ovation, including Senator MOYNIHAN himself, who had originally made the proposal to break the 1983 agreement.

The problem is that despite that standing ovation on the House floor that night, and despite the President's eloquent plea that we not mess with Social Security, there has been a whole lot of messing going on. Because since that time we have moved ahead in several quarters in the Congress messing with Social Security.

Despite the President's call for us not to break the 1983 agreement, not to mess with Social Security, the Senate held hearings on the Moynihan proposal. The Democratic majority in the Senate decided to go ahead and hold hearings, and they did so.

There are still people in this town talking about proceeding with what Senator MOYNIHAN proposed, or some version of the Moynihan proposal. Understand, the Moynihan proposal was that we would reduce the taxes for Social Security this year in order to bring down the surplus, which MOYNIHAND says is going to pay off the deficit.

Well, while there are snatches of truth in what was proposed there, the problem is that the solution is all wrong. What Senator MOYNIHAN would do to Social Security is he would break the contract with retirees of the future. What he was really saying was we will go on a pay-as-you-go basis, assuring that some time in the next century that the people who retire, those who are working now, who are going to depend upon that system in the future, will not have sufficient funds to meet the obligations. That is a terrible decision for us to make, that we are going to destroy Social Security for future generations, and that is the essence of the Moynihan proposal that worries many Members of Congress.

□ 1830

It is true, Senator MOYNIHAN says, that the money that comes into the Social Security trust fund at the present time is utilized to buy government bonds. There was a special issue of Government bonds that was created for us to purchase.

The question one has to ask is if that is not something which is appropriate to do, how would we build reserves for future use by the Federal Government? Would we have to take the money and go immediately into the market? That could have disastrous results, and the Federal Government would literally control the purchases in the stock market, plus the fact that we would be in the position of perhaps losing all of the money at some point. We by law have said that we are going to buy Government bonds with the money in order to put the money into the safest investment that the world knows.

Why do people around the world want to invest in Government securities? It is because it is the world's safest investment. That is what we do with our Social Security trust fund money, we put it into the world's safest investment.

The fact is that the Government is running on a deficit, and those bonds are used to pay the bills of the Government, sure. But the reason for doing that is not to cover up the deficit. The reason for doing it is to put the money in the safest possible investment.

Senator MOYNIHAN says he does not like that way of trading off on the deficit. There is one way around that. Let us just take the whole Social Security trust fund off budget and make it real, buy down debt that presently exists for all of the money we put into Social Security bonds. That way we would not have the penalties that Senator MOYNIHAN claims are inherent in the system, and at the same time would be preserving the security of the Social Security system that we anticipated in 1983. That is one way in which we were messing with Social Security at the time the President spoke. We continue to have people who think it would be a good idea to mess in that way.

However, it goes beyond that. We have now the proposal being brought forward by the chairman of the Ways and Means Committee, the single most powerful man in the House in terms of making decisions about Social Security, who has now proposed that we eliminate for at least one year the cost-of-living raise for Social Security recipients. That is messing with Social Security. The problem with that particular proposal is he does it in a proposal where he also anticipates raising the cost of inflation to those very same Social Security recipients.

What do I mean by that? For example, the Rostenkowski proposal calls for raising the gas tax to 25 cents a gallon. In other words, taking the gasoline prices back to Jimmy Carter rates.

What would that mean? That would mean massive inflation in the economy. One of the problems with the gas tax is that it spreads across the entire economy immediately. When we have a gasoline tax increase, it affects all of transportation. All of transportation means that it goes into every good that we buy. It means that it has a broad-based inflationary impact. If inflation goes up, guess who gets hit? It is people who are retired and living on fixed incomes.

What else does the Rostenkowski proposal say? It says that we are not going to give them cost-of-living increases, we are going to freeze them as part of the proposal. That I would say is messing with Social Security, and messing in all the wrong ways.

But that is not the only thing that has been going on. We do not just have the Moynihan plan to destroy the 1983 compromise on Social Security. We do not just have the Rostenkowski plan to eliminate the cost-of-living raises for Social Security recipients. We also have a series of Demo-

crats coming to the floor who are delivering the leadership message of the day.

The leadership message of the day has not talked about Social Security. Funny that it has not, because what they are saying is a Social Security message in code. What they have been talking about is something called tax fairness, and what they have been saying regularly on the House floor is that if we look at what happened during the 1980's that taxes on middle-income America actually went up, not down, and so somehow President Reagan and President Bush have been prevaricating with the American people when they talk about tax reductions.

The only way that we can get to these statistics is to include the Social Security tax increases. It is true that Social Security taxes went up during the 1980's, and that had an impact on middle-income America, on low-income America, no doubt about it. But I would remind my colleagues that the reason why they went up was as a result of the 1983 compromise, which was a bipartisan compromise, which was hailed by both President Reagan and Speaker O'Neill, and was done in a way to preserve the Social Security retirement system. We decided that those increased taxes were in fact necessary for the future of the program.

Now we have Members, evidently speaking for the Democratic leadership in the Congress, who are coming to the floor of the House and are raising questions about those tax increases that were meant to preserve Social Security. That has to raise questions in our minds. Did they not mean it in 1983? Did they not really want to preserve the Social Security system in 1983? Was that all a political ploy that now 7 years later that they want to back out on? Or are they just attempting to play some games with the figures here in order to get themselves out of the tax mess that they now find themselves in?

It is true, the American people have now figured out that there is one party around here that likes to tax them for nearly everything, and that is the Democratic Party. So the Democrats are trying to find themselves a way out of the tax box. So they have come up with the so-called tax fairness issue.

If in fact they mean what they are saying, that what they want to do is to do something about the problem of rising taxes for the middle-income and the low-income people, and the way in which they are arriving at those figures is using the Social Security taxes as a part, one has to assume that they have a plan there which is ultimately going to come forward that would reduce the Social Security tax in some way, going back to the Moynihan plan.

There is a problem with that, however. Social Security is not truly a tax. Social Security was meant as an insurance system. It is a payment that one is making now, much as they would do in a pension system in order to receive benefits somewhere downstream. And what has happened in recent years is that the payments downstream are more, on the average, than the money that was paid into the system. So the people who are paying the so-called Social Security tax today are paying with the idea of anticipated benefits at some later date.

That is the insurance compact that has always been a part of the Social Security system. Do the people who are now talking about changing that want to break that compact? Do they want to make this something other than insurance, because what it sounds like they are saying is that they want to begin for the first time to differentiate between what some people pay into Social Security and what other people pay into Social Security. It is beginning to sound as though they want to lower the taxes on some or lower the payment by some and raise the payment on others.

Remember, what one gets back from Social Security depends upon the earnings history. Your earnings history is based upon what you paid into the system. If we begin to differentiate the numbers, we will have some people eligible for lower, much lower payments, and some people eligible for higher payments.

It is true of the system today that some people get more than others, but it is based upon their real earnings history.

One reason why we cap the amount of money on which we tax for Social Security is to assure that there is not a great disparity, because remember, under the present system if we had everybody pay on every dime of income, we could have millionaires paying on all of the money that they made, and thereby being eligible for thousands of dollars a month in Social Security payments at the end. That would make no sense, and that is one reason why early on in the Social Security system we capped the amount of income that you paid your Social Security on, and we also assured that everybody paid in equally. That was so that when you began receiving payments, they were received equitably and evenly.

Why did we do that? Because we wanted Social Security to be an insurance system, not a welfare system. We did not want Social Security to become just another welfare system, a differentiated payment. We wanted to have people collect Social Security with the honorable understanding that they had paid for this insurance themselves, that it was something that they had a right to, it was something that was theirs by virtue of the fact that they had paid in during their working lives, and it was based upon their earnings history that they were getting back the money.

Now we have people who are beginning to talk as though they are willing to differntiate the payments. When we do that, we convert Social Security into just another welfare system.

□ 1840

I am beginning to hear people who sound suspiciously like they are willing to have Social Security become just another welfare system, and I have got to tell you it worries me. It ought to worry the other Members in this House that there are people who are beginning to talk about differing levels of payments which thereby would make for a means-tested program somewhere at the end. That is a welfare program.

Social Security should not be allowed to become another welfare program. We ought not let the Democrats and the liberals in this body, on the idea of tax fairness, convert Social Security into another welfare program. They are already seen by the American public as wanting to convert everything into welfare programs. We ought not let them do it to Social Security.

They do not want to talk about it in those terms, but that is what they are really saying when they come to the floor and talk about this level of taxes that somehow is going up during the 1980's. They have got to use Social Security as a part of that calculation, that is the only way it works. And when you start differentiating, you convert Social Security into a welfare program. That would be wrong.

The President again told us, "Don't mess with Social Security." Now maybe you understand why the President thought we ought not mess with Social Security, because you have the Rostenkowsi proposal to eliminate the cost of living, you have the proposal by Mr. MOYNIHAN to destroy the 1983 compromise and now you have people evidently speaking for a leadership proposal that is being cooked up somewhere on tax fairness, talking as though Social Security is going to be made into just another welfare program. We ought not be messing in that way.

There are a couple of other scary things that retirees ought to be concerned about, too. The majority whip last night, in speaking to a group, made a statement that worried me a little bit. He suggested that one way that we could begin improving the infrastructure in this country, rebuilding the infrastructure was to take the money out of pension funds. What he suggested was, and he did not use these terms, I am using the terms, that we raid the private pension funds

for—I am sorry—raid the public pension funds for certain amounts of money so that we could improve the infrastructure. In other words, converting pension money into pork.

I think retirees ought to be very worried about that.

If we are going to destroy Social Security and then in addition we are going to destroy the pension programs in this country, that could get very worrisome for retirees in the future.

Well, I am worried. I am afraid what is going on in Congress endangers a whole generation of present retirees; I think it could well endanger several generations of future retirees. I think we ought to go back to what the President said earlier this year. We ought not mess with Social Security. We ought not mess with these programs that are vital to the needs of retired Americans and future generations of Americans who hope to retire in dignity.

It is time, I think, to take Social Security off the table. We hope, I hope we can follow the President's advice: For the rest of this Congress, "Don't mess with Social Security."

JERUSALEM MUST NOT BE DIVIDED

The SPEAKER pro tempore (Mr. TAUZIN). Under a previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

Mr. FEIGHAN. I thank the Speaker, and at the outset of this special order I would like particularly to thank our colleague from Indiana, Congressman BURTON, who has joined me in organizing this special order this afternoon and spoke with many of our colleagues, many of whom had hoped to participate, thinking that the special order would have been conducted somewhat earlier in today's schedule. But because of the wide interest in a number of topics, we were not able to do so.

I would also like, Mr. Speaker, to just mention two of our colleagues who have been instrumental in organizing this special order and were very eager to participate but because of the lateness of the hour were unable to do so.

One is the gentleman from California [Mr. LEVINE], who has been a very active member of the Committee on Foreign Affairs, particularly the Subcommittee on Europe and the Middle East in dealing with the wide range of complex issues in the fashioning of American foreign policy in the Middle East. He is submitting an extension of his remarks at a later date.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I also would like to mention a colleague of ours who serves on the Committee on Appropriations, the gentleman from Florida [Mr. LEHMAN], who also wanted to participate today. I will be submitting his lengthy statement into the RECORD. He is someone who has been of enormous help and tremendously responsible in helping us to fashion an appropriate American policy.

Mr. Speaker, during the past 23 years—since 1967—there have been certain hallmarks in U.S. Middle East policy that have remained constant. One has been that any peace agreement involves mutual recognition and secure borders for Israel. Another has been that in exchange for full peace and recognition Israel might have to yield some of the territory that was won after the Arab States attacked in 1967. A third was that the city of Jerusalem must remain united and would not be returned to the divided status of the pre-1967 period.

However, on March 3, President Bush seemed to break with the consensus that had existed since 1967 when he stated that his administration opposed new Israeli settlements "in the West Bank or in East Jerusalem." Initially, it was thought that the President misspoke and that he had meant to say "the West Bank and Gaza." It seemed unlikely that the President would have intended to put Israel's capital city in the same category as the administered territories.

But, as Tom Friedman pointed out in the New York Times of March 9, that was his intention. "Officials say," Friedman wrote, "that Bush intentionally added East Jerusalem to make sure that the Israelis understood that it was still viewed as occupied territory by the United States * * *." The President stated just yesterday that he stands by his March 9 statement.

The President has made a blunder, one that is already reverberating throughout the Middle East. The first mistake was in the timing of his remark on Jerusalem. At the time he made his statement, the administration was trying to convince the Israeli Government to enter into negotiations with the Palestinians—negotiations that would lead to elections in the West Bank.

The Shamir government was resisting, in part because of the administration's insistence that Arab residents of Jerusalem be allowed to participate both in the negotiations and in any future election. Israelis feared that allowing residents of Jerusalem to participate—as if Jerusalem was just another part of the West Bank—might lead to a situation where Israel was being pressured to relinquish sovereignty over its own capital.

This fear was only fueled by the President's statement which is a departure from traditional U.S. policy. The United States has always made a distinction between Jerusalem and the territories. American policy on the West Bank and Gaza is governed by U.N. Security Council Resolution 242 and the Camp David accords, both of which envision at least partial Israeli withdrawal in exchange for full peace and security.

However, neither of those documents makes reference to Jerusalem and deliberately so. The United States Ambassador to the United Nations at the time 242 was drafted stated that "Resolution 242 in no way refers to Jerusalem * * * Jerusalem was a discrete matter, not linked to the West Bank." As for Camp David, the accords drafted there include separate letters stating the Egyptian, Israeli, and American positions on Jerusalem. These separate side letters were included simply because the three sides could not reach agreement on Jerusalem's future.

Subsequent United States administrations have made clear, over and over again, that the land for peace formula does not apply to Jerusalem. Israelis would not be asked to accept the redivision of Jerusalem.

Nor should they. Jerusalem is Israel's capital. The concept of settlements in Jerusalem is nonsensical. Israelis do not settle in their capital. They live there. Jerusalem is not occupied territory.

The Bush statement reveals a troubling aspect to United States policy toward Jerusalem. In his March 9 statement the President indicated that the administration considers East Jerusalem to be occupied territory, that is, territory that Israel would be asked to give up in the context of peace negotiations.

In a March 13 letter to Mayor Teddy Kollek of Jerusalem he stresses that Jerusalem must "never again be a divided city," but at the same time states that it is "our view that the final status of this most special of cities should be decided by negotiation * * *."

The logic here is inescapable. The administration believes that Jerusalem must remain one city but that its final status is up for grabs. Israel will be asked to negotiate not only over the future of East Jerusalem—the part of the city that was gained in the 1967 war—but also over West Jerusalem, which has always been part of Israel.

Mr. Speaker, the administration's policy toward Jerusalem is precisely half right. Jerusalem must never again be divided. However, it is most certainly not up for grabs. Jerusalem, East

and West, will remain Israel's capital. Now and forever.

This is not to say that there can be no negotiations over Jerusalem's final status. At the end of the day, when the other outstanding issues dividing Israelis and Palestinians are resolved, there should be discussions over the holy places and other sites of particular historic or religious interest.

However, raising the Jerusalem question at this time is counterproductive. It unnecessarily alarms the Israelis and raises the expectations among Palestinians and other Arabs that the United States will join in the effort to wrest Jerusalem from Israel. That is not going to happen. And it shouldn't happen. It's President Bush who should convey this message to Arabs and Israelis alike. Only then will this needless controversy be laid to rest.

□ 1850

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON] who has joined me this afternoon in calling for and organizing this special order.

Mr. BURTON of Indiana. Mr. Speaker, I am a very strong supporter of President Bush, and I think many of my colleagues are. However, we believe, I think many Members believe, that an unfortunate error was made by the President recently when he made the statement that "We do not believe that there should be new settlements in the West Bank or in East Jerusalem."

Jerusalem, the ancient capital of Israel, represents the heart and soul of the Jewish people. It has been the focus of Jewish national and religious yearning for 3,000 years. Jews have always lived there. And, since the 19th century, a plurality of its residents have been Jewish.

Ever since King David established Jerusalem as the capital of the kingdom of Israel, Jerusalem has been close to the heart of the Jewish people.

Through all the years of exile, Jerusalem was the focus of Jewish prayers. At Passover, Jews have always prayed "next year in Jerusalem." One of Judaism's most fervent prayers reads like this:

> If I forget thee O Jerusalem, let my right hand forget its cunning. Let my tongue cleave to the roof of my mouth, if I do not remember thee, if I do not raise Jerusalem above my highest joy.

We must remember Jerusalem was divided for 19 years because of war imposed by Arab neighbors, and Jews were not allowed into East Jerusalem for that time, even to pray at the holy shrines. Jewish gravestones were desecrated, and some used for latrines, and some used for road construction. Israel pleaded with Jordan not to enter the 1967 war. Jordan, instead, chose to enter the war started by Syria and Egypt. As a consequence, Israel found itself in control of all of Jerusalem and the West Bank. In order words, these were areas seized in a war of self defense. The very fact that Israel is being asked to relinquish those territories is a reflection of the hypocrisy of the world community. What other country in the world is expected to give up land it won in a war? Especially a war of self defense. Can Members imagine the United States giving Texas back to Mexico? Can Members imagine Poland returning territory to Germany? I think not.

How could anyone who has been to Israel not be awed and impressed by what the Israelis have done in Jerusalem? It is a free city, where Jews, Arabs, and everybody else enjoys freedom. Mayor Teddy Kollek, a great statesman, has done a tremendous job in unifying that city. The Arabs who live there are entitled to full citizenship and have all benefited from a higher standard of living, better education, better health care, better job opportunities and so forth. Most Arabs in any other country in the Middle East do not enjoy anywhere near the same advantages. Anyone who has been to Israel who has seen the West Bank knows how vulnerable Israel is, how narrow the country is at the waist. A person can fire a rocket from the West Bank all the way across the country into the Mediterranean Sea. It is surrounded by hostility. We ought to have maximum understanding for Israel's situation.

However, Jerusalem is in a category by itself. Recently, unfortunate statements have been made about the Israeli settlements in Jerusalem, which I alluded to, by the President, a few moments ago. Let all Members make it clear that we do not understand that language, on both sides of the aisle. Jerusalem is the eternal, indivisible capital of Israel. As a matter of principle, we really should move our Embassy to Jerusalem. Israel is the only country in the world where the United States Embassy is located in a city other than its capital, and Israel is our strongest ally in the Middle East. But at the very least, let Members speak with one voice concerning our feelings about Jerusalem. Let no one, be it friend or foe, doubt our strong support for Israel, and our strong conviction about the centrality of Jerusalem as Israel's eternal, united, and free capital city.

I would just like to end by saying since 1967, successive administrations have been sensitive to the special status of the city. According to Arthur Goldberg, one of the drafters of the U.N. Security Council Resolution 242, that resolution "in no way refers to Jerusalem, and this omission was deliberate * * * Jerusalem was a discrete matter, not linked to the West Bank."

Mr. Speaker, I hope that the President, whom I support almost 100 percent of the time, will reevaluate his position on this issue so that this Congress can speak with one voice with the administration in helping preserve, protect, and defend Israel, our allies, work with them and work with their capital city, Jerusalem.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for his forceful statement this afternoon, and again for his participation in organizing today's special order.

I yield to the gentleman from New York [Mr. GILMAN], the ranking member on the Subcommittee on Europe and the Middle East, who has been one of the most effective and responsible voices on American foreign policy in the Middle East.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio, [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for arranging this special order so that we may be able to comment on the status of Jerusalem.

Mr. Speaker, for over 3,000 years, Jerusalem has been the center of religious, historic, and political identification for Jews throughout the world. The people of Israel and both major Israeli parties are united in their conviction that Jerusalem is and will remain the undivided capital of the State of Israel, just as it has been for more than four decades.

Jerusalem is the heart and soul of the Jewish people. For thousands of years it has been the focus of Jewish national and religious yearning. Jews have always lived in Jerusalem, and since the 19th century, a plurality of its residents have been Jewish.

On December 5, 1949, David Ben Gurion, first Prime Minister of Israel, declared in the Knesset that:

> * * * Jewish Jerusalem is an organic and inseperable part of the State of Israel, as it is an inseparable part of the history of Israel, of the faith of Israel, and of the very soul of the Jewish people. Jerusalem is the heart of hearts of the State of Israel * * *.

Those words, so articulately spoken by Ben Gurion, loudly proclaimed to the entire world that Jerusalem is the only religious and national center that Jews have ever had. If all of this is so obvious, and so critically important to Israel and her citizens, I question why our administration has not been more sensitive to this issue?

It is inconceivable for any Israeli Government to agree to the redivision of Jerusalem under any circumstances. In 1967, a Labor government was responsible for reunifying the city and a labor controlled Knesset legislated Israeli jurisdiction over all parts of the city. This commitment was reaffirmed when the Knesset enacted the basic law on Jerusalem in July 1980, which

declared that "Jerusalem, united in its entirety is the capital of Israel."

Since 1967, successive administrations have been sensitive to the special status of Jerusalem. It is significant to note that according to Arthur Goldberg, one of the drafters of U.N. Security Council Resolution 242, commented on the omission of Jerusalem in that resolution, stating: "that resolution in no way refers to Jerusalem, and this omission is deliberate * * *. Jerusalem is a discrete matter, not linked to the West Bank."

The 1980 Republican Party platform called for Jerusalem to "remain an undivided city with continued free and unimposed access to all holy places by people of all faiths."

President Reagan on a number of occasions voiced support for keeping Jerusalem "undivided under Israeli rule."

I believe that President Bush is dearly committed to the important strategic relationship with our one stable, resolve any in the Middle East: the State of Israel. In fact, President Bush's 1988 Republican Party platform was the most pro-Israeli political document ever produced by a major American party.

Lately, however, something appears to have been lost in the translation and most recently there has been a plethora of mixed signals with respect to United States policy toward Israeli Jews living in east Jerusalem.

Earlier this month, President Bush stated "we do not believe that there should be new settlement in the West Bank or in east Jerusalem."

By departing from a longstanding United States policy regarding the special status of Jerusalem, President Bush has raised doubts about our Nation's credibility at an extremely sensitive time in the peace process.

Jerusalem's mayor, Teddy Koller, observed that the administration's recent statements "have harmed the peace process and have caused a furor throughout Israel" and I might add throughout the American Jewish community.

Accordingly, Mr. Speaker, I call upon our President to review and clarify the official United States position with regard to Jerusalem and particularly with regard to the Jewish population in east Jerusalem, as a further demonstration of our commitment to and support for Israel.

Mayor Teddy Koller noted there have been no Jewish settlements in Jerusalem.

A.M. Rosenthal, in his comments in the NY Times on March 8, 1990 stated:

> The very use of the word "settlement" to describe Jews moving into Jewish neighborhoods in Jerusalem is insulting. Should Israelis declare a Jewish quota for the eastern part of their capital?

Mr. President, you have been a staunch supporter of peace in the Middle East. Do not allow your recent east Jerusalem comments to undermine all of your good works.

□ 1900

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for his very thoughtful and scholarly presentation on this issue.

Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank both the gentlemen from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for taking this special order.

If President Bush's comments were not so serious, if his misstatement of U.S. policy were not so severe, one could almost find a humorous aspect to what he has done. With the Israeli body politic, which is so divided and so split up and so fractious and tumultuous right now, he has managed to unify Israelis from the left to the right and from Labor to Likud with his very, very unfortunate comments.

The sad part of this and the thing that takes the humor away is the serious repercussions and implications which will come from all of this. The President has misstated U.S. policy toward Jerusalem. Jerusalem has always, under Republican administrations and Democratic administrations, been considered a separate issue from the question of the West Bank and Gaza. Jerusalem has been accorded a special status by the U.S. Government, at least until last week. The United States has always until last week been very careful to refrain from taking a position on the final status of Jerusalem. But always the U.S. position has been that Jerusalem is to be a unified entity.

The separation between 1967 and post-1967 was not to apply to Jerusalem. The green line did not run through the middle of Jerusalem.

The irony of the President's statements implying that Jews should be restricted from living in certain areas of the Holy City, in addition to being deeply offensive to Israelis of all political persuasions, Jews of every nationality, and many other Americans, is that Jerusalem is one city where the residents, be they Muslim, Christian, or Jew, Arab Israeli or Jewish Israeli, could live anywhere. No one has ever suggested restrictions on the ability of Arab Israelis who lived in what was known as East Jerusalem before 1967 to move anywhere within Jerusalem or anywhere within Israel as it existed before 1967. This has never been a question for Muslims or for Christians.

Now President Bush all of a sudden suggests and raises the question that it should be an issue of where Jews can live in Jerusalem. Each year at Passover, Jews worldwide pray, and they pray next year in Jerusalem, remembering that particularly in recent years Soviet Jews were unable to conduct services for themselves. For 2,000 years the return to the Holy City has been the highest spiritual aspiration for Jews.

That is why the President's statements are especially distressing to Soviet Jews. Having finally escaped decades of persecution in the Soviet Union, they discover now that our Government is seeking to discriminate against them on the basis of religion. As we applaud the collapse of the Berlin Wall, it might be intolerable for us to support the erection of a similar divisive edifice in Jerusalem.

I have been one who has been supportive of the administration's efforts in pursuing the peace process in the Middle East. The administration has played a very useful role in trying to implement the Shamir peace initiative, and in doing so, I think, has given hope to all of us that we may bring this spiraling escalation of hatred to an end, turn this around, and move forward in the peace process. But when they raise the kind of issue like the final status of Jerusalem in such a fashion as President Bush just did, it is the kind of ill-considered, hasty action that brings negotiations of such sensitivity to a standstill.

There are three theories for what the President has done. One is that it was a misstatement. If it was a misstatement, he had ample opportunity to correct it, but he chose instead to reiterate it. Another suggestion has been that he is trying to make a purposeful change in our position with respect to Jerusalem. If that is his intent, he should put it forth as such, defend it as such, and explain why what he is doing serves our national interest.

Finally, it is the view of some that this is the result of pique or irritation at some Israeli action in the peace process. That is not an appropriate response for the President of the United States.

Mr. Speaker, moving the peace process backward by this kind of comment is a very terrible responsibility for the administration to bear, and I hope they do everything they can as soon as they can to rectify the situation.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman from California [Mr. BERMAN] for his remarks and for joining us this afternoon.

Mr. Speaker, I yield now to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I thank the gentleman for yielding, and I would like to thank and commend my colleagues, the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] who have taken the time this evening to ask us to come over and talk about an issue of very great importance and personal interest to me.

Last August I had the opportunity to visit Israel for the first time. While I was there, I spent several days touring the ancient city of Jerusalem, the center of Jewish history. Although the short time I was there was not nearly enough to fully experience life in Jerusalem, I was able to speak to many people, not just leaders of the government but ordinary citizens as well.

I was told by these men and women of the days when Jerusalem was a divided city, when the city, held sacred by not only Jews but by Christians and Muslims as well, was divided by walls and barbed wire, machine guns, and mines. My friends in Israel, those old enough to remember, told me of the pain they felt knowing that they could not go to East Jerusalem to visit the many places holy to them and to their religion.

After the Jewish sector of the partitioned city came under attack in the Six Days War in 1967, the Israelis were able to reestablish control and order in all parts of that Holy City.

□ 1910

Mr. Speaker, when the Israelis reunited all parts of Jerusalem, they undertook measures to guarantee that in the future all holy places would be protected from desecration and that access to them would be free to all members of all faiths, and, my colleagues, that has been the case ever since, regardless of religious background.

On that afternoon of the reunification of Jerusalem in 1967, standing at the Western Wall, Defense Minister Moshe Dayan said, "We have returned to our holiest places. We have returned, never to be parted again."

Mr. Speaker, when I was in Jerusalem, I went and prayed at that Western Wall myself. I joined with others in our group and from all over the world at that wall to pray that Jerusalem never again would be divided. I prayed for a just and lasting peace in Israel and the Middle East.

However, my colleagues, now I fear that these prayers and these concerns of myself and so many others might go unanswered. The United States policy toward the division of the city of Jerusalem and Israeli sovereignty over Jerusalem as expressed in recent days by our administration is at very best unclear. We must explore every opportunity for achieving peace, and we must demonstrate our unwavering commitment to Israel with a unified Jerusalem as its capital.

I have been a strong supporter for the State of Israel for a very long time, for Israel is our only real democracy and our only real ally in the turbulent Middle East. But I have also been among the strongest supporters and friends of the Bush administration in this House. As a result, I today urge my friends in the administration to carefully reflect on the issue of Jerusalem and then join with us in standing up for a united, free, and strong Jerusalem and Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I would like to thank my colleagues Mr. FEIGHAN and Mr. BURTON for reserving this time to discuss President Bush's policy toward Jerusalem.

Mr. Speaker, I am here to voice my deep concern about President Bush's recent statement that the administration is opposed to new Israeli settlements in East Jerusalem. The President's remarks are troubling to me and to friends of Israel everywhere because they signal a complete shift in United States policy toward Israel. No other United States president has ever challenged the rights of Jews to live in Jerusalem, the ancient capitol of Israel. The President's statement also represents a complete reversal of his own previously stated policy on this issue.

One reason I am concerned about the President's remarks is that they seem to represent a lack of understanding of Israel's history. I am troubled that the President linked the very different issues of the West Bank and Jerusalem. It is inappropriate to refer to the Israeli community in Jerusalem as a settlement because Jerusalem is part of Israel, and has been since 1967.

During his news conference yesterday, President Bush said he did not regret his remarks about Jerusalem. He added that the political situation in Israel was so sensitive and emotional he would not talk about it further. I think we need to urge the President to change his mind. These statements need to be talked about. We need to know what other departures from longstanding U.S. policy the President has in mind with regard to the Middle East.

Although the President's policy toward Jerusalem remains ill defined, the effect of his statements is painfully clear. In a single remark, the President has done a great deal to undermine confidence in his administration's intentions regarding the Middle East peace process and in political stability in Israel.

Mr. Speaker, the outlook for peace in the Middle East looked bright 2 weeks ago. Both the Likud and Labor Parties seemed poised to agree to begin peace talks with Palestinian representatives in Cairo. Unfortunately, things have changed a great deal in 2 weeks. Today, Likud Prime Minister Yitzhak Shamir fired his Vice Premier, Labor Party Leader Shimon Peres, thereby signaling the end of Israel's coalition government. Regrettably, President Bush's introduction of the Jerusalem issue into the peace talks debate precipitated this breakdown.

When asked a question about the Soviet Union at yesterday's news conference, the President said that he stayed out of the internal affairs and deliberations of the Soviet Union. Yet the administration has shown no such constraint in making pronouncements about Jewish neighborhoods in the Israeli city of Jerusalem. I only wish the President felt that his administration owed Israel the same courtesy he feels is due the Soviet Union.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Ohio [Mr. FEIGHAN] for yielding, and I would like to commend my colleagues, the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for having the energy, and the foresight and everything, the dedication of putting this special order together, and it is a real privilege and an honor for me to be able to participate tonight in this very important discussion.

Mr. Speaker, today we are at a point where one could envision peace in the Arab-Israeli conflict as a result of this new world.

Congress continues to debate many issues of concern to Israel. Policy regarding Soviet refugees, terrorism, foreign aid, and the Middle East peace process justifiably demand our complete attention.

There is, however, a more pressing issue on our collective agenda, an imperative concern to the ongoing search for a lasting peace—it is Israel's capital, Jerusalem.

Jerusalem is the embodiment of Jewish history, the heart and soul of the Jewish people. For 3,000 years, Jerusalem has been the focus of their national and religious yearning. It is a city in which Jews have always lived. However, it is a city that Israel has granted freedom of access to all.

Jerusalem is worshiped as a holy city; a well of spiritual opportunity for Jews, Christians, Moslems, and other religious groups. The Israeli Government guarantees each religion the authority to oversee their own holy places. The history, culture, and tradition of this land are unparalleled and give one an understanding of why so much of man's past and present existence has been focused in this part of the world. Israel recognizes Jerusalem's special significance and has made great efforts to preserve this multiple identity. One can therefore not help but have an intense love for this land and her people.

In the year 1000 BCE [before the common era] King David established Jerusalem as the capital city of the Jewish state, serving as the symbol

and most profound expression of the Jewish people's identity as a nation. The return to Israel has continued throughout the centuries, and 78 years of nation-building, beginning in 1870 culiminated with the reestablishment of a Jewish state.

History has demonstrated the need to ensure Jewish security through a national homeland with a national capital—Jerusalem.

Mr. FEIGHAN. Mr. Speaker, I yield now to our very distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I appreciate the initiative of the gentleman from Ohio [Mr. FEIGHAN] in taking out this special order. It is very important because our purpose here is not simply to reaffirm what I believe is the policy overwhelmingly supported by the Congress of the United States; that is, the recognition that Jerusalem united is the capital of Israel.

Actually, Mr. Speaker, I was somewhat puzzled when the President said at one point that he agreed that the Jewish people should be united, but they apparently only were not sure that it should be part of Israel. I do not know whether the implication is that Jerusalem is supposed to move entirely someplace else. I think that illustrates the lack of thought that went into the President's position.

So, Mr. Speaker, we are here to reaffirm our commitment to the legitimacy, indeed the essentiality, of Jerusalem as Israel's capital. We are here to once again praise Israel because only under Israeli rule have all of the holy places been fully opened to all. Prior to Israel taking over, in all of Jerusalem Jews were denied access. The Jewish people running Jerusalem have not denied access to anyone, as they should not have.

□ 1920

But it was a particular disaster for the President to have gratuitously injected the sensitive issue of Jerusalem into the political arena at this point.

American policy for some time has been trying to advance the peace process in the Middle East, and I have agreed with some aspects of that policy. I was one who believed that it was in the interests of peace and justice when Prime Minister Shamir came forward with an electoral proposal, which was quite a good proposal. I was sorry that it seemed to be bogging down. I was hoping that we would get an agreement with Israel and Egypt and the United States so that the talks could begin leading to an election so that there could be an elected autonomous body in the elected territories to see whether out of that could evolve a true peace. At that point, when this government was asking elected democratic leaders in Israel to take political risks and to take risks to some extent with the security of their state, for the President to have called into question Israel's right to Jerusalem was the biggest diplomatic gaff I can remember having been made since I have come to Congress.

What the President did was not simply to call into question something that should not be questioned, but he did it at a time when it was guaranteed to retard the very peace process that he was apparently trying to help, because what has he done? He has given those in Israel who are resistant to any degree of compromise the argument that if you give in to the Americans, you are going to be calling Jerusalem into question. I do not think that is accurate.

I think it is very important that we here show overwhelmingly that the United States Congress does not agree with that, that we are not asking Israel in any way, shape or form, to sacrifice their control over their sovereignty over all of Jerusalem; but the President of the United States has given some credibility to those who would argue that putting the peace process forward would somehow call Jerusalem into question. The President's objection to Jerusalem at this point undoubtedly contributed to the political crisis in Israel, and it is not just a political crisis, it is a political crisis which may lead to an election in which some will be portraying an American initiative as one which calls Jerusalem into question as the capital of Israel. It cannot be the interests of anyone who wants peace in the Middle East. It cannot be in our interests, so what the President said was not simply wrong, factually wrong, politically wrong and morally wrong in doubting Israel's right to have a united Jerusalem as its capital. It was as I guess Tallyrand said, even worse than a crime. It was a stupidity. It was an error of a very grave sort, compounded the other day when the President was asked if he wanted to take it back, he said, "I don't want to take it back because it is too sensitive to discuss it. It is too delicate."

Mr. President, if it was so sensitive and so delicate, why did you bring it up in the first place?

He was the one who injected this bomb into the process. Then he pleads the delicacy of the subject as a reason not to clarify what he said.

The President has got to understand, it is not simply that we believe as a matter of right that Israel can have Jerusalem as its capital. If the President continues to allow there to be doubts about America's recognition of Israel's right to a unified Jerusalem, he will be putting a serious obstacle in the way of the peace process that he says he wants.

The President at this point, as I say, has created an enormously difficult diplomatic situation. We are trying to minimize the damage. Only he can totally undo it, and I hope that he will, and I thank the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, I yield to our colleague, the gentleman from New York [Mr. SCHEUER] whose recent visit to Israel and the region I think underscores his experience and perspective on this issue and the whole range of issues regarding the peace process.

Mr. SCHEUER. Mr. Speaker, I thank the gentleman from Ohio for yielding to me. I thank the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for having had the leadership and thoughtfulness and sensitivity to arrange for this important special order, and I would like to thank the broad range of our colleagues who have spoken before me. They really said it all. There is really not very much for me to add. I have enjoyed their remarks.

Mr. Speaker, I was asked this afternoon in various conversations with the press, did President Bush mean to upset the peace process? Did he mean to sabotage the negotiations? Did he mean to cut Prime Minister Shamir down to size with this monkey wrench or this bomb that he threw into the negotiations, Of course not. Nobody thinks that. Nobody questions President Bush's essential decency, his essential honor, his bona fides; but this was an awful gaff. This was an awful boomer.

To link Jerusalem with settlements is a non-starter in the first place. I just got back from Jerusalem 60 days ago. The gentleman from Ohio [Mr. FEIGHAN] was there on a mission. We met there. Anybody who has ever been in East Jerusalem would be appalled by the application of the word settlements to East Jerusalem.

Mr. Speaker, East Jerusalem is a very densely occupied urban place. Settlements are placed on rocky mountainsides. Settlements are placed in empty fields. Settlements are not placed in densely occupied urban areas, and this is an urban area that has been densely occupied by Jews and Arabs, living together amicably for most of the last 3,000 years.

There is a difference, though. Jews look upon Jerusalem and always have as the centrality of their ethos, of their morality, of their religion, of their body and soul. A united Jerusalem is totally central to the Israeli persona, both as individuals and the persona of the Israeli state. It has been the capital of Israel for the last 42 years, and for several thousand years Jews have been saying every year on the occasion of Passover, "L'Chaim." "Good health. Next year in Jerusalem."

And we say, "If I forget thee, O Jerusalem, may my right hand lose its cunning." And we have been saying that for 3,000 years.

It is totally central to the Jewish being.

Now, I guess Jerusalem is of significance to Arabs, to the Arab culture. It is never mentioned in the Koran, not once, while Jerusalem is mentioned in the Bible, in the Torah 700 times. There has never been an Arab state of which Jerusalem was its capital, and indeed over the years Mecca and Medina have been the two central cities that are most holy to the Arabs, with Jerusalem coming in a poor third. Not so with the Jews. Jerusalem was the one and only holy place, the one and only capital, the one and only center of the heart and the mind of the Jewish people, extending back 3,000 years.

Now, I do not think President Bush, I do not believe President Bush meant to disrupt the peace process, but it was his thoughtless act—I credit him with bona fides, but this was a thoughtless, ill-considered act, and it was mischievous. It was destructive. It spread confusion and doubt and chagrin and dismay throughout the Middle East. It was very painful for the Jewish community and it was very confusing for the Arab community, because the Arabs are going through a very traumatic situation now. Their friends and mentors and suppliers and financiers of 40-odd years are disappearing into the morning mist. Russia, the East European states, the central European states, who have supplied arms to the Arabs, who have provided intelligence for the Arabs, who have been giving training to the Arabs, they have totally departed the Arab camp.

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Poland, Hungary, Czechoslovakia, and Romania, all in the last few weeks, have recognized the State of Israel. Incidentally, so have eight African states.

No longer can Syria look to the Soviet Union for state-of-the-art armaments of all kinds, no longer can the PLO look to the Soviet Union and the Eastern European countries for assistance, financial underpinning, advice, counsel, training in terrorism and so forth. That is all a thing of the past.

It has been a very difficult period for the Arabs. The Arabs are reaching for straws, understandably. It is a painful period for them. So when the President threw this little bomb into the negotiation process and talked about no settlement in Jerusalem, the Arabs understandably grasped at that straw; understandably they felt that America was sending very mixed and confused signals about America's support for Israel and America's support for Jerusalem as the centrality of the Jewish existence. So it is going to take some time for a new equilibrium to be achieved.

Mr. Speaker, I am convinced that in the fullness of time this little contretemps, this little confusion will be viewed as a blip on the radar screen, but now it is not.

The very reasons that President Bush used not to apologize or the reason that he used as not having regrets over this was because it was a sensitive and an emotional subject. My colleagues, this is precisely and exactly the reason why President Bush never should have made the comment in the first place, why it was so wholly ill-advised. It was blurted out. I am sure that the President would not make that statement again, nor would the Secretary of State.

We will get negotiations back on an even keel when a new government in Israel is established. We all hope and pray that they will be open-minded, open-hearted, and magnanimous in dealing with their Arab brothers. They are all Semites under the skin. They are a bunch of scorpions located in a bottle; they must learn how to live together, and we all pray that that process will be sooner rather than later.

Surely this ill-considered episode did not add anything to the process.

Mr. FEIGHAN. Mr. Speaker, in view of the short length of time remaining, I am going to ask the subsequent speakers if they could confine their remarks within a 2-minute timeframe.

Mr. Speaker, I yield to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Speaker, on March 3, President Bush stated his opposition to new settlements "in the West Bank or in East Jerusalem." The administration has confirmed that the President's remarks were intended to make it clear to the people of Israel that administration policy still viewed East Jerusalem as occupied territory.

I want to take this opportunity to clearly state my disagreement with the President's statement. I think that it is unfortunate that the President has forsaken his strategy of sitting on the sidelines of world events just in time to disrupt the prospects for negotiations between Israel and the Palestinians living in the West Bank and the Gaza Strip.

In the past, the United States has stated that it supports a united Jerusalem whose final status would be determined by negotiations. The status of Jerusalem, the capital of the State of Israel, has always been considered a separate issue from the treatment of the West Bank and the Gaza Strip—territory which came under the control of Israel after the Six-Day War in 1967.

The separation of Jerusalem into east and west portions was the result of the battle lines existing at the end of Israel's war for independence in 1949. Prior to this, the United Nations parition plan, accepted by the Zionists and rejected by the surrounding Arab States, had called for Jerusalem to become an international city under U.N. control. Instead, the Arab countries attacked the newborn State of Israel and at the end of the fighting, the Kingdom of Jordan controlled a portion of the city of Jerusalem.

Over the next 18 years, the city of Jerusalem grew up around the battle lines. New communities grew up on all sides of Jerusalem to house the hundreds of thousands of Jewish refugees and immigrants who came from all over the world. In 1967, after a number of belligerent acts by President Nassar of Egypt, Israel launched a pre-emptive attack against Egypt. Armies from Jordan and Syria joined Egypt in the fight against Israel. In the ensuing battles, Jordan lost control of its portion of Jerusalem.

The Six-Day War allowed the reunification of the city of Jerusalem. Since that time, the city has continued its growth in all directions. Today, it is impossible to clearly delineate what is east or west Jerusalem. It has grown as a single city. It should not be considered as a part of the West Bank.

When I visited Israel in 1988, I had the opportunity to talk with an American citizen who was living in Jerusalem. This person had recently tried to register his newborn son as an American citizen at the United States consulate in Jerusalem. At the consulate, when filling out the appropriate forms, this person came to the question, "place of birth." He filled in the answer "Jerusalem, Israel." A consulate official told him that that was not an acceptable answer—essentially, the consulate officials said there was no such place. This must have come as a great shock to this individual and to his friends who has been successfully sending letters to this address that the United States was claiming did not exist.

United States refusal to recognize Jerusalem as the capital of Israel denies the reality of the situation and continues debate on an issue that never should have begun in the first place. President Bush, in equating Jerusalem with the West Bank and Gaza Strip has only served to break up the government of national unity which had been working toward negotiations with West Bank and Gaza Palestinians and strengthened the hand of groups such as the PLO which have no interest in a resolution of this conflict.

Jerusalem is the capital of Israel. This fact should be recognized by the administration. It is an odd fact that Israel, one of our most loyal international allies, is the only country in which the United States purposely

does not locate its Embassy in that nation's capital. I think it is time to change that.

I hope that President Bush will reconsider his position and clearly state United States support for a unified Jerusalem as the capital of Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank very much the gentleman from Ohio and the gentleman from Indiana for taking out this special order and their leadership.

Much of what has to be said has already been said. This was a cosmic blunder. This united the American community and the community in Israel behind a very justifiable and worthy goal that I believe just about all Americans would support, and that is that Jerusalem be united, Jerusalem be Israeli.

Many of us cannot forget the time between 1947 and 1967, or 1948 and 1967, when the Jordan Arab League pushed the Jews out of East Jerusalem. Was there an open city as there is today where Arabs and Christians and others can come and worship and even run their own shrines? No way. No Jew was allowed. Jews could not visit the Wailing Wall, Jews could not visit the old temple, Jews could not visit vital parts of their history, and in fact in 1967 when the areas were finally liberated, what was found was that many of these holy places had been desecrated.

Jews and many others throughout the world said after discovery of this desecration, "Never again." We say to the President, "Perhaps you did not know the chord you were striking. Perhaps you did not understand how the centrality of Jerusalem is to Jews throughout the world as well as in Israel. Perhaps it was, indeed, a slip of the tongue. Unfortunately, the damage has been done. The clocks cannot be turned back. The peace process has been at the very least temporarily derailed and, Mr. President, the only thing that I can think of that you can do to change, to undo, this slip of the tongue that had such terrible consequences is once and for all do what the Republican platform says ought to be done, and that is that there ought to be one city, a unified city of Jerusalem under Israeli control with international guarantees of the holy places so that all religions can be there."

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Mr. FEIGHAN. Mr. Speaker, I thank the gentleman from New York for his participation this afternoon.

Mr. Speaker, I would like to recognize the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I rise today to join my colleagues in voicing our concern over alarming deficiencies in the Bush administration's position on Jerusalem. I wish to thank my distinguished colleagues from Ohio and Indiana for arranging time today for this purpose.

All of us are by now aware of the dismal chain of events which began on Saturday, March 3. Breaking with the policy of his predecessors, President Bush included East Jerusalem as an area in which he opposed "new settlements" of Jews.

In the days preceding that unfortunate remark, the prospects for peace in the Middle East looked brighter than they had for some time. The resignation of hard-line Cabinet Minister Ariel Sharon gave the Israeli Government room to maneuver. Prime Minister Shamir seemed ready to lead the moderates in his Likud Party to join with their coalition partners from the Labor Party and launch a viable peace process.

With his ill-considered remarks, President Bush destroyed this promising opportunity and seriously jeopardized the chances for a U.S. brokered solution in the region. Today, the Israeli Government stands on the verge of collapse.

What troubles me the most about the President's statement is his apparent failure to recognize its consequences. President Bush denies having misspoken and has stood by his remarks. At the same time, his administration refuses to acknowledge the drastic shift in U.S. policy which they portend.

Ten years ago, when the Carter administration voted for a U.N. resolution opposing all settlements "including Jerusalem," they were severely criticized by a Vice Presidential candidate by the name of George Bush. President Carter had the courage to repudiate this vote, and Secretary of State Cyprus Vance publicly apologized for "the breakdown in communications" which led to this lapse in judgment. I ask today how President Bush can justify a refusal to do the same.

Recent events only underline the need for a fundamental reassessment of U.S. policy toward Jerusalem. How much longer will we ignore the reality that Jerusalem, as the spiritual capital of the Jewish people, is and must remain an integral part of the sovereign State of Israel? The sooner the United States recognizes this reality by moving its embassy from Tel Aviv and ending the futile and counterproductive debate over the status of Jerusalem, the sooner we can address the real issues which span the Arab-Israeli divide.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise today to express my strongest opposition to the stance Mr. Bush and the administration has taken on the issue of Jerusalem. Jerusalem is the heart and soul of Israel and, as previous administrations have maintained, should under no circumstances be divided. Mr. Bush's recent statements have cast serious doubt on this longstanding American policy and have come at a very delicate time in the peace process. At this juncture the Israeli Government needs assurances of solid and unambiguous American support, not unnecessary and destructive equivocations about the status of Israel's capital city.

Mr. Bush's statements have also cast doubt on the administration's commitment to freeing Jews still trapped in the Soviet Union. The Israeli Government has provided assurances that no American funds will be used for the settlement of Soviet Jews in the territories and that American funds will not be used to expand shekel-funded programs either. There is no reason to link further United States funding to Israeli settlement policies. With rising anti-Semitism in the Soviet Union, the administration must do all it can to expedite resettling of these Jewish refugees and not hinder this effort.

The PLO is delighted at the current turn of events. Instead of the United States clearly supporting our ally Israel, the PLO sees the administration applying heavy handed pressure. This is a time for solidarity with Israel, not a time for pandering to the interests of a terriorist organization that has for years and years committed itself to the complete annihilation of the state or Israel. The Israelis know best what is necessary for the security of their homeland and should not be coerced into accepting unreasonable negotiating positions by irresponsible American rhetoric.

Mr. Speaker I urge the President and my congressional colleagues to support Israel during this critical time as it moves toward the peace process. Further statements of the President or the administration to pull the rug out from under the Israelis regarding Jerusalem, will only make it more difficult for the Israelis to negotiate and take real risks for peace. The future of Israel cannot be jeopardized by a thoughtless and inconsistent shift in American foreign policy.

The SPEAKER pro tempore (Mr. TAUZIN). The Chair is obligated to caution all Members that under the rules it is impermissible to direct comments directly to the President of the United States. All comments must be directed to the Chair.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I rise to make clear tonight this is a bipartisan concern and that we clarify Ameri-

can policy with regard to the citizens of Jerusalem.

In 1947 it was the Arabs who rejected a plan to internationalize that city. A year later when Israel became independent, Jordan moved in troops and occupied what is known today as East Jerusalem. For 20 years thereafter, Jews were not free to travel to East Jerusalem.

In 1967 that ended when the war occurred after Jordan invaded Israel and Israeli forces drove out the Jordanians. Ever since that time Israel has granted to all religions equal access to their holy shrines in Jerusalem.

A year ago this month I had the privilege of being in Israel and going to Jerusalem. The only thing I can describe is a city not unlike Washington, DC, a city of industry, of hotels, of residences, an urban area where you cannot tell the difference between East or West Jerusalem any more than you can tell the difference between northeast and southeast Washington, DC.

East Jerusalem is not Arab. It is part of the united capital of Israel and is home to an equal number of both Jews and Arabs, and the Jews and Arabs are equal citizens in that city.

Our own government has always made a distinction between Jerusalem and the terroritories. For instance, West Bank policy is governed by United Nations Resolution 242 and Camp David, both of which envision some kind of Israeli withdrawal in exchange for peace and security down the road. But we have indicated over and over again that while there may be play in the joints and negotiation in what is called the West Bank, and I happen to disagree with that policy, but assuming there is some play in the joints there, it is very clear: Jerusalem is one city. It is Israel's capital.

Therefore, Jews who go to Jerusalem are not engaged in settlements, they are engaged in moving into neighborhoods. I think that is what we have to clarify. That is what I urge, that it be clarified as soon as possible. Anyone who has been to Jerusalem clearly knows that it is one city, indivisible, and Jews and Arabs equally should be free to move and live in that city, which is the capital of the nation of Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I would like to thank the gentlemen from Ohio and Indiana for bringing this important issue to our attention and giving Members the opportunity to address and focus on Jerusalem.

There are those who might use their time to dilute the importance of Jerusalem, to criticize or to discuss this on a partisan basis. But let it be clear that there is bipartisan support for not only the greater security of Israel, but for a united Jerusalem.

It is in that vein that I wish to use my time to persuasively and passionately argue that, first, we should have a renewed commitment for the greater security of Israel, and, second, that we must recognize that Jerusalem is the capital of Israel and that the Jewish people have inextricably committed themselves to that issue.

From King David, Jerusalem has in fact been the symbol of the Jewish people. It has been the profound expression of the essence of the Jewish people. It has been their identity.

During the time from King David there have been many foreign rulers who have ruled this city, but only the Israelis, the Jewish people have made Jerusalem their capital.

In August I visited Jerusalem, and in the early morning I ran through its streets, streets that knew no division, streets that were in a united city, streets that were filled with the history of the Jewish people. As my heart pounded running through the streets, I came to the conclusion that I no more could run through the streets without a heart than Israel could exist without its capital. In fact, Jerusalem is more than just a thriving city. Jerusalem is more than just the capital of Israel. Jerusalem is Israel, and let us pledge that Jerusalem, as a united city shall remain the capital of Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, last December, I made my first visit to Israel, which included several days in Jerusalem. Through my entire stay in Israel, I was struck repeatedly by how little room the Israelis have to maneuver in terms of their own security. This was made especially clear to me during my stay in Jerusalem, a densely populated area lacking any surrounding buffer zone to protect its inhabitants from hostile or unstable neighbors. If, as the President seemed to suggest, we were to begin negotiating away Israeli sovereignty and jurisdiction of any portion of the Jerusalem area, we would be guilty of bringing an extremely dangerous and rampant form of instability to this historic and glorious city.

The current status of Jerusalem has benefited its Arab inhabitants, as well as Jewish residents of the city. A unified Jerusalem allows for a more normal flow of commerce and people that has benefited all Jerusalemites. Under Israeli administration, religion shrines of all faiths have been protected and maintained, and access has been granted to all—which is much more than can be said of the years of Jordanian control, when Jews were prevented from going to the Western Wall, the holiest site in Judaism.

Last year, we all rejoiced when the wall separating East and West Berlin came down. We should not be in the position of rebuilding the wall that separated East and West Jerusalem during those dangerous years when a highly militarized "green line" cut through the heart of ancient neighborhoods. Furthermore, the administration should not be reversing years of American diplomatic practice, which has recognized East Jerusalem as distinct from the West Bank and Gaza. Israel continues to be one of our staunchest and most reliable allies. We owe it to the Israelis to speak up for their security concerns. And we owe it to them not to abruptly surprise them with sudden and unwise policy shifts.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise to join in this very important discussion of the Middle East peace process and the status of the city of Jerusalem.

It is the responsibility of the United States to do what we can to help achieve a lasting peace in the Middle East that preserves the security of our close friend and ally, Israel.

However, the statements and actions of the Bush administration in recent days have harmed, not helped, the peace process.

In the midst of delicate negotiations designed to get the peace process moving in the Middle East, the Bush administration made ill-timed, counterproductive statements about the status of the city of Jerusalem. Not only did these statements derail the peace process, but they also represented a dramatic departure from previous U.S. policy on this question. They have raised serious questions about the Bush administration's commitment to provide strong support for our closest ally in that region of the world.

Previous U.S. administrations have always considered Jerusalem's status a subject that will be raised after most other outstanding issues have been resolved. By raising this delicate issue before negotiations have even started, the Bush administration unnecessarily complicated the peace talks. The result has been the collapse of the Israeli coalition government, which will substantially delay any actual peace negotiations.

In addition, these statements—which President Bush has confirmed are an accurate portrayal of his administration's position—represent a dramatic departure from previous United States policy on the status of Jerusalem. No administration has ever questioned the right of Jews to live in Jerusalem, and no administration has ever equated the status of Jerusalem with the status of the West Bank and the Gaza Strip. In fact, every U.S. administra-

tion has repeatedly insisted that Jerusalem must remain united under any final peace agreement.

The Bush administration's position in this regard is unfortunate and ill-advised. Jerusalem is the holiest site and the spiritual capital of the Jewish people, and the right of Jews to live anywhere in Jerusalem should not be questioned by the United States.

That notwithstanding, this issue should not even be on the bargaining table. Nor should the Bush administration ever have suggested that the political capital of the State of Israel is simply another piece of territory to be bargained once such negotiations begin.

Rather, the United States should focus on the more immediate steps that can be taken to achieve real progress toward peace in the Middle East. And we should express our strong support for a united Jerusalem as the capital of the State of Israel.

Mr. Speaker, I regret that the Bush administration has taken this counterproductive stance toward the Middle East peace process. Those of us who are strong supporters of a secure Israel believes deeply that this path will not contribute to a solution of the Middle East conflict. Rather, I urge the administration in the strongest possible terms to reverse its position, express strong support for a united Jerusalem, and get on with the task of reinvigorating the Middle East peace process.

Mr. FEIGHAN. Mr. Speaker, for the purposes of bringing this special order to a conclusion, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio and congratulate and compliment the gentleman from Ohio and the gentleman from Indiana [Mr. BURTON] for making it possible for all of us to express our views on this very important issue. It has been restated here many times this evening that President Bush's statement, "We do not believe that there should be new settlements in the West Bank or in East Jerusalem," is a mistake, plain and simple.

By raising questions about Israel's claim to East Jerusalem at this very sensitive point in the negotiations, the President may have helped torpedo early prospects for an Israeli-Palestinian meeting on elections for the West Bank and Gaza.

Such an outcome would be a tragedy. The administration has worked very hard over the last year to help move the Middle East peace process forward. All of us applaud Secretary of State James Baker's efforts to bring the Israelis, Egyptians, and Palestinians together to devise an elections plan that can produce a Palestinian leadership able to negotiate a peaceful resolution of the Middle East conflict. Unfortunately, the President's statement on Jerusalem has served to undercut all of these efforts by raising sensitivities over one of the most difficult and sensitive issues to be resolved in future negotiations.

While United States policy has not officially recognized Israeli control over East Jerusalem, no other President has ever before challenged the right of Jews to live in the historic capital of Israel. Since the late 1960's, successive American Presidents have been sensitive to the special status of the city. It is for this reason that the United States has long emphasized that it favored an undivided Jerusalem, whose final status would be decided through negotiations. Jerusalem is not the same as the West Bank and Gaza, and a United States policy which equates Jewish settlements in the territories and Jewish housing in East Jerusalem is wrong-headed.

Mr. Speaker, in the last few months the world has watched in wonder as the wall which divided Berlin was finally torn down—signaling the end of the cold war and the division of Europe. The last thing we should be doing is raising fears about new walls and dividing other cities.

Mr. Speaker, I believe that a terrible mistake has been made, and the administration should reverse its position so that it can be clear that the historic position our country has taken on Israel remains intact.

I again congratulate the gentleman from Ohio and the gentleman from Indiana.

Mr. FEIGHAN. Mr. Speaker, that concludes our special order. I want to thank the Speaker personally for his patience and generosity in presiding over this special order tonight, as well as the patience of our professional staff.

Mr. LEHMAN of Florida. Mr. Speaker. I was very dismayed by the gratituous comments that President Bush made about East Jerusalem recently. I was hoping they were made in error, especially since most of us who know the history of East Jerusalem know that there are no settlements there. The unfortunate impression that is left by those untimely remarks is that United States policy is against Jews living in East Jerusalem.

I have never before heard a President suggest that Jews were not welcome in all parts of Jerusalem. In fact, the freedom of Jews to live anywhere in Jerusalem had not been an issue until Jordan annexed East Jerusalem in 1950. Until then, and prior to the creation of modern Israel, Palestinian Jews lived alongside Moslems and Christians in the eastern part of Jerusalem. During the war of 1948, many of these Palestinian Jews fled to the western part, leaving property they had owned for generations. It was only when East Jerusalem was liberated in a defensive war in 1967 that the former Jewish residents of the eastern part of the city could return to their homes.

East Jerusalem is an intrinsic part of Jerusalem and as Israel's first prime minister David Ben-Gurion said, an "inseparable part of Israel." After 19 years of annexation by Jordan, during which time the Jewish quarter of the Old City was destroyed, the sacred burial place, the Mount of Olives, was desecrated, and holy sites were inaccessible to Jews, Christians, and even Moslems, it was the Israeli Government that passed a resolution protecting all holy places. The right of all religions to worship at their respective holy sites was reinstated and is honored to this day.

While United States policy has been unclear as to the final legal status of Jerusalem, leaving its resolution to further negotiation as stipulated in a side letter to the Camp David accords, our Government has distinguished between the sui generis issue of Jerusalem and the administered territories of the West Bank and Gaza.

The one issue on which the major Israeli political parties and world Jewry agree is a Jerusalem undivided. I urge the Bush administration to take note of this fact and to take an approach that will facilitate the commencement of negotiations between Israel and the Palestinians instead of making it more difficult.

Mr. OWENS of Utah. Mr. Speaker, President Bush made a serious political blunder last week when he condemned Jewish settlements in East Jerusalem. Inadvertently, it seems, he enunciated a change in United States policy and precipitated a major political crisis in Israel. The fall of the National Unity Government was inevitable, it seemed to me as 3 weeks ago when I last visited Jerusalem. The real crisis which threatens the peace process, however, was caused by the President's miscalculation of how a simple, unfortunate misstatement could precipitate a seachange in Israeli public opinion.

By calling into question the right of Jews to settle in a unified Jerusalem, the President angered not only Israelis, but supporters of Israel in this country and around the world. Prior to the President's statement, Israel's friends were secure in the knowledge that American policy was unequivocal in its support for an undivided Jerusalem whose ultimate status would be determined by negotiation.

Jerusalem issues are unquestionably the most difficult to resolve and the most explosive in a possible Middle East peace settlement. They must be dealt with only after all others are resolved. Secretary of State Baker's five-point plan was gaining momentum in Israel because Israelis felt that this process would not call Jerusalem's status into question. After all, Baker's plan is simply the implementation of the Shamir proposal of last April.

Much to the credit of this administration, support for Baker's five points has been steadily growing in Knesset, most notably among religious party members who were strongly aligned with Likud. The Shas party, for example, was becoming increasingly disillusioned with the stalled peace process, and was preparing to join a narrow labor coalition. The prospects for repairing the rift in the unity government or for labor gaining a necessary majority to form a coalition may have been fa-

tally jeopardized by Bush's misjudgment. This, in turn, could prove to be a major setback for the peace process.

It must be hoped by all who support peace in the Middle East that the Shamir proposal can go forward. Ironically, it is labor and nonaligned Knesset members who are prepared to carry through with Shamir's suggestion. The double irony is that Baker's plan may have been sabotaged by his well-meaning President.

There is still time, however, to avoid a political catastrophe in Israel if the President will clarify that his statement was not intended to alter long-standing American policy on the issue of Jerusalem. Rather, he should reiterate that he strongly supports the traditional position that Jerusalem must never again be divided. Moreover, he should reaffirm that American policy does not oppose Jewish residences in East Jerusalem, nor does it oppose establishment of homes by Moslems or Christians, or for that matter, Hindus or Buddhists.

It is in no one's interest to deal with this matter in an ambiguous way. It does not even serve the Palestinians' cause, because it threatens the progress toward peace which Baker's activities have achieved. The traditional American policy has not obstructed the peace process, so it should not be interposed as a roadblock at this time.

Mr. FROST. Mr. Speaker, in the midst of a crisis within the Israeli coalition government, President Bush has further aggravated the peace process and shocked the American-Jewish community with his remarkable ignorance and insensitivity. The city of Jerusalem is the historical and cultural capital of Israel—and it remains it's strength and spirit. For the survival of Israel, Jerusalem can never be divided. With a few manipulative words of warning on March 3, President Bush seriously damaged United States relations with Israel, perhaps beyond repair. Mr. Speaker, on this matter, the administration can not and will not be allowed to prevail. As Mayor Teddy Kolleck noted, "on Jerusalem, we are united."

Israel is the recognized Jewish state and Jerusalem is the capital. When Jews move to their own homeland, they are not settlers, they are not visitors, and they are not subject to the callous whims of President Bush. The administration responded to the mass emigration of Soviet Jews to the United States by capping the number in absurd disproportion to the amount of Jews being permitted to leave the Soviet Union. President Bush wisely suggested Soviet Jews go to Israel instead. So they did. The Soviet Jews sought their motherland and she welcomed them with open arms. Now President Bush has the gall to declare East Jerusalem off limits to Soviet Jews.

The Israeli coalition government has disintegrated and President Bush provoked the collapse. The Bush administration has departed sharply from traditional United States policy on Jerusalem in an effort to dictate the rules and completely control the peace process. By deliberately overlooking the special status of Jerusalem and by coupling Jerusalem with the West Bank, President Bush has effectively denied the legitimacy of the Israeli capital and linked it to occupied territories. Jerusalem can not be a bargaining chip in the peace talks. Yet this administration seems intent on distinguishing between East and West Jerusalem and on dividing the very heart and soul of Israel.

Mr. WOLPE. Mr. Speaker, I sincerely appreciate the opportunity afforded Members of the House today to discuss the issue of the status of Jerusalem in the Middle East peace process.

No discussion of Jerusalem can be divorced from the facts of history.

Israel liberated Jerusalem in 1967, in a war that was not Israel's choosing, in response to an attack that was not of Israel's making. The kingdom of Jordan was warned not to enter hostilities with Israel in those fateful days, but King Hussein could not resist, and the eastern part of the city fell to Israel.

Those developments meant the reunification of Jerusalem—the restoration of its normal status. It has been divided since Israel's war of independence some two decades previously. The division of Jerusalem, and the exercise of control by Jordan over the eastern part of the city, should hardly serve as a source of pride or inspiration to Jordanians or Palestinians. Jews were denied access to holy places to worship—denied the ability to visit and pray at sites whose meaning date to bibical times. Holy places were also systematically desecrated. The Jewish cemetery on Mount of Olives still bears the marks of the wholesale destruction of headstones by the Jordanian authorities. Some headstones were used to construct latrines. Slums were permitted to be built abutting the Western Wall of the Temple Mount—the holiest site in Judaism. An alley, with a sewer in its middle, was next to the wall. These were the conditions found by Israel's soldiers on the day of the liberation of Jerusalem in 1967.

Since that time, several important things have happened. First, Jerusalem is a completely open city. Anyone can live there—be they Israeli or Palestinian. Second, anyone can worship there—without any restrictions. Third, all holy sites are open and protected in their sanctity with the full force of law from desecration. Israel has created an environment of respect for the full exercise by peoples of all faiths of their ability to worship in Jerusalem at the places they deem holy.

Jerusalem is the capital of Israel—as it has been since the day of independence in 1948.

Most importantly, Israel has determined, with unanimity, that Jerusalem shall not be divided again. The previous division of Jerusalem meant its spirital and material dismemberment. That cannot and will not be repeated. The city is now an organic whole, rich with the diversity of ethnicity, religion, and heritage of peoples from throughout the world. Its municipal structure, under the leadership of Mayor Teddy Kollek, is truly remarkable. The administration of the city under Teddy Kollek is dedicated to preserving the rights of all who live in Jerusalem.

In recent days, a controversy has erupted, promoted by remarks by the President and the Secretary of State, over the future of Jerusalem and the issue of Israeli settlements and development in the city. These remarks were inappropriate and harmful to the peace at a most sensitive moment. The entire point of the efforts to breathe life into Israel's proposal for elections to establish a Palestinian delegation for dialogue with the Israeli Government was to make the process of peace work—not to immediately grapple with the hard issues involved. By placing Jerusalem front and center, however, not only has the administration exposed the rawest of Israeli nerves, but done so gratuitously.

Again, Jerusalem is one city, and Israelis can and will live throughout that city. If there is a question over Palestinian representation in the governance of the city, or access to holy sites, or some other matter involving fundamental civil liberties and respect for their protection, these matters should certainly be on the table for discussion at the appropriate time.

But no one, including the President, should make a mistake in assuming, for a moment, that it is illegitimate for Israelis to settle in Jerusalem or that there is something unsatisfactory in Israel's governance of Jerusalem.

A small miracle, the reunification of Jerusalem, has been forged by the goodwill of Israelis and Palestinians alike. It is something to cherish—not question. None should doubt the resolve of us in the Congress to do everything in our power to affirm that it is the unequivocal policy of the United States that Jerusalem is and should remain united as Israel's capital.

Mr. BUSTAMANTE. Mr. Speaker, I want to thank my colleague from Ohio, Mr. FEIGHAN, for calling this special order on Jerusalem. I am disturbed by the recent White House statements about Jerusalem, Israel's undeniable and indivisible capital. Jerusalem is no more occupied territory than Texas is. I think our failure to recognize Israel's right to designate its own capital is a shame; our Embassy should be there too, not in Tel Aviv.

I have been to Jerusalem. I have seen the beautiful things Mayor Teddy Kollek has accomplished throughout the entire city for Jews and Arabs, Moslems and Christians. The Israelis have treated that city like the precious jewel that it is to us all—guaranteeing the right of free access to all holy places.

How could President Bush, then, imply that Jews should be prevented from living anywhere in their capital? That was exactly the situation for 19 years during Jordan's occupation, when King Hussein set out to systematically eliminate all traces the city's Jewish heritage. Jews of all nationalities and Israelis of all religions were barred from their holy sites. The vibrant, growing Jewish neighborhoods built since the city was reunited in 1967—when Jordan and the Arab confrontation states failed in their second full-scale attempt to destroy Israel—are a living symbol of the commitment to protect against the severing of Jerusalem from the Jewish people ever again.

The timing could not have been worse. Ten days ago the administration was saying that the national unity government was close to accepting the Baker formula for a tripartite meeting in Cairo; now the Israeli Government is falling apart over this issue. And, the President's remark about Jewish settlement in East Jerusalem was just one more in a series of confidence-eroding statements made by the Bush administration that indicate a dangerous inclination to lean on our ally, Israel, but stroke the PLO. Its time for confidence building measures from this administration—like

holding the PLO's feet to the fire on its commitment to end terrorism and insisting that the Arabs end their boycott of Israel now.

Finally, I am alarmed by the linkage between the question of settlements and the urgent imperative to get Soviet Jews out of Russia. Where do we come off toying with their lives while we tinker with relatively minor differences between Washington and the Government of Israel? The administration should be moving full speed ahead on the Housing Loan Guarantee Program.

Mr. JOHNSTON of Florida. Mr. Speaker, the complex political and emotional situation in the Middle East lends itself to many interpretations. And it is not uncommon or inappropriate for Israelis, Americans, and friends of Israel throughout the world to express differing opinions on the proper course for peace negotiations and strategic planning for Israel's future.

But there is one thing upon which virtually all Israelis and their allies agree: Jerusalem is the soul of Israel. Jerusalem is a symbol for Jews throughout the world, and a spiritual center for people of many faiths. As the celebration of Passover approaches, Jews throughout the world will reaffirm the importance of this holy city by proclaiming "next year in Jerusalem."

That is why President Bush miscalculated so drastically when he equated East Jerusalem with the West Bank and said that there should be no new settlements of Jews in either area. That is why the Government of Israel is racked with dissension. That is why Americans who support Israel are in a state of shock.

President Bush, we are all united in our desire to see a lasting peace achieved in this vital portion of the world. And we are disheartened that your words over the last few days may have dealt a severe blow to the painstaking efforts toward peace in the Middle East.

Mr. GLICKMAN. Mr. Speaker, Israel's coalition government broke up yesterday because of differences over how to proceed with a United States plan to open Israeli-Palestinian peace talks. The major parties are divided over this broad issue, but they are united on the issue of the need for a united Jerusalem as the capital of Israel.

Since 1967, the U.S. administration has acknowledged the special status of Jerusalem, and the fundamental need to preserve the status quo. The willingness to move toward talks with the Palestinians rests on that foundation. President Bush has introduced a new, destabilizing factor into the negotiations for peace in the Middle East. Whether the ruling Israeli Government is "Labor, Likud or National Unity," any agreement that leaves open the status of a united Jerusalem is a nonstarter.

I hope the President will reassess or clarify his remarks, and continue to foster a dialog that will achieve peace without undermining the status of Jerusalem. But I wonder, as did the mayor of Jerusalem, "Why did the White House have to bring it up?"

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in expressing my deep concern about President Bush's recent remarks in which he stated his opposition to new settlements on the West Bank and in East Jerusalem.

The city of Jerusalem is not just a territory, and the President's comments alluding to restrictions on the right of Jews to enter and live in the holiest of cities is an affront to most Members of Congress. It signals an unwelcome and totally unacceptable change in U.S. policy. In the text of United Nations resolutions and even the Camp David accords, Israel and the United States have always made a careful distinction between the city of Jerusalem and the occupied territories on the West Bank and Gaza.

Our Government, and especially the State Department, has had a long history of nonrecognition of Jerusalem as the capital of the State of Israel. Our United States Embassy is in Tel Aviv, and Israel is the only country where our Embassy is not located in the capital city. For years, along with many of the Members in Congress, I have urged the United States to recognize formally the city of Jerusalem as the capital of the State of Israel, and relocate our Embassy in the capital city. Yet the State Department still has not acted, and the latest statement by the President appears to be a step backward complicating the already delicate peace process.

It was the Arab States in 1947 which rejected a plan that would have made Jerusalem an international city, and after Israeli independence, it was Jordan which forcibly occupied East Jerusalem, throwing Jews out of their homes, and prohibiting Jews from entering this area. As a divided city under Jordanian occupation, what followed was a despicable history of desecration and destruction of Christian and Jewish holy sites by the Moslems. It was not until the Arabs decided to attack Israel during the Six-Day War in 1967 that Israel was able to regain control of the eastern part of Jerusalem, and Jews were able to reoccupy and rebuild neighborhoods in the Jewish quarter and Mount Scopus where they previously had lived.

Under the control of the State of Israel, Jerusalem is a united city, and the Israeli Government has shown the ultimate in respect for all holy sites. Jerusalem is truly an international city with Christian, Moslems and Jewish denominations having absolute control and authority over their own respective sites.

Mr. Speaker, the eastern portion of the city of Jerusalem is not an occupied territory, and cannot be linked and grouped with the West Bank and Gaza in any discussions or peace negotiations. By linking East Jerusalem to occupied territories the President has not only departed from a longstanding United States policy, but also has impeded the already slow moving peace process.

I join with my colleagues in the House of Representatives in urging the President to clearly and unambiguously retract his statements, which ignore the history of Arab occupation and desecration of the city of Jerusalem, and are counterproductive to the peace process.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am dismayed by the recent statements of President Bush regarding East Jerusalem. On March 3, the President stated, "We do not believe that there should be new settlements in the West Bank or in East Jerusalem." Then yesterday, the President declared that he did not regret expressing this sentiment and questioning the right of Jews to settle in East Jerusalem. I am very concerned about the intent of the administration on this issue. First, I do not believe that settlement in the West Bank and in East Jerusalem is equivalent, and the two should not be linked. Second, I am very concerned about the impact of these ill-thought statements on the Government and the people of Israel as well as the negative impact on the Middle East peace process.

The view expressed by President Bush is a departure from traditional United States policy, which has always made a distinction between Jerusalem and the territories. Every administration since 1967 has been sensitive to the special status of Jerusalem and the need to address this issue with great thought and sensitivity as well as innovative proposals. Policy that may apply to the territories does not necessarily correlate to the policies we need to advocate for East Jerusalem. To make such a parallel is misguided and simplistic at best. West Bank policy is governed by U.N. Resolution 242 and Camp David, both of which envision at least partial Israeli withdrawal in exchange for full peace and security. At the same time United States officials have indicated, over and over again, that Jerusalem cannot be returned to the pre-1967 status quo, that it must remain united.

Likewise, United States efforts to initiate Israeli-Palestinian dialog, which is always an extremely sensitive issue, have been hampered by the President's statements. I am only hopeful that these peace efforts have not been irreversibly damaged. Instead of working to divide, we need to encourage the peace process. The divisions in the Israeli Government following the President's statement leave the peace negotiations in limbo for the present time. Certainly the Israeli people, who stand united in their support for Jerusalem, must also be distressed about the President's treatment of the ancient capital of Israel.

In closing, I want to again express my deep concern for the statements by President Bush on East Jerusalem. I am hopeful that the administration will carefully review this position and clarify its intent. I am also hopeful that the administration will come to the realization that President Bush's statement is both inconsistent with past policy and damaging to the peace process as well as detrimental to our close friendship with Israel. The status of Jerusalem should be an item of final negotiations in the peace process and should not be the subject of simple pronunciations at a news conference. I urge the administration to treat East Jerusalem with the respect and sensitivity that the issue deserves. Furthermore, I urge the administration to think twice in the future about the ramifications of its statements on critical foreign policy issues such as this.

Mr. GREEN. Mr. Speaker, I commend my colleagues, Representatives FEIGHAN and BURTON, for calling this special order today. Negotiators seeking peace in the Israeli-Palestinian conflict must not forget the important history which surrounds the special status of Jerusalem.

Jerusalem is the Capital of Israel and Judaism's holiest city. When the United Nations

recommended that Jerusalem be internationalized in 1947, the Jewish Agency accepted that proposal. It was the Arab States who rejected the United Nations decision, choosing instead to attack the Jewish state. From 1948 to 1967, Jerusalem was divided. Jews were denied visits to the Wall, Judaism's holiest shrine, and other holy sites such as the Mount of Olives Cemetery. Christians, too, were often denied access to their holy places. In 1967, after the Arab Legion again attacked Jerusalem, Israel came to control the Old City. Since 1967, the holy places of Jerusalem have been cared for by an Israeli administration which protects religious freedom for all—Jews, Moslems, and Christians alike.

The provisions of United Nations Resolution 181, including the internationalization of Jerusalem, were nullified by the aggression of the Arab States themselves. Only Pakistan and the United Kingdom recognized Jordan's 19-year claim to the sovereignty over Jerusalem.

The United States has always maintained a solid commitment to a united Jerusalem and, since 1967, successive administrations have been sensitive to the special status of the city. In recent weeks, however, President Bush has made disturbing statements regarding East Jerusalem which seriously undermine the integrity of the United States' commitment to a unified city. The President asserts that his recent statements on East Jerusalem are "reiterating United States policy." Surely he recalls that under President Reagan, that administration never viewed Israeli administration of Jerusalem to be in violation of the fourth Geneva Convention, and did not attempt to restrict Jewish settlement there.

In absence of a tenable legal argument, does the current administration really take the position that there are areas in which no Jew should be allowed to live? That would plainly be a violation of the 1968 Civil Rights Act in our own country. In a related issue, Secretary of State Baker's proposal that no housing loan guarantees under existing United States law be made available to Israel to house Soviet refugees unless Israel prevents any Jews—not just Soviet refugees—from settling in the administered territories is very offensive. How can Secretary Baker support that redlining in the administered territories?

The growth of anti-Semitism in the Soviet Union makes it more urgent than ever that the United States not throw roadblocks in the way of emigration from the Soviet Union. Since the Bush administration has chosen to limit Soviet Jewish emigration to the United States, it is inexcusable that Secretary Baker should now throw intolerable obstacles in the way of emigration by Soviet Jews to Israel. Because I know Secretary Baker to be a decent, honorable, and unprejudiced human being, I hope that he is reconsidering his position on this issue.

To further the cause of peace in the Middle East, the United States should not call into question Jerusalem's current status as a unified city open to people of all religions.

Mr. FASCELL. Mr. Speaker, the Jewish people have been inextricably bound to Jerusalem for 3,000 years. There has been a continuous Jewish presence in the city despite numerous conquests and persecutions.

Jerusalem is revered as a holy city by the world's three great monotheistic religions, Judaism, Christianity, and Islam, but only since Israel gained control of the city in 1967, have worshippers of all faiths enjoyed free access to the holy sites.

Mr. Speaker, the United States should not presume to advise the Israelis what the capital of their country should be. Only the Israelis can make that determination.

Mr. LAUGHLIN. Mr. Speaker, with the increasing peace and unification events occurring throughout the world, it is only sensible that we support the people of Israel in keeping Jerusalem the undivided Capital of the Jewish State.

Jerusalem is the ancient Capital of Israel and it represents more than 3,000 years of national and religious yearning of the people who lived there. The Jewish and Israeli people suffered heavy discrimination and witnessed the desecration of their burial sites. These people must not be denied their right to access their holy sites, which are the foundation of their civilization, nor should they be subjected to what they suffered during Jordan's 19-year occupation.

I ask that we recognize and support the established status of Jerusalem as the undivided capital of Israel; with free access of all holy sites to the people of all religious denominations who live there. I understand their views because we Americans would not tolerate people in other countries telling us where to locate the capital of our Nation.

Mr. LENT. Mr. Speaker, I would like to take this opportunity to join those of my colleagues who have chosen today to speak out on the status of Jerusalem, the Capital of the State of Israel. It has been the longstanding policy of the United States to recognize the eastern portion of Jerusalem as separate from the West Bank territories and as a nonnegotiable item in peace talks. I strongly support this policy and believe that it should be a cornerstone of the administration's ongoing efforts to advance the Middle East peace process.

Jerusalem was the ancient Capital of Israel and has always been a central part of the national and religious aspirations of the Jewish people. In fact, next month when Jews around the world observe Passover, their ritual meal will be closed with the hope that it will take place "next year in Jerusalem."

Under the promise of the United Nation's 1948 partition plan, Jerusalem was to become an international city in which all faiths were free to worship. However, the plan was scuttled following the refusal of Palestinian Arabs to recognize Israel and the unprovoked attacks on the infant Jewish state by five Arab armies.

Jerusalem was occupied by Jordan for 19 years during which a vigorous campaign was undertaken to eliminate all vestiges of the city's historic ties to the Jewish people. Jewish cemeteries were desecrated and shrines important to the Jewish people were defaced. However, the suffering during this period was not limited strictly to Jews; people of all faiths were discriminated against and denied access to their holy sites. In response, it is estimated that 20,000 Christians fled Jerusalem between 1948 and 1967.

Jerusalem became a united city in the aftermath of the 1967 Six-Day War. Since the liberation, the rights of all faiths to worship freely have been scrupulously protected by the Israeli Government. Israel has ensured that every religion has access to and can oversee its own shrines.

It would be a grievous error to view Jerusalem simply as a bargaining chip in peace negotiations. To do so would be to jeopardize the hard-won freedoms which all faiths have enjoyed there for the last 23 years. As the Middle East peace process advances, it is imperative that the United States continue to fully support the special status of Jerusalem.

Mr. ACKERMAN. Mr. Speaker, I salute Congressman FEIGHAN's leadership in arranging this special order so that we in the U.S. Congress may address a very important issue: the status of Jerusalem.

More than 40 years have passed since the Arab States and the Palestinian Arabs rejected the United States partition plan, which called for an internationalized Jerusalem. In 1948, five Arab armies invaded the Jewish State, including the Jewish section of Jerusalem. The Arab legion severed the city, separating the Western Wall and the Jewish quarter from the rest of Jerusalem. Those Jews who survived the attack were expelled from the city.

During Jordan's 19-year occupation, King Hussein sought to systematically eliminate all traces of the city's Jewish heritage. Jews of all nationalities and Israelis of all religions were denied access to their holy sites. Jewish cemeteries were desecrated; Jewish gravestones were used to build roads and latrines.

Since the reunification of the city by Israeli forces in 1967, after the Arab States failed in their second full-scale attempt to destroy Israel, Jews have been living in the Jewish quarter, praying at the Western Wall, and attending school at the Hebrew University on Mount Scopus. And since 1967, Christians and Arabs have had the same access to their holy sites in Jerusalem as have had the Jews; in fact, Israel has welcomed religious pilgrimages from around the world.

I am puzzled as to why this issue has suddenly come under international scrutiny. As Israel was poised, some thought, to accept the Baker proposal to move the peace process forward, our own President jumped in with a statement probably designed to force Shamir's hand in accepting the Baker proposal. But what it has done instead is destabilize the Labor-Likud coalition government, and probably caused its collapse.

Since 1967, successive administrations have been sensitive to the special status of Jerusalem. In fact, Arthur Goldberg, one of the drafters of U.N. Security Council Resolution 242, said that that resolution "in no way refers to Jerusalem, and this omission was deliberate * * * Jerusalem was * * * not linked to the West Bank."

Most countries around the world have, at one time or another, annexed land which they took during a war. The United States, in fact, annexed Texas in 1845, almost 10 years after Santa Anna was defeated at San Jacinto. Have I heard anyone ask the United States to give Texas back to Mexico? Why does the

rest of the world hold Israel to a standard that they themselves are unwilling to uphold?

Jerusalem is not up for negotiation. Just as the Moslem world would unify itself should the Israelis ever try to rebuild the Second Temple on the sight of the Dome of the Rock, the Moslems third holiest shrine, so will the Israelis, and their American supporters, react to the division of Jerusalem. On this issue all sides are in agreement; Jerusalem is not a territory and will not be divided.

Mr. BROWN of Colorado. Mr. Speaker, as the United States plays a central role in the Middle East peace process, it is imperative that we keep in mind the special status of the undivided Capital of Israel. It is important that the United States not sidetrack the peacetalks by interjecting divisive issues. Jerusalem is not an occupied territory. It is the united, political Capital of Israel as well as the spiritual home for Jews across the world.

Contrary to PLO chairman Yasir Arafat's declaration that East Jerusalem is Arab and will be the future PLO state, an equal number of Jews and Arabs live in East Jerusalem. Arab residents are entitled to Israeli citizenship, and are granted the right to vote in municipal elections even if they are not citizens. We must give the PLO the message that the United States Congress firmly recognizes Jerusalem as the unified capital of the Jewish state, and will not support any attempt to bargain it away. Jerusalem must remain the undivided Capital of Israel.

Mr. CARDIN. Mr. Speaker, Jerusalem has always played a central role in Jewish religious and political life. For over 3,000 years, since the time when King David made it his capital, Jerusalem has been home to Jews. The Western Wall in Jerusalem, part of Herod's temple over 2,000 years ago has been the focus of Jewish prayer and veneration. The entire city is central to the Jewish people's religious faith, tradition, and to Israel's historic culture.

In 1947 the United Nations recommended that the city of Jerusalem be internationalized. The Jewish Agency was willing to accept this plan with the hope that the city would be spared from conflict. As we all know, the Arab States were adamantly opposed to the internationalization of the city just as they were to partition.

When Jordan controlled Jerusalem from the year 1948 to 1967, Jews were not granted access to Jewish holy places like the Western Wall or the Mount of Olives. The Jordanian-controlled parts of Jerusalem were not closed to Jews only. In fact, Christians from Israel were allowed to enter the Old City for Christmas and Easter, but Israeli Moslems were not permitted to enter.

Under Jordanian control the Jewish cemetery at Hebron was destroyed, the Jewish Quarter was sacked, and 34 Jerusalem synagogues, some of which were centuries old, were also destroyed. Two great institutions, Hadassah Hospital and the Hebrew University remained idle on top of Mount Scopus for 20 years.

On the second day of the Six-Day War, Jordanian King Hussein ignored Israeli appeals to stay out of the war by firing the opening shots on Jerusalem. They lost the Old City to Israel. Under Israel control all people of all religious faiths are permitted access to holy sites. Religious freedom has thrived since 1967.

A number of times during his Presidency, former President Ronald Reagan expressed his desire for Jerusalem to remain under Israeli authority. I do not often hope for a continuation of Reagan policy, but to President Bush I say, follow the policy of your predecessor.

Mr. Speaker, Jerusalem is the Capital of Israel. Anyone who has ever been there knows that it is the heart and soul of the Jewish state. Although official United States policy recognizes that there be a unified Jerusalem to be the subject of negotiations, to me the issue is as clear as a Jerusalem skyline when the sun sets on the whiteness of the Jerusalem stone and the true meaning of Jerusalem, city of gold, hits home—Jerusalem and Israel are inseparable.

Mr. WAXMAN. Mr. Speaker, the President has recently stated that Jerusalem, the ancient capital of Israel, should be considered in the same light as the administered territories of the West Bank and Gaza. This apparent reversal of our Nation's longstanding policy toward Jerusalem ignores the history of that holy city and its importance to the State of Israel.

Since Biblical times, Jerusalem has been the single geographical focal point of Jewish prayer, theology and national aspirations. Until the President's recent statement, U.S. policy has consistently supported an undivided Jerusalem.

The President's recent statements ignore the history of the region and fail to take into account the present day realities of Israel. The belief that Jerusalem must always remain whole and under Jewish sovereignty is a belief that unites Israelis of all political and religious persuasions.

We must remember that turning over any portion of Jerusalem to Arab rule would not be a new experiment but the repetition of a serious mistake, the results of which are a matter of record. Many gross abuses of Jerusalem's holy sites occurred during the years of Jordanian rule from 1948 to 1967. Jews not killed during the Jordanian invasion were expelled from the city. Both Arab and Jew alike were barred from visiting their holy sites. Along with this, Jordan pursued a systematic attempt to eliminate all traces of the city's Jewish heritage.

Since the time of Israel's liberation of Jerusalem in 1967, Arabs and Jews have lived side by side. Arab residents have also been entitled to Israeli citizenship. All residents, regardless of their citizenship, have been granted the right to vote in municipal elections. Israel has granted each religion and denomination the authority to oversee its own shrines. It has also assured complete freedom of access to all people.

President Bush now speaks of Jerusalem and its Jewish residents as simply another West Bank style settlement. Israelis do not "settle" in their capital. They live there. Furthermore, no Government of Israel can consider the renewed division of Jerusalem and expect to survive.

I deeply regret that the President's statement on Jerusalem has endangered the very peace process that his administration, the Israeli Government, and Egypt have been working to promote. I ask the President to consider the danger of a policy that may leave our Nation unable to promote policies that will advance the peace process rather than hinder it.

I was present at the signing of the Camp David Peace Accord. I look forward to the day when a new agreement is signed between the warring parties of the region and its people can live in peace. This peace that can only come if our administration accepts that the city of Jerusalem must remain unified and under Israeli democratic and beneficent rule.

Mr. GRANDY. Mr. Speaker, I appreciate the gentleman taking the time this evening. I wish to submit the remarks of Mayor Teddy Kollek who recently wrote President Bush expressing his concerns over the question of Jerusalem's future. I was privileged to meet with Mayor Kollek earlier this year and see first hand the integrated Jerusalem he refers to in his letter. His comments reflect my own and I commend them to the membership.

MAYOR OF JERUSALEM,
March 8, 1990.

Mr. GEORGE H.W. BUSH,
The President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: In these days when all Israelis are united in their deep concern over recent American statements on Jerusalem, I am encouraged to write you as I recall the privilege I had of taking Mrs. Bush and you through the city on your visit in Israel in 1986.

In June 1987, in spite of our messages to King Hussein through your ambassador and through the United Nations that Israel had no intention of initiating hostilities against Jordan, we were unprovokedly attacked from the Jordanian occupied part of Jerusalem, an occupation followed by an annexation that was not recognized by any country except Pakistan. After the war ended, the city was united as it had been for 4000 years and its municipal boundaries were somewhat enlarged, in the main incorporating uninhabitated areas of rocky hills. In the past 22 years, the city has grown considerably. The number of Jews has increased from almost 200,000 to 340,000 and the Arab population has doubled from 75,000 to 150,000. This necessitated a massive effort to build housing for both Jews and Arabs. Homes for the Jewish population were built all over the city including in areas that had been under Jordanian occupation. Over 30,000 families now live in these areas. No Arabs were dispossessed in order to build these homes. Parts of this land had been Jewish owned before. In the northern extremity, within the new municipal borders, Jewish villages existed prior to 1948, when their inhabitants were forced to leave by the invading Jordanian army.

While the Jewish settlers in the occupied West Bank did get considerable incentives, none were given to families who made their homes within the city's boundaries. They acquired their homes under the same conditions as those living in Tel Aviv, Haifa and other parts of the country. A certain number of Russian immigrants, as well as immigrants from other countries, including many from the United States, now live in these neighborhoods. It is a fact that these new neighborhoods have become an integral part of the undivided city and are quite distinct from the settlements in the West Bank, the nearest of which is miles away.

I am aware of the policy of the United States toward the City of Jerusalem, namely "that the city remain united but that its status be determined in the negotiations." In my opinion there is no conflict between this policy and the actual state of affairs. While there is a difference between Israel's thinking that united Jerusalem is and shall remain the capital of Israel under Israel's sovereignty and American policy that leaves the city's ultimate status open, no conflict needs to arise from the existence of the new urban neighborhoods that have gone up in the last 22 years.

The Arab uprising over the last 2 years has also had its repercussions in Jerusalem, but to a much lesser extent than in the West Bank and Gaza. Work and life go on here, the schools are open and tourists and pilgrims are visiting the city. There is a certain amount of Arab strikes and some cars have been stoned or torched, but the level of violence, if at all, is small. To give just one figure, in 1989 there were altogether 11 homicides in Jerusalem, 6 of them of a criminal nature, while 4 Jews and 1 Arab were killed in terrorist acts. Indeed, the number is smaller than it was 10 or 15 years ago. I wrote to Mrs. Bush a year ago about the city's illiteracy program for Arab women. This and many other social and development activities in the city's Arab neighborhoods are going on as before.

There is one further point I would like to mention. Jerusalem is the center of Palestinian political activity. In 1967, before the city was reunited, not a single Arab newspaper was published here. Today there are 4 Arab dailies and a great number of weeklies and monthlies published which are free to attack the Israeli government and, at times, even challenge Israel's right to exist. Palestinians, who in spirit, if not organizationally, represent the PLO, address freely meetings at the Hebrew University attended by Israeli and Arab students and the general public. Similar activities could not take place in Amnan, Damascus or Bagdad, where no criticism of the authorities is tolerated.

Differences over Jerusalem's future status are bound to come to the fore at some stage of the negotiations between Israel and the Palestinians. I do, however, firmly believe that this issue should be discussed as late as possible, and only after all other outstanding issues are settled. It would be particularly unfortunate if at this early but critical stage, when Israel must decide whether it will agree to a dialogue with a Palestinian delegation with one or two West Bank Palestinians who also have a Jerusalem address, other much more crucial questions concerning the future of Jerusalem should becloud the issue. In particular, no question mark should be permitted to hover over the new Jerusalem neighborhoods.

I would like to add, Mr. President, that we are grateful for the efforts of the United States government, and to you personally, to promote a peace settlement and to enable Russians Jewry to return to their homeland.

Please forgive me for taking up some of your valuable time, but I do this in the hope that I am contributing to the good relations between our two nations by expressing these thoughts to you.

With best personal regards,

Yours sincerely,

TEDDY KOLLEK.

Ms. SCHNEIDER. Mr. Speaker, Jerusalem represents the historic center of the Jewish State. The people of Israel and both the Labor and Likud parties consider Jerusalem the undivided capital of Israel. Since 1967, Jews have returned to historically Jewish neighborhoods in East Jerusalem.

Recent discussions of the status of East Jerusalem may unfortunately complicate the peace process in Israel. At a particularly crucial point in the peace process, it would seem more advantageous to postpone discussion of this divisive issue until the larger issues of the Israeli-Palestinian conflict are resolved.

Although U.S. policy has never officially recognized the 1967 reunification of Jerusalem, previous administrations have always supported a united Jerusalem.

It is my hope that the discussion of the status of East Jerusalem will not unnecessarily complicate the difficult peace process. Secretary Baker and the Bush administration have been stalwart in promoting a constructive solution to end the uprising. I am confident that once the larger issues have been addressed, the sensitive issue of East Jerusalem can be resolved.

Mr. SCHUETTE. Mr. Speaker, I wish to thank my colleagues, Mr. FEIGHAN and Mr. BURTON, for holding this special order.

Last weekend, President Bush expressed his opposition to new Jewish immigration to East Jerusalem. As much as I support the President's foreign policy views, I feel compelled to object to this statement. Maintaining a united Jerusalem transcends philosophical differences between the political parties within the Israeli Government and touches the very heart and soul of the Jewish people.

With the recent breakup of the Israeli governing coalition, it is important that statements from the United States not be used to heighten volatility in an already dangerous region. The United States should not stray from its longstanding policy that Jerusalem should never again be divided. Jerusalem should be a free and open city, where people are welcome to live wherever they choose without regard to their religious faith.

As the Israelis have contended, Jerusalem is the rightful capital of their nation. Currently, the United States Embassy to Israel is located in Tel Aviv. Mr. Speaker, I believe that Jerusalem, as the rightful capital of Israel, should be host to our Embassy.

Further, the issue of the division of Jerusalem should not be a factor in the negotiations of the Palestinian-Israeli peace talks. The Israelis have sent a clear message that the division of Jerusalem will never be an acceptable concession—and, I, too, find this unacceptable.

Mr. WAXMAN. Mr. Speaker, the President has recently stated that Jerusalem, the ancient capital of Israel, should be considered in the same light as the administered territories of the West Bank and Gaza. This apparent reversal of our Nation's longstanding policy toward Jerusalem ignores the history of that holy city and its importance to the State of Israel.

Since Biblical times, Jerusalem has been the single geographical focal point of Jewish prayer, theology, and national aspirations. Until the President's recent statement, U.S. policy has consistently supported an undivided Jerusalem.

The President's recent statements ignore the history of the region and fail to take into account the present day realities of Israel. The belief that Jerusalem must always remain whole and under Jewish sovereignty is a belief that unites Israelis of all political and religious persuasions.

We must remember that turning over any portion of Jerusalem to Arab rule would not be a new experiment but the repetition of a serious mistake, the results of which are a matter of record. Many gross abuses of Jerusalem's holy sites occured during the years of Jordanian rule from 1948 to 1967. Jews not killed during the Jordanian invasion were expelled from the city. Both Arab and Jew alike were barred from visiting their holy sites. Along with this, Jordan pursued a systematic attempt to eliminate all traces of the city's Jewish heritage.

Since the time of Israel's liberation of Jerusalem in 1967, Arabs and Jews have lived side by side. Arab residents have also been entitled to Israeli citizenship. All residents, regardless of their citizenship, have been granted the right to vote in municipal elections. Israel has granted each religion and denomination the authority to oversee its own shrines. It has also assured complete freedom of access to all people.

President Bush now speaks of Jerusalem and its Jewish residents as simply another West Bank style settlement. Israelis do not "settle" in their capital. They live there. Furthermore, no government of Israel can consider the renewed division of Jerusalem and expect to survive.

I deeply regret that the President's statement on Jerusalem has endangered the very peace process that his administration, the Israeli Government and Egypt have been working to promote. I ask the President to consider the danger of a policy that may leave our Nation unable to promote policies that will advance the peace process rather than hinder it.

I was present at the signing of the Camp David peace accord. I look forward to the day when a new agreement is signed between the warring parties of the region and its people can live in peace. This peace that can only come if our administration accepts that the city of Jerusalem must remain unified and under Israeli democratic and beneficient rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUMP (at the request of Mr. MICHEL) for today and the balance of the week on account of family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILMAN) and to revise and extend their remarks and include extraneous material:)

Mr. LENT, for 5 minutes, today.

Mr. DELAY, for 60 minutes, today and 60 minutes on March 20.
Mr. BURTON of Indiana, for 60 minutes, on March 20, 21, and 22.
Mr. BILIRAKIS, for 60 minutes, on March 21.
Mr. ARMEY, for 60 minutes, on March 20.
(The following Members (at the request of Mr. EVANS) to revise and extend their remarks and include extraneous material:)
Mr. MAZZOLI, for 5 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. POSHARD, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. CROCKETT, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. KASTENMEIER, for 5 minutes, today.
Mr. SKAGGS, for 5 minutes, on March 15.
Mr. SKELTON, for 30 minutes, March 15.
Mr. GAYDOS, for 60 minutes, March 15.
Mr. OWENS of New York, for 60 minutes, on March 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and 60 minutes on April 2, 3, 4, and 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Mr. GILMAN) and to include extraneous matter:)
Mr. BROOMFIELD.
Ms. ROS-LEHTINEN.
Mr. DELAY in two instances.
Ms. SNOWE.
Mr. MACHTLEY.
Mr. PURSELL.
Mr. GUNDERSON.
Mr. DOUGLAS.
Mr. WOLF.
Mr. GALLEGLY in two instances.
Mr. IRELAND.
Mr. MILLER of Washington.
Mr. CONTE.
Ms. SCHNEIDER.
Mr. SCHUETTE.
Mr. GINGRICH.
(The following Members (at the request of Mr. EVANS) and to include extraneous matter:)
Mr. MRAZEK.
Mr. MCMILLEN of Maryland.
Mr. KLECZKA.
Mr. HAMILTON.
Mr. ECKART.
Mr. LIPINSKI.
Mr. SMITH of Florida.
Mr. RANGEL.
Mr. KASTENMEIER.
Mr. WYDEN.
Mr. DYMALLY.
Mr. DWYER of New Jersey.
Mr. PALLONE.
Mr. HAWKINS.
Mr. DORGAN of North Dakota.
Mr. TALLON.
Mr. NEAL of Massachusetts.
Mr. ACKERMAN.
Mr. RICHARDSON.
Mr. DOWNEY.
Mr. FRANK.
Mr. TRAFICANT in two instances.
Mr. MAZZOLI.
Mr. KANJORSKI.
Mr. STARK.
Mr. DELLUMS.
Mr. DIXON.
Mr. PENNY in two instances.

ADJOURNMENT

Mr. FEIGHAN. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly, (at 8 o'clock p.m.) the House adjourned until tomorrow, Thursday, March 15, 1990, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2725. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles (Transmittal No. 90-28), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2726. A letter from the Secretary, Department of Defense, transmitting the 1990 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 nt.; to the Committee on Armed Services.

2727. A letter from the Chairman, Council of the District of Columbia, transmitting, a copy of D.C. Act 8-173, "Tax Amendment Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2728. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-171, "Judiciary Square Detention Facility Construction Act of 1990", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia, March 14, 1990.

2729. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-172, "Abandoned Property Amendment Act of 1990", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2730. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification that the Department provided the defense articles, services and training to Colombia under the authority of P.D. 89-24, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs, March 14, 1990.

2731. A letter from the Acting Director, Defense Security Assistance Agency; transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services estimated to cost $120 million (Transmittal No. 90-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2732. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services estimated to cost $36 million (Transmittal No. 90-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2733. A communication from the President of the United States, transmitting the 1989 annual report of the U.S. Arms Control and Disarmament Agency, pursuant to 22 U.S.C. 2590; to the Committee on Foreign Affairs.

2734. A letter from the Attorney General, Department of Justice, transmitting a report in compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2735. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2736. A letter from the Overseas Private Investment Corporation, transmitting a report on compliance with the requirements of the internal accounting and administrative control system for fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2737. A letter from the Secretary, Postal Rate Commission and Agency, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calender year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2738. A letter from the Chief Administrative Officer, Postal Rate Commission and Agency, transmitting the annual report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2739. A letter from the Postmaster General, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2740. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2741. A letter from the Director, U.S. Office of Personnel Management, transmitting a report of actions taken to increase competition for contracts for fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2742. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2743. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1989 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Interior and Insular Affairs.

2744. A letter from the Girl Scouts of the U.S.A., transmitting the 1989 annual report and financial audit, pursuant to 36 U.S.C. 1101(24), 1103; to the Committee on the Judiciary.

2745. A letter from the Acting Administrator, General Services Administration, transmitting a report of a building project survey on the Pentagon renovation, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYMALLY (for himself and Mr. FAUNTROY):

H.R. 4257. A bill to create a supreme court for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. APPLEGATE (for himself and Mr. MCEWEN) (both by request):

H.R. 4258. A bill to amend title 38, United States Code, to provide that former prisoners of war are entitled to outpatient care from the Department of Veterans Affairs for any disability; to the Committee on Veterans' Affairs.

By Mr. COBLE (for himself and Mr. FRENZEL):

H.R. 4259. A bill to extend the existing suspension of duty on m-Toluic acid until January 1, 1994; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 4260. A bill to provide for the restoration of H.B. Plant Hall at the University of Tampa; to the Committee on Interior and Insular Affairs.

By Mr. HASTERT (for himself, Mr. CLINGER, Mr. PACKARD, Mr. EMERSON, Mr. CRAIG, Mr. DUNCAN, Mr. HANCOCK, Mr. COX, Mr. GRANT, Mr. DELAY, and Mr. HEFLEY):

H.R. 4261. A bill to amend titles 23 and 49, United States Code, relating to motor carrier transportation, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MOODY, and Mr. CRAIG):

H.R. 4262. A bill to amend title XVIII of the Social Security Act to adjust the base year applied to determine the amount of payments made to rehabilitation and long-term hospitals under part A of the Medicare Program; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 4263. A bill to amend section 107 of title 17, United States Code, relating to fair use, to clarify that such section applies to both published and unpublished copyrighted works; to the Committee on the Judiciary.

By Ms. LONG (for herself, Mr. JACOBS, Mr. BURTON of Indiana, Mr. PENNY, Ms. OAKAR, Mr. EVANS, Mr. ACKERMAN, Mr. MFUME, Mr. GORDON, Mr. SAWYER, Mrs. UNSOELD, Mr. JONTZ, Mr. PERKINS, Mr. MCCLOSKEY, Mr. CHAPMAN, Mr. MORRISON of Washington, Mr. SHARP, Mr. STALLINGS, and Mrs. PATTERSON):

H.R. 4264. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability for purposes of assisting local antidrug programs; jointly, to the Committees on Ways and Means, the Judiciary, and Energy and Commerce.

By Mr. MCEWEN:

H.R. 4265. A bill to restore prior law with respect to the treatment of agricultural workers under wage withholding; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 4266. A bill to amend title 5, United States Code, to provide higher rates of basic pay for Federal employees within the consolidated metropolitan statistical area of which the District of Columbia is a part; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York (for himself, Mr. MARKEY, Mr. GUNDERSON, Mr. BONIOR, Mr. BERMAN, Mrs. LLOYD, Mr. SLATTERY, Mr. SYNAR, Mr. WYDEN, Mr. BILIRAKIS, Mr. CHANDLER, Mr. MADIGAN, and Mr. OXLEY):

H.R. 4267. A bill to require new televisions to have built in decoder circuitry; to the Committee on Energy and Commerce.

By Mr. PRICE (for himself, Mr. ANNUNZIO, Mr. BARNARD, Mr. CARPER, Mr. FLAKE, Mr. HOAGLAND, Mr. KENNEDY, Mr. KLECZKA, Mr. LEACH of Iowa, Mr. MCDERMOTT, Mrs. PATTERSON, Ms. PELOSI, Mrs. ROUKEMA, and Mr. SCHUMER):

H.R. 4268. A bill to amend the Federal Deposit Insurance Act to authorize the Federal Deposit Insurance Corporation to prohibit the payment of any golden parachute by any insured depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. REGULA (for himself, Mr. ROYBAL, Mr. RINALDO, Ms. OAKAR, Mrs. UNSOELD, Mr. BILBRAY, Mr. CROCKETT, Mr. STAGGERS, Mr. CLARKE, Mr. DEFAZIO, Mr. BLAZ, Mr. FORD of Tennessee, Mrs. MORELLA, Mr. BORSKI, Mr. DUNCAN, Mr. LEWIS of Georgia, Mr. SKELTON, Mr. HUGHES, Mr. WISE, Mr. SAXTON, Mrs. BENTLEY, Ms. SCHNEIDER, Mr. SISISKY, Ms. SNOWE, Mr. ERDREICH, Mr. JAMES, Mr. SPENCE, Mr. BOEHLERT, Mr. JONTZ, Mrs. BYRON, Mr. VOLKMER, Mr. HERTEL, Mr. SMITH of New Jersey, Ms. SLAUGHTER of New York, Mr. HAMMERSCHMIDT, Mr. PALLONE, Mr. CLINGER, Mr. LANTOS, Mr. RHODES, and Mr. DOWNEY):

H.R. 4269. A bill to establish the Comprehensive Preventive Health Program for Medicare Beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROBERTS:

H.R. 4270. A bill to authorize the reformulation of the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. TAUKE (for himself, Mr. LIGHTFOOT, Mr. LEACH of Iowa, and Mr. GRANDY):

H.R. 4271. A bill to require the construction of a demonstration highway project between St. Louis, MO, and Minneapolis/St. Paul, MN; to the Committee on Public Works and Transportation.

By Mr. WALGREN:

H.R. 4272. A bill to continue until January 1, 1994, the existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. NIELSON of Utah):

H.R. 4273. A bill to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. CRAIG, and Mr. THOMAS of Wyoming):

H.R. 4274. A bill to provide incentives to health care providers serving rural areas, to eliminate the Medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. ANNUNZIO, Mr. BUSTAMANTE, Mr. TOWNS, Mr. HORTON, Mr. NIELSON of Utah, Mr. WOLF, Mr. PASHAYAN, Ms. KAPTUR, Mr. LANCASTER, Mr. KOLTER, Mr. MINETA, Mr. WALSH, Mr. GEREN, Mr. QUILLEN, and Mr. FORD of Tennessee):

H.J. Res. 513. Joint resolution designating November 16, 1990, as "National Philanthropy Day"; to the Committee on Post Office and Civil Service.

By Mr. DAVIS:

H.J. Res. 514. Joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. FROST:

H.J. Res. 515. Joint resolution designating the week beginning September 16, 1990, as "National Give Kids a Fighting Chance Week"; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself, Mr. FRENZEL, Mr. GEKAS, Mr. MCGRATH, Mr. OWENS of New York, Mr. PALLONE, Mr. SKELTON, and Mr. SOLOMON):

H.J. Res. 516. Joint resolution to designate the week beginning June 10, 1990, as "National Scleroderma Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of California (for himself and Mrs. BYRON):

H.J. Res. 517. Joint resolution designating May 1990 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD (for herself and Mr. MACHTLEY):

H.J. Res. 518. Joint resolution designating October 13 through 20, 1990, as "American Textile Industry Bicentennial Week"; to the Committee on Post Office and Civil Service.

By Mr. SLATTERY (for himself, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Mr. LEHMAN of Florida, Mr. MCGRATH, Mrs. COLLINS, Mr. FISH, Mr. RANGEL, Mr. MCNULTY, Ms. PELOSI, Mr. HUGHES, Mr. HATCHER, Mr. FAZIO, Mr. COUGHLIN, Mr. STOKES, Mr. MCDADE, Mr. FOGLIETTA, Mr. CONYERS, Mr. KOLTER, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. FAUNTROY, Mr. HAWKINS, Ms. KAPTUR, Mr. TOWNS, Mr. SAVAGE, and Mr. JOHNSON of South Dakota):

H.J. Res. 519. Joint resolution designating April 16, 1990, as "National Sarcoidosis Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H. Con. Res. 286. Concurrent resolution authorizing the 1990 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Public Works and Transportation.

By Mr. YATRON (for himself, Mr. GEJDENSON, Mr. GOSS, Mr. CLARKE, Mr. OWENS of Utah, Mr. MCCLOSKEY, Mr. ROTH, Mr. FALEOMAVAEGA, Mr. DEWINE, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. FASCELL, Mr. HAMILTON, Mr. STUDDS, Mr. LEVINE of California, and Mr. FUSTER):

H. Con. Res. 287. Concurrent resolution calling for a U.S. policy of promoting the continuation, for a minimum of an additional 10 years, of the International Whaling Commission's moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations; to the Committee on Foreign Affairs.

By Mr. DOWNEY (for himself, Mr. GORDON, Mr. SABO, Mr. LEHMAN of California, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, and Mr. SMITH of Florida):

H. Res. 357. Resolution expressing the sense of the House of Representatives that the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible; to the Committee on Education and Labor.

By Mr. GUNDERSON (for himself, Mr. BONIOR, Mr. BILIRAKIS, Mr. SKELTON, Mr. WHEAT, Mr. PETRI, Mr. SCHUETTE, Mr. OWENS of New York, Mr. DELLUMS, Mrs. MORELLA, Mr. TOWNS, Mr. FAUNTROY, Mr. ROWLAND of Connecticut, Mr. BROWN of California, and Mr. WALSH):

H. Res. 358. Resolution providing for acquisition of telecommunications devices for the deaf for use in offices of Members of the House of Representatives; to the Committee on House Administration.

By Mr. SCHUETTE (for himself, Mr. LEWIS of Florida, Mr. SOLOMON, and Mr. HOLLOWAY):

H. Res. 359. Resolution expressing the sense of the House of Representatives that any funds from spending reductions in the budget for defense should be applied to deficit reduction and taxpayer relief; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

327. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to textile and apparel imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EMERSON:

H.R. 4275. A bill for the relief of Oscar H. McCormack; to the Committee on the Judiciary.

By Mr. TALLON:

H.R. 4276. A bill to authorize coastwise documentation for the vessel HMS *Bounty*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. WHEAT.

H.R. 173: Mr. DOWNEY, Mr. JACOBS, Mr. WELDON, Mr. SCHAEFER, Mr. RAVENEL, and Mrs. LLOYD.

H.R. 182: Mr. GEJDENSON.

H.R. 379: Mr. NAGLE, Mr. SCHEUER, Mr. NOWAK, Mr. MRAZEK, Mr. WEISS, Mr. SCHUMER, Mr. DOWNEY, and Mr. LAFALCE.

H.R. 413: Mr. SAWYER.

H.R. 467: Mr. NELSON of Florida.

H.R. 790: Mr. TAUKE.

H.R. 815: Mrs. LOWEY of New York.

H.R. 820: Mrs. JOHNSON of Connecticut.

H.R. 855: Mr. CARDIN, Mr. SANGMEISTER, and Mr. DURBIN.

H.R. 995: Mr. TOWNS, Mr. GEREN, Mr. LIPINSKI, Mr. BRENNAN, and Mrs. JOHNSON of Connecticut.

H.R. 1167: Mr. ESPY.

H.R. 1205: Mr. BILIRAKIS and Mr. PICKETT.

H.R. 1276: Mr. JOHNSON of South Dakota.

H.R. 1400: Mr. SANGMEISTER, Mr. SAWYER, Mr. PACKARD, Mr. HUCKABY, Mr. CLARKE, Mr. CROCKETT, Mr. PEASE, Mr. PARRIS, Mr. UPTON, and Mrs. SCHROEDER.

H.R. 1730: Mr. LEWIS of Florida, Mr. NEAL of North Carolina, and Mr. JONES of North Carolina.

H.R. 2132: Mr. WALSH.

H.R. 2133: Mr. WALSH.

H.R. 2209: Mr. ROGERS, Mr. ROBINSON, and Mrs. MEYERS of Kansas.

H.R. 2418: Mr. MCDERMOTT and Mr. YATRON.

H.R. 2545: Mr. PORTER, Mr. ENGEL, and Mr. BORSKI.

H.R. 2584: Mr. RAHALL, Mr. JENKINS, Mr. NELSON of Florida, and Mr. COYNE.

H.R. 2608: Mr. WOLPE, Mr. ECKART, and Ms. OAKAR.

H.R. 2611: Mr. TAUZIN.

H.R. 2870: Mr. FLAKE, Mr. PAYNE of Virginia, Mr. HYDE, Mr. SCHUMER, and Mr. GEJDENSON.

H.R. 2996: Mr. NEAL of Massachusetts.

H.R. 3004: Mrs. MORELLA and Mr. SANGMEISTER.

H.R. 3051: Mr. FALEOMAVAEGA.

H.R. 3154: Ms. SCHNEIDER and Mr. SAVAGE.

H.R. 3158: Mr. BORSKI, Mr. DICKS, Mr. BOEHLERT, Mr. GALLO, Mr. CONTE, and Mr. JOHNSON of South Dakota.

H.R. 3200: Mr. PANETTA, Mr. GONZALEZ, Ms. SLAUGHTER of New York, Mr. TALLON, Mr. WALSH, Mr. DIXON, Mr. BERMAN, Mr. BRUCE, Mr. RAHALL, Mr. DWYER of New Jersey, Mr. BENNETT, Mr. TRAXLER, Mrs. KENNELLY, Ms. PELOSI, Mr. SAVAGE, Mr. HAYES of Louisiana, Mr. WEISS, Mr. FEIGHAN, Mr. BORSKI, Mr. FISH, Mr. OWENS of Utah, Mr. TOWNS, Mr. TAUZIN, Mr. BOEHLERT, Mr. FORD of Michigan, and Mr. PAYNE of New Jersey.

H.R. 3243: Mr. LAUGHLIN, Mr. MCCURDY, Mr. BEVILL, and Mr. MONTGOMERY.

H.R. 3267: Ms. PELOSI.

H.R. 3270: Ms. PELOSI, Mr. HOAGLAND, Mr. COURTER, Mr. RAY, Mr. MONTGOMERY, Mr. MILLER of California, Mr. GILMAN, Mr. CHAPMAN, Mr. WILSON, Mr. HUBBARD, Mr. HASTERT, Mr. BARTON of Texas, Mr. DERRICK, Mrs. ROUKEMA, Mr. FAUNTROY, Mr. GINGRICH, Mr. LEACH of Iowa, Mr. BUSTAMANTE, Mr. LIVINGSTON, and Mr. CONDIT.

H.R. 3386: Mr. MINETA and Mr. ANDERSON.

H.R. 3401: Mr. APPLEGATE, Mr. PACKARD, Mr. NIELSON of Utah, Mr. FROST, Mr. MCGRATH, Mr. SOLOMON, Mr. BRUCE, Mr. ROBINSON, Mr. SCHIFF, Mr. TOWNS, Mr. GEREN, Ms. LONG, Mr. BROWN of California, and Mr. DIXON.

H.R. 3440: Mr. HILER.

H.R. 3475: Mr. WOLPE.

H.R. 3484: Mr. RINALDO.

H.R. 3498: Mr. COX, Mr. PEASE, Mr. HUTTO, Mrs. COLLINS, Mr. BURTON of Indiana, Mr. HEFLEY, and Mr. BILBRAY.

H.R. 3501: Mr. WOLF.

H.R. 3528: Mr. PICKETT.

H.R. 3643: Mr. LENT, Mr. MARLENEE, Mr. RHODES, Mr. OXLEY, and Mr. TALLON.

H.R. 3652: Mr. THOMAS A. LUKEN, Mr. CONDIT, Mr. BOSCO, Mr. ECKART, Ms. SCHNEIDER, Mr. HUNTER, Mr. GALLO, Mr. BILIRAKIS, Mr. HENRY, Mr. HORTON, Mr. OXLEY, Mr. HYDE, Mr. MONTGOMERY, Mr. RANGEL, Mr. SUNDQUIST, Mr. BENNETT, Mr. PARKER, Mr. PARRIS, and Mr. JONTZ.

H.R. 3656: Mr. SLATTERY.

H.R. 3657: Mr. SLATTERY.

H.R. 3665: Mr. SANGMEISTER, Mr. TOWNS, Mr. BOUCHER, Mr. LANCASTER, Mrs. SCHROEDER, Mr. CHAPMAN, and Mr. WISE.

H.R. 3686: Mr. DANNEMEYER, Mr. HANSEN, Mr. LAGOMARSINO, and Mr. HERGER.

H.R. 3705: Mr. CONTE.

H.R. 3732: Mr. SMITH of Texas, Mr. UPTON, Mr. HANSEN, Mr. VALENTINE, and Mr. HALL of Texas.

H.R. 3734: Mrs. JOHNSON of Connecticut, Mr. MORRISON of Connecticut, Mr. BORSKI, Mr. SUNDQUIST, Mr. SMITH of Florida, Mrs. LOWEY of New York, Mr. CONDIT, and Mr. PENNY.

H.R. 3735: Mr. EDWARDS of California.

H.R. 3789: Mr. BENNETT, Mr. BOSCO, Mr. BRUCE, Mr. COSTELLO, Mr. DIXON, Mr. COYNE, Mr. DE LUGO, Mr. FUSTER, Mr. HORTON, Mr. HUGHES, Mr. JONTZ, Mr. KLECZKA, Mr. MCNULTY, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. RICHARDSON, Mr. ROSE, Mr. ROWLAND of Connecticut, Mr. SIKORSKI, and Mr. UDALL.

H.R. 3817: Mr. FISH.

H.R. 3835: Mr. WISE.

H.R. 3836: Mr. GINGRICH, Mr. JOHNSTON of Florida, Mr. GUARINI, Mr. OWENS of Utah, Mr. JAMES, Mr. HUGHES, Mr. TAUKE, Mr. JONTZ, Mr. MCDADE, Mr. SMITH of New Hampshire, Mr. COURTER, Mr. ROE, Mr. PEASE, Mr. SAVAGE, Mrs. MEYERS of Kansas, Mr. WAXMAN, Mr. PANETTA, Mr. HOAGLAND, Mr. FEIGHAN, Mr. CARPER, and Mr. MRAZEK.

H.R. 3852: Mr. FISH.

H.R. 3858: Mr. MCNULTY, Mrs. COLLINS, Mr. LIGHTFOOT, Mr. MFUME, Mr. ARMEY, and Mr. SLATTERY.

H.R. 3859: Mr. ENGEL and Mr. SCHEUER.

H.R. 3869: Mr. TOWNS.

H.R. 3880: Mr. NEAL of Massachusetts, Mrs. LLOYD, Mr. AUCOIN, Mr. CONTE, Mr. BRENNAN, and Mr. SMITH of Vermont.

H.R. 3889: Mr. DONALD E. LUKENS, Mr. LENT, Mr. COSTELLO, Mr. TOWNS, Mr. SMITH of New Hampshire, Mr. DORNAN of California, Mr. FUSTER, Mr. RANGEL, Mr. SCHIFF, Mr. HORTON, Mr. SHUMWAY, Mr. KOLBE, Mr. FROST, Mr. JONES of Georgia, Mr. MCDERMOTT, and Mr. HYDE.

H.R. 3901: Mr. HUBBARD, Mr. FAZIO, Mr. BUSTAMANTE, Mr. NEAL of North Carolina, Mr. MCDERMOTT, and Mr. HYDE.

H.R. 3940: Mr. RAHALL, Mr. WALSH, and Mr. WATKINS.

H.R. 3961: Mr. ROWLAND of Georgia, Mr. PARKER, Mr. PAYNE of Virginia, Mr. COSTELLO, Mr. APPLEGATE, Mr. BOEHLERT, Mr. HANCOCK, Mr. TOWNS, Mr. STARK, Mr. HORTON, Ms. KAPTUR, Mr. TRAFICANT, Mr. FAUNTROY, Mr. EDWARDS of California, Mr. KANJORSKI, Mr. BRYANT, Mr. HERTEL, Mr. RANGEL, Mr. THOMAS A. LUKEN, Mr. GORDON, Mr. LIPINSKI, Mr. WHEAT, Mr. GILMAN, Mr.

PALLONE, Mr. CLINGER, Mr. FOGLIETTA, Mr. SCHEUER, Mr. VALENTINE, Mr. DORNAN of California, Mr. MCMILLEN of Maryland, Ms. PELOSI, Mr. SMITH of Florida, Mr. KOLTER, Mr. JONES of Georgia, Mr. HUGHES, Mr. WALSH, Mr. NEAL of North Carolina, Mr. EMERSON, Mr. HOYER, Mr. LAUGHLIN, Mr. ROE, Ms. LONG, Mr. HYDE, Mr. FAZIO, Mr. RAY, Mr. EVANS, and Mr. MINETA.

H.R. 3980: Mr. LANCASTER and Mr. RAVENEL.

H.R. 3992: Mr. EVANS, Mr. JONTZ, Ms. LONG, Mr. BONIOR, Mrs. SCHROEDER, and Mrs. COLLINS.

H.R. 3998: Mr. PAXON, Mr. SCHEUER, Mr. MARTIN of New York, Mr. HORTON, Mr. MCHUGH, Mr. MCNULTY, Mr. MRAZEK, Mr. WALSH, Mr. GREEN, Mr. TOWNS, and Mrs. LOWEY of New York.

H.R. 4004: Mr. TOWNS and Mr. MURPHY.

H.R. 4025: Mr. SMITH of Florida, and Mr. DWYER of New Jersey.

H.R. 4026: Mr. JOHNSON of South Dakota, Mr. PENNY, Mr. DERRICK, Mr. ESPY, Mr. ROE, Mr. SMITH of Vermont, and Ms. KAPTUR.

H.R. 4031: Mr. ASPIN.

H.R. 4032: Mr. ASPIN.

H.R. 4033: Mr. ASPIN.

H.R. 4042: Mr. GREEN.

H.R. 4064: Mr. HYDE.

H.R. 4065: Mr. WALGREN.

H.R. 4075: Mr. SMITH of Florida, Mr. DEFAZIO, Mr. COOPER, Mr. TRAFICANT, Mr. OWENS of Utah, Mr. AKAKA, Mr. ROYBAL, Mr. WOLPE, Mr. CAMPBELL of Colorado, Mr. MORRISON of Washington, and Mr. WHEAT.

H.R. 4083: Mr. VENTO.

H.R. 4098: Mrs. PATTERSON and Mr. THOMAS of Georgia.

H.R. 4106: Mr. BLILEY, Mr. HYDE, and Mr. CONDIT.

H.R. 4131: Mr. MCCLOSKEY.

H.R. 4132: Mr. MCCLOSKEY and Mr. GEJDENSON.

H.R. 4146: Mr. HILER, Mrs. JOHNSON of Connecticut, and Mr. CRANE.

H.R. 4157: Mr. SOLOMON, Mr. BEVILL, Mr. BARNARD, and Mr. FRANK.

H.R. 4177: Mr. FORD of Tennessee.

H.R. 4208: Mr. KASTENMEIER.

H.R. 4233: Mr. RAHALL.

H.J. Res. 15: Mr. HOLLOWAY.

H.J. Res. 156: Ms. KAPTUR.

H.J. Res. 364: Mr. MCDERMOTT, Mr. SANGMEISTER, Mr. CLINGER, Mr. SOLOMON, Mr. HILER, Mr. NELSON of Florida, Mr. SCHUETTE, Mr. BATES, Mr. CALLAHAN, Mr. CONYERS, Mr. FASCELL, Mr. SCHIFF, Mr. PANETTA, Mr. NEAL of North Carolina, Mr. ROBINSON, Mr. NIELSON of Utah, Mr. PAYNE of Virginia, Mr. LENT, Mr. HAYES of Louisiana, Mr. WOLPE, Mr. COYNE, Mrs. PATTERSON, Mrs. BYRON, Mr. HAWKINS, Mr. TRAFICANT, Mr. HUNTER, Mr. SHUMWAY, Mr. UDALL, Mr. SIKORSKI, Mr. VOLKMER, Mr. MARTINEZ, Mr. FRANK, Mr. MICHEL, Mrs. LOWEY of New York, and Mr. MORRISON of Connecticut.

H.J. Res. 406: Mr. PAYNE of New Jersey, Mr. HALL of Ohio, Mr. BARTLETT, Mr. DERRICK, Mr. FRENZEL, Mr. LEHMAN of California, Mr. STUDDS, Mr. HASTERT, Mr. GOODLING, Mr. VALENTINE, Ms. SNOWE, Ms. SLAUGHTER or New York, Mrs. MARTIN of Illinois, Mr. DELAY, and Mr. MCNULTY.

H.J. Res. 417: Mr. FRANK.

H.J. Res. 431: Mr. FISH, Mr. CONDIT, Mr. NEAL of North Carolina, Mr. JONES of Georgia, Mr. PAYNE of New Jersey, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, Mr. HOCHBRUECKNER, Mr. INHOFE, and Mr. GRANT.

H.J. Res. 441: Mr. BUNNING.

H.J. Res. 467: Mr. MADIGAN, Mr. PAYNE of Virginia, Mr. COUGHLIN, Mr. NELSON of Florida, Mr. MCGRATH, Mr. HAWKINS, Mr. BILBRAY, Mr. AUCOIN, Mr. HILER, Mr. TOWNS, Mr. ERDREICH, Mr. FRAZIO, Mr. BRUCE, Mr. FALEOMAVAEGA, Mrs. VUCANOVICH, Mr. SHUMWAY, Mr. BOEHLERT, Mrs. MEYERS of Kansas, and Mr. HAMILTON.

H.J. Res. 473: Mr. WYDEN, Mr. GILMAN, Mrs. BOXER, Mr. CRANE, Mr. LEWIS of California, Mr. JONES of North Carolina, Mr. MOODY, Mr. NIELSON of Utah, Mr. ASPIN, Mr. HAMILTON, Mr. ANDERSON, Mrs. KENNELLY, Mr. SKAGGS, Mr. LEHMAN of Florida, Mr. ROWLAND of Georgia, Mr. STARK, Mr. VISCLOSKY, Mr. RICHARDSON, Mr. DELAY, Mr. GREEN, Mr. BONIOR, Ms. KAPTUR, Mr. SAWYER, Mr. WHITTAKER, Mr. HARRIS, Mr. NOWAK, Mr. BERMAN, Mr. CLARKE, Mr. DURBIN, Mr. GAYDOS, Mr. GONZALEZ, Mr. LANTOS, Mr. LENT, Mr. MATSUI, Mr. SCHAEFER, Mr. RUSSO, Mr. SCHIFF, Mr. SCHUMER, Mr. WALGREN, Mr. WEBER, Mr. FASCELL, Mr. MADIGAN, Mr. HEFNER, Mr. INHOFE, Mr. ACKERMAN, Mr. CHAPMAN, Mr. FROST, Mrs. LOWEY of New York, Mr. DONALD E. LUKENS, Mr. MURPHY, Mr. TOWNS, Mr. SPENCE, Mr. COURTER, Mr. COUGHLIN, Mr. PRICE, Mr. HERTEL, Mr. SAVAGE, Mr. TAUZIN, Mr. TALLON, Mr. MILLER of California, Mr. WYLIE, Mr. GRANT, Mr. VENTO, Mr. MINETA, Mr. NAGLE, Mr. TANNER, Mr. JOHNSON of South Dakota, Mr. WISE, Mr. DAVIS, Mr. KASTENMEIER, Mr. SCHEUER, Mr. SMITH of Florida, Mr. WEISS, Mr. GEJDENSON, Mr. MCGRATH, Mr. FISH, Mr. LEVINE of California, Mr. BORSKI, Mr. SHAW, Mr. ORTIZ, Mr. LAFALCE, Mr. DE LA GARZA, Mr. WOLPE, Mr. YOUNG of Florida, Mr. VOLKMER, Mr. BOEHLERT, Mr. SPRATT, Mr. HALL of Ohio, Mr. SOLARZ, Mr. CLINGER, Mr. RAHALL, Mr. SKEEN, Mr. DIXON, Mr. PETRI, Mr. UDALL, Mr. MORRISON of Connecticut, Mr. SUNDQUIST, and Mr. TRAXLER.

H.J. Res. 482: Mr. RUSSO, Mr. ACKERMAN, Mr. WALGREN, Mr. MCDADE, Mr. PALLONE, Mr. ANNUNZIO, Mr. FUSTER, Mr. MOORHEAD, Mr. FAUNTROY, Mr. COYNE, Mr. POSHARD, Mr. VOLKMER, Mr. ROBINSON, Mr. THOMAS A. LUKEN, Mr. RINALDO, Mr. SISISKY, Mr. SMITH of Florida, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. SOLARZ, Mr. WALSH, Mr. YATRON, Ms. PELOSI, Mr. HILER, Mr. HUGHES, Mr. MCNULTY, Mr. RANGEL, Mrs. BENTLEY, Mr. BUSTAMANTE, Mr. CARPER, Mr. EVANS, Mr. KENNEDY, Mr. LENT, Mr. MARKEY, Mr. MOAKLEY, Mr. MURPHY, Mr. OWENS of New York, Mr. MACHTLEY, Mr. WELDON, Mrs. LOWEY of New York, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. MCHUGH, Ms. SLAUGHTER of New York, Mr. TOWNS, Mr. LEVIN of Michigan, Mr. SCHUMER, Mr. ROE, Mr. TORRICELLI, Mr. DWYER of New Jersey, Mr. KOSTMAYER, Mr. ROWLAND of Connecticut, Mrs. MARTIN of Illinois, Mr. SAWYER, Mr. BONIOR, Mr. FROST, Mr. GORDON, Mr. LEHMAN of California, Mr. HYDE, Mr. LANTOS, Mr. FLIPPO, Mr. BRENNAN, Mr. KOLTER, Mr. ANDERSON, Mr. FAZIO, Mr. CRANE, Mr. MCEWEN, Mrs. BOXER, Mr. VENTO, Mr. SLATTERY, Mr. WOLF, Mr. CLEMENT, Mr. FASCELL, Mr. MADIGAN, Mr. MAVROULES, Mr. DOWNEY, Mrs. KENNELLY, Mr. SKEEN, Mr. FEIGHAN, and Mr. SOLOMON.

H.J. Res. 495: Mr. BLILEY, Mr. FAZIO, Mr. DWYER of New Jersey, and Mr. AKAKA.

H.J. Res. 500: Mr. SOLARZ, Mr. COLEMAN of Texas, Mr. SPRATT, Mr. MANTON, Mr. DICKS, Mr. FAZIO, Mr. BENNETT, Mr. CLEMENT, Ms. KAPTUR, Mr. CARPER, Mr. KOLTER, Mr. GUARINI, Mr. CONYERS, Mr. GALLO, Mrs. MORELLA, Mr. HENRY, Mr. SHAYS, Mr. COUGHLIN, Mr. GEKAS, Mr. LAGOMARSINO, Mr. ROWLAND of Connecticut, Mr. GINGRICH, Mr. LEWIS of California, Mr. HUNTER, Mr. MCCOLLUM, Mr. IRELAND, Mr. MCEWEN, Mrs. JOHNSON of Connecticut, Mr. ARCHER, Mr. COURTER, Mr. QUILLEN, Mr. LEWIS of Florida, Mr. HAYES of Illinois, Mr. REGULA, Mr. CONTE, Mr. FRENZEL, Mr. LIVINGSTON, Mr. PORTER, Mr. MADIGAN, and Mr. BLILEY.

H. Con. Res. 62: Mr. CHANDLER, Mr. CLAY, Mr. SOLOMON, and Mr. BRENNAN.

H. Con. Res. 98: Mr. MCDADE, Mr. UDALL, Mr. LAGOMARSINO, Mr. PORTER, Mr. VANDER JAGT, Mrs. SAIKI, Mr. DANNEMEYER, Mr. MILLER of Washington, Mr. NELSON of Florida, Mr. BURTON of Indiana, Mr. GUNDERSON, Mr. HARRIS, Mr. FROST, and Mr. JENKINS.

H. Con. Res. 123: Mr. PAXON.

H. Con. Res. 149: Mr. MCCLOSKEY.

H. Con. Res. 246: Mr. FAWELL, Mr. ESPY, Mrs. UNSOELD, Mr. HUGHES, Mr. WHITTAKER, Mr. RAHALL, Mr. SCHAEFER, Mr. HEFNER, Mr. CARPER, Mr. SIKORSKI, Mr. PALLONE, Mr. MACHTLEY, Mr. LIGHTFOOT, Mr. BOUCHER, Mrs. JOHNSON of Connecticut, Mr. NEAL of North Carolina, Mr. SOLARZ, Mr. KASTENMEIER, Mr. MOAKLEY, Mr. OWENS of New York, Mr. HORTON, Mr. JONES of Georgia, Mr. HARRIS, Mr. BAKER, Mr. PASHAYAN, Mr. DEFAZIO, and Mr. WILLIAMS.

H. Con. Res. 249: Mr. MCNULTY, Mr. FALEOMAVAEGA, Mr. ROE, Mr. KENNEDY, Mr. MARTINEZ, Mr. CONYERS, Mr. GILMAN, Mr. STOKES, Mr. MCCLOSKEY, Mr. MADIGAN, and Mr. WISE.

H. Con. Res. 261: Mr. KOLBE.

H. Con. Res. 264: Mr. ATKINS, Mr. CAMPBELL of Colorado, Mr. FAZIO, Mr. HEFLEY, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LENT, Mrs. LOWEY of New York, Mr. OWENS of New York, Mr. SOLARZ, Mr. STOKES, Mr. WEISS, and Mr. WOLPE.

H. Con. Res. 265: Mr. LIPINSKI and Mr. UPTON.

H. Con. Res. 281: Mr. BENNETT, Mr. DWYER of New Jersey, Mr. MCGRATH, Mr. ROSTENKOWSKI, and Mr. WEISS.

H. Res. 159: Ms. SLAUGHTER of New York, Mr. HAYES of Illinois, Mr. ANDERSON, Mr. FRENZEL, Mr. LEHMAN of Florida, Mrs. BENTLEY Mr. MINETA, Mr. WOLPE, Mr. RANGEL, Mr. LEVIN of Michigan, Mr. MAVROULES, Mr. KOLTER, Mr. SKEEN, Mr. WEBER, Mr. NIELSON of Utah, and Mr. KENNEDY.

H. Res. 354: Mr. BEREUTER, Mr. KOSTMAYER, and Mr. GREEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2584: Mr. BALLENGER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. DE LA GARZA:

—(1) On page 11, line 10 strike "on the first day of the fiscal year immediately following the enactment of this Act" and insert "October 1, 1991".

—(2) On page 15—

(A) line 11, insert "(A) REQUIREMENTS.—" before "The term";

(B) strike line 12 through line 14 and insert the following: "means, with respect to a fiscal year, a State with respect to which

all of the following apply not later than the first day of the fiscal year:"

(C) line 15, strike "(A)" and insert "(i)";

(D) line 20, strike "(B)" and insert "(ii)";

(E) line 23, strike "(i)" and insert "(I)"; and

(F) line 24, strike "subparagraph (A)" and insert "clause (i)".

—(3) On page 16—

(A) line 1, strike "(ii)" and insert "(II)";

(B) line 7, strike "(C)" and insert "(iii)";

(C) line 11, strike "subparagraph (A)" and insert "clause (i)"; and

(D) after line 12, insert the following:

"(B) GOOD FAITH EXCEPTION.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.".

—(4) On page 18—

(A) line 19, strike "and"; and

(B) line 25, strike the period and insert ";" and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).".

—(5) On page 32, after line 24, insert the following:

"(4) FAILURE TO APPOINT PANEL MEMBERS.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).".

—(1) On page 17, line 20 strike "great weight" and insert "consideration".

—(2) On page 18, lines 4 and 5, strike "not assisting any project ranked higher in priority by the panel" and insert "that determination".

—Page 64, strike line 8 and 11 and all that follows through line 17 and insert the following:

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services has approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and".

—Page 64, line 18, strike "(3)" and insert "(4)".

—Page 67, line 18, strike "is made" and insert "application if submitted".

—Page 81, line 19, insert the following:

(2) in paragraph (3), by striking "paragraph (1) and (2)" and inserting "paragraphs (2) and (3)";

—Page 81, line 18, strike "(2)" and insert "(3)".

—Page 81, line 22, strike "(3)" and insert "(4)".

—Page 82, line 17, strike "and".

—Page 82, after line 17, insert the following:

(vi) in paragraph (d), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

—Page 82, line 18, strike "(vi)" and insert "(vii)".

—Page 83, strike lines 9, 10, 11, 12 and 13 and insert the following:

"(f) SECTION 343(a) AMENDMENTS.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—."

—Page 83, line 19, strike "(h)" and insert "(g)".

—Page 83, line 22, strike "(c)" and insert "(C)".

—Page 84, line 16, strike "(i)" and insert "(h)".

By Mr. GINGRICH:

—Page 81, redesignate section 807 as section 808 and insert after line 6 the following:

SEC. 807. INDUSTRIAL HOMEWORK.

Effective on or after the date of the enactment of this Act, industrial homework in the women's apparel industry may be performed without regard to the requirements of the regulations of the Secretary of Labor issued under section 11(d) of the Fair Labor Standards Act of 1938 (29 C.F.R. 530 et seq.).

—At the end of the amendment, add the following:

CHAPTER 4—ALTERNATIVE TEACHER AND PRINCIPAL CERTIFICATION

SEC. 1061. ALTERNATIVE TEACHER AND PRINCIPAL CERTIFICATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1991. Amounts appropriated pursuant to this section shall remain available until expended.

(b) USE OF FUNDS.—From the amounts appropriated to carry out this section, the Administrator is authorized to enter into grants with States to assist in supporting programs, projects, or activities that develop and implement new, or expand and improve existing, alternative teacher and principal certification requirements for teachers, including part time teachers, and principals located in rural areas in the State.

(c) STATE APPLICATIONS.—Any State desiring to receive a grant under this section shall submit an application at such time, in such manner, and containing such information, as the Administrator may reasonably require.

(d) Effective October 1, 1992, this section is repealed.

By Mr. GRANDY:

—At the end of title VIII, on page 84, after line 18, insert the following new section:

SEC. 808. NONPROFIT NATIONAL RURAL DEVELOPMENT AND FINANCE CORPORATIONS.

Section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note) is amended as follows—

(1) in subsection (a)(1), by inserting "or directly to an affiliated statewide rural development and finance program" after "programs";

(2) by adding at the end of subsection (a) the following new paragraphs:

"(6) Notwithstanding any other provision of law, lenders that have provided loans that are guaranteed under this subsection shall have limited reporting responsibilities, as determined by the Secretary, concerning such loans, and the National Rural Development and Finance Corporation or its State affiliate shall be primarily responsible for the issuance of final reports concerning such loans.

"(7) Notwithstanding any other provision of law, loan guarantees provided under this subsection shall be for a period not to exceed 15 years."; and

(3) in subsection (b)(1)—

(A) by striking "from funds transferred under paragraph (2)";

(B) by inserting "or expanding" after "establishing"; and

(C) by adding the following new sentence at the end thereof: "Such grants may also be made directly to affiliated Statewide programs if the corporation certifies to the Secretary that they are able to establish effective, ongoing State programs on rural development and revolving finance."; and

(4) by adding at the end thereof the following new subsection:

"(c) Nonprofit national rural development and finance corporations and affiliated Statewide programs that receive grants under subsections (a) or (b) may use an amount, not to exceed 10 percent of the amount of such grants over a 2-year period, for program operation and administration costs."

By Mr. ROSE:

—(1) On page 19, line 10, strike "LIMITED TRANSFER AUTHORITY.—(A)".

—(2) On page 19, strike line 18 and all that follows through page 21, line 6.

—(3) On page 21, line 7, strike "(3)" and insert "(2)".

—(4) On page 34, strike line 18 and all that follows through page 38, line 7.

—(5) On page 45, after line 9, insert the following:

SEC. 308. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act".

—(1) On page 19, line 10, strike "LIMITED TRANSFER AUTHORITY.—(A)".

—(2) On page 19, strike line 18 and all that follows through page 21, line 6.

—(3) On page 21, line 7, strike "(3)" and insert "(2)".

—(4) On page 34, strike line 18 and all that follows through page 38, line 7.

—(5) On page 45, insert after line 9 the following:

SEC. 308. INCREASED AUTHORIZATION FOR RURAL DEVELOPMENT PROGRAMS.

There is authorized to be appropriated, in addition to amounts appropriated under any other provision of law, $34,500,000 to be used for programs carried out under section 306(a) or subsections (a) through (f) and (h) of section 310B of the Consolidated Farm and Rural Development Act or under section 1323 of the Food Security Act of 1985.

SEC. 309. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act".

By Mr. STAGGERS:

—Page 35, line 4, insert ", and business incubators," after "business".

—Page 38, after line 7, insert the following:

(h) DEFINITION.—As used in this section, the term "business incubator" means a facility or management system which functions as an umbrella organization to provide new small businesses with shared support serv-

ices, overhead expenses, and technical assistance.

By Mr. TALLON:

—Section 201 of H.R. 3581 adds a new section 361 to the Consolidated Farm and Rural Development Act. That section is amended by inserting at the end of section 361(c) (on page 32 of H.R. 3581 as reported by the House Agriculture Committee) the following:

(4) INVESTMENTS IN RURAL ECONOMIC DEVELOPMENT BY STATE GOVERNMENTS.—(A) Not later than fifteen days after the end of each fiscal year, the Governor shall submit a report to the Secretary including the amount of State funds expended to assist rural economic development projects that would qualify for assistance under designated rural development programs as defined by section 360(b)(2), including direct contributions of funds to be available for applications considered by the State Rural Economic Development Review Panel, and funds not available for consideration by such review panel.

(B) Notwithstanding any other provision, the State Rural Economic Development Review Panel for a State during a fiscal year shall not include the members listed in subsection (c)(1) (A) and (B) if—

(i) during such fiscal year, the State does not contribute an amount equal to or greater than 10 percent of the total federal funds available for the consideration of the State Rural Economic Development Review Panel and permit such funds to be available for the consideration of such panel in funding designated rural development programs; or

(ii) the total amount of expenditure by such State as specified in paragraph A shall be less during the preceding fiscal year than the lower of the amount of such expenditure during the second preceding fiscal year or the amount of such expenditure for the average of the second, third and fourth preceding fiscal years (except that such conditions shall not apply if the amount of such expenditure by such State for such fiscal year shall be equal to or greater than the amount of federal funds available for the consideration of such review panel).

(C) The Secretary may waive the requirements of paragraph (B) if, upon receiving a request for such waiver from the Governor, the Secretary finds that the expenditures required by such paragraph would create a hardship for such State.

—At the end of title VIII of the bill insert the following new section:

SEC. . EXTENSION OF QUALIFIED SMALL ISSUE BONDS.

1(a) EXTENSION.—Section 144(a)(12)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 144(a)(12)(B)) is amended by striking '1990' and inserting '1995'.

EXTENSIONS OF REMARKS

THE END OF THE FEAST

HON. BYRON L. DORGAN
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, David Halberstam has written an article in the Business Quarterly entitled, "The End of the Feast."

It is a masterful description of the financial excess of the 1980's and is an appropriate antidote to the "What, Me Worry?" Charlie Brown syndrome that has gripped so many here in Washington, DC. The article by Mr. Halberstam is printed below:

THE END OF THE FEAST

I have a friend who has done very well off the economy in the last 10 years. He is an arbitrageur with a nice touch, a good sense of humor, and an inherent belief that in the end, arbitrage, is just a game that by chance he plays well. He has consistently been a winner in the decade of the Great Casino, and if I were venturing estimates of his wealth, I would begin at around $400 million.

I have always thought, based on some of my friend's own description of his work habits, that essentially he has been a skilled and nimble predator working over the tired carcass of an ailing economy. "I got here at a moment when the place was filled with remarkable bargains," he once said. "It was luck." A healthier economy would have provided fewer easy targets and much slimmer pickings. The bargain hunting would never have taken place. In better days the ruling class of America's financial houses might not have tolerated a stock market designed more for the pleasure of arbitrageurs than for manufacturers.

A few weeks ago my friend and I had dinner, and he, to my surprise, seemed even more pessimistic about the American economy than I. He did not like any of the current trends; they seemed, more than ever, aimed at short-range exploitation of companies' assets. In recent years it had simply been the arbitrageurs and the bigger companies who had fed the takeovers. Now, he added, it was even worse. In the last year or so, the ailment had gotten into the management of the companies.

He cited the RJR Nabisco fiasco, where the greed of the management team had opened the door to a hostile takeover. The fever is in the bloodstream of management now, he said; management wants in on a good thing. In his phrase, the greed today was like a genie that had escaped from the bottle; there was now an institutionalized vested interest in the country in continuing the way we are going, destructive or not. He said this entirely without irony, and perhaps there is no irony to it; it was inevitable, I suppose, that managers with limited loyalty to their product and to their employees, and with greater loyalty to themselves than to their stockholders, had looked around, had seen what was happening, and had gotten in line for their share.

Others of my fellow Americans are also getting rich, yet I remain pessimistic about the economy and its future. I should be more specific: not the economy as a near-term game that one can play and manipulate—I suspect it remains a wonderful free-fire zone—but the economy as part of the long-range social contract of the nation; as a next-century successor to the dynamic economy I knew growing up, and which, when I was a young man, generated a kind of broadly based wealth never seen before in the world.

I realize that the past decade is one in which a great many people have made astonishing amounts of money (I suspect more wealth has been taken out of the economy in a shorter time in stock deals and put aside for personal use by men who are essentially speculators, not investors, than at any other moment in history).

But when I hear the official optimism about the economy, I feel oddily as I did some 27 years ago when I was a young reporter in Saigon, being bombarded every day by the American military headquarters with statistics proving that we were winning the war. Everything I knew and sensed told me that we were losing it, indeed were barely fighting it; everyone whom I personally respected told me, when we were talking off the record, that the war was a disaster. I have the same sense today about the economy.

Certainly a great many people are making excessive amounts of money off the economy, amounts that dazzle the mind. But underneath the surface, almost everything I sense is negative. Many of those who benefit from this unparalleled windfall talk privately of the darkness just around the corner, of the vulnerability of a nation that has made itself so dependent upon the support of foreign investment. Sometimes they are extremely critical of the very things that enrich them. While true productivity and performance lag even more behind, there is more pressure than ever on companies for paper performance.

That means that the premium action still lies from power and the price of oil nearly quadrupled. By the end of the war we were the new superpower, fueled by cheap oil, protected by two oceans in an age when weaponry could not cross an ocean. We ended the war far more powerful, far richer, and far more confident than when we began it.

The rest of the world was in ashes. Our allies and adversaries alike had been ravaged in some way or another by the war. Britain emerged a victor but still bore the burden of its losses in World War I upon those it suffered in World War II, and it was about to shed its colonies. France was a victor, albeit a humiliated one; it too was about to lose its colonies. Germany was a loser, devastated and divided, with millions dead. The Soviet Union was a ravaged victor, losing five times as many people as Germany, and burdened by an economic system that demonstrably did not work. For Japan the defeat in the war was as much a psychic loss, a loss of faith, as it was one of men and materiel.

We were more confident than ever, more economically (and educationally) democratic than ever, thanks to the war, the New Deal, and the GI Bill. Our richness was so great, a richness caused by historical forces largely outside our doing, that it was like a giant tide lifting everyone in our society. Everyone was both worker and consumer, living in a society where, with the powerful new commercial television networks, there was the most ferocious pressure to consume ever known to man. Perhaps the most miraculous thing of all came in the mid-1950s: we were a nation so rich that even our children became a formidable part of the consuming economy. By the end of the '50s we had not one or two cars in our suburban garages, but often three.

There were two things that came out of that great moment: first, an abiding belief that whatever it was that was going to be manufactured, America would set the standard and would do it first and do it best; and second, because the period last so long, a belief that our hegemony would go on forever—a belief that God takes care of America. We as a nation did not see that remarkable period as the result of a confluence of historical forces far outside our own control; we saw it as our due, something we had earned by dint of being Americans. As such, we thought that which was a historical fluke—America's great affluence and unmatched economic growth after the war—should be a permanent condition.

That explains a good deal about our current inability to adjust to changing circumstances in a changing world. Forty years of immunity to all the normal crises and vulnerabilities creates a kind of arrogance of entitlement. The pre-World War II wariness of our grandparents and parents, raised as they were in harder times and touched by the Depression, have lapsed from family memory. Our parents hated to owe anything; our children get credit cards in their teens. Now, facing an uncertain future, we intend to live as we always have; it is nothing less than our due. Ours has become an economy governed not so much by need as by expectation.

We took that period of remarkable affluence for granted. Because of our wealth, we became a nation that felt it never had to make choices or sacrifices. Most notably, when Lyndon Johnson gave us both the Vietnam War and the Great Society during the '60s, we were confident that we could pay for both.

Since the end of World War II, we have been like a nation racing through our inheritance. What is troubling is not so much that we went through it so quickly, but that we cannot discipline ourselves now that it is over. Our economy today—with the leveraging of money and unfriendly mergers—is based not on productivity, but on exploiting a moment when the society is declining, or at the very best, stagnant.

What is even more chilling about our condition is our political paralysis in the face of these changed circumstances. There were signs 20 years ago that we were facing fierce competition in a number of critical areas—most prominently from Japan, with its

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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system of state-guided communal capitalism. Japan had pulled ahead of us in the shipbuilding and steel industries by the late '60s. During the '70s, American consumers increasingly bought the high-quality cameras, cars, and television sets that Japan was sending over. All those warning signals were going off, but few paid attention to them.

Now in the '90s, we remain politically and socially paralyzed by events around us. We live in a world where those who are our competitors are now more disciplined than we and perceivce us as a nation of people spoiled by its good fortune. We consume more than ever, and because we increasingly prefer foreign products, we consume foreign goods and thereby export our dollars. We have gone in a stunningly short time from creditor nation to debtor nation. The Reagan years, in keeping with an age given more to successes in marketing than in production, were more about the triumph of image than they were about the triumph of substance. The most interesting thing about the Reagan years is that Reagan turned out to be such a poor conservative. By that I mean conservative in the classic derivation of the word *conserve*.

His policies, such as they were, fueled an almost reckless spree of indulgence. If there was an essential message to his presidency, it was that nothing was really wrong with America; all we had to do was feel better about our country (and about him as president of it) and about being Americans. Millions did; they felt better about him and their country, and he left office more popular than when he arrived in it, and the trade deficit grew, and the national debt grew.

IGNORING THE WARNING SIGNS

In the most basic way, our political system failed to keep up with the changed circumstances of our economic realities. That which we should have been reevaluating underwent no scrutiny. We lived by televised platitudes. There was no attempt to measure ourselves against our competitors to define our strengths and vulnerabilities. It is true that a great many people who call themselves conservative in America applauded Reagan's election, and in many cases benefited significantly from changed tax laws, and indeed would quite gratefully have voted for him again.

Reagan seemed to have little sense of the historic forces that were at work and that had catapulted him into the presidency. He cut sharply federal aid to our best science graduate students. He had little interest in pinpointing those forces that were undermining the strength of the American economy or in recognizing new challenges. In Clyde Prestowitz's book *Trading Places*, there is a particularly chilling story of the Reagan years. in fall 1985, some of the senior people in the Commerce Department were trying to get the president to aid the American semiconductor industry, then hearing the brunt of a fierce, and to some unfair, Japanese trade assault. That is, the American manufacturers were competing with Japanese manufacturers whose domestic market was protected from us, but they were treating the U.S. market as a free-trade zone. This gave the Japanese a protected base where they could lower costs.

To many in the Commerce Department, the situation was symbolic of that aspect of Japanese trade policy that is so unfair, and it was taking place against one of the best, most modern, and least inflated of American industries, one critical to American national security. Neither anyone in the president's inner circle nor the president himself seemed very concerned about the quantum difference between free trade as defined by most Western nations and free trade as defined by the Japanese. "If our guys can't hack it," Prestowitz quotes a high-level Reagan adviser as saying, meaning the inability of the American chip manufacturers to compete, "we ought to let them go." (That is, die.)

Those years are now gone: at a time when the nation needed to make choices and to make sacrifices, it made neither. It was, as Senator Pat Moynihan has said of the '80s, a moment when we borrowed a trillion dollars from the Japanese and gave a very good party for ourselves. Not surprisingly, a decade later the Japanese remain the symbol of our frustration. They irritate us, but we are dependent upon them to buy our Treasury bills and to keep us from hitting the wall. Their protectionism infuriates us, but the more we make our economy dependent upon theirs and upon their liquidity, the less forceful both politically and morally we are in getting them to open up their markets and end those practices that are most demonstrably unfair. There is a lesson here: we cannot discipline others if we cannot discipline ourselves.

What is astonishing is how little debate there is on so crucial a subject. It is here that we seem so numbed. Three presidential elections have come and gone, and none of this has really been an issue. It is as if the idea that the easy times are over is so alien and threatening that to raise it in an election is to seem anti-American and to guarantee a loss of votes. Our last election, at a time when economic issues should have been at the forefront of our national debate, was a farce; that which should have been a major issue—the crisis in our economy—was barely mentioned. During the prolonged 1988 primary battles and general election, it struck me that the election would have been better focused if one of the endless debates had been held in Tokyo or Seoul.

Regrettably we are now part of a world economy where our competitors bring a long-range view of what success and failure represent. The ascent of the new Confucian nations of Asia, Japan, and the little Japans is the most obvious reflection of the new international economy; but Western Europe too is preparing for greater economic unity and anticipating genuine growth created by genuine energy. My instincts tell me that if the changes in the Soviet Union continue, and if there is the continuation of increased political freedom with attendant economic freedom, then the prime beneficiary will be the West Germans, and West Germany might become the Japan of the next decade. If the Russians retreat politically and economically and the vacuum they leave behind is filled, I suspect that it will be the West Germans who will fill it. They have been quietly, carefully, dutifully seeding the terrain for some 30 years, and they still have a primacy of making things in their companies, not marketing through television.

We by contrast will watch something happen that we always wanted to take place: the growing political and economic integration of Europe and the concurrent decline of Soviet political influence. And we may end up bit players instead of true participants.

WE NEED TO CLEAN OUR AIR

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ANDREWS. Mr. Speaker, in my home of Houston, there is a brown haze that often hangs over the city's skyline. We have an air pollution problem—one of the worst in the country.

In fact, Harris County rivals the infamous Los Angeles in smog pollution. Recent studies show that even New York has better air quality than we do.

These are hard facts. A recent Environmental Protection Agency study fund that between 1986 and 1988 Houston ranked sixth out of 101 cities in exceeding maximum ozone standard laws.

This creates many problems for our area. Ozone—the major component of smog—is harmful to human health. Respiratory diseases like emphysema, bronchitis, and lung cancer are on the rise, and the chronic effects of repeated exposure inceases the susceptibility of respiratory infection and can cause respiratory ailments in young children.

Such health problems are very expensive. A recent study from the American Lung Association says that auto pollution is responsible for between $40 and $50 billion in annual health-care costs.

Beyond the health risks, such pollution also threatens Houston's ability to attract new industry. Companies looking to relocate will think twice about moving to an area which has brown air 6 months out of the year.

Solving this problem means looking at the source. Studies show that more than 50 percent of our urban smog comes from vehicle emissions—from our cars, buses, and trucks. Since we are not about to stop driving—in fact, our driving miles are expected to double in the 1990's—we need to reduce the pollution our cars are producing.

One way is to tighten Federal emission standards for cars already on the road. To a large extent, we've already done that. In addition, our refining industry is working to develop cleaner burning gasoline called reformulated gasoline.

But to really make a dent in our air pollution problem, we must take an even bigger step. That means using the technology we have today to run our vehicles on significantly cleaner alternative fuels.

We're not talking about bizarre-looking autos from some low-budget science fiction movie. Technology for alternative fuels has jumped far ahead in the past decade. Today, alternative fuel vehicles are indistinguishable from their gas-powered counterparts and may require even less maintenance. I believe our energy future will have a more complicated infrastructure. Vehicles powered by different fuels will share the same roadway. Natural gas, electricity, ethanol and other sources will play a role.

In fact, the only significant distinction between the alternative and conventional fueled vehicles is that alternative fuel cars don't pol-

lute as much as their gas-powered predecessors.

For example, the Department of Energy says natural gas vehicles produce 50 percent less carbon monoxide and similar nitrous oxides emission than gasoline.

And last June, the Library of Congress released a study showing that natural gas reduced carbon dioxide emissions 30 percent over gasoline. The EPA even estimates that running a vehicle on natural gas reduces ozone-causing emissions by 50 to 80 percent.

Think what those reductions would mean to the air quality in Harris County and other metro areas around the country.

But the benefits don't stop there. We would greatly enhance U.S. energy security through the use of domestic alternative fuels. My home State of Texas is a major producer of natural gas. Texas' reserves—along with those in the rest of the country—comprise a significant domestic supply of this abundant fuel. Tightening emission standards to the levels attainable by natural gas would give our State's economy a much-needed boost. In fact, some estimates say increased demand and production of natural gas could easily bring between 10,000 to 20,000 jobs within a few years.

Not only that, but nearly half of the oil burned in this country comes from overseas. Increased use of a domestic fuel like natural gas will certainly break this dependence on foreign oil producers and go a long way to assuring U.S. energy independence and security.

As these points illusrate, we definitely need a plan that emphasizes alternative fuels while taking steps to clean up our air. The best opportunity to do so is the Clean Air bill now before Congress.

While the Clean Air proposal the President presented is essentially good legislation, it needs a stronger commitment to alternative fuels like natural gas. More importantly, it needs to resist the attempts of some who want to drop auto emission standards so low that air quality in areas like Harris County would continue to grow worse.

As we in Congress work on this bill, we should not lose sight of what we are trying to achieve—cleaner air for America, in both the short and long term.

With that in mind, there is another essential piece of the Clean Air puzzle that needs to be addressed. Economic incentives are imperative to getting a widespread alternative fuels program off the ground.

As a member of the House Ways and Means Committee, which is in charge of all revenue proposals, I have introduced a bill providing tax incentives to those who convert to alternative fuels.

My Alternative Fuels Incentive Act would provide a 20-percent tax credit for equipment to convert a vehicle to run on a clean-burning fuel, a 20-percent credit for alternative fuel refueling station equipment, and a 20-percent credit for the fuel system of a new alternative fuel vehicle.

Not only would this provide a badly needed alternative fuel infrastructure in this country, but it would encourage fleet truck owners and mass transit systems to convert to clean-burning fuels. This is a key area. Houston, for example, has the largest private van-pooling system in the country. Converting much of this fleet to clean-burning fuels would greatly reduce our air pollution problems.

To be honest, I'm tired of driving along my city's freeways and seeing the thick brown haze that is damaging our health and the health of our economy. It is especially frustrating to know that we have the technology to make ourselves energy independent, create thousands of new jobs, and give us the clean air we desperately need.

After all, the air we are breathing is the only air we've got.

INTRODUCTION OF HOUSE RURAL HEALTH CARE IMPROVEMENTS ACT

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CRAIG. Mr. Speaker, rural health care is facing a financial crisis.

In Idaho, three hospitals have already been forced out of business, and others are struggling to survive due to inequitable reimbursement rates from Medicare. That number may not sound so terrible until you consider how many lives are affected by those hospitals, and the great distances that must be traveled to obtain health care without them. Many of these small hospitals are located in remote areas, hundreds of miles from other health care facilities.

Because of inequitable reimbursement rates to rural areas, there are shortages in physicians and other health care providers. The health care professionals working in rural areas now work long, hard hours in order to make up for staff shortages. These people are dedicated to their work and the rural communities they serve, but relief is desperately needed. If rural hospitals are going to be able to continue to compete in the same labor pool as their urban counterparts, for the limited number of health care providers, then we must even out the inequities in this system that favors urban areas.

Mr. Speaker, Idaho is not alone; these problems have had an impact on other States as well. Rural hospitals across the United States are struggling to survive. Many of these hospitals and their communities are facing the prospect of closure, holding on to the hope that Congress or the administration will hear their voices and somehow correct the Health Care Financing Administration's Medicare inequities.

Mr. Speaker, I want to make their voices heard.

Last summer, President Bush sent Secretary of Health and Human Services Louis Sullivan to my Rural Health Care Conference in Idaho. The Secretary agreed there is a rural health care crisis, and I know he is willing to assist us.

I am happy to join my colleague, Congressman WYDEN, in introducing the Rural Health Care Improvements Act, companion legislation to S. 2214, introduced in the Senate by Senator PACKWOOD of Oregon. This legislation contains a variety of provisions, some of which are already under consideration in the House of Representatives, that will offer a comprehensive solution to the many problems rural health care providers are facing. I want to impress upon my colleagues that this legislation is not an idealistic, or whimsical attempt to solve this serious problem. It is a carefully thought out and realistic piece of legislation that is targeted to resolve specific problems that have contributed to the rural health care crisis.

Mr. Speaker, and my colleagues, rural hospitals and health care providers are more than just health centers—they are an important thread in the fabric of rural society. America's rural hospitals and the dedicated workers in the health care profession are facing an economic crisis—one that threatens not only their existence, but also the existence of the communities they serve. I hope you will all join Congressman WYDEN and myself in supporting the Rural Health Care Improvements Act.

TRIBUTE TO MICHAEL HICKS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DELAY. Mr. Speaker, I would like to join with Mr. Michael Hicks' colleagues in congratulating him on his 20th anniversary at Strake Jesuit College Preparatory in Houston.

More than ever, Americans are turning to our educational system to enhance our domestic prosperity and our international competitiveness. If we are to succeed in this task, we will require many individuals with the same selfless sense of dedication which Mr. Hicks has demonstrated to his students for the past 20 years.

Mr. Hicks' program has graduated many students that have gone on to such fields as: education, foreign services, law, medicine, policy research, engineering, business, and others. Their success in such diverse fields is certainly related to the fundamental skills of public speaking, logic, analysis, and organization which he has taught them. Through his coaching and the fire of competition, they have emerged as the leaders of tomorrow.

Once again, I would like to offer my congratulations to Mr. Michael Hicks and best wishes for his continued success in the years to come.

INTRODUCTION OF THE RURAL HEALTH IMPROVEMENT ACT OF 1990

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. WYDEN. Mr. Speaker, today my colleague Congressman LARRY CRAIG and I are introducing comprehensive legislation to salvage the health care system in our rural communities. This legislation is a companion measure to legislation introduced in the Senate by Senator BOB PACKWOOD.

As many of my colleagues know, rural communities are losing desperately needed hospitals and providers every day. In my own State of Oregon, over half of the hospitals are in rural areas. Two Oregon hospitals were forced to close last year. One Oregon hospital is teetering on the edge of closure right now. Countless physicians, nurses, and physician assistants have filed the countryside, leaving many rural areas severely drained of qualified health professionals. The problem has reached crisis proportions.

Nationally, over 60 percent of rural hospitals lose money every time a Medicare beneficiary walks through the door, compared to only 46 percent of urban hospitals. One of the biggest reasons for this difference in hospital closures is that rural hospitals today receive an average of 8 percent less than urban hospitals from Medicare. That's just unfair.

This "urban/rural differential" was conceived in 1983, when it was widely believed that rural hospitals had lower costs to meet than urban hospitals. Today, we know that this theory is not valid.

Labor shortages for medical professionals has hit urban as well as rural facilities. And often the rural facility must offer higher wages to lure quality health care professionals away from the prestige and glamour of a big city.

The costs of goods and supplies in rural areas are the same as those in urban areas. Medical supply companies charge rural hospitals the same amount of money for their goods and services as urban hospitals. In fact, because of their small size, most rural hospitals are unable to achieve economies of scale or get bulk discounts which suppliers sometimes offer to high volume urban or suburban facilities.

In reality, the cost of providing health care in Burns, OR, is not much different from the cost in Portland. The unchecked migration of qualified providers away from rural communities and the startling number of hospital closures in rural areas demands congressional action. That is why I am introducing the Rural Health Improvement Act.

Our bill will do the following:

First, speed-up elimination of urban-rural Differential. The legislation would eliminate the urban-rural Medicare hospital payment differential by January 1, 1991 rather than 1995—as called for in the 1989 budget reconciliation bill;

Second, speed-up implementation of RBRVS. The legislation would fully implement the resource-based relative value scale contained in the 1989 budget reconciliation bill by January 1, 1992 instead of 1995;

Third, extend Medicare reimbursement to nurse practitioners who work in rural areas when their services would otherwise be provided by a physician;

Fourth, establish a national payment rate for certified registered nurse anesthetists, which are often the only anesthesia providers in rural communities;

Fifth, increase funding for the National Health Service Corps Loan Repayment Program;

Sixth, increase funding for area health education centers [AHEC's]. AHEC's provide continuing education and clinical instruction for physicians, nurse practitioners, and other health care professionals who practice in or near underserved areas;

Seventh, target public health service funds to county health departments to offer preventive health services;

Eighth, provide tax incentives to physicians, nurse practitioners, and physician assistants for the first 5 years of rural practice. This will provide young graduates with a strong incentive to locate in underserved rural areas;

Ninth, permit primary care physicians to expense up to $25,000 per year for the purchase of basic equipment used for primary services;

Tenth, permit groups of rural hospitals to engage in joint purchasing and contracting for personnel or services; and

Eleventh, require the Secretary of Health and Human Services to review and make recommendations regarding elimination of burdensome and unnecessary Medicare regulations affecting rural hospitals.

I urge my colleagues to express their support for the importance of retaining quality health care in our rural communities by cosponsoring this important legislation.

TRIBUTE TO DOROTHY M. McLAUGHLIN AND JUDGE MARTIN P. JOYCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mrs. Dorothy M. McLaughlin and Judge Martin P. Joyce, who are from my 17th Congressional District, of Ohio. Mrs. McLaughlin is being honored as "Irishwoman of the Year" and Judge Joyce is being honored as "Irishman of the Year" by the Joseph T. Nalley, Sr., Division 6 of the Ancient Order of Hiberians at its annual St. Patrick's Day Luncheon.

Mrs. McLaughlin is retired from both the Mahoning County Sheriff's Office as well as the Ohio Police Reserves of Struthers. She attended Youngstown State University, Kent State University, and Lake Community College. Mrs. McLaughlin has been involved with various organizations in her community, including the Democratic Woman's Club which honored her in 1978 as "Woman of the Year" of the South Democratic Club of Mahoning County. She has also been involved with the Veterans of Foreign Wars and in 1988 was Veteran of Foreign Wars "Miss Loyalty Day." Dorothy McLaughlin and her husband Robert McLaughlin have 4 sons and 11 grandchildren.

Judge Joyce has been on the bench since 1959 when he became municipal court judge. In 1969 he was elected to the Juvenile Division of the Mahoning County Common Pleas Court, a position he held until his retirement last year. Judge Joyce attended Sacred Heart and East High Schools. A veteran, he served in the South Pacific during World War II. After his honorable discharge he attended Ohio University then earned a juris doctorate from Ohio State University Law School. Judge Joyce played a key role in the construction of the juvenile justice center which opened in 1979 and which now bears his name. He has played an instrumental role in the antidrug campaign in our community. Judge Joyce and his wife Elizabeth will be making their fourth trip to Ireland this year.

Mr. Speaker, I would like to take this opportunity to pay tribue to Mrs. Dorothy McLaughlin, who is being honored as "Irishwoman of the Year" and Judge Martin Joyce, who is being honored as "Irishman of the Year." Both have a long and distinguished history of service to our community. They are both dedicated individuals who have greatly enhanced our community. I am honored to represent these two outstanding individuals.

A VERMONTER'S REFLECTIONS ON THE VIETNAM WAR MEMORIAL

HON. PETER SMITH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. SMITH of Vermont. Mr. Speaker, a Vermont constituent of mine, Ronald G. Latour, Sr., served as a medic in Vietnam between 1967 and 1970. He recently visited the Vietnam War Memorial in Washington and sent me the following reflection. The piece is tremendously moving, and I offer it here so that all my colleagues may read it:

THE WALL

Names, names, names! Why are there so many names here?

Some are short and some are long. Some easy to pronounce and some harder. There are so many panels that one does not know where to start. I suppose you could ask one of the guides that are around the area.

The panels are numbered by year, the first in 1962 and the last in 1976. There are all kinds of names—Spanish, Irish, French, German, English. I know there are all kinds of races and religions represented here. Some were highly educated, however, most were not. Some had families and others did not. Most were young, not even in their prime of life yet. Some were middle aged and a few older. So you see that in their predicament death knew no age, nationality, color, or religion. There were one, two, maybe three or four panels marking the years I spent there.

Flowers were planted in front of every panel. An occasional sporadic line of photographs. In a few cases, decorations. I could not help but wonder who they belonged to. Did some parents or wives bring them along so their loved ones could have the decorations with them, or, was it some of the guys who made it home ok but were angry, disappointed, and confused about this whole thing of ours. I like to think of it as a quiet protest against all the wasted lives here.

I saw many, many people walking around. I had the impression that they were just curious as they didn't stop at any particular panel. I saw others with pencils or pens with paper covering a name and they were trying to get the name transcribe onto the paper from the panel. I gather they were either friends or relatives visiting their son, husband, daughter or brother, a loved one. There were many other guys there, some in wheelchairs or on crutches that would be a

part of them for the rest of their lives. Some that had a arm or leg missing. I really envied them because they had found a way to cope with their losses. They had adjusted themselves and most were living full lives. The ones I felt sorry for were the ones who were there for the same reason I was, all whole, as I was, finally, after eighteen years, mourning for the buddy's they did not have time to mourn for back there. I guess I had it easier that most because being a medic I had learned to harden my feelings. For some reason I had a unique ability to be able to put all the dead and wounded in the back of my head. I think most medics had this ability.

As a medic the first thing I learned was not to get too friendly with the other soldiers. You didn't know if they were going to be here tomorrow or not. The only other real friends a medic had were other medics. Only I found out they were not invincible either. That was what had brought me to Washington, to see if I could find my buddy's name on a panel.

As I walked around I found names I recognized. These were guys that were in the same unit I was. Some I tried to take care of and others I just knew of them. I made a game of it at first. I'd walk around and when I found a name I recognized, would try to think of something good about them. But all I accomplished was to see their faces before they were hit and then after they were hit, which didn't set too well with me. I finally found the panels with the year 1968. As I sat there in front of the panels reading the many names, I finally found my buddy's name. I just kept looking at it as if I didn't believe that it was there. I went so far as to blink my eyes and hope it was gone. I sat there for hours thinking about all the good times we had in the short eight months that we knew each other. There were a lot of good memories, but then the ugly memories started to flow through my brain. I finally got up and started to walk away when a guy in a wheelchair looked at me and I guess, recognized my thousand meter stare. What he said to me was better than any ticker tape parade, or any medal that a general could ever pin on me. He said "Welcome Home." I mean, here's this guy in a wheelchair, one leg missing, his face looking like it went through a meat grinder and he's telling me welcome home. I really didn't know what to say, so I didn't say anything. I grabbed the guy and hugged him. It was the first time in eighteen years that I allowed any emotions about anything that happened over there.

I know that deep down all of us who were there know it was all for nothing, we just don't want to admit that. But I know it was. The only consolation that anybody has is that these brave men did their duty to the end.

RECOGNITION OF EASTLAKE NORTH HIGH SCHOOL

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ECKART. Mr. Speaker, I rise today to recognize the excellent initiative being taken in a high school from my district. Upon my visit to North High School in Eastlake, OH, earlier this year, I learned of a survey program that has been started in the school. The North High School administration has designed a set of surveys to assess the current school situation. The surveys were distributed to faculty and staff members, students, and their parents in order to gather the comprehensive data needed to honestly evaluate the school.

During this time in our education system's history when many see only the negative publicity and problems with our schools, it is truly refreshing to hear about a school that cares about the ideas of its community and is truly making an effort to improve itself.

I stand before you today to praise the efforts of North High School and to express my hope that their program is a sign of a positive future for American education.

INTERNATIONAL WOMEN'S DAY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mrs. BOGGS. Mr. Speaker, last Thursday we celebrated International Women's Day.

International Women's Day was first proposed by Clara Zetkin, a representative of the Socialist Women's Conference in Copenhagen, Denmark in 1910. The proposal came at the beginning of a period of great political and social transition in the world. In North America the movement for women's suffrage questioned some of our basic assumptions of human relations.

Clara Zetkin and our own U.S. Congresswomen Jeanette Rankin called to women around the world to join forces on behalf of peace, equal rights and social progress.

I have been very pleased, during the past few years, to have been involved in several of our key international efforts focusing on assessing and promoting the role of women. As a United States delegate to the 1985 Conference on the U.N. Decade for Women in Nairobi, Kenya, I participated in the adoption by consensus of a major document entitled, "Forward Looking Strategies for the Advancement of Women to the Year 2000." This document was intended to serve as a set of guidelines for governments, international organizations and nongovernment organizations for action to reduce if not eliminate obstacles to women's participation in all sectors of society.

Similarly, the Inter-parliamentary Union has emerged as an important vehicle for followup assessment and energy generation on matters of concern to women internationally. I became involved initially with the organization in 1948 when I accompanied my husband, Hale to an IPU meeting in Rome and was pleased when it established a women's committee.

Since becoming a Member of Congress, I have also served as a delegate from the Congress to the IPU. U.S. participation has offered Members an opportunity to meet and exchange views with their counterparts in other countries on a broad range of common issues. As we recognize that women constitute one-half of the population of our individual societies and the implications of this for public policy, the meetings of the women parliamentarians that began in 1985, are a useful forum to exchange views with other women members of many parliaments on various subjects of mutual interest.

These efforts have resulted in significant progress over the past several years in increasing international consciousness of women and of issues of particular importance to women. With the scope and speed of recent economic and social changes in our society, changes in the workplace, in family structures, these are essential steps for appreciating the existing and potential contributions of women within their own societies and around the world.

Most appropriately on International Women's Day, I was privileged with a visit from members of the Soviet Women's Committee and of the American Women for International Understanding. The Soviet delegates, Galina Galkins, vice president, SWC, Tatjana Bermant, a renowned sculptor, and Galina Negrustuyeva, an SWC staff member enjoy the legacy of their organization founded 50 years ago to foster understanding and peace among nations. The exchanges of suggestions for successful promotion of women's interests among societies will serve all of us well as we explore new avenues of relationships in a rapidly changing world.

AMERICAN INTERNATIONAL COLLEGE HONORS WALLY BARLOW

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, on April 7, 1990, the Alumni Varsity Club at my alma mater, American International College, will pay tribute to Wally Barlow, one of the college's most precious resources. I want to join in this salute to a true sportsman.

As a trainer, coach, and friend, Wally Barlow has touched the lives of hundreds of student-athletes who have attended American International College. In the process, he has earned the trust and admiration of athletes, coaches, and sports writers across the wide spectrum of amateur and professional sports.

Wally Barlow has led a rich, varied, and exciting life. Born in Great Britain, he developed an early interest in soccer, gymnastics, and physical therapy. An accomplished athlete, he represented his country as a welterweight wrestler in the 1936 Olympic games in Berlin. In the war years and after, Wally answered Great Britain's call to arms, serving as a commando in Germany, France, Belgium, and Holland. After his discharge, he journeyed to Toronto, Canada, where his enthusiasm for sports found an outlet in hockey.

Hockey was the motivation for Wally's move to Springfield, MA. The city boasted an American Hockey League franchise owned and operated by "Mr. Hockey," the legendary Eddie Shore, and Wally enjoyed a 13-year association with the league. After he left the AHL, Wally found a new home at American International College, where he has given truly outstanding service for more than two decades.

Wally Barlow has become one of American International College's most valuable players. This diminutive, gentleman from Great Britain is recognized as the college's ambassador of fair play, good will, and true sportsmanship.

Mr. Speaker, I join with the entire American International College community in saluting Wally Barlow for the many contributions he has made in furtherance of the college's role as a source of learning. They have enriched the life of not only the college, but the entire Springfield area as well.

CARING FOR OUR NEWBORNS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ANDREWS. Mr. Speaker, the true hallmark of a nation's wealth is how it cares for those who are unable to care for themselves. Unfortunately, our country lags in providing that care. That's why America's children—our most fragile and vulnerable resource—are dying every day.

According to the National Center for Health Statistics, the United States ranks 20th—practically the worst—of other industrialized nations of the world. In fact, for every 1,000 children born in our country, 10 are dying.

The United States is facing several disturbing facts surrounding this issue:

According to the President's national drug control strategy, an estimated 100,000 cocaine babies are born each year.

The National Association of Perinatal Addiction Research and Education reports that each year, 375,000 infants are born drug affected.

Black infants are twice as likely to die before their first birthday than white infants.

While the national picture is grim, the Sunbelt story is even worse. Of the 17 Sunbelt States, 11 States have infant mortality rates surpassing the already critical national average. A child born in the South is less likely to see his or her first birthday than a child born in other regions of the United States.

Low birthweight infants, those who are born weighing about 5 pounds, are at the greatest risk. My home State of Texas has an infant mortality rate of 9.1 percent for 1987 which translates into 2,744 infant deaths.

Many of those infants that do survive are likely to suffer from chronic lung problems, sensory illnesses and cerebral palsy. We must continue to make earnest efforts to save these infants. But we should extend our efforts further to ensure that they are born healthy.

The real tragedy of infant mortality is that as many as half of these deaths are preventable. Prenatal care is the key to a healthy birth. According to the National Commission to Prevent Infant Mortality, it can cost up to $400,000 in health care over the life of a low birthweight infant. Prenatal care, costing as little as $500, can significantly reduce the risks involved for newborn children.

This crisis has not gone unnoticed. Twenty members of the Congressional Sunbelt Caucus, which I chair, have formed an infant mortality task force to develop a strategy to combat this plague. This task force is making the health and well-being of mothers and children a priority. Last month the task force met with Health and Human Services Secretary Louis Sullivan to seek his help in solving this crisis.

Secretary Sullivan, a native of Georgia, understands well the cost of this tragedy. During this meeting, task force members asked Secretary Sullivan that projects and programs be targeted to the Sunbelt region where they are needed most.

As Secretary Sullivan pointed out, we know that this problem is solvable. Pregnant women must have access to health care. The Sunbelt Caucus and its Task Force on Infant Mortality are committed to reducing our regional and national infant mortality rate.

MEDICARE REIMBURSEMENT FOR REHABILITATION HOSPITALS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CRAIG. Mr. Speaker, yesterday I joined my colleagues, Representative NANCY JOHNSON and Representative JIM MOODY, as an original cosponsor of legislation to assist rehabilitation facilities and long-term hospitals in meeting the cost of caring for Medicare patients.

In my own district, the First District of Idaho, the Idaho Elks Rehabilitation Hospital has been struggling over the past few years in order to keep its doors open for the growing number of patients that need rehabilitative or long-term care. The Idaho Elks Rehabilitation Hospital is a freestanding rehabilitation hospital, the only one in Idaho. The Elks have raised considerable private funds to support the work of this institution in helping disabled people. Over the past 4 years, all contributed money and a substantial portion of their endowment has gone to underwrite the hospital's losses due to the inadequate reimbursement rates from Medicare.

The Elks Hospital is reimbursed on a base year of 1983. As we are all aware, the rise in the cost of health care has been astronomical over the past few years. Not only are many of these rehabilitation hospitals working on insufficient funds, but they are also serving more patients as acute-care hospital stays are shortened, due to Medicare cost-saving measures.

Mr. Speaker, this bill offers rehabilitation facilities the opportunity to update their TEFRA cost base year to 1988. This will provide them with a reimbursement rate that better reflects today's health care costs. This legislation is very important if rehabilitation facilities like the Elks Hospital in Idaho are to continue providing essential services to communities across the United States.

TRIBUTE TO ALBERT LOUIS PATTERSON, JR.

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DELAY. Mr. Speaker, I would like to take this opportunity to honor the service of Albert Louis Patterson, Jr., who on Sunday, March 18, 1990, will celebrate his 20th anniversary as pastor of Mount Corinth Missionary Baptist Church in Houston, TX. This is a joyous occasion not only for the Pastor Patterson, but it is equally blessed for the 1,500-strong members who have benefited from his guidance and leadership.

Pastor Patterson has labored in the Word of God with dedication and perseverance and his presentation of the Word has always been with joy, enthusiasm, and conviction tendered with love for the Lord and his congregation.

His accomplishments are many and varied. During his administration, the Soul Winners Action Team was organized and has now helped revolutionize Corinth and much of the Houston community. Among his many accomplishments, its members have visited 60,015 homes, honored 83,694 prayer requests, and visited 1,333 sick and shut-ins. Also, for the last several years under Pastor Patterson's leadership, the Vacation Bible School has averaged over 1,000 registrants each year.

Pastor Patterson was also the daily lecturer of the National Baptist Sunday School and BTU Conference. He was chosen out of 50,000 preachers in the National Baptists Convention, U.S.A., Inc., to preach in the Dr. T.J. Jamison's inaugural sermon at the first national board meeting in 1983. From 1986 to 1988, he preached an unprecedented 3 consecutive years for the National Congress Faculty Banquet and preached an unprecedented 4 consecutive years at Hampton Minister's Conference in Hampton, VA. He also preached in 21 consecutive sessions of the national board, national congress, and national convention.

I am proud to have this honorable gentleman as a pastor for so many years in my congressional district. He has provided inspiration and hope for the many who have joined his flock and has encouraged them and many more to experience a "new level of living" with a great sense of inner satisfaction and joy. His fivefold emphasis on energetic evangelism, worth of the Word, persistence in prayer, Lordship in Christ, and sharing of substance has led many into the fold of security and a sense of self-worth and well-being.

I am honored to send my congratulations to this great man of God, Pastor Albert Louis Patterson, Jr.

ENVIRONMENTAL GROUPS SUPPORT A TAX INCENTIVE FOR PRIVATE FORESTRY—MORE TREES WILL BE PLANTED WITH RESTORATION OF A CAPITAL GAINS DIFFERENTIAL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. WYDEN. Mr. Speaker, the debate in this House concerning proposals to change the Federal Tax Code has focused on two primary issues: Is our code fair, and does the code encourage economic growth and new jobs?

Today, I want to add one more question. Does the Tax Code encourage sound and sustained management of an increasingly important national treasure—our 350 million acres of privately owned, commercial forest lands?

Global warming, tropical deforestation, and the desire to preserve our own dwindling supply of old-growth timber—these have all lead us to reevaluate this planet's crucial need for trees. Even the President made a crash Federal program for planting 1 billion trees part of his last State of the Union Address.

But I am convinced that with equitable tax incentives, this Nation's hundreds of thousands of tree farmers can do that job very well, on their own. Tree-planting on private forest land skyrocketed with the provision of a capital gains differential for that purpose in 1944. And eliminating that differential in 1986 not only endangered this Nation's future supply of timber from those lands, it also jeopardized the future of wildlife habitat, watershed, and recreation qualities inherent in those private forests, placing a further strain on our public forests.

Mr. Speaker, concern about this trend has spread beyond the timber community. Many environmentalists and conservationists also believe that 1986 Tax Code changes will erode private forest management and, eventually, lead to conversion of those lands to other uses.

I'd like to cite for the record several letters I received last month from leading environmental organizations: The Wilderness Society, the National Audubon Society, the Natural Resources Defense Council, and the Sierra Club. As a cochairman and cofounder of the "Congressional Forestry 200 Task Force," a group representing 129 Members of Congress, I asked these organizations to tell me what they thought of two results of the 1986 Tax Act: One, the loss of the capital gains differential for long-term investments such as tree-farming, and two, the loss of deductibility of normal business expenses suffered by many individual woodlot owners through changes in passive loss rules.

Their response was unanimous. They said that these changes will reduce productive private forest acreage in this country.

Let me quote Michael A. Francis, counsel for the Wilderness Society:

We believe that this higher tax burden is reducing the level of environmentally sound, sustainable timber production from private, non-industrial forest lands. There is a significant risk that owners are forgoing reforestation and other conservation measures. The favorable tax provisions for timber that began in 1944 and lasted until 1986 have been widely credited for substantial increases in private timber production and reforestation.

And this from Brock Evans, vice president of the National Audubon Society:

It is unfortunate that the 1986 Tax Reform package removed this differential. We believe that a strong case can be made that forestry in general and reforestation in particular is such a risky business, requiring such long-term care and attention, that some kind of differential tax treatment is required. Unfortunately, since 1986, we have witnessed a resurgence of "cut and run" practices in the Pacific Northwest States.

Mr. Speaker, I think this is part of the untold story of the tax debate. Beyond the effects on businesses, individuals and Federal revenues, adjustments to our code can have critical impacts—positive or negative—on our environment. I think the impact on private forestry should be an important consideration for all of my colleagues, and I would be happy to share with them these letters from leading environmental organizations.

TRIBUTE TO DANIEL E. PECCHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Daniel E. Pecchio of my 17th Congressional District of Ohio. A roast will be held for Danny on March 24, 1990, in honor of his 40 years of dedicated service to Mahoning County.

Mr. Pecchio has a long history of service both to his community and his country. In January of 1941 he volunteered for the armed services and served with the 37th Division in the Solomon campaign and helped liberate the Philippines. For his gallantry he was awarded two Bronze Stars as well as the Philippine Liberation Medal. He was honorably discharged in 1945.

Daniel Pecchio has been employed by Mahoning County since 1947 when he was made deputy dog warden. Besides his work as Mahoning County dog warden, Danny has been involved with numerous church, civic, and political organizations. He is a member of St. Christine's Church, he served on the youth committee for the United Veterans Council, and he is a past president of the 37th Division, Youngstown Chapter. He has also served as past president of both the North Eastern Ohio County Dog Wardens Association as well as the Ohio County Dog Wardens Association.

Mr. Speaker, I would like to take this opportunity to commend Daniel Pecchio on his many years of outstanding service. Danny is a brave and caring individual who has made significant contributions to our country and community. I am proud and honored to represent this extraordinary man.

IN MEMORY OF DAWN AND KRISTEN WINFIELD

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. SMITH of Florida. Mr. Speaker, death under any circumstance causes great sorrow. But when someone dies while in the spring of life, it is even more tragic. Two young women in my district have recently been taken from our midst by a disease called globoid leukodystrophy, which occurs when an enzyme deficiency attacks the central nervous system. Dawn and Kristen Winfield were 18-year-old, identical twins and best friends. They should have been normal high school seniors growing into mature adults, having a good time, going to the beach and to the movies. Instead they were losing a battle against a painful and debilitating blood disease.

The twins needed bone morrow transplants in order to survive. They themselves opted for this risk surgery because they had watched the disease cripple, blind and eventually kill their older brother. The fate of the twins became of paramount concern for many of the residents in south Florida. Fundraising efforts raised close to $400,000 for the twins' transplants. Meanwhile the search for a compatible donor was tedious, expensive, and gruelling. Finally, beating a 15,000 to 1 odds, a donor was found. The feeling of hope that enveloped the entire south Florida community was astounding and heartwarming.

On September 25, Kristen, the older twin, went to the University of Minnesota Hospital in Minneapolis, MN, and had her transplant operation. Sixteen days later, Dawn underwent her operation. However, on November 18, Kristen died quietly in her sleep when her body rejected the healthy marrow. Dawn, close to 2 months later, on January 16, died from similar complications.

Although we cannot bring the Winfield twins back, an important lesson should be learned from their tragic deaths. Every day in the United States, 25 people will die because they cannot obtain a marrow transplant. What few people realize, however, is that registering in a marrow donor bank is as simple as donating a pint of blood.

Public awareness regarding marrow transplantation and donor motivation must be increased. First, we need to recruit and test donors. Second, we need to raise the funds necessary to pay testing costs. My colleague, Representative VIC FAZIO, will be introducing legislation of which I will be an original cosponsor, which will seek to authorize $15 million for the National Donor Marrow Program for the purpose of testing potential bone marrow donors.

I commend the efforts of the caring and hard working people in my district who made it possible to raise the money needed for the twins' operations. Led by Yolanda Keating of Hollywood, a family friend and the Winfield fund-raising organizer, the community united to help. Friends such as Jeff Nelson of Pembroke Pines organized a boat row to Bimini; Ron Rothstein, coach of "Miami Heat" partici-

pated in many fund-raising efforts as did past and present members of the "Miami Dolphins"; Principal Larry Insel and the students at the Winfield Twins' school, Hollywood Hills High School, raised money; and Rose Lizana of Dania, where the twins grew up, also spearheaded fund-raising efforts. There were so many helpful hands in our community and I wish to applaud the efforts of all of the people who worked so hard for the twins. These caring people and the twins themselves made all Floridians proud.

I urge my colleagues to join me in paying tribute to the memory of the courageous Winfield Twins by supporting the proposed legislation. I extend my deepest sympathy to the Winfield family and to their friends. South Florida fought alongside them and south Florida mourns them.

SHOWING THE FLAG: BOLD UNITED STATES ENVOY CAPTIVATES GREEKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. RANGEL. Mr. Speaker, I'd like to call to your attention the following article which appeared in the international edition of the Miami Herald on January 4, 1990, about our Ambassador to Greece, Mr. Michael Sotirhos. Since assuming his post in September, he has caught the eyes of many and has won the approval, respect and wonder of the Greek public. Ambassador Sotirhos has done much to improve what have been tense relations between Greece and the United States. Often mingling with a crowd, his open, enthusiastic and down to Earth style and charisma have helped create a better image and acceptance of Americans and the United States. He also practices and encourages better communication and openness among diplomatic leaders. Proudly showing the American flag nearly everywhere he does, he is the first Greek-American to serve as Ambassador to Greece.

SHOWING THE FLAG: BOLD U.S. ENVOY CAPTIVATES GREEKS

(By Paul Anastasi)

ATHENS, GREECE.—Reversing America's low-profile diplomacy in Greece, he insists upon braving the threat of terrorism by displaying the American flag wherever he goes.

He does not hesitate to step into the crowd to cheer at basketball games, and he jokingly reassures Greeks that he, like most of them, is an islander—from the island of Manhattan.

After 15 years of strained relations between the United States and Greece, both members of NATO, easing tensions between the two nations well may have a lot to do with the unorthodox tactics of a Greek-American New Yorker: Michael Sotirhos, the American ambassador to Greece.

Sotirhos, 61, arrived in Greece in September and, much to the dismay of the traditionally hostile Greek press, has plunged into a public relations campaign that his predecessors never would have attempted. In several cases, he has left his Greek audience crying for more.

Greece first got a hint of the ambassador's new approach when he turned up at the funeral of Pavlos Bacoyannis, the chief spokesman in Parliament of the conservative New Democracy Party who was killed by terrorists in September.

For the first time in years, the American flag flew from the ambassador's armored limousine. Mourners broke ranks and burst into applause at the sight.

Similarly, it was front-page news when the ambassador scored another first by visiting Communist Party headquarters to talk with the party leader. He next turned up at a hastily summoned town hall reception for Boris Yeltsin, the maverik Soviet legislator, while the Soviet ambassador failed to appear.

Not only has the ambassador been shaking up the political status quo with his maneuvering, but he also has managed to capture the public's attention with his style.

Recently, Sotirhos broke with protocol by strolling into the court to greet the stars of Greece's best basketball team. On another occasion, he mingled with fans at a heated soccer game. In both cases he was applauded and even embraced by fans.

As evidence of his adherence to the Greek Orthodox faith, Sotirhos attends Mass every Sunday at churches in Athens and sometimes sings along with the choir. Always, he wears an American flag pin in his lapel.

"We're going to take every necessary security precaution, but we're not going to hide," a diplomat recalls the ambassador telling staff members. "Having armored cars and bodyguards, that's security. Not flying the flag is hiding."

The ambassador's new approach differs considerably from diplomatic practices adopted since 1974, when simmering anti-Americanism and terrorist attacks compelled most Americans to maintain a low profile.

Now, Sothirhos has ordered that the American flag fly on all occassions. He has encouraged diplomatic personnel to widen the circle of leaders whom they meet to include Communists and seek contact with the general public.

At meeting with American servicemen, he urges them to emphasize rather than hide their official American status. "Go out, go to the countryside, find the mayor and introduce yourself as an American," he told personnel, according to the diplomat.

"Anti-Americanism has been declining for the past few years," another foreign diplomat said.

"But the new ambassador is accelerating the gradual decline of anti-American sentiment and taking it one step further to revive traditional pro-Americanism among Greeks."

While developments in Eastern Europe and the decline of Communist domination might be one coincidence explaining Sotirhos' warm reception, the ambassador also enjoys the advantage of being the first Greek-American in the post.

His wife, Estelle Manos, also is Greek-American, and both speak Greek fluently.

The advantage of language and the ethnic connection is evident.

One witness recounted an incident when Sotirhos, questioned by an elderly couple in the streets of a small town, informed them that his father was from the island of Kythria and his mother from the island of Milos.

"So you are a *nisiotis*, an islander, like us?"

"Yes," the ambassador replied, "I'm from Manhattan."

TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. RICHARDSON. Mr. Speaker, it is with great pleasure that I share with you the news that April 19, 1990, marks the beginning of the sixth annual observance of "Tuftonia's Week."

It is a special time for the more than 60,000 alumni of Tufts University, myself included, to turn our thoughts to Tufts and to get together with fellow Tuftonians, reminiscing with old friends.

In addition to a formal ceremony on campus, hosted by President Jean Mayer, local observances range from small gatherings in restaurants to champagne receptions in museums, art galleries, and private homes; from a block party to a group trolley ride to a singular ride on a jumbo elephant in India. Alumni from Medford to Melbourne, from Hartford to Hong Kong, and from San Diego to Sao Paolo come together to think Tufts, thank Tufts, and toast Tufts.

As a proud graduate of Tufts University, I ask my colleagues to join me in congratulating Tufts on its sixth annual "Tuftonia's Week" celebration and to honor the thousands of Tufts alumni who are living and working in our districts contributing to the betterment of society.

INDIANA EARTHQUAKES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 14, 1990, into the CONGRESSIONAL RECORD:

INDIANA EARTHQUAKES

Many Hoosiers were startled by a series of three minor earthquakes that struck Indiana's Harrison and Crawford counties earlier this year. No damage or injuries were reported, but the quakes were strong enough to rattle dishes, windows, and doors. These events are a reminder that the Midwest is vulnerable to periodic earthquakes.

According to the U.S. Geological Survey, the eastern half of the U.S. has a low probability of having major earthquakes, but a high probability of suffering extensive damage and loss when they do occur. Some of the most powerful earthquakes in U.S. history have occurred in the Midwest and along the East Coast.

Causes: Earthquakes are triggered by natural disturbances deep beneath the earth's surface. The earth's crust is made up of twelve separate plates, which represent the continents and the ocean floors. These plates normally float unhinderd on top of the molten rock surrounding the earth's core. Earthquakes result when a plate's natural movement is altered. If two plates lock together, a fault line is created and pressure will then build until the plates uncouple and produce an earthquake. Last fall's

major California quake, for instance, occurred because of slippage along the San Andreas Fault, which marks where the Pacific Plate and the North American Plate meet.

While West Coast quakes tend to occur because of friction between colliding plates, Midwestern earthquakes occur at fault lines located within a single plate. These fault lines may represent weak points in the plate, where pressure is released as bordering plates press against the North American Plate.

Midwestern earthquakes differ from West Coast quakes in other respects as well. Midwestern earthquakes are more difficult to predict. Measurement of pressure buildups along West Coast fault lines helps scientists to predict the location and severity (but not the timing) of a potential earthquake. In the Midwest, the fault lines are much deeper, and measuring and predicting their activity is more difficult. Midwestern quakes also occur less often. Earthquake pressures build up 100-1000 times faster in California than in the Midwest. In addition, soil and bedrock conditions in the Midwest strengthen earthquake tremors, causing them to travel farther and take longer to subside. Experts believe a Midwest earthquake could affect an area up to 80 times larger than a similar quake in California.

Indiana Quakes: Several dozen earthquakes have originated in Indiana. In general, these quakes have been concentrated along river valleys. The southwestern corner of Indiana is at the greatest risk of earthquake activity. The most powerful of the recent Indiana quakes hit 3.8 on the Richter scale. By contrast, last October's northern California earthquake hit magnitude 6.9. (Each one point increase in the Richter scale means that about 30 times more energy has been released.) Most of the Indiana-centered earthquakes have caused little damage.

Historically, Indiana has suffered more damage from earthquakes originating outside of the state. An earthquake centered in New Madrid, Missouri 180 years ago produced the greatest intensity felt in Indiana. It exceeded 8 on the Richter scale, and devastated the Evansville area.

Three areas of concentrated seismic activity are located in the Midwest. The New Madrid Seismic Zone, stretching from Evansville to northern Arkansas, poses the greatest risk of earthquake activity in the eastern United States. It has produced major quakes felt as far away as Canada. The Geological Survey projects a 40-63% chance of a magnitude 6 earthquake striking the New Madrid Zone by the year 2000. The Wabash Valley Zone contains active faults in both eastern Illinois and western Indiana. Experts believe the Wabash Valley may be susceptible to a moderate earthquake every twenty years. A 1987 earthquake of magnitude 5.2 did not cause extensive damage. The Anna, Ohio Zone is less volatile than the others. Since 1876, 23 tremors have occurred near Anna, located in the west central part of the state; three of the quakes have been around magnitude 6.

Earthquake Preparation: The federal government sponsors the National Earthquake Hazards Reduction Program, a nationwide effort to measure and predict earthquake activity, promote awareness of earthquake risks, inform the public of how to minimize damage, and develop emergency response plans before earthquakes strike. Funding for the federal research and preparation programs in 1990 will be $20 million. A bill moving through the Congress would expand this program, particularly for the New Madrid Zone, and mandate a review of building codes and construction guidelines.

At the state level, Indiana and other Midwestern states sponsor several research centers to improve measurement of potential earthquake activity. Starting this year, Indiana's building code requires that new structures be earthquake-resistant. (This code does not apply to roads and bridges, farm buildings, and one- and two-family dwellings.) Certain essential facilities, including hospitals, fire and police departments, and schools, are subject to more stringent standards. Some experts have also suggested mandatory retrofitting of older structures, especially unreenforced masonry.

Hoosiers can take a number of steps to protect their homes against earthquake tremors. Experts recommend strapping down water heaters, keeping buildings in good repair, storing heavy objects on the floor or lower shelves, and fastening bookshelves and cabinets to the wall. Earthquakes occur without warning, and the shaking lasts no more than 20-60 seconds. Because most injuries are caused by falling debris, the recommendation is, if indoors, to stay there temporarily and turn away from glass, cabinets, and fireplaces; and if outdoors, to get into an open area away from buildings, power lines, and trees. Buildings should not be reoccupied soon after a quake, because of possible strong aftershocks. For additional information about Indiana earthquake threats and preparation efforts, Hoosiers can contact the State Emergency Management Agency, Department of Civil Defense, 100 N. Senate Avenue, Indianapolis, IN 46204. The phone number is (317) 232-3830.

NATIONAL PASTIME PRESERVATION ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DOWNEY. Mr. Speaker, today I am introducing a resolution to express the sense of the House of Representatives that the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible.

At present, there appears no end in sight to the major league baseball lockout. As our national pastime, baseball enjoys preferential Federal antitrust treatment. Thus, major league owners and players have an obligation to their fans and communities to reach an agreement and get the season underway. How many times, and for long, must fans sit idlely by while the owners and players violate a sanctity of summer.

The outlook isn't brilliant for the Mudville nine today; despite the best intentions, there'll be no ball to play; a pallor's wreathed the features of the patrons of the game, for Casey and his owner are too busy pointing blame. Oh, somehwere in this favored land the Sun is shining bright, baseball's playing somewhere and somewhere hearts are light. And somewhere folks are laughing, and somewhere children shout, but there is no joy in Mudville—mighty Casey is locked out!

The text of the resolution follows:

H. RES. —

Resolution expressing the sense of the House of Representatives that the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible

Whereas the spring training lockout in major league baseball has continued for several weeks;

Whereas cities with major league baseball franchises and spring training facilities face serious economic losses as a result of the inability of owners and players of major league baseball teams to resolve differences and begin the season in a timely manner;

Whereas major league baseball enjoys a unique and privileged treatment under Federal law;

Whereas people in the United States have a strong and abiding interest in seeing spring training and the regular season of the national pastime;

Whereas, while representing the interests of owners and players of the major league baseball teams, the negotiators in the baseball dispute also have an obligation to basefall fans; and

Whereas fans, through enthusiasm, attendance, and willingness to pay to view baseball games, provide significant benefits to owners, players, and host communities; Now, therefore, be it

Resolved, That it is the sense of the House of Representatives the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible.

HAYWARD, CA, CELEBRATES EARTH DAY, 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. STARK. Mr. Speaker, I rise today to commend the city of Hayward on its Earth Day and Recycling Week celebrations. The city has set April 22 as Earth Day and April 16-21 for Recycling Week.

Cooperative efforts are being organized to promote environmental awareness. Programs are already organized for the Hayward area recreation district at Sulphur Creek and Hayward Shoreline. Discussions have begun with the Chamber of Commerce, Hayward Unified School District, Chabot College, California State University Hayward, and Scout groups. The city of Hayward hopes all these cooperative efforts will promote environmental awareness.

The Chamber of Commerce and city of Hayward will sponsor awards to recognize environmentally sensitive local projects in such categories as energy conservation, recycling and solid waste management, water conservation, traffic mitigation, air quality, toxic waste, and land use.

The city of Hayward's promotion of Earth Day includes displays in conjunction with other activities, media coverage of the daily theme topics of Recycling Week, handouts, recom-

mendations for sister city efforts, tours of the treatment plant, and green ribbons for publicity. Daily theme topics will tie into city programs and will be as follows:

Monday, April 16: Energy efficiency;

Tuesday, April 17: Recycling and solid waste management;

Wednesday, April 18: Water—ground water, waste water, conservation programs;

Thursday, April 19: Transportation management;

Friday, April 20—Toxic waste management—industrial and household;

Saturday, April 21: Land use.

The city of Hayward plans to introduce the following environmental bill of rights resolution:

ENVIRONMENTAL BILL OF RIGHTS

Whereas in the past 19 years since Earth Day 1970 (when most Americans learned the meaning of the term "environment") the health of the environment has continued to decline; and

Whereas at the current rate of consumption, 80% of all the oil that will ever be burned will have been used during the lifetimes of people who are now alive; and

Whereas we are more then ever a throwaway society, discarding about 5 pounds of garbage per person per day; and

Whereas we are adding millions of tons of hazardous wastes to the environment every year with 2.4 billion pounds of toxics pumped into the air in 1988 alone, and

Whereas most scientists now agree that, because of the increasing proportion of carbon dioxide and other gases in the atmosphere, significant global warming will occur which may have serious consequences to many forms of life—a problem which will become even more severe with continued growth; and

Whereas the emission of CFCs into the atmosphere has led to a dangerous 40 percent drop in the Antarctic ozone level, creating increased radiation and seriously impacting all forms of life including human beings; and

Whereas toxic air emissions are reducing the pH levels of lakes around the nation, resulting in the destruction of many aquatic species; and

Whereas because of all these problems are a result of inefficiency and waste, the solutions to the problems will promote economic efficiency and economic growth; and

Whereas there are many opportunities open to local government to address these critical problems: Now, therefore, be it

Resolved, That the following Declaration of Environmental Rights and Responsibilities is hereby adopted in recognition of Earth Day, 1990, along with a statement of commitment by local governments to implement programs designed to protect these environmental rights and meet these responsibilities:

ENVIRONMENTAL RIGHTS

All human beings have the right to clean and healthful air, to clean and healthful water, to the maintenance of productive soils, and to an organization of human activities with respect to the environment, that prevents extinction of forms of life, the degradation of the living and non-living resources of the earth, and the sustainability of the use of the earth's resources, so that ample resources will exist for generations to come.

I would like to commend the city of Hayward and all those who are working to raise citizen awareness about the importance of protecting and improving our environment.

LOCAL GOVERNMENTS NEED FUNDS FOR CLEAN WATER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. FRANK. Mr. Speaker, one of the defects in our Federal policy is our tendency to impose requirements on local governments and then fail to provide adequate financial assistance to them as they seek to discharge these obligations. One of the most glaring examples of this is the area of clean water. Cities which are strapped financially are struggling to meet the high financial burden of providing adequate treatment for sewage. Federal law quite reasonably seeks to prevent pollution of our water systems and requires adequate treatment plants. Unfortunately, the Federal budget does not do what it should to help cities meet this necessary but expensive goal. President Reagan vetoed the last clean water bill and while we were able to overturn that veto by large majorities in both Houses we had to compromise significantly to get the necessary majorities. Recently, I received communications from the mayor of Fall River, Carleton Viveiros, and also from the city council of Fall River. These are officials who are dedicated to improving the environment and who are quite reasonably asking the Federal Government to put some of our money where our legislation is. I think the requests of Mayor Viveiros, the Fall River City Council, and municipal officials all across this country are entirely reasonable. I intend to work as hard as I can to comply with their requests.

Our citizens would benefit if we spent more of their tax dollars on clean water and far fewer on preventing Poland and Hungary from invading France. I congratulate Mayor Viveiros and the Fall River City Council for speaking out so firmly on this important issue and I urge my colleagues to pay close attention to their arguments:

CITY OF FALL RIVER, MA,
EXECUTIVE DEPARTMENT,
Fall River, MA, February 5, 1990.

President GEORGE BUSH,
1600 Pennsylvania Avenue N.W.,
Washington, DC.

DEAR PRESIDENT BUSH: Before getting into my reason for writing I would like to commend you on appointing a former Fall River resident, William K. Reilly, to head the Environmental Protection Agency. We are all proud that Mr. Reilly is serving our nation in this capacity.

I am writing to respectfully request that you consider providing funds for grants to abate combined sewer overflows, which plague many of our nation's cities.

In your State of the Union address you note that your budget provides over $2 billion in new spending for the environment. Sadly, combined sewer overflow abatement has been overlooked, 1,200 communities have combined sewer overflows, commonly known as CSOs, and it's estimated it may cost as much as $100 billion to deal with the national problem. Fall River is facing a $100 million price tag, an astronomical sum for a city its size.

In a federal budget that increases funding for the environment I had hoped there would be something showing a strong commitment to addressing CSOs. At this stage of the budget process that is not the case.

CSOs are on the federal "back burner"; unfortunately, that means our nation's waterways are on the back burner as well.

I respectfully request you make CSOs a priority and join in partnership with states and municipalities in addressing this problem.

I congratulate you on the $2 billion in new environmental monies—but please don't forget the CSOs.

Sincerely,

CARLTON M. VIVEIROS,
Mayor.

CITY OF FALL RIVER—RESOLUTION

Be it resolved, That the City Council support the administration in its efforts to have citizens and environmental groups contact the President, legislators, and the U.S. Environmental Protection Agency requesting grant monies be included in the federal budget to help address the Combined Sewer Overflow problems in Fall River, and

Be it further resolved, That this Council also contact federal officials and request assistance in this matter.

LEGISLATION TO AUTHORIZE COASTWISE TRADING PRIVILEGES FOR THE HMS "BOUNTY"

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. TALLON. Mr. Speaker, I am introducing a bill today to direct that the sailing vessel HMS Bounty be entitled to engage in the coastwise trade and be issued a coastwise endorsement under 46 U.S.C. 12106. The HMS Bounty was constructed in 1960 in Nova Scotia for use by MGM in the filming of the movie Mutiny on the Bounty, starring Marlon Brando. This ship is a three-masted, fully-rigged replica of the famous British ship captained by William Bligh and taken over by mutineers led by Fletcher Christian in the 18th century.

The HMS Bounty was purchased by Turner Broadcasting System, Inc. [TBS] in 1986 when it acquired MGM Entertainment Co. The vessel has been used by TBS for public display and in the Turner Television Network remake of Treasure Island, starring Charlton Heston. The *Bounty* will be used for various visits at ports throughout the world, including Seattle, WA, for the Goodwill Games in 1990. It will be operated by a non-profit corporation, available for various public and private events.

Until recently, the vessel was documented as a yacht under Canadian flag. Prior to its public display visits in the United States, the *Bounty* was inspected by the U.S. Coast Guard and given a certificate of inspection as an attraction vessel. However, because of the particular use contemplated by TBS, the Coast Guard has indicated that the vessel is not operating for pleasure only and, for certain

uses, may have to be licensed and inspected as a commercial passenger vessel. However, in order to be used as a commercial passenger vessel within U.S. waters, the *Bounty* must be documented under U.S. law and possess a coastwise license.

TBS has now applied for U.S. documentation for the *Bounty* and is having the vessel inspected by the Coast Guard as a passenger vessel. Because the vessel was constructed in Canada, it will take new legislation to qualify it for coastwise trade privileges. The circumstances requiring legislation are the same as those of the *African Queen,* which was given coastwise privileges in Public Law 101-92 in 1989.

The *Bounty* is a very special ship and will be used in a very unique manner by TBS. The company's desire is to comply fully with U.S. documentation and safety requirements so that the *Bounty* can be enjoyed by as many as possible. The purpose of the legislation I am introducing today is to allow the *Bounty* the ability to operate in coastwise trade under U.S. flag.

TESTIMONY OF MARTIN C. SCHWARTZBERG BEFORE THE HOUSE SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, it's been said that "the best ideas don't originate in Washington". Sometimes they come from across the river in my home State of Maryland.

Such is the case with the novel new housing policy being promoted by a friend of mine and fellow Marylander, Martin C. Schwartzberg. Mr. Schwartzberg is a very successful real estate investor, who recently left the business world behind to establish the National Foundation for Affordable House Solutions—an organization committed to the preservation and expansion of affordable housing in this Nation.

Mr. Schwartzberg recently testified before the House Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs in which he advanced the concept of a public-private partnership to ensure that the current stock of low- and moderate-income government-assisted housing be preserved for its intended use instead of being sold off for condominums once the current moratorium on the sale of those properties is lifted.

Preserving that stock of affordable housing is a very real concern, Mr. Speaker. Market forces, combined with tax-law changes over the last several years, have placed many initial low- and moderate-income housing investors into a situation where they would like to unload these properties or convert them into new, for-profit uses. The losers, of course, would be the millions of Americans who desperately need this housing and cannot afford to live elsewhere.

As my colleagues are well aware, students have shown that the current supply of affordable rental housing is insufficient to meet the existing demand. However, what those same studies also show is that unless the current supply of affordable rental housing is preserved for its intended use, and even more units are constructed in the future, the demand for this essential national resource will far outstrip the number of units available for use.

Mr. Schwartzberg founded the National Foundation for Affordable Housing Solutions to battle this problem. Its founding principles were simple and straightforward: Develop and implement creative new strategies for the preservation and new development of affordable rental housing units; do it without massive new expenditures of public money and create a true public-private partnership to work out these solutions.

Martin Schwartzberg's testimony, outlining a new preservation strategy for affordable, government-assisted housing, was delivered recently before the House Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs. It won high praise from the committee's distinguished chairman, Representative HENRY GONZALES and the ranking minority member Representative ROUKEMA. Both sides, it seems, were impressed with Mr. Schwartzberg's unique approach to the preservation issue and his willingness to work with Congress to adopt long-term solutions to our housing problems.

That is, indeed, a difficult audience to please, Mr. Speaker, and for that reason I thought my colleagues in the House would like to review Mr. Schwartzberg's testimony, and his new preservation proposal, for themselves.

I insert Mr. Schwartzberg's testimony before the House Subcommittee on Housing and Community Development in the RECORD following my remarks:

PRESERVATION OF EXISTING ASSISTED HOUSING STOCK—"PRACTICAL APPROACHES"

(Testimony by Martin C. Schwartzberg, Chair, National Foundation for Affordable Housing Solutions)

INTRODUCTION

Mr. Chairman, Members of the Committee, thank you for giving me the opportunity to add my voice to this important national debate on housing policy, in particular, on the issue of the preservation of existing subsidized units. My name is Martin Schwartzberg. I am founder and Chair of the recently created National Foundation for Affordable Housing Solutions, an organization committed to working with the Congress and the Administration to ensure the preservation and expansion of affordable housing for people who need it most.

I have come here specifically to offer what I believe is a message of hope and a challenge to you and your colleagues on the Ways and Means Committee to come together and take advantage of an extraordinary opportunity to effect a win-win strategy which will: Preserve existing assisted rental housing; respect individual property rights; and minimize new net costs to the Federal Government.

For the past twenty years I have been intimately involved in low- and moderate-income housing, in my work at HUD on the staff of Secretary George Romney and in my private capacity as a financier, developer and manager of tens of thousands of units. Over the last 20 years we—policymakers and practitioners—have seen programs that were enormously successful in their time, cease to work well.

Twenty years ago, housing programs were created which provided safe and decent housing at affordable rents for 10 million Americans. Today, we see tenants in jeopardy of losing apartments, investors who are no longer interested in continuing their role in low-income housing, and the existing stock of affordable housing at risk of being lost. Today we face a new reality. The old formulas no longer work; we need some new solutions.

From my past experience as a financial intermediary between developers, investors and government, I believe that there is a solution to the preservation question that will both protect low-income households and allow other interested parties to realize some benefit. I also believe that there is an unusual window of opportunity that lies before us now. Not only do we have the tools and the resources to find a solution to preserve our current affordable housing stock, but the concerns of the various parties involved have heightened to the point where they are willing to come to the table and talk.

To that end, I created the National Foundation for Affordable Housing Solutions to develop the test creative and practical solutions to preserve and then create additional decent and secure housing for the poor. Clearly, one of the first issues the Foundation is examining is the issue of preservation.

Our goal is not simply to convene forums and produce white papers. We aim to produce actual "solutions", models for change. Then, using data from low- and moderate-income properties around the country, in different locations, under different assistance programs and properties in a variety of different physical conditions, we will experiment with these models. We ultimately hope to encourage private sector companies to work with communities, developers, investors and tenants to carry out these "solutions".

We bring with us a keen awareness that the models we develop and propose must work within the framework of existing programs and resources. We don't need to reinvent the wheel. Nor are there additional dollars to spend. Rather, we place a premium on simplicity, on using existing systems, and on efficiency. And we believe that now is the time to work toward a comprehensive solution to the preservation problem taking into account *all* programs involving federal assistance, both new and old. This solution should not address solely those projects under ELIHPA; a piecemeal year-by-year approach will no longer suffice.

I want to enlist your support in our effort. I do not come to you today with a solution fully in hand, but I bring some proposed plans of action. My primary goal in appearing before you is to enter into a dialogue with you and your staff as you examine and refine the alternatives on the preservation issue. Today, I will outline the parameters of our approach to model building; in the upcoming weeks I will be glad to furnish the specifics of our various proposals and share the results as we test these models with national data.

KEY PARAMETERS

In developing preservation strategies, there are some basic common sense criteria we believe should govern any solution. We have identified *four* key parameters within which effective solutions can be developed. Reality dictates that they must be within these confines:

(1) *New forms of public-private partnerships.*—A fundamental premise to our work is the belief that the task before us—preserving the current stock of affordable housing for *long-term* low- and moderate-income use—is one that can only be accomplished if both the public and the private sector are willing to be seriously involved. Budgetary restraints dictate that government cannot assume this responsibility alone. It must enter into a joint venture with the private sector.

With respect to ownership of the affordable housing stock, for instance, we believe that the existing stock should be owned by a local entity. This entity could be a state or municipal body, its designee, or a for-profit or non-profit entity, as long as it would maintain the property for low-income occupancy. To assure that the stock be well served the private sector must be heavily involved in its renovation, redesign and management. True competition can promote efficiency and accountability.

If the existing properties are owned exclusively by private owners and left to purely market-driven considerations, these properties would likely be sold or refinanced since investment in many of these entities is no longer beneficial from a tax standpoint for its investors. To compound that effect, real estate appreciation becomes a driving force which virtually guarantees transferring the use of these properties into uses other than continued low-income occupancy.

For these reasons, we recommend that current private owners be encouraged to sell their affordable housing units to entities committed to preserving low-income use. Preliminary calculations show that in this transfer there exists adequate equity, reserves and cash to (1) finance the acquisition and renovation, if necessary, (2) create adequate reserves, and (3) still provide dollars for distribution to owners and investors.

With respect to the administration of this program, we recommend that, while overall authority in the context of ELIHPA continue to be with the Secretary of the Department of Housing and Urban Development, the local administration of these transfers be delegated to qualified State Housing Finance Authorities. They are presently administering the Low Income Tax Credit and have demonstrated excellent underwriting on Section 8 projects. These agencies are equipped to handle and adequately underwrite these transfers and have the business acumen, authority and moral commitment to assure long-term low income occupancy.

(2) *Determining a fair value.*—In order to transfer the existing housing stock from private owners to local, publicly-oriented entities, a fair value for sale must be agreed upon. "Fair" is some magical value that provides a reasonable return to private investors and developers while taking into account the public interest inherent in a property. This is an extremely difficult concept on which to gain general agreement because what is "fair" to one party is not necessarily considered "fair" by another. A "reasonable return" should not mean a windfall profit. On the other hand, owner/investors do expect to get some sort of reasonable market-like return.

The on-going dialogue on what fair value would compensate owners for the purchase of their properties has been heightened by the recent moratorium on prepayment. All parties are coming to understand the importance of preserving the current stock of low income housing. I believe that there is a realistic recognition by investors and owners that even if they prevail in the courts (on their right to sell their properties in the open market), they will still face many local obstacles to converting the use of these properties from low-income occupancy. In addition, the current situation is so onerous to investors as a result of some of the 1986 changes in the tax law that investors are more ready than ever to come quickly to a determination of fair value.

Part of our thinking process, which needs input from you, involves the creation of a mechanism for establishing the value of a project—let's call this a "preservation value"—which caps the sale price at less than the free, fair market value. The "preservation value" must compensate owners fairly, while making the debt service manageable to the local entity which buys the property. Preliminary calculations lead us to believe that some form of relief from tax on the non-cash portion of the gain is necessary in order for investors to receive a reasonable return. That calculation should take into consideration the parameters established when the investors made their original investment. I believe that if this tax forgiveness is made available, the prepayment limitations contained in ELIPHA would not be necessary because many owners would take advantage of this tax proposal and voluntarily transfer their properties to entities willing to meet the low-income requirements.

Considering that the production of these millions of affordable housing units were produced with a combination of housing and tax policy, it is reasonable to expect that as we induce private owners to sell their properties into perpetual affordable housing use, that we again use some combination of housing and tax policy. In other words, let's leave the dance with the same partner we arrived with.

Lastly, while investors may sell their properties with the inducement of tax relief upon the transfer of the properties to entities that will meet low-income use restrictions, the developers will need different incentives. For the past eight years (since production of new units fell off), developers have been on the front line of operating affordable housing properties and have built organizations to manage this process in the absence of government production programs. We recommend that these developers be permitted to continue as the management company as long as they meet reasonable standards of performance, subject to a competitive review after a period of years.

(3) *Minimizing new subsidies/unlocking existing resources.*—We firmly believe that, whatever solutions are adopted, existing subsidies must continue, but that we should impose as little additional financial burden on federal, state and local governments as possible. While we firmly believe that housing should have a greater priority of resources in our national agenda, it is not realistic at this time to expect massive new federal expenditures in housing programs. However, we believe that this approach can succeed with minimal additional expenditures.

The less obvious, but equally important, benefit of transferring ownership and creating a permanent preservation solution lies in the potential recapture of some portion of an estimated $2 billion in reserves which have accumulated in current project accounts. The bulk of these reserves lie in the Section 8 portfolio and came about through the creation of project mortgage reserves and limits on distribution to owners.

Many would agree that the reserve balances today are far in excess of what is necessary to insure the safe continuation of the projects. In the context of the transfer, the reserves should be returned to their rightful owners. Where there are Section 8 reserve balances, these reserves would go to the federal government, and where the reserves have been established out of original project mortgage proceeds, the rightful owner would be the owner investor.

(4) *Priorities for use of capital.*—Upon transfer of ownership and the refinancing (or additional financing over and above the existing mortgage) cash resources will become available. In the variety of projects we have examined under various federal assistance programs, cash proceeds exceed mortgage debt. This difference is the amount available to meet project needs and/or distribution to owners. This cash flow difference results from a combination of factors: capitalized project cash flow in excess of expenses, mortgage amortization, and in some instances lower refinancing rates.

We recommend that this resource of cash be applied in the following priority: (a) project improvement (repair and/or rehab); (b) establishment of reasonable project replacement and working capital reserves; and last, (c) distribution to investors and owners.

In properties where significant capital infusion is required to bring them up to appropriate standards of quality, there may be no distribution. We believe, however, this will be acceptable to owners and investors given income tax relief. On the other hand, in properties which had been well-maintained and have established adequate reserves and which have remaining cash flow, such cash flow should be gladly distributed to owners/investors in appreciation of a job well done.

CONCLUSION

In summary, let me reiterate that I believe that there is a solution within our reach. Let me be frank, however, when I say that I believe that coming to an agreement about this solution will require some "horse-trading" in a true spirit of cooperation. No one will be able to leave with a whole loaf. Each part to the negotiation will have to give in a little. But if each is able to give up a little, the overall package can be very beneficial to all. While the interests of tenants, owners/investors, managers, and public entities may seem to conflict at times, the National Foundation for Affordable Housing Solutions is interested in strategies which capitalize upon overlapping interests, minimize differences, and develop broad based coalitions which can support truly effective long-term reform. We ask that you consider the framework we have set before you today and, more importantly, that you work with us in the near future to perfect that win-win implementation strategy.

[From the Washington Post, Dec. 4, 1989]

LOW-COST HOUSING SOLUTION IS SCHWARTZBERG'S MISSION

(By Margaret K. Webb)

Martin Schwartzberg wants to teach people in business that they can do well and do good at the same time.

Schwartzberg, the president and co-founder of CRI Inc. in Rockville, an international real estate financial services and asset management company, is leaving the firm to devote his time to national housing problems.

Schwartzberg, 47, is launching a nonprofit foundation—the National Foundation for Affordable Housing Solutions—to "get the private sector back into low-income housing."

Schwartzberg said poor government and private ownership and management of properties designed for low-income tenants is a major social problem. "The government can lead, but it's hard for the government to own and manage," he said. "It just gets too bureaucratic."

Schwartzberg has a three-part plan for improving the situation that includes revamping low-income facilities, many of which are privately owned, with a combination of private and public money. He also wants the government to finance the construction of more low-cost housing, and the foundation to help find competent property managers. There are 2 million units of low-cost housing in this country and an immediate need for 3 million more, he said.

His overall goal behind the individual strategies is getting the private sector involved in low-income housing as managers, not owners.

Tax credits that were abolished in 1986 had lured many private developers into low-income housing. Now private owners work with low-cost housing almost exclusively for the real estate appreciation, he said, often placing little emphasis on quality. In many cases, he said, there is no management at all.

Low-income housing would work better socially and financially, Schwartzberg said, if the projects were "publicly owned, but privately managed by firms that could be hired and fired if they don't do a good job. . . . They would do well financially and do good socially."

Federal support is essential to his plan, he said, but Schwartzberg argues that in the long run, effective management will hold down costs.

Schwartzberg is following his own strict schedule to establish his foundation, beginning with choosing its board members by the end of January. All of them, he said, will be "knowledgeable and well-respected business leaders who are interested in the cause." He plans an aggressive educational campaign and immediate work on finding new owners and managers for properties.

Schwartzberg's own interest in the issue is longstanding: He began his career in 1968 at the Department of Housing and Urban Development, where he worked for three years on housing for families with incomes of $5,000 or less.

When he and two partners formed CRI in 1974, their original intention was to work only with low- and moderate-income housing projects.

"But the government programs for low-income housing began to fade so we had to look elsewhere," Schwartzberg said.

In the late 1970s CRI began diversifying into hotels, international real estate finance and multifamily housing.

"I was less than enthusiastic," he said. "It just wasn't something that I was interested in."

Schwartzberg has $300,000 in start-up capital for the foundation, part of which he saved and part of which was donated by CRI and the other two CRI co-founders.

He will remain on CRI's board, but otherwise is "making a clean break" from the corporate world—which does not worry him.

"I have made a substantial amount of money . . . and it just doesn't run me on anymore," he said.

"You've got to do things that make you feel good."

CONCERNS ABOUT RECOVERY OF BLUE WHALES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. YATRON. Mr. Speaker, I along with 15 of my colleagues on the Foreign Affairs Committee, are introducing a resolution today calling for an extension of 10 years on the moratorium on the commercial killing of whales.

As chairman of the House Subcommittee on Human Rights and International Organizations, which has jurisdiction over global environmental issues, I have conducted extensive hearings on whales and other marine mammal matters. The most recent was in September 1989. Evidence from a wide variety of sources indicates that many species of whale populations continue to decline. A recent survey found only 453 blue whales in an area where 10 times that many were expected. The survey turned up 4,047 humpbacks, when 10,000 were anticipated. I am making available a copy of a New York Times article providing additional details, as well as a copy of the resolution.

In 1982 the International Whaling Commission adopted a moratorium on commercial whaling because catch limits were insufficient to stop the decline in whale populations. The moratorium took effect in 1986 and continues until this year. The IWC also agreed to make a comprehensive assessment of whale stocks to be completed by 1990. At the last IWC meeting in June 1989, it was clear that the comprehensive assessment will not be completed this year. The moratorium will be a major issue at the IWC meeting in 1990, because a few nations continue to kill whales, despite IWC objections. The IWC allowed nations to continue to take whales for scientific purposes, but no country's research plans have been approved. Past and present administrations have strongly endorsed the moratorium and it is official U.S. policy.

In addition to the moratorium extension, the resolution calls for U.S. policy to promote the maximum conservation of whales, to strengthen the IWC, and to use diplomatic channels and appropriate domestic and international law toward these ends.

[From the New York Times, June 20, 1989]

NEW SURVEY RAISES CONCERNS ABOUT RECOVERY OF BLUE WHALE

(By William K. Stevens)

The majestic blue whale, the biggest animal ever to live on earth, appears far closer to extinction than scientists have believed, new findings by the International Whaling Commission show.

The findings are considered devastating because they suggest that the number of blue whales is "just a fraction of what anybody thought was there," said Roger Payne, a biologist who is a member of the commission's scientific committee and a senior scientist of the World Wildlife Fund.

In a decade-long survey off Antarctica, scientists found only 453 blue whales in an area where they had expected to find perhaps 10 times that many. And while the new figures are preliminary, they provoked both surprise and concern at the whaling commission's annual meeting in San Diego last week.

The findings were included in a report by the commission's scientific committee, whose studies are used by the full commission in setting policy on the protection and management of whale populations. In 1986 the commission declared a moratorium on the killing of whales, except for purposes of scientific research. All 38 countries that are members of the whaling commission observe the moratorium, although there have been bitter disputes over whether some scientific killing is legitimate. Some major species considered especially endangered, including the blues, have been protected from hunting for two decades or more.

SOME SERIOUS PROBLEMS

Under this protection, some species seem to be recovering from the brink of extinction. But despite the respite in killing, scientists and environmentalists fear that the blue whale and to a less certain extent the fin whale are not recovering as well as had been hoped.

"If these data are indeed accurate, then we've got some serious problems,"said William E. Evans, a marine biologist who is the United States representative on the whaling commission. The preliminary figures, he said, indicate that stocks of blue and fin whales "are not as resilient as we had hoped they would be."

Past ways of estimating whale populations have lately been called into question, and the new results from the Southern Hemisphere have intensified the criticism. In the past, populations were estimated mostly by keeping track of how many whales were killed each year. This method is now criticized as being so imprecise as to be misleading. More recently, the commission has instead been comducting surveys in which specially commissioned ships cruise the seas and scientists actually count whales.

Using this approach, scientists from a number of nations have been surveying the waters off Antarctica in every Southern Hemisphere summer since 1978–79, systematically covering the area south of 60 degrees latitude. In the summer whales migrate to those latitudes to feed.

DECLINE FROM 225,000

Using the older method of counting the killed wales, experts had estimated that 11,000 to 14,000 blue whales existed in the world, compared with some 225,000 before commercial hunting began. Roughly half the survivors were thought to be in the Southern Hemisphere. Whales generally stay within one hemisphere or the other, migrating between the tropics and the poles.

But the results presented at San Diego found only 453 blue whales, the largest of which are 100 feet long and weigh more than 30 elephants, in the area surveyed. Sci-

entists believe the area south of 60 degrees contains all or nearly all the blues in the Southern Hemisphere during the summer.

The Antarctic cruises also found 2,096 fin whales in the survey area, but not all of the species migrate to the Antarctic in the summer. Earlier estimates placed their global population at about 100,000. The survey turned up 4,047 humpback whales, whose total population has been estimated at 10,000; 1,498 sei whales, whose numbers globally have been estimated at 54,000; and 3,059 sperm whales. The population of sperm whales has been estimated at nearly 2 million, but some scientists believe it is not that high.

Specialists on the whaling commission said the Antarctic count of sperm whales meant little, since only large adult males of the species, a small fraction of the total population, migrate into Antarctic waters. More of the humpback and sei whales migrate there, but large number of them stay in warmer waters, too. Further study will be needed to assess the meaning of the figures on these species, the specialists say.

But for the blues, the results appear unequivocally discouraging to some scientists. The figure of 453 blues must be adjusted, they say, to account for the fact that only two-thirds of the ocean waters south of 60 degrees south latitude were surveyed. Further, they say, some whales were undoubtedly missed because some dive for long periods.

Even so, said one specialist on the commission, the true number is unlikely to be more than about 1,200 to 1,500, and could well be less.

The list of cospoonsors and a copy of the reoslution follows:

H. CON. RES. 287

Mr. Gejdenson, Mr. Porter Goss, Mr. Clarke, Mr. Wayne Owens, Mr. McCloskey, Mr. Toby Roth, Mr. Faleomavaega, Mr. DeWine, Mr. Kostmayer, Mr. Lawrence Smith, Mr. Dante Fascell, Mr. Lee Hamilton, Mr. Studds, Mr. Mel Levine, Mr. Fuster.

H. CON. RES. 287

Concurrent resolution calling for a United States policy of promoting the continuation, for a minimum of an additional 10 years, of the International Whaling Commission's moratorium on the commerical killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations

Whereas whales are a unique marine resource of great esthetic and scientific interest and are a vital part of the marine ecosystem;

Whereas the indefinite moratorium on commerical whale killing adopted by the International Whaling Commission in 1982 to take effect in 1986 is subject to review and reconsideration in 1990;

Whereas this moratorium has not yet resulted in a full cessation of whale killing for commerce,

Whereas there remain great uncertainties as to the true status of whale populations, due to the difficulty of studying them, their slow reproductive rate, and the unpredictability of their recovery even when fully protected;

Whereas whales are subject to grave environmental treats from nonhunting causes such as pollution, loss of habitat, increased shipping, oil and gas exploration, and the use of driftnets and other nonselective fishing techniques, which underscore the need for special safeguards for whale survival;

Whereas the International Whaling Commission has not yet demonstrated its capability for strict and truly international monitoring and enforcement, and for insistence on humane killing methods;

Whereas powerful moral and ethical questions have been raised regarding the killing of whales, for profit; and

Whereas a full decade free of whale killing for commercial purposes is the bare minimum necessary to seek satisfactory answers to the questions, concerns, and uncertainties cited above: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) United States policy should promote the maximum conservation and protection of the world's whale populations;

(2) toward that goal, the United States should work to postpone further review of the International Whaling Commission moratorium on the commercial killing of whales and maintain zero catch limits for all whale stocks for at least another decade, that is, to the year 2000 or beyond;

(3) in addition, the United States should work to strengthen the International Whaling Commission as the indispensable organization for safeguarding for future generations the great natural resources represented by the whale stocks, and should encourage the Commission to establish and carry out long-term programs of nonlethal research and comprehensive assessment for all whale stocks on a global basis, including small cetaceans; and

(4) in so promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

TRIBUTE TO PVT. ROBERT JOHN REYNOLDS

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HOLLOWAY. Mr. Speaker, I pay tribute today to a distinguished young American and resident of the Eighth Congressional District of Louisiana serving his country, his State, his parish, and his hometown as a member of the Old Guard of the U.S. Army. The individual to whom I pay tribute today is Pvt. Robert John Reynolds of Plaquemine, LA.

Mr. Speaker, Private Reynolds' service in the Old Guard has certainly brought distinction upon himself. By continuing the great and glorified tradition of service in the Old Guard, Private Reynolds has also made his family, his friends and his Congressman exceptionally proud.

Each year, the Old Guard, a unit of the U.S. Army Military District of Washington, participates in more than 3,500 ceremonies. The Old Guard is responsible for the execution of joint military ceremonies at the White House. Moreover, soldiers of the Old Guard maintain a 24-hour vigil at the Tomb of the Unknown Soldier, participate in military funeral rights at Arlington National Ceremony and take part in numerous parades and other functions.

Mr. Speaker, I am proud to salute Pvt. Robert John Reynolds. It is fitting that he is a member of the Old Guard. He is a committed soldier, he is a devoted American, he takes pride in his service to America and her Army. His contributions to the Old Guard are a credit to all who know him.

A TRIBUTE TO THE OLD WEST

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GALLEGLY. Mr. Speaker, the American West and the cowboy are among our most cherished and enduring traditions. In a legend enhanced and polished by the motion pictures, the cowboy and the code of the "Old West" in a way stands for America. The cowboy worked hard and was a good guy. He rode tall in the saddle. He was indomitable, courageous, upright, loyal and—to the chagrin of young boys—romantic.

This year, the Walk of Western Stars in Newhall, CA, part of the new city of Santa Clarita, CA, will enshrine four outstanding representatives of the Old West. The 1990 honorees are Cliffie Stone, Bruce Boxleitner, Lee Horsley and Morgan Woodward. On March 24, these four stars will join other great Western stars who have been honored with bronzed saddles and stars on San Fernando Road.

The inductees have earned their honors. Stone was a TV and radio star, a talented musician, singer, songwriter, band leader, disk jockey and emcee. He starred in "Hometown Jamboree," Gene Autry's Melody Ranch, produced for Capitol Records and now directs the Gene Autry Music Group. Boxleitner is a top Hollywood leading man, having starred in a variety of productions including "Scarecrow and Mrs. King," "How the West Was Won, "East of Eden" and "The Gambler." Horsley starred in such series as "Paradise" and "Matt Houston," and the firm "The Sword and the Sorcerer." Woodward starred in "The Great Locomotive Chase," "The Wyatt Earp Show," "Cool Hand Luke," "Buffalo Soldiers"—for which he earned a Cowboy Hall of Fame Award—and "Gunsmoke." More recently, he has appeared on "Dallas" and "Days of Our Lives."

These heroes of the not-so-wild West are loved by millions for the joy and laughter they have given us, and for the values they represent—honor, virtue and strength.

Mr. Speaker, I am sure my colleagues join me in saluting the Walk of Western Stars in Newhall, and its 1990 inductees.

THE REPUBLIC OF LITHUANIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. LIPINSKI. Mr. Speaker, these past couple of days have demonstrated once again that you can never say never. Even as recently as the beginning of the 101st Congress I

was a member of the chorus saying that the Germanys would not reunite any time soon, the Berlin Wall was not about to fall, Mr. Mandela would never again live outside a prison cell, and there would not be free and fair elections in Nicaragua. As the months passed events that we thought would never happen in our lifetimes occurred quickly and relatively peacefully. With no end in sight to the triumphs of freedom there appears to be no more chorus of nay sayers, just a world community anticipating the next triumphs.

The most recent lesson learned by the chorus was taught, appropriately, by a professor of music, now the new leader of the Republic of Lithuania. The brave individuals of Lithuania voted Sunday to formally secede from the Soviet Union. Their Parliament unanimously approved a proclamation which stated, "Expressing the will of the people, the Supreme Soviet of the Lithuanian Republic declares and solemnly proclaims the restoration of the exercises of sovereign powers of the Lithuanian State, which were annulled by an alien power in 1940." It took courage to make this decisive break from the huge military and economic power that has controlled Lithuania for 50 years. But it will take even greater courage and sacrifice to successfully join the world community of free nations. For independence as a matter of political reality is much different than independence as a matter of economic and social viability. If Lithuania is to be truly independent and free, then it will need the cooperation of other nations, especially the Soviet Union, Western Europe, and the United States.

The most common fear faced by the leaders of the newly freed Republic of Lithuania is a wave of economic reprisals from the Soviet Union that could produce fuel shortages and unemployment, threatening the State with chaos. But the leaders stand resolute that a shortage of these material necessities is more tolerable than a shortage of freedom, basic rights, and human dignity. President Gorbachev should be commended on his willingness to negotiate the terms of secession. He has never threatened directly or indirectly that the Soviet Union would use force to halt the move toward independence. He has however demanded that Lithuania pay a heavy price in hard currency if it wishes to secede. This position is both inappropriate and unfortunate. The Lithuanian economy of today could never afford to pay the price Mr. Gorbachev is asking, any attempt to do so would surely ruin their attempts at independence. Mr. Gorbachev may only be demanding such a high price to alleviate some of the pressures he is feeling within his own Government. But whatever the reason, the current economy of Lithuania is not yet strong enough to support independence. This, of course, is not the fault of the Lithuanian people but the result of inefficient policies forced upon them by their invaders of a half century ago. Cooperation and support of both Western Europe and the United States can certainly help strengthen Lithuania's economic base, however, their comparative advantage lies in trade with the East, not the West. I therefore hope that Mr. Gorbachev, who certainly has demonstrated himself as a visionary up to this point, realizes that the Soviet Union and Lithuania will both be better off if they cooperate and support each other.

I must add however that I am concerned our administration is not moving quickly or forcefully enough to support the independence movement of Lithuania. The world watches the United States to see how we, the champions of freedom, react to events around the world. And what they are seeing now is a President hesitant to stand with the Republic of Lithuania and demand economic fairness in negotiations. President Bush says that no real action is needed on our part since we have never recognized the Soviet Union claim to Lithuania. But I, many of my colleagues, and most of the world recognized the unanimous vote this past Sunday as a remarkable and historic event, one that demands special attention. This administration has developed a knee-jerk reaction to world events that favors caution, especially if Gorbachev's power base could be hurt. I, too, hope that Gorbachev remains in power to continue his policy of glasnost, but what I have learned from recent events is that the Soviet President is not primarily responsible for the remarkable movements toward freedom. The oppressed people of the world are tired of their current state and are finally beginning to change it. Hope, freedom, and individual liberties are the driving forces behind the democratization of Eastern Europe and the Soviet Union. And if the United States is going to have a knee-jerk reaction to world events, we should do so on the side of independence and freedom.

We must urge the Soviet Union to deal fairly with Lithuania. Their promise not to use force is to be expected not congratulated. Lithuania has already indicated their desire to establish, "permanent, good, political, and economic relations with the U.S.S.R." I hope Mr. Gorbachev is willing to do the same. The promise not to use force is not nearly enough. Yegor Ligachev, a Soviet official, said that "tanks will not help this matter," but that is not quite true, the economy of Lithuania will need tanks—tanks of oil, and tanks of food. If Lithuania is to be permitted to build its own fortress of freedom then issuing a building permit is not enough, the Soviet Union must give back the tools they illegally took a half a century ago.

As I said earlier Mr. Speaker I have witnessed some things I never thought I would see. Mr. Ceausescu and Mr. Noreiga are no longer in power and Mr. Tyson is no longer the heavyweight champ. Buster Douglas put Iron Mike down for the count because of his persistence left jab. The people of Lithuania have also been persistent, and now, at the count of 50, 50 years they are back on their feet. In their rise, freedom has found a victor. The true achievement of independence for Lithuania will be a gradual process. But the restoration of independence must not be dictated by Soviet interests but by the ability of Lituania to stand economically on its own feet. The administration must work to ensure that they are helped up. Quitely cheerleading from the sidelines of world events is not enough. To resign ourselves to such a position would belittle our past efforts and ignore the past sacrifices of millions of freedom-yearning individuals east of the Iron Curtain. What is required of this body and this administration is a change from demanding freedom to supporting freedom.

OAK CREEK CELEBRATES CONSTITUTION'S 200TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. KLECZKA. Mr. Speaker, I rise today to salute the city of Oak Creek, WI, for its outstanding achievement in celebrating the 200th anniversary of the U.S. Constitution.

Oak Creek was one of only a few municipalities in the State of Wisconsin to be recognized as a bicentennial community, and it certainly is deserving of this title. The entire community, including elected officials, businesspeople, service organizations, schools, churches, and townspeople, joined together to celebrate the anniversary of the document described as the greatest leap forward for freedom in human history.

The city of Oak Creek kicked off its celebration with an observance of Constitution Day on September 19, 1987. One of the highlights of the opening ceremony was the presentation of two bicentennial flags to the city by the Oak Creek Lions Club and its president, Mr. Erwin Semski. Also, on that day, any resident who visited the Oak Creek Library had the chance to sign a copy of the Constitution which remained on display for the rest of the year.

In May 1988, members of the Bicentennial Committee, with help from local senior citizens and Oak Creek High School students, presented the community production of "The Constitution: Little Short of a Miracle," directed by Ms. Kathy Kaianowicz.

On July 14, 1988, a Bicentennial Recognition Dinner was held to thank the many people and organizations that contributed their time, talents, and enthusiasm during the first year of the celebration. Among those recognized were Oak Creek Mayor Christine Bastian, Bicentennial Committee Chairman Ed Garbe, Program Chairman Gerald Mayhew, and Tammy Schmidt, a junior at Oak Creek High School who received several awards for her school and community involvement and for her essay on the Constitution. Ms. Schmidt was one of 35 winners nationwide in the essay contest, and she was selected as the Oak Creek Bicentennial Queen.

In October 1988, there was a Constitutional Bicentennial Booth at the Oak Creek Ninth Annual Business and Industry Fair. The booth was staffed by "signers of the Constitution," local townspeople dressed in costumes from the 1770's.

One of the crowning events of the celebration was the September 17, 1989, presentation to the city of five plaques commemorating the bicentennial, including replicas of the Articles of Confederation, the Constitution, and the Bill of Rights. The person most responsible for getting the plaques for the city was Mr. Gerald Mayhew, program chairman of the Bicentennial Committee. Mr. Mayhew first heard about the plaques 2 years earlier at a bicen-

tennial workshop. With his hard work and the generous help of the Veterans of Foreign Wars Meyer Dziedzic Post 8482, and the ladies auxiliary, especially their senior vice president, Ms. Trudy Theoharris, Oak Creek became the first city in the Nation to purchase and display the plaques.

The city of Oak Creek, its elected officials, and its citizens are to be commended for their patriotism and pride in their city, State, and Nation. The Constitution of the United States is the framework for the freedoms we in this country sometimes take for granted. It is gratifying to see a community celebrate those freedoms and the document our Founding Fathers gave us to assure the preservation and continuation of those liberties. I am extremely proud to have this outstanding community in my congressional district.

ECONOMIC DEVELOPMENT COUNCIL OF NORTHEASTERN PENNSYLVANIA CELEBRATES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Economic Development Council of Northeastern Pennsylvania [EDCNP] for its 25 years of dedicated and valuable service in our region.

On this occasion of EDCNP's anniversary celebration, I am pleased to inform my colleagues of the integral role this nonprofit group has played in our region's economic resurgence. On a wide range of issues—from transportation and infrastructure enhancement to solid waste management and recycling—EDCNP has helped galvanize local participation and input in the critical issues facing our region and our State.

Through workshops, seminars, and public meetings, EDCNP continues to reach out to local industries, serving both as a source for information and an advisor on new business endeavors. Serving several counties in this corner of the Commonwealth, EDCNP has helped hundreds of companies grow and expand.

EDCNP's team of employees and extensive board of directors operate with one basic and important mission: to help our region and its corporations and communities meet the challenges and opportunities of today and tomorrow. To support this effort, the group assiduously researches available Federal, State, and local assistance.

Not long ago in 1972, Mr. Speaker, in the wake of the damage and destruction caused by Hurricane Agnes, many skeptics predicted that northeastern Pennsylvania would never fully recover. These skeptics assessed the over $1 billion in damages that resulted from the third largest natural disaster in the history of our Nation. They viewed the loss as unsurmountable.

I am pleased to affirm, however, that not only have we proved the skeptics wrong, but we continue to surpass even the most ambitious predictions offered by the optimists. Indeed, with the help of our determined local residents, businesses, and groups like EDCNP, our region is enjoying an economic renaissance.

As we proceed further with this economic revitalization, this same partnership of citizens, industries, EDCNP and others will be working to preserve the high quality of life we presently enjoy in northeastern Pennsylvania.

In fact, if assisting in the economic resurgence of our region is the hallmark of EDCNP's first 25 years, we hope controlled further growth with an emphasis on environmental protection will characterize the group's next 25.

Again, congratulations to EDCNP on its anniversary and I look forward to continuing to work with this determined group on behalf of northeastern Pennsylvania.

DEAF AWARENESS WEEK

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GUNDERSON. Mr. Speaker, as a congressional trustee of Gallaudet University, I want to take a moment during Deaf Awareness Week to pause and draw attention to deaf Americ a. As a matter of fact this week is a very significant and historic day for American deaf culture and Gallaudet University. For 2 years ago yesterday Gallaudet University selected Dr. I. King Jordan as their eighth president in the 124-year history of the University and more importantly, as the first deaf president of this liberal arts institution for the deaf.

As many may remember, in early March 1988, Gallaudet served as the back drop for a major social protest by the deaf community, their families, and friends. Demanding a deaf president, the silent protests on Florida Avenue and later the Capitol steps dominated the nightly newscasts. At their simplest, the deaf president now rallies, stilled a busy city and gave millions of Americans, perhaps, many for the first time, a glimpse of the aspirations of some 27 million of our hearing impaired brothers and sisters. At their most profound, the events of the ideas of March transformed a people and witnessed their coming of age.

The appointment of Dr. King Jordan as president of Gallaudet was much more than just the naming of an executive officer, although I am happy to report to my colleagues that he has proven to be a resourceful and innovative manager. Dr. Jordan has become an international symbol of achievement. Perhaps you saw him chronicled on 60 Minutes this past Sunday. As he did in that segment, King Jordan continually trumpets the limitless potential of deaf Americans and indeed, Dr. Jordan's ascendency to the Gallaudet presidency has proven that.

But the deaf movement and deaf culture is larger than I. King Jordan and Gallaudet University; it extends far beyond the Beltway and encompasses 10 percent of our constituents. However, unlike the leaders in any new wave of representation, they are less versed in accessing the hearing world and making their needs known. Why is this so? I do not think this is because the majority of deaf and hearing-impaired Americans are less tenacious in their endeavors or untiring in their efforts. Perhaps it has been because they were willing to accept the limits we in the hearing world had assigned them.

It was only in the 100th Congress, for example, that both bodies passed the Telecommunications Accessibility Enhancement Act to provide telecommunications access to the Federal Government. Unfortunately, however, much remains to be done within our own House. Since H.R. 4992 was passed, 70 percent of the Senator's offices have installed a TDD at no cost to their office. In the House, however, only 1.3 percent of Member's offices have purchased and installed a TDD.

Therefore, because I believe the House needs to do its part to encourage direct communication between Members and their constituents, I am introducing a resolution to instruct the Clerk of the House to purchase a TDD for each Member's office. Moreover, the Joint Special Services Offices has volunteered its services to educate our staff on how to use the TDD. Although there are limited ways in which your deaf, hearing and speech impaired constituents can contact you, I believe direct access to us and our staffs is in the best interest of us all; for a representative democracy is predicated upon communication.

We must continue to build on the increased awareness of, and interest in deaf people. We must insist that the enhanced attitudes toward deafness and deaf people become even more positive. We know this, and we can do this only by demonstrating that, given the opportunity, deaf people can do anything but hear.—Dr. I. King Jordan

I know my colleagues realize deaf people can do anything and I would urge them, especially as we pause to commemorate the accomplishments of deaf and hearing impaired Americans, to join me in supporting this legislation and provide an opportunity.

SALUTE TO SHERIFF LLOYD B. JOHNSON

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HOLLOWAY. Mr. Speaker, it is with great pride that I salute today Lloyd B. Johnson, sheriff of St. John the Baptist Parish, LA, for developing an innovative drug free incentive program which involves middle school and high school students, parents, and business establishments. The program, known as PASSED—Parish Area Students Systematically Eliminating Drugs—is an example of what every parish and every county can do to create a positive peer pressure program to fight the war on drugs.

Any student may join the program. The only requirement is that a student be drug free, have parental consent and voluntarily pass a drug test. Once a student has successfully completed the test, he or she receives a special card indicating the student is drug free. Area businesses participate in the program by

offering special discounts to those students who possess a drug free card.

Mr. Speaker, I commend Sheriff Johnson, participating young people, families, and the business community of St. John Parish for making this program work. Everyone knows that victory in the war on drugs will not be achieved quickly, easily or cheaply. However, programs like PASSED ensure that the war on drugs will eventually be won. Many people talk about drugs and the threat they pose to our society, our kids and our future. Mr. Speaker, I am proud to report that the people of St. John the Baptist Parish, because of the initiative demonstrated by Sheriff Lloyd Johnson, aren't just talking about the need to be drug free. Together, they are taking action.

TRIBUTE TO TWO HEROES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GALLEGLY. Mr. Speaker, I rise today to honor two heroes, Theodore Hansen and Daine Vannett, who risked their lives to save a 4-year-old boy. Tragically, Mr. Hansen gave his life so that the boy could live, but his sacrifice and Mr. Vannett's valor will be remembered on March 22 by the U.S. Coast Guard and the Thousand Oaks, CA, Rotary Club.

Emerson once wrote that "heroism feels and never reasons." That describes how Mr. Hansen and Mr. Vannett reacted on June 17, 1987. Mr. Hansen, his wife, Barbara, and a group of children were fishing from the rocks at Mugu State Park when one of the children, Justin Black, was caught in a riptide and quickly taken out some 100 yards from shore.

As Mrs. Hansen ran to seek help, Mr. Hansen plunged into the chill waters of the Pacific and swam out to the boy. Mr. Vannett heard Mrs. Hansen's calls for help and also entered the water. He found the boy clinging to Mr. Hansen's shirt, rescued him and headed back for shore. A lifeguard from a nearby beach helped them to safety, while other lifeguards searched for Mr. Hansen and soon found him, face down in the water. Despite performing mouth-to-mouth resuscitation in the water, and administering CPR, his life could not be saved.

Mr. Speaker, the word "hero" is used too frequently. Sometimes, a vote for commonsense here in the House of Representatives is labeled heroic by Members and the press. But it's people like Theodore Hansen and Daine Vannett who truly deserve those accolades. And as their brave and selfless action is honored next week, I know our thoughts will be there as well.

HONORING THE UTILITY WORKERS UNION OF AMERICA LOCAL 1-2 AFL-CIO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of the finest and most successful union locals in the New York City area, the Utility Workers Union of America, Local 1-2 AFL-CIO. On March 23 this organization will celebrate its 50th anniversary with a dinner dance at the Sheraton Center in Midtown Manhattan.

UWUA Local 1-2 has long been recognized as a force in the Utility Workers Union and in the labor movement as a whole. It has the largest local in the Utility Workers Union, with a membership totaling 13,000 to 14,000, encompassing the whole of New York City and Westchester County.

The UWUA Local 1-2 has a distinguished history within the labor movement. It was originally affiliated with the Brotherhood of Consolidated Edison Employees, which on April 5, 1940 won National Labor Relations Board representation. The Utility Workers Organizing Committee was established within the Committee for Industrial Organization in February 1938, taking over organizing utilities workers from the United Electrical, Radio and Machine Workers of America. At the same time the six original BCEE locals representing BCEE members employed by Consolidated Edison merged to form local 1-2. On August 1, 1945, the Utility Workers Organizing Committee became the Utility Workers Union of America and BCEE Local 1-2 was chartered the same day as UWUA Local 1-2. Ten years later, the American Federation of Labor merged with the new Congress of Industrial Organizations to form the AFL-CIO, placing craft and industrial unions on equal footing. Soon after this date, on August 1, 1955, the UWUA Local 1-2 received its AFL-CIO charter to become the UWUA Local 1-2 AFL-CIO.

In recent times, local 1-2 has had to overcome great tragedy. Last December, one of its members was killed and a number of others injured in a gas explosion at a powerplant in Hellgate, the Bronx. As a result of this tragedy, the local 1-2 has engaged in negotiations for better safety and work conditions, better life insurance and debt benefits for its members. It is also currently involved in negotiations with Consolidated Edison and the New York Power Authority to ensure that its members will not be shortchanged when the Power Authority renews the company's contract. One person who has been especially active in these negotiations is Mr. Eugene Briody, the local's business manager, who has served in this position for 1½ years and as president for 2 years prior to that.

Members of local 1-2 have been very active in their community. At various times they have supported the Boy Scouts, local charities and summer camps. Members have also worked with local little leagues, often volunteering to help with lighting of games; the electricity supplied by Consolidated Edison, of course.

Mr. Speaker, in a time when conventional wisdom declares that union fortunes are in decline, it gives me great pleasure to acknowledge a union local whose vitality and strength are sufficient evidence that conventional wisdom can occasionally be proven wrong. In its day to day negotiations with management, UWUA Local 1-2 AFL-CIO has not shrunk from its responsibility to win for working men and women a decent day's pay for a decent day's work. And so I ask my colleagues to join me in congratulating the Utility Workers of America, Local 1-2 AFL-CIO on its golden jubilee, and to wish it as much success in its second 50 years as in its first.

A VETERAN'S SEARCH FOR WORLD WAR II ARMY COLLEAGUES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MAZZOLI. Mr. Speaker, I was contacted by one of my constituents Mr. Manuel Baker of Louisville, KY. Mr. Baker has been searching, unsuccessfully, for several men who served with him in the Army in World War II. He has listed these veterans and their Army serial numbers—and last known location, when possible—which I would like to submit in the event that one of my colleagues recognizes any of the names and could help to reunite my constituent with some of his friends. I hope my colleagues will feel free to call my Washington office if they turn up any information on these veterans.

These names submitted to me by Mr. Baker are listed below:

Abbate, Generosa G., 32183623—NJ.
Billings, Manford C., 39259408—OK.
Davila, Maximillian, 32177297—NY.
Evans, George W., 33311512.
Goodpasture, Wilber, 39132006.
Kokoszka, Edward L., 31052315.
Mahoney, Edward R., 36078201.
Ollinger, Benjamin, 32182969—NY.
Randall, John W., 36743424.
Rosen, Sidney, 31035973—MA.
Struble, Charles E., 37247190.
Thomas, Wm. H., 32214861—NY.
Wallach, Ruel, 6259924—OK.
Alderman, Hiram B., 34240273—FL.
Futterman, Alvin M., 32183821—NY.
Pisano, Vincent J., 12056172.
Syracuse, Angelo, 32672098.

TRIBUTE TO THE LOS ANGELES BENCH AND BAR AFFILIATES, INC.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise today to recognize the Los Angeles Bench and Bar Affiliates, Inc., for its many years of dedicated service to the predominantly African-American communities of the Greater Los Angeles area. Known formerly as the Wives of the Bench and Bar, the Los

Angeles Bench and Bar Affiliates, Inc., was founded in 1955 by Justice Vaino Spencer and several civic-minded judges' and lawyers' wives.

The organization, whose current membership is comprised of 70 spouses of judges and lawyers in the Los Angeles area, is committed to working in the community through worthwhile programs, and presently participates in and lends financial support to more than 18 community service projects.

The group has implemented numerous programs to acquaint community residents—especially young people—with the various aspects and activities of the legal profession. Since 1977, the group has sponsored tours of the Compton Courthouse for elementary and secondary school students from public and private schools in the Compton, Carson, Inglewood, Lynwood, and Los Angeles areas, with Bench and Bar Affiliates serving as docents.

Each year, the Los Angeles Bench and Bar Affiliates, Inc., observes National Law Day by hosting several schools at various Los Angeles area courthouses where students meet individuals representing every phase of the court system. Students are afforded a unique opportunity to discuss the duties, salary, training and necessary experience associated with various law-related jobs.

Moreover, since 1962, the Los Angeles Bench and Bar Affiliates, Inc., has presented approximately 200 scholarships to deserving local law students. Recipients receive scholarship money through their final year of law school and are then awarded funds to cover bar review course fees.

In addition to its focused activities in the legal area, the Los Angeles and Bar Affiliates, Inc., has contributed generously to a number of other worthy causes, including the United Negro College Fund, the National Association for Sickle Cell Disease, the NAACP Legal Defense Fund, Inc., the Southern Area Foster Care Effort, the Young Black Scholars Program, local chapters of the YMCA and the Museum of African-American Art. And, in December, Affiliates assist the Los Angeles County Foster Parents Association by hosting the Dream Tree project located in the Fox Hills Mall. In addition, members give gifts to foster children to help make their Christmas dreams come true.

By exposing elementary and secondary students to the judicial system and to role models in the legal profession, and by providing assistance to aspiring lawyers and gifts to disadvantaged children, Los Angeles Bench and Bar Affiliates have enriched minds, broadened horizons and translated worthwhile dreams into promising realities. Through its 35 years of service, the organization has established a fruitful liaison between the Los Angeles area legal profession and the local African-American community from which hundreds in my district have benefited substantially.

Please join me in congratulating the Los Angeles Bench and Bar Affiliates, Inc., on its extensive community service involvement and generous contributions toward the education and enrichment of Los Angeles area African-American students, and in offering the organization and its membership best wishes for longevity and much continued growth and success.

TOM REED: PIONEER AND COMMUNITY SERVANT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HAWKINS. Mr. Speaker, seldom do I have the opportunity to talk about a person who, because of his success and his contribution to the community, I admire most highly. I speak in praise of Mr. Tom Reed, the founder, producer, and host of the Los Angeles-based "For Members Only" talk show. Mr. Reed, once known as the "Master Blaster" when he was a prominent figure on FM radio, has forged a place in history because of his efforts to inform the public on issues that are important to African-Americans and the Nation.

Tom's work in the study of black music, his ability to be an enduring figure on top-rated radio shows as diskjockey, and the abovementioned "For Members Only" as, among other things, host, are testaments to his dedication to educating the public to the contributions other African-Americans have made to the music industry, and the community, of which we are all a part.

His work on radio and television has not been a singular act of self-promotion, but served as a means to open doors for other African-Americans. As a role model for success, truth, and respect for all people, it is fitting that the Nation should know about Tom Reed, friend and committed community servant.

OMAR V. GIMENEZ: ALL THE BEST AND SUCCESS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DYMALLY. Mr. Speaker, by mid-March, Mr. Omar V. Gimenez will have completed his congressional fellowship in my office under the auspices of the Latin American Scholarship Program of American Universities [LASPAU].

Mr. Gimenez is a mechanical engineering student at the Universidad Tecnologica Nacional of General Pacheco, Buenos Aires, Argentina. His fellowship stemmed out of my concern for infrastructural development in Latin America and the Caribbean.

It has been indeed a pleasure having Mr. Gimenez as a fellow for these 2 months. His dedication and diligence in search of additional knowledge related to science and technology were especially rewarding to him. He will be returning to his studies at the university in April. I only wish that more time was available for this aspiring future engineer to participate in this program, but I know that the knowledge he had already acquired will supplement and broaden his understanding of his chosen field.

Mr. Speaker, this student has had the chance to observe the legislative process of our democratic system of Government. I am certain, that by allowing international students sponsored by LASPAU, such as Mr. Gimenez, the opportunity to see Congress, first hand, we ensure that the experience they gain of our democratic institutions will prepare them once they become leaders in their own countries.

Mr. Gimenez, I hope this has been a valuable experience for you and one that will assist you in your future endeavors. On that note, the staff and I wish you all the best and success.

SECOND BAPTIST CHURCH OF MATAWAN, NJ, CELEBRATES ITS 100TH ANNIVERSARY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pride that I rise to inform you and my colleagues that the Second Baptist Church, which is located in Matawan, NJ, is celebrating its 100th anniversary.

Under the able leadership of its pastor, Rev. Joseph E. Butts, and the celebration chairperson, Alice E. Elmore, the church will be having special programs on the second Sunday of each month throughout 1990 to commemorate its long and outstanding history.

Mr. Speaker, I know that every Member of this House recognizes the important contribution which our religious institutions make to the fabric of American life. We often commend one group or another on their accomplishments, on the service which they provide to our communities and on the many contributions they make.

Clearly, the Second Baptist Church is deserving of such praise. I know that you will join with me in wishing the congregation many more years of faith and service, as they begin their second century of worship in Matawan.

LAJOS KOSSUTH: HUNGARY'S FIRST FREEDOM FIGHTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, in this day of falling iron curtains and rising democracies, I take the opportunity to recognize one of Hungary's original freedom fighters, Mr. Lajos Kossuth. On March 15, 1848, Mr. Kossuth became the first Hungarian nationalist to lead that country's Diet in a break from the Austrian Empire. His powerful pen and oratory galvanized the discontent of the Magyar people into the Hungarian nationalist movement.

Hungary had long suffered under the respressive absolutism of the Hapsburg monarchy in Vienna. In a speech to the Diet on March 3, 1848, Kossuth demanded the removal of the dead hand of Austrian absolut-

ism as the only way of securing the liberties of Hungarians and all other peoples under the monarchy.

On this day, March 15, Hungarians around the world remember the ascent to freedom that Mr. Kossuth embodied. The Kossuth Civic Center in Miami, founded in 1954, will celebrate this holiday of the Hungarian people while remembering their brothers and sisters remaining in the homeland. Back in Hungary, the influence of Lajos Kossuth is most assuredly alive.

Kossuth's countrymen are today demonstrating that the human spirit will not long endure a repressive regime before rising up to challenge it. It is important for us to recognize, Mr. Speaker, how the efforts of Mr. Kossuth laid the cornerstones of democracy in Hungary. This foundation was not to be easily uprooted, not even communism has shaken it. The story of Lajos Kassuth and his modern day counterparts should remind us that freedom and democracy must never be taken for granted.

A STORY OF HEROISM IN NORTHERN NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. PALLONE. Mr. Speaker, from time to time we hear stories about heroism, about ordinary people, just like our friends and neighbors, who do extraordinary things in times of crisis. Recently, two of my constituents rose to the occasion to help a total stranger in a time of great need. They turned out to be lifesavers.

Joseph L. DeCosta and his younger brother Thomas E. DeCosta, both from South Belmar, NJ, were driving on a northern New Jersey highway last month when they came upon an accident scene. A car had been struck from behind by a pickup truck, and the car immediately burst into flames. The women driving the car was trapped inside, and a crowd of onlookers—including the driver of the pickup truck—stood by helplessly. The DeCosta brothers immediately took action, helping the woman from the car, dousing the flames with a fire extinguisher, making sure no one else was inside, and administering first aid to the injured woman. The woman survived the accident, with some serious burns, and later thanked the DeCostas. The Wayne Township, NJ, Deputy Police Chief was quoted as crediting the two men with saving the women's life.

Mr. Speaker, I am, of course, particularly proud of what my two constituents did to save the life of another. But I think all Americans can take pride when we see how an emergency really does bring out the best in many of our fellow citizens. While most of us will never be involved in such a situation, it is reassuring to know that there are people like Joseph and Thomas DeCosta who are willing to put their own safety on the line to help another, and even to save a life.

PRESIDENT NIXON RETURNS TO CAPITOL HILL

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DOUGLAS. Mr. Speaker, today I am placing in the CONGRESSIONAL RECORD a piece published by the New York Post describing former President Nixon's value to our Nation as a statesman and keen observer of international affairs. As the Members know, President Nixon recently returned to Capitol Hill, where 43 years ago he began his career in politics, to discuss the current state of world affairs. He gave an excellent overview of the startling changes that have occurred over the last year and provided powerful insights into how the United States should respond to these changes. Our Nation is fortunate to have the benefit of the views of Richard Nixon, counsel to Presidents and lawmakers, as we work to formulate an effective and responsive foreign policy.

[From the New York Post, Mar. 13, 1990]

RICHARD NIXON, STATESMAN

There may well be people who begrudge former President Richard M. Nixon the warm welcome accorded him on his recent visit to Capitol Hill. But there will always be a few professional Nixon-detractors around—folks who've never forgiven him for coming to national prominence by recognizing that Alger Hiss was lying and that Whittaker Chambers was telling the truth; folks who've never forgiven him for returning from the political graveyard to capture the White House in 1968 and 1972 (the latter victory, of course, took the form of an unprecedented national landslide).

The anti-Nixon element probably thought it had finally won its great battle by driving him from office in 1974. But those who came to this conclusion were mistaken: they'd failed to consider Nixon's strength of character and personal resolve. And they'd failed to consider the fact that his enormous intellectual gifts meant he still had a great deal to contribute.

In recent years, however, the American people, in great number, have come to recognize President Nixon for what he is: a national treasure—one of the world's most distinguished and respected elder statesmen.

The manner in which he has conducted himself during the years since he left office is undoubtedly a factor in his return to wide public esteem. The former chief executive could have accumulated great wealth, bartering the prestige of the presidency to garner seats on corporate boards. He could easily have earned huge sums on the lecture circuit.

Or he could have written kiss-and-tell books, exposing the foibles and follies of friend and foe alike. He might even have pampered himself in well-guarded seclusion—at the taxpayer's expense—never again to surface.

Had Nixon chosen any of these paths, he would have been in distinguished company. Many public figures, former presidents included, have enjoyed plush post-retirement lives by selecting one or more of the options noted above.

Not Richard Nixon. He takes no speaking fees, and voluntarily surrendered the Secret Service protection to which he is entitled; he sits on no boards, maintains a tiny staff and devotes himself to writing serious books about world affairs—books that sell well because they are good.

He doesn't trumpet the fact that incumbent presidents have grown accustomed to relying on his counsel; he makes no great show of the fact that he is received like a visiting head of state virtually wherever he travels.

His judgment—based on first-hand knowledge of the forces at play and the characters involved—remains shrewd. Consider his argument, grounded in both geopolitics and concern for human rights on behalf of President Bush's China policy:

"If the United States does not play a role in China, who does that leave among the major powers?," Nixon asked during his Capitol Hill press conference. "It leaves the Soviet Union and Japan. Does anyone think the Soviet Union is going to export human rights to China? And anyone that thinks Japan is going to export democracy to China must be smoking pot."

His triumphant return to Capitol Hill where he started his political career some 43 years ago, reminds us that historians writing the history of the 1980s and 1990s will note that Richard Nixon arrived at a new plateau of public esteem during this period. They'll also note that he achieved this result the old-fashioned way: He earned it.

TIME TO TAKE ACTION ON AID FOR PANAMA AND NICARAGUA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. BROOMFIELD. Mr. Speaker, in the past few weeks, a lot has been said about emerging democracies. The only thing that's emerged in Congress so far is words. It's time for action. It's time to deliver.

Day after day one astonishing event eclipses another. The rapid transformation and emergence of democracies around the globe is without precedent. These remarkable changes provide America with tremendous opportunities and challenges.

President Bush has given us a challenge. Yesterday he outlined his aid package for Nicaragua and Panama. He challenged us to get the aid packages for both countries on his desk by April 5.

Supporting the President's proposal is important for two reasons. First, both Nicaragua and Panama are destitute. Their budding democracies are as fragile as cherry blossoms in a cold March wind.

Building a functioning democracy is challenge enough. To rebuild a functioning economy, they will need some help from their friends.

Second, the people of both countries are taking a real gamble on democratic institutions.

This is a good time to show the Nicaraguan and Panamanian people that legislative bodies can do more than deliberate. We've got to show them that legislators can deliver.

HONORING THE HINSDALE LIONS CLUB

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CONTE. Mr. Speaker, I rise to pay tribute to one of the finest chapters in the world of Lions International. I am proud to announce that on March 24, 1990, the Hinsdale Lions Club, of Hinsdale, MA, will celebrate the 35th anniversary of its charter.

Their motto is "if it can be done—Hinsdale Lions will do it." And they have. During the past 35 years, the Hinsdale Lions have made and spent in the town of Hinsdale over $200,000, plus many thousands of man hours doing volunteer services. This is in addition to making their annual donations to the Massachusetts Lions Eye Research Fund, the Orthoptic Clinic, the 33Y Emergency Sight and Hearing Treatment Foundation, Clark School for the Deaf, Perkins School for the Deaf and Blind, and WMRRS Radio Station for the blind.

Mr. Speaker, there are many examples that I could expound upon to you and my colleagues here on the House floor but let me give you just a few. Their first major project was to create a beach area for the residents of Hinsdale. They have been maintaining a cottage and a beach since 1958, and they provide a caretaker to keep the area clean. They have also used the cottage to store hospital beds, wheelchairs, crutches, and such goods that are available to anyone who needs them, free of charge. They took on such projects as rebuilding the condemned town hall in 1963, to transform it into a youth center which sponsors the many sports and recreational activities for Hinsdale's youth. They also rebuilt the Old Grange Hall which is in continuous use by the Seniors Home Care, Lions, Lioness', Grange, Boy Scouts, Masons, and bingo players.

The Hinsdale Lions, comprised of 20 members, 14 of which are over 60 years old, have also built a kiddie park and basketball courts, catered picnics, clambakes, ball games, weddings, and chicken barbecues. They have also held raffles, carnivals, circuses, donkey baseball, and basketball, a basketball tournament, and public suppers, to name a new.

The Hinsdale Lions can potentially walk hand in hand with someone through life. They have guided youngsters through their formative years and then helped them in their golden years.

Mr. Speaker, the Hinsdale Lions Club has gone far beyond the call of duty. They've played a vital role in building the community that now exists in Hinsdale. I want to salute the past and present members for their 35 years of service and dedication. I wish them many more years of continued success.

TRIBUTE TO HENRY DILLON WINSHIP, JR.

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GINGRICH. Mr. Speaker, Dillon Winship—native Georgian, great leader in his community and business, ardent patriot, and good friend—died on December 13, 1989, of heart failure.

Born in Macon, on July 28, 1929, Dillon attended Woodberry Forest School in Virginia through his graduation in 1947. He spent 1948 to 1951 at Georgia Institute of Technology, and graduated from the University of Tennessee in 1952, with a B.S. degree in transportation.

Dillon was employed with Transus, Inc. of Atlanta for 37 years, and he served as president and chief executive officer, and also as chairman of the board. Dillon resumed presidency of Transus Motor Carrier Division of Transus, Inc. in September 1987.

Dillon was an energetic and emphatic advocate of the transportation industry to which he devoted much of his life.

Musing over the importance of transportation to the successful functioning of our economy as he assumed the reins of power at the American Trucking Association in 1973, Dillon reflected, "The service utilities—power, communications and transportation—are the spokes in the wheel of industry that make the wheel turn. Any man who is employed in this great transportation industry is important. He moves that lifeblood through the arteries that feed the society."

He was also fond of saying, "Nothing transports itself."

Dillon, noted for his outspokenness, managerial strength, and sense of personal responsibility, was active in many organizations, including the American Trucking Associations, Inc., Georgia Motor Trucking Association, World Business Council, Inc., Business Council of Georgia, Chief Executives Forum, Young Presidents Organization, and the Northwest Presbyterian Church.

Dillon is survived by his wife, Patricia Cortelyou Winship, one daughter, Adrian Pressley, and two sons, H. Dillon III and Blanton C. He is also survived by his mother, Anne Chichester Winship, his sister, Anne Kelleher, and two brothers, Emory V and Wadleigh C. He has six grandchildren.

I have thought of Dillon especially often over the last few weeks.

Recent events in Nicaragua would have pleased him. I know that he is smiling as he watches Violeta Chamorro's progress toward democracy in Nicaragua.

Without the conservative's conviction to the cause of the freedom fighters, that country would not have enjoyed this promise of hope.

The worldwide movements throwing off the chains of oppressive regimes clearly demonstrate that when given a choice and a chance, people will opt for freedom.

Dillon knew this. His conviction helped lead the Nicaraguan people to what we hope will ultimately mean dramatic improvements in their lives.

God bless you, Dillon, for all that you did for so many.

NATIONAL SCLERODERMA AWARENESS WEEK

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HUGHES. Mr. Speaker, I rise today to introduce a resolution which designates the week of June 10 to 16, 1990, as "National Scleroderma Awareness Week."

As many of you know, scleroderma literally means "hard skin." Those who suffer from this rare disease experience a thickening and hardening, or scarring, of the skin due to an overproduction of collagen, a protein manufactured by the connective tissues of the body. In the severest forms of scleroderma the hardening process may spread to the joints greatly reducing an individual's mobility and to the body organs causing functioning impairment.

This chronic, and often fatal disease affects approximately 300,000 people in the United States alone. This number is more than twice the number of active AIDS cases currently reported to the Center for Disease Control.

Scleroderma, a noncontagious disease, is not reported to the Center for Disease Control and therefore does not receive the public attention or Federal funding given other serious diseases. Consequently, physicians involved in the research and treatment of scleroderma have experienced only limited success due to limited funding. Although recent research has greatly increased the medical community's understanding of how scleroderma affects the body and has produced helpful treatments for scleroderma patients, much more needs to be done.

Since we cannot appropriate unlimited public funds to put scleroderma research on the fast track, let's do what we can to ensure that the research continues. Over 220 of our colleagues joined me last year in declaring "National Scleroderma Awareness Week" which helped to facilitate successful outreach activities and fundraising events around the country.

I ask my colleagues to please join the effort again this year by cosponsoring this resolution.

THE NEED FOR OUR BATTLESHIPS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ANDERSON. Mr. Speaker, the Navy recently announced its intention to mothball two battleships, the USS *Missouri* and the USS *New Jersey.* I have made my position known on the need for reasonable cuts in our armed services. As much as anyone, I would like to see this Nation prudently trim our military expenditures, as long as that trimming process

is done with our strategic needs in mind and adequately accounts for present and future military threats. I question whether mothballing battleships adheres to that necessary logic.

I was heartened to see that the Navy was least impacted in Secretary Cheney's proposed 1991 defense budget. As our Nation's historical defender, the Navy has consistently sailed in harm's way, resisting unjust aggression and promoting democracy around the world. We are a maritime power, do not forget. Our future lies in freedom of the seas, and control of those same seas if the need should arise. As world trade becomes a greater and greater share of our gross national product, our reliance on the Navy to protect this country's economic integrity will grow. We also primarily rely upon the Navy to project power onshore. Between the years 1945 and 1990 we used our naval power 187 times. The question for the future is then one of how do we maintain those forces that are most capable and most likely to successfully fulfill our worldwide commitments, responsibilities, and needs. I point to our battleships as uniquely qualified for that mission.

As evidence I would like to quote from Senator MCCAIN's insightful article entitled, "The Need for Strategy in the New Postwar Era," as appeared in the January 1990 Armed Forces International Journal. He writes:

We must be cautious, however, about cutting our four battleships. They cannot simply be dismissed as outdated weapons. They can deliver far more firepower with far more security along most of the world's coast than an air wing. In fact, one battleship can deliver 40,500 pounds of ordnance at ranges up to 23 miles in one minute. Each battleship also has eight quadruple launchers for Tomahawk cruise missiles. This gives it the ability to hit fixed targets with incredible precision at ranges of up to 700 miles. The battleship has an almost ideal surgical strike capability for low-intensity war and is the natural partner of fixed-wing air power because it can use its cruise missiles and guns to suppress air defense sites. It is also important to note that a battleship costs only $45-million a year in operating and maintenance funds. This is less than the $48-million per year for a nuclear cruiser and about one-third of the $124-million cost of a conventional carrier.

I would further add that our battleships represent a very large percentage of the Navy's gunnery support and also carry Harpoon antiship missiles.

I found this article, written by a highly decorated Navy veteran and a distinguished member of the Senate Armed Services Committee, to be greatly informative. I think it puts to rest many questions concerning the cost, capability, and strategic mission of our battleships. I would just like to add that there is no other type of ship in our fleet so ideally suited to playing the crucial deterrent role of showing the flag. Speaking softly and carrying a big stick is easily demonstrated with a fleet of battleships on your side. Finally, when many have called into question the survivability of our carriers, I would like to remind all that there is no ship harder to sink than a battleship.

With these facts in mind, I hope that we will all think long and hard before we decide to mothball these two fine and proud ships.

TORPEDOING OUR MERCHANT MARINE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DELLUMS. Mr. Speaker, I was dismayed to learn last week that the Maritime Administration was considering an application to sell and transfer to foreign operation the U.S.-flag passenger vessel SS *Monterey.* I joined with 17 of our colleagues in a bipartisan effort against the approval of this request. Unfortunately, for our Nation and our merchant marine, the Maritime Administration has decided to conditionally approve the sale of this vessel to foreign interests.

As we stated in our letter to the Maritime Administration, there is no justification from a national maritime policy standpoint for allowing this vital sealift asset to leave the control of the United States. In fact, I am absolutely convinced that the national interest is best protected by keeping this vessel under the U.S. flag.

It is especially dangerous and foolish to explain away any such transfer by asserting that our foreign-owned, foreign-flag and foreign-manned vessels can be counted on to respond to our Nation's needs in time of war or national emergency.

Mr. Speaker, it is not too late for Maritime Administrator Capt. Warren Leback to prevent any further diminution of our Nation's sealift capability. He has it within his power to protect and promote the American merchant marine by keeping the *Monterey* under the American flag and I strongly urge him to do so.

INTRODUCTION OF THE SMITH RIVER NATIONAL RECREATION AREA LEGISLATION

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. BOSCO. Mr. Speaker, I am today introducing legislation to establish a Smith River National Recreation Area in Del Norte County, CA. I hope my colleagues will join me in supporting this effort to provide stronger protection for the "crown jewel" of California's wild and scenic rivers.

The Smith River National Recreation Area [NRA] would encompass 300,000 acres of the watershed of the last undammed major river system in California.

The NRA would include all national forest land in the California portion of the Smith River watershed, from the State and national redwood parks along the lower reaches to the Oregon border and the river's headwaters in the Siskiyou Mountains.

More than 310 miles of the Smith River and its major tributaries have been designated as components of the State and National Wild and Scenic Rivers Systems.

The Smith River is renowned for its exceptional water quality, trophy salmon and steelhead fisheries. The watershed's spectacular scenery includes huge coastal redwoods along the lower river, deep whitewater canyons, harsh rocky plateaus, rich conifer forests and high mountain peaks and meadows. Wildlife is abundant, and the area supports an exceptional diversity of plant and animal species.

Despite historic mining and extensive logging over the past 40 years, substantial portions of the basin remain wild and undeveloped. More than 46,000 acres along the upper South Fork are included in the Siskiyou Wilderness, and views from the river and major travel routes largely retain their natural appearance.

Local residents and visitors alike have long used the Smith River basin for fishing, hunting, whitewater boating, swimming, camping, hiking and sightseeing, but overall recreation use remains relatively light. The proposed NRA, in combination with the adjacent State and national parks, has the potential to become one of the premier recreation attractions on the west coast.

The legislation would divide the NRA into eight separate management areas and establish general management policies for each area. More specific management direction is contained in the draft Smith River National Recreation Area Management Plan prepared by Six Rivers National Forest.

The draft management plan includes 10-year action plans for recreation development, fisheries, wildlife, watershed rehabilitation, cultural resources, interpretation, and research. Recreation development plans include proposals for a visitor center, new campgrounds and picnic areas, boating access, construction of hiking and horse trails, designation of ORV routes, and improved access for the handicapped.

Under the legislation, more than two-thirds of the NRA's old growth timber, including all stands of old growth redwood, would be permanently protected, and timber harvests would be reduced by more than half. The Forest Service estimates that the allowable cut would be limited to about 10-million-board-feet per year over the first decade.

Logging would be prohibited or sharply restricted in most areas, with timber production focused in the isolated central portion of the watershed where extensive logging has already occurred. Timber management in these areas will be based on emerging theories of landscape ecology, and could serve as a national model for maintenance of biological diversity on timber producing lands.

Subject to valid existing rights, the entire NRA would be withdrawn from new mining claims and patents. Holders of valid existing claims would not be affected, but no new claims would be permitted.

Four areas within the exterior boundaries of the NRA that already have a substantial level of private development—Gasquet, Big Flat, Washington Flat and the Rock Creek subdivision along the South Fork—would be explicitly excluded from the NRA. No additional regulation is proposed for other private inholdings within the NRA.

Former Interior Secretary Cecil Andrus' 1981 administrative designation of Wild and

Scenic Rivers within the NRA's exterior boundaries would be rescinded and redesignated by statute under section 3(a) of the Wild and Scenic Rivers Act. Two streams that were excluded from the original designation—Hardscrabble Creek and Stony Creek—would be added to the system, and classifications of several other streams would be upgraded. Existing designations of streams outside the NRA boundaries would not be affected.

The bill also includes provisions intended to ensure that establishment of the NRA does not result in loss of revenues to local government and authorizes funding for developments of a unified land information system integrating data from Federal, State, local and private sources.

In addition, the bill allows for the county to also receive title to two small parcels of land currently occupied by the Bar-O Boys Ranch, a county facility serving juvenile offenders. These two parcels were historically believed to be owned by the county, but a recent resurvey revealed that the facilities actually encroach on national forest land. The boundary adjustment proposed under the legislation is intended to rectify this situation.

The North Fork Management Area—44,300 acres—includes all of the California portion of the North Fork drainage. A portion of the North Fork's watershed extends into Oregon. A series of harsh, rugged plateaus cut by deep canyons, the North Fork's sparsely vegetated mineral soils support a number of rare plant species and unique botanical communities. Largely untouched since the mining days of the 1800's, this area would be managed for whitewater boating and backcountry recreation while protecting unique botanical communities and historic values. Commercial timber harvest would be prohibited.

The steep slopes of the Upper Middle Fork Management Area—27,400 acres—support rich conifer forests. Although more than one-third of the area has been cut over and is now in young plantations, much of the remainder is covered with old growth timber, including two proposed botanical areas that feature exceptional diversity of conifer species. Management of this area would emphasize protection of biological diversity and maintenance of old-growth ecological values. Commercial timber harvest would be allowed in existing second growth stands.

The Middle Fork/Highway 199 Management Area—30,800 acres—includes the entire viewshed from the highway, which has been designated a national scenic byway. Readily accessible along most of its length, the heavily forested Middle Fork's narrow canyon and broad flats offer abundant opportunities for recreation. Management of this area will emphasize protection of scenic values and enhancement of a broad range of recreation uses, including development of new campgrounds. Commercial timber harvest would be prohibited.

The Upper South Fork Management Area—13,000 acres—is adjacent to the Siskiyou Wilderness and includes the entire west bank of the river up to the ridge line. This portion of the river is designated wild, and most of the area remains undeveloped. Management of the area would emphasize protection of the river's wild character with no commercial timber harvest permitted.

The Lower South Fork Management Area—17,900 acres—includes the entire river canyon from Big Flat downstream to the confluence with the Middle Fork. The river is paralleled by the South Fork Road, which provides ready access for fishing and swimming. Protection of scenic values would be a primary management emphasis in this area, along with white water boating, fishing, swimming, and camping. Limited timber harvest would be permitted.

The Lower Hurdygurdy Creek Management Area—3,700 acres—provides the only significant area of float terrain in public ownership along the South Fork. The management emphasis in this area would be on providing rustic family and group camping facilities on the flats along the creek and protection of scenic values. Limited timber harvest would be permitted.

The Prescribed Timber Management Area—121,900 acres—includes four separate blocks of land that, because of their topography and location, have historically experienced low levels of recreation use. The area is substantially roaded and shows extensive evidence of past timber harvesting. About 20,000 acres, most of it cut over, is in private ownership. About half of the remaining area is classified as commercial timber land. The management emphasis for this will be on production of sustained yields of wood products while maintaining biological diversity. A significant portion of the area would be designated for management as wildlife habitat, with timber harvests either prohibited or limited to extended cutting rotations. Timber management will be based on landscape level ecological strategies using silvicultural techniques designed to maintain biological diversity, including stand-level modifications in species composition, rotation length and stand structure—such as leaving standing green trees, snags, and other course woody debris.

The Siskiyou Wilderness Management Area—46,300 acres—borders the upper South Fork and includes the headwaters of a number of tributaries to both the South and Middle Forks. Marked by steep slopes, thick forests, open mountain valleys and steep rock faces, the Smith River portion of the wilderness remains one of the wildest areas in California. Management of the area would not change under the NRA designation.

The Gasquet Ranger District has historically been accorded the status of a separate market area under the Small Business Timber Sale Set-Aside Program on Six Rivers National Forest. I believe that the establishment of a Smith River National Recreation Area, in combination with the changes in purchase history, sales level and market patterns that have occured in recent years, justify a special recomputation of the small business allocation and review of the need for two separate market areas on this national forest. Under Forest Service policy, it is the responsibility of the forest supervisor to conduct such an analysis, and it is my understanding that Six Rivers National Forest is willing to initiate this process.

TRIBUTE TO THE NANTAHALA 1990 RALLY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an organization and an event that has helped promote world peace through the sport of rafting.

The Nantahala 1990 Rally is an international rafting event that is being held for the first time in the United States. The event began in the Soviet Union in 1979. There, it was limited to Soviet participants until 1988 when one international team entered the competition. In 1989, the competition was opened to over 300 participants from 17 countries. The Nantahala 1990 Rally will promote international peace and friendship by bringing together outdoor enthusiasts from around the world.

I would like to offer my best wishes to the Nantahala 1990 Rally and all its participants from around the world. I hope that the competition will be a great success.

COMMEMORATING THE 50TH ANNIVERSARY OF THE FAIRFAX COUNTY FEDERATION OF CITIZENS ASSOCIATIONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. WOLF. Mr. Speaker, I rise today to commend the Fairfax County Federation of Citizens Associations on the occasion of its 50th anniversary this month. For half a century, this vital and active group has represented citizens, homeowners, and neighborhoods and made an irreplaceable contribution to the quality of life for all northern Virginians.

In my office hangs a picture of the intersection of Virginia Routes 7 and 123 taken around 1940, the year the federation was founded. The photograph captures a lone truck making its way down a dusty road. On one corner a gas station. On the other a small wooden building called Tyson's Corner Store.

It goes without saying that Fairfax County has grown since then. Forty-one thousand people lived here in 1940. Today over three-quarters of a million people call it home. We are now a worldwide center of commerce with a standard of living that the men and women checking oil at that gas station or waiting on customers behind the counter at that general store could never have imagined.

But even with all the change, our sense of community has been steady. The Fairfax County Federation of Citizens Associations has played a major role in preserving the most important aspects of our lives. As Fairfax has grown, the federation has made sure that neighborhood concerns were not neglected.

The group twice worked to change the form of Fairfax County government. They led the fight to establish a county executive in 1950 and an urban county executive in 1968. In

1969 the federation conducted the first study of the costs and benefits of residential growth in Fairfax County.

They published the first countywide street map and directory in 1957 as a service to their members. The map was done so well that Fairfax County purchased it both for use by the Government as well as for sale to the public.

The federation reinforces positive community values not only by its actions every day, but also by making a special effort to annually recognize an outstanding individual as citizen of the year.

Members of the federation have been involved in nearly every major study group, authority, commission and board appointed by the Fairfax County Board of Supervisors for more than two decades. Their studies and comments on local, county, State, and Federal legislation are well respected and are an important part of the lawmaking process.

The federation also publishes a monthly newsletter, operates eight standing committees, and sponsors leadership training workshops and public policy seminars.

Mr. Speaker, the Fairfax County Federation of Citizens Associations is a shining example of what people can accomplish by working together for a common goal. The federation's outstanding service is in the finest tradition of American voluntarism and on behalf of all the citizens of Fairfax County, I thank the federation for its 50 years of service and wish continued success in the years and decades ahead.

H.R. 4208

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CROCKETT. Mr. Speaker, on March 7, I introduced H.R. 4208, legislation to correct a glaring inequity in the retirement rules for Federal judges. I was very pleased to welcome 29 original cosponsors of that measure.

Unfortunately, due to an administrative error, one very important name was inadvertently left off that list of original cosponsors—that of the chairman of the Courts Subcommittee, my friend and colleague ROBERT KASTENMEIER. I value his support for this initiative, and deeply regret that he was not included in the original list of sponsors.

I am today adding his name to the list of cosponsors for H.R. 4208, and hope he will forgive the oversight.

H.R. 4030

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MILLER of Washington. Mr. Speaker, I joined in cosponsoring H.R. 4030, a bill to reauthorize the Coastal Zone Management Act.

In 1972, Mr. Speaker, Congress passed the Coastal Zone Management Act to encourage States to voluntarily develop management programs for their coastal areas in accordance with minimum Federal standards. States have two major incentives to participate in this process. First, Federal matching grants are available to help develop and implement programs approved by the Federal Government. Second, States with approved programs have a right to require that activities by the Federal Government in their coastal zones are consistent with these plans.

I am proud that almost 20 years ago, I helped develop Washington State's Coastal Zone Management Program. Back then, I also helped draft a citizens' initiative to protect our shorelines from overdevelopment. Today, Washington and 28 other States have approved coastal zone management plans.

But, Mr. Speaker, in 1984, the Supreme Court ruled that the Department of Interior's sale of oil and gas leases on the Outer Continental Shelf does not directly affect the coastal zone as defined in this landmark bill. H.R. 4030 will clarify this issue. It will reinstate the intent of Congress and restore the ability of States to determine if an offshore oil or gas lease sale is consistent with the State's Coastal Zone Management Act.

In addition to overturning California versus Watt, H.R. 4030 also requires State programs to develop a coastal water protection program to address the problem of nonpoint pollution. Mr. Speaker, I am proud that Washington State's Puget sound water quality authority is a recognized national leader in addressing this problem.

Mr. Speaker, the bill also creates a new national interest improvement program which requires States to identify coastal wetlands, so that they can be protected. We need to act to preserve our remaining wetlands and this bill helps us do that.

H.R. 4030 also recognizes our international obligations to help developing countries protect their coastal zones. To this end, Mr. Speaker, the bill states that Congress wants the National Oceanic and Atmospheric Administration and the Department of State to assist developing countries with their coastal management initiatives.

I know that the leadership of the Merchant Marine and Fisheries Committee supports H.R. 4030. I look forward to prompt consideration of this important bill. And I urge my colleagues to join in supporting protection of our coastal zone.

BEN HILL GRIFFIN, JR.—AN AMERICAN SUCCESS STORY

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. IRELAND. Mr. Speaker, I rise today to honor a man who has meant a great deal to the little town of Frostproof, to the State of Florida, and to me and my family. Mr. Ben Hill Griffin, Jr. was my friend, and when he died March 1, it was a sad day for all of us who loved and respected him.

Ben Hill Griffin, Jr. was a self-made man. He was born in the mining town of Tiger Bay in 1910, and moved to Frostproof, FL in time to finish his high school education there. He spent the rest of his life in Frostproof, building a substantial citrus business from the few trees his father gave him as a wedding present.

I met Ben Hill when I was just getting started in the banking business and he was becoming a pioneer in the frozen concentrate market. Bankers were struggling to provide financing for this new commodity, since valuing the product was basically uncharted ground. As one of Ben Hill's bankers, I had the opportunity to participate in establishing the credit standards for financing frozen concentrate. Thanks to his vision and initiative, I guess that I, too, became something of a pioneer in the banking world.

Ben Hill was more than just a good businessman, however. He was tough, quick, and he made you understand why you have to stand up for what you believe in—and fight hard for it. He was a big influence in my decision to run for the House of Representatives in 1976. Ben Hill didn't tell me what to do exactly; he just outlined what was important for America and what opportunity the House seat would provide in helping to promote those ideals. "If you feel strongly," he told me, "you have an obligation to act on that conviction." When he was through, there wasn't much question left in my mind as to what I was going to do.

Ben Hill's friends were many. He gave of himself, of his time and energy to his family and his neighbors. He was kind and encouraging, strong and respected. He was a true American success story and we are all a little better for having known him.

SAVE OUR SHORELINES

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GOSS. Mr. Speaker, for the record I submit the text of a petition being circulated in south Florida urging the Federal Government to ban oil drilling in the environmentally sensitive waters off Florida's coast. The petition has already generated almost 10,000 signatures—and the number continue to grow. I am also forwarding the signed petitions to President Bush for his consideration.

In addition to the thousands of citizens who have taken the time to sign these petitions, I commend Marge and David Ward, whose organization—Citizens Association of Bonita Beach [CABB]—has worked tirelessly to promote public awareness of this issue.

The petition reads as follows:

SAVE OUR SHORELINE

We oppose the future sale of oil and gas leases anywhere off the shores of the State of Florida within 60 miles of shore.

We recommend the permanent postponement of exploration and drilling on any offshore leases already held by oil companies seeking to explore for gas or oil near southwest Florida.

The offshore area is much too economically important to the State of Florida to be opened to drilling. These fragile coastal

areas are of unsurpassed beauty that must be conserved for future generations.

Although we recognize the need for domestic energy, the environmental and economic risks posed by oil drilling near the Florida shoreline is too great to justify any leasing plan.

WALDRON'S IDEAS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. PURSELL. Mr. Speaker, at this time I would Ike to share with my colleagues an article which appeared on August 31, 1989, in the Lansing, MI, State Journal. The author, Robert Waldron, former speaker of the Michigan House of Representatives, offers some enlightening ideas on the U.S. education system.

[From the Lansing State Journal, Aug. 31, 1989]

LET'S RESTRUCTURE, EXTEND SCHOOL YEAR

The United States has one of the shortest school years in the industrial nations and it produces achievements—particularly in math and sciences—that rank with the Third World. Despite is short calendar and poor results, the American education system is one of the most expensive in the world, consuming a larger portion of our public expenditures than any other social undertaking, including health and national defense.

Across our nation concern is deepening, yet what answers are being proposed? Most discussion of our educational system revolves around values and wages, with few concrete proposals being made. Some experts think the solution is paying teachers more money, as though higher salaries will improve the skills and strategies teachers bring to the classroom. Other experts call for a core curriculum of subjects, as if teaching different subjects by the same means will meet our nation's educational needs.

No commentator that I have read has even addressed one of the most profound differences between American education and that of Japan, Germany or other societies: our fundamental purpose. Most educational systems (and most recent comments about America's educational system) focus on the aspect of training individuals to work. The primary purpose of the American system was to educate citizens to become capable of governing themselves. Obviously, the ability to earn a decent living is a major factor in a peaceful society but it is not the only factor nor was it the prime mover of public education.

Nor have I read many proposals for any serious restructuring of our educational calendar to fit the tremendously increased body of knowledge necessary for successful living in our republic. The agrarian calendar should be replaced so that the end result will not be a dropout but a fully competent citizen graduating at age 16 after 10 full years of basic education.

I would propose a restructuring of the school year. Our current pattern of two teaching periods of approximately 17 weeks with a three month summer vacation is outmoded. I envision three teaching periods of 15 weeks each, lengthening the school year by 11 weeks. K-10, then, would embody 30 study segments for graduation as opposed to the present K-12 with only 24.

This would appear to increase the burden on teachers, except that I would propose requiring teachers to teach only two out of every three periods. The third period teachers would be free to improve their skills and subject knowledge; to take alternate duties within the school such as administration, counseling, coaching or working with parents and community; or to take time off.

If we established a pool of talent within each school or district that rotated between different assignments, teachers handling administrative duties and administrators returning to the classroom on a regular basis, we could go far in revitalizing the role of educator and building a cohesive teaching unit free of the prevailing division between teaching and administrator.

The extension of the school year increases the demands on the student—but that is precisely where our current system is failing. We need to demand more from our students and give them the time and environment in which to meet and understand the demands of a complex and competitive world.

Rather than end public education at age 16, we should add two more years into the basic educational program. The two years, however, should not be required to follow immediately after high school but could be taken at any point between the ages of 16 and 21, allowing a student to enter the work force and better define for him or herself what his or her personal educational needs are. These additional years of education would have a two-track approach, either to a college/community college program or to intensive training in a specific trade or profession.

Obviously such a program may cost more money but I believe that Americans are willing to spend more on education if they see a concrete program for serious educational restructuring. If they are offered only more of the same with a higher price tag, I suspect they will reject the offer.

DEDICATE DEFENSE SPENDING REDUCTION TO DEFICIT REDUCTION AND TAX RELIEF

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. SCHUETTE. Mr. Speaker, today I am introducing a resolution which states that any reduction in defense spending, referred to by many of our colleagues as "the peace dividend," will be dedicated to deficit reduction and tax relief.

As debate begins over the level of defense spending, I believe our first consideration should be the entire scope of our national security needs, while realizing it is the American taxpayer who has borne the burden of producing the initial dismantling of Soviet and Communist repression in Eastern Europe. Therefore, the American taxpayer should be the recipient, in the form of deficit reduction and taxpayer relief, of any reduction in military spending.

OPPOSITION TO GRANTING APPROVAL TO SELL A U.S.-FLAG VESSEL

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HUBBARD. Mr. Speaker, as a member of the House Merchant Marine and Fisheries Committee, I would like to emphasize my strong opposition to the Maritime Administration's recent decision to grant approval to an application under section 9 of the Shipping Act of 1916 to sell the U.S.-flag vessel SS *Monterey* for operation under a foreign flag.

What is most perplexing to me is the fact that the Maritime Administration has a mandate to protect and promote the U.S.-flag merchant marine. This being so, granting approval for the foreign sale of a vessel considered to be a sealift asset of the United States appears to be an abdication of their responsibility.

The only interests being protected and promoted by this sale are foreign interests. The administration has no money to recoup for the American taxpayer. It's a bailout, pure and simple, for foreign interests. What the taxpayer and the U.S. maritime industry are losing include a sealift asset as well as jobs for U.S. merchant mariners and for all the suppliers and support industries who profit from the operation of a U.S.-flag vessel.

I strongly urge my colleagues to join me in calling for the Maritime Administration to reverse this bad decision.

BAKER'S TRICK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DORNAN of California. Mr. Speaker, what is happening in the Soviet Union and its Eastern bloc satellites is obviously having an impact around the entire globe. Diplomacy in the Middle East is no exception. That is why the United States must maintain its strong position of influence in that critical region.

In this regard, I was dismayed to learn of Secretary of State Baker's recent comments concerning our ally, Israel. Mr. Speaker, I would like to share with my colleagues an excellent article written by William Safire.

[From the New York Times, Mar. 9, 1990]

BAKER'S TRICK

(By William Safire)

WASHINGTON.—Why do you suppose Syria has finally told its ally Iran that now would be a good time to release the hostages held in Syrian-controlled Beirut?

Why has the demand for an "international conference" to arrange a "comprehensive settlement," so long a central Arab strategy, vanished from all P.L.O. pronouncements?

And why did Arabists get President Bush to confuse bedrock U.S. policy by raising the specter of a divided Jerusalem?

The answers interlock: the Soviet Union's abdication of empire has eroded the founda-

tion of the 40-year war against Israel and caused a panic in the Arab world.

No longer is Moscow its reliable ally. Because the U.S. Congress restricts trade as long as the Soviets restrict emigration. Mr. Gorbachev has been forced to begin to let out Israel's most precious asset: persecuted Jewish families eager to make a new life for themselves.

The prospect of a haven in Israel for a million Soviet Jews in the coming decade ends vain fantasies of driving out the "Zionist entity." But that's not all: Arab leaders see diplomatic blocs crumbling.

If the freed Soviet satellites establish relations with Israel, as they are doing, and if African nations follow, what will happen to the automatic condemnations of Zionism in the U.N.?

If the Helsinki pact of 35 European and Atlantic nations becomes the central arena of international diplomacy, as Mr. Gorbachev apparently hopes, the U.N. General Assembly—long dominated by the Arab-African bloc backed by Soviet bloc votes—will become all the more peripheral.

On top of that is the loss of terrorist training camps and military supply; Syria and Libya can no longer depend on a flow of Soviet-made missiles, tanks and planes. That leads to a strategic stunner: No longer will a superpower be ready to guarantee that Arab aggressors cannot lose a war.

No wonder potentates are panicked; their world has changed, their boycott is undercut, and their monarchies and dictatorships could be engulfed by the world wave of freedom. No longer will they be able to deflect their peoples' anger at deprivation into a dead-end jihad; Arabs deserve liberation, too.

At this pregnant moment, which cries out for a campaign to spread democracy throughout the Middle East, George Bush and James Baker are frozen in the diplomatic Ice Age. They focus on Israel's West Bank; they exploit divisions within Israel's polity and refuse humanitarian aid to refugees unless the Israeli Government accepts their view of what's best for our ally's security.

That's why we see Mr. Bush deliberately calling into question the integrity of Jerusalem as Israel's capital, ordering the Israelis not to let new refugees live there. That's why Mr. Baker—more underhanded than evenhanded—wants an Arab representative from Jerusalem, not from the West Bank, in the negotiations.

Some Israelis understand this trap. Far from nit-picking, the Jerusalem address is central: the Bush-Baker notion is to revisit the issue of an undivided Jerusalem, settled a generation ago, and put it on the negotiating table.

Then Secretary Baker, having created a new difference, will split that difference and grandly propose a "compromise": Israelis keep Jerusalem so long as Arabs can live there, the P.L.O. gets the West Bank and the power to deny Jews the right to live there.

The State Department will not admit it; the Labor Party in Israel refuses to see it—but that's the deal in the cards.

The Baker trick deals dishonorably with an ally, involves the U.S. in a new generation of troubles, and puts manacles on Palestinians of the intifada—whose local leaders are being murdered for challenging the Tunis terrorcrats' claim to be their "sole legitimate representative."

This weekend, the split Israeli Cabinet will decide whether to go down that road. A principled refusal will be roundly denounced by Israel-bashers and don't-make-waves Jews as anti-process; the Bush Administration would threaten to retaliate.

But who in Washington needs to provoke a crisis between democratic allies? Must we compensate for the real crisis among tyrannies? Why, when not even Communist parties lay claim to a monopoly of power, should the U.S. be on the side of unelected "sole representatives" of anybody?

Let Arab dictators panic; let Soviet Jews settle throughout Israel without dictation from Washington; let Israel's offer of free elections to West Bank Palestinians not be corrupted by Baker trickery to rig the outcome.

DESIGNATING MAY 1990 NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. LEWIS of California. Mr. Speaker, the benefits of physical fitness are legion. For our children, physical activity builds strong bodies, sharp minds, and a positive self image. Every parent knows the excited happiness and sense of achievement our children feel the first time they make it all the way across the monkey bars. That same sense of accomplishment—the excited "I did it"—comes the first time they stay up on a two-wheeler without crashing. Later, through team sports and individual competition, our children learn the unique blend of competition and cooperation that make up the American spirit. These events occur at the beginning of what should be a lifetime of physical activity.

For those of us who have completed our school years and now face the daily pressures of the working world or of raising a family, physical activity helps us endure the stresses and enables us to release some of the tensions. Afterwork softball leagues at the city ballpark, pickup basketball games on the local high school's outdoor court, aerobics classes at the community center or church—all are but a few examples of adult Americans staying fit and successfully slowing the hands of time.

Older Americans, too, know the benefits of physical activity. Many have been active all their lives and continue throughout their golden years. Countless more, however, discover the pleasures—and benefits—of walking, cycling, and swimming only after their retirement. I think of my own personal inspiration, Hulda Crooks, who 4 years ago at the age of 90 led me to climb Mount Whitney, which at over 14,000 feet is the highest mountain in the continental United States. Subsequently, Hulda went to Japan, where she conquered Mount Fuji.

And on the subject of inspiration, who among us has not been moved by the example of physically and mentally disabled athletes? Who has not been moved by the sight of powerful men in wheelchairs roaring away at the start of a marathon, then pumping with every ounce of energy up a long, lonely hill, and ultimately crossing the finish line in a burst of energy and achievement? Who among us has not marveled at the courage and strength of downhill skiers who compete on but one leg. And of course, who has failed to be touched by Special Olympians, who compete not just with their bodies, but with their entire souls?

Mr. Speaker, in an era of TV's, VCR's, and CD's, the temptation to move from being a participant to a spectator is strong and ever present. So, to support those who are currently fit in their efforts to stay that way, and to encourage those who aren't but who would like to be, today, along with my colleague from Maryland, Mrs. BYRON, I am introducing a resolution designating May 1990 as National Physical Fitness and Sports Month.

AMERICA'S DEBT TO THE IRISH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MANTON. Mr. Speaker, every year the most famous of all St. Patrick's Day parades is held in New York City. This year, Francis P. Beirne is the chairman of the New York St. Patrick's Day Parade Committee. I would like to share with my colleagues the recent remarks of Francis Beirne on the important role Irish-Americans have played in the history of our Nation.

"PEACE WITH JUSTICE AND HONOR:" AMERICA'S DEBT TO THE IRISH

(By Francis P. Beirne, Chairman, New York St. Patrick's Day Parade Committee)

"Peace with Justice and Honor," these words were spoken by John Cardinal O'Connor in his first Saint Patrick's Day homily as Archbishop of New York on March 17, 1985. All of Ireland's exiled children in America join in this prayer for Peace with Justice and Honor for all Ireland.

In each generation of the Irish, whether born in Ireland or descended from Irish exiles, faithful sons and daughters of Eireann have shared this prayer, each in his or her own way, seeking to contribute to the achievement of this bright dream. Believing the occupation or domination of any part of Ireland by a foreign power to be ab initio illegitimate, the faithful Irish can never accept as ligitimate any condition other than the sovereign, indefeasible independence of the Irish nation in control over the entire island of Ireland, her islands and territorial seas. It is the lesson of history that the violation of this principle has led to instability, continued suffering, human rights violations and more "Troubles."

Our prayer is for Peace with Justice and Honor, embracing all of the children of the nation equally, and shared by Ireland's exiled children in America and throughout the world.

While America may yet justify its traditional role as Ireland's (and the world's) best hope, it is important to reflect upon some of the experiences of previous generations of Irish-Americans, experiences which should have earned a consideration no less than the debt redeemed by the United States in France in 1918.

The American Revolution saw Irish immigrant heroes like Commodore John Barry and General Stephen Moylan and, Ameri-

can Irish Generals "Mad" Anthony Wayne and Richard Montgomery and Rifleman Timothy Murphy; historian R. Barry O'Brien points out that, in Washington's Revolutionary Army, the Continental Line was often "the Line of Ireland."

Yet, in spite of the tremendous Irish contribution to the winning and subsequent defense of American Liberty, the United States had no warm and ready welcome for the Famine emigrants.

While an improvement over the oppression of English-occupied Ireland, New York, as found by the victims of the Great Hunger of the 1840's and '50's, bore little resemblance to the dream of Tir na nOg across the Western Ocean. The poverty, disease, discrimination and exploitation which greeted the mid-nineteenth century Irish Catholic immigrant is described with devastating accuracy in Thomas Gallagher's Paddy's Lament.

Even so, America was a free country, that is to say that, under the Constitution of the United States, Irish immigrants were able to improve their lot through their own efforts, in spite of non-acceptance by a "nativist" ascendancy class.

In 1851, the 69th Regiment, New York State Militia, was formed from eight existing "Irish" companies of volunteer militia. One of these companies, "A" Company (which numbers among its alumni Westchester County Executive Andrew P. O'Rourke), had existed since 1775, and fought in the American Revolution and in the war of 1812. While two more came from the former "Irish" 9th Regiment, most of the companies had been formed independently by the Irish Republican Union subsequent to the 1848 Rising in Ireland and were intended as a means of training Irish exiles for the future liberation of Ireland. (The late Very Reverend Patrick D. O'Flaherty, former Regimental Historian of the 69th New York, documented this early involvement in the Cause of Irish Freedom.) In 1857, a group of thirteen Irish exiles met in New York to set in motion the events which would lead to the founding of the Irish Republican Brotherhood in Ireland on Saint Patrick's Day 1858, and of its American counterpart the Fenian Brotherhood (and ultimately to the 1916 Easter Rising). Among those Irish revolutionaries were officers of the 69th, including its former Colonel, the Fenian organizer Michael Doheny of Tipperary, and Michael Corcoran, who as future Colonel of the 69th would lead the Regiment into its first action in the American Civil War and later form and lead Corcoran's Irish Legion in that terrible conflict.

That a man can love his wife and his mother is no mystery, nor is this any conflict of interest. While the filial piety which leads the Irish exile to revere and to seek to aid his motherland is understandable, so should it be natural to develop devotion to the well-being of the new, adopted home which has given him refuge, freedom and opportunity. As Lawrence Kohl points out in Irish Green & Union Blue, the American Civil War held a special meaning for the exiled sons and daughters of Erin; for them a Union victory not only would preserve the great asylum of Ireland's oppressed, it would indirectly strike a blow at Ireland's oppressor, England, which sought to aid and abet the partitioning of the great American republic.

Before Peace with Justice and Honor could be achieved for Ireland, it was necessary to restore Peace with Justice and Honor to the United States. Throughout the North, Irish America entered into the war to preserve the Union, adopting Lincoln's cause as their own. In the 1990 New York Saint Patrick's Day Parade their sacrifice is commemorated by the place of honor for the Tipperary banner, bearing the image of the Rock of Cashel, home of Michael Doheny, and by the Irish Brigade Honor Guard.

"Riabh nar druid o spairn lann" They did not shirk from the clash of arms (motto from the flags of the Irish Brigade).

There were a multitude of "Irish" regiments fighting in that terrible Civil War. Best known were the 69th, the Irish Brigade and the Irish Legion. The Irish sacrifice in the cause of the preservation of the Union is perhaps best exemplified by Meagher's Irish Brigade (69th, 88th and 63rd New York Volunteer Infantry Regiments, the 28th Massachusetts and the 116th Pennsylvania) which sustained losses during the war which were cumulatively greater by far than the full strength of the Brigade. Of over 1,200 of the Irish Brigade who made the famous assault upon Marye's Heights at the Battle of Fredericksburg on December 13, 1862, only some 280 were present and fit for duty at muster on the 15th!

The end of the American Civil War saw the disbanding of the Irish volunteer regiments, many of their members continuing their military service in the Fenian Brotherhood in Ireland, in Britain and in America as so vividly and insightfully described by Peter Beresford Ellis on The Rising of the Moon. (Among the original Irish Fenians was Tom Clarke, who would later be the first signatory of the Proclamation of the Irish Republic in Dublin, Easter 1916. The continuity of Irish-American involvement is recorded in a variety of sources including: Charles Callan Tansill, America and the Fight for Irish Freedom, 1866-1922; Dorothy MacArdle, The Irish Republic; J. Boyer Bell, The Secret Army, the I.R.A. . . .)

The 69th New York State Militia, the 69th New York Volunteer Infantry and the 69th of Corcoran's Irish Legion were all consolidated into the 69th Regiment of New York after the Civil War. With very few exceptions, the regiment which Robert E. Lee dubbed the "Fighting 69th" has been the military escort leading the New York Saint Patrick's Day Parade since 1852 (prior to that date the parade was usually led by the Irish militia company which is now "A" Company of the 69th.) Major General Lawrence P. Flynn, Adjutant General of the State of New York, who marched with the 69th on Saint Patrick's Day, is the great-grandson of Pierce J. Butler who fought in the Civil War as an officer of the 69th of Corcoran's Irish Legion and later as a Lieutenant Colonel with the Fenian Brotherhood. (Pierce Butler was one of four Butler brothers who fought to re-unify this country. His brother, Captain Edward K. Butler fought with the 69th New York State Militia and later with the 69th of Corcoran's Irish Legion. Edward K. Butler was killed at the head of his company at Cold Harbor on the 3rd of June 1864.)

The Irish traditions of the 69th Regiment are preserved by its Veterans Corps, commanded by First Sergeant Bernard B. Kelly, and in the spirit of "Wild Bill" Donovan, Father Duffy and Joyce Kilmer and of the men who fought on Makin Island, by its Colonel, Robert J. Hutter. The "Fighting 69th" not only will lead the 229th New York Saint Patrick's Day Parade on Fifth Avenue on March 17th, they will also join John Cardinal O'Connor and the New York Saint Patrick's Day Parade Committee in leading our prayer for Peace with Justice and Honor for all Ireland.

As the 1980's saw the demise of the "Berlin Wall" and the apparent rebirth of freedom in Poland and other eastern European lands, let not the 1990's pass away without Ireland being once again United, Gaelic and Free. One nation, under God, indivisible with Liberty and Justice for all—please God, let there be Peace with Justice and Honor.

(Note: The Chairman wishes to acknowledge research assistance from 69th Regiment Historian Lieutenant Colonel Kenneth Powers, 69th Veterans Corps Commander Barney Kelly and Hibernian historians John Ridge and Liam Murphy.)

THE ROSTENKOWSKI PLAN

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. LaFALCE. Mr. Speaker, the deficit, like the weather, has been something everyone has talked about but few have been willing or able to do anything about.

For too long now, we have found ourselves paralyzed by political timidity. Not only unable to act, we have found ourselves unable to even speak out.

For too long now, we have pretended that defense cuts alone could cut the deficit or that we could balance the budget without more taxes, or that—in time—we could simply grow our way out of the problem.

And when the simple solutions did not work, we tried a mechanical solution. We tried Gramm-Rudman. And when that did not work, we tried Gramm-Rudman II. Well, all of the mechanical solutions have not worked and will not work. The deficit has not gone away and the problem remains.

In this matter, there is, quite simply, no substitute for political courage. There is no substitute for telling it like it is. And that, Mr. Speaker, is what the gentleman from Illinois did this past Sunday when he outlined a genuine and credible plan for deficit reduction. His plan is fair. His plan is honest. And his plan is about as good as we are going to get.

MEDICARE COVERAGE FOR PREVENTIVE SERVICES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Ms. SNOWE. Mr. Speaker, I am proud to join as a cosponsor of H.R. 4269, legislation which would provide Medicare coverage of preventive services on a trial, demonstration basis. This important measure would not only improve the elderly's quality of life, but would also help to restrain the dramatically escalating cost of the Medicare Program.

Over 80 percent of individuals who are age 65 or older have one or more chronic health conditions. As a consequence, they have in-

creased levels of disability and are at high risk for acquiring a fatal illness.

Not only do these chronic conditions have costs in terms of human suffering, but they have monetary costs as well. Although individuals age 65 and over represent 12 percent of the population, they account for more than one-third of the Nation's total health care expenses. At present, the cost of the Medicare Program alone is about $100 billion per year. And these expenditures will increase even further as the population continues to age.

Yet, through the use of preventive services, our elderly's quality of life can be improved and the skyrocketing cost of health care can be restrained. With this concern in mind, I am pleased to join as an original cosponsor of H.R. 4269. This important demonstration project would include preventive health measures under Medicare on a trial basis, and would permanently extend coverage to those services which are determined to be effective.

This legislation would include such important preventive services as: Colon cancer screening examinations, annual physical examinations—including serum cholesterol, blood pressure and vision/hearing tests—and mental health tests. In addition, the Secretary of the Department of Health and Human Services would have the authority to include in the demonstration other preventive services and procedures. This would provide the opportunity to extend coverage to two other extremely critical preventive measures—bone mass measurement technology and mammograms.

Presently 24 million Americans are afflicted with osteoporosis, a disorder which is characterized by the loss of bone mass. Osteoporosis is responsible for more than 1.3 million bone fractures per year, including more than 250,000 hip fractures. Not only do hip fractures increase the rate of mortality, but they also lead to institutionalization. The cost to the Nation for hip fractures resulting from osteoporosis is over $10 billion per year.

Because osteoporosis does not have any symptoms, individuals may not know they are losing bone mass until they fracture. As such, the use of bone measurement technology for individuals who are at high risk of developing osteopporosis is important for controlling health care costs and for reducing human suffering. Most of individuals who are at risk are older women, thus most of the savings from these procedures would go to the Medicare Program.

Mammography is also an essential preventive service that should be covered under Medicare. Each year, 43,000 American women die from breast cancer. Although mammograms are considered the most effective method for detecting this disease, only 17 percent of women age 50 or older have had a mammogram in the last year. Extending Medicare coverage to include this important screening procedure would not only save the lives of thousands of women each year, but would also help reduce the cost to the program by detecting the disease when it is in its early stages.

Preventive health care plays a vital role in reducing disability, morbidity, and mortality. Such services and procedures also have important financial benefits, as they reduce the likelihood of developing diseases, and detect and treat diseases in their early stages.

Given the aging of the population, it is becoming even more imperative that we look toward preventive services as a means of controlling the escalating cost of health care, and improving the quality of life. H.R. 4269, provides an important step in reaching this goal.

THE TELEVISION DECODER CIRCUITRY ACT OF 1990

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MARKEY. Mr. Speaker, today I join with my colleagues Mr. OWENS, Mr. GUNDERSON, Mr. BONIOR, Mr. BERMAN, Mrs. LLOYD, Mr. SLATTERY, Mr. SYNAR, Mr. WYDEN, Mr. BILIRAKIS, Mr. CHANDLER, Mr. MADIGAN, and Mr. OXLEY in introducing the Television Decoder Circuitry Act of 1990. Throughout the 1990's and into the next century, the central and essential role television plays in our lives is certain to grow. Americans currently watch 7 to 8 hours of television daily, and rely on the television as their primary source of news, information, and entertainment programming. Technological developments, including high definition television, fiber optics, and high power satellites, further will increase utilization of television in American homes and businesses. As we enter this information age, we must take steps to ensure the full participation of all Americans.

The legislation we are introducing today will help to ensure that the benefits of the video revolution are extended to those who previously have been denied access. In particular, I refer to deaf and hearing-impaired individuals. Although the advent of closed captioned programming has made television meaningful for deaf and hearing-impaired people, access to this technology historically has been restricted by the limited number of set-top decoders in use. The National Captioning Institute estimates the installed base of decoders at 300,000 units, which represents only a small fraction of the 24 million-person deaf and hearing-impaired population.

The limited penetration of decoders into American homes is threatening the long-term viability of the captioning industry. In order to enhance commercial incentives for private funding of captioning services, the audience for captioned programs must be enlarged. This legislation, which would require all new television sets with screens 13 inches or larger to have built-in decoder circuitry to display closed captions, would accomplish this goal and thereby ensure the preservation of the captioning industry.

The deaf and hearing-impaired population is only one of a number of groups that will benefit from this legislation. The potential audience for captioning also includes individuals seeking to acquire or improve literacy skills, including 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children in grades kindergarten through three, learning to read. A large portion of this audience presently fails to benefit from captioned television because of the cost of purchasing a set-top decoder and the perceived stigma attached to its purchase. These problems also are acute particularly for the estimated 40 percent of America's elderly with moderate or severe hearing loss.

I commend the Caption Center and the National Capitoning Institute for their work in making television accessible to deaf and hearing-impaired viewers. For a small cost—estimated at no more than $15 per television set at the retail level—we can expand the audience for their work, strengthen commercial incentives for the provision of captioning, and enable closed captioning to become a self-sustaining industry. I urge my colleagues to support this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 20

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Information Agency.
S-146, Capitol
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings on the Public Buildings Program of the General Services Administration.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.
SD-192
Energy and Natural Resources
To hold hearings on S. 2088, to extend authority for titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to 1 billion barrels, and to provide for predrawdown diversion authority for SPR oil.
SD-366
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communication Commission's syndicated exclusivity rules.
SR-253
Governmental Affairs
To hold hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342
Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116
Judiciary
Constitution Subcommittee
To hold hearings S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1898, to provide Federal government guarantees of investments of state and local government pension funds in high-speed intercity rail facilities.
SR-253
Finance
To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain of the sale of pension investment assets held for a short term.
SD-215

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138
Governmental Affairs
To continue hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116
Finance
To resume hearings on proposed legislation for deficit reduction and spending initiatives contained in the President's fiscal year 1991 budget.
SD-215

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215
Small Business
To hold hearings on small business opportunities with the Soviet Union and eastern Europe.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

MARCH 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for the world oil market in the 1990's and its implications for U.S.

energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.
SD-366

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

11:15 a.m.
Environment and Public Works
To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brigadier Gen. Arthur E. Williams, to be a Member and President of the Mississippi River Commission.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.
SD-366

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the De-

partment of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, March 15, 1990*

The House met at 11 a.m.

The Reverend Laszlo Tokes, Hungarian Reformed Church, Timisoara, Romania, offered the following prayer:

Our Father who art in Heaven.

We return thanks to You for Your providence which has preserved us in our lives and makes it possible for us to be newly together and do our work.

We realize that Your ways are not our ways and Your thoughts are other than ours. We therefore turn to You and look for Your guidance in the problems we face.

Please, enlighten us to find Your ways in the darkness. Make us able to "prepare the way of the Lord in the wilderness and make straight in the desert a highway for You."

We thirst for righteousness—please, give us a hearing when we appeal for justice, equality and freedom.

We long after love and peace—please change our minds and feelings, make us capable to "not love in word or speech but in deed and in truth."

Oh God who are the Lord of mankind and history. We pray for the whole world, and all the peoples of the world, mostly for those who are oppressed or separated from one another by hostilities. Please, break down the dividing wall of enmity amongst the peoples, and reconcile them and bring them near in the blood of Christ.

Give us wisdom and understanding that according to the Gospel of Christ we might do our best, do our work for the welfare of mankind and for Your glory.

Bless our lives. Bless our faith and deeds. Bless our countries and people. Give us freedom and peace. "For thine is the kingdom and the power and the glory, for ever." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BROWN of Colorado. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROWN of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 98, answered "present" 1, not voting 40, as follows:

[Roll No. 25]

YEAS—292

Ackerman	Early	Lantos
Akaka	Eckart	Laughlin
Alexander	Edwards (CA)	Leath (TX)
Anderson	Edwards (OK)	Lehman (CA)
Annunzio	Emerson	Lehman (FL)
Anthony	Engel	Lent
Archer	English	Levin (MI)
Aspin	Erdreich	Levine (CA)
Atkins	Espy	Lewis (GA)
AuCoin	Evans	Lipinski
Barnard	Fascell	Livingston
Bartlett	Fawell	Lloyd
Bateman	Fazio	Long
Bates	Feighan	Lowey (NY)
Beilenson	Fish	Luken, Thomas
Bennett	Flake	Manton
Bereuter	Foglietta	Markey
Berman	Ford (MI)	Matsui
Bevill	Frank	Mavroules
Bilbray	Frost	Mazzoli
Boehlert	Gaydos	McCloskey
Boggs	Gejdenson	McCurdy
Bonior	Gephardt	McDermott
Bosco	Geren	McEwen
Boucher	Gibbons	McHugh
Boxer	Gilman	McMillen (MD)
Brennan	Glickman	McNulty
Brooks	Gonzalez	Meyers
Broomfield	Gordon	Mfume
Browder	Gradison	Miller (CA)
Brown (CA)	Grant	Mineta
Bruce	Green	Moakley
Bryant	Gunderson	Mollohan
Buechner	Hall (OH)	Montgomery
Bustamante	Hall (TX)	Morrison (CT)
Callahan	Harris	Morrison (WA)
Campbell (CA)	Hatcher	Mrazek
Campbell (CO)	Hawkins	Murphy
Cardin	Hayes (IL)	Murtha
Carper	Hefner	Myers
Carr	Hertel	Nagle
Chapman	Hoagland	Natcher
Clarke	Hochbrueckner	Neal (MA)
Clement	Horton	Neal (NC)
Clinger	Houghton	Nielson
Coleman (MO)	Hoyer	Nowak
Coleman (TX)	Hubbard	Oberstar
Combest	Huckaby	Obey
Condit	Hughes	Olin
Conte	Hutto	Ortiz
Conyers	Jenkins	Owens (NY)
Cooper	Johnson (CT)	Oxley
Costello	Johnson (SD)	Packard
Cox	Johnston	Pallone
Coyne	Jones (GA)	Panetta
Darden	Jones (NC)	Parker
Davis	Jontz	Patterson
de la Garza	Kanjorski	Payne (NJ)
DeFazio	Kaptur	Payne (VA)
Derrick	Kasich	Pease
Dicks	Kastenmeier	Pelosi
Dingell	Kennedy	Penny
Donnelly	Kennelly	Perkins
Dorgan (ND)	Kildee	Petri
Duncan	Kleczka	Pickett
Durbin	Kolter	Pickle
Dwyer	Kostmayer	Porter
Dymally	LaFalce	Poshard
Dyson	Lancaster	Price
Pursell	Shumway	Torres
Quillen	Shuster	Torricelli
Rahall	Sisisky	Towns
Ravenel	Skaggs	Traficant
Ray	Skeen	Traxler
Regula	Skelton	Udall
Richardson	Slattery	Unsoeld
Rinaldo	Slaughter (NY)	Valentine
Robinson	Slaughter (VA)	Vander Jagt
Roe	Smith (FL)	Vento
Rose	Smith (IA)	Visclosky
Rostenkowski	Smith (NE)	Volkmer
Roth	Smith (NJ)	Walgren
Rowland (CT)	Smith (VT)	Walsh
Rowland (GA)	Snowe	Washington
Roybal	Spence	Watkins
Russo	Spratt	Waxman
Sabo	Staggers	Weiss
Saiki	Stallings	Weldon
Sangmeister	Stark	Wheat
Sarpalius	Stenholm	Whitten
Savage	Stokes	Wilson
Sawyer	Studds	Wise
Scheuer	Synar	Wyden
Schiff	Tallon	Wylie
Schneider	Tanner	Yatron
Schulze	Tauzin	Young (FL)
Sharp	Taylor	
Shaw	Thomas (GA)	

NAYS—98

Armey	Hiler	Paxon
Baker	Holloway	Rhodes
Ballenger	Hopkins	Ridge
Bentley	Hunter	Roberts
Bilirakis	Hyde	Rogers
Bliley	Inhofe	Rohrabacher
Brown (CO)	Ireland	Ros-Lehtinen
Bunning	Jacobs	Roukema
Burton	James	Schaefer
Chandler	Kolbe	Schroeder
Clay	Kyl	Schuette
Coble	Lagomarsino	Sensenbrenner
Coughlin	Leach (IA)	Shays
Courter	Lewis (CA)	Sikorski
Craig	Lewis (FL)	Smith (TX)
Crane	Lightfoot	Smith, Denny (OR)
Dannemeyer	Lowery (CA)	Smith, Robert (NH)
DeWine	Machtley	Smith, Robert (OR)
Dickinson	Madigan	Solomon
Douglas	Marlenee	Stangeland
Dreier	Martin (IL)	Stearns
Frenzel	Martin (NY)	Sundquist
Gallegly	McCandless	Swift
Gekas	McCollum	Tauke
Gingrich	McDade	Thomas (CA)
Goodling	McGrath	Thomas (WY)
Goss	McMillan (NC)	Upton
Grandy	Michel	Walker
Hancock	Miller (OH)	Weber
Hansen	Miller (WA)	Wolf
Hastert	Moorhead	
Hefley	Morella	
Henry	Parris	
Herger	Pashayan	

ANSWERED "PRESENT"—1

Hamilton

NOT VOTING—40

Andrews	Ford (TN)	Rangel
Applegate	Gallo	Ritter
Barton	Gillmor	Saxton
Borski	Gray	Schumer
Byron	Guarini	Solarz
Collins	Hammerschmidt	Stump
Crockett	Hayes (LA)	Vucanovich
DeLay	Lukens, Donald	Whittaker
Dellums	Martinez	Williams
Dixon	McCrery	Wolpe
Dornan (CA)	Moody	Yates
Downey	Nelson	Young (AK)
Fields	Oakar	
Flippo	Owens (UT)	

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

39-059 O-91-43 (Pt. 3)

□ 1129

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1130

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MFUME). The gentleman from California [Mr. LEVINE] will please come forward and lead the House in the Pledge of Allegiance.

Mr. LEVINE of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO REVEREND LASZLO TOKES

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, in recent months we have heard some new names in this Chamber, Lech Walesa, Yaclav Havel, and today, the Reverend Laszlo Tokes, who started the revolution that put away forever the dictatorial regime of Nicolae Ceausescu.

It gives me a great deal of pride and pleasure to turn this microphone to the gentleman from Massachusetts [Mr. ATKINS], who brought Reverend Tokes to us.

TRIBUTE TO REVEREND LASZLO TOKES

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, we have just heard the prayer offered for this body by a very remarkable man—Rev. Laszlo Tokes, a Hungarian reformed pastor from Timisoara, Romania, who has become known across the world as the "father of the Romanian revolution." We are honored to have him with us here today—in this, the first visit he has been allowed to make to the United States.

Laszlo Tokes reminds us that he is first a pastor. And so it was, that from his church in Timisoara and its pulpit, in the ethnically Hungarian Transylvania region of Romania, he spent years denouncing the policies of Nicolae Ceausescu and the persecution of the Hungarian minority within Romania. In the mid-1980's when Ceausescu embarked on his program of systematization—which would have destroyed more than 8,000 villages—Reverend Tokes spoke out against the regime and was then removed from his church for 2 years as punishment. When the government closed all Hungarian schools, Reverend Tokes defended the heritage of his parishoners, decried the suppression of centuries of rich Hungarian culture, and spoke out for both individual and collective rights across Romania.

As a lone, courageous voice, Reverend Tokes rapidly became a symbol of resistance to Ceausescu's policies. Last year, Ceausescu decided that Tokes could not continue his defiance. Reverend Tokes and his family were threatened, beaten, and he was stabbed. And then, in December, securitate thugs came to take him with orders to force him to confess his crimes against the state or to silence him—but something remarkable happened. The members of his parish linked arms and formed a human chain around his home and would not allow him to be taken away. The ethnic Hungarians who first protected him were then joined by thousands more—ethnic Romanians, Germans, Slovaks, Jews—and together they stood unarmed against the odds.

This profound act of civil disobedience united a people long divided and long oppressed. The courage of this man and the people who stood up for him ignited the spark that became the Romanian revolution.

Since that time, Reverend Tokes has worked tirelessly to secure the fruits of that victory—to bring true democracy to Romania and reconciliation to a broken community. His dream, a unified Romania where the rights of all citizens are safeguarded, is a dream we all share. His courage and steadfastness in the face of seemingly insurmountable odds are an inspiration to us all.

Laszlo Tokes, hero and healer, we are honored by your presence.

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES IN SECOND SESSION OF THE 101ST CONGRESS

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 101-419) on the resolution (H. Res. 346) providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the second session of the 101st Congress, which was referred to the House Calendar and ordered to be printed.

THE WORLD COULD SEE BOBBY FISCHER PLAY CHESS WITH HIS PATENTED CHESS CLOCK

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, I rise to congratulate the world chess champion, Bobby Fischer, for receiving a U.S. patent on a highly innovative chess clock, "Bobby Fisher's Anti-Time-Pressure Digital Chess Clock." Bobby discovered a fundamental principle in timing chess games, which makes his new clock the most important advancement in the game of chess since the invention of the basic chess clock itself well over a century ago.

Mr. Speaker, the world has not seen Bobby Fischer play a chess match since 1972. Would it not be a splendid development if Bobby should receive a worthwhile offer to play a chess match using his newly invented chess clock, and perhaps if worthwhile enough even to defend his title? The match will be avidly followed by the entire world, and Mr. Fischer's undoubted victory in it will bring enormous prestige to the United States.

Bobby's new chess clock can revolutionize tournament and match chess by equitably eliminating the current practice of adjourning games. Eliminating adjourned games will be a boon for chessplayers, organizers, sponsors, media, spectators, and fans alike. His clock automatically requires chess players to utilize their time more efficiently, and so they will on average use less time than with a standard chess clock without lowering the quality of play. Thus his clock will make it easier to determine who the truly superior players are.

Bobby's clock will restore the purity and discipline of the game, because chess is meant to be played between two individuals, not more. Finishing each game in one sitting without adjournment will deprive all players of the advantage of analyzing the games during adjournment. Here the Soviet Union is certainly the leading example. The Soviet Union directly subsidizes chess and even makes chess an instrument of its foreign policy. Far exceeding any other country, the Soviet government puts their players at a great advantage over their competitors from other nations. For every major chess tournament and match, the Soviet Union amply provides teams of chess assistants, libraries or endgame books, and technologies of the latest computers, all of which benefit their players with reassurance, guidance, and advice during adjournment. On these benefits the Soviet chessplayers have become heavily and oftentimes decisively dependent. It is interesting to speculate, to say the least, what particular hardship Bobby's clock will exert on Soviet chessplayers since it will bring an end to adjourning and analyzing chess games before finishing them. The new credo will be: "One game, two players, no help."

Bobby's clock can also virtually eliminate two other age-old banes of chessplayers, often straining nerves and inducing blunders: severe time pressure, and time scrambles. Furthermore, Bobby's clock can also greatly improve the quality and character of speed chess, which is becoming more popular everywhere. For example, Bobby's new clock will make a thing of the past of the degrading spectacle of masters and even grandmasters playing out hopelessly lost endgames a rook or a queen down, trying to win on time, as is now commonplace in 5-minute chess played on the standard chess clock.

American participation in chess, both professional and amateur, is important to international culture. Chess is one of the most universal activities in the world. With his new chess clock, Bobby has made yet another lasting contribution to "The Game of Kings."

Mr. Speaker, in this regard, it is indeed now more important than ever that the world again see Bobby Fischer play chess.

CRITICISM OF ADMINISTRATION'S HANDLING OF THE MIDEAST PEACE PROCESS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, by his regrettable remark on East Jerusalem, and his insensitivity to the one issue that touches the heart and soul of Israel and the Jewish people, President Bush has derailed the Mideast peace process.

Today's Washington Post front page headline says it well: "Bush's Remark Undercuts Peace Plan." The article says: "President Bush's recent comment * * * has led Israeli and American officials to question how a promising United States diplomatic effort to start peace talks * * * came to be undermined by the President's own words."

Israeli leaders as diverse as Teddy Kollek, Shimon Peres, Yitzhak Shamir, and Simcha Dinitz have criticized the President.

And it is painfully clear, especially to all of us who have strongly supported the administration's efforts to achieve Mideast peace, that we may have lost a golden opportunity to move the process forward.

Such administration bungling comes on the heels of other statements supporting shaving aid to Israel, questioning needed loan guarantees for housing for Soviet Jews, and whitewashing PLO terror.

Mr. Speaker, the Republican platform and candidate Bush said one thing on Israel. President Bush says another.

Opportunities for breakthroughs are rare in this region. An opportunity was lost, and the White House has no one but itself to blame.

CONGRESS GOES TO HEXAGON

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, a week from this Wednesday, on March 21, the Congress will be going to Hexagon. Naturally, given what we do around here and what we do not do, there are a lot of places people may suggest where we should go, but Hexagon is a place all of my colleagues will enjoy and perform a good deed as well.

Hexagon, Inc., was founded 35 years ago, and for the past 34 years has produced an all-original comedy musical and satirical revue, and the proceeds do go to an area charity. This year the proceeds will go the Columbia Lighthouse for the Blind.

So, my colleagues, I dare say actors all at least to some degree, mark March 21 on your calendar and you can see the likes of "handsome" DICK GEPHARDT, DAN "Geraldo" GLICKMAN, BEN "of TV fame" JONES, CONNIE "song and dance" MORELLA, and STAN "we got troubles right here in River City" PARRIS, and many others.

Despite my remarks, this is indeed a most worthwhile and enjoyable event. Congress goes to Hexagon, March 21, Mark it down.

DEMOCRATS DEMONSTRATE LEADERSHIP AND COURAGE

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, much has been said this past week about the Democrats—we lack vision, we have an inferiority complex, we're either too bold or we're not bold enough.

But whether you agree with the specifics of their ideas or the politics of the policies they offer, two Democratic leaders in 1 week demonstrated more leadership and courage than our President has in over a year in office.

Our majority leader, DICK GEPHARDT, has merely exposed the vacuum in our policy toward the East bloc. What has been so apparent to us in Congress, is the tepid and timid approaches with which George Bush approaches foreign policy. It took DICK GEPHARDT to point the finger and say what we've all been thinking: We have a President who is not leading this Nation.

When he is presented with a tough, bold proposal to deal squarely with the greatest fiscal crisis facing this Nation, the deficit, he says, "I'm only one player." That doesn't sound like the man the people put in the bully pulpit, a man who has one vote equal to two-thirds of Congress.

DAN ROSTENKOWSKI has essentially put all the budget cards on the table. We are still waiting for the President to pick up his hand. We may not like what we've been dealt, but a Democratic leader has offered an innovative, comprehensive, solution to a crisis that this administration refuses to deal with.

The Democratic Party cannot be accused of failing to lead. The same cannot be said about our President and his administration. If you need more evidence, just look at the transportation initiative—an exercise in buck passing if ever we've seen one.

□ 1140

CAMPAIGN FINANCE REFORM

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, if the key to campaign finance reform is to gain a level playing field, then any campaign finance measure must address the in-kind spending by labor unions.

It is believed that only a small portion of the money collected by big labor from workers in forced fees is actually used for collective bargaining. As an example, the Supreme Court in Beck found that only 19 percent of the dues collected was used for collective bargaining purposes.

That leaves a sizable sum to be spent on politics. It is not difficult to see that unions might be reluctant to see the Beck decision enforced. According to the Federal Election Commission, unions gave over $35 million in cash to candidates for Federal office in the 1988-89 election cycle, and a further undisclosed amount to State and local candidates. The Daily Labor Report of November 13, 1984, has stated that union in-kind expenditures on Walter Mondale's behalf amounted to nearly $20 million. The National Journal of March 15, 1986, used FEC data to show that big labor spent an additional $4.5 million contacting their members for * * * Mondale or against President Reagan. * * *

It is estimated that total election year in-kind contributions from unions range from $100 million to $350 million. It is no wonder that there is little incentive for entrenched interests to change this practice or abide by the Beck decision.

PRESIDENT BUSH'S LACK OF LEADERSHIP

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, when asked the other day about his reaction to the Rostenkowski deficit reduction plan, President Bush expressed interest, but said, "I am only one player." For those wanting true leadership, this sums up the problem.

In deficit reduction last year, the hoped for Super Bowl summit turned into a sandlot scrimmage because the player President was not willing to go for the touchdown. Tax equity studies show that middle-income persons paying an unfair share of the President's capital gains play keeps them in the penalty box.

When it comes to transportation policy, he just tossed the funding ball back to the States and told them, "You play the game."

Mr. Speaker, if the President only considers himself a player, then he should know this is a sport that does not start unless he plays. When you are President, there is no other player, no substitutes can fill in, no second team to take your place. Whether it is deficit reduction, education, Eastern Europe, or transportation, if the White House is only going to be a player, at least we have to ask it to show up for the game.

FAMILY AND MEDICAL LEAVE ACT: A QUESTION OF VALUES

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, yesterday I dared utter the dreaded "M" word on this floor, that is "M" for "mandates." Today, I want to speak about the "V" word; values.

As a Republican, I am alarmed that my party—which has historically stood so strongly for family values—has failed to do the right thing and support the Family and Medical Leave Act. This is the most important work-family issue of our day.

Let me put a human face on the issue by citing the case of Sue Lauer, a worker in Michigan.

Sue Lauer had missed 5 days of work over a period of months for assorted illnesses when she learned she needed surgery to determine the presence of a malignancy.

After a week's absence to recover, she returned to her job. But complications—and her doctor's advice—forced her to miss work for another week.

When Sue Lauer returned, she was fired for excessive absenteeism. The rest of the story is predictable—her unemployment ran out and she went on welfare.

Because we have no basic job protection for unpaid medical leave—this previously productive, taxpaying woman was forced into joblessness and onto welfare.

So you see, this bill is about values—values which define what our country, among them are family, hard work, and common decency.

TAX INEQUITY

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, although increasing taxes are of major concern to everyone, it is of greater concern to low- and middle-income families who are suffering the injustice of increasing taxes and decreasing take-home pay.

On the average, the median income for a family in America is $31,000 or less, and 3 out of 5 families fall into this category. Taxes increased for people with incomes of $31,000, but the take-home pay after taxes is $689. This meager after-tax pay is not enough to buy a washer and dryer.

Families with incomes of $20,000 saw their after-tax income increase to a whopping $56, which is not enough to buy one week's worth of groceries. In the worst cases, families with incomes of $7,725 saw their paycheck decrease $375 after taxes. One out of every five families fall into this category.

I urge that we work together to find a solution to remedy this tragic inequity so that low- and middle-income families in America can manage to provide for their future and the future of their children.

SENSE OF CONGRESS LIFTING SANCTIONS IMPOSED ON SOUTH AFRICA FOR NAMIBIA

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, today we are announcing a bipartisan effort on the part of myself and the distinguished majority whip, the gentleman from Pennsylvania [Mr. GRAY] to pass a resolution expressing the sense of Congress that as of March 21, 1990, Namibia will no longer be subject to the sanctions imposed on South Africa.

On that day, Mr. Speaker, Namibia will inaugurate its new President, swear in its Parliament, and become an independent nation with its own constitution. In November the people of Namibia chose their government in a way that I believe works very well: the ballot box. The representatives they chose for their constituent assembly then met to work out a constitution that respects certain fundamental rights which we all hold dear.

The Namibian Constitution talks about the rights of life, personal liberty, and personal and private property. It talks about freedom of speech, freedom of movement, freedom of association and assembly. It talks about due process and equal protection before the law.

We all want Namibia to keep the promises made to its citizens in this new constitution and avoid the path of totalitarianism and oppression. I urge my colleagues to join the distinguished majority whip and myself in an effort to act on this measure in a timely manner so that this measure can be transmitted to the Namibian people in time for Independence Day on March 21.

TAX EQUITY

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, we have a question of fundamental fairness to answer, and right now I believe we are coming up with the wrong answer.

The gap between the haves and those just holding on is growing in America, in no small measure due to the tax breaks supported by the previous administration favoring the wealthiest Americans and leaving middle-income America with a higher share of the tax bill.

Working men and women who produce the goods and services that make our economy run are shouldering the load. It is not healthy, nor is it right for us to continue to demand more from the economic middle class and less from the economic upper class in this country.

All of us in this body should support fairness and equity in our tax structure, just as the American people deserve.

WETLANDS CONSERVATION RESERVE ACT

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Madam Speaker, for too many years farmers across America have been draining some of the world's best waterfowl habitat to increase agricultural production. The loss of this precious natural resource has led to the second lowest duck count in the past 50 years. Something must be done to reverse this alarming trend.

Today, I am introducing the Wetlands Conservation Reserve Act. This legislation will allow the Nation's farmers to enter previously converted wetlands, now in agricultural production, into a 10-year contract with the Department of Agriculture, and allow valuable wildlife habitat to be reestablished.

It is time to build on the accomplishments of the Conservation Reserve Program, by allowing farmers with converted wetlands the opportunity to further improve the environment, wildlife habitat, and reduce excess production.

I urge my colleagues to support the Wetlands Conservation Reserve Program.

PRESIDENT BUSH'S STATEMENT ON JERUSALEM

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Madam Speaker, I am one of the Members of the House who has traditionally taken the position that the President of the United States—be he Democrat or Republican—should have wide latitude in the conduct of foreign policy and that 435 Members of the House and 100 Members of the Senate cannot each act as Secretary of State.

However, President Bush has made such a colossal blunder in the Middle East that it cannot be permitted to pass without comment.

The United States was making real progress in convincing the Government of Israel to enter into negotiations with representatives of Palestinians about the future of the West Bank until President Bush interjected the issue of East Jerusalem into the dialog on March 3. By this one single act, he undercut the efforts of his own State Department and threw the Israeli Government into chaos. This was totally unnecessary and left the distinct impression that our President either is a bully or that he doesn't have the foggiest idea of what he's doing.

Madam Speaker, anyone who knows even the basics about the Middle East understands what an emotional issue Jerusalem is. It is the capital of the State of Israel and is a city that has suffered greatly during times of divided control.

I have great respect for the Office of the Presidency but this President has made one of the greatest mistakes in foreign policy I've witnessed during my lifetime.

□ 1150

MOVE PRESIDENT BUSH'S ANTICRIME PACKAGE NOW

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Madam Chairman, on May 15, 1989, President Bush introduced to the public his anticrime/violent crime control bill. That bill was introduced in the Congress by BOB MITCHELL a few days later as H.R. 2709.

That bill does many things. Among others, it restores a constitutionally valid death penalty for such things as kidnaping and murder-for-hire and killing prison guards, it would make it easier to get into trials evidence seized by police officers in arrests, and it would reduce the kind of time delays we have in the constant appeals from convictions that criminals have.

It was referred to the Committee on the Judiciary and Chairman BROOKS sent out a letter to all the subcommittee chairmen saying he is not going to refer to them, to any one subcommittee, but please hold hearings and do something with this bill. That was done last fall.

Only one subcommittee has held hearings, and that is on the assault weapons portion of this bill. The time is passing, precious time. We need to have the leadership of this Congress, the chairman of the committee and the chairmen of the subcommittees get together and move President Bush's anticrime package now. It is too important to continue the delays that have gone on. We need to do it in this Congress and we need to do it now.

IT IS TIME WE FIGHT TERRORIST ACTIVITIES FIRE FOR FIRE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, in 1986 President Reagan bombed Mr. Qadhafi because Mr. Qadhafi was involved in a terrorist bombing of a disco in Germany, killing many Americans and other citizens of the world.

Now there are very few people in this Congress who opposed President Reagan more than I on economic issues, but I stood here and I complimented the President because President Reagan did what was right. He said terrorist thugs will not bully us around. We owe President Reagan a debt of gratitude here.

Now yesterday a so-called pharmaceutical plant in Libya was burned to the ground. Qadhafi said it is a pharmaceutical plant. Now the truth of the matter is now some groups are taking blame or credit. But a finger is being pointed at the CIA.

Let me say this today: I do not know what the CIA does and frankly I do not give a damn. I think it is time that we fight terrorist activities fire for fire.

President Reagan set a good standard for Congress, and we should consider that action.

BASEBALL—A JAPANESE IMPORT?

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, for baseball fans, there is no spring without spring training.

But, in reality, today America's national pastime may not be baseball, but may be labor-management discord.

As has happened so often in sports and other businesses over the past 20 years, the owners and employees cannot agree on a contract.

Americans once produced 70 percent of the world's goods. This has dropped to 30 percent, which should concern us—the less we produce, the less we earn as a country.

Perhaps we should learn from Japan in some labor-management areas. Although labor and management and consumer in Japan have competing goals, they are a team when it counts; and what is best for Japan, the team, is first and foremost.

Let's hope the U.S. owners and players go back to the bargaining table and that we have teamwork here as well.

Or, on opening day, we may have to import baseball from Japan, and, thus the refrain "Tinker to Evers to Chance" will be changed to "Okazaki to Shinozuka to Komada."

SECRETARY DOLE'S CHILD LABOR CONCERNS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Madam Speaker, last November, I was joined by 47 other Members of Congress and more than 50 business, labor, human rights, health, education and public interest organizations in sponsoring a day-long Capitol Hill Conference on the Exploitation of Children in the Workplace. It is clear that we have gotten Secretary Dole's attention. I was pleased when she first announced her child labor crackdown a few weeks ago.

Reported child labor violations in America have increased 250 percent since 1983—a disturbing leap from 9,000 in 1983 to over 22,500 in 1989. There were more than 128,000 work-related injuries to children reported just in 1987 and 1988.

But, there are fewer than 1,000 Labor Department compliance officers nationwide to enforce the existing child labor laws. These same people must investigate cases involving wage and hour violations for all working Americans.

The child labor provisions of Federal law have not been reviewed and updated since 1938. Yet a package of recommendations from the Child Labor Ad-

visory Committee sits on the desk of the Secretary of Labor unanswered since 1988.

Congressman CHARLES SCHUMER of New York and I will be introducing a comprehensive child labor bill near the end of April. About the same time, the General Accounting Office will be issuing a study which I commissioned. It will document just how serious and widespread violations of child labor laws are in this country.

I welcome Secretary Dole's readiness to get tough with child labor scofflaws. Some of the executive actions she is pursuing should be helpful. But the situation calls for more than a finger in the dike.

PRESIDENT BUSH IS MISTAKEN IN HIS STATEMENT ON JERUSALEM

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Madam Speaker, I am not one who believes that this Nation can endure 535 Secretaries of State, and I do not propose to be one. But I do have feelings and attitudes and reactions to certain foreign policy initiatives and statements and positions of the Government of the administration.

The current attitude, the statement by the President about settlement in East Jerusalem, is one that I simply cannot fathom. It is really hard to imagine that this Nation could in any way by any act or statement suggest that there could be viability in a partitioning of Jerusalem, particularly in light of the superior track record of the Israeli Government in providing access and accommodation to all of those, Moslem, Christian, and Jew, who regard the area as the holy place it truly is.

Yet by objecting to settlement in East Jerusalem by Soviet Jewish refugees, the possibility of such an idea is aroused. I hope that the President is pursuing a broad objective, the purpose of which we may not know now that will result in peace in this troubled area, but a peace in which the territorial and strategic integrity of Israel will be effectively preserved.

REPLACEMENT WORKERS, ONCE AGAIN, FOIL THE COLLECTIVE BARGAINING PROCESS

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Madam Speaker, 1 year ago, I introduced legislation to prohibit the hiring of permanent replacement workers during the first 10 weeks of a strike.

I was deeply concerned that paperworkers in my home State of Maine were permanently replaced—and that's the same as being fired—just 13 days after a strike began.

Today the management at Greyhound Bus Lines has shattered that mark by hiring replacement drivers before the strike even began.

Congress, in the National Labor Relations Act, said that workers have the right to withhold their services. Workers at Greyhound, International Paper, Eastern Airlines, Continental, Phelps Dodge, and Boise Cascade, believed they had that right.

But that turned out to be a cruel illusion when they lost their jobs and livelihoods for exercising their legal rights.

Today, some companies are blatantly, brazenly, defying the spirit of national labor laws by this cheap tactic of so-called permanent replacement workers.

I urge my colleagues to cosponsor my bill, H.R. 1383, joining nearly 100 other Members of this House, to amend the National Labor Relations Act, so that it clearly, specifically prohibits the hiring of permanent replacement workers within the first 10 weeks of a labor dispute.

□ 1200

OF LEADERSHIP AND COURAGE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Madam Speaker, I am here this morning to commend my Illinois colleague, DAN ROSTENKOWSKI, for proposing a serious, comprehensive plan for ending our deficit problem. It is a plan that calls on virtually every segment of the American economy to contribute to the solution, without smoke and mirrors, without rosy economic projections, and without cooking the books.

It proposes that each side put its priorities on the table—the Republicans, military spending and revenues, the Democrats, social spending and entitlements—and give something of them to solve the problem. Though not my personal preference, Madam Speaker, all of these elements are absolutely necessary to arriving at a political consensus for progress. We will never solve the deficit crisis by insisting on a solution crafted only on the other side's priorities. All of us must contribute something of our own.

While I have some questions, the plan the chairman has proposed shows the kind of leadership and political courage that, until now, has been in extremely short supply on Capitol Hill and in the White House. And ROSTY, for this concept, you can sign me on.

HONORING EDUCATIONAL EXCELLENCE: THE JEFFERSON COUNTY, KY, PUBLIC SCHOOL SYSTEM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, I take great pleasure today in recognizing and honoring the educational achievements and excellence of the Jefferson County public school system which administers the public schools located in my congressional district.

Under the leadership of School Superintendent Donald Ingwerson, the Jefferson County Teachers Association, and the Gheens Professional Development Academy, the Jefferson County public schools have implemented educational reforms which have received national attention.

For example, last April two local schools—Fairdale High School and Lassiter Middle School—were featured on the MacNeil-Lehrer News Hour.

Subsequently, the New York Times, CBS News and ABC television have come to Jefferson County to discover something we Louisvillians have known for a long time: Our public schools are among the best in the country.

Madam Speaker, the benefits of high-quality education are many: A more skilled work force; stronger economic development; more employment opportunities; higher standards of living for all; and, enhanced competitueness.

I am proud of the quality of public education in Louisville and Jefferson county and I am proud to say so today on the floor of the U.S. House of Representatives.

H.R. 770, THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, I urge my colleagues to support H.R. 770, the Family and Medical Leave Act.

I am an original cosponsor of this legislation, and I am concerned that the 101st Congress has not yet dealt with this most urgent matter.

This urgency is highlighted by the report, "Who Cares for America's Children?" just issued by the panel on child care policy. This report was requested by, and received support from the U.S. Department of Health and Human Services. Among the recommendations made by this panel was that the Federal Government should mandate unpaid, job-protected leave for employed parents of infants up to 1 year of age. This provision recog-

nizes that quality, affordable child care is not readily available and therefore, it offers the option to parents who prefer to remain at home to care for their baby. Surely, we can pass H.R. 770 which provides only 10 weeks of unpaid leave for parenting.

I urge my colleagues to read the report, "Who Cares for America's Children?" And to give consideration to this important recommendation and to support speedy passage of H.R. 770.

SUPPORT HAITIAN WISDOM

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Madam Speaker, the ordinary peace-loving, democracy-loving people of Haiti are again celebrating in the streets of Haiti. My district, which has more than 40,000 Haitians, is celebrating cautiously, also.

Again, the people have braved the bullets and the bombs of the military, to depose another military dictator, General Avril, who has fled to South Carolina. For the first time, a civilian has been appointed as president.

After Avril left, the opposition coalition known as the United Assembly picked Ertha Pascal-Trouillot, the only woman of the 12-member Supreme Court, as its choice for provisional president. The Rev. Bertrand Aristide, Roman Catholic priest and staunch critic of the military government, said residents should remain alert to the possibility of army counterattack.

Madam Speaker, I hope the U.S. State Department will support the wisdom of the people of Haiti, support the wisdom of the people which selected a civilian government. It was our State Department that insisted that only the military have the competence to run the government. Now, for the first time we have a civilian government in control. We hope our State Department will support that government, support the wisdom of the people who developed their own constitution, and this government will act in accordance with that constitution.

BE UPFRONT ON SOCIAL SECURITY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Madam Speaker, again today we have heard several Democrats come to the well suggesting that something needs to be done in terms of tax fairness. They have cited statistics to Members that indicate unfairness in the tax system.

The only way that these statistics have even a modicum of accuracy about them is if Members include the Social Security contribution, a contribution that was agreed to bipartisanly in 1983. If, in fact, that is what they are doing, it does say something very important to Members, and they ought to be more upfront with the American people about what they are talking about.

The only way to solve the problem is either take off the cap on the income coming into Social Security, or differentiate between the taxes of Social Security payments at the lower levels. If Members do either of those two things, what we do is take away from Social Security as an insurance program and make it into just another welfare program.

If the Democrats are really proposing to change Social Security into just another welfare program, instead of talking as they have been talking on the floor, they ought to be upfront with the American people. I do not think the American people will stand for taking Social Security and changing it into another welfare program. Yet, that will be the bottom line of what they have been suggesting in their so-called tax fairness speeches.

RURAL DEVELOPMENT ACT—A STEP IN THE RIGHT DIRECTION

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Madam Speaker, our view of rural America is traditionally an idyllic one of beauty, peace, and prosperity. We sing about "country roads," about "the church in the valley by the wildwood," about "amber waves of grain," about "corn that's as high as an elephant's eye."

But sadly, these images are becoming more fantasy than fact. Too often, the realities across rural America are boarded-up stores, inadequate or nonexistent sewers, dangerous bridges, struggling schools, half-empty churches.

The Rural Development Act we are considering today is a far cry from being everything rural America needs. The stark reality of a trillion-dollar national debt imposes constraints we can't ignore.

But this bill is a start. It would put a greater emphasis on the need for rural development by establishing a new Rural Development Administration within the USDA. This would help America's small towns maintain their standard of living and pull in new ventures that would add jobs and opportunities for the young people that have been forced to leave our rural communities.

This bill will also enable the rural electric cooperatives to play a significant role in bringing facilities and opportunities to these communities. These are the people who already live and work in rural America, the people who are familiar with utility operations and, more importantly, the people who care about the quality of life in rural America.

While I have some concerns about portions of the bill that deal with funding of urgent infrastructure needs such as waste and drinking water delivery systems, I believe that any step toward rural development activity is a step in the right direction.

SOVIET UNION DENIES MEMBERS' VISAS

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Madam Speaker, there is a joke in the Soviet Union that goes like this: What is the difference between the United States and the U.S.S.R.? The answer is: If an election were held, Gorbachev would be elected President of the United States.

Members of this body and the one across the hall had been invited to be observers under the Helsinki Commission, to attend the elections to be held next Sunday in Estonia and Latvia. The Soviet Union has denied the visas of the Members of Congress to attend those elections. Part of the reason is with the secession of Lithuania, the fears are within the leadership of the Soviet Union that the other Baltic Republics may soon follow suit. They frankly do not want Members of Congress there to see what is going on, and possibly to encourage it, just by our mere presence.

I would hope that in our rush on this floor, and in our conversations and in the magazines and the newspapers and televisions throughout this Nation, that when we laud Mr. Gorbachev, that we do not for a moment forget that there are still very major upheavals taking place within the Soviet Union, and that the popularity that we heap upon Mr. Gorbachev does not necessarily fall upon him within his own borders. We should watch these developments closely. The fact that Members of this Congress are denied visas to attend supposedly open and free elections is a signal that the Iron Curtain still exists in various forms.

□ 1210

Mr. HUBBARD. Madam Speaker, tomorrow, Friday, March 16, marks the fifth anniversary to Terry Anderson's capture in Lebanon.

These remarks are given today here in the U.S. House of Representatives because we are not in session tomorrow.

Americans cannot and must not forget Terry Anderson, the 7 other

American hostages or the 10 prisoners from other nations now held hostage in the Middle East, most likely all in Lebanon.

Today, yes every day until they are released, let us remember these 18 hostages and also the 9 hostages who have died in captivity since 1985.

A ceremony of hope will be held at noon tomorrow in Lafayette Park here in Washington.

Peggy Say the energetic, vivacious sister of Terry Anderson, is featured today in the Washington Post and other publications.

Peggy Say and her husband David Say are personal friends and constituents of mine who live near Cadiz, KY, near beautiful Lake Barkley.

Tomorrow, the Cadiz, KY, Baptist Church, where David and Peggy Say are members, will host a special service. Rev. Harold Skaggs, pastor of the church, says the vigil will be in honor of Terry Anderson and the other hostages.

Let us continue to pray that the current encouraging signals out of the Middle East will result in the immediate release of these hostages, hopefully even today or tomorrow.

AMERICANS WITH DISABILITIES ACT MOVES CLOSER TO ENACTMENT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, I rise today with great pleasure to inform the House that the Americans With Disabilities Act has taken another giant leap toward floor consideration and enactment. On Tuesday, the full House Energy and Commerce Committee approved the ADA by a vote of 40 to 3. I would like to especially thank the chairman, Congressman JOHN DINGELL, for his leadership on this legislation.

Tuesday's bipartisan vote, and the defeat of several weakening amendments, proves once again that the ADA is responsible and effective legislation which can stand up to the strictest scrutiny. The ADA has now been approved by the full Energy and Commerce Committee, the full Education and Labor Committee, and the Public Works Surface Transportation Subcommittee.

I know that with the continued support of President George Bush and the bipartisan leadership of the House of Representatives, that the ADA will be brought to the floor of this House at the earliest opportunity.

For far too many Americans with disabilities, the course of their life has been dictated and defined not by their talents, dreams, or desires, but by their disability. The ADA, which is now cosponsored by 246 Members of the House, will ensure that 43 million Americans with disabilities truly have an equal opportunity to participate in our Nation. And that, Madam Speaker, will not only benefit Americans with disabilities but will benefit all Americans.

SOLVING THE CONFLICT OVER TIMBER RESOURCES IN THE PACIFIC NORTHWEST

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Madam Speaker, today the House will have the opportunity to enact legislation that would put in place a critical part of a puzzle, a puzzle that, when it is completed, will yield the long-term solution to the conflict over our timber resources in the Pacific Northwest.

Madam Speaker, the Rural Economic Development Act of 1990 will provide our timber dependent communities with assistance they need to strengthen and diversify their economic base, and it will also upgrade their existing forest products manufacturing to get more jobs out of every 1,000 board feet of timber harvested. This modest program of Federal assistance will be funded out of Forest Service revenues, returning investment to the small towns of rural areas where these Federal dollars were generated.

Madam Speaker, I urge my colleagues to support passage of this vital bill so we can begin to construct a creative, long-term, stable solution to this conflict over the future of our public lands in the Pacific Northwest.

AUTHORIZING MEMBER TO SUBMIT ADDITIONAL COSPONSORS OF H.R. 2273

Mr. HOYER. Madam Speaker, I ask unanimous consent that I may be authorized to sign and submit requests to add the names of Members to the list of cosponsors on H.R. 2273.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4139

Mr. WALKER. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE 25TH ANNIVERSARY OF THE SELMA TO MONTGOMERY MARCH

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, 25 years ago today, 1 week after Bloody Sunday, President Lyndon Johnson spoke to a joint session of the Congress and said:

> I speak tonight for the dignity of man and the destiny of democracy. I urge every member of both parties, Americans of all religions and colors, from every section of this country, to join me in that cause.

Madam Speaker, President Johnson continued by saying:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

Madam Speaker, those were the words of President Johnson, and, as we observe the 25th anniversary of the Selma to Montgomery march, we can take pride in the fruits of nonviolent democratic revolution in the United States. Each week we have witnessed the lessons of nonviolent social change in Eastern Europe, and Central America, even in the Soviet Union.

BUSH DAMAGES PEACE PROCESS IN THE MIDDLE EAST

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Madam Speaker, on many occasions Members of this House have taken to the well to complain that the President's timidity in these times of opportunity have real costs for America.

Madam Speaker, last week the majority leader, the gentleman from Missouri [Mr. GEPHARDT], sounded that alarm again, and I rise today to say that on each of these accounts perhaps we were mistaken, because this week the President made a bold statement about American foreign policy by needlessly and dangerously entering the debate on the status of East Jerusalem.

By a single slip of the tongue the President has destroyed both his own peace plan and caused the collapse of the Israeli governing coalition. Madam Speaker, never have so few words done so much to destroy the work and the hope of so many. Real peace progress in the Middle East has been lost. It was so close, and now it has been set back so far.

Madam Speaker, the President has raised an issue that is not real. There are no great numbers of Soviet Jews flocking to East Jerusalem. The issue

did not need to be raised. By doing so he has demeaned both American and Israeli efforts to free Soviet Jews.

George Bush may like surprises, but this is a surprise that America, Israel, and the peace process did not need, and the damage may be irreparable.

STATEHOOD FOR PUERTO RICO?

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Madam Speaker, President Bush is pushing hard to make Puerto Rico the 51st State. A Senate committee has passed legislation guaranteeing statehood, if Puerto Ricans agree, and the House Insular and International Affairs Subcommittee, led by the gentleman from the Virgin Islands [Mr. DE LUGO], recently completed 3 days of hearings on the island.

Madam Speaker, polls in Puerto Rico show that over 50 percent currently support statehood. A vigorous debate is underway on the island among those who favor statehood, those who prefer commonwealth, and those who desire independence.

The Congress must not drag its feet. We should proceed swiftly through the legislative process to let Puerto Ricans know what our intentions are.

□ 1220

We should not let Puerto Rico's expectations rise to an unrealistic level if we are really not prepared to endorse statehood. We will irreparably damage our interests in Puerto Rico if we do. If we are prepared to let Puerto Rico make a choice through plebiscite, then we should do so quickly to prevent deeper fractures in Puerto Rico's political and social fabric from developing and lingering after the decision is final.

INTRODUCTION OF AMENDMENTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

(Mr. HOYER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOYER. Madam Speaker, I rise today to introduce along with my distinguished colleagues from the Washington metropolitan region to introduce legislation to amend the compact of the Washington Metropolitan Area Transit commission [WMATC]. This Commission has jurisdiction over privately owned passenger carriers, but has no jurisdiction over publicly owned passenger carriers such as WMATA/Metro, ride-on, cue, or dash.

After 25 years, the original signatory jurisdictions concluded that the WMATC compact needed review and appointed a review Commission, chaired by the Honorable Carlton R. Sickles to perform this function. In December 1987, the review committee recommended a revised and updated version of the compact. During the 1988 legislative sessions, the revised compact was introduced and passed by all signatory jurisdictions (Maryland Chapter 273, 1988; Virginia Chapter 890, 1988; and D.C. Law No. 7-224). As part of the District of Columbia enactment, the revised compact was transmitted to Congress for review, which was completed in 1989.

These amendments, enacted by all signatory jurisdictions, must now be approved by this Congress, since it constitutes changes to an interstate compact. The compact changes:

Specify authority to assess fees and return them to signatories;

Add jurisdiction over certain interstate taxicab trips to and from BWI airport (National and Dulles are already included);

Formalize exemption for WMATA;

Ease market entry standard from "public convenience and necessity" to "consistent with the public interest";

Provide that irregular route certificates shall be coextensive with the metropolitan district (now area-by-area);

Provide specific protection for regular route operations of publicly owned municipal carriers;

Provide that WMATC may order a carrier to cease any operation found inconsistent with the public interest;

Provide for tariffs to become effective in 7 days and to remain in effect at least 60 days (now effective indefinitely on 30 days notice);

Eliminate agency regulation of carrier securities;

Specify that only the entity issued a certificate can operate under it (clarification);

Decriminalize violations and increase fines (as improved enforcement mechanisms); and

Provide for fines to be paid to the signatories.

In brief, Madam Speaker, the proposed revisions would lower barriers to market entry, and reduce rate and accounting oversight, while maintaining a regional approach to transportation and keeping those controls necessary for the security of the public.

I urge speedy review and adoption of this package which will improve transportation in the Washington metropolitan region.

INTRODUCTION OF LEGISLATION TO PROVIDE EQUITY IN WILDERNESS REVIEW PROCESS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Madam Speaker, today I am introducing legislation along with 18 of my colleagues which will assist Western States undergoing wilderness designation review.

The Federal Government, through various agencies, controls substantial amounts for western lands, and through that control, can hold sway over the rural economies of these States. Where a Federal land decision is of minimal impact in smaller Eastern States, such decisions can have a monumental, and often devastating impact in the West.

This legislation seeks to promote fairness and equity in the wilderness review process. It gives States an opportunity to have Congress focus on their individual and unique needs.

I will be the first to tell you Congress needs to address the need to preserve wilderness. But I will also be the first to tell you Congress needs to address the needs of its western constituents as well.

Western States have the same right to self-determination as other States, and should not be burdened by narrow-thinking Federal land policies. I urge all my collegues who believe in States' rights to support this legislation.

RURAL ECONOMIC DEVELOPMENT ACT OF 1989

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to House Resolutin 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3581.

□ 1223

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," with Mr. FROST, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 14, 1990, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each title is considered as having been read.

The Clerk will designate section 1.

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that section 1 and title I through title VII of the committee amendment in the nature of a substi-

tute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of section 1 and titles I through VII of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Economic Development Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Sec. 101. Rural Development Administration.
Sec. 102. Conforming Amendments.

TITLE II—LOCAL PRIORITIZATION OF PROJECT FUNDING

Sec. 201. Delivery of certain rural development programs.
Sec. 202. State revolving funds for loans to very small business ventures.

TITLE III—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

Sec. 301. REA technical assistance unit.
Sec. 302. Deferment of payment on economic development loans.
Sec. 303. Water and waste lending by banks for cooperatives.
Sec. 304. Amendments to the business and industry loan program.
Sec. 305. Water or waste disposal loans to benefit rural businesses.
Sec. 306. Rural wastewater treatment circuit rider program.
Sec. 307. Increase on limitation of authorization for water and waste grants.

TITLE IV—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

Sec. 401. Rural development information sharing.
Sec. 402. Rural technology grants.

TITLE V—RURAL BUSINESS AND LEADERSHIP TRAINING

Sec. 501. Extension Service Rural Business and Leadership Training Program.

TITLE VI—RURAL ECONOMIC DEVELOPMENT RESEARCH

Sec. 601. Research on nontraditional uses of agricultural commodities.
Sec. 602. Authorization of rural development research competitive grants.
Sec. 603. Demonstration projects.

TITLE VII—RURAL ELECTRIFICATION PROVISIONS

Sec. 701. Short title; amendment of Rural Electrification Act of 1936.
Sec. 702. Findings; statement of policy.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

Sec. 711. General prohibitions.

Subtitle B—Amendments Relating to Title II of the 1936 Act

Sec. 721. Nonduplication of telephone facilities.
Sec. 722. Updated definition of telephone service.
Sec. 723. Loan feasibility.
Sec. 724. Encouragement of investment by telephone borrowers in rural development projects.
Sec. 725. Improvements in telephone program.
Sec. 726. Prompt processing of telephone loans.

Subtitle C—Amendments Relating to Title III of the 1936 Act

Sec. 731. Creation of separate electric and telephone accounts within rural electric and telephone revolving fund.
Sec. 732. Borrowers to determine amortization period for insured telephone loans.
Sec. 733. Tier requirement for insured telephone loans.
Sec. 734. Clarification of telephone loan guarantee authority.

Subtitle D—Amendments Relating to Title IV of the 1936 Act

Sec. 741. Modification of Rural Telephone Bank Board.
Sec. 742. Rural telephone bank capitalization.
Sec. 743. Pro rata purchase of rural telephone bank stock by rural telephone bank borrowers.
Sec. 744. Clarification of authority to set rural telephone bank loan levels.
Sec. 745. Borrowers to determine amortization period for rural telephone bank loans.
Sec. 746. Full use of rural telephone bank loan authority.
Sec. 747. Technical amendments relating to the rural telephone bank provisions of the Omnibus Budget Reconciliation Act of 1987.

Subtitle E—Effective Date

Sec. 751. Effective date.

TITLE VIII—MISCELLANEOUS

Sec. 801. Regulations.
Sec. 802. Loan rates applicable to certain loans under the Consolidated Farm and Rural Development Act.
Sec. 803. Assistance for certain distressed community facility program borrowers.
Sec. 804. Water and waste facility loans and grants to alleviate health risks.
Sec. 805. Preservation of eligibility.
Sec. 806. State programs not affected.
Sec. 807. Technical corrections.

TITLE IX—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

Sec. 901. Short title.
Sec. 902. Findings and purpose.
Sec. 903. Definitions.
Sec. 904. Rural forestry and economic diversification action teams.
Sec. 905. Action plan implementation.
Sec. 906. Training and education.
Sec. 907. Loans to economically disadvantaged rural communities.
Sec. 908. Authorization of appropriations and spending authority.

TITLE I—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

SEC. 101. RURAL DEVELOPMENT ADMINISTRATION.

(a) AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by adding at the end the following:

"SEC. 359. RURAL DEVELOPMENT ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Agriculture the Rural Development Administration, which shall be headed by an Administrator appointed by the Secretary.

"(b) ADMINISTRATION.—Except as provided in subsection (c), or as otherwise provided in this section, the Secretary shall carry out this Act through the Farmers Home Administration.

"(c) EXCEPTIONS.—The Secretary shall carry out section 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of section 303(a)), section 304(b), section 306(a), section 306B, section 310A, section 310B, section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)), section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate through the Rural Development Administration.

"(d) REFERENCES.—Any reference in any law, regulation, or order in effect immediately before the date of the enactment of the Rural Economic Development Act of 1990 to the Farmers Home Administration or to the Administrator of the Farmers Home Administration or of the Farmers Home Administration relating to any function, power, or duty that is, on or after such date, a function, power, or duty of the Rural Development Administration or the Administrator of the Rural Development Administration, shall be deemed to be a reference to the Rural Development Administration or to the Administrator of the Rural Development Administration, as the case may be.

"(e) EFFECT ON PENDING PROCEEDINGS AND PARTIES TO SUCH PROCEEDINGS.—

"(1) NONABATEMENT OF ACTIONS.—This Act does not abate any proceeding commenced—

"(A) by or against any entity any function of which is transferred by this Act; or

"(B) by or against any officer of any entity referred to in subparagraph (A) in the official capacity of such individual as such an officer.

"(2) EFFECT ON PARTIES.—If an officer of the Farmers Home Administration, in the official capacity of such officer, is a party to a proceeding pending on the date of the enactment of this Act, and under this Act the officer or any function of the officer is transferred to the Rural Development Administration, Department of Agriculture, then such action shall be continued with the Secretary or the Administrator, Rural Development Administration, or other appropriate officer of the Department substituted or added as a party.

"(3) TRANSFER OF CERTAIN RIGHTS OF FARMERS HOME ADMINISTRATION TO RURAL DEVELOPMENT ADMINISTRATION.—The rights, interests, obligations, and duties of the Farmers Home Administration arising before the date of the enactment of the Rural Economic Development Act of 1990 from any loan made, insured, or guaranteed, or any grant or contract made, by the Farmers Home Administration in the exercise of its functions shall—

"(A) with respect to any function to be exercised on or after such date by the Farmers Home Administration under subsection (b), continue to be vested in the Farmers Home Administration; and

"(B) with respect to any function to be exercised on or after such date by the Rural Development Administration under subsection (c), be vested in the Rural Development Administration.

"(f) COMPENSATION OF ADMINISTRATOR.—The Administrator of the Rural Development Administration shall be compensated in accordance with subchapter VIII of chapter 53 of title 5, United States Code."; and

(2) in section 309(e) by—

(A) inserting "and the Rural Development Administration, in proportion to such charges collected in connection with the insurance of loans by such agency" after "Farmers Home Administration"; and

(B) striking "expenses." and inserting "expenses for such agency.".

(b) FACILITATION OF TRANSFER OF FUNCTIONS.—(1) Notwithstanding the provisions of section 331 of the Consolidated Farm and Rural Development Act, as soon as practicable, but in no case later than one hundred and eighty days after the date of enactment of this section, the Secretary shall transfer to the Rural Development Administration the powers, duties, and assets of the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, related to the performance of rural development functions, including, but not limited to, the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, that administer sections 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of subsection (a)), 304(b), 306(a), 306B, 310A, 310B, and section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)) of the Consolidated Farm and Rural Development Act, section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate.

(2) INCIDENTAL TRANSFERS.—The Secretary shall make such determinations, and shall transfer such personnel from the Farmers Home Administration, as may be necessary or appropriate with regard to the functions transferred under this section to the Rural Development Administration. The Secretary shall also make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available, or to be made available in connection with the functions transferred by this section, as the Secretary may deem necessary to accomplish the purposes of this section.

(3) EFFECTIVE AND EFFICIENT TRANSFER OF AUTHORITY.—The Administrator of the Farmers Home Administration and the Secretary shall take whatever steps are necessary to assure the effective and efficient transfer of authority as provided for in this section.

SEC. 102. CONFORMING AMENDMENTS.

(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended—

(1) in the first sentence—

(A) by striking "For the purposes of this title and" and inserting "In accordance with section 359, for purposes of this title, and"; and

(B) by inserting before the period ", or may assign and transfer such powers, duties, and assets to the Rural Development Administration as provided by law for that office";

(2) in subsection (d), by striking "under any of its programs" and inserting "or the Rural Development Administration under any of their programs"; and

(3) in subsections (h) and (i), by inserting "Rural Development Administration under this title or by the" before "Farmers Home Administration" each place it appears.

(b) Section 331A of such Act (7 U.S.C. 1981a) is amended by inserting "or by the Rural Development Administration" immediately after "Farmers Home Administration".

(c) Section 335 of such Act (7 U.S.C. 1985) is amended—

(1) in subsection (a), by inserting "or the Rural Development Administration" after "Farmers Home Administration"; and

(2) in subsection (c)(1) by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(d) Section 338(a) of such Act (7 U.S.C. 1988(a)) is amended by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(e) Sections 657, 658, 1006, and 1014 of title 18, United States Code, are each amended by striking "Farmers' Home Administration" and inserting "Farmers Home Administration, the Rural Development Administration".

(f)(1) Section 623(c)(2) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(c)(2)) is amended by inserting ", or the Rural Development Administration" after "Farmers Home Administration".

(2) Section 628 of such Act (42 U.S.C. 9817) is amended—

(A) by amending the heading to read as follows:

"DEPARTMENT OF AGRICULTURE; RURAL DEVELOPMENT ADMINISTRATION PROGRAMS",

(B) by inserting ", or of the Rural Development Administration" after "of the Farmers Home Administration".

TITLE II—LOCAL PRIORITIZATION OF PROJECT FUNDING

SEC. 201. DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Effective on the first day of the fiscal year immediately following the enactment of this Act, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"SEC. 360. SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—(1) ASSISTANCE IN ELIGIBLE STATES.—Assistance under each designated rural development program shall be provided in eligible States to qualified projects in accordance with this section.

"(2) NO ASSISTANCE IN OTHER STATES.—The Secretary shall not provide assistance under any designated rural development program in any State that is not an eligible State.

"(b) DEFINITIONS.—As used in this section and section 361—

"(1) AREA PLAN.—The term 'area plan' means, with respect to a local or regional area in a State, the long range rural development plan developed for the area. Each area plan shall identify the geographical boundaries of the area and include—

"(A) an overall development plan for the area with goals, including business development and infrastructure development goals, and time lines based on a realistic assessment of the area, including, but not limited to—

"(i) the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support;

"(ii) the outstanding need for water and waste and other public services or facilities in the area;

"(iii) the realistic possibilities for industrial recruitment in the area;

"(iv) the potential for the development of tourism in the area;

"(v) the potential for the generation of employment in the area through the creation of small businesses and the expansion of existing businesses; and

"(vi) the potential for the production of value-added agricultural products in the area;

"(B) an inventory and assessment of the human resources of the area, including, but not limited to—

"(i) a current list of organizations in the area and their special interests;

"(ii) the current level of participation of area residents in rural development activities and the level of participation required for successful implementation of the plan;

"(iii) the availability of general and specialized job training in the area and the extent to which the needs of the area for such training are not being met;

"(iv) a list of area residents with special skills which could be useful in developing and implementing the plan; and

"(v) an analysis of the human needs of the area, the resources in the area available to meet those needs, and the manner in which the plan, if implemented, would increase the resources available to meet those needs;

"(C) the current degree of intergovernmental cooperation in the area and the degree of such cooperation needed for the successful implementation of the plan;

"(D) the ability and willingness of governments and citizens in the area to become involved in developing and implementing the plan;

"(E) a description of how the governments in the area will apply budget and fiscal control processes to the plan; and

"(F) the extent to which public services and facilities need to be improved to achieve the economic development and quality of life goals of the plan, taking into consideration, at a minimum—

"(i) law enforcement;

"(ii) fire protection;

"(iii) water and solid waste management;

"(iv) education;

"(v) health care;

"(vi) transportation;

"(vii) housing;

"(viii) communications; and

"(ix) the availability of, and capability to generate, electric power.

"(2) DESIGNATED RURAL DEVELOPMENT PROGRAM.—The term 'designated rural development program' means a program carried out under section 304(b), 306(a), or subsection (a) through (f) and (h) of section 310B of this Act, or under section 1323 of the Food Security Act of 1985, for which funds are available at any time during the fiscal year under such section.

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State with respect to which all of the following apply not later than the effective date of this section:

"(A) ESTABLISHED RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The State has established an advisory rural economic development review panel meeting the requirements of section 361.

"(B) APPOINTED STATE COORDINATOR.—The Governor of the State has appointed an officer or employee of the State government to—

"(i) manage, operate, and carry out the instructions of, the panel described in subparagraph (A); and

"(ii) serve as a liaison between the panel and the Federal and State agencies involved in rural development, including transmitting to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6).

"(C) DESIGNATED AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO PANEL.—The State has designated an agency to provide the panel and the State coordinator with support for the daily operation of the panel described in subparagraph (A).

"(4) QUALIFIED PROJECT.—The term 'qualified project' means any project—

"(A) for which the agency described in paragraph (3)(C) of the State has identified—

"(i) the alternative Federal, State, local, or private sources of assistance, and

"(ii) the related activities in the State; and

"(B) to which the Secretary is required by subsection (c)(4) to provide assistance.

"(5) STATE COORDINATOR.—The term 'State coordinator' means the individual appointed by the Governor of the State to carry out the activities described in paragraph (3)(B).

"(6) STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The term 'State rural economic development review panel' or 'panel' means an advisory panel specified in section 361.

"(c) DUTIES OF THE SECRETARY.—The Secretary shall, with respect to each eligible State—

"(1) review the list, if any, transmitted pursuant to subsection 361(b)(6) by any State coordinator;

"(2) determine whether each project described in an application in the list meets the requirements of the rural development program under which the application seeks assistance;

"(3) remove from the list any application for a project that does not meet the requirements;

"(4) provide assistance, subject to available funds, to the projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (3), giving great weight to the order in which the applications for such projects are ranked by the respective State panel, and, if assistance is provided to any project without providing assistance to all projects ranked higher in priority by the panel than such project, report to the panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate within ten days of determining to fund such lower ranked project on the reasons for not assisting any project ranked higher in priority by the panel;

"(5) within thirty days after the date of the enactment of any Act providing appropriations for any designated rural development program for any fiscal year, notify each State of the amounts to be made available to such State under such program for such fiscal year, and the aggregate for such fiscal year of such amounts under all the designated rural development programs;

"(6) pay per diem or otherwise reimburse each full-time officer or employee of the United States who is a member of a State rural economic development review panel for expenses incurred each day (including travel time) during which the officer or employee is engaged in the actual performance of a duty of the panel; and

"(7) from amounts appropriated for grants under any provision of section 306(a), make grants not to exceed $100,000 annually to each eligible State for the administrative costs associated with the State rural economic development review panel meeting the requirements of section 361.

"(d) OFFICIAL INFORMATION.—The Secretary may appoint as nonvoting members, temporarily and for specific purposes, personnel from any department or agency of the United States, with the consent of the head of such department or agency, with expertise not available among the members of any State rural economic development review panel as may be necessary to enable the panel to perform a duty described in section 361(b).

"(e) ALLOCATION OF APPROPRIATED FUNDS.—(1) LIMITED TRANSFER AUTHORITY.—(A) INITIAL ALLOCATION.—The Secretary shall allocate the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for any fiscal year to the projects specified in subsection (c)(4) giving great weight to the order in which the applications for such projects are ranked on the list specified in subsection (c)(1).

"(B) TRANSFER OF FUNDS.—If the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in subsection (c)(4), the Secretary may, subject to paragraph (2), notwithstanding any provision of law relating to appropriations for any such program for the fiscal year, transfer to the program from other such programs part or all of the sums appropriated for loans, loan guarantees, or grants, as the case may be, made available to the State for such other programs for such fiscal year.

"(C) LIMIT ON AMOUNT TRANSFERRED.—The amount transferred from a program under this subsection shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on such list the full amount of assistance requested for each such project.

"(2) LIMITATION ON PROGRAMS FOR WHICH MAY TRANSFER.—The Secretary may not transfer funds from one grant program to another pursuant to paragraph (1) if—

"(A) the sum of—

"(i) the amount of funds transferred into a program, plus

"(ii) the amount of funds appropriated for such program receiving such transfer of funds for the fiscal year

exceeds the limit on the statutorily authorized amount of funds that may be appropriated for such program receiving such transfer of funds; or

"(B) such transfer of funds would be made—

"(i) from a grant program for which there is a limit on the statutorily authorized amount that may be appropriated for such program;

"(ii) to a grant program for which there is no limit on the statutorily authorized amount that may be appropriated for such program.

"(3) EQUITABLE REALLOCATION OF UNOBLIGATED FUNDS.—Notwithstanding paragraph (1), the Secretary shall, on July 15 of each year, and from time to time thereafter during the fiscal year as the Secretary determines appropriate, pool from among the States any unobligated funds appropriated for direct loans, loan guarantees, or grants for each designated rural development program and reallocate such funds to the States according to need, as determined by the Secretary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to any State rural economic development review panel.

"(g) NO LIABILITY OF MEMBERS OF STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANELS.—The members of a State rural economic development review panel shall not be liable to any person with respect to any determination made by the panel.

"(h) ELIGIBILITY FOR WATER AND WASTE FACILITY LOANS.—(1) RURAL ELECTRIFICATION PROGRAM BORROWERS.—Notwithstanding any other provision of law, a borrower under title III of the Rural Electrification Act of 1936 shall be eligible to receive loans and grants under section 306 on an equal basis with any other applicant for such assistance, and the terms and conditions, rules, criteria and other provisions of section 306 shall apply to such a borrower. In the case of applications from such a borrower, the Administrator of the Rural Electrification Administration shall provide technical assistance with respect to such water and waste facilities and loans and grants for such facilities.

"(2) PROHIBITION ON RESTRICTING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS.—The Secretary shall establish rules and procedures that prohibit borrowers under title III of the Rural Electrification Act of 1936 from conditioning or limiting access to, or the use of, water and waste facility services financed under the Consolidated Farm and Rural Development Act if such conditioning or limiting is based on whether individuals or entities in the area served or proposed to be served by such facility receive, or will accept, electric service from such borrower.

"SEC. 361. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

"(a) IN GENERAL.—Each State rural economic development review panel specified in section 360(b)(3)(A) shall meet all of the requirements of this section.

"(b) DUTIES.—The panel shall advise the Secretary on the desirability of funding applications for funding from designated rural development programs, and, in developing such advice, shall have the following duties:

"(1) REVIEW RURAL DEVELOPMENT PLANS OF LOCAL AREAS.—To review each area plan submitted by a local or regional area.

"(2) EVALUATE AREA PLANS AND APPLICATIONS FOR ASSISTANCE.—(A) AREA PLANS.—To evaluate, pursuant to a written policy and criteria, each area plan submitted by a local or regional area and either—

"(i) accept any area plan that is technically and economically adequate, feasible, and likely to succeed in meeting the stated goals of the plan, unless the plan is incompatible with any other area plan for that area that has been accepted by the panel; or

"(ii) return any plan that is technically or economically inadequate, infeasible, unlikely to be successful, or incompatible with any other area plan for that area that has been accepted by the panel, with an explanation of the reasons for the return with suggested alternative proposals.

In evaluating area plans under this subparagraph, the panel shall give great weight to the area plans or other comments submitted by intergovernmental development councils, or similar organizations made up of local elected officials, charged with the responsibility for rural or regional development.

"(B) APPLICATIONS FOR ASSISTANCE.—To evaluate each application for assistance to determine whether the project to be carried out in any area is compatible with the area plan for the area in which the project described in the application is proposed, and either—

"(i) accept any application that the panel determines to be compatible with such area plan; or

"(ii) return to the Rural Development Administration any application that the panel determines to be incompatible with such area plan.

"(3) REVIEW AND RANK APPLICATIONS FOR ASSISTANCE UNDER DESIGNATED RURAL DEVELOPMENT PROGRAMS FROM AREAS WITH ACCEPTED AREA PLANS.—To review applications for assistance, that have been accepted pursuant to paragraph (2)(B), for projects to be carried out in any area the area plan for which has been accepted pursuant to paragraph (2)(A), taking into account the sources of assistance and related activities identified pursuant to section 360(b)(4)(A), and to rank such applications, subject to paragraphs (4) and (5), pursuant to a written policy and criteria, in an order that takes into account—

"(A) in the case of business projects described in the application—

"(i) the extent to which a project would—

"(I) stimulate rural development by creating new jobs of a permanent nature or retaining existing jobs by enabling new small businesses to be started, or existing businesses to be expanded by local or regional area residents who own and operate the businesses,

"(II) contribute to the enhancement and the diversification of the local or regional area economy,

"(III) generate or retain jobs for local or regional area residents,

"(IV) be carried out by persons with sufficient managerial capability,

"(V) be likely to become financially viable, and

"(VI) assist a local or regional area in overcoming severe economic distress;

"(ii) the distribution of assistance to projects in as many areas as possible in the State, with sensitivity to geographical distribution;

"(iii) the technical aspect of the projects;

"(iv) the market potential and marketing arrangements for the projects; and

"(v) the potential of such project to promote the growth of a rural community by improving the ability of the community to increase the number of persons residing therein and by improving the quality of life of such persons; and

"(B) in the case of infrastructure and community facility projects described in the applications the extent to which a project would—

"(i) have the potential to promote the growth of a rural community by improving the quality of life for local or regional area residents;

"(ii) affect the health and safety of local or regional area residents;

"(iii) affect business productivity and efficiency;

"(iv) enhance commerical business activity;

"(v) have the potential to promote long-term growth, including by increasing the number of persons residing in a rural community;

"(vi) address a severe loss or lack of water quality or quantity;

"(vii) bring a community into compliance with Federal or State water or waste water standards; and

"(viii) consolidate water and waste systems and utilize management efficiencies in new systems.

"(4) PRIORITY RANKING FOR PROJECTS ADDRESSING HEALTH EMERGENCIES.—To give priority in reviewing and ranking, notwithstanding the criteria established in paragraph (3), to applications for projects designed to address a health emergency declared to be such by the appropriate Federal or State government agency.

"(5) PRIORITY BASED ON NEED.—If in ranking applications pursuant to paragraphs (3) and (4), 2 or more applications are determined to have comparable strengths in their feasibility and potential for growth, to give priority to the applications for projects for which there is the greatest need.

"(6) TRANSMIT LIST OF RANKED APPLICATIONS.—To transmit to the State coordinator a list of all applications received and indicate on the list—

"(A) for all applications accepted, the rank of such applications in accordance with paragraphs (3), (4) and (5); and

"(B) for all applications returned, the fact that the application was returned pursuant to paragraph (2) and instruct the State coordinator to transmit the list to the Secretary.

"(7) AVAILABILITY OF LIST OF RANKED APPLICATIONS.—To make available to the public the list of ranked applications submitted under paragraph (6) and to provide a brief explanation and justification of why the project applications received their prioritization.

"(8) ESTABLISHMENT AND REVIEW OF WRITTEN POLICY AND CRITERIA FOR EVALUATING AND RANKING APPLICATIONS.—To establish and annually review the written policy and criteria used by the panel in evaluating and ranking applications in accordance with this subsection to ensure that the policy and criteria are consistent with current rural developmental needs, and to provide for public input during the development of the initial policy and criteria.

"(c) MEMBERSHIP.—(1) VOTING MEMBERS.—The panel shall be composed of not more than sixteen voting members who are representatives of rural areas—

"(A) One of whom is the Governor of the State or the person designated by the Governor to serve on the panel on behalf of the Governor for that year;

"(B) One of whom is the director of the State agency responsible for economic and community development or the person designated by the director to serve on the panel on behalf of the director for that year;

"(C) One of whom is appointed by a statewide association of banking organizations;

"(D) One of whom is appointed by a statewide association of investor-owned utilities;

"(E) One of whom is appointed by a statewide association of rural telephone cooperatives;

"(F) One of whom is appointed by a statewide association of noncooperative telephone companies;

"(G) One of whom is appointed by a statewide association of rural electric cooperatives;

"(H) One of whom is appointed by a statewide association of health care organizations;

"(I) One of whom is appointed by a statewide association of existing local government-based planning and development organizations;

"(J) One of whom is appointed by the Governor from a statewide rural development organization that is not described in any of subparagraphs (C) through (I), but if no such statewide organization exists, there shall be no appointment made under this subparagraph and, notwithstanding paragraph (1), the panel shall be composed of not more than fifteen voting members who are representatives of rural areas;

"(K) One of whom is appointed by a statewide association of counties;

"(L) One of whom is appointed by a statewide association of towns and townships, or by a statewide association of municipal leagues, as determined by the Governor;

"(M) One of whom is appointed by a statewide association of rural water districts;

"(N) the State director of the Federal small business development center (or, if there is no small business development center in place with respect to the State, the director of the State office of the Small Business Administration);

"(O) the representative for that State of the Economic Development Administration of the Department of Commerce; and

"(P) One of whom is appointed by the Secretary from among the officers and employees of the Federal Government.

"(2) NONVOTING MEMBERS.—The panel shall have not more than four nonvoting members who shall serve in an advisory capacity and are representatives of rural areas—

"(A) One of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of business of the colleges and universities in the State;

"(B) One whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of engineering of the colleges and universities in the State;

"(C) One of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of agriculture of the colleges or universities in the State; and

"(D) the director of the State agency responsible for extension services for the State.

"(3) APPOINTMENT OF REPRESENTATIVES OF STATEWIDE ORGANIZATIONS BY THE GOVERNOR IN CERTAIN CASES.—(A) If there is no statewide association or organization described in subparagraphs (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor of the State will appoint an individual to fill the position or positions, as the case may be, described in the applicable subparagraph from among nominations submitted by local groups of such entities.

"(B) If there is more than one of the statewide associations or organizations described in subparagraphs (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor shall select which organization shall name a member. The Governor shall rotate such selection among such associations or organizations such that a representative of the selected association or organization shall serve no more than two years before another such association or organization is selected by the Governor.

"(d) NOTIFICATION.—Each statewide organization that selects an individual to represent the organization on the panel shall

have notified the Governor of the State of the selection.

"(e) QUALIFICATIONS OF PANEL MEMBERS APPOINTED BY THE GOVERNOR.—Each individual appointed to the panel by the Governor of the State will be specially qualified to serve on the panel by virtue of the individual's technical expertise in business and community development.

"(f) VACANCIES.—A vacancy on the panel shall be filled in the manner in which the original appointment was made.

"(g) CHAIRPERSON AND VICE CHAIRPERSON.—The panel shall have selected two members of the panel who are not officers or employees of the United States to serve as the chairperson and vice chairperson of the panel for a term of one year.

"(h) NO COMPENSATION FOR FEDERAL MEMBERS.—Except as provided in section 360(c)(6), each member of the panel who is an officer or employee of the Federal Government may not receive any compensation or benefits, in addition to that which such officer or employee receives for performance of such officer or employee's regular employment, by reason of service on the panel.

"(i) RULES GOVERNING PANEL MEETINGS.—

"(1) QUORUM.—A majority of the members of the panel shall constitute a quorum for the purpose of conducting business of the panel.

"(2) FREQUENCY OF MEETINGS.—The panel shall meet not less frequently than quarterly.

"(3) FIRST MEETING.—The State coordinator shall schedule the first panel meeting.

"(4) RECORDS OF MEETINGS.—The panel shall keep records of the minutes of the meetings, deliberations, and evaluations of the panel, in sufficient detail to enable the panel to provide to interested persons the reasons for its actions.".

(b) CONFORMING AMENDMENT.—Section 306(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) is amended by striking "and not inconsistent" and all that follows through "undertaken for the area".

SEC. 202. STATE REVOLVING FUNDS FOR LOANS TO VERY SMALL BUSINESS VENTURES.

(a) IN GENERAL.—On the request of a State rural economic development review panel specified in section 361 of the Consolidated Farm and Rural Development Act, the Secretary may, during one and only one fiscal year, as specified by the panel, make funds available, from the funds available to provide grants to the State in the respective fiscal year for designated rural devlopment programs, to a State agency designated by the Governor of the State for the capitalization of a revolving fund to finance and facilitate startup or expansion of private very small businesses in the State. Such funds, once made available, shall remain available for so long as such funds are used in accordance with this section.

(b) AMOUNT MADE AVAILABLE.—(1) GENERAL FORMULA.—The amount that may be made available under subsection (a) to the revolving fund of a State in a fiscal year shall be an amount equal to—

(A) the aggregate amount available to the State in the fiscal year for designated rural development programs (as defined in section 360(b)(2) of the Consolidated Farm and Rural Development Act); multiplied by

(B) a number determined in accordance with paragraph (2).

(2) DETERMINATION OF PERCENTAGE.—(A) IN GENERAL.—Subject to subparagraph (B), the State rural economic development review panel referred to in subsection (a) small determine the number described in paragraph (1)(B).

(B) LIMITATION.—The number determined under subparagraph (A) shall not exceed 0.25 per centum.

(c) MANAGEMENT OF REVOLVING FUND.—The State agency designated by the Governor of the State pursuant to subsection (a) shall manage, operate, and provide for the fiscal integrity of the revolving fund described in subsection (a).

(d) LOANS FROM REVOLVING FUND.—(1) DETERMINATION OF ELIGIBILITY OF APPLICANT FOR LOAN.—The State agency designated by the Governor of the State pursuant to subsection (a) shall—

(A) determine whether each applicant for a loan from the revolving fund described in subsection (a) is eligible for such a loan;

(B) transmit to the State rural economic development review panel referred to in subsection (a) any recommended application for a loan from the fund that has been submitted by an applicant who is eligible for such a loan; and

(C) make a loan from the fund to an applicant whose application is approved by the State rural economic development review panel referred to in subsection (a).

(2) REVIEW OF APPLICATION.—The State economic development review panel referred to in paragraph (1) shall—

(A) review each application for a loan from the revolving fund described in subsection (a) that is transmitted to the panel pursuant to this subsection; and

(B) determine whether or not to approve the application taking into account relevant factors, including—

(i) the extent to which the application is consistent with any area plan, as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act, accepted by such panel pursuant to section 361(b)(2) of such Act, for the area in which the project proposed by the application is to be implemented; and

(ii) the criteria set forth in sections 361(b)(3), (4) and (5) of the Consolidated Farm and Rural Development Act.

(e) USE OF FUND.—A State that receives funds under subsection (a) shall use such funds to make loans at prevailing interest rates—

(1) to enterprises described in subsection (a), directly or through intermediaries that have established programs for providing financial and technical assistance to local businesses; and

(2) for the capitalization of intrastate revolving loan funds.

(f) INTERPRETATION OF SECTION.—This section shall not be construed to prevent a State that receives funds under this section from commingling in the revolving fund described in subsection (a) amounts from other sources.

(g) DEFINITION.—For the purposes of this section the term "very small business" means any business having fewer than thirty employees.

TITLE III—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

SEC. 301. REA TECHNICAL ASSISTANCE UNIT.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 17. TECHNICAL ASSISTANCE UNIT.

"(a) ESTABLISHMENT.—The Administrator shall establish a technical assistance unit to perform the duties described in subsection (b).

"(b) DUTIES.—The technical assistance unit established under subsection (a) shall—

"(1) provide advice and guidance to electric and telephone borrowers under this Act concerning the effective and prudent use by such borrowers of the investment authority under section 312 to promote rural development;

"(2) provide technical advice, troubleshooting, and guidance concerning the operation of programs or systems that receive assistance under this Act;

"(3) establish and administer various pilot projects through electric and telephone borrowers that the Administrator determines are useful or necessary, and recommend specific rural development projects for rural areas;

"(4) act as an information clearinghouse (using, to the extent practicable, the resources of the National Agricultural Library) and conduit to provide information to electric and telephone borrowers under this Act concerning useful and effective rural development efforts that such borrowers may wish to apply in their areas of operation and concerning State, regional, or local plans for long-term rural economic development;

"(5) provide information to electric and telephone borrowers under this Act concerning the eligibility of such borrowers to apply for financial assistance, loans, or grants from other Federal agencies and non-Federal sources to enable such borrowers to expand their rural development efforts; and

"(6) promote local partnerships and other coordination between borrowers under this Act and community organizations, States, counties, or other entities, to improve rural development.

"(c) FUNDING.—Not less than 3 per centum of the salaries and expenses of the Rural Electrification Administration shall be made available during each fiscal year to the technical assistance unit established in this section.".

SEC. 302. DEFERMENT OF PAYMENT ON ECONOMIC DEVELOPMENT LOANS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by—

(1) inserting "(a)" before "The Administrator"; and

(2) adding at the end the following new subsection:

"(b)(1) The Administrator shall permit any borrower to defer the payment of principal and interest on any insured or direct loan made under this Act under circumstances described in this subsection, notwithstanding any limitation contained in subsection (a), except that such deferment shall not be permitted based on the determination of the Administrator of the financial hardship of the borrower.

"(2)(A) In the case of deferments made to enable the borrower to provide financing to local businesses, the deferment shall be repaid in equal installments, without the accrual of interest, over the sixty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(B) In the case of deferments made to enable the borrower to provide community development assistance, technical assistance to businesses, or similar community, business, or economic development assistance, the deferment shall be repaid in equal installments, without the accrual of interest, over the one hundred and twenty-month period beginning on the date of the deferment, and the total amount of such pay-

ments shall be equal to the amount of the payment deferred.

"(3)(A) A borrower may defer its debt service payments only in an amount equal to an investment made by such borrower as described in paragraph (2).

"(B) The amount of the deferment shall not exceed 50 per centum of the cost of financing or assistance provided under paragraph (2).

"(C) The total amount of deferments under this subsection during each of the fiscal years 1990 through 1993 shall not exceed 3 per centum of the total payments due during such fiscal year from all borrowers on direct and insured loans made under this Act and shall not exceed 5 per centum of such total payments due in each subsequent fiscal year.

"(D) At the time of a deferment, the borrower shall make a payment to a cushion of credit account established and maintained pursuant to section 313 in an amount equal to the amount of the payment deferred. The balance of such account shall not be reduced by the borrower below the level of the unpaid balance of the payment deferred. Subject to limitations established in annual appropriations Acts, such cushion of credit amounts and any other cushion of credit and advance payments of any borrower shall be included in the interest differential calculation under section 313(b)(2)(A).

"(4) The Administrator shall undertake all reasonable efforts to permit the full amount of deferments authorized by this subsection during each fiscal year.".

SEC. 303. WATER AND WASTE LENDING BY BANKS FOR COOPERATIVES.

(a) AUTHORIZATION.—Section 3.7 of the Farm Credit Act of 1971 (12 U.S.C. 2128) is amended by adding at the end the following:

"(f) The banks for cooperatives are authorized, for the purpose of the installation, expansion, or improvement of water facilities or systems or waste disposal facilities, to make and participate in loans and commitments and to extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating such systems; and

"(2) rural municipalities having populations not in excess of twenty thousand inhabitants, if the proceeds from such loans are used to expand existing water or waste facilities in such municipalities, to enhance the economic development of such municipalities, or to address health-related problems of the inhabitants of such municipalities.".

(b) CONFORMING CHANGE.—Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

"(D) Any cooperative or municipality described in section 3.7(f).".

SEC. 304. AMENDMENTS TO THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by—

(1) inserting before the first sentence the following: "The Secretary may also make and insure loans to small and very small rural businesses to assist in the startup and expansion of such businesses that have presented an application for a business project meeting the criteria established under section 361(b)(3)(A) to the applicable State rural economic development review panel defined in section 360(b)(7).";

(2) striking "$25,000,000" and inserting "$5,000,000"; and

(3) adding at the end the following: "The primary purpose of the program established under this subsection shall be to assist small and very small rural businesses, as provided in the first sentence of this subsection. For the purposes of this section, the term 'very small business' means a business having fewer than 30 employees; and the term 'small business' shall not be defined in such a manner as to be inconsistent with the definition of such term established by the Small Business Administration pursuant to section 112(b) of Public Law 94-305 (15 U.S.C. 632).".

SEC. 305. WATER OR WASTE DISPOSAL LOANS TO BENEFIT RURAL BUSINESSES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting "rural businesses," after "farm laborers,".

SEC. 306. RURAL WASTEWATER TREATMENT CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national rural wastewater circuit rider grant program that shall be modeled after the existing National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Farmers Home Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 each fiscal year to carry out the program established under subsection (a).

SEC. 307. INCREASE ON LIMITATION OF AUTHORIZATION FOR WATER AND WASTE GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act is amended by striking ": Provided, That for fiscal years commencing after September 30, 1981, such grants may not exceed $154,900,000 in any fiscal year".

TITLE IV—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

SEC. 401. RURAL DEVELOPMENT INFORMATION SHARING.

Section 306(a)(12)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(12)(A)) is amended by inserting ", that shall be located in the National Agricultural Library," after "establish a system".

SEC. 402. RURAL TECHNOLOGY GRANTS.

(a) AUTHORIZATION.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (f) and inserting the following:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers for rural technology or cooperative development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology or cooperative development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that substantiates that such center will effectively serve rural areas in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation or cooperative development and the adaptation of existing technology) and commercialization of—

"(i) new services and products that can be produced or provided in rural areas;

"(ii) new processes that can be utilized in the production of products in rural areas; and

"(iii) new enterprises that can add value to on-farm production through processing or marketing.

"(C) A description of the activities that such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology research, investigations, and basic feasibility studies in any field and discipline for the purpose of generating principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by such centers in the development and commercialization of new products, processes, or services.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons in rural areas served by the center in the development and commercialization of new products, processes, or services.

"(iii) Programs providing training and instruction for individuals residing in rural areas served by the center with respect to the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new products, processes, or services.

"(iv) Programs providing loans and grants to individuals, small businesses, and cooperatives in rural areas served by the center for purposes of generating, evaluating, developing, and commercializing new products, processes, or services.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing and commercializing new products, processes, or services.

"(vi) Programs providing research and support to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing new agricultural enterprises to add value to on-farm production through processing or marketing.

"(D) A description of the contributions that such activities are likely to make to the improvement of the economic conditions of the rural areas for which such center will provide services.

"(E) Provisions that such center, in carrying out such activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

"(i) monitoring and evaluating such activities by the institution operating such center; and

"(ii) accounting for money received by such institution under this section.

"(I) Provisions that such center will provide for the optimal application of such technology and cooperative development in rural areas, especially those areas adversely affected by adverse agricultural economic conditions, through the establishment of demonstration projects and subcenters for—

"(i) rural technology development where the technology can be implemented by communities, community colleges, businesses, cooperatives, and other institutions; or

"(ii) cooperative development where such development can be implemented by cooperatives

to improve local economic conditions.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology or cooperative development that—

"(A) can demonstrate the capability to transfer for practical application in rural areas the technology generated at such centers and the ability to commercialize products, processes, services, and enterprises in such rural areas;

"(B) will effectively serve in rural areas that have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment or underemployment;

"(iii) high rates of out migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(C) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) The term 'nonprofit institution' means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(B) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

"(g) In carrying out subsection (f), the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment or underemployment of persons residing in economically distressed rural areas that the Secretary determines have a substantial need for such assistance. Such assistance shall include planning and feasibility studies, management and operational assistance, and studies evaluating the needs for development potential of projects that increase employment and improve economic growth in such areas.

"(h) The Secretary may make grants to defray not to exceed 75 per centum of the administrative costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under subsection (f). For purposes of determining the non-Federal share of such costs, the Secretary shall consider contributions in cash and in kind, fairly evaluated, including but not limited to premises, equipment, and services.".

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out section 310B (f) and (h) of the Consolidated Farm and Rural Development Act, there are authorized to be appropriated to the Secretary not to exceed $50,000,000 for each of the fiscal years 1991, 1992, and 1993.

TITLE V—RURAL BUSINESS AND LEADERSHIP TRAINING

SEC. 501. EXTENSION SERVICE RURAL BUSINESS AND LEADERSHIP TRAINING PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 1 of chapter 79 of the Act of May 8, 1914 (7 U.S.C. 341) is amended by—

(1) inserting "(a) AGRICULTURE, ENERGY AND HOME ECONOMICS EXTENSION WORK.—" before "In order to aid"; and

(2) adding at the end the following:

"(b) RURAL DEVELOPMENT EXTENSION WORK.—(1) NATIONAL PROGRAM.—The Secretary of Agriculture shall establish a national program, to be administered by the Extension Service, to provide rural citizens with training in, technical and management assistance regarding, and educational opportunities to enhance their knowledge of—

"(A) beginning new businesses through entrepreneurship;

"(B) the procedures necessary to establish new businesses in rural areas;

"(C) self-employment opportunities in rural areas;

"(D) the uses of modern telecommunications and computer technologies;

"(E) business and financial planning; and

"(F) such other training, assistance, and educational opportunities as the Secretary determines are necessary to carry out the program established under this subsection.

"(2) LEADERSHIP ABILITIES.—The program established pursuant to this subsection shall provide assistance designed to increase the leadership abilities of residents in rural areas. Such assistance shall include—

"(A) information relative to the development of community goals;

"(B) instruction regarding the methods by which State or Federal funding for rural development projects might be obtained;

"(C) instruction regarding the successful writing of applications for loan or grant funds from government and private sources;

"(D) an updated listing of State, Federal, and other economic development programs available to rural areas; and

"(E) such other training, information, and assistance as the Secretary determines necessary to increase the leadership abilities of residents in rural areas.

"(3) CATALOG OF PROGRAMS.—In order to facilitate the program established under this subsection, the extension service in each State should develop, maintain, and provide to each community, and make accessible to any other interested party, a catalog of available State, Federal, or private programs that provide leadership training or other information or services similar or complementary to the training or services required by this subsection. Such catalog should include, at a minimum, the following entities within the State that provide such training or services:

"(A) any rural electric cooperative;

"(B) any nonprofit company development corporation;

"(C) any economic development district that serves a rural community;

"(D) any nonprofit subsidiary of any private entity;

"(E) any nonprofit organization whose principal purpose is to promote economic development in rural areas;

"(F) any investor or publicly owned electric utility;

"(G) any small business development center or small business investment company;

"(H) any regional development organization;

"(I) any vocational or technical school;

"(J) any Federal, State or local government agency or department; and

"(K) any other entity that the Secretary deems appropriate.

The extension service in each State should include in the catalog information relative to the specific training or services provided by each entity in the catalog.

"(4) EMPLOYEE TRAINING.—The Secretary shall provide training for State extension service employees to ensure that such employees understand the availability of rural development programs in their respective States and the availability of Extension Service staff qualified to provide to rural citizens and to State extension staff training and materials for technical, management, and educational assistance required by this subsection.".

(b) COORDINATION OF ASSISTANCE.—The Secretary shall ensure, to the extent practicable, that assistance provided under subsection (a) is coordinated with and delivered in cooperation with similar services or assistance provided by other Federal agencies or programs for rural residents.

TITLE VI—RURAL ECONOMIC DEVELOPMENT RESEARCH

SEC. 601. RESEARCH ON NONTRADITIONAL USES OF AGRICULTURAL COMMODITIES.

The Secretary shall establish a program of competitive grants, to be administered in conjunction with the activities required under subtitle C of title XIV of the Food Security Act of 1985 (7 U.S.C. 4701 et seq.), for the purpose of conducting research on nonfood, nonfeed uses of agricultural commodities. The Secretary shall give priority in the awarding of grants under this section to research projects that the Secretary determines have the potential for developing new products from or processes for agricultural commodities that may be commercially implemented by small businesses.

SEC. 602. AUTHORIZATION OF RURAL DEVELOPMENT RESEARCH COMPETITIVE GRANTS.

The Secretary shall establish a program of competitive grants for the purpose of encouraging research and analysis of the social, economic, and other factors influencing the economic vitality of rural areas. Priority in the award of such grants to projects designed to research methods by which the social and economic vitality of rural areas can be enhanced.

SEC. 603. DEMONSTRATION PROJECTS.

The Secretary shall establish a program of competitive grants to rural areas to serve as demonstration areas for rural economic development and as models of such development for other areas. In awarding such grants the Secretary shall favorably consider a request for funds from a rural area that the Secretary determines—

(1) demonstrates the ability to supplement the grant funds provided under this section with other funds from State, local, or private sources;

(2) demonstrates the ability to use the grant funds to increase employment in the area; and

(3) can successfully serve as a demonstration area to share the results of the project to the benefit of other rural areas in the region.

TITLE VII—RURAL ELECTRIFICATION PROVISIONS

SEC. 701. SHORT TITLE; AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.

(a) SHORT TITLE.—This title may be cited as the "Rural Telecommunications Improvements Act of 1990".

(b) AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Rural Electrification Act of 1936.

SEC. 702. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) making modern telecommunications technology and services available in rural areas in the United States promotes economic development and improves the quality of life in rural areas; and

(2) the efficient operation of the Rural Telephone Bank and the Rural Electrification Administration telephone loan programs is essential to the continued development of the telecommunications infrastructure in rural areas in the United States.

(b) STATEMENT OF POLICY.—It is the policy of the Congress that the Rural Telephone Bank and the Rural Electrification Administration make loans that facilitate the development and enhancement of the rural telecommunications infrastructure in order to make modern telecommunications technology and services available at reasonable rates to the greatest practicable number of people in rural areas in the United States.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

SEC. 711. GENERAL PROHIBITIONS.

Title I (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 18. GENERAL PROHIBITIONS.

"The Administrator and the Governor of the telephone bank shall not—

"(1) deny or reduce any loan or loan advance under this Act based on a borrower's level of general funds; or

"(2) make any loan or grant, or provide any guarantee, under this Act to any borrower of a telephone loan (or any subsidiary or affiliate of such a borrower) for electric service to others, or to any borrower of an electric loan (or any subsidiary or affiliate of such a borrower) for telephone service to others (except that this prohibition shall not apply to loans, grants, or guarantees for telephone service between the borrower and others) unless—

"(A) the borrower has obtained a certificate of convenience and necessity from, or otherwise obtained the consent of, the State regulatory authority with jurisdiction over the provision of such service; and

"(B) the Administrator or the Governor, as the case may be, has determined (and set forth the reasons therefor in writing) that such loan or grant will not be used to duplicate any lines, facilities, or systems.".

Subtitle B—Amendments Relating to Title II of the 1936 Act

SEC. 721. NONDUPLICATION OF TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 201 (7 U.S.C. 922) is amended by striking the last sentence and inserting "The Administrator and the Governor of the telephone bank shall not make or guarantee a loan, or make a grant, for telephone purposes under this Act if the loan, guarantee, or grant would result in the duplication of lines, facilities, or systems that provide reasonably adequate service. For purposes of this Act, the term 'duplication' does not include upgrading.".

(b) CONFORMING AMENDMENT.—Section 408(b)(5) (7 U.S.C. 948(b)(5)) is amended by striking the 2nd sentence.

SEC. 722. UPDATED DEFINITION OF TELEPHONE SERVICE.

Section 203(a) (7 U.S.C. 924(a)) is amended—

(1) by inserting "or reception" after "transmission";

(2) by inserting "data," after "voice,"; and

(3) by striking "through the use of electricity between the transmitting and receiving apparatus" and inserting "by wire, fiber, radio, light, or other visual or electromagnetic means".

SEC. 723. LOAN FEASIBILITY.

Title II (7 U.S.C. 922 et seq.) is amended by adding at the end the following:

"SEC. 204. LOAN FEASIBILITY.

"The Administrator and the Governor of the telephone bank may not, as a condition of making a telephone loan to an applicant therefor, require the applicant to—

"(1) increase the rates charged to the applicant's customers or subscribers; or

"(2) increase the applicant's ratio of—

"(A) net income or margins before interest; to

"(B) the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 724. ENCOURAGEMENT OF INVESTEMENT BY TELEPHONE BORROWERS IN RURAL DEVELOPMENT PROJECTS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the section added by section 723 of this title the following:

"SEC. 205. CERTAIN RURAL DEVELOPMENT INVESTMENTS BY QUALIFIED TELEPHONE BORROWERS NOT TREATED AS DIVIDENDS OR DISTRIBUTIONS.

"(a) IN GENERAL.—The Administrator and the Governor of the telephone bank shall not—

"(1) treat any amount invested by any qualified telephone borrower for any purpose described in section 607(c)(2) of the Rural Development Act of 1972 (including any investment in, or extension of credit, guarantee, or advance made to, an affiliated company of the borrower, that is used by such company for such a purpose) as a dividend or distribution of capital to the extent that, immediately after such investment, the aggregate of such investments does not exceed ⅓ of the net worth of the borrower; or

"(2) require a qualified telephone borrower to obtain the approval of the Administrator or the Governor of the telephone bank in order to make an investment described in paragraph (1).

"(b) QUALIFIED TELEPHONE BORROWER DEFINED.—As used in subsection (a), the term 'qualified telephone borrower' means a person—

"(1) to whom a telephone loan has been made or guaranteed under this Act; and

"(2) whose net worth is at least 20 percent of the total assets of such person.".

SEC. 725. IMPROVEMENTS IN TELEPHONE PROGRAM.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 723 and 724 of this title the following:

"SEC. 206. GENERAL DUTIES AND PROHIBITIONS.

"(a) DUTIES.—The Administrator and the Governor of the telephone bank shall—

"(1) notwithstanding section 553(a)(2) of title 5, United States Code, cause to be published in the Federal Register, in accordance with subsections (b) through (e) of section 553 of such title, all rules, regulations, bulletins, and other written policy standards governing the operations of the telephone loan and loan guarantee programs administered under this Act;

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use the depreciation rates used to compile the most recent report of the borrower's operations filed by the borrower with the Rural Electrification Administration, or, in the absence of such a report, the rates used by the borrower to calculate depreciation expenses in the most recent return to Federal income taxes (including information returns) filed by the borrower with the Internal Revenue Service; and

"(3) make loans for all purposes for which telephone loans are authorized under section 201 or 408, to the extent of qualifying applications therefor.

"(b) PROHIBITIONS.—The Administrator and the Governor of the telephone bank shall not—

"(1) rescind an insured telephone loan, or a Rural Telephone Bank loan, made under this Act without the consent of the borrower, unless all of the purposes for which telephone loans have been made to the borrower under this Act have been accomplished with funds provided under this Act;

"(2) regulate the order or sequence of advances of funds under telephone loans made under this Act to any borrower who has received any combination of telephone loans from the Rural Electrification Administration, the Rural Telephone Bank, or the Federal Financing Bank; or

"(3) deny a loan or advance to, or take any other adverse action against, an applicant for, or a borrower of, a telephone loan under this Act for any reason that is not based on a rule, regulation, bulletin, or other written policy standard that has not been published pursuant to section 553 of title 5, United States Code.".

SEC. 726. PROMPT PROCESSING OF TELEPHONE LOANS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 723, 724, and 725 of this title the following:

"SEC. 207. PROMPT PROCESSING OF TELEPHONE LOANS.

"Within ten days after the end of the second and fourth calendar quarters of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, a report—

"(1) identifying each completed application for a telephone loan under section 305, a guarantee of a telephone loan under section 306, or a loan under section 408, that has not been finally acted upon within ninety days after the date the completed application is submitted; and

"(2) stating the reasons for the failure to finally act upon the completed applications within such ninety-day period.".

Subtitle C—Amendments Relating to Title III of the 1936 Act

SEC. 731. CREATION OF SEPARATE ELECTRIC AND TELEPHONE ACCOUNTS WITHIN RURAL ELECTRIC AND TELEPHONE REVOLVING FUND.

Section 302 (7 U.S.C. 932) is amended by adding at the end the following:

"(c)(1) The Administrator shall maintain two separate accounts within the fund, which shall be known as the electric account and the telephone account, respectively.

"(2)(A) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to electrification loan operations in the electric account.

"(B) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to telephone loan operations in the telephone account.

"(3)(A) The assets accounted for in the electric account shall be available solely for electrification loan operations under this Act.

"(B) The assets accounted for in the telephone account shall be available solely for telephone loan operations under this Act (other than under title IV).".

SEC. 732. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR INSURED TELEPHONE LOANS.

Section 309 (7 U.S.C. 940) is amended by—

(1) designating the current section as subsection (a); and

(2) adding at the end the following:

"(b) The term of any telephone loan made under this title shall be determined by the borrower at the time the loan is made.".

SEC. 733. TIER REQUIREMENT FOR INSURED TELEPHONE LOANS.

Section 305 (7 U.S.C. 935) is amended by adding at the end the following:

"(d) The Administrator shall make a telephone loan under this title to an applicant therefor who is otherwise qualified to receive such a loan at the highest interest rate (but not less than the lowest interest rate, nor higher than the highest interest rate, specified in subsection (b)) at which the borrower would be capable of producing net income or margins before interest payments of at least 100 per centum (but not more than 150 per centum) of the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 734. CLARIFICATION OF TELEPHONE LOAN GUARANTEE AUTHORITY.

Section 306 (7 U.S.C. 936) is amended by inserting after the first sentence the following new sentence: "The Administrator shall not provide such assistance to any borrower of a telephone loan under this Act unless the borrower specifically applies for such assistance.".

Subtitle D—Amendments Relating to Title IV of the 1936 Act

SEC. 741. MODIFICATION OF RURAL TELEPHONE BANK BOARD.

(a) IN GENERAL.—Section 405 (7 U.S.C. 945) is amended by striking all that precedes subsection (g) and inserting the following:

"SEC. 405. BOARD OF DIRECTORS.

"(a) IN GENERAL.—The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (in this title referred to as the Telephone Bank Board).

"(b) MEMBERSHIP.—The Telephone Bank Board shall consist of thirteen individuals, as follows:

"(1) PRESIDENTIAL APPOINTEES.—The President shall appoint seven individuals to serve on the Telephone Bank Board who shall serve at the pleasure of the President—

"(A) five of whom shall be officers or employees of the Department of Agriculture and not officers or employees of the Rural Electrification Administration; and

"(B) two of whom shall be from the general public and not officers or employees of the Federal Government.

"(2) COOPERATIVE MEMBERS.—The cooperative-type entities, and organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(3) COMMERCIAL MEMBERS.—The commercial-type entities, and the organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(c) ELECTIONS.—(1) VALIDITY.—An election under paragraph (2) or (3) of subsection (b) shall not be considered valid unless a majority of the stockholders eligible to vote in the election have voted in the election.

"(2) BALLOTING.—Balloting in an election under paragraph (2) or (3) of subsection (b) shall be conducted by mail pursuant to the procedures authorized in the bylaws of the telephone bank.

"(3) NO CUMULATIVE VOTING.—Cumulative voting shall not be permitted in any election under paragraph (2) or (3) of subsection (b).

"(d) COMPENSATION.—(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Telephone Bank Board shall receive $100 per day for each day or part thereof, not to exceed fifty days per year, spent in the performance of their official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(2) EXCEPTIONS.—The five members of the Telephone Bank Board appointed under subsection (b)(1)(A) shall not receive compensation by reason of their service on the Telephone Bank Board.

"(e) SUCCESSION.—A member of the Telephone Bank Board may serve after the expiration of the term of office of such member until the successor for such member has taken office.

"(f) CHAIRPERSON.—The members of the Telephone Bank Board shall elect one of such members to be the Chairperson of the Board, in accordance with the bylaws of the telephone bank. The Chairperson shall preside at all meetings of the Board and may vote on a matter before the Board unless the vote would result in a tie vote on the matter.".

(b) CONFORMING AMENDMENTS.—Section 405 (7 U.S.C. 945) is amended—

(1) in subsection (g) by striking "(g) The" and inserting "(g) BYLAWS.—The";

(2) in subsection (h) by striking "(h) The" and inserting "(h) MEETINGS.—The"; and

(2) in subsection (i) by striking "(i) The" and inserting "(i) ANNUAL REPORT.—The".

(c) APPLICABILITY OF SUNSHINE ACT.—Section 405 (7 U.S.C. 945) is amended by adding at the end the following:

"(j) OPEN MEETINGS.—For purposes of section 552b of title 5, United States Code, the Telephone Bank Board shall be treated as an agency within the meaning of subsection (a)(1) of such section.".

SEC. 742. RURAL TELEPHONE BANK CAPITALIZATION.

Section 406(a) (7 U.S.C. 946(a)) is amended in the second sentence by striking "but not later than fiscal year 1991".

SEC. 743. PRO RATA PURCHASE OF RURAL TELEPHONE BANK STOCK BY RURAL TELEPHONE BANK BORROWERS.

The second sentence of section 406(d) (7 U.S.C. 946(d)) is amended by inserting ", by paying an amount equal to 5 per centum of the amount of each loan advance, at the time of such advance" before the period.

SEC. 744. CLARIFICATION OF AUTHORITY TO SET RURAL TELEPHONE BANK LOAN LEVELS.

Section 408(a) (7 U.S.C. 948(a)) is amended by striking "is authorized on behalf of the telephone bank to make loans," and inserting "shall make loans on behalf of the telephone bank, to the extent that there are qualifying applications therefor, subject only to limitations as to amounts authorized for loans and advances as may be imposed by law enacted by the Congress of the United States for loans to be made in any one year, and".

SEC. 745. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR RURAL TELEPHONE BANK LOANS.

Section 408 (7 U.S.C. 948) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the term of any loan made under this title shall be determined by the borrower at the time the loan is made.

"(2) The term of any loan made under this title shall not exceed the maximum term for which a loan may be made under section 4.".

SEC. 746. FULL USE OF RURAL TELEPHONE BANK LOAN AUTHORITY.

Section 412 (7 U.S.C. 950b) is amended to read as follows:

"SEC. 412. FULL USE OF TELEPHONE BANK LOAN AUTHORITY.

"(a) FULL USE.—(1) IN GENERAL.—If an appropriations Act authorizes the telephone bank to make loans in a fiscal year and such Act requires that, within available resources and available authority, gross obligations for the principal amount of such loans be not less than a specified amount and not more than a different specified amount, the Governor of the telephone bank shall obligate for such loans for such fiscal year, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor to the extent such unobligated funds do not exceed the greater of such specified amounts.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), until all unobligated funds available to the Governor of the telephone bank for any fiscal year before fiscal year 1990 have been expended, the Governor shall obligate for loans under this title, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor.

"(b) RELATION TO OTHER LAW.—No subsequent statute may be held to supersede or modify this section, except to the extent that it does so expressly.".

SEC. 747. TECHNICAL AMENDMENTS RELATING TO THE RURAL TELEPHONE BANK PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) SECTION 406(h) AMENDMENTS.—Section 406(h) (7 U.S.C. 946(h)) is amended—

(1) by inserting after the second sentence "All amounts so transferred shall not be transferred, directly or indirectly, to the reserve for contingencies."; and

(2) by striking "Rural Telephone Bank Borrowers Fairness" and inserting "Omnibus Budget Reconciliation".

(b) SECTION 408(b)(3) AMENDMENTS.—Section 408(b)(3) (7 U.S.C. 948(b)(3)) is amended—

(1) in subparagraphs (B), by striking "paragraph" and inserting "subparagraph";
(2) in subparagraph (D)(ii), by adding at the end the following: "For purposes of the calculation under this subparagraph, such rate shall be zero."; and
(3) in subparagraph (E), by striking "subparagraph" the second place such term appears and inserting "paragraph".

Subtitle E—Effective Date

SEC. 751. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) TECHNICAL AMENDMENTS.—The amendments made by section 747 of this title shall take effect as if such amendments had been included in chapter 2 of subtitle D of title I of the Omnibus Budget Reconciliation Act of 1987 on the date of the enactment of such chapter.

The CHAIRMAN pro tempore. No amendments to said substitute, except pro forma amendments for the purpose of debate, are in order today except those printed in the CONGRESSIONAL RECORD on or before Wednesday, March 14, 1990.

AMENDMENTS OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer technical amendments to title II and title VII.

The Clerk read as follows:

Amendments offered by Mr. DE LA GARZA:

(1) On page 11, line 10, strike "on the first day of the fiscal year immediately following the enactment of this Act" and insert "October 1, 1991."

(2) On page 15—

(A) line 11, insert "(A) REQUIREMENTS.—" before "The term";

(B) strike line 12 through line 14 and insert the following: "means, with respect to a fiscal year, a State with respect to which all of the following apply not later than the first day of the fiscal year:"

(C) line 15, strike "(A) and insert "(i)";

(D) line 20, strike "(B)" and insert "(ii)";

(E) line 23, strike "(i)" and insert "(I)"; and

(F) line 24, strike "subparagraph (A)" and insert "clause (i)".

(3) On page 16—

(A) line 1, strike "(ii)" and insert "(II)";

(B) line 7, strike "(C)" and insert "(iii)";

(C) line 11, strike "subparagraph (A)" and insert "clause (i)"; and

(D) after line 12, insert the following:

"(B) GOOD FAITH EXCEPTION.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.".

(4) On page 18—

(A) line 19, strike "and"; and

(B) line 25, strike the period and insert "; and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).".

(5) On page 32, after line 24, insert the following:

"(4) FAILURE TO APPOINT PANEL MEMBERS.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).".

(1) On page 17, line 20 strike "great weight" and insert "consideration."

(2) On page 18, lines 4 and 5, strike "not assisting any project ranked higher in priority by the panel" and insert "that determination."

Page 64, strike line 8 and all that follows through line 17 and insert the following:

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services had approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and".

Page 64, line 18, strike "(3)" and insert "(4)".

Page 67, line 18, strike "is made" and insert "application if submitted".

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, considered en bloc, and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, the three technical amendments are one.

The first amendment is to change the effective date of section 201 of the bill to October 1, 1991. This amendment is designed to afford the States the time necessary to comply with the requirements of the act, rather than say at the time of enactment.

The second amendment satisfies the Department of Justice's constitutional objections to title 2 of the bill.

The third amendment, Mr. Chairman, I am offering at the request of the administration. This amendments strikes language in the bill regarding the depreciation rates used by REA to evaluate telephone loans and in certain language that the depreciation rates used will be those of either the appropriate regulatory body or the average of all similar REA borrowers. That is an explanation of the three amendments.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in support of the amendments.

I just want to point out there may be some discussion later on the amendment about the constitutional issue the chairman mentioned, that by this amendment the State Review Panel's recommendations, the Secretary shall look at those and take consideration of what the recommendations are.

I think this meets the constitutional question, if there was one, and so this should no longer be an issue. It should be fully understood that the State Review Panel recommendations are advisory, and that the Secretary take them into consideration. That is the extent of the role. There is no constitutional issue now in this bill, if one ever thought there would be.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendments were agreed to.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 3581, the Rural Development Act of 1989. I would commend the leadership of the House Agriculture Committee, especially the distinguished subcommittee chairman, the gentleman from Oklahoma [Mr. ENGLISH] and ranking minority member, the gentleman from Missouri [Mr. COLEMAN], for bringing this legislation to the floor. Economic development is crucial to the survival and vitality of rural areas throughout America. Greater employment, social, academic and entertainment opportunities presented by our cities and urban areas continue to encourage outmigration of rural residents.

H.R. 3581 will help improve the rural development process by increasing the involvement and responsibility of rural residents in development projects, and enable them to concentrate on those issues necessary to improve opportunities in rural areas.

Without an active commitment by rural residents, development cannot be successful. H.R. 3581, provides strong encouragement to rural residents for proposing and prioritizing development projects and applying limited Federal funds to best meet the needs and goals of their particular region. This grass roots, rather than top down approach, should be of considerable benefit to rural areas.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS:

Page 15, line 25, strike "and".

Page 16, line 6, strike the period and insert a semicolon.

Page 16, after line 6, insert the following:

"(iii) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(iv) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and

"(v) coordinate the efforts of interested rural residents with the State rural economic development review panel.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, my congressional district is one of the most rural in the country. Because of the great impact these programs have on my constituents, this rural development bill has been my top legislative priority. I am proud of the efforts we, in the Subcommittee on Conservation, Credit, and Rural Development, have made to bring this legislation onto the floor today and applaud Chairman ENGLISH, Mr. COLEMAN, and Chairman DE LA GARZA in their fine work.

I have an amendment to this bill that is simple, but could be far reaching to the more remote and isolated communities in West Virginia and elsewhere in our Nation. This amendment applies some fine tuning to the rural development delivery system that is contained in the English-Coleman Rural Economic Development Act.

Last fall, I introduced the Rural Economic Sustainability Act of 1989. The purpose of that act was to provide for every state a USDA coordinator that would orchestrate a concerted effort to assist rural communities in developing plans for a long term sustainable economy with an emphasis on capturing the interest, energy and imagination of rural young people.

This concept of having a State coordinator was merged into the context of H.R. 3581. However, there is a missing piece in this aspect of the designated Rural Development Program. With so much of the funding criteria based on the applicants having the correct and complete program information, there needs to be a mechanism to funnel this basic information out to remote rural communities. There also needs to be a contact person and a focal point for rural residents who need information about this new program.

To structure an effective Rural Development Program, our focus should be focused on the grassroots community level. My amendment gives the State coordinator two basic additional tasks that will provide the missing mechanism to serve this function.

One of those would be to provide information to rural residents about the program, and the second task that the coordinator would have is to coordinate efforts of the rural residents with the review panel.

I would urge all of the Members to support my amendment.

Mr. ENGLISH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to say that the gentleman from West Virginia has worked with the committee, and I want to commend him for the fine work he has done on this amendment. There is no question as far as incubators are concerned that they play a very important role with regard to rural development, and his particular proposal, I think without question, is one that is going to do much to enhance our overall efforts.

I also want to say that the gentleman from West Virginia is a member of the subcommittee and has made a substantial contribution to this legislation, and we deeply appreciate it.

He was kind enough to invite us to his home State to hold hearings, and much of the valuable information that was later translated into legislation originated at that hearing, so I want to say how much I appreciate his fine efforts.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I also want to rise in support of the amendment. I think what the gentleman from West Virginia [Mr. STAGGERS] is trying to do is what we have done in the bill for the Federal Government is to give a focus to rural development activities within the Department of Agriculture. He has taken that one step further and closer to the people by providing these additional duties and focusing each State someplace to go, and I think that is very important that we recognize the need for this focusing and support his amendment to that extent.

Mr. ENGLISH. Reclaiming my time, I understand that the gentleman on this particular amendment on the coordinators and incubators is the amendment coming next, and that is a fine amendment as well.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from West Virginia [Mr. STAGGERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 35, line 4, insert ", and business incubators," after "businesses".

Page 38, after line 7, insert the following: (h) DEFINITION.—As used in this section, the term "business incubator" means a facility or management system which functions as an umbrella organization to provide new small businesses with shared support services, overhead expenses, and technical assistance.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, I would like to introduce my second amendment to H.R. 3581. This is a very simple addition of two words to the language in section 202 that describes the State revolving loan fund. These two words are "business incubators."

A business incubator is a facility or a management system which functions as an umbrella organization to provide new small businesses with shared support services, overhead expenses, and technical assistance.

Rural incubators are gaining success in many parts of the United States. They share many resources, that is a valuable alternative for entrepreneurs who, alone, are faced with limited resources. They nurture young businesses that are trying to get off the ground in today's hyper-competitive business environment.

Rural incubators work, they promote resource sharing, and we should be promoting them. My amendment simply states that the term, "business incubators," will be included with the term "small business," in establishing what entities are eligible for loans under the State revolving Loan Program. Let us learn from success stories. I urge you to support my amendment.

Mr. WATKINS. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I stand in support of the amendment offered by the gentleman from West Virginia [Mr. STAGGERS] and also the previous amendment.

Let me say title I on the reorganization of the USDA and establishing the Rural Development Administration, that was a bill, and part of bills, that I pushed for a number of years, because I think we have to distinguish between the rural development activities and agriculture for further emphasis on rural responsibilities.

My background is in agriculture. I have a couple of degrees in agriculture, but I realize that we cannot continue with just production emphasis alone, and that we have to be able to offer off-farm jobs in rural Oklahoma and rural America if these communities are going to survive. We have to have the kind of support from a rural development thrust that will allow us to bring more of the economic development activities into the USDA and that would support job development in rural America and rural Oklahoma.

In reference to the incubator amendment, it has been my opportunity over the last few years to piecemeal a program and build the first industrial incubators in rural America. I built those next to vo-tech schools in Oklahoma down in the Third Congressional District, and they have been very,

very much of a catalyst in helping us to attract some industry and also to attract the curiosity of chief executives to locate in rural areas who would not otherwise look at an economically distressed area of the country.

My congressional district was the ninth poorest district in the United States in the 1970 census, and as a result one of the major burning thrusts that I have had is to do some things to stimulate the economic growth.

I can share with my colleagues that as I have worked on industrial job development in rural Oklahoma and rural America, one of the things that without question first must be addressed is usually the financing. One must have financing in every case, and that is why I hope that this bill and the final bill approved by both Chambers will address the FmHA business and industry loans and make sure we have adequate dollars in this program. But without question, also, the No. 2 thing that most of the industrial prospects look at is: Is there an existing building, is there a facility out in those rural communties where a business can be located? In most cases, our rural communities do not have a speculative building or an industrial-type structure, but an incubator can be built and provided, that will lend itself to the kind of facility that many of the prospects are looking for in their search.

In fact, while working with the industrial people of an investor-owned utility, the Oklahoma Gas & Electric Co., I had said that 90 percent of the prospects are looking for a building, and they corrected me and said 87 percent of the industrial prospects are looking for an existing building. I was not off the mark by very far, only 3 percent.

Incubators are very, very important if we are going to revitalize some of the areas of this great Nation of ours and allow them to have some kind of opportunity for off-farm jobs, and I think this is what this bill is all about.

I have visited with my good colleague, the gentleman from Oklahoma [Mr. ENGLISH], whose leadership has provided a great deal of input into this bill and the structure of this bill, and I have said to my good colleague from Oklahoma, the rural development bill must be a thrust toward off-farm jobs. I have visited with the gentleman from Missouri about this. I share with people across my district and across the State: Back during the Depression days, history tells us that 85 percent of the people in America were in production agriculture.

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Thirty years ago, when I served as a State president of the Oklahoma FFA and I traveled across the State, I would say 18 percent of the people in this country were in the production of agriculture. Today we only have 2 percent of our people in the production of agriculture.

If we do not make a major thrust, and I would like to even have a Marshall plan to rebuild rural America, we are going to see a way of life, a value of life, totally destroyed in the next decade.

Mr. COLEMAN of Missouri. Mr. Chairman, would the gentleman yield?

Mr. WATKINS. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I am glad the gentleman is on the floor and making a statement. Yesterday in my opening remarks I paid tribute to the gentleman from Oklahoma [Mr. WATKINS] and his contributions to rural economic development. Much of what the gentleman has done in the past 10 to 15 years I think has laid the foundation for what we are seeing transpire here today on the floor, and I want to commend the gentleman for it.

Too many times and too often during the good times in agriculture people did not pay any attention to trying to develop alternatives and diversify our economy. When the bad times came, there was nothing to catch them.

As the gentleman just recently said on the floor, it has got to be more than just production of agriculture. That is the tack and tone and direction of this legislation. It is nontraditional in approach. It is something new. It is perhaps bolder than some would like, but it is something that I think is going to work.

I just want to commend the gentleman from Oklahoma [Mr. WATKINS] for all his contributions to rural America over the years, and associate myself with his remarks.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

I, too, want to commend the gentleman from Oklahoma [Mr. WATKINS] for the fine work he has done through the years. Certainly the gentleman has been known around Congress and Oklahoma as Mr. Rural Development. We appreciate the fine efforts the gentleman has put forth. There is no question that much that is in this legislation is from the thinking of the gentleman from eastern Oklahoma. We appreciate the fine work he has done, there is no question about that.

Let me say I think the concept of focusing on rural development and understanding the needs of rural development is one that needs to be underscored. We have in the past certainly had numerous rural development programs. However, we have never really had the focus specifically on rural development.

It has been I think considered and probably true to a great extent that the best rural development program is a good farm program. I think that in many of our rural communities that has been the case. Any time farm prices are up, the farmer is doing well, the rural community has done well. But as we have seen over the years, whenever times are tough, when times are bad and our farmers do not have a good price, then unfortunately the communities suffer, and they usually suffer to the point that they do not recover. That is when you see stores boarded up. That is when you see young people moving away, and those folks simply never come back, even when farm prices come back.

So we felt that it is vital, and I know the gentleman from Oklahoma [Mr. WATKINS] has long felt that it is extremely important that we focus on rural development for rural development's sake, and that the rural communities have the opportunity to continue in the future, even when farm prices are bad.

Mr. Chairman, we think that this legislation, given the very severe limitations that we have from a budget standpoint, will go a long way in providing rural communities that kind of an opportunity. For the first time we are really bringing all the forces, all the programs, not only on a Federal level, but the State and local level, together, and we are having people sit down and focus on the problems and focus on the communities to determine where it is that we can do the most and where we are going to be able to provide some good, where we are going to be able to give people an opportunity to continue to live in rural America and the young people have a future in rural America.

I think without question this legislation goes far. The amendment of the gentleman, as I stated earlier as far as incubators are concerned, there is no question that that is something that will play a very vital role. The revolving fund that is contained in the legislation, incubators is certainly intended to be a very important part of that. The amendment of the gentleman underscores that.

Mr. Chairman, I think that this is a very worthy contribution to this legislation, and I appreciate the help of the gentleman.

Mr. STAGGERS. Mr. Chairman, would the gentleman yield?

Mr. ENGLISH. Mr. Chairman, I would be happy to yield.

Mr. STAGGERS. Mr. Chairman, I do have to give the credit to the gentleman from Oklahoma [Mr. WATKINS], because he is really the founder of the incubators in rural America. It was not my idea. It does come from the hard work that the gentleman has done.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

I wish at this time to engage the gentleman from Oklahoma [Mr. ENGLISH] in a colloquy concerning small business development centers.

The bill before us fundamentally restructures and redirects several programs at the Department of Agriculture. One issue which is of interest to me is a directive for the Agricultural Extension Service to provide management and technical assistance to our Nation's rural residents who aspire to run a successful small business. Is it the intention of the committee that the Secretary of Agriculture assure that such service and assistance does not duplicate already existing services provided through other Federal programs?

Mr. ENGLISH. That is correct. The committee seeks to assure that management and technical services are provided in geographic areas not currently served by existing Federal programs to the maximum practical extent. We do not seek to create competitive Federal programs whereby on one side of Main Street U.S.A. the Department of Agriculture offers a storefront assistance program and on the other side of the street some other Federal agency offers a similar service. It is in the best interests of rural development to make sure that the Federal agencies communicate and cooperate so that all rural areas will have access to assistance.

Mr. SKELTON. I thank the gentleman for his clarification. My particular interest is the Small Business Administration's Small Business Development Center Program. SBDC's, as they are known, are now in 49 States and in nearly 600 locations. In 1989, SBDC's counseled nearly 170,000 small businesses and conducted more than 11,000 training sessions for small businesses. The program is administered through the Small Business Administration which provides $50 million which is matched nearly 2 to 1 by States, universities, and the private sector. My point is that the SBDC program is a very substantial one which is providing a multitude of services to small businesses. I believe the Agricultural Extension Service can also be of assistance to small firms but I do not think it should duplicate SBDC services. To assure that, I would urge the Secretary of Agriculture to coordinate with the Administrator of the Small Business Administration to assure the best, most rational, nonduplicative use of Federal dollars.

Mr. ENGLISH. I thank my friend from Missouri. Oklahoma has a very strong SBDC. The purpose of this language is only to assure that small businesses now not having access to management and technical assistance receive such access.

Mr. SKELTON. I agree with my friend from Oklahoma and I greatly appreciate his clarification.

Mr. ENGLISH. Mr. Chairman, would the gentleman yield?

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Chairman, I would like to say that the gentleman from Missouri [Mr. SKELTON], the chairman of the Rural Caucus, has also contributed tremendously to this legislation and to the effort to bring Federal agencies together to make certain that we are able to focus our resources so that we do not have duplication. The jurisdiction of this committee is obviously restricted to that of the Department of Agriculture and those programs that come under our jurisdiction. The gentleman from Missouri has worked long and hard to make sure that those agencies outside the jurisdiction of the Committee on Agriculture are brought in and made to play a role. Certainly that will enhance our overall rural development effort and it enhances our chances of success in rural America.

Mr. Chairman, I want to commend the gentleman and thank him.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from West Virginia [Mr. STAGGERS].

The amendment was agreed to.

□ 1250

Mr. ENGLISH. Mr. Chairman, I ask unanimous consent that title VIII be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. FROST). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of title VIII is as follows:

TITLE VIII—MISCELLANEOUS

SEC. 801. REGULATIONS.

Except as otherwise provided in this Act, no later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 802. LOAN RATES APPLICABLE TO CERTAIN LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by—

(1) in subparagraph (A) striking "guranteed" and inserting "guaranteed"; and

(2) adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraph (A), the Secretary shall establish loan rates for health care and related facilities that shall be based solely on the income of the area to be served, and such rates shall be otherwise consistent with the provisions of such subparagraph.".

SEC. 803. ASSISTANCE FOR CERTAIN DISTRESSED COMMUNITY FACILITY PROGRAM BORROWERS.

(a) AMENDMENT.—The Consolidated Farm and Rural Development Act is amended by inserting after section 353 (7 U.S.C. 2001) the following new section:

"SEC. 353A. DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.

"The Secretary shall establish and implement a program that is similar to the program established under section 353, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans (rather than delinquent farmer program loans) made by the Farmers Home Administration to a hospital or health care facility under section 306(a).".

(b) REGULATIONS.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary shall promulgate regulations, as modeled after those promulgated under such section 353, that implement the program established under this section.

SEC. 804. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

Subtitle A of the Consolidated Farm and Rural Development Act is amended by adding after section 306A (7 U.S.C. 1926a) the following new section:

"SEC. 306B. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

"(a) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—(1) The Secretary shall make or insure loans and make grants to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, and public agencies, to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems), and the installation or improvement of drainage or waste disposal facilities and essential community facilities including necessary related equipment. Such loans and grants shall be available only to provide such water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable—

"(A) water supply systems; or

"(B) waste disposal facilities.

"(2) Loans made or insured or grants made under this section to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, or public agencies shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county in which—

"(A) the per capita income of the residents of such county is less than or equal to 70 per centum of the national average per capita income, as determined by the Department of Commerce; and

"(B) the unemployment rate of the residents of such county is greater than or equal to 125 per centum of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

"(b) LOANS TO INDIVIDUALS.—(1) The Secretary shall make or insure loans and make grants to individuals who reside in a com-

munity described in subsection (a)(1) for the purpose of extending water supply and waste disposal systems or connecting such systems to the residences of such individuals. Such loans shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time such loans are made. The repayment of such loans shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

"(2) The loans and grants to individuals authorized under paragraph (1) shall be made—

"(A) directly to such individuals by the Secretary; or

"(B) to such individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing such water supply or waste disposal services, pursuant to regulations issued by the Secretary.

"(c) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants to—

"(1) rural water supply corporations, cooperatives, or similar entities, or public agencies, as provided under subsection (a), proposing to provide water supply or waste disposal services to the residents of those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities; and

"(2) individuals, as provided under subsection (b), who reside in a rural subdivision commonly referred to as a colonia, that is characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

"(d) DEFINITION.—For the purposes of this section the term 'cooperative' means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated funds to carry out the purposes of this section as follows:

"(1) for grants as provided by this section, $30,000,000 per fiscal year; and

"(2) for loans as provided by this section, $30,000,000 per fiscal year.".

SEC. 805. PRESERVATION OF ELIGIBILITY.

Notwithstanding any other provision of law, nothing in this Act shall be construed to adversely affect the eligibility, as it existed on the date of enactment of this Act, of cooperatives and other entities for any other credit assistance under Federal law.

SEC. 806. STATE PROGRAMS NOT AFFECTED.

Nothing in this Act shall be interpreted to preclude States from creating and maintaining other rural development programs.

SEC. 807. TECHNICAL CORRECTIONS.

(a) SECTION 308 AMENDMENTS.—Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended—

(1) in paragraph (a), by striking "prescribe,;" and inserting "prescribe;"; and

(2) by redesignating paragraphs (a) and (b), as paragraphs (1) and (2), respectively.

(b) SECTION 310B(d) AMENDMENTS.—Section 310B(d) of such Act (7 U.S.C. 1932(d)) is amended—

(1) by moving paragraphs (4), (5), and (6) two ems to the left so that the left margin of such paragraphs is aligned with the left margin of paragraph (3);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(3) by inserting "(1)" after "(d)".

(c) AMENDMENTS RELATING TO SECTION 331.—

(1) Section 331 Amendments.—Section 331 of such Act (7 U.S.C. 1981) is amended—

(A) in the second undesignated subsection—

(i) by moving paragraphs (f), (g), (h), and (i) two ems to the right so that the left margin of each of such paragraphs is aligned with the left margin of paragraph (e);

(ii) in paragraph (f), by striking "Release" and inserting "release";

(iii) in paragraph (g), by striking "Obtain" and inserting "obtain";

(iv) in paragraph (h), by striking "Not" and inserting "not";

(v) in paragraph (i)—

(I) by striking "Consent" and inserting "consent"; and

(II) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(vi) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively; and

(B) by redesignating the first and second undesignated subsections as subsection (a) and (b), respectively.

(2) CONFORMING AMENDMENTS.—Section 357(b) of such Act (7 U.S.C. 2005(b)) is amended by striking "331(d)" each place such term appears and inserting "331(b)(4)".

(d) SECTION 333A(c) AMENDMENT.—Section 333A(c) of such Act (7 U.S.C. 1983a(c)) is amended by striking "In" and inserting "If".

(e) SECTION 335(c)(2)(D) AMENDMENT.—Section 335(c)(2)(D) of such Act (7 U.S.C. 1985(c)(2)(D)) is amended by striking "caused" and inserting "cause".

(f) SECTION 338(d) AMENDMENT.—Section 338(d) of such Act (7 U.S.C. 1988(d)) is amended by striking "detemine" and inserting "determine".

(g) SECTION 343(a) AMENDMENTS.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—

(1) in paragraph (1), by striking "and";

(2) in paragraph (3), by striking "and" the third place such term appears; and

(3) in paragraph (5), by striking "contract of insurance" and inserting "'contract of insurance'".

(h) SECTION 346(b) AMENDMENTS.—Section 346(b) of such Act (7 U.S.C. 1994(b)) is amended—

(1) in paragraph (1)(B), by striking "subparagraph (c)" and inserting "paragraph (3)";

(2) in paragraph (1)(C), by striking "subparagraph (A)" and inserting "paragraph (1)";

(3) by redesignating paragraphs (1) (A), (B), (C), (D)(i), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(4) in paragraph (2) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(5) in each of the subparagraphs redesignated as such by paragraph (4) of this subsection, by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(6) in paragraph (5) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(i) SECTION 349(a) AMENDMENT.—Section 349(a) of such Act (7 U.S.C. 1997(a)) is amended by redesignating paragraph (5) as paragraph (4).

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I want to express my appreciation to the leadership on this committee for the work they have done on this bill. Certainly Wyoming is one of the premier rural areas of this country, and we look forward to the adoption of the bill.

Mr. Chairman, I rise to discuss a problem that is occurring in rural areas and is important in fact to rural area development and the potential for rural area development. I am speaking of the conditions that have been placed upon the owners of underground fuel storage tanks.

Small businesses in rural areas have been especially hard hit. These rules have been authorized by Congress and implemented with great gusto by EPA. Unfortunately, I am persuaded that EPA operates in something of a vacuum sometimes and has little knowledge of the concerns that we have for a balanced implementation that brings together not only protection of the environment but protection of the economy as well.

I would like to raise a question with the subcommittee ranking member if I may. Under section 310 of the bill it provides for grants that may be made to assist small and emerging businesses, and to help develop certain facilities, including waste facilites, among others. If the State plan that is envisioned under this program would include assistance to small businesses to help meet the rules and allow for the availability of fuels, could they be granted under this proposal?

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, first of all let me say I share the gentleman's concern regarding these problems facing many small businessmen and women, the owners of the gas stations in rural America and all over the country regarding the EPA rules, and we are trying to work with the EPA to assure that underground storage tank responsibility regulations are in fact themselves responsible and provide common sense. From that standpoint I know a number of the dealers in my district have contacted me, as the gentleman's dealers have contacted him as well.

Let me say that I believe that the gentleman's concern about the possibility of using some money contained in the current law is appropriate. Section 310(b)(c) of the Consolidated Farm and Rural Development Act, as amended, I believe provides the Secretary the authority to make grants to people like these filling station owners in order to repair their fuel storage

tanks and for other expenses to replace them. So I think the gentleman has raised an interesting concern as well as a possible solution. I think he has uncovered the possibility of some funding there, and I think that his leadership in this area and bringing it to our attention is very positive. I thank the gentleman for asking me, because I think that he in fact could be funded under, as I say, current law to deal with this problem.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield.

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I too want to commend the gentleman for bringing this to our attention. There is no question that this is a very serious problem in rural America, and one that desperately needs a solution.

It appears from our examination of the law that under the rule about grant funds that could be dealt with in that program. But I think the gentleman is underscoring the fact that this is something that that program needs to look at very closely, and I commend the gentleman.

Mr. THOMAS of Wyoming. I thank the gentleman very much and appreciate his answer. I appreciate the leadership that both gentlemen have given to rural America.

I also want to commend the EPA for setting back the implementation of some of the regulations for a year. I think that will indeed be most helpful.

I thank both gentlemen and I will withdraw the amendment that I had proposed.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 81, after line 2, insert the following:

SEC. 806. PROPORTIONAL DISTRIBUTION OF FEDERAL CONTRACTS AMONG THE STATES.

Section 901(b) of the Agricultural Act of 1970 (42 U.S.C. 3122(b)) is amended—

(1) by inserting "(1)" before "Congress"; and

(2) by adding after and below such provision the following new paragraph:

"(2) The Office of Management and Budget shall develop a plan under which, by 1995, Federal contracts will be distributed among the States so that the value of Federal contracts received by persons located in a State is roughly proportional to—

"(A) the aggregate value of all Federal contracts; multiplied by

"(B)(i) the number of persons in the State; divided by

"(ii) the number of persons in the United States.".

Redesignate succeeding sections accordingly.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ENGLISH. Mr. Chairman, I reserve a point of order against the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I recognize that a point of order would lie against this amendment. I intend to discuss it briefly and withdraw it.

But I would like to raise some questions today in the discussion we are having about rural development because rural development is critically important. I applaud the gentleman from Okahoma and the ranking minority member for the work that they have done on this issue. Frankly, I do not think this is going to level mountains, but it is a start, and a very important start.

We are in desperate trouble in rural America in this country. I hear people talk about unprecedented economic expansion in America. It is not unprecedented in my part of the country. We have had nearly a decade of recession, and on top of that a couple of years of drought. We do not have growth. We do not have economic opportunity. We have had a desperate decade that we simply cannot repeat in the 1990's.

Our State is losing population. Our Main Streets are dying. Our farmers are going broke. We need to do something about that.

There has been some economic growth in America in about 16 States, and it has been wonderful, from Hollywood to Wall Street, and many of the States on the two coasts. I wish that we had that same experience, but we have not. Rural America, the heartland of the United States, is in desperate trouble.

This kind of legislation is one step to see if we cannot develop the kind of approaches that are necessary to bring opportunity to rural areas.

I want to make this observation with my amendment, which is entitled "Fair Share Rural Development Amendment." We need permanent jobs in our part of the country that diversify our economy. One source of permanent jobs is the body of jobs represented by the activities of the Government. Our Government builds and buys a lot of things every year. We buy things from toothpaste to pencils to plums. We build fighter airplanes and we purchase almost everything in dozens of different ways.

The question is, How are the permanent jobs that come from the activities by Government distributed around the country? I will tell my colleagues here how they are distributed. They are distributed so that the bulk of the benefits go to those areas where people are piled on top of people, living 80 on top of each other, and the States that are in economic decline and suffering through economic recession are getting much much less than their fair share of those jobs.

For example, the Federal Procurement Data System Standard Report shows that North Dakota receives only about one-third of the Federal procurement that it might expect to receive on a per capita basis. Let me restate that. If we were to expect that the permanent jobs that result from the activities of Government—contracts and so forth around the country—would be distributed on a reasonably fair model, we are getting only one-third of what we would normally expect with that kind of fair distribution. Oklahoma suffers a similar fate, as does Wyoming, South Dakota, and dozens of other States. The fact is in many parts of the country, like the Midwest, like the Farm Belt, we are getting much, much less than we should expect from the permanent job creation of Federal activities.

My amendment proposes that we direct the Office of Management and Budget to develop a plan by which we try and determine how we can equitably distribute those permanent job opportunities from Federal activities around the country, and thereby stimulate economic opportunity for rural America. My amendment provides that the Director of the Office of Management and Budget develop a plan by 1995 in which we would redistribute those opportunities so that rural America is not left looking over the fence at other areas enjoying Federal job creation, where we already have overcrowding and population problems and crime. In urban coastal areas, we are continuing with our spending patterns at the Federal level to put more and more permanent Federal jobs in those districts—despite the fact that they already have more than their fair share—at the expense of those of us in other parts of the country who are getting much less than our proportional share of those permanent jobs.

That is the purpose of my amendment. I understand a point of order would rest, and I do not intend to pursue it. But I would like to ask the chairman, and I have also similarly addressed the chairman of the Committee on Government Operations and others who have responsibility here, to see if we cannot begin a process of hearings that would lead to hopefully some action to address this very important issue. I think this is something we should consider, because as I said, the Federal Government is and will always be a provider of permanent jobs just by virtue of its activities in contracting and purchasing, and that is why this is a very important issue.

I might add that rural areas have some of the hardest working people and most productive enterprises, so that efficiency is not an issue here. If anything letting more Federal contracts in rural areas, would make Federal procurement more economical.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, as the gentleman well knows, I am very sympathetic to his amendment. I think it is a fine amendment. If we did not run into a couple of problems with regard to germaneness, I would be delighted to accept that amendment. However, we do have a problem in that area.

The CHAIRMAN pro tempore. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

(By unanimous consent Mr. DORGAN of North Dakota was allowed to proceed for 3 additional minutes.)

□ 1300

Mr. ENGLISH. I have held discussions with the Committee on Government Operations, and they have assured me that they will look into this matter, and I think the gentleman can be assured it is not something that will be dropped.

Mr. Chairman, I want to commend the gentleman for bringing this to our attention. I think it is one that has a great deal of merit.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the remarks of the gentleman from Oklahoma. I would like to observe that a related approach was dealt with in the bill that is coming out of the other body to conference. They dealt with it, I assume, because they believed, as well, it is very important for us to consider.

Let me again, without trying to restate it too many times, say that part of our development in rural America is what the gentleman and others have described in the bill that they have brought to the floor, it is very important, developing the infrastructure, the opportunities, and the planning; I understand all that and I support very strongly what the gentleman has done. Mr. ENGLISH has done a wonderful job on this bill.

Another part of it, going the next step, is to say that actions that we take as a Government determine where people live and where their jobs exist by the way we buy what we buy, by the way we contract what we contract for, and what we have done is predicate, on our behavior, it seems to me in recent years, that we want the permanent jobs to exist in areas where there already exist massive populations and all the problems attendant thereto. And it takes money away from those areas of the country that already have underemployment and unemployment and are lacking opportunities for permanent jobs.

So what we do is determining where those jobs go and we are wrong, in my judgment, and we are doing it in an especially unfair way as regards rural America.

We must do a better job than that. We must try to find a way to spread that around the country in a reasonably fair manner so that the folks in Oklahoma and the folks in North Dakota understand those permanent jobs created by us go to this country in a way that is reasonably fair to the various populations that exist in our States.

We must stop the process which now allocates four times as much Federal procurement to urban areas as rural ones, nationwide. We get only one-third of what we ought to expect in North Dakota. That is far too few permanent jobs.

Mr. ENGLISH. If the gentleman would yield further, I am very much in sympathy with what he is saying, and I think he has made an excellent point.

Mr. DORGAN of North Dakota. I hope we can move forward and have some hearings.

Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment at this time.

The CHAIRMAN pro tempore (Mr. FROST). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

AMENDMENT OFFERED BY MR. TALLON

Mr. TALLON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TALLON:

On page 15, strike line 11 and all that follows through page 16, line 12, and insert the following:

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State that has established an advisory rural economic development review panel meeting the requirements of section 361 not later than the effective date of this section.";

(2) On page 16, strike line 23 and all that follows through page 17, line 2 and insert the following:

"(5) STATE COORDINATOR.—The term 'State coordinator' means, with respect to each State, the individual appointed by the Secretary pursuant to subsection (c)(7).";

(3) On page 18—

(A) line 15, insert "a State coordinator or" after "is";

(B) line 19, delete "and";

(C) strike lines 20 through 25, and insert the following:

"(7) appoint an officer or employee of the Department of Agriculture to serve as State coordinator of each State rural economic review panel, who shall—

"(A) manage, operate, and carry out the instructions of, the State rural economic review panel;

"(B) serve as a liaison between the panel and the Federal and State agencies involved in rural development; and

"(C) transmit to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6); and

"(8) designate an agency within the Department to provide the panel and the State coordinator with support for the daily operation of the panel described in subsection (b)(3).";

(4) On page 33, line 19, insert "State coordinator or" after "each".

Mr. TALLON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. TALLON. I thank the chairman.

Mr. Chairman, first and foremost I want to congratulate the chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], and the ranking minority member, the gentleman from Missouri [Mr. COLEMAN], for their yeoman work of putting together this legislation, and also the entire staff committee headed by Bill Cherry, who has done a wonderful job in helping us craft this legislation over a period of almost 2 years now.

Mr. Chairman, I have an amendment that I think addresses the potential problem with what I will refer to as intrastate politics involving the State panels that are proposed in the legislation.

Mr. Chairman, this amendment provides that the staff coordinators serving these State panels be a USDA employee and deletes the $5 million provided for in the bill for the staff appointed by the Governor.

In my view, there's no need for us to finance staff for the Governor's to appoint to these panels.

The programs addressed in the bill are Federal and the staff providing the leg work should have the support and expertise of USDA.

I frankly, see no reason that the staffers for the different State committees to be employees of the Governor. Nor do we need to allocate an extra $5 million for this purpose.

This bill provides these State panels and consequently their staffers with a great deal of power.

They are prioritizing and shifting funds among the hundreds of project applications put forward in each State annually.

That is a pretty big stick and I do not think it should be placed in the hands of State politics.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very, very reluctantly rise in opposition to the amendment. The gentleman is certainly a valid member of the subcommittee. We have talked about this in the full committee several times.

The State coordinator is one who does not have a policymaking position; he is more of a clerk than any type of policymaking role. We are attempting to weave together systems; we are trying to get entities to work together.

So we have on the Federal side those who handle the applications, all the requirements for the applications. Nothing is changed with regard to this particular panel's concern. It is only after those applications have reached the point that they are approvable and prioritization is needed.

It is only at that particular point then that the panel is called into being. The clerk simply transmits information back and forth to the panel and has the responsibility of pulling the panel together.

But this panel will elect its own chairman, and that chairman most likely will not be a Federal official. It seemed to us appropriate that someone other than a Federal employee be in charge of handling this particular point.

So I would oppose the amendment, Mr. Chairman.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, let me share with you: As I have tried to work in putting together economic programs in rural America, many times it is not the USDA person who is the one who is motivated, and the one who has the vision and commitment to carry out an active program.

Many times the USDA employee feels like he or she has a full-time job already and does not want to take on additional burdens or responsibilities.

Some folks might think I have a conflict of interest since I am planning on running for Governor, but I think we should not tie the hands of the Governor. The Governor of any State will want to have the most dynamic person, the most committed person, and the most sincere person there to carry out a mission of building the rural areas of their States.

So I think that even though my good friend from South Carolina, who is deeply committed, deeply devoted to rural development aspects, and has worked closely with me on many, many occasions, has an amendment that might work in some States I think in the case of States such as Oklahoma, we would like to have the opportunity of putting someone in the lead role who will carry out with a great deal of enthusiasm a rural development program to help build many of these rural areas.

So I reluctantly oppose the amendment and ask my colleagues to vote against it.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Very briefly, Mr. Chairman, let me say that the gentleman from South Carolina has indeed made a lot of contributions to this bill in our subcommittee. But I also have to rise in opposition to the amendment.

What we are trying to do is provide States flexibility and get State input, and to try to put a layer of Federal bureaucracy on the State review panel I think would be like adding oil to water. I do not think it would be a good mixture and a good direction for us to take.

What we are trying to do is just the opposite. While the amendment is well intentioned, it really serves an adverse purpose to what we are trying to accomplish by this legislation, and we hope that the committee would defeat the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. TALLON].

The amendment was rejected.

□ 1310

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 58, after line 12, insert the following:

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) "LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

Redesignate succeeding sections accordingly.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. FROST). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume. I rise today to commend my colleagues for considering legislation which is intended to help revitalize rural America. Last year, I along with several of my northeast agricultural caucus colleagues introduced H.R. 3530, the Rural Assistance and Revitalization Act of 1989. Our goal was to bring attention to a topic which needed immediate action from this Congress and the administration. George Bush, during his campaign for President, aptly pointed out that: "America's economic recovery will not be complete until rural America's economic recovery is complete—and that Main Street is not going to shut down" under his administration.

Over the past decade, it has become abundantly clear that there are significant inequities between rural and urban areas in levels of income, employment, and education. Congress has not been inattentive to these differences. In the last few years, it has prepared or requested a number of reports which have fueled the need for congressional action. All of these reports, including those by our own Joint Economic Committee, point to problems of a declining economic base, a decaying infrastructure, inadequate access to basic services such as health care and education, and an eroding tax base for local government. A recent U.S. Department of Agriculture report to Congress concludes that the "most salient condition of rural America—is its disadvantage in comparison with urban areas." This measure is designed to bring about much-needed change.

Earlier in this decade, the Federal Government's approach to rural development was limited to farm legislation. That is no longer enough. Farm policy, although a main ingredient, is no longer synonymous with rural policy. The changing dynamics of rural America dicate that Congress must take a broader approach to address the problems facing small communities, as fewer than 20 percent of nonmetropolitan counties now rely on agriculture as their primary source of income and employment. Yes, agriculture is very important to rural America, but so is employment and job opportunities created by other businesses which rural residents and farm families depend on. Nearly half of the farm families in the United States depend on a second income from a nonagricultural source.

There is a debate as to what constitutes the proper role for the Federal Government in rural development activities. I believe, and my bill reflects this, that the Government's role is to help foster an environment where risk taking and innovation are encouraged. The ingredients necessary for economic growth in rural areas are the same

as those elsewhere—accessible capital, adequate infrastructure, research and development capacity, an educated and skilled work force, suitable land, government incentives, and tax policies that promote development and local leadership. On the Federal level we need a policy that builds on the capacity of local institutions to assess their comparative advantage, identify competitive opportunities, and marshal public and private resources to take advantage of these factors. It is this approach that will make a difference in the economic, educational, and health needs in rural America. More money is not the only answer.

I am aware, Mr. Chairman, that the legislation before us today is not in itself a cure-all for the problems in rural America, but it's a good start. Mr. ENGLISH and Mr. COLEMAN should be commended for bringing the bill to the floor of the House. There are however, some areas missing from this legislation and I have an amendment which I now offer.

Study after study have indicated a need for rural businesses to tap national credit markets, and obtain access to venture capital. The Rural Assistance and Revitalization Act, which my colleagues and I in the northeast agricultural caucus introduced, built on existing credit delivery systems. Under our proposal, farm credit institutions could lend to agriculturally related businesses that serve rural America and to promote rural housing in small communities. These are areas that the farm credit system and its network of over 200 lending offices have experience in. They know the community, its people, and their needs, and the farmers owned system is an efficient and effective provider of credit. It is unfortunate, that a dispute between the banking industry and the Farm Credit System over the expanded authority of the FCS, resulted in the removal of this recommendation from the bill we are considering today. With proper credit safeguards and safety and soundness standards, the Federal Government can build upon and use the existing delivery system to further Federal policy objectives. My colleague, Mr. ENGLISH, has indicated that he intends to address this subject in the 1990 farm bill. I pledge my support in working with him on this issue which is important to the future economic health of rural America.

The amendment I now offer authorizes the Secretary of Agriclture to establish a modest competitive grants program to land-grant colleges and universities, research foundations, State agricultural experiment stations, and all post-secondary education institutions that have rural development research capability. The purpose of this modern grant program is to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and deversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas. The information from these studies will be invaluable in evaluating the impact of Federal and State economic development policies and programs on rural economies. Many times we legislate politices at the Federal level with little ultimate understanding of the impact these policies have on local people and their communities.

Mr. Chairman, again I want to commend my colleagues Mr. ENGLISH and Mr. COLEMAN for bringing this legislation before the House. While the bill may not be as comprehensive as we all would like, because of budgetary constraints, it is a major step forward. Not long ago, a USA Today poll discovered that more than two-thirds of Americans living in rural areas feel the Federal Government has neglected them. From economic development, to farming, health care, the environment and education, they feel short changed. The basic needs of millions of Americans in small towns and the countryside are often neglected or sacrificed for the needs of the cities. We can do better, and this legislation sends a message to Main Street USA that we will.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I yield to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of his amendment.

The gentleman is very concerned about the whole subject matter of rural development. We have discussed that. However, I think his amendment is something we can accept because it says let Members find out after things happen if they are happening in a correct fashion. Also, if it is not happening, what we can do to make it better. We do not worry about coming under the microscope. We encourage this type of research and evaluation. I think it is very key.

I note that there is right now not much information available in most centers on whether or not the economic development policies and programs are working. I asked, for example, the General Accounting Office 2 years ago to go through and make a review of all of the economic development rural programs that exist, and they had a hard time finding all of them that existed. OMB cannot tell Members. We do need some assistance in this area.

Frankly, I know that the gentleman, trying to develop a data base, is exactly what our University of Missouri is doing, and trying to set up some econometric models, and doing some good research in this area.

The gentleman's amendment, could in a parochial sense, help that institution and others that are doing the same thing. I support the gentleman's amendment.

Mr. BOEHLERT. Mr. Chairman, I want to thank the gentleman for his remarks.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I yield to the subcommittee chairman.

Mr. ENGLISH. Mr. Chairman, I have a couple of questions that I would like to ask the gentleman.

It is my understanding that the evaluation should cover the efforts in the State on rural development programs, including national and local efforts. Is that a correct statement?

Mr. BOEHLERT. That is correct, right.

Mr. ENGLISH. Second, the $3 million in funding for grants can only be used for research to support strategic planning, and not for the actual planning, is that correct?

Mr. BOEHLERT. That is correct.

Mr. ENGLISH, Mr. Chairman, I thank the gentleman. I think his amendment makes a contribution to be appreciated. I want to commend the gentleman for his interest in rural development, and the fine work.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 1 additional minute.)

Mr. BOEHLERT. Mr. Chairman, this is a mutual admiration society, but it is inspiring. A lot of people wonder, why is a kid from New York so concerned about rural America. Well, some of the finest pieces of real estate in the great United States is upstate New York, and Oklahoma, and Missouri. Therefore, I thank all Members for their support.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding, and want to commend the gentleman for his initiative.

As Members may know, I worked in this area for some period of time, and I attest to the deficiency of information about the impact of our rural development efforts. I do think our universities and colleges have the capacity, in many parts of the country, to give Members that kind of assessment which will be helpful to the authorizing committee.

I commend the gentleman for the initiative. I support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The amendment was agreed to.

Mr. PANETTA. Mr. Chairman, I move to strike the last word.

I do this for the purpose of a colloquy with the chairman of the subcommittee. First, as a member of the Committee on Agriculture, I want to commend the subcommittee and the chairman of that subcommittee and its counterpart on the minority side for the tremendous job they did in bringing this rual development bill to the floor. It took a lot of work, took a lot of negotiation, and they did it, I think, recognizing the budget constraints that we all are dealing with. For that, I thank them. I think they did a tremendous job.

The reason I want to engage in this colloquy, Mr. Chairman, I have a small community in my district, Los Osos, that is facing a very difficult problem. The Los Osos-Baywood Park community, in San Luis Obispo County, CA, was ordered by the State Water Resources Control Board to install a sewage system to replace the community's septic tank system. Because of its concern about contamination of ground water by the septic tanks, the Board was adamant about the need to go to a sewer system, and even threatened to impose a building ban if the community did not move quickly.

Faced with this order, the community, with the assistance of the county and my office began to review its options. However, this task was quite disappointing because the community fell just short of qualifying for many Federal and State programs that would be of assistance.

However, the Rural Economic Development Act will provide increased funding for projects of this type. The total amount of grants available from the new Rural Development Agency will be increased from $155 to $500 million. This funding will be shared among rural communities across the Nation and limits on the amounts of individual grants will continue. In addition grants will be available for economically distressed communities. And finally, the Farm Credit System banks would be allowed to make water and sewer loans to cooperative formed specifically to establish and operate such systems and to rural towns with populations less than 20,000 for health and development purposes.

One of the main stumbling blocks in our pursuit to find Federal assistance for this community was the population requirements of the FmHA programs. Los Osos has a population of just over 12,000, which made it ineligible for FmHA assistance that is limited to communities under 10,000. However, I believe that Los Osos would be eligible to apply for the assistance provided for in the Rural Economic Development Act. Mr. Chairman, is this correct.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Yes, under the Rural Economic Development Act, the community of Los Osos would be eligible to apply for the new grants and loans provided for in the legislation. The community could apply on its own or as part of a larger rural economic plan developed by the County of San Luis Obispo.

Mr. PANETTA. Thank you for that clarification, Mr. Chairman. The residents of Los Osos will be grateful for another chance at Federal assistance for the massive sewer project ordered by the State.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 81, after line 2, insert the following:

SEC. 805. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entitities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts which (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—The Secretary of Commerce shall declare any person ineligible to bid for a federal contracts for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any U.S. district court.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

(4) PERSON.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the U.S. Federal Government.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment is a Buy America amendment, that has been offered to all procurement and authorization bills in the House. It provides for a 6-percent weight advantage to a domestic firm when competing for a contract under the purview of this particular authorization bill, when competing against a foreign firm; with the requirement that leaves 51 percent of the parts and contents be domestically produced. It does not interfere with GATT. It provides waiver for same, and includes a clause that, in fact, gives the Secretary an opportunity for those who fraudulently mislabel and purchase foreign goods but put "Made in America" on them. That they can, in fact, withhold both companies from bidding on American contracts in 3 to 5 years.

□ 1320

I appreciate the support of the subcommittee chairman, the gentleman from Oklahoma [Mr. ENGLISH], and the support of the vice chairman, the gentleman from Missouri [Mr. COLEMAN].

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think nearly all Americans have a great deal of sympathy for the amendment that the gentleman is offering. As the gentleman

knows, I want to work with him in determining how such an amendment can be implemented with the least amount of disruption. We want to make sure that this kind of provision, when it is part of the law, is one that can be carried out as simply and as cheaply as possible.

Mr. TRAFICANT. Mr. Chairman, I agree with the chairman of the subcommittee. There are going to be mechanisms that have to be worked out, but it is very easy to buy foreign goods. We are going to have to put some structure and discipline into insuring that we have an opportunity to buy American-made goods. I appreciate the fact that the gentleman from Oklahoma and the gentleman from Missouri [Mr. COLEMAN] have been receptive enough to try to work that out, and hopefully, with their leadership, some mechanism will be worked out that will make it very practical and useful.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. ESPY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take this opportunity through this means to rise in support of H.R. 3581, the Rural Economic Development Act, and in doing so, I would like to praise the subcommittee chairman, the gentleman from Oklahoma [Mr. ENGLISH], and the vice chairman, the gentleman from Missouri [Mr. COLEMAN], for their hard work, their leadership, their guidance, their advice, and their philosophy of inclusion. There have been so many of us with our thumbprints on this legislation.

Mr. Chairman, I believe this measure will give rural economic development an enhanced and responsive delivery system with the creation of the Rural Development Administration in the Department of Agriculture. I am a firm believer in keeping the decisions and the prioritization functions at the local level, and this legislation will do just that.

This is all about decentralization, it is all about local input, and it is all about giving those most affected a chance to participate in the decisionmaking process.

My rural Mississippi district might be the third poorest in the Nation, but, Mr. Chairman, it is filled with hopes and bursting with potential. Over the past 3 years we have struggled with the administration of rural programs that provide water services, community facilities, and business and industry loans in my district. I am certain that rural economic development can be tailored to meet local needs and stabilize economic conditions in small communities all across the Nation.

We are taking a bold, new direction with rural economic development. We place more control of rural development programs at the local level and require the system of ranking project proposals to assess need as an element of the formula. That is to say, when two or more projects are vying for funding and are comparably ranked based on feasibility and potential for growth, the State review panel must make need the deciding factor.

So for all those reasons, Mr. Chairman, I am glad to rise to promote and sponsor H.R. 3581. I believe it is an excellent method to get assistance to rural areas that have the potential and the need, and I would just advise all of those Members here on the floor and all the Members of this body to vote for passage of this bill.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. ESPY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I want to commend the gentleman from Mississippi [Mr. ESPY] for his statement and certainly for his fine participation in the effort to develop this legislation. He was kind enough to host one of the hearings in his district. The people of his district had substantial input into this legislation, and certainly his guiding hand, as this legislation moved through the months, has been one that has made great contributions.

Mr. Chairman, we deeply appreciate the fine help the gentleman has given us and the great contribution he has made to this legislation.

Mr. ESPY. Mr. Chairman, I thank the chairman of the subcommittee for his statement and for his leadership.

AMENDMENT OFFERED BY MR. ROSE

Mr. ROSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSE: On page 19, line 10, strike "LIMITED TRANSFER AUTHORITY.—(A)".

On page 19, strike line 18 and all that follows through page 21, line 6.

On page 21, line 7, strike "(3)" and insert "(2)".

On page 34, strike line 18 and all that follows through page 38, line 7.

On page 45, after line 9, insert the following:

"SEC. 308. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

"Secton 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"'(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act'.".

Mr. ROSE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Mr. Chairman, nobody in this body can hold a candle to me on rural development interests. That is a bold statement, I know, but let me explain myself.

When I came here back in 1973, there was an Oklahoman here by the name of Clem McSpadden whom I am sure the gentleman from Oklahoma [Mr. ENGLISH] knows and remembers well. Clem and I formed something called the rural caucus which through the years has done a lot to promote programs and things of interest for rural America.

I want to commend the gentleman from Oklahoma [Mr. ENGLISH] and the members of his committee for going this far in putting together a needed piece of legislation to highlight rural economic development. But I have just one problem here. It has been explained clearly, I say to our brothers and sisters, that the money for this bill comes out of something else that is vitally important to rural America. The gentleman from Oklahoma [Mr. ENGLISH] does not come up with any new money. The Budget Committee did not give him any new money. As a matter of fact, the gentleman from Mississippi [Mr. WHITTEN] wrote a letter to us on the authorization committee and said it was a backward step to take money from rural water and sewer programs, from business and industry, and from community development and put it all into one pot and to give the Secretary of Agriculture the authority to take specifically authorized and appropriated money and spread it as he sees fit.

Mr. Chairman, my amendment simply says that water and sewer money appropriated for that purpose must be used for water and sewer grants and loans. The Rose-Anthony-Rogers amendment does this: If it is not adopted, it would give the Secretary of Agriculture unprecedented, uncontrollable, and unheard-of authority to transfer authorized and appropriated moneys without input from Congress. If we want to responsibly limit the authority of the Secretary to spend moneys that are unappropriated, we need to vote for this amendment.

I wish that we had all the money that we need to make things better in rural America. I wish we could encourage businesses, because the Lord knows there are a lot of businesses out there that would like to have free buildings and better places to build their plants, and this bill would do that. But we also have to have water and sewer for the infrastructure of rural America.

Mr. Chairman, I offered this amendment in the full committee, and my good friend, the chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], offered a substitute which in fact took a good portion of the water and sewer money and said it must stay in water and sewer. But still some $35 to $40 million of the depleted water and sewer fund can still flow out of that fund and into this bill for other things.

Mr. Chairman, I beg my colleagues not to lose their interest and zeal for rural economic development, and I ask them to please support my amendment to keep the rural water and sewer programs sacrosanct. I ask the Members to support the Rose-Anthony-Rogers amendment.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I will ask the gentleman to add my name to the amendment as a cosponsor at the appropriate time. I want to get my own time specifically in support of the amendment, but I want to ask the gentleman a question in order to clarify the situation.

Just today I received word that we have about $1 million to fund an extension of the so-called Clay Council Rural Water Association out of the pool money. Is it my understanding that that $1 million might not have been available for the expansion of this project if the rural development bill would go through as it is planned?

Mr. ROSE. Yes.

Mr. ALEXANDER. And that the money probably would have been spent somewhere else?

Mr. ROSE. That is absolutely correct.

The CHAIRMAN pro tempore (Mr. VENTO). The time of the gentleman from North Carolina [Mr. ROSE] has expired.

(By unanimous consent, Mr. ROSE was allowed to proceed for 1 additional minute.)

Mr. ROSE. Mr. Chairman, I will answer the gentleman very briefly. I will let the gentleman pursue this on his own time, but I will answer the question.

My colleague, the gentleman from Oklahoma, will tell us they could have gotten the money for the purpose the gentleman expressed, but they would have had to go through a State committee, through people who are basically interested in rural economic development. So the chances are that the gentleman would not have gotten the money.

Mr. ALEXANDER. But the chances are the Governor would have some control over the money, some disposition of the money or control over the money?

Mr. ROSE. That is my fear.

Mr. ALEXANDER. And with the Governor's priorities in my case, which are compatible with mine, but not always so because Governors have their own priorities and have misunderstandings, would that in effect dilute that authority of Members of Congress to have influence to implement the priorities in their various districts?

Mr. ROSE. Mr. Chairman, the gentleman is absolutely correct.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman from North Carolina for his response.

□ 1330

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

Mr. ENGLISH. Mr. Chairman, the amendment of the gentleman from North Carolina [Mr. ROSE] strikes at the very heart of the bill. It strikes at the flexibility.

As I stated yesterday, the one thing that we cannot tell people is that there are going to be huge amounts of money available for rural development. That is a fact.

The one thing local folks have asked for all across this country is flexibility. That is what we have attempted to do.

Instead of looking at each individual program and each individual category and saying, "This is my money, that's my money, that is my money," we pull it all together. Each State is allocated so much under certain categories. This legislation allows for the State to sit down together and look at the total amount of money that is available to them and to determine where their priorities are and where they can do the most good for their State.

Mr. Chairman, each State is different. Each State has different needs. This legislation allows us or allows the States to make certain that they respond to their individual State's needs. It makes certain that we get the most for every tax dollar that is spent that is spent on a priority project.

Let us cut through the smoke here in what we are talking about. What we are really talking about here is that under the past system there has been a tremendous inequity. We have some States that have been winners and some States that have been losers. Most of the States have been losers under the existing program. The reason is that they have not spent all the funds that have been allocated for their State, and there are a number of reasons for it.

Mr. Chairman, one reason may be the Farmers Home Director. There may be a whole host of other reasons, but they have not done it. That money gets turned back, and then any other States that have projects that are available, that are set and ready to go, that money goes to them. We do not touch that pooling concept, but what we do say is that each and every State should have the maximum opportunity to spend those resources for the projects that they feel are important for their State instead of having to turn back to some other State.

Interestingly enough, that very small number that continues to benefit year after year after year are the same States. It does not seem to change. In fact, if we look at it for the last 3 years, some 36 States have lost over the last 3 years. Last year alone 32 States lost, gave up their resources. This legislation gives them an opportunity to make the best possible use that they can out of those resources. If the amendment of the gentleman from North Carolina [Mr. ROSE] passes, those 36 States that have lost over the past 3 years most likely are going to lose over the next 3 years unless things change drastically within their States.

The bottom line, Mr. Chairman, is whether we are going to give the States the option to make certain that we spend those dollars in the best possible manner, and I want to go over, Mr. Chairman, so there is no mistake, those 36 States that have lost in the past 3 years. Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Iowa, Indiana, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. All would likely lose if the Rose amendment is adopted.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I would like to rise in support of the position of the chairman of the subcommittee and opposed to the amendment of the gentleman from North Carolina [Mr. ROSE]. The bottom line is that, if we adopt the Rose amendment, we really do not have much of a bill here for our rural development.

Mr. Chairman, it seems to me that in a time when we have got very limited economic resources coming from Washington, whether to dictate by an artificial or an arbitrary formula how this money should be used, that it makes eminent sense to let the States determine how to use these limited resources.

So, Mr. Chairman, I would urge my colleagues to stay with the gentleman from Oklahoma [Mr. ENGLISH], the subcommittee chairman, and oppose the amendment of the gentleman from North Carolina [Mr. ROSE].

Mr. ENGLISH. Let me also say, Mr. Chairman, that without question we can transfer from one program to the next. It can go from water to commu-

nity facility, from community facility to water; so, if that is where one's priorities are, in water, that is where they can put their money.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

First, I wish to applaud the committee and the work of the members of the committee, in particular the gentleman from Oklahoma [Mr. ENGLISH], the chairman of the Rural Development Subcommittee. About 16 years or so ago I served as chairman of the Rural Development Subcommittee and had the same job that the gentleman from Oklahoma [Mr. ENGLISH] has today, and we went through the process years ago that we are going through again today.

Mr. Chairman, all of us that serve rural districts in places like Arkansas, and Oklahoma, and Minnesota, and Kentucky and everyone in the room here today know that the most essential ingredient to economic development in rural areas is clean healthy water, and the most important improvement to the quality of life of people who live in nonmetropolitan regions is water. It is the heart of any community, and it is the life, it is the necessary life blood, of that community.

Mr. Chairman, over the years we have debated who should be the principal spokesman for deciding priorities for the placement of rural water, and I do not believe that there is an elected official anywhere, or an unelected official anywhere, that knows the priorities of an area better than a Member of Congress that serves that area because every week we are out in our districts, we are meeting with the people, we are hearing their needs, we understand the district, we know the district, we know the priorities of that district, and I for one am very uncomfortable with the provisions of this bill which transfer the authority for determining priorities to someone else; in the instance, the Governor of a State.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, as in the exchange that the gentleman from Arkansas [Mr. ALEXANDER] had with the gentleman from North Carolina [Mr. ROSE], the distinguished chairman, we have to insist that that is not what the bill does. The establishment and review of written policy and criteria for evaluating; it is not the Governor. The panel shall be composed of more than 16 members, and those are the people that conceivably better than the Congressmen from that area know the need, and we do not select. The Member of Congress does not say yea or nay on any project, as well as we know that area. But I think it should be made clear now. It is not the Governor, the Governor or a person designated by him. One of Sixteen. The Governor, person designated by him, a Member of Congress now does not have the authority of, in fact, saying yea or nay on any project. The Member could not, if they did not want to give that grant to Clay County, the gentleman could have done somersaults on top of the dome, and they still would not give it.

□ 1340

So I just wanted to clear the air to see that we are addressing the issue as it relates to the bill and the practicality of the situation.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas has expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. I am pleased, of course, to yield to the chairman of the full committee, but I respectfully disagree with his analysis of this bill and of the provisions of this bill; but notwithstanding the gentleman's opinion, even if it is not in the Governor himself who is going to decide the priorities, it will be someone that the Governor chooses that is supposed to be the expert in the congressional districts.

Now, I do not as a Member of Congress have the final say about who gets the money for these projects, but I feel like I have a better chance under the present system, where this money is pooled, of letting my priorities be known than I will have if there is another authority created which is superimposed, you might say another layer of bureaucracy, be it the Governor, be it the Department of Agriculture, be it a combination of those two authorities.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Of course I yield to the gentleman from Texas.

Mr. DE LA GARZA. I just want the gentleman to know, I can appreciate the gentleman's interest and I can sympathize with it, but I just want us to be correct in the discussion.

The gentleman would replace 29. The Governor's designee is only one, one of whom is appointed by a statewide association of rural telephone companies. Who better knows the needs than the telephone company? One is appointed by a statewide association of noncooperative phone companies, by rural electric companies, by health care organizations.

It is not the Governor. It is a 16-member board with several advisory nonvoting members, if the gentleman will just read the bill.

Mr. ALEXANDER. The practical effect of this bill is to take influence away from a Member of Congress.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas has again expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. I will be glad, of course, to yield further to the gentleman, but I disagree with the gentleman. I think that the practical effect of this bill is to lessen the influence of Members of Congress in determining priorities for awarding rural water and rural waste disposal systems for their congressional districts, and it creates another level of bureaucracy on which the Governor has a great influence, and I am compatible with my Governor. I want him to be reelected. I have no problem with that whatever, but I do not know who is going to succeed him. I know who preceded him, with whom I had no authority, no influence.

I think it disserves the cause of our representation of our congressional districts to create this new authority, and I think the bill as it is written will lessen our authority, and that is why I am supporting the Rose amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield further?

Mr. ALEXANDER. I am glad to yield to the gentleman from Texas.

Mr. DE LA GARZA. I just want to clear the record. The gentleman has no authority under the Constitution or the laws, but if the gentleman is concerned, again I guess he is obsessed with mention of the Governor.

Mr. ALEXANDER. Let me reclaim my time for just a second, Mr. Chairman.

Let us amend the word "authority" to read "influence." I am not talking about authority. I am talking about influence. I have more influence under the present system than I will under the system that is created by this new bill.

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield further, I doubt that very much, because now under this administration, which is of a different political party, the gentleman's influence is very, very small.

Mr. ALEXANDER. I am happy with the present administration. I like the President. He is a personal friend of mine.

Mr. DE LA GARZA. Go back to the bill, read the bill. One is appointed by a statewide association of counties and the State.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas has again expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. Mr. Chairman, I am pleased to yield further to the gentleman from Texas.

Mr. DE LA GARZA. Let me just conclude. I just wanted to insist that when the gentleman says Governor, he is but one of the members of the group. When the gentleman says that the influence of a Member of Congress would be eroded, he is yielding that influence to the people who elect him and the people who elect the Congressman are the associations within the State. So leave the Governor out. Leave it that the Member may or may not have influence. This says that the local entities decide through their Representatives. That is what we know as representative government.

Mr. ALEXANDER. Like the gentleman from Texas, I have had some experience here for 22 years. I understand what this bill says. I like it the way it is. I do not think it is going to serve the people who have elected me for 22 years to change it in the way that the gentleman recommends.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from South Carolina.

Mr. TALLON. Mr. Chairman, I thank the gentleman for yielding to me. I certainly share some of the concerns my colleague, the gentleman from Arkansas, has.

The legislation, and if I am wrong I will stand corrected, but I think the legislation says that the Governor can appoint either one or two Members to the board and the head of the committee is an employee of the government, and actually the legislation—and I had an amendment earlier that was defeated—provides for $5 million for the Governor to actually hire this executive director of advisory committees. I feel that gives the Governor a great deal of power and we are going to get involved in all kinds of State politics.

Mr. ALEXANDER. Mr. Chairman, I would just conclude by saying that I do not think it serves our cause here as Representatives of the people to in any way dilute what influence we may have under the present system, and that the committee bill as it is presented not only dilutes our influence, but it also dilutes the amount of money that is available for rural water and sewage.

Mr. Chairman, I urge my colleagues to vote for the Rose amendment.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

I urge adoption of the amendment offered by our colleague from North Carolina [Mr. ROSE] and would ask if the gentleman would join me for a question at this moment.

Mr. ROSE. Mr. Chairman if the gentleman will yield, I am happy to do this.

Mr. MARLENEE. Mr. Chairman, it is my understanding that the EPA acting in consort or directing the State Departments of Health and/or Environmental Sciences, whichever agency happens to handle water and sewer, that the EPA through its extension of State agencies demands, directs, and requests that certain water and sewer requirements be met for small communities. Is that correct?

Mr. ROSE. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. MARLENEE. So on the one hand we have the Federal Government, through the EPA, demanding that these small towns and communities have certain types of water and sewer facilities, and now we are on the verge of passing legislation, and it is the contention of the gentleman that this legislation would remove the funding that has in the past been available for partially funding those water and sewer projects.

Mr. ROSE. Mr. Chairman, will the gentleman yield further?

Mr. MARLENEE. I am happy to yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, that is correct. It will remove a great deal of the funds. The EPA estimates that 80 percent of the sewage treatment systems not in compliance with EPA standards are located in small rural communities, that is the sewage treatment. In addition, two-thirds of the rural drinking water supplies violate Federal drinking water standards, so that there is actually a need for $28 billion in financing for sewer systems in rural areas, never mind the need for safe water systems.

Mr. MARLENEE. What the gentleman is telling me is that this legislation has no appropriation tied to it, but confiscates that money that was supposed to go to pay for sewer and water that was mandated by the Federal Government.

Mr. ROSE. Mr. Chairman, the gentleman is correct.

Mr. MARLENEE. Now, I can hear the supporters of the legislation say, "But the rural communities and the areas will have the option of setting priorities themselves."

Let me address that for just one moment. If the gentleman will hold at the well in case we have another question, I would appreciate it.

Let me address that for just one moment. It is not my understanding of the bill, it is not until each area has a plan, a regional plan that has been put together or an area plan that has been put together as mandated by the bill. Some municipalities, some rural areas may not have an area plan.

□ 1350

I will be happy to yield very shortly if I can finish with the planned portion of my remarks.

On page 12, "Definition: Area Plan. The term area plan means with respect to a local regional plan in a State, the long-range rural development plan developed for the area. Each plan shall identify the geographical boundaries of the area, an overall development plan for the goal of the area including business development, infrastructure, development goals, time line basis, the number and types of businesses," and it goes on, "Water and waste facilities, industrial recruitment in the area, potential for the development of tourism," and so forth and so on, "that will be in this plan."

What it appears to me is that in addition to the Federal Government demanding that the localities develop water and sewer, as we have through EPA and the environmental legislation we have passed, we are further demanding that each community, each municipality, develop a plan. One more time it appears to me that the committee here has embarked upon paying consultants and attorneys, consultants and attorneys. How much are we going to require that these communities come up with before they ever qualify for a water and sewer grant? Because they developed the plan, how many thousands of dollars?

Mr. ROSE. If the gentleman will yield further, the gentleman makes eminent sense to me. I think he is correct.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, it is awkward to be placed in a position truthfully of trying to correct the record and to insist that we discuss the areas covered by the bill.

The gentleman said would confiscate funds, and so forth, agreed to by the gentleman from North Carolina.

This legislation does not deal with the EPA, EPA funds, or EPA funding at all.

The CHAIRMAN pro tempore (Mr. FROST). The time of the gentleman from Montana [Mr. MARLENEE] has expired.

(At the request of Mr. DE LA GARZA and by unanimous consent, Mr. MARLENEE was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, that is an erroneous statement. We do not deal with EPA funding or EPA funds.

Also, priorities for health reasons: that is explicitly mandated in the bill, page 27.

Mr. MARLENEE. Mr. Chairman, reclaiming my time, only after each area develops a regional plan, after we have paid, as local people have paid for consultants and attorneys to develop these plans.

Mr. DE LA GARZA. If the gentleman will yield further, they do that now.

They do that now, every area. We may be overrun by consultants, but that is done. This does not change anything.

The fact is that the gentleman's insistence that we would confiscate money from EPA is not correct, not under this bill.

Mr. MARLENEE. Reclaiming my time and correcting the record, I did not say from EPA; confiscates money, and I referred to those funds that were available that were grant funds that this bill takes under its wing and makes available.

The EPA has a different set of funds, and I acknowledge that.

Mr. DE LA GARZA. If the gentleman will yield further, I would not challenge the gentleman, but not from EPA, and then priority is given to applications for projects designed to address health emergency declared to be such by the appropriate Federal or State government agency, so we do not deal with EPA funds in this legislation period, but if EPA gives a grant to an area, then we say declared to be a health problem by the appropriate Federal or State agency.

Mr. MARLENEE. Reclaiming my time, absolutely. The funds we are siphoning off, and the chairman is correct, are FmHA funds that would otherwise go to help pay for these water and sewer projects.

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(At the request of Mr. ENGLISH and by unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am rather puzzled by the gentleman's position.

Looking at the State of Montana last year, they only spent 27 percent of the funds allocated for them. I would have to assume that the gentleman has some problems in Montana, and I do not know whether it is the State Director of the Farmers Home Administration who does believe in the program and does not want to use it or what it may be. But under the circumstances, money from Montana is being sent back to the national pool, and I would assume is being sent to Arkansas or being sent to North Carolina or South Carolina.

Let me simply say that what we are pointing out under this legislation is that the gentleman's home State of Montana would then be able to utilize those funds to meet those needs he points out to us are so desperate, and I would suggest he would be better off with a panel than he is with the Farmer's Home Director he has right now, because right now he is losing his shirt.

Mr. MARLENEE. Reclaiming my time, I hope we do not have to utilize them to pay for consultants.

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(At the request of Mr. ALEXANDER and by unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, is the gentleman not saying that under the committee bill that authority is created for this new level of bureaucracy to choose between funds that are appropriated for water and sewer on one hand and for rural economic development on the other, and that the choice made by that committee may be different from that made by Congress in appropriating those funds?

Mr. MARLENEE. Reclaiming my time, this is true. This is true.

Mr. ALEXANDER. If the gentleman will yield further, what we really need is funds both rural water and sewer and economic development, but what we are doing here is giving someone else the authority to use the funds for either?

Mr. MARLENEE. The gentleman is correct.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, this is getting more awkward by the minute. The bureaucracy does not transfer funds in the Government of the United States of America. The Secretaries are allowed discretion in some areas.

Mr. TALLON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, by providing the Secretary of Agriculture with the authority to transfer funds between programs based on the recommendations of the State economic development review panels what we've set up is a modified block grant proposal.

That scares me.

It scares me because historically block grants have died a slow withering death.

It scares me because we are abdicating our responsibility to recognize and direct Federal funds where they are most needed.

We are taking the dollars and the heat from the taxpayers without any say-so in how this money is being spent.

And it scares me because I believe that turning all decisionmaking authority over to these State panels will result in money chasing money with total disregard for the basic quality of life for hundreds of small, struggling towns across this country.

For instance, there is a tremendous need for rural water and sewer funding across America. EPA estimates that 80 percent of the sewage treatment systems that do not meet EPA requirements are located in small communities.

In addition, two-thirds of rural drinking water supplies violate Federal drinking water standards.

There is a need for more than $28 billion in financing for sewer systems alone.

While FmHA, under the direction of Congress, is doing everything it can to meet the demand, the continued need is evidenced by the backlog of water-sewer loans and grants.

As of December, FmHA had on hand some 2,000 applications representing over $1.3 billion in applications and preapplications for funding.

Virtually every State has a huge number of proposals on hand.

I think it's important for us to send a signal to the Appropriations Committee and to Congress that rural development is a priority. If we're serious about bringing jobs and a better way of life to rural America then this is the place to start.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. TALLON. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I believe the gentleman was saying that the panel would approve. The panel does not approve. It is up to the Farmers Home Administration, and the rules and regulations as outlined by the Farmers Home Administration, as they stand today, continue to be the case.

Mr. TALLON. Mr. Chairman, reclaiming my time, I said the Secretary of Agriculture has the authority to transfer funds between programs based on recommendations of these State panels.

Mr. LANCASTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by the gentleman from North Carolina is a constructive amendment in addition to the bill. It will strengthen the bill, and I hope my colleagues will join me in supporting it.

Mr. Chairman, this amendment simply says that the Department of Agriculture must spend its appropriations for the programs that are approved for funding under the Appropriations Act.

□ 1400

This amendment simply protects the integrity of the actions of this House.

Now, to my colleagues who may not be as familiar with this bill as some of us on the committee are, let me say that my concerns are linked specifically to the funding of water and sewer projects in rural areas of this country. The fact remains that there can be very little real rural economic development without water and sewer infrastructure in place to accommodate this development.

The problem is that under this bill water and sewer needs are only one of the many types of activities that are to be considered by the State panels. I frankly believe that there will be intense pressures from the job creation side and the water and sewer needs will take a back seat. Let us face it: it is much easier to build speculative industrial buildings than sewer lines.

I also have some problems with the basic application process required by the bill. I think going before a State board for approval only adds red tape to an already difficult process.

But if it is the will of this Congress to go with the new deliver system, then I will try to live with it. But I need some reassurance that at the end of the planning process there will still be funds available for the water needs of our rural communities. The amendment provides this assurance.

Let me explain to my colleagues about the need for funding of these programs.

In some of our rural areas we still have a large population that is served by wells. These wells are becoming increasingly contaminated.

For the safety of these rural people, as well as for rural development, we need water and sewer systems in rural America.

Since 1981 there has already been a 50-percent reduction in these funds. Again, all we are asking for is some tiny bit of reassurance that this erosion will not continue and the rural communities with water and sewer needs will not continue to receive the short end of the stick.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, again I just want to clarify for the record, because the gentleman is knowledgeable, that there is no district in the United States possibly that has more problems than mine bringing rural water supplies to the border area. The gentleman and I would agree on that.

But the fact of the matter is that in actuality, the gentleman made a statement about building buildings and so on. The first thing you do is bring water. Industrial parks, first you bring water. Rural enterprise, first you bring water. A sterile, impotent building out in rural America is not going to do anything. It is not going to make jobs.

The fact is that under this legislation, the local districts or the advisory is going to advise what are the priorities. We already say health is a priority, period, to begin with.

The local State agency or advisory committee, Farmers Home is going to decide under their criteria or eventually the Secretary. But water is the beginning. That is what the gentleman from North Carolina [Mr. LANCASTER] and I have worked with together.

So this is not water competing with a sterile, impotent building, or water competing with some job-making industry. Every industry that comes first must have water and sewage. Otherwise it would not be a viable economic industry. You cannot have a building without the utilities that are needed for the people that are going to work there.

So the priority has, is, and will continue to be water. Otherwise you do not have any industrial development.

Mr. LANCASTER. Mr. Chairman, reclaiming my time, I agree with the gentleman from Texas [Mr. DE LA GARZA] that water and sewer must be the priority. But what I fear is when we have a system that allows the States to set those priorities, they will be different from our priority.

This amendment permits Congress to continue to exercise what I think is their right for the role of allocating those priorities and making certain that water and sewer receives a finite amount of money that is not going to be transferred by the Secretary or recommendation of the panel to some other purpose.

Mr. Chairman, the amendment gives those of us who are uncertain about the basic structure of the bill what we need, while still maintaining the locally oriented planning process that is a centerpiece of the bill of the gentleman from Oklahoma [Mr. ENGLISH]. I urge my colleagues to vote yes on the Rose amendment.

Mr. Chairman, I would ask if the gentleman from North Carolina [Mr. ROSE] would clarify for us the winners and losers argument made by the gentleman from Oklahoma [Mr. ENGLISH], the chairman of the Subcommittee on Conservation, Credit, and Rural Development, that over a 3-year period 36 States gave up money under this bill, that under the current system 36 States over a 3-year period turned money back.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, that is correct. But that money was then redistributed to 43 States. So 43 States came out better under the system the way the Rose amendment would leave it than would come out if the bill is enacted without my amendment.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a lot of talk of fears of losing money. I have a fear also. We have a very effective FHA director in my State, John Musgrave, who does a very good job. My fear is what if he leaves? How is my State going to fare in this competition?

Also I think if one looks at the problem here, the bottom line is do we have enough money? Obviously we do not. I think that is the question we should really be debating here.

We did have a compromise in the committee and it will protect the water and sewer money coming into the States, as I understand it. I think that is very important, because water and sewer money is a very important economic development, especially in West Virginia. But the water and sewer money coming into West Virginia is not doing enough at this point. I think that is the question we should be addressing here.

The reallocation, the question has come up. We are gnawing away at the problem with dull teeth. What this bill would do is sharpen our teeth so we can be more effective in getting economic development in rural America.

Earlier today we heard the gentleman from Oklahoma [Mr. WATKINS] talk about a Marshall plan. That is what we need, a Marshall plan. We have the ability to provide rural development in this Nation. I think that if Members would look at this issue from that standpoint, it is that if we have the political will, we can in fact accomplish what we want to accomplish. I think that is the bottom line. I have my fears, but I think this is the best way to approach that.

Mr. ENGLISH. Mr. Chairman, would the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Chairman, the question was raised with regard to funds and who wins and who loses. I would suggest that we have got the list here from the Department of Agriculture, from the Farmers Home Administration. What I was listing are the net bottom line, after all the switching and adjustments are done, those that win and lose.

Over the last 3 years there have been 36 States that have lost. Last year alone 32 lost. That is what it comes down to. It is the same States year after year after year that win.

I would suggest that Arkansas, North Carolina, South Carolina, and Kentucky are certainly States that fall into those categories every time.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Chairman, I am very concerned here. We are hearing all this about which States win and which States lose. I have a list here of States that benefited last year from the current policy of pooling funds. I have friends and colleagues from the States. I think they ought to know. Alaska, Arizona, Arkansas, California, Connecticut, Delaware, and Florida.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. Mr. Chairman, I reclaim my time and yield to the gentleman from Oklahoma [Mr. ENGLISH], the chairman of the Subcommittee on Conservation, Credit, and Rural Development.

Mr. ENGLISH. Mr. Chairman, I would suggest to the gentleman from South Carolina [Mr. TALLON] the Department of Agriculture might be trusted more than the typed list the gentleman has in his hand. I would be happy to sit down with the gentleman and show him the list, if he has any questions.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Chairman, I went over this list very carefully. These are States that benefited from the present policy of pooling only last year.

Mr. OLIN. Mr. Chairman, I move to strike the requisite number of words.

I rise in favor of the Rose amendment. I want to first commend the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Missouri [Mr. COLEMAN] for their work on this bill. Most of the provisions of this bill are good.

Mr. Chairman, I want to say that I also thank the gentleman from Oklahoma [Mr. ENGLISH] particularly for his move to accommodate members of the Subcommittee on Conservation, Credit, and Rural Development during the markup sessions that we had.

Mr. Chairman, it seems to me that the issue is very clear. We have been appropriating something like $400 million a year for water and sewer projects in this country and about $200 million for other development purposes. Water and sewer money is still the most critical need of our rural communities. And even under the bill, with the limited transfer that is in the bill, even any transfer of water and sewer funds to other purposes would hit our poor rural communities in a way that they do not need to be hit.

□ 1410

The bill has in it a provision which says that funds can be transferred under the bill only to the extent of the gap between appropriated funds and authorized funds. That gap is presently $34 million. But it would not take very long, with a little skulduggery to get the authorization level up enough to transfer a fair amount of money.

Mr. Chairman, I think that the case is pretty simple. The underlying goal of this bill is to promote job growth and population increases in rural America. Jobs go where there are available workers. Workers go where there is adequate housing. Housing is built where there is water and sewer facilities. We have to keep the basics first, and keep the water and sewer funds intact. We will get plenty of economic development out of that.

Vote for the Rose amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first of all make sure that everybody knows that the Rose amendment is one of those few things that can be called a gutting amendment, because that is exactly what it does. It guts the thrust of this new approach to dealing with rural America and trying to solve the problems of rural America.

It is no wonder that the gentleman from North Carolina is offering an amendment because he is milking, and his State has milked the current system for all it is worth. If we are going to continue the approach to rural development that has not worked, frankly, very well over this last 20 or 25 years, then Members will want to vote for the Rose amendment.

But if Members believe we need a new focus, and we need new ways of dealing with rural America, and they like flexibile funding, they like State input, and believe that people closest to the people can make better decisions than even Members of Congress, and I know it is kind of hard for us to think that we do not have all of the knowledge and are all important, but I do not think under the current system we have talked about influence that Members of Congress have. I do not think any place in any law that it says a Member of Congress shall provide water and sewer grants. It specifically says the Secretary, and we are talking about the Secretary of Agriculture. That is even true under the English-Coleman proposal.

The reason is we have some constitutional limitations we have to operate under. We cannot give this authority to Members of Congress to issue. We cannot give it to a panel in the States, we cannot give it to the Governor. We are giving it to the Secretary, who currently has it, but a Secretary who will take into consideration, and that was under the de la Garza amendment earlier today, "He shall take into consideration what the review panel in each State will propose." What they will propose, Mr. Chairman, is a combination of how to use money currently available.

In the State of North Carolina they may have different needs than the State of California. The State of Oklahoma may have different needs than the State of Texas. What is wrong with letting the North Carolinians make an advisory opinion to the Secretary on how to spend that money? There is nothing wrong with that.

I think most Members from rural areas have always gone around and campaigned to our people that, gee, those people in Washington, those bureaucrats, they do not know what is going on. It is you good folks back here at home who know what is going on. Now when we have a chance to see happen what we really believe and are given an opportunity to vote, we say no, you do not know what is going on, I know what is going on, because that is the philosophy of the Rose amendment.

So what we are trying to do, very simply, is say look, the old system may be worked for a handful of States, but it has not worked for this country as a whole. Maybe we are being too bold by trying something different, but we believe, and the committee believes, and I think the vast majority of Members of this body believe that we can do better.

All this stuff about winners and losers is fine. The winners and losers, we can make up lists and so forth, but we are trying to construct a national delivery system in which everybody will win and there are not losers.

Also let me say we are not disturbing the appropriation process. We will undoubtedly hear from a few Members of the Appropriations Committee. We are not trying to involve ourselves in their territory. We are simply allowing flexibility.

Members who are watching this in their offices, I would say to them do not get the impression that because we have heard some Representatives of North and South Carolina, and Arkansas, and perhaps Virginia and one or two other States, that this is some kind of landslide movement here. They are the ones who are gaining and will gain under the Rose amendment, very parochial. The rest of us will not. That is very important to recognize.

In fact, if Members are interested in sewer and water money, as all of us are, and the chairman very appropriately pointed out that water is the basic necessity in all of this economic development for jobs and opportunities, that they could even get more money under our proposal than less money. They have concentrated on the fact that they may lose. The fact of the matter is they may gain, because they might be able to keep their

commitment to sewer and water by pulling out some funds from some other programs, and even increase their participation. So there are no winners and losers per se. It is whether or not the State wants it on a review panel not controlled by the Governor but made up of 16 citizens from rural communities that represent various interests in the State, who could increase the water and sewer money as opposed to reducing it.

Mr. PENNY. Mr Chairman, I move to strike the requisite number of words.

Mr. Chairman, virtually every local unit of government used to benefit from a program called revenue sharing. That program provided funding to local units of government, and it was used at their discretion for local priorities. Now that program is gone.

At the Federal level we are now focused primarily on dedicated grant programs. These categorical grant programs, like the Water and Sewer Funding Program, are available to some communities, but most communities do not qualify for assistance for these programs, and it is not always the communities in greatest need that get the money. Too often, with these categorical grant programs, the communities that get the money are the communities with the best grant writers.

This Water and Sewer Grant Program is a classic example of a program in which those communities which aggressively utilize water and sewer grants get the lion's share of the money. The emphasis given water and sewer funding shortchanges other worthwhile rural development initiatives across this country.

The whole thrust of this rural development bill is to give our rural communities a better chance at the rural development assistance coming from the Federal Government. Pooling the various programs within the U.S. Department of Agriculture, including the funding available for water and sewer projects, will allow each State to draw on that pool of money to finance its own priorities. If water and sewer funding happens to be a priority within that given State or a geographic region within that State, then fine. But we should not impose a Federal water and sewer prejudice on local officials who may have greater rural development needs in other areas.

I urge the rejection of the Rose amendment.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I want to commend the gentleman for his statement. I think the other point should be made that it is a two-way street. Certainly money from any of these other programs could be transferred into water and sewer if that is the need of that particular State.

One thing that has not been mentioned, however, is that we also have a crisis in rural health care and other community facility programs, and that money is desperately needed. So other funds can be transferred in for rural health care as well, and certainly I would think that no Member of Congress wants to have to choose between saying yes, your local hospital closed because I did not want to give you the flexibility of determining the priorities of your particular State or your locale.

□ 1420

I think the gentleman has done an outstanding job of underscoring the need for local decisions. Let us trust the local people.

Mr. PENNY. I thank the chairman for his remarks. I laud his leadership in this area. He has done an outstanding job of developing the rural initiative.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. PENNY. If I have the time, I yield to the gentleman from South Carolina.

Mr. TALLON. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made an excellent statement, but what he has outlined is truly a classic block grant program, and we will see the money wither away and drop just like we did in the revenue-sharing area, and that is a very deep concern of mine. I appreciate the gentleman outlining it, but would still encourage people to vote for the Rose amendment.

Mr. PENNY. Here again my fundamental concern is the classic pattern of categorical grant programs in which far too often it is not the community in greatest need that gets the money but it is the communities with the best grant writers that get the money. I would rather have a general pool of money within the Department of Agriculture available for a wide variety of rural development initiatives and then let the States and the regions within those States highlight for us what the greatest need is, apply through this pool of money for assistance and move forward with those projects that mean the most to those rural communities.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first congratulate our two colleagues, especially the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Missouri [Mr. COLEMAN], for this exercise in focusing America's attention and this body's attention on what needs to be, and that is economic development in the rural areas.

However, I have to rise in support of the Rose amendment in this case because even though the bill on the floor has many good points, this is one of the areas that I think it is very, very threatening to the poorest and most isolated of our rural counties.

Mr. Chairman, I rise to urge my colleagues not to destroy the only opportunity many rural Americans have for good safe water. If we pass H.R. 3581 as it is now written, sending a message to the most isolated rural Americans that they must leave their homes to survive.

There is no one here more committed to rural economic development than I am. Education and economic development organizations which I have created in my district are my pride and joy, but dedication to economic development is no excuse to obliterate those weaker, poorer communities who have less potential for growth. Given the standards by which water and sewer applications must be prioritized under H.R. 3581, the opportunity for many rural Americans to access good safe water will be destroyed because they will not be able to compete with the America which is becoming less rural.

There is no way that our neediest communities will be able to meet the criteria this bill establishes for assistance. If we allow this bill to pass as currently written, priority will be given to those who can demonstrate the greatest potential for growth. Applications will be considered based on the ability to identify "the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support; the realistic possibilities for industrial recruitment; the potential for the production of value-added agricultural products; the potential for tourism development; the generation of employment; a list of area residents with special skills; a current list of organizations in the area and their special interests; the availability of general and specialized skills"; the list goes on.

We already have programs—CDBG, EDA, ARC—which tie jobs and economic development goals to funding.

Don't you see, this bill strangles the poorest and weakest. Heaven only knows I'm for rural economic development—but not at the expense of our poorest and weakest. In this bill the weak get weaker and the rich get richer. Do we really want to suffocate/poison a part of America. In my district, Owsley County has only 5,500 people on 200 square miles of hills and hollows.

Just this morning, I was notified that Owsley County in my district—the 10th poorest county in the Nation—was awarded a Farmers Home loan of $101,000 and a grant of

$350,600 to upgrade their water system. This would not have happened were this legislation in place. With this legislation, areas like Owsley County—and folks we have many across our Nation—will lose the most important source of infrastructure development. The current water and sewer backlog for Kentucky is $60.1 million in loans and $25.9 million in grants. These numbers represent project requests which have been filed and declared eligible for funding.

The bill's sponsors might argue that special allowances will be made for areas experiencing a declared water and waste emergency. Is an emergency the only standard which many of my rural communities will be eligible for assistance with their water and sewer needs in the future?

Furthermore, this bill creates a bureaucratic nightmare. We don't have any idea how this legislation will be implemented. Will we have a rural development administration director in each State; what will Farmers Home Administration employees on the district level do; who will process the loan applications? There are no answers to these questions. We do know that this bill will mean new layers of bureaucracy, new money—$100,000 per State just for the review panel.

I commend by colleague, Mr. ROSE, for recognizing this problem and stepping forward with this amendment to protect the poorest and maintain the integrity of water and sewer assistance. Please support rural America and the Rose amendment.

Underdeveloped America loses with this legislation—my district loses with this legislation—I know that many of your districts must lose, too. This legislation is not what this Congress is about.

The CHAIRMAN pro tempore (Mr. FROST). The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

(On request of Mr. COLEMAN of Missouri and by unanimous consent Mr. ROGERS was allowed to proceed for 1 additional minute.)

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Mr. Chairman, the gentleman says that the neediest of the projects would not be able to be funded under this bill. I want to also point out that if the gentleman would have gone on in the bill, there was a provision that if there were two that tied, the one that will be funded will go to that application where there is the greatest need. So we tried to recognize that. Mr. ESPY offered that in committee.

But it pains me for Members to stand here and say that certain projects in their districts, certain counties, and the gentleman from Kentucky mentioned one and someone else mentioned one in Arkansas, would not be funded under this bill that we propose. I do not see how you can possibly make that statement. I certainly could not make the statement that it would not or would. But how can anybody anticipate what would happen under this proposal unless he is suggesting it is not a meritorious proposal because under our bill you would get even more chance to be funded by transferring funds.

Mr. ROGERS. Reclaiming my time, the reason I say that is because the bill itself suggests the application must be based on certain criteria.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky has again expired.

(By unanimous consent Mr. ROGERS was allowed to proceed for 1 additional minute.)

Mr. ROGERS. Mr. Chairman, the criteria are based on growth factors such as the numbers and types of business in the area, whether or not there is potential for growth, the potential for tourism development and so on and so forth. What about just plain old need for water in those areas which do not have the potential for growth? There are areas like that in this country that are ignored by this bill.

Mr. ANTHONY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Rose-Anthony-Rogers amendment. Under normal circumstances I would be totally supportive of H.R. 3581, and I would like to commend the gentleman from Oklahoma [Mr. ENGLISH], as well as the gentleman from Missouri [Mr. COLEMAN], and the gentleman from Texas [Mr. DE LA GARZA], for bringing to the House floor a bill that emphasizes rural development. If there has been any other segment of the American public and population that has been ignored over the last 10 years it has been rural America. We are hurting. We need help.

What disturbs me, though, is that we are here fighting over a little bitty pie and, as a result, it has each of us at each other's throats.

I say to the gentleman from Missouri [Mr. COLEMAN], you cannot have all winners when you have cut 50 percent of the funding for water and sewer out of the appropriated process over the last 10 years. In Arkansas we got $8.3 million as our allocation from Farmers Home.

□ 1430

We have well over millions and millions of dollars over and above that. If Members wanted to take a close look, and I am sure the gentleman from Oklahoma [Mr. ENGLISH] probably has the numbers. My State got $23.5 million back from the pool. So to that extent, we are large winners.

However, it also proves the point, and the point simply is this. If Members vote for Rose-Anthony-Rogers, Members are saying that they wanted a national policy on water and sewer. If Members vote against it, Members are saying they want a policy on a State-by-State basis. If we have some States that have a greater need, that is just tough.

The real answer here is to put the amount of money back in that we had 10 years ago, and we would not be down here scratching each other like we are scratching each now. If the amendment fails, we have done exactly what the gentleman from Minnesota [Mr. PENNY] says that he is opposed to, and that is a national viewpoint on water and sewer, because what Members do is force the Agriculture Secretary to take money that is not spent in that program and reallocate it to other programs. That is exactly what the intent of the legislation is. That is what occurs.

Therefore, what we have is another back-door way to even eliminate less money nationwide for water and sewer. We cannot cut it any other way. That is the way it works. If my State happens to benefit from it, so be it. However, we ought to be voting to put more money, not less money, in water and sewer. We ought to be looking at it on a nationwide basis. The amendment should pass overwhelmingly because it is the right thing to do. It does not gut this piece of legislation. H.R. 3581 will pass overwhelmingly after this amendment passes.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I appreciate what the gentleman says and I am in complete agreement with regard to increasing the funds.

The difficulty is with the budget situation we find ourselves in, as pointed out by the chairman of the Committee on the Budget. The funds simply are not there. I would like to see all aspects of rural development increased as far as funding. We desperately need it. There is no question about that. The point is, if we cannot increase funding, and simply having Members down here wishing it were so does not make it so. If we do not increase the funding, and funding has not been increased, the only thing that local people have asked for—not up here, local folks. Local folks ask for the flexibility. They say a program that is designed in Washington, DC, and straitjacketed on the entire Nation does not necessarily meet the needs in Oklahoma, does not necessarily meet the needs in Georgia, does not necessarily meet the needs in California.

The point that we are making in this legislation is, folks, we have not got the extra money to give people right now. The one thing that we can though, is let people take that money allocated for your State and use it the best way.

Mr. ANTHONY. Mr. Chairman, reclaiming my time, I understand the noble statement, but once we take away the nobleness of the statement and look at the stark reality of what happens nationwide, the amount of money is not asked for and spent, so it is pooled back. Therefore, what we are saying, rather than taking the pool and spending it back out on water and sewer, we are saying, spend it in some other category.

That is a back-door raid on water and sewer appropriations. I am in opposition to it. I think it is the opposite way to go. We ought to be down here having the guts to ask for more money, for all these programs, because that would really solve our problem. If we want to get into a budget debate, maybe that is where we ought to be debating it. But do not be fooled, this is a back-door raid against the national policy on water and sewer projects.

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

I support the amendment offered by the gentleman from North Carolina and urge its adoption.

We have heard an awful lot here this afternoon in this debate on this amendment, Mr. Chairman, about winners and losers. I do not know about all of that. If Members show me a good loser, I will show Members a guy playing golf with his boss.

The reason I rise in support of this amendment, Mr. Chairman, is because I think it is in the best interests of the Nation. My own district is now largely urbanized. I share the concerns of a great number of my colleagues, however, about the continuing economic and social problems which plague the small towns and settlements in rural America. Just as urban mass transit assistance is an important cornerstone for the economic well-being of more populous areas, the existing Farmers Home Administration water and sewer loan and grant program will continue to be an essential element in any meaningful future revitalization efforts for rural areas of our country.

The amendment offered by the gentleman from North Carolina [Mr. ROSE] will, in my view, protect this important program and prevent the scarce funds available for rural water and sewer loans and grants from being siphoned off for other, less basic, development projects and increased administrative overhead costs.

Mr. HOPKINS. Mr. Chairman, I rise today to support the amendment to remove the Secretary of Agriculture's authority to transfer appropriated moneys between various rural development accounts.

The Farmers Home Administration has built most of the rural water systems in Kentucky and throughout the United States.

These systems have made an outstanding contribution to rural economic development.

Kentucky's State FmHA office is recognized as an industry model in effeciency and effectiveness, and its role in providing funds, technical assistance, and fiscal management to rural communities is unsurpassed.

Anyone familiar with the operation of the FmHA rural water and waste water program clearly recognizes its importance. Clean water and safe sewage disposal systems are basic to the daily life and health of our Nation's rural communities.

I strongly support the continuation of the current mechanism, whereby FmHA apportions, approves, and administers these important funds.

The current system of apportioning money for rural water projects has worked well in Kentucky, and Kentucky currently has a backlog of $85 million in requests for this type of assistance.

Foldling these dedicated moneys into a larger pool would be detrimental to the interests of the many water districts in my State and is contrary to the interests of Kentucky as a whole.

Continuing efforts to extend treated water to rural residents will not be well served by transferring these funds to another pool.

Expanding the rural economy will be difficult without adequate infrastructure. The Rose amendment will ensure that Federal resources will be devoted to infrastructure projects that are essential elements for promoting economic growth.

Mr. Chairman, I urge my colleagues and fellow Kentuckians to support the Rose amendment.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from North Carolina [Mr. ROSE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROSE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded by their name:

[Roll No. 26]

Ackerman	Anthony	AuCoin
Akaka	Applegate	Baker
Alexander	Archer	Ballenger
Anderson	Armey	Barnard
Andrews	Aspin	Bartlett
Annunzio	Atkins	Bateman
Bates	Gaydos	Matsui
Bennett	Gejdenson	Mavroules
Bentley	Gekas	Mazzoli
Bereuter	Gephardt	McCandless
Berman	Geren	McCloskey
Bilbray	Gilman	McCollum
Bilirakis	Gingrich	McCrery
Bliley	Glickman	McCurdy
Boehlert	Gonzalez	McDade
Boggs	Goodling	McDermott
Bonior	Gordon	McEwen
Bosco	Goss	McGrath
Boucher	Gradison	McHugh
Boxer	Grandy	McMillan (NC)
Brennan	Grant	McMillen (MD)
Brooks	Gray	McNulty
Broomfield	Green	Meyers
Browder	Gunderson	Michel
Brown (CA)	Hall (OH)	Miller (CA)
Brown (CO)	Hall (TX)	Miller (OH)
Bruce	Hamilton	Miller (WA)
Bryant	Hammerschmidt	Mineta
Buechner	Hancock	Moakley
Bunning	Hansen	Mollohan
Burton	Harris	Montgomery
Bustamante	Hastert	Moorhead
Byron	Hatcher	Morella
Callahan	Hawkins	Morrison (WA)
Campbell (CA)	Hayes (IL)	Mrazek
Campbell (CO)	Hefley	Murphy
Cardin	Hefner	Murtha
Carper	Henry	Myers
Carr	Herger	Nagle
Chandler	Hertel	Natcher
Chapman	Hiler	Neal (MA)
Clarke	Hoagland	Neal (NC)
Clay	Hochbrueckner	Nielson
Clement	Holloway	Nowak
Clinger	Hopkins	Oberstar
Coble	Horton	Obey
Coleman (MO)	Houghton	Olin
Coleman (TX)	Hoyer	Ortiz
Combest	Hubbard	Owens (UT)
Condit	Huckaby	Oxley
Conte	Hughes	Packard
Cooper	Hutto	Pallone
Costello	Hyde	Panetta
Coughlin	Inhofe	Parker
Courter	Ireland	Parris
Cox	Jacobs	Pashayan
Coyne	James	Patterson
Craig	Jenkins	Paxon
Crane	Johnson (SD)	Payne (VA)
Dannemeyer	Johnston	Pease
Darden	Jones (GA)	Pelosi
Davis	Jones (NC)	Penny
de la Garza	Jontz	Perkins
DeFazio	Kanjorski	Petri
Derrick	Kaptur	Pickett
DeWine	Kasich	Pickle
Dicks	Kastenmeier	Porter
Dingell	Kennedy	Poshard
Dixon	Kennelly	Price
Donnelly	Kildee	Pursell
Dorgan (ND)	Kleczka	Quillen
Dornan (CA)	Kolbe	Rahall
Douglas	Kostmayer	Rangel
Downey	Kyl	Ravenel
Dreier	LaFalce	Ray
Duncan	Lagomarsino	Regula
Durbin	Lancaster	Rhodes
Dwyer	Lantos	Richardson
Dymally	Laughlin	Ridge
Dyson	Leach (IA)	Rinaldo
Early	Leath (TX)	Ritter
Eckart	Lehman (CA)	Roberts
Edwards (CA)	Lehman (FL)	Robinson
Edwards (OK)	Levin (MI)	Roe
Emerson	Lewis (CA)	Rogers
Engel	Lewis (FL)	Rohrabacher
English	Lewis (GA)	Ros-Lehtinen
Erdreich	Lightfoot	Rose
Espy	Lipinski	Rostenkowski
Evans	Livingston	Roth
Fascell	Lloyd	Roukema
Fawell	Long	Rowland (CT)
Fazio	Lowery (CA)	Rowland (GA)
Feighan	Lowey (NY)	Roybal
Fish	Luken, Thomas	Russo
Flake	Machtley	Sabo
Foglietta	Madigan	Saiki
Ford (MI)	Manton	Sangmeister
Frenzel	Marlenee	Sarpalius
Frost	Martin (IL)	Sawyer
Gallegly	Martin (NY)	Saxton
Gallo	Martinez	Schaefer

Scheuer
Schiff
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (FL)

□ 1457

The CHAIRMAN pro tempore (Mr. FROST). Three hundred eighty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from North Carolina [Mr. ROSE] for the recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will state this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 193, not voting 34, as follows:

[Roll No. 27]

AYES—204

Ackerman
Akaka
Alexander
Anthony
Aspin
Atkins
Ballenger
Bateman
Bates
Beilenson
Bennett
Berman
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Boucher
Boxer
Brennan
Bruce
Bunning
Cardin
Carr
Clarke
Clay
Clement
Clinger
Coble
Condit
Conte
Costello
Coughlin
Courter
Coyne
Davis
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Douglas
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Engel
Evans
Fascell
Fazio
Flake
Foglietta
Frank
Gallo
Gejdenson
Gibbons
Gordon
Goss
Grant
Green
Hammerschmidt
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Hopkins
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
James
Johnson (SD)
Johnston
Jones (NC)
Kanjorski
Kennedy
Kennelly
Kostmayer
Kyl
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowey (NY)
Machtley
Manton
Marlenee
Martinez
Matsui
Mazzoli
McCandless
McCollum
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Owens (NY)
Packard
Pallone
Panetta
Parker
Parris
Patterson
Payne (VA)
Pelosi
Perkins
Pickett
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Rinaldo
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Roybal
Russo
Sabo
Sangmeister
Savage
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Shaw
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stangeland
Stark
Stearns
Stokes
Studds
Tallon
Taylor
Thomas (CA)
Torres
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Waxman
Weber
Weiss
Whitten
Wolf
Young (FL)

NOES—193

Anderson
Andrews
Annunzio
Applegate
Archer
Armey
AuCoin
Baker
Barnard
Bartlett
Bentley
Bereuter
Bilbray
Bosco
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Coleman (MO)
Coleman (TX)
Combest
Cooper
Cox
Craig
Crane
Dannemeyer
Darden
de la Garza
DeWine
Dickinson
Dingell
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Feighan
Ford (MI)
Frenzel
Frost
Gallegly
Gaydos
Gekas
Gephardt
Geren
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Grandy
Gray
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Henry
Herger
Hiler
Hoagland
Holloway
Horton
Houghton
Huckaby
Inhofe
Jacobs
Jenkins
Johnson (CT)
Jones (GA)
Jontz
Kaptur
Kasich
Kastenmeier
Kildee
Kleczka
Kolbe
LaFalce
Lagomarsino
Laughlin
Leach (IA)
Leath (TX)
Levin (MI)
Lewis (GA)
Lightfoot
Long
Luken, Thomas
Madigan
Martin (IL)
Martin (NY)
Mavroules
McCloskey
McCrery
McCurdy
McDermott
McEwen
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Moody
Moorhead
Morella
Morrison (WA)
Murphy
Nielson
Ortiz
Owens (UT)
Oxley
Pashayan
Paxon
Pease
Penny
Petri
Pickle
Porter
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Rohrabacher
Rowland (GA)
Saiki
Sarpalius
Sawyer
Schaefer
Schuette
Sharp
Shays
Shumway
Skaggs
Slattery
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Staggers
Stallings
Stenholm
Sundquist
Swift
Synar
Tauke
Tauzin
Thomas (GA)
Thomas (WY)
Traficant
Unsoeld
Upton
Vander Jagt
Visclosky
Vucanovich
Walgren
Walker
Walsh
Washington
Weldon
Wheat
Whittaker
Wise
Wolpe
Wyden
Wylie
Yatron

NOT VOTING—34

Barton
Bevill
Borski
Collins
Conyers
Crockett
DeLay
Fields
Fish
Flippo
Ford (TN)
Gillmor
Guarini
Hayes (LA)
Kolter
Lent
Levine (CA)
Lukens, Donald
Markey
Mfume
Morrison (CT)
Nelson
Oakar
Payne (NJ)
Sensenbrenner
Smith (NE)
Stump
Tanner
Torricelli
Watkins
Williams
Wilson
Yates
Young (AK)

□ 1506

Messrs. SMITH of Vermont, PASHAYAN, and SHAYS changed their vote from "aye" to "no."

Mr. PURSELL and Mr. HERTEL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TANNER. Mr. Chairman, I rise today to extend my congratulations to the Committee on Agriculture for bringing to the floor the Rural Development Act. This is a much-needed piece of legislation that should provide badly needed Federal attention to assist in economic development in rural areas of this country.

There is overwhelming evidence that rural areas are behind their urban cousins in achieving the economic growth necessary to provide job opportunities for their people. There is a rising sense of unease among rural people that their traditional values, their hope for a better life for their children, and in many cases their communities themselves may no longer be viable as economic progress stagnates.

This bill reaffirms traditional Federal support for programs to assist rural communities in controlling their own destiny and not be abandoned by decisions in far away financial markets over which they have no control. I urge passage of this legislation as a way of telling rural communities that the Federal Government is committed to their future.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this for two purposes: First, that information and debate on the amendment just adopted was inaccurate in some points, misrepresented in other points. We feel that the membership was not fully enlightened as to the impact of the amendment. Therefore, I feel that we owe an obligation to the membership that accurate information be presented to them.

The second point is that the leadership had asked us, if at all possible, that we rise by 3 today. That time having passed and because of the need to further edify the Members as to the accuracy of the legislation, I think that it would be better if we delay this to another time.

Accordingly, Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1510

Accordingly the Committee rose; and the Speaker pro tempore (Mr. OBERSTAR) having assumed the chair, Mr. FROST, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present I would have voted "aye" on rollcall Nos. 25 and 27.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished gentleman from Texas [Mr. FROST] the program for next week.

Mr. FROST. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, let me, if I may quickly, announce the program for the balance of this week and next week. The legislative program is as follows: The House will not be in session tomorrow. On Monday, March 19, the House meets at noon, no legislative business. On Tuesday, March 20, the House meets at noon. Six bills are under suspension. Recorded votes on suspensions will be postponed until after debate on all suspensions.

The bills to be considered under suspension are:

H.R. 4167, to provide for short-term extension of the strategic petroleum reserve;

H.R. 3834, Selma to Montgomery National Trail Study Act;

H.R. 2566, to disclaim any interest of the United States in certain lands on San Juan Island, WA;

H.R. 2692, amending the Woodrow Wilson Memorial Act;

H.R. 509, Coast Guard Bicentennial Medal; and

H.R. 3182, Yosemite National Park Centennial Medal.

On Wednesday, March 21 and Thursday, March 22, the House meets at 2 p.m. on Wednesday and 11 a.m. on Thursday. Under consideration on those days will be:

H. Res. 346, providing expenses for investigations and studies by standing and select committees on the House, 1 hour of debate;

H.R. 3847, to establish a Department of Environmental Protection, as amended, subject to a rule; and

H.R. 644, to amend the Wild and Scenic Rivers Act by designating the East Fork of the Jemez and Pecos Rivers in New Mexico, subject to a rule.

Friday, March 23, the House will not be in session.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished gentleman if he can inform us as to when child care will be on the floor. I know that it is not scheduled for next week, but there was some indication in a conversation with the Speaker that it might be up next week, although he said, if not, the following week, and that, of course, being as controversial as it is, Members would surely want to be present when we debate that issue.

Mr. FROST. If the gentleman will yield further, in response to the distinguished minority leader, it is my understanding the Speaker does want this legislation considered by the end of March, and we are making progress toward that end. It is not on the schedule for next week as of this point, but it is the Speaker's intention that it be considered by the end of March.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to say for the record that child care is an extremely important issue, that there are a number of people across this country who have a very, very real interest in this, and that nothing could be more disastrous to sound legislation than to try to produce a child-care bill magically on a Tuesday and vote on it on a Thursday.

It would seem to me that the Democratic leadership owes it to the country to produce their version of child care on a Wednesday or Thursday and allow a weekend to intervene before rushing to a vote. It would be literally impossible for Members and for interested constituencies around the country to analyze a child-care bill which did not come out of committee and did not have a normal amount of time to be looked at, and that I would very strongly urge the Democratic leadership to initially bring the child-care bill out, their proposal, with adequate time for it to be analyzed.

Mr. MICHEL. I thank the gentleman for his comment.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FROST. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. OBERSTAR). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 19, 1990

Mr. FROST. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. OBERSTAR). Is there objection to the request of the gentleman from Texas?

There was no objection.

THE PRESIDENT'S ANTICRIME PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Madam Speaker, I have taken this 5 minutes today to discuss with my colleagues a very important piece of legislation and to bring to their attention some of the provisions of that piece of legislation. That is the President's anticrime package.

The President's anticrime package was sent up last May to Congress, introduced in June by the gentleman from Illinois [Mr. MICHEL], and has been in the Committee on the Judiciary ever since then.

The chairman's decision was not to refer it to any particular subcommittee but, rather, to advise by letter each of the subcommittee chairmen of the presence of that bill and to ask that they proceed to mark up or at least have hearings on the portions that were relevant to their subcommittee.

□ 1520

Based on an assessment we have done this week, to date only the Crime Subcommittee in the area of assault weapons has looked at this crime package and has held hearings on it. That is very unfortunate.

There are several very important provisions in this package that need to be brought out, need to be voted on, and that the American public would be served best by having out here this year sooner rather than later. One of those is a provision that would revise the capital sentencing laws of this country so that we can put the death penalty back in place again for things like kidnaping, murder for hire, and killing of prison guards and the like. We have been after that for years, since the Supreme Court ruled unconstitutional some of the procedures up here. States have done it; we have not.

Another one is the provision that would eliminate these endless appeals that go on after somebody is convicted of a crime. The habeas corpus laws of this Nation have been grossly abused, and Members on both sides of the aisle have wanted that reform a long long time. The gentleman from Florida [Mr. BENNETT], introduced a piece of legislation on that when I first came to this Congress. Yet that is in the

President's crime package, and now has his endorsement, but it has not seen hearings or the light of day yet this year.

It is my intent to talk about those and to talk about the changes in the exclusionary rule over a period of time, with some of my colleagues joining me in special orders not only today, but next week and the week after, and so on until we are able to at least explore with my colleagues what this package is really all about.

For a brief moment or two that is left in this 5-minute segment I would like to talk about the exclusionary rule changes the President has proposed, along with others. That is a somewhat long name. Most people do not understand it. But it is a court law, a court rule, not something by statute, the excludes from evidence in a criminal trial those items that might have been seized by a police officer in a search if the search was unconstitutional in some way. The question involved is that there are some exceptions to those rules that would allow evidence to more easily be presented, such as drug contraband that is seized, if we simply changed the laws to conform, or warrantless searches to the same that the courts have ruled on under searches with warrants, and there is no reason why we cannot do that. It is basically a technical decision to be made, and yet we are told by experts in law enforcement that this would make a great difference in terms of getting convictions in drug cases and other major crime cases around the country.

We have been after this for a long time. It was 1984 when the court decision came down on searches with warrants. I do not see why we cannot go to the warrantless searches and do the same thing.

There are examples about this warrantless search. It could be in a case where an accused gave consent, and perhaps the reason why the evidence is being excluded is because of the fact that the police officer really did not know that there was a problem involving some constitutional matter, and in those cases where he exercises good faith, he ought to be allowed to proceed with the evidence being taken in, even if the search was unconstitutional technically.

The studies done also on the exclusionary rule generally show that the reason for it is not very valid overall. It was designed to deter police officers from making these intrusions and these violations of constitutional rights. That has not been the case. It has not been effective in doing that.

But the President's package does not propose abolishing the rule that the courts go by, by their own reasoning in excluding this evidence. But it does provide a measure of modification that is responsible and reasonable.

Again, over the next few days we intend to point out some very specific examples of how these changes could affect actual cases and would have affected these cases that have already been tried in the courts of this Nation and the evidence has not been allowed and the convictions not obtained. I think it is important again that we understand this and we understand the other components of this bill and this package, because we need to have a vote on the President's crime package in this Congress and to get it through the subcommittees and committees this year, now, not later.

REINSTITUTING THE DEATH PENALTY

The SPEAKER pro tempore (Mrs. UNSOELD). Under a previous order of the House, the gentleman from New Hampshire [Mr. DOUGLAS] is recognized for 5 minutes.

Mr. DOUGLAS. Madam Speaker, the reason I want my remarks to follow those of the gentleman from Florida [Mr. MCCOLLUM] is that he and I both serve on the Crime Subcommittee of the House Judiciary Committee. This week we had hearings on the death penalty, something that 80 percent of the American public supports. But I do not think the American public knows what the House Judiciary Committee has done to the death penalty.

What it has done is to basically kill the death penalty. It has killed it by inaction, not action. What we have done is to refuse to bring the death penalty provisions of the Federal laws into compliance with Supreme Court opinions.

That is one of the things that we were hearing this week in an attempt to change a rather bizarre situation in America. Right now people on death row stand a greater chance of dying of natural causes than they do of the death penalty. That is the result of Justice Powell's study on habeas corpus, and that is one of the brutal facts of life, that we have more people dying on death row just waiting there than we do by the punishment that our society wants exacted and that our courts have meted out.

How long do they tend to wait on death row, and how long does the case take before they even get the finality of judgment? On average it is 6.8 years, and 7 years is too long to grind around in the judicial system and to keep appealing, and appealing and appealing. We need to act in the Judiciary Committee and get to this House a bill that cleans up the death penalty, expands it into the case of drug kingpins who are killing thousands of people a year through AIDS needles, through the sale of drugs to kids, and we need to do all of that this year.

If we are going to have a war on drugs, somebody should be dying, and it should not be America's teenagers. It should be the drug kingpins.

We need to reform the judicial process so that we do not take 7 years to have a case grind through the system and keep coming back over and over again.

So I join with the gentleman from Florida [Mr. MCCOLLUM] and my Republican colleagues on that committee in urging the Democrats who control that committee, and have controlled this House since Eisenhower in 1954, to get on with it, get the bill out of the committee, and let us come down here and do what people pay us to do: Vote on it.

FAA 6-POINT PROGRAM TO DEAL WITH DRUG ABUSE AMONG COCKPIT CREWS ON COMMERCIAL AIRLINES

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBERSTAR. Madam Speaker, the Administrator of the Federal Aviation Administration issued a 6-point program to deal with an extraordinary situation of alcohol abuse among the cockpit crews on commercial airlines. The 6-point program is an effective, thoughtful response to an unusual situation that could have had widespread effects had the FAA not responded as decisively as it did.

This six-point program will assure that all FAA inspectors at all stations across this country and all other FAA personnel on station who have safety or related responsibilities will be trained to deal with drug or alcohol problems among the cockpit crew and will not know how to respond in the future. This training will be incorporated into the curriculum of newly hired personnel of the FAA. The program will involve the Administrator himself in a massive nationwide training program to be conducted additionally later this summer.

Madam Speaker, I will include for the RECORD the statement of the Administrator including the 6-point program he has announced, because it is so vitally important to aviation safety:

FEDERAL AVIATION ADMINISTRATION,
Washington, DC, March 14, 1990.

To all Flight Standards Inspectors:

From time to time, inspectors receive tips from informants, some of them anonymous, alleging that a crew member is violating or will violate the agency's alcohol- or drug-related regulations. When this information is specific enough to permit further investigation, standard agency procedures currently in force demand that the investigation be considered of the highest priority to prevent any threat to public safety.

In cases where you receive information sufficient to warrant further investigation

of the allegations, it is imperative that you promptly share with the carrier the information you have received and the steps you intend to pursue. Airline management shall be given pertinent information and shall be urged to assist the agency in the investigation.

Therefore, effective immediately, the Flight Standards organization that initiates an investigation into allegations that a flight crew member has or might operate an aircraft in violation of the agency's alcohol- or drug-related regulations shall:

Notify promptly airline management that such an investigation is being initiated, and

Urge airline management to assist the agency in the conduct of the investigation.

This notification should be accomplished using the most effective means available which is typically through the FAA Operations Center in the field.

Inspectors who receive tips relating to alleged violation of alcohol- or drug-related regulations shall notify immediately their supervisors and the appropriate certificate management office. Through coordinated teamwork within the FAA and with industry, we will be able to fully assess the allegations and make the right decisions to protect the public safety.

Within a few days, we will provide all Flight Standards employees with a summary of procedures to be used in these cases so you understand the actions to be taken and the authorities currently in place.

JAMES B. BUSEY,
Administrator.

ADMINISTRATOR'S SIX POINT PROGRAM

1. Procedural change.—Effective immediately, in cases where FAA receives information sufficient to warrant further investigation of an allegation that a crew member is violating or will violate the agency's alcohol- or drug-related regulations, the investigating inspector shall promptly share with the carrier the information received and the planned course of action. This will enable the carriers to institute promptly their own internal investigation. This procedural change was effected by notice to all Flight Standards facilities on March 14.

2. Summary of procedures and authorities.—The Administrator will provide to each facility a "quick reference" guide summarizing the existing agency procedures to be followed in investigations of this nature. The guide will also outline the steps to be taken to implement, if necessary, existing FAA authority to take any actions needed to prevent a flight from taking place with a crew that FAA has reason to believe is likely to be in violation of the agency's stiff anti-alcohol or anti-drug rules. This will be accomplished within a few days.

3. Letter to CEO's.—The Administrator will write to CEO's of all "major" and "national" airlines, as well as the CEO's of Washington aviation lobby organizations, expressing his personal conviction that enforcement of these regulations must continue to receive the highest priority. He will remind them of their fiduciary duty to the travelling public to join us in this effort, and provide them with a copy of our procedures and authorities summary. This will be completed next week.

4. Administrator's video message.—The Administrator will deliver a personal message to all Flight Standards employees that they must continue to place highest priority in the investigation and resolution of all alcohol- and drug-related complaints which come to the attention of the agency. This message will be videotaped and distributed to all Flight Standards facilities within about two weeks.

5. Inspector training.—The agency has planned a series of compliance and enforcement training seminars for all agency inspectors and attorneys. The Administrator has directed that a session be added to these seminars to deal specifically with the issues discussed above. These seminars will be completed by late summer.

6. Review and revision of inspector initial training.—The agency will review all training material and the curricula used in initial training of all Flight Standards inspectors (both general aviation and air carrier specialties). This training program, which is given at the FAA Academy in Oklahoma City, will be revised to gather all alcohol- and drug-related material discussed throughout the 9 to 16 week series into one place, so that it will be brought into sharper focus and its priority more clearly stressed. The new training curricula will be completed by late summer.

AMENDING PASSIVE ACTIVITY LOSS LAWS RELATING TO A FEDERALLY DECLARED DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, I rise today to introduce legislation that will bring much needed relief for individuals who have incurred passive losses due to the recent natural disasters that have struck California and South Carolina.

As we all know, these disasters have caused extensive damage to businesses in these two areas. Unfortunately, many accounting provisions contained in the Internal Revenue Code that are inadvertently working against our efforts to rebuild the disaster devastated areas.

Under current law, many individuals who have invested substantial amounts of their savings in area businesses are not allowed to deduct those losses from other passive income if the loss was associated with a natural disaster. There is no justification for this loophole in the Tax Code.

My bill would amend section 469 of the Internal Revenue Code to allow those losses associated with a natural disaster to be applicable under the same laws as other passive losses for deduction purposes. There is precedent for such an amendment to section 469. As you know, Congress exempted the oil and gas industry from having to meet the current criteria for passive loss deductions. This was done in an effort to promote investment in a very important but struggling industry. Therefore, if the Congress is willing to amend the code to help an entire industry, we should certainly help those individuals who have lost their savings due to an act of nature.

I have also been alerted to two additional problems in the Tax Code due to the recent disasters. Under section 473 of the Internal Revenue Code, businesses must determine their tax liability on inventory based on previous year's inventory. Unfortunately, due to the disaster, many businesses in my district are unable to replace their entire inventory and therefore will have to base those calculations on the first year they opened up for business. My bill would allow a waiver of this law for those businesses affected by a natural disaster. I do not think it is reasonable that a business must replace their entire inventory while at the same time they are having to literally pick up the pieces of their business.

Last, my bill would help meet the expenses of demolition costs that many businesses can not afford. As you know, the Tax Code does not allow for the deduction of demolition costs associated with a natural disaster. As a result, many businesses who are barely able to afford the rebuilding costs are threatened to use up valuable resources to pay for its demolition. This was not the intention of the Federal Government. The bill would simply allow for the full deduction of costs associated with the demolition of a business due to a natural disaster.

It is my hope that the Congress will continue to review accounting provisions of the Tax Code to ensure that those individuals and businesses that have been devastated by natural disasters will have a fighting chance to rebuild their lives and businesses.

The text of the bill follows:

H.R. 4290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF DEMOLITION COSTS ATTRIBUTABLE TO DISASTER.

Section 280B of the Internal Revenue Code of 1986 (relating to demolition of structures) is amended—

(1) by inserting "IN GENERAL.—" after "(a)", and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE FOR DEMOLITION COSTS ATTRIBUTABLE TO DISASTER.—

"(1) IN GENERAL.—Subsection (a) shall not apply to any demolition required as a result of damage attributable to a federally declared disaster occurring after Septemper 1, 1989.

"(2) FEDERALLY DECLARED DISASTER.—For purposes of paragraph (1), the term 'federally declared disaster' means any disaster referred to in section 165(i)."

SEC. 2. TREATMENT OF DISASTER LOSSES UNDER PASSIVE ACTIVITY LOSS RULES.

Subsection (j) of section 469 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(13) DISASTER LOSSES.—

"(A) IN GENERAL.—The passive activity loss of a taxpayer shall be computed without regard to any loss attributable to a federally declared disaster occurring after September 1, 1989.

"(B) FEDERALLY DECLARED DISASTER.—For purposes of subparagraph (A), the term 'federally declared disaster' means any disaster referred to in section 165(i).

"(C) INCOME IN SUBSEQUENT YEARS.—If any taxpayer has any loss for any taxable year from an interest in property which is, pursuant to subparagraph (A), not treated as a passive activity loss, then any net income from the property (or any other property the basis of which is determined in whole or part by reference to the basis of such property) for any succeeding taxable year shall, to the extent of such loss, be treated as

income of the taxpayer which is not from a passive activity."

SEC. 3. ADJUSTMENTS TO GROSS INCOME FOR DELAYED REPLACEMENT OF INVENTORY ATTRIBUTABLE TO DISASTER.

(a) IN GENERAL.—Clause (i) of section 473(c)(2)(B) of the Internal Revenue Code of 1986 (relating to qualified liquidations of LIFO inventories) is amended by striking "or" at the end of subclause (I), by inserting "or" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) any federally declared disaster occurring after September 1, 1989,".

(b) DEFINITION.—Subsection (d) of section 473 of such Code (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(6) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster referred to in section 165(i)."

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 473(c)(2) of such Code (relating to definition of qualified inventory interruption) is amended by striking "or interruption" and inserting ", interruption, or disaster".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

□ 1530

ANNUNZIO SUPPORTS "PAY-AS-YOU-GO" BUDGET PROPOSAL

The SPEAKER pro tempore (Mrs. UNSOELD). Under a previous order of the House the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Madam Speaker, it has been my deep-seated belief that the Federal Government ought to conduct its business like the household of the average taxpayer. It should not spend more than it receives in revenue, just like the average head of a household can't spend more than he or she earns without going into a deep black hole of debt. The Government should not go into catastrophic debt to acquire the programs it wants. If the Government decides it wants a program, it should have the funds to pay for it immediately. The Government should not mortgage the future of our children and our grandchildren by shouldering them with a debt that they had nothing to do with but would require them to pay for.

In less than the decade of the Reagan and Bush administrations' policies, the national debt has tripled to $2.2 trillion, a burden that has been placed on future generations. Paying interest on the national debt is now the third largest category of spending, led only by defense and Social Security. The huge debt has become a national embarrassment.

Mr. Speaker, it is for that reason that I have joined in sponsorship of legislation introduced by Budget Committee Chairman LEON E. PANETTA to establish a rational and effective "pay-as-you-go" process which would balance the Federal budget, without counting the Social Security surplus, by 1998. The measure would repeal the deficit-reduction law—better known as Gramm-Rudman-Hollings—which Congress enacted 5 years ago, and replace it with a budgeting system that promises more modest but less illusory annual reductions in the Federal deficit.

The legislation proposes a relatively simple formula which would produce both 1-year and long-term deficit reduction and require new spending increases or tax cuts to be paid for by either offsetting spending cuts or tax increases. The plan would require any spending increases or tax cuts to be offset dollar for dollar by additional revenue or other spending reductions, except for Social Security expenses and increases in other mandatory benefit programs driven strictly by demographic changes.

Between now and 1993, the new process would be designed to achieve real deficit reduction of at least $30 billion annually, about the same rate as the Gramm-Rudman law. After 1993, it would reduce the remaining non-Social Security deficit at a rate of about $20 billion each year.

The basic principles of the Panetta "pay-as-you-go" plan, which I endorse, are: Most spending is assumed to be held to the previous year's level, the deficit declines because revenues continue to grow due to economic growth while spending is restrained and spending beyond the previous year's levels or tax measure which would reduce revenues must be paid for with offsetting spending cuts and tax increases.

The proposal establishes a new budget timetable and eliminates many of the accounting gimmicks that have prevailed under Gramm-Rudman. It also replaces the across-the-board spending cuts, or sequestration, that Gramm-Rudman imposes as an enforcement tool with rules that prevent consideration in the House and Senate of any measures which violate the pay-as-you-go limits.

Mr. Speaker, Budget Chairman PANETTA went into great detail on his proposal when he introduced the legislation on January 31, so I will not repeat here the intricate workings of the process. It is spelled out in the CONGRESSIONAL RECORD. I would like to say, though, it is a proposal whose time has come. We have achieved little in terms of true deficit reduction. Gramm-Rudman has not proved to be the answer; it has, instead, become part of the problem. The Panetta proposal will provide true budget discipline. It sends a simple message: If you want to increase spending or reduce taxes, then find a way to pay for it. We don't need more gimmicks. No more spending cuts that are really increases. No more pretending that tax cuts reduce deficits. Let's pay for the programs we want and not put future generations in hock.

INTERGOVERNMENTAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, I am pleased to introduce today a bill to improve the efficiency of management of funds transferred between the Federal Government and the States to finance Federal assistance programs.

The Federal Government transfers over $100 billion annually to the States and local governments in order to carry out Federal programs. For years, there has been disputes between the Federal executive agencies and the States over the timing of these cash transfers. The Federal agencies have been concerned that the States draw down on the Federal program funds in advance of State disbursement of such funds, thereby earning interest on Federal cash. The States, on the other hand, point to instances where they have had to advance moneys to fund Federal programs, such as highway construction, and absorb the cost for these funds while awaiting Federal reimbursement.

Similar in its provisions to S. 926, which passed the Senate on August 4, 1989, this bill would require the establishment of consistent and uniform procedures within each State for the management of Federal cash transfers. As an incentive for the timely transfer and disbursement of Federal program funds, the bill provides for interest payments to the Federal Government in the event of early drawdown by the States, and interest payments to the States if there should be late disbursement of Federal program funds by Federal agencies.

Mr. Speaker, I believe that this bill will add needed equity into the system of cash transfer for support of Federal assistance programs. In addition, the Congressional Budget Office has estimated that the requirements for interest payments will result in a net savings to the Federal Government of $50 million per year. The General Accounting Office, the Office of Management and Budget, and the Department of Treasury are all in support of the concepts outlined in this bill. We will have hearings on this bill, and anticipate reporting this bill to the full House in the near future.

THE 223D ANNIVERSARY OF THE BIRTH OF ANDREW JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT], is recognized for 60 minutes.

Mr. CLEMENT. Madam Speaker, today, March 15, is the 223d anniversary of the birth of Andrew Jackson. As the 37th individual to succeed Andrew Jackson in representing the district which includes Nashville and Jackson's home, the Hermitage, I am proud to join in today's celebration of Jackson's birth.

As my fellow citizens know, Andrew Jackson was our Nation's seventh President, serving two terms from March 4, 1829 to March 3, 1837. Andrew Jackson was also Tennessee's first Representative to the U.S. House of Representatives, being elected shortly after Tennessee's admission in 1796 as a State into the Union.

Andrew Jackson represented what is called the Hermitage district, which incorporates Davidson County, TN, and which is named after Jackson's beautiful home just outside Nashville. I am proud to be one of the individuals elected to succeed Jackson and to represent his home, the Hermitage, and the half million individuals who reside in what is now Tennessee's Fifth Congressional District.

Andrew Jackson was born into a life of hardship, suffering, and deprivation. His father died in 1767, a few weeks before Jackson's birth in the Waxhaw settlement of South Carolina, a tragedy that set the tone for Jackson's early life. He lost two brothers during the American Revolution, and he, himself, almost died as a result of a sword wound from the hand of an angry British officer and from smallpox which he contracted while in prison. A final blow during childhood was the loss of his mother while she administered to sick relatives aboard ship in Charleston Harbor. At age 14 Jackson was orphaned and cast upon the world to fend for himself. Some believe that this experience forged the fiercely independent spirit and enormous strength of will that characterized Jackson's personality.

After the Revoluntionary War, Jackson briefly pursued the saddlery trade and schoolteaching but in 1784 decided to study law, a profession which was often a key to leadership in early America. Licensed as an attorney in 1787, he became prosecutor of North Carolina's western district across the Appalachian Mountains, which included the territory that later became the State of Tennessee. Jackson came to Nashville in the fall of 1788 and cast his future with this community, where he remained for the rest of his life. Three years later he married Rachel Donelson Robards, who was a member of one of the first families of the Cumberland basin. By this act, Jackson acquired a network of relatives, many of whom became business partners and companions, and whose financial and personal problems Jackson adopted as his own. His sense of family responsibility was extravagant even for the time in which he lived.

Upon arriving in Nashville, Jackson moved quickly to assume leadership in Tennessee politics. His alliance with William Blount, Tennessee territory's first Governor, proved fortuitous, for Jackson was elected successively a member of the Tennessee Constitutional Convention in 1796, Tennessee's first Member of the U.S. House of Representatives upon the State's admission to the Union that same year, and as a U.S. Senator in 1797.

In 1798 Jackson was appointed a superior court judge, a position requiring him to ride circuit to hold court at Knoxville, Jonesboro, and Nashville. He occupied the bench for 6 years and, although only a few of his decisions survive, students of his legal career are impressed with the studied logic and soundness of his judgments.

Jackson's early career shows little in the way of a polished political philosophy. However, from the start Jackson was a strong advocate of western rights to deal with the Indians as seemed to the West appropriate. He was also an advocate of trade wherever the Western economy dictated in spite of Spanish restrictions on use of the Mississippi River, and of keeping the Federal Government on a tight budget in order to contain its growth.

The financial base for Jackson's career rested primarily on land, which he came to rely upon for his chief means of support through speculation and cultivation. Compared to the great land speculators of the day, however, Jackson was a small investor. He had learned the dangers of speculation in the late 1790's when he came perilously close to bankruptcy.

In 1804 Jackson purchased a farm in Davidson County, just outside Nashville, which he called the Hermitage. The Hermitage is now a national historic landmark, supported and maintained since 1889 by the Ladies' Hermitage Association. I want to extend an invitation to my colleagues and their families to visit the Hermitage and see America as it was more than 150 years ago, when Andrew Jackson returned from Washington to live in the fine Greek revival house.

At the Hermitage, Jackson cultivated cotton for the New Orleans market with slave labor. He also operated general stores for several years with a succession of partners. A cotton gin and a still seemed to be natural concomitants of his farming operation. And one time he made a serious but unsuccessful effort at salt mining.

Within 15 years of his arrival on the western frontier, Jackson had achieved a good measure of success as a social and political leader, a gentleman farmer-businessman, and a respected lawyer and judge. His quick intellegence and native shrewdness, his enormous physical courage, resourcefulness, and dedication to duty were qualities early apparent in Jackson. These qualities would determine success on the battlefield and during his presidency of the country.

These qualities were also evident during his tenure as a Member of the U.S. House of Representatives during the fourth and fifth Congresses.

As I mentioned, in 1796, when Tennessee was admitted to the Union as the 16th State of the new Nation, Jackson was elected to serve in the Congress which, at that time, met in Philadelphia.

Albert Gallatin, a Representative from Pennsylvania who later served as Secretary of the Treasury under Presidents Jefferson and Madison, remembered seeing Jackson on his arrival in Philadelphia. Gallatin later described Jackson as "A tall, Lank, uncouth-looking personage, with long locks of hair hanging over his face, and a queue down his back tied with an eel skin; his dress singular, his manners and deportment those of a rough backwoodman."

According to most historians, Gallatin's description is a distortion. To depict Jackson as uncouth, ill-mannered, and dressed in a bizarre costume is more fancy than reality. In fact, Jackson has a Philadelphia tailor who provided him before the start of the congressional session with a black cloth coat with velvet collar, a pair of Florentine breeches, and sundry other items of apparel. There may have been rough spots, in Jackson in 1796, but he had been to a big eastern city before and he knew how gentlemen dressed. As one of the first men of Tennessee and our State's single Representative, he would no more walk into Congress outlandishly dressed than he would deliberately outrage Cumberland society. And, as an early biographer noted, Gallatin's description was unrecognizable to Jackson's friends.

But Jackson was also passionate in his beliefs. Another observer, Thomas Jefferson to be exact, said that Jackson had violent passions and that when he attempted to make a speech he was unable to go on with it because he "choked with rage." With certain allowances for the exaggerations of an enemy, the charge is thought to be well-founded. Jackson may have felt too strongly to express himself in extempore speeches; but ready speechmaking was not essential to political success.

Nonetheless, Philadelphia, a city of 65,000 people, offered a rare opportunity for a young westerner as intellegent, ambitious, and socially mobile as Andrew Jackson. His close relationship with Tennessee's first Governor, William Blount, afforded Jackson many social connections in the city and it is believed that Jackson enjoyed a rich social life.

Unlike many other Congressmen, Jackson was present December 5, 1796, when the second session of the 4th Congress convened. He found himself in the company of many distinguished statesmen and Founding Fathers. But such a coterie of prominent individuals did not intimidate Jackson nor prevent him from showing independence and courage.

Just a few days before Congress convened, President George Washington had, in his farewell address, called for the creation of a Navy to protect American commerce in the Mediterranean, suggested Government aid to manufacturers, recommended a national university and military academy, and denounced the assault on American ships by French cruisers. He ended with the wish that the Government the Founding Fathers had instituted for the protection of American liberties would be perpetual. In many respects, the tone of the speech was mildly partisan.

The House appointed a committee to prepare a formal reply to President Washington's Address. The reply was full of extravagant praise and intended as an appropriate, albeit similarly partisan, farewell to the Father of the Country. On December 11, the reply was reported out of the committee and, for 2 days, debated on the House floor. It soon became apparent that not every Representative approved of the lavish tributes heaped by the committee on Washington.

A recorded vote was demanded on the resolution and, among those opposing it, was Andrew Jackson. Years later, when Jackson himself ran for the Presidency, the vote was remembered and used against him. Some believed that anyone showing the slightest disrespect to Washington during his lifetime was a traitor and certainly did not deserve to follow Washington into the White House.

But historians have concluded that Jackson's vote took courage and independence, even if it showed a lack of respect. Jackson had believed that the treaty with Great Britain negotiated by Washington's Secretary of State, John Jay, was a stain on the honor of the Republic. Jackson believed that the Washington administration was too tolerant of Indian massacres in Tennessee. Despite pleas for help, the administration had done nothing. Last, because of his revolutionary experiences, Jackson did not agree with Washington's sympathy for England against France. He saw England thwarting further western expansion and knew of England's role in fomenting attacks along the frontier.

Jackson also believed that Washington has retaliated against those individuals who professed "Republican principles." He believed that several individuals had been removed from office because they did not think exactly with the Executive. Jackson said in a letter to another young Congressman that:

The Executive of the Union has ever since the commencement of the present Government, been grasping after power, and in many instances, exercised powers, that he was not constitutionally invested with.

To those historians of the Jacksonian era, the irony of these charges is clear.

With the vote against the resolution commending Washington, Jackson teamed with other Congressmen who shared his conservative philosophy of government. They interpreted the Constitution narrowly and were concerned that the privileges of the States would be usurped by the Central Government. Jackson and his conservative allies were opposed to all but the most necessary of Federal appropriations. And, in identifying himself with his faction, he reinforced his own conservatism, which was grounded in western concern for the rights and sovereignty of the States.

In a letter Jackson wrote in January 1797, a month after the session began, he said that:

The legislature of the Union progress slowly in business. The greater part of the time as yet have been taken up in committee preparing business for the House. It is much talked of to increase the salaries of the officers of Government and to lay a deficit tax, neither of which I hope will take effect.

It is surprising how similar sessions 200 years ago are to today's.

Jackson is reported to have been for the most part a quiet freshman Congressman. As promised, he voted against the direct tax when it came up for final consideration. Otherwise, it is believed that he took counsel for his more senior conservative colleagues.

But then he received a petition from a soldier asking for compensation for services in an offensive attack against the Indians which had been led by Gen. John Sevier in 1793. President Washington has refused to honor the petition, claiming he needed congressional authorization to do so. The House Committee on Claims brought the petition to the floor of the House, but with a report which said that the Indians had "greatly perplexed and harassed" the settlers of Tennessee by "thefts and murders" but asked the House itself to judge how far these "aggressions * * * constitute a case of imminent danger, or the expedition a just and necessary measure." The committee stated that the attack was offensive, undertaken without Presidential approval, and in defiance of general orders from the War Department not to wage war against the Indians unless attacked.

The report deeply angered Jackson. He believed that it clearly implied that the Tennesseans had acted improperly. In his remarks on the House floor, Jackson countered the implication that the attack was unjust and unnecessary. Indeed it was just and necessary. Jackson said:

When it was seen that war was waged upon the state, that the knife and tomhawk were held over the heads of women and children, that peaceable citizens were murdered, it was time to make resistance.

"As an inhabitant of the country," Jackson claimed full knowledge of the facts. He asserted that the militia had acted entirely on the defensive for months preceding the attack. But, despite peacekeeping efforts, some 1,200 Indians suddenly attacked and it became necessary for the militia to adopt measures for pursuing the enemy. Indeed, the measures had been authorized by the territorial secretary. Thus, Jackson, argued, the expedition was necessary and the claim of the soldier-petitioner was legitimate.

Jackson went further. He moved that since the expedition was just and necessary all expenses for everyone involved should be paid by the Government, not just the expenses of the soldier who had initially petitioned the Congress.

The committee on claims report was debated. Several Representatives argued that the entire matter should go back to the committee on claims for further consideration. Then, like now, such a move would do more than temporarily dispose of the issue, it would permanently kill consideration of the issue. The House adjourned for the day without taking action of the report.

When the session reconvened the next afternoon, Jackson asked to address the full House when his resolution was taken up again. In a speech bound to generate enthusiasm at home, Jackson outlined several basic principles that were constants throughout his later life, particularly during his later military career. Jackson spoke of authority and responsibility, subordination and obedience, discipline and loyalty. Jackson's ideas were strict and allowed no room for compromise. The expedition soldiers obeyed orders properly authorized and governments were to support and defend their soldiers regardless of expense or the risk of embarrassment.

As reported in the "Annals of Congress," Jackson said that if this vote was refused, the discipline of the militia would be destroyed; the private soldier ought now have to determine the authority of the officer who called him into the field; it was his to obey, and if the call was illegal the solider should not have to suffer for the error of his superior by losing his pay.

Jackson's speech earned him a measure of respect among his colleagues. And, in the long debate that followed, one Virginia Representative observed that Jackson had set the matter in "so fair a light" that it was really not necessary to say anything further. Nevertheless, James Madison, a Representative also from Virginia, felt compelled to add his voice of support to Jackson's position, agreeing that the Government had made a commitment that extended to every man who served in the campaign.

Finally, the matter was referred to select committee chaired by Jackson, and composed of Jeremiah Smith of New Hampshire, Thomas Blount of North Carolina—brother of Tennessee Gov. William Blount—George Dent of Maryland, and Robert Goodloe Harper of South Carolina.

About a month later, on January 17, the select committee issued its report in strong, clear, dispassionate language. After describing the events that occurred during the expedition, the report stated that there were two questions: Was the expedition essential for the defense of the frontier? And was the authority of the territorial Governor such as to oblige the militia to obey his orders? The committee said "yes" to both questions and recommended full compensation to the entire militia. Without a word of debate the recommendation was approved by the House and sent to the Committee on Ways and Means to be introduced into the Federal appropriations for expenditure in 1797. The amount granted was $22,816.

Thus, Jackson, a Member of Congress only a month, had realized a very respectable achivement. According to some, he had not simply won compensation for a detachment of Tennesseans; he had won a victory over the National Government. He had struck a blow for westerners in their continuing struggle to survive on the frontier.

The responsibilities of representing all of Tennessee in the Congress took a considerable amount of time. But Jackson faithfully performed his duties, devoting considerable attention to his constituents. He made all but two rollcall votes and by the time Congress adjourned in March 1797, Jackson had made a mark, albeit a modest one, on his colleagues.

According to scholars who research this period, Jackson served on five committees, chaired one, presented two petitions, introduced one resolution, made five speeches, and voted 24 times with the majority out of a total of 39 votes. He proved himself a diligent hardworking Representative, devoted to the interests of his State and his constituents. And though he was committed to the rights of the States in principle, scholars have concluded that his voting pattern demonstrated a pragmatic concern for the needs of Tennesseans. As a politician, Jackson developed fast and he acquired skills which he honed further during his service in the Senate and during his military service in the War of 1812 and the campaign against the Seminole Indians.

Jackson's performance as a Member of the House, Tennessee's first Member, was solid. Jackson did not rule nor acquire influence by great speechmaking nor by political management but, by the force of his personality.

Certainly for most Americans, Jackson is remembered for leaving an indelible mark on the Nation through his military career and his tenure as our seventh President. But Jackson should also be remembered for his early life, and particularly, for his life as a Member of Congress. In the House of Representatives, Jackson sharpened political skills in what I would like to think is a caldron for ideas, principles, and issues. Just as we depart today the great issues of the day, so too did Andrew Jackson and his contemporaries. Just as the fourth and fifth Congresses shaped the course of a young nation as it entered the 19th century, so too do we chart the Nation's course as we enter the 21st century.

On this anniversary of Jackson's birth, it is perhaps hyperbole to say that the seeds which shaped the unusual nature of this extraordinary man sprouted, in part, while Jackson served here in this institution. Nonethe-

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less, as one of Jackson's successors to the Congress, I am proud to join my colleagues and my fellow Tennesseans in commemorating his birth and celebrating his legacy as a Member of Congress, military leader, statesman, and President.

Just as Jackson lent his name to an era of American history, he also left a mark on the individuals who followed him in representing Tennessee's Hermitage district. I am proud to be among that select group.

Finally, Mr. Speaker, I am joined in today's commemoration of the anniversary of Andrew Jackson's birth by fellow Tennessean, and Jackson admirer, Brandon Pippin.

Brandon is a member of the eighth grade class at DuPont Hadley Middle School, which is located in Old Hickory, TN. As my colleagues can surmise, the town of Old Hickory is named after the nickname of our Nation's seventh President and I am proud to have it as one of the communities in the Fifth Congressional District.

I want to thank Brandon's history teacher, Sharon Nichols, and DuPont Hadley's principal Paul Burgess, for sharing with me Brandon's essay interpreting Andrew Jackson's life and times. I know Brandon's essay will encourage others to study the exciting period in which Jackson lived and the role he played in shaping our young Nation.

ANDREW JACKSON

(By Brandon Pippin)

Andrew Jackson was a leader of men. Raised among the common working class, he aspired to become head of a nation. Born in Waxhaw, South Carolina, Jackson lived most of his life in the state of Tennessee. He was loved for his belief in the integrity of the common man, and equally hated and feared by the wealthy who felt threatened by his views. Andrew Jackson was, perhaps the most controversial political figure of the early 1800's.

Jackson began his political career as an attorney in North Carolina, where he both practiced law and tended a store. In 1788 he was made public prosecutor of the western district in North Carolina. It was later during this year that he settled in Nashville. In 1796, he was elected to the United States House of Representatives and a year later to the United States Senate.

By the time he became general of the Tennessee militia, Jackson was well known for his determination and fiery temper. This marked his very successful military career and it was during this time he received his famous nickname "Old Hickory" for his unyielding strength. It was this strength and quick temper that almost ruined his chances as a serious politician. Jackson had killed several men in his numerous duels, including Charles Dickinson. The scandal that followed that particular duel left Jackson a social outcast for months.

By the time Jackson was nominated for President in 1822, he had married and adopted two children, one of which was an Indian child. The presidential campaign against Henry Clay was successful. He was defeated in the House election. Eight months later he was nominated for the Presidency by the Tennessee Legislature. In November of 1828, he was elected, President; this success occurred only a month before his wife, Rachel, would die. On March 4, 1829, he was inaugurated the seventh President.

Jackson's first term in office was marked by many important historical events. In the first two years, his largest political movement was to sign the Indian Removal bill, which removed the Indians from their native land in the east toward unorganized publicly owned land in the western United States. The last two years of his first presidency were largely colored with personal affairs. In early 1831 he appointed new cabinet members after accepting the resignations of the others. Later that year his surviving adopted son, Andrew Jackson, Jr., was married to Sara Yorke. A few months later, in January of 1832, the President was operated on in order to remove a bullet. Shortly before the end of his first term, his first grandchild, Rachel Jackson, was born. In November of 1832 Andrew Jackson was re-elected President of the United States.

The most important issue Jackson faced in his second term was the uprising and threats of secession from South Carolina, which had become angered over what was felt a violation of states' rights. In order to control South Carolina, Jackson signed the Force Bill, which gave him access to the armed forces if it was necessary to use force. In 1844 his grandson and namesake, Andrew Jackson III, was born. And in October of that same year, Jackson's home, The Hermitage, lay in ruins after an extensive fire. The rebuilding was not completed until August of 1836. Shortly before the renovation of his home, Jackson issued the Specie Circular, which required gold and silver to be paid in all sales of land. This caused the Whigs (a nickname given to Jackson's opposers including Henry Clay) to verbally attack Jackson and denounce him as nothing less than a dictator. Before he issued his farewell address, Jackson recognized the independence of Texas. On March 7, 1837, he departed from the White House, for the Hermitage in Tennessee, and shortly after this arrival, his second grandson, Samuel Jackson, was born. In 1844 Jackson supported Polk in his campaign for presidency, and urged the annexation of Texas. A little over five months later, Andrew Jackson's failing health took his life at his home, the Hermitage. He was buried on June 10, 1845, in the Hermitage Garden, next to his wife, Rachel.

Andrew Jackson's strong political leadership made him many enemies, and far more fans. While some of his actions were viewed as extreme, his devotion to his family and his country showed him to be a true hero in American history.

Mr. Speaker, I want to thank you and my House colleagues for allowing me to celebrate Andrew Jackson's birthday today in this special order.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOUGLAS) to revise and extend their remarks and include extraneous material:)

Mr. DOUGLAS, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes each day, on March 20, 21, and 22.

Mrs. BENTLEY, for 60 minutes each day, on March 20, 21, 22, 27, 28, and 29, and April 3 and 4.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on March 19 and 22.

Mr. SKELTON, for 60 minutes, on March 19, 20, 21, and 22.

Mr. SMITH of Florida, for 60 minutes, on March 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOUGLAS) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.
Mr. SCHULZE.
Mr. HENRY.
Mrs. BENTLEY in two instances.
Mr. DOUGLAS.
Mrs. JOHNSON of Connecticut.
Ms. SCHNEIDER.
Mr. PARRIS.
Mr. SKEEN.
Mr. CLINGER in three instances.
Mr. MACHTLEY.
Mrs. MARTIN of Illinois.
Mr. LAGOMARSINO.
Mr. FISH.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. BONIOR.
Mr. TRAXLER.
Mr. SYNAR.
Mr. DWYER of New Jersey.
Mr. SMITH of Florida.
Mr. PANETTA.
Mr. LEVINE of California.
Mr. PALLONE.
Mr. DONNELLY.
Mr. GRAY.
Mr. YATRON.
Mr. TRAFICANT.
Mr. STARK in three instances.
Mr. WOLPE.
Mr. MAZZOLI in two instances.
Mr. BEVILL.
Mr. PENNY.
Mr. KENNEDY.
Mr. BORSKI.
Mr. ANNUNZIO in two instances.
Mr. STARK in three instances.
Mr. JACOBS.
Mr. FAZIO.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

ADJOURNMENT TO MONDAY, MARCH 19, 1990

Mr. FEIGHAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, March 19, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2746. A letter from the Secretary of Education, transmitting the annual report on the activities of the National Technical Institute for the Deaf, with an accounting of all indirect costs paid by NTID to the Rochester Institute of Technology, pursuant to 20 U.S.C. 4332; to the Committee on Education and Labor, March 15, 1990.

2747. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on activities under the Freedom of Information Act of the Federal Open Market Committee for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2748. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2749. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2750. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2751. A letter from the Attorney General, transmitting the annual report for the fiscal year 1989 on the private counsel debt collection pilot project, pursuant to 31 U.S.C. 3718 nt.; to the Committee on the Judiciary.

2752. A letter from the Comptroller General of the United States, transmitting a report on the Department of the Air Force's determination not to fully implement the Comptroller General's recommendation in connection with a bid protest from Litton Systems, Inc., pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

2753. A letter from the Director, National Science Foundation, transmitting a report on actions and plans for fiscal year 1990 and fiscal year 1991 regarding metric conversion; to the Committee on Science, Space, and Technology.

2754. A letter from the Assistant Secretary for Legislative Affairs, Department of State transmitting a letter from OMB Director Darman concerning the repeal of section 614 of the Commerce, Justice, State appropriations bill; jointly, to the Committee on Appropriations and Foreign Affairs.

2755. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's securities in the United States; jointly, the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2756. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning the President's supplemental request for $500 million for Panama; jointly; to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

2757. A letter from the Secretary of State, transmitting a letter concerning the lifting of sanctions imposed against Namibia once Namibian independence takes effect; jointly; to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs; Public Works and Transportation; and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3386. A bill to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes; with an amendment (Rept. 101-390, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GAYDOS: Committee on House Administration. House Resolution 346. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 2nd session of the 101st Congress; with an amendment (Rept. 101-419). Referred to the House Calendar.

Mr. CONYERS: Committee on Government Operations. Report entitled "U.S. Marshals Service: Don't Arrest Oversight" (Rept. 101-420). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 908. A bill to provide for 5 years, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes; with an amendment (Rept. 101-421). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4167. A bill to provide for a short-term extension of the strategic petroleum reserve, and for other purposes. (Rept. 101-422). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLILEY:

H.R. 4277. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself, Mr. STARK, Mr. MRAZEK, Mr. DURBIN, Mrs. JOHNSON of Connecticut, Mr. ANDREWS, Mr. CROCKETT, and Mr. WHITTAKER):

H.R. 4278. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on cigarettes, to allow a credit against such increase for one-half the State and local sales taxes on cigarettes, and to allow a deduction for health insurance costs to employees whose employer does not offer subsidized health insurance; to the Committee on Ways and Means

By Mr. CONYERS (for himself and Mr. HORTON):

H.R. 4279. A bill to amend title 31, United States Code, to improve cash management of funds transferred between the Federal Government and the States, and for other purposes; to the Committee on Government Operations.

By Mr. STARK:

H.R. 4280. A bill to amend the Social Security Act to provide for a program of health insurance for children under 23 years of age and for mothers to be financed through a general payroll tax; to the Committee on Ways and Means

By Mr. DELLUMS:

H.R. 4281. A bill to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to the completion of repairs and renovations to the physical plant and facility support systems of Saint Elizabeths Hospital, and for other purposes; to the Committee on the District of Columbia.

By Mr. DYSON:

H.R. 4282. A bill to amend the Federal Election Campaign Act of 1971, the Internal Revenue Code of 1986, and the Communications Act of 1934 to provide for House of Representatives campaign finance reform, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mr. DYSON (for himself, Mr. FIELDS, and Mr. LIPINSKI):

H.R. 4283. A bill to authorize expenditures for fiscal year 1991 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY (for himself, Mr. FOGLIETTA, Mr. WELDON, and Mr. BORSKI):

H.R. 4284. A bill to reduce the amount of obligation authority available to certain States for Federal-aid highways and highway safety construction programs for fiscal year 1991 if the laws of those States do not provide for the establishment of a dedicated tax-based source of revenues for funding mass transit projects by January 1, 1992, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HANSEN (for himself, Mr. YOUNG of Alaska, Mr. STUMP, Mr. HERGER, Mr. PASHAYAN, Mr. THOMAS of California, Mr. LEWIS of California, Mr. LOWERY of California, Mr. HUNTER, Mr. SCHAEFER, Mr. MARLENEE, Mr. ROBERT F. SMITH, Mr. NIELSON of Utah, Mr. THOMAS of Wyoming, Mr. CRAIG, Mrs. VUCANO-

VICH, Mr. DENNY SMITH, Mr. GALLEGLY, and Mr. DANNEMEYER):

H.R. 4285. A bill to give any State in which lands are more than 25 percent federally owned the right to disapprove the establishment of wilderness areas located in that State; to the Committee on Interior and Insular Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. KENNELLY, Mr. ROWLAND of Connecticut, Mr. SHAYS, Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. SUNDQUIST, Mr. BOEHLERT, Mr. BENNETT, Mr. CHANDLER, and Mr. SMITH of Vermont):

H.R. 4286. A bill to amend the Tax Reform Act of 1986 to provide for the deductibility of State and local income and sales taxes exceeding 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself, Mr. CHANDLER, Mr. ARCHER, and Mr. FRENZEL):

H.R. 4287. A bill to amend the Internal Revenue Code of 1986 to permit tax exempt organizations to establish qualified cash or deferred arrangements for their employees; to the Committee on Ways and Means.

By Mr. NAGLE (for himself and Mr. EMERSON):

H.R. 4288. A bill to amend the Agricultural Act of 1949 to provide soybean producers with freedom of planting choice and fair income support, and to eliminate any indirect subsidization of foreign oilseed production; to the Committee on Agriculture.

By Mr. OWENS of Utah (for himself, Mr. ROE, Mr. SIKORSKI, Mr. WILSON, Ms. SCHNEIDER, Mr. DEFAZIO, Mr. MILLER of Washington, and Mr. BEREUTER):

H.R. 4289. A bill to require the Secretary of the Treasury to prohibit the importation of fish or wildlife products into the United States from countries violating international fish or wildlife conservation agreements; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. PANETTA:

H.R. 4290. A bill to amend the Internal Revenue Code of 1986 to provide relief for losses resulting from natural disasters; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. HERGER, Mr. FAZIO, Mr. EMERSON, Mr. HATCHER, Mr. LEHMAN of California, Mr. CONDIT, Mr. SHUMWAY, Mr. HUNTER, Mr. PASHAYAN, Mr. LAGOMARSINO, and Mr. MCCANDLESS):

H.R. 4291. A bill to amend the Agricultural Adjustment Act to prohibit the importation of kiwifruit, nectarines, and plums that do not comply with any grade, size, quality, and maturity provisions of a marketing order applicable under such act to the respective kind of fruit produced in the United States or with comparable restrictions promulgated under such act; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. PORTER:

H.R. 4292. A bill to amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE (for himself, Mr. THOMAS of Georgia, Mr. STANGELAND, Mrs. SAIKI, Mr. LAGOMARSINO, Mr. BUNNING, Mr. WALSH, Mr. MCDADE, Mr. WILSON, Mr. LAUGHLIN, Mr. HANSEN, Mr. BROWN of Colorado, and Mr. LIPINSKI):

H.R. 4293. A bill to extend the Conservation Reserve Program and to make converted wetlands eligible for placement in the conservation reserve; to the Committee on Agriculture.

By Mr. STENHOLM (for himself, Mr. SHAW, Mr. SLATTERY, Mrs. JOHNSON of Connecticut, Mrs. LLOYD, Mr. BROWN of Colorado, Mr. SKELTON, Mr. SUNDQUIST, Mr. ROWLAND of Georgia, Mr. HENRY, Mr. RAY, Mr. BARTLETT, Mr. SARPALIUS, Mr. KASICH, and Mr. HUTTO):

H.R. 4294. A bill to amend the Head Start Act to authorize appropriations to enable Head Start agencies to provide developmentally appropriate child care services to participating children; to amend title XX of the Social Security Act to provide allotments to States to improve and expand child care services; to promote small business involvement in meeting child care needs; to amend the Internal Revenue Code of 1986 to increase the earned income credit based on the number of the taxpayer's children; and to exclude child care earnings from the Social Security excess earnings test; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 4295. A bill entitled: "Greens Creek Exchange Act"; to the Committee on Interior and Insular Affairs.

By Mr. HOYER (for himself, Mr. MCMILLEN of Maryland, Mrs. MORELLA, Mr. FAUNTROY, Mr. PARRIS, Mr. WOLF, Mr. BOUCHER, and Mr. SLAUGHTER of Virginia):

H.J. Res. 520. Joint resolution granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mrs. MARTIN of Illinois (for herself and Mr. HASTERT):

H.J. Res. 521. Joint resolution designating July 8 through 14, 1990, as "National Agent Orange Screening Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SKELTON (for himself, Mr. BENNETT, Mrs. BENTLEY, Mr. BERMAN, Mrs. COLLINS, Mr. DAVIS, Mr. DONNELLY, Mr. DYMALLY, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAZIO, Mr. GEPHARDT, Mr. GUARINI, Mr. HORTON, Mr. HUGHES, Ms. KAPTUR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MCNULTY, Mr. MANTON, Mr. MOAKLEY, Mr. MRAZEK, Mr. PAXON, Mr. PICKETT, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. ROYBAL, Mr. SMITH of Florida, Mr. TAUKE, Mr. TRAFICANT, Mr. VENTO, Mr. VOLKMER, Mr. WALSH, Mr. WILSON, Mr. WOLF, Mr. YOUNG of Alaska, Mr. SARPALIUS, Mr. SCHEUER, Mr. LANTOS, Mr. BILBRAY, and Mr. ATKINS):

H.J. Res. 522. Joint resolution designating the week of June 1 through June 7, 1990, as "National Polio Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. CLINGER (for himself, Mr. EMERSON, and Mr. RAHALL):

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that telephone directories should include information relating to natural disaster survival techniques; to the Committee on Energy and Commerce.

By Mr. DURBIN (for himself, Mr. MILLER of Washington, Mr. SARPALIUS, Mr. COX, Mr. RUSSO, Mr. ANNUNZIO, Mr. BROOMFIELD, Mr. BENNETT, Mr. KLECZKA, Ms. OAKAR, Mr. LIPINSKI, and Mr. HERTEL):

H. Con. Res. 289. Concurrent resolution in support of Lithuanian independence; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

328. By the Speaker: Memorial of the Legislature of the State of Alabama, relative to a proposed amendment to the Constitution which would prohibit deficit spending by the U.S. Government, except in times of national emergency; to the Committee on the Judiciary.

329 Also, memorial of the Legislature of the State of Alabama, relative to a proposed amendment to the Constitution requiring that Federal spending not exceed estimated Federal revenues; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. FROST, Mr. WALGREN, Ms. PELOSI, Mr. DELLUMS, Mr. MCNULTY, and Mr. HOCHBRUECKNER.

H.R. 586: Mr. WYDEN.

H.R. 717: Mr. ROSE and Mr. MATSUI.

H.R. 720: Mr. BUSTAMANTE.

H.R. 780: Mr. THOMAS A. LUKEN, Mr. ENGEL, Mr. KOLTER, Mr. TALLON, and Mr. RANGEL.

H.R. 830: Mr. HENRY, Mr. AKAKA, Mr. HOCHBRUECKNER, Mr. BATES, Mr. KENNEDY, Mr. FLAKE, Mr. CLAY, Mr. TOWNS, Mr. MAVROULES, and Mr. CONTE.

H.R. 844: Mr. HEFLEY and Mr. DORNAN of California.

H.R. 931: Mr. DYSON.

H.R. 1227: Mr. SOLOMON, Mr. JOHNSON of South Dakota, Mr. SMITH of Texas, Mr. SCHIFF, Mr. SHAYS, Mr. COBLE, and Mr. BATEMAN.

H.R. 1287: Mr. WALKER and Mr. MURPHY.

H.R. 1356: Mr. SOLARZ.

H.R. 1383: Mr. NEAL of Massachusetts.

H.R. 1500: Mr. ANDREWS, Mr. EDWARDS of California, Mr. DERRICK, Mr. BILBRAY, Mr. SPRATT, Mrs. PATTERSON, Mr. YATRON, Mr. TORRICELLI, Mr. THOMAS A. LUKEN, Mrs. MORELLA, and Mr. TALLON.

H.R. 2025: Mr. YATES, Mr. MOAKLEY, Mr. SUNDQUIST, Mr. BROWN of California, and Mr. KLECZKA.

H.R. 2156: Mr. TAUKE.

H.R. 2168: Mr. SANGMEISTER, Mr. DYSON, and Mr. HOAGLAND.

H.R. 2188: Mr. MAZZOLI, Mr. PRICE, Ms. LONG, Ms. PELOSI, Mr. FAUNTROY, Mr. MINETA, Mrs. MORELLA, Mr. WEISS, Mr. FRANK, and Mr. EMERSON.

H.R. 2273: Mr. FALEOMAVAEGA, Mr. GEREN, Mr. FLIPPO, Mr. QUILLEN, Mr. RHODES, and Mr. MADIGAN.

H.R. 2372: Mr. CAMPBELL of Colorado.

H.R. 2647: Mr. MANTON.

H.R. 2699: Mr. SMITH of New Jersey.

H.R. 2807: Mr. BARNARD, Mr. BATEMAN, Mr. BEREUTER, Mr. BOEHLERT, Mr. BORSKI, Mr. BOSCO, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. CLARKE, Mr. CLEMENT, Mr. CONTE, Mr. CONYERS, Mr. COX, Mr. DERRICK, Mr. DINGELL, Mr. DONNELLY, Mr. DOWNEY, Mr. DYSON, Mr. ECKART, Mr. EMERSON, Mr.

ENGEL, Mr. ENGLISH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FLAKE, Mr. FRANK, Mr. FRENZEL, Mr. GALLEGLY, Mr. GAYDOS, Mr. GIBBONS, Mr. GILLMOR, Mr. GONZALEZ, Mr. GORDON, Mr. GRANT, Mr. GUARINI, Mr. HALL of Texas, Mr. HANCOCK, Mr. HAWKINS, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. KASICH, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MARTINEZ, Mr. MAVROULES, Mr. MAZZOLI, Mr. MFUME, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MINETA, Mr. MOODY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. MYERS of Indiana, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Mr. OWENS of New York, Mr. OXLEY, Mr. PALLONE, Mr. PARRIS, Mr. PEASE, Mr. PERKINS, Mr. POSHARD, Mr. RAVENEL, Mr. ROE, Mr. ROSE, Mr. SAWYER, Mr. SCHIFF, Mr. SHARP, Mr. SHUMWAY, Mr. SHUSTER, Mr. SISISKY, Mr. SLATTERY, Mr. SMITH of Iowa, Mr. SPRATT, Mr. STALLINGS, Mr. STOKES, Mr. TALLON, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WALGREN, Mr. WEISS, and Mr. WHITTEN.

H.R. 3048: Mr. WATKINS.

H.R. 3080: Mr. FRENZEL, Mr. BATEMAN, Mr. PICKETT, Mr. BROWN of Colorado, Mr. GRADISON, and Mr. ARCHER.

H.R. 3121: Mr. CHAPMAN.

H.R. 3123: Mr. BARNARD, Mr. HYDE, Mr. DEWINE, Mr. PANETTA, and Mr. SISISKY.

H.R. 3267: Mr. RAVENEL.

H.R. 3283: Mr. MCGRATH and Mr. HERTEL.

H.R. 3386: Mr. HAMMERSCHMIDT and Mr. SHUSTER.

H.R. 3429: Mrs. COLLINS.

H.R. 3475: Mr. ATKINS.

H.R. 3485: Mr. CRAIG.

H.R. 3594: Mr. LANCASTER and Mr. OWENS of Utah.

H.R. 3625: Mr. PURSELL, Mr. FEIGHAN, Mrs. BOXER, Mr. CONTE, Mr. HUTTO, Ms. OAKAR, Mr. NIELSON of Utah, Mr. LEVINE of California, Mr. ANDREWS, Mr. BROOMFIELD, Mr. ACKERMAN, Mr. LEACH of Iowa, Mr. PACKARD, Mr. SMITH of Florida, Mr. FOGLIETTA, Mr. SKAGGS, Mr. NAGLE, Mr. CAMPBELL of Colorado, Mr. DONALD E. LUKENS, Mr. ROSE, Mr. WISE, Mr. NEAL of Massachusetts, Mr. SAWYER, Mr. SABO, Mr. RICHARDSON, Mr. DE LA GARZA, Mr. ROWLAND of Connecticut, Mr. MCHUGH, Mr. DOUGLAS, Mr. HYDE, Ms. LONG, Mr. ASPIN, and Mr. PRICE.

H.R. 3732: Mr. QUILLEN, Mr. COSTELLO, Mr. CLEMENT, Mr. BARTLETT, and Mr. JOHNSON of South Dakota.

H.R. 3827: Mr. PENNY, Mr. JOHNSON of South Dakota, Mrs. PATTERSON, Mr. OWENS of Utah, Mr. WILSON, Mr. PALLONE, Mr. ATKINS, and Mr. BOSCO.

H.R. 3828: Mr. PENNY, Mr. JOHNSON of South Dakota, Mrs. PATTERSON, Mr. OWENS of Utah, Mr. PALLONE, Mr. WILSON, Mr. ATKINS, and Mr. BOSCO.

H.R. 3833: Mr. PEASE.

H.R. 3859: Mr. FASCELL.

H.R. 3870: Mr. FISH.

H.R. 3880: Mr. BOUCHER.

H.R. 3903: Mr. SHAYS.

H.R. 3906: Mr. HOLLOWAY, Mr. HORTON, Mr. KASICH, Mr. SLAUGHER of Virginia, Mr. DEWINE, and Mr. ALEXANDER.

H.R. 3936: Mr. TORRES, Mr. FALEOMAVAEGA, Mr. JONTZ, Mr. HERTEL, Mr. RANGEL, Mr. NAGLE, Mr. MCDERMOTT, Mr. TOWNS, Mr. WILLIAMS, Mr. BORSKI, Mr. PERKINS, Mr. MCGRATH, Mr. ENGEL, Mr. DWYER of New Jersey, Mr. DELLUMS, Mr. TORRICELLI, Mr. CARR, Mr. WILSON, Mr. DYMALLY, Mrs. UNSOELD, Mr. BATES, Mr. APPLEGATE, Mr. WHEAT, Mr. VISCLOSKY, Mr. DURBIN, Mr. OBERSTAR, Ms. KAPTUR, Mr. KENNEDY, Mr. GEJDENSON, Mr. WYDEN, Mr. DEFAZIO, Mr. STARK, and Mr. MOODY.

H.R. 3942: Mr. HAYES of Illinois and Mr. SCHEUER.

H.R. 3943: Mr. HAYES of Illinois and Mr. SCHEUER.

H.R. 3965: Ms. KAPTUR, Mr. TOWNS, Mr. LIPINSKI, Mr. RANGEL, Mr. MRAZEK, Mr. SMITH of Vermont, Mrs. COLLINS, and Mr. ROE.

H.R. 3979: Mr. SAWYER, Mr. MCNULTY, Mr. HOCHBRUECKNER, and Mr. MAVROULES.

H.R. 3998: Mr. FLAKE, Mr. LAFALCE, Mr. BOEHLERT, and Mr. ACKERMAN.

H.R. 4043: Mr. PICKETT and Mr. WISE.

H.R. 4073: Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. HAYES of Illinois, Mr. JONTZ, Mr. OWENS of New York, Mr. FOGLIETTA, Mrs. LOWEY of New York, Mr. SHAYS, Mr. WALGREN, Mr. PRICE, Mr. DWYER of New Jersey, Mr. SOLARZ, Ms. KAPTUR, Mr. MRAZEK, Mrs. MORELLA, and Mr. WHEAT.

H.R. 4075: Mr. BEREUTER.

H.R. 4081: Mr. SMITH of Texas, Mr. RAVENEL, Mr. SENSENBRENNER, Mr. HILER, Mr. MADIGAN, Mr. SOLOMON, Mr. NIELSON of Utah, and Mr. HAMMERSCHMIDT.

H.R. 4124: Mr. EMERSON, Mr. SCHAEFER, Mr. CONDIT, and Mrs. SMITH of Nebraska.

H.R. 4191: Mr. FRENZEL.

H.R. 4208: Mr. BRYANT, Mr. HYDE, Mr. FOGLIETTA, Mr. DEFAZIO, Mr. DYMALLY, Mr. SMITH of Florida, and Mr. LEWIS of Georgia.

H.R. 4220: Mr. LIGHTFOOT.

H.R. 4233: Mr. GRADISON and Mr. MACHTLEY.

H.R. 4237: Mr. SHAW and Mr. GIBBONS.

H.R. 4241: Mr. SOLOMON, Mr. WALSH, Mr. DONALD E. LUKENS, Mr. PAYNE of New Jersey, Mr. ROE, and Mr. DWYER of New Jersey.

H.J. Res. 69: Mr. HOLLOWAY.

H.J. Res. 364: Mr. MARTIN of New York, Mr. HAYES of Illinois, Mr. NEAL of Massachusetts, Mr. DIXON, Mr. ROBERTS, Mr. PERKINS, Mr. PICKETT, Mr. WASHINGTON, Mr. KLECZKA, Mr. DICKINSON, Mr. FEIGHAN, Mr. GILMAN, Mr. GRADISON, Mr. HALL of Ohio, Mr. LOWERY of California, Mr. DONALD E. LUKENS, Mr. MINETA, Mr. MURTHA, Mr. REGULA, Mr. STOKES, Mr. WALKER, and Mr. WYLIE.

H.J. Res. 413: Mr. FAZIO, Mr. MURPHY, Mr. SABO, Mr. APPLEGATE, Mr. BARTON of Texas, Mr. BATES, Mr. BRUCE, Mr. CLARKE, Mr. CROCKETT, Mr. DEWINE, Mr. DYMALLY, Mr. HAWKINS, Mr. HAYES of Louisiana, Mr. HUNTER, Mr. JONTZ, Mr. KASICH, Ms. LONG, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. NEAL of North Carolina, Mr. QUILLEN, Mr. DENNY SMITH, Mr. BARTLETT, Mr. EDWARDS of California, Mr. KASTENMEIER, Mr. GRADISON, Mr. GRANT, Mr. BILIRAKIS, Mr. JAMES, Mr. SHAW, Mr. HATCHER, Mr. LOWERY of California, Mr. OXLEY, Mr. MACHTLEY, Mr. HOUGHTON, Mr. SMITH of Vermont, Ms. ROS-LEHTINEN, and Mr. GILMAN.

H.J. Res. 418: Mr. PARKER, Mr. MILLER of California, Mr. ROSE, Mr. BOEHLERT, Mr. OBERSTAR, Ms. SCHNEIDER, Mr. MOODY, Mr. EVANS, Mr. MCDERMOTT, Mr. PALLONE, Mr. CONTE, Mr. STOKES, Mr. BEILENSON, Mrs. MORELLA, Mr. SHARP, Mr. VALENTINE, Mr. WALSH, Mr. MARKEY, Mr. SABO, Ms. SLAUGHTER of New York, Mr. TALLON, and Mr. JONTZ.

H.J. Res. 462: Mr. PASHAYAN, Mr. MOORHEAD, Mr. TRAXLER, Mr. DINGELL, Mr. WISE, Mr. CONTE, Mr. GONZALEZ, Mr. WEISS, and Mr. NEAL of North Carolina.

H.J. Res. 464: Mr. BLILEY, Mr. BUNNING, Mr. ERDREICH, Mr. FUSTER, Mr. HUGHES, Mr. MCEWEN, Mr. MORRISON of Washington, Mr. OWENS of Utah, Mr. ROBINSON, Mr. SCHUETTE, and Mrs. UNSOELD.

H.J. Res. 483: Mr. ANDERSON, Mrs. BENTLEY, Mr. BLAZ, Mr. BLILEY, Mr. CALLAHAN, Mr. CARPER, Mr. CHANDLER, Mr. COURTER, Mr. CRAIG, Mr. DELAY, Mr. FAWELL, Mr. GRANDY, Mr. HARRIS, Mr. HILER, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Ms. KAPTUR, Mr. KASICH, Mr. LAGOMARSINO, Mr. LENT, Mr. DONALD E. LUKENS, Mr. MCCRERY, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. MACHTLEY, Mr. MARLENEE, Mr. MARTIN of New York, Mr. MICHEL, Mr. MILLER of Washington, Mr. MORRISON of Washington, Mr. OXLEY, Mr. PURSELL, Mr. RAVENEL, Mr. RINALDO, Mr. ROWLAND of Connecticut, Mr. ROBERT F. SMITH, Mr. SUNDQUIST, Mr. UPTON, Mr. WALSH, Mr. WILSON, Mr. WOLF, Mr. YOUNG of Alaska, Mr. PARRIS Mr. RHODES, Mr. HANSEN, Mr. GEKAS, Mr. GRANT, Mr. COLEMAN of Missouri, Mr. LIGHTFOOT, Mr. EMERSON, Mr. ROE, Mrs. BOXER, Mr. GINGRICH, Mr. BUNNING, and Mrs. VUCANOVICH.

H.J. Res. 488: Mr. TOWNS, Mr. FUSTER, Mr. MCNULTY, Mr. RANGEL, Mr. MARTINEZ, Mr. CARDIN, and Ms. KAPTUR.

H.J. Res. 500: Mr. SHUSTER, Mr. HYDE, Mr. RITTER, Mr. WALSH, Mr. CRAIG, Mr. SMITH of New Jersey, Mr. LENT, Mr. BROWN of California, Mr. RHODES, Mr. TRAXLER, Mr. JONTZ, Mrs. COLLINS, Mr. OWENS of New York, Mr. WHITTEN, Mr. NOWAK, Mr. PALLONE, Mr. COOPER, Mr. YATRON, Mr. SAXTON, Mr. SISISKY, Mr. RUSSO, Mr. WALGREN, Mr. OBEY, Mr. PURSELL, Mr. LEHMAN of California, Mr. GREEN, Mr. HARRIS, Mr. SMITH of Texas, Mr. BUSTAMANTE, Mr. BOEHLERT, Mr. HASTERT, Mr. BERMAN, Mr. TORRICELLI, Mr. MCCLOSKEY, Mr. CROCKETT, Mr. TOWNS, Mr. DEFAZIO, Mr. GRAY, Mrs. LLOYD, and Mr. ROYBAL.

H.J. Res. 518: Mr. GORDON, Mr. PAYNE of Virginia, Mr. NEAL of North Carolina, Mr. HEFNER, Mr. COBLE, Mr. FRANK, Mr. SPRATT, Mr. RITTER, Mr. DERRICK, and Mr. BALLENGER.

H. Con. Res. 91: Mr. GRANDY.

H. Con. Res. 177: Mr. TORRICELLI.

H. Con. Res. 268: Mr. HYDE and Mr. NIELSON of Utah.

H. Res. 240: Mr. SMITH of New Jersey, Mr. TRAFICANT, and Mr. LIPINSKI.

H. Res. 354: Mrs. MORELLA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4139: Mr. WALKER.

EXTENSIONS OF REMARKS

THE HEALTH INSURANCE FOR CHILDREN AND MOTHERS ACT OF 1990

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, access to health care should be considered a basic right of every American. Unfortunately, we have not yet reached the goal of providing comprehensive health insurance to each citizen, and, in fact, we are not currently making any progress toward this goal.

When the comprehensive insurance proposals of the Truman administration were defeated, proponents of national health insurance focused on health insurance for the elderly. Once health benefits for the elderly were assured, they believed that our Nation would turn its attention to the health care needs of children and mothers.

We have waited 25 years for that promise to be fulfilled; unfortunately, nothing has been done.

The passage of Medicare in 1965 provided payroll-tax financed health insurance for the elderly. The time has come to do the same for the other most vulnerable groups within our society, children and mothers.

I am today introducing the Health Insurance for Children and Mothers Act of 1990 to provide publicly financed health insurance to every child and pregnant woman in this country. My proposal would be financed by an increase in the payroll tax rate equal to the Medicare tax currently paid by employers and by employees.

I continue to be amazed about our national priorities given the number of children without health insurance protection. About 16 million children through the age of 22 are currently without health insurance, and the problem is getting worse. The percentage of uninsured children has increased from 15 percent in 1979 to almost 20 percent in 1987. Over one-third of the uninsured in the country are children.

Medicaid is not the answer to this problem. Currently, only half of all poor children are covered by Medicaid. Of equal concern is that shortsighted reimbursement policies adopted by many State Medicaid programs, particularly with respect to physician payment, have barred access to health care for those who are covered by Medicaid.

Lest anyone think that having health insurance coverage does not matter, let me point out that access to health insurance is directly related to health status.

According to a report by the American Academy of Pediatrics, only 11 percent of children without health insurance reported excellent health, while 78 percent of children with private coverage reported excellent health. Children who did not visit a doctor in the last year were twice as likely to be uninsured as compared to children who made more than four visits.

We all know that relatively inexpensive immunizations of children pay huge dividends later in avoidance of communicable diseases. Yet, the proportion of children aged one to four immunized against each of the major childhood diseases declined between 1980 and 1985. The proportion immunized against measles dropped from 64 to 61 percent. The proportion of childen immunized against polio dropped from 78 percent in 1970 to only 55 percent in 1985.

The net result of this neglect of the most basic health care service we ought to provide every child is that fully one-quarter of all preschoolers, and one-third of all poor children, are not immunized against the common childhood diseases.

Perhaps one of the most unfortunate statistics of all related to health care is that of the 56 million women in the United States of reproductive age, 14.5 million, or 26 percent of this population, are not covered for maternity services.

Although many of these women are poor and Medicaid eventually pays for their delivery, I do not find it particularly surprising that we have problems with healthy babies when one in four women is not covered for pregnancy-related services.

One of the reasons for this is lack of prenatal care. A recent report found that about 20 percent of uninsured women received prenatal care late in their pregnancy compared with about 6 percent of women with private health insurance. Late prenatal care is one factor directly linked to negative pregnancy outcomes.

Infant mortality rates in the United States are very high, compared to other industrialized nations. The current rate of 10.6 infant deaths per 1,000 live births placed the United States 22 among nations worldwide.

The infant mortality rate for blacks is at least 60-percent higher than for whites. Nine States and the District of Columbia have black infant mortality rates in excess of 19.0, a higher rate than many Third World countries.

Although the infant mortality rate has been steadily dropping, the rate of decrease has slowed in the 1980's. I am saddened to say that there is preliminary evidence to suggest that the rate is actually increasing in 1990.

The saddest thing of all about lack of health coverage for children and their mothers is that a relatively small investment in healthy children pays large dividends.

For example, the Institute of Medicine has estimated that as many as one-third of all low birthweight babies can be avoided by adequate prenatal care. The IOM points out that for every $1 invested in prevention, $3.38 will be returned in immediate reduced care costs for the infant.

Mr. Speaker, the bill I am introducing today represents an affordable, sensible, and cost-effective approach.

This bill builds upon the strengths of the current Medicare system and assures that every child, no matter what his or her parent's financial situation, will have access to the high quality health care which we currently ration to those whose parent has coverage which includes maternity care and dependents.

Keep in mind that children do not choose their family. It is not fair that a child must face the risks attendant to late or no prenatal care simply because the parent's employer does not choose to cover dependents. No baby should be at the mercy of the charity care system. To me, social insurance is the only reasonable approach.

The bill I am introducing today, Mr. Speaker, is not a panacea for every health care problem faced by children and mothers, but it is a start. I am sure that not all of its provisions can withstand the scrutiny to which they will undoubtedly be subjected, but it begins the process. Moreover, I am hopeful that it will enhance a debate that focuses on the broad issue of what is the best, most efficient way to assure every child's right to basic health protection.

We will also need to consider carefully the content of a benefit package. My bill uses Medicare as a model for the benefit package and adds coverage for the necessary pregnancy-related and well-child preventive benefits. This certainly does not constitute the final word on a benefit package. Similarly, the levels for the deductibles and copays in my bill are not carved in stone.

I am sure that the creation of a minimum benefit package is an issue on which there are many opinions, including those who would subtract and those who would add benefits. The goal should be to protect families from financial devastation while setting benefit levels which are affordable and sustainable. I look forward to that discussion.

In addition, I am sure that the idea of taxing employers and employees equally would be opposed by some. They would point out that employers currently cover more than 50 percent of the cost of health insurance for children and pregnancy if they are covered at all. I am certainly open to changes in this policy as I am equally open to the idea that some other form of financing would make sense. The goal is to find a fair financing scheme that the taxpayers will understand and support, but any proposal must include a method of financing.

Another source of financing is the reduction in Federal and State expenditures for Medicaid which would occur if my bill were to be enacted. Total Medicaid expenditures would decrease by about $15 billion of which $9 billion is the Federal share and $6 billion is the State

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

share. Reallocation of these funds is another potential source of funding for this program.

Mr. Speaker, the goal of comprehensive health benefits for all is one that has eluded us since the Congress first took up the question of universal health insurance in 1918. I hope that the rising level of interest in responding to this problem will mean that we can finally make meaningful progress toward solving it. I hope that my proposal for coverage of children and mothers will make a contribution toward that end.

A summary of my bill follows:

SUMMARY—THE HEALTH INSURANCE FOR CHILDREN AND MOTHERS ACT OF 1990

The Social Security Act is amended by adding at the end a new Title 21 which establishes a program of health insurance for children under 23 and mothers, to be financed by payroll taxes.

I. PURPOSE

Provide publicly-financed health insurance for all children through age 22 and for all women for their pregnancy-related medical care needs.

II. FINANCING AND CREATION OF TRUST FUND

The program would be financed by a 1.45 percent increase in the payroll tax paid by employers and by employees.

A new Children and Mothers Health Insurance Trust Fund would be established. Funds collected by the increase in the payroll tax would be paid into the trust fund.

The Trustees of the Medicare Trust fund would oversee the new fund.

No funds from the current Medicare trust funds or the new trust fund could be commingled.

III. OPERATION OF THE PROGRAM

The program would be run by the Health Care Financing Administration using the reimbursement system, survey and certification system, quality assurance system (including utilization review), and data system of the current Medicare program, modified as necessary to fit the needs of children and mothers.

Funds from the Children and Mothers Health Insurance Trust Fund would be appropriated to pay the new program's share of the costs of these activities.

IV. POPULATION COVERED

Children: All children legally resident in the country would be covered until they reached their 23rd birthday.

Women: Legally resident women would be covered after certification of pregnancy by a physician. The program would also pay retroactively for the pregnancy test and first examination necessary to the certification by the physician.

V. BENEFITS

Children: The following preventive services would be covered without co-payments or deductibles, based on a periodicity schedule developed by the Secretary in consultation with the American Academy of Pediatrics:

Newborn and well baby care: Normal newborn care; Pediatrician coverage for high-risk deliveries.

Well Child Care: Routine Office Visits. Required School Physical Examinations. Routine Immunizations (including the cost of the vaccine itself). Routine Laboratory Tests. Preventive Dental Care.

The following benefits would be subject to copayments and deductibles and other restrictions in the same manner as currently apply under Part A and Part B of Medicare:

Hospital Services: All medically necessary hospital services (subject to Professional Review Organization (PRO) Review); Skilled Nursing Facility services; Home health care; and Inpatient mental health services.

Physician Services: Physician services. Outpatient services. Diagnostic services. Medical Equipment. Outpatient mental health services, including substance abuse. Physical therapy services. Speech therapy services. Comprehensive outpatient rehabilitation services.

Mothers: The following services would be covered without copayments or deductibles based on a schedule developed by the Secretary in consultation with the American College of Obstetrics and Gynecology: Prenatal Care, including care for all complications related to pregnancy. Inpatient labor and delivery services. Postnatal care. Postnatal family planning.

The Secretary would be required to develop a list of reimbursable services and procedures related to normal pregnancy and highly prevalent complications of pregnancy. Services and procedures not included on the Secretary's list would be subject to prior approval by the Peer Review Organization.

VI. REIMBURSEMENT

Hospital Services: Hospital Services would be reimbursed under Medicare's current prospective payment system (PPS).

The Secretary would be directed to develop a new set of case weights (DRGs) to reflect the new types of cases reimbursable under this program. The weights would include a small reimbursement disincentive for cesarian section deliveries (the weight would be set such that payment equals 95% of average cost in the base year).

Other services reimbursed under the hospital portion of the program would be reimbursed on a retrospective cost basis for the time being, until prospective systems can be developed.

Physician Services: Physician services would be reimbursed using a resource-based relative value scale and, except for obstetrical care and well baby and child care, would be subject to volume performance standards.

Obstetrical Services would be reimbursed using a global fee approach. Incentives would be included for early prenatal care and for care of mothers in certain high risk inner-city and rural areas. Reimbursement disincentives to cesarean sections would be included.

THE NATIONAL COMMANDER OF THE AMERICAN LEGION MR. MILES S. EPLING VISITS MARYLAND

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. BENTLEY. Mr. Speaker, on March 18, 1990, I will have the pleasure of attending a banquet at the Parkville Post No. 183 of the American Legion which will be hosting the National Commander of the American Legion, Mr. Miles S. Epling.

With over 500 Legionnaires in attendance, it will be with great pride and admiration that I will attend this event. It also will be an honor to meet Mr. Epling who was elected to the office of National Commander of the American Legion at the 71st National Convention.

A 39-year-old veteran of the Vietnam war, Mr. Epling was sent to Vietnam in 1968 where he served with the 3d Batallion, 7th Marines Combat Infantry. While walking point for his unit, Mr. Epling lost both legs to a land mine and was discharged in 1969 with an honorable medical discharge after receiving the Purple Heart.

Currently Mr. Epling is involved in a host of activities and organizations including an appointment by former West Virginia Governor Moore to the West Virginia Vets Council and the West Virginia Memorial Commission.

Perhaps most impressive is that Mr. Epling personifies the members of the American Legion.

Without a doubt it can be said that Mr. Epling and The American Legion exemplify the true American spirit. The charity and community work of the American Legion is not the act of an organization or a lodge. Rather, the work done by the American Legion is the result of a selfless devotion and dedication by individuals who together form a group.

Indeed, the members of the American Legion are individuals who naturally give of themselves and have been doing so whether it be on the battle field or in the community. Giving is an ingrained part of their lives, perhaps one could say that they knew nothing else but to give.

All too often in this country we are to quick to forget the hardships and sacrifices which so many have endured on our behalf. This is especially true at a time when the world is radically changing. It becomes all too easy to forget the lessons which history has taught us. I am sure, however, that individuals such as Mr. Epling will never let us forget the sacrifices made by so many to ensure freedom and democracy. Remember it is the diligent mind which is always aware of what has passed, what is present and what could be.

As National Commander, Mr. Epling is charged with the responsibility of representing the concerns and needs of veterans across the Nation. At the same time Mr. Epling and all American Legion members must keep this Nation reminded of what they have given to ensure our freedom.

Mr. Speaker, it is with great respect and honor that I commend the National Commander, Mr. Miles S. Epling and all other American Legion members for their commitment to this Nation. Their spirit and love of country is inspirational.

God bless the American Legion and God bless America.

EARTHQUAKE EDUCATION ESSENTIAL FOR EASTERN UNITED STATES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. CLINGER. Mr. Speaker, I rise today to bring an issue and a resolution to the attention of my colleagues. Right now, in 1990, certain sections of our country are literally sitting

on a bomb, one that could explode at any moment; and while I may be speaking metaphorically, the destruction caused by a major earthquake in areas where the population and structures are unprepared could be as devastating as a nuclear explosion.

The Eastern United States, is not exactly the region that comes to mind when one thinks of earthquakes. However, geologists predict that there is a 100-percent chance of a damaging earthquake hitting the eastern United States in the next 25 years—and that figure is correct: a 100-percent chance.

Two most recent and noted earthquakes, San Francisco and Soviet Armenia, had approximately the same destructive force, yet the Soviet quake killed at least 25,000 people. The main reason for the difference in the death toll is the better building construction in California due to the earthquake-resistant provisions in the building code and public knowledge about how to react in an earthquake.

Building codes are a local matter, but locals should be given assistance in using the most up to date and effective technologies. The Federal Government can provide that assistance.

The effect of a large quake in many Eastern regions would likely result in a high death toll and the devastation of large sections of cities. But even a moderate quake could have devastating effects. Our infrastructure is crumbling from within; our bridges are collapsing, our sewer systems are aging and our public works in general are wearing out. In New York City, the huge tunnels that supply the metropolis with water could give out at any time.

The East is unprepared and our decaying infrastructure is a hazard. There is an urgent need to improve on the points in which we are lacking—that of public awareness, coordination, and the question of a old, weak infrastructure will have to be answered.

To lessen the affect of an Eastern earthquake that will surely come, we need to act now. We need to provide local government with the technical assistance to help them develop cost effective means of improving building codes, to educate the population and study ways that old buildings can be rebuilt within our economic means. While cost is a concern it should not deter us from finding ways to improve safety with existing resources—the lives of thousands of Americans depend upon it.

Educating people about earthquakes and how to react to them is essential and certain aspects of an educational strategy can be relatively simple and the sense of Congress resolution that I have introduced today can be one step in such a process.

Mr. Speaker, this modest measure would encourage, not mandate, phone companies to include earthquake disaster instructions in the phone books they publish. These guidelines would instruct the population of an affected area on what to do after a quake and would put accessable information into almost every home and business.

For example, in California, similar guidelines have been published in phone books for many years. During last October's quake, the first place that people turned for help was to the information in their own homes—in the phone book. As soon as local radio and television stations were back on the air, they instructed people to read these disaster instructions. The entire system worked extraordinarily well.

Soon, the Earth will shrug and innocent people will die in the East, many of them surprised that this could happen in their town or city. They don't realize that we are in as much danger—if not more—as those living in San Francisco or Los Angeles. It is time to start taking steps to prepare for this disaster and supporting this resolution is a first one.

AMERICAN LEGION CELEBRATES ITS 71ST ANNIVERSARY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that today, March 15, marks the 71st anniversary of the founding of the American Legion.

For 71 years, the American Legion has maintained its proud tradition of outstanding service, patriotism and care for our Nation's veterans, perpetuating its founding pledge in its perseverance "For God and Country." The idea for the American Legion had its origins when a group of 20 officers, who served in the 1st American Expeditionary Forces in France during World War I, was asked by its headquarters to suggest ways to improve the morale of the troops. At that time, Lt. Col. Theodore Roosevelt, Jr. suggested an organization of veterans to accomplish this purpose, and in February 1919, this group formed a temporary committee to recruit membership.

About 1,000 officers and enlisted men gathered in Paris on March 15, 1919, at the first organizational meeting, known as the Paris Caucus, where they acknowledged that their responsibilities to each other and to their country's citizens would not end with the signing of a treaty of peace. A temporary constitution was adopted and the men agreed to the name, American Legion.

During the last 71 years, the American Legion has maintained the highest standards it set for itself in its constitution, which states:

For God and country we associate ourselves together for the following purposes to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

With a membership of about 2.8 million in 16,000 local groups, and a women's auxiliary of about 1 million members, the American Legion continues to work tirelessly on matters which concern the welfare of their fellow veterans and their dependents. As we commemorate the American Legion's founding, we celebrate its continuing dedication to the adjustment of the veteran to civilian life, restoring his health and usefulness to society, maintaining his dignity, and assuring the welfare of the veteran's widow and children.

Mr. Speaker, on the 71st anniversary of the American Legion, I am proud to commend the Legionnaires in the 11th Congressional District of Illinois which I am honored to represent, and the American Legion posts throughout the Nation, as they continue to serve our veterans and our Nation, committed to the ideals of our American heritage. I extend to them my best wishes as they go forward in greater service to secure the blessings of liberty for us all.

WHO LOST NEW ZEALAND?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BROOMFIELD. Mr. Speaker, after 4 years of not talking, senior United States officials are once again meeting with their counterparts from New Zealand. This is despite the fact that there is absolutely no indication that New Zealand is willing to change its 5-year-old ban on visits by United States naval vessels. In fact, it seems ever more clear that New Zealand will not rejoin the system of alliances with the United States that has preserved world peace and security since the Second World War. How and why did we lose New Zealand?

In 1985 the new Labour government of New Zealand, headed by Prime Minister David Lange, made good its pledge to keep nuclear armed or powered vessels out of New Zealand ports. The Lange government first applied its policy by withdrawing permission for the U.S.S. *Buchanan* to visit even while the vessel was enroute. This deliberate misunderstanding did incalculable harm to the historically warm relationship between our two countries and sent shock waves through the Pacific.

The provocation over the *Buchanan* could not have occurred at a worse time. The South Pacific—for so long considered a balmy backwater—appeared to be on the verge of becoming a new arena of superpower confrontation. The Soviet Union was in the process of signing fisheries agreements with small island countries and seeking further representation in the region. There were even indications of Libyan-sponsored terrorist activities in the Southwest Pacific.

The Reagan administration responded to the action of New Zealand by cutting off intelligence sharing, suspending preferences for New Zealand under United States arms export and foreign military assistance laws and cooperation between the United States and New Zealand militaries, and ruling out contacts between New Zealand officials and senior United States officials with defense or foreign policy responsibilities. After consultations with Australia, the United States also indicated that our responsibilities toward New Zealand under the Australia-New Zealand-United States [ANZUS] defense alliance had been withdrawn. With respect to the no-contact policy,

the administration argued that such meetings were not justified since there was no indication that the key security and defense issue could be profitably discussed.

The Lange government subsequently enacted its antinuclear policies into law. At the same time, antinuclear sentiments continued to grow elsewhere in the South Pacific, causing further difficulties for U.S. defense planners. Many observers both within and outside the region were uneasy that the rupture in the ANZUS alliance could create dangerous opportunities for outside forces to meddle in the affairs of the small island states.

The situation in the South Pacific appears to have improved since the worrisome days of the mid-1980's. The level of confrontation between the superpowers on the global level has decreased, and the Soviets have changed their priorities to emphasize commercial opportunities over politico-military expansionism. Several of the island states continue to experience instability, however—especially Papua New Guinea which faces a secessionist movement on Bougainville, Vanuatu with its volatile politics, coup-prone Fiji, and New Caledonia with its simmering resentment between indigenous Kanaks and settlers.

On March 1, the Secretary of State met in Washington with Mike Moore, New Zealand Minister of Economic Relations and Trade. Why did the State Department change the no-contact policy at this time and what are the results? Well, according to the Department spokesman the meeting represented "an adjustment in our limited access policy in order to allow us to discuss and cooperate on non-security matters of mutual concern." The statement indicated that the two had discussed GATT, narcotics, Pacific Basin economic cooperation and developments in Eastern Europe and South Africa; some observers have speculated that Minister Moore offered information from Iranian President Rafsanjani concerning United States hostages in Lebanon.

Perhaps the real reason for the Department's switch, however, was the buffeting the administration was beginning to receive in Congress. The chairman of the Subcommittee on Asian and Pacific Affairs had recently written a column contrasting the Bush administration's willingness to toast the "Butchers of Beijing" but not even meet after so many years with senior officials from New Zealand. Other Congressmen subsequently joined in raising this issue at public hearings of the subcommittee.

What has really changed to justify the loss of United States leverage against New Zealand on the ship issue? After all, the no-contact policy was perhaps the only United States action that was actually felt by New Zealand politicians. The effect of the other sanctions was felt directly by the New Zealand military and defense establishment, which has long been friendly toward the United States. Unfortunately, the Labour government has not always been particularly attentive to defense and security issues.

One major factor may have been the change in leadership that occurred when Geoffrey Palmer took over the Prime Ministership from Lange. This ended the irritation caused by Lange's regular provocation remarks, including his infamous lecture at Yale—at the George Herbert Walker, Jr., lecture, no less—on the anniversary of the signing of ANZUS, in which Lange threatened to withdraw entirely from the treaty. Prime Minister Palmer has adopted a much more constructive tone toward the United States, even lending support to the United States intervention in Panama. But Palmer, like Lange, remains intransigent on the ship issue.

Unfortunately, the results of the resumption of high-level contacts have so far not been good. Labour has crowed in triumph while the opposition National Party—which had previously pledged itself to restore ship visits—has changed its position. Coincident with the resignation of senior opposition defense spokesman Don McKinnon, the Nationals announced that henceforth their policy is to oppose the visit of ships on which the presence of nuclear weapons is neither confirmed nor denied [NCND]. NCND is the basic U.S. position on this matter, since for security as well as operational reasons the United States can hardly permit open discussion of whether our naval vessels are nuclear armed.

It is true that had a switch in policy not been made, Labour might have used the continuation of the no-contact policy to portray the United States as a bully which wishes to interfere in New Zealand politics. At the same time, however, the Department might have proceeded more cautiously. There were ample opportunities for Secretary Baker to meet Minister Moore, or other senior United States foreign relations and national security representatives to meet with their New Zealand counterparts, on a more limited basis. For example, the Secretary could have met Moore in connection with a multilateral meeting such as the Post-Ministerial session of the Association of Southeast Asian Nations [ASEAN] in July.

The executive branch may have made yet another misstep. The State Department announcement indicates that there will be no change in the United States ban on military, intelligence and security cooperation with New Zealand, as well as the suspension of ANZUS obligations, as long as New Zealand's policy on ship visits persists. In fact, however, had the administration wished to make a gesture toward New Zealand at this time it should have considered instead resuming limited intelligence sharing—for example, on naval movements, terrorism and other developments in the South Pacific—and perhaps some token military cooperation. This at least would have had the benefit of helping to address the deterioration of New Zealand's military capabilities and the resentement that is building in the ranks.

But the die has already been cast. Now is not the time for another change in policy, so close to the expected date of elections in New Zealand in October. The decision has been made and alternatives are ruled out. Perhaps it was easier for the State Department to change what was within its power—diplomatic contacts—than military and intelligence matters subject to the influence of the Defense Department and National Security Council, where the strong negative reaction to New Zealand's antinuclear policies persists. But many with a strong desire for a true reinstitution of New Zealand-United States friendship may feel that the opportunity to resolve the ship issue has been forever lost. In an era of declining tensions in the world, we have failed to find a way to maintain an old and valued alliance.

After so long a break, the desire to improve relations between the United States and New Zealand was certainly understandable. But the decision to have Secretary Baker meet with Minister Moore was unfortunate. The consequence is that for the foreseeable future the United States will not be able to resume a defense relationship with New Zealand consistent with the NCND principle, which is absolutely essential for the secure operation of United States forces. The recent decision to resume high-level contacts has, perhaps paradoxically, made it impossible to deal directly with the primary issue in United States-New Zealand relations. Only time, and a more constructive attitude on the New Zealand side, can put our historically friendly relationship back on track.

H.R. 4111

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. CRAIG. Mr. Speaker, on February 27 I introduced H.R. 4111, the Strategic and Critical Minerals Act of 1990. If enacted, this bill would authorize the creation of a Mining and Mineral Resources Research Institute to develop new and innovative ways of addressing the problems and shortfalls that this country faces in the area of critical and strategic minerals.

Our country depends almost exclusively on foreign sources for critical minerals. United States Bureau of Mines studies reveal that 95 percent of world production of the platinum group metals comes from the Soviet Union and South Africa. Fifty-nine percent of the United States vanadium needs come from South Africa.

These minerals and the other critical minerals that would be addressed by a strategic and critical minerals center are crucial to this Nation's defense and economic well-being. For instance, critical and strategic minerals are essential for producing high temperature tolerant metals for use in jet and rocket engines and turbines. Without the platinum group metals there would be no catalytic converters in our automobiles, and our Nation's air quality would suffer. Rare Earth minerals must also be available if we are to develop the science of superconductivity.

As we all know, the future availability of these critical minerals from foreign sources is not certain. It would be unwise to have no alternative materials or strategies available to assure that this Nation has these important materials available in the future.

For this reason, I have introduced H.R. 4111. The bill establishes a strategic and critical mineral technology center that will have as its objective to decrease the dependence of the United States on strategic and critical minerals. This objective will be accomplished by providing for studies and technology develop-

ment in mineral extraction and processes; product substitution and conservation of critical and strategic minerals through recycling, advanced processing and fabrication; and the dissemination of the centers' findings to the private sector. Another major responsibility of the center will be to identify new deposits of strategic and critical mineral resources.

As we move into the next century, this Nation must have the natural resources to compete and move forward with new and emerging technology. It is my intention that the establishment of a Mining and Mineral Resources Institute for strategic and critical minerals will help us meet the challenge.

TRIBUTE TO THE BIG SUR POST OFFICE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Postal Service in Big Sur, CA, which has provided over 100 years of postal service to this area of Monterey County.

The first post office in Big Sur was established on October 30, 1889, in the home of pioneer homesteader, William B. Post. Known simply as "Post's," the Postal Service remained here until 1905, when it was moved to its own building in what is now Pfeiffer-Big Sur State Park.

The name of the post office was changed to "Arabaldo" in 1910, and the first letter was canceled using the current postal name "Big Sur" on May 5, 1915. Mail continued to be delivered weekly by horsedrawn stage or, during severe weather, on horseback. In the spring of 1920, Big Sur residents began receiving mail twice a week, as the motorized stage became the mode of delivery.

In 1972, the Big Sur Post Office, then located in the old River Village, was destroyed by a series of landslides. The Postal Service continued to provide delivery from a trailer near the ranger station of Big Sur National Forest for nearly 14 years, until the current post office was completed. Delayed by major landslides in 1982, the Big Sur Post Office at "the Deli" on Highway 1 was opened for business on June 16, 1986. On Sunday October 30, 1989, a celebration was held honoring the historic institution and the employees on the occasion of the centennial of Postal Service in Big Sur.

Mr. Speaker, I ask my colleagues to join me now in congratulating the Big Sur Post Office for over 100 years of service to the people of the Big Sur area. It is with great pride and respect that I pay tribute to the staff of this institution, past and present.

A TRIBUTE TO COL. RICH HIGGINS, OF LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MAZZOLI. Mr. Speaker, I was honored to have taken part in the dedication and unveiling of a monument in honor of Col. Rich Higgins, a brave patriot, a valiant marine, and a fellow Louisvillian, who, it is presumed, gave his life as a U.N. peacekeeper in the Mideast.

It was fitting that the granite monument—partly finished and partly unfinished to signify Rich's own life and work—is located at Southern High School, Rich's alma mater, and the focal point of his early years.

In attendance were Rich's wife, Marine Maj. Robin Higgins, a valiant marine in her own right, Rich's daughter, Chrissy, his sister, Mary Fisher, and friends, by the hundreds.

Also adding dignity to the ceremonies were, among others, Marine Commandant, Gen. Alfred Gray; Fort Knox Commander, Maj. Gen. Thomas Foley; Kentucky adjutant general, Maj. Gen. Michael Davidson; Marine Col. Ronald Ray, the master of ceremonies; Jefferson County commissioner, Irv Maze; and Jefferson County school superintendent, Donald Ingwerson.

Mr. Speaker, the ceremony was not somber or solemn as if it were a memorial to a lost comrade.

Rather, it was:

A tribute to a Louisville native who chose the military as his career in public service;

A recognition of a life well-lived in the cause of peace and freedom here at home and abroad;

A testimonial to the lofty proposition that we should not live self-centered lives but selfless lives dedicated to the betterment of our fellows; and,

A reminder that, as in Col. Rich Higgins' case, each of us individually, can make a difference and can make things better.

Mr. Speaker, whatever is Rich Higgins' fate and condition, he stands—in the form of a granite marker at Southern High School—as an inspiration to his loving family, to his proud hometown, and to a grateful nation.

SMOKELESS TOBACCO ISN'T "COOL"

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SYNAR. Mr. Speaker, I am pleased to report that the American Academy of Otolaryngology-Head and Neck Surgery, an organization made up of over 9,000 expert surgeons, is waging a serious battle against a growing national problem—smokeless tobacco use among our children. Using various media avenues, the academy's "Through with Chew" program is delivering the message to school age children and parents that "chew and snuff are real bad stuff." Their message is that smokeless tobacco is not a safe alternative to smoking.

In February, 20,200 public and private secondary schools and 1,200 boys clubs all received the videotape "Smokeless Tobacco: Is It Worth the Risk?" Narrated by Mel Allen, the video features pitcher Nolan Ryan, and interviews with high school baseball players. The video also describes the health hazards of smokeless tobacco and shows oral cancer victims after surgery. A segment of the video is dedicated to Sean Marsee, a user of both chew and snuff from my home State of Oklahoma, who died of oral cancer at age 19. In fact, it was Sean's death which led me to propose legislation requiring warning labels on smokeless tobacco and to ban television and radio advertising of the product. That legislation became law in the 99th Congress.

The academy, together with the National Cancer Institute, is assisting teachers by providing educational materials for use in their classrooms. This special program was endorsed and distributed by TARGET, a service organization of the National Federation of State High School Associations.

In addition, the academy has set up a grassroots network of otolaryngologist-head and neck surgeons who will push the campaign in their local communities. They have distributed radio public service announcements to 3,000 stations nationwide. The message stresses that smokeless tobacco isn't "cool", it is a health hazard.

The American Academy of Otolaryngology-Head and Neck Surgery is to be commended for providing this tremendous public service to America's youth.

HARRY A. GAMPEL HONORED AS SOUTH BROWARD BUSINESSMAN OF THE YEAR

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SMITH of Florida. Mr. Speaker, on March 21, 1990, the business executive forum of the Jewish Federation of South Broward will honor Harry A. Gampel as businessman of the year. Mr. Gampel, a noted developer and chairman of the Gampel Organization, has been involved in South Broward and south Florida for many years. Among his most beautiful buildings are the recently completed luxury Hallmark Building and Presidential Circle, both in Hollywood.

His many philanthropic and humanitarian endeavors were recently recognized when he received an honorary doctorate from Yeshiva University along with such notables as TWA Chairman Carl Ichan and Harvard law professor Alan Dershowitz. Moreover, Mr. Gampel's alma mater, the University of Connecticut, named the newly completed Gampel Pavillion in recognition of his continuous support.

South Florida has been blessed by both the beauty of Harry Gampel's developments and the numerous results of Harry Gampel's civic dedication. I hope all of you join me in saluting Harry Gampel for being honored on this very special occasion.

BILL OF RIGHTS FOR AMERICAN CONSUMERS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. TANNER. Mr. Speaker, 28 years ago today President Kennedy issued the first ever "Bill of Rights for American Consumers". Through this action, the President issued executive orders, proposed legislation and suggested regulatory steps to make sure that the driving forces of technological change did not overrun the American consumer.

President Kennedy prefaced his March 15, 1962, special message to the Congress on protecting the consumer interest by stating the obvious: "Consumers, by definition, include us all. They are the largest group in the economy, affecting and affected by almost every public and private economic decision."

For precisely that reason, the burden falls not just on the Federal Government but on all segments of our democracy to protect and serve the consumer. Because, as President Kennedy said, "If consumers are offered inferior products, if prices are exorbitant * * * if the consumer is unable to choose on an informed basis, then his dollar is wasted * * * and the national interest suffers."

This message rings as true today as when President Kennedy made that statement.

That is why an Insurance Consumer Bill of Rights and Responsibilities was introduced 28 years after President Kennedy's consumer guarantees from the Federal Government, and 201 years after an even broader spectrum of guarantees was declared in the Bill of Rights of the U.S. Constitution.

The Insurance Consumer's Bill of Rights is a product of a unique coalition of independent insurance agents and consumer advocates, both dedicated to President Kennedy's idea of a shared societal obligation to serve the American consumer. The Coalition includes the National Association of Professional Insurance Agents [PIA] and the Consumer Insurance Interest Group [CIIG] which includes leaders from Public Citizen, the National Insurance Consumer Organization, and the Consumer Federation of America.

I want to congratulate PIA National and the CIIG for their joint efforts to promote consumer protection as their foremost goal.

Ester Peterson, a life-long consumer advocate and adviser to Presidents Kennedy, Johnson, and Carter, was instrumental in implementing the 1962 Consumer Bill of Rights. As chairperson of CIIG and PIA National's consumer adviser, both groups looked to her for guidance in not only drafting the Insurance Consumer Bill of Rights and Responsibilities, but also for foregoing broad agreement on these declarations inside and outside the insurance industry.

The Insurance Consumer's Bill of Rights and Responsibilities adopts many of President Kennedy's pledges to all consumers, including the right to be properly informed, the right to choose, and the right to be heard. But it also establishes the goal to give insurance consumers the rights to protection, to redress, and to high quality service.

PIA National and CIIG developed these rights because the typical consumer often lacks proper information and understanding when buying and using insurance. A companion bill of responsibilities is attached to the bill of rights so consumers know what insurance companies and agents expect of them to ensure fair, accurate, and speedy claims service.

The Insurance Consumer's Bill of Rights include:

The right to protection. Consumers have the right to purchase insurance that meets their needs, regardless of where they live or work. Such insurance policies must be priced according to consumers' specific risks without regard to race, color, or creed.

The right to be informed. Consumers have the right to have their policies printed in clear, easily readable type and written in understandable language. This right includes having policy provisions accurately explained to consumers before purchase. Consumers should be told in advance, if possible, when the price or terms of their policy may change, and why.

The right to choose. Consumers have the right to be offered available options for protection, the right to enough time to adequately consider their purchase, and the right to make an informed choice of the coverage that best meets their needs for quality protection, fair value, and personal service. Further, they have the right to a competitive marketplace where several insurance companies compete for their business.

The right to redress. Consumers have the right to prompt settlement of just claims, the ability to have access to third parties for mediation, and access to responsive State insurance departments for further redress.

The right to be heard. Consumers have the right to have a voice in major decisions that affect them, whether made by insurance companies, insurance agents, or insurance regulators. They also have the right to prompt and constructive replies to suggestions and inquiries, and the right to be informed about and participate in consumer organizations that are involved in insurance issues.

The right to service. Consumers have the right to be treated with dignity, honesty, and fairness. They have the right to receive prompt and fair attention to claims, policy changes, and inquiries, as well as the right to be served by an insurance professional who strives to provide them with the best insurance value.

The Insurance Consumer's Bill of Responsibilities include:

The responsibility to be informed. Consumers have the responsibility to understand the concept of insurance, to read each insurance policy and attempt to understand its terms, and when lacking understanding, the responsibility to seek answers from an insurance professional.

The right to help control losses. Consumers have the responsibility to minimize risk through safe driving, vehicle and home maintenance, and caring for their health.

The responsibility to keep updated and accurate records. Consumers have the responsibility to maintain in writing the name, address, and telephone number of their insurance agent and insurance company as well as all policy numbers and vehicle make, model, and identification numbers. They also have the responsibility to maintain an updated inventory of household possessions.

The responsibility to report accurate information. Consumers have the responsibility to file insurance applications and report claims in an accurate and timely manner.

The responsibility to comply with policy provisions. Consumers have the responsibility to comply with the specific conditions outlined in their policy, including paying premiums on time, cooperating with insurance companies when defending their claims, and reporting changes that may affect their coverage.

The responsibility to report fraudulent practice. Consumers have the responsibility to report to law enforcement and insurance authorities any questionable practices by insurers, agents, consumers, auto body shops, doctors, lawyers or other parties seeking to defraud or circumvent the insurance system or consumers.

It is the hope of PIA National and the CIIG that the Insurance Consumer Bill of Rights and Responsibilities will foster a better relationship between the insurance industry and consumers. They have invited consumers, agents and insurance companies to endorse both the letter and the spirit of rights and responsibilities while committing themselves to working toward its goals and principles.

Communications between consumers and the insurance industry already is working. Consumers and insurance agents through CIIG have addressed such pressing concerns as auto safety, insurer insolvencies, and enhancing the effectiveness of state insurance departments.

The communications process is working and it can work better still. The Insurance Consumer Bill of Rights and Responsibilities can strengthen the insurance industry and build better relations with consumers.

Insurance consumers should demand—and they deserve—nothing less.

TRIBUTE TO LEE GAUMER ON RECEIVING THE COORS AMERICAN INGENUITY AWARD

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. RITTER. Mr. Speaker, today I would like to pay tribute to a man who is really a credit to the Lehigh Valley of Pennsylvania. The man I am speaking about is Mr. Lee Gaumer of Allentown.

Today, Mr. Gaumer received the Coors American Ingenuity Award during a meeting of the National Association of Manufacturers here in Washington. Gaumer is being honored for his contribution to the U.S. Space Program, in creating the technology for the high-volume production of liquid hydrogen rocket propellent.

Thanks to Mr. Gaumer's ingenuity, Air Products and Chemicals of Allentown, where Gaumer has worked for nearly 40 years, supplied hydrogen fuel for the Appollo Program

that landed the first men on the Moon in 1969 and now supplies it for the space shuttle.

Gaumer's work was stimulated in the late 1950's by the emerging missile and space program and its demand for tonnage quantities and high energy content. Gaumer's breakthrough technology was a quantum leap beyond the laboratory-scale production of liquid hydrogen propellant, preferred for its light weight and high energy content. But it could only be made in laboratories a few pounds at a time, until Gaumer devised the process and hardware to make the tonnage quantities required for engine development and actual launches.

This year, 1990, is the fifth year for the Coors American Ingenuity Award and Lee joins some distinguished individuals in receiving this prestigious recognition: John Atanasoff, acknowledged father of the computer age; Jack Kilby, inventor of the integrated circuit; Stanford Ovshinsky for his work in the science of amorphous solids and George Dantzig, creator of linear programming, a powerful method of solving large resource allocation and distribution problems.

Lee is currently working with the National Aeronautics and Space Administration and the U.S. Air Force to develop the technology for slush hydrogen propellant fuel for the National Aerospace Plane project.

A chemical engineer by training, Gaumer's early career led him to work on the Manhattan Project reactor and to witness the birth of teflon at Du Pont before taking him to the White Sands Proving Ground in New Mexico, where his long association with the Space Program began.

In addition to his work on liquid hydrogen, Gaumer also invented a revolutionary heat exchanger that for the first time made it possible to convert natural gas to a liquid form for shipping in a cost-effective manner.

Credit must also be given to the Air Products team for it was Lee's leadership and the support and teamwork at Air Products that brought these projects to light and allowed these products to become a major player in the space program and in America's preeminence as an emergency producer.

Lee was a leader on my Lehigh Valley Citizen's Energy Advisory Council in the tough days of the Iran oil embargo, the debate over oil price decontrol, and tough debates over what should be America's energy policy.

I consider Lee Gaumer the epitome of the citizen engineer inventor, a role model for our youth, and last but not least, a personal friend.

I congratulate Lee on his contribution to the American Space Program and on his well-deserved national recognition upon receiving the American Ingenuity Award.

STATEMENT OF CONGRESSMAN MAVROULES

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MAVROULES. Mr. Speaker, I would like to share with my colleagues a statement I made before the House Interior and Insular Affairs Subcommittee on General Oversight and Investigations on March 14, 1990, regarding the Nuclear Regulatory Commission's licensing process for the Seabrook Nuclear Power Plant.

I would like for them to have the benefit of this information before we consider the Nuclear Regulatory Commission's reauthorization legislation, H.R. 1549.

STATEMENT OF CONGRESSMAN NICHOLAS MAVROULES

Mr. Chairman, I am sure you know how much I appreciate your holding this hearing today and the interest you have shown in the issues surrounding the licensing of the Seabrook Nuclear Power Plant in Seabrook, New Hampshire.

There have been numerous concerns expressed by my colleagues and me on the regulatory oversight of the NRC as regards construction and design of the plant and I still harbor these concerns. I am confident that others appearing before you this afternoon with technical expertise on plant construction will ably cover these issues.

Thus, I would like primarily to focus my concern on the inadequacy of the emergency evacuation plan which the utilities have provided for the Massachusetts communities and on the regulatory process of the NRC. I will attempt to explain some of my concerns to you and I would also like to submit for the record an overview of the Massachusetts evacuation plan that clearly outlines in more detail some outstanding concerns on the evacuation plan.

As early as 1975, when the NRC was considering the construction permit for Seabrook, the Attorney General of Massachusetts expressed his opposition to the siting of Seabrook station. He argued then that the infrastructure of the area roads was not sufficient to handle the needs of a mass evacuation. Unfortunately, those concerns were ignored. In essence, the Commission said construction would proceed, and that the evacuation issue would be dealt with once the plant came up for its license.

As you know, after the accident at Three Mile Island in 1979, the nation as a whole realized how ill-prepared we were to respond to a nuclear accident. Even after this catastrophe, the earlier objections to Seabrook's evacation plan remained unanswered, and the NRC allowed construction to continue.

The emergency planning rules adopted by the Commission in 1980, mandated by Congress, require that an acceptable emergency evacuation plan be prepared for communities within a 10 mile radius of a commercial reactor. Six communities in my district—Salisbury, Newbury, West Newbury, Amesbury, Newburyport and Merrimac—are within this distance from Seabrook.

Unfortunately, The Nuclear Regulatory Commission has strayed from its mandate to protect the public. Established as an independent agency under the Energy Reorganization Act of 1974, it has consistently served to protect the interests of the nuclear industry rather than those of the general public. Its primary responsibility—to protect the health and safety of the American people—has been largely ignored. In a headlong rush to promote the use of commercial nuclear energy, on many occasions the agency has refused to fully consider concerns raised by state and local governments and the affected public.

In the case of Seabrook, the commission has time and again revised its own rules to accommodate the needs of the utility companies building the plant. These regulatory changes have allowed the commission to license not only Seabrook but the Perry reactor in Ohio and Shoreham in New York in spite of the objections of those state's governors.

In September 1987 an emergency plan for Massachusetts communities was submitted to the Atomic Safety and Licensing Board by the utility for approval.

I am submitting for the record, Mr. Chairman, a chronology of activities by the NRC, The Federal Emergency Management Agency and the intervenors on the Emergency planning activities for both the New Hampshire and Massachusetts communities.

Mr. Chairman, the plans endorsed by the NRC simply cannot be deemed a responsible effort to minimize radiation exposure during a nuclear accident.

Indeed, the NRC's own appeal board asked that the Atomic Safety and Licensing Board revisit four significant issues in the New Hampshire evacuation plans. These issues were: the handling of advanced life support patients at nearby institutions; teacher participation in the evacuation of schoolchildren; the lack of a sheltering plan for the beach population; and deficiencies in the survey to determine special population needs.

Yet, incredibly enough, when the appeal board remanded the New Hampshire evacuation plan to be reworked, It was overruled by a lower NRC panel, and was then preempted by the commissioners themselves.

This astonishing and unprecedented breach of the commission's own process reflects some kind of stampede to get this plant licensed, no matter what the cost in credibility or in public safety. In fact, the commissoners pre-empted not only the state of Massachusetts and the local communities, but their own internal processes as well.

The Atomic Safety and Licensing Board [ASLB] assigned to Seabrook found in its Partial Initial Decision that it will take from 7½ to 8½ hours to evacuate the EPZ, including heavily populated beach areas around Seabrook. And the regulatory guidance document NUREG-0654 states that a release of radiation can occur in as little as one-half hour from the time of initiation of an accident.

Additionally, the utility plan estimates a resident population of the 6 communities in my district at 53,583. While this plan relies on bus companies to transport small children, transit dependent individuals, hospital and nursing home patients, there is no agreement on the number of drivers who could be counted upon.

Also, the only major thoroughfares are I-95 and I-495. All of the secondary roads within the six Massachusetts communities are standard two-lane highways. And there is no realistic option for expanding the roadways.

The two centers for monitoring and decontaminating evacuees in the Massachusetts portion of the emergency planning zone are located in Beverly and North Andover, Massachusetts. These centers are prepared to provide for only 20 percent of the population.

The Reception Center for the communities of Merrimac, Amesbury and West Newbury, with a total population of 23,101, is North Andover, which is located approximately 5 miles outside of the Emergency Planning Zone. The only major highway in that direction is I-495. Consequently, much

of the travel will have to be on secondary roads, highways 108, 110, 113 and 125.

The Reception Center for the Salisbury, Newbury and Newburyport areas is Beverly, which is located approximately 10 miles beyond the EPZ.

At each location, the facility consists of one trailer with 16 to 18 monitoring stations and only two showers. When this issue was raised with the ASLB, the Board stated that there was no time requirement within which decontamination must be accomplished. It does not take a genius to figure out that the longer you are contaminated, the greater the exposure to radiation. This is far from being an acceptable response for the protection of public health.

The Nuclear Regulatory Commission has done a terrible job of addressing the growing concerns of the public in protecting their health and safety.

Furthermore, I was appalled when the Federal Emergency Mangement Agency announced on March 14, 1988 that they were reversing their June 4, 1987 finding that the state of emergency preparedness in the beach areas was inadequate due to the large population and lack of sheltering capability. There was no basis for reversing this decision because no new facts had arisen.

Mr. Chairman, there has been much discussion about New England's need for additional energy resources. I do not argue that point.

But Seabrook is not the answer. This month marks eleven years since the accident at Three Mile Island. We learned then that it was necessary to put in place workable evacuation plans. That, it seems, is the very least we can do if we are to use this technology.

We have regulations on the books requiring workable evacuation plans.

But at Seabrook Station and elsewhere we have seen the NRC abuse both the spirit and the letter of these regulations, as well as its own internal processes.

Virtually no one familiar with the area around Seabrook believes it can be evacuated in a timely manner. Nothing put forward by the NRC or Seabrook's builders in the 11 years since Three Mile Island, or in the 15 years since this issue was raised by the Attorney General of the State of Massachusetts, has convinced the public that this evacuation will work in the face of a nuclear accident.

Last June I wrote as much to my colleagues in the House and Senate who have jurisdiction over the NRC. I testified before the House Interior Subcommittee on Energy and the Environment the year before, asking that a consensus be developed and legislation presented to reform the NRC. I stand as ready as I ever have been to assist in any way I can to bring this to pass.

If we needed more convincing, the licensing of Seabrook Station stands as a monument to an agency that makes up its own rules as it goes along, placing the interests of industry ahead of the health and safety of the public.

Mr. Chairman, I hope we can find a way to solve this terrible problem before another catastrophe occurs. Do we really want to open new hearings on another Three Mile Island down the road.

Thank you for your time and attention. I deeply hope these hearings lead to some definitive action toward a more responsible regulation of this industry.

THE FAMILY CHOICE AND CHILD CARE IMPROVEMENT ACT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STENHOLM. Mr. Speaker, I am pleased to come to the House floor today with my colleague, CLAY SHAW, to introduce the Family Choice and Child Care Improvement Act. This bill stakes out a moderate conservative position on the issue of the Federal Government's involvement in child care, something which is of vital concern to millions of Americans. The bill will provide the basis for a substitute amendment when child care is considered by the House of Representatives in the near future.

When I first began my journey into the world of child care policy, territory which I confess was uncharted and unfamiliar to me even a year ago, I decided that there were five principles or beliefs which had to be at the foundation of any child care approach I could support. Those five simple beliefs were these:

First, parents, localities, and States are better decisionmakers than the Federal Government as to how their children should be cared for.

Second, child care legislation should not be biased against, or for that matter, in favor of, stay-at-home parents.

Third, child care legislation should not be biased for or against a type of provider—church or synagogue, for-profit care, friend or relative, and so forth—which parents have otherwise chosen or would like to choose for their children.

Fourth, the Federal Government should not establish complicated new bureaucracies for administering child care funds, but rather should build on proven programs.

Fifth, a Federal Government already $3 trillion in debt does not have limitless resources for child care assistance; therefore, those families with the greatest needs must be given priority and the maximum effectiveness must be gotten out of each dollar spent.

I am convinced that the vast majority of mainstream Americans—liberal or conservative, Democrat or Republican—want us to be guided by principles such as these when we are developing child care policy here in the House of Representatives. I believe that while the economy may have changed and family work patterns may have changed, fundamental family values are timeless.

I know there are some today who still argue that we don't need any kind of Federal child care policies or programs. I am not one of those people.

However, I also am not willing to accept child care policies which imply that the day care most worthy of being reinforced is that care performed by government-trained and government-regulated personnel in government-licensed centers. Or as a Wall Street Journal editorial stated it, I am not willing to accept "a program right out of the 1960's that would do for children what HUD has done for housing."

The leading child care policy approaches, in my opinion, have had serious flaws. For example, while no one would argue for discrimination on the surface, we have many proponents of alternative child care approaches who are quite happy to argue for discrimination against religious day care providers, discrimination against informal and unlicensed babysitting by relatives and neighbors, discrimination against parents who stay at home, discrimination against lower income individuals.

It is precisely because we oppose those forms of discrimination that Stenholm-Shaw includes:

An affirmation of the constitutional use of vouchers and elimination of any prohibition against funds going to sectarian institutions. That is, we oppose discrimination against religious providers;

Removal of the 183 regulations and mandates found in the other major proposals. That is, we oppose discrimination against unlicensed care and private-sector providers;

Emphasis on the EITC and an infant tax credit. That is, we oppose discrimination against parents who stay at home or have informal child care arrangements with family and friends; and

Removal of the language which says that half of the Head Start increase may be used for nonpoor children; and including a $90,000 salary cap on eligibility for the DCTC and the flexible spending account child care option. That is, we oppose discrimination against and prioritize in favor of lower income families.

I would like to briefly describe the Family Choice and Child Care Improvement Act which Mr. SHAW and I are introducing today.

To begin with, we chose to stick with established, effective programs: Head Start, Title XX: Social Services Block Grants, and the EITC, rather than creating new bureaucracies. We also refused to accept the many regulations and mandates included in the proposals passed by both the Ways and Means Committee and the Education and Labor Committee. In doing so, we have been criticized for not caring about the quality of care provided our Nation's children. Quite the contrary, we care a great deal about that quality.

We simply reject the premise that licensed and regulated strangers guarantee better care than trusted friends and relatives.

We have chosen the Title XX: Social Services Block Grant Program to channel Federal money to the States. This proven block grant entitlement has in the past given a great deal of flexibility to States to determine how the child care needs of their residents could best be served. Numerous States have already made the determination that one of the best ways to meet those needs is through vouchers, child care's version of food stamps if you will, supporting full decisionmaking by parents.

Too many times in policymaking, whether it be tax policy—one of the greatest offenders—or in other policy, we create a situation where the tail is wagging the dog. National child care policy should not determine parents' choices; rather, parents' choices in how they can best meet their children's needs should determine national policy. Child care subsidies to certain kinds of providers and not to others, or to certain kinds of parents but not to others, place the Government's moral authority behind one arbitrarily preferred way of raising children.

Unfortunately, too many people on all sides of this issue have gotten bogged down in arguing for a particular method or lifestyle which they claim is the preferable way to raise children. The fact is that social engineering from the Federal level, whether you want to engineer it in a liberal direction or in a conservative direction, is a bad idea. The point must be to retain individual freedom, the opportunity to exercise that sacred Judeo-Christian concept of free will, to the greatest extent socially possible.

Liberal economist Robert Samuelson made the point eloquently in a Newsweek column when the Federal child care debate was still young. Samuelson wrote:

The point is not that parental care is superior to child care or vice versa. It is that we don't know, or that it may be different for different families . . . Why children turn out as they do is one of life's mysteries. It involves personality, talent, parents, culture, income, life experiences, schools, luck (good and bad) and so much more. Government can't prescribe competent child-rearing.

EITC

The Stenholm-Shaw proposal includes as its largest ticket item a considerable expansion of the earned income tax credit [EITC]. One of the most common criticisms of considering the EITC as part of the solution to the child care problem was repeated by New York Times columnist William Safire who argued that parents "will blow the money on booze, pot or cable TV" rather than on care for their children. With due respect to those who make such an argument, I must say that having now spent more than 11 years in Congress, years in which the national debt has more than tripled to over $3 trillion, I find the implication that the Federal Government manages money better than most parents in an unconvincing proposition. Of course there will be examples of individuals who will mismanage their increased income and spend it for nonessential items rather than for the care of their children. But if one does not begin with a basic trust in the individual and a respect for that individual's dignity, there is little hope for any public policy in the American tradition, not to mention little hope for humankind in general.

We are submitting for the RECORD summaries of the Stenholm-Shaw child care proposal we are introducing today. We urge all of our colleagues to take a careful look at this bill and to consider our arguments when the issue comes to the House floor. Our children's future may depend on what we do in this body. Our Nation's future surely does depend on our children.

TIME FOR BETTER AUTO MILEAGE EFFICIENCY STANDARDS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, although the last 10 years have seen an encouraging increase in the fuel efficiency of automobiles, the United States remains heavily dependent on foreign oil imports. The level of petroleum imports has risen from 4,286,000 barrels per day in 1985 to almost 8 million barrels per day in 1989—an increase of 66.5 percent!

If our current rate of demand continues unchecked, by the mid-1990's, we could be importing over 75 percent of our oil. If we don't make some changes immediately, we will be faced with a much greater fuel crisis and far fewer options than we had in the seventies.

This is the decade of the environment—the President has proclaimed himself the "Environmental President", Congress is working on Clean Air Legislation, and there is increased concern over acid rain, global warming, and tropical deforestation. In urban areas, automobile emissions pose significant health risks. Every shipload of oil from overseas increases the chance of another tanker spill.

That is why, today, I am introducing a bill that would both raise the gas guzzler excise tax and gradually raise the auto mileage standard. These two measures will serve as a powerful incentive for fuel efficiency.

We have the technology available in this country to produce more fuel efficient cars. In this day and age, the Big Three auto makers should be able to produce a fleet that gets better than the 27.5 miles per gallon standards of the 1975 Act.

Lead times in auto design require long-range planning and investment. Now is the time for the Government and the concerned public to develop policies that will meet our future energy needs and be responsive to both the public interest and the environment. Improved fuel efficiency is one of the easiest and most painless ways to achieve this.

Mr. Speaker, this bill is good for our economy, good for our health, and good for the environment.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASES IN FUEL ECONOMY STANDARDS AND IN RATES APPLICABLE TO GAS GUZZLER TAX.

(a) IN GENERAL.—Subsection (a) of section 4064 of the Internal Revenue Code of 1986 (relating to gas guzzler tax) is amended—

(1) by striking paragraphs (1) through (6),

(2) by redesignating paragraph (7) as paragraph (1),

(3) by striking the material preceding the table in paragraph (a) (as so redesignated) and inserting:

"(1) In the case of an automobile of any model year after 1990 and before 1996:", and

(4) by adding after paragraph (a) (as so redesignated) the following new paragraphs:

"(2) In the case of a 1996 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 23.5	$0
At least 22.5 but less than 23.5	500
At least 21.5 but less than 22.5	650
At least 20.5 but less than 21.5	850
At least 19.5 but less than 20.5	1,100
At least 18.5 but less than 19.5	1,400
At least 17.5 but less than 18.5	1,750
At least 16.5 but less than 17.5	2,150
At least 15.5 but less than 16.5	2,600
At least 14.5 but less than 15.5	3,100
At least 13.5 but less than 14.5	3,600
Less than 13.5	4,100.

"(3) In the case of a 1998 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 24.5	$0
At least 23.5 but less than 24.5	500
At least 22.5 but less than 23.5	650
At least 21.5 but less than 22.5	850
At least 20.5 but less than 21.5	1,100
At least 19.5 but less than 20.5	1,400
At least 18.5 but less than 19.5	1,750
At least 17.5 but less than 18.5	2,150
At least 16.5 but less than 17.5	2,600
At least 15.5 but less than 16.5	3,100
At least 14.5 but less than 15.5	3,600
At least 14.0 but less than 14.5	4,100
At least 14.0	4,600

"(4) In the case of a 2000 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 25.5	$0
At least 24.5 but less than 25.5	500
At least 23.5 but less than 24.5	650
At least 22.5 but less than 23.5	850
At least 21.5 but less than 22.5	1,100
At least 20.5 but less than 21.5	1,400
At least 19.5 but less than 20.5	1,750
At least 18.5 but less than 19.5	2,150
At least 17.5 but less than 18.5	2,600
At least 16.5 but less than 17.5	3,100
At least 15.5 but less than 16.5	3,600
At least 14.5 but less than 15.5	4,100
Less than 14.5	4,600

"(5) In the case of a 2002 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 26.5	$0
At least 25.5 but less than 26.5	500
At least 24.5 but less than 25.5	650
At least 23.5 but less than 24.5	850
At least 22.5 but less than 23.5	1,100
At least 21.5 but less than 22.5	1,400
At least 20.5 but less than 21.5	1,750
At least 19.5 but less than 20.5	2,150
At least 18.5 but less than 19.5	2,600
At least 17.5 but less than 18.5	3,100
At least 16.5 but less than 17.5	3,600
At least 15.5 but less than 16.5	4,100
At least 14.5 but less than 15.5	4,600
Less than 14.5	5,100.

"(6) In the case of a 2004 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 27.5	$0
At least 26.5 but less than 27.5	500
At least 25.5 but less than 26.5	650
At least 24.5 but less than 25.5	850
At least 23.5 but less than 24.5	1,100
At least 22.5 but less than 23.5	1,400
At least 21.5 but less than 22.5	1,750

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 20.5 but less than 21.5	2,150
At least 19.5 but less than 20.5	2,600
At least 18.5 but less than 19.5	3,100
At least 17.5 but less than 18.5	3,600
At least 16.5 but less than 17.5	4,100
At least 15.5 but less than 16.5	4,600
At least 15.0 but less than 15.5	5,100
Less than 15.0	5,700."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to 1991 and later model year automobiles (as defined in section 4064(b) of the Internal Revenue Code of 1986).

ST. JOSEPH HOSPITAL CELEBRATES 125TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. BENTLEY. Mr. Speaker, it is with great respect and admiration that I commend St. Joseph Hospital on 125 years of service to the community. For over a century St. Joseph Hospital has provided exceptional health care and healing to the suffering.

Since its humble beginnings in 1864, St. Joseph Hospital has provided medical attention to thousands of individuals and has established itself as a provider of care and comfort to the ill. Throughout the years, St. Joseph Hospital has enjoyed a rich history and heritage as it has grown and developed with the surrounding community. Originally housed in three donated row homes, St. Joseph Hospital persevered through both hardships as well as triumphs.

As St. Joseph continued to expand, the hospital sought to further its loving care and pioneered many firsts in the Baltimore area. In 1937 St. Joseph successfully demonstrated the use of sulfanilamide as an antibiotic, then in 1941 they were one of the only area hospitals to have an iron lung machine. St. Joseph's accomplishments continued, as they set a precedent for the medical community in Maryland by creating a structured coronary/pulmonary resuscitation team. By the late 1960's St. Joseph initiated an emergency medicine group, the only one of its kind in Maryland and later became the only community-based hospital of three facilities in the area with a license to perform open-heart surgery.

More recently, St. Joseph became one of the first hospitals on the east coast to introduce the concept of labor, delivery, and recovery suites. Indeed, the achievements and strides of St. Joseph Hospital are truly remarkable and it is literally impossible to recount them all. The hard work and dedication of all those who served the efforts of St. Joseph are quite evident when one considers the humble beginnings from which St. Joseph rose.

Today St. Joseph Hospital has kept with its tradition of hard work and selfless devotion. With a medical staff of over 980 members, it is hard to believe that such an accomplishment began with one 27-year-old widow by the name of Marie Anna Bachmann. After hearing God's call Ms. Bachmann, along with Ms. Barbara Boll and Ms. Anna Dorn took their vows in Bishop John Neuman's private chapel and then dedicated their lives to caring for the needs of the less fortunate.

The efforts and accomplishments of St. Joseph Hospital would surely not have been possible without the faithful work of all those who have given of themselves to better others. This milestone of 125 years of service will stand as an example to others of God's work through the efforts of man. Without a doubt, Mr. Speaker, St. Joseph will continue to enjoy many more milestones in the years to come.

Mr. Speaker, it is with great respect and appreciation that I commend St. Joseph Hospital on 125 years of medical and Christian work in the Baltimore area. Their work has brought healing to thousands and their accomplishments demonstrate their commitment to serving others.

ADJUSTMENT OF CLERK-HIRE ALLOWANCE AND OFFICIAL EXPENSES ALLOWANCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. ANNUNZIO. Mr. Speaker, at the direction of the Committee on House Administration, and under the authority granted in Public Law 94-184 and Public Law 99-440, the committee has issued Committee Order No. 39. The committee is sending each Member a "Dear Colleague" letter describing the administration of this change.

I include at this point in the RECORD the text of Committee Order No. 39:

COMMITTEE ORDER No. 39

Resolved, That effective March 15, 1990, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows: Each session a Member may allocate not to exceed $50,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $50,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk Hire disbursements may not exceed 10 percent of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

GORBACHEV'S NEW POWERS: SOURCE OF HOPE AND CONCERN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BROOMFIELD. Mr. Speaker, the new powers that Mikhail Gorbachev received from an enhanced Presidency must be viewed with mixed feelings. On the one hand, these are powers that President Gorbachev has been saying he needs to advance the reforms he wants to undertake in the Soviet system. In this sense, it can help provide him with the authoritly to undertake needed economic adjustments such as moving the economy toward a greater market orientation, as well as currency and price reforms. In the foreign policy area, it can help provide him the authority to undertake new initiatives in fully normalizing relations with other countries including Japan by finally settling such problems as the disagreement with Japan over the Kurile Islands, and by lowering Soviet force levels in Asia.

On the other hand, these same powers can be used by President Gorbachev or some succeeding Soviet President to suppress positive developments such as changes in the Baltic States and in other areas within the entire nation in the event attempted reforms cause instability. Thus the nearly absolute authority provided by the newly enhanced Presidency is also a source of concern.

The Founding Fathers of the United States saw fit to create a system where the powers of the central government are balanced against the various parts of the Government for the protection of the people. I hope the Soviet Government might move toward institutionalizing mechanisms to assure the protection of the rights of the people. There is an old maxim that should be considered—"Power corrupts, and absolute power corrupts absolutely."

UNDERGROUND STORAGE TANKS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. CRAIG. Mr. Speaker, I rise today to join a number of my colleagues in recognizing a welcome event for the mom-and-pop gas stations of rural America.

The Environmental Protection Agency announced that it will extend the deadline to comply with underground storage tank regulations for a full year. This means that owners of between 1 and 12 tanks will have until October 26, 1991, and owners of between 13 and 99 will have until April 26, 1991, to meet their financial responsibility requirements.

We must take precautions to protect the environment, but the time given to comply with the new regulations was simply not enough. The deadlines were threatening to put many smaller operations out of business and could have raised fuel prices for rural consumers. That is why I joined Congressman MARLENEE and others last year in introducing H.R. 3321, a bill providing for the extension of the deadline for a year.

The extended deadline announced by EPA will give State legislatures and Congress some much needed time to determine how best to bring our rural service stations into compliance. In my own State of Idaho, lawmakers have already recognized the threat to tourism posed by the requirements and are taking steps to create an insurance fund to provide

tank owners with the minimum $1 million liability coverage required by the EPA.

Mr. Speaker, I thank and congratulate the Members of Congress who I have worked with in persuading EPA to extend the deadline for underground storage tanks and look forward to continued service from the mom-and-pop gas stations of America.

TO ASSIST GROWERS OF KIWIFRUIT, NECTARINES, AND PLUMS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PANETTA. Mr. Speaker, today I am pleased to introduce legislation to assist California growers of kiwifruit, nectarines, and plums maintain their reputation of marketing a product of excellent quality. I am also pleased that a number of my colleagues have joined me in cosponsoring this measure. The legislation would set standards requiring imported kiwifruit, nectarines, and plums to meet the same minimum quality as fruit produced in California and maketed commercially in the United States.

In order to present the consumer with a product of the highest quality, California producers of nearly 50 different commodities operate under a Federal marketing order. A marketing order is an instrument whereby growers can enter into an agreement with the Secretary of Agriculture to improve and stabilize their product markets. Under the marketing orders covered in this legislation, the growers have elected to market only that fruit which meets the approximate minimum quality provisions of the United States No. 1 grade. To help ensure that their efforts are not undercut by the importation of poor quality fruits, California growers have asked that the same minimum quality standards apply to the imported fruit as is applied to their own domestically produced fruit.

The proposed legislation would add kiwifruit, nectarines, and plums to the list of some 20 fruits, vegetables, and specialty crops listed in section 8e of the Agricultural Marketing Agreement Act of 1937. If included, the imported fruits would be required to meet the same minimum quality standards as those fruits produced in California and sold through commercial channels in the United States.

The rational of the California kiwifruit, nectarine, and plum growers to add their products to the list of crops currently being marketed under the auspices of section 8e of the act becomes clear when one considers such factors as emerging trends in world production and trade and the self-help effort by our producers to market a high quality product to the consuming public.

Imports of kiwifruit, nectarines, and plums have increased substantially over the last 5-year period. The upward trend is expected to continue. Also, it should be noted that increased levels of imported fruit means an overlap in the marketing seasons of imported fruit and that which is produced in California. This helps explain the heightened interest by California growers in amending the act so that their past achievements in marketing a quality product can be successfully continued.

An analysis of the impact of a section 8e requirement on the volume of imported crops shows that the crops are not adversely affected, and in most instances, the volume of imports of selected crops actually increased.

In order to develop and maintain an economically viable industry, producers strongly believe that a strategy of marketing a high quality product in the United States is key to their continued success. They believe that foreign as well as domestic producers of fruit should adhere to an equal principle. The real winners in this process will be the American consumer who will be guaranteed a top quality product. I hope that my colleagues will join me in supporting this important measure.

A copy of the bill follows:

H.R. 4291

A bill to amend the Agricultural Adjustment Act to prohibit the importation of kiwifruit, nectarines, and plums that do not comply with any grade, size, quality, and maturity provisions of a marketing order applicable under such Act to the respective kind of fruit produced in the United States or with comparable restrictions promulgated under such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by inserting "kiwifruit, nectarines, plums," after "table grapes,".

THE PRESIDENT'S BUDGET PROPOSALS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MAZZOLI. Mr. Speaker, on March 1, I testified before the House Budget Committee concerning the President's fiscal year 1991 budget proposals and my fiscal year 1991 budget priorities.

Accordingly, I commend my following comments to the attention of my colleagues:

STATEMENT OF CONGRESSMAN ROMANO O. MAZZOLI

Mr. Chairman and distinguished members of the committee:

I would like to thank you for this opportunity to testify before you on the President's fiscal year 1991 budget proposals and changes in these budget priorities which I support.

In view of the remarkable and irreversible process of retrenchment and dismantlement and reform which has swept Europe and the world in the last twelve months, I urge this distinguished committee to look very hard at the need to continue with hugely expensive defense projects, such as star wars, Stealth and the MX-Midgetman.

If there are to be future conflicts—and they cannot at all be ruled out—my reading suggests that they have a high probability of being localized and fought with conventional rather than exotic weapons systems.

In this connection, I am concerned about both the base-closure process employed by the administration and also by the bases selected by this process for possible closure.

Too many on this "hit list" appear to be facilities geared toward conventional military and defense response, while too few are in the category of the high-profile, glitzy systems.

Some have also remarked on the fact that as many as 90% of these facilities targeted for closure are in Democratic districts. For the record, one such facility targeted happens to be Naval Ordnance Station, Louisville, which is in my congressional district—the Third District of Kentucky.

Naval Ordnance Station has a solid record in its fifty years of operations, and I believe it fits comfortably in the new look, cost-effective Defense Establishment, we in Congress with the cooperation of the President, must shape in the years ahead.

Very briefly, Naval Ordnance-Louisville provides some 2,400 jobs and carries a payroll of about $77 million for the Louisville, Jefferson County, Southern Indiana area. NOSL overhauls the guns and the fire control systems the Navy needs to perform its mission at sea.

For many of its functions, Naval Ordnance-Louisville is the only naval facility in the country to do this. My Kentucky colleagues and I—aided by one respected Member from southern Indiana, Lee Hamilton—intend to do all we can to keep Naval Ordnance Station-Louisville open and operating both for national defense and for budgetary reasons.

Mr. Chairman, let me shift to a few other budget topics.

The President suggests a $633 million reduction in funding for mass transportation. And, he goes even further by proposing the elimination of all subsidies for urban mass transit systems such as the Transit Authority of River City [TARC] which operates all public transit in Louisville and the surrounding area.

All urban areas of the Nation rely on affordable, reliable mass transit for serving their populations—a large proportion of which are low-income, older and less healthy—for both business-related and personal transportation. I hope your distinguished committee will reject the President's suggestion and restore the subsidies for urban mass transit.

Another area in which the committee should study critically the recommendations of the administration is in the area of affordable housing and the connected condition of the homelessness.

Homelessness has reached a crisis stage in my community and across the Nation. It derives from several conditions, one of which, from my personal research and investigation, is the lack of affordable housing.

I have always supported humanitarian relief efforts for the hungry and homeless in our midst—including the Emergency Food and Shelter Program started in the early 1980's. We may have thought that these conditions were fleeting and localized. But, years later, we are discovering—to our sorrow—that the conditions have become persistent and generalized so that they affect not just New York City or Chicago, but also Cincinnati and Louisville as well.

One way Congress has been able to help provide shelter and services to the homeless has been through the Stewart B. McKinney Homeless Assistance Act. Congress has been sympathetic to the authorizations and funding for McKinney programs over the years.

I hope the committee can recommend generous findings for McKinney and that we can extend the act for at least another two years.

Another priority I hope the committee will address is the lack of Federal support and assistance to States and localities—in the form of demonstration grants and technical assistance—to assist these government units in complying with environmental regulations and standards imposed by the Federal Government.

There is no doubt that America needs strong environmental standards if our air, land and water are to be healthful to our people and to future generations. But I hope we can develop an effort in which Federal, State and local governments cooperate to reach these laudable environmental goals. One way the Federal Government can cooperate, of course, is to help with cleanliness costs.

In closing, Mr. Chairman, I would like to address a concept I would hope your panel and the Congress will reexamine in the months and years ahead: Direct flexible Federal funding to local governments.

In my estimation, no Federal program has ever been as effective or efficient as the old Revenue Sharing Program. Under revenue sharing, localities received Federal money—with a minimum of strings attached—spent the money on local projects or programs and accounted with the Government after the project or program was underway or completed.

When I meet with local officials back home—such as Louisville Mayor Jerry Abramson, and Jefferson County Judge/executive David Armstrong and the mayors of large cities in Jefferson County, Mayor Draut of St. Matthews, Mayor Ruckriegel of Jeffersontown, and Mayor O'Daniel of Shively—I hear how much they wish local decision making and flexibility could be reintroduced into Federal programs.

They are particularly hopeful anti-drug law enforcement funds can be directly passed through to local governments to help with their war against drugs.

Again, Mr. Chairman and committee members, I appreciated the opportunity to appear before you.

UNITED SYNAGOGUE YOUTH HONORS SHERRY AND RICHARD SKOLNIK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SMITH of Florida. Mr. Speaker, I take great delight in informing this body that two of my very good friends, Sherry and Richard Skolnik, will be honored by the United Synagogue Youth [USY] on March 18, 1990, in Syosset, NY.

United Synagogue Youth, the youth organization of the United Synagogue of America, has long been a dynamic and positive influence on young people who want to serve as leaders in their synagogues and within the conservative movement. The alumni and friends of USY are strongly committed to the quality and quantity of USY programs. I, too, was once a member of USY.

In honoring the Skolniks, USY alumni and friends is recognizing two active supporters of the organization since its inception. Both were active USYers themselves, Sherry as president of the New Hyde Park Jewish Center USY, and Richard as president of Temple Beth Shalom of Long Beach Chapter. Both went on to become officers in the Nassau-Suffolk Council, of which I was once director, where they met. Richard then served as an adviser, a youth director at several conservative synagogues, and ultimately, south Nassau fieldworker for 16 years before his "retirement" to become lay leader.

Both Sherry and Richard have been active members of the METNY Youth Commission for many years, Sherry serving on the Scholarship Committee and Richard serving as Youth Commission chairman before becoming vice president of Youth for the New York Metropolitan Region. In addition, Richard serves on the National Youth Commission and is co-chairman of the Council of Regional Youth Commission chairpeople.

As a further indication of their commitment to conservative Judaism, Sherry and Richard, for the past 16 years, have been actively involved in the life of their congregation, Bellmore Jewish Center, with special emphasis on education and youth. Both serve on the board of trustees as well as the Youth Committee and board of education. For 5 years Sherry served as chairman of the Education Committee, while Richard was vice president of education. The nursery school at the synagogue was founded and guided by Sherry for more than 10 years.

Active in the local community, Sherry was elected to the Bellmore School District Board of Education. Additionally, Sherry and Richard are members of the board of Camp Ramah in the Berkshires, where Richard is senior vice president.

Both of their children, Jeffrey and Frann, are seasoned veterans of USY. Most recently, Jeffery was elected president of his chapter.

I myself have had the opportunity to work with Richard Skolnik while I was involved with USY, both as a youth and an adult. He is a wonderful and capable man who has a great rapport with young people. Richard and Sherry have always been dedicated to helping and supporting Jewish youths. They have been a strong force in promoting and assisting Jewish causes and are very deserving of this honor.

I congratulate Richard and Sherry and commend the United Synagogue Youth alumni for their insight in honoring such a wonderful couple.

GEPHARDT—THE CHALLENGE AHEAD

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. FAZIO. Mr. Speaker, I rise today to bring to the attention of the House of Representatives an article which appeared recenty in the San Francisco Examiner and the Washington Times regarding our friend and colleague, DICK GEPHARDT, the majority leader of the House. In this article, columnist Chris Matthews very astutely points out the leadership Mr. GEPHARDT has offered by suggesting that the United States take hold of the opportunities offered by the dramatic changes in the Eastern bloc. I highly recommend that my colleagues take the time to read this article.

[From the San Francisco Examiner]

DEMOCRATIC BLITZKRIEG IN EUROPE

WASHINGTON.—Mark your political calendars. This was the week Democrats shed their Vietnam-bred isolationism. The party that once cried "Come Home, America!" now champions an aggressive American engagement in the new, post-Cold War era. A generation of politicians long associated with global restraint now trumpets an economic and cultural blitzkrieg in Europe.

"I want to see a Europe in which America's young students have replaced our young soldiers," House Democratic leader Richard Gephardt, 49, told a party think tank this week, "a Europe in which American technology has replaced American tanks; a Europe in which new American lasers replace aging American Lance missiles."

The Missouri congressman offered gung-ho specifics:

"Food for Freedom"—massive food relief to the people of Eastern Europe, especially the Soviet Union, to keep the shelves filled and President Mikhail Gorbachev in power.

"Anyone who has seen the lines outside the McDonald's in Moscow," Gephardt said, "knows the Soviets would appreciate American food and American goods. And American farmers and workers would appreciate the markets."

"Freedom International"—an exchange of cultural, religious and political leaders between the United States and Eastern Europe.

"So much of the strength and the soul of our nation has its roots in Eastern Europe," Gephardt said. "We need a modern-day Berlin airlift bringing planeloads of people across the Atlantic in both directions" through scholarship programs, conferences and Peace Corps volunteers. In other words, he wants to take George Bush's "thousand points of light" rhetoric and make it a reality, forging a strong new relationship between us and the old countries of Europe.

"Free Enterprise Corps"—an American program that helps the countries "from which our parents came" learn the ways of free markets and modern economics.

That's right. The party that gave us the Marshall Plan, NATO, Point Four, the Alliance for Progress and the Peace Corps is back in business internationally.

As before, the reasons are not purely idealistic. Gephardt believes we Americans should take such steps in our own interest.

First, they would make life easier for Mikhail Gorbachev, the best thing that ever happened in this half-century. Food aid would give the Soviet leader what he needs most—time. It would give him and other reforms the breathing space to work their political and economic reforms. It would smooth the transition toward Russian democracy and ease the economic pains of its military pull-back.

"How can the Soviets pull Red Army troops out of Eastern Europe," Gephardt asks, "if they have no jobs and no homes for them to return to in Russia?"

There's a second reason why the United States should engage itself heavily in post-Cold War Europe—Germany. While the Democratic House leader supports reunification of East and West Germanys, he does

not want to recreate the "conditions" that led to World War II. One of those conditions was American isolationism. Gephardt wants America in Europe in a big way, not just militarily, but economically, culturally, politically.

Then, there's the third reason for a strong U.S. role—jobs. The Bush administration may be prepared to pull back from Europe and let Germany's Helmut Kohl run the show, but not Gephardt.

"For years I have advanced the idea of an economic alliance as stable and as strong as the NATO military alliance." The Democratic leader wants America to insist on its rightful place in post-Cold War Europe. "To win that role in Europe, we must do more than stand on the sidelines of history. We have to change but intensity our involvement in Europe."

With these words, the Democrats assume a bold new posture in world affairs. The party that fought a rear-guard action against Vietnam in the late '60s, criticized the role of U.S. multinational corporations in the '70s, and spent much of the '80's resisting U.S. military involvement in this hemisphere now wants to see America protecting its global interests.

As Les AuCoin, a 47-year-old Democratic congressman from Oregon, put it late this week, "The Democratic Party is pulling out of its isolationism."

A BIRDS-EYE VIEW OF DESTRUCTIVE FARM POLICY

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SCHULZE. Mr. Speaker, I would like to share with my colleagues an article from the Wall Street Journal of March 1, by Don Leal. Mr. Leal discusses the damage done to our wildlife population due to the Federal farm programs.

The 1985 Food Security Act has placed 34 million acres into the Conservation Reserve Program. The 1990 farm bill gives us in Congress a great opportunity to build on the successes of the 1985 act by expanding the eligibility of CRP to include wetlands.

A BIRDS-EYE VIEW OF DESTRUCTIVE FARM POLICY

Small game animals once thrived on the farms of the Midwestern U.S. In the early 1960s a boy could hunt the ring-necked pheasant as well as ducks, cottontail rabbit and bobwhite quail. These animals made their homes in the shelterbelts between grain fields, the weeds and shrubs growing along the fencerows, and the thick growths of cattails found along streams and marshes.

Such a landscape is becoming harder to find today, a victim of fencerow-to-fencerow farming. Farmers are growing the same crop year after year, draining the remaining wetlands, converting upland cover to row crops, and drenching their farms with pesticides and herbicides to maximize the subsidies they get from the U.S. taxpayer. The result is a bland, repetitious countryside and rapidly declining wildlife populations.

Federal agricultural programs are a major cause of this sterile countryside, which covers thousands of square miles. And once again the environmental impact of farm policies will be a major issue as Congress crafts the 1990 farm bill. Unfortunately, environmental groups are taking a heavy-handed approach: pushing for more controls on farmers, forcing them to set aside land for wildlife and restricting their use of chemicals. This approach will be at best inadequate and at worst counterproductive.

Federal agricultural programs compel farmers to maximize production and virtually wipe out wildlife habitat. In some cases, such as wetlands drainage, the government has directly subsidized the conversion of millions of acres of good bird habitat to cropland. But the greatest impact may be coming from programs designed to subsidize farmer incomes and reduce the risks of production, such as commodity-price and income supports and federal disaster payments.

These programs guarantee returns to farmers above those that market prices dictate. They encourage farmers to plant more acres and produce more crops, creating surpluses. To reduce the government's burden of paying for crop surpluses, program administrators require farmers to cut back on the amount of acreage planted, but farmers often circumvent such efforts, primarily by using chemicals to increase output per acre.

Early land-retiring efforts to curb overproduction were sometimes coupled with conservation goals. During the 1950s and 1960s, the Soil Bank Program's Conservation Reserve retired some 28 million acres for a period of three to 10 years. Farmers were required to seed the acreage with a cover of legumes and grass and leave it, undisturbed. Alfred Berner of the Minnesota Department of Natural Resources says that this program led to a rebound in the population of ring-necked pheasants, an important indicator species. It did not, however, reverse the long-term decline of pheasant populations that had begun after the 1940s.

Whatever its modest environmental benefits, the Conservation Reserve program was phased out in the mid-1960s. Production is supposedly curbed through the annual set-aside program, a program that does virtually nothing for conservation. A lot of idled cropland is without vegetation, so it provides no protection for animals and no nesting habitat. If the land does have cover, it is frequently disturbed by early summer mowing, often during pheasants' critical nesting period. Annual set-aside acreage in the Midwest amounts to more than two-thirds of the wetland cover acres previously destroyed through federally subsidized drainage programs.

Equally bad for wildlife is the farm program's so-called "base acreage" concept. A farmer's subsidy payments are based on the average number of acres planted in a program crop over the previous five years. The more land a farmer has in this crop, the larger his government payments are. This provides a tremendous incentive for the farmer to convert as much of his land to cropland as possible, even if it is poor for farming. Doing so enlarges the cropland base and qualifies the farmer for bigger government payments in the future.

The 1985 Farm Act was the first chance in many years for a return to environmentally sensitive agriculture. Pressured by environmentalists with a somewhat exaggerated concern about soil erosion, Congress included a new Conservation Reserve program modeled after the program of the 1950s and 1960s. In return for retiring highly erodible acres for 10 years, the farmer would be paid an annual per-acre rental fee (now averaging $18) and receive cost-sharing assistance to establish grass and other cover on these lands.

But after five years, the Conservation Reserve program is an expensive disappointment. The cost to taxpayers approaches $1.49 billion per year—to pay farmers not to grow crops on erodible land—with a one-time outlay of an added $1.15 billion to assist them in planting cover. While soil loss has been reduced, the costs of doing so have been unnecessarily high. In the absence of farm supports, much of the highly erodible cropland would have been uneconomical to farm in the first place.

Furthermore, according to Agriculture Department figures, only three million to four million out of the 30 million Conservation Reserve program acres provide enough diversity of vegetation to help wildlife survive the elements. Much of the rest is in a monoculture of tame grass. This can improve nesting, but not if the Agriculture Department continues to let farmers remove vegetation for livestock in drought-hit regions, as it did in 1988 and 1989. Some area of the country is struck by dry weather nearly every year.

The Conservation Reserve program is an example of a well-intentioned but misguided effort to accomplish soil and wildlife conservation. It is based on the contradictory principle of rewarding the biggest offenders of conservation (those who sodbusted erodible soils) with the highest government payments. Those farmers who practices good conservation and did not plant on highly erodible soils are out of luck as far as government payments are concerned.

It's time for environmentalists to get behind a different strategy; phasing out commodity-price and income supports and the annual set-asides that accompany them. Without such supports and restrictions, farmers of program commodities would have to seriously consider the risks of overproduction. They would have to consider other options for use of their land, including greater crop diversity, or even wildlife ranching. Environmentalists should join with those concerned about the taxpayer's burden to create a policy that actually achieves its goals.

LEGISLATION AIMS TO PROTECT ORGAN MOUNTAINS' HERITAGE

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SKEEN. Mr. Speaker, several weeks ago I introduced legislation to create a National Conservation Area in the Organ Mountains located in southern New Mexico. This is a spectacular area that is deserving of such a congressional designation.

Earlier this week, the Las Cruces Sun-News, the daily newspaper published in the largest city in my district, carried a guest column that I wrote regarding the importance of passing my legislation in order to enhance, conserve, and protect these mountains. I thought I would include this column to further explain the scope of my legislation and the need to create a National Conservation Area in the Organ Mountains this year.

LEGISLATION AIMS TO PROTECT ORGAN MOUNTAINS' HERITAGE

(By Congressman Joe Skeen)

The Organ Mountains are the crown jewels of southern New Mexico's natural resources. They are a legacy that should be maintained so our future generations can enjoy this magnificent area.

Legislation I recently introduced in Congress will accomplish just that. While providing New Mexicans the opportunity to enjoy the diverse wonders of the Organ Mountains, my legislation will enhance, conserve and protect the mountains and their most precious natural resources.

Is 1990 the right time to create the Organ Mountains National Conservation Area? Of course it is.

One sure way to protect the Organs is to keep everybody out of the mountains. In light of how much people enjoy visiting the mountains I don't think that's an option the folks of southern New Mexico support.

An estimated 150,000 visitors went to the Organs in the past year and this figure will only increase in the coming years. Some enjoy weekends camping or picnicking at Aguirre Springs. Others are attracted to the Organs to experience the solitude of the Wilderness Study Area located within the proposed National Conservation Area (NCA) boundary. Some folks get a thrill out of seeing the crumbling ruins at Dripping Springs. Still others enjoy spending a few hours hiking the trails that are found in the mountains.

My legislation will allow visitors to continue all this, and more, while providing additional protection to the mountains, wildlife habitats and the threatened and endangered species found in the Organs.

As intended by Congress, an NCA requires multiple use management principles be adopted to protect the varied resource values found within the area. This philosophy is broad enough to encompass all aspects of what our public lands can provide, such as wilderness or recreation and range improvements. I expect that a wilderness area will one day be designated in the Organs. My legislation in no way prevents this from happening.

The diversity of resources we find in the Organs calls for a continuation of a multiple use management plan with an emphasis on protecting the mountains and its resources.

This philosophy has been recognized and supported in the past few months as the BLM Las Cruces District Advisory Board (chaired by Bob Tafanelli), the Las Cruces City Council and the Dona Ana County Commission unanimously voiced support for the creation of an NCA in the Organ Mountain. My legislation to create the Organ Mountains NCA carries on the goal of protecting the mountains.

The Organ Mountains National Conservation Area Establishment Act, which I introduced on February 21, 1990, will create an NCA on more than 58,000 acres of land in the Organ Mountains. This is a special designation that can only be granted by an Act of Congress. The NCA provides special management guidelines for special parts of the country. Without a doubt, the need to protect this area warrants congressional action.

My legislation gives the public the opportunity to review the management plan within five years after the creation of the National Conservation Area. Without this provision, it would be up to the Secretary of the Interior to determine when, and if, any review would be held. The proposed bill leaves intact provisions included in federal laws that provide the Secretary the authority to review and revise management plans on public lands.

With the continued increase in visitors to the mountains, it is important that a management plan be implemented now that will allow the Organs to absorb those visitors without threatening the environment. My legislation embraces a management plan that calls for, among other things, providing additional picnic sites; trails for hiking, equestrian, biking and the handicapped; and interpretive information on the flora and fauna found in the mountains. This is responsible planning.

If the management plan in my legislation is implemented, BLM will improve thousands of acres of land that will help reduce soil erosion and water runoff and improve wildlife habitat. This helps to protect the mountains.

This same plan would have water improvements built and maintained for wildlife populations. Current hiking trails would be diverted from erosion-sensitive areas, and proposed trails will lead the public away from areas containing threatened and endangered species or riparian areas. This is managed protection of the environment.

Let's begin improving and managing the recreational opportunities for these areas in such a way that protects sensitive parts of the mountains.

Let's reduce soil erosion and water runoff and improve wildlife habitat by implementing BLM's proposed range improvement plan as supported in my legislation.

Let's have the U.S. Army work with the BLM to establish a reasonable boundary between Ft. Bliss and the Organ Mountains, as required in my legislation.

Let's begin taking steps to stabilize and restore the old buildings at Van Patten's Mountain Camp and Boyd's Sanitarium to protect forever that part of New Mexico's history.

The Organ Mountains belong to everyone. Everyone should have the opportunity to enjoy and assist in protecting what these magnificent mountains have to offer. My legislation will ensure the future of the Organs so that generations to come have the opportunity to appreciate the experience and personal enjoyment that the jewel of southern New Mexico offers.

THE HUE-MAN EXPERIENCE—A STRONG FORCE IN DENVER CULTURE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. SCHROEDER. Mr. Speaker, a significant force in the Denver cultural scene is the Hue-Man Experience, a black-owned, black-oriented bookstore. The Denver Business Journal recently published a feature story on the Hue-Man and its founder, Denver businesswoman Clara Villarosa.

I would like to share the Denver Business Journal article with my colleagues.

COMMITMENT TO MINORITY SUCCESS LEADS READERS TO UNIQUE BOOKSTORE

(By Jerd Smith)

Clara Villarosa is a businesswoman who wears her black heritage like a richly colored robe, as powerful and varied as the books, journals and artworks that fill her bookstore—The Hue-Man Experience.

Fiction and non-fiction, upstairs and down, spread through two converted row houses at 911 23rd St., the books speak to blacks and their Afro-American culture: "Black Men—Obsolete, Single, Dangerous?," "The African Family in Transition," "SAGE—A Scholarly Journal on Black Women," "And We Are Not Saved—The Elusive Quest for Racial Justice," "The Black Manager—Making It in the Corporate World" and "Racial Conflict and Economic Development."

The 6-year-old bookstore is the center of a tapestry Villarosa is weaving, drawing in black readers, exporting business to other minorities and linking black enterprise with other local power centers.

Intense and articulate, Villarosa is cultivating a culture.

"Most people thought African-Americans didn't buy books, that black people don't read," Villaros said. "Well, they do read, they do buy books and there are plenty of books out there."

The critical issue, she said, is that there are no distribution points. With more than 3,000 titles, Villarosa believes The Hue-Man is the largest black-oriented bookstore in the country. Her intention is to broaden its reach through its fledging mail order business and to heighten its national profile.

Villarosa, Louis Freeman and Yvonne Freeman pooled their brains and $3,500 in 1984 to launch The Hue-Man Experience. The two Freemans, who are unrelated, have since moved on to other projects, leaving Villarosa as the major stockholder of a closely held corporation with 18 directors.

"She is doing a very difficult job—blacks are not book buyers, at least not in large numbers, so she is carefully nurturing that market," said Jacques Rieux, former president of the Mountains and Plains Booksellers Association and owner of the Stone Lion Bookstore in Fort Collins.

"She has a vision of a job that needs to be done and she can be very insistent, which gives teeth to her idealism," she added.

A former psychiatric social worker and administrator at The Children's Hospital in Denver, Villarosa left her job in 1980 to pursue her doctorate's degree.

The breathing space gave her time to formulate plans for a business. An initial foray into consulting didn't work, but it did teach her that her new business would be one with a tangible product. After a two-year stint as a human resources manager at United Bank of Denver, Villarosa and friends were ready to launch The Hue-Man.

The store was bred "very much from my own experience. I'm a reader but I couldn't find bookstores that related to my culture," Villarosa said. "I learned that African-Americans need a place to find books and authors need a place for their books."

Further refining her approach, she decided the store "had to relate to the community and it had to enrich the community. It had to be warm and inviting," she added.

Perhaps most importantly, the store's merchandise, including its prints, carvings and jewelry, "had to reflect and reinforce my own culture."

The first two years The Hue-Man's doors were open, Villarosa took no salary, living off savings and a small therapy practice. By consensus, Villarosa and board members agreed to plow any earnings back into the store. That commitment allowed the store to double in size and to hire a workforce

that includes Villarosa, one full-time and two part-time employees.

"She's doing a wonderful job—the ambiance hits you when you walk in the door," said Joyce Meskis, owner of the nationally renowned Tattered Cover Bookstore in Cherry Creek.

"She's bringing something very important to the community, with care and sensitivity," Meskis added.

Making the store a profitable enterprise has been a struggle, and it's only in recent months that, as Villarosa said, "We've turned the corner. The doors are open and there's no threat of closing."

Villarosa declined to say precisely how much the store is earning, but Bernie Rath, executive director of the American Booksellers Association estimated its book sales at about $125,000 a year.

The store's newfound profitability is an outgrowth of Villarosa's plan to tie The Hue-Man more closely than ever to the black community.

"Community linkage is very important and it's the African way. You have to carry the message—you can't expect people to come to you," she said.

And so The Hue-Man is reaching out.

For example, Villarosa said, "We don't have money to give but we can be a box office for the Eulipions Cultural Center."

And, when black author Alice Walker contacted Villarosa with an offer to promote the store, Villarosa arranged to have Walker come to Denver as part of the Denver Public Library's Authors Series.

The Hue-Man's community ventures are, of course, helping its bottom line. "It's good for busness," Villarosa said.

As a minority businesswoman, Villarosa, who is reticent about her age, said she has learned to be tough. "The business community relates to you differently," she said. "They're surprised to see you, and there's an assumption that you don't know what you're doing."

Her toughness is as much a discipline as it is a demeanor. "You have to be committed to quality service," she said. "Customers put the money in the cash register that you take to the bank that pays your bills, so you have to pay attention to what they want and what they need."

But Villarosa takes her disciplined approach to black culture beyond The Hue-Man. Recently appointed to the Governor's Small Business Council, Villarosa is also an active member of the American Booksellers Association. ABA's Rath said Villarosa was a major force behind the organization's decision to begin offering scholarships to blacks interested in attending its booksellers' school.

But there's much more to be done, Villarosa said. "We're probably only reaching about 2.5 percent of the black community here—and that's not much."

As the store grows, she has two goals in mind: hiring more blacks "to expose them to business as an option," and positioning The Hue-Man as a buyer of other minority businesses' services.

"As a minority business we have to give back to the community, to use black dentists, lawyers and accountants," she said.

Colleagues believe Villarosa has been successful in weaving together the ideas and practices that are The Hue-Man Experience.

"It's hard to make a living in the book industry period," Tattered Cover's Meskis said.

For specialty bookstores it's even harder.

"You can't make many mistakes. You have to be in touch with your clientele, and you have to keep a vigilant eye to the bottom line," she said.

But booksellers often gauge their success in terms of a "social profit," Meskis added. "You judge your bookstore based on its impact on the community it serves."

BEWARE THE ADS OF MEDIGAP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, on this, the Ides of March, I'd like to mangle a phrase and warn people to beware the ads of Medigap.

Why?

The following examples were provided to the Ways and Means Health Subcommittee in its March 13 hearing on Medigap policy standards.

I invite anyone who shares my outrage about these kinds of practices to consponsor my medigap standards bill, H.R. 4242.

EXAMPLES OF VICTIMS OF OVERSELLING

Senior citizens all over the country are victimized by agents and companies who sell them multiple health insurance policies.

From Bonnie Burns, Medicare Specialist, California:

An 84-year-old woman (with no children) was sold 18 health insurance and life insurance policies by one agent, 2 policies by a second agent, though she already owned 2 group policies as a retired teacher. During an 18 month period, she paid just under $50,000 for 15 of these policies. (Ms. Burns filed a case on her behalf in August 1989.)

From Gerhardt Lehmkuhl, Attorney, Missouri:

A 70-year-old client was sold at least 27 health insurance policies.

Widow in her 90's was sold 12 Medicare supplement policies by 5 different agents from different agencies. (He recovered $5,800 in premium for her).

From Don Gartner, Assistant District Attorney, Santa Cruz, California:

Widow, now 83, was sold 12 insurance policies in 1 year by an agent, and paid $6,000 in premiums in 1985 alone. 5 of these policies were either Medicare supplement insurance or related to Medicare supplement insurance policies.

79-year-old woman was sold 24 policies, including 7 Medicare supplement policies, in less than 6 years.

87-year-old woman was sold 19 policies in three and one half years, including 6 Medicare supplements.

An elderly couple (whose only income was $838 a month from Social Security) was sold 9 policies by one agent in 1985 alone.

From Emory Walton, Criminal District Attorney for Eastland County, Texas:

An elderly couple (in their 80's) was sold 13 health insurance policies (and 12 life insurance policies).

From George Davis, retired "Gapline" volunteer in Fort Worth, Texas:

An elderly couple living on social security income only was sold 6 supplemental policies, including 1 cancer policy and 1 hospital indemnity policy. One of the Medicare supplement policies was from the 1950's and paid only $10 a day for hospitalization. The couple was so broke from paying for their policies that they had to get assistance from the city to pay for their house.

Quoting from "Senior Consumer Alert: A Special Bulletin for Complaint Handlers", Prepared by the National Consumer Law Center, Produced by the American Association of Retired Persons in cooperation with the National Association of Attorneys General:

In one seven-month period, Mrs. P., an 85-year-old widow, was sold eight health insurance policies by the same insurance agent. Some of these policies, with yearly premiums totaling $7,529, contained overlapping coverage. Others were of little or no real benefit. Mrs. P. was unwilling to file a complaint against the agent because he knew her address and she feared that he would return to confront her.

Mrs. R., an 89-year-old widow, was persuaded by her agent to spend much of her $12,000 savings account on 11 similar policies. He would visit her about three times a year to change or add to her coverage. When she complained that she could not afford the costly premiums, he told her she would be facing certain financial ruin unless she borrowed the money from friends or family. Mrs. R. never reported the agent because she was not aware of any wrongdoing on his part.

Mr. H. wrote a check for $344 and gave it to his insurance agent a young man with a "very, very nice personality." He thought he was paying premiums on his medigap policy, but later discovered he had bought a new policy, which he did not want. He sent the policy back but could not get a refund or any response. He finally wrote the Florida Insurance Commissioner. "I am 90 years old and [it] seems as though everyone wants to take advantage of me. Please help me if you can."

Quoting from Harold Halfin, Volunteer, Dunn County Office of Aging, Wisconsin, testimony before Senator Herbert Kohl, December 7, 1989:

92-year old widow, whose income is just above the medical assistance level, thought she was buying insurance coverage for a nursing home. She currently has a comprehensive Medigap policy with an HMO. An insurance agent called on her and found she was concerned about nursing home coverage and proceeded to tell her he had the policy she needed. She paid him $861 for another policy that was nothing more than a Medigap policy with coverage considerably less than her HMO. The agent would have collected 60 percent of $516.60 for his day's work.

A 76-year-old widow who shows serious signs of dementia has no family support and loves to have visitors. She also is unable to say no to insurance agents. Her banker asked the county benefit specialist to investigate when this woman was over drawing her accounts due to a number of large checks written to insurance companies. During a two year period, this woman had bought 15 different insurance policies. Two other additional Medicare supplements had recently lapsed. The policies included seven Medicare Supplements, one daily indemnity, five life insurance and two cancer policies * * * Several agents switched her regularly every year to either a new company or a new policy for her Medicare supplement. Other agents sold her one of each kind of policy. With the assistance of the benefit specialist and the Office of the Insurance Commissioner some money was recovered however most of the policies lapsed or were canceled.

INTRODUCTION OF LEGISLATION TO CONSOLIDATE LAND MANAGEMENT

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce legislation which will consolidate land management on Admiralty Island in Southeast Alaska through a land exchange. This legislation will insure that existing jobs and economic growth in the region are extended while permitting an Alaska Native corporation to fulfill the promises made by Congress in the Alaska Native Claims Settlement Act that its land selections would be of beneficial use.

This proposed land exchange is a precedent-setting effort to provide the U.S. Government with equal or greater value for land exchanged to a private interest. It is a unique opportunity to maintain and create jobs, increase tax base, and generate a long-term revenue stream for the Government by exchanging lands that, under current law, will produce no revenue or economic benefits whatsoever.

My legislation would authorize and direct a land exchange between the U.S. Government and the Sealaska Corporation which would, among other things, give the Forest Service valuable lands in five different areas of the Tongass National Forest and permit the Sealaska Corporation to acquire land which could be explored for economic mineral development.

The legislation also provides a mechanism to enhance the conservation values of the Admiralty Island National Monument. It establishes an Admiralty Island inholding acquisition fund dedicated to the purchase of private inholdings within the Monument. When all such inholdings have been acquired, or when none are available for purchase, the fund's assets can be used to acquire inholdings elsewhere in the Tongass National Forest. It would be funded out of a portion of the proceeds received by Sealaska from development of minerals found in the area which it acquires through the land exchange. This is the first time a private interest has offered the Government such a value equalization payment in a land exchange. In an era of increasingly tighter Federal budgets, when inholding acquisition money is even tougher to come by, it provides a new means of improving conservation system unit lands management.

When Congress passed the Alaska National Interest Lands Conservation Act in 1980, commonly known as the Alaska Lands Act, it provided for the exploration and development of a mineral deposit at Greens Creek in the northwest corner of Admiralty Island. Because the deposit is located within the Admiralty Island National Monument, Congress established a special statutory exploration and development regime. The deposit, which was then in its preliminary exploratory stages, has now come into full development. The mine began operation in 1988 and is producing silver, zinc, lead, and a little gold. It contributes to the increase of American mineral production and Alaska's recent climb in the production of mineral deposits. The mine is a major contributor to the local economy, providing approximately 250 full-time jobs with a payroll of over $10,000,000 and substantial local tax contribution. It is also an example of how a mine can be successfully developed while protecting an environmentally sensitive area.

Unfortunately, when Congress established the exploration regime, it did so without taking into account the exact nature of the mineral deposit. The mineral deposit at Greens Creek is different than many other mineral deposits. It faults and folds over on itself and wanders throughout the area. Consequently, it was very difficult for the holders of the claim, the Greens Creek Joint Venture, to fully explore the entire area in the 5-year period which Congress designated for exploration. The Joint Venture could not explore several areas with mineral potential that I believe Congress intended to be explored.

Since the early 1980's, when the Joint Venture determined that it could not explore the entire area within the time allotted, it has been working to get an extension period or to effectuate some other means of exploring the remaining area. It is important to understand that this is an underground mine. No disturbance of the surface will be necessary. In 1985, Congress passed a 1-year extension for exploration, but that term was simply not long enough to permit full underground exploration. In 1986, the House passed H.R. 4883, which would have effected a land exchange involving private lands at Cube Cove on Admiralty Island. That deal, worked out between former Congressman John Seiberling and me, involved Shee-Atika, Sealaska and others and would have given the Joint Venture—working with Sealaska—the ability to explore and develop the rest of the Greens Creek area and was known as the comprehensive Cube Cove exchange. Unfortunately, time ran out in that Congress, and the legislation was not enacted.

Since that time, the Joint Venture has been working with the Sealaska Corporation, the local Native Regional Corporation, to effect a land exchange which permits Sealaska to relinquish certain lands it now owns for the area of interest at Greens Creek. Sealaska has also been working long and hard with all interested parties to effect this exchange. The legislation I introduce today would authorize and direct that exchange.

I want to focus your attention on another aspect of this legislation. I have always favored implementing the comprehensive Cube Cove exchange, so long as the various parties involved agree to it. While we do not have such an agreement today, some efforts are continuing to reach a reasonable compromise between the Government and the various parties. The legislation I introduce today is independent of any efforts to exchange Cube Cove lands to the Federal Government and should be viewed as a separate effort involving lands that are neither contiguous nor close to Cube Cove. It does not harm the prospects of the comprehensive exchange since it involves none of the land at Cube Cove. In fact, it may enhance the possibility of achieving a comprehensive exchange, by demonstrating that Congress can and will act quickly when a reasonable exchange proposal is put before it. In addition, I pledge my support for incorporating a comprehensive exchange package into today's legislation, should an agreement be reached by all parties during the legislative process which is fair to all. This is very important, since under Federal law, lands may not be taken from Natives without their support.

Under my legislation, Sealaska would give to the U.S. Government various subsurface and surface Tongass inholdings that it holds in Southeast Alaska and a value equalization payment to fund an Admiralty Island inholding acquisition fund. That unprecedented value equalization payment will provide a steady income stream to the Federal Government from Sealaska's proceeds should minerals be found on the land which it would receive pursuant to the exchange contained in my legislation and those minerals prove valuable. This value equalization payment would be 10 percent of the proceeds which Sealaska would receive as owner of the mineral estate at Greens Creek.

This payment stream represents a unique solution to the following problems:

First, equal valuation—Subsurface estates are impossible to appraise and value accurately if neither has been well explored. None of these land exchange areas have ever been drilled. There is a concern that because the Greens Creek Joint Venture has made discoveries on adjacent lands, that the subsurface land which Sealaska would exchange may not be of equal prospective value to the Greens Creek lands it would receive. Hence, the concept of adding value through a value equalization payment was created. If minerals are discovered on the lands, the Federal Government would share the proceeds of those minerals. It would receive 10 percent of Sealaska's proceeds. Sealaska and the U.S. Government would both benefit from discovery of minerals and neither would be penalized if no minerals were discovered.

In addition to the value equalization payment, the legislation includes a parcel of surface estate owned by Sealaska in the Nutkwa Lagoon area that is prized by conservationists for its environmental and aesthetic values. It contains a quantifiable and tangible economic value—over $2,500,000 of merchantable timber. Therefore, even if there are no minerals in the Greens Creek area acquired by Sealaska, the Government will come out ahead because of the Nutkwa Lagoon acquisition.

Second, inholding acquisition. There is great interest from conservation groups in removing private inholdings from within the Admiralty Island National Monument and the Tongass National Forest. The value equalization payment would be specifically dedicated to acquisition of such inholdings. This would ensure the goal of acquiring inholdings in the monument and forest.

This is an equitable proposal for all parties. The exchange permits the lands adjacent to the existing Greens Creek mine to be explored for mineralization and to be developed if economic mineralization is found. Sealaska, a Native corporation, would be permitted to redeem the Federal Government's promise that lands which it selects would be of true

utility to it, particularly for economic development.

Of great significance is the positive impact this legislation will have on southeast Alaska communities. Necessary jobs will be created to be filled by Alaskans in several surrounding cities, towns and villages. Service industries will be created or expanded in at least three communities. A Sealaska shareholder hire program should provide training and jobs to rural Alaskans who live in areas with little year-round employment. I have consulted with mayors and town councilmen and citizens all over southeast Alaska, and I can tell you without hesitation what such industry is desperately needed and much desired.

Finally, the goals of the conservation groups of future acquisition of private inholdings on Admiralty Island would be advanced, while acquiring Nutkwa Lagoon and about 10,000 other acres of Tongass inholdings. Furthermore, the exchanged subsurface lands adjacent to the Greens Creek mine would be developed in an environmentally sound manner.

Most of Alaska has not been fully explored for its mineral potential. If we cannot find creative and fiscally sound mechanism like the ones contained in this legislation to assure equal value, then we will never have resource-oriented land exchanges, and the development of Alaska will be stymied forever. That is not in the Nation's interest, nor in the interest of the State of Alaska and its people, nor is it consistent with land exchange policies established by Congress.

I believe this is an excellent way to achieve a number of sound objectives. The Greens Creek mine is one of the few mines in Southeast Alaska which is on line. Others are coming on line. However, the Greens Creek mine only has a 10-year life, and that life is ticking away day by day as the mine continues to operate. This exchange should be effected now so that the years necessary for exploration can be completed and the mine's life extended if there are minerals outside the existing discoveries. It is absolutely critical that this exploration effort be permitted and this exchange is a logical way for such exploration to occur. It is my hope that this legislation can be rapidly and favorably considered by the Interior Committee and reported to the full House for adequate consideration.

THE INTRODUCTION OF A BILL TO STRENGTHEN THE PELLY AMENDMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. OWENS of Utah. Mr. Speaker, I am often moved by the goodness of human nature and the outpouring of concern and good will which can accompany an isolated event which touches our hearts. I recall the trapped whales in Alaska last winter and the attention lavished on their plight beneath the ice in the Arctic Ocean. But I am also sometimes puzzled at the ironies which reveal themselves, for at the same time, a Japanese whaling fleet was preparing to sail to the southern ocean and kill hundreds of whales for commercial use, under the guise of scientific research, while the United States stood by, impotent and silent, manacled by the inadequate and yet-to-be-imposed discretionary sanctions of the Pelly amendment.

What can we do? I am proposing today a bill which will find a compromise between the impotence of discretionary language and the harshness of mandatory sanctions. This language will make a percentage reduction of fisheries or wildlife products mandatory after certification by the Secretary of the Treasury that a nation has violated international agreements to protect wildlife or the resources of the sea. This sanction will begin at 20 percent of the monetary value of these fisheries or wildlife imports from the offending country and double each year of non-compliance until the embargo is complete or the certification under the Pelly amendment has ended. In the event of a domestic industry suffering undue hardship from a sanction imposed on a particular fisheries or wildlife import, the Secretary of the Treasury has the election to impose a mandatory sanction of equal monetary value on any product imported from the offending nation.

I believe this approach is within the parameters of the General Agreement on Tariffs and Trade [GATT], because the mandatory sanction is limited to fisheries and wildlife products and the sanction will be imposed in a uniform manner on any offending nation.

In a world filled with the tusks, whalebone, horns, skins, and teeth of endangered animals, the irony of the Pelly amendment is that it is extraordinarily toothless. Nations which violate international conservation agreements, including the resolutions of the International Whaling Commission, must know that the United States has a bite to back up its annoying bark. We all want to protect endangered species, but we must have better tools for the job. This bill provides those tools, giving teeth to what we had only given lip service before.

1990 ST. PATRICK'S DAY MESSAGE OF PEACE AND JUSTICE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. FISH. Mr. Speaker. On behalf of the four cochairman of the Ad Hoc Congressional Committee for Irish Affairs, myself, TOM MANTON, BENJAMIN GILMAN, and BRUCE MORRISON, and the 119 other members of the committee, I am pleased to submit for the record our annual St. Patrick's Day message which was signed by the 40 Members listed below:

As the light of democracy and freedom shines on Eastern Europe on St. Patrick's Day 1990, we regret the fact that the six counties of Northeast Ireland remain under the dark clouds of British Government direct rule, thus denying them the fruit of freedom for still another year.

We, the undersigned Members of the bipartisan Ad Hoc Congressional Committee for Irish Affairs renew our call for peace, justice, freedom and an end to all the discrimination in Northern Ireland. We believe the ingredients to accomplish this goal do exist, but unless the leadership of the two governments of Great Britain and Ireland are willing to involve a wider section of political views, the stalemate will only continue.

As we enter the 1990s, we find the fundamental problem in Northern Ireland continues to be the same as it was in the 1980s. Deep-rooted economic discrimination affects all the people of Northern Ireland, but most especially victimizes the Catholic minority population. Unemployment in the North is the highest in all of Western Europe. We note that changes in the Fair Employment Act were made last year, but it will take a few years until fully enforced. We continue to strongly advocate for adoption of the MacBride Principles of Fair Employment by American firms doing business in Northern Ireland as a model for a future generation's employment opportunities. American businesses provide more than 10 percent of all employment in Northern Ireland and must take a stronger position in the fight against discrimination.

We continue to urge the closest possible monitoring of the funds being contributed by the United States to the International Fund. As supporters of the legislation which initially authorized this first-time U.S. economic aid to Ireland and Northern Ireland, we continue to be disturbed by reports that the actual distribution of some of these funds has not been beneficial to communities and peoples in need. The authorizing legislation called for the aid to be used to benefit both communities of the North and called for the President to certify each year that the U.S. aid was being distributed in a non-discriminatory manner. Close and regular Congressional oversight must be continued so our aid is an element of a solution and not a perpetuation of the problem.

We renew our call for the granting of political asylum to Joe Doherty whose continued incarceration constitutes an outrage which has gone on for seven years too long. We urge Congressional passage of H. Con. and S. Con. Res. 62 calling for Joe Doherty's release and political asylum. We also renew our call for the reopening of the case involving the Birmingham Six whose convictions have been challenged by legal experts. We note that the 1989 State Department Human Rights Report did indicate that a new review of the Birmingham Six case does appear "likely."

We restate with strong emphasis our absolute opposition to all forms of violence in Northern Ireland, civilian or official. We continue to object to persistent efforts by the British Government to cover up allegations that their security forces in Northern Ireland practiced a shoot-to-kill policy on different occasions over the past decade. We deplore the continued indiscriminate use of plastic bullets in Northern Ireland. We were disturbed by and urge a full investigation into reports of collusion between the British Security Forces and certain Protestant paramilitary organizations. Violence serves to impede progress toward a political solution which is so important to the future of Northern Ireland.

In a time when we have seen the fall of the Berlin Wall, the release of Nelson Mandela, the conducting of free and fair elections in Nicaragua, and the end of the Communist dominance in the Soviet Union, we remain dismayed over the imprisonment of Joe Doherty and the Brimingham Six, the ongoing patterns of discrimination and the

continuation of British direct military rule in Northern Ireland. It stands as a conspicuous contradiction to the trend in the world today toward peace, freedom and justice.

Thomas J. Manton, Bruce A. Morrison, Thomas J. Downey, Eliot Engel, Barney Frank, William J. Hughes, Craig T. James, Charles B. Rangel, Chuck Douglas, Jaime B. Fuster, Henry B. Gonzalez, Robert J. Mrazek, Edward F. Feighan, William J. Coyne, Jim McDermott, Michael R. McNulty, Vic Fazio, Albert G. Bustamante, Frank Pallone, Jr., Nicholas Mavroules, Hamilton Fish, Jr., Benjamin A. Gilman, Robert A. Borski, Charles E. Schumer, Lawrence J. Smith, Bernard J. Dwyer, Frank Horton, George J. Hochbrueckner, Daniel K. Akaka, Frank Annunzio, Roy Dyson, Norman F. Lent, John G. Rowland, Richard E. Neal, Matthew J. Rinaldo, Curt Weldon, Joseph E. Brennan, James L. Oberstar, Marty Russo, Thomas A. Luken.

SUSANNE AND LUDWIG DISTELBURGER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the stellar achievements of an incredible couple, Susanne and Ludwig Distelburger of Middletown NY. The Distelburgers are the kind of inspirational citizens that our younger people would be well advised to emulate.

Susanne Distelburger fled Nazi Germany in 1939, moving to England where she received a degree in nursing during World War II. At the conclusion of that conflict, Susanne emigrated to New York City, where she worked at the Jewish Memorial Hospital and was admitted to the New York State Board of Nurses. It was during her stay in New York City that she met and married Ludwig Distelburger, who also had fled Nazi Germany. Upon arriving in New York City, Ludwig worked as a dishwasher for 80 hours a week for $20 per week. It was from this meager salary that Ludwig saved enough to marry Susanne and move her to Middletown, NY, where they invested in the dairy cattle business—a business Ludwig learned as a small boy while working for his father in Germany.

Concurrent with their move to Middletown, Ludwig and Susanne threw themselves into activity with the local religious community. Their first membership dues at the Middletown Hebrew Association was $40 per year. Despite the hardships that the newlyweds had to endure, they proudly supported their temple. Ludwig soon became a member of the synagogue's cemetery committee as well as the Chevra Kadish and the ritual committee. He served on the board of trustees of Temple Sinai in Middletown under the administrations of eight succeeding congregation presidents.

In the meantime, Susanne became active with the Hebrew Aid Society and all other phases of the Jewish community. As a member of Sisterhood she served as chairwoman for fundraising, Torah, donor and became Sisterhood president in 1972 while working side by side with her husband and raising two fine sons. Susanne also was a member of the temple's board of trustees, was an active member of Hadassah, B'nai B'rith for women and Chevra Kadisha. Sisterhood honored her as "Woman of the Year" for 1978–79. She has been active in the United Jewish Appeal, in Israeli causes, and was one of the prime movers in the erecting of the Holocaust Memorial in Middletown.

Ludwig was active on many Israeli bond drives, in the United Jewish Appeal, and in Anti-Defamation League fundraisers. He was one of the charter members of the B'nai B'rith.

Both Ludwig and Susanne are dedicated members of the Century Club at Horton Memorial Hospital, and many other community activities. The Distelburgers were honored by the Hebrew Day School in 1984.

The Distelburgers are justly proud of their sons, Bert and Joseph, who are both community leaders in their own right.

Mr. Speaker, on April 1, 1990, Temple Sinai in Middletown, NY, will be honoring Ludwig and Susanne Distelburger as "Man and Woman of the Year." This recognition is long overdue, for the Distelburgers have personified unselfish devotion to others and to their congregation for many years.

Accordingly, I invite my colleagues to join with me in saluting this fine couple.

A TRIBUTE TO ALAMEDA COUNTY LIBRARIAN GINNIE COOPER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Ms. Ginnie Cooper. Ms. Cooper has been the Alameda County Librarian in California's Ninth Congressional District since 1981.

Ms. Cooper's accomplishments as librarian have been tremendous. During her tenure, she has succeeded in many areas, including, just to mention a few:

Increasing support for the library through improved library service and focused public relations activities;

Achieving a 45-percent increase in the circulation of books and other library materials through a special campaign to increase library use;

In November 1988, she opened a new 30,000 square foot library in the city of Pleasanton, CA;

In June 1989, she opened a new 100,000 square foot Fremont Main Library and Alameda County Library Administration Building funded jointly by the city of Fremont and Alameda County;

She also successfully dealt with two major challenges to the library's materials selection policy with the help of the county library advisory administration.

In addition to her accomplishments as county librarian, Ms. Cooper has been actively involved in professional activities on the State and local level. She has served on various committees of the American Library Association and was elected to the governing council in 1987. She also continues to be a member of the ALA Committee on Legislation. She was elected to the California Library Association Council and served as president of the California County Librarians. Ms. Cooper has also been active in the statewide planning in the areas of literacy, library networking, and the library response to the increased ethnic diversity of California.

Ms. Cooper was named Librarian of the Year by CALTAC, the trustee section of the California Library Association.

Mr. Speaker, I would like to commend Ms. Ginnie Cooper for her service to California's Ninth Congressional District—she has made our library system something to be very proud of.

I wish Ms. Cooper luck in the future but want her to know that her leadership as Alameda County Librarian will be sorely missed.

A MATTER OF FAIRNESS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. DWYER of New Jersey. Mr. Speaker, I wish to bring attention to a package of four bills that I introduced in January 1989. These bills, H.R. 520, H.R. 521, H.R. 522, and H.R. 523, would guarantee the timely delivery of Federal pension and benefit checks to military retirees, recipients of black lung benefits, railroad retirees, and civil service annuitants, respectively. Under this legislation, these individuals would be assured the early delivery of their benefit checks in the event that the designated delivery day falls on a weekend or a public holiday.

Presently, the post office receives benefit checks on a specified date, usually the first or third of the month. In the event that the date of disbursement falls on a Saturday, a Sunday, or a legal public holiday, the post office will deliver the checks on the next available business day. Many times retirees must wait several days before receiving their checks. Yet, in some instances, these checks have been delivered several days in advance to the post office, which then must hold the checks until the designated date of delivery. For those individuals dependent on these monthly checks as their sole source of income, this delay can cause an unnecessary hardship—a hardship which can be easily avoided.

In 1977, Congress enacted legislation—Public Law 95–216—which included a provision providing for the early delivery of Social Security benefit checks whenever the regular date for payment of either Social Security or supplemental security income checks fall on a Saturday, a Sunday, or a legal public holiday. Unfortunately, Congress neglected to extend this courtesy to the 4.4 million recipients of civil service, railroad, and military pensions and black lung benefits.

Mr. Speaker, this group of retirees often has been singled out for unfair treatment—witness the administration's fiscal year 1991 budget

proposal to eliminate COLA's for military and Federal retirees. As a matter of fairness, it is time to extend to all recipients of Federal pension and benefit checks the same treatment already afforded the recipients of Social Security benefits.

I urge my colleagues who have not already done so to join roughly 89 of their colleagues and support this long overdue legislation.

HOUSE JOINT RESOLUTION 305

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BEVILL. Mr. Speaker, on June 22, 1989, I introduced House Joint Resolution 305, a measure calling for a constitutional amendment to make desecration of the American flag illegal. Over 70 of my colleagues joined me in cosponsoring this bill. Among those who cosponsored this bill was my good friend and colleague, BILL NELSON of Florida. BILL believed as I did that it was important to have legislation which assured that our national symbol was protected.

Unfortunately, due to a clerical error Congressman NELSON's name was not added as a cosponsor until February 6, 1990. I know that he felt strongly about this issue and I regret that his name was not added immediately after he contacted me on August 1, 1989.

BILL is one of the finest individuals serving in the House of Representatives today. His work in Congress and with the space program set him apart as an outstanding public servant and I am proud to count him as a friend.

EASTERN AIRLINES

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PARKER. Mr. Speaker, I have followed the Eastern Airlines situation very closely and recently read an editorial on the subject that goes to the very heart of this issue. The March 6, Atlanta Constitution editorial is of sufficient merit that I feel it appropriate to include it in the RECORD. The following is the text of the editorial.

So at last an independent examiner has confirmed what union workers have been saying all along: Frank Lorenzo's Texas Air Corporation has been shortchanging Eastern Airlines. There are some ways public policy can make the best of this bad situation, but a lot of damage will remain.

In his long-awaited report, David I. Shapiro, the examiner appointed by the U.S. Bankruptcy Court in New York, said Texas Air unfairly stripped Eastern of as much as $403 million.

The pillaging began as soon as Texas Air purchased the beleaguered airline in 1986. Texas Air skimmed off some of the airlines best assets for low, low prices—for example, buying Eastern's computerized reservations system for a paltry $100 million note, paying 6% interest and not due until (the year) 2012. Mr. Shapiro said $300 million would have been more like it.

Even as the shady deals were occurring, workers were complaining that the parent company was intentionally weakening unionized Eastern to benefit Texas Air's other subsidiary, union-free Continental Airlines. Mr. Shapiro said those complaints were justified and cited an internal Texas Air document in which a senior officer said Continental could "cherry pick the core parts of the Eastern system".

The legimate outcries of the uinons fell on deaf ears in the Reagan and Bush administrations. The Justice Department, and the Securities and Exchange Commission did nothing to stop the unfair transfers of planes, gates, landing slots and fees.

What to make of these findings at this late date?

Although he found Texas Air guilty, Mr. Shapiro allowed it to plea bargain. Texas Air agreed to pay Eastern $280,000 million to compensate for the asset-stripping and to help satisfy creditors' claims. The unions say that amounts to a slap on the wrist; they want the court to replace Eastern's management with a trustee.

Mr. Shapiro recommended the appointment of an independent watchdog to review future intracompany deals but opposes the appointment of a new management.

He's right and the bankruptcy courts should go along with his recommendations. Mr. Shapiro believes such a change would be too disruptive to the fragile airline, which is trying to restructure itself.

That's another pill for the unions to swallow, but the reality is that Eastern is employing 17,000 people today. The court should not jeopardize those jobs or the pensions of former employees. The most likely way to preserve jobs, as well as competition in the skys, is to help Eastern rebuild under the eye of an independent watchdog.

But while the bankruptcy court must keep its focus on the interests of the creditors and airline employees, the Justice Department and the Securities and Exchange Commission should be studying Mr. Shapiro's 300-page document to help determine whether individual officers of Texas Air only made destructive business decisions or ought to be investigated for criminal fraud.

THE 45TH ANNIVERSARY OF THE DEVEREUX CENTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LAGOMARSINO. Mr. Speaker, this year marks the 45th anniversary of a very special facility in Santa Barbara, CA, the Devereux Center.

It was in 1945 that Helena T. Devereux, a special education teacher, traveled from Pennsylvania to Santa Barbara County to start the California center. Devereux-California is one of the Devereux Foundation's 16 residential treatment centers nationwide—known since 1912 as innovative leaders in helping the developmentally and emotionally disturbed.

Devereux-California is the largest residential treatment center on the coast between San Francisco and Los Angeles serving the dually diagnosed with comprehensive services including educational, vocational, medical, psychiatric and psychological programs. More than 200 disabled children and adults benefit from the individualized treatment and homelike environment each year at Devereux.

In fact, Devereux-California is one of the new treatment centers providing a continuum of services, including on-grounds residential units, group homes and apartment settings. The center provides high-quality human services in a caring and humane way to foster human potential and contribute to its resident's health, social, psychological, and educational well-being. Its programs are of such excellence that they become models for this and other nations.

Mr. Speaker, Devereux-California is a not-for-profit organization which invests all of its available resources for the benefit of those who need its services. During 1990, the center will host a variety of events marking its 45 years of service, including an on-campus celebration, family weekend, independence month dance, arts and crafts fair, and a fall dinner-dance.

Mr. Speaker, on behalf of the U.S. House of Representatives, I extend to Devereux-California and the Devereux Foundation our congratulations and sincerest best wishes on its 45 years of service to the community and its residents.

OWEN BIEBER: PRESIDENT OF THE UNITED AUTO WORKERS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. WOLPE. Mr. Speaker, I rise today to pay tribute to one of the most respected citizens of my State, Mr. Owen Bieber, the president of the United Auto Workers, on the occasion of a testimonial dinner being held in his honor by the Michigan Trade Union Council for Histadrut.

Owen's distinguished career as a union official dates back more than 40 years to 1949, when he was elected a shop steward in UAW Local 687, Grand Rapids, MI. With his hard work and dedication, promotions came quickly. By 1956, he was made the president of local 687.

After serving as a staff representative and assistant to the director of UAW region 1D, Owen was elected regional director in 1974, and served in that position until 1980, when he was named international vice president and director of the UAW's General Motors division.

In 1983 he was elected president of the international union and was reelected to that position in 1986.

In addition to his many responsibilities as UAW president, Owen serves his community and country as an officer or member of several organizations, including the NAACP, the President's Advisory Committee on Trade Negotiations, the board of governors of the United Way of America, and the Economic Alliance of Michigan.

Mr. Speaker, Owen Bieber has not achieved his high office through luck or simple good

fortune. Rather, he has earned it through his hard work, his excellent leadership, and a very special commitment to working men and women throughout the world. I salute Owen Bieber for his many years of outstanding service to the people of the United States.

QUESTIONS OF CONSCIENCE IN NEPAL

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. HENRY. Mr. Speaker, we have warmly welcomed the sweep of freedom across the globe. We find ourselves in the most pleasant position of watching democratic reforms take root in Eastern Europe, Nicaragua, and even to a surprising extent, within the Soviet Union. We pray that the release of Nelson Mandela is the knell for apartheid in South Africa. And our hearts rise at new talk of freedom for our hostages in Lebanon.

Against this backdrop, however, stands the startling case of the kingdom of Nepal. In this land of 17 million people, archaic persecution against political and religious expression is carried out to an alarming extent.

Even more alarming is the fact that the United States Government continues to provide economic aid to Nepal—$15 million this year alone—which is clearly in violation of our own law banning aid to governments responsible for gross human rights violations.

Let me tell you some of the basic points of justice, Nepal-style:

A person may be jailed for 18 months without even the filing of charges. This sounds severe until you consider that until just last year, the time allowed was 3 years. Human rights organizations estimate that 2,000 aribtrary arrests and detentions took place in 1989.

The Constitution of Nepal states that no person shall be entitled to convert another person from one religion to another; that any Hindu who converts gets 1 year in jail; and that any person who seeks to convert a Hindu gets 3 to 6 years.

The human rights organizations Asia Watch and the Puebla Institute monitor the situation in Nepal as closely as possible. They are among the groups compiling evidence of the daily repression within Nepal. Here are a few of many grim accounts of Nepali persecution:

In 1986, in the city of Sirsia, a Catholic priest, two nuns, and three laymen were arrested for teaching a course on the meaning of Easter. The six, including the nuns, were suspended from rafters and beaten into signing confessions they were never allowed to read.

Last November, a Protestant pastor and orphanage director was given a 6-year prison sentence after the Government had appealed two previous acquittals. His crime, the Nepal Supreme Court ruled, was "propagating Christianity in ways injurious to the Hindu religion."

Also in November, police arrested a 76-year-old pastor and his 33-member congregation. They were ordered to wear the red Hindu tika on their foreheads and to worship Hindu gods and godesses. The elderly minister was beaten and imprisoned with six members of his congregation who refused to comply with the police.

And just this past February, obviously inspired by democratic movements throughout the world, the Nepali Congress Party and other opposition factions called for reforms in Nepal. As a result, 450 party members were detained despite their peaceful demonstrations, and at least 10 Nepali newspapers were banned.

Nepal is 90 percent Hindu, and the majority of Nepalis believe their King to be the reincarnation of the Hindu god Vishnu. Vishnu, ironically, is the Hindu god of good order and harmony.

Mr. Speaker, I ask today that President Bush and Secretary of State Baker explain to Congress whatever justification they may feel exists for the United States' continued support of the Government of Nepal.

And I ask that none of us become complacent. For despite the changing political landscape, all is not yet well in the world.

TRIBUTE TO THE GOLDEN CRADLE ADOPTION AGENCY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 10th anniversary of the Golden Cradle Adoption Agency.

Golden Cradle is a nonprofit and nonsectarian adoption agency located in Cherry Hill, NJ. It was founded by Arty Elgart, the owner of Elgart & Sons, a successful automative distribution company in my district.

The agency grew from Arty's seemingly endless search to adopt his own child. Often frustrated and sometimes disheartened by his own experience, Arty vowed to humanize the process for others committed to adopting and raising children.

From that personal struggle came the Golden Cradle Adoption Agency. What began 10 years ago as a volunteer effort housed in Arty's business is now a fully licensed agency run by a staff of more than a dozen social service professionals.

Mr. Speaker, despite its phenomenal growth and nearly 1,000 adoptions to date, Golden Cradle has always looked upon adoption as a lifelong process. Golden Cradle and its founder Arty Elgart deserve great recognition for 10 years of commitment to the profound and personal nature of each individual adoption.

TAX CODE INEQUITY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing legislation to correct an inequity in the Tax Code which singles out certain nonprofit organizations, such as State education associations and local chambers of commerce, and prevents them from setting up tax-deferred 401(k) retirement plans for their employees. I am pleased to say that I am joined in this effort by three of my colleagues from the Ways and Means Committee, Mr. CHANDLER, Mr. ARCHER, and Mr. FRENZEL.

Under current law, for-profit private employers can offer their workers the chance to elect up to $7,000 in deferred compensation in a 401(k) plan. Nonprofits organized under 501(c)(3) of the Tax Code can offer their employees nearly identical 403(b) plans. This latter group includes traditional charitable organizations and educational institutions. State and local governments may offer comparable section 457 plans. Out of all the thousands of employers across this country, only certain nonprofit organizations such as trade associations, labor organizations, and civic leagues are prevented from establishing these useful retirement plans.

The Ways and Means Committee and the House of Representatives recognized this inequity when they approved a provision I sponsored in the 1987 reconciliation bill that would have allowed these nonprofits to again set up 401(k) plans. I am happy to note that the U.S. Treasury Department, in its testimony before the Ways and Means Committee last month, stated it had no opposition to this proposal. At the hearing on February 21, Assistant Secretary Gideon said, "* * * imposing a limitation * * * only on tax-exempts is unfair."

Whenever Members of Congress push for a change in the Tax Code, I think it is incumbent on them to recognize that these changes are generally not costless. The revenue consequences of the proposal we are introducing today are relatively small. Last year the Joint Committee on Taxation estimated that Treasury receipts would be lowered by $15 million in the first year, rising over time to $56 million in the fifth year. In this time of continuing deficits, offsetting revenue sources will have to be found. As a member of the Ways and Means Committee, I will be working with my colleagues to find these revenues.

Mr. Speaker, good tax policy begins with nondiscrimination. The current law discriminates unfairly against some employers and their employees. The bill we introduce today will correct this inequity. I hope it will be speedily enacted.

I include the text of the legislation to be printed in the RECORD immediately following these remarks:

H.R. 4287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 401(k)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) STATE AND LOCAL GOVERNMENTS NOT ELIGIBLE.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is part of a plan maintained by a State or local government or political subdivision thereof, or any agency or instrumentality thereof. This subparagraph shall not apply to a rural cooperative plan."

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1989.

A TRIBUTE TO FRANK WASHINGTON

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. GRAY. Mr. Speaker, I rise today to pay tribute to an outstanding person, Frank Washington. After 30 years of exemplary and dedicated service, Frank Washington is retiring from his position as head of Community Relations at the Pepsi Cola Co.

In recognition of the significant contributions he has made to our community over the years, several hundred of his friends will gather to pay tribute to him on Saturday, April 7 in Philadelphia.

Frank made his mark in our city as one of the first black managers in a major Philadelphia area corporation. We honor him for his service.

Frank was also one of the best professional basketball players in the world and was a member of the Harlem Globetrotters, where he served as center, captain and coach. He made six world tours with the team and was featured in two Globetrotter movies. He also starred on other professional and touring basketball teams over an illustrious athletic career.

Frank was a student at Germantown High School and attended the William Penn School of Business; the Dale Carnegie Training Institute and the Pepsi College of Marketing.

He has been the recipient of numerous community and professional service awards from organizations such as the National Association of Market Developers, the Christian Street YMCA; the Norristown Men's Club; the Council of Spanish Speaking Organizations; and Operation Push/Philadelphia.

Please join me in paying tribute to Frank Washington, who has been a role model and outstanding citizen in our community.

DR. PAUL ASHTON TO BE HONORED MARCH 25

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LAGOMARSINO. Mr. Speaker, I rise to congratulate Dr. Paul Ashton of Santa Barbara—physician, author, and humanitarian—who will be honored on March 25 with the dedication of the education center at Goleta Valley Community Hospital in his honor.

Dr. Ashton has been active in numerous capacities in the community and in his profession over the past 45 years. A University of California Medical School graduate, Dr. Ashton has practiced general medicine and surgery in the Santa Barbara area since 1945, following his heroic service in the U.S. Army.

He was the founder of the Tri-Counties Blood Bank, and one of the founders of the Goleta Valley Community Hospital, both organizations which have been of great service to the Santa Barbara area. A member of the Goleta Valley Hospital board of trustees, he served three terms as chairman and one term as treasurer, and was an administrator pro tem. He has been chief of surgery at the hospital and is the father of the cardiovascular program there as well.

In 1984, Dr. Ashton authored "Bataan Diary," which recounted his years in the war and as a prisoner of war in the Philippines in 1941. It is a gripping account of courage and determination.

Mr. Speaker, Dr. Ashton is a great asset to the Santa Barbara Community, and to commemorate his achievements and contributions the board of trustees of the Goleta Valley Community Hospital will dedicate its education center to him on March 25, 1990.

On behalf of the U.S. House of Representatives, I commend Dr. Paul Ashton and extend to him our sincere best wishes and congratulations upon his service to the community, his Nation and his profession.

NAMIBIAN INDEPENDENCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LEVINE of California. Mr. Speaker, the people of Namibia will become independent on March 21, 1990. They have survived a long period of conflict and outside rule since 1915 in order to reach this important milestone. Namibia, formerly known as South West Africa while under South African administration, is a country which is large in size yet small in population. It has a good infrastructure of roads, telecommunications, and power. Mineral resources and fishing will be strong components of its foreign exchange.

What is quite admirable in my view about the independence of Namibia is that the people elected a constituent assembly last fall, under U.N. supervision, which has adopted what may be the most democratic constitution in Africa. It provides for a multiparty system of government, a legislative body, a limited executive, a bill of rights, freedom of speech, and the press. This occurred after the two major political forces in the country, The Southwestern African People's Organization [SWAPO] and the Democratic Turnhalle Alliance [DTA], reconciled their political differences and put the welfare of the citizens of this new nation first.

I am hopeful that the events which have lead to Namibia's independence will be an inspiration to other difficult political problems in Southern Africa. And I wish the people of this proud new nation a strong future under democracy. As long as this course is followed in Namibia, relations with the United States will be mutually beneficial and fruitful.

CONGRATULATIONS TO DAYTONA 500 WINNER

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. DOUGLAS. Mr. Speaker, I would like to extend my congratulations to Derrike Cope, winning driver of the Daytona 500, last month, and Bob Whitcomb, owner of the winning vehicle.

Derrike, an outstanding athlete in his college days at Whitman, and winner of the 1984 Rookie-of-the-Year Award of the Winston West racing circuit, drove the team's Chevy Lumina to victory at the Daytona 500 NASCAR competition in February. For a 9-month-old team this was a dramatic victory.

The owner of that car, Bob Whitcomb, is a resident of Keene, NH, in my district, and is an old friend. Bob received his bachelor's degree from the University of New Hampshire in 1961 and is a long-time fan and participant in national auto racing. Bob and his team are now a force to contend with in the high-performance auto racing arena of NASCAR.

We in New Hampshire are proud of Bob, Derrike, and their team for their outstanding accomplishments. I congratulate them for their victory and wish them the best of luck for the rest of the 1990 season and beyond.

THE "BIRMINGHAM SIX"

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. KENNEDY. Mr. Speaker, earlier this week the Congressional Human Rights Caucus held a hearing on the case of the "Birmingham Six"—six Irish nationals who many believe were falsely accused and convicted of bombings in England in 1975. I urged the caucus to hold this hearing to bring the plight of these men to the attention of the American people, and to let the British Government know that many of us in Congress, and a growing number of scholars and human rights activists believe that justice will not be served unless the British Government reopens this case.

Mr. Speaker, I would like to offer this poem that was written by Richard McIlkenny, one of the "Birmingham Six." Mr. McIlkenny's poem gives us a feeling for the tragedy of being unjustly sentenced to life in prison for a crime he did not commit.

What price justice for the innocents
Locked up in prison cells,
What price respect and peace of mind
For those who know and will not tell.

What price the horror of the beatings
The torture and the cries,
Of honest men who in terror signed
Perverted statements filled with lies.

What price hunger and deprivation
Threats with guns and growling dogs,
Of minds so blank and wandering
As if lost within a fog.

What price the cries of wives and children

Of families torn apart,
Whose moans and wails of anguish come
From deeply wounded hearts.
What price the long lost years filled
With loneliness and pain,
And the longing to be
Held in loving arms again.
What price the lost love and joy of children
All now fully grown,
Left without a father
Now with children of their own.
What price, What price!!
What price for honesty and truthfulness
For dignity and pride restored,
For the innocents to be set free, exonerated
and recompensed
To rejoin society once more.

By Richard McIlkenny, one of the Birmingham Six.

BRAZIL'S NEW SECRETARY OF ENVIRONMENT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. YATRON. Mr. Speaker, I want to congratulate the new President of Brazil, Fernando Collor de Mello, as he assumes office today. I want to wish President Collor and the people of Brazil the very best as they address the challenges before them. I look forward to working with the new government and to cooperate in enhancing United States-Brazilian relations to the benefit of both our peoples.

I also want to commend President Collor for his excellent choice for Secretary for Environment, Jose Antonio Lutzenberger. Over the past several decades, Mr. Lutzenberger has been one of the most outspoken Brazilians on the environment. His national and international reputation as an expert on Brazil's fragile environment should enable him to be an effective Secretary of the Environment.

Mr. Lutzenberger has testified before Congress, has received numerous environmental awards, and has helped to establish an important environmental nongovernmental network in Brazil. He is an agronomist by training, fluent in 4 languages, and has remained a courageous and tireless environmental pioneer.

As Chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, which has jurisdiction over global environmental issues, I am delighted and encouraged by this appointment. As a major world actor, Brazil's role in addressing the growing international environmental problems will be vital.

THE QUESTION OF EAST JERUSALEM

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MOODY. Mr. Speaker, on March 3, President Bush made the statement that "we do not believe that there should be new settlements in the West Bank or in East Jerusalem." That simple statement has set in motion a series of events within Israel and has seriously complicated negotiations to advance the peace process. Clarifications issued after the fact by the administration have done little to resolve the issue.

President Bush has previously indicated that the United States does not support new Israeli settlements in the West Bank and Gaza. But that issue has never been linked with the case of East Jerusalem. The city of Jerusalem has represented the heart of Israel for 3,000 years and East Jerusalem is one part of an indivisible capitol city. For these reasons, the United States has given special status to the question of Jerusalem. By linking the issue of Jerusalem and the occupied territories, President Bush has thrown this policy into question.

Unfortunately, this is a particularly inopportune time to be stirring the pot of United States-Israeli relations. The United States has been pressing hard for progress toward Israeli-Palestinian talks on the question of elections for the occupied territories. Israel itself has been deeply divided over this question and was engaged in a very painful debate.

President Bush's comments raised new concerns about U.S. policy just at the point when the peace process appeared to be moving forward. Today the Shamir-led coalition Government was voted down. Prime Minister Shamir will remain in office until a new coalition can be formed. Any further progress toward peace in the region will wait a new Israeli Government.

I believe that President Bush is committed to peace in the region and I support his many efforts to that end. In this instance, he was his own worst enemy. I hope that he will make every effort to resolve this question and continue to devote his energies to the larger goal of elections and, eventually, a lasting peace.

A TRIBUTE TO PATROLMAN GERALD WEIMER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PALLONE. Mr. Speaker, being a police officer entails great danger and personal risk, and requires acts of bravery and self-sacrifice. Every man and women who takes the oath to serve on any police force in our country understands the sacrifice that they will have to make as part of their jobs to protect the lives and property of their fellow citizens. Still, when a police officer exhibits the qualities of courage and presence of mind in the best tradition of their calling, that officer deserves to be singled out for praise and commendation.

Patrolman Gerald Weimer of the Middletown Township, NJ, is such a police officer. On January 17th of this year, Patrolman Weimer was on duty in the predawn hours when he observed smoke coming from the Leonardo first-aid building in Middletown. Without regard to his personal safety, he entered the building and removed a rescue truck and ambulance, then re-entered the building to extinguish the fire. His quick thinking and unselfishness prevented what would have been a major disaster, and will allow the first air squad to continue serving the community. Patrolman Weimer has been cited for his action by Chief of Police Robert M. Letts and also the Leonardo first aid squad.

Mr. Speaker, it gives me great pleasure to add my name to those who have cited this brave individual. Patrolman Weimer is a credit not only to my congressional district, but to all of our men and women in blue who risks their own lives for our sakes.

NATIONAL POLIO AWARENESS WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SKELTON. Mr. Speaker, today I am introducing a resolution designating the week of June 1 through June 7, 1990 as National Polio Awareness Week. Currently, there are an estimated 650,000 paralytic polio survivors in the United States, many of whom have experienced or will suffer from the late effects of the disease.

Years after their recovery from paralytic polio, many people begin to suffer from late effects of the disease, also known as postpolio syndrome. These symptoms may include renewed weakness in muscles throughout the body, both in muscles that were minimally effected and those that were once paralyzed. Postpolio syndrome is also marked by fatigue from activities once easily performed, respiratory problems, pain and inflammation in the joints, feelings of anxiety, and lower back pain. These problems can be extremely difficult for those who overcame many physical and social challenges while suffering from paralytic polio during youth.

Although much research has been done on postpolio syndrome, researchers are still unsure of the cause or the best treatment. The International Polio Network has been instrumental in educating the public and promoting research on the late effects of this disease. It is my hope that the designation of National Polio Awareness Week will help increase public awareness and encourage medical research, and I urge my colleagues to support it.

NATIONAL AGENT ORANGE SCREENING AWARENESS WEEK

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. MARTIN of Illinois. Mr. Speaker, today I am pleased to introduce, along with Congressman DENNIS HASTERT, a resolution designating July 8 through July 14, 1990, as National Agent Orange Screening Awareness Week. This resolution is one small but important way to let our veterans who served during the Vietnam war know that the American people are concerned about their continued well-being.

Since 1978, the Veterans' Administration, now the Department of Veterans Affairs, has operated a special medical screening program for Vietnam veterans who believe they were exposed to chemical herbicides used during the Vietnam war. One of these chemicals in particular, agent orange, has raised serious concerns about the long-term health effects on veterans.

Unfortunately, only 240,000 of the 3 million troops who served in Vietnam have participated in the agent orange registry examination. Because the screening could disclose previously undetected problems that may require prompt medical treatment, we have an obligation to make our veterans aware of the importance of participating in the registry.

The designation of National Agent Orange Screening Awareness Week will call attention to the availability of this medical program. I urge my colleagues to let the veterans in their districts know that the registry examination can be obtained at no cost at a VA health care facility. Let them know the value of the screening. And above all, encourage all eligible veterans to take part.

ACCESS TO TELECOMMUNICATIONS FOR THE DEAF, HEARING- AND SPEECH-IMPAIRED

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1990

Mr. GUNDERSON. Mr. Speaker, earlier this week I attempted to share my experience of deaf culture and underscore what I believe it has to teach the hearing world. Yesterday, I introduced legislation to increase telecommunications access to the House of Representatives for the deaf, hearing- and speech-impaired. Today I want to take a moment to address legislation pending before Congress that will not only increase the opportunity of those who cannot hear, but enable us, those who sign and those who do not, to further communicate and learn from one another.

Last year, during a trip to my district with Dr. Jordan, a young man with cerebal palsy wheeled his chair toward the podium where I was standing. In his lap was a stack of papers, letters in support of passage of the ADA. The young man handed the letters to me and then began to stand. After great effort he stood and said, "I need the ADA, we all need the ADA." What he was referring to of course, was the Americans With Disabilities Act.

The House has been considering H.R. 2273, the Americans With Disabilities Act, since early last year. Although it has only recently gained attention, the bill, introduced by our former colleague, Hon. Tony Coelho, has long been the focal point of the hope of disabled Americans. For they believe, and, perhaps, rightly so, that the ADA is the key which will unlock the door of opportunity.

I have been and continue to be a vocal and ardent supporter of the Americans With Disabilities Act. The Senate passed a good bill which the House has improved and continues to improve. Nonetheless I am committed to passing a bill this year and I would urge my colleagues to carefully weigh the rights of all involved and employ only the purest of motives during its consideration.

I have a particular interest in title V of the ADA, the telecommunication's provisions. The title the Energy and Commerce Subcommittee passed out mirrored language I introduced in H.R. 3171. Thus title V of the House version of ADA differs trivially from the Senate passed version.

Although the Senate version as passed and the House version as it exists differs little, the benefit to deaf, hearing- and speech-impaired Americans will be great. At present, some 27 million Americans cannot call down the street for a pizza or cross town to place a reservation. In my own district, many cannot even call the sheriff's department or hospital. Passing the ADA would change that, assuring those who cannot communicate via the telephone the equal access extended to them through the Communications Act of 1934. This would be done by implementing a relay system whereby a deaf person would use their TDD to call the relay system who, in turn, would contact you or I via the telephone. The relay system would act as the intermediary facilitating the conversation back and forth.

Unfortunately, we who are hearing cannot fully understand what it is to work, toil, and dream in a silent world. We can, however, provide an opportunity long overdue by passing the ADA.

Second, I would like to address another bill pending before the House, the Television Decoder Circuitry Act of 1990. I was proud to be a sponsor of this legislation as I believe it, too, will help provide those who cannot hear access to America's foremost medium, television.

This bill, like many other this body has considered in recent years, holds great potential benefit for millions of Americans. It will provide deaf and hearing-impaired Americans universal access to television broadcast programming and it will provide our literacy organizations and volunteers with yet another source to which they can turn to help empower the 23 million functionally illiterate Americans.

In essence, the TV Decoder Circuitry Act would require that televisions with screens 13 inches or larger be equipped with a decoder circuit chip which display circuit chip television transmissions. The cost is nominal, estimated to be $5 to $10 per TV and it has received broad industry support.

I strongly support this legislation and would urge my colleagues to consider its enormous potential and join with me to support the Television Decoder Circuitry Act.

The road for deaf and hearing-impaired Americans toward total communications access to the hearing world is long and arduous. Stereotypes must be overcome, myths must be demystified, and lies must be put down at the hands of truth. Deaf people can do anything but hear, and Congress has the opportunity to bridge the one gap between the hearing world and the silent world by providing access. I am committed to that end and I am happy to work within this House because I know it shares my commitment.

NAMIBIA'S INDEPENDENCE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. RICHARDSON. Mr. Speaker, the people of Namibia will become independent on March 21, 1990. They have survived a long period of conflict and outside rule since 1915 in order to reach this important milestone. Namibia, formerly known as South-West Africa while under South African administration, is a country which is large in size yet small in population. It has a good infrastructure of roads, telecommunications, and power. Mineral resources and fishing will be strong components of its foreign exchange.

What is quite admirable in my view about the independence of Namibia is that the people elected a constituent assembly last fall, under U.N. supervision, which has adopted what may be the most democratic constitution in Africa. It provides for a multiparty system of government, a legislative body, a limited executive, a bill of rights, freedom of speech and the press. This occurred after the two major political forces in the country, The Southwest African People's Organization [SWAPO] and the Democratic Turnhalle Alliance [DTA], reconciled their political differences and put the welfare of the citizens of this new nation first.

I am hopeful that the events which have led to Namibia's independence will be an inspiration to other difficult political problems in Southern Africa. And I wish the people of this proud new nation a strong future under democracy. As long as this course is followed in Namibia, relations with the United States will be mutually beneficial and fruitful.

THE CASE OF JOSEPH PATRICK THOMAS DOHERTY

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BOSCO. Mr. Speaker, I want to take this opportunity to speak out about an important test case for the principle of due process rights in this country.

The case at issue concerns Mr. Joseph Patrick Thomas Doherty, a man who has now been held by United States authorities for over 6 years pending a decision on deporting him to the United Kingdom. While the details and political rights and wrongs of this famous case have been much discussed, I wish to lend my voice to the growing number of Members who are concerned about the observance of Mr. Doherty's due process rights in his protracted legal battle.

Quite simply, Mr. Doherty deserves to have his day in court. To this end, I urge the Attorney General to grant Mr. Doherty a hearing on political asylum as the Board of Immigration Appeals [BIA] has ruled. I am concerned that the Attorney General's efforts to countermand

the BIA rulings represent a compromise of Mr. Doherty's due process rights.

Mr. Speaker, I have long believed that the legislative branch should not meddle in cases still pending before the courts. At issue here, however, is an administrative decision pursuant to a recommendation by an immigration court. Again, I urge the Attorney General to listen to his own experts and give Mr. Doherty his day in court.

$150 BILLION A YEAR—WHERE TO FIND IT AND HOW TO SPEND IT

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. TRAXLER. Mr. Speaker, I am taking this opportunity to call the attention of my colleagues to two editorials which recently ran in the New York Times. The first editorial ran on March 8 and involved the peace dividend and recommendations on where to find it. The second editorial, which ran on March 9, also involved the peace-dividend question, and suggested how we should spend it. I strongly urge that all Members of Congress take the time to review these two insightful articles.

[From the New York Times, Mar. 8, 1990]

$150 BILLION A YEAR—WHERE TO FIND IT

[First of two articles]

It's as though America just won the lottery. With Communism collapsing, the United States, having defended the free world for a half a century, now stands to save a fortune. Defense spending could drop by $20 billion next year and $150 billion a year before the decade ends.

What a precious moment; what a Heaven-sent opportunity for a political leader to capture attention and resources and do great good. President Bush, however, resists turning in his winning ticket. What will he do with this peace dividend? He says there won't be one—and besides, it will all have to be spent reducing the deficit.

The President is surely right not to react hastily to the upheaval in global politics. Yes, the cold war is over and the Soviet Union now looks inward. But it will take time to adjust the assumptions and relationships of two generations.

The peace dividend, however, is tangible, and for the President to recoil from it is baffling. It is not bleeding-heart liberals who urge Mr. Bush to be the Education President; that's his own ambition for himself. It is not elitist ecologists who label him the Environment President; that's his own title for his own aspiration.

Why, having pinned himself between a desire for progress and a pledge not to raise taxes, does he shrink from the windfall? Shouldn't he, on his own terms, embrace it? By dismissing it, the President is twice mistaken. The peace dividend is real, and realistically achievable. And the best way to spend it is to promote productivity and growth.

In his own budget, Mr. Bush would reduce the $300 billion-plus total for defense by 2 percent a year. That would save $140 billion over five years—and Congress is sure to cut more. If the Soviet threat keeps dwindling, it's possible to envision a $150 billion Pentagon budget, in current dollars, by the year 2000.

Cuts that deep can only be achieved gradually. It takes time to close bases and production lines. And sensibly, reductions will start small, phasing in with evidence of reassuring change from the Soviet Union. But the sooner Mr. Bush begins to plan for cuts, the sooner savings will accrue.

THE PEACE DIVIDEND IS REAL

Close students of defense acknowledge that significant cuts can be made. William Kaufmann, who advised Republican and Democratic defense secretaries, has demonstrated in a recent study how to halve outlays in a decade. The time to begin is now, with the five-year defense budget the Pentagon will soon submit to Congress.

There are two principal tasks: Reduce conventional forces, and slow the introduction of new weapons, both conventional and nuclear.

WHERE TO START

The Pentagon is building a number of new weapons useful primarily in the event of war in Europe. The weapons they would replace are already as advanced as any in the world. Here is what canceling or deferring acquisition would save in outlays, 1991 to 1995:

	Billion
Army light helicopter	$2
Advanced tactical missile	1
Forward area air defenses	3
C-17 cargo plane	12
Advanced tactical fighter	8
F-16 fighter plane (new model)	10
A-12 attack plane	12
Osprey tilt-rotor aircraft	8
Advanced air-to-air missile	4
DDG-51 guided missile destroyer	8
Seawolf attack submarine	9
Five-year total	77

REDUCE CONVENTIONAL FORCES

Ships, planes, tanks and troops are the place to start. They are where the money goes—four of every five defense dollars. Much of that is keyed to an improbable Soviet attack in Europe. Conventional force talks contemplate reducing U.S. troops from 305,000 to 225,000. Come 1992, that will save about $7 billion a year. Subsequent Soviet withdrawals could trigger more troop cuts, down to, say, 75,000, saving $12 billion more a year. And cutting six backup divisions in the U.S. would save $14 billion a year.

Meanwhile, with a diminished Soviet threat, it's absurd to insist that third world perils require 14 Navy carrier battle groups. Reducing 14 to 12 by 1994 would save $6 billion a year. Reducing to six by 2000 could save an additional $22 billion a year.

It is difficult to calculate the total savings for such cuts in force size because, beyond operating costs saved, there would also be untold savings in hardware and personnel.

SLOW DOWN NUCLEAR MODERNIZATION

This year's bill for missiles and bombers is $52 billion, and present plans could make that $87 billion by 2000. By slowing modernization, outlays could be held below $30 billion a year. The Strategic Arms Reduction Treaty, expected to be signed this year, will help make cuts of this magnitude safe.

With the reduction in Soviet land-based missiles, there's less need to put 50 MX missiles on rail cars, or to buy more Trident submarines than Start permits. Canceling MX mobile basing would save $4 billion between 1991 and 1995; stopping at 18 Tridents and slowing deployment of new D-5 missiles could save $4 billion more.

The B-2 stealth bomber was designed to locate and destroy mobile missiles. Sixteen are already authorized. Deferring further procurement while continuing flight-testing would save $23 billion between 1991 and 1995. Procurement of the advanced air-launched cruise missile can also be deferred, saving nearly $3 billion in those years.

The Bush Administration asks $5.4 billion for Star Wars defenses this year, and more later, even though this mammoth program still lacks clear purpose and faces formidable technical problems. Robust research could be conducted for $3 billion a year, saving $16 billion between 1991 and 1995. Canceling the Army's anti-satellite weapon would save an additional $2 billion.

Apart from Pentagon spending on defense, the Department of Energy wants two new plants in which to manufacture nuclear weapons. But Start reductions will allow most nuclear material to be recovered from dismantled warheads. Canceling one of those plants would save $3 billion between 1991 and 1995, and cutting back warhead production, billions more.

The intelligence budget is secret but is thought to have doubled in the 80's, without commensurate benefit. Spy satellites are needed to monitor arms control agreements, but keeping a dozen or so in orbit will generate more pictures than analysts can assess. Canceling one imaging radar satellite and one photo satellite a year would save $2 billion.

There will not be easy agreement on all these cuts. But they are not reckless or speculative. A plausible plan of reductions could save $150 billion a year by 1999. Even if some cuts aren't made, any large part of $150 billion amounts to real money.

The next question is, what should America do with it? The President says, reduce the huge Federal deficit. So does the Senate. They're right that the deficit clouds the future and demands reduction. But the question here is what to do with the peace dividend windfall, and the best answer is, use it for positive investments in the future.

[From the New York Times, Mar. 9, 1990]

$150 BILLION A YEAR—HOW TO SPEND IT

[Second of two articles]

Yes, there is a peace dividend, a fabulous fortune to be amassed as defense spending is gradually scaled down. By 1999, the amount could readily reach $150 billion a year. But already the line of people with worthy claims on the windfall stretches around the block.

Spend the money, some say, to strengthen the new democracies of Eastern Europe. Use it, others say, to make up for starved social spending in this country. No, say still others, including President Bush, use it to reduce the immense Federal deficit. Indeed, last week the Senate passed a non-binding resolution to do just that.

How should the country spend the peace dividend? One principle can usefully guide debate because it guarantees political consensus: Invest in the future. Make Americans more productive by focusing on two urgent needs—the health and education of youth, and the crumbling national infrastructure.

Cutting back the mountainous deficit, per the Senate resolution, is responsible. But it is misguided and unnecessary. It's misguided because public investment in the economic future is every bit as important as reducing the deficit. It's unnecessary because deficit

cuts already scheduled under the Gramm-Rudman law should suffice.

The larger task before Congress is to promote economic growth. Using the dividend to reduce the deficit would help do that. Smaller deficits would mean less Government borrowing, leaving more money in private capital markets to fuel corporate innovation and investment.

But it would promote growth at least as much to earmark the dividend for the needs of children and infrastructure. The economy needs a better-educated work force and an efficient transportation system at least as much as more investment by General Motors and Sears. Public investments need to be debated on their individual merits, not rejected in slavish devotion to deficit reduction.

WHAT'S THE RIGHT SIZE DEFICIT?

Experts disagree about the desirable leval of deficit, leaving the public uncertain. Benjamin Friedman, a Harvard economist, cites the savings rate, low and falling, as a cause of low investment, sluggish productivity and increased reliance on foreign capital. Not one of these trends is cataclysmic; the combination is frightening. His remedy is to increase savings by insisting that the $100 billion deficit—counting Social Security—be converted by tax hikes and spending cuts into a $60 billion surplus.

But Robert Eisner, an economist at Northwestern University, vehemently disagrees. He argues that the savings rate, excluding public investment, is not too low. Keeping deficits in the vicinity of $150 billion is just fine, because that would keep Federal debt from growing faster than the economy does.

Even without the peace dividend, the deficit is already scheduled to fall. Unless Congress wholly abandons its Gramm-Rudman targets, the deficit—counting Social Security—will be eliminated by the mid-90's. That target is stricter than Dr. Eisner's, looser than Dr. Friedman's. If it is the wrong target, it would not seem to err by much. For the next few years, the Gramm-Rudman targets will produce deficits that are modest by both historical and international standards.

The case for driving the deficit much lower is unproven. That being so, Congress would be wise to use the unexpected peace dividend for public investment. The proper test is how well the investment works—will it enlarge the economic pie?—not how much it affects the deficit. America's human resources and physical capital are too important to sacrifice at the arbitrary altar of deficit reduction.

PUT AMERICANS IN THE FAST LANE

For a decade, needed public investments have been squeezed out by tax cuts, rising military spending and middle class entitlements. Americans pay the cost in the form of airport congestion, decrepit bridges and freeway tie-ups. They also pay for the lost investment in people.

INVESTMENTS IN HUMAN RESOURCES

The most compelling challenge is to give a fair chance for productive lives to the next generation of Americans, one in four of whom is now born into poverty. Programs that do that pay off immediately, commonly saving three and four times their cost in remedial programs.

Funds from the peace dividend would magnify the gains—and the savings. A billion dollars would give comprehensive prenatal health care to an additional 1.5 million poor pregnant women. An additional billion would add 400,000 children to Head Start, which, though widely successful, still reaches only one eligible child in five. Every dollar spent on Head Start, experts say, saves almost $5 in welfare, remedial education and other costs.

INVESTMENTS IN INFRASTRUCTURE

The nation's transportation network has also been allowed to deteriorate. According to the Federal Transportation Department, urban areas now experience two billion hours a year of highway delays. Flight delays at 21 primary airports amount to 20,000 hours a year. Peace dividend money can bring relief and promote economic growth.

There are other worthy, perhaps even compelling purposes for which the peace dividend might be earmarked—including, notably, the environment. If there's to be public debate about the agenda, however, it better start soon. Otherwise, this rare windfall will dribble back into Washington's workaday stew of needs, claims and special interests. The point resounds for Congress and even more for the present occupant of the Bully Pulpit: This is a precious moment, but only if they seize it.

TRIBUTE TO MARIO MANCIERI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to honor a member of my community who is being recognized for his years of service to his fellow citizens in the field of education.

Mr. Mario Mancieri, of Bristol, RI, is this year's recipient of the Italian Heritage Award. Mario's family immigrated to America from Italy and settled in Bristol. He graduated in 1965 from Providence College where he majored in education and received his first teaching assignment in Tiverton, RI. In 1968, he was appointed teacher/team leader at Henry E. Anthony School in Portsmouth, RI. In 1970, after gaining his master's degree from Rhode Island College, he was appointed principal of the Howard Hathaway Elementary School. While serving at both the Anthony School and the Hathaway School, Mario was instrumental in the design and preparation of the Portsmouth Middle School. Later in 1970, Mario was appointed as the assistant principal of the newly opened Portsmouth Middle School.

In 1974, Mr. Mancieri was appointed as the director of administrative services where he dealt with several crises such as declining enrollment, school closings, and funding deficits. In 1989, Mr. Mancieri was appointed as the superintendent of Portsmouth's 2,600 student, 300 employee school system.

Mr. Mancieri is also a member of several professional associations. He is on the executive board of the RI Association of School Administrators and is the chairman of the East Bay Superintendents' Association and of the East Bay Educational Collaborative.

Mr. Mancieri has shared his success over the years with his wife Margaret and their three children.

It is with great pleasure that I salute Mario Mancieri for his years of dedicated service to education. His efforts have helped our Nation in a crucial area and I wish him continued success in the future.

TAXPAID PUBLIC FINANCE OF CAMPAIGNS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. JACOBS. Mr. Speaker, those of us who believe that the British system of campaign finance, namely public finance, would be in the best interest of our own system and would be a break for rather than an additional cost to our own taxpayers, have to be encouraged by the Bush administration's apparent support for such a scheme.

Now that the administration has tried United States taxpaid public finance of campaigns in Nicaragua, I hope that its support for it in our own country is forthcoming.

A TRIBUTE TO CLAYTON CUTTER

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LEHMAN of California. Mr. Speaker, today I rise before my colleagues to pay tribute to a man who made the ultimate sacrifice on February 19, 1990, when he lost his life in a heroic-yet-tragic effort to save six people who had fallen into an icy lake.

Clayton Cutter, a Forest Service firefighter, tried mightily but in vain, to save six people who had fallen through the weak, thin ice of Convict Lake high in the Sierra Nevada Mountains north of Bishop, CA. Clayton Cutter, on that fateful and last day of his life, responded immediately and without self-concern to four panicking teenagers who were helplessly struggling in the icy waters hundreds of yards from the lakeshore. He heroically raced to the brink of the hole in the ice made by the teenagers and was trying in vain to rescue the teenagers when he himself fell through the thin ice. Clayton is survived by his wife, Terry and three daughters: Deena, 11 years; Crystal, 8 years; and Lisa, 20 months.

Clayton Cutter's tragic death epitomizes the kind of courage, dedication, and bravery that Federal firefighters exhibit on a daily basis. Clayton's supervisor, Tim McMullen, said, "He was the quintessential firefighter in that he was dedicated, skilled, strong, loyal, and brave. He was a compassionate man who not only cared for his coworkers, but also for the public for whom he made the ultimate sacrifice." He added, "Clay was a loving husband and father. We lost more than a firefighter; we lost a dear friend whom we loved and admired. Clay was a hero. I wish there were more Clay Cutters in this world, because we need people like him."

Today I would like everyone to take a moment to recognize the heroism of this man. Clayton Cutter died in the line of duty trying to

save another life. There is nothing more noble than this.

TRIBUTE TO BOY SCOUT TROOP NO. 101

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to Boy Scout Troop No. 101, which is in my 17th Congressional District of Ohio. On April 1, 1990, Troop No. 101 will be celebrating its 50th anniversary.

Boy Scout Troop No. 101 has been serving the Struthers, Youngstown, and Campbell communities for the past 50 years. Troop No. 101 was reorganized in 1940 after it folded due to a lack of leadership during World War II. In 1971 John Holderman became Troop No. 101's Scoutmaster and he still holds that position today. Thirty-five Eagle Scouts have come from Troop No. 101 and three adults have received the Silver Beaver, which is the highest leadership award given in Scouting. The Virgil Award has been awarded to between 10 to 12 boys and men from Troop No. 101. The Virgil Award is the highest honor presented by the Order of the Arrow.

Troop No. 101 has traveled to Niagara Falls, Gettysburg, Washington, DC, Philmont Scout Ranch in New Mexico, National Scout Jamborees, National Order of the Arrow Conference, and other Scouting events. The troop has performed opening and closing ceremonies for Boy Scout events and openings of local businesses.

At the present time there are 34 boys in Troop No. 101, and they range in age from 10 to 17. They learn and participate in activities such as first aid, camping, cooking, the use of knives and axes, citizenship and leadership.

Mr. Speaker, I would like to take this opportunity to recognize Boy Scout Troop No. 101 on the occasion of its 50th anniversary. Troop No. 101 has had a long and distinguished history in our community and has added significantly to the development of many young men in the Youngstown, Struthers, and Campbell area. I am proud to have Troop No. 101 in my district.

D.C. SPENDING POLICIES ARE TAXING TO AREA RESIDENTS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PARRIS. Mr. Speaker, I take the floor today to address the taxing and spending policies of the District of Columbia, which have become nothing short of outrageous. Considerable attention has been drawn to this issue recently by a tax revolt declared by several hundred Northwest city residents. The focus of that campaign is the substantial increase in property tax assessments over the last several years. Assessments this year will rise an average of 17.7 percent; however, increases in the more affluent neighborhoods of the city could reach 40 percent. Similar increases were felt by homeowners during each of the last 3 years. Community leaders have warned that such tax burdens could precipitate a flight of the middle class from the city, further shrinking the District's tax base.

My colleagues should also be aware of the controversial package of tax increases recently proposed in the Barry administration budget. These include an increase from 9.5 to 10.5 percent in the top marginal income tax rate, which applies to all annual income earned over $20,000. This increase will impact about half of all D.C. taxpayers. The Mayor's package also proposes an expansion of the already burdensome sales tax to include items such as carryout refreshments. The current sales tax scheme adds 8 percent to the cost of each restaurant meal, 10 percent to each hotel bill, and 12 percent to the already high cost of parking.

Also included in the Mayor's budget is an unprecedented tax on professional services. Such a measure would have one of two intolerable results, either double-taxing lawyers and accountants who are District residents, or forcing professionals who commute to work from Maryland and Virginia to help shoulder the tax burden of their neighboring jurisdiction. In this sense, the professional services tax is akin to the hotel tax and the discredited commuter tax concept. Each is an attempt to shift the burden of D.C. spending policies from D.C. taxpayers—who are already at the breaking point—to residents of other jurisdictions. Mr. Speaker, Maryland and Virginia residents already pay out significant portions of their income to fund services and infrastructure in their own communities. They also fund D.C. operations—as do all working Americans—through their Federal tax dollars. If the District government were forced to view tax revenues as a finite source draw from its own residents, perhaps it would pursue more responsible spending policies.

A fine example of current spending policies is the recently publicized recreation center proposed to be built in Maryland for D.C. city employees. This $19.2 million project boasts 100 bedrooms, a lavish aerobics studio, and a 2,000 square foot weight room. The proposal was prepared by the D.C. Office of Personnel, the same folks that brought us the Virgin Islands trip 2 years ago. Can there be any justification for the construction of this "Greenbrier on the Potomac" in the face of budgetary constraints that strain fundamental civic services to the breaking point? I think not.

Mr. Speaker, the unprecedented economic boom that the Washington area has experienced over the last decade is beginning to level off. The District government must reawaken to the sobering truth that revenues are not limitless. Every aerobics studio built is a road unpaved, a housing violation uninspected, a policeman's pension unfunded, and a drug treatment center unstaffed. I urge city officials to return to fiscally responsible budgeting before the Congress is required to do it for them. The District of Columbia needs new spending priorities, not new sources of revenue.

MEDICARE ASSISTANCE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. JOHNSON of Connecticut. Mr. Speaker, this week my colleague on the Ways and Means Health Subcommittee, Representative JIM MOODY, and I, introduced legislation to assist rehabilitation facilities and long-term hospitals, meeting the cost of caring for Medicare patients.

These hospitals are especially strapped by inadequate Medicare payments. Medicare constitutes approximately 50 percent of the caseload of long-term and rehabilitation facilities; the sickest and most complicated cases among the elderly fall to these institutions to treat.

Most Medicare patients come to a long-term or rehabilitation hospital after a stay in an acute-care hospital. Due to Medicare cost-saving measures, long-term and rehabilitation facilities now receive patients "quicker and sicker" and bear the responsibility for increased nursing and therapy services and often increased lengths of stay.

Because these specialized institutions are paid according to TEFRA rules and not PPS, those who began serving Medicare patients in the early 1980's when health care costs were comparatively low are now locked in to Medicare payment rates that are far below the true cost of serving Medicare patients.

Mr. Speaker, our bill would allow a long-term or rehabilitation facility to elect to change its TEFRA cost base year to 1988, which would provide them with Medicare reimbursements that better reflect today's health care costs.

We need to ensure that the highest quality of care is available to stroke victims, those who have suffered traumatic injury, and patients in need of long-term intensive assistance, such as those with severe respiratory failure. Help for rehabilitation and long-term hospitals, through support for this legislation, may make the difference between dependence and independence for countless Medicare recipients.

HOUSE OF REPRESENTATIVES—*Monday, March 19, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 1990.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, March 19, 1990.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, not only to read about Your Word or to speak Your name, but also to acknowledge Your goodness, to receive Your gifts and to trust You with all our hearts. May Your name, O God, which we so easily invoke at times of adversity, become not only a name which we call for in moments of need, but become a reality in which we can believe and hope each day of our lives. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WALKER moves that the Journal of the last day's proceedings be read.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the Journal.

The Clerk proceeded to read the Journal.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the Journal be considered as read and open to amendment at any point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. WALKER TO THE JOURNAL OF THE LAST DAY'S PROCEEDINGS

Mr. WALKER. Mr. Speaker, I offer an amendment to the Journal.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER to the Journal of the last day's proceedings: Strike Executive Communication 2748—A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j).

□ 1210

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 hour.

Mr. WALKER. Mr. Speaker, the amendment that I am offering to the Journal would strike from the Journal's proceedings of last week a letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting a copy of the annual report in compliance with the Government Sunshine Act to this body. The reason for striking this particular provision is because I am somewhat concerned that this body ought not be receiving any kinds of communications with regard to Government in Sunshine.

It is now apparent that this body is unwilling to work in sunshine itself. I refer, as an example of the problem, to the situation that has now arisen on child care. As of late last week the minority leader and the other members of the minority leadership were told on the House floor that there were no plans to bring that particular bill to the House floor.

If Members go to the CONGRESSIONAL RECORD of the day on which we had the schedule announced to the House, it was said by the gentleman from Texas [Mr. FROST], who was handling the schedule on the other side, "It is not on the schedule for next week as of this point, but it is the Speaker's intention it be considered by the end of March." Then all of a sudden, the next day, what does the minority find out, that this very important piece of legislation that has been a matter of months of negotiations is now going to be put on the Calendar without notice to the minority. In fact, it is my understanding that the minority leader did not find out until Saturday about this particular change in the schedule.

I would say to the House that this is not us operating in sunshine. This is the majority leadership going behind closed doors making their own determinations and then coming to the House floor with their own announcement.

I would also refer the House to the fact that in the same situation we were given several different schedules of the House of Representatives supposedly to inform the Members. On Thursday morning we were given a schedule. It had nothing on it with regard to the question of bringing up child care; as of Thursday afternoon, nothing on it with regard to the question of bringing up child care. Schedule No. 4 that was received late Friday afternoon, as a matter of fact because of a mistake, our minority leadership did not get a copy of this schedule until today, and we finally find something that has the schedule on it indicating the majority is now going to bring this very important piece of legislation to the House floor.

Again, I would say to the Members that is not operating in sunshine. It seems to me to raise real questions about our commitment to the idea of Government in Sunshine if we cannot bring ourselves to even give the minority party some substance, some little bit of hint that this major piece of legislation might be brought before us.

It is clear that the majority feels very, very strongly that they cannot have this bill out for much observation for a very long period of time, that they have gone behind closed doors, they have cut their deals, and now they want to rush it to the floor without judgment.

They tell us we are going to go to the Committee on Rules on the child care bill tomorrow. We have not even seen the bill. We do not even know what to ask in terms of rules provisions. There is absolutely nothing that we have at the present time that gives us any knowledge about what we ought to be asking for in the Committee on Rules.

I would say to the House that that is not the Government operating in sunshine.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania, for bringing this to the attention of the Members.

I have been sitting here listening and learning as all of us are learning as we move along, and the gentleman describes what is going on.

I want to make sure I understand what the gentleman has said. This major bill that is now set for hearing by the House for a vote on Wednesday is not even in print?

Mr. WALKER. My understanding is that we have not seen a copy of it. I cannot imagine that it is in print, because no one has circulated copies to our side of the aisle. We do not know at the present time what the provisions of this bill may be, because no one from the minority has been consulted in the process of putting it together, and so we are supposed to go to the Committee on Rules tomorrow and respond and react to a bill that we have not had any input on, that we have not even seen at the present time.

Mr. NAGLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER, I am happy to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Speaker, I just came to the floor, but it seems to me that I have sat in this Chamber now this year and heard nothing but praise from my distinguished colleagues on the minority side about how they have been treated so fairly this year.

Mr. WALKER. It just ended, I would say to the gentleman.

Mr. NAGLE. Mr. Speaker, does the gentleman from Pennsylvania wish to retract all of the nice things he has said about us?

Mr. WALKER. No. I think up until now that we thought we had been treated fairly and that we were being dealt with as partners in the legislative process. All of a sudden the partnership seems to be, and I would say to the gentleman that I control the time, and I will be happy to yield to him in a moment, but let me say to the gentleman that that partnership seems to have been unilaterally dissolved. That is what we are concerned about. That is the reason for the action on the floor. We were somewhat stunned to find out, despite the fact that we asked specifically about child care in the legislative schedule last week, and we were told that it might come up sometime before the end of March, and I will be glad to yield to the gentleman in just a moment if he will allow me to finish my statement, and we have an hour of time here, and the gentleman will have plenty of time to make his statement.

We were somewhat surprised to find out the very next day that they found a way of slipping this onto the schedule of at least the Committee on Rules for the upcoming week. So I would say to gentleman that that was the unilateral dissolution of a partnership we thought was working, and we are sorely disappointed.

Mr. NAGLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Speaker, the gentleman acknowledges that this year he does not retract all the nice things he said about how the majority has treated him. He simply contends that on this occasion it is his understanding he has not been treated fairly and, therefore, that is cause to assault the majority party's conduct in this institution for the entire year, or only for today?

Mr. WALKER. I would say to the gentleman that we think that a working partnership in legislation has to be an everyday thing. It is not something that is turned on and turned off at will. It seems as though when the majority thinks that they cannot win without resorting to unfairness, they resort to precisely that as a tactic, but when it is perfectly comfortable for them to be fair, then they decide to be fair. We are saying that is not the fairness that we are talking about, that what we want is fairness on an everyday basis. It is not the kind of thing which I think enhances the ability of this body to do its business to have the minority completely in the dark about a piece of legislation that could have momentous provisions for both the present and the future of this country.

Mr. NAGLE. If the gentleman will yield further, the gentleman would acknowledge, and I just have a little litany here that I would like to go through with the kindness of the gentleman from Pennsylvania; first of all, I would like to note that, and tell me which one of these is wrong if the gentleman would, first of all, a similar bill to the one being considered on Tuesday was reported last year, a bill on child care was considered on the floor, and debated last year. The Committee on Rules was notified on Friday, which is the proper procedure.

Mr. WALKER. Let me reclaim my time if I could. The Committee on Rules was evidently notified before the minority leader was notified, and that tells us something about the kind of process that we are using here, that the minority leader does not find out, and if the gentleman is confirming that the Committee on Rules knew about it on Friday, that is somewhat interesting to most of us, because none of us did, and it would be nice if the body would have known or if this could have been announced on Thursday.

Mr. NAGLE. If the gentleman would be gracious enough, having yielded to me, to allow me to make an inquiry, and if the gentleman will allow me to continue so that our side can be heard. Or does the minority resent that opportunity?

Mr. WALKER. No. I have been very happy to yield to the gentleman. I have shown the gentleman a great deal more courtesy in this debate than we were shown on the question of bringing the bill to the floor, but I will be glad to yield to the gentleman.

Mr. NAGLE. I note that the floor schedule was given to the Republican whip on Saturday, because I read the Republican whip's comments about the bill Saturday in the paper. I would further inform the gentleman that no final copy of the bill exists.

Mr. WALKER. I will say to the gentleman, before he makes that kind of statement and says something which is not true, we found out about it not because we were handed a schedule but because we picked up a rumor that this might be true and began to call around. We could not believe it was true when we heard it, because we had been assured on Thursday in the meeting on the schedule that child care would not be coming up.

Mr. NAGLE. The minority whip's comments on Saturday were quite specific on a clause of the bill. I would take this opportunity to inform the gentleman, if the gentleman is interested, that no final copy of the bill exists, but it will be furnished to the minority as soon as the majority receives it.

Mr. WALKER. Let me reclaim my time. Here we are on Monday and we are going to the Committee on Rules tomorrow on this and no copy of the bill exists?

Mr. NAGLE. The same bill that was debated a year ago.

Mr. WALKER. No; no. The bill we are going to be considering on the floor Wednesday, no copy of that bill exists?

Mr. NAGLE. So, you see, we are both on equal footing.

Mr. WALKER. The gentleman may regard that as even footing from his standpoint. I would say the minority that has not been a part of the negotiating session that made the deal to write this bill probably thinks that maybe it leans a little bit in his direction.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

This minidebate just held here points up another facet of this overall debate.

□ 1220

When we entered this session, all of us were very confident that under the

new majority leadership, that we would have a balanced approach to legislation.

Further, I recall that there was a great effort to say that in a couple of major issues, like campaign reform and child care, that there was a tacit, if not overt, agreement, that nothing would be brought to the floor except through a bipartisan approach to those particular issues.

I remember that very well, because I remember the chagrin that was expressed by the minority leader on campaign reform when that tacit agreement or overt agreement seemed to have broken down.

Now we are faced with child care, a monumental issue, which should have the fullest opportunity for bipartisan approach and bipartisan amalgamation of ideas before it reaches the full debate to which it is entitled on the floor of the Chamber.

That is why this is not just an exercise in pique on the part of the minority, this shows again that the majority will be fair when it is in its best interests to be fair, and otherwise it will trod its own ground.

Mr. NAGLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. The gentleman does not control the time; this gentleman controls the time, and I will be happy to yield to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. If the gentleman will then ask his colleague, since I cannot engage in a colloquy with him, it seems to me that I have been in this Chamber all year long hearing praise from the minority about how fairly they have been treated. Now an important bill comes up, and does the gentleman wish to retract all the nice things that were said about us?

Mr. WALKER. Let me reclaim my time. The gentleman seems to want to make a point that we have been willing to praise the majority for continuing a pattern of fairness to the minority over a period of some months. But I will say to the gentleman, just because we are capable of saying nice things when we are being treated fairly, doesn't mean that all of a sudden you can swoop out of the back rooms and come onto the floor and decide to be unfair. That is not the legislative process. We operate under procedures and rules here which are supposed to guarantee fairness to all. Now what we are having is a dialog about just how unfair this particular procedure has become.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I thank my colleague for yielding to me this time. Through the gentleman from Pennsylvania [Mr. WALKER] I would like to ask the gentleman from Iowa [Mr. NAGLE] a question about this bill. I am just curious if the gentleman knows.

One of the major items of difference between the Democratic majority and the Republican minority on this bill is we have been negotiating in an effort to make sure that the bill permits an exemption for religious tenets purposes.

So I will ask the gentleman from Iowa [Mr. NAGLE], does the bill that now is set for hearing on Wednesday provide for at least a vote by the House on the issue of exempting from their proscription of the bill as the last time I saw it the item of religious tenets?

Mr. WALKER. Can the gentleman from Iowa [Mr. NAGLE] inform us of that? I will be glad to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Speaker, I wish to assure all the gentlemen that that issue of religious freedom that the gentleman raises, and by implication implies that somehow Democrats are opposed to, is being worked on. It will be considered in the bill. And I am certain, as certain as I stand here, that those issues will be fully debated as to the best way to preserve that constitutional right.

Mr. WALKER. Mr. Speaker, reclaiming my time, let me say to the gentleman that the bill has been decided upon. You all have worked the bill out in the back rooms. What we are wondering is whether or not the bill that goes to the committee tomorrow is going to have a provision in it to assure that those child care facilities that provide religious instruction will continue to be eligible to receive the benefits of the program having that kind of instruction in their facilities.

Can the gentleman from Iowa [Mr. NAGLE] answer that?

Mr. NAGLE. Perhaps I can reassure the gentleman that those provisions are still being worked on and voices are still being sought from both sides of the aisle.

Mr. WALKER. I see. So we have a bill going before the Committee on Rules tomorrow that the majority has not even finished their back room negotiations on yet. Is that what I am hearing?

Mr. NAGLE. If the gentleman will allow me to continue, having yielded to me, of course it is difficult to carry on this dialog when the gentleman yields and then when I start to say something the gentleman does not like, interrupt me and reclaim his time.

Mr. WALKER. I think we ought to clarify here.

Mr. NAGLE. I rest my case on that point. I will be very happy to suggest to the gentleman that those issues will be brought before the floor for full debate. The reason is its difficult and delicate nature, which the gentleman from California [Mr. DANNEMEYER] so properly raises, is of concern to Members of both sides. No final provisions on that have been written. That is under the House rules in part the purpose of the Committee on Rules, to prepare amendments to make sure that in fact both sides of the question are fairly conducted.

And I would point to the gentleman, if I may, and then I will allow him to continue his dialog here, that we have strenuously worked this year to allay the fears of the minority. The fact that we are doing a bill this year that was closely debated last year, and we are doing it as quickly as we possibly can, does not mean we have abandoned our principles of fair opportunity for the minority to be heard. And the fact that the calendar is quick does not mean that the opportunity will not be heard. I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman for his point. But under whose perception is that your standard? It is certainly not our perception. We are the kickees on all of this, and it is certainly not our impression that we are being treated fairly in this regard. It may be the impression of the gentleman from Iowa [Mr. NAGLE], but I would say that the gentleman may have a somewhat different view of the situation than those of us who are a part of the process.

I yield to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding, and I really want to direct a question to him. Judging from the remarks made by the gentleman from Iowa [Mr. NAGLE] just a moment ago about the ability of all Members fully to debate the issues that the gentleman from California [Mr. DANNEMEYER] raised, I would presume that that means that the majority will be going to the Rules Committee tomorrow to ask for a rule on a bill that does not exist that will allow full debate. In other words, an open rule for debate on this issue on Wednesday.

Is that the understanding of the gentleman?

Mr. WALKER. Well, I would think that given the information that we have just heard here, that the fairest way to assure that sunshine does prevail on this bill would be to have an open rule, give all Members the opportunity to come out and amend those sections of the bill they think should be amended, because it is apparent that not even the majority at this point understands what is in the bill, knows what the bill is going to look like when it gets to committee tomorrow.

It seems to me the only rational decision would be to allow an open rule and allow full consideration through

an open rule. I think the gentleman from Arizona [Mr. RHODES] is absolutely correct.

Mr. RHODES. If the gentleman will yield further, I would simply say that that seems to be the only way that this nonfinal piece of legislation which is still being negotiated, according to the gentleman from Iowa [Mr. NAGLE], could possibly be handled on the floor on Wednesday, in the manner which he described, with full, fair, open debate on all of its provisions. It would have to be under an open rule.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman very much. That is the point that I want to make. If we are committed to sunshine in this body, as the reception of reports from the various agencies seems to indicate that we are, then it seems to me that sunshine ought to prevail in the consideration of this piece of important legislation.

Mr. PETRI. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. I think there is a point that is worth making too, and that is not only are we in the dark at this point and many in the majority in this body in the dark, but the American people are in the dark. We as their Representatives are going to have to be voting on something with very little ability to hear from our constituents and groups who are affected by this important legislation.

We all know that toward the end of a session it is sometimes necessary on fairly short notice to bring up a bill and to pass it because we are going home and we have to complete our work.

But we still have 8 or 9 months to go in the year. There are some delicate political issues that are going to be in this legislation. It seems to me it is in the interests of the Members of the majority, as well as of the minority, to get the advice and counsel and reaction of their constituents on an important piece of national policy.

Therefore, it would be good if it would go in the ordinary course to the Committee on Rules and to the membership the following week, rather than still not being evidently resolved and public within the majority caucus, let alone be known to Members of the minority.

Mr. WALKER. As the gentleman knows from his long experience here, often when there is a rush to judgment legislatively, it is because we do not really want the public to find out what is in the legislation. What has happened too often in those cases is when the public has found out, there has been an outrage about the things buried down in that kind of legislation.

In a piece of legislation that is as important as child care, it would seem rational that everybody would understand what it was Congress was doing before Congress set a course for the country in that direction.

I will be glad to yield further to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. I thank the gentleman for yielding further. Another point that should be made is that once Members vote on this legislation, it will not go to the President and become law, it will go to the Senate. They presumably will act on some legislation, and it will go to a conference committee.

It seems to me that we will actually retard the process by acting quickly and in relative ignorance with a noninformed constituency and community, rather than airing it and getting a fix on this bill at this stage, so when we do go to conference, people have some idea where the pressure points are in the legislation and what changes need to be made to actually get a good new piece of national policy in the important child care area in place in this Congress.

Otherwise it is going to degenerate into political games, and an awful lot of poor working people who are trying to provide for their own families are going to be hurt. I hope that is not the intention of any Member as this moves forward in this unusual way.

Mr. WALKER. I thank the gentleman. I think he makes an excellent point.

Mr. KYL. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I would simply like to clarify with the help of the gentleman exactly what will result from the vote which I presume we will be taking momentarily on the motion of the gentleman from Pennsylvania [Mr. WALKER].

As I understand it, we will be voting to delete a part of the record which relates to a subject that is unrelated to the matter of child care, except with respect to the fact that it deals with the subject of sunshine, which the gentleman has so ably pointed out has been sadly lacking in this particular situation.

□ 1230

So that if this body approves the gentleman's motion, we will be making a symbolic gesture? We will be, as the House of Representatives, voting expressing our will through this symbolic gesture that there should be more time, that this bill should not be proceeding as it is and, therefore, as the gentleman from Wisconsin just pointed out, enable both the Members of the body as well as the American people to have a better look at this legislation which still has not been written, or at least which we have not seen, and, therefore, be able to better debate its merits, decide what amendments to propose to take to the Rules Committee and so forth; is that a correct understanding?

Mr. WALKER. The gentleman is absolutely correct. All we would be doing is striking Executive Communication 2748 from the RECORD or from the Journal of last Thursday.

Mr. KYL. But because of the rules around here, and not having the bill in hand to go to the Rules Committee and so on, that is about the best we can do, is make this symbolic point?

Mr. WALKER. When I read through the Journal for last Thursday, this was about the best we could do in order to get a little bit of talk about what we think is a substantive issue.

Mr. KYL. I thank the gentleman for yielding and commend him for bringing this to our attention. I would not have known about it otherwise. I think it is an important point, and regret that the procedures here have come to the point that they have.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. MILLER of California. Mr. Speaker, I move that the Journal, as amended, be approved.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The motion was agreed to.

The SPEAKER pro tempore. The Journal, as amended, is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GEKAS] will lead Members in the Pledge of Allegiance.

Mr. GEKAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ONE BASEBALL FAN WHO NO LONGER CARES

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, in 1945 when I was only 8 years old, my dad took my 4-year-old brother Kyle and me to see a Brooklyn Dodgers-Cincinnati Reds baseball game at Crosley Field in Cincinnati. I grew up a Cincinnati Reds baseball fan and have been a long time.

There was a time in my life when I thought Stan Musial, Ted Williams, and Joe DiMaggio were more important than the President of the United States.

Even last year, at age 52, I attended 11 major league baseball games.

Here's one baseball fan who no longer cares. I'll not spend a dime this year to contribute toward the arrogant, greedy major league baseball owners and players.

It suits me if the entire 1990 baseball season is eradicated.

When I was in western Kentucky this weekend I discovered that dozens of other avid baseball fans won't attend any games this year either.

There are baseball fans who are calling on Congress to place major league baseball under Federal antitrust laws.

Major league baseball has had special considerations for decades, including being exempted by Congress from Federal antitrust laws.

March 19—and no major league baseball yet. This hasn't happened in America since 1868.

But when many of us think of 1990's owners' and players' greed—who cares?

Personally, I'm enjoying the current college basketball tournaments and look forward to football season.

DEUTSCHE MARK ÜBER ALLES

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, 4 months ago the Berlin Wall came down, burying communism in East Germany under the rubble. But unlike the walls of Jericho, the Berlin Wall did come down to the sound of the bugles from the outside. It came down in response to the wailings and prayers of the slaves inside.

Now the former slaves have gone to the polls in the first free elections after Hitler abolished the Weimar Republic 57 years ago, in 1933. Yesterday, a group of conservative parties, led by the Christian Democrats and actively supported by Chancellor Helmut Kohl of West Germany, scored a surprising victory. This was an impressive vote for German unity.

The tide in the world favoring free elections and free markets is unmistakable. But those with a keen power of perception also see in the East German vote a tide favoring strong currencies firmly removed from the political arena. The election-slogan "Deutsche mark über alles" signifies a message to Washington. A strong and stable economy is incompatible with a weak and unstable currency. At the same time when Hitler abolished free elections in Germany, President Roosevelt abolished the stable dollar in America. Today, the dollar is still a plaything in the hand of speculators and lobbyists.

The challenge from Germany is not an economic or political one; it is a challenge calling for a strong and stable dollar, a dollar which will not blink when confronted with the deutsche mark.

SUPPORT FOR CONTINUED FUNDING OF SDI

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, this week marks the seventh anniversary of the Strategic Defense Initiative Research Program. It was on March 23, 1983, that President Reagan publicly challenged the American scientific community to save lives through strategic defenses rather than to avenge them through massive offensive nuclear retaliation.

America's scientific and contractor communities have responded brilliantly to this challenge. Last weekend I received briefings from several SDI contractors and representatives of the Lawrence Livermore Laboratory where the Brilliant Pebbles component of the SDI is being developed. Based upon my discussions with these people, and what I saw, I am convinced, as is Secretary Cheney, President Bush, Vice President QUAYLE, and others that the technology is in hand in develop and deploy strategic defenses. Obstacles to deploying defenses are political, not technological. The SDI organization and its contractors are making real progress.

I strongly urge all of my colleagues to arrange to visit SDI facilities to see firsthand the remarkable progress accomplished in this program. I think they will be convinced, as I am, that we should continue to support funding for the strategic defense initiative.

LEAPING FOR LIBERTY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, they have leaped for liberty in Leipzig and they got it. They are also leaping for liberty in Lithuania, and we are not so sure about what that outcome will be, but in both cases they merit the attention of the free world, and they merit the cautious outlook on the part of the American public as to how best we can help that ever-evolving process of democracy all over the world.

The reunification of Germany has tremendous opportunities yet certain reservations about which we must be clear. The events in Lithuania call for a great endorsement of the opportunity of those people to secede from the Soviet Union, but the dangers that are lurking are signals to us that we must be ever on the alert.

This is no time to declare an out-and-out peace dividend when we cannot gauge what the events will be from day to day. We can rejoice for the moment, but at the same time keep guard over our resources and over our mandates throughout the world.

□ 1240

JAPANESE CHALLENGE—AMERICAN RESPONSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, a plethora of books on the Japanese economic challenge has been published during the past year or so.[1] Working through this material may be a bewildering experience for anyone. While the basic facts concerning the phenomenal growth of Japan's industrial and financial prowess are not in dispute, there is wide disagreement about the genesis, the significance, and future implications of these developments. One of the most vexing questions confronting American policymakers is this: do the Japanese know something we do not? It is both ironic and ominous that the same question—with the cast reversed—plagued Japanese military planners 45 years ago, until their query was answered in Hiroshima.

Most observers dismiss this anxiety as alarmist and stress that America's economy is as powerful as ever after several years of unprecedented peacetime expansion. They insist that Japanese investment here is smaller and less important than the current hysteria suggests, and they view the Japanese trade surplus is a short-term rather than a long-term phenomenon. Other observers, apparently a minority, argue that America's loss of market share, manufacturing jobs, technological and financial leadership to Japan reveals a process which is irreversible—unless the trend of falling American incomes and savings, and the trend of growing American deficits and debts, relative to those in Japan, can be decisively arrested. In one author's bleak scenario, the cold war with the Soviet Union will be succeeded by a cold war with Japan.[2] The new cold war will not be driven by a race for military superiority but, more subtly, by the quest for economic and technological domination.

Japan now has a higher gross national product per capita than the United States, and its wealth is not

Footnotes at end of article.

sapped by ever-increasing interest-payments to foreigners. America's debtor status and dependence on foreign capital have put the Nation increasingly at the mercy of the Japanese. Perhaps there is, after all, something the Japanese know but we don't.

A typical response to the Japanese challenge is the "Proposals for a Renewal of American Industry" by Prof. Bruce Scott of the Harvard Business School.[3] It is a sober analysis of five disturbing economic developments in America, which have been obscured by a steady stream of optimistic statistical indicators on jobs, gross national product, and by buoyant stock and bond markets:

First, Japanese firms have increasingly replaced American manufacturers as internationally successful producers of quality, future-oriented merchandise.

Second, U.S. debt of all kinds is at record levels and still increasing, with no hint how this debt will ever be extinguished, short of a default.

Third, annual trade deficits—reaching $174 billion in 1987—have ended 80 years of trade surpluses, raising serious questions about the productivity and competitiveness of American industry.

Fourth, the gap between the rich and poor in America continues to widen, contributing to the growth of an underclass lacking the knowledge, skills, and attitudes to get and hold a good job.

Fifth, in the United States, we are neglecting investments in infrastructure, research and development, as well as public education, that are necessary for continued economic growth.

The first pillar of Professor Scott's competitive global strategy designated to eliminate the trade deficit and put the United States on a path of climbing incomes and living standards relative to Japan is to devalue the dollar—again. The professor is not alone in advocating deliberate currency debasement as a valid measure to help America resume its former role of world economic leadership. The majority of American economists appear to be sympathetic to this suggestion. The most vocal among them, Professor Martin Feldstein, chairman of the Council of Economic Advisers in the first Reagan administration, continues to urge the policy of dollar devaluation in order to deal with the trade deficit. In the lastest issue of the influential quarterly Foreign Affairs, Jeffrey E. Garten writes that an agreement with Japan and Germany to put the dollar back on the downward escalator would be the most important step in addressing the trade and financial imbalances that are growing again.[14]

The most amazing aspect of this suggestion is that the period during which Japan has eclipsed America as the world's economic leader exactly coincides with the period during which the dollar has been devalued, from a high of 360 to a low of 120 yen, or by two-thirds. It is possible that professors Scott and Feldstein, and investment banker Garten are advocating a bankrupt strategy, which can only reduce the American economy to a subservient status vis-a-vis the Japanese? Can it be that Japan's secret weapon is its relatively strong currency?

There are good reasons to assume that the answer to these questions is "yes." Japan did not eclipse America economically by listening to the siren song of currency debasement. On the contrary, Japan has proved that the most effective tool a government can put into the hands of every businessman and financier—and, for that matter, into the hands of wage earners, who do most of the country's saving—is none other than a strong currency which must be held above politics, agitation, and demogogy. No country in history has ever achieved economic greatness through systematic currency debasement. By contrast, great countries such as France, Britain, the Soviet Union, China, and the United States—not to mention a host of smaller countries—have seriously injured themselves economically whenever they tried to have recourse to the policy of deliberate currency depreciation.

What is it the Japanese know and we don't? It is the fact that you *can* live with a strong currency even as your trading partners are deliberately debasing theirs. It is the fact that a weak currency can never make the country's industry and financial system strong. It is the fact that you cannot seek world economic leadership while stooping to the chicanery of currency manipulation to the detriment of savers at home and creditors abroad. America's economic injuries sustained in the arena of industry, productivity, competitiveness, saving, finance, and trade are entirely self-inflicted. They have been inflicted on the American people by the government, in espousing the gospel of currency debasement and perpetual debts. The Japanese people are more productive because they are not so inflicted, or they are inflicted to a lesser degree.

Most Americans are unable to bring themselves to see the problem in these terms. How much more humiliation do we have to suffer before they, too, will come to see the light? The world's ten largest banks used to be American, not so very long ago. Aided by huge trade surprises, high savings rate, and low cost of capital, Japanese banks have by now replaced every one of them. Yet American observers choose to remain blind. Prof. Jeremy Siegel of the University of Pennsylvania's Wharton School is quoted in the Wall Street Journal as saying: "Competition in banking is unlike [that in] automobiles; quality doesn't enter into it: money is money."

Of course, the Germans and the Japanese know better. Between money and money, there could be the difference of heaven and hell. Money does have quality—independent of quantity, or the rate of growth thereof. The source of this quality is found in the government's determination to remove and keep the issue of the value of money from the political arena, so as to prevent it from becoming a plaything in the hands of demagogues and speculators. All the evidence shows that the American government is deficient on that score. It does not help matters to try and make a virtue of this deficiency. At the same time the Japanese government, without much fanfare, is holding on to the principle of sound currency, namely, that money and politics do not mix.

Not only is there such a thing as the quality of money, but it is clearly measurable. It is measured by the rate of interest. The relationship—as that between quality and ordinals—is inverse. The lower the rate of interest, the higher quality of money—and a higher savings rate—is indicated. This observation goes right to the heart of the matter. Savers are fully alive to the deterioration in the quality of money. They react by saving less using assets denominated in the depreciating currency. This raises the relative cost of capital in the country whose government has higher tolerance for currency depreciation. The greater cost of capital shows up as a deficit in the country's trade accounts. When the nostrum of currency debasement is promoted as a cure for those deficits, a vicious spiral is set into motion. Yet currency debasement could only aggravate the trade deficit, since it is the primary cause of the condition.

The only way to cure our perennial trade deficit is to bring down the marginal cost of capital in America to or below the level prevailing in Japan. This shall of course happen, whether or not the U.S. Government adopts the appropriate policy. But in the absence of a policy to stabilize the dollar, the cost of capital in this country will be brought down by the Japanese making further inroads upon American finance. Japanese superbanks, which control the world's largest and cheapest supply of capital, will take over from home-grown suppliers of funds the role of financing American technology, research and development. This is not the place to analyze the national security implications of this development. But the effect on the American banking industry would be devastating.

The balance sheet of the American banks is already top-heavy with hidden losses and dubious assets, such as nonperforming loans, mortgages, and third-world debt—which compare very unfavorably with the strong assets of the Japanese banks. If the American banks were forced to move further down on the credit-quality ladder, and the Japanese banks were allowed to retain their capital advantage and pricing power to dominate the lending market for high-quality American corporations, then it takes no great perception to discern the outcome. Not only is the Japanese banking system poised to dominate world finance, but the American banking system is being set up as the fall guy in case of an international monetary panic.

Most American economists hold that inflation is malignant only insofar as it vitiates the predictability in the value of the monetary unit. In their view, if we grant predictability, inflation becomes benign, even beneficial. As the real rate of interest is increased by the known rate of inflation, no further losses can accrue to creditors or debtors, and all economic distortions are ironed out.

This naive view begs the question. The stabilization of the rate of monetary depreciation under the regime of irredeemable currency is, for all we know, an insoluble problem. You can inflate the stock of money at a constant rate, but there is no way to predict how soon or how severely the market will react to it. There is no necessary relationship between the growth rate of currency in circulation and the value of the monetary unity. You may indeed regulate the former, but it is a serious mistake to assume that this amounts to regulating the latter.

Be that as it may, the problem remains even if we admit that the rate of inflation can be stabilized. Prof. Ronald I. McKinnon of Stanford University is one of the few economists recognizing the damage caused by a decline in the value of the monetary unit.[5] He argues that even a predictable erosion in that value causes a shrinkage of the time horizon of business, with serious further economic consequences concerning savings, investments, and competitiveness.

The suggestion that a currency with a predictable value is as good, or is better than, a currency with a stable value, ignores the problem of capital accumulation, and the related problem of capital maintenance. Capital is highly perishable in that it wears out in use or with the passing of time. In this fundamental fact of life lies the greatest challenge to business and government. Adequate provision for capital maintenance in the form of depreciation quotas must be made, even before provision for the payment of taxes, wages, and dividends. Subsequent corruption of these quotas through currency debasement means capital destruction, leading to impaired productivity and, eventually, to the demise of enterprise. An upward adjustment of the rate of interest not only fails to compensate for this corruption: It makes the problem more acute. Capital is siphoned off from existing projects in favor of new schemes.

If the practice of neglecting capital maintenance in a country is widespread, as it is under an eroding currency unit, then it will lead to the withering of enterpreneurship, to economic stagnation and decline. Here is how the process works. As the erosion in the value of the monetary unit is compensated for by an increase in the nominal rate of interest over the real rate, the time horizon of business and government will shrink. The greater is the erosion, the greater will be the shrinkage. As long as the nominal rate of interest exceeds the real rate, some profitable investments with extended amortization schedules will not be made, even if the rate of currency depreciation is perfectly predictable. Investments made prior to the rise of nominal interest rates will be wasted, for lack of adequate capital maintenance.

A large part of what we see in America today, by way of a deteriorating infrastructure, is an example of this phenomenon. The decay of our inner cities, railways, highways, bridges, airports, et cetera, simply mirrors the decay of the currency. The infrastructure is not adequately maintained because, after its construction, the time horizon has shrunk, leaving amortization out in the cold. Profits and taxes are spent on other projects with shorter amortization schedules.

It is important to note that this phenomenon has nothing to do with changing profitability. Even profitable investments will be abandoned if the payment-stream for their capital maintenance can be redirected to short-term projects of the same degree of profitability. The culprit for capital decumulation is not shifting profitability: It is the erosion in the value of the monetary unit.

The effect of higher nominal interest rates on the time horizon is familiar to everyone who has ever tried to pay down a mortgage on his house. The monthly blended payments of interest and amortization are almost all interest, and only negligible amortization, early in the life of the mortgage. By contrast, they are almost all amortization, and negligible interest, at the end. Thus, rising nominal interest rates simply push amortization farther off into the future. Every rise will force the marginal homeowner to walk away from his mortgaged home, abandoning his equity. By the same token, high nominal interest rates render some means of production—plus much research and development—submarginal, even before its useful life is over. Investors are conscious of capital preservation, and they will always choose projects with the shortest amortization—other things being equal.

It is futile to blame business for the obvious decline in American productivity, competitiveness, and enterpreneurship relative to the Japanese. The American businessman is not less patient than his Japanese colleague because of a congenital condition in his brain. He is less patient because his time horizon has been artificially shortened, thanks to the ill-advised decision to debase the dollar relative to the Japanese yen. In consequence, American businessmen will be more interested in hamburger-flipping franchises, and will leave research and development, and the deployment of industrial robots, to the Japanese.

The way to restore the time horizon of American business is not through administrative measures. It is through the elimination of the inflation premium from the interest-rate structure. This can only be done through the stabilization of the dollar. Failure to do so will reduce America to the status of a second-rate industrial power.

This is not the first time that the problem of stabilizing the dollar presses itself upon the country. The longest period of economic contraction in our history—65 months, from October 1873 to March 1879—was recorded when we were suffering from another bout of high interest rates, causing stagnation in productivity, competitiveness, and entrepreneurship. Then, as now, it took great political courage to advocate currency stabilization. The credit must go to Secretary of the Treasury John Sherman, a man of great vision and highest integrity, who defeated the demagogic and parochial agitation in favor of the regime of a weak and depreciating dollar in Congress.

When in 1879, after more than 5 years of depression, a return to the regime of a stable dollar brought down interest rates dramatically, an incredible wave of economic optimism swept through the Nation. The next 4 years were characterized by an unusually rapid rise in production, and in the stock of money. The former rose by nearly 25 percent and, the latter, by over 50 percent. Growth of personal income averaged 8.4 percent a year from 1878 through 1882. The Consumer Price Index did not rise at all, in spite of the growth in the stock of money at a rate that topped 20 percent in the first 2 years, and averaged 12.6 percent over the whole period. The fiscal results were equally satisfactory. Federal tax receipts rose by 47 percent from 1879 to 1882, with no in-

crease in tax rates of tariffs. The budget surplus rose from $7 to $146 million—over half of the total budget. After rising by 8.4 percent a year from 1878 to 1882, real growth slowed to a still respectable 5.3 percent a year from 1882 to 1892.

Those were years of unparalleled prosperity and business expansion, laying the foundation for America's economic greatness. The lessons of this episode in our economic history are directly relevant to our present plight. Once again, the regime of high interest rates causes capital decumulation and stifles entrepreneurial initiative. So far our economists and policymakers have ignored these lessons.

In 1879 the stabilization of the dollar was preceded by legislation mandating a return to the gold standard, after an 18-year interregnum. Throughout the Civil War and during the Reconstruction, the Union government was able to borrow at a relatively low rate of interest, because the gold clause in government bonds was honored. The greenbacks of the Civil War, unlike those of the more recent vintage, were not unconditional legal tender: the government could not use them to pay principal and interest on the national debt; importers could not use them to pay tariffs. They had to have gold dollars for these purposes.

Nevertheless, debt between private contracting parties was subject to interest payments at a much higher rate, reflecting the uncertain value of the paper currency unit. It was this regime of high and volatile interest rates which figured so prominently among the causes of the depression 1873-79. It was this obstacle in the way of prosperity which the 1879 monetary reform was designed to remove. In spite of initial resistance on the part of its numerous detractors, the reform succeeded beyond the highest expectations.

American short-term interest rates, although very volatile during the 1980's, averaged about 7 percentage points higher than their Japanese counterparts. What is more, this comparison understates the advantage of Japanese producers. A great many American producers now borrow by floating "junk bonds" that bear interest at a rate some 4 percentage points higher than prime corporate issues.

The causes of this disadvantage are manifold. One is our policy of taxing capital, under the disguise of taxing capital gains. Japan does not tax capital—or capital gains. Taxing capital drives out equity and replaces it by debt, putting an upward pressure on the interest rate structure.

Another cause is the lower savings rate in America. It could be argued that our savings rate would match that of the Japanese if we included the growing surpluses of the Social Security trust fund, which have no counterpart in the Japanese economy. Theoretically, the healthy condition of this trust fund should keep interest rates low in this country. But it does not, because these savings are promptly dissipated in the form of Government spending.

The mischief lies not in the fact that the Government spends the surplus of the Social Security trust fund, but in the misrepresentation of an unfunded liability as an income-earning asset. Far from building income-producing assets which can be drawn upon later to pay benefits, the Government magnifies its future liabilities by paying interest to itself on its own IOU's. Since these obligations will have to be covered by future borrowings, the Social Security trust fund has an upward, rather than a downward pressure on the interest rate structure.

Moreover, the excess Social Security tax has worsened our competitive position vis-a-vis Japan, by raising the price of American labor above what is require to pay Social Security benefits. As Paul Craig Roberts, an economist at the Center for Strategic and International Studies has pointed out, every dollar by which payroll revenues exceed benefits in effect prices out American labor out of the world markets—for no good purpose.

But the main cause of the American disadvantage in the face of Japanese competition is currency debasement. The Japanese Government can borrow at a lower rate of interest than the Government of the United States because, in the judgment of the markets, the yen will erode at a slower rate than the dollar. If the U.S. Government wanted to borrow at the lowest available rate of interest, then it should make its debt gold-bonded. As the historical evidence of the Civil War and the Reconstruction indicates, this is possible even if the Government remains uncommitted to a gold standard. The country can benefit from the lowest interest rates which only gold bonds can bring, whether or not Congress has the votes to enact a gold standard bill. Herewith a very important policy alternative presents itself, bypassing formidable political obstacles such as finding politicians willing to fight an election on the issue of the gold standard.

Whatever arguments can be made against the gold standard as it was implemented in the past, none of them is relevant in the context of the gold-bond plan. Ideology is replaced by pragmatism. The only consideration is what measures are necessary in order to enable the U.S. Treasury to borrow at the lowest rate of interest available in the world. Federal Reserve Governor Wayne Angell has estimated that governments could sell gold obligations at an interest rate as low as 2 percent per annum.

The attractiveness of the gold-bond plan lies in the fact that it kills two birds with one stone. The two birds are: interest-rate volatility and exchange-rate volatility. Not only do gold bonds make the lowest available interest rates once more accessible to productive enterprise in this country, but they create an efficient mechanism for the stabilization of the dollar.

The problem of stabilizing the gold value of a currency is misrepresented by most authors. In their view, the Treasury's commitment to buy and sell unlimited amounts of gold against currency at a fixed price is not credible and cannot be made credible. The difficulty in that the demand for gold may well outstrip the Treasury's supply, in which case the stabilization effort collapses.

However, the difficulty can be removed through open market operations in the gold bond market. Gold bonds are a substitute for gold and can be used to satisfy most of the investment demand for gold. The redemption provision is no way a threat to the country's gold reserves, which may in fact be minuscule, as long as the Treasury maintains its credit in good standing. The question is not how much gold the Treasury can pay out, but how much it can attract. We may want to reflect on the proposition that the collapse of the Bretton Woods system in 1968-71 was not due to the insufficiency of the Treasury's gold supply, but to the absence of a gold-bond market. It was also due to the adulteration of the gold standard into the gold-exchange standard, allowing the country issuing the reserve currency to postpone the day of reckoning.

Let us see how the Treasury can use open market operations in the stabilization process. Suppose the Treasury wants to stabilize the gold value of the dollar at $350 per ounce. To that end, the Treasury posts a bid price of $340 and an asked price of $360. Should the asked price come under attack by bull operators, the Treasury would step up its sale of gold bonds and use the proceeds—the borrowed gold—to satisfy speculative demand. The effect is that the speculators are subsidizing the retirement of the short-term debt to the tune of $10 an ounce, or 3 percent of the cash-value of the operation. Should the bid price come under attack by bear operators, the Treasury would buy all the gold offered at $340, and use it to retire outstanding gold bonds at a profit. The effect is that the speculators are subsidizing the retirement of the long-term debt to the tune of $10 an ounce, or about 3 percent of the cash-value of the operation. Speculators would quickly understand that they could no longer make money by inducing and riding price trends. They could only make money by keeping the gold price be-

tween the gold points. Gold speculation would wither away.

But bond speculation would also wither away. After all, bond speculation is but amplified currency speculation. Nothing could stabilize the value of dollar-denominated assets more convincingly than the stability of the dollar itself. Interest rates would be not just lower, the lowest available anywhere in the world, but they would also be much less volatile. To be sure, interest rates could not be stabilized in the same sense as the gold value of the dollar—by narrowing the spread between the Treasury's ask and bid prices to the spread between the gold points. Still, we may talk about the stabilization of interest rates as their present excessive volatility would be a thing of the past.

The stabilization of the dollar and the related stabilization of the interest-rate structure would be accomplished at no cost to the taxpayers, and at no risk to such laudable economic objectives as balanced budgets and full employment. There is no need to increase taxes, no need to cut social services in the interest of the stabilization program. If anything, tax cuts might soon be possible as a result of the huge reduction in the cost of debt service. And we would be talking about debt-reduction, not just deficit-reduction.

The gold-bond plan does not imply automatic adherence to a gold standard. There is need to conjure up the deflation bogies of the 1821, 1879, and 1925 stabilizations. In those episodes, the objective was a return to the status-quo ante. The gold content of the currency was to be stabilized at the prewar level.

There is no such constraint in the gold-bond plan. The gold content of the dollar is to be stabilized at a new equilibrium level, whatever it may be. The Treasury has a new parameter at its disposal, not available in the earlier episodes. It can select the gold value of the dollar which it feels comfortable in defending. It is this extra degree of freedom which makes stabilization so much simpler technically than stabilization in the previous episodes. It is this extra degree of freedom which makes the simultaneous achievement of two independent goals, lower interest rates and a stable dollar, feasible.

After everybody has had an opportunity to convince himself of its benefits, and after the ideological opposition to it has faded away, a de jure gold standard may ultimately supplant the de facto gold standard of the dollar-stabilization program. However, this would be a future political decision to make, and it need not detain us here. We already have a consensus in this country favoring lower interest rates, higher productivity and greater international competitiveness of industry, and the expansion of the time horizon of business. All these objectives can be simultaneously accomplished through the fiscal and monetary reform implicit in the gold-bond plan.

This agenda is eminently realistic. Putting it into effect does not call for any sacrifices whether in the form of a tax-increase, or cuts in social services, or forced debt-liquidation. It is not a something-for-nothing scheme. Its multifarious benefits come from tapping a tangible world resource—a resource deliberately, albeit mistakenly, left idle for the past two decades—the world's stock of monetary gold. In bringing gold back into the world economy we materially add to the pool of loanable funds. In assigning gold a meaningful role—one for which it is so superbly qualified: the lowering of interest rates—we are releasing new energies that can be harnessed for economic development at home and abroad.

The temptation to pursue wrongheaded economic and foreign policies to contain Japan is real. As the observer noting the threat of a new cold war has put it, America's Japan-problem is not caused by the trade deficit, nor by an aggressive invasion of foreign capital [2]. It is nurtured by a loss of self-confidence, and the failures of American leadership. The result is a national feeling of insecurity that is being translated into a hostile rhetoric and, too often, absurd policies.

If allowed to continue, our Japan-complex could become dangerously destabilizing, and it could permanently distort America's economic and foreign policy. Nothing could threaten global peace and prosperity more than a showdown between America and Japan. America, still the world's number one military superpower, is trying to contain the ascendance to economic superpower status of a militarily weak Japan. Therein lie the seeds of a fratricidal rivalry between two nations which have, for the better part of half a century, learned to respect each other. It would be a great tragedy if we failed to steer away from the incipient conflict. Rather than coveting our neighbor's wealth, we should provide monetary leadership to Japan and the rest of the world. We should regain control over our own economic destiny by lowering the cost of capital at home. This aim can be achieved in short order if we embark upon a course of monetary and fiscal reform, and return to gold-bond financing.

There is little doubt that Japan and other leading industrial countries will follow the example set by the United States in issuing gold bonds. They will want to share in the benefits of lower marginal cost of capital, in order to allow their producers to remain competitive. This should not bother us: the United States stands to gain most, as interest rates here have more room downwards to go. The American banking industry, which has languished long under the regime of high and volatile interest rates, would get a much-needed shot in the arm. The gold-bond plan would allow America to consolidate its global leading position that otherwise it is in danger of losing to Japan. Our international payments system, presently threatened by forced debt-liquidation, protectionism, and beggar-thy-neighbor policies, would be saved.

Alternative plans call for pegging the dollar to the Japanese yen. But this would mean that the United States abdicated its monetary leadership in the world, and would be widely interpreted as an admission of failure. We would be in a weak bargaining position at international negotiations for a long time to come. There is no reason to believe that the Japanese yen or the German mark would perform better than the dollar, or that a triumvirate of the three currencies would perform better than either of its components. If there is a lesson to learn from the dismal performance of the dollar, then it is this: no irredeemable currency can stand up to the wear and tear pertaining to the role of a reserve currency.

The international monetary system of floating is a front for the policy of competitive currency devaluations. In the 1930's currency devaluations were inflicted on the people openly, through the rigmarole of changing the statutory definition of the currency unit through legislation. Today, the same black art is practiced under the cloak of floating. Yet the camouflage does not make devaluations less damaging or less painful. The people still suffer the loss of wealth caused by it, even if they don't know what has hit them. Pegging the dollar to the yen would not eliminate the pain, nor would it change the devaluationist character of the international monetary system based, as it is, on irredeemable promises.

Devaluationism is denounced in a thoughtful paper by Jude Wanniski as "the most pernicious idea loose in the world today." [6] It destroyed the international equilibrium of the Bretton Woods monetary system; it wrecked the Nixon and Carter administrations; it demolished the Mexican economy and most others in Latin America, corrupting governments and their civil service. In our own country, it created the savings and loan crisis and the drug culture, and it continues to feed national insecurity and xenophobia. Devaluationism is lethal because of the destructive effects it has on fundamental human values, in undermining the link between effort and reward.

It is not enough to realize that a weak currency cannot make the country's industry and financial system

strong. We must also reaffirm our commitment to the integrity of promises men live by. If America can still be saved from the disaster of further deindustrialization, and from the ignominy of having to play second fiddle to Japan, then it won't be through the policy of deliberate dollar debasement, nor through pegging the dollar to the yen. It can only be through economic renewal at home, motivated by the conviction that America must lead the world in a new age which requires more stability, not less. It can only be through the rediscovery of America's moral fiber. It must be through a pledge to maintain the sanctity of contracts and good faith in promises to pay—as epitomized by the gold bond.

FOOTNOTES

[1] *The Enigma of Japanese Power: People and Politics in a Stateless Nation* by Karel von Wolferen (Knopf);

More Like Us: Making America Great Again by James Fallows (Houghton-Mifflin);

Yen! Japan's New Financial Empire and Its Threat to America by Daniel Burstein (Simon and Schuster);

Japanese Investment in the United States: Should We Be Concerned? edited by Kozo Yamamura (Society of Japanese Studies).

[2] *Capitalism in Conflict* by Shafiqul Islam (Foreign Affairs, Vol. 69, No. 1, 1990).

[3] *Proposals for a Renewal of American Industry* by Bruce Scott (Lesher Communications).

[4] *Japan and Germany: American Concerns* by Jeffrey E. Garten (Foreign Affairs, Vol. 68, No. 5, Winter 1989/90).

[5] *Monetary and Exchange Rate Policies for International Financial Stability: A Proposal* by Ronald I. McKinnon (Journal of Economic Perspectives, Vol. 2, No. 1, Winter 1988).

[6] *The Devaluation Idea* by Jude Wanniski (Polyconomics, Inc., 86 Maple Avenue, Morristown, NJ 07960, June 1989).

□ 1320

FORCING LEGISLATION THROUGH THE HOUSE BEFORE MEMBERS OR COUNTRY HAVE A CHANCE TO LOOK AT IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to speak today on forcing legislation through the House before the Members or the country have a chance to look at it.

On last Thursday, when the gentleman from Illinois [Mr. MICHEL], the Republican leader, took the schedule for this week, we asked the question that we would like to know about whether or not a very, very important child care bill was going to be scheduled this week. Mr. MICHEL asked the question, and the Democratic spokesman said:

It is not on the schedule for next week as of this point, but it is the Speaker's intention that it be considered by the end of March.

I then asked for permission to speak, and I said the following:

I just want to say for the record that child care is an extremely important issue, that there are a number of people across this country who have a very, very real interest in this, and that nothing could be more disastrous to sound legislation than to try to produce a child-care bill magically on a Tuesday and vote on it on a Thursday.

It would seem to me that the Democratic leadership owes it to the country to produce their version of child care on a Wednesday or Thursday and allow a weekend to intervene before rushing to a vote. It would be literally impossible for Members and for interested constituencies around the country to analyze a child-care bill which did not come out of committee and did not have a normal amount of time to be looked at, and that I would very strongly urge the Democratic leadership to initially bring the child-care bill out, their proposal, with adequate time for it to be analyzed.

I said on Thursday. On Friday afternoon around 5:15, I learned that there was a rumor that a child care bill would be brought to the floor of the House this week. On Saturday morning I checked with the Republican leader, the gentleman from Illinois [Mr. MICHEL], and as of that point, Saturday morning, he had not heard that there would be a child care bill brought to the House this week.

My understanding is that the Democrats have not finished writing the liberal version of the child care bill, that they have not finished finding the exact wording of their version, that it is in fact still being negotiated by Democratic staffs, and that no one has seen the final product. This is on Monday afternoon.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just want to confirm what the gentleman just said.

When we had a dialog on the floor a little while ago, the spokesman for the Democratic Party, the gentleman from Iowa [Mr. NAGLE], said quite clearly that the bill is still in the process of being written, that they do not have a final product, that this is all a matter of negotiation. Of course, there are no members of the minority as part of those negotiations. It is all being done in the back rooms by the Democrats. But they do not have a final bill, so here we are on Monday afternoon, and they are going to the Committee on Rules tomorrow, and no one has seen the bill evidently on their side either because there is no bill at this point.

Mr. GINGRICH. Let me just say that I am very concerned, because as the gentleman will remember, the Democratic majority leader made a promise last year when the child care bill was initially considered on the House floor, and the promise was that the Democratic leadership would solve the problem of religious freedom and would ensure that religious freedom could exist in child care.

As I understand it, the message we have received indicates that based on the best advice of legislative scholars around the country who specialize in religious freedom, the liberal Democratic version of the child care bill will, in fact, not have true religious freedom. It may have some propaganda. It may have some code words. It may have an effort to paper over. But it will not have a legally binding description that would allow a parent, for example, to take Federal aid for child care and have the parent choose to allow their child to go to church or synagogue-based child care in which, for example, they might say a prayer before cookies.

As I understand it, the liberal version of the bill, and this was certainly true last year, the liberal version of this bill did not permit children to say a prayer before cookies or before lunch in the Child Care Program associated with that bill.

I think there is a real question of religious freedom, but what really concerns me is the fact that, as I understand it, the Democratic leadership, for some reason, intends to bring this bill onto the floor on a Tuesday and push it through the House before the country has a chance to read it.

This is, as I understand it, a $24 billion brandnew program, over 3 times, almost 3½ times, the size of the President's proposal, a program being brought out by a party whose leadership recently has suggested a 25-cent gas tax increase, a 5-percent nationals sales tax, an increase in the top rate to 33 percent, a range of other tax increases, and so I do not know whether this is part of a tax-increase program where they intend to just drive up spending, or whether they are so concerned that they are not going to be able to find the votes for a bill which clearly prohibits religious freedom that they think they have to get the bill through before the people in the country have looked at it.

It seems to me that it is the worst possible kind of legislation to bring a major bill which, as the gentleman said, and again while we are talking, if any of our Democratic colleagues have a copy of the bill or if the Democratic leadership staff has a copy of the bill, we would be delighted to have them bring it over, to have them show it to us, to have them distribute it, but my understanding is that as of 1:30 on Monday the bill does not yet exist.

They are going to apparently work all night and try to patch together a liberal version of child care which will violate President Bush's commitments, which will not, in fact, be adequate for mothers who stay at home, which will not, in fact, allow parents to have the choices we believe they should have in terms of who takes care of their children, and which will simply create an

antireligious bias in favor of a unionized bureaucracy with Federal control.

Does the gentleman have any more information on this?

Mr. WALKER. If the gentleman will yield further, I think he makes a good point.

There are just two things, I think, we need to recall as part of this. The promise with regard to making certain the religious question was taken care of was a promise made in writing, and yet it appears that they have been unable up until this time to get any resolution of that issue, and what we were told on the floor today was that the reason why we need not be concerned about the fact that we have not seen the bill yet is it simply is an amalgamation of the bills that were passed last year, that what they have done is taken the legislation passed last year and worked on a few details on it, but if we want to know what is in the legislation, we can simply look to last year's bills.

The problem with that is last year's bills went in several different directions at one time. They did not give adequate protection for religious institutions to provide child care, and that does create major difficulties.

I think the gentleman's other point with regard to the nonexistent legislation is also important. We do not even have a bill that we can focus on to figure out what it is we need in terms of a rule.

There was discussion on the floor earlier while the gentleman was still in the process of coming to the House about having an open rule. Obviously that would solve this problem if the Democrats were willing to bring a bill to the floor with an absolutely open rule so that we could take the language in the bill and modify it as a result of the work of the Committee of the Whole, and that would certainly be an acceptable way of dealing with the matter.

However, it does appear that there is no intention to bring this bill to the floor under an open rule, but, rather, they intend to have a fairly restrictive rule with regard to this piece of legislation, and we have not even had a chance yet to see the bill so that we know what to ask for in terms of amendments.

□ 1330

It is one thing to say you are going to have a restrictive rule and only certain amendments will be allowed. It is another thing to say that when nobody has had a chance to look at the bill so you really have no idea what the amendments are that you should offer. Yet that is the situation that we are going to find ourselves in when the Committee on Rules meets tomorrow, is that the rules will have been unavailable, and it will be very difficult for Members to figure out what it is they should ask for in terms of amendments so that the House can work on this legislation in a meaningful way.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GINGRICH. Let me say I guess the only place I would be concerned is even if they were to bring the bill to the floor on Wednesday with an open rule, it would be impossible for the average Member to have read a complicated bill, to understand the various new Government programs, to have had a lawyer analyze it. I am a historian, I am not an attorney. I think the gentleman from Pennsylvania [Mr. WALKER] has been a teacher. The gentleman is not an attorney.

Even if one were an attorney, unless one is a specialist in the current Federal case law as it relates to religious freedom, one would not necessarily understand whether or not certain language will work in court.

So there is a very real danger that we are going to see the Democratic leadership bring a bill to the floor with such a short timeframe that they are asking Members to run the risk of going back home, having voted literally to block children, 3-, 4-, and 5-year-old children, from the right to have a prayer said before eating a cookie or eating lunch, literally adopting an antireligious, antiprayer provision which will not be understood by the House.

I do not understand the urgency. All that is going to happen with this bill is it is going to go to conference. Clearly they could report the bill out, they could allow all the Members to see the bill. They could then next Tuesday go to the Committee on Rules. They could bring the bill to the floor in an orderly manner, having allowed experts across the country to read the bill.

I am sort of fascinated. I have been reading Hernando de Soto's "The Other Path: The Invisible Revolution in the Third World."

Hernando de Soto is a Peruvian economist. The introduction is by Mario Vargas Llosa, who is both the Poet Laureate of Peru, but also is the front runner for President.

He talks in here in the foreward by Mario Vargas Llosa on pages 16 and 17 about why Peru has had a problem.

He says:

> The state, in our world, has never been the expression of the people. The state is whatever government happens to be in power—liberal or conservative, democratic or tyrannical—and the government usually acts in accordance with the mercantilist model. That is, it enacts laws that favor small special-interest groups—the study calls them "redistributive combines"—and discriminates against the interests of the majority, which has marginal power or token legality.

His point is this: That in Peru, and I am afraid increasingly sometimes in the United States Congress, if you are a very organized special interest group, if you have your version of what you want so that if we raise taxes we will give you government money, then you come to the Congress, but it is very helpful to rush your bill through, to have it written in a back room by staff who are not elected by anyone, to rush it through before anyone has seen it, and then later to say, "Oh, gee, I did not realize all those things were in the bill."

I think the action we are seeing this week is an example of that kind of government by special interests.

Mario Vargas Llosa goes on to say the following on page 17 of the foreword:

> This system is not only immoral but inefficient. Within it, success does not depend on inventiveness and hard work but on the entrepreneur's ability to gain the sympathy of presidents, ministers, and other public functionaries (which usually means his ability to corrupt them). In chapter 5, on the cost of legality and informality, Hernando de Soto reveals that, for the majority of formal or legal businesses, the single greatest expense in both money and time, is bureaucratic maneuvers. This blights our economic life at its very roots.
>
> Instead of favoring the production of new wealth, the system, owned, in effect, by the closed circle of those who benefit from it, discourages any such effort and prefers merely to recirculate an ever-diminishing amount of capital. In that context, the only kinds of activity that proliferate are nonproductive, parasitic activies—our elephantine bureaucracies.

Now, why would I read that in terms of this week's child care bill? Because we are going to see a very clear choice this week. President Bush has proposed, and I believe in the Stenholm-Shaw bill we are going to have a chance to see a bill which gives power and gives choice to parents, and which says to the parents you pick the child care you want for your children. You pick a variety of choices. But it is up to you. You are the parents of the child. You know best what you think your child needs.

Our friends on the left simply cannot stand that choice. Our friends on the left believe that only a bureaucracy can protect children.

So I think part of the reason we are seeing this bill rushed through is because people are afraid if we get a chance to analyze it, if we get a chance to look at it, that in fact the bill is going to end up in a situation in which they could not pass their version on the left, which is against parents choosing, against mothers staying at home, and against children having an oportunity to go to a child care center where they might be allowed to pray before they have their cookies and their lunch.

I hope the Democratic leadership will listen. I hope they will not try to bring this bill to the floor this week. I

hope they will recognize what a disaster that would be.

NICARAGUA: THE LONG, HARD MARCH TO FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, on Sunday, February 25, the Nicaraguan people finally had the chance to express themselves at the ballot box in a fair and honest fashion. By a landslide margin—55 to 40 percent—they elected Violeta Chamorro, the candidate of the 14-party National Opposition Union, over the incumbent President, Daniel Ortega of the Sandinista National Liberation Front.

In my talk today, I will review some of the key events of the past 10 years that culminated in the victory of Mrs. Chamorro on the last Sunday in February. I will examine those events as they unfolded in Central America and in Washington. I will critique the policies toward Nicaragua followed by three American administrations and also discuss the important role that the Congress played in this drama. I will touch upon both the intelligent decisions made and also the mistakes committed both by the executive branch and by the Congress. In doing so my purpose is not to apportion credit or blame—though that cannot be avoided—but to extract some of the lessons that we as a nation should take from this 11-year effort. Finally, I will discuss the various difficulties that the new government of Mrs. Chamorro will face as it attempts to secure the political and economic foundations of a democratic Nicaragua.

A REVOLUTION TRIUMPHANT, A REVOLUTION BETRAYED

Eden Pastora, "Commander Zero" was the most charismatic leader of the Sandinista guerrilla army that defeated the forces of Nicaraguan dictator Anastasio Somoza in 1979. His daring seizure of the national palace in August 1978 to secure the release of 59 compatriots held by Somoza captured the imagination of the Nicaraguan people and the world. Yet by April 1982 he had become disillusioned with the revolutionary government that he had helped to install and issued a public statement from Costa Rica breaking with the Sandinistas.

Yet "Commander Zero" was not the only prominent individual who had become disenchanted with Sandinista rule. Others who had supported the overthrow of the Somoza dictatorship, had worked with the Sandinistas, and had also become disillusioned included Violeta Chamorro, Alfonso Robelo, Arturo Cruz, Adolfo Calero, and Alfredo Cesar. Each of these individuals had become disillusioned because the promises made by the Sandinistas to form a government based on political pluralism, a mixed economy, and international nonalignment had all been broken.

It's important to understand that upon coming into office in 1977 the Carter administration facilitated the downfall of the Somoza dictatorship through its effort to promote human rights. In my opinion the Carter administration policy was the correct one to pursue. The Somoza regime was repressive, corrupt, and undemocratic. If we were to promote the ideals of the United States in the world, we had to hold friends to the same standards as we did foes.

However, the Carter administration committed one crucial mistake prior to the downfall of the Somoza regime—it failed to intervene early enough in the Nicaraguan turmoil to ensure a democratic succession. Not wanting to make the mistake of imposing a "Yankee" solution, it found itself unable to influence the ultimate outcome. In the post-Vietnam era, President Carter did not want the United States going it alone. However, in Central America, a region of the world where a strong American voice was expected, the unsure pronouncements from Washington simply confused the situation.

The Carter State Department was divided between those who wanted to intervene in the fall of 1978 to remove Somoza and those who felt it was wrong for the United States to overthrow a foreign government. The former included those whose principal responsibility was Latin America; the latter included everyone else at State including Secretary Cyrus Vance. The opportunity to form a moderate government made up of the civic opposition to Somoza was lost. Those forces—the political parties, labor groups, the church leadership, and private enterprise associations—found themselves caught between Somoza on one side and the Sandinista front on the other. When the United States proved unwilling to exert its influence to remove Somoza the civic opposition decided to throw in its lot with the FSLN. Unfortunately, in July 1979 after the defeat of Somoza's national guard, it was the FSLN, not the civic opposition, that had the guns.

The Carter administration tried to establish good relations with the new regime. President Carter invited Daniel Ortega to the White House to discuss matters of mutual interest between the new government and the United States. This country showed its good faith by providing Nicaragua $118 million in economic assistance, including more than 100,000 tons of food in the first 2 years.

Yet true to its revolutionary beliefs, the Sandinista leadership was more interested in promoting revolution in Central America than in cultivating better relations with the United States. A few years later, in May 1983, the House Permanent Select Committee on Intelligence confirmed this point. It noted that:

> A major portion of the arms and other material sent by Cuba and other Communist countries to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas. . . . The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material, and propaganda activities.

With close ties to Fidel Castro, the Sandinista leaders went about the task of setting up a regime modeled on that of their mentor. They invoked press censorship, established a powerful secret police, mounted systematic attacks on the church, and built up a large military force. In a little over a year in power the Sandinista popular army was the largest in Central America, having grown from 5,000 to at least 24,000 men. All this, it should be noted, came about prior to the Contra insurgency. In fact it was these policies that contributed to the rise of an armed resistance movement, soon to be known as the Contras.

ENTER, STAGE RIGHT, RONALD REAGAN

Ronald Reagan came to Washington in 1981 with a mandate to restore U.S. strength in a dangerous world. The humiliation of Iran holding American diplomats hostage for 444 days, along with the Soviet invasion of Afghanistan, had convinced the American public that a change was required.

In Nicaragua, the Reagan administration decided to take a tougher approach. From 1981 until 1984, the Reagan administration put together a military assistance program through various intelligence authorization acts. Assistance went to a variety of groups who had taken up arms against the Sandinistas: former National Guard members who has formed the Nicaraguan Democratic Forces [FDN], Miskito Indians of Misura, and former Sandinista fighters under the leadership of Eden Pastora and the Nicaraguan Democratic Revolutionary Alliance [ARDE].

With the benefit of hindsight, I believe that the problems the Reagan administration encountered in developing a policy toward Nicaragua included the following: Too strong an emphasis on covert action, tardiness in trying to build public support, and the fiasco that came to be known as the Iran-Contra affair.

The first problem resulted from a fundamental misreading of how to proceed in Central America. The Reagan administration sought to promote an important change in policy through covert means. Whether it lacked the courage of its convictions or thought such a course was the quickest way to achieve its goals, the admin-

istration decided not to inform the American public about the important stakes in Nicaragua. This was a serious mistake.

Covert assistance gave the effort in Nicaragua the aura of illegitimacy. Such assistance can work only when one of two conditions is met: If the program is a relatively small one or if there is genuine bipartisan support for such a policy. Covert assistance to Nicaraguan resistance fighters met neither of those two conditions.

One need only contrast partisan differences over Nicaragua with bipartisan support for covert assistance to the Afghan guerrillas. Support for the Afghan resistance received consistent support from 1980 on because the issue was very easy to understand. Evening news broadcasts showing Soviet invasion forces operating in Afghanistan was a clear case that the American public could understand. The outright Soviet invasion of a Third World country merited U.S. support for those willing to oppose this flagrant violation of international law. Public support for the Afghan cause made it easy to fashion bipartisan congressional support for the Afghan guerrillas.

In Nicaragua, however, the American public had no comparable dramatic event with television footage showing an invasion force landing in the country. The case for aiding the Contras was not an open and shut one for those in the general public who had not paid close attention to developments since the late 1970's. In fact, events in Nicaragua reminded many of Vietnam. It seemed like a civil war, with the United States once again backing a sordid group, this time a bunch of rebels who had been part of Gen. Anastasio Somosa's national guard.

Even worse, however, was having the issue of covert military support for the Contras introduced to the American public and Members of Congress through the pages of the Washington Post in early 1982. This was no way to broach the issue to a public nor to a Congress leery of repeating our tragic experience in Vietnam. Reports in the press of anti-Sandinista exile groups fighting the Nicaraguan Government mounted. A November 1982 Newsweek cover story with the sensational title "America's Secret War," simply increased the aura of illegitimacy to the U.S. effort.

Realizing its covert effort was not working—it was too big to be covert and it was encountering substantial opposition in Congress—the administration decided to make the effort to build public support for its muscular policy towards Nicaragua. Enlisted in the effort were Henry Kissinger, who chaired a 12-member commission to formulate a long-range policy toward the region as a whole; the office for public diplomacy at the State Department; and Ronald Reagan himself, "the great communicator."

Though neither consistent nor sustained, the administration's efforts succeeded in winning $100 million in lethal and nonlethal assistance for the Nicaraguan resistance in July of 1986. Part of its success in its 221–209 victory in the House of Representatives that summer was that the package included more than just military aid to the Contras. Three million dollars of the $100 million went to establish a human rights program for the Contras. I believe it was the first time in history that such a program was established for any guerrilla group. Equally important, another part of the aid package reappropriated $300 million from the Defense Department for economic support of the other four Central American democracies.

MILITARY OPERATIONS, IRAN-CONTRA, AND THE ARIAS PLAN

The aid package of 1986 provided a substantial infusion of resources for the various resistance groups. The United States established intensive training courses for low-level resistance combat leaders and specialists at selected military bases in the United States and Honduras. Approximately 1,400 Contras received training in small unit operations, field medical care, and tactical communications. Another 500 were trained as paratroopers and 200 more in demolition warfare. Weapons supplied included crew-served machine guns, light mortars, sophisticated communications equipment, and about 350 "Redeye" shoulderfired antiaircraft missiles. This last critical weapon helped turn the tide of battle in Nicaragua by denying the significant aerial advantage the Nicaraguan military had previously possessed with its Soviet-supplied armored helicopters.

Within 3 months of the mid-October final passage of the continuing appropriations act, results could be seen. Newspaper accounts the following January and February described resistance fighters engaging Sandinista army units in northern Nicaragua. Throughout 1987 the war increased in intensity. In classic guerrilla warfare fashion the resistance fighters spread out throughout the entire country except into the urban areas on the west coast. Picking their fights and maintaining the initiative, the rebels became a very capable fighting force.

By the latter part of 1987, resistance forces were mounting larger and bolder operations than had ever taken place during the war. In one engagement along the vital Rama road, the strategic link between the Atlantic port of El Bluff and the capital of Managua, a rebel force of some 3,000 men engaged several Sandinista counterinsurgency battalions in a battle that lasted more than 2 days. One Washington Post account put the Sandinista losses at more than 300 compared to less than 50 for the resistance.

An even larger rebel force of about 7,000 attacked the gold-mining towns of Siuna, Rosita, and Bonanza in northern Nicaragua in late December 1987. This operation displayed the kind of complex military operations the rebels were capable of mounting. The Sandinista army found itself stretched thin by the reinvigorated resistance forces.

Yet military success on the ground in Nicaragua was undermined by political scandal in Washington. In November 1986 the Iran-Contra affair broke. All efforts by the administration to build public support for its policy toward Nicaragua came to a halt. It seemed that everyone in the administration was running for cover and that the primary effort in the White House had become one of saving the Reagan Presidency. Building public support for the President's Nicaragua policy would have to wait. The momentum for continued military assistance to the resistance fighters was lost. This was confirmed in early February 1988 when by a vote of 219–211 the House of Representatives voted against further military assistance to the Nicaraguan resistance.

While the tempo of fighting increased in Nicaragua and scandal took its toll in Washington, Oscar Arias, the President of Costa Rica, was putting together a plan to end the Nicaraguan conflict. The Central American peace agreement of August 7, 1987, called for an end to all outside support for guerrilla groups in Central America, in exchange for steps by each government toward the establishment or perfection of democratic institutions and practices. The Central American leaders stated that the continued United States military assistance to the Nicaraguan rebels violated the spirit of the accord as did Nicaraguan support for the Salvadoran guerrillas.

The Arias plan offered the Sandinistas the face-saving formula of a Central American plan for ending the conflict in Nicaragua in exchange for democratic elections. The Reagan administration resisted the Arias plan, despite professions to the contrary, because it believed that the Sandinistas would never permit fair elections to be held. This view was shared by many in Congress who had supported the Contras.

Yet while some supported the Arias plan because they thought it might lead to the peaceful turning out of the Sandinistas, many others did so because they wanted to kill off the Contras for good. They were more interested in delivering a political defeat to Ronald Reagan than in helping the Nicaraguan people secure their free-

dom. In Congress this was reflected last fall by those who claimed to support the peace process but voted against providing financial support to ensure a fair election in Nicaragua.

BUSH ADMINISTRATION DIPLOMACY

Upon taking office the Bush administration took a different approach than the Reagan administration in its policy toward Nicaragua. It sought to craft a bipartisan accord with Congress expressing American support for peace, security, and the process of continued democratization in Central America. In March 1989 the administration succeeded in its effort.

The essence of that accord was to continue providing the Contras only humanitarian assistance in exchange for pursuing a resolution to the problems of Nicaragua through the Central American Peace plan. The administration offered four key congressional committees the option of vetoing the assistance in November if any one of them judged the administration insincere in its support of the diplomatic process. But late last October, Daniel Ortega announced that the Sandinista government was ending the cease-fire that has been in effect since June 1988. That surprising announcement eliminated any possibility that the Congress would end its support of humanitarian assistance to the Nicaraguan fighters and their families holed up in their camps along the Nicaraguan-Honduran border.

The Bush administration's willingness to work with Congress on the issue of Nicaragua did two things. First, it eliminated the issue as a contentious one between the Republican administration on one side and the Democratic Congress on the other. Second, it shifted international attention from congressional battles over Contra aid in Washington to the effort to ensure a fair election in Nicaragua.

THE WORLD TURNED UPSIDE DOWN

In between the date of the signing of the bipartisan accord on Central America in March 1989 and the election that took place in Nicaragua this past February the cold war came to an end. The political and economic changes set into motion by Mikhail Gorbachev upon coming into power in early 1985 resulted in a total transformation of the Communist order in Eastern Europe in the last half of 1989. The upheaval was total. Communist regimes in Poland, Hungary, East Germany, Czechoslovakia, Bulgaria, and Romania were overthrown as the people in each of those countries called for the establishment of genuine democratic governments based on free market economic principles.

Events in the Soviet Union and Eastern Europe did not go unnoticed in Nicaragua; nor was that country left unaffected by those events. For the people of Nicaragua and the UNO Coalition, those tumultuous events were an important morale booster. The dramatic changes in which yesterdays dissidents had become today's leaders offered the prospect that a similar transformation could take place in Nicaragua.

If the opposition in Nicaragua viewed the events in Eastern Europe with great joy and hope, the government viewed those same events with a mixture of disbelief and horror. Democratic regimes in Eastern Europe would ultimately cut off the economic and security ties that had proved vitally important to the Sandinistas since their assumption to power 10 years earlier. But the first order of business for the Sandinistas was to win the elections to which they had committed themselves in February 1989, at the summit of the five Central American Presidents in El Salvador.

THE NICARAGUAN ELECTIONS

Two factors prompted the Nicaraguan Government to move up elections scheduled for November 1990 to February 1990: the first, the desire to disband the Nicaraguan resistance as a force that could once again be committed to battle; the second, the need to attract foreign aid to improve an economy going badly downhill.

Despite the contention of the critics that the Nicaraguan rebels did not contribute to the democratic outcome in Nicaragua simple logic refutes that notion. One of the key goals of the Nicaraguan Government throughout years of negotiation was the disbanding of the Contras. While on various occasions declaring the Contras ineffective or insignificant, the ruling Sandinista Government in Managua disclosed its true evaluation of that tough fighting force by consistently calling for their demobilization.

Those of my colleagues who argued that our money to support the Contras was money wasted credit Oscar Arias with the outcome of February 25. Yet without the pressure provided by up to 20,000 peasant Contra fighters, a force more than twice the size of the Salvadoran guerrillas in a country with half the population, President Arias would have had nothing to offer up in his negotiations sessions.

If the military pressure of the Nicaraguan resistance helped force the ruling Sandinista regime to agree to hold elections, equally significant was the economic embargo the United States placed upon Nicaragua in May 1985. Those sanctions on top of earlier Sandinista mismanagement of the economy took a heavy toll. By 1989, Nicaragua had been brought to economic disaster with widespread poverty, widespread shortages of consumer goods, an unemployment rate of more than 25 percent, and an inflation rate of 36,000 percent, a world record.

Both the military and economic pressure the United States exerted on the hard-line government in Managua provided Oscar Arias the negotiating leverage he used to good purpose. In effect, the Central American Presidents through their peace plan gave Daniel Ortega a face-saving way out of his predicament. In a very disjointed, unplanned fashion both supporters of the military track and supporters of the diplomatic track contributed to the happy outcome of February 25.

MYTHS DESTROYED

In examining the "upset" victory of Violeta Chamorro, it is important to note how completely wrong were many of the long held beliefs of those who claimed to understand Nicaragua under Sandinista rule. Those individuals—professors, church leaders, journalists, and politicians—were wrong in believing the line that the Sandinista revolution had benefited the poor. In fact, the opposite is true—the revolution benefited the ruling elite at the expense of everyone else in the country. The experience of Nicaraguans replicated the experience of the peoples of Eastern Europe who suffered under 40 years of Communist misrule. The people of Nicaragua knew who had made them poor by wasting resources on unproductive state enterprises in addition to the mansions and luxury automobiles for the commandantes. The expensive campaign waged by the Sandinistas probably did as much as anything else to alienate the poor. The people could have put to better use the money spent by the ruling party on baseball caps, T-shirts, and expensive rallies during the electoral campaign.

Those experts on Nicaragua were also wrong in believing the FSLN had broad support in the country. By U.S. standards the 55- to 40-percent victory of the UNO coalition was a landslide victory. Had the ruling government permitted the 10 to 20 percent of the populace who chose exile rather than life under Sandinista rule to vote, the tally would have been even more lopsided.

The experts were equally wrong in believing the Sandinistas had broad support among the young. After all it was the young who suffered the most under an unpopular draft that sent them off to fight a war for a regime they did not support.

The experts also struck out in thinking the people of Nicaragua would blame the United States rather than the ruling party for the war and the economic fiasco in which Nicaragua found itself. The vote showed clearly for the entire world to see that the people of Nicaragua held the government of Daniel Ortega responsible for the mess at home.

As for the American military action in Panama, I would argue that far from angering the people of Nicaragua, as many experts contended, it

gave the Nicaraguans hope. After Noriega stole the Panamanian elections last May and the international community did nothing about it, Nicaraguans must have wondered if they were to be condemned to the same fate should the Nicaraguan regime act in the same high-handed manner. The American military intervention last December showed them that the United States would not sit by if Daniel Ortega stole the elections or voided them as had his ally, Manuel Antonio Noriega. Someday a poll should be conducted in Nicaragua on this issue but I would counsel hiring some firm other than those who predicted a solid Ortega victory.

But possibly the biggest error that the self-appointed experts on Nicaragua made concerned the notion that the Nicaraguan resistance, the Contras, were widely unpopular at home and that they would drag down the UNO coalition because too many of its leaders were identified with them. In fact, precisely the opposite was true. In those areas of greatest Contra activity, in the central Provinces of Chontales and Boaco, and in the northern Provinces of Jinotega and Matagalpa, the UNO coalition won by a wide margin. In the central Provinces they won 67.9 percent of the vote compared to 27.7 percent for the Sandinistas. And in the northern Provinces, UNO won 57.7 percent to the Sandinistas' 37 percent.

On the other hand, those of us who considered ourselves opponents of the Sandinista regime must admit making some miscalculations. Many of us simply didn't believe the Arias plan would work. But then again, who in 1987 could have foreseen the turn of events in the Soviet Union and Eastern Europe that would so dramatically influence the situation in Nicaragua. But we should have seen the Arias effort as a face-saving way for the Sandinistas to go along with new elections.

We also did not believe the Sandinistas would permit fair elections. Credit here goes to a variety of groups—the United Nations, the Organization Of American States, the Center for Democracy, the Archbishop of Managua, and former President Jimmy Carter—who monitored the elections. And credit must also be given to the existing government which permitted these various groups to monitor the elections.

POSTSCRIPT

If the policies of the Carter administration were marked by a reluctance to become involved, to use American power and influence, those of the Reagan administration suffered from the opposite tendency, to rely too heavily on American power. Ironically, both administrations pursued policies in Central America in which each claimed it was applying the lessons of Vietnam. Scarred by a failed war in which more than 58,000 Americans died, the bitter lesson for the generation that came of age in the 1960's and 1970's became "never again," "no more Vietnams." To oversimplify the two positions—for liberals the hard lesson of Vietnam meant no American involvement in regional wars, for conservatives it meant no long dragged out involvement in regional wars.

Six years of contentious partisan struggle over the issue of Contra aid convinced the incoming Bush administration that only a genuine two-track policy towards Nicaragua could work. President Bush, Secretary of State Baker, Assistant Secretary of State Aronson should be commended for their efforts to forge a bipartisan accord with the Congress. The democratic leadership of the House and Senate deserve credit for their willingness to give the new Bush administration the benefit of the doubt.

Three elements contributed to the ultimate electoral victory of Violeta Chamorro and the UNO coalition. The first element was the steadfast support for democracy in Nicaragua on the part of this country for over a decade, from earlier support for the Nicaraguan resistance, to the recent support for the electoral process. The second element was the determined effort on the part of the Central American leaders to find a peaceful solution themselves for the region. The third element was the crucial role played by international observers to ensure the fairness of the elections. I suspect the turning point in the campaign took place when the Nicaraguan people lost their fear, when they became convinced that their vote would indeed be cast in secret.

In the last analysis, however, credit for victory has to go to the Nicaraguan people. They voted for Violeta Chamorro and a platform that called for an end to the war, an end to the draft, and an end to dictatorial rule. They also voted for reconciliation at home and a new relationship with the United States.

Now the real work in Nicaragua begins. The problems are formidable. The President of Czechoslovakia, Vaclav Haval described some of the same problems his country must confront after years of corrupt Communist rule. In a speech to the Congress a few days before Mrs. Chamorro won her victory this is what he said:

> The Communist type of totalitarian system has left * * * Czechs and Slovaks—as it has all the nations of the Soviet Union and the other countries the Soviet Union has subjugated in its time—a legacy of countless dead, an infinite spectrum of human suffering, profound economic decline, and above all enormous human humiliation. It is the same sad legacy that the Sandinistas have bequeathed their fellow Nicaraguans.

On the economic front, 11 years of Sandinista mismanagement and 5 years of the U.S. trade embargo will not be overcome in a matter of weeks or months but more likely will take years. On the military side, there are the twin problems of demobilizing the Contras on the one hand and the Sandinista Peoples Army and Interior Ministry Security Forces on the other.

Equally challenging will be the establishment of a solid democratic political foundation. There are questions about the 14-party alliance holding together. It is almost always easier to unite such coalitions against a common enemy than to maintain them when the time comes to govern. And yet I believe that there is cause for hope. The leaders of the 14 parties have worked closely together and under difficult and dangerous circumstances for many many months. They probably realize better than anyone else that the Sandinistas will remain a bitter foe, even in opposition. The only way they can hope to secure a prosperous and democratic future for their country is to continue working together as they have in the past.

On the other side, what role will the Sandinistas play in a Nicaragua trying to set up a democratic form of government? Will they play a constructive role, that of the loyal opposition and try to reform themselves as many of the Communist parties of Eastern Europe are attempting to do? Will they split up into the three factions that existed prior to 1979 and decline in importance? Or, more likely and more ominously, will they become like the Nazi Brownshirts of another era, dedicated to undermining the capacity of the embryonic democratic order to function?

Nicaraguans and Americans would be naive to think that the struggle is over. There is a vast Sandinista bureaucracy to overcome. The transition to a civil society, difficult whenever a dictator falls, will be even more difficult in Nicaragua because though the Sandinistas lost at the ballot box, they maintain their power, encrusted over a decade of rule. But one thing will be far different. The government of Violeta Chamorro will have the ability to call upon the help of the international community in case the Sandinistas prove recalcitrant. In extremist President Chamorro could call upon U.S. military assistance. Like his friend Manuel Antonio Noriega, Daniel Ortega would not want to find himself being pursued by American forces and ultimately landing in a U.S. jail.

I hope this will not be necessary. Maybe the United States can start to devote more attention to the rest of Latin America than has been the case for the past decade. There certainly is no shortage of problems in the region. Almost every Latin American country

in the Western Hemisphere confronts two and sometimes three or more of the following difficulties—guerrilla war, economic chaos, environmental destruction, pollution, population growth, and an increasing drug culture.

Benign neglect concerning the problems of our southern neighbors will only cost us more in the future.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANNEMEYER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. BOEHLERT, for 60 minutes, on March 21 and 22.

Mr. MCEWEN, for 60 minutes, on March 20.

(The following Members (at the request of Mr. WASHINGTON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, on March 20.

Mr. GEPHARDT, for 5 minutes, on March 20.

Mr. SKAGGS, for 5 minutes, on March 21.

Mr. DURBIN, for 60 minutes, on March 20 and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. DANNEMEYER) and to include extraneous matter:)

Mr. GINGRICH.

(The following Members (at the request of Mr. WASHINGTON) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. HAMILTON.

Mr. BONIOR.

Mr. EDWARDS of California in two instances.

Mr. STARK.

Mr. LANTOS.

Mr. FASCELL in two instances.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 20, 1990, at 12 noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1989 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, March 9, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER, In compliance with Section 4(a) of Public Law 85-804, enclosed is the calendar year 1989 report entitled "Extraordinary Contractual Actions to Facilitate the National Defense."

Section A, Department of Defense Summary, indicates that 30 contractual actions were approved and that two were disapproved. Those approved include actions for which the Government's liability is contingent and cannot be estimated.

Section B presents those actions which were submitted by the Army, Navy, and Air Force with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included where applicable. The Defense Communications Agency, Defense Mapping Agency, Defense Nuclear Agency, and the Strategic Defense Initiative Organization reported no actions while the Defense Logistic Agency indicated one action not involving a specific dollar cost.

Sincerely,

D.O. COOKE, *Director.*

Enclosure: As stated.

CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, CALENDAR YEAR 1989

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE JANUARY-DECEMBER 1989

Department and type of action	Actions approved			Actions denied	
	No.	Amount requested	Amount approved	No.	Amount
Department of Defense—Total	30	25,099,454	25,049,603	2	5,097,075
Amendments without consideration	3	24,142,000	24,100,000	1	172,938
Other—Residual powers	1	0	0	1	4,924,137
Formalization of an informal commitment	1	957,454	949,603	0	0
Advance payment	0	0	0	0	0
Contingent liabilities	25	0	0	0	0
Army—Total	7	0	0	2	5,097,075
Amendment without consideration	1	0	0	1	172,938
Other—Residual powers	1	0	0	1	4,924,137
Contingent liabilities	5	0	0	0	0
Navy—Total	16	25,099,454	25,049,603	0	0
Amendment without consideration	1	24,142,000	24,100,000	0	0
Other—Formalization of an informal commitment	1	957,454	949,603	0	0
Contingent liabilities	14	0	0	0	0
Air Force (Total)					
Contingent liabilities	6	0	0	0	0
DLA—Total	1	0	0	0	0
Amendment without consideration	1	0	0	0	0
Other—Advance Payment	0	0	0	0	0
DCA—Total	0	0	0	0	0
DMA—Total	0	0	0	0	0
DNA—Total	0	0	0	0	0
SDIO—Total	0	0	0	0	0

SECTION B—DEPARTMENT SUMMARY

Contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85-804 to facilitate the national defense January-December 1989

U.S. Army

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in five contracts; the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor	*Number*
Bechtel National, Inc.	1
Hercules, Inc.	1
Ralph M. Parsons Co.	1
U.S. Army Armament, Munitions, and Chemical Command	1
Westinghouse Electric Corp.	1
Total	5

Contractor—Durst Division Regal-Beloit Corporation.

Type of action—Amendment Without Consideration.

Actual or estimated potential cost—$172,938.

Service and activity—USATACOM, Warren, Michigan.

Description of product or service—Trucks.

Background—The contractor, Durst Division Regal-Beloit Corporation, has requested extraordinary contractual relief based on cost increases resulting from the following items.

a. Department of Commerce anti-dumping rulings on bearings;

b. A DoD decision to closely inspect all fasteners; and

c. Material surcharges caused by increased demand.

Although the contractor did not specify whether it is requesting relief via an amendment without consideration, the correction of a mistake, or the formalization of an informal commitment, none of the authorized grounds for granting relief, pursuant to Public Law 85-804 are met by the request, which involves the transfer of a truck (Model M44A2. Series 2½).

Justification.—In order to authorize an amendment without consideration, the Government must be able to show that either the contractor is essential to the national defense or that a Government action, while not creating a liability on the Government's part increased performance costs. The action, furthermore, must be directed primarily at the contractor and must be the result of the Government acting in its own capacity. Certainly, however, the Government's actions to promote economic activity were neither directed primarily at Durst nor the result of its own actions.

The contractor has not claimed a mistake, and one has not been found which would constitute a mutual mistake. The contract was awarded to Durst on the basis of adequate competition after a review conducted by the Tacom Price Analysis Division. In fact, the competition was extremely close

with less than 10% separating the offer made by Durst from that of the second offeror. Granting Durst's request would thus result in its price being higher than that of the next lowest bidder. In addition, no informal commitments are alleged by the contractor or supported in the file. Durst was expected to comply with the contract as originally awarded. Modifications to the contract have been limited to administrative changes, having no impact on contract performance or changes made for the contractor's convenience, such as the approval of requested specification changes and the extension of delivery schedules.

Decision.—There is no basis on which a determination can be made that the Durst Division of Regal-Beloit is essential to the national defense. The contractor's business with the Department of Army is limited to competitive items, specifically, these items include bearings and fasteners. Although the presence of a competitive contender is welcome, other firms are capable of supplying the same items that Durst manufactures.

Despite Government action, relief can not be authorized. The anti-dumping rulings issued by the Department of Commerce for bearings were not directed primarily at Durst. This action was intended to impact worldwide suppliers of bearings. Furthermore, the ruling was the result of the Government acting in its sovereign capacity rather than in its contracting capacity. In addition, there is no evidence to indicate any change imposed on the contractor after the award of the contract regarding fasteners that would entitle the contractor to any contractual relief. Similarly, DoD did not revise any fastener requirements. Instead, it took steps to assure that existing requirements were met by fastener suppliers. The action was again intended to have a total industry impact. Even if this action resulted in higher costs for Durst, it was not directed primarily at it, and, again, the Government was acting in its sovereign, as opposed to contracting, capacity.

Based on the facts cited above and pursuant to the Delegation of Authority 87-07, dated June 16, 1987, Regal-Beloit Corporation's request for extraordinary relief under Public Law 85-804 is denied by the responsible contracting official.

Contractor.—Developmental Sciences Corporation (DSC).

Type of action.—Residual Powers.

Actual or estimated potential cost.—$4,924.137.

Service and activity.—U.S. Army Missile Command (MICOM) and Army Material Command (AMC).

Description of product or service.—Warfare Research.

Background.—The U.S. Army Missile Command issued a Draft Request for Proposals (DRFP), Number DAAH01-86-R-A336, on November 25, 1985. The DRFP called for an Intelligence Electronic Warfare Unmanned Aerial Vehicle (IEW-UAV) System. The IEW-UAV System was to be a non-developmental item (NDI). The DRFP addressed three distinct phases of the IEW-UAV System which included the initial, interim, and objective requirements. A copy of the NDI Pamphlet 70-7 was also included as a part of the DRFP. The objective of the DRFP was to allow respondents to review all elements of the DRFP and make industry comments and recommendations concerning technology and cost evaluations that could be useful in refining the Army's requirements. Desired responses were to be made at no cost to the Government. Comments and questions regarding the DRFP were to be received by the issuing office no later than January 3, 1986. The DRFP, Solicitation Number DAAH01-86-R-A336, dated November 25, 1985, was synopsized in the Commerce Business Daily on November 15, 1985. Fifty-five companies obtained copies of the DRFP, with 13 (both large and small) companies providing responses. The issues addressed, comments provided, and questions voiced by industry served to confirm that the critical issues and technical requirements could be met through an NDI procurement.

MICOM performed a market survey for the IEW-UAV System to determine whether other companies possessed the capabilities defined in the IEW-UAV requirements. The results confirmed that a definite interest existed in competing for the IEW-UAV System, the responses to the requirements indicated that at least 11 firms had the capability to provide a sample system for evaluation and competition and at least four off-the-shelf systems to meet or exceed the performance characteristics required for the IEW-UAV demonstration.

Subsequently, RFP, Number DAAH01-87-A764, was issued on October 31, 1986, seeking proposals for the IEW-UAV. The RFP stated that the IEW-UAV was to be solicited as an NDI and that offerors must demonstrate their products' capabilities at their own expense. The objective of the planned procurement was to provide the Army with a complete off-the-shelf IEW-UAV System consisting of: air vehicles; mission payloads; command, launch, and recovery equipment; and support and training equipment. The closing date for the submission of all proposals was February 17, 1987. On or before that date, MICOM received proposals from three offerors, including DSC.

During March and April of 1987, DSC and one other offeror, California Microwave, Inc. (CMI), demonstrated their IEW-UAV's capabilities at Fort Huachuca, Arizona. The third offeror, Pacific Advanced Engineering, dropped out of the competition without participating in a demonstration. The performance demonstration for DSC was conducted from March 17, 1987, through April 8, 1987.

It was concluded that both offerors failed to successfully demonstrate several of the required capabilities. Since offeror met the stated evaluation requirements, both were considered technically unacceptable; thus, in accordance with the terms of the solicitation, neither could be considered for award. Accordingly, MICOM cancelled the solicitation on June 17, 1987.

Justification.—The Board finds no basis for relief under Public Law 85-804. DSC has not supported a claim for relief based on Part 50 of FAR. Part 50.3 of the FAR provides for contract adjustments. It cites three types of contract adjustments, which are as follows: amendments without consideration, correction of mistakes, and the formalization of informal commitments. The basis for providing relief for amendments without consideration and the correction of mistakes is a contract. The Board finds that no contract existed between DSC and MICOM. Further, there is no basis for a claim alleging a formalization of an informal commitment. The Board believes there were no actions taken by an agency official which could be termed an informal commitment or implied contract.

The Board also finds no basis for relief under the "residual powers" granted to it by FAR, Part 50.4. The Board has, therefore, determined that the actions by MICOM personnel with respect to DSC were fair and reasonable. Further, the facts as presented do not support a finding that the granting of relief to DSC would facilitate the national defense.

It should be noted that many of the same issues raised by DSC's request for relief have been raised by the second offeror, CMI. These issues were raised by CMI in a General Accounting Office (GAO) protest. CMI's protest was denied by the GAO; the Office found that the offerors had failed to demonstrate all essential characteristics, as required by the terms and conditions of the solicitation. They determined that as a matter of law there was no basis for relief and that MICOM had acted properly in its cancellation of the solicitation.

Decision.—Based on the information provided, the board can find no basis, equitable or legal, for granting relief. DSC understood the nature of the NDI procurement process and that the IEW-UAV System was to be procured utilizing NDI procedures. It assumed the risks associated with bidding on such a procurement. MICOM followed the rules that are applicable to NDI procedures, and their actions in applying those procedures to DSC were fair and reasonable. The Department of Army has been involved in several other NDI procurements. In most of those procurements the offeror has assumed the risks associated with this type of demonstration and evaluation. Further, while DSC complains that MICOM cancelled the solicitation, the requirement is in fact being procured using a joint program strategy. The Army's program strategy is the Unmanned Aerial Vehicle Short Range Joint System (UAV-SR). Two contracts, calling for the delivery of two UAV-SR joint systems, were awarded in September 1989. Each contract included not-to-exceed production options. It was DSC's failure to demonstrate all essential characteristics which caused their problems rather than any actions by MICOM.

In summation, the Board has considered all materials submitted by DSC, all information provided by MICOM, and all testimony presented during the Army Contract Adjustment Board hearing. Based on that review, it was the unanimous opinion of the Board that relief for DSC, under the authority of Public Law 85-804, is not appropriate and is hereby denied.

U.S. Navy

Contingent Liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 14 contracts, the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor	*Number*
General Dynamics Corp	1
General Electric Co	1
Litton Systems, Inc	1
Lockheed Missiles & Space Co., Inc	5
Rockwell International Corp	2
Systems & Simulation, Inc	1

Contractor	Number
Unisys Corp	1
Vitro Corp	1
Westinghouse Electric Corp	1
Total	14

Contractor.—Marinette Marine Corporation (MMC).

Type of action.—Amendment Without Consideration.

Actual or estimated potential cost.—$24,100,000.

Service and activity.—Naval Sea Systems Command.

Description of product or service.—Mine Countermeasure Ships.

Background.—Mine Countermeasure (MCM) ships of the Avenger, MCM-1 Class are intended to replace aging and obsolete Mine Sweeper, Ocean (MSO) ships to provide an improve mine hunting and mine neutralization capability, both to enhance the Navy's present capabilities and to replace its present MSO fleet. Thirty percent of the systems on the present fleet of MSOs are no longer supportable through normal channels of Navy supply support. The only method for providing spare parts for these systems is through the custom manufacture of parts. Notwithstanding the economic burden of continuing to operate MSOs, the Navy recently faced the need to use them in its operations in the Persian Gulf. This experience reemphasized the importance of the potential mine warfare threat in local and regional conflicts. Necessity dictates the replacement of the MSOs at the earliest possible time with the new MCM-1 Class ships.

The original acquisition strategy for the MCMs envisioned two shipbuilders as participants in this program, which presently provides for a total of 14 MCM-1 Class ships. The initial contracts were Ship Systems Design Support (SSDS) contracts. The winner of the competition for the SSDS contact, designated the potential lead shipbuilder, received a contract to review the contract design and perform productibility studies in support of the contract design development. The "runner-up," designated the alternate lead shipbuilder, received a contract to become familiar with the contract design. In addition, plans called for the award of a lead yard services contract to the potential lead shipbuilder which provided for the effort of transferring the detail design data from the shipbuilder to the follow shipbuilder for its use in the construction of the first follow ship. This lead yard services contract also provided for establishing and maintaining options for class standard equipment (CSE) for acquisition by each of the shipbuilders.

The Navy selected Peterson Builders incorporated (PBI) as the potential lead shipbuilder, and its SSDS commenced on April 22, 1981. Performance of the SSDS contract continued until a contract was awarded to PBI for the detail design and construction of MCM-1 on June 29, 1982. The Navy then selected MMC as the alternate lead shipbuilder, and performance of its SSDS contract commenced on April 22, 1981, and continued until the award to MMC of a contract for the construction of MCM-2 on May 2, 1983. Contract awards for MCM-4 and MCM-7 occurred on December 23, 1983, and August 20, 1986, respectively.

Schedule delays, cost overruns, technical problems, and problems with the lead/follow yard relationship plagued the MCM program. The Navy took corrective action in an effort to provide new Navy leadership and management to address the problems. Among other things, the Navy replaced both the NAVSEA Program Manager and the Deputy Program Manager in 1985. Such action was necessary due to the lack of timeliness and adequacy of lead yard data provided to MMC in accordance with the terms of its contracts. While these problems affected all of the contracts, the contracts for MCMs 2 and 4 were the most significantly affected. Resolution of these problems was particularly difficult because of differing interpretations of the contractual obligations of the parties. In addition, the Navy and MMC failed to reach agreement on the amount of the appropriate price increases to MMC's contracts, particularly those for which the Navy acknowledged MMC's entitlement to compensation.

The disagreements regarding contract interpretation related primarily to the responsibility of MMC for complying with the contractual specifications when it used data provided by the lead yard. MMC essentially took the position that all of its performance problems stemmed from late and defective lead yard data for which the Navy bore responsibility. The Navy, however, took the position that providing the amount of lead yard data suggested by MMC exceeded the Navy's obligations and that MMC bore responsibility, to some degree, for mismanagement of its part of the program. Another area of significant disagreement between the parties related to the responsibility to CSE subcontractors' failure to provide the items specified in their subcontracts entered into by MMC through the exercise of the options established by PO under the lead yard services contract. MMC took the position that CSF was equivalent to property furnished by the Government and, therefore, the Government bore responsibility for the non-performance of any CSE subcontractor. The Navy, however, took the position that MMC was required to administer the subcontracts in accordance with their terms and that if the subcontractor failed to perform in accordance with the subcontract, MMC bore the responsibility for such failure to perform.

After the submission of numerous individual Requests for Equitable Adjustment (REAs), MMC submitted a consolidated REA under all three contracts requesting price adjustments totalling $62.8 million on December 4, 1987, MMC subsequently amended this request to include additional items, increasing the total amount of requested adjustments to $727 million. This REA also proposed the conversion of the contract for the MCM-2 from a cost plus incentive fee contract to a firm fixed price contract within the proposed amount.

NAVSEA's analysis of the REAs resulted in the development of a Navy position regarding each item of claimed entitlement by MMC. In addition to determining the Navy position regarding entitlement, NAVSEA decided to more clearly define the obligations of the parties regarding the circumstances which had caused the problems in order to avoid future recurrences. To accomplish the desired overall resolution, initial negotiations over the terms and conditions of a settlement between NAVSEA and MMC commanced in February 1988 and continued for several months. A final agreement however, eluded the parties from reaching an agreement due to differences over whether MCM-7 was required to meet the requirements of the specifications and the parties' responsibility for CSE.

Despite these two major areas of disagreement, MMC insisted that NAVSEA make a final settlement offer. NAVSEA advised MMC that it was willing to accommodate MMC's request but that any settlement offer would include the Navy's position regarding MMC's responsibility for those areas on which agreement had not been reached. MMC agreed to this condition, and on April 27, 1988, NAVSEA made a settlement offer to MMC in the amount of $38.5 million. NAVSEA advised that the amount of $38.5 million was the maximum amount which NAVSEA believed could be justified as MMC's entitlement due to the Government's responsible actions, MMC, however, immediately rejected the NAVSEA settlement offer; MMC stated that $62.6 million would be the minimum acceptable offer and rejected the terms of NAVSEA's settlement offer.

NAVSEA advised MMC that it would not be possible to negotiate a settlement beyond the maximum amount to which MMC was entitled without the use of extraordinary contractual authority provided to the Secretary of the Navy under Public Law 85-804 and that the exercise would require a fully supported and justified request by MMC. NAVSEA further advised MMC that, in the event MMC declined to accept the proffered settlement or pursue relief under Public Law 85-804, NAVSEA would be prepared to follow the necessary steps toward the issuance of a contracting officer's final decision pursuant to the Disputes clauses of the contracts, thereby enabling MMC to pursue any additional claims through litigation.

Justification.—By letter, dated June 3, 1988, MMC submitted a request for extraordinary contractual relief pursuant to Public Law 85-804 requesting an amendment without consideration to each contract as well as reformation of the contracts on the basis of mistake. This request sought to supplement the Navy's settlement offer of $24.1 million. NAVSEA analyzed MMC's allegations of mistake, which had first been asserted by MMC in its letter, and determined that these were not redressable on the basis set forth in MMC's request for extraordinary contractural relief, pursuant to the Contract Disputes Act (41 USC 601, et. seq.). NAVSEA also requested and received several items of additional data not included in MMC's request.

NAVSEA had an independent financial analysis conducted by a public accounting firm. Peat Marwick Main and Company (PMM), regarding the amount of money it would take to complete the three ships at MMC. PMM concluded that the amount requested by MMC was materially the same as the amount necessary to provide reasonable assurance that MMC would be able to deliver the three ships presently under contract with MMC. PMMs analysis considered a number of factors and business scenarios. Using assumptions provided by the Navy, PMM projected that very little working capital would be available to MMC upon completion of MCM-7. This conclusion remained unchanged, despite the estimates at completion (EACs) set forth in its request for extraordinary contractual relief. The Navy's EACs, with which MMC essentially agrees, for the three ships (rounded to the nearest one hundred thousand dollars) are:

MCM-2	$90,900,000
MCM-4	68,300,000
MCM-7	65,800,000

The EACs represent the ideal instances; however, NAVSEA expects that an increase in the cost of performance will occur. NAVSEA's least desired instances are:

MCM-2	$92,200,000
MCM-4	71,600,000
MCM-7	73,600,000

During the period subsequent to the submission of the request, MMC faced several financial problems. Because MMC reached the ceiling price on the MCM-2 contract and could not receive payment for work which it performed on this ship. MMC experienced a serious shortage of funds. To alleviate this situation, NAVSEA released $3 million of contract performance retentions withheld under the terms of the contracts for MCMs 4 and 7. NAVSEA required that these released funds only be used for work in furtherance of the completion of MCM-2. Also, due to MCM's inability to provide satisfactory financial statements to its lenders, the lenders declared a default on two outstanding loans totaling $10 million. The Navy and MMC agreed to incorporate certain changes into each of the contracts on a maximum price basis, and the Navy also agreed to provide provisional price increases due to the REAs in the contracts of both MCM-2 and MCM-4. This action provided MMC with the necessary funds to liquidate the loans. Although MMC used the funds generated from these maximum price increases for the payment of the loans, the ceiling price of the MCM-2 contract again created financial problems. Therefore, NAVSEA developed a second set of provisional price increases to the contracts for MCMs 2 and 4.

Faced with the probable cessation of work at MMC and the submission of the request for extraordinary contractual relief, NAVSEA has reviewed the status of the present situation to determine whether the Navy should consider granting the requested relief in view of all available alternatives. After a careful review, NAVSEA has determined that there are only three alternatives available: 1) pursue the resolution through the normal disputes process; 2) terminate the contracts and have the work completed by PB; or 3) recommend extraordinary contractual relief.

It is held that the third alternative should be selected in order for work to continue on the MCM-2. If either alternative 1 or 2 is chosen, NAVSEA anticipates that MCM will cease operating due to its poor financial condition. Bankruptcy proceedings would then most likely commence, which would add further delay in ship delivery and hamper the orderly completion of each of the three ships.

Decision.—Applicable regulations provide that no contracts, amendments, or modifications shall be entered into under the authority of Public Law 85-804 unless other legal authority within the Department of Navy is deemed lacking or inadequate. In the present case, the financial situation of MMC has deteriorated to the extent that, absent the granting of extraordinary contractual relief, MMC has no realistic alternative but to discontinue work on the three ships because it faces imminent bankruptcy. Delay in providing financial relief makes the delivery of these ships by MMC unlikely. In addition, NAVSEA has indicated that MMC would be unable to recover an amount greater than its $38,500,000 settlement, even if MMC pursued the disputes process to its ultimate conclusion. Consequently, no other legal authority in the Department of Navy is adequate in the present circumstances.

FAR 50.302-1 (a) contains appropriate authority regarding the nature of the relief considered in this particular case. The following section provides:

"(a) When an actual or threatened loss under a defense contract, however caused, will impair the productive ability of a contractor whose continued performance on any defense contract . . . is found to be essential to the national defense, the contract may be amended without consideration, but only to the extent necessary to avoid such impairment to the contractor's productive ability."

For the foregoing reasons, MMC faces an actual or threatened loss not caused by Government action but which will nonetheless impair its productive ability where the continued performance is essential to the national defense. In this regard, in the absence of extraordinary contractual relief, MMC faces severe amd adverse effects on its productive ability which would jeopardize the completion of the three MCM-1 Class ships now under contract.

The operating forces urgently need these three ships. Normal Navy channels of supply support can not aid the existing MSOs, and additional delivery delay has the potential of undermining its mine warfare capability. The proposed amendment without consideration permits MMC to continue building the ships and provides the least negative impact from both fiscal and schedule aspects.

Therefore MMC's continued performance of the three subject contracts is essential to the national defense. The minimum amount necessary to avoid the impairment of MMC's productive ability to perform remains at $24.1 million (including projected escalation). Accordingly, and pursuant to delegation from the Secretary of the Navy, and under Public Law 85-804, 50 USC 1431, et. seq., it is evident that this decision will facilitate the national defense.

Contractor.—University of Southern California (USC).

Type of action.—Formalization of an Informal Commitment.

Actual or estimated potential cost.—$949,603.

Service and activity.—Communications and Graphics Research, in support of the Strategic Defense Initiative Organization (SDIO): and the Battle Management Program.

Description of product or service.—Scientific Research.

Background.—On May 20, 1988, USC submitted a claim proposal to the Office of Naval Research (ONR) requesting payment for research conducted by USC's information Sciences Institute (ISI) during the period of January 1, 1988, through June 30, 1988. This claim was based on an informal commitment made by ONR and SDIO to reimburse USC/ISI for research performed in accordance with the USC statement of work. This statement was submitted in response to a Request for Proposal (RFP). Number N00014-87-R-0022, which was cancelled in May 1988. On July 23, 1987, ONR issued an RFP covering a three year effort for the purpose of continuing the priority items under Contract N00014-86-K-0311, Mod P00002 and reinstating the nonpriority task removed by that modification. Three proposals were then received in response to this RFP.

Following a technical and cost evaluation of the proposals received in response to RFP N000014-87-R-0022, the ONR Contracting Officer determined that USC/ISI was the only offeror within the competitive range. Thereafter, on December 17, 1987, an ONR contracts negotiator informed USC that USC/ISI had won the technical competition and that cost negotiations would be forthcoming. These negotiations were entered into on January 5, 1988.

During the months of January through April 1988, ONR and SDIO personnel monitored the work performed by USC/ISI in anticipation of a contract award via telephone conversations, meetings, and visits to the USC/ISI facility. On approximately March 29, 1988, ONR decided to reopen discussions with USC/ISI and another offeror because it was determined that the documentation in the contract file did not clearly support an award to USC/ISI. However, USC/ISI was later notified in April 1988 of ONR's decision to reopen discussions.

On May 4, 1988, SDIO informed ONR that funding reductions would prevent the anticipated procurement with USC/ISI from proceeding and asked that the RFP be cancelled. ONR relayed this information to USC on May 18, 1988. During the telephone conversation between ONR and USC, it was understood the USC/ISI would submit the following: (1) a brief summary of work completed; (2) a breakdown of costs expended to date; (3) a breakdown of costs to bring its ongoing work to a logical conclusion; and (4) a detailed report of all work performed. On July 1988, SDIO evaluated USC/ISI's work to determine whether the work was relevant and/or appropriate and whether the proposed cost was acceptable in terms of technical value. SDIO subsequently concluded that the work was in fact acceptable whereupon in October 1988 USC/ISI submitted to ONR a technical report in draft form of the research conducted during the period of January 1, 1988, through June 30, 1988, in accordance with USC/ISI's response to RFP N00014-87-R-0022.

Justification.—ONR has concluded that the research performed by USC/ISI during the period in question is of value to the Government and entirely acceptable on a technical basis. ONR has also found USC/ISI's cost of and subsequent request for $957,454 for the work performed during January 1, 1988, through June 30, 1988, to be a fair and reasonable ceiling amount. As required by FAR 50.203(b) (2), based on the discussion set forth in reference (b), the Board finds that other legal authority within the agency is inadequate to provide the relief sought by USC/ISI. It is therefore, appropriate to consider acting under FAR 50.302-3.

From the record, reference (a), it does not appear that there were any written or oral instructions from an officer or official with actual or apparent authority on which USC relied in good faith as set forth in the example in FAR 50.392-3. Even though this case does not fit precisely within the example cited in the FAR, the Board is not limited in its consideration to the example where it determines that the circumstances warrant action. In considering the facts as a whole, the Board finds that there was an informal commitment to USC that is appropriate to be formalized. In support, the record reflects that personnel were initially aware that USC/ISI was performing work under the proposed contract. Government personnel, however, took no action to supress USC/ISI's efforts. On the contrary, USC/ISI was repeatedly led to believe that a contract would be formally executed when the necessary funds were received by ONR. In addition, government personnel encouraged USC/ICI to continue performing under the proposed contract by monitoring and thereby endorsing USC/ISI's research. Considerations of fairness thus require that USC's

request for relief not be rejected simply because the circumstances surrounding its performance are outside the example, as set forth in FAR 50.302-3.

The Board finds, as required by law, that at the time the commitment was made, it was impracticable to use standard procurement procedures (see FAR 50.203(d) (2)). One of the most important considerations in making this determination is any evidence or indication that the informal commitment was used as a matter of convenience to circumvent or evade procurement statutes and regulations. In such cases, Congress apparently believed that the benefit to the Government that would result from the formalization of the informal commitment would yield to the paramount interest of the Government in protecting public funds as manifested in the requirement that procurement be accomplished through normal procedures. Upon examining the facts, the Board finds that the evil of unchecked circumvention and deliberate evasion of procurement statutes and regulations does not exist in this instance.

Decision.—It is therefore the decision of the Board that the cognizant Contracting Officer of ONR be authorized to formalize this informal commitment in an amount not to exceed the amount requested of $957,454. The Contracting Officer shall comply with Part 50 of FAR and DFARS, and the documentation required by these regulations shall be furnished to the Board. ONR shall verify that the amount authorized to be paid ($949,603) to USC/ISI is within the ceiling amount and will submit a copy of the pre-award audit performed on USC/ISI with a copy of the contract to the Board. ONR will also obtain appropriate rights to the data developed in connection with the commitment authorized to be formalized.

Consequently, as required by FAR 50.203(b)(3) and 6(3), the Board concludes that granting this request will facilitate the national defense and that the relief granted is within the limits of the amounts appropriated.

U.S. Air Force

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in six contracts; the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor	*Number*
Allied Signal, Inc	1
Boeing Aerospace Co	1
GA Technologies, Inc	1
Hercules Aerospace Co	1
Martin Marietta Astronautics Group, Space Launch Systems Co	1
Cita Corp	1
Total	6

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2758. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting the calendar year 1989 report entitled, "Extraordinary Contractual Actions to Facilitate the National Defense", pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

2759. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a copy of a proposed transaction to authorize a guarantee in the amount of $143,535,902 loan on behalf of Arrendadora International, S.A. [AISA] to assist in financing exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2760. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Annual Report on D.C. Depository for FY 1988 and 1989", pursuant to D.C. Code Sec. 47-117(d); to the Committee on the District of Columbia.

2761. A letter from the Secretary of Education, transmitting a copy of notice of final procedures for the Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2762. A letter from the Secretary of Energy, transmitting the annual report of actions under the Powerplant and Industrial Fuel Use Act of 1978 during calendar year 1989, pursuant to 42 U.S.C. 8482; to the Committee on Energy and Commerce.

2763. A letter from the Secretary of Transportation, transmitting the 14th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

2764. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services estimated to cost $33 million (Transmittal No. 90-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2765. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2766. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the annual report of the Corporation's activities and operations during fiscal year 1989, pursuant to 22 U.S.C. 2200a; to the Committee on Foreign Affairs.

2767. A letter from the Comptroller General, transmitting a report on the Environmental Protection Agency's consolidated financial statements for the fiscal years ended September 30, 1988 and 1987; reports on internal accounting controls and compliance with laws and regulations (GAO/AFMD-90-20; March 1990); to the Committee on Government Operations.

2768. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2769. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2770. A letter from the Freedom of Information Officer, Environmental Protection Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2771. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2772. A letter from the Office of the Managing Director, Interstate Commerce Commission, transmitting the Commission's annual report of its activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2773. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report on its activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2774. A letter from the Executive Secretary, Uniformed Services University of the Health Sciences, transmitting the annual report in compliance with the Government in the Sunshine Act for the period March 12, 1989 to March 11, 1990, pursuant to 5 U.S.C. 522b(j); to the Committee on Government Operations.

2775. A letter from the Deputy Director, Bureau of Land Management, Department of the Interior, transmitting notification of the proposed sale of approximately 7,500 acres of public land located in Clark County, NV, to the city of North Las Vegas for the purposes of community expansion and other public benefits, pursuant to 43 U.S.C. 1713(c); to the Committee on Interior and Insular Affairs.

2776. A letter from the Secretary of Interior, transmitting the first annual report, fiscal year 1989, of the Fish and Wildlife Service on the expenditures for the conservation of endangered or threatened species, pursuant to 16 U.S.C. 1544; to the Committee on Merchant Marine and Fisheries.

2777. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1991 and 1992 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2778. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a revised list of projects to accompany the second report on construction authorizations which was submitted in January (Ex. Com. No. 2396), pursuant to 33 U.S.C. 579a; to the Committee on Public Works and Transportation.

2779. A letter from the Secretary of Transportation, transmitting a report on the feasibility of establishing flight corrodors across the borders of the continental United States in support of drug interdiction, pursuant to Public Law 100-690, section 7213(b) (102 Stat. 4434); to the Committee on Public Works and Transportation.

2780. A letter from the Assistant Secretary of the Army (Civil Works), transmit-

ting a report from the Chief of Engineers, Department of the Army, on lower Saddle River, NJ, together with other pertinent reports (H. Doc. No. 101-159); to the Committee on Public Works and Transportation and ordered to be printed.

2781. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on King Harbor, Redondo Beach, CA, together with other pertinent reports and comments (H. Doc. No. 101-160); to the Committee on Public Works and Transportation and ordered to be printed.

2782. A letter from the Under Secretary of Defense (Acquisition), transmitting the report on Department of Defense procurement from small and other business firms for the period October through December, 1989 (fiscal year 1990), pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2783. A letter from the Director, Office of Technology Assessment, transmitting OTA's fifth special report on the Prospective Payment Assessment Commission, pursuant to 42 U.S.C. 1395ww(e)(6)(G)(i); to the Committee on Ways and Means.

2784. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to amend the harmonized tariff schedule of the United States provisions implementing annex D of the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes; to the Committee on Ways and Means.

2785. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the establishment of an automated management information system for the Indian Health Service, pursuant to 25 U.S.C. 1662; jointly, to the Committees on Education and Labor and Interior and Insular Affairs.

2786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation of Panama as a danger pay location, pursuant to 5 U.S.C. 5928; jointly, to the Committee on Foreign Affairs and Post Office and Civil Service.

2787. A letter from the Director, Office of Technology Assessment, transmitting the third report on the activities and progress of the Physicians Payment Review Commission through February 1990, pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

2788. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1989, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Foreign Affairs, the Judiciary, Merchant Marine and Fisheries, and Post Office and Civil Service.

2789. A letter from the Secretary of State, Legislative Affairs, transmitting a draft of proposed legislation to be cited as the "Democracy, Reconciliation, and Refugee Assistance Act of 1990"; pursuant to 31 U.S.C. 1110; jointly to the Committees on Banking, Finance and Urban Affairs; Foreign Affairs; Ways and Means; Armed Services; and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2566. A bill to direct the Secretary of the Interior to transfer all right, title, and interest of the United States in certain property on San Juan Island, Washington, to those persons who own such property because of an erroneous survey; with amendments (Rept. 101-423). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota:

H.R. 4296. A bill to amend section 1503 of title 18, United States Code, relating to protecting officers and jurors from threats or force, to extend protections against threats to jurors after they have been discharged of their duties; to the Committee on the Judiciary.

H.R. 4297. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

H.R. 4298. A bill to amend the Federal Election Campaign Act of 1971 to provide for voluntary expenditure limitations and partial public financing for House of Representatives general elections, and for other purposes; jointly, to the Committees on House Administration and Ways and Means.

By Mr. NOWAK (for himself, Mr. DAVIS, Mr. JONES of North Carolina, and Mr. STUDDS):

H.R. 4299. A bill to authorize a study of the fishery resources of the Great Lakes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MORRISON of Connecticut:

H.R. 4300. A bill to amend the Immigration and Nationality Act to revise the system of admission of aliens on the basis of family reunification and to meet identified labor shortages, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4301. A bill to amend the Internal Revenue Code of 1986 to increase the fuel economy standards used in determining the gas guzzler tax and to increase the rates of such tax; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4302. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Ways and Means.

H.R. 4303. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Ways and Means.

H.R. 4304. A bill to extend until January 1, 1994, the existing temporary suspension of duty on sethoxydim; to the Committee on Ways and Means.

H.R. 4305. A bill to extend until January 1, 1994, the existing temporary suspension of duty on 3-ethylamino-p-cresol; to the Committee on Ways and Means.

H.R. 4306. A bill to extend until January 1, 1994, the existing temporary suspension of duty on diamino imid SP; to the Committee on Ways and Means.

H.R. 4307. A bill to extend until January 1, 1994, the existing temporary suspension of duty on B-naphthol; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

330. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to earthquake preparedness; to the Committee on Banking, Finance and Urban Affairs.

331. Also, memorial of the Legislature of the State of Washington, relative to AMTRAK holding tanks on its trains; to the Committee on Energy and Commerce.

332. Also, memorial of the Legislature of the State of Washington, relative to prisoners of war; to the Committee on Government Operations.

333. Also, memorial of the Legislature of the State of Washington, relative to the taxation of pension income; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. HENRY, Mr. DREIER of California, and Mr. CONDIT.

H.R. 239: Mr. PASHAYAN.

H.R. 446: Mr. WILLIAMS and Mr. SHUMWAY.

H.R. 930: Mr. SIKORSKI.

H.R. 1136: Mr. WYDEN, Mr. TRAXLER, and Mr. SABO.

H.R. 1180: Mr. BRENNAN.

H.R. 1767: Mr. FALEOMAVAEGA.

H.R. 2033: Mr. CRANE.

H.R. 2121: Mr. CARPER.

H.R. 2353: Mr. HENRY.

H.R. 2406: Mr. GEREN.

H.R. 2714: Mr. HENRY, Mr. ROWLAND of Connecticut, and Mr. TRAXLER.

H.R. 3037: Mr. BRENNAN.

H.R. 3240: Mr. KILDEE, Mr. BRUCE, Mr. AKAKA, Mr. LEWIS of Georgia, Ms. OAKAR, Mr. MARKEY, Mrs. BOGGS, Mr. DE LUGO, Mr. COSTELLO, Mr. HOYER, Mr. DELLUMS, Mr. CAMPBELL of Colorado, Mr. BONIOR, Mr. CONTE, Mr. MATSUI, Mr. FORD of Tennessee, and Mr. SAWYER.

H.R. 3512: Mr. ENGLISH and Mr. SABO.

H.R. 3625: Mr. HEFNER, Mr. STARK, Mr. HARRIS, Mr. ENGEL, Mr. COLEMAN of Texas, Mr. SHARP, Ms. SNOWE, Mr. ERDREICH, Mrs. PATTERSON, Mr. GEKAS, Mr. HANCOCK, Mrs. ROUKEMA, Mr. MOORHEAD, Mr. DORNAN of California, Mr. MCCOLLUM, Mr. STOKES, Mr. SKEEN, Mr. SPENCE, Mr. ARCHER, Mr. HALL of Texas, Mr. STANGELAND, Mr. KYL, Mr. MYERS of Indiana, Mr. HEFLEY, Mr. SCHAEFER, Mr. ROBINSON, Mrs. BENTLEY, Mr. SCHIFF, Mr. ROTH, Mr. SAXTON, Mr. BALLENGER, Mr. COBLE, Mr. SLAUGHTER of Virginia, Mr. RHODES, Mr. DOWNEY, Mr. BUECHNER, Mr. OWENS of New York, Mr. WAXMAN, Mr. AKAKA, Mr. SMITH of Texas, Mrs. LOWEY of New York, Mr. SCHUMER, Mr. MICHEL, Mr. MINETA, Mr. FROST, Mr. BONIOR, Mr. BORSKI, Mr. COSTELLO, Mr. CROCKETT, Mr.

ESPY, Mr. EVANS, Mr. KENNEDY, Mr. MOAKLEY, Mr. VANDER JAGT, Mr. BROOKS, Mr. THOMAS of Georgia, Mr. POSHARD, and Mr. LANCASTER.

H.R. 3643: Mr. PARRIS, Mr. DENNY SMITH, Mr. SISISKY, Mr. INHOFE, Mr. BAKER, Mr. GORDON, Mr. THOMAS of California, and Mr. DANNEMEYER.

H.R. 3732: Mr. ANNUNZIO, Mr. RAY, and Mr. KYL.

H.R. 3735: Mr. CROCKETT and Mr. OWENS of New York.

H.R. 3859: Mr. DE LUGO and Mr. FAUNTROY.

H.R. 3918: Mr. RINALDO and Mr. KOLBE.

H.R. 3934: Mr. GEJDENSON.

H.R. 3958: Mr. JOHNSON of South Dakota, Mr. DORNAN of California, and Mr. TORRICELLI.

H.R. 3979: Mr. MORRISON of Connecticut.

H.R. 4003: Mr. GUARINI.

H.R. 4015: Mr. ANTHONY, Mr. FAUNTROY, and Mr. LAFALCE.

H.R. 4042: Mr. MRAZEK.

H.R. 4060: Mr. BEREUTER.

H.R. 4080: Mr. BORSKI.

H.R. 4101: Mr. ROWLAND of Connecticut.

H.R. 4143: Mr. CAMPBELL of Colorado.

H.R. 4207: Mr. BRYANT.

H.R. 4238: Mr. CROCKETT.

H.R. 4262: Ms. PELOSI, Mr. TOWNS, and Mr. ROWLAND of Connecticut.

H.J. Res. 439: Mrs. MEYERS of Kansas.

H.J. Res. 482: Mr. FRANK, Mr. GUARINI, Mr. APPLEGATE, Mr. MCMILLEN of Maryland, Mr. TRAXLER, Mr. BILIRAKIS, Mr. MOLLOHAN, Mrs. MORELLA, Mr. FLAKE, Mr. TALLON, Mr. STOKES, Mr. ATKINS, Mr. OWENS of Utah, Mrs. COLLINS, Mr. DE LUGO, Mr. LEHMAN of Florida, Mr. SCHEUER, Mr. MCCLOSKEY, Mr. COUGHLIN, Mr. GREEN, Mr. BATES, Mr. GALLO, Mr. MARTIN of New York, Mr. WOLPE, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. DICKS, Mr. KLECZKA, Mr. KASICH, Mr. HUTTO, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. FOGLIETTA, Mr. BERMAN, Mr. CALLAHAN, Mr. HAMILTON, Mr. MCCOLLUM, Mr. MATSUI, and Mr. MFUME.

H.J. Res. 495: Mr. SISISKY and Mr. CARR.

H.J. Res. 500: Mr. FLIPPO, Mr. MOAKLEY, Mr. MRAZEK, Mr. PERKINS, Mr. RICHARDSON, Mrs. LOWEY of New York, Mr. BILIRAKIS, Mr. CALLAHAN, Mr. CLARKE, Mr. BURTON of Indiana, Mr. COBLE, Mr. NIELSON of Utah, Mr. HANSEN, Mr. MILLER of Washington, Mr. DWYER of New Jersey, Mr. HOCHBRUECKNER, Mr. MOODY, Mr. DIXON, Mr. TRAFICANT, Mr. HEFNER, Mr. FEIGHAN, Mr. HALL of Ohio, Mr. LIPINSKI, Mr. ATKINS, Mr. WAXMAN, Mr. CHAPMAN, Mr. YOUNG of Florida, Mr. NATCHER, Ms. ROS-LEHTINEN, Mr. MCGRATH, Mr. INHOFE, Mr. PAXON, Mr. NEAL of North Carolina, Mr. ASPIN, Mr. KLECZKA, Mr. WEISS, Mr. EVANS, Mr. POSHARD, Mrs. PATTERSON, and Mr. DINGELL.

H. Con. Res. 66: Mr. MARKEY.

H. Con. Res. 249: Mr. COSTELLO, Mr. SCHEUER, Mr. CONTE, Mr. PANETTA, Mr. HUGHES, Mr. FAUNTROY, Ms. SLAUGHTER of New York, Mr. SOLOMON, Mr. EARLY, Mr. BRENNAN, Mr. FAZIO, Mr. MATSUI, Mr. GUARINI, Mr. DE LUGO, Mr. DEFAZIO, Mr. LOWERY of California, and Mr. DICKS.

H. Con. Res. 271: Mr. FAZIO and Mr. LANCASTER.

H. Con. Res. 273: Mr. HYDE, Mr. MORRISON of Connecticut, and Mr. ATKINS.

H. Con. Res. 281: Mr. SCHEUER and Mr. SOLARZ.

PETITIONS, ETC.

Under clause 1 of rule XXII,

144. The SPEAKER presented a petition of Governors of Maryland, Ohio, Michigan, and New Jersey, Executive Department, Washington, DC, relative to economic dislocations that may result from cuts in defense spending; which was referred jointly to the Committees on Education and Labor; Banking, Finance and Urban Affairs; Science, Space, and Technology; Foreign Affairs; Small Business; Public Works and Transportation; and Armed Services.

EXTENSIONS OF REMARKS

CONGRESSIONAL VIEWS OF EUROPE—1992

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to remarks I delivered on March 5, 1990, to a Conference on Science and Technology and the 1992 European Market Integration sponsored by the National Academy of Sciences Academy Industry Program.

This speech discusses the European Community [EC] and developments leading up to 1992 and the creation of a single market economy. In these changing times, the European Community has taken on greater weight and importance as an international economic and political player. I believe that congressional views on the Community are in a process of transition and that, as an institution, the Congress has become more interested in the European Community.

My remarks follow:

CONGRESSIONAL VIEWS OF EUROPE—1992

(By Lee H. Hamilton)

I. INTRODUCTION

A. U.S. Policy Toward the European Community

The long-standing policy of the United States is that an integrated Europe is a more prosperous Europe and a stronger security partner.

With this in mind, the United States has strongly supported the idea of European interation from the very beginning, since the 1957 Treaty of Rome.

Trade disputes such as "chicken wars" and "pasta wars" have irritated U.S.-EC relations for the past 25 years.

But the U.S. and Europe have until now always prevented these disputes from interfering with our greater commitment to shared political and security goals.

B. Europe—1992

Congress' perspective on the European Community revolves around trade issues. The key issues for Members of Congress concern U.S. exports, the trade deficit, and the future of U.S. competitiveness.

When the Single European Market was agreed upon in 1986, the reaction initially in the Congress was a big yawn. Why?—for two reasons:

First, Congress pays attention to the "hot spots" in the world. Places like Nicaragua and El Salvador at that time were far more important to Members than Brussels, Bonn or Madrid. European integration was simply not a question on the agenda.

Second, because of the enormous internal disputes in the EC about the budget and agricultural subsidies, Members frankly doubted at the time whether Europe would make progress on the 1992 plan.

The subsequent pace and intensity of EC integration caught everyone, including the Europeans, by surprise. Beginning in 1987, Members of Congress heard constituents and lower-level officials complain that 1992 would hurt U.S. access to European markets.

This crescendo of concern grew through 1988 and early 1989, and became expressed in the phrase "Fortress Europe." The fears of constituents that EC-'92 was protectionist, exclusionary, and discriminatory came through loud and clear.

In 1989 the rising cry caught the attention of high-level U.S. officials, including Secretaries Baker and Mosbacher. The United States made its view clear that the 1992 project should be an initiative to open markets and expand free trade, not to close markets. The EC and the U.S. began an intense dialogue on these questions.

Today, there is an acceptance in the Congress that Europe-'92 will take place. Members' fears have been partially addressed. They no longer assume that EC-'92 means protectionism. But they will want to look carefully at the development of the nearly 300 EC directives guiding the 1992 process, of which more than half already have been adopted. Access by American high technology firms will be particularly important. For now, the overall attitude in Congress remains one of caution, and wariness.

II. LARGER CONCERNS

Today, Congressional attention is focussed on the European continent for the first time in recent memory. Members of Congress are watching developments in Europe to see how they will affect the United States and the post-war world as we have known it.

First, we realize that the EC is becoming an increasingly important institution and its power will only grow as 1992 draws near.

The EC will play a key role in the new European order. In addition to promoting the process of economic integration, the EC will serve as an all-important anchor in the West for a new unified Germany. It will be a central action in coordinating Western policies toward the newly-emerging democracies in Eastern Europe and toward a reforming Soviet Union.

Closer EC coordination in the political and security areas presents a challenge for the U.S. Increasingly, the Europeans are consulting among themselves on matters previously left to NATO. In many respects, this process has short-circuited trans-Atlantic cooperation. The U.S. is being brought into key decisions now after the Europeans have decided among themselves what course they will take.

This trend away from NATO coordination is likely to be exacerbated in the current transition to a new security regime in Europe. The nature of this new regime is still uncertain. It may be based on the Conference on Security and Cooperation in Europe (CSCE) process, also known as the Helsinki process. It is important that the U.S. take steps to guarantee its role in whatever new security framework emerges.

Second, we recognize that European integration can be a potentially positive-sum game with advanatages for the U.S. and for American businessmen.

By removing existing barriers to the movement of goods, capital, technology, and labor between the 12 EC member-states, Europes-'92 should lead to new investment, more jobs and faster growth throughout the EC. In fact, high expectations for 1992 have already produced an investment-led economic boom in the EC.

As the Community's largest trading partner, the U.S. stands to benefit from this process, too. With 320 million consumers, a unified EC will have the largest single market in the world. If you include the rest of Europe, we are talking about a "European economic space" of some 500 million generally middle-income and well-educated consumers with a total economic output of $6 trillion—twice that of Japan and the four Asian tigers (South Korea, Hong Kong, Singapore and Taiwan) combined. The likely investment surge should benefit a capital goods exporter like the U.S.

In addition to greater trade opportunities, European integration holds out the promise of new technology for U.S. firms to acquire. The EC is committed to a strong program of technology development and collaborative R&D. These efforts, combined with corporate R&D performance by European firms fortified with such a strong domestic market, should enrich the international storehouse of technology on which all of us can draw.

Third, there is a growing uneasiness in the Congress that the U.S. is being left behind in Eastern Europe. The West Europeans, led by the Federal Republic of Germany, are moving aggressively to take the initiative in Eastern Europe.

German, French, Italian, and British businessmen and bankers, building on historic ties between their countries and the East, are pursuing joint ventures and extending new credits in East Germany, Hungary, and Czechoslovakia. The perception is that U.S. firms have been slow to follow and that the U.S. has lagged behind its European allies in offering trade and investment incentives to companies interested in doing business in the East.

This view has been reinforced by the new French initiative to create a European Bank for Reconstruction and Development (EBRD) for Eastern Europe, with EC majority interest. While the charter of this bank has not been finalized, there is concern that U.S. interests will not be taken into account and that the EC will control policy.

Fourth, we are focusing attention on the impact of German reunification on the European Community and the EC-92 program.

There is some danger that Bonn's new focus on the East will slow the pace of European integration. Such a development would not be in the U.S. interest. European integration must keep pace with the process of German unification. In recent weeks, this has become a tall order, because of the accelerating pace of change in the Germanies. We are already beginning to see the jitters that German unity can give its neighbors. Unity within an integrated EC will be a key to future stability in Europe.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Some EC officials have expressed optimism that the decision to move forward with a common currency between the two Germanies will actually boost the EC drive for European Monetary Union, rather than slow it down, as many fear. EC officials hope that by displaying how it can be done, German monetary integration will silence the critics of EMU.

Fifth, we note the issue of the future depth and breadth of the European Community and the importance to the U.S. of how this question is resolved.

As the major economic force on the continent, Brussels will serve as a magnet for other countries on the continent interested in trade. The neutral countries, EFTA, and the emerging democracies in the East are already setting their domestic economic agendas to Brussels' tune. Austria and Turkey have applications for EC membership pending, and Hungary, Czechoslovakia and Poland are likely to be close behind.

The European Community has not yet decided how it will proceed on these applications. For the time being Brussels has said there will be no more expansion until after 1992. But, the pressure to open its doors to new members will only build in the coming months and years.

How the EC acts will determine the future nature of the Community. Further enlargement is likely to limit political integration and security cooperation within the Community.

Sixth, we are aware that the new developments in Europe are shifting U.S. relationships with our European allies.

There is a growing recognition within the administration of the need to work more closely with Brussels on political, as well as economic, matters. In addition, the pace of developments in Germany has increased the urgency of close U.S. cooperation with Bonn.

In contrast, Prime Minister Thatcher's opposition to European Monetary Union and her more reticent position on German unification has set her apart from her European allies. It is too early to predict what the implications of this trend will be for the future of the Anglo-American "special relationship".

III. SPECIFIC CONCERNS

A. EC policy

While knowledge of the EC and opinions about it vary, most of us on Capitol Hill have genuine concerns about the impact Europe-'92 will have on American firms.

Specifically, what have been our concerns? Let me give you a flavor:

The EC's standards-setting process does not allow sufficient participation by U.S. exporters. For example, the EC mandated a battery cable standard for forklift trucks to which only European manufactured cables were able to conform.

Government procurement rules favor EC products and services in certain sectors. As a result, U.S. exporters of telecommunication and electrical equipment cannot sell to European governments.

Local content requirements may result in American movies and television programs being taken off the air, to reserve programming time for "European works."

Approval to market biotechnology products may involve a "fourth hurdle," in addition to the normal criteria of safety, efficacy and quality. This fourth hurdle would take into account whether the product would cause economic harm to segments of European society, such as small farmers, that have received special concessions from national governments.

The EC has recently tightened its guidelines for suspending tariffs on pharmaceuticals and electronics products. The guidelines appear to discriminate against a U.S.-made product if the firm's EC subsidiary could produce it.

To many Members of Congress, these practices appear to add up to fairly strong encouragement that U.S. firms manufacture in Europe.

Congress is less worried about large American multinationals. Most Members believe that the giants of American industry are well-positioned to benefit from a single market. But we are concerned that exporters—particularly, small and medium-sized firms—could be hurt by a change in the rules. Until their access to EC markets and technology is assured, Congress will remain skeptical.

The Case of Semiconductors: Let me focus on one particular industry—semiconductors—to illustrate Congress' apprehension. I'm not an expert on electronics, but here is my understanding of what has happened:

In February 1989, the EC approved a regulation that drastically altered the rules for determining the origin of semiconductors. That change, combined with the EC's implementation of recent anti-dumping settlements against Japanese electronics producers, mean the following: Chips fabricated in the U.S. but tested and assembled in Europe, no longer receive favorable treatment. As a result, EC-based firms are pressuring their U.S. chip suppliers to manufacture in Europe or, worse, are switching to European suppliers altogether.

Electronics industry represenatives tell me the use of anti-dumping regulations will become increasingly important, as the 1992 deadline approaches for abolishing national quotas and voluntary export restraints.

There are other problems for semiconductors: A 1989 change in the rules that will reduce the ability of member countries to suspend tariffs on semiconductors promises to leave higher walls around the market for semiconductors after 1992.

Also, let me mention the flow of public subsidies into joint research and development activities in information technology and electronics, including semiconductors. Projects such as ESPRIT and JESSI are highly commendable, as a way to overcome the inability of private firms to capture the full benefits of R&D. I believe the U.S. should itself be doing more to promote cooperative R&D in civilian technology. But subsidies to R&D *can* be problematic, when used as a means of selectively helping national firms in world markets—that is, as an alternative to production subsidies, which are illegal under GATT.

One way to avoid that problem is through reciprocal access to R&D—that is, by permitting firms from other countries to join one's own subsidized R&D programs in exchange for comparable access by the other country. This represents a departure from current practice in both the U.S. and EC, and there are obstacles to implementing it. Nevertheless it is an idea worth exploring in the name of creating a more open international trading system, from which we all would gain.

B. U.S. policy toward the EC

Congress is also concerned about U.S. policy toward the EC. The sweeping changes in Eastern Europe as well as the EC have underscored the need to update our own government's policies and priorities for a world in which economic strength is increasingly more important to our nation's security than military strength.

1. *Insufficient resources:* We are concerned about the inadequacy of resources assigned to EC-92.

The U.S. Trade Representative has only one person assigned to the U.S. Mission to the EC in Brussels; the Treasury and Commerce Departments have no one. Last spring, the Commerce Department asked permission to assign three Foreign Commercial Service officers to the mission in Brussels, but it took many months for the mission—which is dominated by State Department personnel—to agree, and the three officers are still not in place.

Because of this staff structure, we rely heavily on U.S. multinational companies for economic intelligence and information. Their information is obviously important, but the private interests of U.S. multinationals may diverge from U.S. national economic interests, including the interests of U.S.-based exporters. IBM Europe is agruably as much a European company as an American company, which is as it should be.

B. *Who's in charge?* Insufficient resources is not the only problem with our trade policy. We suffer from a common Washington problem: On any given issue, it's often not clear who's in charge.

Fragmentation of executive authority leads to turf battles. Different agencies, each with its own valid mission, invariably clash, and the internal conflicts sap our strength for the trade fight going on outside. Why did it take the Commerce Department six months to get approval to place three foreign commercial service officers in Brussels? I suspect that the State Department resisted sharing its authority toward the EC. As industry's watchdog, the Commerce Department clearly has a different view—and a more critical view—of EC-92 than the State Department.

This tension between departments may be unavoidable and even healthy. But, it reflects the lack of overall direction from the Bush Administration concerning Europe-'92. U.S. government actions to promote trade and investment in the EC have proceeded on one track, led by the U.S. Trade Representative, while our government's political dealings with the EC have proceeded on another track, led the by State Department. Various interagency groups are at work to coordinate one track or the other, but no single cabinet member has responsibility for both.

Among other problems, that results in a lack of accountability. Those of us in Congress don't know whom to call on EC policy. Industry officials, perhaps more than Members of Congress, have been frustrated by this problem.

C. *Military security vs. economic security:* Finally, we are concerned with the dominance of military interests over economic interests. In the case of EC-'92, many Members are concerned that the U.S. is not getting the leverage it should from the Memoranda of Understanding (MOU's) that the Department of Defense maintains with European nations. Although these MOU's are the major bargaining chip we have in the EC-'92 negotiations, DOD has been unwilling to let our U.S. Trade Representative use them as a bargaining tool.

Military interests often dominate economic interests. Federal support for advanced technology development goes largely for defense technology. That approach—which relies on defense spinoffs to civilian technol-

ogy—worked well during the 1950s and 1960s. It no longer does. Military technologies have grown steadily more specialized, and the defense sector more isolated from the rest of the economy. The direction of influence has even been reversed in many areas, where military applications now depend on advances in civilian technologies. Despite that, the U.S. continues to spend a far smaller percentage of its GNP on civilian R&D than West Germany or Japan. Historically, the U.N. ratio of defense to civilian R&D was 50:50. In the 1980s, that ratio became 70 percent defense, 30 percent civilian.

In Europe, the ESPRIT and EUREKA programs provide EC support for civilian technology development. In this country, there is a great debate over such support. Under the policy of the Bush Administration, we do not support advanced civilian technology development unless there is a clear national security rationale. Just what constitutes "national security" is not entirely clear from Administration actions, however. DOD recently funded R&D efforts on food processing and apparel.

V. CONCLUSION

Congress is watching EC-'92 developments carefully, and Members are—in a word—concerned. Despite assurances from the Administration that negotiations are moving in the right direction, Members are frustrated about specific developments.

My own view is that, on the whole, the United States has benefited from the past expansion of the European Community. These benefits have not been automatic, however. We were vigilant in the mid-1970s, and again in 1981, and our vigilance was met with success in the form of trade barriers lower than they otherwise would have been. We need to approach Europe-'92 with the same vigilance.

REMEMBERING BLOODY SUNDAY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. EDWARDS of California. Mr. Speaker, 25 years ago the President Lyndon Johnson's Justice Department sent a young Civil Rights Division lawyer to Montgomery, AL, to conduct a grand jury investigation of the events of "Bloody Sunday."

The young man was James P. Turner who most recently has been Acting Assistant Attorney General, Civil Rights Division. On March 10 of this year he attended in Montgomery the celebration commemorating "Bloody Sunday." His moving remarks at the ceremony are set forth below:

REMARKS OF JAMES P. TURNER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE

On behalf of President Bush and Attorney General Thornburgh, I commend the SCLC and the organizers of this event. More personally, as one whose professional life was energized 25 years ago by the events we celebrate today, I thank you for the rare honor and privilege of participating in this celebration. As you heard in the introduction, I have been continuously in the business of enforcing civil rights laws since the days 25 years ago when I was sent here by the Justice Department to conduct a grant jury investigation of the events of bloody Sunday and to serve on the team of federal prosecutors that finally brought to justice the klansmen who murdered Viola Liuzzo—a Detroit woman who was gunned down on Route 80 after the Selma march.

In 1965, black people in this State lived at the lowest level of a pervasive caste system—invisible to the law and unacceptable to society. The Civil Rights movement—the idea whose time had come—eliminated that system forever.

Within months of the Montgomery March President Johnson signed the Voting Rights Act, the strongest civil rights bill ever conceived in this country. In Alabama alone, black registration increased from about 92,000 in 1964 to nearly a quarter of a million in 1967. Nationwide, the number of black elected officials has leaped from 103 in 1964 to 7226 today. In Alabama, there were no black elected officials in either the Alabama House or the Alabama Senate at the time of the Voting Rights Act. Today, there are five black state senators and eighteen black house members. After the census counts in 1970 and 1980, hundreds of units of state and local governments across the South were reconstituted, but on these occasions the Voting Rights Act required that every single plan be inspected for racial fairness by the Justice Department's Civil Rights Division. For example, we found that one Congressional district in Atlanta was drawn to minimize the chance that a black congressman could be elected. We required the lines to be drawn fairly and in 1972 that district elected Andrew Young and today it is served by none other than John Lewis—whom I first met as one of the leaders of the bloody Sunday march.

And, under other provisions of the Act, unfair voting systems may now be challenged in federal court. For example, we are today completing a trial in Los Angeles, California where we contend that a county of seven million people has been divided purposefully into five election districts in a way that fragments two million Hispanic residents to prevent their representation. In Selma, where it all began, after ten years of contested litigation, the Department of Justice was finally able to get a fair districting plan in place and just last year I had the honor of attending the swearing-in of three new black members of the five-person Dallas County Commission—a swearing-in conducted by Alabama's first black federal district Judge, U.W. Clemon.

So I want to join with you today in celebrating the monumental events which led to these historic changes in American life. They happened, of course, because of the exercise of the rejuvenating right to petition for redress of grievances contained in our Constitution and enforced by our courts. The rights of all Americans were enhanced when the marchers crossed the Pettus Bridge to expose the oppression of Selma and begin a quest for justice in Montgomery and beyond. But such events also happened because of the inspired vision of Dr. King and the others who literally devoted their lives to exercising the power of freedom. In one of his finest moments, Dr. King stood in this historic spot in March of 1965 and declared to the world:

"They told us we wouldn't get here. And there were those who said that we would only get here over their dead bodies. But all the world today knows that we are here, that we are standing before the forces of power in the state of Alabama, saying 'We ain't goin' let nobody turn us around.' "

And, that is truly a story that deserves the telling, and the retelling, lest anyone forget that it is the miracle of freedom that its power grows strongest when it is threatened most.

The cause of racial justice was pushed—firmly but peacefully. The tactics were as straightforward as a simple plea for fairness: truth was preached in the churches; oppression was demonstrated in the streets; justice was practiced in the courts. And with a grace that was truly amazing, an entire nation peacefully healed itself.

I like to think that the spirit of the Montgomery March is the true spirit of democracy; that the ideas unleashed 25 years ago here in Alabama surfaced again in Tiananmen Square; that the march of ideas that started here are now reverberating in Johannesburg and Prague; and that the first cracks in the Berlin Wall had their seismic origins in Selma, Alabama in 1965.

But such claims are perhaps too grandiose. Let me settle for the thought that the events we celebrate today should inspire all of us to have a higher faith in America.

For my part, I renew to you my personal promise, and the firm commitment of the Justice Department, that the civil rights laws of this great country will be vigorously enforced. To ensure that the precious gains of black voters are not lost in post-1990 redistricting, we will faithfully review every new district formed after next month's national census to ensure full compliance with the Voting Rights Act. With the FBI, we will relentlessly search for the killers of Judge Vance and civil rights attorney Robert E. Robinson. We will bring those responsible to justice.

Today, we join together not so much to celebrate the successful completion of a chapter of national life, as to renew the overarching commitment to equal justice under law. We know that this goal has yet to be realized, but I hope that each of us leaves here with a revitalized determination to continue to work for the dream of justice and racial understanding envisioned by the marchers from Selma.

TRIBUTE TO BILL "DUTCH" SHULTZ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the House of Representatives to join me in paying tribute to Bill "Dutch" Shultz who passed away this past December. The news caught many of us in California by surprise—his departure was sudden and unexpected.

He was an unfailing gentleman and a loyal friend to many. Dutch Shultz leaves behind a legion of admirers, including countless birds which benefited from his generosity. It is safe to say that the ducks along Half Moon Bay's golf links will never find so great and steady a source of bread scraps.

Dutch will be remembered by many of us for his passionate devotion to literature and language as well. He always made sure that his children and grandchildren—and often his grown friends—used proper grammar.

He is survived by his greatest and most devoted admirer, his wife Carole, and children and grandchildren whom he loved dearly and who were an integral part of his life. We will all miss this white haired gentleman who managed to brighten our days.

In this time of wide, but often shallow and ephemeral friendships, it is important to remind ourselves of the special place in which we hold good friends, and to encourage others, especially the young, as Dutch did, to practice the art of caring.

A CREATIVE APPROACH TO ACHIEVE ENVIRONMENTAL GOALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. STARK. Mr. Speaker, the Ways and Means Committee has been holding hearings to discuss how the Tax Code can be used to implement long-term strategies to protect the environment. These are far-sighted hearings. I believe that the Tax Code can be an effective tool to implement critical environmental goals. Pollution will be forced to pay its true societal costs.

An excellent presentation was made by the World Resources Institute on just how effective and important environmental taxes can be. I would like to quote from their conclusion:

Most taxes have the potential to distort economic choices. Environmental taxes are quite different. As long as care is given to setting the right tax level, taxes based on environmental degradation offer the potential of redirecting our economy to a more efficient allocation of resources as well as generating significant revenues. It makes little sense to raise the cost of good things in the economy while other components of the domestic economy remain underpriced. While it would be misleading to understate the implementation issues surrounding various environmental taxes or their distributional implications, the huge benefits from a more rational tax system puts a high value on finding the right solutions to these potential problems.

Mr. Speaker, we are going to have to change the way we account for pollution in our economy. However, pollution taxes offer an exciting opportunity for us to reduce the Federal deficit, make our economy lean and mean, and improve our balance of trade. I would like to include the entire statement in the RECORD:

USE OF THE FEDERAL TAX SYSTEM TO IMPROVE THE ENVIRONMENT

(By Roger Dower and Robert Repetto, Directors of Research in Energy Policy and Economics, World Resources Institute)

INTRODUCTION

It is widely recognized that our current U.S. tax system involves significant efficiency losses to the economy. Taxes that fall on labor earnings discourage labor force participation. Taxes that fall on capital earnings discourage savings and investment. Hard work and thrift, traditional American virtues, are penalized by taxes. Over time, lower rates of savings and labor force participation reduce income and economic growth significantly. Variations in effective tax rates also distort the allocation of investment and effort among sectors.

Of course, purely lump-sum taxes are impossible, and actual tax systems all result in some economic excess burdens. Even so, the size of aggregate economic losses from tax-induced distortions is a matter of concern. The total efficiency cost of the U.S. tax system has been estimated to be between 4 and 7 percent of GNP.[1] In current dollars, this amounts to about 200 and 350 billion dollars per year. Most of these losses are attributable to personal and corporate income taxes.

At the margin, the efficiency costs of raising additional revenues from incentive-distorting taxes is even steeper. Estimates place the efficiency loss from marginal increases in tax revenues from the present system at 15 to 45 cents for each extra dollar collected. Reducing these burdens has motivated previous and ongoing efforts to simplify and reform the tax code.

Today's hearing, on the possibility of using the tax code to protect the environment, is a further step toward reducing the economic burden of the tax system. Inevitably, taxes have incentive as well as revenue effects. Using taxes to discourage polluting activities, which generate economic losses through environmental degradation, can improve economic efficiency. Pollution taxes and charges can help correct the well-known failure of markets to reflect pollution damages fully in the costs and profit-loss calculations of the polluting firm or household.

Shifting the tax base so that taxes fall less heavily on savings and work, and more heavily on environmentally damaging activities, pays double dividends in economic efficiency. Every dollar taken off the personal or business income tax pays a 15 to 45 percent dividend in increased economic welfare. If the tax loss is made good by a dollar levied on polluting activities, there is a further dividend in the form of reduced environmental damages and regulatory costs.

This additional dividend is by no means negligible. The United States currently spends about 100 billion dollars, 2 percent of GNP, on pollution abatement, waste disposal, and environmental regulation. It is widely conceded that the current "command-and-control" regulatory system is administratively burdensome on both industry and government, and results in an inefficient distribution of abatement responsibilities among pollution sources. In addition, it is ineffectual in coping with the innumerable "non-point" discharges by households and small enterprises that form an increasing fraction of all pollution.

Despite these expenses, environmental degradation from the remaining emissions impose economic costs estimated at from 30 to 100 billion dollars per year, 0.7 to 2.0 percent of GNP, about equally split between health and other damages. These estimates do not include potential future losses from climate change and other large-scale atmospheric disturbances linked to emissions from fossil fuels and industrial processes.

Compared to current regulatory approaches, taxes on environmentally damaging activities can stimulate far-ranging changes in consumer behavior, product designs and industrial processes. More importantly in the long run, these economic instruments provide more effective incentives for waste-reducing technological changes than do command-and-control regulations. The breadth of environmental pressures requires these broad and continuous technological responses.

In the past, environmental taxes have been viewed with suspicion by both business and environmental interests. While generally in favor of the flexibility offered by such economic approaches to environmental management, industry has objected to the extra cost of charges levied on emissions that fall within established environmental standards. Applying environmental taxes in a revenue-neutral way, reducing other business taxes commensurately, addresses this concern.

Some environmental groups have resisted the implication that polluters can "buy off" their responsibilities for environmental clean-up by paying a tax. However, that perspective is changing in the face of widespread risks to the global environment that require abatement action on a broad front. The concept of "sustainable development" rests on the idea that economic progress can be reconciled with environmental protection if, and only if, the need for resource efficiency and environmental protection are fully integrated into the decisions of producers and consumers throughout the economy. Environmental taxes are a key component of a sustainable future whether the revenues are used to reduce the deficit, find new programs, or offset less desirable federal taxes.

ENVIRONMENTAL TAXES AND ECONOMIC CONSIDERATIONS

There is a wide range of environmental problems that could be addressed through the appropriate use of environmental taxes. For example, the Congressional Budget Office (CBO) provides revenue estimates for air pollution and water pollution tax options. In general, these problems, may fall into one of two classes. The first set of environmental targets are those pollutants that are already subject to some form of regulation at the federal, state or local level. For these environmental taxes might be viewed as substituting for current command and control regulatory strategies or supplementing those strategies and reinforcing the economic incentive to reduce pollution. The size of the tax and it revenue potential are, of course, a function of which view is adopted. A second class of environmental target might be those pollutants for which no regulatory program is in place. The CBO analysis of a carbon tax option to limit CO_2 emissions is an example of the latter.

Environmental taxes addressing either type of pollution situation can provide important economic benefits. In addition, they share important common issues in their design and implementation that bear on the range of economic outcomes with which they may be associated. The remainder of this testimony highlights some of those issues and provides illustrations in terms of a carbon tax. Taxing carbon as a means of reducing the risks of global warming offers a special opportuntiy for a "cleaner" application of environmental taxes in that it is not currently regulated. On the other hand, it also raises most of the economic issues relevant to other environmental taxes.

The U.S. would not be the first country to consider a carbon tax. Carbon taxes are being explored by several other countries as a way of reducing CO_2 emissions and raise revenues. In fact, the Netherlands and Finland have carbon taxes in place. While the tax rate being employed so far are relatively

Footnotes at end of article.

small, they are in addition to already fairly high energy taxes. For example, the Netherlands carbon tax is designed to raise around $75 million with coal being taxed at $1.30 per ton and gasoline at roughly 13 cents per 100 liter. The carbon charge in Finland is set at $5 per ton of carbon.

The case for a carbon tax

The combustion of fossil fuel to power our homes, businesses, cars, and trucks results in the discharge of a wide array of pollutants into our environment. While several of the pollutants from the burning of fossil fuels are regulated by federal, state and local governments (most notably, SO_2, volatile organic compounds, participate and NO_x), one major pollutant, carbon dioxide (CO_2) remains unconstrained. Carbon dioxide may offer an unique and important basis for an environmntal tax.

CO_2 is not a conventional pollutant in the sense of being associated with immediate effects on health and the environment. It is, however, a greenhouse gas and one of the major contributors to the risk of accelerated global warming. While many would argue over the timing and degree of risk posed by global warming, there is an apparent consensus in the scientific community that a global temperature rise of 1.5-4.5 degrees Fahrenheit is likely to be associated with a doubling of the global atmospheric concentration of CO_2. An effective doubling of CO_2 could occur as early as 2030. The potential economic, social and environmental disruptions associated with global warming on this scale are also uncertain but may include:

Rapidly changing climate patterns rather than the relatively stable climates of the past millenia;

New and changing water resource regimes;

More vulnerable and uncertain agricultural production systems;

Smaller and less numerous ecosystems;

Rising sea levels; and

Increased risk of large scale environmental losses from positive feedback effects.

A tax levied on fossil fuels in relation to their carbon content (and thus contribution to CO_2 emissions) is one mechanism for reducing CO_2 emissions. A "carbon tax" would change the prices of fossil fuels (natural gas, coal and oil) relative to each other and to other sources of energy. While a "carbon tax" would have significant revenue raising potential, the economic rationale for the tax would be to ensure that prices of fossil fuels reflect the economic and environmental risks associated with combustion. Thus, a carbon tax should be viewed first and foremost as a tool for redressing an existing market failure—that current energy prices do not fully account for the social costs of energy consumption.

The Congressional Budget Office, in its analysis of options for reducing the deficit, has outlined some of the basic design characteristics of a carbon tax that might be considered.[2] The tax should be levied on fossil fuels as they enter the economy at the mine, dock and wellhead. This ensures that the tax base is relatively broad, and will capture virtually all sectors of the economy that consume fossil fuels. It also removes the need to decide in advance which sources of CO_2 should be controlled and at what level. The price signals resulting from the tax will make those determinations so that the reductions are achieved the cheapest way possible.

The "right" level of environmental taxes

The level at which environmental taxes should be set is relatively straight forward. Ideally, one would estimate the expected value of future risks associated with the discharge into the environment of an additional unit of pollution. For most pollutants, however, including CO_2, this information is not yet available and reliable. Without quantitative information, for example, on the benefits of reduced global warming risks, it is difficult to estimate with precision the degree to which fossil fuel prices are currently understated. The tax rates used by CBO to evaluate a carbon tax option, on the other hand, are based on estimated level necessary to level off or actually reduce CO_2 emissions over a 10 year period. CBO's "stabilization tax" rate is around $28 per ton of carbon and can be equated to a tax of $17 on a ton of coal, $3.60 on a barrel of oil and $0.45 per thousand cubic feet of natural gas. The potential emission reductions from this tax might be consistent with the announced White House position to "stabilize CO_2 emission as soon as possible." The carbon tax rate can always be raised or lowered as additional information concerning the benefits and costs of CO_2 emission reductions is developed.

The problem of having little formal data on the degree to which market prices diverge from social prices is not unique to greenhouse warming. The lack of similar information for most other current environmental problems complicates, but does not stop the development of programs to reduce those risks. Further, many types of excise taxes are rationalized, in part, as raising the price of certain goods to reflect the social costs associated with their consumption. Federal and state "sin" taxes (on alcohol or tobacco, for example) are rarely estimated, for example, on the basis of a formal accounting of the social costs and benefits of reducing the use of the taxed product.

The economic benefits of environmental taxes

Environmental taxes offer several distinct advantages over other tax strategies and other methods for addressing environmental risks. A hypothetical carbon tax illustrates the range of these benefits. Although a full economic analysis of carbon taxes has not yet been completed or published, the CBO discussion of alternative tax options and past analyses of various energy taxes offers some insights to comparative benefits of a carbon tax as a revenue source and a greenhouse warming policy response.

Revenues.—Unlike other regulatory-based measures to reduce CO_2 emissions (or other pollutants), a carbon tax would raise significant revenues. According to CBO, a CO_2 stabilization tax might generate around $163 billion over a five year period. These revenues could play key roles, for example, in reducing the federal budget deficit, in reducing any distribution burdens imposed by a carbon tax, or providing the funds to sponsor research and development on technologies affecting the demand and supply for energy. While the process by which any carbon tax revenues are allocated should not necessarily be different than for other federal revenues, the existence of revenue potential does offer important economic policy opportunities. This is particularly true if carbon taxes are viewed as just one part of a larger effort to rationalize domestic energy use and minimize economic and social disruptions.

Cost-Effective Emission Reductions.—The market for fossil fuels and fossil fuel energy sources cuts across virtually every economic sector of the U.S. economy. Each of the various uses of fossil fuels offers different opportunities for reducing the amount or type of fossil fuels utilized. Each of the opportunities is likely to have different control costs. It would be nearly impossible to select the cheapest or most cost-effective set of regulations or control requirements from the hundreds or thousands of opportunities for conserving energy or switching fuels. A carbon tax would automatically bring out many of the least expensive CO_2 reduction options as the tax is passed on through the markets for fossil fuel products.

While there is strong presumptive evidence that a carbon tax would lead to cost-effective emission reductions, several characteristics of domestic energy markets may still limit the range of economic responses. For example, state and local electric utility regulation constraints may restrict the ability of prices to guide conservation or efficiency investments even at higher energy price levels. No market is perfect, and the full range of CO_2 emission reductions from a carbon tax may require other regulatory and institutional reforms. Any other set of emission control requirements is likely, however, to cost the economy more to achieve the same level of control than a carbon tax.

A carbon tax is likely to reduce other pollutants associated with fossil fuel consumption. Unlike CO_2, however, SO_x and NO_x emissions are more a function of the type, for example, of coal used and the method by which the coal is transformed into energy. (The same amount of CO_2 is emitted from burning a ton of coal no matter how it is burned.) Therefore, it is not necessarily the case that the resulting non-CO_2 emission reduction would also be cost-effective. Different environmental taxing strategies would probably make more sense if SO_x emissions were the primary pollution concern. Nevertheless, a carbon tax will reduce the use of coal to produce energy and, thereby lower emissions of many other pollutants.

Efficiency Gains from a Carbon Tax.—Unlike many other sources of federal revenue, a carbon tax would generate overall economic efficiency gains, regardless of how the revenues from the tax are used. Short-term macro economic costs will arise from a carbon tax (as they do with most tax strategies as discussed more fully below), but the ultimate rearrangement of resources in the economy following the imposition of a properly design carbon tax should leave the economy better off. This reasoning follows from the logic of a carbon tax—that is, to correct existing prices for energy to reflect the social costs of fossil fuel combustion, primarily CO_2 emissions. If the tax has been set at the right level, the resulting new prices should lead to a better allocation of economic resources in the long term.

Relationship to Other Policy Options.—There appears to be almost unanimous agreement that greater investments in energy efficiency and conservation and research in alternative energy supplies are key components of any domestic strategy to reduce CO_2 emissions. In fact, these two areas are the central pieces of the President's current policy recommendations concerning the risk of global warming (along with increased scientific research). Higher energy prices, reflecting their true social costs, would work in tandem with these other programs. The success of investments in energy technologies depends, in large part, on the existence of an economic incentive for households and industrial consumers of energy to use the fruits of the research. Energy consumers could be forced to apply conservation and efficiency measures,

but prices offer a much more effective mechanism for encouraging the right kind of efficiency at the right time and right place. In addition, higher energy prices would provide a continuing incentive for the private sector to develop alternative energy use and production techniques to supplement (or even eventually displace) public sector efforts.

Macroeconomic consequences of environmental taxes

No matter how badly the market has priced domestic output in terms of environmental costs, the fact remains the U.S. economy has arranged itself around these prices. Production, employment and energy consumption patterns have developed that are dependent on status quo of relative prices not inclusive of social costs. Thus, attempts to reorganize prices by an environmental tax will rearrange current economic patterns and may result in measurable economic losses even taking into account the possibility of some winners as well as losers. In the case of a carbon tax, those industries or energy users most dependent on fossil fuels, least able to switch to alternative energy sources, least able to produce lower energy product lines, or least able to reduce their overall use of energy will be hardest hurt. By definition, however, these losses should be viewed as transitory not permanent if the change in the price of energy is no more than the benefits associated with reduced fossil fuel energy consumption.

Short-term Macroeconomic Impacts.—Virtually, every marcoeconomic analysis of energy or environmental taxes report lower levels of GNP and higher prices levels than would be the case without the tax. As shown in an analysis conducted by Data Resources Inc., this result is also true of virtually any tax strategy for reducing the federal budget deficit including increased income taxes or a broad-based consumption tax.[3] These analyses assume, however, that no other benefits from a tax are forthcoming.[4] While this may be true for certain types of taxes, it cannot be the case for an environmental tax. A tax on tobacco, justified in part on the social costs of smoking, would be shown using these models to have a negative effect on the economy. There is a problem in the logic. Economists argue that we have too much pollution because we fail to price properly the use of the environment. Yet, when we do price it right, the economy is forever worse off.[5]

The major source of confusion is not from the logic but within the models themselves. None of the most quoted analyses or macroeconomic models include or capture the benefits from tax strategies that correct market failures as well as raise revenues. The realization that domestic national income accounts include only a fraction of the benefits from environmental pollution control is hardly new. Further, virtually all economic studies relating environmental regulation to economic productivity losses ignore the benefit side of the equation.[6] It is essentially assured that any economic analysis of an environmental tax will show economic losses.[7]

The problem is fundamental to how society values economic and environmental goods. GNP is an imperfect way to measure social welfare unless gross national output can be defined and estimated to include the value of reductions in environmental risks.

Nevertheless, short-term transitions are likely to occur under any new tax policy. These costs for environmental taxes will be a function of the size of the tax, the time period over which the tax is put in place, structural rigidities in the economy, and how the tax revenues are used. In the case of a carbon tax the current macroeconomic models portrays the flexibility of the economy by assumptions concerning the responsiveness of the demand for energy as a whole and fossil-fuel energy specifically to price changes, and the responsiveness of supply of energy to price changes. Econometric models rely on past trends as predictions of the future. These models may overstate the transition costs if they underestimate the ability or incentive for consumers and producers to adopt energy-reducing responses.

For example, if new opportunities for conservation or energy efficiency to reduce energy demand become (or are) available, short-term transition costs associated with a carbon tax might be significantly lower. The possibility of this latter point being true has attracted the attention of energy efficiency enthusiasts and others. Some have argued that energy conservation can be costless and result in CO_2 emission reductions at a zero or even a negative cost.[8]

If the transition costs of an environmental tax are judged to be too high, the timing of the tax could be modified. A carbon tax that is phased in over a period of several years would reduce the interim economic impacts by providing more time for producers and consumers to respond to the price changes. While a phased tax will not achieve the same emission reductions, at least in the same time frame, it would put the economy on a long term transition path to reduced pollution. In addition, some of the macroeconomic consequences could be reduced by rebating the revenues by reducing other tax burdens.

International Competitiveness.—Raising relative domestic product prices through an environmental tax will have differential industry impacts. Without formal economic modelling it is hard to identify which sectors of the economy would be most affected. In the case of a carbon tax, those industries that are less energy intensive or best able to substitute inputs or outputs to minimize energy costs will be hurt less than other industries. It is likely, however, that overall the cost of domestic products will rise, in the short-run, relative to our international competition. This is true regardless of the fact that energy prices in Europe and Japan, for example, are already much higher than U.S. prices.

The ultimate impact of an environmental tax on the domestic trade balance would depend, in the case of a carbon tax, on whether the tax was used to help reduce the federal budget deficit, the degree to which oil imports are lowered and the new mix of outputs as the domestic economy responds to higher energy prices. Nevertheless, it may be important from a trade perspective to consider federal policies (tax or otherwise) that would help minimize any detrimental trade effects by lowering the costs of other factors in production. For example, increased investment tax credits for research and development on energy saving technologies, revised treatment of capital gains or reductions in the double taxation of corporate profits might offset some of the increased energy prices.[9]

Distributional consequences of an environmental tax

While a properly designed environmental tax would result in improved economic efficiency, it would also redistribute domestic incomes. Again, a full accounting of who wins and who loses under a new price regime requires formal economic modelling. For a carbon tax, though, it can be presumed that concern might be focused on at least three key potential distributional impacts. First, to the extent that a carbon tax would fall relatively hardest on the use of coal, wealth and jobs in the coal mining and production sectors will fall. Thus, any strategy to redirect energy prices, on the basis of CO_2 or some other pollutant, will have to also address the need to adopt transition policies for the coal mining population. Some programs to assist in the downsizing of the coal mining sector, at least in some regions of the country, are presumably already in place and might provide guidance in the development of a larger scale effort.

The second sector differentially affected by a carbon tax may be lower income households. Any tax on consumption, be that product specific or a broad-based consumption tax is likely to be regressive. That is, that lower income households would pay more under such a tax as a percentage of income than higher income classes. Analyses by CBO and others argue, however, that an energy tax may actually be proportional if tax payments are compared to expenditures rather than income or if the comparison uses income over a lifetime rather than in one year.[10] While the degree of inequity associated with a carbon tax may be subject to some analytical uncertainty, various policies might be considered as part of a energy tax package to help offset any effect. Income tax credits for energy payments made by lower income classes may be one possibility. Another option with much broader implications would be to offset some portion of carbon tax receipts by lowering another regressive tax. The current payroll tax that finances social security programs is an obvious prospect.

Finally, a carbon tax is likely to have very different regional impacts. Electricity consumers in states that rely heavily on coal-fired power plants will pay a greater portion of the tax than consumers serviced by nuclear or hydropower. Further, the wealth of regions of the country that contain greater concentrations of energy intensive industries may suffer relative to other regions.

CONCLUSIONS

Most taxes have the potential to distort economic choices. Environmental taxes are quite different. As long as care is given to setting the right tax level, taxes based on environmental degradation offer the potential of redirecting our economy to a more efficient allocation of resources as well as generating significant revenues. It makes little sense to raise the cost of good things in the economy while other components of the domestic economy remain underpriced. While it would be misleading to understate the implementation issues surrounding various environmental taxes or their distributional implication, the huge benefits from a more rational tax system puts a high value on finding the right solutions to these potential problems.

FOOTNOTES

[1] This and following estimates predate the 1986 tax reform act and hence probably overstate current excess burdens, particularly those of the personal income tax.

[2] Congressional Budget Office, *Reducing the Deficit: Spending and Revenue Options*, U.S. Government Printing Office, Washington, D.C., February 1990.

[3] Caton, Christopher N., "Fixing the Deficit: What is the Best Way?", Presented at PIRNIC Oil Policy Seminar, Washington, D.C., March, 1989.

[4] Very quick reductions in the deficit could translate into short-term losses in GNP as the economy adjusts (depending on domestic monetary policy). Over the long run, however, lower domestic interest rates should stimulate domestic investment and economic growth.

[5] For a more detailed discussion of these issues as they relate to a gasoline tax, see: French, Mark, "Efficiency and Equity of a Gasoline Tax Increase," Federal Reserve Board, Washington, D.C., July 1988.

[6] This omission is most explicitly noted in, Barbera, A.J. and V.D. McConnell, "The Impact of Environmental Regulations on Industry Productivity: direct and Indirect Effects," *Journal of Environmental Economics and Management*, Vol. 18, No. 1, (1990), pp 50-65.

[7] There is a more subtle issue involving the establishment of a baseline for comparing costs and benefits. For example, in a recent analysis of the costs to electric utilities of climate change estimated that this industry might have to spend up to $100 billion over the next twenty years to meet peak load demands. (DRI/McGraw-Hill, *Energy Review*, Lexington, MA, August, 1989). Should this figure be included in current baseline GNP, or is it part of the benefits of reducing global warming risks?

[8] It is impossible at this point to test the hypothesis that enough energy conservation and efficiency is available at very low costs to negate the short-term macroeconomic impacts of a carbon charge. An economic supply curve for energy efficiency (that relates the price of energy efficiency investments with the quantity energy efficiency in various consumer and producer sectors) on an aggregate national level needs to be developed and incorporated into the econometric macroeconomic models.

[9] A recent report by the Office of Technology Assessment identifies several federal policy options that could help reduce the cost of capital to U.S. firms and thus improve their competitive positioning. Office of Technology Assessment, *Making Things Better—Competing in Manufacturing*, U.S. Congress, Washington, D.C., 1990.

[10] See, for example, Congressional Budget Office, *The Budgetary and Economic Effects of Oil Taxes*, U.S. Government Printing Office, Washington, D.C., April 1986.

TRIBUTE TO SHERIFF WILLIAM H. HACKEL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a remarkable individual, Sheriff William H. Hackel. Sheriff Hackel's efforts to make Macomb County a better place to live are unparalleled. Since the beginning of his law enforcement career in 1964 with the Macomb County Sheriff Department, Mr. Hackel has dedicated more than just his time and energy to our community, he has given his soul.

It is a privilege for me to speak highly of a man I personally know and truly respect. His contributions to his profession and his community are so numerous it would be impossible to adequately record. I believe he has met and exceeded the high personal standards he has set for himself. As an elected official, he strives to act in the best interested of all citizens, a goal I believe he has achieved.

Sheriff Hackel has assumed leadership roles in at least 10 National, State, and local professional criminal justice organizations. He has served as president and vice president of the Michigan Sheriff's Association. He is a member of the National Sheriff's Association and the International Association of Chiefs of Police. He also sits on the Traffic Association of Macomb County's Board of Directors.

Sheriff Hackel was appointed by Gov. James J. Blanchard to serve on the Michigan Law Enforcement Officer's Training Council, which sets police training standards for all Michigan police officers. His most recent appointment by Governor Blanchard (May 1989) is to the board of directors of Partners Against Crime, a "war council" of local, State, and Federal law enforcement officials organized to share ideas for crime control and prevention. Locally, Sheriff Hackel is board of directors chairperson for the County of Macomb (Drug) Enforcement Team [COMET] and project director of the Macomb Auto Theft Squad [MATS] founded in 1987 by a grant application through the Automobile Theft Prevention Authority.

As a lifelong resident of Macomb County Sheriff Hackel has made a conscious effort to put more back into the community than he receives. Sheriff Hackel secured a loan from the State of Michigan to build a new county jail. The innovative financing he arranged for this project won him the National Association of Counties Award.

This project is one of many Sheriff Hackel has undertaken during his tenure with the Sheriff's department. He coordinated a secondary Road Patrol Program enabling the return of $3,000,000 to county taxpayers. His Crime Prevention Program won another National Association of Counties Award, as did his Prisoner Reimbursement Program which annually returns $250,000 to taxpayers.

Sheriff Hackel's undying altruism is reflected in not only these activities, but in his nonprofessional activities as well. His active selling of Goodfellow's newspapers and participation in various activities, such as the March of Dimes Walk America Program, Vietnam veterans programs and Easter Seal telethons, show his true dedication to his community.

Sheriff Hackel serves on the board of directors for Catholic Services of Macomb County, the American Cancer Society and the Macomb County YMCA. He helped the Lions Club of Mount Clemens acquire porta-printers for the speech and hearing impaired. He has also participated in the Clinton River cleanup and distributes bulk food for the impoverished.

With all this commitment and voluntarism it is easy to see why Sheriff Hackel was honored as the Citizen of the Year in 1987. It is also easy to see, Mr. Speaker, why his contributions to his profession and his community are so widely recognized. His commitment to his profession and to his community is undying. We here in Macomb County will never forget the tremendous dedication and commitment Sheriff Hackel exemplifies. His living legacy will long endure in the hearts and minds of those he has served.

THE MODERN EXODUS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. SOLARZ. Mr. Speaker, each year as the festival of Passover approaches, I rise in this Chamber to speak to the triumphs and travails of the Jewish people. This year, the holiday arrives at a pivotal moment, when the cycle of Jewish history has turned and the story of Passover is being re-created on the modern stage.

Three thousand years ago, Moses demanded of Pharaoh to "let my people go," and the children of Israel were finally released from the torment of their slavery in Egypt and began their journey to the promised land.

The story of this exodus will be retold as we sit down to our Seder tables on the evenings of April 9 and April 10. Together with our children and our grandchildren, we will recite the Hebrew phrase, "Z'man Cherutenu," which means "the time of our freedom." And this year, I think it is particularly appropriate for us to reflect on the fight for freedom that is being waged by our brethren in the Soviet Union. These are the modern day Israelites who are throwing off the yoke of oppression and discrimination and are taking part in a miraculous exodus from the Soviet Union.

It seems almost impossible to believe that only 3 years ago I stood on this floor and told my colleagues that the Soviet Jewish emigration rate had reached a horrendous low point. Only 914 Jews were allowed to leave Russia in 1986. Hundreds of thousands languished in a land which they could not leave and in which they could not practice the tenets of their faith.

But in a matter of a few dozen months the cycle of history turned. The voices of the dedicated Soviet Jewry activists in this country were finally listened to in Moscow. From Brooklyn, NY, to Brookline, MA, to Boise, ID, the steady cries of "let my people go" could no longer be ignored by the Soviet Government. And as Mr. Gorbachev's reforms took hold and the iciness of the cold war began to melt, Soviet Jewish emigration increased. In the last 15 months, as the winds of democracy blew like a hurricane throughout Eastern Europe, over 80,000 Jews have been allowed to taste the sweetness of freedom in the West.

But while we rejoice in this exodus, now is not the time for us to be complacent. Just as Pharaoh kept changing his mind, and ultimately unleashed his army to track down the Israelites in the desert, the ugly specter of a virulent strain of anti-Semitism has surfaced in the Soviet Union. In particular, the rabidly Jew-hating organization Pamyat is a growing menance. There are those who say that we should not worry about anti-Semitism in the Soviet Union. I disagree. As I speak, there are even rumors sweeping through the Soviet Union that a program will take place just a few weeks after Passover.

Mr. Speaker, it is incumbent upon us in the Congress to do all that we can to ensure that this modern reincarnation of the exodus story continues. While we congratulate Mr. Gorbachev on the progress of his reforms, we must tell him in no uncertain terms that we expect him to control the anti-Semitism which has become the dark underside of glasnost and perestroika. In an effort to resettle as many Soviet Jews as possible, we need to provide assistance to Israel, the nation in which most of them will begin their new lives. I urge my colleagues to support the $400 million hous-

ing loan guaranty proposal for Israel that is currently before us.

We must also prevent the gates of our own country from slamming shut on Soviet refugees. We need to closely examine the possibility of increasing our refugee quota, and we must develop creative proposals to allow more victims of persecution to reach our shores. For my part, I have introduced H.R. 3726, which would set up a federally guaranteed loan program for able-bodied working age refugees, a program that could allow thousands of additional Soviet Jews into our country without impacting the Federal budget.

Mr. Speaker, as we celebrate "Z'man Cherutenu," we must not forget that our brethren in the Soviet Union are not the only beleaguered Jewish community yearning to live in freedom and dignity. As we sit down with our family and friends to conduct the Seders, we must rededicate ourselves to improving the plight of the Syrian Jews who still face violence, persecution, and family separation. We must also remember the Jews of Ethiopia who are threatened by the ravages of famine and war.

And finally, as we celebrate Passover, the festival of freedom, I think each and every one of us should take a moment to rejoice in the freedom that we are privileged to enjoy.

IN CELEBRATION OF OUR IRISH-AMERICAN HERITAGE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. DOWNEY. Mr. Speaker, I rise today to salute all Irish-Americans and their significant impact on American political and cultural life. We are reminded of these contributions every St. Patrick's Day when Irish pride is at its height. However, Irish-Americans should remain proud throughout the year as they have played an integral role in American history.

From the beginning, Irish-Americans were active in shaping the fledgling America. This group fought as soldiers in the American Revolution and even provided a signer for the Declaration of Independence. Unfortunately, subsequent immigrants were not incorporated as easily into American society. Later agricultural workers were poorly prepared for the urban and industrial existence emerging in America. Yet Irish-Americans eventually overcame these significant barriers, including extreme prejudice, to assimilate into their new country. The Irish struggle for acceptance paved a smoother path for other ethnic groups who would follow.

Strengthened by the support of neighborhood, community and religious networks, Irish-Americans quickly made their mark on American politics. Capitalizing on strong political skills, these citizens assumed many State and local government positions. Irish-Americans also had an impact on the highest level of national politics, beginning with the 1928 Presidential nomination of Al Smith and culminating with the election of President John F. Kennedy in 1960. Talented Irish descendants continue to influence the American political scene and carry on the tradition of their forefathers.

Irish-Americans also contributed greatly to the wealth of American cultural works. F. Scott Fitzgerald, John O'Hara, and James T. Farrell were some of the noteworthy novelists who influenced American literature. In addition, the playwrights Eugene O'Neill and Philip Barry drew from their own experiences to write successful plays. Mr. O'Neill brought honor to himself and the United States by being the only American dramatist to win the Nobel Prize.

These highlights are just a few of the numerous examples of how Irish-Americans enriched American life. I am sure my colleagues join me in recognizing the important contributions of Irish-Americans throughout this country's history.

MARKSMEN FOR THE ARMY—NOT THE NRA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. EDWARDS of California. Mr. Speaker, for decades now, the Army has maintained and operated the Division of Civilian Marksmanship [DCM]. Its declared mission is to bring skilled marksmen into the military. But it would appear that DCM has become a recruiting tool for the National Rifle Association [NRA].

In a thought-provoking article appearing in the Washington Post on March 7, our colleague from California, PETE STARK, notes that the Army needs to reexamine the purpose and function of the DCM. As our colleagues points out, if there is justification for continuation of the DCM, its mission must be refocused on the recruiting of skilled marksmen into the military, not on getting those skilled marksmen to join the NRA.

I would like to insert Mr. STARK's article in the RECORD, and I commend this article to the attention of my colleagues:

MARKSMEN FOR THE ARMY—NOT THE NRA

When President Bush unveiled his $1.2 trillion annual budget to Congress, buried deep in the 700-page document was a short, two-paragraph description of a little-known Army program known as the Division of Civilian Marksmanship.

For decades, the Army has maintained and operated the DCM, with more than 2,000 DCM-affiliated rifle and pistol clubs, and more than 200,000 members, operating in every state.

The DCM's mission is to bring skilled marksmen into the military branches. The trouble is, last year only about 200 marksmen were recruited to join the military as a result of the DCM. At roughly $23,000 per recruit, the House Armed Services Committee terms this "a very expensive recruiting tool."

Still, by mere "coincidence" (the Army's term), every DCM-affiliated rifle and pistol club is also an affiliated club of the National Rifle Association.

Yes, that's right, the NRA. The same NRA whose rifle and pistol clubs receive 35 million rounds of free ammunition each year to the tune of almost $1 million per year, Join the NRA and get your free NATO surplus 7.62mm ammo. And don't forget the free access to hundreds of military installations.

But it's also the same NRA that seeks to overturn President Bush's import ban on 43 types of semiautomatic assault rifles, including the AK-47 and the Uzi rifle, calling the ban "both bizarre and blatantly unconstitutional." The same NRA that also says to its members that repealing the machine gun ban is a "high priority."

Every summer, the Army virtually turns over a base in northern Ohio, Camp Perry, to the NRA in the name of that group's firearms competitions for about 2,500 NRA members.

Somehow, though, the Army reports that most of these NRA shooters are past the age where the military can use their skills in a time of national need. So much for the "recruiting skilled marksmen" mission.

The Army maintains a year-round crew of three dozen federal employees in Washington and at Camp Perry whose only mission is to please the NRA. The total cost to the government just to operate Camp Perry? About $2.5 million each year, which works out to $1,000 per NRA participant.

Reading the NRA's monthly magazine, American Rifleman, leads one to believe that the Army's Camp Perry is virtually owned and operated by the NRA. In fact, the DCM's Army director also writes an NRA magazine column, referring to NRA members as "you, our clients."

This all raises some interesting questions.

Does the Army support the NRA's full-blown legal and lobbying efforts to overturn the president's import ban on 700,000 semiautomatic assault rifles?

Or does the Army approve of the NRA's lobbying efforts in support of U.S. manufacture and over-the-counter sales of the 12-round shotgun known as the "Street Sweeper" (the print ads for which proclaim "There's a Disease Out There and We've Got the Cure")? The Street Sweeper is a U.S.-made version of the South African Striker 12, the riot gun banned for import in 1986 by the Reagan administration.

And why is the DCM's 200,000-person mailing list shared with the direct-mail mill of the NRA? This list is worth millions to the NRA in campaign contributions, not to mention the immeasurable value of the countless letters, postcards and phone calls to legislators resulting from any regular NRA "Expedited Alert" direct mail letters. Does the Army realize the power of this list in the hands of NRA lobbyists, whose aim is to exploit the fears of passionate gun advocates who oppose any firearms law, including the Bush administration's assault rifle import ban?

Finally, is the Army's DCM function justified, given that peace is breaking out all over the world? Fortunately, the problems with the operations of the DCM are currently subject to a General Accounting Office analysis and upcoming House Armed Service Committee hearings. Clearly, the Army needs to refocus the DCM's mission to recruiting skilled marksmen into the military. The Army's DCM should not serve as a blatant recruiting and publicity tool for the NRA.

TRIBUTE TO JUDGE THOMAS M. JENKINS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the House of Representatives to join me in paying tribute to Judge Thomas M. Jenkins, who will retire from the superior court bench after 14 years of exemplary service.

Judge Jenkins was appointed to the court in 1976 by Governor Brown, and then was elected in 1978 and reelected in 1984 by the people of San Mateo County. His record of public and private achievement is most noteworthy.

Born March 7, 1921, in Benton, IL, Judge Jenkins received his law degree from Hastings College of Law 1949—after a tour of duty with the U.S. Army during the Second World War. To our good fortune in San Mateo County, he settled on the peninsula and established himself as a leader in our community.

Judge Jenkins has served on the boards of health care institutions and associations, as will as with many community service organizations. He has given much of his time to groups from the American Hospital Association to the Camp Fire Girls. Some would call him a very bright "point of light."

Judge Jenkins' philanthropic activities are matched only by his prominence in the legal community. A 1982 recipient of the "Bernard S. Jefferson Judicial Education Award," he has served with the California Bar Association's Board of Governors and as the association's vice president.

Mr. Speaker, I am delighted to pay tribute to Judge Jenkins on the occasion of his retirement. The people of San Mateo County are truly fortunate to have been served by such an outstanding jurist.

THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. DAVIS. Mr. Speaker, today I join my colleague, Congressman NOWAK of New York, in the introduction of legislation entitled the "Great Lakes Fish and Wildlife Restoration Act of 1990."

The primary purpose of this bill will be to carry out a comprehensive study of the status, and the assessment, management, and restoration needs of, the fishery resources of the Great Lakes. The legislation also calls for activities to implement the recommendations resulting from the study and to provide assistance to States, tribes, and others who are involved with the cooperative conservation, restoration, and management of the fish and wildlife resources of the Great Lakes basin.

Mr. Speaker, the fishery resources in the Great Lakes have undergone dramatic changes in the past 50 years and continue to be impacted by a variety of activities. The adverse effects of human activities have been especially severe on several important fishery resources such as lake trout. By the mid-1950's, the combined effects of habitat degradation, pollution, overfishing, and the introduction of undesirable nonindigenous species such as sea lamprey, have devastated this highly popular and valuable fishery which to this day has not fully recovered.

As the human population of the Great Lakes basin has expanded to over 35 million people, great demands have been placed on the lakes for use by boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands will continue to exert pressure on the fish and wildlife resources and their habitats in the Great Lakes basin. These pressures include contaminates, invasion by nonindigenous species such as the most recently discovered zebra mussel, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5 million people annually and commercial fisheries provide approximately 9,000 jobs. Together these fisheries are worth more than $4 billion to the United States and Canada. Expenditures generated by these fisheries also make a significant contribution to the health of local and regional economies.

The U.S. Fish and Wildlife Service has long been involved in efforts to manage and restore fish and wildlife populations of the Great Lakes, and in assessment of the impacts of contaminates, fishing, dredging, wetland losses, and other factors. Unfortunately, the Service has never had the resources needed to fully meet its responsibilities to address existing, new and emerging problems that threaten the Great Lakes.

Because of the national and international importance of the Great Lakes resources, I believe that the Service must aggressively assume an increased responsibility in the rehabilitation of the fish and wildlife resources of the Great Lakes ecosystem. The bill that Congressman NOWAK has introduced, of which I am a principal cosponsor, calls for this action, by providing the fiscal resources needed to carry out the activities called for in the legislation. This bill calls on the U.S. Fish and Wildlife Service to develop programs and activities for the Great Lakes that meet the following goals: First, to restore and maintain self-sustaining fishery resources; second, to minimize the impacts of contaminates on fish and wildlife resources; third, to protect maintain, and where degraded and destroyed, restore fish and wildlife habitats including enhancement and creation of wetlands resulting in a net gain in the amount of those habitats; fourth, to eliminate illegal activities adversely impacting fish and wildlife resources; fifth, to restore threatened and endangered species to viable, self-sustaining levels; and sixth, to restore populations of migratory birds.

The legislation calls for the Director of the Fish and Wildlife Service, in consultation with the Administrator of the U.S. Environmental Protection Agency, the Secretary of the Army through the U.S. Corps of Engineers, State directors, tribes, and the appropriate Canadian Government entities, to undertake a comprehensive study of the status and assessment, management, and restoration needs of, the fishery resources of the Great Lakes. This study and its accompanying report including among other information, the findings, conclusions, and recommendations shall be submitted by October 1, 1995. This report should provide valuable information and hard-hitting recommendations that will assist the Service in coordinating its restoration, management, and enhancement programs for the Great Lakes basin.

The legislation also establishes a centrally located facility for the coordination of all U.S. Fish and Wildlife Service activities in the Great Lakes basin. This office will be responsible for the intra- and interagency coordination, information distribution, and public awareness outreach programs. The legislation also authorizes the establishment of an office for the necessary administrative and technical support services for the implementation of fishery restoration enhancement projects in the lower Great Lakes to facilitate fishery restoration and enhancement activities relating to Lakes Erie and Ontario.

The authorization level of the bill provides $4 million to the Fish and Wildlife Service for the carrying out of the study, $4 million for the establishment and operation of the Great Lakes Coordination Office, and $2 million for the Lower Great Lakes Fisheries Assistance Office. There will also be authorized to be appropriated to the Administrator of EPA and the Corps of Engineers not more than $1.5 million annually. The length of authorization for this bill would be through fiscal year 1995.

Mr. Speaker, Congressman NOWAK and I feel that the Great Lakes Fish and Wildlife Restoration Act of 1990 puts forth a challenge to the U.S. Fish and Wildlife Service addressing the magnitude, complexity, and importance of the Great Lakes basin. We would hope that the Service displays the vision that is necessary in the development of Great Lakes programs to accomplish the goals for the eventual restoration of the Great Lakes.

AN UNDIVIDED JERUSALEM

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. McGRATH. Mr. Speaker, in light of the remarks made by President George Bush on March 3, I want to take this opportunity to express support for an undivided Jerusalem.

It has always been the Jewish belief that Jerusalem is an undivided city and the capital of Israel. By stating that no more Jews should "settle" in East Jerusalem, it seems the President has amended previous U.S. policy. There is no need for Jewish quotas in Jerusalem. This is one issue where Israel is united—the Jewish community is in clear harmony on one Jerusalem. For the administration to question this feeling is in bad judgment and does not express confidence in either the Labour or

Likud Party, both of whom support an undivided Jerusalem.

East Jerusalem is not a settlement, and should not be compared to the policies concerning the West Bank. It is our duty to promote peace in the Middle East and not waffle on an issue that is already held by all Jews. These are fragile times in Israel. It should not be our policy to undermine the peace effort by engaging in ill-timed rhetoric.

H.R. 2386

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. CRAIG. Mr. Speaker, today I submitted testimony to the Agriculture Subcommittee for Wheat, Soybeans, and Feed Grains expressing my concern about the possible enactment of H.R. 2386. This proposal would have a severe impact upon Idaho and Western agriculture.

According to the USDA, many farm families would experience large economic losses, crop production patterns would shift geographically and Western rural communities would suffer job losses. Should it be the policy of the Federal Government to disrupt the lives of farm families who have toiled for many years, in some cases for generations, in good faith reliance on Federal policies?

The sponsor of this legislation charges that farmers in other areas of the country are "put at a competitive disadvantage." What the sponsor fails to acknowledge is that many other regional differences affect the cost of production including availability of water, soil characteristics, growing season, climates and overall economic conditions. Some of these differences favor the West, and some do not. The current system cannot simply be characterized as a "double subsidy." It is far more complicated than that.

The sponsor fails to recognize that our current system has clearly worked. Family farms served by Bureau of Reclamation water are among the most productive in the world. Water districts and farmers throughout the West have not acted in bad faith and have attempted to carry out their contractual obligations to the best of their ability.

This Congress should be encouraging, not discouraging farm productivity. We need to give credit to the reclamation program which has transformed barren lands into productive farms. Although I am sure the sponsor of this legislation does not want to disrupt our farm economy, the effect of enactment would be to upset a system that's working.

Moreover, the biggest impact will fall upon those who can least afford it—small family farms. For years, Western farmers have depended upon a stable and economically priced supply of water. From this stability, we have all profited through high yield agricultural production with a minimal amount of price fluctuation.

Mr. Speaker, enacting H.R. 2386 would result in the disruptiion and destabilization of the small American farm. Water supply is the single most important factor affecting Western agriculture. We cannot afford to risk the disruptiion of our farm economy that this legislation would cause. Therefore, it is critical that Congress not support H.R. 2386 in its present form.

TRIBUTE TO CHARLES BONNER

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. LEHMAN of California. Mr. Speaker, on March 30, of this year the Fresno Philharmonic will honor the lifelong efforts of Charles Bonner.

Through the years Charles Bonner and his family have made many contributions to the growing cultural, social and economic needs of Fresno. The Bonner family's continuing interest in promoting the arts led them to form the Bonner Family Foundation, one of the few philanthropic foundations in the central valley.

The philharmonic's recognition is only fitting because Charles Bonner's association with the Fresno Philharmonic Orchestra has lasted nearly as long as the orchestra has existed. The orchestra was founded in late 1954; less than 3 years later he became its president, serving seven consecutive terms. He has also served on the board of directors and on the board of trustees every year since 1964.

Due in large part to the efforts of Charles Bonner and others the philharmonic grew in stature from community standing to a nationally recognized ensemble. In 1960 Mr. Bonner was elected to the board of directors of the American Symphony Orchestra League and in the midsixties, the league awarded "Metropolitan" status to the philharmonic, raising it to the middle rank of American orchestras.

In Charles Bonner's last year as president, he was given a special award by the American Symphony Orchestra League in recognition of the Fresno Philharmonic's efforts to further the careers of young artists.

Charles Bonner has been an important spokesman for the agriculture industry in Fresno County. His enlightened leadership has contributed greatly to agriculture's prominence in the valley.

It is only fitting that we pay tribute to this outstanding individual and member of the community. Charles Bonner has been a leader in cultural as well as business and economic development for our community. Today I join the Fresno Philharmonic in bestowing honor on Charles Bonner.

SURVIVAL IN A NEW WORLD

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. GINGRICH. Mr. Speaker, while everyone is discussing the diminished threat from the Soviet Union and Eastern Europe, I would like my colleagues to consider the new nuclear threat from the Third World and to think about our need to counter that threat. As a basis for this debate. I would recommend two articles which have appeared recently in the defense media. The first article, written by our colleague, BOB DORNAN, appeared in last week's issue of Defense News. BOB argues persuasively that the need for strategic defense is greater than ever, due to the increased proliferation of ballistic missile technology. The second article, written by Thomas Moore, appeared in this month's Defense Electronics. Contrary to popular belief, many SDI technologies are at hand—and at a reasonable price. I urge my colleagues to pay close attention to these facts as we begin this year's debate on the defense budget:

NUCLEAR THREAT NOT DIMINISHED: STRATEGIC DEFENSE CRITICAL AS MISSILE TECHNOLOGY SPREADS

(By Representative Robert Dornan)

Without strategic defense, America could well awaken one morning to find a burning, radioactive abyss where New York City once stood. With strategic defense, Americans can sleep soundly, secure in the knowledge they are protected from accidental, unauthorized or deliberate Third World ballistic missile attack. This is particularly true as more Third World nations acquire nuclear technology. It is also consistent with our arms control negotiations under way in Geneva.

Strategic defense complements deep reductions in nuclear weapons and will contribute to strategic stability. Any strategic arms agreement signed by the United States and Soviet Union likely will have their respective strategic land-based nuclear forces. Contrary to the conventional wisdom of the liberal arms control community, strategic defenses enhance strategic arms reduction talks, provide assurance against potential cheating and strengthen treaty compliance.

SDI also will serve as protection against accidental, unauthorized ballistic missile launch or deliberate ballistic missile terrorist attack against the United States or its allies. Indeed, if the trend of democratization in the Eastern Bloc continues, the threat of an East-West conflict will further decline. But there has been an unmistakable trend toward proliferation of nuclear and chemical weapons throughout the developing world. More disturbing is the codevelopment of medium- and short-range ballistic missiles by these nations. Once this technology is mastered, the next step would be long-range intercontinental ballistic missiles.

In recent months we have seen political and social unrest in the People's Republic of China, riots in the Soviet Union, the continuing internecine squabbling in the Middle East and assorted civil and military strife in other parts of the world. These crises illustrate the type of situation that might lead to an accidental, unauthorized or deliberate ballistic missile attack.

In communist China, for example, if civil war led to a breakdown of military control, it is conceivable that individual warlords could gain control of some or all of the Chinese nuclear forces. This scenario was considered as possible by the Congress and administration last summer.

William Webster, director of the Central Intelligence Agency, testified that as many as 20 developing nations will have ballistic missile launch capability within the next 10 years. As the nuclear club grows to include nations whose judgment and stability are sometimes questionable, such as Iran, Iraq, Syria and Libya, and as the so-called poor

man's A-Bomb (chemical and biological weapons) proliferates, the likelihood of the United States being threatened by a Third World country significantly increases.

If such attacks are directed against the Soviet Union, its populace already enjoys limited protection from ballistic missiles. Under the amended provisions of the dated 1972 Antiballistic Missile treaty, the Soviets have deployed their permitted 100 ABM launchers. The Moscow ABM network is a second generation upgraded system capable of defending the greater Moscow area.

The Soviet military also has developed thousands of dual-capable surface-to-air missiles (SAMs). These SAMs, while not effective against most land-based, long-range intercontinental ballistic missiles, do have the capability to track, acquire and attack short- and medium-range missiles, cruise missiles and some of the Navy's long-range submarine-launched ballistic missiles.

The Soviet Union has tested and is ready to deploy transportable ABM tactical radars. (While mobile radars are specifically banned by the ABM treaty, there is no mention of transportable radars. Mobile radars can be moved in a matter of hours; transportable radars can take up to several days to relocate. The nuance is a matter of diplomatic semantics. If the United States were to attempt to develop, much less deploy, such radars, the liberal arms control community would accuse the administration of flagrantly violating the spirit if not the letter of the treaty. However, since it is the Soviet Union, and since this action is not specifically proscribed by treaty, it appears to be a defensible action by the American arms control community.)

These radars, if deployed in significant numbers, could do the work of a larger, phased-array radar and could well serve the function of the Krasnoyarsk radar which Soviet leader Mikhail Gorbachev has promised to raze. This network of radars and ABM-SAM interceptors provides the Soviets with an extensive, albeit limited, nationwide ABM system and is a clear circumvention of the intent of the ABM treaty.

The days of immoral reliance on mutual assured destruction, aptly referred to as MAD, are gone. This doctrine is premised on the concept of keeping the civilian populations of both the United States and the Soviet Union hostage to the threat of nuclear annihilation. Former Defense Secretary Robert McNamara foisted this doctrine on the U.S. military in the late 1960s and foreswore deployment of missile defenses. His only worry was the rationality of the Soviet and Chinese leadership—a rationality that offensive stalemate would assuage a crisis before it reached the nuclear threshold. Two decades later the spread of ballistic missile and other weapon technology to Third World nations has changed that situation.

The superpowers can no longer broker a deal among themselves. Instead of only a few leaders with nuclear guns pointed at each other's heads, in the next 10 years there may be as many as 20 leaders pointing nuclear or chemical guns at one another. Rationalism within this diverse group cannot be presumed. The knowledge of assured retaliation did not prevent Iran and Iraq from unleashing chemical weapons and long-range cruise missiles on one another's civilian populations.

Developments in U.S. strategic defense hold the promise of delivering the American people from this emerging threat. In six years the Strategic Defense Initiative Organization conducted more than 375 major tests and experiments. These tests have shown that ground- and space-based nonnuclear laser and kinetic energy weapons have the potential to destroy ballistic missiles and their re-entry vehicles in flight.

Remarkable results in the miniaturization of sensors, guidance systems, kinetic kill mechanisms, propulsion engines and in computer processors have been achieved. The smaller units are more powerful and less expensive than ever imagined.

A rapid deployment of these defense technologies not only will protect Americans from accidental or deliberate launches, but also will discourage other nations from even acquiring missiles. Developing nations are not likely to invest large sums in deploying ballistic missiles if they know that their missiles will be easily negated by a U.S. or allied defense system.

Strategic defense against ballistic missiles can be a reality. However, the program cannot survive another year of major budget cuts. Either defending America from the emerging threat of multinational missile proliferation will become a national priority, and be fully funded, or it will wither on the vine and die, diminishing our national security.

SDI: Prospects for the 1990's

(By Thomas Moore)

When President George Bush took office last year, many critics of the Strategic Defense Initiative (SDI) predicted that the new President would quickly distance himself from his predecessor's "Star Wars" program, in their view an unworkable, costly boondoggle that would lead to a spiraling of the nuclear arms race and a "militarization of outer space."

But the new President indicated that he would stay the course with SDI, as he had promised during his election campaign. In his fiscal 1990 budget request to Congress—the first budget submitted by his administration—the President requested $4.6 billion in funds, enough to sustain SDI's technical progress and schedule designed for a deployment decision in the early 1990s. The final approved total was $3.8 billion.

For fiscal 1991, the President has requested $307 billion in total defense budget authority, and has proposed significant cuts in conventional forces, while planning to spend more on strategic systems. In the fiscal 1991 defense budget President Bush has again asked for $4.6 billion for SDI, the same as the 1990 request.

The Bush administration has committed itself to continue the SDI program as currently structured, with a "balance" between two tracks. One track is research and development of near-term options and mature technologies. The second track is research in long-term or follow-on technologies the focus is on a Phase I missile defense architecture, with both ground and space components, which could conceivably be operational by the year 2000. Lt. Gen. George Monahan, Director of Strategic Defense Initiative Organization (SDIO), has said that ". . . we could deploy a system, with both ground-based and space-based components, before the turn of the century. That's indeed very, very possible."

In the long term, the SDIO is looking at directed energy weapons (DEW) such as lasers or particle beams. These technologies are designed to meet a more robust ballistic missile threat or countermeasures against Phase I in the future.

But with funding levels tapering off, some fear SDIO simply will not be able to continue to pursue both tracks at the same pace as in the past. Under a tighter budget, either the entire program schedule will have to slip, or one track will have to be elevated over the other. So far most of the money and research has been invested in Phase 1 development and the most promising result of that research is the Brilliant Pebbles kinetic energy weapon.

Brilliant Pebbles is the informal designation given to a class of kinetic energy weapons—developed under Phase I—that can be deployed in a variety of modes. The technology derives its nickname from "Smart Rocks," of which it is an improved variant.

The operational principle of kinetic energy weapons is well known to physicists, a simple function of mass and velocity. When two masses moving at high speeds collide, the impact generates a tremendous amount of energy. With the hypervelocities common to space vehicles, 10 times the speed of a cannon round, even a small object colliding with a missile booster or reentry vehicle will generate enough destructive energy to shatter the target.

Brilliant Pebbles are planned to be the space-based interceptor (SBI) element of a layered strategic defense architecture. The old SBI concept, approved by the Defense Acquisition Board (DAB) in 1987 as part of the architecture for Phase I, is now replaced by Brilliant Pebbles, at least as a conceptual framework. The SDIO announced in January that it plans to award four to six $1 million and $2 million contracts for eight-month industrial studies of Brilliant Pebbles following which two contractors would be chosen for another phase of work lasting three years.

The Brilliant Pebble is a small rocket interceptor taking full advantage of currently available computer, electronic and miniaturization technologies. The entire vehicle is under one meter in length, with a total weight, including engine propellant, of less than 45 kilograms. Yet given the tremendous advantage of the kinetic-energy principle, this relatively small mass is more than ample to destroy a missile booster in space.

Each Pebble has its own optics and onboard imaging systems, consisting of miniaturized, high-resolution, wide field-of-view cameras working in a multispectral mode, and a laser-based radar imager. The system detects and tracks the plume of a rocket engine as the booster rises into space. The Pebble's "brain," a miniature computer in the Pray-1 supercomputer class, processes the target data and gives vectoring information to the highly mass-economized monopropellant rocket motors which propel the entire vehicle at high speed into the oncoming booster or even the maneuvering warhead, destroying the target on impact.

The flexibility of each individual interceptor makes possible the promising architecture for the boost-phase and post-boost-phase intercept layer of the overall strategic defense system. Thousands of Brilliant Pebbles would orbit in several low earth orbital planes, each with the ability to detect, identify, track and perform intercepts—and pass on targeting information to neighboring Pebbles in the constellation. The concept presumes a high degree of coverage, and once the interceptors are activated by human command, a high degree of autonomy.

Another advantage is simplicity. A Brilliant Pebbles architecture does not need an extensive or highly vulnerable surveillance

infrastructure, since the Pebbles themselves can acquire and track the target in the constellation. However, for independent validation of attack warning and redundancy, a new surveillance satellite, the boost surveillance and tracking system (BSTS) proposed as part of the original Phase I, would be deployed as well.

Because the individual interceptors use existing technology, they can be developed and manufactured relatively cheaply, at a cost of a few hundred thousand dollars per copy. And because they are small and light, they can be lifted into orbit by existing boosters, vastly reducing launch costs. In fact, according to a report written by former SDIO director Lt. Gen. James Abrahamson in February 1989, the overall Phase I system could be developed and deployed for around $25 billion.

Lt. Gen. Monahan recently said, "Brilliant Pebbles is the most promising system for the space based interceptor. The concept is the most simple, most survivable, and easiest to control—though there are quite a few Pebbles up there. But they all know where they are and where they're going. And we (ground controllers) know that, too."

But a viable strategic defense system will require more than the space layer. Other components, such as BSTS, and a ground-based interceptor to take care of reentry vehicles in the terminal phase of trajectory, must be developed concurrently with Brilliant Pebbles. That will put severe strain on a lean budget.

With the funds SDI has been allocated, Phase I technologies have made rapid strides and show great promise, according to supporters. But in order to maintain a balance between the two tiers of the program, SDI critics and Congressional opponents have tied a deployment decision on Phase I to proof of concrete progress on Phase II—the long term systems. They argue that the Soviets might in the foreseeable future develop ways to overcome Phase I, for example, with fast-burn boosters that could avoid rocket-powered space based interceptors, or other countermeasures. And they believe that Phase I should not proceed to deployment until the follow-on systems that could counter a future threat are close to full-scale development.

But as indicated in SDIO's fiscal 1990 internal allocation of appropriated funds among the various program components, the balance has already been sacrificed. All directed energy weapons (DEW), which include nine line items encompassing the free electron laser, the chemical laser, and the neutral particle beam, received $934 million in fiscal 1988 and $867 million in fiscal 1989. In fiscal 1990, only $703 million has been allotted for DEW. Given the promise of Brilliant Pebbles and the near-term possibilities of kinetic energy weapons, all kinetic energy weapons will receive $744 million, with Brilliant Pebbles alone getting $129 million, the fifth largest amount allocated to any single component or technology.

According to Lt. Gen. Monahan, the SDIO has selected Brilliant Pebbles as a research area to concentrate on in order to achieve the goal of deploying both space- and ground-based interceptors before the turn of the century. An example of a ground-based kinetic energy system is the kinetic kill vehicle integrated technology experiment (KITE-1), a suborbital ground-based rocket equipped with infrared sensors designed to intercept nuclear warheads as they reenter the Earth's atmosphere. As a result of the emphasis on kinetic energy systems, research on DEW and other long-term programs has received less funding.

While DEW and the longer-term technologies are suffering the most under budget belt-tightening, the collection of technologies known as SATKA—surveillance, acquisition, tracking, and kill assessment—will receive the largest share of fiscal 1990 SDI funds, $1.232 billion. SATKA technologies include the boost surveillance and tracking system, which is needed for improved attack warning regardless of the decision on SDI deployment. It is clear that current and future budget decisions are designed to protect the option to deploy BSTS in the 1990s, and move ahead with the space surveillance and tracking system (SSTS) for mid-course tracking of remote vehicles (RVs), and ground-based surveillance systems for tracking RVs in the terminal phase of their trajectory. In fact, SDIO plans to spend $265 million on full-scale development on BSTS beginning in fiscal 1991.

The unique two-tiered structure of the SDI program, and its history of controversy, meant that budget cuts in SDI are more inherently political than in any other defense program. Funding decisions are ipso facto strategy decisions made by the Congress, denying the President the ability to cross the deployment threshold when he deems appropriate. Many SDI supporters complain the administration, while paying lip service to the concept of ballistic missile defense, has not understood the political implications of SDI's budget fight.

In fairness to the Bush administration, however, there are a number of new factors at work that have had an inevitable impact on the fate of SDI outweighing the President's wishes, no matter how skillfully he might be able maneuver his program through the battle of the budget. In addition to new management of SDIO and the DOD, a number of crucial political changes have occurred, both domestically and internationally, that will have a significant impact on any deployment decision on Phase I of SDI.

SDS Sensors

The boost surveillance and tracking system (BSTS) is an orbiting surveillance system that uses infra-red technology to detect the exhaust plumes of ballistic missiles during the boost phase of flight. The system must be able to track missiles and provide real-time data processing in a worst case, nuclear-radiated environment.

Work is underway to design these spaceborne systems with as much onboard processing capability as possible to minimize the amount of critical information that must be downlinked to ground stations. To accomplish this, engineers with the prime contractors Lockheed Missiles & Space Co. Inc., Sunnyvale, CA and Grumman Aerospace Corp., Long Island, NY, have been working on technologies such as high-density, radiation-hardening circuits for signal and data processing; high-speed analog-to-digital converters; low-cost IR detectors for focal plane arrays (FPAs) and advanced cooling techniques.

For example, the SDIO has developed the generic very high-speed integrated circuit (VHSIC) space-borne computer, which is resistant to nuclear radiation. To achieve the high availability rates and self-repair capability required of satellite computer systems, the SDIO has developed a local area network (LAN) that supports fault-tolerant, loosely coupled, distributed microprocessors. A network to coordinate the operations of VHSIC processors and meet ground segment processing functions will be demonstrated.

BSTS will require A/D converters with greater dynamic range than has ever been previously required. These devices must also be radiation hardened and operate at very high throughput rates. SDIO believes a low-power combined bipolar complimentary metal oxide semiconductor (CMOS) converter will provide the requisite speed and performance needed and is pursuing this technology.

BSTS senses the optical radiation emitted by missiles; thousands of these detectors would be required for each spacecraft. The leading detector technology under consideration for the FPAs is mercury cadmium telluride because it provides the required sensitivity and inherent radiation hardness.

SPACE-BASED SURVEILLANCE AND TRACKING SYSTEM

The space-based surveillance and tracking system (SSTS) is a midcourse sensor system that will initially consist of small, passive long-wave infrared (LWIR) sensors placed in medium earth orbit to track post-boost and reentry vehicles. Through stereo processing and in conjunction with other SSTS satellites, the system will track reentry missiles and decoys as they move through their trajectories. Based on information from SSTS, including the number and location of reentry vehicles, the weapon system would be activated.

Critical SSTS technologies being explored by the prime contractors TRW Inc. Redondo Beach, CA and Lockheed Missiles & Space Co., Inc., include LWIR focal planes, crytotechnology, background noise measurement and space mirrors. Recent improvements to LWIR systems have reduced the cooling power required for spaceborne arrays. Cyro-cooling is required for the focal plane array and optics systems for the SSTS and the capability must last five to 10 years with high reliability. Scientists are attempting to achieve these goals with a three-stage cooler.

An aircraft, the airborne optical adjunct (AOA) is an experimental test bed used to resolve many of the passive sensor technical issues related to all midcourse sensor systems. It carries the LWIR and other sensors in a modified Boeing B-767 airframe operated by the U.S. Army. The aircraft's FPA will gather detection, tracking and discrimination date on mock missile attacks during flights on missile test ranges. On the aircraft is an A/D device sampling the FPA, signal and data processing that provides the final information to the user. The focal plane has 30,000 detectors which sweep a section of space and revisit the same block of space a few seconds later. The first scene is then matched with the second, enabling the user to detect the displacement of objects. The focal plane is sampled at the rate of 385 million times per second, requiring the A/D converter to work flawlessly. System designers are working on significantly increasing that capability for actual spaceborne applications in the BSTS and SSTS. However, the system requires a great deal of power and has a limited electronic budget. In order to boost capabilities the current must be made more efficient.—C.L.C.

Making SDI BM/C³ a Reality

A comprehensive battle management/command, control and communications (BM/C³) system is essential for monitoring and controlling the activities of all the elements of the strategic defense system

(SDS). Information from surveillance satellites, sensors and radars would be relayed to battle managers. On confirmation of an attack, the BM/C³ system would be used to assign targets to spaceborne and ground-launched interceptor weapons. Technologies that are key to the success of the BM/C³ system include management algorithms, command and control networks, data processing, communications, software and functional capability in the presence of radio frequency (RF) jamming and nuclear radiation.

A dependable SDS requires fault-tolerant, high-performance computers. The system design calls for supercomputers and parallel processors to provide the high processing rates needed for real-time execution of battle mangement simulation algorithms. These computers, linked by a hyperchannel local area network (LAN), include two Cray 2s, two IBM 3090s, a DEC VAX 8700, DEC VAX 8800, DEC VAX 8810 plus an assortment of smaller computers, including Sun workstations. All of these computers together provide the core of the computing power needed to perform SDS simulations.

The algorithms are the mathematical/logical processes and procedures needed to perform resource allocation, manage and form the target file, execute command and control actions, and in general, operate the entire system. Algorithms are being developed to initiate and maintain target tracks, discriminate between warheads and decoys, assign weapons to targets, assess system effectiveness and reconfigure the system as necessary to adjust to changing battle conditions. Statistical estimation techniques that use reasoning- and knowledge-based technologies have been developed and tested for use in the SDS BM/C³ environment.

An insallation for proving BM/C³ systems at the system level is the National Test Facility (NTF) in Colorado Springs, CO. The NTF acts as a hub and is comprised of electronically linked (networked) hardware and software at other geographically dispersed SDS test and simulation facilities forming the National Test Bed (NTB). The NTB is the primary system integration, simulation, test and evaluation organization for BM/C³ elements. The NTB directorate's ultimate mission is to provide information for deciding whether and when to initiate SDS deployment and to what degree. The NTB is also, in essence, a tool for determining SDS's feasibility and confirming its basic research to SDIO.

The NTB, which became fully operational in March 1988, runs simulations of possible deployment patterns of ballistic missile defense systems. According to program officials, the NTB is an important tool in validating deployment and interception concepts and configurations for the U.S. strategic defense system. The NTB is used to compare, evaluate and test alternative proposed methods for a layered defense and evaluate specific technology applications for a strategic defense system before actually committing to building the hardware.

Despite the increasingly tight budget for defense and SDI, it is expected that the NTB will continue to be fully funded. Funding for fiscal 1990 is $125 million. Under President Bush's budget request, the NTB program would receive $140 million for fiscal 1991. The 1991 request will probably be approved by Congress because the NTB is considered a key element in ensuring that SDS is configured for the greatest possible effectiveness with the least possible expenditure.—J.R.R.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 20, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

9:15 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on Third World debt strategy.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communication Commission's syndicated exclusivity rules.
SR-253

Governmental Affairs
To hold hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine American business initiatives in eastern Europe.
SD-419

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 232 and S.J. Res. 233, measures proposing amendments to the Constitution of the United States with respect to the impeachment of judges, and S.J. Res. 11, proposing an amendment to the Constitution of the United States, to require any Federal official appointed by the President with the advice and consent of the Senate upon conviction of a felony to forfeit office.
SD-226

Labor and Human Resources
To hold hearings to review the Bipartisan Commission on Comprehensive Health Care (Pepper Commission) recommendations on universal health care issues.
SD-430

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs, focusing on the Office of Energy Research, Department of Energy.
SD-192

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings to examine corrective actions the Department of Defense may take as a result of the findings of recent procurement fraud investigations.
SR-232A

Finance
To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain of the sale of pension investment assets held for a short term.
SD-215

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1898, to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities, and S. 2286, to

require the Secretary of Transportation to lead and coordinate Federal efforts in the development of a magnetic levitation transportation system.
SR-253

3:00 p.m.
Conferees
On S. 1096, to provide for the use and distribution of funds awarded to the Seminole Indians.
1324 Longworth Building

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

Select on Indian Affairs
To hold hearings on Indian health facilities.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

Banking, Housing, and Urban Affairs
To resume hearings on proposals authorizing funds for the Defense Production Act of 1950, including S. 1379 and S. 2168, proposed Defense Production Act Amendments.
SD-538

Finance
To resume hearings on proposed legislation for deficit reduction and spending initiatives contained in the President's fiscal year 1991 budget.
SD-215

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on U.S. participation in the European Bank for Reconstruction and Development.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

Foreign Relations
European Affairs Subcommittee
To hold hearings on democratic institution-building in eastern Europe.
SD-419

Judiciary
To hold hearings on the nominations of Norman H. Stahl, to be U.S. District Judge for the District of New Hampshire, Daniel B. Sparr, to be U.S. District Judge for the District of Colorado, John S. Martin, Jr., to be U.S. District Judge for the Southern District of New York, and Alan D. Lourie, of Pennsylvania, to be U.S. Circuit Judge for the Federal Circuit.
SD-226

MARCH 23

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

Small Business
To hold hearings on small business opportunities with the Soviet Union and Eastern Europe.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Architect of the Capitol, and the Capitol Police Board.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of David W. Mullins, Jr., of Arkansas, and Edward W. Kelley, Jr., of Texas, each to be a Member of the Board of Governors of the Federal Reserve System, and Robert H. Swan, of Utah, to be a Member of the National Credit Union Administration Board.
SD-538

Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on U.S. policy with respect to El Salvador.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation reauthorizing funds for the Institute of Museum Services.
SD-430

MARCH 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for the world oil market in the 1990s and its implications for U.S. energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.
SD-366

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on ammunition programs.
SR-222

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

11:15 a.m.
Environment and Public Works
To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brig. Gen. Arthur E. Williams, to be a Member and President of the Mississippi River Commission.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

Small Business
To resume hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration.
SR-428A

MARCH 28

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.
SR-332

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.
SD-366

Select on Indian Affairs
To hold hearings on S. 381, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama, S. 1413, to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, S. 1747, to provide for the restoration of Federal recognition to the Ponca Tribe of Nebraska, and S. 1918, to provide for Federal recognition of the Jena Band of Choctaws of Louisiana.
SR-485

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on deficiency payment problems associated with barley.
SR-332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

2:00 p.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 626, to revise the Lanham Trademark Act to prohibit the importation or sale of goods manufactured outside the U.S. and bearing an identical trademark of goods manufactured within the U.S.
SD-226

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

APRIL 6

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the implementation of the Omnibus Taxpayer Bill of Rights (P.L. 100-647).
SD-215

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian lands.
SR-485

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

Select on Indian Affairs
To hold oversight hearings on the Indian Federal acknowledgement process, including S. 611 and S. 912, bills to establish administrative procedures to determine the status of certain Indian groups.
SR-485

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

POSTPONEMENTS

MARCH 20

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116